UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 106th CONGRESS
SECOND SESSION

VOLUME 146—PART 12

JULY 27, 2000 TO SEPTEMBER 13, 2000
(PAGES 16561 TO 18003)

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 2000

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512–1800; DC area (202) 512–1800
Fax: (202) 512–2250 Mail: Stop SSOP, Washington, DC 20402–0001

United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, SECOND SESSION

HOUSE OF REPRESENTATIVES—*Thursday, July 27, 2000*

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, we ask You to shepherd our comings and our goings. We hope You guard us and guide us always.

As the Representatives of the people of this great Nation, we have come to do Your will. We have been attentive to the needs of our times. We have listened to our constituents and to each other in the search of common purpose.

We are grateful to our colleagues, our personal staffs and the staff of this House for all their work and their dedication to government. We pray that You bless each of them for their efforts and reward them for their goodness by answering their prayers.

We pray for our families and the people of the districts we represent. Grant them peace, prosperity and renewed faith. May You who have begun this good work in us bring it to fulfillment, now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. KNOLLENBERG. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. KNOLLENBERG. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 344, nays 55, not voting 35, as follows:

[Roll No. 443]

YEAS—344

Abercrombie
Ackerman
Allen
Andrews
Armey
Baca
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Clayton
Clement
Coble
Coburn
Combest
Cook
Cooksey
Cox
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Eshoo
Etheridge
Evans
Farr
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hill (IN)
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Horn
Hostettler
Hoyer
Hulshof
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jefferson
John
Johnson, E. B.
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Obey
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (PA)
Petri
Phelps
Pickering
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thornberry
Thune
Thurman
Tiahrt
Toomey
Towns
Traficant
Turner
Udall (CO)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (PA)
Wexler
Weygand
Whitfield
Wilson
Woolsey
Wu
Wynn
Young (FL)

NAYS—55

Aderholt
Bilbray
Borski
Brady (PA)
Capuano
Chenoweth-Hage
Clay
Clyburn
Condit
Costello
DeFazio
Dickey
Everett
Fattah
Filner
Gephardt
Gillmor
Gonzalez
Gutierrez
Gutknecht
Hastings (FL)
Hefley
Hill (MT)
Hilleary
Hilliard
Hinchey
Hooley
Jackson-Lee (TX)
Kucinich
LoBiondo
McDermott
McGovern
McNulty
Moran (KS)
Oberstar
Olver
Ortiz
Peterson (MN)
Pickett
Ramstad
Rogan
Sabo
Schaffer
Slaughter
Strickland
Stupak
Tancredo
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Udall (NM)
Waters
Weller
Wicker

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

NOT VOTING—35

Archer
Baird
Barton
Collins
Conyers
Crane
Doyle
Engel
English
Ewing
Gilman
Goodling
Herger
Houghton
Hunter
Jenkins
Johnson (CT)
Johnson, Sam
Jones (OH)
McCrery
McIntosh
Nussle
Pitts
Porter
Rangel
Shaw
Smith (WA)
Stark
Thomas
Vento
Watkins
Weldon (FL)
Wise
Wolf
Young (AK)

□ 1026

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. HAYES). Will the gentleman from New York (Mr. MCNULTY) come forward and lead the House in the Pledge of Allegiance.

Mr. MCNULTY led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPROPRIATIONS SCHEDULE FOR TODAY

(Mr. YOUNG of Florida asked and was given permission to address the House for 1 minute.)

Mr. YOUNG of Florida. Mr. Speaker, I rise to make an announcement relative to the appropriations schedule for the day.

Mr. Speaker, at the direction of the leadership, the House and Senate appropriators and appropriations staff worked all through the night and have prepared the conference report on the legislative branch appropriations bill as well as the Treasury-Postal appropriations bill. That was filed this morning at approximately 7 a.m.

Then, after the appropriators worked all night, the Committee on Rules worked for a good portion of the night and submitted a rule. We will take that conference report up sometime today, probably after we complete the consideration of our last appropriations bill for the District of Columbia.

But the announcement I wanted to make is that the copies of the bill will be on the House Committee on Rules Web site and should be there now and also on the House Clerk's Office Web site so that Members will have an opportunity to look at the entire conference report.

In addition, a summary on printed hard copy will be available in the Appropriations office so Members will have ample opportunity to look at the conference report prior to the time they are called on to vote.

□ 1030

Mr. BONIOR. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Michigan.

Mr. BONIOR. Mr. Speaker, I thank my distinguished friend for yielding to me, and I have just a couple of questions. The D.C. appropriations bill, will that be brought to the floor today? Is that the gentleman's understanding? The gentleman alluded to it in his remarks.

Mr. YOUNG of Florida. It is my understanding that the D.C. bill will be completed today. We are very close to completion on that bill.

Mr. BONIOR. Does the gentleman expect that bill to be brought to the floor today, the D.C. appropriation bill?

Mr. YOUNG of Florida. Yes.

Mr. BONIOR. All right. I thank the gentleman.

The second thing is on the Treasury Postal bill, obviously, there is a lot of concern about the bill since Members have not seen it, some Members did not participate or were not allowed to participate in the conference, as I understand it, and the question I have is, the two Cuban amendments that passed with overwhelming votes in this Chamber, are they in the bill or were they stripped from the bill?

Mr. YOUNG of Florida. They are not in the conference report.

Mr. BONIOR. I thank my colleague.

Mr. YOUNG of Florida. I made the announcement so Members will have opportunity to review the entire report and to find areas they like and areas they do not like, and then we will pass the conference report.

QUESTIONS REGARDING APPROPRIATIONS SCHEDULE FOR TODAY

(Mr. OBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBEY. Mr. Speaker, I just would like to make a few observations about the announcement just made by the gentleman from Florida (Mr. YOUNG). I do not know how to describe the process we are going through, except that it looks to me like it was designed by Johnny Fumblefingers. We have no idea, Members have no idea of what is in this conference report. We are being—could I have some order or has all respect gone from that side of the aisle? Too many sore losers from the baseball game last night, I guess.

The SPEAKER pro tempore (Mr. HAYES). Does the gentleman wish to be recognized to gloat for 2 minutes?

Mr. OBEY. The point I would like to make, Mr. Speaker, is simply this, we are being told that we are going to be voting on a legislative appropriations bill today, and now we are being told that when we do that that bill will by reference also pass another appropriation bill, the Treasury Postal bill, that conference report is quaint, because the Senate has not yet even completed action on the bill which is being conferenced, and in that bill, we have a variety of interesting provisions.

So far as we know, there is, for instance, apparently a road in that bill that GSA is being asked to construct in New Mexico, despite the fact GSA has never constructed a road in the history of the operation. The funds in the bill we are told are inadequate to allow the IRS to meet its modernization requirements, all of the matters relating to Cuba and the Cuban embargo, if you come from a farm district and are interested in that, I do not see the gentleman from Washington (Mr. NETHERCUTT) anywhere, but my understanding is that that has been stripped out of the bill.

So I would suggest that this is a most strange way to proceed. I do not understand why it is necessary to proceed to a conference report on a bill which has not yet even been considered by the other body, that is an incredibly irregular procedure, and I think it adds further to the image of this House as not knowing from one day to the next what it is doing.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. I thank my friend for yielding to me, and when I made this announcement, I did not intend to start the debate on the conference report. I merely wanted to allow the Members to know where they could see copies of this bill, so that when we get to that debate, no one would have the excuse of, well, I did not have a chance to see the bill; that was the only purpose, not to start the debate now, but to tell Members where they can see copies of this conference report so they can vote intelligently.

Mr. OBEY. I would simply say to the gentleman, I am not criticizing his statement, I am criticizing his actions.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding to me.

I would say to the gentleman from Florida (Chairman YOUNG) for whom I have, as he knows, great respect and affection, and I share that as well for the ranking member.

I want to tell him, with all due respect, I am the ranking member of the Treasury Postal bill, and I am going to have to go to the Web site because I have not seen the conference report. There was no conference. I would tell my friends, there was no conference on the Treasury Postal bill, whatever is in the Treasury Postal bill, we are learning secondhand.

This is not the way my colleagues ought to run this House and respect one another as Members. This is a wrong way to proceed, and we ought to reject and start back at the very beginning. This is not the way to treat one another. If we want bipartisanship, if we want to positively represent the citizens of this country, if we want to come to this place and be honest with one another, this is not the way to do it.

I am the ranking member. I have not seen this bill, and I must go to the Web site to see this bill. Reject this bill.

Mr. OBEY. Reclaiming my time, Mr. Speaker, could I ask the gentleman from Florida (Mr. YOUNG) a procedural question?

The gentleman has indicated we are going to bring up the D.C. bill, will we be allowed to bring that bill to final passage, or are we just going to debate it further without voting on final passage?

Mr. YOUNG of Florida. If the gentleman would yield, I think he knows that under the unanimous consent agreement that we reached yesterday that we are close to the end of completion of that bill. So it is certainly my hope that we can complete that bill and get it on to the Senate. That is the final appropriations bill to leave the House, and then we can turn our attention to the conference reports so that we can complete the process to send it to the White House.

Mr. OBEY. There are rumors around here that the bill will be debated, but that it will not be allowed to come to final passage. Can the gentleman tell us that it will be allowed to come to final passage?

Mr. YOUNG of Florida. I would suggest to the gentleman that I have not heard that rumor.

MOTION TO INSTRUCT CONFEREES ON H.R. 4205, FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR, 2001

The SPEAKER pro tempore. The unfinished business is the question of agreeing to the motion to instruct conferees on H.R. 4205, offered by the gentleman from Mississippi (Mr. TAYLOR) on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will rereport the motion.

The Clerk read as follows:

Mr. TAYLOR of Mississippi moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4205 be instructed to insist upon the provisions contained in section 725, relating to the Medicare subvention project for military retirees and dependents, of the House bill.

The SPEAKER pro tempore. The question is on the motion to instruct conferees offered by the gentleman from Mississippi (Mr. TAYLOR).

Further one minutes will be at the end of legislative business.

The vote was taken by electronic device, and there were—yeas 416, nays 2, answered "present" 1, not voting 15, as follows:

[Roll No. 444]

YEAS—416

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Woolsey
Wu
Wynn
Young (FL)

NAYS—2

Sanford
Thomas

ANSWERED "PRESENT"—1

Buyer

NOT VOTING—15

Baird
Barton
Ewing
Gilman
Hunter
Jenkins
Jones (OH)
Kasich
McIntosh
Smith (MI)
Smith (WA)
Sununu
Vento
Wolf
Young (AK)

☐ 1054

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. SMITH of Michigan. Mr. Speaker, on rollcall No. 444, I was inadvertently detained in a Budget meeting with Mr. Dan Crippen and Mr. Pete DuPont on solvency problems of Social Security, and Medicare. Had I been present, I would have voted "yea."

Mr. SUNUNU. Mr. Speaker, on rollcall No. 444, I was detained in a Budget Hearing on Social Security. Had I been present, I would have voted "yea."

MOTION TO CLOSE CONFERENCE COMMITTEE MEETINGS ON H.R. 4205, FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001, WHEN CLASSIFIED NATIONAL SECURITY INFORMATION IS UNDER CONSIDERATION

Mr. SPENCE. Mr. Speaker, I offer a motion.

THE SPEAKER pro tempore (Mr. HAYES). The Clerk will report the motion.

The Clerk read as follows:

> Mr. SPENCE moves, pursuant to clause 12 of House rule XXII, that the meetings of the conference between the House and the Senate on H.R. 4205 may be closed to the public at such times as classified national security information may be broached, provided that any sitting Member of Congress shall be entitled to attend any meeting of the conference.

THE SPEAKER pro tempore. The question is on the motion offered by the gentleman from South Carolina (Mr. SPENCE).

On this motion, the vote must be taken by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 411, nays 9, not voting 14, as follows:

[Roll No. 445]

YEAS—411

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Woolsey
Wu
Wynn
Young (FL)

NAYS—9

Blumenauer
DeFazio
Jackson (IL)
Kucinich
Lee
McKinney
Miller, George
Stark
Watt (NC)

NOT VOTING—14

Barton
Buyer
Conyers
Davis (VA)
Ewing
Franks (NJ)
Gilman
Hall (OH)
Jenkins
McIntosh
Smith (WA)
Vento
Wolf
Young (AK)

□ 1113

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. HAYES). Without objection, the Chair appoints the following conferees:

From the Committee on Armed Services, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

Messrs. SPENCE, STUMP, HUNTER, KASICH, BATEMAN, HANSEN, WELDON of Pennsylvania, HEFLEY, SAXTON, BUYER, Mrs. FOWLER, and Messrs. MCHUGH, TALENT, EVERETT, BARTLETT of Maryland, MCKEON, WATTS of Oklahoma, THORNBERRY, HOSTETTLER, CHAMBLISS, SKELTON, SISISKY, SPRATT, ORTIZ, PICKETT, EVANS, TAYLOR of Mississippi, ABERCROMBIE, MEEHAN, UNDERWOOD, ALLEN, SNYDER, MALONEY of Connecticut, MCINTYRE, Mrs. TAUSCHER, and Mr. THOMPSON of California.

Provided that Mr. KUYKENDALL is appointed in lieu of Mr. KASICH for consideration of section 2863 of the House bill, and section 2862 of the Senate amendment, and modifications committed to conference.

From the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 11 of rule X:

Messrs. GOSS, LEWIS of California, and DIXON.

Provided that Mr. MCHUGH is appointed in lieu of Mr. SCARBOROUGH for consideration of section 1073 of the Senate amendment, and modifications committed to conference.

From the Committee on House Administration, for consideration of sections 561–563 of the Senate amendment, and modifications committed to conference:

Messrs. THOMAS, BOEHNER, and HOYER.

From the Committee on International Relations, for consideration of sections 1201, 1205, 1209, 1210, title XIII, and 3136 of the House bill, and sections 1011, 1201–1203, 1206, 1208, 1209, 1212, 1214, 3178, and 3193 of the Senate amendment, and modifications committed to conference:

Messrs. GILMAN, GOODLING, and GEJDENSON.

From the Committee on the Judiciary, for consideration of sections 543 and 906 of the House bill and sections 506, 645, 663, 668, 909, 1068, 1106, Title XV, and Title XXXV of the Senate amendment, and modifications committed to conference:

Messrs. HYDE, CANADY of Florida, and CONYERS.

From the Committee on Resources, for consideration of sections 312, 601, 1501, 2853, 2883, and 3402 of the House bill, and sections 601, 1059, title XIII, 2871, 2893, and 3303 of the Senate amendment, and modifications committed to conference:

Messrs. YOUNG of Alaska, TAUZIN, and GEORGE MILLER of California.

From the Committee on Commerce, for consideration of sections 601, 725, and 1501 of the House bill, and sections 342, 601, 618, 701, 1073, 1402, 2812, 3133, 3134, 3138, 3152, 3154, 3155, 3167–3169, 3171, 3201, and 3301-3303 of the Senate amendment, and modifications committed to conference:

Messrs. BLILEY, BARTON of Texas, and DINGELL.

Provided that Mr. BILIRAKIS is appointed in lieu of Mr. BARTON of Texas for consideration of sections 601 and 725 of the House bill, and sections 601, 618, 701, and 1073 of the Senate amendment, and modifications committed to conference.

Provided that Mr. OXLEY is appointed in lieu of Mr. BARTON of Texas for consideration of section 1501 of the House bill, and sections 342 and 2812 of the Senate amendment, and modifications committed to conference.

From the Committee on Education and the Workforce, for consideration of sections 341, 342, 504, and 1106 of the House bill, and sections 311, 379, 553, 669, 1053, and Title XXXV of the Senate amendment, and modifications committed to conference:

Messrs. GOODLING, HILLEARY, and Mrs. MINK of Hawaii.

From the Committee on Government Reform, for consideration of sections 518, 651, 723, 801, 906, 1101–1104, 1106, 1107, and 3137 of the House bill, and sections 643, 651, 801, 806, 810, 814-816, 1010A, 1044, 1045, 1057, 1063, 1069, 1073, 1101, 1102, 1104, 1106–1118, Title XIV, 2871, 2881, 3155, and 3171 of the Senate amendment, and modifications committed to conference:

Messrs. BURTON of Indiana, SCARBOROUGH, and WAXMAN.

Provided that Mr. HORN is appointed in lieu of Mr. SCARBOROUGH for consideration of section 801 of the House bill and sections 801, 806, 810, 814-816, 1010A, 1044, 1045, 1057, 1063, 1101, Title XIV, 2871, and 2881 of the Senate amendment, and modifications committed to conference.

From the Committee on Science, for consideration of sections 1402, 1403, 3161-3167, 3169, and 3176 of the Senate amendment, and modifications committed to conference:

Messrs. SENSENBRENNER, CALVERT, and GORDON.

Provided that Mrs. MORELLA is appointed in lieu of Mr. CALVERT for consideration of sections 1402, 1403, and 3176 of the Senate amendment, and modifications committed to conference.

From the Committee on Transportation and Infrastructure, for consideration of sections 601, 2839, and 2881 of the House bill, and sections 502, 601, and 1072 of the Senate amendment, and modifications committed to conference:

Messrs. SHUSTER, GILCHREST, and BAIRD.

Provided that Mr. PASCRELL is appointed in lieu of Mr. BAIRD for consideration of section 1072 of the Senate amendment, and modifications committed to conference.

From the Committee on Veterans' Affairs, for consideration of Sections 535, 738, and 2831 of the House bill, and sections 561-563, 648, 664-666, 671, 672, 682-684, 721, 722, and 1067 of the Senate amendment and modifications committed to conference:

Messrs. BILIRAKIS, QUINN, and Ms. BROWN of Florida.

From the Committee on Ways and Means, for consideration of section 725 of the House bill, and section 701 of the Senate amendment, and modifications committed to conference:

Messrs. ARCHER, THOMAS, and STARK.

There was no objection.

□ 1115

PRIVILEGES OF THE HOUSE—INFRINGEMENT ON CONSTITUTIONAL PREROGATIVES

Mr. ARCHER. Mr. Speaker, in order to assert the constitutional prerogatives of the House, I rise to a question of privileges of the House, and I offer a resolution.

The SPEAKER pro tempore (Mr. MILLER of Florida). The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 568

Resolved, That the conference report accompanying H.R. 4516, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes, in the opinion of this House, contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of this House and that such bill be respectfully recommitted to the committee of conference.

The SPEAKER pro tempore. The resolution constitutes a question of the privileges of the House.

MOTION TO TABLE OFFERED BY MR. GOSS

Mr. GOSS. Mr. Speaker, I offer a preferential motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Goss moves to table House Resolution 568.

The SPEAKER pro tempore. The question is on the motion to table offered by the gentleman from Florida (Mr. GOSS).

PARLIAMENTARY INQUIRIES

Mr. RANGEL. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RANGEL. Mr. Speaker, does this motion to table set aside the constitutional protection that all revenue matters should be coming initially and originate from the House of Representatives?

The SPEAKER pro tempore. Adoption of a nondebatable motion to table constitutes a final disposition of the resolution by the House.

Mr. RANGEL. Mr. Speaker, I have a further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RANGEL. Mr. Speaker, if indeed the motion to table prevails, would it not, from a historic sense, be the first time, based on parliamentary decisions, it would be the first time that a tax revenue issue would be raised by the other body, and then come over here and this body be disregarded? That is the parliamentary inquiry.

The SPEAKER pro tempore. Under the precedents of the House, the Chair does not put things in historical perspective. That is not a parliamentary inquiry.

Mr. RANGEL. Mr. Speaker, I have another parliamentary inquiry. If the motion to table prevails, does it not mean that the other body has violated the Constitution of the United States?

The SPEAKER pro tempore. Adoption of a nondebatable motion to table constitutes a final disposition of the pending resolution by the House.

The SPEAKER pro tempore. The question is on the motion to table offered by the gentleman from Florida (Mr. GOSS).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. RANGEL. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 213, noes 212, not voting 10, as follows:

[Roll No. 446]

AYES—213

Aderholt
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood

Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Martinez
McCollum
McCrery
McHugh
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Young (AK)
Young (FL)

NOES—212

Abercrombie
Ackerman
Allen
Andrews
Archer
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Gutknecht
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—10

Barton
Davis (VA)
Ewing
Gilman
Hall (OH)
Jenkins
McIntosh
Smith (WA)
Vento
Wolf

□ 1152

Messrs. HILL of Montana, GREENWOOD, PAUL, METCALF, Mrs. EMERSON, and Messrs. RADANOVICH, SANFORD, and JONES of North Carolina changed their vote from "no" to "aye."

So the motion to lay on the table House Resolution 568 was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 4865, SOCIAL SECURITY BENEFITS TAX RELIEF ACT OF 2000

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 564 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 564

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4865) to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits. The bill shall be considered as read for amendment. All points of order against the bill and against its consideration are waived. The amendment recommended by the Committee on Ways and Means now printed in the bill shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; (2) the further amendment printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Pomeroy of North Dakota or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. MILLER of Florida). The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MOAKLEY); pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, the legislation before us is a structured rule providing for the consideration of H.R. 4865, the Social Security Benefits Tax Relief Act. The rule provides for 1 hour of debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The rule waives all points of order against the bill and against its consideration.

The rule provides that the amendment recommended by the Committee on Ways and Means, now printed in the bill, shall be considered as adopted. The rule provides for consideration of the amendment in the nature of a substitute, printed in the Committee on Rules report accompanying the resolution, if offered by the gentleman from North Dakota (Mr. POMEROY) or his designee, which shall be considered as read and shall be separately debatable for 1 hour, equally divided by the proponent and an opponent. The rule waives all points of order against the amendment in the nature of a substitute.

Finally, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, passage of this rule will allow the House of Representatives to consider important bipartisan legislation to repeal a misguided tax on Social Security benefits. For most of the program's existence, Social Security has been exempt from Federal income tax. But in 1993, as part of the largest tax increase in American history, President Clinton and Vice President GORE proposed a tax increase on Social Security benefits. They claimed this tax would reduce the Federal budget deficit, at which time it was $255 billion.

The controversial Clinton-Gore proposal was vigorously debated in this House of Representatives. Opponents of the plan argued that control of Federal spending, not tax increases, was a better way to reduce the budget deficit. At the end of the debate, the Clinton-Gore proposal was passed by a single vote in the Democrat-controlled House. Not one Republican voted for this proposal. In the Senate, Vice President GORE cast the deciding vote, enabling President Clinton to sign this tax increase on senior citizens into law.

Despite passage of the Clinton-Gore tax increase, budget deficits continued, and the money collected from the Social Security tax increase funded even more government spending, with deficits increasing. In 1994, the Republican Party became the majority party for the House and the Senate for the first time in 50 years. The Republican Congress enacted much-needed tax relief, controlled government spending, and passed the first balanced budget in a generation.

Tax cuts and fiscal responsibility, along with the hard work of the American people, have caused the Federal budget to become balanced faster than was forecast. This year, the Federal budget has a surplus of $233 billion. Even proponents of the 1993 Social Security tax increase should agree it is now time to repeal this tax on senior citizens. Proponents said it was necessary to cut the deficit, and now the deficit is gone.

This Social Security tax is more than unnecessary, it is bad and unwise tax policy. It penalizes seniors who work and discourages Americans from saving. The tax is also unfair. It changes tax policy in the middle of the game, penalizing recipients who based past work and saving decisions on old law.

☐ 1200

In essence, this tax on Social Security benefits tells Americans not to save because if they do they will have their benefits of Social Security taxed.

I am troubled that our national savings rate is at an all-time low. In fact, private savings are actually a net negative at this time.

It is clear to me that as long as we have a tax on Social Security and one that does not encourage savings and investment, we are going to have a problem with the national savings rate.

Opponents will argue that this tax is for the rich. This is simply not the case. This tax affects seniors who make more than $25,000 if they are single or $32,000 if they are married. Mr. Speaker, that is not exactly the rich of America. It is called the middle class of America.

Furthermore, these income levels are not indexed for inflation, meaning more and more lower-income people will be impacted by this tax every year.

According to the Congressional Budget Office, 10 million beneficiaries are hit by this tax this year, and more than 17.5 million beneficiaries will be hit in 2010. The average tax this year is $1,180. It will grow to $1,359 in the year 2010.

Opponents will also argue that repealing the Clinton-Gore tax increase on Social Security benefits will weaken Medicare. This is also not the case. The legislation requires that funds from general revenue will be transferred to offset to the penny the amount being generated by the Social Security tax, thus maintaining Medicare's current financing.

Mr. Speaker, with passage of this underlying legislation, Congress says that Social Security recipients should not be penalized for retirement and savings through an IRA or a 401(k) plan or for taking a part-time job after retiring.

The gentleman from Texas (Chairman ARCHER) from the Committee on Ways and Means aptly stated to us in the Committee on Rules yesterday when he sought this rule, the only people that pay this tax are those who saved during their lifetimes or those who will be working.

Clearly, this is unfair and must be changed.

That is what this debate is about, and that is what this rule is about.

Mr. Speaker, I urge my colleagues to support this rule so that the House may consider this legislation to reduce the unwise tax on our senior citizens, the Social Security benefits tax.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my dear friend, the gentleman from Texas (Mr. SESSIONS), for yielding me the customary half hour.

Mr. Speaker, I would like to begin by thanking my Republican colleagues for making the Pomeroy-Green-Capuano Democratic alternative in order. Because they make their amendment in order, this rule will enable us to choose between helping the very rich and everyone else.

My Republican colleagues have a bill that pretends to help seniors but actually does nothing whatsoever for 80 percent of them. Furthermore, Mr. Speaker, it endangers Medicare.

The average Social Security benefit is $804 per month for individuals and $1,348 for married couples. These people, as well as middle-income Social Security beneficiaries, will get nothing from this Republican bill.

Instead this bill, like so many before, will cut taxes for the richest Americans. In this case it is the richest 20 percent of the Social Security beneficiaries.

The Republican bill repeals part of the 1993 deficit reduction law that raises the threshold for taxation of benefits to 85 percent. The funds raised should go into the Medicare Trust Fund. But this Republican bill will not do that.

My Republican colleagues criticize the Clinton administration for this 1993 deficit reduction measure. But, Mr. Speaker, I would like to remind my colleagues that in 1983 it was none other than Ronald Reagan and George Bush who put this law into being, the previous threshold of taxing 50 percent of the benefits.

So, Mr. Speaker, in addition to being unfair, repealing this provision is unwise. The revenues gained under current law are a dedicated source of revenue for a Medicare program. Over the next 10 years, this provision will raise $117 billion for Medicare.

Mr. Speaker, it is very risky at this time to jeopardize the future security of Medicare, particularly when the risk is taken just to make the rich a little bit richer.

My colleagues may say that we will make up those lost revenues with money from the general fund. But, Mr. Speaker, I have been here long enough to know that today's surplus can very easily end up as tomorrow's deficit and that it is not worth taking the risk of leaving seniors without Medicare coverage.

Mr. Speaker, American seniors want real legislation. American seniors want their Medicare safe, and they do not want the surplus squandered to fund Republican schemes to make the rich richer.

I urge my colleagues to take a good look at this and support the Pomeroy-Green-Capuano substitute.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding me the time.

Mr. Speaker, I would like to begin by congratulating my friend, the gentleman from Dallas, Texas (Mr. SESSIONS), for his superb statement in which he gave an account of the testimony that the gentleman from Texas (Chairman ARCHER) delivered before the Committee on Rules on the very important aspects of this measure.

I would also like to compliment my dear friend, the gentleman from South Boston (Mr. MOAKLEY), the ranking minority member of the Committee on Rules, for the first sentence of his statement in which he congratulated us on making sure that the Democratic substitute was in order.

The rest of his statement was baloney; but the first sentence was actually very good, and it should be congratulated.

I would like to say that we are in the midst of doing some very, very important work here. We hear the President say, do not send another risky tax scheme bill or tax cutting binge, as John Podesta called it, they have all these great names for it, do not send all these bills that basically allow the American people to keep more of their hard-earned dollars down to the White House because they will veto it.

And we look at the litany of measures that the President has said that he was going to veto in the past, including that very important Education Flexibility Act and the Teacher Empowerment Act, which take power from Washington, D.C., and turn it back for decision-making at local school boards and in the State legislatures and local governments. The President was going to veto that; and, sure enough, he signed it.

National missile defense is something that we regularly talk about. I am happy to say, in somewhat of a bipartisan way. The President was determined to veto that measure. He said he was absolutely going to veto it. And what did he do? He ended up signing it.

Welfare reform. We all know that he twice vetoed it. And then a virtual identical bill he signed. We are just now seeing the tremendous accounts of those benefits based on the work of our colleague, the gentlewoman from Connecticut (Mrs. JOHNSON), to the welfare reform that has been put into place. We have seen tremendous improvements all the way across the board.

So these are measures which the President said he was going to veto and he signed them.

Similarly, when he said, do not send another tax cutting bill down here because I am going to veto it, I think we have a responsibility to do our work. And this is one of those very, very important measures.

Back in 1993, we saw the arguments made that the way that we could balance the budget would be to impose the largest tax increase in American history. I know my Democratic colleagues like to call this the balanced budget measure.

The fact of the matter is it was the largest tax increase in American history, and it is a measure which did have not one single Republican vote in favor of it, neither the House nor the Senate. They love to argue that. I am proud of the fact that I did not vote for that bill. And we call it the Gore tax because it was decided by a single vote in the other body and that was the vote that was cast by the Vice President, AL GORE, in favor of the increase.

One of those very important aspects of that massive tax increase bill was the one that said to senior citizens that, if we do not repeal this measure over the next year, 8 million will be paying an additional $1,180 in taxes on their Social Security benefits. We saw this increased from 50 percent to 85 percent.

I will tell my colleagues, as my friend, the gentleman from Dallas, Texas (Mr. SESSIONS), has said in recounting the statement of the chairman of the Committee on Ways and Means before our Committee on Rules, do we not want to encourage people to plan for their retirement? Did we not, with only 24 Members, all Democrats voting against the measure but everyone else supporting it, pass a measure which said that we should increase from $2,000 to $5,000 the contributions to individual retirement accounts, expanded 401(k)s?

These are the things we are trying to do to encourage people to plan for retirement. But what is it we do with the measure we have got here? We say to people they are rewarded if they do not plan for retirement; and they in fact are penalized if they do plan for retirement and have a little bit of success. That is what the Democratic substitute, which I happily made in order, will be considering.

This argument that my friend, the gentleman from South Boston (Mr. MOAKLEY), put out about jeopardizing Medicare and hospital insurance, the Hospital Insurance Fund is protected, and it is guaranteed to be solvent. The provisions that are in our measure are also in the Democratic substitute. So that really is a red herring that has been put out there.

This is a responsible measure. It allows hard-working Americans who have been forced throughout their entire lifetime through no choice of their own to pay into the Social Security system to have a chance to keep some of their own hard-earned money. And we want to encourage people to save for their retirement.

So we are doing the right thing. We have got a surplus. Why do we not do what they said they were going to do when they passed the massive tax increase, balance the budget?

Now that we have done that, let us go ahead and repeal that tax. I suspect we are going to do it in a bipartisan way. Democrats and Republican alike are supportive of this. And at the end of the day, I hope very much that President Clinton will sign the measure.

So I thank my friend for his very, very fine statement and his leadership on this issue.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the courtesy of the gentleman in yielding me the time.

Mr. Speaker, as we were listening to the selective memory of history, we would not have a surplus today to be dealing with if we had not had some very difficult budget cutting and tax increasing under both George "Read My Lips" Bush and President Clinton. But those difficult decisions were made to try and put us in a position of fiscal responsibility.

Now, under the Republican scheme of a tax cut du jour, we are slowly seeing this fiscal responsibility chipped away. The most recent one under the proposal before us today would cost $113 billion over the next 10 years from the Medicare Trust Fund, a trust fund that does not have adequate money to deal with it over time despite the fact we are going to double the number of senior citizens drawing upon it over the course of the next 30 years.

These are the folks that passed a budget resolution that talks about budget austerity. And then we watch day after day, week after week as they ignore that budget resolution and move off into the ether fiscal land.

But I am less concerned about individual cuts. I am happy to consider adjustments for people who need it in terms of cutting taxes, making budget adjustments. But my question is, when are we going to listen to the people who need help the most?

We have heard about the so-called inheritance tax, the death tax chipping away. They make adjustments for 47,000 American families who are at the top end of the spectrum, but they refuse to have meaningful relief for the one-third of the senior citizens without prescription drug benefits who are now paying the highest prices in the world.

If we are going to talk about people who are having their estates chipped away, let us talk about the 300,000 senior citizens who are now in nursing homes who are having their estates chipped away to deal with the $2,000 minimum.

□ 1215

If you want to help somebody, let us get our priorities straight, not have a continual series of proposals to help the people who are least in need and you continue to ignore those people who need help the most. I strongly urge that we redirect our priority, and before we do more tax cutting du jour for the most privileged, that we might do something for the people who need it the most.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

As usual in this great body we have people who represent the tax collectors. We have just heard witness of the importance of being a tax collector and how the Federal Government has to have this money. We also have advocates like the gentleman from California (Mr. DREIER), who represent the taxpayer, the middle class of this country who pay the taxes who are trying to get back what is owed them.

Mr. Speaker, I yield such time as he may consume to the gentleman from The Woodlands, Texas (Mr. BRADY), who represents the taxpayer also.

Mr. BRADY of Texas. Mr. Speaker, I want to thank the gentleman from Texas for his leadership on this important issue.

This is not very complex, Mr. Speaker. This is about certain principles. All the bills that we vote on here in Washington, it is not about Hollywood, it is not about white papers and policy positions. To my way of thinking, we are talking about real people and what type of signal we send them in everything we do here in Washington. This is legislation where again we send a signal to people.

In Washington, we like to discourage people from doing the right thing. For some reason we have got a tax code that punishes people who do the right thing. People who go to school to get a job and a skill, those who marry, those who work hard, maybe invest some money for their own retirement, who put their money together perhaps and with their spouse work hard to have a small business, people who save for retirement who have a dream that someday their kids will go to college and they will get everyone settled in and they will have some time for themselves after all these years. Those are the people that we tax the highest and regulate the most. We discourage them from doing the right thing.

My fear is that people are going to stop doing things that they are punished for. Young people are smart these days. They figure out that if government is going to take care of me, why should I go that extra mile? Why should I work hard? Why should I save? Why should I dream about a retirement? Because Uncle Sam is going to take care of me. We all know that is not the case anymore. We know that it always comes back to you and me and our actions. That determines our type of life.

What we are doing here today is encouraging people to save. We are encouraging people to dream about their retirement and to save for it. And if they have invested at this point in their life and they are either elderly or they are widowed, they do not have the spouse that has been with them so long, or perhaps they are disabled, what we are saying here is we do not think it is right and we do not think it is fair to tax people because they have saved, because they have put money away, because maybe they started a small business or maybe they kept their family farm going.

By the way, we are not taxing them to put that money back into Social Security. Absolutely not. We are diverting it for other uses, some of it to Medicare, most of it diverted to other uses up here.

So you have got to ask, will there be an impact from this? Will there be a cost from this repeal? Absolutely. We cannot afford more $900 hammers. Maybe we will not be able to afford the 450th different education program. Maybe we will have to have one less. Maybe we cannot have as many different agencies that all do exactly the same thing and do not talk to each other. There will be a cost to it because you have to do this responsibly.

From my way of thinking, setting a priority on seniors, on the disabled, on widows, on survivors who have worked hard to do the right thing is the right thing to do for America.

Just to make a point, people tell you that this is taxing and a repeal for the wealthy. Only in Washington are you wealthy if you make $30,000 or so a year. $30,000 does not go very far these days. You look at, especially seniors, a lot of them are raising their grandchildren these days. People start families earlier. It is not unusual to have them in college. Look at all the costs of living anymore. Only in Washington would we tell you that you are wealthy and rich if you have saved and make about $30,000 a year. That is wrong. We know in the real world that people need every help they can to make ends meet every month.

This repeal is the right thing to do for America. It is right on principle and encourages the things that help build America and help all of us try to reach our dream in retirement.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

The current speaker talked about $30,000 is not a lot of money. We know that. The Democratic alternative exempts a couple of $100,000 or less. We are raising it from $30,000 to $100,000.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. GREEN), coauthor of the amendment.

Mr. GREEN of Texas. Mr. Speaker, I rise in support of the rule and thank my colleagues on the Committee on Rules, both the Democrats and Republicans, for providing an opportunity to have an alternative to the Social Security tax cut. I have to admit, though, only in Washington-speak would the 1993 tax be called the Clinton-Gore tax and yet the 1983 tax that was 50 percent is not called the Reagan-Bush tax. Mr. Speaker, I think our folks are smart enough to understand that.

The argument, our Committee on Ways and Means chairman said yesterday, at the Committee on Rules is so correct, the argument we have is, We have a surplus; let's provide some tax cuts. Now that we have that surplus, let's do that. Well, that is great. The problem is this bill does not do that.

What this bill does is it takes the money out of the Medicare trust fund and it says, over the next year, we will try to put it back in, but each Congress is going to make that decision. That is why the substitute is the best way to go.

There are a number of reasons for that. The Republican bill is financially irresponsible. It takes money away from the Medicare trust fund, and it does not give any assurances that that money that it takes out will be put back. The Democratic substitute we have is more cost effective. It costs about $46 billion less than the Republican bill; but what it does is actually, as my ranking member on the Committee on Rules said, it raises the amount from $30,000 to $80,000 for individuals and from $44,000 to $100,000 for couples. We are taking away those low tax brackets for seniors and that is great. But my Republican colleagues never talk about the 50 percent that they are still going to be paying.

The Democratic substitute is more responsible. It provides a targeted tax cut to those who need it most, and it does not bust the Federal budget like a lot of their tax cuts do. It is a financially responsible middle ground.

The so-called surplus mentioned by the Republicans is based on current law, not the billions that we have seen pass this House over the last number of months. My concern is that this year's surplus is already spent with the current Republican spending rates. The Democratic substitute protects Social Security and Medicare. It does not pretend to give seniors one thing out of one pocket and take it away from them in the other.

We prohibit the use of the Social Security trust surplus for this tax cut. So oftentimes in Washington we do that. We use Social Security money to pay for lots of things, including tax cuts. The other thing it does is it makes sure that that money will go to Medicare. It will go to the Medicare trust fund.

I want a tax cut. All of us want a tax cut. But let us not punish the seniors who depend on Medicare. I have to admit to my colleague from Texas, I do not represent any tax collectors. He probably represents more IRS employees than I do. He has a higher income district. I represent lots of taxpayers, but there are also a lot of people who depend on Medicare to make sure they can survive.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

For the record I would like to point out to the gentleman, my friend from Texas, that the report that the Committee on Ways and Means worked off of, a report that the Committee on Rules relied upon, and I would like to read from that in a letter that came directly to Chairman ARCHER from the Congressional Budget Office. It says: "Under current law, the revenues affected by the bill are credited to Medicare's hospital insurance trust fund. The bill would maintain those intergovernmental transfers which would have no net effect on the budget."

The gentleman from Texas implied that there would be a problem where we would not fully fund the programs. The money will be taken directly out of general revenues. This is a projection that will go until 2024. As the speaker is well aware, this Republican Congress has passed a law in our budget which would do away with the debt of this country, we are going to pay down the debt by the year 2012.

We believe that this is a responsible way to address the problems of this country. We simply do not believe that people who are senior citizens should have to wait 20 more years until they have an opportunity to receive this opportunity to put more money in their pockets. We believe in what we are doing. This is a bipartisan bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 2½ minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. I thank my friend from Massachusetts for yielding me this time.

Mr. Speaker, I rise today in opposition to the bill before us today and in strong support of the substitute being offered on our side. Mr. Speaker, here we are in Washington in the middle of July, but one would think with the legislation before us that it is the middle of the winter because we have been hit with a veritable blizzard of large tax-cutting measures, the closer we get to election day. My constituents in western Wisconsin, honestly know a snowjob when they see it. Unfortunately, I think this is just another of a series of election-year politics, playing politics with future budget surpluses, because that is what this debate is really about, what is the best priority use of future budget surpluses if, in fact, they do materialize.

There is a clear difference between the two parties on this. I came to Washington, Mr. Speaker, with a lot of concern in regards to the $5.7 trillion national debt. I am the father of two little boys who are just 4 and 2, and I refuse to support policies that are going to make it more difficult for us to eliminate this legacy of debt that we are due to pass on to future generations unless we have the courage to resist large tax cuts now and use the money for debt reduction and shoring up Social Security and Medicare.

The series of tax cuts when you put them all together would virtually consume every last cent of projected budget surpluses if in fact they materialize at all. There is no guarantee that they will. But let us talk for a minute about the policy implications of these series of tax cuts, and who better to listen from than the Chairman of the Federal Reserve Board, Chairman Greenspan. This is basic Macroeconomics 101. He has been telling us consistently in his testimony, large tax cuts now are bad economic policy because it will overstimulate the economy and force the Federal Reserve to increase interest rates to slow the economy down. That would be detrimental to all citizens who need to make home, car, credit card, student loan or other payments. It will also make it more worthy to invest in new capital and create more jobs.

Here are just a couple of statements that Chairman Greenspan said: "Saving the surpluses if politically feasible is in my judgment the most important fiscal measure we can take at this time to foster continued improvements in productivity."

Another one: "We probably would be better off holding off on a tax cut immediately, largely because it is apparent that the surpluses are doing a great deal of good to the economy."

Perhaps most importantly, Chairman Greenspan said this: "Lawmakers are counting on unpredictable economic trends to continue producing the budget surpluses they need to pay for their tax cuts. The long-term forecasts are often inaccurate and lead to vast errors in predicting budget deficits and surpluses. You should not commit contingent potential resources to irreversible uses."

That is exactly what we are doing in these series of tax cuts when you look at them all together. Go slow. We can provide modest tax relief for families who need it but we need to do it in a fiscally responsible way. Let us not bank our future on projected surpluses that may never materialize.

Let me be clear: the House leadership has embarked on a series of tax cuts that will obliterate a surplus that is the hard-won product of nearly 8 years of fiscal discipline.

Taken all the tax cuts offered in this session, over two trillion dollars, they will consume virtually the entire projected budget surplus in the next 10 years and then explode in the second 10 years. Now is not the time to abandon responsible budgeting by spending money before it even comes in the door.

Further, this bill will leave fewer resources for other priorities within the Medicare Program, including extending the solvency of the Medicare trust fund, creating a Medicare prescription drug coverage benefit, investing in education, and providing relief to rural hospitals and other health care providers.

I support the substitute to H.R. 4865. This substitute is fiscally responsible and will provide tax relief for middle income seniors who need the most assistance. Rather than eliminating the tax for all seniors, this proposal sustains the tax on Social Security benefits for individuals who earn more than $80,000 and for couples earning more than $100,000, roughly 95 percent of all seniors are covered under the alternative. Furthermore, this substitute will only go into effect those years in which there is enough of an on-budget surplus to replace lost revenues.

I have always felt that if projected budget surpluses do in fact materialize, we have a number of existing obligations that we must meet, such as paying off our $5.7 trillion national debt, shoring up Social Security and modernizing Medicare with a prescription drug benefit and investing in education. These should be our top national priorities before we pass large tax cuts that will benefit the most wealthy and consume the entire projected budget surplus that may or may not materialize.

If those commitments are given their due priority, then fiscally responsible tax relief can be provided to those struggling families trying to make ends meet. We must not enact risky tax cuts today that will result in harming our seniors and our children tomorrow.

Mr. Speaker, I urge my colleagues to vote against this final bill. America's seniors are depending on us to balance the needs for tax relief with the need for Medicare solvency. We can do both in a fiscally responsible way.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. CAPUANO), the cosponsor of the amendment.

Mr. CAPUANO. Mr. Speaker, I rise first of all to thank the Committee on Rules for making the Democratic substitute in order. I appreciate their ability and their willingness to at least let us have a moment of time. I guess I want to just talk about a couple of things. First of all, I would like to point out what I think are the two most important differences between the substitute and the main bill. Certainly it is a matter of priorities. We do believe that if tax cuts are going to go in, they should go to those who need it the most.

I do not think anyone can argue that people making over $100,000, of which every Member of this House is one, including myself, that anyone can argue that that is anything other than well off and that they do not need the extra help.

□ 1230

That is number one: that is a philosophical issue. But I understand people can disagree on that.

The second one that they cannot disagree on that has been called a red herring but it certainly is not, the difference between the Democratic proposal and the Republican proposal is that under current law and what we want to keep are the monies going to Medicare from this tax are from a dedicated revenue stream.

Under the proposal as before us, without the substitute, it is simply a political promise, that we promise we will keep doing this.

Well, I hate to say it, but I do not think most Americans trust us all that much, and I for one, would like to make sure that my mother, my wife and my children do not have to rely on the promises of future politicians. I want to make sure that they can rely on a dedicated revenue stream to make sure that Medicare is sound and healthy for the future. That is the main difference.

The other thing I want to point out, as boldly as I can, and I know it has been mentioned by many people before, but this proposal, neither the Democrat nor the Republican proposal touches line 20(b) on the IRS tax form. Line 20(b) will be there today and will be there tomorrow regardless of what passes, regardless of what the President does, because this proposal does not touch the 1983 law that started taxing Social Security that was passed with 97 Members of a Republican team in favor. Many of those 97 Members are still here today. They voted for that 1983 proposal.

Under today's rules, we should have taken the whole thing, scrapped it, had an honest discussion of what we can afford in tax cuts, targeted those tax cuts who could use it and simplify the entire form. We did not do that. We took a simple political approach to simply say cut taxes, which we are not doing, every senior citizen who is currently taxed under the law that is being proposed to be repealed today will be paying taxes next year, regardless of what the vote is here today.

Line 20(b) will still be there. They will have a few less dollars being taxed, but they will still have to go through the worksheet on page 25 of their instruction booklet, which is complicated as heck, and I challenge anyone here to try to walk through that worksheet, not even part of the form, it is a worksheet, try to do it without professional tax help.

That is why I rise today for the Democratic proposal, and that is why I repeat myself again. I thank the Committee on Rules for giving this a chance.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. KANJORSKI).

Mr. KANJORSKI. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MOAKLEY), the ranking member, for yielding me the time.

Mr. Speaker, I rise in opposition to the rule. Yesterday, myself and three other Members of Congress, the gentlewoman from Missouri (Mrs. EMERSON), the gentleman from New Jersey (Mr. ANDREWS), and the gentleman from Texas (Mr. HALL), all proposed an amendment to this bill. If we are going to spend money, if we are going to reduce taxes, we ought to put in a repair for the notch babies. Those are the individuals in our society that are going to be forgotten. If this bill is passed today in its present context, the money that would be there to fix the notch-baby problem will be gone forever.

I hear my friends on each side talking about whether we are going to give a tax cut to people making millions of dollars in retirement or we are going to reduce it and put a cap on it. I say we have got 3½ million Americans that are 74 years of age to 84 years of age, more than 90 percent of them never meet the beginning cap of taxation. These individuals have been denied more than a thousand dollars a year for many years. If we pass this legislation today, the surplus that everybody talks about, and which has been spent for 2 months in double time so it is questionable whether any surplus is there at all, will be gone. The potential fix of the notch-baby problem will be, as a former commissioner of Social Security, as someone in the Reagan administration told me and Members of Congress when we met with them, fixed by attrition. We are going to wait until they die, and we will not have to fix it.

The message of this Republican Congress to those notch babies should be clear, they will not and do not intend to fix the notch-baby problem. Therefore, those 3½ million Americans that are 74 years of age to 84 years of age, all of which need this money, have been denied this money for 20 years, will now lose it. And the problem will be solved by attrition until they die.

Mr. Speaker, this is ridiculous. It is political, and I urge all my colleagues to vote against the rule and against the proposition to be cutting taxes before we fix fundamental problems with Social Security and Medicare.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as usual, we have a disagreement in Washington, the people who caused the debt and the deficit of this country are now trying to cover their holes that they have left in the past.

Mr. Speaker, I yield 4 minutes to the gentleman from Georgia (Mr. LINDER), my colleague on the Committee on Rules.

Mr. LINDER. Mr. Speaker, I thank the gentleman from Texas (Mr. SESSIONS) for yielding me the time.

Mr. Speaker, I do not expect to convince the gentleman from Pennsylvania (Mr. KANJORSKI) what the truth is about the notch. We all hear about it all every time we do town hall meetings, and we hear about it just after some organization in this town that is raising money that sends letters to everyone born between the years of 1917 and 1921 is saying you are being deprived of your due benefit, if you will send me $10, I will fix it.

Mr. Speaker, I have been here for 7½ years and not one of those organizations has appealed to me to fix it. So I decided to find out what it really was. In 1972, Wilbur Mills is running for President, and he promised to increase the benefits on Social Security by 20 percent. His presidency went down in the Tidal Basin, and Nixon picked it up and he promised it, and they had a huge adjustment in 1972.

They started with people born in 1910 because they were 62 years old and eligible that year for the benefit. In 1977, they discovered they made a huge mistake. They made a calculation error that was going to bankrupt Social Security, and they had to crank it back to an honest formula.

They decided to leave people born between the ages of 1910 and 1916 alone, and those born from 1917 to 1921, 5 years, 1917, 1918, 1919, 1920, 1921, were rolled back a little bit each year for 5 years until they got fairly close to what should have been the right formula, and then they were on the cost-of-living adjustments, the COLAS, for thereafter.

The fact is, that group of people called the notch babies, my mother is one, get a higher benefit, compared to what they paid in under the formula, than those born after them, it is not that they get less. It is that they get more, but they do not get as much as the error made for those born between the ages of 1910 and 1916.

It was a bank error in their favor, and they kept the cash. So any time you hear somebody stand up and talk about the notch babies, understand one thing, that a fund-raising operation in Washington, D.C. looking for high salaries for its managers has just sent out a scary letter to those born in those areas and looking for money to pay their salaries, never do they come to us, never has one single person come to our office and said help us fix the notch.

It does not exist, and the demagoguery we just heard on this issue is an example of scariness.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. KLINK).

Mr. KLINK. Mr. Speaker, it has been interesting listening to the debate, the speech and debate clause of the Constitution has been stretched to its limit this morning. But let me just say something, it is definitive that people born between 1917 and 1926 receive less money than those who were born between 1911 and 1916, and it can be over $200 less.

We are talking about people who are between 74 years of age and 84 years of age. We are talking about people who fought World War II. They are the people that are struggling today to decide whether they are going to be able to buy their medication. They are cutting their pills in half. We have been fighting to give them a serious Medicare drug benefit, all we are saying is let us have a hearing on this matter.

The gentleman from Georgia (Mr. LINDER) had an opinion on the matter, the gentleman from Pennsylvania, my predecessor, and some other Republicans had a different opinion. Let us have a discussion on it. The reality is whether or not there is a notch, whether we need to repair the notch, let us let those people between 74 and 84 know who stands with them and who stands against them, so when they go to the polls, they know who they are going to vote to.

They know whether or not someone wants to fix something that has been done or not. Let us talk about the people who are in the notch. Let them know who is for them and who is not. This rule does not allow that to occur.

Let us talk about historical revisionism. I remember driving in my car when I heard Ronald Reagan make a comment that he was going to decrease taxes; he was going to increase defense spending; and he was going to balance the budget. We all know what happened. In fact, he did decrease taxes. He did increase defense spending. And we went $1 trillion in debt to $5 trillion in debt.

Through the entire history of our Nation, from the American revolution, through two World Wars, through a great Depression, through Vietnam, through the Civil War, we had $1 trillion in public debt. And after 12 years of Bush and Reagan, we had that quadrupled.

They are talking about going back to those times today. This is it, a bad bill.

It is a bad rule, and the Members should vote against it.

Mr. SESSIONS. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. BLUNT), the chief deputy whip.

Mr. BLUNT. Mr. Speaker, I thank the gentleman from Texas (Mr. SESSIONS), my friend, for yielding the time to me.

Mr. Speaker, I must admit I came to the floor partly because I was confused by the debate. This is eliminating a tax on people who receive Social Security. That is what this is about. This tax was not on the books before 1993. It is not a tax that people used to pay. It is eliminating a tax for people who draw Social Security.

I came to the floor, as soon as I got here, I heard that the surplus was gone. The deficit in 1995 was $200 billion. The surplus, using those same bookkeeping rules, that we have even moved beyond those rules and do not use those rules any more, is about $250 billion, that is a $500 billion, half a trillion dollar turnaround. We need to rectify these unfair things that have been added to the Tax Code.

We do not need to take this as an excuse to come up with new government programs. We need to figure out how to do our business, the business of government, with the least tax dollars possible. And we certainly do not need to take those tax dollars from people who are drawing Social Security, from people, who, until 1993, did not pay this tax, a tax that is now paid by 10 million Americans, over the next decade that number will grow to 17½ million Americans who receive Social Security will pay this tax that we could eliminate today.

We could begin the process today in the House by eliminating this tax. This is a ticking time bomb. We hear our friends talk about the fact that this tax is only paid by the wealthy. Wealthy, or if you are retired, I guess if you make more than $34,000, you are wealthy and that should be penalized, if you have worked your lifetime, if you have saved money, if you have worked for a pension, and if you make more than $34,000, we are wealthy and should be taxed, if you accept that logic.

People who worked for that pension, who saved that money, who draw Social Security should not be hit with this tax. This is not an amount of money that is adjusted to inflation, and so each year more and more people are hit by a number that has less and less buying power. We can solve this problem today. We can help seniors on fixed incomes who managed to have a decent income, who would not have paid this tax before 1993, in a way that they do not pay this tax in the future.

I support the rule. I support the bill. I am for a long-term discussion of the problems that relate to Social Security. We can solve those, but let us not solve them by saying that that should be paid for by people on Social Security paying a tax that is extreme and unfair.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. SPRATT), the ranking member on the Committee on the Budget.

Mr. SPRATT. Mr. Speaker, there has been a lot of reference today to the Clinton budget act in 1993. It was preceded by the Bush budget summit in 1990. On that occasion, when that budget summit agreement, which laid the first level of foundation for the successes we have now seen in the budget, in 1990, when it first came to the floor, only 47 Republicans voted for it, even though their President was a signatory to it and helped negotiate it.

□ 1245

Three years later, because of recession, the deficit had not gone down. It was $290 billion, a record high, and headed up on September 30, 1992. That was the level of the deficit when Bill Clinton came to office on January 20, 1993. On his desk lay an economic report to the President, George Bush, that said over the next 5 years the deficit would hover in that range and exceed $300 billion by 1998.

Well, we got to 1998 and got to 2000, and we did not have those horrendous deficits; and there is a reason, because in 1993 we came over here and stepped up to the problem. There was some features to the package that we passed in 1993 I did not like, they were unpopular to vote for; but, nevertheless, they account for the fact that we now do not have huge deficits, but we have enormous surpluses. Indeed, CBO last reported that we could expect a surplus this year of $219 billion, a swing from $290 billion in deficit, in the red in 1992, to $219 billion this September 30. That is nothing short of phenomenal.

One of the reasons we are out here today to oppose this particular provision, though I will vote to raise the level of the threshold at which this tax is applicable, we are out here to oppose it because we do not want to see our hard-won successes, this huge phenomenal turnaround, obliterated, blown away because nobody is keeping tabs on the budget, because we really do not have, for all practical purposes, a budget.

We have got a table right here that the Committee on the Budget has made up of where we stand at this point in time; and let me walk you through it, because this ought to be the backdrop for today's debate. This is what really concerns us. This is why we are out here in the well of the House taking an unpopular stand for something that is right.

CBO last said in July that the surplus over the next 10 years would be $2.173 trillion. Both sides have agreed that the surplus that accumulates in the Medicaid-HI trust fund over that period of time ought to be backed out and treated separately, just as Social Security is. When you deduct that $361 billion, you are down to a surplus of about $1.8 trillion.

The tax cuts passed thus far, including the one on the floor today, come to a total of $739 billion over 10 years, revenues that will be deducted from the surplus, if indeed they are passed. That is just this year, tax cuts passed by this House this year, $739 billion, including the tax cut today.

Future tax cuts that we can say with certainty will be enacted at one time or another, if not this year. One is the AMT, the alternative minimum tax. We all know that it is drawn in such a way, passed in 1986, that the income threshold is not indexed. Consequently, in the future years, in the very near future, more and more middle-income families for whom this tax was never intended are going to be hit by the AMT, and we will respond. We will change the AMT. So we have taken the AMT correction that you had, the Republicans had in their tax bill last year.

We have also factored in tax provisions in the code, concessions, deductions, credits, preferences, that we know are very popular. They have a short time frame, they are not permanent, and we are assuming that they will be renewed in the future, as they always have been in the past. That is $183 billion of known tax increases in the very near future. That is the tax cut activity, $900 billion that you can easily account for that comes off that surplus of $1.8 trillion.

Look what we have done in spending. If you just take appropriations, considering the fact we have not put a new ceiling on appropriations in any of our budgets, and assume that discretionary spending will increase at a half percent above the rate of inflation, which is a lot less than it has increased in the last 3 years or since 1995, just a half percent, that is $284 billion.

If you assume the mandatory spending increases that have been passed to date, excluding prescription drugs, will become law, that is $54 billion, already passed by this House. If we take the Republican prescription drug bill, their bill, which I do not think you would recant now, CBO's cost estimate of it over 10 years is $159 billion. If we assume that there will be additional farm assistance in the future, as there has been in the past, over the next 10 years I think most people on the Committee on Agriculture would say $65 billion for likely increases and farm protection, given the situation in the farm community, is modest.

Finally, if you put in the Medicare provider restorations, corrections to the Balanced Budget Act of 1997 for providers, hospitals, doctors, who are saying they have been cut to the bone by this bill, both sides are now supporting restoration, that is $40 billion. If you adjust that service $376 billion, guess what? You come to a total of $2.261 trillion. That means you are $88 billion in deficit.

That is what I have come to the well of the House to do today, to take away the punch bowl. Everybody got excited by this big surplus. The party is over. We are already in deficit if we pass this bill. That is the warning I am issuing right now.

Mr. MOAKLEY. Mr. Speaker, I yield 6½ minutes to the gentleman from North Dakota (Mr. POMEROY) to close debate on our side.

Mr. POMEROY. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I am honored that the ranking member is allowing me to close on behalf of the minority, and I am honored to follow the comments of my friend and colleague, the gentleman from South Carolina (Mr. SPRATT), who has laid out in detail why we believe the plans, the spending and tax plans of the majority, have already placed this into a deficit situation before 10 years are up, take the country's largest surplus ever and put us back into a deficit situation.

That has direct bearing on the issue before us, because under the majority's proposed bill to be considered today, general fund transfers are required to keep the Medicare Trust Fund whole.

What if there are no general fund revenues left? This chart summarizes the detailed information the gentleman from South Carolina (Mr. SPRATT) just covered. As it makes clear, there is a significant question whether general fund revenues will be available; and if they are not available, the Medicare Trust Fund takes a hit.

The substitute offered by the minority in the upcoming debate ensures that the Medicare Trust Fund will be made whole, will be held harmless, by requiring an advance certification before that tax cut takes effect in any given year that there are ample revenues to go into the Medicare Trust Fund to compensate for the revenues lost with the tax reduction.

It is absolutely critical, I think we can all agree, with Medicare already slated for solvency trouble, not to make that problem worse. The plan by the majority jeopardizes the Medicare Trust Fund. The Democrat substitute preserves the trust fund by requiring the advance certification, so vitally important to make sure we maintain solvency.

The Democrat substitute, and I am grateful for the Committee on Rules making it in order, also provides tax relief for 95 percent of the people. As cosponsor of the substitute, in conjunction with the gentleman from Texas (Mr. GREEN) and the gentleman from Massachusetts (Mr. CAPUANO), we have advanced what we believe is a much better way to go as we look at this Social Security tax issue.

Under our bill, we would safeguard the Medicare Trust Fund, as I have just mentioned, but provide very meaningful tax relief. Under our bill, income for taxation of the Social Security check would be reduced from 85 to 50 percent to households earning up to $100,000 and individuals earning up to $80,000. That means someone on Social Security has their Social Security check and an additional $80,000 for an individual, $100,000 for a couple.

One-third of all people on Social Security today live on their Social Security check. Two-thirds have the Social Security check for most of their income. We are talking about the most affluent 5 percent, the only group that would be excluded from the tax cut offered by the minority.

Now, some might say, why do you not give it to everybody? After all, the most affluent need the break too. We do not think they need the break as badly as we need to apply these revenues in other areas, and we save by our approach, by capping it at the $100,000 per household, we save $40 billion over a 10-year period of time. Just think what you can do to enhance prescription drugs for seniors with $40 billion.

So it is a matter of who needs these resources first, the very most affluent households, as advanced by the majority, or those other households that cannot afford their prescription drug medicine that might benefit from reallocation of those dollars in that area.

So basically that is the choice between the two approaches. The majority approach offers tax relief; the minority approach offers tax relief. The majority approach fails to protect the Medicare Trust Fund; the minority approach protects the Medicare Trust Fund. The majority passes on a significant tax break to the most affluent households in this country; the minority substitute advances meaningful tax relief for 95 percent of the Social Security recipients in this country, leaving only those households earning $100,000 or more in outside income to continue to have 85 percent of their Social Security income considered for taxation.

All in all, as you look at the issue, I think you will have to conclude that there are two ways to approach tax relief in this area, and the Democrat approach, with its protection for the trust fund, with its granting of tax relief to all but the most affluent 5 percent in this country, with the preservation of the $40 billion saved thereby for application on critical priorities like Medicare prescription drug coverage, the Democrat substitute is the better way to go.

Mr. SESSIONS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I want to close on behalf of the Republican Party today and thank my colleagues for their vigorous debate on behalf of an issue that is important to seniors in our country.

I am always amazed to see that the party that put the tax on people, on senior citizens of this country, is now trying to defend that tax and say, well, they have to make sure that they have this money so that we do not go into deficit spending.

The fact of the matter is, Mr. Speaker, there will be two bills that will be voted on today: one which is the substitute which was described by the gentleman from North Dakota (Mr. POMEROY), which is an opportunity to have every single Member of this House of Representatives vote today.

Then there will be a second bill, the real bill, the one that does the right thing, the one that is the very same or similar that was just passed in the Senate, where Senator FEINSTEIN, Senator CONRAD, Senator DORGAN, and Senator JOHNSON all voted this last week on the Republican plan, a plan that does the real thing, the plan that says that the average tax of $1,180 that is paid this year, that is going to grow to $1,359 for the average senior citizen in the year 2010, is simply wrong.

We believe it is wrong for people to be taxed at an 85 percent rate for income above $34,000 for senior citizens and $44,000 for couples. We believe that the real bill that will be on the floor today that will pass will be the Republican plan, which is the one that says we do not believe that the burden should be placed on the senior citizens of our country.

We do not believe, as Republicans, that Social Security should be taxed at all. Of course we are different. The difference between the Republican Party and the Democrat Party can once again be seen today. One side is for the taxing of senior citizens, the other is we want to do away with taxes on Social Security.

Mr. Speaker, I am proud of the Republican Party. I am proud of the differences we offer for senior citizens.

Mr. Speaker, I urge my colleagues to vote for this fair rule. I urge my colleagues to weigh and consider the two bills before us, and I urge support of the Republican bill.

Mr. FOLEY. Mr. Speaker, I rise in support of the rule on H.R. 4865, the Social Security Benefits Tax Relief Act. This bill repeals the unfair and punitive tax increase on America's Social Security recipients. This tax increase was included in the Clinton/Gore 1993 Budget Bill, a bill I am happy to say did not receive a single Republican vote in either the House or Senate.

The federal government this year is expected to run a $233 billion surplus. There is absolutely no reason to continue punishing our senior citizens by confiscating their hard earned Social Security benefits.

The 1993 tax increase raised the portion of Social Security benefits subject to income tax from 50 percent to 85 percent for millions of American retirees.

Taxing any portion of Social Security benefits is unfair and immoral. Taxpayers not only pay Social Security taxes from their wages but also are obligated to count as income for tax purposes the wages they never see that have been paid into Social Security. In other words, their wages earned over lifetime and paid into Social Security are taxed twice. This is unconscionable.

The other side is going to tell you that this proposal will destroy the Medicare Hospital Insurance Trust Fund. Nothing could be further from the truth. It is true that these taxes are directed to the Medicare Part A Trust Fund. However, this bill will transfer funds from the general fund to the trust fund to make up for any shortfall from repealing this onerous tax.

Mr. Speaker, let's repeal this unfair tax. It never should have been instituted and its demise is long overdue.

Mr. SESSIONS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The Chair advises that Members should avoid personal references to Members of the Senate, other than as sponsors of measures.

The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MOAKLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

□ 1300

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4516, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2001

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 565 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 565

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 4516) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 565 is a rule providing for consideration of H.R. 4516, the conference report for the Legislative Branch Appropriations bill for fiscal year 2001. The rule waives all points of order against the conference report and its consideration and provides that the conference report shall be considered as read.

House rules provide 1 hour of general debate divided equally between the chairman and ranking minority member of the Committee on Appropriations and one motion to recommit, with or without instructions, as is the right of the minority members of the House.

There are many important provisions of this legislation and I want to briefly discuss the conference report that this rule makes in order. Regarding the Legislative Branch Appropriations, this bill continues our efforts since the 104th Congress to downsize the legislative branch of government. This bill before us today offers additional proof of our commitment to fiscal responsibility and this bill has overwhelming support. In fact, the Legislative Branch Appropriations bill passed the House only 1 month ago on June 22 by a 373 to 50 vote.

Mr. Speaker, this conference report also includes funding for the Department of Treasury and general government appropriations. These appropriations fund many national priorities such as enhancing law enforcement, school violence prevention, combatting international child pornography trafficking, and enforcement of our existing gun laws.

The Treasury Postal Appropriations bill passed the House last week, and I commend the gentleman from Arizona (Mr. KOLBE) for his hard work on this bill.

I want to comment on the inclusion in this conference report of the repeal of the telecommunications tax of 1898. I am very pleased that this conference report eliminates the telecommunications tax, a tax that is currently limiting the opportunities of lower- and middle-income Americans to have affordable access to the information superhighway.

This is just one more tax that makes it cost prohibitive for lower-income Americans to go online, and I support the inclusion of this provision in this conference report.

The foolish and shortsighted tax policies of the 101st Congress should be stopped as soon as possible. That was the Congress that made that tax permanent that was originally imposed in 1898.

This conference report gives us the opportunity to advance this common sense telecom tax repeal. There is no reason to delay sending this to the President as soon as possible.

Mr. Speaker, I would like to close by noting that only 60 days ago, on March 25, this House passed the repeal of the telecommunications tax by a vote of 420 to 2. This rule was favorably reported by the Committee on Rules. I urge my colleagues to support the rule today on the floor so we may proceed with the general debate in consideration of this very important conference report.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise not only in opposition to this rule but to the heavy-handed manner in which the Republican leadership has chosen to conduct business in the hours before we adjourn for the August summer recess.

Mr. Speaker, I must protest in the strongest possible terms the fact that the Republican leadership has, in the dark hours of night, cobbled together what they are calling a conference report on legislative branch appropriations. The majority must be snickering behind their hands, Mr. Speaker, because this so-called conference report is constructed of one bill which has actually passed both houses, the Legislative Branch Appropriations, as well as one that has only seen action on this side of the Capitol, Treasury Postal Appropriations.

But there is something else. This appropriations conference report also contains a tax bill, the repeal of the telephone tax passed earlier by the House. This action was taken without any consultation with Democratic Members of the Committee on Appropriations, or with the Democratic leadership. Accordingly, no Democratic member of the Legislative Branch Conference Committee signed this report.

Mr. Speaker, while I have a photocopy of the conference report, I am at a loss to try to explain to my colleagues exactly what is in it. The report was assembled literally in the dark of night, sometime between 11:00 p.m. last night and 7:01 a.m. this morning, when it was filed. Democrats were led to believe last night this conference agreement was going to contain a minimum wage increase, as well as several tax provisions.

I have been assured that this document does not now contain the minimum wage but since the Committee on Rules did not provide us a single sheet of explanatory materials when we met at 8:30 a.m. this morning, I can only vouch for that by having quickly skimmed through this document.

In addition, Mr. Speaker, in order to accommodate the rush to get out of town, the Republican leadership kept the Committee on Rules waiting until 11:00 p.m. last night and the House in session until 11:30 p.m. Once it was determined that more work was needed to be done on this so-called conference report, the Committee on Rules was sent home but the House was not adjourned. It was instead recessed until 7:00 a.m. this morning so that the Committee on Rules could meet and file a rule this morning on the same legislative day and, thus, avoid the necessity of sending a martial law rule to the floor this morning.

Mr. Speaker, I must protest what I consider to be a disrespectful abuse of this institution and its Members, as well as the many employees who are required to hurry up and wait while the Republican leadership tries to figure out exactly how to run this body.

Finally, Mr. Speaker, the rush to consider this matter is all the more peculiar since it seems that the Senate has absolutely no intention of considering this conference report until after the recess in September. This process makes no sense, Mr. Speaker, but it is a perfect example of the disregard the Republican leadership has demonstrated time and again for this institution, its practices, and precedents and the Members who serve here.

I urge every Member of the House to oppose this rule if for no other reason than to stand up for regular order.

Mr. Speaker, I reserve the balance of my time.

Mr. LINDER. Mr. Speaker, I yield 5 minutes to the gentleman from Arizona (Mr. KOLBE), the chairman of the Subcommittee on Treasury, Postal Service, and General Government.

Mr. KOLBE. Mr. Speaker, I thank the gentleman from Georgia (Mr. LINDER) for yielding me this time.

Mr. Speaker, I listened with interest to the gentleman from Texas (Mr. FROST) and the comments he made about the procedures that were followed in bringing this conference report to the floor of the House. I will not comment on some of those procedures because they are, as we say, above my pay grade. They were decisions made beyond me, but I do want to comment about that part for which I have some knowledge and some responsibility, and that is the part in here, the very large part in here, that deals with the Treasury, Postal and General Government Appropriation.

I think from a procedural standpoint, we need to understand a couple of things. First of all, I can remember on the floor of this House last year listening to the laments of the minority, our friends across the aisle, as they complained that we were not acting on appropriation bills in a timely fashion. Now, of course, today, if we pass the D.C. appropriations bill we will have passed all of the appropriations bills before the August recess. I believe that is an unprecedented number in modern times. So we are hearing the complaint today with this conference report that we are really rushing it, we are moving it too fast; and we have heard that there was not sufficient consultation with the minority about this.

I regret very much that there was not more minority participation in the informal conference which took place on this bill, but I think it is very important that my colleagues understand that the minority was given full opportunity to participate, both the minority in the House of Representatives and in the Senate, and it was their decision, their choice, not to have staff members participate in the discussion of the provisions that were different between the House and the Senate bills as we tried to iron those out.

Now, the process that we followed was one that is followed, as far as I know, as long as I have been here in every appropriations conference. That is that staff people from the two sides, the Senate and the House, get together and try and iron out the major differences. We followed that procedure. Where there were major differences that could not be handled by staff, I worked with my counterpart over in the Senate. Again, because a decision was made by the minority not to participate in those meetings, we did it on an informal basis.

Was there a formal conference committee held? No. I cannot say how many times that I served on conference committees when I was in the minority of appropriations where the conference committee never met at all. So I do not think this process has been any different.

I do regret very much that the minority chose not to participate in this process. They chose not to be involved in it. Nonetheless, the charge that was given to me was to make sure that we had a bill that was signable and passable, passable in the House and the Senate, signable by the President of the United States.

I think when we get into a discussion of the conference report itself, we will have an opportunity to see that many of the concerns that were expressed on this floor during debate on the Treasury Postal bill, by the Members from the other side of the aisle, were addressed. Many, if not all, of the concerns that were expressed by the administration through their statement of administration policy, called the SAP, in the letter that was sent both to the House and to the Senate appropriators, virtually all of those issues were addressed.

We have what I believe is a bill that is definitely a very good bill. It deals with the problems that confront the Internal Revenue Service, the Customs Service. We will have an opportunity to discuss those in greater detail as we go forward here, but I think that it is very clear to say that an opportunity was given for both sides to participate in this process. I do hope, before we get to a vote on the conference report, that there will be a much better understanding by all Members about the process, not only about the process but about the content of what is in this bill.

I think when they do understand it, there will be a great deal of acceptance.

Mr. FROST. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I am unclear about what the gentleman just said. Is the gentleman suggesting that the Republican leadership in the Senate is not competent to bring a bill to the floor for a vote because this is the crux of the argument? The Treasury Postal bill was never voted on in the Senate on the floor. What they did was to short-circuit the normal legislative process, reach out from the conference committee on another bill and pick up a bill that had never been passed on the floor of the Senate.

So I do not quite understand what the gentleman was saying. Was he saying that his own leadership on the other side of the Capitol was not capable of bringing a bill to a vote on the floor of the Senate? I am curious as to why they chose to pick this bill up and put it into conference when it had never been voted on by the full Senate.

Mr. KOLBE. Mr. Speaker, will the gentleman yield?

Mr. FROST. I yield to the gentleman from Arizona.

Mr. KOLBE. The answer is that over in the Senate, for reasons of their own, there was a dispute over some of the confirmations, as I understand it, confirmations of judgeships, and for that reason there was a hold placed on any of the appropriation bills after the legislative bill. So that became the only vehicle really that was available to us.

Mr. LINDER. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. KOLBE), for him to respond.

Mr. KOLBE. Mr. Speaker, I thank the gentleman from Georgia (Mr. LINDER) for yielding the additional time so I can respond.

Mr. Speaker, so the decision was made over in the Senate that in order to try to expedite this process and to get not only the legislative bill but the Treasury Postal bill and at least this one tax bill that had passed by such a very large margin done before the August recess, that they would put those together and that is the reason, very simply, why it was put on this bill.

There was a debate that preceded yesterday on the Treasury bill. I am not sure how far they got yesterday before the end of the day, but they have had debate on the bill on the floor of the United States Senate.

Mr. FROST. Mr. Speaker, I yield myself 1 additional minute.

Mr. Speaker, let me see if I understand this. If the Senate is incapable of voting on a bill, for whatever reason, if they are incapable of taking a bill to final passage, then that is the basis for rolling that bill into a conference. If I understand what the gentleman is saying, he is saying, well, they just cannot get anything done over there in the Senate. They have some problems so we have to help them by picking up a bill that they never voted on and just rolling it into the conference on another bill. That seems a very peculiar procedure, particularly since we are going to come back after the Republican and the Democratic conventions. It is not like this is the last day of the session. We will certainly be here for the full month of September so it seems like a very peculiar and unusual procedure.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would again remind Members to avoid improper references to the Senate, including characterizations of their actions.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. Moakley).

Mr. MOAKLEY. Mr. Speaker, I thank the gentleman from Texas (Mr. Frost), the chairman of the Democratic Caucus, for yielding me the time.

□ 1315

Mr. Speaker, this rule is coming to the floor under the most unbelievable circumstances. Last night when there was a baseball game going on between the Republicans and Democrats, there was another game going on upstairs, only this game had no referees and no umpires. After everyone else had gone home, the Committee on Rules waited around until 11 p.m. for the Republican leadership to decide our fate. Late last night, we finally get word that we are not going to meet, but the House would stay in session so that we could come back early this morning, file three rules, and immediately recess to begin another legislative day.

The Republican leadership decided to take two appropriations bills, Legislative Branch and Treasury Postal, and work on them until 7 a.m. this morning, and then, 1½ hours later, send them to the Committee on Rules. A couple of hours after that, here they are on the floor of the House. Meanwhile, Mr. Speaker, really, barely anyone has the foggiest idea what is in this bill. Yet, Mr. Speaker, we are supposed to vote on it.

This convoluted process is just a part of a larger pattern of disrespect, not only for the Committee on Rules, but for the entire membership at large. Mr. Speaker, it is totally uncalled for. The Senate has already announced that they will not take this up until mid-September. Why the rush? I suspect, Mr. Speaker, the lightning speed with which this bill is arriving on the House floor has something to do with the contents.

Once upon a time, Mr. Speaker, there were two noble suggestions on the House floor: one, to lift the American embargo on food and medicine to Cuba and the other one would lift the restrictions preventing American citizens from traveling to Cuba. A majority of the House recognized the wisdom in lifting the outdated prohibition on sending either American food or American medicine to our neighbors in Cuba. The House then voted 301 to 116 to pass the Moran amendment to lift the food and medicine embargo and the Senate passed a similar amendment by Senator Dorgan.

A majority of the House recognized that this embargo that was started some 40 years ago when things were a lot different than they are today. Communism was a real threat; Cuba was a real threat. But, Mr. Speaker, that policy has not worked for 40 years, and the American people have asked us to change.

Mr. Speaker, there are sick people in Cuba who could use our help. They live 90 miles from the world's best doctors, hospitals, and researchers. We should be sharing our discoveries, because it is the right thing to do; and we should not be denying them because we feel we abhor the Fidel Castro-type of government.

The House also passed the Sanford amendment to allow Americans to travel to Cuba by a vote of 232 to 186. It is one of the most fundamental rights we have as Americans, the right to travel freely, and that also is being denied.

But despite those majority votes, the Republican leadership removed these limitation amendments in the wee hours of this morning and hope we would be none the wiser.

So in order to change the will of the majority of the House, we are considering this rule and these bills under a skewed, undemocratic process. So I urge my colleagues to oppose the rule. The Cuban people and the American farmers deserve better.

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume.

I would point out that there is a compromise in the works on the Cuban language, language that I joined the gentleman from Massachusetts (Mr. Moakley) in supporting and that will, I presume, be on the agricultural bill. He can rest assured that this will be taken care of on the floor.

Mr. MOAKLEY. Mr. Speaker, will the gentleman yield?

Mr. LINDER. I yield to the gentleman from Massachusetts.

Mr. MOAKLEY. Mr. Speaker, as my colleagues may recall, this language came through on the agriculture bill, but then they decided to take it off and put it on the Treasury bill, and they were sure it would be there. Now they are going to put it back on the agricultural bill.

Mr. LINDER. Mr. Speaker, reclaiming my time, I think I made my point, and I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 6 minutes to the gentleman from Wisconsin (Mr. Obey), the ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding me this time.

Before I begin my remarks, I would like to ask one question in case anybody can answer this. I would like to ask the majority if they can tell me by how many dollars do the two bills in this conference report exceed the budget resolution and exceed the allocation provided to each of the subcommittees under the Budget Act? Is there no one who can answer that question?

Mr. LINDER. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Georgia.

Mr. LINDER. Mr. Speaker, not being on the Committee on Appropriations, I am certain that, when that bill gets to the floor and into debate, they can explain that to the gentleman.

Mr. OBEY. Mr. Speaker, reclaiming my time, I find it interesting that a party which professes to be so concerned with budget stringency will ask us to bring a bill to the floor before we even know by how much it exceeds the budget under which we are supposed to operate.

My understanding is that the Legislative Subcommittee portion of this conference report exceeds the budget by $47 million, and that the Treasury-Post Office bill exceeds the allocation by $1.2 billion; and then there is also an additional $6 billion question mark because of the shifting of pay dates for SSI and for veterans' checks, which I think makes a real hash of any claim that there is any kind of budget discipline at all left around here.

Secondly, I would simply like to observe, as my friend, Archie the Cockroach, has often observed, that this bill looks like an accident that started out to happen to somebody else. The legislative appropriations bill was moving along, following the normal process. The normal process is that the House passes an appropriation bill and then the Senate passes it, and then we have a conference committee which meets and resolves the differences, and then we pass the conference report and send it on to the President for his signature. That is what has happened, commendably, for one portion of this conference report.

However, then the conference report ran into a train wreck, because being attached to it is a conference report on another appropriation bill, the Treasury-Post Office bill, and the quaint thing about that is that the Senate has never even considered that bill. So now we are being asked to consider a bill which represents a compromise between the House and the Senate on

Treasury-Post Office, and yet the Senate has never had an opportunity to formulate a position on the bill.

The reason the minority did not participate in the sham meeting that took place in the dead of night last night is because on both sides of the Capitol, we feel this process is so profoundly illegitimate that we wanted nothing to do with it.

The fact is that what my Republican colleagues have done does have practical results. What they have done, for instance, is to add a totally nongermane tax provision which, if we had tried to bring it to the floor, would have been laughed out of the place. Secondly, you have had some anonymous source in the majority party leadership unilaterally and arrogantly reverse a decision made on the floor of this House by the full membership of this House when it comes to the embargo issue.

Now, that does not surprise me, because a year ago I was promised personally by two members of the Republican leadership, and they know who they are, I was promised personally that they would take no action to block the reform of dairy milk marketing orders on an appropriation bill. The leadership then went back on that promise in the last week of the session, which led to a filibuster in both Houses on that issue; and now, farmers again are going to wake up to discover that a victory which they thought they had won on the House floor is being snatched away from them in the dead of night by anonymous Republican leaders who have decided that they do not care what the majority decided on this House floor with respect to the embargo issue. They are going to throw it in the ash can because it does not either meet their political objectives or their ideological objectives or their substantive objectives. That process too is illegitimate, and that is why they did not find the minority party participating in that.

Mr. Speaker, I would also point out that we have a strange shell game going on, because in the budget last year this Congress voted to move the pay dates for SSI and for veterans back one day, to move it into the next fiscal year. Then, in the supplemental which the majority passed a while back this year, they reversed that decision; and now they are reversing their reversal, and that is why I asked the question: Does not that mean that, in fact, this bill is almost $7 billion over the allocations assigned to it under the Budget Act? I think the answer is yes; but so far, we have not gotten a clear answer on it.

Then we have one more quaint provision which says that the GSA is ordered to build a road in New Mexico. GSA, to my knowledge, has never built a road in the history of their operation. I find it very interesting that that kind of "urgent emergency" appropriation is being provided in this bill.

So this is the way Daffy Duck would do business on a bad day. It is a joke, and it ought to be defeated.

Mr. LINDER. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. KOLBE) for the purpose of a response.

Mr. KOLBE. Mr. Speaker, I thank the gentleman for yielding. I do want to respond to the gentleman from Wisconsin. He asked a question, as I recall a rhetorical question since he answered himself, about the amount that this was over the allocation. I can only respond, of course, for the Treasury bill. He is correct, it is about $1.2 billion over the allocation.

My question to him in return would be, is the gentleman saying that the money is too much, that we should not have these funds in there? Because earlier on the floor, just to let me finish my comment, earlier on the floor when we were debating the Treasury-Postal bill, we heard from every person over on that side of the aisle that was debating it that it was woefully inadequate, woefully insufficient funds and that it needed more money in order to get into a signable form. We think we have done that. We put more money in to make it into a signable form.

I would just inquire of the gentleman, is the money too much? Is the gentleman saying that we have put too much? If so, I would certainly like to know that so that maybe we could change some of that.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. KOLBE. My time has expired.

Mr. OBEY. So the question is rhetorical and not meant to have an answer.

Mr. FROST. Mr. Speaker, I yield 6 minutes to the gentleman from Maryland (Mr. HOYER), the ranking member on the Subcommittee on Treasury, Postal Service and General Government.

Mr. HOYER. Mr. Speaker, we have sad days in the House when we undermine any semblance of comity and of regular order, when we indeed undermine the premise on which so many were elected in 1994 in the so-called revolution, when they came to this House on the premise that Democrats somehow did not follow the regular order, did not follow the rules. The chairman of the Committee on Rules, the gentleman from California (Mr. DREIER), was one of the major proponents of that proposition.

This process is not fair to any Member of this House; and, more importantly, it is not fair to the American public.

My colleagues have heard the gentleman from Massachusetts (Mr. MOAKLEY), the ranking member of the Committee on Rules, outline the scenario, the timing under which this was done. I have no criticism of either the gentleman from Florida (Mr. YOUNG) or the gentleman from Arizona (Mr. KOLBE), the chairman of our subcommittee, with whom I work very closely. They are, in my opinion, both honorable men who have acted honorably, although they have acted consistent with directions which were not consistent with good order of this House.

The ranking member has correctly stated that this bill is approximately $7 billion, give or take a couple of $100 million, over the budget allocation. Yet we came to subcommittee, we came to committee, and we came to this floor and were told, you cannot do this, you cannot add this $1.2 billion. How many days ago was that, I ask my friends, that that was intoned on this floor? Approximately 7 days ago.

□ 1330

The principle was ensconced in stone 7 days ago, and now it is gone with the wind in the dead of night, obfuscated. Why, I do not know. The Senate is not going to pass this bill. Everybody on this floor knows that.

There is no need to move this. There is no need to shut us out. I heard my friend, and I understand what he said. But the fact of the matter is the Senate had not passed the bill. We have not had a conference. I participated in no meetings.

Now, was my staff informed? Yes, they were at approximately 10:30 last night of what was in this, and we have been scrambling ever since to find out, that is what my staff tells me, of the substance of the bill. No discussions from us as to what ought to be in and out.

Now, let me say to the gentleman from Arizona (Mr. KOLBE) and the gentleman from Florida (Mr. YOUNG), I think what they have added in this bill is appropriate for the most part. That does not mean I think they have done what we suggested be done and which they then rejected on the floor 7 days ago.

We ought to reject this rule, not only because of the substance or the lack of substance in this bill, but we ought to, as Members of this House, not Democrats and Republicans, as Members of this House, who I think in many instances respect one another. I know that is the case for most of the appropriators. I cannot speak for other committees because that is the committee that I know best, and I respect and I like the Republican members of the Committee on Appropriations, and particularly that applies to the gentleman from Florida (Mr. YOUNG) and the gentleman from Arizona (Mr. KOLBE).

But I do not respect, nor do I like the process that they have been told to carry out. This is not right. Not for this bill, not for the Legislative bill.

I participated in the conference on the Legislative bill. I sat there. We talked about the provisions. We voted at the end. I did not get everything I wanted. As a matter of fact, I agreed significantly in some parts of that bill.

But I did not raise any questions. The process was followed. You win some; you lose some. You make your arguments.

Here, that was not the case. My colleagues heard the gentleman from Massachusetts (Mr. MOAKLEY). How can the CATS come here $7 billion over budget? It is going to be interesting to watch them vote on this package.

Now, I do not agree with them, but if there is any intellectual consistency, I am going to be astounded that they might do that. One may get them to do that.

I do not think our Members are going to vote for this bill, not because they do not think the gentleman from Arizona (Mr. KOLBE) that what he added on is appropriate with IRS, with GSA and with other items in the bill. We discussed that. You agreed. I agreed. We do not disagree on that.

But, Mr. Speaker, we are going to be here at least for another 30 or 45 days. Let us treat one another and the American public with respect, with consideration. Yes, we will disagree; and, yes, my colleagues will impose from time to time the majority will. That is democracy.

But do not do it in the dead of night. Do not recess late at night so one can have an extra legislative day. That is a legislative game to stick it to us, because the rules that they so passionately argued for when they were in the minority ought to protect the minority and that we overran they said, say that one cannot do it in one legislative day. So they did this gimmick. It is a legitimate gimmick. We used it. They complained bitterly about it. They did it last night in the dead of night and came here at 7 a.m. and filed it.

This rule ought to be defeated. We ought to be about the regular order and do things the right way and respect one another and respect this institution.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The Chair advises the gentleman from Georgia (Mr. LINDER) has 19½ minutes remaining. The gentleman from Texas (Mr. FROST) has 8½ minutes remaining.

Mr. LINDER. Mr. Speaker, I continue to reserve the balance of my time.

Mr. FROST. Mr. Speaker, I inquire of the gentleman from Georgia (Mr. Linder) whether he has additional speakers.

Mr. LINDER. Mr. Speaker, perhaps one, perhaps two; but right now I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. SERRANO).

Mr. SERRANO. Mr. Speaker, I started out in life with English as a second language. So even though I speak more English in my adult life than I have spoken Spanish, I still have to pay close attention to make sure that what I hear is correct.

I heard that this decision was made through an "informal conference." I tried that in Spanish—(the gentleman from New York spoke in Spanish). I tried it in English, "informal conference." Both ways I come up with no conference at all.

In other words, an informal conference is a couple of people getting together and deciding there is something they do not like in a bill and then destroying that bill, taking that out, and then presenting it to us as an insult to the will of the House.

Let us be clear. The House said that on one particular issue, the issue of our future relations with Cuba, we would begin to change our behavior. In one particular instance, with 301 votes in favor, the House spoke on that issue.

But we knew, those of us who support that issue knew, that somehow we would figure on the other side a way to kill that. We had to. How could we listen to 301 Members? How could we listen to the majority of the American people? How could we listen to the American farmer? Are you kidding?

So this bill is before us today as an attempt to accomplish many things, but in particular to get two amendments that continue to punish a country and ignore the will of the American people.

This is not the end of this issue. We will try very hard today to defeat this rule. But the fact of life is that my colleagues' time is running out. They cannot continue to ignore the Constitution. They cannot continue to ignore the will of the people, and they cannot continue to ignore the will of their own Members.

There are 301 Members, there are Republican Members, who will have to explain to the American farmer. My colleagues are hearing it from a person from the South Bronx, who thought all food grew in supermarkets up till recently. My colleagues are going to have to explain to them why they turn their backs on the American farmers who have been begging them to support them on this issue.

Cuba did not lose today. I and those who support this issue did not lose today. The big losers are the process in this House and the American farmer.

There is no compromise on another bill. Do not kid me, and do not kid us. There will never be a compromise on another bill as long as there is a desire to continue to ignore the will of the American people.

Vote down this rule.

Mr. LINDER. Mr. Speaker, I continue to reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Speaker, I rise in strong opposition to the rule, and I want to associate myself with the remarks of the gentleman from Massachusetts (Mr. MOAKLEY), the gentleman from Wisconsin (Mr. OBEY), and the gentleman from New York (Mr. SERRANO), especially with regard to the outrageous action by the Committee on Rules to remove in the dead of night the language overwhelmingly passed by this House regarding easing the embargo and travel restrictions on Cuba. The Sanford amendment which dealt with travel restrictions passed this House by 232 to 186. The amendment by the gentleman from Kansas (Mr. MORAN) dealing with food and medicine passed this House by 301 to 116.

A handful of Members in the leadership on the other side are apparently still nostalgic for the Cold War, enough so that they have ignored the will of this body.

The so-called compromise that the gentleman from Georgia (Mr. LINDER) made reference to earlier, it is not a compromise. It is a sellout. It would add on to the restrictions that are already in place.

What the Committee on Rules did, not only shows a lack of respect for this House, but it shows a lack of respect for the Members of this House on both sides of the aisle. The Committee on Rules has turned its back on our farmers.

My colleagues talk about the need for democracy in Cuba. How about a little democracy in the House of Representatives.

Mr. LINDER. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Texas (Mr. DELAY), the majority whip.

Mr. DELAY. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, this is a very interesting debate; and it is a good debate to have at the closing hours before the August district work period, because it is a great warning as to what is going to happen in September.

Yes, I am sad to say that spending is up on this bill. The House did an incredible job over this year passing 12 bills, and hopefully this afternoon 13 bills, trying to hold the line on the spending.

Through all the debates, every debate on every one of those 12 bills that we have already passed, and the debate we saw yesterday on the D.C. bill, the minority, the Democrats, complain that there was not enough spending. They want to spend more money. They want to spend more money. They claimed every bill was woefully, woefully inadequate in spending.

The President has said he wants more spending. So we thought that, in fashioning this particular bill, we would honor as much of their request as we could honor in order to get their support and in order to get the President to sign the bill.

We did consult with the White House on what their needs were in the Treasury-Postal bill. We begrudgingly gave them some of the money in the TPO bill, $1.2 billion, that they have been crying for all this year, because we know that the President of the United States has to sign the bill before it becomes law. So we did that.

But do not denigrate the work of this House. The work of this House has been strong in trying to hold the line on spending.

They are salivating over the notion that there is this huge surplus, that they could spend more money. It is harder to deal with these issues under a surplus than it was under a deficit because of the penchant of many Members wanting to spend more money.

But we have told the American people that we are going to pay down on the debt. There is a $270 billion surplus, and we are going to spend 84 percent of that in paying down on the debt on our children and grandchildren. We ask for 8 percent, 8 percent of that surplus to give some tax relief and tax fairness in the marriage penalty repeal, repealing the death tax.

On this bill is repealing the Spanish-American War tax that they kept spending when they were in control on bigger government. We think the American family needs a little tax fairness and tax relief, 8 percent of the surplus.

We sort of set aside another 8 percent, $22 billion, for their increased spending, knowing that we could not get the President to sign it unless we gave it to them. That is why we bring it here. Let me just quickly touch on the Cuba issue. They won the Cuba issue. I was absolutely opposed to it. But they want it in the TPO bill, which is not the proper way to do it.

But because those two amendments passed and passed overwhelmingly, they won. They have got the leverage now to go and negotiate in the conference of the Committee on Agriculture appropriations bill to get what they want. That is very significant. But to do it the way that they did it is really something that the Senate just would not accept because it is not the right way to do it.

We have tried to hold the line. But let me tell my colleagues what is really going on here and why we have had to use this unusual procedure in order to get these appropriations bills.

This is the anniversary, by the way, the 1-year anniversary when the minority leader announced that their strategy is to disrupt, obstruct, and stop the Republican House from passing anything. They have been trying to carry that out all year long. We have a six-vote margin, now, thank God. We have a 7-vote margin as of yesterday. We have a 7-vote margin. On these bills, it has been very difficult to put these bills together all by ourselves because they refused to participate.

They have even asked their own Members to vote against their own districts and their own interests in these appropriations bills in order to obstruct getting things done.

They outline their strategy. They are trying to carry it out. Right now, in the other body, they cannot pass anything because the Democrats in the other body have the Senate tied in knots. The reason that we had to do TPO on this bill is they cannot get it up on the floor of the Senate because the Democrats do not want to pass it. That is why we had to put it on this bill. They have used everything available to them to obstruct our ability to carry out the appropriations process.

□ 1345

The point I am trying to make is we have worked very, very hard to pay down the debt with the surplus, to give a little tax fairness and hold the line on spending. That is the fiscally responsible thing to do. The other side, and I point out that they argued all year there is not enough money in here, and now we see them arguing because there is too much money in this bill. It is an amazing dichotomy that we witness here all day long every day.

The point is they do not want the process to work. They do not want us to pass these bills because they want to force us into some sort of summit with a big omnibus bill so they can get more spending. Well, we ain't goin' there. We ain't goin' there. We are going to pass these bills. We are going to do the fiscally responsible thing, and I hope our Members will stand up, vote for this rule and allow us to proceed.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from South Carolina (Mr. SANFORD).

Mr. LINDER. Mr. Speaker, yield 1 minute to the gentleman from South Carolina (Mr. SANFORD).

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The gentleman from South Carolina (Mr. SANFORD) is recognized for 2 minutes.

Mr. SANFORD. Mr. Speaker, I thank the gentleman from Texas (Mr. FROST) and the gentleman from Georgia (Mr. LINDER) for yielding me this bipartisan time.

I rise very reluctantly to oppose this rule. And the reason I do so, and my comments would be aimed at conservatives and Republicans, the reason I do so is because I think this is a gut-check vote. Because one of the things I ran on back in the beginning of the 104th Congress, before I ever got here, was the idea of working against midnight deals. One of the things we talked about, the young Members of the 104th Congress, before we ever got here, is that we have to stop this. The Democrats did it for too long. And yet here we find ourselves basically getting a $30 billion bill at 11 a.m. and we have 2 hours to look at a $30 billion bill. That is the antithesis of what we are to be about in process.

Secondly, my daddy always used to say, "Don't bid against yourself." This is a classic case of bidding against ourselves. Because normally we say, well, we are here, the Senate is over here in terms of spending, so therefore we are going to have to appease the Senate and we will come up with some number halfway in between. But here, without the Senate ever meeting, we have gone and increased legislative branch by $51 million; we have increased Treasury, Postal by $1.27 billion, and we really are bidding against ourselves.

So I think this is one of those cases where, and I respectfully mean this, as my dad used to say, "If you don't get something right, then try, try, and try again." We need to defeat this rule, send it back, and ask them simply to try again.

I would mention a couple of things that did come out in the few moments I had to look at this bill. For those against gun control, why are we increasing ATF by 29.4 percent; for those that that is an issue of importance? For those conservatives against the congressional pay raise, why are we including it here? Again, if Members want a fig leaf cover in voting against the pay raise, then wait and vote against the bill itself. But this is a chance to truly defeat it. And for those against an increase in Members' pension, here is a chance to get at it.

The fact of the matter is I have talked to our colleagues on the Senate side, and they are never going to agree to this nonconference conference. This has a lot to do ultimately with Cuba, and the question is what are we willing to trade off in terms of ideals that we believe in and money toward that end? I think this is a price too high.

Mr. FROST. Mr. Speaker, I yield myself 1 minute.

The gentleman from Texas (Mr. DELAY) is leaving the floor, but I had trouble following his logic. He would not yield time to me, he is leaving the floor now, but I noticed that the gentleman from Arizona (Mr. KOLBE) was pointing in one direction; he was saying that, well, the Senate couldn't take this up because there were holds on just additional nominations, presumably by Republicans; and the gentleman from Texas (Mr. DELAY) was pointing the other direction; and he was saying, no, they could not take this up because the Democrats, who are in the minority of course, were blocking consideration.

Now, which is it? Is it because Republicans have holds on judicial nominations or is it because the minority Democrats prevented this from coming up? I do not quite understand. The gentlemen cannot have it both ways, and I would ask if the gentleman from Texas (Mr. DELAY) could respond to that?

Mr. KOLBE. Mr. Speaker, will the gentleman yield?

Mr. FROST. I yield to the gentleman from Arizona.

Mr. KOLBE. Since the gentleman spoke about what I said, Mr. Speaker, I said that there was some disagreement over some of the judicial nominations and, for that reason, the other party in the Senate, it is my understanding, and I know we are not supposed to characterize what was happening, but for that reason they, therefore, put a hold on all the appropriation bills. That was simply what I was saying.

Mr. FROST. Mr. Speaker, I would ask how much time we have remaining.

The SPEAKER pro tempore. The gentleman from Texas (Mr. FROST) has 2½ minutes remaining.

Mr. FROST. Perhaps the gentleman from Georgia would like to proceed.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. Mr. Speaker, I thank the gentleman from Georgia for yielding me this time, and I rise today knowing that later this afternoon we will vote on a conference committee report that excludes the provisions of an amendment that I offered on the House floor 1 week ago today.

Seven days ago we had what I believe and know is a significant victory on behalf of American farmers, American ranchers, and, I believe, on behalf of the Cuban people. The opportunity to trade with Cuba food, medicine, and agricultural products is an important issue. The vote we had, 301 to 116, reflects a growing belief, a strong commitment in the House of Representatives that the policy that we have had in place for 38 years is a failed policy that damages American farmers and ranchers much more than it has ever damaged the government of Cuba.

I continue to seek reassurance from the leadership of the House that this issue will not go away and that ultimately our fight in this regard will be heard in this House. This issue will again arise in an appropriation bill, the legislative branch appropriation bill, and I again point out to the leadership of the House, both the Democrat and Republican leadership, that we have the ability and the support of the Members of the House and their constituencies to advance this issue this year. I will continue to work today with the leadership of the committee, the leadership of the Committee on Rules, and the leadership of the House to make certain that this issue prevails at the end of the day.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I want to make two points, in response, frankly, to the majority whip.

First of all, it was not the Democrats, it was all of us. Let me read from the report of our committee, the majority report, which I supported, which said "With those additional responsibilities in mind," that is the things that are in the bill, "the allocation is short by approximately $1.3 billion."

So I tell my friend, the majority whip, that he says it in the report that this is needed. But 7 days ago the gentleman would not do it. Why would he not do it 7 days ago? So he could say to the American public what he has just said now: we are trying to constrain spending: Yes, we think $1.3 billion is necessary; and, guess what, 7 days later we will put it in. But the press release that went out on Friday said no, we are going to have fiscal constraint. For 6 days. For 6 days.

Secondly, I would say to my friend there is no need for this, whatever is happening in the other body. We could have considered the legislative bill on its merits in order, and we could consider the Treasury, Postal bill on its merits in order.

PARLIAMENTARY INQUIRY

Mr. HOYER. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will State his inquiry.

Mr. HOYER. Am I correct that if this rule passes and we go to consideration of the conference report, and then we seek to offer a motion to recommit, that no amendment or motion to recommit which deals with the Treasury, Postal bill will be in order because it will not be germane under the conference committee report because it is on the legislative bill? Am I correct on that, Mr. Speaker?

The SPEAKER pro tempore. The motion to recommit to conference will be available and may include instructions to address issues within the scope of conference such as certain redactions from the conference report.

Mr. HOYER. My question, though, Mr. Speaker is if in the motion to recommit a change in the Treasury, Postal bill is offered, will that be in order?

The SPEAKER pro tempore. That question will be addressed by the Chair when actually presented, but the Chair can say generally that a motion to strike certain matter might be in order.

Mr. HOYER. I understand a motion to strike will be in order on any part of the bill. But my point is, I believe I have been told by the Parliamentarian, and I want to make sure that the Members know this as well, that a change in the Treasury, Postal bill will not be germane because the only germane amendment to change the bill will be to the legislative bill because that is the underlying bill. Am I correct on that?

The SPEAKER pro tempore. That question cannot be prejudged at this point in time.

Mr. HOYER. Why not? There is not an answer that exists to that, Mr. Speaker? It is not a theoretical question.

The SPEAKER pro tempore. At this point, the question is hypothetical.

Mr. HOYER. Mr. Speaker, let me suggest that it may not be hypothetical at all as it relates to how Members feel they can vote on this particular rule, because they will know if they vote on this rule that they may or may not be precluded from taking such action under the rules that they may want to take.

That is why I believe that it is a relevant question at this time, prior to the vote on the rule.

The SPEAKER pro tempore. That is a fair question on which to engage in debate but not for advisory opinion from the Chair. It is still hypothetical.

Mr. FROST. Mr. Speaker, I yield the balance of my time to the gentleman from Wisconsin (Mr. OBEY), the ranking member on the Committee on Appropriations.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) is recognized for 1½ minutes.

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding me this time.

I would once again want to try to correct some of the misstatements made by the distinguished majority whip. He indicated that those of us on the Democratic sides of the aisle had insisted that all 13 appropriation bills have a higher spending level than those produced by the majority. I would point out I wrote dissenting views to the Department of Defense bill that the majority brought to this House. That bill is $19 billion over last year and it is $5.1 billion above the President's request. Not with my vote, but with his.

The Labor HHS bill, at this point, the document being worked on in conference, is $2.5 billion over the President's request.

The point we are trying to make is very simple. The majority party indicated earlier in this year that it was going to insist on its budget resolution. We made the point at that time that it was not realistic: that the Congress would wind up spending much more money than that, and that they ought to fess up earlier rather than later. Now what has happened is that on bill after bill the majority party is throwing away the budget limitations, but we have no idea what limitations are replacing them.

In other words, we are now acting in Congress the way the Congress acted before 1974 with the passage of the Budget Act. For all practical purposes, whatever the Committee on the Budget has proposed is considered as being irrelevant. There are no rules except the rules designed on an ad hoc basis, anonymously, by the gentleman from Texas and his other fellow leaders, and that is no way to run a railroad much less run a legislative representative body.

□ 1400

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, a couple of days ago I was talking with a gentleman from the other side of the Capitol about the appropriation process, and he said that he was deeply involved in the Foreign Ops appropriations bill and that the Members on both sides had agreed on all the differences from the House to the Senate on Foreign Ops.

However, he could not get any Members on the minority party or the White House to meet with them. They refused to meet, including the White House. Because they have this strategy to drag it out, stretch it out, do not agree to anything, complain about everything; and then one day, as the Majority Whip said, we will be here in October with a huge appropriations bill that will take in several of these 13 appropriations bills and they will get to spend more money. We heard that throughout this process on 13 bills that we are not spending enough.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. LINDER. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I understand the proposition of the gentleman. The Majority Whip made that, as well.

If that is the case, why does not the majority, which controls both Houses, send the bills as they think they ought to be to the White House and let them veto them and let the American public see what is going on?

Mr. LINDER. Mr. Speaker, reclaiming my time, we would very much like to do that. But if 41 of the Democrats on the other side of the Capitol determine to filibuster, they can stop anything from happening.

As the gentleman knows, they have to have 60 votes in that body. They are determined not to let anything move at all, not even to let them bring it up without all kinds of amendments that are not germane to the process, which, in a body that has only two rules, unanimous consent and exhaustion, they can put anything on a bill. So they are slowing it down.

The fact of the matter is that this House has voted to pass all three of these provisions before. These provisions are before us again today. We are trying to get these passed and out of these bodies so that the President can veto them, because we expect that he will. Then we will be back in September dealing with the differences.

It would be easier if they would engage us today and help us with these differences today and move forward with the process.

So I would say to my colleagues that this rule, while cumbersome, not pretty, is a rule that gets the process moving. It is not new to us. We remember when Speaker Wright did this some years ago. But it does get the process moving.

Let us get to the debate on the bills, the substance of the bills. Let us move this process. And let us get out of town for our district work period knowing that we passed, if not all of them, all but maybe one of them, hopefully all of them, before August, something that has not been done in modern times.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The Chair again must remind Members to avoid improper references to the Senate, including characterizations of their actions.

The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. LINDER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on the resolution are postponed.

The point of no quorum is considered withdrawn.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). Pursuant to clause 8 of rule XX, the Chair will now put the question on those resolutions on which further proceedings were postponed earlier today.

Votes will be taken in the following order: House Resolution 564, and House Resolution 565.

PROVIDING FOR CONSIDERATION OF H.R. 4865, SOCIAL SECURITY BENEFITS TAX RELIEF ACT OF 2000

The SPEAKER pro tempore. The pending business is the vote de novo on House Resolution 564.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 232, nays 194, not voting 9, as follows:

[Roll No. 447]

YEAS—232

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Berkley
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Boswell
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
Martinez
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moore
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stabenow
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—194

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Blagojevich
Blumenauer
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer

Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Sisisky
Skelton
Slaughter
Snyder
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—9

Barton
Bono
Ewing
Gilman
Jenkins
McIntosh
Sanders
Smith (WA)
Vento

☐ 1424

Mrs. MALONEY of New York, Ms. SLAUGHTER and Mr. NADLER changed their vote from "yea" to "nay."

Ms. PRYCE of Ohio, Mrs. McCARTHY of New York, Ms. BERKLEY and Mr. GREEN of Texas changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4516, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2001

The SPEAKER pro tempore (Mr. PEASE). The pending business is the question de novo on the resolution, House Resolution 565, on which further proceedings were postponed.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FROST. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 214, noes 210, answered "present" 1, not voting 10,,as follows:

[Roll No. 448]

AYES—214

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cooksey
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
English
Everett
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Martinez
McCollum
McCrery
McHugh
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—210

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Ganske
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Nethercutt
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

ANSWERED "PRESENT"—1

Manzullo

NOT VOTING—10

Barton
Cox
Ewing
Gilman
Jenkins
McIntosh
Sisisky
Smith (WA)
Vento
Waxman

☐ 1442

Mr. SCARBOROUGH changed his vote from "no" to "aye."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid upon the table.

REPORT ON RESOLUTION IN THE MATTER OF CONTEMPT OF CONGRESS REPORT OF THE COMMITTEE ON RESOURCES

Mr. YOUNG of Alaska, from the Committee on Resources, submitted a privileged report (Rept. No. 106–801) together with dissenting views, on the refusals of Mr. Henry M. Banta, Mr. Robert A. Berman, Mr. Keith Rutter, Ms. Danielle Brian Stockton, and the Project on Government Oversight, a corporation organized in the District of Columbia, to comply with subpoenas issued by the Committee on Resources, which was referred to the House Calendar and ordered to be printed.

SOCIAL SECURITY BENEFITS TAX RELIEF ACT OF 2000

Mr. ARCHER. Mr. Speaker, pursuant to House Resolution 564, I call up the bill (H.R. 4865), to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. PEASE). Pursuant to House Resolution 564, the bill is considered read for amendment.

The text of H.R. 4865 is as follows:

H.R. 4865

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Social Security Benefits Tax Relief Act of 2000".

SEC. 2. REPEAL OF 1993 INCOME TAX INCREASE ON SOCIAL SECURITY BENEFITS.

(a) RESTORATION OF PRIOR LAW FORMULA.—Subsection (a) of section 86 of the Internal Revenue Code of 1986 is amended to read as follows:

"(a) IN GENERAL.—Gross income for the taxable year of any taxpayer described in subsection (b) (notwithstanding section 207 of the Social Security Act) includes social security benefits in an amount equal to the lesser of—

"(1) one-half of the social security benefits received during the taxable year, or

"(2) one-half of the excess described in subsection (b)(1)."

(b) REPEAL OF ADJUSTED BASE AMOUNT.—Subsection (c) of section 86 of such Code is amended to read as follows:

"(c) BASE AMOUNT.—For purposes of this section, the term 'base amount' means—

"(1) except as otherwise provided in this subsection, $25,000,

"(2) $32,000 in the case of a joint return, and

"(3) zero in the case of a taxpayer who—

"(A) is married as of the close of the taxable year (within the meaning of section 7703) but does not file a joint return for such year, and

"(B) does not live apart from his spouse at all times during the taxable year."

(c) CONFORMING AMENDMENTS.—

(1) Subparagraph (A) of section 871(a)(3) of such Code is amended by striking "85 percent" and inserting "50 percent".

(2)(A) Subparagraph (A) of section 121(e)(1) of the Social Security Amendments of 1983 (Public Law 98–21) is amended—

(i) by striking "(A) There" and inserting "There";

(ii) by striking "(i)" immediately following "amounts equivalent to"; and

(iii) by striking ", less (ii)" and all that follows and inserting a period.

(B) Paragraph (1) of section 121(e) of such Act is amended by striking subparagraph (B).

(C) Paragraph (3) of section 121(e) of such Act is amended by striking subparagraph (B) and by redesignating subparagraph (C) as subparagraph (B).

(D) Paragraph (2) of section 121(e) of such Act is amended in the first sentence by striking "paragraph (1)(A)" and inserting "paragraph (1)".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 2000.

(2) SUBSECTION (c)(1).—The amendment made by subsection (c)(1) shall apply to benefits paid after December 31, 2000.

(3) SUBSECTION (c)(2).—The amendments made by subsection (c)(2) shall apply to tax liabilities for taxable years beginning after December 31, 2000.

SEC. 3. MAINTENANCE OF TRANSFERS TO HOSPITAL INSURANCE TRUST FUND.

There are hereby appropriated to the Hospital Insurance Trust Fund established under section 1817 of the Social Security Act amounts equal to the reduction in revenues to the Treasury by reason of the enactment of this Act. Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Trust Fund had this Act not been enacted.

The SPEAKER pro tempore. The amendment printed in the bill is adopted.

The text of H.R. 4865, as amended, is as follows:

H.R. 4865

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Social Security Benefits Tax Relief Act of 2000".

SEC. 2. REPEAL OF 1993 INCOME TAX INCREASE ON SOCIAL SECURITY BENEFITS.

(a) RESTORATION OF PRIOR LAW FORMULA.—Subsection (a) of section 86 of the Internal Revenue Code of 1986 is amended to read as follows:

"(a) IN GENERAL.—Gross income for the taxable year of any taxpayer described in subsection (b) (notwithstanding section 207 of the Social Security Act) includes social security benefits in an amount equal to the lesser of—

"(1) one-half of the social security benefits received during the taxable year, or

"(2) one-half of the excess described in subsection (b)(1)."

(b) REPEAL OF ADJUSTED BASE AMOUNT.—Subsection (c) of section 86 of such Code is amended to read as follows:

"(c) BASE AMOUNT.—For purposes of this section, the term 'base amount' means—

"(1) except as otherwise provided in this subsection, $25,000,

"(2) $32,000 in the case of a joint return, and

"(3) zero in the case of a taxpayer who—

"(A) is married as of the close of the taxable year (within the meaning of section 7703) but does not file a joint return for such year, and

"(B) does not live apart from his spouse at all times during the taxable year."

(c) CONFORMING AMENDMENTS.—

(1) Subparagraph (A) of section 871(a)(3) of such Code is amended by striking "85 percent" and inserting "50 percent".

(2)(A) Subparagraph (A) of section 121(e)(1) of the Social Security Amendments of 1983 (Public Law 98–21) is amended—

(i) by striking "(A) There" and inserting "There";

(ii) by striking "(i)" immediately following "amounts equivalent to"; and

(iii) by striking ", less (ii)" and all that follows and inserting a period.

(B) Paragraph (1) of section 121(e) of such Act is amended by striking subparagraph (B).

(C) Paragraph (3) of section 121(e) of such Act is amended by striking subparagraph (B) and by redesignating subparagraph (C) as subparagraph (B).

(D) Paragraph (2) of section 121(e) of such Act is amended in the first sentence by striking "paragraph (1)(A)" and inserting "paragraph (1)".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 2000.

(2) SUBSECTION (c)(1).—The amendment made by subsection (c)(1) shall apply to benefits paid after December 31, 2000.

(3) SUBSECTION (c)(2).—The amendments made by subsection (c)(2) shall apply to tax liabilities for taxable years beginning after December 31, 2000.

SEC. 3. MAINTENANCE OF TRANSFERS TO HOSPITAL INSURANCE TRUST FUND.

(a) IN GENERAL.—There are hereby appropriated to the Hospital Insurance Trust Fund established under section 1817 of the Social Security Act amounts equal to the reduction in revenues to the Treasury by reason of the enactment of this Act. Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Trust Fund had this Act not been enacted.

(b) REPORTS.—The Secretary of the Treasury or the Secretary's delegate shall annually report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the amounts and timing of the transfers under this section.

The SPEAKER pro tempore. After one hour of debate on the bill, as amended, it shall be in order to consider a further amendment printed in House Report 106–795 if offered by the gentleman from North Dakota (Mr. POMEROY) or his designee, which shall be considered read, and shall be debatable for one hour, equally divided and controlled by the proponent and an opponent.

The gentleman from Texas (Mr. ARCHER) and the gentleman from California (Mr. STARK) each will control 30 minutes of debate on the bill.

☐ 1445

The Chair recognizes the gentleman from Texas (Mr. ARCHER).

GENERAL LEAVE

Mr. ARCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material in the bill H.R. 4865.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 4865. This is a bipartisan bill to repeal the 1993 tax on Social Security benefits. Several Democrats have cosponsored similar legislation and four Democrats in the Senate voted to repeal the tax just 2 weeks ago. So like other common sense tax relief bills that this House has approved this year, there is once again bipartisan support.

Seniors should not be taxed on their Social Security benefits, period. Social Security checks should not arrive in the mailbox with a bill from the IRS attached.

President Clinton and Vice President GORE created this tax on Social Security benefits to reduce the deficit. In 1993, the deficit was $255 billion a year. This year the surplus is $233 billion. We have no deficit and it is time to repeal the tax.

Seniors work their whole lives to earn these benefits. They should not have to pay taxes on them when they retire.

In effect, this tax changes the rules of the game in the middle of the lifestream of a worker in this country. They believe they will get benefits of a certain economic value. This takes away the value of those benefits.

There are many reasons to repeal this tax. It is a ticking time bomb that will explode on millions of seniors over the next generation because the income thresholds are not indexed for inflation. Almost 10 million seniors pay the tax today and more than 20 million retirees will be hit soon. This tax is a clear and present danger to their retirement security.

Second, taxing Social Security benefits is not good tax policy. Last week, this House voted overwhelmingly to give Americans tax incentives to save for retirement. What are we telling Americans by taxing these Social Security benefits? We are telling them not to save, because only if they save during their lifetime and have any other income are they faced with this tax. That does not make sense, particularly at a time when we need private savings in this country more than ever before.

Third, this tax serves to undermine Social Security. In a 1995 letter, AARP says the following, and I quote, "The 1993 tax may serve to undermine the program. Dramatic changes that substantially erode net benefits will further undermine public confidence that the Social Security system will provide a fair return on contributions."

At this point, I would include that letter in the RECORD.

AARP,
January 20, 1995.

Hon. BILL ARCHER,
Chairman, Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR CHAIRMAN ARCHER: In the interest of time, I did not respond to Representative Cardin's question at the January 19th hearing regarding a rationale for taxing Social Security income differently from private pension income. I would appreciate your inserting my written response in the appropriate place in the hearing record.

Some maintain that Social Security is like a private pension, and therefore should be taxed more like a pension. While both programs provide income in retirement, the simple fact is that Social Security is not a private pension. Social Security is a mandatory, government-sponsored, portable program with almost universal coverage. The private pension system is a voluntary, employer-established program that is rarely portable and covers less than fifty percent of the workforce. Social Security is based on a progressive benefit formula that provides a greater rate of return for low-wage earners. The private pension system is based on myriad plan designs that more often favor the relatively higher income earner. Social Security is partially pre-funded with generally no access to contributions before retirement (or disability). Private pensions are generally advance-funded, and access to money pre-retirement is common. Social Security is social insurance and is the base of retirement security. Private pensions represent a privately sponsored, tax-subsidized income supplement.

Those who argue that Social Security should be taxed as a pension fail to fully recognize these substantial policy differences. In fact, policy goals often have led to different tax treatment where fundamental differences exist. For example, the tax code treats mortgage interest payments different than rental payments (even though both are for housing), and employer provided health benefits different than wages (even though both are forms of compensation). Similarly, Social Security is appropriately taxed differently than a pension.

The 1993 tax may serve to undermine the program. By adding additional taxes to an already progressive Social Security benefit formula, these changes risk undermining the widespread public support the system enjoys. Dramatic changes that substantially erode net benefits will further undermine public confidence that the Social Security system will provide a fair return on contributions.

Once again, thank you for letting the American Association of Retired Persons testify at the January 19th hearing.

Sincerely,

ROBERT SHREVE,
Chairman, AARP Board of Directors.

Finally, let me underscore that this bill protects Medicare because it requires that the annual general revenue transfer to Medicare be increased by an amount equal to revenues generated by this tax.

Every Member of the House knows that Congress routinely transfers general revenues to Medicare. Perhaps in the beginning this was not considered to be appropriate. I myself wish that we had never inserted general Treasury money into the Medicare Trust Fund, but it has happened. All we do is continue the very same process. So this bill would not set any precedent whatsoever.

On the contrary, the bill maintains Medicare's current financing; and Medicare's Office of the Actuary confirms that.

If Medicare were threatened in any way, shape or form by this bill, AARP would certainly be opposed, and they are not. So it is time to repeal this tax on millions of seniors. It is unfair. It is unnecessary, and it harms the retirement security of millions of Americans now and in the years to come.

Now, some may make the argument that this is not fiscally responsible, but I would turn that right back to them and say if they believed that we needed money to pay down the deficit, would they choose to tax senior citizens on their retirement benefits? And the answer would be a resounding no.

If we want to follow that route then perhaps those who believe in it would propose that we tax 100 percent of the senior citizens' Social Security benefits because of their concern about fiscal responsibility.

I think not. This is fiscally responsible, and it is fair and it is right. I urge a strong bipartisan vote for this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. STARK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to this bill, not in support of taxes but in support of fairness and in support of the Medicare system which this bill gravely endangers for the seniors in our country.

This bill confirms what we Democrats in Congress and the American people have long suspected, that Republicans do not govern with a budget but with a tax-cut-a-day plan. If it is a tax cut, it is in the Republican budget, no questions. But there is a danger in this bill. There is unfairness in this bill, and it is important that the public and my colleagues realize that.

This bill, first of all, takes $10 billion a year or thereabouts out of the Medicare Trust Fund. It removes dedicated revenues. The Republicans say, oh, we are not taking the money out of Medicare; trust us.

It is clear there will no longer be a dedicated tax revenue, but we can trust the Republicans to make sure that they protect Medicare, just as they asked us to trust them to make sure that HMOs did not pull out of Medicare and leave seniors without important coverage.

These may be the same requests to trust the Republicans to lock away Medicare in a lockbox. Aha. Then with this very bill, we broke open the lockbox and we are spilling the contents of that lockbox into the pockets of a very few Social Security beneficiaries, the very richest ones. These are the same Republicans asking us to trust them with Medicare that have asked us to trust them to keep a budget and then invented gimmicks to get around their own budget.

Many Republicans have never liked Medicare from the beginning. Former Leader Robert Dole admitted, I was there fighting the fight, 1 of 12 voting against Medicare in 1965 because we knew it would not work. Our former Speaker, Newt Gingrich, once pledged he would let Medicare wither on the vine, and our own majority leader once called Medicare a program I would have no part of in a free world.

Those are not the leaders to which we should trust the medical care of our seniors.

As a matter of fact, if indeed we do want to give $10 billion back to Social Security recipients, and we might very well like to do that, $10 billion would cut all of the seniors' part B premiums in half. $10 billion would give every senior in the country $250 a year in a refundable tax credit which they could use to perhaps pay for a prescription drug benefit, which the Republicans will not bring to the floor. It could be used for a whole host of things, instead of giving just 6 or 7 million seniors all of this generosity. What happens to the other 35 million Social Security beneficiaries? They get nothing, and they risk losing their immediate care benefits if the Republicans continue down the path of draining the Medicare Trust Fund in the name of tax cuts to the very wealthy.

So, Mr. Speaker, I urge that my colleagues look carefully at this bill. It is not what it purports to be. It is a gift, an enticement to the very rich, who may very well be Republicans, but it cuts out 80 percent of the Social Security beneficiaries from any benefits and it puts at risk the viability of the Medicare system just one more way.

We have watched the Republicans try and privatize Social Security. We have watched them try and privatize Medicare. We have seen them vote in our committee. The gentleman from Florida (Mr. SHAW) voted twice in our committee to deny his senior constituents a discount on pharmaceutical drugs at no cost to the Federal Government. How can we trust leaders like that to protect our Medicare system when they are on the record time and time again of trying to deny seniors access to pharmaceutical drugs?

So this is a ploy. This is a ploy to ignore the President's outreach to say I would take some tax cuts if a pharmaceutical benefit would be agreed to; if a package is put together we can work together and we can talk about something that is reasonable in the light of the spending that will be necessary. But, no, it is all or nothing. It is another huge tax cut to a very few wealthy people and another attempt to destroy Medicare as we know it.

I urge my colleagues to oppose the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am sure that my friend, the gentleman from California (Mr. STARK) did not mean to mislead, but the words that he spoke were not accurate. The monies that are currently going into the Medicare Trust Fund are from general Treasury, from income tax revenues.

Now, there was no argument against that by the gentleman in 1993 when it happened. We are simply replacing one stream of income tax revenues with a stream from other sources so that the same number of dollars go into the Medicare Trust Fund. In no way is Medicare harmed. The gentleman knows that. It is not subject to appropriations every year. It is an entitlement under our bill, which will hold fast just as much as any other entitlement program under current law. Because, yes, any Congress can take any benefits away. They can do anything, unless it is written into the Constitution, but this will have the same degree of validity, stability and support as any other entitlement program. I think the gentleman knows that.

Of course, this tax that was unfairly put on senior citizens in 1993 was a product of one vote, done totally by the Democrat majority, and they cannot stand to give up what they put on the books.

□ 1500

They have to defend it. Many of them know it is wrong. Some of them cosponsored our legislation, because they know it is wrong. It is one thing to say we should tax Social Security benefits the same as we tax private pensions; this goes far beyond that and taxes much more adversely than we tax private pensions. It is basically wrong, and it is time to repeal it.

Mr. Speaker, I reserve the balance of my time.

Mr. STARK. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. BONIOR), our minority whip.

Mr. BONIOR. Mr. Speaker, I thank the gentleman from California for yielding me this time.

Mr. Speaker, not very long ago I read about a man who won $5,000 in the State lottery, and when he was asked what he planned to do with the money, he said, I am going to go to Vegas.

Well, it is not uncommon, I think, for some lottery winners to do that, to go and gamble the money away; that happens for those who have a propensity to gamble. But it is unconscionably wrong when lawmakers try to do the same thing with public dollars, and that is what I believe the Republican program is all about.

If we add up all of the costs of the Republican programs and tax expenditures, we are coming close to $1 trillion, and then we add in all of the budget issues that revolve around this issue, as the gentleman from South Carolina (Mr. SPRATT) has so eloquently demonstrated. That shows that we are talking about another $1 trillion, we are talking $2 trillion, and what that does is eat up virtually all, in fact, it does eat up all, of the proposed surplus over the next decade. Gone. We do not even know if that surplus is going to be there in the first place anyway, because we do not know what is going to happen in year 4, 5, 6, 7, 8 or 9.

Mr. Speaker, make no mistake about it. The Republicans have gone on a gambling junket with America's surplus, and they are telling American families to pick up the tab. The dollars they need for better schools? Spent. The dollars to clean up the environment? Spent. To strengthen Social Security? Spent. To pay down the national debt? Gone, spent.

The fact is, Mr. Speaker, the Republican plan will leave the next generation with little else but empty promises and an enormous, an enormous Federal deficit.

Also, something else. It would saddle them with something else: their parents' prescription medicine bills. Because if the Republicans have their way, America will not have the money it takes to provide the prescription drug benefits that people need, real benefits that are guaranteed, that are part of the Medicare system, and that have decent catastrophic coverage.

Now, why would our friends on the other side of the aisle raid Medicare? Well, Willie Sutton once said when asked why he robs banks, he says, well, that is where the money is; and our Republican colleagues believe that is where the money is, in the Medicare account. But if they look closer, they will realize that Medicare is no cash cow. Since 1997, in my own State, Michigan hospitals have absorbed $2 billion in Medicare cuts. We have closed 29 nursing facilities. We have had 10,000 Michigan health care workers lose their jobs since 1997, 10,000 good jobs.

Now the Republicans are telling us, Medicare ought to be able to make due with less.

Mr. Speaker, there is an old proverb that says, "The best throw of the dice is to throw the dice away." Today is a time to stop the Republican gambling junket once and for all. It is time to invest in Medicare, to strengthen Social Security, to pay down this debt, this national debt, this national disgrace that we have, and to provide for targeted tax relief for seniors and middle-income Americans.

It is time to decide that we have a responsibility never to lead this country adrift in the red ink that we have recently seen over the previous decades and that we have gotten ourselves out of due to courageous action on the part of this party that I proudly associate myself with.

The SPEAKER pro tempore (Mr. PEASE). Without objection, the gentleman from Florida (Mr. SHAW) will control the time previously allocated to the gentleman from Texas (Mr. ARCHER).

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. SHAW).

Mr. SHAW. Mr. Speaker, I yield 2½ minutes to the gentleman from Arizona (Mr. HAYWORTH), a member of the Committee on Ways and Means.

Mr. HAYWORTH. Mr. Speaker, I thank my colleague from Florida, the chairman of the Subcommittee on Social Security.

Mr. Speaker, I found it interesting to hear my good friend, the minority whip from Michigan, talk about Las Vegas, because perhaps there are those in this Chamber who contemplate a future career opening for Jerry Vale along the lines of an insult comedian. Because, Mr. Speaker, I am sure, quite unintentionally, the previous words in this Chamber served to insult the intelligence of the American people, and particularly the very seniors, Mr. Speaker, that our friends on the left claim to care so much about.

For the record, what this House will do today, in bipartisan fashion, is to strike a blow for tax fairness and remove the ultimate theft of money from the people who most need it. The gentleman from California (Mr. STARK) a few moments ago talked about how this would only help the wealthy few. Well, I guess there are different definitions for words in this grand land of ours, and people are free to use Orwellian definitions, when, in fact, what we want to do is make sure that the seniors who are single and earning $34,000 a year and married couples who are earning $44,000 a year have their Social Security taxes reduced. These are the wealthy few?

Mr. Speaker, how sad, the shameful catechism of the left, always embracing emotion and interesting definitions that fly in the face of fact.

The other fact is, there seems to also be confusion not only on the status of the wealthy, since we apparently find that those earning $30,000 are "wealthy" by the definition of our friends on the left, but there is also confusion in terms of the date on the calendar. Apparently our friends believe this is the final day of October, it is the day to scare folks, it is Halloween. So they hope to scare seniors by saying there is a raid on Medicare.

Mr. Speaker, we should not dare believe it. Our friends on the left continue to take revenue streams from the general accounting fund, the general revenue. We do not raid Medicare, we strengthen it, and we strengthen seniors by lowering their taxes.

I stand in support.

Mr. STARK. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. MATSUI), the ranking member of the Subcommittee on Social Security.

Mr. MATSUI. Mr. Speaker, I would like to thank the gentleman from California (Mr. STARK) for yielding me this time.

So far, in the last 6 months, my Republican colleagues, in all of their tax bills that they have gotten through the House of Representatives, basically have spent $739 billion, almost $1 trillion if we count the debt service that goes with this. The breakdown of these tax cuts is if one makes $350,000 a year, one will be getting about $15,000 annually on these tax cuts. If one makes $40,000 a year, which most Americans do, that average tax cut will be about $350 per year. So everybody gets a little, but we know the wealthy are going to get tremendous tax breaks out of this.

Now, what this bill does, basically, is reduces the amount of taxation on Social Security benefits. The problem with this, the problem with this bill is that all of the revenues from this goes into the Medicare trust fund.

Now, the Republicans are saying, well, they are going to make this up with the budget surplus, and all of us have heard that we are going to have over the next 10 years about $2.2 trillion in budget surpluses outside of the Social Security system.

The problem is that my colleagues, our Republican friends, have spent that money already.

If we look at this graph here, we have $2.2 trillion in budget surpluses, we have $361 billion that has to be set aside for the Medicare trust fund. They spent $739 billion on tax cuts, plus another $183 billion for extension of the alternative, changing the alternative tax and changing the expiring tax provisions. Then, if we just talk very moderately and conservatively, since the Republicans have been in control how much they have spent on appropriations bills, we have to add another $284 billion; and we have $54 billion for additional exceptions that we already had, and then we have the prescription drug benefit program my colleagues on the other side of the aisle have proposed, $159 billion, then farm support programs; and then we have additional spending for health care benefits, a reimbursement that everybody is going to agree to by the end of this year. That brings us to a total of $2.2 trillion.

They have already spent the surplus. In fact, we have a deficit over the next 10 years of $88 billion.

Mr. Speaker, we cannot do anything for Medicare, we cannot do anything for Social Security, we cannot even pay down the debt. This means that the false promise that they made, that they are going to reimburse the Medicare trust fund with general fund monies will not happen, and that means our senior citizens are going to have to pay more in premiums. That means our senior citizens are going to have to either pay more in premiums or they are going to end up having lower benefits at a time when they are going to need health care the most. This means that probably prescription drugs will be limited to $159 billion over the next decade, and that means seniors will not get prescription drug promises, which all of them anticipate.

Mr. Speaker, this is a false promise. This will not happen. This will do major damage to the Medicare system of America and damage our senior citizens.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume to point out to my friend from California (Mr. MATSUI) that the Matsui Telephone Tax Repeal, I did not see it on the chart, but I certainly support it and congratulate him for his effort.

Mr. MATSUI. Mr. Speaker, if the gentleman will yield, I will vote against it, though, if it is in a package like this, because that is obviously overspending the surplus; and we will create a real problem for future generations.

Mr. SHAW. Mr. Speaker, reclaiming my time, I do not believe I yielded. I do not think that any of the Republican tax reductions that were on this chart are part of this package either.

Mr. Speaker, I yield 2½ minutes to the gentleman from Pennsylvania (Mr. ENGLISH), an esteemed member of the Committee on Ways and Means.

Mr. ENGLISH. Mr. Speaker, I thank the gentleman for yielding me this time, and I thank him for his advocacy of the Social Security system.

Mr. Speaker, it is a fundamental principle that Social Security benefits should be tax free and today, with this legislation, we make essential progress toward restoring that principle. Seniors should not have to shoulder a disproportionate share of the burden for the fiscal problems that have existed here in America. Yet under current law, a retired senior with an annual income of $39,600 that includes their savings, a part-time job, and their Social Security benefits, loses $580 that year because of this tax. It is just not fair.

With a non-Social Security surplus that is expected to top $2.17 trillion in hard numbers, our seniors should not have to continue to pay a tax that was established in 1993 when we were operating with record deficits. As a Republican, since the other side has made this such a partisan debate, I should point out that I am pleased to vote to roll back the Social Security tax that was imposed with Democratic votes only.

Mr. Speaker, this legislation rolls back the tax on Social Security benefits from 85 percent to 50 percent. If we do not repeal this tax, more than 8 million seniors will have to pay an average of $1,180 in taxes on their benefits in 2001. We must also remember that if we do not pass this bill, more and more seniors each year will be forced to pay. The income thresholds built into the current law are not indexed to inflation, meaning that additional people will pay the tax each year and people of more and more limited means. By 2010, at least 13 million seniors would expect to pay an average of $1,359.

Now, some on the tax-hungry left, looking to justify their vote against this vital legislation, may claim that we will be bankrupting Medicare by repealing this tax.

☐ 1515

This legislation requires the money from the general revenue already earmarked for Medicare be increased to max the amount that would be lost by rolling back this tax. With a surplus of the size that we have, this is no time to argue against repealing this reactionary tax.

I challenge everyone who purports to be an advocate of Social Security to vote today to remove this anvil from the shoulders of seniors and celebrate the fact that Congress has finally balanced the budget and run a surplus. Vote in favor of this legislation.

The SPEAKER pro tempore (Mr. PEASE). Without objection, the gentleman from California (Mr. MATSUI) will control the time previously allocated to the gentleman from California (Mr. STARK).

There was no objection.

Mr. MATSUI. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Michigan (Mr. LEVIN) from the Committee on Ways and Means, the ranking member on the Subcommittee on Trade.

Mr. LEVIN. Mr. Speaker, the gentleman from Pennsylvania (Mr. ENGLISH), the preceding speaker on the Republican side, has joined others at throwing darts at President Clinton and Vice President GORE. About 1993, they are the last ones to do that, the last ones who should be doing it.

Here is what the gentleman from Texas (Mr. ARMEY) said about the 1993 act: "It is a recipe for disaster. The economy will sputter along." The Speaker then, Mr. Gingrich, talked about that package leading "to a job killing recession."

The gentleman from Ohio (Mr. KASICH), the Republican chairman of the Committee on Budget, said about the 1993 act: "We will come back here next year and try to help you when this puts the economy in the gutter."

They were wrong then, and they are wrong now. They are on another deficit splurge, turning gold into lead. The gentleman from South Carolina (Mr. SPRATT) made clear how they have already exhausted the surplus. Their taxes are over $1 trillion. That is neither conservative nor is it compassionate. It is reckless, and it is cold politics.

I finish with this point. They take Medicare monies, and they say they are going to put them back. The Chair of the Committee on Ways and Means said it is just like any other entitlement, and I quote him. Well, title 20 is an entitlement along the lines that they would do with this. They have cut title 20 by 36 percent since 1995. The last people in the world to be trusted with Medicare is the Republican majority in the House of Representatives.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have heard a lot of rhetoric regarding Medicare. I would like to read a paragraph from a memorandum from the Department of Health and Human Services, from the chief actuary, Richard Foster, that is from the Department of Health and Human Services, in which he says that the proposal would have no financial impact on the HI Trust Fund, no financial impact. That is from Health and Human Services. That is not a question of a Republican administration adding this issue. So I think that it is a bogus argument.

The argument before the House is very, very clear. Do we want to give people or continue to tax Social Security benefits at 85 percent of amount received for people of incomes of $34,000 and more? To talk about this is some kind of a deal for our rich friends is absolutely ludicrous, unless my colleagues think people making $34,000 a year are rich.

Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. LEWIS), a member of the House Committee on Ways and Means.

Mr. LEWIS of Kentucky. Mr. Speaker, I thank the gentleman from Florida for yielding me this time.

Talk about historical revisionism, the former speaker talking about 1993. Well, I remember 1993. The Democrats had had Congress for 40 years. We had $5 trillion in debt, $200 billion deficits every year. The taxes kept going up. The deficits kept going up. So I do not think they were handling it very well.

It seems to me, over the last 6 years since we have taken the majority in this House, the deficits have been eliminated. The surpluses are going up. The taxes are going down. We have not voted for any new taxes in 6 years.

But let me just say this. The other day, when we were debating the Marriage Penalty Relief Act, many on that side kept saying, oh, gosh, yes, this will destroy the Social Security, it will take money away from that, Medicare, prescription drugs. All this is a disaster. We cannot give any money to married people and their families. Today they are saying we cannot give any tax relief to senior citizens because it will destroy Social Security and Medicare and all this.

But the reality of it is, right after we had that debate on the Marriage Penalty Relief Act, we had foreign aid come up. Every speaker, one right after another, could not give enough money in foreign aid. They did not worry about prescription drugs. They did not worry about Social Security. They did not worry about Medicare. They wanted to pile on more money. Nothing, nothing harmed them there.

When we talk about bigger and more government programs, there is just, you know, it is fine. We can just spend all the money we want. But that is what got us into trouble to begin with. As we are having these trillions upon trillions of dollars in surplus rolling in over the next many years, we need to allow the American people that are living under a debt burden of 40 percent of their income of local, State, and Federal taxes some tax relief.

It is about fairness. It is about letting our senior citizens keep more of their money and our married families, also.

Mr. MATSUI. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL of Massachusetts. Mr. Speaker, we meet once again to debate the tax cut de jour. Some of the proposals the Republicans have insisted on are strictly for the very wealthy, like the estate tax repeal. Some are spread out more evenly, like the telephone excise tax repeal. Some manage to do a certain amount of harm and a certain amount of good, like the pension bill.

But the bill that is in front of us today does real harm to the Medicare trust fund. But all of this legislation is aimed at the November elections.

Let us acknowledge one thing clearly today. The Republicans never liked Medicare to begin with. They certainly did not like Social Security. That is what they attempt to do with this line of reasoning of legislation today. It is to weaken the Medicare trust fund.

Under current law, the revenue generated from this tax that is being repealed goes into the Medicare trust fund. So, in effect, all citizens benefit from current law. Eighty percent of the senior citizens will not get anything from this legislation, and 20 percent of the well-off senior citizens will.

Mr. Speaker, I ask my colleagues to ask themselves one question: Is this a good trade-off? If it was such a good trade-off, why did they not do it 6 years ago when they took control of this institution? Why was it not proposed 3 years ago when we had the first major tax bill passed into law?

The reason is that this proposal does not look good when massive deficits are staring one in the face. One cannot sell this proposal when it seems clear that there is a need for strong discipline in the general budget to resolve our deficit crisis, as the Democrats did in this House in 1993.

But for the moment, while the projections are rosy, let us remind ourselves, there is no guarantee that those projections are ever going to come through as they relate to budget surpluses. There is an opportunity for all of us to be very prudent today and, even on the Democratic side, being conservative.

Reject this chicanery.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Massachusetts (Mr. NEAL) must not have been on the floor when I read from the text of a July 18 memorandum from the Department of Health and Human Services stating that this proposal would have no financial impact on the HI trust fund. That is Medicare. It will have no effect on it.

I think that is something that we should always, always be very concerned about. We are concerned about it. That is why we are making up the revenue from general revenue, as it comes today, as it comes today.

But the point is, and the only difference is, as to the funding of the Medicare program, the only difference is that the existing law, the 1993 tax pinpoints a source, but it still comes out of general revenue. It comes out of the general fund.

We simply eliminate part of that source, which is taxing people of $34,000 and more per year, determined evidently by my friends in the Democrat Party as our wealthy friends. But I can tell my colleagues, to be a senior citizen living on $34,000 a year, go out and find me one that says that he is wealthy; and I will show my colleagues somebody that must have a trust fund that we do not know about.

Mr. Speaker, I reserve the balance of my time.

Mr. MATSUI. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York (Mr. RANGEL), the ranking member on the House Committee on Ways and Means.

Mr. RANGEL. Mr. Speaker, I would like to congratulate my Republican friends because they never seem to run out of creative ideas in how to hoodwink the American people. When they had the last tax bill, and it was $792 billion, oh what a big mistake.

But then they learned fast. They did not go to the Committee on Ways and Means and try to work out something in a bipartisan way. They went to someone that could probably send out a message how to pass a bill that never will become law, make certain that the President is going to veto it before you do it.

So knowing how sensitive senior citizens are to anything that would adversely affect their income, I was excited when the Republicans came up with the idea that they were going to reduce the taxes on some people in Social Security. Whether they were wealthy or not, as a Social Security beneficiary, they wanted to get some type of relief.

But I ask the gentleman from Florida (Mr. SHAW), where does the money come from? If one asks any Social Security beneficiary do they want relief, the answer has to be, yes, and I want it fast. But if one asks them, do you want it fast enough to come out of the Medicare trust fund, then they would say let us take another look.

Now, I know that my colleagues have some way to say that the money in the trust fund is the same as general revenues, but no one believes that. No one believes that the Social Security trust fund and the Medicare trust fund should be treated the same way one would general revenues.

If my colleagues wanted to give them a tax break, why did they not go directly into the general revenues and give them a tax break? The reason they did it is because they want to break the whole idea of entitlement. Once they get entitlements out of the way, then they would know that this precious trust fund that they are turning slowly on the tree, maybe, one day would disappear.

Well, it is not going to work with the seniors, and it is not going to work here in this House of Representatives.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I say to the gentleman from New York (Mr. RANGEL), and he is my friend, that the Republicans would like to take complete credit for this bill, but we do have allies on his side: the gentleman from New York (Mr. NADLER), the gentlewoman from New York (Mrs. LOWEY), the gentleman from Pennsylvania (Mr. DOYLE), the gentleman from West Virginia (Mr. RAHALL), the gentleman from Michigan (Mr. BARCIA), and the gentleman from New York (Mr. FORBES). They have all cosponsored similar legislation.

Let us go over to the Senate for a minute: Senator FEINSTEIN, Senator CONRAD, Senator DORGAN, Senator JOHNSON.

POINT OF ORDER

Mr. McDERMOTT. Mr. Speaker, the gentleman from Florida (Mr. SHAW) is out of order.

The SPEAKER pro tempore. The gentleman from Florida (Mr. SHAW) controls the time.

PARLIAMENTARY INQUIRY

Mr. McDERMOTT. Point of parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. If the gentleman will yield, the gentleman from Washington will state his parliamentary inquiry.

Mr. McDERMOTT. Mr. Speaker, is it proper to refer to a Member of the other body by name?

The SPEAKER pro tempore. It is in order to refer to individual Members of the other body as sponsors of measures. The gentleman from Florida (Mr. SHAW) controls the time.

Mr. SHAW. Mr. Speaker, these people have all voted to repeal this tax, this Republican tax, this Republican tax relief bill. I think it is extraordinarily important to look at what we are doing. This is not a question of doing this for any other reason except to get rid of this tax because this tax is wrong.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, I thank the gentleman from Florida for yielding me this time.

Mr. Speaker, I rise in strong support of the Social Security Benefits Tax Relief Act. In 1993, the Clinton-Gore administration increased the taxes on Social Security, arguably because we had a deficit. But I noticed it, I served notice at the time, that it seemed to be helping to pay for new Federal spending programs. I think that is why every Republican in the House and every Republican in the Senate opposed this increase on Social Security benefits. This tax was created when the Federal Government had a $255 billion deficit.

Today, the deficit is gone. We have increasing surpluses. Yet this tax remains. As a result, seniors' benefits are taxed at rates between 50 and 85 percent. Single retirees whose income exceeds as little as $34,000 are punished by this tax. This taxation in terms of fairness is grossly unfair. The income from which these benefits are derived has already been taxed. That is the point.

□ 1530

Taxing once more these benefits amounts to double taxation for these seniors on Social Security.

This tax results in lower benefits and translates into less income for many of America's seniors. The time has come to end this double taxation and restore some fairness for America's seniors.

Mr. MATSUI. Mr. Speaker, I yield 2 minutes to the gentleman from the State of Washington (Mr. McDERMOTT), a member of the House Committee on Ways and Means.

Mr. McDERMOTT. Mr. Speaker, let me begin by stating there is no Member of this body who wants to tax seniors. We are all against that. We would all like to give all the taxes back that we could. But having said that, we also want to give them benefits, Social Security and Medicare.

Now, whatever comes out of this debate, the main point is that this money is coming out of a trust fund for Medicare. The Republicans are operating under a theory that a tax cut a day keeps election defeat away, and we have seen one after another after another. The fact is that they are willing to sacrifice what we did in 1993 to bolster the Medicare trust fund. Now that things are going pretty well, they say, well, we do not need to; we can just take the money out of the trust fund and we will put some general fund in. We will kind of write an IOU on the general fund.

The gentleman from Florida, who is leading this debate on the other side, said, "If you write yourself an IOU, it is not real." Now, here we have written an IOU to the general fund; we owe this over here to the Medicare trust fund, and my colleague says it is not real. That is what we are talking about here.

When my colleagues get in this election, they will be screaming all over the place when people get ads that say, "You have taken $100 billion out of the Medicare Trust Fund," they will be squealing and hollering and saying, "Yeah, but." Nobody believes the majority and they do not even believe it themselves or they would not have made this statement about the fact that an IOU that we write, we owe it to the people, is not worth anything in the next session if this money does not come in.

My colleague from California (Mr. MATSUI) says these issues are not for sure; we are projecting 10 years out into the future. There is not a soul on this floor who believes that those are absolutely real. But if we give away the trust fund, we have given it away. Vote "no."

Mr. MATSUI. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Florida (Mrs. THURMAN), a member of the House Committee on Ways and Means.

Mrs. THURMAN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, let us start this debate with the words of Federal Reserve Chairman, Alan Greenspan, who said just last week, and I quote, "Anything, whether it's tax cuts or expenditure increases, which significantly slows the rise in surpluses or eventually eliminates them would put the economy at greater risk than I would like to see it exposed to."

Well, today, instead of following his advice, we are being asked to take up one more bill that not only eats away at the projected surplus but also removes an earmark source of funding for Medicare and replaces it with IOUs. Let us go back to June 20, when this House debated lockbox legislation for Medicare. I do not want to embarrass proponents of this bill with their comments, but let me remind them of what was being said in that debate. "Simply adding IOUs to the trust fund in effect mandates that taxes will be increased on our kids and our grandkids."

We are no longer dealing with a lockbox, we are opening Pandora's box. And this is a box I will not open.

Sunday, the majority whip said, and I quote, "Everybody knows that the House of Representatives has already passed a prescription drug bill, but President Clinton wants universal coverage and government-run Medicare and we want seniors to have choice in the kind of health care they think is important for them." Tell that to the people in Hernando County in my district who just lost their HMO and have no prescription drug coverage. They have no choice. Nine hundred signatures here today saying we want a strong Medicare program with a prescription drug benefit.

But, before we can ever get to that and start looking at the major funding shortfalls in the Medicare program to hospitals and nursing homes and HMOs, we are here debating taking $100 billion out of Medicare. We are going to have to put $50 billion back in from the surplus already. I cannot say to the families in my district that we are going to be destabilizing Medicare. Should this measure become law, I am certain in years to come we will be paying the price.

Yesterday, the General Accounting Office estimated that with the stacking of tax bills, the unified budget deficits will reemerge in the year 2019. The GAO projection also showed, after 2019, the budget deficit and the debt explode, exactly the numbers that have been put out on this floor. We cannot leave this legacy for our children.

In closing, let me remind my colleagues of one more statement made. "If you write yourself an IOU, it's not an economic asset. These notes are going to be paid out of the hides of future taxpayers."

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume, and I must advise my colleague from Florida that any monies going into the Medicare Trust Fund is replaced with Treasury bills.

Let me finish. It is replaced with Treasury bills. This is what the gentlewoman is referring to as IOUs. That is what it is under existing law; that is what it would do under this particular bill. If the money is not spent, it is invested in Treasury bills, just as it is today.

So I must correct the gentlewoman. We do not have a bucket of cash that sits in there. That money that is coming out of the senior citizen's Social Security check every month and paying the income tax on it, that we are going to give them some relief from, that money goes into the Medicare Trust Fund and is replaced with Treasury bills and comes back into the general fund. Under the Republican plan here, or I should say bipartisan plan because I have already made it known that there are many Democrats who are supporting this type of legislation, it does exactly the same thing.

Mrs. THURMAN. Mr. Speaker, will the gentleman yield?

Mr. SHAW. I yield to the gentlewoman from Florida very quickly, because I must retain my time.

Mrs. THURMAN. I will be very brief. In the gentleman's debate he said, "If you write yourself an IOU, it is not a real economic asset. Treasury bills are not real economic assets. Those notes are going to be paid off out of the hides of future taxpayers." This was said by the gentleman in the lockbox legislation.

Mr. SHAW. Reclaiming my time, Mr. Speaker, the gentlewoman hears me but she is obviously not listening. If she would listen, what I am saying is that the same Treasury bills that are put into the Medicare Trust Fund today will be put into the Medicare Trust Fund with this legislation. It is exactly the same. It is exactly the same.

The gentlewoman can stand here and say this is not a real economic asset, but if it is not a real economic asset under the Republican bipartisan plan that we are arguing today, it is not a real economic asset today because it is the same Treasury bills. That is exactly the point that I am trying to make. So let us not get this confused.

I do not blame the people who are opposing this bill for not wanting to talk about giving seniors some tax relief, the taxpayers who just make a little over $34,000 a year. I am not blaming my colleagues for wanting to talk about something else, but let us keep this record straight and let us be very clear on what we are speaking to.

Mr. Speaker, I reserve the balance of my time.

Mr. MATSUI. Mr. Speaker, may I inquire of the amount of time each side has?

The SPEAKER pro tempore. The gentleman from California (Mr. MATSUI) has 6½ minutes remaining, and the gentleman from Florida (Mr. SHAW) has 8½ minutes remaining.

Mr. MATSUI. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, this is a bad proposal. It is not entitled "supply side economics," it is not entitled "voodoo economics," however, this tax bill we are debating today and its reckless siblings threaten to pull the plug on our unprecedented prosperity and plunge us right back into the dark days of budget deficits.

Even worse, this bill today is a direct threat to the Medicare Trust Fund. To the extent we take funds out of the general fund, they are funds we cannot use to pay down the debt. And to the extent that our extrinsic debt does not go down, our intrinsic debt is tougher. Over the next 10 years, it will drain $117 billion from Medicare. Hear me now: This bill would drain over the next 10 years $117 billion from Medicare.

Whatever shell game my colleagues may argue, those are the facts. Every

Member of this House knows the real danger of this bill becomes clear when it is added to the tax cuts we have already passed: $900 billion plus. My colleagues, be fiscally responsible, protect Medicare, and vote against this bill.

Mr. MATSUI. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BECERRA), a member of the House Committee on Ways and Means.

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding me this time.

In a letter dated July 24, 2000, the National Council of Senior Citizens described this bill that we are debating today as an irresponsible political gesture to upper-income persons which will have severe consequences for the Social Security System and the solvency of the Medicare part A trust fund.

Today, my colleagues, 12 million Medicare benefits lack prescription drug coverage. Twelve million seniors who, on a daily basis, have to decide, "Do I buy my prescription drugs or do I buy my food? Do I pay my rent or do I pay for my medicine?" Twelve million. And today we are talking about a bill that will take $117 billion out of a system which right now cannot even provide prescription drug coverage to 12 million of those senior citizens.

Mr. Speaker, we are here today debating a bill that does absolutely nothing for four out of five of those seniors when we talk about tax cuts. Let me say that again because it gets lost in the shuffle of all these words. This is a tax cut bill that will cost $117 billion over the next 10 years; $117 billion that will go to people out in America in a tax cut, who are seniors, but only to one out of every five of those seniors. Four of those five seniors will get nothing because this bill benefits only 20 percent of the most affluent of our seniors who are retired.

On top of that, we do nothing in the future about prescription drug coverage. We do not talk about doing something on education for our kids, we cannot talk about retiring the debt this Nation has, but what we are talking about is pulling out one of these things we see so often. My colleagues probably know about this. When we go to the store to buy some things and our kids say, "Oh, can you get me that, daddy? Can you get me that?" My daughters say that to me all the time. They think I have all sorts of money. So what a lot of people do is say, well, I will charge it. Put it on my card. I will charge it again. And before we know it, we have put so much on this card, that somebody has to pay for it. And if it cannot be us, it will be the future.

Let us not do this to the future or to our seniors. Let us not get caught up in politics.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume, and say to the gentleman who just spoke, the gentleman from California, when he talks about prescription drugs, I support making prescription drugs part of Medicare. And I hope this Congress can finally come together in a bipartisan way and approve a plan where we can give our seniors some relief.

The gentleman is absolutely right. There are people out there that are having to make the tough choice between whether to buy groceries or to buy prescription drugs. The problem is a lot of people out there just making a little over $34,000 a year, they do not have a choice as to whether to pay taxes on their Social Security benefits or to buy prescription drugs.

This tax is morally wrong, and that is why we are trying to pass this bill and will pass this bill, and we will get a lot of help from our Democratic friends in doing so.

Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. COLLINS), a member of the Committee on Ways and Means.

Mr. COLLINS. Mr. Speaker, I thank the gentleman for yielding me this time.

The theme here from the other side is that we are harming Medicare insurance for our seniors. Well, as a Member of Congress and as an individual, that is the farthest thing from my mind. Good Lord willing, one of these days I will be covered under this Medicare insurance myself. Do my colleagues think I want to do something that will destroy it? Heavens, no.

A lot has been said about the fact that this is going to take $117 billion over the next 10 years from the Medicare Trust Fund. It will not. The additional tax or additional income that was subjected to tax in the 1993 tax bill was an income tax. Income tax goes into the treasury, into the general fund.

☐ 1545

There was a provision in that bill at that time that required a like amount to be transferred to the Medicare trust fund account or credited to it.

This does the same thing. The only thing this does, it repeals the provision of law that was implemented in 1993. But it still requires a like amount to go into the Medicare or credited to the Medicare account, not one red cent less. We are not taking anything from the Medicare trust fund.

If I think back correctly about 3 or 4 years ago, the trustees of the Medicare trust fund stated that the trust fund would have problems in the year 2001, it would have deficit spending, begin to put out more money or pay more in insurance for seniors and money was coming in through the payroll tax and even through this additional fund here and then it is transferred in like amount to the trust fund.

But thank goodness that the majority of this Congress saw that coming and made changes to the Medicare program and Medicare insurance that extended this solvency, the life of Medicare insurance for our seniors.

Now those same trustees say 2015 before we begin to have a deficit in cash flow. No one on this side of the aisle, no one in this Congress from either side of the aisle, Mr. Speaker, wants to do anything that would jeopardize health care insurance for our seniors and the disabled.

To stand here with all of this rhetoric is wrong, just trying to make political points. The fact is we believe in the Medicare insurance program for our seniors. We support. One of these days we will all be facing it, God willing.

Mr. MATSUI. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. DOGGETT), a member of the Committee on Ways and Means.

Mr. DOGGETT. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, at a time when the demands for seniors for real relief on prescription drugs are thwarted in this House, at a time when this House does absolutely nothing about the pharmaceutical companies that engage in price discrimination against our seniors that literally treat them worse than dogs, at a time when seniors find one health care provider after another who will not take Medicare patients because the reimbursements are so low, at this time, of all times, for the Republicans to come forward and engage in this cynical ploy is truly wrong.

Having opposed Medicare from its outset back in the days when Lyndon Johnson was working so hard to get it, these Republicans are determined to fulfill the pledge of their so recently departed leader to let Medicare wither on the vine.

That is why the National Council of Senior Citizens has condemned this measure as an irresponsible political gesture with "severe consequences for Social Security and the solvency of the Medicare Trust Fund."

The millions of seniors who rely on Social Security for most or all of their income will not get anything from this proposal. The gentleman referred to the person who has to choose between groceries and prescriptions. That person is not going to get any relief out of this bill.

Indeed, four out of five seniors will not get a nickel from this proposal that is up before us today. But I guarantee my colleagues that five out of five seniors, every one of them, will be less secure with regard to Medicare if this measure is approved.

The bipartisan Concord Coalition, cochaired by a Republican, has urged the House to reject this proposal on the grounds of fiscal responsibility and tax fairness. And this is one of those times that making the tough choice for fiscal responsibility goes hand in hand with meeting the needs of our seniors.

They do not want an IOU, I would tell the gentleman from Florida (Mr. SHAW). Do not be the undertaker for Social Security. Stand up for our seniors. It is a trust fund. We do not want to fill it with IOUs.

We say to all of the do-not-wither-on-the-vine crowd to keep their hands off the Medicare trust fund.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would remind the former speaker, the gentleman from Texas (Mr. DOGGETT), that what he is referring to, the Treasury bill, as IOUs is all that is in there right now. So this makes absolutely no difference.

Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Speaker, I rise in support of our senior citizens. We are here today fighting on their behalf.

Mr. Speaker, let me tell my colleagues, a few months ago when I was elected, I went to all parts of my city, my district, and talked to senior citizen groups. And in the low and moderate area of south Omaha, a group of seniors, I asked them, "What can we do for you?" Repeatedly they told me of their frustration of being taxed on their Social Security benefits.

I heard that they listened to Roosevelt and that they worked hard, they did what they were asked to do, they paid into the Social Security system, but they had their pension from the meat packing plants and the other factories they worked at in Nebraska and they worked hard to save. But yet, today they are penalized for that.

They were promised that they would have their Social Security benefits. But what this does by taxing it at 50 percent or even the 85 percent level that we are here to repeal today is we are confiscating their benefits. That is wrong. That is simply wrong.

What that confiscation of their benefits does, that is a back-door way of means testing. It just astounds me that my friends from the other side of the aisle stand up and say they are against means testing, but they will certainly have an 85 percent tax bracket on half of those benefits based on the amount of income that they have from their pensions and their savings. That is wrong.

So I ask our colleagues from the other side of the aisle, unlike in 1993 when it was nearly unanimous to pass this tax on our senior citizens, join us today to do the right thing, join us for fighting for our senior citizens, letting them keep the benefits that they were promised when they were young workers. Vote for this act.

Mr. SHAW. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. WELLER), a member of the Committee on Ways and Means.

Mr. WELLER. Mr. Speaker, let me remind some of my good friends on the other side of the aisle in listening to the rhetoric that one of their own appointees over at the Department of Health and Human Services, the official actuary that is respected by both, says, "The proposal would have no financial impact on the HI trust fund. Program income would not be affected, and the estimated year of exhaustion for the HI trust fund would continue to be 2025, as under present law." So that is all rhetoric and not fact.

My colleagues, we are talking about lowering taxes on senior citizens. When my friends on the other side of the aisle, and I point out that every Republican voted no on placing this tax on senior citizens in 1993, when they voted to impose this new tax of 85 percent on Social Security benefits, it only affected 5 million seniors. They figured it was not a big deal. But today it now punishes or soon will punish almost 17.5 million Social Security beneficiaries.

When the tax took effect in 1994, one in 10 seniors was punished by this tax. Today one in five is punished. And by the year 2010, one in three will be punished by this tax.

It is all about fairness.

When Congress and the President so long ago created this, they said that if they pay in, they are going to get their benefits as part of the deal. Let us make sure they get their part of the deal.

The SPEAKER pro tempore (Mr. PEASE). The gentleman from California (Mr. MATSUI) has 1½ minutes remaining, and the gentleman from Florida (Mr. SHAW) has 1½ minutes remaining and the right to close.

Mr. MATSUI. Mr. Speaker, I yield the balance of my time to the distinguished gentleman from New York (Mr. RANGEL), the ranking Democrat on the House Committee on Ways and Means.

Mr. RANGEL. Mr. Speaker, there is some talk on the other side that there will be no financial impact on the Medicare trust fund. And this would be so if they could be trusted to put the money back in.

The question has to be, did they take out the money in the first place?

I do not think in their closing statement that anyone on that side of the aisle can deny that if we remove the tax that the Medicare trust fund will be short $10 billion a year. But they say not to worry; trust us.

Have they not played three-card Molly? Do they not know that once we show them what is under the shell, if it is not there, we will go to the general revenues and put it back? And that is what makes it having no financial impact.

I would ask the question, what happens if the Congress decides that it has a priority? Maybe we want to take care of prescription drugs. Maybe we want to take care of the Patients' Bill of Rights. Maybe we want to protect the small businessperson or the farmer.

Suppose the speculated surplus does not show up. One thing we know that my colleagues cannot deny is that there is an irreplaceable source and stream of income coming into the Medicare trust fund now.

What they are saying is, let me just take it out and give relief to one-fifth of them at the expense of the other things we may want to do.

Mr. SHAW. Mr. Speaker, I yield myself the remaining time.

Mr. Speaker, we have this afternoon talked about from the other side of the aisle just about everything except the taxpayer, just about everything except what is really going on here.

What we are trying to do is to give some relief to our senior citizens, who, incidentally, the monies that they put into the Social Security trust fund they were taxed on. These were not pretax dollars. The employee's portion is taxed. So why should we have to say it is taxed when they put it in, and it is taxed when they take it out? That is wrong.

The whole idea of having this thing taxed on only 50 percent is because that was the monies that were put in by the employer that were not ever taxed to the employee. We need to go back to that.

A lot has been said about what are we going to do if we are running the Government at a deficit. Well, I have to remind my colleagues from the other side of the aisle, when this tax was put in place, this was in 1993, the Democrats were in charge of the House of Representatives, and there was a deficit. There was a deficit every year. The money was found. It came out of the general revenue stream.

That is exactly where it is going to come from now. We are just not pinpointing that it is going to come out of a tax that is morally wrong. It is wrong to tax people on getting their own money back.

Mr. Speaker, I urge a "no" vote on the Democratic substitute, and I would ask for a "yes" vote on the bipartisan tax relief bill.

Mr. MORAN of Virginia. Mr. Speaker, I rise today in opposition to H.R. 4865, the Social Security Benefits Tax Relief Act. Although I do not support this bill, I fully support providing much needed tax relief to recipients of Social Security benefits. For this reason, I will be voting for the Democratic substitute proposal.

Mr. Speaker, it is imperative to our national strength and prosperity that tough and prudent fiscal strategies be pursued. These strategies have brought this country the largest surpluses and longest economic expansion in history. Unfortunately, on the basis of inherently uncertain projections about the future surplus, members on the other side of the aisle have chosen to spend the entire surplus on one tax break at a time.

Mr. Speaker, this bill is another in a long series of fiscally imprudent tax cuts passed in this session of Congress which drain our hard-earned budget surplus and put at risk any chance of extending the life of Social Security or Medicare. Specifically, this bill threatens to raise interest rates, slow investment and productivity growth, increase dependence on foreign capital, and compromise our flexibility to deal with potential future budgetary problems. Moreover, this Republican proposal provides relatively few benefits for the vast majority of our working families.

H.R. 4865 will provide about as much relief to the top 1 percent of taxpayers as to the millions of working people who make up the bottom 80 percent of taxpayers. Although we are currently in an era of surpluses, we should not forget that Medicare's fiscal future is troubled. Part A will begin running cash deficits again by 2010, according to the most recent trustees report. Beyond 2010, its cash deficits will grow ever larger, totaling nearly $7 trillion by 2040. Despite these looming deficits, the Republican bill would weaken, rather than strengthen, Medicare financing by depriving the program of roughly $100 billion in dedicated revenues over the next ten years and $464 billion through 2024. Without this income, Medicare Part A will go into the red again on a cash basis 5 years earlier than under current law. This bill will only threaten the viability of the Medicare Program for future generations, but it will force an even greater squeeze on hospitals and other health care providers dependent upon Medicare payments.

Mr. Speaker, this bill will cost more than $100 billion over 10 years. Instead of devoting these resources toward a Medicare prescription drug benefit that would benefit all seniors and eligible people with disabilities, this proposal would leave more than four out of five Social Security beneficiaries with no more than they have today. While a budget surplus exists, we must utilize the surplus wisely to balance targeted tax cuts with paying down our national debt.

Mr. Speaker, I urge my colleagues to vote for the Democratic substitute and reject the underlying bill.

Mr. COYNE. Mr. Speaker, I rise in opposition to H.R. 4865. This bill would jeopardize the solvency of the Medicare Hospital Trust Fund. The revenue from this tax goes directly into the Medicare Hospital Trust Fund. The loss of this revenue would be about $110 billion over the next 10 years or $13.6 trillion over the next 75 years. If this legislation were to be adopted, absent any other action on the part of Congress, the Medicare Hospital Trust Fund would be depleted 5 years earlier, in 2030 instead of 2035. The sponsors of H.R. 4865 tell us that this bill will not jeopardize Medicare because the legislation will require the Federal Government to make up the $14 trillion difference. This is an easy promise to keep while we have record budget surpluses. But when the Medicare Trust Fund gets close to zero, there may be no surplus. The same projections that have produced the estimates of budget surpluses over the next 10 years project annual deficits in subsequent years. At that point, we will have to reinstate the tax or raise the tax burden on working families to keep Medicare going. Even now, the bill will use up some of the surplus. Consequently, this revenue will be unavailable to use for other programs, such as a prescription drug benefit that will help all seniors. This revenue will also not be available to pay down our national debt, leading to billions of dollars in increased interest payments.

Moreover, this is only one of many tax cuts the Republicans have proposed that will benefit wealthier people in the coming years and which will leave working families in the lurch. These tax cuts will crowd out funding for vital programs such as education, housing and medical research. And, unlike earlier proposed tax cuts, this one directly threatens the solvency of Medicare. I urge my colleagues to vote against this bill because it does not benefit the large majority of seniors and risks the future of Medicare.

Ms. BALDWIN. Mr. Speaker, it is clear that most of the Members of this institution want to provide help to seniors who receive Medicare and Social Security benefits. There are two proposals that we are considering today which purport to help those seniors. One bill will provide seniors with a tax cut, including the wealthiest in our society . . . which is virtually guaranteed to deplete the Medicare Trust Fund and jeopardize the future of this vital program.

This legislation to repeal the 1993 tax provision will make it more difficult for the government to finance adequate Medicare prescription drug coverage, as well as other improvements that ultimately should be included in the Medicare benefit package, such as catastrophic costs and long-term care. This legislation is a hundred billion dollar raid on the Medicare Trust Fund and replaces the money with an IOU.

Although we are currently in the era of surpluses, we should not forget that Medicare's fiscal future is troubled. After several years of deficits in the 1990s, the Part A trust fund is now running a small cash surplus. This is only temporary, however—Part A will begin running cash deficits again by 2010, according to the most recent Medicare Trust Fund trustees report. Beyond 2010, its cash deficits will grow larger, totaling nearly $7 trillion in the next 40 years.

Despite these looming deficits, this legislation would weaken, rather than strengthen Medicare financing by depriving the program of roughly $100 billion in dedicated revenue over the next ten years and nearly half a trillion dollars in the next 25 years. Without this income, Medicare Part A will go into the red again five years earlier than under current law. This will not only threaten the viability of the Medicare program for future generations, but it will force an even greater squeeze on hospitals and other health care providers dependent on Medicare payments. This revenue loss will be permanent, while the projected budget surpluses are temporary.

Fortunately, we have a more fiscally responsible alternative. The substitute measure also cuts taxes for 95 percent of Social Security beneficiaries. Seniors living alone who make less than $80,000 a year and couples with a joint income of less than $100,000 a year would be eligible for the tax cut. In addition, the alternative maintains the financial integrity of the Medicare program by forcing the Treasury Secretary to guarantee that the funds will be available, before depleting the Trust Fund and providing the tax cut.

Mr. Speaker, if we really care about seniors, we must ensure we maintain the financial stability of Social Security and Medicare, while providing responsible tax cuts. The alternative we are considering today does both and I urge its adoption.

Ms. ESHOO. Mr. Speaker, when I was first elected to Congress in 1992, I promised my constituents that I would do everything in my power to abstain from the spending spree that had run up the largest budget deficit in American history. I consistently voted against irresponsible spending bills and for legislation to balance the budget and bring our fiscal house back to order.

Today, we're reaping the benefits of our fiscal restraint. We are now in our third year of budget surpluses and unprecedented economic progress. The United States is enjoying the longest economic expansion in history, the lowest poverty rate in twenty years, and the lowest unemployment rate since the 1970s. Whereas in 1992 we suffered under the weight of a $290 billion budget deficit, today we are buoyed by a $211 billion surplus.

And yet, it seems that our Republican colleagues have forgotten the lessons we learned just eight short years ago and are spending the surpluses as fast as they come in. Last year, the Republicans tried to enact their tax cut agenda at a cost of $929 billion over 10 years. This sweeping bill failed because it was obvious that such a large package shoved aside all other priorities and put the nation's fiscal health in jeopardy.

This year, Republicans have devised a more clever political strategy of breaking up their tax agenda, allowing them to focus attention on the same attractions of each part of their agenda while obscuring the total cost. But the cost is the same. So far this year, Republicans have pushed through tax cuts that would eat up $739 billion of the budget surpluses. When you add this to other tax cuts and spending increases they vow to bring up, the Republicans will have spent $88 billion more than is available once Social Security and Medicare are protected.

Today, Congress is on its way to invading Medicare as well. While we are currently in an era of surpluses, we must not forget that Medicare's fiscal future is troubled. According to the most recent Trustees Report, Part A will begin running cash deficits again by 2010, totaling nearly $7 trillion by 2040.

Despite these looming deficits, the Republicans have introduced yet another tax cut that robs the Medicare program of roughly $100 billion in dedicated revenues over the next ten years and $464 billion through 2024. The Social Security Benefits Tax Relief Act (H.R. 4865), repeals a portion of the tax on Social Security benefits thereby eliminating a dedicated source of revenues to the Medicare Trust Fund. Without this income, Medicare Part A will go into the red again five years earlier than under current law. The result will be a significant threat to the viability of the Medicare program for future generations, and an even greater squeeze on hospitals and other health care providers dependent upon Medicare payments.

H.R. 4865 purports to replace the lost revenue to the Medicare trust fund from the projected on-budget surplus. However, while the revenue loss to the Medicare trust fund is guaranteed, the budget surplus exists only in projections and faces many other competing demands. Furthermore, the revenue loss to the Medicare trust fund would be permanent, while the projected budget surpluses are temporary. Once the projected surpluses run out, the Medicare trust fund will be left with a large hole unless a future Congress is willing to raise taxes or cut other programs.

Perhaps most egregious, like other Republican tax cuts, H.R. 4865 only benefits the wealthiest Americans. The National Council of Senior Citizens calls H.R. 4865 "an irresponsible political gesture to upper income persons which will have severe consequences for the Social Security system and the solvency of the Medicare Part A trust fund." The massive amount of general revenues that would be consumed by this bill will leave fewer resources extending the solvency of the Medicare program and creating a Medicare prescription drug benefit.

The Democratic substitute amendment, on the other hand, provides the same tax relief as the Republican bill but offers it to more seniors at about half the cost. Whereas the Republican bill only benefits the wealthiest 20 percent of Social Security recipients, the Democratic substitute would provide tax relief to 95 percent of seniors. Rather than eliminating the tax for all seniors, the Democratic substitute keeps the tax in place for only the very wealthiest—singles earning more than $80,000 and couples earning more than $100,000 a year.

The Democratic substitute is also more fiscally responsible. Unlike the Republican bill, the Democratic substitute protects Social Security and Medicare by conditioning the tax cut on a certification from the Secretary of the Treasury that the on-budget surplus is sufficient to replenish the lost tax revenue. Thus, it can't go into effect in years in which there is not enough of an on-budget surplus to replace lost revenues.

We are at a historic "fork in the road." If we continue down the path of irresponsible tax cuts for the wealthy, there will be nothing left for shoring up Medicare and Social Security, enacting a Medicare prescription drug benefit, or paying down the public debt. I urge my colleagues to vote yes on the Democratic substitute and no on the underlying bill. Congress must reverse its course and get back on the road to fiscal discipline.

Mr. WELDON of Florida. Mr. Speaker, the "Social Security Benefits Tax Relief Act of 2000" (H.R. 4865) repeals the tax on Social Security benefits created in the 1993 Clinton-Gore budget plan. This tax costs more than 8 million seniors an average of $1,180 a year.

In 1993, Vice-President GORE cast the Senate tie-breaking vote to join with the Democrat-led House that imposed this tax on Social Security. I believe seniors should be able to keep their hundred bucks a month instead of having to send it to Washington.

It's time to repeal the tax on Social Security to let Florida's seniors keep more of the benefits they earned. In an era of budget surpluses, it's wrong to punish seniors with a tax that's outlived its purpose. Social Security checks shouldn't arrive in the mailbox with a bill from the IRS attached.

I am committed to improving the lives of Florida's seniors. Earlier this year, I voted to eliminate the Social Security earnings limit and in favor of a prescription drug benefit. These were done in addition to ending the 40-year Democrat raid on the Social Security trust fund.

I am deeply disturbed that the President refuses to help America's seniors and is indicating that he will veto this tax equity bill for our senior citizens.

Mr. REYES. Mr. Speaker, I rise in strong opposition to this bill, another in a series of fiscally irresponsible tax cuts. Our current budget surplus has put us in a position to extend the life of Social Security and Medicare, to ensure that we are able to provide a Medicare prescription drug benefit, invest in education, and pay down the national debt.

But the Congressional majority's strategy is not to extend the solvency of Social Security or Medicare by even one day or address other important domestic issues like education. They would rather use uncertain projections about the future surplus to provide irresponsible tax breaks. According to the Department of Treasury, the Congressional majority's tax schemes provide relatively few benefits for the vast majority of working families.

As a result of the tax cuts passed this year, the average family in the top 1 percent would receive a tax cut of over $16,000—compare that to the $220 tax cut that middle income families received. We should provide fair and equitable tax cuts that allow working families to send their kids to college, pay for child care, and care for sick family members while still strengthening Social Security and Medicare and paying down the national debt. President Clinton's tax cut package would have done just that.

In contrast, this reckless bill will deprive Medicare of roughly $100 billion in dedicated revenues over the next ten years and half a trillion by 2024. This bill attempts to solve that problem by replacing the lost revenue with money from the projected surplus. There is no guarantee that we will have years of budget surpluses to work with and replace the lost revenue. Pass this bill and we are guaranteed to drain resources from the Medicare trust fund.

Mr. Speaker, I urge all of my colleagues to stop playing politics and focus on good policy.

Mr. COX. Mr. Speaker, I rise in strong support of H.R. 4865, long overdue legislation to repeal the 1993 Clinton-Gore tax increase on Social Security beneficiaries.

The media has begun calling this tax the "Gore Tax" because Vice President AL GORE cast the tie-breaking vote in the Senate needed to send the bill to President Clinton for his signature.

The Gore Tax impose a 70 percent income tax rate increase or retired couples making as little as $22,000 each, and single retirees earning as little as $34,000.

These low-income senior citizens don't qualify in anyone's book as "rich." In fact, they earn barely enough to keep them out of the government's official definition of "poverty." Yet AL GORE cast the deciding vote to significantly increase taxes on these low-income senior citizens.

How costly has this tax increase been? This year, the Gore Tax will hit 10 million retirees, and force each of them to pay an average of $1,200 in additional taxes. This tax burden is made all the more devastating because of the fact that so many low-income seniors live largely on their Social Security income.

The Gore Tax is not only terrible tax policy because it unfairly burdens low-income Americans. It's also bad tax policy because it discourages Americans from working and saving for retirement.

Instead of encouraging hard work and thrift, the Gore Tax severely punishes Americans who set money aside for retirement—and retirees who want to stay productive and in the workforce during their golden years—by forcing them to pay thousands of dollars more in income taxes.

This tax is indefensible. I urge my colleagues to vote for H.R. 4865, so that we can at long last repeal the Gore Tax and its unfair and punitive burden on America's senior citizens.

Mr. CROWLEY. Mr. Speaker, I rise in strong support of the Social Security Benefits Tax Relief Act of 2000. This legislation will reduce the tax burden on millions of older americans who are enjoying their golden years.

In 1993, the Congress and the Administration recognized that in order to shore up our nation's Medicare system and pay down the ballooning deficits caused by the fiscal imprudence of President George Bush, some unpopular decisions would need to be made.

In 1993 and today, I salute the actions of the Democrats in Congress and President Clinton to address the pressing needs of Medicare and our nation's budget concerns. Six years later, thanks in large part to the first Clinton administration budget and the brave Democratic Party that took the right, yet politicallly unpopular path, our nation is enjoying unparalleled economic growth.

Budget surpluses are projected for the next decade, unemployment rates are at their lowest peacetime rate in American history, homeownership is at a record high, most importantly, and every community in America is benefiting from increased wealth and job creation.

This is a far different picture from the dark days of the last Republican Administration of President George Bush. President Bush provided our nation with high debts, a bankrupted Medicare system and high unemployment rates.

Today, thanks to the great work and keen insight of President Bill Clinton, Vice President AL GORE and the Democrats in Congress, we now enjoy a budget surplus that continues to grow beyond even the wildest and most optimistic scenarios of every credible economist regardless of ideology.

These funds allow Congress the ability to scale back the heavy tax burden on working families, senior citizens and small businesses. For that reason, I am pleased to rise in support of this legislation to provide sensible tax relief to American seniors.

This bill will ensure that those middle class seniors, many of whom also benefited from the repeal of the Social Security Earnings Limit earlier this year, will now be able to keep more of their income.

I am pleased to work in a bipartisan way today to support this legislation and provide the seniors of my Congressional district in Queens and the Bronx, a tax cut on average of $1200 a year.

In the best traditions of the Democratic Party, I will support this legislation to improve the quality of life for our nation's seniors.

Mr. CRANE. Mr. Speaker, I rise in support of this important legislation to relieve some of the tax burden on our seniors by reversing the mistake made in 1993 by the Clinton/Gore Administration and the Democratic-led Congress.

The 1993 Clinton/Gore tax increase, raising the percentage of some senior's Social Security benefits subject to income tax from 85 percent to 50 percent, was not only unfair to seniors, but it was also just plain bad tax policy. Under current law, when an employer collects his half of the Social Security tax, the employer is allowed to deduct that amount from gross income as an expense. The individual paying payroll tax, however, is subject to individual income tax on the amount of payroll tax directly subtracted from his paycheck. In other words, half of the individual's total payroll tax contribution is subject to tax and half is not. The correct policy then, when considering taxing Social Security benefits, is to tax half the benefits. That assures that we achieve a basic goal of sound tax policy—tax all income once, but only once. The bill before us would once again lower the percentage of income subject to tax back down to 50 percent, where it belongs.

The 1993 tax did much more than raise taxes on the elderly. It effectively reduced seniors' Social Security benefits. Of course, Clinton/Gore and the Democratic Congress didn't cut seniors' benefits by changing the benefit formula. But raising the tax on seniors' benefits certainly had the same effect. Every month, millions of seniors who rely on Social Security benefits had less money to spend. It makes no difference to them whether they have less money because their benefits are cut or because the tax on the benefits is higher. The bottom line—they have less money.

Mr. Speaker, President Clinton is quoted as saying yesterday, "I say to Congress: Stop passing tax bills you know I'll veto."

I say to President Clinton, stop vetoing the tax cut bills we are sending you. You threaten to veto a bill to relieve the patently unfair marriage penalty. You threaten to veto a bill to repeal the grossly unfair and immoral death tax. Now you threaten to veto a bill to relieve an unfair burden on seniors. Mr. President, this is not your money. Let us return it to the people who earned it.

The Administration likes to talk about all the total cost of the bills we have sent to him or plan to send. That is a little like adding up the total cost of all the items on a restaurant's menu. Mr. President, we are hoping that a couple of these tax cut bills at least will look good enough for you to sign them. Then we can start talking bout the total cost. Until you do, we will continue sending up dishes for your approval. Until you do start signing them, it is the height of folly to talk about their total cost as though you had signed them.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I am pleased that we are bringing legislation to the floor today to repeal this unfair tax on seniors. Our senior citizens have worked their entire lives to build the savings that will enable them to enjoy a safe and secure retirement. The 85 percent tax created in the 1993 Clinton budget penalizes those seniors who have done what we are encouraging them to do, build their own personal savings for retirement.

The worst thing about this tax is that the income levels that trigger it have not changed since the law was enacted—even though the cost of living has certainly increased since then. Therefore, more and more people become affected by it each year. According to the Congressional Budget Office, this year 10 million seniors (that's one out of every five seniors) will have to pay additional taxes, and by 2010 that number will reach 17 million—or one-third of seniors. With the income levels at $32,000 for individuals and $44,000 for couples, this is not a tax on upper income seniors—it is a tax on middle income seniors. And in Connecticut it hits seniors even harder because of our higher cost of living.

In a letter to Chairman ARCHER, the AARP expresses its concerns about the tax. Their letter states: "The 1993 tax may serve to undermine the program. By adding additional taxes to an already progressive Social Security benefit formula, these changes risk undermining the widespread public support the system enjoys."

This tax was created as part of a deficit reduction program. Now that we are enjoying unprecedented budget surpluses, we owe it to our seniors to repeal the tax. In 1993, the deficit was $255 billion. For fiscal year 2000, the surplus is $233 billion. This tax helped create that surplus, so we owe it to our seniors and working Americans to repay the favor.

Repealing this increase is a matter of fairness and will help senior citizens, especially those with moderate incomes, keep more of their money in their own pockets. I urge my colleagues to support this piece of critical tax relief.

Mrs. BIGGERT. Mr. Speaker, I cannot believe what I am hearing from the other side of the Chamber today.

When the Democrat-controlled Congress passed this tax increase on seniors in 1993, they told them that the purpose was deficit reduction. It was to balance the federal budget.

Now, seven years later, there is no federal budget deficit. There was no federal budget deficit last year. There will be no budget deficit next year or the following year. We look ahead, and as far as any projection ventures forward, there will be no federal budget deficits.

Seniors know this. Everyone in this Chamber knows this. So who are we attempting to fool?

And why do we continue to force this budget deficit reduction tax on America's seniors when there is no budget deficit?

The answer is that we owe it to our seniors to repeal this onerous tax. For seven years, ten million American seniors have paid more than their fair share to reduce federal budget deficits. They have succeeded.

The very least we now can do is to repeal this tax.

To do less would be to engage in the worst kind of bait-and-switch tactic.

What are we to say? In 1993, the tax was needed for deficit reduction. In 2000, there is no budget deficit so it is needed for spending? That's dishonest and unfair.

Let's face it, this Democrat substitute is little more than an attempt to do justice for some and not for others.

Let's do the right thing for all seniors—the honest thing—and repeal this tax.

Mr. PASTOR. Mr. Speaker, we are very fortunate to be enjoying the prosperity and fiscal opportunities that come with a strong economy. Americans should be proud of the productive labor force and technological achievement that have led to current and projected budget surpluses. But we must not lose sight of the big picture and squander our opportunity to use current prosperity to safeguard our future.

The tax cut we are debating today does not consider the big picture. This bill would reduce funds that could be used to strengthen the Social Security system for the benefit of our children and grandchildren. It would jeopardize our ability to extend the life of the Medicare trust fund and create a Medicare drug benefit that is long overdue. Whey would we do this at a time when my constituents in Arizona, and Americans across the country, have made it clear that strengthening Social Security and Medicare are among the highest legislative priorities for American families?

Republicans have argued that this proposal benefits seniors by reducing their tax obligation. In fact, this bill is a break for only the top 16 percent of Social Security beneficiaries and a threat to the majority of seniors who favor a Medicare drug benefit. It is a threat to the future of younger generations, who already lack confidence in Congress's ability to ensure that Social Security will be there for them. This bill puts benefits for the wealthiest seniors before the needs of the most vulnerable Americans and puts short term political considerations before investment in our Nation's future.

I cannot support this irresponsible legislation. I am tired of the Republican leadership wasting what little time we have on proposals to benefit the wealthiest Americans when there is so much important work left undone. Let us do the responsible thing. Let us focus first on reinforcing the social foundation on which this Nation's future security and prosperity will grow.

Mr. HOLT. Mr. Speaker, I rise today in support of H.R. 4865 to repeal the 1993 tax on Social Security benefits. I have spoken to and heard from many residents in Central New Jersey who want to see this Social Security tax eliminated.

Since coming to Congress, I have stood for targeted and reasonable tax reductions, I have crossed party lines to phase out the estate tax, and to eliminate the marriage penalty. I also support ending the 1993 tax on Social Security benefits.

As I do, however, I want to be sure that this body understands and appreciates the context in which this tax was enacted. The 1993 tax on Social Security benefits was a small part of the Omnibus Budget Reconciliation Act of 1993, which paved the way for significant deficit reduction, and the large budget surpluses we enjoy today. OBRA, particularly the 1993 Social Security tax, was initially unpopular. Many Members in fact lost their seats in this House for voting for it. But it was enacted for a good cause—to reduce the deficit and help shore up the Medicare program.

It's important to remember the status of the Medicare Trust funds at that time. Medicare was in far graver condition than Social Security and was rapidly nearing insolvency. In fact, the 1993 Medicare Trustees report projected that Medicare would become insolvent just six years after the report in 1999. Thanks to the cumulative effects of the 1993 package, however, as well as changes made in 1997, the Medicare program is projected to remain solvent through at least 2025. That is a remarkable turn around, and we have a lot of courageous Members of Congress who are no longer with us today to thank for it.

These measures also helped to create a budget surplus that we could never have imagined just a few years ago. We have gone from budget deficits of over $200 billion per year—deficits which, by the way, included Social Security surpluses—to record on-budget surpluses today.

Now that budget surpluses have been created and are projected to continue into the next decade we can make reasonable and targeted tax cuts.

But we must not get complacent about the condition of Medicare or Social Security, or minimize the challenges that will only increase as the baby boom generation reaches retirement. It is crucial that we maintain the strength and long term solvency of Medicare and Social Security through whatever tax reductions are ultimately passed, following the negotiations that will take place with the leadership of Congress and the White House.

I am satisfied that H.R. 4865 provides a general revenue offset to replenish the loss of revenue from repealing the 1993 tax—revenue that is dedicated to the Medicare trust funds. But this also means that these are now funds that cannot be used to meet the many other varied needs a rapidly aging population presents.

I challenge this Congress not to neglect the other essential needs of our seniors and our communities. While passing meaningful tax relief is essential, I also intend, and hope Members on both sides of the aisle will work with me, in seeing that a real prescription drug benefit is provided under Medicare. This is what our seniors want and are asking for. It is especially critical that a prescription drug benefit be a central part of Medicare and not as an add-on. We know Medicare. Medicare works.

Insurance companies, on the other hand, have not demonstrated a dedication to guaranteeing coverage to seniors, and indeed, their business is not geared towards that goal. Their representatives have made that clear.

I also hope we can begin to work in a bipartisan way to establish a long-term care insurance program for older Americans and persons with severe disabilities. By reauthorizing the Older Americans Act and by creating a tax credit for caregivers, we are making promising strides in that area. But there is a long way to go, and meeting the needs of our rapidly aging population will require our utmost attention.

Mr. Speaker, while we take action to provide meaningful tax relief here today, we must not lose sight of the larger overall need to maintain our budget surplus and continue to preserve Medicare and Social Security for today's and tomorrow's workers.

Mr. REYES. Mr. Speaker, I rise in support of the Democratic substitute and in strong opposition to the fiscally irresponsible Republican tax scheme. The substitute would raise from $44,000 to $100,000 the annual income level at which couples must include 85 percent of their Social Security benefits as taxable income. By raising these levels, the substitute would provide the same tax relief as in the reported bill for approximately 95 percent of beneficiaries.

The tax reductions in the Democratic bill would be contingent on a year-by-year certification by the Secretary of the Treasury that there are sufficient surpluses outside the Social Security and Medicare programs to make the general fund transfers necessary to reimburse the Medicare Trust Fund. Thus, before the Medicare Trust Fund is depleted, the substitute guarantees that the budget surpluses exist to ensure these appropriations will actually be made to the Medicare Trust Fund to replace the lost revenue.

Our proposal can only go into effect in years in which there is enough of an on-budget surplus to replace lost revenues in the Medicare Trust Fund. The Republican bill makes no such guarantees and merely relies on continued surpluses year after year. Furthermore, the Republican bill requires huge transfers of federal funds from general revenues into Medicare. It takes money out of one pocket and puts it back in the other pocket. These transfers jeopardize the program's solvency and could result in increased Medicare premiums.

Our seniors deserve better than political games. I urge all of my colleagues to vote for the Democratic substitute and against the risky Republican tax scheme.

Ms. KILPATRICK. Mr. Speaker, I rise today in strong and stringent opposition to H.R. 4865, the Social Security Tax Benefits Relief Act. First and foremost I must say that I am for providing tax relief to our nation's citizens. There are seniors and others in our country who are clearly in need of tax relief. However, any tax proposals that we consider should not solely benefit those at the top of the economy who are least in need of a tax break. We, as Democrats, have tried to structure targeted tax proposals that will benefit those in the middle and lowest rungs of the economic latter.

This bill will benefit only the top one-fifth of Social Security beneficiaries. While many of these people are not rich, this regressive distribution of the benefits from the GOP bill is consistent with favor-of-the-wealthy trend of previous Republican tax cuts. According to the Department of Treasury, roughly half of the tax cuts passed by the House this year will go to the wealthiest 5 percent of households. The other 95 percent will share the other half.

I say to those listening, do not be fooled by the misleading title given this legislation. This bill will jeopardize all that we have done to ensure that the budget is balanced in a manner that protects the longevity of Social Security and Medicare while also leaving enough aside to provide the prescription drug benefit that our nation's seniors need. This tax cut will raise the aggregate amount of tax expenditures of nearly $740 billion—rivaling the amount they attempted to pass in the 1999 tax-cut bill vetoed by the president ($792 billion). This amount threatens to liquidate nearly all of the projected budget surpluses.

This latest Republican tax proposal while appearing to be a straight forward tax cut for some Social Security beneficiaries is truly a dangerous scheme that particularly threatens the solvency of medicare. The revenues collected from this tax go directly to fund the Medicare Hospital Trust fund. By depriving Medicare of this dedicated revenue stream, Republicans would create a massive, unfunded promise that explodes in the future years. Medicare actuaries estimate cumulative losses at roughly $13.7 trillion in dedicated revenue over the next 75 years. Republicans would replace a sure-thing with an IOU to be drawn on the trust fund forever. Nothing guarantees that Congress will offset this cost elswehere in the budget, or curtail other tax cuts enough to guarantee this money will be there for Medicare.

Like all of the other tax cuts that the Republicans are pushing through, they are doing so knowing that this measusre is clearly headed to the long line of other bills that the President has indicated he will veto. Instead of working with the President to come up with bipartisan tax legislation the Republicans insist on pushing through thoughtless and unwise tax legislation that threatens Medicare and other important programs only to score political points in an election year. In 1995, this very same drill brought the government to a shutdown. In subsequent years, in an effort to thwart the budgetary goals of the President, they have done the same thing they are doing now, only to see their efforts stall under the weight of presidential vetoes.

It is frustrating to vote against measures like this that proclaim to do good while failing to meet the clear needs of our citizens. Given the frustration we all feel here in Congress, I extend a plea to those on the other side to discontinue their efforts to score political points. I urge Members on both sides of the aisle to reflect on the successes and failures that we have experienced here during the course of the District work period, so that when we return, we can come together and address the pressing needs of the American people.

Mrs. MEEK of Florida. Mr. Speaker, I ask unanimous consent to revise and extend my remarks. I thank the Gentleman from New York, Mr. RANGEL, for yielding.

Mr. Speaker, I rise in strong opposition to this legislation. This is a bad bill which moves us in the wrong direction. It fundamentally weakens Medicare at a time when we still need to be protecting and strengthening it. If the majority party believed in truth in advertising instead of putting attractive names on awful bills, they would call this bill "The Sunset on Medicare Act". For we surely put Medicare at enormous risk by making it more dependent on annual appropriations.

If there is anyone who believes that we are strengthening Medicare by eliminating a dedicated source of $117 billlion in revenues over the next ten years ($13.7 trilliion over the 75 year solvency period for the program) and substituting general revenues, please see me when this debate concludes and I'll sell you the Brooklyn Bridge! No one can seriously assert that Medicare is made more secure by replacing a dedicated tax source with a promise to make payments to Medicare from the General Fund.

Relying on annual appropriations from general revenues to make up the shortfall that this legislation will create is a very dangerous strategy, particularly given the Majority's insistence on adopting huge, reckless tax cuts for the wealthy, rather than targeted tax relief for the middle class.

This bill will jeopardize our ability to add a much-needed prescription drug benefit to Medicare and will endanger other important domestic priorities. It is especially irresponsible because we know that the start of retirement among the Baby Boomer generation will cause the number of people using Medicare to double from 40 million to 80 million between now and 2030.

We know that good economic times do not last forever. What will happen when there is a downturn in our economy or if the Republicans push through even larger tax cuts? The general revenue "promise" to replace funds taken from Medicare will prove to be worthless.

We have a solemn responsibility to strengthen and secure Medicare and Social Security not just for today's beneficiaries, but for future beneficiaries. I will not be a party to weakening Medicare when we need to strengthen and protect it. Reject this irresponsible bill.

Mr. McCOLLUM. Mr. Speaker, I rise today in strong support of H.R. 4865, the Social Security Benefits Tax Relief Act of 2000. This legislation would repeal the burdensome tax on Social Security benefits imposed by the Clinton-Gore Administration back in 1993. The Administration created this proposal during a time when the nation was attempting to reduce the Federal budget deficit, but now that we enjoy a plentiful surplus, it is only right to repeal this unduly high level of taxation on our senior citizens.

Mr. Speaker, in 1993, the Clinton-Gore Administration imposed the Tier II tax on up to 85% of Social Security benefits. Consequently, an individual recipient whose income exceeds $34,000, and a married couple whose income exceeds $44,000, find themselves having 85 percent of their benefits taxed rather than the previous 50 percent of their benefits. This abrupt change in law hurt our senor citizens who have worked hard toward a fiscally-responsible retirement plan based on the 50 percent taxable benefit level. The Administration claims it was necessary to increase this taxable base in 1993 to reduce the Federal budget deficit, but that deficit is gone now and it is time to return to the nation's senior citizens the money that is rightfully theirs.

This is not just a tax on the rich, but rather, a tax that hits the average senior citizen. In this year alone, 10 million beneficiaries are affected by this tax. By 2010, over 17.5 million beneficiaries will be affected. For seniors who fall within range of this income threshold, a great disincentive was created in 1993 for seniors to continue to work or save additional money for fear that an increase in income would cause more of their Social Security benefits to become taxable at this outrageous rate.

Not only is the tax burdensome, the income thresholds are not indexed for inflation, which means that more and more lower income people are affected by the tax each year. Although it may have appeared reasonable to tax an individual's income which exceeded $34,000 back in 1993, without indexing that income threshold for inflation, we are continuing to tax more lower income beneficiaries every year.

When many of us signed the Contract With America back in 1994, we pledged to do away with this burdensome Tier II tax by this year. Well, Mr. Speaker, the time has come to follow through with our promise and to allow America's seniors to keep more of their money.

I thank Congressman ARCHER for his efforts in bringing this measure to the floor. I enthusiastically support H.R. 4865, the Social Security Benefits Tax Relief Act of 2000, and encourage my colleagues to vote in support of this important legislation.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. POMEROY

Mr. POMEROY. Mr. Speaker, I offer an amendment in the nature of a substitute.

The SPEAKER pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. POMEROY:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Social Security Benefits Tax Relief Act of 2000".

SEC. 2. INCREASE IN ADJUSTED BASE AMOUNT CONTINGENT ON AVAILABILITY OF BUDGET SURPLUSES.

(a) IN GENERAL.—Section 86 of the Internal Revenue Code of 1986 (relating to social security and tier 1 railroad retirement benefits) is amended by adding at the end the following new subsection:

"(g) INCREASE IN ADJUSTED BASE AMOUNT CONTINGENT ON AVAILABILITY OF BUDGET SURPLUSES.—

"(1) IN GENERAL.—For any taxable year beginning after December 31, 2000, subsection (c)(2) shall be applied—

"(A) by substituting '$80,000' for '$34,000' in subparagraph (A) thereof, and

"(B) by substituting '$100,000' for '$44,000' in subparagraph (B) thereof.

"(2) CONTINGENCY.—

"(A) IN GENERAL.—Paragraph (1) shall apply to taxable years beginning in any calendar year only if the Secretary of the Treasury certifies (before the close of such calendar year) that the condition specified in subparagraph (B) is met with respect to such calendar year.

"(B) CONDITION.—The condition specified in this subparagraph is met for any calendar year if the projected on-budget surplus for the fiscal year beginning in such calendar year (determined by excluding the receipts and disbursements of part A of the medicare program) is greater than the projected appropriations that would be required by section 3 of the Social Security Benefits Tax Relief Act of 2000 for such fiscal year if paragraph (1) had been in effect for all taxable years after 2000.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 3. MAINTENANCE OF TRANSFERS TO HOSPITAL INSURANCE TRUST FUND.

(a) IN GENERAL.—There are hereby appropriated to the Hospital Insurance Trust Fund established under section 1817 of the Social Security Act amounts equal to the reduction in revenues to the Treasury by reason of the enactment of this Act. Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Trust Fund had this Act not been enacted.

(b) REPORTS.—The Secretary of the Treasury or the Secretary's delegate shall annually report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the amounts and timing of the transfers under this section.

The SPEAKER pro tempore. Pursuant to House Resolution 564, the gentleman from North Dakota (Mr. POMEROY) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from North Dakota (Mr. POMEROY).

□ 1600

Mr. POMEROY. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, the Democrat substitute provides tax relief for senior citizens that is fiscally responsible and safeguards the Social Security and Medicare trust funds. The amendment provides the same tax relief as the underlying bill to 95 percent of Social Security recipients but reduces the cost of the bill by $43 billion over 10 years. The amendment replenishes the revenue lost to the Medicare trust fund with revenue dedicated from the general fund surplus. Most importantly, unlike the Republican bill, the Democrat substitute protects Social Security and Medicare by requiring the Treasury Secretary to certify that the Medicare and Social Security trust funds are not being used to underwrite this tax relief.

Nearly 80 percent of our senior citizens will not be affected by either the majority or minority substitute. They do not pay this tax. Now, of those that do pay the tax, the Democrat substitute takes care of all but those 5 percent earning as a household over $100,000.

Now, in doing so, we ensure, first of all, 95 percent of all Social Security recipients are covered, but we save over the course of the bill $43 billion. At that point in time, it becomes a matter of priorities. Where do you want these resources to be allocated? Is the highest purpose for this $43 billion the tax relief purpose of households over $100,000, senior citizens with outside income of $100,000 or greater? Or could it be applied more appropriately? For example, as the chart indicates, that $43 billion saved in the Democrat substitute could go a long way to funding very meaningful prescription drug coverage for our seniors.

Finally, the Democrat substitute protects Social Security and Medicare by requiring that before the tax cut takes effect, the Secretary of Treasury must certify that the budget surplus, excluding the Medicare and Social Security trust funds, is sufficient to cover the projected revenue loss.

This is very important. Because the majority proposal, while it talks about transferring general fund revenues to cover the revenue lost in this tax measure, does not address the circumstance of if there are no general fund revenues available.

Look at this third and final chart. Under the projections that we have now put together of their spending and tax plans, they completely exhaust the surplus within the 10-year period of time, and in fact are $88 billion into the red, right back into Republican deficits of old, no funds available for the type of transfer envisioned in their bill.

Now, the Democrat substitute ensures that the Medicare trust fund will never be raided by this measure and therefore is a preferable way.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). Does the gentleman from Florida (Mr. SHAW) claim the time in opposition?

Mr. SHAW. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Florida (Mr. SHAW) is recognized for 30 minutes.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume. It is interesting to sit here and if you listen to all of the debate, it is very interesting to note, and I will say that the gentleman who was just in the well certainly, I cannot accuse him of any hypocrisy because he was not a part of the debate on the general debate that we just concluded, so my remarks are not in any way aimed towards him.

Like the Republican bill, he depends on general revenue. Unlike the Republican bill, he has a certification as to certain surpluses. As a former CPA and a lawyer, I have great trouble with that. How would I as a CPA advise my clients as to whether or not there was going to be a surplus? How is the IRS going to even prepare the income tax forms that have to be gotten out? And how can we depend upon guesses every year coming from somewhere as to whether there is going to be a surplus? These are all very difficult questions.

I would like to also point out to my colleagues on the other side of the aisle, how did we make these transfers in the past when we did have deficits? Under the 1993 tax bill that we are trying to nullify here, these transfers were made to Medicare in 1993, 1994, 1995, 1996, 1997 and 1998, even though we had deficits in all of those years. We had a deficit in every one of those years. This argument simply does not hold water. When the money is transferred to Medicare, it stays inside the Government. The size of the surplus or the deficit does not really make a difference.

I would like to also mention the question as to whether the dedicated stream of income as coming out of the Social Security recipient's hide is any more reliable than the bill that is before us today that this substitute is trying to change. Any Congress can change what the previous Congress did. There is no question about that. But both bills, both the 1993 bill and the bill that is before us today, does not require any congressional action next year. The underlying bill does not require any congressional action next year. It automatically happens unless Congress decides to change the law. So the whole argument that has been made here that somehow Medicare is put at risk under the bill before the House, the principal bill before the House, simply does not hold water at all.

I think it has gotten to be the question when you do not want to talk about the facts, you talk about something else. Anyone who has practiced law and had any type of trial practice, if the facts are not with you, you talk about something else. That is exactly what has been happening here today.

I compliment the gentleman on his bill. It is certainly an improvement over existing law. But it does not get by the basic test. Is it morally right to tax 85 percent of the benefits that seniors are receiving under Social Security regardless of their income? If it is morally wrong, it is wrong. If it is wrong; it is wrong. This is what we are trying to reverse.

Mr. Speaker, I reserve the balance of my time.

Mr. POMEROY. Mr. Speaker, I yield myself 30 seconds to make some brief responses. I imagine the gentleman, my friend and colleague, was a very good lawyer from the way he spun his argument back. The fact of the matter is if there is not a risk that there will not be sufficient general fund revenues to flow into these trust funds to make certain the Medicare trust fund is whole, lawyers and accountants would not have any issue advising their clients. The fact of the matter is, as the third chart I showed earlier demonstrates, very conceivably the plans of the majority would erode the surplus and leave this Nation in the position of having money come from Social Security or Medicare. That is what the substitute wants to avoid.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, I want to thank the gentleman from North Dakota (Mr. POMEROY) and the gentleman from Massachusetts (Mr. CAPUANO) for working together on this substitute. I think it offers a sensible and cost-effective substitute for the Republican plan. I share some of the concern of my Republican colleagues because we do have a surplus. Let us give some of it back. The difference is the Democratic substitute does that. It raises the caps from $34,000 to $80,000 for individuals and from $44,000 per couple to $100,000. It retains some of the money in the Medicare trust fund. But even better, even better than just talking about the tax cuts, these cuts will not be taken out of the Social Security surplus.

We have a problem in Washington because oftentimes we pay for tax cuts and spending with Social Security surplus funds. We are no longer doing that, thank goodness. But in adding even more so better than the Republican bill, we make sure that the Medicare trust fund is whole every year. Instead of just a promise that every year it will go in there, it requires that certification.

The issue my colleague from Florida brought up, I do my own taxes and my taxes are not due until April 15. The IRS does not send me my form until the end of December. So I would assume during that year somewhere the certification would be made.

Our proposal will relieve middle-income seniors of the burden of the tax without busting the Federal budget. While I did not agree wholeheartedly with the imposition of the tax, I think cutting it now would have an adverse effect on both the budget and the Medicare program as a whole. Rather than eliminating the tax for all seniors, our legislation again only leaves it to the 5 percent of the wealthiest compared to the 20 percent who pay it now. Let me say it again, that our bill allows the tax cut to take place only if there is a surplus to pay for it in the Medicare trust fund.

Unfortunately, at the rate my Republican colleagues are spending it as my colleague showed, there is not going to be any of that surplus left, so this is just a wink for the Medicare trust fund. Between spending $739 billion in tax cuts plus entitlement and discretionary spending, we will be $88 billion in the hole.

Mr. Speaker, I urge a vote for the Democratic substitute.

Mr. POMEROY. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. CAPUANO), cosponsor of the Democrat substitute.

Mr. CAPUANO. Mr. Speaker, I would just like to ask a question. It seems to me from all the debate that I have heard in the last several hours that somehow the tax on Social Security is going to disappear. Well, for those people who understand the tax forms, who still do them, who still read the tax laws, I have one question. Will line 20(b) on the 1040 tax form disappear under your proposal?

I will answer the question. The answer is no. The answer is no. Every single person, every single one who is currently paying taxes on any part of their Social Security will still pay taxes on their Social Security after the Republican proposal. I want to say that again. No single person will go to no tax on their Social Security because of their proposal. Not one.

I also want to turn the clock back just a little bit. To hear it today, the world started in 1993. My God, it is amazing. I have to turn the clock back just a little bit further and go to 1983. 1983 was the year, the first time a single penny on Social Security income was taxed by anybody. This Congress voted it under President Reagan and Vice President George Bush's administration. They voted, along with 97 Republicans. Of those 97 Republicans who voted to tax Social Security, the gentleman from Florida was amongst that group, as was a gentleman named Mr. Cheney from Wyoming. They both voted to tax Social Security income. This bill will not do anything about that tax.

My question is, if that is so good, what is so bad about our proposal to raise the tax level so that only the richest people in America get hit a little bit? If it is so morally reprehensible or morally wrong, to quote several comments made today, what is so morally right about a 1983 tax? The answer can only be, because in 1993 we had Clinton-Gore, and in 1983 we had Reagan-Bush. Somehow Reagan-Bush taxes are morally okay, but Clinton-Gore taxes are morally wrong. That is absurd. That is absurd and it is offensive to say it. I understand if you want to slash the tax, cut the whole thing out. After the proposal is passed today by the Republican majority, there will still be, this year, this year if this is ever passed into law, $13.8 billion still raised on the taxes on Social Security. I do not want anyone at home, including my mother who is here today, to go home thinking that they will not be paying taxes on their Social Security. They will be.

This whole discussion is about politics. That is what it is about. It is about a convention coming up next week. People want to say, We voted to cut taxes. It is not true. It is a misnomer. It is as misleading as anything I have heard.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume.

I would like to remind the gentleman from Massachusetts that none of the Social Security recipients today would be receiving their benefits if it were not for that 1983 tax bill. It was necessary.

Mr. CAPUANO. If the gentleman will yield, I would not have opposed it. I would have voted with him.

Mr. SHAW. I thought the gentleman was trying to make a point there that needed clarification. I am very proud that we have kept Social Security. Line 20(b) on the tax return, is that the first tier on Social Security, the first tier tax?

Mr. CAPUANO. If the gentleman recalls his tax law, he would understand that they are both combined together on page 25 of the instructions.

Mr. SHAW. I congratulate the gentleman on his sense of humor, but if that is the first tier, the tax on the first tier, then that would certainly remain under both bills. I do not have the tax return. The gentleman obviously has one before him. I might say that I would be glad to take a look at it and discuss the tax return with him.

□ 1615

But I think the question is, and we seem to be losing our way here, the question is whether or not we are going to give tax relief to our seniors.

Back when this tax, this 85 percent tax, was passed by this Congress, there was a deficit of $255 billion. If you go back and look at the argument and the reasons for the tax, it was to get rid of the deficit or to cut down the deficit.

Now, I did not support picking out the seniors and going after them for this, but that is exactly what the majority party did at that time; and that is when the Democrats ran the House.

Now, we do not have a deficit of $255 billion under the Republican House; we now have a surplus of $233 billion, $233 billion. If this tax was for the purpose of getting rid of the deficit or getting the deficit down, now is the time to give it back. This was a tax that was supposed to pay down the deficit. The deficit is gone. We picked out the seniors to do it. We now have a surplus of $233 billion, and it is time to get rid of this tax.

Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Speaker, for two reasons, what the chairman says is correct. The increased tax on Social Security benefits passed in 1993 was for the purpose of reducing deficit spending, even though the money of the tax was earmarked for Medicare. As far as its justification for deficit reduction, it is appropriate that we repeal this tax increase. We are now experiencing huge surpluses and make up that money to Medicare. Therefore, to continue to justify this tax for deficit reduction is not appropriate.

Let me offer another reason why it is appropriate to reduce this tax. Higher-income retirees tend to be workers who paid in more Social Security taxes than lower-wage earners; and because the Social Security system is so progressive, higher-income wage earners already receive a much smaller percentage of what they paid in in terms of the benefits they receive. It is not fair in a relative sense that they be additionally penalized by this tax.

Now, it is my opinion that eventually, as we lower the tax rate overall, as suggested by Governor Bush, we should tax Social Security benefits the way we tax private pensions. We now tax private pensions, but we only tax the value of the employer's contribution plus total interest as a percentage of the whole. We do not tax the recipient's contribution. That amount in a typical Social Security pension received from high wage earners is 15 percent. In contrast, an average low wage earner retiree has already received in benefits about seven times his or her after-tax contribution.

So our goal should be to lower the tax overall and to treat those higher-income recipients that are already in a progressive state at a fair tax level related to the lower tax level.

Mr. POMEROY. Mr. Speaker, I yield 2½ minutes to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, I want to compliment my colleague from Florida, the attorney. He said a couple of things that I think are noteworthy. Number one is when the facts are not on your side, talk about everything but the facts.

My colleague from Florida, the facts are not on your side. I am not a lawyer, but I can read the Treasury report. The Treasury report that came out on June 30 of this year has some extremely interesting facts.

Number one, there is still no surplus, other than the trust funds, and the trust funds raised about $170 billion. Yet we have a cumulative surplus of only about $176. Why is that? Because they stole $11 billion from somebody's trust fund to pay the bills.

The second thing is I have heard over and over we are paying down the debt. Again, according to the Treasury's own figures, the debt has grown by $42 billion of public debt this year. This year we have spent, as of today, $300 billion of the taxpayers' dollars down a rat hole called interest on the national debt. It is not taking care of old folks, it is not educating kids, and we are going to keep throwing money down that rat hole until we pay down the debt, and you do not pay down the debt unless you balance your budget.

Again, this is coming from the Bureau of Public Debt. This is June 30, 1999. The publicly held debt was $5.636 trillion. One year later, June 30, 27 days ago, the public debt is $5.685 trillion, an increase of over $40 billion.

Again, I would say to the gentleman from Florida (Mr. SHAW), I am not a lawyer, but I can read.

To the point: Where did they steal the $11 billion? Did it come out of Social Security? Did it come out of Medicare? Did it come out of the approximately $10 billion of the Military Retiree Trust Fund? Because they certainly stole $11 billion from somebody's trust fund under this charade of a balanced budget.

I urge Members to reject the Republican proposal. I urge this generation of Americans that has run up $5 trillion of the $5.7 trillion worth of debt which has been incurred in our lifetimes, let us pay our bills and not stick our kids with them.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to ask the gentleman in the well, was he speaking for or against the substitute?

Mr. TAYLOR of Mississippi. Mr. Speaker, will the gentleman yield?

Mr. SHAW. I yield to the gentleman from Mississippi.

Mr. TAYLOR of Mississippi. Mr. Speaker, I will not be able to support either of them, because I think this generation ought to pay its bills.

Mr. POMEROY. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I thank my friend for yielding me time.

Mr. Speaker, I rise in strong support of the substitute and in opposition to the final bill. I feel that the substitute is much more fiscally responsible than the attempt in the final version to basically bet the entire budget surplus on the hopes that the surplus money projected out in 10 years will in fact materialize. But I have always felt that, given the current economic numbers, we can provide some tax relief to Americans and working families, and even to seniors who need it, as long as it is done in a fiscally responsible way.

The substitute creates an exemption for individuals up to $80,000, up to $100,000 for married couples, and will exempt 95 percent of seniors in our country, and yet it will not bet the entire farm by the complete elimination that the final bill calls for.

I also think it is fair to do it that way as well, because when you look at current earnings and what they are taxed on for FICA purposes, it phases out at roughly $76,000 in the current year. That means those earning more than $76,000 no longer pay FICA taxes, yet working families below that level are taxed on every dollar that they earn.

The other point that I want to make, Mr. Speaker, is this: this body has never been accused of being consistent philosophically on a lot of issues, and we are not in this instance. Earlier this summer when gasoline prices were spiking around the country, there was a lot of talk and excitement out here about repealing the Federal gas tax to provide relief. But when people realized that that would mean taking money out of the Highway Trust Fund to do it, a dedicated revenue stream, they said, oh, no, no, no, we cannot do that, we should not touch that, because it will jeopardize roads and highways and bridges.

Now, all of a sudden, when we have a dedicated revenue stream that goes into Medicare and a tax cut proposal is on the table to withdraw funds from that, that seems to be acceptable. That seems to be okay if we do it, even if it may jeopardize the long-term solvency of the Medicare program.

We could not do it with the gas tax repeal, which is a more regressive tax than what we are talking about in this instance, but we are willing to jeopardize the Medicare program under virtually the same exact circumstances.

At least the substitute ensures that surpluses in fact materialize to pay for the revenue shortfall in the Medicare Trust Fund that the tax repeal will create.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to advise the gentleman who just spoke that neither the bill in chief, H.R. 4865, nor the substitute, puts Medicare in jeopardy. There is a replacement of the money coming out of general revenue under both bills. So I think this is very clear.

Mr. KIND. Mr. Speaker, will the gentleman yield?

Mr. SHAW. I yield to the gentleman from Wisconsin.

Mr. KIND. We could have done the same exact thing with the gas tax with the Federal Highway Trust Fund, but that was not acceptable because there was a dedicated revenue stream for our infrastructure needs, just as there is right now with the Medicare.

Mr. SHAW. Mr. Speaker, reclaiming my time, the gas tax is a use tax to pay for highways. What we are talking about now is Social Security. It is quite different. And to say that it is right to tax some folks and it is wrong to tax other folks on the same type of income and moneys that they are receiving under Social Security, which they have paid for, this is not a welfare program, this is an earned benefit. That is what Social Security is, an earned benefit under which all American employees have been duly taxed at the time it was earned and paid into the Social Security trust fund.

We just simply have a difference of opinion. The gentleman from North Dakota wants to give his tax relief to people under $85,000. We think if it is wrong, it is wrong, it is wrong for all people; and that is an honest disagreement.

But neither program, and I want to repeat this, neither the Democrat substitute nor the bill that is mainly under consideration here in any way jeopardizes the Medicare fund. That is a blue herring. It is weird that anybody would really come in to say this, when the bills, both bills, in black and white, specifically state that those funds will be put into the Medicare fund.

Mr. POMEROY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman from North Dakota (Mr. POMEROY); and I thank the gentleman from Texas (Mr. GREEN), as well as the gentleman from Massachusetts (Mr. CAPUANO).

To the distinguished gentleman from Florida, I think the issue is a holistic approach to what we are trying to do. Frankly, I think it is important to distinguish why I am here opposing the Republican plan, and supporting, and gratefully supporting, the Democratic substitute, because I cannot in good faith close hospitals, as they would be closing in my community, or throw senior citizens off of Medicare.

What we have in the substitute is a plan that spends $75 billion, but in refuting the comments by the gentleman from Florida, the substitute ties the funding to certifying that the Medicare Trust Fund is solvent.

If you take all of the expenditures that our good friends on the Republican side of the aisle have been spending on tax cuts, of which the American people have said, I want a solvent Social Security, a solvent Medicare, and I want other opportunities, it is almost $2 trillion. If we are trying to get a prescription drug benefit, debt reduction, Social Security and Medicare solvency, this is what the Republican plan leaves us with, a deficit of $88 billion, meaning that we have no way of paying for those items that are so needed.

Let me share with you the fact that the American Association of Health Plans indicates that at least 711,000 Medicare beneficiaries, your parents, my parents, aunts and uncles, 711,000 Medicare beneficiaries will suffer the loss of their current health benefits in January of 2001 because the Medicare Choice programs are being forced to exit.

Let me also share with Members, in my own hometown, Aetna U.S. Healthcare has moved out and seniors are being thrown off these plans. My own concerned citizen called me and said, What do I do? I do not have an HMO choice. So more of them are going to need more Medicare.

It is to shore up this program that I support the substitute, and I would hope that we would support the saving of Social Security and Medicare.

Mr. Speaker, I rise in strong support of the Democratic Substitute to H.R. 4865, Social Security Benefits Tax Relief Act of 2000. I am urging my colleagues to support this measure so that all, not just a minuscule fraction, of America's seniors get the benefits they are entitled to.

There is an undeniable Medicare/Social Security crisis in America. HMOs are withdrawing from communities across the nation leaving seniors without adequate choices for health care coverage. One of the biggest insurers in my state of Texas will not renew its contract to offer Medicare+Choice HMO for the entire state. According to the American Association of Health Plans (AAHP), at least 711,000 Medicare beneficiaries will suffer the loss of their current health coverage in January of

2001 because Medicare+Choice plans are being forced to exit the program.

For instance, Aetna U.S. Healthcare (Aetna) has announced its withdrawal from certain Medicare markets in the Houston metropolitan area. Mr. Speaker, that is of serious concerns to seniors in my district that are unaccustomed to shopping around for some other plan that may be less than adequate. Overall, Aetna is withdrawing from 11 states and from certain counties in three other states. These withdrawals will affect approximately 355,000 seniors currently enrolled in Aetna affiliated Medicare plans throughout the country.

Allow me to take a moment to share the frustration that seniors in Texas and elsewhere must go through when seniors are forced out of their health coverage. In 1999, about 53 percent of CIGNA HealthCare members disenrolled, 32 percent of Texas Health Choice members disenrolled, and 22 percent of Prudential Health Care members disenrolled. Those seniors had to find alternative means to pay their bills with fewer, sometimes higher expensive alternatives.

A concerned senior citizen recently called my office when she was informed that her Medicare HMO was going out of business. She quickly realized—with some discomfort—that she would have to sign up for another plan. She was confused by the suddenness of this call and understandably concerned about alternative health coverage. She is one of many such seniors that are faced with highly uncomfortable choices.

We need to bring some relief to seniors to offset Medicare's escalating costs and to reduce taxes for our seniors. Many of my colleagues here share the goal of reducing the tax burden on middle-income seniors. I do strongly support a fair repeal of Social Security benefits subject to tax. That is why I strongly support the substitute, which seeks to both reduce the tax burden of all income levels while maintaining fiscal responsibility.

At the same time, we must ensure that Medicare's solvency is maintained. Unlike the Republican proposal, the substitute will not jeopardize Medicare's future. That is absolutely vital to the aged population of our nation that rely on these funds.

Under the current bill, the tax repeal for Social Security benefits only benefits the wealthiest 20 percent of seniors. According to the Center on Budget and Policy Priorities, H.R. 4865 would benefit "higher-income beneficiaries while requiring $14 trillion in general-revenue transfers over 75 years." We need to strengthen and modernize Medicare and Social Security, not weaken it.

The substitute would raise from $44,000 to $100,000 the annual income level at which couples must include 85 percent of their Social Security benefits as taxable income. The annual income level for single Social Security beneficiaries would go from $34,000 to $80,000. By raising these levels, the substitute would provide the same tax relief as in the reported bill for 95 percent of the beneficiaries while continuing a dedicated revenue stream to Medicare.

The substitute would also include the appropriations language in the reported legislation that would provide for general fund transfers to the Medicare Trust Fund equal to the tax reductions under the bill.

It is critical that the tax reductions in the substitute depend on a year-by-year certification by the Secretary of the Treasury that there are sufficient surpluses outside Social Security and Medicare programs to make the general fund transfers necessary to reimburse the Medicare Trust Fund. Therefore, before the Medicare Trust Fund is depleted, the substitute guarantees that the budget surpluses exist to ensure these appropriations will actually be made to the Medicare trust fund to replace the lost revenue.

America's seniors are depending on us to balance the need for tax relief with the need for Medicare solvency. If we come together today, we could bring real relief to our most vulnerable seniors. That is the least we can do for our seniors.

I urge my colleagues to pass the substitute to H.R. 4865.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to address a statement made by the former speaker, the gentlewoman from Texas. The gentleman from North Dakota can correct me if it is in his bill, but I do not believe either bill has anything to do with any certification that the Medicare Trust Fund is solvent. I believe what the gentleman refers to is a projection as to the surplus, and it does not address any projections as to the Medicare Trust Fund. That is not in either bill, as I understand it.

Mr. POMEROY. Mr. Speaker, will the gentleman yield?

Mr. SHAW. I yield to the gentleman from North Dakota.

Mr. POMEROY. The certification requirement in our substitute does ensure that the Medicare Trust Fund stays solvent, because it requires, before the effect of the tax in a given year, it requires certification there are sufficient general fund revenues to move into the Medicare Trust Fund.

□ 1630

Without that certification, we believe one could find themselves in a situation where there was no general fund revenue available to move into the Medicare Trust Fund.

Mr. SHAW. Reclaiming my time, I would only point out to the gentleman that general revenue, since 1993, has been going into the trust fund and we did not run surpluses until 1998. So the Republican plan, as the gentleman refers to it, or I refer to it as the bipartisan plan, it keeps Medicare funded. There is no question about that. Neither bill addresses what is paid to hospitals. That is another problem.

The gentlewoman from Texas (Ms. JACKSON-LEE) brought this up and that is a problem across the country. We know that and we are looking at it in the Committee on Ways and Means and elsewhere in this Congress. But I would say that this does not in any way increase the funding for Medicare. It does not affect the benefits one way or another. It does not increase it. It does not decrease it. Both bills completely, do completely, replace the money in the Medicare Trust Fund that is taken out to give the Social Security beneficiaries some tax relief, and I am talking about people between $3,000 and $4,000.

Mr. POMEROY. Mr. Speaker, will the gentleman yield?

Mr. SHAW. I yield to the gentleman from North Dakota.

Mr. POMEROY. On the point of the gentleman, well made but I take issue with it, that in those years when we ran deficits we transferred money from the general fund, I think a more appropriate way to view what was occurring is trust fund dollars were being spent, dollars from the Social Security trust fund, dollars more appropriately allocated to the Medicare Trust Fund. The majority and minority have found a point of consensus that we do not want anymore to spend the Social Security Trust Fund on anything but Social Security.

We believe, therefore, that this certification requirement requiring before that revenue is lost in a given year, there be general fund revenue available to replace it in the Medicare Trust Fund, is the only way that will ensure the solvency of the Medicare Trust Fund without using funds from either the Social Security or Medicare Trust Fund to keep it whole.

Mr. SHAW. Reclaiming my time, I would say to the gentleman that Medicare is going to be funded whether we get into new deficit spending or if we continue to run a surplus. I think the gentleman realizes that. The Congress is not going to cut Medicare funding. There is a stream coming out of both bills that keeps Medicare whole.

So I think we need to redirect the argument as to who is going to get the tax relief.

There are going to be some people in this House, such as the gentleman from Mississippi (Mr. TAYLOR), and he stated his reason for doing that, that he is going to oppose both bills. He stated his reason for it. That is an honest argument. But to say that one bill is going to run up deficits and the other is not is certainly not the right way to debate so that we can get all the facts out here on the table.

I think we need to redirect the debate back to what is before us, and that is who is going to get the tax relief. That is the only question that is before us at this particular moment as to the substitute.

Mr. Speaker, I reserve the balance of my time.

Mr. POMEROY. I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, I thank my friend, the gentleman from North Dakota (Mr. POMEROY), for yielding me this time.

Mr. Speaker, I rise in strong opposition to the underlying bill and in support of the Democratic substitute. The underlying bill violates a hard-won national consensus on fiscal policy. I thought we had learned and agreed in two ugly decades of moral and economic bankruptcy in this country that we should base our governance not upon what we desire and wish to do but on what we can afford. I thought we had agreed that we should base our decisions not on the money that we hoped will be there but on the funds that we know that are there.

The underlying bill, I believe, violates this consensus because it contributes to a proposition in which the majority says that for every extra dollar that we think we are going to have, we are prepared to spend a $1.05. That consensus in this country would say that, first of all, we should not spend $1.05 for every dollar that is brought in and we should not assume that we are really going to have that dollar because it is based upon guesswork, economic sorcery and a desire for funds that may or may not be there.

I thought we had learned that we cannot have everything. I do not like this tax on Social Security benefits. I do not like the tax on gasoline. I do not like the tax on capital gains. I do not like a lot of things that we levy taxes on. But the one thing I really do not like is telling people they can have everything, higher defense spending, debt reduction, save Social Security, a prescription drug benefit, more spending on education, more spending on health care, and an immense tax cut as well.

The real deficit in this country for 20 years was not in dollars and cents. It was in credibility. Let us not renew that deficit. Let us oppose this bill.

Mr. POMEROY. Mr. Speaker, I yield 4 minutes to the gentleman from Missouri (Mr. GEPHARDT), the minority leader of the House.

Mr. GEPHARDT. Mr. Speaker, this is a bad piece of legislation and I hope it is not passed, and I hope that the alternative that we have before the House could be passed in its stead.

I think this bill should be renamed. It should be the Savage the Medicare Trust Fund bill, because this bill takes $116 billion out of the Medicare Trust Fund.

Now, why is that a concern? We have been worried for months and years about the Medicare Trust Fund. We have been saying how are we going to get enough money into the Medicare Trust Fund to extend its solvency? This bill will cut its solvency by 5 years.

Now remember that we are in a time when we have the need to do something to put more money out of the Medicare Trust Fund to take care of problems from the 1997 Balanced Budget Act. We all have nursing home operators coming to see us because they do not have enough reimbursement out of the Medicare Trust Fund. Half the nursing homes in the country are bankrupt today because of the cut in reimbursements from the Medicare Trust Fund.

The academic health institutions, I am visited by Washington University and St. Louis University in my town. They have been cut by the Medicare 1997 bill. They want restorations.

The home health care people cannot get out to do the home health care visits and so we are probably, before we leave in this Congress, going to restore funding out of the Medicare Trust Fund for them.

If we put it altogether, the savings from the 1997 Act over 10 years comes to over $200 billion. If we did half in terms of give-backs, that would be as much as this bill costs.

So instead of talking about hitting the trust fund for $100 billion, we are going to hit it for $200 billion. That will cut its solvency 10 years.

So this is the Savage the Medicare Trust Fund Act. That is what it is.

Now, the Republicans say, well, we will put the money back from general revenue. We will put it back from the surplus, the vaunted surplus. If we look at this chart, we can see that if we just take their trillion dollar tax cut, and I will get back to that in a minute, and put realistic spending projections in debt service, we already are running a deficit even with present projections. Let us remember these are projections.

How many have heard of Ed McMahon sending the envelope from Publisher's Clearinghouse saying one may have won $10 million? Has anyone gotten one? If they have, I bet they did not go out and spend the $10 million because it might not show up.

Well, these projections may not come true, and then where will we be? That is why our alternative is contingent on the surplus actually being there, so that each and every year we will figure out whether or not what we hope would happen actually happened.

Now, the other problem we have here is that this is just one more tax cut in the tax-cut-a-week program, which is really dividing the big chocolate cake we had out here last year from the Republicans. They had a $750 billion tax cut. They passed it, I think, probably about this time last year and they were going to go home in August and excite the American people about the great things about this tax cut. Guess what? The President vetoed it and when they came back they have never tried to override the veto.

If it was such a great bill, why did they not try to override the veto? No. Instead, they cut that big cake into pieces and this bill today is one of the pieces. Guess what? The cake is even bigger than it was last year. It is a trillion dollars.

Why, in the name of common sense, would we want to go back to the deficits that we suffered in this country from 1981 to 1995, fifteen years of deficits?

There were times in this House many Members felt like trustees in bankruptcy, $200 billion, $300 billion a year, and passage of all these tax cuts together will take us right back to the deficit spending and the red ink we had in those years.

Finally, let me say we can do tax cuts this year. You bet we can do tax cuts this year, if they are sensible, if they are targeted, if they do not spend so much of the surplus that we get back to deficits.

The President talked about expanding educational opportunities by making tuition deductible, tax relief through a for long-term care, a home health care credit, a child care credit, expanding the earned income credit, helping families save for retirement, relief from the marriage penalty and estate tax for family-owned businesses and farms.

Under the President's plan, a family of four making $31,000 a year gets over $350 in tax cuts. Under the Republican chocolate cake that cost a trillion dollars, they get $131. Under the President's plan, a family earning over a million dollars gets about $100 in tax cuts but under their plan they get $23,000 in tax cuts. That is the difference.

You bet we can do tax cuts. We can even do a big piece of this tax cut if we do not give it to the high rollers, as we do not do in our alternative.

You bet we can deliver tax relief to the ordinary families of this country if we were not so obsessed with giving huge amounts of money to the wealthiest families in this country. You bet we can do tax cuts.

Finally, let me say this. I say to my friends in the other party we need to do tax cuts this year. This tax cut, if it is passed and sent to the President, will be vetoed. Their marriage tax penalty, which was focused on the wealthy, will be vetoed. Their estate tax relief, again focused on the wealthiest Americans, will be vetoed.

If one is a family out there today watching this, an elderly family, a middle income family, an average family, working hard every day, they want tax cuts now that mean something to them. In the name of sense, why can we not sit down at a table and work out all of these tax cuts so that the President will sign them, so they fit in a budget that is sensible and prudent and let us get the tax relief for the American people this year?

Vetoes and press releases get us nowhere. Let us pass real tax cuts that will help the hard-pressed working American family.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, just a couple of observations I would like to make, and it is interesting, the minority leader whom I have a great deal of respect for, it is interesting they talk about how the Republican tax cut is going to savage

Medicare but the minority substitute will not when they are both tax cuts. We both replace this money. It is absolutely unbelievable that these arguments are being made this way.

I would like to also point out, there is a lot of things that we should sit down and talk about. I would love nothing better than to sit down and talk to the gentleman from Missouri (Mr. GEPHARDT) and members of the minority party. I would contribute my entire August break to sitting down and talking about Social Security and getting this thing done. I would like to also talk to the President about getting Social Security reform done, and do it this year and do it on this President's watch. I think this would be a wonderful thing. It would be a wonderful legacy that the President can leave, but we are getting stonewalled. We are getting stonewalled from the minority side. This type of legislation is not going to go forward and it is not going to go forward unless the leadership and the Democrat party tears down that wall and lets us proceed.

□ 1645

Neither of these bills, and I will say it again, and this is getting so repetitious, neither of these bills in any way jeopardizes Medicare, it absolutely is not going to happen under either the substitute or the bill, main bill itself. Again, I must point out to the House that the letter that we have received from the administration's Department of Health and Human Services says, and it says very forthrightly, that this proposal will have no financial impact on the Medicare trust fund. It is in writing, it is dated July 18.

Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH. Mr. Speaker, I want to thank the chairman of the Subcommittee on Social Security for his fine work and his defense of Social Security and his defense of the legislation we have before us today.

I rise to oppose the substitute, because the substitute is a last gasp attempt by the minority to preserve a tax increase that they passed when there was a deficit and when they were in the majority, and it was passed with their votes alone. The trouble with the substitute that they offer is very simple. It is an attempt to preserve this tax on Social Security benefits against the day when it is inevitably going to be shifted back on to the middle class.

Why do I say that? It is because they have not indexed their provisions for inflation. They have raised the caps on what this tax is going to apply to, they have expanded the exemption, but at the same time, they have not indexed those changes for inflation.

So over time, we are going to experience the same difficulty that we are facing now. The tax will apply to more and more Social Security recipients, and in the end, I think the only solution to dealing with this Social Security tax that they passed is to repeal it outright. If they want to go after high-income Americans and tax them, there are fairer ways to do it than by taxing Social Security benefits because when we tax Social Security benefits, we violate a principle.

Mr. Speaker, Social Security benefits should not be taxed. We should leave in place a healthy Social Security system and leave the benefits completely free from taxation. It is a priority, if we are going to preserve the Social Security system in the long term, to make sure that those benefits are tax free. By preserving this surtax, that they and they alone passed, they are attempting to leave the camel's nose under the tent. We cannot allow that to happen.

Mr. Speaker, what we are passing today is fiscally sound, it is a recognition of the fact that we are now running gigantic surpluses, and that having run those surpluses, the time has come to roll back some of those taxes that we have imposed on the taxpayer back when we were running deficits.

This is common sense legislation; it is one that enjoys broad support, and I hope that we can have bipartisan support not only to pass this legislation, but also to block the substitute which is a last-ditch attempt to preserve this tax.

Mr. POMEROY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, the gentleman from Florida was correct a moment ago when he said, this is all about who is going to get a tax cut, and that is precisely why I oppose both the substitute and, even more strongly, the base bill. Because the gentleman from Florida knows that the Archer-Shaw bill, for the future of Social Security, requires this $116 billion in order to fund it. Therefore, the tax cut they are perfectly willing to give back today will jeopardize the very plan my Republican colleagues have worked very hard for.

The gentleman from Florida also knows that this gentleman is ready to reach out and to work with my colleagues on the other side on a meaningful Social Security fix. However, I would submit to my colleagues, and why I so strongly oppose this so-called tax cut, is because we are misleading the senior citizens of this country. Because no matter how many times the gentleman from Florida stands on the floor and says nothing in his bill will jeopardize Medicare, how can he say that, when the removal of that will require $14 trillion over the next 75 years to replace it.

Now, the gentleman will say that he is going to replace it, and both bills replace it, but let me point out legislating general revenue transfers to the Medicare trust fund simply to tread water in terms of solvency is a dangerous precedent. I have joined with the gentleman from Florida on his side of the aisle for criticizing our President for proposing that, but now the gentleman brings a bill that transfers $4 billion more than the President has proposed, the gentleman criticizes him, but suddenly today, because this is being advertised as a tax cut, he is for it.

Now, it is time for us to get serious about legislating. I wish we could do this, but not before political conventions. I understand that, because the short-term political appeal of this legislation is so great. But anyone that looks at the results and anyone that looks at the facts knows better. We remember the gentleman from Mississippi (Mr. TAYLOR) standing here just a moment ago and showing all of us, there is no surplus; when we consider all of the trust funds, there is no surplus.

While I understand the short-term political appeal of this legislation, before you cast your vote I would ask my colleagues to consider the long-term ramifications this bill will have for Social Security and Medicare.

Although we are currently in an era of surpluses, we should not forget that Medicare's financial future is troubled. The legislation before us would weaken, rather than strengthen Medicare financing by depriving the program of roughly $14 trillion in dedicated revenues over the next seventy-five years. This will not only threaten the viability of the Medicare program for future generations, but it will force an even greater squeeze on hospitals and other health care providers dependent upon Medicare payments.

While the revenue loss to the Medicare trust fund is guaranteed, the budget surplus that is supposed to replace the lost revenues exists only in projections and faces many other competing demands. Once the projected surpluses run out, the Medicare trust fund will be left with a large hole unless a future Congress is willing to raise taxes or cut other programs.

Legislating general revenue transfers to the Medicare Trust Fund simply to tread water in terms of solvency is a dangerous precedent that will significantly affect our ability to enact fiscally responsible Social Security and Medicare reform. I have joined with many of my colleagues on the other side of the aisle criticizing the President for proposing general revenue transfers to prop up the Social Security and Medicare trust funds without reforming those programs. I would point out to my Republican colleagues that the general revenue transfers in this bill are nearly $4 trillion more than the total general revenue transfers to the Social Security and Medicare trust funds combined under the President's budget.

We should be working to address the long-term financial problems facing Social Security and Medicare instead of voting on the tax cut of the week. Unfortunately, the majority's plan to use all of the surplus on tax cuts will take away the resources that we will need to finance Social Security reform plans such as the Archer-Shaw bill.

I urge my colleagues to preserve the integrity of the Medicare program and vote against this bill.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume to respond basically to the comments made by the gentleman from Texas. He is quite right, he has reached out across the aisle in order to solve the problems of Social Security, but I would correct him in one statement. For the next 15 years, the Archer-Shaw plan uses the Social Security surplus to save Social Security. After that, there is a period of time when general revenue does come in. That is 15 years out. I believe the gentleman's plan does depend upon general revenue right from the very beginning.

Mr. STENHOLM. Mr. Speaker, will the gentleman yield?

Mr. SHAW. I yield to the gentleman from Texas.

Mr. STENHOLM. Mr. Speaker, according to the scores of Social Security by CBO, both of our plans require the very same dollars that the gentleman proposed to give back today in the long term. We would not disagree on that.

I would just say, we are consistent. What the gentleman has said about our plan is correct, and what I have said about the Republican plan is correct. Let us not split hairs. We need that money. If the gentleman gives it back today, as he proposes, he is going to do damage to Medicare unless we somehow find the magic money somewhere else.

I thank the gentleman for yielding.

Mr. SHAW. Mr. Speaker, I reserve the balance of my time.

Mr. POMEROY. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise in strong opposition to the Republican tax cut proposal for the rich, and I rise in support of the Democratic alternative.

There are many of us in this House who would like to roll back taxes on Social Security. The problem is, we do not believe we ought to do it for the very rich or the super rich.

The Democratic alternative quite simply says, we can provide tax relief for Social Security recipients, 95 percent of them, and do it in a fiscally sound manner. It seems to me now the Republicans have to answer the question: why should we give tax relief to people who make over $100,000, those seniors who make over $100,000 and who only represent 5 percent of the senior population. There is a fundamental question of fairness here.

Second, there is the question of fiscal prudency. They take $117 billion out of the Medicare trust fund. They tell us well, we will put this money back by taking money out of the general fund and putting it back into Medicare. However, as has been pointed out time and time again, we have red ink. We will not have, when they get through tax cutting and spending, we will not have any money to put back into the trust fund. So on that score, this plan simply will not work.

The Democratic alternative, on the other hand, saves $45 billion and makes much more fiscal sense, while still providing sensible tax relief.

Second, there is a question of fairness. We will hear the Republicans talk about seniors who make $34,000, and that is not a lot of money. I agree, but why do they give a tax break to seniors who make $300,000 a year? That does not make any sense.

Finally, I think we ought to consider something really important. Prescription drug coverage. We have 12 million seniors in Medicare who do not have prescription drug coverage, and I assure my colleagues, if we have this tax giveaway as propounded by the Republicans, we will not be able to provide a prescription drug benefit.

So when we analyze the entire package, we get an excessive Republican plan and a fiscally responsible Democratic plan. I urge adoption of the Democratic alternative.

Mr. SHAW. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, regardless of what both sides are talking about in terms of numbers and fixes, there should be certain principles. The American people are taxed too high, both on the high end and on the low end of the spectrum.

In 1993, when my colleagues on that side controlled the White House, the House and the Senate, they increased the tax on Social Security in their tax bill. They also spent every single dime of the Social Security Trust Fund, and now they argue that they want to save it. They also spent every dime out of the Medicare trust fund for great socialized spending, which drove this Nation deeper and deeper in debt. In 1994, when we took the majority and said, we are going to save Medicare, and we did, some joined us, but most, including the Democrat leadership, fought everything against a balanced budget and welfare reform and Social Security lockbox, because it eliminated their spending.

The principle is that the American people are taxed too much; we want to give some of their money back. It is not our money.

Mr. POMEROY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, I rise in opposition to H.R. 4865. I want to make a couple of points.

It is interesting that we are seeing this bill again. This particular tax issue has not been on the House floor since 1995, but the Republicans have decided to drag it out of the barn right before the Republican convention and stick it up there so they can go and campaign on it. They do not care that it drains all of this money out of the Medicare trust fund, and they say, we will make that up out of general revenues, even though we have not done that before with respect to the Medicare insurance trust fund. My colleagues will remember, it was not too many years ago that we were concerned that the trust fund was going to become insolvent. Both sides were trying to figure out a way to do it. Now it is solvent until 2027, I think, and now we are going to drain money out of it.

But the thing that is also ironic about it is, on the budget resolution and I worked on the budget, the Republicans said we only had $40 billion of general revenues to spend on Medicare to improve the Medicare program, and we could not put a real prescription drug program on the floor because we could only spend $40 billion over 5 years.

Well, they passed their fig leaf plan that had bipartisan opposition to it, that spent $40 billion, they are talking about doing a Medicare give-back bill that will spend $25 billion, and today they are going to spend $44.5 billion of general revenues of the projected surplus for this tax cut bill that they want to do. They are spending the general revenues more times than we spent the spectrum, and they are doing it under false pretenses. That is the problem with this bill. They drain the Medicare trust fund, they do not stick by their budget resolution; they are doing for purely political reasons, and it is a real shame.

Mr. Speaker, I would love to get together with the gentleman from Florida and work through these problems, but nobody is ready to legislate and they are certainly not going to legislate before the Republican convention this next week in Philadelphia, so perhaps we can come back in September, sit down, figure out a sound fiscal policy that both parties can agree upon and give senior citizens prescription drug relief, in addition to tax relief, let us give them relief from rising prescription drugs.

Mr. POMEROY. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. CAPUANO), a cosponsor of the democratic substitute.

□ 1700

Mr. CAPUANO. Mr. Speaker, again I rise at the end of the day simply to draw the line as I did earlier about what I think this proposal is, this substitute. The difference between the substitute and the main bill is simple, very, very simple.

We believe in the concept that tax cuts should first go to those who need it most. I understand there was a philosophical difference of opinion on that, and I respect that; but that is our belief.

When one has to balance out where pennies should go, where dollars should go, where even billions should go, they should go to those who need it most first. That is why our proposal raises the levels to $80,000 for a single person and $100,000 for married couples.

The second most important part of this bill has to do with how this gets done. Under the Republican proposal, it is a political promise; and that is all it is. Under our proposal, it remains a dedicated revenue stream.

There is a distinct difference, and it is a difference that I generally hear from the majority side. The difference is that people do not trust us. I happen to agree. They do not.

Mr. POMEROY. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. GREEN), another cosponsor of the substitute.

Mr. GREEN of Texas. Mr. Speaker, to follow up on my colleague from Erie, Pennsylvania, where he said this is the last gasp; this is the last gasp to try to make sure we do not raid the Medicare Trust Fund.

I know the argument from my colleagues on the other side said there is no difference in the substitute and the bill. There is a big difference, that each year that the Medicare Trust Fund, they have to be certified that is there is a surplus that can go into the trust fund, not automatically tax cuts and then hope there is money to pay for the trust fund.

The same would apply to the Social Security Trust Fund, Social Security surplus that we are building up now. We would not use the Social Security surplus to take it out of one senior's pocket and put it in the other for a tax cut. That is just wrong. Our seniors in our country know better than that, Mr. Speaker.

That is why the substitute should be adopted. We need to make sure that we give seniors a tax cut, but we do not raid the Medicare Trust Fund or take it out of their social security surplus that not only they paid but we are all paying.

Mr. POMEROY. Mr. Speaker, does the gentleman from Florida (Mr. SHAW) have any additional speakers?

Mr. SHAW. Mr. Speaker, we had a couple Pages that wanted to speak on this side, but I do not think they would be in order. We have one more speaker and that will be to close.

Mr. POMEROY. Mr. Speaker, I believe we have the right to close.

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Florida (Mr. SHAW) has the right to close.

Mr. POMEROY. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Mr. Speaker, we are squandering a golden opportunity here today to preserve this surplus, to protect Social Security and Medicare, and pay down the debt.

As has been mentioned earlier, when one adds up all the spending and tax cuts this House is passing, we have already used up the entire surplus. That is why the argument that general revenues replacing this tax cut protect Medicare simply does not fly on the facts.

Now, what does the motion to recommit represent? It represents an honest statement that there should be a legitimate debate about the extent to which seniors should contribute to the cost of Medicare in the years that go forward.

Yes, I say to the gentleman from Florida (Mr. SHAW), I think one can make some legitimate points about reducing this tax once we have the general revenue in place for Medicare. But that should be part of a broader debate on Medicare reform.

We should not be doing Medicare reform ala carte. We ought to be having an honest and open debate about what fairness represents in terms of the share of the baby boomers like myself are going to pay, what share seniors are going to pay, how we are going to structure prescription drugs we all agree upon. Those are the facts. That is why we should defeat this bill and adopt the motion to recommit.

Mr. SHAW. Mr. Speaker, I yield the balance of our time to the gentleman from Texas (Mr. ARCHER), chairman of the Committee on Ways and Means.

Mr. ARCHER. Mr. Speaker, I thank the gentleman for yielding me this time, and I compliment him on the outstanding work that he has done as chairman of the Subcommittee on Social Security to protect the rights of seniors. That is what we are about today.

Those Members who have listened to the rhetoric, if they were trying to be objective, sure must be puzzled because they have heard trillions of dollars thrown around. They have heard they are going to jeopardize Medicare. They have heard all types of comments.

Why? Why is there such desperation on the part of the minority to undo a wrong? Is it because they have got to defend what they did in 1993 even though it was wrong? They will defend it at any cost with whatever rhetoric, because it is basically wrong to tax senior citizens on their Social Security benefits, then say we are doing it to balance the budget. That is the wrong way, if in fact that truly is the rationale.

We are here to right a wrong today. So what is the response of the Democrat substitute? To do precisely what we do in our base bill in transferring general Treasury revenues into the Medicare Trust Fund. Now, if they really believed in the argument that they have made against our base bill that it jeopardizes Medicare, then why are they doing the very same thing? All they are doing is leaving the tax in place, continuing the wrong, helping some people and saying, well, we are for targeted tax relief. This is targeted tax relief. But the Democrats' idea of the target is leave the bull's eye out. We do not want to truly score for the right thing.

If one was going to find a tax and claim we need this to balance the budget, the last tax one would pick would be to tax the Social Security benefits and destroy the value of those benefits that people work a lifetime to achieve and then say, well, that is okay. It is not okay.

This is not political for me. I oppose this tax vehemently when it was first put in place. I opposed even the original tax to tax 50 percent of the benefits because it is wrong.

No matter how one couches it, no matter how one says, the President is going to veto it, why will he veto this? He will veto it only to defend the wrong that he put on the books in 1993.

But we are going to do the right thing. It is responsible.

But when I look at the Democrat substitute, I realize that it is a typical sleight-of-hand approach. First, you see it, then you do not. It says to seniors, well, we will give some of you some relief, but only if the budget is balanced. So maybe they get it; maybe they do not.

How does one know how to plan what the value of one's Social Security benefits is going to be in advance? One cannot under the Democrat substitute. They put seniors on a yo-yo string and say look what we are doing for you. It is like Peanuts when Charlie Brown is told kick the ball; and just as he gets to the ball, Lucy pulls the ball away. That is the Democrat substitute. I do not think seniors want that with their benefits and the value of their benefits.

In addition, they do what AARP has told us over and over again is in violation of the Social Security contract. They means test the Social Security benefits. They say to seniors, you have not really earned these benefits. You are not really entitled to them. We are going to determine whether you get them or not.

Then they also say to young workers, do not save, because if you save, you are going to lose your Social Security benefits. Only if you save will you lose your Social Security benefits. That is a terrible signal to send to young workers at a time when we need savings more and more and more.

Maybe that is the worst part of it. But it is bad through and through and through.

We are here to correct a wrong and to do the right thing. We will not be deterred by the smoke screen that is put up on the other side of the aisle in defense of the wrong that they put on the books in 1993.

I say to my colleagues, because I know we are going to get votes from people who are objective and know the right thing on the Democrat side, I say to all of my colleagues, vote against this substitute and vote for the bill. It is the right thing to do.

Ms. PELOSI. Mr. Speaker, over the past few month, it has become increasingly clear that the Republicans' only real agenda is tax breaks. I am not against cutting taxes. However, the Democratic approach of targeted tax cuts that go to those who need them most is better for our country.

The reduction of taxes for our nation's seniors is certainly a worthy goal, but we must not reach that goal by placing Medicare in jeopardy. The problem with the tax cut in the Republican bill is that it eliminates a dedicated tax source for the Medicare Trust Fund and replaces it with an IOU from the general fund.

As a result, we will have $100 billion less over the next 10 years to use to extend Medicare solvency, offset Medicare reductions made in 1997, and provide all seniors a true Medicare prescription drug benefit. These are vitally important goals and they should not be sacrificed for tax cuts.

The Democratic alternative targets this tax cut to low and middle-income seniors by raising the income threshold at which Social Security benefits are subject to taxation from $34,000 to $80,000. This provides tax relief while protecting the Medicare Trust Fund from losses. Protecting Medicare and Social Security must be a priority for this Congress. We must avoid losses to Medicare that will force seniors to pay higher out-of-pocket payments for the health care that they deserve.

I urge my colleagues to support the Democratic substitute.

Mr. SHAW. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to House Resolution 564, the previous question is ordered on the bill and on the amendment by the gentleman from North Dakota (Mr. POMEROY).

The question is on the amendment in the nature of a substitute offered by the gentleman from North Dakota (Mr. POMEROY).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. POMEROY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 169, nays 256, not voting 10, as follows:

[Roll No. 449]

YEAS—169

Abercrombie
Ackerman
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Bishop
Blagojevich
Bonior
Boswell
Boucher
Brown (FL)
Brown (OH)
Capps
Capuano
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Cramer
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Dooley
Doyle
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Holt
Hooley
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Mink
Moakley
Moore
Moran (VA)
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Price (NC)
Rahall
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Stabenow
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wilson
Wise
Woolsey
Wu
Wynn

NAYS—256

Aderholt
Allen
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Berry
Biggert
Bilbray
Bilirakis
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boyd
Brady (PA)
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Coyne
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doggett
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Everett
Fattah
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoeffel
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (OK)
Manzullo
Martinez
McCollum
McCrery
McDermott
McHugh
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Miller, George
Minge
Mollohan
Moran (KS)
Morella
Murtha
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Rangel
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Barton
Ewing
Gilman
Jenkins
Largent
McIntosh
Myrick
Smith (WA)
Spratt
Vento

☐ 1732

Messrs. WHITFIELD, TANNER, CANNON, SALMON, HERGER, BILBRAY, KINGSTON, BRADY of Pennsylvania and GREENWOOD changed their vote from "yea" to "nay."

Ms. DEGETTE, Ms. KILPATRICK and Mr. MEEKS of New York changed their vote from "nay" to "yea."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. PEASE). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. ARCHER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 265, noes 159, not voting 11, as follows:

[Roll No. 450]

AYES—265

Abercrombie
Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bateman

Bereuter
Berkley
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Castle
Chabot
Chambliss
Chenoweth-Hage
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crowley
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeFazio
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dooley
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Evans
Everett
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Holt
Hooley
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Johnson (CT)
Johnson, Sam
Jones (NC)
Kaptur
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kucinich
Kuykendall
LaHood
Lampson
Larson
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McKeon
McKinney
Mica
Miller (FL)
Miller, Gary
Mink
Moore
Moran (KS)
Nadler
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sandlin
Saxton
Scarborough
Schaffer
Schakowsky
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stabenow
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Young (AK)
Young (FL)

NOES—159

Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Blumenauer
Bonior
Borski
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capuano
Cardin
Carson
Clay
Clayton
Clyburn
Conyers
Costello
Coyne
Cummings
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Dixon
Doggett
Doyle
Edwards
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
LaFalce
Lantos
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Markey
Mascara
Matsui
McCarthy (MO)
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Sawyer
Scott
Serrano
Sherman
Skelton
Slaughter
Snyder
Stark
Stenholm
Strickland
Stupak
Tanner
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weygand
Woolsey
Wynn

NOT VOTING—11

Barton
Ewing
Gilman
Jenkins
Largent
McIntosh
Metcalf
Myrick
Smith (WA)
Spratt
Vento

□ 1748

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2909. An act to provide for implementation by the United States of the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4576) "An Act making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3703

Mrs. BIGGERT. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 3703.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4892

Mr. LEWIS of Georgia. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 4892.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

PERMISSION TO INSERT OMITTED REMARKS ON H.R. 4942, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2001

Mr. MORAN of Virginia. Mr. Speaker, I understand that in my remarks yesterday, some of those remarks were inadvertently left out of the Journal. I ask unanimous consent to insert those remarks in their entirety.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The text of the remarks as originally delivered is as follows:

Mr. MORAN of Virginia. Madam Chairman, perhaps some people take umbrage at the passion of the gentlewoman from the District of Columbia (Ms. NORTON), but I would expect that any of us if facing the same level of frustration and unfairness would not react in the same passionate manner.

She is defending, not only her constituents but a process, a democratic process, that she believes in that caused all of us to get into public service, and the fact is, she is right, Madam Chairman. The mayor of the District of Columbia said he is going to pocket veto this bill. We have to believe. I cannot believe any of us do not believe that he is going to do that. So if we believe he is going to do that, why are we doing this?

He is going to insist that there be a religious exemption clause. People that have moral objections are going to be able to raise them. So why are we doing this, putting this offensive language in this bill? Just to show that we are more powerful than them, just to show them. She is right. This is wrong.

Now, let me also say it is wrong for insurance companies to cover viagra for men and not cover contraception for women. Let us just tell it like it is. What could be more unfair? All this contraceptive equity provision says is that insurance companies ought to be fair and start respecting women, when contraception is the largest single expense, out-of-pocket expense, for women during most of their lives, and that is because of men's irresponsibility that, darn it, it ought to be covered.

So it is the right legislation. They should have passed this legislation, and it is also true that most of these Catholic institutions are self-insured. It does not even apply to them. They are self-insured.

Let me also say something, and I can only say this, I certainly would never say this if my own life were different, but having been educated in Catholic schools all my life, if I were a gay man, I would feel the same sense of frustration and disappointment that Councilman Jim Graham expressed on the D.C. council.

That disappointment and the intolerance and, yes, the hypocrisy of the Catholic church as an institution towards homosexuality ought to be addressed. So I do not blame them for saying that. I know he wishes he had not said that, but these are debates that belonged in the D.C. council. These are debates and issues that should be settled, should be settled by the D.C. government.

The Catholic institutions within the D.C. government have plenty of access. They are well respected, deservedly so. They contribute tremendous benefits to D.C. government and its society. They will be fully reflected in the legislation that becomes law, and that is the way it ought to be. We have no business getting involved in this issue, particularly when we have no legitimate role to play.

The gentlewoman from the District of Columbia (Ms. NORTON) is absolutely right. The mayor is going to take care of that situation. Let him take care of the situation. He will be held accountable. He should be held accountable. He is elected. He understands it. He has a solution for it, and that is the way it should be, and what we are doing on this floor is not what should be done by this Congress. Madam Chairman, I gather we are going to continue this debate tomorrow.

RESIGNATION AS MEMBER OF COMMITTEE ON HOUSE ADMINISTRATION

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on House Administration:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 27, 2000.

HON. J. DENNIS HASTERT,
House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I am writing to submit to you my resignation from the Committee on House Administration. It has been a pleasure to serve on this committee during the 106th Congress. I will consider my resignation effective immediately.

Cordially,

THOMAS W. EWING,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

ELECTION OF MEMBER TO COMMITTEE ON HOUSE ADMINISTRATION

Mrs. BIGGERT. Mr. Speaker, I offer a resolution (H. Res. 569), and I ask unanimous consent for its immediate consideration in the House.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 569

Resolved, That the following named Member be, and he is hereby, elected to the following standing committee of the House of Representatives:

Committee on House Administration: Mr. LINDER of Georgia.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. EDWARDS. Mr. Speaker, on Tuesday of this week I was unable to be present in the House for rollcall votes 430 through 438.

Had I been present, I would have voted "yes" on rollcalls 430, 431, 432, 434, 435, 436, 437, and 438 and "no" on rollcall vote 433.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 4920, DEVELOPMENTAL DISABILITIES ASSISTANCE AND BILL OF RIGHTS ACT OF 2000

Mr. LAZIO. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to engross the bill, H.R. 4920, in the form of the introduced bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

WORLD BANK AIDS MARSHALL PLAN TRUST FUND ACT

Mr. LEACH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3519) to provide for negotiations for the creation of a trust fund to be administered by the International Bank for Reconstruction and Development or the International Development Association to combat the AIDS epidemic, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

SENATE AMENDMENT:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Global AIDS and Tuberculosis Relief Act of 2000".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—ASSISTANCE TO COUNTRIES WITH LARGE POPULATIONS HAVING HIV/AIDS

Sec. 101. Short title.
Sec. 102. Definitions.
Sec. 103. Findings and purposes.

Subtitle A—United States Assistance

Sec. 111. Additional assistance authorities to combat HIV and AIDS.
Sec. 112. Voluntary contribution to Global Alliance for Vaccines and Immunizations and International AIDS Vaccine Initiative.
Sec. 113. Coordinated donor strategy for support and education of orphans in sub-Saharan Africa.
Sec. 114. African Crisis Response Initiative and HIV/AIDS training.

Subtitle B—World Bank AIDS Trust Fund

CHAPTER 1—ESTABLISHMENT OF THE FUND

Sec. 121. Establishment.
Sec. 122. Grant authorities.
Sec. 123. Administration.
Sec. 124. Advisory Board.

CHAPTER 2—REPORTS

Sec. 131. Reports to Congress.

CHAPTER 3—UNITED STATES FINANCIAL PARTICIPATION

Sec. 141. Authorization of appropriations.
Sec. 142. Certification requirement.

TITLE II—INTERNATIONAL TUBERCULOSIS CONTROL

Sec. 201. Short title.
Sec. 202. Findings.
Sec. 203. Assistance for tuberculosis prevention, treatment, control, and elimination.

TITLE III—ADMINISTRATIVE AUTHORITIES

Sec. 301. Effective program oversight.
Sec. 302. Termination expenses.

TITLE I—ASSISTANCE TO COUNTRIES WITH LARGE POPULATIONS HAVING HIV/AIDS

SEC. 101. SHORT TITLE.

This title may be cited as the "Global AIDS Research and Relief Act of 2000".

SEC. 102. DEFINITIONS.

In this title:

(1) AIDS.—The term "AIDS" means the acquired immune deficiency syndrome.

(2) ASSOCIATION.—The term "Association" means the International Development Association.

(3) BANK.—The term "Bank" or "World Bank" means the International Bank for Reconstruction and Development.

(4) HIV.—The term "HIV" means the human immunodeficiency virus, the pathogen which causes AIDS.

(5) HIV/AIDS.—The term "HIV/AIDS" means, with respect to an individual, an individual who is infected with HIV or living with AIDS.

SEC. 103. FINDINGS AND PURPOSES.

(a) Findings.—Congress makes the following findings:

(1) According to the Surgeon General of the United States, the epidemic of human immunodeficiency virus/acquired immune deficiency syndrome (HIV/AIDS) will soon become the worst epidemic of infectious disease in recorded history, eclipsing both the bubonic plague of the 1300's and the influenza epidemic of 1918–1919 which killed more than 20,000,000 people worldwide.

(2) According to the Joint United Nations Programme on HIV/AIDS (UNAIDS), more than 34,300,000 people in the world today are living with HIV/AIDS, of which approximately 95 percent live in the developing world.

(3) UNAIDS data shows that among children age 14 and under worldwide, more than 3,800,000 have died from AIDS, more than 1,300,000 are living with the disease; and in one year alone—1999—an estimated 620,000 became infected, of which over 90 percent were babies born to HIV-positive women.

(4) Although sub-Saharan Africa has only 10 percent of the world's population, it is home to more than 24,500,000—roughly 70 percent—of the world's HIV/AIDS cases.

(5) Worldwide, there have already been an estimated 18,800,000 deaths because of HIV/AIDS, of which more than 80 percent occurred in sub-Saharan Africa.

(6) The gap between rich and poor countries in terms of transmission of HIV from mother to child has been increasing. Moreover, AIDS threatens to reverse years of steady progress of child survival in developing countries. UNAIDS believes that by the year 2010, AIDS may have increased mortality of children under 5 years of age by more than 100 percent in regions most affected by the virus.

(7) According to UNAIDS, by the end of 1999, 13,200,000 children have lost at least one parent to AIDS, including 12,100,000 children in sub-Saharan Africa, and are thus considered AIDS orphans.

(8) At current infection and growth rates for HIV/AIDS, the National Intelligence Council estimates that the number of AIDS orphans worldwide will increase dramatically, potentially increasing threefold or more in the next 10 years, contributing to economic decay, social fragmentation, and political destabilization in already volatile and strained societies. Children without care or hope are often drawn into prostitution, crime, substance abuse, or child soldiery.

(9) Donors must focus on adequate preparations for the explosion in the number of orphans and the burden they will place on families, communities, economies, and governments. Support structures and incentives for families, communities, and institutions which will provide care for children orphaned by HIV/AIDS, or for the children who are themselves afflicted by HIV/AIDS, will be essential.

(10) The 1999 annual report by the United Nations Children's Fund (UNICEF) states "[t]he number of orphans, particularly in Africa, constitutes nothing less than an emergency, requiring an emergency response" and that "finding the resources needed to help stabilize the crisis and protect children is a priority that requires urgent action from the international community.".

(11) The discovery of a relatively simple and inexpensive means of interrupting the transmission of HIV from an infected mother to the unborn child—namely with nevirapine (NVP), which costs US$4 a tablet—has created a great opportunity for an unprecedented partnership between the United States Government and the governments of Asian, African and Latin American countries to reduce mother-to-child transmission (also known as "vertical transmission") of HIV.

(12) According to UNAIDS, if implemented this strategy will decrease the proportion of orphans that are HIV-infected and decrease infant and child mortality rates in these developing regions.

(13) A mother-to-child antiretroviral drug strategy can be a force for social change, providing the opportunity and impetus needed to address often long-standing problems of inadequate services and the profound stigma associated with HIV-infection and the AIDS disease. Strengthening the health infrastructure to improve mother-and-child health, antenatal, delivery and postnatal services, and couples counseling generates enormous spillover effects toward combating the AIDS epidemic in developing regions.

(14) United States Census Bureau statistics show life expectancy in sub-Saharan Africa falling to around 30 years of age within a decade, the lowest in a century, and project life expectancy in 2010 to be 29 years of age in Botswana, 30 years of age in Swaziland, 33 years of age in Namibia and Zimbabwe, and 36 years of age in South Africa, Malawi, and Rwanda, in contrast to a life expectancy of 70 years of age in many of the countries without a high prevalence of AIDS.

(15) A January 2000 United States National Intelligence Estimate (NIE) report on the global infectious disease threat concluded that the economic costs of infectious diseases—especially HIV/AIDS—are already significant and could reduce GDP by as much as 20 percent or more by 2010 in some sub-Saharan African nations.

(16) According to the same NIE report, HIV prevalence among militias in Angola and the Democratic Republic of the Congo are estimated at 40 to 60 percent, and at 15 to 30 percent in Tanzania.

(17) The HIV/AIDS epidemic is of increasing concern in other regions of the world, with UNAIDS estimating that there are more than 5,600,000 cases in South and South-east Asia, that the rate of HIV infection in the Caribbean is second only to sub-Saharan Africa, and that HIV infections have doubled in just two years in the former Soviet Union.

(18) Despite the discouraging statistics on the spread of HIV/AIDS, some developing nations—such as Uganda, Senegal, and Thailand—have implemented prevention programs that have substantially curbed the rate of HIV infection.

(19) AIDS, like all diseases, knows no national boundaries, and there is no certitude that the scale of the problem in one continent can be contained within that region.

(20) Accordingly, United States financial support for medical research, education, and disease containment as a global strategy has beneficial ramifications for millions of Americans and their families who are affected by this disease, and the entire population which is potentially susceptible.

(b) Purposes.—The purposes of this title are to—

(1) help prevent human suffering through the prevention, diagnosis, and treatment of HIV/AIDS; and

(2) help ensure the viability of economic development, stability, and national security in the developing world by advancing research to—

(A) understand the causes associated with HIV/AIDS in developing countries; and

(B) assist in the development of an AIDS vaccine.

Subtitle A—United States Assistance

SEC. 111. ADDITIONAL ASSISTANCE AUTHORITIES TO COMBAT HIV AND AIDS.

(a) Assistance for Prevention of HIV/AIDS and Vertical Transmission.—Section 104(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(c)) is amended by adding at the end the following new paragraphs:

"(4)(A) Congress recognizes the growing international dilemma of children with the human immunodeficiency virus (HIV) and the merits of intervention programs aimed at this problem. Congress further recognizes that mother-to-child transmission prevention strategies can serve as a major force for change in developing regions, and it is, therefore, a major objective of the foreign assistance program to control the acquired immune deficiency syndrome (AIDS) epidemic.

"(B) The agency primarily responsible for administering this part shall—

"(i) coordinate with UNAIDS, UNICEF, WHO, national and local governments, and other organizations to develop and implement effective strategies to prevent vertical transmission of HIV; and

"(ii) coordinate with those organizations to increase intervention programs and introduce voluntary counseling and testing, antiretroviral drugs, replacement feeding, and other strategies.

"(5)(A) Congress expects the agency primarily responsible for administering this part to make the human immunodeficiency virus (HIV) and the acquired immune deficiency syndrome (AIDS) a priority in the foreign assistance program and to undertake a comprehensive, coordinated effort to combat HIV and AIDS.

"(B) Assistance described in subparagraph (A) shall include help providing—

"(i) primary prevention and education;

"(ii) voluntary testing and counseling;

"(iii) medications to prevent the transmission of HIV from mother to child; and

"(iv) care for those living with HIV or AIDS.

"(6)(A) In addition to amounts otherwise available for such purpose, there is authorized to be appropriated to the President $300,000,000 for each of the fiscal years 2001 and 2002 to carry out paragraphs (4) and (5).

"(B) Of the funds authorized to be appropriated under subparagraph (A), not less than 65 percent is authorized to be available through United States and foreign nongovernmental organizations, including private and voluntary organizations, for-profit organizations, religious affiliated organizations, educational institutions, and research facilities.

"(C)(i) Of the funds authorized to be appropriated by subparagraph (A), not less than 20 percent is authorized to be available for programs as part of a multidonor strategy to address the support and education of orphans in sub-Saharan Africa, including AIDS orphans.

"(ii) Assistance made available under this subsection, and assistance made available under chapter 4 of part II to carry out the purposes of this subsection, may be made available notwithstanding any other provision of law that restricts assistance to foreign countries.

"(D) Of the funds authorized to be appropriated under subparagraph (A), not less than 8.3 percent is authorized to be available to carry out the prevention strategies for vertical transmission referred to in paragraph (4)(A).

"(E) Of the funds authorized to be appropriated by subparagraph (A), not more than 7 percent may be used for the administrative expenses of the agency primarily responsible for carrying out this part of this Act in support of activities described in paragraphs (4) and (5).

"(F) Funds appropriated under this paragraph are authorized to remain available until expended.".

(b) Training and Training Facilities in Sub-Saharan Africa.—Section 496(i)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2293(i)(2))

is amended by adding at the end the following new sentence: "In addition, providing training and training facilities, in sub-Saharan Africa, for doctors and other health care providers, notwithstanding any provision of law that restricts assistance to foreign countries.".

SEC. 112. VOLUNTARY CONTRIBUTION TO GLOBAL ALLIANCE FOR VACCINES AND IMMUNIZATIONS AND INTERNATIONAL AIDS VACCINE INITIATIVE.

(a) Authorization of Appropriations.—Section 302 of the Foreign Assistance Act of 1961 (22 U.S.C. 2222) is amended by adding at the end the following new subsections:

"(k) In addition to amounts otherwise available under this section, there is authorized to be appropriated to the President $50,000,000 for each of the fiscal years 2001 and 2002 to be available only for United States contributions to the Global Alliance for Vaccines and Immunizations.

"(l) In addition to amounts otherwise available under this section, there is authorized to be appropriated to the President $10,000,000 for each of the fiscal years 2001 and 2002 to be available only for United States contributions to the International AIDS Vaccine Initiative.".

(b) Report.—At the close of fiscal year 2001, the President shall submit a report to the appropriate congressional committees on the effectiveness of the Global Alliance for Vaccines and Immunizations and the International AIDS Vaccine Initiative during that fiscal year in meeting the goals of—

(1) improving access to sustainable immunization services;

(2) expanding the use of all existing, safe, and cost-effective vaccines where they address a public health problem;

(3) accelerating the development and introduction of new vaccines and technologies;

(4) accelerating research and development efforts for vaccines needed primarily in developing countries; and

(5) making immunization coverage a centerpiece in international development efforts.

(c) Appropriate Congressional Committees Defined.—In subsection (b), the term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

SEC. 113. COORDINATED DONOR STRATEGY FOR SUPPORT AND EDUCATION OF ORPHANS IN SUB-SAHARAN AFRICA.

(a) Statement of Policy.—It is in the national interest of the United States to assist in mitigating the burden that will be placed on sub-Saharan African social, economic, and political institutions as these institutions struggle with the consequences of a dramatically increasing AIDS orphan population, many of whom are themselves infected by HIV and living with AIDS. Effectively addressing that burden and its consequences in sub-Saharan Africa will require a coordinated multidonor strategy.

(b) Development of Strategy.—The President shall coordinate the development of a multidonor strategy to provide for the support and education of AIDS orphans and the families, communities, and institutions most affected by the HIV/AIDS epidemic in sub-Saharan Africa.

(c) Definition.—In this section, the term "HIV/AIDS" means, with respect to an individual, an individual who is infected with the human immunodeficiency virus (HIV), the pathogen that causes the acquired immune deficiency virus (AIDS), or living with AIDS.

SEC. 114. AFRICAN CRISIS RESPONSE INITIATIVE AND HIV/AIDS TRAINING.

(a) Findings.—Congress finds that—

(1) the spread of HIV/AIDS constitutes a threat to security in Africa;

(2) civil unrest and war may contribute to the spread of the disease to different parts of the continent;

(3) the percentage of soldiers in African militaries who are infected with HIV/AIDS is unknown, but estimates range in some countries as high as 40 percent; and

(4) it is in the interests of the United States to assist the countries of Africa in combating the spread of HIV/AIDS.

(b) Education on the Prevention of the Spread of AIDS.—In undertaking education and training programs for military establishments in African countries, the United States shall ensure that classroom training under the African Crisis Response Initiative includes military-based education on the prevention of the spread of AIDS.

Subtitle B—World Bank AIDS Trust Fund

CHAPTER 1—ESTABLISHMENT OF THE FUND

SEC. 121. ESTABLISHMENT.

(a) Negotiations for Establishment of Trust Fund.—The Secretary of the Treasury shall seek to enter into negotiations with the World Bank or the Association, in consultation with the Administrator of the United States Agency for International Development and other United States Government agencies, and with the member nations of the World Bank or the Association and with other interested parties, for the establishment within the World Bank of—

(1) the World Bank AIDS Trust Fund (in this subtitle referred to as the "Trust Fund") in accordance with the provisions of this chapter; and

(2) the Advisory Board to the Trust Fund in accordance with section 124.

(b) Purpose.—The purpose of the Trust Fund should be to use contributed funds to—

(1) assist in the prevention and eradication of HIV/AIDS and the care and treatment of individuals infected with HIV/AIDS; and

(2) provide support for the establishment of programs that provide health care and primary and secondary education for children orphaned by the HIV/AIDS epidemic.

(c) Composition.—

(1) In general.—The Trust Fund should be governed by a Board of Trustees, which should be composed of representatives of the participating donor countries to the Trust Fund. Individuals appointed to the Board should have demonstrated knowledge and experience in the fields of public health, epidemiology, health care (including delivery systems), and development.

(2) United states representation.—

(A) In general.—Upon the effective date of this paragraph, there shall be a United States member of the Board of Trustees, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall have the qualifications described in paragraph (1).

(B) Effective and termination dates.—

(i) Effective date.—This paragraph shall take effect upon the date the Secretary of the Treasury certifies to Congress that an agreement establishing the Trust Fund and providing for a United States member of the Board of Trustees is in effect.

(ii) Termination date.—The position established by subparagraph (A) is abolished upon the date of termination of the Trust Fund.

SEC. 122. GRANT AUTHORITIES.

(a) Program objectives.—

(1) In general.—In carrying out the purpose of section 121(b), the Trust Fund, acting through the Board of Trustees, should provide only grants, including grants for technical assistance to support measures to build local capacity in national and local government, civil society, and the private sector to lead and implement effective and affordable HIV/AIDS prevention, education, treatment and care services, and research and development activities, including access to affordable drugs.

(2) Activities supported.—Among the activities the Trust Fund should provide grants for should be—

(A) programs to promote the best practices in prevention, including health education messages that emphasize risk avoidance such as abstinence;

(B) measures to ensure a safe blood supply;

(C) voluntary HIV/AIDS testing and counseling;

(D) measures to stop mother-to-child transmission of HIV/AIDS, including through diagnosis of pregnant women, access to cost-effective treatment and counseling, and access to infant formula or other alternatives for infant feeding;

(E) programs to provide for the support and education of AIDS orphans and the families, communities, and institutions most affected by the HIV/AIDS epidemic;

(F) measures for the deterrence of gender-based violence and the provision of post-exposure prophylaxis to victims of rape and sexual assault; and

(G) incentives to promote affordable access to treatments against AIDS and related infections.

(3) Implementation of program objectives.—In carrying out the objectives of paragraph (1), the Trust Fund should coordinate its activities with governments, civil society, nongovernmental organizations, the Joint United Nations Program on HIV/AIDS (UNAIDS), the International Partnership Against AIDS in Africa, other international organizations, the private sector, and donor agencies working to combat the HIV/AIDS crisis.

(b) Priority.—In providing grants under this section, the Trust Fund should give priority to countries that have the highest HIV/AIDS prevalence rate or are at risk of having a high HIV/AIDS prevalence rate.

(c) Eligible Grant Recipients.—Governments and nongovernmental organizations should be eligible to receive grants under this section.

(d) Prohibition.—The Trust Fund should not make grants for the purpose of project development associated with bilateral or multilateral bank loans.

SEC. 123. ADMINISTRATION.

(a) Appointment of an Administrator.—The Board of Trustees, in consultation with the appropriate officials of the Bank, should appoint an Administrator who should be responsible for managing the day-to-day operations of the Trust Fund.

(b) Authority to Solicit and Accept Contributions.—The Trust Fund should be authorized to solicit and accept contributions from governments, the private sector, and nongovernmental entities of all kinds.

(c) Accountability of Funds and Criteria for Programs.—As part of the negotiations described in section 121(a), the Secretary of the Treasury shall, consistent with subsection (d)—

(1) take such actions as are necessary to ensure that the Bank or the Association will have in effect adequate procedures and standards to account for and monitor the use of funds contributed to the Trust Fund, including the cost of administering the Trust Fund; and

(2) seek agreement on the criteria that should be used to determine the programs and activities that should be assisted by the Trust Fund.

(d) Selection of Projects and Recipients.—The Board of Trustees should establish—

(1) criteria for the selection of projects to receive support from the Trust Fund;

(2) standards and criteria regarding qualifications of recipients of such support;

(3) such rules and procedures as may be necessary for cost-effective management of the Trust Fund; and

(4) such rules and procedures as may be necessary to ensure transparency and accountability in the grant-making process.

(e) Transparency of Operations.—The Board of Trustees should ensure full and prompt public disclosure of the proposed objectives, financial organization, and operations of the Trust Fund.

SEC. 124. ADVISORY BOARD.

(a) In General.—There should be an Advisory Board to the Trust Fund.

(b) Appointments.—The members of the Advisory Board should be drawn from—

(1) a broad range of individuals with experience and leadership in the fields of development, health care (especially HIV/AIDS), epidemiology, medicine, biomedical research, and social sciences; and

(2) representatives of relevant United Nations agencies and nongovernmental organizations with on-the-ground experience in affected countries.

(c) Responsibilities.—The Advisory Board should provide advice and guidance to the Board of Trustees on the development and implementation of programs and projects to be assisted by the Trust Fund and on leveraging donations to the Trust Fund.

(d) Prohibition on Payment of Compensation.—

(1) In general.—Except for travel expenses (including per diem in lieu of subsistence), no member of the Advisory Board should receive compensation for services performed as a member of the Board.

(2) United states representative.—Notwithstanding any other provision of law (including an international agreement), a representative of the United States on the Advisory Board may not accept compensation for services performed as a member of the Board, except that such representative may accept travel expenses, including per diem in lieu of subsistence, while away from the representative's home or regular place of business in the performance of services for the Board.

CHAPTER 2—REPORTS

SEC. 131. REPORTS TO CONGRESS.

(a) Annual Reports by Treasury Secretary.—

(1) In general.—Not later than 1 year after the date of enactment of this Act, and annually thereafter for the duration of the Trust Fund, the Secretary of the Treasury shall submit to the appropriate committees of Congress a report on the Trust Fund.

(2) Report elements.—The report shall include a description of—

(A) the goals of the Trust Fund;

(B) the programs, projects, and activities, including any vaccination approaches, supported by the Trust Fund;

(C) private and governmental contributions to the Trust Fund; and

(D) the criteria that have been established, acceptable to the Secretary of the Treasury and the Administrator of the United States Agency for International Development, that would be used to determine the programs and activities that should be assisted by the Trust Fund.

(b) GAO Report on Trust Fund Effectiveness:—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of the Congress a report evaluating the effectiveness of the Trust Fund, including—

(1) the effectiveness of the programs, projects, and activities described in subsection (a)(2)(B) in reducing the worldwide spread of AIDS; and

(2) an assessment of the merits of continued United States financial contributions to the Trust Fund.

(c) Appropriate Committees Defined.—In subsection (a), the term "appropriate committees" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations, the Committee on Banking and Financial Services, and the Committee on Appropriations of the House of Representatives.

CHAPTER 3—UNITED STATES FINANCIAL PARTICIPATION

SEC. 141. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—In addition to any other funds authorized to be appropriated for multilateral or bilateral programs related to HIV/AIDS or economic development, there is authorized to be appropriated to the Secretary of the Treasury $150,000,000 for each of the fiscal years 2001 and 2002 for payment to the Trust Fund.

(b) Allocation of Funds.—Of the amounts authorized to be appropriated by subsection (a) for the fiscal years 2001 and 2002, $50,000,000 are authorized to be available each such fiscal year only for programs that benefit orphans.

SEC. 142. CERTIFICATION REQUIREMENT.

(a) In General.—Prior to the initial obligation or expenditure of funds appropriated pursuant to section 141, the Secretary of the Treasury shall certify that adequate procedures and standards have been established to ensure accountability for and monitoring of the use of funds contributed to the Trust Fund, including the cost of administering the Trust Fund.

(b) Transmittal of Certification.—The certification required by subsection (a), and the bases for that certification, shall be submitted by the Secretary of the Treasury to Congress.

TITLE II—INTERNATIONAL TUBERCULOSIS CONTROL

SEC. 201. SHORT TITLE.

This title may be cited as the "International Tuberculosis Control Act of 2000".

SEC. 202. FINDINGS.

Congress makes the following findings:

(1) Since the development of antibiotics in the 1950s, tuberculosis has been largely controlled in the United States and the Western World.

(2) Due to societal factors, including growing urban decay, inadequate health care systems, persistent poverty, overcrowding, and malnutrition, as well as medical factors, including the HIV/AIDS epidemic and the emergence of multidrug resistant strains of tuberculosis, tuberculosis has again become a leading and growing cause of adult deaths in the developing world.

(3) According to the World Health Organization—

(A) in 1998, about 1,860,000 people worldwide died of tuberculosis-related illnesses;

(B) one-third of the world's total population is infected with tuberculosis; and

(C) tuberculosis is the world's leading killer of women between 15 and 44 years old and is a leading cause of children becoming orphans.

(4) Because of the ease of transmission of tuberculosis, its international persistence and growth pose a direct public health threat to those nations that had previously largely controlled the disease. This is complicated in the United States by the growth of the homeless population, the rate of incarceration, international travel, immigration, and HIV/AIDS.

(5) With nearly 40 percent of the tuberculosis cases in the United States attributable to foreign-born persons, tuberculosis will never be controlled in the United States until it is controlled abroad.

(6) The means exist to control tuberculosis through screening, diagnosis, treatment, patient compliance, monitoring, and ongoing review of outcomes.

(7) Efforts to control tuberculosis are complicated by several barriers, including—

(A) the labor intensive and lengthy process involved in screening, detecting, and treating the disease;

(B) a lack of funding, trained personnel, and medicine in virtually every nation with a high rate of the disease;

(C) the unique circumstances in each country, which requires the development and implementation of country-specific programs; and

(D) the risk of having a bad tuberculosis program, which is worse than having no tuberculosis program because it would significantly increase the risk of the development of more widespread drug-resistant strains of the disease.

(8) Eliminating the barriers to the international control of tuberculosis through a well-structured, comprehensive, and coordinated worldwide effort would be a significant step in dealing with the increasing public health problem posed by the disease.

SEC. 203. ASSISTANCE FOR TUBERCULOSIS PREVENTION, TREATMENT, CONTROL, AND ELIMINATION.

Section 104(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(c)), as amended by section 111(a) of this Act, is further amended by adding at the end the following:

"(7)(A) Congress recognizes the growing international problem of tuberculosis and the impact its continued existence has on those nations that had previously largely controlled the disease. Congress further recognizes that the means exist to control and treat tuberculosis, and that it is therefore a major objective of the foreign assistance program to control the disease. To this end, Congress expects the agency primarily responsible for administering this part—

"(i) to coordinate with the World Health Organization, the Centers for Disease Control, the National Institutes of Health, and other organizations toward the development and implementation of a comprehensive tuberculosis control program; and

"(ii) to set as a goal the detection of at least 70 percent of the cases of infectious tuberculosis, and the cure of at least 85 percent of the cases detected, in those countries in which the agency has established development programs, by December 31, 2010.

"(B) There is authorized to be appropriated to the President, $60,000,000 for each of the fiscal years 2001 and 2002 to be used to carry out this paragraph. Funds appropriated under this subparagraph are authorized to remain available until expended.".

TITLE III—ADMINISTRATIVE AUTHORITIES

SEC. 301. EFFECTIVE PROGRAM OVERSIGHT.

Section 635 of the Foreign Assistance Act of 1961 (22 U.S.C. 2395) is amended by adding at the end thereof the following new subsection:

"(l) The Administrator of the agency primarily responsible for administering part I may use funds made available under that part to provide program and management oversight for activities that are funded under that part and that are conducted in countries in which the agency does not have a field mission or office.".

SEC. 302. TERMINATION EXPENSES.

Section 617 of the Foreign Assistance Act of 1961 (22 U.S.C. 2367) is amended to read as follows:

"SEC. 617. TERMINATION EXPENSES.

"(a) In General.—Funds made available under this Act and the Arms Export Control Act, may remain available for obligation for a period not to exceed 8 months from the date of any termination of assistance under such Acts for the necessary expenses of winding up programs related to such termination and may remain available until expended. Funds obligated under the authority of such Acts prior to the effective date of the termination of assistance may

remain available for expenditure for the necessary expenses of winding up programs related to such termination notwithstanding any provision of law restricting the expenditure of funds. In order to ensure the effectiveness of such assistance, such expenses for orderly termination of programs may include the obligation and expenditure of funds to complete the training or studies outside their countries of origin of students whose course of study or training program began before assistance was terminated.

"(b) LIABILITY TO CONTRACTORS.—For the purpose of making an equitable settlement of termination claims under extraordinary contractual relief standards, the President is authorized to adopt as a contract or other obligation of the United States Government, and assume (in whole or in part) any liabilities arising thereunder, any contract with a United States or third-country contractor that had been funded with assistance under such Acts prior to the termination of assistance.

"(c) TERMINATION EXPENSES.—Amounts certified as having been obligated for assistance subsequently terminated by the President, or pursuant to any provision of law, shall continue to remain available and may be reobligated to meet any necessary expenses arising from the termination of such assistance.

"(d) GUARANTY PROGRAMS.—Provisions of this or any other Act requiring the termination of assistance under this or any other Act shall not be construed to require the termination of guarantee commitments that were entered into prior to the effective date of the termination of assistance.

"(e) RELATION TO OTHER PROVISIONS.—Unless specifically made inapplicable by another provision of law, the provisions of this section shall be applicable to the termination of assistance pursuant to any provision of law.".

The SPEAKER pro tempore (during the reading). Without objection, the Senate amendment is considered as read and printed in the RECORD.

There was no objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

Ms. LEE. Mr. Speaker, reserving the right to object, first I would like to thank the gentleman from Iowa (Mr. LEACH) and the gentleman from New York (Mr. LAFALCE) for their tremendous leadership on this issue. I would also like to thank my colleagues on the Committee on Banking and Financial Services. I would also, in addition, like to thank the Committee on Banking and Financial Services staff and the committee staff of the Committee on International Relations as well as my own staff for their hard work. But I want to especially thank my senior legislative assistant, Michael Riggs, who has worked tirelessly on this effort.

I must also recognize and give credit really to my predecessor and a great statesman, Congressman Ron Dellums, and members of the Congressional Black Caucus for their strong support. Ron has been sounding the clarion call about this pandemic of HIV/AIDS globally for many years. The drumbeat is now being heard. Today we see the collective work of Members of Congress, the Clinton administration, HIV/AIDS specialists and activists, faith-based communities, Africans, and the business community coming together.

At this moment, the global AIDS crisis is the most urgent humanitarian crisis of our time. It is estimated that 6,000 people die each day of AIDS in Africa. Since I introduced the AIDS Marshall Plan last August, nearly 3 million people have died.

This is not a Democratic issue, nor is it a Republican issue. It is a moral issue that demands a moral response. AIDS, like all diseases, knows no boundaries. There is no guarantee that the scale of the problem in one continent can be contained within that region.

So our message is clear. Today with the passage of this bill we will press forward with our commitment to fight the war against HIV/AIDS and to stem the tide of death. We know that with resources we can fight this war and save lives and prevent the spread of HIV/AIDS.

Today we are taking a major step in the right direction. I am confident that the bill that we pass today will push us even further in our commitment to fighting AIDS in Africa. I believe that the quick pace at which we are moving reflects the urgency of this crisis.

Again, I want to thank the gentleman from Iowa (Mr. LEACH) and the gentleman from New York (Mr. LAFALCE). I want to say that today we are showing America and we are showing the world that Africa and the fate of humanity really does matter and that the United States is prepared to show leadership in the fight against HIV/AIDS. This is really a defining moment for us all. It is a historic day. I am pleased that we are approving this important piece of legislation.

Mr. LEACH. Mr. Speaker, will the gentlewoman yield?

Ms. LEE. Further reserving the right to object, I yield to the gentleman from Iowa.

Mr. LEACH. Mr. Speaker, I would like to simply thank the gentlewoman for her leadership, also that of her predecessor whom she mentioned, Mr. Dellums; staff, as well as, frankly, Mrs. Fogleman on our staff and Mr. McCormick on our staff and the Senate leadership and staff of the Senate Foreign Relations Committee that has worked so closely with us.

By perspective, let me just very briefly say that nothing is more difficult than to provide some sort of perspective to issues of the day, but if we look at the 14th century, 20 million people died of the bubonic plague, and it would be hard to conclude that that was not the most important incident of the century. Today we have almost reached that figure with AIDS. Within a decade we may be at a multiple of that figure. It is anything but inconceivable not to conclude that exterminating this deadly disease is not the most important issue of our age.

This approach that we have adopted is seminal. It is a part of the picture of dealing with AIDS, not the whole picture but a very significant part and with the combination of reduction in debt burdens of the developing world stands as the most significant effort the United States Congress has ever taken for the developing world and one of the most significant efforts the United States Congress has ever taken towards disease control and prevention.

This is an extraordinary, symbolic measure, one that we are going to have to build upon but a firm and thoughtful step in the right direction. Let me thank the gentlewoman again for her help and leadership in this cause.

Mr. LAFALCE. Mr. Speaker, I want to express my thanks to Chairman LEACH and to Chairman GILMAN for the cooperation they have shown in bringing this Senate amended language to the floor on an expedited basis. I also offer my congratulations to Congresswoman BARBARA LEE for her initiative on, and consistent commitment to, this legislation. Without her, this much-needed bill would not be becoming law. Moreover, she has led the fight for appropriations for this trust fund that will help the World Bank tackle the scourges of AIDS and tuberculosis that so tragically threatens the lives of too many people in Africa. No outcome was more gratifying than the amendment to the Foreign Operations Appropriations bill that obtained funding for this legislation.

This country has a proud and longstanding tradition of providing humanitarian assistance—especially in a crisis. HIV/AIDS is an international epidemic of crisis proportions. The HIV/AIDS pandemic could come to rival, in other parts of the world, the destructive bubonic plague of the 1300s that devastated the continent of Europe.

Worldwide, HIV/AIDS has infected millions. Yet worldwide, we spend so very little to fight the disease and contain the pandemic. As we all know, although Sub-Saharan Africa has only 10 percent of the world's population, it suffers roughly 70 percent of the HIV/AIDS cases. We also know that if HIV/AIDS reaches a certain prevalence, it can explosively infect a population, and some areas in addition to Africa are threatened. No country in the world seriously threatened by this disease and unable to fight it alone should be ignored by our efforts.

Taking targeted and expeditious action to begin to fight the AIDS pandemic is both the moral and the sensible thing to do. Although there is as yet no known cure for the disease, we can make meaningful progress in containing it.

This trust fund has many unique features. None is more prominent than that the fund can receive contributions from anyone, not merely governments that are members of the World Bank. Moreover, these contributions will be deductible or expensible for the contributor. Consequently, although our government's share will be significant, the promise is great for leveraging this fund into a very large resource base to combat the worst plague to hit mankind since the Black Death in the Middle Ages.

Both the House and the Senate have appropriately provided for oversight of the monies in the fund. Many of the nations where AIDS/HIV is prevalent are also nations where corruption is highest. Consequently, the trust fund is endowed with effective monitoring devices to detect the illicit.

However, these safeguards are not so burdensome that the trust fund will be unduly hamstrung. Indeed, another unique feature of this fund is that its uses are so flexible. AIDS is a cunning enemy. The course and form differs from area to area. In some, education is the most effective weapon. In others, drugs, such as forms of AZT, can do the most good. The trust fund is not locked into one approach but is free to use all of them as circumstances warrant.

This will not be the last bill to come to this floor on AIDS. We now know the raw statistics on how the plague is totally out of control throughout a significant portion of the world. We now also know that even here, where there has been some progress against this disease, that this progress can be reversed. Consequently, for an undetermined number of Congresses to come, this chamber will be grappling with this opponent. However, the legislation we pass today and send to the President is a substantial step in the right direction.

Ms. LEE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

A motion to reconsider was laid on the table.

LONG-TERM CARE SECURITY ACT

Mr. SCARBOROUGH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4040) to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance is made available to Federal employees, members of the uniformed services, and civilian and military retirees, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments, with amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments and the House amendments to the Senate amendments as follows:

Senate amendments:

Strike out all after the enacting clause and insert:

TITLE I—FEDERAL LONG-TERM CARE INSURANCE

SEC. 1001. SHORT TITLE.

This title may be cited as the "Long-Term Care Security Act".

SEC. 1002. LONG-TERM CARE INSURANCE.

(a) IN GENERAL.—Subpart G of part III of title 5, United States Code, is amended by adding at the end the following:

"CHAPTER 90—LONG-TERM CARE INSURANCE

"Sec.
"9001. Definitions.
"9002. Availability of insurance.
"9003. Contracting authority.
"9004. Financing.
"9005. Preemption.
"9006. Studies, reports, and audits.
"9007. Jurisdiction of courts.
"9008. Administrative functions.
"9009. Cost accounting standards.

"§ 9001. Definitions

For purposes of this chapter:

"(1) EMPLOYEE.—The term 'employee' means—

"(A) an employee as defined by section 8901(1); and

"(B) an individual described in section 2105(e),

but does not include an individual employed by the government of the District of Columbia.

"(2) ANNUITANT.—The term 'annuitant' has the meaning such term would have under paragraph (3) of section 8901 if, for purposes of such paragraph, the term 'employee' were considered to have the meaning given to it under paragraph (1) of this subsection.

"(3) MEMBER OF THE UNIFORMED SERVICES.—The term 'member of the uniformed services' means a member of the uniformed services, other than a retired member of the uniformed services, who is—

"(A) on active duty or full-time National Guard duty for a period of more than 30 days; and

"(B) a member of the Selected Reserve.

"(4) RETIRED MEMBER OF THE UNIFORMED SERVICES.—The term 'retired member of the uniformed services' means a member or former member of the uniformed services entitled to retired or retainer pay, including a member or former member retired under chapter 1223 of title 10 who has attained the age of 60 and who satisfies such eligibility requirements as the Office of Personnel Management prescribes under section 9008.

"(5) QUALIFIED RELATIVE.—The term 'qualified relative' means each of the following:

"(A) The spouse of an individual described in paragraph (1), (2), (3), or (4).

"(B) A parent, stepparent, or parent-in-law of an individual described in paragraph (1) or (3).

"(C) A child (including an adopted child, a stepchild, or, to the extent the Office of Personnel Management by regulation provides, a foster child) of an individual described in paragraph (1), (2), (3), or (4), if such child is at least 18 years of age.

"(D) An individual having such other relationship to an individual described in paragraph (1), (2), (3), or (4) as the Office may by regulation prescribe.

"(6) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' refers to an individual described in paragraph (1), (2), (3), (4), or (5).

"(7) QUALIFIED CARRIER.—The term 'qualified carrier' means an insurance company (or consortium of insurance companies) that is licensed to issue long-term care insurance in all States, taking any subsidiaries of such a company into account (and, in the case of a consortium, considering the member companies and any subsidiaries thereof, collectively).

"(8) STATE.—The term 'State' includes the District of Columbia.

"(9) QUALIFIED LONG-TERM CARE INSURANCE CONTRACT.—The term 'qualified long-term care insurance contract' has the meaning given such term by section 7702B of the Internal Revenue Code of 1986.

"(10) APPROPRIATE SECRETARY.—The term 'appropriate Secretary' means—

"(A) except as otherwise provided in this paragraph, the Secretary of Defense;

"(B) with respect to the Coast Guard when it is not operating as a service of the Navy, the Secretary of Transportation;

"(C) with respect to the commissioned corps of the National Oceanic and Atmospheric Administration, the Secretary of Commerce; and

"(D) with respect to the commissioned corps of the Public Health Service, the Secretary of Health and Human Services.

"§ 9002. Availability of insurance

"(a) IN GENERAL.—The Office of Personnel Management shall establish and, in consultation with the appropriate Secretaries, administer a program through which an individual described in paragraph (1), (2), (3), (4), or (5) of section 9001 may obtain long-term care insurance coverage under this chapter for such individual.

"(b) GENERAL REQUIREMENTS.—Long-term care insurance may not be offered under this chapter unless—

"(1) the only coverage provided is under qualified long-term care insurance contracts; and

"(2) each insurance contract under which any such coverage is provided is issued by a qualified carrier.

"(c) DOCUMENTATION REQUIREMENT.—As a condition for obtaining long-term care insurance coverage under this chapter based on one's status as a qualified relative, an applicant shall provide documentation to demonstrate the relationship, as prescribed by the Office.

"(d) UNDERWRITING STANDARDS.—

"(1) DISQUALIFYING CONDITION.—Nothing in this chapter shall be considered to require that long-term care insurance coverage be made available in the case of any individual who would be eligible for benefits immediately.

"(2) SPOUSAL PARITY.—For the purpose of underwriting standards, a spouse of an individual described in paragraph (1), (2), (3), or (4) of section 9001 shall, as nearly as practicable, be treated like that individual.

"(3) GUARANTEED ISSUE.—Nothing in this chapter shall be considered to require that long-term care insurance coverage be guaranteed to an eligible individual.

"(4) REQUIREMENT THAT CONTRACT BE FULLY INSURED.—In addition to the requirements otherwise applicable under section 9001(9), in order to be considered a qualified long-term care insurance contract for purposes of this chapter, a contract must be fully insured, whether through reinsurance with other companies or otherwise.

"(5) HIGHER STANDARDS ALLOWABLE.—Nothing in this chapter shall, in the case of an individual applying for long-term care insurance coverage under this chapter after the expiration of such individual's first opportunity to enroll, preclude the application of underwriting standards more stringent than those that would have applied if that opportunity had not yet expired.

"(e) GUARANTEED RENEWABILITY.—The benefits and coverage made available to eligible individuals under any insurance contract under this chapter shall be guaranteed renewable (as defined by section 7A(2) of the model regulations described in section 7702B(g)(2) of the Internal Revenue Code of 1986), including the right to have insurance remain in effect so long as premiums continue to be timely made. However, the authority to revise premiums under this chapter shall be available only on a class basis and only to the extent otherwise allowable under section 9003(b).

"§ 9003. Contracting authority

"(a) IN GENERAL.—The Office of Personnel Management shall, without regard to section 5 of title 41 or any other statute requiring competitive bidding, contract with one or more qualified carriers for a policy or policies of long-term care insurance. The Office shall ensure that each resulting contract (hereafter in this chapter referred to as a 'master contract') is awarded on the basis of contractor qualifications, price, and reasonable competition.

“(b) Terms and Conditions.—

“(1) In general.—Each master contract under this chapter shall contain—

“(A) a detailed statement of the benefits offered (including any maximums, limitations, exclusions, and other definitions of benefits);

“(B) the premiums charged (including any limitations or other conditions on their subsequent adjustment);

“(C) the terms of the enrollment period; and

“(D) such other terms and conditions as may be mutually agreed to by the Office and the carrier involved, consistent with the requirements of this chapter.

“(2) Premiums.—Premiums charged under each master contract entered into under this section shall reasonably and equitably reflect the cost of the benefits provided, as determined by the Office. The premiums shall not be adjusted during the term of the contract unless mutually agreed to by the Office and the carrier.

“(3) Nonrenewability.—Master contracts under this chapter may not be made automatically renewable.

“(c) Payment of Required Benefits; Dispute Resolution.—

“(1) In general.—Each master contract under this chapter shall require the carrier to agree—

“(A) to provide payments or benefits to an eligible individual if such individual is entitled thereto under the terms of the contract; and

“(B) with respect to disputes regarding claims for payments or benefits under the terms of the contract—

“(i) to establish internal procedures designed to expeditiously resolve such disputes; and

“(ii) to establish, for disputes not resolved through procedures under clause (i), procedures for one or more alternative means of dispute resolution involving independent third-party review under appropriate circumstances by entities mutually acceptable to the Office and the carrier.

“(2) Eligibility.—A carrier's determination as to whether or not a particular individual is eligible to obtain long-term care insurance coverage under this chapter shall be subject to review only to the extent and in the manner provided in the applicable master contract.

“(3) Other claims.—For purposes of applying the Contract Disputes Act of 1978 to disputes arising under this chapter between a carrier and the Office—

“(A) the agency board having jurisdiction to decide an appeal relative to such a dispute shall be such board of contract appeals as the Director of the Office of Personnel Management shall specify in writing (after appropriate arrangements, as described in section 8(c) of such Act); and

“(B) the district courts of the United States shall have original jurisdiction, concurrent with the United States Court of Federal Claims, of any action described in section 10(a)(1) of such Act relative to such a dispute.

“(4) Rule of construction.—Nothing in this chapter shall be considered to grant authority for the Office or a third-party reviewer to change the terms of any contract under this chapter.

“(d) Duration.—

“(1) In general.—Each master contract under this chapter shall be for a term of 7 years, unless terminated earlier by the Office in accordance with the terms of such contract. However, the rights and responsibilities of the enrolled individual, the insurer, and the Office (or duly designated third-party administrator) under such contract shall continue with respect to such individual until the termination of coverage of the enrolled individual or the effective date of a successor contract thereto.

“(2) Exception.—

“(A) Shorter duration.—In the case of a master contract entered into before the end of the period described in subparagraph (B), paragraph (1) shall be applied by substituting ‘ending on the last day of the 7-year period described in paragraph (2)(B)’ for ‘of 7 years’.

“(B) Definition.—The period described in this subparagraph is the 7-year period beginning on the earliest date as of which any long-term care insurance coverage under this chapter becomes effective.

“(3) Congressional notification.—No later than 180 days after receiving the second report required under section 9006(c), the President (or his designee) shall submit to the Committees on Government Reform and on Armed Services of the House of Representatives and the Committees on Governmental Affairs and on Armed Services of the Senate, a written recommendation as to whether the program under this chapter should be continued without modification, terminated, or restructured. During the 180-day period following the date on which the President (or his designee) submits the recommendation required under the preceding sentence, the Office of Personnel Management may not take any steps to rebid or otherwise contract for any coverage to be available at any time following the expiration of the 7-year period described in paragraph (2)(B).

“(4) Full portability.—Each master contract under this chapter shall include such provisions as may be necessary to ensure that, once an individual becomes duly enrolled, long-term care insurance coverage obtained by such individual pursuant to that enrollment shall not be terminated due to any change in status (such as separation from Government service or the uniformed services) or ceasing to meet the requirements for being considered a qualified relative (whether as a result of dissolution of marriage or otherwise).

“§9004. Financing

“(a) In General.—Each eligible individual obtaining long-term care insurance coverage under this chapter shall be responsible for 100 percent of the premiums for such coverage.

“(b) Withholdings.—

“(1) In general.—The amount necessary to pay the premiums for enrollment may—

“(A) in the case of an employee, be withheld from the pay of such employee;

“(B) in the case of an annuitant, be withheld from the annuity of such annuitant;

“(C) in the case of a member of the uniformed services described in section 9001(3), be withheld from the pay of such member; and

“(D) in the case of a retired member of the uniformed services described in section 9001(4), be withheld from the retired pay or retainer pay payable to such member.

“(2) Voluntary withholdings for qualified relatives.—Withholdings to pay the premiums for enrollment of a qualified relative may, upon election of the appropriate eligible individual (described in section 9001(1)–(4)), be withheld under paragraph (1) to the same extent and in the same manner as if enrollment were for such individual.

“(c) Direct Payments.—All amounts withheld under this section shall be paid directly to the carrier.

“(d) Other Forms of Payment.—Any enrollee who does not elect to have premiums withheld under subsection (b) or whose pay, annuity, or retired or retainer pay (as referred to in subsection (b)(1)) is insufficient to cover the withholding required for enrollment (or who is not receiving any regular amounts from the Government, as referred to in subsection (b)(1), from which any such withholdings may be made, and whose premiums are not otherwise being provided for under subsection (b)(2)) shall pay an amount equal to the full amount of those charges directly to the carrier.

“(e) Separate Accounting Requirement.—Each carrier participating under this chapter shall maintain records that permit it to account for all amounts received under this chapter (including investment earnings on those amounts) separate and apart from all other funds.

“(f) Reimbursements.—

“(1) Reasonable initial costs.—

“(A) In general.—The Employees' Life Insurance Fund is available, without fiscal year limitation, for reasonable expenses incurred by the Office of Personnel Management in administering this chapter before the start of the 7-year period described in section 9003(d)(2)(B), including reasonable implementation costs.

“(B) Reimbursement requirement.—Such Fund shall be reimbursed, before the end of the first year of that 7-year period, for all amounts obligated or expended under subparagraph (A) (including lost investment income). Such reimbursement shall be made by carriers, on a pro rata basis, in accordance with appropriate provisions which shall be included in master contracts under this chapter.

“(2) Subsequent costs.—

“(A) In general.—There is hereby established in the Employees' Life Insurance Fund a Long-Term Care Administrative Account, which shall be available to the Office, without fiscal year limitation, to defray reasonable expenses incurred by the Office in administering this chapter after the start of the 7-year period described in section 9003(d)(2)(B).

“(B) Reimbursement requirement.—Each master contract under this chapter shall include appropriate provisions under which the carrier involved shall, during each year, make such periodic contributions to the Long-Term Care Administrative Account as necessary to ensure that the reasonable anticipated expenses of the Office in administering this chapter during such year (adjusted to reconcile for any earlier overestimates or underestimates under this subparagraph) are defrayed.

“§9005. Preemption

“The terms of any contract under this chapter which relate to the nature, provision, or extent of coverage or benefits (including payments with respect to benefits) shall supersede and preempt any State or local law, or any regulation issued thereunder, which relates to long-term care insurance or contracts.

“§9006. Studies, reports, and audits

“(a) Provisions Relating to Carriers.—Each master contract under this chapter shall contain provisions requiring the carrier—

“(1) to furnish such reasonable reports as the Office of Personnel Management determines to be necessary to enable it to carry out its functions under this chapter; and

“(2) to permit the Office and representatives of the General Accounting Office to examine such records of the carrier as may be necessary to carry out the purposes of this chapter.

“(b) Provisions Relating to Federal Agencies.—Each Federal agency shall keep such records, make such certifications, and furnish the Office, the carrier, or both, with such information and reports as the Office may require.

“(c) Reports by the General Accounting Office.—The General Accounting Office shall prepare and submit to the President, the Office of Personnel Management, and each House of Congress, before the end of the third and fifth years during which the program under this chapter is in effect, a written report evaluating such program. Each such report shall include an analysis of the competitiveness of the program, as compared to both group and individual coverage generally available to individuals in the private insurance market. The Office shall cooperate with the General Accounting Office to provide periodic evaluations of the program.

"§ 9007. Jurisdiction of courts

"The district courts of the United States have original jurisdiction of a civil action or claim described in paragraph (1) or (2) of section 9003(c), after such administrative remedies as required under such paragraph (1) or (2) (as applicable) have been exhausted, but only to the extent judicial review is not precluded by any dispute resolution or other remedy under this chapter.

"§ 9008. Administrative functions

"(a) IN GENERAL.—The Office of Personnel Management shall prescribe regulations necessary to carry out this chapter.

"(b) ENROLLMENT PERIODS.—The Office shall provide for periodic coordinated enrollment, promotion, and education efforts in consultation with the carriers.

"(c) CONSULTATION.—Any regulations necessary to effect the application and operation of this chapter with respect to an eligible individual described in paragraph (3) or (4) of section 9001, or a qualified relative thereof, shall be prescribed by the Office in consultation with the appropriate Secretary.

"(d) INFORMED DECISIONMAKING.—The Office shall ensure that each eligible individual applying for long-term care insurance under this chapter is furnished the information necessary to enable that individual to evaluate the advantages and disadvantages of obtaining long-term care insurance under this chapter, including the following:

"(1) The principal long-term care benefits and coverage available under this chapter, and how those benefits and coverage compare to the range of long-term care benefits and coverage otherwise generally available.

"(2) Representative examples of the cost of long-term care, and the sufficiency of the benefits available under this chapter relative to those costs. The information under this paragraph shall also include—

"(A) the projected effect of inflation on the value of those benefits; and

"(B) a comparison of the inflation-adjusted value of those benefits to the projected future costs of long-term care.

"(3) Any rights individuals under this chapter may have to cancel coverage, and to receive a total or partial refund of premiums. The information under this paragraph shall also include—

"(A) the projected number or percentage of individuals likely to fail to maintain their coverage (determined based on lapse rates experienced under similar group long-term care insurance programs and, when available, this chapter); and

"(B)(i) a summary description of how and when premiums for long-term care insurance under this chapter may be raised;

"(ii) the premium history during the last 10 years for each qualified carrier offering long-term care insurance under this chapter; and

"(iii) if cost increases are anticipated, the projected premiums for a typical insured individual at various ages.

"(4) The advantages and disadvantages of long-term care insurance generally, relative to other means of accumulating or otherwise acquiring the assets that may be needed to meet the costs of long-term care, such as through tax-qualified retirement programs or other investment vehicles.

"§ 9009. Cost accounting standards

"The cost accounting standards issued pursuant to section 26(f) of the Office of Federal Procurement Policy Act (41 U.S.C. 422(f)) shall not apply with respect to a long-term care insurance contract under this chapter.".

(b) CONFORMING AMENDMENT.—The analysis for part III of title 5, United States Code, is amended by adding at the end of subpart G the following:

"90. Long-Term Care Insurance ...... 9001.".

SEC. 1003. EFFECTIVE DATE.

The Office of Personnel Management shall take such measures as may be necessary to ensure that long-term care insurance coverage under title 5, United States Code, as amended by this title, may be obtained in time to take effect not later than the first day of the first applicable pay period of the first fiscal year which begins after the end of the 18-month period beginning on the date of the enactment of this Act.

TITLE II—FEDERAL RETIREMENT COVERAGE ERRORS CORRECTION

SEC. 2001. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the "Federal Erroneous Retirement Coverage Corrections Act".

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

TITLE II—FEDERAL RETIREMENT COVERAGE ERRORS CORRECTION

Sec. 2001. Short title; table of contents.
Sec. 2002. Definitions.
Sec. 2003. Applicability.
Sec. 2004. Irrevocability of elections.

Subtitle A—Description of Retirement Coverage Errors to Which This Title Applies and Measures for Their Rectification

CHAPTER 1—EMPLOYEES AND ANNUITANTS WHO SHOULD HAVE BEEN FERS COVERED, BUT WHO WERE ERRONEOUSLY CSRS COVERED OR CSRS-OFFSET COVERED INSTEAD, AND SURVIVORS OF SUCH EMPLOYEES AND ANNUITANTS

Sec. 2101. Employees.
Sec. 2102. Annuitants and survivors.

CHAPTER 2—EMPLOYEE WHO SHOULD HAVE BEEN FERS COVERED, CSRS-OFFSET COVERED, OR CSRS COVERED, BUT WHO WAS ERRONEOUSLY SOCIAL SECURITY-ONLY COVERED INSTEAD

Sec. 2111. Applicability.
Sec. 2112. Correction mandatory.

CHAPTER 3—EMPLOYEE WHO SHOULD OR COULD HAVE BEEN SOCIAL SECURITY-ONLY COVERED BUT WHO WAS ERRONEOUSLY CSRS-OFFSET COVERED OR CSRS COVERED INSTEAD

Sec. 2121. Employee who should be Social Security-Only covered, but who is erroneously CSRS or CSRS-Offset covered instead.

CHAPTER 4—EMPLOYEE WHO WAS ERRONEOUSLY FERS COVERED

Sec. 2131. Employee who should be Social Security-Only covered, CSRS covered, or CSRS-Offset covered and is not FERS-Eligible, but who is erroneously FERS covered instead.
Sec. 2132. FERS-Eligible employee who should have been CSRS covered, CSRS-Offset covered, or Social Security-Only covered, but who was erroneously FERS covered instead without an election.
Sec. 2133. Retroactive effect.

CHAPTER 5—EMPLOYEE WHO SHOULD HAVE BEEN CSRS-OFFSET COVERED, BUT WHO WAS ERRONEOUSLY CSRS COVERED INSTEAD

Sec. 2141. Applicability.
Sec. 2142. Correction mandatory.

CHAPTER 6—EMPLOYEE WHO SHOULD HAVE BEEN CSRS COVERED, BUT WHO WAS ERRONEOUSLY CSRS-OFFSET COVERED INSTEAD

Sec. 2151. Applicability.
Sec. 2152. Correction mandatory.

Subtitle B—General Provisions

Sec. 2201. Identification and notification requirements.
Sec. 2202. Information to be furnished to and by authorities administering this title.
Sec. 2203. Service credit deposits.
Sec. 2204. Provisions related to Social Security coverage of misclassified employees.
Sec. 2205. Thrift Savings Plan treatment for certain individuals.
Sec. 2206. Certain agency amounts to be paid into or remain in the CSRDF.
Sec. 2207. CSRS coverage determinations to be approved by OPM.
Sec. 2208. Discretionary actions by Director.
Sec. 2209. Regulations.

Subtitle C—Other Provisions

Sec. 2301. Provisions to authorize continued conformity of other Federal retirement systems.
Sec. 2302. Authorization of payments.
Sec. 2303. Individual right of action preserved for amounts not otherwise provided for under this title.

Subtitle D—Effective Date

Sec. 2401. Effective date.

SEC. 2002. DEFINITIONS.

For purposes of this title:

(1) ANNUITANT.—The term "annuitant" has the meaning given such term under section 8331(9) or 8401(2) of title 5, United States Code.

(2) CSRS.—The term "CSRS" means the Civil Service Retirement System.

(3) CSRDF.—The term "CSRDF" means the Civil Service Retirement and Disability Fund.

(4) CSRS COVERED.—The term "CSRS covered", with respect to any service, means service that is subject to the provisions of subchapter III of chapter 83 of title 5, United States Code, other than service subject to section 8334(k) of such title.

(5) CSRS-OFFSET COVERED.—The term "CSRS-Offset covered", with respect to any service, means service that is subject to the provisions of subchapter III of chapter 83 of title 5, United States Code, and to section 8334(k) of such title.

(6) EMPLOYEE.—The term "employee" has the meaning given such term under section 8331(1) or 8401(11) of title 5, United States Code.

(7) EXECUTIVE DIRECTOR.—The term "Executive Director of the Federal Retirement Thrift Investment Board" or "Executive Director" means the Executive Director appointed under section 8474 of title 5, United States Code.

(8) FERS.—The term "FERS" means the Federal Employees' Retirement System.

(9) FERS COVERED.—The term "FERS covered", with respect to any service, means service that is subject to chapter 84 of title 5, United States Code.

(10) FORMER EMPLOYEE.—The term "former employee" means an individual who was an employee, but who is not an annuitant.

(11) OASDI TAXES.—The term "OASDI taxes" means the OASDI employee tax and the OASDI employer tax.

(12) OASDI EMPLOYEE TAX.—The term "OASDI employee tax" means the tax imposed under section 3101(a) of the Internal Revenue Code of 1986 (relating to Old-Age, Survivors and Disability Insurance).

(13) OASDI EMPLOYER TAX.—The term "OASDI employer tax" means the tax imposed under section 3111(a) of the Internal Revenue Code of 1986 (relating to Old-Age, Survivors and Disability Insurance).

(14) OASDI TRUST FUNDS.—The term "OASDI trust funds" means the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

(15) OFFICE.—The term "Office" means the Office of Personnel Management.

(16) RETIREMENT COVERAGE DETERMINATION.—The term "retirement coverage determination" means a determination by an employee or agent of the Government as to whether a particular type of Government service is CSRS covered,

CSRS-Offset covered, FERS covered, or Social Security-Only covered.

(17) RETIREMENT COVERAGE ERROR.—The term "retirement coverage error" means an erroneous retirement coverage determination that was in effect for a minimum period of 3 years of service after December 31, 1986.

(18) SOCIAL SECURITY-ONLY COVERED.—The term "Social Security-Only covered", with respect to any service, means Government service that—

(A) constitutes employment under section 210 of the Social Security Act (42 U.S.C. 410); and

(B)(i) is subject to OASDI taxes; but

(ii) is not subject to CSRS or FERS.

(19) SURVIVOR.—The term "survivor" has the meaning given such term under section 8331(10) or 8401(28) of title 5, United States Code.

(20) THRIFT SAVINGS FUND.—The term "Thrift Savings Fund" means the Thrift Savings Fund established under section 8437 of title 5, United States Code.

SEC. 2003. APPLICABILITY.

(a) IN GENERAL.—This title shall apply with respect to retirement coverage errors that occur before, on, or after the date of enactment of this Act.

(b) LIMITATION.—Except as otherwise provided in this title, this title shall not apply to any erroneous retirement coverage determination that was in effect for a period of less than 3 years of service after December 31, 1986.

SEC. 2004. IRREVOCABILITY OF ELECTIONS.

Any election made (or deemed to have been made) by an employee or any other individual under this title shall be irrevocable.

Subtitle A—Description of Retirement Coverage Errors to Which This Title Applies and Measures for Their Rectification

CHAPTER 1—EMPLOYEES AND ANNUITANTS WHO SHOULD HAVE BEEN FERS COVERED, BUT WHO WERE ERRONEOUSLY CSRS COVERED OR CSRS-OFFSET COVERED INSTEAD, AND SURVIVORS OF SUCH EMPLOYEES AND ANNUITANTS

SEC. 2101. EMPLOYEES.

(a) APPLICABILITY.—This section shall apply in the case of any employee or former employee who should be (or should have been) FERS covered but, as a result of a retirement coverage error, is (or was) CSRS covered or CSRS-Offset covered instead.

(b) UNCORRECTED ERROR.—

(1) APPLICABILITY.—This subsection applies if the retirement coverage error has not been corrected before the effective date of the regulations described under paragraph (3). As soon as practicable after discovery of the error, and subject to the right of an election under paragraph (2), if CSRS covered or CSRS-Offset covered, such individual shall be treated as CSRS-Offset covered, retroactive to the date of the retirement coverage error.

(2) COVERAGE.—

(A) ELECTION.—Upon written notice of a retirement coverage error, an individual may elect to be CSRS-Offset covered or FERS covered, effective as of the date of the retirement coverage error. Such election shall be made not later than 180 days after the date of receipt of such notice.

(B) NONELECTION.—If the individual does not make an election by the date provided under subparagraph (A), a CSRS-Offset covered individual shall remain CSRS-Offset covered and a CSRS covered individual shall be treated as CSRS-Offset covered.

(3) REGULATIONS.—The Office shall prescribe regulations to carry out this subsection.

(c) CORRECTED ERROR.—

(1) APPLICABILITY.—This subsection applies if the retirement coverage error was corrected before the effective date of the regulations described under subsection (b).

(2) COVERAGE.—

(A) ELECTION.—

(i) CSRS-OFFSET COVERED.—Not later than 180 days after the date of enactment of this Act, the Office shall prescribe regulations authorizing individuals to elect, during the 18-month period immediately following the effective date of such regulations, to be CSRS-Offset covered, effective as of the date of the retirement coverage error.

(ii) THRIFT SAVINGS FUND CONTRIBUTIONS.—If under this section an individual elects to be CSRS-Offset covered, all employee contributions to the Thrift Savings Fund made during the period of FERS coverage (and earnings on such contributions) may remain in the Thrift Savings Fund in accordance with regulations prescribed by the Executive Director, notwithstanding any limit that would otherwise be applicable.

(B) PREVIOUS SETTLEMENT PAYMENT.—An individual who previously received a payment ordered by a court or provided as a settlement of claim for losses resulting from a retirement coverage error shall not be entitled to make an election under this subsection unless that amount is waived in whole or in part under section 2208, and any amount not waived is repaid.

(C) INELIGIBILITY FOR ELECTION.—An individual who, subsequent to correction of the retirement coverage error, received a refund of retirement deductions under section 8424 of title 5, United States Code, or a distribution under section 8433 (b), (c), or (h)(1)(A) of title 5, United States Code, may not make an election under this subsection.

(3) CORRECTIVE ACTION TO REMAIN IN EFFECT.—If an individual is ineligible to make an election or does not make an election under paragraph (2) before the end of any time limitation under this subsection, the corrective action taken before such time limitation shall remain in effect.

SEC. 2102. ANNUITANTS AND SURVIVORS.

(a) IN GENERAL.—This section shall apply in the case of an individual who is—

(1) an annuitant who should have been FERS covered but, as a result of a retirement coverage error, was CSRS covered or CSRS-Offset covered instead; or

(2) a survivor of an employee who should have been FERS covered but, as a result of a retirement coverage error, was CSRS covered or CSRS-Offset covered instead.

(b) COVERAGE.—

(1) ELECTION.—Not later than 180 days after the date of enactment of this Act, the Office shall prescribe regulations authorizing an individual described under subsection (a) to elect CSRS-Offset coverage or FERS coverage, effective as of the date of the retirement coverage error.

(2) TIME LIMITATION.—An election under this subsection shall be made not later than 18 months after the effective date of the regulations prescribed under paragraph (1).

(3) REDUCED ANNUITY.—

(A) AMOUNT IN ACCOUNT.—If the individual elects CSRS-Offset coverage, the amount in the employee's Thrift Savings Fund account under subchapter III of chapter 84 of title 5, United States Code, on the date of retirement that represents the Government's contributions and earnings on those contributions (whether or not such amount was subsequently distributed from the Thrift Savings Fund) will form the basis for a reduction in the individual's annuity, under regulations prescribed by the Office.

(B) REDUCTION.—The reduced annuity to which the individual is entitled shall be equal to an amount which, when taken together with the amount referred to in subparagraph (A), would result in the present value of the total being actuarially equivalent to the present value of an unreduced CSRS-Offset annuity that would have been provided the individual.

(4) REDUCED BENEFIT.—If—

(A) a surviving spouse elects CSRS-Offset benefits; and

(B) a FERS basic employee death benefit under section 8442(b) of title 5, United States Code, was previously paid;

then the survivor's CSRS-Offset benefit shall be subject to a reduction, under regulations prescribed by the Office. The reduced annuity to which the individual is entitled shall be equal to an amount which, when taken together with the amount of the payment referred to under subparagraph (B) would result in the present value of the total being actuarially equivalent to the present value of an unreduced CSRS-Offset annuity that would have been provided the individual.

(5) PREVIOUS SETTLEMENT PAYMENT.—An individual who previously received a payment ordered by a court or provided as a settlement of claim for losses resulting from a retirement coverage error may not make an election under this subsection unless repayment of that amount is waived in whole or in part under section 2208, and any amount not waived is repaid.

(c) NONELECTION.—If the individual does not make an election under subsection (b) before any time limitation under this section, the retirement coverage shall be subject to the following rules:

(1) CORRECTIVE ACTION PREVIOUSLY TAKEN.—If corrective action was taken before the end of any time limitation under this section, that corrective action shall remain in effect.

(2) CORRECTIVE ACTION NOT PREVIOUSLY TAKEN.—If corrective action was not taken before such time limitation, the employee shall be CSRS-Offset covered, retroactive to the date of the retirement coverage error.

CHAPTER 2—EMPLOYEE WHO SHOULD HAVE BEEN FERS COVERED, CSRS-OFFSET COVERED, OR CSRS COVERED, BUT WHO WAS ERRONEOUSLY SOCIAL SECURITY-ONLY COVERED INSTEAD

SEC. 2111. APPLICABILITY.

This chapter shall apply in the case of any employee who—

(1) should be (or should have been) FERS covered but, as a result of a retirement coverage error, is (or was) Social Security-Only covered instead;

(2) should be (or should have been) CSRS-Offset covered but, as a result of a retirement coverage error, is (or was) Social Security-Only covered instead; or

(3) should be (or should have been) CSRS covered but, as a result of a retirement coverage error, is (or was) Social Security-Only covered instead.

SEC. 2112. CORRECTION MANDATORY.

(a) UNCORRECTED ERROR.—If the retirement coverage error has not been corrected, as soon as practicable after discovery of the error, such individual shall be covered under the correct retirement coverage, effective as of the date of the retirement coverage error.

(b) CORRECTED ERROR.—If the retirement coverage error has been corrected, the corrective action previously taken shall remain in effect.

CHAPTER 3—EMPLOYEE WHO SHOULD OR COULD HAVE BEEN SOCIAL SECURITY-ONLY COVERED BUT WHO WAS ERRONEOUSLY CSRS-OFFSET COVERED OR CSRS COVERED INSTEAD

SEC. 2121. EMPLOYEE WHO SHOULD BE SOCIAL SECURITY-ONLY COVERED, BUT WHO IS ERRONEOUSLY CSRS OR CSRS-OFFSET COVERED INSTEAD.

(a) APPLICABILITY.—This section applies in the case of a retirement coverage error in which a Social Security-Only covered employee was erroneously CSRS covered or CSRS-Offset covered.

(b) Uncorrected Error.—

(1) Applicability.—This subsection applies if the retirement coverage error has not been corrected before the effective date of the regulations described in paragraph (3).

(2) Coverage.—In the case of an individual who is erroneously CSRS covered, as soon as practicable after discovery of the error, and subject to the right of an election under paragraph (3), such individual shall be CSRS-Offset covered, effective as of the date of the retirement coverage error.

(3) Election.—

(A) In general.—Upon written notice of a retirement coverage error, an individual may elect to be CSRS-Offset covered or Social Security-Only covered, effective as of the date of the retirement coverage error. Such election shall be made not later than 180 days after the date of receipt of such notice.

(B) Nonelection.—If the individual does not make an election before the date provided under subparagraph (A), the individual shall remain CSRS-Offset covered.

(C) Regulations.—The Office shall prescribe regulations to carry out this paragraph.

(c) Corrected Error.—

(1) Applicability.—This subsection applies if the retirement coverage error was corrected before the effective date of the regulations described under subsection (b)(3).

(2) Election.—Not later than 180 days after the date of enactment of this Act, the Office shall prescribe regulations authorizing individuals to elect, during the 18-month period immediately following the effective date of such regulations, to be CSRS-Offset covered or Social Security-Only covered, effective as of the date of the retirement coverage error.

(3) Nonelection.—If an eligible individual does not make an election under paragraph (2) before the end of any time limitation under this subsection, the corrective action taken before such time limitation shall remain in effect.

CHAPTER 4—EMPLOYEE WHO WAS ERRONEOUSLY FERS COVERED

SEC. 2131. EMPLOYEE WHO SHOULD BE SOCIAL SECURITY-ONLY COVERED, CSRS COVERED, OR CSRS-OFFSET COVERED AND IS NOT FERS-ELIGIBLE, BUT WHO IS ERRONEOUSLY FERS COVERED INSTEAD.

(a) Applicability.—This section applies in the case of a retirement coverage error in which a Social Security-Only covered, CSRS covered, or CSRS-Offset covered employee not eligible to elect FERS coverage under authority of section 8402(c) of title 5, United States Code, was erroneously FERS covered.

(b) Uncorrected Error.—

(1) Applicability.—This subsection applies if the retirement coverage error has not been corrected before the effective date of the regulations described in paragraph (2).

(2) Coverage.—

(A) Election.—

(i) In general.—Upon written notice of a retirement coverage error, an individual may elect to remain FERS covered or to be Social Security-Only covered, CSRS covered, or CSRS-Offset covered, as would have applied in the absence of the erroneous retirement coverage determination, effective as of the date of the retirement coverage error. Such election shall be made not later than 180 days after the date of receipt of such notice.

(ii) Treatment of fers election.—An election of FERS coverage under this subsection is deemed to be an election under section 301 of the Federal Employees Retirement System Act of 1986 (5 U.S.C. 8331 note; Public Law 99–335; 100 Stat. 599).

(B) Nonelection.—If the individual does not make an election before the date provided under subparagraph (A), the individual shall remain FERS covered, effective as of the date of the retirement coverage error.

(3) Employee contributions in thrift savings fund.—If under this section, an individual elects to be Social Security-Only covered, CSRS covered, or CSRS-Offset covered, all employee contributions to the Thrift Savings Fund made during the period of erroneous FERS coverage (and all earnings on such contributions) may remain in the Thrift Savings Fund in accordance with regulations prescribed by the Executive Director, notwithstanding any limit under section 8351 or 8432 of title 5, United States Code.

(4) Regulations.—Except as provided under paragraph (3), the Office shall prescribe regulations to carry out this subsection.

(c) Corrected Error.—

(1) Applicability.—This subsection applies if the retirement coverage error was corrected before the effective date of the regulations described under paragraph (2).

(2) Election.—Not later than 180 days after the date of enactment of this Act, the Office shall prescribe regulations authorizing individuals to elect, during the 18-month period immediately following the effective date of such regulations to remain Social Security-Only covered, CSRS covered, or CSRS-Offset covered, or to be FERS covered, effective as of the date of the retirement coverage error.

(3) Nonelection.—If an eligible individual does not make an election under paragraph (2), the corrective action taken before the end of any time limitation under this subsection shall remain in effect.

(4) Treatment of fers election.—An election of FERS coverage under this subsection is deemed to be an election under section 301 of the Federal Employees Retirement System Act of 1986 (5 U.S.C. 8331 note; Public Law 99–335; 100 Stat. 599).

SEC. 2132. FERS-ELIGIBLE EMPLOYEE WHO SHOULD HAVE BEEN CSRS COVERED, CSRS-OFFSET COVERED, OR SOCIAL SECURITY-ONLY COVERED, BUT WHO WAS ERRONEOUSLY FERS COVERED INSTEAD WITHOUT AN ELECTION.

(a) In General.—

(1) FERS election prevented.—If an individual was prevented from electing FERS coverage because the individual was erroneously FERS covered during the period when the individual was eligible to elect FERS under title III of the Federal Employees Retirement System Act or the Federal Employees' Retirement System Open Enrollment Act of 1997 (Public Law 105–61; 111 Stat. 1318 et seq.), the individual—

(A) is deemed to have elected FERS coverage; and

(B) shall remain covered by FERS, unless the individual declines, under regulations prescribed by the Office, to be FERS covered.

(2) Declining fers coverage.—If an individual described under paragraph (1)(B) declines to be FERS covered, such individual shall be CSRS covered, CSRS-Offset covered, or Social Security-Only covered, as would apply in the absence of a FERS election, effective as of the date of the erroneous retirement coverage determination.

(b) Employee Contributions in Thrift Savings Fund.—If under this section, an individual declines to be FERS covered and instead is Social Security-Only covered, CSRS covered, or CSRS-Offset covered, as would apply in the absence of a FERS election, all employee contributions to the Thrift Savings Fund made during the period of erroneous FERS coverage (and all earnings on such contributions) may remain in the Thrift Savings Fund in accordance with regulations prescribed by the Executive Director, notwithstanding any limit that would otherwise be applicable.

(c) Inapplicability of Duration of Erroneous Coverage.—This section shall apply regardless of the length of time the erroneous coverage determination remained in effect.

SEC. 2133. RETROACTIVE EFFECT.

This chapter shall be effective as of January 1, 1987, except that section 2132 shall not apply to individuals who made or were deemed to have made elections similar to those provided in this section under regulations prescribed by the Office before the effective date of this title.

CHAPTER 5—EMPLOYEE WHO SHOULD HAVE BEEN CSRS-OFFSET COVERED, BUT WHO WAS ERRONEOUSLY CSRS COVERED INSTEAD

SEC. 2141. APPLICABILITY.

This chapter shall apply in the case of any employee who should be (or should have been) CSRS-Offset covered but, as a result of a retirement coverage error, is (or was) CSRS covered instead.

SEC. 2142. CORRECTION MANDATORY.

(a) Uncorrected Error.—If the retirement coverage error has not been corrected, as soon as practicable after discovery of the error, such individual shall be covered under the correct retirement coverage, effective as of the date of the retirement coverage error.

(b) Corrected Error.—If the retirement coverage error has been corrected before the effective date of this title, the corrective action taken before such date shall remain in effect.

CHAPTER 6—EMPLOYEE WHO SHOULD HAVE BEEN CSRS COVERED, BUT WHO WAS ERRONEOUSLY CSRS-OFFSET COVERED INSTEAD

SEC. 2151. APPLICABILITY.

This chapter shall apply in the case of any employee who should be (or should have been) CSRS covered but, as a result of a retirement coverage error, is (or was) CSRS-Offset covered instead.

SEC. 2152. CORRECTION MANDATORY.

(a) Uncorrected Error.—If the retirement coverage error has not been corrected, as soon as practicable after discovery of the error, such individual shall be covered under the correct retirement coverage, effective as of the date of the retirement coverage error.

(b) Corrected Error.—If the retirement coverage error has been corrected before the effective date of this title, the corrective action taken before such date shall remain in effect.

Subtitle B—General Provisions

SEC. 2201. IDENTIFICATION AND NOTIFICATION REQUIREMENTS.

Government agencies shall take all such measures as may be reasonable and appropriate to promptly identify and notify individuals who are (or have been) affected by a retirement coverage error of their rights under this title.

SEC. 2202. INFORMATION TO BE FURNISHED TO AND BY AUTHORITIES ADMINISTERING THIS TITLE.

(a) Applicability.—The authorities identified in this subsection are—

(1) the Director of the Office of Personnel Management;

(2) the Commissioner of Social Security; and

(3) the Executive Director of the Federal Retirement Thrift Investment Board.

(b) Authority To Obtain Information.—Each authority identified in subsection (a) may secure directly from any department or agency of the United States information necessary to enable such authority to carry out its responsibilities under this title. Upon request of the authority involved, the head of the department or agency involved shall furnish that information to the requesting authority.

(c) Authority To Provide Information.—Each authority identified in subsection (a) may provide directly to any department or agency of the United States all information such authority

believes necessary to enable the department or agency to carry out its responsibilities under this title.

(d) Limitation; Safeguards.—Each of the respective authorities under subsection (a) shall—

(1) request or provide only such information as that authority considers necessary; and

(2) establish, by regulation or otherwise, appropriate safeguards to ensure that any information obtained under this section shall be used only for the purpose authorized.

SEC. 2203. SERVICE CREDIT DEPOSITS.

(a) CSRS Deposit.—In the case of a retirement coverage error in which—

(1) a FERS covered employee was erroneously CSRS covered or CSRS-Offset covered;

(2) the employee made a service credit deposit under the CSRS rules; and

(3) there is a subsequent retroactive change to FERS coverage;

the excess of the amount of the CSRS civilian or military service credit deposit over the FERS civilian or military service credit deposit, together with interest computed in accordance with paragraphs (2) and (3) of section 8334(e) of title 5, United States Code, and regulations prescribed by the Office, shall be paid to the employee, the annuitant or, in the case of a deceased employee, to the individual entitled to lump-sum benefits under section 8424(d) of title 5, United States Code.

(b) FERS Deposit.—

(1) Applicability.—This subsection applies in the case of an erroneous retirement coverage determination in which—

(A) the employee owed a service credit deposit under section 8411(f) of title 5, United States Code; and

(B)(i) there is a subsequent retroactive change to CSRS or CSRS-Offset coverage; or

(ii) the service becomes creditable under chapter 83 of title 5, United States Code.

(2) Reduced annuity.—

(A) In general.—If at the time of commencement of an annuity there is remaining unpaid CSRS civilian or military service credit deposit for service described under paragraph (1), the annuity shall be reduced based upon the amount unpaid together with interest computed in accordance with section 8334(e) (2) and (3) of title 5, United States Code, and regulations prescribed by the Office.

(B) Amount.—The reduced annuity to which the individual is entitled shall be equal to an amount that, when taken together with the amount referred to under subparagraph (A), would result in the present value of the total being actuarially equivalent to the present value of the unreduced annuity benefit that would have been provided the individual.

(3) Survivor annuity.—

(A) In general.—If at the time of commencement of a survivor annuity, there is remaining unpaid any CSRS service credit deposit described under paragraph (1), and there has been no actuarial reduction in an annuity under paragraph (2), the survivor annuity shall be reduced based upon the amount unpaid together with interest computed in accordance with section 8334(e) (2) and (3) of title 5, United States Code, and regulations prescribed by the Office.

(B) Amount.—The reduced survivor annuity to which the individual is entitled shall be equal to an amount that, when taken together with the amount referred to under subparagraph (A), would result in the present value of the total being actuarially equivalent to the present value of an unreduced survivor annuity benefit that would have been provided the individual.

SEC. 2204. PROVISIONS RELATED TO SOCIAL SECURITY COVERAGE OF MISCLASSIFIED EMPLOYEES.

(a) Definitions.—In this section, the term—

(1) "covered individual" means any employee, former employee, or annuitant who—

(A) is or was employed erroneously subject to CSRS coverage as a result of a retirement coverage error; and

(B) is or was retroactively converted to CSRS-offset coverage, FERS coverage, or Social Security-only coverage; and

(2) "excess CSRS deduction amount" means an amount equal to the difference between the CSRS deductions withheld and the CSRS-Offset or FERS deductions, if any, due with respect to a covered individual during the entire period the individual was erroneously subject to CSRS coverage as a result of a retirement coverage error.

(b) Reports to Commissioner of Social Security.—

(1) In general.—In order to carry out the Commissioner of Social Security's responsibilities under title II of the Social Security Act, the Commissioner may request the head of each agency that employs or employed a covered individual to report (in coordination with the Office of Personnel Management) in such form and within such timeframe as the Commissioner may specify, any or all of—

(A) the total wages (as defined in section 3121(a) of the Internal Revenue Code of 1986) paid to such individual during each year of the entire period of the erroneous CSRS coverage; and

(B) such additional information as the Commissioner may require for the purpose of carrying out the Commissioner's responsibilities under title II of the Social Security Act (42 U.S.C. 401 et seq.).

(2) Compliance.—The head of an agency or the Office shall comply with a request from the Commissioner under paragraph (1).

(3) Wages.—For purposes of section 201 of the Social Security Act (42 U.S.C. 401), wages reported under this subsection shall be deemed to be wages reported to the Secretary of the Treasury or the Secretary's delegates pursuant to subtitle F of the Internal Revenue Code of 1986.

(c) Payment Relating to OASDI Employee Taxes.—

(1) In general.—The Office shall transfer from the Civil Service Retirement and Disability Fund to the General Fund of the Treasury an amount equal to the lesser of the excess CSRS deduction amount or the OASDI taxes due for covered individuals (as adjusted by amounts transferred relating to applicable OASDI employee taxes as a result of corrections made, including corrections made before the date of enactment of this Act). If the excess CSRS deductions exceed the OASDI taxes, any difference shall be paid to the covered individual or survivors, as appropriate.

(2) Transfer.—Amounts transferred under this subsection shall be determined notwithstanding any limitation under section 6501 of the Internal Revenue Code of 1986.

(d) Payment of OASDI Employer Taxes.—

(1) In general.—Each employing agency shall pay an amount equal to the OASDI employer taxes owed with respect to covered individuals during the applicable period of erroneous coverage (as adjusted by amounts transferred for the payment of such taxes as a result of corrections made, including corrections made before the date of enactment of this Act).

(2) Payment.—Amounts paid under this subsection shall be determined subject to any limitation under section 6501 of the Internal Revenue Code of 1986.

(e) Application of OASDI Tax Provisions of the Internal Revenue Code of 1986 to Affected Individuals and Employing Agencies.—A covered individual and the individual's employing agency shall be deemed to have fully satisfied in a timely manner their responsibilities with respect to the taxes imposed by sections 3101(a), 3102(a), and 3111(a) of the Internal Revenue Code of 1986 on the wages paid by the employing agency to such individual during the entire period such individual was erroneously subject to CSRS coverage as a result of a retirement coverage error based on the payments and transfers made under subsections (c) and (d). No credit or refund of taxes on such wages shall be allowed as a result of this subsection.

SEC. 2205. THRIFT SAVINGS PLAN TREATMENT FOR CERTAIN INDIVIDUALS.

(a) Applicability.—This section applies to an individual who—

(1) is eligible to make an election of coverage under section 2101 or 2102, and only if FERS coverage is elected (or remains in effect) for the employee involved; or

(2) is described in section 2111, and makes or has made retroactive employee contributions to the Thrift Savings Fund under regulations prescribed by the Executive Director.

(b) Payment Into Thrift Savings Fund.—

(1) In general.—

(A) Payment.—With respect to an individual to whom this section applies, the employing agency shall pay to the Thrift Savings Fund under subchapter III of chapter 84 of title 5, United States Code, for credit to the account of the employee involved, an amount equal to the earnings which are disallowed under section 8432a(a)(2) of such title on the employee's retroactive contributions to such Fund.

(B) Amount.—Earnings under subparagraph (A) shall be computed in accordance with the procedures for computing lost earnings under section 8432a of title 5, United States Code. The amount paid by the employing agency shall be treated for all purposes as if that amount had actually been earned on the basis of the employee's contributions.

(C) Exceptions.—If an individual made retroactive contributions before the effective date of the regulations under section 2101(c), the Director may provide for an alternative calculation of lost earnings to the extent that a calculation under subparagraph (B) is not administratively feasible. The alternative calculation shall yield an amount that is as close as practicable to the amount computed under subparagraph (B), taking into account earnings previously paid.

(2) Additional employee contribution.—In cases in which the retirement coverage error was corrected before the effective date of the regulations under section 2101(c), the employee involved shall have an additional opportunity to make retroactive contributions for the period of the retirement coverage error (subject to applicable limits), and such contributions (including any contributions made after the date of the correction) shall be treated in accordance with paragraph (1).

(c) Regulations.—

(1) Executive director.—The Executive Director shall prescribe regulations appropriate to carry out this section relating to retroactive employee contributions and payments made on or after the effective date of the regulations under section 2101(c).

(2) Office.—The Office, in consultation with the Federal Retirement Thrift Investment Board, shall prescribe regulations appropriate to carry out this section relating to the calculation of lost earnings on retroactive employee contributions made before the effective date of the regulations under section 2101(c).

SEC. 2206. CERTAIN AGENCY AMOUNTS TO BE PAID INTO OR REMAIN IN THE CSRDF.

(a) Certain Excess Agency Contributions To Remain in the CSRDF.—

(1) In general.—Any amount described under paragraph (2) shall—

(A) remain in the CSRDF; and

(B) may not be paid or credited to an agency.

(2) AMOUNTS.—Paragraph (1) refers to any amount of contributions made by an agency under section 8423 of title 5, United States Code, on behalf of any employee, former employee, or annuitant (or survivor of such employee, former employee, or annuitant) who makes an election to correct a retirement coverage error under this title, that the Office determines to be excess as a result of such election.

(b) ADDITIONAL EMPLOYEE RETIREMENT DEDUCTIONS TO BE PAID BY AGENCY.—If a correction in a retirement coverage error results in an increase in employee deductions under section 8334 or 8422 of title 5, United States Code, that cannot be fully paid by a reallocation of otherwise available amounts previously deducted from the employee's pay as employment taxes or retirement deductions, the employing agency—

(1) shall pay the required additional amount into the CSRDF; and

(2) shall not seek repayment of that amount from the employee, former employee, annuitant, or survivor.

SEC. 2207. CSRS COVERAGE DETERMINATIONS TO BE APPROVED BY OPM.

No agency shall place an individual under CSRS coverage unless—

(1) the individual has been employed with CSRS coverage within the preceding 365 days; or

(2) the Office has agreed in writing that the agency's coverage determination is correct.

SEC. 2208. DISCRETIONARY ACTIONS BY DIRECTOR.

(a) IN GENERAL.—The Director of the Office of Personnel Management may—

(1) extend the deadlines for making elections under this title in circumstances involving an individual's inability to make a timely election due to a cause beyond the individual's control;

(2) provide for the reimbursement of necessary and reasonable expenses incurred by an individual with respect to settlement of a claim for losses resulting from a retirement coverage error, including attorney's fees, court costs, and other actual expenses;

(3) compensate an individual for monetary losses that are a direct and proximate result of a retirement coverage error, excluding claimed losses relating to forgone contributions and earnings under the Thrift Savings Plan under subchapter III of chapter 84 of title 5, United States Code, and all other investment opportunities; and

(4) waive payments required due to correction of a retirement coverage error under this title.

(b) SIMILAR ACTIONS.—In exercising the authority under this section, the Director shall, to the extent practicable, provide for similar actions in situations involving similar circumstances.

(c) JUDICIAL REVIEW.—Actions taken under this section are final and conclusive, and are not subject to administrative or judicial review.

(d) REGULATIONS.—The Office of Personnel Management shall prescribe regulations regarding the process and criteria used in exercising the authority under this section.

(e) REPORT.—The Office of Personnel Management shall, not later than 180 days after the date of enactment of this Act, and annually thereafter for each year in which the authority provided in this section is used, submit a report to each House of Congress on the operation of this section.

SEC. 2209. REGULATIONS.

(a) IN GENERAL.—In addition to the regulations specifically authorized in this title, the Office may prescribe such other regulations as are necessary for the administration of this title.

(b) FORMER SPOUSE.—The regulations prescribed under this title shall provide for protection of the rights of a former spouse with entitlement to an apportionment of benefits or to survivor benefits based on the service of the employee.

Subtitle C—Other Provisions

SEC. 2301. PROVISIONS TO AUTHORIZE CONTINUED CONFORMITY OF OTHER FEDERAL RETIREMENT SYSTEMS.

(a) FOREIGN SERVICE.—Sections 827 and 851 of the Foreign Service Act of 1980 (22 U.S.C. 4067 and 4071) shall apply with respect to this title in the same manner as if this title were part of—

(1) the Civil Service Retirement System, to the extent this title relates to the Civil Service Retirement System; and

(2) the Federal Employees' Retirement System, to the extent this title relates to the Federal Employees' Retirement System.

(b) CENTRAL INTELLIGENCE AGENCY.—Sections 292 and 301 of the Central Intelligence Agency Retirement Act (50 U.S.C. 2141 and 2151) shall apply with respect to this title in the same manner as if this title were part of—

(1) the Civil Service Retirement System, to the extent this title relates to the Civil Service Retirement System; and

(2) the Federal Employees' Retirement System, to the extent this title relates to the Federal Employees' Retirement System.

SEC. 2302. AUTHORIZATION OF PAYMENTS.

All payments authorized or required by this title to be paid from the Civil Service Retirement and Disability Fund, together with administrative expenses incurred by the Office in administering this title, shall be deemed to have been authorized to be paid from that Fund, which is appropriated for the payment thereof.

SEC. 2303. INDIVIDUAL RIGHT OF ACTION PRESERVED FOR AMOUNTS NOT OTHERWISE PROVIDED FOR UNDER THIS TITLE.

Nothing in this title shall preclude an individual from bringing a claim against the Government of the United States which such individual may have under section 1346(b) or chapter 171 of title 28, United States Code, or any other provision of law (except to the extent the claim is for any amounts otherwise provided for under this title).

Subtitle D—Effective Date

SEC. 2401. EFFECTIVE DATE.

Except as otherwise provided in this title, this title shall take effect on the date of enactment of this Act.

Amend the title so as to read: "An Act to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance is made available to Federal employees, members of the uniformed services, and civilian and military retirees, provide for the correction of retirement coverage errors under chapters 83 and 84 of such title, and for other purposes.".

House amendments to Senate amendments:

Page 2, line 7, strike "and".

Page 2, line 9, strike the comma and insert "; and".

Page 2, after line 9, insert the following:

"(C) an individual employed by the Tennessee Valley Authority."

Page 29, line 18, insert "under title 5, United States Code," after "limit".

Page 42, line 1, insert "under title 5, United States Code," after "limit".

Page 50, strike line 3 and all that follows through "Office" in line 5, and insert the following:

(c) PAYMENT RELATING TO OASDI EMPLOYEE TAXES.—The Office

(and run-in the remaining text of paragraph (1)).

Page 50, strike lines 16 through 19.

Page 51, strike lines 7 through 19.

Mr. SCARBOROUGH (during the reading). Mr. Speaker, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Florida?

Mr. CUMMINGS. Mr. Speaker, reserving the right to object, today is a cause for celebration. H.R. 4040 is a testament to how good process can lead to good results for the people we serve.

□ 1800

Commitment, bipartisanship and hard work on the part of the gentleman from Florida (Mr. SCARBOROUGH), the gentleman from California (Mr. WAXMAN), the gentlewoman from the District of Columbia (Ms. NORTON), the gentleman from Maine (Mr. ALLEN) and the gentlewoman from Maryland (Mrs. MORELLA), our congressional staff, the Office of Personnel Management, and the long-term care industry culminated in H.R. 4040, the Long-term Care Security Act.

I am pleased that the framework proposed in H.R. 110, my long-term care proposal, allowing OPM to contract with a single carrier or consortia to provide long-term care insurance to Federal employees in permitting OPM to negotiate premiums and benefits on behalf of Federal employees is adopted in H.R. 4040.

This employer group model will allow Federal employees to realize from 15 percent to 20 percent in premium savings. In addition to establishing a program to provide long-term care insurance to Federal employees and military personnel, the Senate amended H.R. 4044 with the text of S. 2420, which included the Federal Erroneous Retirement Coverage Corrections Act.

S. 2420 provides relief to those Federal employees who were placed in the wrong retirement system during transition to the Federal employment retirement system from the civil service retirement system during the 1980s. Under current law, Federal agencies are required to correct a retirement coverage error by forcing the affected employers into FERS.

The Federal Erroneous Coverage Corrections Act will permit the employees who had been victims of an enrollment error to remain in the retirement system they were erroneously placed in. CSRS ought to be covered by the system they should have been in, in most cases FERS.

Unlike the House retirement corrections bill, if the employee chooses to be placed in FERS, he or she will be responsible for the lost contributions to his or her thrift savings account. The House bill sought to achieve accountability by holding those agencies guilty of making enrollment errors responsible for the lost contributions to the employee's TSP account.

Mr. Speaker, though we would have preferred the House bill, we worked with the Senate to reach consensus on a bill that would result in some, if not optimal relief for employees placed in the wrong retirement system. H.R. 4040 is a lesson in how the legislative process through bipartisanship and compromise can work to better the lives of the American people. I enthusiastically support this legislation and urge my colleagues to do the same.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the initial request of the gentleman from Florida?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, I do not object, but I do want to celebrate this time when we in this House accept this bill, H.R. 4040, as amended, and send it back for the clarification from the Senate. This long-term care insurance bill has taken a lot of time. It has been long term, but it has been worth it.

I introduced legislation; my colleagues introduced legislation. We all worked together on it. The legislation I introduced was H.R. 1111, and it included not only Federal employees and annuitants, but it included also the military employees and retirees, which made the pool 20 million, which will allow OPM, the Office of Personnel Management, to be able to negotiate to get the very best plan that will have consumer protections and will also have choices within it.

Mr. Speaker, a lot of groups helped out with it, my colleagues; the gentleman from Florida (Mr. SCARBOROUGH), who chaired the committee; the gentleman from Maryland (Mr. CUMMINGS), the ranking member; others on the committee worked on it also, as well as organizations, like the National Association of Retired Federal Employees, the Postal Workers, Alzheimer's, retired military, and OPM was engaged also in the process, so all of us will be able to gain from this, the United States will be able to gain from it.

We hope that the premiums would be reduced 15 percent to 20 percent, and people will be able to plan for their futures through this bill. So I urge this bill's approval as amended, H.R. 4040.

Mr. SCARBOROUGH. Mr. Speaker, will the gentlewoman yield?

Mrs. MORELLA. I yield to the gentleman from Florida.

Mr. SCARBOROUGH. Mr. Speaker, I thank the gentlewoman from Maryland (Mrs. MORELLA) and also certainly thank the gentleman from Maryland (Mr. CUMMINGS), the ranking member of the committee, he and the gentlewoman from Maryland have both worked diligently on their own versions of this bill, both believed very much that their versions were the best versions of the bill, as did I on mine. Both of them worked around the clock.

The great thing is, I think we have got the best of all worlds from every bill. And I know there are so many people in my district that have a better long-term health care insurance plan because of what the gentleman from Maryland (Mr. CUMMINGS) did, and obviously because of what the gentlewoman from Maryland (Mrs. MORELLA) did.

I have so many Federal retirees, military retirees, in my district that are grateful for the hard work they have done, work they did before I even became chairman of this committee, the work that the gentleman from Florida (Mr. MICA) did. The gentleman from Indiana (Chairman BURTON) certainly helped; the gentleman from California (Mr. WAXMAN), the ranking member, helped a great deal; the gentleman from Virginia (Mr. DAVIS); the gentleman from Texas (Chairman ARCHER).

I would also like to thank our staffs that worked for a very, very long time on this bill, on my staff in particular, Gary Ewing and Jennifer Hemingway, but it is going to help everybody.

Long-term care security is a consensus bill. It is reflective of the hard work of Members on both sides of the aisle, and it is going to provide really assurance to Federal employees and retirees and military retirees, and so many others that they are going to be taken care of, and they are going to be able to get long-term health care insurance. It is important for all us.

The Senate language on long-term care is identical to the language that the House passed just last May. The bill also contains provisions to correct a long-standing inequity for Federal employees who, through no fault of their own, were erroneously placed in the wrong retirement system.

The amendments make several technical changes to the retirement corrections portion of this bill. And, in addition, in consultation, with Senator THOMPSON, I am pleased to include employees of the Tennessee Valley Authority, among the list of those eligible to purchase long-term care insurance. It is not only good for them, it is not only good for Federal employees that work here and throughout Washington, the country, it is good for all of America.

Mr. Speaker, I am confident that this bill is going to be landmark legislation that the private sector will be able to follow and we will be able to provide long-term health care to all Americans.

Mr. Speaker, I urge Members to support H.R. 4040, as amended.

Mrs. MORELLA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Florida?

There was no objection.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregen, one of its clerks, announced that the Senate has passed a bill and a concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 2869. An act to protect religious liberty, and for other purposes.

S. Con. Res. 132. Concurrent resolution providing for a conditional adjournment or recess of the Senate and conditional adjournment of the House of Representatives.

PERMISSION FOR COMMITTEE ON SCIENCE TO HAVE UNTIL MIDNIGHT AUGUST 31, 2000 TO FILE A REPORT ON H.R. 4271, NATIONAL SCIENCE EDUCATION ACT

Mr. SCARBOROUGH. Mr. Speaker, I ask unanimous consent that the Committee on Science may have until midnight on August 31, 2000 to file a report to accompany H.R. 4271.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

SENSE OF CONGRESS REGARDING ESTABLISHMENT OF NATIONAL HEALTH CENTER WEEK

Mr. SCARBOROUGH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the concurrent resolution (H. Con. Res. 381) expressing the sense of the Congress that there should be established a National Health Center Week to raise awareness of health services provided by community, migrant, and homeless health centers, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. DAVIS of Illinois. Mr. Speaker, reserving the right to object, actually, I stand not to object, but to end up praising those who have come forth. As the sponsor of this resolution, I want to, first of all commend and thank the gentleman from Illinois (Mr. SHIMKUS); the gentleman from Massachusetts (Mr. CAPUANO), cochair of the Health Center Caucus; the gentleman from Texas (Mr. BONILLA), cochair of the Health Center Caucus; the gentleman from Florida (Mr. BILIRAKIS), who is also a cochair of the Health Center Caucus; the gentleman from Texas (Mr. HALL); the gentleman from Alabama (Mr. CRAMER); the gentleman from Illinois (Mr. EVANS); the gentleman from California (Mr. BERMAN); and the gentleman from Illinois (Mr. LAHOOD).

Mr. Speaker, this resolution draws attention to the tremendous service that has been provided by the community health centers for the last 35 years. As a matter of fact, these centers have stood in the gap between crisis and health care delivery for hundreds of thousands of individuals over that period of time, especially individuals from low-income, from inner city, from migrant, from rural, individuals who were homeless, individuals who otherwise would have had no health care services that they could have been recipients of.

I believe that we ought to establish a National Health Center Week so that we can point out how important these centers have truly been. I happen to know, Mr. Speaker, that there are several Members of this Congress who themselves have either worked as staff, for example, or board members of these centers, the gentlewoman from North Carolina (Mrs. CLAYTON) at Soul City; the gentleman from Mississippi (Mr. THOMPSON) at the Jackson Heinz Health Center in Jackson, Mississippi, and I have had the good fortune and pleasure to work as a training director at the Martin Luther King Center in Chicago and as a special assistant to the president of the Miles Square Center in Chicago.

So the history and legacy of these programs, they bring economic development to their communities. Right now, they have operating budgets of more than $4 billion. They generate more than $14 billion in economic development for the communities where they are. They are a real testament to what can happen, what has happened and what we look forward to them in the future.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. SHIMKUS. Mr. Speaker, reserving the right to object, I also want to congratulate the gentleman from Illinois (Mr. DAVIS), my colleague, he is from the Chicago area, I am a downstater, for helping bring this important resolution to the floor.

Community migrant and homeless health care centers provide cost effective quality care to our country's poor and medically underserved. They act as a vital safety net for our health delivery systems, reduce health disparities that large portions of our population experience.

These centers are nonprofit, community-owned and operated and serve all 50 States. They provide health care to those who otherwise would not have access to health care, serving 1 in 12 rural citizens, 1 in 8 low-income Americans and 1 in 10 uninsured Americans. I represent a rural area and much of my district has limited access to health care.

The center operating in Springfield, Illinois has made vital health services available to the community. By serving a specific area, the centers can tailor their services to specific needs of the community and work together with schools, businesses, churches, and community organizations to provide the best care possible.

The establishment of a national community health center week will help raise awareness of the wonderful services that these centers provide our Nation. And I urge my colleagues to vote for this legislation. Again, I commend the gentleman from Illinois (Mr. DAVIS), my colleague and friend.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 381

Whereas community, migrant, and homeless health centers are nonprofit, community owned and operated health providers and are vital to the Nation's communities;

Whereas there are more than 1,029 such health centers serving more than 11,000,000 people at 3,200 health delivery sites, spanning urban and rural communities in all 50 States, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands;

Whereas such health centers have provided cost-effective, quality health care to the Nation's poor and medically underserved (including the working poor, the uninsured, and many high-risk and vulnerable populations), acting as a vital safety net in the Nation's health delivery system, meeting escalating health needs, and reducing health disparities;

Whereas these health centers provide care to 1 of every 10 uninsured Americans, 1 of every 8 low-income Americans, and 1 of every 12 rural Americans, and these Americans would otherwise lack access to health care;

Whereas these health centers and other innovative programs in primary and preventive care reach out to more than 500,000 homeless persons and 600,000 farm workers;

Whereas these health centers make health care responsive and cost effective by integrating the delivery of primary care with aggressive outreach, patient education, translation, and enabling support services;

Whereas these health centers increase the use of preventive health services such as immunizations, Pap smears, mammograms, and glaucoma screenings;

Whereas in communities served by these health centers, infant mortality rates have been reduced between 10 and 40 percent;

Whereas these health centers are built by community initiative;

Whereas Federal grants provide seed money empowering communities to find partners and resources and to recruit doctors and needed health professionals;

Whereas Federal grants on average contribute 28 percent of such a health center's budget, with the remainder provided by State and local governments, medicare, medicaid, private contributions, private insurance, and patient fees;

Whereas these health centers are community oriented and patient focused;

Whereas these health centers tailor their services to fit the special needs and priorities of communities, working together with schools, businesses, churches, community organizations, foundations, and State and local governments;

Whereas these health centers contribute to the health and well-being of their communities by keeping children healthy and in school and helping adults remain productive and on the job;

Whereas these health centers, with a total operating budget of $4,000,000,000, bolster and stabilize communities by stimulating development and investment, generating more than $14,000,000,000 in community economic development each year;

Whereas these health centers engage citizen participation and provide jobs for 50,000 community residents; and

Whereas the establishment of a National Community Health Center Week for the week beginning on August 20, 2000, would raise awareness of the health services provided by these health centers: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) there should be established a National Community Health Center Week to raise awareness of health services provided by community, migrant, and homeless health centers; and

(2) the President should issue a proclamation calling on the people of the United States and interested organizations to observe such a week with appropriate programs and activities.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore. Without objection, the Chair lays before the House the following Senate concurrent resolution (S. Con. Res. 132), providing for a conditional adjournment or recess of the Senate and conditional adjournment of the House of Representatives.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 132

Resolved by the Senate (the House of Representatives concurring), That, in consonance with section 132(a) of the Legislative Reorganization Act of 1946, when the Senate recesses or adjourns at the close of business on Thursday, July 27, 2000, Friday, July 28, 2000, or on Saturday, July 29, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Tuesday, September 5, 2000, or until noon on Wednesday, September 6, 2000, or until such time on either day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Thursday, July 27, 2000, or Friday, July 28, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2:00 p.m. on Wednesday, September 6, 2000, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

☐ 1815

The SPEAKER pro tempore (Mr. PEASE). Without objection, the concurrent resolution is agreed to.

There was no objection.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, House Resolution 567 is laid on the table.

There was no objection.

SENSE OF HOUSE THAT PRESIDENT AND ADMINISTRATION FOCUS APPROPRIATE ATTENTION ON ISSUE OF NEIGHBORHOOD CRIME

Mr. SCARBOROUGH. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the resolution (H. Res. 561) expressing the sense of the House of Representatives that the President should focus appropriate attention on the issue of neighborhood crime prevention, community policing and reduction of school crime by delivering speeches, convening meetings, and directing his Administration to make reducing crime an important priority, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. STUPAK. Mr. Speaker, reserving the right to object, but I shall not object, as I have introduced this resolution to emphasize the importance of crime prevention at the local level and to recognize the efforts of National Night Out.

I am pleased to say that this bipartisan resolution has more than 75 cosponsors. I would like to specifically thank the chairman and ranking member of the Committee on the Judiciary and the chairman and ranking member of the Subcommittee on Crime for their help in bringing this bill to the floor, and the gentleman from Minnesota, Mr. RAMSTAD, the cochair of the Law Enforcement Caucus, who has worked tirelessly with me on these important law enforcement issues.

My resolution calls upon the President to focus on neighborhood crime prevention programs, community policing programs, and reducing school crime. It also highlights National Night Out, which is coming up on August 1, as a successful national program; which exemplifies the goals of crime reduction through neighborhood and community efforts.

National Night Out is a nationwide event which combines a nationally coordinated crime prevention campaign with local communities and law enforcement organizations to take a stand against crime.

This year's National Night Out is the 107th annual event in the campaign by the National Association of Town Watch to fight crime. National Night Out has grown year after year, and now includes citizens, law enforcement agencies, civic groups, businesses, neighborhood organizations and local officials from 9,500 communities from all 50 states, the District of Columbia, U.S. territories, Canadian citizens and military bases worldwide.

In 1999, 32.5 million people participated in National Night Out. Those 32 million people joined together and sent a message, loud and clear, that they do not want crime in our neighborhoods and streets and that they want to keep working together until our communities are safe.

I firmly believe that a focus on neighborhood and community crime prevention is essential. It is for this reason that I have long supported the COPS Program in the Department of Justice, and I am a strong supporter of National Night Out.

As a former police officer who used to fight crime on the local and State level, I can tell you these programs work. Personal involvement in one's community, individual attention to our youth, taking responsibility for ourselves and others, these things make a difference.

Each of us will be returning next week to our districts for the August recess. I hope that each of us will take the opportunity to participate in National Night Out events in our communities, and show the strength of our national commitment to stop crime and keep our communities safe.

I also take this opportunity to urge President Clinton to continue to focus national attention on reducing crime and to continue his efforts to promote neighborhood crime prevention and community policing. It is true that crime has been going down under his watch, but we can and must do more.

National Night Out community events need not only happen once a year. I would like to see a time come when our communities get together with the same unity and spirit on these parades, youth events and cookouts, not because they are fighting crime, but because their communities are safe enough, close enough, and involved enough that their cooperation and unity is an everyday occurrence. That is the America of the past, and it can be the America of the future.

Mr. Speaker, I urge unanimous consent of this House resolution.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 561

Whereas neighborhood crime is of continuing concern to the American people;

Whereas the fight against neighborhood crime requires people to work together in cooperation with law enforcement officials;

Whereas neighborhood crime watch organizations are effective at promoting awareness about, and the participation of volunteers in, crime prevention activities at the local level;

Whereas neighborhood crime watch groups can contribute to the Nation's war on drugs by helping to prevent their communities from becoming markets for drug dealers;

Whereas crime and violence in schools is of continuing concern to the American people due to the recent high-profile incidents that have resulted in fatalities at several schools across the United States;

Whereas community-based programs involving law enforcement, school administrators, teachers, parents, and local communities work effectively to reduce school violence and crime;

Whereas citizens across America will soon take part in a "National Night Out", a unique crime prevention event which will demonstrate the importance and effectiveness of community participation in crime prevention efforts by having people spend the period from 7 to 10 o'clock P.M. on August 1, 2000, with their neighbors in front of their homes with their lights on; and

Whereas schools that turn their lights on from 7 to 10 o'clock P.M. on August 1, 2000, would send a positive message to the participants of "National Night Out" and would show their commitment to reduce crime and violence in schools: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the President should focus appropriate attention on the issue of neighborhood crime prevention, community policing, and reduction of school crime by delivering speeches, convening meetings, and directing his Administration to make reducing crime an important priority.

The SPEAKER pro tempore. Without objection, the resolution is agreed to.

There was no objection.

A motion to reconsider was laid on the table.

RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT OF 2000

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2869) to protect religious liberty, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. NADLER. Mr. Speaker, reserving the right to object, and I will not object; but I ask the gentleman from Florida (Mr. CANADY) to explain the bill.

Mr. CANADY of Florida. Mr. Speaker, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from Florida.

Mr. CANADY of Florida. Mr. Speaker, I thank the gentleman from New York for yielding.

The Religious Land Use and Institutionalized Persons Act is a bill designed to protect the free exercise of religion from unnecessary governmental interference. The legislation uses the recognized constitutional authority of the Congress to protect one of the most fundamental aspects of religious freedom, the right to gather and worship, and to protect the religious exercise of a class of people particularly vulnerable to government regulation, and that is institutionalized persons.

While this bill does not fill the gap in the legal protections available to people of faith in every circumstance, it will provide critical protection in two important areas where the right to religious exercise is frequently infringed.

I want to express my gratitude, especially to Senator HATCH and Senator KENNEDY for their great effort over the last months in bringing this bill forward to passage today in the United States Senate. Without their efforts, obviously, we would have been unsuccessful in our ongoing efforts to protect religious liberty in America.

This does not solve all of the problems that we had attempted to solve with the legislation that the House previously passed, but this is a very important step forward in the protection of religious liberty for all Americans.

I must also express my deep gratitude to the gentleman from New York (Mr. NADLER) for his cooperation and work on this piece of legislation. Without his effort we would not have been able to succeed in bringing this forward. I also wish to thank the gentleman from Texas (Mr. EDWARDS) for his outstanding work on this important legislation.

Finally, I would like to thank a member of the staff of the Subcommittee on the Constitution, Cathy Cleaver, for her long hours of hard work on this legislation.

I would urge that the House proceed to passage of this bill.

Mr. NADLER. Mr. Speaker, further reserving the right to object, I am very glad to join my good friend from Florida in urging support for this bill.

This is the third in a series of bills we have considered on the floor in the last 7 years to deal with some Supreme Court decisions from the early nineties. It is extremely important for the preservation of some of the free exercise protections of the Constitution, for the free exercise of religion. It is different, more narrow, than the Religious Liberty Protection Act we considered on the floor last year.

That bill, as you may recall, had some people concerned with some civil rights implications. Those concerns have been allayed. They are not present in this bill. The Leadership Conference on Civil Rights and the American Civil Liberties Union, both of which had concerns about last year's bill, both support this bill. Every religious group that I am aware of supports this bill. I am aware of no opposition from any religious or civil rights or civil liberties group, and I am very glad to participate finally in passing this bill and sending it on to the President.

I want to join the gentleman from Florida (Mr. CANADY) in thanking Senators KENNEDY and HATCH for their work. I want to thank the gentleman from Florida (Mr. CANADY) for his valuable work and leadership in bringing this bill to the floor. I want to thank the staff of the Committee on the Judiciary. I want to thank the gentleman from Texas, (Mr. EDWARDS), who joins me as the lead Democratic sponsor of the bill and has been a staunch supporter of religious liberty.

I particularly want to thank a member of the committee staff on the minority side, David Lachmann, who worked on this issue when he was on my staff, when he was on Congressman Solarz' staff before I was here, and since he has been on the committee staff, and without whose efforts we probably would not be here today.

So I am very glad this is here today. I am glad one of the last things we do before our recess is to reaffirm the commitment of the Congress to religious liberty and send this on to the President. Again, I thank the gentleman.

Mr. Speaker, I certainly am very happy to withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2869

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Religious Land Use and Institutionalized Persons Act of 2000".

SEC. 2. PROTECTION OF LAND USE AS RELIGIOUS EXERCISE.

(a) SUBSTANTIAL BURDENS.—

(1) GENERAL RULE.—No government shall impose or implement a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government demonstrates that imposition of the burden on that person, assembly, or institution—

(A) is in furtherance of a compelling governmental interest; and

(B) is the least restrictive means of furthering that compelling governmental interest.

(2) SCOPE OF APPLICATION.—This subsection applies in any case in which—

(A) the substantial burden is imposed in a program or activity that receives Federal financial assistance, even if the burden results from a rule of general applicability;

(B) the substantial burden affects, or removal of that substantial burden would affect, commerce with foreign nations, among the several States, or with Indian tribes, even if the burden results from a rule of general applicability; or

(C) the substantial burden is imposed in the implementation of a land use regulation or system of land use regulations, under which a government makes, or has in place formal or informal procedures or practices that permit the government to make, individualized assessments of the proposed uses for the property involved.

(b) DISCRIMINATION AND EXCLUSION.—

(1) EQUAL TERMS.—No government shall impose or implement a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution.

(2) NONDISCRIMINATION.—No government shall impose or implement a land use regulation that discriminates against any assembly or institution on the basis of religion or religious denomination.

(3) EXCLUSIONS AND LIMITS.—No government shall impose or implement a land use regulation that—

(A) totally excludes religious assemblies from a jurisdiction; or

(B) unreasonably limits religious assemblies, institutions, or structures within a jurisdiction.

SEC. 3. PROTECTION OF RELIGIOUS EXERCISE OF INSTITUTIONALIZED PERSONS.

(a) GENERAL RULE.—No government shall impose a substantial burden on the religious exercise of a person residing in or confined to an institution, as defined in section 2 of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997), even if the burden results from a rule of general applicability, unless the government demonstrates that imposition of the burden on that person—

(1) is in furtherance of a compelling governmental interest; and

(2) is the least restrictive means of furthering that compelling governmental interest.

(b) SCOPE OF APPLICATION.—This section applies in any case in which—

(1) the substantial burden is imposed in a program or activity that receives Federal financial assistance; or

(2) the substantial burden affects, or removal of that substantial burden would affect, commerce with foreign nations, among the several States, or with Indian tribes.

SEC. 4. JUDICIAL RELIEF.

(a) CAUSE OF ACTION.—A person may assert a violation of this Act as a claim or defense in a judicial proceeding and obtain appropriate relief against a government. Standing to assert a claim or defense under this section shall be governed by the general rules of standing under article III of the Constitution.

(b) BURDEN OF PERSUASION.—If a plaintiff produces prima facie evidence to support a claim alleging a violation of the Free Exercise Clause or a violation of section 2, the government shall bear the burden of persuasion on any element of the claim, except that the plaintiff shall bear the burden of persuasion on whether the law (including a regulation) or government practice that is challenged by the claim substantially burdens the plaintiff's exercise of religion.

(c) Full Faith and Credit.—Adjudication of a claim of a violation of section 2 in a non-Federal forum shall not be entitled to full faith and credit in a Federal court unless the claimant had a full and fair adjudication of that claim in the non-Federal forum.

(d) Attorneys' Fees.—Section 722(b) of the Revised Statutes (42 U.S.C. 1988(b)) is amended—

(1) by inserting ``the Religious Land Use and Institutionalized Persons Act of 2000,'' after ``Religious Freedom Restoration Act of 1993,''; and

(2) by striking the comma that follows a comma.

(e) Prisoners.—Nothing in this Act shall be construed to amend or repeal the Prison Litigation Reform Act of 1995 (including provisions of law amended by that Act).

(f) Authority of United States To Enforce This Act.—The United States may bring an action for injunctive or declaratory relief to enforce compliance with this Act. Nothing in this subsection shall be construed to deny, impair, or otherwise affect any right or authority of the Attorney General, the United States, or any agency, officer, or employee of the United States, acting under any law other than this subsection, to institute or intervene in any proceeding.

(g) Limitation.—If the only jurisdictional basis for applying a provision of this Act is a claim that a substantial burden by a government on religious exercise affects, or that removal of that substantial burden would affect, commerce with foreign nations, among the several States, or with Indian tribes, the provision shall not apply if the government demonstrates that all substantial burdens on, or the removal of all substantial burdens from, similar religious exercise throughout the Nation would not lead in the aggregate to a substantial effect on commerce with foreign nations, among the several States, or with Indian tribes.

SEC. 5. RULES OF CONSTRUCTION.

(a) Religious Belief Unaffected.—Nothing in this Act shall be construed to authorize any government to burden any religious belief.

(b) Religious Exercise Not Regulated.—Nothing in this Act shall create any basis for restricting or burdening religious exercise or for claims against a religious organization including any religiously affiliated school or university, not acting under color of law.

(c) Claims to Funding Unaffected.—Nothing in this Act shall create or preclude a right of any religious organization to receive funding or other assistance from a government, or of any person to receive government funding for a religious activity, but this Act may require a government to incur expenses in its own operations to avoid imposing a substantial burden on religious exercise.

(d) Other Authority To Impose Conditions on Funding Unaffected.—Nothing in this Act shall—

(1) authorize a government to regulate or affect, directly or indirectly, the activities or policies of a person other than a government as a condition of receiving funding or other assistance; or

(2) restrict any authority that may exist under other law to so regulate or affect, except as provided in this Act.

(e) Governmental Discretion in Alleviating Burdens on Religious Exercise.—A government may avoid the preemptive force of any provision of this Act by changing the policy or practice that results in a substantial burden on religious exercise, by retaining the policy or practice and exempting the substantially burdened religious exercise, by providing exemptions from the policy or practice for applications that substantially burden religious exercise, or by any other means that eliminates the substantial burden.

(f) Effect on Other Law.—With respect to a claim brought under this Act, proof that a substantial burden on a person's religious exercise affects, or removal of that burden would affect, commerce with foreign nations, among the several States, or with Indian tribes, shall not establish any inference or presumption that Congress intends that any religious exercise is, or is not, subject to any law other than this Act.

(g) Broad Construction.—This Act shall be construed in favor of a broad protection of religious exercise, to the maximum extent permitted by the terms of this Act and the Constitution.

(h) No Preemption or Repeal.—Nothing in this Act shall be construed to preempt State law, or repeal Federal law, that is equally as protective of religious exercise as, or more protective of religious exercise than, this Act.

(i) Severability.—If any provision of this Act or of an amendment made by this Act, or any application of such provision to any person or circumstance, is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provision to any other person or circumstance shall not be affected.

SEC. 6. ESTABLISHMENT CLAUSE UNAFFECTED.

Nothing in this Act shall be construed to affect, interpret, or in any way address that portion of the first amendment to the Constitution prohibiting laws respecting an establishment of religion (referred to in this section as the ``Establishment Clause''). Granting government funding, benefits, or exemptions, to the extent permissible under the Establishment Clause, shall not constitute a violation of this Act. In this section, the term ``granting'', used with respect to government funding, benefits, or exemptions, does not include the denial of government funding, benefits, or exemptions.

SEC. 7. AMENDMENTS TO RELIGIOUS FREEDOM RESTORATION ACT.

(a) Definitions.—Section 5 of the Religious Freedom Restoration Act of 1993 (42 U.S.C. 2000bb-2) is amended—

(1) in paragraph (1), by striking ``a State, or a subdivision of a State'' and inserting ``or of a covered entity'';

(2) in paragraph (2), by striking ``term'' and all that follows through ``includes'' and inserting ``term 'covered entity' means''; and

(3) in paragraph (4), by striking all after ``means'' and inserting ``religious exercise, as defined in section 8 of the Religious Land Use and Institutionalized Persons Act of 2000.''.

(b) Conforming Amendment.—Section 6(a) of the Religious Freedom Restoration Act of 1993 (42 U.S.C. 2000bb-3(a)) is amended by striking ``and State''.

SEC. 8. DEFINITIONS.

In this Act:

(1) Claimant.—The term ``claimant'' means a person raising a claim or defense under this Act.

(2) Demonstrates.—The term ``demonstrates'' means meets the burdens of going forward with the evidence and of persuasion.

(3) Free exercise clause.—The term ``Free Exercise Clause'' means that portion of the first amendment to the Constitution that proscribes laws prohibiting the free exercise of religion.

(4) Government.—The term ``government''—

(A) means—

(i) a State, county, municipality, or other governmental entity created under the authority of a State;

(ii) any branch, department, agency, instrumentality, or official of an entity listed in clause (i); and

(iii) any other person acting under color of State law; and

(B) for the purposes of sections 4(b) and 5, includes the United States, a branch, department, agency, instrumentality, or official of the United States, and any other person acting under color of Federal law.

(5) Land use regulation.—The term ``land use regulation'' means a zoning or landmarking law, or the application of such a law, that limits or restricts a claimant's use or development of land (including a structure affixed to land), if the claimant has an ownership, leasehold, easement, servitude, or other property interest in the regulated land or a contract or option to acquire such an interest.

(6) Program or activity.—The term ``program or activity'' means all of the operations of any entity as described in paragraph (1) or (2) of section 606 of the Civil Rights Act of 1964 (42 U.S.C. 2000d-4a).

(7) Religious exercise.—

(A) In general.—The term ``religious exercise'' includes any exercise of religion, whether or not compelled by, or central to, a system of religious belief.

(B) Rule.—The use, building, or conversion of real property for the purpose of religious exercise shall be considered to be religious exercise of the person or entity that uses or intends to use the property for that purpose.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TEXAS NATIONAL FORESTS IMPROVEMENT ACT OF 1999

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture be discharged from further consideration of the bill (H.R. 4285) to authorize the Secretary of Agriculture to convey certain administrative sites for National Forest System lands in the State of Texas, to convey certain National Forest System land to the New Waverly Gulf Coast Trades Center, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Clerk read the bill, as follows:

H.R. 4285

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ``Texas National Forests Improvement Act of 1999''.

SEC. 2. CONVEYANCE OF ADMINISTRATIVE SITES, TEXAS NATIONAL FOREST SYSTEM LANDS.

(a) AUTHORITY TO SELL OR EXCHANGE.—The Secretary of Agriculture may convey, by sale or exchange, under such terms and conditions as the Secretary may prescribe, any and all right, title, and interest of the United States in and to the following parcels of National Forest System land (including improvements thereon) located in the State of Texas:

(1) Davy Crockett National Forest, Trinity Ranger Quarters #066310 (Tract K-2D), located at State Highway 94, Groveton, Texas, consisting of approximately 3.0 acres, as depicted on the map entitled "Trinity Ranger Quarters, Tract K-2D", dated September 1, 1999.

(2) Davy Crockett National Forest quarters #066380 (Tract K-604), located at 514 Devine Street, Groveton, Texas, consisting of approximately 0.5 acre, as depicted on the map entitled "Davy Crockett National Forest Quarters, Tract K-604", dated September 1, 1999.

(3) Sabine National Forest quarters #055250 (Tract S-1391), located at 706 Cartwright Drive, San Augustine, Texas, consisting of approximately 0.5 acre, as depicted on the map entitled "Sabine National Forest Quarters, Tract S-1391", dated September 1, 1999.

(4) Sabine National Forest quarters #055400 (Tract S-1389), located at 507 Planter Drive, San Augustine, Texas, consisting of approximately 1.5 acres, as depicted on the map entitled "Sabine National Forest Quarters, Tract S-1389", dated September 1, 1999.

(5) Sabine National Forest quarters #077070 (Tract S-1388), located at State Highway 87, Hemphill, Texas, consisting of approximately 1.0 acre, as depicted on the map entitled "Sabine National Forest Quarters, Tract S-1388", dated September 1, 1999.

(6) Sabine National Forest quarters #077430 (Tract S-1390), located at FM Road 944, Hemphill, Texas, consisting of approximately 2.0 acres, as depicted on the map entitled "Sabine National Forest Quarters, Tract S-1390", dated September 1, 1999.

(7) Old Yellowpine Work Center site, within the Sabine National Forest, consisting of approximately 1.0 acre, as depicted on the map entitled "Old Yellowpine Work Center", dated September 1, 1999.

(8) Yellowpine Work Center site, within the Sabine National Forest, consisting of approximately 9.0 acres, as depicted on the map entitled "Yellowpine Work Center", dated September 1, 1999.

(9) Zavalla Work Center site, within the Angelina National Forest, consisting of approximately 19.0 acres, as depicted on the map entitled "Zavalla Work Center", dated September 1, 1999.

(b) AUTHORIZED CONSIDERATION.—As consideration for a conveyance of land under subsection (a), the recipient of the land, with the consent of the Secretary, may convey to the Secretary other land, existing improvements, or improvements constructed to specifications of the Secretary.

(c) APPLICABLE LAW.—Except as otherwise provided in this section, any conveyance of land under subsection (a) shall be subject to the laws and regulations applicable to the conveyance and acquisition of land for the National Forest System.

(d) CASH EQUALIZATION.—Notwithstanding any other provision of law, the Secretary may accept a cash equalization payment in excess of 25 percent of the value of any parcel of land exchanged under subsection (a).

(e) SOLICITATION OF OFFERS.—The Secretary may solicit offers for the conveyance of land under this section on such terms and conditions as the Secretary may prescribe. The Secretary may reject any offer made under this section if the Secretary determines that the offer is not adequate or not in the public interest.

SEC. 3. CONVEYANCE OF TEXAS NATIONAL FOREST SYSTEM LAND TO NEW WAVERLY GULF COAST TRADES CENTER.

(a) CONVEYANCE AUTHORITY.—Subject to the terms and conditions specified in this section, the Secretary of Agriculture may convey to the New Waverly Gulf Coast Trades Center (referred to in this section as the "Center"), all right, title, and interest of the United States in and to a parcel of real property (including improvements thereon) consisting of approximately 57 acres of land located within the Sam Houston National Forest, Walker County, Texas, as depicted on the map entitled "New Waverly Gulf Coast Trades Center", dated September 15, 1999. A complete legal description of the property to be conveyed shall be available for public inspection at an appropriate office of the Sam Houston National Forest and in the Office of the Chief of the Forest Service.

(b) CONSIDERATION.—

(1) FAIR MARKET VALUE.—As consideration for the conveyance authorized by this section, the Center shall pay to the Secretary an amount equal to the fair market value of the property, as determined by an appraisal acceptable to the Secretary and prepared in accordance with the Uniform Appraisal Standards for Federal Land Acquisition published by the Department of Justice.

(2) APPRAISAL COST.—The Center shall pay the cost of the appraisal of the property.

(3) TIME FOR PAYMENT.—The consideration determined under paragraph (1) shall be paid, at the option of the Center—

(A) in full not later than 180 days after the date of conveyance of the property; or

(B) in 7 equal annual installments commencing on January 1 of the first year beginning after the conveyance and annually thereafter until the total amount has been paid.

(4) INTEREST.—Any payment due for the conveyance of property under this section shall accrue interest, beginning on the date of the conveyance, at an annual rate of 3 percent on the unpaid balance.

(c) RELEASE.—Subject to compliance with all Federal environmental laws prior to conveyance, the Center, upon acquisition of the property under this section, shall agree in writing to hold the United States harmless from any and all claims to the property, including all claims resulting from hazardous materials conveyed on the lands.

(d) RIGHT OF REENTRY.—At any time before full payment is made for the conveyance of the property under this section, the conveyance shall be subject to a right of reentry in the United States if the Secretary determines that—

(1) the Center has not complied with the requirements of this section or the conditions prescribed by the Secretary in the deed of conveyance; or

(2) the conveyed land is converted to a noneducational or for profit use.

(e) ALTERNATIVE PROPERTY DISPOSAL AUTHORITY.—In the event that the Center does not contract with the Secretary to acquire the property described in this section within 18 months of the date of the enactment of this Act, the Secretary may dispose of the property in the manner provided in section 2.

SEC. 4. DISPOSITION OF FUNDS.

(a) DEPOSIT IN SISK ACT FUND.—The Secretary shall deposit the proceeds of a sale or exchange under this Act in the fund established under Public Law 90-171 (16 U.S.C. 484a; commonly known as the Sisk Act).

(b) USE OF PROCEEDS.—Funds deposited under subsection (a) shall be available to the Secretary, without further appropriation, for—

(1) the acquisition, construction, or improvement of administrative facilities for units of the National Forest System in the State of Texas; or

(2) the acquisition of lands or interests in lands in the State of Texas.

Mr. STENHOLM. Mr. Speaker, I rise in support of H.R. 4285, "Texas National Forest Improvement Act of 1999."

Mr. Speaker, this legislation gives the Secretary of Agriculture the authority to sell or exchange nine parcels of land located in the state of Texas.

The parcels listed in this legislation cost the National Forest Service thousands of dollars to maintain and would be better utilized if transferred to private ownership.

More specifically Mr. Speaker, this bill gives the Secretary of Agriculture the authority to convey 57 acres of land located within the Sam Houston National Forest to the New Waverly Gulf Coast Trades Center.

The trade center is doing a great job of training at-risk youth in various construction related occupations. The trade center is using the existing forest service work site as a job-training center, which provides these youth an opportunity to gain a useful skill.

Mr. Speaker, this transfer is supported by the USDA and would comply with all environmental regulations as required by law. In addition, this transfer will be transacted at fair market value.

I want to commend my colleague, Mr. TURNER, for his work on this legislation. And I ask all of my colleagues to support passage.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

APPOINTMENT OF HONORABLE CONSTANCE A. MORELLA OR HONORABLE WAYNE T. GILCHREST TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH SEPTEMBER 6, 2000

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 27, 2000.

I hereby appoint the Honorable CONSTANCE A. MORELLA or, if not available to perform this duty, the Honorable WAYNE T. GILCHREST to act as Speaker pro tempore to sign enrolled bills and joint resolutions through September 6, 2000.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

SIX MONTH REPORT ON NATIONAL EMERGENCY WITH RESPECT TO LIBYA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa–9(c), I transmit herewith a 6-month periodic report on the national emergency with respect to Libya that was declared in Executive Order 12543 of January 7, 1986.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *July 27, 2000.*

AUTHORIZING THE SPEAKER, THE MAJORITY LEADER, AND THE MINORITY LEADER TO ACCEPT RESIGNATIONS AND TO MAKE APPOINTMENTS, NOTWITHSTANDING ADJOURNMENT

Mr. GOSS. Mr. Speaker, I ask unanimous consent that, notwithstanding any adjournment of the House until Wednesday, September 6, 2000, the Speaker, majority leader, and minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, SEPTEMBER 6, 2000

Mr. GOSS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, September 6, 2000.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

PERIODIC REPORT ON NATIONAL EMERGENCY WITH RESPECT TO TERRORISTS WHO THREATEN MIDDLE EAST PEACE PROCESS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to terrorists who threaten to disrupt the Middle East peace process that was declared in Executive Order 12947 of January 23, 1995.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *July 27, 2000.*

ANNUAL REPORT OF NATIONAL INSTITUTE OF BUILDING SCIENCES FOR FISCAL YEAR 1998—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Banking and Financial Services:

To The Congress of the United States:

In accordance with the requirements of section 809 of the Housing and Community Development Act of 1974, as amended (12 U.S.C. 1701j–2(j)), I transmit herewith the annual report of the National Institute of Building Sciences for fiscal year 1998.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *July 27, 2000.*

REPORT ON PROGRESS MADE TOWARD ACHIEVING BENCHMARKS FOR SUSTAINABLE PEACE PROCESS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations, the Committee on Appropriations and the Committee on Armed Services and ordered to be printed:

To the Congress of the United States:

As required by the Levin Amendment to the 1998 Supplemental Appropriations and Rescissions Act (section 7 of Public Law 105–174) and section 1203 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261), I transmit herewith a report on progress made toward achieving benchmarks for a sustainable peace process.

In April 2000, I sent the third semiannual report to the Congress under Public Law 105–174, detailing progress towards achieving the ten benchmarks adopted by the Peace Implementation Council and the North Atlantic Council for evaluating implementation of the Dayton Accords. This report provides an updated assessment of progress on the benchmarks, covering the period January 1 through June 30, 2000.

In addition to the semiannual reporting requirements of Public Law 105–174, this report fulfills the requirements of section 1203 in connection with my Administration's request for funds for FY 2001.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *July 27, 2000.*

□ 1830

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE SITUATION IN HAITI IS DESPERATE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. GOSS) is recognized for 5 minutes.

Mr. GOSS. Mr. Speaker, nobody in the Clinton-Gore administration talks much about the situation in Haiti anymore, even though the situation there is very desperate. I find this regrettable because any reasonable observer will say that the Clinton-Gore policy has failed badly, that there is no democracy in Haiti, and that Haiti's leaders have returned to the old ways of solving problems through violence and intimidation, fear, repression, and even murder.

The Haitian parliament has been shuttered since President Preval dissolved it in 1998. A few weeks ago, Haiti held elections that were supposed to have seated a new parliament and provided a road map out of the government crisis that has been going on so long; but Aristide partisans perverted the election process, producing election count results that no international observer is able to certify as legitimate.

Haiti's friends around the world have weighed in with concern and condemnation, whether it is the OAS, CARICOM, the U.N., Japan, France, and so forth. But to illustrate what is really going on in Haiti, I want to tell the story of Mr. Leon Manus. Mr. Manus is the president of Haiti's provisional electoral council. That is the body that oversaw the recent balloting. It is a body that is meant to ensure full, fair, free, democratic, transparent elections; but one will not find President Manus in Port-au-Prince or anywhere else in Haiti, for that matter.

The fact is that Mr. Manus was chased out of his country in fear of his life and his family's lives. He is here in the United States seeking political asylum.

How did this happen? Why did this happen? According to an accurate report in the Los Angeles Times, Mr. Manus' relatives say that Manus was summoned to the presidential palace after the elections, where President Preval and former President Aristide pressured him to certify the recent fraudulent election count as valid, but Mr. Manus steadfastly refused.

He would not be a party to corruption, and he left the presidential palace and began what turned out to be a several-day flight in fear of his life that eventually led him to the safety here in the United States of America.

I recently had the opportunity to meet with Mr. Manus. I can say he is an absolutely committed man, committed to democracy and to a deep love for his family and his country. I think he wants nothing more than to return to his country and build a true democracy, but he cannot do so as long as the power in Haiti remains usurped by the new dictators there, and these are the very same folks the United States returned to power just a few years ago.

Make no mistake about what is going on in Haiti. Certainly factions of the country have been slowly and deliberately silencing their enemies and laying the groundwork for totalitarian rule, which we witnessed today. These people are not interested in democracy. They are not interested in helping their people find a better life; and they desperately need one in Haiti. They are only interested in preserving their own power; and as all of this has gone on, the Clinton and Gore administration has been inept and in denial.

Time and time again they have passed up opportunity to make clear to the Haitian leadership what it means to practice democracy, to build democratic institutions. I cannot fathom why they continue to defend the situation in Haiti or aid and abet the activities of the Aristide crowd. They are not Democrats.

Given this total failure, Congress must act to help stop the move toward dictatorship in Haiti. In this year's foreign operations bill, the House voted to prohibit any aid to the government of Haiti with a few exceptions such as counterdrug assistance and humanitarian food aid for the people and medicine for the sick. This is a good first step, but there is plenty more to be done.

Another good and logical step would be for the United States to revoke visas issued to corrupt Haitian government officials who are credibly alleged to be involved in narcotics trafficking, money laundering, and other crimes. Haiti's leaders have turned their backs on democracy and, saddest of all, have turned their backs on their own people.

The Clinton administration has fumbled U.S. policy toward Haiti at a cost of billions to the American taxpayer and immeasurable suffering to the Haitian people.

Mr. Speaker, I challenge the Clinton-Gore administration to publicly admit their failure in Haiti, and I invite them to join in a policy that supports democracy rather than Aristide and his cronies.

NATIONAL FAMILY FARM DAIRY EQUITY ACT OF 2000

The SPEAKER pro tempore (Mr. WHITFIELD). Under a previous order of the House, the gentleman from Wisconsin (Mr. KIND) is recognized for 5 minutes.

Mr. KIND. Mr. Speaker, today I am pleased to join the gentleman from New York (Mr. HOUGHTON), the gentleman from Vermont (Mr. SANDERS), and the gentleman from Maine (Mr. BALDACCI) in introducing the National Family Farm Dairy Equity Act of 2000. This legislation will provide countercyclical dairy payments to our Nation's hard-pressed area farmers when the market price falls below $12.50 per hundredweight for milk. As we all know, dairy has been a highly controversial political issue in this Chamber, oftentimes pitting region against region and farmer against farmer regardless of where they are producing in this country. It is time we end this political regional fight and bring our family farmers together with a national approach.

Despite the well-intentioned regional disputes, one thing is clear and indisputable: family dairy farms across the Nation are hurting with prices at over 20-year lows. Thousands of family farmers are forced out of business each year and our rural communities in all regions suffer as well. We are losing four to five family dairy farms a day in the State of Wisconsin alone under these conditions.

In fact, the price for Class III milk, milk manufactured for cheese, has been less than $10 per hundredweight since the beginning of this year. This rock-bottom price has had a devastating effect on family farmers in my home State of Wisconsin, America's dairyland. Despite the disastrously low prices that are plaguing our family farmers, dairy is a stepsister to the other agriculture commodity programs. Unlike wheat and feed grains, which received the lion's share of the $22 billion of emergency relief over the past two years, dairy has received a paltry 1.5 percent of this sum, or roughly $325 million.

While this assistance has been appreciated by many within our dairy industry, it is far from a panacea. Instead of being constant, these payments are subject to political pressure and the whims and demands of the appropriators in Congress.

The legislation we have introduced today is quite simple. It provides for greater income from dairy production by creating a $12.50 per-hundredweight target price for all classes of milk. But this legislation is market reflecting; it is not market distorting. Moreover, this legislation makes the dairy program more consistent with Federal programs for other commodities, similar to the loan deficiency payment which is currently applied to wheat and feed grains, which is strongly supported by Members from both political parties.

Dairy farmers will receive payments only when the market price falls below this certain target price. Hence, in good times when the prices are greater than $12.50 per hundredweight, producers will not receive any payment. In times of poor prices, the size of the payment will be linked to the difference between the target price and the market price. Payments would be made monthly, not annually, as is the case under the dairy transition payment.

This legislation targets Federal assistance to medium-size family farms. Specifically, under this tripartisan national bill, producers would receive assistance up to the first 2.6 million pounds of milk produced annually, reflective of milk produced by approximately 150 cows on a farm. Unlike past and current agricultural programs, producers would not receive financial assistance if they increased production. Also, new entrants would be eligible to participate.

Healthy, vibrant family dairy farms are vital economic, social, and cultural resources that we have but are now at risk. Sadly, this Nation takes this resource for granted and fails to fully appreciate the vital role that dairy farmers play in every consumer's daily life. Dairy is an important part of our economy. If we fail to safeguard this vital resource entering the new century, America risks losing the family dairy farms that have made us strong. My legislation safeguards this precious resource and this honorable way of life.

Mr. Speaker, as Congress begins to consider alternatives for its next farm bill, I believe the National Family Farm Dairy Equity Act is a right step to provide a safety net for America's dairy families who have experienced so much financial hardship due to misguided Federal policies.

I look forward to working with my colleagues on efforts to assist our Nation's hard-working dairy farmers.

FIFTIETH ANNIVERSARY OF GUAM ORGANIC ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Guam (Mr. UNDERWOOD) is recognized for 60 minutes as the designee of the minority leader.

Mr. UNDERWOOD. Mr. Speaker, I yield to our friend and colleague, the gentleman from Wisconsin (Mr. KIND).

RECOGNIZING THE OUTSTANDING CAREER AND CONTRIBUTIONS OF ADMIRAL JAY JOHNSON

Mr. KIND. Mr. Speaker, I thank my friend, the gentleman from Guam (Mr. UNDERWOOD), for yielding me the beginning portion of his 1-hour special order.

Mr. Speaker, I wanted to rise this evening to pay tribute and to express the Nation's gratitude to a man who has served his country with valor and distinction over 30 years, one of the great patriots of our time, Admiral Jay Johnson.

Last weekend in Annapolis, Admiral Jay Johnson retired as Chief of Naval Operations of the United States Navy. In that capacity, Admiral Johnson has firmly led the world's largest Navy through challenges and responsibilities rarely experienced by a peacetime military force.

A comparable Navy of such complexity and capability has never before plowed the seas, and Admiral Johnson has been at its helm through tensions in Asia, action in the Persian Gulf and the Balkans, and the humanitarian relief around the world.

Admiral Johnson was raised in West Salem, Wisconsin, a small town in my congressional district, and I know the folks back home are immensely proud of their local hero. After graduating from the United States Naval Academy in 1968, Admiral Johnson flew combat missions in the F-8 Crusader over Vietnam, including missions with Senator JOHN MCCAIN.

After transitioning his flying skills to the now venerable F-14 Tomcat, Admiral Johnson went on to command a carrier airwing, a carrier battle group, and a Navy fleet.

During his long and distinguished career, he also served on shore at the Armed Forces Staff College and the Chief of Naval Operations Strategic Studies Group and received numerous decorations, citations and accolades.

I believe one of the most impressive aspects of Admiral Johnson's service as CNO has been his unwavering commitment to the men and women who serve in the uniform of the United States Navy. During Admiral Johnson's term with the Joint Chiefs of Staff, his Navy served in 45 operations around the world. Yet even while guiding the Navy through extremely complex operations during a period of heightened operational tempo, Admiral Johnson maintained undaunting support for his sailors and tirelessly advocated on their behalf at the Pentagon, the White House, and here in Congress. He has made it clear that military readiness depends greatly on the resources this country brings to bear on the training, pay and benefits and quality of life of its servicemen and women.

I believe his message has been heard loud and clear here in Congress.

At the birth of our Nation, President George Washington once said, and I quote, "Without a decisive Naval force we can do nothing definitive and with it everything honorable and glorious."

In 1961, Admiral George Anderson, then CNO of the Navy, stated, quote, "The Navy has been a tradition and a future and we look with pride and confidence in both directions," end quote.

Mr. Speaker, Admiral Jay Johnson has proven both men right. Admiral Johnson has led the U.S. Navy through incredible trials with great honor. He has upheld the finest traditions of the Navy and our Nation while ensuring the bright future for the men and women who chose to follow the bold course he has set.

Mr. Speaker, throughout his life and his career in the Navy, Admiral Johnson has set a fine example of spirit, dedication, fortitude, and leadership for all Americans, young and old. I urge all Americans to take to heart the vision set out by Admiral Johnson during his confirmation hearing when he said, and I quote, "We will steer by the stars and not by the wake."

On behalf of the residents of western Wisconsin, I proudly commend Admiral Jay Johnson for his illustrious career in the service of our country.

I also commend his wife, Garland, for her loyalty, patience, and steadfastness in the face of the challenges a life in the military poses to every family, and I am sure my colleagues join with me here tonight in wishing them all a very long and happy retirement.

□ 1845

Mr. UNDERWOOD. Mr. Speaker, I, too, would like to add my words of congratulations to Admiral Johnson for very excellent career in the Navy and upon his retirement and his last tour of duty as chief of naval operations.

We in Guam had the opportunity to work with him on a number of issues. I always found him to be supportive. More importantly, he served at a time when the Navy was being asked to do many things. He was able to carry that out successfully with grace and always before Congress and before the Committee on Armed Services making a great case for the Navy.

Mr. Speaker, tonight I take the opportunity to do a special order on the anniversary of something that is very important to the people of Guam and something that will be commemorated next week. I want to take this opportunity to explain a little bit about it to provide the historical background for this event.

August 1, 1950 was the signing of the Guam Organic Act. Next Tuesday on Guam, there will be a commemoration of the 50th anniversary of the Organic Act. Many times, unless one lives in a territory, perhaps the term organic does not really mean much, but Organic Act means it is an organizing act, an act that organizes the local government pursuant to an act of Congress.

So it was that on August 1950, President Harry Truman signed the Guam Organic Act, creating and making permanent a local civilian government providing for a locally elected legislature and providing for an independent judicial system that had a direct linkage into the Federal court system and, most importantly, providing U.S. citizenship for the people of Guam, the people that I represent.

This is the 50th anniversary of Congressional action which brought an end to military government in Guam, a measure of real democracy to a group of loyal people, of loyalty that had been just tested during a horrific occupation by enemy forces during World War II and were, therefore, granted U.S. citizenship.

The Organic Act was preceded by a very sustained effort on the part of the people of Guam, the Island's leaders, and many friends of Guam and supportive persons in the United States here in Congress and in the administration of President Truman, as well as President Roosevelt, and in the national media, who at the time in the late 1940s, people who took a direct interest of the affairs of what were to happen to dependent territories coming out of World War II.

The Organic Act formally ended although it had ended a few months earlier by Presidential action. The Congressional Act, entitled the Organic Act, put an end to military government in Guam, a form of government meant to be temporary but which lasted some 50 years, a military government, a clearly un-American form of government, clearly undemocratic form of government in which the people of Guam basically lived under the control of military officers, whose primary duties were military in nature and whose secondary duties included the civil administration of a people that they saw as a dependent people as wards of the state, clearly untenable and undemocratic form of government.

Unfortunately, many people in the military had continued to justify the continuing nature of this government by saying that Guam had very strong strategic value for the United States and that, therefore, the people of Guam should not enjoy too many civil and political rights.

Under military government, the people of Guam were called U.S. nationals. Under a military government, government was created by fiats mandated by the Naval Governor of Guam called General Orders. Every time he wanted to make a law, he simply called in a scribe. They numbered these laws in consecutive order, ranging from General Order No. 1, first promulgated in 1899, right up until the very end of Naval rule some 50 years later.

One of those rules encapsulated the civil status of the people of Guam, and it was called General Court Martial Order No. 1923 held while the people of Guam owed perpetual allegiance to the United States. They are not citizens thereof, nor is there any mechanism through which they could become citizens.

So as far as the Navy was concerned, the people of Guam owed perpetual allegiance to the United States, but they were not U.S. citizens; and, more importantly, there was no way that they could become U.S. citizens. That is probably the most outrageous General Order in the whole series of General Orders that were prosecuted on the people of Guam throughout naval government.

That led to a citizenship movement. This movement for U.S. citizenship was seen in Guam as the way to eliminate the vestiges of military government. If one wanted to get rid of military government, it was assumed that, if people were declared U.S. citizens, that it would simply be untenable to continue to have military officers run the life of the island.

This citizenship movement was led originally by two men, B.J. Bordallo and F.B. Leon Guerrero. During the 1930s, they made a trip here into Washington, D.C., met with the President, met with a number of congressional leaders to argue for a U.S. citizenship for the people of Guam.

The way that they funded their trip was to go through the villages of Guam with a blanket that was carried at all four points, and citizens and children would throw pennies and dimes and nickels into the blanket. After doing this for a few months, they were able to secure enough funds to fly the then China Clipper to come here and spend several months making their case in Washington, D.C.

They were able to a meet with President Roosevelt, and they were able to prevail upon two Senators, Senator Tydings from Maryland and Senator Gibson from Vermont who subsequently introduced a bill granting the people of Guam U.S. citizenship, and it passed the Senate. That bill went to the House where it died on the basis of a congressional testimony made by Secretary of the Navy Claud Swanson that said the people of Guam were living on too strategic a piece of real estate to be concerned with such things as civil and political rights.

Subsequent to that, of course, the people of Guam endured an occupation by the Japanese during World War II. Coming out of World War II, there was a renewed spirit. Here one had a war that was essentially fought to end tyranny and, at the conclusion of the war, there were a number of territories and dependencies that existed throughout the world.

So the United States and Great Britain and France and other countries that were on the victorious side of World War II had then created the United Nations in order to ensure a peaceful and stable world and introduced as part of the UN Charter Article 73, which was meant to deal with nonself-governing territories, that the countries that were responsible for these areas had a distinct responsibility to promote self-government and self-determination for these nonself-governing territories.

The United States voluntarily placed a number of territories on those lists of nonself-governing territories to dramatize to the world how sincere the commitment was to end the whole nature of colonial government in the world.

Also, commensurate with this effort, which was in the national consciousness and with the local citizenship movement, there was an effort by citizens of the United States who were very friendly to the idea of civilian government for Guam and citizenship for the people of Guam. These people were led by an anthropologist by the name of Dr. Laura Thompson who founded the Institute of Ethnic Affairs. She worked very closely with her husband John Collier and former Secretary of the Interior Harold Ickes, and a couple of people in the media, one was Foster Hailey with the New York Times, and Richard Wells, an attorney who had formerly been stationed in Guam right at the end of World War II.

These people, in turn, worked towards generating media stories that appeared in Collier's magazine, Saturday Evening Post, a lot of very popular magazines at the time about what the exact conditions were in the territories, both American Samoa and Guam. But Guam offered the more dramatic story.

In the meantime, the Navy tried to counteract this effort by instituting their own, by assigning a number of officials to point out the blessings of military government. All of this came to a head when the Naval Governor of Guam, the last Naval Governor by the name of Admiral Pownall, was presiding over then a bicameral what was called the Guam Congress, the House of Council and the House of Assembly.

There was a provision in the law at the time that said that, in order to run a business on Guam, 50 percent of the ownership had to be of Guamanian origin so that the people of Guam would not be at the time subjected to undue competition from foreign sources.

But there was a civil service employee who was surreptitiously running a dress shop. The Assembly subpoenaed this individual by the name of Abe Goldstein. He ran a dress shop called the Guam Style Center. They subpoenaed him to appear in front of the House of Assembly. Mr. Goldstein conferred with the Admiral, and the Admiral told him he did not have to appear in front of the Assembly, that the Assembly had no power to subpoena anyone.

So the Assembly became very upset and walked out and adjourned and said that they would not reconvene until it was made clear by the Naval Governor what the extent of their authority was.

Information on this particular walkout was front page news in several newspapers, including in San Fancisco and Honolulu, and attracted a lot of attention. This effort was coordinated by a man by the name of Carlos Taitano who is still very much with us today and who will be the principal celebrant of the Guam Organic Act celebration next week. Carlos Taitano at the time was a member of the Guam Assembly.

The leader of the walkout was a man by the name of Antonio Borja Won Pat, who also had spent several months in Washington after World War II advocating U.S. citizenship for Guam. He was the speaker of the Assembly, the author of the walkout, the speaker of the subsequent Guam legislature after the institution of the Organic Act, and eventually the first delegate to the U.S. House of Representatives from Guam. So Mr. Won Pat is probably the single most important political figure in the history of Guam in the 20th Century.

In November of 1949, there was a hearing in Guam on legislation introduced. This is pursuant to this walkout in March 1949. It was seen that something had to be done. Legislation was introduced in the House. The Public Lands Committee went to Guam in November of 1949, had a hearing; and in that hearing, the main concern presented by the people of Guam, interestingly, was land.

During the intervening time from the reinstitution of the Navy military government of Guam after World War II, the Navy had acquired over a third of the island, probably about 40 percent of the island, closer to 40 percent; and people were told that they were going to get their land back. We have had this difficulty ever since, and we are trying to resolve this in a comprehensive way. That issue is still very much alive today and was part of a bill that was passed in the House earlier this week, H.R. 2462, the Guam Omnibus Opportunities Act.

Now, the actual act that passed Congress, passed both the House and the Senate, was based on H.R. 7273, which was a modified form of the earlier version, and it was introduced by Congressman Hardin Peterson of Florida.

In this final act, it set up a system of government which we would call clearly undemocratic in today's terms but seemed very democratic at the time. One, it provided for a unicameral legislature of 21 Members elected by the people of Guam and limited to two 30-day sessions a year within the Organic Act.

It provided for a local court system. But if one had a felony case or a case involving more than $5,000 in a civil suit, one had to go to a Federal court. So it established a Federal district court. So the scope of the local courts was limited, even though it established a kind of independent judiciary.

Of course the main feature of this Organic Act passed in 1950 was it did not have an elected governor. What we had at the time was a governor that was appointed by the President. So even though it was a civilian and was not a person in uniform, and even though we had disestablished the naval military government of Guam, clearly there was much progress to be made.

But for 1950, now we are talking about 1950, this Organic Act of Guam was seen as very progressive in the entire Pacific compared to all the other territories which France and Great Britain had, and some of the other islands in the Pacific. This looked like a very progressive step.

□ 1900

So indeed the Organic Act of Guam in 1950 was highly regarded at the time and widely supported. And, of course, the good feature, the unique feature, about it was the acquisition of U.S. citizenship.

The first civilian governor of Guam that was appointed by President Harry Truman was Carlton Skinner, who was a young, progressive governor, who made a very skillful transition from military to civilian government. He was a very important figure in the development of the Organic Act and the move from military to civilian government, and he also will be joining us in Guam on August 1 to commemorate the Organic Act.

But the politics of the environment changed along with elections to president, and in 1952, with the election of President Eisenhower, a new governor was selected for Guam, a man by the name of Ford Q. Elvidge, who wrote an article, after he finished his term, in the Saturday Evening Post entitled "I Ruled Uncle Sam's Problem Child." It was a very uncomfortable article to read. Nevertheless, Ford Q. Elvidge allegedly had an experience which indicated how strong the military still was in Guam.

He was appointed to be governor of Guam, but up until the year 1962, people could not go to Guam and people could not leave Guam unless the Navy allowed them to leave or unless the Navy allowed them to come in. This was called military security clearance. Unless an individual had security clearance. This act lasted all the way until 1962. It was started right at the beginning of 1940, as the situation between Japan and the United States started to darken. So this military security clearance executive order was declared by President Franklin Roosevelt.

Well, Ford Q. Elvidge, as he boarded a plane to leave Honolulu to come to Guam to take over as governor was stopped by military officials who refused to let him go on the plane because he did not have the appropriate security clearance from Naval authorities, only pointing out how deeply rooted military authority was in the lives of the people. After some discussion on the matter, they finally relented and they allowed the governor of Guam actually to go to Guam.

So this situation existed in Guam for another 20 years. Finally, in 1968, an elective governorship bill passed the Congress allowing the people of Guam to elect a new governor. The judicial system was simultaneously changed to expand the scope of the authority of the local court system, and later on in 1970 and 1971, there were laws passed in the House of Representatives to create the office of the delegate for the Virgin Islands and a delegate for the people of Guam.

So after the completion of those elements it sort of completed the cycle and it certainly gave the sense that there was complete local self-government in Guam. The people of Guam elected their governor, but this was still 20 years after the original Organic Act. The people of Guam elected a delegate to Congress, which gave them some opportunity to participate in the affairs of the House, although, of course, in the final analysis, there is no voting representation.

An interesting story. When Mr. Won Pat first came as the first delegate, there was some discussion in the initial House rules as to whether to pay him a full salary or not. There was some discussion about that. Fortunately for all the successors to this office, they agreed that they would pay the same salary as they pay other Members of Congress. But it shows, in a way, the kind of step-by-step process.

But there was still something fundamentally incomplete about the Organic Act, and that is that at the end of the day the Organic Act is not a local self constitution. The Organic Act is an act of Congress. And every time we need to change portions of that act, we have to come back to Congress. There is a provision that allows the people of Guam to create a local constitution, but to date that has only been exercised once, and the proposed constitution was defeated because the people of Guam felt strongly that there was still a more fundamental issue even than the creation of a local constitution, and that is the exercise of self-determination.

As I indicated earlier, the United Nations system, which was organized by the victorious powers coming out of World War II, in order to demonstrate that they were on the right side of democracy and to show that they meant democracy for everyone, created a system called the nonself-governing territory system inside the United Nations. To this date, Guam and American Samoa and the Virgin Islands remain on those lists of nonself- governing territories because there has not been a full exercise of self-determination to decide in what direction they wish to go and what directions are made available to them by what is termed, in the United Nations language of this relationship, the administering power.

So Guam continues to be a nonself-governing territory. It remains a nonself-governing territory because it does not have any voting participation in the laws that are applicable to them in any respect. So an individual living in a territory and a law is passed here on the Endangered Species Act or a law regarding the regulation of land or the law regarding taxation, and that law has some applicability to that person, it violates the very first tenet of the American creed, which is government by the consent of the governed. And there is no consent to governance.

Now, one can argue that there is a sense of participation; that there is some level of involvement, but at the end of the day there is no real consent of the governed. And of course people in the territories do not vote for the President, though, of course, he is our President as much as he is the President of any other American, and we go off to war just like we go off to war with other Americans as well, and he is our Commander in Chief.

Today, at the end of the day and some 50 years having elapsed since the passage of the Organic Act, many see the Organic Act in Guam as reflective of past events and, to some extent, past political traumas; as seen as evidence of continued Federal control of Guam; as seen as passe at worst, maybe transitional at best. But I believe that that is looking backward, forgetting the sweet victory that the Organic Act represented in 1950.

It was the kind of progress that was possible at the time, and it was progress that many people worked hard to achieve. It took many people to get us to that point, and we must not forget the efforts of those very hard working, sincere persons from Guam, as well as their friends here in Washington, D.C. who brought genuine political progress to Guam. We must not forget that they slain real dragons, they overcame real barriers, and they brought down a system of military government that, in the final analysis, did not really want to leave.

So the Organic Act, while it is properly seen in its historical development for the island I represent is certainly not the Magna Carta for Guam or the declaration for Guam or not even the constitution for Guam, but it is an important document that embodied a fundamental shift of government from people in uniform to people in civilian clothes; a document that embodied the principle that there should be some consent of the governed over laws that are made locally; that embodied and most importantly recognized the loyalty of the people of Guam through an horrific occupation and finally declared them to be U.S. citizens en masse.

At this time that we recognize this very important anniversary for the people of Guam, we must be mindful of the fact that there are still many tasks ahead of us. But at least let us remember August 1, 1950, and on August 1, 2000 take time and reflect upon our past history, the work of such great people in my own island's history, like Antonio Borja Won Pat, F. B. Leon Guerrero, and B. J. Bordallo, and take the time to honor and pay tribute to those men.

VIOLENCE AGAINST WOMEN ACT AND NIH FUNDING

The SPEAKER pro tempore (Mr. WHITFIELD). Under the Speaker's announced policy of January 6, 1999, the gentlewoman from Maryland (Mrs. MORELLA) is recognized for 60 minutes as the designee of the majority leader.

Mrs. MORELLA. Mr. Speaker, I appear before this House in the hopes that we will make a resolution when we return from our district work period, a resolution that adds on to the commitment that we made in 1994 to recognize and fight back against domestic violence and sexual assault by passing the Violence Against Women Act as part of the Crime Bill. That is what happened in 1994.

Now, over the past 5 years, over a billion dollars of Federal money has funded law enforcement training, shelters, counseling for victims, and prevention programs for batterers and children. With so little time left in the 106th Congress, we really must focus on reauthorizing the Violence Against Women Act. H.R. 1248, which I introduced, currently has 215 cosponsors, and it recently passed the Committee on the Judiciary by unanimous consent. Indeed, it should be considered in the full House just as soon as we return. The progress made by thousands of victims and advocates in every State and district could be in jeopardy if we do not.

Now, Mr. Speaker, I want to take this opportunity to talk about the National Institutes of Health, which is in my district, and again the commitment that we in Congress have made to double the funding for the National Institutes of Health over a 5-year period.

Over the last 6 years, we have been very fortunate to have the House appropriations subcommittee that deals with the National Institutes of Health chaired by my very good friend, the gentleman from Illinois (Mr. PORTER), who will not be seeking reelection for the next Congress. We indeed will miss him, his support, his interest in the health and the welfare of our Nation's citizens, and his commitment to doubling the funding of NIH over 5 years.

This objective, to which I am committed, to double this budget, began in 1998 when we successfully enacted a 15 percent increase in the NIH appropriation for fiscal year 1999. We succeeded again with another 15 percent increase for fiscal year 2000. And we are now at the third step in achieving our goal of doubling the NIH budget by 2003. I urge the conference committee on the appropriations for the Labor HHS bill to continue this commitment and fund NIH $20.5 billion, which is the full 15 percent increase of $2.7 billion. There is clearly no better time than now to recommit our pledge to doubling this funding.

Recent analyses by the Congressional Budget Office shows that this year's budget surplus is a record surplus of $232 billion. This is a $53 billion increase from the April projection. And over the next decade the CBO expects the surplus to grow between $4.5 trillion and $5.7 trillion, significantly more than what was expected just 3 months ago.

Mr. Speaker, Albert Einstein is quoted as having once said, "The only justifiable purpose of political institutions is to ensure the unhindered development of the individual." As a political institution, we must do just that, to ensure the pursuit of science and unraveling the mysteries of mankind.

□ 1915

By way of science and knowledge, we are ensuring the unhindered development of the individual. The National Institutes of Health is a world renowned institution located in Montgomery County, Maryland. It is considered the leading force in mankind's continued war against all forms of cancer, HIV/AIDS, blindness, autoimmune diseases, mental illness, and so many life-threatening and debilitating diseases.

I doubt if there is one person in this Congress whose life or family is not affected by a disease that depends on the research being funded by NIH.

It is not by chance that the United States is the undisputed world leader in high-tech medical science and drug development. It is in large part because the Federal Government has made a commitment to fund basic biomedical research for over 50 years and create a strong partnership with the private sector to bring new life-saving treatments to patients throughout the world.

The Federal commitment to biomedical, behavioral, and population-based research is responsible for the continued development of an ever-expanding base that has contributed to medical advances that have profoundly improved the length and the quality of life for all Americans.

These are remarkable times, Mr. Speaker. Never before in the history of mankind have we experienced such an explosion of discoveries. Information gained from NIH research is revolutionizing the practice of medicine and the future direction of scientific inquiry.

Recently, the international Human Genome Project partners and Celera Genomics Corporation jointly announced that they have completed a working draft assembly of the human genome. This is a truly significant milestone for science and medicine.

For the first time in our history, researchers have available with just a few clicks on their computer the nearly 3.1 billion letters that make up the human instruction book. All of the sequence data produced by the publicly supported human genome project is deposited daily in GenBank, a freely available sequence database maintained by the NIH's National Center for Biotechnology Information.

Public consortium centers produce far more sequence data than expected. In a matter of about 15 months, 22 billion bases, or letters, of raw sequence data was produced, providing sevenfold coverage of the human genome. As a result, the working draft is substantially closer to the ultimate finished form than the consortium expected at this stage.

This is an NIH success story. Reaching this milestone is just the beginning. The project now turns more of its energy and resources to the development of tools to understand the instructions encoded in the billions of bases of DNA sequence. Alterations in our genes are responsible for an estimated 5,000 clearly hereditary diseases, such as Huntington's disease, cystic fibrosis, and sickle-cell anemia.

They are also believed to influence the development of thousands of others more common diseases, such as schizophrenia, Alzheimer's disease, cancers, heart disease, diabetes, and arthritis.

As a result, decoding this information is expected to lead to powerful new ways to prevent, diagnose, treat and cure disease. This will occupy the time and energy of biomedical scientists for decades to come.

When will there be a better time to invest in biomedical research than now? I do not know of one.

Yesterday, July 26, 2000, was the 10th anniversary of the Americans With Disabilities Act. Fifty-four million Americans have a disability. That is 20 percent of our population.

We have a dire need in this country to focus our efforts on the health of our citizens. The number of Americans over age 65 will double in the next 30 years to more than 69 million. A significant portion will develop some form of a disability.

Research is needed. It is needed to help reduce the enormous economic and social burdens that are posed by chronic diseases such as osteoporosis, arthritis, Parkinson's, and Alzheimer's disease, cancer, heart disease, and stroke.

With so many of these diseases that are debilitating or life-threatening, we are so close, so close to the finish line in finding a cure and being able to provide for a treatment or a cure. We now talk of finding cures for so many diseases in 5 years in our lifetime.

NIH-funded research enter many of these diseases, and that is the foundation underlying the search for answers. Without the essential role that the NIH is playing in our health care equation, we as a Nation will fail to achieve the goal of a healthier, more productive Nation.

The American people want increased funding for medical research. Many polls have shown that the majority of Americans support Federal investment in medical research. With this research, we have learned that disease is a complex and evolving enemy.

Despite the extraordinary progress that has been made in the fight against many diseases, serious challenges still exist. I want to mention several examples of a new preventive strategy against disease which is changing the lives of millions of Americans.

This month, NIH announced a new clinical trial of 10 research centers which will soon begin testing a promising technique for transplanting insulin-producing pancreas cells that may one day allow people with type-one diabetes to stop their insulin shots.

This year a team of researchers funded by the National Institute of Child Health and Human Development has found that infants who die of Sudden Infant Death Syndrome suffer from abnormalities in certain regions of the brain stem. This brings us closer to finding a preventive treatment for SIDS.

In a ground-breaking, NIH-funded study published in the July issue of the proceedings of the National Academy of Sciences, researchers rapidly restored lost vision in a mouse model of Leber's. Leber's is a group of severe, early-onset, retinal degenerative diseases causing rapid vision loss at birth or during very early childhood.

This finding represents the first time researchers have restored vision in an animal model of retinal degeneration. The researchers are now moving toward doing human clinical trials.

Mr. Speaker, scientific advances resulting from NIH-supported research mean improved health and reduced suffering, job creation, biomedical research, and biotechnology, and far-reaching economic benefits touching every State through major universities, government laboratories, and research institutes.

In global competition, biomedical research and biotechnology are areas of strong American leadership and commitment. Continued support for the National Institutes of Health will ensure that American scientific excellence continues as we move through this century. We can afford to do no less for this generation and for generations to come.

I urge my colleagues to continue with our objective of doubling the budget for the National Institutes of Health.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GILMAN (at the request of Mr. ARMEY) for July 24 and the balance of the week on account of medical reasons.

Mr. WOLF (at the request of Mr. ARMEY) for today until 1:00 p.m. on account of attending a funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. KIND) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Mr. KIND, for 5 minutes, today.

(The following Members (at the request of Mr. GOSS) to revise and extend their remarks and include extraneous material:)

Mr. DEMINT, for 5 minutes, today.

Mr. GOSS, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, today.

Mrs. WILSON, for 5 minutes, today.

REPRINTED WITH CORRECTED TEXT AND TITLE, AS PASSED BY THE HOUSE ON JULY 19, 2000.

H.R. 2634

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Drug Addiction Treatment Act of 2000".

SEC. 2. AMENDMENT TO CONTROLLED SUBSTANCES ACT.

(a) IN GENERAL.—Section 303(g) of the Controlled Substances Act (21 U.S.C. 823(g)) is amended—

(1) in paragraph (2), by striking "(A) security" and inserting "(i) security", and by striking "(B) the maintenance" and inserting "(ii) the maintenance";

(2) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

(3) by inserting "(1)" after "(g)";

(4) by striking "Practitioners who dispense" and inserting "Except as provided in paragraph (2), practitioners who dispense"; and

(5) by adding at the end the following paragraph:

"(2)(A) Subject to subparagraphs (D) and (J), the requirements of paragraph (1) are waived in the case of the dispensing (including the prescribing), by a practitioner, of narcotic drugs in schedule III, IV, or V or combinations of such drugs if the practitioner meets the conditions specified in subparagraph (B) and the narcotic drugs or combinations of such drugs meet the conditions specified in subparagraph (C).

"(B) For purposes of subparagraph (A), the conditions specified in this subparagraph with respect to a practitioner are that, before the initial dispensing of narcotic drugs in schedule III, IV, or V or combinations of such drugs to patients for maintenance or detoxification treatment, the practitioner submit to the Secretary a notification of the intent of the practitioner to begin dispensing the drugs or combinations for such purpose, and that the notification contain the following certifications by the practitioner:

"(i) The practitioner is a qualifying physician (as defined in subparagraph (G)).

"(ii) With respect to patients to whom the practitioner will provide such drugs or combinations of drugs, the practitioner has the capacity to refer the patients for appropriate counseling and other appropriate ancillary services.

"(iii) In any case in which the practitioner is not in a group practice, the total number of such patients of the practitioner at any one time will not exceed the applicable number. For purposes of this clause, the applicable number is 30, except that the Secretary may by regulation change such total number.

"(iv) In any case in which the practitioner is in a group practice, the total number of such patients of the group practice at any one time will not exceed the applicable number. For purposes of this clause, the applicable number is 30, except that the Secretary may by regulation change such total number, and the Secretary for such purposes may by regulation establish different categories on the basis of the number of practitioners in a group practice and establish for the various categories different numerical limitations on the number of such patients that the group practice may have.

"(C) For purposes of subparagraph (A), the conditions specified in this subparagraph with respect to narcotic drugs in schedule III, IV, or V or combinations of such drugs are as follows:

"(i) The drugs or combinations of drugs have, under the Federal Food, Drug, and Cosmetic Act or section 351 of the Public Health Service Act, been approved for use in maintenance or detoxification treatment.

"(ii) The drugs or combinations of drugs have not been the subject of an adverse determination. For purposes of this clause, an adverse determination is a determination published in the Federal Register and made by the Secretary, after consultation with the Attorney General, that the use of the drugs or combinations of drugs for maintenance or detoxification treatment requires additional standards respecting the qualifications of practitioners to provide such treatment, or requires standards respecting the quantities of the drugs that may be provided for unsupervised use.

"(D)(i) A waiver under subparagraph (A) with respect to a practitioner is not in effect unless (in addition to conditions under subparagraphs (B) and (C)) the following conditions are met:

“(I) The notification under subparagraph (B) is in writing and states the name of the practitioner.

“(II) The notification identifies the registration issued for the practitioner pursuant to subsection (f).

“(III) If the practitioner is a member of a group practice, the notification states the names of the other practitioners in the practice and identifies the registrations issued for the other practitioners pursuant to subsection (f).

“(ii) Upon receiving a notification under subparagraph (B), the Attorney General shall assign the practitioner involved an identification number under this paragraph for inclusion with the registration issued for the practitioner pursuant to subsection (f). The identification number so assigned clause shall be appropriate to preserve the confidentiality of patients for whom the practitioner has dispensed narcotic drugs under a waiver under subparagraph (A).

“(iii) Not later than 45 days after the date on which the Secretary receives a notification under subparagraph (B), the Secretary shall make a determination of whether the practitioner involved meets all requirements for a waiver under subparagraph (B). If the Secretary fails to make such determination by the end of the such 45-day period, the Attorney General shall assign the physician an identification number described in clause (ii) at the end of such period.

“(E)(i) If a practitioner is not registered under paragraph (1) and, in violation of the conditions specified in subparagraphs (B) through (D), dispenses narcotic drugs in schedule III, IV, or V or combinations of such drugs for maintenance treatment or detoxification treatment, the Attorney General may, for purposes of section 304(a)(4), consider the practitioner to have committed an act that renders the registration of the practitioner pursuant to subsection (f) to be inconsistent with the public interest.

“(ii)(I) A practitioner who in good faith submits a notification under subparagraph (B) and reasonably believes that the conditions specified in subparagraphs (B) through (D) have been met shall, in dispensing narcotic drugs in schedule III, IV, or V or combinations of such drugs for maintenance treatment or detoxification treatment, be considered to have a waiver under subparagraph (A) until notified otherwise by the Secretary.

“(II) For purposes of subclause (I), the publication in the Federal Register of an adverse determination by the Secretary pursuant to subparagraph (C)(ii) shall (with respect to the narcotic drug or combination involved) be considered to be a notification provided by the Secretary to practitioners, effective upon the expiration of the 30-day period beginning on the date on which the adverse determination is so published.

“(F)(i) With respect to the dispensing of narcotic drugs in schedule III, IV, or V or combinations of such drugs to patients for maintenance or detoxification treatment, a practitioner may, in his or her discretion, dispense such drugs or combinations for such treatment under a registration under paragraph (1) or a waiver under subparagraph (A) (subject to meeting the applicable conditions).

“(ii) This paragraph may not be construed as having any legal effect on the conditions for obtaining a registration under paragraph (1), including with respect to the number of patients who may be served under such a registration.

“(G) For purposes of this paragraph:

“(i) The term ‘group practice’ has the meaning given such term in section 1877(h)(4) of the Social Security Act.

“(ii) The term ‘qualifying physician’ means a physician who is licensed under State law and who meets one or more of the following conditions:

“(I) The physician holds a subspecialty board certification in addiction psychiatry from the American Board of Medical Specialties.

“(II) The physician holds an addiction certification from the American Society of Addiction Medicine.

“(III) The physician holds a subspecialty board certification in addiction medicine from the American Osteopathic Association.

“(IV) The physician has, with respect to the treatment and management of opiate-dependent patients, completed not less than eight hours of training (through classroom situations, seminars at professional society meetings, electronic communications, or otherwise) that is provided by the American Society of Addiction Medicine, the American Academy of Addiction Psychiatry, the American Medical Association, the American Osteopathic Association, the American Psychiatric Association, or any other organization that the Secretary determines is appropriate for purposes of this subclause.

“(V) The physician has participated as an investigator in one or more clinical trials leading to the approval of a narcotic drug in schedule III, IV, or V for maintenance or detoxification treatment, as demonstrated by a statement submitted to the Secretary by the sponsor of such approved drug.

“(VI) The physician has such other training or experience as the State medical licensing board (of the State in which the physician will provide maintenance or detoxification treatment) considers to demonstrate the ability of the physician to treat and manage opiate-dependent patients.

“(VII) The physician has such other training or experience as the Secretary considers to demonstrate the ability of the physician to treat and manage opiate-dependent patients. Any criteria of the Secretary under this subclause shall be established by regulation. Any such criteria are effective only for 3 years after the date on which the criteria are promulgated, but may be extended for such additional discrete 3-year periods as the Secretary considers appropriate for purposes of this subclause. Such an extension of criteria may only be effectuated through a statement published in the Federal Register by the Secretary during the 30-day period preceding the end of the 3-year period involved.

“(H)(i) In consultation with the Administrator of the Drug Enforcement Administration, the Administrator of the Substance Abuse and Mental Health Services Administration, the Director of the Center for Substance Abuse Treatment, the Director of the National Institute on Drug Abuse, and the Commissioner of Food and Drugs, the Secretary shall issue regulations (through notice and comment rulemaking) or issue practice guidelines to address the following:

“(I) Approval of additional credentialing bodies and the responsibilities of additional credentialing bodies.

“(II) Additional exemptions from the requirements of this paragraph and any regulations under this paragraph.

Nothing in such regulations or practice guidelines may authorize any Federal official or employee to exercise supervision or control over the practice of medicine or the manner in which medical services are provided.

“(ii) Not later than 120 days after the date of the enactment of the Drug Addiction Treatment Act of 2000, the Secretary shall issue a treatment improvement protocol containing best practice guidelines for the treatment and maintenance of opiate-dependent patients. The Secretary shall develop the protocol in consultation with the Director of the National Institute on Drug Abuse, the Director of the Center for Substance Abuse Treatment, the Administrator of the Drug Enforcement Administration, the Commissioner of Food and Drugs, the Administrator of the Substance Abuse and Mental Health Services Administration, and other substance abuse disorder professionals. The protocol shall be guided by science.

“(I) During the 3-year period beginning on the date of the enactment of the Drug Addiction Treatment Act of 2000, a State may not preclude a practitioner from dispensing or prescribing drugs in schedule III, IV, or V, or combinations of such drugs, to patients for maintenance of detoxification treatment in accordance with this paragraph unless, before the expiration of that 3-year period, the State enacts a law prohibiting a practitioner from dispensing such drugs or combinations of drug.

“(J)(i) This paragraph takes effect on the date of the enactment of the Drug Addiction Treatment Act of 2000, and remains in effect thereafter except as provided in clause (iii) (relating to a decision by the Secretary or the Attorney General that this paragraph should not remain in effect).

“(ii) For purposes relating to clause (iii), the Secretary and the Attorney General may, during the 3-year period beginning on the date of the enactment of the Drug Addiction Treatment Act of 2000, make determinations in accordance with the following:

“(I) The Secretary may make a determination of whether treatments provided under waivers under subparagraph (A) have been effective forms of maintenance treatment and detoxification treatment in clinical settings; may make a determination of whether such waivers have significantly increased (relative to the beginning of such period) the availability of maintenance treatment and detoxification treatment; and may make a determination of whether such waivers have adverse consequences for the public health.

“(II) The Attorney General may make a determination of the extent to which there have been violations of the numerical limitations established under subparagraph (B) for the number of individuals to whom a practitioner may provide treatment; may make a determination of whether waivers under subparagraph (A) have increased (relative to the beginning of such period) the extent to which narcotic drugs in schedule III, IV, or V or combinations of such drugs are being dispensed or possessed in violation of this Act; and may make a determination of whether such waivers have adverse consequences for the public health.

“(iii) If, before the expiration of the period specified in clause (ii), the Secretary or the Attorney General publishes in the Federal Register a decision, made on the basis of determinations under such clause, that this paragraph should not remain in effect, this paragraph ceases to be in effect 60 days after the date on which the decision is so published. The Secretary shall in making any such decision consult with the Attorney General, and shall in publishing the decision in the Federal Register include any comments received from the Attorney General for inclusion in the publication. The Attorney General shall in making any such decision consult with the Secretary, and shall in publishing the decision in the Federal Register include any comments received from the Secretary for inclusion in the publication.".

(b) CONFORMING AMENDMENTS.—Section 304 of the Controlled Substances Act (21 U.S.C. 824) is amended—

(1) in subsection (a), in the matter after and below paragraph (5), by striking "section 303(g)" each place such term appears and inserting "section 303(g)(1)"; and

(2) in subsection (d), by striking "section 303(g)" and inserting "section 303(g)(1)".

SEC. 3. ADDITIONAL AUTHORIZATION OF APPROPRIATIONS REGARDING DEPARTMENT OF HEALTH AND HUMAN SERVICES.

For the purpose of assisting the Secretary of Health and Human Services with the additional duties established for the Secretary pursuant to the amendments made by section 2, there are authorized to be appropriated, in addition to other authorizations of appropriations that are available for such purpose, such sums as may be necessary for fiscal year 2000 and each subsequent fiscal year.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 4437. An act to grant the United States Postal Service the authority to issue semipostals, and for other purposes.

H.R. 4576. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

H.R. 4810. An act to provide for reconciliation pursuant to section 103(a)(1) of the concurrent resolution on the budget for fiscal year 2001.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1629. An act to provide for the exchange of certain land in the State of Oregon.

S. 1910. An act to amend the Act establishing Women's Rights National Historical Park to permit the Secretary of the Interior to acquire title in fee simple to the Hunt House located in Waterloo, New York.

S. 2327. An act to establish a Commission on Ocean Policy, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills of the House of the following titles:

On July 21, 2000:

H.R. 1791. To amend title 18, United States Code, to provide penalties for harming animals used in Federal law enforcement.

H.R. 4249. To foster cross-border cooperation and environmental cleanup in Northern Europe.

On July 27, 2000:

H.R. 4810. To provide for reconciliation pursuant to section 103(a)(1) of the concurrent resolution on the budget for fiscal year 2001.

ADJOURNMENT

Mrs. MORELLA. Mr. Speaker, pursuant to Senate Concurrent Resolution 132 of the 106th Congress, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore (Mr. WHITFIELD). Pursuant to Senate Concurrent Resolution 132 of the 106th Congress, the House stands adjourned until 2 p.m., Wednesday, September 6, 2000.

Thereupon, (at 7 o'clock and 24 minutes p.m.), pursuant to Senate Concurrent Resolution 132, the House adjourned until Wednesday, September 6, 2000, at 2 p.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for official foreign travel during the first and second quarters of 2000, by Committees of the House of Representatives, as well as a consolidated report of foreign currencies and U.S. dollars utilized for speaker-authorized official travel during the second quarter of 2000, pursuant to Public Law 95–384, are as follows:

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1, AND MAR. 31, 2000

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Jerry Moran	1/9	1/10	Panama		224.00		1,553.79				1,777.79
	1/10	1/12	Mexico		494.00		254.99				748.99
Committee total					718.00		1,808.78				2,526.78

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

LARRY COMBEST, Chairman, June 22, 2000.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1, AND JUNE 30, 2000

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Amo Houghton	4/15	4/17	Czech Republic		660.00		(3)				660.00
	4/17	4/19	Egypt		446.00		(3)				446.00
	4/19	4/20	Morocco		0		(3)				0
Hon. Nancy Johnson	4/15	4/17	Czech Republic		660.00		(3)				660.00
	4/17	4/19	Egypt		446.00		(3)				446.00
	4/19	4/20	Morocco		434.00		(3)				434.00
Hon. John Tanner	4/15	4/17	Czech Republic		660.00		(3)				660.00
	4/17	4/19	Egypt		446.00		(3)				446.00
	4/19	4/20	Morocco		434.00		(3)				434.00
Hon. Phil English	4/15	4/17	Czech Republic		660.00		(3)				660.00
	4/17	4/19	Egypt		446.00		(3)				446.00
	4/19	4/20	Morocco		434.00		(3)				434.00
Hon. Rob Portman	4/15	4/17	Czech Republic		660.00		(3)				660.00
	4/17	4/19	Egypt		446.00		(3)				446.00
	4/19	4/20	Morocco		434.00		(3)				434.00
Hon. Jim McDermott	4/15	4/17	Czech Repbublic		660.00		(3)				660.00
	4/17	4/19	Egypt		446.00		(3)				446.00
	4/19	4/21	Morocco		434.00		(3)				
Hon. Jennifer Dunn	4/15	4/17	Czech Republic		660.00		(3)				660.00
	4/17	4/19	Egypt		446.00		(3)				446.00

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1, AND JUNE 30, 2000—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	4/19	4/21	Morocco		434.00		(3)				434.00
Janice Mays	4/15	4/17	Czech Republic		660.00		(3)				660.00
	4/17	4/19	Egypt		446.00		(3)				446.00
	4/19	4/21	Morocco		434.00		(3)				434.00
Angela Ellard	4/15	4/17	Czech Republic		660.00		(3)				660.00
	4/17	4/19	Egypt		446.00		(3)				446.00
	4/19	4/21	Morocco		434.00		(3)				434.00
Karen Humbel	4/15	4/17	Czech Republic		660.00		(3)				660.00
	4/17	4/19	Egypt		446.00		(3)				446.00
	4/19	4/21	Morocco		434.00		(3)				434.00
Donna Thessen	4/15	4/17	Czech Republic		660.00		(3)				660.00
	4/17	4/19	Egypt		446.00		(3)				446.00
	4/19	4/17	Morocco		434.00		(3)				434.00
Tim Rief	4/15	4/17	Czech Republic		660.00		(3)				660.00
	4/17	4/19	Egypt		446.00		(3)				446.00
	4/19	4/21	Morocco		434.00		(3)				434.00
Hon. Bill Archer	4/15	4/17	Czech Republic		660.00		(3)		6,510.00		7,170
	4/17	4/19	Egypt		446.00		(3)				446.00
	4/19	4/21	Morocco		434.00		(3)				434.00
Committee total					18,806.00				6,510.00		25,316.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

Bill Archer, Chairman, July 25, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1, AND JUNE 30, 2000

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Sam Johnson	4/21	4/22	Croatia		206.00		(3)				
	4/22	4/22	Sarajevo		206.00		(3)				206.00
	4/22	4/23	Tuzla		206.00		(3)				
Hon. Mac Collins	4/24	4/25	Brazil		415.00		(3)				415.00
	4/25	4/27	Chile		570.00		(3)				570.00
	4/27	4/30	Argentina		1,184.00		(3)				1,184.00
	4/30	5/1	Panama		224.00		[4] 528.40			224.00	415.00
Committee total					2,599.00		528.40				3,127.40

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Military air transportation and commercial airfare.

BILL ARCHER, Chairman, July 5, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HOUSE OF REPRESENTATIVES, TRAVEL TO JORDAN, EXPENDED BETWEEN APR. 14, AND APR. 22, 2000

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Robert G. Zachritz	4/15	4/22	Jordan		928.00		5,268.03				6,146.03
Committee total					928.00		5,268.03				6,146.03

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ROBERT G. ZACHRITZ, June 14, 2000.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive commmunications were taken from the Speaker's table and referred as follows:

[Omitted from the Record of July 25, 2000]

9357. A letter from the General Counsel, Department of the Treasury, transmitting a draft bill entitled, the "Collateral Modernization Act of 2000"; to the Committee on the Judiciary.

9358. A letter from the Director, Policy Directives and Instructions Branch, Department of Justice, transmitting the Department's final rule—Delegation of the Adjudication of Certain Temporary Agricultural Worker (H-2A) Petitions, Appellate and Revocation Authority for Those Petitions to the Secretary of Labor [INS No. 1946-98, AG Order No. 2313-2000] (RIN:1115-AF29) received July 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

9359. A letter from the Director, Policy Directives and Instructions Branch, Department of Justice, transmitting the Department's final rule—Implementation of Hernandez v. Reno Settlement Agreement; Certain Aliens Eligible for Family Unity Benefits After Sponsoring Family Member's Naturalization; Additional Class of Aliens Ineligible for Family Unity Benefits [INS No. 1823-96] (RIN:1115-AE72) received July 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

9360. A letter from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting the 1999 Annual Report of the Office of the Police Corps and Law Enforcement Education; to the Committee on the Judiciary.

9361. A letter from the Deputy Administrator, National Highway Traffic Safety Administration, Department of Transportation, transmitting a report entitled, "Update on the Status of Splash and Spray Suppression Technology for Large Trucks"; to the Committee on Transportation and Infrastructure.

9362. A letter from the Small Business Advocacy Chair, Environmental Protection Agency, transmitting the Agency's final rule—FY2001 Wetlands Program Development Grants [FRL-6838-7] received July 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9363. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Acquisition Planning—received July 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

9364. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Increase in Rates Payable Under the Montgomery GI Bill—Active Duty (RIN: 2900–AJ89) received July 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

9365. A letter from the Administrator, Office of Workforce Security, Department of Labor, transmitting the Department's final rule—Unemployment Insurance Program Letter 41–98, change 1—Application of the Prevailing Conditions of Work Requirement-Questions and Answers—received July 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9366. A letter from the Regulations Officer, Social Security Administration, transmitting the Administration's final rule—Rescission of Social Security Acquiesance Ruling 93–2(2) and 87–4(8)—received July 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9367. A letter from the Chairman, Federal Reserve System, transmitting the Board's Monetary Policy Report, pursuant to 12 U.S.C. 225a; jointly to the Committees on Banking and Financial Services and Education and the Workforce.

9368. A letter from the Secretary of Energy, transmitting the Twelfth Annual Report entitled, "Comprehensive Environmental Response, Compensation and Liability Act"; jointly to the Committees on Commerce and Transportation and Infrastructure.

9369. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting Progress made toward opening the United States Embassy in Jerusalem and notification of Suspension of Limitations Under the Jerusalem Embassy Act [Presidental Determination No. 2000–24], pursuant to Public Law 104–45, section 6 (109 Stat. 400); jointly to the Committees on International Relations and Appropriations.

9370. A letter from the Administrator, U.S. Agency for International Development, transmitting the quarterly update of the report required by Section 653(a) of the Foreign Assistance Act of 1961, as amended, entitled "Development Assistance and Child Surval/Diseases Program Allocations-FY 2000"; jointly to the Committees on International Relations and Appropriations.

9371. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Secretary's "CERTIFICATION TO THE CONGRESS: Regarding the Incidental Capture of Sea Turtles in Commercial Shrimping Operations," pursuant to Public Law 101–162, section 609(b)(2) (103 Sat. 1038); jointly to the Committees on Resources and Appropriations.

9372. A letter from the Comptroller General of the United States, transmitting final certification of the Trans-Alaska Pipeline Liability Fund's payment of claims and administrative expenses, pursuant to 43 U.S.C. 1653(c)(4); jointly to the Committees on Transportation and Infrastructure and Resources.

9373. A letter from the Board Members, Railroad Retirement Board, transmitting a copy of the 21st Actuarial Valuation of the Assets and Liabilities Under the Railroad Retirement Acts, pursuant to 45 U.S.C. 231f-1; jointly to the Committees on Ways and Means and Transportation and Infrastructure.

9374. A letter from the Commissioner of Social Security, transmitting a draft bill to make amendments to the Supplemental Security Income (SSI) program in support of the President's fiscal year 2001 budget with respect to the Social Security Administration; jointly to the Committees on Ways and Means, the Judiciary, Commerce, Veterans' Affairs, and the Budget.

[Submitted July 27, 2000]

9432. A letter from the Associate Administrator, Tobacco Programs, Department of Agricutlure, transmitting the Department's final rule—Tobacco Inspection [Docket No. TB–99–02] (RIN: 0581–AB75) received July 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9433. A letter from the Secretary of Agriculture, transmitting a draft bill, "To expand eligibility for emergency farm loans"; to the Committee on Agriculture.

9434. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule -Defense Federal Acquisition Regulation Supplement; Streamlined Payment Practices [DFARS Case 98–D026] received July 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

9435. A letter from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting the Department's final rule—DOE Limited Standard: Hazard Analysis Reports For Nuclear Explosive Operations [DOE–DP–STD–3016–99] received June 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

9436. A letter from the Secretary of Defense, transmitting the approved retirement and advancement to the grade of lieutenant general on the retired list of Lieutenant General William H. Campbell, United States Army; to the Committee on Armed Services.

9437. A letter from the Secretary of Defense, transmitting the approved retirement and advancement to the grade of lieutenant general on the retired list of Lieutentant General Roger G. Thompson, Jr; to the Committee on Armed Services.

9438. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—National Flood Insurance Program (NFIP); Inspection of Insured Structures by Communities (RIN: 3067–AC79) received July 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

9439. A letter from the Director, Office of Wage Determination, Employment Standards Administration, Wage and Hour Division, Department of Labor, transmitting the Department's final rule—Service Contract Act; Labor Standards for Federal Service Contracts (RIN: 1215–AB26) received July 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9440. A letter from the Secretary of Education, transmitting a legislative proposal entitled, "National Education Research and Statistics Act of 2000"; to the Committee on Education and the Workforce.

9441. A letter from the Assistant General Counsel for Regulatory Law, Office of Information Management, Department of Energy, transmitting the Department's final rule—Forms Management Guide [DOE G 242.1–1] received June 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9442. A letter from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting the Department's final rule—Safety of Magnetic Fusion Facilities: Guidance [DOE–STD–6003–96] received July 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9443. A letter from the Assistant General Counsel for Regulatory Law, Office of Environmental Management, Department of Energy, transmitting the Department's final rule—Operations Assessments [DOE–EM–STD–5505–96] received July 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9444. A letter from the Deputy Executive Secretary, CMSO, Department of Health and Human Services, transmitting the Department's "Major" rule—Medicaid Program; State Allotments for Paymment of Medicare Part B Premiums for Qualifying Individuals: Federal Fiscal Year 2000 [HCFA–2063–N] (RIN: 0938–AJ72) received July 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9445. A letter from the Deputy Executive Secretary, CMSO, Department of Health and Human Services, transmitting the Department's final rule—State Child Health; State Children's Health Insurance Program Allotments and Payments to States [HCFA–2114–F] (RIN: 0938–AI65) received July 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9446. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule—Establishment of Freight Forwarding Facilities for DEA Distributing Registrants [DEA–143F] (RIN: 1117–AA36) received July 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9447. A letter from the Attorney-Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Child Restraint Anchorage Systems [Docket No. NHTSA–7648] (RIN: 2127–AH 86) received July 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9448. A letter from the Small Business Advocacy Chair, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Oklahoma; Revised Format for Materals Being Incorporated by Refernce [OK–14–1–7367; FRL–6727–1] received July 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9449. A letter from the Small Business Advocacy Chair, Environmental Protection Agency, transmitting the Agency's final rule—Redefinition of the Glycol Ethers Catagory Under Section 112 (b) (1) of the Clean Air Act and Section 101 of the Comprehensive Environmental Response, Compensation, and Liablility Act [FRL–6843–3] (RIN: 2060–AI08) received July 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9450. A letter from the Deputy Secretary, Division of Investment Management, Securities and Exchange Commission, transmitting the Commission's final rule—Exemption from Section 101(c)(1) of the Electronic Signitures in Global and National Commerce Act for Registered Investment Companies (RIN: 3235–AH93) received July 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9451. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting Presidential Determination on Assistance for Peacekeeping in Sierra Leone

[Presidental Determination No. 2000-20], pursuant to 22 U.S.C. 287e nt.; to the Committee on International Relations.

9452. A letter from the Director, Office of Personnel Management, transmitting a report entitled, "Physicians Comparability Allowances," pursuant to 5 U.S.C. 5948(j)(1); to the Committee on Government Reform.

9453. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Procurement List: Additions—received July 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9454. A letter from the Director, Workforce Compensation Performance Services, Office of Personnel Management, transmitting the Office's final rule—Sick Leave for Family Care Purposes (RIN: 3206-AI76) received July 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9455. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Pretax Allotments for Health Insurance Premiums (RIN: 3206-AJ16) received July 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9456. A letter from the Director, Office of Insurance Programs, Office of Personnel Management, transmitting the Office's final rule—Health Insurance Premium Conversion (RIN: 3206-AJ17) received July 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9457. A letter from the Director, Office of General Counsel, Office of Personnel Management, transmitting the Office's final rule—Administrative Claims Under the Federal Tort Claims Act (RIN: 3206-AI70) received July 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9458. A letter from the Director, Department of the Interior, transmitting a report entitled "Impact of the Compacts of Free Association on the United States Territories and Commonwealths and on the State of Hawaii," pursuant to 48 U.S.C. 1904 (e)(2); to the Committee on Resources.

9459. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Final Rule to List the Short-tailed Albatross as Endangered in the United States (RIN: 1018-AE91) received July 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9460. A letter from the Chairperson, National Council on Disability, transmitting a report entitled, "Promises to Keep: A Decade of Federal Enforcement of the Americans with Disabilities Act"; to the Committee on the Judiciary.

9461. A letter from the Chief, Division of General and International Law, Maritime Administration, Department of Transportation, transmitting the Department's final rule—Eligibilty of U.S.-Flag Vessels of 100 Feet or Greater In Registered Length to Obtain a Fishery Endorsement to the Vessel's Documentation [Docket No. MARAD-99-5609] (RIN: 2133-AB38) received July 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9462. A letter from the Attorney-Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule—Incentive Grants for Alcohol-Impaired Driving Prevention Programs [Docket No. NHTSA-00-7476] (RIN: 2127-AH42) received July 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9463. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737-200 and -300 Series Airplanes [Docket No. 2000-NM-216-AD; Amendment 39-11826; AD 2000-13-51] (RIN: 2120-AA64) received July 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9464. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD-11 Series Airplanes [Docket No. 99-NM-246-AD; Amendment 39-11822; AD 2000-14-12] (RIN: 2120-AA64) received July 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9465. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; BFGoodrich Main Brake Assemblies as Installed on Airbus Model A319 and A320 Series Airplanes [Docket No. 2000-NM-210-AD; Amendment 39-11824; AD 2000-14-14] (RIN: 2120-AA64) received July 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9466. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A319, A320, A321 Series Airplanes [Docket No. 2000-NM-55-AD; Amendment 39-11825; AD 2000-14-15] (RIN: 2120-AA64) received July 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9467. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747-400 Series Airplanes Equipped with Pratt & Whitney PW4000 Series Engines [Docket No. 99-NM-66-AD; Amendment 39-11799; AD 2000-12-21] (RIN: 2120-AA64) received July 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9468. A letter from the Vice Admiral, USCG, Acting Commandant, Department of Transportation, transmitting a report pursuant to Section 307 of the Coast Guard Authorization Act of 1988, Public Law 105-383 Subsection 307(b); to the Committee on Transportation and Infrastructure.

9469. A letter from the Chairman, Interagency Coordination Committee on Oil Pollution Research, Department of Transportation, transmitting the biennial report of the Interagency Coordinating Committee on Oil Spill Pollution Research, pursuant to 33 U.S.C. 2761(e); to the Committee on Science.

9470. A letter from the Commissioner of Social Security, transmitting a draft bill, "Social Security Amendments of 2000"; to the Committee on Ways and Means.

9471. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Losses Claimed on Certain Intangible Assets [Notice 2000-34] received July 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9472. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability [Rev. Proc. 2000-32] received July 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9473. A letter from the Secertary of Health and Human Services, transmitting the draft bill entitled, "Assests for Independence Act Amendments Act of 2000"; to the Committee on Ways and Means.

9474. A letter from the Secretary of Energy, transmitting proposed revisions to the FY 2001 budget request for the Savannah River Site; jointly to the Committees on Armed Services and Appropriations.

9475. A letter from the Secretary of Energy, transmitting a revised fiscal year 2001 budget request for the Department of Energy; jointly to the Committees on Armed Services and Appropriations.

9476. A letter from the Secretary of Health and Human Services, transmitting a notification that the Department of Health and Human Services is alloting emergency funds made available under section 2602(e) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(g)); jointly to the Committees on Commerce and Education and the Workforce.

9477. A letter from the Chairman, Commission on Civil Rights, transmitting the Commission's report entitled "Toward An Understanding of Percentage Plans in Higher Education: Are They Effective Substitutes for Affirmative Action?", pursuant to 42 U.S.C. 1975a(c); jointly to the Committees on the Judiciary and Education and the Workforce.

9478. A letter from the Secretary of Energy, transmitting a request for revision to the FY 2001 budget submission for the U.S. Department of Energy's Office of Science; jointly to the Committees on Science and Appropriations.

9479. A letter from the Secretary of the Interior, transmitting a draft legislation for changes in law pursuant to the Covenant, approved in Public Law 94-241, by which the Northern Mariana Islands (NMI) joined the American political family; jointly to the Committees on Resources, Ways and Means, and the Judiciary.

9480. A letter from the Co-Chair, CENR, National Science and Technology Council, transmitting the Integrated Assessment of Hypoxia in the Northern Gulf of Mexico; jointly to the Committees on Science, Resources, and Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HYDE: Committee on the Judiciary. H.R. 2059. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to extend the retroactive eligibility dates for financial assistance for higher education for spouses and dependent children of Federal, State, and local law enforcement officers who are killed in the line of duty; with an amendment (Rept. 106-800). Referred to the Committee of the Whole House on the state of the Union.

Mr. YOUNG of Alaska: Committee on Resources. Contempt of Congress Report on the Refusals to Comply with Subpoenas Issued by the Committee on Resources (Rept. 106-801). Referred to the House Calendar, and ordered to be printed.

Mr. BURTON: Committee on Government Reform. Making the Federal Government

Accountable: Enforcing the Mandate for Effective Financial Management (Rept. 106–802). Referred to the Committee of the Whole House on the State of the Union.

Mr. GILMAN: Committee on International Relations. H.R. 3673. A bill to provide certain benefits to Panama if Panama agrees to permit the United States to maintain a presence there sufficient to carry out counternarcotics and related missions (Rept. 106–803 Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

[Omitted from the Record of July 20, 2000]

H.R. 4585. Referral to the Committee on Commerce extended for a period ending not later than September 22, 2000.

[Submitted July 27, 2000]

H.R. 3673. Referral to the Committee on Ways and Means extended for a period ending not later than September 22, 2000.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ARCHER:

H.R. 4986. A bill to amend the Internal Revenue Code of 1986 to repeal the provisions relating to foreign sales corporations (FSCs) and to exclude extraterritorial income from gross income; to the Committee on Ways and Means.

By Mr. BARR of Georgia (for himself and Mrs. Emerson):

H.R. 4987. A bill to amend title 18, United States Code, with respect to electronic eavesdropping, and for other purposes; to the Committee on the Judiciary.

By Mr. BATEMAN:

H.R. 4988. A bill to expand the boundary of the George Washington Birthplace National Monument, and for other purposes; to the Committee on Resources.

By Mr. COOK:

H.R. 4989. A bill to amend the Federal Election Campaign Act of 1971 to require candidates for election for Federal office who sell personal assets to report information on the sale of the assets to the Federal Election Commission; to the Committee on House Administration.

By Mr. MALONEY of Connecticut:

H.R. 4990. A bill to make appropriations for fiscal year 2001 for the Federal share of certain construction costs of a sewage treatment facility in Waterbury, Connecticut; to the Committee on Appropriations.

By Mr. SCHAFFER:

H.R. 4991. A bill to authorize the Secretary of the Interior to enter into contracts with the city of Loveland, Colorado, to use Colorado-Big Thompson Project facilities for the impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes; to the Committee on Resources.

By Ms. BALDWIN (for herself and Mr. Obey):

H.R. 4992. A bill to guarantee for all Americans quality, affordable, and comprehensive health insurance coverage; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KNOLLENBERG (for himself, Mr. Horn, Mr. McHugh, and Mr. Camp):

H.R. 4993. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income gain from the sale of securities which are used to pay for higher education expenses; to the Committee on Ways and Means.

By Mr. KILDEE (by request):

H.R. 4994. A bill to reauthorize and improve the educational research and statistical programs of the Department of Education, including the National Institute for Education Research, the National Center for Education Statistics, the National Assessment of Educational Progress, the National Assessment Governing Board, and America's Tests in Reading and Mathematics, and for other purposes; to the Committee on Education and the Workforce.

By Mr. PETERSON of Pennsylvania (for himself and Mrs. Emerson):

H.R. 4995. A bill to amend title XVIII of the Social Security Act to provide for equity in the amount of disproportionate share payment adjustments under the Medicare Program between urban and rural hospitals; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PETERSON of Pennsylvania (for himself and Mrs. Emerson):

H.R. 4996. A bill to amend title XVIII of the Social Security Act to eliminate the reduction in the market basket percentage increase under the prospective payment system under the Medicare Program for payments to small rural hospitals; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PETERSON of Pennsylvania (for himself and Mrs. Emerson):

H.R. 4997. A bill to amend title XVIII of the Social Security Act to revise and improve the Medicare-dependent, small rural hospital program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PETERSON of Pennsylvania (for himself and Mrs. Emerson):

H.R. 4998. A bill to amend title XVIII of the Social Security Act to provide for a minimum adjustment to payments to hospitals under the Medicare Program for costs attributable to wages; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McCOLLUM (for himself and Mr. Fletcher):

H.R. 4999. A bill to control crime by providing law enforcement block grants; to the Committee on the Judiciary.

By Mr. McCOLLUM:

H.R. 5000. A bill to provide for post-conviction DNA testing, to make grants to States for carying out DNA analyses for use in the Combined DNA Index System of the Federal Bureau of Investigation, to provide for the collection and analysis of DNA samples from certain Federal, District of Columbia, and military offenders for use in such system, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. WILSON (for herself, Mr. Luther, Mr. Ryan of Wisconsin, Ms. Hooley of Oregon, Mr. Sabo, and Mr. Minge):

H.R. 5001. A bill to amend title XVIII of the Social Security Act to provide for equitable payments to providers of services under the Medicare Program, and to amend title XIX of such Act to provide for coverage of additional children under the Medicaid Program; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PETERSON of Pennsylvania (for himself, Mrs. Johnson of Connecticut, and Mr. Pomeroy):

H.R. 5002. A bill to amend title XIX of the Social Security Act to permit additional States to enter into long-term care partnerships under the Medicaid Program in order to promote the use of long-term care insurance; to the Committee on Commerce.

By Mr. HULSHOF:

H.R. 5003. A bill to amend part B of title XVIII of the Social Security Act to improve payments under the Medicare outpatient prospective payment system; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELLER (for himself, Mr. Moran of Virginia, Mr. Cox, Mr. Tauzin, Mr. Davis of Virginia, Mr. Salmon, Mr. Smith of Washington, Mrs. Tauscher, and Mr. Dreier):

H.R. 5004. A bill to amend the Internal Revenue Code of 1986 to allow credit against income tax for information technology training expenses, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILBRAY (for himself, Mr. Cunningham, Mr. Hunter, and Mr. Packard):

H.R. 5005. A bill to amend title XVIII of the Social Security Act to provide for more equitable payments for direct graduate medical education under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHERMAN (for himself, Mr. Saxton, Mr. Weiner, Mr. Lazio, Mr. Lantos, Mr. Porter, Mr. Deutsch, Mr. Wexler, Mr. King, Mr. Engel, Mr. Pallone, Mr. Hall of Texas, Mr. Nadler, Mr. Frost, Mr. Crowley, Ms. Schakowsky, and Mrs. Lowey):

H.R. 5006. A bill to encourage respect for the rights of religious and ethnic minorities in Iran, and to deter Iran from supporting international terrorism, and from furthering its weapons of mass destruction programs; to the Committee on Ways and Means, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ALLEN:

H.R. 5007. A bill to amend title II of the Social Security Act to provide an exception to the nine-month duration of marriage requirement for widows and widowers in cases in which the marriage was postponed by legal impediments to the marriage caused by State restrictions on divorce from a prior spouse institutionalized due to mental incompetence or similar incapacity; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 5008. A bill to direct the National Highway Transportation Safety Administration to issue standards for the use of motorized skate boards; to the Committee on Transportation and Infrastructure.

By Mr. ANDREWS:

H.R. 5009. A bill to amend the Internal Revenue Code of 1986 to increase the deduction for host families of foreign exchange and other students from $50 per month to $200 per month; to the Committee on Ways and Means.

By Mr. BACHUS (for himself, Mr. Leach, Ms. Norton, Ms. Waters, Mr. LaFalce, Mr. Faleomavaega, Mr. Underwood, Mrs. Christensen, Mr. Romero-Barcelo, and Mr. Castle):

H.R. 5010. A bill to provide for a circulating quarter dollar coin program to commemorate the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. BALDACCI:

H.R. 5011. A bill to amend title XVIII of the Social Security Act to extend the option to use rebased target amounts to all sole community hospitals; to the Committee on Ways and Means.

By Mr. BARR of Georgia:

H.R. 5012. A bill to amend the Internal Revenue Code of 1986 to provide an enhanced research credit for the development of smart gun technologies; to the Committee on Ways and Means.

By Mr. BEREUTER:

H.R. 5013. A bill to provide for additional lands to be included within the boundaries of the Homestead National Monument of America in the State of Nebraska, and for other purposes; to the Committee on Resources.

By Mr. BEREUTER:

H.R. 5014. A bill to amend the National Trails System Act to update the feasibility and suitability studies of 4 national historic trails and provide for possible additions to such trails; to the Committee on Resources.

By Ms. BERKLEY:

H.R. 5015. A bill to amend the Elementary and Secondary Education Act of 1965 to establish the model school dropout prevention grant program and the national school dropout prevention grant program, and for other purposes; to the Committee on Education and the Workforce.

By Mr. BLAGOJEVICH (for himself, Mr. Hyde, Mr. Davis of Illinois, Mr. Rush, Mr. Jackson of Illinois, Mr. Lipinski, Mr. Gutierrez, Mr. Crane, Ms. Schakowsky, Mr. Porter, Mr. Weller, Mr. Costello, Mrs. Biggert, Mr. Hastert, Mr. Ewing, Mr. Manzullo, Mr. Evans, Mr. LaHood, Mr. Phelps, and Mr. Shimkus):

H.R. 5016. A bill to redesignate the facility of the United States Postal Service located at 514 Express Center Drive in Chicago, Illinois, as the "J. T. Weeker Service Center"; to the Committee on Government Reform.

By Mr. BROWN of Ohio (for himself and Mr. Bilbray):

H.R. 5017. A bill to amend part B of title XVIII of the Social Security Act to expand coverage of durable medical equipment to include physician prescribed equipment necessary so unpaid caregivers can effectively and safely care for patients; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CANADY of Florida (for himself and Mr. Hutchinson):

H.R. 5018. A bill to amend title 18, United States Code, to modify certain provisions of law relating to the interception of communications, and for other purposes; to the Committee on the Judiciary.

By Mrs. CHRISTENSEN:

H.R. 5019. A bill to convey certain submerged lands to the Government of the Virgin Islands; to the Committee on Resources.

By Mr. CONYERS (for himself and Mr. Cannon):

H.R. 5020. A bill to prohibit Internet gambling; to the Committee on the Judiciary.

By Mr. CONYERS (for himself, Ms. Baldwin, Mrs. Maloney of New York, Mr. Gephardt, Mrs. Morella, Mr. Frank of Massachusetts, Mr. Berman, Mr. Boucher, Mr. Nadler, Ms. Jackson-Lee of Texas, Mr. Meehan, Mr. Delahunt, Mr. Weiner, Mr. Crowley, Ms. Slaughter, Mr. Pomeroy, Mr. Wu, Ms. Schakowsky, Ms. Rivers, Mr. Andrews, Mr. Inslee, Mrs. Lowey, Mrs. Jones of Ohio, Mr. Sanders, Mr. Hinchey, Mr. Wynn, Mr. Stark, Mr. Abercrombie, Mr. Baca, Mr. Blagojevich, Mr. Stupak, Ms. Roybal-Allard, Ms. Carson, Mr. Frost, Mr. Brady of Pennsylvania, Mr. Kind, Ms. DeLauro, Mr. Foley, Mr. DeFazio, Mr. Etheridge, Mrs. Meek of Florida, Mr. Moore, Mr. Thompson of California, and Mr. Tierney):

H.R. 5021. A bill to restore the Federal civil remedy for crimes of violence motivated by gender; to the Committee on the Judiciary.

By Mr. COX:

H.R. 5022. A bill to improve health care choice by providing for the tax deductibility of medical expenses by individuals; to the Committee on Ways and Means.

By Mr. CROWLEY (for himself and Mrs. Lowey):

H.R. 5023. A bill to promote Israel's role in the international community; to the Committee on International Relations.

By Mr. DAVIS of Virginia:

H.R. 5024. A bill to provide for the coordination of Federal information policy through the establishment of a Federal Chief Information Officer and an Office of Information Policy in the Executive Office of the President, and to otherwise strengthen Federal information resources management; to the Committee on Government Reform.

By Mr. DEFAZIO:

H.R. 5025. A bill to amend title 46, United States Code, to require the adoption of response plans for nontank vessels; to the Committee on Transportation and Infrastructure.

By Mr. DEMINT (for himself, Mr. Stenholm, Mr. Goodling, Mr. Ballenger, and Mr. Hoekstra):

H.R. 5026. A bill to amend the Fair Labor Standards Act of 1938; to the Committee on Education and the Workforce.

By Mr. DEMINT (for himself and Mr. Portman):

H.R. 5027. A bill to provide for the establishment of a commission to review and make recommendations to Congress on the reform and simplification of the Internal Revenue Code of 1986; to the Committee on Ways and Means.

By Mr. DEMINT (for himself, Mr. Sununu, Mr. Weller, Mrs. Biggert, Mr. Fletcher, Mr. Green of Wisconsin, Mr. Hayes, Mr. Isakson, Mr. Kuykendall, Mr. Gary Miller of California, Mr. Ose, Mr. Reynolds, Mr. Ryan of Wisconsin, Mr. Simpson, Mr. Sweeney, Mr. Tancredo, Mr. Terry, Mr. Toomey, Mr. Vitter, and Mr. Walden of Oregon):

H.R. 5028. A bill to amend title XI of the Social Security Act to include additional information in Social Security account statements; to the Committee on Ways and Means.

By Mr. DOOLITTLE:

H.R. 5029. A bill to amend title 4, United States Code, to make sure the rules of etiquette for flying the flag of the United States do not preclude the flying of flags at half mast when ordered by city and local officials; to the Committee on the Judiciary.

By Mr. DOYLE (for himself and Mr. Coyne):

H.R. 5030. A bill to establish the Steel Industry National Historic Park in the State of Pennsylvania and to provide for the extension of the Potomac Heritage National Scenic Trail between Cumberland, Maryland, and Pittsburgh, Pennsylvania; to the Committee on Resources.

By Mr. ENGEL (for himself, Mr. Barrett of Wisconsin, and Mr. Markey):

H.R. 5031. A bill to amend the Consumer Product Safety Act to confirm the Consumer Product Safety Commission's jurisdiction over child safety devices for handguns, and for other purposes; to the Committee on Commerce.

By Mr. ENGEL (for himself and Mr. Owens):

H.R. 5032. A bill to amend the Immigration and Nationality Act in regard to Caribbean-born immigrants; to the Committee on the Judiciary.

By Mr. GONZALEZ (for himself and Mr. Rodriguez):

H.R. 5033. A bill to prohibit offering homebuilding purchase contracts that contain in a single document both a mandatory arbitration agreement and other contract provisions and to prohibit requiring purchasers to consent to a mandatory arbitration agreement as a condition precedent to entering into a homebuilding purchase contract; to the Committee on Banking and Financial Services.

By Mr. GRAHAM (for himself, Mr. DeMint, Mr. McKeon, Mr. Burr of North Carolina, Mr. Spence, Mr. Green of Texas, Mr. Peterson of Pennsylvania, Mr. Hilleary, Mr. Rogers, Mr. Fletcher, Mrs. Emerson, Mr. McDermott, Mr. McHugh, Mr. Frost, and Mr. Hastings of Washington):

H.R. 5034. A bill to expand loan forgiveness for teachers, and for other purposes; to the Committee on Education and the Workforce.

By Mr. GUTIERREZ (for himself, Mr. Serrano, Mr. Pastor, and Mr. Gonzalez):

H.R. 5035. A bill to reduce fraud in connection with the provision of legal advice and other services to individuals applying for immigration benefits or otherwise involved in immigration proceeedings by requiring paid immigration consultants to be licensed and otherwise provide services in a satisfactory manner; to the Committee on the Judiciary.

By Mr. HALL of Ohio (for himself and Mr. Hobson):

H.R. 5036. A bill to amend the Dayton Aviation Heritage Preservation Act of 1992 to clarify the areas included in the Dayton Aviation Heritage National Historical Park and to authorize appropriations for that park; to the Committee on Resources.

By Mr. HALL of Texas (for himself and Mr. Tauzin):

H.R. 5037. A bill to amend the Occupational Safety and Health Act of 1970; to the Committee on Education and the Workforce.

By Mr. HALL of Texas (for himself and Mr. Tauzin):

H.R. 5038. A bill to amend the Occupational Safety and Health Act of 1970; to the Committee on Education and the Workforce.

By Mr. HAYWORTH:

H.R. 5039. A bill to amend part C of title XVIII of the Social Security Act to revise and improve the Medicare+Choice Program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HERGER (for himself, Mrs. Thurman, Mr. Hayworth, Ms. Dunn, Mr. Tanner, Mr. Camp, Mr. McCrery, Mr. English, and Mr. Foley):

H.R. 5040. A bill to amend the Internal Revenue Code of 1986 to ensure that income averaging for farmers not increase a farmer's liability for the alternative minimum tax; to the Committee on Ways and Means.

By Mr. HILL of Montana:

H.R. 5041. A bill to establish the boundaries and classification of a segment of the Missouri River in Montana under the Wild and Scenic Rivers Act; to the Committee on Resources.

By Mr. HOBSON (for himself and Ms. Pryce of Ohio):

H.R. 5042. A bill to amend title XVIII of the Social Security Act to protect the right of a Medicare beneficiary enrolled in a Medicare+Choice plan to receive services at a skilled nursing facility selected by that individual; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOLT (for himself, Mr. Upton, Mr. Andrews, Mr. George Miller of California, Mr. Owens, Mr. Payne, Mr. Romero-Barcelo, Mr. Wu, Mrs. McCarthy of New York, Mrs. Morella, Mr. Kildee, Ms. Eshoo, Ms. Schakowsky, Mrs. Maloney of New York, and Mr. Kind):

H.R. 5043. A bill to establish a program to promote child literacy by making books available through early learning and other child care programs, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOUGHTON (for himself and Mr. Sam Johnson of Texas):

H.R. 5044. A bill to amend the Internal Revenue Code of 1986 to clarify the confidentiality of certain documents relating to closing agreements and agreements with foreign governments; to the Committee on Ways and Means.

By Mr. HUNTER (for himself, Mr. DeMint, Mr. Aderholt, Mr. Brady of Texas, Mr. Oxley, Mr. Stump, Mr. Goodling, Mr. Ballenger, Mr. Souder, Mr. Gibbons, Mr. Pitts, and Mr. Jones of North Carolina):

H.R. 5045. A bill to provide a civil action for a minor injured by exposure to an entertainment product containing material that is harmful to minors, and for other purposes; to the Committee on the Judiciary.

By Mr. JONES of North Carolina:

H.R. 5046. A bill to provide that pay for prevailing rate employees in Pasquotank County, North Carolina, be determined by applying the same pay schedules and rates as apply with respect to prevailing rate employees in the local wage area that includes Carteret County, North Carolina; to the Committee on Government Reform.

By Mr. JONES of North Carolina:

H.R. 5047. A bill to impose restrictions on the use of amounts collected as fees at Cape Hatteras National Seashore under the Recreational Fee Demonstration Program; to the Committee on Resources.

By Mr. KANJORSKI:

H.R. 5048. A bill to amend chapter 171 of title 28, United States Code, with respect to the liability of the United States for claims of military personnel for damages for certain injuries; to the Committee on the Judiciary.

By Mrs. KELLY:

H.R. 5049. A bill to amend the Fderal Water Pollution Control Act to increase efforts to prevent and reduce contamination of navigable waters by methyl tertiary butyl ether, tetrachloroethylene, and trichloroethylene, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. KELLY (for herself, Mr. Udall of New Mexico, and Mr. Maloney of Connecticut):

H.R. 5050. A bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the Medicare Program of vaccinations for Lyme disease; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIND (for himself, Mr. Obey, Ms. Baldwin, Mr. Houghton, Mr. Sanders, and Mr. Baldacci):

H.R. 5051. A bill to provide direct payments to dairy producers for any month in which the prices received by milk producers for milk for the preceding three months is less than a target price of $12.50 per hundredweight; to the Committee on Agriculture.

By Mr. KLINK (for himself, Mr. Holden, Mr. LaTourette, Mr. Kanjorski, Mr. Doyle, Mr. Hinchey, Mr. Baldacci, and Mr. Murtha):

H.R. 5052. A bill to ensure that milk producers in the United States receive a fair price for milk marketed for domestic consumption based on the cost of production and other appropriate marketing factors and to establish a National Milk Pricing Board consisting of industry and farmer representatives to assist the Secretary of Agriculture in determining production costs and milk prices; to the Committee on Agriculture.

By Mr. KLINK:

H.R. 5053. A bill to offer States an incentive to improve decisions in contested adoption cases; to the Committee on the Judiciary.

By Mr. KLINK (for himself and Mr. Hoeffel):

H.R. 5054. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income gain on the sale or exchange of qualified conservation easements; to the Committee on Ways and Means.

By Mr. LAMPSON (for himself, Mr. Paul, Ms. Jackson-Lee of Texas, Mr. Bentsen, Mr. Green of Texas, Mr. Strickland, Mr. Turner, Mr. Baird, and Mr. Rangel):

H.R. 5055. A bill to amend the Social Security Act and the Public Health Service Act with respect to qualifications for community mental health centers, to postpone for 1 year the application of the Medicare hospital outpatient prospective payment system to partial hospitalization services, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANTOS (for himself, Mr. Gilman, Mr. Ackerman, Ms. Schakowsky, Mr. Sherman, Mr. Sanders, Mr. Evans, Mr. Porter, and Mr. Waxman):

H.R. 5056. A bill to amend the Nazi War Crimes Disclosure Act to clarify that activities of the Imperial Government of Japan are included, and for other purposes; to the Committee on Government Reform.

By Mr. LANTOS (for himself, Mr. Shays, Ms. Rivers, Mrs. Morella, Mr. Neal of Massachusetts, Mr. Porter, Mr. Moran of Virginia, Mr. Kasich, Mr. Kucinich, Mr. Gallegly, Mr. Farr of California, Mr. Filner, Mr. Pallone, Mrs. Lowey, and Mr. Stark):

H.R. 5057. A bill to amend the Animal Welfare Act to regulate the personal possession of certain wild animals and to amend title 18 of the United States Code, to prohibit the transport or possession of certain wild animals for purposes of hunting them; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEACH:

H.R. 5058. A bill to amend the Internal Revenue Code of 1986 to reduce the estate and gift tax rates to 30 percent and to increase the exclusion equivalent of the unified credit to $10,000,000; to the Committee on Ways and Means.

By Mr. LIPINSKI (for himself, Mr. Hastert, Mrs. Biggert, Mr. Blagojevich, Mr. Costello, Mr. Davis of Illinois, Mr. Ewing, Mr. Hyde, Mr. LaHood, Mr. Phelps, Mr. Porter, Mr. Rush, Mr. Shimkus, Mr. Weller, and Mr. Roemer):

H.R. 5059. A bill to provide for a delayed effective date for the implementation of regulations requiring audible warnings at highway-rail grade crossings, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. LOFGREN:

H.R. 5060. A bill to amend title 49, United States Code, to waive federal preemption of State law providing for the awarding of punitive damages against motor carriers for engaging in unfair or deceptive trade practices in the processing of claims relating to loss, damage, injury, or delay in connection with transportation of property in interstate commerce; to the Committee on Transportation and Infrastructure.

By Mr. McCOLLUM (for himself, Mr. Diaz-Balart, Ms. Ros-Lehtinen, Mr. Foley, Mr. Shadegg, and Mr. Smith of New Jersey):

H.R. 5061. A bill to provide for the appointment of a guardian ad litem to protect the interests under Federal immigration law of certain alien minor children present in the United States without a parent or other legal guardian; to the Committee on the Judiciary.

By Mr. McCOLLUM (for himself, Mr. Frank of Massachusetts, Mr. Smith of Texas, Mr. Frost, Mr. Diaz-Balart, Ms. Ros-Lehtinen, Mr. Filner, Mr. Bilbray, Mr. Rogan, and Mr. Ose):

H.R. 5062. A bill to establish the eligibility of certain aliens lawfully admitted for permanent residence for cancellation of removal under section 240A of the Immigration and Nationality Act; to the Committee on the Judiciary.

By Mr. McCRERY:

H.R. 5063. A bill to amend the Internal Revenue Code of 1986 to enhance the competitiveness of the United States leasing industry; to the Committee on Ways and Means.

By Mr. McCRERY:

H.R. 5064. A bill to amend the Internal Revenue Code of 1986 to allow employees and self-employed individuals to deduct taxes paid for Social Security and Medicare; to the Committee on Ways and Means.

By Mrs. MALONEY of New York (for herself, Mr. Horn, and Mr. Waxman):

H.R. 5065. A bill to amend the Nazi War Crimes Disclosure Act to extend the authority of the Nazi War Crimes Records Interagency Working Group for 2 years, to express the sense of Congress regarding the cooperation of foreign nations with such Group in carrying out its duties under such Act, and for other purposes; to the Committee on Government Reform.

By Mr. MARKEY:

H.R. 5066. A bill to provide deployment criteria for the National Missile Defense system, and to provide for operationally realistic testing of the National Defense system against counter-measures; to the Committee on Armed Services, and in addition to the Committees on Rules, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARKEY (for himself, Mr. Smith of New Jersey, Mr. Waxman, Mr. Riley, Mr. Stark, Mr. King, Mr. Matsui, Mr. Franks of New Jersey, Mr. Doyle, Mr. Saxton, Mr. Green of Texas, Mr. LoBiondo, Mr. Holt, Mr. Delahunt, Mr. Rahall, Mrs. Napolitano, Ms. Schakowsky, Mr. Larson, Mr. Weygand, Mr. Pascrell, Mr. Allen, and Mr. Cardin):

H.R. 5067. A bill to amend title XVIII of the Social Security Act to clarify the definition of homebound with respect to home health services under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MEEK of Florida (for herself, Ms. Ros-Lehtinen, Ms. Brown of Florida, Mrs. Fowler, Mr. Weldon of Florida, Mr. Diaz-Balart, Mr. Goss, and Mr. Shaw):

H.R. 5068. A bill to designate the facility of the United States Postal Service located at 5927 Southwest 70th Street in Miami, Florida, as the "Marjory Williams Scrivens Post Office"; to the Committee on Government Reform.

By Mr. MINGE (for himself, Ms. Hooley of Oregon, Mr. Baird, Mr. Rodriguez, Mr. Udall of New Mexico, Mr. Boswell, Ms. Kaptur, Mr. Olver, Mr. Bishop, Mr. Lucas of Kentucky, Mr. Thompson of California, Mr. DeFazio, and Ms. Baldwin):

H.R. 5069. A bill to encourage the deployment of broadband telecommunications in rural America, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Ways and Means, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MINGE (for himself, Mr. Baird, Ms. Hooley of Oregon, Mr. Kind, Mr. McIntyre, Mr. Luther, Mr. Kanjorski, Ms. Baldwin, Mr. Kolbe, and Mr. Sabo):

H.R. 5070. A bill to amend title XVIII of the Social Security Act to improve geographic fairness in Medicare+Choice payments and hospital payments under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MINK of Hawaii:

H.R. 5071. A bill to establish comprehensive early childhood education programs, early childhood education staff development programs, model Federal Government early childhood education programs, and for other purposes; to the Committee on Education and the Workforce.

By Mr. MOLLOHAN:

H.R. 5072. A bill to extend the deadline for commencement of construction of certain hydroelectric projects located in the State of West Virginia; to the Committee on Commerce.

By Mr. MORAN of Virginia:

H.R. 5073. A bill to extend Federal recognition to the Chickahominy Tribe, the Chickahominy Indian Tribe- Eastern Division, the Mattaponi Tribe, the Upper Mattaponi Tribe, the Pamunkey Tribe, the Rappahannock Tribe, Inc., the Monacan Tribe, and the Nansemond Tribe; to the Committee on Resources.

By Mr. NETHERCUTT (for himself and Ms. DeGette):

H.R. 5074. A bill to amend title XVIII of the Social Security Act to provide for State accreditation of diabetes self-management training programs under the Medicare Program; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NORWOOD:

H.R. 5075. A bill to provide for the conveyance of certain real property at the Carl Vinson Department of Veterans Affairs Medical Center, Dublin, Georgia; to the Committee on Veterans' Affairs.

By Mr. NUSSLE (for himself and Mr. Ramstad):

H.R. 5076. A bill to amend the Internal Revenue Code of 1986 to clarify the exemption from tax for small property and casualty insurance companies, and for other purposes; to the Committee on Ways and Means.

By Mr. PALLONE:

H.R. 5077. A bill to provide for the assessment of an increased civil penalty in a case in which a person or entity that is the subject of a civil environmental enforcement action has previously violated an environmental law or in a case in which a violation of an environmental law results in a catastrophic event; to the Committee on Commerce, and in addition to the Committees on Transportation and Infrastructure, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL:

H.R. 5078. A bill to restore first amendment protections of religion and speech; to the Committee on the Judiciary.

By Mr. RAMSTAD:

H.R. 5079. A bill to amend section 502 of the Housing Act of 1949 to provide for the prepayment of loans for rural multifamily housing and for the preservation of such housing as affordable for low-income families, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. RAMSTAD (for himself, Mr. Rangel, and Mr. Kolbe):

H.R. 5080. A bill to revise and extend the Medicare community nursing organization (CNO) demonstration project; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL (for himself, Mr. Stark, Mr. Cardin, Mr. Neal of Massachusetts, Mr. McNulty, Mr. Coyne, and Mrs. Thurman):

H.R. 5081. A bill to amend part B of title IV of the Social Security Act to create a grant program to promote joint activities among Federal, State, and local public child welfare and alcohol and drug abuse prevention and treatment agencies; to the Committee on Ways and Means.

By Mr. ROTHMAN:

H.R. 5082. A bill to improve the quality of life and safety of persons living and working near railroad tracks; to the Committee on Transportation and Infrastructure.

By Ms. ROYBAL-ALLARD:

H.R. 5083. A bill to extend the authority of the Los Angeles Unified School District to use certain park lands in the city of South Gate, California, which were acquired with amounts provided from the land and water conservation fund, for elementary school purposes; to the Committee on Resources.

By Ms. ROYBAL-ALLARD (for herself, Mr. Capuano, Ms. Carson, Mrs. Clayton, Mr. Clyburn, Mr. DeFazio, Mr. Fattah, Mr. Filner, Mr. Frank of Massachusetts, Mr. Frost, Mr. Hinchey, Ms. Lee, Mr. Martinez, Mr.

Matsui, Ms. Millender-McDonald, Mrs. Napolitano, Mr. Pastor, Mr. Price of North Carolina, and Mrs. Thurman):

H.R. 5084. A bill to amend the Internal Revenue Code of 1986 to provide a credit to promote home ownership among low-income individuals; to the Committee on Ways and Means.

By Mr. SANDERS (for himself, Mr. Campbell, Mr. DeFazio, and Mr. Kucinich):

H.R. 5085. A bill to reduce the long-term lending activities of the IMF and its role in developing countries, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. SAXTON (for himself and Mr. Farr of California):

H.R. 5086. A bill to amend the National Marine Sanctuaries Act to honor Dr. Nancy Foster; to the Committee on Resources.

By Ms. SCHAKOWSKY:

H.R. 5087. A bill to amend title XIX of the Social Security Act to increase the personal needs allowance applied to institutionalized individuals under the Medicare Program; to the Committee on Commerce.

By Mr. SHAW:

H.R. 5088. A bill to amend title XVIII of the Social Security Act to ensure the adequacy of Medicare payment for digital mammography; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAW (for himself and Mr. Bachus):

H.R. 5089. A bill to amend title XVIII of the Social Security Act to increase the per resident payment floor for direct graduate medical education payments under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SOUDER (for himself, Mr. Hefley, and Mr. Shadegg):

H.R. 5090. A bill to amend the Internal Revenue Code of 1986 to increase the standard mileage rates during 2000 for certain deductions for use of a passenger automobile to 50 cents per mile; to the Committee on Ways and Means.

By Mr. STRICKLAND (for himself, Mrs. Wilson, Mr. Waxman, Mr. Horn, Mrs. Capps, Mrs. Roukema, and Ms. Kaptur):

H.R. 5091. A bill to amend the Public Health Service Act to provide programs for the treatment of mental illness; to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THORNBERRY:

H.R. 5092. A bill to provide for health care liability reform; to the Committee on the Judiciary.

By Mr. THORNBERRY:

H.R. 5093. A bill to amend title XVIII of the Social Security Act and the Internal Revenue Code of 1986 to improve the ability of medical professionals to practice medicine and provide quality care to patients by providing reimbursement and a tax deduction for patient bad debt; to the Committee on Ways and Means.

By Mr. THORNBERRY:

H.R. 5094. A bill to reduce the amount of paperwork and improve payment policies for health care services, to prevent fraud and abuse through health care provider education, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TIERNEY (for himself and Mr. Hinchey):

H.R. 5095. A bill to require the Secretary of Agriculture to complete a report regarding the safety and monitoring of genetically engineered foods, and for other purposes; to the Committee on Agriculture.

By Mr. TIERNEY (for himself, Mr. Nadler, Mr. George Miller of California, Mr. Kildee, Mr. Scott, and Mrs. McCarthy of New York):

H.R. 5096. A bill to amend the Individuals with Disablilities Education Act to provide that certain funds treated as local funds under that Act shall be used to provide additional funding for programs under the Elementary and Secondary Education Act of 1965; to the Committee on Education and the Workforce.

By Mr. UDALL of Colorado:

H.R. 5097. A bill to provide interim protection for certain lands in the Arapaho and Roosevelt National Forests in Colorado, to study other management options for some lands, and for other purposes; to the Committee on Resources.

By Mr. UDALL of Colorado (for himself and Mr. Hefley):

H.R. 5098. A bill to provide incentives for collaborative forest restoration and wildland fire hazard mitigation projects on National Forest System land and other public and private lands in Colorado, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of New Mexico:

H.R. 5099. A bill to amend title XVIII of the Social Security Act to make improvements to the Medicare+Choice Program under part C of the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. VITTER (for himself, Mr. Coble, and Mr. Clement):

H.R. 5100. A bill to clarify that certain penalties provided for in the Oil Pollution Act of 1990 are the exclusive criminal penalties for any action or activity that may arise or occur in connection with certain discharges of oil or a hazardous substance; to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WATERS (for herself, Ms. Lee, Ms. Schakowsky, Mr. Frank of Massachusetts, Mrs. Christensen, Mr. Brown of Ohio, Mr. Wynn, Ms. McKinney, Mr. Sanders, Mr. Abercrombie, Mr. Frost, and Mr. Serrano):

H.R. 5101. A bill to require certain actions with respect to the availability of HIV/AIDS pharmaceuticals and medical technologies in developing countries, including sub-Saharan African countries; to the Committee on Ways and Means, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MANZULLO (for himself, Mr. Camp, Mr. Price of North Carolina, Mr. Frost, Mrs. Meek of Florida, and Mr. Wise):

H. Con. Res. 383. Concurrent resolution expressing the sense of the Congress that environmentally sound processes for dry and wet cleaning should be accepted by financial institutions as safe investments; to the Committee on Banking and Financial Services.

By Mr. BUYER:

H. Con. Res. 384. Concurrent resolution recognizing the Boy Scouts of America for the public service it performs through its contributions to the lives of the Nation's boys and young men; to the Committee on the Judiciary.

By Mr. COLLINS:

H. Con. Res. 385. Concurrent resolution expressing the sense of the Congress that the House of Heroes project in Columbus, Georgia, should serve as a model for public service support for the Nation's veterans; to the Committee on Veterans' Affairs.

By Mr. CROWLEY:

H. Con. Res. 386. Concurrent resolution supporting the use of child safety seat occupancy identification programs; to the Committee on Commerce.

By Mr. DAVIS of Illinois (for himself, Mr. Shimkus, Mr. Capuano, Mr. Bonilla, Mr. Bilirakis, Mr. Hall of Texas, Mr. Cramer, Mr. Evans, Mr. Berman, and Mr. LaHood):

H. Con. Res. 387. Concurrent resolution promoting latex allergy awareness, research, and treatment; to the Committee on Commerce.

By Mrs. JONES of Ohio (for herself, Mr. Boehner, Mr. Brown of Ohio, Mr. Chabot, Mr. Gillmor, Mr. Hall of Ohio, Mr. Hobson, Ms. Kaptur, Mr. Kucinich, Mr. Kasich, Mr. LaTourette, Mr. Ney, Mr. Oxley, Mr. Portman, Ms. Pryce of Ohio, Mr. Regula, Mr. Sawyer, Mr. Strickland, and Mr. Traficant):

H. Con. Res. 388. Concurrent resolution recognizing the historic significance of the 100th anniversary of the AAA Ohio Motorists Association, and extending best wishes for the continued success of the organization; to the Committee on Transportation and Infrastructure.

By Mrs. MORELLA (for herself, Mrs. McCarthy of New York, Mr. Davis of Virginia, Mr. Jackson of Illinois, Ms. Baldwin, Mr. Jefferson, Mr. Blagojevich, Mr. Tauzin, Mr. Costello, Mr. Frost, Mr. Pastor, Mr. Kleczka, Mr. Gutierrez, Ms. Carson, Mr. McGovern, Mr. Lantos, Mr. Kennedy of Rhode Island, Mr. Moran of Kansas, Mr. Cummings, Mrs. Jones of Ohio, Mrs. Biggert, Mr. Bonior, Ms. McKinney, Mrs. Maloney of New York, Mrs. Capps, Mr. McKeon, Mr. Castle, Mr. Maloney of Connecticut, Ms. Slaughter, Mr. Engel, Ms. Woolsey, Mr. Boehlert, Mr. Dicks, and Mr. Gilman):

H. Con. Res. 389. Concurrent resolution supporting the goals and ideas of National

Take Your Kids to Vote Day; to the Committee on Government Reform.

By Mr. ARCHER:

H. Res. 568. Resolution raising a question of the privilege of the House pursuant to Article I, Section 7, of the U.S. Constitution.

By Mrs. BIGGERT:

H. Res. 569. Resolution designating majority membership on certain standing committees of the House.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

449. The SPEAKER presented a memorial of the House of Representatives of the State of Illinois, relative to House Resolution No. 553 memorializing the United States Congress to acknowledge the differences between the hallucinogenic drug known as marijuana and the agricultural crop known as hemp; and to assist United States' producers by clearly authorizing the commercial production of industrial hemp; to the Committee on Agriculture.

450. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Concurrent Resolution No. 3 memorializing Congress to support an amendment to Title X of the Elementary and Secondary Education Act of 1965 establishing the Physical Education for Progress Act; to the Committee on Education and the Workforce.

451. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 192 memorializing the United States Congress to initiate a study to determine the causes of the recent gasoline price surge; to the Committee on Commerce.

452. Also, a memorial of the Senate of the State of New York, relative to Resolution No. 3697 memorializing the New York State Congressional Delegation to effectuate an amendment in the Boundry Waters Treaty Act to prohibit bulk water withdrawls from the Great Lakes to preserve the integrity and environmental stability of the Great Lakes; to the Committee on International Relations.

453. Also, a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. 106 memorializing the federal government to provide additional funding to assist in the purchase and preservation of certain portions of Sterling Forest in the State of New York; to the Committee on Resources.

454. Also, a memorial of the Legislature of the Commonwealth of Guam, relative to Resolution No. 368 memorializing the President of the United States to grant clemency to Veteran Alejandro T.B. Lizama, that his sentence be communted and that he be released and returned to Guam; to the Committee on the Judiciary.

455. Also, a memorial of the General Assembly of the State of New Jersey, relative to Resolution No. 90 memorializing the United States Congress to acknowledge the Year 2000 as the 35th anniversary of the passage of the Voting Rights Act of 1965; to the Committee on the Judiciary.

456. Also, a memorial of the Legislature of the State of New Hampshire, relative to House Concurrent Resolution No. 24 supporting the integration requirement of the Americans with Disabilities Act; to the Committee on the Judiciary.

457. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Concurrent Resolution No. 40 memorializing the Congress of the United States to provide funds under the River and Harbor Act for the U.S. Army Corps of Engineers' Aquatic Plant Control Program; to the Committee on Transportation and Infrastructure.

458. Also, a memorial of the Legislature of the Commonwealth of Guam, relative to Resolution No. 316 memorializing the United States Congress to appropriate thirty-five million dollars for the purpose of paying for the Earned Income Tax Credit owed to Guam's working poor; and to appropriate funds annually for continuing funding of the Earned Income Tax Credit Program; to the Committee on Ways and Means.

459. Also, a memorial of the Senate of the Commonwealth of Puerto Rico, relative to Senate Resolution No. 3459 memorializing the President and the Congress of the United States to approve a Permanent Normal Trade Relations ("PNTR") agreement with China at the earliest possible date in order to promote security and prosperity for American farmers, workers and industries by providing substantially greater access to the Chinese market; and for other related purposes; to the Committee on Ways and Means.

460. Also, a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. 200 memorializing the President, the Congress of the United States, and the Federal Emergency Management Agency to take all available steps to expeditiously provide relief to New Jersey's flood areas and flood victims; to the Committee on Ways and Means.

461. Also, a memorial of the General Assembly of the State of Ohio, relative to House Concurrent Resolution 53 memorializing the Congress of the United States to enact H.R. 3462, The Wealth through the Workplace Act, to expand employee shareholding opportunities and to provide additional encouragement to employers to offer stock options for the benefit of all employees; jointly to the Committees on Education and the Workforce and Ways and Means.

462. Also, a memorial of the Legislature of the State of Louisiana, relative to House Resolution No. 6 memorializing the United States Congress to pass a multiyear reauthorization of the Coastal Wetlands Planning, Protection, and Restoration Act; jointly to the Committees on Resources and Transportation and Infrastructure.

463. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Resolution No. 9 memorializing the United States House of Representatives to pass a multiyear reauthorization of the Coastal Wetlands Planning, Protection, and Restoration Act (CWPPRA); jointly to the Committees on Resources and Transportation and Infrastructure.

464. Also, a memorial of the General Assembly of the State of New Jersey, relative to Resolution No. 54 memorializing the Congress of the United States to enact legislation prohibiting the importation into the United States, or sale, of domestic dog or cat fur or any product made in whole or part therefrom; jointly to the Committees on Ways and Means and Commerce.

465. Also, a memorial of the House of Representatives of the State of Illinois, relative to House Resolution No. 564 memorializing the Congress and the Executive Branch of the United States to work together to reform the financial structure of the Coal Act and to ensure that retired coal miners continue to receive health care benefits; jointly to the Committees on Ways and Means and Education and the Workforce.

466. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Concurrent Resolution No. 60 memorializing the Congress of the United States to mandate that the Health Care Financing Administration implement a single statewide reimbursement rate for Medicare managed care plans throughout the Louisiana; jointly to the Committees on Ways and Means and Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. OWENS:

H.R. 5102. A bill for the relief of Javed Iqbal; to the Committee on the Judiciary.

By Mr. OWENS:

H.R. 5103. A bill for the relief of Pierre Lyn Ladouceur; to the Committee on the Judiciary.

By Mr. OWENS:

H.R. 5104. A bill for the relief of Derrick Leslie; to the Committee on the Judiciary.

By Mr. OWENS:

H.R. 5105. A bill for the relief of Regina Smith; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 40: Ms. McCarthy of Missouri.

H.R. 148: Mr. Pascrell.

H.R. 175: Mr. Mollohan.

H.R. 284: Ms. McKinney, Mr. Kind, Mr. Weller, and Mr. Hansen.

H.R. 303: Mr. Thompson of California and Mr. Kuykendall.

H.R. 362: Mr. Rush.

H.R. 380: Mr. Blumenauer.

H.R. 403: Mr. Bonior.

H.R. 460: Mr. Hinojosa, Mr. Green of Texas, and Ms. Slaughter.

H.R. 531: Mr. Gallegly, Mr. Combest, and Mr. Brady of Texas.

H.R. 534: Ms. Brown of Florida.

H.R. 555: Mr. Nadler.

H.R. 714: Mr. Bonior and Mr. Baca.

H.R. 762: Ms. Hooley of Oregon.

H.R. 860: Mr. Davis of Illinois.

H.R. 870: Mr. Cramer.

H.R. 900: Ms. DeLauro.

H.R. 960: Mrs. Maloney of New York and Mr. Serrano.

H.R. 979: Mr. Wise and Mr. Mollohan.

H.R. 1046: Ms. Eddie Bernice Johnson of Texas.

H.R. 1073: Mrs. Tauscher.

H.R. 1116: Mr. Duncan.

H.R. 1139: Mr. Holt.

H.R. 1159: Mr. Kuykendall.

H.R. 1187: Mr. Calvert and Mr. Shaw.

H.R. 1248: Mr. Bereuter, Ms. McCarthy of Missouri, Mr. Moakley, Mr. Thompson of Mississippi, Mr. Ose, Mr. Upton, Mr. Houghton, Mr. Ganske, and Mr. Hall of Ohio.

H.R. 1303: Ms. DeGette.

H.R. 1354: Mr. Everett.

H.R. 1396: Ms. Slaughter and Mr. Fattah.

H.R. 1560: Mr. Ehrlich.

H.R. 1590: Mr. Boswell.

H.R. 1595: Mr. Blumenauer.

H.R. 1621: Mr. Dicks, Mr. Spence, Mrs. McCarthy of New York, Mr. Condit, Mr. Markey, Mr. Allen, and Mr. Meeks of New York.

H.R. 1622: Mr. Goode.

H.R. 1640: Mr. Dingell and Mrs. Lowey.

H.R. 1644: Mr. Hastings of Florida, Mr. Fletcher, Mr. Holden, Ms. Brown of Florida, Mr. Kucinich, Mr. Bonior, and Mr. Larson.

H.R. 1795: Mr. McHugh, Mr. Pascrell, and Mrs. Kelly.

H.R. 1824: Mr. Rangel.

H.R. 1850: Mr. Toomey.

H.R. 1865: Mr. Clement and Mr. Weldon of Florida.

H.R. 1871: Mr. Clement.

H.R. 2060: Mr. Manzullo.

H.R. 2100: Mr. Smith of Texas.

H.R. 2129: Mr. Ganske and Mr. Peterson of Pennsylvania.

H.R. 2200: Mr. Gilman and Mr. King.

H.R. 2242: Mr. Petri.

H.R. 2341: Mr. Weiner, Mr. Boehner, Mrs. Morella, and Mr. Green of Texas.

H.R. 2362: Mr. Gibbons, Mr. Hill of Montana, Mr. Shadegg, Mr. Hansen, Mr. Largent, and Mr. Salmon.

H.R. 2457: Mr. Spratt.

H.R. 2511: Mr. Petri.

H.R. 2562: Mr. Wexler, Mr. Inslee, and Mr. Wu.

H.R. 2620: Mr. Davis of Illinois, Mr. Bishop, Mr. Quinn, and Mr. Udall of New Mexico.

H.R. 2667: Mr. Hoeffel.

H.R. 2696: Mr. Lantos.

H.R. 2710: Mrs. Thurman and Ms. McCarthy of Missouri.

H.R. 2720: Mr. McIntosh and Mr. LoBiondo.

H.R. 2741: Mr. Rothman, Mr. Hastings of Florida, and Mr. Capuano.

H.R. 2749: Mr. Cook.

H.R. 2780: Ms. Ros-Lehtinen.

H.R. 2892: Mr. Romero-Barcelo.

H.R. 2894: Mr. Weldon of Florida.

H.R. 2899: Mr. Owens.

H.R. 2902: Ms. DeGette, Mr. Pascrell, and Ms. Slaughter.

H.R. 3003: Mrs. Mink of Hawaii, Mr. Kucinich, and Mr. Blumenauer.

H.R. 3004: Mr. Holden, Mr. Capuano, Ms. Kilpatrick, and Mr. Evans.

H.R. 3044: Ms. Millender-McDonald.

H.R. 3082: Ms. Dunn.

H.R. 3105: Mr. Matsui, Mr. Filner, Mr. Towns, Mr. Lazio, Ms. Pelosi, Mr. Owens, Ms. Kilpatrick, and Mr. Deutsch.

H.R. 3192: Mrs. Thurman, Mr. Boucher, and Mr. Ortiz.

H.R. 3249: Mr. Cooksey.

H.R. 3250: Mr. Engel.

H.R. 3263: Mr. Kucinich, Mrs. Thurman, Ms. McKinney, Mr. Norwood, Mr. Lewis of Georgia, Mr. Chambliss, Mr. Collins, Mr. Aderholt, Mrs. Clayton, Mrs. Meek of Florida, Mr. Graham, Mr. Berry, Mr. Riley, and Mr. Clyburn.

H.R. 3270: Mr. Kuykendall.

H.R. 3302: Mr. McIntosh, Mrs. Chenoweth-Hage, Mr. Hayes, Mr. Aderholt, Mr. Doolittle, Mr. Hyde, Mr. Salmon, Mr. Shimkus, Mr. Tancredo, Mr. Riley, Mr. Norwood, Mr. McCollum, Mr. Pickering, Mr. Hill of Montana, Mrs. Emerson, Mr. Archer, Mr. Cook, Mr. Metcalf, Mr. Wamp, Mr. Ballenger, Mr. Green of Wisconsin, Mr. Hoekstra, Mr. Camp, Mr. Hilleary, Mr. Wicker, Mr. Crane, Mr. Hunter, Mr. Everett, Mr. Bachus, Mr. Graham, Mr. Scarborough, Mr. Hayworth, Mr. Canady of Florida, Mr. Bryant, and Mr. LaHood.

H.R. 3433: Mr. Abercrombie, Ms. Hooley of Oregon, and Mr. Reyes.

H.R. 3449: Mrs. Kelly.

H.R. 3462: Ms. Eshoo.

H.R. 3463: Mr. Lantos, Ms. Brown of Florida, and Mr. Foley.

H.R. 3573: Mrs. Lowey.

H.R. 3580: Mr. Reyes and Mr. Hall of Ohio.

H.R. 3584: Mr. Brady of Texas and Mrs. Thurman.

H.R. 3610: Mr. Olver and Ms. Kaptur.

H.R. 3677: Mr. Pallone.

H.R. 3679: Mr. Baird, Mrs. Biggert, Mr. Brady of Texas, Mr. Campbell, Mr. Canady of Florida, Mr. Chabot, Mrs. Chenoweth-Hage, Mr. Coble, Mrs. Cubin, Mr. Delahunt, Mr. Dooley of California, Mr. Gilchrest, Mr. Goodlatte, Mr. Green of Wisconsin, Mr. Hall of Texas, Mr. Hoeffel, Mr. Knollenberg, Mr. Kuykendall, Mr. Markey, Mr. Meehan, Mr. Gary Miller of California, Mr. Pallone, Mr. Rogan, Mr. Rohrabacher, Mr. Saxton, Mr. Sensenbrenner, Mr. Smith of Texas, Mr. Taylor of Mississippi, Mr. Vitter, Mr. Walden of Oregon, Mr. Weiner, and Mr. Wise.

H.R. 3700: Mr. Ehlers, Mr. Barr of Georgia, Mr. Brady of Pennsylvania, Mr. Deal of Georgia, Mr. Towns, Mr. Lantos, Mr. Kncinich, Mr. Smith of Washington, Mr. Goodlatte, and Mr. Inslee.

H.R. 3703: Mr. Linder, Mr. Sessions, Mr. Toomey, Mr. Ryan of Wisconsin, Mr. Paul, Mr. Jones of North Carolina, Mr. Manzullo, Mr. Ose, Mr. Riley, Mr. Metcalf, Mrs. Biggert, Mr. Cook, and Mr. Hill of Montana.

H.R. 3710: Mr. Maloney of Connecticut, Mr. Etheridge, and Mr. Sawyer.

H.R. 3825: Mr. Olver.

H.R. 3842: Ms. Norton, Mr. Doolittle, Mr. Baird, Mr. Spratt, Mr. Etheridge, Mr. Payne, Mr. Weiner, Mr. Bereuter, Mr. Bishop, Mr. Crane, Mr. Snyder, Mr. Price of North Carolina, Mrs. Maloney of New York, Mr. Traficant, Mr. Holt, Ms. DeGeete, Ms. Sanchez, Mr. Deutsch, Ms. McCarthy of Missouri, and Ms. Stabenow.

H.R. 3850: Mr. Goodlatte.

H.R. 3872: Mr. Larson and Mr. Gonzalez.

H.R. 3896: Mr. Foley.

H.R. 3905: Mr. Larson.

H.R. 3983: Mr. LaTourette, Mr. Walsh, Mrs. Johnson of Connecticut, and Mr. Franks of New Jersey.

H.R. 4001: Mr. Bonior.

H.R. 4013: Mr. DeFazio and Mr. Kennedy of Rhode Island.

H.R. 4035: Mr. LaTourette.

H.R. 4046: Mr. Kucinich, Mr. Clyburn, and Mr. Faleomavaega.

H.R. 4056: Ms. Eddie Bernice Johnson of Texas.

H.R. 4061: Mr. Lucas of Kentucky and Mr. Wexler.

H.R. 4094: Mr. Ramstad and Mr. Diaz-Balart.

H.R. 4113: Mr. Weldon of Pennsylvania.

H.R. 4145: Mr. Moore.

H.R. 4162: Mr. Wynn, Mr. Towns, Mrs. Christensen, and Mr. Watt of North Carolina.

H.R. 4167: Mr. Rahall, Mr. Hoeffel, Ms. Eshoo, Mr. Watt of North Carolina, and Mr. Coyne.

H.R. 4213: Mr. Ramstad, Mr. King, and Mr. Rush.

H.R. 4219: Mr. Chambliss, Mr. Klink, Mr. Leach, Mr. Condit, Ms. Woolsey, Mr. Rush, and Mr. Thune.

H.R. 4239: Mr. Sawyer and Mr. Moore.

H.R. 4274: Mr. Frost.

H.R. 4277: Mr. Traficant.

H.R. 4289: Mr. Markey, Mr. Matsui, Mr. Gonzalez, Mr. Nadler, Mr. Brown of Ohio, Mr. Kleczka, and Mr. Blumenauer.

H.R. 4292: Mr. Rahall, Mr. Salmon, and Mr. Hayes.

H.R. 4334: Ms. Hooley of Oregon and Mr. Sanders.

H.R. 4353: Mr. Blagojevich.

H.R. 4359: Mr. Thompson of Mississippi and Mr. Clay.

H.R. 4375: Mr. Frost and Mr. Davis of Illinois.

H.R. 4380: Mr. Evans and Mr. Filner.

H.R. 4384: Mr. Bereuter.

H.R. 4428: Mr. Frost and Mr. Luther.

H.R. 4434: Mrs. Thurman, Mr. Gordon, Mr. Hinchey, and Mr. Weiner.

H.R. 4443: Mr. Brown of Ohio and Mr. Holden.

H.R. 4453: Mr. Capuano and Mr. Wexler.

H.R. 4465: Mr. Ney and Mr. Ballenger.

H.R. 4481: Mr. Houghton, Mr. Gonzalez, Mr. Moran of Kansas, Mr. Saxton, Mr. Sandlin, Mr. LaFalce, Mr. Hoeffel, Mr. Berman, Ms. Woolsey, and Mr. Evans.

H.R. 4487: Ms. Carson.

H.R. 4492: Mr. Bereuter.

H.R. 4493: Mr. Clement and Mr. Moran of Virginia.

H.R. 4495: Mr. Pitts.

H.R. 4505: Mr. Herger, Mr. Green of Wisconsin, Mr. Clement, and Mr. Chambliss.

H.R. 4507: Mr. Jefferson.

H.R. 4511: Mr. Jones of North Carolina and Mrs. Fowler.

H.R. 4514: Mr. Minge.

H.R. 4543: Mr. Condit, Mr. Peterson of Pennsylvania Mr. McCrery, Mr. Terry, Mr. King, Mr. Vitter, Mr. Scarborough, Mr. Thompson of California, Mr. Goodlatte, Mr. Lewis of Kentucky, Mr. Hall of Texas, Mr. Reyes, Mr. Ney, Mr. Hulshof, Ms. Lee, Mr. Gallegly, and Mr. Gonzalez.

H.R. 4547: Mr. Gutknecht, Mr. Smith of New Jersey and Mr. Gillmor.

H.R. 4548: Mr. Fletcher and Mrs. Johnson of Connecticut.

H.R. 4550: Mr. Hilleary.

H.R. 4565: Mr. Waxman, Mrs. Maloney of New York, Ms. McKinney, Mr. Barrett of Wisconsin, Mr. Bonior, Mr. Cook, Mr. McGovern, Mrs. Thurman, and Mrs. Fowler.

H.R. 4570: Mr. Levin and Mr. Neal of Massachusetts.

H.R. 4571: Ms. DeLauro, Mr. English, and Ms. Dunn.

H.R. 4598: Mr. Herger.

H.R. 4600: Mr. Oxley.

H.R. 4611: Mr. LaFalce and Ms. Rivers.

H.R. 4623: Mr. Evans.

H.R. 4624: Mr. Meeks of New York.

H.R. 4636: Mr. Frost.

H.R. 4643: Mr. Udall of New Mexico, Mr. Dooley of California, Mr. Cox, Mr. Foley, Mr. Thomas, Mr. Hansen, Mr. Cunningham, Mr. Davis of Virginia, Mr. Hayworth, Mr. Young of Alaska, Mr. Lewis of California, Mr. Taylor of Mississippi, and Mr. Snyder.

H.R. 4649: Mr. Strickland and Mr. Barrett of Wisconsin.

H.R. 4653: Mr. Gejdenson.

H.R. 4677: Mr. Ballenger.

H.R. 4707: Mrs. Mink of Hawaii, Ms. Kilpatrick, Mr. Romero-Barceló, Mr. Underwood, Mr. Gutierrez, Mr. Deutsch, Mr. Brown of Ohio, Mr. Levin, Mr. Matsui, Mr. Reyes, Mr. Hinojosa, and Mr. George Miller of California.

H.R. 4715: Mr. Herger and Mr. Cardin.

H.R. 4716: Mr. Reyes, Mrs. Emerson, Ms. Kaptur, Mr. Upton, and Mr. Hinojosa.

H.R. 4727: Mr. DeFazio, Mr. Abercrombie, and Mr. Allen.

H.R. 4730: Mr. Deal of Georgia.

H.R. 4735: Mr. Campbell.

H.R. 4745: Mrs. Morella and Mr. Horn.

H.R. 4756: Mr. Lewis of Georgia and Mr. Clay.

H.R. 4757: Mrs. Thurman.

H.R. 4759: Mr. Leach.

H.R. 4760: Mr. Green of Texas.

H.R. 4766: Mr. Horn and Mr. Kuykendall.

H.R. 4772: Mr. Brady of Pennsylvania and Mr. Payne.

H.R. 4781: Mr. Hilleary.

H.R. 4791: Mr. Faleomavaega, Mr. Sandlin, Mr. Sisisky, Mr. McGovern, Mr. Rahall, and Mr. Ney.

H.R. 4793: Mrs. FOWLER.

H.R. 4795: Mr. LEACH, Mr. MCCOLLUM, Mrs. ROUKEMA, Mr. BEREUTER, Mr. BAKER, Mrs. KELLY, Mr. BACHUS, Mr. JONES of North Carolina, Mr. LATOURETTE, Mr. GREEN of Wisconsin, Mr. SWEENEY, and Mr. TERRY.

H.R. 4798: Mr. PASTOR and Mrs. LOWEY.

H.R. 4803: Mr. KUCINICH and Mrs. THURMAN.

H.R. 4816: Mr. TANNER.

H.R. 4817: Mr. CROWLEY.

H.R. 4825: Mr. BALDACCI, Mr. DUNCAN, Mrs. MORELLA, Mr. ISAKSON, Mr. CHABOT, Mr. TANCREDO, Mr. GREEN of Texas, Mr. PALLONE, Mr. DEFAZIO, Mr. GEORGE MILLER of California, Mr. RUSH, Mr. MCNULTY, Mr. MARKEY, Ms. LEE, Mr. FRANKS of New Jersey, and Mr. DEUTSCH.

H.R. 4829: Mr. JONES of North Carolina, Mr. PALLONE, Mr. HORN, Mr. ROHRABACHER, Mr. RYUN of Kansas, Mr. DIAZ-BALART, Ms. KAPTUR, Mr. DOYLE, Mr. STARK, Mr. GOODLING, Ms. MCKINNEY, and Mr. ROTHMAN.

H.R. 4830: Mrs. BIGGERT, Mr. CRANE, Mr. DAVIS of Illinois, Mr. HASTERT, Mr. LAHOOD, Mr. LIPINSKI, Mr. MANZULLO, Mr. PHELPS, Mr. RUSH, Ms. SCHAKOWSKY, Mr. SHIMKUS, Mr. WELLER, Mr. COSTELLO, Mr. EWING, Mr. BLAGOJEVICH, and Mr. EVANS.

H.R. 4831: Mrs. BIGGERT, Mr. CRANE, Mr. DAVIS of Illinois, Mr. HASTERT, Mr. LAHOOD, Mr. LIPINSKI, Mr. MANZULLO, Mr. PHELPS, Mr. RUSH, Ms. SCHAKOWSKY, Mr. SHIMKUS, Mr. WELLER, Mr. COSTELLO, Mr. EWING, Mr. BLAGOJEVICH, and Mr. EVANS.

H.R. 4848: Ms. STABENOW, Mr. MEEHAN, Mr. MCNULTY, Mr. WU, Mr. MCGOVERN, Mr. PASTOR, Mr. MCDERMOTT, Mr. GILMAN, Mr. ANDREWS, Mr. COYNE, Mr. GUTIERREZ, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LEVIN, Mr. LANTOS, Mr. BECERRA, Mr. BLUMENAUER, Mr. PALLONE, Mr. WEXLER, Mr. PASCRELL, and Mr. ALLEN.

H.R. 4857: Mr. WISE, Mr. BACHUS, Mr. FROST, Mr. EHLERS, Ms. BALDWIN, Mr. BERMAN, Mr. JEFFERSON, Mr. NEAL of Massachusetts, Mr. KUYKENDALL, Mr. REYNOLDS, Mr. SKELTON, Mrs. TAUSCHER, Mr. BUYER, Mr. NETHERCUTT, and Ms. RIVERS.

H.R. 4858: Mr. FRANK of Massachusetts.

H.R. 4862: Mr. COOK, Mr. TERRY, Mr. BISHOP, and Mr. WEXLER.

H.R. 4880: Mr. MORAN of Virginia.

H.R. 4883: Mr. PHELPS and Mr. GREEN of Texas.

H.R. 4893: Mr. KUCINICH.

H.R. 4897: Ms. KILPATRICK, Ms. MCKINNEY, Ms. SLAUGHTER, and Ms. KAPTUR.

H.R. 4907: Mr. BLILEY, Mr. SISISKY, and Mr. GOODLATTE.

H.R. 4922: Mr. HOSTETTLER, Mr. JOHN, Mr. JONES of North Carolina, Mr. PHELPS, Mr. NETHERCUTT, Ms. DANNER, Mr. CRAMER, Mr. MCCRERY, Mr. MCHUGH, Mr. SWEENEY, Mr. VITTER, Mr. STUPAK, Mr. COOKSEY, Mr. BAKER, Mr. BONILLA, Mr. GOODE, Mr. REYNOLDS, Mr. PETERSON of Pennsylvania, Mr. SIMPSON, Mr. MINGE, Mr. LEWIS of Kentucky, Mr. WALDEN of Oregon, Mr. WHITFIELD, Mr. REGULA, Mr. HASTINGS of Washington, and Mr. HALL of Texas.

H.R. 4932: Mr. BRADY of Pennsylvania, Mr. HOLDEN, Mr. BALDACCI, Mrs. THURMAN, and Mr. DOYLE.

H.R. 4935: Ms. MCKINNEY.

H.R. 4938: Mr. EVANS.

H.R. 4949: Mr. RAHALL and Mr. EVANS.

H.R. 4951: Mr. OXLEY, Ms. DANNER, and Mr. WALDEN of Oregon.

H.R. 4954: Mr. LANTOS and Mr. LIPINSKI.

H.R. 4957: Mrs. THURMAN, Mrs. KELLY, Mr. KENNEDY of Rhode Island, Mr. MEEKS of New York, Mr. THOMPSON of California, Mr. LEWIS of Georgia, Mr. DIXON, Mr. OWENS, Ms. WATERS, Mr. FROST, and Mr. JACKSON of Illinois.

H.R. 4958: Mr. SANDERS and Ms. DANNER.

H.R. 4966: Mr. REYES, Mr. RODRIGUEZ, Mr. CAPUANO, and Mr. EVANS.

H.R. 4971: Mr. COLLINS, Mr. MCCRERY, Mr. FOLEY, and Mr. TANNER.

H.R. 4976: Mr. SHERMAN, Mr. WEXLER, Mr. CALVERT, Ms. SCHAKOWSKY, Mr. HORN, Mr. SALMON, Mr. HAYES, Mr. DEUTSCH, Mr. GILMAN, Mr. LEVIN, Mr. WAXMAN, Mr. WELLER, and Mr. PALLONE.

H.R. 4977: Mrs. THURMAN and Mr. UDALL of Colorado.

H.J. Res. 102: Mr. CANNON, Ms. BALDWIN, Mr. BONIOR, and Mr. KUCINICH.

H. Con. Res. 115: Mr. KUCINICH.

H. Con. Res. 177: Mr. BLUMENAUER.

H. Con. Res. 192: Mr. CUNNINGHAM and Mr. LAMPSON.

H. Con. Res. 238: Mr. GREEN of Wisconsin.

H. Con. Res. 242: Mr. BONIOR, Mr. JEFFERSON, Mr. RANGEL, and Mr. WEXLER.

H. Con. Res. 257: Mr. MORAN of Virginia and Mr. CALVERT.

H. Con. Res. 305: Mr. OBERSTAR, Mr. FORBES, and Mr. GOODLATTE.

H. Con. Res. 306: Mr. DINGELL.

H. Con. Res. 307: Mr. BLILEY, Mr. CHABOT, and Mr. CAMPBELL.

H. Con. Res. 327: Mr. SHIMKUS, Mr. GIBBONS, Mr. KENNEDY of Rhode Island, Mr. BARTLETT of Maryland, Mr. GALLEGLY, and Mrs. KELLY.

H. Con. Res. 341: Mr. REYES, and Mr. GUTKNECHT.

H. Con. Res. 362: Mrs. NAPOLITANO, Ms. WOOLSEY, and Mr. FARR of California.

H. Con. Res. 368: Mr. OWENS, Mr. WYNN, and Mr. BALDACCI.

H. Con. Res. 370: Mr. CAPUANO, Ms. ROS-LEHTINEN, and Mr. RUSH.

H. Con. Res. 373: Mr. DAVIS of Illinois and Ms. MCKINNEY.

H. Con. Res. 376: Ms. DEGETTE.

H. Con. Res. 381: Mr. CRAMER, Mr. HALL of Texas, Mr. EVANS, Mr. BONILLA, Mr. BERMAN, Mr. BILIRAKIS, and Mr. LAHOOD.

H. Res. 361: Mr. FILNER and Ms. ROS-LEHTINEN.

H. Res. 398: Mr. SHIMKUS, Mr. KUCINICH, Mr. DELAHUNT, and Mr. PASCRELL.

H. Res. 461: Mr. GREEN of Texas, Mr. MOAKLEY, and Mr. BERMAN.

H. Res. 537: Mr. CAPUANO and Mrs. LOWEY.

H. Res. 561: Mrs. THURMAN, Mrs. MYRICK and Mr. OWENS.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3703: Mrs. BIGGERT.

H.R. 4892: Mr. LEWIS of Georgia.

PETITIONS, ETC.

Under clause 3 of rule XII,

103. The SPEAKER presented a petition of Essex County Board of Supervisors, Clerk, Essex, New York, relative to Resolution No. 101 petitioning the House of Representatives to amend the Conservation and Reinvestment Act of 1999 to include a provision stating that if any county, town, city or village has more than 20% publicly owned land, the governing body of such municipality must approve of the acquisition of any property or property rights with such municipality through the use of CARA funds in whole or in part; which was referred jointly to the Committees on Commerce, Agriculture, and the Budget.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 11 by Ms. SLAUGHTER on House Resolution 520: Silvestre Reyes.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4942

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 25: Page 78, insert after line 15 the following:

(d) PROHIBITING USE OF FUNDS IN CONTRAVENTION OF ACT.—No funds in this Act may be used in contravention of the Act of March 3, 1933 (41 U.S.C. 10a et seq.; popularly known as the "Buy American Act").

SENATE—*Thursday, July 27, 2000*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. THURMOND).

The PRESIDENT pro tempore. Father Thomas Acker, president, Wheeling Jesuit University, Wheeling, WV, will give the prayer. He is a guest of Senator BYRD.

We are glad to have you with us.

PRAYER

The guest Chaplain, Father Thomas Acker, offered the following prayer:

Let us pray:

Heavenly Father, from whom each of us comes and to whom each of us must return, we daily finger the coins of our realm. On each coin of this Republic is inscribed our invocation, our prayer, and our petition: "In God We Trust." "If You Yahweh, do not build the house, in vain the mason's toil: If You Yahweh, do not guard the city, in vain the sentrys watch."—Psalm 127. Even as we hold this prayerful coin in our fingers, we acknowledge that You hold us in the palm of Your hand. Lord, in You we trust.

We open this deliberative day of Senate life, this last Thursday of July, the month of our independence, assured that You watch over us: indeed, we are the apple of Your eye. Bring Your light to our deliberations, Your wisdom to our decisions, Your peace to our outcomes. May the seed that we plant be like the tiny mustard seed, growing strong of stem, bountiful in branches, and laden with good fruit.

The Senators, men and women of leadership, bow their heads before You, and ask Your blessing. Lord of the Universe, in both faith and humility, the Senators pray: Prosper the work of our hands, prosper the work of our hands. In God we trust. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROD GRAMS, a Senator from the State of Minnesota, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Senator from Florida is recognized.

SCHEDULE

Mr. MACK. Mr. President, today the Senate will be in a period of morning business until 11 a.m., for those Senators who wish to make final statements in remembrance of our former friend and colleague, Senator PAUL COVERDELL.

Following morning business, Senator designate Zell Miller will be sworn in to serve as United States Senator. After the ceremony and a few remarks, the Senate will proceed to a cloture vote on the motion to proceed to the energy and water appropriations bill. At the conclusion of the vote, the Senate will proceed to the consideration of the conference report to accompany the Department of Defense appropriations bill, with a vote to occur at approximately 3:15 p.m. For the remainder of the day, the Senate is expected to begin postcloture debate on the motion to proceed to the energy and water appropriations bill.

It is hoped that a vote on cloture on the motion to proceed to the PNTR China legislation can be moved to occur at a time to be determined during today's session. I thank my colleagues for their attention.

MEASURES PLACED ON THE CALENDAR—S. 2940 AND S. 2941

Mr. MACK. Mr. President, I understand there are two bills at the desk due for their second reading.

The PRESIDING OFFICER (Mr. GRAMS). The clerk will report the bills by title.

The legislative clerk read as follows:

> A bill (S. 2940) to authorize additional assistance for international malaria control, and to provide for coordination and consultation in providing assistance under the Foreign Assistance Act of 1961 with respect to malaria, HIV, and tuberculosis.
>
> A bill (S. 2941) to amend the Federal Election Campaign Act of 1971 to provide meaningful campaign finance reform through requiring better reporting, decreasing the role of soft money, and increasing individual contribution limits, and for other purposes.

Mr. MACK. Mr. President, I object to further proceedings on these bills at this time.

The PRESIDING OFFICER. Under the rule, the bills will be placed on the calendar.

The Senator from West Virginia.

GUEST CHAPLAIN FATHER THOMAS S. ACKER, S.J.

Mr. BYRD. Mr. President, I commend the Senate's guest Chaplain today, Father Thomas S. Acker, S.J., for his eloquent prayer opening today's session of the United States Senate.

For the last 18 years, Fr. Acker has been serving as President of Wheeling Jesuit University in Wheeling, West Virginia.

During that time, Wheeling Jesuit University has grown to become one of the leading universities in the State of West Virginia, and much of that growth is due to the insight and hard work of this Jesuit priest. During Fr. Acker's tenure at Wheeling Jesuit, the enrollment has doubled—doubled—and the number of buildings and square footage on campus has more than doubled. The addition of the Robert C. Byrd National Technology Transfer Center, the Erma Ora Byrd Center for Educational Technologies, and the Alan B. Mollohan Challenger Learning Center on campus places Wheeling Jesuit University in a unique position for growth into the 21st Century, which will begin next year, and has made a difference in the lives of the residents of West Virginia and beyond.

Recently, Fr. Acker was presented, by Administrator Dan Goldin, with the Distinguished Public Service Medal of the National Aeronautics and Space Administration, NASA, the highest honor given to a civilian from that agency. This award reflects the high confidence that NASA and its Administrator have in the stewardship of Fr. Acker in connection with agency programs administered—where? at Wheeling Jesuit University.

Fr. Acker, a native of Cleveland, Ohio, entered the Jesuit order in 1947. That was my first year in the West Virginia House of delegates. He has a Ph.D. in biology. I don't have a Ph.D. in anything. But I have grandsons who have Ph.Ds. I have two grandsons who have Ph.D.s in physics; not political science but physics. But Fr. Acker has a Ph.D. in Biology from Stanford University. He has taught at John Carroll University. He has taught at the University of Detroit. He has taught at San Francisco University. He has served as Dean of Arts and Sciences at St. Joseph's University in Philadelphia, Pennsylvania, and worked in the country of Nepal, first as a Fulbright professor and then as Project Director of the U.S. Peace Corps.

Fr. Tom Acker's tenure as the President at Wheeling Jesuit University will end on Monday, July 31, 2000, the last year of the 20th century, but he will not be leaving the State of West Virginia. He has grown to love that State. Rather, he will remain in West Virginia, working in the southern sector to continue his great service to the great State of West Virginia.

I look forward to my continued relationship with this strong, competent, and compassionate man of the cloth.

and I congratulate him on his decision to remain in West Virginia.

I listened carefully to his prayer today. He used the words, "In God We Trust." I was in the House of Representatives in 1954, on June 7, when the House of Representatives passed legislation to include the words "under God" in the pledge of allegiance—June 7, 1954; "under God." There are some people in this country who would like to take those words out of that pledge, but not Fr. Acker. I don't think anybody here in the Senate would be for that. That was June 7, 1954.

June 7, 1955, 1 year to the day, the House of Representatives voted to include the words "In God We Trust," to have those words, as the national motto, put on all coins and all currency of the United States. Those words were already on some of the coins, but on June 7, 1955, the House of Representatives voted to have the words "In God We Trust"—there they are— "In God We Trust," have that as the national motto and have those words on the coins and currency of the United States.

I was in the House on both occasions. I am the only person in Congress today who was in Congress when we voted to include the words "under God" in the Pledge of Allegiance. I thank our visiting minister today for his use of those words.

He also used the same words from the scriptures that Benjamin Franklin used in the Constitutional Convention in 1787 when the clouds of dissension and despair held like a pall over the Constitutional Convention. Everything was about to break up. They were having a lot of dissension, I say to the Senator from Nevada and the Senator from Florida. They were not agreeing on very many things. They were very discouraged. But Benjamin Franklin stood to his feet and suggested there be prayer at the convention, and he used those scriptures in his statement:

> Except the Lord build the house, they labour in vain that build it: except the Lord keep the city, the watchman waketh but in vain.

Thank you, Father Acker, for using those words and for having as the theme of your prayer this morning "In God We Trust." Thank you.

I thank our Chaplain also, and I thank you, again, Father Acker. We hope you will enjoy your work in southern West Virginia. We are privileged to have you in my part of the State finally, southern West Virginia. My part is the whole State. We thank you, and may God bless you.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, before the Senator from West Virginia and the visiting priest depart, I say to the man who runs this fine school in West Virginia—and I believe the Senator from Florida will say—what a treasure we have in the Senator from West Virginia.

Today is a day of solemnity in the Senate. We are going to swear in a new Senator as a result of the death of one of our colleagues. It is a day of reflection for all of us. Speaking for myself, and I am sure the Senator from Florida, every day we reflect on how fortunate we are to have someone who is a living example of the words that are engraved in the back of this Chamber: "In God We Trust." He is someone to whom we all look —both the minority and majority—for ethical standards, for a sense of morality that he brings to this body. I say to the priest from West Virginia, the State of West Virginia is well served and has been well served by Senator ROBERT BYRD.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MACK. Mr. President, I, too, express my appreciation for the beautiful words of the Senator from West Virginia this morning. And to Father Acker: On behalf of the entire Senate, we welcome you today and appreciate greatly your words of prayer.

This is a special day for all of us, as the Senator from Nevada indicated. We will be swearing in a new Senator from Georgia. We do so with heavy hearts, however.

I seek recognition now for a few moments to say a few words on the life of our colleague, Senator PAUL COVERDELL.

Mr. BYRD. Mr. President, I thank my colleague, the distinguished Senator from Nevada, who has been very close to me for these several years in which we have served together in the Senate. I appreciate his friendship. I thank him for his good words today. I am grateful, flattered, and humbled by them. I thank the distinguished Senator from Florida.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

PERIOD FOR EULOGIES

The PRESIDING OFFICER. Under the previous order, there will now be a period for eulogies for the former Senator from Georgia, Mr. PAUL COVERDELL.

REMEMBERING SENATOR PAUL COVERDELL

The PRESIDING OFFICER. The Senator from Florida.

Mr. MACK. Mr. President, the 10 days since his sudden passing and the outpouring of expression from many different directions have given me the opportunity to reflect on PAUL's life, the gifts he brought to the Senate, and the impact his life had on people.

I want to focus my remarks on PAUL COVERDELL's humility, which I think was his defining quality, his greatest gift, and one which had the greatest impact on the lives of others.

Many people might say that humility, sometimes defined as freedom from pride or arrogance, is a quality not found often in our society today. No one disputes, however, that PAUL COVERDELL possessed a deep sense of humility.

During the past 10 days, PAUL COVERDELL has been described as: Serious and low key; self-effacing; uncomfortable in the limelight; a humble public servant who became a political giant through selfless dedication and quiet civility; a very gentle and courteous person; a person people went to, felt really comfortable with, and opened up to; a person who really cared for what happened to others; a person many regarded as the Senate's leading mediator; a person of scrupulous integrity and unblemished character; a person with an unsurpassed work ethic and standard of personal ethics and devotion to what he was doing; a person who always kept his word and was someone you could count on—just to mention a few characterizations.

How many of us would like to be known as individuals who possess these qualities?

Too often we think success results from aggressive, enterprising, pushy, and contentious behavior. In the case of PAUL COVERDELL, his success resulted from his combination of humility and energy which enabled him to be known as the person who was the cornerstone of the Georgia Republican Party and whose objective was to make his State party credible and viable in what had been virtually a one-party State; who was a political mentor to a number of politicians on both sides of the aisle; who was said by former Senator Sam Nunn to be "the person who makes the Senate work;" and finally, Democrats in his State have said that PAUL COVERDELL's legacy is one of actions and deeds, not words and glory; friendship and trust, not cynicism and betrayal.

There is no question that the outpouring of sentiment of PAUL's humility, humanity, and his contribution to his State and to his Nation would have overwhelmed him. He would have been embarrassed by all of the adulation and attention.

PAUL was the personification of Proverbs 22:4: "the reward for humility and fear of the Lord . . . is riches and honor and life." PAUL COVERDELL surely conducted his life in a manner that resulted in great riches and honor of public opinion.

The Book of Revelation, 20:12, states: "and I saw the dead, great and small, standing before the throne, and books were opened. Also, another book was opened, the book of life. And the dead were judged according to their works, as recorded in the books."

Our earthly judgment of PAUL COVERDELL will surely be confirmed in heaven. PAUL's works and his hard-working qualities were legendary.

I want to take a moment to speak about a passion of PAUL's. He often talked of the importance of freedom, challenging each of us to do our part to ensure that the legacy of 1776 endures for generations to come. I picked out a few of his quotes concerning freedom from some of his speeches, and I want to repeat them today.

From a Veteran's Day speech:

> In the end, all that any of us can do with regard to this great democracy is to do our part . . . during our time.

From a speech to an annual meeting of the Georgia Youth Farmers Association:

> You live by the grace of God in the greatest democracy in the history of the entire world. And each of us has our own personal responsibility to help care for it, to love it, and to serve it.

From a speech to an ecumenical service at Ebenezer Baptist Church in Atlanta:

> Several years ago I was in Bangladesh, the poorest country in the world, on the day they created their democracy. A Bangladeshi said to me, "I don't know if you or your fellow citizens of your country understand the role you play for democracy everywhere. It is an awesome responsibility and I don't envy you, but I pray, sir, that you and your fellow citizens continue to accept it.

Finally, from a speech at an Andersonville, GA, Memorial Day ceremony:

> I am sure that each of you, like me, has wondered how we can ever adequately honor these great Americans who made the ultimate sacrifice for the preservation of our nation and the great Americans who suffered and endured on these hallowed grounds as prisoners of war. We look across these fields and see monuments. We have heard an elegant poem written by a young American. We have tried through movies to somehow express our gratitude. Nothing ever quite seems to meet the challenge. I have finally concluded in my mind and in my heart that the only way to appropriately express our gratitude is through duty and stewardship to this great nation.

PAUL COVERDELL truly expressed his gratitude to his country in the manner in which he lived his life—through his service and stewardship to our Nation.

Perhaps the ultimate compliment for a politician was accorded PAUL COVERDELL by one of his constituents, who simply said: He gave politics a good name.

PAUL was an unsung hero, the glue that bound us together, particularly on the Republican side, but he also had an unusually fair presence in the entire body of this Senate. We are blessed and better off because of the impact of PAUL's humility.

I hope I have learned something from him about life. God sent him so many friends—and he recognized us all and embraced us. We are thankful and grateful for his presence in our lives. And the loss of PAUL COVERDELL has made me realize just how much I am going to miss each of you when I leave the Senate in a few months.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, it is very hard to adjust to the sad reality of PAUL COVERDELL's absence from the Senate. I miss him very much. And the Senate, we have to admit, is not the same without him.

It was always a genuine pleasure to be in his company. I enjoyed very much going to Georgia with him during his reelection campaign. I also returned with him to learn more about the severe problems his State's agricultural producers were experiencing from the drought. We worked together on these and other issues that were important to our region on the Senate Agriculture Committee.

He was a very influential force in the Senate for the people of his State. And he was a thoughtful leader on national issues as well.

While we continue to mourn his passing, we should try to carry on with the same determination and energy he brought to the challenges he faced. His example will be a very valuable legacy. Not only has Georgia benefited from his good efforts to represent its interests, but also through his leadership as Director of the Peace Corps, and on other international issues, he has made the world a better and safer place for all mankind.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I thank the majority leader for setting aside time this morning so many of us could pay tribute to PAUL COVERDELL. Certainly last week, many of us who were friends with PAUL really were not up to giving him a proper tribute because the shock of losing one of our friends was so enormous that we really did not feel that we could get through the kind of tribute that PAUL deserves. So I thank the majority leader for giving us this time.

We have now had a chance to collect our thoughts about the sudden death of our colleague and friend, PAUL COVERDELL of Georgia. One need only look at the breadth of representation at the memorial service in Atlanta to understand the many ways in which PAUL's life affected ours.

At the service, it was hard to miss the sweet but sad irony that, for one last time, PAUL COVERDELL was the great unifier. The Democratic Governor of Georgia, Governor Barnes, called PAUL COVERDELL—one of just a handful of Republicans in the State legislature when Governor Barnes, himself, was elected to the legislature in 1974—he called PAUL his best teacher in politics. Senator KENNEDY, our colleague from across the aisle, with whom Senator COVERDELL had tangled on many important education issues, sat right next to me in the church to honor PAUL COVERDELL.

Senator COVERDELL is sorely missed in the Senate and in Georgia.

He is not missed because he was a great legislator—but he was. His innovative approach to helping families have more flexibility in education spending became the Coverdell education savings account bill.

We do not feel his loss as badly as we do simply because he was a great Senate leader—but he was. His leadership could bring disparate policy and political strands together to form a single, strong bond that allowed us to move forward with our priorities.

Others have said it, but I will repeat for emphasis: PAUL COVERDELL was as close as any Senator comes to being indispensable to his party.

He will not be missed most because he was a giant in Georgia politics—but he was. Over the past third of a century, he built, from virtually nothing, the Republican Party of Georgia, starting at a time when, much as in my own home State of Texas, Republicans numbered only a few in the state Legislature.

Georgia is a better state today—and so is Texas—because there is a strong two-party system. PAUL COVERDELL is the reason why. And the people of Georgia registered their appreciation by making him the first Georgia Republican in over a century to be reelected to the Senate.

And he won't be missed the most because he was an outstanding administrator and a man of vision as the Director of the Peace Corps—but that is certainly the case.

PAUL was the right man for the job in 1989 when President Bush appointed him to head the Peace Corps, just as the Berlin Wall came tumbling down.

In 1989, Poland, Hungary, and Czechoslovakia were emerging from behind the Iron Curtain. PAUL COVERDELL thought about his agency. It was a creature of the Cold War, created to keep the Third World from falling prey to communism by exposing those countries to the energy, promise and ideals of American youth.

The Peace Corps helped win the cold war, and PAUL COVERDELL had the vision to know that it could also help win the peace. Although it had been dedicated to helping underdeveloped countries with subsistence agriculture and infrastructure projects, Director

PAUL COVERDELL saw the promise of helping win the Cold War peace when he asked: "Why not in Europe, too?"

Under his leadership, the Peace Corps began sending volunteers into Eastern Europe and the former Soviet Union, blazing a new trail for this old cold war agency. On June 15, 1990, President George Bush wished farewell to the first such volunteers as they departed for Hungary and Poland.

Today, those countries are firmly in the sphere of freedom and democracy, and last year joined the North Atlantic Treaty Organization. PAUL COVERDELL'S vision had become a reality.

When he was director of the Peace Corps, Senator COVERDELL emphasized a particular program that had gone fallow given the many other priorities the agency was facing. This program, part of the Peace Corps' legislative mandate to foster greater global understanding by U.S. citizens, offered fellowship to returning volunteers in exchange for their agreement to work in an underserved American community as they pursued their degree.

Senator COVERDELL placed renewed emphasis on this program as Director of the Peace Corps and has been credited by Peace Corps alumni for his leadership in this area. These fellowships, funded through private-sector financed scholarships or reduced tuition agreements with universities and colleges, have been a great success.

PAUL obviously continued his pursuit of excellence in education with many innovative proposals right here in this body. I will be offering legislation that renames the program the PAUL D. COVERDELL Peace Corps Fellowship in memory of his commitment to both the Peace Corps and education.

A greater legislator, a leader of his party and of his State, a man of peace and vision: These surely describe, PAUL COVERDELL, but they do not explain the depth and breadth of warm outpouring that we have seen since his sudden death last week.

More than any other reason, Senator COVERDELL will be missed because he was a sweet, warm man, utterly without pretension.

PAUL COVERDELL: statesman; husband; Senator; leader; but above all, gentleman.

For all the wonderful tributes our colleagues have offered here in the Senate, and those that were made at PAUL's service on Saturday, none surpass in sincerity and simplicity those posted on the Atlanta Journal-Constitution's tribute web-site by ordinary Georgians.

A real reflection of PAUL's impact is that there are postings from all around the country. But one, in particular, bears quoting. A man from Duluth, Georgia quotes from a well-known essay: "The True Gentleman" to describe PAUL, and it certainly fits:

> The True Gentleman is the man whose conduct proceeds from good will . . . whose self-control is equal to all emergencies; who does not make the poor man conscious of his poverty, the obscure man of his obscurity . . . ; who is himself humbled if necessity compels him to humble another; who does not flatter wealth, cringe before power, or boast of his own possessions or achievements; who speaks with frankness but always with sincerity and sympathy; whose deed follows his word; who thinks of the rights and feelings of others, rather than his own; and who appears well in any company, a man with whom honor is sacred and virtue safe.

How true these words ring of my friend, PAUL COVERDELL.

I close with the words of a young boy from Georgia, written early in the last century in his school notebook. When assigned to write a short thought about how he wanted to live his life, the young boy, just 10 years or so at the time, wrote:

> I cannot do much, said the little star, To make the dark world bright.
> My silver beams cannot pierce far Into the gloom of night.
> Yet—I am part of God's plan, And I will do the best I can.

That sounds like PAUL, another Georgian whose star burned so bright and who fulfilled God's plan by doing the best he could.

Those words were written by young Richard Russell, as a fourth-grade student. Richard Russell went on to become a great Senator from Georgia, who, like PAUL, died in office in 1971. Russell's name graces the building that houses my office, and PAUL COVERDELL's, too.

Today, we consider those great men and the reward they've gone on to enjoy. We miss them; we miss PAUL COVERDELL today, and the Senate is a lonelier, less happy place without him. Godspeed to our friend.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BUNNING). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I rise this morning to comment on the extraordinary and wonderful life of my friend and our colleague, PAUL COVERDELL of Georgia. While my abilities are unequal to this task, I believe I must try, not because my mere comments will add the slightest glimmer of luster to his sterling legacy but because it is important for me and those living to contemplate his exemplary character, ways of working, positive spirit, courage, and enthusiasm.

The one thing I want to remember most about PAUL is that quick, genuine, and, at times, child-like smile he had. It seemed a bit whimsical, sometimes a bit tired, a bit resigned, at first glance; but on closer observation, that smile was always full of understanding, compassion, and insight into the difficulties we face. PAUL's smile was never silly or false but frequent, wise, encompassing, and in empathy and comprehension for our frailties, completely knowing our weaknesses and encapsulating the precariousness of our human and political condition. Yes, it was fresh and child-like and frequently given; yet in that smile was great strength. There was a kind of understanding there that was born of experience, study, insight, and concern. Moreover, because it was founded on an honest appreciation of our present condition in this life, its warmth, its humanity never failed to inspire.

PAUL COVERDELL was an honest man, an honest broker, an honest leader. PAUL COVERDELL had the courage to act on that honesty, to speak the truth in a positive way. He always saw the glass half full, not half empty. These qualities have the capacity to inspire, and they have never failed to inspire me. When I was frustrated, doubtful, and concerned, I always looked for a chance to speak with PAUL. On occasion, if he sensed I was troubled, he would seek me out. After those conversations I always felt encouraged.

As I think on it today, he was a greater encourager for me and for others than I realized at the time. His friendship, insight, and advice were invaluable for my start in the Senate three years ago. I will deeply miss him.

On the day following his death, I spoke on this floor and said, that I knew we rightly should celebrate his life and not mourn, but I was not able to celebrate at that time because of the hurt of his loss. I am better now, but his death has struck me and others in this body hard.

Still, PAUL COVERDELL's life is, indeed, to be celebrated. He loved his country. He understood its greatness and uniqueness and deeply loved it. He loved the Senate. His tireless work on matters great and small was abundant evidence of that fact. PAUL enjoyed the debate, and helping develop strategy for the leadership, but his ultimate goal was always towards improving his country. That was the constant goal of his service. He loved the Members of the Senate—all of them—even those with whom he disagreed and he was loved in return.

PAUL COVERDELL was a very effective Senator. He followed through on his assignments. He passed legislation and he helped many others pass important legislation. In that small frame, he had, as PHIL GRAMM said, the heart of a lion. PAUL was a man of great principle and it was a rich and deeply understood the American tradition to which he adhered with vigor. PAUL was knowledgable. He knew a lot of about a lot of things. Experiences like the Peace

Corps had taught him much. That knowledge made him wise and helpful to all of us in this body.

PAUL, though not at all naive, was certainly optimistic. Even if he knew something bad was about to happen, he looked beyond that bad event and saw possibilities in the future for an even greater good. That was always the case with him. I remember numerous occasions in which he saw beyond temporary setbacks and could visualize a positive future. His optimism helped shape the agenda of the Republican Conference. It was always his method to focus on our successes, and not on the frustrations. Once one listened fairly to his arguments, one could have no choice but to become optimistic also.

Certainly this Senate has lost a giant. He held a position of great leadership, was projected to continue to rise in leadership and was a tireless supporter of all Members of this body.

My sympathies, and those of my wife, Mary, are extended to Nancy, to his mother and to other members of the family. They have suffered the greatest loss. The scripture says our time on this Earth is but as a vapor. Indeed, James 4:13 puts us in our place. It says:

> Come now, you who say, "Today or tomorrow we will go to such and such town and spend a year there and get gain," whereas you do not know about tomorrow. What is your life? For you are but a mist that appears for a little time and then vanishes. Instead, you should say, If the Lord wills, we shall live and do this or that, and it is your boast in your arrogance.

That was not PAUL. He was not a person of arrogance. More than any other person in this body that I can know, he was a man of unassuming personality, a man of genuine humility, a person utterly without pretension. I think he showed us a lot.

I don't know any 150-year-old people. All of us must expect to die. Our challenge is to keep the faith, to maintain our ideals, to adhere to great principles and to live with enthusiasm. PAUL COVERDELL was a good man and he set a good example for all of us. His death should call us all to intensify our own efforts to fill the void he leaves so that we may serve our country with effectiveness and strengthen the qualities that make up this great Senate.

I pray God will give us the ability to meet the challenges that are before us, that he will comfort those who are mourning, and that we can continue to maintain the ideals that PAUL shared with us for a great and vigorous and effective America.

I yield the floor.

Mr. SANTORUM. Mr. President, I come to the floor this morning, following my distinguished colleague and good friend from Alabama, feeling the same inadequacy to express my thoughts and feelings about the life of someone for whom I had a tremendous amount of respect. As PHIL GRAMM so aptly put it in his eulogy on Saturday, if you knew PAUL COVERDELL, he was your friend. PAUL was a friend.

I guess in the last week from reading and listening and talking to people about PAUL, it is incredible that in this city someone could be so universally understood by everyone. All of us are individuals. We are very complex.

Some often say in Washington that politicians have many facets and many faces. PAUL was PAUL. He was like that to me. He was like it to JEFF. He was like it to the Presiding Officer. He was like it to everyone here. Everyone who has gotten up and talked about PAUL said the same thing in the final analysis. They talked about his decency, his good nature, his peacemaking, his optimism, his energy, and his enthusiasm.

I understand we are going to compile all of the things that have been said about PAUL. The remarkable thing is the sameness of what everyone says about PAUL. It is a remarkable quality in and of itself—that PAUL was always PAUL. He was always himself. He was never trying to be something for everyone to meet their expectation. He was who he was, as genuine and as pure as you can possibly be. That is a tremendous gift that he had.

It is so resoundingly amplified by the comments of our colleagues whose eulogies and comments have been out of the same embryo. That may be one of the great legacies and lessons of PAUL COVERDELL and his life.

There are a few people who I want to thank. First, I thank Nancy and his mother for the dedication that they gave to PAUL in allowing him to provide his service.

He spent an incredible amount of time working issues, long days and long nights away from Nancy while she was in Georgia. She made a tremendous sacrifice for him and for his career in the Senate. Obviously, the impact she had on PAUL's life was profound and obviously positive. The same could be said for his mother. I cannot imagine a mother being more proud of a son than PAUL's mother was of him and the contribution he made to Georgia, to the Senate, to this country.

I thank the people of Georgia for sending the Senate PAUL COVERDELL. He had some tough races but Georgia stood behind him, supported him, and elected a Republican Senator, twice, from the State of Georgia. Georgia should be very proud of that choice.

Finally, I thank God for sending PAUL, a truly extraordinary person. When I found out on Tuesday PAUL very well may not make it, I was sitting in the back talking to Senator GORTON. I was talking about what a tragic loss it would be should PAUL die. I looked around at the desks. I looked at SLADE, and I said: I don't know where PAUL's desk is. He never sat at his desk. He was always running all over the place—down in the well, back in the Cloakroom, running from place to place. He was never at his desk. I thought to myself, where did he sit?

What a fitting analysis of the role that PAUL COVERDELL played in this place. He was everywhere, doing everything, never sitting back at his desk worried about himself or what he would say or do but running around making things happen, back in the Cloakroom with that Styrofoam Waffle House coffee cup. I don't know where he got all those Styrofoam Waffle House cups, but he had one in his hand all the time. There would be two or three placed throughout the Cloakroom by the end of the day. Everyone knew where PAUL had been. He was just working all the time, putting every ounce of his energy—and it was an incredible amount of energy—into his work in the Senate.

I was at the funeral on Saturday. Many things were said about PAUL moving on from one life to the next. It reminded me of a quote from a funeral I attended earlier this year for Governor Casey in Scranton, PA. The quote on the back of the book we received when we came into the church could not help but remind me of PAUL: "Death is not extinguishing the light. It is putting out the lamp because the dawn has come."

PAUL's light here in the Senate burned so bright. He illuminated every conversation. Every room he walked into with his energy, with his positive attitude, with his optimism. That light will be missed. Lights that seem to burn the brightest are doomed not to burn the longest. If we are measuring the wattage or the illumination that has been cast on this Earth, no one cast more light in 61 years than PAUL ever did. It is a comfort to know that the dawn for PAUL has come and that he is experiencing a brighter light than we all know right now. It is a comfort to know he is experiencing that light and is in heaven.

As a Catholic, I believe in intercessory prayer. Those in heaven can pray to God to help those on Earth. I know PAUL is praying for us. I ask for your prayers, PAUL, for all of us here, because we will miss you.

Mrs. LINCOLN. Mr. President, I rise today to pay tribute to a noble Southern gentleman, Senator PAUL COVERDELL. All of us in the Senate were saddened by the sudden loss of such a fine man, and we will sorely miss him. As a relative newcomer to the Senate, I have spent a great deal of my time on the Senate floor observing my colleagues. You can tell a lot about a person by his demeanor, and I first grew to like PAUL COVERDELL simply by watching him. He wore a cloak of peacefulness around him and he radiated kindness. It was rare to see him without a smile.

When I began working with him on the "Small Watershed Dams Rehabilitation" bill, I realized that my first impressions of him had been accurate. He was, indeed, kind and friendly. It was a pleasure to work with him in a bipartisan manner on an issue that is vital to both of our states. As is obvious by his rise within the leadership of the Republican Party, he was extremely loyal to his Party. But he never let partisanship interfere with his relationships in the Senate. In short, he was a statesman in every sense of the word.

To his wife, Nancy, and the rest of his family, I extend my sincere condolences. Public life is not an easy one, and our country's greatest leaders can be identified by the support system that is their family. Thank you, Nancy, for sharing PAUL with the rest of us.

Mr. ALLARD. Mr. President, as we today welcome Senator COVERDELL's successor, I wanted to talk about the man whose shoes he must fill.

Last week the Atlanta Journal Constitution's tribute article to our late friend PAUL COVERDELL included the following story. Once, at a county fair on a hot summer day, someone asked PAUL why he was wearing a coat and tie in such a casual setting. PAUL replied that he had noticed that in an emergency, when people are trying to figure out what to do, they always go to the guy with the tie on.

Well, tie or not, Senator COVERDELL was a guy whom we always went to.

I, like many of us on both sides of the aisle, considered him a friend. His hand and arm gestures will always be remembered as "get up and go" signs. I had the privilege of lunching with PAUL nearly every Wednesday for the last several years and his presence there was a treat.

He was a hard worker. He knew where he wanted to go. And he was willing to help those with whom he teamed on issues—issues that were invariably important and meaningful. I checked last night, and there are 103 pieces of legislation listed as sponsored by Senator COVERDELL.

Now, PAUL did work on parochial legislation for his state, and he had his share of technical bills, but he also authored many significant and far-reaching national provisions. He worked for the country as well as Georgia, and strove to improve the education, the safety, and the prospects of our children specifically and our citizenry generally.

He had an IRS reform bill, the Safe and Affordable Schools Act, Education IRA's, anti-drug legislation . . . and then there are the countless hours spent working on bills for his colleagues and conference. Even his commemorative bills were significant—Reagan Washington National Airport for example, a bill I jumped to co-sponsor.

He had 30 productive years of service to his country—army postings in Asia, Georgia State Senate, Peace Corps Director, and an invaluable Member of the United States Senate. I was proud to be his friend and colleague. I will miss my friend from Georgia.

Mr. President, I ask unanimous consent to have printed in the RECORD the article from the Atlanta Journal Constitution.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Atlanta Journal-Constitution, July 19, 2000]

HE WAS A GREAT, GREAT MAN

COLLEAGUES RECALL GEORGIAN AS HARD WORKER

(By Alan Judd)

Once, when he was chairman of the state Republican Party, Paul Coverdell spent a hot Saturday at a county fair in North Georgia. As always, he was spreading the Republican word. And as usual, despite the casual setting, he was dressed in coat and tie.

Lee Raudonis, a longtime aide, recalls that when he asked why, Coverdell responded: "Well, I've noticed that if there's ever any kind of emergency and people are trying to figure out what to do, they always go to the guy with the tie on."

For three decades, as a Georgia lawmaker, state party leader, Peace Corps director and U.S. senator, Paul Coverdell was the man people went to.

As word of his death spread Tuesday, many of those who counted on Coverdell said they couldn't fathom a world in which they couldn't turn to him.

"Unbelievable," said state Rep. Bob Irvin of Atlanta, the Georgia House minority leader, a friend of Coverdell's since they met at a campaign rally on July 4, 1968. "He was my oldest and best friend in politics."

"We shall miss him as we would miss our own son," former President George Bush, one of Coverdell's closest friends, said in a statement. "We loved him dearly."

Coverdell's death at age 61 came as he reached the pinnacle of a life in politics. Although less than two years into his second six-year term, he was the fifth-highest Republican in the Senate's power structure. And he was the Senate liaison for the presumptive Republican presidential nominee, Texas Gov. George W. Bush.

It was a heady time for Paul Douglas Coverdell, an insurance agent turned politician who moved to Atlanta as a teenager in the early 1950s from his native Des Moines, Iowa.

After graduating from Northside High School, he attended the University of Missouri, where he received a bachelor's degree in journalism. He spent two years in the Army before returning to Atlanta to take over his family's insurance business. Soon, his interests turned to politics.

In 1970, he was elected to the state Senate from a north Atlanta district. At the time, Republican legislators were rare, so Coverdell formed alliances with like-minded Democrats. By the late 1970s, then-Lt. Gov. Zell Miller had appointed Coverdell to chair the Senate Retirement Committee—a first, said a former Senate colleague, Pierre Howard.

"He was one of the hardest-working, most disciplined, most incisive public servants I've ever known," said Howard, who later became lieutenant governor. "There was nobody who surpassed his work ethic and his ethics and his devotion to what he was doing. You might not agree with him on an issue here or there, but you always knew that he was sincere and that he was well-informed and that he was going to work hard to achieve the objective that he had."

Since the mid-1970s, his objective was to make the GOP credible and viable in what had long been virtually a one-party state.

"He really never, ever let go of this stuff," said Rep. John Linder (R-Ga.). "If there was an evening when he was free from 9 to 12, he'd pace around his driveway and think about what would be next."

Coverdell and other Republicans—Mack Mattingly, a future U.S. senator, and future House Speaker Newt Gingrich, among them—met regularly at St. Simons Island to establish long-range goals for the party.

"That group actually worked to develop what in many ways became the modern Republican Party in Georgia," Gingrich said Tuesday night from California. "We've been a very close team for the last 26 years."

Although a staunch Republican, Coverdell eschewed partisanship. It was a quality that served him well, Gingrich said.

"Paul had several strengths that combined in an unusual way," Gingrich said. "He was very intelligent. He had a great deal of courage. He was willing to take responsibility. He would work very, very hard. And he always kept his word. That gave you somebody you could count on and work with in a very remarkable way."

Beginning in 1978, Coverdell formed a close friendship with another politician, a relationship that would help propel him to a higher political level.

While vacationing with his wife, Nancy, in Kennebunkport, Maine, Coverdell opened the local telephone book to look up one of the town's best-known residents: George Bush, the former U.S. ambassador to China and the United Nations. He knocked on Bush's door, and the pair quickly became friends.

When Bush ran for president two years later, Coverdell was one of his earliest supporters, serving as his finance chairman in Georgia. Bush lost the Republican nomination to Ronald Reagan. But as vice president, he remained close to Coverdell. The two men were "not only great political allies, but very close friends," said Jean Becker, a spokeswoman for Bush. The Coverdells were frequent guests at the Bush home in Kennebunkport, Becker said. Just last month, they attended Barbara Bush's 75th birthday party there.

When Bush became president in 1989—inaugurated on Coverdell's 50th birthday—one of his first acts was to appoint Coverdell director of the Peace Corps. In that job, Coverdell was such a workaholic, Raudonis said, that when once asked to list his hobbies, all he could come up with was "dining out."

After an Asian tour, Raudonis said, Coverdell proudly pointed out that he had never checked into a hotel. Instead, if he slept at all, it was on planes between destinations.

"Paul was the type who's constantly on the go," said Raudonis, who worked for Coverdell for 10 years in Georgia and Washington. "The idea of having to take 12 hours off to go to a hotel, he couldn't figure out why anybody would do that."

After three years, Coverdell left the Peace Corps in 1992 to seek what friends say he had long wanted: a U.S. Senate seat.

In a close race, he unseated Democrat Wyche Fowler. He was re-elected in 1998.

Although he ascended to a leadership position in the Senate and maintained a remarkably full schedule, Coverdell had found time in recent years to relax a bit, friends say. He developed a passion for gardening, and his recent Christmas cards included a picture of his flowers.

"My greatest regret for him is that he didn't have the time that he deserved to enjoy himself more," Howard said. "I feel a real sense of loss. He was a great, great man."

Mr. EDWARDS. Mr. President, I rise today to join with my colleagues in mourning the loss of Senator PAUL COVERDELL of Georgia.

He was a man that I respected and admired. All of us here in the Senate feel his absence acutely. Paul COVERDELL was a fixture in the Senate. I cannot recall how often I have sat at my desk and, looking up at C-SPAN, saw him there leading his party on one difficult issue after another. He did so honorably, tenaciously, and modestly. And, of course, he did so effectively.

I feel a real void in the Senate Chamber without his presence and feel a sense of surprise when I look up and see someone other than Senator COVERDELL at the Republican floor manager's desk.

PAUL COVERDELL touched many lives. I am privileged to have known him and count myself lucky to have served in the Senate with him. He was a unique and truly special person, taken from us too young and so suddenly.

I send to his family, his friends, and his staff my deepest condolences. He was a good man who will be sorely missed. But he will also be remembered by us all, and his spirit will never leave us.

Ms. LANDRIEU. Mr. President, I join my colleagues in expressing the grief felt by us all at the passing of Senator PAUL COVERDELL.

As a fellow Southerner, I can tell you that PAUL epitomized all that is good and noble about the South. He was principled, but always looked for workable solutions to problems. He was a determined advocate, but always added an air of civility to this chamber. He was a Republican through and through, but always sought out ways to work with the other side of the chamber.

My friend, the Senior Senator from New York, called Senator COVERDELL a man of peace. I think that sums up his contribution to this world very eloquently.

His work, as director of the Peace Corps during a time of world transition, was extremely important. He brought the Peace Corps the nations of the Warsaw Pact and the former Soviet Union. This single decision may harvest benefits to this nation that we will enjoy for many generations.

Had Senator COVERDELL's life work ended there, he would have accomplished much for which he and the nation could be proud. However, fortunately for the people of Georgia, he continued his life in public service.

When I came to the Senate in 1997, one of the first bills that I worked on as a Democratic sponsor was with PAUL COVERDELL. I will always remember the warm reception that he gave me, and the encouragement to go forward with the Coverdell-Landrieu Protecting the Rights of Property Owners Act.

Since I had just finished a bruising campaign it was such a pleasure to be welcomed in such a warm and bipartisan manner from this southern gentleman.

Senator COVERDELL was also an early and ardent supporter of the Conservation and Reinvestment Act. As many in this Chamber well know, I have pestered and cajoled my colleagues on CARA for 2½ years. PAUL must have seen it coming and was one of the first to sign on.

For his leadership on this, I owe him a debt of gratitude I cannot repay.

Senator COVERDELL shall be missed, in this chamber, by the people of Louisiana, and by people throughout the country. My deepest condolences to his family.

UNANIMOUS-CONSENT AGREEMENT—S. 1796

Mr. SANTORUM. Mr. President, I have a unanimous consent request for the leader.

Mr. President, I ask unanimous consent that it be in order for the majority leader, after consultation with the minority leader, to proceed to the consideration of Calendar No. 460, S. 1796, under the following limitations: 2 hours for debate equally divided between the chairman and ranking members, or their designees.

I further ask unanimous consent that the only amendment in order be a Mack, Lautenberg, Leahy, and Feinstein substitute amendment No. 4021.

Finally, I ask unanimous consent that following the use or yielding back of time, and the disposition of the above-listed amendment, the bill be read the third time, and the Senate proceed to a vote on passage of the bill as amended, if amended.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I am pleased that we have reached a time agreement to take up and consider S. 1796, the Justice for Victims of Terrorism Act. However, it is regrettable that we could not pass this important legislation by unanimous consent this week, as I had hoped.

The Justice for Victims of Terrorism Act addresses an issue that should deeply concern all of us: the enforcement of court-ordered judgments that compensate the victims of state-sponsored terrorism. This legislation has the strong support of American families who have lost loved ones due to the callous indifference to life of international terrorist organizations and their client states, and it deserves our support as well.

One such family is the family of Alisa Flatow, an American student killed in Gaza in a 1995 bus bombing. The Flatow family obtained a $247 million judgment in Federal court against the Iranian-sponsored Islamic Jihad, which proudly claimed responsibility for the bombing that took her life. But the family has been unable to enforce this judgment because Iranian assets in the United States remain frozen.

This bill would provide an avenue for the Flatow family and others in their position to recover the damages due them under American law. It would permit successful plaintiffs to attach certain foreign assets to satisfy judgments against foreign states for personal injury or death caused by an act of torture, extrajudicial killing, aircraft sabotage, hostage taking, or the provision of material support or resources for such an act. Meanwhile, it allows the President to waive the bill's provisions if that is necessary for the national security interest.

Some have raised concerns that the legislation could cause the United States to violate its treaty obligations to protect the diplomatic property of other nations, and thus provoke retaliation against our diplomatic property in other nations. I believe that this bill can and should be construed as being consistent with our international obligations, and I trust the State Department to ensure that it does not compromise the integrity of our diplomatic property abroad. I want to commend Senator BIDEN for working with the sponsors and the State Department to help fashion the changes to S.1796 that help accomplish that goal.

I am also pleased that the time agreement will allow the Senate to consider a Mack-Lautenberg-Leahy-Feinstein amendment dealing with support for victims of international terrorism. This amendment will enable the Office for Victims of Crime to provide more immediate and effective assistance to Americans who are victims of terrorism abroad—Americans like those killed or injured in the embassy bombings in Kenya and Tanzania, and in the Pan Am 103 bombing over Lockerbie, Scotland. These victims deserve help, but according to OVC, existing programs are failing to meet their needs. Working with OVC, we have crafted legislation to correct this problem.

Our amendment will permit the Office for Victims of Crime to serve these victims better by expanding the types of assistance for which the VOCA emergency reserve fund may be used, and the range of organizations to which such funds may be provided. These changes will not require new or appropriated funds: They simply allow OVC greater flexibility in using existing reserve funds to assist victims of terrorism abroad, including the victims of the Lockerbie and embassy bombings.

Our amendment will also authorize OVC to raise the cap on the VOCA emergency reserve fund from $50 million to $100 million, so that the fund is large enough to cover the extraordinary costs that would be incurred if a terrorist act caused massive casualties, and to replenish the reserve fund with unobligated funds from its other grant programs.

At the same time, the amendment will simplify the presently-authorized system of using VOCA funds to provide victim compensation to American victims of terrorism abroad, by permitting OVC to establish and operate an international crime victim compensation program. This program will, in addition, cover foreign nationals who are employees of any American government institution targeted for terrorist attack. The source of funding is the VOCA emergency reserve fund, which we authorized in an amendment I offered to the 1996 Antiterrorism and Effective Death Penalty Act.

Finally, our amendment clarifies that deposits into the Crime Victims Fund remain available for intended uses under VOCA when not expended immediately. This should quell concerns raised regarding the effect of spending caps included in appropriations bills last year and this. I understand the appropriations' actions to have deferred spending but not to have removed deposits from the Fund. This provision makes that explicit.

I want to thank Senator FEINSTEIN for her support and assistance on this initiative. Senator FEINSTEIN cares deeply about the rights of victims, and I am pleased that we could work together on some practical, pragmatic improvements to our federal crime victims' laws. We would have liked to do more. In particular, we would have liked to allow OVC to deliver timely and critically needed emergency assistance to all victims of terrorism and mass violence occurring outside the United States and targeted at the United States or United States nationals.

Unfortunately, to achieve bipartisan consensus on our amendment, we were compelled to restrict OVC's authority, so that it may provide emergency assistance only to United States nationals and employees. It seems more than a little bizarre to me that the richest country in the world would reserve emergency aid for victims of terrorism who can produce a passport or W-2. I will continue to work with OVC and victims' organization to remedy this anomaly.

I regret that we have not done more for victims this year, or during the last few years. I have on several occasions noted my concern that we not dissipate the progress we could be making by focusing exclusively on efforts to amend the Constitution. Regretfully, I must note that the pace of victims legislation has slowed noticeably and many opportunities for progress have been squandered.

I am hopeful that we can make some progress this year by passing our amendment to S. 1796, and I look forward to continuing to work with the Administration, victims groups, prosecutors, judges and other interested parties on how we can most effectively assist victims and provide them the greater voice and rights that they deserve.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

CERTIFICATE OF APPOINTMENT

The PRESIDENT pro tempore. The Chair lays before the Senate the certificate of appointment of Senator-designate ZELL MILLER of the State of Georgia.

Without objection, it will be placed on file, and the certificate of appointment will be deemed to have been read.

The certificate of appointment reads as follows:

CERTIFICATE OF APPOINTMENT

To the President of the Senate of the United States:

This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of Georgia, I, Roy E. Barnes, the Governor of said State, do hereby appoint Zell Miller, a Senator from said State to represent said State in the Senate of the United States until the vacancy therein, caused by the death of Paul Coverdell, is filled by election as provided by law.

Witness: His Excellency our Governor Roy E. Barnes, and our seal hereto affixed at Atlanta this 24th day of July, in the year of our Lord 2000.

ADMINISTRATION OF OATH OF OFFICE

The PRESIDENT pro tempore. If the Senator-designate will present himself at the desk, the Chair will administer the oath of office as required by the Constitution and prescribed by law.

Please stand.

(Senators rising.)

The Senator-designate, escorted by Senator CLELAND, advanced to the desk of the President pro tempore; the oath prescribed by law was administered to him by the President pro tempore; and he subscribed to the oath in the Official Oath Book.

(Applause.)

The PRESIDENT pro tempore. He told me his mother was from South Carolina. He's bound to be all right.

WELCOME TO SENATOR ZELL MILLER

The PRESIDING OFFICER (Mr. BROWNBACK). The majority leader.

Mr. LOTT. Mr. President, in just a moment we will hear the maiden speech of the new junior Senator from Georgia. First, I want to say he is certainly going to have an excellent senior Senator from Georgia with whom to work. I hope he will follow Senator CLELAND's admonition to "go for the max" every day.

We extend our congratulations and our hearty welcome to the new junior Senator from Georgia, Mr. ZELL MILLER. We spoke briefly, and he knows we have heavy hearts still for our friend, Senator PAUL COVERDELL, but we appreciate the way in which he has approached this position already.

He is one of our colleagues. He is a Senator. We welcome him, and we commit to him to work with him on behalf of the people of Georgia and the United States.

Congratulations and welcome.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I join the majority leader and my colleagues in welcoming the newest Member of the Senate, Senator ZELL MILLER of Georgia.

Two things bring ZELL MILLER to the Senate. The first is the sudden death of our friend PAUL COVERDELL which has left us all very deeply saddened. The other thing that brings ZELL MILLER to the Senate is his own profound sense of duty to his State and his Nation.

ZELL MILLER did not seek this job. In fact, he did not want it. Two weeks ago, he and his wife Shirley were living in his hometown, a tiny speck on the map, a place called Young Harris in the mountains of north Georgia. They were living in the same house his mother built herself nearly 70 years ago with yellow stones she hauled out of a nearby river.

He was teaching history and politics at Young Harris College where he began his working life more than 40 years earlier and where his father had taught before him. He was happier than he could ever recall being. He had no intention of ever holding public office again and certainly no intention of moving to Washington.

Then came the awful shock of Senator COVERDELL's death. In the days that followed, when he was asked if he would serve out the term, ZELL MILLER realized there was something that had a stronger claim on his heart than that old yellow stone house and hills surrounding it: that was serving the people of Georgia.

ZELL MILLER has spent more than 40 years doing exactly that. He began his public life in 1958 when he ran for mayor of his hometown. In 1960, he was elected to the Georgia State Senate at the age of 28. In 1974, he won his first statewide race for Lieutenant Governor, an office he held for 16 years. In 1990 and again in 1994, the people of Georgia chose him to be their Governor.

During his first term as Governor, ZELL MILLER guided Georgia through a serious recession without raising taxes or cutting vital services. Throughout his years as Governor, ZELL MILLER invested heavily in all levels of Georgia's public education system, including statewide prekindergarten, school technology, and new school construction. A cornerstone of his legacy as Georgia's Governor is the HOPE Scholarship Program, which covers college tuition for every Georgia student who graduates high school with a B average or better.

Years before others, he saw how technology could bring new hope and opportunities to rural communities. In his first 2 years as Governor, he established a long-distance learning program and a telemedicine network in Georgia. He cut taxes for working families and oversaw the passage of tougher penalties for violent and repeat criminals. Through it all, he remained Georgia's most popular Governor since political polling began. When he left the Governor's office in 1999, polls showed him with an approval rating of about 85 percent.

One reason he was such a successful Governor is that, like PAUL COVERDELL, ZELL MILLER builds bridges, not walls; like Senator COVERDELL, he is committed to bipartisan progress. They are not from the same party, but in some fundamental ways they are cut from the same cloth.

ZELL MILLER's success is that he has always taken the long view. As he once told a reporter:

> I'm enough of a history professor to know that your real judge is not your contemporaries, but history.

In deciding public policy, he has said, the most important question is not, How will this affect my chances in the next election? The proper question is, What will this mean for my grandchildren?

Mr. President, I can't think of a better standard by which to judge our decisions in this body, nor can I think of a better person to fill the seat vacated by our friend PAUL COVERDELL.

Senator MILLER, welcome to the Senate. We are honored to have you.

The PRESIDING OFFICER. The Senator from the great State of Georgia.

SERVICE TO THE PEOPLE OF GEORGIA

Mr. MILLER. Mr. President, to the distinguished Members of the Senate, first let me say how much I appreciate those very generous welcoming remarks.

I do not rise this morning to tell you more about myself or to introduce myself to you because there will be time enough for that later. I rise instead to add my voice to the remarkable chorus that has echoed forth from this floor to the marble floors under Georgia's Capitol dome, a chorus of praise for PAUL COVERDELL. The pain and the love that the majority leader showed as he made that terrible announcement on the Senate floor touched many hearts in Georgia. The eloquence of Senator MOYNIHAN's tribute still rings in our ears. And the personal tribute from Senator GRAMM, a native son of Georgia, I found especially moving. When he spoke of PAUL as a man with a thin body, a squeaky voice, but the heart of a lion, heads were nodding and eyes were misting up from the Potomac River to the Chattahoochee River.

Then this morning, I sat in the gallery and listened to the outpouring of love and praise you had for Senator COVERDELL.

On behalf of the people of Georgia, I thank you. I thank you for your words and your tears and your testimony, to one of Georgia's finest sons.

You who served with PAUL knew him well. I served with PAUL and knew him well also. I served with him when he was an up-and-coming State Senator and I was the Senate President—PAUL, a Republican; I, a Democrat. Yet PAUL impressed me with his ability and his integrity and his bipartisan commitment to serving the people first and politics second that I named him as one of the first Republican committee chairmen since Reconstruction in our heavily Democratic State senate.

In that job and in that State senate, PAUL flourished. He reached across party lines to build coalitions to reform education, improve our schools, and open up our government to the people.

Later, as the Director of the Peace Corps, PAUL's dignity and decency inspired countless young people to serve their fellow man; and then his service in this Senate, where in less than 8 years he rose to be one of the most influential, respected, and beloved Members of this august body.

Now, when I think of PAUL COVERDELL, I am reminded of St. Paul's letter to Timothy. It is as if it were written by Senator PAUL rather than St. Paul: I have fought a good fight, I have finished my course, I have kept the faith.

Today it is up to us to take up that fight, to continue that course, to keep that faith.

You are, of course, aware of PAUL's tireless work here in this body on behalf of the schoolchildren of this country. Yet his work here was just an extension of his lifelong commitment to education. We served together as trustees on the board of that tiny college, Young Harris College, in the tiny village that is my hometown.

PAUL COVERDELL had faith in education, and I intend to keep that faith. In Georgia, PAUL was a leader early on of a reform movement that believed that sunlight was the best disinfectant. So working together across party lines, we opened up the Senate Chambers and the smoke-filled rooms and gave government back to our people. PAUL COVERDELL had a faith in open, honest government, and I will keep that faith.

In the Peace Corps and in the Senate, PAUL was convinced that as the beacon of freedom for all the world, America could not hide her light under a bushel. And so he worked to keep America strong, to keep America engaged in the world, to ensure that she is always an ally to be trusted and an adversary to be feared. PAUL COVERDELL had limitless faith in America, and I intend to keep that faith.

In addition to what he accomplished, PAUL will always be remembered for how he accomplished it. He was as committed a Republican as I am a dedicated Democrat. Yet he was always looking for ways to get things done across party lines. He did so not by abandoning his principles but by heeding and listening to the proverb:

> A soft answer turneth away wrath: but grievous words stir up anger.

I am a different man from PAUL COVERDELL. I have rarely been accused of giving soft answers and, in my day, I suppose I have uttered more of my share of grievous words that have stirred up anger. But I also have the commitment to getting things done for my State and our Nation, a commitment to work with anyone, regardless of party, who shares that commitment. PAUL COVERDELL had a powerful faith in bipartisan progress, and I intend to keep that faith.

Let me repeat to this Senate the pledge I made to my Governor and to the people of Georgia when I accepted this mission. I will serve no single political party but, rather, 7.5 million Georgians, and every day I serve I will do my best to do so in the same spirit of dignity, integrity, and bipartisan cooperation that were the hallmarks of PAUL COVERDELL's career.

Thank you.

[Applause.]

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2001—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the motion to proceed is agreed to.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2001—MOTION TO PROCEED

CLOTURE MOTION

The PRESIDING OFFICER. The clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 688, H.R. 4733, the Energy and Water Development Appropriations Act, 2001:

> Trent Lott, Pete Domenici, Frank Murkowski, Pat Roberts, Jesse Helms, Larry Craig, Ted Stevens, Kit Bond, George Voinovich, Kay Bailey Hutchison, Chuck Grassley, Sam Brownback, Don Nickles, Mike Crapo, Slade Gorton and Orrin Hatch.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call under the rule has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 4733, an act making appropriations for energy and water development for the fiscal year ending September 30, 2001, shall be brought to a close?

The yeas and nays are required under the rule. The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 100, nays 0, as follows:

[Rollcall Vote No. 229 Leg.]

YEAS—100

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Miller
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

The PRESIDING OFFICER. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

* * *

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2001—CONFERENCE REPORT

The PRESIDING OFFICER. The clerk will report the conference report.

The legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill, (H.R. 4576), have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of July 17, 2000.)

The PRESIDING OFFICER (Mr. FITZGERALD). The Senator from Nevada.

Mr. REID. Mr. President, I will just take a minute. I want to make a parliamentary inquiry here.

It is my understanding under the agreement there is about an hour and a half that has been set aside to speak on the conference report on the Defense appropriations bill; is that right? Approximately that much time?

The PRESIDING OFFICER. Under the previous agreement, there are 60 minutes for Senator MCCAIN from Arizona, 20 minutes for Senator BYRD, 15 minutes for Senator GRAMM of Texas, and 6 minutes equally divided between Senators INOUYE and STEVENS, by previous agreement.

Mr. REID. I ask unanimous consent when that time is used, if those Senators have used it, the Senator from Wisconsin be allowed to speak for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time? The Senator from Arizona.

Mr. MCCAIN. Mr. President, I rise once again to address the issue of pork-barrel spending in an appropriations bill, in this case the defense appropriations conference report. This bill will pass by an overwhelming margin and with minimal debate. It will occasion the release of innumerable press statements attesting to our individual successes in bringing home the bacon.

As we worship at the altar of pork-barrel spending, let's reflect a bit on the merits of our activities with respect to the practice of adding unrequested programs to the defense budget for parochial reasons. When the defense appropriations bill first emerged from committee, some of us found interesting the inclusion of language urging the Secretary of Defense to "take steps to increase the Department's use of cranberry products. . . ." What I referred to at the time as "the cranberry incident," Mr. President, in retrospect represented the high point of the process by which this conference report was assembled.

There are over $7 billion in unrequested member-adds in this bill—over $7 billion. That does not just represent a continuation of business as usual pork-barrel spending; it represents an egregious expansion of a practice that drains vital resources from a military that has witnessed a multitude of readiness problems while deploying at record-high levels. As we struggle with answers to such problems as how to modernize tactical aviation, maintain a fleet of sufficient size and capability to execute its mission, and fund ongoing and unforeseen contingencies, it is less than reassuring to read through the defense spending bill and see $1.8 million earmarked for development of a handheld holographic radar gun, although Trekkies across the nation will no doubt be pleased by this project.

It is tiresome to scan these bills every year and see the annual member-adds of millions of dollars for spectral hole burning applications and for free electron lasers. And it is particularly tiresome, right after passing an emergency supplemental appropriations bill that included an executive jet for the commandant of the Coast Guard, to see in this bill a $60 million earmark for a new 737 for CINCPAC—an important command but $60 million for an aircraft that was neither requested nor required constitutes just one of many questionable additions to this bill.

We have finally reversed 15 years in declines in defense spending, but for what purpose. To transfer $10 million to the Department of Transportation to realign railroad tracks in Alaska? To transfer $5 million to the National Park Service for repair improvements at Fort Baker in northern California? To transfer another $5 million to the Chicago Public Schools to convert a former National Guard Armory? Was our objective in increasing defense spending to allow us to more freely earmark funding for such endeavors as the $500,000 for Florida Memorial College for funding minority aviation training; $21 million for the Civil Air Patrol; to continue to fund a weather reconnaissance squadron in Mississippi that the Air Force has been trying to get rid off for more years than I can remember? There is over $4 million in this bill for the Angel Gate Academy. There is the now annual allocation to preserve Civil War-era vessels at the bottom of Lake Champlain, this year in the amount of $15 million. There is $2 million for the Bosque Redondo Memorial in New Mexico and the usual $3 million for hyperspectral research.

If a project is so worthy of Defense Department support, why doesn't it ever show up in a budget request? Why do we need to add money every single year for the National Automotive Center and its prize off-shoot, the Smart Truck Initiative. With another $3.5 million in the fiscal year 2001 defense bill for Smart Truck, I'm beginning to wonder if the intellect of this truck will be such that it will not only be capable of heating up a burrito, but will also perform advanced calculus while quoting Kierkegaard. When I look through this bill, I begin to lose sight of its fundamental purpose. The distinction between the defense bill and the Health and Human Services bill gets lost when you see $8.5 million for the Gallo Center for Alcoholism Research, $4 million for the Gallo Cancer Center—see a pattern emerging?—another $1.5 million for nutrition research, $1.5 million for chronic fatigue syndrome research, and, of course, $1 million for the Cancer Center of Excellence—this latter add a reminder that if you call something a "center of excellence" you are assured of being a beneficiary of Congress's largess.

Mr. President, I do not take issue with research into important health problems affecting millions of Americans. But the abuse of the defense budget grows every year. It has long been used as a cash-cow for pet projects, but did that have to extend to the allocation of millions of dollars for programs of such exceedingly low priority that they don't even show up on already politicized unfunded priority lists?

Astronomical Active Optics, Mr. President, were deemed worthy of over $3 million in defense funds, as was coal based advanced thermally stable jet fuel. Fifteen million dollars for the Maui Space Surveillance System, another annual add, $5 million for the Hawaii Federal Health Care Network, $8 million for the Pacific Island Health Care Referral Program, $1 million for the Alaska Federal Health Care Network, $1.5 million for AlaskAlert, $7 million for MILES 2000 equipment at Fort Wainwright, Alaska, $7.5 million for a C-130 simulator for the Alaska National Guard, the annual $10 million for utilidor repairs at Eielson Air Force Base and Fort Wainwright, Alaska, and $21 million for an unmanned threat emitter system for Eielson, and $7 million to sustain operations at Adak Naval Air Station, an installation of apparently marginal utility or the Navy would include it in its funding request. Re-use of Fort Greely, Alaska, receives $7 million for airfield improvement. One of my favorites, $300,000 for the Circum-Pacific Council for the Crowding the Rim Summit Initiative, represents a new addition to this list.

The inclusion of so-called "Buy American" provisions continue to waste billions of dollars every year. These out-dated protectionist policies serve neither U.S. nor allied interests. It goes against the basic logical policy of getting the best product for the best price for the men and women who wear our nation's uniform. Additionally, these provisions, for example, the requirement to purchase only propellers manufactured in the United States, were added in conference—a practice with which I take strong exception and will discuss further in a minute.

I have repeatedly addressed the growing perversion of the process by which budget requests and service Unfunded Priority Lists are put together. It has been clear for several years now that the services are under considerable political pressure from Capitol Hill to include in their budget requests or, at a minimum, on the Unfunded Priority Lists, unnecessary and unwanted items. Funding for the ubiquitous LHD amphibious assault ship for Mississippi is the classic example of this phenomenon. Indeed, the Defense Department and the Navy's rejection in the past of proposals to incrementally fund ships has given way to unrelenting pressure from members of Congress to so fund the LHD. Similarly, C-130s and passenger jets are routinely added to the UFR lists solely as a result of political pressure. In effect, then, my efforts at highlighting pork-barrel spending have resulted to some degree in the problem being pushed underground. That's called progress in Congress. It's called deception everywhere else.

The fiscal year 2001 defense appropriations conference report takes the problem a major step further. The integrity of the budget process is under a new and devastating assault by the Appropriations Committee. There is in this conference report language specifying the very weapon systems the committee expects to see included in future budget submissions. It is a long list prefaced with the warning that "the conferees expect the component commanders to give priority consideration to the following items . . . ," which it then goes on to detail.

Finally, I would like to address the equally fascinating tendency of the Appropriations Committees to arrive at final budget numbers that exceed what was in either House or Senate bill. It is my understanding that conference is a process whereby differences between respective bills are the subject of negotiations resulting in agreements that either match one of the two numbers in question or find a compromise in between. I find it interesting, therefore, that this conference report has 166 instances of final numbers exceeding those that were in either bill. In many instances, funding was added in conference for which none was included in either chamber's bill. For example, $17 million was added in conference for a capital purchase plan for Pearl Harbor, and $10 million materialized for modifications to M113 armored personnel carriers. There is $10 million in the conference report which was in neither bill to continue the artificial issue of test firing Starstreak missiles, and $1 million for natural gas microturbines. In this bill vital for our national defense is $1.7 million for the South Florida Ocean Management Center and $1 million for Community Hospital Telehealth Competition. And, of course, the $60 million for CINCPAC's new 737 was added in conference. For none of these programs, totaling over $200 million, was funding included in either the House or the Senate bill.

The total dollar amount for the entire category of conference items for which no funding was included in either chamber's bill or for which the final number exceeds what was in either bill is over $2 billion. Two billion dollars, Mr. President, in unrequested, unnecessary items that emerged miraculously in conference. I've heard of the fog of war resulting in horrendous casualties, but I'm perplexed by this fog of negotiating that results in horrendous budgets.

Sadly, Mr. President, I could go on for another hour. I think, however, that I have made my point. The $7 million in the defense bill for the Magdalena Ridge Observatory in New Mexico, combined with the aforementioned adds for Astronomical Active Optics and the Maui Space Surveillance System leads me to ponder the universe of pork-barrel spending at a higher philosophical plane than in the past. We are adding millions of dollars every year to the defense bill so that we may better scan the heavens, perhaps as part of an ultimately futile effort to better understand our place in the cosmos. Only by applying such logic to the process of reviewing spending bills upon which we vote; however, can I hope to understand the phenomenon by which we regularly send billions of dollars down a black hole. At the end of the day, I guess Einstein's theory of relativity, as well as Newtonian laws of gravity, are at the center of the budget process. The practice of pork-barrel spending has been out of control for years; only now can we take it to a cosmic level never before contemplated.

Mr. President, I ask unanimous consent that the list to which I referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF DEFENSE CONFERENCE REPORT FOR FISCAL YEAR 2001 OUT OF SCOPE ITEMS (THOUSANDS)

Program	Budget	House	Senate	Conference
Defense Acquisition University	$100,331	$100,331	$100,331	$102,331
Defense Finance & Accounting Service	1,416	1,416	1,416	2,416
Army National Guard Information Mgt.	20,115	25,115	20,115	27,315
UH-60 Blackhawk Helicopter	64,651	183,371	120,451	189,601
TH-47 Kiowa Warrior Helicopter	0	1,800	0	24,000
M113 Armored Personnel Carrier Upgrades	0	0	0	10,000
Special Purpose Vehicles	1,021	1,021	1,021	6,671
National Guard Multi-role Bridge Co's	0	0	0	1,000
Launched Grapnel Hooks	0	0	0	1,000
AV-8B Litening Targeting Pods	40,639	40,639	81,139	120,639
Shoulder fired Lightweight Assault Weapon 83 mm HEDP	0	0	0	5,000
Capital Purchase Plan (Pearl Harbor)	0	0	0	17,000
Air Traffic Control On-board Trainer	0	3,000	0	4,000
Shipboard Programmable Integrated Communication Terminals	0	0	0	3,000
F/A-18 Technical Manual Digitization	0	0	0	5,200
Advanced Technical Information System	0	0	0	2,000
Boeing 737 for CINCPAC Executive Jet	0	0	0	60,000
Integrated Bridge System for NSW Rigid Inflatable Boat	0	0	0	4,000
Natl Guard WMD Civil Support Team Equip	0	0	0	900
Emergency Support Heli-Basket	0	0	0	2,500
Tank Trajectory Correctable Munition	0	0	0	3,000
Air Force Cntr of Acquisition Reengineering	0	0	0	2,000

DEPARTMENT OF DEFENSE CONFERENCE REPORT FOR FISCAL YEAR 2001 OUT OF SCOPE ITEMS (THOUSANDS)—Continued

Program	Budget	House	Senate	Conference
Air Force Knowledge Management Project	0	0	0	2,000
Handheld Holographic Radar Gun	0	0	0	1,000
Environmental Quality Technology	13,994	54,494	19,994	60,994
Electronics and Electronic Devices	23,869	40,969	34,469	41,269
Defense Research Sciences	132,164	132,164	136,414	137,914
Materials Technology Research	11,557	15,557	24,557	27,557
EW Technology Research	17,310	17,310	17,310	22,310
Missile Technology Research	47,183	69,183	55,183	70,683
Modeling and Simulation Technology	30,479	32,479	35,479	36,479
Vehicle and Automotive Technology	63,589	68,589	87,089	89,089
Countermine Systems	12,386	17,786	17,786	17,886
Medical Technology	75,729	98,729	102,229	112,729
Warfighter Advanced Technology	15,469	17,469	20,469	21,969
Vehicle and Automotive Adv. Technology	148,114	162,114	89,114	168,114
Training Advanced Technology	3,072	6,072	3,072	7,072
EW Advanced Technology	15,359	20,359	15,359	30,359
Missile/Rocket Advanced Technology	25,107	25,107	47,107	52,107
Tactical Exploitation of Natl Capabilities	57,419	43,419	57,419	58,419
Engineering Development of C3 Systems	49,316	49,316	49,316	61,816
Engineering Development of Weapons	22,505	30,505	31,505	33,505
Joint Surveillance/Target Attack Radar	17,898	26,898	21,898	28,898
Threat Simulator Development	13,901	16,011	18,801	21,001
Munitions Standardization	11,276	14,776	13,276	16,776
Force XXI Battle Cmd. Brigade & Below	63,601	63,601	63,601	64,601
End Item Industrial Preparedness Activities	57,906	81,906	72,906	89,906
EW Technology—Remote Signal Sensor	0	0	0	4,900
Environmental Cleanup Demonstration	0	0	0	3,000
Multifunctional Intelligence Sensor	0	0	0	12,500
Starstreak/Stinger Live Fire Test	0	0	0	10,000
Northern Edge Launch Range Equipment	0	0	0	3,000
Northern Edge Launch Range Infrastructure	0	0	0	4,000
Trajectory Correctable Munition	0	0	0	3,000
Intelligent Power Control Vehicle Systems	0	0	0	4,100
Information Networking Systems	0	0	0	12,500
Natural Gas Micorturbines	0	0	0	1,000
Bradley Vehicle Hull & Turret Electronics	0	0	0	2,000
Navigational Electronic Digital Compass	0	0	0	1,000
Printed Wiring Board Technology Center	0	0	0	3,000
Natural Gas Air Compressor Technology	0	0	0	1,000
Air & Surface Launched Weapons Tech	37,966	52,966	49,966	55,466
Human Systems Technology	39,939	38,139	33,939	40,439
Computer Technology	68,076	92,026	87,576	106,526
Oceanographic & Atmospheric Technology	60,320	68,070	65,320	77,070
Air Systems and Weapons Advanced Tech	39,667	54,667	45,367	61,167
Surface Ship & Sub HM&E Technology	37,432	68,232	57,232	73,432
Personnel Training Advanced Tech	26,988	42,988	29,988	45,988
Environmental Quality & Logistics Tech	24,002	39,002	42,202	52,502
Undersea Warfare Advanced Technology	58,296	62,296	61,296	66,796
C3 Advanced Technology	29,673	35,673	44,673	45,673
ASW Systems Development	19,680	24,680	24,680	27,680
Surface Ship Torpedo Defense	0	11,000	0	16,000
Shipboard System Component Development	244,437	254,437	252,437	258,437
Ship Preliminary Design Studies	46,896	46,896	50,496	56,896
Navy Conventional Munitions	28,619	30,619	31,619	33,619
Navy Logistic Productivity	0	11,000	0	14,000
Multi-mission Helo Upgrade Development	66,946	79,946	77,946	83,946
EW Development	97,281	133,781	122,281	134,781
Airborne MCM	47,312	50,312	47,312	51,312
SSN-688 & Trident Modernization	34,801	62,801	49,801	72,801
New Design SSN	207,091	212,091	210,091	214,091
Ship Contract Design/Live Fire T&E	62,204	72,204	72,204	78,204
Navy Tactical Computer Resources	3,291	28,291	3,291	30,891
Information Technology Development	15,259	23,259	18,259	29,259
Marine Corps Program Wide Support	8,091	14,891	9,091	17,891
E-2 Squadrons	18,698	37,698	18,698	50,698
Consolidated Training Systems Development	27,059	34,559	32,059	38,559
Marine Corps Communications Systems	96,153	107,153	99153	109,153
Information System Security Program	21,530	30,130	21,530	32,130
Airborne Reconnaissance Systems	4,759	15,759	8,759	23,759
CEC P3I	0	0	0	10,000
Maritime Fire Training/Barbers Point	0	0	0	2,000
Materials Micronization Technology	0	0	0	1,000
Virtual Company LINK	0	0	0	2,000
South Florida Ocean Management Center	0	0	0	1,750
Aircraft Affordability Project DP-2	0	3,500	0	4,500
SAR All Weather Targeting System-AWTS	0	0	0	4,000
AC Hi-Temp Superconductor Electric Motor	0	0	0	4,000
Fleet Health Technology	0	0	0	3,000
Ship-towed Tripwire Sensor	0	3,000	0	8,000
Compatible Processor Upgrade Program	0	0	0	3,500
Air Vehicle Dem/Val Bridge Contracts	0	0	0	88,984
Engine Dem/Val Bridge Contracts	0	0	0	22,500
Advanced Food Service Technology	0	0	0	2,500
AQS-20 Sonar Data Recording Capability	0	0	0	1,000
Sub Combat System Q-70 Retrofits	0	0	0	8,000
Human Resource Enterprise Strategy	0	8,000	3,000	9,000
Distance Learning at CAL State, San Berna	0	0	0	5,000
CBIRF: Chem Agent Warning Network	0	0	0	2,000
E-2C RMP Littoral Surveillance	0	0	0	15,000
E-2 C Improved Composite Rotordome	0	0	0	2,000
Naval Intelligent Agent Security Module	0	0	0	2,000
18-inch Lens Sensor Development-TARPS	0	0	0	5,000
Electro-optical Focal Plane Array Develop	0	0	0	3,000
Aerospace Flight Dynamics	48,775	52,315	49,327	53,675
Space Technology	57,687	61,687	68,287	69,487
Air Force Conventional Munitions	45,223	45,223	45,223	52,223
Advanced Aerospace Sensors	28,311	44,811	40,311	46,811
Flight Vehicle Technology	2,445	7,645	6,272	11,045
Integrated Command & Control (IC2A)	214	0	5,014	8,014
Compass Call	5,834	25,834	15,834	21,834
Extended Range Cruise Missile	0	0	20,000	40,000
Theater Battle Management C4I	41,068	41,068	46,068	48,568
Information Systems Security Program	7,212	25,703	12,212	29,503
Airborne Reconnaissance Systems	136,913	143,913	152,613	157,913
Handheld Holographic Radar Gun (H3G)	0	0	0	1,000
Laser Spark	0	0	0	3,000
EW Survivability Enhancements	0	0	0	3,500
Civil, Fire, Environmental Shelters	0	0	0	2,746
ACES II Ejection Seat for Higher Weight	0	0	0	4,000
X-15 Test Stand at Edwards AFB	0	0	0	500
Air Force Center of Acquisition Reengin	0	0	0	2,000
Air Force Knowledge Management Project	0	0	0	2,000
Defense Research Sciences	90,415	100,415	102,015	109,815
University Research Initiatives	253,627	289,627	263,627	292,077
Medical Free Electron Laser	15,029	25,029	15,029	20,029
Biological Warfare Defense	162,064	166,564	150,064	168,314
Materials and Electronics Technology	249,812	259,312	255,812	264,312
High Energy Laser Program	0	0	0	30,000
Explosives Demilitarization Technology	8,964	23,164	19,664	30,164
Advanced Aerospace Systems	26,821	26,821	30,936	34,821
Chemical & Biological Defense Program	46,594	49,344	55,694	57,894
Special Technical Support	10,777	14,777	15,777	29,577
Generic Logistics R&D Tech Demos	23,082	47,382	37,082	48,182
Strategic Environmental Research Program	51,357	57,357	51,557	59,557
Advanced Electronics Technologies	191,800	211,800	198,300	221,500
Agile Port Demonstration	0	0	5,000	7,500
Advanced Sensor Applications Program	15,534	24,534	31,034	38,334
Environmental Security Technical Certification	24,906	24,906	25,406	29,256
BMD Technical Operations	270,718	292,718	304,218	313,218
International Cooperative Programs	116,992	116,992	124,992	130,992
Chemical & Biological Defense Program	83,800	83,800	88,800	89,800
General Support to C3I	3,769	34,469	9,769	38,769
Joint Simulation System	24,095	24,095	24,095	42,095
Information Technology Center	0	0	0	20,000
University Advanced Materials Research	0	0	0	1,000
Military Personnel Research	0	0	2,000	4,000
Center for Counterproliferation, Monterey	0	0	0	4,000
Lightweight X-band Antenna	0	0	0	2,000
F-22 Digital EW Product Improvement	0	0	0	5,000
Advanced Lithography Demonstration	0	3,000	0	5,000
Navy Center of Excellence in Electro-optics	0	0	0	4,000
NTW Missile Defense Radar Competition	0	0	0	80,000
Chem/Bio CBMS II Upgrades	0	0	0	2,000
Community Hospital Telehealth Consortium	0	0	0	1,000

Total Number of Out of Scope items: 166.

Total Plus up of these items over the President's Budget Request: over $2.2 Billion.

Mr. MCCAIN. Mr. President, I do not intend to take all of my time. I would like to have Senator GRAMM use some of his time.

I would like to say I am not proud to be here on the floor. This bill probably ranks up with the two or three of the most outrageous pork-barrel spending bills that I have observed in my years here since 1987. I should have demanded that the bill be read and I should be doing everything I can to block it. I intend to explain why.

This bill, I say in all respect—in all respect to the chairman of the Appropriations Committee, and my good friend from Hawaii—is a disgrace. This bill has had $2 billion added on in conference—added on in conference. Not a single Member of this body who was not part of the conference had anything to say about $2 billion—B, billion—that was added in conference. As I say, I have not seen anything quite this bad—or perhaps I have, but it is very rare. This is a remarkable document. It has millions and millions and millions of dollars devoted to projects that have nothing to do with national defense.

Mr. President, there is $4 million—excuse me—$8.5 million for the Gallo Center for Alcoholism Research. What is the Gallo Center for Alcoholism Research? That was added in the conference.

It has $4 million for the Gallo Cancer Center, $1.5 million for chronic fatigue syndrome research, $1 million for the Cancer Center of Excellence. What does the Cancer Center of Excellence have to do with national defense?

Mr. President, there are $4 million in this bill for the Angel Gate Academy. What is the Angel Gate Academy? There is now an allocation to preserve Civil War-era vessels at the bottom of Lake Champlain, this year in the amount of $15 million; $2 million for the Bosque Redondo Memorial.

I am one of the few Members who know what the Bosque Redondo Memorial is. That is when we marched the Navajo Nation to Canyon de Chelle and killed thousands of the Navajo Nation. What does that have to do with defense?

Mr. President, $3 million for hyperspectral research; astronomical active optics were deemed worthy of over $3 million in defense funds, as was coal-based advanced thermally stable jet fuel. Coal-based jet fuel? What do we have, a guy in the back of the plane shoveling coal?

Mr. GRAMM. The Germans tried that.

Mr. McCAIN. Mr. President, $7 million—of course Alaska is here, of course Hawaii is here. There is $5 million for the Hawaii Federal Health Care Network. I say to the Senator, my dearest friend, what in the world is the Pacific Island Health Care Referral Program? The Hawaiian Islands Federal Health Care Network? Alaska Federal Health Care Network? $1.5 million for AlaskAlert, $7 million for equipment at Fort Wainwright, $7.5 million for the C–130 simulator.

There is a gift for CINCPAC, Commander in Chief of the U.S. Forces in the Pacific. Perhaps he needs a new $60 million airplane. Perhaps he needs it, I don't know. We will never know because it was not in the House bill, it was not in the Senate bill, and it was put in in conference, $60 million.

This is a remarkable document. I have submitted for the RECORD a four-page document. Many pages show: Budget, zero; House, zero; Senate, zero; Conference—a Capital Purchase Plan at Pearl Harbor: Budget, zero; House, zero; Senate, zero; Conference, $5 million. What is that all about? What is that all about? Was it ever discussed on the floor of the Senate? Was it ever discussed at a hearing? Was it ever, dare I say, discussed in the Senate Armed Services Committee, which is the authorizing committee for these projects? Was it ever? No.

This is quite remarkable. Air Force Center of Acquisition Reengineering: Budget, zero; House, zero; Senate, zero; Conference, $2 million.

There is a Handheld Holographic Radar Gun—I repeat that—a Handheld Holographic Radar Gun: Budget, zero; House, zero; Senate, zero; Conference, $1 million.

Is there anyone in this body besides the appropriators, besides the appropriators in this body, who is going to vote $1 million of the taxpayers' money who knows what in the world a Handheld Holographic Radar gun is? Perhaps the Presiding Officer knows. He is a very smart guy. Perhaps Senator GRAMM—he is an economist; he is a former college professor—perhaps he knows.

Here is one. Information Networking Systems: Budget, zero; House, zero; Senate, zero; Conference, $12.5 million. What does that mean?

Intelligent Power Control Vehicle Systems: House, zero; Senate, zero; Budget, zero; Conference, $4.1 million. What does that mean?

One of my annual favorites—here is one that really is puzzling. Air Vehicle Dem/Val Bridge Contracts: Budget, zero; House, zero; Senate, zero; Conference, $88,984,000.

My friends, you are going to vote to appropriate $88,984,000 of taxpayers' dollars for an Air Vehicle Dem/Val Bridge Contract.

Here is another one, Advanced Food Service Technology: Budget, zero; House, zero; Senate, zero; $2.5 million for Advanced Food Service Technology. Mr. President, Advanced Food Service Technology? Again, what is that all about? Was it ever requested by the administration?

The answer is no.

Compass Call—I will not go into the Compass Call.

NTW missile defense radar competition. That may be very important. Budget, zero; House, zero; Senate, zero; conference, $80 million. I say to my friends, $80 million will be spent on NTW missile defense radar competition which, again, never had a hearing in the Senate Armed Services Committee, was never discussed on the floor of the Senate, never discussed on the floor of the House, and 80 million of taxpayers' dollars.

Here is another one. Information Technology Center. Budget, zero. For the uninitiated, "budget" means requested by the administration. The administration requested no money for it. The House put in no money for it in their Defense appropriations bill. The Senate put zero dollars in their bill. Yet it emerged from conference: Information Technology Center, $20 million; $20 million is now being spent on the Information Technology Center which none of us knows what in the world it is, except for a chosen few.

What is happening here is that Members of the Senate and House who are not members of the Appropriations Committee are being deprived of their rights to knowledge and voting and discussing, debating, and making judgment on programs. And we are talking about big money here. We are talking about $2 billion—B, billion—that have been added in conference which neither House ever debated, discussed, nor amended.

I think it is wrong, and I will return to something I said several times, both publicly and privately. It is time we made some tough decisions around here: Abolish the authorizing committees or abolish the appropriations committees. I am told by the distinguished chairman of the Senate Armed Services Committee that $600 million was transferred out of Navy accounts into Army accounts—$600 million—by the Appropriations Committee.

We all know how the system is supposed to work. The authorizing committees authorize, and then the Appropriations Committee allows certain amounts of money which, in their best judgment, is needed. Now we are shifting hundreds of millions of dollars and adding $2 billion. We are inaugurating programs that have no relation—no relation whatsoever—to national defense.

What in the world does a Gallo Research Center have to do with anything that is regarded defense?

Mr. President, $7 million for the Magdalena Ridge Observatory in New Mexico—what does the Magdalena Ridge Observatory in New Mexico have to do with national defense?—combined with the aforementioned adds for Astronomical Active Optics and the Maui Space Surveillance System.

Some months ago, I completed a failed Presidential campaign. I learned a lot of things in that campaign, but I also found that many Americans who did not vote in the 1998 election—in fact, we had the lowest voter turnout in history of the 18-to-26-year-old voter in the 1998 election, and all of the predictions now are that we will have an even lower voter turnout in the year 2000 Presidential campaign.

They said, particularly young people: You don't represent me anymore; you don't respond to my hopes, dreams, and aspirations. I think these young people have another complaint: You don't have anything to do with the expenditure of my tax dollars.

It is controlled by a few and, in many cases, those few are controlled by special interests. Recently, there was a fundraiser conducted by the Democratic Party where one could pay $500,000 and buy a ticket. When I first came to the House in 1983, if someone had told me that, I would have said: You're crazy.

Here we are in a process where I am not able to represent the people of my State, much less the other young Americans who thought that I was a decent public servant. How can I represent the taxpayers of my State when $2 billion is put in, in a conference about which I have no input? How can we call ourselves their representatives when they add money into an appropriations bill in a conference? Most Americans think $2 billion is a lot of money.

I will tell my colleagues this right now: We are not taking care of the men and women in the military. We have pilots leaving at the highest rate. We cannot retain them. We have young men and women leaving in the highest numbers we have ever experienced since the 1970s. We are not meeting our recruiting goals. Yet we can spend $7 million for the Magdalena Ridge Observatory; we can spend money for the LHD amphibious assault ship in Mississippi; C-130s and passenger jets are routinely added. The list goes on and on.

I will have more to say because I have asked for the time, but it is not fair to the people of this country. I tell my appropriator friends now: You risk losing the confidence of the American people when you carry out these kinds of procedures. You risk and deserve the condemnation and criticism of average citizens when you use their taxpayer dollars in such fashion in a bill that says "Defense appropriations bill" and we give money to some Gallo outfit. It may be a good and worthy cause, but so much of this has nothing to do with national defense, and the procedure that is being used is not acceptable.

I tell the appropriators now, and I want to make them very well aware, if next year this kind of behavior and these kinds of parliamentary procedures are pursued, I will do whatever one Senator can do to block passage of this bill. I say that not only because of my offense at this kind of procedure that has taken place, but I say that on behalf of the men and women who serve in the military today who are not having their basic needs met.

We still have thousands of young men and women on food stamps. We still have marines recapping tires so they can buy additional ammunition with which to practice. We still have men and women in the military living in barracks that were built in World War II, and we will spend $2 billion that has nothing to do with their health, welfare, and benefit.

I have that obligation, and that obligation clearly supersedes that of my obligation to my dear friends in the Senate. It has to stop. I was discussing this with my friend—and he is my dear friend—the Senator from Alaska. I said: This is terrible, all the things that have been put in.

He said: You should have seen what they tried to put in.

In all due respect to the distinguished chairman of the Appropriations Committee, it is not good enough.

I see the Senator from Texas has more to say. I reserve the remainder of my time and yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, my dad was a sergeant in the Army. I have always believed in a strong defense, and I have always prided myself on the fact that at least, in my opinion, no one in the Senate was a stronger supporter of national defense and a stronger supporter of the men and women who wear the uniform of this country and who keep us free. I, therefore, thought it was incumbent on me to explain why I am going to vote against this Defense appropriations bill.

Let me start by giving you a little history because I think it explains why we are at this extraordinary point with a bill that seems so very hard to explain. It started with President Clinton. It is, unfortunately, a standard pattern that, from time to time, we have Presidents who come into office and cut defense, and then as they are on the verge of waving goodbye, they propose massive increases in defense spending.

My dear colleague from Arizona will remember that the largest period of increases in defense spending in the peacetime history of the country did not start while Ronald Reagan was President. It, in fact, started the last year Jimmy Carter was President, even though Jimmy Carter cut national defense expenditures consistently during his Presidency.

President Clinton, in the first 5 years he was President, cut defense spending every single day. In the first year of his Presidency, real defense spending fell by 5.8 percent. In 1994, real defense spending again fell by 5.8 percent. In 1995, it fell by 4.7 percent; in 1996, 4.9 percent; in 1997, 0.5 percent; in 1998, 2.8 percent. In every one of those years, real resources that we committed to national security and to the well-being of the men and women who defend America declined.

Then, in 1999, finally, as we were looking at the 1999 budget, the Joint Chiefs of Staff finally stopped toeing the line for President Clinton, stopped apologizing for the decimation of the military, and pointed out that the military had been hollowed by Bill Clinton. It was a revelation that was late in coming, and it is a shame on the Joint Chiefs of Staff that they let it run for so long.

So in 1999, led, I am proud to say, by the Republican Congress, we actually increased defense spending in real terms for the first time since Bill Clinton had been President.

Now, in his final budget submission, President Clinton, as he is heading toward the exit, having cut defense consistently since he became President—even counting the increase Congress added last year, real defense outlays have been cut by 17 percent—now, in his parting budget, President Clinton proposed $16 billion of increases in defense spending.

We might have celebrated that fact—having written a budget that added $16 billion and expanded our modernization programs, improved health care for our active duty military and for our retirees—there are many good things we could do with that $16 billion—but Congress was not going to be outdone. How dare Bill Clinton, in the final hours that he has in the White House, submit a massive increase in defense spending and have Congress just say yes.

So remarkably, we find ourselves today in a situation where the President proposed a $16 billion increase. Congress has raised that by another $14 billion, and, as a result, we have over a 10-percent increase in defense spending in 1 year. I would submit that this is political upmanship that makes absolutely no sense. What has happened is, the surplus is literally burning a hole in our pockets.

The picture is actually worse because there are all kinds of gimmicks in the bill that would allow more to be spent. You might wonder how $2 billion that nobody voted on in either House of Congress could be added in conference. Let me explain how it happened. In fact, I am sure people wonder: Where do these emergencies come from? Every week or so now, they are seeing Congress pass an emergency funding bill. And they might ask: Where do these emergencies come from?

On page 54 of this Defense appropriations bill, we have an emergency created. This is how it happened. The Appropriations Subcommittee on Defense, in section 8166, cut spending for the Overseas Contingency Operations Transfer Fund by $1.1 billion.

They took the $1.1 billion out of the appropriations bill, and then, in title IX, they added it back, but this time as an emergency. So, in the middle of page 54, an emergency is created, by taking money away from needed expenditures on American overseas contingency operations—we take the money away in the middle of page 54—then we spend this money on all of these programs that Senator MCCAIN is talking about, and then, at the bottom of page 54, we add it back because we have an emergency.

Well, where did the emergency come from? The emergency came from the fact that they took the money from overseas operations to spend on other things. That is where the emergency came from.

So they created the emergency in the middle of page 54, and then at the bottom of page 54, having created a crisis—we might have to bring troops home from Kosovo as a result of the money taken in the middle of page 54—so at the bottom of page 54, having created the emergency in the middle of the page, they then solve the emergency by taking exactly the same amount of money, declaring it an emergency so it does not count under the budget, and adding it back.

It, I think, speaks volumes that Senator MCCAIN looked at this bill, and I looked at this bill, and we both came up with a list of programs that we thought were indefensible. We never talked about our choice of programs, but there is not a single overlap on our lists. That tells me we were picking from a large bushel basket full of add-ons.

Let me give you a few that I think deserve a prize. Five million dollars is earmarked out of Army operations and maintenance. I remind my colleagues, this is an area where we have a critical shortage of funding, where we have provided emergency money in the past. In clear violation of the base closing law—which says, when you close a military base you can't keep building infrastructure on that military base; when you have closed it, when you have transferred it to the civilian sector, you can't keep spending defense money on it—in clear violation of the base closing law, we provide $5 million, which we transfer to the National Park Service, to build infrastructure on a base that has been closed.

No. 2, we provide $4 million to monitor desert tortoise populations. Remember, we are taking $4 million out of the defense budget. In fact, we declared an emergency when we took the money away from overseas operations, and then we put it back in for an emergency so we could fund programs such as monitoring desert tortoise populations.

It is interesting, when you press, to learn what the justification is. The justification, you will be happy to know, is that we may, at some point, want to expand a military base, and the desert tortoise population might be relevant.

I remind my colleagues, we are closing military bases. Nevertheless, in this bill, with all of our needs, we found room to provide defense money to monitor the desert tortoise population in California.

Because we have a huge backlog in depot maintenance for our ships in the Navy, this Congress has provided $362 million of emergency money to try to deal with this backlog in ship maintenance so our ships can perform their missions. In this bill, we take $750,000 out of that emergency money and use it for renovations on the U.S.S. *Turner Joy*. Senator McCAIN will be one of the few people here who will remember the U.S.S. *Turner Joy*. It is a destroyer. It is well known because it was involved in the Tonkin Gulf action that got us deeper into Vietnam. But it has been out of the Navy since 1982. We are providing $362 million on an emergency basis to catch up with ship maintenance, and yet we are basically giving a tourist bureau money to do renovation on a ship that has been out of the Navy since 1982.

There is $5.5 million for an Army research and development project. This is money meant for modernization so if we have to send men and women into combat, they will have technological superiority. We use this $5.5 million for laser vision correction. Laser vision correction is a miracle. They can come in and do it, and you don't have to wear glasses anymore. But the point is, what does that have to do with national defense? Why are we funding medical research out of the national defense budget?

Then there is $2.8 million to buy new office furniture for the Defense Language Institute in Monterey, CA. At first you might say, OK, we built a new building; we have to buy new furniture. But there isn't a new building. We are not building a new building at the Defense Language Institute in Monterey, CA. The question is: Why do we need new furniture now? What is wrong with the old furniture? The answer: The surplus is burning a hole in our pocket. This is a grab bag. It is like one of these sales you see on television where they dump the clothes on a table and they are on sale, and everybody grabs a piece of it.

Finally, $3.5 million is added in Army research, development, test, and evaluation for artificial hip research. Now look, artificial hip research is important. There are people who have deteriorating joints. We fund research at the National Institutes of Health to deal with health problems. What are we doing taking $3.5 million out of defense to fund this kind of activity?

I will conclude on this: We took $1.1 billion out of defense. We declared an emergency because we didn't have enough defense money. Then, having declared an emergency and gotten the money, then we take the $1.1 billion that was supposed to be spent on defense and spend it on other things. As a result, we literally have an almost endless list of projects exactly like these. You have to ask yourself, is this really the best use for the taxpayers' money?

I say to my colleagues, I am going to vote against this Defense bill because this is runaway spending at its worst. I voted against other bills because of the obscene way we literally are throwing money at these appropriated accounts. In this election year, with many close elections, we literally are spending money on anything that might have a constituency. This process has got to stop. I think it undermines the good work we are doing.

I thank Senator STEVENS. We have been working to resolve a disagreement over two unnecessary pay shifts. Senator STEVENS has agreed—graciously, I might add—to fix that. But I am going to vote against this bill on the basis under which we are today considering it. I am going to vote against this bill because you cannot defend this kind of runaway spending. The only defense I've heard is that, in a big bill, you are going to take on some spending. I don't think that is good enough.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I thank Senator GRAMM for his efforts and his discussion of a bill that, obviously, is going to be passed by overwhelming numbers. Again, I point out, this is a Defense appropriations bill—appropriations. It is supposed to be for the money, not for making policy or authorizing.

One of the more egregious practices that has crept in lately, that doesn't have a lot to do with money but has a great deal to do with national policy and in the end costs taxpayers enormous amounts of money, is the Buy American provisions. We started out with a couple. Now we have more and more and more. I will mention a couple of them.

You have to buy only American products related to welded shipboard anchor and mooring chain. You can only buy American relating to carbon alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense, specifications to be determined by the American Iron and Steel Institute. There are Buy American restrictions related to the procurement of vessel propellers and ball and roller bearings.

I am told that a request for proposal, so-called RFP, to people to bid on vessel propellers that would have been opened to, certainly, our NATO allies was recently published and, strangely enough, this was put in the bill. There is a requirement for the use of U.S. anthracite as the baseload energy for municipal district heat for U.S. military installations in Germany. I have remarked on this before because it has been there a long time. It is the classic example of taking coal to Newcastle. We have to take American coal, put it on a ship, and transport it to Germany to be used in Germany. I have never gotten an estimate as to how many millions that costs Americans.

It exempts the construction of public vessels, ball and roller bearings, food, clothing or textile materials from Secretary of Defense waiver authority relating to the Buy American requirements involving countries with which the United States has reciprocal agreements. In other words, the United States has a reciprocal agreement, particularly with some of our NATO allies, and the Secretary of Defense cannot give any waiver for the purchase of clothing or textile materials. This is protectionism at its most egregious.

It prohibits the development, lease, or procurement of ADC(X) class ships unless the main propulsion diesel engines and propulsors are manufactured in the United States by a domestically operated entity.

It transfers $5 million to the National Park Service for repair improvements at Fort Baker in northern California; $500,000 for Florida Memorial College for the purposes of funding minority aviation training. It is a worthy program. I would support it, if it were not in a Defense appropriations bill. It transfers $34 million to the Department of Justice for the National Drug Intelligence Center. We have an appropriations bill upon which that would have been entirely appropriate. Then they go on to restrict the center's ability to establish its own personnel levels.

There are restrictions on the ability of the Department of Defense to contract out any activity currently performed by more than 10 Department of Defense civilian employees.

This is an appropriations bill, Mr. President. Now the Department of Defense cannot contract out any activity, no matter how much money it would save the taxpayers, under any circumstances, if there are no more than 10 DOD civilian employees. It doesn't matter if there are a thousand military people. More than 10 Department of Defense civilian employees. That is offensive, to have that kind of language in a DOD appropriations bill.

It prohibits reduction to disestablishment of the 53rd Weather Reconnaissance Squadron, Air Force Reserve, Mississippi. We all know we have the capability to monitor weather, thanks to modern technology.

It mandates continued availability of funds for the National Science Center for Communications and Electronics in Georgia.

It requires the Army to use the former George Air Force Base, California, as the airhead for the National Training Center.

We could not let the Army or Department of Defense make that decision. We require the U.S. Army, no matter what it may cost, to use George Air Force Base as the airhead for the National Training Center.

It authorizes the Secretary of Defense to waive reimbursement requirements relating to the costs to the Department of Defense associated with the conduct of conferences, seminars, and other educational activities of the Asia-Pacific Center.

It is well to note that the Asia-Pacific Center is located in Hawaii. Why don't we waive reimbursement requirements for any center in America or the world? Why just for the Asia-Pacific Center?

It transfers $10 million to the Department of Transportation to realign railroad tracks at Elmendorf Air Force Base and Fort Richardson, Alaska.

I wonder if there are railroad tracks that need to be realigned at other defense facilities in America. I would imagine so.

It mandates that funds used for the procurement of malt beverages and wine for resale on a military installation be used to procure such beverages from within that State.

Suppose they could get those beverages at a lower cost from some other State?

It earmarks $5 million for the High Desert Partnership in Academic Excellence Foundation, Inc., for the purpose of developing, implementing, and evaluating a standards- and performance-based academic model at schools administered by the Department of Defense Education Activity.

What makes the High Desert Partnership the place to get the $5 million? Was there ever a hearing on it? Did the Personnel Subcommittee or Armed Services Committee ever look at it? No.

It earmarks $115 million to remain available for transfer to other Federal agencies.

That is $115 million; just transfer it to other Federal agencies. Why?

It earmarks $1.9 million for San Bernadino County Airports Department for installation of a perimeter security fence at Barstow-Daggett Airport, California.

It earmarks $20 million for the National Center for the Preservation of Democracy.

It earmarks $7 million for the North Slope Borough.

It earmarks $5 million to the Chicago Public Schools for conversion and expansion of the former Eighth Regiment National Guard Armory.

I argue, Mr. President, that there are guard armories all over America that could be converted.

It earmarks $1 million for the Middle East Regional Security Issues Program.

It earmarks $2 million, subject to authorization, for the Bosque Redondo Memorial in New Mexico.

It earmarks $300,000 for the Circum-Pacific Council for the Crowding the Rim Summit Initiative.

It earmarks $10 million for the City of San Bernadino, contingent on resolution of the case of City of San Bernadino v. United States.

Mr. President, it is obvious that this procedure in the Congress of the United States of authorizing and appropriating has lurched completely and entirely out of control. When you are earmarking $2 billion out of an appropriations bill which has neither been examined nor voted on by either body, we have a case that has got to be remedied, and we have obviously wasted billions of dollars of the taxpayers' money.

The American people deserve better. I say again to the distinguished members of the Appropriations Committee, with whom I have an excellent and warm personal relationship, this cannot stand. Next year, if this kind of practice continues, then I will have to do everything in my power to stop it, as I said before, not only because of my obligation to the taxpayers, which is significant, but my obligation to the men and women in the military who are being shortchanged by these procedures and, indeed, neglected in many respects.

I yield the floor and the remainder of my time.

Mr. STEVENS. How much time remains, Mr. President?

The PRESIDING OFFICER. There are 20 minutes remaining for Senator BYRD and 6 minutes for Senators STEVENS and INOUYE.

Mr. STEVENS. Mr. President, I shall use half of that 6 minutes, if I may be recognized.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, the conference report to accompany H.R. 4576, the Fiscal Year 2001 Defense Appropriations Act was endorsed by all the Senate conferees, and enjoys the full support of our distinguished ranking member Senator INOUYE.

This bill, in combination with the emergency supplemental bill passed last month, provides a true jump start to restore the readiness, quality of life, and modernization of our Armed Forces.

The Senate considers this conference report at the earliest point in the year since 1958—which means the Department of Defense can plan now to execute the funds provided by Congress for the full fiscal year.

Our adoption of this conference report today would not have been possible without the extraordinary effort and leadership of House Chairman, JERRY LEWIS.

In partnership with the former House Chairman, and current ranking member, JACK MURTHA, they reported the bill in early May, and presented it to the Senate in time for us to act prior to the July 4th recess.

Both committees set the FY 2001 bill aside to complete work on the FY 2000 supplemental in late June. That bill provided $6.5 billion to repay the Army for operations in Kosovo, and to address critical personnel, medical, and fuel cost increases.

This bill extends those initiatives, providing needed funds for new medical benefits for military retirees, real property maintenance, depot maintenance, and environmental restoration.

The most significant initiative contained in the conference report is the nearly $1 billion increase for the Army transformation effort.

Last October, Gen. Eric Shinseki, the new Chief of Staff of the Army, established a new vision for the Army—a more mobile, lethal and flexible force for the 21st century.

In this bill, funding is provided to procure the first two brigade sets of equipment for the new "transformation" force.

We are determined that this new force be equipped as rapidly as possible, and intend to maintain this pace of funding in fiscal years 2002 and 2003.

Meeting our national strategic priorities, the bill establishes a new national defense airlift fund, to procure C-17 aircraft.

The centerpiece of how our Nation can maintain its global leadership position is strategic mobility. As our force is as small, to meet our national commitments, we must be able to respond to crises anywhere on the globe—the key to that is the C–17.

Finally, this bill accelerates development, and seeks to reduce technical risk, on the full spectrum of our missile defense programs.

The conference worked to keep the airborne laser, space-based laser, national missile defense, and Navy theater-wide programs on track, and provide additional funds for the Arrow Joint Development Program with Israel.

It is again my privilege this year to join my colleague from Hawaii in presenting this bill to the Senate. We simply could not have completed our work without his leadership, guidance, and partnership. I would now like to yield to Senator INOUYE for his comments.

The PRESIDING OFFICER. the Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, I want to begin by informing the Senate that, at $287.9 billion, this act represents the largest defense spending measure in history.

The act is $176 million more than was recommended by the Senate and $706 million below the House level.

The conference agreement is a fair compromise between the two Houses. Funding for many items of priority of each of the bodies have been included, but concessions were also required of each Chamber.

Our chairman and his House counterpart should be given great credit for this measure.

I am confident the funding contained in this act will allow our military to meet their most critical readiness and modernization needs in the coming year.

However, Senators should be advised that the bill does not provide a blank check to the Pentagon.

It includes reductions in some programs that, such as in the Navy's LPD–17, are behind schedule, over budget, or simply not ready to proceed.

In addition, the conferees concurred with the House, terminating the Discoverer II and Sadarm programs.

Mr. President, these were difficult decisions, but by making these tough choices the conferees were able to identify sufficient resources to protect those programs which are truly critical to the support of our military forces.

I want to assure my colleagues that the No. 1 priority in this bill is to protect near-term readiness.

The men and women willing to go into harm's way to protect the rest of us simply must be provided the tools they need to defeat any threat.

To help meet our readiness requirements, the conference agreement includes the following among its many accomplishments:

(1) Fully funds a 3.7 percent military pay raise;

(2) Provides an increase of more than $400 million for real property maintenance;

(3) Provides an increase of $234 million for dépot maintenance; and

(4) Provides funding for a new pharmacy benefit for our older retirees.

At the same time, the bill provides sufficient funding for modernization programs so that future readiness will also be protected. We must continue to invest for the future to ensure we are never caught unprepared.

I am particularly pleased that the conferees were able to provide nearly $1.4 billion in support the Army's newest initiative commonly referred to as "transformation."

These funds will allow the Army to begin to outfit its first two interim combat brigades with new equipment to test out this revolutionary concept.

This is the highest priority of the Army Chief of Staff and is critical to supporting our Army.

Mr. President, these are but a few of the many items included in this bill to ensure that our defense forces remain second to none.

Mr. President, this is a very good compromise agreement. I strongly encourage all my colleagues to support it.

Mr. President, a process of this nature, which involves appropriations in excess of $275 billion, is a result of many hours and many days of collaboration and consultation with hundreds of people, including the President, the various Secretaries, committee staff members, Senators, and Representatives. A measure of this magnitude, obviously, will be supported by some and criticized by others. One can never come forth with a "perfect" bill. It is just not possible.

However, I believe it is important that certain clarifications be made. I know, for example, that my dear friend from Arizona spoke of the Navy Theater-Wide Missile Defense Program and suggested that the House had not sought the funds, and neither did the President of the United States nor the Senate of the United States. However, I am certain the Senator would have noted, if he studied the report carefully, that this was debated on this floor for very many minutes. It was debated in the House, it was debated in the Appropriations Committee and in the authorization committee. The only difference was that the House provided $130 million to be designated for very specific purposes. In the Senate, for the same program, we provided $50 million for the whole program itself.

When the compromise was reached, we decided to let the Department of Defense make its allocations. So we drew a new line item. The new line item obviously was not requested by the President, nor by the House, nor by the Senate. But the matters debated and compromised were fully debated by this body. That can also be said for many other programs.

I wish to advise my colleague that as far as I am concerned, this measure is a good one. It addresses the needs of our military. It provides the funds that are necessary to feed, clothe, and adequately and appropriately arm our men so they can stand in harm's way with some confidence that they will be protected.

I commend my chairman, the Senator from Alaska, for his leadership on this matter. It is not easy.

I am the first to admit that there must be some waste in a measure of this magnitude. There are some that we may disagree with as to its merit and it relevance to do defense. But that is my view. Others may disagree with me. But I think overall this is a fine bill and it is worthy of support by the Members of the Senate.

I yield the remainder of my time.

SAR FACILITY

The PRESIDING OFFICER. The Senator from Florida.

Mr. MACK. Mr. President, I would like to engage the chairman of the Appropriations Committee and my colleague from Florida in a brief colloquy concerning the South-Florida based Advanced Tropical Remote Sensing Center and its Synthetic Aperture Radar [SAR] facility.

Mr. GRAHAM. Mr. President, I'd like to join Chairman STEVENS and my colleague from Florida in this colloquy to address this important issue.

Mr. STEVENS. I would be happy to address this important topic with Senator MACK and Senator GRAHAM. I am pleased to confirm that this conference agreement provides $4.9 million dollars for remote sensing research and development activities in the RDT&E Defense-Wide University Research Initiatives account.

Mr. MACK. I am very pleased to have this confirmation, and to know the Senators' personal interest and support. As the Senator is aware, one of our major objectives for this center, an objective supported by the leadership of SOUTHCOM, is to greatly enhance our nation's drug traffic interdiction capability.

Mr. GRAHAM. This will be the only SAR facility of its kind in the east, and the Department of Defense has indicated to us, its' strong interest in developing this capability further in South Florida. It was for this reason that we asked the Senate to approve, which it did, an amendment for up to an additional $5 million dollars specifically for drug interdiction activities at the facility.

Mr. STEVENS. I know that Senator MACK and Mr. GRAHAM intend that the Department of Defense drug interdiction officials provide all appropriate support possible on this important objective. Addressing the shortage of intelligence, surveillance, and reconnaissance coverage is an important step in strengthening DoD's drug interdiction efforts.

Mr. MACK. Mr. President, it was for the purpose of securing a clarification of their intent on this matter that I sought this colloquy. I thank them for their support, interest, and leadership.

Mr. GRAHAM. Mr. President, I look forward to working with Senator MACK and Chairman STEVENS to secure funding for this important project.

CRUSADER PROGRAM

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I rise to ask my friend, the distinguished chairman of the Appropriations Committee, for clarification on the language in the Defense appropriations conference report concerning the Crusader program. The language states that fifty percent of the funding for the Crusader program cannot be obligated or expended until thirty days after the Secretary of Defense submits the Congress a comprehensive Analysis of Alternatives (AOA) on the Crusader program. I would ask the Chairman, is this language intended to delay the continuing development of the Crusader program?

Mr. STEVENS. Mr. President, I would say to my friend from Oklahoma that the language in the statement of managers is not intended to delay the continued development of Crusader. I would also state that Senator INOUYE and I expect that the AOA should be completed and delivered to the Congress by December 15th of this year.

Mr. INOUYE. Mr. President, the Chairman is correct.

Mr. INHOFE. Mr. President, I believe that it is not the intent of the conferees to require that the Department of Defense prepare a weapon system analysis AOA as required for the Department of Defense Directives for system milestone reviews. Instead, I believe what is needed is a quicklook analysis that evaluates the capabilities and costs of Crusader and comparable weapons system alternatives to support the Army's Transformation Initiative to include the counterattack corps and brigade combat teams.

Mr. STEVENS. The Senator is correct.

LONGBOW APACHE HELICOPTERS

Mr. KYL. Mr. President, will the Senator from Alaska, the distinguished chairman of our Defense Appropriations subcommittee, engage in a colloquy with me on the topic of proposed international sales of Longbow Apache helicopters?

Mr. STEVENS. I will be happy to engage in such a colloquy with my colleague.

Mr. KYL. I thank the Senator for his time and compliment our distinguished Chairman for skillfully guiding this bill through the challenging process of mark-up and conference. As the Chairman is well aware, the Stinger air defense missile and the Apache Longbow are two programs of great interest to me and to the state of Arizona. Over 41,000 Stinger missiles have been delivered and over $4 billion has been invested in Stinger weapons and platforms, and over 1,200 Apaches have been delivered to the U.S. and our allied forces.

Mr. STEVENS. I am aware of the Senator's interest and of the Stinger's and Apache's capabilities. They are fine systems and have received the support of this committee for years.

Mr. KYL. And I thank the Chairman for the committee's report. Sales of Apache Longbow and Stinger, however, apparently are being jeopardized by what I believe is a misinterpretation of congressional language contained in the FY00 DoD conference report. Therefore, I am seeking his help in clarifying the intent of Congress with regard to that provision.

In the FY00 DoD Appropriations bill, section 8138 directs the Army to "conduct a live fire, side-by-side operational test of the air-to-air Starstreak and air-to-air Stinger missiles from the AH-64D Longbow helicopter." The provision further states that the Army is "to ensure that the development, procurement or integration of any missile for use on the AH-64 [Apache] or RAH-66 [Comanche] helicopters . . . is subject to a full and open competition which includes the conduct of a live-fire, side-by-side test as an element of the source selection criteria." My understanding is that the intent of this provision was to direct the Army to conduct a test of two systems in order to ensure that its helicopters are fielded with the best possible air-to-air missile.

The problem, is that the Army has interpreted this provision so broadly as to prevent the sale of Apaches equipped with a Stinger air-to-air capability to our allies. Apparently the Army view is that they cannot do so until the operational test is conducted. Is it the Chairman's understanding that this language was intended to in any way obstruct the potential sale of Stinger-equipped Apaches to any U.S. ally?

Mr. STEVENS. I believe that the intent of Section 8138 was to require the Army to conduct an operational test of Stinger and Starstreak, not to impede sales of the Apache.

Mr. KYL. I thank the distinguished Chairman for engaging in this colloquy and for his insight, and I yield the floor.

ABRAMS-CRUSADER COMMON ENGINE PROGRAM

Mr. NICKLES. Mr. President, I commend Senator STEVENS for his leadership and work on this important bill. Clearly, America has a continuing need to maintain a robust, well equipped military that is capable of defending freedom and preserving the peace. This bill advances the Department of Defense and our military services toward this objective.

One element of this bill involves the U.S. Army's innovative effort to improve the Operation and Support cost of our M-1 Abrams main battle tank and the new Crusader Mobile Artillery system. For several years, the Army has recognized that the maintenance and support cost of the present M-1 tank was excessively high. Concurrently, the Army was developing the next generation of mobile artillery systems—to be called the Crusader.

Late last year, the Army made a bold decision to pursue a consolidation of the engine component of both the M-1 and Crusader program. This consolidated effort is called the Abrams-Crusader Common Engine (ACCE) program. By consolidating the engine procurement for both vehicles, the goal is to reduce the costs to the Army for both vehicles.

Mr. President, I noticed that the Senate version of this bill reduced the amount of funds available for the ACCE program by $48 million. I learned the committee had concerns over the Army's interest in developing a new engine for these two vehicles. This conference report, however, restores $20 million to the ACCE program. I would ask the chairman of the committee if the restoration of this $20 million reflects a change in the committee's view of the program or do you remain concerned that the program is too costly and adds concurrency to the Crusader system?

Mr. STEVENS. I thank the assistant majority leader for his kind words and note that I have very good support and participation on the defense subcommittee with Members from both sides of the aisle, so I share his kind words with my colleagues on the committee.

Regarding the ACCE program, the Senator is correct: this conference report restores $20 million to the ACCE program. He is also correct that the Senate bill had a larger cut to the program and that the cut reflected substantial reservations over the cost of a new developmental engine for both the M-1 and the Crusader.

Mr. NICKLES. Mr. President, I thank the Chairman for that explanation. It is encouraging to once again recognize that the Chairman—while a vigorous advocate for a robust defense capability—is constantly vigilant to ensure that the money we spend for defense is also a sound investment.

The Army's initiative to re-engine the M-1 is a good idea. Maintenance and fuel costs associated with operation of the M-1 are very high; perhaps as much as 60 percent of the M-1's total O&S cost. Replacing the current gas turbine engine with a more fuel-efficient and reliable engine has the potential to save substantial amounts for the Army. However, the cost to develop a new engine could be quite high. There is even one press article citing a Defense Department official indicating the development costs could approach a half billion dollars. So, while the Army initiative is a good one, the costs associated with the program are prohibitive.

Regarding the Crusader program, the engine selection will be critical to the overall performance and success of the vehicle program. If the Army were to proceed with the consolidated ACCE program, it is clear that concurrency in the Crusader program would be higher than if the Army selects an engine already developed and currently in production.

As a final question for the Chairman, does the cut reflected in this conference report for the ACCE program indicate a lack of support for the M–1 re-powering effort or the Crusader system?

Mr. STEVENS. Mr. President, this conference report contains funds to support both the Crusader vehicle and the M–1 re-powering effort. These efforts are supported in the final bill. The final funding levels reflect the substantial concern over the cost to develop a new engine, as well as the desire to see the Army pursue an NDI solution.

Mr. NICKLES. Mr. President, I appreciate the time and attention of the Chairman to my concerns related to the Crusader system and the ACCE program, in particular.

BAYONET 2000

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I would like to ask the distinguished chairman of the Appropriations Committee a question regarding the defense appropriations conference report for fiscal year 2001. I noticed that the conference report retained a very important project to buy new bayonets for the Marine Corps. Is the funding within the Marine Corps Procurement line in fact for Bayonet 2000?

Mr. STEVENS. The Senator is correct. The conference report includes $2 million for Bayonet 2000 in the Marine Corps procurement account.

Mr. INOUYE. I also concur with Chairman STEVENS.

Mr. SPECTER. I thank the distinguished Chairman, and the distinguished Ranking Member for that clarification, and appreciate their hard work on the conference report.

MTAPP

Mr. SANTORUM. Mr. President, I rise today to query my distinguished colleague from Alaska, the chairman of the Appropriations Committee, on a program of importance to my constituents. Mr. Chairman, is it the intention of the conference committee that of the $4,000,000 appropriated in the Air Force's operation and maintenance title for the Manufacturing Technical Assistance Pilot Program (MTAPP), $2,000,000 shall be expended during fiscal year 2001 only for the continued expansion of the program into Pennsylvania through the National Education Center for Women in Business at Seton Hill College? As the Chairman may know, half of the appropriated FY2000 funds are not being provided to the program in Pennsylvania, and I seek to ensure that during FY2001 the funds are allocated between the two MTAPP programs.

Mr. STEVENS. My distinguished colleague from Pennsylvania is correct that the conference committee intends that $2,000,000 of the Fiscal Year 2001 appropriation for MTAPP be expended in Pennsylvania through the National Education Center for Women in Business at Seton Hill College. Further, it is my understanding that FY2000 monies intended to be spent in Pennsylvania pursuant to last year's appropriations bill have yet to be obligated. Therefore, I wish to express to the Senator my clear intent to ensure that FY2000 and FY2001 monies fund the MTAPP in the manner this committee and the Congress intend.

ELECTRONIC WARFARE SYSTEM

Mr. GREGG. Mr. President, I was wondering if the distinguished Chairman of the Appropriations Committee would rise to engage in a brief colloquy.

Mr. STEVENS. I am happy to accommodate the Senator.

Mr. GREGG. I congratulate the Chairman on a strong bill that will improve our national security. As a conferee I understand the many challenges he faced in putting this bill together. While I support the overall bill, I would like to express my deep concern over a provision of this conference report that reduces funding for an important electronic warfare system for the F/A–18E/F. The conference report reduces funding for the Integrated Defensive Electronic Countermeasure (IDECM) program by $29.6 million in the F/A–18E/F procurement account. I understand that this reduction may provide insufficient funding for Low Rate Initial Production, significantly increase the risk to full rate production, and may mean that operationally deployed F/A–18E/F aircraft will not have adequate protection against radio frequency guided missile threats. Therefore, I would like to ask the Chairman for his support in addressing this issue for FY01.

Mr. STEVENS. I appreciate the Senator's concerns. My understanding is that the Navy planned to buy 30 Low Rate Initial Production units. However, testing of the IDECM system occurs throughout fiscal year 2001. The operational evaluation of the IDECM System will not be complete until early in fiscal year 2002. The conferees were concerned about a large LRIP buy proceeding ahead of the test program. The conference recommendation still allows the Navy to buy 20 units, more than the number required for the operational deployment. I will work with you to review the test results and to ensure that the LRIP program is appropriate.

ALCOHOLISM RESEARCH

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I would like to engage the Chairman of the Appropriations Committee and my colleague from Alaska in a brief colloquy concerning the Peer Reviewed Medical Research Program that is funded again this year in the Defense appropriations bill. Would research proposals related to alcoholism be appropriate for consideration under the Peer Reviewed Medical Research Program?

Mr. STEVENS. The Senator is correct. The conference report includes $50 million in funding for the Department of Defense to conduct a Peer Reviewed Medical Research Program to pursue medical research projects of clear scientific merit and direct relevance to military health. Alcoholism research would be an entirely appropriate candidate for funding consideration.

Mr. HARKIN. I thank the Senator.

Mr. INOUYE. Mr. President, the statement of the managers to accompany the conference report on H.R. 4576 included a table to delineate the projects recommended for funding in the Defense Health Program. Unfortunately, the information included in the CONGRESSIONAL RECORD and printed in House Report 106-754 deleted one line from the recommended list of projects. To clarify the agreement of the conferees, I ask unanimous consent that a table taken from a copy of the official papers which lists the actual agreement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

	Budget	House	Senate	Conference
Operations and Maintenance:				
Government Computer-Based Patient Records		(10,000)		(6,000)

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS—Continued

[In thousands of dollars]

	Budget	House	Senate	Conference
Comprehensive breast cancer clinical care project [Note: The conferees support continuation of a public/private effort, in coordination with a rural medical center and a not-for-profit medical foundation, to provide a program in breast care risk assessment, diagnosis, treatment, and research for the Department of Defense. The program shall be a coordinated effort among Walter Reed Army Medical Center, National Naval Medical Center, an appropriate non-profit medical foundation, and a rural primary health care center, with funding management accomplished by the Uniformed Services University of the Health Sciences.] [Transferred from RDT&E,A.]		7,000		7,000
Post-polio Syndrome [Transferred from RDT&E,N.]		3,000		3,000
Coronary/Prostate Disease Reversal [Transferred from RDT&E,N.]				6,000
Community Hospital Telehealth Consortium				1,000
Medicare Eligible Health Options Study		2,000		2,000
Claims Processing Initiative		3,600		3,600
Military Treatment Facilities Optimization		134,000		
Reimbursement for Travel Expenses		15,000		
Reduced Catastrophic Cap		32,000		
Senior Pharmacy Benefit		94,000		
Military retiree pharmacy benefit			137,000	
Senior Pharmacy Increase				100,000
Outcomes Management Demonstration at WRAMC			10,000	10,000
Pacific Island Health Care Referral Program			8,000	8,000
Automated Clinical Practice Guidelines			7,500	7,500
Hawaii Federal Health Care Network (PACMEDNET)			7,000	7,000
Clinical Coupler Demonstration Project			5,000	5,000
Center of Excellence for Disaster Management and Humanitarian Assistance [Transferred to O&M, Navy]			5,000	
Tri-Service Nursing Research Program			4,000	4,000
Defense and Veterans Head Injury Program			3,500	
Graduate School of Nursing			2,000	2,000
Brown Tree Snakes			1,000	1,000
Alaska Federal Health Care Network			1,000	1,000
Biomedical Research Center Feasibility Study			1,000	1,000
Oxford House DoD Pilot Project			750	750
Uniformed Services University of the Health Sciences			(6,300)	(6,300)
Research and Development	65,880	327,880	402,880	413,380
Head Injury Program		2,000		3,000
Joint U.S.-Norwegian Telemedicine		4,000		2,000
Cancer Research ([Note: Only for cancer research in the integrated areas of signal transduction, growth control and differentiation, molecular carcineogensis and DNA repair, cancer genetics and gene therapy, and cancer invasion and angiogensis.]		6,000		5,500
Army Peer-Reviewed Breast Cancer Research Program		175,000	175,000	175,000
Army Peer-Reviewed Prostate Cancer Research Program		75,000	100,000	100,000
Ovarian Cancer Research Program			12,000	12,000
Peer Reviewed Medical Research Program			50,000	50,000

Mr. INOUYE. Mr. President, at my request, the conferees added a $2 million item to match a program that the House had included. This program, under the Research, Development, Test and Evaluation, Navy Appropriation, is listed under the Human Systems Technology Program as "Maritime Fire Training/Barber's Point".

This funding is to be available to enhance the ability of the Department of Defense to meet its civilian crewing demand and assist in maintaining a cadre of qualified seafarers for times of national emergencies.

The Department of Defense is facing a significantly smaller pool of Merchant Mariners than existed in the past. In recent Senate testimony, Vice Admiral Gordon Holder, Commander of the Military Sealift Command, identified the issue of Merchant Mariner availability as a key issue to his command. Admiral Holder testified that "MSC's difficulty in recruiting and retaining a professional cadre of civil service merchant mariners also extends to the U.S. Commercial Merchant Fleet." Moreover, a recent study by the National Defense Transportation Association has identified potential merchant mariner shortages. The new requirements of the standards of training, certification, and watchkeeping will have an impact on our ability to maintain a qualified pool of seafarers.

The Pacific Theater is the fastest growing sector for civilian U.S. Merchant Mariners, with at least 2,500 civilian seafaring jobs coming online over the next three years. To assist the Department of Defense in meeting its civilian merchant mariner requirements, the conferees provided this funding. It is contemplated that the funds will be used for a maritime fire training facility at the Hawaii National Guard Facilities at Barber's Point. The facility will be used to train service component and civilian merchant mariners.

Mr. REID. Thank you for your hard work on this bill. This will provide the funding necessary for a strong military. I rise today to discuss one item contained in the Defense Appropriations Conference Report

The Conference Report includes language under Drug Interdiction and Counter-Drug Activities, Defense, National Guard Counterdrug Support directing that of the funding provided in the Drug Interdiction and Counter-Drug Activities account, $2,000,000 above the state allocation be provided to the Nevada National Guard to allow for the Counterdrug Reconnaissance and Interdiction Detachment unit in northern Nevada to expand operations to southern Nevada.

I would like to clarify that the funds for this project should be made available from the overall "Drug Interdiction and Counter-Drug Activities, Defense account of $869,000,000 and not from the money allocated to the National Guard Counter-Drug support program, sometimes called the Governor's State Plan, which was also separately increased by $20,000,000 in the bill. I believe that this is reasonably clear from the language of the report, but I wanted to ensure there was no confusion. Is my description of the breakdown of the funding correct?

Mr. STEVENS. Yes, your interpretation of the language is correct.

Mr. REID. Thank you, Mr. Chairman, I appreciate your clarification and again would like to thank you for your good work on this bill and support of the military.

Mr. FEINGOLD. Mr. President, the Department of Defense appropriations conference report that the Senate will pass today does not reflect the realities of the post-Cold War world in which our men and women in uniform serve this country.

I want to state very clearly, Mr. President, that my opposition to this bill should not be interpreted as a lack of support for our men and women in uniform. Rather, what I cannot support is the Cold War mentality that continues to permeate the United States defense establishment.

I strongly support our Armed Forces and the excellent work they are doing to combat the new threats of the 21st century and beyond. However, I am concerned that we are not giving our forces the tools they need to combat these emerging threats. Instead, this bill clings to the strategies and weapons that we used to fight—and win—the Cold War.

I say again today what I have said so many times before. The Cold War is over, Mr. President. It is time we stopped fighting it.

For example, as my colleagues know, I strongly support terminating production under the Navy's Trident II submarine-launched ballistic missile program. During the recent consideration of the Department of Defense authorization bill for fiscal year 2001, I offered an amendment that would have terminated production of this Cold War-era weapon, which was designed specifically to be a first-strike strategic missile that would attack targets inside the Soviet Union from waters off the continental United States.

I deeply regret that the Senate did not adopt this amendment, and that production of the Trident II missile will continue for at least one more year. This conference report includes more than $433 million to purchase 12 more of these missiles, as well as another $9.5 million in advanced procurement funds for additional missiles the Navy hopes to buy in future years.

It is beyond my comprehension why the Navy needs more of these missiles when it already has 372 in its arsenal. Despite the fact that it already has ten submarines that are fully equipped with this devastating weapon, the Navy wants to backfit four of its older Trident I submarines with these newer weapons. To achieve this, the Navy wants to have a total of 425 of these missiles, so the President continues to request them in his budget. And the Congress continues to spend the taxpayers' money on acquiring more Trident II missiles even as the United States negotiates further arms reductions with Russia.

I also continue to be deeply concerned about the Pentagon's procurement strategy for tactical aircraft. This conference report includes nearly $2.8 billion for the multi-year procurement of 42 of the Navy's FA–18E/F aircraft. My opinion on this program is well known. I have not been shy about highlighting the program's myriad flaws, not least of which is its inflated cost compared to the marginal at best improvement over the FA–18C/D aircraft. I am troubled that the Department of Defense and the Congress are committing $2.8 billion in taxpayer money to purchase 42 of these aircraft when there are still so many design problems that need to be overcome. And this is just the first installment for the taxpayers. The Navy hopes to eventually have a fleet of 548 of these aircraft.

The General Accounting Office concluded in a report issued in May 2000 that the noise and vibration problems with the aircraft's wings, which the Navy has known about since September 1997 but has not corrected, are sufficient cause to delay multi-year procurement of the FA–18E/F. GAO argued that if this problem is not corrected before full-rate production, costly retrofitting and redesign of the wings will likely be necessary later. The GAO report also outlined serious problems with the plane's engine. Despite GAO's recommendation, and despite the fact that, in a February 2000 report, the Department of Defense's own Commander of the Operational Test and Evaluation Force found that there are 27 major and 88 minor deficiencies in the aircraft, and that five of the major deficiencies concern its aerodynamic performance, the Pentagon has chosen to move forward with this costly multi-year procurement.

In my view, Mr. President, the Department of Defense should have been absolutely sure this aircraft's design problems were addressed before beginning a multi-year procurement process. I continue to have serious concerns with the safety, effectiveness, and cost of this plane. I will continue monitor closely this procurement, including attempts to resolve the problems outlined by GAO, and I will continue to scrutinize future appropriations requests for this program.

The Cold War-era Trident II missile and the new FA–18E/F aircraft are just two of the many examples of questionable spending in this bloated Defense Appropriations bill.

Mr. President, this debate is really one about priorities. Of course all of the members of this body would agree that we must maintain a strong national defense. Our debate should be about how we can best maintain a strong defense, modernize our forces to respond to the new threats of the 21st century, adequately compensate our men and women in uniform, and reign in the out of control defense spending that continues to line the pockets of contractors around this country.

And it is high time that the Pentagon rethink its priorities. I am utterly appalled that at a time when members of our Armed Forces are on food stamps that this body tabled, by a 65–32 vote, an amendment offered by the Senator from California [Mrs. BOXER] to strike a provision in the Senate version of this bill which would allow the Secretaries of the Army and the Navy to spend taxpayers' money to lease nine so-called "operational support aircraft." These aircraft are actually luxury jets that are used to transport high-level military officers. This provision, which was included in the pending conference report, will allow nine more of these jets to be leased, three each for the Army, Navy, and Marine Corps. The General Accounting Office has argued that such a lease is costly and unnecessary.

Mr. President, this bill exceeds the fiscal year 2000 level by nearly $20 billion. The Congress has given the Pentagon $3.3 billion more than it says it needs to defend this country. The Congress has added aircraft and ships that the Pentagon did not request, and added spending in other areas, and somehow has not yet managed to fully fund the National Guard.

Mr. President, as I have said time and time again, there are millions upon millions of dollars in this bill that are being spent on out-dated or questionable or unwanted programs. This money would be better spent on programs that truly improve our readiness and modernize our Armed Forces instead of on programs that continue to defend us against the hammer and sickle that no longer looms across the ocean. This money also would be better spent on efforts to improve the morale of our forces, such fully manning and adequately compensating our National Guard; ensuring that all of our men and women in uniform have a decent standard of living; or providing better housing for our Armed Forces and their families.

Thank you, Mr. President.

Mr. REED. Mr. President, I rise to voice my objection to a particular provision of the Fiscal Year 2001 Defense Appropriation Act. Overall, I believe this legislation does much to meet the needs of the U.S. military. However, I believe that a provision relating to the procurement of C130Js sets a dangerous precedent which may jeopardize the military readiness of our nation.

The Air Force requested two C130J aircraft in the FY01 budget. No other aircraft presently in the Air Force inventory can do what the C130 does. It is capable of taking cargo into small, unimproved airfields where larger, jet engine aircraft are not capable nor designed to go. The C130 is our only "intra theater" airlift, unlike the C17s, C141s and C5 which are "inter theater" airlift.

Each year that the Air Force has received appropriations for C130Js, it has assigned the aircraft to those units in its total force which were in greatest need. In 1978, the Air National Guard even developed sound guidelines, based on objective criteria, to ensure that the units with the most aged and corroded aircraft received replacements first. This allocation method has been fair and effective and ensured that all units of our Air Force are modernized in an appropriate manner.

For the past twenty-one years the Air Force has had the authority to determine where newly acquired aircraft were assigned—and the units most in need received the planes. However, many units are still flying planes which first flew in Vietnam and are rapidly reaching the end of their useful service life.

This year, however, the Defense Appropriations Act directs that the two C130Js go to Western States Air National Guard units for firefighting. First, let me say that I am sympathetic to anyone at risk for forest fire damage. However, I question whether firefighting should be the determining factor for the allocation of military aircraft, particularly when the aircraft in this bill would be used to replace existing firefighting aircraft. Secondly, the designation of these aircraft for Western States deviates from the guidelines which the National Guard designed and has followed for the past twenty years. These aircraft units are not at the top of the Air Force's priority replacement plan. Lastly, and most importantly, the inclusion of this directive language could set a very bad precedent. This would be the first time Congress has usurped the authority of the Air Force in determining which units should receive new C130 aircraft.

It is my hope that this provision is an exception to the rule and that next year the Congress will not override the decision of the Air Force to allocate aircraft based on an objective evaluation of need. I hope that, and will work to ensure that, Congress allows the Air Force to exercise its judgement in deciding which units should be modernized with any aircraft approved in the budget process. To do otherwise raises serious doubts about our commitment to military readiness.

Mr. ROBB. Mr. President, I am supporting the fiscal year 2001 Defense Appropriations Act with a very mixed sense of frustrated resignation and expectant hope for the way we are resourcing our national defense. A major source of frustration this year is that we will have missed yet another opportunity through the decision made in the budget process to meet our new, growing or neglected national security requirements.

We should have been able to fix our military medical health care system and keep our promise of health care to thousands of military retirees who feel they have been cheated by the nation. We should have been able to raise the pay of our service members to bring it more in line with the private sector faster. We should have been able to fund our dangerous ship and aircraft maintenance backlogs. We should have been able to lay the foundation for increasing our ship construction rate to ensure we keep our 300-ship Navy strong and ready. We should have been able to increase our funding of basic science and technology to set the conditions for the rapid development of the next generations of ships, aircraft, and land combat forces.

It is a source of continuing disappointment to me that there is still too much parochial, pork-barrel spending in the defense appropriation process. Last year, the Defense Appropriations bill was so overburdened with pork, I voted against it in protest. Increasing defense spending, so necessary to the demands of our national security today and into the future, will not improve our military capability and readiness if money is funneled into projects that serve parochial interests, not the national interest.

My views on the need to increase defense spending and my objections to pork-barrel spending are well known and I regret the missed opportunity this appropriation represents. Yet, having said that, there are many elements of this defense appropriations act that are critically important and which I fully support. This appropriation continues the trend and our commitment in the Congress to increase spending for our national defense—$15 billion above last year's appropriation and $3.3 billion above the President's request. Most importantly, it does more to take care of our most important national security resource—people. This appropriation increases pay for our service men and women by 3.7 percent, increases housing allowances for military families, increases quality of life enhancements, and increases enlistment and retention bonuses to deal with critical challenges in personnel.

This appropriation supports important ship construction and maintenance requirements to keep our Navy strong and ready. It provides full funding, $4.1 billion, for our next aircraft carrier CVN–77 and $1.7 billion for procurement of a third Virginia Class for New Attack submarines. Very importantly, this appropriation increases the President's request for ship depot maintenance by $142 million, and appropriately makes these funds immediately available to the Navy as a matter of emergency to deal with a critical ship repair backlog.

We need to take a lesson from this session's consideration of how Congress provides for the common defense. We need to take advantage of historic budget surpluses to objectively and aggressively deal with the challenges of defending America's interests in a still very dangerous world. We need take advantage of a political and popular willingness to invest in today's and tomorrow's security and ensure that we fully resource our armed force's requirements for a good quality of life, training, equipment, maintenance, and modernization. Finally, Mr. President, we need to take advantage of an opportunity to keep our promise of health care to the thousands of military retirees who gave the best years of their lives to the defense of this nation. I regret we missed this opportunity, but on balance, this bill satisfies many of our national security requirements, and merits support.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I am authorized to do so, and I yield the remainder of the time of the Senator from West Virginia, Mr. BYRD.

Mr. President, has all time now been yielded?

The PRESIDING OFFICER. It has.

Mr. STEVENS. The time set for the vote on this bill is 3:15. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. STEVENS. I thank the Chair.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY AND WATER APPROPRIATIONS

Mr. FEINGOLD. Mr. President, I rise to express my concern and the concerns of my constituents regarding Section 204 of the FY 2001 Energy and Water Appropriations legislation now before us, the provision which affects the conservation of the silvery minnow. News of the showdown between federal and state agencies over the conservation of this fish on the Rio Grande has reached my state. My constituents are now concerned, Mr. President, about the impact this language will have on the future survival of this species, as well as the precedent that language of this type will have on the implementation of the Endangered Species Act in Wisconsin and across the country. They are so concerned, that on July 22, 2000 a constituent drove from Madison to a fair in Waukesha to speak to me about this matter and missed me by minutes. When constituents are that concerned, I have to bring it to the attention of other members of this body.

The White House on Friday threatened to veto the Energy and Water Development bill, in part because of this provision that could prevent protection of the endangered Rio Grande silvery minnow.

I am concerned, Mr. President, that we would be seeking to take this action in this bill because, while we are here in Washington, in Albuquerque, federal, state, and environmental lawyers are continuing a federal court-ordered mediation. This mediation is seeking something much more important than legislative ink on the page. Mr. President, rather it seeks river water for the minnow before its critical habitat runs dry—unfortunately it could run dry potentially as soon as next week.

The Department of Interior, through its U.S. Fish and Wildlife Service and Bureau of Reclamation, is trying to keep the minnow from oblivion.

Let me explain my concerns, Mr. President. They are concerned that Section 204 would prevent the Bureau of Reclamation from using any funds to open irrigation dams. It is the opening of those dams that would provide direct river flow to sustain the minnow. I understand that earlier this month, the Bureau of Reclamation caused concern within the irrigation district with its legal opinion that the government owns the dams.

I understand that legal ownership and contractual and other water rights issues in the West are extremely contentious. I am grateful to come from a riparian water rights state, and to avoid these kinds of disputes in Wisconsin. But, I'll tell you, Mr. President, Wisconsinites expect that Congress will stay out of this legal wrangling when a species' survival is at stake.

These dams help divert the flow of the river to some 10,000 farmers of the Middle Rio Grande Conservancy District. The conservancy district holds long-standing rights to the water under state law, which does not recognize in-stream flow for fish as a beneficial use. But the Bureau of Reclamation has told the conservancy district that the dams must be operated so an in-stream flow of at least 300 cubic feet per second can sustain a "last stand" surviving population of minnows downstream.

The White House has said "the Administration strongly objects to provisions included in the Senate bill" that would "severly constrain" the government's efforts to protect and sustain the minnow. Moreover the Office of Management and Budget has said that "adequate flows" must be ensured on the Rio Grande and warned that a "failure to protect the minnow this year could lead to its extinction."

Mr. President, my constituents want the water managers and environmentalists to continue the court ordered mediation they have begun. The parties to the mediation are environmental groups; the conservancy district; the Bureau of Reclamation; the state water engineer; and the city of Albuquerque.

The Rio Grande silvery minnow occurs only in the middle Rio Grande. Threats to the species include dewatering, channelization and regulation of river flow to provide water for irrigation; diminished water quality caused by municipal, industrial, and agricultural discharges; and competition or predation by introduced nonnative fish species. Currently, the species occupies about five percent of its known historic range.

This species was historically one of the most abundant and widespread fishes in the Rio Grande basin, occurring from New Mexico, to the Gulf of Mexico. It was also found in the Pecos River, a major tributary of the Rio Grande, from Santa Rosa, New Mexico, downstream to its confluence with the Rio Grande in south Texas. It is now completely extinct in the Pecos River and its numbers have severely declined within the Rio Grande.

Decline of the species in the Rio Grande probably began as early as the beginning of the 20th century when water manipulation began along the Rio Grande. Elephant Butte was the first of five major dams constructed within the silvery minnow's habitat. These dams allow the flow of the river to be manipulated and diverted for the benefit of agriculture. As times this manipulation resulted in the dewatering of some river reaches and elimination of all fish. Concurrent with construction of these dams, there was an increase in the abundance of non-native and exotic fish species, as these species were stocked into the reservoirs created by the dams. Once established, these species often out competed the native fish.

The only existing population of minnow continues to be threatened by annual dewatering of a large percentage of its habiat. My constituents want to be assured that their future survival is not threatened by legislative action. That is why I have strong concerns about this provision and would like to see that it is removed from the bill.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—S. 2912

Mr. REID. Mr. President, I ask unanimous consent that, notwithstanding rule XXII, the Senate proceed to the consideration of S. 2912.

The PRESIDING OFFICER. In my capacity as a Senator from Illinois, I object.

Mr. REID. Mr. President, I am disappointed that there has been an objection, but I am not surprised.

I say to my friend from Massachusetts, who is on the floor, who has been a leader on these issues for 35 years—that is, in trying to establish some fairness in immigration policy.

Mr. KENNEDY. If the Senator would be good enough to yield.

Mr. REID. I am happy to yield to my friend from Massachusetts.

Mr. KENNEDY. It is a privilege to join my colleagues in introducing the "Latino and Immigrant Fairness Act of 2000." This important legislation will help re-establish fairness and balance in our immigration laws by making it fairer to apply for green cards, advancing the date for registry from 1972 to 1986, and providing equal treatment for Central American and Haitian immigrants.

Our legislation will also provide fairness for immigrants from Central American countries and Haiti. In 1997, Congress granted permanent residence to Nicaraguans and Cubans who had fled from dictatorships in those two countries. But it excluded many other Central Americans and Haitians facing similar conditions. The legislation will eliminate this unfair disparity by extending the provisions of the 1997 Act to all immigrants from Central America and Haiti.

By providing parity, we will help individuals such as Gheycell, who came to the United States at the age of 12 with her father and sister from worn-torn Guatemala. She went to school here, and became active in her community. In high school, she formed a club that helped the homeless in Los Angeles. She is now attending college. Her family applied for asylum and all were given work permits. They now qualify for permanent residence. But because Gheycell is 21, she no longer qualifies, and risks being deported to Guatemala. Under our proposal, she will be able to remain in the United States with her family and continue her education.

The legislation will also change the registry cut-off date so that undocumented immigrants who have been residing in this country since before 1986 can remain in the United States permanently. The registry date has periodically been updated since the 1920's to reflect the importance of allowing long-time, deeply-rooted immigrants who are contributing to this country to obtain permanent residence status and eventually become citizens.

These issues are matters of simple justice. The Latino and Immigrant Fairness Act is strongly supported by a broad coalition of business, labor, religious, Latino and other immigrant organizations. Conservative supporters include Americans for Tax Reform and Empower America. Labor supporters include the AFL-CIO, the Union of Needletrades and Industrial Textile Employees, and the Service Employees International Union. Business supporters include the National Restaurant Association and the American Health Care Association.

All of the major Latino organizations support the bill, including the Mexican American Legal Defense and Educational Fund, the National Council of La Raza, the League of United Latin American Citizens, and the National Association of Latino Elected and Appointed Officials. Religious organizations supporting the bill include the U.S. Catholic Conference, the Anti-Defamation League, and the Lutheran Immigration and Refugee Services. Members of these groups' agree that immigrants are an important asset for the economy, and that by enabling them to become permanent residents, they will be freed from exploitation.

This legislation will adjust the status of thousands of workers already in the U.S. and authorize them to work. This policy is good for families and good for this country. It will correct past government mistakes that have kept countless hard-working immigrant families in a bureaucratic limbo far too long. In taking these steps, Congress will restore fairness to our immigration laws and help sustain our economic prosperity.

I understand, we are coming into the last day of this particular session of this Congress. We will have approximately 4 weeks when we return. But we are running into the last days.

The Senator from Nevada was asking for consideration—since we have been in a quorum call, we probably do have the time to deal with these issues, which are not new issues—that we take the steps to try to provide some simple justice for many of our fellow citizens and workers here in the United States who have, because of the failure of action by Congress, or because of the particular decisions of the courts, been denied fairness in their treatment before the law.

I would like to ask the Senator from Nevada if he remembers the time, about 3 years ago, when we saw action taken in order to permit permanent resident status for Nicaraguans and Cubans. And yet, at least at that time, there were solemn guarantees that we were going to be able to have similar consideration for Guatemalans, El Salvadorans, Haitians, the other Central Americans who have been involved in similar kinds of conflict.

There was a unified position within the community that—because of the turmoil, because of the dangers to many of those people in returning to their country, dangers of retribution—that we ought to give them at least the opportunity for permanent resident status. A decision was made at that time to only do it for the Nicaraguans and the Cubans. But there was the promise that we were going to do it for the rest of the Central Americans.

This effort by the Senator from Nevada basically says: we made the promise. We gave the guarantee to these individuals. This is an effort by the Senator from Nevada to make sure that Nicaraguans, Cubans, Haitians, Guatemalans, and El Salvadorans are treated fairly and treated the same.

Is that one of the efforts that the good Senator is attempting to achieve?

Mr. REID. I respond to my friend from Massachusetts, that is true. We were promised. It was not a question that we would work on it. We were given every assurance that Haitians, Central Americans, people who lived under some of the most oppressive regimes in the history of their countries, would be granted the same privileges that the Cubans and Nicaraguans received. I was happy that the Cubans and Nicaraguans received basic fairness.

However, I say to my friend from Massachusetts, we are not asking for anything that is outlandish or new. This is the way America has been conducting its immigration policy since the birth of our republic. Is that not true?

Mr. KENNEDY. The Senator is correct. At this time, our fellow citizens ought to understand that if you are Guatemalan, El Salvadoran—someone who has been involved in the conflict in that region over the years and is now in the United States—you go off to work in the morning, and you may be married to an American wife, and you may have children who are Americans, and you can be picked up and deported, while the person who is working right next to you in the same shop may have been born 5 miles away but will have the protections of law.

Does that seem fair to the Senator from Nevada?

Mr. REID. No, it does not seem fair, I say to my friend from Massachusetts. It does not seem any more fair than a story I will tell the Senator, which he has heard me tell before. It is a story that is embedded in my heart and which has prompted me to speak out on these issues.

Secretary Richardson and I visited a community center in Las Vegas. We were told to go in through the backdoor because there were people outside who were demonstrating. I say to my friend from Massachusetts, we decided that we would not going through the backdoor.

These people that were demonstrating were good American people who were there saying: I am married to someone from Mexico, or El Salvador, or Guatemala. They were saying: We have children who have been born in this country. They have taken my husband's work card away from him. He can no longer make payments on our house, our car.

Other people I talked to, they had lost their houses, they had been evicted from their homes, they had lost their jobs. And those jobs are not that easy to fill in Las Vegas.

I say to my friend, I believe that justice calls out for this. We hear terms such as "fairness" and "social justice." Those terms are spoken on this floor a lot. But sometimes they are only words. To the people Bill Richardson and I met with in Las Vegas, however, these are more than words. These people, if the legislation we are trying to consider today was passed, would be able to have the satisfaction that their husbands or wives could go back to work, that their children would have parents who were legally employed, that they could live in their own home, and pay their taxes.

So I say to my friend from Massachusetts, who, I repeat, has been a leader on these issues for more than 30 years, that we not only have to do something about NACARA, which would give parity to Central Americans and Haitians, but also the legislation which I have introduced which would change the date of registry from 1972 to 1986. We have people here who have kids who have graduated from high school—American citizens. They are deporting the fathers and mothers of these children.

I would also say to my friend from Massachusetts that the date of registry has been in effect in this country for decades. Since 1929, we have changed the date of registry several times. I repeat, this isn't something we are doing that is unique or outlandish or bizarre. It is something that has been done for decades upon decades in this country.

Mr. KENNEDY. The part of this proposal that the Senator was trying to have before the Senate is really to equalize the treatment of those in Central America and Haiti with those from Nicaragua and Cuba because of the assurances that were given.

The Senator has talked about the registry which has been periodically updated since the 1920s, to reflect the importance of allowing long-time, deeply rooted immigrants who are contributing to the country to obtain permanent resident status and eventually become citizens.

Consider the case of Adriana, who came to the United States with her parents in 1981. In 1986, her family became eligible for legalization, since they had arrived here before 1982. They completed their applications and attempted to submit them to the INS. However, the INS erroneously declared them ineligible because they had briefly left the country in 1985. That year, Adriana and her parents had returned to their native land to visit her dying grandmother. They returned to the United States on tourist visas. In 1989, Adriana learned that the INS had been wrong in denying their right to apply for legalization. They successfully challenged the INS action, but because of changes in 1996, the family is still in legal limbo. Adriana's dream of becoming a special education teacher is on hold, and every day she lives in fear of deportation.

Here is a person who, under the law, under the holdings, should be permitted to remain in the United States permanently but is being denied that because of some legal impediments. I understand that the Senator's proposal effectively says to those who have been adjudicated in courts of law, which is the basis of this legislation, that those courts of law holdings should be upheld legislatively here in the Senate. Isn't that effectively what the second provision of the Senator's proposal would do?

Mr. REID. That is absolutely true. The Senator graphically painted a picture for us of Adriana. The sad part about that story is, it doesn't end with Adriana.

I went to a little place in rural Nevada a number of years ago called Smith Valley, a farming community in northwestern Nevada. After I gave my speech to the high school students, this very attractive, very bright-eyed young lady said: Senator, could I speak to you alone? I said: Sure. And this young lady proceeded to tell me what her family had gone through and how she, one of the top two or three kids in her graduating class, now could not go to college because she couldn't get loans because her parents' status needed to be readjusted. The story of

Adriana is one of hundreds of thousands, if not millions, of stories of unfairness faced by people in this country.

We in America pride ourselves on being fair. This is unfair. What we are doing to these people is un-American. These are people who are already American in many ways: They have spouses. They are families: a husband, a wife, a father, a mother who are American; many of the children are American citizens. In the process, somebody has been left out. We want to bring them in. We pride ourselves on doing everything we can to be family friendly. It would truly be family friendly to unite some of these immigrant families.

Mr. KENNEDY. There are three major provisions in the legislation. The other important part of the bill is what is called 245(i), which was a section of the immigration bill that should not have been allowed to expire in 1997. It had been in effect for years. Then it was allowed to expire. All we are trying to do is give it some life again because it had been so successful prior to that time. This provision would permit immigrants eligible to become permanent residents to apply for green cards here in the United States for a $1,000 fee, instead of being forced to return to their native land to apply. The fee was a significant source of funds for INS enforcement and for the processing of applications. Section 245(i) is pro-family and pro-business. It allows immigrants with close family members in this country to remain here and apply for permanent residence. It enables businesses to keep valuable employees, and it provides INS with millions of dollars in additional revenues each year, at no cost to taxpayers.

Restoring the ability to apply for green cards in this country also alleviates other unnecessarily harsh provisions in the law which bar these immigrants from returning to the United States for up to 10 years.

Consider the case of Norma, who entered the United States from Mexico, settled in North Carolina, and married a U.S. citizen. They have been married for 2 years, have a child, and are expecting another this fall. They recently purchased a new home for their growing family. Norma and her husband are troubled over what to do about her immigration status. She can stay here and risk being deported. Or she can return to Mexico to apply for an immigrant visa, but she would be barred from re-entering the United States for 10 years. That is the current law, 10 years. The restoration of section 245(I) will allow this new family to stay together. Until then, she remains here in legal limbo, unable to become a permanent resident.

Section 245(I) had been in effect for 8 years without any kind of abuses. I remember the hearings we had on the 1996 act. I was amazed when this was added. I fought it, voted against it, but it was put into law. The restoration of section 245(I) will allow this new family to stay together. Until then, she remains here in legal limbo, unable to become a permanent resident, and risks being deported.

We describe it as 245(I), but this is a real family. These are real cases, real cases of family unity. It is something that is closely related to how parents are going to be able to deal with their children.

In talking about the registry, these are individuals who should be entitled to remain here under court order because they comply legally, but because there was a mix-up in the INS, they have been denied that opportunity. We are trying to bring justice to them, justice and fairness to Central Americans, and treat them equally. These don't seem to me to be very complex issues. These issues do not demand a great deal of time in order to be able to understand them or to debate them. These issues, it seems to me, should be very comprehensible to Members of the Senate.

I understand the Senator from Nevada is attempting to say: as we come to the end of this session we have been unable to get these matters to the floor because of a range of different activities. Now, in the final days, as a matter of simple fairness, as a matter of family policy, as a matter of common sense, as a matter of continuing our commitment to these individuals, and as a matter of basic and fundamental justice, we ought to take this action. Is that the position of the Senator from Nevada?

Mr. REID. Mr. President, I don't know the case of Norma. The Senator has again painted a very vivid picture. I personally have been acquainted with case after case out of my Las Vegas and Reno offices, the same kind of cases. We can change the name, but they are tragic stories. Remember, we are not saying grant citizenship to somebody who is not entitled to it. We are saying, don't send them back to the country they go to for a silly clerical revisit. We think the law should be that if they are eligible for citizenship, let them apply, and remain in the United States with their families and loved ones.

If we look at our own personal backgrounds, these issues become pretty personal. My father-in-law was born in Russia, my grandmother in England. People need to be treated fairly. Thank goodness my father-in-law and his family were able to work through the bureaucratic programs we have here in the United States and, as a result of that, my wife is an American citizen.

We are dealing with people's lives, people such as my father-in-law. All they wanted to do was come to America. They were oppressed in Russia.

Mr. KENNEDY. That is a very moving story.

I see others who want to address the Senate. Let me ask the Senator a final question. Does the Senator hope the Republican leadership will come and either explain their objection to considering and taking action on these issues, or at least that the Republican leadership will give the Senator the assurance that we will bring this up after the completion of the debate on the China trade issue by, say, mid-September? The Senator would certainly welcome that, would he not? And if we are not able to get those kinds of assurances, the silence by the Republican leadership in addressing this issue, I think, would be very significant indeed.

We all know what is happening around here. I think if the leadership gave assurances to the Senator from Nevada and most importantly, to the many families in this country affected by our unfair immigration laws, that we will consider this legislation—would the Senator not agree with me—that that would be an enormous step forward and magnificent progress? But if we are not able to get those assurances, how does the Senator interpret the silence of the leadership on this issue?

Mr. REID. Mr. President, I would go one step beyond what my friend from Massachusetts has said. I call upon Governor George W. Bush, who goes around the country and even speaks in Spanish once in a while, talking about how compassionate he is, and how important the priorities of the Latino community are to him. I want him to speak out and say to my colleagues, the Republican leadership in the Congress, let's vote on these issues because they are about fairness. Let's take up and pass these reasonable provisions. If he is really compassionate, there is no area that deserves more compassion than what we are trying to do in this legislation. Not only do I call upon the Republican leadership to allow us to vote on these matters, I call upon the Republican nominee for President of the United States to speak out publicly. Is he for or against what we are trying to do?

Mr. KENNEDY. Is the Senator suggesting he'll call upon Governor Bush and the Republican leadership in the House and Senate and say that this is something that needs to be supported, that this is something that is a priority with 4 weeks left in this session and that he hopes very much that the leadership will bring this up for final action?

Mr. REID. The Vice President of the United States has put it in writing that he supports this. Vice President GORE put it in writing that he supports the provisions of the Latino and Immigrant Fairness Act.

I hope we can move forward with this legislation. There has been much talk about H-1B visa, and I believe that this legislation is very important. We live in a high-tech society. We want to move forward to try to meet our obligations. But let's not think we are going to lay over on these issues, which are issues of basic fairness, because of threats on the other side that we are not going to be able to do H-1B. Basic fairness dictates that we do both of them. And, we can if the Republicans would just allow us to move forward.

Mr. KENNEDY. I agree. I think we can and we should do both of them. We can do them very quickly. We have had the hearings in the Judiciary Committee. The Judiciary Committee members understand these issues. They can help provide information to our colleagues if they are in doubt. But the compelling need for action in these areas is just extraordinary.

I hope my friend and colleague from Nevada is not going to just end with this challenge. I hope he will continue to work, and I certainly will join him, as many colleagues will, and try to get action. We are unable to get the action today, but we have time remaining. I want to say I look forward to working with him to make sure we get action one way or another, hopefully with the support of the Republican leadership. But if we are not able to have that support, I hope at least they will get out of the way so we can give justice to these very fine individuals.

I thank the Senator.

Mr. REID. I close by publicly expressing my appreciation to the Senator from Massachusetts for his clear and consistent understanding of what fairness is. Also, I assure him that we have just begun to fight.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HOW WE CAN MOVE BEYOND THE FALSE DEBATE AND ON TO REAL SALMON RECOVERY

Mrs. MURRAY. Mr. President, for several years the people of the Pacific Northwest have been working to save several wild salmon and steelhead runs that are currently threatened with extinction.

Today, the administration presented a number of proposals for how we can recover these species.

Specifically, the administration released its draft biological opinion for technical review by the four affected States and the region's tribes.

The administration also released an updated All-H paper—also known as the Basin-wide Recovery Strategy.

This paper details proposals in the areas of hatchery reform, harvest levels, hydroelectric power generation, and habitat recovery.

I take this opportunity to talk about how we can work together to restore the threatened and endangers species of the Columbia Basin.

From the ancient history of Native Americans to the explorations of Lewis and Clark nearly 200 years ago, the natural bounty of the Pacific Northwest has always been a source of pride.

We have been blessed with great rivers—including the Columbia, the Yakima and the Snake. Over the years, we have drawn from these rivers.

Dams have provided us with vital hydroelectric power—forever improving the quality of life in our region and providing an engine for our robust economic development.

These rivers have helped generations of farmers from Longview to Walla Walla by providing water for irrigation. And, they have provided a watery highway, allowing us to bring our products to market.

Clearly, Washington state has benefitted from our rivers and natural resources.

I am proud that today we are home to the best airplane manufacturer in the world. We are home to the best software company in the world. We grow the best apples. Mr. President, our future is bright.

But Mr. President, this progress has come at a price. Our wild salmon stocks are struggling. In fact, the National Marine Fisheries Service has listed 12 wild salmon and steelhead stocks in the Columbia basin as threatened or endangered.

In addition, several butt-trout and sturgeon populations are also threatened.

Let me be clear. Those listings mean that right now—we are on the path of extinction.

So the question before us is: Do we have the will to come together and choose a different path—the path of recovery?

I believe that we do. I believe that the ingenuity and optimism of the people of Washington State will allow us to meet this challenge.

And I am proud of the tough decisions that people all across my State—from farmers and Native Americans to sport fishermen and the fishing industry—have made so far.

But it will be difficult. Unfortunately, the current debate about saving salmon makes finding a real solution even more difficult.

The debate today is too short-sighted, it is too narrow, and it's too partisan.

When I say the debate has been short-sighted, I mean that this isn't an issue that's going to be resolved in one month or one year or even one generation.

We are dealing with an issue that has a long history.

In the Pacific Northwest, salmon are part of our heritage, our culture and our economy.

We know from the oral history of Native Americans the significance that salmon played in the lives of Northwesterners as long as 12,000 years ago.

The question before us today is: Will salmon still spawn in these rivers in the next 1,000 years, the next 100 years, or even 10 years from now?

Salmon are a link to our past, and if they are going to be part of our future, we will have to find solutions that look beyond the next season or the next election.

I am committed to make sure we take the long view when it comes to saving salmon.

In addition, the debate has been too narrow. If someone from another part of the country heard the debate, they would think that only one thing affects salmon—dams.

We know that dams are just one of four factors that affect salmon. It may help to think of the challenge before us as a table—a table with four legs.

Each one of those legs must hold its share of the weight. If one leg is too short, the table will be out of balance.

We know that salmon are impacted by four variables. They are hydropower, hatcheries, harvest, and habitat.

Let me start with hydropower—or dams.

Mr. President, I have long said that we need to develop and implement a comprehensive recovery strategy before we consider the removal of dams.

I am pleased that the administration has taken this first step forward and provided the foundation for such a plan.

I am also pleased that in doing so the administration is clearly moving us beyond the false debate of dams or no dams.

The issue has never been that simple. To be sure, the Ice Harbor, Lower Monumental, Little Goose, and Lower Granite dams have—like other dams throughout the region—hampered the ability of salmon to migrate from their original river homes, to the ocean, and back again to spawn.

The reality is that we have 12 listed species throughout the Columbia basin. Four of these stocks are in the Snake River. The other eight are on the Columbia and Willamette Rivers.

Removal of the Snake River dams is of minimal value to the recovery of the eight listed Columbia and Willamette runs.

Furthermore, while removal of the dams would benefit the Snake runs, NMFS has found removal may not be necessary for recovery and that removal alone would probably not be sufficient.

We still have to deal with the issues related to recovering these particular stocks and the hydro system needs to be examined and upgraded to ease fish passage to and from the ocean.

We need to address the challenges posed dams pose for fish survival.

We must employ a comprehensive, basin-wide approach that, regardless of the ultimate decision regarding the dams, addresses all of the complex issues surrounding salmon recovery.

Mr. President, I fear that some who have focused solely on dam removal have failed to consider what will be necessary under a comprehensive recovery approach.

We need to, as the administration's draft plan suggests, establish performance standards for recovery, and we need to achieve those goals.

Bypassing the dams will remain a subject to this debate if we fail to aggressively tackle the issues related to survival of fish through the hydro system. It is a reality we must deal with.

Next I'd like to turn to the second factor that affects salmon recovery—hatcheries.

We must minimize the impacts of hatchery practices that present challenges to the wild stocks, namely: the introduction of disease; competition for food; and dilution of the gene pool.

Further, as the administration suggests, there is a possibility that we could use hatcheries as a way to bolster weak stocks on a short-term basis by using a little common sense.

By choosing to utilize wild, native fish stocks, hatcheries can be transformed from a hindrance to recovery to a help.

Mr. President, reform of the hatchery program will be expensive. However, there is a fair amount of agreement on what reform is necessary.

The Northwest Power Planning Council's report, Artificial Production Review, has given us a basis for action. It is now an issue of finding the funds and prioritizing where these funds should be spent.

The next factor is harvest. This relates to several controversial issues that are subject to both international and tribal treaties.

The Pacific Salmon Treaty with Canada and the treaties with Northwest tribes clearly obligate us to recover salmon to harvestable levels. Under those treaties we, as Americans, have obligations we must meet. Already, many have sacrificed because of the declines in salmon runs.

The tribal fishermen who have depended on the salmon since time immemorial to feed their families and celebrate their culture has sacrificed.

The sports fisherman has sacrificed with the virtual elimination of chinook season.

The commercial fishing family in Ilwaco has sacrificed.

In a couple of years, after completing the buy-back commitments under the Pacific Salmon Treaty, there could be as few as 600 active non-tribal commercial licenses, compared to the roughly 10,000 licenses in the 1970s.

As we look forward at the sacrifices we will need to make in the future to help recover the wild stocks, we should never forget those who have already seen their livelihood, tradition, family, and community impacted by the dwindling numbers of returning fish.

We need to promote selective fishing that allows the catching of non-listed species while providing for the release of listed ones.

We also need to continue to support efforts to reduce the number of federal and state issued fishing licenses by buying back those licenses.

The recently signed Pacific Salmon Treaty, which Vice President GORE played such an important role in finalizing, calls for exactly these types of measures.

We need to redouble our efforts to prevent overfishing and manage this resource in a responsible way.

Finally, as controversial and difficult as the issues related to the hydro system will be, habitat promises to be every bit as thorny and complex an issue to tackle.

Mr. President, in this equation, by and large, habitat equals water and impacts to water quality.

As anyone familiar with agriculture can tell you, especially in the West, water is gold. It is the stuff of life.

It makes or breaks communities, both their ability to maintain what they have and to sustain and manage their growth.

Water in the West is both the great opportunity provider and limiter. Our water law dates back to the earliest days of settlement, and it has struggled to meet the demands of the modern era.

We need to take steps now to prevent the continued destruction of critical habitat and work to restore habitat that has been degraded over time.

Mr. President, the key for fish, as it is for people, is access to cool, clean water. Fish require a sufficient quantity of unpolluted water; that means encouraging land use practices near critical river habitat that are consistent with the needs of the fish.

Mr. President, these are the four areas we must address. All four are important and must be part of the debate.

Addressing issues related to the hydro system, reforming hatchery practices, managing harvest, and husbanding important habitat will not be easy. But we don't have a choice. Allowing salmon to become extinct is not an option.

Mr. President, at the start of my remarks, I said that the debate so far has been too short sighted and too narrow, and I have explained how we can take a longer view and how we can look at the broad range of factors that affect salmon.

Before I close I would like to explain why I think that the debate over salmon recovery has been too political to the detriment of saving salmon and doing what needs to be done to keep the families in our region whole.

When partisan politics are injected into such a complex issue, it has the effect of dividing people—rather than bringing them together.

Unfortunately, we have heard too many people who only say what they don't want to happen, who only seek to place blame, who heighten the rhetoric, who lead by creating fear rather than hope, and who never commit to a plan.

That is not going to help us save salmon or the people in the impacted communities of the Pacific Northwest.

Saying "no" to everything, without offering a constructive plan, is not leadership. And it will take leadership to recover our salmon stocks and keep our commitments to the people of the Northwest.

Mr. President, I commit to work in a positive fashion with anyone who is genuinely interested in saving salmon.

If you are serious about solutions, I am ready to work together to find them. And I am willing to play my part in our shared responsibility.

I will continue to seek Federal funding to support new and continuing projects. I will strive to maintain my own communication with affected communities, individuals, and interest groups. In addition, I will promote better communication between federal agencies and other parties when this communication breaks down.

In short, I commit to being a positive partner with all those who understand the need for tough decisions and want to move forward to real recovery.

It is time to rise above the current debate, which traps people into false choices while letting the possibility of other solutions slip away from us.

Mr. President, this is not an issue that is going to be solved by November 7, 2000. This is an issue that will be with us for years—perhaps generations—to come.

What we need now are public servants and private citizens with both the will and the vision to sit down, roll up their sleeves, and figure out how to move forward.

Right now we are on the path to salmon extinction. Anyone who delays progress keeps us on that path. Anyone who divides rather than unites, brings extinction closer.

Mr. President, as we proceed on this issue, I wish to state my willingness to work with the next President, with the tribal governments, with my colleagues in the Congress, with the State and local governments, and with private citizens to address the important issues related to recovering wild salmon.

And we can make progress while maintaining our region's economic viability.

The opportunity the administration has given us today is to move forward in a constructive way.

They have presented a plan that moves beyond the debate about bypassing dams and onto the issues we really need to focus on.

While I may disagree with some of the specifics of this plan, it does provide a comprehensive roadmap for how we can resolve these difficult issues.

I believe if we take the comprehensive approach, we will save salmon and steelhead runs; we will be able to produce essential power; we will be able to meet the needs of our farmers, and we will keep water healthy for our children's children.

Mr. President, as I conclude I want to make one final point. This really isn't just about fish or dams. It is about the type of world we want to live in. We have a choice about the legacy we leave for our grandchildren.

The choice I have called for today is the choice to leave future generations clean rivers—full of salmon.

The choice I've called for today is the choice to show our grandchildren that no matter how big our difference may appear we can work together and be good stewards of our land.

That is the choice I hope we will make.

The other path leaves a far different legacy. A legacy that leaves our grandchildren polluted waters—resources divided from nature, and even worse—people divided from each other.

Mr. President, that is not the legacy I want to leave. We cannot shrink from this challenge.

Let's use today's reports as a tool to help us move forward toward real salmon recovery.

The PRESIDING OFFICER. The Senator from Illinois.

LATINO AND IMMIGRANT FAIRNESS ACT

Mr. DURBIN. Mr. President, I rise today in support of a bill that will correct severe injustices affecting thousands of immigrants to the United States, while at the same time strengthening their ability to contribute to the U.S. economy and to the struggling economies of their countries of birth.

A short time ago on the floor of the Senate a unanimous consent request was made by Senators KENNEDY and HARRY REID of Nevada asking that this legislation, the Latino and Immigrant Fairness Act, be brought to the floor for immediate consideration. It is very difficult to argue that we are so consumed with work in the Chamber of the Senate that we can't consider this legislation. In fact, we have done precious little over the last several days because of an honest disagreement between the leadership on the Democrat and Republican side.

I do believe this legislation should be brought on a timely basis for the consideration of the Senate. The bill in question is the Latino and Immigrant Fairness Act. It has the support of an impressively broad coalition of groups and individuals, labor unions, business groups, human rights groups, religious organizations, conservative and progressive think tanks. Empower America supports this bill as pro-family and pro-market. The AFL–CIO supports it because it is pro-labor.

The administration is committed to its passage. Perhaps the most compelling reason for passing this bill is that it embraces the principles of fairness and justice that are of value to the American spirit and to the work we do in the Senate.

I recall, when we discuss the issue of immigration, one of my favorite stories involving President Franklin Roosevelt. President Roosevelt, of course, came from a somewhat aristocratic family in New York and was elected President in 1932. As the first Democratic President in many years, he was invited to speak to the Daughters of the American Revolution in Washington, DC. Of course, the DAR is an organization which prides itself on its Yankee heritage and the fact many have descended from those who came over on the *Mayflower*. They have a history of being somewhat skeptical of immigration policy in this country. When Franklin Roosevelt spoke to the DAR, his opening words set the tone. He introduced himself by saying: Fellow immigrants, a reminder to the DAR, a reminder to all of us, with the exception of Native Americans, who have been here for many centuries, we are all virtually immigrants to this country.

I am a first generation American. My mother immigrated to this country at the age of 2 from the country of Lithuania in 1911. My father's family dates back to before the Revolutionary War, so I really represent both ends of the spectrum of white immigration to America. This bill tries to address the basic principles of immigration fairness and justice which we have tried to hold to during the course of this Nation's history. I bring particular attention to the Senate to the plight of immigrants from Central America and Haiti who have been dealt a severe injustice during the past 20 years, one that would be directly addressed by this legislation.

In the recent past, thousands of people from Central America and Haiti have been forced to flee their homes in order to save their lives and the lives of their families. In Guatemala, hundreds of so-called "extra-judicial" killings occurred every year between 1990 and 1995; entire villages "disappeared", most probably massacred. In El Salvador, political violence was rampant—63,000 people were killed in the 1980's by a combination of leftist guerrillas, right-wing death squads, and government military actions. Ironically, an end to twelve years of civil war did not mean an end to violent internal strife; the death toll in 1994 was higher than it was during the war. In Honduras, the Department of State's Human Rights Reports cite "serious problems", including extrajudicial killings, beatings, and a civilian and military elite that have long operated with impunity. In September 1991, Haiti's democratically-elected government was overthrown in a violent military coup de'etat that, over a three year period, was responsible for thousands of extra-judicial killings.

Current law creates a highly unworkable patchwork approach to the status of these immigrants, one that assaults our sense of fair play. Immigrants from Nicaragua and Cuba who have lived here since 1995 can obtain green card status in the U.S. through a sensible, straightforward process. Guatemalans and Salvadorans are covered by a different, more stringent and cumbersome set of procedures. A select group of Haitian immigrants are classified under another restrictive status. Hondurans by yet another. As if this helter-skelter approach isn't bad enough, existing policies also treat family members of immigrants—spouses and children—differently depending on where they live, and under which provision of which law they are covered.

The United States is known around the world as the land of equal opportunity, but the opportunities we are affording to Central American and Haitian immigrants who have lived in this country for years are anything but equal. The current situation is untenable. Why should a family that has set down firm roots in the United States after fleeing death squads in Nicaragua be treated differently under the law than another family from, say, El Salvador, who left that country for precisely the same reason. The point was made brutally clear when Amnesty International documented the case of Santana Chirino Amaya, deported back to El Salvador and subsequently found decapitated. This, and many similar stories, led to charges that the U.S. was engaged in a "systematic practice" of denying asylum to some nationals, regardless of the merits of their claims. A class-action lawsuit brought by the American Baptist Churches and other faith-based organizations on behalf of Salvadoran and Guatemalan immigrants made a similar case, and was eventually settled in favor of those seeking a fairer hearing.

Or consider the plight of Maria Orellana, a war refugee from El Salvador, who fled the country when soldiers killed two members of her family. She has lived the past ten years in the United States. Recently, the INS ordered her deported even though she is eight months pregnant and even though her husband—himself an immigrant—has legal status here and expects to soon be sworn in as a U.S. citizen. When a newspaper reporter asked the INS to comment on Maria's case, the reply was: "I don't know why Congress wrote it differently for people of different countries. We're not in a position to change a law given to us by Congress . . . we just enforce the law as written."

Well, the law, in this case, was written badly, and needs to be fixed. The Latino and Immigrant Fairness Act would resolve these many inequities by providing a level playing field on which all immigrants from this region with similar histories would be treated equally under the law. And it would address two other issues of great importance to the immigrant community as well.

The provision to restore Section 245(i) would restore a long-standing and sensible policy that was unfortunately allowed to lapse in 1997. Section 245(i) of the Immigration Act had allowed individuals that qualified for a green card to obtain their visa in the U.S. if they were already in the country. Without this common-sense provision, immigrants on the verge of gaining their green card must return to their home country to obtain their visa. However, the very act of making such an onerous trip can put their green-card standing in jeopardy, since other provisions of immigration law prohibit re-entry to the U.S. under certain circumstances. This has led to ludicrous situations, like the forced separation of married couples because one spouse must leave the country to obtain a visa, uncertain as to when they can be reunited. Restoring the Section 245(i) mechanism to obtain visas here in the U.S. is a good policy that will help keep families together and keep willing workers in the U.S. labor force.

Let me add, in my office in Chicago, IL, two-thirds of the casework we do relates to immigration. We understand the plight of these families on a personal basis. We meet them in our office, we meet their friends and relatives, we meet members of their churches who ask why the laws on immigration in America have to be so unfair and contradictory. That is why this bill is so important.

The Date of Registry provision is equally important. Undocumented immigrants seeking permanent residency must demonstrate that they have lived continuously in the U.S. since the date of registry cut-off. This amendment updates the date of registry from 1972—almost 30 years of continuous residency—1986. The Latino and Immigrant Fairness Act recognizes that many immigrants have been victimized by confusing and inconsistent INS policies in the past fifteen years—policies that have been overturned in numerous court decisions, but that have nonetheless prevented many immigrants from being granted permanent residency. Updating the date of registry to 1986 would bring long overdue justice to the affected populations.

It is worth reviewing the recent history of immigration policy to understand how we arrived at such a highly convoluted and piecemeal approach. Prior to the passage of the Illegal Immigration Reform and Responsibility Act in 1996, aliens in the United States could apply for suspension of deportation and adjustment of status in order to obtain lawful permanent residence. Suspension of deportation was used to ameliorate the harsh consequences of deportation for aliens who had been present in the United States for long periods of time.

In September of 1996, Congress passed the Illegal Immigration Reform and Responsibility Act. This law retroactively made thousands of immigrants ineligible for suspension of deportation and left them with no alternate remedy. The 1996 Act eliminated suspension of deportation and established a new form of relief entitled cancellation of removal that required an applicant to accrue ten years of continuous residence as of date of the initial notice charging the applicant with being removable.

In 1997, Congress recognized that these new provisions had resulted in grave injustices to certain groups of people. So in November of 1997, the Nicaraguan Adjustment and Central American Relief Act INACARA) granted relief to certain citizens of former Soviet block countries and several Central American countries. This select group of immigrants were allowed to apply for permanent residence under the old, pre-IIRRA standards.

Such an alteration of IIRRA made sense. After all, the U.S. had allowed Central Americans to reside and work here for over a decade, during which time many of them established families, careers and community ties. The complex history of civil wars and political persecution in parts of Central America left thousands of people in limbo without a place to call home. Many victims of severe persecution came to the United States with very strong asylum cases, but unfortunately these individuals have waited so long for a hearing they will have difficulty proving their cases because they involve incidents which occurred as early as 1980. In addition, many victims of persecution never filed for asylum out of fear of denial, and consequently these people now face claims weakened by years of delay.

Correcting the inequities in current immigration policies is not only a matter of fundamental fairness, it is good, pragmatic public policy. The funds sent back by immigrants to their home countries sources of foreign exchange, and significant stabilizing factors in several national economies. The immigrant workforce is important to our national economy as well. Federal Reserve Chairman Alan Greenspan has frequently cited the threat to our economic well-being posed by an increasingly tight labor pool, and has gone so far as to suggest that immigration be uncapped. While these provisions will not remove or adjust any such caps, it will allow those already here to move freely in the labor market.

I come to the floor disappointed because the effort for unanimous consent to bring up the Latino and Immigrant Fairness Act was denied. This is an act which advances justice, keeps families together, and strengthens the national and international economy. It deserves unqualified support and rapid passage.

Not that many years ago, immigrants to this country faced an onslaught of criticism. There were propositions in the State of California, speeches made by politicians, charges made by groups that really caused a great deal of fear and concern among those who had immigrated to this country. It is a stark reminder that, as a nation of immigrants, we should continue to have a fair and consistent policy of immigration.

This country opened its doors to my mother, her family, to give her a chance to leave her land and come to live here. I often think about the courage involved when their family came together, her mother and three small children, to get on a boat in Germany to come to a country where they did not speak a word of the language.

But they heard they had a better opportunity here in America, as many millions before them and many millions since have heard the same thing. Should we not in this generation show we are compassionate conservatives, compassionate moderates, and compassionate liberals when it comes to immigration fairness? The way to show that, the way to prove it, is to bring to the floor this legislation as quickly as possible.

I hope on a bipartisan basis we can have Republicans and Democrats join in the enactment of this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

INTERCOUNTRY ADOPTION ACT OF 2000

Mr. CAMPBELL. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of Calendar No. 692, H.R. 2909.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> A bill (H.R. 2909) to provide for implementation by the United States of the Hague Convention on Protection of Children and Cooperation in Respect to Intercountry Adoption, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4023

Mr. CAMPBELL. Mr. President, Senator HELMS has a substitute amendment at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

The Senator from Colorado [Mr. CAMPBELL], for Mr. HELMS, for himself, Ms. LANDRIEU, Mr. ASHCROFT, Mr. CRAIG, Mr. JOHNSON, Mr. SMITH of Oregon, and Mrs. LINCOLN, proposes an amendment numbered 4023.

Mr. CAMPBELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. HELMS. Mr. President, countless Americans will be pleased to know that the Senate has unanimously approved the Intercountry Adoption Implementation Act to implement the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption. This is a treaty that was approved by the Foreign Relations Committee about 3 months ago—in April of this year.

Senator LANDRIEU and I had offered the Intercountry Adoption Implementation Act a year ago, because when this legislation becomes law it will provide, for the first time, a rational structure for intercountry adoption.

This significant legislation is intended to build some accountability into agencies that provide intercountry adoption services in the United States while strengthening the hand of the Secretary of State in ensuring that U.S. adoption agencies engage in an ethical manner to find homes for children.

Although, the majority of intercountry adoptions are successful, it is also a process that can leave parents and children vulnerable to fraud and abuse.

For this reason, under the Intercountry Adoption Implementation Act, agencies will be accredited to provide intercountry adoption. Mandatory standards for accreditation will include ensuring that a child's medical records be available in English to the prospective parents prior their traveling to the foreign country to finalize an adoption. (The act also requires that agencies be transparent, especially in their rate of disrupted adoption and their fee scales.)

Moreover, under this act, the definition of orphan has been broadened so that more children can be adopted by U.S. parents. However, in no way is the power of the U.S. Attorney General (who currently has the authority to ensure that all adoptions coming into the United States are authentic) diminished.

Lastly, the Intercountry Adoption Implementation Act will provide much-needed protection for U.S. children being adopted abroad by foreigners. Under this act, it will be required that: (1) diligent efforts be made to first place a U.S. child in the United States before looking to place a U.S. child abroad; and (2) criminal background checks be conducted on foreigners wishing to adopt U.S. children.

Senator LANDRIEU and I have worked together on issues of adoption since her arrival in the Senate in 1997. I am genuinely grateful for her leadership on this issue.

In addition, I thank Senator BIDEN, the ranking minority member of the Foreign Relations Committee, for his hard work (and that of his staff) in finalizing the Intercountry Adoption Implementation Act.

I likewise extend my gratitude to Senators GORDON SMITH and JOHN ASHCROFT—both members of the Foreign Relations Committee—and Senators JOHNSON, CRAIG, and LINCOLN for their cosponsorship of this legislation.

Senator BROWNBACK has been as helpful, Mr. President, in making certain that small intercountry adoption agencies will be protected under the implementation of this act.

I also thank all Members in the House of Representatives who have worked to enable the passage of this Act; in particular, BEN GILMAN, distinguished chairman of the House International Relations Committee; Congressman SAM GEJDENSON, the ranking minority member on the House International Relations Committee; Congressmen DAVE CAMP and WILLIAM DELAHUNT; and, last but by no means least, Congressman RICHARD BURR—who introduced the original Senate companion bill in the House.

From our own family, the former legislative counsel of the Foreign Relations Committee, now counsel for Senate Intelligence, Patricia McNerney; and my righthand lady, Michele DeKonty.

Mr. President, The Intercountry Adoption Implementation Act now awaits approval by the House of Representatives. Needless to say, we hope the House will move swiftly toward final passage.

Mr. BROWNBACK. Mr. President, as the father of five children—two of whom came into our family through international adoption—I take special interest in the Hague Convention on Intercountry Adoption. The treaty signers hope to improve the international adoption system and provide more homes for the children who need them.

Like many active adoption professionals and leaders of the American adoption community, I support the mission of the treaty to protect the rights of, and prevent abuses against, children, birth families, and adoptive parents, involved in adoptions. The treaty will not only reassure countries who send their children outside their borders, it will also improve the ability of the United States to assist its citizens who seek to adopt children from abroad.

While the treaty will provide significant benefits, I had serious concerns that the proposed method of implementation would have caused more harm than good. After study, it became clear to me that there are few nonprofit private entities in existence that have the funding, staff, and experience necessary to develop and administer standards for entities (agencies) providing child welfare services. Small community based agencies especially would have found it costly and burdensome to deal with only one or possibly two large and most likely distant accrediting entities. For the season, I have repeatedly expressed concerns that many states, especially rural and sparsely populated areas, risk being left with no adoption agencies authorized to help their residents with foreign adoptions.

As I have stated before, I believe it is important for each state to regulate adoption agencies as it deems appropriate to meet the widely varying needs of its families with the resources available in that state. Working closely with the sponsors of this bill, I proposed an amendment that allows public entities (other than a Federal entity), including an agency or instrumentality of State government having responsibility for licensing adoption agencies, to serve as an accrediting entity. (In other words, a state government may serve as an accrediting entity).

In this way, States may continue to participate in intercountry adoption—making sure that interested parties meet the Hague requirements. Giving states the option to continue to participate in intercountry adoption would ensure that small and medium sized agencies have at least one accrediting entity choice that is local, familiar, and easily accessible.

In addition, in order to further lessen the initial burden of federal accreditation on small and medium sized agencies, I worked with the sponsors of this bill to minimally increase the temporary registration period for small and medium sized agencies. Thus, they would have more time to prepare for federal accreditation—a process that may prove to be costly and burdensome but is considered necessary by many in the adoption community.

My initial concerns regarding certain provisions of the implementing legislation stemmed from a number of areas including my own experience of having recently adopted two children from other countries, and contact with numerous other families who would either love to adopt a child, but can't afford it, or who have adopted a child under the present system and had great success.

Like many Americans, I am firmly committed to finding permanent, safe, and loving homes for children who have been orphaned or are in foster care. I am hopeful this legislation will help secure that dream without adding a significant overlay of federal bureaucracy and red tape.

At this time, I would like to recognize and thank one of my staff members, Amanda Adkins, for help on this legislation. Amanda was truly diligent in her efforts to make this a better bill and to work for the needs of rural Kansans. I thank her for her dedication.

Many families spend their entire life savings to realize their dream of having a child. I look forward to continuing to work with the sponsors of this bill as we monitor the implementation of this important treaty.

Mr. CAMPBELL. I ask unanimous consent the amendment be agreed to, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4023) was agreed to.

The bill (H.R. 2909), as amended, was read the third time and passed.

COAST GUARD AUTHORIZATION ACT OF 2000

Mr. CAMPBELL. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of Calendar No. 567, S. 1089.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1089) to authorize appropriations for fiscal year 2000 and 2001 for the United States Coast Guard, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the bill.

The Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation with an amendment to strike all after the enacting clause and insert the printed in italic:

S. 1089

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coast Guard Authorization Act of 2000".

TITLE I—AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION FOR FISCAL YEAR 2000.—Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 2000, as follows:

(1) For the operation and maintenance of the Coast Guard, $2,781,000,000, of which $300,000,000 shall be available for defense-related activities and of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $389,326,000, to remain available until expended, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $19,000,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, such sums as may be necessary, to remain available until expended.

(5) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operations and maintenance), $17,000,000, to remain available until expended.

(6) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, $15,000,000, to remain available until expended.

(b) AUTHORIZATION FOR FISCAL YEAR 2001.—Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 2001, as follows:

(1) For the operation and maintenance of the Coast Guard, $3,199,000,000, of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $520,000,000, to remain available until expended, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990, and of which $110,000,000 shall be available for the construction and acquisition of a replacement vessel for the Coast Guard Cutter MACKINAW.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $21,320,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, such sums as may be necessary, to remain available until expended.

(5) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operations and maintenance), $16,700,000, to remain available until expended.

(6) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, $15,000,000, to remain available until expended.

(c) AUTHORIZATION FOR FISCAL YEAR 2002.—Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 2002 as such sums as may be necessary, of which $8,000,000 shall be available for construction or acquistion of a replacement vessel for the Coast Guard Cutter MACKINAW.

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) END-OF-YEAR STRENGTH FOR FISCAL YEAR 2000.—The Coast Guard is authorized an end-of-year strength for active duty personnel of 40,000 as of September 30, 2000.

(b) TRAINING STUDENT LOADS FOR FISCAL YEAR 2000.—For each of fiscal years 2000 and 2001, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 1,500 student years.

(2) For flight training, 100 student years.

(3) For professional training in military and civilian institutions, 300 student years.

(4) For officer acquisition, 1,000 student years.

(c) END-OF-YEAR STRENGTH FOR FISCAL YEAR 2001.—The Coast Guard is authorized an end-of-year strength for active duty personnel of 44,000 as of September 30, 2001.

(d) TRAINING STUDENT LOADS FOR FISCAL YEAR 2001.—For fiscal year 2001, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 1,500 student years.

(2) For flight training, 125 student years.

(3) For professional training in military and civilian institutions, 300 student years.

(4) For officer acquisition, 1,000 student years.

(e) END-OF-THE-YEAR STRENGTH FOR FISCAL YEAR 2002.—The Coast Guard is authorized an end-of-year strength of active duty personnel of 45,500 as of September 30, 2002.

(f) TRAINING STUDENT LOADS FOR FISCAL YEAR 2002.—For fiscal year 2002, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 1,500 student years.

(2) For flight training, 125 student years.

(3) For professional training in military and civilian institutions, 300 student years.

(4) For officer acquisition, 1,000 student years.

SEC. 103. LORAN-C.

(a) FISCAL YEAR 2001.—There are authorized to be appropriated to the Department of Transportation, in addition to funds authorized for the Coast Guard for operation of the LORAN-C system, for capital expenses related to LORAN-C navigation infrastructure, $20,000,000 for fiscal year 2001. The Secretary of Transportation may transfer from the Federal Aviation Administration and other agencies of the department funds appropriated as authorized under this section in order to reimburse the Coast Guard for related expenses.

(b) FISCAL YEAR 2002.—There are authorized to be appropriated to the Department of Transportation, in addition to funds authorized for the Coast Guard for operation of the LORAN-C system, for capital expenses related to LORAN-C navigation infrastructure, $40,000,000 for fiscal year 2002. The Secretary of Transportation may transfer from the Federal Aviation Administration and other agencies of the department

funds appropriated as authorized under this section in order to reimburse the Coast Guard for related expenses.

SEC. 104. PATROL CRAFT.

(a) Transfer of Craft From DOD.—Notwithstanding any other provision of law, the Secretary of Transportation may accept, by direct transfer without cost, for use by the Coast Guard primarily for expanded drug interdiction activities required to meet national supply reduction performance goals, up to 7 PC–170 patrol craft from the Department of Defense if it offers to transfer such craft.

(b) Authorization of Appropriations.—There are authorized to be apropriated to the Coast Guard, in addition to amounts otherwise authorized by this Act, up to $100,000,000, to remain available until expended, for the conversion of, operation and maintenance of, personnel to operate and support, and shoreside infrastructure requirements for, up to 7 patrol craft.

TITLE II—PERSONNEL MANAGEMENT

SEC. 201. COAST GUARD BAND DIRECTOR RANK.

Section 336(d) of title 14, United States Code, is amended by striking "commander" and inserting "captain".

SEC. 202. COAST GUARD MEMBERSHIP ON THE USO BOARD OF GOVERNORS.

Section 220104(a)(2) of title 36, United States Code, is amended—

(1) by striking "and" at the end of subparagraph (B);

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B) the following:

"(C) the Secretary of Transportation, or the Secretary's designee, when the Coast Guard is not operating under the Department of the Navy; and".

SEC. 203. COMPENSATORY ABSENCE FOR ISOLATED DUTY.

(a) In General.—Section 511 of title 14, United States Code, is amended to read as follows:

"§ 511. Compensatory absence from duty for military personnel at isolated duty stations

"The Secretary may prescribe regulations to grant compensatory absence from duty to military personnel of the Coast Guard serving at isolated duty stations of the Coast Guard when conditions of duty result in confinement because of isolation or in long periods of continuous duty.".

(b) Clerical Amendment.—The chapter analysis for chapter 13 of title 14, United States Code, is amended by striking the item relating to section 511 and inserting the following:

"511. Compensatory absence from duty for military personnel at isolated duty stations".

SEC. 204. ACCELERATED PROMOTION OF CERTAIN COAST GUARD OFFICERS.

Title 14, United States Code, is amended—

(1) in section 259, by adding at the end a new subsection (c) to read as follows:

"(c) After selecting the officers to be recommended for promotion, a selection board may recommend officers of particular merit, from among those officers chosen for promotion, to be placed at the top of the list of selectees promulgated by the Secretary under section 271(a) of this title. The number of officers that a board may recommend to be placed at the top of the list of selectees may not exceed the percentages set forth in subsection (b) unless such a percentage is a number less than one, in which case the board may recommend one officer for such placement. No officer may be recommended to be placed at the top of the list of selectees unless he or she receives the recommendation of at least a majority of the members of a board composed of five members, or at least two-thirds of the members of a board composed of more than five members.";

(2) in section 260(a), by inserting "and the names of those officers recommended to be advanced to the top of the list of selectees established by the Secretary under section 271(a) of this title" after "promotion"; and

(3) in section 271(a), by inserting at the end thereof the following: "The names of all officers approved by the President and recommended by the board to be placed at the top of the list of selectees shall be placed at the top of the list of selectees in the order of seniority on the active duty promotion list.".

SEC. 205. COAST GUARD ACADEMY BOARD OF TRUSTEES.

(a) In General.—Section 193 of title 14, United States Code, is amended to read as follows:

"§ 193. Board of Trustees.

"(a) Establishment.—The Commandant of the Coast Guard may establish a Coast Guard Academy Board of Trustees to provide advice to the Commandant and the Superintendent on matters relating to the operation of the Academy and its programs.

"(b) Membership.—The Commandant shall appoint the members of the Board of Trustees, which may include persons of distinction in education and other fields related to the missions and operation of the Academy. The Commandant shall appoint a chairperson from among the members of the Board of Trustees.

"(c) Expenses.—Members of the Board of Trustees who are not Federal employees shall be allowed travel expenses while away from their homes or regular places of business in the performance of service for the Board of Trustees. Travel expenses include per diem in lieu of subsistence in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5.

"(d) FACA Not To Apply.— The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board of Trustees established pursuant to this section.".

(b) Conforming Amendments.—

(1) Section 194(a) of title 14, United States Code, is amended by striking "Advisory Committee" and inserting "Board of Trustees".

(2) The chapter analysis for chapter 9 of title 14, United States Code, is amended by striking the item relating to section 193, and inserting the following:

"193. Board of Trustees".

SEC. 206. SPECIAL PAY FOR PHYSICIAN ASSISTANTS.

Section 302c(d)(1) of title 37, United States Code, is amended by inserting "an officer in the Coast Guard or Coast Guard Reserve designated as a physician assistant," after "nurse,".

SEC. 207. SUSPENSION OF RETIRED PAY OF COAST GUARD MEMBERS WHO ARE ABSENT FROM THE UNITED STATES TO AVOID PROSECUTION.

Procedures promulgated by the Secretary of Defense under section 633(a) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201) shall apply to the Coast Guard. The Commandant of the Coast Guard shall be considered a Secretary of a military department for purposes of suspending pay under section 633 of that Act.

TITLE III—MARINE SAFETY

SEC. 301. EXTENSION OF TERRITORIAL SEA FOR VESSEL BRIDGE-TO-BRIDGE RADIOTELEPHONE ACT.

Section 4(b) of the Vessel Bridge-to-Bridge Radiotelephone Act (33 U.S.C. 1203(b)), is amended by striking "United States inside the lines established pursuant to section 2 of the Act of February 19, 1895 (28 Stat. 672), as amended." and inserting "United States, which includes all waters of the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988.".

SEC. 302. REPORT ON ICEBREAKING SERVICES.

(a) Report.—Not later than 9 months after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House, a report on the use of WYTL-class harbor tugs. The report shall include an analysis of the use of such vessels to perform icebreaking services; the degree to which, if any, the decommissioning of each such vessel would result in a degradation of current icebreaking services; and in the event that the decommissioning of any such vessel would result in a significant degradation of icebreaking services, recommendations to remediate such degradation.

(b) 9-Month Waiting Period.—The Commandant of the Coast Guard shall not plan, implement or finalize any regulation or take any other action which would result in the decommissioning of any WYTL-class harbor tugs until 9 months after the date of the submission of the report required by subsection (a) of this section.

SEC. 303. OIL SPILL LIABILITY TRUST FUND ANNUAL REPORT.

(a) In General.—The report regarding the Oil Spill Liability Trust Fund required by the Conference Report (House Report 101–892) accompanying the Department of Transportation and Related Agencies Appropriations Act, 1991, as that requirement was amended by section 1122 of the Federal Reports Elimination and Sunset Act of 1995 (26 U.S.C. 9509 note), shall no longer be submitted to Congress.

(b) Repeal.—Section 1122 of the Federal Reports Elimination and Sunset Act of 1995 (26 U.S.C. 9509 note) is amended by—

(1) striking subsection (a); and

(2) striking "(b) Report on Joint Federal and State Motor Fuel Tax Compliance Project.—".

SEC. 304. OIL SPILL LIABILITY TRUST FUND; EMERGENCY FUND BORROWING AUTHORITY.

Section 6002(b) of the Oil Pollution Act of 1990 (33 U.S.C. 2752(b)) is amended after the first sentence by inserting "To the extent that such amount is not adequate for removal of a discharge or the mitigation or prevention of a substantial threat of a discharge, the Coast Guard may borrow from the Fund such sums as may be necessary, up to a maximum of $100,000,000, and within 30 days shall notify Congress of the amount borrowed and the facts and circumstances necessitating the loan. Amounts borrowed shall be repaid to the Fund when, and to the extent that removal costs are recovered by the Coast Guard from responsible parties for the discharge or substantial threat of discharge.".

SEC. 305. MERCHANT MARINER DOCUMENT REQUIREMENTS.

Section 8701(a) of title 46, United States Code, is amended—

(1) by striking "and" at the end of paragraph (8);

(2) by redesignating paragraph (9) as paragraph (10); and

(3) by inserting after paragraph (8) the following:

"(9) a passenger vessel not engaged in a foreign voyage with respect to individuals on board employed as gaming personnel, entertainment personnel, wait staff, or other service personnel, with no duties, including emergency duties, related to the navigation of the vessel or the safety of the vessel, its crew, cargo, or passengers; and".

TITLE IV—RENEWAL OF ADVISORY GROUPS

SEC. 401. COMMERCIAL FISHING INDUSTRY VESSEL ADVISORY COMMITTEE.

(a) Commercial Fishing Industry Vessel Advisory Committee.—Section 4508 of title 46, United States Code, is amended—

(1) by inserting "**Safety**" in the heading after "**Vessel**";

(2) by inserting "Safety"in subsection (a) after "Vessel";

(3) by striking "Secretary" in subsection (a)(1) and inserting "Secretary, through the Commandant of the Coast Guard,";

(4) by striking "Secretary" in subsection (a)(4) and inserting "Commandant";

(5) by striking the last sentence in subsection (b)(5);

(6) by striking "Committee" in subsection (c)(1) and inserting "Committee, through the Commandant,";

(7) by striking "shall" in subsection (c)(2) and inserting "shall, through the Commandant,"; and

(8) by striking "(5 U.S.C App. 1 et seq.)" in subsection (e)(1)(I) and inserting "(5 U.S.C. App.)"; and

(9) by striking "of September 30, 2000" and inserting "on September 30, 2005".

(b) Conforming Amendment.—The chapter analysis for chapter 45 of title 46, United States Code, is amended by striking the item relating to section 4508 and inserting the following:

"4508. Commercial Fishing Industry Vessel Safety Advisory Committee".

SEC. 402. HOUSTON-GALVESTON NAVIGATION SAFETY ADVISORY COMMITTEE.

Section 18 of the Coast Guard Authorization Act of 1991 is amended—

(1) by striking "operating (hereinafter in this part referred to as the 'Secretary')" in the second sentence of subsection (a)(1) and inserting "operating, through the Commandant of the Coast Guard,";

(2) by striking "Committee" in the third sentence of subsection (a)(1) and inserting "Committee, through the Commandant,";

(3) by striking "Secretary," in the second sentence of subsection (a)(2) and inserting "Commandant,"; and

(4) by striking "September 30, 2000." in subsection (h) and inserting "September 30, 2005.".

SEC. 403. LOWER MISSISSIPPI RIVER WATERWAY ADVISORY COMMITTEE.

Section 19 of the Coast Guard Authorization Act of 1991 (Public Law 102–241) is amended—

(1) by striking "operating (hereinafter in this part referred to as the 'Secretary')" in the second sentence of subsection (a)(1) and inserting "operating, through the Commandant of the Coast Guard,";

(2) by striking "Committee" in the third sentence of subsection (a)(1) and inserting "Committee, through the Commandant,"; and

(3) by striking "September 30, 2000" in subsection (g) and inserting "September 30, 2005".

SEC. 404. GREAT LAKES PILOTAGE ADVISORY COMMITTEE.

Section 9307 of title 46, United States Code, is amended—

(1) by striking "Secretary" in subsection (a)(1) and inserting "Secretary, through the Commandant of the Coast Guard,";

(2) by striking "Secretary," in subsection (a)(4)(A) and inserting "Commandant,";

(3) by striking the last sentence of subsection (c)(2);

(4) by striking "Committee" in subsection (d)(1) and inserting "Committee, through the Commandant,";

(5) by striking "Secretary" in subsection (d)(2) and inserting "Secretary, through the Commandant,"; and

(6) by striking "September 30, 2003." in subsection (f)(1) and inserting "September 30, 2005.".

SEC. 405. NAVIGATION SAFETY ADVISORY COUNCIL.

Section 5 of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2073) is amended—

(1) by striking "Secretary" in the first sentence of subsection (b) and inserting "Secretary, through the Commandant of the Coast Guard,";

(2) by striking "Secretary" in the third sentence of subsection (b) and inserting "Commandant"; and

(3) by striking "September 30, 2000" in subsection (d) and inserting "September 30, 2005".

SEC. 406. NATIONAL BOATING SAFETY ADVISORY COUNCIL.

Section 13110 of title 46, United States Code, is amended—

(1) by striking "consult" in subsection (c) and inserting "consult, through the Commandant of the Coast Guard,"; and

(2) by striking "September 30, 2000" in subsection (e) and inserting "September 30, 2005".

SEC. 407. TOWING SAFETY ADVISORY COMMITTEE.

The Act entitled An Act to Establish a Towing Safety Advisory Committee in the Department of Transportation (33 U.S.C. 1231a) is amended—

(1) by striking "Secretary" in the second sentence of subsection (b) and inserting "Secretary, through the Commandant of the Coast Guard";

(2) by striking "Secretary" in the first sentence of subsection (c) and inserting "Secretary, through the Commandant,";

(3) by striking "Committee" in the third sentence of subsection (c) and inserting "Committee, through the Commandant,";

(4) by striking "Secretary," in the fourth sentence of subsection (c) and inserting "Commandant,"; and

(5) by striking "September 30, 2000." in subsection (e) and inserting "September 30, 2005.".

TITLE V—MISCELLANEOUS

SEC. 501. COAST GUARD REPORT ON IMPLEMENTATION OF NTSB RECOMMENDATIONS.

The Commandant of the United States Coast Guard shall submit a written report to the Committee on Commerce, Science, and Transportation within 90 days after the date of enactment of this Act on what actions the Coast Guard has taken to implement the recommendations of the National Transportation Safety Board in its Report No. MAR–99–01. The report—

(1) shall describe in detail, by geographic region—

(A) what steps the Coast Guard is taking to fill gaps in its communications coverage;

(B) what progress the Coast Guard has made in installing direction-finding systems; and

(C) what progress the Coast Guard has made toward completing its national distress and response system modernization project; and

(2) include an assessment of the safety benefits that might reasonably be expected to result from increased or accelerated funding for—

(A) measures described in paragraph (1)(A); and

(B) the national distress and response system modernization project.

SEC. 502. CONVEYANCE OF COAST GUARD PROPERTY IN PORTLAND, MAINE.

(a) Authority To Convey.—

(1) In General.—The Administrator of the General Services Administration may convey to the Gulf of Maine Aquarium Development Corporation, its successors and assigns, without payment for consideration, all right, title, and interest of the United States of America in and to approximately 4.13 acres of land, including a pier and bulkhead, known as the Naval Reserve Pier property, together with any improvements thereon in their then current condition, located in Portland, Maine. All conditions placed with the deed of title shall be construed as covenants running with the land. Since the Federal agency actions necessary to effectuate the transfer of the Naval Reserve Pier property will further the objectives of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), requirements applicable to agency actions under these and other environmental planning laws are unnecessary and shall not be required. The provisions of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.) shall not apply to any building or property at the Naval Reserve Pier property.

(2) Identification of Property.—The Administrator, in consultation with the Commandant of the Coast Guard, may identify, describe, and determine the property to be conveyed under this section. The floating docks associated with or attached to the Naval Reserve Pier property shall remain the personal property of the United States.

(b) Lease to the United States.—

(1) The Naval Reserve Pier property shall not be conveyed until the Corporation enters into a lease agreement with the United States, the terms of which are mutually satisfactory to the Commandant and the Corporation, in which the Corporation shall lease a portion of the Naval Reserve Pier property to the United States for a term of 30 years without payment of consideration. The lease agreement shall be executed within 12 months after the date of enactment of this Act.

(2) The Administrator, in consultation with the Commandant, may identify and describe the Leased Premises and rights of access including, but not limited to, those listed below, in order to allow the United States Coast Guard to operate and perform missions, from and upon the Leased Premises:

(A) the right of ingress and egress over the Naval Reserve Pier property, including the pier and bulkhead, at any time, without notice, for purposes of access to United States Coast Guard vessels and performance of United States Coast Guard missions and other mission-related activities;

(B) the right to berth United States Coast Guard cutters or other vessels as required, in the moorings along the east side of the Naval Reserve Pier property, and the right to attach floating docks which shall be owned and maintained at the United States' sole cost and expense;

(C) the right to operate, maintain, remove, relocate, or replace an aid to navigation located upon, or to install any aid to navigation upon, the Naval Reserve Pier property as the Coast Guard, in its sole discretion, may determine is needed for navigational purposes;

(D) the right to occupy up to 3,000 gross square feet at the Naval Reserve Pier Property for storage and office space, which will be provided and constructed by the Corporation, at the Corporation's sole cost and expense, and which will be maintained, and utilities and other operating expenses paid for, by the United States at its sole cost and expense;

(E) the right to occupy up to 1200 gross square feet of offsite storage in a location other than the Naval Reserve Pier Property, which will be provided by the Corporation at the Corporation's sole cost and expense, and which will be maintained, and utilities and other operating expenses paid for, by the United States at its sole cost and expense; and

(F) the right for United States Coast Guard personnel to park up to 60 vehicles, at no expense to the government, in the Corporation's parking spaces on the Naval Reserve Pier property or in parking spaces that the Corporation may secure within 1,000 feet of the Naval Reserve Pier property or within 1,000 feet of the Coast Guard Marine Safety Office Portland.

Spaces for no less than thirty vehicles shall be located on the Naval Reserve Pier property.

(3) The lease described in paragraph (1) may be renewed, at the sole option of the United States, for additional lease terms.

(4) The United States may not sublease the Leased Premises to a third party or use the Leased Premises for purposes other than fulfilling the missions of the United States Coast Guard and for other mission related activities.

(5) In the event that the United States Coast Guard ceases to use the Leased Premises, the Administrator, in consultation with the Commandant, may terminate the lease with the Corporation.

(c) IMPROVEMENT OF LEASED PREMISES.—

(1) The Naval Reserve Pier property shall not be conveyed until the Corporation enters into an agreement with the United States, subject to the Commandant's design specifications, project's schedule, and final project approval, to replace the bulkhead and pier which connects to, and provides access from, the bulkhead to the floating docks, at the Corporation's sole cost and expense, on the east side of the Naval Reserve Pier Property within 30 months from the date of conveyance. The agreement to improve the leased premises shall be executed within 12 months after the date of enactment of this Act.

(2) In addition to the improvements described in paragraph (1), the Commandant is authorized to further improve the Leased Premises during the lease term, at the United States' sole cost and expense.

(d) UTILITY INSTALLATION AND MAINTAINANCE OBLIGATIONS.—

(1) The Naval Reserve Pier property shall not be conveyed until the Corporation enters into an agreement with the United States to allow the United States to operate and maintain existing utility lines and related equipment, at the United States' sole cost and expense. At such time as the Corporation constructs its proposed public aquarium, the Corporation shall replace existing utility lines and related equipment and provide additional utility lines and equipment capable of supporting a third 110-foot Coast Guard cutter, with comparable, new, code compliant utility lines and equipment at the Corporation's sole cost and expense, maintain such utility lines and related equipment from an agreed upon demarcation point, and make such utility lines and equipment available for use by the United States, provided that the United States pays for its use of utilities at its sole cost and expense. The agreement concerning the operation and maintenance of utility lines and equipment shall be executed within 12 months after the date of enactment of this Act.

(2) The Naval Reserve Pier property shall not be conveyed until the Corporation enters into an agreement with the United States to maintain, at the Corporation's sole cost and expense, the bulkhead and pier on the east side of the Naval Reserve Pier property. The agreement concerning the maintenance of the bulkhead and pier shall be executed within 12 months after the date of enactment of this Act.

(3) The United States shall be required to maintain, at its sole cost and expense, any Coast Guard active aid to navigation located upon the Naval Reserve Pier Property.

(e) ADDITIONAL RIGHTS.—The conveyance of the Naval Reserve Pier property shall be made subject to conditions the Administrator or the Commandant consider necessary to ensure that—

(1) the Corporation shall not interfere or allow interference, in any manner, with use of the Leased Premises by the United States; and

(2) the Corporation shall not interfere or allow interference, in any manner, with any aid to navigation nor hinder activities required for the operation and maintenance of any aid to navigation, without the express written permission of the head of the agency responsible for operating and maintaining the aid to navigation.

(f) REMEDIES AND REVERSIONARY INTEREST.—The Naval Reserve Pier property, at the option of the Administrator, shall revert to the United States and be placed under the administrative control of the Administrator, if, and only if, the Corporation fails to abide by any of the terms of this section or any agreement entered into under subsection (b), (c), or (d) of this section.

(g) LIABILITY OF THE PARTIES.—The liability of the United States and the Corporation for any injury, death, or damage to or loss of property occurring on the leased property shall be determined with reference to existing State or Federal law, as appropriate, and any such liability may not be modified or enlarged by this Act or any agreement of the parties.

(h) EXPIRATION OF AUTHORITY TO CONVEY.—The authority to convey the Naval Reserve Property under this section shall expire 3 years after the date of enactment of this Act.

(i) DEFINITIONS.—In this section:

(1) AID TO NAVIGATION.—The term "aid to navigation" means equipment used for navigational purposed, including but not limited to, a light, antenna, sound signal, electronic navigation equipment, cameras, sensors power source, or other related equipment which are operated or maintained by the United States.

(2) CORPORATION.—The term "Corporation" means the Gulf of Maine Aquarium Development Corporation, its successors and assigns.

SEC. 503. TRANSFER OF COAST GUARD STATION SCITUATE TO THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

(a) AUTHORITY TO TRANSFER.—

(1) IN GENERAL.—The Administrator of the General Services Administration (Administrator), in consultation with the Commandant, United States Coast Guard, may transfer, without consideration, administrative jurisdiction, custody and control over the Federal property, known as Coast Guard Station Scituate, to the National Oceanic and Atmospheric Administration (NOAA). Since the Federal agency actions necessary to effectuate the administrative transfer of the property will further the objectives of the National Environmental Policy Act of 1969, Public Law 91–190 (42 U.S.C. 4321 et seq.) and the National Historic Preservation Act of 1966, Public Law 89–665 (16 U.S.C. 470 et seq.), procedures applicable to agency actions under these laws are unnecessary and shall not be required. Similarly, the Federal agency actions necessary to effectuate the transfer of the property will not be subject to the Stewart B. McKinney Homeless Assistance Act, Public Law 100–77 (42 U.S.C. 11301 et seq.).

(2) IDENTIFICATION OF PROPERTY.—The Administrator, in consultation with the Commandant, may identify, describe, and determine the property to be transferred under this subsection.

(b) TERMS OF TRANSFER.—The transfer of the property shall be made subject to any conditions and reservations the Administrator and the Commandant consider necessary to ensure that—

(1) the transfer of the property to NOAA is contingent upon the relocation of Coast Guard Station Scituate to a suitable site;

(2) there is reserved to the Coast Guard the right to remove, relocate, or replace any aid to navigation located upon, or install any aid to navigation upon, the property transferred under this section as may be necessary for navigational purposes; and

(3) the Coast Guard shall have the right to enter the property transferred under this section at any time, without notice, for purposes of operating, maintaining, and inspecting any aid to navigation. The transfer of the property shall be made subject to the review and acceptance of the property by NOAA.

(c) RELOCATION OF STATION SCITUATE.—The Coast Guard may lease land, including unimproved or vacant land, for a term not to exceed 20 years, for the purpose of relocating Coast Guard Station Scituate. The Coast Guard may improve the land leased under paragraph (1) of this subsection.

SEC. 504. HARBOR SAFETY COMMITTEES.

(a) STUDY.—The Coast Guard shall study existing harbor safety committees in the United States to identify—

(1) strategies for gaining successful cooperation among the various groups having an interest in the local port or waterway;

(2) organizational models that can be applied to new or existing harbor safety committees or to prototype harbor safety committees established under subsection (b);

(3) technological assistance that will help harbor safety committees overcome local impediments to safety, mobility, environmental protection, and port security; and

(4) recurring resources necessary to ensure the success of harbor safety committees.

(b) PROTOTYPE COMMITTEES.—The Coast Guard shall test the feasibility of expanding the harbor safety committee concept to small and medium-sized ports that are not generally served by a harbor safety committee by establishing 1 or more prototype harbor safety committees. In selecting a location or locations for the establishment of a prototype harbor safety committee, the Coast Guard shall—

(1) consider the results of the study conducted under subsection (a);

(2) consider identified safety issues for a particular port;

(3) compare the potential benefits of establishing such a committee with the burdens the establishment of such a committee would impose on participating agencies and organizations;

(4) consider the anticipated level of support from interested parties; and

(5) take into account such other factors as may be appropriate.

(c) EFFECT ON EXISTING PROGRAMS AND STATE LAW.—Nothing in this section—

(1) limits the scope or activities of harbor safety committees in existence on the date of enactment of this Act;

(2) precludes the establishment of new harbor safety committees in locations not selected for the establishment of a prototype committee under subsection (b); or

(3) preempts State law.

(d) NONAPPLICATION OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to harbor safety committees established under this section or any other provision of law.

(e) HARBOR SAFETY COMMITTEE DEFINED.—In this section, the term "harbor safety committee" means a local coordinating body—

(1) whose responsibilities include recommending actions to improve the safety of a port or waterway; and

(2) the membership of which includes representatives of government agencies, maritime labor and industry organizations, environmental groups, and public interest groups.

SEC. 505. EXTENSION OF INTERIM AUTHORITY FOR DRY BULK CARGO RESIDUE DISPOSAL.

Section 415(b)(2) of the Coast Guard Authorization Act of 1998 is amended by striking "2002." and inserting "2003.".

SEC. 506. VESSEL MIST COVE.

(a) CONSTRUCTION TONNAGE OF M/V MIST COVE.—The M/V MIST COVE (United States official number 1085817) is deemed to be less than 100 gross tons, as measured by chapter 145 of title 46, United States Code, for purposes of applying the optional regulatory measurement under section 14305 of that title.

(b) LIMITATION ON APPLICATION.—Subsection (a) shall not apply on any date on which the length of the vessel exceeds 157 feet.

SEC. 507. LIGHTHOUSE CONVEYANCE.

Nothwithstanding any other provision of law, the conveyance authorized by section 416(a)(1)(H) of Public Law 105–383 shall take place within 3 months after the date of enactment of this Act. Notwithstanding the previous sentence, the conveyance shall be subject to subsections (a)(2), (a)(3), (b), and (c) of section 416 of Public Law 105–383.

AMENDMENT NO. 4022

(Purpose: To make changes and additions to the bill as reported by the Committee)

Mr. CAMPBELL. Mr. President, Senators SNOWE and KERRY have an amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. CAMPBELL], for Ms. SNOWE, for herself and Mr. KERRY, proposes an amendment numbered 4022.

Mr. CAMPBELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. CAMPBELL. Mr. President, I ask unanimous consent the amendment be agreed to.

The amendment (No. 4022) was agreed to.

Ms. SNOWE. Mr. President, I am pleased that today the Senate is considering passage of S. 1089, the Coast Guard Authorization Act of 2000. I have also filed a manager's amendment which makes a series of necessary changes to the reported bill.

The Coast Guard has been defined as "a unique instrument of national security." But it is so much more than simply one-fifth of our Armed Forces. The Coast Guard's peacetime missions continue to expand as our nation asks more and more of these 36,000 men and women who serve our country. From its traditional roles of rescuing mariners in distress and protecting the marine environment, to more recent responsibilities including intercepting illegal drugs and alien migrants bound for U.S. shores, the Coast Guard has proven time and again why this agency is so valuable. Whether it is protecting mariners along the Maine coastline, managing inland waterway barge traffic on the Mississippi River, or enforcing fisheries conservation laws in the Bering Sea, the Coast Guard provides an indispensable service to our nation.

Despite the fact that demands on the agency continue to grow, the Coast Guard, like the other four military services, faces critical readiness problems. In January, the Commandant of the Coast Guard was forced to cut back all routine, non-emergency operations by 10 percent. Unfortunately, on May 30, the Commandant announced a further reduction in missions which resulted in an overall 25 percent reduction in routine operations. This cut resulted in a 20 percent reduction in fisheries law enforcement patrols in the Gulf of Maine and forced two Portland-based Coast Guard cutters to decrease their at sea time by nearly 65 percent this year. Mr. President, this is simply unacceptable.

Several weeks ago, the Military Construction Appropriations Bill for fiscal year 2001 was enacted. This bill contained $700 million in supplemental emergency appropriations for the Coast Guard. It is now incumbent upon the Administration to declare the existing readiness shortfalls and reduction in operations as an emergency condition which requires supplemental funding. Only then will the Coast Guard receive this critical funding and be able to resume normal operations protecting our coasts, our resources and our citizens.

Mr. President, the bill before the Senate attempts to solve the Coast Guard's most immediate problems and provides future funding levels and other readiness improvements that would restore the Coast Guard's ability to continue operating at normal levels and prevent reductions in the future. S. 1089 authorizes the Coast Guard at $3.95 billion for fiscal year 2000, a $200 million increase over the fiscal year 2000 appropriated level. It also authorizes $4.75 billion for fiscal year 2001, an $800 million increase over the fiscal year 2000 appropriated level. In addition, the bill authorizes such funds as may be necessary in fiscal year 2002, depending on the Administration's request. It funds critical readiness areas, such as increases in military pay and housing allowances as well as enhanced recruiting programs. In addition, the bill authorizes several important procurement projects including the Integrated Deepwater System that will recapitalize the Coast Guard's fleet of aging ships and aircraft over the next ten years. Moreover, it authorizes the modernization of the Coast Guard's National Distress and Response system, our country's 1950's era maritime emergency communication system. S. 1089 also authorizes several management improvements requested by the Coast Guard to provide parity between Coast Guard military members and other Department of Defense service members.

The bill authorizes end-of-year military strength and training levels that would address personnel shortages created by a Service that may have been too aggressive in its streamlining initiatives during the last decade. This bill authorizes funding to recapitalize the LORAN-C radio navigation system, which continues to be the primary navigation system used by many vessel and aircraft owners. It also authorizes the Coast Guard to operate excess Navy patrol craft in their mission to stop the flow of illegal drugs across the Caribbean Basin. Finally, S. 1089 addresses various personnel management and marine safety issues to improve day-to-day operations of the Coast Guard.

During the winter of 1999–2000, my home state of Maine experienced severe freezing on our rivers and bays. Without the work of Coast Guard icebreakers, which cleared waterways for heating oil barges, Maine could have suffered from a heating oil shortage. The work of these small cutters is critical to Maine and the entire northeast. As such, this bill requires the Coast Guard to conduct an in depth study of future domestic icebreaking requirements. It further requires the Coast Guard to operate and maintain their fleet of harbor icebreakers until the Congress has had an adequate period to evaluate the agency's recommendations.

Mr. President, I believe the Coast Guard is up to the challenge of being the world's premier maritime organization despite the readiness problems it currently faces. It is my belief this bill provides the Coast Guard with the support it needs to meet that challenge.

Let me take this opportunity to thank Senator MCCAIN, the Chairman of the Commerce Committee, Senator HOLLINGS, the ranking member on the Committee, Senator KERRY, the ranking member on the Oceans and Fisheries Subcommittee, and the other Committee members for their bipartisan support of the Coast Guard throughout this process. Mr. President, I urge the adoption of the manager's amendment and passage of S. 1089.

Mr. MCCAIN. Mr. President, I rise in support of the Coast Guard Authorization Act of 2000. Charged with maintaining our national defense and the safety of our citizens, the Coast Guard is a multi-mission agency. The Coast Guard is a branch of the U.S. Armed Forces, but it is also responsible for search and rescue services and maritime law enforcement throughout our nation's waters. Daily operations include drug interdiction, environmental protection, marine inspection, licensing, port safety and security, aids to navigation, waterways management, and boating safety.

Recently the Coast Guard has been forced to reduce its services and cut its operations as a result of funding shortfalls. Earlier this year, the Coast Guard reduced its non-emergency operations first by 10 percent and subsequently by 25 percent. Mr. President, the Coast Guard deserves better, and the bill before the Senate authorizes funding at levels which would restore the Coast Guard to normal operations levels and prevent reductions in the future. Additionally, the bill provides necessary funding for cutter and aircraft maintenance including the elimination of the existing spare parts shortage. Simply put, S.1089 allows the Coast Guard to continue their critical work on behalf of our country.

This bill provides the funding necessary to maintain the level of service and the quality of performance that the United States has come to expect from the Coast Guard. I commend the men and women of the Coast Guard for their honorable and courageous service to this country. The bill authorizes $3.95 billion in FY 2000, $4.75 billion in 2001, and such funds as may be necessary in FY 2002, depending on the administration's request.

One critical goal of this bill is to provide parity with the Department of Defense on certain personnel matters. Mr. President, we should ensure that the men and women serving in the Coast Guard are not adversely effected because the Coast Guard does not fall under the DOD umbrella. This bill provides parity with DOD for military pay and housing allowance increases, Coast Guard membership on the USO Board of Governors, and compensation for isolated duty.

In today's strong economy, maintaining high level service members is a serious challenge. Additional funding in this bill provides for recruiting and retention initiatives, to ensure that the Coast Guard retains the most qualified young Americans. In addition, it addresses the current shortage of qualified pilots and authorizes the Coast Guard to send more students to flight school.

Mr. President, the Coast Guard is the lead federal agency in maritime drug interdiction. Therefore, they are often our nation's first line of defense in the war on drugs. This bill authorizes the Coast Guard to acquire and operate up to seven ex-Navy patrol boats, thereby expanding the Coast Guard's critical presence in the Caribbean, a major drug trafficking area. With the vast majority of the drugs smuggled into the United States on the water, the Coast Guard must remain well equipped to prevent drugs from reaching our schools and streets.

Environmental protection, including oil-spill cleanup, is an invaluable service provided by the Coast Guard. Under current law, the Coast Guard has access to a permanent annual appropriation of $50 million, distributed by the Oil Spill Liability Trust Fund, to carry out emergency oil spill response needs. Over the past few years, the fund has spent an average of $42 to $50 million per year, without the occurrence of a major oil spill. Clearly these funds would not be adequate to respond to a large spill. For instance, a spill the size of the Exxon Valdez could easily deplete the annual appropriated funds in two to three weeks. This bill authorizes the Coast Guard to borrow up to an additional $100 million, per incident, from the Oil Spill Liability Trust Fund, for emergency spill responses. In such cases, it also requires the Coast Guard to notify Congress of amounts borrowed within thirty days and repay such amounts once payment is collected from the responsible party.

This bill represents a thorough set of improvements which will make the Coast Guard more effective, improve the quality of life of its personnel, and facilitate their daily operations. I would like to express my gratitude and that of the full Commerce Committee to staff who worked on this bill, including Sloan Rappoport, Stephanie Bailenson, Rob Freeman, Emily Lindow, Brooke Sikora, Margaret Spring, Catherine Wannamaker, Jean Toal, Carl Bentzel, and Rick Kenin, a Coast Guard fellow whose knowledge of the Coast Guard was invaluable to the Committee because he was able to give a first hand account of how this bill will improve the lives of the men and women who so dutifully serve our nation. I would also like to thank Senators SNOWE, HOLLINGS, and KERRY for their bipartisan support of and hard work on this bill.

Mr. KERRY. Mr. President, I rise today to support Senate passage of H.R. 820, as a amended by the text of S. 1089, the Coast Guard Authorization Act of 2000. I would like to thank Senator SNOWE for her leadership on this very important legislation, of which I am proud to be a cosponsor. The legislation provides authorization of appropriations for fiscal years 2000 through 2002 for the U.S. Coast Guard, and is an important step to helping them further their responsibilities that are so important to all of us.

It is widely recognized that the Coast Guard is critically underfunded. Pursuant to the administration's request, H.R. 820 authorizes a substantial increase in the two largest Coast Guard appropriation accounts, operating expenses and acquisition, construction, and improvement of equipment and facilities. Operating funds are critically needed by the Coast Guard to protect public safety and the marine environment, enforce laws and treaties, ensure safety and compliance in our marine fisheries, maintain aids to navigation, prevent illegal drug trafficking and illegal alien migration, and preserve defense readiness.

H.R. 820 will also provide an increase of approximately $130 million for the acquisition, construction, and improvement of equipment and facilities. These funds would be used to support vital long-term projects such as the Deepwater System, which the Coast Guard launched in 1998 to modernize its aging, and now inadequate, deepwater-capable cutters and aircraft. H.R. 820 specifically authorizes $42.3 million of the $9.6 billion required over the next twenty years for this Integrated Deepwater System.

Increasing authorization levels for the Coast Guard is important, but we must continue to work together to ensure the increases in this bill become a reality for the agency in the coming years. The Coast Guard is facing a fiscal crisis as a result of a number of budgetary pressures. While demand for Coast Guard services continues to increase, there has been no parallel increase in the amounts available for the Coast Guard in our budget. We are only in the beginning stages of modernizing aging ships and aircraft through the Deepwater Project, and funding needs will increase in the coming years. At the same time, the number of jobs created by the new economy has severely affected Coast Guard recruitment, and it disturbs me to report that the Coast Guard is short nearly 1,000 uniformed personnel. Ever-increasing fuel and maintenance costs, along with these escalating recruiting costs to address personnel shortfalls, have placed increased pressure on Coast Guard operations.

This year, these pressures forced the Coast Guard to reduce days at seas and flight hours for a number of its missions such as environmental protection, fisheries enforcement, and drug trafficking; meanwhile, the demands of these missions grow daily. More commercial and recreational vessels ply our waters today than ever before in our Nation's history. International trade has expanded greatly, resulting in increased maritime traffic through our Nation's ports and harbors. Tighter border patrols have forced drug traffickers to use the thousands of miles of our county's coastline as the means to introduce illegal drugs into our country. In a typical day the Coast Guard will save 14 lives, seize 209 pounds of marijuana and 170 pounds of cocaine, and save $2.5 million in property.

The continued operation of all of the Coast Guard services is critical. The men and women of the Coast Guard do their utmost for us every day. We owe it to them to provide the resources necessary to carry out their missions effectively and safely. H.R. 820 is a good first step, and I would hope that my colleagues will join Senator SNOWE and me in our continuing effort to rebuild our Nation's oldest sea service.

Mr. CAMPBELL. Mr. President, I ask unanimous consent the bill be read the third time.

The bill (S. 1089), as amended, was read the third time.

Mr. CAMPBELL. I further ask unanimous consent H.R. 820 be discharged from the Commerce Committee and the Senate proceed to its consideration. Further, I ask all after the enacting clause be stricken and the text of S. 1089, as amended, be inserted in lieu thereof, the bill be read the third time and passed, with a motion to reconsider laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 820), as amended, was read the third time and passed.

Mr. CAMPBELL. Mr. President, I ask unanimous consent the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered. The Presiding Officer (Mr. VOINOVICH) appointed Mr. MCCAIN, Mr. STEVENS, Ms. SNOWE, Mr. HOLLINGS, and Mr. KERRY of Massachusetts, conferees on the part of the Senate.

Mr. CAMPBELL. Finally, I ask unanimous consent S. 1089 be placed back on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CAMPBELL. Mr. President, I ask unanimous consent I speak for 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Colorado is recognized.

MR. CAMPBELL. I thank the Chair.

(The remarks of Mr. CAMPBELL pertaining to the introduction of S. 2950 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. CAMPBELL. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

JUVENILE JUSTICE CONFERENCE

Mr. LEAHY. Mr. President, today is in effect the anniversary of the only meeting of the House-Senate Conference committee on the Hatch-Leahy juvenile crime bill. This is the last day before the August recess this year and last year on August 5, Chairman HATCH convened the conference for the limited purpose of opening statements. I am disappointed that the majority continues to refuse to reconvene the conference and that for a over a year this Congress has failed to respond to issues of youth violence, school violence and crime prevention.

It has been 15 months since the shooting at Columbine High School in Littleton, Colorado, where 14 students and a teacher lost their lives in that tragedy on April 20, 1999. It has been 14 months since the Senate passed the Hatch-Leahy juvenile justice bill by an overwhelming vote of 73-25. Our bipartisan bill includes modest yet effective gun safety provisions. It has been 13 months since the House of Representatives passed its own juvenile crime bill on June 17, 1999.

Sadly, it will be 12 months next week since the House and Senate juvenile justice conference met for the first—and only—time on August 5, 1999, less than 24 hours before the Congress adjourned for its long August recess.

Senate and House Democrats have been ready for months to reconvene the juvenile justice conference and work with Republicans to craft an effective juvenile justice conference report that includes reasonable gun safety provisions, but the majority refuses to act. Indeed, on October 20, 1999, all the House and Senate Democratic conferees wrote to Senator HATCH, the Chairman of the juvenile justice conference, and Congressman HYDE, the Chairman of the House Judiciary Committee, to reconvene the conference immediately. In April 2000, Congressman HYDE joined our call for the juvenile justice conference to meet as soon as possible in a letter to Senator HATCH, which was also signed by Congressman CONYERS.

A few months ago, the President even invited House and Senate members of the conference to the White House to urge us to proceed to the conference and to final enactment of legislation before the anniversary of the Columbine tragedy. But the majority has rejected his pleas for action as they have those of the American people. Apparently, the gun lobby objects to one provision in the bill, even though the bill passed overwhelmingly, and they will not let us proceed with the conference. This lobby was not elected to the Senate or to the House of Representatives, but apparently has enormous influence.

Every parent, teacher and student in this country is concerned about school violence over the last two years and worried about when the next shooting may occur. They only hope it does not happen at their school or involve their children.

Just last week, a 13-year old student put a gun to a fellow classmate at Seattle middle school. Although the student fired a shot in the school cafeteria, thankfully no one was hurt during this latest school shooting. Unfortunately, that cannot be said about the rash of recent incidents of school violence throughout the country. The growing list of schoolyard shootings by children in Arkansas, Washington, Oregon, Tennessee, California, Pennsylvania, Kentucky, Mississippi, Colorado, Georgia, Michigan, and Florida is simply unacceptable and intolerable.

We all recognize that there is no single cause and no single legislative solution that will cure the ill of youth violence in our schools or in our streets. But we have an opportunity before us to do our part. We should not let another school year begin without addressing some of the core issues of youth violence and school violence. We should seize this opportunity to act on balanced, effective juvenile justice legislation, and measures to keep guns out of the hands of children and away from criminals.

It is ironic that the Senate will be in recess next week on the anniversary of the first and only meeting of the juvenile justice conference. In fact, the Senate has been in recess more than in session since the one ceremonial meeting of the juvenile crime conference committee. It is beneath us. We ought to meet. We ought to get this done.

CONGRESS AND THE FEDERAL JUDICIARY

Mr. LEAHY. Mr. President, I want to turn now to another issue. This time last year, I rose to express concern about the final decisions of the Supreme Court's 1998 Term, in which it struck down on federalism grounds three important pieces of bipartisan legislation. Another Supreme Court Term has now ended, and this Term's victims include the Violence Against Women Act and, as applied to State employees, the Age Discrimination in Employment Act.

I see my distinguished friend from Delaware in the Chamber, and I know he has spoken extensively on this. I believe it bears repeating.

We have seen a growing trend of judicial second-guessing of congressional policy decisions, both in the Supreme Court and in some of the lower Federal courts. Most troubling to me is the encroachment of the Federal judiciary on the legitimate functions of the Federal legislative branch in matters that are perceived by the courts to impact the States.

We ought to all be concerned about this because it affects our constitutional system of checks and balances. We ought to ask ourselves how we can have a situation where an unelected group of Supreme Court Justices can over and over substitute their judgment for the judgment of the elected representatives of this country.

It is not a question of how we feel about an individual case. Sometimes I vote for these bills and sometimes I vote against them. But when we have held hearings, when we have determined that there is a need for Federal legislation, when we have gone forward, and then in an almost cavalier and, in some cases, disdainful fashion, the Supreme Court knocks it all down, something is wrong. It is time for us to join together in taking stock of the relationship between Congress and the courts.

According to a recent article by Stuart Taylor, the Rehnquist Court has struck down about two dozen congressional enactments in the last five terms. That is about five per year—a stunning pace. To put that in perspective, consider that the Supreme Court struck down a total of 128 Federal statutes during its first 200 years. That is less than one per year, and it includes the years of the so-called "activist" Warren Court.

Justice Scalia recently admitted that the Rehnquist Court is "striking down as many Federal statutes from year to year as the Warren Court at its peak." In fact, the Rehnquist Court, with its seven Republican-appointed Justices, is striking down Federal statutes almost as fast as this Republican Congress can enact them. These cases evidence a breakdown of respect between the judiciary and legislative branches, and raise serious concerns about whether the Court has embarked on a program of judicial activism under the rubric of protecting State sovereignty.

Let me start where I left off a year ago, with the trio of 5-4 decisions that ended the Court's last Term. In the Florida Prepaid case, the Court held that the States could no longer be held liable for infringing a Federal patent. In the College Savings Bank case, the Court held that the States could no longer be held liable for violating the Federal law against false advertising. And in Alden v. Maine, the Court held that the States could no longer be held liable for violating the Federally-protected right of their employees to get paid for overtime work.

These decisions were sweeping in their breadth. They allowed special immunities not just to essential organs of State government, but also to a wide-range of State-funded or State-controlled entities and commercial ventures. They tilted the playing field by leaving institutions like the University of California entitled to benefit from Federal intellectual property laws, but immune from enforcement if they violate those same laws. They were also startling in their reasoning, casting aside the text of the Constitution, inferring broad immunities from abstract generalizations about federalism, and second-guessing Congress' reasoned judgment about the need for national remedial legislation.

When I discussed these decisions last year, I warned that they could endanger a wide range of other Federally-protected rights, including rights to a minimum wage, rights against certain forms of discrimination, and whatever rights we might one day provide to health coverage. This year's crop of 5-to-4 decisions continued the trend toward restricting individual rights and diminishing the authority of Congress to act on behalf of all Americans in favor of protecting State prerogatives.

The predictions I made last year have unfortunately come to pass with this year's Supreme Court decisions. In Kimel v. Florida Board of Regents, the Court held that State employees are not protected by the Federal law banning age discrimination, notwithstanding Congress' clearly expressed intent. Five members of the Court decided that age discrimination protections applied to the States were unnecessary. The Congress and the American people had it wrong when we concluded that age discrimination by State employers was a problem that needed a solution. None of those five Justices sat in on the hearings that Congress held 30 years ago, they did not hear the victims of age discrimination describe their experiences, but they nonetheless decided they knew better than Congress did. Justice Thomas wrote separately to say that he was prepared to go even further and make it even harder for Congress to apply anti-discrimination laws to the States.

The Kimel decision could spell trouble for all sorts of Federal laws, including other laws prohibiting discrimination in the workplace and regulating wages and hours and health and safety standards. The Supreme Court majority has now told us, after the fact, that we in Congress have to "build a record," like an administrative agency, before they will allow us to protect State employees from discrimination, but it has not made it entirely clear just how many victims of discrimination have to come before us and testify before it will allow us to give them legislative protection.

The signs, however, are ominous: the week after it decided Kimel, the Court vacated two lower court decisions holding that States must abide by the Equal Pay Act, calling into question the ability of Congress to offer State employees protection from sex discrimination. Next Term, in University of Alabama v. Garrett, the Court will decide whether States can be held liable for discriminating against employees with disabilities. That plaintiff in Garrett is a State employee—a nurse at the University of Alabama—who was diagnosed with breast cancer, and was demoted after taking sick leave to undergo surgery and chemotherapy.

The second blow this Term to congressional authority was United States v. Morrison, which struck down a portion of the Violence Against Women Act that provides a Federal remedy for victims of sexual assault and violence. The Violence Against Women Act had been our measured response to the horrifying effects of violence on women's lives nationwide, not only on their physical well-being but also on their ability to carry on their lives and their jobs as they are driven into hiding by stalking and prevented from going out at night in some areas by fear of rape. After hearing a mountain of evidence detailing the impact of violence on women's lives and interstate commerce, I was proud to work with Senator BIDEN, Senator HATCH, Senator KENNEDY and others in an overwhelming bipartisan consensus in 1994 to enact VAWA.

But the five-Justice majority was unimpressed with the evidence, and with the common-sense point that violence affects women's lives, including their participation in commerce. Relying once again on abstract notions of federalism, the Court decided that violence against women does not affect interstate commerce enough, or rather, it affects interstate commerce, but in the wrong sort of way, so Congress has no business protecting American women from violence. One Justice said he would cut even more into Congress' power, saying we had very little business doing much of what we had done throughout the 20th century. Frankly, I do not want to see us turn back, in the 21st century, to a 19th century view.

What made this latest "federalism" decision all the more remarkable is that the vast majority of the States, whose rights the Court's "federalism" decision are supposed to protect, had urged the Court to uphold the VAWA Federal remedy.

The Kimel and Morrison decisions are troubling, both for what they do to the rights of ordinary Americans, and for what they say about the relationship between Congress and the present majority of the Supreme Court. State's rights and individual rights are both essential to our constitutional scheme, and the Court has a constitutional duty to prevent the Congress from encroaching on them. I have spoken before about the need to restrain the congressional impulse to federalize more local crimes. There are significant policy downsides to such federalization, however, that do not apply in other areas, where each American, no matter what State he or she lives in, should have the same rights and protections.

The legislative judgments we make that are reflected in the laws we pass deserve more respect than the Rehnquist Court has shown. It is troubling when five unelected Justices repeatedly second-guess our collective judgments as to whether discrimination and violence against women and other major social problems are serious enough, or affect commerce in the right sort of way, to merit a legislative response.

It is even more troubling when a Justice steps out of his judicial role, and beyond the judgment calls inherent in individual cases, to express a generalized disdain for the legislative branch. Yet, that is precisely what Justice Scalia did in a recent speech, in which he suggested that the oath to uphold the Constitution that each of us takes counts for nothing, and that Acts of Congress should be stripped of their traditional presumption of constitutionality. Justice Scalia is as free as the next citizen to express his mind, but that sort of open disrespect for Congress coming from a sitting Supreme Court Justice bodes ill for democracy, and for the delicate balance of power between the Congress, the President and the courts on which our Constitution rests.

I am also fearful that Justice Scalia's remarks are becoming a rallying cry for Federal judges around the country who are hostile to Congress and to some of our efforts to protect ordinary people from discrimination, from violence, from invasions of privacy and violations of civil liberties, and from environmental and other health hazards. The Federal appeals court in Richmond, Virginia—the Fourth Circuit—has the dubious honor of leading this charge with radical new legal theories that cut back on Federal power and individual rights.

In January, the Supreme Court unanimously reversed a Fourth Circuit decision invalidating a Federal law that prohibits States from disclosing personal information from motor vehicle records. The Fourth Circuit had held that this common-sense privacy law violated abstract notions of federalism. As we have seen, it takes a lot to outdo the present Supreme Court in raising abstract federalism principles over individual rights.

Also in January, the Supreme Court overwhelmingly rejected the Fourth Circuit's reasoning in a case involving citizen "standing" in Federal court to sue polluters who violate our environmental laws. The Fourth Circuit decision had sharply limited the ability of citizens to sue polluters and win civil penalties. The Supreme Court reversed that decision by a 7-2 vote, with Justice Scalia and Justice Thomas dissenting.

The Fourth Circuit is even more consistently hostile to civil rights in matters of criminal law and civil liberties. In death penalty cases, for example, it seems to have embraced a doctrine of State infallibility. An article in the American Lawyer last month reported that:

> While condemned inmates' rates of at least partial success in Federal habeas corpus actions run at close to 40 percent nationally, the rate in the 4th Circuit since October 1995 has been a cool 0 percent, with more than 80 consecutive convictions having been upheld.

In May, a unanimous Supreme Court, a Court that itself espouses the general belief that the rights of capital defendants are best protected by the State justice system that seeks to execute them, overturned two Fourth Circuit decisions that denied habeas corpus relief to death row inmates who had been sentenced to death on the basis of grossly unfair procedures.

Just last month, the Fourth Circuit lost its bid to overturn the Supreme Court's landmark decision in Miranda v. Arizona. The Fourth Circuit's notion that it had the right to overturn a longstanding Supreme Court precedent was unorthodox, to say the least. By a 7-2 vote, in which Justices Scalia and Thomas dissented again, the Court reaffirmed the 34-year-old precedent that requires the police to inform suspects of their right to remain silent.

What we are seeing in the Fourth Circuit is unparalleled, but not unrivaled. Other Federal courts across the country are also embracing Justice Scalia's "no-deference" philosophy and busily redefining the relationship of the judiciary to the other branches of government. The D.C. Circuit departed from a half century of Supreme Court separation-of-powers jurisprudence to strike down air quality standards established by the EPA under the Clean Air Act, a crucial statute passed during the Nixon administration that has improved the air we breath for the last three decades. Meanwhile, in a striking throw-back to the Lochner era of economic libertarian "natural law" theory, the Federal Circuit has adopted an unusually expansive reading of the Takings Clause that threatens to undermine basic environmental protections that Congress has established. Likewise, Federal district courts in Texas have recently rendered radical decisions, limiting the Federal Government's authority to enforce basic food safety standards.

Republican detractors of the Ninth Circuit often refer to that court's high reversal rate in the Supreme Court. But about half of the Ninth Circuit decisions that the Supreme Court reversed this year were written by Reagan and Bush appointees. Moreover, set against the reversal record of other circuits, the Ninth Circuit, which has the largest caseload of all the Federal appeals courts, looks about average. Courts with half or a third of the caseload of the Ninth Circuit have more than their share of reversals. The Fourth Circuit was reversed five times this year, as was the Fifth Circuit. The overwhelmingly Republican-appointed judges of the Seventh Circuit were reversed in five out of seven cases this year.

I have spoken at some length about this growing trend of judicial decisions second-guessing the congressional judgments embodied in laws that apply to the States because I am deeply concerned about what they mean for the relationship between the judicial and the legislative branches and for our democracy. When a Supreme Court Justice, one held up by some of my Republican friends as a paragon of judicial restraint, declares that no deference, no respect, is owed to the democratic decisions of Congress, Americans should be concerned.

We here in the Senate have a responsibility to safeguard democratic values. That does not mean that we should be strident, or disrespectful; we should always cherish judicial independence even when we dislike the results. We should, however, defend vigorously our democratic role as the peoples' elected representatives. When we see bipartisan policies, supported by a vast majority of the American people, being overturned time and time again on the basis of abstract notions of federalism, it is our right, and our duty, to voice our concerns. And when the rights of ordinary Americans are defeated by technicalities in the courts and by abstract notions of "State's rights" that the States themselves do not support, it is our responsibility to work together to find new ways to protect them.

I have tried to do that. A year ago, I voiced my concerns about the Supreme Court's 1999 State sovereign immunity decisions, as did some of my colleagues, including Senator BIDEN and Senator SPECTER. I warned then of their potential impacts on the civil rights of American workers. As we have seen, my fears became a disturbing reality in the Kimel case. I have also tried to begin work on restoring the integrity of our national intellectual property system, in the Intellectual Property Protection Restoration Act, S. 1835, a bill I introduced last October. That bill would restore intellectual property protections while meeting all the Court's constitutional objections, however questionable they are. I am delighted that a subcommittee of the House Judiciary Committee held a hearing today to explore ways to undo the damage done to our intellectual property system by the Court's 1999 decisions. I hope that the Senate Judiciary Committee will consider and act on this important issue, which it has ignored all year.

These are issues we should all be working on together. Republicans and Democrats can agree on the importance of protecting civil rights, intellectual property rights, privacy and other rights of ordinary Americans that recent doctrinaire judicial decisions have impaired. We can also agree on the importance of protecting Congress as an institution from repeated judicial second-guessing of policy judgments on matters that affect the States.

It is important for Congress, as an institution, to focus on making our relationship with the Federal judiciary a more constructive and mutually respectful one. Here in the Senate, where the Constitution requires us to give our "advice and consent" on judicial nominations, we have a special responsibility in this regard, a responsibility to protect both democratic values and judicial independence. The disgraceful manner in which the Senate has treated judicial nominees does not help and may be a factor in the current breakdown of respect between the legislative and judicial branches.

Too often, judicial nominees have been put through a litmus test by my Republican colleagues to determine whether they will engage in "liberal judicial activism." In fact, I cannot remember a recent judicial nomination hearing in which one of my Republican friends has not made a speech about "liberal activist judges." Strangely, however, hardly a mention is made of traditional judicial activism—striking down democratically-adopted laws with which one happens to disagree based on abstract principles with no basis in the Constitution, as the Supreme Court did in the age discrimination case, or overturning the longstanding precedent of a higher court, as the Fourth Circuit did in the Miranda case. Nor do my colleagues seem troubled by Justice Scalia's disdain for Congress. But I know that my Republican friends are very concerned about "liberal judicial activism." The terms of this test change depending on the circumstances.

From what I can gather, the easiest way to spot "liberal judicial activists" is by the company they keep. You might call it the "activist by association" principle. Over the last few years, several outstanding judicial nominees have come under attack simply because, as young lawyers out of law school, they clerked for Supreme Court Justice William Brennan. These nominees were tarred as potential activists not because of anything they had done, but because of their one-year association with a distinguished and respected member of the United States Supreme Court. This test is applied only to delay or oppose nominees—clerking for a conservative justice like Chief Justice Rehnquist has not helped Allen Snyder, a nominee to a vacancy on the D.C. Circuit who has been held up in Committee for months. Maybe someone should send a warning to the students at the Nation's top law schools that the Senate has become so partisan that clerking for the Supreme Court can damage your career.

Other nominees were challenged because of their association with legal organizations such as the American Civil Liberties Union and the Woman's Legal Defense Fund or for contributing time to pro bono activities. Maybe we should publish a list of groups you cannot associate with, and of rights and liberties you cannot work to protect in your private life, if you want to be a Federal judge.

How else can we tell if a nominee will be a "liberal judicial activist"? In the case of Margaret Morrow, it was unfounded allegations that she was skeptical toward California voter initiatives. With respect to Marsha Berzon we were told that she would be an activist judge because she had been an "aggressive" advocate for her client, the AFL-CIO. Maybe we should advise lawyers in private practice who would like to be judges to be less vigorous in pursuing their clients' interests. Of course, since their confirmations neither of these nominees has been cited to be anything other than an outstanding judge.

Then there is the old-fashioned litmus test. As a member of the Missouri Supreme Court, Justice White had committed the heresy of voting to reverse death sentences in some cases for serious legal error. No matter that Justice White voted to uphold the imposition of the death penalty 41 times. No matter that other members of the Missouri Supreme Court, including members of the Court appointed by Republican governors, had similar voting records and more often than not agreed with Justice White, both when he voted to uphold the death penalty and when he joined with a majority of that Court to reverse and remand such cases for resentencing or a new trial. Maybe someone should have advised Justice White to follow the Fourth Circuit model and bat a thousand for the State in death penalty cases, regardless of the evidence.

Another litmus test that has been dressed up as a sign of "liberal judicial activism": The nominee's willingness to enforce Roe v. Wade, the Supreme Court's landmark abortion decision. I confess to some confusion as to how a nominee for a lower Federal court could be faulted for promising to adhere to established Supreme Court precedent. Whether you agree with Roe or not, it is, after all, the law of the land. But maybe someone should advise lower court judges to follow the lead of the Fourth Circuit in the Miranda case and disregard Supreme Court precedent.

We need to get away from rhetoric and litmus tests, and focus on rebuilding a constructive relationship between Congress and the courts. We need balance and moderation that respects the democratic will and the weight of precedent. We do not need partisan delays by anonymous Senators because a nominee clerked for Justice Brennan or contributed to the legal services organization. We do not need our Federal courts further packed for ideological purity. We do not need nominees put on hold for years, as this Republican Senate has done, while we screen them for their Republican sympathies and associations.

Mr. President, I ask unanimous consent to have printed in the RECORD three recent articles about the Supreme Court's jurisprudential counterrevolution, by Professor Larry Kramer of the New York University School of Law; Professor David Cole of Georgetown University Law Center; and John Echeverria, Director of Environmental Policy Project at Georgetown University Law Center.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 23, 2000]

THE ARROGANCE OF THE COURT

(By Larry Kramer)

In 1994, after four years of very public debate, including testimony from hundreds of experts in dozens of hearings, Congress enacted the Violence Against Women Act. This month, a bare 5 to 4 majority of the Supreme Court brushed all that aside and struck the law down. Why? Not because Congress cannot regulate intrastate matters that "affect" interstate commerce. On the contrary, the majority agreed that this is permitted by the Constitution, reaffirming a long-standing point of law. But, the court said, whether the effects are "substantial" enough to warrant federal regulation "is ultimately a judicial rather than a legislative question, and can be settled finally only by this Court." And the majority just was not persuaded.

This is an astonishing ruling from a court that professes to care about democratic majorities and respect the political process. The justices did much more in this decision than sweep the act off the books. Under a pretense of interpreting the Constitution, they declared that they have the final say about the expediency of an important, and potentially very large, class of federal laws: not just laws under the Commerce Power, which constitute the bulk of modern federal legislation, but many other laws as well. For the limits of all Congress's powers turn eventually on judgments about the need for federal action.

This is radical stuff. Previous courts have exercised aggressive judicial review, but never like this. Nothing in the Constitution's language or history supports letting the Supreme Court strike down laws just because it disagrees with Congress's assessment of how much they are needed. Except for a brief period in the 1930s when an earlier court tried to stop FDR's New Deal and was decisively repudiated, the court's role has always ended once it was clear that legislation was rationally related to the exercise of a constitutional power. As Alexander Hamilton observed back in 1792, rejecting the very same argument as that made by the court today, "the degree in which a measure is necessary can never be a test of the legal right to adopt it."

The Founding generation understood, in a way our generation seems to have forgotten, that judicial review must be contained or we lose the essence of self-government. They saw that, while courts have a vital role to play in protecting individuals and minorities from laws that trample their rights, Congress's decisions respecting the need to exercise its legislative power must otherwise be left to voters and elections. They foresaw that questions would arise over the limits of federal authority vis-a-vis the states. But, they said (over and over again), those battles must be waged in the political arena. And so they have been, until now.

What kind of government is it when five justices of the Supreme Court, appointed for life by presidents whose mandates expired long ago, can cavalierly override the decision of a democratically elected legislature not on the ground that it acted irrationally but because they do not like its reasoning? By what right do these judges claim the authority to second-guess what Justice Souter in dissent accurately described as a "mountain of data" based on nothing more than their contrary intuitions?

This is important. We have become way too complacent about letting the Supreme Court run our lives, and the current court has exploited this apathy to extend its authority to unheard of lengths. Everyone in the country should be incensed by this decision; not because the Violence Against Women Act was so wonderful or so necessary, but because deciding that it is not—and make no mistake, that is all the majority did—is none of the Supreme Court's business. Yet liberals will sit awkwardly by because they liked the judicial activism we got from the Warren court, though that court could not touch this one for activism. And, of course, conservatives will gleefully hold their tongues because they never much liked this law in the first place, and because they adore the court's new federalism (not to mention the chance to see liberals hoist by their own petard). In the meantime, only democratic government suffers. Ironies this thick would be comical were the stakes not so high.

The majority opinion is animated by a sense that the Framers of our Constitution never imagined the federal government enacting laws such as the violence act. I am sure they are right; the Framers would be astounded at the changes in society that have brought us to this juncture. But nowhere near as flabbergasted as they would be at the presumptuousness of five judges in casting aside the considered judgment of the national legislature for no better reasons than these—or at the complacency of the citizenry in the face of such outrageous conduct.

[From The Nation, June 12, 2000]

PAPER FEDERALISTS

(By David Cole)

When conservatives attack Supreme Court decisions (admittedly an increasingly rare event these days), they inevitably charge "judicial activism." Miranda warnings, the right to abortion, the exclusionary rule—all are condemned for having been created by judges out of whole cloth, based on "interpretations" of the Constitution that are so unconstrained as to be entirely political.

When it comes to "states' rights," however, conservatives sing a different tune. In the past few years, the conservative majority on the Supreme Court has launched a virtual revolution in constitutional jurisprudence, invalidating a host of federal laws on the ground that they violate the autonomy not of human beings but of states. The Court has revived the commerce clause as a limitation on federal power after some fifty-odd years of desuetude. It has found implicit in the Constitution a concept of "state sovereign immunity" that jeopardizes Congress's ability to require states to follow federal law. And it has divined from the "spirit" of the inscrutable Tenth Amendment a principle of state autonomy with little textual or historical basis. In doing these things, the Court's most conservative Justices—Rehnquist, Scalia, Kennedy, O'Connor and Thomas—have engaged in the very sort of open-ended, freewheeling constitutional interpretation that they excoriate liberals for indulging in on issues of individual rights.

This Court's activism on federalism begins with the commerce clause, which for most of our history has been the leading barometer of judicial attitudes toward the balance between state and federal power. In the early part of the twentieth century the Court frequently invoked the clause to strike down labor laws regulating minimum wages, maximum hours and working conditions. The Court reasoned that Congress could regulate only "commerce," not manufacturing or production, although its actual animating principle was a commitment to laissez-faire capitalism.

During the New Deal, the Court abandoned this approach and acknowledged that in our increasingly national economy, the terms of production—such as wages, hours and working conditions—obviously affect interstate commerce. It ultimately interpreted the commerce clause to permit Congress to regulate any local activity that, aggregated nationally, might substantially affect interstate trade, a reading that largely took the judiciary out of the job of restraining Congress and relied on the political process to do so.

That's where things stood until 1995, when the Court struck down a federal law prohibiting the possession of guns near schools. Then, on May 15, the Court invalidated the Violence Against Women Act, a federal law enabling victims of gender-motivated violence to sue their attackers. In both cases the Court held that Congress may not regulate local "noneconomic" activity. Neither gun possession nor gender-motivated violence is "economic" activity and must be left to the states to regulate. Congress's findings that violence against women reduces their ability to participate in the work force was insufficient to justify federal regulation. But if Congress has the power to regulate conduct where it "affects" interstate commerce, why should it matter whether the conduct itself is labeled "economic" or "noneconomic"? The Court seems to have created a distinction every bit as artificial as the long-rejected line between production and commerce.

The Court's activism is even more pronounced in its treatment of "state sovereign immunity," the doctrine that the sovereign—in this case a state—may not be sued. The Eleventh Amendment to the Constitution does recognize a very limited immunity that protects states from being sued by citizens of other states in federal court, at least for cases not based on federal law violations. But today's Court has ignored the explicit language of the amendment to create an expansive immunity that blocks virtually all private suites against states, in state or federal court, under state or federal law. As a result, state employees cannot sue their employer—anywhere—for blatant violations of federal laws, such as the Fair Labor Standards Act. The only exception to this state immunity is where Congress has authorized suits under the Fourteenth Amendment, but the Court has also sharply limited Congress' power to regulate states under that amendment.

A third arena for the states' rights revival is the Tenth Amendment. That provision has literally no substantive meaning. It states only that all powers not assigned to the federal government are reserved to the states or the people. The Court once dismissed it as "a truism." But in recent years, the conservative majority has found in its "spirit" the authority to strike down federal statutes for requiring state officers to carry out even very minimal tasks in furtherance of a federal program, such as the Brady Bill's requirement that local sheriffs conduct brief background checks on would-be gun purchasers.

So why do states' rights issues drive conservative Justices to abandon their cherished principle of judicial restraint? There is undeniably a conservative cast to federalism in the United States. States' rights have nearly always been invoked in support of rightwing causes, from slavery to segregation to welfare devolution. But no one would seriously suggest that today's Court is using federalism as a cover to protect those who carry guns near schools or rape women.

What really drives the conservative Justices toward states' rights is their antipathy to individual rights. "States' rights" is itself something of an oxymoron; rights generally describe legal claims that people assert against government, not claims of governments. Protecting states' rights nearly always directly reduces protection for individual rights. The Court's sovereign immunity decisions bar individuals from suing states for violating their federal rights. And its commerce clause and Fourteenth Amendment decisions have reduced Congress's ability to create federal statutory rights for individuals in the first place.

The link between protecting the "rights" of states and disregarding those of individuals is illustrated even more clearly in the Rehnquist Court's treatment of habeas corpus and federal injunctions. The Court has consistently cited deference to the states to justify shrinking the rights of state prisoners to go to federal court for review of their constitutional claims. And it has grandly invoked "Our Federalism" to limit the ability of federal courts to oversee and enjoin police abuse against minorities.

Paradoxically, then, this Court is most activist in restricting its own power. The conservative Justices eagerly engage in open-ended constitutional interpretation when the result forecloses an avenue for rights protection but assail their liberal counterparts for doing so when the result is to recognize an individual right. As a result, states receive far more solicitude than individuals. But the opposite should be the case: The Court's highest calling is not the protection of regimes but of individuals who cannot obtain protection from the political process.

IT'S CONSERVATIVES NOW WHO ARE JUDICIAL ACTIVISTS: WHY ENVIRONMENTALISTS SHOULD BE ALARMED

(By John Echeverria)

Recent federal court decisions concerning our environmental laws cry out for a giant reality check on the recently renewed political debate about whether federal judges should be "strict constructionists" when it comes to deciding issues of constitutional law.

Governor George W. Bush last month revived a familiar GOP mantra when he declared that he would only appoint "strict constructionists" as opposed to "judicial activists" to the federal bench. This stance echoes similar statements by Bob Dole, the GOP standard bearer three years ago, as well as by paterfamilias George Bush I and the modern GOP's founding father, Ronald Reagan.

Governor Bush's political declaration has a kind of through-the-looking-glass quality all too familiar in modern American political life. While Bush and others on the political right decry judicial activism, in some arenas of constitutional law, particularly those affecting our environmental laws, it is GOP-appointed judges who are actually the most activist.

On the other hand, out of a habit of supporting an expansive approach to constitutional interpretation, which apparently served their ideological interests in the past befuddled democratic forces rise to the bait of defending the judiciary against charges of "judicial activism" even as their environmental protection gains, achieved through hard-fought battles in the political arena, are being taken away by GOP-appointed judicial activists.

Sensible conversation about the virtues and limitations of a "strict constructionist" approach to judicial interpretation calls in the first instances for an accurate understanding of how the federal bench is actually deciding real cases today.

In simplistic terms, a judge is said to be a "strict constructionist" if she resolves constitutional cases solely on the basis of the language and original understanding of the constitutional text. On the other hand, a judge who looks to other sources for interpretive assistance, such as some particular social or economic philosophy, is said to engage in judicial activism.

Governor Bush left undefined the specific rulings he thinks reflects judicial activism. But similar GOP pronouncements in the past honed in on the U.S. Supreme Court's expansion of the constitutional rights of the criminally accused under the leadership of Chief Justice Earl Warren in the 1950's and 60's.

Another favorite target has been the Court's decision in Roe v. Wade, which interpreted the Constitution to create a zone of privacy granting women the constitutional right to decide whether or not to terminate a pregnancy without state interference.

Whether or not these (now somewhat dated) judicial innovations can fairly be characterized as the product of an activist judiciary, it is undeniably true that the charge of judicial activism can, with at least equal fairness, be lodged against more recent judicial decisions that serve a so-called "conservative" 'philosophy.

This is particularly true in cases involving constitutional challenges to the authority of government to adopt and enforce environmental regulations. Consider the following examples.

Over the last decade, the U.S. Supreme Court has issued an unbroken string of decisions expanding public liability under the takings clause of the Fifth Amendment for environmental and land-use regulations that impinge on private property interests, undermining the ability of the government to adopt new environmental protection standards.

The takings clause states that "private property [shall not] be taken for public use, without just compensation." According to leading scholars on all sides of the ideological spectrum, the available historical evidence unequivocally shows that the drafters of the Bill of Rights intended the clause to apply only to direct appropriations of private property, and never intended the clause to apply to regulations under any circumstances.

In its recent decisions, however, the Court has established the takings clause as a significant new constraint on environmental regulatory authority. From the standpoint of a principled strict constructionist, this direction in judicial thinking would be simply indefensible.

The same is true of recent Supreme Court decisions limiting citizens' right to sue to enforce federal health and environmental laws.

There is a general academic consensus that the drafters of the Constitution intended Congress to have broad power to grant private citizens the right to bring suits in their own names to enforce federal laws. Nevertheless, over the last decade the U.S. Supreme Court, led by Justice Antonin Scalia, has erected new barriers which citizens must cross to establish their right to bring suit to enforce environmental laws.

The Court's recent decisions for example, have severely undermined the Clean Water Act and the Endangered Species Act, and more particularly the role Congress intended for citizens in enforcing those laws, a result which principled advocate of a non-activist judiciary should supposedly abhor.

Conservatives living in glass houses might start a move toward a more sensible debate by refraining from hurling rocks in the direction of the federal judiciary. Or perhaps liberals may wish to rethink a strategy based on warding off rocks tossed by others, and may wish to consider hurling a few of their own.

Mr. LEAHY. Mr. President, I see my good friend from Utah on the floor. I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I thank the Senator from Vermont. I am looking forward to sharing some ice cream with him a little later today in response to his gracious invitation. I appreciate his courtesy.

THE ENERGY CRISIS

Mr. BENNETT. Mr. President, I recall a time very early in my career, not as a Senator but when I was involved here in Washington in support of a particular amendment that was being debated in the House of Representatives. I sat in the gallery in the House and listened to the debate and was somewhat startled when a Member of the House stood up and attacked the amendment as "the General Motors amendment."

He went on to thunder against big business in general, and General Motors specifically, and say: This amendment would take care of big business and it would hurt everybody else.

After it was over—and I can report gratefully that our side prevailed in that particular debate—one of his colleagues went to this particular Member of the House and said: What are you talking about when you are attacking General Motors on this amendment?

And the Member said: Well, when you don't have any substantive arguments, you are always safe in attacking General Motors.

That comes to mind because, as we talk about today's energy crisis, and the rising price of energy at the pump, there are those who are attacking big oil. I think they are a little like that former Member of the House. When your arguments don't have any substance, attack big oil and hope that the public will respond.

I want to talk today about why gasoline prices are so high and why a nameless political attack on big oil is not the answer. I do expect these attacks to continue. We are in an election year. There is at least one candidate for President who thinks, if he constantly attacks big oil, people will not pay attention to what is really going on. I want people to pay attention to what is really going on and focus on why we have energy problems in the United States.

I start with a memo dated June 5 of this year, sent to the Secretary of Energy, through the Deputy Secretary, from Melanie Kenderdine, who is the Acting Director of the Office of Policy in that Department.

She says a very startling thing. I must say, when I say startling, I am being sardonic about it. She says that it is due to high consumer demand and low inventories. What a great revelation—high demand and low supply is going to give us high energy prices. Of course it is.

I have said many times, and repeat here today, that one of the things I think should be engraved in stone around here for all of us to see every day is the statement: You cannot repeal the law of supply and demand.

We keep trying on this floor—we keep trying in the Government—to repeal the law of supply and demand and make prices and costs in the real economy respond to our legislative whims. But they do not. Prices respond to the law of supply and demand.

So this internal memo, from the Department of Energy, is interesting in that it says the real problem is that "high consumer demand and low inventories have caused higher prices for all gasoline types. . . ."

But then it goes on to say there are other things that have exacerbated the problem, made it worse. These things are, in fact, legislative, or, in this case, regulatory actions taken within the Clinton-Gore administration in response to the constituency that Vice President GORE seeks to cultivate as he pursues his Presidential campaign.

It talks about, specifically:

> . . . an RFG formulation specific to the area that is more difficult to produce . . .

The "area" we are talking about here is the Midwest. We are talking about Chicago. We are talking about the State of Michigan. We are talking about the Midwest, where gasoline prices are currently over $2 a gallon.

These are regulatory actions—I will not read them all—that have been taken by the Clinton-Gore administration that have raised the price of gasoline simply by constricting further the supply. If we understand this, that we cannot repeal the law of supply and demand, if we understand that everything that has anything to do with constricting supply is going to drive up prices, we will begin to understand why we have runaway prices.

What can we do to increase supply? That is the answer. You don't have to be a Ph.D. to understand that. You don't have to be smart enough to go on "Who Wants to be a Millionaire" and name all of the foreign heads of state if you want to understand this. You have to understand the very basic principle. If we are going to bring gasoline prices down, we are going to have to increase supply.

As an aside, let me point out that this problem is not limited to gasoline prices alone. Americans are facing higher heating oil prices next winter. Americans are facing higher hot water prices from natural gas. For any source of energy, the price is going up. Why? Because the supply is not sufficient to meet the demand—economics 101.

Let us look at the sources of supply in this country and what the Clinton administration—under the prodding of Vice President GORE who is acknowledged to be the leader on this whole subject within the administration—has done to supply. Let's start with oil. What has happened to the supply of oil in the United States? We find that 56 percent of our oil comes from foreign sources now, which is up from 35 percent, the level when we faced the oil crisis in the 1970s. If we are going to decrease this dependence on foreign oil, we ought to increase the amount of supply in the United States. It is very simple. If we have oil in the United States, let's start pumping that oil to increase the supply.

What have we done since President Clinton has been in office? Under the prodding of Vice President GORE, when there was an opportunity to increase supply up in Alaska, this administration said, no, we will not allow you to do that. We passed legislation, both Houses of Congress, and sent it to the President, that would have increased supply, had more oil available in the United States. Under the prodding of Vice President GORE, the President said, no, we will not allow you to drill for oil in Alaska, even though there are indications there is as much oil up there as there is in Saudi Arabia, according to some reports. No, we will not allow you to increase that source of supply.

There are other sources of supply domestically. What about the Outer Continental Shelf? President Clinton said, no, you can't drill anymore, no more exploration on the Outer Continental Shelf until 2012. Vice President GORE, in his campaign, has pledged to stretch this prohibition perpetually. President Clinton says, we will prohibit you from doing it until 2012. Vice President GORE says that is not good enough; we will prohibit you from going further.

So they won't let us look for supply in Alaska. They won't let us look for supply on the Outer Continental Shelf. What about the Federal lands? Is there oil in the Federal lands? No, we won't let you drill. We won't let you explore in the Federal lands, even to find that out. So we are at the mercy of foreign sources of supply. This administration has determined to keep us at the mercy of foreign sources of supply when we are talking about oil.

Now let's talk about natural gas. The geologists say the United States has an almost unlimited supply of natural gas. Maybe it is all right for us not to increase the supply of oil, even though that is what is driving up the cost of gasoline at the pump, if we can provide our energy through natural gas. Federal lands in the Rocky Mountain West, where I come from, contain up to 137 trillion cubic feet of natural gas. But this administration has put those lands off limits for exploration. We cannot even find out how much is there. No, Vice President GORE says, we can't look for natural gas on Federal lands.

So what other sources of energy do we have? Well, one of the major sources of energy in my State is hydroelectric power coming from the Glen Canyon Dam. The Sierra Club has said: Let's tear down the Glen Canyon Dam. Let's take it down and eliminate that source of power supply altogether. The administration, to its credit, has said, no, we don't think that is such a good idea. But the Vice President, who has been endorsed by the Sierra Club, says he endorses their agenda, which raises the question, if he were to become President, would he in fact say, let us tear down the Glen Canyon Dam and thereby destroy that source of power? They have already suggested they want to study tearing down the dams on the lower Snake River, which produce hydroelectric power. Now, in this election season, we have a statement out of the administration and the Vice President that says: We will not take down these dams now. We will not take these dams down in the short term. We will study it.

There are those who suggest that means we will wait until after the election, and then we will take down the dams. If, indeed, the dams are taken down, hydroelectric power goes away. Hydroelectric dams generate roughly 10 percent of this Nation's power.

So we can't drill for oil, we can't explore for natural gas, and we want to dismantle some of the hydroelectric power. What about nuclear power? That is where most of the power comes from in Europe and in many other countries that don't have the hydroelectric facilities we do.

On April 25 of this year, President Clinton vetoed legislation that would have allowed storage at Yucca Mountain of nuclear waste. Nuclear waste is building up at every nuclear facility in the United States. At some point we have to deal with it. The Congress thought it had dealt with it by creating Yucca Mountain. The President said, no, even though we have spent billions and billions of dollars preparing Yucca Mountain to receive this nuclear waste, we won't let it go there, thus jeopardizing the opportunity for this country to have a long-standing, long-going nuclear program.

All right. If we are not going to be able to handle nuclear power, if we can't drill for oil and oil power, if we can't explore for natural gas, and if we are trying to cut back on hydroelectric, where are we going to get the power? There are those who say, well, most of the power in this country comes from coal. Coal, of course, has a problem as far as the environment is concerned.

I am proud to report that we have in the State of Utah some of the best low-sulfur coal in the world, which, if burned, would have an enormous benefit for the environment. Just 4 years ago, President Clinton, with Vice President GORE clearly identified as the driving force behind the decision, shut down the possibility of ever using any of that coal from Utah when he created the Grand Staircase Escalante National Monument, using the Antiquities Act in a way it was never anticipated to be used, violating all aspects of consultation as required under NEPA, refusing to even admit to elected officials in the affected State that he was even thinking about it. The President, with a stroke of a pen, said, you can't use any of that low-sulfur, good-burning coal.

So you have to go to other kinds of coal. Fifty-five percent of our Nation's electricity is generated by coal, and 88 percent of the electricity in the Midwest comes from coal.

But now they are saying we must put controls and restrictions on coal and the activity with respect to coal—to the point we have seen the senior Senator from West Virginia, who represents a number of coal producers, demonstrate his concern with this administration.

So what is left, Mr. President? What is left to increase the supply? Well, you can't drill for oil. You can't explore for natural gas. You can't expand hydroelectric power. We hope to get that back. You can't use the coal. What is left? Prayer? I believe in prayer. But I also believe that the Lord prefers those who pray to him to do a little bit about it, to work at it. If I can go back again to the roots of my State, founded by the pioneers who came across the Plains, the story is told about a wagon train that got caught in a river. One of the leaders of the wagon train immediately dropped to his knees. The other fellow who was involved said, "What are you doing?" He said, "I am praying." And the second man said, "I said my prayers this morning. Get up and pull."

I think if we are going to pray for divine assistance to help us increase the supply for energy in this country, we better get up and pull at the same time and recognize that saying no to the expansion of every single source of energy in this country in the name of appealing to an environmental community, as the Vice President has historically done, puts us in the position where we are going to have high energy prices for as far as the eye can see.

I hope as people address the question of why gasoline is over $2 a gallon in the Midwest today—and those high prices are spreading—and as people address the question of why fuel oil will be twice as much in the winter than it has historically been, as people address the question of why the natural gas prices are continuing to go up, they will understand that, once again, we cannot repeal the law of supply and demand. If we want to bring energy prices under control in this country, we ought to help the President and the Vice President understand that truth and say the only solution to high prices, Mr. President and Mr. Vice President, is increased supply for the demand that is built into our economy. As soon as they understand that and will work with this Congress to try to get increased supply in the various ways we have sent them legislation to do, we will then—and only then—begin to see these high prices come down.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

ENERGY AND WATER APPROPRIATIONS

Mr. DOMENICI. Mr. President, the energy and water bill on appropriations has been held up. I understand that the distinguished minority leader has an objection to it. I share with Senators the importance of that bill. I suggest, hopefully, that the minority leader rethink this because I do have some confidence that he is not exclusively interested in partisan politics, and that perhaps this very good bill on energy and water could be passed and sent to the President; although, my hopes are dwindling.

Essentially, one looks at the energy and water appropriations bill, and while I would devote some time to the energy crisis, which my friend spoke about eloquently, I will interrupt my comments to say this to the Senator: Incredibly, there is a position being formulated by the Vice President's campaign to claim that George W. Bush and Dick Cheney would be bad for American energy consumers. Isn't that a joke?

What is bad for American energy consumers, and the reason gasoline prices are so high, and natural gases are skyrocketing, and we are growing in dependence upon foreign countries for our very lifeblood, for without energy, we have no economy. Of late, we have decided it must be so clean that the only thing we are using in any increased abundance is natural gas. We are even shying away, in this administration, from clean coal technology. Did the Senator know that technology to clean up coal is being pushed down by this administration instead of up?

Mr. BENNETT. The Senator is correct. If I may make one other comment, the comment has been made that they want wind as the source. I have heard environmental groups have complained that they do not want windmills out on the prairies because they will damage the birds.

Mr. DOMENICI. Let me tell the Senator this: I asked this administration and I asked this Vice President to send to us what their great energy policy has been during the last 8 years. Every time we say there is none, they say they have got one, they have had one and we turned it down. I would love to see it. I would like to evaluate it and send it out to the energy people and ask them what would it have produced had we given more money to solar and wind than we did. How would that have had an impact on the consumers of America—paying this enormous price for gasoline, this enormous new price for natural gas?

Frankly, I say to my friend from Utah, if Americans don't know it—because we worry so much about Social Security and its future, Medicare and its future, what happens to this surplus, and what happens to the debt—probably the biggest challenge to the American way of life and our standard of living, driving automobiles and finding jobs and factories growing, is that we have no energy policy. And we are going to move slightly and slowly, because of this administration, into a position where we are not going to have enough energy to make America go, or it will be so high that Americans will wonder what in the world happened to us.

Do you know when that will be? That will be when our dependence on foreign sources of energy grows some more. Americans should know that over 50 percent of the crude oil and crude oil products this great Nation consumes comes from foreign countries, from the so-called cartel. It is not all Saudi Arabia. We have South American and Central American countries in there, too. But do you know what. They are not interested in America. They are interested in how much their oil will bring on the market to them. For a few years, they can sit back and say: America, America, when oil prices were $10 a barrel and you were hopping along and we were broke and we could not pay our debts and could not borrow money—one of the closest things to a financial crisis for Saudi Arabia, whether or not you like the sheiks—financial jeopardy was when oil prices dropped so low. We were thrilled. What do you think they are going to think when the oil prices finally get up where they are making a lot of money and America is crying for it? They are going to say: Where were you when oil prices got down below 10 and hovered around 10 while we cried?

Frankly, I believe if the Vice President's campaign decides that our wonderful ticket for President, because one comes from a mass oil-producing State, and he is proud of it—and the other one, after serving in the highest office in this country, is the president of a 100,000-person corporation that happens to be involved in seeing to it that we continue to get oil and gas in America by working down there in oil patch—frankly, I don't think we ought to assume that this attack makes any sense or that they will do it.

I think what we should do is we should attack Vice President GORE as being the mastermind, the promoter of a no energy policy for America, unless it is wind and solar, which all of us think is marvelous but clearly cannot help America through a crisis.

I thank the Senator for his comments. I know a lot about nuclear power. I am embarrassed for America that we are doing what we are doing on nuclear power. It is so scientifically unreal and untrue, as to the attacks on nuclear power, and it is a shame. The greatest country on Earth in engineering cannot take high-level fuel rods and move them a little bit across the country and put them somewhere for safekeeping. We can't do that. But 1 out of 25 American ships sails the seas, some with one nuclear powerplant—as they have over there in Pennsylvania. Some have one, some have two. They have sailed the seas since 1954. No more in America—except one in New Zealand that denies these ships with fuel rods safely on board access to their ports. There is no risk. There has never been an accident. Here we sit because a few Americans are frightened to death of radioactivity—low, high, or indifferent; just the word "radioactive"—while they live in an radioactive environment on average. All of us are exposed to more low-level radiation than most of the things we are afraid of because there is plenty of it around. But because of them, we sit here and cannot find a way to help the State of Minnesota that has fuel rods sitting there from nuclear power which have been as safe as can be, and we can't get enough votes here to move them across the country. Yet those boats with it move all over the world. We sit here with a President—probably supported by the Vice President—who says no.

Look, if they like to talk about energy policy, I think we ought to just say: Mr. Vice President, the one thing you take into this campaign is that you have been part of an administration with as bad an energy policy as any because, as a matter of fact, you had none.

Mr. REID. Mr. President, will my friend yield for a brief question?

Mr. DOMENICI. I would be delighted. I know I said something implicitly about his State, but I didn't mean to.

Mr. REID. Mr. President, I want to ask my friend from New Mexico: Would George W. Bush think he would have a different policy and would allow the nuclear waste to go to Nevada?

Mr. DOMENICI. I don't know about that. We will build a short-term nuclear waste facility within 6 to 8 months of the next President, if he is a Republican, because it is totally safe. Whether they put it in Nevada or somewhere else, I don't know.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I want to say again, getting back to the energy and water bill, that I hope we can work something out on his issue, an issue that bothers some States on his side of the aisle, while on my side of the aisle, the Missouri Senators and the Mississippi Senators and others, have a different view. There is an amendment to this energy and water bill that attempts to solve that problem by not letting some amendments proceed with reference to a Corps of Engineers manual.

If this bill does not become law by October 1, I want to talk about a couple of things that will really be bad for some States, and certainly for my State will not be good.

In Pantex, TX, there are 2,800 employees; there are 7,300 at the Sandia National Laboratory; there are 3,000 in the Kansas City nuclear weapons plant. Moving over to water, the Army Corps of Engineers has 125,000 workers on 1,400 projects.

This is an important bill. I don't want to go up to October 1 and not have a bill and have to say to them that because somebody would not let us bring up our bill—which we could have done, which we could have gotten passed—we are now at October 1 and can't get anything passed. And we are playing a game of who did what to whom. Who keeps the Government open? Who closes it? We could have had this completed. We could have been in conference this weekend and be back from the convention with it finished. It could then go to the President and be signed. I don't go beyond just asking that the problem be eliminated.

I take Senator DASCHLE at his word. There is nothing to this other than he is concerned about protecting a couple of States. I am concerned about a couple of other States or more. I am concerned about keeping in law what has been in the law for at least two previous years.

I again thank the distinguished Senator from Utah for his comments.

I want to respond for a moment to a very good friend of mine from the other side of the aisle. I consider him a friend. For the most part, we run into each other on dairy issues. People do not know that New Mexico is a big dairy State. But clearly, the distinguished Senator, Mr. FEINGOLD, comes from a State with a lot of dairy cows. We frequently are on each other's side, or against each other, principally because that is a farming issue. But today, in some brief remarks, Senator FEINGOLD took his farming issues, and instead of being concerned about his State, got over into my State and into an issue that involves thousands of farmers in New Mexico.

The issue is that thousands of farmers in New Mexico are on a river that runs short of water in dry years. We are growing into a confrontation as to who owns the flow of the river in a dry year, and a silver minnow, which has been declared an endangered species, which they think currently resides in the extreme southern regions of the river close to the Texas border. Thousands of farmers use it to irrigate small and medium-sized farms, and there are a few large ones.

I hope, if the Senator's constituents, as he said, are concerned about this, they are concerned about the entire problem—the problem of cities that own water in a dry river basin, and the river basin is not always totally moist and running with water. What about the thousands of farmers who under our State law own the water? I think if he clearly understood that, he would say: I choose not to interfere in a contest between the minnows and thousands of farmers and maybe two cities or more. And maybe he would say: I wouldn't like Senator DOMENICI getting involved in that if that were my State situation. Though he is entitled to and can certainly come down here and do that, I hope maybe before doing it—or maybe even now—he would talk with us about the issue, which is a very interesting issue.

For the last 2½ weeks, I have been constantly in touch with the Secretary of Interior seeing what we could do to try to work this issue out. I have put on this energy and water bill something so that water will not be governed totally by a Solicitor General's opinion.

That is the issue. I contend it shouldn't be. We might be able to work that out soon because there are some very serious problems involved that ought to be worked out.

I thank Senator FEINGOLD for his consideration of issues that might affect my State. I think I have been concerned with his. I would truly like to talk to him about this subject because I don't believe it is as simple an issue as perhaps some of his endangered species constituents indicate in their request to him that he get involved in the issue of thousands of farmers in the State of New Mexico and whether they get water.

ORDER OF PROCEDURE

Mr. DOMENICI. Mr. President, I ask unanimous consent that following the 3:15 p.m. vote, Senator HELMS be recognized as if in morning business for up to 20 minutes, to be followed by Senator BRYAN for up to 20 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, Senator DORGAN requested time. We would be happy to have Senator DORGAN go after Senator BRYAN. If there is a Republican who wishes to speak, we would be happy to insert that between Senators BRYAN and DORGAN. I ask unanimous consent that Senator DORGAN be recognized after Senators HELMS and BRYAN, and a Republican, if the majority wishes to have a speaker in there. Senator DORGAN wishes to speak for up to 40 minutes.

Mr. DOMENICI. Mr. President, I agree. I ask unanimous consent that each of the Republicans he has alluded to, if they desire to, be able to speak for up to 40 minutes. I don't think they will.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2001—CONFERENCE REPORT—Continued

Mr. REID. Mr. President, I ask for the yeas and nays on the conference report, Department of Defense appropriations.

The PRESIDING OFFICER (Mr. L. CHAFEE). Is there a sufficient second?

There is a sufficient second.

(The yeas and nays were ordered.)

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the clerk will report the conference report.

The assistant legislative clerk read as follows:

Conference report to accompany H.R. 4576, making appropriations for the Department of Defense for fiscal year ending September 30, 2001, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the conference report. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 9, as follows:

[Rollcall Vote No. 230 Leg.]

YEAS—91

Abraham
Akaka
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Feinstein
Fitzgerald
Frist
Gorton
Graham
Grams
Grassley
Gregg
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McConnell

Mikulski
Miller
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wyden

NAYS—9

Allard
Boxer
Enzi
Feingold
Gramm
Hagel
McCain
Voinovich
Wellstone

The conference report was agreed to.

CHANGE OF VOTE

Mr. SESSIONS. Mr. President, on rollcall vote 230, I voted no. It was my intention to vote yea. Therefore, I ask unanimous consent that I be permitted to change my vote since it will in no way change the outcome of the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

Mr. STEVENS. I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, I ask unanimous consent that notwithstanding rule XXII, the Senate immediately adopt the motion to proceed to H.R. 4733 and the cloture vote regarding the China PNTR immediately occur, and if cloture is invoked, the 30 hours postcloture not begin until the Senate resumes the motion in September.

The PRESIDING OFFICER. Is there an objection?

Without objection, it is so ordered.

Mr. LOTT. I further ask unanimous consent that notwithstanding rule XXII, at 6 p.m. on Tuesday, September 5, 2000, the Senate temporarily lay aside the China PNTR motion to proceed and begin consideration of the energy and water appropriations bill, and the consideration of these two measures continue throughout the week of September 4, 2000.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I ask unanimous consent that just prior to the vote, the following Senators be recognized for the following times: BAUCUS for 5 minutes, HOLLINGS for 5 minutes, MOYNIHAN for 5 minutes, and ROTH for 5 minutes.

I further ask unanimous consent that the allotted morning business times ordered earlier today commence immediately following the rollcall vote, and the yet designated Republican slot be allocated to Senator BOB SMITH for up to 40 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Let me explain, if I could, what just occurred.

We will have 15 to 20 minutes of time now that will be used for Senators to speak, those I just mentioned. That will be followed by the vote on the China PNTR motion to proceed. Then there will be a period of morning business time to follow that.

When we return in September, we will go during the day to the China PNTR debate. That will be laid aside at 6 o'clock, and we will do the energy and water appropriations bill. This is classically described as a double tracking. We will be doing the appropriations bill at night. I hope it won't take but a couple nights. It may take three. During the day, we will be debating the China PNTR.

I have assured Senators on both sides of the aisle that we are not going to shove this through. Senators who need time, Senators who want to offer amendments on the China trade bill are going to have the opportunity to do that. I think that is the right way to do it. We are not going to do it in the wee hours of the night. We are going to do it in the day. This is a major international trade agreement, and it needs to be done carefully and with thought. The Senate has a long tradition of acting carefully and with dignity when it comes to important matters of this nature. That is the way we are going to treat it when we return. There will be no rush to judgment, but I do think the responsible thing to do is to begin to make progress toward an eventual judgment.

I thank my colleagues, Senator DASCHLE and Senator BYRD, Senator HOLLINGS, Senator WELLSTONE and all, for their cooperation on this.

I yield the floor.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, I thank the majority leader for announcing this arrangement. I thank my colleagues for their cooperation on this complicated but very understandable schedule. The majority leader has announced there will not be any cloture motions filed or any rush to judgment on this issue. People will have the opportunity to offer amendments. I will work with our colleagues to assure they have that opportunity throughout the week, for whatever length of time it may take. I do hope perhaps we might be able to reach some agreement on time for these amendments, and my colleagues have assured me they are not averse to considering a time factor as we consider the order of these amendments.

As I understand it, that would then accommodate the opportunity for us to vote this afternoon. I would be interested if the majority leader could comment on when that vote might take place.

Mr. LOTT. If the Senator will yield, that is correct. I indicated there would be 15 or 20 minutes of statements by the four Senators who were identified before that vote. So I expect this vote will occur at approximately 4:30.

Mr. REID. If the Senator will yield, we have one Member who has to go to a funeral. The latest the plane leaves is at 4:30. I am wondering, under the unanimous consent that has already been entered, we have the four, and Senator WELLSTONE wishes to speak. Could we do it immediately after the vote? I am doing that for one of the Senators.

Mr. LOTT. We certainly can have time for statements after the vote. Even if the time that was included in the agreement was used, it would only be 20 minutes. We would be ready to begin voting at 4:15 or 4:20. We will have morning business time or we can arrange for Senators who wish to speak to speak right after the vote. I would be glad to accommodate that.

Mr. REID. May we add Senator WELLSTONE to that so there will be 25 minutes after the vote?

Mr. LOTT. The Senator is talking about having all of the statements made after the vote instead of before the vote.

Mr. REID. Otherwise people are missing airplanes.

Mr. LOTT. I have no objection to that, but part of the agreement was that these four would speak before the vote.

Let me suggest this: In view of the request that has been made, Mr. President, I will ask an additional unanimous consent request, if Senator DASCHLE will yield me the time to do this. I ask unanimous consent, of those Senators who wish to speak immediately before the vote, that they agree to speak immediately after the vote in the order that we read them, 5 minutes each, and that be followed by Senator HELMS for 5 minutes and Senator WELLSTONE for 5 minutes.

Mr. BYRD. Mr. President, reserving the right to object, what was in the agreement that was entered into?

Mr. LOTT. The agreement with regard to the vote this afternoon was that we would have the vote after statements by Senator BAUCUS, Senator HOLLINGS, Senator MOYNIHAN, and Senator ROTH for 5 minutes each. Then we would go to the vote. I have now asked unanimous consent to amend that to add that the speeches be made immediately following the vote and to include Senator HELMS and Senator WELLSTONE for 5 minutes. Those speeches would occur immediately following the vote.

Mr. FEINGOLD. Will the majority leader yield for a question?

Mr. LOTT. I am glad to yield to Senator FEINGOLD.

Mr. FEINGOLD. I want to clarify one point. What I understood from our agreement, what I believe was said was that there would be no cloture motion filed during the first week we are back on China PNTR; is that correct?

Mr. LOTT. Part of that agreement was that there would not be cloture during the first week of debate. I must say, I did not intend to do it that way.

Mr. FEINGOLD. No cloture motion filed during the first week?

Mr. LOTT. I will go ahead and make that commitment now. I won't file or have a vote that week. After all, it is going to be a short week, and we do have appropriations work to do. We will not file cloture the first week we are back on PNTR.

Mr. FEINGOLD. I thank the leader.

Mr. LOTT. Mr. President, did Senator BYRD wish further clarification?

Mr. BYRD. Mr. President, I was not on the floor when the agreement was entered into. I want to know what was entered into while I was not on the floor.

Mr. LOTT. Certainly, we want the Senator to have that information. I believe the Senator has it before him. If I could sum it up in laymen's language so the rest of us will understand it, we would have four speeches before the vote on the motion to proceed on China PNTR, to be followed by a vote on that motion to proceed; that we would then come back in on September 5. We would have debates on China PNTR during the day. At 6 o'clock on that Tuesday, we would turn to debate and action, perhaps, on the energy and water appropriations bill, and that we would continue the next day on China PNTR and continue that next Wednesday night on energy and water, if necessary. So, basically, it was to get a vote on this motion to proceed this afternoon, with some prior statements, and then we would work on debate on China PNTR during the day, as we should, and that we would double track and try to move these appropriations bills.

I know Senator BYRD wants us to do our work and wants our appropriations bills to be done. I would like to have an agreement beyond this, but it is progress. We will get back on the energy and water bill, which was the next bill in order. I believe Senator REID and Senator DOMENICI will finish that bill probably in a matter of hours.

Mr. DASCHLE. Mr. President, reclaiming the floor, let me add to the majority leader's comments by saying that I have indicated to him that we will work, if we cannot reach agreement on the Treasury-Postal, to take that up immediately following energy and water and other appropriations bills as well, keeping this order in line, the sequencing in line until we have accommodated the debate and votes on all of these remaining appropriations bills.

Mr. BYRD. Mr. President, I have had discussions with my own leader about PNTR and about getting on with appropriations bills. We had several discussions. I have had discussions with the minority leader's floor staff as to whether or not we could get back on those two appropriations bills, energy and water and Treasury-Postal Service. That was the reason why I wanted to know what had happened when I went off the floor, because I have had these several discussions. I had not finally agreed to this. The agreement that has been entered into, I had not finally agreed to that because I wanted some definite understandings about Treasury-Postal Service and energy and water before I agreed.

Mr. LOTT. If Senator BYRD will allow me to comment on that, this does get us started back on the appropriations bills, with energy and water. It will be my intent, as soon as that is completed, to try to move to another appropriations bill. I will have to consult with the chairman and the ranking member. We still have Treasury-Postal Service, Commerce-State-Justice, Housing and Urban Development, VA, and DC. I want to do them all as soon as we can so they can move on to conference. That is four bills we need to get done as soon as we can.

I will continue to try to move those, but it takes consent, or I have to file a cloture motion, which doesn't expedite the proceedings. But we will continue to work with Senator BYRD, Senator STEVENS, and Senator DASCHLE to try to move on to the other appropriations bills. It is pretty obvious by now that I am very committed to that.

Mr. BYRD. As I understand it, when we get back, we are going to operate daily on a double track, with PNTR on the first track and appropriations bills on the second track.

Mr. LOTT. Yes, daily.

Mr. BYRD. The two appropriations bills we are specifically talking about at the moment are energy and water and the Treasury-Postal Service.

Mr. LOTT. Yes.

Mr. BYRD. Those two. From there, we are going to try to move other appropriations bills as quickly as we can. I hope we do that. I hope we will push for that because I don't want to have the same old problems we have been having with appropriations bills; namely, to get down to conference and, at the last minute, Senators have plane reservations to go home and the administration comes in and is represented in the conference, and we have our backs to the walls and we end up with one major bill, as we did in fiscal year 1999, with eight appropriations bills and one tax bill, a $9.2 billion tax bill—all on an unamendable conference report, and we don't know what it is all about, it has 3,980 pages in it, and we can't amend it.

That is a poor way to legislate. If the people of these United States knew what was going on here in that kind of a situation, they would run us all out, or they ought to. I just don't want to have that occur again.

Mr. LOTT. Mr. President, if Senator BYRD will give me the opportunity, I associate myself wholeheartedly with his remarks, and I would like my name to be followed right after his remarks on that subject. I agree with him. I have been through those experiences. They don't do the institutions any good. I think they do the people a disservice. I hope we can avoid that.

Mr. DASCHLE. If I may regain the floor, that is the whole idea behind the sequencing arrangement we are working on today. I think we have made some real progress in ensuring that we are going to take this up in an orderly way.

Mr. BYRD. Well, I will just add in the last moment here that we are almost at the complete mercy of the executive branch in situations such as that. The executive branch comes in and they want a bill or two added in the conference report, and I think we ought to avoid that. That is what I am trying to discourage here. I have no objection.

Mr. LOTT. I thank Senator BYRD.

Mr. President, I will withdraw my earlier unanimous consent request. In order to accommodate a Senator, and perhaps others, who are desirous of attending a funeral, we will move the comments to after this vote.

I ask unanimous consent that the speaking order after the vote be as follows under the same time constraints: Senator HELMS for 40 minutes, Senator BRYAN for 40 minutes, Senator BOB SMITH for 40 minutes, Senator DORGAN for 40 minutes, Senator ROTH for 5 minutes, Senator MOYNIHAN for 5 minutes, Senator HOLLINGS for 5 minutes, Senator BAUCUS for 5 minutes, and Senator WELLSTONE for 25 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Reserving the right to object, I am curious. Before, I was going to speak earlier in the line up. Now it is close to last. What happened?

Mr. LOTT. The other speeches by Senator HELMS, BRYAN, SMITH, and DORGAN were speeches that had already been ordered immediately after the vote. So what we are doing is we are adding those who want to speak with relation to China PNTR to that list.

Mr. BAUCUS. In an earlier request, I thought I heard my name at the top of the list.

Mr. LOTT. Under the earlier request, you did.

Mr. BAUCUS. I am asking what happened between then and now.

Mr. LOTT. Mr. President, let me modify my request to put Senator BAUCUS in the order after Senator DORGAN, to be followed by Senators ROTH, MOYNIHAN, and HOLLINGS.

The PRESIDING OFFICER. Is there objection to the modification of the unanimous consent agreement?

Without objection, it is so ordered.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2001—MOTION TO PROCEED

The PRESIDING OFFICER. The motion to proceed to the energy and water bill is agreed to.

TO AUTHORIZE EXTENSION OF NONDISCRIMINATORY TREATMENT TO THE PEOPLE'S REPUBLIC OF CHINA—MOTION TO PROCEED

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to calendar No. 575, H.R. 4444, a bill to authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China.

Trent Lott, Pat Roberts, Larry E. Craig, Christopher Bond, Chuck Grassley, Ted Stevens, Connie Mack, Orrin Hatch, Frank H. Murkowski, Wayne Allard, Kay Bailey Hutchison, Don Nickles, Bill Roth, Michael Crapo, Slade Gorton, and Craig Thomas.

Mr. BYRD. Mr. President, I will vote against the cloture motion to proceed to the China Permanent Normal Trade Relations bill.

The very nature of the discussions that have been taking place on the China PNTR issue demonstrates the complexity of trade, national security, democratic and economic issues that this nation faces in considering U.S.-China relations. One of my greatest concerns about the passage of PNTR for China is the very intensive scurrying to neatly package this deal as a "win" for America.

I will concede that, on one hand, supporters of the PNTR legislation can make legitimate claims that China has, indeed, stated that it is willing to cut its tariffs, to allow greater foreign investment, and to abide by a set of internationally approved trade rules. Certainly, the people of the United States of America embrace the hope that China and the Chinese people can enjoy a beneficial exchange of commerce. But, I am a devout believer in the principle of fair trade—I repeat fair trade—rather than the so-called free trade, and I must note that China's track record in adhering to agreements is much less than perfect.

I have little doubt that the vote today paves the way to rush to approve the PNTR measure without the deliberate, thoughtful consideration that this Congress should always provide. It has been years since this body gave U.S. trade policy the kind of consideration that we ought and that it certainly deserves. The Congress must not continue to neglect its duty to provide meaningful debate on U.S. trade policy that could plant the seeds of lasting, mutually beneficial trade relations with China.

But, I will save my concerns about the China PNTR issue for the actual debate. The debate today is simply on the motion to proceed. Nevertheless, all Senators should be put on notice that this vote is about allowing the Senate to begin a hasty consideration of one of the most economically important relationships of our time, which also has huge national security implications. U.S.-China relations deserve better consideration from the body charged by the Constitution, as outlined in Article I, Section 8, with regulating commerce with foreign nations.

Mrs. FEINSTEIN. Mr. President, I rise today to urge my colleagues to support the cloture motion on the motion to proceed to Senate consideration of Permanent Normal Trade Relations with China based on the bilateral trade agreement negotiated between our two nations this past November. Much is at stake in this vote.

In the bilateral agreement signed this past November China made significant market-opening concessions to the United States across virtually every economic sector. For example:

On U.S. priority agricultural products, tariffs will drop from an average of 31 percent to 14 percent by January 2004 and industrial tariffs on U.S. products will fall from an average of 24.6 percent in 1997 to an average of 9.4 percent by 2005.

China will open up distribution services, such as repair and maintenance, warehousing, trucking, and air courier services.

Import tariffs on autos, now averaging 80-100 percent, will be phased down to an average of 25 percent by 2006, with tariff reductions accelerated.

China will participate in the Information Technology Agreement and will eliminate tariffs on products such as computers, semiconductors, and related products by 2005.

China will open its telecommunications sector, including access to China's growing Internet services, and expand investment and other activities for financial services firms.

The agreement also preserves safeguards against dumping and other unfair trade practices. Specifically, the "special safeguard rule" (to prevent import surges into the U.S.) will remain in force for 12 years and the "special anti-dumping methodology" will remain in effect for 15 years.

America benefits by having China follow the rules and norms of the global marketplace.

By some estimates, China is already the world's seventh largest economy. China's total worldwide trade grew from $21 billion in 1978 to over $324 billion in 1998. Trade makes up 33 percent of China's Gross Domestic Product (GDP), estimated at roughly one trillion dollars in 1998.

China is already America's fourth largest trading partner. U.S.-China two-way trade, less than $1 billion in 1978, was roughly $85 billion in 1998.

I would also like to take a few minutes to discuss why China's accession to the WTO is so important to California.

California is the nation's number one exporting State, and well over one-fourth of California's trillion dollar economy now depends on international trade and investment. For California workers and companies, this means jobs and improved export opportunities across a broad range of manufacturing, agricultural, and service industries.

For California, the growth of trade relations with China over the past two decades has been dramatic.

In 1998, China and Hong Kong together were California's fourth largest export destination, with exports topping $6.1 billion.

In 1998, while California's total exports declined 4.17 percent, due to the Asian financial crisis, our exports to China (not including Hong Kong) increased 9.28 percent.

One third of the total U.S. exports to China come from California; all told over 100,000 California jobs have been generated thus far by trade with China.

California's top exports to China look a lot like a list of new and emerging technologies fueling California's current economic boom: Electronic and electrical equipment; industrial equipment and computers; transportation equipment; and instruments.

And China is also an important market for the traditional mainstays of the California economy: China and Hong Kong in 1998 received 4.9 percent of California's food exports and 6.4 percent of our crop exports.

No matter how you look at it, this benefits the United States.

Unfortunately, many people have confused this PNTR vote with a vote to approve China joining the World Trade Organization (WTO). It needs to be understood, however, that China will likely join the WTO within the next year regardless. That issue will be decided by the WTO's working group and a two-thirds vote of the WTO membership as a whole.

Under WTO rules, only the countries that have "non-discriminatory" trade practices (PNTR) are entitled to receive the benefits of WTO agreements. Without granting China permanent normal trading status, the United States would be effectively shut out of China's vast markets, while Britain, Japan, France and all the other WTO-member nations would be allowed to trade with few barriers.

If we do not grant China PNTR based on the November bilateral agreement—

an agreement in which the U.S. received many important trade concessions and gave up nothing—we effectively shoot ourselves in the foot.

Let us also be clear about the ultimate issue at stake here today: The People's Republic of China is today undergoing its most significant period of economic and social activity since its founding over 50 years ago. The pace is fast; the changes large. In a relatively short time, China has become a key Pacific Rim player and major world trader. It is now a huge producer and consumer of goods and services, and a magnet for investment and commerce.

Because of its size and potential, the choices China makes over the next few years will greatly influence the future of peace and prosperity in Asia. But, in a very real sense, the shaping of Asia's future also begins with choices America will make in deciding how to deal with China.

We can try to engage China and integrate it into the global community. We can be a catalyst for positive change, as our management styles, business techniques and the philosophies that underlie them take root in Chinese society.

We can work for change in China, as the benefits of trade and rising living standards bring about the goals we seek, or we can deal antagonistically with China and lose our leverage in guiding China along paths of positive economic and social development. And we can sacrifice business advantage to competitor nations.

History clearly shows us a nation's respect for political pluralism, human rights, labor rights, and environmental protection grows in direct proportion to that nation's positive interaction with others and as that nations achieves a level of sustainable economic development and social well-being. This was true in Taiwan; it was true in South Korea. Not too long ago, both were governed by dictatorships. Given a chance, it will also be true in China.

As I see it, America will face no challenge more important than this in the foreseeable future. I am convinced we will debate no issue more important than the question of China's entry into the World Trade Organization (WTO) and whether or not we will deal with the Chinese on the basis of a permanent normal trading relationship—PNTR—and I intend to speak to this issue at greater length when the Senate returns to work this September.

I urge my colleagues to support this cloture motion.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to the consideration of H.R. 4444, an act to authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China, and to establish a framework for relations between the United States and the People's Republic of China, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

Mr. NICKLES. I announce that the Senator from Tennessee (Mr. FRIST) and the Senator from New Mexico (Mr. DOMENICI) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the chamber desiring to vote?

The yeas and nays resulted—yeas 86, nays 12, as follows:

[Rollcall Vote No. 231 Leg.]

YEAS—86

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Burns
Chafee, L.
Cleland
Cochran
Collins
Conrad
Craig
Crapo
Daschle
DeWine
Dodd
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchinson
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Miller
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Schumer
Sessions
Shelby
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Torricelli
Voinovich
Warner
Wyden

NAYS—12

Bunning
Byrd
Campbell
Helms
Hollings
Inhofe
Mikulski
Sarbanes
Smith (NH)
Specter
Thurmond
Wellstone

NOT VOTING—2

Domenici
Frist

The PRESIDING OFFICER (Mr. GORTON). On this vote the yeas are 86, the nays are 12. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from North Carolina is recognized for up to 40 minutes.

Mr. HELMS. Mr. President, I ask unanimous consent that it be in order for me to yield 5 minutes of my time to the distinguished Senator from Delaware and 1 or 2 minutes, whatever he needs, to the distinguished Senator from New York, without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Delaware is recognized.

Mr. ROTH. Mr. President, I thank the majority leader for starting the process of consideration of this historic legislation and I look forward to the debate in September. At that point, I intend to outline precisely how normalizing our trade relations with China is the single most significant step we can take in promoting the broad range of interests, from national security to human rights, that the United States has in its relationship with China and Asia as a whole. For today, however, I do not intend debate abstractions. Instead, I am going to start where I always do when I am considering legislation. And, that is the simple question of whether normalizing trade with China is good for my constituents back home in Delaware. Delaware's exports to China in many product categories nearly doubled between 1993 and 1998. Delaware's trade with China now exceeds $70 million. The agreement reached with China as part of its accession to the WTO would mean dramatically lower tariffs on products critical to Delaware's economy.

The economy of southern Delaware, for example, depends on poultry. China is already the second leading market for American poultry products worldwide. Poultry producers in Delaware and elsewhere have built that market in the face of both quotas and high tariffs. Under the agreement with China, those quotas will now be eliminated and the tariffs will be cut in half, from 20 to 10 percent. In Delaware, chemicals and pharmaceuticals make up a significant share of my State's manufacturing base. In the chemical sector, China has agreed to eliminate quotas on chemical products by 2002 and will cut its tariffs on American chemical exports by more than one-half. Furthermore, there is not a day that I come to work that I do not remember that Delaware is also home to two automobile manufacturing plants, one Chrysler and one General Motors. In fact, I am told that Delaware has more auto workers per capita than any other State, including Michigan. As many of the auto workers in my State remember, I led the fight to ensure Chrysler's survival. And I remain one of the strongest supporters of the Chrysler and General Motors communities in Delaware.

Under the agreement with China, China has agreed to cut tariffs on automobiles by up to 70 percent and on auto parts by more than one-half. The agreement also ensures the ability of our automobile companies to sell direct to consumers, rather than through some state-owned marketing office, and the ability to finance those sales directly as they do here in the United States. I want to give each of you a website address where you can see the powerful positive effect this agreement will have on your state and on your constituents as well. You can find it at www.chinapntr.gov.

Beyond that, I want to emphasize two final points. The first thing I want every member of the Senate to understand is that China is going to become a member of the World Trade Organization whether we pass this bill or not. What this vote is about is whether American farmers, American businesses, and American workers—real working men and women back home in each of our states—will receive the benefits of an agreement that three Presidents from both parties have pursued with incredible dedication for 13 years. Or, will we reject this bill and see those benefits go instead to our European and Japanese competitors? Under the bilateral agreement reached this past November, China has agreed to open its markets farther than many of our other WTO trading partners even in the developed world. Indeed, to a remarkable extent, China seems willing to go farther faster on agricultural subsidies and services than even Japan and some of our European trading partners. And, the United States is likely to be the primary beneficiary of China's historic agreement to open its markets. Voting no on this motion means that American farmers, its manufacturers and its workers will suffer the consequences and face a dimmer economic future as a result.

The second point I want to make in closing has to do with the bill that came to us from the House. We have reviewed the bill in the Finance Committee and I want to emphasize my unequivocal support for the House bill. It preserves precisely what the Finance Committee hoped to do—which is ensure that American farmers, manufacturers, and service providers would gain access to the Chinese market under the terms negotiated this past November. Beyond that, the House bill strikes a reasonable balance in terms of Congress' ongoing scrutiny of China's record on human rights and labor standards. Indeed, in my view, the commission created by the House bill for those purposes offers more to our advocacy of human rights in China than any vote under the Jackson-Vanik amendment ever did or ever would. What that means is that, because benefits of normalizing our trade relations with China, and because there is now so little time left before the 106th Congress adjourns, I will intend to oppose all amendments to the bill. Thirteen members of the Finance Committee have joined me in that pledge and I know many others that have expressed the same view to the majority and minority leaders. With that, let me close by simply urging my colleagues to support the motion to proceed, and final passage when we return in September. Let's engage in the serious debate the bill deserves and let's take action as soon as possible to secure the benefits of the agreement for our farmers, manufacturers, and workers.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I rise to congratulate the chairman of the Finance Committee. This measure has now had its first test. It has passed overwhelmingly, 86–12.

We have trouble getting such votes on the Fourth of July celebrations.

Here is some sense of how epic this vote will be. At the Finance Committee's final hearing on China, on April 6, the former Chief Negotiator for Japan and Canada at the Office of the U.S. Trade Representative closed his testimony thus: "this vote is one of an historic handful of Congressional votes since the end of World War II. Nothing that Members of Congress do this year or any other year could be more important."

We are asking, pleading to leave this bill untouched. We want it to go out of this Chamber directly to the President at the White House where it will be signed. We do not want a conference. We do not want another vote on the House floor.

The majority leader promised that the Senate would begin its consideration of H.R. 4444, the legislation authorizing the extension of permanent normal trade relations, PNTR, to China before the August recess. He has kept his word. We owe great thanks as well to our esteemed minority leader, Senator DASCHLE, who has been tireless on this matter, and to our great Chairman, Senator ROTH, whose efforts have brought us to this day. Today's vote puts us on course to take up and pass this important legislation early in September.

I have no doubt that the measure will prevail—and by a wide margin. It comes to us following the decisive vote in the House of Representatives on May 24—over two months ago now—237 ayes, 197 noes. And it comes to the floor with the unequivocal endorsement of the Finance Committee: on May 17, the Finance Committee reported out a simple, 2-page bill—a straight-out authorization of PNTR. The vote was nearly unanimous, 19–1.

The House saw fit to add a few more provisions, which the Finance Committee studied in Executive Session on Wednesday, June 7. Our conclusion was that there is nothing objectionable in it.

The House added the package offered by Representatives LEVIN and BEREUTER. It includes an import surge mechanism to implement one of the provisions of the November 1999 U.S.-China agreement, fully consistent with existing law. It creates a human rights commission loosely modeled after the Commission on Security and Cooperation in Europe, the Helsinki Commission. And it authorizes appropriations to address China's compliance with its WTO commitments.

Nothing major. Nothing troubling. It was the nearly unanimous view of the Finance Committee that we ought simply to take up the House bill and pass it. And the sooner the better.

I will make two observations. First, with its accession to the WTO, China merely resumes the role that it played more than half a century ago. China was one of the 44 participants in the Bretton Woods Conference, July 1–22, 1944, and its representatives were seated on the executive boards of the World Bank and the International Monetary Fund when those two organizations came into being in 1946.

That same year, China was appointed to the Preparatory Committee of the United Nations Conference on Trade and Employment, which was charged with drafting both the Charter for the International Trade Organization (ITO) and the General Agreement on Tariffs and Trade. China was one of the original 23 Contracting Parties of the GATT, which entered into force for China on May 22, 1948.

Following the establishment of the People's Republic of China, the Republic of China (Taiwan) notified the GATT on March 8, 1950 that it was terminating "China's" membership. Thirty-six years later, in 1986, China officially sought to rejoin the GATT, now the WTO. After 14 years of negotiations, it is now time.

My second broad observation is that the economic case for PNTR is unassailable. Ambassador Barshefsky negotiated an outstanding market access agreement: that much is not in dispute. It is a one-sided agreement: it was China, and not the United States, that had to make significant and wide-ranging market access commitments.

Once China becomes a member of the World Trade Organization—and China will become a WTO member with or without the support of the United States Congress—the concessions that China has agreed to in negotiations with the United States and other countries will be extended to all countries that enter into full WTO relations with China. This is simply a consequence of the operation of the "normal trade relations" principle—the old "most-favored-nation" principle, to use the 17th century term.

But until the United States grants China permanent normal trade relations, we will not be guaranteed the benefits that our own negotiators secured. This is because the process of annual renewal and review of China's trade status, conditioned as it is on freedom-of-emigration goals, violates the core principles of the WTO's General Agreement on Tariffs and Trade 1994, the General Agreement on Trade in Services and the Agreement on Trade-Related Aspects of Intellectual Property Rights—all of which require unconditional normal trade relations.

A vote in support of PNTR for China is not an endorsement of China's record on human rights. To be sure, there is much to be done. But the annual NTR review process has simply not provided us much leverage on human rights because the sanction is too extreme—the reimposition of the Smoot-Hawley tariff rates, that would choke off our trade with China— and has never been imposed.

The United States has extended our "normal"—i.e. "normal trade relations" or NTR—tariff rates to China each year for the past 20 years. Since 1980. Without a break. This legislation simply recognizes that this long-standing policy will continue.

We will have a good debate when we return in September. And then I predict that the Senate will pass H.R. 4444 by an overwhelming margin, as we ought to do.

I again thank our dear friend from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I ask unanimous consent that it be in order for me to make my comments from my desk seated.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Carolina.

Mr. HELMS. I thank the Chair. Mr. President, I know some of the leaders in the business community around the country—particularly those who went to Shanghai last October to clink champagne glasses with China's dictators and help them celebrate the 50th anniversary of Chinese communism—these business leaders are eager for the Senate to deliver to them their year 2000 Holy Grail. It is called permanent normal trade relations with China, and I imagine there is a little bit of champagne flowing after this vote in the Senate. I say to them, just wait a little bit; maybe the American people will speak up a little more loudly than they have thus far.

These business leaders would have liked the Senate to take up this legislation right now and have a perfunctory debate with no amendments and just get it over with. They are convinced they are absolutely right, and I am convinced they are not necessarily right. Some of us, in any case, have some news for them: It is not going to happen.

I, for one, have just begun to discuss this issue, and there are other Senators who believe just as I do, that the legislation warrants a lengthy and thorough debate about Communist China.

We are not going to just debate and make a bunch of speeches before rubber stamping PNTR. We are going to have some votes. I have been working with several Senators on a series of amendments designed to ensure that before the Senate holds its final vote on PNTR, we will have voted on a gamut of issues that confront U.S.-China relations.

This is not just a China trade vote, as someone has attempted to cast it. Voting on whether or not to extend permanent normal trade relations to China will send a powerful message to Beijing and the world as to how the United States views the behavior of the Chinese regime. That is why we must have a full debate and votes on issues such as China's pitiful human rights record, China's brutal suppression of religious freedom, China's increasingly belligerent stance toward the democratic Chinese government on Taiwan, and China's unbroken record of violating agreements one after another, among other matters. You can't trust them.

I know there are some in this Senate who argue we must not offer any amendments to PNTR because that would send it back to the House and force that other Chamber to vote again on the legislation. Well, la-di-da.

I must confess, I find that argument interesting coming from the Democrat side of the aisle. Until recently, Senator after Senator on the opposite side of the aisle was coming down to the floor to fulminate against the majority leader for his efforts to expedite passage of appropriations bills by restricting the number of amendments that Senators can offer.

Now all of a sudden, when their party's President has legislation that he wants to be expedited by the Senate, the leadership on the other side has suddenly and miraculously been transformed into champions of speed and efficiency.

Let's hope they keep that spirit up when the Senate completes action on the appropriations bills this fall.

The fact is, there is simply no argument now for opposing commonsense amendments to PNTR. Before the House vote, supporters of PNTR were concerned that amendments would somehow endanger final passage of the legislation. Everyone thought the House vote would be razor thin and that requiring the House to vote again now, or a little later, would bring final passage into question.

But, in point of fact, PNTR passed in the House by quite a comfortable margin. There is simply no reason why the House could not pass it again with certain commonsense amendments inserted on this side of the aisle by the Senate, and that, Mr. President, is our duty.

I can imagine only one reason why Senators would oppose such commonsense amendments today. It is nothing but crass partisan politics. There is a desire to prevent House Members from having to vote again on PNTR because they fear such a vote is likely to antagonize some of the labor union forces right before the fall elections. There are those who do not want to remind big labor that even the Democratic Party is doing the bidding of corporate America now.

The partisan interests of either political party do not interest me one bit. What interests me is having a full debate and making certain that the Senate does not send a signal to Beijing that we are willing to look the other way at Communist China's belligerence toward Taiwan, Communist China's proliferation to rogue states, and Communist China's brutal abuses against their own people time and time again in pursuit of the almighty dollar.

I opposed the motion to proceed, but I must say I have been disturbed by the single-minded rush to get this vote over with. Since February, we have been barraged by Chicken Little pleas to move this legislation, as though the world will come to an end if Congress does not pass this bill this year. In all likelihood, China will not enter the World Trade Organization until next year at the earliest, and China can get PNTR only when China joins the World Trade Organization.

So what is the rush? I think I know the reason for that, and it is the most disturbing one to me. It was articulated by the distinguished minority leader who recently admonished the Senate to expedite PNTR because the longer the Senate waits, the greater the chance is that an international incident of some sort could scuttle the legislation.

Let's ponder that just a little bit. To what kind of incident could the distinguished minority leader have been referring? Could it be he is concerned that China—you know that supposedly responsible reformist power with which we are trying to do business—might somehow cause an international incident by, say, doing business with somebody or launching an invasion of Taiwan or launching another Tiananmen Square-style crackdown in which they rode that tank over a protester, a crackdown that would live in the minds of a lot of people because it would be carried live by CNN on display for the entire world. They would show what a despicable bunch of thugs with which we are dealing in this matter.

It speaks volumes about the depths to which we have sunk when leading supporters of PNTR openly admit that they are desperate to lock in this transaction before our Communist Chinese business partners do something so unspeakable that the American people would resent our trying to do business with them.

That is why, if I have anything to do with it, we are not going to rush PNTR through the Senate. We are not going to rubber stamp the President's plan to reward the Chinese Communists. We are going to have a debate. We are going to have votes. And some of us, maybe more than 12 of us, are going to make clear to China's rulers that all Senators do not and will not endorse, let alone condone, their brutality.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. Under the previous order, the next speaker was to be the Senator from Nevada, Mr. BRYAN.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that I may go out of order since the Senator is not here.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. I thank the distinguished Presiding Officer.

Mr. President, there is no question, as the Senator from Delaware and the Senator from New York have said—the chairman and ranking member—this is highly important, but for a different reason.

There is no question that we are going to have trade with China. The objection I have at this particular moment is with respect to the permanent nature of normal trade relations. I want to eliminate the permanence so we will have annual reviews to see exactly how our investments, our creation of jobs, our trade is coming along with respect to national security.

Tom Donohue, down at the Chamber of Commerce, says that it is going to create hundreds of thousands of jobs. I am willing to bet him—and he can name the odds and the amounts—that we are going to lose hundreds of thousands of jobs.

This is for an investment agreement in China, so that investments will flow to China and remain undisturbed by possible U.S. retaliation, protected by their joining in the WTO. And then, when we bring up various things to protect the security interests of the United States,—at the WTO level, Cuba votes us out because it has an equal vote.

The important point to remember, and President Clinton acknowledged at the very beginning of the summer and the PNTR consideration, although he could not understand it, was what he characterized as "global anxiety."

Let me tell him a little bit about that anxiety. Oneida Mills, in Andrews, SC, closed. They had 487 employees. Their average age was 47 years of age. The company moved to Mexico and their 478 employees were out of a job. And what does Washington tell them? They say: Reeducate. They almost sound like Mao Tse Tong. Reeducate, with high skills. Don't you understand, in the global competition you have to have high skills.

Tomorrow morning we have done just that. We have 487 high-skilled computer operators. Are you going to hire the 47-year-old computer operator or the 21-year-old computer operator? Those 487 are "dead-lined." They are out of a job.

Earlier this week I checked the Bureau of Labor Statistics. Since NAFTA, we have lost 39,200 textile and apparel jobs alone in the little State of South Carolina.

Anxiety—there is justified anxiety across the Nation—where we have lost over 400,000 textile and apparel jobs since NAFTA, with the outflow of the industrial strength down south and over into the Pacific rim.

They do not understand globalization, says the President. They do not understand global competition. Global competition started back at the end of World War II under the Marshall Plan in 1945. We sent over the expertise, we sent over the machinery, and we sent over the money so they could have global competition.

Our southern Governors helped hasten along and expedite global competition 40 years ago. I traveled to Germany. We now have 116 German plants in the little State of South Carolina. So we know about global competition.

But what has really occurred—with the fall of the wall—is that 4 billion workers have entered the workforce of the world, willing to work for anything. With NAFTA and WTO, and the rise of the Internet, you can transfer your technology on a computer, you can transfer your finances on a satellite. With the Internet, you don't have to go to Mexico, you don't have to go to the Pacific rim; you can operate your plant from a New York office. That is a wonderful operation. As a result, as the Wall Street Journal said, this agreement is for investment in China and not in the United States.

There is global anxiety. There should be global anxiety. And we are trying to go and develop a competitive trade policy. Every country in Europe, every country in the Pacific rim has controlled trade, and we, as children, run around still babbling "free trade, free trade," giving away our industrial strength.

We have come from that beginning, that at the end of World War II, 41 percent of our workforce was in manufacturing. Now it is down to 12 percent. And as Akio Morita, a founder of Sony, cautioned in a speech back in the 1980s: That a world power that loses its manufacturing capacity will cease to be a world power. And that is where we are. In Washington, we are not discussing paying the bill. They all say, "pay down the debt," but the debt has gone up. I have the figures right here.

The debt has gone up exactly $12 billion. Here it is, the public debt to the penny, since the beginning of the fiscal year. There is not any surplus. And otherwise we need to understand the deficit and the balance of trade, where we do not have anything to export.

We have a $350 billion deficit in the balance of trade. And little Japan has out manufactured the great United States of America. As we waste our economic strength on spending over $175 billion a year more than we take in, as we have done, since President Lyndon Johnson last balanced the budget. We have drained the tub of industrial strength with this naive "free trade, free trade, free trade."

No. I am a competitor. I understand the global competition. We like the investments that we have. We like the global competition. But the United States has not begun to fight.

I would be glad to yield when I see someone come to the floor. I just hate to see this valuable time wasted.

I ask unanimous consent that I be able to continue until we see the next speaker.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. I thank the distinguished Presiding Officer because I think I am going to get him to join me.

I have had a dynamic debate with the Senators from Washington for over 30-some years because they have Boeing, the outstanding export industry of the United States.

Now, they believe in controlled trade, as I do, because they use all the technology and research from our Department of Defense on the one hand, and they use the financing of the Export-Import Bank on the other hand. I believe in that Export-Import Bank, and the subsidization of the Boeing sales, because we have to meet the competition of Airbus. So I support that. But they should not come telling me about free trade because we do not finance textile sales; we do not finance much textile research.

So we can look back to last December—a year ago—at the demonstration in Seattle. There was an anarchist group that came up from Eugene, OR, but I am talking about the responsible AFL-CIO demonstration there. That particular demonstration was led by the Boeing machinists—the premium single export industry in the United States. Why? Because much of that Boeing 777 is required to be made in China in order to sell in China. That is not free trade. That is requiring local content provisions.

So as they require it there, they require it otherwise in Europe. That is why we have tried, for 50 years, to set the example to have no subsidies, no tariffs, no content requirements, have absolutely free trade. The dynamic of the global competition is one of control for the security interests of the nations involved.

I believe if I was running Japan, I would do it the same way, or if I was running China. It works. In 10 years, they have gone from a $6 billion-plus balance of trade with the United States to $68 billion. They are cleaning our clock. With this particular PNTR, will we ever wake up? Our friend John F. Kennedy wrote the book "While England Slept." I am tempted to write the book "While America Slept." Kennedy's book was how the great British empire that brought Germany to its knees, the conqueror, the victor was brought to its knees by the vanquished. That is exactly what is happening to the United States of America. We are going the way of England.

They told the Brits at the end of World War II, they said: Don't worry, instead of a nation of brawn, you will be a nation of brains; instead of producing products, you will provide services, a service economy; instead of creating wealth, you will handle it and be a financial center. England has gone to hell in an economic hand basket. London is nothing more than an amusement park. Their army is not as big as our Marines, and they have lost their clout in world affairs. Money talks.

So not only are we losing our middle class—as Henry Ford said, "I want to pay that worker enough to buy what he is producing," which helped begin not only the wonderful development of a middle class in America, the strength of our democracy—but our clout in international and foreign policy.

I thank the Chair for its indulgence. We will continue in September to try to get everyone's attention, so we can compete.

I yield the floor.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Maine.

Ms. COLLINS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I think Senator BRYAN is going to speak so I will take only 2 minutes.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I may take more time later on tonight, but since it is not clear exactly how the schedule is going to proceed, let me thank Senator LOTT for his commitment to a good, thorough, substantive debate on whether or not we should or should not enter into a review of normal trade relations with China.

I could speak for many hours about this, but I will have a number of amendments. One of them will reflect the work of a very important religious group, the U.S. Commission on Religious Rights and Religious Freedom, which we will talk about, criteria that should be met, and focus on the right of people in China to practice their religion without persecution. Another will be a human rights amendment. Another will deal with prison labor conditions in China. Another will deal with the right of people to form unions in China. Finally, there will be a very important amendment for people to organize in our own country.

Part of what is going on here is the concern within this sort of broad international framework that quite often the message for people in this country is, if you organize, we are gone. We will go to China or another country and pay 12 cents an hour or 3 cents an hour. The message to people in these countries is, if you should dare to form a union, then you don't get the investment. I want to focus on the right to organize and labor law reform in our own country.

I am an internationalist. We are in an international economy. I do not want to see an embargo with China. We will trade with China. I do not want to have a cold war with China. I want to see better relations. I think the real question is what the terms of the trade will be, who will decide, who will benefit, and who will be asked to sacrifice. I hope this new global economy will be an economy that works, not only for large multinationals but for human rights, for religious rights, for the right of people to organize, for the environment, and for our wage earners. My amendments will be within that framework.

I yield the floor.

Mr. JEFFORDS. Mr. President, as we consider preceding to legislation to grant permanent normal trade relations to China, I would like to alert my Colleagues to an important development. It is my understanding that a frail, elderly Tibetan woman will soon see her only son, who is in prison in Tibet. My colleagues on the Finance Committee may remember my raising my deep concern over the case of Ngawang Choephel, a former Fulbright student at Middlebury College in Vermont who is serving an 18 year sentence in Tibet on charges of espionage. As we debate entering a new relationship with China, based on mutual commitments to adhere to an international set of principles and regulations, I was increasingly angered by the refusal of the Chinese government to grant Ngawang's mother, Sonam Dekyi, permission to visit him in prison, a right guaranteed her by Chinese law. I spoke out about this case during the Finance Committee's mark-up of this legislation.

I am pleased to inform my colleagues that thanks to the skillful intervention of the Chinese Ambassador, the Honorable Ambassador Li, Sonam Dekyi will soon be in Tibet for a rendezvous with her son. Many of my colleagues have expressed their support for Sonam Dekyi's request, and I want to make sure they are aware of the Chinese government's decision to allow this meeting. Sonam will be in Lhasa all next week, and we are hoping that she will be allowed several lengthy visits with her son. Because Sonam is in poor health and travel to Tibet is very difficult for her, we are hoping that her visits will be of appropriate length and quality. I will be happy to share with my colleagues Sonam's report of her visit upon her return to India.

I continue to be worried about the health of Ngawang Choephel, and I will continue my efforts to obtain his release. But at this moment I wish to express my appreciation to the Chinese Ambassador for helping to make this humanitarian mission happen. I know that many Vermonters share my joy at this development and my hope that this is indicative of further progress in matters of great concern to our two countries.

The PRESIDING OFFICER. The Senator from Nevada.

(The remarks of Mr. BRYAN pertaining to the introduction of S. 2963 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Utah.

ADJOURNMENT OF THE TWO HOUSES OVER THE LABOR DAY HOLIDAY

Mr. HATCH. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 132, the adjournment resolution, which is at the desk, which will provide for returning Tuesday, September 5, 2000.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 132) providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. HATCH. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Con. Res. 132) was agreed to, as follows:

S. CON. RES. 132

Resolved by the Senate (the House of Representatives concurring), That, in consonance with section 132(a) of the Legislative Reorganization Act of 1946, when the Senate recesses or adjourns at the close of business on Thursday, July 27, 2000, Friday, July 28, 2000, or on Saturday, July 29, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Tuesday, September 5, 2000, or until noon on Wednesday, September 6, 2000, or until such time on either day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Thursday, July 27, 2000, or Friday, July 28, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2:00 p.m. on Wednesday, September 6, 2000, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT OF 2000

Mr. HATCH. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 684, S. 2869.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2869) to protect religious liberty, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. HATCH. Mr. President, I rise today to thank the Senate in anticipation of its action in passing the Religious Land Use and Institutionalized Persons Act of 2000. I want to express my appreciation specifically to the lead cosponsor of this bill, Senator KENNEDY. He and I worked together almost 10 years ago in enacting the Religious Freedom Restoration Act. He has once again demonstrated his commitment to religious liberty by his leadership and effort on this measure.

I also express my appreciation to Senators THURMOND and REID. Both of these Senators had strong and serious concerns about portions of this bill but were willing to work with us to secure passage of this legislation because of their overriding commitment to religious freedom.

Our bill deals with just two areas where religious freedom has been threatened—land use regulation and persons in prisons, mental hospitals, nursing homes and similar institutions. Our bill will ensure that if a government action substantially burdens the exercise of religion in these two areas, the government must demonstrate that imposing the burden serves a compelling public interest and does so by the least restrictive means. In addition, with respect to land use regulation, the bill specifically prohibits various forms of religious discrimination and exclusion.

It is no secret that I would have preferred a broader bill than the one before us today. Recognizing, however, the hurdles facing passage of such a bill, supporters have correctly, in my view, agreed to move forward on this more limited, albeit critical, effort. The willingness of many serious and well-intentioned persons has brought us to this successful conclusion in the Senate today and likely swift action in the House of Representatives this fall.

I thank all persons involved in this effort. Numerous religious denominations have come together with other groups in the spirit of cooperation to form the Coalition for the Free Exercise of Religion. They have joined forces and concentrated their energy on this vital issue—I am grateful to all of them.

In conclusion, I thank the staff members who devoted so much of their time and who worked so hard to ensure the success of this bill. In particular, I would like to thank Eric George, my former counsel, Manus Cooney, my Chief Counsel, Sharon Prost, my Deputy Chief Counsel, and Sam Harkness, a law clerk for the Judiciary Committee. Their collective work has brought us to where we are today. Furthermore, I would like to express my gratitude to the staff of Senator KENNEDY; specifically, Melanie Barnes and David Sutphen, who were a pleasure to work with. Eddie Ayoob, from the office of Senator REID, also provided valuable assistance. Finally, I would like to thank the dedicated professionals at the Department of Justice who helped in the effort.

I ask unanimous consent that following my statement and that of Senator KENNEDY the following items be printed in the RECORD: A manager's statement consisting of a joint statement by myself and Senator KENNEDY; a letter received today from the administration in support of the bill; and several other letters of support.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. President, I commend Chairman CANADY of the House Judiciary Committee. I am hopeful that the other body can promptly—even this evening is a possibility—pass this bill. I know Congressman CANADY has and will continue to do everything he can do to enact this important legislation.

Cathy Cleaver of Chairman CANADY's staff has also been indispensable. I acknowledge her for her efforts.

I also thank Senators KENNEDY, REID, and THURMOND for their yeoman work on this bill. This is one of the most important bills of this new century, and it is one I am so pleased to be a part of in passing.

EXHIBIT 1

JOINT STATEMENT OF SENATOR HATCH AND SENATOR KENNEDY ON THE RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT OF 2000

SUMMARY AND PURPOSE

The Religious Land Use and Institutionalized Persons Act of 2000 ("This Act") is a targeted bill that addresses the two frequently occurring burdens on religious liberty. The bill is based on three years of hearings—three hearings before the Senate Committee on the Judiciary and six before the House Subcommittee on the Constitution—that addressed in great detail both the need for legislation and the scope of Congressional power to enact such legislation.

The bill targets two areas: land use regulation, and persons in prisons, mental hospitals, and similar state institutions. Within those two target areas, the bill applies only to the extent that Congress has power to regulate under the Commerce Clause, the Spending Clause, or Section 5 of the Fourteenth Amendment. Within this scope of application, the bill applies the standard of the Religious Freedom Restoration Act, 42 U.S.C. §2000bb–1 (1994): if government substantially burdens the exercise of religion, it must demonstrate that imposing that burden on the claimant serves a compelling interest by the least restrictive means. In addition, with respect to land use regulation, the bill specifically prohibits various forms of religious discrimination and exclusion. Finally, the bill provides generally that when a claimant offers prima facie proof of a violation of the Free Exercise Clause, the burden of persuasion on most issues shifts to the government.

NEED FOR LEGISLATION

Land Use. The right to assemble for worship is at the very core of the free exercise of religion. Churches and synagogues cannot function without a physical space adequate to their needs and consistent with their theological requirements. The right to build, buy, or rent such a space is an indispensable adjunct of the core First Amendment right to assemble for religious purposes.

The hearing record compiled massive evidence that this right is frequently violated. Churches in general, and new, small, or unfamiliar churches in particular, are frequently discriminated against on the face of zoning codes and also in the highly individualized and discretionary processes of land use regulation. Zoning codes frequently exclude churches in places where they permit theaters, meeting halls, and other places where large groups of people assemble for secular purposes. Or the codes permit churches only with individualized permission from the zoning board, and zoning boards use that authority in discriminatory ways.

Sometimes, zoning board members or neighborhood residents explicitly offer race or religion as the reason to exclude a proposed church, especially in cases of black churches and Jewish shuls and synagogues. More often, discrimination lurks behind such vague and universally applicable reasons as traffic, aesthetics, or "not consistent with the city's land use plan." Churches have been excluded from residential zones because they generate too much traffic, and from commercial zones because they don't generate enough traffic. Churches have been denied the right to meet in rented storefronts, in abandoned schools, in converted funeral homes, theaters, and skating rinks—in all sorts of buildings that were permitted when they generated traffic for secular purposes.

The hearing record contains much evidence that these forms of discrimination are very widespread. Some of this evidence is statistical—from national surveys of cases, churches, zoning codes, and public attitudes. Some of it is anecdotal, with examples from all over the country. Some of it is testimony by witnesses with wide experience who say that the anecdotes are representative. This cumulative and mutually reinforcing evidence is summarized in the report of the House Committee on the Judiciary (House

Rep. 106–219) at 18–24, in the testimony of Prof. Douglas Laycock to the Committee on the Judiciary 23-45 (Sept. 9, 1999), and in Douglas Laycock, State RFRAs and Land Use Regulation, 32 U.C. Davis L. Rev. 755, 769–83 (1999).

This discrimination against religious uses is a nationwide problem. It does not occur in every jurisdiction with land use authority, but it occurs in many such jurisdictions throughout the nation. Where it occurs, it is often covert. It is impossible to make separate findings about every jurisdiction, or to legislate in a way that reaches only those jurisdictions that are guilty.

Institutionalized Persons. Congress has long acted to protect the civil rights of institutionalized persons. Far more than any other Americans, persons residing in institutions are subject to the authority of one or a few local officials. Institutional residents' right to practice their faith is at the mercy of those running the institution, and their experience is very mixed. It is well known that prisoners often file frivolous claims; it is less well known that prison officials sometimes impose frivolous or arbitrary rules. Whether from indifference, ignorance, bigotry, or lack of resources, some institutions restrict religious liberty in egregious and unnecessary ways.

The House Subcommittee on the Constitution heard testimony to this effect from Charles Colson and Patrick Nolan of Prison Fellowship, and in great detail about violations of the rights of Jewish prisoners, from Isaac Jaroslawicz of the Aleph Institute. The Senate Committee on the Judiciary learned of examples in litigated cases: *Mockaitis* v. *Harcleroad*, 104 F.3d 1522 (9th Cir. 1997), in which jail authorities surreptitiously recorded the sacrament of confession between a prisoner and the Roman Catholic chaplain; *Sasnett* v. *Sullivan*, 197 F.3d 290 (7th Cir. 1999), in which a Wisconsin prison rule prevented prisoners from wearing religious jewelry such as crosses, on grounds that Judge Posner found discriminated against Protestants "without the ghost of a reason," *id*. at 292; and *McClellan* v. *Keen* (settled in the District of Colorado in 1994), in which authorities let a prisoner attend Episcopal worship services but forbade him to take communion. This Act can provide a remedy and a neutral forum for such cases if they fall within the reach of the Spending Clause or the Commerce Clause.

The compelling interest test is a standard that responds to facts and context. What the Judiciary Committee said about that standard in its report on RFRA is equally applicable to This Act:

"[T]he committee expects that courts will continue the tradition of giving due deference to the experience and expertise of prison and jail administrators in establishing necessary regulations and procedures to maintain good order, security and discipline, consistent with consideration of costs and limited resources.

"At the same time, however, inadequately formulated prison regulations and policies grounded on mere speculation, exaggerated fears, or post-hoc rationalizations will not suffice to meet the act's requirements." Senate Report 103–111 at 10 (1993).

The Prison Litigation Reform Act is working effectively to control frivolous prisoner litigation across the board, without barring meritorious claims equally with frivolous ones. The Department of Justice reports that RFRA "has not been an unreasonable burden to the Federal prison system," and that the federal Bureau of Prisons has experienced only 65 RFRA suits in six years, most of which also alleged other theories and would have been filed anyway. Letter of Robert Raben, Assistant Attorney General, to Senators HATCH and LEAHY (July 19, 2000). Other empirical studies also show that religious liberty claims are a very small percentage of all prisoner claims, that RFRA led to only a very slight increase in the number of such claims, and that on average RFRA claims were more meritorious than most prisoner claims. *See* Lee Boothby & Nicholas P. Miller, *Prisoner Claims for Religious Freedom and State RFRAs*, 32 U.C. Davis L. Rev. 573 (1999).

Constitutional Authority. The hearings also intensely examined Congress's constitutional authority to enact this bill in light of recent developments in Supreme Court federalism doctrine. Constitutional authority to enact an earlier and much broader bill is explained in the House Committee Report (No. 106–219) at 14–18, 27, and in the testimony of constitutional scholars to the Senate Committee on the Judiciary. See Statements of Prof. Douglas Laycock 8–23, 54–64 (Sept. 9, 1999); Prof. Jay Bybee (Sept. 9, 1999) (doubting some aspects of the broader bill then proposed, but expressing confidence that the land use provisions were constitutional); Prof. Michael McConnell (June 23, 1998); *See also* Thomas C. Berg, *The Constitutional Future of Religious Freedom Legislation*, 20 U. Ark. Little Rock L.J. 715 (1998).

Spending Clause. The Spending Clause provisions are modeled directly on similar provisions in other civil rights laws. Congressional power to attach germane conditions to federal spending has long been upheld. *South Dakota* v. *Dole*, 483 U.S. 203 (1987); *Steward Machine Co.* v. *Davis*, 301 U.S. 548 (1937). The bill's protections are properly confined to each federally assisted "program or activity," which is defined by incorporating a subset of the definition of the same phrase in Title VI of the Civil Rights Act of 1964. In most applications, this means the department that administers the challenged land use regulation or the department that administers the institution in which the claimant is housed.

Commerce Clause. The Commerce Clause provisions require proof of a "jurisdictional element which would ensure, through case-by-case inquiry, that the [burden on religious exercise] in question affects interstate commerce." *United States* v. *Lopez*, 514 U.S. 549, 561 (1995). The Gun Free Schools Act, struck down in *Lopez*, and the Violence Against Women Act, struck down in *United States* v. *Morrison*, 120 S.Ct. 1740 (2000), were invalid because they regulated non-economic activity and required no proof of such a jurisdictional element. *See id*. at 1750–51; *Lopez*, 514 U.S. at 561–62. But the Court assumes that if such a "jurisdictional element" is proved in each case, the aggregate of all such effects in individual cases will be a substantial effect on commerce. *Camps Newfound/Owatonna, Inc.* v. *Town of Harrison*, 520 U.S. 564, 586 (1997) ("although the summer camp involved in this case may have a relatively insignificant impact on the commerce of the entire Nation, the interstate commercial activities of nonprofit entities as a class are unquestionably significant"); *Lopez*, 514 U.S. at 559–60 (1995) (explaining how small volumes of home-grown wheat could, in the aggregate, substantially affect commerce).

The jurisdictional element in this bill is that, in each case, the burden on religious exercise, or removal of that burden, will affect interstate commerce. This will most commonly be proved by showing that the burden prevents a specific economic transaction in commerce, such as a construction project, purchase or rental of a building, or an interstate shipment of religious goods. The aggregate of all such transactions is obviously substantial, and this is confirmed by data presented to the House Subcommittee on the Constitution (testimony of Marc D Stern (June 16, 1998).

Fourteenth Amendment. The land use sections of the bill have a third constitutional base: they enforce the Free Exercise and Free Speech Clauses as interpreted by the Supreme Court. Congress may act to enforce the Constitution when it has "reason to believe that many of the laws affected by the congressional enactment have a significant likelihood of being unconstitutional." *City of Boerne* v. *Flores*, 521 U.S. 507, 532 (1997). The standard is not certainty, but "reason to believe" and "significant likelihood." This Act more than satisfies that standard—in two independent ways.

First, the bill satisfies the constitutional standard factually. The hearing record demonstrates a widespread practice of individualized decisions to grant or refuse permission to use property for religious purposes. These individualized assessments readily lend themselves to discrimination, and they also make it difficult to prove discrimination in any individual case. But the committees in each house have examined large numbers of cases, and the hearing record reveals a widespread pattern of discrimination against churches as compared to secular places of assembly, and of discrimination against small and unfamiliar denominations as compared to larger and more familiar ones. This factual record is itself sufficient to support prophylactic rules to simplify the enforcement of constitutional standards in land use regulation of churches.

Both the "General Rules" in §2(a)(1), and the specific provisions in §2(b), are proportionate and congruent responses to the problems documented in this factual record. The General Rule does not exempt religious uses from land use regulation; rather, it requires regulators to more fully justify substantial burdens on religious exercise. This duty of justification under a heightened standard of review is proportionate to the widespread discrimination and to the even more widespread individualized assessments, and it is directly responsive to the difficulty of proof in individual cases.

Second, and without regard to the factual record, the land use provisions of this bill satisfy the constitutional standard legally. Each subsection closely tracks the legal standards in one or more Supreme Court opinions, codifying those standards for greater visibility and easier enforceability.

The General Rules in §2(a)(1), requiring that substantial burdens on religious exercise be justified by a compelling interest, applies only to cases within the spending power or the commerce power, or to cases where government has authority to make individualized assessments of the proposed uses to which the property will be put. Where government makes such individualized assessments, permitting some uses and excluding others, it cannot exclude religious uses without compelling justification. *See Church of the Lukumi Babalu Aye, Inc.* v. *City of Hialeah*, 508 U.S. 520, 537–38 (1993); *Employment Division* v. *Smith*, 494 U.S. 872, 884 (1990).

Sections 2(b)(1) and (2) prohibit various forms of discrimination against or among religious land uses. These sections enforce the Free Exercise Clause rule against laws that burden religion and are not neutral and generally applicable.

Section 2(b)(3), on exclusion or unreasonable limitation of religious uses, enforces the Free Speech Clause as interpreted in *Schad* v. *Borough of Mount Ephraim*, 425 U.S. 61 (1981), which held that a municipality cannot entirely exclude a category of first amendment activity. Moreover, the Court distinguished zoning laws that burden "a protected liberty" from those that burden only property rights; the former require far more constitutional justification. *Id.* at 68–69. Section 2(b)(3) enforces the right to assemble for worship or other religious exercise under the Free Exercise Clause, and the hybrid free speech and free exercise right to assemble for worship or other religious exercise under *Schad* and *Smith*.

Section 4(a) shifts the burden of persuasion in cases where the claimant shows a prima facie violation of the Free Exercise Clause. There are actual constitutional violations in a higher percentage of the set of cases in which the claimant offers such proof and government cannot rebut it; there is a substantial likelihood of a constitutional violation in every such case.

Other Constitutional Issues. The Act does not "compel the States to enact or enforce a federal regulatory program." *Printz* v. *United States*, 521 U.S. 898, 935 (1997). It preempts certain laws and practices that discriminate against or substantially burden religious exercise, and it leaves all other policy choices to the states. The state may eliminate the discrimination or burden in any way it chooses, so long as the discrimination or substantial burden is actually eliminated.

The Act's protection for religious liberty does not violate the Establishment Clause. It is triggered only by a substantial burden on, a discrimination against, a total exclusion of, or an unreasonable limitation on the free exercise of religion. Regulatory exemptions are constitutional if they lift such government imposed burdens on religious exercise. *Board of Education* v. *Grumet*, 512 U.S. 687, 705 (1994); *Corporation of the Presiding Bishop* v. *Amos*, 483 U.S. 327, 335–36 (1987).

ADDITIONAL DISCUSSION ON INTENDED SCOPE ON LAND USE PROVISION

Not land use immunity

This Act does not provide religious institutions with immunity from land use regulation, nor does it relieve religious institutions from applying for variances, special permits or exceptions, hardship approval, or other relief provisions in land use regulations, where available without discrimination or unfair delay.

Definition of religious exercise

The definition of "religious exercise" under this Act includes the "use, building, or conversion" of real property for religious exercise. However, not every activity carried out by a religious entity or individual constitutes "religious exercise." In many cases, real property is used by religious institutions for purposes that are comparable to those carried out by other institutions. While recognizing that these activities or facilities may be owned, sponsored or operated by a religious institution, or may permit a religious institution to obtain additional funds to further its religious activities, this alone does not automatically bring these activities or facilities within the bill's definition or "religious exercise." For example, a burden on a commercial building, which is connected to religious exercise primarily by the fact that the proceeds from the building's operation would be used to support religious exercise, is not a substantial burden on "religious exercise."

Definition of substantial burden

The Act does not include a definition of the term "substantial burden" because it is not the intent of this Act to create a new standard for the definition of "substantial burden" on religious exercise. Instead, that term as used in the Act should be interpreted by reference to Supreme Court jurisprudence. Nothing in this Act, including the requirement in Section 5(g) that its terms be broadly construed, is intended to change that principle. The term "substantial burden" as used in this Act is not intended to be given any broader interpretation than the Supreme Court's articulation of the concept of substantial burden or religious exercise.

Burden of persuasion

If a claimant proves a substantial burden on its religious exercise, the government shall bear the burden of persuasion that application of the substantial burden is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that compelling governmental interest. However, the party asserting a violation of this Act shall in all cases bear the burden of proof that the governmental action in question constitutes a substantial burden on religious exercise. In any case in which the government provides prima facie evidence that it has made, or has offered in writing to make, a specific accommodation to relieve such a substantial burden, the claimant has the burden of persuasion that the proposed accommodation is either unreasonable or ineffective in relieving the substantial burden.

ADDITIONAL COMMENT

An earlier draft of this legislation had a subsection that would reversed that result in *Bronx Household of Faith* v. *Community School District*, 127 F.3d 207 (2nd Cir. 1997), and its progeny. Although that provision did not survive the necessary consensus building that has made possible this bi-partisan bill, the holding in Bronx Household is indeed troubling in light of the Supreme Court's counsel in *Widmar* v. *Vincent*, 454 U.S. 263, 269 n.6, 271 n.9, 272 n.11 (1981), to not set parameters to public forum that require differentiating between religious worship and all other forms of religious speech. We trust that the federal judiciary will revisit this issue at an early opportunity.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, July 19, 2000.

Hon. ORRIN G. HATCH,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to express the Department of Justice's strong support for S. 2869, the "Religious Land Use and Institutionalized Persons Act of 2000." The Department of Justice has consistently supported legislative efforts, such as the Religious Freedom Restoration Act ("RFRA"), that are designed to protect religious liberty. The Department is proud to have been able to work closely with staff from the House and Senate Judiciary Committees to refine this important legislation. With this letter, we hope to address certain questions that have been raised about the bill.

We understand that some Members may be concerned about the constitutionality of S. 2869, particularly in light of the Supreme Court's evolving federalism doctrines. Because of the importance of these issues, we have worked diligently with Senate and House staff, as well as with representatives of a wide array of private groups interested in the legislation, to craft a constitutional bill. In our view, S. 2869 is constitutional under governing Supreme Court precedents.

In addition, apparently there has been some question about the potential effect of S. 2869 on State and local civil rights laws, such as fair housing laws. Although prior legislative proposals implicated civil rights laws in a way that concerned the Department, we believe S. 2869 cannot and should not be construed to require exemptions from such laws.

Finally, we are aware that some Members may be concerned about the effect of S. 2869 on the operations of State prisons. While section 3 of S. 2869 would apply to State prisons, we do not believe it would have an unreasonable impact on prison operations. RFRA has been in effect in the Federal prison system for six years and compliance with that statute has not been an unreasonable burden to the Federal prison system. Since enactment of RFRA in 1994, Federal inmates have filed approximately 65 RFRA lawsuits in Federal court naming the Bureau of Prisons (or its employees) as defendants. Most of these suits have been dismissed on motions by the defendants. Very few, if any, have gone to trial. With respect to RFRA, Congress emphasized that courts should "continue the tradition of giving due deference to the experience and expertise of prison and jail administrators in establishing necessary regulations and procedures to maintain good order, security and discipline, consistent with consideration of costs and limited resources." S. Rep. No. 111, 103d Cong., 1st Sess. 10 (1993); *see also* H.R. Rep. No. 88, 103d Cong., 1st Sess. 8 (1993). We presume the same would be true under section 3 of S. 2869. Moreover, in our experience, RFRA claims almost invariably are joined with other claims, such that the case would have to be litigated even in the absence of the RFRA requirement. In sum, RFRA has not created a substantially increased litigation burden on the Federal Bureau of Prisons, nor has it resulted in any adverse court rulings that have significantly burdened the operation of Federal prisons. Based on our experience at the Federal level, it seems unlikely that section 3 of S. 2869 would impose significant or unjustified burdens on the administration of State prisons.

We note that the proposal contemplates both private and Federal government enforcement. As is generally the case, we urge that increased Federal enforcement responsibilities be accompanied by appropriate resource increases.

Thank you for the opportunity to present our views. Please do not hesitate to call upon us if we may be of additional assistance. The Office of Management and Budget has advised us that from the perspective of the Administration's program, there is no objection to submission of this letter.

Sincerely,

ROBERT RABEN,
Assistant Attorney General.

COALITION FOR THE
FREE EXERCISE OF RELIGION,
Washington, DC, July 14, 2000.

DEAR REPRESENTATIVE: We urge you to cosponsor the "Religious Land Use and Institutionalized Persons Act of 2000" (RLUIPA) (H.R. 4862). This legislation will protect important aspects of a right that is foundational in our country—the right to worship free from unnecessary governmental interference. It will provide critical protection for houses of worship and other religious assemblies from restrictive land use regulation that all too often thwarts the practice of faith in our nation. The legislation also will ensure that institutionalized persons will have the ability to exercise their religion in ways that do not undermine the security, discipline and order of their institutions.

In a series of Congressional hearings beginning in 1997, evidence was presented which indicated that the discretionary, individualized determinations made as a part of local land use regulation result in a pattern of burdensome and discriminatory actions on the activities of houses of worship and other religious assemblies. A study produced by law professors at Brigham Young University and attorneys from the law firm of Mayer, Brown & Platt has shown, for example, that small religious groups and nondenominational churches are greatly overrepresented in reported church zoning cases. Other testimony has documented the fact that some land use regulations intentionally exclude all new houses of worship from an entire city, while others exclude churches except if they are able to secure a special use permit, meaning that zoning authorities hold almost complete discretion in making these determinations. Some testimony presented explicit evidence of religious and racial bias associated with such land use determinations. In a significant number of communities, land use regulation makes it difficult or impossible to build, buy or rent space for a new house of worship, whether large or small.

Testimony from across the nation also has demonstrated that nonreligious assemblies are often treated far better by zoning authorities than religious assemblies. For example, recreation centers, health clubs, backyard barbecues and banquet halls are frequently the subjects of more favorable treatment than a home Bible study, a church's homeless feeding program or a small gathering of individuals for prayer.

After close scrutiny of this nationwide problem, members of Congress have properly chosen to address it through Congress' power under Section 5 of the 14th Amendment as well as through the spending and interstate commerce powers, consistent with recent U.S. Supreme Court decisions. RLUIPA generally provides that the government shall not implement land use regulation in ways that substantially burden religious exercise unless such a burden is justified by a compelling governmental interest that is being implemented in a manner that is least restrictive of religious exercise.

It is important to note that RLUIPA does not provide a religious assembly with immunity from zoning regulation. If the religious claimant cannot demonstrate that the regulation places a substantial burden on sincere religious exercise, then the claim fails without further consideration. If the claimant is successful in demonstrating a substantial burden, the government will still prevail if it can show that the burden is the unavoidable result of its pursuit of a compelling governmental objection. RLUIPA also ensures that the government may not treat religious assemblies and institutions on less than equal terms with a nonreligious assembly, discriminate against any institution on the basis of religion, totally exclude religious assemblies from a jurisdiction or unreasonably limit such uses within a jurisdiction.

RLUIPA also provides a remedy for institutionalized persons who are inappropriately denied the right to practice their faith, including those in state residential facilities (such as homes for the disabled and chronically ill) and correctional facilities. Congressional testimony included descriptions of instances in which a Catholic priest was forced to do battle over bringing a small amount of sacramental wine into prisons, and cases in which prison officials not only refused to purchase matzo (the unleaved bread Jews are required to eat on Passover), but refused to accept even donated matzo from a Jewish organization.

RLUIPA used Congress' powers to spend and regulate interstate commerce to address such problems. RLUIPA states that the government may not impose a substantial burden on the religious exercise of an institutionalized person unless that burden is justified by a compelling interest that is furthered by the least restrictive means. It is clear that this standard is applied in a special way in prisons. This provision does not require prison officials to grant religious requests that would undermine prison discipline, order and security. The standard set forth in RLUIPA has been employed by the Federal Bureau of Prisons for many years without negative impact on prison discipline, order and security. Moreover; RLUIPA states on its face that it does not amend or repeal the Prison Litigation Reform Act of 1995. Thus, the courts will continue to be able to reject frivolous lawsuits with ease. We urge you, therefore, to support the legislation as introduced by Representatives Canady, Nadler and Edwards and to reject an amendment thereto.

RLUIPA is supported by groups as different as the American Civil Liberties Union and the Christian Legal Society, Americans United for Separation of Church and State and Family Research Council, People For the American Way and the National Association for Evangelicals. These groups disagree on many issues, but they agree that the fundamental right of individuals and institutions to the free exercise of religion should be protected as RLUIPA does. While RLUIPA is not coextensive with all the free exercise issues about which the we care, it does address two critical areas that are continuing sources of free exercise problems in the wake of the U.S. Supreme Court's decision in *Employment Division v. Smith*, 494 U.S. 872 (1990). Thus, we urge you to co-sponsor this critical piece of legislation.

Sincerely,

MELISSA ROGERS,
General Counsel,
Baptist Joint Committee on Public Affairs.

LEADERSHIP CONFERENCE
ON CIVIL RIGHTS,
Washington, DC, July 14, 2000.

Senator TRENT LOTT,
Majority Leader, U.S. Senate,
Washington, DC.
Senator TOM DASCHLE,
Minority Leader, U.S. Senate
Washington, DC.

DEAR SENATOR LOTT AND SENATOR DASCHLE: The Leadership Conference on Civil Rights (LCCR) is a coalition of over 180 national organizations working to advance civil and human rights laws and policies. The LCCR writes to express our support for the Religious Land Use and Institutionalized Persons Act sponsored by Senators Orrin Hatch (R-UT) and Edward Kennedy (D-MA). We urge the Senate to pass this important legislation without amendment.

In our letter to you of March 17, 2000, we expressed our concern that the Religious Liberty Protection Act (RLPA) could have unintended, yet potentially harmful effects on other civil rights laws. The Religious Land Use and Institutionalized Persons Act is a less sweeping version of RLPA. Based on our careful review of the new legislation, we do not believe that the Hatch-Kennedy bill will have adverse consequences for other civil rights laws.

We greatly appreciate the work of the bill's sponsors in drafting the consensus legislation that will provide important new protections for the freedom of religious exercise without the harmful consequences for civil rights laws. These protections are especially important to preserve the exercise of religious beliefs by adherents of minority religions, who of often are in a position of having limited ability to influence the political process.

We believe that the new legislation will ensure appropriate safeguards against governmental burdens on the free exercise of religious beliefs in two important areas. The legislation will protect the religious exercise of persons whose beliefs are burdened by zoning or landmarking laws, or by laws affecting persons residing in state or locally run institutions.

Governments have frequently applied zoning and landmarking laws in ways that discriminate against, or severely limit, the ability of houses of worship and individuals to use their houses of worship or homes for religious exercise. The Hatch-Kennedy bill will be particularly useful for those religious groups whose ministries of feeding or housing low-income or homeless persons have been curtailed by zoning laws.

The Hatch-Kennedy bill also provides an important remedy for persons residing in, or confined to, state or local institutions, as defined by the Civil Rights of Institutionalized Persons Act. The new legislation makes clear that, in governmental residential facilities such as state hospitals, nursing homes, group homes, or prisons, the government may not dictate whether, how, or when individuals can practice their religion, unless the government has a compelling interest in enforcing its regulation. The legislation will help ensure that a person will not be stripped of his or her ability to exercise his or her religious beliefs when entering a state or local government-run hospital, nursing home, group home, or prison.

We appreciate your consideration of our views on this issue. We urge the Senate to pass the legislation without any amendments.

Sincerely,

WADE HENDERSON,
Executive Director.
DOROTHY I. HEIGHT,
Chairperson.

Mr. KENNEDY. Mr. President, religious freedom is a bedrock principle in our Nation. The Religious Land Use and Institutionalized Persons Act of 2000 reflects our commitment to protect religious freedom and our belief that Congress still has the power to enact legislation to enhance that freedom, even after the Supreme Court's decision in 1997 that struck down the broader Religious Freedom Restoration Act that 97 Senators joined in passing in 1993.

Our bill has the support of the Free Exercise Coalition, which represents over 50 diverse and respected groups, including the Family Research Council, the Christian Legal Society, the American Civil Liberties Union, and People for the American Way. The bill also has the endorsement of the Leadership Conference for Civil Rights.

The broad support for this bill by religious groups and the civil rights community is the result of many months of difficult, but important negotiations. We carefully considered ways to strengthen religious liberties in other ways in the wake of the Supreme Court's decision. We were mindful of not undermining existing laws intended to protect other important civil rights and civil liberties. It would have been counterproductive if this effort to protect religious liberties led to confrontation and conflict between the civil rights community and the religious community, or to a further court decision striking down the new law. We believe that our bill succeeds in avoiding these difficulties by addressing two of the most obvious current threats to religious liberty and by leaving open the question of what future Congressional actions can be taken to protect religious freedom in America.

Our goal in passing this legislation is to reach a reasonable and constitutionally sound balance between respecting the compelling interests of government and protecting the ability of people freely to exercise their religion. We believe that the legislation accomplishes this goal in two areas where infringement of this right has frequently occurred—the application of land use laws, and treatment of persons who are institutionalized. In both of these areas, our bill will protect rights in the Constitution—the right to worship, free from unnecessary government interference.

I commend Senator HATCH for his commitment and diligence in developing this legislation. The consensus bill before us is in large part the product of his skillful leadership. Many others in the Senate also deserve credit for this legislation, including Senator LIEBERMAN, Senator DASCHLE, Senator SCHUMER, Senator REID, Senator BENNETT, Senator HUTCHINSON, and Senator GORDON SMITH.

A broad array of groups also played a central role in crafting this legislation. Among those deserving special recognition are the American Civil Liberties Union, the Baptist Joint Committee, People for the American Way, the Union of Orthodox Congregations, the American Jewish Committee, and the Christian Legal Society. Professor Douglas Laycock of the University of Texas School of Law had an indispensable role in this process. Finally, I commend the White House and the Department of Justice for their guidance and expertise in developing an effective and constitutionally sound bill.

Senator HATCH and I are including in the RECORD a section-by-section summary of the bill along with a joint statement providing a detailed explanation of the need for this important legislation. Numerous committee reports have also described numerous examples of thoughtless and insensitive actions by governments that interfere with religious freedom, even though no valid public purpose is served by the governmental action.

The Religious Land Use and Institutionalized Persons Act of 2000 is an important step forward in protecting religious liberty in America. It reflects the Senate's long tradition of bipartisan support for the Constitution and the nation's fundamental freedoms and I urge the Senate to approve it.

Mr. REID. Mr. President, I rise today in support of S. 2869, the Religious Land Use and Institutionalized Persons Act. Before addressing the substance of this legislation, I would like to thank and congratulate the chairman of the Judiciary Committee, Senator HATCH, as well as the senior Senator from Massachusetts, Senator KENNEDY, for the outstanding, bipartisan efforts they have taken to produce the legislation we are considering today. I am well aware of the various difficulties and interests which had to be addressed, and I believe they did a fine job under such circumstances.

Mr. President, though modified and reduced in scope in order to secure its passage, S. 2869 is the most recent attempt by the Congress to protect the free exercise of religion. Prior to 1990, American courts had generally applied a strict scrutiny test to government actions that imposed substantial burdens on the exercise of religion. As my colleagues know, the strict scrutiny test is the highest standard the courts apply to actions on the part of government. However, in 1990, in Employment Division, Oregon Department of Human Resources, v. Smith, the United States Supreme Court largely eliminated the strict scrutiny test for free exercise cases.

Three years later, in direct response to the Smith decision, the 103rd Congress enacted the Religious Freedom and Restoration Act (RFRA), reapplying and extending the strict scrutiny test to all government actions, including those of state and local governments, that imposed substantial burdens on religious exercise. In 1997, the Supreme Court ruled, in City of Boerne, Texas v. Flores, that RFRA's coverage of state and local governments exceeded Congressional authority.

In response to the City of Boerne ruling, the Religious Liberty Protection Act (RLPA) was introduced during the 106th Congress. RLPA also reapplied a strict scrutiny standard to the actions of state and local governments with respect to religious exercise, but attempted to draw its authority from Congressional powers to attach conditions to federal funding programs and to regulate commerce. While the companion measure passed the House of Representatives overwhelmingly in July 1999, the legislation stalled in the Senate when legitimate concerns were raised that RLPA, as drafted, would supersede certain civil rights, particularly in areas relating to employment and housing. These concerns were most troubling to the gay and lesbian community. Discrimination based upon race, national origin, and to lesser certainty, gender, would have been protected, regardless of RLPA, because the courts have recognized that preventing such discrimination is a sufficient enough compelling government interest to overcome the strict scrutiny standard that RLPA would apply to religious exercise. Sexual orientation and disability discrimination, however, have not been afforded this high level of protection.

Mr. President, as I was considering the merits of the Religious Liberty Protection Act, these concerns weighted heavily upon my mind. I say that because I was a proud supporter of the Religious Freedom Restoration Act, which we passed overwhelmingly during the 103rd Congress only to see the Supreme Court strike it down. I was, and remain, particularly supportive of the Land use provisions contained within RFRA, and RLPA, and which constitute the first of the two major sections contained within the Religious Land Use and Institutionalized Persons Act which we are considering today. As my colleagues may know, land use decisions are extremely important to many of the religious organizations which have joined together in the effort to get this legislation passed and signed into law. With some affiliations, legislation affecting land use decisions are the most important aspects of protecting the free exercise of religion. This is especially true for the Church of Jesus Christ of Latter Day Saints. Under current law, the LDS Church maintains serious reservations about non-uniform zoning regulations throughout the country which, though religiously-neutral on their face, have the effect of overly-restricting the size and location, among other things, of churches and temples. Often times, such regulations simply prohibit the construction of any church or temple. Under the legislation which Senators HATCH and KENNEDY have crafted, the strict scrutiny test contained within RLPA would apply to land use decisions. In other words, state and local zoning boards would be required to use the least restrictive means possible to advance a compelling state interest. I recognize that this is a high standard to meet, certainly much higher than current law, where zoning regulations are rarely overturned in court on religious exercise grounds. However, I also believe that the free exercise of religion deserves, in fact demands, such a high level of protection.

As I stated earlier, protecting hard-fought civil rights, including those which prohibit discrimination based upon sexual orientation, played an important role in my desire to pursue a more narrowly-tailored religious freedom measure. I am proud to have had the opportunity to work with Senators HATCH and KENNEDY to accomplish the worthwhile endeavor of protecting legitimate civil rights while at the same time protecting the free exercise of religion involving land use decisions.

While the first section of S. 2869 focuses upon land use, the second concerns the free exercise of religion as applied to institutionalized persons, i.e., prisoners. As my colleagues are well aware, in 1993, during the consideration of the Religious Freedom Restoration Act, I offered an amendment on the Senate floor that would have prohibited the applicability of RFRA to incarcerated individuals. I offered that amendment for a variety of reasons, not the least of which was my belief, one that I continue to hold, that prisoners in this country have become entirely too litigious. Frivolous lawsuits seem to be the norm, not the exception to the rule. In 1993, more than 1,400 more lawsuits were filed by federal prisoners against the government, whether it was corrections officers, prison wardens, attorneys general, etc., than were filed by the government against criminals. That unbelievable situation within our federal judicial system, coupled with the high costs that my home State of Nevada was incurring defending frivolous prisoner lawsuits, led me to offer the amendment which would have prohibited the applicability of RFRA to prisoners. Regrettably, that effort failed. However, I remained a proud supporter of the underlying legislation.

Seven years later, I am faced with a similar set of circumstances. I support the underlying legislation which protects the free exercise of religion as applied to land use decisions, but I remain concerned that the applicability of the strict scrutiny standard to religious exercise within our federal, state and local prisons will encourage prisoners, and the courts, to second guess the decisions of our corrections employees and other prison officials. Furthermore, I have been contacted by many corrections officers and by the American Federation of State, County and Municipal Employees, AFSCME, which represents more than 60,000 dedicated men and women who are on the front line in our nation's prisons. They have legitimate concerns about what impact this legislation may have on prison security.

A number of corrections officers have contacted me to relay their own personal experiences. These dedicated men and women have real concerns. In fact, AFSCME recently alerted their corrections officer membership that this legislation was coming up for a vote, and was deluged with phone calls from members expressing their distress about how this bill might affect their ability to maintain security and protect the safety of the public. As you can well imagine, getting inmates to comply with security measures in prison is no easy task. Many prisoners will use any excuse to avoid searches and to evade security measures instituted to protect prison personnel and the general public from harm.

While I continue to believe that we should not extend the privilege of a strict scrutiny standard to restrictions on the free exercise of religion behind the bars of our nation's prisons, I also recognize certain realities. The Prison Litigation Reform Act, PLRA, which we passed during the 104th Congress, has led many Senators to believe that my amendment is no longer necessary. I disagree with this conclusion given that PLRA applied to RFRA from April 1996, through June 1997, and there was no perceivable reduction in the number of prisoner RFRA lawsuits, or their corresponding burden. Furthermore, with specific regard to corrections employees, even when cases are screened and dismissed under the provisions of the Prison Litigation Reform Act, those lawsuits still show up on the public record, making it much more difficult for corrections employees who have been sued to obtain mortgages and car loans.

Mr. President, rather than offer an amendment to strike the provisions of S. 2869 relating to Institutionalized Persons and risk the certainty that this legislation would fail this year, I have decided, in consultation with the managers of this legislation, to pursue a different approach. My distinguished colleague from Utah, the Chairman of the Judiciary Committee, has agreed to hold a hearing next year on the impact of this legislation on our nation's penal institutions and their dedicated employees. I am hopeful that this will provide the opportunity for corrections administrators and other personnel to air their concerns about how this legislation may affect security in these institutions. I would also expect several Attorneys General, including the Nevada State Attorney General who has made limiting frivolous prisoner lawsuits a priority in my home State, to express their opinions. I look forward to this debate, and I would offer my personal gratitude to Chairman HATCH for the commitment.

I also plan on joining with Senator HATCH to request that the General Accounting Office conduct a detailed study as to what effects the Religious Freedom Restoration Act had on our nation's prisons, both before, during and after the application of the Prison Litigation Reform Act, and what effects, at the appropriate time, this legislation will have.

In conclusion, Mr. President, while I retain serious reservations about the inclusion of prisoners in S. 2869, I commend Senators HATCH and KENNEDY for diligently working in a bipartisan fashion to craft a narrowly-tailored religious freedom protection measure that will pass this Senate.

Mr. HATCH. Mr. President, I thank my friend, the assistant Democratic leader and the Senior Senator from Nevada, for his leadership which has allowed us to bring S. 2869 to the floor today. He has worked closely with myself and Senator KENNEDY, and I am sure he joins me in thanking the Senator for his contributions to this important legislation.

I would also say that I recognize his commitment to reducing the number of frivolous lawsuits by prisoners, and that several of our colleagues, particularly Senator THURMOND, have raised serious concerns relating to the Institutionalized Persons section of the bill. I respect these concerns, and, as I have already relayed to the Senator, I am committed to holding a hearing next year in the Judiciary Committee on these matters.

Mr. REID. I thank the distinguished Chairman of the Judiciary Committee and I look forward to that hearing next year.

I also ask if it is the chairman's intention to join with me in requesting that the General Accounting Office conduct a study on the effects that the Religious Freedom and Restoration Act has had, and that the Religious Land Use and Institutionalized Persons Act will have on our nation's prisons, both at the federal and state level, including the dedicated men and women who serve this country as corrections employees.

Mr. HATCH. The Senator is correct to state that I intend to request such a study from the GAO.

Mr. REID. Again, I thank the distinguished chairman. I also reiterate my appreciation and congratulations to him and Senator KENNEDY for the outstanding work they have done on a bipartisan basis to bring this legislation to the floor.

Mr. HATCH. I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2869) was read the third time and passed, as follows:

S. 2869

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Religious Land Use and Institutionalized Persons Act of 2000".

SEC. 2. PROTECTION OF LAND USE AS RELIGIOUS EXERCISE.

(a) SUBSTANTIAL BURDENS.—

(1) GENERAL RULE.—No government shall impose or implement a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution,

unless the government demonstrates that imposition of the burden on that person, assembly, or institution—

(A) is in furtherance of a compelling governmental interest; and

(B) is the least restrictive means of furthering that compelling governmental interest.

(2) Scope of Application.—This subsection applies in any case in which—

(A) the substantial burden is imposed in a program or activity that receives Federal financial assistance, even if the burden results from a rule of general applicability;

(B) the substantial burden affects, or removal of that substantial burden would affect, commerce with foreign nations, among the several States, or with Indian tribes, even if the burden results from a rule of general applicability; or

(C) the substantial burden is imposed in the implementation of a land use regulation or system of land use regulations, under which a government makes, or has in place formal or informal procedures or practices that permit the government to make, individualized assessments of the proposed uses for the property involved.

(b) Discrimination and Exclusion.—

(1) Equal terms.—No government shall impose or implement a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution.

(2) Nondiscrimination.—No government shall impose or implement a land use regulation that discriminates against any assembly or institution on the basis of religion or religious denomination.

(3) Exclusions and limits.—No government shall impose or implement a land use regulation that—

(A) totally excludes religious assemblies from a jurisdiction; or

(B) unreasonably limits religious assemblies, institutions, or structures within a jurisdiction.

SEC. 3. PROTECTION OF RELIGIOUS EXERCISE OF INSTITUTIONALIZED PERSONS.

(a) General Rule.—No government shall impose a substantial burden on the religious exercise of a person residing in or confined to an institution, as defined in section 2 of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997), even if the burden results from a rule of general applicability, unless the government demonstrates that imposition of the burden on that person—

(1) is in furtherance of a compelling governmental interest; and

(2) is the least restrictive means of furthering that compelling governmental interest.

(b) Scope of Application.—This section applies in any case in which—

(1) the substantial burden is imposed in a program or activity that receives Federal financial assistance; or

(2) the substantial burden affects, or removal of that substantial burden would affect, commerce with foreign nations, among the several States, or with Indian tribes.

SEC. 4. JUDICIAL RELIEF.

(a) Cause of Action.—A person may assert a violation of this Act as a claim or defense in a judicial proceeding and obtain appropriate relief against a government. Standing to assert a claim or defense under this section shall be governed by the general rules of standing under article III of the Constitution.

(b) Burden of Persuasion.—If a plaintiff produces prima facie evidence to support a claim alleging a violation of the Free Exercise Clause or a violation of section 2, the government shall bear the burden of persuasion on any element of the claim, except that the plaintiff shall bear the burden of persuasion on whether the law (including a regulation) or government practice that is challenged by the claim substantially burdens the plaintiff's exercise of religion.

(c) Full Faith and Credit.—Adjudication of a claim of a violation of section 2 in a non-Federal forum shall not be entitled to full faith and credit in a Federal court unless the claimant had a full and fair adjudication of that claim in the non-Federal forum.

(d) Attorneys' Fees.—Section 722(b) of the Revised Statutes (42 U.S.C. 1988(b)) is amended—

(1) by inserting "the Religious Land Use and Institutionalized Persons Act of 2000," after "Religious Freedom Restoration Act of 1993,"; and

(2) by striking the comma that follows a comma.

(e) Prisoners.—Nothing in this Act shall be construed to amend or repeal the Prison Litigation Reform Act of 1995 (including provisions of law amended by that Act).

(f) Authority of United States To Enforce This Act.—The United States may bring an action for injunctive or declaratory relief to enforce compliance with this Act. Nothing in this subsection shall be construed to deny, impair, or otherwise affect any right or authority of the Attorney General, the United States, or any agency, officer, or employee of the United States, acting under any law other than this subsection, to institute or intervene in any proceeding.

(g) Limitation.—If the only jurisdictional basis for applying a provision of this Act is a claim that a substantial burden by a government on religious exercise affects, or that removal of that substantial burden would affect, commerce with foreign nations, among the several States, or with Indian tribes, the provision shall not apply if the government demonstrates that all substantial burdens on, or the removal of all substantial burdens from, similar religious exercise throughout the Nation would not lead in the aggregate to a substantial effect on commerce with foreign nations, among the several States, or with Indian tribes.

SEC. 5. RULES OF CONSTRUCTION.

(a) Religious Belief Unaffected.—Nothing in this Act shall be construed to authorize any government to burden any religious belief.

(b) Religious Exercise Not Regulated.—Nothing in this Act shall create any basis for restricting or burdening religious exercise or for claims against a religious organization including any religiously affiliated school or university, not acting under color of law.

(c) Claims to Funding Unaffected.—Nothing in this Act shall create or preclude a right of any religious organization to receive funding or other assistance from a government, or of any person to receive government funding for a religious activity, but this Act may require a government to incur expenses in its own operations to avoid imposing a substantial burden on religious exercise.

(d) Other Authority To Impose Conditions on Funding Unaffected.—Nothing in this Act shall—

(1) authorize a government to regulate or affect, directly or indirectly, the activities or policies of a person other than a government as a condition of receiving funding or other assistance; or

(2) restrict any authority that may exist under other law to so regulate or affect, except as provided in this Act.

(e) Governmental Discretion in Alleviating Burdens on Religious Exercise.—A government may avoid the preemptive force of any provision of this Act by changing the policy or practice that results in a substantial burden on religious exercise, by retaining the policy or practice and exempting the substantially burdened religious exercise, by providing exemptions from the policy or practice for applications that substantially burden religious exercise, or by any other means that eliminates the substantial burden.

(f) Effect on Other Law.—With respect to a claim brought under this Act, proof that a substantial burden on a person's religious exercise affects, or removal of that burden would affect, commerce with foreign nations, among the several States, or with Indian tribes, shall not establish any inference or presumption that Congress intends that any religious exercise is, or is not, subject to any law other than this Act.

(g) Broad Construction.—This Act shall be construed in favor of a broad protection of religious exercise, to the maximum extent permitted by the terms of this Act and the Constitution.

(h) No Preemption or Repeal.—Nothing in this Act shall be construed to preempt State law, or repeal Federal law, that is equally as protective of religious exercise as, or more protective of religious exercise than, this Act.

(i) Severability.—If any provision of this Act or of an amendment made by this Act, or any application of such provision to any person or circumstance, is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provision to any other person or circumstance shall not be affected.

SEC. 6. ESTABLISHMENT CLAUSE UNAFFECTED.

Nothing in this Act shall be construed to affect, interpret, or in any way address that portion of the first amendment to the Constitution prohibiting laws respecting an establishment of religion (referred to in this section as the "Establishment Clause"). Granting government funding, benefits, or exemptions, to the extent permissible under the Establishment Clause, shall not constitute a violation of this Act. In this section, the term "granting", used with respect to government funding, benefits, or exemptions, does not include the denial of government funding, benefits, or exemptions.

SEC. 7. AMENDMENTS TO RELIGIOUS FREEDOM RESTORATION ACT.

(a) Definitions.—Section 5 of the Religious Freedom Restoration Act of 1993 (42 U.S.C. 2000bb-2) is amended—

(1) in paragraph (1), by striking "a State, or a subdivision of a State" and inserting "or of a covered entity";

(2) in paragraph (2), by striking "term" and all that follows through "includes" and inserting "term 'covered entity' means"; and

(3) in paragraph (4), by striking all after "means" and inserting "religious exercise, as defined in section 8 of the Religious Land Use and Institutionalized Persons Act of 2000.".

(b) Conforming Amendment.—Section 6(a) of the Religious Freedom Restoration Act of 1993 (42 U.S.C. 2000bb-3(a)) is amended by striking "and State".

SEC. 8. DEFINITIONS.

In this Act:

(1) Claimant.—The term "claimant" means a person raising a claim or defense under this Act.

(2) Demonstrates.—The term "demonstrates" means meets the burdens of going forward with the evidence and of persuasion.

(3) FREE EXERCISE CLAUSE.—The term "Free Exercise Clause" means that portion of the first amendment to the Constitution that proscribes laws prohibiting the free exercise of religion.

(4) GOVERNMENT.—The term "government"—

(A) means—

(i) a State, county, municipality, or other governmental entity created under the authority of a State;

(ii) any branch, department, agency, instrumentality, or official of an entity listed in clause (i); and

(iii) any other person acting under color of State law; and

(B) for the purposes of sections 4(b) and 5, includes the United States, a branch, department, agency, instrumentality, or official of the United States, and any other person acting under color of Federal law.

(5) LAND USE REGULATION.—The term "land use regulation" means a zoning or landmarking law, or the application of such a law, that limits or restricts a claimant's use or development of land (including a structure affixed to land), if the claimant has an ownership, leasehold, easement, servitude, or other property interest in the regulated land or a contract or option to acquire such an interest.

(6) PROGRAM OR ACTIVITY.—The term "program or activity" means all of the operations of any entity as described in paragraph (1) or (2) of section 606 of the Civil Rights Act of 1964 (42 U.S.C. 2000d-4a).

(7) RELIGIOUS EXERCISE.—

(A) IN GENERAL.—The term "religious exercise" includes any exercise of religion, whether or not compelled by, or central to, a system of religious belief.

(B) RULE.—The use, building, or conversion of real property for the purpose of religious exercise shall be considered to be religious exercise of the person or entity that uses or intends to use the property for that purpose.

TRAFFICKING VICTIMS PROTECTION ACT OF 2000

Mr. HATCH. I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 584, H.R. 3244.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3244) to combat trafficking of persons, especially into the sex trade, slavery-like conditions, in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4027

Mr. HATCH. My understanding is Senators BROWNBACK and WELLSTONE have an amendment the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. HATCH], for Mr. BROWNBACK and Mr. WELLSTONE, proposes an amendment numbered 4027.

Mr. HATCH. Mr. President, I ask unanimous consent unanimous consent reading of the amendment be dispensed with.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

AMENDMENT NO. 4028 TO AMENDMENT NO. 4027

Mr. HATCH. Mr. President, I have a second-degree amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] proposes an amendment numbered 4028 to amendment No. 4027.

Mr. HATCH. I ask unanimous consent the reading be dispensed.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. WELLSTONE. I rise today to address the serious and widespread problem of international trafficking in persons, particularly women and children, for the purposes of sexual exploitation and forced labor, and to seek your continued support for legislation aimed at curbing this horrific crime.

Trafficking in persons becomes more insidious and widespread everyday. For example, every year approximately one million women and children are forced into the sex trade against their will. A recent CIA analysis of the international trafficking of women into the United States reports that as many as 50,000 women and children each year are brought into the United States and forced to work as prostitutes, forced laborers and servants. Others credibly estimate that the number is probably much higher.

Those whose lives have been disrupted by civil wars or fundamental changes in political geography, such as the disintegration of the Soviet Union or the violence in the Balkans, have fallen prey to traffickers. Seeking financial security, many innocent persons are lured by traffickers' false promises of a better life and lucrative jobs abroad. However, upon arrival in destination countries, these victims are often stripped of their passports and held against their will, some in slave-like conditions. Rape, intimidation and violence are commonly employed by traffickers to control their victims and to prevent them from seeking help.

Trafficking rings are often run by criminals operating through nominally reputable agencies. In some cases overseas, police and immigration officials of other nations participate in or benefit from trafficking. In other cases, lack of awareness or complacency among government officials, such as border patrol and consular officers, contributes to the problem. Furthermore, traffickers are rarely punished as official policies often inhibit victims from testifying against their traffickers, making trafficking a highly profitable, low-risk business venture for some.

In April my esteemed colleague from Kansas and I introduced separate bills to combat trafficking in persons. I introduced S. 2414, the Trafficking Victims Protection Act of 2000, and he introduced S. 2449, the International Trafficking Act of 2000. But, although we earlier introduced these separate bills, we would like to relay to you the truly bipartisan effort this has been. This effort is reflected in the bill we passed today.

The Trafficking Victims Protection Act of 2000 is a comprehensive bill that aims to prevent trafficking in persons, provide protection and assistance to those who have been trafficked, and strengthen prosecution and punishment of those responsible for trafficking. It is designed to help federal law enforcement officials expand anti-trafficking efforts here and abroad; to expand domestic anti-trafficking and victim assistance efforts; and to assist non-governmental organizations, governments and others worldwide who are providing critical assistance to victims of trafficking.

The Trafficking Victims Protection Act of 2000 addresses the underlying problems which fuel the trafficking industry by promoting public anti-trafficking awareness campaigns and initiatives to enhance economic opportunity, such as micro-credit lending programs and skills training, for those most susceptible to trafficking. It also increases protections and services for trafficking victims by establishing programs designed to assist in the safe reintegration of victims into their community, and ensure that such programs address both the physical and mental health needs of trafficking victims. Further, the bills seek to stop the practice of immediately deporting victims back to potentially dangerous situations by providing them interim immigration relief and the time necessary to bring charges against those responsible for their condition. It also toughens current federal trafficking penalties, criminalizing all forms of trafficking in persons and establishing punishment commensurate with the heinous nature of this crime.

This bill requires expanded reporting on trafficking, including a separate list of countries which are not meeting minimum standards for the elimination of trafficking. It authorizes the President to suspend assistance to the worst violators on the list of countries which do not meet these minimum standards. This discretionary approach provides the flexibility needed to combat the complex, multi-faceted, and often multi-jurisdictional nature of this crime, while maintaining the prospect of tough enforcement against governments who persistently ignore, or whose officials are even complicit in, trafficking within their own borders. It allows Congress to monitor closely the progress of countries in their fight against trafficking and gives the Administration flexibility to couple its diplomatic efforts to combat trafficking with targeted action that can be tailored to the individual country involved.

Since we began working on this issue, Senator BROWNBACK and I have met with trafficking victims, aftercare providers, and human rights advocates from around the world who have reminded us again and again of the horrible, widespread and growing nature of this human rights abuse. Today this Chamber has taken an important first step toward the elimination of trafficking in persons. We are thankful for your support.

Mr. HATCH. Mr. President I ask unanimous consent that the amendment be agreed to, the substitute amendment be agreed to as amended, the bill be read the third time and passed, the motion to reconsider be laid upon the table, the Senate then insist on its amendment, request a conference on the part of the Senate, and any statements relating to this action be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 4027 and 4028) were agreed to.

The bill (H.R. 3244), as amended, was read the third time and passed.

The PRESIDING OFFICER (Mr. SMITH of Oregon) appointed from the Committee on the Judiciary, Mr. HATCH, Mr. THURMOND, and Mr. LEAHY; from the Committee on Foreign Relations, Mr. HELMS, Mr. BROWNBACK, Mr. BIDEN, and Mr. WELLSTONE, conferees on the part of the Senate.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from New Hampshire.

Mr. SMITH of New Hampshire. I thank the Chair.

(The remarks of Mr. SMITH of New Hampshire pertaining to the introduction of S. 2962 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SMITH of New Hampshire. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PIPELINE SAFETY EFFORTS

Mrs. MURRAY. Mr. President, I've come to the floor this evening to share with my colleagues recent developments on the pipeline safety legislation. I am frustrated that to date we've been unable to come to agreement on a package of amendments that would ensure this critical legislation passes this year. I praise the efforts of the chairman of the Commerce Committee, Senator MCCAIN, and the committee's ranking member, Senator HOLLINGS, for their steadfast resolution in dealing with this issue.

As most of my colleagues know, I've been working for more than a year to improve pipeline safety standards. Millions of miles of pipelines run through our communities, next to our schools and under our homes. As the deadly pipeline explosion in Bellingham, WA, on June 10, 1999, that killed 3 young boys, showed us, pipelines are not as safe as they could be.

Since the Bellingham explosion, I have been working with officials at all levels of government, industry representatives, environmentalists, state and federal regulators, and concerned citizens to identify ways to improve pipeline safety in our nation.

It has been an eye-opening experience. I've uncovered a history of loose regulation with insufficient safety standards, inadequately trained pipeline operators, and a public that is uninformed of the threat that exists.

To date, I have focused on the problems associated with liquid gas pipelines. The pipe that ruptured and resulted in the tragic deaths of the three young people in my state was a liquid pipeline. What most people don't know is that natural gas pipelines are far more deadly and injure many more people.

From 1986 to 1999, liquid pipeline accidents, according to the U.S. Department of Transportation, resulted in 35 deaths and 235 injuries. In contrast, natural gas distribution and transmission pipelines in that same time period have resulted in 296 deaths and injured 1,357 people. The property damage that has resulted from these incidences totals nearly $1 billion.

Some examples of recent deadly natural gas pipelines include:

A 1998 natural gas explosion in St. Cloud, Minnesota that destroyed six buildings, killed four people and injured 14 others;

A 1997 Citizens Gas natural gas pipeline in Indianapolis that ruptured and ignited, destroying 6 homes and damaging 65 other properties. One person was tragically killed. Luckily this event occurred mid-day while many people were at work and school, otherwise it is likely that more fatalities would have occurred in that family neighborhood: and

A 1994 natural gas explosion in Allentown, Pennsylvania that killed one person and injured 66 others.

These are just three of many. Pipelines are dangerous, especially natural gas lines. We need to reform the system and put teeth in the regulation to ensure that these accidents are reduced dramatically.

The Office of Pipeline Safety oversees more than 157,000 miles of pipelines which transport hazardous liquids and more than 2.2 million miles of natural gas lines throughout the country. While these pipelines perform a vital service by bringing us the fuel we need to heat our homes and power our cars, they can also pose safety hazards.

That is why I introduced S. 2004, the Pipeline Safety Act of 2000, on January 27, 2000. In April, the administration and Senator MCCAIN, along with myself and Senator GORTON, also introduced alternative pipeline safety bills. All of these bills focus on expanding local input in pipeline safety matters and strengthening community "right to know" provisions, improving pipeline integrity and inspection practices, and increasing our research and development efforts.

On June 15, 2000, the Senate Commerce Committee discussed and deliberated the McCain-Murray-Gorton bill. As I stated before, this bill incorporates most of my priorities and is a positive step toward improving pipeline safety. The committee reported by bill without dissent.

Events since that time have proven less hopeful. Naturally, there were concerns with the bill as reported out of committee—and again—I appreciate the indulgence of the chair and ranking member as we have sought to negotiate through these difficult issues. Working with Senator GORTON and the Commerce Committee, we have come very close to compromise. Many issues have been resolved; there are only a few minor ones left.

I fear, however, that we may be coming to an impasse in our negotiations. I want my colleagues and the industry to know, I will not let the interests of the few strip the many of their right to safe communities.

Mr. President, the reforms we have called for are common sense measures. They will make our communities safer and allow everyone to enjoy the benefits of a modern pipeline infrastructure.

The reasons for delay are indefensible. I encourage my colleagues to consider what the stalling on this important issue could mean to communities in their State. It means, tragically, more unnecessary damage to life and property.

I knew this process would be difficult, but I am concerned at the point where we find ourselves today. If we can't accomplish this soon. I want my colleagues to know, I promise I will be creative in my approach to achieving meaningful pipeline safety legislation this year and find other ways to enact these extremely important reforms.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded

The PRESIDING OFFICER. Without objection, it is so ordered.

MISSOURI RIVER DAMS

Mr. DASCHLE. Mr. President, this week my friend and colleague, Senator BOND, came to the floor to explain why he is seeking to stop much needed changes in the operation of the dams on the Missouri River which is so important to the culture and economy not only in my State but so many others.

For the past 10 years, the Army Corps of Engineers has been working to update the decades-old management policies for the Missouri River. That effort, conducted by scientists and professional river managers, is approaching fruition. This year the Fish and Wildlife Service has told the Corps that changes need to take place to restore this magnificent river to biological health and so that we may prevent the extinction of three endangered species. By doing so, we will not only bring environmental benefits to the river but also enhance the recreational use of the river, both upstream and, I might emphasize, downstream. Bringing about these needed management changes will mean the environment, public relations, and health of the river will all be winners.

But now my colleague from Missouri has inserted a rider, an anti-environmental measure, in the energy and water bill that would stop the Corps from changing the management of the river. I understand why my colleague from Missouri has done this. He is trying to protect the interests of the State. However, in the process, he would sacrifice a much larger upstream fish, wildlife, and recreation industry. I simply cannot let that go uncontested. Hence, we have been embroiled for now several days in a disagreement that I had hoped could be resolved.

Six major dams have been constructed on the Missouri River which have forever changed its flow and character.

Since the last earthen dam was built in the early 1960's, we have witnessed the decline of fish and wildlife along the river.

This has resulted largely from the management policies that were developed in 1960 for operating the dams, and which favor the tiny $7 million downstream barge industry. These policies are established in what is known as the Missouri River Master Water Control Manual, often called the "Master Manual."

It has been four decades since the Master Manual was significantly updated.

Therein lies the problem. The existing Master Manual, which is grounded in principles relevant to conditions in the 1960's, favors the barge industry, which prefers constant, level flows throughout the spring, summer, and fall.

But times and conditions have changed over 40 years. That is why the Master Manual is being revised.

Over the years, outdated management policies have caused fish species to decline, as the natural high spring flows that signal fish species to spawn have disappeared. They have led to the endangerment of bird species that rely on exposed sandbars to nest in the summertime. The corps often submerges those critical sandbars in its effort to provide sufficient flows for the barges.

That is why both the Missouri River Natural Resources Committee and the U.S. Fish and Wildlife Service agree that the Master Manual must be revised to manage the flow of the river in a much more natural way. High spring flows, known as the "spring rise" need to be restored.

At the same time, the summer flows must be reduced to allow the endangered terns and plovers to nest. This is known as the "split season."

In combination with the spring rise, the split season and the spring rise will help to restore the health of the river and recover these endangered species.

In addition to the serious environmental problems and cause by the current Master Manual, current management policies also harm public recreation. In times of drought, Missouri River reservoirs of the Dakotas and Montana drop as low that boat ramps are left high and dry, and a $90 million per year recreation industry is sacrified for a $67 million per year barge industry.

The split season and spring rise will ensure that more water remains in the reservoirs in the summer, providing greater recreational opportunities for the public.

This Master Manual revision process has been underway since 1990, following a 1989 lawsuit the corps of the State of South Dakota. Again that has been a science-driver process, not a political one.

No one who has followed this issue will be surprised by the recommendation of the Fish and Wildlife service, or can argue this is issue has not been studied evaluated thoroughly. Once the consultation between the corps and the Fish and Wildlife Service is completed this year, the Corps will produce a revised draft environmental impact statement (EIS) and provide the public with 6 months to comment on it.

At the end of that stage, the corps will provide a final EIS. That document will be reviewed by Corps staff in Washington, DC, a record of decision will be issued, and the Master Manual will be revised.

That is the process set out of Federal law.

The question before the Senate on the Energy and Water Appropriations bill is whether we are going to cut off that Master manual revision process with this rider because some don't like the answers the process is revealing. If we do so, we will allow the river to continue its slow decline that inevitably will lead to the extinction of these and perhaps other species.

Some have stated that this rider has been included in past appropriations bills, and therefore we should continue to include it in the FY2001 Energy and Water Appropriations bill.

But members should know that this rider was irrelevant in past years, because the corps was not close to revising the Master Manual and because the corps had not engaged in consultation with the Fish and Wildlife Service to determine what management changes are necessary to protect endangered species.

Since no changes to the Master Manual were planned in past years, the effect of the rider was at most symbolic, reflecting the opposition of some along the river to changing the status quo.

This year, for the first time, the debate over this rider has meaning.

This year, the corps finally has reached the point in the process where it is consulting with the Fish and Wildlife Service and is learning officially that it must implement a spring rise and split season to avoid driving these endangered species to extinction.

This year, the corps finally has a schedule to complete the process of revising the manual in the foreseeable future.

Having learned without question that certain management changes need to take place to restore the health of the river, Congress must decide whether to override the requirements of the Endangered Species Act and condemn the fish and wildlife of the river to a slow death, or to face the truth and give the river new life.

The answer is clear. The Corps of Engineers and the Fish and Wildlife Service should be allowed to continue to work together under the very Federal laws and processes that Congress has enacted, so that the corps can revise this outdated Master Manual and improve the management and health of the Missouri River.

This is a job for the technical experts of those agencies to complete, in compliance with established procedures, and including an opportunity for substantial public comment and input. Congress should not substitute its political judgment for this process and thereby condemn this once-magnificent river to a slow death.

It is my hope that my colleagues will allow the established process to move forward, let the public have its say, and take the steps that we know are necessary to recover this once-impressive and biologically-fertile river. This anti environmental rider must be removed.

Mr. President, I have now been given assurances by the White House that the President will veto this bill if this rider is included. Given that assurance and given the importance of protecting the integrity of the established process for improving the management of the Missouri River, I have agreed to allow this legislation to move forward, which is why we had the vote this afternoon. I will continue to work with my friend, the Senator from Missouri, and I will continue to appreciate the assurances I have been given by the White House that they will veto this legislation were it to come to their desk with the President's knowledge that this legislation includes the rider. I will certainly work to assure that we can sustain the veto when it comes back. That is essential. It is important to not only South Dakota and North Dakota, the upper regions of the Missouri River, but it is important to our country.

Mr. President, I ask unanimous consent that a letter dated July 26, 2000, from the Governor of South Dakota, William Janklow, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE OF SOUTH DAKOTA,
Pierre, SD, July 26, 2000.

Hon. PETER DOMENICI,
Hon. HARRY REID,
U.S. Senate, Subcommittee on Energy and Water Development, Senate Committee on Appropriations, Washington, DC.

DEAR SENATORS DOMENICI AND REID: It has come to my attention that Missouri's Senators Bond and Ashcroft are attempting to block needed changes in the operation of the Missouri River. Senator Bond has attached a provision to H.R. 4733, the FY2001 Energy and Water Development Appropriations Act. The intended effect of the provision is to prohibit any funds being made available to be used to revise the Missouri River Master Control Manual, if the revision is for the purpose of providing for an increase in the springtime water release programs during the spring heavy rainfall and snow melt period in states that have rivers draining into the Missouri River below the Gavins Point Dam.

This provision is an attempt to override the work of the eight states that are members of the Missouri River Basin Association (MRBA). After a long and arduous process, the MRBA arrived at a consensus plan which seven of the eight basin states could support. However, Missouri was the lone state that did not sign on to the MRBA plan. They choose to mount a political battle to protect their status quo related to water flows.

Missouri and every other state must understand that no state is an island.

Interestingly, while the Missouri River reservoirs brought many benefits to the downstream states, navigation never developed to its original expectations. And, while no one even mentioned recreation as one of the benefits back in 1944, it exploded as an industry on the upper basin mainstem reservoirs. In fact, the Corps of Engineers' 1998 Revised Preliminary Draft Environmental Impact Statement for the Missouri River Master Water Control Manual credits recreation with $84.6 million in annual benefits while navigation creates a mere $6.9 million in annual benefits.

As you can see, we are at a crossroads today. The Corps continues to operate the reservoirs with an outdated Master Control Manual. Some of the original purposes of the Pick-Sloan Plan, like hydropower and flood control, are still valid today. However, the manual does not adequately address the conflict between navigation and recreation. Navigation takes water to support a barge channel and during times of dry years and water shortages the upper basin recreation industry suffers terribly. To keep a full navigation channel below Sioux City, Iowa, our reservoirs are drained and our boat docks left high and dry. An $84.6 million industry that offers recreational benefits to hundreds of thousands of people is held hostage by the $6.9 million barge industry.

Getting to this point in the Master Manual revision has been a long and arduous trail. Basin stakeholders have held countless meetings, thousands of hours have gone into evaluating the different options, and, in a spirit of compromise, we have agreed to allow the process to work. Too much effort has been spent to derail it now. To allow Senator Bond's provision would sound a death knell to a difficult consensus process, disregard sound biological and hydrological science, and place the whole Master Manual review process back into a political free-for-all pitting the upper-basin-states against the lower basin states. I urge you to remove Senator Bond's provision in your committee.

Sincerely,

WILLIAM J. JANKLOW.

SENATE DEMOCRATS BBA REFINEMENT AND ACCESS TO CARE PROPOSAL

Mr. DASCHLE. Mr. President, the Balanced Budget Act of 1997 made some positive changes and contributed to our current $2.2 trillion on-budget surplus.

Some of the BBA policies, however, cut providers and services far more consequentially than was ever anticipated, and that has created extraordinary problems for health care providers all over the country.

I have been hearing from providers in South Dakota about the burdens that BBA created now for almost 3 years.

Just this week, community leaders in Sturgis, SD, have been meeting to decide the fate of an important clinic we have there. The administrators in Sturgis say the cuts we made in 1997 mean that they have been losing money every year. We may actually see the clinic close as a result. That clinic is not alone. There are clinics, there are hospitals, there are providers throughout my State and throughout the country who are facing the same fiscal demise if something is not done. And their demise spells problems for the people who depend on them for care.

Last year, we made the first step. Thanks to a united Democratic effort, we put forth a bill largely endorsed by our colleagues on both sides of the aisle and passed the first installment of relief from the BBA. It was an effort to try to stave off further closings and financial harm to critical community health care facilities. We didn't go far enough. Communities are still struggling in spite of our best effort last year.

Senate Democrats believe that we cannot ignore the crisis this year either. We need to act to ensure that beneficiary access to quality health care remains, regardless of circumstances, regardless of geography, regardless of whether we are talking about a rural area or an inner city.

I want to thank Senator PATRICK MOYNIHAN, our ranking member, Senator MAX BAUCUS, and so many other members of the Senate Democratic Caucus and the Finance Committee for their leadership in developing the response to this crisis that we will be introducing shortly upon our return.

The Senate Democrats, under their leadership, are now proposing a package of payment adjustments and other improvements to beneficiary access that total $80 billion over 10 years.

This $80 billion will be used to help stabilize hospitals, home health agencies, hospices, nursing homes, clinics, Medicare+Choice plans, and other providers.

Our plan pays special attention to rural providers, which serve a larger proportion of Medicare beneficiaries and are more adversely impacted by reductions in the Medicare payment.

It includes targeted relief for teaching hospitals that train our health providers and conduct cutting-edge research.

And it includes improvements to Medicaid that could mean significantly improved access to health care for a number of uninsured people.

The proposal also includes improvements that directly help beneficiaries.

Senate Democrats continue to believe that passage of an affordable, voluntary, meaningful Medicare prescription drug benefit is of highest priority.

We will continue to press for passage of a prescription drug benefit in September as we fight for the important provisions in this proposal.

I ask unanimous consent that our proposal outline be printed in the RECORD, which goes through in some detail each of the areas that we hope to address, why we hope to address them, and the reasons we are addressing them in the bill that we will be introducing immediately upon our return from the August recess.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATE DEMOCRATS' BBA REFINEMENT AND ACCESS TO CARE PROPOSAL, JULY 27, 2000

The Balanced Budget Act (BBA) of 1997 made some important changes in Medicare payment policy, improved health care coverage, and contributed to our current period of budget surpluses through significant cost savings in Medicare. CBO originally estimated Medicare spending cuts at $112 billion over 5 years. Some of the policies enacted in the BBA, however, cut payments to providers more significantly than expected—in some cases more than double the expected amount—and threaten the survival of institutions and services vital to seniors and their communities throughout the country. Senate Democrats believe that, in light of the projected $2.2 trillion on-budget surplus over the next 10 years and the problems facing vital health care services, the Congress should enact a significant package of BBA adjustments and beneficiary protections. Senate Democrats therefore propose a package of payment adjustments and access to care provisions amounting to $80 billion over 10 years.

Hospitals. A significant portion of the BBA spending reductions have impacted hospitals. According to MedPAC, "Hospitals' financial status deteriorated significantly in 1998 and 1999," the years following enactment of BBA. The Senate Democrats' BBA refinement proposal addresses the most pressing problems facing hospitals by:

Adjusting inpatient payments to keep up with increases in hospital costs, an improvement that will help hospitals.

Preventing further reductions in payment rates for vital teaching hospitals—which are on the cutting edge of medical research and provide essential care to a large proportion of indigent patients. Support for medical training and research at independent children's hospitals is also included in the Democratic proposal.

Targeting additional relief to rural hospitals (Critical Access Hospitals, Medicare Dependent Hospitals, and Sole Community Hospitals) and making it easier for them to qualify for disproportionate share payments under Medicare.

Providing additional support for hospitals with a disproportionate share of indigent patients.

Home Health. The BBA his home health agencies particularly hard. Home health spending dropped 45 percent between 1997 and 1999, while the number of home health agencies declined by more than 2000 over that period. MedPAC has cautioned against implementing next year the scheduled 15% reduction in payments. The Senate Democrats' BBA refinement proposal:

Prevents further reductions in home health payments, takes into consideration the highest cost cases, and addresses the special needs of rural home health agencies.

Improves payments for medical equipment.

Rural. Rural providers serve a larger proportion of Medicare beneficiaries and are more adversely affected by reductions in Medicare payments. The proposal addresses the unique situation faced in rural areas through a number of measures, including establishing a capital loan fund to improve infrastructure of small rural facilities, providing assistance to develop technology related to new prospective payment systems, creating bonus payments for providers who serve independent hospitals, and ensuring rural facilities can continue to offer quality lab services to beneficiaries.

Hospice. Payments to hospices have not kept up with the cost of providing care because of the cost of prescription drugs, the therapies now used in end-of-life care, as well as decreasing lengths of stay. Hospice base rates have not been increased since 1989. The Senate Democrats' BBA Refinement proposal provides additional funding for hospice services to account for their increasing costs.

Nursing Homes. The BBA was expected to reduce payments to nursing homes by about $9.5 billion. The actual reduction in payments to SNFs over the period is expected to be significantly larger. A significant number of skilled nursing providers have gone into bankruptcy in the past two years. The Senate Democrats' BBA Refinement proposal:

Allows nursing home payments to keep up with increases in costs.

Further delays caps on the amount of therapy a patient can receive.

Medicare+Choice. Senate Democrats are committed to ensuring that appropriate payments are made to Medicare+Choice plans. In addition, for beneficiaries who have lost Medicare+Choice plans in their area, Senate Democrats have included provisions that strengthen fee-for-service Medicare and assist beneficiaries in the period immediately following loss of service.

Other Provisions. Access to other types of care and services are adversely affected by existing policy. The Senate Democrats' proposal will address high priority issues, including adequate payment for dialysis to assure access to quality care for end stage renal disease (ESRD) patients, training of geriatricians, and others.

Beneficiary Improvements. In addition to ensuring access to vital health care providers, the proposal includes refinements to Medicare that directly, help beneficiaries. Senate Democrats continue to believe that passage of a universal, affordable, voluntary, and meaningful Medicare prescription drug benefit is of highest priority. Other improvements for beneficiaries include:

Lowering beneficiary coinsurance in hospital outpatient departments more quickly.

Removing current restrictions on payment for immunosuppressive drugs for organ transplant patients.

Allowing beneficiaries to return to the same nursing home after a hospital stay.

Medicaid and SCHIP. Improvements to the BBA as well as to immigration and welfare reform legislation that passed in 1996 could mean significantly improved access to health care for a number of uninsured people. Improvements in the proposal include:

Giving states the option to cover legal immigrant children and pregnant women.

Improving eligibility and enrollment processes in SCHIP and Medicaid.

Extending and improving the Transitional Medical Assistance program for people who leave welfare for work.

Giving states grants to develop home and community based services for beneficiaries who would otherwise be in nursing homes.

Creating a new payment system for Community Health Centers to ensure they remain a strong, viable component of our health care safety net.

Mr. DASCHLE. Mr. President, I yield the floor.

Mr. MOYNIHAN. Mr. President. I commend the distinguished Democratic Leader Senator DASCHLE on his statement and join him in supporting the Democratic BBA Refinement and Access to Care Proposal. As the Leader said, the Balanced Budget Act of 1997 (BBA) has cut Medicare spending far more than had been intended. Our Democratic proposal would spend $80 billion over 10 years to mitigate the unintended effects of the BBA on our nation's health care providers and beneficiaries.

In particular, I want to highlight that our package would prevent further reductions in payments to our Nation's teaching hospitals. The BBA, unwisely in my view, enacted a multi-year schedule of cuts in payments by Medicare to academic medical centers. These cuts would seriously impair the cutting edge research conducted by teaching hospitals, as well as impair their ability to train doctors and to serve so many of our nation's indigent.

Last year, in the Balanced Budget Refinement Act (BBRA), we mitigated the scheduled reductions in fiscal years 2000 and 2001. The package we are proposing today, would cancel any further reductions in what we call "Indirect Medical Education payments," thereby restoring nearly $7 billion to our Nation's teaching hospitals.

I have stood before my colleagues on countless number of times to bring attention to the financial plight of medical schools and teaching hospitals. Yet, I regret that the fate of the 144 accredited medical schools and 1416 graduate medical education teaching institutions still remains uncertain. The proposals in our Democratic BBA refinement package will provide critically needed financing in the short-run. In the long-run, we need to restructure the financing of graduate medical education along the lines I have proposed in the Graduate Medical Education Trust Fund Act that I have introduced in the last 3 Congresses. That legislation would require the public and private sectors to provide support for graduate medical education. More on that later.

My particular interest in this topic goes back to 1994 when the Finance Committee took up the President's Health Security Act. As Chairman of the Committee I asked Paul Marks, then President of Memorial Sloan-Kettering, Cancer Center to arrange a "seminar" for me on health care issues. We convened on Wednesday, January 19, 1994 in the Laurance S. Rockefeller Boardroom at 10 a.m. At about a quarter past the hour I was told that the University of Minnesota might have to close its medical school.

Whereupon my education in this began. Minnesota is where the Scandinavians (Swedes) settled. They don't close medical schools: they open medical schools. What was going on? It was simple enough: managed care had reached the high plains. The good folk of Lake Wobegon had dutifully signed on, only to learn that market-based health plans do not send patients to teaching hospitals, because they cost too much. No teaching hospital: ergo no medical school.

In the Clinton Administration health security plan, they assumed health care costs would continue to rise. The Administration's solution to this was rationing—cut the number of doctors by one quarter, specialists by one-half and so on.

As I have described elsewhere, a dissenting paper dated April 26, 1993, by

"Workgroup 12" of "Tollgate 5," was written by a physician in the Veterans' Administration. Workgroup 12 was part of the 500 person Clinton health care task force. The paper began:

FOR OFFICIAL USE ONLY

Subject: Proposal to cap the total number of graduate physician (resident) entry (PGY-1) training positions in the U.S.A. to 110 percent of the annual number of graduates of U.S. medical schools.

Issue: Although this proposal has been presented in toll-gate documents as the position of Group 12, it is not supported by the majority of the members of Group 12 . . . .

Reasons not to cap the total number of U.S. residency training positions for physician graduates.

1. This proposal has been advanced by several Commissions within the last two years as a measure to control the costs of health care. While ostensibly advanced as a manpower policy, its rationale lies in economic policy. Its advocates believe that each physician in America represents a cost center. He not only receives a high personal salary, but is able to generate health care costs by ordering tests, admitting patients to hospitals and performing technical procedures. This thesis may be summarized as: To control costs, control the number of physicians.

Despite the lack of support for this proposal in the task force, the Clinton Administration moved ahead anyway with its workforce proposals. In the 1,362 page bill (S. 1775) that I introduced for the Clinton Administration, this appeared:

. . . the National Council [on Graduate Medical Education] shall ensure that, of the class of training participants entering eligible programs for academic year 1998-99 or any subsequent academic year, the percentage of such class that completes eligible programs in primary health care is not less than 55 percent (without regard to the academic year in which the members of the class complete the programs).

The Clinton Administration also proposed to limit the number of residents based on the number of graduates from American medical schools. Although there was no explicit cap in the bill that I introduced for the Clinton Administration, subsequent legislation, such as that offered by Senator Mitchell, included a cap of 110 percent.

As this was all done in secret—and buried in a 1,362 page bill—there was no national debate on this Clinton Workforce proposal. When all else fails, the press is supposed to step in. It did not. The 1993-1994 Nexis tabulation for the Times, East Coast and West Coast uncovered only 3 articles pertaining to the Clinton workforce proposal compared to thousands of articles on health reform.

Not surprisingly, the Finance Committee went in a different direction. Charles J. Fahey, on behalf of the Catholic Health Association, told us that we were witnessing the "commodification of medicine." Further down the witness table we were told that a spot market had developed for bone-marrow transplants in Southern California. In other words we need not worry about rising costs, competition would depress prices. Indeed, Medicare costs actually declined in 1999.

But take note—there would be side effects. Markets do not provide public goods so teaching hospitals would be at risk. Everyone benefits from public goods but no one has any incentive to pay. It follows that for the most part teaching hospitals have to be paid for by the public, indirectly through tax exemption or directly through expenditure.

On June 29, 1994, the Finance Committee Chairman's Mark—as we refer to these things—of the Health Security Act provided for a Graduate Medical Education and Academic Health Center Trust Fund to be financed by a 1.5 percent tax on all private health care premiums. An additional levy of .25 percent was added on to pay for medical research as proposed by Senator Hatfield. A motion to strike the 1.75 percent premium tax failed by 13 votes to 7. And we were not bashful about calling this assessment a tax, to wit:

"(a) IMPOSITION OF TAX.—There is hereby imposed—

"(1) on each taxable health insurance policy, a tax equal to 1.75 percent of the premiums received under such policy, and

"(2) on each amount received for health-related administrative services, a tax equal to 1.75 percent of the amount so received."

The bill, as reported out of the Finance Committee, set a goal of covering 95 percent of Americans through subsidies to help low-income people buy health insurance, as well as reforms in the private health insurance market. A National Health Care Commission was to make recommendations for reaching:

95 percent health insurance coverage in community rating areas that have failed to meet that target.

I might note that the Senate Finance Committee was the only committee that reported a bill that was actually taken up on the Floor. However, upon taking up the Finance Committee bill, Senate Majority Leader George Mitchell offered his own substitute health reform plan which became the focus of the ultimately fruitless Senate debate.

Future prospects, for these fine institutions, are not all that they should be. During negotiation of the Balanced Budget Refinement Act of 1999 Senator ROTH and I, with assistance from my good friend Congressman RANGEL, were able to forestall some of the scheduled deep cuts in indirect medical education payments, but, I'm afraid, only temporarily.

There were proposals about—for example by the Bipartisan Commission on the Future of Medicare, Chaired by Senator BREAUX—that would subject Graduate Medical Education payments to the appropriations process. Fifty-five of my colleagues, including Senators STEVENS and BYRD, the Chairman and Ranking Member of the Appropriations Committee, joined with me to oppose this approach.

In a February, 1999 letter, we pointed out the critical role of America's teaching hospitals in clinical research and health services research.

Teaching hospitals play a vitally important role in the nation's health care delivery system. In addition to the mission of patient care that all hospitals fulfill, teaching hospitals serve as the pre-eminent setting for the clinical education of physicians and other health professionals. . . . In order to remain the world leader in graduate medical education, we must continue to maintain Medicare's strong commitment to the nation's teaching hospitals.

I'm happy to report that in the final version of the Commission's report, they seem to have relented somewhat recommending that:

Congress should provide a separate mechanism for continued funding [of Graduate Medical Education] through either a mandatory entitlement or multi-year discretionary appropriation program.

What is needed is explicit and dedicated funding for these institutions, which will ensure that the United States continues to lead the world in this era of medical discovery. The Graduate Medical Education Trust Fund Act would require that the public sector, through the Medicare and Medicaid programs, and the private sector through an assessment on health insurance premiums, provide broad-based financial support for graduate medical education. The Clinton Administration proposed something similar as part of the Health Security Act. Funding for Graduate Medical Education would come from Medicare and from corporate and regional health alliances—but there was no way anyone could have known it as they attempted to trace the flow of money between and among these corporate and regional health alliances.

My bill would roughly double current funding levels for Graduate Medical Education and would establish a Medical Education Advisory Commission to make recommendations on the operation of the Medical Education Trust Fund, on alternative payment sources for funding graduate medical education and teaching hospitals, and on policies designed to maintain superior research and educational capacities.

After this year, I will not be there fighting in the last hours of a legislative session to preserve funding for Graduate Medical Education. The vehicle to preserve that funding, I would maintain, remains the trust fund legislation that I first introduced in June 1996.

As I said at the opening of my statement, I am pleased that the $80 billion package the Democratic Leader has announced today, would cancel scheduled cuts in "Indirect Medical Education" payments to our Nation's teaching hospitals, restoring about $7 billion over 10 years to those institutions. But this is only an interim step. I strongly urge that we take the next step which would be to enact my proposal for a Medical Education Trust Fund, which would ensure an adequate, stable source of funding for these vital institutions.

The PRESIDING OFFICER. Under the previous order, the Senator from Montana is recognized for 5 minutes.

MISSOURI RIVER RIDER

Mr. BAUCUS. Mr. President, I rise to join the minority leader and others who have expressed strong opposition to section 103 of the energy and water appropriations bill, which affects the management of the Missouri River.

From the debate that we've had thus far, you might think that this is pretty straightforward. Upstream states against downstream states, in a conventional battle about who gets water, how much they get, and when they get it.

I'm not going to kid anybody. That is a big part of the debate. I'm from an upstream state. We believe that we've been getting a bad deal for years. We want more balanced management of the system. That will, among other things, give more weight to the use of the water for recreation upstream, at places like Fort Peck reservoir in Montana.

Under the current river operations, there are times when the lake has been drawn down so low that boat ramps are a mile or more from the water's edge.

Our project manager at Fort Peck, Roy Snyder, who does a great job at that facility, has talked to me about how much healthier the river would be with a spring rise/split season management.

But it's not just a conventional battle over water. There's more to it. A lot more.

You wouldn't necessarily know that from the text of the provision itself. It says that none of the funds made available in the bill:

> . . . may be used to revise the Missouri River Master Water Control Manual when it is made known to the Federal entity or official to which the funds are made available that such revision provides for an increase in the springtime water release program during the spring heavy rainfall and snow melt period in States that have rivers draining into the Missouri River below the Gavins Point Dam.

That's what the bill says.

Here's what it does.

Simply put, it prohibits the Secretary of the Army from obeying the law of the land. Specifically, it prohibits the Secretary from complying with the Endangered Species Act.

Let me explain. Like any other Federal agency, the Army Corps of Engineers has a legal obligation, under section 7 of the Endangered Species Act, to operate in a way that does not jeopardize the existence of any endangered species.

That's just common sense. After all, private landowners have to comply with the Endangered Species Act. Why should federal agencies get a free pass?

They shouldn't. The federal government should do its part. That's why section 7 is a fundamental part of the ESA. Without section 7, the ESA would be unfair to private landowners and, in many cases, would provide no protection for endangered species whatsoever.

Let's turn to the Missouri River. The river provides habitat for three endangered species: The pallid sturgeon, the piping plover, and the least interior tern.

Accordingly, in developing its new master manual, which will govern the operation of the river, the Corps is legally required to propose a management approach that protects the habitat for these three species.

Now, under section 7, when there's a pretty good chance that a federal agency's actions might jeopardize a species, the agency must consult with the Fish and Wildlife Service.

That's the right approach. When it comes to the nuts and bolts of running a river system, the Corps is the expert. But, when it comes to the nuts and bolts of protecting a species, the Fish and Wildlife Service is the expert. No question.

So, as it is legally required to do, the Corps has consulted with the Fish and Wildlife Service, initially under what's called the "informal consultation process."

There have been problems. Serious problems.

When the Corps issued the first Environmental Impact Statement for the Master Manual, back in 1994, the Fish and Wildlife Service issued a draft opinion saying that, in it's judgment, the proposed operation would jeopardize the three species.

In 1998, the Corps issued a revised EIS. Once again, the Fish and Wildlife Service said that, in it's judgment, the proposed operation still would jeopardize the three species.

Then we made progress. On March 30 of this year, the Corps announced that it was entering into a formal consultation with the Fish and Wildlife Service and would rely on the Service's biological judgment to propose an alternative that does not jeopardize the species. In other words, it would fully comply with the ESA.

We expect the Fish and Wildlife Service to issue it's biological opinion any day now. That opinion will explain, based on the best scientific information available, how to provide the needed protection for the recovery of the 3 endangered species on the river.

Nobody outside the agency knows for sure what the biological opinion will say. But, based on all of the scientific discussion that's gone on so far, there's a good likelihood that it will require more releases of water in the spring, to maintain the instream flows necessary to provide habitat for the sturgeon, plover, and tern.

That probably will mean fewer releases in the summer which, some will argue, could affect barge traffic downstream.

That's where section 103 of the bill comes in. It prevents the Corps releasing more water in the spring.

In other words, if the biological opinion comes out the way most folks expect it to, section 103 prevents the Corps from complying with the Endangered Species Act.

So, again, this debate is not just about the allocation of water between upstream and downstream states.

The debate is also, fundamentally, about whether, in one fell swoop, we should waive the application of the Endangered Species Act to one of the largest rivers in the country. The river, I might add, that is the wellspring of the history of the American west.

I suggest that the answer is obvious. We should not.

Mr. President, let me also respond to a point that some of the supporters of section 103 have made.

They argue, in essence, that we've lost our chance. Sort of like the legal notion of estoppel. This provision has been in the bill for several years, they argue. We've never tried to delete it before.

So. I suppose they're trying to imply, it's somehow inappropriate for us to raise it now.

This argument is a red herring. A distraction.

Up until now, we've never been in a situation in which there was an impending biological opinion under the endangered Species Act. So, by definition, the earlier provisions did not override the Endangered Species Act.

What's more, in the absence of a biological opinion, there was no real likelihood that the Corps would implement a spring rise.

So the provision was theoretical. Symbolic. It had absolutely no practical effect.

Now, Mr. President, it most certainly will. That's why we are raising the issue.

One final point. If we pass section 103, and the Corps is directed to operate the system in violation of the Endangered Species Act, there will be a lawsuit.

That will have two effects. First, it will slow things down. Second, it may well put us in the position of having the river operated, in effect, by the courts rather than by the Corps.

We've seen this happen along the Columbia Snake River system, and it's not been an easy experience for anyone.

In closing, I suggest that there's a better way. After all, once a biological opinion is issued, there will be an opportunity for public comment, so this decision will not be made in a vacuum.

In fact, there have been countless public meetings and forums on the revision of the Master Manual over the years. And that's as it should be.

So let's not create a special exemption for the Corps. Let's require them to abide by the same law that we apply to everybody else.

Let's allow the regular process to work. Let's allow the agencies to continue to consult and figure out how to strike the balance that's necessary to manage this mighty and beautiful river: for upstream states, for downstream states, and for the protection of endangered species; that is, for all of us.

PNTR

Mr. BAUCUS. Mr. President, I am very glad the Senate has voted to invoke cloture and will finally get to the bill granting China permanent normal trade relations status. That bill will come up in September. That legislation has the strong support of at least three-quarters of the Members of this body, and it is deeply in our national interests. We should have rapidly disposed of it months ago. But later is better than never. I hope very much when we bring it up in September that we have a very large vote—at least three-quarters, as I earlier stated.

When we make that vote, it will be a profound choice. The question will be, Do we bring China into the orbit of the global trading community with its rule of law? Or do we choose to isolate and contain China, creating a 21st century version of a cold war in Asia?

China is not our enemy. China is not our friend. The issue for us is how to engage China, and this means engagement with no illusions—engagement with a purpose. How do we steer China's energies into productive, peaceful, and stable relationships within the region and globally? For just as we isolate China at our peril, we engage them to our advantage.

The incorporation of China into the WTO—and that includes granting them PNTR—is a national imperative for the United States of America.

I might add that when the debate comes up on PNTR in September, various Senators will offer amendments, as is their right, to that legislation. I think it is essential that we maintain the integrity of the House-passed bill. Many of those amendments that will be coming are very worthy amendments, and in another context they should pass. I would vote for them. But to maintain the integrity of the House-passed bill, I will strongly urge my colleagues to vote against amendments that are added on to the PNTR legislation, as worthy as they are, even though Senators certainly have a right to bring them up, because if those amendments were to pass, we would no longer be maintaining the integrity of the House-passed bill. But the bill would have to go back to conference, and that would, in my judgment, jeopardize passage of PNTR to such a great degree that we should take the extraordinary step of not passing those amendments.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I rise to address the body on an issue.

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota was to be recognized.

Mr. WELLSTONE. Mr. President, I rise to participate in the debate on the motion to proceed. But I have been doing work with my colleague, Senator BROWNBACK. I ask unanimous consent that I be allowed to follow Senator BROWNBACK.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kansas is recognized.

Mr. BROWNBACK. Thank you, very much, Mr. President. I thank my colleague from Minnesota for doing that.

TRAFFICKING VICTIMS PROTECTION ACT OF 2000

Mr. BROWNBACK. Mr. President, I recognize my colleague from Minnesota today, for legislation that he and I have been working on together has passed this body. It previously passed the House, and now will go to conference. It is The Trafficking Victims Protection Act of 2000. It is a bill—one of the first perhaps in the world—to address the growing ugly practice of sex trafficking where people are traded into human bondage—again, into the sex and prostitution business around the world. It is an ugly practice that is growing. More organized crime is getting into it. It is one of the darker sides of globalization that is taking place in the world.

It is estimated that the size of this business is $7 billion annually, only surpassed by that of the illegal arms trade on an illegal basis. If those numbers aren't stark enough, the numbers of the individuals involved is stark enough.

Our intelligence community estimates that up to 700,000 women and children—primarily young girls—are trafficked, generally from poorer countries to richer countries each year, and sold into bondage; raped, held against their will, locked up, and food withheld from them until they submit to this sex trade. That is taking place in our world in the year 2000. Our intelligence community estimates that 50,000 are trafficked into the United States into this ugly traffic.

I had a personal experience with this earlier this year. In January, I traveled to Nepal and met with a number of girls who had been trafficked and then returned. They had been tricked to leave their villages. Many of them were told at the ages of 11, 12, or 13: Come with us. We are going to get you a job as a housekeeper, or making rugs, or some other thing in Bombay, India, that will be much better than what you are doing now.

Their families don't have the wherewithal to pay their livelihood. Their families are poor as can be. They are not able to feed them, and the families say: Go ahead.

They then take them across the border. They take their papers from them. They force them into brothels in Bombay or Calcutta or somewhere else and force them into this trade.

Some of these girls make their way back at the age of 16 or 17 years of age. Two-thirds of them now carry AIDS and/or tuberculosis. Most of them come home to die.

It is one of the ugliest, darkest things I have seen around the world.

The Senate took the step today to start to deal with this practice that is occurring around the world, and that is occurring in the United States.

My colleague, Senator WELLSTONE, and I worked this legislation together to be able to get it moved through this body.

I am so thankful to him and other people who have worked greatly on this legislation to get it passed.

I particularly want to recognize, on my staff, Sharon Payt, who has leaned in for a long time to be able to get this done.

This is the new, modern form of slavery.

Trafficking victims are the new enslaved of the world. Until lately, they have had no advocates, no defenders, no avenues of escape, except death, to release them from the hellish types of circumstances and conditions they have been trafficked into. This is changing rapidly—a new movement of awareness is forming to wrench freedom for the victims and combat trafficking networks. This growing movement runs from 'right' to 'left,' from Chuck Colson to Gloria Steinem, and from SAM BROWNBACK to PAUL WELLSTONE. Our legislation, which passed today, is part of that movement, providing numerous protections and tools to empower these brutalized people toward re-capturing their dignity and obtaining justice, and getting their lives back.

Trafficking has risen dramatically in the last 10 to 15 years with experts speculating that it could exceed the drug trade in revenues in the next few decades. It is coldly observed that drugs are sold once, while a woman or child can be sold 20 and even 30 times a day. This dramatic increase is attributed also to the popularizing of the sex industry worldwide, including the increase of child pornography, and sex tours in Eastern Asia. As the world's dark appetite for these practices grows, so do the number of victims in this evil manifestation of global trade.

The victims are usually transported across international borders so as to 'shake' local authorities, leaving them defenseless in a foreign country, virtually held hostage in a strange land. Perpetrating further vulnerability, often they are "traded" routinely among brothels in different cities. This deliberate ploy robs them of assistance from family, friends, and authorities.

The favorite age for girls in some countries is around 13 years of age. I have a 14-year-old daughter and it almost makes me cry to think of somebody being taken out of the home at that age and submitted and subjected and forced into this type of situation. Thirteen is the favorite age. There is a demand particularly for virgins because of the fear of AIDS. Now, imagine, your daughter, your sister, your granddaughter in that hellish condition.

International trafficking routes are very specific and include the Eastern European states, particularly Russia and the Ukraine, into Central Europe and Israel. Other routes include girls sold or abducted from Nepal to India—the Nepalese girls are prized because they are beautiful, illiterate, extremely poor with no defenders, and compliant, making it easy to keep them in bondage. In Eastern Asia, most abductees are simple tribal girls from isolated mountain regions who are forced into sexual service, primarily in Thailand and Malaysia. These are only a few of the countless but repeatedly traveled routes.

One of two methods, fraud or force, is used to obtain victims. Force is often used in the cities wherein, for example, the victim is physically abducted and held against her will, sometimes in chains, and usually brutalized through repeated rape and beatings. Regarding fraudulent procurement, typically the "buyer" promises the parents that he is taking their daughter away to become a nanny or domestic servant, giving the parents a few hundred dollars as a "down payment" for the future money she will earn for the family. Then the girl is transported across international borders, deposited in a brothel and forced into the trade until she is no longer useful having contracted AIDS. She is held against her will under the rationale that she must "work off" her debt which was paid to the parents, which usually takes several years, if she remains alive that long.

A Washington Post article, Sex Trade Enslaves East Europeans, dated July 25th, vividly captures the suffering of one Eastern Europe woman who was trafficked through Albania to Italy: "As Irina recounts the next part of her story, she picks and scratches at the skin on her face, arms and legs, as if looking for an escape . . . she says the women were raped by a succession of Albanian men who stopped by at all hours, in what seemed part of a carefully organized campaign of psychological conditioning for a life of prostitution." This insidious activity must be challenged, and our legislation would do exactly that. That is what this body has passed today.

This legislation establishes, for the first time, a bright line between the victim and perpetrator. Presently, most existing laws internationally fail to distinguish between victims of sexual trafficking and their perpetrators. Sadly and ironically, victims are punished more harshly than the traffickers, because of their illegal immigration status and lack of documents (which the traffickers have confiscated to control the victim).

In contrast, our legislation punishes the perpetrators and provides an advocacy forum to promote international awareness, as well as providing the following:

Criminal punishment for persons convicted of operating as traffickers in the U.S.

Creates a new immigration status termed a "T" visa for trafficking victims found in the U.S., to promote aggressive prosecution of traffickers.

Directs USAID, as well as domestic government agencies to fund programs for victim assistance and awareness to help stop this practice, both overseas and domestically.

Establishes an annual reporting mechanism to identify trafficking offenders, both individual and country-specific.

Advances rule of law programs to promote combating of international sex trafficking.

Authorizes grants for law enforcement agencies to investigate and prosecute international trafficking, and assist in drafting and implementation of new legislation.

In closing, there is a unique generosity in the American people, who are defined by their vigilance for justice. As we challenge this dehumanizing practice, an inspired movement is growing in America and worldwide. Sparking this awareness are courageous groups which deserve acknowledgment, including the International Justice Mission with Gary Haugen, and the Protection Project with Dr. Laura Lederer, among several others. Both Senator WELLSTONE and I hope this legislation is the beginning of the end for this modern-day slavery known as trafficking.

Mr. President, we had five major health organizations come together and identify the violence in our entertainment that is harming our children. The organizations include the American Medical Association, American Psychological Association, American Academy of Child and Adolescent Psychiatry, the American Academy of Family Physicians, and the American Academy of Pediatricians.

I turn the floor back over to my colleague from Minnesota. Today, his interest has culminated in this legislation passing this body. This is the most significant human rights legislation we have passed this Congress, if not for several years. This is going to save lives. It will start identifying this pernicious, ugly, dark practice around the world for what it is. We are going to start saving people's lives as a result of it.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, the Senate tonight passed the Trafficking in Victims Protection Act of 2000. Similar legislation passed the House. The conference committee is committed to this legislation. I don't think there is any question but that the Congress is going to pass this bill. This was a huge step forward.

I thank Senator BROWNBACK who for 3½ years, at least, has been working on this. It started with my wife Sheila, who brought this to my attention. I remember meeting with women from Ukraine—which is where my father was born—describing what had happened to them.

Senator BROWNBACK is absolutely right. This is one of the brutal aspects of this new global economy. It supplements drug trafficking, except quite often it is more profitable, believe it or not, because the women—girls—are recycled over and over again. We are talking about close to 1 million women and girls, the trafficking of these women and girls for purposes of forced prostitution or forced labor.

We are talking about the trafficking of some 50,000 women, girls, to our country. Two miles away, in Bethesda, there was a massage parlor with a group of girls from Ukraine. The country is in economic disarray. They thought this was an opportunity. They came to our country. Their passports were taken away. They were isolated. Senator BROWNBACK talked about the isolation. They were beaten up. They were raped. They were forced into prostitution. In our country, in the year 2000, this goes on in the world, and in the United States of America.

This legislation would never pass without the leadership of Senator BROWNBACK and the leadership of Sharon Payt. I thank Wes Carrington, who is on the floor with me, and Jill Hickson, two fellows who have been gifts from Heaven, and Charlotte Moore, who has been working on this, and my wife Sheila.

I could talk for hours about this, but I will emphasize a couple of key aspects. First, prevention, a focus on doing the public information work in these countries and work with the consulates so these girls have some understanding of what their rights are, so they are warned about the dangers of this when the recruiters are out there to try to prevent this from happening in the first place; and an emphasis on how you can get economic development from microenterprise to opportunities for women. Part of the problem is the way in which women are so devalued in too many nations. Also, the grinding poverty.

Second, protection. The bitter, bitter, bitter irony, colleagues, is that quite often the victims are the ones who are punished, and these mobsters and criminals who are involved in the trafficking of these women and girls with this blatant exploitation get away with literally murder.

One of the problems is that these girls and women can't step forward because then they will be deported. So we have an extension of temporary visas for up to 3 years for the women, girls, and a final decision is made as to whether or not they can stay in the country.

In addition, there is some help for them. We have in Minnesota the Center for the Treatment of Torture Victims. It is a holy place. It is a spiritual place. Most of these women and men come from Africa. They have been through a living hell. We read about child soldiers. We read about what is happening. It takes a long time for people to be able to rebuild their lives when they have been through this, when they have been tortured.

There are 120 governments today in the world that are engaged in this systematic use of torture today; the same thing for these women and girls. Imagine what it is like for them. There is help for them.

Finally, prosecution, and taking this seriously, treating it as a crime so, for example, if you are trafficking a young girl under the age of 14 and forcing her into prostitution, you face a life sentence in prison.

And finally, not automatic sanctions but a listing of those governments which are involved in the trafficking, which have turned their gaze away and refused to do anything about it. With it being up to a President, be he Democrat or Republican or she a Democrat or Republican, in the future, as to whether or not there is an action to be taken.

It is a good piece of legislation. I think Senator BROWNBACK is right. I think it is the human rights legislation to pass the Congress. It will pass. Mr. Koh, Assistant Secretary of Human Rights at the State Department, has been great. The administration has been supportive. We have had a lot of support from Democrats and Republicans here, and I really feel good about it.

I said to Senator BROWNBACK, I think Senator BENNETT can appreciate this because I think he is like this—the first part I don't want to say is his view—but there are some days where I just cannot decide whether or not I have really been able to help anybody. You try, but you just sometimes get so frustrated. I think this piece of legislation we passed will help a lot of people. I really do. I say to Senator BROWNBACK, I think it is a good model for other governments, other countries. I am not being grandiose here. I think we can get this out to a lot of fellow legislators in other nations and other NGOs. I know there is a lot of interest.

I rise to speak about this bill, to tell my colleague from Kansas, Senator BROWNBACK, I appreciated working with him, and to say to the Senate—all the Senators; after all, this passed by unanimous consent—thank you, thank you for your support.

THE DEBATE ON CHINA

Mr. WELLSTONE. Mr. President, if it is OK with Senator BROWNBACK, I want to briefly respond to my colleague from Montana. I will do it under 10 minutes, to anticipate the debate we are going to have on China.

I think some of this debate has already become confused. My father was born in Odessa, Ukraine, then moved to Russia in the Far East Siberia. His father was a hatter trying to stay ahead of the czarist troops—Jewish. He then moved to Harbin, then to Peking, then came over to the United States of America when he was 17, in 1914, 3 years before the revolution. He then was going to go back, because first it was the Social Democrats but then the Bolsheviks, the Communists, took over, and his family told him not to come back. I believe his father lost all of his family to Stalin. I think they were all murdered, because all the letters stopped.

My father is no longer alive. He spoke 10 languages fluently and was really—you would have liked him, Mr. President.

My father taught me that we should value human rights. Our country is a leader in this area. When we turn our gaze away from the persecution of people and the violation of human rights of people in the world, we diminish ourselves.

This debate we are going to have after Labor Day is not about whether or not we should have trade with China. We have trade with China. We have a tremendous amount of trade. In fact, we have a huge trade deficit, I think to the tune of about $70 billion.

It is not about whether we should have an embargo of China like an embargo of Cuba. I don't think the embargo of Cuba makes much sense, and certainly no one I know is recommending an embargo of China.

It is not about whether or not we want to isolate China. China is not going to be isolated. China is very much a part of the international economy.

The debate is about whether or not we maintain for ourselves the right to annually review trade relations with China so we at least have some small amount of leverage when it comes to human rights.

According to the State Department report last year on human rights in China:

> The Government's poor human rights record deteriorated markedly throughout the year, as the Government intensified efforts to suppress dissent, particularly organized dissent. Abuses includes instances of extrajudicial killings, torture, mistreatment of prisoners, and denial of due process.

The Commission on Religious Freedom chaired by David Saperstein recommended that we not automatically grant normal trade relations with China because of the religious persecution in China and laid out a series of criteria that should be met, and that will be the first amendment I will introduce.

Yes, to us giving China most favored nation status. But not until they at least meet basic, simple, elementary criteria so the people in China have the right to practice their religion. Are we going to turn our gaze away from that?

According to Amnesty International, "throughout China mass summary executions continue to be carried out. At least 6,000 death sentences and 3,500 executions were officially recorded last year."

The real figures are believed to be much higher.

In the debate, I will talk about Wei Jingsheng and Harry Wu—people, in addition to these statistics. But let me be clear to my colleagues. After all the discussion about all the economic relations having led to opening up society and it has all changed, the human rights record has deteriorated. There is not one Senator who can come to the floor and make the argument that, because of trade relations—I understand investment opportunities making a lot of money—the human rights record has improved in China, or that the situation in Tibet has improved, or that people now can practice their religion. It is not true. Don't we want to maintain just a little bit of leverage and just say we have the right to annually review our trade relations with China?

One other point. I think what you are going to see is not more exports to China. I am going to hold every single Senator and I am going to hold the administration accountable as well.

The President came to my State of Minnesota. He said we were going to have all these exports in agriculture, and it was going to help out family farmers who were struggling to survive. I don't know if that is going to be the case. There are 700 million farmers in China. I do know this. What is more likely to happen is there will be more exports in China and multinational corporations will go to China and

China will become even more of a low-wage export platform or, for that matter, you will have large grain companies producing corn in China well below the cost of production for family farmers in our own country.

Wal-Marts pay 14 cents an hour. Other U.S. companies pay 5 cents and 6 cents an hour. If you should try to organize a union in China, you would wind up in prison.

So I will have three other amendments, and I will yield the floor on this. I will have an amendment that deals with forced prison labor conditions in China and says: Enough of this, if we are going to have normal trade relations. I will have another amendment that says the people in China should have the right to form independent unions and not wind up in prison. And I will have a final amendment that will basically say that in our State, our workers should have the right to organize; there should be labor law reform; no longer should it just be the company that gets to talk to employees during an organizing drive; no longer should companies be able to illegally fire workers, have it be profitable, and not have to pay stiff back penalties, back fines.

We are forever being told now that we live in a global economy. And that is true. But the implications of that statement are seldom recognized. To me that means, if we truly care about human rights, we can no longer just be concerned about human rights at home. If we live in a global economy and we truly care about religious freedom, then we can no longer just be concerned about religious freedom at home. If we are in a global economy and we truly care about the rights of organizers to organize and be able to make a decent living so they can take care of their families, then we have to be concerned not just about the rights of organizers in our country but organizers in the world. And if we truly care about the environment, then we can no longer concern ourselves with just environmental protections at home, but environmental protections in other countries as well.

Do you know that a large majority of the Senate is all for this—automatically extending normal trade relations with China or most favored nation trade status? Do you know what the polls show? The polls show Americans oppose eliminating any review of China's human rights record by 65 to 18 percent; 67 percent oppose China's admission to the WTO, although that is not what this debate will be about; and 83 percent of the people in our country support inclusion of strong environmental and labor standards in future trade agreements.

My colleague—1 minute left—my colleague from Montana, whom I enjoy, said: I am going to call on all Senators to vote against all amendments.

I am going to tell Senators a lot of these amendments are substantive and they are serious. Look at what we had happen on several of these tax bills, the majority leader came out after we had passed amendments and then introduced an amendment that wiped out all those amendments.

I am going to remind Senators of that precedent. I am going to remind Senators that you cannot go back home and explain with much credibility to the people you represent that you would not vote for the people in China to have the right to practice their religion; you would not vote for basic support for human rights; you would not vote for people to organize a union and not wind up in prison; you would not vote for labor law reform because you said: Oh, well, you see, we had to go into conference committee and we had to keep it clean and I could not vote for that.

A. that is not true; B, it is the ultimate Washington insider argument. One has to vote for what one thinks is right. One has to vote for the substance of each one of these amendments. That is the challenge I present to my colleagues. I look forward to this debate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. I thank the Chair.

(The remarks of Mr. Brownback pertaining to the introduction of S. 2982 are located in today's Record under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BROWNBACK. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Washington.

THE NEED FOR PIPELINE LEGISLATION

Mr. GORTON. Mr. President, on June 15, under the leadership of Chairman McCain, the Senate Commerce Committee passed a bill reauthorizing and amendment the Pipeline Safety Act. This bill is, in my view, the single most important piece of legislation the committee will address this session. Following a June 10, 1999, accident in Bellingham, WA, that killed three children, blackened a magnificent city park, and sent shock waves through the community and State, Senator Murray and I have been working in front of and behind the scenes to see the Federal law regulating the operation of pipelines is changed: that communities and citizens are better informed about pipelines; that States can obtain a clear role in the oversight of interstate pipelines; that the Federal Office of Pipeline Safety adopts more meaningful safety standards; and that funding is increased for Federal and State pipeline safety operations.

While we are well on our way to accomplishing this last goal—the Senate has provided a significant increase in funding for the Office of the Pipeline Safety, and I have earmarked matching Federal funds for Washington State to supplement the funds appropriated by the State legislature for expanded safety activities—securing passage of the authorizing legislation has proven more difficult. I come to the floor to tell my colleagues that I will not rest in seeking the enactment of meaningful legislation this year. I am by nature a determined man, and my resolve on this issue has been strengthened by the example set by the Mayor of Bellingham, whose interest in this matter has not been half-hearted or expedient, but who has devoted and continues to devote time, resources, and thought to what we can do to make pipelines safer. I am committed to seeing that his efforts and my own are not in vain.

The bill that passed the Commerce Committee is a good one. It makes meaningful changes in Federal law. S. 2438 requires the Federal Office of Pipeline Safety to implement the recommendations of the Inspector General of the Department of Transportation by completing rulemakings that are long overdue, collecting better information to determine the causes of pipeline accidents, and providing better training to OPS inspectors. It accelerates the deadline for operators to prepare plans for training and qualifying their employees. It requires that information about pipeline incidents and safety-related conditions be made available to the public and that operators work with local communities to educate them about the location and risks of pipelines and what to do in case of an accident. The bill increases fines for violations, and explicitly provides a role for States in the oversight of interstate pipelines. It provides more funding for the Office of Pipeline Safety and direction on areas of research and development to focus on to improve safety.

In addition, the bill imposes on operators of pipelines of any length—not just longer pipelines as suggested by the administration—an obligation to conduct risk analyses and to adopt integrity management plans for high consequence areas—plans that provide for periodic assessments of pipelines' integrity. S. 2438 ensures that OPS will have easier access to operator information, and lowers the liquid spill reporting threshold to 5 gallons. It creates a national database of pipeline events and conditions. The bill contains protections for whistle blowers. Significantly, the bill also authorizes the Secretary to create a pilot program for State safety advisory committees to allow for meaningful citizen input into safety issues of local and State concern, and to monitor the performance of the Office of Pipeline Safety.

The bill, in summary, substantially improves current law. Unfortunately, in its current form, I am told, the bill will be stopped by a pipeline industry that can prevent its passage by getting any single Member to place a "hold" on the bill once the committee report is filed. At another time, however, when the Senate is able to debate the measure, the reforms could be much less palatable to industry. It has already been over a year since the fatal accident in Bellingham, and the public should not have to wait longer for improvements to the federal pipeline law.

While I led the effort to defeat amendments offered in the Commerce Committee that I thought undermined this legislation, I recognized then, as I do now, that some of the issues raised by industry should be and must be addressed if we are to enact legislation this year.

I have tried, since the committee passed the bill, to understand and address industry concerns in a reasonable manner. While I think we are getting close on a number of issues, I am growing impatient, particularly with the industry's continued opposition to allowing State and local input on pipeline safety issues of local concern. At some point—and this point will come very soon after our return from the August recess—I will ask my colleagues, one by one if necessary, to join me in voting for S. 2438 and a sound manager's amendment. I trust by that time they will be satisfied that the pipeline industry has had a fair opportunity to work out a reasonable compromise and that the time has come for Congress to act in the interest of all Americans.

IMPROVING FUEL ECONOMY

Mr. GORTON. Mr. President, I am here to cheer the announcement by the Ford Motor Company that it will voluntarily improve the fuel economy of its fleet of sport utility vehicles by 25 percent over a period of 5 years. At a time when gas prices are skyrocketing and sales of SUVs are increasing, this announcement couldn't come at a better time. Ford's decision to make SUVs more fuel efficient is welcome news. I have long said that the industry has existing technology to allow cars to go farther on a gallon of gas and to save consumers money at the gas pump. Ford has set an example that other auto manufacturers should follow immediately. I am anxiously awaiting a response from the remaining two of the big three and hope they will join Ford in its pursuit of cleaner, more efficient vehicles.

I hope the manufacturers, now having pledged to improve fuel efficiency, will join me in my efforts to study an increase in corporate average fuel economy standards. As my colleagues know, I have long been an advocate of raising CAFE standards and scored a breakthrough victory earlier this year that paves the way for the Department of Transportation and the National Academy of Sciences, once again, to study fuel efficiency standards and their relationship to such issues as vehicle safety and to recommend the findings to Congress by July 1, 2001. I look forward to working with the automotive industry to ensure that this study is fair and balanced.

Many constituents and colleagues are surprised to learn of my advocacy for CAFE standards. My motivation is a simple one and is based on the success of the original CAFE standards statutes. I have never been swayed by doomsday predictions from automakers that claim they would be forced to manufacture a fleet of subcompact cars if we allowed the Department of Transportation to study and impose an increase in CAFE standards. We have come a long way from absolute opposition to a study of the issue to today's major announcement by the Ford Motor Company that will be of tremendous benefit to consumers who want cleaner, more efficient SUVs. This announcement reaffirms my faith in the ability of American automobile manufacturers to produce fuel-efficient vehicles that are the envy of the world. The debate over raising CAFE standards has come a long way, and I look forward to continuing this debate when Congress returns from its August recess.

BREACHING COLUMBIA AND SNAKE RIVER DAMS

Mr. GORTON. Mr. President, on a third and separate subject, during the course of this past week, four Northwest Governors, two Republicans and two Democrats—the Governors of Montana, Idaho, Washington, and Oregon—released a framework that shows great promise toward the recovery of endangered salmon on the Columbia and Snake Rivers. They have done so without recommending that any dams on the Columbia and Snake Rivers be breached and destroyed. I agree wholeheartedly with the following statement from their plan:

> The region must be prepared in the near term to recover salmon and meet its larger fish and wildlife restoration obligations by acting now in areas of agreement without resorting to breaching the four Snake River dams.

That is a reasonable statement. Unfortunately, it is not one which Vice President GORE and the Federal agencies now concerned with salmon enhancement endorse in their countervailing recommendations of today to keep moving forward with plans to destroy those dams.

I agree with the bipartisan Governors' plan in many of its elements, including the principle that performance standards must be scientifically based, subject to scientific peer review, reasonably obtainable, and measurable. I agree with the Governors that the National Marine Fisheries Service should work together with local, State, and tribal governments and private landowners on what specific improvements are needed for recovery. I agree with the Governors that we need real leadership and that the President of the United States should appoint one official in the region who will be accountable and who will efficiently oversee Federal agency fish recovery efforts.

Over the past decade, we have squandered more than a billion dollars and commissioned dozens of studies that have done little to promote a consensus on how best to save salmon. The Governors and I agree that local salmon recovery plans that avoid Federal methods of duplication and top-down planning are a much more effective method of saving salmon. I agree with the Governors that States should move ahead to designate priority watersheds for salmon and steelhead plans that are to be developed within 1 year and that the Federal agencies should have clear numerical goals so that success may be measured in those watersheds.

The appropriations subcommittee of this Congress last year directed the National Marine Fisheries Service to provide numerical goals for all of the listed fish in the Puget Sound and Columbia River regions and a schedule for all other areas and to provide this information to Congress by July 1 of this year. Instead of fulfilling this request, those agencies have said they will not have any goals until the fall of 2001 and that they have only begun the technical recovery planning for any species of fish they seek to recover. In other words, once again the administration says what we ought to do without knowing what those steps are designed to accomplish.

I agree with the Governors and their recommendation that the Army Corps of Engineers, the National Marine Fisheries Service, and the U.S. Fish and Wildlife Service must develop a long-term management plan to address predation by fish-eating birds and marine mammals, including seals and sea lions, and do so by the end of the year. I agree with the Governors that the National Marine Fisheries Service should work with the region to conduct an intensive study to address the role of the ocean in fish recovery and ask that the management of fish and fresh water reflect new information about the ocean as it is developed.

In short, I believe the Governors have a plan that will work. I have supported millions of dollars in salmon recovery money to be given to the States and to local volunteer groups and will work with them.

On the other hand, today the National Marine Fisheries Service has come out with its top-down recommendations, recommendations that, I want to point out, once again call for very specific measures and steps to be taken but do not state any goals for recovery and do not allow us to know what they believe success will be or how that success will be measured.

In the course of the last week or 10 days, the newspapers in the Pacific Northwest have been filled with statements that the Federal Government had abandoned the idea of dam removal as an element in salmon recovery at least for a decade. And the implication was that they had abandoned it forever.

Not so, Mr. President. What does the biological opinion that was issued today say in that respect?

It says:

> The reasonable and prudent alternative requires that further development of breaches as an option is necessary, and it requires the Corps of Engineers by fiscal year 2002 to seek appropriations to complete preliminary engineering and design work by 2005 for potential removal of the four lower Snake River dams.

It does that in spite of the fact that:

> There is considerable uncertainty in assessing the status of listed fish under current conditions, and the alternative of breaching dams is highly dependent on the degree to which there is delayed mortality associated with juvenile fish passage at the dams and whether breaching would help even to answer these uncertainties.

Well, we have a set of Federal agencies that have disagreed with one another. The Corps of Engineers, a year ago, reached the conclusion that dam removal was a poor idea. It did so in spite of vastly underestimating, according to the General Accounting Administration, the adverse impacts on the society, the economy, and the environment of the Pacific Northwest. That recommendation was deleted from its formal opinion by orders of the White House.

Vice President GORE has visited the State of Washington on three or four occasions during the course of this year. Each time he has been asked to state his opinion on dam removal, including a specific request by one of his supporters, the Governor of Oregon. He has ducked, dodged, and defied any attempt to get him to reach a conclusion on that particular subject. But I think this biological opinion released by the administration today shows what that opinion is. It is very simple: We will fool the people of the Pacific Northwest by saying we have probably abandoned the idea between now and the 8th of November, and then under these recommendations we can change our mind very rapidly when they won't have a direct say over who will manage the next national administration.

Contrast that position with the forthright and unconditional pledge of Governor Bush that the removal of our dams, the destruction of our physical infrastructure, is not an option; that we can and will recover the salmon resources in the Pacific Northwest by the use of our imaginations and by following the advice of the people whose lives are affected by these decisions—a view that I believe is entirely consistent with the recommendations this week of the four Governors—two Republicans and two Democrats, as I have already pointed out—from the Pacific Northwest itself.

Well, we do have something to say about this issue. I pledge I will do everything I can between now and the adjournment of this Congress in late September or early October to see to it this administration is not allowed to waste any more money—not a single dollar—on further studies to remove dams on the Columbia-Snake River system. We will call them to account for their own policies. Their own policies now say this decision should be moved down the road. Fine. We will move the whole decision down the road and hope that we will have a President who will be mindful of the views of the people of the Pacific Northwest and, in the meantime, we are not going to let them waste money to build a case for removing dams that ought to stay in place.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BEND PINE NURSERY LAND CONVEYANCE ACT

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 486, S. 1936.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

> A bill (S. 1936) to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other National Forest System land in the State of Oregon and use the proceeds derived from the sale or exchange for National Forest System purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bend Pine Nursery Land Conveyance Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(2) STATE.—The term "State" means the State of Oregon.

SEC. 3. SALE OR EXCHANGE OF ADMINISTRATIVE SITES.

(a) IN GENERAL.—The Secretary may, under such terms and conditions as the Secretary may prescribe, sell or exchange any or all right, title, and interest of the United States in and to the following National Forest System land and improvements:

(1) Tract A, Bend Pine Nursery, comprising approximately 210 acres, as depicted on site plan map entitled "Bend Pine Nursery Administrative Site, May 13, 1999".

(2) Tract B, the Federal Government owned structures located at Shelter Cove Resort, Deschutes National Forest, buildings only, as depicted on site plan map entitled "Shelter Cove Resort, November 3, 1997".

(3) Tract C, portions of isolated parcels of National Forest Land located in Township 20 south, Range 10 East section 25 and Township 20 South, Range 11 East sections 8, 9, 16, 17, 20, and 21 consisting of approximately 1,260 acres, as depicted on map entitled "Deschutes National Forest Isolated Parcels, January 1, 2000".

(4) Tract D, Alsea Administrative Site, consisting of approximately 24 acres, as depicted on site plan map entitled "Alsea Administrative Site, May 14, 1999".

(5) Tract E, Mapleton Administrative Site, consisting of approximately 3 acres, as depicted on site plan map entitled "Mapleton Administrative Site, May 14, 1999".

(6) Tract F, Springdale Administrative Site, consisting of approximately 3.6 acres, as depicted on site plan map entitled "Site Development Plan, Columbia Gorge Ranger Station, April 22, 1964".

(7) Tract G, Dale Administrative Site, consisting of approximately 37 acres, as depicted on site plan map entitled "Dale Compound, February 1999".

(8) Tract H, Crescent Butte Site, consisting of approximately .8 acres, as depicted on site plan map entitled "Crescent Butte Communication Site, January 1, 2000".

(b) CONSIDERATION.—Consideration for a sale or exchange of land under subsection (a) may include the acquisition of land, existing improvements, or improvements constructed to the specifications of the Secretary.

(c) APPLICABLE LAW.—Except as otherwise provided in this Act, any sale or exchange of National Forest System land under subsection (a) shall be subject to the laws (including regulations) applicable to the conveyance and acquisition of land for the National Forest System.

(d) CASH EQUALIZATION.—Notwithstanding any other provision of law, the Secretary may accept a cash equalization payment in excess of 25 percent of the value of land exchanged under subsection (a).

(e) SOLICITATIONS OF OFFERS.—

(1) IN GENERAL.—Subject to paragraph (3), the Secretary may solicit offers for sale or exchange of land under this section on such terms and conditions as the Secretary may prescribe.

(2) REJECTION OF OFFERS.—The Secretary may reject any offer made under this section if the Secretary determines that the offer is not adequate or not in the public interest.

(3) RIGHT OF FIRST REFUSAL.—The Bend Metro Park and Recreation District in Deschutes County, Oregon, shall be given the right of first refusal to purchase the Bend Pine Nursery described in subsection (a)(1).

(f) REVOCATIONS.—

(1) IN GENERAL.—Any public land order withdrawing land described in subsection (a) from all forms of appropriation under the public land laws is revoked with respect to any portion of the land conveyed by the Secretary under this section.

(2) EFFECTIVE DATE.—The effective date of any revocation under paragraph (1) shall be the date of the patent or deed conveying the land.

SEC. 4. DISPOSITION OF FUNDS.

(a) DEPOSIT OF PROCEEDS.—The Secretary shall deposit the proceeds of a sale or exchange under section 3(a) in the fund established under Public Law 90–171 (16 U.S.C. 484a) (commonly known as the "Sisk Act").

(b) USE OF PROCEEDS.—Funds deposited under subsection (a) shall be available to the Secretary, without further Act of appropriation, for—

(1) the acquisition, construction, or improvement of administrative and visitor facilities and associated land in connection with the Deschutes National Forest;

(2) the construction of a bunkhouse facility in the Umatilla National Forest; and

(3) to the extent the funds are not necessary to carry out paragraphs (1) and (2), the acquisition of land and interests in land in the State.

(c) ADMINISTRATION.—Subject to valid existing rights, the Secretary shall manage any land acquired by purchase or exchange under this Act in accordance with the Act of March 1, 1911 (16 U.S.C. 480 et seq.) (commonly known as the "Weeks Act") and other laws (including regulations) pertaining to the National Forest System.

SEC. 5. CONSTRUCTION OF NEW ADMINISTRATIVE FACILITIES.

The Secretary may acquire, construct, or improve administrative facilities and associated land in connection with the Deschutes National Forest System by using—

(1) funds made available under section 4(b); and

(2) to the extent the funds are insufficient to carry out the acquisition, construction, or improvement, funds subsequently made available for the acquisition, construction, or improvement.

SEC. 6. AUTHORIZATION OF APPROPRIATION.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the committee amendment be agreed to, the bill, as amended, be considered read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

The bill (S. 1936), as amended, was read the third time and passed.

THE CALENDAR

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Senate now proceed, en bloc, to the following two bills, Calendar No. 633, S. 1894, and Calendar No. 635, S. 2421.

The PRESIDING OFFICER. The clerk will report the bills by title.

The legislative clerk read as follows:

A bill (S. 1894) to provide for the conveyance of certain land to Park County, Wyoming.

A bill (S. 2421) to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing an Upper Housatonic Valley National Heritage Area in Connecticut and Massachusetts.

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that any committee amendments be agreed to, where appropriate, the bills be read the third time and passed, as amended, if amended, any title amendments be agreed to, as necessary, the motions to reconsider be laid upon the table, and that any statements relating to the bills be printed in the RECORD, with the above occurring en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONVEYANCE OF LAND

The Senate proceeded to consider the bill (S. 1894) to provide for the conveyance of certain land to Park County, Wyoming, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike out all after the enacting clause and insert printed in italic.

SECTION 1. CONVEYANCE OF LAND TO PARK COUNTY, WYOMING.

(a) FINDINGS.—Congress finds that—

(1) over eighty-two percent of the land in Park County, Wyoming, is owned by the Federal Government;

(2) the parcel of land described in subsection (d) located in Park County has been withdrawn from the public domain for reclamation purposes and is managed by the Bureau of Reclamation;

(3) the land has been subject to a withdrawal review, a level I contaminant survey, and historical, cultural; and archaeological resource surveys by the Bureau of Reclamation;

(4) the Bureau of Land Management has conducted a cadastral survey of the land and has determined that the land is no longer suitable for return to the public domain;

(5) the Bureau of Reclamation and the Bureau of Land Management concur in the recommendation of disposal of the land as described in the documents referred to in paragraphs (3) and (4); and

(6) the County has evinced an interest in using the land for the purposes of local economic development.

(b) DEFINITIONS.—In this Act:

(1) COUNTY.—The term "County" means Park County, Wyoming.

(2) ADMINISTRATOR.—The term "Administrator" means the Administrator of the General Services Administration.

(c) CONVEYANCE.—In consideration of payment of $240,000 to the Administrator by the County, the Administrator shall convey to the County all right, title, and interest of the United States in and to the parcel of land described in subsection (d).

(d) DESCRIPTION OF PROPERTY.—The parcel of land described in this subsection is the parcel located in the County comprising 190.12 acres, the legal description of which is as follows:

Sixth Principal Meridian, Park County, Wyoming

T. 53 N., R. 101 W.	*Acreage*
Section 20, S½SE¼SW¼SE¼	*5.00*
Section 29, Lot 7	*9.91*
Lot 9	*38.24*
Lot 10	*31.29*
Lot 12	*5.78*
Lot 13	*8.64*
Lot 14	*0.04*
Lot 15	*9.73*
S½NE¼NE¼NW¼	*5.00*
SW¼NE¼NW¼	*10.00*
SE¼NW¼NW¼	*10.00*
NW¼SW¼NW¼	*10.00*
Tract 101	*13.24*
Section 30, Lot 31	*16.95*
Lot 32	*16.30*

(e) RESERVATION OF RIGHTS.—The instrument of conveyance under subsection (c) shall reserve all rights to locatable, salable, leaseable coal, oil, or gas resources.

(f) LEASES, EASEMENTS, RIGHTS-OF-WAY, AND OTHER RIGHTS.—The conveyance under subsection (c) shall be subject to any land-use leases, easements, rights-of-way, or valid existing rights in existence as of the date of the conveyance.

(g) ENVIRONMENTAL LIABILITY.—As a condition of the conveyance under subsection (c), the United States shall comply with the provisions of section 9620(h) of title 42, United States Code.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may require such additional terms and conditions in connection with the conveyance under subsection (c) as the Administrator considers appropriate to protect the interests of the United States.

(i) TREATMENT OF AMOUNTS RECEIVED.—The net proceeds received by the United States as payment under subsection (c) shall be deposited into the fund established in section 490(f) of title 40 of the United States Code, and may be expended by the Administrator for real property management and related activities not otherwise provided for, without further authorization.

The committee amendment was agreed to.

The bill (S. 1894), as amended, was read the third time and passed.

UPPER HOUSATONIC VALLEY NATIONAL HERITAGE AREA STUDY ACT OF 2000

The Senate proceeded to consider the bill (S. 2421) to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing an Upper Housatonic Valley National Heritage Area in Connecticut and Massachusetts.

The bill was read the third time, and passed, as follows:

S. 2421

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Upper Housatonic Valley National Heritage Area Study Act of 2000".

SEC. 2. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) STUDY AREA.—The term "Study Area" means the Upper Housatonic Valley National Heritage Area, comprised of—

(A) the part of the watershed of the Housatonic River, extending 60 miles from Lanesboro, Massachusetts, to Kent, Connecticut;

(B) the towns of Canaan, Cornwall, Kent, Norfolk, North Canaan, Salisbury, Sharon, and Warren, Connecticut; and

(C) the towns of Alford, Dalton, Egremont, Great Barrington, Hinsdale, Lanesboro, Lee, Lenox, Monterey, Mount Washington, New

Marlboro, Pittsfield, Richmond, Sheffield, Stockbridge, Tyringham, Washington, and West Stockbridge, Massachusetts.

SEC. 3. AUTHORIZATION OF STUDY.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall complete a study of the Study Area.

(b) INCLUSIONS.—The study shall determine, through appropriate analysis and documentation, whether the Study Area—

(1) includes an assemblage of natural, historical, and cultural resources that represent distinctive aspects of the heritage of the United States that—

(A) are worthy of recognition, conservation, interpretation, and continued use; and

(B) would best be managed—

(i) through partnerships among public and private entities; and

(ii) by combining diverse and, in some cases, noncontiguous resources and active communities;

(2) reflects traditions, customs, beliefs, and folklife that are a valuable part of the story of the United States;

(3) provides outstanding opportunities to conserve natural, historical, cultural, or scenic features;

(4) provides outstanding recreational and educational opportunities;

(5) contains resources important to any theme of the Study Area that retains a degree of integrity capable of supporting interpretation;

(6) includes residents, business interests, nonprofit organizations, and State and local governments that—

(A) are involved in the planning of the Study Area;

(B) have developed a conceptual financial plan that outlines the roles of all participants for development and management of the Study Area, including the Federal Government; and

(C) have demonstrated support for the concept of a national heritage area;

(7) has a potential management entity to work in partnership with residents, business interests, nonprofit organizations, and State and local governments to develop a national heritage area consistent with continued State and local economic activity; and

(8) is depicted on a conceptual boundary map that is supported by the public.

(c) CONSULTATION.—In conducting the study, the Secretary shall consult with—

(1) State historic preservation officers;

(2) State historical societies; and

(3) other appropriate organizations.

(d) REPORT.—Not later than 3 fiscal years after the date on which funds are made available to carry out this Act, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the findings, conclusions, and recommendations of the study.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated $300,000 to carry out this Act.

DESIGNATING WILSON CREEK AS A COMPONENT OF THE NATIONAL WILD AND SCENIC RIVERS SYSTEM

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Senate now proceed to the following bill, Calendar No. 638, H.R. 1749.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1749) to designate Wilson Creek in Avery and Caldwell Counties, North Carolina, as a component of the National Wild and Scenic Rivers System.

There being no objection, the Senate proceeded to consider the bill.

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that any committee amendments be agreed to, where appropriate, the bill be read the third time and passed, any title amendments be agreed to, as necessary, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1749) was read the third time and passed.

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration en bloc of the following two bills: Calendar No. 631, S. 610, and Calendar No. 741, S. 2279.

The PRESIDING OFFICER. The clerk will report the bills by title.

The legislative clerk read as follows:

A bill (S. 610) to direct the Secretary of the Interior to convey certain lands under the jurisdiction of the Bureau of Land Management in Washakie County and Big Horn County, Wyoming, to the Westside Irrigation District, Wyoming, and for other purposes.

A bill (S. 2279) to authorize the addition of land to Sequoia National Park, and for other purposes.

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that any committee amendments be agreed to, where appropriate, the bills be read the third time and passed, any title amendments be agreed to, as necessary, the motions to reconsider be laid upon the table, and any statements relating to the bills be printed in the RECORD, with the above occurring en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONVEYANCE OF LAND IN WASHAKIE COUNTY AND BIG HORN COUNTY, WYOMING TO THE WESTSIDE IRRIGATION DISTRICT, WYOMING

The Senate proceeded to consider the bill (S. 610) to direct the Secretary of the Interior to convey certain land under the jurisdiction of the Bureau of Land Management in Washakie County and Big Horn County, Wyoming, to the Westside Irrigation District, Wyoming, and for other purposes, which had been reported by the Committee on Energy and Natural Resources with an amendment to strike all after the enacting clause and insert the part printed in italic:

SECTION 1. CONVEYANCE.

(a) IN GENERAL.—On completion of an environmental analysis under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Secretary of the Interior, acting through the Director of the Bureau of Land Management (referred to in this Act as the "Secretary"), shall convey to the Westside Irrigation District, Wyoming (referred to in this Act as "Westside"), all right, title, and interest (excluding the mineral interest) of the United States in and to such portions of the Federal land in Big Horn County and Washakie County, Wyoming, described in subsection (c), as the district enters into an agreement with the Secretary to purchase.

(b) PRICE.—The price of the land conveyed under subsection (a) shall be equal to the appraised value of the land, as determined by the Secretary.

(c) LAND DESCRIPTION.—

(1) IN GENERAL.—The land referred to in subsection (a) is the approximately 16,500 acres of land in Big Horn County and Washakie County, Wyoming, as depicted on the map entitled "Westside Project" and dated May 9, 2000.

(2) ADJUSTMENT.—On agreement of the Secretary and Westside, acreage may be added to or subtracted from the land to be conveyed as necessary to satisfy any mitigation requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(d) USE OF PROCEEDS.—Proceeds of the sale of land under subsection (a) shall be deposited in a special account in the Treasury of the United States and shall be available to the Secretary of the Interior, without further Act of appropriation, for the acquisition of land and interests in land in the Worland District of the Bureau of Land Management in the State of Wyoming that will benefit public recreation, public access, fish and wildlife habitat, or cultural resources.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 610), as amended, was read the third time and passed.

AUTHORIZING ADDITION OF LAND TO SEQUOIA NATIONAL PARK

The Senate proceeded to consider the bill (S. 2279) to authorize the addition of land to Sequoia National Park, and for other purposes, which was ordered to be engrossed for the third reading, read the third time, and passed, as follows:

S. 2279

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITION TO SEQUOIA NATIONAL PARK.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall acquire by donation, purchase with donated or appropriated funds, or exchange, all interest in and to the land described in subsection (b) for addition to Sequoia National Park, California.

(b) LAND ACQUIRED.—The land referred to in subsection (a) is the land depicted on the map entitled "Dillonwood", numbered 102/80,044, and dated September 1999.

(c) ADDITION TO PARK.—On acquisition of the land under subsection (a), the Secretary shall—

(1) add the land to Sequoia National Park;

(2) modify the boundaries of Sequoia National Park to include the land; and

(3) administer the land as part of Sequoia National Park in accordance with all applicable law (including regulations).

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration en bloc of the following two bills: Calendar No. 634, S. 2352, and Calendar No. 666, S. 2020.

The PRESIDING OFFICER. The clerk will report the bills by title.

The legislative clerk read as follows:

A bill (S. 2352) to designate portions of the Wekiva River and associated tributaries as a component of the National Wild and Scenic Rivers System.

A bill (S. 2020) to adjust the boundary of the Natchez Trace Parkway, Mississippi, and for other purposes.

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that any committee amendments be agreed to, where appropriate, the bills be read the third time and passed, any title amendments be agreed to, as necessary, the motions to reconsider be laid upon the table, and any statements relating to the bills be printed in the RECORD, with the above occurring en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

WEKIVA WILD AND SCENIC RIVER DESIGNATION ACT

The Senate proceeded to consider the bill (S. 2352) to designate portions of the Wekiva River and associated tributaries as a component of the National Wild and Scenic River System, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert the part printed in italic.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Wekiva Wild and Scenic River Designation Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) Public Law 104-311 authorized the study of the Wekiva River and the associated tributaries of Rock Springs Run and Seminole Creek (including Wekiwa Springs Run and the tributary of Black Water Creek that connects Seminole Creek to the Wekiva River) for potential inclusion in the National Wild and Scenic Rivers System;

(2) the study referred to in paragraph (1) determined that the Wekiva River and the associated tributaries of Wekiwa Springs Run, Rock Springs Run, Seminole Creek, and Black Water Creek downstream of Lake Norris to the confluence with the Wekiva River are eligible for inclusion in the National Wild and Scenic Rivers System based on the free-flowing condition and outstanding scenic, recreational, fishery, wildlife, historic, cultural, and water quality values of those waterways;

(3) the public support for designation of the Wekiva River as a component of the National Wild and Scenic Rivers System has been demonstrated through substantial attendance at public meetings, State and local agency support, and the support and endorsement of designation by the Wekiva River Basin Working Group that was established by the Department of Environmental Protection of the State of Florida and represents a broad cross section of State and local agencies, landowners, environmentalists, nonprofit organizations, and recreational users;

(4) the State of Florida has demonstrated a commitment to protect the Wekiva River—

(A) by enacting Florida Statutes chapter 369, the Wekiva River Protection Act;

(B) by establishing a riparian habitat wildlife protection zone and water quality protection zone administered by the St. Johns River Water Management District;

(C) by designating the Wekiva River as outstanding Florida waters; and

(D) by acquiring State preserve, reserve, and park land adjacent to the Wekiva River and associated tributaries;

(5) Lake, Seminole, and Orange Counties, Florida, have demonstrated their commitment to protect the Wekiva River and associated tributaries in the comprehensive land use plans and land development regulations of those counties; and

(6) the segments of the Wekiva River, Rock Springs Run, and Black Water Creek described in section 3, totaling approximately 41.6 miles, are in public ownership, protected by conservation easements, or defined as waters of the State of Florida.

SEC. 3. DESIGNATION.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

"(162) WEKIVA RIVER, WEKIWA SPRINGS RUN, ROCK SPRINGS RUN, AND BLACK WATER CREEK, FLORIDA.—

"(A) The 41.6 miles of river tributary segments in Florida, as follows:

"(i) WEKIVA RIVER, FLORIDA.—The 14.9 miles of the Wekiva River, from its confluence with the St. Johns River to Wekiwa Springs, to be administered by the Secretary in the following classifications:

"(I) From the confluence with the St. Johns River to the southern boundary of the Lower Wekiva River State Preserve, approximately 4.4 miles, as a wild river.

"(II) From the southern boundary of the Lower Wekiva River State Preserve to the northern boundary of Rock Springs Run State Reserve at the Wekiva River, approximately 3.4 miles, as a recreational river.

"(III) From the northern boundary of Rock Springs Run State Reserve at the Wekiva River to the southern boundary of Rock Springs Run State Reserve at the Wekiva River, approximately 5.9 miles, as a wild river.

"(IV) From the southern boundary of Rock Springs Run State Reserve at the Wekiva River upstream along Wekiwa Springs Run to Wekiwa Springs, approximately 1.2 miles, as a recreational river.

"(ii) ROCK SPRINGS RUN, FLORIDA.—The 8.8 miles of Rock Springs Run, from its confluence with the Wekiwa Springs Run to its headwaters at Rock Springs, to be administered by the Secretary in the following classifications:

"(I) From the confluence with Wekiwa Springs Run to the western boundary of Rock Springs Run State Reserve at Rock Springs Run, approximately 6.9 miles, as a wild river.

"(II) From the western boundary of Rock Springs Run State Reserve at Rock Springs Run to Rock Springs, approximately 1.9 miles, as a recreational river.

"(iii) BLACK WATER CREEK, FLORIDA.—The 17.9 miles of Black Water Creek from its confluence with the Wekiva River to the outflow from Lake Norris, to be administered by the Secretary in the following classifications:

"(I) From the confluence with the Wekiva River to approximately .25 mile downstream of the Seminole State Forest road crossing, approximately 4.0 miles, as a wild river.

"(II) From approximately .25 mile downstream of the Seminole State Forest road to approximately .25 mile upstream of the Seminole State Forest road crossing, approximately .5 mile, as a scenic river.

"(III) From approximately .25 mile upstream of the Seminole State Forest road crossing to approximately .25 mile downstream of the old railroad grade crossing (approximately river mile 9), approximately 4.5 miles, as a wild river.

"(IV) From approximately .25 mile downstream of the old railroad grade crossing (approximately river mile 9) upstream to the boundary of Seminole State Forest (approximately river mile 10.6), approximately 1.6 miles, as a scenic river.

"(V) From the boundary of Seminole State Forest (approximately river mile 10.6) to approximately .25 mile downstream of the State Road 44 crossing, approximately .9 mile, as a wild river.

"(VI) From approximately .25 mile downstream of State Road 44 to approximately .25 mile upstream of the State Road 44A crossing, approximately .5 mile, as a recreational river.

"(VII) From approximately .25 mile upstream of the State Road 44A crossing to approximately .25 mile downstream of the Lake Norris Road crossing, approximately 4.8 miles, as a wild river.

"(VIII) From approximately .25 mile downstream of the Lake Norris Road crossing to the outflow from Lake Norris, approximately 1.1 miles, as a recreational river.

SEC. 4. SPECIAL REQUIREMENTS APPLICABLE TO WEKIVA RIVER AND TRIBUTARIES.

(a) DEFINITIONS.—As used in this Act:

(1) COMMITTEE.—The term "Committee" means the Wekiva River System Advisory Management Committee established pursuant to section 5.

(2) COMPREHENSIVE MANAGEMENT PLAN.—The terms "comprehensive management plan" and "plan" mean the comprehensive management plan to be developed pursuant to section 3(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(d)).

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) WEKIVA RIVER SYSTEM.—The term "Wekiva River system" means the segments of the Wekiva River, Wekiwa Springs Run, Rock Springs Run, and Black Water Creek in the State of Florida designated as components of the National Wild and Scenic Rivers System by paragraph (161) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)), as added by this Act.

(b) COOPERATIVE AGREEMENT.—

(1) USE AUTHORIZED.—In order to provide for the long-term protection, preservation, and enhancement of the Wekiva River system, the Secretary shall offer to enter into cooperative agreements pursuant to sections 10(c) and 11(b)(1) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(c), 1282(b)(1)) with the State of Florida, appropriate local political jurisdictions of the State, namely the counties of Lake, Orange, and Seminole, and appropriate local planning and environmental organizations.

(2) EFFECT OF AGREEMENT.—Administration by the Secretary of the Wekiva River system through the use of cooperative agreements shall not constitute National Park Service administration of the Wekiva River system for purposes of section 10(c) of the Wild and Scenic Rivers Act (10 U.S.C. 1281(c)) and shall not cause the Wekiva River system to be considered as a unit of the National Park System. Publicly owned lands within the boundaries of the Wekiva River system shall continue to be managed by the agency having jurisdiction over the lands, in accordance with the statutory authority and mission of the agency.

(c) COMPLIANCE REVIEW.—After completion of the comprehensive management plan, the Secretary shall biennially review compliance with the plan and shall promptly report to the Committee on Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate any deviation from the plan that could result in any diminution of the values for which

the Wekiva River system was designed as a component of the National Wild and Scenic Rivers System.

(d) Technical Assistance and Other Support.—The Secretary may provide technical assistance, staff support, and funding to assist in the development and implementation of the comprehensive management plan.

(e) Future Designation of Seminole Creek.—If the Secretary finds that Seminole Creek in the State of Florida, from its headwaters at Seminole Springs to its confluence with Black Water Creek, is eligible for designation under the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.), and the owner of the property through which Seminole Creek runs notifies the Secretary of the owner's support for designation, the Secretary may designate that tributary as an additional component of the National Wild and Scenic Rivers System. The Secretary shall publish notice of the designation in the Federal Register, and the designation shall become effective on the date of publication.

(f) Limitation on Federal Support.—Nothing in this section shall be construed to authorize funding for land acquisition, facility development, or operations.

SEC. 5. WEKIVA RIVER SYSTEM ADVISORY MANAGEMENT COMMITTEE.

(a) Establishment.—The Secretary shall establish an advisory committee, to be known as the Wekiva River System Advisory Management Committee, to assist in the development of the comprehensive management plan for the Wekiva River system.

(b) Membership.—The Committee shall be composed of a representative of each of the following agencies and organizations:

(1) The Department of the Interior, represented by the Director of the National Park Service or the Director's designee.

(2) The East Central Florida Regional Planning Council.

(3) The Florida Department of Environmental Protection, Division of Recreation and Parks.

(4) The Florida Department of Environmental Protection, Wekiva River Aquatic Reserve.

(5) The Florida Department of Agriculture and Consumer Services, Division of Forestry, Seminole State Forest.

(6) The Florida Audobon Society.

(7) The nonprofit organization known as the Friends of the Wekiva.

(8) The Lake County Water Authority.

(9) The Lake County Planning Department.

(10) The Orange County Parks and Recreation Department, Kelly Park.

(11) The Seminole County Planning Department.

(12) The St. Johns River Water Management District.

(13) The Florida Fish and Wildlife Conservation Commission.

(14) The City of Altamonte Springs.

(15) The City of Longwood.

(16) The City of Apopka.

(17) The Florida Farm Bureau Federation.

(18) The Florida Forestry Association.

(c) Additional Members.—Other interested parties may be added to the Committee by request to the Secretary and unanimous consent of the existing members.

(d) Appointments.—Representatives and alternates to the Committee shall be appointed as follows:

(1) State agency representatives, by the head of the agency.

(2) County representatives, by the Board of County Commissioners.

(3) Water management district, by the Governing Board.

(4) Department of the Interior representative, by the Southeast Regional Director, National Park Service.

(5) East Central Florida Regional Planning Council, by Governing Board.

(6) Other organizations, by the Southeast Regional Director, National Park Service.

(e) Role of Committee.—The Committee shall assist in the development of the comprehensive management plan for the Wekiva River system and provide advice to the Secretary in carrying out the management responsibilities of the Secretary under this Act. The Committee shall have an advisory role only, it will not have regulatory or land acquisition authority.

(f) Voting and Committee Procedures.—Each member agency, agency division, or organization referred to in subsection (b) shall have 1 vote and provide 1 member and 1 alternate. Committee decisions and actions will be made with the consent of ¾ of all voting members. Additional necessary Committee procedures shall be developed as part of the comprehensive management plan.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

Amend the title so as to read: "A bill to amend the Wild and Scenic Rivers Act to designate the Wekiva River and its tributaries of Wekiwa Springs Run, Rock Springs Run, and Black Water Creek in the State of Florida as components of the National Wild and Scenic Rivers System.".

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 2352), as amended, was read the third time and passed.

NATCHEZ TRACE PARKWAY, MISSISSIPPI

The Senate proceeded to consider the bill (S. 2020) to adjust the boundary of the Natchez Trace Parkway, Mississippi, and for other purposes, which had been reported from the Committee on Energy and Natural Resources.

The bill was read the third time and passed as follows:

S. 2020

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITIONS.

In this Act:

(1) Parkway.—The term "Parkway" means the Natchez Trace Parkway, Mississippi.

(2) Secretary.—The term "Secretary" means the Secretary of the Interior.

SEC. 2. BOUNDARY ADJUSTMENT AND LAND ACQUISITION.

(a) In General.—The Secretary shall adjust the boundary of the Parkway to include approximately—

(1) 150 acres of land, as generally depicted on the map entitled "Alternative Alignments/Area", numbered 604-20062A and dated May 1998; and

(2) 80 acres of land, as generally depicted on the map entitled "Emerald Mound Development Concept Plan", numbered 604-20042E and dated August 1987.

(b) Maps.—The maps referred to in subsection (a) shall be on file and available for public inspection in the office of the Director of the National Park Service.

(c) Acquisition.—The Secretary may acquire the land described in subsection (a) by donation, purchase with donated or appropriated funds, or exchange (including exchange with the State of Mississippi, local governments, and private persons).

(d) Administration.—Land acquired under this section shall be administered by the Secretary as part of the Parkway.

SEC. 3. AUTHORIZATION OF LEASING.

The Secretary, acting through the Superintendent of the Parkway, may lease land within the boundary of the Parkway to the city of Natchez, Mississippi, for any purpose compatible with the Parkway.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration, en bloc, of the following two bills: Calendar No. 680, S. 2247, and Calendar No. 681, H.R. 940.

The PRESIDING OFFICER. The clerk will report the bills by title.

The legislative clerk read as follows:

A bill (S. 2247) to establish the Wheeling National Area in the State of West Virginia, and for other purposes.

A bill (H.R. 940) to designate the Lackawanna Valley National Heritage Area, and for other purposes.

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that any committee amendments be agreed to, where appropriate, the bills be read the third time and passed, any title amendments be agreed to, as necessary, the motions to reconsider be laid upon the table, and any statements relating to the bills be printed in the Record, with the above occurring en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

WHEELING NATIONAL HERITAGE AREA ACT OF 2000

The Senate proceeded to consider the bill (S. 2247) to establish the Wheeling National Area in the State of West Virginia, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

(Omit the part in black brackets and insert the part printed in italic.)

S. 2247

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Wheeling National Heritage Area Act of 2000".

SEC. 2. FINDINGS AND PURPOSES.

(a) Findings.—The Congress finds that—

(1) the area in an around Wheeling, West Virginia, possesses important historical, cultural, and natural resources, representing major heritage themes of transportation, commerce and industry, and Victorian culture in the United States;

(2) the City of Wheeling has played an important part in the settlement of this country by serving as—

(A) the western terminus of the National Road of the early 1800's;

(B) the "Crossroads of America" throughout the nineteenth century;

(C) one of the few major inland ports in the nineteenth century; and

(D) the site for the establishment of the Restored State of Virginia, and later the

State of West Virginia, during the Civil War and as the first capital of the new State of West Virginia;

(3) the City of Wheeling has also played an important role in the industrial and commercial heritage of the United States, through the development and maintenance of many industries crucial to the Nation's expansion, including iron and steel, textile manufacturing, boat building, glass manufacturing, and stogie and chewing tobacco manufacturing facilities, many of which are industries that continue to play an important role in the national economy;

(4) the city of Wheeling has retained its national heritage themes with the designations of the old custom house (now Independence Hall) and the historic suspension bridge as National Historic Landmarks; with five historic districts; and many individual properties in the Wheeling area listed or eligible for nomination to the National Register of Historic Places;

(5) the heritage themes and number and diversity of Wheeling's remaining resources. should be appropriately retained, enhanced, and interpreted for the education, benefit, and inspiration of the people of the United States; and

(6) in 1992 a comprehensive plan for the development and administration of the Wheeling National Heritage Area was completed for the National Park Service, the City of Wheeling, and the Wheeling National Task Force, including—

(A) an inventory of the national and cultural resources in the City of Wheeling;

(B) criteria for preserving and interpreting significant natural and historic resources;

(C) a strategy for the conservation, preservation, and reuse of the historical and cultural resources in the City of Wheeling and the surrounding region; and

(D) an implementation agenda by which the State of West Virginia and local governments can coordinate their resources as well as a complete description of the management entity responsible for implementing the comprehensive plan.

(b) PURPOSES.—The purposes of this Act are—

(1) to recognize the special importance of the history and development of the Wheeling area in the cultural heritage of the Nation;

(2) to provide a framework to assist the City of Wheeling and other public and private entities and individuals in the appropriate preservation, enhancement, and interpretation of significant resources in the Wheeling area emblematic of Wheeling's contributions to the Nation's cultural heritage;

(3) to allow for limited Federal, State and local capital contributions for planning and infrastructure investments to complete the Wheeling National Heritage Area, in partnership with the State of West Virginia, the City of Wheeling, and other appropriate public and private entities; and

(4) to provide for an economically self-sustaining National Heritage Area not dependent on Federal financial assistance beyond the initial years necessary to establish the heritage area.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term "city" means the City of Wheeling;

(2) the term "heritage area" means the Wheeling National Heritage Area established in section 4;

(3) the term "plan" means the "Plan for the Wheeling National Heritage Area" dated August, 1992;

(4) the term "Secretary" means the Secretary of the Interior; and

(5) the term "State" means the State of West Virginia.

SEC. 4. WHEELING NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—In furtherance of the purposes of this Act, there is established in the State of West Virginia the Wheeling National Heritage Area, as generally depicted on the map entitled "Boundary Map, Wheeling National Heritage Area, Wheeling, West Virginia" and dated March, 1994. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(b) MANAGEMENT ENTITY.—(1) The management entity for the heritage area shall be the Wheeling National Heritage Corporation, a non-profit corporation chartered in the State of West Virginia.

(2) To the extent consistent with this Act, the management entity shall manage the heritage area in accordance with the plan.

SEC. 5. DUTIES OF THE MANAGEMENT ENTITY.

(a) MISSION.—The primary mission of the management entity shall be—

(A) to implement and coordinate the recommendations contained in the plan;

(B) ensure integrated operation of the heritage area; and

(C) conserve and interpret the historic and cultural resources of the heritage area.

(2) The management entity shall also direct and coordinate the diverse conservation, development, programming, educational, and interpretive activities within the heritage area.

(b) RECOGNITION OF PLAN.—The management entity shall work with the State of West Virginia and local governments to ensure that the plan is formally adopted by the City and recognized by the State.

(c) IMPLEMENTATION.—To the extent practicable, the management entity shall—

(1) implement the recommendations contained in the plan in a timely manner pursuant to the schedule identified in the plan—

(2) coordinate its activities with the City, the State, and the Secretary;

(3) ensure the conservation and interpretation of the heritage area's historical, cultural, and natural resources, including—

(A) assisting the City and the State in [a] the preservation of sites, buildings, and objects within the heritage area which are listed or eligible for listing on the National Register of Historic Places;

(B) assisting the City, the State, or a non-profit organization in the restoration of any historic building in the heritage area;

(C) increasing public awareness of and appreciation for the natural, cultural, and historic resources of the heritage area;

(D) assisting the State or City in designing, establishing, and maintaining appropriate interpretive facilities and exhibits in the heritage area;

(E) assisting in the enhancement of public awareness and appreciation for the historical, archaeological, and geologic resources and sites in the heritage area; and

(F) encouraging the City and other local governments to adopt land use policies consistent with the goals of the plan, and to take actions to implement those policies;

(4) encourage intergcvernmental cooperation in the achievement of these objectives;

(5) develop recommendations for design standards within the heritage area; and

(6) seek to create public-private partnerships to finance projects and initiatives within the heritage area.

(d) AUTHORITIES.—The management entity may, for the purposes of implementing the plan, use Federal funds made available by this Act to—

(1) make [loans or] grants to the State, City, or other appropriate public or private organizations, entities, or persons;

(2) enter into cooperative agreements with, or provide technical assistance to Federal agencies, the State, City or other appropriate public or private organizations, entities, or persons;

(3) hire and compensate such staff as the management entity deems necessary;

(4) obtain money from any source under any program or law requiring the recipient of such money to make a contribution in order to receive such money;

(5) spend funds on promotion and marketing consistent with the resources and associated values of the heritage area in order to promote increased visitation; and

(6) [to] contract for goods and services.

(e) ACQUISITION OF REAL PROPERTY.—(1) Except as provided in paragraph (2), the management entity may not acquire any real property or interest therein within the heritage area, other than the leasing of facilities.

(2)(A) Subject to subparagraph (B), the management entity may acquire real property, or an interest therein, within the heritage area by gift or devise, or by purchase from a willing seller with money which was donated, bequeathed, appropriated, or otherwise made available to the management entity on the condition that such money be used to purchase real property, or interest therein, within the heritage area.

(B) Any real property or interest therein acquired by the management entity pursuant to this paragraph shall be conveyed in perpetuity by the management entity to an appropriate public or private entity, as determined by the management entity. Any such conveyance shall be made as soon as practicable after acquisition, without consideration, and on the condition that the real property or interest therein so conveyed shall be used for public purposes.

(f) REVISION OF PLAN.—Within 18 months after the date of enactment, the management entity shall submit to the Secretary a revised plan. Such revision shall include, but not be limited to—

(1) a review of the implementation agenda for the heritage area;

(2) projected capital costs; and

(3) plans for partnership initiatives and expansion of community support.

SEC. 6. DUTIES OF THE SECRETARY.

(a) INTERPRETIVE SUPPORT.—The Secretary may, upon request of the management entity, provide appropriate interpretive, planning, educational, staffing, exhibits, and other material or support for the heritage area, consistent with the plan and as appropriate to the resources and associated values of the heritage area.

(b) TECHNICAL ASSISTANCE.—The Secretary [shall,] may upon request of the management entity and consistent with the plan, provide technical assistance to the management entity.

(c) COOPERATIVE AGREEMENTS, [LOANS] AND GRANTS.—The Secretary may, in consultation with the management entity and consistent with the management plan, make [loans and] grants to, and enter into cooperative agreements with the management entity, the State, City, non-profit organization or any person.

(d) PLAN AMENDMENTS.—No amendments to the plan may be made unless approved by the Secretary. The Secretary shall consult with the management entity in reviewing any proposed amendments.

SEC. 7. DUTIES OF OTHER FEDERAL AGENCIES.

Any Federal department, agency, or other entity conducting or supporting activities directly affecting the heritage area shall—

(1) consult with the Secretary and the management entity with respect to such activities.

(2) cooperate with the Secretary and the management entity in carrying out their duties under this Act, and to the extent practicable, coordinate such activities directly with the duties of the Secretary and the management entity.

(3) to the extent practicable, conduct or support such activities in a manner which the management entity determines will not have an adverse effect on the heritage area.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

[There is authorized to be appropriated such sums as may be necessary to carry out this Act.]

(a) In General.—There is authorized to be appropriated to carry out this Act $10,000,000 except that not more than $1,000,000 may be appropriated to carry out this Act for any fiscal year.

(b) Matching Funds.—Federal funding provided under this Act shall be matched at least 25 percent by other funds or in-kind services.

SEC. 9. SUNSET.

The Secretary may not make any grant or provide any assistance under this Act after September 30, 2015.

The committee amendments were agreed to.

The bill (S. 2247), as amended, was read the third time and passed.

[The bill will appear in a future edition of the Record.]

LACKAWANNA VALLEY NATIONAL HERITAGE AREA ACT OF 2000

The Senate proceeded to consider the bill (H.R. 940) to designate the Lackawanna Valley National Heritage Area, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment and an amendment to the title; as follows:

(Strike out all after the enacting clause and insert the part printed in italic.)

TITLE I—LACKAWANNA VALLEY NATIONAL HERITAGE AREA

SECTION 101. SHORT TITLE.

This title may be cited as the "Lackawanna Valley National Heritage Area Act of 2000".

SEC. 102. FINDINGS AND PURPOSES.

(a) Findings.—Congress finds that—

(1) the industrial and cultural heritage of northeastern Pennsylvania, including Lackawanna County, Luzerne County, Wayne County, and Susquehanna County, related directly to anthracite and anthracite-related industries, is nationally significant;

(2) the industries referred to in paragraph (1) include anthracite mining, ironmaking, textiles, and rail transportation;

(3) the industrial and cultural heritage of the anthracite and anthracite-related industries in the region described in paragraph (1) includes the social history and living cultural traditions of the people of the region;

(4) the labor movement of the region played a significant role in the development of the Nation, including—

(A) the formation of many major unions such as the United Mine Workers of America; and

(B) crucial struggles to improve wages and working conditions, such as the 1900 and 1902 anthracite strikes;

(5)(A) the Secretary of the Interior is responsible for protecting the historical and cultural resources of the United States; and

(B) there are significant examples of those resources within the region described in paragraph (1) that merit the involvement of the Federal Government to develop, in cooperation with the Lackawanna Heritage Valley Authority, the Commonwealth of Pennsylvania, and local and governmental entities, programs and projects to conserve, protect, and interpret this heritage adequately for future generations, while providing opportunities for education and revitalization; and

(6) the Lackawanna Heritage Valley Authority would be an appropriate management entity for a Heritage Area established in the region described in paragraph (1).

(b) Purposes.—The purposes of the Lackawanna Valley National Heritage Area are—

(1) to foster a close working relationship among all levels of government, the private sector, and the local communities in the anthracite coal region of northeastern Pennsylvania and enable the communities to conserve their heritage while continuing to pursue economic opportunities; and

(2) to conserve, interpret, and develop the historical, cultural, natural, and recreational resources related to the industrial and cultural heritage of the 4-county region described in subsection (a)(1).

SEC. 103. DEFINITIONS.

(1) Heritage Area.—The term "Heritage Area" means the Lackawanna Valley Historical Heritage Area established by section 4.

(2) Management Entity.—The term "management entity" means the management entity for the Heritage Area specified in section 4(c).

(3) Management Plan.—The term "management plan" means the management plan for the Heritage Area developed under section 6(b).

(4) Partner.—The term "partner" means—

(A) a Federal, State, or local governmental entity; and

(B) an organization, private industry, or individual involved in promoting the conservation and preservation of the cultural and natural resources of the Heritage Area.

(5) Secretary.—The term "Secretary" means the Secretary of the Interior.

SEC. 104. LACKAWANNA VALLEY NATIONAL HERITAGE AREA.

(a) Establishment.—There is established the Lackawanna Valley National Heritage Area.

(b) Boundaries.—The Heritage Area shall be comprised of all or parts of Lackawanna County, Luzerne County, Wayne County, and Susquehanna County, Pennsylvania, determined in accordance with the compact under section 5.

(c) Management Entity.—The management entity for the Heritage Area shall be the Lackawanna Heritage Valley Authority.

SEC. 105. COMPACT.

(a) In General.—To carry out this Title, the Secretary shall enter into a compact with the management entity.

(b) Contents of Compact.—The compact shall include information relating to the objectives and management of the area, including—

(1) a delineation of the boundaries of the Heritage Area; and

(2) a discussion of the goals and objectives of the Heritage Area, including an explanation of the proposed approach to conservation and interpretation and a general outline of the protection measures committed to by the partners.

SEC. 106. AUTHORITIES AND DUTIES OF THE MANAGEMENT ENTITY.

(a) Authorities of Management Entity.—The management entity may, for the purposes of preparing and implementing the management plan, use funds made available under this Title to hire and compensate staff.

(b) Management Plan.—

(1) In General.—The management entity shall develop a management plan for the Heritage Area that presents comprehensive recommendations for the conservation, funding, management, and development of the Heritage Area.

(2) Consideration of Other Plans and Actions.—The management plan shall—

(A) take into consideration State, county, and local plans;

(B) involve residents, public agencies, and private organizations working in the Heritage Area; and

(C) include actions to be undertaken by units of government and private organizations to protect the resources of the Heritage Area.

(3) Specification of Funding Sources.—The management plan shall specify the existing and potential sources of funding available to protect, manage, and develop the Heritage Area.

(4) Other Required Elements.—The management plan shall include the following:

(A) An inventory of the resources contained in the Heritage Area, including a list of any property in the Heritage Area that is related to the purposes of the Heritage Area and that should be preserved, restored, managed, developed, or maintained because of its historical, cultural, natural, recreational, or scenic significance.

(B) A recommendation of policies for resource management that considers and details application of appropriate land and water management techniques, including the development of intergovernmental cooperative agreements to protect the historical, cultural, natural, and recreational resources of the Heritage Area in a manner that is consistent with the support of appropriate and compatible economic viability.

(C) A program for implementation of the management plan by the management entity, including—

(i) plans for restoration and construction; and

(ii) specific commitments of the partners for the first 5 years of operation.

(D) An analysis of ways in which local, State, and Federal programs may best be coordinated to promote the purposes of this Act.

(E) An interpretation plan for the Heritage Area.

(5) Submission to Secretary for Approval.—

(A) In General.—Not later than the last day of the 3-year period beginning on the date of enactment of this Act, the management entity shall submit the management plan to the Secretary for approval.

(B) Effect of Failure to Submit.—If a management plan is not submitted to the Secretary by the day referred to in subparagraph (A), the Secretary shall not, after that day, provide any grant or other assistance under this Title with respect to the Heritage Area until a management plan for the Heritage Area is submitted to the Secretary.

(c) Duties of Management Entity.—The management entity shall—

(1) give priority to implementing actions specified in the compact and management plan, including steps to assist units of government and nonprofit organizations in preserving the Heritage Area;

(2) assist units of government and nonprofit organizations in—

(A) establishing and maintaining interpretive exhibits in the Heritage Area;

(B) developing recreational resources in the Heritage Area;

(C) increasing public awareness of and appreciation for the historical, natural, and architectural resources and sites in the Heritage Area; and

(D) restoring historic buildings that relate to the purposes of the Heritage Area;

(3) encourage economic viability in the Heritage Area consistent with the goals of the management plan;

(4) encourage local governments to adopt land use policies consistent with the management of

the Heritage Area and the goals of the management plan;

(5) assist units of government and nonprofit organizations to ensure that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are placed throughout the Heritage Area;

(6) consider the interests of diverse governmental, business, and nonprofit groups within the Heritage Area;

(7) conduct public meetings not less often than quarterly concerning the implementation of the management plan;

(8) submit substantial amendments (including any increase of more than 20 percent in the cost estimates for implementation) to the management plan to the Secretary for the Secretary's approval; and

(9) for each year in which Federal funds have been received under this Title—

(A) submit a report to the Secretary that specifies—

(i) the accomplishments of the management entity; and

(ii) the expenses and income of the management entity;

(B) make available to the Secretary for audit all records relating to the expenditure of such funds and any matching funds; and

(C) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available to the Secretary for audit all records concerning the expenditure of such funds.

(d) USE OF FEDERAL FUNDS.—

(1) FUNDS MADE AVAILABLE UNDER THIS TITLE.—The management entity shall not use Federal funds received under this Title to acquire real property or any interest in real property.

(2) FUNDS FROM OTHER SOURCES.—Nothing in this Title precludes the management entity from using Federal funds obtained through law other than this Title for any purpose for which the funds are authorized to be used.

SEC. 107. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) PROVISION OF ASSISTANCE.—The Secretary may, at the request of the management entity, provide technical and financial assistance to the management entity to develop and implement the management plan.

(2) PRIORITY IN ASSISTANCE.—In assisting the management entity, the Secretary shall give priority to actions that assist in—

(A) conserving the significant historical, cultural, and natural resources that support the purpose of the Heritage Area; and

(B) providing educational, interpretive, and recreational opportunities consistent with the resources and associated values of the Heritage Area.

(b) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLANS.—

(1) IN GENERAL.—The Secretary, in consultation with the Governor of the Commonwealth of Pennsylvania, shall approve or disapprove a management plan submitted under this Title not later than 90 days after receipt of the management plan.

(2) ACTION FOLLOWING DISAPPROVAL.—

(A) IN GENERAL.—If the Secretary disapproves a management plan, the Secretary shall advise the management entity in writing of the reasons for the disapproval and shall make recommendations for revisions to the management plan.

(B) DEADLINE FOR APPROVAL OF REVISION.—The Secretary shall approve or disapprove a proposed revision within 90 days after the date on which the revision is submitted to the Secretary.

(c) APPROVAL OF AMENDMENTS.—

(1) REVIEW.—The Secretary shall review substantial amendments (as determined under section 6(c)(8)) to the management plan for the Heritage Area.

(2) REQUIREMENT OF APPROVAL.—Funds made available under this Title shall not be expended to implement the amendments described in paragraph (1) until the Secretary approves the amendments.

SEC. 108. SUNSET PROVISION.

The Secretary shall not provide any grant or other assistance under this Title after September 30, 2012.

SEC. 109. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this Title $10,000,000, except that not more than $1,000,000 may be appropriated to carry out this Title for any fiscal year.

(b) 50 PERCENT MATCH.—The Federal share of the cost of activities carried out using any assistance or grant under this Title shall not exceed 50 percent.

TITLE II—SCHUYLKILL RIVER VALLEY NATIONAL HERITAGE AREA

SEC. 201. SHORT TITLE.

This title may be cited as the "Schuylkill River Valley National Heritage Area Act."

SEC. 202. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the Schuylkill River Valley made a unique contribution to the cultural, political, and industrial development of the United States;

(2) the Schuylkill River is distinctive as the first spine of modern industrial development in Pennsylvania and 1 of the first in the United States;

(3) the Schuylkill River Valley played a significant role in the struggle for nationhood;

(4) the Schuylkill River Valley developed a prosperous and productive agricultural economy that survives today;

(5) the Schuylkill River Valley developed a charcoal iron industry that made Pennsylvania the center of the iron industry within the North American colonies;

(6) the Schuylkill River Valley developed into a significant anthracite mining region that continues to thrive today;

(7) the Schuylkill River Valley developed early transportation systems, including the Schuylkill Canal and the Reading Railroad;

(8) the Schuylkill River Valley developed a significant industrial base, including textile mills and iron works;

(9) there is a longstanding commitment to—

(A) repairing the environmental damage to the river and its surrounding caused by the largely unregulated industrial activity; and

(B) completing the Schuylkill River Trail along the 128-mile corridor of the Schuylkill Valley;

(10) there is a need to provide assistance for the preservation and promotion of the significance of the Schuylkill River as a system for transportation, agriculture, industry, commerce, and immigration; and

(11)(A) the Department of the Interior is responsible for protecting the Nation's cultural and historical resources; and

(B) there are significant examples of such resources within the Schuylkill River Valley to merit the involvement of the Federal Government in the development of programs and projects, in cooperation with the Schuylkill River Greenway Association, the State of Pennsylvania, and other local and governmental bodies, to adequately conserve, protect, and interpret this heritage for future generations, while providing opportunities for education and revitalization.

(b) PURPOSES.—The purposes of this title are—

(1) to foster a close working relationship with all levels of government, the private sector, and the local communities in the Schuylkill River Valley of southeastern Pennsylvania and enable the communities to conserve their heritage while continuing to pursue economic opportunities; and

(2) to conserve, interpret, and develop the historical, cultural, natural, and recreational resources related to the industrial and cultural heritage of the Schuylkill River Valley of southeastern Pennsylvania.

SEC. 203. DEFINITIONS.

In this title:

(1) COOPERATIVE AGREEMENT.—The term "cooperative agreement" means the cooperative agreement entered into under section 204(d).

(2) HERITAGE AREA.—The term "Heritage Area" means the Schuylkill River Valley National Heritage Area established by section 204.

(3) MANAGEMENT ENTITY.—The term "management entity" means the management entity of the Heritage Area appointed under section 204(c).

(4) MANAGEMENT PLAN.—The term "management plan" means the management plan for the Heritage Area developed under section 205.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(6) STATE.—The term "State" means the State of Pennsylvania.

SEC. 204. ESTABLISHMENT.

(a) IN GENERAL.—For the purpose of preserving and interpreting for the educational and inspirational benefit of present and future generations certain land and structures with unique and significant historical and cultural value associated with the early development of the Schuylkill River Valley, there is established the Schuylkill River Valley National Heritage Area.

(b) BOUNDARIES.—The Heritage Area shall be comprised of the Schuylkill River watershed within the counties of Schuylkill, Berks, Montgomery, Chester, and Philadelphia, Pennsylvania, as delineated by the Secretary.

(c) MANAGEMENT ENTITY.—The management entity for the Heritage Area shall be the Schuylkill River Greenway Association.

(d) COOPERATIVE AGREEMENT.—

(1) IN GENERAL.—To carry out this title, the Secretary shall enter into a cooperative agreement with the management entity.

(2) CONTENTS.—The cooperative agreement shall include information relating to the objectives and management of the Heritage Area, including—

(A) a description of the goals and objectives of the Heritage Area, including a description of the approach to conservation and interpretation of the Heritage Area;

(B) an identification and description of the management entity that will administer the Heritage Area; and

(C) a description of the role of the State.

SEC. 205. MANAGEMENT PLAN.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this title, the management entity shall submit to the Secretary for approval a management plan for the Heritage Area that presents comprehensive recommendations for the conservation, funding, management, and development of the Heritage Area.

(b) REQUIREMENTS.—The management plan shall—

(1) take into consideration State, county, and local plans;

(2) involve residents, public agencies, and private organizations working in the Heritage Area;

(3) specify, as of the date of the plan, existing and potential sources of funding to protect, manage, and develop the Heritage Area; and

(4) include—

(A) actions to be undertaken by units of government and private organizations to protect the resources of the Heritage Area;

(B) an inventory of the resources contained in the Heritage Area, including a list of any property in the Heritage Area that is related to the themes of the Heritage Area and that should be preserved, restored, managed, developed, or maintained because of its natural, cultural, historical, recreational, or scenic significance;

(C) a recommendation of policies for resource management that considers and details application of appropriate land and water management techniques, including the development of intergovernmental cooperative agreements to protect the historical, cultural, recreational, and natural resources of the Heritage Area in a manner consistent with supporting appropriate and compatible economic viability;

(D) a program for implementation of the management plan by the management entity;

(E) an analysis of ways in which local, State, and Federal programs may best be coordinated to promote the purposes of this title; and

(F) an interpretation plan for the Heritage Area.

(c) DISQUALIFICATION FROM FUNDING.—If a management plan is not submitted to the Secretary on or before the date that is 3 years after the date of enactment of this title, the Heritage Area shall be ineligible to receive Federal funding under this title until the date on which the Secretary receives the management plan.

(d) UPDATE OF PLAN.—In lieu of developing an original management plan, the management entity may update and submit to the Secretary the Schuylkill Heritage Corridor Management Action Plan that was approved by the State in March, 1995, to meet the requirements of this section.

SEC. 206. AUTHORITIES AND DUTIES OF THE MANAGEMENT ENTITY.

(a) AUTHORITIES OF THE MANAGEMENT ENTITY.—For purposes of preparing and implementing the management plan, the management entity may—

(1) make grants to, and enter into cooperative agreements with, the State and political subdivisions of the State, private organizations, or any person; and

(2) hire and compensate staff.

(b) DUTIES OF THE MANAGEMENT ENTITY.—The management entity shall—

(1) develop and submit the management plan under section 205;

(2) give priority to implementing actions set forth in the cooperative agreement and the management plan, including taking steps to—

(A) assist units of government, regional planning organizations, and nonprofit organizations in—

(i) preserving the Heritage Area;

(ii) establishing and maintaining interpretive exhibits in the Heritage Area;

(iii) developing recreational resources in the Heritage Area;

(iv) increasing public awareness of and, appreciation for, the natural, historical, and architectural resources and sites in the Heritage Area;

(v) restoring historic buildings relating to the themes of the Heritage Area; and

(vi) ensuring that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are installed throughout the Heritage Area;

(B) encourage economic viability in the Heritage Area consistent with the goals of the management plan; and

(C) encourage local governments to adopt land use policies consistent with the management of the Heritage Area and the goals of the management plan;

(3) consider the interests of diverse governmental, business, and nonprofit groups within the Heritage Area;

(4) conduct public meetings at least quarterly regarding the implementation of the management plan;

(5) submit substantial changes (including any increase of more than 20 percent in the cost estimates for implementation) to the management plan to the Secretary for the approval of the Secretary; and

(6) for any fiscal year in which Federal funds are received under this title—

(A) submit to the Secretary a report describing—

(i) the accomplishments of the management entity;

(ii) the expenses and income of the management entity; and

(iii) each entity to which the management entity made any grant during the fiscal year;

(B) make available for audit all records pertaining to the expenditure of Federal funds and any matching funds, and require, for all agreements authorizing expenditure of Federal funds by organizations other than the management entity, that the receiving organizations make available for audit all records pertaining to the expenditure of such funds; and

(C) require, for all agreements authorizing expenditure of Federal funds by organizations other than the management entity, that the receiving organizations make available for audit all records pertaining to the expenditure of Federal funds.

(c) USE OF FEDERAL FUNDS.—

(1) IN GENERAL.—The management entity shall not use Federal funds received under this title to acquire real property or an interest in real property.

(2) OTHER SOURCES.—Nothing in this title precludes the management entity from using Federal funds from other sources for their permittee purposes.

(d) SPENDING FOR NON-FEDERALLY OWNED PROPERTY.—The management entity may spend Federal funds directly on non-federally owned property to further the purposes of this title, especially in assisting units of government in appropriate treatment of districts, sites, buildings, structures, and objects listed or eligible for listing on the National Register of Historic Places.

SEC. 207. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—At the request of the management entity, the Secretary may provide technical and financial assistance to the Heritage Area to develop and implement the management plan.

(2) PRIORITIES.—In assisting the management entity, the Secretary shall give priority to actions that assist in—

(A) conserving the significant natural, historical, and cultural resources that support the themes of the Heritage Area; and

(B) providing educational, interpretive, and recreational opportunities consistent with the resources and associated values of the Heritage Area.

(b) APPROVAL AND DISAPPROVAL OF COOPERATIVE AGREEMENTS AND MANAGEMENT PLANS.—

(1) IN GENERAL.—Not later than 90 days after receiving a cooperative agreement or management plan submitted under this title, the Secretary, in consultation with the Governor of the State, shall approve or disapprove the cooperative agreement or management plan.

(2) MANAGEMENT PLAN CONTENTS.—In reviewing the plan, the Secretary shall consider whether the composition of the management entity and the plan adequately reflect diverse interest of the region, including those of—

(A) local elected officials,

(B) the State,

(C) business and industry groups,

(D) organizations interested in the protection of natural and cultural resources, and

(E) other community organizations and individual stakeholders.

(3) ACTION FOLLOWING DISAPPROVAL.—

(A) IN GENERAL.—If the Secretary disapproves a cooperative agreement or management plan, the Secretary shall—

(i) advise the management entity in writing of the reasons for the disapproval; and

(ii) make recommendations for revisions in the cooperative agreement of plan.

(B) TIME PERIOD FOR DISAPPROVAL.—Not later than 90 days after the date on which a revision described under subparagraph (A)(ii) is submitted, the Secretary shall approve or disapprove the proposed revision.

(c) APPROVAL OF AMENDMENTS.—

(1) IN GENERAL.—The Secretary shall review and approve substantial amendments to the management plan.

(2) FUNDING EXPENDITURE LIMITATION.—Funds appropriated under this title may not be expended to implement any substantial amendment until the Secretary approves the amendment.

SEC. 208. CULTURE AND HERITAGE OF ANTHRACITE COAL REGION.

(a) IN GENERAL.—The management entities of heritage areas (other than the Heritage Area) in the anthracite coal region in the State shall cooperate in the management of the Heritage Area.

(b) FUNDING.—Management entities described in subsection (a) may use funds appropriated for management of the Heritage Area to carry out this section.

SEC. 209. SUNSET.

The Secretary may not make any grant or provide any assistance under this title after the date that is 15 years after the date of enactment of this title.

SEC. 210. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title not more than $10,000,000, of which not more than $1,000,000 is authorized to be appropriated for any 1 fiscal year.

(b) FEDERAL SHARE.—Federal funding provided under this title may not exceed 50 percent of the total cost of any project or activity funded under this title.

Amend the title so as to read: "To designate the Lackawanna Valley and the Schuylkill River National Heritage Areas, and for other purposes.".

The committee amendment was agreed to.

The bill (H.R. 940), as amended, was read the third time and passed.

LONG-TERM CARE SECURITY ACT

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the House to accompany H.R. 4040.

There being no objection, the Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendments of the Senate to the bill (H.R. 4040) entitled "An Act to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance is made available to Federal employees, members of the uniformed services, and civilian and military retirees, and for other purposes", with the following amendments:

(1)Page 2, line 7, strike [and].

(2)Page 2, line 9, strike the comma and insert: ; *and*

(3)Page 2, after line 9, insert the following:

"(C) an individual employed by the Tennessee Valley Authority,

(4)Page 29, line 18, after "limit" insert: *under title 5, United States Code,*

(5)Page 42, line 1, after "limit" insert: *under title 5, United States Code,*

(6)Page 50, strike line 3 and all that follows through "Office" in line 5, and insert the following:

(c) PAYMENT RELATING TO OASDI EMPLOYEE TAXES.—The Office

(and run-in the remaining text of paragraph (1)).

(7)Page 50, strike lines 16 through 19.

(8)Page 51, strike lines 7 through 19.

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Senate agree to the amendments of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

BREAST CANCER RESEARCH STAMP REAUTHORIZATION ACT OF 2000

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 673, S. 2386.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2386) to extend a Stamp Out Breast Cancer Act.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEVIN. Mr. President, I am pleased that today the Senate is taking up, as an amendment to the reauthorization of the Breast Cancer Research Stamp, the Semipostal Act, an amendment I sponsored with Senators FEINSTEIN and HUTCHISON.

My amendment is very similar to the McHugh bill that we sent to the President yesterday, which establishes the authority to issue semipostals in the U.S. Postal Service. However, it is different in that it requires the Postal Service to recoup the full costs associated with the stamp. This bill will ensure that the Postal Service recovers its costs before funds are made available to the agency to carry out the designated program. We do not want the Postal Service using its own budget to fund contributions to causes designated by semipostals. Only the true net profit from the sale of the semipostals will be made available to the appropriate agency. This bill also gives the Congress the power to reject a stamp proposal chosen by the Postal Service, if for example, the stamp subject is deemed inappropriate.

Mr. President, I am pleased that we are giving the authority to issue semipostal stamps to the Postal Service, which is where these decisions belong.

AMENDMENT NO. 4029

(Purpose: To grant the United States Postal Service the authority to issue semipostal stamps, and for other purposes)

Mr. SMITH of Oregon. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oregon [Mr. SMITH of Oregon], for Mr. LEVIN, for himself, Mrs. FEINSTEIN, and Mrs. HUTCHISON, proposes an amendment numbered 4029.

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Levin amendment be agreed to, the bill be considered read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4029) was agreed to.

The bill (S. 2386), as amended, was read the third time and passed.

[The bill will be printed in a future edition of the RECORD.]

CORRECTING THE ENROLLMENT OF S. 1809

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Con. Res. 133, submitted earlier by Senator JEFFORDS.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 133) to correct the enrollment of S. 1809.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered. The concurrent resolution (S. Con. Res. 133) was agreed to, as follows:

S. CON. RES. 133

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate, in the enrollment of the bill (S. 1809) to improve service systems for individuals with developmental disabilities, and for other purposes, shall make the following corrections:

(1) Strike "1999" each place it appears (other than in section 101(a)(2)) and insert "2000".

(2) In section 101(a)(2), strike "are" and insert "were".

(3) In section 104(a)—

(A) in paragraphs (1), (3)(C), and (4), strike "2000" each place it appears and insert "2001"; and

(B) in paragraph (4), strike "fiscal year 2001" and insert "fiscal year 2002".'

(4) In section 124(c)(4)(B)(i), strike "2001" and insert "2002".

(5) In section 125(c)—

(A) in paragraph (5)(H), strike "assess" and insert "access"; and

'(B) in paragraph (7), strike "2001" and insert "2002".

(6) In section 129(a)—

(A) strike "fiscal year 2000" and insert "fiscal year 2001"; and

(B) strike "fiscal years 2001 through 2006" and insert "fiscal years 2002 through 2007".

(7) Is section 144(e), strike "2001" and insert "2002".

(8) In section 145—

(A) strike "fiscal year 2000" and insert "fiscal year 2001"; and

(B) strike "fiscal years 2001 through 2006" and insert "fiscal years 2002 through 2007".

(9) In section 156—

(A) in subsection (a)(1)—

(i) strike "fiscal year 2000" and insert "fiscal year 2001"; and

(ii) strike "fiscal years 2001 through 2006" and insert "fiscal years 2002 through 2007"; and

(B) in subsection (b), strike "2000" each place it appears and insert "2001".

(10) In section 163—

(A) strike "fiscal year 2000" and insert "fiscal year 2001"; and

(B) strike "fiscal years 2001 through 2006" and insert "fiscal years 2002 through 2007".

(11) In section 212, strike "2000 through 2006" and insert "2001 through 2007".

(12) In section 305—

(A) in subsection (a)—

, (i) strike "fiscal year 2000" and insert "fiscal year 2001"; and

(ii) strike "fiscal years 2001 through 2006" and insert "fiscal years 2002 through 2007"; and

(B) in subsection (b)—

(i) strike "fiscal year 2000" and insert "fiscal year 2001"; and

(ii) strike "fiscal years 2001 and 2002" and insert "fiscal years 2002 and 2003".

PAUL D. COVERDELL FELLOWSHIP PROGRAM

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. 2998 introduced earlier today by Senator HUTCHISON and others.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2998) to designate a Fellowship Program of the Peace Corps promoting the work of returning Peace Corps volunteers in underserved American communities as the Paul D. Coverdell Fellowship Program.

There being no objection, the Senate proceeded to consider the bill.

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2998) was read the third time, and passed, as follows:

S. 2998

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Paul D. Coverdell Fellows Program Act of 2000".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Paul D. Coverdell was elected to the George State Senate in 1970 and later became Minority Leader of the Georgia State Senate, a post he held for 15 years.

(2) Paul D. Coverdell served with distinction as the 11th Director of the Peace Corps from 1989 to 1991, where he promoted a fellowship program that was composed of returning Peace Corps volunteers who agreed to work in underserved American communities while they pursued educational degrees.

(3) Paul D. Coverdell served in the United States Senate from the State of Georgia from 1993 until his sudden death on July 17, 2000.

(4) Senator Paul D. Coverdell was beloved by his colleagues for his civility, bipartisan efforts, and his dedication to public service.

SEC. 3. DESIGNATION OF PAUL D. COVERDELL FELLOWS PROGRAM.

(a) IN GENERAL.—Effective on the date of enactment of this Act, the program under section 18 of the Peace Corps Act (22 U.S.C. 2517) referred to before such date as the "Peace Corps Fellows/USA Program" is redesignated as the "Paul D. Coverdell Fellows Program".

(b) REFERENCES.—Any reference before the date of enactment of this Act in any law, regulation, order, document, record, or other paper of the United States to the Peace Corps Fellows/USA Program shall, on and after such date, be considered to refer to the Paul D. Coverdell Fellows Program.

SETTLEMENT OF WATER RIGHTS CLAIMS OF THE SHIVWITS BAND OF THE PAIUTE INDIAN TRIBE

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 3291.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3291) to provide for the settlement of water rights claims of the Shivwits Band of the Paiute Tribe of Utah, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. HATCH. Mr. President, today the Senate will pass the Shivwits Band of the Paiute Indian Tribe of Utah Water Rights Settlement Act and send this legislation to the President. This is an important day for the citizens of Washington County, Utah, and the members of the Shivwits Band. This legislation will finally provide a settlement of water rights issues of the Santa Clara River in Washington County, the driest county in the second driest state in the Union.

The Santa Clara is a fairly small river running through the Shivwits Band's reservation near the city of St. George, Utah. This water is shared by the Washington County, the Washington County Water Conservancy District, St. George, the town of Ivins, the town of Santa Clara, and the Shivwits Band. Last, but not least, Mr. President, this water is also used by the Virgin Spinedace, an endangered fish species residing in the river. This water settlement meets the needs of all of these interested parties.

This legislation will also establish the St. George Water Reuse Project. This project will provide 2,000 acre-feet of water for the Shivwits Band. It will also create the Santa Clara Project. This project will provide a pressurized pipeline from the nearby Gunlock Reservoir to deliver 1,900 acre-feet of water to the Shivwits Band.

I was pleased to be the sponsor of this bill in the Senate, and I would like to express my deep appreciation to Chairman CAMPBELL and Vice Chairman INOUYE of the Senate Indian Affairs Committee for their outstanding support for this legislation. Without their help and the help of their staffs, this legislation would not have progressed as smoothly as it has. I also express my appreciation to my good friend, Senator BENNETT, a cosponsor of this bill, for his support.

Finally, however, I want to give due credit to the Administration, the local officials of Washington County, and the members of the Shivwits Band for constructing this agreement. I am a firm believer in a collaborative process and the inclusion of local officials and citizens in it. I believe that legislation—both before and after passage—can be far more successful than when local input is missing from a bill's development.

Again, I want to thank all Senators for their support of this legislation.

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3291) was read the third time and passed.

DONALD J. MITCHELL DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Veterans Affairs Committee be discharged from further consideration of H.R. 1982, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1982) to name the Department of Veterans Affairs outpatient clinics located at 125 Brookley Drive, Rome, New York as the "Donald J. Mitchell Department of Veterans Affairs Outpatient Clinic."

There being no objection, the Senate proceeded to consider the bill.

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid on the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1982) was read the third time and passed.

25TH ANNIVERSARY OF HELSINKI FINAL ACT

Mr. SMITH of Oregon. Mr. President I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar No. 697, S.J. Res. 48.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 48) calling upon the President to issue a proclamation recognizing the 25th anniversary of the Helsinki Final Act.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. SMITH of Oregon. I ask unanimous consent that the joint resolution be read the third time and passed, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements related to this resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (S.J. Res. 48) was read the third time and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. RES. 48

Whereas August 1, 2000, is the 25th anniversary of the Final Act of the Conference on Security and Cooperation in Europe (CSCE), renamed the Organization for Security and Cooperation in Europe (OSCE) in January 1995 (in this joint resolution referred to as the "Helsinki Final Act");

Whereas the Helsinki Final Act, for the first time in the history of international agreements, accorded human rights the status of a fundamental principle in regulating international relations;

Whereas during the Communist era, members of nongovernmental organizations, such as the Helsinki Monitoring Groups in Russia, Ukraine, Lithuania, Georgia, and Armenia and similar groups in Czechoslovakia and Poland, sacrificed their personal freedom and even their lives in their courageous and vocal support for the principles enshrined in the Helsinki Final Act;

Whereas the United States Congress contributed to advancing the aims of the Helsinki Final Act by creating the Commission on Security and Cooperation in Europe to monitor and encourage compliance with provisions of the Helsinki Final Act;

Whereas in the 1990 Charter of Paris for a New Europe, the participating states declared, "Human rights and fundamental freedoms are the birthright of all human beings, are inalienable and are guaranteed by law. Their protection and promotion is the first responsibility of government";

Whereas in the 1991 Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE, the participating states "categorically and irrevocably declare[d] that the commitments undertaken in the field of the human dimension of the CSCE are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned";

Whereas in the 1990 Charter of Paris for a New Europe, the participating states committed themselves "to build, consolidate and strengthen democracy as the only system of government of our nations";

Whereas the 1999 Istanbul Charter for European Security and Istanbul Summit Declaration note the particular challenges of ending violence against women and children as well as sexual exploitation and all forms of trafficking in human beings, strengthening efforts to combat corruption, eradicating torture, reinforcing efforts to end discrimination against Roma and Sinti, and promoting democracy and respect for human rights in Serbia;

Whereas the main challenge facing the participating states remains the implementation of the principles and commitments contained in the Helsinki Final Act and other OSCE documents adopted on the basis of consensus;

Whereas the participating states have recognized that economic liberty, social justice, and environmental responsibility are indispensable for prosperity;

Whereas the participating states have committed themselves to promote economic reforms through enhanced transparency for economic activity with the aim of advancing the principles of market economies;

Whereas the participating states have stressed the importance of respect for the rule of law and of vigorous efforts to fight organized crime and corruption, which constitute a great threat to economic reform and prosperity;

Whereas OSCE has expanded the scope and substance of its efforts, undertaking a variety of preventive diplomacy initiatives designed to prevent, manage, and resolve conflict within and among the participating states;

Whereas the politico-military aspects of security remain vital to the interests of the participating states and constitute a core element of OSCE's concept of comprehensive security;

Whereas the OSCE has played an increasingly active role in civilian police-related activities, including training, as an integral part of OSCE's efforts in conflict prevention, crisis management, and post-conflict rehabilitation; and

Whereas the participating states bear primary responsibility for raising violations of the Helsinki Final Act and other OSCE documents: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress calls upon the President to—

(1) issue a proclamation—

(A) recognizing the 25th anniversary of the signing of the Final Act of the Conference on Security and Cooperation in Europe;

(B) reasserting the commitment of the United States to full implementation of the Helsinki Final Act;

(C) urging all signatory states to abide by their obligations under the Helsinki Final Act; and

(D) encouraging the people of the United States to join the President and the Congress in observance of this anniversary with appropriate programs, ceremonies, and activities; and

(2) convey to all signatory states of the Helsinki Final Act that respect for human rights and fundamental freedoms, democratic principles, economic liberty, and the implementation of related commitments continue to be vital elements in promoting a new era of democracy, peace, and unity in the region covered by the Organization for Security and Cooperation in Europe.

CONDEMNING PREJUDICE AGAINST ASIANS AND PACIFIC ISLAND ANCESTRY

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 698, S. Con. Res. 53.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S Con. Res. 53) condemning all prejudice against individuals of Asian and Pacific Island ancestry in the United States and supporting political and civic participation by such individuals throughout the United States.

There being no objection, the Senate proceeded to consider the concurrent resolution, which had been reported from the Committee on the Judiciary, with an amendment to the preamble, and an amendment to the title; as follows:

(Strike out all after the enacting clause and the preamble and insert the part printed in italic)

Whereas the belief that all persons have the right to life, liberty, and the pursuit of happiness is a truth that individuals in the United States hold as self-evident;

Whereas all individuals in the United States are entitled to the equal protection of law;

Whereas individuals of Asian and Pacific Island ancestry have made profound contributions to life in the United States, including the arts, the economy, education, the sciences, technology, politics, and sports, among other areas;

Whereas individuals of Asian and Pacific Island ancestry have demonstrated their patriotism by honorably serving to defend the United States in times of armed conflict, from the Civil War to the present;

Whereas recent allegations of espionage and illegal campaign financing involve allegations of misconduct by certain individuals, such allegations should not result in questioning the loyalty and probity of individuals of the same or similar ancestry in the United States, simply due to such ancestry; and

Whereas individuals of Asian and Pacific Island ancestry have suffered discrimination and unfounded accusations of disloyalty throughout the history of the United States, resulting in discriminatory laws, including the former Act of May 6, 1882 (22 Stat. 58, chapter 126) (often referred to as the "Chinese Exclusion Act") and a 1913 California law relating to alien-owned land, and discriminatory actions, including internment of patriotic and loyal individuals of Japanese ancestry during the Second World War, the repatriation of Filipino immigrants, and the prohibition of individuals of Asian and Pacific Island ancestry from owning property, voting, testifying in court, or attending school with other people in the United States: Now, therefore be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) Congress condemns all prejudice against individuals of Asian and Pacific Island ancestry in the United States; and

(2) it is the sense of Congress that—

(A) no individual in the United States should stereotype or generalize the actions of an individual to an entire group of people;

(B) individuals of Asian and Pacific Island ancestry in the United States are entitled to all due process rights and privileges afforded to all individuals in the United States; and

(C) all executive agencies should act within their respective jurisdictions in accordance with existing civil rights laws.

Amend the title to read as follows: "Condemning all prejudice against individuals of Asian and Pacific Island ancestry in the United States.".

Mr. SMITH of Oregon. I ask unanimous consent that the substitute amendment, the concurrent resolution, the amendment to the preamble, the preamble, and the amendment to the title be agreed to en bloc, that the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment was agreed to.

The resolution (S. Con. Res. 53), as amended, was agreed to.

The amendment to the preamble was agreed to.

The preamble, as amended, was agreed to.

The concurrent resolution, as amended, with its preamble, as amended, reads as follows:

S. CON. RES. 53

Whereas the belief that all persons have the right to life, liberty, and the pursuit of happiness is a truth that individuals in the United States hold as self-evident;

Whereas all individuals in the United States are entitled to the equal protection of law;

Whereas individuals of Asian and Pacific Island ancestry have made profound contributions to life in the United States, including the arts, the economy, education, the sciences, technology, politics, and sports, among other areas;

Whereas individuals of Asian and Pacific Island ancestry have demonstrated their patriotism by honorably serving to defend the United States in times of armed conflict, from the Civil War to the present;

Whereas recent allegations of espionage and illegal campaign financing involve allegations of misconduct by certain individuals, such allegations should not result in questioning the loyalty and probity of individuals of the same or similar ancestry in the United States, simply due to such ancestry; and

Whereas individuals of Asian and Pacific Island ancestry have suffered discrimination and unfounded accusations of disloyalty throughout the history of the United States, resulting in discriminatory laws, including the former Act of May 6, 1882 (22 Stat. 58, chapter 126) (often referred to as the "Chinese Exclusion Act") and a 1913 California law relating to alien-owned land, and discriminatory actions, including internment of patriotic and loyal individuals of Japanese ancestry during the Second World War, the repatriation of Filipino immigrants, and the prohibition of individuals of Asian and Pacific Island ancestry from owning property, voting, testifying in court, or attending school with other people in the United States: Now, therefore be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) Congress condemns all prejudice against individuals of Asian and Pacific Island ancestry in the United States; and

(2) it is the sense of Congress that—

(A) no individual in the United States should stereotype or generalize the actions of an individual to an entire group of people;

(B) individuals of Asian and Pacific Island ancestry in the United States are entitled to all due process rights and privileges afforded to all individuals in the United States; and

(C) all executive agencies should act within their respective jurisdictions in accordance with existing civil rights laws.

The title was amended so as to read: "Condemning all prejudice against individuals of Asian and Pacific Island ancestry in the United States."

NATIONAL AIRBORNE DAY

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 301 and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 301) designating August 16, 2000, as "National Airborne Day."

There being no objection, the Senate proceeded to the immediate consideration of the resolution.

Mr. SMITH of Oregon. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 301) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 301

Whereas the Parachute Test Platoon was authorized by the War Department on June 25, 1940, to experiment with the potential use of airborne troops;

Whereas the Parachute Test Platoon was composed of 48 volunteers that began training in July, 1940;

Whereas the Parachute Test Platoon performed the first official Army parachute jump on August 16, 1940;

Whereas the success of the Parachute Test Platoon led to the formation of a large and successful airborne contingent serving from World War II until the present;

Whereas the 11th, 13th, 17th, 82nd, and 101st Airborne Divisions and the numerous other regimental and battalion-sized airborne units were organized following the success of the Parachute Test Platoon;

Whereas the 501st Parachute Battalion participated successfully and valiantly in achieving victory in World War II;

Whereas the airborne achievements during World War II provided the basis for continuing the development of a diversified force of parachute and air assault troops;

Whereas paratroopers, glidermen, and air assault troops of the United States were and are proud members of the world's most exclusive and honorable fraternity, have earned and wear the "Silver Wings of Courage", have participated in a total of 93 combat jumps, and have distinguished themselves in battle by earning 69 Congressional Medals of Honor, the highest military decoration of the United States, and hundreds of Distinguished Service Crosses and Silver Stars;

Whereas these airborne forces have performed in important military and peacekeeping operations, wherever needed, in World War II, Korea, Vietnam, Lebanon, Sinai, the Dominican Republic, Panama, Somalia, Haiti, and Bosnia; and

Whereas the Senate joins together with the airborne community to celebrate August 16, 2000 (the 60th anniversary of the first official parachute jump by the Parachute Test Platoon), as "National Airborne Day": Now, therefore, be it

Resolved, That the Senate—

(1) designates August 16, 2000, as "National Airborne Day"; and

(2) requests that the President issue a proclamation calling on Federal, State, and local administrators and the people of the United States to observe the day with appropriate programs, ceremonies, and activities.

NATIONAL RELATIVES AS PARENTS DAY

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 212, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 212) to designate August 1, 2000, as National Relatives As Parents Day.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SMITH of Oregon. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 212) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 212

Whereas children are this Nation's most valuable resource;

Whereas the most important responsibility for this Nation's lawmakers and citizens is the protection and care of children;

Whereas in order to ensure the future success of this Nation, children must be taught values that will help them lead happy, healthy, and productive lives;

Whereas the family unit is most suitable to provide the special care and attention needed by children;

Whereas this year, many children will suffer from child abuse, neglect, poor nutrition, and insufficient child care, all of which jeopardize the well-being of young children and the opportunity for a fulfilling and successful adulthood;

Whereas extended family members, willing to open their hearts and homes to children whose immediate families are in crises, play an indispensable role in helping those children heal by providing them with a stable and secure environment in which they can grow and develop;

Whereas approximately 520,000 children are currently under the care and guidance of foster parents—about 150,800, or 29 percent, of whom are children living in foster homes with extended family members who care for these children and provide them with a positive home environment; and

Whereas "National Relatives as Parents Day" is an appropriate occasion to recognize the dedication, compassion, and selflessness of extended family members who willingly assume the often thankless responsibility of providing a relative child with a family and home: Now, therefore, be it

Resolved, That the Senate—

(1) designates August 1, 2000, as "National Relatives as Parents Day"; and

(2) requests that the President issue a proclamation calling on the people of the United States to observe "National Relatives as Parents Day" with appropriate ceremonies and activities.

SUPPORTING RELIGIOUS TOLERANCE TOWARD MUSLIMS

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent the Senate now proceed to the immediate consideration of Calendar No. 699, S. Res. 133.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 133) supporting religious tolerance toward Muslims.

There being no objection, the Senate proceeded to consider the resolution.

Mr. JOHNSON. Mr. President, I am pleased to cosponsor S. Res. 133, a resolution supporting religious tolerance toward Muslims. I wholeheartedly believe that anti-Muslim intolerance and discrimination should be condemned and must be fought at every opportunity. As Americans, we enjoy the right to speak and think freely. With that right comes a responsibility to ensure that free speech does not foster intolerance and lead to an atmosphere of hatred or fear. It is wrong when entire religions are made to be a scapegoat because of ignorance or spite, and I will continue to do all I can to promote thoughtful understanding and appreciation of the Muslim faith.

I am proud of the accomplishments and contributions made by Muslims in South Dakota and across America. I am hopeful that the Senate and entire Congress will approve this resolution in order to highlight the important role Muslim Americans play in our society.

Mr. SMITH of Oregon. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 133) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 133

Whereas the American Muslim community, comprised of approximately 6,000,000 people, is a vital part of our Nation, with more than 1,500 mosques, Islamic schools, and Islamic centers in neighborhoods across the United States;

Whereas Islam is one of the great Abrahamic faiths, whose significant contributions throughout history have advanced the fields of math, science, medicine, law, philosophy, art, and literature;

Whereas the United States is a secular nation, with an unprecedented commitment to religious tolerance and pluralism, where the rights, liberties, and freedoms guaranteed by the Constitution are guaranteed to all citizens regardless of religious affiliation;

Whereas Muslims have been subjected, simply because of their faith, to acts of discrimination and harassment that all too often have led to hate-inspired violence, as was the case during the rush to judgment in the aftermath of the tragic Oklahoma City bombing;

Whereas discrimination against Muslims intimidates American Muslims and may prevent Muslims from freely expressing their opinions and exercising their religious beliefs as guaranteed by the first amendment to the Constitution;

Whereas American Muslims have regrettably been portrayed in a negative light in some discussions of policy issues such as issues relating to religious persecution abroad or fighting terrorism in the United States;

Whereas stereotypes and anti-Muslim rhetoric have also contributed to a backlash against Muslims in some neighborhoods across the United States; and

Whereas all persons in the United States who espouse and adhere to the values of the founders of our Nation should help in the fight against bias, bigotry, and intolerance in all their forms and from all their sources: Now, therefore, be it

Resolved, That—

(1) the Senate condemns anti-Muslim intolerance and discrimination as wholly inconsistent with the American values of religious tolerance and pluralism;

(2) while the Senate respects and upholds the right of individuals to free speech, the Senate acknowledges that individuals and organizations that foster such intolerance create an atmosphere of hatred and fear that divides the Nation;

(3) the Senate resolves to uphold a level of political discourse that does not involve making a scapegoat of an entire religion or drawing political conclusions on the basis of religious doctrine; and

(4) the Senate recognizes the contributions of American Muslims, who are followers of one of the three major monotheistic religions of the world and one of the fastest growing faiths in the United States.

PARITY AMONG THE PARTIES TO THE NORTH AMERICAN FREE TRADE AGREEMENT

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent the Finance Committee be discharged from further consideration of S. Res. 333, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 333) expressing the sense of the Senate that there should be parity among the countries that are parties to the North American Free Trade Agreement with respect to the personal exemption allowance for merchandise purchased abroad by returning residents, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and finally, any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 333) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 333

Whereas the personal exemption allowance is a vital component of trade and tourism;

Whereas many border communities and retailers depend on customers from both sides of the border;

Whereas a United States citizen traveling to Canada or Mexico for less than 24 hours is exempt from paying duties on the equivalent of $200 worth of merchandise on return to the United States, and for trips over 48 hours United States citizens have an exemption of up to $400 worth of merchandise;

Whereas a Canadian traveling in the United States is allowed a duty-free personal exemption allowance of only $50 worth of merchandise for a 24-hour visit, the equivalent of $200 worth of merchandise for a 48-hour visit, and the equivalent of $750 worth of merchandise for a visit of over 7 days;

Whereas Mexico has a 2-tiered personal exemption allowance for its returning residents, set at the equivalent of $50 worth of merchandise for residents returning by car and the equivalent of $300 worth of merchandise for residents returning by plane;

Whereas Canadian and Mexican retail businesses have an unfair competitive advantage over many American businesses because of the disparity between the personal exemption allowances among the 3 countries;

Whereas the State of Maine legislature passed a resolution urging action on this matter;

Whereas the disparity in personal exemption allowances creates a trade barrier by making it difficult for Canadians and Mexicans to shop in American-owned stores without facing high additional costs;

Whereas the United States entered into the North American Free Trade Agreement with Canada and Mexico with the intent of phasing out tariff barriers among the 3 countries; and

Whereas it violates the spirit of the North American Free Trade Agreement for Canada and Mexico to maintain restrictive personal exemption allowance policies that are not reciprocal: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United States Trade Representative and the Secretary of the Treasury, in consultation with the Secretary of Commerce, should initiate discussions with officials of the Governments of Canada and Mexico to achieve parity by harmonizing the personal exemption allowance structure of the 3 NAFTA countries at or above United States exemption levels; and

(2) in the event that parity with respect to the personal exemption allowance of the 3 countries is not reached within 1 year after the date of the adoption of this resolution, the United States Trade Representative and the Secretary of the Treasury should submit recommendations to Congress on whether legislative changes are necessary to lower the United States personal exemption allowance to conform to the allowance levels established in the other countries that are parties to the North American Free Trade Agreement.

RECOGNIZING THE UNIVERSITY OF SAN FRANCISCO DONS FOOTBALL TEAM

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 346, introduced earlier today, recognizing the achievement of the 1951 University of San Francisco Dons football team and acknowledging the wrongful treatment endured by the team.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 346) acknowledging that the undefeated and untied 1951 University of San Francisco Dons football team suffered a grave injustice by not being invited to any post-season Bowl game due to racial prejudice that prevailed at the time and seeking appropriate recognition for the surviving members of the championship team.

There being no objection, the Senate proceeded to consider the resolution.

Mrs. BOXER. Mr. President, this past week, our nation and the world have been privileged to witness two dramatic triumphs by American athletes. Lance Armstrong won his second consecutive Tour de France, and Tiger Woods became the youngest person ever to capture golf's Grand Slam by winning the British Open. These are truly historic achievements. Both men are deserving of all the praise and congratulations they are receiving, not only for their exceptional performances, but also for the dignified way they have represented their country and respective sports.

With the example of these modern day champions in mind, today I am introducing a resolution to honor a similarly outstanding group of athletes from years ago.

The 1951 University of San Francisco football team, the Dons, went undefeated and untied. By almost any account, the Dons were among the most gifted college football teams ever. Ten of the team's players were drafted by the NFL. Of these, eight actually played professionally. Of these, five played in a least one Pro Bowl. And of these five, three, Bob St. Clair, Ollie Matson and Gino Marchetti, were inducted into the Professional Football Hall of Fame.

But despite the team's irrefutable ability and qualifications, the Dons were not invited to participate in any post season bowl games. The reason why the players and coaches were denied this once-in-a-lifetime opportunity to prove themselves as a team before a national audience is as simple as it is tragic. Two of the Dons' players Ollie Matson and Burl Toler, were African-American.

In 1951, it would have been expected of a team with the Dons record to compete for the national championship in the Orange Bowl. When an invitation to this bowl did not materialize, everyone knew why. At this time the unwritten but well understood rule was that bowl games were strictly off limits to teams with African American players.

Although the Dons were not invited to play in the Orange Bowl, they did receive an invitation to participate in another bowl game. The only hitch was that they would have to play without their two teammates. To their enduring credit, the team did not think twice about standing by Ollie and Burl and emphatically rejected the offfer.

Refusing this offer was a heroic act, but not the only one for this team. Several members of the squad fought in WWII and in the Korean War.

Considered perhaps the best player on the team, Burl Toler suffered an injury during a college All Star game which prevented him from joining the NFL as a player. Instead, he went back to school, received his master's degree, became the City of San Francisco's first black secondary school principal, and later the director of services for the San Francisco Community College District. He did this while also serving for 25 years as one of the NFL's most respected referees. In fact, Burl Toler was the NFL's first black official, a position offered to him by a fellow classmate at USF, former NFL Commissioner Pete Rozelle.

Now almost 50 years later, I hope my colleagues will agree that it is entirely appropriate that this truly special collection of athletes receive the national attention and accolades they once earned but were denied. The resolution I will introduce today calls on the Senate to recognize the team for its achievements on the field as well as the integrity of players and coaches off it. It also calls on this body to acknowledge that the discriminatory treatment endured by the Dons and other teams and individuals at that time was flatly wrong.

With the Olympics approaching, and as we celebrate Lance Armstrong and Tiger Woods for their victories and the obstacles they and others had to overcome for them to reach the pinnacle of their sports, I hope we also make the effort to honor the 1951 USF Dons—a team whose combination of talent and courage we may never see again.

Mr. SMITH of Oregon. I ask unanimous consent the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 346) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 346

Whereas the 1951 University of San Francisco Dons football team completed its championship season with an unblemished record;

Whereas this closely knit team failed to receive an invitation to compete in any post-season Bowl game because two of its players were African-American;

Whereas the 1951 University of San Francisco Dons football team courageously and rightly rejected an offer to play in a Bowl game without their African-American teammates;

Whereas this exceptionally gifted team, for the most objectionable of reasons, was deprived of the opportunity to prove itself before a national audience;

Whereas ten members of this team were drafted into the National Football League, five played in the Pro Bowl and three were inducted into the Hall of Fame;

Whereas our Nation has made great strides in overcoming the barriers of oppression, intolerance, and discrimination in order to ensure fair and equal treatment for every American by every American; and

Whereas it is appropriate and fitting to now offer these athletes the attention and accolades they earned but were denied:

Now, therefore, be it *Resolved*, That the Senate—

(1) applauds the undefeated and untied 1951 University of San Francisco Dons football team for its determination, commitment and integrity both on and off the playing field; and

(2) acknowledges that the treatment endured by this team was wrong and that recognition for its accomplishments is long overdue.

VITIATION OF SENATE ACTION—S. 2247 AND H.R. 940

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent the previous Senate action on the following bills be vitiated: S. 2247 and H.R. 940.

The PRESIDING OFFICER. Without objection, it is so ordered. They will be vitiated.

UNANIMOUS CONSENT AGREEMENT FOR EXTENSION FOR CONSIDERATION OF NOMINATIONS

Mr. SMITH of Oregon. As in executive session, I ask unanimous consent a request which is at the desk for an extension for the consideration of nominations by the Governmental Affairs Committee be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The request follows:

REQUEST FOR UNANIMOUS CONSENT

The Committee on Governmental Affairs requests that its deadlines for making determinations on the nominations of Everett Mosley for Inspector General of the Agency for International Development, Glen Fine for Inspector General of the Department of Justice, and Gordon Heddell for Inspector General of the Department of Labor be extended to September 7, 2000 at which time those nominations shall be discharged from the Committee.

The Committee on Governmental Affairs further requests that at such times as it receives the nomination for Donald Mancuso for Inspector General of the Department of Defense that its deadline for making a determination on the nomination be extended to September 7, 2000 at which time that nomination shall be discharged from the Committee.

UNANIMOUS CONSENT AGREEMENT—NOMINATIONS

Mr. SMITH of Oregon. As in executive session, I ask unanimous consent that all nominations received by the Senate during the 106th Congress remain in status quo notwithstanding the July 27, 2000, adjournment of the Senate and the provisions of rule XXXI, paragraph 6, of the Standing Rules of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations reported by the Armed Services Committee: Nos. 660, 661, 662, 664 through 670, and all nominations on the Secretary's desk.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements relating to the nominations be printed in the RECORD, and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed, as follows:

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Raymond P. Huot, 2907

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Thomas R. Case, 2013

IN THE ARMY

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., Section 12203:

To be major general

Brig. Gen. Alexander H. Burgin, 9820

To be brigadier general

Col. Jonathan P. Small, 0353

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title, 10 U.S.C., section 601:

To be lieutenant general

Maj. Gen. Freddy E. McFarren, 8271

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Michael L. Dodson, 5712

IN THE NAVY

The following named officers for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral

Rear Adm. (lh) William J. Lynch, 1963
Rear Adm. (lh) John C. Weed, Jr., 2952

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Daniel H. Stone, 0520

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. (lh) Michael D. Haskins, 6493

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Clinton E. Adams, 8045
Capt. Steven E. Hart, 6117
Capt. Louis V. Iasiello, 7632
Capt. Steven W. Maas, 3387
Capt. William J. Maguire, 8876
Capt. John M. Mateczun, 4993
Capt. Robert L. Phillips, 7293
Capt. David D. Pruett, 1322
Capt. Dennis D. Woofter, 5921

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be Vice Admiral

Vice Adm. Scott A. Fry, 5541

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

Air Force nomination of Michael R. Marohn, which was received by the Senate and appeared in the Congressional Record of July 20, 2000.

IN THE ARMY

Army nominations beginning *Robert S. Adams, Jr., and ending *Sharon A. West, which nominations were received by the Senate and appeared in the Congressional Record of June 6, 2000.

Army nominations beginning Kelly L. Abbrescia, and ending Timothy J. Zeien, II, which nominations were received by the Senate and appeared in the Congressional Record of June 6, 2000.

IN THE COAST GUARD

Coast Guard nomination of Elizabeth A. Ashburn, which was received by the Senate and appeared in the Congressional Record of July 18, 2000.

IN THE MARINE CORPS

Marine Corps nomination of Thomas J. Connally, which was received by the Senate and appeared in the Congressional Record of July 18, 2000.

Marine Corps nominations beginning Aaron D. Abdullah, and ending Daniel M. Zonavetch, which nominations were received by the Senate and appeared in the Congressional Record of July 18, 2000.

IN THE NAVY

Navy nominations beginning Roy I. Apseloff, and ending John D. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record of April 4, 2000.

Navy nominations beginning Thomas A. Allingham, and ending John W. Zink, which nominations were received by the Senate and appeared in the Congressional Record of April 4, 2000.

Navy nominations beginning Donald M. Abrashoff, and ending Charles Zingler, which nominations were received by the Senate and appeared in the Congressional Record of April 11, 2000.

TREATY ON INTER-AMERICAN CONVENTION AGAINST CORRUPTION—TREATY DOCUMENT NO. 105–39

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Senate proceed to consider the following treaty on today's Executive Calendar: No. 16. I further ask unanimous consent that the treaty be considered as having passed through its various parliamentary stages, up to and including the presentation of the resolution of ratification; that all committee provisos, reservations, understandings, and declarations be considered agreed to; that any statements be printed in the CONGRESSIONAL RECORD as if read; further, when the resolution of ratification is voted upon, the motion to reconsider be laid upon the table, and the President be notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of Oregon. Mr. President, I ask for a division vote on the resolution of ratification.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the resolution of ratification will rise and stand until counted. (After a pause.) Those opposed will rise and stand until counted.

On a division, two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

The resolution of ratification agreed to is as follows:

Resolved (two-thirds of the Senators present concurring therein),

That the Senate advise and consent to the ratification of the Inter-American Convention Against Corruption, adopted and opened for signature at the Specialized Conference of the Organization of American States (OAS) at Caracas, Venezuela, on March 29, 1996, (Treaty Doc. 105–39); referred to in this resolution of ratification as "The Convention", subject to the understandings of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) UNDERSTANDINGS.—The advice and consent of the Senate is subject to the following understandings, which shall be included in the instrument of ratification of the Convention and shall be binding on the President:

(1) APPLICATION OF ARTICLE I.—The United States of America understands that the phrase "at any level of its hierarchy" in the first and second paragraphs of Article I of the Convention refers, in the case of the United States, to all levels of the hierarchy of the Federal Government of the United States, and that the Convention does not impose obligations with respect to the conduct of officials other than Federal officials.

(2) ARTICLE VII ("Domestic Law").—

(A) Article VII of the Convention sets forth an obligation to adopt legislative measures to establish as criminal offenses the acts of corruption described in Article VI(1). There is an extensive network of laws already in place in the United States that criminalize a wide range of corrupt acts. Although United States laws may not in all cases be defined in terms or elements identical to those used in the Convention, it is the understanding of the United States, with the caveat set forth in subparagraph (B), that the kinds of official corruption which are intended under the Convention to be criminalized would in fact be criminal offenses under U.S. law. Accordingly, the United States does not intend to enact new legislation to implement Article VII of the Convention.

(B) There is no general "attempt" statute in U.S. federal criminal law. Nevertheless, federal statutes make "attempts" criminal in connection with specific crimes. This is of particular relevance with respect to Article VI(1)(c) of the Convention, which by its literal terms would embrace a single preparatory act done with the requisite "purpose" of profiting illicitly at some future time, even though the course of conduct is neither pursued, nor in any sense consummated. The United States will not criminalize such conduct *per se*, although significant acts of corruption in this regard would be generally subject to prosecution in the context of one or more other crimes.

(3) TRANSNATIONAL BRIBERY.—Current United States law provides criminal sanctions for transnational bribery. Therefore, it

is the understanding of the United States of America that no additional legislation is needed for the United States to comply with the obligation imposed in Article VIII of the Convention.

(4) ILLICIT ENRICHMENT.—The United States of America intends to assist and cooperate with other States Parties pursuant to paragraph 3 of Article IX of the Convention to the extent permitted by its domestic law. The United States recognizes the importance of combating improper financial gains by public officials, and has criminal statutes to deter or punish such conduct. These statutes obligate senior-level officials in the federal government to file truthful financial disclosure statements, subject to criminal penalties. They also permit prosecution of federal public officials who evade taxes on wealth that is acquired illicitly. The offense of illicit enrichment as set forth in Article IX of the Convention, however, places the burden of proof on the defendant, which is inconsistent with the United States Constitution and fundamental principles of the United States legal system. Therefore, the United States understands that it is not obligated to establish a new criminal offense of illicit enrichment under Article IX of the Convention.

(5) EXTRADITION.—The United States of America shall not consider this Convention as the legal basis for extradition to any country with which the United States has no bilateral extradition treaty in force. In such cases where the United States does not have a bilateral extradition treaty in force, that bilateral extradition treaty shall serve as the legal basis for extradition for offenses that are extraditable in accordance with this Convention.

(6) PROHIBITION ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States of America shall exercise its rights to limit the use of assistance it provides under the Convention so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The advice and consent of the Senate is subject to the following declaration:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the State Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The advice and consent of the Senate is subject to the following provisos:

(1) ENFORCEMENT AND MONITORING.—Not later than April 1, 2001, and annually thereafter for five years, unless extended by an Act of Congress, the President shall submit to the Committee on Foreign Relations of the Senate, and the Speaker of the House of Representatives, a report that sets out:

(A) RATIFICATION.—A list of the countries that have ratified the Convention, the dates of ratification and entry into force for each country, and a detailed account of U.S. efforts to encourage other nations that are signatories to the Convention to ratify and implement it.

(B) DOMESTIC LEGISLATION IMPLEMENTING THE CONVENTION AND ACTIONS TO ADVANCE ITS OBJECT AND PURPOSE.—A description of the domestic laws enacted by each Party to the Convention that implement commitments under the Convention and actions taken by each Party during the previous year, including domestic law enforcement measures, to advance the object and purpose of the Convention.

(C) PROGRESS AT THE ORGANIZATION OF AMERICAN STATES ON A MONITORING PROCESS.—An assessment of progress in the Organization of American States (OAS) toward creation of an effective, transparent, and viable Convention compliance monitoring process which includes input from the private sector and non-governmental organizations.

(D) FUTURE NEGOTIATIONS.—A description of the anticipated future work of the Parties to the Convention to expand its scope and assess other areas where the Convention could be amended to decrease corrupt activities.

(2) MUTUAL LEGAL ASSISTANCE.—When the United States receives a request for assistance under Article XIV of the Convention from a country with which it has in force a bilateral treaty for mutual legal assistance in criminal matters, the bilateral treaty will provide the legal basis for responding to that request. In any case of assistance sought from the United States under Article XIV of the Convention, the United States shall, consistent with U.S. laws, relevant treaties and arrangements, deny assistance where granting the assistance sought would prejudice its essential public policy interest, including cases where the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Convention is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(3) SUPREMACY OF THE CONSTITUTION.—Nothing in the Convention requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 106–38

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Injunction of Secrecy be removed from the following treaty transmitted to the Senate on July 27, 2000, by the President of the United States:

Extradition Treaty with Belize (Treaty Document No. 106–38).

I further ask unanimous consent that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Extradition Treaty Between the Government of the United States of America and the Government of Belize, signed at Belize on March 30, 2000.

In addition, I transmit, for the information of the Senate, the report of the Department of State with respect to the Treaty. As the report explains, the Treaty will not require implementing legislation.

The provisions in this Treaty follow generally the form and content of extradition treaties recently concluded by the United States.

The Treaty is one of a series of modern extradition treaties being negotiated by the United States in order to counter criminal activities more effectively. Upon entry into force, the Treaty will replace the outdated Extradition Treaty between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the United States of America, signed at London, June 8, 1972, entered into force on October 21, 1976, and made applicable to Belize on January 21, 1977. That Treaty continued in force for Belize following independence. This Treaty will, upon entry into force, enhance cooperation between the law enforcement communities of the two countries. It will thereby make a significant contribution to international law enforcement efforts against serious offenses, including terrorism, organized crime, and drug-trafficking offenses.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 27, 2000.*

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 106–39

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Injunction of Secrecy be removed from the following treaty transmitted to the Senate on July 27, 2000, by the President of the United States:

Treaty with Mexico on Delimitation of Continental Shelf (Treaty Document No. 106–39).

I further ask unanimous consent that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; that the President's message be printed in the RECORD; and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

LETTER OF TRANSMITTAL

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the Government of the United States of America and the Government of the United Mexican States on the Delimitation of the Continental Shelf in the Western Gulf of Mexico beyond 200 nautical miles. The Treaty was signed at Washington on June 9, 2000. The report of the Department of State is also enclosed for the information of the Senate.

The purpose of the Treaty is to establish a continental shelf boundary in the western Gulf of Mexico beyond the outer limits of the two countries' exclusive economic zones where those limits do not overlap. The approximately 135-nautical-mile continental shelf boundary runs in a general east-west direction. The boundary defines the limit within which the United States and Mexico may exercise continental shelf jurisdiction, particularly oil and gas exploration and exploitation.

The Treaty also establishes procedures for addressing the possibility of oil and gas reservoirs that extend across the continental shelf boundary.

I believe this Treaty to be fully in the interest of the United States. Ratification of the Treaty will facilitate the United States proceeding with leasing an area of continental shelf with oil and gas potential that has interested the U.S. oil and gas industry for several years.

The Treaty also reflects the tradition of cooperation and close ties with Mexico. The location of the boundary has not been in dispute.

I recommend that the Senate give early and favorable consideration to this Treaty and give it advice and consent to ratification.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *July 27, 2000.*

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

225TH ANNIVERSARY OF UNITED STATES ARMY CHAPLAIN CORPS

Mr. THURMOND. Mr. President, today I rise to extend my unswerving support and deep appreciation to the United States Army Chaplain Corps on the occasion of its 225th Anniversary, which will occur this Saturday, July 28, 2000. Throughout the history of our Nation, the Army Chaplaincy has dedicated itself to enriching our soldiers' spiritual lives and ensuring the free exercise of religion.

Many Chaplains and Chaplain Assistants have demonstrated their love for their fellow soldiers by risking their lives so that their comrades might live. I would like to acknowledge these dedicated individuals who have gallantly served in the Army Chaplaincy, and who continue to selflessly minister in the face of adversity, uncertainty, and anxiety so that soldiers might be brought closer to God. By their sacrifices, Chaplains and Chaplain Assistants have proven themselves in both peril and peace to love our soldiers, our Army, and our Nation above themselves. For this, our Nation is grateful. Again, I congratulate the United States Army Chaplains Corps for 225 years of loyal service and pray that it will continue to serve our Army until nations shall beat their swords into plowshares and war shall cease.

THE HORRIBLE VIOLENCE IN INDONESIA

Mr. ASHCROFT. Mr. President, I rise today to speak on an urgent issue of great concern to me. Over the past eighteen months, terrible violence has occurred and is still taking place in Indonesia's Moluccan (Maluku) Islands, focused in the provincial capital of Ambon, and no end is in sight. In this Indonesian province, religious conflict between Christians and Muslims has led to the loss of up to 10,000 lives and the displacement of up to 500,000 people. To my great dismay, the Indonesian government has had little success in protecting Christians. In the Moluccas in the last two years almost 10,000 buildings and churches have been burnt and mass killings go largely unpunished.

Since, the situation has intensified with the arrival of members of the Laskar (Jihad) Force. The Laskar Jihad is a group of over 2,000 Muslim militants who sailed to the Moluccas from the main island of Java. Efforts by the United States to keep this group out was in vain. Indonesia adhered to her open inter-island immigration policy and the group was allowed to go to the Moluccas. Due to internal political unrest and continuing economic depression, the police forces and military are unable or unwilling to restore order. The necessity to bring the populace under the rule of law and order has intensified due to some reports that the Muslim Jihad Force has given the Christians in the city of Ambon until July 31st to vacate the city. If they do not leave in compliance with this ultimatum, they probably will be murdered.

Mr. President, the Molucca islands, known previously as the Spice Islands, have had a long history of contact and trade with Europe. The Spice Islands were greatly valued for their nutmeg and clove production. Due to this prolonged and extensive contact, the Moluccas have a much higher percentage of Christians than other parts of Indonesia. Indonesian President Abdurrahaman Wahid supports a policy of tolerance between the two religions, but such cooperation is not forthcoming. A history of heavy-handed authoritarianism, practiced by the Indonesian military under ex-President Suharto, resulted in the suppression of a range of disputes between the two groups. When Suharto's rule collapsed, these arguments were vented, and sectarian violence soon erupted. The spark came in January of 1999, the end of the Muslim month of Ramadan, when a minor incident on Ambon led to 160 deaths and villages burned to the ground. The violence escalated leading to a greater frequency of killings and the destruction of churches and mosques. To further complicate this horrendous situation, the military has not acted consistently neutral in this conflict, aiding Muslims militants against the Christians in several disturbing instances. The situation is desperate.

Mr. President, I would like to thank our Secretary of State, Ms. Madeline Albright, for her continuing work with the Indonesian government to alleviate this horrible religious strife in Indonesia. It is important for the United States to vigilantly and immediately pressure the Indonesian government to continue to take steps to restore civil order, foster dialogue between the Christians and the Muslims, and help the communities find a way to peacefully coexist. The U.S. also needs to press Vice President Megawati Sukarnoputri to find both short-term and long-term solutions to this problem—for she has expressly been given this task. In addition, the State Department must continue its push to let humanitarian workers and the United States Agency for International Development (USAID) into the Moluccas to alleviate some of the human suffering that is occurring as a result of the warfare. The Indonesian government has taken several positive steps towards ending the violence, including the appointment of a Hindu to head the police forces in the area. This nomination, as a gesture of non-partisanship, was a great stride in the right direction. However, we must work to ensure that all actions taken by the police and the military are fair, even-handed, and contribute to stopping the violence. Indonesia has also, to my pleasure, recently mounted a campaign to eject the Jihad Force from the Moluccas. This development should alleviate some of the violence, but the basic problems remain unsolved. The government of Indonesia must do more. In addition, the United States must continue to immediately press for a solution to this bloody situation in the hopes of establishing a peace and stability that would end the persecution of Christians in the Moluccans. Thank you.

EAST TIMOR AND INDONESIA

Mr. FEINGOLD. Mr. President, I rise today to speak about the continuing crisis in Indonesia and East Timor.

Earlier this week, a peacekeeper from New Zealand, Leonard William Manning, was killed while tracking a group of men whom senior officials in Timor have identified as militia members who had crossed into East Timor from Indonesia. Private Manning was serving the cause of peace, his death is tragic, and I want to take this opportunity to express my sympathy to his family.

In the wake of this incident, the United Nations Security Council and the ASEAN Regional Forum have called on Indonesia to disband and disarm the militias operating in the refugee camps of West Timor, and to stop the militias' cross-border incursions into East Timor. But Mr. President, this call has echoed around the world for months now. It is a call that has gone unheeded.

The activities of Indonesian militias threaten the stability of Indonesia, the safety of peacekeepers and humanitarian workers, and the basic human rights of Indonesians and East Timorese. It was the militia, Mr. President, that waged a brutal campaign of violence and destruction immediately after East Timor's vote for independence last year. It was the militia that enjoyed the direct support of the Indonesian military throughout that operation. And it is the militia that continues to operate in the refugee camps of West Timor, where the most vulnerable East Timorese are subjected to threats and intimidation. It is the militia that has forced UNHCR to suspend operations in West Timor after a series of violent assaults on its staff.

I believe that many in the Indonesian government, including President Wahid, want to stop the militia violence and to end the intimidation in the refugee camps. But they are unable to make this happen, because too many people in powerful positions in Indonesia remain unwilling to make it happen. And that, Mr. President, is all that this country needs to know when the question of resuming military relations with Indonesia comes up.

Ominous reports of a deeply disturbing relationship between the Indonesian military and the militias continue to pour out of the region. Peacekeepers on the ground in East Timor have noted that the group that attacked Private Manning appeared to have benefitted from serious and significant military training. At one point recently, UNHCR personnel witnessed militiamen beat a refugee from East Timor and rob several others while a 70-strong Indonesian military detachment witnessed the incident but did not intervene.

And it's not just Timor, Mr. President. In the Moluccas, where sectarian violence has risen to such alarming levels that many have pondered international intervention, reliable reports indicate the Indonesian military has been complicit in the conflict, and has even provided support to certain factions. In Papua, or Irian Jaya, militia groups have already taken violent action against community leaders.

The simple and unfortunate facts, Mr. President, are that a power struggle continues in Indonesia, between those committed to a responsible and professional military operating under civilian control, and those who would cling to the abusive patterns of the past. I have introduced a bill, the East Timor Repatriation and Security Act of 2000, which would codify a suspension of military and security relations with and assistance to Indonesia until certain conditions are met. This legislation would permit military and security programs from J-CETS to military sales to resume only when the President determines and submits a report to the appropriate congressional committees that the Government of Indonesia and the Indonesian Armed Forces are doing the following—

Taking effective measures to bring to justice members of the armed forces and militia groups against whom there is credible evidence of human rights violations;

Taking effective measures to bring to justice members of the armed forces against whom there is credible evidence of aiding or abetting militia groups;

Allowing displaced persons and refugees to return home to East Timor, including providing safe passage for refugees returning from West Timor;

Not impeding the activities of the United Nations Transitional Authority in East Timor;

Demonstrating a commitment to preventing incursions into East Timor by members of militia groups in West Timor; and

Demonstrating a commitment to accountability by cooperating with investigations and prosecutions of members of the Indonesian Armed Forces and military groups responsible for human rights violations in Indonesia and East Timor.

These certainly are not unreasonable conditions. They work in favor of the forces of reform within Indonesia. And by linking military and security assistance to these benchmarks, Congress will ensure that the U.S. relationship with Jakarta avoids the mistakes of the past, and that U.S. foreign policy comes closer to reflecting our core national values.

But recent events make it crystal clear that these conditions have not yet been met. Mr. President, the U.S. must continue to insist on them. In the pursuit of justice, in the pursuit of stability, and in support of the forces of reform, this country cannot send a signal that where we are today is somehow good enough. Again, Mr. President, I add my voice to the chorus, because U.S., Indonesian, and Timorese interests all demand that the militias be stopped and that the military must be united in the pursuit of professionalism, accountability, and civilian control.

THE CLASS ACTION FAIRNESS ACT

Mr. GRAMS. Mr. President, I want to today announce my support for S. 353, the Class Action Fairness Act, just reported by the Judiciary Committee, and announced my intention to complement this legislation by introducing legislation soon that will require lawyers representing plaintiffs in class actions to make preliminary disclosures estimating the anticipated attorneys' fee, and an explanation of the relative recoveries that both the attorney and class action clients can expect to receive if the claim is settled or decided favorably. My cosponsorship of the Class Action Fairness Act and intention to introduce my own legislation is prompted by some high profile class action case settlements that have generated a great deal of controversy. Labeled "coupon" settlements, these agreements have involved the class action claimants receiving coupons for discounts on later purchases of goods or services while the attorneys representing the class walk away with literally hundreds of thousands of dollars, or even millions of dollars, in fees. Often these coupons are for discounts on the same item rejected by the claimants in the class action.

For instance, several years ago many of the nation's airlines were sued based upon a claim that they had fixed prices. A database that the airlines were using to communicate fares to the travel industry was suspected of being used to compare and fix fares, and a Justice Department antitrust investigation thus ensued. The Justice Department subsequently filed a civil antitrust suit in 1992 and settled the case in 1994. But firms specializing in class action cases also brought their own civil suits against the airlines on behalf of air travelers. In fact, 37 firms were involved on the plaintiff side of the litigation.

A settlement was eventually reached that provided $438 million worth of coupons to an unknown number of passengers, while the legal fees to plaintiffs' attorneys amounted to $16 million. In other words, the passengers got coupons, and the lawyers got cash. You may be thinking that $438 million in coupons sounds like a pretty generous amount of discounts for the passengers, but the details indicate otherwise. Each coupon was good for only a 10 percent maximum discount off an air fare. 4.2 million air travelers recovered between $73 and $140 in coupons, but, again, any one coupon was only good for 10 percent of the actual fare.

One particularly revealing fact about this settlement was that one airline that had not been named as a defendant actually asked to be joined in the suit as a defendant because they saw the promotional value of all these coupons going to air travelers. So what ostensibly was a high stakes civil action degenerated into a promotional tool for the airlines, a negligible recovery for the class members, and a financial boon for the plaintiffs' attorneys.

It's not difficult to foresee the possibility of collusion between plaintiffs' and defendants' attorneys when the plaintiff attorneys can get huge fees and defendants can eliminate the risk of a large judgment. It obviously is an attractive option to a defendant to settle a case and pay large fees to a small number of people—specifically the attorneys—and avoid the risk of protracted litigation and lawyers seeking a jackpot recovery. Attorneys have a fiduciary duty to represent the best interests of their clients, but it's clear that in the cases of coupon settlement usually the primary interest served is their own.

So we now have a problem of plaintiff attorneys searching for causes for which they can bring suit, and then representing anonymous clients that they don't know and to which they have no accountability. In fact, many members of a class in a class action don't even know they are being represented. The windfall profits to attorneys has prompted a deluge of these type of suits, and recent studies indicate that in the last 36 months, some companies have faced a 300 to 1000% increase in the number of class actions filed against them. And you know the problem has gotten bad when the president of the Association of Trial Lawyers of America comes out against coupon settlements.

The problem of coupon settlements has been manifested primarily in state courts. Federal court judges generally, to their credit, have been more vigilant in policing such "sweetheart settlements." The problem of the proliferation of this type of litigation in state courts prompted Congress to seek a legislative remedy. The Judiciary recently marked up the Class Action Fairness Act, which moves many of these large, multi-state claims to the federal courts where they belong. Many of the class action trial lawyers have worked the system to keep their claims in state court, where they know there is not the expertise nor staff to handle the issues, and which provides them advantages over the defendant. The bill also requires the Judicial Conference of the United States to recommend best practices the courts can use to ensure settlements are fair to the class members, that attorneys fees are appropriate, and that the class members are the primary beneficiaries of the settlement.

I believe that these are important reforms, and I want to take the reforms a step further by requiring attorneys in class action cases to make an up-front disclosure about the prospects for success and also give information about attorneys' fees and individual class member recovery in the event of a successful conclusion to the suit. If potential class members are likely to receive only a small fraction of what their attorney would receive, or perhaps a coupon which they may or may not end up using, then they need to be appraised of that fact from the start. These types of disclosures will at least put the potential class members on notice that perhaps the attorneys don't have some noble pursuit of justice in mind as much as they do getting a quick settlement that will net them huge profits, while the clients they ostensibly are trying to assist receive little or nothing.

Again, I am pleased to join as a cosponsor of S. 343, and look forward to introducing my own legislation to combat this abuse of our legal system.

EXPLANATION OF ABSENCE

Mrs. MURRAY. Mr. President, as my colleagues know, I had to return home to Washington state on Thursday of last week to attend the funeral of Mr. Bernie Whitebear. Unfortunately, I missed a series of roll call votes on H.R. 4461, the fiscal year 2001 agriculture appropriations bill, and the vote on the Conference Report of H.R. 4810, marriage tax penalty legislation. I wanted to take this opportunity to state for the Record how I would have voted had I been present.

On Roll Call Vote Number 221, the Harkin Amendment Number 3938, I would have voted "Yea."

On Roll Call Vote Number 222, the Wellstone Amendment Number 3919, I would have voted "Yea."

On Roll Call Vote Number 223, the Specter Amendment Number 3958, I would have voted "Yea."

On Roll Call Vote Number 224, on the question of whether the Durbin Amendment Number 3980 is germane to H.R. 4461, I would have voted "Yea."

On Roll Call Vote Number 225, on final passage of H.R. 4461, I would have voted "Yea."

On Roll Call Vote Number 226, on final passage of the Conference Report of H.R. 4810, I would have voted "Nay."

WHY FOREIGN AID?

Mr. LEAHY. Mr. President, I often hear from members of the public who feel that the United States is spending too much on "foreign aid." Why are we sending so much money abroad, they ask, when we have so many problems here at home?

This concerns me a great deal, because it has been shown over and over again that most Americans mistakenly believe that 15 percent of our national budget goes to foreign aid. In fact it is about 1 percent. The other 99 percent goes for our national defense and to fund other domestic programs—to build roads, support farmers, protect the environment, build schools and hospitals, pay for law enforcement, and countless other things the governments does.

The United States has by far the largest economy in the world. We are unquestionably the wealthiest country. The amount we spend on foreign aid totals only a few dollars per American per year.

What does the rest of the world look like?

Imagine, for a moment, if the world's population were shrunk to a population of 100 people, with the current ratios staying the same. Of those 100 people, 57 would be Asians. There would be 21 Europeans. Fourteen would be from North and South America. Eight would be Africans.

Of those 100 people, 52 would be women, and 48 would be men. Seventy would be non-White, and 30 would be White. Seventy would be non-Christian, and 30 would be Christian.

Six people would possess 59 percent of the world's wealth, and all 6 would be Americans. Think about that.

Fifty people—one half of the population, would suffer from malnutrition. 80 out of 100 would live in substandard housing, often without safe water to drink.

Seventy would be illiterate. Only 1 would have a college education. And only 1 would own a computer.

Are we spending too much on foreign aid? These statistics put things in perspective. I would suggest that there are two reasons to conclude that not only are we not spending too much, we are not spending enough.

First, we are a wealthy country—far wealthier than any other. Yes we have problems. Serious problems. But they pale in comparison to the deprivation endured by over a billion of the world's people who live in extreme poverty, with incomes of less than $1 per day. Like other industrialized countries, we have a moral responsibility to help.

Second, it is often said, but worth repeating, that our economy and our security are closely linked to the global economy and to the security of other countries. Although we call it foreign aid, it isn't just about helping others. These programs help us.

By raising incomes in poor countries we create new markets for American exports, the fastest growing sector of our economy.

Raising incomes abroad also reduces pressure on people to flee their own countries in search of a better life. One example that is close to home is Mexico, where half the population survives on an income of $2 per day. Every day, thousands of people cross illegally from Mexico into the United States.

putting enormous strains on U.S. law enforcement.

Foreign aid programs support our democratic allies. There are few examples in history of a democracy waging war against another democracy.

These programs protect the environment and public health, by stopping air and water pollution, and combating the spread of infectious diseases that are only an airplane flight away from our shores.

They help deter the proliferation of weapons, including nuclear, biological and chemical weapons.

These are but a few examples of how "foreign aid" creates jobs here at home, and protects American interests abroad.

The American people need to know what we do with our foreign aid, and why in an increasingly interdependent world the only superpower should be doing more to protect our interests around the world, not less.

CHANGE OF COMMAND FOR THE CHIEF OF NAVAL OPERATIONS

Mr. WARNER. Mr. president, on July 21, 2000 our colleague Senator JOHN MCCAIN delivered an address at the Change of Command ceremony were Admiral Jay Johnson stepped down from his distinguished career to be succeeded by Admiral Vern Clark as the 27th Chief of Naval Operations.

I was privileged to be present, together with Roberta McCain, Senator MCCAIN's mother, to listen to his stirring remarks to our Navy-Marine Corps men and women-both present and serving throughout the world in the cause of freedom. Our colleague has a long and distinguished career in and with our military. His heartfelt delivery was genuine and his message was inspirational. I ask unanimous consent that his remarks be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATOR JOHN MCCAIN SPEECH FOR CNO RETIREMENT July 21, 2000

Thank you, Admiral Johnson, Secretary Cohen, Secretary Danzig, General Shelton, Admiral Clark, the Joint Chiefs, Medal of Honor recipients, members of Congress, members of the Naval Academy Board of Visitors, distinguished flag and general officers of the U.S. and Allied Forces, guests, families and friends. And thank you, midshipmen of the Class of 2004.

I am greatly honored to be here today, and to participate in this wonderful ceremony as the men and women of the United States Navy officially welcome their new Chief of Naval Operations, Admiral Vernon Clark, and say farewell and thank you to the man who has led you so well for more than four years, my good friend, Admiral Jay Johnson.

It has never been enough that an officer of the Navy should be a capable mariner. He must be that, of course, but also a great deal more. He should be, and I quote, "a gentleman of liberal education, refined manners, punctilious courtesy, and the nicest sense of personal honor." End quote.

For those of you who know your plebe rates, you recognize that those words were written by a man who is buried here at the Naval Academy, underneath the Chapel dome. John Paul Jones had a clear vision for the qualifications of a Naval Officer over 220 years ago, qualifications that Admiral Johnson and Admiral Clark not only meet, but exceed.

Admiral Johnson and I have known each other for a long time. We both served on the USS ORISKANY during the Vietnam War. He flew an F8 Crusader in two combat cruises, trying to finish the war so those of us who weren't as good a pilot as he was could come home a little earlier. And for that I am extremely grateful!

Of the many lessons I learned from Vietnam, one that I value highly is the realization that although Americans have fought valiantly in many noble causes, we are not assured that the battle will always be necessary or the field well-chosen. In the end, Americans at war, professional and conscript alike, always find their honor in their answer, if not their summons. My friend, Admiral Johnson found much honor in his answer to our country's call to arms.

In better times, Admiral Johnson and I again worked together on behalf of the service we both want to see succeed. As a member of Congress, I have admired his meteoric rise as an Air Wing, Battle Group, Joint Task Force and Fleet Commander. As the Vice Chief and then Chief of Naval Operations, Jay's frank counsel on issues affecting the defense of our country has been of great value to me, and other members of Congress.

Applying his philosophy that emphasizes Operational Primacy, Leadership, Teamwork and Pride, Admiral Johnson has guided the Navy for the past four years, skillfully balancing mandated reductions in force with dramatically increased operational tasking.

He has been a champion of reform. He improved the Inter-Deployment Training Cycle—the period between deployments—the largest quality-of-life initiative of the past decade, by reducing at-sea time and ensuring that sailors could spend more time in port with their families. His improvements included empowering the Navy's commanding officers by removing redundant inspections and burdensome paperwork and raising morale among the sailors, while giving commanders the opportunity to truly lead their ships, squadrons, submarines and SEAL teams.

Admiral Johnson also led the Joint Chiefs of Staff in calling for the largest personnel pay increases in the past decade. He was the first Chief to step forward and support food stamp relief for our most needy sailors, soldiers, airmen, and marines. In addition, he led the charge for Pay Table Reform, which increased our sailors' pay beginning this month. He was instrumental in restoring full retirement pay for military retirees, and in pushing for larger increases in annual military pay raises. The dramatic improvements in this years' defense authorization bill, which passed the Senate last week are, in large part, due to Jay Johnson's influence.

The men and women he has commanded have responded to his outstanding leadership by performing superbly themselves in combat in Iraq and the Balkans. They have kept the peace and have won the wars, and for that, we are forever indebted to our sailors, soldiers, airmen, and marines and to people like Admiral Clark who has been involved in every Navy conflict over the past 32 years.

Admiral Johnson's skill in working with people clearly reflects his close family relationships. This year, Admiral Johnson was aptly deemed Father of the Year by the National Father's Day Committee.

The Class of 1968 has asked me to announce at today's ceremony that they have chosen Admiral Jay Johnson to be the honoree of the Class of 1968 Leadership Award that will endow a gift to the Superintendent of the Naval Academy for the Leadership and Ethics Curriculum. Congratulations Jay.

Admiral Clark, we welcome you and Connie to the helm of this great Navy. I am confident that the Navy will continue to flourish under your leadership. You have already demonstrated that the key to your strength as a leader is in supporting the people of the U.S. Navy. I was heartened to hear you openly back programs like food stamp relief for service members, and testify at your Senate confirmation hearing this spring about the sailors that, I quote,

"We know that nothing is impossible with them. We can't do readiness. We can't successfully complete missions. No, we can't be victorious without them. And so nothing is more important to me than them." End quote.

The Navy has selected an outstanding 27th Chief of Naval Operations, another Vietnam combat veteran, a Destroyer-man who brings an outstanding breadth of command and joint leadership. Admiral, it is clear that you are more than capable of continuing the strong, insightful leadership provided by Admiral Johnson, leadership which will be required to guide the Navy with the vigilance and courage needed to implement reforms.

Forty-five years ago this August, when I was a youngster at the academy, I stood in Dahlgren Hall to hear the words of Admiral Arleigh Burke as he became the New Chief of Naval Operations. He went on to serve an unprecedented, distinguished three terms as CNO.

The uncertainties and challenges of the age we live in stand in stark contrast to the moment in which Admiral Arleigh Burke summoned his destroyer squadron and ordered them into battle against a superior Japanese fleet. They had to attack at the Bougainville coast to protect the landings in progress at Empress Augusta Bay. Defeat—a mathematical probability if not certainty—would have led to a loss of the battle and left vulnerable nearly all naval defenses of the Southern Pacific.

What compelled Admiral Burke to take what seemed such a desperate gamble by committing the little ships of Destroyer Squadron 23, the Little Beavers, against the immense strength of the Japanese fleet? What explains his firm faith in the reliability of the intelligence upon which he based the supposition of his ships and his confidence in the men who would command them in battle? How was he sure that the Americans whom he ordered into harm's way would obey his orders and reward his trust with such courage and resourcefulness?

He believed in his people. He believed in their courage and their ability. He knew that they, like he, were empowered by the justice of their cause, by a love of America expressed in action, and in sacrifice. Trust, derived from his appreciation of his countrymen's virtues, and his wisdom and confidence about how they would discharge their duties in a desperate battle was the essence of Admiral Burke's extraordinary leadership.

By memorializing Admiral Burke, we memorialize the very finest virtues of our blessed country. We also pay tribute to the attributes of leadership embodied in the service of Admiral Johnson and Admiral Clark, attributes that are reflected in their actions to support the men and women under their command.

The greatness of our destiny rests in the hands of every man and woman blessed to call America home. That's why Admiral Johnson has taken so seriously his responsibilities to his sailors. He knew that together they shared equally in the honor of defending a great nation. Admiral, you will be the first to direct all praise to the men and women under your command. But I know that they would direct it back to you—the man at the helm.

Jay, you have served your Navy and your nation well. I want to thank you and Garland for your many years of exemplary service to America, and bid you fair winds and following seas, for I know we will see you again. I know you will find new ways to serve the Navy and America, and I will always rely on your wise counsel.

Admiral Clark and Connie, congratulations and welcome. I am confident that you will both distinguish the noble tradition you inherit today. Admiral, I look forward to working with you as you lead the Navy toward its always magnificent destiny.

I would like to close by speaking directly to the women and men of the U.S. Navy. As we stand here this morning, our sailors are risking their lives above, on, and below the ocean.

But this risk is not without reward—the reward of serving a cause greater than one's own self-interest. I commend your service in the Navy. I hold the Navy closer to my heart than any other human institution that I have ever been a part of—save my family. The Navy for many years was the only world I knew. It is still the world I know best and love most.

I trust in your willingness and ability to uphold the honor of your Navy and your country, for I have seen the best of America in my travels over the last year and know that America deeply appreciates your service. I recognize that we still have many miles to sail to ensure that you are properly rewarded for your continued sacrifice and service to our nation.

Make the most of these days, for you will never forget the honor of your service in this Navy. Nor will your country forget the honor you gave her in seas where so many Americans, like Admiral Burke and Admiral Johnson, fought for the love of their country. Admiral Johnson, I thank you for the honor of inviting me to return to a place I love so well. Admiral Clark, I offer my best wishes and look forward to working with you. Thank you.

GUN DEATHS AMONG YOUNG PEOPLE

Mr. LEVIN. Mr. President, this week we received some positive news from the Centers for Disease Control and Prevention's National Center for Health Statistics. According to newly released statistics, firearm deaths among young people decreased in 1998.

The new report shows that firearm deaths among children and adolescents under 20 dropped 10 percent—from 4,223 in 1997 to 3,792 in 1998. Perhaps even more significant, in 1998, deaths among young people were down 35 percent since 1994, when firearms led to the deaths of 5,833 young people.

It is no coincidence that firearm casualties have been reduced by 35 percent since 1994, the year the Brady Law went in to effect. The Brady Law, which requires licensed firearms sellers to conduct criminal background checks on prospective gun purchasers, has successfully kept guns out of the hands of hundreds of thousands of criminals and youths.

Although we can rejoice that fewer youths are subject to the danger of guns, we should still be dismayed that 10 of our young people (on average) die from guns every day. 10 children and adolescents as well as 74 adult Americans suffered gun-related deaths daily in 1998, and that is far too many.

Congress must do more to protect our children and loved ones from these gun tragedies. We can start by strengthening the Brady Law by closing the gun show loophole. That loophole allows perpetrators of violent crimes to buy guns from non-licensed or private sellers, who are not required to conduct criminal background checks. This loophole undermines the successes of Brady by arming those who would otherwise not be permitted to purchase firearms. In May of 1999, the Senate passed legislation to close this loophole by extending criminal background checks to guns sold at gun shows and pawn shops, but opponents of this common sense provision have kept it from becoming law.

It is disheartening to know that Congress has not yet passed sensible gun laws—laws designed to protect American lives. Without addressing this issue, America will continue to lose 10 young people a day to guns, and that is 10 too many.

A COMPILATION OF INFORMATION ON ETHANOL ETHERS

Mr. KERREY. Mr President, I would like to note the release of a recent publication that all members of Congress should read. This new publication was produced by the Clean Fuels Development Coalition and it includes a presentation of facts about ethanol-based ethers.

As we attempt to deal with the water contamination problems resulting from leaking underground storage tanks, much of the debate is focusing on methanol-based ethers, i.e. MTBE. While MTBE has played an important role in reducing ozone throughout the U.S., the problems of water contamination have lead many to advocate limiting or even banning this product. During this debate a few of our colleagues have expressed confusion about the technical characteristics of ethanol-based ethers, like ETBE. Some have assumed that ethanol-based ethers have characteristics identical to MTBE. As both the Senate and House examine this issue, it is important to be aware of the significant differences between the two products.

For example, ethanol is a renewable, biodegradable product. When converted into ether, ETBE has many favorable characteristics in terms of the way it reacts in soil, water, and air, when compared to MTBE. In the event ETBE escapes into the atmosphere or our water supplies, it can be cleaned up much more efficiently than MTBE. ETBE is far less persistent than MTBE and remediation technologies have shown to be very effective.

Understanding the attributes of ETBE is also important at a time when every citizen is painfully aware of our dependence on imported petroleum and the relationship of supply and price. It may be possible to use ETBE in volumes up to 22 percent in gasoline. This addition of a clean, domestic fuel could significantly impact our gasoline supply situation, particularly in our most heavily populated and polluted urban areas.

I have long been a supporter of ETBE and while there are a number of technical and market challenges remaining before this fuel reaches full commercialization, its promise is undeniable. The petroleum industry, environmental groups, ethanol producers, and the auto industry have long recognized the superior qualities of ETBE. For that promise to be realized we need to ensure that ETBE is not included in any ban or limitation of fuels that result from leaking underground storage tank problems. I commend the Clean Fuels Development Coalition for their continued support of this important fuel as well as my own state of Nebraska which has more than a decade of experience in ETBE development.

Mr. President, at this time I would ask unanimous consent that a copy of the Clean Fuels Development Coalition fact book on ETBE be entered into the CONGRESSIONAL RECORD.

ETBE FACT BOOK

The U.S. Department of Energy's Energy Information Administration projects U.S. Oil imports could grow to nearly 60–70 percent of total U.S. Oil consumption by the year 2010 if new U.S. Policies are not adopted to reverse current trends or if world crude oil prices decline. According to the American Petroleum Institute, the U.S. Is currently dependent of foreign oil for 51.8 percent of its energy needs. Currently, 46.7 percent of the imports come from OPEC countries, with 19.1 percent originating from the Persian Gulf region.

Historically, market prices have been the primary argument driving the dependence on cheap crude oil imports and the perceived aversion to the alternative fuels. The market price of crude oil can be very misleading because it excludes external costs associated with its use, such as environmental and military costs. The actual cost of oil, including external costs, is estimated to be over $100 per barrel or about $3–$5 per gallon of gasoline, according to the U.S. General Accounting Office.

R. James Woolsey, former director of the Central Intelligence Agency, believes that the world's dependence on oil from the Middle East and the Caspian Basin is one of the three major threats to America's national security, along with attacks from rogue nations and terrorism.

According to General Accounting Office estimates, at current capacity, fuel ethanol and other oxygenates could displace about 305,000 barrels of petroleum per day used to produce gasoline. The total amount of petroleum that ethanol could displace would be approximately 3.7 percent of estimated U.S. Gasoline consumption in 2000. New presidential and Congressional initiates envision tripling these percentages by 2010.

Energy production and use accounts for 80 percent of air pollution and 66 percent of the human contribution to global warming. Gasoline obviously accounts for a majority of energy, and specifically, oil consumption. Displacing gasoline with a renewable, less toxic, CO_2-friendly, domestically produced fuel represents good environmental policy.

Each bushel of corn used to produce ethanol is 100 percent pure profit for the country. The ethanol industry makes $4.50 worth of products out of a $2.25 bushel of corn, doubling its value, enriching the national economy and displacing foreign oil. This improves the U.S. balance of trade payments by several billion dollars, and increases the value of U.S. Grain production. In the future, emerging cellulose conversion technology will make it possible for the entire country to function as a transportation fuel producer using alternative energy crops—switchgrass in Montana, sorghum in Oklahoma, sycamores in Louisiana, poplars in Vermont and waste biomass in New York.

In addition to stimulating the economy, ethanol helps reduce the federal deficit. The United States General Accounting Office (GAO) issued a report stating that a doubling of ethanol production would save the federal government $500 million to $600 million annually.

Despite ethanol's benefits, it has had problems entering the U.S. Gasoline pool. Due to difficulties with transportation regional fuel specifications and a increase in fuel vapor pressure, ethanol blends have been used mostly in the Midwest. But there is a way to combine the benefits of ethanol into a fuel additive that would be better accepted by the nation's refiners—producing ethyl tertiary butyl ether, ETBE.

By combining ethanol with isobutylene, which is derived from natural gas liquids or petroleum products, ETBE offers refiners, agriculture and policy makers another avenue to get the benefits of ethanol into gasoline and minimize many of its current obstacles.

The vast majority of ethanol is sold in the Midwest region of the United States. Ethanol blends are doing a great job reducing carbon monoxide and air toxic pollution. However, the more populated cities on the East and West Coasts face tougher emission standards that are primarily based on reducing the vapor pressure of gasoline. ETBE has the lowest vapor pressure of oxygenates available in the marketplace and a high octane level. Compared to other additives, including ethanol alone, it reduces more evaporative and tailpipe emissions, and lowers toxics and carbon monoxide. The U.S. Department of Energy found "significant benefits" to using ETBE made from biomass, especially in California.

Each gallon of ETBE displaces a barrel of imported oil and reduces the amount of oil that refiners use to make gasoline. Each gallon of ETBE helps the U.S. reduce its $52 billion oil import bill, stimulates the national economy and improves our balance of trade. Turning lower-valued domestic natural gas into high valued liquid fuel products can help areas of the country that have suffered from America's dramatic decline in crude oil production. American agriculture, working in cooperation with domestic natural gas producers to produce leaner domestic fuels, is a powerful combination of allies and resources.

Making ETBE can stretch our domestic fuel supplies. Using our natural gas resources and increasing the output of our domestic refineries is an important part of our energy security strategy. Using natural gas as a liquid in existing vehicles will displace imports much faster than waiting for consumers to switch to dedicated natural gas fuel vehicles.

Recent University of Nebraska-Lincoln studies indicate that ETBE is several times less soluble than MTBE, and several times more biodegradable. Compared with MTBE, ETBE, and/ethanol mixtures are less likely to reach groundwater supplies, and are more easily removed by natural attenuation and bioremediation, according to preliminary study results.

As automakers continue to be burdened with reducing emissions, their ability to provide car that are cleaner, yet still guaranteed to perform, is challenged. ETBE helps automakers get cleaner fuels that have lower sulfur, less toxics and improved driveability index. While ethanol blends help in this area, automakers prefer the use of ethers such as ETBE.

The idea of ETBE is not new. In an effort to reduce the dangerously high levels of pollution in Paris, the French Parliament voted to have a renewable content standard for its gasoline. The choice to meet the new renewable standard—ETBE. Lyondell Chemical Company is the world leader in ETBE production technology. Other companies have also produced and sold ETBE in limited quantities in the United State. Amoco produced and sold ETBE at its Yorktown, VA, refinery for several years and marketed the blends on the East Coast. Lyondell Chemical, formerly Arco Chemical Co., the world's largest methyl tertiary butyl ether producer, has produced ETBE several times at its MTBE plants in the U.S. In fact, all of the MTBE plants in the United States could easily produce ETBE with only minor adjustments to optimize performance.

The use of MTBE in the reformulated gasoline program has resulted in growing detections of MTBE in drinking water. The majority of these detections to date have been well below levels of public health concern. Detections at lower levels have, however, raised consumer concerns about taste and odor.

The EPA Blue Ribbon Panel on Oxygenates considered the fuel applications and technical characteristics of MTBE and other ethers during public sessions in 1999. The panel concluded that ETBE and other ethers have been used less widely and studied less than MTBE. The panel's final report states that, "To the extent that they have been studies, they (other ethers) appear to have similar, but not identical, chemical and hydrogeologic characteristics. The panel recommends accelerated study of the health effects and groundwater characteristics of these compounds. . ."

In response to anticipated questions abut the hydrogeologic characteristics of ETBE, the Department of Chemical Engineering at the University of Nebraska conducted preliminary research into the behavior of ETBE in water. The preliminary research suggests that ETBE's ubiquity properties are less than half those of MTBE. In addition, a preliminary report by the University notes that existing literature suggests a faster degradation rate for ETBE than MTBE. The Nebraska Ethanol Board and several federal agencies have proposed additional research on the properties of ETBE.

Starting this year, federal Phase II reformulated gasoline, RVG, must deliver a four percent to seven percent reduction in NO_X emissions relative to the 1990 baseline gasoline. ETBE is particularly well suited for meeting this requirement because ETBE can reduce aromatic content in RFG. Automobile NO_X emissions decrease with increasing octane number and with decreasing aromatics content. ETBE fills the bill on both counts.

ETBE's higher octane—110-112 (R+M)/2—enables an RFG blender to substitute ETBE for aromatics, including benzene, as a source of RFG octane. Reducing aromatics content, in turn, reduces emissions of NO_X and toxics, while improving driveability performance.

For U.S. Refiners, this means more reduction—via dilution—in the levels of aromatics, olefin, and sulfur, all of which are undesirable in RFG.

Petroleum use for transportation will remain one of the largest contributors of greenhouse gas emissions in the U.S. Through the year 2020, according to projections by the U.S. Department of Energy's Energy Information Administration. In 2020, petroleum will account for 42 percent of greenhouse gas emissions in the U.S., mostly for transportation use, according to the report. Overall, carbon emissions from energy use will increase at an average annual rate of 1.3 percent due to rising energy demand and slow penetration of renewable, DOE said in its Annual Energy Outlook: 2000 report.

Because ETBE is made from renewable ethanol and natural gas feedstock, it is superior in reducing greenhouse gas emissions. In addition, because the use of ETBE often replaces aromatics from the gasoline pool, its ability to reduce the harmful pollutants as well as greenhouse gas emissions from gasoline are improved.

As a result of the addition of renewable ethanol, ETBE is an oxygenated fuel. In addition, ETBE has a higher octane rating and lower Reid vapor pressure, RVP, than its competitor, MTBE. ETBE blended gasoline has several benefits:

The oxygen reduces carbon monoxide emissions.

The lower Rvp lessens pollution that forms ozone.

Simply through volumetric displacement, ETBE reduces sulfur, toxic substance and other harmful elements of gasoline.

The high octane rating reduces the need for carcinogenic hydrocarbons used to increase octane such as benzene, which cause cancers.

Due to ethanol's positive energy balance when produced from grain (1 to 1.3) and cellulose (1 to 2), it reduces greenhouse gases.

One of the primary reasons ethanol has difficulty competing in the federal RFG program is that it increases the volatility of gasoline. By turning ethanol into ETBE, this concern is eliminated. ETBE's blending properties are an excellent match for both engine and emissions performance, much better than replacing MTBE with more alkylates.

Another issue with ethanol is transportation. Currently in the U.S., ethanol blended gasoline cannot practically be shipped to markets via pipelines—the most common method of transportation for petroleum products. Gasoline blended with ETBE is compatible with the current gasoline distribution system, can be pipelined and stored with gasoline and will reduce the transportation and storage costs associated with ethanol usage.

ETBE can be blending at volumes of up to 17 vol%, with the possibility of the maximum blending being increased to 22 vol%, while straight ethanol is capped at 10 vol% and MTBE is limited to 15 vol%. This means that blending gasoline with ethanol can stretch our nation's gasoline supply further.

The higher allowable volume of ETBE means:

ETBE blends may prove to be the most cost-effective means of bringing the use of alternative fuels to the market place, consistent with new environmental and energy policy, EPACT, demands being placed on U.S. refiners.

ETBE blends contain more volume derived from renewable, domestic energy sources.

While ethanol plays an important role in the federal RFG program, its use is mostly confined to the few RFG areas in the Midwest. Through ETBE, ethanol use could expand to play a larger role in the RFG program as a whole.

If ETBE could capture only a small portion of the U.S. Gasoline market—for example a percentage of the RFG demand in the Northeast, where little of no ethanol is currently used—the increase in ethanol used in gasoline would be significant.

As much as 350 million gallons of new ethanol demand would be created if just 60 percent of the oxygenates used in the eight states of the Northeastern States for Coordinated Air Use Management, NESCAUM, were to use ETBE.

Along with the increase in ethanol use comes a likely increase in corn demand to produce the ethanol. More than 140 million bushels of corn would be required to meet the aforementioned ETBE demand.

ETBE has been in commercial production in Europe since the early 1990s. While France is the European leader for both the production and consumption of ETBE, other European countries are following. European policy makers prefer ETBE to MTBE because of its overall greenhouse gas reductions that come from its renewable ethanol content. ETBE is preferred over ethanol by European refiners because of better logistics and improved gasoline and drive ability quality.

In addition, more ether demand is expected with the new European cleaner-burning fuel legislation taking effect in 2000 and 2005.

The Clean Fuels Development Coalition is a non-profit organization dedicated to the development of alternative fuels and technologies to improve air quality and reduce U.S. Dependence on imported oil. The broad CFDC membership includes ethanol and ether producers, agricultural interests, automobile manufacturers, state government agencies, and engineering and new technology companies. Since its beginning in 1988, the coalition has become a respected source of information for state, local, and federal policy makers as well as private industry on a range of transportation, energy, and environmental issues.

NOW IS NOT THE TIME TO RE-ENGAGE WITH THE INDONESIAN MILITARY

Mr. WELLSTONE. Mr. President, colleagues, I rise today to draw attention to a recent decision by the Administration to reinitiate military ties with the government of Indonesia. Despite congressional concerns, the U.S. navy, marines, and coast guard last week began a 10-day joint military exercise known as CARAT, Cooperation Afloat Readiness and Training, with their Indonesian military counterparts. Although the Administration sees this mission as a routine good-will mission, it is in fact the first time U.S. and Indonesian armed forces have worked together since the United States cut military ties with Indonesia last year. Colleagues, in case you don't recall, we cut those military ties after East Timor was devastated by Indonesian troops. We cut those ties because Indonesian soldiers are reported to have been active participants in a coordinated, massive campaign of murder, rape, and forced displacement in East Timor.

The administration's decision to go forth with a CARAT exercise again this summer is simply indefensible. Given the human rights violations committed by the Indonesian military in East Timor and the lack of accountability for them, and the Indonesian military's continued ties to militias in West Timor, one must ask not only the question why we are so eager to re-engage with this military at all, but why we feel compelled to do so now. Now is not the time to conduct joint exercises with the Indonesian military; now is the time to demand its accountability. To do otherwise is to tacitly condone its conduct.

Conditions continue to deteriorate in East Timorese refugee camps in West Timor and throughout the Indonesian archipelago. Up to 125,000 East Timorese still languish in militia-controlled refugee camps in West Timor almost one year after the people of East Timor voted overwhelmingly for independence from Indonesia. Many of the refugees wish to return home but are afraid to do so. Today refugee camps remain highly militarized, with East Timorese members of the Indonesian military living among civilian refugees. And despite promises by the Indonesian government to disarm and disband militias, there are credible reports of Indonesian military support for militia groups. These same militias have easy access to modern weapons. Earlier this month the U.N. High Commissioner on Refugees had to suspend refugee registration indefinitely due to violent militia assaults on its staff, volunteers and refugees, and though UNHCR has continued its work in other areas, UNHCR and other aid workers continue work under extremely dangerous conditions.

There has also been an upsurge in militia border incursions into East Timor with attacks on U.N. Peacekeepers and civilians. I regret to say that earlier this week a peacekeeper from New Zealand was shot and killed. Militia leaders, the Indonesian military, and the West Timorese press continue to sponsor a mass disinformation campaign alleging horrific conditions in East Timor and abuse by international forces. Further, Indonesia has yet to arrest a single militia leader or member of its military accused of human rights violations in East Timor. Instead of reinitiating joint military exercises and allowing the sale of certain spare military parts, the Administration should increase its pressure on the government of Indonesia to fulfill past promises to disarm and disband militias in West Timor, and insure today that the Indonesian military is not linked to such militias. Militia leaders must be removed from refugee camps and those accused of human rights violations must be held accountable. Furthermore, Indonesia must make real its pledge to provide international and local relief workers safe and full access to all refugees.

There is currently considerable unrest throughout the Indonesian archipelago. Reports abound about the direct involvement of the Indonesian military in much of the violence. In the past nineteen months thousands of people in Maluku, also known as the Moluccan Islands, have been killed in fighting between Christians and Muslims. It is known that members of the Indonesian military supported and, in some cases, caused the violence. On July 18, Indonesia's Minister of Defense Juwono Sudarsono admitted that there were "some or even many" army members who have become a "major cause of clashes" in Ambon. Credible human rights organizations also report an escalation of violence in West Papua with the Indonesian military actively supporting East Timor-style militias there. Moreover, the Indonesian military has repeatedly broken a cease-fire in the province of Aceh.

Conditions in Indonesia are deteriorating. On Sunday U.N. Secretary General Kofi Annan told Indonesia's President Wahid that U.N. peacekeepers may be needed for the archipelago but President Wahid said his government could end the conflict by itself. He did note, however, that Indonesia's overstretched military might need logistical aid from friendly countries such as the United States. I worry that the decision the Administration has made to re-initiate military ties with Indonesia is sending the wrong signal to President Wahid. It should be made very clear to President Wahid that the U.S. will not provide assistance to Indonesia to do what it did before in East Timor.

Although I believe we should support Indonesia, we must recognize that the type of support we provide will directly influence the shape Indonesia takes in the future. The Administration has not only proceeded with the CARAT exercise despite congressional concerns but is moving ahead with "Phase I" of a three phase program of re-engagement with the Indonesian military. This could include the sale of certain spare military parts to Indonesia. Given the deteriorating conditions in Indonesia and the human rights record of Indonesian soldiers, do we really want to do this?

I rise today to urge my colleagues to voice their opposition to the CARAT exercise and to oppose any proposal for strengthening military ties with Indonesia in the near future. Again, I would like to make very clear that I believe the U.S. should support Indonesia but we must recognize that the type of support we provide now will directly influence the shape Indonesia takes in the future. Resuming a military relationship now not only threatens any future reforms in Indonesia but jeopardizes efforts already made to subjugate the Indonesian military to civilian authority. U.S. policy towards Indonesia should support democratic reform and demand accountability for those responsible for alleged human rights violations in East Timor and elsewhere. I fail to see how the CARAT exercise or lifting the embargo on military sales to Indonesia does either.

Mr. KERREY. Mr. President, I rise to talk about inter-generational issues related to Federal budget spending. We will never have a better time to consider such issues as inter-generational equity than now during a time of large projected surpluses. These large projected surpluses provide us with a great deal more flexibility in choosing among priorities and in determining our legacy to future generations.

Until recently, we were not so lucky. For more than thirty years, the budget projection reports from the Congressional Budget Office and the Office of Management and Budget were a source of growing despair for the American people. As each year went by, CBO and OMB would present worse news: larger deficits, larger national debt levels, and larger net interest payments. As the government's appetite for debt expanded, fewer and fewer dollars were available for private investment.

In the beginning, experts explained that deficits were a good thing because they stimulated economic growth and created jobs. Over time, however, the voices of experts opposed to large deficits grew louder; they argued that deficits caused inflation, increased the cost of private capital, mortgaged away our future—just at the time when we needed to be preparing for the retirement of the large Baby Boom generation. As the opinions of the experts shifted, so did public opinion.

During the 1980s and 1990s, the federal deficit became public enemy number one. Great efforts were made to understand it, to propose solutions to reduce it, and to explain how much better life would be without it. During election season, the air-waves were filled with promises and plans to get rid of the deficit and pay off the national debt. Editorial page writers reached deep into their creative reservoir to coin new phrases and create new metaphors to describe the problem. Books were published. Nonprofit organizations were created. Constitutional amendments were called for. There was even a new political party created on account of the deficit.

In the 1990s—and at great political risk—we finally started taking action to control the size of the deficits and the growth of the national debt. I am proud to have participated in and voted for three budget acts—in 1990, 1993, and 1997—which have radically altered the fiscal condition of the Federal government and the debate about how the public's hard-earned tax dollars should be spent.

The enactment of these three budget acts—particularly the 1993 and 1997 budget acts—coupled with impressive gains in private sector productivity and economic growth led to a remarkable reversal of our deficit and debt trends. Deficits started shrinking in 1994. We celebrated our first unified budget surplus of $70 billion in 1998. Over the next 10 years, if we maintain current spending and revenue policies, CBO projects an eye-popping unified budget surplus of $4.5 trillion. I am proud that we are able to celebrate the fruits of our fiscal restraint because we had the sheer will and political courage to put ourselves on a spending diet.

Today, however, I want to call your attention to what could be called the "unintended consequences" of our fiscal responsibility. Not only have we allowed total Federal spending to dip below 20% of GDP levels not seen since the mid-1970s), but we are also on course to let spending drop to 15.6% of GDP by 2010. We have not seen spending levels this low since the 1950s. At the same time as total spending is declining as a percentage of GDP, the make up of our Federal spending is continuing to shift insignificant ways. An increasingly larger proportion of our spending is used for mandatory spending programs compared to discretionary spending programs. These numbers have important implications for the measurement of inter-generational equity.

Now that we have constrained spending and eliminated our budget deficits, the budget debate has shifted to questions about how to spend the surplus: on debt reduction, on tax cuts, on new discretionary spending programs, on fixing Social Security, or on creating a new Medicare prescription drug benefit?

I favor all of these things to varying degrees, as I suspect most of you do. The trick is to find the right balance among these initiatives. In finding the right balance, I believe one of the most important criterion in determining how to use these surpluses should be measuring inter-generational equity. Not only do we need to assess the amount of money we invest on our seniors versus our children, but we also need to assess the trends of mandatory versus discretionary spending.

Let me start with my own assessment of Federal spending on children and seniors. Today, the Federal government spends substantially more on seniors over the age of 65 than it does on children under the age of 18. For example, in 2000, the Federal government spent roughly $17,000 per person on programs for the elderly, compared with only $2,500 per person on programs for children. This means that at the Federal level, we are spending seven times as much as people over the age of 65 as on children under the age of 18.

Even when we consider that states are the primary funders of primary and secondary education, the combined level of State and Federal spending still shows a dramatic contrast in spending on the old versus the young. At the state and Federal level, we are still spending 2.5 times the amount of money on people over the age of 65 as on children under the age of 18.

Given these discomforting facts, it might seem logical that most of the current proposals for spending surplus dollars would be for investments in our children. Instead, this Congress has been proposing and voting to spend a major portion of the surpluses on the most politically organized voting bloc in the nation—those over the age of 65.

In the Senate alone, we have either acted on, or are expected to act on, the following proposals which directly benefit seniors only:

Eliminating the Social Security earnings test for workers over the age of 65 (10-year price tag: $23 billion)

Allowing military retirees to opt out of Medicare and into TriCare or FEHBP (10-year price tag: $90 billion)

Creating a new universal Medicare prescription drug benefit for seniors (10-year price tag: $300 billion)

Medicare provider "give-backs" package (10-year price tag: $40 billion)

Increasing the Federal income tax exemption provided to Social Security beneficiaries (10-year price tag: $125 billion)

If Congress actually enacted all of these popular provisions into law, spending for seniors over the next 10 years would increase by $578 billion—an amount equivalent to this year's entire discretionary spending budget.

At the same time as we are proposing, voting in favor of, and enacting legislation to improve benefits and tax cuts for seniors, we will be lucky to get legislation passed that will spend only an additional $10 billion on children under the age of 18.

Why? The answer is not simply because seniors are politically organized voters and children are not. We also have to look at how most programs for seniors are funded versus programs for children. As the members of the Senate are well aware, most programs for seniors are funded through mandatory/entitlement spending. Spending increases in these programs are not subject to the annual appropriations process and are protected by automatic cost-of-living-adjustments (COLA) each year.

The spending programs that primarily benefit our children, on the other hand, are discretionary, which means they are subject to the annual appropriations process. There are no automatic spending increases when it comes to programs for our kids. Instead, most programs for kids are held victim to politics and spending caps.

As a result, the proportion of Federal government spending on mandatory versus discretionary spending has undergone a dramatic shift. Back in 1965, the Federal government spent the equivalent of 6% of GDP on mandatory entitlement programs like Social Security and 12% of GDP on discretionary funding items like national defense, education, and public infrastructure. Put another way: 35 years ago, one-third of our budget funded entitlement programs and two-thirds of our budget funded discretionary spending programs.

The situation has now reversed. Today, we spend about two-thirds of our budget on entitlement programs and net interest payments and only one-third of our budget on discretionary spending programs.

I am particularly troubled by the decline in spending on discretionary spending initiatives. Although our tight discretionary spending budget caps were a useful tool in the past for eliminating deficits and lowering debt, they are not useful today in helping us assess the discretionary budget needs of the nation. Today, appropriated spending is contained through spending caps that are too tight for today's economic reality. We are left with a discretionary budget that bears little relationship to the needs of the nation and that leaves us little flexibility to solve some of the big problems that still need to be addressed: health care access for the uninsured, education, and research and development in the areas of science and technology.

The downward pressure on discretionary spending will become worse during the retirement of the Baby Boom generation—when the needs of programs on the mandatory spending side will increase dramatically. The coming demographic shift towards more retirees and fewer workers is NOT a "pig in a python" problem as described by some commentators whose economics are usually better than their metaphors. The ratio of workers needed to support each beneficiary does not increase after the baby boomers have become eligible for benefits. It remains the same.

In 10 years, the unprecedented demographic shift toward more retirees will begin. The number of seniors drawing on Medicare and Social Security will nearly double from 39 million to 77 million. The number of workers will grow only slightly from 137 to 145 million. Worse, if we continue to under-invest in the education and training of our youth, we will have no choice but to continue the terrible process of using H-1B visas to solve the problem of a shortage of skilled labor.

One of the least understood concepts regarding Social Security and Medicare is that neither is a contributory system with dedicated accounts for each individual. Both are intergenerational contracts. The generations in the work force agree to be taxed on behalf of eligible beneficiaries in exchange for the understanding that they will receive the same benefit when eligible. Both programs are forms of social insurance—not welfare—but both are also transfer payment programs. We tax one group of people and transfer the money to another.

The proportion of spending on seniors—and the proportion of mandatory spending—will most surely increase as the baby boomers become eligible for transfer payments. Unless we want to raise taxes substantially or accrue massive amounts of debt, much of the squeeze will be felt by our discretionary spending programs. The spiral of under-investment in our children and in the future work force will continue. Our government will become more and more like an ATM machine.

What should we do about this situation?

I recommend a two step approach. Step one is to honestly assess whether can "cut our way out of this problem". Do you think public opinion will permit future Congresses to vote for reduction in the growth of Medicare, Social Security, and the long-term care portion of Medicaid? At the moment my answer is a resounding "no". Indeed, as I said earlier, we can currently heading the opposite direction.

Step number two is to consider whether it is time for us to rewrite the social contract. The central question is this: Do the economic and social changes that have occurred since 1965 justify a different kind of safety net? I believe they do. I believe we need to rewrite and modernize the contract between Americans and the Federal government in regards to retirement income and health care.

We should transform the Social Security program so that annual contributions lead all American workers—regardless of income—to accumulate wealth by participating in the growth of the American economy. Whether the investments are made in low risk instruments such as government bonds or in higher risk stock funds, it is a mathematical certainty that fifty years from now a generation of American workers could be heading towards retirement with the security that comes with the ownership of wealth—if we rewrite the contract to allow them to do so.

Not only should we reform Social Security to allow workers to personally invest a portion of their payroll taxes, but we should also make sure those account contributions are progressive so that low and moderate income workers can save even more for their retirements. At the same time, it is important to make the traditional Social Security benefit formula even more progressive so that protections against poverty are even stronger for our low income seniors. Finally, it is important to change the law so that we can keep the promise to all 270 million current and future beneficiaries—and that will mean reforming the program to restore its solvency over the long-term.

In addition to reforming Social Security, we should end the idea of being uninsured in this nation by rewriting our Federal laws so that eligibility for health insurance occurs simply as a result of being a citizen or a legal resident. We should fold existing programs—Medicare, Medicaid, VA benefits, FEHBP, and the income tax deduction—into a single system. And we should subsidize the purchase of health insurance only for those who need assistance. Enacting a Federal law that guarantees health insurance does not mean we should have socialized medicine. Personally, I favor using the private markets as much as possible—although there will be situations in which only the government can provide health care efficiently.

One final suggestion. With budget projections showing that total Federal spending will fall to 15.6% of GDP by 2010, I urge my colleague to consider setting a goal of putting aside a portion of the surpluses—perhaps an amount equivalent to one-half to one percent of GDP—for additional discretionary investments. Investments that will improve the lives of our children both in the near future and over the long term—investments in education, research and development, and science and technology.

Mr. President, I yield the floor.

U.S. STRATEGIC INTERESTS IN ASIA

Mr. BIDEN. Mr. President, following the recent G-8 meeting in Okinawa and as we move closer to a vote on Permanent Normal Trading Relations with China, I want to briefly remind my colleagues of the importance of having a regional strategy for Asia.

There is a tendency to look at the Korean situation, the relationship between Taiwan and China, our presence in Japan, our presence in Guam, the situation in Indonesia, and so on as independent problems. Or, to just react to one situation at a time, with no overall understanding of how important the regional links and interests that exist are in shaping the outcome of our actions.

If we want to play a role in creating more stable allies in South Korea and Japan, and in ensuring that an ever-changing China is also a non-threatening China, then we must recognize that any action we take in one part of the region will have an impact on perceptions and reality throughout the region.

I do not intend to give a lengthy speech on this right now, instead I just want to draw my colleagues attention to an excellent letter that I received from General Jones, Commandant of the United States Marine Corps. He wrote to discuss just this need for a regional and a long-term perspective as we evaluate our presence in Okinawa.

I agree with him that we cannot shape events in the Asia-Pacific region if we are not physically present.

So, as we engage in debate over what the proper placement and numbers for that presence are, I urge my colleagues to approach that debate and the debate on China's trade status with an awareness of the interests of the regional powers and an awareness of our national security interests both today and in the future.

I ask unanimous consent that the letter from General Jones be printed in the Record following this statement.

There being no objection, the material was ordered to be printed in the Record, as follows:

July 21, 2000.

Hon. Joseph R. Biden, Jr.,
Ranking, Committee on Foreign Relations, U.S. Senate, Washington, DC.

Dear Senator Biden, As the G–8 Summit approaches, the eyes of the world have turned to the Pacific island of Okinawa. Opponents of U.S. military presence there may seize the opportunity to promote their cause. I am well acquainted with the island, having visited it frequently, and wish to convey to you my sincere belief in its absolute importance to the long-term security of our nation.

Okinawa is strategically located. The American military personnel and assets maintained there are key to preservation of the stability of the Asia-Pacific region and to fulfillment of the U.S.-Japan bilateral security treaty. Okinawa's central location between the East China Sea and Pacific Ocean, astride major trade routes, and close to areas of vital economic, political, and military interest make it an ideal forward base. From it, U.S. forces can favorably shape the environment and respond, when necessary, to contingencies spanning the entire operational continuum—from disaster relief, to peacekeeping, to war—in a matter of hours, vice days or weeks.

We have long endeavored to minimize the impact of our presence. Working hand in hand with our Okinawan hosts and neighbors, we have made significant progress. In 1996, an agreement was reached for the substantial reduction, consolidation, and realignment of U.S. military bases in Okinawa. Movement toward full implementation of the actions mandated by the Special Action Committee on Okinawa Final Report continues and the commitment to reduce the impact of our presence is unabated.

Recent instances of misconduct by a few American service members have galvanized long simmering opposition to our presence. While those incidents are deplorable, they are fortunately uncommon and do not reflect the full nature of our presence.

Often lost in discussions of our presence on Okinawa, are the positive aspects of that presence. We are good neighbors: our personnel are actively involved in an impressive variety of community service work, we are the island's second largest employer of civilians, we infuse over $1.4 billion dollars into the local economy annually, and most importantly, we are sincerely grateful for the important contributions to attainment of our mission made by the people of Okinawa. We are mindful of our obligation to them.

It is worth remembering that U.S. presence in Okinawa came at great cost. Battle raged on the island for three months in the waning days of World War II and was finally won through the valor, resolve, and sacrifice by what is now known as our greatest generation. Our losses were heavy: twelve thousand killed and thirty-five thousand wounded. Casualties for the Japanese and for Okinawan civilians were even greater. The price for Okinawa was indeed high. Its capture in 1945, however, contributed to the quick resolution of the Pacific War and our presence there in the following half a century has immeasurably contributed to the protection of U.S., Japanese, and regional interests.

As you well know, challenges to military basing and training are now routine and suitable alternatives to existing sites are sorely limited. Okinawa, in fact, is invaluable. We fully understand the legitimate concerns of the Okinawan people and we will continue to work closely with them to forge mutually satisfactory solutions to the issues that we face. We are now, and will continue to be, good neighbors and custodians for peace in the region.

Very Respectfully,

James L. Jones,
General, Commandant of the Marine Corps.

THE INNOCENCE PROTECTION ACT OF 2000

Mr. LEAHY. Mr. President, at the beginning of this year, I spoke to the Senate about the breakdown in the administration of capital punishment across the country and suggested some solutions. I noted then that for every 7 people executed, 1 death row inmate has been shown some time after conviction to be innocent of the crime.

Since then, many more fundamental problems have come to light. More court-appointed defense lawyers who have slept through trials in which their client has been convicted and sentenced to death; more cases—43 of the last 131 executions in Texas according to an investigation by the Chicago Tribune—in which lawyers who were disbarred, suspended or otherwise being disciplined for ethical violations have been appointed to represent people on trial for their lives; cases in which prosecutors have called for the death penalty based on the race of the victim; and cases in which potentially dispositive evidence has been destroyed or withheld from death row inmates for years.

We have also heard from the National Committee to Prevent Wrongful Executions, a blue-ribbon panel comprised of supporters and opponents of the death penalty, Democrats and Republicans, including six former State and Federal judges, a former U.S. Attorney, two former State Attorneys General, and a former Director of the FBI. That diverse group of experts has expressed itself to be "united in [its] profound concern that, in recent years, and around the country, procedural safeguards and other assurances of fundamental fairness in the administration of capital punishment have been significantly diminished."

I have been working with prosecutors, judges and defense counsel, with death penalty supporters and opponents, and with Democrats and Republicans, to craft some basic commonsense reforms. I could not be more pleased that Senators Gordon Smith, Susan Collins, Jim Jeffords, Carl Levin, Russ Feingold, and others here in the Senate, and Representatives Ray LaHood, William Delahunt, and over 60 other members of both parties in the House have joined me in sponsoring the Innocence Protection Act of 2000.

The two most basic provisions of our bill would encourage the State to at least make DNA testing available in the kind of case in which it can determine guilt or innocence and at least provide basic minimum standards for defense counsel so that capital trials have a chance of determining guilt or innocence by means of the adversarial testing of evidence that should be the hallmark of American criminal justice.

Our bill will not free the system of all human error, but it will do much to eliminate errors caused by the willful blindness to the truth that our capital punishment system has exhibited all too often. That is the least we should demand of a justice system that puts people's lives at stake.

I have been greatly heartened by the response of experts in criminal justice across the political spectrum to our careful work, and I would like to just highlight one example. A distinguished member of the Federal judiciary, Second Circuit Judge Jon O. Newman, has suggested that America's death penalty laws could be improved by requiring the trial judge to certify that guilt is certain. I welcome Judge Newman's thoughtful commentary, and I ask unanimous consent that his article, which appeared in the June 25th edition of the Harford Courant, be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. LEAHY. It is my hope that the national debate on the death penalty will continue, and that people of good conscience—both those who support the death penalty and those who oppose it—will join in our effort to make the system more fair and so reduce the risk that innocent people may be executed.

EXHIBIT 1

[From the Harford Courant, June 25, 2000]

REQUIRE CERTAINTY BEFORE EXECUTING

(By Jon O. Newman)

The execution of Gary Graham demonstrates the need to make one simple change in America's death penalty laws: a requirement that no death sentence can be imposed unless the trial judge certifies that the evidence establishes the defendant's guilt to a certainty.

Under current law, a death sentence requires first a jury's finding of guilt of a capital crime and then a jury's selection of the death penalty. In deciding both guilt and the death penalty, the jury must be persuaded beyond a reasonable doubt. That is a high standard, but it is not as high as a requirement that the trial judge certify that guilt is certain.

Experience has shown that in some cases juries have been persuaded beyond a reasonable doubt to convict and vote the death penalty even though the defendant is innocent. The most common reason is that one or more eyewitnesses said they saw the defendant commit the crime, but it later turned out that they were mistaken, as eyewitnesses sometimes are.

But when even one eyewitness testifies that the defendant did it, that is sufficient evidence for a jury to find guilt beyond a reasonable doubt, and neither the trial judge nor the appellate judges can reject the jury's guilty verdict even though they have some doubt whether the eyewitness is correct.

Our system uses the standard of proof beyond a reasonable doubt, rather than certainty, to determine guilt and thereby accepts the risk that in rare cases a guilty verdict might be rendered against an innocent person. Procedures are available for presenting new and sometimes conclusive evidence of innocence at a later time.

But with the death penalty, such exonerating evidence sometimes comes too late. Every effort should therefore be made to assure that the risk of executing an innocent person is reduced as low as humanly possible.

Requiring the trial judge to certify that guilt has been proven to a certainty before a death penalty can be imposed would limit the death penalty to cases where innocence is not realistically imaginable, leaving life imprisonment for those whose guilt is beyond a reasonable doubt but not certain.

Certification of certainty might be withheld, for example, in cases like Gary Graham's, where the eyewitness had only a fleeting opportunity to see an assailant whom the witness did not previously know, or in cases where the principal accusing witness has previously lied or has a powerful incentive to lie to gain leniency for himself.

On the other hand, certification would be warranted where untainted DNA, fingerprint or other forensic evidence indisputably proved guilt or where the suspect was caught in the commission of the crime.

In state courts (unlike Connecticut's) where judges are elected and sometimes succumb to public pressure to impose death sentences, certification of certainty might be entrusted to a permanent expert panel or might be made a required part of the commutation decision of a governor or a pardons board. In federal courts, the task could appropriately be given to appointed trial judges.

Even certification of certainty of guilt will not eliminate all risk of executing an innocent person. But as long as the death penalty is used this is a safeguard that a civilized society should require. Adding it to the innocence protection bill now being considered in Congress would help that act live up to its name.

H1-VISAS

Mr. LEAHY. Mr. President, I rise today to comment briefly on the issue of H1-B visas. Like most if not all Democrats, I believe that the number of H1-B visas—which are used by foreign workers wishing to work in the United States—should be increased.

I also believe that we should address other immigration priorities. First, we should ensure that we treat all people who fled tyranny in Central America equally, regardless of whether the tyrannical regime they fled was a left-wing or a right-wing government. Congress has already acted to protect Nicaraguans and Cubans, as well it should. It is now time to apply the same protections to Guatemalans, Salvadorans, Hondurans, and also Haitians.

Second, we should prevent people on the verge of gaining legal permanent resident status from being forced to leave their jobs and their families for lengthy periods in order to complete the process. U.S. law allowed such immigrants to remain in the country until 1997, when Congress failed to renew the provision. It is now time to correct that error.

Third, we should allow people who have lived and worked here for 14 years or more, contributing to the American economy, to adjust their immigration status. This principle has been a part of American immigration law since the 1920s and should be updated now for the first time since 1986.

Vice President GORE shares these priorities, as reflected in a letter he wrote on July 26 to Congresswoman LUCILLE ROYBAL-ALLARD. In this letter, he endorses an increase in the number of H1-B visas and each of the three proposals I have outlined briefly here today. The Vice President's position on this issue is the right position, and it is the compassionate position. I urge the Senate to take up S. 2912, the Latino and Immigrant Fairness Act—a bill that would accomplish each of the three immigration goals I have just discussed—and pass it without further delay.

I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE VICE PRESIDENT,
Washington, July 26, 2000.

Hon. LUCILLE ROYBAL-ALLARD,
Member of Congress,
Washington, DC.

DEAR LUCILLE: As Congress concludes this work period, with few legislative days left this session, I want to communicate my continued support for legislation addressing fairness for legal immigrants.

America's economic prosperity stems in large part from the hard work of American workers and the innovation offered by American firms. As a result of the longest period of economic growth in our history, it is not surprising that we have achieved record low levels of unemployment. This positive employment picture is especially true among highly skilled and highly educated workers. In some sectors of the economy, it appears there may be genuine shortages of highly skilled workers necessary to sustain our economic growth. As a result, our Administration has offered a series of proposals aimed at dramatic improvements in the education and training of American workers. These proposals ought to be enacted by the Congress to assure that any gap between worker skills and employer needs is addressed comprehensively.

I recognize that periodically American industry requires access to the international labor market to maintain and enhance our global competitiveness, particularly in high-growth new technology industries and tight labor markets. For these reasons, I support legislation to make reasonable and temporary increases to the H-1B visa cap to address industry's immediate need for high-skilled workers. However, this increase must also include significant labor protections for American workers and a significant increase in H-1B application fees to fund programs to prepare American workers—especially those from under-represented groups—to fill these and future jobs.

In addition, I support measures that provide fairness and equity for certain immigrants already in the United States. Therefore, as Congress considers allowing more foreign temporary workers into this country to meet employers' needs, I urge Congress to correct two injustices currently affecting many immigrants already in our nation. I want to urge Members to pass two important immigration proposals that have long been Administration priorities—providing parity to Central Americans and Haitians under NACARA and changing the registry date to allow certain long-term migrants to adjust to legal permanent resident status. These proposals are much-needed and would restore fairness to our immigration system and American families. The registry date and the Central American and Haitian Parity Act proposals would provide good people who have developed ties to this country—families, homes, and roots in their communities—the opportunity to adjust their status. I am extremely disappointed that many in the Congressional majority seem intent on refusing to pass or even vote on these important immigration provisions. One way or another, however, the Congressional majority has an obligation to allow a vote on these issues and to join us in passing these measures of basic justice and fairness. The migrants and their families who would benefit from the registry date proposal have been in immigration limbo for up to two decades and are in desperate need of a resolution to their efforts to become full members of American society. In the case of Central Americans and Haitians, the parity provision would not only provide compassion and fairness for the affected immigrants, but also contribute to the stability and development of democracy and peace in their native countries.

I also urge Congress to pass and fund other Administration priorities that would address the needs of immigrants. Reinstatement of section 245(i) would allow families to stay together while an adjustment of status application is pending. The Administration's FY 2001 budget proposal would fund programs to ensure that immigrants' services have the resources needed to reduce the backlog of applications from people seeking naturalization and adjustment of status.

Finally, I urge Congress to fully fund the Administration's $75 million request for the English Language/Civics and Lifeskills Initiative that will allow communities to provide more English language courses that are linked to civics and lifeskills instruction to adults with limited English language proficiency. Immigrants are eager to learn English and all about civic responsibility, but the demand for programs outweighs the supply. We need to provide opportunities for these new Americans to become full participants in our society.

For these reasons, Congress should consider and enact these legislative proposals and fund the programs we requested. I commend your leadership in this area, and I look forward to working closely with you to enact these important immigration measures.

Sincerely,

AL GORE.

65TH ANNIVERSARY OF THE SOCIAL SECURITY PROGRAM

Mr. LEVIN. Mr. President, for more than 60 years, the Social Security program has been one of the most successful governmental initiatives this country has ever witnessed. August 14, 2000 marks the 65th anniversary of the Social Security Act, signed by President Franklin D. Roosevelt in 1935. This historic event in 1935 changed the face of America by providing protections for retired workers and for those who face loss of income due to disability or death of the family breadwinner. We must look to the future to ensure a strong Social Security program for every individual in America.

During the time of the Great Depression, jobs were scarce and many were unable to compete for new employment. President Roosevelt recognized that a change was needed, he called for reform and the Social Security Act was born.

Social Security has changed remarkably over the past six decades. Under the 1935 law, Social Security only paid retirement benefits to the primary worker. A 1939 change in the law added survivor benefits and benefits for the retiree's spouse and children. In 1956 disability benefits were added. Thus, we have seen how Social Security has grown to meet the needs of not only retirees, but also their families.

For many Americans, Social Security has become a crucial component of their financial well-being. In fact, an estimated 42% of the elderly are kept out of poverty because of their Social Security checks. Today more than 44 million people receive retirement, survivor, and disability benefits through the Social Security program, 1.6 million in Michigan. Social Security has had an enormous effect on the lives of millions of working Americans and their families.

As we celebrate this historic event, we remember what America was and how Americans have shaped their country into the prosperous nation that it is today. Since 1935 Social Security has served the American people well and will continue to do so into the future.

VICTIMS OF GUN VIOLENCE

Mr. WELLSTONE. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read some of the names of those who lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

July 27: Jesus Campos, 19, Chicago, IL; Steven Conley, 29, Memphis, TN; Stephen Daniels, Jr., 24, Miami-Dade County, FL; Willie G. Dulaney, 68, Memphis, TN; George Julian, 83, Hollywood, FL; Javier Marrero, 18, Chicago, IL; Eric McAlister, 33, Dallas, TX; Charles Oliver, 50, Atlanta, GA; Deondra Stokes, 21, Detroit, MI; Barreto P. Williams, 26, Chicago, IL; Unidentified male, 25, Newark, NJ.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

WELCOMING ZELL MILLER TO THE U.S. SENATE

Mr. REID. Mr. President, today we welcome a new colleague to this body, former Governor, now Senator ZELL MILLER. We welcome Senator MILLER at the same time that we mourn the passing of his predecessor, PAUL COVERDELL. So it is a bittersweet moment.

ZELL MILLER isn't replacing PAUL COVERDELL. He can't be replaced, rather. I prefer to think he is following the footsteps of a consummate and formidable legislator. I worked closely with Senator COVERDELL to move legislation when people thought legislation couldn't be moved. And I look forward to working with Senator MILLER in that same vain.

In thinking about what I would say about Senator MILLER's arrival to the senate, I ran across a quote by the great Senator J. William Fulbright. He talked about what it takes to be both a legislator and an executive and I think it is a fitting characterization of the work of both PAUL COVERDELL and ZELL MILLER.

Fulbright said: "The legislator is an indispensable guardian of our freedom." "It is true," he said, "that great executives have played a powerful role in the development of civilization, but such leaders appear sporadically, by chance. They do not always appear when they are most needed. The great executives have given inspiration and push to the advancement of human society, but it is the legislator who has given stability and continuity to that slow and painful progress."

ZELL MILLER, to borrow Senator Fulbright's eloquent words, appeared in Georgia when he was most needed. As Governor, he advanced the prospects of the people of Georgia by creating the HOPE scholarship program. The initiative was so successful that President Clinton and the Congress made the HOPE scholarship initiative a national program. As a result, not only do Georgians have the opportunity to pursue their dreams through higher education, so do millions of Americans.

Looking at his career, you learn that ZELL MILLER also understands Sam Rayburn's dictum that "you cannot be a leader, and ask other people to follow you, unless you know how to follow too." Whether it was his service in Marine Corps, his tenure in the Georgia State Senate or as Lieutenant Governor or Governor, he learned leadership by following those who walked the walk before him and then by focusing on what matters most to the American people. The central focus of ZELL MILLER's career has been on what he aptly calls "kitchen table issues." The issues that affect the daily lives of the American people—education, taxes, crime, and health care.

Some may be surprised to learn that ZELL is fulfilling a childhood ambition of serving in the U.S. Senate. According to a recent news report, he wrote to his boyhood friend, Ed Jenkins, in their high school yearbook that "we will be friends forever until and unless you decide to run against me for the U.S. Senate." His friendship with Ed Jenkins, someone with whom I served in the House, is still intact, and ZELL will start a new chapter in what has been an extraordinary career.

Finally, Mr. President, ZELL brings the attributes of both a legislator and an executive to the Senate and I believe they will serve him well. And like PAUL COVERDELL, who through his work brought stability and continuity to the Senate, I know that ZELL will bring great credit to this institution and will serve the people of Georgia well. We welcome him to the U.S. Senate.

H-1B VISAS

Mr. WARNER. Mr. President, I rise today to express my frustration over the inability of the Senate to reach a unanimous consent agreement in regard to legislation that addresses the critical shortage of highly skilled workers in the information technology fields. On April 11, 2000, the Senate's Judiciary Committee favorably reported out S. 2045, The American Competitiveness in the 21st Century Act, by a vote of 16-2. I am pleased to be an original cosponsor of this important legislation. Unfortunately, this legislation is now being held hostage because some of my colleagues in the Senate wish to attach unrelated amendments to the bill.

There are very few remaining days left in this Congress. Before Congress adjourns for the year, we must pass the remaining appropriations bills, and have them signed into law. In addition, legislation extending Permanent Normal Trade Relations with China, and legislation reauthorizing the Elementary and Secondary Education Act, must be considered. Consequently, there simply is just not enough time for the Senate to debate numerous unrelated amendments on the H-1B visa bill.

Mr. President, our country's burgeoning economy has resulted in an extremely low unemployment rate nationwide. While I am proud of our economy, and our low nationwide unemployment rate, there does exist a tight labor market in many fields, especially the information technology fields. One need only look in the classified section of the Washington Post to see how many high-tech jobs are available in Northern Virginia. This tight labor market makes it difficult for the high-tech industry to fill job openings, and this difficulty is compounded by the fact that our American education system, for one reason or another, is not producing enough individuals with the interest and skills for employment in the information technology fields. If these jobs our not filled, our economy will suffer, and these American companies will move overseas to fill their jobs.

In 1998, Congress and the President recognized the serious effects that the tight labor market could have on the high-tech industry and our economy. In that year, Congress passed, and the President signed into law, legislation increasing the annual ceiling for admission of H-1B nonimmigrants from 65,000 to 115,000 in fiscal year 1999 and fiscal year 2000, and 107,500 in fiscal year 2001. This 1998 act also imposed a $500 per visa fee to fund training and scholarships for U.S. workers and students.

Nevertheless, despite increasing the H-1B ceiling just two years ago, that increase has proved to be woefully inadequate. In 1999, the H-1B visa ceiling was reached at the end of 9 months. This fiscal year, the ceiling was reached 6 months into the fiscal year. The effect of the H-1B ceiling being reached before the year's end is that these jobs will remain unfilled, which in turn will only hurt our economy.

The Senate Judiciary's Committee Report on S. 2045 states that the, "shortage of skilled workers throughout the U.S. economy will result in a 5-percent drop in the growth rate of the GDP. That translates into approximately $200 billion in lost output, nearly $1,000 for every American." The Committee cites other studies that indicate that a shortage of information technology professionals is costing the U.S. economy as a whole $105 billion a year. I also found Federal Reserve Chairman Alan Greenspan's testimony before the Senate's Banking Committee quite compelling. Mr. Greenspan endorsed S. 2045 in response to a question from Senator PHIL GRAMM, and then stated that, "The benefits of bringing in people to do the work here, rather than doing the work elsewhere, to me, should be pretty self-evident."

Now, let me state clearly, it is my preference that these jobs in the information technology fields would be filled with Americans. However, due to the low unemployment rate and the lack of unemployed educated high-tech workers, filling the numerous openings in the information technology fields with Americans is simply not realistic. Therefore, to continue to propel our economy forward, we must pass legislation such as S. 2045 to fill these critical positions in our information technology sector.

This legislation, though, does more than just increase the number of H-1B visas to temporarily fill the job openings in the high-tech industry that cannot be filled by Americans. This bill contains very important provisions that continue the imposition of a $500 fee per H-1B visa petition. It is estimated that this fee, with the increase in the H-1B ceiling, will raise roughly $450 million over three years. This money will create 40,000 scholarships for U.S. workers and U.S. students, thereby helping them to choose education in these important fields. Our goal should be to fill these American jobs with trained American workers. These provisions of S. 2045 takes us toward that goal.

Mr. President, in closing, I cannot overstate how important it is for our country's economy to raise the ceiling on H-1B visas, and to provide funding for the training of Americans to fill these jobs. I implore my colleagues to reconsider their demand for votes on unrelated amendments on this legislation. At this late stage in the Congress, demanding votes on unrelated amendments on this legislation will kill this important bill, leave very important jobs in the information technology sector unfilled, and ultimately, hurt our economy.

VISA WAIVER PILOT PROGRAM

Mr. WYDEN. Mr. President, I wish to explain to my colleagues the reasons for my objection to a unanimous consent request for the Senate to adopt legislation to make the Visa Waiver Pilot Program permanent, H.R. 3767. I do so consistent with the commitment I have made to explain publicly any so-called "holds" that I may place on legislation.

I regret that I am compelled to object to this measure at this point but I do so for reasons similar to those given previously. I believe the Senate should not allow the security of millions of rural Americans to be ignored while we press ahead with legislation to take care of immigration matters.

Since April, a prominent Senate Republican leader has had a de facto hold on a bipartisan bill of critical importance to the security of those who live in rural counties, S. 1608, The Secure Rural Schools and Community Self-Determination Act of 2000. But time is running out. It is the end of July; there are fewer than 26 legislative days left. People in rural counties across America who have strained under dwindling Federal resource funds need this legislation. They should not be made to wait.

S. 1608 addresses the problems 709 rural counties in 42 states face in trying to fund schools, roads and other basic county services with drastically declining Federal timber payments. These problems affect some 800,000 school children and millions of people. For example, Grant County in eastern Oregon has lost 90 percent of its timber receipts, forcing it to turn to a four-day school week as a cost-saving measure.

This bipartisan bill provides a balanced solution to the problem. The Energy and Natural Resources Committee reported it by voice vote, and it is supported by hundreds of counties, labor organizations, education groups, and the National Association of Counties. I regret having to take this action but am compelled at this point in the legislative year to seek every opportunity to move this critically important legislation.

RURAL AMERICA PROSPERITY ACT OF 2000

Mr. BURNS. Mr. President, I rise today to express my support of the Rural America Prosperity Act of 2000. I am pleased to be a cosponsor, along with my colleagues, Senators LUGAR, ROBERTS, and SANTORUM. I am a cosponsor of this bill because it gives our farmers some of the tools they need to succeed in today's economy and works to finish what was a key tool in our current agriculture policy.

In 1996, we passed a new version of the farm bill. This legislation began the process of eliminating government control over farmers. No longer did the government dictate what crops farmers could plant. Farmers could use their own discretion, honed by generations of living on the land, as to how their land and finances would be managed. The farm bill made numerous steps in the right direction, but there is more we can do. This, I believe, is a very important step to make this legislation better and more flexible.

This legislation takes us a few steps further down the road to better farming policy. It includes three important tax provisions that I feel are vital to the survival of Montana's and America's farmers. The first is the repeal of the estate tax, which would allow farms to be passed along to the next generation. Without the repeal, sons and daughters are forced to sell the only home they have ever known to pay the estate taxes, when their parents die. Family farms are disappearing fast enough without this added burden.

The second vital tax provision is the exclusion of capital gains from the sale of farmland. This simply puts farm owners on an even playing field with homeowners, who already benefit from exclusion of capital gains. The third tax provision lies in the area of health insurance. Farmers, and others who are self-employed, do not have health insurance provided for them. They must cover the full cost themselves. This legislation would give those who are self-employed a tax deduction for the cost of their insurance.

Farmers, more than any other sector of our economy are likely to experience substantial fluctuations in income. Market forces in farming are very unique: drought, flooding, infestation and disease all play a vital role in a farmer's bottom line. And it's not often when the elements of mother nature allow for a profitable harvest more than once in several years. I believe that farmers need to be able to smooth out fluctuations in their income in order to offset the effect of the high marginal tax rates that occur in years when both yield and prices are up. Income averaging is an important tool for farmers. Currently, alternative minimum taxes prevent many farmers from receiving the benefits of income averaging. This bill would fix that. Farmers will be able to put up to 20 percent of their annual farm income into a FARRM account that is deducted from their taxes.

As many of you know, while the rest of the economy is surging ahead, agriculture has been left behind in the dust. Prices are dropping, and farmers and ranchers are going out of business. We must assist in their survival and the development of new markets is an essential part of that survival. Imposing trade sanctions hurts American farmers and ranchers. Sanctions have effectively shut out American agricultural producers from 11 percent of the world market, with sanctions imposed on various products of over 60 countries. They allow our competitors an open door to those markets where sanctions are imposed by the United States. In times like these our producers need every available marketing option open to them. We cannot afford lost market share. Foreign markets offer a great opportunity for our agricultural products and negotiating trade agreements may put life back into our rural communities.

The farm bill took bold steps, but we cannot stop there. This legislation continues to make those steps towards a better situation for our farmers.

IT IS TIME TO UPDATE THE MISSOURI RIVER MASTER MANUAL

Mr. JOHNSON. Mr. President, I am pleased to take this opportunity to join my colleagues to discuss the issue of how the Missouri River should be managed by the Corps of Engineers and to address the remarks made earlier this week by my friends and colleagues from Missouri, Senators BOND and ASHCROFT. This issue has come before the Senate because some of my colleagues from states downstream on the Missouri River are attempting to politicize the management of the River.

They are trying to politicize this issue by adding a rider to the Energy and Water Appropriations bill to prevent the Corps of Engineers from changing the 40 year old Master Manual that sets the management policy of the River.

Let me assure you and the rest of my colleagues that after 40 years, the management of the Missouri River is in serious need of an update to reflect the current realities of the River. As the discussion—and sometimes, heated debate—continues with respect to the Missouri River and its various uses, the Army Corps of Engineers has proposed a revision of the Master Manual which governs how the River is managed.

I was among those who first called for a revision of the Master Manual because I firmly believed then, as I do now, that over the years, we in the Upper Basin states have lived with an unfortunate lack of parity under the current management practices on the Missouri River. It is no secret that we continue to suffer from an upstream vs. downstream conflict of interest on Missouri River uses. For example, traditionally, navigation has been emphasized on the Missouri River, to the detriment of river ecosystems and recreational uses. I recognize that navigation activities often support midwestern agriculture, however the navigation industry has been declining since it peaked in the late 1970's. It is no longer appropriate to grossly favor navigation above other uses of the river.

Those of us from the upstream states have been working for more than 10 years to get the Corps of Engineers to finally make changes in the 40 year old Master Manual for the Missouri River.

After more than 40 years, the time has come for the management of the Missouri River to reflect the current economic realities of a $90 million annual recreation impact upstream, versus a $7 million annual navigation impact downstream. The Corps has been managing the Missouri River for navigation for far too long and it is time to finally bring the Master Manual into line with current economic realities.

As I stated earlier, the process to review and update the Master Manual began more than 10 years ago, in 1989, in response to concerns regarding the operation of the main stem dams, mainly during drought periods. A draft Environmental Impact Statement (DEIS) was published in September 1994 and was followed by a public comment period. In response to numerous comments, the Corps agreed to prepare a Revised DEIS.

After years of revisions and updates that have dragged this process out to ridiculous lengths, the Corps finally came forward with alternatives to the current Master Manual, including the "split season" alternative, which I strongly support, along with my colleagues from the Upper Basin states. Those of us from the States in the Upper Basin are determined to work aggressively for the interests of our region. For decades our states have made many significantly sacrifices which have benefited people living further south along the Missouri River.

Now is the time to finally bring an outdated and unfair management plan for the Missouri River up to date with modern economic realities.

MOUNT HELM BAPTIST CHURCH

Mr. LOTT. Mr. President, today I rise to honor the oldest African-American church in the City of Jackson, Mississippi, Mount Helm Baptist Church. Not only is it the oldest African-American church, but it is also one of the oldest churches in the State of Mississippi. Throughout this year, Mount Helm will be celebrating its 165th Anniversary with a theme "Celebrating Our Heritage: Anticipating Our Future". This year's theme should be echoed in the hearts and minds of everyone. This church clearly exemplifies this theme. Mount Helm, which was founded in 1835, has continuously been a community leader and a strong advocate for Christianity and the spreading of the Gospel.

Prior Lee, a prominent Jacksonian, developed a deep interest in religion and provided the resources for the construction of the First Baptist Church. After the church was completed, Lee persuaded the congregation to allow the African-Americans to hold their own worship services in the basement of the church. The Thirteenth Amendment, which abolished slavery, was ratified in 1867 and African-Americans withdrew from the First Baptist Church and erected their own church home, thus forming Mount Helm Baptist Church.

During its 165 years of existence, Mount Helm Baptist Church has had the leadership of 21 pastors. Mount Helm is currently being pastored by the Reverend John R. Johnson, Jr. Under his leadership, it has always been a pillar of faith and support to local churches and the surrounding community. The Thomas and Mary Helm family, motivated by a benevolent and sympathetic spirit, donated the land upon which African-Americans built their first church edifice.

The City of Jackson and the State of Mississippi are grateful for Mount Helm's Baptist Church leadership and accomplishments.

THE BREAST AND CERVICAL CANCER TREATMENT ACT

Mr. ROBB. Mr. President, last month, the Finance Committee reported a bill by voice vote to provide treatment for low-income women identified as having breast or cervical cancer through a federal screening program. I rise today to urge the Senate to expeditiously take up and pass this legislation.

In 1990, the Senate unanimously approved establishment of the National Breast and Cervical Cancer Early Detection Program, a CDC program which has expanded screening for these diseases to over one million women. Unfortunately, after receiving diagnosis, many of these women find themselves without health insurance and with no one to turn to for treatment. This is unconscionable—it's time to finish the job.

Earlier this summer, I hosted women's health forums in Virginia to discuss with women health concerns of priority. Breast and cervical cancer survivors asked me to come to you and my distinguished colleagues and urge your support for swift passage of this legislation. I was pleased to support the bill in Committee, and I am happy to echo their words to you.

73 Senators have cosponsored this proposal and the House of Representatives, in May, passed companion legislation with overwhelming support. Mr. President, on behalf of all women, I urge the Senate to take up and pass this legislation as soon as possible.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, July 26, 2000, the Federal debt stood at $5,669,530,258,286.44 (Five trillion, six hundred sixty-nine billion, five hundred thirty million, two hundred fifty-eight thousand, two hundred eighty-six dollars and forty-four cents).

One year ago, July 26, 1999, the Federal debt stood at $5,636,526,000,000 (Five trillion, six hundred thirty-six billion, five hundred twenty-six million).

Five years ago, July 26, 1995, the Federal debt stood at $4,941,609,000,000 (Four trillion, nine hundred forty-one billion, six hundred nine million).

Ten years ago, July 26, 1990, the Federal debt stood at $3,164,872,000,000 (Three trillion, one hundred sixty-four billion, eight hundred seventy-two million).

Fifteen years ago, July 26, 1985, the Federal debt stood at $1,798,967,000,000 (One trillion, seven hundred ninety-eight billion, nine hundred sixty-seven million) which reflects a debt increase of almost $4 trillion—$3,870,563,258,286.44 (Three trillion, eight hundred seventy billion, five hundred sixty-three million, two hundred fifty-eight thousand, two hundred eighty-six dollars and forty-four cents) during the past 15 years.

ADDITIONAL STATEMENTS

TRUCK DRIVERS ACT OF HEROISM

• Mr. BURNS. Mr. President, today I would like to take the opportunity to say a few words of praise for an act of heroism displayed by a couple of long haul truckers earlier this month in my home state of Montana.

I came to the floor today to not only praise the good deed but to also support a mode of transportation that supports the economy of Montana and the entire nation.

As I have said, earlier this month in my home state of Montana a pair of truckers rescued four people from a car that had overturned in a ditch filled with flood water. The car, containing three people, was submerged underwater for at least three minutes after skidding off an eastern Montana highway during a flash flood which left only the car's tires above water.

Luckily for the passengers, a truck driver stopped just past the overturned car. The trucker backed his trailer off the road and over the bank risking his own safety and property. After securing a chain around the bumper of his trailer, he waded into the water, secured the other end around the car and pulled it back up onto the road. A second truck driver also stopped to assist.

I would like to recognize these unknown individuals for their heroism. Too often we take our nation's truckers for granted. It is continually becoming more and more difficult to make a living as a long haul trucker in this country considering fuel prices and regulatory factors. The high cost of fuel has hit this industry especially hard.

A proposal to drastically alter a trucker's drive and rest periods is being considered by the Administration. This proposal threatens not only to increase the costs of long haul truckers, it also threatens to keep them away from their families for longer durations. I think it is about time we take a long hard look at the important role these truckers play in our daily lives.

Whether it's a delivery to our local grocery or the transport of petroleum products, these truckers sacrifice time away from their families to make our lives easier and better. Mr. President, I would like to ask my colleagues to join me to ensure any hours of service proposal accomplishes three important goals: Ensure safety on our nation's highways; ensure truckers are not burdened with additional costs; and ensure the final ruling will allow truckers to spend more of their non-driving time at home with their families. The current proposal fails miserably to address these matters.

Again, I would like to personally thank and commend the two individual truckers for their heroism, but also commend all truckers for their hard work and dedication to safety on our highways.

Thank you, Mr. President. I yield the floor.•

IN RECOGNITION OF MR. JAMES E. KELLEY

• Mr. BAYH. Mr. President, I rise today to recognize the humanitarian work of James Kelley of Fort Wayne, Indiana.

For many years, Mr. Kelley has been known for his successes as an entrepreneur and philanthropist in Indiana. He founded the Kelley Automotive group in 1952 which now employs over 1200 employees in both Indiana and Georgia. His dedication to public service has been evident through his service on the boards of the Fort Wayne Chamber of Commerce, Junior Achievement, Big Brothers and Big Sisters, the Boys and Girls Club of Fort Wayne, the YMCA, Fort Wayne National Bank, the Fort Wayne Aviation Museum, and the Arthritis Foundation.

Recently, Mr. Kelley has devoted his energies to developing a grain business in the Republic of Moldova. The Republic of Moldova is a small country approximately the size of Indiana with a population of 4.8 million people. Since the dissolution of the Soviet Union in 1991, Moldova has been struggling to successfully transition from a communist system to a democratic republic.

One of the greatest challenges facing this burgeoning country is that of economic development. In 1999 the per capita income in Moldova was only $2,200 and inflation was at 43 percent. Through his purchase of a grain elevator and his partnership with the farmers of Moldova, Mr. Kelley has been able to loan local farmers feed, fertilizer, and fuel. In the near future, he plans to introduce modern farming techniques that will increase crop yields. The Kelley Grain company is considered to be one of the primary economic development initiatives in the nation, and Mr. Kelley's work has been recognized by both the former and current prime ministers of Moldova.

In addition to his economic endeavors, Mr. Kelley has taken his philanthropic activities abroad as well. While in Moldova, he noticed a deficiency in their health care system and organized a medical team to travel to Moldova. While there, this team trained physicians and nurses in techniques to implant pacemakers, provided much needed supplies for cardiovascular surgeries, provided consultation and echocardiographic imaging at the cardiology center, visited pediatric wards and orphanages, and provided the rural city of Gaushen with antibiotics, blood pressure cuffs, and antihypertensive medications.

I would like to commend James Kelley for his efforts and tireless dedication to helping the people of this struggling country. His humanitarian work in the Republic of Moldova can only enhance the relationship between our two countries. I am honored to be able to recognize his contributions and wish him continued success in the future.●

HONORING THE CALL D.C.

• Mr. BROWNBACK. Mr. President, today, I rise to recognize The Call D.C., a group of young people who will gather in Washington, D.C. September 2, 2000 to strengthen and renew their commitment to God, their families and their local communities.

The Call D.C. is a non-denominational gathering of youth and their parents, youth leaders, pastors, and Church leaders who are unified in their steadfast commitment to strengthening their faith in God and their concern for their local communities and our nation.

I have long been greatly concerned about the state of our culture, and the state of our society. Young people today are barraged with images of violence, hate, and vulgarity that pour forth from our airwaves and our entertainment. The challenges young people face seem to grow more difficult, and more pervasive. Where once we, as a society, felt free to affirm faith in God, and adherence to high standards, such beliefs are now often called into question.

It is thus even more exciting to see many young people, such as these young people, who are willing to lead by example and focus their efforts on steadily-improving their families, communities and our nation. These young people, who represent communities and religions from around our nation, will come together on September 2 and use their assembly as a time to pray for strengthen their faith in God, their commitment to their families through reconciling with their parents, and nurturing their walk with God.

These young people remind us of our solemn duty not just as parents, teachers, business leaders or public servants but as citizens of this great nation—"a nation under God . . .," I commend them for reminding us that we must first focus on God and he will strengthen us and enable us to build up our families, our local communities and our nation. I applaud all the participants of the Call D.C. and thank them for their work and their commitment and their heart for God.●

ON THE MARRIAGE OF MARK PRESTON AND MEREDITH RAY BONNER

• Mr. L. CHAFEE. Mr. President, I rise today to congratulate Mark Preston and Meredith Ray Bonner on their recent wedding, which took place on July 8, 2000, at the Holy Spirit Catholic Church in Atlanta, Georgia. The groom's parents Eugene and Mary Preston were in attendance, as was the bride's mother, Mrs. Phillip Ray Bonner.

Mark proposed on December 28, 1999, in the same parking lot where they first kissed, and the couple spent their honeymoon in North Carolina.

As many of you know, Mark is the intrepid Roll Call reporter, famous for stalking unwary Members coming off the Senate floor or leaving the weekly policy lunches. Over time, Mark has become a fixture at the Ohio Clock and on the Hill.

The bride, now Meredith B. Preston, is also a journalist, and recently relocated to Washington from Atlanta. In fact, Mark and Meredith met as reporters at the Marietta Daily Journal.

I hope the entire Senate will join me in wishing Mark and Meredith the very best today and throughout the future.●

COLOMBIAN INDEPENDENCE DAY

• Mr. TORRICELLI. Mr. President, I rise today to join people in New Jersey and throughout the nation in recognizing Colombia's 190 years of independence from Spain. On July 20, 1810, the citizens of Bogota created the first representative council to challenge Spanish authority. Total independence was proclaimed in 1813, and in 1819 the Republic of Greater Colombia was formed. In 1822, the United States became one of the first countries to recognize the new republic and to establish a resident diplomatic mission.

In addition to recognizing the day of Colombia's independence, this is an excellent opportunity to celebrate the contributions of the growing population of Colombian-Americans in New Jersey and throughout the United States. Almost 100,000 Colombian-Americans reside in Northern New Jersey alone. The Colombian-American culture is vibrant and rich and it is important to acknowledge the impact it is having on our communities.

While Colombia boasts one of the oldest democracies in South America, that democracy faces many serious challenges today. Celebrating this day of independence reminds us that Colombia has a long journey ahead as it works to overcome the problems of drug trafficking and rebel violence that continue to plague its society. The United States Congress is committed to helping in that struggle in any way we can.

I commend the great accomplishments and contributions of the Colombian-American community and as we join Colombian-Americans in celebrating their nation's independence we also look to establishing peace and justice in their homeland.●

A TRIBUTE TO HENRI NSANJAMA

• Mr. JEFFORDS. Mr. President, today I rise to pay tribute to Henri Nsanjama, a champion of conservation who died on July 18, 2000. At the time of his death, Mr. Nsanjama was serving as vice president and senior advisor on Africa and Madagascar for the World Wildlife Fund here in Washington. Henri was an ardent supporter of measures to protect Africa's elephants and of the United Nations Convention to Combat Desertification. I worked with him on both of these important issues. Henri would have been pleased to know that the Senate Foreign Relations Committee is scheduled to vote in September to recommend that the full Senate ratify the Desertification Convention. So far, 168 countries have ratified the Desertification Convention and the U.S. is the only major industrial nation that has not done so. Henri worked hard to change that and ensure that biodiversity is protected in Africa and other parts of the world facing desertification.

A native of Malawi, Henri dedicated his life to the challenge of linking wildlife conservation with the needs of local communities. He believed that the most challenging aspect of his work was conserving wildlife without undue hardship to human beings.

Henri built his distinguished career through formal education and hands-on field work. He served as a Trainee Game Ranger in his native Malawi, where he recalled being inspired by the sight of more wild animals than people. He attended the College of African Wildlife Management in Mweka, Tanzania, and became a Warden at Kasungu National Park in Central Malawi.

Henri then moved to the United States, and earned a Bachelor's Degree in wildlife biology and natural resources economics at the University of Massachusetts at Amherst. After Amherst, Henri returned home to Kasungu National Park and eventually was hired as Malawi's Deputy Director of National Parks and Wildlife. Three years later, he attended the University of Stirling, Scotland, where he received a Master's Degree in environmental management.

Anxious to apply his new knowledge, Henri returned home once again to become the Director of National Parks and Wildlife for Malawi. He also served as the Coordinator of Wildlife Activities of the ten countries of the Southern African Development Coordination.

In 1989, Henri was nominated Chairman of the Standing Committee of the Convention on International Trade in Endangered Species, a post he held for a year before beginning work with WWF in 1990. Henri led WWF's program in Africa for 10 years. During that time he focused in particular on the areas of building the capacity of people and institutions to manage natural resources, community based natural resources management, protected areas management and species conservation. He was co-author of "Voices from Africa: Local Perspectives on Conservation."

A strong African voice for conservation, Henri also knew how to reach Americans. About Henri, Kathryn Fuller, President of WWF, said, "Throughout his 10 years with WWF, Henri was an inspirational ambassador for conservation with the American public and our partners in Africa. He was also at the forefront of efforts to include women in conservation and increase their educational opportunities."

Beyond his professional accomplishments, Henri is remembered as a gifted storyteller who touched the lives of everyone he encountered. In a profile five years ago, he was asked to describe his idea of perfect happiness. He answered, "As a Christian, it's believing in what good was given to you and to be able to do good things for others. This is my 19th year of working in conservation. I've never done anything else and I never want to."

In Henri's honor, the World Wildlife Fund will establish a fund to ensure that Africans are given the opportunity to care for and manage their natural resources, a fitting tribute for one who believed so strongly in the importance of empowering Africa's people to sustainably manage their natural heritage.

Henri's funeral in Malawi this week was attended by 3,000 people, including eight ministers of the Malawian government. He was clearly loved and respected by many and has left a lasting legacy of sustainable management of wildlife and wildlands in Africa. For this we should all be enormously grateful.●

CARDINAL ROGER MAHONY

Mr. FEINGOLD. Mr. President, I have spoken several times on the floor this year about the flaws that plague our nation's administration of the death penalty. I am not alone in raising this issue. The American Bar Association, the Reverend Pat Robertson, the NAACP, the National Urban League, and many other organizations and individuals have added their voices to the chorus of voices supporting a moratorium on executions. A moratorium would allow time to review the system by which we impose the sentence of death. The National Conference of Catholic Bishops and United States Catholic Conference are among those groups who agree that it is time to pause.

I rise today to share with my colleagues the statement of Cardinal Roger Mahony, the Archbishop of Los Angeles. At the National Press Club here in Washington in May, Cardinal Mahony spoke eloquently in support of a moratorium on executions. He said, "the time is right for a genuine and reasoned national dialogue." In a letter to me, he later said, "the obvious inequities that surround the death penalty are truly shameful."

I encourage my colleagues to take a moment to read his statement. And let us begin the reasoned national dialogue here, in the United States Senate. Mr. President, I ask that the full text of Cardinal Mahony's statement be printed in the RECORD.

The statement follows:

[The National Press Club Washington, DC, May 25, 2000]

A WITNESS TO LIFE: THE CATHOLIC CHURCH AND THE DEATH PENALTY

(Address by Cardinal Roger Mahony, Archbishop of Los Angeles)

Good afternoon. As I begin my remarks, I would like to thank John Cushman and the Board of Governors of the National Press Club for the invitation to speak before you this afternoon. I would also like to acknowledge the members of the United States Catholic Conference Committees on Domestic and International Policy as well as staff from the United States Conference who are joining me for today's program. Finally, I would like to extend a special welcome to Frank and Ellen McNeirney, the co-founders and co-directors of Catholics Against Capital Punishment.

I come to this prestigious forum as a pastor who has witnessed firsthand the irreparable pain and sorrow caused by violence in our communities and in our nation. I have presided at the funerals of police officers killed in the line of duty. I have sought to console and comfort families who have lost children to gang violence and drive-by-shootings. I have heard the concerns and fears of parents who live—day in and day out—surrounded by the violence that haunts their neighborhoods.

As a Catholic priest, I have seen the pain of those whose lives have been forever altered by the loss of a loved one to senseless murder. Their own struggles have tested not only their faith but the faith of those who walk with them. As their own quest for healing has brought them closer to God, their witness has been a light of hope to those who accompany them.

The cost of crime and violence is real. It is measured in the lives of parents, children, and families, not anonymous statistics. The hopes, dreams, and human potential that will never be realized are a loss to each one of us.

I believe the Gospel teaches that people are responsible for their actions. I believe that the reality of sin demands that those who injure others must make reparation. But I do not believe that society is make safer, that our communities are made whole, or that our social fabric is strengthened by killing those who kill others. Instead, the death penalty perpetuates an insidious cycle of violence that, in the end, diminishes all of us.

For many Catholics, Pope John Paul II's visit to the United States in January, 1999 was a turning point on this issue. In calling the abolition of the death penalty an authentically pro-life position, he challenged Catholics to protect not only innocent human life, as we do in opposing abortion and euthanasia, but also to defend the lives of those who may have done great evil by taking the life of another. To demonstrate this conviction in a dramatic and personal way, he appealed for the life of Darrell Mease whose execution was postponed in deference to the People's visit.

The words and actions of Pope John Paul II in St. Louis brought renewed attention to the debate on the death penalty. It provided renewed moral support to those who have worked tirelessly over the last several decades for an end to capital punishment, and placed the Catholic Church even more squarely on the side of those calling for its abolition.

In articulating a consistent ethic of life, the late Cardinal Joseph Bernardin provided the framework for a "sustained moral vision." It now appears that this consistent moral vision is beginning to take root and gain ground. A recent article in America magazine notes that pro-life Catholics are far more likely to reject capital punishment than Catholics who do not embrace the Church's stand on abortion. Among these pro-lifers, fifty-two percent reject the death penalty while support among all Catholics—in 1998—remained at around 70 percent. While we still have work to do in our community, it is clear that this consistent ethic of life is resonating in the pro-life community.

I recognize that there are distinct differences between abortion and the death penalty. But like abortion, the death penalty remains one of the more contentious and volatile issues facing the nation. It is an issue steeped in deep emotion. It is a topic that evokes visceral responses from supporters and opponents alike. It is a debate that, unfortunately, often generates more heat than light, more passion than persuasion.

Among the signs that the nation as a whole may be taking a new look at the death penalty is a recent ABC poll that indicates support for the death penalty is a recent ABC poll that indicates support for the death penalty has dropped to 64 percent from nearly 70 percent just a few years ago. And in a Time magazine online poll, 43 percent of respondents expressed support for abolition of the death penalty.

This gradual shift is remarkable given that virtually no elected leader in the last decade has made the case against the death penalty. It is worth noting that in the last two elections, presidential candidates from both parties supported capital punishment. In some cases, candidates went to great lengths to advertise their supported capital punishment. In some cases, candidates went to great lengths to advertise their support throughout their campaigns. Both President Clinton and Governor Bush halted their presidential campaigns to reject appeals to delay executions in highly publicized cases.

In California, 565 inmates await execution on death row. Unfortunately, support for the death penalty is one of the few things that unites politicians of both political parties.

So the fact that, in the face of almost universal support among elected officials, the death penalty is slowly losing support among the public at-large is hope that the tide may be turning.

Movies such as "Dead Man Walking" and the "The Green Mile," and TV shows such as "The Practice" and "West Wing" have brought the moral complexity of the issue to a much broader audience. The courage of Illinois Governor George Ryan and the work of lawyers, journalists and students have focused attention on the fact that innocent people are on death row.

In the midst of this debate, the most persuasive and challenging voices continued to be the victims. One of the most visible is Pope John Paul II. He has never fully recovered from the gun wounds that nearly killed him. But his own attack became an example for us all when he reached out in forgiveness to his assailant and called for the abolition of the death penalty. Other victims and families are less known, but no less inspiring or heroic.

There is Bud Welch, a Texaco dealer who lost his only daughter, Julie, in the bombing that destroyed the Oklahoma City Federal Building. He turned his own anger into a search for justice and reconciliation. He was denied an opportunity to testify at Timothy McVeigh's trial because of his opposition to the death penalty—a position that Julie also shared. Undeterred, he has carried his message to hundreds of groups arguing that capital punishment only deepens the emotional wounds opened by the initial act of violence. He has met with members of the Timothy McVeigh family knowing that they also suffer terribly from their son's crime.

The witness of Pope John Paul II, Bud Welch and others strikes me as the modern day embodiment of Jesus Christ's message of hope, forgiveness and reconciliation. It is an affirmation that the answer to violence cannot be more violence.

In the Catholic Church, teaching on the death penalty has developed over time. For centuries, the Church accepted the right of the state to take a life in order to protect society. But over time and in the light of new realities, Catholic teaching now recognizes that there are non-violent means to protect society and to hold offenders accountable. Church teaching now clearly argues for the abolition of capital punishment.

In the Catechism of the Catholic Church, the conditions under which a life can be taken—even to protect the lives of others—have been narrowed significantly. Specifically, the Catechism states:

"If bloodless means are sufficient to defend human lives against an aggressor and to protect public order and the safety of persons, public authority should limit itself to such means, because they better correspond to the concrete conditions of the common good and are more in conformity to the dignity of the human person."

How do these principles that uphold human life and dignity apply to the complex matter of capital punishment? In reflecting on Catholic teaching, we must conclude that "even the most hardened criminal remains a human person, created in God's image, and possessing a dignity, value, and worth which must be recognized, promoted, safeguarded and defended." Simply put, we believe that every person is sacred, every life is precious—even the life of one who has violated the rights of others by taking a life. Human dignity is not qualified by what we do. It cannot be earned or forfeited. Human dignity is an irrevocable character of each and every person.

In the last decade, the Holy Father has reminded us that the purpose of punishment should never be vengeance. Rather, it is a "condition for the offender to regain the exercise of his or her freedom. In this way authority also fulfills the purpose of defending public order and ensuring people's safety, while at the same time offering the offender an incentive and help to change his or her behavior and be rehabilitated.

The Pope states that ". . . the nature and extent of punishment must be carefully evaluated and decided upon, and ought not go to the extreme of executing the offender except in cases of absolute necessity: in other words, when it would not be possible otherwise to defend society." He goes on to say ". . . as a result of steady improvements in the organization of the penal system, such cases are very rare, if not practically non-existent."

The reality is that the penal system in the United States, perhaps better than all other countries, has the ability to permanently isolate dangerous individuals.

Now, even some death penalty supporters are becoming increasingly uncomfortable with the status quo. The arbitrary manner in which the death penalty is sometimes applied; the disproportionate number of racial and ethnic minorities and low-income persons on death row; the fiscal burdens borne by penal institutions; and, most disturbingly, the mounting evidence that innocent people have been convicted and sentenced to death—all these factors have sown considerable doubt in the minds of elected officials and the public at-large.

In many states, underfunded and overworked defense attorneys struggle to keep up with large caseloads. It is simply unacceptable that defendants charged with capital crimes should have to rely on counsel that is underfunded, inexperienced, or simply incompetent.

A wide range of voices is calling for an end to the death penalty or a moratorium on executions. Governor Ryan of Illinois, a supporter of the death penalty, suspended executions in his State until its capital punishment apparatus could be thoroughly examined. He has stated that he will reinstate the death penalty only if the commission studying the issue can provide a "100 percent guarantee" that the Illinois system is flawless.

In New Hampshire, the legislature last week passed a measure to ban capital punishment only to have it vetoed by Governor Jeanne Shaheen.

And in the Supreme Court, questions have been raised again about the circumstances under which death row inmates have been tried and sentenced.

In Congress, Senator Patrick Leahy and Representatives Ray LaHood and Bill Delahunt have introduced legislation that would, among other things:

Ensure that defendants have access to exculpatory DNA evidence when available;

Require states to provide competent defense counsel; and

Limit the federal government's authority to pursue the death penalty for federal crimes committed in states without capital punishment.

Senator Russell Feingold has introduced a bill to abolish the death penalty at the federal level and Representative Jesse Jackson, Jr. has joined him in introducing bills that would institute a moratorium on the use of the death penalty.

We support these and other bills that would end the death penalty or, at the very least, postpone or commute some sentences while exposing fundamental flaws in the current administration of capital punishment.

It is in this light that I have written today to Gray Davis, Governor of California, calling on him to institute a moratorium on the death penalty while the California system can be thoroughly assessed and the inequities, weaknesses, and biases in the process can be revealed fully.

All these initiatives, taken together, are signs of growing skepticism about the system under which the death penalty is currently applied. While I support these efforts, the long-term goal is not simply to make the application of the death penalty free from bias, inequity, or human error. Instead, these efforts should be steps towards a public dialogue that ultimately brings a permanent end to state executions. As the campaign to ban partial birth abortions has cast new light on the morality of abortion, these partial steps against the death penalty can create awareness of the fundamental moral problems with capital punishment. The time is right for a genuine and reasoned national dialogue.

A recently formed independent commission to study issues of procedure, innocence, and other legal aspects of the system is significant and my fellow bishop, Cardinal William Keeler of Baltimore, has agreed to serve on that commission. But we must expand the dialogue beyond the legal problems to address the moral and human dimensions of the death penalty. This dialogue should be happening not only in commissions, but also in our communities, in our churches and homes, and in newspapers and other public forums.

In the end, we are deceiving ourselves if we believe we can fix the current death penalty system to make it more humane and just. Social, political and economic factors make a complete overhaul of the system doubtful. Moral and ethical questions make such an endeavor impossible.

CONCLUSION

As we have pointed out in previous statements, the death penalty is further indication of a culture of violence that haunts our nation. Sadly, we are the most violent nation on earth not currently at war. It is reflected in our movies and music, our television and video games, in our homes, schools, and on our streets. More ominously, our society is tempted to solve some of our more significant social problems with violence. Consider this:

Abortion is promoted to deal with difficult or unwanted pregnancies.

Euthanasia and assisted suicide are suggested as a remedy for the burdens of age and illness.

Capital punishment is marketed as the answer to deal with violent crime.

A nation that destroys its young, abandons its elderly, and relies on vengeance is in serious moral trouble.

The Catholic Bishops of the United States join with Pope John Paul II in a recommitment to end the death penalty. Our faith calls us to be "unconditionally pro-life." We will work not only to proclaim our anti-death position, but to persuade others that increasing reliance on capital punishment diminishes society as a whole.

In addition, we recommit to work with our community of faith to combat crime and violence, to turn our prisons from warehouses of human failure and seedbeds of violence, to places of rehabilitation and recovery. We will stand with victims of crime and seek real justice and accountability for them and their families.

Simple solutions rarely address difficult problems. What is needed is a moral revolution that results in genuine respect for every human life—especially the unborn and the poor, the crime victims and even the violent offender. In the end, our society will be measured by how we treat "the least among us." It challenges each person to defend human life in every circumstance and situation. It calls on our leaders and the media to seek the common good and not appeal to our worst instincts.

This is a time for a new ethic—justice without vengeance. Let us come together to hold people accountable for their actions, to resist and condemn violence, to stand with victims of crime and to insist that those who destroy community, answer to the community. But let us also remember that we cannot restore life by taking life, that vengeance cannot heal and that all of us must find new ways to defend human life and dignity in a far too violence society.

This will be a long struggle. It begins by raising new doubts about the death penalty. It will require new and more serious efforts to address crime and reform prisons. But in the end, we cannot practice what we condemn. We cannot defend life by taking life. We cannot contain violence by using state violence.

In this new century, we join with others in taking a prophetic stand to end the death penalty. In doing so, we hope to share a new vision of society that is unambiguous and consistent in its defense of life. It will demand the courage and faith of many to see us through a long and challenging process of dialogue and conversion. It is a challenge, however, that is worth our best efforts.

Thank you.●

TRIBUTE TO MIKE AND JOANNE DUNCAN

● Mr. McCONNELL. Mr. President, I rise today to recognize Mike and Joanne Duncan of Inez, Kentucky, for the successful internship program they continue to run for students in eastern Kentucky.

Mike and his wife Joanne founded an innovative summer-internship program in 1977 with the hope of encouraging young people to continue to work and live in their home state after college. To date, more than 100 people have participated in Mike and Joanne's program and have had the opportunity to intern at local businesses or participate in other leadership-building projects around the community. This program has given students a place to exchange ideas with each other and community professionals to help them prepare for their career. It is through experiences such as these that Mike and Joanne have helped to show interns that they can make a difference in their corner of the world. The program the Duncan's have created gives students an opportunity to see first-hand what the real, working world is like in their hometown and often results in the students' desire to return home after college to share their talents and skills with the community of their youth.

Mike and Joanne's work is known and appreciated throughout eastern Kentucky, and throughout the nation. In 1996, Mike was called the "Mentor to Eastern Kentucky," by the Journal of the Appalachian Regional Commission. Also, the Los Angeles Times once described the internship program as being "more akin to adoption." The impact of the Duncan's work reaches across county and state lines, and is surely an example for similar programs across the United States.

Mike and Joanne display an unswerving commitment to the people of Kentucky and possess the gratitude and respect of many. Their dedication to helping young Kentuckians succeed through countless hours of counseling and tutoring over the last 23 years is indeed admirable.

Congratulations, Mike and Joanne, on your tremendous success, and thank you for your many generous years of service to eastern Kentucky's youth. On behalf of myself and my colleagues in the United States Senate, thank you for giving so much of yourself for so many others.●

A TRIBUTE TO HEIDI KIRK DUFFY

● Mr. REED. Mr. President, I rise today to congratulate Heidi Kirk Duffy upon her receipt of the Order of Merit of the Federal Republic of Germany, First Class.

Heidi was selected to receive the Order of Merit to recognize her "outstanding contribution to the development of academic and economic interchanges between universities and companies of the United States and the Federal Republic of Germany." The Order of Merit will be bestowed upon Heidi in particular recognition of her commitment to the cultivation of a strong relationship between the University of Rhode Island's International Engineering Program and the Federal Republic of Germany.

A native of the Dusseldorf area, Heidi is currently the Chair of the Advisory Board of the University of Rhode Island's International Engineering Program. At the conclusion of this five-year program, graduates receive two degrees, one in English and the other in German. Recently, the University of Rhode Island has also added degrees in Spanish and French. This International Engineering Program is considered to be one of the most unique programs of its kind in American higher education.

Under her direction, the University of Rhode Island's Engineering Program provides both German and American students a global education. Due to Heidi's dedication and hard work, the Program has been truly successful in strengthening a transatlantic relationship between the United States and the Federal Republic of Germany.

Heidi was notified earlier this year by the Consul General of the Federal Republic of Germany, Dr. P.C. Hauswedell, that she had been selected to receive the Order of Merit. The Verdienstkreuz 1. Klasse des Verdlenstordens der Bundesrepublik Deutschland, as it is known in German, is one of the highest honors give to civilians by the Federal Republic. She will receive the Order of Merit on Friday, August 4th at ceremonies in her honor in the Rhode Island Capital.

I congratulate Heidi for her accomplishments and wish her luck as she continues in her endeavors.●

THE BEST 100 COMMUNITIES FOR MUSIC EDUCATION IN AMERICA

● Mr. ABRAHAM. Mr. President, I rise today to recognize the Farmington Public School District of Farmington, Michigan, for its outstanding achievement in music education. It was ranked number one (along with Coppell, Texas) on the list of 100 best communities in America for school music programs. This is a very special honor which emphasizes the importance of arts education to the lives of our children.

The rankings were the result of a first-ever nationwide survey of more than 5,800 public schools and independent teachers, district administrators, school board members, parents, and community leaders representing communities in all 50 states. The web-based survey assessed many aspects of music education, such as funding, participation, student-teacher ratios, and quality of facilities. The results indicate that superior programs exist both in areas that possess a wealth of monetary and material resources, as well as in those that must rely on more innovative means of funding and implementing ambitious educational endeavors. The key element of success, found in each of the top 100 communities, is the dedication and support of parents, teachers, school decision-makers, and community leaders. This landmark survey highlights the efforts of people who truly value quality music education and strive to make it a reality for today's youth.

The partnership that sponsored the study was comprised of the country's top organizations devoted to music and learning. National School Boards Association President, Clarice Chambers, commented on the significance of the results: "We already know that students who participate in music programs tend to be high achievers. Now we can use the data generated by this survey to identify the common characteristics of exemplary music programs. This information will be invaluable to school boards and communities as they go about the work of raising student achievement in their own school districts." Scientific research has revealed the impact of music education on a child's cognitive abilities, self-discipline, communication, and teamwork skills. The self-confidence gained through artistic accomplishment encourages kids to avoid drugs and alcohol and channel their energy into positive activities. Farmington's musical education program will serve as a model for shaping young lives in school districts across the nation.

I applaud the City of Farmington for the wonderful music education program that it has established. It has truly earned its status as America's best place for music education, and I am sure will be a leader in the cultivation of musical talent for many years. On behalf of the entire United States Senate, I congratulate the City of Farmington, and wish the music education program continued success in the future.●

CONGRATULATING DR. SAMIR ABU-GHAZALEH

● Mr. JOHNSON. Mr. President, I rise today to recognize and congratulate Dr. Samir Abu-Ghazaleh, who has been appointed by President Clinton to the National Cancer Advisory Board. Dr. Abu-Ghazaleh is currently a gynecologic oncologist at the Avera Cancer Institute in Sioux Falls, South Dakota where he has been successfully serving the important health needs of the citizens in my home state.

Dr. Abu-Ghazaleh attended Nahara College and received a MB.B. from Ain Shams University Medical School, both in Cairo. He did his residency in OB-GYN in Yankton, South Dakota, at the University of South Dakota Affiliated Hospital, from 1972 to 1976. He also held a residency in gynecologic oncology at Duke University, from 1976 to 1978.

After finishing his schooling in medicine, Dr. Abu-Ghazaleh returned to South Dakota where he served as the Director of the OB-GYN Student Teaching Program from 1981 to 1985, and an Associate Professor from 1980 to 1985, at the University of South Dakota School of Medicine. When not practicing medicine, Dr. Abu-Ghazaleh is writing about it. He is the author of numerous articles on gynecology and oncology. The community in which he practices is important to him and he has hosted several workshops and presentations as a free service to inform the public and increase cancer awareness, particularly concerning women's health issues.

Dr. Abu-Ghazaleh is a member of the North Central Cancer Treatment Group, the Gynecologic Oncology Group, and the American College of Gynecologists. He has also been a member of the National Cancer Institute. Beginning in 1985, he has continued to serve as a Fellow of American College of Surgeons. Additionally, Dr. Abu-Ghazaleh has been a Fellow of the American College of Obstetricians and Gynecologists and Surgical Gynecologic Oncologists since 1980.

It is with great pride and pleasure that I rise in recognition to an outstanding health care provider, an honored member of the National Cancer Advisory Board, and a true asset to the state of South Dakota. He is a man who has dedicated his life to helping others and providing education on the serious illness of cancer. Again, congratulations to Dr. Samir Abu-Ghazaleh. I trust the Advisory Board will find him a valuable asset and a skilled advisor.●

A TRIBUTE TO FRANCIS SCOTT KEY ON THE OCCASION OF HIS BIRTHDAY, AUGUST 1, 1779

● Mr. L. CHAFEE. Mr. President, one of my constituents, Virginia Louise Doris of Warwick, RI, has written a beautiful poem that commemorates the life of Francis Scott Key, and his steadfast efforts in penning what has become the words of our National Anthem. Last year I was pleased to share with my colleagues a poem she wrote about the valiant soldiers of World War II. Today, after reading her latest poem, I thought it would be appropriate to share her heartfelt words.

Virginia Doris has informed me that she has worked for many years researching the life of Francis Scott Key, and has written a monograph compiling her findings. Her dedication to bringing recognition to this great American is indeed inspiring. I thank her for sharing the poem with me, and wish her continued success in sharing the worthy story of her hero, Francis Scott Key.

I ask that a copy of Virginia Doris' poem appear at this point in the Record.

The poem follows:

Poem in Honor of Francis Scott Key

(By Virginia Louise Doris)

Anthem, Mighty Anthem! Our voices resound,

Poem by God's blessing, unsceptered, uncrowned!

Anthem, Sacred Anthem! Our pulses repeat,
Warm with the life-blood, as long as they beat!

Listen! The reverence of his soul imbued doth thrill us still,
In the old familiar places beneath their emerald hill.

Here at this altar our vows we renew
still in thy cause be loyal and true—
True to thy flag on the field, and the wave,
living to honor it, dying to save!

Wake in our breast the living fires,
the Holy faith that warmed our sires,
Thy spirit shed through every heart,
to every arm thy strength impart!

Our lips should fill the air with praises, and pay the debt we owe.
So high above his hymn we raise the floods of garlands flow.

Harken! The reverence of his soul imbued doth thrill us still,
In the old familiar places beneath their emerald hill.

Anthem, Mighty Anthem! our voices resound,

Poem by God's blessing unsceptered uncrowned!

Anthem, Sacred Anthem! our pulses repeat,
Warm with the life-blood, as long as they beat!●

HONORING THE CLASS OF 1965 THE FLETCHER SCHOOL OF LAW AND DIPLOMACY

● Mr. REID. Mr. President, the Fletcher School of Law & Diplomacy was created in 1933, to be administered jointly by Tufts University and Harvard University, to offer a broad program of professional education in international affairs to a select group of graduate students, who desired to pursue careers in the U.S. State Department, the United Nations, and other public and private entities, organizations, and agencies that are involved in various aspects of international affairs: and

The Class of 1965 of said Fletcher School is celebrating its 35th reunion on August 19, 2000, to commemorate the achievements of members of that class. The members of the 1965 class have served with distinction in promoting world peace and harmony and working in many different places around the world, in a variety of professional, business, and public service positions to promote: freedom through international cooperation and effective defense policies; prosperity by means of international trade; democracy in new and developing nations by helping people understand how to build socially responsible societies based on democratic principles; and justice through the promotion of a better global understanding of the destiny of humankind to live in freedom from fear, hunger, want, and disease; and

Many in the Class of 1965 have served both in the U.S. Foreign Service, as well as in various positions in the U.S. Congress; and others have served in a variety of capacities in federal and state agencies, helping the United States to fulfill its role of leadership and responsibility in the world community.

I commend the Class of 1965 for the achievements and contributions that its members have made to promote better understanding among the people of the world and to bring hope to those who seek a better life for all the world's citizens. The United States Senate congratulates the class of 1965 of Fletcher School of Law and Diplomacy on its 35th reunion and conveys best wishes to its members for good health, prosperity, and much happiness in the years to come.●

TRIBUTE TO RICHARD CYR—JACQUELINE KENNEDY ONASSIS AWARD WINNER

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Richard Cyr upon receiving the Jacqueline Kennedy Onassis Award for outstanding public service.

In a time where random acts of kindness seem to be waning, Richard has proven that kind souls are still in abundance. He has established one of the most important volunteer efforts in the state, if not the country. Richard formed David's House, a program for the parents of sick children that provides much-needed support and love during critical times of treatment programs. It is this tireless dedication to helping others that garnered Richard a national award for this efforts.

Richard understood how difficult it was for families of sick children to remain close to their loved ones without having to add hotel costs to the growing number of bills. He was in the same situation himself when his foster child, David, became ill with acute lymphocytic leukemia. Richard spent countless nights sleeping in his car or in the hospital lobby to be closer to his child. After David's death, he decided that a safe refuge for families was necessary during illness.

David's House gives parents the ability to concentrate on their children without worrying about where to sleep, eat or shower during hospital visits. The House is staffed entirely by volunteers and receives donations from private sources. After fifteen years of operation, David's House has assisted hundreds of families and eased the pain of coping with illness. Such stability and growth is a testament of the true importance and need for institutions like David's House.

Richard's dedication to helping others in a grave time of need is truly inspirational. It is an honor to represent him in the United States Senate.●

TRIBUTE TO THE BELKNAP COUNTY ECONOMIC DEVELOPMENT GROUP

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to the Belknap County Economic Development Group for receiving the 2000 United States Small Business Administration's New Hampshire "Financial Services Advocate of the Year" award.

Financial service advocates play an integral role in the success of a small business, particularly in their assistance with access to credit. The Belknap County Economic Development Group is no exception. They have been assisting small businesses in surrounding communities with great success since 1992.

Initially formed to address economic issues plaguing the area at the time, it later expanded to assisting small businesses struggling to get off the ground. It currently operates a revolving loan fund and two micro-lending programs, as well as provides technical assistance and counseling.

As a former small business owner in the state, I commend the Belknap County Economic Development Group for their hard work and dedication. It is truly an honor to represent them in the United States Senate.●

TRIBUTE TO RUTH GRIFFIN—2000 CITIZEN OF THE YEAR

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Ruth Griffin for being named the "2000 Citizen of the Year" by the Greater Portsmouth Chamber of Commerce.

Ruth's dedication to the citizens of Portsmouth and its surrounding communities has spanned an impressionable thirty years. She exemplifies what is good about today's society and proves that everyone can become involved in his or her community in some small way. Ruth genuinely cares for the people of the seacoast and thinks of everyone as her children to some degree. Her unfaltering commitment to assisting those in need or in crisis has touched the lives of many and garnered her an award for her efforts.

Aside from participating in countless community service events and programs, Ruth served on the Portsmouth School Board and the Police Commission. She extended her service beyond the seacoast to all of New Hampshire by serving terms in the New Hampshire State House and Senate. She currently serves as one of the governor's executive councilors. Ruth gives one hundred percent of her time and efforts to bettering the lives of those less fortunate. Her kind-hearted care and concern for the well-being of all she encounters proves her deep commitment to making New Hampshire a better place to live. Such dedication to her community and state is heart-warming and truly inspirational in a time where civic responsibility seems to be waning.

It is citizens like Ruth who make our communities stronger and exemplify what is good about America today. It is an honor to serve Ruth in the United States Senate.●

TRIBUTE TO BRETT MURPHY ON BEING NAMED PRESIDENTIAL SCHOLAR

● Mr. SMITH of New Hampshire. Mr. President, I rise today to honor Brett Murphy of New Ipswitch, New Hampshire, for being selected as a 2000 Presidential Scholar by the United States Secretary of Education.

Of the over 2.5 million graduating seniors nationwide, Brett is one of only 141 seniors to receive this distinction for academics. This impressive young man is well-deserving of the title of Presidential Scholar. I wish to commend Brett for his outstanding achievement.

As a student at Saint Bernard's Central Catholic High School in New Hampshire, Brett has served as a role model for his peers through his commitment to excellence. Brett's determination promises to guide him in the future.

It is certain that Brett will continue to excel in his future endeavors. I wish to offer my most sincere congratulations and best wishes to Brett. His achievements are truly remarkable. It is an honor to represent him in the United States Senate.●

TRIBUTE TO JAY BORDEN—2000 ENTREPRENEUR OF THE YEAR

● Mr. SMITH of New Hampshire. Mr. President, I rise today to honor Jay Borden, for his recognition as the 2000 Entrepreneur of the Year by the New Hampshire High Technology Council.

Jay is the President and CEO of Granite Systems, Inc., a leading provider in configuration management solutions to the telecommunications industry worldwide. His company is a rapidly growing success because of its innovative approaches to supporting a wide array of network technologies. This allows Granite Systems the chance to do business with a wider spectrum of clients and to solidify their golden reputation in the fast-paced world of telecommunications technology.

Under Jay's strong leadership, his company has maintained a policy of 100 percent employee stock participation, a program intended to create a real difference for all employees if the company reaches its valuation and liquidity goals. He is truly dedicated to furthering the creative development of his employees through work-conducive programs. Because of the examples Jay has set for others, his employees are also deeply committed to high quality service and products.

Jay's sharp business skills and telecommunications experience prove to be just the right combination for a business that shows its success not only in dollar figures, but in the contributions it makes to leading new technologies. His commitment to the advancement of New Hampshire's technological economy is truly commendable. It is companies like Jay's that prove New Hampshire's true competitiveness in the technological field. Jay, it is an honor to represent you in the United States Senate.•

TRIBUTE TO KRISTINE WEST—AMERICAN LEGION LADIES AUXILIARY NATIONAL PRESIDENT

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Kristine West for her recent selection as National President of the American Legion Auxiliary.

Kristine's commitment to public service as a member of the American Legion Auxiliary is evident through her long list of accomplishments. In a time where civic duties seem to be waning, Kristine exemplifies true civic pride and involvement. Not only has she been an active member of the Ladies Auxiliary for over 20 years, she has given freely of her time to the town of Sutton as a member of the North Sutton Improvement Society and the Sutton Historical Society; working to better New Hampshire's scenic and historic heritage for all Granite Staters.

Kristine was a member of the American Legion Department of New Hampshire for five years before moving on to national level work. Her ten years of experience as chairwoman of various national committees proves that she is more than capable of handling the position of President. Her commitment to such organizations as Habitat for Humanity, the Education Committee and the Community Service Committee prove her strong dedication to helping surrounding communities and individuals in need.

Kristine's hard work, determination and energy are truly commendable. Her deep concern for the common good is admirable. She has truly demonstrated the qualities of strong leadership which will take her far in her new position. It is an honor to represent her in the United States Senate.•

TRIBUTE TO LAUREN E. SIROIS ON BEING NAMED PRESIDENTIAL SCHOLAR

• Mr. SMITH of New Hampshire. Mr. President, I rise today to honor Lauren E. Sirois, of Salem, NH, for being selected as a 2000 Presidential Scholar by the U.S. Secretary of Education.

Of the over 2.5 million graduating seniors nationwide, Lauren is one of only 141 seniors to receive this distinction for academics. This impressive young woman is well-deserving of the title of Presidential Scholar. I wish to commend Lauren for her outstanding achievement.

As a student at Phillips Academy in New Hampshire, Lauren has served as a role model for her peers through her commitment to excellence. Lauren's determination promises to guide her in the future.

It is certain that Lauren will continue to excel in her future endeavors. I wish to offer my most sincere congratulations and best wishes to Lauren. Her achievements are truly remarkable. It is an honor to represent her in the U.S. Senate.•

TRIBUTE TO MARK F. LEVENSON, DIRECTOR OF THE MANCHESTER VA MEDICAL CENTER

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Mark Levenson upon being appointed the Director of the VA Medical Center in Manchester, NH.

As director, Dr. Levenson will have the responsibility of leading the VA Medical Center into the 21st century. The level of dedication and commitment required by such a prestigious position would seem overwhelming to many, yet Dr. Levenson has proven himself willing and capable of providing the best leadership for the center.

Prior to his appointment as the director for the VA Medical Center, Dr. Levenson served as the acting director of the center. During that 22 month period, Mark dedicated his time to improving medical care access for veterans. His efforts to expand clinics in Manchester and Portsmouth are just some examples of his loyalty and commitment to America's veterans.

Dr. Levenson has used each and every day of his career with the VA Medical Center to remind his peers and the surrounding community of their commitment to those men and women who served our great nation.

As a veteran of the U.S. Armed Forces and a friend of the VA Medical Center, I salute the selfless efforts of Dr. Levenson. His leadership will prove invaluable as he assumes the position of director, and I wish him all the best in his endeavors. It is truly an honor to represent Dr. Levenson in the U.S. Senate.•

TRIBUTE TO MARY NOUCAS—OUTSTANDING VOLUNTEER

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Mary Noucas, for her recognition as an Outstanding Volunteer by the New Hampshire Partners in Education.

In a world full of waning civic responsibility, it is always heartwarming to hear of selfless citizens devoting time to their communities. Mary's tireless dedication to Portsmouth schools has garnered her state-wide recognition for her efforts. She initially started working at the Dondero Elementary School when her children started kindergarten seven years ago in order to become more fully involved in their education. She offered to sign up for everything to get to know the teachers and the parents better, and hasn't stopped since. Her work now stretches to other schools in the area as well.

Mary has established a number of successful programs at the school, such as the Class Popcorn Giveaway and the Magical Mailbox program, heads numerous committees, and has overseen countless art shows, bake sales and book fairs. She puts together the middle school newsletter and continues to do publicity for the elementary school. She truly enjoys volunteering and cites her love of children as the driving force behind her efforts.

Mary's work is truly inspirational and typifies what is good about American citizens today. Without the help of dedicated volunteers, our schools would not be able to run smoothly, and it is the children who ultimately would suffer. It is truly an honor to represent her in the U.S. Senate.•

TRIBUTE TO McLANE, GRAF, RAULERSON AND MIDDLETON—NH BUSINESS IN THE ARTS AWARD WINNER

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to McLane, Graf, Raulerson and Middleton upon their recognition as a 2000 New Hampshire "Business in the Arts" award winner in the medium-sized company category.

The firm has been a long time contributor to the development of the arts in New Hampshire. They not only donate time and money to various arts events, but they have established themselves on numerous boards and sponsorships and are well-known for distributing complimentary tickets to clients and friends. This extensive sponsorship of different arts programs is carried out on a more personal level by the firm's employees, whose individual contributions of time and money make a significant impact on the organizations they support.

The firm has placed a considerable interest in promoting musical events throughout the State, and avidly supports the Opera League of New Hampshire, the New Hampshire Symphony Orchestra, the Portsmouth Music Hall, the Concord Community Music School and the Nashua Symphony, to name a few. Their list of achievements stretches even further to other venues of the arts as well, such as the Palace Theater in Manchester, the Currier

Gallery of Art and Strawbery Banke, a historical site in Portsmouth.

This strong commitment by the firm to providing the opportunity for arts programs to come to the State is truly commendable. The firm understands the true importance of the arts in communities, and without their generous support, these programs would not be possible. The firm has taken on new projects, most notably a year 2000 celebration with cultural activities such as a Black Heritage Trail and a YMCA art auction. These sort of events enrich the lives of the entire community and prove that private businesses can indeed make a huge impact on bringing the arts to all citizens. It is an honor to serve the firm and its employees in the U.S. Senate.•

TRIBUTE TO J. MICHAEL HICKEY, 2000 YANKEE AWARD RECIPIENT

• Mr. SMITH of New Hampshire. Mr. President, I rise today to honor Michael Hickey, for his recognition by the Yankee Chapter of the Public Relations Society of America as the 2000 Yankee Award Recipient.

Mike is the president and CEO of Bell Atlantic New Hampshire, a company that faithfully upholds the ideals of corporate responsibility, good citizenship and core values. Mike has taken the role of CEO to a whole new level of relationship building by embracing those around him, not only within his company, but within the surrounding community as well. He consistently works hard to ensure that all employee and business concerns are met and addressed. It is his dedication to relationship building that exemplifies what public relations is all about.

Mike is an extraordinary leader who leads by example, most notably by his involvement with numerous non-profit organizations. As chairman of Kids Voting New Hampshire and the former campaign chairman of the Greater Manchester United Way, Mike demonstrates the importance of civic responsibility and giving back to the community. He listens carefully to others and diligently tries to bring the disenfranchised into the inner circle. He makes people feel included and valued. His board membership in the Greater Manchester Chamber of Commerce, the NH Business & Industry Association, and the NH High Tech Council prove his true commitment to the advancement of New Hampshire's businesses and economy. He is the type of leader who encourages those around him to give above and beyond one hundred percent of themselves. As a result, Bell Atlantic sponsors a number of community events aimed at educating and guiding youths and adults throughout the state, such as the Smithsonian Folklife Exhibit from New Hampshire and the Celebrate New Hampshire Culture Festival.

Mike's hard work, determination and ability to motivate those around him to reach greater heights are truly commendable. His strong concern for the common good is admirable. He has truly illustrated the qualities of strong leadership and interpersonal relationship skills. Mike, it is an honor to represent you in the U.S. Senate.•

TRIBUTE TO LAUREN JENNIFER MEEHAN—MISS NEW HAMPSHIRE 2000

• Mr. SMITH of New Hampshire. Mr. President, I rise today to honor a young woman who has given selflessly to her community, inspired her peers and has been chosen to represent the great state of New Hampshire in the Miss America pageant in 2000, Lauren Jennifer Meehan.

Lauren, crowned both Miss Lakes Region and Miss New Hampshire, is a 1998 graduate of Nashua Senior High School. Not only did she graduate in the top ten percent of her class, she went on to continue her education at the University of New Hampshire, where she is a sophomore majoring in molecular, cellular, and developmental biology. In addition to her premedical program course work, she minors in English as well.

Despite a double major and challenging courses, Lauren finds time for her singing passion, performing with the All-State Classical Choir for the past 3 years, and she gives back to the surrounding community through her involvement as a kindergarten catechism teacher at St. Thomas Moore Parish, as well as a Wentworth Douglas Emergency Room volunteer.

Her platform of attachment and adjustment disorders in children is especially poignant in an age where violence and mental disturbance with America's youth is all too common. Her dreams of entering the field of Pediatric Neurology will surely allow her to further research this field of study.

Lauren is an excellent student who cares about her community and the state. Her talents, hard work and dedication are truly commendable, and it is an honor to represent her in the U.S. Senate.•

TRIBUTE TO THE MOUNT WASHINGTON HOTEL AND RESORT

• Mr. SMITH of New Hampshire. Mr. President, I rise today to honor the Mount Washington Hotel and Resort for their designation as one of the Businesses of the Decade by Business New Hampshire Magazine.

For the past ten years, under the direction of partners Joel and Cathy Bedard, the Mount Washington Hotel and Resort has become a cornerstone of the White Mountain Community, providing not only a place for the people of New Hampshire to rest and relax, but giving back to the surrounding community as well.

The Mount Washington Hotel and Resort had not been locally owned until 1991, after several failed business ventures attempted to capitalize on the property. The hard work and dedication of each individual who worked on renovating and revitalizing the hotel is truly commendable. As a result, the Mount Washington Hotel and Resort was saved from demolition and currently thrives as one of New Hampshire's greatest treasures.

The Mount Washington Hotel and Resort is the largest employer in the local economy, providing 450 jobs in the summer months and 550 throughout the winter season. They are also an active member of their community, lending their support to programs such as New Hampshire Public Television, the Littleton Regional Hospital Auxiliary and other worthy programs and causes.

The Mount Washington Hotel and Resort is a true friend to the people of New Hampshire. Their efforts over the past ten years are truly commendable, and it is an honor to represent them in the United States Senate.•

TRIBUTE TO OLDE PORT BANK—NH BUSINESS IN THE ARTS AWARD WINNER

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Olde Port Bank for its recognition as a 2000 New Hampshire "Business in the Arts" award winner in the small company category.

Olde Port Bank proves that time and money are not the only key factors necessary for the successful continuation of arts programs. They have provided exhibit space in its offices and lobbies and promoted the activities of employees and customers who are artists as well. It is this sort of personal attention and support that make various programs available to the local community. The bank also understands the importance of a strong financial backbone, and helps to secure loans and credit lines so that the arts can remain part of the seacoast community.

The Children's Museum of Portsmouth is one such grateful recipient of Olde Port Bank's efforts. The bank has given generous financial support for an endowment fund to the museum and established corporate membership and sponsorship. Bank employees spend countless hours assisting the museum in many of its events and activities. This sort of high participation is a testament to the staff's deep dedication to making the arts more accessible to the Portsmouth community.

Olde Port Bank recognizes the importance of arts in education and the community. Forty percent of the bank's contributions budget is earmarked for arts organizations in the Portsmouth area, and this support is consistently growing each year. This company recognizes their power to lead by example, both economically and physically.

Without the support of dedicated businesses like Olde Port Bank, the arts would not be able to flourish in New Hampshire. Olde Port Bank truly signifies the deep personal commitment of small businesses across the state to supporting the causes that make New Hampshire one's chosen place to call home. It is an honor to serve them in the United States Senate.•

TRIBUTE TO LILLIAN NOEL—PAUL HARRIS FELLOW AWARD WINNER

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Lillian "Billie" Noel for her recognition as the Portsmouth Rotary Club's "Paul Harris Fellow" award winner.

Billie's deep commitment to preserving New Hampshire's precious woodlands is truly commendable. Instead of selling 35 acres of land to developers, Billie sold it at a reduced price to preservationists, ensuring the land will remain untouched for a long time. It is because of her dedication to assuring the future of New Hampshire's forests that she was honored by the Portsmouth Rotary Club in option for preservation over profit.

Billie made the decision to sell her property for $600,000 to the Society for the Protection of New Hampshire's Forests, even though it is worth three times that amount. This generous sale will ensure that the scenic waterfront property is not touched by developers. One of the last remaining undeveloped pieces of land in the fast-growing seacoast area, residents would have lost a treasured piece of their New Hampshire heritage had it been sold to developers. The Society plans to add walking paths and areas to picnic and bird watch, preserving the land's charm and scenic appeal. Billie's contribution to New Hampshire's citizens proves that there are still people dedicated to saving nature's delicacy rather than making a mere profit. It is this type of private initiative which keeps New Hampshire as the beautiful "Live Free or Die" state.

New Hampshire is lucky to have citizens like Billie who are committed to saving our state's beautiful lands. Our state's scenic areas are too precious to lose and I commend Billie for her hard work and dedication to the environment. It is an honor to represent Billie in the United States Senate.•

TRIBUTE TO THE HONORABLE SUSAN B. CARBON—"FRANK ROWE KENISON" AWARD RECIPIENT

• Mr. SMITH of New Hampshire. Mr. President, I rise to pay tribute to the Honorable Susan B. Carbon upon receiving the "Frank Rowe Kenison" award for her contributions to New Hampshire citizens through the field of Law and Justice.

The "Frank Rowe Kenison" award was established to recognize those individuals who, through the administration of justice, the legal profession or the advancement of legal thought, have worked towards improving the lives of New Hampshire citizens.

Susan has bettered the life of hundreds if not thousands of New Hampshire citizens through her pursuit of justice. Her personal and professional journeys have inspired her to seek an end to family violence.

As president of the New Hampshire Bar Association, Susan was instrumental in establishing the Family Violence Conference. She has also served as a member of the Executive Committee for the Governor's Commission on Domestic & Sexual Violence and a trustee for the National Council of Juvenile and Family Court Judges. This involvement has allowed her to combat domestic violence on a national level.

Susan's tireless dedication to domestic violence prevention is a testament to the philosophy of Frank Rowe Kenison, who stated "The Supreme Court and the Judiciary of this State will continue to maintain and guard its house justice for the humble as well as the powerful, for the poor as well as the rich, for the minority as well as the majority and for the unpopular as well as the popular."

In her many years in the legal profession, Susan Carbon has carried out Rowe's vision of justice. She has turned to the most sacred and powerful groups within society and the family in order to ensure that each individual is able to live without the fear of impending violence.

Susan's dedication to her profession, ending domestic violence and to her surrounding community is remarkable. It is both an honor and a great pleasure to represent her in the United States Senate.•

TRIBUTE TO WALTER GALLO UPON HIS RETIREMENT

• Mr. SMITH of New Hampshire. Mr. President, I rise today to honor Walter John Gallo, Vice President for the Endowment at Saint Anselm's College, upon his retirement.

Gallo, who graduated from Saint Anselm's College in 1958, has faithfully served the college and the surrounding community for the past thirty years. In addition to holding the position of Vice President of the Endowment, he has also been Alumni Director and Vice President for Development. I applaud his hard work and dedication in these positions, raising more than 2.5 million dollars over the last fundraising goal and establishing a nationwide alumni network for the college.

In addition to giving to Saint Anselm's College, Gallo is an active member of both the local and state communities, as well as several national organizations. He has been active with the Council for the Advancement and Support of Education, the National Society of Fund Raising Executives, Catholic Medical Center, New Hampshire Center for the Preforming Arts, the National Commission on Alcohol and Drug Abuse, New Horizons for New Hampshire, the Manchester Diocese School Development Committee and the Bedford Library Foundation.

Walter Gallo is truly an extraordinary individual. He has worked tirelessly and selflessly for Saint Anselm's College, the surrounding communities, the state and several national organizations while still finding time for his family and his personal hobbies which include Italian culture, reading, carpentry and sports.

I commend Walter and wish him the best upon his retirement. It has been a pleasure to work with him in years past, and it is truly an honor to represent him in the United States Senate.•

TRIBUTE TO SECURE CARE PRODUCTS

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Secure Care Products for receiving the United States Small Business Administration's "Small Business Exporter of the Year" award for 2000.

A designer and manufacturer of electronic monitoring systems for nursing homes and hospitals, Secure Care Products began exporting to Canada in 1994 and currently exports to over six foreign countries, including Ireland and England.

As a small business, they have demonstrated that they can succeed in the global arena, and I commend them for their hard work and dedication to their field. Their innovative solutions are providing necessary items to companies across the world, and I applaud their efforts.

A former small business owner myself, I am continually impressed by small businesses in New Hampshire that have the initiative and vision to take their product to the global market. It is an honor and a pleasure to represent all of the employees of Secure Care Products in the United States Senate.•

TRIBUTE TO THE BELKNAP COUNTY ECONOMIC DEVELOPMENT GROUP

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to the Belknap County Economic Development Group for receiving the 2000 United States Small Business Administration's New Hampshire "Financial Services Advocate of the Year" award.

Financial service advocates play an integral role in the success of a small business, particularly in their assistance with access to credit. The Belknap County Economic Development Group is no exception. They have been assisting small businesses in surrounding communities with great success since 1992.

Initially formed to address economic issues plaguing the area at the time, it later expanded to assisting small businesses struggling to get off the ground. It currently operates a revolving loan fund and two micro-lending programs, as well as provides technical assistance and counseling.

As a former small business owner in the state, I commend the Belknap County Economic Development Group for their hard work and dedication. It is truly an honor to represent them in the United States Senate.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans and Mr. Williams, his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and treaties which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON PROGRESS TOWARD ACHIEVING BENCHMARKS IN BOSNIA—MESSAGE FROM THE PRESIDENT—PM 123

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Armed Services.

To the Congress of the United States:

As required by the Levin Amendment to the 1998 Supplemental Appropriations and Rescissions Act (section 7 of Public Law 105-174) and section 1203 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261), I transmit herewith a report on progress made toward achieving benchmarks for a sustainable peace process.

In April 2000, I sent the third semiannual report to the Congress under Public Law 105-174, detailing progress towards achieving the ten benchmarks adopted by the Peace Implementation Council and the North Atlantic Council for evaluating implementation of the Dayton Accords. This report provides an updated assessment of progress on the benchmarks, covering the period January 1 through June 30, 2000.

In addition to the semiannual reporting requirements of Public Law 105-174, this report fulfills the requirements of section 1203 in connection with my Administration's request for funds for FY 2001.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *July 27, 2000.*

REPORT ON THE NATIONAL INSTITUTE OF BUILDING SCIENCES FOR FISCAL YEAR 1998—MESSAGE FROM THE PRESIDENT—PM 124

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

In accordance with the requirements of section 809 of the Housing and Community Development Act of 1974, as amended (12 U.S.C. 1701j-2(j)), I transmit herewith the annual report of the National Institute of Building Sciences for fiscal year 1998.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *July 27, 2000.*

REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO LIBYA—MESSAGE FROM THE PRESIDENT—PM 125

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa-9(c), I transmit herewith a 6-month periodic report on the national emergency with respect to Libya that was declared in Executive Order 12543 of January 7, 1986.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *July 27, 2000.*

REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO TERRORISTS WHO THREATENED TO DISRUPT THE MIDDLE EAST PEACE PROCESS—MESSAGE FROM THE PESIDENT—PM 126

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to terrorists who threaten to disrupt the Middle East peace process that was declared in Executive Order 12947 of January 23, 1995.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *July 27, 2000.*

MESSAGES FROM THE HOUSE

At 2:37 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the conference of the Senate:

H.R. 2634. An act to amend the Controlled Substances Act with respect to registration requirements for practitioners who dispense narcotic drugs in schedule IV or V for maintenance treatment or detoxification treatment.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 4205) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe strengths for such fiscal year for the Armed Forces, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following members as the managers of the conference on the part of the House:

From the Committee on Armed Services, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Mr. SPENCE, Mr. STUMP, Mr. HUNTER, Mr. KASICH, Mr. BATEMAN, Mr. HANSEN, Mr. WELDON of Pennsylvania, Mr. HEFLEY, Mr. SAXTON, Mr. BUYER, Mr. FOWLER, Mr. MCHUGH, Mr. TALENT, Mr. EVERETT, Mr. BARTLETT of Maryland, Mr. MCKEON, Mr. WATTS of Oklahoma, Mr. THORNBERRY, Mr. HOSTETTLER, Mr. CHAMBLISS, Mr. SKELTON, Mr. SISISKY, Mr. SPRATT, Mr. ORTIZ, Mr. PICKETT, Mr. EVANS, Mr. TAYLOR of Mississippi, Mr. ABERCROMBIE, Mr. MEEHAN, Mr. UNDERWOOD, Mr. ALLEN, Mr. SNYDER, Mr. MALONEY of Connecticut, Mr. MCINTYRE, Mr. TAUSCHER, and Mr. THOMPSON of California: Provided, That Mr. KUYKENDALL is appointed in lieu of Mr. KASICH for consideration of section 2863 of the House bill, and section 2862 of the Senate amendment, and modifications committed to conference.

From the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 11 of rule X: Mr. GOSS, Mr. LEWIS of California, and Mr. DIXON.

From the Committee on Commerce, for consideration of sections 601, 725, and 1501 of the House bill, and sections 342, 601, 618, 701, 1073, 1402, 2812, 3131, 3133, 3134, 3138, 3152, 3154, 3155, 3167–3169, 3171, 3201, and 3301–3303 of the Senate amendment, and modifications committed to conference: Mr. BLILEY, Mr. BARTON of Texas, and Mr. DINGELL: *Provided*, That Mr. BILIRAKIS is appointed in lieu of Mr. BARTON of Texas for consideration of sections 601 and 725 of the House bill, and sections 601, 618, 701, and 1073 of the Senate amendment, and modification committed to conference: *Provided further*, That Mr. OXLEY is appointed in lieu of Mr. BARTON of Texas for consideration of section 1501 of the House bill, and sections 342 and 2812 of the Senate amendment, and modifications committed to conference.

From the Committee on Education and the Workforce, for consideration of sections 341, 342, 504, and 1106 of the House bill, and sections 311, 379, 553, 669, 1053, and title XXXV of the Senate amendment, and modification committed to conference: Mr. GOODLING, Mr. HILLEARY, and Mrs. MINK of Hawaii.

From the Committee on Government Reform, for consideration of sections 518, 651, 723, 801, 906, 1101–1104, 1106, 1107, and 3137, of the House bill, and sections 643, 651, 801, 806, 810, 814–816, 1010A, 1044, 1045, 1057, 1063, 1069, 1073, 1101, 1102, 1104, 1106–1118, title XIV, 2871, 2881, 3155, and 3171 of the Senate amendment, and modifications committed to conference: Mr. BURTON of Indiana, and Mr. SCARBOROUGH, and Mr. WAXMAN: *Provided*, That Mr. HORN is appointed in lieu of Mr. SCARBOROUGH for consideration of section 801 of the House bill and sections 801, 806, 810, 814–816, 1010A, 1044, 1045, 1057, 1063, 1101, title XIV, 2871, and 2881 of the Senate amendment, and modifications committed to conference: *Provided further*, That Mr. MCHUGH is appointed in lieu of Mr. SCARBOROUGH for consideration of section 1073 of the Senate amendment, and modifications committed to conference.

From the Committee on House Administration, for consideration of sections 561–563 of the Senate amendment, and modifications committed to conference: Mr. THOMAS, Mr. BOEHNER, and Mr. HOYER.

From the Committee on International Relations, for consideration of sections 1201, 1205, 1209, 1210, title XIII, and 3136 of the House bill, and sections 1011, 1201–1203, 1206, 1208, 1209, 1212, 1214, 3178, and 3193 of the Senate amendments, and modifications committed to conference: Mr. GILMAN, Mr. GOODLING, and Mr. GEJDENSON.

From the Committee on the Judiciary, for consideration of sections 543 and 906 of the House bill and sections 506, 645, 663, 668, 909, 1068, 1106, title XV, and title XXXV of the Senate amendment, and modifications committed to conference: Mr. HYDE, Mr. CANADY of Florida, and Mr. CONYERS.

From the Committee on Resources, for consideration of sections 312, 601, 1501, 2853, 2883, and 3402 of the House bill, and sections 601, 1059, title XIII, 2871, 2893, and 3303 of the Senate amendment, and modifications committed to conference: Mr. YOUNG of Alaska, Mr. TAUZIN, and Mr. GEORGE MILLER of California.

From the Committee on Science, for consideration of sections 1402, 1403, 3161–3167, 3169, and 3176 of the Senate amendment, and modifications committed to conference: Mr. SENSENBRENNER, Mr. CALVERT, and Mr. GORDON: *Provided*, That Mrs. MORELLA is appointed in lieu of Mr. CALVERT for consideration of sections 1402, 1403, and 3176 of the Senate amendment, and modifications committed to conference.

From the Committee on Transportation and Infrastructure, for consideration of sections 601, 2839, and 2881 of the House bill, and sections 502, 601, and 1072 of the Senate amendment, and modifications committed to conference: Mr. SHUSTER, Mr. GILCHREST, and Mr. BAIRD: *Provided*, That Mr. PASCRELL is appointed in lieu of Mr. BAIRD for consideration of section 1072 of the Senate amendment, and modifications committed to conference.

From the Committee on Veterans' Affairs, for consideration of sections 535, 738, 2831 of the House bill, and sections 561–563, 648, 664–666, 671, 672, 682–684, 721, 722, and 1067 of the Senate amendment, and modifications committed to conference: Mr. BILIRAKIS, Mr. QUINN, and Ms. BROWN of Florida.

From the Committee on Ways and Means, for consideration of section 725 of the House bill, and section 701 of the Senate amendment, and modifications committed to conference: Mr. ARCHER, Mr. THOMAS, and Mr. STARK.

At 6:39 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills; which it requests concurrence of the Senate:

H.R. 4865. An act to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits.

H.R. 4920. An act to improve service systems for individuals with developmental disabilities, and for other purposes.

At 7:14 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill; which it requests the concurrence of the Senate:

H.R. 4285. An act to authorize the Secretary of Agriculture to convey certain administrative sites for National Forest System lands in the State of Texas, to convey certain National Forest System land to the New Waverly Gulf Coast Trades Center, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution; which it requests the concurrence of the Senate:

H. Con. Res. 381. A concurrent resolution expressing the sense of the Congress that there should be established a National Health Center Week to raise awareness of health services provided by community, migrant, and homeless health centers.

The message further announced that the House agrees to the amendments of the Senate to the bill (H.R. 4040) to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance is made available to Federal employees, members of the uniformed services, and civilian and military retirees, provide for the correction of retirement coverage errors under chapters 83 and 84 of such title, and for other purposes, with amendments; which it requests the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

S. 1629. An act to provide for the exchange of certain land in the State of Oregon.

S. 1910. An act to amend the Act establishing Women's Rights National Historical Park to permit the Secretary of the Interior to acquire title in fee simple to the Hunt House located in Waterloo, New York.

S. 2327. An act to establish a Commission on Ocean Policy, and for other purposes.

H.R. 4810. An act to provide for reconciliation pursuant to section 103(a)(1) of the concurrent resolution on the budget for fiscal year 2001.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

At 4:39 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 4437. An act to grant the United States Postal Service the authority to issue semipostals, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

At 7:29 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker pro tempore (Ms. MORELLA) has signed the following enrolled bill:

H.R. 4576. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 4865. An act to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase of Social Security benefits; to the Committee on Finance.

H.R. 4285. An act to authorize the Secretary of Agriculture to convey certain administrative sites for National Forest System lands in the State of Texas, to convey certain National Forest System land to the New Waverly Gulf Coast Trades Center, and for other purposes; to the Committee on Energy and Natural Resources.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 381. A concurrent resolution expressing the sense of the Congress that there should be established a National Health Center Week to raise awareness of health services provided by community, migrant, and homeless health centers.

The following bills, previously received from the House of Representatives for concurrence, were read the first and second times by unanimous consent, and referred as indicated:

H.R. 4718. An act to extend for 3 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted.

H.R. 1304. An act to ensure and foster continued patient safety and quality of care by making the antitrust laws apply to negotiations between groups of health care professionals and health plans and health insurance issuers in the same manner as such laws apply to collective bargaining by labor organizations under the National Labor Relations Act.

MEASURES PLACED ON THE CALENDAR

The following bills were read twice and placed on the calendar:

H.R. 2634. An act to amend the Controlled Substances Act with respect to registration requirements for practitioners who dispense narcotic drugs in schedule IV or V for maintenance treatment or detoxification treatment.

H.R. 4920. An act to improve service systems for individuals with developmental disabilities, and for other purposes.

The following bills were read the second time and placed on the calendar:

S. 2940. A bill to authorize additional assistance for international malaria control, and to provide for coordination and consultation in providing assistance under the Foreign Assistance Act of 1961 with respect to malaria, HIV, and tuberculosis.

S. 2941. A bill to amend the Federal Campaign Act of 1971 to provide meaningful campaign finance reform through requiring better reporting, decreasing the role of soft money, and increasing individual contribution limits, and for other purposes.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 728. An act to amend the Watershed Protection and Flood Prevention Act to authorize the Secretary of Agriculture to provide cost share assistance for the rehabilitation of structural measures constructed as part of water resource projects previously funded by the Secretary under such Act or related laws.

H.R. 1102. An act to provide for pension reform, and for other purposes.

H.R. 1264. An act to amend the Internal Revenue Code of 1986 to require that each employer show on the W-2 form of each employee the employer's share of taxes for old-age, survivors, and disability insurance and for hospital insurance for the employee as well as the total amount of such taxes for such employee.

H.R. 2348. An act to authorize the Bureau of Reclamation to provide cost sharing for the endangered fish recovery implementation programs for the Upper Colorado and San Juan River Basins.

H.R. 3048. An act to amend section 879 of title 18, United States Code, to provide clearer coverage over threats against former Presidents and members of their families, and for other purposes.

H.R. 3468. An act to direct the Secretary of the Interior to convey certain water rights to Duchesne City, Utah.

H.R. 4033. An act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify the procedures and conditions for the award of matching grants for the purchase of armor vests.

H.R. 4079. An act to require the Comptroller General of the United States to conduct a comprehensive fraud audit of the Department of Education.

H.R. 4201. An act to amend the Communications Act of 1934 to clarify the service obligations of noncommercial educational broadcast stations.

H.R. 4923. An act to amend the Internal Revenue Code of 1986 to provide tax incentives for the renewal of distressed communities, to provide for 9 additional empowerment zones and increased tax incentives for empowerment zone development, to encourage investments in new markets, and for other purposes.

H.R. 4846. An act to establish the National Recording Registry in the Library of Congress to maintain and preserve recordings that are culturally, historically, or aesthetically significant, and for other purposes.

H.R. 4888. An act to protect innocent children.

H.R. 4700. An act to grant the consent of the Congress to the Kansas and Missouri Metropolitan Culture District Compact.

H.R. 4681. An act to provide for the adjustment of status of certain Syrian nationals.

H.J. Res. 72. Joint resolution granting the consent of the Congress to the Red River Boundary Compact.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, July 27, 2000, he had presented to the President of the United States the following enrolled bills:

S. 1629. An act to provide for the exchange of certain land in the State of Oregon.

S. 1910. An act to amend the Act establishing Women's Rights National Historical Park to permit the Secretary of the Interior to acquire title in fee simple to the Hunt House located in Waterloo, New York.

S. 2327. An act to establish a Commission on Ocean Policy, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-10004. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Antitrust Review Authority: Clarification" (RIN3150-AG38) received on July 18, 2000; to the Committee on Environment and Public Works.

EC-10005. A communication from the Small Business Advocacy Chair, Environmental Protection Agency, transmitting, pursuant to law, the report of eight rules entitled "New Stationary Sources; Supplemental Delegation of Authority to the State of North Carolina" (FRL6728-8), "New Stationary Sources; Supplemental Delegation of Authority to the States of Alabama, Florida, Georgia, and Tennessee and to Nashville-Davidson County, Tennessee" (FRL6728-9), "Revisions to the California State Implementation Plan, South Coast Air Quality Management District and the Kern County Air Pollution Control District", "Approval and Promulgation of Implementation Plans; Texas; Revisions to Emergency Episode Plan Regulations" (FRL6840-3), "Final Authorization of State Hazardous Waste Management Program Revision" (FRL6840-7), "Commonwealth of Virginia: Final Authorization of State Hazardous Waste Management Program Revision" (FRL6840-9), "Approval and Promulgation of State Implementation Plans; California-Santa Barbara", "Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania; Approval of Revisions to Volatile Organic Compounds Regulations" (FRL6735-7) received on July 20, 2000; to the Committee on Environment and Public Works.

EC-10006. A communication from the Small Business Advocacy Chair, Environmental Protection Agency, transmitting, pursuant to law, the report of three rules entitled "National Priorities List for Uncontrolled Hazardous Waste Sites" (FRL6841-3), "FY 2001 Wetlands Program Development Grants" (FRL6838-7), "Approval and Promulgation of State Implementation Plans; California State Implementation Plan Revision; San Joaquin Valley Unified Air Pollution Control District and South Coast Air Quality Management District" (FRL6729-8) received on July 21, 2000; to the Committee on Environment and Public Works.

EC-10007. A communication from the Assistant Secretary, Civil Works, Department of the Army, transmitting, pursuant to law, a report relative to an environmental restoration and recreation project along the Rio Salado and Indian Bend Wash in Phoenix and Tempe, Arizona; to the Committee on Environment and Public Works.

EC-10008. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the Monetary Policy Report; to the Committee on Banking, Housing, and Urban Affairs.

EC-10009. A communication from the Assistant Secretary for Employment and Training, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Labor Certification Process for the Temporary Employment of Nonimmigrant Aliens in Agriculture in the United States: Delegation of Authority to Adjudicate Petitions" (RIN1205-AB23) received on July 13, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-10010. A communication from the Assistant Secretary, Occupational Safety and Health Administration, Department of

Labor, transmitting, pursuant to law, the report of a rule entitled "Longshoring, Marine Terminals, and Gear Certification; Final rule; technical amendments" (RIN1218-AA56) received on July 13, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–10011. A communication from the Director of the Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" received on July 18, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–10012. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Code of Federal Regulations; Technical Amendment" (Docket No. 00N–01361) received on July 19, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–10013. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Court Decisions, ANDA Approvals, and 180-Day Exclusivity" (RIN85N–0214) received on July 19, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–10014. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; Effective Date of Requirement for Premarket Approval for a Class III Premendments Obstetrical and Gynecological Device" (RIN95N–0084) received on July 19, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–10015. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Listing of Color Additives Exempt From Certification; Phaffia Yeast" (RIN97C–0466) received on July 19, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–10016. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Listing of Color Additives Exempt From Certification; Haematococcus Algae Meal" (98C–0212) received on July 19, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–10017. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers" (RIN99F–1456) received on July 19, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–10018. A communication from the Director of the Division of Policy, Planning and Program Development, Office of Federal Contract Compliance Programs, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors Regarding Individuals with Disabilities; Separate Facility Waivers" (RIN1215–AA84) received on July 20, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–10019. A communication from the Administrator of the Office of Workforce Security, Employment and Training Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Unemployment Insurance Program Letter 41–98, change 1-Application of the Prevailing Conditions of Work Requirement—Questions and Answers"; to the Committee on Health, Education, Labor, and Pensions.

EC–10020. A communication from the Director of Food and Agriculture Issues, Resources, Community, and Economic Development Division, General Accounting Office, transmitting, pursuant to law, the report relative to the safety of dietary supplements and "functional foods"; to the Committee on Health, Education, Labor, and Pensions.

EC–10021. A communication from the Assistant Secretary of Land and Minerals Management, Engineering and Operations Division, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Producer-operated Outer Continental Shelf Pipelines that Cross Directly into State Waters" (RIN1010-AC56) received on July 20, 2000; to the Committee on Energy and Natural Resources.

EC–10022. A communication from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Savings Performance Contracting; Technical Amendments" (RIN1904-AB07) received on July 24, 2000; to the Committee on Energy and Natural Resources.

EC–10023. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, a report on National Natural Landmarks; to the Committee on Energy and Natural Resources.

EC–10024. A communication from the Director of the Office of Insular Affairs, Department of the Interior, transmitting, pursuant to law, the report entitled "Impact of the Compact of Free Association on Guam, the Northern Mariana Island, and Hawaii"; to the Committee on Energy and Natural Resources.

EC–10025. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13-361 entitled "Retirement Incentive Temporary Act of 2000" adopted by the Council on June 6, 2000; to the Committee on Governmental Affairs.

EC–10026. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13-360 entitled "Tax Expenditure Budget Review Act of 2000" adopted by the Council on June 6, 2000; to the Committee on Governmental Affairs.

EC–10027. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13-364 entitled "Underage Drinking Temporary Amendment Act of 2000" adopted by the Council on June 6, 2000; to the Committee on Governmental Affairs.

EC–10028. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13-359 entitled "Criminal Tax Reorganization Act of 2000" adopted by the Council on June 6, 2000; to the Committee on Governmental Affairs.

EC–10029. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13-363 entitled "Gray Market Cigarette Prohibition Temporary Act of 2000" adopted by the Council on June 6, 2000; to the Committee on Governmental Affairs.

EC–10030. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13-365 entitled "Supermarket Tax Exemption Act of 2000" adopted by the Council on June 6, 2000; to the Committee on Governmental Affairs.

EC–10031. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13-367 entitled "New Motor Vehicle Inspection Sticker Renewal Temporary Amendment Act of 2000" adopted by the Council on June 6, 2000; to the Committee on Governmental Affairs.

EC–10032. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13-366 entitled "Public Schools Free Textbook Temporary, Amendment Act of 2000" adopted by the Council on June 6, 2000; to the Committee on Governmental Affairs.

EC–10033. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13-373 entitled "Equal Opportunity for Local, Small, or Disadvantaged Business Enterprises Amendment Act of 2000" adopted by the Council on June 6, 2000; to the Committee on Governmental Affairs.

EC–10034. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13-362 entitled "Campaign Finance Disclosure and Enforcement Amendment Act of 2000" adopted by the Council on June 6, 2000; to the Committee on Governmental Affairs.

EC–10035. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Prevailing Rate Systems; Change in the Survey Cycle for the Orleans, LA, Nonappropriated Fund Wage Area" (RIN3206-AJ05) received on July 19, 2000; to the Committee on Governmental Affairs.

EC–10036. A communication from the Executive Director of the Committee For Purchase From People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of additions to the procurement list received on July 19, 2000; to the Committee on Governmental Affairs.

EC–10037. A communication from the Secretary of the Department of Agriculture, transmitting, pursuant to law, the report of the Inspector General for the period of October 1, 1999 through March 31, 2000; to the Committee on Governmental Affairs.

EC–10038. A communication from the Executive Director of the Interstate Commission on the Potomac River Basin, transmitting, pursuant to law, the report of the Inspector General for the period of October 1, 1998 through September 30, 1999; to the Committee on Governmental Affairs.

EC–10039. A communication from the Comptroller General, General Accounting Office, transmitting, pursuant to law, the report entitled "Month in Review: May 2000"; to the Committee on Governmental Affairs.

EC–10040. A communication from the District of Columbia Auditor, transmitting a report entitled "Certification Review of the Washington Convention Center Authority's

Projected Revenues to meet Projected Operated and Debt Service Expenditures and Reserve Requirements for Fiscal Year 2001"; to the Committee on Governmental Affairs.

EC–10041. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the report of one item entitled "Available Information on Assessing Exposure from Pesticides in Food: A User's Guide"; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10042. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of two rules entitled "Bifenthrin: Pesticide Tolerance" (FRL6595-1), and "Pyridaben: Pesticide Tolerance" (FRL6593-1) received on July 7, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10043. A communication from the Secretary of the Department of Agriculture, transmitting, a draft of proposed legislation to expand the eligibility for emergency farm loans; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10044. A communication from the Associate Administrator of Dairy Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Final Rule for Dairy Forward Pricing Pilot Program" (Docket Number: DA-00-06) received on July 18, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10045. A communication from the Administrator of Rural Utilities Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "7 CFR Part 1735, General Policies, Types of Loans, Loan Requirements - Telecommunication Program (Mobile Telecom Service)" (RIN0572-AB53) received on July 13, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10046. A communication from the Associate Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Raisins Produced From Grapes Grown In California; Increase in Desirable Carryout Used to Compute Trade Demand" (Docket Number: FV00-989-3 FR) received on July 18, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10047. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Interstate Movement of Certain Land Tortoises" (Docket Number 00-016-2) received on July 18, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10048. A communication from the Small Business Advocacy Chair, Environmental Protection Agency, transmitting, pursuant to law, the report of two rules entitled "Fenbuconazole; Extension of Tolerances for Emergency Exemptions" (FRL6596-6) and "Imidacloprid; Extension of Tolerance for Emergency Exemptions" (FRL6597-1) received on July 21, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10049. A communication from the Farm Credit Administration, transmitting, pursuant to law, the report of a rule entitled "Adjusting Civil Money Penalties for Inflation" received on July 21, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10050. A communication from the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of two rules entitled "Bacillus Subtills Strain QST 713; Exemption from the Requirement of a Tolerance" (FRL6555-3) and "Methoxyfenozide; Benzoic Acid, 3 methoxy 2 methyl 2 (3,5 dimethylbenzoyl) 2 2(1,1dimthylethyl) hydrazide: Pesticide Tolerance" (FRL6496-5) received on June 28, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–611. A resolution adopted by the Borough of Lavallette, New Jersey, relative to the "Mud Dump Site"; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SMITH of New Hampshire, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 2796: A bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes (Rept. No. 106–362).

By Mr. SMITH of New Hampshire, from the Committee on Environment and Public Works, with amendments:

S. 2797: A bill to authorize a comprehensive Everglades restoration plan (Rept. No. 106–363).

By Mr. THOMPSON, from the Committee on Governmental affairs:

Special Report entitled "Day Trading: Case Studies and Conclusions" (Rept. No. 106–364).

By Mr. HELMS, from the Committee on Foreign Relations, with an amendment and with an amended preamble:

S. Res. 334: A resolution expressing appreciation to the people of Okinawa for hosting United States defense facilities, commending the Government of Japan for choosing Okinawa as the site for hosting the summit meeting of the G–8 countries, and for other purposes.

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 113: A bill to increase the criminal penalties for assaulting or threatening Federal judges, their family, members, and other public servants, and for other purposes.

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 353: A bill to provide for class action reform, and for other purposes.

S. 783: A bill to limit access to body armor by violent felons and to facilitate the donation of federal surplus body armor to State and local law enforcement agencies.

S. 1865: A bill to provide grants to establish demonstration mental health courts.

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 2000: A bill for the relief of Guy Taylor.

By Mr. HATCH, from the Committee on the Judiciary, with an amendment:

S. 2002: A bill for the relief of Tony Lara.

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 2272: A bill to improve the administrative efficiency and effectiveness of the Nation's abuse and neglect courts and for other purposes consistent with the Adoption and Safe Families Act of 1997.

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment:

S. 2279: A bill to authorize the addition of land to Sequoia National Park, and for other purposes.

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 2289: A bill for the relief of Jose Guadalupe Tellez Pinales.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment:

S. 2943: An original bill to authorize additional assistance for international malaria control, and to provide for coordination and consultation in providing assistance under the Foreign Assistance Act of 1961 with respect to malaria, HIV, and tuberculosis.

By Mr. HELMS, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and an amendment to the title and with an amended preamble:

S. Con. Res. 131: A concurrent resolution commemorating the 20th anniversary of the workers' strikes in Poland that lead to the creation of the independent trade union Solidarnose, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. WARNER for the Committee on Armed Services.

James Edgar Baker, of Virginia, to be a Judge of the United States Court of Appeals for the Armed Forces for the term of fifteen years to expire on the date prescribed by law.

Roger W. Kallock, of Ohio, to be Deputy Under Secretary of Defense for Logistics and Material Readiness. (New Position)

Donald Mancuso, of Virginia, to be Inspector General, Department of Defense.

(The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. WARNER. Mr. President, for the Committee on Armed Services.

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Raymond P. Huot, 2907

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Thomas R. Case, 2013

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., Section 12203:

To be brigadier general

Col. Jonathan P. Small, 0353

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Joseph M. Cosumano, Jr., 4186

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Freddy E. McFarren, 8271

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Michael L. Dodson, 5712

The following named officers for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral

Rear Adm. (lh) William J. Lynch, 1963
Rear Adm. (lh) John C. Weed, Jr., 2952

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Daniel H. Stone, 0520

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Michael D. Haskins, 6493

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Clinton E. Adams, 8045
Capt. Steven E. Hart, 6117
Capt. Louis V. Iasiello, 7632
Capt. Steven W. Maas, 3387
Capt. William J. Maguire, 8876
Capt. John M. Mateczun, 4993
Capt. Robert L. Phillips, 7293
Capt. David D. Pruett, 1322
Capt. Dennis D. Woofter, 5921

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. Scott A. Fry, 5541

(The above nominations were reported with the recommendation that they be confirmed.)

Mr. WARNER. Mr. President, for the Committee on Armed Services, I report favorably nomination lists which were printed in the Records of the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nomination of Michael R. Marohn, which was received by the Senate and appeared in the Congressional Record on July 20, 2000.

Army nominations beginning * Robert S. Adams, Jr. and ending * Sharon A. West, which nominations were received by the Senate and appeared in the Congressional Record on June 6, 2000.

Army nominations beginning Kelly L. Abbrescia and ending Timothy J. Zeien II, which nominations were received by the Senate and appeared in the Congressional Record on June 6, 2000.

Navy nominations beginning Thomas A. Allingham and ending John W. Zink, which nominations were received by the Senate and appeared in the Congressional Record on April 4, 2000.

Navy nominations beginning Roy I. Apseloff and ending John D. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record on April 4, 2000.

Navy nominations beginning Donald M. Abrashoff and ending Charles Zingler, which nominations were received by the Senate and appeared in the Congressional Record on April 11, 2000.

Marine Corps nomination of Thomas J. Connally, which was received by the Senate and appeared in the Congressional Record on July 18, 2000.

Marine Corps nominations beginning Aaron D. Abdullah and ending Daniel M. Zonavetch, which nominations were received by the Senate and appeared in the Congressional Record on July 18, 2000.

By Mr. ROTH for the Committee on Finance.

Robert S. LaRussa, of Maryland, to be Under Secretary of Commerce for International Trade.

Lisa Gayle Ross, of the District of Columbia, to be an Assistant Secretary of the Treasury.

Ruth Martha Thomas, of the District of Columbia, to be a Deputy Under Secretary of the Treasury.

Jonathan Talisman, of Maryland, to be an Assistant Secretary of the Treasury.

(The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. HATCH. Mr. President, for the Committee on the Judiciary.

Janie L. Jeffers, of Maryland, to be a Commissioner of the United States Parole Commission for a term of six years.

Marie F. Ragghianti, of Tennessee, to be a Commissioner of the United States Parole Commission for a term of six years.

Michael J. Reagan, of Illinois, to be United States District Judge for the Southern District of Illinois.

Norman C. Bay, of New Mexico, to be United States Attorney for the District of New Mexico for the term of four years.

Susan Ritchie Bolton, of Arizona, to be United States District Judge for the District of Arizona.

Mary H. Murguia, of Arizona, to be United States District Judge for the District of Arizona.

James A. Teilborg, of Arizona, to be United States District Judge for the District of Arizona.

(The above nominations were reported with the recommendation that they be confirmed.)

By Mr. SPECTER for the Committee on Veterans' Affairs.

Robert M. Walker, of West Virginia, to be Under Secretary of Veterans Affairs for Memorial Affairs. (New Position)

Thomas L. Garthwaite, of Pennsylvania, to be Under Secretary for Health of the Department of Veterans Affairs for a term of four years.

By Mr. SHELBY for the Select Committee on Intelligence.

John E. McLaughlin, of Pennsylvania, to be Deputy Director of Central Intelligence.

(The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BYRD:

S. 2942. A bill to extend the deadline for commencement of construction of certain hydroelectric projects in the State of West Virginia; to the Committee on Energy and Natural Resources.

By Mr. HELMS:

S. 2943. An original bill to authorize additional assistance for international malaria control, and to provide for coordination and consultation in providing assistance under the Foreign Assistance Act of 1961 with respect to malaria, HIV, and tuberculosis; from the Committee on Foreign Relations; placed on the calendar.

By Mr. BREAUX:

S. 2944. A bill to clarify that certain penalties provided for in the Oil Pollution Act of 1990 are the exclusive criminal penalties for any action or activity that may arise or occur in connection with certain discharges of oil or a hazardous substance; to the Committee on Environment and Public Works.

By Mrs. FEINSTEIN:

S. 2945. A bill for the relief of David Bale; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mr. Torricelli, and Mr. Harkin):

S. 2946. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to ensure that employees are not improperly disqualified from benefits under pension plans and welfare plans based on a miscategorization of their employee status; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER (for himself and Mr. Brownback):

S. 2947. A bill to encourage respect for the rights of religious and ethnic minorities in Iran, and to deter Iran from supporting international terrorism, and from furthering its weapons of mass destruction programs; to the Committee on Finance.

By Mr. INHOFE:

S. 2948. A bill to amend the Federal Water Pollution Control Act to establish a program for wetland mitigation banking, and for other purposes; to the Committee on Environment and Public Works.

By Mr. GRAMM (for himself, Mr. Nickles, Mrs. Hutchison, Mr. Murkowski, and Mr. Grassley):

S. 2949. A bill to amend the Internal Revenue Code of 1986 to treat distributions from publicly traded partnerships as qualifying income of regulated investment companies, and for other purposes; to the Committee on Finance.

By Mr. CAMPBELL:

S. 2950. A bill to authorize the Secretary of the Interior to establish the Sand Creek Massacre Historic Site in the State of Colorado; to the Committee on Energy and Natural Resources.

By Mr. GORTON (for himself and Mrs. Murray):

S. 2951. A bill to authorize the Commissioner of Reclamation to conduct a study to investigate opportunities to better manage the water resources in the Salmon Creek watershed of the upper Columbia River; to the Committee on Energy and Natural Resources.

By Mr. TORRICELLI:

S. 2952. A bill to provide technical assistance, capacity building grants, and organizational support to private, nonprofit community development organizations, including religiously-affiliated organizations; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. TORRICELLI:

S. 2953. A bill to amend title 38, United States Code, to improve outreach programs carried out by the Department of Veterans Affairs to provide for more fully informing veterans of benefits available to them under laws administered by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. HOLLINGS (for himself, Ms. Snowe, Mr. Kerrey, Mr. Stevens, Mr. Breaux, and Mr. Cleland):

S. 2954. A bill to establish the Dr. Nancy Foster Marine Biology Scholarship Program; to the Committee on Commerce, Science, and Transportation.

By Mr. DEWINE (for himself, Mr. Hatch, Mr. Voinovich, and Mr. Leahy):

S. 2955. A bill to amend the Internal Revenue Code of 1986 to provide relief for the payment of asbestos-related claims; to the Committee on Finance.

By Mr. CAMPBELL:

S. 2956. A bill to establish the Colorado Canyons National Conservation Area and the Black Ridge Canyons Wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ROTH:

S. 2957. A bill to amend title XVIII of the Social Security Act to preserve coverage of drugs and biologicals under part B of the medicare program; to the Committee on Finance.

By Mr. SANTORUM:

S. 2958. A bill to establish a national clearinghouse for youth entrepreneurship education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEWINE:

S. 2959. A bill to amend the Dayton Aviation Heritage Preservation Act of 1992, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WYDEN:

S. 2960. A bill to provide for qualified withdrawals from the Capital Construction Fund (CCF) for fishermen leaving the industry and for the rollover of Capital Construction Funds to individual retirement plans; to the Committee on Finance.

By Mr. WYDEN:

S. 2961. A bill to amend the Customs drawback statute to authorize payment of drawback where imported merchandise is recycled rather than destroyed; to the Committee on Finance.

By Mr. SMITH of New Hampshire:

S. 2962. A bill to amend the Clean Air Act to address problems concerning methyl tertiary butyl ether, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BRYAN (for himself, Mr. Graham, and Mr. Gorton):

S. 2963. A bill to amend title XIX of the Social Security Act to require the Secretary of Health and Human Services to make publicly available medicaid drug pricing information; to the Committee on Finance.

By Ms. COLLINS (for herself and Ms. Landrieu):

S. 2964. A bill to amend the Internal Revenue Code of 1986 to provide new tax incentives to make health insurance more affordable for small businesses, and for other purposes; to the Committee on Finance.

By Mr. HOLLINGS (for himself, Mr. Graham, Mr. Breaux, and Mr. Cleland):

S. 2965. A bill to amend the Merchant Marine Act, 1936, to establish a program to ensure greater security for United States seaports, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. JEFFORDS (for himself, Mr. Baucus, Mr. Edwards, and Mr. Roth):

S. 2966. A bill to amend the Fair Labor Standards Act of 1938 to prohibit retaliation and confidentiality policies relating to disclosure of employee wages, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MURKOWSKI (for himself, Mr. Gorton, Mr. Kerrey, Mr. Jeffords, and Mr. Thompson):

S. 2967. A bill to amend the Internal Revenue Code of 1986 to facilitate competition in the electric power industry; to the Committee on Finance.

By Mr. ALLARD:

S. 2968. A bill to empower communities and individuals by consolidating and reforming the programs of the Department of Housing and Urban Development; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GORTON:

S. 2969. A bill to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to promote the provision of retirement investment advice to workers managing their retirement income assets; to the Committee on Finance.

By Mr. WYDEN (for himself, Mr. Bayh, Mr. Breaux, and Ms. Landrieu):

S. 2970. A bill to provide for summer academic enrichment programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HARKIN:

S. 2971. A bill to amend the Clean Air Act to phase out the use of methyl tertiary butyl ether in fuels or fuel additives, to promote the use of renewable fuels, and for other purposes; to the Committee on Environment and Public Works.

By Mr. KERRY (for himself, Mr. Grassley, Mr. Sarbanes, Mr. Levin, and Mr. Rockefeller):

S. 2972. A bill to combat international money laundering and protect the United States financial system, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KERRY (for himself and Mr. Hollings):

S. 2973. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to improve fishery management and enforcement, and fisheries data collection, research, and assessment, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. GORTON:

S. 2974. A bill to amend title XVIII of the Social Security Act to provide for equitable reimbursement rates under the medicare program to Medicare+Choice organizations; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2975. A bill to limit the administrative expenses and profits of managed care entities to not more than 15 percent of premium revenues; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself, Mr. Byrd, and Mrs. Boxer):

S. 2976. A bill to amend title XXI of the Social Security Act to allow States to provide health benefits coverage for parents of children eligible for child health assistance under the State children's health insurance program; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2977. A bill to assist in the establishment of an interpretive center and museum in the vicinity of the Diamond Valley Lake in southern California to ensure the protection and interpretation of the paleontology discoveries made at the lake and to develop a trail system for the lake for use by pedestrians and nonmotorized vehicles; to the Committee on Energy and Natural Resources.

By Mr. DASCHLE (for himself, Mr. Bingaman, Mr. Conrad, Mr. Baucus, Mr. Kerrey, Mr. Kohl, Mr. Akaka, Mr. Johnson, Mr. Reid, Mr. Kennedy, and Mr. Dodd):

S. 2978. A bill to recruit and retain more qualified individuals to teach in Tribal Colleges or Universities; to the Committee on Indian Affairs.

By Mr. GRAHAM (for himself and Mr. Mack):

S. 2979. A bill to amend the Internal Revenue Code of 1986 to clarify the status of professional employer organizations and to promote and protect the interests of professional employer organizations, their customers, and workers; to the Committee on Finance.

By Mr. DASCHLE (for himself and Mr. Johnson):

S. 2980. A bill to amend the Food Security Act of 1985 to permit the enrollment of certain wetland, buffers, and filterstrips in conservation reserve; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DURBIN:

S. 2981. A bill to amend titles XVIII and XIX of the Social Security Act to provide bad debt relief for facilities providing care to certain low-income medicare beneficiaries and to amend title XIX of such Act to increase efforts to provide medicare beneficiaries with medicare cost-sharing under the medicaid program; to the Committee on Finance.

By Mr. BROWNBACK (for himself, Mr. Daschle, Mr. DeWine, Mr. Kerrey, Mr. Grassley, Mr. Byrd, and Mr. Lugar):

S. 2982. A bill to enhance international conservation, to promote the role of carbon sequestration as a means of slowing the building of greenhouse gases in the atmosphere, and to reward and encourage voluntary, pro-active environmental efforts on the issue of global climate change; to the Committee on Finance.

By Mr. AKAKA (for himself and Mr. Inouye):

S. 2983. A bill to provide for the return of land to the Government of Guam, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CONRAD:

S. 2984. A bill to amend the Internal Revenue Code of 1986 and to provide a refundable caregivers tax credit; to the Committee on Finance.

By Mr. DURBIN (for himself and Mr. Kennedy):

S. 2985. A bill to amend the Agricultural Trade Act of 1978 to authorize the Commodity Credit Corporation to reallocate certain unobligated funds from the export enhancement program to other agricultural trade development and assistance programs; to the Committee on Finance.

By Mr. HUTCHINSON (for himself, Mr. Thompson, Mr. Warner, Mr. Nickles, and Mr. Kyl):

S. 2986. A bill to limit the issuance of regulations relating to Federal contractor responsibility, to require the Comptroller General to conduct a review of Federal contractor compliance with applicable laws, and for other purposes; to the Committee on Governmental Affairs.

By Mr. ROBERTS (for himself, Mr. Grassley, Mr. Jeffords, Mr. Thomas, and Mr. Conrad):

S. 2987. A bill to amend title XVIII of the Social Security Act to promote access to health care services in rural areas, and for other purposes; to the Committee on Finance.

By Mr. FRIST (for himself, Mr. Breaux, Mr. Bond, and Mr. Hollings):

S. 2988. A bill to establish a National Commission on Space; to the Committee on Commerce, Science, and Transportation.

By Mr. McCAIN (for himself and Mr. Kerrey):

S. 2989. A bill to provide for the technical integrity of the FM radio band, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KERRY (for himself and Mr. Feingold):

S. 2990. A bill to amend chapter 42 of title 28, United States Code, to establish the Judicial Education Fund for the payment of reasonable expenses of judges participating in seminars, to prohibit the acceptance of seminar gifts, and for other purposes; to the Committee on the Judiciary.

By Mr. ABRAHAM:

S. 2991. A bill to amend title 18, United States Code, to expand the prohibition on stalking, and for other purposes; to the Committee on the Judiciary.

By Mr. BAUCUS:

S. 2992. A bill to amend title XVIII of the Social Security Act to reimburse essential access home health providers for the reasonable costs of providing home health services in rural areas; to the Committee on Finance.

By Mr. LEAHY (for himself and Mr. Kohl):

S. 2993. A bill to enhance competition for prescription drugs by increasing the ability of the Department of Justice and Federal Trade Commission to enforce existing antitrust laws regarding brand name drugs and generic drugs; to the Committee on the Judiciary.

By Mr. ROBB:

S. 2994. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage small business health plans, and for other purposes; to the Committee on Finance.

By Mr. L. CHAFEE (for himself, Mr. Bennett, Mr. Cleland, Mr. Jeffords, Mr. Levin, Mr. Lieberman, Mr. Leahy, and Mr. Baucus):

S. 2995. A bill to assist States with land use planning in order to promote improved quality of life, regionalism, sustainable economic development, and environmental stewardship, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WELLSTONE:

S. 2996. A bill to extend the milk price support program through 2002 at an increased price support rate; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KERRY (for himself, Mr. Jeffords, Mr. Sarbanes, Mr. Leahy, Mr. Bryan, Mr. Reed, Mr. L. Chafee, and Mr. Wellstone):

S. 2997. A bill to establish a National Housing Trust Fund in the Treasury of the United States to provide for the development of decent, safe, and affordable housing for low-income families; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. HUTCHISON (for herself, Mr. Gramm, Mr. Cleland, Mr. Miller, Mr. Lott, Mr. Mack, Mr. Nickles, Mr. Gorton, Mr. Santorum, Mr. Hatch, Mr. Helms, Mr. L. Chafee, Mr. Craig, Ms. Snowe, Mr. Smith of New Hampshire, Mr. Reed, Mr. Brownback, Ms. Mikulski, Mr. Dodd, and Mr. Biden):

S. 2998. A bill to designate a fellowship program of the Peace Corps promoting the work of returning Peace Corps volunteers in underserved American communities as the "Paul D. Coverdell Fellows Program"; considered and passed.

By Mr. ABRAHAM (for himself, Mr. Cochran, and Mr. Grams):

S. 2999. A bill to amend title XVIII of the Social Security Act to reform the regulatory processes used by the Health Care Financing Administration to administer the medicare program, and for other purposes; to the Committee on Finance.

By Mr. ROBB:

S. 3000. A bill to authorize the exchange of land between the Secretary of the Interior and the Director of the Central Intelligence Agency at the George Washington Memorial Parkway in McLean, Virginia, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. MURRAY (for herself, Mr. Warner, Mr. Bingaman, Mrs. Boxer, Mr. Campbell, Mr. L. Chafee, Mr. Daschle, Mr. Dodd, Mr. Durbin, Mrs. Feinstein, Mr. Gorton, Mr. Inouye, Mr. Jeffords, Mr. Johnson, Mr. Kennedy, Mr. Kerrey, Mr. Kerry, Mr. Kohl, Ms. Landrieu, Mr. Lautenberg, Mr. Leahy, Mr. Levin, Ms. Mikulski, Mr. Moynihan, Mr. Reed, Mr. Reid, Mr. Robb, Mr. Sarbanes, Mr. Schumer, Mr. Specter, Mr. Torricelli, and Mr. Wellstone):

S. Res. 345. A resolution designating October 17, 2000, as a "Day of National Concern About Young People and Gun Violence"; to the Committee on the Judiciary.

By Mrs. BOXER:

S. Res. 346. A resolution acknowledging that the undefeated and untied 1951 University of San Francisco football team suffered a grave injustice by not being invited to any post-season Bowl game due to racial prejudice that prevailed at the time and seeking appropriate recognition for the surviving members of that championship team; considered and agreed to.

By Mr. LOTT:

S. Con. Res. 132. A concurrent resolution providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives; considered and agreed to.

By Mr. JEFFORDS:

S. Con. Res. 133. A concurrent resolution to correct the enrollment of S. 1809; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BREAUX:

S. 2944. A bill to clarify that certain penalties provided for in the Oil Pollution Act of 1990 are the exclusive criminal penalties for any action or activity that may arise or occur in connection with certain discharges of oil or a hazardous substance; to the Committee on Environment and Public Works.

STRICT CRIMINAL LIABILITY REFORM FOR OIL SPILL INCIDENTS

Mr. BREAUX. Mr. President, I am pleased to introduce legislation to address a long-standing problem which adversely affects the safe and reliable maritime transport of oil products. The legislation I am introducing today will eliminate the application and use of strict criminal liability statutes, statutes that do not require a showing of criminal intent or even the slightest degree of negligence, for maritime transportation-related oil spill incidents.

Through comprehensive Congressional action that led to the enactment and implementation of the Oil Pollution Act of 1990, commonly referred to as "OPA90", the United States has successfully reduced the number of oil spills in the maritime environment and has established a cooperative public/private partnership to respond effectively in the diminishing number of situations when an oil spill occurs. Nonetheless, over the past decade, the use of the unrelated strict criminal liability statutes that I referred to above has undermined the spill prevention and response objectives of OPA90, the very objectives that were established by the Congress to preserve the environment, safeguard the public welfare, and promote the safe transportation of oil. The legislation I am introducing today will restore the delicate balance of interests reached in OPA90, and will reaffirm OPA90's preeminent role as the statute providing the exclusive criminal penalties for oil spill incidents.

As stated in the Coast Guard's own environmental enforcement directive, a company, its officers, employees, and mariners, in the event of an oil spill "could be convicted and sentenced to a criminal fine even where [they] took all reasonable precautions to avoid the discharge". Accordingly, responsible operators in my home state of Louisiana and elsewhere in the United

By Mr. CAMPBELL:

S. 2950. A bill to authorize the Secretary of the Interior to establish the Sand Creek Massacre Historic Site in the State of Colorado; to the Committee on Energy and Natural Resources.

By Mr. GORTON (for himself and Mrs. MURRAY):

S. 2951. A bill to authorize the Commissioner of Reclamation to conduct a study to investigate opportunities to better manage the water resources in the Salmon Creek watershed of the upper Columbia River; to the Committee on Energy and Natural Resources.

By Mr. TORRICELLI:

S. 2952. A bill to provide technical assistance, capacity building grants, and organizational support to private, nonprofit community development organizations, including religiously-affiliated organizations; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. TORRICELLI:

S. 2953. A bill to amend title 38, United States Code, to improve outreach programs carried out by the Department of Veterans Affairs to provide for more fully informing veterans of benefits available to them under laws administered by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. HOLLINGS (for himself, Ms. SNOWE, Mr. KERREY, Mr. STEVENS, Mr. BREAUX, and Mr. CLELAND):

S. 2954. A bill to establish the Dr. Nancy Foster Marine Biology Scholarship Program; to the Committee on Commerce, Science, and Transportation.

By Mr. DEWINE (for himself, Mr. HATCH, Mr. VOINOVICH, and Mr. LEAHY):

S. 2955. A bill to amend the Internal Revenue Code of 1986 to provide relief for the payment of asbestos-related claims; to the Committee on Finance.

By Mr. CAMPBELL:

S. 2956. A bill to establish the Colorado Canyons National Conservation Area and the Black Ridge Canyons Wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ROTH:

S. 2957. A bill to amend title XVIII of the Social Security Act to preserve coverage of drugs and biologicals under part B of the medicare program; to the Committee on Finance.

By Mr. SANTORUM:

S. 2958. A bill to establish a national clearinghouse for youth entrepreneurship education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEWINE:

S. 2959. A bill to amend the Dayton Aviation Heritage Preservation Act of 1992, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WYDEN:

S. 2960. A bill to provide for qualified withdrawals from the Capital Construction Fund (CCF) for fishermen leaving the industry and for the rollover of Capital Construction Funds to individual retirement plans; to the Committee on Finance.

By Mr. WYDEN:

S. 2961. A bill to amend the Customs drawback statute to authorize payment of drawback where imported merchandise is recycled rather than destroyed; to the Committee on Finance.

By Mr. SMITH of New Hampshire:

S. 2962. A bill to amend the Clean Air Act to address problems concerning methyl tertiary butyl ether, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BRYAN (for himself, Mr. GRAHAM, and Mr. GORTON):

S. 2963. A bill to amend title XIX of the Social Security Act to require the Secretary of Health and Human Services to make publicly available medicaid drug pricing information; to the Committee on Finance.

By Ms. COLLINS (for herself and Ms. LANDRIEU):

S. 2964. A bill to amend the Internal Revenue Code of 1986 to provide new tax incentives to make health insurance more affordable for small businesses, and for other purposes; to the Committee on Finance.

By Mr. HOLLINGS (for himself, Mr. GRAHAM, Mr. BREAUX, and Mr. CLELAND):

S. 2965. A bill to amend the Merchant Marine Act, 1936, to establish a program to ensure greater security for United States seaports, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. JEFFORDS (for himself, Mr. BAUCUS, Mr. EDWARDS, and Mr. ROTH):

S. 2966. A bill to amend the Fair Labor Standards Act of 1938 to prohibit retaliation and confidentiality policies relating to disclosure of employee wages, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MURKOWSKI (for himself, Mr. GORTON, Mr. KERREY, Mr. JEFFORDS, and Mr. THOMPSON):

S. 2967. A bill to amend the Internal Revenue Code of 1986 to facilitate competition in the electric power industry; to the Committee on Finance.

By Mr. ALLARD:

S. 2968. A bill to empower communities and individuals by consolidating and reforming the programs of the Department of Housing and Urban Development; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GORTON:

S. 2969. A bill to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to promote the provision of retirement investment advice to workers managing their retirement income assets; to the Committee on Finance.

By Mr. WYDEN (for himself, Mr. BAYH, Mr. BREAUX, and Ms. LANDRIEU):

S. 2970. A bill to provide for summer academic enrichment programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HARKIN:

S. 2971. A bill to amend the Clean Air Act to phase out the use of methyl tertiary butyl ether in fuels or fuel additives, to promote the use of renewable fuels, and for other purposes; to the Committee on Environment and Public Works.

By Mr. KERRY (for himself, Mr. GRASSLEY, Mr. SARBANES, Mr. LEVIN, and Mr. ROCKEFELLER):

S. 2972. A bill to combat international money laundering and protect the United States financial system, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KERRY (for himself and Mr. HOLLINGS):

S. 2973. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to improve fishery management and enforcement, and fisheries data collection, research, and assessment, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. GORTON:

S. 2974. A bill to amend title XVIII of the Social Security Act to provide for equitable reimbursement rates under the medicare program to Medicare+Choice organizations; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2975. A bill to limit the administrative expenses and profits of managed care entities to not more than 15 percent of premium revenues; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself, Mr. BYRD, and Mrs. BOXER):

S. 2976. A bill to amend title XXI of the Social Security Act to allow States to provide health benefits coverage for parents of children eligible for child health assistance under the State children's health insurance program; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2977. A bill to assist in the establishment of an interpretive center and museum in the vicinity of the Diamond Valley Lake in southern California to ensure the protection and interpretation of the paleontology discoveries made at the lake and to develop a trail system for the lake for use by pedestrians and nonmotorized vehicles; to the Committee on Energy and Natural Resources.

By Mr. DASCHLE (for himself, Mr. BINGAMAN, Mr. CONRAD, Mr. BAUCUS, Mr. KERREY, Mr. KOHL, Mr. AKAKA, Mr. JOHNSON, Mr. REID, Mr. KENNEDY, and Mr. DODD):

S. 2978. A bill to recruit and retain more qualified individuals to teach in Tribal Colleges or Universities; to the Committee on Indian Affairs.

By Mr. GRAHAM (for himself and Mr. MACK):

S. 2979. A bill to amend the Internal Revenue Code of 1986 to clarify the status of professional employer organizations and to promote and protect the interests of professional employer organizations, their customers, and workers; to the Committee on Finance.

By Mr. DASCHLE (for himself and Mr. JOHNSON):

S. 2980. A bill to amend the Food Security Act of 1985 to permit the enrollment of certain wetland, buffers, and filterstrips in conservation reserve; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DURBIN:

S. 2981. A bill to amend titles XVIII and XIX of the Social Security Act to provide bad debt relief for facilities providing care to certain low-income medicare beneficiaries and to amend title XIX of such Act to increase efforts to provide medicare beneficiaries with medicare cost-sharing under the medicaid program; to the Committee on Finance.

By Mr. BROWNBACK (for himself, Mr. DASCHLE, Mr. DEWINE, Mr. KERREY, Mr. GRASSLEY, Mr. BYRD, and Mr. LUGAR):

S. 2982. A bill to enhance international conservation, to promote the role of carbon sequestration as a means of slowing the building of greenhouse gases in the atmosphere, and to reward and encourage voluntary, pro-active environmental efforts on the issue of global climate change; to the Committee on Finance.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 2983. A bill to provide for the return of land to the Government of Guam, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CONRAD:

S. 2984. A bill to amend the Internal Revenue Code of 1986 and to provide a refundable caregivers tax credit; to the Committee on Finance.

By Mr. DURBIN (for himself and Mr. Kennedy):

S. 2985. A bill to amend the Agricultural Trade Act of 1978 to authorize the Commodity Credit Corporation to reallocate certain unobligated funds from the export enhancement program to other agricultural trade development and assistance programs; to the Committee on Finance.

By Mr. HUTCHINSON (for himself, Mr. Thompson, Mr. Warner, Mr. Nickles, and Mr. Kyl):

S. 2986. A bill to limit the issuance of regulations relating to Federal contractor responsibility, to require the Comptroller General to conduct a review of Federal contractor compliance with applicable laws, and for other purposes; to the Committee on Governmental Affairs.

By Mr. ROBERTS (for himself, Mr. Grassley, Mr. Jeffords, Mr. Thomas, and Mr. Conrad):

S. 2987. A bill to amend title XVIII of the Social Security Act to promote access to health care services in rural areas, and for other purposes; to the Committee on Finance.

By Mr. FRIST (for himself, Mr. Breaux, Mr. Bond, and Mr. Hollings):

S. 2988. A bill to establish a National Commission on Space; to the Committee on Commerce, Science, and Transportation.

By Mr. McCAIN (for himself and Mr. Kerrey):

S. 2989. A bill to provide for the technical integrity of the FM radio band, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KERRY (for himself and Mr. Feingold):

S. 2990. A bill to amend chapter 42 of title 28, United States Code, to establish the Judicial Education Fund for the payment of reasonable expenses of judges participating in seminars, to prohibit the acceptance of seminar gifts, and for other purposes; to the Committee on the Judiciary.

By Mr. ABRAHAM:

S. 2991. A bill to amend title 18, United States Code, to expand the prohibition on stalking, and for other purposes; to the Committee on the Judiciary.

By Mr. BAUCUS:

S. 2992. A bill to amend title XVIII of the Social Security Act to reimburse essential access home health providers for the reasonable costs of providing home health services in rural areas; to the Committee on Finance.

By Mr. LEAHY (for himself and Mr. Kohl):

S. 2993. A bill to enhance competition for prescription drugs by increasing the ability of the Department of Justice and Federal Trade Commission to enforce existing antitrust laws regarding brand name drugs and generic drugs; to the Committee on the Judiciary.

By Mr. ROBB:

S. 2994. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage small business health plans, and for other purposes; to the Committee on Finance.

By Mr. L. CHAFEE (for himself, Mr. Bennett, Mr. Cleland, Mr. Jeffords, Mr. Levin, Mr. Lieberman, Mr. Leahy, and Mr. Baucus):

S. 2995. A bill to assist States with land use planning in order to promote improved quality of life, regionalism, sustainable economic development, and environmental stewardship, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WELLSTONE:

S. 2996. A bill to extend the milk price support program through 2002 at an increased price support rate; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KERRY (for himself, Mr. Jeffords, Mr. Sarbanes, Mr. Leahy, Mr. Bryan, Mr. Reed, Mr. L. Chafee, and Mr. Wellstone):

S. 2997. A bill to establish a National Housing Trust Fund in the Treasury of the United States to provide for the development of decent, safe, and affordable housing for low-income families; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. HUTCHISON (for herself, Mr. Gramm, Mr. Cleland, Mr. Miller, Mr. Lott, Mr. Mack, Mr. Nickles, Mr. Gorton, Mr. Santorum, Mr. Hatch, Mr. Helms, Mr. L. Chafee, Mr. Craig, Ms. Snowe, Mr. Smith of New Hampshire, Mr. Reed, Mr. Brownback, Ms. Mikulski, Mr. Dodd, and Mr. Biden):

S. 2998. A bill to designate a fellowship program of the Peace Corps promoting the work of returning Peace Corps volunteers in underserved American communities as the "Paul D. Coverdell Fellows Program"; considered and passed.

By Mr. ABRAHAM (for himself, Mr. Cochran, and Mr. Grams):

S. 2999. A bill to amend title XVIII of the Social Security Act to reform the regulatory processes used by the Health Care Financing Administration to administer the medicare program, and for other purposes; to the Committee on Finance.

By Mr. ROBB:

S. 3000. A bill to authorize the exchange of land between the Secretary of the Interior and the Director of the Central Intelligence Agency at the George Washington Memorial Parkway in McLean, Virginia, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. MURRAY (for herself, Mr. Warner, Mr. Bingaman, Mrs. Boxer, Mr. Campbell, Mr. L. Chafee, Mr. Daschle, Mr. Dodd, Mr. Durbin, Mrs. Feinstein, Mr. Gorton, Mr. Inouye, Mr. Jeffords, Mr. Johnson, Mr. Kennedy, Mr. Kerrey, Mr. Kerry, Mr. Kohl, Ms. Landrieu, Mr. Lautenberg, Mr. Leahy, Mr. Levin, Ms. Mikulski, Mr. Moynihan, Mr. Reed, Mr. Reid, Mr. Robb, Mr. Sarbanes, Mr. Schumer, Mr. Specter, Mr. Torricelli, and Mr. Wellstone):

S. Res. 345. A resolution designating October 17, 2000, as a "Day of National Concern About Young People and Gun Violence"; to the Committee on the Judiciary.

By Mrs. BOXER:

S. Res. 346. A resolution acknowledging that the undefeated and untied 1951 University of San Francisco football team suffered a grave injustice by not being invited to any post-season Bowl game due to racial prejudice that prevailed at the time and seeking appropriate recognition for the surviving members of that championship team; considered and agreed to.

By Mr. LOTT:

S. Con. Res. 132. A concurrent resolution providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives; considered and agreed to.

By Mr. JEFFORDS:

S. Con. Res. 133. A concurrent resolution to correct the enrollment of S. 1809; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BREAUX:

S. 2944. A bill to clarify that certain penalties provided for in the Oil Pollution Act of 1990 are the exclusive criminal penalties for any action or activity that may arise or occur in connection with certain discharges of oil or a hazardous substance; to the Committee on Environment and Public Works.

STRICT CRIMINAL LIABILITY REFORM FOR OIL SPILL INCIDENTS

Mr. BREAUX. Mr. President, I am pleased to introduce legislation to address a long-standing problem which adversely affects the safe and reliable maritime transport of oil products. The legislation I am introducing today will eliminate the application and use of strict criminal liability statutes, statutes that do not require a showing of criminal intent or even the slightest degree of negligence, for maritime transportation-related oil spill incidents.

Through comprehensive Congressional action that led to the enactment and implementation of the Oil Pollution Act of 1990, commonly referred to as "OPA90", the United States has successfully reduced the number of oil spills in the maritime environment and has established a cooperative public/private partnership to respond effectively in the diminishing number of situations when an oil spill occurs. Nonetheless, over the past decade, the use of the unrelated strict criminal liability statutes that I referred to above has undermined the spill prevention and response objectives of OPA90, the very objectives that were established by the Congress to preserve the environment, safeguard the public welfare, and promote the safe transportation of oil. The legislation I am introducing today will restore the delicate balance of interests reached in OPA90, and will reaffirm OPA90's preeminent role as the statute providing the exclusive criminal penalties for oil spill incidents.

As stated in the Coast Guard's own environmental enforcement directive, a company, its officers, employees, and mariners, in the event of an oil spill "could be convicted and sentenced to a criminal fine even where [they] took all reasonable precautions to avoid the discharge". Accordingly, responsible operators in my home state of Louisiana and elsewhere in the United

States who transport oil are unavoidably exposed to potentially immeasurable criminal fines and, in the worst case scenario, jail time. Not only is this situation unfairly targeting an industry that plays an extremely important role in our national economy, but it also works contrary to the public welfare.

Most liquid cargo transportation companies on the coastal and inland waterway system of the United States have embraced safe operation and risk management as two of their most important and fundamental values. For example, members of the American Waterways Operators (AWO) from Louisiana and other states have implemented stronger safety programs that have significantly reduced personal injuries to mariners. Tank barge fleets have been upgraded through construction of new state-of-the-art double hulled tank barges while obsolete single skin barges are being retired far in advance of the OPA90 timetable. Additionally, AWO members have dedicated significant time and financial resources to provide continuous and comprehensive education and training for vessel captains, crews and shoreside staff, not only in the operation of vessels but also in preparation for all contingencies that could occur in the transportation of oil products. This commitment to marine safety and environmental protection by responsible members of the oil transportation industry is real. The industry continues to work closely with the Coast Guard to upgrade regulatory standards in such key areas as towing vessel operator qualifications and navigation equipment on towing vessels.

Through the efforts of AWO and other organizations, the maritime transportation industry has achieved an outstanding compliance record with the numerous laws and regulations enforced by the Coast Guard. Let me be clear: responsible carriers, and frankly their customers, have a "zero tolerance" policy for oil spills. Additionally, the industry is taking spill response preparedness seriously. Industry representatives and operators routinely participate in Coast Guard oil spill crisis management courses, PREP Drills, and regional spill response drills. Yet despite all of the modernization, safety, and training efforts of the marine transportation industry, their mariners and shoreside employees cannot escape the threat of criminal liability in the event of an oil spill, even where it is shown that they "took all reasonable precautions to avoid [a] discharge".

As you know, in response to the tragic *Exxon Valdez* spill, Congress enacted OPA90. OPA90 mandated new, comprehensive, and complex regulatory and enforcement requirements for the transportation of oil products and for oil spill response. Both the federal government and maritime industry have worked hard to accomplish the legislation's primary objective—to provide greater environmental safeguards in oil transportation by creating a comprehensive prevention, response, liability, and compensation regime to deal with vessel and facility oil pollution. And OPA90 is working in a truly meaningful sense. To prevent oil spill incidents from occurring in the first place, OPA90 provides an enormously powerful deterrent, through both its criminal and civil liability provisions. Moreover, OPA90 mandates prompt reporting of spills, contingency planning, and both cooperation and coordination with federal, state, and local authorities in connection with managing the spill response. Failure to report and cooperate as required by OPA90 may impose automatic civil penalties, criminal liability and unlimited civil liability. As a result, the number of domestic oil spills has been dramatically reduced over the past decade since OPA90 was enacted. In those limited situations in which oil spills unfortunately occurred, intensive efforts commenced immediately with federal, state and local officials working in a joint, unified manner with the industry, as contemplated by OPA90, to clean up and report spills as quickly as possible and to mitigate to the greatest extent any impact on the environment. OPA90 has provided a comprehensive and cohesive "blueprint" for proper planning, training, and resource identification to respond to an oil spill incident, and to ensure that such a response is properly and cooperatively managed.

OPA90 also provides a complete statutory framework for proceeding against individuals for civil and/or criminal penalties arising out of oil spills in the marine environment. When Congress crafted this Act, it carefully balanced the imposition of stronger criminal and civil penalties with the need to promote enhanced cooperation among all of the parties involved in the spill prevention and response effort. In so doing, the Congress clearly enumerated the circumstances in which criminal penalties could be imposed for actions related to maritime oil spills, and added and/or substantially increased criminal penalties under the related laws which comprehensively govern the maritime transportation of oil and other petroleum products.

The legislation we are introducing today will not change in any way the tough criminal sanctions that were imposed in OPA90. However, responsible, law-abiding members of the maritime industry in Louisiana and elsewhere are concerned by the willingness of the Department of Justice and other federal agencies in the post-OPA90 environment to use strict criminal liability statutes in oil spill incidents. As you know, strict liability imposes criminal sanctions without requiring a showing of criminal knowledge, intent or even negligence. These federal actions imposing strict liability have created an atmosphere of extreme uncertainty for the maritime transportation industry about how to respond to and cooperate with the Coast Guard and other federal agencies in cleaning up an oil spill. Criminal culpability in this country, both historically and as reflected in the comprehensive OPA90 legislation itself, typically requires wrongful actions or omissions by individuals through some degree of criminal intent or through the failure to use the required standard of care. However, Federal prosecutors have been employing other antiquated, seemingly unrelated "strict liability" statutes that do not require a showing of "knowledge" or "intent" as a basis for criminal prosecution for oil spill incidents. Such strict criminal liability statutes as the Migratory Bird Treaty Act and the Refuse Act, statutes that were enacted at the turn of the century to serve other purposes, have been used to harass and intimidate the maritime industry, and, in effect, have turned every oil spill into a potential crime scene without regard to the fault or intent of companies, corporate officers and employees, and mariners.

The Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703 et seq.) provides that "it shall be unlawful at any time, by any means or in any manner, to pursue, hunt, take, capture, kill, attempt to take, capture, or kill, . . . any migratory bird . . .", a violation of which is punishable by imprisonment and/or fines. Prior to the *Exxon Valdez* oil spill in 1989, the MBTA was primarily used to prosecute the illegal activities of hunters and capturers of migratory birds, as the Congress originally intended when it enacted the MBTA in 1918. In the *Exxon Valdez* case itself, and prior to the enactment of OPA90, the MBTA was first used to support a criminal prosecution against a vessel owner in relation to a maritime oil spill, and this "hunting statute" has been used ever since against the maritime industry. The "Refuse Act" (33 U.S.C. 407, 411) was enacted over 100 years ago at a time well before subsequent federal legislation essentially replaced it with comprehensive requirements and regulations specifically directed to the maritime transportation of oil and other petroleum products. Such strict liability statutes are unrelated to the regulation and enforcement of oil transportation activities, and in fact were not included within the comprehensive OPA90 legislation as statutes in which criminal liability could be found. With the prosecutorial use of strict liability statutes, owners and mariners engaged in the transportation of oil cannot avoid exposure to criminal liability, regardless of how diligently they adhere to prudent practice and safe environmental standards.

Although conscientious safety and training programs, state-of-the-art equipment, proper operational procedures, preventative maintenance programs, and the employment of qualified and experienced personnel will collectively prevent most oil spills from occurring, unfortunately spills will still occur on occasion.

To illustrate this point, please permit me to present a scenario that highlights the dilemma faced by the maritime oil transportation industry in Louisiana. Imagine, if you will, that a company is operating a towing vessel in compliance with Coast Guard regulations on the Mississippi River on a calm, clear day with several fully laden tank barges in tow. Suddenly, in what was charted and previously identified to be a clear portion of the waterway, one of the tank barges strikes an unknown submerged object which shears through its hull and causes a significant oil spill in the river. Unfortunately, in addition to any other environmental damage that may occur, the oil spill kills one or more migratory birds. As you know, under OPA90 the operator must immediately undertake coordinated spill response actions with the Coast Guard and other federal, state, and local agencies to safeguard the vessel and its crew, clean up the oil spill, and otherwise mitigate any damage to the surrounding environment. The overriding objectives at this critical moment are to assure personnel and public safety and to clean up the oil spill as quickly as possible without constraint. However, in the current atmosphere the operator must take into consideration the threat of strict criminal liability under the Migratory Bird Treaty Act and the Refuse Act, together with their attendant imprisonment and fines, despite the reasonable care and precautions taken in the operation and navigation of the tow and in the spill response effort. Indeed, in the Coast Guard's own environmental enforcement directive, the statement is made that "[t]he decision to commit the necessary Coast Guard resources to obtain the evidence that will support a criminal prosecution must often be made in the very early stages of a pollution incident." Any prudent operator will quickly recognize the dilemma in complying with the mandate to act cooperatively with all appropriate public agencies in cleaning up the oil spill, while at the same time those very agencies may be conducting a criminal investigation of that operator. Vessel owners and their employees who have complied with federal laws and regulations and have exercised all reasonable care should not continue to face a substantial risk of imprisonment and criminal fines under such strict liability statutes. Criminal liability, when appropriately imposed under OPA90, should be employed only where a discharge is caused by conduct which is truly "criminal" in nature, i.e., where a discharge is caused by reckless, intentional or other conduct deemed criminal by OPA90.

As this scenario demonstrates, the unjustified use of strict liability statutes is plainly undermining the very objectives which OPA90 sought to achieve, namely to enhance the prevention of and response to oil spills in Louisiana and elsewhere in the United States. As we are well aware, tremendous time, effort, and resources have been expended by both the federal government and the maritime industry to eliminate oil spills to the maximum extent possible, and to plan for and undertake an immediate and effective response to mitigate any environmental damage from spills that do occur. Clearly unwarranted and improper prosecutorial use of strict liability statutes is having a "chilling" effect on these cooperative spill prevention and response efforts. Indeed, even if we were to believe that criminal prosecution only follows intentional criminal conduct, the mere fact that strict criminal liability statutes are available at the prosecutor's discretion will intimidate even the most innocent and careful operator. With strict liability criminal enforcement, responsible members of the maritime transportation industry are faced with an extreme dilemma in the event of an oil spill—provide less than full cooperation and response as criminal defense attorneys will certainly direct, or cooperate fully despite the risk of criminal prosecution that could result from any additional actions or statements made during the course of the spill response. Consequently, increased criminalization of oil spill incidents introduces uncertainty into the response effort by discouraging full and open communication and cooperation, and leaves vessel owners and operators criminally vulnerable for response actions taken in an effort to "do the right thing".

In the maritime industry's continuing effort to improve its risk management process, it seeks to identify and address all foreseeable risks associated with the operation of its business. Through fleet modernization, personnel training, and all other reasonable steps to address identified risks in its business, the industry still cannot manage or avoid the increased risks of strict criminal liability (again, a liability that has no regard to fault or intent). The only method available to companies and their officers to avoid the risk of criminal liability completely is to divest themselves from the maritime business of transporting oil and other petroleum products, in effect to get out of the business altogether. Furthermore, strict liability criminal laws provide a strong disincentive for trained, highly experienced mariners to continue the operation of tank vessels, and for talented and capable individuals from even entering into that maritime trade. An earlier editorial highlighted the fact that tugboat captains "are reporting feelings of intense relief and lightening of their spirits when they are ordered to push a cargo of grain or other dry cargo, as compared to the apprehension they feel when they are staring out of their wheelhouses at tank barges", and "that the reason for this is very obvious in the way that they find themselves instantly facing criminal charges . . . in the event of a collision or grounding and oil or chemicals end up in the water". Certainly, the federal government does not want to create a situation where the least experienced mariners are the only available crew to handle the most hazardous cargoes, or the least responsible operators are the only available carriers. Thus, the unavoidable risk of such criminal liability directly and adversely affects the safe transportation of oil products, an activity essential for the public, the economy, and the nation.

Therefore, despite the commitment and effort to provide trained and experienced vessel operators and employees, to comply with all safety and operational mandates of Coast Guard laws and regulations, and to provide for the safe transportation of oil as required by OPA90, maritime transportation companies in Louisiana, and elsewhere still cannot avoid criminal liability in the event of an oil spill. Responsible, law-abiding companies have unfortunately been forced to undertake the only prudent action that they could under the circumstances, namely the development of criminal liability action plans and retention of criminal counsel in an attempt to prepare for the unavoidable risks of such liability.

These are only preliminary steps and do not begin to address the many implications of the increasing criminalization of oil spills. The industry is now asking what responsibility does it have to educate its mariners and shoreside staff about the potential personal exposure they may face and wonder how to do this without creating many undesirable consequences? How should the industry organize spill management teams and educate them on how to cooperate openly and avoid unwitting exposure to criminal liability? Mr. President, I have thought about these issues a great deal and simply do not know how to resolve these dilemmas under current, strict liability law. In the event of an oil spill, a responsible party not only must manage the cleanup of the oil and the civil liability resulting from the spill itself, but also must protect itself from the criminal liability that now exists due to the available and willing use of strict liability criminal laws by the federal government. Managing the pervasive threat of strict criminal liability, by its very nature, prevents a responsible party from cooperating fully and completely in response to an oil spill situation. The OPA90 "blueprint" is no longer clear. Is this serving the objectives of OPA90? Does this really serve the public welfare of our nation? Is this what Congress had in mind when it mandated its spill response regime? Is this in the interest of the most immediate, most effective oil spill cleanup in the unfortunate event of a spill? We think not.

To restore the delicate balance of interests reached in the enactment of OPA90 a decade ago, we intend to work with the Congress to reaffirm the OPA90 framework for criminal prosecutions in oil spill incidents. The enactment of the legislation we are introducing today will ensure increased cooperation and responsiveness desired by all those interested in oil spill response issues without diluting the deterrent effect and stringent criminal penalties imposed by OPA90 itself.

I look forward to continuing the effort to upgrade the safety of marine operations in the navigable waterways of the United States, and I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2944

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AFFIRMATION OF PENALTIES UNDER OIL POLLUTION ACT OF 1990.

(a) IN GENERAL.—Notwithstanding any other provision or rule of law, section 4301(c) and 4302 of the Oil Pollution Act of 1990 (Public Law 101-380; 104 Stat. 537) and the amendments made by those sections provide the exclusive criminal penalties for any action or activity that may arise or occur in connection with a discharge of oil or a hazardous substance referred to in section 311(b)(3) of the Federal Water Pollution Control Act (33 U.S.C. 1321(b)(3)).

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit, or otherwise exempt any person from, liability for conspiracy to commit any offense against the United States, for fraud and false statements, or for the obstruction of justice.

By Mr. KENNEDY (for himself, Mr. TORRICELLI and Mr. HARKIN):

S. 2946. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to ensure that employees are not improperly disqualified from benefits under pension plans and welfare plans based on a miscategorization of their employee status; to the Committee on Health, Education, Labor, and Pensions.

EMPLOYEE BENEFITS ELIGIBILITY FAIRNESS ACT OF 2000

Mr. KENNEDY. Mr. President, contingent workers in our society face significant problems, and they deserve our help in meeting them. These men and women—temporary and part-time workers, contract workers, and independent contractors—continue to suffer unfairly, even in our prosperous economy. A new report from the General Accounting Office emphasizes that contingent workers often lack income security and retirement security.

We know that for most workers today, a single lifetime job is a relic of the past. The world is long gone in which workers stay with their employer for many years, and then retire on a company pension. Since 1982 the number of temporary help jobs has grown 577 percent.

The GAO report shows that 30 percent of the workforce—39 million working Americans—now get their paychecks from contingent jobs.

Contingent workers have lower incomes than traditional, full-time workers and many are living in poverty. For example, 30 percent of agency temporary workers have family incomes below $15,000. By comparison, only 8 percent of standard full-time workers have family incomes below $15,000.

Contingent workers are less likely to be covered by employer health and retirement benefits than are standard, full-time workers. Even when employers do sponsor a plan, contingent workers are less likely to participate in the plan, either because they are excluded or because the plan is too expensive. Only 21 percent of part-time workers are included in an employer-sponsored pension plan. By comparison, 64 percent of standard full-time workers are included in their employer's pension plan.

Non-standard or alternative work arrangements can meet the needs of working families and employers alike, but these arrangements should not be used to divide the workforce into "haves" and "have-nots." Flexible work arrangements, for example, can give working parents more time to care for their children, but many workers are not in their contingent jobs by choice. More than half of temporary workers would prefer a permanent job instead of their contingent job, but temporary work is all they can find.

As the GAO report makes clear, employers have economic incentives to cut costs by miscategorizing their workers as temporary or contract workers. Too often, contingent arrangements are set-up by employers for the purpose of excluding workers from their employee benefit programs and evading their responsibilities to their workers. Millions of employees have been miscategorized by their employers, and as a result they have been denied the benefits and protections that they rightly deserve and worked hard to earn.

All workers deserve a secure retirement at the end of their working years. Social Security has been and will continue to be the best foundation for that security. But the foundation is just that—the beginning of our responsibility, not the end of it. We cannot expect Americans to work hard all their lives, only to face poverty and hard times when they retire.

That is why I am introducing, with Senators TORRICELLI and HARKIN, the Employee Benefits Eligibility Fairness Act of 2000 to help contingent workers obtain the retirement benefits they deserve. This legislation clarifies employers' responsibilities under the law so that they cannot exclude contingent workers from employee benefit plans based on artificial labels or payroll practices.

This is an issue of basic fairness for working men and women. It is unfair for individuals who work full-time, on an indefinite long-term basis for an employer to be excluded from the employer's pension plan, merely because the employer classifies the workers as "temporary" when in fact they are not. The employer-employee relationship should be determined on the facts of the working arrangement, not on artificial labels, not on artificial accounting practices, not artificial payroll practices.

It is long past time for Congress to recognize the plight of contingent workers and see that they get the employee benefits they deserve. These important changes are critical to improving the security of working families, and I look forward to their enactment.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2946

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Employee Benefits Eligibility Fairness Act of 2000".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) The intent of the Employee Retirement Income Security Act of 1974 to protect the pension and welfare benefits of workers is frustrated by the practice of mislabeling employees to improperly exclude them from employee benefit plans. Employees are wrongly denied benefits when they are mislabeled as temporary employees, part-time employees, leased employees, agency employees, staffing firm employees, and contractors. If their true employment status were recognized, mislabeled employees would be eligible to participate in employee benefit plans because such plans are offered to other employees performing the same or substantially the same work and working for the same employer.

(2) Mislabeled employees are often paid through staffing, temporary, employee leasing, or other similar firms to give the appearance that the employees do not work for their worksite employer. Employment contracts and reports to government agencies also are used to give the erroneous impression that mislabeled employees work for

staffing, temporary, employee leasing, or other similar firms, when the facts of the work arrangement do not meet the common law standard for determining the employment relationship. Employees are also mislabeled as contractors and paid from nonpayroll accounts to give the appearance that they are not employees of their worksite employer. These practices violate the Employee Retirement Income Security Act of 1974.

(3) Employers are amending their benefit plans to add provisions that exclude mislabeled employees from participation in the plan even in the event that such employees are determined to be common law employees and otherwise eligible to participate in the plan. These plan provisions violate the Employee Retirement Income Security Act of 1974.

(4) As a condition of employment or continued employment, mislabeled employees are often required to sign documents that purport to waive their right to participate in employee benefit plans. Such documents inaccurately claim to limit the authority of the courts and applicable Federal agencies to correct the mislabeling of employees and to enforce the terms of plans providing for their participation. This practice violates the Employee Retirement Income Security Act of 1974.

(b) Purpose.--The purpose of this Act is to clarify applicable provisions of the Employee Retirement Income Security Act of 1974 to ensure that employees are not improperly excluded from participation in employee benefit plans as a result of mislabeling of their employment status.

SEC. 3. ADDITIONAL STANDARDS RELATING TO MINIMUM PARTICIPATION REQUIREMENTS.

(a) Required Inclusion of Service.—Section 202(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1052(a)(3)) is amended by adding at the end the following new subparagraph:

"(E) For purposes of this section, in determining 'years of service' and 'hours of service', service shall include all service for the employer as an employee under the common law, irrespective of whether the worker—

"(i) is paid through a staffing firm, temporary help firm, payroll agency, employment agency, or other such similar arrangement,

"(ii) is paid directly by the employer under an arrangement purporting to characterize an employee under the common law as other than an employee, or

"(iii) is paid from an account not designated as a payroll account."

(b) Exclusion Precluded When Related to Certain Purported Categorizations.—Section 202 of such Act (29 U.S.C. 1052) is amended further by adding at the end the following new subsection:

"(c)(1) Subject to paragraph (2), a pension plan shall be treated as failing to meet the requirements of this section if any individual who—

"(A) is an employee under the common law, and

"(B) performs the same work (or substantially the same work) for the employer as other employees who generally are not excluded from participation in the plan,

is excluded from participation in the plan, irrespective of the placement of such employee in any category of workers (such as temporary employees, part-time employees, leased employees, agency employees, staffing firm employees, contractors, or any similar category) which may be specified under the plan as ineligible for participation.

"(2) Nothing in paragraph (1) shall be construed to preclude the exclusion from participation in a pension plan of individuals who in fact do not meet a minimum service period or minimum age which is required under the terms of the plan and which is otherwise in conformity with the requirements of this section."

SEC. 4. WAIVERS OF PARTICIPATION INEFFECTIVE IF RELATED TO MISCATEGORIZATION OF EMPLOYEE.

Section 202 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1052) (as amended by section 3) is amended further by adding at the end the following new subsection:

"(d) Any waiver or purported waiver by an employee of participation in a pension plan or welfare plan shall be ineffective if related, in whole or in part, to the a miscategorization of the employee in 1 or more ineligible plan categories."

SEC. 5. OBJECTIVE ELIGIBILITY CRITERIA IN PLAN INSTRUMENTS.

Section 402 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1102) is amended by adding at the end the following new subsection:

"(c)(1) The written instrument pursuant to which an employee benefit plan is maintained shall set forth eligibility criteria which—

"(A) include and exclude employees on a uniform basis;

"(B) are based on reasonable job classifications; and

"(C) are based on objective criteria stated in the instrument itself for the inclusion or exclusion (other than the mere listing of an employee as included or excluded).

"(2) No plan instrument may permit an employer or plan sponsor to exclude an employee under the common law from participation irrespective of the placement of such employee in any category of workers (such as temporary employees, leased employees, agency employees, staffing firm employees, contractors, or any similar category) if the employee—

"(A) is an employee of the employer under the common law,

"(B) performs the same work (or substantially the same work) for the employer as other employees who generally are not excluded from participation in the plan, and

"(C) meets a minimum service period or minimum age which is required under the terms of the plan."

SEC. 6. ENFORCEMENT.

Section 502(a)(3)(B) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132(a)(3)(B)) is amended—

(1) by striking "or" in clause (i) and inserting a comma,

(2) by striking the semicolon at the end of clause (ii) and inserting ", or", and

(3) by adding at the end the following: "(iii) to provide relief to employees who have been miscategorized in violation of sections 202 and 402;".

SEC. 7. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to plan years beginning on or after the date of the enactment of this Act.

By Mr. CAMPBELL:

S. 2950. A bill to authorize the Secretary of the Interior to establish the Sand Creek Massacre Historic Site in the State of Colorado; to the Committee on Energy and Natural Resources.

INTRODUCTION OF LEGISLATION TO CREATE THE SAND CREEK NATIONAL HISTORIC SITE

Mr. CAMPBELL. Mr. President, today I introduce the Sand Creek Massacre National Historic Site Establishment Act of 2000, legislation which will finally recognize and memorialize the hallowed ground on which hundreds of peaceful Cheyenne and Arapaho Indians were massacred by members of the Colorado Militia.

The legislation I introduce today follows The Sand Creek Massacre Historic Site Study Act of 1998, legislation I introduced and Congress approved to study the suitability of creating an enduring memorial to the slain innocents who were camped peacefully near Sand Creek, in Kiowa County, in Colorado on November 28, 1868.

Much has been written about the horrors visited upon the plains Indians in the territories of the Western United States in the latter half of the 19th century. However, what has been lost for more than a century is a comprehensive understanding of the events of that day in a grove of cottonwood trees along Sand Creek now SE Colorado. In some cases denial of the events of the day or a sense that "the Indians had it coming" has prevailed.

This legislation finally recognizes a shameful event in our country's history based on scientific studies, and makes it clear America has the strength and resolve to face its past and learn the painful lessons that come with intolerance.

The indisputable facts are these: 700 members of the Colorado Militia, commanded by Colonel John Chivington struck at dawn that November day, attacking a camp of Cheyenne and Arapaho Indians settled under the U.S. Flag and a white flag which the Indian Chiefs Black Kettle and White Antelope were told by the U.S. would protect them from military attack.

By day's end, almost 150 Indians, many of them women, children and the elderly, lay dead. Chivington's men reportedly desecrated the bodies of the dead after the massacre, and newspaper reports from Denver at the time told of the troops displaying Indian body parts in a gruesome display as they rode through the streets of Colorado's largest city following the attack.

The perpetrators of this horrible attack which left Indian women and even babies dead, were never brought to justice even after a congressional investigation concerning this brutality.

The legislation I introduce today authorizes the National Park Service to enter into negotiations with willing sellers only, in an attempt to secure property inside a boundary which encompasses approximately 12,470 acres as identified by the National Park Service, for a lasting memorial to events of that fateful day.

This legislation has been developed over the course of the last 18 months.

It represents a remarkable effort which brought divergent points of view together to define the events of that day and to plan for the future protection of this site. The National Park Service, with the cooperation of the Kiowa County Commissioners, the Cheyenne and Arapaho Tribes of Oklahoma, the Northern Cheyenne Tribe and the Northern Arapaho Tribe, the State of Colorado and many local landowners and volunteers have completed extensive cultural, geomorphological and physical studies of the area where the massacre occurred.

All of those involved in this project agree, not acting now is not a option. This legislation does not compel any private property owner to sell his or her property to the federal government. It allows the National Park Service to negotiate with willing sellers to secure property at fair market value, for a national memorial. This process could take years. However, several willing sellers have come forward and are willing to negotiate with the NPS. The property they own has been identified by the NPS as suitable for a memorial. Additional acquisitions of property from willing sellers could come in the future. However, the Sand Creek National Historic Site could never extend beyond the 12,470 acres identified by the site resource study already completed.

This legislation has come to being because all of those involved have exhibited an extraordinary ability to put aside their differences, look with equal measure at the scientific evidence and the oral traditions of the Tribes, and come up with a plan that equally honors the memory of those killed and the rights of the private property owners who have been faithful and responsible stewards of this site. We have a window of opportunity here that will not always be available. I encourage my colleagues to respect the memory of those so brutally killed and support the creation of a National Historic Site on this hallowed ground in Kiowa County, in Colorado.

I ask unanimous consent that the bill and other research material associated with the studies of the Sand Creek site be printed in the RECORD for my colleagues or the public to review.

By Mr. TORRICELLI:

S. 2953. A bill to amend title 38, United States Code, to improve outreach programs carried out by the Department of Veterans Affairs to provide for more fully informing veterans of benefits available to them under laws administered by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

THE VETERANS' RIGHT TO KNOW ACT

Mr. TORRICELLI: Mr. President, I rise today to introduce the Veterans' Right to Know Act which will assist millions of brave Americans who have served this nation in times of war. This legislation would ensure that all veterans are fully informed of the various benefits that they have earned through their brave and dedicated service to their country.

Throughout the history of the United States, the interests of our nation have been championed by ordinary citizens who willingly defend our nation when called upon. During the times of crisis which threatened the very existence of our Republic, we persevered because young men and women from all walks of life took up arms to defend the ideals by which this nation was founded. Whether it was winning our freedom from an oppressive empire, preserving our Union, defeating fascism or battling the spread of communism, the American people have time and time again answered the call to defend liberty, justice and democracy at home and throughout the world.

Our government owes a debt of gratitude to each and every one of our veterans, and we must make a concerted effort to show our appreciation for their valiant service. The Department of Veterans Affairs (VA) provides the necessary health care services and benefits to our war heroes; however, over half of the veterans in the United States are not fully aware of the benefits or pensions to which they are entitled.

The bill I introduced today is straightforward and it does not call for the creation of new benefits. Rather, it seeks to ensure that our veterans are well informed of the benefits they are entitled to as a result of their service or injuries sustained during their service to their country.

This legislation would require the VA to inform veterans about their eligibility for benefits and health care services whenever they first apply for any benefit with the VA. Furthermore, many times, widows and surviving family members of veterans are not aware of the special benefits available to them when their family member passes. My bill would help these individuals in their time of loss by instructing the VA to inform them of the benefits for which they are eligible on the passing of their loved one.

My legislation also seeks to reach out to those veterans who are not currently enrolled in the VA system by calling upon the Secretary of Veterans Affairs to prepare an annual outreach plan that will encourage eligible veterans to register with the VA as well as keeping current enrollees aware of any changes to benefits or eligibility requirements.

This bill will help ensure that our government and its services for veterans are there for the men and women who have served this nation in the armed forces. I am hopeful that my colleagues in the Senate will recognize the tremendous service that our veterans have given and support this reasonable measure to ensure that our veterans receive the benefits they deserve.

By Mr. HOLLINGS (for himself, Ms. SNOWE, Mr. KERREY, Mr. STEVENS, Mr. BREAUX, and Mr. CLELAND):

S. 2954. A bill to establish the Dr. Nancy Foster Marine Biology Scholarship Program; to the Committee on Commerce, Science, and Transportation.

THE NANCY FOSTER SCHOLARSHIP ACT

Mr. HOLLINGS. Mr. President, I rise today to introduce the Nancy Foster Scholarship Act, legislation to create a scholarship program in marine biology or oceanography in honor of Dr. Nancy Foster, head of the National Ocean Service at the National Oceanic and Atmospheric Administration (NOAA) until her passing on Tuesday, June 27, 2000. I am proud to introduce legislation to commemorate the life and work of such a wonderful leader, mentor, and coastal advocate. I thank my colleagues Senators SNOWE, KERRY, STEVENS, BREAUX, and CLELAND for joining me in recognizing Dr. Foster's strong commitment to improving the conservation and scientific understanding of our precious coastal resources.

My legislation would create a Nancy Foster Marine Biology Scholarship Program within the Department of Commerce. This Program would provide scholarship funds to outstanding women and minority graduate students to support and encourage independent graduate level research in marine biology. It is my hope that this scholarship program will promote the development of future leaders of Dr. Foster's caliber.

Dr. Foster was the first woman to direct a NOAA line office, and during her 23 years at NOAA rose to one of the most senior levels a career professional can achieve. She directed the complete modernization of NOAA's essential nautical mapping and charting programs, and created a ground-breaking partnership with the National Geographic Society to launch a 5-year undersea exploration program called the Sustainable Seas Expedition. Dr. Foster was a strong and enthusiastic mentor to young people and a staunch ally to her colleagues, and for this reason, I believe the legislation I am introducing today to be the most appropriate way for us all to ensure that her deep commitment to marine science continues on in others.

Mr. President, we will all feel Dr. Foster's loss deeply for years to come. The creation of a scholarship program in her honor is one small way we can thank a person who did so much for us all.

By Mr. DEWINE (for himself, Mr. HATCH, Mr. VOINOVICH, and Mr. LEAHY):

S. 2955. A bill to amend the Internal Revenue Code of 1986 to provide relief for the payment of asbestos-related claims; to the Committee on Finance.

ASBESTOS-RELATED CLAIMS RELIEF LEGISLATION

Mr. HATCH. Mr. President, I rise today as an original cosponsor of the bill introduced today by my friend and colleague from Ohio, Senator DEWINE, that would provide relief for payment of asbestos-related claims.

I urge my colleagues on the Finance Committee to take a close look at the serious problem this bill addresses. Certain manufacturers who were required by government specification to use asbestos in their products are facing a severe financial crisis arising from claims made by individuals who are suffering health problems from asbestos-related diseases. These claims have put several of these companies into bankruptcy, and several more appear to be on the brink of insolvency. Thousands of jobs may be at stake, as may be the proper compensation of the victims of the illnesses.

A major part of the underlying justification for this measure is that the federal government shares some culpability in the harm caused by the asbestos-related products manufactured by these companies. For example, from World War II through the Vietnam War, the government required that private contractors and shipyard workers use asbestos to insulate navy ships from so-called "secondary fires." Because of sovereign immunity, however, the government has not had to share in paying the damages, leaving American companies to bear the full and ongoing financial load of compensation.

The legislation we are introducing today is a step toward recognizing that the federal government is partially responsible for payment of these claims. It does so through two income tax provisions, both of which directly benefit the victims of the illnesses.

The first provision exempts from income tax the income earned by a designated or qualified settlement fund established for the principal purpose of resolving and satisfying present and future claims relating to asbestos illnesses. The effect of this provision, Mr. President, is to increase the amount of money available for the payment of these claims.

The second provision allows taxpayers with specified liability losses attributable to asbestos to carry back those losses to the tax year in which the taxpayer, or its predecessor company, was first involved in producing or distributing products containing asbestos.

This provision is a matter of fairness, Mr. President. Because of the long latency period related to asbestos-related diseases, which can be as long as 40 years, many of these claims are just now arising. Current law provides for the carryback of this kind of liability losses, but only for a ten-year period.

Many of the companies involved earned profits and paid taxes on those profits in the years the asbestos-related products were made or distributed. However, it is now clear, many years after the taxes were paid, that there were no profits earned at all, since millions of dollars of health claims relating to those products must now be paid.

It is only fair, and it is sound tax policy, to allow relief for situations like these. Again, it should be emphasized that the primary beneficiaries of this tax change will not be the corporations, but the victims of the illnesses, because the taxpayer would be required to devote the entire amount of the tax reduction to paying the claims.

This is not the only time the federal government has been at least partially responsible for health problems of citizens that arose many years after the event that initially triggered the problem. During the Cold War, America conducted above ground atomic tests during which the wind blew the fallout into communities and ranches of Utah, New Mexico and Arizona. The government also demanded quantities of uranium, which is harmful to those who mined and milled it. The incidence of cancers and other debilitating diseases caused by this activity among the "downwinders," miners and millers has been acknowledged by the federal government.

The least we can do for those manufacturers forced to use asbestos instead of other materials is provide some tax relief for their compensation funds.

This legislation has substantial bipartisan backing. It is sponsored in the House by both the Chairman and Ranking Minority Member of the Judiciary Committee. It is backed by the by the U.S. Chamber of Commerce and by at least one related labor union. This bill addresses a very serious problem and is the right thing to do. I hope we can pass it expeditiously.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2955

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXEMPTION FOR ASBESTOS-RELATED SETTLEMENT FUNDS.

(a) EXEMPTION FOR ASBESTOS-RELATED SETTLEMENT FUNDS.—Subsection (b) of section 468B of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(6) EXEMPTION FROM TAX FOR ASBESTOS-RELATED DESIGNATED SETTLEMENT FUNDS.—Notwithstanding paragraph (1), no tax shall be imposed under this section or any other provision of this subtitle on any designated settlement fund established for the principal purpose of resolving and satisfying present and future claims relating to asbestos."

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 468B(b) of the Internal Revenue Code of 1986 is amended by striking "There" and inserting "Except as provided in paragraph (6), there".

(2) Subsection (g) of section 468B of such Code is amended by inserting "(other than subsection (b)(6))" after "Nothing in any provision of law".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of enactment of this Act.

SEC. 2. MODIFY TREATMENT OF ASBESTOS-RELATED NET OPERATING LOSSES.

(a) ASBESTOS-RELATED NET OPERATING LOSSES.—Subsection (f) of section 172 of the Internal Revenue Code of 1986 is amended by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively, and by inserting after paragraph (3) the following new paragraph:

"(4) SPECIAL RULES FOR ASBESTOS LIABILITY LOSSES.—

"(A) IN GENERAL.—At the election of the taxpayer, the portion of any specified liability loss that is attributable to asbestos may, for purposes of subsection (b)(1)(C), be carried back to the taxable year in which the taxpayer, including any predecessor corporation, was first involved in the production or distribution of products containing asbestos and each subsequent taxable year.

"(B) COORDINATION WITH CREDITS.—If a deduction is allowable for any taxable year by reason of a carryback described in subparagraph (A)—

"(i) the credits allowable under part IV (other than subpart C) of subchapter A shall be determined without regard to such deduction, and

"(ii) the amount of taxable income taken into account with respect to the carryback under subsection (b)(2) for such taxable year shall be reduced by an amount equal to—

"(I) the increase in the amount of such credits allowable for such taxable year solely by reason of clause (i), divided by

"(II) the maximum rate of tax under section 1 or 11 (whichever is applicable) for such taxable year.

"(C) CARRYFORWARDS TAKEN INTO ACCOUNT BEFORE ASBESTOS-RELATED DEDUCTIONS.—For purposes of this section—

"(i) in determining whether a net operating loss carryforward may be carried under subsection (b)(2) to a taxable year, taxable income for such year shall be determined without regard to the deductions referred to in paragraph (1)(A) with respect to asbestos, and

"(ii) if there is a net operating loss for such year after taking into account such carryforwards and deductions, the portion of such loss attributable to such deductions shall be treated as a specified liability loss that is attributable to asbestos.

"(D) LIMITATION.—The amount of reduction in income tax liability arising from the election described in subparagraph (A) that exceeds the amount of reduction in income tax liability that would have resulted if the taxpayer utilized the 10-year carryback period under subsection (b)(1)(C) shall be devoted by the taxpayer solely to asbestos claimant compensation and related costs, through a designated settlement fund or otherwise.

"(E) CONSOLIDATED GROUPS.—For purposes of this paragraph, all members of an affiliated group of corporations that join in the filing of a consolidated return pursuant to section 1501 (or a predecessor section) shall be treated as 1 corporation.

"(F) Predecessor corporation.—For purposes of this paragraph, a predecessor corporation shall include a corporation that transferred or distributed assets to the taxpayer in a transaction to which section 381(a) applies or that distributed the stock of the taxpayer in a transaction to which section 355 applies."

(b) Conforming Amendment.—Paragraph (7) of section 172(f) of the Internal Revenue Code of 1986, as redesignated by this section, is amended by striking "10-year".

(c) Effective Date.—The amendments made by this section shall apply to taxable years ending after the date of enactment of this Act.

By Mr. CAMPBELL:

S. 2956. A bill to establish the Colorado Canyons National Conservation Area and the Black Ridge Canyons Wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

COLORADO CANYONS PRESERVATION ACT OF 2000

Mr. CAMPBELL. Mr. President, today I introduce legislation which would preserve over 130,000 acres of land in Western Colorado. This legislation is supported locally by property owners, county commissioners, environmentalists, and recreational groups. My bill is a Senate companion to H.R. 4275 which was introduced by my colleague and fellow Coloradan Representative Scott McInnis.

The areas proposed for Wildernesss Protection are the Black Ridge and Ruby Canyons of the Grand Valley and Rabbit Valley near Grand Junction, Colorado. They contain unique and valuable scenic, recreational, multiple use, paleontological, natural, and wildlife components. This historic rural western setting provides extensive opportunities for recreational activities, and are publicly used for hiking, camping, and grazing. This area is truly worthy of additional protection as a national conservation area.

This legislation has the support of the administration and should easily be signed into law. The only issue confronting us is the limited amount of time left in the 106th Congress. I hope we will be able to move this legislation quickly through the process and that it will not get bogged down in partisan politics. It simply is the right thing to do.

I ask unanimous consent that the bill be printed in the Record following my remarks.

Thank you, Mr. President. I yield the floor.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2956

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Colorado Canyons National Conservation Area and Black Ridge Canyons Wilderness Act of 2000".

SEC. 2. FINDINGS AND PURPOSE.

(a) Findings.—Congress finds that certain areas located in the Grand Valley in Mesa County, Colorado, and Grand County, Utah, should be protected and enhanced for the benefit and enjoyment of present and future generations. These areas include the following:

(1) The areas making up the Black Ridge and Ruby Canyons of the Grand Valley and Rabbit Valley, which contain unique and valuable scenic, recreational, multiple use opportunities (including grazing), paleontological, natural, and wildlife components enhanced by the rural western setting of the area, provide extensive opportunities for recreational activities, and are publicly used for hiking, camping, and grazing, and are worthy of additional protection as a national conservation area.

(2) The Black Ridge Canyons Wilderness Study Area has wilderness value and offers unique geological, paleontological, scientific, and recreational resources.

(b) Purpose.—The purpose of this Act is to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the unique and nationally important values of the public lands described in section 4(b), including geological, cultural, paleontological, natural, scientific, recreational, environmental, biological, wilderness, wildlife education, and scenic resources of such public lands, by establishing the Colorado Canyons National Conservation Area and the Black Ridge Canyons Wilderness in the State of Colorado and the State of Utah.

SEC. 3. DEFINITIONS.

In this Act:

(1) Conservation area.—The term "Conservation Area" means the Colorado Canyons National Conservation Area established by section 4(a).

(2) Council.—The term "Council" means the Colorado Canyons National Conservation Area Advisory Council established under section 8.

(3) Management plan.—The term "management plan" means the management plan developed for the Conservation Area under section 6(h).

(4) Map.—The term "Map" means the map entitled "Proposed Colorado Canyons National Conservation Area and Black Ridge Canyons Wilderness Area" and dated July 18, 2000.

(5) Secretary.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(6) Wilderness.—The term "Wilderness" means the Black Ridge Canyons Wilderness so designated in section 5.

SEC. 4. COLORADO CANYONS NATIONAL CONSERVATION AREA.

(a) In General.—There is established the Colorado Canyons National Conservation Area in the State of Colorado and the State of Utah.

(b) Areas Included.—The Conservation Area shall consist of approximately 122,300 acres of public land as generally depicted on the Map.

SEC. 5. BLACK RIDGE CANYONS WILDERNESS DESIGNATION.

Certain lands in Mesa County, Colorado, and Grand County, Utah, which comprise approximately 75,550 acres as generally depicted on the Map, are hereby designated as wilderness and therefore as a component of the National Wilderness Preservation System. Such component shall be known as the Black Ridge Canyons Wilderness.

SEC. 6. MANAGEMENT.

(a) Conservation Area.—The Secretary shall manage the Conservation Area in a manner that—

(1) conserves, protects, and enhances the resources of the Conservation Area specified in section 2(b); and

(2) is in accordance with—

(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(B) other applicable law, including this Act.

(b) Uses.—The Secretary shall allow only such uses of the Conservation Area as the Secretary determines will further the purposes for which the Conservation Area is established.

(c) Withdrawals.—Subject to valid existing rights, all Federal land within the Conservation Area and the Wilderness and all land and interests in land acquired for the Conservation Area or the Wilderness by the United States are withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) the operation of the mineral leasing, mineral materials, and geothermal leasing laws, and all amendments thereto.

Nothing in this subsection shall be construed to affect discretionary authority of the Secretary under other Federal laws to grant, issue, or renew rights-of-way or other land use authorizations consistent with the other provisions of this Act.

(d) Off-Highway Vehicle Use.—

(1) In general.—Except as provided in paragraph (2), use of motorized vehicles in the Conservation Area—

(A) before the effective date of a management plan under subsection (h), shall be allowed only on roads and trails designated for use of motor vehicles in the management plan that applies on the date of the enactment of this Act to the public lands in the Conservation Area; and

(B) after the effective date of a management plan under subsection (h), shall be allowed only on roads and trails designated for use of motor vehicles in that management plan.

(2) Administrative and emergency response use.—Paragraph (1) shall not limit the use of motor vehicles in the Conservation Area as needed for administrative purposes or to respond to an emergency.

(e) Wilderness.—Subject to valid existing rights, lands designated as wilderness by this Act shall be managed by the Secretary, as appropriate, in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this Act, except that, with respect to any wilderness areas designated by this Act, any reference in the Wilderness Act to the effective date of the Wilderness Act shall be deemed to be a reference to the date of the enactment of this Act.

(f) Hunting, Trapping, and Fishing.—

(1) In general.—Hunting, trapping, and fishing shall be allowed within the Conservation Area and the Wilderness in accordance with applicable laws and regulations of the United States and the States of Colorado and Utah.

(2) Area and time closures.—The head of the Colorado Division of Wildlife (in reference to land within the State of Colorado), the head of the Utah Division of Wildlife (in reference to land within the State of Utah), or the Secretary after consultation with the Colorado Division of Wildlife (in reference to

land within the State of Colorado) or the head of the Utah Division of Wildlife (in reference to land within the State of Utah), may issue regulations designating zones where, and establishing limited periods when, hunting, trapping, or fishing shall be prohibited in the Conservation Area or the Wilderness for reasons of public safety, administration, or public use and enjoyment.

(g) Grazing.—

(1) In general.—Except as provided by paragraph (2), the Secretary shall issue and administer any grazing leases or permits in the Conservation Area and the Wilderness in accordance with the same laws (including regulations) and Executive orders followed by the Secretary in issuing and administering grazing leases and permits on other land under the jurisdiction of the Bureau of Land Management.

(2) Grazing in wilderness.—Grazing of livestock in the Wilderness shall be administered in accordance with the provisions of section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)), in accordance with the guidelines set forth in Appendix A of House Report 101-405 of the 101st Congress.

(h) Management Plan.—

(1) In general.—Not later than 3 years after the date of the enactment of this Act, the Secretary shall develop a comprehensive management plan for the long-range protection and management of the Conservation Area and the Wilderness and the lands described in paragraph (2)(E).

(2) Purposes.—The management plan shall—

(A) describe the appropriate uses and management of the Conservation Area and the Wilderness;

(B) take into consideration any information developed in studies of the land within the Conservation Area or the Wilderness;

(C) provide for the continued management of the utility corridor, Black Ridge Communications Site, and the Federal Aviation Administration site as such for the land designated on the Map as utility corridor, Black Ridge Communications Site, and the Federal Aviation Administration site;

(D) take into consideration the historical involvement of the local community in the interpretation and protection of the resources of the Conservation Area and the Wilderness, as well as the Ruby Canyon/Black Ridge Integrated Resource Management Plan, dated March 1998, which was the result of collaborative efforts on the part of the Bureau of Land Management and the local community; and

(E) include all public lands between the boundary of the Conservation Area and the edge of the Colorado River and, on such lands, the Secretary shall allow only such recreational or other uses as are consistent with this Act.

(i) No Buffer Zones.—The Congress does not intend for the establishment of the Conservation Area or the Wilderness to lead to the creation of protective perimeters or buffer zones around the Conservation Area or the Wilderness. The fact that there may be activities or uses on lands outside the Conservation Area or the Wilderness that would not be allowed in the Conservation Area or the Wilderness shall not preclude such activities or uses on such lands up to the boundary of the Conservation Area or the Wilderness consistent with other applicable laws.

(j) Acquisition of Land.—

(1) In general.—The Secretary may acquire non-federally owned land within the exterior boundaries of the Conservation Area or the Wilderness only through purchase from a willing seller, exchange, or donation.

(2) Management.—Land acquired under paragraph (1) shall be managed as part of the Conservation Area or the Wilderness, as the case may be, in accordance with this Act.

(k) Interpretive Facilities or Sites.—The Secretary may establish minimal interpretive facilities or sites in cooperation with other public or private entities as the Secretary considers appropriate. Any facilities or sites shall be designed to protect the resources referred to in section 2(b).

(l) Water Rights.—

(1) Findings.—Congress finds that—

(A) the lands designated as wilderness by this Act are located at the headwaters of the streams and rivers on those lands, with few, if any, actual or proposed water resource facilities located upstream from such lands and few, if any, opportunities for diversion, storage, or other uses of water occurring outside such lands that would adversely affect the wilderness or other values of such lands;

(B) the lands designated as wilderness by this Act generally are not suitable for use for development of new water resource facilities, or for the expansion of existing facilities;

(C) it is possible to provide for proper management and protection of the wilderness and other values of such lands in ways different from those utilized in other legislation designating as wilderness lands not sharing the attributes of the lands designated as wilderness by this Act.

(2) Statutory construction.—

(A) Nothing in this Act shall constitute or be construed to constitute either an express or implied reservation of any water or water rights with respect to the lands designated as a national conservation area or as wilderness by this Act.

(B) Nothing in this Act shall affect any conditional or absolute water rights in the State of Colorado existing on the date of the enactment of this Act.

(C) Nothing in this subsection shall be construed as establishing a precedent with regard to any future national conservation area or wilderness designations.

(D) Nothing in this Act shall be construed as limiting, altering, modifying, or amending any of the interstate compacts or equitable apportionment decrees that apportion water among and between the State of Colorado and other States.

(3) Colorado water law.—The Secretary shall follow the procedural and substantive requirements of the law of the State of Colorado in order to obtain and hold any new water rights with respect to the Conservation Area and the Wilderness.

(4) New projects.—

(A) As used in this paragraph, the term "water resource facility" means irrigation and pumping facilities, reservoirs, water conservation works, aqueducts, canals, ditches, pipelines, wells, hydropower projects, and transmission and other ancillary facilities, and other water diversion, storage, and carriage structures. Such term does not include any such facilities related to or used for the purpose of livestock grazing.

(B) Except as otherwise provided by section 6(g) or other provisions of this Act, on and after the date of the enactment of this Act, neither the President nor any other officer, employee, or agent of the United States shall fund, assist, authorize, or issue a license or permit for the development of any new water resource facility within the wilderness area designated by this Act.

(C) Except as provided in this paragraph, nothing in this Act shall be construed to affect or limit the use, operation, maintenance, repair, modification, or replacement of water resource facilities in existence on the date of the enactment of this Act within the boundaries of the Wilderness.

(5) Boundaries along Colorado river.—(A) Neither the Conservation Area nor the Wilderness shall include any part of the Colorado River to the 100-year high water mark.

(B) Nothing in this Act shall affect the authority that the Secretary may or may not have to manage recreational uses on the Colorado River, except as such authority may be affected by compliance with paragraph (3). Nothing in this Act shall be construed to affect the authority of the Secretary to manage the public lands between the boundary of the Conservation Area and the edge of the Colorado River.

(C) Subject to valid existing rights, all lands owned by the Federal Government between the 100-year high water mark on each shore of the Colorado River, as designated on the Map from the line labeled "Line A" on the east to the boundary between the States of Colorado and Utah on the west, are hereby withdrawn from—

(i) all forms of entry, appropriation, or disposal under the public land laws;

(ii) location, entry, and patent under the mining laws; and

(iii) the operation of the mineral leasing, mineral materials, and geothermal leasing laws.

SEC. 7. MAPS AND LEGAL DESCRIPTIONS.

(a) In General.—As soon as practicable after the date of the enactment of this Act, the Secretary shall submit to Congress a copy of the Map and a legal description of the Conservation Area and of the Wilderness.

(b) Force and Effect.—The Map and legal descriptions shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the Map and the legal descriptions.

(c) Public Availability.—Copies of the Map and the legal descriptions shall be on file and available for public inspection in—

(1) the Office of the Director of the Bureau of Land Management;

(2) the Grand Junction District Office of the Bureau of Land Management in Colorado;

(3) the appropriate office of the Bureau of Land Management in Colorado, if the Grand Junction District Office is not deemed the appropriate office; and

(4) the appropriate office of the Bureau of Land Management in Utah.

(d) Map Controlling.—Subject to section 6(l)(3), in the case of a discrepancy between the Map and the descriptions, the Map shall control.

SEC. 8. ADVISORY COUNCIL.

(a) Establishment.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall establish an advisory council to be known as the "Colorado Canyons National Conservation Area Advisory Council".

(b) Duty.—The Council shall advise the Secretary with respect to preparation and implementation of the management plan, including budgetary matters, for the Conservation Area and the Wilderness.

(c) Applicable Law.—The Council shall be subject to—

(1) the Federal Advisory Committee Act (5 U.S.C. App.); and

(2) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(d) Members.—The Council shall consist of 10 members to be appointed by the Secretary including, to the extent practicable:

(1) A member of or nominated by the Mesa County Commission.

(2) A member nominated by the permittees holding grazing allotments within the Conservation Area or the Wilderness.

(3) A member of or nominated by the Northwest Resource Advisory Council.

(4) Seven members residing in, or within reasonable proximity to, Mesa County, Colorado, with recognized backgrounds reflecting—

(A) the purposes for which the Conservation Area or Wilderness was established; and

(B) the interests of the stakeholders that are affected by the planning and management of the Conservation Area and the Wilderness.

SEC. 9. PUBLIC ACCESS.

(a) In General.—The Secretary shall continue to allow private landowners reasonable access to inholdings in the Conservation Area and Wilderness.

(b) Glade Park.—The Secretary shall continue to allow public right of access, including commercial vehicles, to Glade Park, Colorado, in accordance with the decision in Board of County Commissioners of Mesa County v. Watt (634 F. Supp. 1265 (D.Colo.; May 2, 1986)).

By Mr. ROTH:

S. 2957. A bill to amend title XVIII of the Social Security Act to preserve coverage of drugs and biologicals under part B of the medicare program; to the Committee on Finance.

MEDICARE SELF-ADMINISTERED MEDICATIONS ACT

Mr. ROTH. Mr. President, today I am introducing a bill to address a serious problem regarding Medicare's treatment of self-injectable drugs. Section 1862(s) of the Social Security Act defines covered "medical and other health services" for purposes of coverage under Medicare Part B. Included in the definition are:

> (2)(A) services and supplies (including drugs and biologicals which cannot, as determined in accordance with regulations, be self-administered) furnished as incident to a physician's professional service, of kinds which are commonly furnished in physicians' offices and are commonly either rendered without charge or included in the physicians' bills . . .

Regulations at 42 C.F.R. 410.29 provide further limitations on drugs and biologicals, but they do not define the phrase "cannot be self-administered." Individual Medicare carriers have reportedly applied different policies when considering whether a drug or biological can or cannot be self-administered. Some carriers have based the determination on the typical means of administration while others have assessed the individual patient's ability to administer the drug.

On August 13, 1997, HCFA issued a memorandum to Medicare carriers which was intended to clarify program policy. The memorandum stated that the inability to self-administer is to be based on the typical means of administration of the drug, not on the individual patient's ability to administer the drug. The memorandum stated that: "The individual patient's mental or physical ability to administer any drug is not a consideration for this purpose."

As a result of this memorandum, certain patients, for example patients with multiple sclerosis or some forms of cancer, no longer had Medicare coverage for certain drugs. However, implementation of this policy directive has been halted for FY2000. On November 29, 1999, the President signed into law the Consolidated Appropriations Act for 2000. Section 219 of General Provisions in Title II, Department of Health and Human Services contains a provision relating to the memorandum. The provision prohibits the use of any funds to carry out the August 13, 1997, transmittal or to promulgate any regulation or other transmittal or policy directive that has the effect of imposing (or clarifying the imposition of) a restriction on the coverage of injectable drugs beyond those applied on the day before issuance of the transmittal.

The definition of covered services continues to be of concern to policymakers. On March 23, 2000, the House Commerce Committee, Subcommittee on Health & Environment held a hearing on this issue. I understand that there was a very productive discussion of other policy options during the question and answer period. One witness, Dr. Earl Steinberg of Johns Hopkins University, suggested having the beneficiary's physician determine whether a medication can or cannot be self-injected. The bill I am introducing today follows that expert advice and introduces the judgment of the physician into the decision process.

On May 17, 2000 I sent a letter to HCFA Administrator DeParle, requesting her serious attention to this problem. I went further to ask her to propose an administrative remedy for the inequity that existed. In her reply, she stated that she was "very troubled by the predicament of beneficiaries whose drugs are not covered under the law." But it is clear from Administrator DeParle's letter, that without legislative authority there is only a limited amount HCFA will do to address this problem.

The bill I am introducing today allows a Medicare beneficiary's own physician to make the determination of whether the beneficiary can or cannot administer their medication. I would ask for my colleagues' support in this legislation. This issue is of vital importance to some of our most gravely ill Medicare beneficiaries. These beneficiaries, many with advanced cases of multiple sclerosis or cancer, deserve our help and they deserve it today. I ask consent that the full text be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2957

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Self-Administered Medications Act of 2000".

SEC. 2. PRESERVATION OF COVERAGE OF DRUGS AND BIOLOGICALS UNDER PART B OF THE MEDICARE PROGRAM.

(a) In General.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)) is amended, in each of subparagraphs (A) and (B), by striking "(including drugs and biologicals which cannot, as determined in accordance with regulations, be self-administered)" and inserting "(including drugs and biologicals for which the usual method of administration of the form of drug or biological is not patient self-administration or, in the case of injectable drugs and biologicals, for which the physician determines that self-administration is not medically appropriate)".

(b) Effective Date.—The amendment made by subsection (a) shall apply to drugs and biologicals administered on or after October 1, 2000.

By Mr. SANTORUM:

S. 2958. A bill to establish a national clearinghouse for youth entrepreneurship education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

YOUTH ENTREPRENEURSHIP CLEARINGHOUSE AND CURRICULUM-BASED YOUTH ENTREPRENEURSHIP

Mr. SANTORUM. Mr. President, today I am introducing legislation to empower at-risk youths and their communities. My legislation would establish a national youth entrepreneurship clearinghouse and permit curriculum-based youth entrepreneurship education as an allowable use of funds. Only curriculum-based youth entrepreneurship programs that demonstrate success in equipping disadvantaged youth with applied math and other analytical skills would be eligible for assistance under this measure. Students who participate in these programs learn basic entrepreneurial skills and gain a better understanding of the relationship between the subjects they learn in their classrooms and the business world. By teaching students practical skills needed to establish and maintain thriving entrepreneurial projects, the programs empower students and prepare them for future endeavors as contributing members of their communities. My legislation will instill pride in at-risk youths by providing them with the opportunity to improve their surroundings, while they explore and learn about the many career choices available to them in the business world.

I am pleased that this measure was included in the Elementary and Secondary Education Reauthorization bill passed by the House of Representatives, and it is my hope that we can facilitate its passage in the Senate and move closer to providing significant and meaningful initiatives for our children in need.

By Mr. WYDEN:

S. 2960. A bill to provide for qualified withdrawals from the Capital Construction Fund (CCF) for fishermen leaving the industry and for the rollover of Capital Construction Funds to individual retirement plans; to the Committee on Finance.

THE CAPITAL CONSTRUCTION FUND REFORM ACT

Mr. WYDEN. Mr. President, I am pleased today to introduce the Capital Construction Fund Reform Act of 2000.

The Capital Construction Fund (CCF) was originally created by the Merchant Marine Act as a way to encourage the construction and use of American-owned vessels in U.S. waters. For fishermen, the Capital Construction Fund authorizes the accumulation of funds, free from taxes, for the purpose of buying or refitting commercial fishing vessels. The program has been a success in promoting the domestic fishing industry. However, the usefulness of the CCF has not kept up with the times. Today it is actually exacerbating the problems facing U.S. fisheries by forcing fishermen to keep their money in fishing vessels, rather than allowing them to retire from fishing and pursue other interests.

Our nation's fisheries are collapsing. Over the past year, fisheries in New England, Alaska and the West Coast have been officially declared disasters by the Secretary of Commerce. Plainly speaking, there are too many boats and not enough fish. Along the West Coast, a mere 200 of the 1400 boats currently fishing could catch the entire allowable harvest of groundfish. That means we could buyout 85 percent of the boats and still not reduce capacity in our fisheries. Since 1995, Congress has appropriated $140 million to buy fishing vessels and permits back from fishermen. Clearly, more needs to be done. This legislation empowers the fisherman to make his own choices to stay or leave the fishery with his own money.

In these times when we ought to be reducing the number of boats in our fisheries, it does not make sense for federal policy to encourage fishermen to build more of them. Yet current law prohibits fishermen from getting their own money out of CCF accounts for any purpose other than building boats. If they do, they lose up to 70 percent of their money in taxes and penalties. When fishermen have already been hit with increasingly severe harvest restrictions over the past few years, it is just not fair to hold their own money hostage.

That is why I'm introducing a bill that makes it easier for fishermen to withdraw their funds from the Capital Construction Fund if they retire from the fishery. My bill would allow fund holders to roll their funds over into an Individual Retirement Account (IRA) or other retirement fund. It would also allow them to use their own money to participate in buyback programs. This bill also eliminates the tax-penalty for withdrawals for those folks wishing to leave the industry.

Mr. President, this bill enjoys wide support from a variety of organizations with an interest in our nation's fisheries. Environmental groups, trawlers, small boat operators and processors alike have expressed their enthusiasm for this legislation. I urge my colleagues to support the swift adoption of this bill so that our fisherman can start making their own choices about their businesses and lives.

I ask unanimous consent that my statement and the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2960

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE

The Act may be cited as "The Capital Construction Fund (CCF) Qualified Withdrawal Act of 2000".

SECTION 2. EXPANSION OF PURPOSES OF THE CAPITAL CONSTRUCTION FUND BY AMENDING THE MERCHANT MARINE ACT OF 1936

Section 607(a) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1177(a)) is amended by striking "of this section." and inserting "of this section. Any agreement entered into under this section may be modified for the purpose of encouraging the sustainability of the fisheries of the United States by making the termination and withdrawal of a capital construction fund account a qualified withdrawal if done in exchange for the retirement of the related commercial fishing vessels and related commercial fishing permits."

SECTION 3. NEW QUALIFIED WITHDRAWALS

(a) AMENDMENTS TO MERCHANT MARINE ACT OF 1936.—Section 607(f)(1) of the Merchant Marine Act of 1936 (46 U.S.C. App. 1177(f)(1)) is amended:

(1) in subparagraph (B) by striking "vessel, or" and inserting "vessel,"

(2) in subparagraph (C) by striking "vessel." and inserting "vessel,"

(3) by inserting after subparagraph (C) the following new subparagraphs:

"(D) the payment of an industry fee authorized by the fishing capacity reduction program, 16 U.S.C. 1861.

"(E) in the case of any such person or shareholder for whose benefit such fund was established, a rollover contribution (within the meaning of section 408(d)(3) of the Internal Revenue Code of 1986) to such person's individual retirement plan (as defined in section 7701(a)(37) of such Code), or

"(F) (i) for the payment to a corporation or person terminating a capital construction fund and retiring related commercial fishing vessels and permits.

(ii) The Secretary by regulation shall establish procedures to ensure that any person making a qualified withdrawal authorized by (F)(i) retires the related commercial use of fishing vessels and commercial fishery permits."

(b) AMENDMENTS TO INTERNAL REVENUE CODE OF 1986.—Section 7518(e)(1) of the Internal Revenue Code of 1986 (relating to purposes of qualified withdrawals) is amended by inserting after subparagraph (C) the following new subparagraphs:

"(D) the payment of an industry fee authorized by the fishing capacity reduction program, 16 U.S.C. 1861.

"(E) in the case of any such person or shareholder for whose benefit such fund was established, a rollover contribution (within the meaning of section 408(d)(3) of the Internal Revenue Code of 1986) to such person's individual retirement plan (as defined in section 7701(a)(37) of such Code), or

"(F)(i) for the payment to a corporation or person terminating a capital construction fund and retiring related commercial fishing vessels and permits.

(ii) The Secretary by regulation shall establish procedures to ensure that any person making a qualified withdrawal authorized by (F)(i) retires the related commercial use of fishing vessels and commercial fishery permits."

By Mr. SMITH of New Hampshire:

S. 2962. A bill to amend the Clean Air Act to address problems concerning methyl tertiary butyl ether, and for other purposes; to the Committee on Environment and Public Works.

THE FEDERAL REFORMULATED FUELS ACT OF 2000

Mr. SMITH of New Hampshire. Mr. President, today I have introduced legislation, S. 2962, which I believe will deal once and for all with the MTBE problem that is facing us all across America, specifically New England. In the Northeast, as well as California and other areas of the country, we are beginning to see evidence of MTBE in ground water. This is a serious environmental problem that must be addressed. It is certainly a problem in New Hampshire.

I rise today to speak for my constituents in New Hampshire who are now having their wells, several a week by the way, being contaminated by MTBE. This is my home State. This is a serious problem there. I am here to offer this legislation to help my constituents in New Hampshire get relief from MTBE, which is a pollutant in their wells. But I am also here to speak for all Americans across the country who have MTBE in their wells, whether they be in California or New Hampshire.

MTBE has done more damage to our drinking water than we would care to know. MTBE has been a component of our fuel supply for over two decades. In 1990, we amended the Clean Air Act to include a clean gasoline program. Unfortunately, we did not look at the science that was probably more evident than not. Because we did not look at that science, we have now created another environmental problem of a huge magnitude, which is probably going to cost billions of dollars to clean up. If there is a moral here, or lesson, it should be: Use good science. Look carefully before you leap into some of these environmental dilemmas.

That program in the 1990 Clean Air Act amendment mandated use of 2 percent oxygen in the gas, by weight. In other words, 2 percent of the weight of a gallon of gasoline should be oxygen. That was put in the fuel.

MTBE was one of two options that could be used. The problem with MTBE is that it has this ability to migrate through the ground very quickly and then into the water table. What is MTBE? It is an ether, and in the event of a leak or gas spill, the MTBE will separate from the gas and migrate through the ground very quickly. The real problem starts when MTBE finds its way into the ground water, which it frequently does.

Several States have had gasoline leaks, or spills, that led to the closure of wells because of MTBE. It smells. It tastes horrible. It is not the kind of thing you want to see come out of your shower or your faucet when you are ready to use your water. This is a serious problem. Some have made light of it, frankly, in this body, in the sense that maybe it is not such a serious problem and maybe we should look at some other alternatives other than banning it. But we need to ban MTBE. The legislation I am introducing today will do that. It does it in a responsible manner, which I will explain.

Several States have had these leaks or spills, as I said. So this bill will address the problems associated with MTBE, but—and this is a very important point—will not reduce any of the environmental benefits of the clean air program. That cannot be said with every option that has been presented on this issue. Again, we can ban MTBE, but we will not reduce any environmental benefit that the MTBE has brought to clean the air and that is important.

Briefly, this bill will allow the Governor of any State to waive the gasoline oxygen requirement of the Clean Air Act—waive it. But it will preserve the environmental benefits. It will also grant the State and the Federal Government authority to ban MTBE. It authorizes an additional $200 million out of the Leaking Underground Storage Tank Fund to clean up MTBE where these wells have been contaminated because of these leaking tanks. In other words, if we could repair those leaking tanks, we are going to cut back on the amount of problems we are going to have in the future. So it is important we have this as part of the legislation to get the money there to fix these tanks, to cut back on the amount of MTBE that gets into the ground water. If it does not leak out of the tank, the gasoline tank, it will not get into the ground water. But it is leaking out of tanks and we have to fix it.

The bill also authorizes an extensive study of numerous environmental consequences of our current fuel use. It was my hope to have marked up and sent to the floor from the Environment and Public Works Committee, which I chair, a bill this past week. In fact, it was our goal to do it yesterday, but we could not get the parties together who I needed to make this bill a reality, in the sense that it would pass. We could have introduced a bill, could have marked a bill, perhaps, but it would not have passed because we would not have the support. This problem is too serious to play politics.

MTBE is a pollutant in our wells. We need to get it out. We have to have legislation to do it and it has to pass. There is no point introducing a bill that will not pass. There are people who are dug in on all sides of this issue for various reasons. But the point is, we need to compromise. We all cannot get what we want, but the end result must be that we get MTBE out of our ground water. That is the bottom line.

So I agreed, reluctantly, but I agreed, in the interests of working together with my colleagues, to hold off until September in order to resolve the few remaining issues, but I intend to hold that markup in September. In fact, the specific date is September 7. In that legislation that we mark up, we will ban MTBE.

The issues that are in this legislation include the treatment of ethanol. I am pleased with the recent progress we have made on this. But there is a serious problem that we have to deal with, those who advocate more ethanol in fuel. I expect these issues to be resolved. We are working behind the scenes very hard to resolve these issues before the September 7 markup. It will give the staff something to do during the August recess. I know they will work out the details. But I thank the many Senators on both sides of the aisle I have been working with very closely to resolve these issues. This is a tough, tough issue, and it is hard to get agreement. Everybody is not going to get what they want, but the bottom line is, we have to get MTBE out of the water.

Let me address the ethanol issue for a moment. Some weeks ago I circulated a draft that included a clean alternative fuels program. This is a very complex issue. What are alternative fuels? It could be premium gasoline. It could be natural gas. It could be electricity. It could be fuel cells. It could be ethanol. But if you say "renewable fuels," then you are talking for the most part only ethanol. So when we are talking alternative fuels, what alternatives do we have to MTBE that would help us meet these requirements in the Clean Air Act? This has proven to be a good step toward addressing the ethanol question.

The program will also enhance the development of cleaner and more efficient cars which will help with the Clean Air Act issues as well. There has been growing support for this alternative fuels approach since the time we first brought this up. We do not want to create more MTBE problems. We do not want to create dirtier air by eliminating MTBE because we created dirty water by putting MTBEs in gasoline.

So last week in an effort, again, to reach out, I received a letter supporting that approach from 32 States represented by air quality planners in the northeastern States and the Governors' Ethanol Coalition. So for the first time we now have ethanol, and the Northeast, you have specific problems here with the MTBE issue, talking, working together, and, as we said, from this letter of support from 32 States, they support this approach.

We have not dotted every "i" and crossed every "t" yet, but in concept they support the approach.

The bill I am offering today, while that bill does not include the exact language they are talking about in that letter—and I want to make that clear—it is a bridge. It is a bridge from where my legislation is to where they are. Actually, simultaneously to the bill I have introduced, I have also offered an amendment No. 4026, which crosses that bridge. I have introduced what I would like to have, what I believe is the most cost-effective method to deal with this problem, but I recognize that even though it is the least costly, it does not have the amount of support I need to pass it. So I have offered another amendment to my own bill, which is my way of saying: OK, you offered me the bridge. I am willing to walk across it and meet you at least halfway.

I will describe this bill in a little more detail first. This is a complex issue. The Environmental and Public Works Committee has been struggling with this, certainly in the last 7 or 8 months I have been chairman of the committee, and I am sure they were struggling with it many months before that. I have tried to craft a solution that is direct and balanced. I believe I have accomplished that. That is my goal. It is not to ramrod anything through to make anybody angry. It is a legitimate attempt to get a consensus to deal with a serious environmental problem, not to deal with everybody's own opinions.

If anybody comes to the table and says: If I do not get this, I will leave the table—I tell the people who say that: Don't bother coming to the table; you are wasting my time and yours. If you want to, talk, compromise, and reach a rational conclusion. I am willing to talk, and Senators on all sides of this have done just that. We have talked to many industry folks and environmental people as well on this very issue.

The bill waives the oxygen mandate. The Reformulated Gasoline Program, or RFG, requires at least 2 percent of gasoline by weight to be oxygen. MTBE and ethanol are the principal additives that help satisfy this mandate. It is ethanol or MTBE. They will bring us to that 2 percent oxygenate requirement. Because MTBE is rarely used outside the Reformulated Gas Program, a sensible starting point was to allow each State, if they wish, to waive the oxygen requirement.

What about the so-called environmental backsliding; in other words, slipping back and allowing more dirty air? There is concern that if the Governors waive this mandate that this will affect the environmental benefit—clean air—of the Reformulated Gas Program.

Let me be very clear: My bill ensures there will be no environmental backsliding. We are not walking away from the requirements of the Clean Air Act. If this bill is adopted, the environment—at least the air—will not know the difference. There will be no negative impact on the air, and the water will be cleaner.

Phaseout of MTBE: Eliminating the 2 percent oxygen mandate alone does not mean the elimination of MTBE. MTBE is an effective octane booster, and refiners still may want to use it. Since only a very small amount of MTBE will cause a tremendous amount of damage, it is important to consider the fate of MTBE.

This bill will give the EPA Administrator the authority to ban it immediately. If EPA does not do so in 4 years, then this bill will, by law, ban MTBE. The EPA has 4 years to ban it. If they do not, the bill will.

EPA could, however, overturn the ban if it deemed it was not necessary to protect air quality, water quality, or human health. If it gets to the point that it is not a problem, then EPA does not have to ban it. Notwithstanding EPA's decision, the bill gives the States the authority to ban the additive.

Since there is already massive contamination caused by MTBE, this bill will authorize, as I said, $200 million to be given to the States from the Leaking Underground Storage Tank Program for the purpose of cleaning up MTBE-caused contamination.

Since a Federal mandate caused this pollution—remember that a Federal mandate caused this pollution. This is not the fault of the oil companies. It is not the fault of the MTBE producers. They did what they were asked to do. They produced this additive to clean up the air. Since a Federal mandate caused the pollution, it would be irresponsible for the Federal Government not to bear some of the financial burden associated with the cleanup. Unfortunately, that is the case.

I do not like to spend taxpayers' dollars, but this was a mandate, and because of that mandate, we have a problem.

It is also important to point out that although it is not part of my legislation, it is reasonable to think of some way of perhaps trying to work with the MTBE producers to help them through this transition if, in fact, MTBE is banned. I certainly am willing to work with them to come up with some solution, some help in terms of their movement from one industry to another, or whatever the case may be.

Finally, the bill authorizes a comprehensive study of the environmental consequences of our current fuel supply. In order to be better informed to make future environmental decisions regarding fuel policy, the bill directs EPA to undertake a study of our motor fuel.

I will talk a little bit about the cost, a very important point.

Lately, we have heard a great deal about gasoline prices, certainly fuel oil prices, as well, in New England. These concerns underscore the question of the costs associated with limiting MTBE use.

MTBE, like it or not, is clean, it is cheap, and it helps to clean up our air. Placing it in our fuel supply and keeping the fuel supply clean will have a cost. We have to replace it. We cannot backslide. We do not want to dirty the air while we take MTBE out.

It is my belief the Senate is not prepared to reduce our clean air standards or allow for the continued contamination of our drinking water.

We have two issues: Contaminated drinking water and do we backslide off the clean air provision. I believe my colleagues in the Senate are willing to work with me to clean up the water to get the MTBE out of our wells and to preserve the integrity of the Clean Air Act and not backslide or move back from the cleaner air we have accomplished by using MTBE.

The question, though, becomes: What is the most effective and cost friendly option for achieving this goal? I have a chart which will help illustrate the options. Each one of these options—the red line, yellow line, green line, and the blue line—bans MTBE, but it is a little more complicated than that.

One option is simply the elimination of MTBE with no other changes in the law. That is the red line. These show costs. This is the highest cost option because it is about an 8-cent increase in gas prices per gallon. This is a ban of MTBE, and it replaces it with ethanol in the Reformulated Gas Program. One might think: That is fine, it is ethanol, produced by corn, a nice natural product; what is wrong with that? Let's do it.

The problem is, in areas in the Northeast, such as New Hampshire, and in other States such as Texas, these States would have to use ethanol to meet that oxygenate requirement because there is no other option. In order to meet the 2-percent oxygenate requirement if MTBE is removed, they have to use ethanol.

One may say: What is wrong with that? Ethanol makes gas evaporate more quickly and those fumes would add to smog and haze in New England and it would be serious. Obviously, California would have the same problem.

Refiners would have to make gas less evaporative and thereby increasing the cost. In other words, they would have to do something to deal with that rapid evaporation and it would cost more to do that. This is not an option for New England nor California nor any other State that has this particular problem.

If we are going to be responsible, then we should work with our colleagues who have these problems. I happen to have that problem because I am from New Hampshire, and as the chairman of the committee, I need to work with all regions of the country to get a compromise that is acceptable to everybody so that we do not have more environmental problems in New England or California or some other place by simply banning MTBE and letting ethanol take over. Some want that.

Obviously, the ethanol producers would love it, but that does not help us. We do not want to create more problems. That is not a responsible approach, I say with all due respect.

The next line is the orange line in terms of cost.

That is the Clinton administration's position. That represents the cost of eliminating the oxygen mandate, but replacing it with a national ethanol mandate. You have no other alternative other than ethanol.

The cost of mandating a threefold increase in ethanol sales is very expensive. So the options represented by the orange line shown on the chart cost less than what is shown with the red line because it does not mandate that the reformulated gas contain ethanol. It does not mandate it, but that is what is going to happen. But, shown with this orange line on the chart, it simply mandates the total ethanol market. So you are mandating the market here, and that is no good. That does not work. Unlike what is shown with the red line, there would be no regional constraint. It would not be acceptable.

Now, what is shown on the chart with the blue line is legislation that I am introducing today, without the amendment initially. In my view, that is the cheapest and most responsible way to deal with this problem. However, for reasons which I respect—I might not agree with them, but I respect them—it does not have enough support, either, to pass the Senate. I recognize that, but I want everybody to know where I am coming from.

I believe we should use the cheapest alternative that gets the job done. That is my view. But I understand, as I said before, I am willing to build that bridge to go from what is shown with the blue line to what is shown with the green line. I will not go to what is shown with the orange or red lines, but I am willing to go from what is shown with the blue line to what is shown with the green line.

As I have said, what is shown with the blue line is the bill I have introduced. That bill will cost more to make clean gas without MTBE, but because we place the fewest requirements on the refiners on how to achieve that clean gas, this bill would cost the economy less than all other options. It is very important for me to repeat that. We place the fewest requirements on the refiners on how to achieve the clean gas. We want clean gas achieved. That is the goal. This bill would cost the economy less than all of those other options.

While my bill addresses all of the concerns with MTBE, I am also sensitive to the concerns of the Senators who understand that this bill might have an impact on ethanol. So in order to address these concerns, I have prepared an amendment to my own legislation, amendment No. 4026, which I have already sent to the desk.

This amendment seeks to address the concerns over ethanol that Members have. I am hoping that over the course of the next 30 days we will be able to build this bridge from what is shown by the blue line to what is shown by the green line, to get to what I think is an acceptable and responsible approach.

I indicated earlier there is a lot of interest. Thirty-two States have expressed interest in this, in my letter. This amendment seeks to address the concerns of the ethanol industry by establishing a segment of the fuel market that must be comprised of either ethanol or fuel used to power superclean vehicles.

About 10 days ago, I had the opportunity to ride in a fuel-celled bus. It had hydrogen cells. I had never experienced anything like it: No fumes, no smell, very little sound, and no pollutants whatsoever. I road several miles in it.

The current occupant of the Chair, the Senator from Utah, Senator BENNETT, drives a hybrid car which is part electric, part gas. You see, we are moving in the right direction. Hybrid cars, fuel cells—they are the future. The more we do that, the less we need of any type of gasoline, whether it is ethanol or just oil based. It does not matter.

The point is, we are moving in the right direction. That is what we want to encourage. This bill will establish a segment of the fuel market that must be comprised of either ethanol or fuel used to power those clean vehicles. We do not want to stop them from having that option.

If we just go with the renewables that the administration wants, all they can use is ethanol. What we want them to do is use ethanol, if they wish, but to use hybrid cars if they wish. Encourage that, encourage fuel cells, whatever, or premium gas, but let the market deal with it.

So there are a lot of exciting things happening. This amendment is going to create competition. There is nothing wrong with competition, good old competition. You pick winners and losers—no guarantees—with competition between the ethanol industry and the clean vehicle market. So why mandate ethanol and exclude clean vehicles? It does not make any sense.

So the estimated cost of this approach is represented by the green line on the chart. This is a very good approach that I believe is a compromise that gets us there. It costs us a little more, but it gets us there. Because we can't get there with what is represented by the blue line, I am willing to go here, with what is represented by the green line.

Mr. President, I know my time is pretty close to expiring, I am sure.

To those who will ask, why does this have to be so complicated, I did not create the issue. I have spent the last 6 months trying to understand it and learn about it. I think I am getting there, with a lot of help. It is a complex issue, with many competing interests. That is the thing. But a simple ban of MTBE does not get everybody there—all the regions of the country. It does not get it done.

So a simple ban of MTBE makes gas more expensive and air more dirty. It is not acceptable. We cannot do that. A stand-alone mandate of ethanol does not get you there, either. Smog concerns, cost concerns—particularly in New Hampshire, and other areas of the Northeast, as well as California—that does not get you there.

Simply eliminating the reformulated gas mandate does not work, either. That is another option. MTBE would continue to be used and the potential adverse impact on ethanol would be there.

I am committed, I say to my colleagues, to a solution that, one, cleans up our Nation's drinking water, and, two, preserves the environmental benefits of the reformulated gasoline program, which is the most cost-effective option for the whole Nation. And that is shown right there with the green line. That is the one we can get it done with. I wish it were here with what is depicted with the blue line, but this will get us there with what is depicted with the green line; and we will do it.

So I am convinced this is the right approach. I look forward to working with my colleagues. This is an honest attempt to sit down with everybody and get to a resolution, because to continue to argue about this and debate this, while more and more wells every day get polluted with MTBE, is irresponsible. It is totally irresponsible.

We should not be talking about somebody's profit at the expense of somebody's well being polluted. Let's compromise. We will work with you. You can make some profit, but you are not going to make so much profit that we have to stand around and have our wells polluted. That is simply wrong. It is unacceptable. It is irresponsible. I am not going to stand for it. I don't think anybody would who had these kinds of problems. It is irresponsible. So we are going to work together.

I am very encouraged by the folks, especially the ethanol Senators, who I have talked with, and their staffs. We have talked to folks in the oil industry. They are not real thrilled about some of this, but, again, this is a solution that we must find. We cannot continue to say we will talk about it next week or we will deal with it in conference or we will deal with it next year. We need to deal with it now. This is a responsible effort to do that.

So, again, I look forward to working with my colleagues, and I look forward to that markup on September 7. I intend to be ready for it, and to send that bill out of the EPW Committee and on to the calendar in the Senate.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2962

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Reformulated Fuels Act of 2000".

SEC. 2. WAIVER OF OXYGEN CONTENT REQUIREMENT FOR REFORMULATED GASOLINE.

Section 211(k)(1) of the Clean Air Act (42 U.S.C. 7545(k)(1)) is amended—

(1) by striking "Within 1 year after the enactment of the Clean Air Act Amendments of 1990," and inserting the following:

"(A) IN GENERAL.—Not later than November 15, 1991,"; and

(2) by adding at the end the following:

"(B) WAIVER OF OXYGEN CONTENT REQUIREMENT.—

"(i) AUTHORITY OF THE GOVERNOR.—

"(I) IN GENERAL.—Notwithstanding any other provision of this subsection, a Governor of a State, upon notification by the Governor to the Administrator during the 90-day period beginning on the date of enactment of this subparagraph, may waive the application of paragraphs (2)(B) and (3)(A)(v) to gasoline sold or dispensed in the State.

"(II) OPT-IN AREAS.—A Governor of a State that submits an application under paragraph (6) may, as part of that application, waive the application of paragraphs (2)(B) and (3)(A)(v) to gasoline sold or dispensed in the State.

"(ii) TREATMENT AS REFORMULATED GASOLINE.—In the case of a State for which the Governor invokes the waiver described in clause (i), gasoline that complies with all provisions of this subsection other than paragraphs (2)(B) and (3)(A)(v) shall be considered to be reformulated gasoline for the purposes of this subsection.

"(iii) Effective date of waiver.—A waiver under clause (i) shall take effect on the earlier of—

"(I) the date on which the performance standard under subparagraph (C) takes effect; or

"(II) the date that is 270 days after the date of enactment of this subparagraph.

"(C) Maintenance of toxic air pollutant emission reductions.—

"(i) In general.—As soon as practicable after the date of enactment of this subparagraph, the Administrator shall—

"(I) promulgate regulations consistent with subparagraph (A) and paragraph (3)(B)(ii) to ensure that reductions of toxic air pollutant emissions achieved under the reformulated gasoline program under this section before the date of enactment of this subparagraph are maintained in States for which the Governor waives the oxygenate requirement under subparagraph (B)(i); or

"(II) determine that the requirement described in clause (iv)—

"(aa) is consistent with the bases for a performance standard described in clause (ii); and

"(bb) shall be deemed to be the performance standard under clause (ii) and shall be applied in accordance with clause (iii).

"(ii) Performance standard.—The Administrator, in regulations promulgated under clause (i)(I), shall establish an annual average performance standard based on—

"(I) compliance survey data;

"(II) the annual aggregate reductions in emissions of toxic air pollutants achieved under the reformulated gasoline program during calendar years 1998 and 1999, determined on the basis of the volume of reformulated gasoline containing methyl tertiary butyl ether that is sold throughout the United States; and

"(III) such other information as the Administrator determines to be appropriate.

"(iii) Applicability.—

"(I) In general.—The performance standard under clause (ii) shall be applied on an annual average refinery-by-refinery basis to all reformulated gasoline that is sold or introduced into commerce by the refinery in a State for which the Governor waives the oxygenate requirement under subparagraph (B)(i).

"(II) More stringent requirements.—The performance standard under clause (ii) shall not apply to the extent that any requirement under section 202(l) is more stringent than the performance standard.

"(III) State standards.—The performance standard under clause (ii) shall not apply in any State that has received a waiver under section 209(b).

"(IV) Credit program.—The Administrator shall provide for the granting of credits for exceeding the performance standard under clause (ii) in the same manner as provided in paragraph (7).

"(iv) Statutory performance standard.—

"(I) In general.—Subject to subclause (III), if the regulations under clause (i)(I) have not been promulgated by the date that is 270 days after the date of enactment of this subparagraph, the requirement described in subclause (II) shall be deemed to be the performance standard under clause (ii) and shall be applied in accordance with clause (iii).

"(II) Toxic air pollutant emissions.—The aggregate emissions of toxic air pollutants from baseline vehicles when using reformulated gasoline shall be 27.5 percent below the aggregate emissions of toxic air pollutants from baseline vehicles when using baseline gasoline.

"(III) Subsequent regulations.—The Administrator may modify the performance standard established under subclause (I) through promulgation of regulations under clause (i)(I).".

SEC. 3. SALE OF GASOLINE CONTAINING MTBE.

Section 211(c) of the Clean Air Act (42 U.S.C. 7545(c)) is amended—

(1) in paragraph (1)(A)—

(A) by inserting "fuel or fuel additive or" after "Administrator any"; and

(B) by striking "air pollution which" and inserting "air pollution, or water pollution," that";

(2) in paragraph (4)(B), by inserting "or water quality protection," after "emission control,"; and

(3) by adding at the end the following:

"(5) Determination by the Administrator whether to ban use of MTBE.—

"(A) In general.—Not later than 4 years after the date of enactment of this paragraph, the Administrator shall ban use of methyl tertiary butyl ether in gasoline unless the Administrator determines that the use of methyl tertiary butyl ether in accordance with paragraph (6) poses no substantial risk to water quality, air quality, or human health.

"(B) Regulations concerning phase-out.—The Administrator may establish by regulation a schedule to phase out the use of methyl tertiary butyl ether in gasoline during the period preceding the effective date of the ban under subparagraph (A).

"(6) Limitations on sale of gasoline containing MTBE.—

"(A) In general.—Subject to subparagraph (B), if the Administrator makes the determination described in paragraph (5), for the fourth full calendar year that begins after the date of enactment of this paragraph and each calendar year thereafter—

"(i) the quantity of gasoline sold or introduced into commerce during the calendar year by a refiner, blender, or importer of gasoline shall contain on average not more than 1 percent by volume methyl tertiary butyl ether; and

"(ii) no person shall sell or introduce into commerce any gasoline that contains more than a specified percentage by volume methyl tertiary butyl ether, as determined by the Administrator by regulation.

"(B) Regulations concerning trading.—

"(i) In general.—The Administrator may promulgate regulations that provide for the granting of an appropriate amount of credits to a person that refines, blends, or imports, and certifies to the Administrator, gasoline or a slate of gasoline that has a methyl tertiary butyl ether content that is less than the maximum methyl tertiary butyl ether content specified in subparagraph (A)(i).

"(ii) Use of credits.—The regulations promulgated under clause (i) shall provide that a person that is granted credits may use the credits, or transfer all or a portion of the credits to another person, for the purpose of complying with the maximum methyl tertiary butyl ether content requirement specified in subparagraph (A)(i).

"(iii) Maximum annual limitation.—The regulations promulgated under clause (i) shall ensure that the total quantity of gasoline sold or introduced into commerce during any calendar year by all refiners, blenders, or importers contains on average not more than 1 percent by volume methyl tertiary butyl ether.

"(C) Temporary waiver of limitations.—

"(i) In general.—If the Administrator, in consultation with the Secretary of Energy, finds, on the Administrator's own motion or on petition of any person, that there is an insufficient domestic capacity to produce or import gasoline, the Administrator may, in accordance with section 307, temporarily waive the limitations imposed under subparagraph (A).

"(ii) Duration of reduction.—

"(I) In general.—A waiver under clause (i) shall remain in effect for a period of 15 days unless the Administrator, in consultation with the Secretary of Energy, finds, before the end of that period, that there is sufficient domestic capacity to produce or import gasoline.

"(II) Extension.—Upon the expiration of the 15-day period under subclause (I), the waiver may be extended for an additional 15-day period in accordance with clause (i).

"(iii) Deadline for action on petitions.—The Administrator shall act on any petition submitted under clause (i) within 7 days after the date of receipt of the petition.

"(iv) Inapplicability of certain requirements.—Section 307(d) of this Act and sections 553 through 557 of title 5, United States Code, shall not apply to any action on a petition submitted under clause (i).

"(v) State authority.—At the option of a State, a waiver under clause (i) shall not apply to any area with respect to which the State has exercised authority under any other provision of law (including subparagraph (D)) to limit the sale or use of methyl tertiary butyl ether.

"(D) State petitions to eliminate use of MTBE.—

"(i) In general.—A State may submit to the Administrator a petition requesting authority to eliminate the use of methyl tertiary butyl ether in gasoline sold or introduced into commerce in the State in order to protect air quality, water quality, or human health.

"(ii) Deadline for action on petitions.—The Administrator shall grant or deny any petition submitted under clause (i) within 180 days after the date of receipt of the petition.".

SEC. 4. CONVENTIONAL GASOLINE.

(a) In General.—Section 211(k)(1) of the Clean Air Act (42 U.S.C. 7545(k)(1)) (as amended by section 2) is amended by adding at the end the following:

"(D) Conventional gasoline.—

"(i) In general.—Not later than October 1, 2007—

"(I) the Administrator shall determine whether the use of conventional gasoline during the period of calendar years 2005 and 2006 resulted in a greater volume of emissions of criteria air pollutants listed under section 108, and precursors of those pollutants, determined on the basis of a weighted average of those pollutants and precursors, than the volume of such emissions during the period of calendar years 1998 and 1999; and

"(II) if the Administrator determines that a significant increase in emissions occurred, the Administrator shall promulgate such regulations concerning the use of conventional gasoline as are appropriate to eliminate that increase.

"(ii) Applicability to certain States.—The Administrator shall make the determination under clause (i)(I) without regard to, and the regulations promulgated under clause (i)(II) shall not apply to, any State that has received a waiver under section 209(b).".

(b) ELIMINATION OF ETHANOL WAIVER.—Section 211(h) of the Clean Air Act (42 U.S.C. 7545(h)) is amended—

(1) by striking paragraph (4); and

(2) by redesignating paragraph (5) as paragraph (4).

SEC. 5. PUBLIC HEALTH AND ENVIRONMENTAL IMPACTS OF FUELS AND FUEL ADDITIVES.

Section 211(b)(2) of the Clean Air Act (42 U.S.C. 7545(b)(2)) is amended—

(1) by striking "may also" and inserting "shall, on a regular basis,"; and

(2) by striking subparagraph (A) and inserting the following:

"(A) to conduct tests to determine potential public health and environmental effects of the fuel or additive (including carcinogenic, teratogenic, or mutagenic effects); and".

SEC. 6. COMPREHENSIVE FUEL STUDY.

Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended—

(1) by redesignating subsection (o) as subsection (p); and

(2) by inserting after subsection (n) the following:

"(o) COMPREHENSIVE FUEL STUDY.—

"(1) IN GENERAL.—Not later than 5 years after the date of enactment of this paragraph and every 5 years thereafter, the Administrator shall submit to Congress a report—

"(A) describing reductions in emissions of criteria air pollutants listed under section 108, or precursors of those pollutants, that result from implementation of this section;

"(B) describing reductions in emissions of toxic air pollutants that result from implementation of this section;

"(C) in consultation with the Secretary of Energy, describing reductions in greenhouse gas emissions that result from implementation of this section; and

"(D)(i) describing regulatory options to achieve reductions in the risk to public health and the environment posed by fuels and fuel additives—

"(I) taking into account the production, handling, and consumption of the fuels and fuel additives; and

"(II) focusing on options that reduce the use of compounds or associated emission products that pose the greatest risk; and

"(ii) making recommendations concerning any statutory changes necessary to implement the regulatory options described under clause (i).

"(2) LIFE CYCLE EMISSIONS ANALYSIS.—In determining criteria air pollutant and greenhouse gas emission reductions under paragraph (1), the Administrator shall take into account the emissions resulting from the various fuels and fuel additives used in the implementation of this section over the entire life cycle of the fuels and fuel additives.".

SEC. 7. ADDITIONAL OPT-IN AREAS UNDER REFORMULATED GASOLINE PROGRAM.

Section 211(k)(6) of the Clean Air Act (42 U.S.C. 7545(k)(6)) is amended—

(1) by striking "(6) OPT-IN AREAS.—(A) Upon" and inserting the following:

"(6) OPT-IN AREAS.—

"(A) CLASSIFIED AREAS.—

"(i) IN GENERAL.—Upon";

(2) in subparagraph (B), by striking "(B) If" and inserting the following:

"(ii) EFFECT OF INSUFFICIENT DOMESTIC CAPACITY TO PRODUCE REFORMULATED GASOLINE.—If";

(3) in subparagraph (A)(ii) (as so redesignated)—

(A) in the first sentence, by striking "subparagraph (A)" and inserting "clause (i)"; and

(B) in the second sentence, by striking "this paragraph" and inserting "this subparagraph"; and

(4) by adding at the end the following:

"(B) NONCLASSIFIED AREAS.—

"(i) IN GENERAL.—In accordance with section 110, a State may submit to the Administrator, and the Administrator may approve, a State implementation plan revision that provides for application of the prohibition specified in paragraph (5) in any portion of the State that is not a covered area or an area referred to in subparagraph (A)(i).

"(ii) PERIOD OF EFFECTIVENESS.—Under clause (i), the State implementation plan shall establish a period of effectiveness for applying the prohibition specified in paragraph (5) to a portion of a State that—

"(I) commences not later than 1 year after the date of approval by the Administrator of the State implementation plan; and

"(II) ends not earlier than 4 years after the date of commencement under subclause (I).".

SEC. 8. LEAKING UNDERGROUND STORAGE TANKS.

(a) USE OF LUST FUNDS FOR REMEDIATION OF MTBE CONTAMINATION.—Section 9003(h) of the Solid Waste Disposal Act (42 U.S.C. 6991b(h)) is amended—

(1) in paragraph (7)(A), by striking "paragraphs (1) and (2) of this subsection," and inserting "paragraphs (1), (2), and (12),"; and

(2) by adding at the end the following:

"(12) REMEDIATION OF MTBE CONTAMINATION.—

"(A) IN GENERAL.—The Administrator and the States may use funds made available under subparagraph (B) to carry out corrective actions with respect to a release of methyl tertiary butyl ether that presents a risk to human health, welfare, or the environment.

"(B) APPLICABLE AUTHORITY.—Subparagraph (A) shall be carried out—

"(i) in accordance with paragraph (2); and

"(ii) in the case of a State, in a manner consistent with a cooperative agreement entered into by the Administrator and the State under paragraph (7).

"(C) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the Leaking Underground Storage Tank Trust Fund to carry out subparagraph (A) $200,000,000 for fiscal year 2001, to remain available until expended.".

(b) RELEASE PREVENTION.—Subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) is amended—

(1) by redesignating section 9010 as section 9011; and

(2) by inserting after section 9009 the following:

"SEC. 9010. RELEASE PREVENTION.

"(a) IMPLEMENTATION OF PREVENTATIVE MEASURES.—The Administrator (or a State pursuant to section 9003(h)(7)) may use funds appropriated from the Leaking Underground Storage Tank Trust Fund for—

"(1) necessary expenses directly related to the implementation of section 9003(h);

"(2) enforcement of—

"(A) this subtitle;

"(B) a State program approved under section 9004; or

"(C) State requirements regulating underground storage tanks that are similar or identical to this subtitle; and

"(3) inspection of underground storage tanks.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Leaking Underground Storage Tank Trust Fund to carry out subsection (a)—

"(1) $50,000,000 for fiscal year 2001; and

"(2) $30,000,000 for each of fiscal years 2002 through 2005.".

(c) TECHNICAL AMENDMENTS.—

(1) Section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is amended by striking the item relating to section 9010 and inserting the following:

"Sec. 9010. Release prevention.
"Sec. 9011. Authorization of appropriations.".

(2) Section 9001(3)(A) of the Solid Waste Disposal Act (42 U.S.C. 6991(3)(A)) is amended by striking "sustances" and inserting "substances".

(3) Section 9003(f)(1) of the Solid Waste Disposal Act (42 U.S.C. 6991b(f)(1)) is amended by striking "subsection (c) and (d) of this section" and inserting "subsections (c) and (d)".

(4) Section 9004(a) of the Solid Waste Disposal Act (42 U.S.C. 6991c(a)) is amended in the first sentence by striking "referred to" and all that follows and inserting "referred to in subparagraph (A) or (B), or both, of section 9001(2).".

(5) Section 9005 of the Solid Waste Disposal Act (42 U.S.C. 6991d) is amended—

(A) in subsection (a), by striking "study taking" and inserting "study, taking";

(B) in subsection (b)(1), by striking "relevent" and inserting "relevant"; and

(C) in subsection (b)(4), by striking "Evironmental" and inserting "Environmental".

By Mr. BRYAN (for himself, Mr. GRAHAM, and Mr. GORTON):

S. 2963. A bill to amend title XIX of the Social Security Act to require the Secretary of Health and Human Services to make publicly available medicaid drug pricing information; to the Committee on Finance.

CONSUMER AWARENESS OF MARKET-BASED DRUG PRICES ACT OF 2000

Mr. BRYAN. Mr. President, in a very few hours we will, each of us, be returning to our respective States for the summer recess. Most of us will have town hall meetings or other fora in which we will have a chance to interact with our constituents.

Much that occurs on this floor, although very important, does not connect with the American people. Some of it seems pretty esoteric, pretty dry stuff. I am going to be discussing this afternoon an issue that does connect with the American people. Whether you live in Maine or California or Washington State or Florida or, as I do, the great State of Nevada—and which I am privileged to represent—people are talking about the price of prescription drugs.

The reason for that is that the marvels of modern medicine have made it possible, through prescription drugs, to address a number of the maladies that affect all of us as part of humankind. The cost of those prescription drugs are literally going through the ceiling. I will comment more specifically upon that in a moment.

For literally millions of people in this country, the cost of prescription drugs has been so prohibitive that medications that would address a medical problem that those individuals face are simply beyond the pale. So for many, it is fair to say, the choice is a Hobson's choice.

Do they eat in the evening, or do they take the prescription medication that has been prescribed by their physician? It would be my fondest hope and expectation, before this Congress adjourns sine die—that is, at the end of this legislative year—that we could enact prescription drug legislation. That would be my No. 1 priority. But I think all of us recognize there are some things we can do as part of whatever plan we might subscribe to, and Senator GRAHAM and I this afternoon are offering a piece of legislation entitled the Consumer Awareness of Market-Based Drug Prices Act of 2000.

This is a piece of legislation that deals with the price of drugs. We know what the cost is, but we are talking about the price. We have a lot of information on the cost. We know, for example, that we are spending on drugs in this country, prescription medications—in the last available year, 1999—almost $122 billion. We also know quite a bit about how much we in the Federal Government are spending for prescription drugs.

For example, the States and the Federal Government spent $17 billion in fiscal year 1999 for drugs, just under the Medicaid program alone. Those costs are going to escalate rather dramatically. What is missing, however, is some critically important information—information that would be important to consumers and those who negotiate on behalf of consumers, because what we don't know, what we don't have much information about is drug prices. The reason for that is some statutory prohibitions I am going to talk about and which this legislation specifically addresses.

So the questions are: What do consumers know about drug prices today? What do employers who purchase prescription drugs on behalf of their employees know about prices? What do health plans negotiating on behalf of their enrollees know about prices? What do physicians who prescribe drugs for their patients know about prices?

The answer is simply, very, very little; almost nothing. What little is known is essentially worthless information. We have the average wholesale price, but this is a truly meaningless figure.

During the course of my discussion this afternoon on the floor of the Senate, we are going to be talking about three kinds of prices: The average wholesale price, average manufacturer price, and the best price.

Just talking about the average wholesale price, that is a public list price set by manufacturers, the pharmaceutical industry; that is neither average nor wholesale and is a price set by the pharmaceutical companies. The best analogy I can give you is that it would be analogous to the price that appears as the sticker price on the window of a new car. Nobody pays that price. It really is not very helpful in terms of what you need to know when negotiating to purchase a car. And now there are a number of web sites and publications and manuals—a whole host of things that tell consumers this is what the manufacturer paid, these are the hold-backs by the dealers, these are the discounts and the commissions; here is the price on which you want to focus your attention. You can get that information if you are purchasing an automobile, and you can get that information when you purchase a whole host of other things. But that information is not available if you are talking about finding out the price of prescription drugs, and that is because of some statutory limitations.

It is somewhat analogous to the statement Sir Winston Churchill made in 1939 in describing the Soviet Union. He went on to say: "A riddle, wrapped up in a mystery, inside an enigma." That is a pretty fair characterization of what we know about the prices of prescription medications as sold by the manufacturer.

There are many different approaches as we deal with this prescription drug issue and want to extend it as either part of Medicare or some alternative approach. I have been privileged to serve on the Finance Committee, which has been the vortex for this debate and discussion. I listened closely to my colleagues wax eloquently on the subject of prescription drugs, and, whether you are to the left or to the right of the political spectrum, or whether you consider yourself in the mainstream, a moderate, all of us worship at the shrine of competition. Everybody says what we need to do is to inject more competition into the system. I happen to subscribe to that because I do believe that by allowing the synergy of the free marketplace to work, it will be the most efficient and the most cost-effective way to deliver services. But there is an impediment to the operation of the free marketplace.

What does the free marketplace need to work? How do we ensure competition? Well, some of you may recall that course from school. Econ. 201; that is what it was called at the University of Nevada where I was enrolled. Basic economic theory dictates that the availability of real market-based information is critical to a free market and that price transparency is necessary. That is precisely what we do not have in this system we have created today.

The market today lacks market-based price information. A market simply cannot work without the availability of that price information. I emphasize the availability of that information. The information that is available to the public verges on the absurd. There is a complete void of useful information about prices. So, in effect, the employers and health plans negotiating on behalf of consumers are negotiating in the dark. They are at a serious disadvantage. It is as if they are blindfolded going into that negotiating arena. They don't know where the end of the tunnel is. They do not know what the real prices are. So one can fairly ask, how can even the most conscientious, effective employer or health plan operator negotiate good prices on behalf of consumers if they don't have the most basic information about market prices? They undoubtedly pay higher prices than they otherwise would, and ultimately these higher prices are translated into higher prices to the consumers; they are passed on. That is the nature of the system.

So what type of price information would be available, or should be available, that would be useful and helpful information? The average manufacturer price for a drug would be a useful thing for purchasers to know; that is, the average price at which a manufacturer sold a particular drug. That is what is actually paid for retail drugs. By law, by act of Congress, that is kept confidential, and that is one of the changes this legislation seeks to accomplish. That is confidential. You can't get that information.

The average price actually paid to a manufacturer by a wholesaler is supposed to be similar to the average manufacturer's price, but, in point of fact, it diverges widely. The average wholesale price, to refresh your memory, is a list price that is meaningless, a price assigned by the pharmaceutical industry. In theory, these prices should be tracking; in point of fact, they widely diverge. So it is the average manufactured price, the price that is actually paid, that is what we really want to know, and that is what we don't know.

The other price we don't know, and also by law is kept confidential, is the best price. That is the lowest price available to the private sector for a particular medication—whether it be Mevacor, Claritin, or any one of the other medications so many of us use today. That information is not available. So the average wholesale price—an utterly meaningless number, a fiction, if you will—is available. The average manufacturer price is not; nor is the best price.

Knowledge about the average manufacturer price and the best price would certainly enable us to have lower prices for health plans, lower prices for employers, and lower prices for the consumers. But the public is denied this information.

Let me emphasize—because a number of you might be thinking: There we go again with a vast new bureaucracy to collect this data with all of the burdens that are imposed upon the free market and the limitations that would be generated.

My friends, that is not the case because under the law, the Secretary of Health and Human Services currently collects the average manufacturer price and the best price.

In other words, we have this information. It is not something we don't know about, or we have to create some new mechanism to gather. We have that information. It is there. But we are precluded by law from sharing that information with those who negotiate with the pharmaceutical industry to negotiate the best possible price for employees, members of health plans, or other organizations that provide prescription drugs to their clients, patient customer base—however you characterize it. There is good information. All purchasers could use it to benefit those for whom they negotiate.

It is clear that we need to increase the level of knowledge consumers have about drug prices in today's marketplace. Transparency—that is the ability to see what these prices are and promote the fair market—will lower prices.

That is why my colleague, Senator GRAHAM, and I are introducing this legislation. We are not talking about mandating negotiated prices. We are simply talking about making the data that is collected available to those who are negotiating for prescription drugs. It would simply require the Secretary, who already collects this information, to provide the average manufacturer price of drugs and the best price available in the market.

These prices are collected to implement the Medicare prescription drug rebate system. The rebates are based on those prices. But because Medicaid is prohibited by law from disclosing the average manufacturer price, or the best price, the market doesn't get the advantage of this information, and we are prohibited from knowing the price that Medicaid pays for each drug.

Let me say say parenthetically that it is generally agreed that the price Medicaid pays is in point of fact the best price. So this would be a very relevant piece of information. We can't say for sure even with respect to a federally funded program what we are spending on a particular drug. We don't know what Medicaid pays for Claritin, Mevacor, or Prilosec. We just do not know that. We know the total price we are paying for drugs generally, and what we are spending for drugs. But we do not know what we are paying for them separately. This information needs to be made available because making price information available will help purchasers and consumers alike.

Today, anyone can get on the Internet to find the lowest price available for a given airline flight. I think the question needs to be asked: Why shouldn't the public have access to price information on something that is so critical and that may be necessary to save one's life, or to prevent the onset of some debilitating disease, or to ameliorate its impact, the information with respect to the average manufacturer price and the best price?

The bottom line is today there are no sources of good price information for consumers and purchasers, thus keeping prices artificially higher than they would otherwise be.

The legislation which we introduce today would be extremely helpful in correcting this. The market-based price information this bill would provide would help all purchasers, employers, and pharmacy benefit managers who are at a disadvantage without true price information.

Employers are struggling with increasing premiums. In large part, premiums are increasing because of rising drug expenditures. And, yet, employers don't have the information they need to assess whether the premium increases are appropriate. The answer to that is because without knowing the prices and the rebates that the pharmacy benefit managers are negotiating, they are not able to determine if the pharmacy benefit managers are passing along the rebates to them in the form of lower costs and lower premiums.

Further, neither the PBMs nor the employers know if the drug companies are being candid with them. When they try to negotiate lower prices with the manufacturer, they are told, no, we can't give you that price because it is lower than the best price. The employers and the PBMs have no way of knowing in point of fact whether it is true. The battleground is really a negotiation of what these prices are. That is the information we don't know. In effect, those who negotiate with the pharmaceutical industry go into that combat with one arm tied behind their backs and blindfolded as to what the average manufacturer price and the best price is.

Let me say that this piece of legislation is going to provoke an outcry. You don't have to have a degree from Oxford. You don't have to have a Ph.D. from some of our most distinguished institutions in America. Who would one think would dislike this information? My friends, the pharmaceutical industry doesn't want you to know.

Undoubtedly, the provision that is in the law today was crafted for their benefit. It certainly was not crafted for the benefit of employer groups, or health care providers who negotiate pharmaceutical benefits. It certainly was not put in to protect consumers. It is not in their best interests.

I am sure we are going to have a predictable outcry that some horrendous draconian thing will occur if we make these prices available.

My view is that transparency is essential. Make the prices available, and let this free marketplace that we all talk about that has produced such an extraordinary standard of living for us be the envy of the world. Nobody is suggesting that the free market could not, nor would, in my judgment, provide some of the dynamics that would help to keep the costs down. Let an honest negotiating process occur.

The lack of market-based information has an effect on the Federal budget—not only for consumers in terms of the medications they pay for but all taxpayers.

Whether in Congress—and I profoundly hope we will in fact—makes that prescription drug benefit a part of Medicare, or a subsequent Congress, this is an idea whose time has come. It will occur. It may not occur in my time. I leave at the end of this year. But it is going to occur. There are dramatic cost implications. Without the benefit of this information, it will be very difficult indeed.

Let's just talk for a moment in terms of prices, information that is made available, and the generic formulas that we use for reimbursement.

Although the average wholesale price is not a true market measure price—this is set by the industry—it is used to determine Medicare reimbursement for the few drugs that are currently covered by Medicare.

The prescription Medicare benefit is very limited. I would like to see the Medicare prescription benefit extended through Medicare as an option, as we have a voluntary option under Part B. I don't want anybody to be confused, but there are some drugs that are covered in concert with the physician's prescriptions.

The average wholesale price minus 5 percent—what is wrong with that? What is wrong with that is this average wholesale price is a fix. It means nothing. It is the price that the drug companies get together and tell us is the average wholesale price. Yet that is the reimbursement mechanism that is used for Medicare.

Medicaid, which is a program, as we all know, that involves participation by the Federal and the State governments and made available to the poorest of our citizens, represents a rather substantial cost to the taxpayer. My recollection is that cost is in the neighborhood of about $17 billion a year.

Here is how that formula worked. This is the Medicaid benefit: The average wholesale price minus 10 percent. Remember, this is a price set by the pharmaceutical industry; it is not a market-driven price. Multiply that times the units—whatever the number of prescriptions, say an allergy drug or a drug for elevated cholesterol level—times 15.1 percent of the average manufacturer price. This is the one we are precluded from knowing. Or take the average manufacturer price, minus the best price. This information we don't know, and we should be able to get this information.

What can happen with respect to the Medicare reimbursements—because the physicians who prescribe this medication get the average wholesale price minus 5 percent, we do not know what the physicians are actually paying the pharmaceutical industry for the drugs. According to the Justice Department, the Health and Human Services Office of the Inspector General, and our colleague in the other body who chairs the Commerce Committee, the average wholesale price has been manipulated in order to reap greater Medicare reimbursements.

The way that works, the doctor prescribes something covered by Medicare and reimburses the average wholesale price minus 5 percent. In point of fact, your physician may be paying much, much less to the pharmaceutical industry. So the spread is the physician's profit, and there is potential for abuse.

I am not suggesting in any way that a physician should not be compensated for his care. I am proud to say my son is a physician, a cardiologist. But you ought not to be able to manipulate the wholesale price—which is this fiction we have talked about—and then allow the physician to seek payment from the pharmaceutical industry at a price that is substantially less than what Medicare is paying. That gouges the American taxpayer. That is the issue that concerns us.

As I have indicated, drug companies have artificially inflated this average wholesale price, which results in these inflated Medicare reimbursements to physicians, and the manufacturer then in turn provides the discounts, and the physicians can keep the difference. If the average wholesale price of the drug is $100, minus 5 percent would be $95, and if the physician actually only pays $50, the physician is getting $45 as part of that spread. That is much less than he is actually paying. Medicare, conversely, is reimbursing the physician at a far greater price than the physician is actually paying for that medication.

The need for better information has never been greater. Medicare drug benefit is critical and should be enacted this year. I truly hope it will be. Accurate market-based price information will ensure the best use of the taxpayer dollars financing this benefit and the lowest possible beneficiary coinsurance; that is, the amount, the coinsurance, the beneficiary has to pay.

This should be an easy call. Transparency promotes a fair market. We are all for that, I believe. Price information leads to price competition. I think we are all for that. That competition leads to lower prices for employers, for health plans, and for consumers. I think we are all for that.

So at a time when drug prices are increasing at two to three times the rate of the overall rate of inflation, referred to as the Consumer Price Index, at a time when the same drugs prescribed by veterinarians, for use by pets—the identical medication—are priced lower than the same drug prescribed by prescriptions for doctors' use for people, at a time when the primary information consumers have about prescription drugs is through the $2 billion annually spent by the industry on direct-to-consumer advertising, and those ads never mention price —these are the things we are bombarded with on television; we see full pages in the leading newspapers in the country—at a time when Americans are traveling to foreign countries—to Canada and Mexico, in particular—to obtain lower prices, why shouldn't we be doing whatever we can to encourage competition in the United States and to lower the price of drugs sold in this country?

I think it is a no-brainer. I think we should set the market forces in action. We simply need to allow the public to have access to readily available market-based information. This is commonsense, easy-to-understand, easy-to-implement legislation. We should pass it this year. There is no new bureaucracy created. We can have the information at HHS. All this legislation would do is require it be made available. The potential benefits are enormous.

It will be interesting to see how this debate unfolds on this legislation because my colleagues have not heard the last of me on this issue. This makes a lot of sense, whether we do or do not succeed this year in extending a prescription benefit as part of Medicare. We ought to do it. We can do it. We should do it. I hope my colleagues will join me in a bipartisan effort to do so.

I yield the floor.

By Ms. COLLINS (for herself and Ms. LANDRIEU):

S. 2964. A bill to amend the Internal Revenue Code of 1986 to provide new tax incentives to make health insurance more affordable for small businesses, and for other purposes; to the Committee on Finance.

ACCESS TO AFFORDABLE HEALTH CARE ACT

Ms. COLLINS. Mr. President, today I am introducing legislation, the Access to Affordable Health Care Act, that is designed to make health insurance more affordable both for individuals and for small businesses that provide health care coverage for their employees.

In the past few years, Congress has taken some major steps to expand access to affordable health coverage for all Americans. In 1996, the Health Insurance Portability and Accountability Act—also known as Kassebaum-Kennedy—was signed into law which assures that American workers and their families will not lose their health care coverage if they change jobs, lose their jobs, or become ill.

One of the first bills I sponsored on coming to the Senate was legislation to establish the State Children's Health Insurance Program, which was enacted as part of the Balanced Budget Act. States have enthusiastically responded to this program, which now provides affordable health insurance coverage to over two million children nationwide, including 9,365 in Maine's expanded Medicaid and CubCare programs.

Despite these efforts, the number of uninsured Americans continues to rise. At a time when unemployment is low and our nation's economy is thriving, more than 44 million Americans—including 200,000 Mainers—do not have health insurance. Clearly, we must make health insurance more available and more affordable.

Most Americans under the age of 65 get their health coverage through the workplace. It is therefore a common assumption that people without health insurance are unemployed. The fact is, however, that most uninsured Americans are members of families with at least one full-time worker. According to the Health Insurance Association of America, almost seven out of ten uninsured Americans live in a family whose head of household works full-time.

In my state of Maine, small business is not just a segment of the economy—it is the economy. I am, therefore, particularly concerned that uninsured, working Americans are most often employees of small businesses. Nearly half of the uninsured workers nationwide are in businesses with fewer than 25 employees.

According to a recent National Federation of Independent Businesses survey of over 4,000 of its members, the cost of health insurance is the number one problem facing small businesses. And it has been since 1986. It is time for us to listen and to lend a hand to these small businesses.

Small employers generally face higher costs for health insurance than larger firms, which makes them less likely to offer coverage. Premiums are generally higher for small businesses because they do not have as much purchasing power as large companies, which limits their ability to bargain for lower rates. They also have higher administrative costs because they have fewer employees among whom to spread the fixed costs of a health benefits plan. Moreover, they are not as able to spread risks of medical claims over as many employees as can large firms.

As a consequence, according to the Congressional Budget Office (CBO), only 42 percent of small businesses with fewer than 50 employees offer health insurance to their employees. By way of contrast, more than 95 percent of businesses with 100 or more employees offer insurance.

Moreover, the smaller the business, the less likely it is to offer health insurance to its employees. According to the Employee Benefit Research Institute (EBRI), only 27 percent of workers in firms with fewer than 10 employees received health insurance from their employers in their own name, compared with 66 percent of workers in firms with 1,000 or more employees. Small businesses want to provide health insurance for their employees, but the cost is often prohibitive.

Simply put, the biggest obstacle to health care coverage in the United States today is cost. While American employers everywhere—from giant multinational corporations to the small corner store—are facing huge hikes in their health insurance costs, these rising costs are particularly problematic for small businesses and their employees. Many small employers are facing premium increases of 20 percent or more, causing them either to drop their health benefits or pass the additional costs on to their employees through increased deductibles, higher copays or premium hikes. This, too, is troubling and will likely add to the ranks of the uninsured since it will cause some employees—particularly lower-wage workers who are disproportionately affected by increased costs—to drop or turn down coverage when it is offered to them.

The legislation I am introducing today, the Access to Affordable Health Care Act, would help small employers cope with these rising costs. My bill would provide new tax credits for small businesses to help make health insurance more affordable. It would encourage those small businesses that do not currently offer health insurance to do so and would help businesses that do offer insurance to continue coverage even in the face of rising costs.

Under my proposal, employers with fewer than ten employees would receive a tax credit of 50 percent of the employer contribution to the cost of employee health insurance. Employers with ten to 25 employees would receive a 30 percent credit. Under my bill, the credit would be based on an employer's yearly qualified health insurance expenses of up to $2,000 for individual coverage and $4,000 for family coverage.

The legislation I am introducing today would also make health insurance more affordable for individuals and families who must purchase health insurance on their own. The Access to Affordable Health Care Act would provide an above-the-line tax deduction for individuals who pay at least 50 percent of the cost of their health and long-term care insurance. Regardless of whether an individual takes the standard deduction or itemizes, he or she would be provided relief by the new above-the-line deduction.

My bill also would allow self-employed Americans to deduct the full amount of their health care premiums. Some 25 million Americans are in families headed by a self-employed individual—of these, five million are uninsured. Establishing parity in the tax treatment of health insurance costs between the self-employed and those working for large businesses is not just a matter of equity. It will also help to reduce the number of uninsured, but working Americans. My bill will make health insurance more affordable for the 82,000 people in Maine who are self-employed. They include our lobstermen, our hairdressers, our electricians, our plumbers, and the many owners of mom-and-pop stores that dot communities throughout the state.

Mr. President, the Access to Affordable Health Care Act would help small businesses afford health insurance for their employees, and it would also make coverage more affordable for working Americans who must purchase it on their own. I urge my colleagues to join me as cosponsors of this important legislation.

By Mr. HOLLINGS (for himself, Mr. GRAHAM, Mr. BREAUX, and Mr. CLELAND):

S. 2965. A bill to amend the Merchant Marine Act, 1936, to establish a program to ensure greater security for United States seaports, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE PORT AND MARITIME SECURITY ACT OF 2000

Mr. HOLLINGS. Mr. President, I rise today, to introduce the Port and Maritime Security Act of 2000. This legislation is long overdue. It is needed to facilitate future technological and advances and increases in international trade, and ensure that we have the sort of security control necessary to ensure that our borders are protected from drug smuggling, illegal aliens, trade fraud, threats of terrorism as well as potential threats to our ability to mobilize U.S. military force.

The Department of Transportation recently commenced an evaluation of our marine transportation needs for the 21st Century. In September 1999, Transportation Secretary Slater issued a preliminary report of the Marine Transportation System (MTS) Task Force—An Assessment of the U.S. Marine Transportation System. The report reflected a highly collaborative effort among public sector agencies, private sector organizations and other stakeholders in the MTS.

The report indicates that the United States has more than 1,000 harbor channels and 25,000 miles of inland, intracoastal, and coastal waterways in the United States which serve over 300 ports, with more than 3,700 terminals that handle passenger and cargo movements. These waterways and ports link to 152,000 miles of railways, 460,000 miles of underground pipelines and 45,000 miles of interstate highways. Annually, the U.S. marine transportation system moves more than 2 billion tons of domestic and international freight, imports 3.3 billion tons of domestic oil, transports 134 million passengers by ferry, serves 78 million Americans engaged in recreational boating, and hosts more than 5 million cruise ship passengers.

The MTS provides economic value, as waterborne cargo contributes more than $742 billion to U.S. gross domestic product and creates employment for more than 13 million citizens. While these figures reveal the magnitude of our waterborne commerce, they don't reveal the spectacular growth of waterborne commerce, or the potential problems in coping with this growth. It is estimated that the total volume of domestic and international trade is expected to double over the next twenty years. The doubling of trade also brings up the troubling issue of how the U.S. is going to protect our maritime borders from crime, threats of terrorism, or even our ability to mobilize U.S. armed forces.

Security at our maritime borders is given substantially less federal consideration than airports or land borders. In the aviation industry, the Federal Aviation Administration (FAA) is intimately involved in ensuring that security measures are developed, implemented, and funded. The FAA works with various Federal officials to assess threats directed toward commercial aviation and to target various types of security measures as potential threats change. For example, during the Gulf War, airports were directed to ensure that no vehicles were parked within a set distance of the entrance to a terminal.

Currently, each air carrier, whether a U.S. carrier or foreign air carrier, is required to submit a proposal on how it plans to meet its security needs. Air carriers also are responsible for screening passengers and baggage in compliance with FAA regulations. The types of machines used in airports are all approved, and in many instances paid for by the FAA. The FAA uses its laboratories to check the machinery to determine if the equipment can detect explosives that are capable of destroying commercial aircrafts. Clearly, we learned from the Pan Am 103 disaster over Lockerbie, Scotland in 1988. Congress passed legislation in 1990 "the Aviation Security Improvement Act," which was carefully considered by the Commerce Committee, to develop the types of measures I noted above. We also made sure that airports, the FAA, air carriers and law enforcement worked together to protect the flying public.

Following the crash of TWA flight 800 in 1996, we also leaped to spend money, when it was first thought to have been caused by a terrorist act. The FAA spent about $150 million on additional screening equipment, and we continue today to fund research and development for better, and more effective equipment. Finally, the FAA is responsible for ensuring that background checks (employment records/criminal records) of security screeners and those with access to secured airports are carried out in an effective and thorough manner. The FAA, at the direction of Congress, is responsible for certifying screening companies, and has developed ways to better test screeners. This is all done in the name of protecting the public. Seaports deserve no less consideration.

At land borders, there is a similar investment in security by the federal government. In TEA–21, approved $140 million a year for five years for the National Corridor Planning and Development and Coordinated Border Infrastructure Program. Eligible activities under this program include improvements to existing transportation and supporting infrastructure that facilitate cross-border vehicles and cargo movements; construction of highways and related safety enforcement facilities that facilitate movements related to international trade; operational improvements, including improvements relating to electronic data interchange and use of telecommunications, to expedite cross border vehicle and cargo movements; and planning, coordination, design and location studies. By way of contrast, at U.S. seaports, the federal government invests nothing in infrastructure, other than the human presence of the U.S. Coast Guard, U.S. Customs Service, and the Immigration and Naturalization Service, and whatever equipment those agencies have to accomplish their mandates. Physical infrastructure is provided by state-controlled port authorities, or by private sector marine terminal operators. There are no controls, or requirements in place, except for certain standards promulgated by the Coast Guard for the protection of cruise ship passenger terminals. Essentially, where sea ports are concerned we have abrogated the federal responsibility of border control to the state and private sector.

I think that the U.S. Coast Guard and Customs Agency are doing an outstanding job, but they are outgunned. There is simply too much money in the illegal activities they are seeking to curtail or eradicate, and there is too much traffic coming into, and out of the United States. For instance, in the latest data available, 1999, we had more than 10 million TEU's imported into the United States. For the uninitiated, a TEU refers to a twenty-foot equivalent unit shipping container. By way of comparison, a regular truck measures 48-feet in length. So in translation, we imported close to 5 million truckloads of cargo. According to the Customs Service, seaports are able to inspect between 1 percent and 2 percent of the containers, so in other words, a drug smuggler has a 98 percent chance of gaining illegal entry.

It is amazing to think, that when you or I walk through an international airport we will walk through a metal detector, and our bags will be x-rayed, and Customs will interview us, and may check our bags. However, at a U.S. seaport you could import a 48 foot truck load of cargo, and have at least a 98 percent chance of not even being inspected. It just doesn't seem right.

For instance, in my own state, the Port of Charleston which is the fourth largest container port in the United States, Customs officials have no equipment even capable of x-raying intermodal shipping containers. Customs, which is understaffed to start with, must physically open containers, and request the use of a canine unit from local law enforcement to help with drug or illegal contraband detection. This is simply not sufficient.

The need for the evaluation of higher scrutiny of our system of seaport security came at the request of Senator GRAHAM, and I would like to at this time commend him for his persistent efforts to address this issue. Senator GRAHAM has had problems with security at some of the Florida seaports, and although the state has taken some steps to address the issue, there is a great need for considerable improvement. Senator GRAHAM laudably convinced the President to appoint a Commission, designed similarly to the Aviation Security Commission, to review security at U.S. seaports.

The Commission visited twelve major U.S. seaports, as well as two foreign ports. It compiled a record of countless hours of testimony and heard from, and reviewed the security practices of the shipping industry. It also met with local law enforcement officials to discuss the issues and their experiences as a result of seaport related crime. Unfortunately, the report will not be publicly available until sometime in the fall; however, Senator GRAHAM's staff and my staff have worked closely with the Commission, to develop legislation—the bill that we are introducing—to address the Commission's concerns.

For instance, the Commission found that twelve U.S. seaports accounted for 56 percent of the number of cocaine seizures, 32 percent of the marijuana seizures, and 65 percent of heroin seizures in commercial cargo shipments and vessels at all ports of entry nationwide. Yet, we have done relatively little, other than send in an undermanned contingency of Coast Guards and Customs officials to do whatever they can.

Drugs are not the only criminal problem confronting U.S. seaports. For example, alien smuggling has become increasingly lucrative enterprise. To illustrate, in August of 1999, I.N.S. officials found 132 Chinese men hiding aboard a container ship docked in Savannah, Georgia. The INS district director was quoted as saying: "This was a very sophisticated ring, and never in my 23 years with the INS have I seen anything as large or sophisticated". According to a recent GAO report on INS efforts on alien smuggling (RPT-Number: B–283952), smugglers collectively may earn as much as several billion dollars per year bringing in illegal aliens.

Another problem facing seaports is cargo theft. Cargo theft does not always occur at seaports, but in many instances the theft has occurred because of knowledge of cargo contents. International shipping provides access to a lot of information and a lot of cargo to many different people along the course of its journey. We need to take steps to ensure that we do not facilitate theft. Losses as a result of cargo theft have been estimated as high as $12 billion annually, and it has been reported to have increased by as much as 20 percent recently. The FBI has become so concerned that it recently established a multi-district task force, Operation Sudden Stop, to crack down on cargo crime.

The other issues facing seaport security may be less evident, but potentially of greater threat. As a nation in general, we have been relatively lucky to have been free of some of the terrorist threats that have plagued other nations. However, we must not become complacent. U.S. seaports are extremely exposed. On a daily basis many seaports have cargo that could cause serious illness and death to potentially large populations of civilians living near seaports if targeted by terrorism.

The sheer magnitude of most seaports, their historical proximity to established population bases, the open nature of the facility, and the massive quantities of hazardous cargoes being shipped through a port could be extremely threatening to the large populations that live in areas surrounding our seaports. The same conditions in U.S. seaports, that could expose us to threats from terrorism, could also be used to disrupt our abilities to mobilize militarily. During the Persian Gulf War, 95 percent of our military cargo was carried by sea. Disruption of sea service, could have resulted in a vastly different course of history. We need to ensure that it does not happen to any future military contingencies.

As I mentioned before, our seaports are international borders, and consequently we should treat them as such. However, I am realistic about the possibilities for increasing seaport security, the realities of international trade, and the many functional differences inherent in the different seaport localities. Seaports by their very nature, are open and exposed to surrounding areas, and as such it will be impossible to control all aspects of security, however, sensitive or critical safety areas should be protected. I also understand that U.S. seaports have different security needs in form and scope. For instance, a seaport in Alaska, that has very little international cargo does not need the same degree of attention that a seaport in a major metropolitan center, which imports and exports thousands of international shipments. However, the legislation we are introducing today will allow for public input and will consider local issues in the implementation of new guidelines on port security, so as to address such details.

Substantively, the Port and Maritime Security Act establishes a multi-pronged effort to address security needs at U.S. Seaports, and in some cases formalizes existing practices that have proven effective. The bill authorizes the Coast Guard to establish a task force on port security in consultation with U.S. Customs and the Maritime Administration.

The purpose of the task force is to implement the provisions of the act; to coordinate programs to enhance the security and safety of U.S. seaports; to provide long-term solutions for seaport safety issues; to coordinate with local port security committees established by the Coast Guard to implement the provisions of the bill; and to ensure that the public and local port security committees are kept informed about seaport security enhancement developments.

The bill requires the U.S. Coast Guard to establish local port security committees at each U.S. seaport. The membership of these committees is to include representatives of the port authority, labor organizations, the private sector, and federal, state, and local government officials. These committees will be chaired by the U.S. Coast Guard's Captain-of-the-Port, and will implement the provisions and requirements of the bill locally, to ensure that local considerations are considered in the establishment of security guidelines.

The bill requires the task force, in consultation with the U.S. Customs Service and MarAd, to develop a system of providing port security threat assessments for U.S. seaports, and to revise this assessment at least triennially. The threat assessment shall be performed with the assistance of local officials, through local port security committees, and ensure the port is made aware of and participates in the analysis of security concerns.

The bill also requires the task force to develop voluntary minimum security guidelines that are linked to the U.S. Coast Guard Captain-of-the-Port controls, to include a model port concept, and to include recommended "best practices" guidelines for use of maritime terminal operators. Local port security committees are to participate in the formulation of security guidelines, and the Coast Guard is required to pursue the international adoption of similar security guidelines. Additionally, the Maritime Administration (MarAd) is required to pursue the adoption of proper private sector accreditation of ports that adhere to guidelines (similar to a underwriters lab approval, or ISO 9000 accreditations).

The bill authorizes MarAd to provide Title XI loan guarantees to cover the costs of port security infrastructure improvements, such as cameras and other monitoring equipment, fencing systems and other types of physical enhancements. The bill authorizes $10 million, annually for four years, to cover costs, as defined by the Credit Reform Act, which could guarantee up to $400 million in loans for security enhancements. The bill also establishes a matching grant program to develop and transfer technology to enhance security at U.S. seaports. The U.S. Customs Service may award up to $12 million annually for four years for this technology program, which is required to be awarded on a competitive basis. Long-term technology development is needed to ensure that we can develop non-intrusive technology that will allow trade to expand, but also allow us greater ability to detect criminal threat.

The bill also authorizes additional funding for the U.S. Customs Service to carry out the requirements of the bill, and more generally, to enhance seaport security. The bill requires a report to be attached on security and a revision of 1997 document entitled "Port Security: A National Planning Guide." The report and revised guide are to be submitted to Congress and are to include a description of activities undertaken under the Port and Maritime Security Act of 2000, in addition to analysis of the effect of those activities on port security and preventing acts of terrorism and crime.

The bill requires the Attorney General, to the extent feasible, to coordinate reporting of seaport related crimes and to work with state law enforcement officials to harmonize the reporting of data on cargo theft. Better data will be crucial in identifying the extent and location of criminal threats and will facilitate law enforcement efforts combating crime. The bill also requires the Secretaries of Agriculture, Treasury, and Transportation, as well as the Attorney General to work together to establish shared dockside inspection facilities at seaports for federal and state agencies, and authorizes $3 million, annually for four years, to carry out this section. The bill also requires the Customs Service to improve reporting of imports at seaports, and to eliminate user fees for domestic U.S.-flag carriers carrying in-bond domestic cargo.

Finally, the bill reauthorizes an extension of tonnage duties through 2006, and makes available $40,000,000 from the collections of these duties to carry out the Port and Maritime Security Act. These fees currently are set at certain levels, and are scheduled to be reduced in 2002. The legislation reauthorizes and extends the current fee level for an additional four years, but dedicates its use to enhancing our efforts to fight crime at U.S. seaports and to facilitating improved protection of our borders, as well as to enhance our efforts to ward off potential threats of terrorism.

• Mr. GRAHAM. Mr. President, I rise today, joined by Senators HOLLINGS, BREAUX, and CLELAND, to introduce the Port and Maritime Security Act of 2000, a bill that would significantly improve the overall security and cargo processing operations at U.S. seaports.

For some time, I have very been concerned that seaports—unlike our airports, lack the advanced security procedures and equipment that are necessary to prevent acts of terrorism, cargo theft and drug trafficking. In addition, although seaports conduct the vast majority of our international trade, the activities of law enforcement and trade processing agencies—such as the Coast Guard, Customs, the Department of Agriculture, the FBI, and state and local agencies—are often uncoordinated and fragmented. Taken together, the lack of security and interagency coordination at U.S. seaports present an extremely attractive target for criminals and a variety of criminal activities.

Before discussing the specifics of this legislation, it is important to describe the circumstances that have caused the security crisis at our seaports. Today, U.S. seaports conduct 95 percent of the Nation's international trade. Over the next twenty years, the total volume of imported and exported goods at seaports is expected to increase three-fold.

In addition, the variety of trade and commerce that are carried out at seaports has greatly expanded. Bulk cargo, containerized cargo, passenger cargo and tourism, intermodal transportation systems, and complex domestic and international trade relationships have significantly changed the nature and conduct of seaport commerce. This continuing expansion of activity at seaports has increased the opportunities for a variety of illegal activities, including drug trafficking, cargo theft, auto theft, illegal immigration, and the diversion of cargo, such as food, to avoid safety inspections.

In the face of these new challenges, it appears that the U.S. port management system has fallen behind the rest of the world. We lack a comprehensive, nationwide strategy to address the security issues that face our seaport system.

Therefore, in 1998, I asked the President to establish a Federal commission to evaluate both the nature and extent of crime and the overall state of security in seaports and to develop recommendations for improving the response of Federal, State and local agencies to all types of seaport crime. In response to my request, President Clinton established the Interagency Commission on Crime and Security in U.S. Seaports on April 27, 1999.

Over the past year, the Commission has conducted on-site surveys of twelve (12) U.S. seaports, including the Florida ports of Miami and Port Everglades. At each location, interviews and focus group sessions were held with representatives of Government agencies and the trade community. The focus group meetings with Federal agencies, State and local government officials, and the trade community were designed to solicit their input regarding issues involving crime, security, cooperation, and the appropriate government response to these issues. The Commission also visited two large foreign ports—Rotterdam and Felixstowe—in order to assess their security procedures and use their standards and procedures as a "benchmark" for operations at U.S. ports.

In February of this year, the Commission issued preliminary findings which outlined many of the common security problems that were discovered in U.S. seaports. Among other conclusions, the Commission found that: (1) intelligence and information sharing among law enforcement agencies needs to be improved at many ports; (2) many ports do not have any idea about the threats they face, because vulnerability assessments are not performed locally; (3) a lack of minimum security standards at ports and at terminals, warehouses, and trucking firms, leaves many ports and port users vulnerable to theft, pilferage, and unauthorized access by criminals; and (4) advanced equipment, such as small boats, cameras, vessel tracking devices, and large scale x-rays, are lacking at many high-risk ports. Although the Commission's final report will not be released until later this summer, I have worked closely with them to draft this legislation.

The legislation Senator HOLLINGS and I are introducing today will begin to address the problems of our seaports by directing the Commandant of the Coast Guard, in consultation with the Customs Service and the Maritime Administration, to establish a Task Force on Port Security. The new Task Force on Port Security will be responsible for implementing all of the provisions of our legislation. It will have a balanced representation, including Federal, State, local, and private sector representatives familiar with port operations, including port labor.

To ensure full implementation of this legislation, the bill requires the U.S. Coast Guard to establish local port security committees at each U.S. seaport. Membership of these committees will include representatives of the local port authority, labor organizations, the private sector, and Federal, State, and local government officials. The committees will be chaired by the local U.S. Coast Guard Captain-of-the-Port.

In addition, our bill requires the Task Force on Port Security to develop a system of providing port security threat assessments for U.S. seaports, and to revise these assessments at least every three years. The local port security committees will participate in the analysis of threat and security concerns.

Perhaps most important, the bill requires the Task Force to develop voluntary minimum security guidelines for seaports, develop a "model port" concept for all seaports, and include recommended "best practices" guidelines for use by maritime terminal operators. Again, local port security committees are to participate in the formulation of these security guidelines, and the Coast Guard is required to pursue the international adoption—through the International Maritime Organization and other organizations—of similar security guidelines.

Some States and localities have already conducted seaport security reviews, and have implemented strategies to correct the security shortfalls that they have discovered. In 1999, Florida initiated comprehensive security review of seaports within the state. Led by James McDonough, Director of the governor's Office of Drug Control, the review found that 150 to 200 metric tons of cocaine—or fifty percent of the U.S. total-flow into Florida annually through ports throughout the state.

Both the Florida Legislature and the Florida National Guard recognized the need to address this growing problem and acted decisively. Legislation was introduced in the Florida Senate that called for the development and implementation of statewide port security plans, including requirements for minimum security standards and compliance inspections. In fiscal year 2001, the Florida National Guard will commit $1 million to provide counter-narcotics support at selected ports-of-entry to both strengthen U.S. Customs Service interdiction efforts and enhance overall security at these ports.

In a July 21, 2000, editorial in the Tallahassee Democrat, Mr. McDonough identifies the evaluation of Florida's seaports and the implementation of security standards as a priority initiative in stemming the flow of drugs into Florida.

We realize that U.S. seaports are a joint federal, state, and local responsibility, and we seek to support comprehensive port security efforts such as the one in Florida. Therefore, our bill provides significant incentives for both port infrastructure improvements and research and development on new port security equipment.

The bill authorizes the Maritime Administration to provide title XI loan guarantees to cover the costs of port security infrastructure improvements, such as cameras and other monitoring equipment, fencing systems, as well as other physical security enhancements. The authorization level of $10 million annually, for four years, could guarantee up to $400 million in loans for seaport security enhancements.

In addition, the legislation will also establish a matching grant program to develop and transfer technology to enhance security at U.S. seaports. The U.S. Customs Service may award up to $12 million annually, for four years, for this competitive grant program.

We also must improve the reporting on, and response to, seaport crimes as they take place. Therefore, the bill requires the Attorney General to coordinate reports of seaport related crimes and to work with State law enforcement officials to harmonize the reporting of data of cargo theft. To facilitate this coordination, the bill authorizes $2 million annually, for four years, to modify the Justice Department's National Incident-Based Reporting System. It also authorizes grants to states to help them modify their reporting systems to capture crime data more accurately.

In order to pay for all of these important initiatives, the bill would reauthorize an extension of tonnage duties through 2006. It would also make available $40,000,000 from the collection of these duties to carry out all of the provisions of the Port and Maritime Security Act. Currently, the collection of tonnage duties is not directed towards a specific program. Implementing the provisions of the Port and Maritime Security Act of 2000 will produce concrete improvements in the efficiency, safety, and security of our nation's seaports, and will result in a demonstrable benefit for those who currently pay tonnage duties.

Seaports play one of the most critical roles in expanding our international trade and protecting our borders from international threats. The "Port and Maritime Security Act" recognizes these important responsibilities of our seaports, and devotes the necessary resources to move ports into the 21st century. I urge my colleagues to look towards the future by supporting this critical legislation—and by taking action to protect one of our most valuable tools in promoting economic growth.

Mr. President, I ask unanimous consent to print the July 21, 2000 editorial from The Tallahassee Democrat in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Tallahassee Democrat, July 21, 2000]

FLORIDA'S DRUG WAR: LOOKING BACK—AND AHEAD

(By James R. McDonough)

The recent signing of anti-drug legislation by Gov. Jeb Bush should come as welcome news to Debbie Alumbaugh and parents like her.

In 1998, Michael Tiedemann, the Fort Pierce woman's 15-year-old son, choked to death on his vomit after getting sick from ingesting GHB and another drug. GHB is one of several "club" or "designer" drugs that are a growing problem in Tallahassee, as pointed out recently in a letter to the Democrat by Rosalind Tompkins, director of the newly created Anti-Drug Anti-Violence Alliance. The new law won't bring Michael back, but it lessens the chance that GHB and other dangerous substances will fall into other young hands. Gov. Bush, who has made reducing drug abuse one of his top priorities, approved the following anti-drug measures passed during the 2000 session:

A controlled substance act, which is aimed at GHB, ecstasy and other club drugs, and more established drugs such as methamphetamine. The new law addresses the trafficking, sale, purchase, manufacture and possession of these drugs.

A nitrous oxide criminalization act that addresses the illegal possession, sale, purchase or distribution of this substance.

A money-laundering bill designed to tighten security at Florida's seaports. The measure also creates a contraband interdiction team that will search vehicles for illegal drugs.

A bill that applies the penalties under Florida's "10/20/Life" law to juveniles who carry a gun while trafficking in illegal drugs.

Gov. Bush also approved a budget that includes an estimated $270 million for drug abuse prevention and treatment. This is a big step in the right direction, as these services, especially drug prevention programs aimed at children, are critical.

Considering the above legislation—along with the publication of the Florida Drug Control Strategy, a statewide crackdown on rave clubs, a survey that shows significant reductions in youth use of marijuana, cocaine and inhalants, and a decline in heroin and cocaine overdose deaths—the past year has shown some progress toward reducing drug abuse.

Even with additional dollars for drug abuse treatment, the number of treatment beds still falls far short of demand. The wait time to enter a treatment program is measured in weeks. This is unacceptable when you consider the damage done to the individual and to society as an addict awaits treatment. We must continue to narrow the treatment gap until those who need this vital help can get it in a timely manner.

Our efforts cannot be solely focused on the demand for drugs. A sound drug control strategy must also address supply. The Office of Drug Control has several initiatives to stem the flow of drugs into Florida.

An intelligence effort to determine the types of drugs entering our state, the way in which they enter, who brings them in and the amounts. This includes the expansion of a drug supply database, all of which go to better inform counter-drug operations.

An evaluation of Florida's seaports and the implementation of standards for security against drug smuggling and money laundering.

The addition of a third High Intensity Drug Trafficking Area—a formal designation that creates a multi-agency anti-drug task force—covering Northeast Florida.

A systematic counter-drug effort aimed at interdicting and deterring drug trafficking on Florida's roads and highways.

Development of intelligence-driven multi-jurisdictional counter-drug operations that combine the efforts of law enforcement agencies at the federal, state and local levels.

Our efforts will continue. As history has taught us, the struggle against drugs is one that never ends. The minute we believe we have put the matter to rest and relax our guard, drug use immediately begins to resurge. Conversely, if we address the problem in a rational, balanced way, drug abuse abates. The fact is that government can only do so much in countering illegal drugs. Because substance abuse has such as pervasive impact on the family and on society, addressing the problem falls to the entire community: government, educators, community and business leaders, clergy, coaches and, most importantly, parents.

By Mr. JEFFORDS (for himself, Mr. BAUCUS, Mr. EDWARDS, and Mr. ROTH):

S. 2966. A bill to amend the Fair Labor Standards Act of 1938 to prohibit retaliation and confidentiality policies relating to disclosure of employee wages, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

THE WAGE AWARENESS PROTECTION ACT

Mr. JEFFORDS. Mr. President, it is with great pride that I introduce the Wage Awareness Protection Act.

We have made great strides in the fight against workplace discrimination. The enactment of the Civil Rights Act more than 30 years ago served to codify this Nation's commitment to the basic principles of equal opportunity and fairness in the workplace. At the time, we enacted not one, but two laws, aimed at ensuring that women receive equal pay for equal work: the Equal Pay Act ("EPA") of 1963, and to Title VII of the 1964 Civil Rights Act. More recently, Congress reaffirmed this commitment by passing the Civil Rights Act of 1991, which expanded the 1964 Civil Rights Act and gave victims of intentional discrimination the ability to recover compensatory and punitive damages.

Certainly a lot has changed since we first enacted these laws. It should come as no surprise that more women are participating in the labor force than ever before, with women now making up an estimated 46 percent of the workforce. Women are also spending more time in school and are now earning over half of all bachelor's and master's degrees. In addition, women are breaking down longstanding barriers in certain industries and occupations.

Despite these advances, the unfortunate reality is that pay discrimination has continued to persist in some workplaces. In a recent hearing before the Committee on Health, Education, Labor and Pensions, we heard testimony that a principal reason why gender-based wage discrimination has continued is that many female employees are simply unaware that they are being paid less than their male counterparts. These unwitting victims of wage discrimination are often kept in the dark by employer policies that prohibit employees from sharing salary information. Employees are warned that they will be reprimanded or terminated if they discuss salary information with their co-workers.

I believe that a fundamental barrier to uncovering and resolving gender-based pay discrimination is fear of employer retaliation. Employees who suspect wage discrimination should be able to share their salary information with co-workers. I am not alone in my belief. According to a recent Business and Professional Women/USA survey, Americans overwhelmingly support anti-retaliation legislation. And, 65 percent of those polled, said they believe legislation should protect those who suspect wage discrimination from employer retaliation for discussing salary information with co-workers.

The Worker Awareness Protection Act will prohibit employers from having blanket wage confidentiality policies preventing employees from sharing their salary information. In addition, this new legislation will bolster the Equal Pay Act's retaliation provisions including providing workers with protection from employer retaliation for voluntarily discussing their own salary information with coworkers. I am excited about this legislation. It is my hope that it will help point the way to elimination of any pernicious discriminatory pay practices.

I urge all my colleagues to join me in supporting this bill.

I ask unanimous consent that a copy of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2966

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Wage Awareness Protection Act".

SEC. 2. PROHIBITED ACTS.

(a) PROHIBITION ON RETALIATION AND CONFIDENTIALITY POLICIES.—Section 6(d) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(d)) is amended—

(1) by redesignating paragraph (4) as paragraph (6); and

(2) by inserting after paragraph (3) the following:

"(4) It shall be unlawful for any person—

"(A) to discharge or in any other manner discriminate against any employee because such employee—

"(i) has made a charge, assisted, or participated in any manner in an investigation, hearing, or other proceeding under this subsection; or

"(ii) has inquired about, discussed, or otherwise disclosed the wages of the employee, or another employee who is not covered by a confidentiality policy that is lawful under subparagraph (B); or

"(B) to make or enforce a written or oral confidentiality policy that prohibits an employee from inquiring about, discussing, or otherwise disclosing the wages of the employee or another employee, except that nothing in this subparagraph shall be construed—

"(i) to prohibit an employer from making or enforcing such a confidentiality policy, for an employee who regularly, in the course of carrying out the employer's business, obtains information about the wages of other employees, that prohibits the employee from inquiring about, discussing, or otherwise disclosing the wages of another employee, except that an employee may discuss or otherwise disclose the employee's own wages; and

"(ii) to require the employer to disclose an employee's wages.

"(5) For purposes of sections 16 and 17, a violation of paragraph (4) shall be treated as a violation of section 15(a)(3), rather than as a violation of this section.".

(b) CONFORMING AMENDMENT.—Section 6(d)(3) of the Fair Labor Standands Act of 1938 (29 U.S.C. 206(d)(3) is amended by inserting "(other than paragraph (4))" after "this subsection".

By Mr. MURKOWSKI (for himself, Mr. GORTON, Mr. KERREY, Mr. JEFFORDS, and Mr. THOMPSON):

S. 2967. A bill to amend the Internal Revenue Code of 1986 to facilitate competition in the electric power industry; to the Committee on Finance.

THE ELECTRIC POWER INDUSTRY TAX MODERNIZATION ACT

Mr. MURKOWSKI. Mr. President, today I am joined by Senators, GORTON, KERREY and JEFFORDS in introducing the Electric Power Industry Tax Modernization Act, legislation that will facilitate the opening up of the nation's energy grid to electricity competition. This landmark legislation demonstrates the good faith of the most important players in the industry—the investor owned utilities (IOUs) and the municipal utilities.

In the Energy Committee, which I currently Chair, we have held more than 18 days of hearings and heard testimony from more than 160 witnesses on electricity restructuring. Although those 160 witnesses had many differing views, every witness agreed that the tax laws must be rewritten to reflect the new reality of a competitive electricity market.

Already, 24 states have implemented laws deregulating their electricity markets. And the other 36 states are all considering deregulation schemes. Faced with that reality, the federal tax laws must be updated to ensure that tax laws which made sense when electricity was a regulated monopoly are not allowed to interfere with opening up the nation's electrical infrastructure to competition.

Last October I held a hearing in the Finance Committee Subcommittee on Long Term Growth to examine all of the tax issues that confront the industry. At the end of the hearing I urged all parties to sit down at the negotiating table and hammer out a consensus that will resolve the tax issues.

The bill we are introducing today reflects the compromise that has been reached between the IOUs and the municipal utilities.

One of the major problems that the current tax rules create is to undermine the efficiency of the entire electric system in a deregulated environment because these rules effectively preclude public power entities from participating in State open access restructuring plans, without jeopardizing the exempt status of their bonds.

No one wants to see bonds issued to finance public power become retroactively taxable because a municipality chooses to participate in a state open access plan. That would cause havoc in the financial markets and could undermine the financial stability of many municipalities.

The bill we are introducing overcomes this problem by allowing municipal systems to elect to terminate the issuance of new tax-exempt bonds for generation facilities in return for grandfathering existing bonds. In addition, the bill allows tax-exempt bonds to be issued to finance some new transmission facilities.

I recognize that in making these two changes in the tax law, the municipal utilities have given up a substantial financing tool that has been at the heart of the controversy between the municipal utilities and the IOUs.

At the same time, the bill updates the tax code to reflect the fact that the regulated monopoly model no longer exists. For example, the bill modifies the current rules regarding the treatment of nuclear decommissioning costs to make certain that utilities will have the resources to meet those future costs and clarifies the tax treatment of these funds if a nuclear facility is sold.

The bill also provides tax relief for utilities that spin off or sell transmission facilities to independent participants in FERC approved regional transmission organizations.

Another section of the bill changes the tax rules regarding contributions in aid of construction for electric transmission and distribution facilities. This is an especially important provision; however when this bill is considered in the Finance Committee, I intend to modify this proposal so that it is expanded to all contributions in aid of construction, not just for electric transmission and distribution.

The IOUs and the Municipal utilities are to be commended for coming up with this agreement. However, there is one other element of the tax code that needs to be addressed if we are going to open the entire grid to competition. And that sector is the cooperative sector.

Currently, coops may not participate in wheeling power through their lines because of concern that they will violate the so-called 85-15 test. I urge the coops to sit down with the other utilities and reach an accord so that when we consider this legislation, the coops' will be included in a tax bill.

Mr. GORTON. Mr. President, today I am extremely pleased to co-sponsor the Electric Power Industry Tax Modernization Act. This legislation, when enacted, will contribute to a more reliable and efficient electric power industry that will provide benefits for all Americans connected to the interstate power grid.

I have been working for three years to resolve the tax problems for consumer-owned municipal utilities, those that are often referred to as Public Power. Nearly half the citizens of my state are served by Public Power.

These problems are due to outdated tax statutes that were written in a different era-an era where the emerging competition in the wholesale electricity market was not envisioned. The negative effects of these outdated tax provisions have impacted not only consumers of Public Power, but also tens of millions of other customers. Public Power is often prevented from sharing the use of their transmission systems solely due to these tax provisions. These outdated tax provisions are negatively impacting the reliability of entire regions of our nation, adding stress to an already stressed system.

In addition to Public Power, other types of utilities are prevented from adapting to this new era of emerging competition by other constraints in this outdated area of the tax law. All of these uncertainties have led to a condition where investment has slowed in this critical area of the economy, just as we need more investment to assure sufficient power plants and transmission lines to feed a growing economy that is increasingly dependent on reliable and affordable electricity.

This compromise bill includes the essence of my legislation, S. 386, The Bond Fairness and Protection Act that I introduced last year with Senator KERREY from Nebraska, a bill that includes an additional 32 co-sponsors in the Senate. This legislative language will allow Public Power to move into the future with certainty, and protects the millions of American citizens who hold current investments in Public Power debt.

The bill also includes legislative language that resolves conflicts for investor-owned utilities. These changes are also needed to solve problems in other parts of the outdated tax code as it pertains to electricity. The new provisions will also help contribute to a more reliable and orderly electricity system in our nation.

I look forward to gaining additional support for this bill among the other members of the Senate, and I look forward to the Finance Committee's consideration of this legislation in September. As soon as this legislation can be enacted, American electricity consumers will begin to enjoy a more certain and reliable future regarding their electricity needs.

Mr. KERREY. Mr. President, today I wish to join my colleagues, Senator MURKOWSKI, GORTON, and JEFFORDS in introducing legislation that will help ensure that customers receive reliable and affordable electricity. The Electric Power Industry Tax Modernization Act is the culmination of months-long discussions between shareholder-owned utilities and publicly-owned utilities. Without the diligence and patience exhibited by these groups, it is doubtful that Congress could be in the position to act on this issue. Additionally, I would like to recognize the efforts of Senator MURKOWSKI and Senator GORTON, whose efforts at getting these groups to sit down and discuss these issues was invaluable to the final agreement.

Mr. President, this legislation will ensure that Nebraskans continue to benefit from the publicly-owned power they currently receive. Nebraska has 154 not-for-profit community-based public power systems. It is the only state which relies entirely on public power for electricity. This system has served my state well as Nebraskans enjoy some of the lowest electricity rates in the nation.

In closing, I would urge my colleagues to join this bipartisan effort to address the changes steaming from electrical restructuring.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2967

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Electric Power Industry Tax Modernization Act".

SEC. 2. TAX-EXEMPT BOND FINANCING OF CERTAIN ELECTRIC FACILITIES.

(a) RULES APPLICABLE TO ELECTRIC OUTPUT FACILITIES.—Subpart A of part IV of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to tax exemption requirements for State and local bonds) is amended by inserting after section 141 the following new section:

"SEC. 141A. ELECTRIC OUTPUT FACILITIES.

"(a) ELECTION TO TERMINATE TAX-EXEMPT BOND FINANCING FOR CERTAIN ELECTRIC OUTPUT FACILITIES.—

"(1) IN GENERAL.—A governmental unit may make an irrevocable election under this paragraph to terminate certain tax-exempt financing for electric output facilities. If the governmental unit makes such election, then—

"(A) except as provided in paragraph (2), on or after the date of such election the governmental unit may not issue with respect to an electric output facility any bond the interest on which is exempt from tax under section 103, and

"(B) notwithstanding paragraph (1) or (2) of section 141(a) or paragraph (4) or (5) of section 141(b), no bond which was issued by such unit with respect to an electric output facility before the date of enactment of this subsection (or which is described in paragraph (2)(B), (D), (E) or (F)) the interest on which was exempt from tax on such date, shall be treated as a private activity bond.

"(2) EXCEPTIONS.—An election under paragraph (1) does not apply to any of the following bonds:

"(A) Any qualified bond (as defined in section 141(e)).

"(B) Any eligible refunding bond (as defined in subsection (d)(6)).

"(C) Any bond issued to finance a qualifying transmission facility or a qualifying distribution facility.

"(D) Any bond issued to finance equipment or facilities necessary to meet Federal or State environmental requirements applicable to an existing generation facility.

"(E) Any bond issued to finance repair of any existing generation facility. Repairs of facilities may not increase the generation capacity of the facility by more than 3 percent above the greater of its nameplate or rated capacity as of the date of enactment of this section.

"(F) Any bond issued to acquire or construct (i) a qualified facility, as defined in section 45(c)(3), if such facility is placed in service during a period in which a qualified facility may be placed in service under such section, or (ii) any energy property, as defined in section 48(a)(3).

"(3) FORM AND EFFECT OF ELECTION.—

"(A) IN GENERAL.—An election under paragraph (1) shall be made in such a manner as the Secretary prescribes and shall be binding on any successor in interest to, or any related party with respect to, the electing governmental unit. For purposes of this paragraph, a governmental unit shall be treated as related to another governmental unit if it is a member of the same controlled group.

"(B) TREATMENT OF ELECTING GOVERNMENTAL UNIT.—A governmental unit which makes an election under paragraph (1) shall be treated for purposes of section 141 as a person which is not a governmental unit and which is engaged in a trade or business, with respect to its purchase of electricity generated by an electric output facility placed in service after such election, if such purchase is under a contract executed after such election.

"(4) DEFINITIONS.—For purposes of this subsection:

"(A) EXISTING GENERATION FACILITY.—The term 'existing generation facility' means an electric generation facility in service on the date of the enactment of this subsection or the construction of which commenced before June 1, 2000.

"(B) QUALIFYING DISTRIBUTION FACILITY.—The term 'qualifying distribution facility' means a distribution facility over which open access distribution services described in subsection (b)(2)(C) are provided.

"(C) QUALIFYING TRANSMISSION FACILITY.—The term 'qualifying transmission facility' means a local transmission facility (as defined in subsection (c)(3)(A)) over which open access transmission services described in subparagraph (A), (B), or (E) of subsection (b)(2) are provided.

"(b) PERMITTED OPEN ACCESS ACTIVITIES AND SALES TRANSACTIONS NOT A PRIVATE BUSINESS USE FOR BONDS WHICH REMAIN SUBJECT TO PRIVATE USE RULES.—

"(1) GENERAL RULE.—For purposes of this section and section 141, the term 'private business use' shall not include a permitted open access activity or a permitted sales transaction.

"(2) PERMITTED OPEN ACCESS ACTIVITIES.—For purposes of this section, the term 'permitted open access activity' means any of the following transactions or activities with respect to an electric output facility owned by a governmental unit:

"(A) Providing nondiscriminatory open access transmission service and ancillary services—

"(i) pursuant to an open access transmission tariff filed with and approved by FERC, but, in the case of a voluntarily filed tariff, only if the governmental unit voluntarily files a report described in paragraph (c) or (h) of section 35.34 of title 18 of the Code of Federal Regulations or successor provision (relating to whether or not the issuer will join a regional transmission organization) not later than the later of the applicable date prescribed in such paragraphs or 60 days after the date of the enactment of this section,

"(ii) under an independent system operator agreement, regional transmission organization agreement, or regional transmission group agreement approved by FERC, or

"(iii) in the case of an ERCOT utility (as defined in section 212(k)(2)(B) of the Federal Power Act (16 U.S.C. 824k(k)(2)(B)), pursuant to a tariff approved by the Public Utility Commission of Texas.

"(B) Participation in—

"(i) an independent system operator agreement,

"(ii) a regional transmission organization agreement, or

"(iii) a regional transmission group,

which has been approved by FERC, or by the Public Utility Commission of Texas in the case of an ERCOT utility (as so defined). Such participation may include transfer of control of transmission facilities to an organization described in clause (i), (ii), or (iii).

"(C) Delivery on a nondiscriminatory open access basis of electric energy sold to end-users served by distribution facilities owned by such governmental unit.

"(D) Delivery on a nondiscriminatory open access basis of electric energy generated by generation facilities connected to distribution facilities owned by such governmental unit.

"(E) Other transactions providing nondiscriminatory open access transmission or distribution services under Federal, State, or local open access, retail competition, or similar programs, to the extent provided in regulations prescribed by the Secretary.

"(3) PERMITTED SALES TRANSACTION.—For purposes of this subsection, the term 'permitted sales transaction' means any of the following sales of electric energy from existing generation facilities (as defined in subsection (a)(4)(A)):

"(A) The sale of electricity to an on-system purchaser, if the seller provides open access distribution service under paragraph (2)(C) and, in the case of a seller which owns or operates transmission facilities, if such seller provides open access transmission under subparagraph (A), (B), or (E) of paragraph (2).

"(B) The sale of electricity to a wholesale native load purchaser or in a wholesale stranded cost mitigation sale—

"(i) if the seller provides open access transmission service described in subparagraph (A), (B), or (E) of paragraph (2), or

"(ii) if the seller owns or operates no transmission facilities and transmission providers to the seller's wholesale native load purchasers provide open access transmission service described in subparagraph (A), (B), or (E) of paragraph (2).

"(4) Definitions and special rules.—For purposes of this subsection:

"(A) On-system purchaser.—The term 'on-system purchaser' means a person whose electric facilities or equipment are directly connected with transmission or distribution facilities which are owned by a governmental unit, and such person—

"(i) purchases electric energy from such governmental unit at retail and either was within such unit's distribution area in the base year or is a person as to whom the governmental unit has a service obligation, or

"(ii) is a wholesale native load purchaser from such governmental unit.

"(B) Wholesale native load purchaser.—The term 'wholesale native load purchaser' means a wholesale purchaser as to whom the governmental unit had—

"(i) a service obligation at wholesale in the base year, or

"(ii) an obligation in the base year under a requirements contract, or under a firm sales contract which has been in effect for (or has an initial term of) at least 10 years,

but only to the extent that in either case such purchaser resells the electricity at retail to persons within the purchaser's distribution area.

"(C) Wholesale stranded cost mitigation sale.—The term 'wholesale stranded cost mitigation sale' means 1 or more wholesale sales made in accordance with the following requirements:

"(i) A governmental unit's allowable sales under this subparagraph during the recovery period may not exceed the sum of its annual load losses for each year of the recovery period.

"(ii) The governmental unit's annual load loss for each year of the recovery period is the amount (if any) by which—

"(I) sales in the base year to wholesale native load purchasers which do not constitute a private business use, exceed

"(II) sales during that year of the recovery period to wholesale native load purchasers which do not constitute a private business use.

"(iii) If actual sales under this subparagraph during the recovery period are less than allowable sales under clause (i), the amount not sold (but not more than 10 percent of the aggregate allowable sales under clause (i)) may be carried over and sold as wholesale stranded cost mitigation sales in the calendar year following the recovery period.

"(D) Recovery period.—The recovery period is the 7-year period beginning with the start-up year.

"(E) Start-up year.—The start-up year is whichever of the following calendar years the governmental unit elects:

"(i) The year the governmental unit first offers open transmission access.

"(ii) The first year in which at least 10 percent of the governmental unit's wholesale customers' aggregate retail native load is open to retail competition.

"(iii) The calendar year which includes the date of the enactment of this section, if later than the year described in clause (i) or (ii).

"(F) Permitted sales transactions under existing contracts.—A sale to a wholesale native load purchaser (other than a person to whom the governmental unit had a service obligation) under a contract which resulted in private business use in the base year shall be treated as a permitted sales transaction only to the extent that sales under the contract exceed the lesser of—

"(i) in any year, the private business use which resulted during the base year, or

"(ii) the maximum amount of private business use which could occur (absent the enactment of this section) without causing the bonds to be private activity bonds.

This subparagraph shall only apply to the extent that the sale is allocable to bonds issued before the date of the enactment of this section (or bonds issued to refund such bonds).

"(G) Joint action agencies.—A joint action agency, or a member of (or a wholesale native load purchaser from) a joint action agency, which is entitled to make a sale described in subparagraph (A) or (B) in a year, may transfer the entitlement to make that sale to the member (or purchaser), or the joint action agency, respectively.

"(c) Certain Bonds for Transmission and Distribution Facilities Not Tax Exempt.—

"(1) General rule.—For purposes of this title, no bond the interest on which is exempt from taxation under section 103 may be issued on or after the date of the enactment of this subsection if any of the proceeds of such issue are used to finance—

"(A) any transmission facility which is not a local transmission facility, or

"(B) a start-up utility distribution facility.

"(2) Exceptions.—Paragraph (1) shall not apply to—

"(A) any qualified bond (as defined in section 141(e)),

"(B) any eligible refunding bond (as defined in subsection (d)(6)), or

"(C) any bond issued to finance—

"(i) any repair of a transmission facility in service on the date of the enactment of this section, so long as the repair does not increase the voltage level over its level in the base year or increase the thermal load limit of the transmission facility by more than 3 percent over such limit in the base year,

"(ii) any qualifying upgrade of a transmission facility in service on the date of the enactment of this section, or

"(iii) a transmission facility necessary to comply with an obligation under a shared or reciprocal transmission agreement in effect on the date of the enactment of this section.

"(3) Local transmission facility definitions and special rules.—For purposes of this subsection—

"(A) Local transmission facility.—The term 'local transmission facility' means a transmission facility which is located within the governmental unit's distribution area or which is, or will be, necessary to supply electricity to serve retail native load or wholesale native load of 1 or more governmental units. For purposes of this subparagraph, the distribution area of a public power authority which was created in 1931 by a State statute and which, as of January 1, 1999, owned at least one-third of the transmission circuit miles rated at 230kV or greater in the State, shall be determined under regulations of the Secretary.

"(B) Retail native load.—The term 'retail native load' is the electric load of end-users served by distribution facilities owned by a governmental unit.

"(C) Wholesale native load.—The term 'wholesale native load' is—

"(i) the retail native load of a governmental unit's wholesale native load purchasers, and

"(ii) the electric load of purchasers (not described in clause (i)) under wholesale requirements contracts which—

"(I) do not constitute private business use under the rules in effect absent this subsection, and

"(II) were in effect in the base year.

"(D) Necessary to serve load.—For purposes of determining whether a transmission or distribution facility is, or will be, necessary to supply electricity to retail native load or wholesale native load—

"(i) electric reliability standards or requirements of national or regional reliability organizations, regional transmission organizations, and the Electric Reliability Council of Texas shall be taken into account, and

"(ii) transmission, siting, and construction decisions of regional transmission organizations or independent system operators and State and Federal agencies shall be presumptive evidence regarding whether transmission facilities are necessary to serve native load.

"(E) Qualifying upgrade.—The term 'qualifying upgrade' means an improvement or addition to transmission facilities in service on the date of the enactment of this section which is ordered or approved by a regional transmission organization, by an independent system operator, or by a State regulatory or siting agency.

"(4) Start-up utility distribution facility defined.—For purposes of this subsection, the term 'start-up utility distribution facility' means any distribution facility to provide electric service to the public that is placed in service—

"(A) by a governmental unit which did not operate an electric utility on the date of the enactment of this section, and

"(B) before the date on which such governmental unit operates in a qualified service area (as such term is defined in section 141(d)(3)(B)).

A governmental unit is deemed to have operated an electric utility on the date of the enactment of this section if it operates electric output facilities which were operated by another governmental unit to provide electric service to the public on such date.

"(d) Definitions; Special Rules.—For purposes of this section—

"(1) Base year.—The term 'base year' means the calendar year which includes the date of the enactment of this section or, at the election of the governmental unit, either of the 2 immediately preceding calendar years.

"(2) Distribution area.—The term 'distribution area' means the area in which a governmental unit owns distribution facilities.

"(3) Electric output facility.—The term 'electric output facility' means an output facility that is an electric generation, transmission, or distribution facility.

"(4) Distribution facility.—The term 'distribution facility' means an electric output facility that is not a generation or transmission facility.

"(5) Transmission facility.—The term 'transmission facility' means an electric output facility (other than a generation facility) that operates at an electric voltage of 69kV or greater, except that the owner of the facility may elect to treat any output facility that is a transmission facility for purposes of the Federal Power Act as a transmission facility for purposes of this section.

"(6) Eligible refunding bond.—The term 'eligible refunding bond' means any State or local bond issued after an election described in subsection (a) that directly or indirectly refunds any tax-exempt bond (other than a qualified bond) issued before such election, if the weighted average maturity of the issue of which the refunding bond is a part does not exceed the remaining weighted average maturity of the bonds issued before the election. In applying such term for purposes of subsection (c)(2)(B), the date of election shall be deemed to be the date of the enactment of this section.

"(7) FERC.—The term 'FERC' means the Federal Energy Regulatory Commission.

"(8) Government-owned facility.—An electric output facility shall be treated as owned by a governmental unit if it is an electric output facility that either is—

"(A) owned or leased by such governmental unit, or

"(B) a transmission facility in which the governmental unit acquired before the base year long-term firm capacity for the purposes of serving customers to which the unit had at that time either—

"(i) a service obligation, or

"(ii) an obligation under a requirements contract.

"(9) Repair.—The term 'repair' shall include replacement of components of an electric output facility, but shall not include replacement of the facility.

"(10) Service obligation.—The term 'service obligation' means an obligation under State or Federal law (exclusive of an obligation arising solely from a contract entered into with a person) to provide electric distribution services or electric sales service, as provided in such law.

"(e) Savings Clause.—Subsection (b) shall not affect the applicability of section 141 to (or the Secretary's authority to prescribe, amend, or rescind regulations respecting) any transaction which is not a permitted open access transaction or permitted sales transaction.".

(b) Repeal of Exception for Certain Nongovernmental Electric Output Facilities.—Section 141(d)(5) of the Internal Revenue Code of 1986 is amended by inserting "(except in the case of an electric output facility which is a distribution facility)," after "this subsection".

(c) Conforming Amendment.—The table of sections for subpart A of part IV of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 141 the following new item:

Sec. 141A. Electric output facilities.

(d) Effective Date; Applicability.—

(1) Effective date.—The amendments made by this section shall take effect on the date of the enactment of this Act, except that a governmental unit may elect to apply paragraphs (1) and (2) of section 141A(b), as added by subsection (a), with respect to permitted open access activities entered into on or after April 14, 1996.

(2) Certain existing agreements.—The amendment made by subsection (b) (relating to repeal of the exception for certain nongovernmental output facilities) does not apply to any acquisition of facilities made pursuant to an agreement that was entered into before the date of the enactment of this Act.

(3) Applicability.—References in this Act to sections of the Internal Revenue Code of 1986, shall be deemed to include references to comparable sections of the Internal Revenue Code of 1954.

SEC. 3. INDEPENDENT TRANSMISSION COMPANIES.

(a) Sales or Dispositions To Implement Federal Energy Regulatory Commission or State Electric Restructuring Policy.—

(1) In general.—Section 1033 of the Internal Revenue Code of 1986 (relating to involuntary conversions) is amended by redesignating subsection (k) as subsection (l) and by inserting after subsection (j) the following new subsection:

"(k) Sales or Dispositions To Implement Federal Energy Regulatory Commission or State Electric Restructuring Policy.—

"(1) In general.—For purposes of this subtitle, if a taxpayer elects the application of this subsection to a qualifying electric transmission transaction and the proceeds received from such transaction are invested in exempt utility property, such transaction shall be treated as an involuntary conversion to which this section applies.

"(2) Extension of replacement period.—In the case of any involuntary conversion described in paragraph (1), subsection (a)(2)(B) shall be applied by substituting '4 years' for '2 years' in clause (i) thereof.

"(3) Qualifying electric transmission transaction.—For purposes of this subsection, the term 'qualifying electric transmission transaction' means any sale or other disposition of property used in the trade or business of electric transmission, or an ownership interest in a person whose primary trade or business consists of providing electric transmission services, to another person that is an independent transmission company.

"(4) Independent transmission company.—For purposes of this subsection, the term 'independent transmission company' means—

"(A) a regional transmission organization approved by the Federal Energy Regulatory Commission,

"(B) a person—

"(i) who the Federal Energy Regulatory Commission determines in its authorization of the transaction under section 203 of the Federal Power Act (16 U.S.C. 823b) is not a market participant within the meaning of such Commission's rules applicable to regional transmission organizations, and

"(ii) whose transmission facilities to which the election under this subsection applies are placed under the operational control of a Federal Energy Regulatory Commission-approved regional transmission organization within the period specified in such order, but not later than the close of the replacement period, or

"(C) in the case of facilities subject to the exclusive jurisdiction of the Public Utility Commission of Texas; a person which is approved by that Commission as consistent with Texas State law regarding an independent transmission organization.

"(5) Exempt utility property.—For purposes of this subsection, the term 'exempt utility property' means—

"(A) property used in the trade or business of generating, transmitting, distributing, or selling electricity or producing, transmitting, distributing, or selling natural gas, or

"(B) stock in a person whose primary trade or business consists of generating, transmitting, distributing, or selling electricity or producing, transmitting, distributing, or selling natural gas.

"(6) Special rules for consolidated groups.—

"(A) Investment by qualifying group members.—

"(i) In general.—This subsection shall apply to a qualifying electric transmission transaction engaged in by a taxpayer if the proceeds are invested in exempt utility property by a qualifying group member.

"(ii) Qualifying group member.—For purposes of this subparagraph, the term 'qualifying group member' means any member of a consolidated group within the meaning of section 1502 and the regulations promulgated thereunder of which the taxpayer is also a member.

"(B) Coordination with consolidated return provisions.—A sale or other disposition of electric transmission property or an ownership interest in a qualifying electric transmission transaction, where an election is made under this subsection, shall not result in the recognition of income or gain under the consolidated return provisions of subchapter A of chapter 6. The Secretary shall prescribe such regulations as may be necessary to provide for the treatment of any exempt utility property received in a qualifying electric transmission transaction as successor assets subject to the application of such consolidated return provisions.

"(7) Election.—Any election made by a taxpayer under this subsection shall be made by a statement to that effect in the return for the taxable year in which the qualifying electric transmission transaction takes place in such form and manner as the Secretary shall prescribe, and such election shall be binding for that taxable year and all subsequent taxable years.".

(2) Savings clause.—Nothing in section 1033(k) of the Internal Revenue Code of 1986, as added by subsection (a), shall affect Federal or State regulatory policy respecting the extent to which any acquisition premium paid in connection with the purchase of an asset in a qualifying electric transmission transaction can be recovered in rates.

(3) Effective date.—The amendments made by this subsection shall apply to transactions occurring after the date of the enactment of this Act.

(b) Distributions of Stock To Implement Federal Energy Regulatory Commission or State Electric Restructuring Policy.

(1) In general.—Section 355(e)(4) of the Internal Revenue Code of 1986 is amended by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively, and by inserting after subparagraph (B) the following new subparagraph:

"(C) Distributions of stock to implement Federal Energy Regulatory Commission or State electric restructuring policy.—

"(i) In general.—Paragraph (1) shall not apply to any distribution that is a qualifying electric transmission transaction. For purposes of this subparagraph, a 'qualifying electric transmission transaction' means any distribution of stock in a corporation whose primary trade or business consists of providing electric transmission services, where such stock is later acquired (or where the assets of such corporation are later acquired) by another person that is an independent transmission company.

"(ii) Independent transmission company.—For purposes of this subsection, the term 'independent transmission company' means—

"(I) a regional transmission organization approved by the Federal Energy Regulatory Commission,

"(II) a person who the Federal Energy Regulatory Commission determines in its authorization of the transaction under section 203 of the Federal Power Act (16 U.S.C. 824b) is not a market participant within the meaning of such Commission's rules applicable to regional transmission organizations, and whose transmission facilities transferred as a part of such qualifying electric transmission transaction are placed under the operational control of a Federal Energy Regulatory Commission-approved regional transmission organization within the period specified in such order, but not later than the close of the replacement period (as defined in section 1033(k)(2)), or

"(III) in the case of facilities subject to the exclusive jurisdiction of the Public Utility

Commission of Texas, a person that is approved by that Commission as consistent with Texas State law regarding an independent transmission organization.".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to distributions occurring after the date of the enactment of this Act.

SEC. 4. CERTAIN AMOUNTS RECEIVED BY ELECTRIC UTILITIES EXCLUDED FROM GROSS INCOME AS CONTRIBUTIONS TO CAPITAL.

(a) IN GENERAL.—Subsection (c) of section 118 of the Internal Revenue Code of 1986 (relating to contributions to the capital of a corporation) is amended—

(1) by striking "WATER AND SEWAGE DISPOSAL" in the heading and inserting "CERTAIN",

(2) by striking "water or," in the matter preceding subparagraph (A) of paragraph (1) and inserting "electric energy, water, or",

(3) by striking "water or" in paragraph (1)(B) and inserting "electric energy (but not including assets used in the generation of electricity), water, or",

(4) by striking "water or" in paragraph (2)(A)(ii) and inserting "electric energy (but not including assets used in the generation of electricity), water, or",

(5) by inserting "such term shall include amounts paid as customer connection fees (including amounts paid to connect the customer's line to an electric line or a main water or sewer line) and" after "except that" in paragraph (3)(A), and

(6) by striking "water or" in paragraph (3)(C) and inserting "electric energy, water, or".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts received after the date of the enactment of this Act.

SEC. 5. TAX TREATMENT OF NUCLEAR DECOMMISSIONING FUNDS.

(a) INCREASE IN AMOUNT PERMITTED TO BE PAID INTO NUCLEAR DECOMMISSIONING RESERVE FUND.—Subsection (b) of section 468A of the Internal Revenue Code of 1986 (relating to special rules for nuclear decommissioning costs) is amended to read as follows:

"(b) LIMITATION ON AMOUNTS PAID INTO FUND.—

"(1) IN GENERAL.—The amount which a taxpayer may pay into the Fund for any taxable year during the funding period shall not exceed the level funding amount determined pursuant to subsection (d), except—

"(A) where the taxpayer is permitted by Federal or State law or regulation (including authorization by a public service commission) to charge customers a greater amount for nuclear decommissioning costs, in which case the taxpayer may pay into the Fund such greater amount, or

"(B) in connection with the transfer of a nuclear powerplant, where the transferor or transferee (or both) is required pursuant to the terms of the transfer to contribute a greater amount for nuclear decommissioning costs, in which case the transferor or transferee (or both) may pay into the Fund such greater amount.

"(2) CONTRIBUTIONS AFTER FUNDING PERIOD.—Notwithstanding any other provision of this section, a taxpayer may make deductible payments to the Fund in any taxable year between the end of the funding period and the termination of the license issued by the Nuclear Regulatory Commission for the nuclear powerplant to which the Fund relates provided such payments do not cause the assets of the Fund to exceed the nuclear decommissioning costs allocable to the taxpayer's current or former interest in the nuclear powerplant to which the Fund relates. The foregoing limitation shall be applied by taking into account a reasonable rate of inflation . for the nuclear decommissioning costs and a reasonable after-tax rate of return on the assets of the Fund until such assets are anticipated to be expended.".

(b) DEDUCTION FOR NUCLEAR DECOMMISSIONING COSTS WHEN PAID.— Paragraph (2) of section 468A(c) of the Internal Revenue Code of 1986 (relating to income and deductions of the taxpayer) is amended to read as follows:

"(2) DEDUCTION OF NUCLEAR DECOMMISSIONING COSTS.—In addition to any deduction. under subsection (a), nuclear decommissioning costs paid or incurred by the taxpayer during any taxable year shall constitute ordinary and necessary expenses in carrying on a trade or business under section 162.".

(c) LEVEL FUNDING AMOUNTS.—Subsection (d) of section 468A of the Internal Revenue Code of 1986 is amended to read as follows:

"(d) LEVEL FUNDING AMOUNTS.—

"(1) ANNUAL AMOUNTS.—For purposes of this section, the level funding amount for any taxable year shall equal the annual amount required to be contributed to the Fund in each year remaining in the funding period in order for the Fund to accumulate the nuclear decommissioning costs allocable to the taxpayer's current or former interest in the nuclear powerplant to which the Fund relates. The annual amount described in the preceding sentence shall be calculated by taking into account a reasonable rate of inflation for the nuclear decommissioning costs and a reasonable after-tax rate of return on the assets of the Fund until such assets are anticipated to be expended.

"(2) FUNDING PERIOD.—The funding period for a Fund shall end on the last day of the last taxable year of the expected operating life of the nuclear powerplant.

"(3) NUCLEAR DECOMMISSIONING COSTS.—For purposes of this section—

"(A) IN GENERAL.—The term 'nuclear decommissioning costs' means all costs to be incurred in connection with entombing, decontaminating, dismantling, removing, and disposing of a nuclear powerplant, and shall include all associated preparation, security, fuel storage, and radiation monitoring costs. Such term shall include all such costs which, outside of the decommissioning context, might otherwise be capital expenditures.

"(B) IDENTIFICATION OF COSTS.—The taxpayer may identify nuclear decommissioning costs by reference either to a site-specific engineering study or to the financial assurance amount calculated pursuant to section 50.75 of title 10 of the Code of Federal Regulations.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid after June 30, 2000, in taxable years ending after such date.

By Mr. ALLARD:

S. 2968. A bill to empower communities and individuals by consolidating and reforming the programs of the Department of Housing and Urban Development; to the Committee on Banking, Housing, and Urban Affairs.

LOCAL HOUSING OPPORTUNITIES ACT

Mr. ALLARD. Mr. President, today I am introducing the "Local Housing Opportunities Act", legislation to empower communities and individuals by consolidating and reforming HUD programs. I ask unanimous consent that the following section-by-section description of the bill be printed in the RECORD and that the text of the bill be printed in the RECORD following the description.

In 1994, there were 240 separate programs at the Department of Housing and Urban Development (HUD). By 1997, the number of programs had grown to 328. Many of these programs have never been authorized by Congress, and operate under questionable legal authority. While the number of HUD programs has grown, HUD's workforce has declined from 12,000 employees in 1995 to 9,000 employees today. As a result, scarce resources are diverted away from core housing and enforcement programs, dramatically increasing the risks of mismanagement and fraud. HUD remains the only Cabinet level agency designated by the General Accounting Office (GAO) as "High Risk". In order to promote the interests of taxpayers and improve the delivery of services to beneficiaries, Congress should transfer more programs to the States and localities and enact legislation to consolidate, terminate, and streamline HUD programs.

SECTION-BY-SECTION DESCRIPTION

I. Prohibition of Unauthorized Programs at the Department of Housing and Urban Development—Prohibits HUD from carrying out any program that is not explicitly authorized in statute by the Congress. This provision takes effect one year after the effective date to give the Congress sufficient time to authorize those programs that it wishes to maintain. Within 60 days of the date of enactment the Department of Housing and Urban Development shall provide a report detailing every HUD program along with the statutory authorization for that program. This report shall be provided annually to the Senate Committee on Banking, Housing and Urban Affairs, the Senate Subcommittee on Housing and Transportation, the House Committee on Banking and Financial Services, and the House Subcommittee on Housing and Community Opportunity.

II. Elimination of Certain HUD Programs—Terminates certain programs as recommended by the HUD Secretary in the "HUD 2020 Program Repeal and Streamlining Act". The Department has determined that these programs are unnecessary, outdated, or inactive.

Community Investment Corporation Demonstration—never funded, superseded by the Community Development Financial Institutions program administered by the Department of the Treasury.

New Towns Demonstration Program for Emergency Relief of Los Angeles—not funded since FY 1993.

Solar Assistance Financing Entity—not funded in recent years.

Urban Development Action Grants—discontinued program, not funded in recent years.

Certain Special Purpose Grants—not funded since FY 1993 and FY 1995.

Moderate Rehabilitation Assistance in Disasters—no additional assistance for the Moderate Rehabilitation program has been provided (other than for the homeless under the McKinney Act) since FY 1989.

Rent Supplement Program—not funded for many years.

National Home Ownership Trust Demonstration—authority expired at the end of FY 1994.

Repeal of HOPE I, II, and III—all HOPE funds have been awarded, no additional funding has been requested since FY 1995, and no future funding is anticipated.

Energy Efficiency Demonstration Program, section 961 of NAHA—never funded.

Technical Assistance and Training for IHAs—no funds have been provided for this program since FY 1994.

Termination of the investor mortgages portion of the Section 203(k) rehabilitation mortgage insurance program as recommended by the HUD IG. Investor rehabilitation mortgages constitute approximately 20% of the loans insured under this program, and recent IG audits have found this portion of the program to be particularly vulnerable to fraud and abuse by investor-owners. The larger portion of the program for owner/occupants is retained.

Certificate and Voucher Assistance for Rental Rehabilitation Projects—rental rehabilitation program has been repealed, section 289 of NAHA.

Single Family Loan Insurance for Home Improvement Loans in Urban Renewal Areas—unnecessary.

Single Family and Multifamily Mortgage Insurance for Miscellaneous Special Situations, section 223 (a)(1)-(6) and (8)—obsolete.

Single Family Mortgage Insurance for so-called "Modified" Graduated Payment Mortgages, section 245 (b)—insurance authority terminated in 1987 but provision never repealed.

War Housing Insurance—authority for new insurance terminated in 1954, but provision never repealed.

Insurance for Investments (Yield Insurance)—program never implemented, but authority and provision never repealed.

National Defense Housing—authority for new insurance terminated in 1954, but provision never repealed.

Rural Homeless Housing Assistance—not funded since FY 1994, all HUD homeless assistance will be part of the McKinney Homeless Assistance Performance Fund created under this legislation.

Innovative Homeless Initiatives Demonstration—not funded since FY 1995, all HUD homeless assistance will be part of the McKinney Homeless Assistance Performance Fund created under this legislation.

During the remainder of 2000, the Senate Housing and Transportation Subcommittee will hold hearings on this discussion draft. At that time the Subcommittee will solicit the recommendations of the Department, the IG, the GAO, and other organizations for other HUD programs that can be streamlined or eliminated. This legislation also provides for the creation of a "HUD Consolidation Task Force" which will report to the Congress with recommendations on how to reduce the number of programs at HUD through consolidation, termination, or transfer to other levels of government.

III. HUD Consolidation Task Force—Mandates the creation of a task force that will focus exclusively on legislative and regulatory options to reduce the number of HUD programs. The task force will consist of three individuals: the Comptroller General of the United States, the HUD Secretary, and the HUD Inspector General. Within six months of the enactment of this legislation, the task force will produce a report outlining options to reduce the number of HUD programs through consolidation, elimination, and transfer to other levels of government. The report will be provided to the Senate and House Housing Subcommittees as well as the Senate and House Banking Committees.

I. Community Development Block Grant Authorization (CDBG) and Prohibition of Set-Asides and Earmarks—Restores local control over the CDBG program by prohibiting Congressional set-asides and earmarks not specifically authorized in statute. The original intent of CDBG was that program dollars would be allocated directly to cities and states according to formula. In FY 1999 over 10 percent of the funds were earmarked for specific projects (the earmarks have increased steadily in recent years). CDBG was last authorized in 1994, this legislation would authorize the program through FY 2005, with an initial authorization of $4,850,000,000 in FY 2001.

II. Community Notification of Opt-Outs—Requires that when HUD receives notice of a Section 8 opt-out that it forward that notice within 10 days to the top elected official for the unit of local government where the property is located. This supplements the requirement in Section 8 (c)(8)(A) of the Housing Act of 1937 that HUD and tenants be notified one year in advance if a Section 8 opt-out is anticipated.

III. Urban Homestead Requirement—Directs that HUD-held properties that have not been disposed of within six months following acquisition by HUD or a determination that they are substandard or unoccupied, shall be made available upon written request for sale or donation to local governments or Community Development Corporations (CDCs).

IV. Permanent "Moving To Work" Authorization—Continues the deregulation of Public Housing Authorities (PHAs) by opening the "Moving To Work" program to all PHAs. This program was authorized as a demonstration in the 1996 VA/HUD Appropriation bill and granted up to 30 PHAs the option to receive HUD funds as a block grant. The program provides autonomy from HUD micromanagement and the freedom to innovate with reforms such as work requirements, time limits, job training, and Home ownership assistance. The Secretary shall approve an application under this program for all but the lowest performing PHAs unless the Secretary makes a written determination, within 60 days after receiving the application, that the application fails to comply with the statutory provisions authorizing the "Moving to Work" program.

Consolidate HUD Homeless Assistance Funds into the "McKinney Homeless Assistance Performance Fund"—Combines HUD's McKinney programs (Supportive Housing Program, Shelter Plus Care, Section 8 Moderate Rehabilitation for Single Room Occupancy Dwellings, Safe Havens, Rural Homeless Housing Assistance, and the Emergency Shelter Grants), into a single McKinney Homeless Assistance Performance Fund (and authorizes funding through FY 2003, at an initial level of $1,050,000,000 in FY 2001). Distributes funds according to the CDBG block grant formula with 70 percent to units of local government and 30 percent to states.

Eligible units of local government include metropolitan cities, urban counties, and consortia. The formula is to be reviewed after one year with a statutory requirement that HUD provide alternative formulas for the Congress to consider. State funds are available for use in areas throughout the entire state. Codifies and requires a Continuum of Care system by grant recipients. The Continuum of Care submission is linked with the Consolidated Plan. Every three dollars of federal block grant money is to be matched with one dollar of state or local money. Funds qualifying for the match are the same as those currently permitted under the Emergency Shelter Grants program, and would include salaries paid to staff, volunteer labor, and the value of a lease on a building. There is a five year transition period—state and local governments would receive no less than 90 percent of prior award amounts (average for FY 96-99) in the first year after enactment, 85 percent in the second year after enactment, 80 percent in the third and fourth year after enactment, and 75 percent in the fifth year after enactment. Eligible projects and activities include emergency assistance, safe haven housing, transitional housing, permanent housing, supportive services for persons with disabilities, single room occupancy housing, prevention, outreach and assessment, acquisition and rehabilitation of property, new construction, operating costs, leasing, tenant assistance, supportive services, administrative (generally limited to 10 percent of funds), capacity building, targeting to subpopulations of persons with disabilities. Performance measures and benchmarks are included, along with periodic performance reports, reviews, and audits.

I. Mutual and Self-Help Housing Technical Assistance and Training Grants Program—Reauthorizes technical assistance grants to facilitate the construction of self-help housing in rural areas. Program beneficiaries are required to contribute a significant amount of sweat equity to the construction of the homes that they will own. Authorizes funding of $40 million for FY 2001 and 2002, and $45 million for FY 2003-2005.

II. Improve the Rural Housing Repair Loan Program for the Elderly—Increases the amount for which a promissory note is considered a sufficient security for housing repairs from $2,500 to $7,500.

III. Enhance Efficiency of Rural Housing Preservation Grants—Eliminates the existing statutory requirement that prohibits a State from obligating more than 50 percent of its Housing Preservation Grants allocation to any one grantee. Many states receive only a small amount from this formula program. In many cases the money can only be most effectively invested in one project.

IV. Project Accounting Records and Practices—Requires section 515 rural housing borrowers to maintain records in accordance with GAAP (Generally Accepted Accounting Principles).

V. Operating Assistance for Migrant Farmworker Projects Authority—Permits rural housing operating assistance payments in migrant and seasonal farm labor housing complexes.

I. Authorization of Appropriations for Rental Vouchers for Relocation of Witnesses and Victims of Crime—Authorizes specific funding for vouchers for victims and witnesses of crime. These vouchers were authorized in the Quality Housing and Work Responsibility Act of 1998 (QHWRA). No funds have yet been appropriated and HUD has yet to write regulations. The current authorization directs the Secretary to make available such sums as may be necessary for the relocation of families residing in public housing who are victims of a crime of violence reported to an appropriate law enforcement authority, and requires that PHAs notify tenants of the availability of such funds. This legislation would authorize a funding level in each of FY 2001-2005 of $25,000,000.

II. Revise the HUD Lease Addendum—Prohibits the HUD lease addendum from overriding local law. Participating housing providers and residents sign a three-party lease along with the public housing authority. The law requires the attachment of a HUD Lease Addendum (HUD Form 52647.3) which overrides some local market provisions and practices, holding the voucher resident to a nonstandard lease contract. The use of federally promulgated forms that counter local practice incurs additional training, legal and management costs. The voucher lease addendum shall be nullified to the extent that it conflicts with State or local law.

III. Reduce the Burden of Housing Quality Standard Inspections—Provides the option that Housing Quality Standard inspections be conducted on a property basis rather than a unit basis. Currently each individual unit that is rented under the program must be inspected for compliance with HUD's Housing Quality Standards. Individual inspections are a time-consuming administrative headache for PHAs and Section 8 landlords, result in slow unit turnover, and significant lost revenue. This legislation provides the Section 8 landlord with the option to have annual inspections conducted on a property or building basis, rather than a unit basis.

IV. HUD Report to the Congress on Ways to Improve the Voucher Program—Requires that the HUD Secretary solicit comments and recommendations for improvement in the voucher program through notice in the Federal Register. Six months after enactment, the Secretary shall submit to the House and Senate Housing Subcommittees and the House and Senate Banking Committees a summary of the recommendations received by the Secretary regarding suggestions for improvement in the voucher program.

I. Reauthorize the Self-Help Homeownership Opportunity Program (SHOP)—Reauthorizes the SHOP program which provides funding for land and infrastructure purchases to facilitate self-help housing. Utilized by Habitat for Humanity and the Housing Assistance Council. Reauthorize through FY 2005, beginning with $25 million in FY 2001. Adds new language allowing an additional year to use funds for local groups building five or more homes (increase from two years to three years), and also making it possible for local and national non-profit organizations using SHOP funds to advance their own money to purchase property, pending the environmental review approvals, to be repaid from federal funds after the environmental reviews have been approved.

II. Capacity Building for Community Development and Affordable Housing Program—Reauthorizes and increases grants to non-profits to expand affordable housing capacity. Presently authorized for The Enterprise Foundation, Local Initiatives Support Corporation, Habitat for Humanity, Youthbuild USA, and the National Community Development Initiative. Expands access to this program to include the "National Association of Housing Partnerships" and authorizes a funding level of $40 million for each of FY 2001-2003. Amounts must be matched three to one from other sources.

III. Work Requirement for Public Housing Residents: Coordinate Federal Housing Assistance with State Welfare Reform Work Programs—Requires that able-bodied and non-elderly public housing residents be in compliance with the work requirements of welfare reform in their state. Those unable to comply would be provided the opportunity to engage in community service or participate in an economic self-sufficiency program. There is substantial overlap in families receiving welfare and those benefitting from assisted housing. Among families with children, it is estimated that 72 percent of those who live in public housing receive some type of welfare. These families are currently subject to Welfare Reform work requirements and this provision simply applies the requirement to the remaining able-bodied recipients of federal housing assistance. Public housing was originally conceived as temporary assistance for working low-income families to help them during times of financial distress. Recent housing legislation has recognized this fact by placing increasing emphasis on self-sufficiency. These efforts should be coordinated with the self sufficiency efforts of Welfare Reform. PHAs shall monitor compliance with the state work requirement. There shall be an exception for the elderly and disabled, and as with Welfare Reform, there will be a broad definition of work including: employment, community service, vocational and job training, work associated with self help housing construction, refurbishing publicly assisted housing, the provision of certain child care services, and participation in education programs or economic self-sufficiency programs. This work requirement will replace the 8 hour per month "Community Service" Requirement that exists in current law for residents of public housing. Public Housing Authorities shall not be prohibited by this legislation from implementing more stringent work requirements and States electing the housing assistance block grant would be excluded from this requirement and be free to design their own self-sufficiency requirements.

IV. Flexible Use of CDBG Funds to Maintain Properties—Amends Section 105(a)(23) of the Housing and Community Development Act, which currently authorizes use of CDBG funding for activities necessary to make essential repairs and payment of operating expenses needed to maintain the habitability of housing units acquired through tax foreclosure proceedings in order to prevent abandonment and deterioration of such housing in primarily low- and moderate-income neighborhoods. This language is amended to permit the use of CDBG funds for property upkeep in instances in which a court has wrested effective control of a distressed residential property from the owner and appointed a responsible third party (often a non-profit organization or other owner/manager of properties in the area) to operate the property on an interim basis as administrator, although legal title remains with the original owner.

IV. Allows Vouchers in Grandfamily Housing Assisted with HOME Dollars—Permits flexible use of Section 8 vouchers in Grandfamily Housing assisted with HOME dollars. Current law restricts the level of Section 8 assistance that may be used in projects assisted with HOME funds. This legislation creates an exception to the general rule for projects designed to benefit Grandfamilies, by permitting the use of Section 8 vouchers at the Fair Market Rent (FMR) level by Grandparents choosing to live in low income housing projects assisted with HOME dollars. This change is designed to assist low-income, elderly residents and their grandchildren for whom they provide full-time care and custody.

V. Simplified FHA Downpayment Calculation.—Makes permanent the temporary simplified FHA downpayment calculation provided in section 203(b) of the National Housing Act. The current downpayment calculation on FHA loans is needlessly complex. Recent appropriations bills have included a simplified pilot program that replaces the current multi-part formula with a single calculation based solely on the appraised value of the property. The simplified formula yields substantially the same downpayment result as the multi-part formula.

VI. Authorize the Use of Section 8 Funds for Downpayment Assistance—Permits tenants to receive up to one year's worth of Section 8 assistance in a lump sum to be used toward the down payment on a home. This compliments innovative programs that allow the use of Section 8 assistance for mortgage payments.

VII. Reauthorize the Neighborhood Reinvestment Corporation through 2003—Reauthorizes the Neighborhood Reinvestment Corporation, a congressionally chartered, public non-profit corporation established in 1978 to revitalize declining lower-income communities and provide affordable housing. Funding is authorized at $90 million in FY 2001, and $95 million in each of FY 2002 and 2003.

Provides States the option to receive certain federal assisted housing funds (tenant assistance programs) in the form of a block grant. Modeled on Welfare Reform, this would give States the freedom to innovate absent HUD micro-management. States accepted into the program would sign a five year performance agreement with the federal government that details how the State intends to combine and use housing assistance funds from programs included in the performance agreement to advance low income housing priorities, improve the quality of low income housing, reduce homelessness, and encourage economic opportunity and self-sufficiency. States electing the block grant would determine how funds are distributed to state agencies, Public Housing Authorities, project owners, and tenants. During the first year of the performance agreement States would receive the highest of the prior three years funding for each program included in the performance agreement. There would then be an annual inflation adjustment in each future year until Congress (following consultation with HUD) enacts a formula that reflects the relative low-income affordable housing needs of each State. A performance agreement submitted to the Secretary would have to be approved by the Secretary unless the Secretary makes a written determination, within 60 days after receiving the performance agreement, that the performance agreement fails to comply with provisions of the Act. Eligible programs for inclusion in the block grant shall include: the voucher program for rental assistance under section 8(o) of the United States Housing Act of 1937; the programs for project-based assistance under section 8 of the United States Housing Act of 1937; the program for housing for the elderly under section 202 of the Housing Act of 1959; the program for housing for persons with disabilities under section 811 of the Cranston-Gonzales National Affordable Housing Act. The distribution of block granted funds within the State from programs included in the performance agreement shall be determined by the Legislature and the Governor of the State. In a State in which the constitution or state law designates another individual, entity, or agency to be responsible for housing, such other individual, entity, or agency shall work in consultation with the Governor and Legislature to determine the local distribution of funds. Existing contracts involving federal housing dollars shall be honored by the States until their expiration. States shall at such point handle the renewal of all contracts. A State may not use more than 3 percent of the total amount of funds allocated to such State under the programs included in the performance agreement for administrative purposes. Performance criteria shall include at a minimum a measure of: the improvement in housing conditions, the number of units that pass housing quality inspections, the number of residents that find employment and move to self-sufficiency, the level of crime against residents, the level of homelessness, the level of poverty, the cost of assisted housing units provided, the level of assistance provided to people with disabilities and to the elderly, success in maintaining the stock of affordable housing, and increasing homeownership. If at the end of the 5-year term of the performance agreement a State has failed to meet at least 80 percent of the performance goals submitted in the performance agreement, the Secretary shall terminate the performance agreement and the State or community shall be required to comply with the program requirement, in effect at the time of termination, of each program included in the performance agreement. To reward States that make significant progress in meeting performance goals, the HUD Secretary shall annually set aside sufficient funds to grant a reward of up to 5 percent of the funds allocated to participating States.

Sense of the Congress Supporting Tax Incentives

SENSE OF THE CONGRESS THAT THE LOW INCOME HOUSING TAX CREDIT STATE CEILINGS AND THE PRIVATE ACTIVITY BOND CAPS SHOULD BE INCREASED

It is the sense of the Congress that the Low Income Housing Tax Credit and Private Activity Bonds have been valuable resources in the effort to increase affordable housing.

It is the sense of the Congress that the Low Income Housing Tax Credit and Private Activity Bonds effectively utilize the ability of the states to deliver resources to the areas of greatest need within their jurisdictions.

It is the sense of the Congress that the value of the Low Income Housing Tax Credit and the Private Activity Bonds have been eroded by inflation.

Therefore, be it resolved, That the Low Income Housing Tax Credit State Ceilings should be increased by forty percent in the year 2000, and that the level of the state ceilings should be adjusted annually to account for increases in the cost-of-living, and

That the Private Activity Bond Caps should be increased by fifty percent in the year 2000, and that the value of the caps should be adjusted annually to account for increases in the cost-of-living.

I. Tighten Language on Lobbying Restrictions on HUD employees—Prohibits employees at HUD from lobbying, or attempting to influence legislation before the Congress. This language is based on current restrictions on Department of Interior employees. No federally appropriated funds may be used for any activity that in any way tends to promote public support or opposition to legislation, a nomination, or a treaty. The President, the Vice President and Senate confirmed agency officials are exempt from these provisions. However, these individuals may not delegate their authority to any other employees of the Department. Provides civil money penalties against non-exempt employees who independently violate the statute, and against exempt employees who have delegated their lobbying authority.

II. The Department of Housing and Urban Development shall promulgate regulations under the provisions of this Act within 6 months of the enactment of this Act.

S. 2968

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Local Housing Opportunities Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Effective date.

TITLE I—PROGRAM CONSOLIDATION

Sec. 101. Prohibition of unauthorized programs at the Department.
Sec. 102. Elimination and consolidation of HUD programs.
Sec. 103. HUD consolidation task force.

TITLE II—COMMUNITY EMPOWERMENT

Sec. 201. Reauthorization of community development block grants and prohibition of set-asides.
Sec. 202. Community notification of opt-outs.
Sec. 203. Urban homestead requirement.
Sec. 204. Authorization of Moving to Work program.

TITLE III—HOMELESS ASSISTANCE REFORM

Sec. 301. Consolidation of HUD homeless assistance funds.
Sec. 302. Establishment of the McKinney Homeless Assistance Performance Fund.
Sec. 303. Repeal and savings provisions.
Sec. 304. Implementation.

TITLE IV—RURAL HOUSING

Sec. 401. Mutual and self-help housing technical assistance and training grants authorization.
Sec. 402. Enhancement of the Rural Housing Repair loan program for the elderly.
Sec. 403. Enhancement of efficiency of rural housing preservation grants.
Sec. 404. Project accounting records and practices.
Sec. 405. Operating assistance for migrant farm worker projects.

TITLE V—VOUCHER REFORM

Sec. 501. Authorization of appropriations for rental vouchers for relocation of witnesses and victims of crime.
Sec. 502. Revisions to the lease addendum.
Sec. 503. Report regarding housing voucher program.
Sec. 504. Conducting quality standard inspections on a property basis rather than a unit basis.

TITLE VI—PROGRAM MODERNIZATION

Sec. 601. Assistance for self-help housing providers.
Sec. 602. Local capacity building for community development and affordable housing.
Sec. 603. Work requirement for public housing residents: coordination of Federal housing assistance with State welfare reform work programs.
Sec. 604. Simplified FHA downpayment calculation.
Sec. 605. Flexible use of CDBG funds.
Sec. 606. Use of section 8 assistance in grandfamily housing assisted with HOME funds.
Sec. 607. Section 8 homeownership option downpayment assistance.
Sec. 608. Reauthorization of Neighborhood Reinvestment Corporation.

TITLE VII—STATE HOUSING BLOCK GRANT

Sec. 701. State control of public and assisted housing funds.

TITLE VIII—PRIVATE SECTOR INCENTIVES

Sec. 801. Sense of Congress regarding low-income housing tax credit State ceilings and private activity bond caps.

TITLE IX—ENFORCEMENT

Sec. 901. Prohibition on use of appropriated funds for lobbying by the department.
Sec. 902. Regulations.

SEC. 2. DEFINITIONS.

In this Act—

(1) the term "Committees" means—

(A) the Committee on Banking, Housing, and Urban Affairs of the Senate and the Subcommittee on Housing and Transportation of that Committee; and

(B) the Committee on Banking and Financial Services of the House of Representatives and the Subcommittee on Housing and Community Opportunity of that Committee;

(2) the term "Department" means the Department of Housing and Urban Development; and

(3) the term "Secretary" means the Secretary of Housing and Urban Development.

SEC. 3. EFFECTIVE DATE.

Except as otherwise expressly provided in this Act or an amendment made by this Act, this Act and the amendments made by this Act shall take effect on October 1, 2001.

TITLE I—PROGRAM CONSOLIDATION

SEC. 101. PROHIBITION OF UNAUTHORIZED PROGRAMS AT THE DEPARTMENT.

(a) IN GENERAL.—Beginning on the effective date of this Act, the Secretary may not carry out any program that is not explicitly authorized by Federal law.

(b) REPORT.—Not later than 60 days after the date of enactment of this Act, the Secretary shall submit to the Committees a report, which shall include a detailed description of each program carried out by the Department, and the statutory authorization for that program or, if no explicit authorization exists, an explanation of the legal authority under which the program is being carried out.

SEC. 102. ELIMINATION AND CONSOLIDATION OF HUD PROGRAMS.

(a) COMMUNITY INVESTMENT CORPORATION DEMONSTRATION.—Section 853 of the Housing and Community Development Act of 1992 (42 U.S.C. 5305 note) is repealed.

(b) NEW TOWNS DEMONSTRATION PROGRAM FOR EMERGENCY RELIEF OF LOS ANGELES.—Title XI of the Housing and Community Development Act of 1992 (42 U.S.C. 5318 note) is repealed.

(c) SOLAR ASSISTANCE FINANCING ENTITY.—Section 912 of the Housing and Community Development Act of 1992 (42 U.S.C. 5511a) is repealed.

(d) URBAN DEVELOPMENT ACTION GRANTS.—

(1) UDAG REPEAL.—Section 119 of the Housing and Community Development Act of 1974 (42 U.S.C. 5318) is repealed.

(2) CONFORMING AMENDMENTS.—Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) is amended—

(A) in section 104(d)(1), by striking "or 119" and "or section 119";

(B) in section 104(d)(2), by striking "or 119";

(C) in section 104(d)(2)(C), by striking "or 119";

(D) in section 107(e)(1), by striking ", section 106(a)(1), or section 119" and inserting "or section 106(a)(1),";

(E) in section 107(e)(2), by striking "section 106(a)(1), or section 119" and inserting "or section 106(a)(1)"; and

(F) in section 113(a)—

(i) in paragraph (2), by adding "and" at the end;

(ii) by striking paragraph (3); and

(iii) by redesignating paragraph (4) as paragraph (3).

(e) Special Purpose Grants.—Section 107 of the Housing and Community Development Act of 1974 (42 U.S.C. 5307) is amended—

(1) in subsection (a)(1)—

(A) by striking subparagraphs (C), (D), and (G);

(B) by redesignating subparagraphs (E), (F), (H), and (I) as subparagraphs (C), (D), (E), and (F), respectively; and

(C) in subparagraph (D) (as redesignated) by striking "(6)" and inserting "(5)"; and

(2) in subsection (b)—

(A) in paragraph (4), by adding "and" at the end;

(B) by striking paragraphs (5) and (7);

(C) by redesignating paragraph (6) as paragraph (5); and

(D) in paragraph (5) (as redesignated) by striking "; and" and inserting a period.

(f) Moderate Rehabilitation Assistance in Disasters.—Section 932 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437c note) is repealed.

(g) Rent Supplement Program.—

(1) Repeal.—Section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) is repealed.

(2) References.—Any reference in any provision of law to section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) shall be construed to refer to that section as in existence immediately before the effective date of this Act.

(h) National Homeownership Trust Demonstration.—Subtitle A of title III of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12851 et seq.) is repealed.

(i) Hope Programs.—

(1) Repeal of hope i program.—

(A) Hope i program repeal.—Title III of the United States Housing Act of 1937 (42 U.S.C. 1437aaa et seq.) is repealed.

(B) Conforming amendments.—

(i) United states housing act of 1937.—Section 8(b) of the United States Housing Act of 1937 (42 U.S.C. 1437f(b)) is amended—

(I) in paragraph (1), by striking "(1) In general.—"; and

(II) by striking paragraph (2).

(ii) Housing and community development act of 1974.—Section 213(e) of the Housing and Community Development Act of 1974 (42 U.S.C. 1439(e)) is amended by striking "(b)(1)" and inserting "(b)".

(2) Repeal of hope ii and iii programs.—

(A) Hope ii.—Subtitle B of title IV of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12871 et seq.) is repealed.

(B) Hope iii.—

(i) In general.—Subtitle C of title IV of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12891 et seq.) is repealed.

(ii) Closeout authority.—Notwithstanding the repeal made by clause (i), the Secretary may continue to exercise the authority under sections 445(b), 445(c)(3), 445(c)(4), and 446(4) of title IV of the Cranston-Gonzalez National Affordable Housing Act (as amended by subparagraph (C) of this paragraph) after the effective date of this Act, to the extent necessary to terminate the programs under subtitle C of title IV of that Act.

(C) Amendment of hope iii program authority for closeout.—

(i) Sale and resale proceeds.—Section 445 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12895) is amended—

(I) in subsection (b), by striking "costs" and all that follows through "expenses.";

(II) in subsection (c)(3), by striking "the Secretary or"; and

(III) in subsection (c)(4)—

(aa) in the first sentence, by striking "Fifty percent of any" and inserting "Any"; and

(bb) by striking the second and third sentences.

(ii) Eligibility of private property.—Section 446(4) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12896(4)) is amended to read as follows:

"(4) The term 'eligible property' means a single family property containing not more than 4 units (excluding public housing under the United States Housing Act of 1937, or Indian housing under the Native American Housing Assistance and Self-Determination Act of 1996).".

(3) Conforming amendments.—

(A) In general.—Title IV of the Cranston-Gonzalez National Affordable Housing Act is amended—

(i) by striking sections 401 and 402 (42 U.S.C. 1437aaa note; 12870);

(ii) in section 454(b)(2) (42 U.S.C. 12899c(b)(2)), by striking "to be used for the purposes of providing homeownership under subtitle B and subtitle C of this title"; and

(iii) in section 455 (42 U.S.C. 12899d), by striking subsection (d) and redesignating subsections (e) through (g) as subsections (d) through (f), respectively.

(B) Department of housing and urban development act.—Section 7(r)(2) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(r)(2)) is amended—

(i) in subparagraph (A), by striking "titles I and II" and inserting "title I"; and

(ii) in subparagraph (K), by striking "titles II, III, and IV" and inserting "title II".

(j) Energy Efficiency Demonstration.—Section 961 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12712 note) is repealed.

(k) Technical Assistance and Training for IHAs.—Section 917 of the Housing and Community Development Act of 1992 (Public Law 102-550; 106 Stat. 3882) is repealed.

(*l*) Elimination of Investor-Owners Under the Section 203(k) Program.—Section 203(g)(2) of the National Housing Act (12 U.S.C. 1709(g)(2)) is amended—

(1) in subparagraph (D), by adding "or" at the end;

(2) by striking subparagraph (E); and

(3) by redesignating subparagraph (F) as subparagraph (E).

(m) Certificate and Voucher Assistance for Rental Rehabilitation Projects.—Section 8(u) of the United States Housing Act of 1937 (42 U.S.C. 1437f(u)) is repealed.

(n) Mortgage and Loan Insurance Programs.—

(1) In general.—Sections 220(h), 245(b), and titles VI, VII, and IX of the National Housing Act are repealed.

(2) Additional amendments.—The National Housing Act is amended—

(A) in section 1 (12 U.S.C. 1702), by striking "VI, VII, VIII, IX" each place it appears and inserting "VIII,";

(B) in section 203(k)(5) (12 U.S.C. 1709(k)(5)), by striking the second sentence; and

(C) in section 223 (12 U.S.C. 1715n)—

(i) by striking subsection (a) and inserting the following:

"(a) In General.—Notwithstanding any of the provisions of this Act and without regard to limitations upon eligibility contained in any section or title of this Act, other than the limitation in section 203(g), the Secretary is authorized upon application by the mortgagee, to insure or make commitments to insure under any section or title of this Act any mortgage—

"(1) given to refinance an existing mortgage insured under this Act, except that the principal amount of any such refinancing mortgage shall not exceed the original principal amount or the unexpired term of such existing mortgage and shall bear interest at such rate as may be agreed upon by the mortgagor and the mortgagee, except that—

"(A) the principal amount of any such refinancing mortgage may equal the outstanding balance of an existing mortgage insured pursuant to section 245, if the amount of the monthly payment due under the refinancing mortgage is less than that due under the existing mortgage for the month in which the refinancing mortgage is executed;

"(B) a mortgagee may not require a minimum principal amount to be outstanding on the loan secured by the existing mortgage;

"(C) in any case involving the refinancing of a loan in which the Secretary determines that the insurance of a mortgage for an additional term will inure to the benefits of the applicable insurance fund, taking into consideration the outstanding insurance liability under the existing insured mortgage, such refinancing mortgage may have a term not more than twelve years in excess of the unexpired term of such existing insured mortgage; and

"(D) any multifamily mortgage that is refinanced under this paragraph shall be documented through amendments to the existing insurance contract and shall not be structured through the provisions of a new insurance contract; or

"(2) executed in connection with the sale by the Government of any housing acquired pursuant to section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966."; and

(ii) in subsection (d)(5), by striking "A loan" and all that follows through "and loans" and inserting "Loans".

(o) Transition Rules.—

(1) Effect on contracts.—The repeal of program authorities under this section shall not affect any legally binding obligation entered into before the effective date of this Act.

(2) Savings provisions.—

(A) In general.—Except as otherwise provided in this Act, any funds or obligation authorized by, activity conducted under, or mortgage or loan insured under, a provision of law repealed by this section shall continue to be governed by the provision as in existence immediately before the effective date of this Act.

(B) Insurance.—The insurance authorities repealed by subsection (n)(1) and the provisions of the National Housing Act applicable to a mortgage or loan insured under any of such authorities, as such authorities and provisions existed immediately before repeal, shall continue to apply to a mortgage or loan insured under any of such authorities prior to repeal, and a mortgage or loan for which, prior to the date of repeal, the Secretary has issued a firm commitment for insurance under any of such authorities or a

Direct Endorsement underwriter has approved, in a form acceptable to the Secretary, a mortgage or loan for insurance under such authorities.

SEC. 103. HUD CONSOLIDATION TASK FORCE.

(a) In General.—There is established a task force to be known as the "HUD Consolidation Task Force", which shall—

(1) consist of the Comptroller General of the United States, the Secretary, and the Inspector General of the Department; and

(2) conduct an analysis of legislative and regulatory options to reduce the number of programs carried out by the Department through consolidation, elimination, and transfer to other departments and agencies of the Federal government and to State and local governments.

(b) Report.—Not later than 6 months after the effective date of this Act, the HUD Consolidation Task Force shall submit to the Committees a report, which shall include the results of the analysis under subsection (a)(2).

TITLE II—COMMUNITY EMPOWERMENT

SEC. 201. REAUTHORIZATION OF COMMUNITY DEVELOPMENT BLOCK GRANTS AND PROHIBITION OF SET-ASIDES.

(a) Reauthorization.—The last sentence of section 103 of the Housing and Community Development Act of 1974 (42 U.S.C. 5303) is amended to read as follows: "For purposes of assistance under section 106, there is authorized to be appropriated **$4,850,000,000** for fiscal year 2001 and such sums as may be necessary for each of fiscal years 2002 through 2005.".

(b) Prohibition of Set-Asides.—Section 103 of the Housing and Community Development Act of 1974 (42 U.S.C. 5303) is amended—

(1) by inserting "(a) In General.—" after "Sec. 103."; and

(2) by adding at the end the following:

"(b) Prohibition of Set-Asides.—Except as provided in paragraphs (1) and (2) of section 106(a) and in section 107, amounts appropriated pursuant to subsection (a) of this section or otherwise to carry out this title (other than section 108) shall be used only for formula-based grants allocated pursuant to section 106 and may not be otherwise used unless the provision of law providing for such other use specifically refers to this subsection and specifically states that such provision modifies or supersedes the provisions of this subsection.

"(c) Point of Order.—Notwithstanding any other provision of law, it shall not be in order in the Senate to consider any measure or amendment that provides for a set-aside prohibited under subsection (b). The point of order provided by this subsection may only be waived or suspended by a vote of three-fifths of the members of the Senate duly chosen and sworn.".

SEC. 202. COMMUNITY NOTIFICATION OF OPT-OUTS.

Section 8(c)(8)(A) of the Housing Act of 1937 (42 U.S.C. 1437f(c)(8)(A)) is amended by adding at the end the following: "Upon receipt of a written notice under this subparagraph, the Secretary shall forward a copy of the notice to the top elected official for the unit of local government in which the property is located.".

SEC. 203. URBAN HOMESTEAD REQUIREMENT.

(a) Disposition of Unoccupied and Substandard Public Housing.—

(1) Publication in federal register.—

(A) In general.—Subject to subparagraph (B), beginning 6 months after the effective date of this Act, and every 6 months thereafter, the Secretary shall publish in the Federal Register a list of each unoccupied multifamily housing project, substandard multifamily housing project, and other residential property that is owned by the Secretary.

(B) Exception for certain projects and properties.—

(i) Projects.—A project described in subparagraph (A) shall not be included in a list published under subparagraph (A) if less than 6 months have elapsed since the later of—

(I) the date on which the project was acquired by the Secretary; or

(II) the date on which the project was determined to be unoccupied or substandard.

(ii) Properties.—A property described in subparagraph (A) shall not be included in a list published under subparagraph (A) if less than 6 months have elapsed since the date on which the property was acquired by the Secretary.

(b) Transfer of Unoccupied and Substandard HUD-Held Housing to Local Governments and Community Development Corporations.—Section 204 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (12 U.S.C. 1715z–11a) is amended—

(1) by striking "Flexible Authority.—" and inserting the following: "(a) Flexible Authority for Disposition of Multifamily Projects.—"; and

(2) by adding at the end the following:

"(b) Transfer of Unoccupied and Substandard Housing to Local Governments and Community Development Corporations.—

"(1) Definitions.—In this subsection:

"(A) Community development corporation.—The term 'community development corporation' means a nonprofit organization whose primary purpose is to promote community development by providing housing opportunities for low-income families.

"(B) Cost recovery basis.—The term 'cost recovery basis' means, with respect to any sale of a residential property by the Secretary, that the purchase price paid by the purchaser is equal to or greater than or equal to the costs incurred by the Secretary in connection with such property during the period beginning on the date on which the Secretary acquires title to the property and ending on the date on which the sale is consummated.

"(C) Multifamily housing project.—The term 'multifamily housing project' has the meaning given the term in section 203 of the Housing and Community Development Amendments of 1978.

"(D) Qualified HUD property.—The term 'qualified HUD property' means any property that is owned by the Secretary and is—

"(i) an unoccupied multifamily housing project;

"(ii) a substandard multifamily housing project; or

"(iii) an unoccupied single family property that—

"(I) has been determined by the Secretary not to be an eligible property under section 204(h) of the National Housing Act (12 U.S.C. 1710(h)); or

"(II) is an eligible property under such section 204(h), but—

"(aa) is not subject to a specific sale agreement under such section; and

"(bb) has been determined by the Secretary to be inappropriate for continued inclusion in the program under such section 204(h) pursuant to paragraph (10) of such section.

"(E) Residential property.—The term 'residential property' means a property that is a multifamily housing project or a single family property.

"(F) Secretary.—The term 'Secretary' means the Secretary of Housing and Urban Development.

"(G) Severe physical problems.—The term 'severe physical problems' means, with respect to a dwelling unit, that the unit—

"(i) lacks hot or cold piped water, a flush toilet, or both a bathtub and a shower in the unit, for the exclusive use of that unit;

"(ii) on not less than 3 separate occasions during the preceding winter months, was uncomfortably cold for a period of more than 6 consecutive hours due to a malfunction of the heating system for the unit;

"(iii) has no functioning electrical service, exposed wiring, any room in which there is not a functioning electrical outlet, or has experienced 3 or more blown fuses or tripped circuit breakers during the preceding 90-day period;

"(iv) is accessible through a public hallway in which there are no working light fixtures, loose or missing steps or railings, and no elevator; or

"(v) has severe maintenance problems, including water leaks involving the roof, windows, doors, basement, or pipes or plumbing fixtures, holes or open cracks in walls or ceilings, severe paint peeling or broken plaster, and signs of rodent infestation.

"(H) Single family property.—The term 'single family property' means a 1- to 4-family residence.

"(I) Substandard.—The term 'substandard' means, with respect to a multifamily housing project, that 25 percent or more of the dwelling units in the project have severe physical problems.

"(J) Unit of general local government.—The term 'unit of general local government' has the meaning given that term in section 102(a) of the Housing and Community Development Act of 1974.

"(K) Unoccupied.—The term 'unoccupied' means, with respect to a residential property, that the unit of general local government having jurisdiction over the area in which the project is located has certified in writing that the property is not inhabited.

"(2) Transfer authority.—Notwithstanding the authority under subsection (a) and the last sentence of section 204(g) of the National Housing Act (12 U.S.C. 1710(g)), the Secretary of Housing and Urban Development shall transfer ownership of any qualified HUD property included in the most recent list published by the Secretary under subsection (a) to a unit of general local government having jurisdiction for the area in which the property is located or to a community development corporation which operates within such a unit of general local government in accordance with this subsection, but only to the extent that units of general local government and community development corporations submit a written request for the transfer.

"(3) Timing.—The Secretary shall establish procedures that provide for—

"(A) time deadlines for transfers under this subsection;

"(B) notification to units of general local government and community development corporations of qualified HUD properties in their jurisdictions;

"(C) such units and corporations to express interest in the transfer under this subsection of such properties;

"(D) a right of first refusal for transfer of qualified HUD properties to such units and corporations, under which the Secretary shall accept an offer to purchase such a property made by such unit or corporation during a period established by the Secretary, but in the case of an offer made by a community development corporation only if the offer provides for purchase on a cost recovery basis; and

"(E) a written explanation, to any unit of general local government or community development corporation making an offer to purchase a qualified HUD property under this subsection that is not accepted, of the reason that such offer was not acceptable.

"(4) Other disposition.—With respect to any qualified HUD property, if the Secretary does not receive an acceptable offer to purchase the property pursuant to the procedure established under paragraph (3), the Secretary shall dispose of the property to the unit of general local government in which property is located or to community development corporations located in such unit of general local government on a negotiated, competitive bid, or other basis, on such terms as the Secretary deems appropriate.

"(5) Satisfaction of indebtedness.—Before transferring ownership of any qualified HUD property pursuant to this subsection, the Secretary shall satisfy any indebtedness incurred in connection with the property to be transferred, by canceling the indebtedness.

"(6) Determination of status of properties.—To ensure compliance with the requirements of this subsection, the Secretary shall take the following actions:

"(A) Upon enactment.—Not later than 60 days after the effective date of the Local Housing Opportunities Act, the Secretary shall assess each residential property owned by the Secretary to determine whether the property is a qualified HUD property.

"(B) Upon acquisition.—Upon acquiring any residential property, the Secretary shall promptly determine whether the property is a qualified HUD property.

"(C) Updates.—The Secretary shall periodically reassess the residential properties owned by the Secretary to determine whether any such properties have become qualified HUD properties.

"(7) Tenant leases.—This subsection shall not affect the terms or the enforceability of any contract or lease entered into with respect to any residential property before the date that such property becomes a qualified HUD property.

"(8) Use of property.—Property transferred under this subsection shall be used only for appropriate neighborhood revitalization efforts, including homeownership, rental units, commercial space, and parks, consistent with local zoning regulations, local building codes, and subdivision regulations and restrictions of record.

"(9) Inapplicability to properties made available for homeless.—Notwithstanding any other provision of this subsection, this subsection shall not apply to any property that the Secretary determines is to be made available for use by the homeless pursuant to subpart E of part 291 of title 24, Code of Federal Regulations (as in effect on January 1, 2000), during the period that the properties are so available.

"(10) Protection of existing contracts.—This subsection may not be construed to alter, affect, or annul any legally binding obligations entered into with respect to a qualified HUD property before the property becomes a qualified HUD property.".

(c) Procedures.—Not later than 6 months after the date of enactment of this Act, the Secretary shall establish, by rule, regulation, or order, such procedures as may be necessary to carry out this section and the amendments made by this section.

SEC. 204. AUTHORIZATION OF MOVING TO WORK PROGRAM.

Section 204 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 (as contained in section 101(e) of the Omnibus Consolidated Rescissions and Appropriations Act of 1996) (42 U.S.C. 1437f note) is amended—

(1) in the section heading, by striking "DEMONSTRATION" and inserting "PROGRAM";

(2) in subsection (a), by striking "this demonstration" and inserting "this section";

(3) in subsection (b)—

(A) in the first sentence—

(i) by striking "demonstration"; and

(ii) by striking "up to 30";

(B) in the third sentence, by striking "Under the demonstration, notwithstanding" and inserting "Notwithstanding"; and

(C) by striking the second sentence;

(4) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking "demonstration" and inserting "program under this section";

(B) in paragraph (3)—

(i) in subparagraph (A), by striking "demonstration";

(ii) in subparagraph (B), by striking "demonstration" and inserting "section"; and

(iii) in subparagraph (E), by striking "demonstration program" and inserting "program under this section"; and

(C) in paragraph (4), by striking "demonstration" and inserting "program under this section";

(5) by striking subsection (d) and inserting the following:

"(d) Approval of Applications.—Not later than 60 days after receiving an application submitted in accordance with subsection (c), the Secretary shall approve the application, unless the Secretary makes a written determination that the applicant has a most recent score under the public housing management assessment program under section 6(j)(2) of the United States Housing Act of 1937 (or any successor assessment program for public housing agencies), that is among the lowest 20 percent of the scores of all public housing agencies.";

(6) in subsection (e)—

(A) in paragraph (1), by striking "this demonstration" and inserting "the program under this section"; and

(B) in paragraph (2), by striking "demonstration" and inserting "program under this section";

(7) in subsection (f), by striking "demonstration under this part" and inserting "program under this section";

(8) in subsection (g)—

(A) in paragraph (1), by striking "this demonstration" and inserting "the program under this section"; and

(B) in paragraph (2), by striking "demonstration" and inserting "program under this section";

(9) in subsection (h), by striking "demonstration" each place it appears and inserting "program under this section";

(10) in subsection (i), by striking "demonstration" and inserting "program under this section"; and

(11) in subsection (j), by striking "demonstration" and inserting "program".

TITLE III—HOMELESS ASSISTANCE REFORM

SEC. 301. CONSOLIDATION OF HUD HOMELESS ASSISTANCE FUNDS.

The purposes of this title are to facilitate the effective and efficient management of the homeless assistance programs of the Department by—

(1) reducing and preventing homelessness by supporting the creation and maintenance of community-based, comprehensive systems dedicated to returning families and individuals to self-sufficiency;

(2) reorganizing the homeless housing assistance authorities under the Stewart B. McKinney Homeless Assistance Act into a McKinney Homeless Assistance Performance Fund;

(3) assisting States and local governments, in partnership with private nonprofit service providers, to use homeless funding more efficiently and effectively;

(4) simplifying and making more flexible the provision of Federal homeless assistance;

(5) maximizing the ability of a community to implement a coordinated, comprehensive system for providing assistance to homeless families and individuals;

(6) making more efficient and equitable the manner in which homeless assistance is distributed;

(7) reducing the Federal role in local decisionmaking for homeless assistance programs;

(8) reducing the costs to governmental jurisdictions and private nonprofit organizations in applying for and using assistance; and

(9) advancing the goal of meeting the needs of the homeless population through mainstream programs and establishing continuum of care systems necessary to achieve that goal.

SEC. 302. ESTABLISHMENT OF THE McKINNEY HOMELESS ASSISTANCE PERFORMANCE FUND.

Title IV of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11361 et seq.) is amended to read as follows:

"TITLE IV—McKINNEY HOMELESS ASSISTANCE PERFORMANCE FUND

"SEC. 401. DEFINITIONS.

"In this title:

"(1) Allocation unit of general local government.—

"(A) In general.—The term 'allocation unit of general local government' means a metropolitan city or an urban county.

"(B) Consortia.—The term 'allocation unit of general local government' may include a consortium of geographically contiguous metropolitan cities and urban counties, if the Secretary determines that the consortium—

"(i) has sufficient authority and administrative capability to carry out the purposes of this title on behalf of its member jurisdictions; and

"(ii) will, according to a written certification by the State (or States, if the consortium includes jurisdictions in more than 1 State), direct its activities to the implementation of a continuum of care system within the State or States.

"(2) Applicant.—The term 'applicant' means a grantee submitting an application under section 403.

"(3) Consolidated plan.—The term 'consolidated plan' means the single comprehensive plan that the Secretary prescribes for submission by jurisdictions (which shall be coordinated and consistent with any 5-year comprehensive plan of the public housing agency required under section 14(e) of the United States Housing Act of 1937) that consolidates and fulfills the requirements of—

"(A) the comprehensive housing affordability strategy under title I of the Cranston-Gonzalez National Affordable Housing Act;

"(B) the community development plan under section 104 of the Housing and Community Development Act of 1974; and

"(C) the submission requirements for formula funding under—

"(i) the Community Development Block Grant program (authorized by title I of the Housing and Community Development Act of 1974);

"(ii) the HOME program (authorized by title II of the Cranston-Gonzalez National Affordable Housing Act);

"(iii) the McKinney Homeless Assistance Performance Fund (authorized under this title); and

"(iv) the AIDS Housing Opportunity Act (authorized by subtitle D of title VIII of the Cranston-Gonzalez National Affordable Housing Act).

"(4) Continuum of care system.—The term 'continuum of care system' means a system developed by a State or local homeless assistance board that includes—

"(A) a system of outreach and assessment, including drop-in centers, 24-hour hotlines, counselors, and other activities designed to engage homeless individuals and families, bring them into the continuum of care system, and determine their individual housing and service needs;

"(B) emergency shelters with essential services to ensure that homeless individuals and families receive shelter;

"(C) transitional housing with appropriate supportive services to help ensure that homeless individuals and families are prepared to make the transition to increased responsibility and permanent housing;

"(D) permanent housing, or permanent supportive housing, to help meet the long-term housing needs of homeless individuals and families;

"(E) coordination between assistance provided under this title and assistance provided under other Federal, State, and local programs that may be used to assist homeless individuals and families, including both targeted homeless assistance programs and other programs administered by the Departments of Veterans Affairs, Labor, Health and Human Services, and Education; and

"(F) a system of referrals for subpopulations of the homeless (such as homeless veterans, families with children, battered spouses, persons with mental illness, persons who have chronic problems with alcohol, drugs, or both, persons with other chronic health problems, and persons who have acquired immunodeficiency syndrome and related diseases) to the appropriate agencies, programs, or services (including health care, job training, and income support) necessary to meet their needs.

"(5) Grantee.—The term 'grantee' means—

"(A) an allocation unit of general local government or insular area that administers a grant under section 408(b)(1); or

"(B) an allocation unit of general local government or insular area that designates a public agency or a private nonprofit organization (or a combination of such organizations) to administer grant amounts under section 408(b)(2).

"(6) Homeless individual.—The term 'homeless individual' has the same meaning as in section 103 of this Act.

"(7) Insular area.—The term 'insular area' means the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.

"(8) Low-demand services and referrals.—The term 'low-demand services and referrals' means the provision of health care, mental health, substance abuse, and other supportive services and referrals for services in a noncoercive manner, which may include medication management, education, counseling, job training, and assistance in obtaining entitlement benefits and in obtaining other supportive services, including mental health and substance abuse treatment.

"(9) Metropolitan city.—The term 'metropolitan city' has the same meaning as in section 102(a) of the Housing and Community Development Act of 1974.

"(10) Person with disabilities.—The term 'person with disabilities' means a person who—

"(A) has a disability as defined in section 223 of the Social Security Act;

"(B) is determined to have, as determined by the Secretary, a physical, mental, or emotional impairment which—

"(i) is expected to be of long-continued and indefinite duration;

"(ii) substantially impedes his or her ability to live independently; and

"(iii) is of such a nature that such ability could be improved by more suitable housing conditions;

"(C) has a developmental disability, as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act; or

"(D) has the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome, except that this subparagraph shall not be construed to limit eligibility under subparagraphs (A) through (C) or the provisions referred to in subparagraphs (A) through (C).

"(11) Private nonprofit organization.—The term 'private nonprofit organization' means a private organization—

"(A) no part of the net earnings of which inures to benefits of any member, founder, contributor, or individual;

"(B) that has a voluntary board;

"(C) that has an accounting system, or has designated a fiscal agent in accordance with requirements established by the Secretary; and

"(D) that practices nondiscrimination in the provision of assistance.

"(12) Project sponsor.—The term 'project sponsor' means an entity that—

"(A) provides housing or assistance for homeless individuals or families by carrying out activities under this title; and

"(B) meets such minimum standards as the Secretary considers appropriate.

"(13) Recipient.—The term 'recipient' means a grantee (other than a State when it is distributing grant amounts to State recipients) and a State recipient.

"(14) Secretary.—The term 'Secretary' means the Secretary of Housing and Urban Development.

"(15) State.—The term 'State' means each of the several States and the Commonwealth of Puerto Rico. The term includes an agency or instrumentality of a State that is established pursuant to legislation and designated by the chief executive officer to act on behalf of the jurisdiction with regard to provisions of this title.

"(16) State recipient.—The term 'State recipient' means the following entities receiving amounts from the State under section 408(c)(2)(B):

"(A) A unit of general local government within the State.

"(B) In the case of an area of the State with significant homeless needs, if no State recipient is identified, 1 or more private nonprofit organizations serving that area.

"(17) Unit of general local government.—The term 'unit of general local government' means—

"(A) a city, town, township, county, parish, village, or other general purpose political subdivision of a State;

"(B) the District of Columbia; and

"(C) any agency or instrumentality thereof that is established pursuant to legislation and designated by the chief executive officer to act on behalf of the jurisdiction with regard to provisions of this title.

"(18) Urban county.—The term 'urban county' has the same meaning as in section 102(a) of the Housing and Community Development Act of 1974.

"(19) Very low-income families.—The term 'very low-income families' has the same meaning as in section 104 of the Cranston-Gonzalez National Affordable Housing Act.

"SEC. 402. AUTHORIZATIONS.

"(a) In General.—The Secretary may make grants to carry out activities to assist homeless individuals and families in support of continuum of care systems in accordance with this title.

"(b) Funding Amounts.—There are authorized to be appropriated to carry out this title, to remain available until expended—

"(1) $1,050,000,000 for fiscal year 2001;

"(2) $1,070,000,000 for fiscal year 2002; and

"(3) $1,090,000,000 for fiscal year 2003.

"SEC. 403. APPLICATION.

"(a) In General.—Each applicant shall submit the application required under this section in such form and in accordance with such procedures as the Secretary shall prescribe. If the applicant is a State or unit of general local government, the application shall be submitted as part of the homeless assistance component of the consolidated plan.

"(b) Continuum of Care Submission.—

"(1) In general.—The allocation unit of general local government, insular area, or State shall prepare, and submit those portions of the application related to the development and implementation of the continuum of care system, as described in paragraph (2) or (3), as applicable.

"(2) Submission by allocation unit of general local government or insular area.—The allocation unit of general local government or insular area shall develop and submit to the Secretary—

"(A) a continuum of care system consistent with that defined under section 401(4), which shall be designed to incorporate any strengths and fill any gaps in the current homeless assistance activities of the jurisdiction, and shall include a description of efforts to address the problems faced by each of the different subpopulations of homeless individuals;

"(B) a multiyear strategy for implementing the continuum of care system, including appropriate timetables and budget estimates for accomplishing each element of the strategy;

"(C) a 1-year plan, identifying all activities to be carried out with assistance under this title and with assistance from other HUD resources allocated in accordance with the consolidated plan, and describing the manner in which these activities will further the strategy; and

"(D) any specific performance measures and benchmarks for use in assessing the performance of the grantee under this title that are in addition to national performance measures and benchmarks established by the Secretary.

"(3) Submission by state.—The State shall develop and submit to the Secretary—

"(A) a continuum of care system consistent with that defined under section 401(4), which shall be designed to incorporate any strengths and fill any gaps in the current homeless assistance activities of the jurisdiction, and shall include a description of efforts to address the problems faced by each of the different subpopulations of homeless individuals;

"(B) a multiyear strategy for implementing the continuum of care systems in areas of the State outside allocation units of general local government, including the actions the State will take to achieve the goals set out in the strategy;

"(C) a 1-year plan identifying—

"(i) in the case of a State carrying out its own activities under section 408(c)(2)(A), the activities to be carried out with assistance under this title and describing the manner in which these activities will further the strategy; and

"(ii) in the case of a State distributing grant amounts to State recipients under section 408(c)(2)(B), the criteria that the State will use in distributing amounts awarded under this title, the method of distribution, and the relationship of the method of distribution to the homeless assistance strategy; and

"(D) any specific performance measures and benchmarks for use in assessing the performance of the grantee under this title that are in addition to national performance measures and benchmarks established by the Secretary.

"(c) Submission Requirements for Applicants Other Than States.—Each application from an applicant other than a State shall include, at a minimum—

"(1) the continuum of care submission described in subsection (b)(2);

"(2) a determination on whether the assistance under this title will be administered by the jurisdiction, a public agency or private nonprofit organization, or the State, as appropriate under subsections (b) and (c) of section 408;

"(3) certifications or other such forms of proof of commitments of financial and other resources sufficient to comply with the match requirements under section 405(a)(1);

"(4) a certification that the applicant is following a current approved consolidated plan;

"(5) a certification that the grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, and the Fair Housing Act, and the grantee will affirmatively further fair housing; and

"(6) a certification that the applicant will comply with the requirements of this title and other applicable laws.

"(d) Submission Requirements for States.—Each application from a State shall include—

"(1) the continuum of care submission described in subsection (b)(3);

"(2) certifications or other such forms of proof of commitments of financial and other resources sufficient to comply with the match requirements under section 405(a)(1);

"(3) a certification that the applicant is following a current approved consolidated plan;

"(4) a certification that the grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, and the Fair Housing Act, and the grantee will affirmatively further fair housing; and

"(5) a certification that the State and State recipients will comply with the requirements of this title and other applicable laws.

"(e) Application Approval.—The application shall be approved by the Secretary unless the Secretary determines that the application is substantially incomplete.

"SEC. 404. ELIGIBLE PROJECTS AND ACTIVITIES; CONTINUUM OF CARE APPROVAL.

"(a) Eligible Projects.—Grants under this title may be used to carry out activities described in subsection (b) in support of the following types of projects:

"(1) Emergency assistance.—Assistance designed to prevent homelessness or to meet the emergency needs of homeless individuals and families, including 1 or more of the following:

"(A) Prevention.—Efforts to prevent homelessness of a very low-income individual or family that has received an eviction notice, notice of mortgage foreclosure, or notice of termination of utilities, if—

"(i) the individual or family cannot make the required payments due to a sudden reduction in income or other financial emergency; and

"(ii) the assistance is necessary to avoid imminent eviction, foreclosure, or termination of services.

"(B) Outreach and assessment.—Efforts designed to inform individuals and families about the availability of services, to bring them into the continuum of care system, and to determine which services or housing are appropriate to the needs of the individual or family.

"(C) Emergency shelter.—The provision of short-term emergency shelter with essential supportive services for homeless individuals and families.

"(2) Safe haven housing.—A structure or a clearly identifiable portion of a structure that—

"(A) provides housing and low-demand services and referrals for homeless individuals with serious mental illness—

"(i) who are currently residing primarily in places not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; and

"(ii) who have been unwilling or unable to participate in mental health or substance abuse treatment programs or to receive other supportive services; except that a person whose sole impairment is substance abuse shall not be considered an eligible person;

"(B) provides 24-hour residence for eligible individuals who may reside for an unspecified duration;

"(C) provides private or semiprivate accommodations;

"(D) may provide for the common use of kitchen facilities, dining rooms, and bathrooms;

"(E) may provide supportive services to eligible persons who are not residents on a drop-in basis;

"(F) provides occupancy limited to not more than 25 persons; and

"(G) provides housing for victims of spousal abuse, and their dependents.

"(3) Transitional housing.—Housing and appropriate supportive services that are designed to facilitate the movement of homeless individuals to permanent housing, generally within 24 months.

"(4) Permanent housing and permanent housing and supportive services for persons with disabilities.—Permanent housing for homeless individuals, and permanent housing and supportive services for homeless persons with disabilities, the latter of which may be designed to provide housing and services solely for persons with disabilities, or may provide housing for such persons in a multifamily housing, condominium, or cooperative project.

"(5) Single room occupancy housing.—A unit for occupancy by 1 person, which need not (but may) contain food preparation or sanitary facilities, or both, and may provide services such as mental health services, substance abuse treatment, job training, and employment programs.

"(6) Other projects.—Such other projects as the Secretary determines will further the purposes of title I of the Homelessness Assistance and Management Reform Act of 1997.

"(b) Eligible Activities.—Grants under this title may be used to carry out the following activities in support of projects described in subsection (a):

"(1) Homelessness prevention activities.—Short-term mortgage, rental, and utilities payments and other short-term assistance designed to prevent the imminent homelessness of the individuals and families described in subsection (a)(1)(A).

"(2) Outreach and assessment.—Drop-in centers, 24-hour hotlines, counselors, and other activities designed to engage homeless individuals and families, bring them into the continuum of care system, and determine their individual housing and service needs.

"(3) Acquisition and rehabilitation.—The acquisition, rehabilitation, or acquisition and rehabilitation of real property.

"(4) New construction.—The new construction of a project, including the cost of the site.

"(5) Operating costs.—The costs of operating a project, including salaries and benefits, maintenance, insurance, utilities, replacement reserve accounts, and furnishings.

"(6) Leasing.—Leasing of an existing structure or structures, or units within these structures, including the provision of long-term rental assistance contracts.

"(7) Tenant assistance.—The provision of security or utility deposits, rent, or utility payments for the first month of residence at a new location, and relocation assistance.

"(8) Supportive services.—The provision of essential supportive services including case management, housing counseling, job training and placement, primary health care, mental health services, substance abuse treatment, child care, transportation, emergency food and clothing, family violence services, education services, moving services, assistance in obtaining entitlement benefits, and referral to veterans services and referral to legal-services.

"(9) Administration.—

"(A) In general.—Expenses incurred in—

"(i) planning, developing, and establishing a program under this title; and

"(ii) administering the program.

"(B) Limitations.—Not more than the following amounts may be used for administrative costs under subparagraph (A):

"(i) 10 percent of any grant amounts provided for a recipient for a fiscal year (including amounts used by a State to carry out its own activities under section 408(c)(1)(A)).

"(ii) 5 percent of any grant amounts provided to a State for a fiscal year that the State uses to distribute funds to a State recipient under section 408(c)(1)(B).

"(10) Capacity building.—

"(A) In general.—Building the capacity of private nonprofit organizations to participate in the continuum of care system of the recipient.

"(B) Limitations.—Not more than the following amounts may be used for capacity building under subparagraph (A):

“(i) 2 percent of any grant amounts provided for a recipient for a fiscal year (including amounts used by a State to carry out its own activities under section 408(c)(1)(A)).

“(ii) 2 percent of any grant amounts provided to a State for a fiscal year that the State uses to distribute funds to a State recipient under section 408(c)(1)(B).

“(11) Other activities.—Other activities as the Secretary determines will further the purposes of title I of the Homelessness Assistance and Management Reform Act of 1997.

“(c) Targeting to Subpopulations of Persons With Disabilities.—Notwithstanding any other provision of law, projects for persons with disabilities assisted under this title may be targeted to specific subpopulations of such persons, including persons who—

“(1) are seriously mentally ill;

“(2) have chronic problems with drugs, alcohol, or both: or

“(3) have acquired immunodeficiency syndrome or any conditions arising from the etiologic agency for acquired immunodeficiency syndrome.

“SEC. 405. MATCHING REQUIREMENT AND MAINTENANCE OF EFFORT.

“(a) Matching Requirement.—

“(1) In general.—Each recipient shall make contributions totaling not less than $1 for every $3 made available for the recipient for any fiscal year under this title to carry out eligible activities. At the end of each program year, each recipient shall certify to the Secretary that it has complied with this section, and shall include with the certification a description of the sources and amounts of the matching contributions. Contributions under this section may not come from assistance provided under this title.

“(2) Calculation of amounts.—In calculating the amount of matching contributions required under paragraph (1), a recipient may include—

“(A) any funds derived from a source, other than assistance under this title or amounts subject to subsection (b);

“(B) the value of any lease on a building; and

“(C) any salary paid to staff or any volunteer labor contributed to carry out the program.

“(b) Limitation on Use of Funds.—No assistance received under this title may be used to replace other funds previously used, or designated for use, by the State, State recipient (except when a State recipient is a private nonprofit organization), allocation unit of general local government or insular area to assist homeless individuals and families.

“SEC. 406. RESPONSIBILITIES OF RECIPIENTS, PROJECT SPONSORS, AND OWNERS.

“(a) Use of Assistance Through Private Nonprofit Organizations.—

“(1) In general.—Each recipient shall ensure that at least 50 percent of the grant amounts that are made available to it under this title for any fiscal year are made available to project sponsors that are private nonprofit organizations.

“(2) Waiver.—The Secretary may waive or reduce the requirement of paragraph (1), if the recipient demonstrates to the Secretary that the requirement interferes with the ability of the recipient to provide assistance under this title because of the paucity of qualified private nonprofit organizations in the jurisdiction of the recipient.

“(b) Housing Quality.—Each recipient shall ensure that housing assisted with grant amounts provided under this title is decent, safe, and sanitary and complies with all applicable State and local housing codes, building codes, and licensing requirements in the jurisdiction in which the housing is located.

“(c) Prevention of Undue Benefit.—The Secretary may prescribe such terms and conditions as the Secretary considers necessary to prevent project sponsors from unduly benefiting from the sale or other disposition of projects, other than a sale or other disposition resulting in the use of the project for the direct benefit of very low-income families.

“(d) Confidentiality.—Each recipient shall develop and implement procedures to ensure the confidentiality of records pertaining to any individual provided services assisted under this title for family violence prevention or treatment or for such medical or other conditions as the Secretary may prescribe, and to ensure that the address or location of any project providing such services will, except with written authorization of the person or persons responsible for the operation of such project, not be made public.

“(e) Employment of Homeless Individuals.—

“(1) In general.—To the maximum extent practicable, the Secretary shall ensure that recipients, through employment, volunteer services, or otherwise, provide opportunities for homeless individuals and families to participate in—

“(A) constructing, renovating, maintaining, and operating facilities assisted under this title;

“(B) providing services so assisted; and

“(C) providing services for occupants of facilities so assisted.

“(2) No displacement of employed workers.—In carrying out paragraph (1), recipients shall not displace employed workers.

“(f) Occupancy Charge.—Any homeless individual or family residing in a dwelling unit assisted under this title may be required to pay an occupancy charge in an amount determined by the grantee providing the assistance, which may not exceed an amount equal to 30 percent of the adjusted income (as defined in section 3(b) of the United States Housing Act of 1937 or any other subsequent provision of Federal law defining the term for purposes of eligibility for, or rental charges in, public housing) of the individual or family. Occupancy charges paid may be reserved, in whole or in part, to assist residents in moving to permanent housing.

“SEC. 407. ALLOCATION AND DISTRIBUTION OF FUNDS.

“(a) Insular Areas.—

“(1) Allocation.—For each fiscal year, the Secretary shall allocate assistance under this title to insular areas, in an amount equal to 0.20 percent of the amounts appropriated under the first sentence of section 402(b).

“(2) Distribution.—The Secretary shall provide for the distribution of amounts reserved under paragraph (1) for insular areas pursuant to specific criteria or a distribution formula prescribed by the Secretary.

“(b) States and Allocation Units of General Local Government.—

“(1) In general.—For each fiscal year, of the amounts appropriated under the first sentence of section 402(b) that remain after amounts are reserved for insular areas under subsection (a), the Secretary shall allocate assistance according to the formula described in paragraph (2).

“(2) Formula.—

“(A) Allocation.—The Secretary shall allocate amounts for allocation units of general local government and States, in a manner that ensures that the percentage of the total amount available under this title for any fiscal year for any allocation unit of general local government or State is equal to the percentage of the total amount available for section 106 of the Housing and Community Development Act of 1974 for the same fiscal year that is allocated for the allocation unit of general local government or State.

“(B) Minimum allocation.—

“(i) Graduated minimum grant allocations.—A State, metropolitan city, or urban county shall receive no less funding in the first fiscal year after the effective date of this Act than 90 percent of the average of the amounts awarded annually to that jurisdiction for homeless assistance programs administered by the Secretary under this title during fiscal years 1996 through 1999, not less than 85 percent in the second full fiscal year after the effective date of this Act, not less than 80 percent in the third and fourth fiscal years after the effective date of this Act, and not less than 75 percent in the fifth full fiscal year after the effective date of this Act, but only if the amount appropriated in each such fiscal year exceeds $1,000,000,000. If that amount does not exceed $1,000,000,000 in any fiscal year referred to in the first sentence of this paragraph, the jurisdiction may receive its proportionate share of the amount appropriated which may be less than the amount in such sentence for such fiscal year.

“(ii) Reduction.—In any fiscal year, the Secretary may provide a grant under this subsection for a State, metropolitan city, or urban county, in an amount less than the amount allocated under those paragraphs, if the Secretary determines that the jurisdiction has failed to comply with requirements of this title, or that such action is otherwise appropriate.

“(C) Study; submission of information to Congress related to alternative methods of allocation.—Not later than 1 year after the effective date of the Local Housing Opportunities Act, the Secretary shall—

“(i) submit to Congress—

“(I) the best available methodology for determining a formula relative to the geographic allocation of funds under this subtitle among entitlement communities and nonentitlement areas based on the incidence of homelessness and factors that lead to homelessness;

“(II) proposed alternatives to the formula submitted pursuant to subclause (I) for allocating funds under this section, including an evaluation and recommendation on a 75/25 percent formula and other allocations of flexible block grant homeless assistance between metropolitan cities and urban counties and States under subparagraph (A);

“(III) an analysis of the deficiencies in the current allocation formula described in section 106(b) of the Housing and Community Development Act of 1974;

“(IV) an analysis of the adequacy of current indices used as proxies for measuring homelessness; and

“(V) an analysis of the bases underlying each of the proposed allocation methods;

“(ii) perform the duties required by this paragraph in ongoing consultation with—

“(I) the Subcommittee on Housing Opportunity and Community Development of the Committee on Banking, Housing, and Urban Affairs of the Senate;

“(II) the Subcommittee on Housing and Community Opportunity of the Committee on Banking and Financial Services of the House of Representatives;

“(III) organizations representing States, metropolitan cities, and urban counties;

“(IV) organizations representing rural communities;

“(V) organizations representing veterans;

“(VI) organizations representing persons with disabilities;

“(VII) members of the academic community; and

“(VIII) national homelessness advocacy groups; and

“(iii) estimate the amount of funds that will be received annually by each entitlement community and nonentitlement area under each such alternative allocation system and compare such amounts to the amount of funds received by each entitlement community and nonentitlement area in prior years under this section.

“SEC. 408. ADMINISTRATION OF PROGRAM.

“(a) In General.—The Secretary shall prescribe such procedures and requirements as the Secretary deems appropriate for administering grant amounts under this title.

“(b) Allocation Units of General Local Government and Insular Areas.—

“(1) In general.—Except as provided in paragraph (2), an allocation unit of general local government or insular area shall administer grant amounts received under subsection (a) or (b) of section 407 for any fiscal year.

“(2) Agencies and organizations designated by jurisdiction.—

“(A) Designation of other entities to administer grant amounts.—An allocation unit of general local government or insular area may elect for any fiscal year to designate a public agency or a private nonprofit organization (or a collaboration of such organizations) to administer grant amounts received under subsection (a) or (b) of section 407 instead of the jurisdiction.

“(B) Provision of grant amounts.—The Secretary may, at the request of a jurisdiction under subparagraph (A), provide grant amounts directly to the agency or organization designated under that subparagraph.

“(c) States.—

“(1) In general.—The State—

“(A) may use not more than 15 percent of the amount made available to the State under section 407(b)(2) for a fiscal year to carry out its own homeless assistance program under this title; and

“(B) shall distribute the remaining amounts to State recipients.

“(2) Distribution of amounts to State recipients.—

“(A) In general.—

“(i) Options.—States distributing amounts under paragraph (1)(B) to State recipients that are units of general local government shall, for each fiscal year, afford each such recipient the options of—

“(I) administering the grant amounts on its own behalf;

“(II) designating (as provided by subsection (b)(2)) a public agency or a private nonprofit organization (or a combination of such organizations) to administer the grant amounts instead of the jurisdiction; or

“(III) entering into an agreement with the State, in consultation with private nonprofit organizations providing assistance to homeless individuals and families in the jurisdiction, under which the State will administer the grant amounts instead of the jurisdiction.

“(ii) Effect of designation.—A State recipient designating an agency or organization as provided by clause (i)(II), or entering into an agreement with the State under clause (i)(III), shall remain the State recipient for purposes of this title.

“(iii) Direct assistance.—The State may, at the request of the State recipient, provide grant amounts directly to the agency or organization designated under clause (i)(II).

“(B) Application.—

“(i) In general.—The State shall distribute amounts to State recipients (or to agencies or organizations designated under subparagraph (A)(i)(II), as appropriate) on the basis of an application containing such information as the State may prescribe, except that each application shall reflect the State application requirements in section 403(d) and evidence an intent to facilitate the establishment of a continuum of care system.

“(ii) Waiver.—The State may waive the requirements in clause (i) with respect to 1 or more proposed activities, if the State determines that—

“(I) the activities are necessary to meet the needs of homeless individuals and families within the jurisdiction; and

“(II) a continuum of care system is not necessary, due to the nature and extent of homelessness in the jurisdiction.

“(C) Preference.—In selecting State recipients and making awards under subparagraph (B), the State shall give preference to applications that demonstrate higher relative levels of homeless need and fiscal distress.

“SEC. 409. CITIZEN PARTICIPATION.

“(a) In General.—Each recipient shall ensure that citizens, appropriate private nonprofit organizations, and other interested groups and entities participate fully in the development and carrying out of the program authorized under this title.

“(b) Allocation Units of General Local Government and Insular Areas.—The chief executive officer of each allocation unit of general local government or insular area shall designate an entity, which shall assist the jurisdiction—

“(1) by developing the continuum of care system and other submission requirements, and by submitting the system and such other submission requirements for its approval under section 403(b);

“(2) in overseeing the activities carried out with assistance under this title; and

“(3) in preparing the performance report under section 410(b).

“(c) State Recipients.—The chief executive officer of the State shall designate an entity which shall assist the State—

“(1) by developing the continuum of care system and other submission requirements, and by submitting the system and such other submission requirements for its approval under section 403(b);

“(2) in determining the percentage of the grant that the State should use—

“(A) to carry out its own homeless assistance program under section 408(c)(1)(A); or

“(B) to distribute amounts to State recipients under section 408(c)(1)(B);

“(3) in carrying out the responsibilities of the State, if the State enters into an agreement with a State recipient to administer the amounts of the State recipient under section 408(c)(2)(A)(i)(III);

“(4) in overseeing the activities carried out with assistance under this title; and

“(5) in preparing the performance report under section 410(b).

“SEC. 410. PERFORMANCE REPORTS, REVIEWS, AUDITS, AND GRANT ADJUSTMENTS.

“(a) National Performance Measures and Benchmarks.—The Secretary shall establish national performance measures and benchmarks to assist the Secretary, grantees, citizens, and others in assessing the use of funds made available under this title.

“(b) Grantee Performance and Evaluation Report.—

“(1) In general.—Each grantee shall submit to the Secretary a performance and evaluation report concerning the use of funds made available under this title.

“(2) Timing and contents.—The report under subsection (a) shall be submitted at such time as the Secretary shall prescribe and contain an assessment of the performance of the grantee as measured against any specific performance measures and benchmarks (developed under section 403), the national performance measures and benchmarks (as established under subsection (a)), and such other information as the Secretary shall prescribe. Such performance measures and benchmarks shall include a measure of the number of homeless individuals who transition to self-sufficiency, and a measure of the number of homeless individuals who have ended a chemical dependency or drug addiction.

“(3) Availability to public.—Before the submission of a report under subsection (a), the grantee shall make the report available to citizens, public agencies, and other interested parties in the jurisdiction of the grantee in sufficient time to permit them to comment on the report before submission.

“(c) Performance Reviews, Audits, and Grant Adjustments.—

“(1) Performance reviews and audits.—The Secretary shall, not less than annually, make such reviews and audits as may be necessary or appropriate to determine—

“(A) in the case of a grantee (other than a grantee referred to in subparagraph (B)), whether the grantee—

“(i) has carried out its activities in a timely manner;

“(ii) has made progress toward implementing the continuum of care system in conformity with its application under this title; and

“(iii) has carried out its activities and certifications in accordance with the requirements of this title and other applicable laws; and

“(B) in the case of States distributing grant amounts to State recipients, whether the State—

“(i) has distributed amounts to State recipients in a timely manner and in conformance with the method of distribution described in its application;

“(ii) has carried out its activities and certifications in compliance with the requirements of this title and other applicable laws; and

“(iii) has made such performance reviews and audits of the State recipients as may be necessary or appropriate to determine whether they have satisfied the applicable performance criteria set forth in subparagraph (A).

“(2) Grant adjustments.—The Secretary may make appropriate adjustments in the amount of grants in accordance with the findings of the Secretary under this subsection. With respect to assistance made available for State recipients, the Secretary may adjust, reduce, or withdraw such assistance, or take other action as appropriate in accordance with the performance reviews and audits of the Secretary under this subsection, except that amounts already properly expended on eligible activities under this title shall not be recaptured or deducted from future assistance to such recipients.

“SEC. 411. NONDISCRIMINATION IN PROGRAMS AND ACTIVITIES.

“No person in the United States shall, on the ground of race, color, national origin, religion, or sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this title. Any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 or with respect to an otherwise qualified individual with a disability, as provided in section 504 of the Rehabilitation Act of 1973, shall also apply to any such program or activity.

"SEC. 412. RETENTION OF RECORDS, REPORTS, AND AUDITS.

"(a) Retention of Records.—Each recipient shall keep such records as may be reasonably necessary—

"(1) to disclose the amounts and the disposition of the grant amounts, including the types of activities funded and the nature of populations served with these funds; and

"(2) to ensure compliance with the requirements of this title.

"(b) Access to Documents by the Secretary.—The Secretary shall have access for the purpose of audit and examination to any books, documents, papers, and records of any recipient that are pertinent to grant amounts received in connection with this title.

"(c) Access to Documents by the Comptroller General.—The Comptroller General of the United States, or any duly authorized representative of the Comptroller General, shall have access for the purpose of audit and examination to any books, documents, papers, and records of any recipient that are pertinent to grant amounts received in connection with this title.".

SEC. 303. REPEAL AND SAVINGS PROVISIONS.

(a) Authority To Provide Assistance.—Beginning on the effective date of this Act, the Secretary may not make assistance available under title IV of the Stewart B. McKinney Homeless Assistance Act (as in existence immediately before such effective date), except pursuant to a legally binding commitment entered into before that date.

(b) Law Governing.—Any amounts made available under title IV of the Stewart B. McKinney Homeless Assistance Act before the effective date of this Act shall continue to be governed by the provisions of that title, as they existed immediately before that effective date, except that each grantee may, in its discretion, provide for the use, in accordance with the provisions of title IV of the Stewart B. McKinney Homeless Assistance Act (as amended by this title), of any such amounts that it has not obligated.

(c) Status of Funds.—

(1) In general.—Any amounts appropriated under title IV of the Stewart B. McKinney Homeless Assistance Act before the effective date of this Act that are available for obligation immediately before such effective date, or that become available for obligation on or after that date, shall be transferred and added to amounts appropriated for title IV of the Stewart B. McKinney Homeless Assistance Act (as amended by this title), and shall be available for use in accordance with the provisions of such title IV.

(2) Availability.—Any amounts transferred under paragraph (1) shall remain available for obligation only for the time periods for which such respective amounts were available before such transfer.

SEC. 304. IMPLEMENTATION.

(a) Initial Allocation of Assistance.—Not later than the expiration of the 60-day period following the date of enactment of an Act appropriating funds to carry out title IV of the Stewart B. McKinney Homeless Assistance Act (as amended by this title), the Secretary shall notify each allocation unit of general local government, insular area, and State of its allocation under the McKinney Homeless Assistance Performance Fund.

(b) Issuance of Necessary Regulations.—Notwithstanding section 7(o) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(o)), the Secretary shall issue such regulations as may be necessary to implement any provision of title I of this Act, and any amendment made by this title, in accordance with section 552 or 553 of title 5, United States Code, as determined by the Secretary.

(c) Use of Existing Rules.—In implementing any provision of this title, the Secretary may, in the discretion of the Secretary, provide for the use of existing rules to the extent appropriate, without the need for further rulemaking.

TITLE IV—RURAL HOUSING

SEC. 401. MUTUAL AND SELF-HELP HOUSING TECHNICAL ASSISTANCE AND TRAINING GRANTS AUTHORIZATION.

Section 513(b) of the Housing Act of 1949 (42 U.S.C. 1483(b)) is amended by striking paragraph (8) and inserting the following:

"(8) For grants under paragraphs (1)(A) and (2) of section 523(b)—

"(A) $40,000,000 for fiscal year 2001;

"(B) $45,000,000 for fiscal year 2002; and

"(C) $50,000,000 for fiscal year 2003.".

SEC. 402. ENHANCEMENT OF THE RURAL HOUSING REPAIR LOAN PROGRAM FOR THE ELDERLY.

Section 504(a) of the Housing Act of 1949 (42 U.S.C. 1474(a)) is amended by striking "$2,500" and inserting "$7,500".

SEC. 403. ENHANCEMENT OF EFFICIENCY OF RURAL HOUSING PRESERVATION GRANTS.

Section 533 of the Housing Act of 1949 (42 U.S.C. 1490m) is amended—

(1) by striking subsection (c);

(2) in subsection (d)(3)(H), by striking "(e)(1)(B)(iv)" and inserting "(d)(1)(B)(iv)"; and

(3) by redesignating subsections (d) through (i) as subsections (c) through (h), respectively.

SEC. 404. PROJECT ACCOUNTING RECORDS AND PRACTICES.

Section 515 of the Housing Act of 1949 (42 U.S.C. 1485) is amended by striking subsection (z) and inserting the following:

"(z) Accounting and Recordkeeping Requirements.—

"(1) Accounting standards.—The Secretary shall require that borrowers in programs authorized by this section maintain accounting records in accordance with generally accepted accounting principles for all projects that receive funds from loans made or guaranteed by the Secretary under this section.

"(2) Record retention requirements.—The Secretary shall require that borrowers in programs authorized by this section retain for a period of not less than 6 years and make available to the Secretary in a manner determined by the Secretary, all records required to be maintained under this subsection and other records identified by the Secretary in applicable regulations.

"(aa) Double Damage Remedy for Unauthorized Use of Housing Projects Assets and Income.—

"(1) Action to recover assets or income.—

"(A) In general.—The Secretary may request the Attorney General to bring an action in a district court of the United States to recover any assets or income used by any person in violation of the provisions of a loan made or guaranteed by the Secretary under this section or in violation of any applicable statute or regulation.

"(B) Improper documentation.—For purposes of this subsection, a use of assets or income in violation of the applicable loan, loan guarantee, statute, or regulation shall include any use for which the documentation in the books and accounts does not establish that the use was made for a reasonable operating expense or necessary repair of the project or for which the documentation has not been maintained in accordance with the requirements of the Secretary and in reasonable condition for proper audit.

"(C) Definition of person.—In this subsection, the term 'person' means—

"(i) any individual or entity that borrows funds in accordance with programs authorized by this section;

"(ii) any individual or entity holding 25 percent or more interest of any entity that borrows funds in accordance with programs authorized by this section; or

"(iii) any officer, director, or partner of an entity that borrows funds in accordance with programs authorized by this section.

"(2) Amount recoverable.—

"(A) In general.—In any judgment favorable to the United States entered under this subsection, the Attorney General may recover double the value of the assets and income of the project that the court determines to have been used in violation of the provisions of a loan made or guaranteed by the Secretary under this section or any applicable statute or regulation, plus all costs related to the action, including reasonable attorney and auditing fees.

"(B) Application of recovered funds.—Notwithstanding any other provision of law, the Secretary may apply any recovery of funds under this subsection to activities authorized under this section and such funds shall remain available until expended.

"(3) Time limitation.—Notwithstanding any other statute of limitations, the Attorney General may bring an action under this subsection at any time up to and including 6 years after the date that the Secretary discovered or should have discovered the violation of the provisions of this section or any related statutes or regulations.

"(4) Continued availability of other remedies.—The remedy provided in this subsection is in addition to and not in substitution of any other remedies available to the Secretary or the United States.".

SEC. 405. OPERATING ASSISTANCE FOR MIGRANT FARM WORKER PROJECTS.

Section 521(a)(5)(A) of the Housing Act of 1949 (42 U.S.C. 1490a(a)(5)(A)) is amended in the last sentence by striking "project" and inserting "tenant or unit".

TITLE V—VOUCHER REFORM

SEC. 501. AUTHORIZATION OF APPROPRIATIONS FOR RENTAL VOUCHERS FOR RELOCATION OF WITNESSES AND VICTIMS OF CRIME.

Section 8(o)(16) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(16)) is amended—

(1) in subparagraph (A), by striking "Of amounts made available for assistance under this subsection" and inserting "Of the amount made available under subparagraph (C)";

(2) in subparagraph (B), by striking "Of amounts made available for assistance under this section" and inserting "Of the amount made available under subparagraph (C)"; and

(3) by adding at the end the following:

"(C) Authorization of appropriations.—In addition to amounts made available to carry out this section for each fiscal year, there is authorized to be appropriated to carry out this paragraph $25,000,000 for each fiscal year.".

SEC. 502. REVISIONS TO THE LEASE ADDENDUM.

Section 8(o)(7)(F) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(7)(F)) is amended striking the period at the end and inserting the following: ", except that—

"(i) the provisions of any such addendum shall supplement any existing standard rental agreement to the extent that the addendum does not modify, nullify, or in any way materially alter any material provision of the rental agreement; and

"(ii) a provision of the addendum shall be nullified only to extent that the provision conflicts with applicable State or local law.".

SEC. 503. REPORT REGARDING HOUSING VOUCHER PROGRAM.

(a) IN GENERAL.—The Secretary shall publish in the Federal Register a notice soliciting comments and recommendations regarding the means by which the voucher program under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) may be changed and enhanced to promote increased participation by private rental housing owners.

(b) REPORT.—Not later than 6 months after the effective date of this Act, the Secretary shall submit to the Committees a report on the results of the solicitation under subsection (a), which shall include a summary and analysis of the recommendations received, especially recommendations regarding legislative and administrative changes to the program described in subsection (a).

SEC. 504. CONDUCTING QUALITY STANDARD INSPECTIONS ON A PROPERTY BASIS RATHER THAN A UNIT BASIS.

Section 8(o)(8) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(8)) is amended—

(1) in the paragraph heading, by inserting "AND PROPERTIES" after "UNITS";

(2) in subparagraph (A)—

(A) by striking "Except as provided" and inserting the following:

"(i) INSPECTION REQUIREMENT.—Except as provided"; and

(B) by adding at the end the following:

"(ii) INSPECTION AND CERTIFICATION ON A PROPERTY-WIDE BASIS.—

"(I) IN GENERAL.—For purposes of this subparagraph, each owner shall have the option of having the property of the owner inspected and certified on a property-wide basis, subject to the inspection guidelines set forth in subparagraphs (C) and (D).

"(II) CERTIFICATION.—Owners of properties electing a property-wide inspection and not currently receiving tenant-based assistance for any dwelling unit in those properties may elect a property-wide certification by having each dwelling unit that is to be made available for tenant-based assistance inspected before any housing assistance payments are made. Any owner participating in the voucher program under this subsection as of the effective date of Local Housing Opportunities Act shall have the option of electing property-wide certification by sending written notice to the appropriate administering agency. Any property that is inspected and certified on a property-wide basis shall not be required to have units in the property inspected individually in conjunction with each new rental agreement.";

(3) in subparagraph (C)—

(A) in the first sentence—

(i) by inserting "or property" after "dwelling unit"; and

(ii) by inserting "or property" after "the unit"; and

(B) in the second sentence, by inserting "or properties" after "dwelling units"; and

(4) in subparagraph (D), in the first sentence—

(A) by inserting "or property" after "dwelling unit";

(B) by inserting "or property" after "payments contract for the unit"; and

(C) by inserting "or property" after "whether the unit".

TITLE VI—PROGRAM MODERNIZATION

SEC. 601. ASSISTANCE FOR SELF-HELP HOUSING PROVIDERS.

(a) REAUTHORIZATION.—Section 11 of the Housing Opportunity Program Extension Act of 1996 (42 U.S.C. 12805 note) is amended by striking subsection (p) and inserting the following:

"(p) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for fiscal year 2001 and such sums as may be necessary for each of fiscal years 2002 and 2003.".

(b) ELIGIBLE EXPENSES.—Section 11(d)(2)(A) of the Housing Opportunity Program Extension Act of 1996 (42 U.S.C. 12805 note) is amended by inserting before the period at the end the following: ", which may include reimbursing an organization, consortium, or affiliate, upon approval of any required environmental review, for nongrant amounts of the organization, consortium, or affiliate advanced before such review to acquire land".

(c) DEADLINE FOR RECAPTURE OF FUNDS.—Section 11 of the Housing Opportunity Program Extension Act of 1996 (42 U.S.C. 12805 note) is amended—

(1) in subsection (i)(5)—

(A) by striking "if the organization or consortia has not used any grant amounts" and inserting "the Secretary shall recapture any grant amounts provided to the organization or consortia that are not used";

(B) by striking "(or," and inserting ", except that such period shall be 36 months"; and

(C) by striking "within 36 months), the Secretary shall recapture such unused amounts" and inserting "and in the case of a grant amounts provided to a local affiliate of the organization or consortia that is developing 5 or more dwellings in connection with such grant amounts"; and

(2) in subsection (j), by inserting "and grant amounts provided to a local affiliate of the organization or consortia that is developing 5 or more dwellings in connection with such grant amounts" before the period at the end.

(d) TECHNICAL CORRECTION.—Section 11(e) of the Housing Opportunity Program Extension Act of 1996 (42 U.S.C. 12805 note) is amended by striking "consoria" and inserting "consortia".

SEC. 602. LOCAL CAPACITY BUILDING FOR COMMUNITY DEVELOPMENT AND AFFORDABLE HOUSING.

Section 4 of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note) is amended—

(1) in subsection (a), by inserting "National Association of Housing Partnerships," after "Humanity,"; and

(2) in subsection (e), by striking "$25,000,000" and all that follows before the period and inserting "to carry out this section, $40,000,000 for each of fiscal years 2001 through 2003".

SEC. 603. WORK REQUIREMENT FOR PUBLIC HOUSING RESIDENTS: COORDINATION OF FEDERAL HOUSING ASSISTANCE WITH STATE WELFARE REFORM WORK PROGRAMS.

(a) IN GENERAL.—Title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended by adding at the end the following:

"SEC. 36. WORK REQUIREMENT.

"(a) IN GENERAL.—Each family residing in public housing, shall comply with the requirements of section 407 of the Social Security Act (42 U.S.C. 607) in the same manner and to the same extent as a family receiving assistance under a State program funded under part A of title IV of that Act (42 U.S.C. 601 et seq.).

"(b) WORK REQUIREMENTS.—

"(1) ANNUAL DETERMINATIONS.—

"(A) REQUIREMENT.—For each family residing in public housing that is subject to the requirement under subsection (a), the public housing agency shall, 30 days before the expiration of each lease term of the family under section 6(l)(1), review and determine the compliance of the family with the requirement under subsection (a) of this subsection.

"(B) DUE PROCESS.—Each determination under subparagraph (A) shall be made in accordance with the principles of due process and on a nondiscriminatory basis.

"(C) NONCOMPLIANCE.— If a public housing agency determines that a family subject to the requirement under subsection (a) has not complied with the requirement, the agency—

"(i) shall notify the family—

"(I) of such noncompliance;

"(II) that the determination of noncompliance is subject to the administrative grievance procedure under subsection (k); and

"(III) that, unless the family enters into an agreement under clause (ii) of this subparagraph, the family's lease will not be renewed; and

"(ii) may not renew or extend the family's lease upon expiration of the lease term and shall take such action as is necessary to terminate the tenancy of the household, unless the agency enters into an agreement, before the expiration of the lease term, with the family providing for the family to cure any noncompliance with the requirement under paragraph (1), by participating in an economic self-sufficiency program (as defined in section 12(g)) for or contributing to community service as many additional hours as the family needs to comply in the aggregate with such requirement over the 12-month term of the lease.

"(2) INELIGIBILITY FOR OCCUPANCY FOR NONCOMPLIANCE.—A public housing agency may not renew or extend any lease, or provide any new lease, for a dwelling unit in public housing for any family who was subject to the requirement under subsection (a) and failed to comply with the requirement.

"(3) INCLUSION IN PLAN.—Each public housing agency shall include in its public housing agency plan a detailed description of the manner in which the agency intends to implement and administer this subsection.".

(b) CONFORMING AMENDMENT.—Section 12(c) of the United States Housing Act of 1937 (42 U.S.C. 1437j(c)) is repealed.

SEC. 604. SIMPLIFIED FHA DOWNPAYMENT CALCULATION.

Section 203(b) of the National Housing Act (12 U.S.C. 1709(b)) is amended—

(1) in paragraph (2), by striking subparagraph (B) and all that follows through "applicability of this requirement." and inserting the following:

"(B) not to exceed an amount equal to—

"(i) 98.75 percent of the appraised value of the property, if such value is equal to or less than $50,000;

"(ii) 97.65 percent of the appraised value of the property, if such value is in excess of $50,000 but not in excess of $125,000;

"(iii) 97.15 percent of the appraised value of the property, if such value is in excess of $125,000; or

"(iv) notwithstanding clauses (ii) and (iii), 97.75 percent of the appraised value of the property, if such value is in excess of $50,000 and the property is in a State for which the average closing cost exceeds 2.10 percent of the average, for the State, of the sales price of properties located in the State for which mortgages have been executed, as determined by the Secretary, except that, in this clause, the term 'average closing cost' means, with respect to a State, the average, for mortgages executed for properties in the State, of the total amounts (as determined by the Secretary) of initial service charges, appraisal, inspection, and other fees and costs (as the Secretary shall approve) that are paid in connection with such mortgages."; and

(2) by striking paragraph (10).

SEC. 605. FLEXIBLE USE OF CDBG FUNDS.

Section 105(a)(23) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(23)) is amended by striking "housing units acquired" and all that follows before the semicolon and inserting the following: "housing (A) acquired through tax foreclosure proceedings brought by a unit of State or local government, or (B) placed under the supervision of a court for the purpose of remedying conditions dangerous to life, health, and safety, in order to prevent the abandonment and deterioration of such housing primarily in low- and moderate-income neighborhoods".

SEC. 606. USE OF SECTION 8 ASSISTANCE IN GRANDFAMILY HOUSING ASSISTED WITH HOME FUNDS.

Section 215(a) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12745(a)) is amended by adding at the end the following:

"(6) WAIVER OF QUALIFYING RENT.—

"(A) IN GENERAL.—For the purpose of providing affordable housing appropriate for families described in subparagraph (B), the Secretary may, upon the application of the project owner, waive the applicability of paragraph (1)(A) with respect to a dwelling unit if—

"(i) the unit is occupied by such a family, on whose behalf tenant-based assistance is provided under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f);

"(ii) the rent for the unit is not greater than the existing fair market rent for comparable units in the area, as established by the Secretary under section 8 of the United States Housing Act of 1937; and

"(iii) the Secretary determines that the waiver, together with waivers under this paragraph for other dwelling units in the project, will result in the use of amounts described in clause (iii) in an effective manner that will improve the provision of affordable housing for such families.

"(B) ELIGIBLE FAMILIES.—A family described in this subparagraph is a family that consists of at least 1 elderly person (who is the head of household) and 1 or more of such person's grandchildren, great grandchildren, great nieces, great nephews, or great great grandchildren (as defined by the Secretary), but does not include any parent of such grandchildren, great grandchildren, great nieces, great nephews, or great great grandchildren. Such term includes any such grandchildren, great grandchildren, great nieces, great nephews, or great great grandchildren who have been legally adopted by such elderly person.".

SEC. 607. SECTION 8 HOMEOWNERSHIP OPTION DOWNPAYMENT ASSISTANCE.

(a) AMENDMENTS.—Section 8(y) of the United States Housing Act of 1937 (42 U.S.C. 1437f(y)) is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6) the following:

"(7) DOWNPAYMENT ASSISTANCE.—

"(A) AUTHORITY.—A public housing agency may, in lieu of providing monthly assistance payments under this subsection on behalf of a family eligible for such assistance and at the discretion of the public housing agency, provide assistance for the family in the form of a single grant to be used only as a contribution toward the downpayment required in connection with the purchase of a dwelling for fiscal year 2001 and each fiscal year thereafter to the extent provided in advance in appropriations Acts.

"(B) AMOUNT.—The amount of a downpayment grant on behalf of an assisted family may not exceed the amount that is equal to the sum of the assistance payments that would be made during the first year of assistance on behalf of the family, based upon the income of the family at the time the grant is to be made.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect immediately after the amendments made by section 555(c) of the Quality Housing and Work Responsibility Act of 1998 take effect pursuant to such section.

SEC. 608. REAUTHORIZATION OF NEIGHBORHOOD REINVESTMENT CORPORATION.

Section 608(a)(1) of the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8107(a)(1)) is amended by striking the first sentence and inserting the following: "There is authorized to be appropriated to the corporation to carry out this title $90,000,000 for fiscal year 2001, $95,000,000 for fiscal year 2002, and $95,000,000 for fiscal year 2003.".

TITLE VII—STATE HOUSING BLOCK GRANT

SEC. 701. STATE CONTROL OF PUBLIC AND ASSISTED HOUSING FUNDS.

Title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended by adding at the end the following:

"SEC. 37. STATE HOUSING BLOCK GRANT.

"(a) PURPOSE.—The purpose of this section is to create options for States and to provide maximum freedom to States to determine the manner in which to implement assisted housing reforms.

"(b) AUTHORITY.—Notwithstanding any other provision of law, a State may assume control of the Federal housing assistance funds available to residents in that State following the execution of a performance agreement with the Secretary in accordance with this section.

"(c) PERFORMANCE AGREEMENT.—

"(1) IN GENERAL.—A State may, at its option, execute a performance agreement with the Secretary under which the provisions of law described in subsection (d) shall not apply to such State, except as otherwise provided in this section.

"(2) APPROVAL OF PERFORMANCE AGREEMENT.—A performance agreement submitted to the Secretary under this section shall be approved by the Secretary unless the Secretary makes a written determination, within 60 days after receiving the performance agreement, that the performance agreement is in violation of the provisions of this section.

"(3) TERMS OF PERFORMANCE AGREEMENT.—Each performance agreement executed pursuant to this section shall include each of the following provisions:

"(A) TERM.—A statement that the term of the performance agreement shall be 5 years.

"(B) APPLICATION OF PROGRAM REQUIREMENTS.—A statement that no program requirements of any program included by the State in the performance agreement shall apply, except as otherwise provided in this Act.

"(C) LIST.—A list provided by the State of the programs that the State would like to include in the performance agreement.

"(D) USE OF FUNDS TO IMPROVE HOUSING OPPORTUNITIES FOR LOW-INCOME INDIVIDUALS AND FAMILIES.—Include a 5-year plan describing the manner in which the State intends to combine and use the funds for programs included in the performance agreement to advance the low-income housing priorities of the State, improve the quality of low-income housing, reduce homelessness, reduce crime, and encourage self-sufficiency by achieving the performance goals.

"(E) PERFORMANCE GOALS.—

"(i) IN GENERAL.—A statement of performance goals established by the State for the 5-year term of the performance agreement that, at a minimum measures—

"(I) improvement in housing conditions for low-income individuals and families;

"(II) the increase in the number of assisted units that pass housing quality inspections;

"(III) the increase in economic opportunity and self-sufficiency and increases the number of residents that obtain employment;

"(IV) the reduction in crime and assistance to victims of crime;

"(V) the reduction in homelessness and the level of poverty;

"(VI) the cost of assisted housing units provided;

"(VII) the level of assistance provided to people with disabilities and to the elderly;

"(VIII) the success in maintaining and increasing the stock of affordable housing and increasing home ownership.

"(IX) sets numerical goals to attain for each performance goal by the end of the performance agreement.

"(ii) ADDITIONAL INDICATORS OF PERFORMANCE.—A State may identify in the performance agreement any indicators of performance such as reduced cost.

"(F) FISCAL RESPONSIBILITIES.—An assurance that the State will use fiscal control and fund accounting procedures that will ensure proper disbursement of, and accounting for, Federal funds paid to the State or community under this Act. Recipients will use Generally Accepted Accounting Principles (GAAP).

"(G) CIVIL RIGHTS.—An assurance that the State will meet the requirements of applicable Federal civil rights laws including section 25(k).

"(H) STATE FINANCIAL PARTICIPATION.—An assurance that the State will not significantly reduce the level of spending of State funds for housing during the term of the performance agreement.

"(I) ANNUAL REPORT.—An assurance that not later than 1 year after the execution of the performance agreement, and annually thereafter, each State shall disseminate widely to the general public, submit to the Secretary, and post on the Internet, a report that includes low-income housing performance data and a detailed description of the manner in which the State has used Federal funds to provide low-income housing assistance to meet the terms of the performance agreement.

"(4) AMENDMENT TO PERFORMANCE AGREEMENT.—A State may submit an amendment to the performance agreement to the Secretary under the following circumstances:

"(A) Reduce scope of performance agreement.—Not later than 1 year after the execution of the performance agreement, a State may amend the performance agreement through a request to withdraw a program from such agreement. Upon approval by the Secretary of the amendment, the requirements of existing law shall apply for any program withdrawn from the performance agreement.

"(B) Expand scope of performance agreement.—Not later than 1 year after the execution of the performance agreement, a State may amend its performance agreement to include additional programs and performance indicators for which it will be held accountable.

"(d) Eligible Programs.—

"(1) In general.—The provisions of law referred to in subsection (c), are—

"(A) the voucher program for rental assistance under section 8(o) of the United States Housing Act of 1937;

"(B) the programs for project-based assistance under section 8 of the United States Housing Act of 1937;

"(C) the program for housing for the elderly under section 202 of the Housing Act of 1959;

"(D) the program for housing for persons with disabilities under section 811 of the Cranston-Gonzales National Affordable Housing Act; and

"(2) Allocation amounts.—A State may choose to combine funds from any or all the programs described in paragraph (1) without regard to the program requirements of such provisions, except as otherwise provided in this Act.

"(3) Uses of funds.—Funds made available under this section to a State shall be used for any housing purpose other than those prohibited by State law of the participating State.

"(e) Within-State Distribution of Funds.—The distribution of funds from programs included in the performance agreement from a State to a local housing agency within the State shall be determined by the State legislature and the Governor of the State. In a State in which the State constitution or State law designates another individual, entity, or agency to be responsible for housing, such other individual, entity, or agency shall work in consultation with the Governor and State legislature to determine the local distribution of funds.

"(f) Set-Aside for State Administrative Expenditures.—A State may use not more than 3 percent of the total amount of funds allocated to such State under the programs included in the performance agreement for administrative purposes.

"(g) Level of Block Grant.—

"(1) In general.—During the initial 5 years following execution of the performance agreement, a participating State shall receive the highest level of funding for the 3 years prior to the first year of the performance agreement in each program included in the block grant. This level will be adjusted each year by multiplying the prior year's amount by the cost-of-living adjustment determined under section 1(f)(3) of the Internal Revenue Code of 1986.

"(2) Formula.—Six months after the effective date of the Local Housing Opportunities Act, the Secretary shall submit to Congress recommendations for a block grant formula that reflects the relative low-income level and affordable housing needs of each State.

"(h) Performance Review.—

"(1) In general.—If at the end of the 5-year term of the performance agreement a State has failed to meet at least 80 percent of the performance goals submitted in the performance agreement, the Secretary shall terminate the performance agreement and the State shall be required to comply with the program requirement, in effect at the time of termination, of each program included in the performance agreement.

"(2) Renewal.—A State that seeks to renew its performance agreement shall notify the Secretary of its renewal request not less that 6 months prior to the end of the term of the performance agreement. A State that has met at least 80 percent of its performance goals submitted in the performance agreement at the end of the 5-year term may reapply to the Secretary to renew its performance agreement for an additional 5-year period. Upon the completion of the 5-year term of the performance agreement or as soon thereafter as the State submits data required under the agreement, the Secretary shall renew, for an additional 5-year term, the performance agreement of any State or community that has met at least 80 percent of its performance goals.

"(i) Performance Reward Fund.—To reward States that make significant progress in meeting performance goals, the Secretary shall annually set aside sufficient funds to grant a reward of up to 5 percent of the funds allocated to participating States.

"(j) Definitions.—In this section:

"(1) Community.—The term 'community' means any local governing jurisdiction within a State.

"(2) Secretary.—The term 'Secretary' means the Secretary of Housing and Urban Development.

"(3) State.—The term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and American Samoa.".

TITLE VIII—PRIVATE SECTOR INCENTIVES

SEC. 801. SENSE OF CONGRESS REGARDING LOW-INCOME HOUSING TAX CREDIT STATE CEILINGS AND PRIVATE ACTIVITY BOND CAPS.

(a) Findings.—Congress finds that—

(1) the low-income housing tax credit and private activity bonds have been valuable resources in the effort to increase affordable housing;

(2) the low-income housing tax credit and private activity bonds effectively utilize the ability of the States to deliver resources to the areas of greatest need within their jurisdictions; and

(3) the value of the low-income housing tax credit and the private activity bonds have been eroded by inflation.

(b) Sense of Congress.—It is the sense of Congress that—

(1) the State ceiling for the low-income housing tax credit should be increased by 40 percent in the year 2000, and the level for the State ceiling should be adjusted annually to account for increases in the cost of living; and

(2) the private activity bond cap should be increased by 50 percent in the year 2000, and the value of the cap should be adjusted annually to account for increases in the cost of living.

TITLE IX—ENFORCEMENT

SEC. 901. PROHIBITION ON USE OF APPROPRIATED FUNDS FOR LOBBYING BY THE DEPARTMENT.

(a) In General.—Subchapter III of chapter 13 of title 31, United States Code, is amended by adding at the end the following:

"§ 1354. Prohibition on lobbying by the Department of Housing and Urban Development

"(a) Prohibition.—Except as provided in subsection (b), unless such activity has been specifically authorized by an Act of Congress and notwithstanding any other provision of law, no funds made available to the Department of Housing and Urban Development by appropriation shall be used by such agency for any activity (including the preparation, publication, distribution, or use of any kit, pamphlet, booklet, public presentation, news release, radio, television, or film presentation, video, or other written or oral statement) that in any way tends to promote public support or opposition to any legislative proposal (including the confirmation of the nomination of a public official or the ratification of a treaty) on which congressional action is not complete.

"(b) Exceptions.—

"(1) President and vice president.—Subsection (a) shall not apply to the President or Vice President.

"(2) Congressional communications.—Subsection (a) shall not be construed to prevent any officer or employee of the Department of Housing and Urban Development from—

"(A) communicating directly to a Member of Congress (or to any staff of a Member or committee of Congress) a request for legislation or appropriations that such officer or employee deems necessary for the efficient conduct of the public business; or

"(B) responding to a request for information or technical assistance made by a Member of Congress (or by any staff of a Member or committee of Congress).

"(3) Public communications on views of president.—

"(A) In general.—Subsection (a) shall not be construed to prevent any Federal agency official whose appointment is confirmed by the Senate, any official in the Executive Office of the President directly appointed by the President or Vice President, or the head of any Federal agency described in subsection (e)(2), from communicating with the public, through radio, television, or other public communication media, on the views of the President for or against any pending legislative proposal.

"(B) Nondelegation.—Subparagraph (A) does not permit any Federal agency official described in that subparagraph to delegate to another person the authority to make communications subject to the exemption provided by that subparagraph.

"(c) Comptroller General.—

"(1) Assistance of inspector general.—In exercising the authority provided in section 712, as applied to this section, the Comptroller General may obtain, without reimbursement from the Comptroller General, the assistance of the Inspector General within the Department of Housing and Urban Development when any activity prohibited by subsection (a) of this section is under review.

"(2) Evaluation.—One year after the date of enactment of this section, the Comptroller General shall report to the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate on the implementation of this section.

"(3) ANNUAL REPORT.—The Comptroller General shall, in the annual report under section 719(a), include summaries of investigations undertaken by the Comptroller General with respect to subsection (a).

"(d) PENALTIES AND INJUNCTIONS.—

"(1) PENALTIES.—

"(A) IN GENERAL.—The Attorney General may bring a civil action in the appropriate district court of the United States against any person who engages in conduct constituting an offense under this section, whether such offense is due to personal participation in any activity prohibited in subsection (a) or improper delegation to another person the authority to make exempt communications in violation of subsection (b)(3), and, upon proof of such conduct by a preponderance of the evidence, such person shall be subject to a civil penalty of not less than $5,000 and not more than $10,000 for each violation.

"(B) OTHER REMEDIES NOT PRECLUDED.—The imposition of a civil penalty under this subsection does not preclude any other criminal or civil statutory, common law, or administrative remedy, which is available by law to the United States or any other person.

"(2) INJUNCTIONS.—

"(A) IN GENERAL.—If the Attorney General has reason to believe that a person is engaging in conduct constituting an offense under this section, whether such offense is due to personal participation in any activity prohibited in subsection (a) or improper delegation to another person the authority to make exempt communications in violation of subsection (b)(3)—

"(i) the Attorney General may petition an appropriate district court of the United States for an order prohibiting that person from engaging in such conduct; and

"(ii) the court may issue an order prohibiting that person from engaging in such conduct if the court finds that the conduct constitutes such an offense.

"(B) OTHER REMEDIES NOT PRECLUDED.—The filing of a petition under this section does not preclude any other remedy which is available by law to the United States or any other person.

"(e) DEFINITION.—In this section, the term 'Federal agency' means—

"(1) any executive agency, within the meaning of section 105 of title 5; and

"(2) any private corporation created by a law of the United States for which the Congress appropriates funds.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 13 of title 31, United States Code, is amended by inserting after the item relating to section 1353 the following:

"1354. Prohibition on lobbying by the Department of Housing and Urban Development.".

(c) APPLICABILITY.—The amendments made by this section shall apply to the use of funds after the effective date of this Act, including funds appropriated or received on or before that date.

SEC. 902. REGULATIONS.

Not later than 6 months after the date of enactment of this Act, the Secretary shall issue such regulations as may be necessary to carry out this Act and the amendments made by this Act.

By Mr. WYDEN:

S. 2970. A bill to provide for summer academic enrichment programs, and for the purposes; to the Committee on Health, Education, Labor, and Pensions.

THE STUDENT EDUCATION ENRICHMENT DEVELOPMENT ACT

Mr. WYDEN. Mr. President, approximately 3.4 million students entered kindergarten in U.S. public schools last fall, and experts predict wildly different futures for them. Many children do well throughout elementary school, only to slip and fall between the cracks in middle school. This so-called "achievement gap" opens wide in middle school and grows throughout high school if nothing is done to stop it.

Raising test scores in K–12 education has brought the achievement-gap issue to the forefront of the national education debate and created a new opportunity to support those states that are making a real effort to improve student achievement. But trying to close the gap by simply bumping up test standards only pushes kids out of school rather than across the gap.

Few have really looked at the most logical place to begin to close the gap: summer school. Students take their achievement tests in April but have to return to school in the Fall. Summer school is one place to begin helping students close the gap, yet the Federal government does nothing to create and support successful summer academic programs.

The legislation I am introducing today, the Student Education Enrichment Development Act, or SEED Act, will leverage summer academic programs to boost student performance. SEED will support all struggling students by providing the first federal funds to backstop state and local efforts to develop, plan, implement, and operate high quality summer academic enrichment programs.

The disparity in school performance tied to race and ethnicity, known as the achievement gap, shows up in grades, test scores, course selection, and college completion. To a large extent, these factors predict a student's success in school, whether a student will go to college, and how much money the student will earn when he or she enters the working world. It happens in cities and in suburbs and in rural school districts. The gaps are so pronounced that in 1996, several national tests found African-American and Hispanic 12th graders scoring at roughly the same levels in reading and math as white 8th graders. By 2019, when they are 24 years old, current trends indicate that the white children who are now nearing the end of their first year in school will be twice as likely as their African-American classmates, and three times as likely as Hispanics, to have a college degree.

In Oregon last year, only 52 percent of the tenth graders met the state's standard for reading, while only 36 percent met the standard for math. But students in Oregon are actually doing better than the national average. More than two-thirds of American high-school seniors graduated last year without being able to read at a proficient level. Results like these are the reason we need SEED.

This week's Time Magazine reports that at least 25 percent of our U.S. school districts are mandating summer school for struggling students—twice that number in poor urban areas. While these programs are helping some students, the results should be better. Only 40 percent of New York students who failed state exams and completed summer school passed on the state exam on their second attempt. In the Pacific Northwest, Seattle canceled its summer program after students made only meager academic gains. I ask unanimous consent that the article from Time magazine be included in the record at the conclusion of my statement.

Schools should strive to meet higher standards, and we should have high expectations for every child. But our kids should not be punished because our education system has failed them. It's time to make sure every child learns and succeeds. According to a recent study, more than half of our teachers promoted unprepared students because the current system does not provide adequate options.

High-quality summer academic programs would give struggling students a chance to succeed in a system that has failed them and help reverse the trend of poor student performance by preparing students to succeed where they have previously failed. Over the past years, we've heard a lot of rhetoric about education, but empty promises won't help our kids learn. Our children deserve more.

I am pleased to be joined by Senators LANDRIEU, BREAUX and BAYH in introducing the bill today, and ask unanimous consent that my statement and a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2970

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Student Education Enrichment Demonstration Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) States are establishing new and higher academic standards for students in kindergarten through grade 12;

(2) no Federal funding streams are specifically designed to help States and school districts with the costs of providing students who are struggling academically, with the extended learning time and accelerated curricula that the students need to meet high academic standards;

(3) forty-eight States now require State accountability tests to determine student grade-level performance and progress;

(4) nineteen States currently rate the performance of all schools or identify low-performing schools through State accountability tests;

(5) sixteen States now have the power to close, take over, or overhaul chronically failing schools on the basis of those tests;

(6) fourteen States provide high-performing schools with monetary rewards on the basis of those tests;

(7) nineteen States currently require students to pass State accountability tests to graduate from high school;

(8) six States currently link student promotion to results on State accountability tests;

(9) excessive percentages of students are not meeting their State standards and are failing to perform at high levels on State accountability tests; and

(10) while the Chicago Public School District implemented the Summer Bridge Program to help remediate their students in 1997, no State has yet created and implemented a similar program to complement the education accountability programs of the State.

SEC. 3. PURPOSE.

The purpose of this Act is to provide Federal support through a new demonstration program to States and local educational agencies, to enable the States and agencies to develop models for high quality summer academic enrichment programs that are specifically designed to help public school students who are not meeting State-determined performance standards.

SEC. 4. DEFINITIONS.

In this Act:

(1) Elementary school; secondary school; local educational agency; State educational agency.—The terms "elementary school", "secondary school", "local educational agency", and "State educational agency" have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(2) Secretary.—The term "Secretary" means the Secretary of Education.

(3) Student.—The term "student" means an elementary school or secondary school student.

SEC. 5. GRANTS TO STATES.

(a) In General.—The Secretary shall establish a demonstration program through which the Secretary shall make grants to State educational agencies, on a competitive basis, to enable the agencies to assist local educational agencies in carrying out high quality summer academic enrichment programs as part of statewide education accountability programs.

(b) Eligibility and Selection.—

(1) Eligibility.—For a State educational agency to be eligible to receive a grant under subsection (a), the State served by the State educational agency shall—

(A) have in effect all standards and assessments required under section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311); and

(B) compile and annually distribute to parents a public school report card that, at a minimum, includes information on student and school performance for each of the assessments required under section 1111 of the Elementary and Secondary Education Act of 1965.

(2) Selection.—In selecting States to receive grants under this section, the Secretary shall make the selections in a manner consistent with the purpose of this Act.

(c) Application.—

(1) In general.—To be eligible to receive a grant under this section, a State educational agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(2) Contents.—Such application shall include—

(A) information describing specific measurable goals and objectives to be achieved in the State through the summer academic enrichment programs carried out under this Act, which may include specific measurable annual educational goals and objectives relating to—

(i) increased student academic achievement;

(ii) decreased student dropout rates; or

(iii) such other factors as the State educational agency may choose to measure; and

(B) information on criteria, established or adopted by the State, that—

(i) the State will use to select local educational agencies for participation in the summer academic enrichment programs carried out under this Act; and

(ii) at a minimum, will assure that grants provided under this Act are provided to—

(I) the local educational agencies in the State that have the highest percentage of students not meeting basic or minimum required standards for State assessments required under section 1111 of the Elementary and Secondary Education Act of 1965;

(II) local educational agencies that submit grant applications under section 6 describing programs that the State determines would be both highly successful and replicable; and

(III) an assortment of local educational agencies serving urban, suburban, and rural areas.

SEC. 6. GRANTS TO LOCAL EDUCATIONAL AGENCIES.

(a) In General.—

(1) First year.—

(A) In general.—For the first year that a State educational agency receives a grant under this Act, the State educational agency shall use the funds made available through the grant to make grants to eligible local educational agencies in the State to pay for the Federal share of the cost of carrying out the summer academic enrichment programs, except as provided in subparagraph (B).

(B) Technical assistance and planning assistance.—The State educational agency may use not more than 5 percent of the funds—

(i) to provide to the local educational agencies technical assistance that is aligned with the curriculum of the agencies for the programs;

(ii) to enable the agencies to obtain such technical assistance from entities other than the State educational agency that have demonstrated success in using the curriculum; and

(iii) to assist the agencies in planning activities to be carried out under this Act.

(2) Succeeding years.—

(A) In general.—For the second and third year that a State educational agency receives a grant under this Act, the State educational agency shall use the funds made available through the grant to make grants to eligible local educational agencies in the State to pay for the Federal share of the cost of carrying out the summer academic enrichment programs, except as provided in subparagraph (B).

(B) Technical assistance and planning assistance.—The State educational agency may use not more than 5 percent of the funds—

(i) to provide to the local educational agencies technical assistance that is aligned with the curriculum of the agencies for the programs;

(ii) to enable the agencies to obtain such technical assistance from entities other than the State educational agency that have demonstrated success in using the curriculum; and

(iii) to assist the agencies in evaluating activities carried out under this Act.

(b) Application.—

(1) In general.—To be eligible to receive a grant under this section, a local educational agency shall submit an application to the State educational agency at such time, in such manner, and containing by such information as the Secretary or the State may require.

(2) Contents.—The State shall require that such an application shall include, to the greatest extent practicable—

(A) information that—

(i) demonstrates that the local educational agency will carry out a summer academic enrichment program funded under this section—

(I) that provides intensive high quality programs that are aligned with challenging State content and student performance standards and that are focused on reinforcing and boosting the core academic skills and knowledge of students who are struggling academically, as determined by the State;

(II) that focuses on accelerated learning, rather than remediation, so that students served through the program will master the high level skills and knowledge needed to meet the highest State standards or to perform at high levels on all State assessments required under section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311);

(III) that is based on, and incorporates best practices developed from, research-based enrichment methods and practices;

(IV) that has a proposed curriculum that is directly aligned with State content and student performance standards;

(V) for which only teachers who are certified and licensed, and are otherwise fully qualified teachers, provide academic instruction to students enrolled in the program;

(VI) that offers to staff in the program professional development and technical assistance that are aligned with the approved curriculum for the program; and

(VII) that incorporates a parental involvement component that seeks to involve parents in the program's topics and students' daily activities; and

(ii) may include—

(I) the proposed curriculum for the summer academic enrichment program;

(II) the local educational agency's plan for recruiting highly qualified and highly effective teachers to participate in the program; and

(III) a schedule for the program that indicates that the program is of sufficient duration and intensity to achieve the State's goals and objectives described in section 5(c)(2)(A);

(B) an outline indicating how the local educational agency will utilize other applicable Federal, State, local, or other funds, other than funds made available through the grant, to support the program;

(C) an explanation of how the local educational agency will ensure that only highly qualified personnel who volunteer to work with the type of student targeted for the program will work with the program and that the instruction provided through the program will be provided by qualified teachers;

(D) an explanation of the types of intensive training or professional development, aligned with the curriculum of the program, that will be provided for staff of the program;

(E) an explanation of the facilities to be used for the program;

(F) an explanation regarding the duration of the periods of time that students and teachers in the program will have contact for instructional purposes (such as the hours per day and days per week of that contact, and the total length of the program);

(G) an explanation of the proposed student/teacher ratio for the program, analyzed by grade level;

(H) an explanation of the grade levels that will be served by the program;

(I) an explanation of the approximate cost per student for the program;

(J) an explanation of the salary costs for teachers in the program;

(K) a description of a method for evaluating the effectiveness of the program at the local level;

(L) information describing specific measurable goals and objectives, for each academic subject in which the program will provide instruction, that are consistent with, or more rigorous than, the adequate yearly progress goals established by the State under section 1111 of the Elementary and Secondary Education Act of 1965;

(M) a description of how the local educational agency will involve parents and the community in the program in order to raise academic achievement; and

(N) a description of how the local educational agency will acquire any needed technical assistance that is aligned with the curriculum of the agency for the program, from the State educational agency or other entities with demonstrated success in using the curriculum.

(c) PRIORITY.—In making grants under this section, the State educational agency shall give priority to applicants who demonstrate a high level of need for the summer academic enrichment programs.

(d) FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share of the cost described in subsection (a) is 50 percent.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost may be provided in cash or in kind, fairly evaluated, including plant, equipment, or services.

SEC. 7. SUPPLEMENT NOT SUPPLANT.

Funds appropriated pursuant to the authority of this Act shall be used to supplement and not supplant other Federal, State, and local public or private funds expended to provide academic enrichment programs.

SEC. 8. REPORTS.

(a) STATE REPORTS.—Each State educational agency that receives a grant under this Act shall annually prepare and submit to the Secretary a report. The report shall describe—

(1) the method the State educational agency used to make grants to eligible local educational agencies and to provide assistance to schools under this Act;

(2) the specific measurable goals and objectives described in section 5(c)(2)(A) for the State as a whole and the extent to which the State met each of the goals and objectives in the year preceding the submission of the report;

(3) the specific measurable goals and objectives described in section 6(b)(2)(L) for each of the local educational agencies receiving a grant under this Act in the State and the extent to which each of the agencies met each of the goals and objectives in that preceding year;

(4) the steps that the State will take to ensure that any such local educational agency who did not meet the goals and objectives in that year will meet the goals and objectives in the year following the submission of the report or the plan that the State has for revoking the grant of such an agency and redistributing the grant funds to existing or new programs;

(5) how eligible local educational agencies and schools used funds provided by the State educational agency under this Act; and

(6) the degree to which progress has been made toward meeting the goals and objectives described in section 5(c)(2)(A).

(b) REPORT TO CONGRESS.—The Secretary shall annually prepare and submit to Congress a report. The report shall describe—

(1) the methods the State educational agencies used to make grants to eligible local educational agencies and to provide assistance to schools under this Act;

(2) how eligible local educational agencies and schools used funds provided under this Act; and

(3) the degree to which progress has been made toward meeting the goals and objectives described in sections 5(c)(2)(A) and 6(b)(2)(L).

(c) GOVERNMENT ACCOUNTING OFFICE REPORT TO CONGRESS.—The Comptroller General of the United States shall conduct a study regarding the demonstration program carried out under this Act and the impact of the program on student achievement. The Comptroller General shall prepare and submit to Congress a report containing the results of the study.

SEC. 9. ADMINISTRATION.

The Secretary shall develop program guidelines for and oversee the demonstration program carried out under this Act.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act $25,000,000 for each of fiscal years 2001 through 2004.

SEC. 11. TERMINATION.

The authority provided by this Act terminates 3 years after the date of enactment of this Act.

By Mr. HARKIN:

S. 2971. A bill to amend the Clean Air Act to phase out the use of methyl tertiary butyl ether in fuels or fuel additives, to promote the use of renewable fuels, and for other purposes; to the Committee on Environment and Public Works.

CLEAN AND RENEWABLE FUELS ACT OF 2000

Mr. HARKIN. Mr. President. I am introducing today legislation designed to address the extensive problems that have been caused by the gasoline additive methyl tertiary butyl ether (MTBE) and to make appropriate revisions to the reformulated gasoline (RFG) program in the Clean Air Act.

It has become absolutely clear that MTBE has to go. Even in Iowa, where we are not required to have oxygenated fuels or RFG, a recent survey found a surprising level of water contamination with MTBE. So my legislation requires a phased reduction in the use of MTBE in motor fuel and then a prohibition on MTBE in fuel of fuel additives beginning three years after enactment. Retail pumps dispensing gasoline with MTBE would be labeled so that consumers know what they are buying. And in order to facilitate an orderly phase-out of MTBE, EPA may establish a credit trading system for the dispensing and sale of MTBE.

My legislation recognizes the benefits that have been provided by the oxygen content requirement in the reformulated gasoline program. Oxygen added to gasoline reduces emissions of carbon monoxide, toxic compounds and fine particulate matter. So my legislation continues the oxygen content requirement, but it does allow for certain actions that would alleviate concerns about whether alternative oxygen additives will be available after MTBE is removed from gasoline. The bill allows for averaging of the oxygen content upon a proper showing and it also would allow for a temporary reduction or waiver of the minimum oxygen content requirement in very limited circumstances.

The legislation also ensures that all health benefits of the reformulated gasoline program are maintained and improved. The bill includes very strong provisions to ensure that there is no backsliding in air quality and health benefits from cleaner burning reformulated gasoline. The petroleum companies would also be prohibited from taking the pollutants from gasoline in some areas and putting them back into gasoline in other areas of the country that are not subject to the more stringent air quality standards. Those are referred to as the anti-dumping protections. My bill places tighter restrictions on highly polluting aromatic and olefin content of reformulated gasoline.

My legislation also recognizes the important role of renewable fuels in improving our environment, building energy security for our nation, and increasing farm income, economic growth and job creation, especially in rural areas. The legislation creates a renewable content requirement for gasoline and for diesel fuel.

Overall, this legislation will get MTBE out of gasoline, maintain and improve the air quality and health benefits of the reformulated gasoline program and the Clean Air Act, and put our nation on a solid path toward greater use of renewable fuels.

I ask unanimous consent that a section-by-section summary of my legislation be printed in the RECORD. I urge my colleagues to support this important legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION SUMMARY—CLEAN AND RENEWABLE FUELS ACT OF 2000

Section 1. Short title

The bill may be cited as the "Clean and Renewable Fuels Act of 2000"

Section 2. Use and cleanup of methyl tertiary butyl ether

Prohibition Except in Specified Nonattainment Areas: Section 211(c) of the Clean Air

Act is amended to provide that beginning January 1, 2001, a person shall not sell or dispense to ultimate consumers any fuel or fuel additive containing MTBE in any area that is not a specified nonattainment area in which reformulated gasoline is required to be used and in which MTBE was used to meet the oxygen content requirement prior to January 1, 2000.

Interim Period for Use of MTBE: The Administrator shall issue regulations requiring, during the one-year period beginning one year after enactment, a one-third reduction in the quantity of MTBE that may be sold or dispensed for use in a fuel or fuel additive, and during the one-year period beginning two years after enactment, a two-thirds reduction in the quantity of MTBE that may be sold or dispensed for use in a fuel or fuel additive. In no area may the quantity of MTBE sold or dispensed for use as a fuel or fuel additive increase.

Basis for Reductions; Equitable Treatment: The basis for reductions shall be the quantity of MTBE sold or dispensed for use as a fuel or fuel additive in the United States during the one-year period ending on the date of enactment. The regulations requiring such reductions shall to the maximum extent practicable provide for equitable treatment on a geographical basis and among manufacturers, refiners, distributors and retailers.

Trading of Authorizations to Sell or Dispense MTBE: To facilitate the most orderly and efficient reduction in the use of MTBE, the regulations may allow the sale and purchase of authorizations to sell or dispense MTBE for use in a fuel or fuel additive.

Labeling: The Administrator shall issue regulations requiring any person selling or dispensing gasoline that contains MTBE at retail prominently to label the gasoline dispensing system with a notice stating that the gasoline contains MTBE and providing such information concerning the human health and environmental risks of MTBE as the Administrator determines appropriate.

Prohibition on Use of MTBE or Other Ethers: Effective three years after enactment, a person shall not manufacture, introduce into commerce, offer for sale, sell, or dispense a fuel or fuel additive containing MTBE or any other ether compound. The Administrator may waive the prohibition on an ether compound other than MTBE upon a determination that it does not pose a significant risk to human health or the environment. The Administrator may require a more rapid reduction (including immediate termination) of the quantity of MTBE sold or dispensed in an area upon a determination of MTBE contamination or a substantial risk or contamination.

State Authority to Regulate MTBE: A State may impose such restrictions, including a prohibition, on the manufacture, sale or use of MTBE in a fuel or fuel additive as the State determines appropriate to protect human health and the environment.

Remedial Action Regarding MTBE Contamination: MTBE contamination would be prioritized in state source water assessment programs. EPA shall issue guidelines for MTBE cleanup and may enter into cooperative agreements for, and provide technical assistance to support, voluntary pilot programs for the cleanup of MTBE and the protection of private wells from MTBE contamination.

Section 3. Reformulated gasoline—in general; oxygen content

Opt-in Areas; General Provisions: Regulations issued for the reformulated gasoline program shall apply to specified nonattainment areas and opt-in areas. The regulations shall require the greatest possible reduction in emissions of ozone forming volatile organic and other compounds and emissions of toxic air pollutants and precursors of toxic air pollutants.

Waiver of Per-Gallon Oxygen Content Requirement: The Administrator shall issue regulations establishing a procedure providing for the submission of applications for a waiver of any per-gallon oxygen content requirement otherwise established and the averaging of oxygen content over an appropriate period of time, not exceeding a year. After consultation with the Secretary of Energy and the Secretary of Agriculture, the Administrator shall grant a petition for oxygen averaging where necessary to avoid a shortage or disruption in supply of reformulated gasoline, to avoid excessive prices for reformulated gasoline, or to facilitate attainment by the area of a national ambient air quality standard. The Administrator shall ensure that the human health and environmental benefits of the reformulated gasoline program are fully maintained during the period of any waiver.

Temporary Reduction of Oxygen Content Requirement: Upon application of a state, if the Secretary of Energy with the concurrence of the Secretary of Agriculture finds that there is an insufficient supply of oxygenates in an area the Administrator may temporarily reduce or waive the oxygen content requirement for the area to the extent necessary to ensure an adequate supply of reformulated gasoline. A temporary waiver would be effective for 90 days, or a shorter period if a sufficient supply of oxygenates exists, and may be extended for an additional 90-day period. The regulations shall ensure that the human health and environmental benefits of the reformulated gasoline program are fully maintained during the period of any temporary waiver of the oxygen content requirement.

Section 4. Limitations on aromatics and olefins in reformulated gasoline

Aromatic Content: The aromatic hydrocarbon content of reformulated gasoline shall not exceed 22 percent by volume; the average aromatic hydrocarbon content shall not exceed the average aromatic hydrocarbon content of reformulated gasoline sold in either calendar year 1999 or calendar year 2000; and no gallon of reformulated gasoline shall have an aromatic hydrocarbon content in excess of 30 percent.

Olefin Content: The olefin content of reformulated gasoline shall not exceed 8 percent by volume; the average olefin content shall not exceed the average olefin content of reformulated gasoline sold in either calendar year 1999 or calendar year 2000; and no gallon of reformulated gasoline shall have an olefin content in excess of 10 percent.

Section 5. Reformulated gasoline performance standards

Emissions of Volatile Organic Compounds: Required reductions in VOC emissions shall be on a mass basis and, to the maximum extent practicable using available science, on the basis of ozone forming potential of VOCs and taking into account the effect on ozone formation of reducing carbon monoxide emissions.

Emissions of Toxic Air Pollutants and Precursors: The required reductions shall apply to toxic air pollutants or precursors of toxic air pollutants. The required emissions reductions shall be on a mass basis and, to the maximum extent practicable using available science, on the basis of relative toxicity or carcinogenic potency, whichever is more protective of human health and the environment.

Section 6. Anti-backsliding

Ozone Forming Potential: The Administrator shall revise performance standards to ensure that the ozone forming potential, taking into account all ozone precursors, of the aggregate emissions during the high ozone season from baseline vehicles using reformulated gasoline does not exceed the ozone forming potential of emissions when using reformulated gasoline that complies with the regulations in effect on January 1, 2000.

Specified Pollutants: The Administrator shall revise performance standards to ensure that the aggregate emissions of specified pollutants or their precursors when using reformulated gasoline do not exceed the aggregate emissions of such pollutants or precursors from baseline vehicles when using reformulated gasoline that complies with the regulations in effect on January 1, 2000. The specified air pollutants are toxic air pollutants, categorized by degree of toxicity and carcinogenic potency; particulate matter and fine particulate matter; pollutants regulated under section 108; and such other pollutants as the Administrator determines should be controlled to prevent deterioration of air quality and to achieve attainment of a national ambient air quality standard in one or more areas.

Adjustments for Carbon Monoxide Emissions: In carrying out the ozone anti-backsliding requirement, the Administrator shall adjust the performance standard to take into account carbon monoxide emissions that are greater or less than the carbon monoxide emissions achieved by reformulated gasoline containing 2 percent oxygen by weight and meeting other performance standards. An adjustment to the VOC emission reduction requirements under the provisions of this section shall be credited toward the requirement for VOC emissions reductions under section 182 of the Clean Air Act.

Updating of Baseline Vehicles: Not later than 3 years after enactment, the Administrator shall revise the performance standards to redefine the term "baseline vehicles" as used in the anti-backsliding provisions to mean vehicles representative of vehicles (including off-road vehicles) in use as of January 1, 2000.

Section 7. Certification of fuels

Combined Reductions of Ozone Forming VOCs and Carbon Monoxide: In certifying a fuel formulation or slate of fuel formulations as equivalent to reformulated gasoline, the Administrator shall determine whether the combined reductions in emissions of VOCs and carbon monoxide result in a reduction in ozone concentration equivalent to or greater than the reduction achieved by a reformulated gasoline meeting the statutory formula and performance requirements. A certified fuel formulation or slate of fuel formulations shall receive the same VOC reduction credit under section 182 as a reformulated gasoline meeting the statutory formula and performance requirements.

Carbon Monoxide Credit: In determining combined reductions in emissions of VOCs and carbon monoxide by a fuel formulation or slate of fuel formulations the Administrator shall consider the change in carbon monoxide emissions from baseline vehicles attributable to an oxygen content that exceeds any minimum oxygen content for reformulated gasoline applicable to the area and may consider the change in carbon monoxide emissions attributable to such oxygen content from vehicles other than baseline vehicles.

Toxic Air Pollutants and Precursors: To be certified as equivalent to reformulated gasoline, the fuel or slate of fuels must achieve equivalent or greater reduction in emissions of toxic air pollutants or precursors of toxic air pollutants than are achieved by a reformulated gasoline meeting the statutory formula and performance requirements.

Certification Subject to Anti-Backsliding Rules: The provisions on certification would clearly specify that a requirement for certification of a fuel formulation or slate of fuel formulations is compliance with the anti-backsliding provisions.

Section 8. Additional opt-in areas

Upon application of the Governor of a State, the Administrator shall apply the requirements relating to reformulated gasoline in any area of the State that is not a covered area or a classified area. The application shall be published in the Federal Register as soon as practicable after it is received.

Section 9. Anti-dumping protections

Updating Baseline Year; Additional Pollutants Covered: The Administrator shall issue regulations to ensure that gasoline sold or introduced into commerce by a refiner, blender or importer (other than gasoline covered by the reformulated gasoline rules) does not result in average per-gallon emissions of VOCs, oxides of nitrogen, carbon monoxide, toxic air pollutants, particulate matter, fine particulate matter, or any precursor of such pollutants, in excess of the emissions of each pollutants attributable to gasoline sold or introduced into commerce by the refiner, blender or importer in calendar year 1999 or calendar year 2000, in whichever year the lower emissions occurred. In the absence of adequate and reliable data for a refiner, blender or importer for calendar year 1999 or calendar year 2000, the Administrator shall substitute baseline gasoline for 1999 or 2000 gasoline.

Average Per-Gallon Emissions: In applying the anti-dumping provisions, average per-gallon emissions shall be measured on the basis of mass, and to the maximum extent practicable using available science, on the basis of ozone-forming potential, degree of toxicity and carcinogenic potency.

Aromatic Hydrocarbon and Olefin Content: Anti-dumping requirements also apply to ensure against increases in aromatic hydrocarbon or olefin content of gasoline relative to the levels in calendar year 1999 or calendar year 2000, in whichever year the content was lower.

Anti-Dumping Compliance: The Administrator shall issue regulations providing that an increase in oxides of nitrogen or volatile organic compounds caused by adding oxygenates may be offset by an equal or greater reduction in emissions of VOCs, carbon monoxide or toxic air pollutants. In making this determination, the Administrator shall measure emissions on the basis of mass, and to the maximum extent practicable using available science, on the basis of ozone-forming potential, degree of toxicity and carcinogenic potency.

Section 10. Renewable content of gasoline and diesel fuel

Renewable Content of Gasoline: Not later than September 1, 2000, the Administrator shall issue regulations requiring each refiner, blender or importer of gasoline to comply with renewable content requirements. On a quarterly basis, all gasoline sold or introduced into commerce shall contain the applicable percentage of fuel derived from a renewable source. The applicable percentages increase from 1.3 percent in 2000, to 2.4 percent in 2004 (coinciding with the expected prohibition of MTBE by late 2003) and to 4.2 percent in 2010 and thereafter.

Fuel Derived From A Renewable Source: The definition of fuel derived from a renewable source includes fuel produced from agricultural commodities, products and their residues; plant materials, including grasses, fibers, wood and wood residues; dedicated energy crops and trees; animal wastes, byproducts and other materials of animal origin; municipal wastes and refuse derived from plant or animal sources; and other biomass that is used to replace or reduce the quantity of fossil fuel in a fuel mixture used to operate a motor vehicle, motor vehicle engine, nonroad vehicle, or nonroad engine.

Credit Program: The Administrator shall establish a program for renewable fuel credit trading on a quarterly average basis. The Administrator, in consultation with the Secretary of Energy and the Secretary of Agriculture, may issue regulations governing the generation and trading of such credits in order to prevent excessive geographical concentration in the use of fuel derived from renewable sources that would tend unduly to affect the price, supply or distribution of such fuels; impede the development of the renewable fuels industry; or otherwise interfere with the purposes of the renewable fuel content requirement.

Waiver: A waiver from the renewable content requirement may be granted for an area in whole or in part after consultation with the Secretary of Agriculture and the Secretary of Energy. The waiver may only be granted for an area upon a determination that the renewable content requirement would severely harm the economy or environment of the area, or there is inadequate domestic supply or distribution capacity with respect to fuels from renewable sources and only after a determination that use of the credit trading program would not alleviate the circumstances on which the petition is based. A waiver shall terminate after one year, or at such earlier time as is determined appropriate by the Administrator, but may be renewed after consultation with the Secretary of Agriculture and the Secretary of Energy.

Labeling: The Administrator shall issue guidance to the States for labeling at the point of retail sale of fuel derived from a renewable source and the major fuel additive components of the fuel.

Reports to Congress: Concerning the renewable content requirement, the Administrator shall report to Congress at least every 3 years (1) regarding reductions in emissions of air pollutants; (2) in consultation with the Secretary of Agriculture, regarding the impact on demand for farm commodities, biomass and other material used for producing fuel derived from renewable sources; the adequacy of food and feed supplies; and the effect upon farm income, employment and economic growth, particularly in rural areas; and (3) in consultation with the Secretary of Energy, describing greenhouse gas emission reductions and assessing the effect on U.S. energy security and reliance on imported petroleum.

Renewable Content of Diesel Fuel: Not later than September 1, 2000, the Administrator shall issue regulations applicable to each refiner, blender, or importer of diesel fuel to ensure that diesel fuel sold or introduced into commerce in the United States complies with renewable content requirements. The Administrator shall establish requirements for the content of diesel fuel that is derived from renewable sources similar to the requirements of the program for gasoline, using the same definition of fuel derived from a renewable source. The regulations shall establish applicable percentages by volume for renewable content for diesel fuel on a quarterly basis, require a gradual increase in the renewable content of diesel fuel, and require that for calendar year 2010 and thereafter the applicable percentage shall be 1.0 percent. The regulations shall provide for credit trading and waiver applications on similar terms to those of the program for gasoline.

Prevention of effects on Highway Apportionments: States would be protected from any adverse impacts as a consequence of the sale and use within a State of ethanol in determining the payments attributable to a State paid into the Highway Trust Fund and the minimum guarantee based on payments into the Highway Trust Fund.

By Mr. KERRY (for himself, Mr. GRASSLEY, Mr. SARBANES, Mr. LEVIN, and Mr. ROCKEFELLER):

S. 2972. A bill to combat international money laundering and protect the United States financial system, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE INTERNATIONAL COUNTER-MONEY LAUNDERING AND FOREIGN ANTICORRUPTION ACT OF 2000

Mr. KERRY. Mr. President, I believe the United States must do more to stop international criminals from washing the blood off their profits from the sale of drugs, from terror or from organized crime by laundering money into the United States financial system.

That is why today, along with Senators GRASSLEY, SARBANES, LEVIN, and ROCKEFELLER, I am introducing the International Counter-Money Laundering and Foreign Anticorruption Act of 2000 which will give the Secretary of the Treasury the tools to crack down on international money laundering havens and protect the integrity of the U.S. financial system from the influx of tainted money from abroad.

I very much appreciate work of the Secretary of Treasury Lawrence Summers in the development of this legislation. Secretary Summers has been a leader in bringing the issue of money laundering to the attention of the American public and the Congress. Earlier this year, Secretary Summers said, "The attack on money laundering is an essential front in the war on narcotics and the broader fight against organized crime worldwide. Money laundering may look like a polite form of white collar crime, but it is the companion of brutality, deceit and corruption."

I am deeply saddened that I will not have the pleasure of working with Senator PAUL COVERDELL, who was to be the primary cosponsor of this legislation. His passing is a tremendous loss to the both to the American people and the U.S. Senate.

Money laundering is the financial side of international crime. It occurs when criminals seek to disguise money that was illegally obtained. It allows terrorists, drug cartels, organized crime groups, corrupt foreign government officials and others to preserve the profit from their illegal activities and to finance new crimes. It provides the fuel that allows criminal organizations to conduct their ongoing affairs. It has a corrosive effect on international markets and financial institutions. Money launderers rely upon the existence of jurisdictions outside the United States that offer bank secrecy and special tax or regulatory advantages to non-residents, and often complement those advantages with weak financial supervision and regulatory regimes.

Today, the global volume of laundered money is estimated to be 2-5 percent of global Gross Domestic Product, between $600 billion and $1.5 trillion. The effects of money laundering extend far beyond the parameters of law enforcement, creating international political issues while generating domestic political crises.

International criminals have taken advantage of the advances in technology and the weak financial supervision in some jurisdictions to place their illicit funds into the United States financial system. Globalization and advances in communications and technologies allow criminals to move their illicit gains faster and farther than ever before. The result has been a proliferation of international money laundering havens. The ability to launder money into the United States through these jurisdictions has allowed corrupt foreign officials to systemically divert public assets to their personal use, which in turn undermines U.S. efforts to promote democratic institutions and stable, vibrant economies abroad.

In February, State and Federal regulators formally sanctioned the Bank of New York for "deficiencies" in its anti-money laundering practices including lax auditing and risk management procedures involving their international banking business. The sanctions were based on the Bank of New York's involvement in an alleged money laundering scheme where more than $7 billion in funds were transmitted from Russia into the bank. Federal investigators are currently attempting to tie the $7 billion to criminal activities in Russia such as corporate theft, political graft or racketeering.

In November 1999, the minority staff of the Senate Governmental Affairs Subcommittee on Investigations released a report on private banking and money laundering. The report describes a number of incidences where high level government officials have used private banking accounts with U.S. financial institutions to launder millions of dollars from foreign governments. The report details how Raul Salinas, brother of former President of Mexico, Carlos Salinas, used private bank accounts to launder money out of Mexico. Representatives from Citigroup testified at a Subcommittee hearing that the bank had been slow to correct controls over their private banking accounts.

During the 1980's, as chairman of the Senate Permanent Subcommittee on Investigations, I began an investigation of the Bank of Credit and Commerce International (BCCI), and uncovered a complex money laundering scheme. Unlike any ordinary bank, BCCI was from its earliest days made up of multiplying layers of entities, related to one another through an impenetrable series of holding companies, affiliates, subsidiaries, banks-within-banks, insider dealings, and nominee relationships.

By fracturing corporate structure, record keeping, regulatory review, and audits, the complex BCCI family of entities was able to evade ordinary legal restrictions on the movement of capital and goods as a matter of daily practice and routine. In creating BCCI as a vehicle fundamentally free of government control, its creators developed an ideal mechanism for facilitating illicit activity by others.

BCCI's used this complex corporate structure to commit fraud involving billions of dollars; and launder money for their clients in Europe, Africa, Asia and the Americas. Fortunately, we were able to bring many of those involved in BCCI to justice. However, my investigation clearly showed that rogue financial institutions have the ability to circumvent the laws designed to stop financial crimes.

In recent years, the United States and other well-developed financial centers have been working together to improve their antimoney laundering regimes and to set international anti-money laundering standards. Back in 1988, I included a provision in the State Department Reauthorization bill that requires major money laundering countries to adopt laws similar to our own on reporting currency, or face sanctions if they did not. Panama and Venezuela wound up negotiating what were called Kerry agreements with the United States and became less vulnerable to the placement of U.S. currency by drug traffickers in the process.

Unfortunately, other nations—some small, remote islands—have moved in the other direction. Many have passed laws that provide for excessive bank secrecy, anonymous company incorporation, economic citizenship, and other provisions that directly conflict with well-established international anti-money laundering standards. In doing so, they have become money laundering havens for international criminal networks. Some even blatantly advertise the fact that their laws protect anyone doing business from U.S. law enforcement.

Just last month, the Financial Action Task Force, an intergovernmental body developed to develop and promote policies to combat financial crime, released a report naming fifteen jurisdictions—including the Bahamas, The Cayman Islands, Russia, Israel, Panama, and the Philippines—that have failed to take adequate measures to combat international money laundering. This is a clear warning to financial institutions in the United States that they must begin to scrutinize many of their financial transactions with customers in these countries as possibly being linked to crime and money laundering. Soon, the Financial Action Task Force will develop bank advisories and criminal sanctions that will have the effect of driving legitimate financial business from these nations, depriving them of a lucrative source of tax revenue. This report has provided important information that governments and financial institutions around the world should learn from in developing their own anti-money laundering laws and policies.

The Financial Stability Forum has recently released a report that categorizes offshore financial centers according to their perceived quality of supervision and degree of regulatory cooperation. The Organization of Economic Cooperation and Development (OECD) has begun a new crackdown on harmful tax competition. Members of the European Union has reached an agreement in principle on sweeping changes to bank secrecy laws, intended to bring cross-border investment income within the net of tax authorities.

The actions by the Financial Action Task Force, the European Union and others show a renewed international focus and commitment to curbing financial abuse around the world. I believe the United States has a similar obligation to use this new information to update our anti-money laundering status.

The International Counter-Money Laundering and Anticorruption Act of 2000 which I am introducing today would provide the tools the U.S. needs to crack down on international money laundering havens and protect the integrity of the U.S. financial system from the influx of tainted money from abroad. The bill provides for actions that will be graduated, discretionary, and targeted, in order to focus actions on international transactions involving criminal proceeds, while allowing legitimate international commerce to continue to flow unimpeded. It will give the Secretary of the Treasury—acting in consultation with other senior government officials and the Congress—the authority to designate a specific foreign jurisdiction, foreign financial institution, or class of international transactions as being of "primary money laundering concern." Then, on a case-by-case basis, the Secretary will have the option to use a series of new tools to combat the specific type of foreign money laundering threat we face. In some cases, the Secretary will have the option to require banks to pierce the veil of secrecy that foreign criminals hide behind. In other cases, the Secretary will have the option to require the identification of those using a foreign bank's correspondent or payable-through accounts. And if these transparency provisions were deemed to be inadequate to address the specific problem identified, the Secretary will have the option to restrict or prohibit U.S. banks from continuing correspondent or payable-through banking relationships with money laundering havens and rogue foreign banks. Through these steps, the Secretary will help prevent laundered money from slipping undetected into the U.S. financial system and, as a result, increase the pressure on foreign money laundering havens to bring their laws and practices into line with international anti-money laundering standards. The passage of this legislation will make it much more difficult for international criminal organizations to launder the proceeds of their crimes into the United States.

This bill fills in the current gap between bank advisories and International Emergency Economic Powers Act (IEEPA) sanctions by providing five new intermediate measures. Under current law, the only counter-money laundering tools available to the federal governments are advisories, an important but relatively limited measure instructing banks to pay close attention to transactions that involve a given country, and full-blown economic sanctions under the IEEPA. This legislation gives five additional measures to increase the government's ability to apply pressure against targeted jurisdictions or institutions.

This legislation will in no way jeopardize the privacy of the American public. The focus is on foreign jurisdictions, financial institutions and classes of transactions that present a threat to the United States, not on American citizens. The actions that the Secretary of the Treasury is authorized to take are designated solely to combat the abuse of our banks by specifically identified foreign money laundering threats. This legislation is in no way similar to the Know-Your-Customer regulations that were proposed by the regulators last year. Further, the intent of this legislation is not to add additional regulatory burdens on financial institutions, but, to give the Secretary of the Treasury the ability to take action against existing money laundering threats.

Let me repeat, this legislation only gives the discretion to use these tools to the Secretary of the Treasury. There is no automatic trigger which forces action whenever evidence of money laundering is uncovered. Before any action is taken, the Secretary of the Treasury, in consultation with other key government officials, must first determine whether a specific country, financial institution or type of transaction is of primary money laundering concern. Then, a calibrated response will be developed that will consider the effectiveness of the measure to address the threat, whether other countries are taking similar steps, and whether the response will cause harm to U.S. financial institutions and other firms.

This legislation will strengthen the ability of the Secretary to combat the international money laundering and help protect the integrity of the U.S. financial system. This bill is supported by the heads of all the major federal law enforcement agencies. The House Banking Committee recently reported out this legislation with a bipartisan 33-1 vote. I believe this legislation deserves consideration by the Senate during the 106th Congress.

Today, advances in technology are bringing the world closer together than ever before and opening up new opportunities for economic growth. However, with these new advantages come equally important obligations. We must do everything possible to insure that the changes in technology do not give comfort to international criminals by giving them new ways to hide the financial proceeds of their crimes. I believe that this legislation is a first step toward limiting the scourge of money laundering will help stop the development of international criminal organizations.

Mr. SARBANES. Mr. President, I am pleased to join Senators KERRY, GRASSLEY, LEVIN, and ROCKEFELLER in introducing the Clinton/Gore administration's International Counter-Money Laundering and Foreign Anti-Corruption Act of 2000 ("ICMLA"). Money laundering poses an ongoing threat to the financial stability of the United States. It is estimated by the Department of the Treasury that the global volume of laundered money accounts for between 2-5 percent of the global GDP.

The ICMLA is designed to bolster the United States ability to counter the laundering of the proceeds of drug trafficking, organized crime, terrorism, and official corruption from abroad. The bill broadens the authority of the Secretary of the Treasury, ensures that banking transactions and financial relationships do not contravene the purposes of current antimoney laundering statutes, provides a clear mandate for subjecting foreign jurisdictions that facilitate money laundering to special scrutiny, and enhances reporting of suspicious activities. The bill similarly strengthens current measures to prevent the use of the U.S. financial system for personal gain by corrupt foreign officials and to facilitate the repatriation of any stolen assets to the citizens of countries to whom such assets belong.

First, section 101 of the ICMLA gives the Secretary of the Treasury, in consultation with other key government officials, discretionary authority to impose five new "special measures" against foreign jurisdictions and entities that are of "primary money laundering concern" to the United States. Under current law, the only counter-money laundering tools available to the federal government are advisories, an important but relatively limited measure instructing banks to pay close attention to transactions that involve a given country, and full-blown economic sanctions under the International Emergency Economic Powers Act ("IEEPA"). The five new intermediate measures will increase the government's ability to apply well-calibrated pressure against targeted jurisdictions or institutions. These new measures include: (1) requiring additional record keeping/reporting on particular transactions, (2) requiring the identification of the beneficial foreign owner of a U.S. bank account, (3) requiring the identification of those individuals using a U.S. bank account opened by a foreign bank to engage in banking transactions (a "payable-through account"), (4) requiring the identification of those using a U.S. bank account established to receive deposits and make payments on behalf of a foreign financial institution (a "correspondent account"), and (5) restricting or prohibiting the opening or maintaining of certain correspondent accounts.

Second, the bill seeks to enhance oversight into illegal activities by clarifying that the "safe harbor" from civil liability for filing a Suspicious Activity Report ("SAR") applies in any litigation, including suit for breach of contract or in an arbitration proceeding. Under the Bank Secrecy Act ("BSA"), any financial institution or officer, director, employee, or agent of a financial institution is protected against private civil liability for filing a SAR. Section 201 of the bill amends the BSA to clarify the prohibition on disclosing that a SAR has been filed. These reports are the cornerstone of our nation's money-laundering efforts because they provide the information necessary to alter law enforcement to illegal activity.

Third, the bill enhances enforcement of Geographic Targeting Orders ("GTOs"). These orders lower the dollar thresholds for reporting transactions within a defined geographic area. Section 202 of the bill clarifies that civil and criminal penalties for violations of the Bank Secrecy Act and its regulations also apply to reports required by GTO's. In addition, the section clarifies that structuring a transaction to avoid a reporting requirement by a GTO is a criminal offense and extends the presumptive GTO period from 60 to 180 days.

Fourth, section 203 of the bill permits a bank, upon request of another bank, to include suspicious illegal activity in written employment references. Under this provision, banks would be permitted to share information concerning the possible involvement of a current or former officer or employee in potentially unlawful activity without fear of civil liability for sharing the information.

Finally, title III of the bill addresses corruption by foreign officials and ruling elites. Pursuant to a sense of Congress, the Secretary of the Treasury, in consultation with the Attorney General and the financial services regulators, is mandated to issue guidelines to financial institutions operating in the United States on appropriate practices and procedures to reduce the likelihood that such institutions could facilitate proceeds expropriated by or on behalf of foreign senior government officials.

The ICMLA addresses many of the shortcomings of current law. The Secretary of Treasury is granted additional authority to require greater transparency of transactions and accounts as well as to narrowly target penalties and sanctions. The reporting and collection of additional information on suspected illegal activity will greatly enhance the ability of bank regulators and law enforcement to combat the laundering of drug money, proceeds from corrupt regimes, and other illegal activities.

Mr. President, the House Banking Committee passed the identical antimoney laundering bill by a vote of 31 to 1 on June 8, 2000. I hope that we can move this legislation expeditiously in the Senate.

By Mr. KERRY (for himself and Mr. HOLLINGS):

S. 2973. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to improve fishery management and enforcement, and fisheries data collection, research, and assessment, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE MAGNUSON-STEVENS ACT AMENDMENTS OF 2000

Mr. KERRY. Mr. President, I rise today to introduce the Magnuson-Stevens Act Amendments of 2000. I would like to thank Mr. HOLLINGS for joining me as an original cosponsor of this legislation to reauthorize and update the Magnuson-Stevens Fishery Conservation and Management Act. As my colleagues and I well remember, we last substantially reauthorized the Act only four years ago with the Sustainable Fisheries Act—a three-year effort in itself. As in 1996, I look forward to working with members of the Commerce Committee as we update and improve this most important legislation.

Mr. President, the fishery resources found off U.S. shores are a valuable national heritage. In 1998, the last year for which we have figures, U.S. commercial fisheries produced $3.1 billion in dockside revenues, contributing a total of more than $25 billion to the Gross National Product. By weight of catch, the United States is the world's fifth largest fishing nation, harvesting over 4 million tons of fish annually. The United States is also a significant seafood exporter, with exports valued at over $8 billion in 1998. In addition to supporting the commercial seafood industry, U.S. fishery resources provide enjoyment for about 9 million saltwater anglers who take home roughly 200 million pounds of fish each year.

Over the past year, the Commerce Committee under Senator SNOWE's leadership has been holding a series of hearings around the country in preparation for this year's reauthorization. These hearings have pointed to one central theme—while there is certainly room for improving fisheries management under the Magnuson-Stevens Act, the sweeping changes we made in 1996 are still being implemented in each region. In fact, a number of regions are showing good progress, including New England where the yellowtail flounder and haddock stocks are rebounding. For this reason, I believe this year's reauthorization should leave in place the core conservation provisions of the Act, and focus on providing adequate resources, and any organizational or other changes necessary for NOAA Fisheries and Regional Fishery Management Councils to achieve the goals we set forth in the Sustainable Fisheries Act.

Mr. President, the bill I introduce today outlines a proposal for making this a reality. While we have added increasingly complex technical and scientific requirements to the fisheries management process, we have failed in many cases to provide the resources necessary to meet these requirements. Effective fisheries management for the future will rely on committing adequate resources and direction to the fisheries managers as well as the fishing participants. These include providing necessary funding increases to both the agency and the Councils, creation of a national observer program, establishing a nationwide cooperative research program with the fishing industry, and ensuring that we are collecting the socioeconomic data we need to design management measures that make sense for fishermen. This legislation aims to remedy this by providing a significant increase in funding, and specifying amounts required to support both the new initiatives and existing programs.

Over the years, we have reauthorized the Magnuson-Stevens Act many times, and each time we have wrestled with the question of how to improve the ability of the Regional Fisheries Management Councils to effectively and fairly implement the requirements of the Act. This bill suggests ways in which to begin remedying these concerns. First, the bill would clarify that the Secretary of Commerce must ensure representation on the Council of all qualified persons who are concerned with fisheries conservation and management. While fishermen are the source of tremendous wisdom and expertise needed in managing these fisheries, there are others such as scientists and those with other relevant experience who may also provide valuable service to the Councils. To help the Secretary meet this requirement, the bill requires Governors to consult with members of recreational, commercial, and other fishing or conservation interests within a State before selecting a list of nominees to send to the Secretary. We would like to see all those who can provide constructive attention to our fishery management problems to work together to forge innovative and progressive solutions. In addition, we must increase independent scientific involvement in the Councils, and my legislation would provide that Councils must involve Science and Statistics Committee members in the development and amendment of fisheries management plans.

I do know of the grave concerns expressed by conservation groups, fishermen, scientists and managers about problems with the existing fishery management process. I believe we need to address these questions, both with respect to the Councils and the Agency. I would like to work on this further with my colleagues as we go forward, but in the meantime this bill asks the National Academy of Sciences to bring together international and regional experts to evaluate what works and what may be broken in the current system, and what additional changes may be necessary to modernize and make more effective our entire fishery management process.

In our series of hearings around the country, we have consistently heard a call from both industry and conservation groups for observer coverage in our fisheries. We have failed to adequately provide funding mechanisms for observer coverage; each year, federally funded observers are deployed in as few as five to seven fisheries, and observer coverage is rarely over 20 percent. Without observer coverage, there is little hope that we will have statistically significant data, particularly data on actual levels of bycatch. I have included provisions to ensure that each fishery management plan details observer coverage and monitoring needs for a fishery, and created a new National Observer Program. This national program would address technical and administrative responsibilities over regional observer programs. I have also included provisions to allow Councils or the Secretary to develop observer monitoring plans, and have established a fishery observer fund which would include funds appropriated for this purpose, collected as fines under a new bycatch incentive program, or deposited through fees established under this section.

In the 1996 reauthorization, we took a first step in dealing with the issue of bycatch by instructing NMFS to implement a standardized bycatch reporting methodology. Nonetheless, I believe we have a long way to go in dealing with the bycatch problem in many of our fisheries. In addition to establishing a national observer program, my bill would establish a task force to recommend measures to monitor, manage, and reduce bycatch and unobserved fishing mortality. The Secretary would then be charged with implementing these recommendations. In addition, I have provided for the development of bycatch reduction incentive programs that could include a system of fines, non-transferable bycatch quotas, or preferences for gear types with low-bycatch rates.

It is also time for us to move forward on ecosystem-based fishery management. We do not yet have the data to actually manage most of our fisheries on an ecosystem basis, but I still believe we must begin the preparation and consideration of fishery ecosystem plans. We must strive to understand the complex ecological and socio-economic environments in which fish and fisheries exist, if we hope to anticipate the effects that fishery management will have on the ecosystem, and the effects that ecosystem change will have on fisheries. My legislation would require each Council to develop one fishery ecosystem plan for a marine ecosystem under its jurisdiction. Each ecosystem plan would have to include a listing of data and information needs identified during development of the plan, and the means of addressing any scientific uncertainties associated with the plan.

One of the most resounding comments we heard at all of our regional hearings was the need to continually improve scientific information, and to involve the fishing industry in the collection of this information. My bill would establish a national cooperative research program, patterned after the successful cooperative research program in the New England scallop fishery, for projects that are developed through partnerships among federal and state managers, fishing industry participants, and academic institutions. Priority would be given to projects to reduce bycatch, conservation engineering projects, projects to identify and protect essential fish habitat or habitat area of particular concern, projects to collect fishery ecosystem information and improve predictive capabilities, and projects to compile social and economic data on fisheries.

Over the years, I have heard much complaint that NMFS does not communicate effectively with the fishing industry or the general public. To remedy this, my bill calls for the establishment of a fisheries outreach program within NMFS to heighten public understanding of NMFS research and technology, train Council members on implementation of National Standards 1 and 8 requirements of NEPA and the Regulatory Flexibility Act, and identify means of improving quality and reporting of fishery-dependent data. New provisions would also require improvement of the transparency of the stock assessment process and methods, and increase access and compatibility of data relied upon in fishery management decisions. I have required the Secretary to periodically review fishery data collection and assessment methods, and to establish a Center for Independent Peer Review under which independent experts would be provided for special peer review functions.

Mr. President, I have also included provisions to address one of our biggest problems in fisheries today—too many fishermen chasing too few fish. It is true that many of our fisheries are overcapitalized. A buyout in New England several years ago attempted to deal with this problem, and according to Penny Dalton, Assistant Administrator for Fisheries, in a recent USA Today article, the buyout "jump started recovery in the New England groundfish fishery." A section of my bill would require the Secretary to evaluate overcapacity in each fishery, and identify measures planned or taken to reduce any such overcapacity. My legislation would amend the existing Act to ensure that capacity reduction programs also consider and address latent fishing capacity, and would allow the use of Capital Construction Funds and funds from the Fisheries Finance Program for measures to benefit the conservation and management of fisheries such as capacity reduction, as well as for gear and safety improvements.

In 1996, we enacted a new concept in defining, and requiring protection and identification of, essential fish habitat (EFH). While there has been much outcry that essential fish habitat has been identified too broadly and that EFH consultation processes have resulted in regulatory delay, GAO reports very few real problems resulting from such designations. As a result, I do not feel it is necessary to significantly modify EFH provisions. Instead, I believe we can improve the current work of NMFS and the Councils to identify EFH, and areas within them called "habitat areas of particular concern" (HAPCs). I have added new provisions that would require Councils to protect and identify HAPCs as part of existing requirements to identify and protect EFH. My bill would clarify that HAPCs are to be identified pursuant to the NMFS EFH guidelines, and that these areas should receive priority identification and protection, as they are oftentimes the areas most critical to fish spawning and recruitment. It is crucial that we improve our understanding of fisheries habitat, and my bill would establish pilot cooperative research projects on fishery and non-fishery impacts to HAPCs.

Finally, Mr. President, I would like to address the issue of individual fishing quotas, which have been the subject of much debate over the past few years. There is a moratorium on these programs in place until September 30, 2000, and we have been skirting consideration of this new management tool for too long. We must begin debate and consideration of the panoply of exclusive quota-based programs that have developed over the past several years, which must include adoption of legislative guidance for these programs. For this reason, the bill suggests a set of national criteria that would permit establishment of exclusive quota based programs—including community-based quotas, fishing cooperatives, and individual fishing quotas—but still protect the concerns of those who do not wish to employ these tools. I invite all those who are concerned about these issues to engage in a discussion with my colleagues and me on the appropriate way to address this national issue as we move forward this session.

I understand the many concerns of small fishermen in New England regarding the use of these tools. First, no region would have to implement an exclusive quota-based program without approval of a 3/5 majority of eligible permit holders through a referendum process. In addition, any exclusive quota-based program developed under my legislation would have to meet a set of national criteria. These national criteria would include provisions specifically aimed at protecting small fishermen such as the following: (1) ensuring that quota-based programs provide a fair and equitable initial allocation of quota (including the establishment of an appeals process for qualification and allocation decisions), (2) preserving the historical distribution of catch among vessel categories and gear sectors, (3) considering allocation of a portion of the annual harvest specifically to small fishermen and crew members; and (4) requiring programs to consider the effects of consolidation of quota shares and establish limits necessary to prevent inequitable concentration of quota share or significant impacts on other fisheries or fishing communities. To respond to the concern that we must ensure quota-based programs meet conservation objectives, my legislation would provide a 7-year review of the performance of quota holders, including fulfillment of conservation requirements of the Act. Finally any quota-based program would have to have a plan to rationalize the fishery—which in some cases would require a buyout of excess capacity under section 312(b) of the Act.

Mr. President, I believe this legislation provides the funding, tools, and programs to ensure the important changes made in the 1996 amendments are implemented effectively and improved where necessary. During the last reauthorization, our nation's fisheries were at a crossroads, and action was required to remedy our marine resource management problems, to preserve the way of life of our coastal communities, and to promote the sustainable use and conservation of our marine resources for future generations and for the economic good of the nation. We made changes in 1996 that were good for the environment, good for the fish, and good for the fishermen. We must stay the course, and this bill will help us do just that. In addition, the bill will provide us with innovative tools, such as exclusive quota-based programs and the new national observer program, to further advance fisheries management. Mr. President, I remain committed to the goal of establishing biologically and economically sustainable fisheries so that fishing will continue to be an important part of the culture of coastal communities as well as the economy of the Nation and Massachusetts.

By Mrs. FEINSTEIN:

S. 2975. A bill to limit the administrative expenses and profits of managed care entities to not more than 15 percent of premium revenues; to the Committee on Finance.

MANAGED CARE HEALTH BENEFITS INTEGRITY ACT OF 2000

Mrs. FEINSTEIN. Mr. President, today, I am introducing the Health Benefits Integrity Act to make sure that most health care dollars that people and employers pay into a managed care health insurance plan get spent on health care and not on overhead.

Under my bill, managed care plans would be limited to spending 15 percent of their premium revenues on administration. This means that if they spend 15 percent on administration, they would spend 85 percent of premium revenues on health care benefits or services.

This bill was prompted by study by the Inspector General (IG) for the U.S. Department of Health and Human Services reported under a USA Today headline in February, "Medicare HMOs Hit for Lavish Spending." The IG reviewed 232 managed care plans that contract with Medicare and found that in 1999 the average amount allocated for administration ranged from a high of 32 percent to a low of three percent. The IG recommended that the Department establish a ceiling on the amount of administrative expenditures of plans, noting that if a 15 percent ceiling had been placed in 1998, an additional $1 billion could have been passed on to Medicare beneficiaries in the form of additional benefits or reduce deductibles and copayments.

The report said, "This review, similar OIG reviews, and other studies have shown that MCOs' [managed care organizations'] exorbitant administrative costs have been problematic and can be the source for abusive behavior." Here are some examples cited by the Inspector General on page 7 of the January 18 report: $249,283 for food, gifts and alcoholic beverages for meetings by one plan; $190,417 for a sales award meeting in Puerto Rico for one plan; $157,688 for a party by one plan; $25,057 for a luxury box at a sports arena by one plan; $106,490 for sporting events and/or theater tickets at four plans; $69,700 for holiday parties at three plans; and $37,303 for wine gift baskets, flowers, gifts and gift certificates at one plan.

It is no wonder that people today are angry at HMOs. When our hard-earned premium dollars are frittered away on purchases like these, we have to ask whether HMOs are really providing the best care possible. Furthermore, in the case of Medicare, we are also talking about wasted taxpayer dollars since Part B of Medicare is funded in part by the general treasury. One dollar wasted in Medicare is one dollar too much. Medicare needs all the funds it can muster to stay solvent and to be there for beneficiaries when they need it.

I feel strongly that if HMOs are to be credible, they must be more prudent in how they spend enrollees' dollars. Administrative expenses must be limited to reasonable expenses.

An October 1999 report by Interstudy found that for private HMO plans, administrative expenses range from 11 percent to 21 percent and that for-profit HMOs spend proportionately more on administrative cost than not-for-profit HMOs. This study found the lowest rate to be 3.6 percent and the highest 38 percent in California! In some states the maximums were even higher.

The shift from fee-for-service to managed care as a form of health insurance has been rapid in recent years. Nationally, 86 percent of people who have employment-based health insurance (81.3 million Americans) are in some form of managed care. Around 16 percent of Medicare beneficiaries are in managed care nationally (40 percent in California), a figure that doubled between 1994 and 1997. By 2010, the Congressional Budget Office predicts that 31 percent of Medicare beneficiaries will be in managed care. Between 1987 and 1999, the number of health plans contracting with Medicare went from 161 to 299. As for Medicaid, in 1993, 4.8 million people (14 percent of Medicaid beneficiaries) were in managed care. Today, 16.6 million (54 percent) are in managed care.

In California, the State which pioneered managed care for the nation, an estimated 88 percent of the insured are in some form of managed care. Of the 3.7 million Californians who are in Medicare, 40 percent (1.4 million) are in managed care, the highest rate in the U.S. As for Medicaid in California, 2.5 million people (50 percent) of beneficiaries are in managed care. And so managed care is growing and most people think it is here to stay.

I am pleased to say that in California we already have a regulation along the lines of the bill I am proposing. We have in place a regulatory limit of 15 percent on commercial HMO plans' administrative expenses. This was established in my State for commercial plans because of questionable expenses like those the HHS IG found in Medicare HMO plans and because prior to the regulation, some plans had administrative expense as high as 30 percent of premium revenues.

This bill would never begin to address all the problems patients experience with managed care in this country. That is why we also need a strong Patients Bill of Rights bill. I hope, however, this bill will discourage abuses like those the HHS Inspector General found and will help assure people that their health care dollars are spent on health care and are not wasted on outings, parties, and other activities totally unrelated to providing health care services.

I call on my colleagues to join me in enacting this bill.

By Mrs. FEINSTEIN (for herself, Mr. BYRD, and Mrs. BOXER):

S. 2976. A bill to amend title XXI of the Social Security Act to allow States to provide health benefits coverage for parents of children eligible for child health assistance under the State children's health insurance program; to the Committee on Finance.

FAMILY HEALTH INSURANCE PROGRAM ACT OF 2000

Mrs. FEINSTEIN. Mr. President, today, Senators BYRD, BOXER and I are introducing legislation to allow States, at their option, to enroll parents in the State-Children's Health Insurance Program, known as S–CHIP. This bill could provide insurance to 2.7 million parents nationwide and 356,000 parents in California by using unspent allocations States will otherwise lose on September 30, 2000. Congress has appropriated a total of $12.9 billion for S-

CHIP for fiscal years 1998, 1999, and 2000, or about $4.3 billion for each fiscal year. California received $854.6 million in 1998, $850.6 million in 1999, and $765.5 million in 2000. Right now California stands to lose $588 million just in fiscal year 1998 funds because California has faced many hurdles in enrolling children. That is in part why we are introducing this bill, to enhance enrollment of more children and to help states use available S-CHIP funds.

S-CHIP is a low-cost health insurance program for low-income children up to age 19 that Congress created in the Balanced Budget Act of 1997. After three years, S-CHIP covers approximately two million children across the country, out of the three to four million children estimated to be eligible. Congress created it as a way to provide affordable health insurance for uninsured children in families that cannot afford to buy private insurance.

States can choose from three options when designing their S-CHIP program: (1) expansion of their current Medicaid program; (2) creation of a separate State insurance program; or (3) a combination of both approaches. In California, S-CHIP, known as Health Families, is set up as a public-private program rather than a Medicaid expansion. Healthy Families allows California families to use federal and State S-CHIP funds to purchase private managed care insurance for their children. Under the federal law, States generally cover children in families with incomes up to 200 percent of poverty, although States can go higher if their Medicaid eligibility was higher than that when S-CHIP was enacted in 1997. In California, eligibility was raised to 250 percent in November 1999, increasing the number of eligible children by 129,000.

Basic benefits in the California S-CHIP program include inpatient and outpatient hospital services, surgical and medical services, lab and x-ray services, and well-baby and well-child care, including immunizations. Additional services which States are encouraged to provide, and which California has elected to include, are prescription drugs and mental health, visions, hearing, dental, and preventive care services such as prenatal care and routine physical examinations. In California, enrollees pay a $5.00 co-payment per visit which generally applies to inpatient services, selected outpatient services, and various other health care services.

The United States faces a serious health care crisis that continues to grow as more and more people are becoming uninsured. Despite the robust health of the economy, the U.S. has seen an increase in the uninsured by nearly five million since 1994. Currently, 44 million people (or 18 percent) of the non-elderly population are uninsured. In California, 23.5 percent, or 7.3 million, are uninsured. One study cited in the May 2000 California Journal found that as many as 2,333 Californians lose health insurance every day. A May 29, 2000 San Jose Mercury article cited California's emergency room doctors who "estimate that anywhere from 20 percent to 40 percent of their walk-in patients have no health coverage." This a problem that needs to be addressed now.

The bill we are introducing would allow States to expand S-CHIP coverage to parents whose children are eligible for the program. In my State, that would be families up to 250 percent of the federal poverty level. For the year 2000, the federal poverty level for a family of four is $17,050. In California, with the upper eligibility limit of 250 percent of poverty, families of four making up to $42,625 are eligible. This bill could reach approximately 2.7 million parents nationwide and more than 356,000 parents in California. The bill we are introducing retains the current funding formula, State allotments, benefits, eligibility rules, and cost-sharing requirements.

An S-CHIP expansion should be accomplished without substituting S-CHIP coverage for private insurance or other public health insurance that parents might already have. The current S-CHIP law requires that State plans include adequate provisions preventing substitution and my bill retains that. For example, many States require that an enrollee be uninsured before he or she is eligible for the program.

This bill is important for several reasons. Many State officials say that by covering parents of uninsured children we can actually cover more children. More than 75 percent of uninsured children live with parents who are uninsured. If an entire family is enrolled in a plan and seeing the same group of doctors—in other words, if the care is convenient for the whole family—all the members of the family are more likely to be insured and to stay healthy. This is a key reason for this legislation, bringing in more children by targeting the whole family.

Private health insurance in the commercial market can be very expensive. The average annual cost of family coverage in private health plans for 1999 was $5,742, according to the Kaiser Family Foundation. California has some of the lowest-priced health insurance, yet the State ranks fifth in uninsured for 1998-1996. In California, high housing costs, high gas prices, expensive commutes, and a high cost-of-living make it difficult for many California families to buy health insurance. According to the California Institute, the median price of single family home rose 17 percent, to $231,710, from February 1999 to February 2000. The California Housing Affordability Index, which measures the percentage of Californians that are able to purchase mid-priced homes, declined 11 percent from 1999 to 2000. With prices like these, many families are unable to afford health insurance even though they work full-time.

Many low-income people work for employers who do not offer health insurance. In fact, forty percent of California small businesses (those employing between three and 50 employers) do not offer health insurance, according to a Kaiser Family Foundation study in June.

We need to give hard-working, lower income American families affordable, comprehensive health insurance, and this bill does that.

The President has proposed to cover parents under the S-CHIP program. The California Medical Association and Alliance of Catholic Health Care support our bill.

Current law requires States to spend federal S-CHIP dollars within three years of the appropriation. Many States, including California, could lose millions of dollars of unspent federal Fiscal Year 1998 funds on September 30, 2000. I am working to get an extension of that deadline. In the meantime, we could begin to cover parents while getting that extension and working to increase funds for the program. According to estimates from the Health Care Financing Administration, the following 39 States could lose the following amounts, totaling $1.9 billion. Arizona, California, Georgia, Illinois, Louisiana, Michigan, New Mexico, and Texas stand to lose the most money. These eight States alone would lose $1.4 billion.

States	*Millions*
Arizona	$77.2
Arkansas	45.4
California	588.8
Colorado	12.9
Connecticut	9.4
Delaware	6
District of Columbia	2.4
Florida	41.5
Georgia	78.1
Hawaii	8.9
Idaho	4.1
Illinois	84.2
Iowa	1.4
Kansas	1.5
Louisiana	73.3
Maryland	26.7
Michigan	51.4
Minnesota	28.3
Montana	1.8
Nevada	18.6
New Hampshire	7.5
New Jersey	2
New Mexico	57.9
North Dakota	2.9
Ohio	19.8
Oklahoma	37.6
Oregon	18.3
Pennsylvania	0.64
Rhode Island	4.6
South Dakota	4.4
Tennessee	26.4
Texas	443.6
Utah	1.7
Vermont	1.6
Virginia	38.4
Washington	45.1
West Virginia	11.3

States	*Millions*
Wisconsin	23
Wyoming	6.9

Our bill would offer another option for States like mine to use these unspent funds.

I urge my colleagues to join us in supporting and passing this bill. By giving States the option to cover parents—whole families—we can reduce the number of uninsured with existing funds and encourage the enrollment of more children and we can help keep people healthy by better using this valuable, but currently under-utilized program.

By Mrs. FEINSTEIN:

S. 2977. A bill to assist in the establishment of an interpretive center and museum in the vicinity of the Diamond Valley Lake in southern California to ensure the protection and interpretation of the paleontology discoveries made at the lake and to develop a trail system for the lake for use by pedestrians and nonmotorized vehicles; to the Committee on Energy and Natural Resources.

BILL TO ESTABLISH AN INTERPRETIVE CENTER AROUND DIAMOND VALLEY LAKE

Mrs. FEINSTEIN. Mr. President, I am pleased to introduce a bill today to benefit 17 million citizens of Southern California and visitors from around the country and world through the development of the Western Center for Archaeology and Paleontology. At this center, visitors will be able to marvel at the archaeological and paleontological past of inland southern California.

This bill would help create an interpretive center and museum around Diamond Valley Lake to highlight the animals and habitat of the Ice Age up to the European settlement period.

I understand that the paleontological resources are world class and include hundreds of thousands of historic and pre-historic artifacts. These include a mastodon skeleton, a mammoth skeleton, a seven-foot long tusk, and bones from extinct species previously not believed to have lived in the area, including the giant long-horned bison and North American lion.

Additionally, visitors will enjoy unprecedented recreational opportunities through a system of hiking, biking, and equestrian trails wandering through the grasslands, chaparral, and oak groves that surround the reservoir.

The total cost of the project is $58 million. The State has agreed to commit one quarter of the tab, the Metropolitan Water District has agreed to contribute one-quarter, and other local governments will also contribute one-quarter. This bill would authorize the federal government's share of one-quarter or $14 million.

I urge the Senate to adopt this legislation.

By Mr. DASCHLE (for himself, Mr. BINGAMAN, Mr. CONRAD, Mr. BAUCUS, Mr. KERREY, Mr. KOHL, Mr. AKAKA, Mr. JOHNSON, Mr. REID, Mr. KENNEDY, and Mr. DODD):

S. 2978. A bill to recruit and retain more qualified individuals to teach in Tribal Colleges or Universities; to the Committee on Indian Affairs.

THE TRIBAL COLLEGE OR UNIVERSITY LOAN FORGIVENESS ACT

Mr. DASCHLE. Mr. President, our tribal colleges and universities have come to play a critically important role in educating Native Americans across the country. For more than 30 years, these institutions have proven instrumental in providing a quality education for those who had previously been failed by our mainstream educational system. Before the tribal college movement began, only six or seven out of 100 Native American students attended college. Of those few, only one or two would graduate with a degree. Since these institutions have curricula that is culturally relevant and is often focused on a tribe's particular philosophy, culture, language and economic needs, they have a high success rate in educating Native American people. As a result, I am happy to say that tribal college enrollment has increased 62 percent over the last six years.

The results of a tribal college education are impressive. Recent studies show that 91 percent of 1998 tribal college and university graduates are working or pursuing additional education one year after graduating. Over the last ten years, the unemployment rate of recently polled tribal college graduates was 15 percent, compared to 55 percent on many reservations overall.

While tribal colleges and universities have been highly successful in helping Native Americans obtain a higher education, many challenges remain to ensure the future success of these institutions. These schools rely heavily on federal resources to provide educational opportunities for all students. As a result, I strongly support efforts to provide additional funding to these colleges through the Interior, Agriculture and Labor, Health and Human Services, and Education Appropriations bills.

In addition to resource constraints, administrators have expressed a particular frustration over the difficulty they experience in attracting qualified individuals to teach at tribal colleges. Geographic isolation and low faculty salaries have made recruitment and retention particularly difficult for many of these schools. This problem is increasing as enrollment rises.

That is why I am introducing the Tribal College or University Loan Forgiveness Act. This legislation will provide loan forgiveness to individuals who commit to teach for up to five years in one of the 32 tribal colleges nationwide. Individuals who have Perkins, Direct, or Guaranteed loans may qualify to receive up to $15,000 in loan forgiveness. This program will provide these schools extra help in attracting qualified teachers, and thus help ensure that deserving students receive a high quality education.

This measure will benefit individual students and their communities. By providing greater opportunities for Native American students to develop skills and expertise, this bill will spur economic growth and help bring prosperity and self-sufficiency to communities that desperately need it. Native Americans and the tribal college system deserve nothing less. I believe our responsibility was probably best summed up by one of my state's greatest leaders, Sitting Bull. He once said, "Let us put our minds together and see what life we can make for our children."

I am pleased that Senators BINGAMAN, CONRAD, BAUCUS, KERREY, KOHL, AKAKA, JOHNSON, REID, KENNEDY, and DODD are original cosponsors of this bill, and I look forward to working with my colleagues to pass this important legislation.

I ask unanimous consent that the text of the Tribal Colleges or University Loan Forgiveness Act be printed in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2978

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LOAN REPAYMENT OR CANCELLATION FOR INDIVIDUALS WHO TEACH IN TRIBAL COLLEGES OR UNIVERSITIES.

(a) SHORT TITLE.—This Act may be cited as the "Tribal College or University Teacher Loan Forgiveness Act".

(b) PERKINS LOANS.—

(1) AMENDMENT.—Section 465(a) of the Higher Education Act of 1965 (20 U.S.C. 1087ee(a)) is amended—

(A) in paragraph (2)—

(i) in subparagraph (H), by striking "or" after the semicolon;

(ii) in subparagraph (I), by striking the period and inserting "; or"; and

(iii) by adding at the end the following:

"(J) as a full-time teacher at a tribal College or University as defined in section 316(b)."; and

(B) in paragraph (3)(A)(i), by striking "or (I)" and inserting "(I), or (J)".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall be effective for service performed during academic year 1998–1999 and succeeding academic years, notwithstanding any contrary provision of the promissory note under which a loan under part E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087aa et seq.) was made.

(c) FFEL AND DIRECT LOANS.—Part G of title IV of the Higher Education Act of 1965 (20 U.S.C. 1088 et seq.) is amended by adding at the end the following:

"SEC. 493C. LOAN REPAYMENT OR CANCELLATION FOR INDIVIDUALS WHO TEACH IN TRIBAL COLLEGES OR UNIVERSITIES.

"(a) Program Authorized.—The Secretary shall carry out a program, through the holder of a loan, of assuming or canceling the obligation to repay a qualified loan amount, in accordance with subsection (b), for any new borrower on or after the date of enactment of the Tribal College or University Teacher Loan Forgiveness Act, who—

"(1) has been employed as a full-time teacher at a Tribal College or University as defined in section 316(b); and

"(2) is not in default on a loan for which the borrower seeks repayment or cancellation.

"(b) Qualified Loan Amounts.—

"(1) Percentages.—Subject to paragraph (2), the Secretary shall assume or cancel the obligation to repay under this section—

"(A) 15 percent of the amount of all loans made, insured, or guaranteed after the date of enactment of the Tribal College or University Teacher Loan Forgiveness Act to a student under part B or D, for the first or second year of employment described in subsection (a)(1);

"(B) 20 percent of such total amount, for the third or fourth year of such employment; and

"(C) 30 percent of such total amount, for the fifth year of such employment.

"(2) Maximum.—The Secretary shall not repay or cancel under this section more than $15,000 in the aggregate of loans made, insured, or guaranteed under parts B and D for any student.

"(3) Treatment of consolidation loans.—A loan amount for a loan made under section 428C may be a qualified loan amount for the purposes of this subsection only to the extent that such loan amount was used to repay a loan made, insured, or guaranteed under part B or D for a borrower who meets the requirements of subsection (a), as determined in accordance with regulations prescribed by the Secretary.

"(c) Regulations.—The Secretary is authorized to issue such regulations as may be necessary to carry out the provisions of this section.

"(d) Construction.—Nothing in this section shall be construed to authorize any refunding of any repayment of a loan.

"(e) Prevention of Double Benefits.—No borrower may, for the same service, receive a benefit under both this section and subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12571 et seq.).

"(f) Definition.—For purposes of this section, the term 'year', when applied to employment as a teacher, means an academic year as defined by the Secretary.".

By Mr. GRAHAM (for himself and Mr. Mack):

S. 2979. A bill to amend the Internal Revenue Code of 1986 to clarify the status of professional employer organizations and to promote and protect the interests of professional employer organizations, their customers, and workers; to the Committee on Finance.

PROFESSIONAL EMPLOYER ORGANIZATION WORKERS BENEFITS ACT OF 2000

Mr. GRAHAM. Mr. President, today along with my Finance Committee colleague, Senator Mack, I am introducing the Professional Employer Organization Workers Benefits Act of 2000. This legislation will expand retirement and health benefits for workers at small and medium-sized businesses in this country.

The bill makes it easier for certified professional employer organizations (PEO's) to assist small and medium-sized businesses in complying with the many responsibilities of being an employer. It permits PEO's to collect Federal employment taxes on behalf of the employer and provide benefits to the small business' workers. For many of these workers, the pension, health and other benefits that a PEO provides would not be available from the small business itself because they are too costly for the small business to provide on its own. The average client of a PEO is a small business with 18 workers and an average wage of $20,000. PEO's have the expertise and can take advantage of economies of scale to provide health and retirement benefits in an affordable and efficient manner.

A recent Dunn & Bradstreet survey of small businesses reveled that only 39 percent offered health care and just 19 percent offer retirement plans. We must take every opportunity to assist these small businesses in providing retirement and health benefits to their employees. PEO's offer one creative way to bridge the gap between what workers need and what small businesses can afford to provide. In fact, one analyst at Alex. Brown & Sons estimates that 40 percent of companies in a PEO coemployment relationship upgrade their total employee benefits package as a result of the partnership with the PEO. Twenty-five percent of those companies offer health and other benefits for the first time.

Over the past few years, small and medium-sized businesses have sought out the services offered by PEO's. In response, many states have created programs to recognize, license and regulate PEO's to ensure that a viable industry could grow. Unfortunately, federal law has not kept pace. Current rules for who can collect employment taxes and provide benefits do not fit with the PEO model. Under some interpretations, PEO's would be prohibited from performing the very services that small businesses are asking them to undertake.

This legislation clarifies the tax laws to make it clear that PEO's meeting certain standards will be able to assist small businesses in providing employee benefits and collecting Federal employment taxes. This bill is a narrower version of a provision that was included in the pension legislation I sponsored in the last Congress. This new bill incorporates comments we received from interested parties over the course of the past year, including those received from the Treasury and Labor Departments. As a result the bill we are introducing today is much improved from previous versions.

In addition, I would like to make clear what this bill does not do. Unlike earlier versions, this legislation applies only to PEO's, and not to temporary staffing agencies. Further, this bill applies only to the two specific areas of tax law—employment taxes and employee benefits. It does not affect any other law nor does it affect the determination of who is the employer for any other purpose. The bill specifically provides that it creates no inferences with respect to those issues.

I am hopeful that, with this narrower focus, this legislation can be considered on its own merits, without getting bogged down in larger disputes involving contingent workforces and independent contractors. Those issues are important ones that Congress may want to examine, but we should not allow them to delay resolution of the unrelated PEO issued addressed by this bill.

I look forward to working with Senator Mack, my other colleagues on the Finance Committee, and the administration to move this bill during the 106th Congress so that we can help small- and medium-sized businesses operate more efficiently while at the same time expanding the benefits available to their workers.

Mr. President, I ask unanimous consent that the following explanation of the bill be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Technical Explanation of Professional Employer Organization Workers Benefits Act of 2000

The bill would amend the Internal Revenue Code of 1986 to clarify the treatment of certain qualifying organizations—called Certified Professional Employer Organizations (CPEOs)—for employee benefit and employment tax purposes. Generally, the bill provides that an entity which meets certain requirements may be certified as a CPEO by the Internal Revenue Service (IRS) and will be allowed (1) to take responsibility for employment taxes with respect to worksite employees of an unrelated client and (2) to provide such workers with employee benefits under a single employer plan maintained by the CPEO.

While the legislation will allow the CPEO to take responsibility for certain functions, the bill expressly states (1) that it does not override the common law determination of an individual's employer and (2) that it will not affect the determination of who is a common law employer under federal tax laws or who is an employer under other provisions of law (including the characterization of an arrangement as a MEWA under ERISA). Status as a CPEO (or failure to be a CPEO) will also not be a factor in determining employment status under current rules.

CERTIFICATION OF PROFESSIONAL EMPLOYER ORGANIZATIONS

In order to be certified as a CPEO, an entity must demonstrate to the IRS by written application that it meets (or, if applicable, will meet) certain requirements. Generally, the requirements for certification will be developed by the IRS using the ERO (electronic return originator) program and the requirements to practice before the IRS (as described in Circular 230) as a model. Standards will include review of the experience of the PEO and issuance of an opinion by a certified public accountant on the CPEOs financial statements. As part of the certification process, the applicant must disclose any criminal complaints against it, its principal owners and officers, or related entities, and any incidence of failure to timely file tax returns or pay taxes (either income or employment taxes) by it, its principal owners and officer, or related entities. The IRS would have the ability to do a background and tax check of the applicant, its principal owners and officers, or related entities, and may reject an application on the basis of information determined in that process. In addition, in order to be certified, a CPEO must represent that it (or the client) will maintain a qualified retirement plan for the benefit of 95% of worksite employees.

The CPEO must notify the IRS in writing of any change that affects the continuing accuracy of any representation made in the initial certification request. In addition, after initial certification, the CPEO must continue to file copies of its audited financial statements with the IRS by the last day of the sixth month following the end of the fiscal year. Procedures would be established for suspending or revoking CPEO status (similar to those under the ERO program). There would be a right to administrative appeal from an IRS denial, suspension, or revocation or certification.

CPEO RELATIONSHIP WITH PARTICULAR WORKERS

After certification, a CPEO will be allowed to take responsibility for employment taxes and to provide employee benefits to "worksite employees." A worker who performs services at a client's worksite is a "worksite employee" if the worker (and at least 85% of the individuals working at the worksite) are subject to a written service contract that expressly provide that the CPEO will:

(1) Assume responsibility for payment of wages to the worker, without regard to the receipt or adequacy of payment from the client for such services;

(2) Assume responsibility for employment taxes with respect to the worker, without regard to the receipt or adequacy of payment from the client for such services;

(3) Assume responsibility for any worker benefits that may be required by the service contract, without regard to the receipt or adequacy of payment from the client for such services;

(4) Assume shared responsibility with the client for firing the worker and recruiting and hiring any new worker; and

(5) Maintain employee records.

(6) Agrees to be treated as a CPEO with respect to the worksite employees covered under the agreement.

For this purpose, a worksite is defined as a physical location at which a worker generally performs service or, if there is no such location, the location from which the worker receives job assignments. Contiguous locations would be treated as a single physical location. Noncontiguous locations would generally be treated as separate worksites, except that each worksite within a reasonably proximate area would be required to satisfy the 85% test for the workers at that worksite.

While the determination of whether noncontiguous locations are reasonably proximate is a facts and circumstances determination, certain situations will be deemed not to be reasonably proximate. If the worksite is separated from all other client worksites by at least 35 miles, it will not be considered reasonably proximate. Thus, a client (or any member of its controlled group) that maintains two worksites that are more than 35 miles apart could treat the worksites as separate for purposes of applying the 85% standard. Within a 35-mile radius, a worksite will not be considered reasonably proximate to another if the worksite operates in a different industry or industries from other worksites within the 35-mile radius pursuant to standards similar to those established in Revenue Procedure 91-64 (relating to industry classification codes). For example, a client that maintained a restaurant and a hardware store in the same town could treat them as separate worksites because they are in different industries. In addition, based on all the facts and circumstances, under rules prescribed by the IRS, a worksite would not be reasonably proximate if it operates independently for a bona fide business reason (that is unrelated to employment taxes and employee benefits). For example, a convenience store and a restaurant which have no supervisory personnel in common but which are under common ownership control could, under rules prescribed by the IRS, be treated as different worksites. Similarly, two noncontiguous wholesale and retail operations owned by the same individual but which are operated independently (including independent supervisory personnel) may, under rules prescribed by the IRS, be determined to be not reasonably proximate.

The 85% rule generally is intended to describe the typical, non-abusive PEO arrangement whereby a business contracts with a PEO to take over substantially all its workers at a particular worksite. The 85% rule is intended to ensure that the benefits of the bill are not available in any situation in which a business uses a PEO arrangement to artificially divide its workforce.

CPEO EMPLOYEE BENEFIT PLANS

To the extent consistent with the Internal Revenue Code and corresponding provisions of other federal laws, the CPEO may generally provide worksite employees with most types of retirement plans or other employee benefit plans that the client could provide. Worksite employees may not, however, be offered a plan that the client would be prohibited from offering on its own. For example, if the client is a state or local government, worksite employees performing services for that client may not be offered participation in a section 401(k) plan. Similarly, a CPEO may not maintain a plan that it would be prohibited from offering on its own (e.g., a section 403(b) plan). However, an eligible client could maintain such a plan.

Size Limitations.—In general, employee benefit provisions (in the Internal Revenue Code and in directly correlative provisions in other Federal laws) that reference the size of the employer or number of employees will generally be applied based on the size or number of employees and worksite employees of the CPEO. For example, worksite employees will be entitled to COBRA health care continuation coverage even if the client would have qualified for the small employer exception to those rules. Similarly, a CPEO welfare benefit plan will be treated as a single employer plan for purposes of Internal Revenue Code section 419A(f)(6). Plan reporting requirements are met at the CPEO level. However, a client which could meet the size requirements for eligibility for an MSA or a SIMPLE plan could contribute to such an arrangement maintained by the CPEO.

Nondiscriminaiton Testing.—The legislation intends that clients of a CPEO will not generally receive significantly better or worse treatment with respect to coverage, nondiscrimination or other Internal Revenue Code rules than they would get outside of the CPEO arrangement. Consequently, nondiscrimination and other rules of the Code relating to retirement plans (including sections 401(a)(4), 401(a)(17), 401(a)(26), 401(k), 401(m), 410(b) and 416 and similar rules applicable to welfare and fringe benefit plans such as section 125) will generally be applied on a client-by-client basis.

The portion of the CPEO plan covering worksite employees with respect to a client will be tested taking into account the worksite employees at a client location and all other nonexcludable employees of the client taking into account 414(b), (c), (m), (n) (with respect to workers not otherwise included as worksite employees) and (o), but one client's worksite employees would not be included in applying the coverage or other nondiscrimination rules (1) to portions of the CPEO plan covering worksite employees of other clients, (2) to the portion of the CPEO plan covering nonworksite employees, (3) to other plans maintained by the CPEO (except to the extent such plan covers worksite employees of the same client), or (4) to other plans maintained by members of the CPEO's controlled group.

The legislation also treats any worksite employees as "per se" leased employees of the client, thus requiring clients to include all worksite employees in plan testing. In accordance with current leased employee rules, the client would take into account CPEO plan contributions or benefits made on behalf of worksite employees of that client. Consistent with this treatment of worksite employees, the client would be permitted to cover worksite employees under any employee benefit plan maintained by the client and compensation paid by the CPEO to worksite employees would be treated as paid by the client for purposes of applying applicable qualification tests.

For example, assume a CPEO maintained a plan covering worksite employees performing services for Corporation X, worksite employees performing services for Corporation Y, and employees of the CPEO who are not worksite employees. In that case the nondiscrimination tests would be applied separately to the portions of the plan covering (1) worksite employees performing services for Corporation X; (2) worksite employees performing services for Corporation Y, and (3) CPEO employees who are not worksite employees, as if each of (1), (2), and (3) were a separate plan. In addition, worksite employees performing services for Corporation X, for example, would be per se leased employees of Corporation X and thus would be included in testing any other plans maintained by Corporation X or any members of Corporation X's controlled group. Similarly, the CPEO workforce (other than worksite employees) will be treated as a separate employer for testing purposes (and will be included in applying the nondiscrimination rules to any plans maintained by the CPEO or members of its controlled group).

In applying nondiscrimination rules to plans maintained by other entities within the CPEO's controlled group for workers who are not worksite employees, worksite employees will not be taken into account. Thus, in the example above, worksite employees performing services for Corporation X or Corporation Y would not be taken into account in testing plans maintained by other members of the CPEO's controlled group.

For purposes of testing a particular client's portion of the plan under the rules above, general rules applicable to that client would apply as if the client maintained that portion of the plan. Thus, if the terms of the benefits available to the client's worksite employees satisfied the requirements of the section 401(k) testing safe harbor, then that client could take advantage of the safe harbor. Similarly, a client that meets the eligibility criteria for a SIMPLE 401(k) plan would be allowed to utilize the SIMPLE rules to demonstrate compliance with the applicable nondiscrimination rules for that client.

Application of certain other qualified plan and welfare benefit plan rules will generally be determined as if the client and the CPOE are a single employer (consistent with the principle that the CPEO arrangement will not result in better or worse treatment). Thus, there would be a single annual limit under section 415. Section 415 will provide that any cutbacks required as a result of the single annual limit will be made in the client plan. Deduction limits and funding requirements would apply at the CPEO level. In addition, if the client portion of a plan is part of a top heavy group, any required top heavy minimum contribution or benefit will generally need to be made by the CPEO plan. There will be complete "crediting" of service for all benefit purposes. The "break in service" rules for plan vesting will be applied with respect to worksite employees using rules generally based on Code section 413.

The bill also provides the Secretary with the authority to promulgate rules and regulations that streamline, to the extent possible, the application of certain requirements, the exchange of information between the client and the CPEO, and the reporting and record keeping obligations of the CPEO with respect to its employee benefit plans.

Worksite employees will not generally be entitled to receive plan distributions of elective deferrals until the worker leaves the CPEO group. In cases where a client relationship terminates with a CPEO that maintains a plan, the CPEO will be able to "spin off" the former client's portion of the plan to a new or existing plan maintained by the client. Where the terminated client does not establish a plan or wish to maintain the client's portion of the CPEO plan, the CPEO plan may distribute elective deferrals of worksite employees associated with a terminated client only in a direct rollover to an IRA designated by the worker. In the event that no such IRA is designated before the second anniversary of the termination of the CPEO/client relationship the assets attributable to a client's worksite employees may be distributed under the general plan terms (and law) that applies to a distribution upon a separation from service or severance from employment after that time.

Similar to IRS practice in multiple employer plans, disqualification of the entire plan will occur if a nondiscrimination failure occurs with respect to worksite employees of a client and either that failure is not corrected under one of the IRS correction programs or that portion of the plan is not spun off and/or terminated. If that portion of the plan is corrected or spun off and/or terminated, then the failure of a CPEO retirement plan to satisfy applicable nondiscrimination requirements with respect to that client will not result in the disqualification of the plan as applied to other clients. Existing government programs for correcting violations would be available to the CPEO for the plan and, in the case of nondiscrimination failures tested at the client level, to the client portion of the plan with the fee to be based on the size of the affected client's portion of the plan. Moreover, the CPEO plan will be treated as one plan for purposes of obtaining a determination letter.

EMPLOYMENT TAX LIABILITY

An entity that has been certified as a CPEO must accept responsibility for employment taxes with respect to wages it pays to worksite employees performing services for clients. Such liability will be exclusive or primary, as provided below. It is expected that the CPEO would (as provided by the Secretary) be required, on an ongoing basis, to provide the IRS with a list of clients for which employment tax liability has been assumed and a list of clients for whom it no longer has employment tax liability. Reporting and other requirements that apply to an employer with respect to employment taxes would generally apply to the CPEO for remuneration remitted by the CPEO (as provided by the Secretary). In addition, the remittance frequency of employment taxes will be determined with reference to collections and the liability of the CPEO.

Wages paid by the client during the calendar year prior to the assumption of employment tax liability would be counted towards the applicable FICA or FUTA tax wage base for the year in determining the employment tax liability of the CPEO (and vice versa). Exceptions to payments as wages or activities as employment, and thus to the required payment of employment taxes, are determined by reference to the client. Also, for purposes of crediting state unemployment insurance (SUI) taxes against FUTA tax liability, payments by the CPEO (or transmitted by the CPEO for the client) with respect to worksite employees would be taken into account. Thus, in determining FUTA liability, CPEO's would be treated as the employer for crediting SUI collection purposes on essentially the same terms as they would be authorized to process wage withholding, FICA and FUTA. The bill is, however, limited to Federal law and does not address the issue of whether a CPEO (i) would be eligible for successor status for SUI tax collection or (ii) how the state experience rating formula would be applied to the CPEO. Determinations with respect to these issues will be made pursuant to state law.

A CPEO will have exclusive liability for employment taxes with respect to wage payments made by the CPEO to worksite employees (including owners of the client who are worksite employees) if the CPEO meets the net worth requirement and, at least quarterly, an examination level attestation by an independent Certified Public Accountant attesting to the adequate and timely payment of federal employment taxes has been filed with the IRS.

The net worth requirement is satisfied if the CPEO's net worth (less goodwill and other intangibles) is, on the last day of the fiscal quarter preceding the date on which payment is due and on the last day of the fiscal quarter in which the payment is due, at least:

$50,000 if the number of worksite employees is fewer than 500;

$100,000 if the number of worksite employees is 500 to 1,499;

$150,000 if the number of worksite employees is 1,500 to 2,499;

$200,000 if the number of worksite employees is 2,500 to 3,999; and

$250,000 if the number of worksite employees is more than 3,999;

In the alternative, the net worth requirement could be satisfied through a bond (for employment taxes up to the applicable net worth amount) similar to an appeal bond filed with the Tax Court by a taxpayer or by an insurance bond satisfying similar rules.

Within 60 days after the end of each fiscal quarter, the CPEO will provide the IRS with an examination level attestation from an independent certified public accountant that states that the accountant has found no material reason to question the CPEO's assertions with respect to the adequacy of federal employment tax payments for the fiscal quarter. In the event that such attestation is not provided on a timely basis, the CPEO will cease to have exclusive liability with respect to employment taxes (regardless of the net worth or bonding requirement) effective the due date for the attestation. Exclusive liability will not be restored until the first day of the quarter following two successive quarters for which an examination level attestations were timely filed. In addition, the Secretary will have the authority, under final regulations, to provide limits on a CPEO's exclusive liability for employment taxes with respect to a particular customer in cases where there is an undue and large risk with respect to the ultimate collection of those taxes.

For any tax period for which any of these criteria for exclusive liability for employment taxes are not satisfied, or to the extent the client has not made adequate payments to the CPEO for the payment of wages, taxes, and benefits, the CPEO will have primary liability and the client will have secondary liability for employment taxes. In that instance, the IRS will assess and attempt to collect unpaid employment taxes against the CPEO first and may not generally take any action against a client with respect to liability for employment taxes until at least 45 days following the date the IRS mails a notice and demand to the CPEO. For this purpose, the statute of limitations for assessment or collection against the client will not expire until one year after the date that is 45 days after mailing of notice and demand to the CPEO (in the same manner as transferee liability under section 6901(c)). With respect to employment taxes attributable to periods during which a CPEO has liability, the client will be liable to the IRS for taxes, penalties (applicable to client actions or to the time periods after assessment of the client for the taxes), and interest (with such liability to be reduced by amounts paid to the IRS by the CPEO that are allocable, under rules to be determined by the IRS, to the client).

EFFECTIVE DATE

These provisions will be effective on January 1, 2002. The IRS will be directed to establish the PEO certification program at least three months prior to the effective date. The bill directs the IRS to accommodate transfers of assets in existing plans maintained by a CPEO or CPEO clients into a new plan (or amended plan) meeting the requirements of the legislation (e.g., client-by-client nondiscrimination testing) without regard to whether or not such plans might fail the exclusive benefit rule because worksite employees might be considered common law employees of the client.

Mr. THOMAS. Mr. President, I rise today to join my colleagues in introducing the "Rural Health Care in the 21st Century Act." I am pleased to have worked with my colleagues in crafting this bill that will address the needs of rural providers and beneficiaries as we begin the new century.

This legislation establishes a grant and loan program to assist rural providers in acquiring the necessary technologies to improve patient safety and meet the continually changing records management requirements. Rural hospitals and other providers do not have the capital needed to purchase these expensive technologies nor the resources to train their staff. This new program will enable these providers to purchase such crucial equipment as patient tracking systems, bar code systems to avoid drug errors and software equipped with artificial intelligence.

Another reason this legislation is so important is because it will bring equity to the Medicare Disproportionate Share Hospital (DSH) program, which has been inherently biased against rural providers since it was implemented in 1986. The premise of this program is to give hospitals that provide a substantial amount of care to low-income patients additional funding to assist with the higher costs associated with caring for this population.

Mr. President, the current DSH program does almost nothing for rural hospitals because different eligibility requirements have been established for rural and urban providers. To qualify for the increased payments the DSH program provides, urban hospitals are required to demonstrate that 15 percent of their patient load consists of Medicaid patients and Medicare patients eligible for Supplemental Security Income. However, rural hospitals must meet a higher threshold of 45 percent. Mr. President, there is no justification for this inequity. Our bill will level the playing field by applying the same eligibility threshold currently enjoyed by urban hospitals to all rural hospitals as well. According to the Medicare Payment Advisory Commission this reform will open the door for 55 percent of all rural hospitals to benefit from the DSH program—a significant increase over the 15.6 percent of rural hospitals currently participating.

The "Rural Health Care in the 21st Century Act" also addresses other inequities faced by rural providers because federal regulators do not adequately reflect the unique circumstances of delivering health care in rural America. This bill provides rural home health agencies with a 10 percent bonus payment as they have average per episode costs that are 20 percent higher than urban agencies.

Rural Health Clinics and Critical Access Hospitals are a key component of maintaining access to primary and emergency services in rural communities. This legislation makes modifications to the Balanced Budget Act to ensure these providers will continue to be an integral part of the rural health care delivery system.

Mr. President, I believe this bill is an important step in ensuring rural providers are treated equally under federal programs. This equalization must be accomplished so we can guarantee that rural Medicare beneficiaries have the same choices and access to services as their urban counterparts.

By Mr. BROWNBACK (for himself, Mr. DASCHLE, Mr. DEWINE, Mr. KERREY, Mr. GRASSLEY, Mr. BYRD, and Mr. LUGAR):

S. 2982. A bill to enhance international conservation, to promote the role of carbon sequestration as a means of slowing the building of greenhouse gases in the atmosphere, and to reward and encourage voluntary, pro-active environmental efforts on the issue of global climate change; to the Committee on Finance.

INTERNATIONAL CARBON SEQUESTRATION INCENTIVE ACT

Mr. BROWNBACK. Mr. President, I rise today to introduce the International Carbon Sequestration Incentive Act. I am joined by Senators DASCHLE, DEWINE, BOB KERREY, GRASSLEY and BYRD.

Environmental issues have traditionally been filled with controversy—pitting beneficial environmental measures against hard-working small business and state interests. It is unfortunate that the atmosphere surrounding environmental debate is filled with accusations of blame rather than basic problem-solving.

From listening to the public discourse concerning environmental issues, one would thing there is no other choice but to handicap our booming economy in order to have a clean environment, despite the fact that pollution is often, unfortunately, an unavoidable consequence of meeting public needs.

Mr. President, I stand here today to illustrate that there is a better way to deal with important environmental concerns. There is a way to encourage the best rather than expecting the worst. There is a way to create environmental incentives and environmental markets, rather than only environmental regulations. There is a way to chip away at environmental challenges, rather than demagoging an "all or nothing" stance.

This bill—the International Carbon Sequestration Incentive Act, takes a pro-active, incentive-driven approach to one of the most difficult environmental issues of our time—global climate change.

Specifically, this bill provides investment tax credits for groups who invest in international carbon sequestration projects—including investments which prevent rainforest destruction and projects which reforest abandoned native forest areas. These projects will reduce the amount of carbon dioxide emitted into the air—helping to offset climate change since carbon dioxide is one of the main greenhouse gases.

This bill achieves these environmental benefits by promoting carbon sequestration—the process of converting carbon dioxide in the atmosphere into carbon which is stored in plants, trees and soils.

Under this bill, eligible projects can receive funding at a rate of $2.50 per verified ton of carbon stored or sequestered—up to 50% of the total project cost. The minimum length of these projects is 30 years and the Implementing Panel can only approve $200 million in tax credits each year.

Why do this? Carbon dioxide is a greenhouse gas believed to contribute to global warming. While there is debate over the role in which human activity plays in speeding up the warming process, there is broad consensus that there are increased carbon levels in the atmosphere today.

Until now, the only real approach seriously considered to address climate change was an international treaty which calls for emission limits on carbon dioxide—which would mean limiting the amount that comes from your car, your business and your farm. This treaty—the Kyoto treaty, also favored exempting developing nations from emission limits—putting the U.S. economy at a distinct disadvantage. Approaching the issue of climate change in this fashion would be very costly and would not respond to the global nature of this problem.

Instead, my approach encourages offsetting greenhouse gases through improved land management and conservation—and by engaging developing nations rather than cutting them out of the process.

In addition to reducing greenhouse gas emissions, sponsored projects under this bill will also help to preserve the irreplaceable biodiversity that flourishes in the Earth's tropical rain forests and other sensitive eco-systems. In addition to diverse plant life, these projects will be protecting countless endangered and rare species.

This bill requires investors to work closely with foreign governments, nongovernmental organizations and indigenous peoples to find the capital necessary to set aside some of the last great resources of the planet. Rain forests have been called the lungs of the Earth—helping to filter out pollution and provide sanctuary for numerous pharmaceutical finds which may one day cure many of our human diseases.

This bill rewards the partnership and pro-active vision of companies that want to be part of the solution to climate change. We are lucky in the fact that private industry is already looking at this issue and working to find a way to contribute. An example of what this bill would promote can be seen by looking at the Noel Kempff Mercado National Park in Bolivia.

As you can see by looking at these photos [DISPLAY FOREST SCENES], Noel Kempff is a beautiful, biodiverse part of the world. This park spans nearly 4 million acres in Bolivia, hosts several hundred species of rare and endangered wildlife—including 130 species of mammals, 620 species of birds and 70 species of reptiles—not to mention 110 different species of orchids and grasses.

This park was in direct danger of deforestation. The land would have been cleared and eventually turned into large commercial farming operations. The loss of this park would have led to carbon dioxide emissions of between 25–36 million tons as well as increased commercial agricultural competition.

Instead, the Bolivian government came together with The Nature Conservancy, American Electric Power and other investors to preserve the park and conduct extensive verification of the carbon being stored in trees and soils of the now protected area.

Companies like American Electric Power, BP Amoco and PacifiCorp want to invest in projects like Noel Kempff because they want to promote the role of carbon sequestration as a means to combat climate change. These companies have taken a big step in contributing to the solution—think how much more good they, and other companies, could do if there were incentives to encourage this activity.

In the U.S., we are lucky enough to have programs like the Conservation Reserve Program and federal parks—which help preserve some of the natural resources of this great nation. Unfortunately, developing countries do not have access to the kind of capital it takes to make similar investments in their own countries. It is therefore, a worthy investment in the world environment—since climate change is a global problem, to chip away at this problem by doing what we know helps reduce pollution and greenhouse gases: planting and preserving trees.

This bill is designed to encourage more participation in projects like the Noel Kempff Park. By using limited and very targeted tax credits, we have an opportunity as a nation—to take a leadership role on climate change without crushing our own economy. This bill also furthers the goal of including developing countries in the climate change issue—since any agreement to reduce greenhouse gases must ultimately include these areas which will become the largest emitters.

Mr. President, I do not pretend that this bill will resolve the climate change issue. That is not my intent. Rather, this bill takes the view that where we do agree that good can be achieved—we should move forward. It is my hope that this bill will contribute to the solution on climate change and help to re-shape the way we view environmental problems.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 2983. A bill to provide for the return of land to the Government of Guam, and for other purposes; to the Committee on Energy and Natural Resources.

THE GUAM OMNIBUS OPPORTUNITIES ACT

Mr. AKAKA. Mr. President, I rise to introduce the Guam Omnibus Opportunities Act, which seeks to address important issues to the people of Guam dealing with land, economic development and social issues. On July 25, the House passed similar legislation, H.R. 2462, which was introduced by Congressman ROBERT UNDERWOOD, the Delegate from Guam. During the 105th Congress, the Senate passed similar provisions of H.R. 2462 as part of S. 210, an omnibus territories bill.

There are several provisions of the Guam Omnibus Opportunities Act. First, Section 2 of the bill provides a process for the Government of Guam to receive lands from the U.S. government for specified public purposes by giving Guam the right of first refusal for declared federal excess lands by the General Services Administration prior to it being made available to any other federal agency. It also provides for a process for the Government of Guam and the U.S. Fish and Wildlife Service to engage in negotiations on the future ownership and management of declared federal excess lands within the Guam National Wildlife Refuge.

Section 3 provides the Government of Guam with the authority to tax foreign investors at the same rates as states under U.S. tax treaties with foreign countries since Guam cannot change the withholding tax rate on its own under current law. Under the U.S. Internal Revenue Code, there is a 30 percent withholding tax rate for foreign investors in the United States. Since Guam's tax law "mirrors" the rate established under the U.S. Code, the standard rate of foreign investors in Guam is 30 percent. It is a common feature in U.S. tax treaties for countries to negotiate lower withholding rates on investment returns. Unfortunately, while there are different definitions for the term "United States" under these treaties, Guam is not included. This omission has adversely impacted Guam since 75 percent of Guam's commercial development is funded by foreign investors. As an example, with Japan, the U.S. rate for foreign investors is 10 percent. This means that while Japanese investors are taxed at a 10 percent withholding tax rate on their investments in the fifty states, those same investors are taxed at a 30 percent withholding rate on Guam.

While the long-term solution is for U.S. negotiators to include Guam in the definition of the term "United States" for all future tax treaties, the immediate solution is to amend the Organic Act of Guam and authorize the Government of Guam to tax foreign investors at the same rates as the fifty states. It is my understanding that all other U.S. territories have remedied this problem in one way or another. Therefore, Guam is the only U.S. jurisdiction in the country that is not extended tax equity for foreign investors.

With an unemployment rate of 15 percent, Guam continues to struggle economically due to the Asian financial crisis. That is why I believe it is vitally important for the federal government to assist Guam in stimulating its economy through sound federal policies and technical assistance. This section would greatly assist the Government of Guam in promoting economic development on the island and would provide long needed tax equity.

Section 4 considers Guam within the U.S. Customs zone in the treatment of betel nuts, which are part of Chamorro tradition and culture. While betel nuts are grown in the United States, the Food and Drug Administration (FDA) has an important alert for betel nuts from foreign countries in place due to the influx of betel nuts from Asian countries for commercial consumption and the FDA's contention that the betel nut is "adulterated." This means an automatic detention of betel nuts by U.S. Customs agents when entering the United States. Although Guam is a U.S. territory, Guam is considered to be outside the U.S. Customs zone. Betel nuts grown in Guam, therefore, are subject to the FDA ban in the same manner as foreign countries. This section narrowly applies to Guam, limits use to personal consumption, and ensure that the FDA ban against foreign countries remains in place.

Section 5 empowers the governors of the territories and the State of Hawaii to report to the Secretary of the Interior on the financial and social impacts of the Compacts of Free Association on their respective jurisdictions and requires that the Secretary forward Administration comments and recommendations on the report to Congress. This is an important issue to the State of Hawaii as the numbers of migrants to Hawaii from the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau continue to grow. The State of Hawaii has spent well over $14 million in public funds in the past year alone, with most of the funds being spent on our educational and health care systems.

Under the compact agreements, the Federal government made clear that it would compensate jurisdictions affected, yet the State of Hawaii has not received federal funding since the implementation of these agreements. This section seeks to improve the reporting requirements for Compact Impact Aid to address this situation.

Section 6 establishes a five-member Guam War Claims Review Commission to be appointed by the Secretary of the Interior. The goal of the Commission is to review the facts and circumstances surrounding U.S. restitution to Guamanians who suffered compensable injury during the occupation of Guam by Japan during World War II. Compensable injury includes death, personal injury, or forced labor, forced march, or internment. The Commission would review the relevant historical facts and determine the eligible claimants, the eligibility requirements, and the total amount necessary for compensation, and report its findings and recommendations for action to Congress nine months after the Commission is established.

The 1951 Treaty of Peace between the U.S. and Japan effectively barred claims by U.S. citizens against Japan. As a consequence, the U.S. inherited these claims, which was acknowledged by Secretary of State John Foster Dulles when the issue was raised during consideration of the treaty before the Committee on Foreign Relations in 1952.

Considerable historical information indicates that the United States intended to remedy the issue of war restitution for the people of Guam. In 1945, the Guam Meritorious Claims Act was enacted which authorized the Navy to adjudicate and settle war claims in Guam for property damage for a period of one year. Claims in access of $5,000 for personal injury or death were to be forwarded to Congress. Unfortunately, the Act never fulfilled its intended purposes due to the limited time frame for claims and the preoccupation of the local population with recovery from the war, resettlement of their homes, and rebuilding their lives.

On March 25, 1947, the Hopkins Commission, a civilian commission appointed by the Navy Secretary, issued a report which revealed the flaws of the 1945 Guam Meritorious Claims Act and recommended that the Act be amended to provide on the spot settlement and payment of all claims, both property and for the death and personal injury.

Despite the recommendations of the Hopkins Commission, the U.S. government failed to remedy the flaws of the Guam Meritorious Act when it enacted the War Claims Act of 1948, legislation which provided compensations for U.S. citizens who were victims of the Japanese war effort during World War II. Guamanians were U.S. nationals at the time of the enactment of the War Claims Act, thereby making them ineligible for compensation. In 1950, with the enactment of the Organic Act of Guam, Guamanians became U.S. citizens.

In 1962, Congress again attempted to address the remaining circumstances of U.S. citizens and nationals that had not received reparations from previous enacted laws. Once again, however, the Guamanians were inadvertently made ineligible because policymakers assumed that the War Claims Act of 1948 included them. Section 6 brings closure to this longstanding issue.

In summary, Mr. President, the Guam Omnibus Opportunities Act will go a long way toward resolving issues that the Federal Government has been working on with the Government of Guam on land, economic development and social issues. I look forward to working with my colleagues in the Senate to resolve these issues to assist Guam in achieving greater economic self-sufficiency.

By Mr. CONRAD:

S. 2984. A bill to amend the Internal Revenue Code of 1986 and to provide a refundable caregivers tax credit; to the Committee on Finance.

LONG-TERM CAREGIVERS ASSISTANCE ACT OF 2000

Mr. CONRAD. Mr. President, today I am introducing the Long-Term Caregivers Assistance Act of 2000, a proposal that would provide much needed assistance to individuals with long-term care needs and their caregivers.

Nationwide, more than 8 million individuals require some level of assistance with activities of daily living. Over the next 30 years, this number is expected to increase significantly as our nation experiences an unprecedented growth in its elderly population.

We know that for many people leaving their homes to obtain care is not their first choice—the cost of nursing home care can be prohibitive, and such care often takes individuals away from their communities. While federal support for long-term care is primarily spent on nursing home services, many people receive assistance with their long-term care needs in the home from their families, often without the help of public assistance or private insurance.

Nationwide, nearly 37 million individuals provide unpaid care to family members of all ages with functional or cognitive impairments. In my state, there are about 61,000 individuals providing informal caregiving services.

Unfortunately, the need for long-term care can cause substantial financial burdens on many individuals and their families. According to a recent study, almost two-thirds of those serving as caregivers suffer financial setbacks—setbacks that can total thousands of dollars in lost wages and other benefits over a caregiver's lifetime. This is a burden that caregivers and their families should not have to bear alone.

For this reason, I am introducing this proposal to provide a $2,000 tax credit that could be used by individuals with substantial care needs or by their caregivers.

Taxpayers who have long-term care needs, or who care for others with such needs, may not have the same ability to pay taxes as other taxpayers—a reasonable and legitimate concern in a tax system based on the principle of ability-to-pay. Providing a tax credit is an equitable and efficient way of helping caregivers and individuals with long-term care needs meet their formal and informal costs.

I recognize that this tax credit is only a piece of the long-term care puzzle—but I believe it is an important piece. This credit could be used to help pay for prescription drugs or other out-of-pocket expenses. It could be used to pay for some formal home care services. It could also be used to help family members offset some of the expenses they incur in caregiving.

We must act now to address the long-term care needs of our nation. I urge my colleagues to support this important legislation.

By Mr. DURBIN (for himself and Mr. KENNEDY):

S. 2985. A bill to amend the Agricultural Trade Act of 1978 to authorize the Commodity Credit Corporation to reallocate certain unobligated funds from the export enhancement program to other agricultural trade development and assistance programs; to the Committee on Finance.

PROVIDING SCHOOL LUNCHES TO HUNGRY CHILDREN—THE AGRICULTURAL FLEXIBILITY IN EXPORT DEVELOPMENT AND ASSISTANCE ACT OF 2000

Mr. DURBIN. Mr. President, if you had happened to be in the Senate Dining Room a few months ago, you might have seen a group of people having lunch and wondered what in the world would gather Ambassador George McGovern, Senators Bob Dole and TED KENNEDY, Agriculture Secretary Dan Glickman, Congressmen JIM MCGOVERN and TONY HALL and myself all at one table.

The answer to your question is that we were working together on a bipartisan initiative that could have a positive impact on children around the world and be of great benefit to America's farmers.

Former Senator and now Ambassador McGovern has advocated an idea to emulate one of the most beneficial programs ever launched on behalf of children in this country—the school lunch program.

He has worked with Senator Dole and others to establish an international school lunch program and President Clinton has jump-started this proposal with his announcement that the United States will provide $300 million in surplus commodities for the initiative.

Today, I am introducing legislation to provide a long-term funding source for international school feeding programs that will allow such programs to expand and reach more kids.

Today there are more than 300 million children throughout the world—more kids than the entire population of the United States—who go through the day and then to bed at night hungry.

Some 130 million of these kids don't go to school right now, mainly because their parents need them to stay at home or work to pitch in any way that they can.

In January of this year, I traveled to sub-Saharan Africa, the epicenter of the AIDS crisis, with more than two-thirds of AIDS cases worldwide. There I saw first-hand the horrible impact AIDS is having on that continent. I met a woman in Uganda named Mary Nalongo Nassozzi, who is a 63-year-old widow.

All of her children died from AIDS and she has created an "orphanage" with 16 of her grandchildren now living in her home. People like Mary need our help to keep these kids in school.

Linking education and nutrition is not a new idea. Private voluntary organizations like CARE, Catholic Relief Services, ADRA, World Vision, Save the Children and Food for the Hungry are already helping kids with education, mother/child nutrition programs and school feeding programs. These organizations and the World Food Program operate programs in more than 90 countries at this time, but typically can only target the poorest children in the poorest districts of the country.

Ambassador McGovern, Senator Dole, myself and others have called for an expanded effort, and as I noted earlier, President Clinton has responded. I applaud the President for the program he announced last Sunday in Okinawa. This $300 million initiative is expected to help serve a solid, nutritious meal to nine million children every day they go to school.

Think about it: for only 10 cents a day for each meal, we can feed a hungry child and help that child learn. With what you or I pay for a Big Mac, fries and a soft drink, we could afford to feed two classrooms of kids in Ghana or Nepal.

THE BENEFITS OF SCHOOL FEEDING PROGRAMS

While we need to consider the costs of an international school feeding program, I think we should also look at the benefits.

Malnourished children find it difficult to concentrate and make poor students. But these school feeding programs not only help concentration, they have many benefits, including increased attendance rates and more years of school attendance, improved girls' enrollment rates, improved academic performance, lower malnutrition rates, greater attention spans and later ages for marriage and childbirth.

These benefits ripple in many directions: higher education levels for girls and later marriage for women help slow population growth; greater education levels overall help spur economic development; and giving needy children a meal at school could also help blunt the terrible impact AIDS is having throughout Africa, where there are more than 10 million AIDS orphans who no longer have parents to feed and care for them.

DOMESTIC BENEFITS

Some will question our involvement in overseas feeding programs, so let me describe what we're doing at home and how we benefit from these efforts.

This year, we're spending more than $20 billion in our food stamp program. More than half of this amount goes to kids. We're also spending over $9 billion for school child nutrition programs, and more than $4 billion for the WIC program. While this sounds like a lot, we need to do more. Many people who are eligible for these programs are not aware of it and the Department of Agriculture must do a better job getting the word out. Still, these figures put the costs of an international school feeding effort in perspective: they will be a small fraction of what we're spending here at home.

Through our international efforts, we share some of what we have learned with less fortunate countries. But we also benefit.

An international school lunch program will provide a much-needed boost to our beleaguered farm economy, where surpluses and low prices have been hurting farmers for the third year in a row. Congress has provided more than $20 billion in emergency aid to farmers over the last three years. Buying farm products for this proposal would boost prices in the marketplace, helping U.S. farmers and needy kids in the process. It is a common-sense proposal for helping our farmers, and the right thing to do.

Second, the education of children leads to economic development, which in turn increases demand for U.S. products in the future. Some of the largest food aid recipients in the 1950s are now our largest commercial customers.

Finally, let's consider the positive foreign policy implications of this measure. It helps fulfill the commitments we made in Rome in 1996 to work to improve world food security and helps satisfy the commitment to net food importing developing countries we made in Marrakesh in 1995 at the conclusion of the Uruguay Round. It also supports the goals of "Education for All" made in April in Dakar to achieve universal access to primary education.

It goes beyond demonstrating our commitment to summit texts and documents and has a real impact on our national security. When people are getting enough to eat, internal instability is less likely. Most of the conflicts taking place right now around the world are related at least in part to food insecurity.

WE CAN'T AND SHOULDN'T DO THIS ALONE

The United States shouldn't go it alone. This needs to be an international effort. If the full costs for this program are shared fairly among developed countries, as we do now for United Nations peacekeeping efforts or humanitarian food aid relief efforts, then our resource commitments will be multiplied many times over. I encourage the Administration to continue its efforts to gain multilateral support for this initiative.

We should also seek the involvement and commitment of America's corporations and philanthropic organizations. Companies can contribute books and school supplies, computer equipment, kitchen equipment, construction supplies and management expertise.

PROPOSED LEGISLATION

The food aid laws we already have in place allow USDA and USAID to start up these kinds of programs, but resources are limited.

The President's initiative is a concrete first step in the effort to assure that every kid is going to school, and that every kid going to school has a meal.

However—and this is not to detract in any way from the important action he has taken—the President's initiative relies on surplus commodities. That is a sensible approach at this time. But we may not always have an overabundance. We all hope for and are working for an end to the farm crisis, which means the quantity of surplus commodities will decline. We need to look at how we will continue to pay for this program in the future as it helps more children and as surplus commodities dwindle.

The legislation I am introducing today, the Agricultural Flexibility in Export Development and Assistance Act of 2000, addresses the longer-term funding issue.

My legislation authorizes the Secretary of Agriculture to reallocate unspent Export Enhancement Program (EEP) money to school feeding and other food aid programs. When EEP was first authorized, one of its main purposes was to increase demand for U.S. agricultural commodities—to put money in the wallets of farmers by promoting overseas demand for our products. Because U.S. commodity prices have come down, it hasn't been used to any major extent since 1995. We are sitting on a pot of money, authorized but not being spent, while the EU spends over $5 billion annually on similar programs. My legislation would free up the Secretary of Agriculture to devote those funds to school feeding and other food aid programs.

Because I recognize some would like to see a portion of the surplus EEP funds to be spent on export development programs, my bill also permits a portion of the funds to be spent on export promotion.

To maintain flexibility while ensuring our food aid goals are addressed, the measure would require that a minimum of 75 percent of reallocated EEP funding be spent for either PL480 (Title

I or Title II) or Food for Progress food aid, with at least half of this amount devoted to school feeding or child nutrition programs. It would allow up to 20 percent of the reallocated funds to be spent on the Market Access Program to promote agricultural exports, and a maximum of five percent to be spent on the Foreign Market Development (Cooperator) program.

To ensure new artificial restraints don't block our intention in this legislation, the measure also raises the caps currently in place regarding the quantity of food aid permitted under Food for Progress and the amount that may be used to pay for the administrative expenses associated with the program.

Both the Coalition for Food Aid and Friends of the World Food Program support this measure. Major commodity groups such as the American Soybean Association and the National Corn Growers Association also support it.

Mr. President, I urge my colleagues to join me as cosponsors of this legislation and in support of the broader effort to respond to the nutrition needs of 300 million children, 130 million of whom are not but could and should be in school. With our help, these statistics can change.

Mr. HUTCHINSON. Mr. President, I rise today to introduce the Just Opportunities in Bidding (JOB) Act which is necessary to ensure that companies who seek to do business with our government are treated fairly. The JOB Act would prohibit the implementation of proposed regulations which would dramatically amend the Federal Acquisition Regulation.

I have many concerns about these proposed regulations, but I am deeply troubled by the discrimination which it will inevitably foster when implemented. The regulations will *de facto* amend many of our nation's laws and give government contracting officers, who are not trained in the interpretation of these laws, unfettered discretion to deny contracts to companies based on any alleged violation of any labor and employment, environmental, antitrust, tax, or consumer protection laws over the three years immediately preceding the contract. This is a dramatic change from the current requirements of the Federal Acquisition Regulation which requires that violations must be substantial to trigger denial of contract eligibility and does not extend to unrelated, past violations.

The proposed regulations would also allow for the denial of contracts on the basis of a mere complaint issued by a federal agency, which often are based solely upon information provided by outside, interested parties. Moreover, the proposal's terminology is vague and extremely subjective—placing tremendous and unprecedented discretion in the hands of federal contracting officers. That is discretion that they do not need nor qualified to exercise. Terms such as "legal compliance" by bidding parties are well-intentioned, I am sure, however. I view this as a trial lawyer's greatest wish come true. What does "legal compliance" mean? Does it mean that employers must ensure that they are 100 percent in compliance with all of the pertinent laws? Can even the most prudent employers guarantee that they and their worksites are 100 percent in compliance with all federal tax, labor, environmental, and antitrust statutes and regulations? That's certainly a question which many creative lawyers will undoubtedly rush to answer in courthouses across our nation.

This proposal is in direct contradiction to existing policy which is to fulfill governmental needs for goods and services at a fair and reasonable price from contractors who are technically qualified and able to perform the contract. Our current policy is based upon a good balance between our desire to get the best value for our constituents' taxdollars while being fair to all qualified companies who want to have the opportunity to provide their goods and services to the government. The proposed regulations will result in the unjustified exclusion of many of these companies from the bidding process and will result in less competition, reduced job opportunities for many employees—especially small businesses—and less value for our constituents' taxdollars.

As elected representatives of our constituents, we cannot condone this and as a legislative body we must refuse to allow a continuation of this Administration's legislation by regulation. The JOB Act would require the GAO to thoroughly examine this issue and report back to Congress with its findings. To me, this is a sound and reasonable approach rather than a political one. If you agree that the proposed regulations—and the millions of American workers, employers, and taxpayers that they will profoundly affect—deserve more thorough consideration, join me in my effort to enact the JOB Act.

I ask consent that the text of the bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2986

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Just Opportunities in Bidding Act of 2000".

SEC. 2. REGULATIONS PROHIBITED PENDING GAO REVIEW.

(a) REGULATIONS NOT TO HAVE LEGAL EFFECT.—The proposed regulations referred to in subsection (c) shall not take effect and may not be enforced.

(b) LIMITATION ON ADDITIONAL PROPOSED REGULATIONS.—No proposed or final regulations on the same subject matter as the proposed regulations referred to in subsection (c) may be issued before the date on which the Comptroller General submits to Congress the report required by section 3.

(c) COVERED REGULATIONS.—Subsection (a) applies to the following:

(1) The proposed regulations that were published in the Federal Register, volume 64, number 131, beginning on page 37360, on July 9, 1999.

(2) The proposed regulations that were published in the Federal Register, volume 65, number 127, beginning on page 40830, on June 30, 2000.

SEC. 3. COMPTROLLER GENERAL REVIEW OF CONTRACTOR COMPLIANCE WITH FEDERAL LAW.

The Comptroller General shall—

(1) conduct a general review of the level of compliance by Federal contractors with the Federal laws that—

(A) are applicable to the contractors; and

(B) affect—

(i) the rights and responsibilities of contractors to participate in contracts of the United States; and

(ii) the administration of such contracts with respect to contractors; and

(2) submit to Congress a report on the findings resulting from the review.

By Mr. ROBERTS (for himself, Mr. GRASSLEY, Mr. JEFFORDS, Mr. THOMAS, and Mr. CONRAD):

S. 2987. A bill to amend title XVIII of the Social Security Act to promote access to health care services in rural areas, and for other purposes; to the Committee on Finance.

RURAL HEALTH CARE IN THE 21ST CENTURY ACT OF 2000

Mr. ROBERTS. Mr. President, I rise today to introduce the Rural Health Care in the 21st Century Act of 2000. This legislation will improve access to technology necessary to improve rural health care and expand access to quality health care in rural areas.

The future of health care in this country is being challenged by a variety of factors. The growing pains associated with managed care, an increasing elderly population and the drive to ensure the solvency of the federal Medicare Trust Fund are just a few of the factors placing pressure on health care facilities and health care providers across the country. Small, rural hospitals that provide services to a relatively low volume of patients are faced with even greater challenges in this environment.

The bill I am introducing today takes critical steps to improve access to high technology in rural areas and establishes a new high technology acquisition grant and loan program to improve patient safety and outcomes. At the same time hospitals need to update equipment, comply with new regulatory requirements and join the effort to reduce medical errors, many hospitals are finding it difficult to access the financial backing necessary to acquire the telecommunications' equipment necessary to develop innovative solutions. This bill establishes a 5-year grant program through the Office of

Rural Health Policy that allows hospitals, health care centers and related organizations to apply for matching grants or loans up to $100,000 to purchase the advanced technologies necessary to improve patient safety and keep pace with the changing records management requirements of the 21st Century.

This bill also increases Disproportionate Share Hospitals payments to rural hospitals. The Medicare DSH adjustment is based on a complex formula and the hospital's percentage of low-income patients. This percentage of low-income patients is different for each hospital, depending on where the hospital is located and the number of beds in the hospital. This bill establishes one formula to distribute payments to all hospitals covered by the inpatient PPS. This will give rural hospitals an equal opportunity to qualify for the DSH adjustment.

Twenty-five percent of our nation's senior citizens live in rural areas where access to modern health care services is often lacking. Telehealth technologies have evolved significantly and can serve to connect rural patients to the health care providers that they need. This bill includes provisions of S. 2505, a telehealth bill introduced by my colleague from Vermont, Senator JEFFORDS. These provisions address eight areas of Medicare reimbursement policy that need improvement. It eliminates requirements for fee-sharing between providers and provides a standard professional fee to the health care provider who delivers the care. The site where the patient is presented is made eligible for a standard facility fee. The requirement for a telepresenter is eliminated and the codes that can be billed for are expanded to reflect current practice. All rural counties and urban HPSAs are covered by this legislation and demonstration projects are established to access reimbursement for store and forward activities. Also, the law is clarified to allow for home health agencies to incorporate telehomecare into their care plans where appropriate.

The Health Care Financing Administration is currently administering five telemedicine demonstration projects. This provision extends these projects an additional two years to give the projects adequate time to produce useful data.

The Medicare Rural Hospital Flexibility Program established by the Balanced Budget Act of 1997 allows rural hospitals to be reclassified as limited service facilities, known as Critical Access Hospitals. Critical Access Hospitals are important components of the rural health care infrastructure. They are working to provide quality health care services in sparsely populated areas of the country. However, they are restricted by burdensome regulations and inadequate Medicare payments. In addition to reduced staffing requirements, Congress intended to reimburse CAH inpatient and outpatient hospital services on the basis of reasonable costs. This legislation exempts Medicare swing beds in CAHs for the Skilled Nursing Facility (SNF) Prospective Payment System (PPS) and reimburses based on reasonable costs, and provides reasonable cost payment for ambulance services and home health services in CAHs.

In addition, this legislation directs the Secretary of HHS to establish a procedure to ensure that a single FI will provide services to all CAHs and allows CAHs to choose between two options for payment for outpatient services: (1) reasonable costs for facility services, or (2) an all-inclusive rate which combines facility and professional services.

This bill permanently guarantees pre-Balanced Budget Act payment levels for outpatient services provided by rural hospitals with under 100 beds, modifies the 50 bed exemption language and for Rural Health Clinics allows RHCs to qualify as long as their average daily patient census does not exceed 50, allows Physician Assistant-owned RHCs that lose their clinic status to maintain Medicare Part B payments, and clarifies that when services already excluded from the PPS system are delivered to Skilled Nursing Facility patients by practitioners employed by the RHCs, those visits are also excluded from the PPS payment system. In addition, this bill increases payments under the Medicare home health PPS for beneficiaries who reside in rural areas by increasing the standardized payment per 60-day episode by 10 percent.

Current law allows states the option to reimburse hospitals for Qualified Medicare Beneficiary (QMB) services attributable to deductibles and coinsurance amounts. However, many state Medicaid programs have chosen not to pay these costs, leaving rural hospitals with a significant portion of unpaid bad debt expenses. This is especially burdensome since federal law prohibits hospitals from seeking payment for the cost-sharing amounts from QMB patients. This legislation provides additional relief to rural hospitals by restoring 100% Medicare bad debt reimbursement for QMBs.

Although, as a general rule, scholarships are excluded from income, the Internal Revenue Service has taken the position that National Health Service Corp scholarships are included in income. Imposing taxes on the scholarships could have disastrous effects on a program that for over 20 years has helped funnel doctors, nurse-practitioners, physician assistants, and other health professionals into medically underserved communities. This provision excludes from gross income of certain scholarships any amounts received under the National Health Service Corps Scholarship Program.

Finally, this bill includes important technical corrections to the Balanced Budget Refinement Act of 1999. This bill extends the option to rebase target amounts to all Sole Community Hospitals and allows Critical Access Hospitals to receive reimbursement for lab services on a reasonable cost basis.

Exciting changes are taking place in rural America. This legislation will enable small rural hospitals to take advantage of the latest technology and improve health care for rural residents across the country. Mr. President, I invite my colleagues to join me in support of this endeavor. I am unanimous consent that a copy of the bill appear in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2987

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Rural Health Care in the 21st Century Act of 2000".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—HIGH TECHNOLOGY

Sec. 101. High technology acquisition grant and loan program.
Sec. 102. Refinement of medicare reimbursement for telehealth services.
Sec. 103. Extension of telemedicine demonstration projects.

TITLE II—IMPROVEMENTS IN THE DISPROPORTIONATE SHARE HOSPITAL (DSH) PROGRAM

Sec. 201. Disproportionate share hospital adjustment for rural hospitals.

TITLE III—IMPROVEMENTS IN THE CRITICAL ACCESS HOSPITAL (CAH) PROGRAM

Sec. 301. Treatment of swing-bed services furnished by critical access hospitals.
Sec. 302. Treatment of ambulance services furnished by certain critical access hospitals.
Sec. 303. Treatment of home health services furnished by certain critical access hospitals.
Sec. 304. Designation of a single fiscal intermediary for all critical access hospitals.
Sec. 305. Establishment of an all-inclusive payment option for outpatient critical access hospital services.

TITLE IV—OUTPATIENT SERVICES FURNISHED BY RURAL PROVIDERS

Sec. 401. Permanent guarantee of pre-BBA payment levels for outpatient services furnished by rural hospitals.
Sec. 402. Provider-based rural health clinic cap exemption.
Sec. 403. Payment for certain physician assistant services.
Sec. 404. Exclusion of rural health clinic services from the PPS for skilled nursing facilities.
Sec. 405. Bonus payments for rural home health agencies.

TITLE V—BAD DEBT

Sec. 501. Restoration of full payment for bad debts of qualified medicare beneficiaries.

TITLE VI—NATIONAL HEALTH SERVICE CORPS SCHOLARSHIP PROGRAM

Sec. 601. Exclusion of certain amounts received under the National Health Service Corps scholarship program.

TITLE VII—TECHNICAL CORRECTIONS TO BALANCED BUDGET REFINEMENT ACT OF 1999

Sec. 701. Extension of option to use rebased target amounts to all sole community hospitals.

Sec. 702. Payments to critical access hospitals for clinical diagnostic laboratory tests.

TITLE I—HIGH TECHNOLOGY

SEC. 101. HIGH TECHNOLOGY ACQUISITION GRANT AND LOAN PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by inserting after section 330D the following:

"SEC. 330E. HIGH TECHNOLOGY ACQUISITION GRANT AND LOAN PROGRAM.

"(a) ESTABLISHMENT OF PROGRAM.—The Secretary, acting through the Director of the Office of Rural Health Policy (of the Health Resources and Services Administration), shall establish a High Technology Acquisition Grant and Loan Program for the purpose of—

"(1) improving the quality of health care in rural areas through the acquisition of advanced medical technology;

"(2) fostering the development the networks described in section 330D(c);

"(3) promoting resource sharing between urban and rural facilities; and

"(4) improving patient safety and outcomes through the acquisition of high technology, including software, information services, and staff training.

"(b) GRANTS AND LOANS.—Under the program established under subsection (a), the Secretary, acting through the Director of the Office of Rural Health Policy, may award grants and make loans to any eligible entity (as defined in subsection (d)(1)) for any costs incurred by the eligible entity in acquiring eligible equipment and services (as defined in subsection (d)(2)).

"(c) LIMITATIONS.—

"(1) IN GENERAL.—Subject to paragraph (2), the total amount of grants and loans made under this section to an eligible entity may not exceed $100,000.

"(2) FEDERAL SHARING.—

"(A) GRANTS.—The amount of any grant awarded under this section may not exceed 70 percent of the costs to the eligible entity in acquiring eligible equipment and services.

"(B) LOANS.—The amount of any loan made under this section may not exceed 90 percent of the costs to the eligible entity in acquiring eligible equipment and services.

"(d) DEFINITIONS.—In this section:

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' means a hospital, health center, or any other entity that the Secretary determines is appropriate that is located in a rural area or region.

"(2) ELIGIBLE EQUIPMENT AND SERVICES.—The term 'eligible equipment and services' includes—

"(A) unit dose distribution systems;

"(B) software and information services and staff training;

"(C) wireless devices to transmit medical orders;

"(D) clinical health care informatics systems, including bar code systems designed to avoid medication errors and patient tracking systems; and

"(E) any other technology that improves the quality of health care provided in rural areas.

"(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2006.".

SEC. 102. REFINEMENT OF MEDICARE REIMBURSEMENT FOR TELEHEALTH SERVICES.

(a) REVISION OF TELEHEALTH PAYMENT METHODOLOGY AND ELIMINATION OF FEE-SHARING REQUIREMENT.—Section 4206(b) of the Balanced Budget Act of 1997 (42 U.S.C. 1395l note) is amended to read as follows:

"(b) METHODOLOGY FOR DETERMINING AMOUNT OF PAYMENTS.—

"(1) IN GENERAL.—The Secretary shall pay to—

"(A) the physician or practitioner at a distant site that provides an item or service under subsection (a) an amount equal to the amount that such physician or provider would have been paid had the item or service been provided without the use of a telecommunications system; and

"(B) the originating site a facility fee for facility services furnished in connection with such item or service.

"(2) APPLICATION OF PART B COINSURANCE AND DEDUCTIBLE.—Any payment made under this section shall be subject to the coinsurance and deductible requirements under subsections (a)(1) and (b) of section 1833 of the Social Security Act (42 U.S.C. 1395l).

"(3) DEFINITIONS.—In this subsection:

"(A) DISTANT SITE.—The term 'distant site' means the site at which the physician or practitioner is located at the time the item or service is provided via a telecommunications system.

"(B) FACILITY FEE.—The term 'facility fee' means an amount equal to—

"(i) for 2000 and 2001, $20; and

"(ii) for a subsequent year, the facility fee under this subsection for the previous year increased by the percentage increase in the MEI (as defined in section 1842(i)(3)) for such subsequent year.

"(C) ORIGINATING SITE.—

"(i) IN GENERAL.—The term 'originating site' means the site described in clause (ii) at which the eligible telehealth beneficiary under the medicare program is located at the time the item or service is provided via a telecommunications system.

"(ii) SITES DESCRIBED.—The sites described in this paragraph are as follows:

"(I) On or before January 1, 2002, the office of a physician or a practitioner, a critical access hospital, a rural health clinic, and a Federally qualified health center.

"(II) On or before January 1, 2003, the sites described in subclause (I), a hospital, a skilled nursing facility, a comprehensive outpatient rehabilitation facility, a renal dialysis facility, an ambulatory surgical center, an Indian Health Service facility, and a community mental health center.".

(b) ELIMINATION OF REQUIREMENT FOR TELEPRESENTER.—Section 4206 of the Balanced Budget Act of 1997 (42 U.S.C. 1395l note) is amended—

(1) in subsection (a), by striking ", notwithstanding that the individual physician" and all that follows before the period at the end; and

(2) by adding at the end the following new subsection:

"(e) TELEPRESENTER NOT REQUIRED.—Nothing in this section shall be construed as requiring an eligible telehealth beneficiary to be presented by a physician or practitioner for the provision of an item or service via a telecommunications system.".

(c) REIMBURSEMENT FOR MEDICARE BENEFICIARIES WHO DO NOT RESIDE IN A HPSA.—Section 4206(a) of the Balanced Budget Act of 1997 (42 U.S.C. 1395l note), as amended by subsection (b), is amended—

(1) by striking "IN GENERAL.—Not later than" and inserting the following: "TELEHEALTH SERVICES REIMBURSED.—

"(1) IN GENERAL.—Not later than";

(2) by striking "furnishing a service for which payment" and all that follows before the period and inserting "to an eligible telehealth beneficiary"; and

(3) by adding at the end the following new paragraph:

"(2) ELIGIBLE TELEHEALTH BENEFICIARY DEFINED.—In this section, the term 'eligible telehealth beneficiary' means a beneficiary under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) that resides in—

"(A) an area that is designated as a health professional shortage area under section 332(a)(1)(A) of the Public Health Service Act (42 U.S.C. 254e(a)(1)(A));

"(B) a county that is not included in a Metropolitan Statistical Area;

"(C) an inner-city area that is medically underserved (as defined in section 330(b)(3) of the Public Health Service Act (42 U.S.C. 254b(b)(3))); or

"(D) an area in which there is a Federal telemedicine demonstration program.".

(d) TELEHEALTH COVERAGE FOR DIRECT PATIENT CARE.—

(1) IN GENERAL.—Section 4206 of the Balanced Budget Act of 1997 (42 U.S.C. 1395l note), as amended by subsection (c), is amended—

(A) in subsection (a)(1), by striking "professional consultation via telecommunications systems with a physician" and inserting "items and services for which payment may be made under such part that are furnished via a telecommunications system by a physician"; and

(B) by adding at the end the following new subsection:

"(f) COVERAGE OF ITEMS AND SERVICES.—Payment for items and services provided pursuant to subsection (a) shall include payment for professional consultations, office visits, office psychiatry services, including any service identified as of July 1, 2000, by HCPCS codes 99241–99275, 99201–99215, 90804–90815, and 90862, and any additional item or service specified by the Secretary.".

(2) STUDY AND REPORT REGARDING ADDITIONAL ITEMS AND SERVICES.—

(A) STUDY.—The Secretary of Health and Human Services shall conduct a study to identify items and services in addition to those described in section 4206(f) of the Balanced Budget Act of 1997 (as added by paragraph (1)) that would be appropriate to provide payment under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(B) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit a report to Congress on the study conducted under subparagraph (A) together with such recommendations for legislation that the Secretary determines are appropriate.

(e) ALL PHYSICIANS AND PRACTITIONERS ELIGIBLE FOR TELEHEALTH REIMBURSEMENT.—Section 4206(a) of the Balanced Budget Act of 1997 (42 U.S.C. 1395l note), as amended by subsection (d), is amended—

(1) in paragraph (1), by striking "(described in section 1842(b)(18)(C) of such Act (42 U.S.C. 1395u(b)(18)(C))"; and

(2) by adding at the end the following new paragraph:

"(3) PRACTITIONER DEFINED.—For purposes of paragraph (1), the term 'practitioner' includes—

"(A) a practitioner described in section 1842(b)(18)(C) of the Social Security Act (42 U.S.C. 1395u(b)(18)(C)); and

"(B) a physical, occupational, or speech therapist.".

(f) TELEHEALTH SERVICES PROVIDED USING STORE-AND-FORWARD TECHNOLOGIES.—Section 4206(a)(1) of the Balanced Budget Act of 1997 (42 U.S.C. 1395l note), as amended by subsection (e), is amended by adding at the end the following new paragraph:

"(4) USE OF STORE-AND-FORWARD TECHNOLOGIES.—For purposes of paragraph (1), in the case of any Federal telemedicine demonstration program in Alaska or Hawaii, the term 'telecommunications system' includes store-and-forward technologies that provide for the asynchronous transmission of health care information in single or multimedia formats.".

(g) CONSTRUCTION RELATING TO HOME HEALTH SERVICES.—Section 4206(a) of the Balanced Budget Act of 1997 (42 U.S.C. 1395l note), as amended by subsection (f), is amended by adding at the end the following new paragraph:

"(5) CONSTRUCTION RELATING TO HOME HEALTH SERVICES.—

"(A) IN GENERAL.—Nothing in this section or in section 1895 of the Social Security Act (42 U.S.C. 1395fff) shall be construed as preventing a home health agency that is receiving payment under the prospective payment system described in such section from furnishing a home health service via a telecommunications system.

"(B) LIMITATION.—The Secretary shall not consider a home health service provided in the manner described in subparagraph (A) to be a home health visit for purposes of—

"(i) determining the amount of payment to be made under the prospective payment system established under section 1895 of the Social Security Act (42 U.S.C. 1395fff); or

"(ii) any requirement relating to the certification of a physician required under section 1814(a)(2)(C) of such Act (42 U.S.C. 1395f(a)(2)(C)).".

(h) EFFECTIVE DATE.—The amendments made by this Act shall apply to items and services provided on or after the date of enactment of this Act.

SEC. 103. EXTENSION OF TELEMEDICINE DEMONSTRATION PROJECTS.

The Secretary of Health and Human Services shall maintain through September 30, 2003, the grant and operational phases of any telemedicine demonstration project conducted under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.)—

(1) for which funds were expended before the date of enactment of the Balanced Budget Act of 1997 (Public Law 105-133; 111 Stat. 251); and

(2) that is ongoing as of the date of enactment of this Act.

TITLE II—IMPROVEMENTS IN THE DISPROPORTIONATE SHARE HOSPITAL (DSH) PROGRAM

SEC. 201. DISPROPORTIONATE SHARE HOSPITAL ADJUSTMENT FOR RURAL HOSPITALS.

(a) APPLICATION OF UNIFORM 15 PERCENT THRESHOLD.—Section 1886(d)(5)(F)(v) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(F)(v)) is amended by striking "exceeds—" and all that follows and inserting "exceeds 15 percent.".

(b) CHANGE IN PAYMENT PERCENTAGE FORMULAS.—Section 1886(d)(5)(F) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(F)) is amended—

(1) in clause (iv), by striking "and that—" and all that follows and inserting "is equal to the percentage determined in accordance with the applicable formula described in clause (vii).";

(2) in clause (vii), by striking "clause (iv)(I)" and inserting "clause (iv)"; and

(3) by striking clause (viii) and inserting the following new clause:

"(viii) No hospital described in clause (iv) may receive a payment amount under this section that is less than the payment amount that would have been made under this section if the amendments made by section 201 of the Rural Health Care in the 21st Century Act of 2000 had not been enacted.".

(c) EFFECTIVE DATE.—The amendments made by this section apply to discharges occurring on or after October 1, 2000.

TITLE III—IMPROVEMENTS IN THE CRITICAL ACCESS HOSPITAL (CAH) PROGRAM

SEC. 301. TREATMENT OF SWING-BED SERVICES FURNISHED BY CRITICAL ACCESS HOSPITALS.

(a) EXEMPTION FROM SNF PPS.—Section 1888(e)(7) of the Social Security Act (42 U.S.C. 1395yy(e)(7)) is amended—

(1) in the heading, by striking "TRANSITION FOR" and inserting "TREATMENT OF";

(2) in subparagraph (A), by striking "IN GENERAL.—The" and inserting "TRANSITION.—Except as provided in subparagraph (C), the";

(3) in subparagraph (B), by striking ", for which" and all that follows before the period at the end and inserting "(other than critical access hospitals)"; and

(4) by adding at the end the following new subparagraph:

"(C) CRITICAL ACCESS HOSPITALS.—In the case of facilities described in subparagraph (B) that are critical access hospitals—

"(i) the prospective payment system established under this subsection shall not apply to services furnished pursuant to an agreement described in section 1883; and

"(ii) such services shall be paid on the basis specified in subsection (a)(3) of such section.".

(b) PAYMENT BASIS FOR SWING-BED SERVICES FURNISHED BY CRITICAL ACCESS HOSPITALS.—Section 1883(a) of the Social Security Act (42 U.S.C. 1395tt(a)) is amended—

(1) in paragraph (2)(A), by inserting "(other than a critical access hospital)" after "any hospital"; and

(2) by adding at the end the following new paragraph:

"(3) Notwithstanding any other provision of this title, a critical access hospital shall be paid for services furnished under an agreement entered into under this section on the basis of the reasonable costs of such services (as determined under section 1861(v)).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to cost reporting periods beginning on or after October 1, 1999.

SEC. 302. TREATMENT OF AMBULANCE SERVICES FURNISHED BY CERTAIN CRITICAL ACCESS HOSPITALS.

(a) EXEMPTION FROM AMBULANCE FEE SCHEDULE.—

(1) IN GENERAL.—Section 1834(l) of the Social Security Act (42 U.S.C. 1395m(l)) is amended by adding at the end the following new paragraph:

"(8) INAPPLICABILITY OF FEE SCHEDULE TO CERTAIN SERVICES.—In the case of ambulance services (described in section 1861(s)(7)) that are provided in a locality by a critical access hospital that is the only provider of ambulance services in the locality, or by an entity that is owned and operated by such a critical access hospital—

"(A) the fee schedule established under this subsection shall not apply; and

"(B) payment under this part shall be paid on the basis of the reasonable costs incurred in providing such services.".

(2) CONFORMING AMENDMENTS.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395l(a)(1)) is amended—

(A) in subparagraph (R)—

(i) by inserting "except as provided in subparagraph (T)," before "with respect"; and

(ii) by striking "and" at the end; and

(B) in subparagraph (S), by striking the semicolon at the end and inserting ", and (T) with respect to ambulance services described in section 1834(l)(8), the amount paid shall be 80 percent of the lesser of the actual charge for the services or the amount determined under such section;".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to cost reporting periods beginning on or after October 1, 1999.

(b) EXEMPTION FROM REASONABLE COST REDUCTIONS.—

(1) EXEMPTION.—Section 1861(v)(1)(U) of the Social Security Act (42 U.S.C. 1395x(v)(1)(U)) is amended by inserting after the first sentence the following new sentence: "The reductions required by the preceding sentence shall not apply in the case of ambulance services that are provided in a locality on or after October 1, 1999, by a critical access hospital that is the only provider of ambulance services in the locality, or by an entity that is owned and operated by such a critical access hospital.".

(2) TECHNICAL AMENDMENT.—Section 1861(v)(1) of the Social Security Act (42 U.S.C. 1395x(v)(1)) is amended by realigning subparagraph (U) so as to align the left margin of such subparagraph with the left margin of subparagraph (T).

SEC. 303. TREATMENT OF HOME HEALTH SERVICES FURNISHED BY CERTAIN CRITICAL ACCESS HOSPITALS.

(a) EXEMPTION FROM HOME HEALTH INTERIM PAYMENT SYSTEM.—Section 1861(v)(1)(L) of the Social Security Act (42 U.S.C. 1395x(v)(1)(L)) is amended by adding at the end the following new clause:

"(xi) The preceding provisions of this subparagraph shall not apply to home health services that are furnished on or after October 1, 2000, by a home health agency that is—

"(I) the only home health agency serving a locality; and

"(II) owned and operated by a critical access hospital.".

(b) EXEMPTION FROM PPS.—

(1) IN GENERAL.—Section 1895 of the Social Security Act (42 U.S.C. 1395fff) is amended by adding at the end the following new subsection:

"(e) EXEMPTION.—The prospective payment system established under this section shall not apply in determining payments for home health services furnished by a home health agency that is—

"(1) the only home health agency serving a locality; and

"(2) owned and operated by a critical access hospital.".

(2) CONFORMING AMENDMENT.—Section 1833(a)(2)(A) of the Social Security Act (42 U.S.C. 1395(a)(2)(A)) is amended by inserting

“home health services described in section 1895(e) and other than” after “other than”.

(3) TECHNICAL AMENDMENT.—Section 1833(a)(2)(A) of the Social Security Act (42 U.S.C. 1395(a)(2)(A)) is amended by striking “drug) (as defined in section 1861(kk))” and inserting “drug (as defined in section 1861(kk)))”.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to cost reporting periods beginning on or after October 1, 2000.

SEC. 304. DESIGNATION OF A SINGLE FISCAL INTERMEDIARY FOR ALL CRITICAL ACCESS HOSPITALS.

Section 1816 of the Social Security Act (42 U.S.C. 1395h) is amended by adding at the end the following:

“(m) Not later than October 1, 2000, the Secretary shall designate a national agency or organization with an agreement under this section to perform functions under the agreement with respect to each critical access hospital electing to have such functions performed by such agency or organization.”.

SEC. 305. ESTABLISHMENT OF AN ALL-INCLUSIVE PAYMENT OPTION FOR OUTPATIENT CRITICAL ACCESS HOSPITAL SERVICES.

(a) ALL-INCLUSIVE PAYMENT OPTION FOR OUTPATIENT CRITICAL ACCESS HOSPITAL SERVICES.—Section 1834(g) of the Social Security Act (42 U.S.C. 1395m(g)) is amended—

(1) by striking paragraph (1) and inserting the following new paragraph:

“(1) ELECTION OF CAH.—At the election of a critical access hospital, the amount of payment for outpatient critical access hospital services under this part shall be determined under paragraph (2) or (3), such amount determined under either paragraph without regard to the amount of the customary or other charge.”; and

(2) by striking paragraph (3) and inserting the following new paragraph:

“(3) ALL-INCLUSIVE RATE.—If a critical access hospital elects this paragraph to apply, with respect to both facility services and professional services, there shall be paid amounts equal to the reasonable costs of the critical access hospital in providing such services (except that in the case of clinical diagnostic laboratory services furnished by a critical access hospital the amount of payment shall be equal to 100 percent of the reasonable costs of the critical access hospital in providing such services), less the amount that such hospital may charge as described in section 1866(a)(2)(A).”.

(b) EFFECTIVE DATE.—The amendments made by subparagraph (a) shall take effect as if included in the enactment of section 403(d) of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 (113 Stat. 1501A–371), as enacted into law by section 1000(a)(6) of Public Law 106–113.

TITLE IV—OUTPATIENT SERVICES FURNISHED BY RURAL PROVIDERS

SEC. 401. PERMANENT GUARANTEE OF PRE-BBA PAYMENT LEVELS FOR OUTPATIENT SERVICES FURNISHED BY RURAL HOSPITALS.

(a) IN GENERAL.—Section 1833(t)(7)(D) of the Social Security Act (42 U.S.C. 1395l(t)(7)(D)), as added by section 202 of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 (113 Stat. 1501A–342), as enacted into law by section 1000(a)(6) of Public Law 106–113, is amended to read as follows:

“(D) HOLD HARMLESS PROVISIONS FOR SMALL RURAL HOSPITALS AND CANCER HOSPITALS.—In the case of a hospital located in a rural area and that has not more than 100 beds or a hospital described in section 1886(d)(1)(B)(v), for covered OPD services for which the PPS amount is less than the pre-BBA amount, the amount of payment under this subsection shall be increased by the amount of such difference.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of section 202 of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 (113 Stat. 1501A–342), as enacted into law by section 1000(a)(6) of Public Law 106–113.

SEC. 402. PROVIDER-BASED RURAL HEALTH CLINIC CAP EXEMPTION.

(a) IN GENERAL.—The matter in section 1833(f) of the Social Security Act (42 U.S.C. 1395l(f)) preceding paragraph (1) is amended by striking “with less than 50 beds” and inserting “with an average daily patient census that does not exceed 50”.

(b) EFFECTIVE DATE.—The amendment made by subparagraph (A) applies to services furnished on or after January 1, 2001.

SEC. 403. PAYMENT FOR CERTAIN PHYSICIAN ASSISTANT SERVICES.

(a) PAYMENT FOR CERTAIN PHYSICIAN ASSISTANT SERVICES.—Section 1842(b)(6)(C) of the Social Security Act (42 U.S.C. 1395u(b)(6)(C)) is amended by striking “for such services provided before January 1, 2003,”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of enactment of this Act.

SEC. 404. EXCLUSION OF RURAL HEALTH CLINIC SERVICES FROM THE PPS FOR SKILLED NURSING FACILITIES.

(a) IN GENERAL.—Section 1888(e)(2)(A)(ii) of the Social Security Act (42 U.S.C. 1395yy(e)(2)(A)(ii)) is amended by inserting after the first sentence the following: “Services described in this clause also include services that are provided by a physician, a physician assistant, a nurse practitioner, a certified nurse midwife, or a qualified psychologist who is employed, or otherwise under contract, with a rural health clinic.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to services furnished on or after January 1, 2001.

SEC. 405. BONUS PAYMENTS FOR RURAL HOME HEALTH AGENCIES.

(a) INCREASE IN PAYMENT RATES FOR RURAL AGENCIES.—

(1) IN GENERAL.—Section 1895(b) of the Social Security Act (42 U.S.C. 1395fff(b)) is amended by adding at the end the following new paragraph:

“(7) ADDITIONAL PAYMENT AMOUNT FOR SERVICES FURNISHED IN RURAL AREAS.—In the case of home health services furnished in a rural area (as defined in section 1886(d)(2)(D)), the Secretary shall provide for an addition or adjustment to the payment amount otherwise made under this section for services furnished in a rural area in an amount equal to 10 percent of the amount otherwise determined under this subsection.”.

(2) WAIVING BUDGET NEUTRALITY.—Section 1895(b)(3) of such Act (42 U.S.C. 1395fff(b)(3)) is amended by adding at the end the following new subparagraph:

“(D) NO ADJUSTMENT FOR ADDITIONAL PAYMENTS FOR RURAL SERVICES.—The Secretary shall not reduce the standard prospective payment amount (or amounts) under this paragraph applicable to home health services furnished during a period to offset the increase in payments resulting from the application of paragraph (7) (relating to services furnished in rural areas).”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to episodes of care beginning on or after April 1, 2001.

TITLE V—BAD DEBT

SEC. 501. RESTORATION OF FULL PAYMENT FOR BAD DEBTS OF QUALIFIED MEDICARE BENEFICIARIES.

(a) MEDICARE COST-SHARING UNCOLLECTIBLE AND NOT COVERED BY MEDICAID STATE PLANS.—Section 1902(n)(3)(B) of the Social Security Act (42 U.S.C. 1396a(n)(3)(B)) is amended—

(1) by inserting “(i)” after “(B)”; and

(2) by adding at the end the following new clause:

“(ii) the amount of medicare cost-sharing that is uncollectible from the beneficiary because of clause (i) and that is not paid by any other individual or entity shall be deemed to be bad debt for purposes of title XVIII; and”.

(b) RECOGNITION OF 100 PERCENT OF BAD DEBT.—

(1) NONAPPLICATION OF REDUCTION.—Section 1861(v)(1)(T) of the Social Security Act (42 U.S.C. 1395x(v)(1)(T)) is amended by inserting “(other than any amount deemed to be bad debt under section 1902(n)(3)(B)(ii))” after “amounts under this title”.

(2) RECOGNITION WITH RESPECT TO CERTIFIED NURSE ANESTHETISTS, NURSE PRACTITIONERS, AND CLINICAL NURSE SPECIALISTS.—Section 1833 of the Social Security Act (42 U.S.C. 1395l) is amended—

(A) in subsection (l)(5)(B), by striking “No hospital” and inserting “Except as provided in section 1902(n)(3)(B)(ii), no hospital”; and

(B) in subsection (r)(2), by striking “No hospital” and inserting “Except as provided in section 1902(n)(3)(B)(ii), no hospital”.

(c) TECHNICAL AMENDMENT.—Section 1861(v)(1)(T) of the Social Security Act (42 U.S.C. 1395x(v)(1)(T)) is amended by striking “1833(t)(5)(B)” and inserting “1833(t)(8)(B)” in the matter preceding clause (i).

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to bad debt incurred on or after the date of enactment of this Act.

TITLE VI—NATIONAL HEALTH SERVICE CORPS SCHOLARSHIP PROGRAM

SEC. 601. EXCLUSION OF CERTAIN AMOUNTS RECEIVED UNDER THE NATIONAL HEALTH SERVICE CORPS SCHOLARSHIP PROGRAM.

(a) IN GENERAL.—Section 117(c) of the Internal Revenue Code of 1986 (relating to the exclusion from gross income amounts received as a qualified scholarship) is amended—

(1) by striking “Subsections (a)” and inserting the following:

“(1) IN GENERAL.—Except as provided in paragraph (2), subsections (a)”; and

(2) by adding at the end the following new paragraph:

“(2) EXCEPTION.—Paragraph (1) shall not apply to any amount received by an individual under the National Health Service Corps Scholarship Program under section 338A(g)(1)(A) of the Public Health Service Act.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to amounts received in taxable years beginning after December 31, 1994.

TITLE VII—TECHNICAL CORRECTIONS TO BALANCED BUDGET REFINEMENT ACT OF 1999

SEC. 701. EXTENSION OF OPTION TO USE REBASED TARGET AMOUNTS TO ALL SOLE COMMUNITY HOSPITALS.

(a) IN GENERAL.—Section 1886(b)(3)(I)(i) of the Social Security Act (42 U.S.C.

1395ww(b)(3)(I)(i)) (as added by section 405 of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 (113 Stat. 1501A–372), as enacted into law by section 1000(a)(6) of Public Law 106–113) is amended—

(1) in the matter preceding subclause (I)—

(A) by striking "for its cost reporting period beginning during 1999 is paid on the basis of the target amount applicable to the hospital under subparagraph (C) and that"; and

(B) by striking "such target amount" and inserting "the amount otherwise determined under subsection (d)(5)(D)(i)";

(2) in subclause (I), by striking "target amount otherwise applicable" and all that follows through "target amount')" and inserting "the amount otherwise applicable to the hospital under subsection (d)(5)(D)(i) (referred to in this clause as the 'subsection (d)(5)(D)(i) amount')"; and

(3) in each of subclauses (II) and (III), by striking "subparagraph (C) target amount" and inserting "subsection (d)(5)(D)(i) amount".

(b) Effective Date.—The amendments made by this section shall take effect as if included in the enactment of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999, as enacted into law by section 1000(a)(6) of Public Law 106–113.

SEC. 702. PAYMENTS TO CRITICAL ACCESS HOSPITALS FOR CLINICAL DIAGNOSTIC LABORATORY TESTS.

(a) Payment on Cost Basis Without Beneficiary Cost-Sharing.—

(1) In general.—Section 1833(a)(6) of the Social Security Act (42 U.S.C. 1395l(a)(6)) is amended by inserting "(including clinical diagnostic laboratory services furnished by a critical access hospital)" after "outpatient critical access hospital services".

(2) No beneficiary cost-sharing.—

(A) In general.—Section 1834(g) of the Social Security Act (42 U.S.C. 1395m(g)) is amended by inserting "(except that in the case of clinical diagnostic laboratory services furnished by a critical access hospital the amount of payment shall be equal to 100 percent of the reasonable costs of the critical access hospital in providing such services)" before the period at the end.

(B) BBRA amendment.—Section 1834(g) of the Social Security Act (42 U.S.C. 1395m(g)) is amended—

(i) in paragraph (1), by inserting "(except that in the case of clinical diagnostic laboratory services furnished by a critical access hospital the amount of payment shall be equal to 100 percent of the reasonable costs of the critical access hospital in providing such services)" after "such services,"; and

(ii) in paragraph (2)(A), by inserting "(except that in the case of clinical diagnostic laboratory services furnished by a critical access hospital the amount of payment shall be equal to 100 percent of the reasonable costs of the critical access hospital in providing such services)" before the period at the end.

(b) Conforming Amendments.—Paragraphs (1)(D)(i) and (2)(D)(i) of section 1833(a) of the Social Security Act (42 U.S.C. 1395l(a)(1)(D)(i); 1395l(a)(2)(D)(i)) are each amended by striking "or which are furnished on an outpatient basis by a critical access hospital".

(c) Technical Amendment.—Section 403(d)(2) of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 (113 Stat. 1501A–371), as enacted into law by section 1000(a)(6) of Public Law 106–113, is amended by striking "subsection (a)" and inserting "paragraph (1)".

(d) Effective Dates.—

(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall apply to services furnished on or after November 29, 1999.

(2) BBRA and technical amendments.—The amendments made by subsections (a)(2)(B) and (c) shall take effect as if included in the enactment of section 403(d) of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 (113 Stat. 1501A–371), as enacted into law by section 1000(a)(6) of Public Law 106–113.

By Mr. FRIST (for himself, Mr. Breaux, Mr. Bond, and Mr. Hollings):

S. 2988. A bill to establish a National Commission on Space; to the Committee on Commerce, Science, and Transportation.

MILLENNIUM NATIONAL COMMISSION ON SPACE ACT

Mr. FRIST. Mr. President, I rise to introduce the Millennium National Commission on Space Act.

The year 1999 proved to be very difficult for NASA. The Commerce Committee reviewed reports on such incidents as:

Workers searching for misplaced Space Station tanks in a landfill;

Loose pins in the Shuttle's main engine;

Failure to make English-metric conversions causing the failure of a $125 million mission to Mars;

Two-time use of "rejected" seals on Shuttle's turbopumps;

$1 billion of cost overruns on the prime contract for the Space Station with calls from the Inspector General at NASA for improvement in the agency's oversight;

Workers damaging the main antennae on the Shuttle for communication between mission control and the orbiting Shuttle;

Urgent repair mission to the Hubble telescope;

Approximately $1 billion invested in an experimental vehicle and currently no firm plans for its first flight, if it flies at all; and

The lack of long-term planning for the Space Station, an issue on which the Science, Technology, and Space Subcommittee of the Commerce Committee has repeatedly questioned NASA.

It is the last of these items, the lack of long-term planning for the Space Station and the lack of long-term planning of NASA and the civilian space program, that is of a concern to me. I feel that the civilian space program is in need of some guidance. Just as the space policy of the 1980's had changed since the creation of NASA in 1958, the space policy of the New Millennium needs to change from the 1980's.

Space has become more commercialized. Today, the private sector conducts more space launches than the government. There are many more companies developing plans to implement other new and innovative commercial ventures.

I feel that the long term civilian space goals and objectives of the nation are in need of some major revisions. As I mentioned earlier, today's environment has changed drastically since the last commission of this type was assembled.

This bill proposes a Presidential Commission to address these points. The commission will do the "homework" that will form the basis for a revised civilian space program. The civilian space industry has proven to be a valuable national asset over the years. The goal of this bill will be to ensure that the U.S. maintains its preeminence in space.

This commission will consist of 15 Members appointed by the President based upon the recommendations of Congressional leadership. My hope is that today's new environment will be reflected in the make-up of the commission's members. For that reason, the bill sets limits on how many members shall be from the government and how many should serve on their first federal commission. Ex-officio members of the commission are also specified in the bill. Advisory members from the Senate and the House of Representatives are to be appointed to the commission by the President of the Senate and the Speaker of the House of Representatives.

The final report of the commission is to identify the long range goals, opportunities, and policy options for the U.S. civilian space activity for the next 20 years.

As Chairman of the Science, Technology and Space Subcommittee of the Commerce Committee, I will continue our oversight responsibilities at NASA. I look forward to working with other Members of this body to further perfect this bill.

Mr. President, I thank you for this opportunity to introduce this legislation which addresses these very important issues for the space community.

Mr. BREAUX. Mr. President, as the Ranking Democratic Member of the Commerce Committee's Science, Technology, and Space Supcommittee, I am joining my Chairman, Senator Frist, in introducing legislation to establish a National Space Commission.

If past experience holds true, NASA will be a catalyst for scientific discovery in this new century. In the past year, NASA has worked on a variety of valuable projects from finding a value for the Hubble Constant which measures how fast the universe is expanding to docking with the International Space Station for the very first time. Earlier this week, NASA and the Russian Space Agency completed the docking of the Service Module to the International Space Station, setting the stage for the first permanent crew to occupy the station.

Now, our space exploration agency is poised at a crossroads. After several failures, management has made some changes and reinvested in the work force and in project oversight. During the next year, NASA will try to meet a very aggressive schedule for the assembly of the Space Station, and we will finally have our orbiting laboratory in space. At the same time, a new Administration will be entering the White House. It seems to be an appropriate moment to stand back and ask where our space program is going in the next twenty years.

Now is the time to look to the future. The Millennium National Space Commission will build on the work of the 1985 National Space Commission and help us formulate an agenda for the civilian space program. In doing so, it will help keep this nation in the forefront of scientific exploration of "the final frontier."

By Mr. McCAIN (for himself and Mr. KERREY):

S. 2989. A bill to provide for the technical integrity of the FM radio band, and for other purposes; to the Committee on Commerce, Science, and Transportation.

LOW POWER RADIO ACT OF 2000

Mr. McCAIN. Mr. President, I rise today to introduce a bill with my friend and colleague Senator KERREY to resolve the controversy that has erupted over the Federal Communications Commission's creation of a new, noncommercial low-power FM radio service.

As you undoubtedly know, the FCC's low-power FM rules will allow the creation of thousands of new noncommercial FM radio stations with coverage of about a mile or so. Although these new stations will give churches and community groups new outlets for expression of their views, commercial FM broadcasters as well as National Public Radio oppose the new service. They argue that the FCC ignored studies showing that the new low-power stations would cause harmful interference to the reception of existing full-power FM stations.

Mr. President, legislation before the House of Representatives would call a halt to the institution of low-power FM service by requiring further independent study of its potential for causing harmful interference to full-power stations, and Senator GREGG has introduced the same legislation in the Senate. While this would undoubtedly please existing FM radio broadcasters, it understandably angers the many parties who are anxious to apply for the new low-power licenses. Most importantly, it would delay the availability of whatever new programming these new low-power licensees might provide, even where the station would have caused no actual interference at all had it been allowed to operate.

With all due respect to Senator GREGG and to the supporters of the House bill, Senator KERREY and I think we can reach a fairer result, and the bill we are introducing, the Low Power Radio Act of 2000, is intended to do just that.

Unlike Senator GREGG's bill, the Low Power Radio Act would allow the FCC to license low-power FM radio stations. The only low-power FM stations that would be affected would be those whose transmissions are actually causing harmful interference to a full-power radio station. The Commission would determine which stations are causing such interference and what the low-power station must do to alleviate it, as the expert agency with the experience and engineering resources required to make such determinations.

The Act gives full-power broadcasters the right to file a complaint with the Commission against any low-power FM licensee for causing harmful interference, and stipulates that the costs of the proceeding shall be borne by the losing party. Finally, to make sure that the FCC does not relegate the interests of full-power radio broadcasters to secondary importance in its eagerness to launch the new low-power FM service, the bill requires the FCC to complete all rulemakings necessary to implement full-power stations' transition to digital broadcasting no later than June 1, 2001.

Mr. President, this legislation strikes a fair balance by allowing non-interfering low-power FM stations to operate without further delay, while affecting only those low-power stations that the FCC finds to be causing harmful interference in their actual, everyday operations. This is totally consistent with the fact that low-power FM is a secondary service which, by law, must cure any interference caused to any primary, full-power service. This legislation will provide an efficient and effective means to detect and resolve harmful interference. By providing a procedural remedy with costs assigned to the losing party, the bill will discourage the creation of low-power stations most likely to cause harmful interference even as it discourages full-power broadcasters from making unwarranted interference claims. And for these reasons it will provide a more definitive resolution of opposing interference claims than any number of further studies ever could.

Mr. President, in the interests of would-be new broadcasters, existing broadcasters, but, most of all, the listening public, I urge the enactment of the Low Power Radio Act of 2000.

Mr. KERREY. Mr. President, I am pleased to introduce today the Low Power Radio Act of 2000 with Senator McCAIN. Low power FM radio is an effort to bring more diversity to the airwaves. Though radio airwaves belong to the public, only a handful of people currently control what we hear on-air. Low power FM will expand that number by thousands, giving a voice to local governments, community groups, churches, and schools.

I understand that there is some concern that these new low-power signals will interfere with existing full-power stations. I believe these fears are greatly exaggerated. The Federal Communications Commission (FCC) has decades-long experience dealing with FM-spectrum issues, and they have conducted extensive testing to ensure that these new stations will not cause interference.

Should interference occur, however, I believe that full-power stations must have a process for alleviating the problem. The Low Power Radio Act allows any broadcaster or listener to file a formal complaint with the FCC. If the FCC determines that a low-power station is causing harmful interference, the low power station will be removed from the airwaves while a technical remedy is found. To discourage frivolous complaints, however, the FCC is authorized to assess reimbursement of costs associated with the proceeding as well as punitive damages onto any full-power station who files a complaint without any purpose other than to impede a low-power radio transmission.

This initiative has undergone a considerable period of testing and public comment. Delaying implementation will only result in more conflicting engineering studies without guaranteeing that interference will not occur. I believe that it is time to let low power FM go forward. The Low Power Radio Act gives the FCC the authority to resolve harmful interference complaints on a case-by-case, common sense basis. It is a compromise that can work to the benefit of existing broadcasters, potential low power licensees, and all radio listeners.

By Mr. KERRY (for himself and Mr. FEINGOLD):

S. 2990. A bill to amend chapter 42 of title 28, United States Code, to establish the Judicial Education Fund for the payment of reasonable expenses of judges participating in seminars, to prohibit the acceptance of seminar gifts, and for other purposes; to the Committee on the Judiciary.

THE JUDICIAL EDUCATION REFORM ACT OF 2000

Mr. KERRY. Mr. President, I send to the desk a bill for introduction. The bill is entitled the Judicial Education Reform Act of 2000. Mr. FEINGOLD is cosponsoring the legislation.

Mr. President, as the arbiters of justice in our democracy, judges must be honest and fair in their duties. As importantly, if the rule of law is to have force in our society, citizens must have faith that judges approach their duties honestly and fairly, and that their decisions are based solely on the law and the facts of each case. Even if every judge were uncorrupt and incorruptible, their honesty would mean nothing if the public loses confidence in them. Court rulings are effectively only if the public believes that they have been arrived at through impartial decisionmaking. The judiciary must avoid the appearance of conflict as fastidiously as it avoids conflict.

Recent press coverage and an investigation by the public interest law firm Community Rights Counsel have revealed that more than 230 federal judges have taken more than 500 trips to resort locations for legal seminars paid for by corporations, foundations, and individuals between 1192 and 1998. Many of these sponsors have one-sided legal agendas in the courts designed to advance their own interests at the expense of the public interest. In many cases, judges accepted seminar trips while relevant cases were pending before their court. In some cases, judges ruled in favor of a litigant bankrolled by a seminar sponsor. And in one case a judge ruled one way, attended a seminar and returned to switch his vote to agree with the legal views expressed by the sponsor of the trip.

The notion that federal judges are accepting all-expense-paid trips that combine highly political legal theory with stays at resort locations from persons with interests before their courts creates an appearance of conflict that is unacceptable and unnecessary. At a minimum, it creates a perception of improper influence that erodes the trust the American people must have in our judicial system.

Fortunately, the problems posed by improper judicial junkets can be remedied and the appearance of judicial impartiality restored. The Judicial Education Reform Act will seek to amend the Ethics Reform Act of 1989 to close the loophole that allows for privately-funded seminars by requiring federal judges to live by the same rules that now govern federal prosecutors. The proposal is modeled after the successful Federal Judicial Center. It will ensure that legal educational seminars for judges serve to educate, not improperly influence. It will ensure that these seminars improve our judiciary through better-trained and better-informed judges, not undermine it by eroding public confidence in judicial neutrality.

Specifically, the legislation bans privately-funded seminars by prohibiting judges from accepting private seminars as gifts, providing appropriate exceptions, such as where a judge is a speaker, presenter or panel participant in such a seminar. The proposal establishes a Judicial Education Fund of $2 million within the U.S. Treasury for the payment of expenses incurred by judges attending seminars approved by the Board of the Federal Judicial Center. It requires the Judicial Conference to promulgate guidelines to ensure that the Board approves only those seminars that are conducted in a manner that will maintain the public's confidence the judiciary. Finally, the proposal requires that the Board approve a seminar only after information on its content, presenters, funding and litigation activities of sponsors and presenters are provided. If approved, information on the seminar must be posted on the Internet.

Mr. President, in introducing this legislation, I am not charging the federal judiciary or any single judge with improper behavior. I do not question the integrity of judges, rather I question a system that creates the clear appearance of conflict. I understand the need for education. Our economy has mainstreamed once exotic technologies in communication, medicine and other fields, and it is important that judges have access to experts to keep current on technological advances. And I recognize the need for judges to be exposed to diverse legal views and to test current legal views. The Judicial Education Reform Act legislation provides $2 million for precisely that purpose. No judge will be without access to continuing education. But, that education will not be funded by private entities with broad legal agendas before the federal courts, or, as has happened in some of the most unfortunate cases, private entities with cases pending before participating judges.

Finally, Mr. President, I ask unanimous consent to place in the record a statement from the Honorable Abner J. Mikva on this subject. Mr. Mikva is a former Chief Judge on the United States Court of Appeals for the D.C. Circuit and a current Visiting Professor of Law at the University of Chicago. His statement captures this the essence this issue and need for reform.

There being no objection, the material ordered to be printed in the RECORD, as follows:

STATEMENT OF ABNER J. MIKVA

The notion that judges must be honest for the system to work is hardly a profound statement. As early as the Declaration of Independence, our founders complained about judges who were obsequious to King George, rather than the cause of justice. But a pure heart is not all that judges must bring to the judicial equation. For the system to work as it should, the judges must be perceived to be honest, to be without bias, to have no tilt in the cause that is being heard.

That perception of integrity is much more difficult to obtain. After spending 15 years as a judge and a lifetime as a lawyer and lawmaker, I can safely say that the number of judges who were guilty of outright dishonesty—malum in se—were happily very few. Even taking into account that I started practicing law in Chicago in the bad old days, the number of crooked judges was small. But that is not what people believe—then or now.

The framers and attenders to our judicial system have taken many steps to help foster the notion of the integrity of its judges. Some relate to smoke and mirrors—the high bench, the black robe, the "all rise" custom when the judge enters the room. Some, like life tenure for federal judges, the codes of conduct promulgated for all judges, are intended to create the climate for integrity and good behavior. (The Constitution limits the life tenure of federal judges to their "good behavior".)

All of those steps become meaningless when private interests are allowed to wine and dine judges at fancy resorts under the pretext of "educating" them about complicated issues. If an actual party to a case took the judge to a resort, all expenses paid, shortly before the case was heard, it would not matter what they talked about. Even if all they discussed were their prostate problems; the judge and the party would be perceived to be acting improperly. The conduct is no less reprehensible when an interest group substitutes for the party to the case, and the format for discussion is seminars on environmental policy, or law and economics, or the "takings clause" of the Constitution.

That's what this report is about. It is about the perception of dishonesty that arises when judges attend seminars and study sessions sponsored by corporations and foundations that have a special interest in the interpretation given to environmental laws. It may be a coincidence that the judges who attend these meetings usually come down on the same side of important policy questions as the funders who finance these meetings. It may even be a coincidence that very few environmentalists are invited to address the judges in the bucolic surroundings where the seminars are held, But I doubt it. More importantly, any citizen who reads about judges attending such fancy meetings under such questionable sponsorship, will doubt it even more.

The federal judiciary has a very effective Federal Judicial Center. It already provides many of the educational services that these special interest groups seek to provide to judges. Admittedly, since the Center is using taxpayer funds and must answer to Congress, the locals of their programs are not as exotic. (The last ones I attended were in South Bend, Indiana in October, and Washington, D.C. in December.) The purpose of Center sponsored programs is as vanilla as it claims: there is no agenda to get the judges to perform in any particular way in handling environmental cases. As a result, the programs are not only balanced as to presentation, but they provide no tilt to the judges' subsequent performance.

Unfortunately, the U.S. Judicial Conference, the governing body for all federal judges, has punted on the propriety of judges attending seminars funded by special interest groups. It advised judges to consider the propriety of such seminars on a "case by case" process. That delicacy has not begun to stem the erosion of public confidence in the fairness of the judicial process when it comes to environmental causes. One of the special interest sponsoring groups publishes a "Desk Reference for Federal Judges" which it distributes to all its judge attendees. That must be a real confidence builder for an environmental group that sees it on the desk of a judge sitting on its case. One of the judges on the court on which I sat has attended some 12 trips sponsored by the three most prominent special interest seminar groups. I remember at least two occasions where co-panelist judges took positions that they had heard advocated at seminars sponsored by groups with more than a passing interest in the litigation under consideration.

When I was in the executive branch, all senior officials operated under a very prophylactic rule. Whenever we were invited to attend or speak at a private gathering, the government paid our way. Whether it was the U.S. Chamber of Commerce or the A.F.L.-C.I.O., nobody could even imply that the official was being wined and dined and brainwashed to further some special interest. Experience showed that such a policy was not sufficient in itself to restore people's confidence in the Executive Branch; at least we didn't make the problem worse.

If the Federal Judicial Center can't provide sufficient judicial education to the task, maybe the federal judges could use such a prophylaxis. If the judges want to go traveling, let the government pay for the trip. It may or may not change the places they go or the things they learn, but it will at least change the transactional analysis.

Mr. FEINGOLD. Mr. President, at the very foundation of our system of justice is the notion that judges will be fair and impartial. Strict ethical guidelines have been in effect for years to remove even the hint of impropriety from the conduct of those we entrust with the responsibility of adjudicating disputes and applying the law.

In recent years, there have been disturbing reports of judges participating in legal education seminars sponsored and paid for by organizations that simultaneously fund federal court litigation on the same topics that are covered by the seminars. Some of these seminars have a clearly biased agenda in favor a certain legal philosophy. A recent report released by Community Rights Counsel found that at least 1,030 federal judges took over 5,800 privately funded trips between 1992 and 1998. The appearance created by these seminars is not consistent with the image of an impartial judiciary.

Some of these seminars are conducted at posh vacation resorts in locations such as Amelia Island, Florida and Hilton Head, South Carolina, and include ample time for expense-paid recreation. These kinds of education/vacation trips, which have been valued at over $7,000 in some cases, create an appearance that the judges who attend are profiting from their positions. Again, this is an appearance that is at odds with the traditions of our judiciary.

One-sided seminars given in wealthy resorts funded by wealthy corporate interests to "educate" our judges in a particular view of the law cannot help but undermine public confidence in the decisions that judges who attend the seminars ultimately make. I am pleased, therefore, to join with my colleague from Massachusetts, Senator KERRY, to introduce the Judicial Education Reform Act of 2000. Our bill instructs the judicial conference to issue guidelines prohibiting judges from attending privately funded education seminars. The bill also authorizes $2 million per year over five years so that the Federal Judicial Center, FJC, can reimburse judges for seminars they wish to attend, as long as those seminars are approved by the FJC under guidelines that will ensure that the seminars are balanced and will maintain public confidence in the judiciary. And the bill makes clear that the FJC cannot reimburse judges for the expense of recreational activities at the seminars.

Mr. President, I have expressed concern throughout my time in the Congress about the improper influence of campaign contributions and gifts on members of Congress and the executive branch. Community Rights Counsel's report has turned the spotlight on the judicial branch and what it reveals is not at all comforting. The influence of powerful interests on judicial decision-making through these education seminars should concern everyone who believes in the rule of law in this country. If judges are seen to be under the influence of the wealthy and powerful in our society, "equal justice under law" will become an empty platitude rather than a powerful aspiration for the greatest judicial system on earth. I believe this bill will help us fulfill the promise of that great aspiration, and I hope my colleagues will join Senator KERRY and me in supporting it.

I yield the floor.

By Mr. LEAHY (for himself and Mr. KOHL):

S. 2993. A bill to enhance competition for prescription drugs by increasing the ability of the Department of Justice and Federal Trade Commission to enforce existing antitrust laws regarding brand name drugs and generic drugs; to the Committee on the Judiciary.

DRUG COMPETITION ACT

Mr. LEAHY. Mr. President, I have heard a lot of outrageous examples of greed in my life but one of the worst is where pharmaceutical giants pay generic drug companies to keep low-cost drugs from senior citizens and from families.

If Dante were still alive today I am certain he would find a special resting place for those who engage in these conspiracies.

The Federal Trade Commission and the New York Times deserve credit for exposing this problem. Simply stated: some manufacturers of patented drugs—often brand-name drugs—are paying millions each month to generic drug companies to keep lower-cost products off the market.

This hurts senior citizens, it hurts families, it cheats healthcare providers and it is a disgrace.

These pharmaceutical giants and their generic partners then share the profits gained from cheating American families.

The companies have been able to get away with this by signing secret deals with each other not to compete. My bill, which I am introducing today, will expose these deals and subject them to immediate investigation and action by the Federal Trade Commission, or the Justice Department. This solves the most difficult problem faced by federal investigators—finding out about the improper deals. This bill does not change the so-called Hatch-Waxman Act, it does not amend FDA law, and it does not slow down the drug approval process. It allows existing antitrust laws to be enforced because the enforcement agencies have information about deals not to compete.

Fortunately, the FTC was able to get copies of a couple of these secret contracts and instantly lowered the boom on the companies

Mr. President, I ask unanimous consent that an editorial in the July 26, New York Times, called "Driving Up Drug Prices" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DRIVING UP DRUG PRICES

Two recent antitrust actions by the Federal Trade Commission and a related federal court decision have exposed the way some pharmaceutical companies conspire to keep low-priced drugs out of reach of consumers. Manufacturers of patented drugs are paying tens of millions of dollars to manufacturers of generic drugs if they agree to keep products off the market. The drug companies split the profits from maintaining a monopoly at the consumer's expense. The commission is taking aggressive action to curb the practice. It needs help from Congress to close loopholes in federal law.

Dissatisfied with the supply of generic drugs, Congress passed the Hatch-Waxman act in 1984 to encourage manufacturers to challenge weak or invalid patents on brand-name drugs. The act grants temporary protection from competition to the first manufacturer that receives permission from federal authorities to sell a generic drug before the patent on a brand-name drug expires. For 180 days, the federal government promises to approve no other generic drug.

But as reported Sunday by Sheryl Gay Stolberg and Jeff Gerth of The Times, drug companies are undermining Congress's intent. Hoechst Marion Roussel, the maker of drugs to treat hypertension and angina, agreed in 1997 to pay Andrx Pharmaceuticals to delay bringing its generic alternative to market. The commission brought charges against the companies last March and a federal judge declared last month in a private lawsuit that the agreement violated antitrust laws.

In a second case, Abbott Laboratories paid Geneva pharmaceuticals to delay selling a generic alternative to an Abbott drug that treats hypertension and enlarged prostates. Geneva's drug could have cost Abbott over 30 million a month in sales. In both cases, the manufacturer of the generic drug used its claim to the 180-day grace period to block other generic drugs from entering the market.

The drug companies deny that their agreements violate the antitrust laws, presenting them as private preliminary settlements between companies engaged in patent disputes. That is untenable. The agreements are overly broad, temporarily stopping all sales of generic drugs. Typically in settlement of a patent dispute, the company infringing on the patent would pay the patent holder. In these cases it is reversed, stunting competition. The agreements are also private, going into effect before a court reviews the public interest.

Not all private settlements are anti-consumer. That is why the commission has taken a careful case-by-case approach. It could use a little help from congress. The 180-day grace period was designed to encourage generics to enter the market. Since it is being manipulated to impede competition, the grace period needs to be fixed so that the production of generic drugs cannot be blocked by a single company that decides not to compete.

Mr. LEAHY. This editorial neatly summarizes the problem and concludes that the FTC "is taking aggressive action to curb the practice. It needs help from Congress to close loopholes in federal law."

My bill slams the door shut on would-be violators by exposing the deals to our competition enforcement agencies.

Under current law, manufacturers of generic drugs are encouraged to challenge weak or invalid patents on brand-name drugs so that consumers can enjoy lower generic drug prices.

Current law grants these generic companies a temporary protection from competition to the first manufacturer that gets permission to sell a generic drug before the patent on the brand-name drug expires.

This approach then gives the generic company a 180-day headstart on other generic companies.

That was a good idea—the unfortunate loophole exploited by a few is that secret deals can be made that allow the manufacturer of the generic drug to claim the 180-day grace period—to block other generic drugs from entering the market—while, at the same time, getting paid by the brand-name manufacturer to not sell the generic drug.

The bill I am introducing today will shut this loophole down for companies who want to cheat the public, but keeps the system the same for companies engaged in true competition with each other. This bill would give the FTC or the Justice Department the information it needs to take quick and decisive action against companies driven more by greed than by good sense.

I think it is important for Congress not to overreact in this case and throw out the good with the bad. Most generic companies want to take advantage of this 180-day provision and deliver quality generic drugs at much lower costs for consumers. We should not eliminate the incentive for them.

Instead, we should let the FTC and Justice look at every single deal that could lead to abuse so that only the deals that are consistent with the intent of that law will be allowed to stand.

This bill was quickly drafted because I wanted my colleagues to be able to look at it over the recess so that we can be ready to act when we get back in session.

I look forward to suggestions from other Members on this matter and from brand-name and generic companies who will work with me to make sure this loophole is closed. I am not interested in comments from companies who want to continue to cheat consumers.

I ask unanimous consent to print the bill in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2993

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. SHORT TITLE

This Act may be cited as the "Drug Competition Act of 2000."

SEC. 2. FINDINGS.

Congress finds that—

(1) prescription drug costs are increasing at an alarming rate and are a major worry of senior citizens and American families;

(2) there is a potential for drug companies owning patents on brand-name drugs to enter to private financial deals with generic drug companies in a manner that could tend to restrain trade and greatly reduce competition and increase prescription drug costs for American citizens; and

(3) enhancing competition between generic drug manufacturers and brand name manufacturers can significantly reduce prescription drug costs to American families.

SEC. 3. PURPOSE.

The purposes of this Act are—

(1) to provide timely notice to the Department of Justice and the Federal Trade Commission regarding agreements between companies owning patents on branded drugs and companies who could manufacture generic or bioequivalent versions of such branded drugs; and

(2) by providing timely notice, to—

(A) enhance the effectiveness and efficiency of the enforcement of the antitrust laws of the United States; and

(B) deter pharmaceutical companies from engaging in anticompetitive actions or actions that tend to unfairly restrain trade.

SEC. 4. DEFINITIONS.

In this Act:

(1) Agreement.—The term "agreement" means an agreement under section 1 of the Sherman Act (15 U.S.C. 1) or section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

(2) Antitrust laws.— The term "antitrust laws" has the same meaning as in section 1 of the Clayton Act (15 U.S.C. 12), except that such term includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that such section applies to unfair methods of competition.

(3) ANDA.—The term "ANDA" means an Abbreviated New Drug Application, as defined under section 505(j) of the Federal Food, Drug and Cosmetic Act.

(4) Brand name drug company.—The term "brand name drug company" means a person engaged in the manufacture or marketing of a drug approved under section 505(b) of the Federal Food, Drug and Cosmetic Act.

(5) Commission.—The term "Commission" means the Federal Trade Commission.

(6) FDA.—The term "FDA" means the United States Food and Drug Administration.

(7) Generic drug.—The term "generic drug" is a product that the Food and Drug Administration has approved under section 505(j) of the Federal Food, Drug and Cosmetic Act.

(8) Generic drug applicant.—The term "generic drug applicant" means a person who has filed or received approval for an ANDA under section 505(j) of the Federal Food, Drug and Cosmetic Act.

(9) NDA.—The term "NDA" means a New Drug Application, as defined under 505(b) of the Federal, Food, Drug, and Cosmetic Act et seq. (21 U.S.C. 355(b) et seq.)

SEC. 5. NOTIFICATION OF AGREEMENTS AFFECTING THE SALE OR MARKETING OF GENERIC DRUGS.

A brand name drug manufacturer and a generic drug manufacturer that enter into an agreement regarding the sale or manufacture of a generic drug equivalent of a brand name drug that is manufactured by that brand name manufacturer and which agreement could have the effect of limiting—

(1) the research, development, manufacture, marketing or selling of a generic drug product that could be approved for sale by the FDA pursuant to the ANDA; or

(2) the research, development, manufacture, marketing or selling of a generic drug product that could be approved by the FDA; both shall file with the Commission and the Attorney General the text of the agreement, an explanation of the purpose and scope of the agreement and an explanation of whether the agreement could delay, restrain, limit, or in any way interfere with the production, manufacture or sale of the generic version of the drug in question.

SEC. 6. FILING DEADLINES.

Any notice, agreement, or other material required to be filed under section 5 shall be filed with the Attorney General and the FTC not later than 10 business days after the date the agreements are executed.

SEC. 7. ENFORCEMENT.

(a) Civil Fine.—Any person, or any officer, director, or partner thereof, who fails to comply with any provision of this Act shall be liable for a civil penalty of not more than $20,000 for each day during which such person is in violation of this Act. Such penalty may be recovered in a civil action brought by the United States, or brought by the Commission in accordance with the procedures established in section 16(a)(1) of the Federal Trade Commission Act (15 U.S.C. 56(a)).

(b) Compliance and Equitable Relief.—If any person, or any officer, director, partner, agent, or employee thereof, fails to comply with the notification requirement under section 5 of this Act, the United States district court may order compliance, and may grant such other equitable relief as the court in its discretion determines necessary or appropriate, upon application of the Commission or the Assistant Attorney General.

SEC. 8. RULEMAKING.

The Commission, with the concurrence of the Assistant Attorney General and by rule in accordance with section 553 of title 5, consistent with the purposes of this Act—

(1) may require that the notice described in section 5 of this Act be in such form and contain such documentary material and information relevant to the agreement as is necessary and appropriate to enable the Commission and the Assistant Attorney General to determine whether such agreement may violate the antitrust laws;

(2) may define the terms used in this Act;

(3) may exempt classes of persons or agreements from the requirements of this Act; and

(4) may prescribe such other rules as may be necessary and appropriate to carry out the purposes of this Act.

SEC. 9. EFFECTIVE DATES.

This Act shall take effect 90 days after the date of enactment of this Act.

By Mr. ROBB:

S. 2994. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage small business health plans, and for other purposes; to the Committee on Finance.

THE HEALTH INSURANCE EQUITY ACT

Mr. ROBB. Mr. President, I rise to introduce a new legislative proposal to help level the playing field for small businesses that try to provide health insurance for their employees and make health insurance more affordable for all Americans.

While our economy is the strongest it's ever been, the number of uninsured Americans has gone from 32 million in 1987 to more than 44 million today. And that number is rising. While our nation continues to forge ahead in improving the world's greatest health care system, we face the increasing problem of having a significant percentage of our population that has no way to access it.

One of the largest sectors of the uninsured is employees who work for small businesses. While small businesses are the lifeblood of our economy, they also face some of the greatest challenges—particularly when it comes to providing health benefits for their employees. While the number of uninsured among employees who work for companies with more than 500 people is 1 in 8, that number soars among companies with fewer than 25 employees—to 1 in 3. This is because large employers can spread the costs of providing health insurance among their multitude of employees, while smaller companies have a much more difficult task. We need to help small business owners—and the employees who work for them—better afford quality health insurance.

Today, I propose that we lend a hand to the hardworking small businessmen and women of America, and their employees, to help them erase the gap in coverage between large and small businesses. The legislation I am introducing—the Health Insurance Equity Act—will give small businesses with less than 50 employees a 20% tax credit toward the cost of buying health insurance for their employees. To encourage small businesses to pool together and take advantage of the same benefits that their larger counterparts have, the credit will increase to 25% if the businesses join new "qualified health benefit purchasing coalitions" that can help them easily administer their new health plans and negotiate better rates with insurers.

In addition, this legislation makes a change in the tax code to ensure that these new coalitions can enjoy the full benefit of charitable contributions from private foundations. While some private foundations have indicated that they are willing to help fund some of the start-up costs of health purchasing coalitions, current law does not specify that these sorts of contributions would qualify as a charitable donation. For this reason, private foundations have been reluctant to make grants or loans to these coalitions. The bill I am introducing today will clarify that aid to qualified health benefit purchasing coalitions are entirely tax-deductible, which can help encourage private foundations and other interested parties to help the coalitions with their important duties.

By helping people get better access to basic health insurance—before they get very sick—we can save money for both hospital and patient, while helping millions of Americans live more healthy lifestyles.

With that Mr. President, I send my legislation to the desk, and ask that it be appropriately referred. I also ask unanimous consent that it be printed in the RECORD. I yield the floor.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2994

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Health Insurance Equity Act of 2000".

SEC. 2. CERTAIN GRANTS BY PRIVATE FOUNDATIONS TO QUALIFIED HEALTH BENEFIT PURCHASING COALITIONS.

(a) IN GENERAL.—Section 4942 of the Internal Revenue Code of 1986 (relating to taxes on failure to distribute income) is amended by adding at the end the following:

"(k) CERTAIN QUALIFIED HEALTH BENEFIT PURCHASING COALITION DISTRIBUTIONS.—

"(1) IN GENERAL.—For purposes of subsection (g) and section 4945(d)(5), a qualified health benefit purchasing coalition distribution by a private foundation shall be considered to be a distribution for a charitable purpose.

"(2) QUALIFIED HEALTH BENEFIT PURCHASING COALITION DISTRIBUTION.—For purposes of paragraph (1)—

"(A) IN GENERAL.—The term 'qualified health benefit purchasing coalition distribution' means any amount paid by a private foundation to or on behalf of a qualified health benefit purchasing coalition (as defined in section 9841) for purposes of payment or reimbursement of start-up costs paid or incurred in connection with the establishment and maintenance of such coalition.

"(B) EXCLUSIONS.—Such term shall not include any amount used by a qualified health benefit purchasing coalition (as so defined)—

"(i) for the purchase of real property,

"(ii) as payment to, or for the benefit of, members (or employees or affiliates of such members) of such coalition, or

"(iii) for start-up costs paid or incurred more than 24 months after the date of establishment of such coalition.

"(3) TERMINATION.—This subsection shall not apply—

"(A) to qualified health benefit purchasing coalition distributions paid or incurred after December 31, 2008, and

"(B) with respect to start-up costs of a coalition which are paid or incurred after December 31, 2010.".

(b) EFFECTIVE DATE.—The amendment made by this subsection shall apply to qualified health benefit purchasing coalition distributions, as defined in section 4942(k)(2) of the Internal Revenue Code of 1986, as added by subsection (a), paid in taxable years beginning after December 31, 2000.

SEC. 3. SMALL BUSINESS HEALTH PLAN TAX CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business-related credits) is amended by adding at the end the following:

"SEC. 45D. EMPLOYEE HEALTH INSURANCE EXPENSES.

"(a) GENERAL RULE.—For purposes of section 38, in the case of a small employer (as defined in section 4980D(d)(2)), the employee health insurance expenses credit determined under this section for the taxable year is an amount equal to the applicable percentage of the amount paid by the taxpayer during the taxable year for qualified employee health insurance expenses.

"(b) APPLICABLE PERCENTAGE.—For purposes of subsection (a), the applicable percentage is—

"(1) in the case of insurance purchased as a member of a qualified health benefit purchasing coalition (as defined in section 9841), 25 percent, and

"(2) in the case of insurance not described in paragraph (1), 20 percent.

"(c) PER EMPLOYEE DOLLAR LIMITATION.—

"(1) IN GENERAL.—The amount of qualified employee health insurance expenses taken into account under subsection (a) with respect to any qualified employee for any taxable year shall not exceed the sum of the monthly limitations for coverage months of such employee during such taxable year.

"(2) MONTHLY LIMITATION.—The monthly limitation for each coverage month during the taxable year is equal to 1/12 of—

"(A) $2,000 in the case of self-only coverage, and

"(B) $5,000 in the case of family coverage.

"(3) COVERAGE MONTH.—For purposes of this subsection, the term 'coverage month' means, with respect to an individual, any month if—

"(A) as of the first day of such month such individual is covered by the taxpayer's new health plan, and

"(B) the premium for coverage under such plan for such month is paid by the taxpayer.

"(d) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED EMPLOYEE.—

"(A) IN GENERAL.—The term 'qualified employee' means, with respect to any period, an employee of an employer if—

"(i) the total amount of wages paid or incurred by such employer with respect to such employee for the taxable year exceeds $10,000, and

"(ii) the employee is not a highly compensated employee.

"(B) TREATMENT OF CERTAIN EMPLOYEES.—For purposes of subparagraph (A), the term 'employee' shall include—

"(i) an employee within the meaning of section 401(c)(1), and

"(ii) a leased employee within the meaning of section 414(n).

"(C) EXCLUSION OF CERTAIN EMPLOYEES.—

"(i) IN GENERAL.—If a plan—

"(I) prescribes minimum age and service requirements as a condition of coverage, and

"(II) excludes all employees not meeting such requirements from coverage.

then such employees shall be excluded from consideration for purposes of this paragraph.

"(ii) COLLECTIVE BARGAINING AGREEMENT.—For purposes of this paragraph, there shall be excluded from consideration employees who are included in a unit of employees covered by an agreement between employee representatives and one or more employers, if there is evidence that health insurance benefits were the subject of good faith bargaining between such employee representatives and such employer.

"(iii) LIMITS ON MINIMUM REQUIREMENTS.—Rules similar to the rules of section 410(a) shall apply with respect to minimum age and service requirements under clause (i).

"(D) WAGES.—The term 'wages'—

"(i) has the meaning given such term by section 3121(a) (determined without regard to any dollar limitation contained in such section), and

"(ii) in the case of an employee described in subparagraph (B)(i), includes the net earnings from self-employment (as defined in section 1402(a) and as so determined).

"(2) QUALIFIED EMPLOYEE HEALTH INSURANCE EXPENSES.—

"(A) IN GENERAL.—The term 'qualified employee health insurance expenses' means any amount paid or incurred by an employer during the applicable period for health insurance coverage provided under a new health plan to the extent such amount is attributable to coverage provided to any employee who is not a highly compensated employee.

"(B) EXCEPTION FOR AMOUNTS PAID UNDER SALARY REDUCTION ARRANGEMENTS.—No amount paid or incurred for health insurance coverage pursuant to a salary reduction arrangement shall be taken into account under subparagraph (A).

"(C) HEALTH INSURANCE COVERAGE.—The term 'health insurance coverage' has the meaning given such term by section 9832(b)(1).

"(D) NEW HEALTH PLAN.—For purposes of this paragraph, the term 'new health plan' means any arrangement of the employer which provides health insurance coverage to employees if—

"(i) such employer (or predecessor employer) did not establish or maintain such arrangement (or any similar arrangement) at any time during the 2 taxable years ending prior to the taxable year in which the credit under this section is first allowed, and

"(ii) such arrangement covers at least 70 percent of the qualified employees of such employer who are not otherwise covered by health insurance.

"(E) APPLICABLE PERIOD.—For purposes of subparagraph (A), the applicable period with respect to an employer shall be the 4-year period beginning on the date such employer establishes a new health plan.

"(3) HIGHLY COMPENSATED EMPLOYEE.—The term 'highly compensated employee' means an employee who for the preceding year had compensation from the employer in excess of $75,000.

"(e) CERTAIN RULES MADE APPLICABLE.—For purposes of this section, rules similar to the rules of section 52 shall apply.

"(f) DISALLOWANCE OF DEDUCTION.—No deduction shall be allowed for that portion of the qualified employee health insurance expenses for the taxable year which is equal to the amount of the credit determined under subsection (a).

"(g) TERMINATION.—This section shall not apply to expenses paid or incurred by an employer with respect to any arrangement established on or after January 1, 2009.".

(b) CREDIT TO BE PART OF GENERAL BUSINESS CREDIT.—Section 38(b) of the Internal Revenue Code of 1986 (relating to current year business credit) is amended by striking "plus" at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting ", plus", and by adding at the end the following:

"(13) the employee health insurance expenses credit determined under section 45D."

(c) NO CARRYBACKS.—Subsection (d) of section 39 of the Internal Revenue Code of 1986 (relating to carryback and carryforward of unused credits) is amended by adding at the end the following:

"(9) NO CARRYBACK OF SECTION 45D CREDIT BEFORE EFFECTIVE DATE.—No portion of the unused business credit for any taxable year which is attributable to the employee health insurance expenses credit determined under section 45D may be carried back to a taxable year ending before the date of the enactment of section 45D."

(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

"Sec. 45D. Employee health insurance expenses."

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2000, for arrangements established after the date of the enactment of this Act.

SEC. 4. QUALIFIED HEALTH BENEFIT PURCHASING COALITION.

(a) IN GENERAL.—Chapter 100 of the Internal Revenue Code of 1986 (relating to group health plan requirements) is amended by adding at the end the following new subchapter:

"Subchapter D—Qualified Health Benefit Purchasing Coalition

"Sec. 9841. Qualified health benefit purchasing coalition.

"SEC. 9841. QUALIFIED HEALTH BENEFIT PURCHASING COALITION.

"(a) IN GENERAL.—A qualified health benefit purchasing coalition is a private not-for-profit corporation which—

"(1) is licensed to provide health insurance in the State in which the employers to which such coalition is providing insurance is located, and

"(2) establishes to the Secretary, under State certification procedures or other procedures as the Secretary may provide by regulation, that such coalition meets the requirements of this section.

"(b) BOARD OF DIRECTORS.—

"(1) IN GENERAL.—Each purchasing coalition under this section shall be governed by a Board of Directors.

"(2) ELECTION.—The Secretary shall establish procedures governing election of such Board.

"(3) MEMBERSHIP.—The Board of Directors shall—

"(A) be composed of small employers and employee representatives of such employers, but

"(B) not include other interested parties, such as service providers, health insurers, or insurance agents or brokers which may have a conflict of interest with the purposes of the coalition.

"(c) MEMBERSHIP OF COALITION.—

"(1) IN GENERAL.—A purchasing coalition—

"(A) shall accept all small employers residing within the area served by the coalition as members if such employers request such membership, and

"(B) may accept any other employers residing with such area.

"(2) VOTING.—Members of a purchasing coalition shall have voting rights consistent with the rules established by the State.

"(d) DUTIES OF PURCHASING COALITIONS.—Each purchasing coalition shall—

"(1) enter into agreements with employers to provide health insurance benefits to employees of such employers,

"(2) enter into agreements with 3 or more unaffiliated, qualified licensed health plans, to offer benefits to members,

"(3) offer to members at least 1 open enrollment period per calendar year,

"(4) serve a significant geographical area, and

"(5) carry out other functions provided for under this section.

"(e) LIMITATION ON ACTIVITIES.—A purchasing coalition shall not—

"(1) perform any activity (including certification or enforcement) relating to compliance or licensing of health plans,

"(2) assume insurance or financial risk in relation to any health plan, or

"(3) perform other activities identified by the State as being inconsistent with the performance of its duties under this section.

"(f) ADDITIONAL REQUIREMENTS FOR PURCHASING COALITIONS.—As provided by the Secretary in regulations, a purchasing coalition shall be subject to requirements similar to the requirements of a group health plan under this chapter.

"(g) DEFINITION OF SMALL EMPLOYER.—The term 'small employer' has the meaning given such term by section 4980D(d)(2).".

(b) CONFORMING AMENDMENT.—The table of subchapters for chapter 100 of the Internal Revenue Code of 1986 is amended by adding at the end the following item:

"Subchapter D. Qualified health benefit purchasing coalition.".

By Mr. L. CHAFEE (for himself, Mr. BENNETT, Mr. CLELAND, Mr. JEFFORDS, Mr. LEVIN, Mr. LIEBERMAN, Mr. LEAHY, and Mr. BAUCUS):

S. 2995. A bill to assist States with land use planning in order to promote improved quality of life, regionalism, sustainable economic development, and environmental stewardship, and for other purposes; to the Committee on Energy and Natural Resources.

THE COMMUNITY CHARACTER ACT OF 2000

Mr. L. CHAFEE. Mr. President, I rise today to speak of an issue which effects every American, and future generations of Americans.

As the saying goes, "burn me once, shame on you, burn me twice, shame on me."

After the second World War, waves of returning GIs—looking for a better life for themselves and their families—helped create a unprecedented building boom in the United States. The potato fields of Long Island were turned into massive tracts of uniform new houses known as Levittown. This same post-World War II growth at one point so overwhelmed my own home town of Warwick, Rhode Island that the state newspaper described the city as "a suburban nightmare". Before long, strip retail development catering to the automobile became the trademark of the American landscape.

Our landscape has since been pockmarked by incremental, haphazard development, which too often offends the eye, and saps our economic strength by requiring very expensive investment for extending infrastructure farther and father into the country side. Driving down the street in Anytown USA you see an apartment house next to a fast food franchise, next to a fire station, next to an office building, next to a strip mall. That isn't planned development.

Over forty years after Levittown, we find ourselves in a strong economy sustained as never before. At the same time, every state in the country face significant problems relating to unplanned growth, from protecting open space in the east to protecting precious drinking water supplies in the west. We ought to seize the moment and learn from our previous mistakes—we should not be burned twice.

The last thing anyone needs, citizens and developers alike, is to have angry and divisive planning board, zoning board or city or town council meetings. The best thing we can do to ensure wise growth is to encourage decision makers to work together with the citizens, developers, interest groups and others to develop a consensus for planning for growth in an orderly manner.

That is what the Community Character Act does.

Mr. President, I rise today with my colleagues, Senators BENNETT, CLELAND, JEFFORDS, LEVIN, LIEBERMAN and LEAHY to introduce a bill that I believe will help states plan wise growth. This bill, Community Character Act of 2000, seeks to authorize $25 million over four years for a grant program to help states develop or update their land use statutes and Comprehensive Plans.

No state in the nation is immune from the effects of rapid unplanned development. Suburbanization is expensive, costing state and local taxpayers dearly for extending roads and infrastructure, and building new schools. Even states considered more rural are now facing rapid alterations in land use and quality of life.

Federal grants under this act would help states promote citizen participation in the developing of state plans, encourage sustainable economic development, coordinate transportation and other infrastructure development, conserve historic scenic resources and the environment, and sustainably manage natural resources.

I am pleased that this bill has such bipartisan support and hope that the full Senate will give it favorable action.

I thank the chair and ask unanimous consent that my full statement and the text of the bill appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2995

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Community Character Act of 2000".

SEC. 2. FINDINGS.

Congress finds that—

(1) inadequate planning at the State level contributes to increased public and private capital costs for infrastructure development, loss of community character, and environmental degradation;

(2) land use planning is rightfully within the jurisdiction of State and local governments;

(3) comprehensive planning and community development should be supported by the Federal Government and State governments;

(4) States should provide a proper climate and context for planning through legislation in order for appropriate comprehensive land use planning and community development to occur;

(5) many States have outdated land use planning legislation, and many States are undertaking efforts to update and reform the legislation; and

(6) efforts to coordinate State resources with local plans require additional planning at the State level.

SEC. 3. DEFINITIONS.

In this Act:

(1) FEDERAL LAND MANAGEMENT AGENCY.—The term "Federal land management agency" means the Bureau of Land Management, the Forest Service, and any other Federal land management agency that conducts land use planning for Federal land.

(2) LAND USE PLANNING LEGISLATION.—The term "land use planning legislation" means a statute, regulation, executive order or other action taken by a State to guide, regulate, and assist in the planning, regulation, and management of land, natural resources, development practices, and other activities related to the pattern and scope of future land use.

(3) SECRETARY.—The term "Secretary" means the Secretary of Housing and Urban Development.

(4) STATE.—The term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(5) STATE PLANNING DIRECTOR.—The term "State planning director" means the State official designated by statute or by the Governor whose principal responsibility is the drafting and updating of State guide plans or guidance documents that regulate land use and infrastructure development on a statewide basis.

SEC. 4. GRANTS TO STATES FOR UPDATING LAND USE PLANNING LEGISLATION AND INTEGRATING FEDERAL LAND MANAGEMENT AND STATE PLANNING.

(a) IN GENERAL.—The Secretary shall establish a program to provide grants to States for the purpose of assisting in—

(1) as a first priority, development or revision of land use planning legislation in States that currently have inadequate or outmoded land use planning legislation; and

(2) creation or revision of State comprehensive land use plans or plan elements in States that have updated land use planning legislation.

(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), a State shall submit to the Secretary, in such form as the Secretary may require, an application demonstrating that the State's basic goals for land use planning legislation reform are consistent with all of the following guidelines:

(1) CITIZEN REPRESENTATION.—Citizens are notified and citizen representation is required in the developing, adopting, and updating of land use plans.

(2) MULTIJURISDICTIONAL COOPERATION.—In order to effectively manage the impacts of land development and to provide for resource sustainability, land use plans are created based on multi-jurisdictional governmental cooperation, when practicable, particularly in the case of land use plans based on watershed boundaries.

(3) IMPLEMENTATION ELEMENTS.—Land use plans contain an implementation element that—

(A) includes a timetable for action and a definition of the respective roles and responsibilities of agencies, local governments, and other stakeholders;

(B) is consistent with State capital budget objectives; and

(C) provides the framework for decisions relating to the siting of future infrastructure development, including development of utilities and utility distribution systems.

(4) COMPREHENSIVE PLANNING.—There is comprehensive planning to encourage land use plans that—

(A) promote sustainable economic development and social equity;

(B) enhance community character;

(C) coordinate transportation, housing, education, and other infrastructure development;

(D) conserve historic resources, scenic resources, and the environment; and

(E) sustainably manage natural resources.

(5) UPDATING.—Land use plans are routinely updated.

(6) STANDARDS.—Land use plans reflect an approach that is consistent with established professional planning standards.

(c) USE OF GRANT FUNDS.—Grant funds received by a State under subsection (a) shall be used to obtain technical assistance in—

(1) drafting land use planning legislation;

(2) research and development for land use planning programs and requirements relating to the development of State guide plans;

(3) conducting workshops, educating and consulting policy makers, and involving citizens in the planning process; and

(4) integrating State and regional concerns and land use plans with Federal land use plans.

(d) AMOUNT OF GRANT.—The amount of a grant to a State under subsection (a) shall not exceed $500,000.

(e) COST-SHARING.—The Federal share of a project funded with a grant under subsection (a) shall not exceed 90 percent.

(f) AUDITS.—

(1) IN GENERAL.—The Inspector General of the Department of Housing and Urban Development shall conduct an audit of a portion of the grants provided under this section to ensure that all funds provided under the grants are used for the purposes specified in this section.

(2) USE OF AUDIT RESULTS.—The results of audits conducted under paragraph (1) and any recommendations made in connection with the audits shall be taken into consideration in awarding any future grant under this section to a State.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for the period of fiscal years 2001 through 2005.

SEC. 5. FEDERAL LAND MANAGEMENT AGENCIES.

(a) LAND USE PLANNING COORDINATOR.—The head of each Federal land management agency shall designate an officer to act as coordinator working with State planning directors on projects funded under section 4.

(b) PROVISION OF INFORMATION.—A Federal land management agency shall provide to a State planning director such background information, plans, and relevant budget information as the State planning director considers to be needed in connection with a project funded under section 4.

(c) ASSISTANCE AND PARTICIPATION IN COMMUNITY ORGANIZED EVENTS.—Each Federal land management agency shall participate in any community organized events requested by the State planning director.

Mr. LEAHY. Mr. President, I am pleased to join with Senators DEWINE, HATCH and VOINOVICH in introducing bipartisan legislation to provide common-sense tax incentives to help address asbestos liability issues.

I agree with Supreme Court Justice Ruth Bader Ginsburg in the Amchem Products decision that Congress can provide a secure, fair and efficient means of compensating victims of asbestos exposure. The appropriate role for Congress is to provide incentives for private parties to reach settlements, not to take away the legal rights of asbestos victims and their families. Our bipartisan bill provides these tax incentives for private parties involved in asbestos-related litigation to reach global settlements and for asbestos victims and their families receive the full benefit of the incentives.

Mr. President, encouraging fair settlements while still preserving the legal rights of all parties involved is a win-win situation for business and asbestos victims. For example, Rutland Fire Clay Company, a family-run, 117-year-old small business in my home state of Vermont, recently reached a settlement with its insurers and the trial bar concerning the firm's asbestos problems. Unlike some big businesses that are trying to avoid any accountability for their asbestos responsibilities through national "tort reform" legislation, the Rutland Fire Clay Company and its President, Tom Martin, are doing the right thing within the legal system. Mr. Martin plans to lead the family-run business from bankruptcy this year as a stronger firm with a solid financial foundation for its employees in the 21st Century. The tax incentives in our bipartisan bill will support the Rutland Fire Clay Company and its employees while providing financial security for its settlement with asbestos victims.

I believe it is in the national interest to encourage fair and expeditious settlements between companies and asbestos victims. The legislation we are introducing today will protect payments to victims while ensuring defendant firms remain solvent. I urge my colleagues to support our bipartisan legislation.

By Mr. WELLSTONE:

S. 2996. A bill to extend the milk price support program through 2002 at an increased price support rate; to the Committee on Agriculture, Nutrition, and Forestry.

DAIRY PRICE SUPPORT LEGISLATION

Mr. WELLSTONE. Mr. President, I rise today to introduce legislation that is intended to begin a long overdue discussion regarding the future of an industry, and a way of life that is basic not only to our agricultural economy but to the soul of America. I am talking about family dairy farming. To maintain this country's family dairy industry, we in the Senate need to act quickly before the end of this session, to effect a change in Federal dairy policy that will make a difference, a difference to dairy farmers who are struggling because they receive a price that is less than what it cost them to produce the product.

It is clear dairy farmers in this country are facing devastating times. The current dairy policies have brought chaos to family dairy farmers. Last year, the Class III milk price decreased from $16.26 cwt. in September to $9.63 cwt in December, and prices have still not recovered. Over the last ten months we have seen a drop of over forty percent in milk prices. How can our dairy farmers survive with such volatility in the market place? Dairy farmers need to have a stable and equitable market price, and that simply does not exist under our current dairy policy.

That is why I am pleased to introduce this legislation to set the milk support price at $12.50 per hundredweight. As my colleagues know, the dairy support price sets a floor on the price received by all producers, regardless of region, that should be set at a level sufficient to curb market volatility. However, the current support level of $9.90 cwt. is too low to act as a stabilizer for the market. The five year average for milk is $12.78 cwt, therefore this legislation to set the support price at $12.50 would protect against the huge drops producers have experienced in the past few years.

I want to make clear that this legislation is not intended to be the complete solution to the problems with our national dairy policy, or lack thereof. I firmly believe that we need to develop a supply management mechanism to complement an increase in the price support, however, for too long this Congress has ignored the economic crisis our nation's dairy farmers are facing.

Mr. President, what we do here in Washington has to be rooted in the lives of the people we represent. It has to be based upon the reality of lives of people in our communities, including people in rural communities. I think it is vitally important to understand that there is a crisis in capital letters with dairy farmers that is evident when you go out and talk with people, talk to farmers, hardworking dairy farmers, good managers, sitting down in their kitchens adding up the figures trying to cash flow. There is simply no way they can do it. Talk to dairy farmers who try to convince their sons and daughters that there is no more honorable profession to go into than to be a farmer, to be a dairy farmer, to produce nutritious milk for people at affordable prices, and yet people do not get a decent price for their work.

In my State, fifty in the country in milk production, we have 8,000 dairy farmers with an average herd size of 59 cows. It is a family dairy industry. It is not a factory farm industry, and we want to keep it a family industry. The milk production from Minnesota farms generates more than $1.2 billion for our states' farmers each year, and a recent University of Minnesota study determined that dairy production in Minnesota creates an additional $1.2 billion in economic activity for related industry. Our dairy industry is efficient and it is innovative, and it produces a plentiful supply of pure wholesome milk at extremely reasonable prices, but it is also an industry in crisis. It is a crisis not only for dairy farmers themselves, but for rural communities throughout the country because the health and vitality of our rural communities is not going to be based upon the size of the herds but the number of dairy farmers who live in those communities, who buy in those communities, who go to churches in those communities, who support the school systems and businesses in those communities.

I am afraid, as I speak here on the floor of the Senate, that agriculture in our country is about to go through a transition where all of agriculture will be dominated by giant conglomerates. The result will be the total lack of a competitive sector, family farm sector, of agriculture. That will be a transition that we'll deeply regret and that is why we have to act now.

Mr. President, I hope we can respond appropriately to the pleas that are coming from any State and other agricultural States all around the country. Due to a drastic reduction in the prices paid to farmers for their milk during the past year, thousands of farmers are going out of business. Since 1990 the number of dairy farmers in Minnesota has been nearly cut in half. This year alone we have already lost almost 300 dairy farms. We will lose more if we do not change the course of policy. Federal dairy policy has allowed milk production and prices to fluctuate widely. This fluctuation has caused a tremendous amount of instability for producers and consumers but it has been especially bad for farmers. While retail prices for dairy farmers have gone down and while the price for farmers has been dramatically cut by 40 percent, we have seen no such decrease at the grocery store.

The solution is a Federal policy that provides a decent living to hard-working family farmers producing needed milk. The average cost of production for milk in the United States is around $13 per hundredweight and yet farmers in my State are receiving less than $10 for the same hundredweight. We need a system that will match output to need, and pay farmers a fair price.

There is widespread support around the country for an increase in the price support. In fact the National Farmers Union and the National Farmers Organization, earlier this year, testified in support of an increase of the current price support of $9.90. Such a system will allow farmers to earn a price that covers the cost of production, and reduce the wild price fluctuations we have witnessed over the past few years.

I want to make it very clear that I believe the vitality of the dairy industry is important not only to my State's economic health, and to the economic health of agricultural States all across the country, but to the maintenance of viable rural communities throughout our nation. I think it is important if we are to protect the environment. I think it is important if we are to have diversity. I think it is important if we are to avoid more concentration in the agricultural sector of our country. I think it is important if we are to continue to have family farmers who can produce wholesome milk at a decent price for consumers. I think it is important because it represents the very best of what we have been about as a nation. I hope we can make substantive dairy policy reforms this year, and I believe an increase in the price support is an important component, as is a targeted supply management mechanism. It is clear we must act soon. And I hope we can do it before the close of Congress.

Mr. PRESIDENT. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2996

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MILK PRICE SUPPORT PROGRAM.

(a) EXTENSION OF PROGRAM.—Section 141(h) of the Agricultural Market Transition Act (7 U.S.C. 7251(h)) is amended by striking "2000" each place it appears and inserting "2002".

(b) PRICE SUPPORT RATE.—Section 141(b) of the Agricultural Market Transition Act (7 U.S.C. 7251(b)) is amended by adding at the end the following:

"(5) During each of calendar years 2001 and 2002, $12.50.".

(c) CONFORMING AMENDMENTS; RECOURSE LOAN PROGRAM FOR PROCESSORS.—Section 142 of the Agricultural Market Transition Act (7 U.S.C. 7252) is amended—

(1) in the first sentence of subsection (b), by striking "$9.90" and inserting "$12.50"; and

(2) in subsection (e), by striking "2001" and inserting "2003".

By Mr. KERRY (for himself, Mr. JEFFORDS, Mr. SARBANES, Mr. LEAHY, Mr. BRYAN, Mr. REED, Mr. L. CHAFEE, and Mr. WELLSTONE):

S. 2997. A bill to establish a National Housing Trust Fund in the Treasury of the United States to provide for the development of decent, safe, and affordable housing for low-income families; to the Committee on Banking, Housing, and Urban Affairs.

THE NATIONAL AFFORDABLE HOUSING TRUST FUND ACT

Mr. KERRY. Mr. President, I come to the floor today to offer the National Affordable Housing Trust Fund Act which would establish a Trust Fund to fill the growing gap in our ability to provide affordable housing in this country.

We are living through a time of great economic expansion. Many Americans are benefitting from the growing economy. On the flip side however, is that the economy is fueling rising housing costs. While these costs skyrocket at record pace, there are many families in this country who are unable to keep up.

HUD estimates that 5.4 million low-income households have "worst case" housing needs. These families are paying over half their income towards housing costs or living in severely substandard housing. Since 1990, the number of families who have "worst case" housing needs has increased by 12 percent—that's 600,000 more American families who cannot afford a decent and safe place to live.

For these families living paycheck to paycheck, one unforseen circumstance, a sick child; a needed car repair, or a large utility bill can send them into homelessness. Just this week, on the front page of the Washington Post, an article detailed these problems right here in our own backyard. The article details the plight of low-income families living in apartments which are no longer affordable because the owners have decided to no longer accept federal assistance. For these families, the loss of their affordable housing unit means they may go without a home.

We mistakenly view the housing crisis in this country as confined to specific demographics. This is untrue. There is not one metropolitan area in the country where a minimum wage earner can afford to pay the rent for a two-bedroom apartment. A person needs to earn over $11 an hour to afford the median rent for a two bedroom apartment in this country. This figure rises dramatically in many metropolitan areas—an hourly wage of $22 is needed in San Francisco; $21 on Long Island; $17 in Boston; $16 in the D.C. area; $14 in Seattle and Chicago; and, $13 in Atlanta.

Working families in this country are increasingly finding themselves unable to afford housing. Using the numbers I just cited, a person in Boston would have to make over $35,000 just to afford a 2 bedroom apartment. This means teachers, janitors, social workers, police officers—these full time workers can have trouble affording even a modest 2-bedroom apartment.

A story from my home state of Massachusetts highlights the problems faced by working families. On Cape Cod, Susan O'Donnell a mother of three, earns $21,000 a year working full-time. Nonetheless, she is forced to live in a campground because she cannot find affordable housing. The campground she is living at has time limits, so the only way she is able to stay for a prolonged period of time is through cleaning the campground's toilets. When her time runs out at the campground, she will again be forced to move with her three children, though it is not clear where she will be able to afford to move. Skyrocketing housing costs have pushed her, and other full time workers on the Cape out of their housing and into homelessness.

And, as I mentioned earlier, the problem is not only that we have failed to create additional affordable units. We have actually witnessed a tremendous loss in affordable housing. Between 1993 and 1995, a loss of 900,000 rental units affordable to very low-income families occurred. From 1996 to 1998, there was a 19% reduction in the number of affordable housing units. This amounted to a dramatic reduction of 1.3 million affordable housing units available to low-income Americans.

The Washington Post article I mentioned previously, helps to show the real impact of these losses. Because of the ability of higher wage earners to pay higher housing costs, building owners are now choosing not to rent to households assisted with Section 8 vouchers.

Right over the D.C. line, in Prince Georges County, Maryland, 300 tenants in a apartment complex were recently told that they would have to move because the owner will no longer accept Section 8. This means 300 families will lose their housing. And, it is not clear that there will be anywhere for them to go. The same article introduces us to a woman who experienced the same traumatizing eviction in Alexandria, Virginia. Ms. Evans is now living in a cockroach infested building with her children, because there are no decent units affordable to her. This, in part, stems from the fact that of 31 properties in Alexandria which accepted voucher holders in the past, 12 will not longer accept tenants with federal assistance.

The loss of this affordable housing has exacerbated the housing crisis in this country, and the federal government must take action.

However, the government has clearly not been doing enough. In fact, despite the fact that more families are unable to afford housing, we have decreased federal spending on critical housing programs over time. From fiscal year 1995 to fiscal year 1999, we engaged in what I call the "Great HUDway Robbery," diverting or rescinding over 20 billion dollars from federal housing programs for other uses. With a few exceptions, the funding increases of this past year have gone primarily to cover the rising costs of serving existing assisted families.

We need to bring our levels of housing spending back up to where they belong. Between 1978 and 1995, the number of households receiving housing assistance was increased by almost 3 million. From 1978 through 1984, we provided an additional 230,000 families with housing assistance each year. This number dropped significantly to 126,000 additional households each year from 1985 through 1995.

And, in 1996, this nation's housing policy went all the way back to square one—not only was there no increase in families receiving housing assistance, but the number of assisted units actually decreased. From 1996 to 1998, the number of HUD assisted households dropped by 51,000. In this time of rising rents and housing costs, and the loss of affordable housing units, it is incomprehensible that we are not doing more to bring the levels of housing assistance back from the dead.

It is high time that we focused on housing policies in Congress and around the country because housing is an anchor for families.

It is no secret that housing, neighborhood and living environment play enormous roles in shaping young lives. Maintaining a stable home, made possible through housing assistance, has positive outcomes for low-income children. A child will be unable to learn if she is forced to change schools every few months because her family is forced to move from relative to relative to friend to friend because her parents can't afford the rent.

What I am doing today, is standing up before the Nation and saying, "no more." We have the resources we need to ensure that all Americans have the opportunity to live in decent and safe housing, yet we are not devoting these resources to fix the problem.

Today, I am proposing to address the severe shortage of affordable housing by establishing a National Affordable Housing Trust Fund which uses excess income generated by 2 federal housing programs—the Federal Housing Administration (FHA) and the Government National Mortgage Association (GNMA). These federal housing programs generate billions of dollars in excess income which currently go to the general Treasury for use on other federal priorities. It is time to stop taking housing money out of housing programs. These excess funds should be used to help alleviate the current housing crisis.

My proposal would create an affordable housing production, ensuring that new rental units are built for those who most need assistance—extremely low-income families, including working families. In addition, Trust Fund assistance will be used to promote homeownership for low-income families, those families whose incomes are below 80% of the area median income.

The Trust Fund aims to create long-term affordable, mixed-income developments in areas with the greatest opportunities for low-income families.

A majority of assistance from the Trust Fund will be given out as matching grants to the States which will distribute funds on a competitive basis like the low-income housing tax credit. Localities, non-profits, developers and other entities will be eligible to apply for funds. The remaining assistance will be distributed through a national competition to intermediaries, such as non-profits which will be required to leverage private funds for investment in affordable housing.

This proposal will bring federal, State and private resources together to create needed affordable housing opportunities for American families.

We can no longer ignore the lack of affordable housing, and the impact it is having on families and children around the country. It is not clear to me why this lack of housing has not caused more uproar. How many families need to be pushed out of their homes and into the streets, before action is taken. Earlier in this Congress, I proposed a program which would assist in maintaining the affordable housing stock that already exists. I hope that this preservation program is taken up this Congress and passed so that we can avoid losing anymore affordable units. However, we must also focus on producing additional housing, which is exactly what this Housing Trust Fund will do.

Mr. President, I asked of the housing policy experts and practitioners in Massachusetts to work with me to come up with a viable program which would put the government back in the business of producing affordable housing. This legislation is a result of collaboration among numerous organizations and experts. I want to thank in particular, Aaron Gornstein of the citizens Housing and Planning Association in Massachusetts for helping to bring all of the relevant actors to the table to formulate this proposal. I appreciate the help of many people and organizations, but want to mention some people in Massachusetts who were critical in shaping the ideas behind this legislation: Vince O'Donnell of the Community Economic Development Assistance Corp; Peter Gagliardi with the Hampden Hampshire Housing Partnership; Conrad Egan of the National Housing Conference; Joe Flately with the Massachusetts Housing Investment Corporation; Howard Cohen with Beacon Residential; and, Patrick Dober of Lendlease.

I urge you to support this legislation which restores our commitment to providing affordable housing for all families. We can no longer turn our backs on those families who struggle each month just to put a roof over their heads.

I ask unanimous consent to have the text of the legislation, along with a section-by-section summary, and letters of support from a number of organizations including the National Association of Homebuilders, the National Council of State Housing Agencies, the National Low-Income Housing Coalition, the National Coalition for the Homeless, the National Housing Conference, and others put in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2997

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Affordable Housing Trust Fund Act of 2000".

SEC. 2. PURPOSES.

The purposes of this Act are to—

(1) fill the growing gap in the national ability to build affordable housing by using profits generated by Federal housing programs to fund additional housing activities, and not supplant existing housing appropriations; and

(2) enable rental housing to be built for those families with the greatest need in areas with the greatest opportunities in mixed-income settings and to promote homeownership for low-income families.

SEC. 3. NATIONAL HOUSING TRUST FUND.

(a) ESTABLISHMENT OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the "National Affordable Housing Trust Fund" (referred to in this Act as the "Trust Fund") for the purposes of promoting the development of affordable housing.

(b) DEPOSITS TO THE TRUST FUND.—For fiscal year 2001 and each fiscal year thereafter, there is appropriated to the Trust Fund an amount equal to the sum of—

(1) any revenue generated by the Mutual Mortgage Insurance Fund of the Federal Housing Administration in excess of the amount necessary for the Mutual Mortgage Insurance Fund to maintain a capital ratio of 3 percent for the preceding fiscal year; and

(2) any revenue generated by the Government National Mortgage Association in excess of the amount necessary to pay the administrative costs and expenses necessary to ensure the safety and soundness of the Government National Mortgage Association for the preceding fiscal year, as determined by the Secretary.

(c) EXPENDITURES FROM THE TRUST FUND.—For fiscal year 2001 and each fiscal year thereafter, amounts appropriated to the Trust Fund shall be available to the Secretary of Housing and Urban Development for use in accordance with section 4.

SEC. 4. ADMINISTRATION OF NATIONAL AFFORDABLE HOUSING TRUST FUND.

(a) Definitions.—In this section:

(1) Affordable housing.—The term "affordable housing" means housing for rental that bears rents not greater than the lesser of—

(A) the existing fair market rent for comparable units in the area, as established by the Secretary under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f); or

(B) a rent that does not exceed 30 percent of the adjusted income of a family whose income equals 65 percent of the median income for the area, as determined by the Secretary, with adjustment for number of bedrooms in the unit, except that the Secretary may establish income ceilings higher or lower than 65 percent of the median for the area on the basis of the findings of the Secretary that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes.

(2) Continued assistance rental subsidy program.—The term "continued assistance rental subsidy program" means a program under which—

(A) project-based assistance is provided for not more than 3 years to a family in an affordable housing unit developed with assistance made available under subsection (c) or (d) in a project that partners with a public housing agency, which agency agrees to provide the assisted family with a priority for the receipt of a voucher under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) if the family chooses to move after an initial year of occupancy and the public housing agency agrees to refer eligible voucher holders to the property when vacancies occur; and

(B) after 3 years, subject to appropriations, continued assistance is provided under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)), notwithstanding any provision to the contrary in that section, if administered to provide families with the option of continued assistance with tenant-based vouchers, if such a family chooses to move after an initial year of occupancy and the public housing agency agrees to refer eligible voucher holders to the property when vacancies occur.

(3) Eligible activities.—The term "eligible activities" means activities relating to the development of affordable housing, including—

(A) the construction of new housing;

(B) the acquisition of real property;

(C) site preparation and improvement, including demolition;

(D) substantial rehabilitation of existing housing; and

(E) rental subsidy for not more than 3 years under a continued assistance rental subsidy program.

(4) Eligible entity.—The term "eligible entity" includes any public or private nonprofit or for-profit entity, unit of local government, regional planning entity, and any other entity engaged in the development of affordable housing, as determined by the Secretary.

(5) Eligible intermediary.—The term "eligible intermediary" means—

(A) a nonprofit community development corporation;

(B) a community development financial institution (as defined in section 103 of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4702));

(C) a State or local trust fund;

(D) any entity eligible for assistance under section 4 of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note);

(E) a national, regional, or statewide nonprofit organization; and

(F) any other appropriate nonprofit entity, as determined by the Secretary.

(6) Extremely low-income families.—The term "extremely low-income families" means very low-income families (as defined in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)) whose incomes do not exceed 30 percent of the median family income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than 30 percent of the median for the area on the basis of the Secretary's findings that such variations are necessary because of unusually high or low family incomes.

(7) Low-income families.—The term "low-income families" has the meaning given the term in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)).

(8) Secretary.—The term "Secretary" means the Secretary of Housing and Urban Development.

(9) State.—The term "State" has the meaning given the term in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)).

(b) Allocation to States and Eligible Intermediaries.—For fiscal year 2001 and each fiscal year thereafter, the total amount made available to the Secretary from the Trust Fund under section 3(c) shall be allocated by the Secretary as follows:

(1) 75 percent shall be used to award grants to States in accordance with subsection (c).

(2) 25 percent shall be used to award grants to eligible intermediaries in accordance with subsection (d).

(c) Grants to States.—

(1) In general.—Subject to paragraph (2), from the amount made available for each fiscal year under subsection (b)(1), the Secretary shall award grants to States, in accordance with an allocation formula established by the Secretary, based on the pro rata share of each State of the total need among all States for an increased supply of affordable housing, as determined on the basis of—

(A) the number and percentage of families in the State that live in substandard housing;

(B) the number and percentage of families in the State that pay more than 50 percent of their annual income for housing costs;

(C) the number and percentage of persons living at or below the poverty level in the State;

(D) the cost of developing or carrying out substantial rehabilitation of housing in the State;

(E) the age of the multifamily housing stock in the State; and

(F) such other factors as the Secretary determines to be appropriate.

(2) Grant amount.—

(A) In general.—The amount of a grant award to a State under this subsection shall be equal to the lesser of—

(i) 4 times the amount of assistance provided by the State from non-Federal sources; and

(ii) the allocation determined in accordance with paragraph (1).

(B) Non-federal sources.—The following shall be considered non-Federal sources for purposes of this section:

(i) 50 percent of funds allocable to tax credits allocated under section 42 of the Internal Revenue Code of 1986.

(ii) 50 percent of revenue from mortgage revenue bonds issued under section 143 of such Code.

(iii) 50 percent of proceeds from the sale of tax exempt bonds.

(3) Award of state allocation to certain entities.—

(A) In general.—If the amount provided by a State from non-Federal sources is less than 25 percent of the amount that would be awarded to the State under this subsection based on the allocation formula described in paragraph (1), not later than 60 days after the date on which the Secretary determines that the State is not eligible for the full allocation determined under paragraph (1), the Secretary shall issue a notice regarding the availability of the funds for which the State is ineligible.

(B) Applications.—Not later than 9 months after publication of a notice of funding availability under subparagraph (A), a nonprofit or public entity (or a consortium thereof, which may include units of local government working together on a regional basis) may submit to the Secretary an application for the available assistance or a portion thereof, which application shall include—

(i) a certification that the applicant will provide assistance in an amount equal to 25 percent of the amount of assistance made available to the applicant under this paragraph; and

(ii) an allocation plan that meets the requirements of paragraph (4)(B) for use or distribution in the State of any assistance made available to the applicant under this paragraph and the assistance provided by the applicant for purposes of clause (i).

(C) Award of assistance.—The Secretary shall award the amount that is not awarded to a State by operation of paragraph (2) to 1 or more applicants that meet the requirements of subparagraph (B) of this paragraph that are selected by the Secretary based on selection criteria, which shall be established by the Secretary by regulation.

(4) Distribution to eligible entities.—

(A) In general.—Each State that receives a grant award under this subsection shall distribute the amount made available under the grant and the assistance provided by the State from non-Federal sources for purposes of paragraph (2)(A) to eligible entities for the purpose of assisting those entities in carrying out eligible activities in the State as follows:

(i) 75 percent shall be distributed to eligible entities for eligible activities relating to the development of affordable housing for rental by extremely low-income families in the State.

(ii) 25 percent shall be distributed to eligible entities for eligible activities relating to the development of affordable housing for rental by low-income families in the State, or for homeownership assistance for low-income families in the State.

(B) Allocation plan.—Each State shall, after notice to the public, an opportunity for public comment, and consideration of public comments received, establish an allocation plan for the distribution of assistance under this paragraph, which shall be submitted to the Secretary and shall be made available to the public by the State, and which shall include—

(i) application requirements for eligible entities seeking to receive such assistance, including a requirement that each application include—

(I) a certification by the applicant that any housing developed with assistance under this paragraph will remain affordable for extremely low-income families or low-income families, as applicable, for not less than 40 years;

(II) a certification by the applicant that the tenant contribution towards rent for a family residing in a unit developed with assistance under this paragraph will not exceed 30 percent of the adjusted income of that family; and

(III) a certification by the applicant that the owner of a project in which any housing developed with assistance under this paragraph is located will make a percentage of units in the project available to families assisted under the voucher program under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) on the same basis as other families eligible for the housing (except that only the voucher holder's expected share of rent shall be considered), which percentage shall not be less than the percentage of the total cost of developing or rehabilitating the project that is funded with assistance under this paragraph; and

(ii) factors for consideration in selecting among applicants that meet such application requirements, which shall give preference to applicants based on—

(I) the amount of assistance for the eligible activities leveraged by the applicant from private and other non-Federal sources, including assistance made available under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) that is devoted to the project in which the housing to be developed with assistance under this paragraph is located;

(II) the extent of local assistance that will be provided in carrying out the eligible activities, including—

(aa) financial assistance; and

(bb) the extent to which the applicant has worked with the unit of local government in which the housing will be located to address issues of siting and exclusionary zoning or other policies that are barriers to affordable housing;

(III) the degree to which the development in which the housing will be located is mixed-income;

(IV) whether the housing will be located in a census tract in which the poverty rate is less than 20 percent or in a community undergoing revitalization;

(V) the extent of employment and other opportunities for low-income families in the area in which the housing will be located; and

(VI) the extent to which the applicant demonstrates the ability to maintain units as affordable for extremely low-income or low-income families, as applicable, through the use of assistance made available under this paragraph, assistance leveraged from non-Federal sources, assistance made available under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), State or local assistance, programs to increase tenant income, cross-subsidization, and any other resources.

(C) Forms of assistance.—

(i) In general.—Assistance distributed under this paragraph may be in the form of capital grants, non-interest bearing or low-interest loans or advances, deferred payment loans, guarantees, and any other forms of assistance approved by the Secretary.

(ii) Repayments.—If a State awards assistance under this paragraph in the form of a loan or other mechanism by which funds are later repaid to the State, any repayments received by the State shall be distributed by the State in accordance with the allocation plan described in subparagraph (B) the following fiscal year.

(D) Coordination with other assistance.—In distributing assistance under this paragraph, each State shall, to the maximum extent practicable, coordinate such distribution with the provision of other affordable housing assistance by the State, including—

(i) housing credit dollar amounts allocated by the State under section 42(h) of the Internal Revenue Code of 1986;

(ii) assistance made available under the HOME Investment Partnerships Act or the community development block grant program; and

(iii) private activity bonds.

(d) National Competition.—

(1) In general.—From the amount made available for each fiscal year under subsection (b)(2), the Secretary shall award grants on a competitive basis to eligible intermediaries, which shall be used in accordance with paragraph (3) of this subsection.

(2) Application requirements and selection criteria.—The Secretary by regulation shall establish application requirements and selection criteria for the award of competitive grants to eligible intermediaries under this subsection, which criteria shall include—

(A) the ability of the eligible intermediary to meet housing needs of low-income families on a national or regional scope;

(B) the capacity of the eligible intermediary to use the grant award in accordance with paragraph (3), based on the past performance and management of the applicant; and

(C) the extent to which the eligible intermediary has leveraged funding from private and other non-Federal sources for the eligible activities.

(3) Use of grant award.—

(A) In general.—Except as provided in subparagraph (B), each eligible intermediary that receives a grant award under this subsection shall ensure that the amount made available under the grant is used as follows:

(i) 75 percent shall be used for eligible activities relating to the development of affordable housing for rental by extremely low-income families.

(ii) 25 percent shall be used for eligible activities relating to the development of affordable housing for rental by low-income families, or for homeownership assistance for low-income families.

(B) Exception.—

(i) In general.—If the amount made available under a grant award under this subsection is used for a project described in clause (ii), an eligible intermediary may use the amount made available under the grant for eligible activities relating to the development of housing for rental by families whose incomes are less than 60 percent of the area median income, and for homeownership activities for families whose incomes are less than 80 percent of area median income.

(ii) Project contributing to a concerted community revitalization plan.—A project is described in this clause if—

(I) it is located in a community undergoing concerted revitalization and is contributing to a community revitalization plan; and

(II) it is located in a census tract in which—

(aa) the median household income is less than 60 percent of the area median income; or

(bb) the rate of poverty is greater than 20 percent.

(C) Plan of use.—Each eligible intermediary that receives a grant award under this subsection shall establish a plan for the use or distribution of the amount made available under the grant, which shall be submitted to the Secretary, and which shall include information relating to the manner in which the eligible intermediary will either use or distribute that amount, including—

(i) a certification that assistance made available under this subsection will be used to supplement assistance leveraged from private and other non-Federal sources, including assistance made available under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) that is devoted to the project in which the housing to be developed is located;

(ii) a certification that local assistance will be provided in the carrying out the eligible activities, which may include—

(I) financial assistance; and

(II) a good faith effort to work with the unit of local government in which the housing will be located to address issues of siting and exclusionary zoning or other policies that are barriers to affordable housing;

(iii) a certification that any housing developed with assistance under this subsection will remain affordable for extremely low-income families or low-income families, as applicable, for not less than 40 years;

(iv) a certification that any housing developed by the applicant with assistance under this subsection will be located—

(I) in a mixed-income development in a census tract having a poverty rate of not more than 20 percent, and near employment and other opportunities for low-income families; or

(II) in a community undergoing revitalization;

(v) a certification that the tenant contribution towards rent for a family residing in a unit developed with assistance under this paragraph will not exceed 30 percent of the adjusted income of that family; and

(vi) a certification by the applicant that the owner of a project in which any housing developed with assistance under this subsection is located will make a percentage of units in the project available to families assisted under the voucher program under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) on the same basis as other families eligible for the housing (except that only the voucher holder's expected share of rent shall be considered), which percentage shall not be less than the percentage of the total cost of developing or rehabilitating the project that is funded with assistance under this subsection.

(D) Forms of assistance.—

(i) In general.—An eligible intermediary may distribute the amount made available under a grant under this subsection in the form of capital grants, non-interest bearing or low-interest loans or advances, deferred payment loans, guarantees, and other forms of assistance.

(ii) Repayments.—If an eligible intermediary awards assistance under this subsection in the form of a loan or other mechanism by which funds are later repaid to the eligible intermediary, any repayments received by the eligible intermediary shall be distributed by the eligible intermediary in accordance with the plan of use described in subparagraph (C) the following fiscal year.

SEC. 5. REGULATIONS.

Not later than 6 months after the date of enactment of this Act, the Secretary of Housing and Urban Development shall promulgate regulations to carry out this Act.

Section by Section of National Affordable Housing Trust Fund Legislation

SECTION 1: SHORT TITLE

National Affordable Housing Trust Fund Act of 2000.

SECTION 2: PURPOSES

The purpose of this Act is to use profits generated by federal housing programs to help alleviate the current housing crisis by funding new construction of affordable rental housing in mixed-income developments and homeownership activities.

SECTION 3: NATIONAL HOUSING TRUST FUND

This Section establishes a National Affordable Housing Trust Fund ("Trust Fund") in the Treasury of the U.S. Excess revenue generated by the Federal Housing Administration ("FHA") and the Government National Mortgage Association ("GNMA") will be transferred to the Trust Fund in fiscal year 2001 and each year thereafter for eligible uses.

FHA revenue, in excess of an amount necessary for the FHA to retain 3% capital, will be transferred to the Trust Fund. FHA is currently required to maintain 2% capital. GNMA revenues will also be captured, above what the Secretary determines is necessary for safe and sound operations.

SECTION 4: ADMINISTRATION OF NATIONAL AFFORDABLE HOUSING TRUST FUND

This Section describes how Trust Fund assistance will be allocated and for what uses. 75% of Trust Fund assistance will be given as matching grants to States and 25% will be awarded by HUD through a national competition, as follows:

Matching Grants to States. 75% of the Trust Fund will be given as matching grants to States on a formula based on factors related to need for housing in the State. States will be required to match 25% of the federal grant with non-federal funds. If a State does not come up with the requisite match, public and non-profit entities can apply for the State's portion of funds.

States will distribute assistance according to need and criteria, including: whether the development will be mixed income; whether the development is located in a low-poverty census tract or a community experiencing revitalization; and the amount of additional funding devoted to the project.

75% of Trust Fund assistance distributed by each State must be used for the construction of rental housing for extremely low-income households (income under 30% of area median income) in mixed income developments which must remain affordable for 40 years. The bill establishes a "Continued Assistance Rental Subsidy Program" under which a developer may use funds for up to three years of operating subsidy, so long as it partners with a local housing agency to ensure a stream of eligible tenants to the units, and the housing agency agrees to provide any tenant in those units with a voucher to move if the tenant so chooses.

The other 25% of assistance may be used for low-income families (incomes under 80% of area median income) for construction of rental housing or for homeownership activities.

National Competition

25% of the Trust Fund will be awarded by HUD through competitive grants to nonprofit intermediaries, who will use and distribute the funds based on the same criteria as required by the States. While there is no specific matching requirement, HUD must give priority to those intermediaries which leverage the greatest amount of private and non-federal funds.

Like the State grants, 75% of assistance must be used for rental housing for extremely low-income households in mixed income developments, and the units must remain affordable for 40 years, and the other 25% of assistance must be used for low-income families for rental housing or homeownership activities. However, if a project contributes to a community revitalization plan, these targeting requirements are waived, so long as the households assisted in the project have incomes under 60% of the area median income.

SECTION 5: REGULATIONS

HUD is required to promulgate regulations within 6 months of the date of enactment of this bill.

Citizens' Housing and
Planning Association, Inc.,
Boston, MA, July 26, 2000.

Senator John F. Kerry,
Russell Senate Office Building,
Washington, DC.

Dear Senator Kerry: On behalf of Citizens' Housing and Planning Association (CHAPA), I wanted to express our strong support for the national housing trust fund legislation that you will be filing this week. CHAPA is the largest and most diverse housing advocacy organization in New England, representing more than 1,500 housing providers, advocates, government officials, lenders, and others.

In Massachusetts, we are in the midst of the most acute housing crisis on record. The number of Massachusetts households with severe housing needs has reached an all-time high. Nearly 245,000 households pay more than half of their incomes for rent, a 21 percent jump since 1990. Since 1997, 10,000 Massachusetts families have been homeless each year, double the number since 1990.

The clear solution to this problem is to build and preserve more affordable housing for low income families. The trust fund legislation, which you are sponsoring, will lead to the creation of thousands of affordable rental units across the country. We are pleased that the focus of this program will be to create new housing for low income families who are facing the biggest housing squeeze.

We also are extremely pleased that the trust fund provides flexible funds to the states and non-profit developers so that these entities can tailor solutions to meet local needs. The proposed program encourages the leveraging of private funds and the creation of mixed income housing.

Thank you once again for playing an outstanding leadership role on affordable housing. We hope that Congress will act expeditiously on this critical legislation.

Sincerely,

Aaron Gornstein,
Executive Director.

National Housing Conference,
Washington, DC, July 27, 2000.

Hon. John F. Kerry,
Senate Russell Office Building,
Washington, DC.

Dear Senator Kerry: We, the National Housing Conference, would like to extend our thanks to you for introducing the National Housing Trust Fund Act of 2000. The NHC is a broad-based nonpartisan advocate for national policies that promote suitable housing in a safe, decent environment across the nation. The NHC consists of members from across the entire spectrum of the housing industry. Since 1931, the NHC has demonstrated itself to be known as the united voice for housing.

We are writing to pledge our support for your act because we know you understand that:

(1) There is a compelling need for federal legislation to construct affordable housing. Last month, our research affiliate, the Center for Housing Policy, released a report titled "Housing America's Working Families." The report demonstrated that despite the unprecedented economic prosperity that this nation has been experiencing, one out of every seven families has a critical housing need—They are either spending over half their total income on rent or they are living in severely inadequate units. These families—many of them moderate-income working families—are teetering on an all-too precarious ledge. Housing is a fundamental human need and we believe that it is a shame that so many of America's families are faced with such pressing housing problems, particularly in an era of such economic abundance.

(2) The National Housing Trust Fund Act of 2000 would help alleviate that need. The Act would allocate much needed funds toward the construction and preservation of a range of quality housing choices for low and moderate income people. An increase in affordable housing options would provide many needy families with better equalities of life. The National Housing Trust Fund would supplement and complement existing supply-oriented programs such as public housing, HOME, and the Low Income Housing Tax Credit. Furthermore, Ann Schnare, President of the Center for Housing Policy said in a testimony on June 20th before Senator Allard, "Many states and local jurisdictions have established Housing Trust Funds to capture revenue from many sources for affordable housing. An analogous trust fund should be established at the federal level. . . It could further encourage and strengthen affordable housing efforts at the state and local levels by providing incentives and developing partnerships with various entities."

It is important to note that the National Housing Trust Fund would be in addition to existing appropriated funds and would not supplant those appropriations. It would be financed solely by excess income generated by the FHA and by Ginnie Mae. If we establish this National Housing Trust Fund we will ensure for countless future generations of Americans that there will always be dependable affordable housing options.

Clearly, the National Housing Trust Fund Act is a good step in the right direction. Too many people in our country are lacking a fundamental human necessity—adequate housing. This act would create provisions to mitigate some of this critical housing need. Trust funds have been developed in the past for other national priorities such as Social Security, highways, and airports. We're glad that you agree that it is about time for us to make housing a national priority as well.

Sincerely,

Robert J. Reid,
Executive Director.

National Association of Realtors,
Washington, DC, July 26, 2000.

Hon. John F. Kerry,
Subcommittee on Housing and Transportation,
Committee on Banking, Housing and Urban
Affairs, U.S. Senate, Washington, DC.

Dear Senator Kerry: On behalf of the more than 760,000 members of the National Association of Realtors, I am pleased to indicate our support for your legislation. The National Affordable Housing Trust Fund Act of 2000. We believe this important legislation reduces the barriers to affordable housing production and closes the gap in needed housing opportunities for American families, and we welcome the opportunity to work with you to gain its passage.

As you know, millions of working American families are facing a housing affordability crisis despite an unprecedented run of economic growth and prosperity. This phenomenon is exacerbated by the continuing decline of our nation's affordable housing stock. The increase in demand coupled with the diminishing supply of affordable units are straining housing capacity in many communities nationwide, leading to a rise in homelessness for many worthy American working families.

The National Association of Realtors believes the time is appropriate to address our nation's affordable housing crisis as a national priority and forge a coherent and focused set of policies for immediate adoption. Your legislation establishing a trust fund utilizing revenues created through the popular and successful FHA homeownership program for usage in other critical housing areas is an insightful and innovative response to the shortage of affordable housing units. We strongly support this objective and we stand ready to work with you and the Subcommittee during deliberation of your bill.

Sincerely,

DENNIS R. CRONK,
President.

NATIONAL ASSOCIATION OF HOME BUILDERS, FEDERAL GOVERNMENT AFFAIRS DIVISION,
Washington, DC, July 27, 2000.

Hon. JOHN KERRY,
Ranking Member, Senate Subcommittee on Housing and Transportation, Russell Senate Office Building, Washington, DC.

DEAR SENATOR KERRY: On behalf of the 200,000 members of the National Association of Home Builders (NAHB), I want to extend to you our appreciation and support for your efforts to introduce legislation to establish a "National Affordable Housing Trust Fund".

NAHB supports your proposal to establish a National Affordable Housing Trust Fund for the production of affordable housing. Indeed, your goal to divert funds from both the "surplus" existing within the Mutual Mortgage Insurance Fund (MMI Fund) and excess revenue generated by the Government National Mortgage Association into affordable housing development, is laudable. The growing need for decent affordable housing is well documented. We appreciate your work and interest in this issue and want to assist you in any way to facilitate movement of this legislation.

Again, thank you for your efforts to address the shortage of affordable housing in America.

Sincerely,

GERALD M. HOWARD,
Senior Staff Vice President.

NATIONAL COUNCIL OF STATE HOUSING AGENCIES,
Washington, DC, July 26, 2000.

Hon. JOHN F. KERRY,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR KERRY: On behalf of the housing finance agencies (HFAs) of the 50 states, the National Council of State Housing Agencies (NCSHA) commends you for introducing the "National Affordable Housing Trust Fund Act" (Trust). Given the tremendous and ever-growing need for decent and affordable housing, it is imperative that any surplus the FHA fund generates be rededicated to housing America's low income families.

In this era of unprecedented economic prosperity, the number of families experiencing worst case housing needs has increased dramatically. According to a recent study published by The Center for Housing Policy, 13.7 million families had critical housing needs in 1997, including six million working and nearly four million elderly households. In the face of these alarming statistics, the affordable housing stock has lost over one million units between 1993 and 1998.

Housing need, though great everywhere, varies dramatically among and within the states. In some states, newly produced rental housing for very low income families is the greatest need. In others, preserving the irreplaceable low-cost rental inventory is the highest priority.

Your bill responds effectively to these diverse housing needs by allocating Trust funds directly to the states. States understand their housing needs and are in the best position to leverage these funds with other housing resources. The sound and efficient administration of the Housing Credit and the HOME programs are clear evidence of states' capacity to administer the Trust fund.

We look forward to working with you as you move this bill forward to design a delivery system that relies on the states and their private and public sector partners to direct these precious resources to their most pressing housing needs. Thank you for all you are doing to expand affordable housing opportunity.

Sincerely,

BARBARA J. THOMPSON,
Director of Policy and Government Affairs.

NATIONAL LOW INCOME HOUSING COALITION/LIHIS,
Washington, DC, July 26, 2000.

Hon. JOHN F. KERRY,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR KERRY: On behalf of the National Low Income Housing Coalition, I am pleased to offer our support for the National Affordable Housing Trust Fund Act of 2000, which you will introduce shortly. HLIHC is a membership organization dedicated solely to ending the affordable housing crisis in America. The National Affordable Housing Trust Fund that you propose offers concrete and sustainable resources towards achieving that goal.

The dimensions of the affordable housing crisis are well documented. As you know, nowhere in the United States can a full time minimum wage worker afford a one-bedroom unit at the fair market rent. The housing wage, that is, the hourly wage one must earn to afford the fair market rent, ranges from $8.02 in West Virginia to $17.01 in Hawaii. The supply of housing that is affordable to low wage workers and elderly and disabled people on fixed incomes is dwindling while the rents of the remaining units are escalating. Even those families that are fortunate enough to receive a federal housing voucher often are not able to find housing they can afford with the voucher. The need for new affordable housing production resources is serious and urgent.

The Housing Trust Fund provides a dedicated source of funding for the production or rehabilitation of rental housing. The use of excess revenue from FHA and Ginnie Mae for this purpose is sensible housing policy. We are very pleased that a majority of the funds will be targeted to housing that is to be affordable to extremely low income households for at least 40 years. This is the population with the most severe housing problems and for whom the fewest resources are available to increase the supply of affordable housing. We also commend the decision to make operating support an eligible activity for three years and the preference for projects that can demonstrate an ongoing source of operating subsidy.

We look forward to working with you towards passage of this important new federal housing legislation. Thank you for your continued leadership on housing issues in the Congress.

Sincerely,

SHEILA CROWLEY,
President.

NATIONAL COALITION FOR THE HOMELESS,
Washington, DC, July 26, 2000.

Senator JOHN KERRY,
Russell Building, Washington, DC.

DEAR SENATOR KERRY: "They've got jobs, they just can't find housing they can afford," is the comment we hear from local providers across the country as they talk about the unmet housing needs of an increasing number of families and individuals who have consequently become homeless in their communities. It is, therefore, with great enthusiasm that the National Coalition for the Homeless supports the National Affordable Housing Trust Fund, and strongly encourages its expedited enactment and implementation.

As you know, for the past two decades, we have been consistently rescinding our commitment to "decent housing for all Americans". As a result, the need for affordable housing is profound throughout the nation, in communities of diverse sizes and socioeconomic circumstances, and most especially among extremely low-income households. For this reason, we are seeing an unprecedented number of employed men and women who have been forced into homelessness. I was recently visiting a 250-bed single men's shelter in a urban setting, where 70% of the residents were employed, most full time, and what they got for their efforts, was a thin mat on a concrete floor to call their 'home'. We are also finding very significant rates of homelessness among families who are doing what they have been asked to do—moving from welfare to work—but because of their low-wages are not able to afford stable housing in healthy neighborhoods, which compromises both their long-term employability and the health and well-being of their children. We all want welfare reform to work; the missing link has always been affordable housing.

Knowing that the availability of affordable housing is fundamental to insuring that working families can expect to meet their basic needs, we are very grateful for your leadership in taking us as a nation down the path of truly valuing individual and family stability enough to ensure housing opportunities for those without the resources to do it alone. The National Affordable Housing Trust Fund represents America at her best—opportunities and basic resources being made available to all among us. Thank you for helping to bring America home again.

Sincerely,

MARY ANN GLEASON,
Housing Policy Analyst.

THE ENTERPRISE FOUNDATION,
Washington, DC, July 26, 2000.
Hon. JOHN F. KERRY,
Ranking Member, Subcommittee on Housing and Transportation, Committee on Banking, Housing and Urban Affairs, Senate Hart Office Building, Washington, DC.

DEAR SENATOR KERRY: On behalf of The Enterprise Foundation, the more than 1,500 community development organizations that we represent and the millions of low-income Americans living in poverty, we applaud your efforts to increase the number of permanently affordable homes available for those families most in need by establishing The National Affordable Housing Trust Fund. The proposed legislation, "The National Affordable Housing Trust Fund of 2000," provides additional funding to the states and nonprofit organizations for the development of decent, safe and affordable housing for low-income families.

The Enterprise Foundation is a national nonprofit housing and community development organization dedicated to rebuilding distressed neighborhoods. Central to our mission is to see that all low-income people in the United States have the opportunity for fit and affordable housing and to move up and out of poverty into the mainstream of American life. Therefore, we see firsthand the critical need for this legislation as a way to combat the growing affordable housing crisis faced by our nation.

At a time of unprecedented national prosperity, it is unconscionable that an ever larger number of Americans have trouble securing decent, affordable housing. In fact, it is a side effect of our booming economy that rents are rising faster than wages for poor working Americans. This historic legislation recognizes that now is the time to deal with our national need to produce more safe and sanitary housing for low-income Americans.

Your bill strikes a thoughtful balance between devolution to the states and federal innovation. It allows states to decide how to spend the majority of the grant funds according to their housing needs but also allows for federal funding of innovative private/public partnership models as a way to leverage limited public resources.

We look forward to working with you on this bill throughout the legislative process and admire your leadership and continued efforts to address the critical housing needs of our nation's lower-income families. With your support we look forward to continuing our mission to rebuild distressed communities by providing people the tools they need to move out of poverty.

Sincerely,

KRISTIN SIGLIN,
Vice President.

Mr. SARBANES. Mr. President, I come to the floor today to voice my support for the National Affordable Housing Trust Fund Act introduced by Senator KERRY. Establishing a National Affordable Housing Trust Fund is a necessary and timely legislative initiative.

The number of families in our country who live in substandard housing, or pay more than 50 percent of their income for housing costs—the factors considered in determining worst case housing need—is staggering. Recent studies show that 5.4 million American families have worst case housing needs. This is 100,000 more families than were classified as worst case housing needs just last year.

In addition, no family making minimum wage can afford the fair market rent for a two bedroom apartment in any metro area in the country. On average, a person needs to earn over $11 to afford an apartment in any American metro area, but this number is even higher in many parts of the country. For instance, in Baltimore a person must earn over $12 an hour, or $24,000 a year to afford the rent on a two bedroom apartment.

Traditionally, the government has helped families who do not earn enough to afford a place to live with section 8 vouchers. However, in today's booming real estate market, a section 8 voucher is no guarantee of finding a place to live.

Currently, families in Maryland wait upwards of 31 months to get a section 8 housing voucher. Once they receive the voucher, they face a new challenge: finding an apartment that is affordable for them.

Recent articles in the Washington Post have highlighted the trials of poor working families attempting to find affordable housing both with and without federal assistance. One Fairfax, Virginia woman working full time and living in a shelter called over 30 landlords, none of which had vacancies that she could afford. Another social worker commented that the voucher holders she counseled had to call close to 100 different developments to find a unit. The reality is that there are simply not enough affordable housing units in our country to meet the needs of low income Americans.

This situation is simply unacceptable. The working poor of our country deserve decent places to live. Adequate housing is an essential need for all Americans. It is the anchor that allows families to thrive.

Children can't learn if they are forced to attend 3 or 4 schools in a single year as their parents move from friend to friend because they cannot afford the rent. Workers can't find jobs or get training if they spend their days fighting to put a roof over their kids' heads. A sick person will not get well if she spends her days huddled on a grate, waiting for a bed in an emergency shelter.

Senator KERRY's bill would address our country's severe affordable housing crisis by establishing an Affordable Housing Trust Fund that will support the construction of additional affordable housing.

The Trust Fund is designed to create long-term affordable, mixed income housing developments in areas where low-income families will have access to transportation, social services, and job opportunities. It is also designed to help in areas where local governments are committed to revitalization. These priorities are explicitly laid out in the legislation.

The bottom line is that we need to provide more resources to states, local governments and non-profits who are working to build more affordable housing. Unless we build more affordable units we will not be able to solve the housing crisis we have today.

This bill is an opportunity for us to take advantage of our booming economy to do this. I encourage my colleagues to join me in supporting National Affordable Housing Trust Fund Act.

Mr. WELLSTONE. Mr. President, I am proud to join my colleagues here today as co-sponsor of this bill which represents an important step forward in solving the shortage of affordable housing. The need for affordable housing has reached epic proportions and touches all of our communities. The time for action is now.

The National Affordable Housing Trust Fund will be used to produce housing that is affordable to very low income families. It will provide states matching grant funds to produce affordable housing and engage in homeownership activities. It will allow nonprofit intermediaries to compete for funds to produce housing. Most importantly, however, is it will use the proceeds from our investment in promoting homeownership to build homes for low income families.

Mr. President, in 1997, 5.4 million households with 12.3 million people paid more than one half of their income in rent or lived in seriously substandard housing. Who are these 12.3 million people? 1.5 million are elderly persons, 4.3 million are children and between 1.1 and 1.4 million are adults with disabilities. We can afford to do better. This is a prosperous nation that can afford to solve this problem.

In may own states of Minnesota, a worker must earn $11.54 an hour, 40 hours a week, 522 weeks out of the year to afford a fair market rent for a two bedroom apartment. $11.54. That's more than double the minimum wage. In fact, to afford a two bedroom apartment at minimum wage, families must work 88 hours a week. 88 hours. That's barely possible for a two parent family, and it is completely impossible for single parent families.

The poorest families are particularly hard hit. In Minneapolis-St. Paul, a study conducted by the Family Housing Fund found 68,900 renters with incomes below $10,000 in Minneapolis-St. Paul and only 31,200 housing units with rents affordable to those families. That is more than two families for each unit affordable to a family at that income level and there is every indication it is getting worse.

Given this information, it isn't hard to understand why the number of families entering emergency shelters and using emergency food pantries is on the rise. In fact, more and more of the homeless are working full time and are still unable to find housing.

Mr. President, we must do more. The shortage of affordable housing is so drastic that in Minneapolis-St. Paul, like many other cities, even those families fortunate enough to receive housing vouchers cannot find a rental unit. Landlords are becoming increasingly selective given the demand for housing and are requiring three months security deposit, hefty application fees and credit checks that price the poor and young new renters out of the market.

Let me share a story that truly struck me. In February, the Minneapolis Public Housing Authority distributed applications for families in the region interested in public housing. This was the first time since 1996 applications were accepted for public housing and it will likely to be last time for several years. Six thousand families sought applications for public housing in six days. An average of 1,000 families each day requested applications to reside in public housing in one metropolitan area.

Those families were not applying for free housing. Residents would be required to pay one third of their income in rent. This is not luxury housing. Many families seem to look upon public housing with disdain, though I know those communities are rich with the talents and contributions of their tenants. This is not even immediate housing. Many of those families will wait years to get into public housing.

Clearly this is a sign that the demand for housing far exceeds the supply. There is an immediate need to produce more affordable housing. Fortunately, we can afford to do this. Fortunately, we have a plan to do this.

Mr. President, I know it is hard to think about poverty when we are surrounded by so much prosperity. But economic prosperity has not touched every family. Instead the gap between income groups continues to widen and the gap between what low income families earn and what they must pay for housing also appears to be widening.

The Bureau of Labor Statistics report that between 1995 and 1997 rents increased faster than income for the 20 percent of American households with the lowest incomes. The Consumer Price Index for Resident Rent rose 6.2 percent, higher than the 3.9 percent rate of inflation for the same period.

The skyrocketing rents are fueled by the shortage of housing. The demand for housing exceeds the supply, so in the private market the rents spiral upwards and far beyond the reach of the poor and often well-beyond the reach of the middle class who find themselves priced out of the very communities they grew up in.

This affects families with children, elderly persons and persons with disabilities. It affects the well-being of businesses. The cost of housing has skyrocketed in some communities to a level that businesses cannot retain workers because their workers cannot afford to live in those communities. The shortage of housing is making it difficult for communities to retain some of our most essential workers. Police, firemen, teachers are all being priced out of the very communities they seek to serve!

Mr. President, I am proud to be part of this effort that will generate more affordable housing for low income families. It is time to heed the call we are all hearing from our constituents. There is not one town, county or metropolitan area in this nation where a family can afford a two bedroom fair market rental working full time, year round at minimum wage. Not one state where a family who receives TANF can afford a two bedroom fair market rental unit.

Families respond to the shortage of housing by crowding into smaller units. A one bedroom. An efficiency. Perhaps they rent seriously substandard housing, exposing their children to lead poisoning, living in neighborhoods where they don't feel safe allowing their children to play outdoors. Housing with leaky roofs, bad plumbing, rodents, roaches. Perhaps they pay more than the recommended 30 percent of their income in rent, maybe 40 percent, 50 percent or more.

Families may do without what we might consider necessities. Not luxuries, but necessities such as gas, heat, and electricity. Families so financially stressed that one small crisis can send them tumbling. Perhaps families double up, two families in a home. Multiple generations crowded under one roof. When the stress of multiple families becomes unbearable, they are left with homeless shelters.

Mr. President, in a recent study of homelessness in Minneapolis-St. Paul, The Family Housing Fund reported that more and more children experience homelessness. In one night in 1987, 244 children in the Twin Cities were in a shelter or other temporary housing. In 1999, 1,770 children were housed in shelter or temporary housing. Let me repeat that, 1,770 children in the Minneapolis-St. Paul area on one night alone sent the night in a homeless shelter or temporary housing. Seven times the number in 1987. And families are spending longer periods of time homeless. If they have a family crisis, if they lost their housing due to an eviction, if they have poor credit histories, if they can't save up enough for a two or three month security deposit, they will have longer stretches, longer periods of time in emergency shelters before they transition into homes.

Mr. President, we are experiencing unprecedented prosperity. It is time to make a commitment to ensuring families have access to decent affordable housing. We can afford to do this. In fact, we cannot afford not to do this.

By Mr. ROBB:

S. 3000. A bill to authorize the exchange of land between the Secretary of the Interior and the Director of the Central Intelligence Agency at the George Washington Memorial Parkway in McLean, Virginia, and for other purposes; to the Committee on Energy and Natural Resources.

BILL TO AUTHORIZE A LAND EXCHANGE BETWEEN THE SECRETARY OF THE INTERIOR AND THE DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY AT THE GEORGE WASHINGTON MEMORIAL PARKWAY IN MCLEAN VIRGINIA.

Mr. ROBB. Mr. President, the bill I am introducing today simply allows for a land exchange between the National Park Service and the Central Intelligence Agency. This exchange will enable the CIA to address security issues at the entrance to their complex, while preserving access to the Federal highway Administration's Turner-Fairbanks Highway Research Center.

The exchange is currently the subject of an Interagency Agreement between the National Park Service, George Washington Memorial Parkway, and the Central Intelligence Agency. This is a simple exchange that I am sure can be acted on in short order.

I ask unanimous consent that the bill in its entirety be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3000

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF LAND EXCHANGE.

(a) IN GENERAL.—Subject to section 2, the Secretary of the Interior (referred to in this Act as the "Secretary") and the Director of Central Intelligence (referred to in this Act as the "Director") may exchange—

(1) approximately 1.74 acres of land under the jurisdiction of the Department of the Interior within the boundary of the George Washington Memorial Parkway, as depicted on National Park Service Drawing No. 850/81992 dated August 6, 1998; for

(2) approximately 2.92 acres of land under the jurisdiction of the Central Intelligence Agency adjacent to the boundary of the George Washington Memorial Parkway, as depicted on National Park Service Drawing No. 850/81991, Sheet 1, dated August 6, 1998.

(b) PUBLIC INSPECTION.—The drawings referred to in subsection (a) shall be available for public inspection in appropriate offices of the National Park Service.

SEC. 2. CONDITIONS OF LAND EXCHANGE.

(a) NO REIMBURSMENT OR CONSIDERATION.—The exchange described in section 1 shall occur without reimbursement or consideration;

(b) PUBLIC ACCESS FOR MOTOR VEHICLE TURN-AROUND.—The Director shall allow public access to a road on the land described in subsection (a)(1) for a motor vehicle turnaround on the George Washington Memorial Parkway.

(c) TURNER FAIRBANK HIGHWAY RESEARCH CENTER.—The Director shall allow access to the land described in subsection (a)(1) by—

(1) employees of the Turner Fairbank Highway Research Center of the Federal Highway Administration; and

(2) other Federal employees and visitors whose admission to the Center is authorized by the Center.

(d) CLOSURE TO PROTECT CENTRAL INTELLIGENCE AGENCY.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3) and notwithstanding any other provision of this section the Director may close access to the land described in subsection (a)(1) to all persons (other than the United States Park Police, other necessary employees of the National Park Service, and employees of the Turner-Fairbank Highway Research Center of the Federal Highway Administration) if the Director determines that the physical security conditions require the closure to protect employees or property of the Central Intelligence Agency.

(2) TIME LIMITATION.—The Director may not close access to the land under paragraph (1) for more than 12 hours during any 24-hour period unless the Director consults with the National Park Service, the Turner-Fairbank Highway Research Center of the Federal Highway Administration, and the United States Park Police.

(3) TURNER FAIRBANK HIGHWAY RESEARCH CENTER.—No action shall be taken under this subsection to diminish access to the land described in subsection (a)(1) by employees of the Turner-Fairbank Highway Research Center of the Federal Highway Administration except when the access to the land is closed for security reasons.

(e) The Director shall ensure compliance by the Central Intelligence Agency with the deed restrictions for the transferred land as depicted on National Park Service Drawing No. 850/81992, dated August 6, 1998.

(f) The National Park Service and the Central Intelligence Agency shall comply with the terms and conditions of the Interagency Agreement between the National Park Service and the Central Intelligence Agency signed in 1998 regarding the exchange and management of the lands discussed in that agreement.

(g) The Secretary and the Director shall complete the transfers authorized by this section not later than 120 days after the date of enactment of this Act.

SEC. 3. MANAGEMENT OF EXCHANGED LANDS.

(a) The land conveyed to the Secretary under section 1 shall be included within the boundary of the George Washington Memorial Parkway and shall be administered by the National Park Service as part of the parkway subject to the laws and regulations applicable thereto.

(b) The land conveyed to the Central Intelligence Agency under section 1 shall be administered as part of the Headquarters Building Compound of the Central Intelligence Agency.

ADDITIONAL COSPONSORS

S. 279

At the request of Mr. MCCAIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 279, a bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

S. 913

At the request of Ms. COLLINS, the name of the Senator from Delaware (Mr. ROTH) was added as a cosponsor of S. 913, a bill to require the Secretary of Housing and Urban Development to distribute funds available for grants under title IV of the Stewart B. McKinney Homeless Assistance Act to help ensure that each State received not less than 0.5 percent of such funds for certain programs, and for other purposes.

S. 922

At the request of Mr. ABRAHAM, the names of the Senator from Oregon (Mr. WYDEN), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S. 922, a bill to prohibit the use of the "Made in the USA" label on products of the Commonwealth of the Northern Mariana Islands and to deny such products duty-free and quota-free treatment.

S. 1017

At the request of Mr. MACK, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1017, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on the low-income housing credit.

S. 1020

At the request of Mr. GRASSLEY, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 1020, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1109

At the request of Mr. MCCONNELL, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1109, a bill to conserve global bear populations by prohibiting the importation, exportation, and interstate trade of bear viscera and items, products, or substances containing, or labeled or advertised as containing, bear viscera, and for other purposes.

S. 1487

At the request of Mr. AKAKA, the name of the Senator from Delaware (Mr. ROTH) was added as a cosponsor of S. 1487, a bill to provide for excellence in economic education, and for other purposes.

S. 1558

At the request of Mr. BAUCUS, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1558, a bill to amend the Internal Revenue Code of 1986 to provide a tax credit for holders of Community Open Space bonds the proceeds of which are used for qualified environmental infrastructure projects, and for other purposes.

S. 1732

At the request of Mr. BREAUX, the name of the Senator from Texas (Mr. GRAMM) was added as a cosponsor of S. 1732, a bill to amend the Internal Revenue Code of 1986 to prohibit certain allocations of S corporation stock held by an employee stock ownership plan.

S. 1822

At the request of Mr. MCCAIN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1822, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease.

S. 2003

At the request of Mr. JOHNSON, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2003, a bill to restore health care coverage to retired members of the uniformed services.

S. 2018

At the request of Mrs. HUTCHISON, the names of the Senator from Ohio (Mr. VOINOVICH) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 2018, a bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the medicare program.

S. 2071

At the request of Mr. GORTON, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 2071, a bill to benefit electricity consumers by promoting the reliability of the bulk-power system.

S. 2183

At the request of Mr. CRAPO, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 2183, a bill to ensure the availability of spectrum to amateur radio operators.

S. 2386

At the request of Mrs. FEINSTEIN, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 2386, a bill to extend the Stamp Out Breast Cancer Act.

S. 2394

At the request of Mr. MOYNIHAN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2394, a bill to amend title XVIII of the Social Security Act to stabilize indirect graduate medical education payments.

S. 2408

At the request of Mr. BINGAMAN, the names of the Senator from Maine (Ms. COLLINS), the Senator from Utah (Mr. HATCH), the Senator from California (Mrs. FEINSTEIN), the Senator from Idaho (Mr. CRAPO), the Senator from Maine (Ms. SNOWE), and the Senator from Delaware (Mr. ROTH) were added as cosponsors of S. 2408, a bill to authorize the President to award a gold medal on behalf of the Congress to the Navajo Code Talkers in recognition of their contributions to the Nation.

S. 2589

At the request of Mr. JOHNSON, the name of the Senator from Iowa (Mr.

HARKIN) was added as a cosponsor of S. 2589, a bill to amend the Federal Deposit Insurance Act to require periodic cost of living adjustments to the maximum amount of deposit insurance available under that Act, and for other purposes.

S. 2608

At the request of Mr. GRASSLEY, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 2608, a bill to amend the Internal Revenue Code of 1986 to provide for the treatment of certain expenses of rural letter carriers.

S. 2610

At the request of Mr. HARKIN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2610, a bill to amend title XVIII of the Social Security Act to improve the provision of items and services provided to medicare beneficiaries residing in rural areas.

S. 2700

At the request of Mr. L. CHAFEE, the names of the Senator from Delaware (Mr. BIDEN), the Senator from Washington (Mrs. MURRAY), the Senator from Arizona (Mr. MCCAIN), and the Senator from Delaware (Mr. ROTH) were added as cosponsors of S. 2700, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to promote the cleanup and reuse of brownfields, to provide financial assistance for brownfields revitalization, to enhance State response programs, and for other purposes.

S. 2703

At the request of Mr. WELLSTONE, his name was added as a cosponsor of S. 2703, a bill to amend the provisions of title 39, United States Code, relating to the manner in which pay policies and schedules and fringe benefit programs for postmasters are established.

S. 2733

At the request of Mr. SANTORUM, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 2733, a bill to provide for the preservation of assisted housing for low income elderly persons, disabled persons, and other families.

S. 2739

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 2739, a bill to amend title 39, United States Code, to provide for the issuance of a semipostal stamp in order to afford the public a convenient way to contribute to funding for the establishment of the World War II Memorial.

S. 2787

At the request of Mr. BIDEN, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 2787, a bill to reauthorize the Federal programs to prevent violence against women, and for other purposes.

S. 2800

At the request of Mr. LAUTENBERG, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2800, a bill to require the Administrator of the Environmental Protection Agency to establish an integrated environmental reporting system.

S. 2807

At the request of Mr. BREAUX, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 2807, a bill to amend the Social Security Act to establish a Medicare Prescription Drug and Supplemental Benefit Program and to stabilize and improve the Medicare+Choice program, and for other purposes.

At the request of Mr. FRIST, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 2807, supra.

S. 2824

At the request of Mr. CLELAND, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2824, a bill to authorize the President to award a gold medal on behalf of Congress to General Wesley K. Clark, United States Army, in recognition of his outstanding leadership and service during the military operations against the Federal Republic of Yugoslavia (Serbia and Montenegro).

S. 2841

At the request of Mr. ROBB, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2841, a bill to ensure that the business of the Federal Government is conducted in the public interest and in a manner that provides for public accountability, efficient delivery of services, reasonable cost savings, and prevention of unwarranted Government expenses, and for other purposes.

S. 2874

At the request of Mr. MOYNIHAN, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 2874, a bill to amend the Internal Revenue Code of 1986 to repeal the provision taxing policyholder dividends of mutual life insurance companies and to repeal the policyholders surplus account provisions.

S. 2878

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2878, a bill to commemorate the centennial of the establishment of the first national wildlife refuge in the United States on March 14, 1903, and for other purposes.

S. 2879

At the request of Ms. COLLINS, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2879, a bill to amend the Public Health Service Act to establish programs and activities to address diabetes in children and youth, and for other purposes.

S. 2923

At the request of Mr. KENNEDY, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 2923, a bill to amend title XIX and XXI of the Social Security Act to provide for FamilyCare coverage for parents of enrolled children, and for other purposes.

S. CON. RES. 60

At the request of Mr. FEINGOLD, the names of the Senator from New Jersey (Mr. TORRICELLI) and the Senator from Colorado (Mr. CAMPBELL) were added as cosponsors of S. Con. Res. 60, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the *U.S.S. Wisconsin* and all those who served aboard her.

S. CON. RES. 127

At the request of Mr. FITZGERALD, the names of the Senator from Michigan (Mr. ABRAHAM), the Senator from New Jersey (Mr. TORRICELLI), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. Con. Res. 127, a concurrent resolution expressing the sense of the Congress that the Parthenon Marbles should be returned to Greece.

S. CON. RES. 130

At the request of Mr. ABRAHAM, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from Minnesota (Mr. GRAMS), and the Senator from Ohio (Mr. VOINOVICH) were added as cosponsors of S. Con. Res. 130, a concurrent resolution establishing a special task force to recommend an appropriate recognition for the slave laborers who worked on the construction of the United States Capitol.

At the request of Mrs. LINCOLN, the names of the Senator from North Dakota (Mr. CONRAD), the Senator from Illinois (Mr. DURBIN), the Senator from California (Mrs. BOXER), the Senator from Indiana (Mr. BAYH), the Senator from Massachusetts (Mr. KERRY), and the Senator from Nevada (Mr. REID) were added as cosponsors of S. Con. Res. 130, supra.

S.J. RES. 49

At the request of Mr. MOYNIHAN, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KERRY), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S.J. Res. 49, a joint resolution recognizing Commodore John Barry as the first flag officer of the United States Navy.

S.J. RES. 50

At the request of Mr. CRAPO, the names of the Senator from Nebraska (Mr. HAGEL), the Senator from Utah (Mr. BENNETT) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S.J. Res. 50, a joint resolution to disapprove a final rule promulgated by the Environmental Protection Agency concerning water pollution.

At the request of Mrs. LINCOLN, her name was added as a cosponsor of S.J. Res. 50, supra.

S. RES. 304

At the request of Mr. BIDEN, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Hampshire (Mr. SMITH), the Senator from Arizona (Mr. MCCAIN), the Senator from New York (Mr. MOYNIHAN), and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. Res. 304, a resolution expressing the sense of the Senate regarding the development of educational programs on veterans' contributions to the country and the designation of the week that includes Veterans Day as "National Veterans Awareness Week" for the presentation of such educational programs.

S. RES. 330

At the request of Mr. INHOFE, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. Res. 330, a resolution designating the week beginning September 24, 2000, as "National Amputee Awareness Week."

S. RES. 339

At the request of Mr. REID, the names of the Senator from Maryland (Mr. SARBANES), the Senator from North Carolina (Mr. EDWARDS), the Senator from California (Mrs. BOXER), and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. Res. 339, a resolution designating November 18, 2000, as "National Survivors of Suicide Day."

S. RES. 340

At the request of Mr. REID, the names of the Senator from Texas (Mr. GRAMM), the Senator from New Jersey (Mr. TORRICELLI), the Senator from Nebraska (Mr. HAGEL), the Senator from Vermont (Mr. JEFFORDS), and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. Res. 340, a resolution designating December 10, 2000, as "National Children's Memorial Day."

SENATE CONCURRENT RESOLUTION 132—A CONCURRENT RESOLUTION PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND A CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES.

Mr. LOTT submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 132

Resoved by the Senate (the House of Representatives concurring), That, in consonance with section 132(a) of the Legislative Reorganization Act of 1946, when the Senate recesses or adjourns at the close of business on Thursday, July 27, 2000, Friday, July 28, 2000, or on Saturday, July 29, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Tuesday, September 5, 2000, or until noon on Wednesday, September 6, 2000, or until such time on either day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Thursday, July 27, 2000, or Friday, July 28, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2:00 p.m. on Wednesday, September 6, 2000, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

SENATE CONCURRENT RESOLUTION 133—TO CORRECT THE ENROLLMENT OF S. 1809

Mr. JEFFORDS submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 133

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate, in the enrollment of the bill (S.1809) to improve service systems for individuals with developmental disabilities, and for other purposes, shall make the following corrections:

(1) Strike "1999" each place it appears (other than in section 101(a)(2)) and insert "2000".

(2) In section 101(a)(2), strike "are" and insert "were".

(3) In section 104(a)—

(A) in paragraphs (1), (3)(C), and (4), strike "2000" each place it appears and insert "2001"; and

(B) in paragraph (4), strike "fiscal year 2001" and insert "fiscal year 2002'.'

(4) In section 124(c)(4)(B)(i), strike "2001" and insert "2002".

(5) In section 125(c)—

(A) in paragraph (5)(H), strike "assess" and insert "access"; and

(B) in paragraph (7), strike "2001" and insert "2002".

(6) In section 129(a)—

(A) strike "fiscal year 2000" and insert "fiscal year 2001"; and

(B) strike "fiscal years 2001 through 2006" and insert "fiscal years 2002 through 2007".

(7) In section 144(e), strike "2001" and insert "2002".

(8) In section 145—

(A) strike "fiscal year 2000" and insert "fiscal year 2001"; and

(B) strike "fiscal years 2001 through 2006" and insert "fiscal years 2002 through 2007".

(9) In section 156—

(A) in subsection (a)(1)—

(i) strike "fiscal year 2000" and insert "fiscal year 2001"; and

(ii) strike "fiscal years 2001 through 2006" and insert "fiscal years 2002 through 2007"; and

(B) in subsection (b), strike "2000" each place it appears and insert "2001".

(10) In section 163—

(A) strike "fiscal year 2000" and insert "fiscal year 2001"; and

(B) strike "fiscal years 2001 through 2006" and insert "fiscal years 2002 through 2007".

(11) In section 212, strike "2000 through 2006" and insert "2001 through 2007".

(12) In section 305—

(A) in subsection (a)—

(i) strike "fiscal year 2000" and insert "fiscal year 2001"; and

(ii) strike "fiscal years 2001 through 2006" and insert "fiscal years 2002 through 2007"; and

(B) in subsection (b)—

(i) strike "fiscal year 2000" and insert "fiscal year 2001"; and

(ii) strike "fiscal years 2001 and 2002" and insert "fiscal years 2002 and 2003".

SENATE RESOLUTION 345—DESIGNATING OCTOBER 17, 2000, AS A "DAY OF NATIONAL CONCERN ABOUT YOUNG PEOPLE AND GUN VIOLENCE"

Mrs. MURRAY (for herself, Mr. WARNER, Mr. BINGAMAN, Mrs. BOXER, Mr. CAMPBELL, Mr. L. CHAFEE, Mr. DASCHLE, Mr. DODD, Mr. DURBIN, Mrs. FEINSTEIN, Mr. GORTON, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. REED, Mr. ROBB, Mr. SARBANES, Mr. SCHUMER, Mr. SPECTER, Mr. TORRICELLI, and Mr. WELLSTONE) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 345

Whereas every day in the United States, 12 children under the age of 19 are killed with guns;

Whereas 31 percent of children aged 12 to 17 know someone in that age bracket who carries a gun;

Whereas during the 1996–1997 school year, 5,724 students were expelled for bringing guns or explosives to school;

Whereas the homicide rate for children under 15 years of age is 16 times higher in the United States than in 25 other industrialized nations;

Whereas over the past year, at least 50 people have been killed or injured in school shootings in the United States;

Whereas young people are our Nation's most important resource, and we, as a society, have a vested interest in enabling children to grow in an environment free from fear and violence;

Whereas young people can, by taking responsibility for their own decisions and actions, and by positively influencing the decisions and actions of others, help chart a new and less violent direction for the entire Nation;

Whereas students in every school district in the Nation will be invited to take part in a day of nationwide observance involving millions of their fellow students, and will thereby be empowered to see themselves as significant agents in a wave of positive social change; and

Whereas the observance of October 17, 2000, as a "Day of National Concern About Young People and Gun Violence" will allow students to make a positive and earnest decision about their future in that such students will have the opportunity to voluntarily sign the "Student Pledge Against Gun Violence", and promise that they will never take a gun to school, will never use a gun to settle a dispute, and will actively use their influence in a positive manner to prevent friends from using guns to settle disputes: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 17, 2000, as a "Day of National Concern About Young People and Gun Violence"; and

(2) requests that the President issue a proclamation calling on the school children of the United States to observe the day with appropriate ceremonies and activities.

Mrs. MURRAY. Mr. President, I rise to introduce a resolution that has passed the Senate for the past four years unanimously. My resolution, which I am introducing today with Senator WARNER and 31 original cosponsors establishes October 17, 2000, as a "Day of National Concern about Young People and Gun Violence." For the last several years, I have sponsored this legislation. I am pleased that Senator WARNER has joined me again in leading the cosponsorship drive as we pledge to our young people across the nation that we support their strong efforts to help stop the violence in their own schools and communities. I thank Senator WARNER for his help and partnership.

Sadly, this resolution has special meaning for all of us after the tragic events that occurred in the last couple of years. School shootings across the nation have paralyzed communities and shocked the country. In recent years, we've seen school shootings from Mississippi to Oregon. In fact, just two weeks ago, a thirteen year old boy in Seattle, Washington, opened fire in a crowded cafeteria at his junior high school. Luckily no one was hurt. These events have touched us all. Adults and young people alike have been horrified by the violence that has occurred in our schools, which should be a safe haven for our children. We are left wondering what we can do to prevent these tragedies.

I am again introducing this resolution because I am convinced the best way to prevent gun violence is by reaching out to individual children and helping them make the right decisions. This resolution establishes a special day that gives parents, teachers, government leaders, service clubs, police departments, and others a way to focus on the problems caused by gun violence. It also empowers young people to take affirmative steps to end this violence by encouraging them to take a pledge not to use guns to resolve disputes.

A Minnesota homemaker, Mary Lewis Grow, developed the idea of student pledges and for a "Day of National Concern for Young People and Gun Violence." In addition, Mothers Against Violence in America, the National Parent Teacher Association, the American Federation of Teachers, the National Association of Student Councils, and the American Medical Association have joined the effort to establish a special day to express concern about our children and gun violence and to support a national effort to encourage students to sign a pledge against gun violence. In 1999, more than two million students across the nation signed the pledge card.

The Student Pledge Against Gun Violence gives students the chance to make a promise, in writing, that they will do their part to prevent gun violence. The students' pledge promises three things: (1) they will never carry a gun to school; (2) they will never resolve a dispute with a gun; and (3) they will use their influence with friends to discourage them from resolving disputes with guns.

Just think of the lives we could have saved if all students had signed—and lived up to—such a pledge last year. Twelve children would have been alive today and 50 people would have escaped injury from a school shooting. The reality is we've lost many children in what has become the all-too-common violence of drive-by shootings, drug wars, and other crime and in self-inflicted and unintentional shootings.

We all have been heartened by statistics showing crime in America on the decline. Many factors are involved, including community-based policing, stiffer sentences for those convicted, youth crime prevention programs, and changes in population demographics. None of us intend to rest on our success because we still have far too much crime and violence in our society.

So, we must find the solutions that work and focus our limited resources on resources on those. We must get tough on violent criminals—even of they are young—to protect the rest of society from their terrible actions. And we, each and every one of us, must make time to spend with our children, our neighbor's children, and the children who have no one else to care about them. Only when we reach out to our most vulnerable citizens—our kids—will we stop youth violence.

I urge all of my colleagues to join in this simple effort to focus attention on gun violence among youth by proclaiming October 17 a "Day of Concern about Young People and Gun Violence." October is National Crime Prevention Month—the perfect time to center our attention of the special needs of our kids and gun violence. We introduce this resolution today in the hopes of getting every Senator to cosponsor it prior to this passage, which we hope will occur in early September. This is an easy step for us to help facilitate the work that must go on in each community across America, as parents, teachers, friends and students try to prevent gun violence before it ruins any more lives.

Mr. WARNER. Mr. President, I rise today to once again introduce a resolution with my colleague from Washington, Senator MURRAY, to establish October 17, 2000, as the Day of National Concern About Young People and Gun Violence.

According to Health and Human Services Secretary Donna Shalala, 10 children and teens across the country are killed by firearms each day. This statistic is an alarming one, but, nevertheless, statistics can be so impersonal. We must remember that these 10 children lost everyday are real people. They are children, they are brothers, they are sisters, and they are grandchildren to real people. They are also a lost part of our future as a country. When put in real terms such as this, it is difficult to imagine a more important task facing our great nation than eliminating gun violence among America's youth.

We all remember the events in Conyers, Georgia; Littleton, Colorado; Peal, Mississippi; West Paducah, Kentucky; Jonesboro, Arkansas; and Springfield, Oregon. Neighborhoods in these areas have all been home to horrific school shootings. Youth gun violence, however, is not limited to these all too often incidences of school shootings. America has lost thousands of children in what has become the all-too-common violence of drive-by shootings, drug wars and other crimes, as well as in self-inflicted and unintentional shootings.

The good news in our fight against youth gun violence is that child gun deaths in America have fallen every year since 1994. Nevertheless, Mr. President, 10 deaths a day is 10 too many.

While there is no simple solution as to how to stop youth violence, a Minnesota homemaker, Mary Lewis Grow, developed the idea of a Day of National Concern About Young People and Gun Violence. I believe this idea is a step in the right direction, as do such groups as Mothers Against Violence in America, the National Association of Student Councils, the American Federation of Teachers, the National Parent Teacher Associations, and the American Medical Association.

Simply put, this resolution will establish October 17, 2000, as the Day of National Concern About Young People and Gun Violence. On this day, students in every school district in the Nation will be invited to voluntarily sign the "Student Pledge Against Gun Violence." By signing the pledge, students promise that they will never take a gun to school, will never use a gun to settle a dispute, and will use their influence in a positive manner to prevent friends from using guns to settle disputes.

Just last year over 2 million young Americans signed the Student Pledge Against Gun Violence. I am confident the number of student's signing this year's pledge will be even greater.

Though this resolution is not the ultimate solution to preventing future tragedies, if it stops even one incident of youth gun violence, this resolution will be invaluable. I urge all of my colleagues to join in this resolution to focus attention on gun violence among youth.

SENATE RESOLUTION 346—ACKNOWLEDGING THAT THE UNDEFEATED AND UNTIED 1951 UNIVERSITY OF SAN FRANCISCO FOOTBALL TEAM SUFFERED A GRAVE INJUSTICE BY NOT BEING INVITED TO ANY POST-SEASON BOWL GAME DUE TO RACIAL PREJUDICE THAT PREVAILED AT THE TIME AND SEEKING APPROPRIATE RECOGNITION FOR THE SURVIVING MEMBERS OF THAT CHAMPIONSHIP TEAM

Mrs. BOXER submitted the following resolution; which was considered and agreed to:

S. Res. 346

Whereas the 1951 University of San Francisco Dons football team completed its championship season with an unblemished record;

Whereas this closely knit team failed to receive an invitation to compete in any post-season Bowl game because two of its players were African-American;

Whereas the 1951 University of San Francisco Dons football team courageously and rightly rejected an offer to play in a Bowl game without their African-American teammates;

Whereas this exceptionally gifted team, for the most objectionable of reasons, was deprived of the opportunity to prove itself before a national audience;

Whereas ten members of this team were drafted into the National Football League, five played in the Pro Bowl and three were inducted into the Hall of Fame;

Whereas our Nation has made great strides in overcoming the barriers of oppression, intolerance, and discrimination in order to ensure fair and equal treatment for every American by every American; and

Whereas it is appropriate and fitting to now offer these athletes the attention and accolades they earned but were denied:

Now, therefore be it *Resolved*, That the Senate—

(1) applauds the undefeated and untied 1951 University of San Francisco Dons football team for its determination, commitment and integrity both on and off the playing field; and

(2) acknowledges that the treatment endured by this team was wrong and that recognition for its accomplishments is long overdue.

AMENDMENTS SUBMITTED

JUSTICE FOR VICTIMS OF TERRORISM ACT

MACK (AND OTHERS) AMENDMENT NO. 4021

(Ordered to lie on the table.)

Mr. MACK (for himself, Mr. Lautenberg, Mr. Leahy, and Mrs. Feinstein) submitted an amendment intended to be proposed by them to the bill (S. 1796) to modify the enforcement of certain anti-terrorism judgments, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. ENFORCEMENT OF CERTAIN ANTI-TERRORISM JUDGMENTS.

(a) Short Title.—This section may be cited as the "Justice for Victims of Terrorism Act".

(b) Definition.—

(1) In general.—Section 1603(b) of title 28, United States Code, is amended—

(A) in paragraph (3) by striking the period and inserting a semicolon and "and";

(B) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(C) by striking "(b)" through "entity—" and inserting the following:

"(b) An 'agency or instrumentality of a foreign state' means—

"(1) any entity—"; and

(D) by adding at the end the following:

"(2) for purposes of sections 1605(a)(7) and 1610 (a)(7) and (f), any entity as defined under subparagraphs (A) and (B) of paragraph (1), and subparagraph (C) of paragraph (1) shall not apply.".

(2) Technical and conforming amendment.—Section 1391(f)(3) of title 28, United States Code, is amended by striking "1603(b)" and inserting "1603(b)(1)".

(c) Enforcement of Judgments.—Section 1610(f) of title 28, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A) by striking "(including any agency or instrumentality or such state)" and inserting "(including any agency or instrumentality of such state)"; and

(B) by adding at the end the following:

"(C) Notwithstanding any other provision of law, moneys due from or payable by the United States (including any agency, subdivision or instrumentality thereof) to any state against which a judgment is pending under section 1605(a)(7) shall be subject to attachment and execution, in like manner and to the same extent as if the United States were a private person."; and

(2) by adding at the end the following:

"(3)(A) Subject to subparagraph (B), upon determining on an asset-by-asset basis that a waiver is necessary in the national security interest, the President may waive this subsection in connection with (and prior to the enforcement of) any judicial order directing attachment in aid of execution or execution against any property subject to the Vienna Convention on Diplomatic Relations, the Vienna Convention on Consular Relations, the United Nations Headquarters Agreement, or the Convention on the Privileges and Immunities of the United Nations.

"(B) A waiver under this paragraph shall not apply to—

"(i) if property subject to the Vienna Convention on Diplomatic Relations, the Vienna Convention on Consular Relations, the United Nations Headquarters Agreement, or the Convention on the Privileges and Immunities of the United Nations has been used for any nondiplomatic purpose (including use as rental property), the proceeds of such use; or

"(ii) if any asset subject to the Vienna Convention on Diplomatic Relations, the Vienna Convention on Consular Relations, the United Nations Headquarters Agreement, or the Convention on the Privileges and Immunities of the United Nations is sold or otherwise transferred for value to a third party, the proceeds of such sale or transfer.

"(C) In this paragraph, the term 'property subject to the Vienna Convention on Diplomatic Relations, the Vienna Convention on Consular Relations, the United Nations Headquarters Agreement, or the Convention on the Privileges and Immunities of the United Nations' and the term 'asset subject to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations' mean any property or asset, respectively, the attachment in aid of execution or execution of which would result in a violation of an obligation of the United States under the Vienna Convention on Diplomatic Relations, the Vienna Convention on Consular Relations, the United Nations Headquarters Agreement, or the Convention on the Privileges and Immunities of the United Nations, as the case may be.

"(4) For purposes of this subsection, all assets of any agency or instrumentality of a foreign state shall be treated as assets of that foreign state.".

(d) Technical and Conforming Amendment.—Section 117(d) of the Treasury Department Appropriations Act, 1999 (Public Law 105-277; 112 Stat. 2681-492) is repealed.

(e) Effective Date.—The amendments made by this section shall apply to any claim for which a foreign state is not immune under section 1605(a)(7) of title 28, United States Code, arising before, on, or after the date of enactment of this Act.

(f) Paygo Adjustment.—The Director of OMB shall not make any estimates of changes in direct spending outlays and receipts under section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(d)) for any fiscal year resulting from enactment of this section.

SEC. 2. AID FOR VICTIMS OF TERRORISM.

(a) Meeting the Needs of Victims of Terrorism Outside the United States.—

(1) In general.—Section 1404B(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10603b(a)) is amended as follows:

"(a) Victims of Acts of Terrorism Outside United States.—

"(1) In general.—The Director may make supplemental grants as provided in 1402(d)(5) to States, victim service organizations, and public agencies (including Federal, State, or local governments) and nongovernmental organizations that provide assistance to victims of crime, which shall be used to provide emergency relief, including crisis response efforts, assistance, training, and technical assistance, and ongoing assistance, including during any investigation or prosecution, to victims of terrorist acts or mass violence occurring outside the United States who are not persons eligible for compensation under title VIII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986.

"(2) Victim defined.—In this subsection, the term 'victim'—

"(A) means a person who is a national of the United States or an officer or employee of the United States who is injured or killed as a result of a terrorist act or mass violence occurring outside the United States; and

"(B) in the case of a person described in subparagraph (A) who is less than 18 years of age, incompetent, incapacitated, or deceased, includes a family member or legal guardian of that person.

"(3) Rule of construction.—Nothing in this subsection shall be construed to allow the Director to make grants to any foreign power (as defined by section 101(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(a)) or to any domestic or foreign organization operated for the purpose of engaging in any significant political or lobbying activities.".

(2) APPLICABILITY.—The amendment made by this subsection shall apply to any terrorist act or mass violence occurring on or after December 21, 1988, with respect to which an investigation or prosecution was ongoing after April 24, 1996.

(3) ADMINISTRATIVE PROVISION.—Not later than 90 days after the date of enactment of this Act, the Director shall establish guidelines under section 1407(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10604(a)) to specify the categories of organizations and agencies to which the Director may make grants under this subsection.

(4) TECHNICAL AMENDMENT.—Section 1404B(b) of the Victims of Crime Act of 1984 (42 U.S.C. 10603b(b)) is amended by striking "1404(d)(4)(B)" and inserting "1402(d)(5)".

(b) AMENDMENTS TO EMERGENCY RESERVE FUND.—

(1) CAP INCREASE.—Section 1402(d)(5)(A) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(5)(A)) is amended by striking "$50,000,000" and inserting "$100,000,000".

(2) TRANSFER.—Section 1402(e) of the Victims of Crime Act of 1984 (42 U.S.C 10601(e)) is amended by striking "in excess of $500,000" and all that follows through "than $500,000" and inserting "shall be available for deposit into the emergency reserve fund referred to in subsection (d)(5) at the discretion of the Director. Any remaining unobligated sums".

(c) COMPENSATION TO VICTIMS OF INTERNATIONAL TERRORISM.—

(1) IN GENERAL.—The Victims of Crime Act of 1984 (42 U.S.C. 10601 et seq.) is amended by inserting after section 1404B the following:

"SEC. 1404C. COMPENSATION TO VICTIMS OF INTERNATIONAL TERRORISM.

"(a) DEFINITIONS.—In this section:

"(1) INTERNATIONAL TERRORISM.—The term 'international terrorism' has the meaning given the term in section 2331 of title 18, United States Code.

"(2) NATIONAL OF THE UNITED STATES.—The term 'national of the United States' has the meaning given the term in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

"(3) VICTIM.—

"(A) IN GENERAL.—The term 'victim' means a person who—

"(i) suffered direct physical or emotional injury or death as a result of international terrorism occurring on or after December 21, 1988 with respect to which an investigation or prosecution was ongoing after April 24, 1996; and

"(ii) as of the date on which the international terrorism occurred, was a national of the United States or an officer or employee of the United States Government.

"(B) INCOMPETENT, INCAPACITATED, OR DECEASED VICTIMS.—In the case of a victim who is less than 18 years of age, incompetent, incapacitated, or deceased, a family member or legal guardian of the victim may receive the compensation under this section on behalf of the victim.

"(C) EXCEPTION.—Notwithstanding any other provision of this section, in no event shall an individual who is criminally culpable for the terrorist act or mass violence receive any compensation under this section, either directly or on behalf of a victim.

"(b) AWARD OF COMPENSATION.—The Director may use the emergency reserve referred to in section 1402(d)(5)(A) to carry out a program to compensate victims of acts of international terrorism that occur outside the United States for expenses associated with that victimization.

"(c) ANNUAL REPORT.—The Director shall annually submit to Congress a report on the status and activities of the program under this section, which report shall include—

"(1) an explanation of the procedures for filing and processing of applications for compensation;

"(2) a description of the procedures and policies instituted to promote public awareness about the program;

"(3) a complete statistical analysis of the victims assisted under the program, including—

"(A) the number of applications for compensation submitted;

"(B) the number of applications approved and the amount of each award;

"(C) the number of applications denied and the reasons for the denial;

"(D) the average length of time to process an application for compensation; and

"(E) the number of applications for compensation pending and the estimated future liability of the program; and

"(4) an analysis of future program needs and suggested program improvements.".

(2) CONFORMING AMENDMENT.—Section 1402(d)(5)(B) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(5)(B)) is amended by inserting ", to provide compensation to victims of international terrorism under the program under section 1404C," after "section 1404B".

(d) AMENDMENTS TO VICTIMS OF CRIME FUND.—Section 1402(c) of the Victims of Crime Act 1984 (42 U.S.C. 10601(c)) is amended by adding at the end the following: "Notwithstanding section 1402(d)(5), all sums deposited in the Fund in any fiscal year that are not made available for obligation by Congress in the subsequent fiscal year shall remain in the Fund for obligation in future fiscal years, without fiscal year limitation.".

COAST GUARD AUTHORIZATION ACT OF 1999

SNOWE (AND KERRY) AMENDMENT NO. 4022

Mr. CAMPBELL (for Ms. SNOWE (for herself and Mr. KERRY)) proposed an amendment to the bill (S. 1089) to authorize for fiscal years 2000 and 2001 for the United States Coast Guard, and for other purposes; as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coast Guard Authorization Act of 2000".

TITLE I—AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION FOR FISCAL YEAR 2000.—Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 2000, as follows:

(1) For the operation and maintenance of the Coast Guard, $2,781,000,000, of which $300,000,000 shall be available for defense-related activities and of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $389,326,000, to remain available until expended, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $19,000,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, such sums as may be necessary, to remain available until expended.

(5) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operations and maintenance), $17,000,000, to remain available until expended.

(6) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, $15,000,000, to remain available until expended.

(b) AUTHORIZATION FOR FISCAL YEAR 2001.—Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 2001, as follows:

(1) For the operation and maintenance of the Coast Guard, $3,399,000,000, of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $520,000,000, to remain available until expended, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990, and of which $110,000,000 shall be available for the construction and acquisition of a replacement vessel for the Coast Guard Cutter MACKINAW.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $21,320,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, such sums as may be necessary, to remain available until expended.

(5) For environmental compliance and restoration at Coast Guard facilities (other

than parts and equipment associated with operations and maintenance), $16,700,000, to remain available until expended.

(6) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, $15,500,000, to remain available until expended.

(c) Authorization for Fiscal Year 2002.—Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 2002 as such sums as may be necessary, of which $8,000,000 shall be available for construction or acquisition of a replacement vessel for the Coast Guard Cutter MACKINAW.

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) End-of-Year Strength for Fiscal Year 2000.—The Coast Guard is authorized an end-of-year strength for active duty personnel of 40,000 as of September 30, 2000.

(b) Training Student Loads for Fiscal Year 2000.—For fiscal year 2000, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 1,500 student years.

(2) For flight training, 100 student years.

(3) For professional training in military and civilian institutions, 300 student years.

(4) For officer acquisition, 1,000 student years.

(c) End-of-Year Strength for Fiscal Year 2001.—The Coast Guard is authorized an end-of-year strength for active duty personnel of 44,000 as of September 30, 2001.

(d) Training Student Loads for Fiscal Year 2001.—For fiscal year 2001, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 1,500 student years.

(2) For flight training, 125 student years.

(3) For professional training in military and civilian institutions, 300 student years.

(4) For officer acquisition, 1,000 student years.

(e) End-of-the-Year Strength for Fiscal Year 2002.—The Coast Guard is authorized an end-of-year strength of active duty personnel of 45,500 as of September 30, 2002.

(f) Training Student Loads for Fiscal Year 2002.—For fiscal year 2002, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 1,500 student years.

(2) For flight training, 125 student years.

(3) For professional training in military and civilian institutions, 300 student years.

(4) For officer acquisition, 1,000 student years.

SEC. 103. LORAN-C.

(a) Fiscal Year 2001.—There are authorized to be appropriated to the Department of Transportation, in addition to funds authorized for the Coast Guard for operation of the LORAN-C system, for capital expenses related to LORAN-C navigation infrastructure, $20,000,000 for fiscal year 2001. The Secretary of Transportation may transfer from the Federal Aviation Administration and other agencies of the department funds appropriated as authorized under this section in order to reimburse the Coast Guard for related expenses.

(b) Fiscal Year 2002.—There are authorized to be appropriated to the Department of Transportation, in addition to funds authorized for the Coast Guard for operation of the LORAN-C system, for capital expenses related to LORAN-C navigation infrastructure, $40,000,000 for fiscal year 2002. The Secretary of Transportation may transfer from the Federal Aviation Administration and other agencies of the department funds appropriated as authorized under this section in order to reimburse the Coast Guard for related expenses.

SEC. 104. PATROL CRAFT.

(a) Transfer of Craft from DOD.—Notwithstanding any other provision of law, the Secretary of Transportation may accept, by direct transfer without cost, for use by the Coast Guard primarily for expanded drug interdiction activities required to meet national supply reduction performance goals, up to 7 PC-170 patrol craft from the Department of Defense if it offers to transfer such craft.

(b) Authorization of Appropriations.—There are authorized to be appropriated to the Coast Guard, in addition to amounts otherwise authorized by this Act, up to $100,000,000, to remain available until expended, for the conversion of, operation and maintenance of, personnel to operate and support, and shoreside infrastructure requirements for, up to 7 patrol craft.

SEC. 105. CARIBBEAN SUPPORT TENDER.

The Coast Guard is authorized to operate and maintain a Caribbean Support Tender (or similar type vessel) to provide technical assistance, including law enforcement training, for foreign coast guards, navies, and other maritime services.

TITLE II—PERSONNEL MANAGEMENT

SEC. 201. COAST GUARD BAND DIRECTOR RANK.

Section 336(d) of title 14, United States Code, is amended by striking “commander” and inserting “captain”.

SEC. 202. COAST GUARD MEMBERSHIP ON THE USO BOARD OF GOVERNORS.

Section 220104(a)(2) of title 36, United States Code, is amended—

(1) by striking “and” at the end of subparagraph (B);

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B) the following:

“(C) the Secretary of Transportation, or the Secretary's designee, when the Coast Guard is not operating under the Department of the Navy; and”.

SEC. 203. COMPENSATORY ABSENCE FOR ISOLATED DUTY.

(a) In General.—Section 511 of title 14, United States Code, is amended to read as follows:

“§ 511. Compensatory absence from duty for military personnel at isolated duty stations

“The Secretary may prescribe regulations to grant compensatory absence from duty to military personnel of the Coast Guard serving at isolated duty stations of the Coast Guard when conditions of duty result in confinement because of isolation or in long periods of continuous duty.”.

(b) Clerical Amendment.—The chapter analysis for chapter 13 of title 14, United States Code, is amended by striking the item relating to section 511 and inserting the following:

“511. Compensatory absence from duty for military personnel at isolated duty stations”.

SEC. 204. ACCELERATED PROMOTION OF CERTAIN COAST GUARD OFFICERS.

Title 14, United States Code, is amended—

(1) in section 259, by adding at the end a new subsection (c) to read as follows:

“(c) After selecting the officers to be recommended for promotion, a selection board may recommend officers of particular merit, from among those officers chosen for promotion, to be placed at the top of the list of selectees promulgated by the Secretary under section 271(a) of this title. The number of officers that a board may recommend to be placed at the top of the list of selectees may not exceed the percentages set forth in subsection (b) unless such a percentage is a number less than one, in which case the board may recommend one officer for such placement. No officer may be recommended to be placed at the top of the list of selectees unless he or she receives the recommendation of at least a majority of the members of a board composed of five members, or at least two-thirds of the members of a board composed of more than five members.”;

(2) in section 260(a), by inserting “and the names of those officers recommended to be advanced to the top of the list of selectees established by the Secretary under section 271(a) of this title” after “promotion”; and

(3) in section 271(a), by inserting at the end thereof the following: “The names of all officers approved by the President and recommended by the board to be placed at the top of the list of selectees shall be placed at the top of the list of selectees in the order of seniority on the active duty promotion list.”.

SEC. 205. COAST GUARD ACADEMY BOARD OF TRUSTEES.

(a) In General.—Section 193 of title 14, United States Code, is amended to read as follows:

“§ 193. Board of Trustees.

“(a) Establishment.—The Commandant of the Coast Guard may establish a Coast Guard Academy Board of Trustees to provide advice to the Commandant and the Superintendent on matters relating to the operation of the Academy and its programs.

“(b) Membership.—The Commandant shall appoint the members of the Board of Trustees, which may include persons of distinction in education and other fields related to the missions and operation of the Academy. The Commandant shall appoint a chairperson from among the members of the Board of Trustees.

“(c) Expenses.—Members of the Board of Trustees who are not Federal employees shall be allowed travel expenses while away from their homes or regular places of business in the performance of service for the Board of Trustees. Travel expenses include per diem in lieu of subsistence in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5.

“(d) FACA Not To Apply.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board of Trustees established pursuant to this section.”.

(b) Conforming Amendments.—

(1) Section 194(a) of title 14, United States Code, is amended by striking “Advisory Committee” and inserting “Board of Trustees”.

(2) The chapter analysis for chapter 9 of title 14, United States Code, is amended by striking the item relating to section 193, and inserting the following:

“193. Board of Trustees”.

SEC. 206. SPECIAL PAY FOR PHYSICIAN ASSISTANTS.

Section 302c(d)(1) of title 37, United States Code, is amended by inserting “an officer in the Coast Guard or Coast Guard Reserve designated as a physician assistant,” after “nurse,”.

SEC. 207. SUSPENSION OF RETIRED PAY OF COAST GUARD MEMBERS WHO ARE ABSENT FROM THE UNITED STATES TO AVOID PROSECUTION.

Procedures promulgated by the Secretary of Defense under section 633(a) of the National Defense Authorization Act for Fiscal Year 1997 (Pub. L. 104-201) shall apply to the Coast Guard. The Commandant of the Coast Guard shall be considered a Secretary of a military department for purposes of suspending pay under section 633 of that Act.

SEC. 208. EXTENSION OF COAST GUARD HOUSING AUTHORITIES.

Section 689 of title 14, United States Code, is amended by striking "2001." and inserting "2006.".

TITLE III—MARINE SAFETY

SEC. 301. EXTENSION OF TERRITORIAL SEA FOR VESSEL BRIDGE-TO-BRIDGE RADIOTELEPHONE ACT.

Section 4(b) of the Vessel Bridge-to-Bridge Radiotelephone Act (33 U.S.C. 1203(b)), is amended by striking "United States inside the lines established pursuant to section 2 of the Act of February 19, 1895 (28 Stat. 672), as amended." and inserting "United States, which includes all waters of the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988.".

SEC. 302. ICEBREAKING SERVICES.

The Commandant of the Coast Guard shall not plan, implement or finalize any regulation or take any other action which would result in the decommissioning of any WYTL-class harbor tugs unless and until the Commandant certifies in writing to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House, that sufficient replacement assets have been procured by the Coast Guard to remediate any degradation in current icebreaking services that would be caused by such decommissioning.

SEC. 303. OIL SPILL LIABILITY TRUST FUND ANNUAL REPORT.

(a) In General.—The report regarding the Oil Spill Liability Trust Fund required by the Conference Report (House Report 101–892) accompanying the Department of Transportation and Related Agencies Appropriations Act, 1991, as that requirement was amended by section 1122 of the Federal Reports Elimination and Sunset Act of 1995 (26 U.S.C. 9509 note), shall no longer be submitted to Congress.

(b) Repeal.—Section 1122 of the Federal Reports Elimination and Sunset Act of 1995 (26 U.S.C. 9509 note) is amended by—

(1) striking subsection (a); and

(2) striking "(b) Report on Joint Federal and State Motor Fuel Tax Compliance Project.—".

SEC. 304. OIL SPILL LIABILITY TRUST FUND; EMERGENCY FUND BORROWING AUTHORITY.

Section 6002(b) of the Oil Pollution Act of 1990 (33 U.S.C. 2752(b)) is amended after the first sentence by inserting "To the extent that such amount is not adequate for removal of a discharge or the mitigation or prevention of a substantial threat of a discharge, the Coast Guard may borrow from the Fund such sums as may be necessary, up to a maximum of $100,000,000, and within 30 days shall notify Congress of the amount borrowed and the facts and circumstances necessitating the loan. Amounts borrowed shall be repaid to the Fund when, and to the extent that removal costs are recovered by the Coast Guard from responsible parties for the discharge or substantial threat of discharge.".

SEC. 305. MERCHANT MARINER DOCUMENTATION REQUIREMENTS.

(a) Interim Merchant Mariners' Documents.—Section 7302 of title 46, United States Code, is amended—

(1) by striking "A" in subsection (f) and inserting "Except as provided in subsection (g), a"; and

(2) by adding at the end the following:

"(g)(1) The Secretary may, pending receipt and review of information required under subsections (c) and (d), immediately issue an interim merchant mariner's document valid for a period not to exceed 120 days, to—

"(A) an individual to be employed as gaming personnel, entertainment personnel, wait staff, or other service personnel on board a passenger vessel not engaged in foreign service, with no duties, including emergency duties, related to the navigation of the vessel or the safety of the vessel, its crew, cargo or passengers; or

"(B) an individual seeking renewal of, or qualifying for a supplemental endorsement to, a valid merchant mariner's document issued under this section.

"(2) No more than one interim document may be issued to an individual under paragraph (1)(A) of this subsection.".

(b) Exception.—Section 8701(a) of title 46, United States Code, is amended—

(1) by striking "and" after the semicolon in paragraph (8);

(2) by redesignating paragraph (9) as paragraph (10); and

(3) by inserting after paragraph (8) the following:

"(9) a passenger vessel not engaged in a foreign voyage with respect to individuals on board employed for a period of not more than 30 service days within a 12 month period as entertainment personnel, with no duties, including emergency duties, related to the navigation of the vessel or the safety of the vessel, its crew, cargo or passengers; and".

SEC. 306. PENALTIES FOR NEGLIGENT OPERATIONS AND INTERFERING WITH SAFE OPERATION.

Section 2302(a) of title 46, United States Code, is amended by striking "$1,000." and inserting "$25,000.".

SECTION 307. AMENDMENT OF DEATH ON THE HIGH SEAS ACT.

(a) Right of Action.—The first section of the Act of March 30, 1920 (46 U.S.C. App. 761; popularly known as the "Death on the High Seas Act") is amended—

(1) by striking "accident" in subsection (b) and inserting "accident, or an accident involving a passenger on a vessel other than a recreational vessel or an individual on a recreational vessel (other than a member of the crew engaged in the business of the recreational vessel who has not contributed consideration for carriage and who is paid for on-board services),"; and

(2) by adding at the end the following:

"(c) Passenger; Recreation Vessel.—In this section:

"(1) Passenger.—The term 'passenger' has the meaning given that term by section 2101(21) of title 46, United States Code.

"(2) Recreational vessel.—The term 'recreational vessel' has the meaning given that term by section 2101(25) of title 46, United States Code.".

(b) Amount and Apportionment of Recovery.—Section 2(b) of that Act (46 U.S.C. App. 762(b)) is amended—

(1) by striking "accident" in paragraph (1) and inserting "accident, or an accident involving a passenger on a vessel other than a recreational vessel or an individual on a recreational vessel (other than a member of the crew engaged in the business of the recreational vessel who has not contributed consideration for carriage and who is paid for on-board services),"; and

(2) by striking "companionship." in paragraph (2) and inserting "companionship, and the terms 'passenger' and 'recreational vessel' have the meaning given them by paragraphs (21) and (25), respectively, of section 2101 of title 46, United States Code.".

(c) Effective Date.—The amendments made by this section apply to any death after November 22, 1995.

TITLE IV—RENEWAL OF ADVISORY GROUPS

SEC. 401. COMMERCIAL FISHING INDUSTRY VESSEL ADVISORY COMMITTEE.

(a) Commercial Fishing Industry Vessel Advisory Committee.—Section 4508 of title 46, United States Code, is amended—

(1) by inserting "**Safety**" in the heading after "**Vessel**";

(2) by inserting "Safety"in subsection (a) after "Vessel";

(3) by striking "Secretary" in subsection (a)(1) and inserting "Secretary, through the Commandant of the Coast Guard,";

(4) by striking "Secretary" in subsection (a)(4) and inserting "Commandant";

(5) by striking the last sentence in subsection (b)(5);

(6) by striking "Committee" in subsection (c)(1) and inserting "Committee, through the Commandant,";

(7) by striking "shall" in subsection (c)(2) and inserting "shall, through the Commandant,"; and

(8) by striking "(5 U.S.C App. 1 et seq.)" in subsection (e)(1)(I) and inserting "(5 U.S.C. App.)"; and

(9) by striking "of September 30, 2000" and inserting "on September 30, 2005".

(b) Conforming Amendment.—The chapter analysis for chapter 45 of title 46, United States Code, is amended by striking the item relating to section 4508 and inserting the following:

"4508. Commercial Fishing Industry Vessel
Safety Advisory Committee".

SEC. 402. HOUSTON-GALVESTON NAVIGATION SAFETY ADVISORY COMMITTEE.

Section 18 of the Coast Guard Authorization Act of 1991 is amended—

(1) by striking "operating (hereinafter in this part referred to as the 'Secretary')" in the second sentence of subsection (a)(1) and inserting "operating, through the Commandant of the Coast Guard,";

(2) by striking "Committee" in the third sentence of subsection (a)(1) and inserting "Committee, through the Commandant,";

(3) by striking "Secretary," in the second sentence of subsection (a)(2) and inserting "Commandant,"; and

(4) by striking "September 30, 2000." in subsection (h) and inserting "September 30, 2005.".

SEC. 403. LOWER MISSISSIPPI RIVER WATERWAY ADVISORY COMMITTEE.

Section 19 of the Coast Guard Authorization Act of 1991 (Public Law 102-241) is amended—

(1) by striking "operating (hereinafter in this part referred to as the 'Secretary')" in the second sentence of subsection (a)(1) and inserting "operating, through the Commandant of the Coast Guard,";

(2) by striking "Committee" in the third sentence of subsection (a)(1) and inserting "Committee, through the Commandant,"; and

(3) by striking "September 30, 2000" in subsection (g) and inserting "September 30, 2005".

SEC. 404. GREAT LAKES PILOTAGE ADVISORY COMMITTEE

Section 9307 of title 46, United States Code, is amended—

(1) by striking "Secretary" in subsection (a)(1) and inserting "Secretary, through the Commandant of the Coast Guard,";

(2) by striking "Secretary," in subsection (a)(4)(A) and inserting "Commandant,";

(3) by striking the last sentence of subsection (c)(2);

(4) by striking "Committee" in subsection (d)(1) and inserting "Committee, through the Commandant,";

(5) by striking "Secretary" in subsection (d)(2) and inserting "Secretary, through the Commandant,"; and

(6) by striking "September 30, 2003." in subsection (f)(1) and inserting "September 30, 2005.".

SEC. 405. NAVIGATION SAFETY ADVISORY COUNCIL

Section 5 of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2073) is amended—

(1) by striking "Secretary" in the first sentence of subsection (b) and inserting "Secretary, through the Commandant of the Coast Guard,";

(2) by striking "Secretary" in the third sentence of subsection (b) and inserting "Commandant"; and

(3) by striking "September 30, 2000" in subsection (d) and inserting "September 30, 2005".

SEC. 406. NATIONAL BOATING SAFETY ADVISORY COUNCIL.

Section 13110 of title 46, United States Code, is amended—

(1) by striking "consult" in subsection (c) and inserting "consult, through the Commandant of the Coast Guard,"; and

(2) by striking "September 30, 2000" in subsection (e) and inserting "September 30, 2005".

SEC. 407. TOWING SAFETY ADVISORY COMMITTEE.

The Act entitled An Act to Establish a Towing Safety Advisory Committee in the Department of Transportation (33 U.S.C. 1231a) is amended—

(1) by striking "Secretary" in the second sentence of subsection (b) and inserting "Secretary, through the Commandant of the Coast Guard";

(2) by striking "Secretary" in the first sentence of subsection (c) and inserting "Secretary, through the Commandant,";

(3) by striking "Committee" in the third sentence of subsection (c) and inserting "Committee, through the Commandant,";

(3) by striking "Secretary," in the fourth sentence of subsection (c) and inserting "Commandant,"; and

(4) by striking "September 30, 2000."in subsection (e) and inserting "September 30, 2005.".

TITLE V—MISCELLANEOUS.

SEC. 501. COAST GUARD REPORT ON IMPLEMENTATION OF NTSB RECOMMENDATIONS.

The Commandant of the United States Coast Guard shall submit a written report to the Committee on Commerce, Science, and Transportation within 90 days after the date of enactment of this Act on what actions the Coast Guard has taken to implement the recommendations of the National Transportation Safety Board in its Report No. MAR-99-01. The report—

(1) shall describe in detail, by geographic region—

(A) what steps the Coast Guard is taking to fill gaps in its communications coverage;

(B) what progress the Coast Guard has made in installing direction-finding systems; and

(C) what progress the Coast Guard has made toward completing its national distress and response system modernization project; and

(2) include an assessment of the safety benefits that might reasonably be expected to result from increased or accelerated funding for—

(A) measures described in paragraph (1)(A); and

(B) the national distress and response system modernization project.

SEC. 502. CONVEYANCE OF COAST GUARD PROPERTY IN PORTLAND, MAINE.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Administrator of the General Services Administration may convey to the Gulf of Maine Aquarium Development Corporation, its successors and assigns, without payment for consideration, all right, title, and interest of the United States of America in and to approximately 4.13 acres of land, including a pier and bulkhead, known as the Naval Reserve Pier property, together with any improvements thereon in their then current condition, located in Portland, Maine. All conditions placed with the deed of title shall be construed as covenants running with the land. Since the Federal agency actions necessary to effectuate the transfer of the Naval Reserve Pier property will further the objectives of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), requirements applicable to agency actions under these and other environmental planning laws are unnecessary and shall not be required. The provisions of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.) shall not apply to any building or property at the Naval Reserve Pier property.

(2) IDENTIFICATION OF PROPERTY.—The Administrator, in consultation with the Commandant of the Coast Guard, may identify, describe, and determine the property to be conveyed under this section. The floating docks associated with or attached to the Naval Reserve Pier property shall remain the personal property of the United States.

(b) LEASE TO THE UNITED STATES.—

(1) The Naval Reserve Pier property shall not be conveyed until the Corporation enters into a lease agreement with the United States, the terms of which are mutually satisfactory to the Commandant and the Corporation, in which the Corporation shall lease a portion of the Naval Reserve Pier property to the United States for a term of 30 years without payment of consideration. The lease agreement shall be executed within 12 months after the date of enactment of this Act.

(2) The Administrator, in consultation with the Commandant, may identify and describe the Leased Premises and rights of access including, but not limited to, those listed below, in order to allow the United States Coast Guard to operate and perform missions, from and upon the Leased Premises:

(A) the right of ingress and egress over the Naval Reserve Pier property, including the pier and bulkhead, at any time, without notice, for purposes of access to United States Coast Guard vessels and performance of United States Coast Guard missions and other mission-related activities;

(B) the right to berth United States Coast Guard cutters or other vessels as required, in the moorings along the east side of the Naval Reserve Pier property, and the right to attach floating docks which shall be owned and maintained at the United States' sole cost and expense;

(C) the right to operate, maintain, remove, relocate, or replace an aid to navigation located upon, or to install any aid to navigation upon, the Naval Reserve Pier property as the Coast Guard, in its sole discretion, may determine is needed for navigational purposes;

(D) the right to occupy up to 3,000 gross square feet at the Naval Reserve Pier Property for storage and office space, which will be provided and constructed by the Corporation, at the Corporation's sole cost and expense, and which will be maintained, and utilities and other operating expenses paid for, by the United States at its sole cost and expense;

(E) the right to occupy up to 1200 gross square feet of offsite storage in a location other than the Naval Reserve Pier Property, which will be provided by the Corporation at the Corporation's sole cost and expense, and which will be maintained, and utilities and other operating expenses paid for, by the United States at its sole cost and expense; and

(F) the right for United States Coast Guard personnel to park up to 60 vehicles, at no expense to the government, in the Corporation's parking spaces on the Naval Reserve Pier property or in parking spaces that the Corporation may secure within 1,000 feet of the Naval Reserve Pier property or within 1,000 feet of the Coast Guard Marine Safety Office Portland. Spaces for no less than thirty vehicles shall be located on the Naval Reserve Pier property.

(3) The lease described in paragraph (1) may be renewed, at the sole option of the United States, for additional lease terms.

(4) The United States may not sublease the Leased Premises to a third party or use the Leased Premises for purposes other than fulfilling the missions of the United States Coast Guard and for other mission related activities.

(5) In the event that the United States Coast Guard ceases to use the Leased Premises, the Administrator, in consultation with the Commandant, may terminate the lease with the Corporation.

(c) IMPROVEMENT OF LEASED PREMISES.—

(1) The Naval Reserve Pier property shall not be conveyed until the Corporation enters into an agreement with the United States, subject to the Commandant's design specifications, project's schedule, and final project approval, to replace the bulkhead and pier which connects to, and provides access from, the bulkhead to the floating docks, at the Corporation's sole cost and expense, on the east side of the Naval Reserve Pier Property within 30 months from the date of conveyance. The agreement to improve the leased premises shall be executed within 12 months after the date of enactment of this Act.

(2) In addition to the improvements described in paragraph (1), the Commandant is authorized to further improve the Leased Premises during the lease term, at the United States' sole cost and expense.

(d) UTILITY INSTALLATION AND MAINTAINANCE OBLIGATIONS.—

(1) The Naval Reserve Pier property shall not be conveyed until the Corporation enters into an agreement with the United States to allow the Unites States to operate and maintain existing utility lines and related equipment, at the United States' sole cost and expense. At such time as the Corporation constructs its proposed public aquarium, the

Corporation shall replace existing utility lines and related equipment and provide additional utility lines and equipment capable of supporting a third 110-foot Coast Guard cutter, with comparable, new, code compliant utility lines and equipment at the Corporation's sole cost and expense, maintain such utility lines and related equipment from an agreed upon demarcation point, and make such utility lines and equipment available for use by the United States, provided that the United States pays for its use of utilities at its sole cost and expense. The agreement concerning the operation and maintenance of utility lines and equipment shall be executed within 12 months after the date of enactment of this Act.

(2) The Naval Reserve Pier property shall not be conveyed until the Corporation enters into an agreement with the United States to maintain, at the Corporation's sole cost and expense, the bulkhead and pier on the east side of the Naval Reserve Pier property. The agreement concerning the maintenance of the bulkhead and pier shall be executed within 12 months after the date of enactment of this Act.

(3) The United States shall be required to maintain, at its sole cost and expense, any Coast Guard active aid to navigation located upon the Naval Reserve Pier Property.

(e) ADDITIONAL RIGHTS.—The conveyance of the Naval Reserve Pier property shall be made subject to conditions the Administrator or the Commandant consider necessary to ensure that—

(1) the Corporation shall not interfere or allow interference, in any manner, with use of the Leased Premises by the United States; and

(2) the Corporation shall not interfere or allow interference, in any manner, with any aid to navigation nor hinder activities required for the operation and maintenance of any aid to navigation, without the express written permission of the head of the agency responsible for operating and maintaining the aid to navigation.

(f) REMEDIES AND REVERSIONARY INTEREST.—The Naval Reserve Pier property, at the option of the Administrator, shall revert to the United States and be placed under the administrative control of the Administrator, if, and only if, the Corporation fails to abide by any of the terms of this section or any agreement entered into under subsection (b), (c), or (d) of this section.

(g) LIABILITY OF THE PARTIES.—The liability of the United States and the Corporation for any injury, death, or damage to or loss of property occurring on the leased property shall be determined with reference to existing State or Federal law, as appropriate, and any such liability may not be modified or enlarged by this Act or any agreement of the parties.

(h) EXPIRATION OF AUTHORITY TO CONVEY.—The authority to convey the Naval Reserve Property under this section shall expire 3 years after the date of enactment of this Act.

(i) DEFINITIONS.—In this section:

(1) AID TO NAVIGATION.—The term "aid to navigation" means equipment used for navigational purposed, including but not limited to, a light, antenna, sound signal, electronic navigation equipment, cameras, sensors power source, or other related equipment which are operated or maintained by the United States.

(2) CORPORATION.—The term "Corporation" means the Gulf of Maine Aquarium Development Corporation, its successors and assigns.

SEC. 503. TRANSFER OF COAST GUARD STATION SCITUATE TO THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

(a) AUTHORITY TO TRANSFER.

(1) IN GENERAL.—The Administrator of the General Services Administration (Administrator), in consultation with the Commandant, United States Coast Guard, may transfer, without consideration, administrative jurisdiction, custody and control over the Federal property, known as Coast Guard Station Scituate, to the National Oceanic and Atmospheric Administration (NOAA). Since the Federal agency actions necessary to effectuate the administrative transfer of the property will further the objectives of the National Environmental Policy Act of 1969, P. L. 91-190 (42 U.S.C. 4321 et seq.) and the National Historic Preservation Act of 1966, P. L. 89-665 (16 U.S.C. 470 et seq.), procedures applicable to agency actions under these laws are unnecessary and shall not be required. Similarly, the Federal agency actions necessary to effectuate the transfer of the property will not be subject to the Stewart B. McKinney Homeless Assistance Act, P. L. 100-77 (42 U.S.C. 11301 et seq.).

(2) IDENTIFICATION OF PROPERTY.—The Administrator, in consultation with the Commandant, may identify, describe, and determine the property to be transferred under this subsection.

(b) TERMS OF TRANSFER.—The transfer of the property shall be made subject to any conditions and reservations the Administrator and the Commandant consider necessary to ensure that

(1) the transfer of the property to NOAA is contingent upon the relocation of Coast Guard Station Scituate to a suitable site;

(2) there is reserved to the Coast Guard the right to remove, relocate, or replace any aid to navigation located upon, or install any aid to navigation upon, the property transferred under this section as may be necessary for navigational purposes; and

(3) the Coast Guard shall have the right to enter the property transferred under this section at any time, without notice, for purposes of operating, maintaining, and inspecting any aid to navigation. The transfer of the property shall be made subject to the review and acceptance of the property by NOAA.

(c) RELOCATION OF STATION SCITUATE.—The Coast Guard may lease land, including unimproved or vacant land, for a term not to exceed 20 years, for the purpose of relocating Coast Guard Station Scituate. The Coast Guard may improve the land leased under paragraph (1) of this subsection.

SEC. 504. HARBOR SAFETY COMMITTEES.

(a) STUDY.—The Coast Guard shall study existing harbor safety committees in the United States to identify—

(1) strategies for gaining successful cooperation among the various groups having an interest in the local port or waterway;

(2) organizational models that can be applied to new or existing harbor safety committees or to prototype harbor safety committees established under subsection (b);

(3) technological assistance that will help harbor safety committees overcome local impediments to safety, mobility, environmental protection, and port security; and

(4) recurring resources necessary to ensure the success of harbor safety committees.

(b) PROTOTYPE COMMITTEES.—The Coast Guard shall test the feasibility of expanding the harbor safety committee concept to small and medium-sized ports that are not generally served by a harbor safety committee by establishing 1 or more prototype harbor safety committees. In selecting a location or locations for the establishment of a prototype harbor safety committee, the Coast Guard shall—

(1) consider the results of the study conducted under subsection (a);

(2) consider identified safety issues for a particular port;

(3) compare the potential benefits of establishing such a committee with the burdens the establishment of such a committee would impose on participating agencies and organizations;

(4) consider the anticipated level of support from interested parties; and

(5) take into account such other factors as may be appropriate.

(c) EFFECT ON EXISTING PROGRAMS AND STATE LAW.—Nothing in this section—

(1) limits the scope or activities of harbor safety committees in existence on the date of enactment of this Act;

(2) precludes the establishment of new harbor safety committees in locations not selected for the establishment of a prototype committee under subsection (b); or

(3) preempts State law.

(d) NONAPPLICATION OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to harbor safety committees established under this section or any other provision of law.

(e) HARBOR SAFETY COMMITTEE DEFINED.—In this section, the term "harbor safety committee" means a local coordinating body—

(1) whose responsibilities include recommending actions to improve the safety of a port or waterway; and

(2) the membership of which includes representatives of government agencies, maritime labor and industry organizations, environmental groups, and public interest groups.

SEC. 505. EXTENSION OF INTERIM AUTHORITY FOR DRY BULK CARGO RESIDUE DISPOSAL.

Section 415(b)(2) of the Coast Guard Authorization Act of 1998 is amended by striking "2002." and inserting "2003.".

SEC. 506. LIGHTHOUSE CONVEYANCE.

Nothwithstanding any other provision of law, the conveyance authorized by section 416(a)(1)(H) of Public Law 105-383 shall take place within 3 months after the date of enactment of this Act. Notwithstanding the previous sentence, the conveyance shall be subject to subsections (a)(2), (a)(3), (b), and (c) of section 416 of Public Law 105-383.

SEC. 507. FORMER COAST GUARD PROPERTY IN TRAVERSE CITY, MICHIGAN.

Notwithstanding any other provision of law, and subject to the availability of funds appropriated specifically for the project, the Coast Guard is authorized to transfer funds in an amount not to exceed $200,000 and project management authority to the Traverse City Area Public School District for the purposes of demolition and removal of the structure commonly known as "Building 402" at former Coast Guard property located in Traverse City, Michigan, and associated site work. No such funds shall be transferred until the Coast Guard receives a detailed, fixed price estimate from the School District describing the nature and cost of the work to be performed, and the Coast Guard shall transfer only that amount of funds it and the School District consider necessary to complete the project.

SEC. 508. CONVEYANCE OF COAST GUARD PROPERTY IN MIDDLETOWN, CALIFORNIA.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Administrator of General Services (in this section referred to

as the "Administrator") shall promptly convey to Lake County, California (in this section referred to as the "County"), without consideration, all right, title, and interest of the United States (subject to subsection (c)) in and to the property described in subsection (b).

(2) Identification of Property.—The Administrator, in consultation with the Commandant of the Coast Guard, may identify, describe, and determine the property to be conveyed under this section.

(b) Property Described.—

(1) In general.—The property referred to in subsection (a) is such portion of the Coast Guard Loran Station Middletown as has been reported to the General Services Administration to be excess property, consisting of approximately 733.43 acres, and is comprised of all or part of tracts A–101, A–102, A–104, A–105, A–106, A–107, A–108, and A–111.

(2) Survey.—The exact acreage and legal description of the property conveyed under subsection (a), and any easements or rights-of-way reserved by the United States under subsection (c)(1), shall be determined by a survey satisfactory to the Administrator. The cost of the survey shall be borne by the County.

(c) Conditions.—

(1) In general.—In making the conveyance under subsection (a), the Administrator shall—

(A) reserve for the United States such existing rights-of-way for access and such easements as are necessary for continued operation of the loran station;

(B) preserve other existing easements for public roads and highways, public utilities, irrigation ditches, railroads, and pipelines; and

(C) impose such other restrictions on use of the property conveyed as are necessary to protect the continued operation of the loran station.

(2) Firebreaks and fence.—(A) The Administrator may not convey any property under this section unless the County and the Commandant of the Coast Guard enter into an agreement with the Administrator under which the County is required, in accordance with design specifications and maintenance standards established by the Commandant—

(i) to establish and construct within 6 months after the date of the conveyance, and thereafter to maintain, firebreaks on the property to be conveyed; and

(ii) construct within 6 months after the date of conveyance, and thereafter maintain, a fence approved by the Commandant along the property line between the property conveyed and adjoining Coast Guard property.

(B) The agreement shall require that—

(i) the County shall pay all costs of establishment, construction, and maintenance of firebreaks under subparagraph (A)(i); and

(ii) the Commandant shall provide all materials needed to construct a fence under subparagraph (A)(ii), and the County shall pay all other costs of construction and maintenance of the fence.

(3) Covenants appurtenant.—The Administrator shall take actions necessary to render the requirement to establish, construct, and maintain firebreaks and a fence under paragraph (2) and other requirements and conditions under paragraph (1), under the deed conveying the property to the County, covenants that run with the land for the benefit of land retained by the United States.

(d) Reversionary Interest.—The real property conveyed pursuant to this section, at the option of the Administrator, shall revert to the United States and be placed under the administrative control of the Administrator, if—

(1) the County sells, conveys, assigns, exchanges, or encumbers the property conveyed or any part thereof;

(2) the County fails to maintain the property conveyed in a manner consistent with the terms and conditions in subsection (c);

(3) the County conducts any commercial activities at the property conveyed, or any part thereof, without approval of the Secretary; or

(4) at least 30 days before the reversion, the Administrator provides written notice to the owner that the property or any part thereof is needed for national security purposes.

TITLE VI—JONES ACT WAIVERS

SEC. 601. CERTIFICATES OF DOCUMENTATION.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), section 8 of the Act of June 19, 1886 (24 Stat. 81, chapter 421; 46 U.S.C. App. 289), and sections 12106 and 12108 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the following vessels:

(1) LOOKING GLASS, United States official number 925735.

(2) YANKEE, United States official number 1076210.

(3) LUCKY DOG, of St. Petersburg, Florida, State of Florida registration number FLZP7569E373.

(4) ENTERPRIZE, United States official number 1077571.

(5) M/V SANDPIPER, United States official number 1079439.

(6) FRITHA, United States official number 1085943.

(7) PUFFIN, United States official number 697029.

SEC. 602. CERTIFICATE OF DOCUMENTATION FOR THE EAGLE.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), chapter 121 of title 46, United States Code, and section 1 of the Act of May 28, 1906 (46 U.S.C. App. 292), the Secretary of Transportation shall issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel EAGLE, hull number BK—1754, United States official number 1091389 if the vessel is—

(1) owned by a State, a political subdivision of a State, or a public authority chartered by a State;

(2) if chartered, is chartered to a State, a political subdivision of a State, or a public authority chartered by a State;

(3) is operated only in conjunction with—

(A) scour jet operations; or

(B) dredging services adjacent to facilities owned by the State, political subdivision, or public authority; and

(4) is externally identified clearly as a vessel of that State, subdivision or authority.

TITLE VII—CERTAIN ALASKAN CRUISE SHIP OPERATIONS

SEC. 701. DISCHARGE OF UNTREATED SEWAGE.

A cruise vessel operating in the waters of the Alexander Archipelago shall not discharge any untreated sewage.

SEC. 702. DISCHARGE OF TREATED SEWAGE.

(a) Limit on Discharges of Treated Sewage.—A cruise vessel operating in the waters of the Alexander Archipelago shall not discharge any treated sewage unless the cruise vessel is underway and is proceeding at not less than 4 knots.

(b) Supplemental Rulemaking on Treated Sewage Discharge.—Additional regulations governing the discharge of treated sewage may be promulgated taking into consideration any studies conducted by any agency of the United States, and recommendations made by the Cruise Ship Waste Disposal and Management Executive Steering Committee convened by the Alaska Department of Environmental Conservation.

SEC. 703. DISCHARGES OF GRAYWATER.

(a) Limit on Discharges of Graywater.—A cruise vessel operating in the waters of the Alexander Archipelago shall not discharge any graywater unless—

(1) the cruise vessel is underway and is proceeding at not less than four knots; and

(2) the cruise vessel's graywater system is tested on a frequency prescribed by the Secretary to verify that discharges of graywater do not contain chemicals used in the operation of the vessel (including photographic chemicals or dry cleaning solvents) present in an amount that would constitute a hazardous waste under part 261 of title 40, Code of Federal Regulations, (or any successor regulation).

(b) Supplemental Rulemaking on Graywater Discharges.—Additional regulations governing the discharge of graywater may be promulgated after taking into consideration any studies conducted by any agency of the United States, and recommendations made by the Cruise Ship Waste Disposal and Management Executive Steering Committee convened by the Alaska Department of Environmental Conservation.

SEC. 704. INSPECTION REGIME.

(a) In General.—The Secretary shall incorporate into the commercial vessel examination program an inspection regime sufficient to verify that cruise vessels operating in the waters of the Alexander Archipelago are in full compliance with this title and any regulations issued thereunder, the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), other applicable Federal laws and regulations, and all applicable international treaty requirements.

(b) Matters To Be Examined.—The inspection regime—

(1) shall include—

(A) examination of environmental compliance records and procedures; and

(B) inspection of the functionality and proper operation of installed equipment for pollution abatement and controls; and

(2) may include unannounced inspections of any aspect of cruise vessel operations or equipment pertinent to the verification under subsection (a) of this section.

SEC. 705. STUDIES.

Any agency of the United States undertaking a study of the environmental impact of cruise vessel discharges of sewage, treated sewage or graywater shall ensure that cruise vessel operators, other United States agencies with jurisdiction over cruise vessel operations, and affected coastal State governments are provided an opportunity to review and comment on such study prior to publication of the study, and shall ensure that such study, if used as a basis for a rulemaking governing the discharge or treatment of sewage, treated sewage or graywater by cruise vessels, is subjected to a scientific peer review process prior to the publication of the proposed rule.

SEC. 706. CRIMINAL PENALTIES.

A person who knowingly violates section 701, 702(a), or 703(a), or any regulation promulgated pursuant to section 702(b) or 703(b), commits a class D felony. In the discretion of the Court, an amount equal to not more than one-half of such fine may be paid to the person giving information leading to conviction.

SEC. 707. CIVIL PENALTIES.

(a) In General.—A person who is found by the Secretary, after notice and an opportunity for a hearing, to have violated section 701, 702(a), or 703(a), or any regulation promulgated pursuant to section 702(b) or 703(b), shall be liable to the United States for a civil penalty, not to exceed $25,000 for each violation. Each day of a continuing violation shall constitute a separate violation. The amount of the civil penalty shall be assessed by the Secretary, or his designee, by written notice. In determining the amount of the penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and other matters as justice may require. An amount equal to not more than one-half of such penalties may be paid by the Secretary to the person giving information leading to the assessment of such penalties.

(b) Abatement of Civil Penalties; Collection by Attorney General.—The Secretary may compromise, modify or remit, with or without conditions, any civil penalty which is subject to assessment or which has been assessed under this section. If any person fails to pay an assessment of a civil penalty after it has become final, the Secretary may refer the matter to the Attorney General of the United States for collection in any appropriate district court of the United States.

SEC. 708. LIABILITY IN REM; DISTRICT COURT JURISDICTION.

A vessel operated in violation of this title is liable in rem for any fine imposed under section 706 or civil penalty assessed under section 707, and may be proceeded against in the United States district court of any district in which the vessel may be found.

SEC. 709. VESSEL CLEARANCE OR PERMITS; REFUSAL OR REVOCATION; BOND OR OTHER SURETY.

If any vessel subject to this title, its owner, operator, or person in charge is liable for a fine or civil penalty under this title, or if reasonable cause exists to believe that the vessel, its owner, operator, or person in charge may be subject to a fine or a civil penalty under this title, the Secretary of the Treasury, upon the request of the Secretary, shall refuse or revoke the clearance required by section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91). Clearance may be granted upon the filing of a bond or other surety satisfactory to the Secretary.

SEC. 710. REGULATIONS.

The Secretary shall prescribe any regulations necessary to carry out the provisions of this title.

SEC. 711. DEFINITIONS.

In this title:

(1) Waters of the Alexander Archipelago.—The term "waters of the Alexander Archipelago" means all waters under the jurisdiction of the United States within Southeast Alaska and contained within an area defined by a line beginning at Cape Spencer Light and extending due south to Latitude 58°07'15" North, Longitude 136°38'15" West; thence along a line 3 nautical miles seaward of the territorial sea baseline to a point at the maritime border between the United States and Canada at Latitude 54°41'15" North, Longitude 130°53'00" West; thence following that border to Mount Fairweather; thence returning to Cape Spencer Light.

(2) Cruise vessel.—

(A) In general.—The term "cruise vessel" means a commercial passenger vessel of greater than 10,000 gross tons, as measured under chapter 143 of title 46, United States Code, that does not regularly carry vehicles or other cargo.

(B) Exclusions.—The term "cruise vessel" does not include a vessel operated by the Federal Government or the government of a State.

(3) Graywater.—

(A) In general.—The term "graywater" means drainage from a dishwasher, shower, laundry, bath, washbasin, or drinking fountain.

(B) Exclusions.—The term "graywater" does not include drainage from a toilet, urinal, hospital, cargo or machinery space.

(4) Secretary.—The term "Secretary" means the Secretary of the department in which the Coast Guard is operating.

(5) Sewage.—The term "sewage" means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body waste.

(6) Treated sewage.—The term 'treated sewage' means sewage processed through a properly operating and approved marine sanitation device meeting applicable regulatory standards and requirements.

INTERCOUNTRY ADOPTION ACT OF 1999

HELMS (AND OTHERS) AMENDMENT NO. 4023

Mr. CAMPBELL (for Mr. Helms (for himself, Ms. Landrieu, Mr. Ashcroft, Mr. Craig, Mr. Johnson, Mr. Smith of Oregon, and Mrs. Lincoln)) proposed an amendment to the bill (H.R. 2909) to provide for implementation by the United States of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Intercountry Adoption Act of 2000".

(b) Table of Contents.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Definitions.

TITLE I—UNITED STATES CENTRAL AUTHORITY

Sec. 101. Designation of central authority.
Sec. 102. Responsibilities of the Secretary of State.
Sec. 103. Responsibilities of the Attorney General.
Sec. 104. Annual report on intercountry adoptions.

TITLE II—PROVISIONS RELATING TO ACCREDITATION AND APPROVAL

Sec. 201. Accreditation or approval required in order to provide adoption services in cases subject to the Convention.
Sec. 202. Process for accreditation and approval; role of accrediting entities.
Sec. 203. Standards and procedures for providing accreditation or approval.
Sec. 204. Secretarial oversight of accreditation and approval.
Sec. 205. State plan requirement.

TITLE III—RECOGNITION OF CONVENTION ADOPTIONS IN THE UNITED STATES

Sec. 301. Adoptions of children immigrating to the United States.
Sec. 302. Immigration and Nationality Act amendments relating to children adopted from Convention countries.
Sec. 303. Adoptions of children emigrating from the United States.

TITLE IV—ADMINISTRATION AND ENFORCEMENT

Sec. 401. Access to Convention records.
Sec. 402. Documents of other Convention countries.
Sec. 403. Authorization of appropriations; collection of fees.
Sec. 404. Enforcement.

TITLE V—GENERAL PROVISIONS

Sec. 501. Recognition of Convention adoptions.
Sec. 502. Special rules for certain cases.
Sec. 503. Relationship to other laws.
Sec. 504. No private right of action.
Sec. 505. Effective dates; transition rule.

SEC. 2. FINDINGS AND PURPOSES.

(a) Findings.—Congress recognizes—

(1) the international character of the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (done at The Hague on May 29, 1993), and

(2) the need for uniform interpretation and implementation of the Convention in the United States and abroad,

and therefore finds that enactment of a Federal law governing adoptions and prospective adoptions subject to the Convention involving United States residents is essential.

(b) Purposes.—The purposes of this Act are—

(1) to provide for implementation by the United States of the Convention;

(2) to protect the rights of, and prevent abuses against, children, birth families, and adoptive parents involved in adoptions (or prospective adoptions) subject to the Convention, and to ensure that such adoptions are in the children's best interests; and

(3) to improve the ability of the Federal Government to assist United States citizens seeking to adopt children from abroad and residents of other countries party to the Convention seeking to adopt children from the United States.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) Accredited agency.—The term "accredited agency" means an agency accredited under title II to provide adoption services in the United States in cases subject to the Convention.

(2) Accrediting entity.—The term "accrediting entity" means an entity designated under section 202(a) to accredit agencies and approve persons under title II.

(3) Adoption service.—The term "adoption service" means—

(A) identifying a child for adoption and arranging an adoption;

(B) securing necessary consent to termination of parental rights and to adoption;

(C) performing a background study on a child or a home study on a prospective adoptive parent, and reporting on such a study;

(D) making determinations of the best interests of a child and the appropriateness of adoptive placement for the child;

(E) post-placement monitoring of a case until final adoption; and

(F) where made necessary by disruption before final adoption, assuming custody and providing child care or any other social service pending an alternative placement.

The term "providing", with respect to an adoption service, includes facilitating the provision of the service.

(4) AGENCY.—The term "agency" means any person other than an individual.

(5) APPROVED PERSON.—The term "approved person" means a person approved under title II to provide adoption services in the United States in cases subject to the Convention.

(6) ATTORNEY GENERAL.—Except as used in section 404, the term "Attorney General" means the Attorney General, acting through the Commissioner of Immigration and Naturalization.

(7) CENTRAL AUTHORITY.—The term "central authority" means the entity designated as such by any Convention country under Article 6(1) of the Convention.

(8) CENTRAL AUTHORITY FUNCTION.—The term "central authority function" means any duty required to be carried out by a central authority under the Convention.

(9) CONVENTION.—The term "Convention" means the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, done at The Hague on May 29, 1993.

(10) CONVENTION ADOPTION.—The term "Convention adoption" means an adoption of a child resident in a foreign country party to the Convention by a United States citizen, or an adoption of a child resident in the United States by an individual residing in another Convention country.

(11) CONVENTION RECORD.—The term "Convention record" means any item, collection, or grouping of information contained in an electronic or physical document, an electronic collection of data, a photograph, an audio or video tape, or any other information storage medium of any type whatever that contains information about a specific past, current, or prospective Convention adoption (regardless of whether the adoption was made final) that has been preserved in accordance with section 401(a) by the Secretary of State or the Attorney General.

(12) CONVENTION COUNTRY.—The term "Convention country" means a country party to the Convention.

(13) OTHER CONVENTION COUNTRY.—The term "other Convention country" means a Convention country other than the United States.

(14) PERSON.—The term "person" shall have the meaning provided in section 1 of title 1, United States Code, and shall not include any agency of government or tribal government entity.

(15) PERSON WITH AN OWNERSHIP OR CONTROL INTEREST.—The term "person with an ownership or control interest" has the meaning given such term in section 1124(a)(3) of the Social Security Act (42 U.S.C. 1320a-3).

(16) SECRETARY.—The term "Secretary" means the Secretary of State.

(17) STATE.—The term "State" means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands.

TITLE I—UNITED STATES CENTRAL AUTHORITY

SEC. 101. DESIGNATION OF CENTRAL AUTHORITY.

(a) IN GENERAL.—For purposes of the Convention and this Act—

(1) the Department of State shall serve as the central authority of the United States; and

(2) the Secretary shall serve as the head of the central authority of the United States.

(b) PERFORMANCE OF CENTRAL AUTHORITY FUNCTIONS.—

(1) Except as otherwise provided in this Act, the Secretary shall be responsible for the performance of all central authority functions for the United States under the Convention and this Act.

(2) All personnel of the Department of State performing core central authority functions in a professional capacity in the Office of Children's Issues shall have a strong background in consular affairs, personal experience in international adoptions, or professional experience in international adoptions or child services.

(c) AUTHORITY TO ISSUE REGULATIONS.—Except as otherwise provided in this Act, the Secretary may prescribe such regulations as may be necessary to carry out central authority functions on behalf of the United States.

SEC. 102. RESPONSIBILITIES OF THE SECRETARY OF STATE.

(a) LIAISON RESPONSIBILITIES.—The Secretary shall have responsibility for—

(1) liaison with the central authorities of other Convention countries; and

(2) the coordination of activities under the Convention by persons subject to the jurisdiction of the United States.

(b) INFORMATION EXCHANGE.—The Secretary shall be responsible for—

(1) providing the central authorities of other Convention countries with information concerning—

(A) accredited agencies and approved persons, agencies and persons whose accreditation or approval has been suspended or canceled, and agencies and persons who have been temporarily or permanently debarred from accreditation or approval;

(B) Federal and State laws relevant to implementing the Convention; and

(C) any other matters necessary and appropriate for implementation of the Convention;

(2) not later than the date of the entry into force of the Convention for the United States (pursuant to Article 46(2)(a) of the Convention) and at least once during each subsequent calendar year, providing to the central authority of all other Convention countries a notice requesting the central authority of each such country to specify any requirements of such country regarding adoption, including restrictions on the eligibility of persons to adopt, with respect to which information on the prospective adoptive parent or parents in the United States would be relevant;

(3) making responses to notices under paragraph (2) available to—

(A) accredited agencies and approved persons; and

(B) other persons or entities performing home studies under section 201(b)(1);

(4) ensuring the provision of a background report (home study) on prospective adoptive parent or parents (pursuant to the requirements of section 203(b)(1)(A)(ii)), through the central authority of each child's country of origin, to the court having jurisdiction over the adoption (or, in the case of a child emigrating to the United States for the purpose of adoption, to the competent authority in the child's country of origin with responsibility for approving the child's emigration) in adequate time to be considered prior to the granting of such adoption or approval;

(5) providing Federal agencies, State courts, and accredited agencies and approved persons with an identification of Convention countries and persons authorized to perform functions under the Convention in each such country; and

(6) facilitating the transmittal of other appropriate information to, and among, central authorities, Federal and State agencies (including State courts), and accredited agencies and approved persons.

(c) ACCREDITATION AND APPROVAL RESPONSIBILITIES.—The Secretary shall carry out the functions prescribed by the Convention with respect to the accreditation of agencies and the approval of persons to provide adoption services in the United States in cases subject to the Convention as provided in title II. Such functions may not be delegated to any other Federal agency.

(d) ADDITIONAL RESPONSIBILITIES.—The Secretary—

(1) shall monitor individual Convention adoption cases involving United States citizens; and

(2) may facilitate interactions between such citizens and officials of other Convention countries on matters relating to the Convention in any case in which an accredited agency or approved person is unwilling or unable to provide such facilitation.

(e) ESTABLISHMENT OF REGISTRY.—The Secretary and the Attorney General shall jointly establish a case registry of all adoptions involving immigration of children into the United States and emigration of children from the United States, regardless of whether the adoption occurs under the Convention. Such registry shall permit tracking of pending cases and retrieval of information on both pending and closed cases.

(f) METHODS OF PERFORMING RESPONSIBILITIES.—The Secretary may—

(1) authorize public or private entities to perform appropriate central authority functions for which the Secretary is responsible, pursuant to regulations or under agreements published in the Federal Register; and

(2) carry out central authority functions through grants to, or contracts with, any individual or public or private entity, except as may be otherwise specifically provided in this Act.

SEC. 103. RESPONSIBILITIES OF THE ATTORNEY GENERAL.

In addition to such other responsibilities as are specifically conferred upon the Attorney General by this Act, the central authority functions specified in Article 14 of the Convention (relating to the filing of applications by prospective adoptive parents to the central authority of their country of residence) shall be performed by the Attorney General.

SEC. 104. ANNUAL REPORT ON INTERCOUNTRY ADOPTIONS.

(a) REPORTS REQUIRED.—Beginning one year after the date of the entry into force of the Convention for the United States and each year thereafter, the Secretary, in consultation with the Attorney General and other appropriate agencies, shall submit a report describing the activities of the central authority of the United States under this Act during the preceding year to the Committee on International Relations, the Committee on Ways and Means, and the Committee on the Judiciary of the House of Representatives and the Committee on Foreign Relations, the Committee on Finance, and the Committee on the Judiciary of the Senate.

(b) REPORT ELEMENTS.—Each report under subsection (a) shall set forth with respect to the year concerned, the following:

(1) The number of intercountry adoptions involving immigration to the United States, regardless of whether the adoption occurred

under the Convention, including the country from which each child emigrated, the State to which each child immigrated, and the country in which the adoption was finalized.

(2) The number of intercountry adoptions involving emigration from the United States, regardless of whether the adoption occurred under the Convention, including the country to which each child immigrated and the State from which each child emigrated.

(3) The number of Convention placements for adoption in the United States that were disrupted, including the country from which the child emigrated, the age of the child, the date of the placement for adoption, the reasons for the disruption, the resolution of the disruption, the agencies that handled the placement for adoption, and the plans for the child, and in addition, any information regarding disruption or dissolution of adoptions of children from other countries received pursuant to section 422(b)(14) of the Social Security Act, as amended by section 205 of this Act.

(4) The average time required for completion of a Convention adoption, set forth by country from which the child emigrated.

(5) The current list of agencies accredited and persons approved under this Act to provide adoption services.

(6) The names of the agencies and persons temporarily or permanently debarred under this Act, and the reasons for the debarment.

(7) The range of adoption fees charged in connection with Convention adoptions involving immigration to the United States and the median of such fees set forth by the country of origin.

(8) The range of fees charged for accreditation of agencies and the approval of persons in the United States engaged in providing adoption services under the Convention.

TITLE II—PROVISIONS RELATING TO ACCREDITATION AND APPROVAL

SEC. 201. ACCREDITATION OR APPROVAL REQUIRED IN ORDER TO PROVIDE ADOPTION SERVICES IN CASES SUBJECT TO THE CONVENTION.

(a) In General.—Except as otherwise provided in this title, no person may offer or provide adoption services in connection with a Convention adoption in the United States unless that person—

(1) is accredited or approved in accordance with this title; or

(2) is providing such services through or under the supervision and responsibility of an accredited agency or approved person.

(b) Exceptions.—Subsection (a) shall not apply to the following:

(1) Background studies and home studies.—The performance of a background study on a child or a home study on a prospective adoptive parent, or any report on any such study by a social work professional or organization who is not providing any other adoption service in the case, if the background or home study is approved by an accredited agency.

(2) Child welfare services.—The provision of a child welfare service by a person who is not providing any other adoption service in the case.

(3) Legal services.—The provision of legal services by a person who is not providing any adoption service in the case.

(4) Prospective adoptive parents acting on own behalf.—The conduct of a prospective adoptive parent on his or her own behalf in the case, to the extent not prohibited by the law of the State in which the prospective adoptive parent resides.

SEC. 202. PROCESS FOR ACCREDITATION AND APPROVAL; ROLE OF ACCREDITING ENTITIES.

(a) Designation of Accrediting Entities.—

(1) In general.—The Secretary shall enter into agreements with one or more qualified entities under which such entities will perform the duties described in subsection (b) in accordance with the Convention, this title, and the regulations prescribed under section 203, and upon entering into each such agreement shall designate the qualified entity as an accrediting entity.

(2) Qualified entities.—In paragraph (1), the term "qualified entity" means—

(A) a nonprofit private entity that has expertise in developing and administering standards for entities providing child welfare services and that meets such other criteria as the Secretary may by regulation establish; or

(B) a public entity (other than a Federal entity), including an agency or instrumentality of State government having responsibility for licensing adoption agencies, that—

(i) has expertise in developing and administering standards for entities providing child welfare services;

(ii) accredits only agencies located in the State in which the public entity is located; and

(iii) meets such other criteria as the Secretary may by regulation establish.

(b) Duties of Accrediting Entities.—The duties described in this subsection are the following:

(1) Accreditation and approval.—Accreditation of agencies, and approval of persons, to provide adoption services in the United States in cases subject to the Convention.

(2) Oversight.—Ongoing monitoring of the compliance of accredited agencies and approved persons with applicable requirements, including review of complaints against such agencies and persons in accordance with procedures established by the accrediting entity and approved by the Secretary.

(3) Enforcement.—Taking of adverse actions (including requiring corrective action, imposing sanctions, and refusing to renew, suspending, or canceling accreditation or approval) for noncompliance with applicable requirements, and notifying the agency or person against whom adverse actions are taken of the deficiencies necessitating the adverse action.

(4) Data, records, and reports.—Collection of data, maintenance of records, and reporting to the Secretary, the United States central authority, State courts, and other entities (including on persons and agencies granted or denied approval or accreditation), to the extent and in the manner that the Secretary requires.

(c) Remedies for Adverse Action by Accrediting Entity.—

(1) Correction of deficiency.—An agency or person who is the subject of an adverse action by an accrediting entity may re-apply for accreditation or approval (or petition for termination of the adverse action) on demonstrating to the satisfaction of the accrediting entity that the deficiencies necessitating the adverse action have been corrected.

(2) No other administrative review.—An adverse action by an accrediting entity shall not be subject to administrative review.

(3) Judicial review.—An agency or person who is the subject of an adverse action by an accrediting entity may petition the United States district court in the judicial district in which the agency is located or the person resides to set aside the adverse action. The court shall review the adverse action in accordance with section 706 of title 5, United States Code, and for purposes of such review the accrediting entity shall be considered an agency within the meaning of section 701 of such title.

(d) Fees.—The amount of fees assessed by accrediting entities for the costs of accreditation shall be subject to approval by the Secretary. Such fees may not exceed the costs of accreditation. In reviewing the level of such fees, the Secretary shall consider the relative size of, the geographic location of, and the number of Convention adoption cases managed by the agencies or persons subject to accreditation or approval by the accrediting entity.

SEC. 203. STANDARDS AND PROCEDURES FOR PROVIDING ACCREDITATION OR APPROVAL.

(a) In General.—

(1) Promulgation of regulations.—The Secretary, shall, by regulation, prescribe the standards and procedures to be used by accrediting entities for the accreditation of agencies and the approval of persons to provide adoption services in the United States in cases subject to the Convention.

(2) Consideration of views.—In developing such regulations, the Secretary shall consider any standards or procedures developed or proposed by, and the views of, individuals and entities with interest and expertise in international adoptions and family social services, including public and private entities with experience in licensing and accrediting adoption agencies.

(3) Applicability of notice and comment rules.—Subsections (b), (c), and (d) of section 553 of title 5, United States Code, shall apply in the development and issuance of regulations under this section.

(b) Minimum Requirements.—

(1) Accreditation.—The standards prescribed under subsection (a) shall include the requirement that accreditation of an agency may not be provided or continued under this title unless the agency meets the following requirements:

(A) Specific requirements.—

(i) The agency provides prospective adoptive parents of a child in a prospective Convention adoption a copy of the medical records of the child (which, to the fullest extent practicable, shall include an English-language translation of such records) on a date which is not later than the earlier of the date that is 2 weeks before (I) the adoption, or (II) the date on which the prospective parents travel to a foreign country to complete all procedures in such country relating to the adoption.

(ii) The agency ensures that a thorough background report (home study) on the prospective adoptive parent or parents has been completed in accordance with the Convention and with applicable Federal and State requirements and transmitted to the Attorney General with respect to each Convention adoption. Each such report shall include a criminal background check and a full and complete statement of all facts relevant to the eligibility of the prospective adopting parent or parents to adopt a child under any requirements specified by the central authority of the child's country of origin under section 102(b)(3), including, in the case of a child emigrating to the United States for the purpose of adoption, the requirements of the child's country of origin applicable to adoptions taking place in such country. For purposes of this clause, the term "background report (home study)" includes any supplemental statement submitted by the agency to the Attorney General for the purpose of providing information relevant to any requirements specified by the child's country of origin.

(iii) The agency provides prospective adoptive parents with a training program that includes counseling and guidance for the purpose of promoting a successful intercountry adoption before such parents travel to adopt the child or the child is placed with such parents for adoption.

(iv) The agency employs personnel providing intercountry adoption services on a fee for service basis rather than on a contingent fee basis.

(v) The agency discloses fully its policies and practices, the disruption rates of its placements for intercountry adoption, and all fees charged by such agency for intercountry adoption.

(B) Capacity to provide adoption services.—The agency has, directly or through arrangements with other persons, a sufficient number of appropriately trained and qualified personnel, sufficient financial resources, appropriate organizational structure, and appropriate procedures to enable the agency to provide, in accordance with this Act, all adoption services in cases subject to the Convention.

(C) Use of social service professionals.—The agency has established procedures designed to ensure that social service functions requiring the application of clinical skills and judgment are performed only by professionals with appropriate qualifications and credentials.

(D) Records, reports, and information matters.—The agency is capable of—

(i) maintaining such records and making such reports as may be required by the Secretary, the United States central authority, and the accrediting entity that accredits the agency;

(ii) cooperating with reviews, inspections, and audits;

(iii) safeguarding sensitive individual information; and

(iv) complying with other requirements concerning information management necessary to ensure compliance with the Convention, this Act, and any other applicable law.

(E) Liability insurance.—The agency agrees to have in force adequate liability insurance for professional negligence and any other insurance that the Secretary considers appropriate.

(F) Compliance with applicable rules.—The agency has established adequate measures to comply (and to ensure compliance of their agents and clients) with the Convention, this Act, and any other applicable law.

(G) Nonprofit organization with state license to provide adoption services.—The agency is a private nonprofit organization licensed to provide adoption services in at least one State.

(2) Approval.—The standards prescribed under subsection (a) shall include the requirement that a person shall not be approved under this title unless the person is a private for-profit entity that meets the requirements of subparagraphs (A) through (F) of paragraph (1) of this subsection.

(3) Renewal of accreditation or approval.—The standards prescribed under subsection (a) shall provide that the accreditation of an agency or approval of a person under this title shall be for a period of not less than 3 years and not more than 5 years, and may be renewed on a showing that the agency or person meets the requirements applicable to original accreditation or approval under this title.

(c) Temporary Registration of Community Based Agencies.—

(1) One-year registration period for medium community based agencies.—For a 1-year period after the entry into force of the Convention and notwithstanding subsection (b), the Secretary may provide, in regulations issued pursuant to subsection (a), that an agency may register with the Secretary and be accredited to provide adoption services in the United States in cases subject to the Convention during such period if the agency has provided adoption services in fewer than 100 intercountry adoptions in the preceding calendar year and meets the criteria described in paragraph (3).

(2) Two-year registration period for small community-based agencies.—For a 2-year period after the entry into force of the Convention and notwithstanding subsection (b), the Secretary may provide, in regulations issued pursuant to subsection (a), that an agency may register with the Secretary and be accredited to provide adoption services in the United States in cases subject to the Convention during such period if the agency has provided adoption services in fewer than 50 intercountry adoptions in the preceding calendar year and meets the criteria described in paragraph (3).

(3) Criteria for registration.—Agencies registered under this subsection shall meet the following criteria:

(A) The agency is licensed in the State in which it is located and is a nonprofit agency.

(B) The agency has been providing adoption services in connection with intercountry adoptions for at least 3 years.

(C) The agency has demonstrated that it will be able to provide the United States Government with all information related to the elements described in section 104(b) and provides such information.

(D) The agency has initiated the process of becoming accredited under the provisions of this Act and is actively taking steps to become an accredited agency.

(E) The agency has not been found to be involved in any improper conduct relating to intercountry adoptions.

SEC. 204. SECRETARIAL OVERSIGHT OF ACCREDITATION AND APPROVAL.

(a) Oversight of Accrediting Entities.—The Secretary shall—

(1) monitor the performance by each accrediting entity of its duties under section 202 and its compliance with the requirements of the Convention, this Act, other applicable laws, and implementing regulations under this Act; and

(2) suspend or cancel the designation of an accrediting entity found to be substantially out of compliance with the Convention, this Act, other applicable laws, or implementing regulations under this Act.

(b) Suspension or Cancellation of Accreditation or Approval.—

(1) Secretary's authority.—The Secretary shall suspend or cancel the accreditation or approval granted by an accrediting entity to an agency or person pursuant to section 202 when the Secretary finds that—

(A) the agency or person is substantially out of compliance with applicable requirements; and

(B) the accrediting entity has failed or refused, after consultation with the Secretary, to take appropriate enforcement action.

(2) Correction of deficiency.—At any time when the Secretary is satisfied that the deficiencies on the basis of which an adverse action is taken under paragraph (1) have been corrected, the Secretary shall—

(A) notify the accrediting entity that the deficiencies have been corrected; and

(B)(i) in the case of a suspension, terminate the suspension; or

(ii) in the case of a cancellation, notify the agency or person that the agency or person may re-apply to the accrediting entity for accreditation or approval.

(c) Debarment.—

(1) Secretary's authority.—On the initiative of the Secretary, or on request of an accrediting entity, the Secretary may temporarily or permanently debar an agency from accreditation or a person from approval under this title, but only if—

(A) there is substantial evidence that the agency or person is out of compliance with applicable requirements; and

(B) there has been a pattern of serious, willful, or grossly negligent failures to comply or other aggravating circumstances indicating that continued accreditation or approval would not be in the best interests of the children and families concerned.

(2) Period of debarment.—The Secretary's debarment order shall state whether the debarment is temporary or permanent. If the debarment is temporary, the Secretary shall specify a date, not earlier than 3 years after the date of the order, on or after which the agency or person may apply to the Secretary for withdrawal of the debarment.

(3) Effect of debarment.—An accrediting entity may take into account the circumstances of the debarment of an agency or person that has been debarred pursuant to this subsection in considering any subsequent application of the agency or person, or of any other entity in which the agency or person has an ownership or control interest, for accreditation or approval under this title.

(d) Judicial Review.—A person (other than a prospective adoptive parent), an agency, or an accrediting entity who is the subject of a final action of suspension, cancellation, or debarment by the Secretary under this title may petition the United States District Court for the District of Columbia or the United States district court in the judicial district in which the person resides or the agency or accrediting entity is located to set aside the action. The court shall review the action in accordance with section 706 of title 5, United States Code.

(e) Failure To Ensure a Full and Complete Home Study.—

(1) In general.—Willful, grossly negligent, or repeated failure to ensure the completion and transmission of a background report (home study) that fully complies with the requirements of section 203(b)(1)(A)(ii) shall constitute substantial noncompliance with applicable requirements.

(2) Regulations.—Regulations promulgated under section 203 shall provide for—

(A) frequent and careful monitoring of compliance by agencies and approved persons with the requirements of section 203(b)(A)(ii); and

(B) consultation between the Secretary and the accrediting entity where an agency or person has engaged in substantial noncompliance with the requirements of section 203(b)(A)(ii), unless the accrediting entity has taken appropriate corrective action and the noncompliance has not recurred.

(3) Repeated failures to comply.—Repeated serious, willful, or grossly negligent failures to comply with the requirements of section 203(b)(1)(A)(ii) by an agency or person after consultation between Secretary and the accrediting entity with respect to previous noncompliance by such agency or person shall constitute a pattern of serious, willful, or grossly negligent failures to comply under subsection (c)(1)(B).

(4) Failure to Comply With Certain Requirements.—A failure to comply with the requirements of section 203(b)(1)(A)(ii) shall constitute a serious failure to comply under subsection (c)(1)(B) unless it is shown by clear and convincing evidence that such noncompliance had neither the purpose nor the effect of determining the outcome of a decision or proceeding by a court or other competent authority in the United States or the child's country of origin.

SEC. 205. STATE PLAN REQUIREMENT.

Section 422(b) of the Social Security Act (42 U.S.C. 622(b)) is amended—

(1) in paragraph (11), by striking "and" at the end;

(2) in paragraph (12), by striking "children." and inserting "children;"; and

(3) by adding at the end the following new paragraphs:

"(13) contain a description of the activities that the State has undertaken for children adopted from other countries, including the provision of adoption and post-adoption services; and

"(14) provide that the State shall collect and report information on children who are adopted from other countries and who enter into State custody as a result of the disruption of a placement for adoption or the dissolution of an adoption, including the number of children, the agencies who handled the placement or adoption, the plans for the child, and the reasons for the disruption or dissolution.".

TITLE III—RECOGNITION OF CONVENTION ADOPTIONS IN THE UNITED STATES

SEC. 301. ADOPTIONS OF CHILDREN IMMIGRATING TO THE UNITED STATES.

(a) Legal Effect of Certificates Issued by the Secretary of State.—

(1) Issuance of certificates by the secretary of state.—The Secretary of State shall, with respect to each Convention adoption, issue a certificate to the adoptive citizen parent domiciled in the United States that the adoption has been granted or, in the case of a prospective adoptive citizen parent, that legal custody of the child has been granted to the citizen parent for purposes of emigration and adoption, pursuant to the Convention and this Act, if the Secretary of State—

(A) receives appropriate notification from the central authority of such child's country of origin; and

(B) has verified that the requirements of the Convention and this Act have been met with respect to the adoption.

(2) Legal effect of certificates.—If appended to an original adoption decree, the certificate described in paragraph (1) shall be treated by Federal and State agencies, courts, and other public and private persons and entities as conclusive evidence of the facts certified therein and shall constitute the certification required by section 204(d)(2) of the Immigration and Nationality Act, as amended by this Act.

(b) Legal Effect of Convention Adoption Finalized in Another Convention Country.—A final adoption in another Convention country, certified by the Secretary of State pursuant to subsection (a) of this section or section 303(c), shall be recognized as a final valid adoption for purposes of all Federal, State, and local laws of the United States.

(c) Condition on Finalization of Convention Adoption by State Court.—In the case of a child who has entered the United States from another Convention country for the purpose of adoption, an order declaring the adoption final shall not be entered unless the Secretary of State has issued the certificate provided for in subsection (a) with respect to the adoption.

SEC. 302. IMMIGRATION AND NATIONALITY ACT AMENDMENTS RELATING TO CHILDREN ADOPTED FROM CONVENTION COUNTRIES.

(a) Definition of Child.—Section 101(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)) is amended—

(1) by striking "or" at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting "; or"; and

(3) by adding after subparagraph (F) the following new subparagraph:

"(G) a child, under the age of sixteen at the time a petition is filed on the child's behalf to accord a classification as an immediate relative under section 201(b), who has been adopted in a foreign state that is a party to the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption done at The Hague on May 29, 1993, or who is emigrating from such a foreign state to be adopted in the United States, by a United States citizen and spouse jointly, or by an unmarried United States citizen at least twenty-five years of age—

"(i) if—

"(I) the Attorney General is satisfied that proper care will be furnished the child if admitted to the United States;

"(II) the child's natural parents (or parent, in the case of a child who has one sole or surviving parent because of the death or disappearance of, abandonment or desertion by, the other parent), or other persons or institutions that retain legal custody of the child, have freely given their written irrevocable consent to the termination of their legal relationship with the child, and to the child's emigration and adoption;

"(III) in the case of a child having two living natural parents, the natural parents are incapable of providing proper care for the child;

"(IV) the Attorney General is satisfied that the purpose of the adoption is to form a bona fide parent-child relationship, and the parent-child relationship of the child and the biological parents has been terminated; and

"(V) in the case of a child who has not been adopted—

"(aa) the competent authority of the foreign state has approved the child's emigration to the United States for the purpose of adoption by the prospective adoptive parent or parents; and

"(bb) the prospective adoptive parent or parents has or have complied with any preadoption requirements of the child's proposed residence; and

"(ii) except that no natural parent or prior adoptive parent of any such child shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this Act.".

(b) Approval of Petitions.—Section 204(d) of the Immigration and Nationality Act (8 U.S.C. 1154(d)) is amended—

(1) by striking "(d)" and inserting "(d)(1)";

(2) by striking "section 101(b)(1)(F)" and inserting "subparagraph (F) or (G) of section 101(b)(1)"; and

(3) by adding at the end the following new paragraph:

"(2) Notwithstanding the provisions of subsections (a) and (b), no petition may be approved on behalf of a child defined in section 101(b)(1)(G) unless the Secretary of State has certified that the central authority of the child's country of origin has notified the United States central authority under the convention referred to in such section 101(b)(1)(G) that a United States citizen habitually resident in the United States has effected final adoption of the child, or has been granted custody of the child for the purpose of emigration and adoption, in accordance with such convention and the Intercountry Adoption Act of 2000.".

(c) Definition of Parent.—Section 101(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(2)) is amended by inserting "and paragraph (1)(G)(i)" after "second proviso therein)".

SEC. 303. ADOPTIONS OF CHILDREN EMIGRATING FROM THE UNITED STATES.

(a) Duties of Accredited Agency or Approved Person.—In the case of a Convention adoption involving the emigration of a child residing in the United States to a foreign country, the accredited agency or approved person providing adoption services, or the prospective adoptive parent or parents acting on their own behalf (if permitted by the laws of such other Convention country in which they reside and the laws of the State in which the child resides), shall do the following:

(1) Ensure that, in accordance with the Convention—

(A) a background study on the child is completed;

(B) the accredited agency or approved person—

(i) has made reasonable efforts to actively recruit and make a diligent search for prospective adoptive parents to adopt the child in the United States; and

(ii) despite such efforts, has not been able to place the child for adoption in the United States in a timely manner; and

(C) a determination is made that placement with the prospective adoptive parent or parents is in the best interests of the child.

(2) Furnish to the State court with jurisdiction over the case—

(A) documentation of the matters described in paragraph (1);

(B) a background report (home study) on the prospective adoptive parent or parents (including a criminal background check) prepared in accordance with the laws of the receiving country; and

(C) a declaration by the central authority (or other competent authority) of such other Convention country—

(i) that the child will be permitted to enter and reside permanently, or on the same basis as the adopting parent, in the receiving country; and

(ii) that the central authority (or other competent authority) of such other Convention country consents to the adoption, if such consent is necessary under the laws of such country for the adoption to become final.

(3) Furnish to the United States central authority—

(A) official copies of State court orders certifying the final adoption or grant of custody for the purpose of adoption;

(B) the information and documents described in paragraph (2), to the extent required by the United States central authority; and

(C) any other information concerning the case required by the United States central authority to perform the functions specified in subsection (c) or otherwise to carry out the duties of the United States central authority under the Convention.

(b) Conditions on State Court Orders.—An order declaring an adoption to be final or granting custody for the purpose of adoption in a case described in subsection (a) shall not be entered unless the court—

(1) has received and verified to the extent the court may find necessary—

(A) the material described in subsection (a)(2); and

(B) satisfactory evidence that the requirements of Articles 4 and 15 through 21 of the Convention have been met; and

(2) has determined that the adoptive placement is in the best interests of the child.

(c) Duties of the Secretary of State.—In a case described in subsection (a), the Secretary, on receipt and verification as necessary of the material and information described in subsection (a)(3), shall issue, as applicable, an official certification that the child has been adopted or a declaration that custody for purposes of adoption has been granted, in accordance with the Convention and this Act.

(d) Filing with Registry Regarding Nonconvention Adoptions.—Accredited agencies, approved persons, and other persons, including governmental authorities, providing adoption services in an intercountry adoption not subject to the Convention that involves the emigration of a child from the United States shall file information required by regulations jointly issued by the Attorney General and the Secretary of State for purposes of implementing section 102(e).

TITLE IV—ADMINISTRATION AND ENFORCEMENT

SEC. 401. ACCESS TO CONVENTION RECORDS.

(a) Preservation of Convention Records.—

(1) In general.—Not later than 180 days after the date of the enactment of this Act, the Secretary, in consultation with the Attorney General, shall issue regulations that establish procedures and requirements in accordance with the Convention and this section for the preservation of Convention records.

(2) Applicability of notice and comment rules.—Subsections (b), (c), and (d) of section 553 of title 5, United States Code, shall apply in the development and issuance of regulations under this section.

(b) Access to Convention Records.—

(1) Prohibition.—Except as provided in paragraph (2), the Secretary or the Attorney General may disclose a Convention record, and access to such a record may be provided in whole or in part, only if such record is maintained under the authority of the Immigration and Nationality Act and disclosure of, or access to, such record is permitted or required by applicable Federal law.

(2) Exception for administration of the convention.—A Convention record may be disclosed, and access to such a record may be provided, in whole or in part, among the Secretary, the Attorney General, central authorities, accredited agencies, and approved persons, only to the extent necessary to administer the Convention or this Act.

(3) Penalties for unlawful disclosure.—Unlawful disclosure of all or part of a Convention record shall be punishable in accordance with applicable Federal law.

(c) Access to Non-Convention Records.—Disclosure of, access to, and penalties for unlawful disclosure of, adoption records that are not Convention records, including records of adoption proceedings conducted in the United States, shall be governed by applicable State law.

SEC. 402. DOCUMENTS OF OTHER CONVENTION COUNTRIES.

Documents originating in any other Convention country and related to a Convention adoption case shall require no authentication in order to be admissible in any Federal, State, or local court in the United States, unless a specific and supported claim is made that the documents are false, have been altered, or are otherwise unreliable.

SEC. 403. AUTHORIZATION OF APPROPRIATIONS; COLLECTION OF FEES.

(a) Authorization of Appropriations.—

(1) In general.—There are authorized to be appropriated such sums as may be necessary to agencies of the Federal Government implementing the Convention and the provisions of this Act.

(2) Availability of funds.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

(b) Assessment of Fees.—

(1) The Secretary may charge a fee for new or enhanced services that will be undertaken by the Department of State to meet the requirements of this Act with respect to intercountry adoptions under the Convention and comparable services with respect to other intercountry adoptions. Such fee shall be prescribed by regulation and shall not exceed the cost of such services.

(2) Fees collected under paragraph (1) shall be retained and deposited as an offsetting collection to any Department of State appropriation to recover the costs of providing such services.

(3) Fees authorized under this section shall be available for obligation only to the extent and in the amount provided in advance in appropriations Acts.

(c) Restriction.—No funds collected under the authority of this section may be made available to an accrediting entity to carry out the purposes of this Act.

SEC. 404. ENFORCEMENT.

(a) Civil Penalties.—Any person who—

(1) violates section 201;

(2) makes a false or fraudulent statement, or misrepresentation, with respect to a material fact, or offers, gives, solicits, or accepts inducement by way of compensation, intended to influence or affect in the United States or a foreign country—

(A) a decision by an accrediting entity with respect to the accreditation of an agency or approval of a person under title II;

(B) the relinquishment of parental rights or the giving of parental consent relating to the adoption of a child in a case subject to the Convention; or

(C) a decision or action of any entity performing a central authority function; or

(3) engages another person as an agent, whether in the United States or in a foreign country, who in the course of that agency takes any of the actions described in paragraph (1) or (2),

shall be subject, in addition to any other penalty that may be prescribed by law, to a civil money penalty of not more than $50,000 for a first violation, and not more than $100,000 for each succeeding violation.

(b) Civil Enforcement.—

(1) Authority of attorney general.—The Attorney General may bring a civil action to enforce subsection (a) against any person in any United States district court.

(2) Factors to be considered in imposing penalties.—In imposing penalties the court shall consider the gravity of the violation, the degree of culpability of the defendant, and any history of prior violations by the defendant.

(c) Criminal Penalties.—Whoever knowingly and willfully violates paragraph (1) or (2) of subsection (a) shall be subject to a fine of not more than $250,000, imprisonment for not more than 5 years, or both.

TITLE V—GENERAL PROVISIONS

SEC. 501. RECOGNITION OF CONVENTION ADOPTIONS.

Subject to Article 24 of the Convention, adoptions concluded between two other Convention countries that meet the requirements of Article 23 of the Convention and that became final before the date of entry into force of the Convention for the United States shall be recognized thereafter in the United States and given full effect. Such recognition shall include the specific effects described in Article 26 of the Convention.

SEC. 502. SPECIAL RULES FOR CERTAIN CASES.

(a) Authority To Establish Alternative Procedures for Adoption of Children by Relatives.—To the extent consistent with the Convention, the Secretary may establish by regulation alternative procedures for the adoption of children by individuals related to them by blood, marriage, or adoption, in cases subject to the Convention.

(b) Waiver Authority.—

(1) In general.—Notwithstanding any other provision of this Act, to the extent consistent with the Convention, the Secretary may, on a case-by-case basis, waive applicable requirements of this Act or regulations issued under this Act, in the interests of justice or to prevent grave physical harm to the child.

(2) Nondelegation.—The authority provided by paragraph (1) may not be delegated.

SEC. 503. RELATIONSHIP TO OTHER LAWS.

(a) Preemption of Inconsistent State Law.—The Convention and this Act shall not be construed to preempt any provision of the law of any State or political subdivision thereof, or prevent a State or political subdivision thereof from enacting any provision of law with respect to the subject matter of the Convention or this Act, except to the extent that such provision of State law is inconsistent with the Convention or this Act, and then only to the extent of the inconsistency.

(b) Applicability of the Indian Child Welfare Act.—The Convention and this Act shall not be construed to affect the application of the Indian Child Welfare Act of 1978 (25 U.S.C. 1901 et seq.).

(c) Relationship to Other Laws.—Sections 3506(c), 3507, and 3512 of title 44, United States Code, shall not apply to information collection for purposes of sections 104, 202(b)(4), and 303(d) of this Act or for use as a Convention record as defined in this Act.

SEC. 504. NO PRIVATE RIGHT OF ACTION.

The Convention and this Act shall not be construed to create a private right of action to seek administrative or judicial relief, except to the extent expressly provided in this Act.

SEC. 505. EFFECTIVE DATES; TRANSITION RULE.

(a) Effective Dates.—

(1) Provisions effective upon enactment.—Sections 2, 3, 101 through 103, 202 through 205, 401(a), 403, 503, and 505(a) shall take effect on the date of the enactment of this Act.

(2) Provisions effective upon the entry into force of the convention.—Subject to subsection (b), the provisions of this Act not specified in paragraph (1) shall take effect upon the entry into force of the Convention for the United States pursuant to Article 46(2)(a) of the Convention.

(b) Transition Rule.—The Convention and this Act shall not apply—

(1) in the case of a child immigrating to the United States, if the application for advance processing of an orphan petition or petition to classify an orphan as an immediate

relative for the child is filed before the effective date described in subsection (a)(2); or

(2) in the case of a child emigrating from the United States, if the prospective adoptive parents of the child initiated the adoption process in their country of residence with the filing of an appropriate application before the effective date described in subsection (a)(2).

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2001

BINGAMAN AMENDMENTS NOS. 4024–4025

(Ordered to lie on the table.)

Mr. BINGAMAN submitted two amendments intended to be proposed by him to the bill (H.R. 4733) making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes; as follows:

AMENDMENT NO. 4024

On page 47, line 18, before the period, insert the following: ": Provided, that in conducting the Southwest Valley Flood Damage Reduction Study, Albuquerque, New Mexico, the Secretary of the Army, acting through the Chief of Engineers, shall include an evaluation of flood damage reduction measures that would otherwise be excluded from the feasibility analysis based on policies regarding the frequency of flooding, the drainage areas, and the amount of runoff".

AMENDMENT NO. 4025

On page 67, line 19, after "expended." insert the following:

"*Provided*, That $5,000,000 shall be available to implement a program managed by the Carlsbad Area Office to alleviate the problems caused by rapid economic development along the United States-Mexico border, to support the Materials Corridor Partnership Initiative, and to promote energy efficient, environmentally sound economic development along that border through the development and use of new technology, particularly hazardous waste and materials technology.".

FEDERAL REFORMULATED FUELS ACT OF 2000

SMITH OF NEW HAMPSHIRE AMENDMENT NO. 4026

(Ordered referred to the Committee on Environment and Public Works.)

Mr. SMITH of New Hampshire submitted the following amendment intended to be proposed by him to the bill (S. 2962) to amend the Clean Air Act to address problems concerning methyl tertiary butyl ether, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . COMPETITIVE ALTERNATIVE FUEL PROGRAM.

(a) IN GENERAL.—Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended—

(1) by redesignating subsection (o) as subsection (p); and

(2) by inserting after subsection (n) the following:

"(o) COMPETITIVE ALTERNATIVE FUEL PROGRAM.—

"(1) DEFINITIONS.—In this subsection:

"(A) BIN 1 VEHICLE.—The term 'bin 1 vehicle' means—

"(i) a light-duty motor vehicle that does not exceed the standards for bin no. 1 specified in table S04-1 of section 86.1811-04 of title 40, Code of Federal Regulations (published at 65 Fed. Reg. 6855 on February 10, 2000); and

"(ii) a heavy-duty motor vehicle that does not exceed standards equivalent to the standards described in clause (i), as determined by the Administrator by regulation.

"(B) BIN 2 VEHICLE.—The term 'bin 2 vehicle' means—

"(i) a light-duty motor vehicle that does not exceed the standards for bin no. 2 specified in table S04-1 of section 86.1811-04 of title 40, Code of Federal Regulations (published at 65 Fed. Reg. 6855 on February 10, 2000); and

"(ii) a heavy-duty motor vehicle that emits not more than 50 percent of the allowable emissions of air pollutants under the most stringent standards applicable to heavy-duty motor vehicles, as determined by the Administrator by regulation.

"(C) BIOMASS ETHANOL.—The term 'biomass ethanol' means ethanol derived from any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis, including—

"(i) dedicated energy crops and trees;

"(ii) wood and wood residues;

"(iii) plants;

"(iv) grasses;

"(v) agricultural commodities and residues;

"(vi) fibers;

"(vii) animal wastes and other waste materials; and

"(viii) municipal solid waste.

"(D) CLEAN ALTERNATIVE FUEL.—The term 'clean alternative fuel' means—

"(i) renewable fuel;

"(ii) credit for motor vehicle fuel used to operate a bin 1 vehicle, as generated under paragraph (5)(A)(ii); and

"(iii) credit for motor vehicle fuel used to operate a bin 2 vehicle, as generated under paragraph (5)(A)(ii).

"(E) RENEWABLE FUEL.—

"(i) IN GENERAL.—The term 'renewable fuel' means motor vehicle fuel that—

"(I)(aa) is produced from grain, starch, oilseeds, or other biomass; or

"(bb) is natural gas produced from a biogas source, including a landfill, sewage waste treatment plant, feedlot, or other place where decaying organic material is found; and

"(II) is used to replace or reduce the quantity of fossil fuel present in a fuel mixture used to operate a motor vehicle.

"(ii) INCLUSION.—The term 'renewable fuel' includes biomass ethanol.

"(2) COMPETITIVE ALTERNATIVE FUEL PROGRAM.—

"(A) CLEAN ALTERNATIVE FUEL REQUIREMENTS.—The motor vehicle fuel sold or introduced into commerce in the United States in calendar year 2008 or any calendar year thereafter by a refiner, blender, or importer shall, on a 6-month average basis, be comprised of a quantity of clean alternative fuel, measured in gasoline-equivalent gallons (as determined by the Secretary of Energy), that is not less than the applicable percentage by volume for the 6-month period.

"(B) APPLICABLE PERCENTAGE.—For the purposes of subparagraph (A), the applicable percentage for a 6-month period of a calendar year shall be determined in accordance with the following table:

"Calendar year:	Applicable percentage of clean alternative fuel:
2008	1.2
2009	1.3
2010	1.4
2011 and thereafter	1.5.

"(3) TRANSITION PROGRAM.—

"(A) RENEWABLE FUEL REQUIREMENTS.—

"(i) IN GENERAL.—Subject to subparagraph (B), all motor vehicle fuel sold or introduced into commerce in the United States in any of calendar years 2002 through 2007 by a refiner, blender, or importer shall contain, on a 6-month average basis, a quantity of renewable fuel, measured in gasoline-equivalent gallons (as determined by the Secretary of Energy), that is not less than the applicable percentage by volume for the 6-month period.

"(ii) APPLICABLE PERCENTAGE.—For the purposes of clause (i), the applicable percentage for a 6-month period of a calendar year shall be determined in accordance with the following table:

"Calendar year:	Applicable percentage of renewable fuel:
2002	0.6
2003	0.7
2004	0.8
2005	0.9
2006	1.0
2007	1.1.

"(B) CREDIT FOR MOTOR VEHICLE FUEL USED TO OPERATE BIN 1 VEHICLES OR BIN 2 VEHICLES.—Credit for motor vehicle fuel used to operate bin 1 vehicles or bin 2 vehicles, as generated under paragraph (5)(A)(ii), may be used to meet not more than 10 percent of the renewable fuel requirement under subparagraph (A).

"(4) BIOMASS ETHANOL.—For the purposes of paragraphs (2) and (3), 1 gallon of biomass ethanol shall be considered to be the equivalent of 1.5 gallons of renewable fuel.

"(5) CREDIT PROGRAM.—

"(A) IN GENERAL.—The regulations promulgated to carry out this subsection shall provide for the generation of an appropriate amount of credits by—

"(i) a person that refines, blends, or imports motor vehicle fuel that contains, on a 6-month average basis, a quantity of clean alternative fuel or renewable fuel that is greater than the quantity required for that 6-month period under paragraph (2) or (3), respectively; and

"(ii) a person that manufactures bin 1 vehicles or bin 2 vehicles.

"(B) CALCULATION OF CREDITS.—In determining the appropriate amount of credits generated by a vehicle manufacturer under subparagraph (A)(ii), the Administrator, in consultation with the Secretary of Energy, shall give priority to the extent to which bin 1 vehicles or bin 2 vehicles, as compared to vehicles that are not bin 1 vehicles or bin 2 vehicles but are similar in size, weight, and other appropriate factors—

"(i) use innovative or advanced technology;

"(ii) result in less petroleum consumption; and

"(iii) are efficient in their use of petroleum or other form of energy.

"(C) USE OF CREDITS.—

"(i) IN GENERAL.—A person that generates credits under subparagraph (A) may use the credits, or transfer all or a portion of the credits to another person, for the purpose of complying with paragraph (2) or (3).

"(ii) USE OF VEHICLE MANUFACTURER CREDITS TO PROVIDE NON-FEDERAL CONTRIBUTIONS UNDER OTHER LAW.—Credits generated under subparagraph (A)(ii) and transferred to a person, nonprofit entity, or local government may be used to provide any portion of—

"(I) the non-Federal share required for an alternative fuel project under section 149(e)(4) of title 23, United States Code; or

"(II) a voluntary supply commitment under section 505 of the Energy Policy Act of 1992 (42 U.S.C. 13255).

"(D) EXPIRATION OF CREDITS.—A credit generated under this paragraph shall expire 1 year after the date on which the credit was generated.

"(6) WAIVERS.—

"(A) IN GENERAL.—The Administrator, in consultation with the Secretary of Agriculture and the Secretary of Energy, may waive the requirements of paragraph (2) or (3) in whole or in part on petition by a State—

"(i) based on a determination by the Administrator, after public notice and opportunity for comment, that implementation of the requirements would severely harm the economy or environment of a State, a region, or the United States; or

"(ii) based on a determination by the Administrator, after public notice and opportunity for comment, that there is an inadequate domestic supply or distribution capacity to meet the requirements.

"(B) PETITIONS FOR WAIVERS.—The Administrator, in consultation with the Secretary of Agriculture and the Secretary of Energy—

"(i) shall approve or deny a State petition for a waiver of the requirements of paragraph (2) or (3) within 180 days after the date on which the petition is received; but

"(ii) may extend that period for up to 60 additional days to provide for public notice and opportunity for comment and for consideration of the comments submitted.

"(C) TERMINATION OF WAIVERS.—A waiver granted under subparagraph (A) shall terminate after 1 year, but may be renewed by the Administrator after consultation with the Secretary of Agriculture and the Secretary of Energy.

"(D) OXYGEN CONTENT WAIVERS.—The grant or denial of a waiver under subsection (k)(2)(B) shall not affect the requirements of this subsection.

"(7) SMALL REFINERS.—The Administrator may provide an exemption from the requirements of paragraph (2) or (3), in whole or in part, for small refiners (as defined by the Administrator).

"(8) REGULATIONS.—Not later than 1 year after the date of enactment of this paragraph, the Administrator shall promulgate regulations to carry out this subsection.".

(b) PENALTIES AND ENFORCEMENT.—Section 211(d) of the Clean Air Act (42 U.S.C. 7545(d)) is amended—

(1) in paragraph (1)—

(A) in the first sentence, by striking "or (n)" each place it appears and inserting "(n), or (o)"; and

(B) in the second sentence, by striking "or (m)" and inserting "(m), or (o)"; and

(2) in the first sentence of paragraph (2), by striking "and (n)" each place it appears and inserting "(n), and (o)".

TRAFFICKING VICTIMS PROTECTION ACT OF 2000

BROWNBACK (AND WELLSTONE) AMENDMENT NO. 4027)

Mr. HATCH (for Mr. BROWNBACK (for himself, and Mr. WELLSTONE)) proposed an amendment to the bill (H.R. 3244) to combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Trafficking Victims Protection Act of 2000".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purposes and findings.
Sec. 3. Definitions.
Sec. 4. Annual Country Reports on Human Rights Practices.
Sec. 5. Interagency task force to monitor and combat trafficking.
Sec. 6. Prevention of trafficking.
Sec. 7. Protection and assistance for victims of trafficking.
Sec. 8. Minimum standards for the elimination of trafficking.
Sec. 9. Assistance to foreign countries to meet minimum standards.
Sec. 10. Actions against governments failing to meet minimum standards.
Sec. 11. Actions against traffickers in persons.
Sec. 12. Strengthening prosecution and punishment of traffickers.
Sec. 13. Authorization of appropriations.

SEC. 2. PURPOSES AND FINDINGS.

(a) PURPOSES.—The purposes of this Act are to combat trafficking in persons, a contemporary manifestation of slavery whose victims are predominantly women and children, to ensure just and effective punishment of traffickers, and to protect their victims.

(b) FINDINGS.—Congress finds that:

(1) As we begin the 21st century, the degrading institution of slavery continues throughout the world. Sex trafficking is a modern day form of slavery and it is the largest manifestation of slavery today. Millions of people every year, primarily women and children, are trafficked within or across international borders. Approximately 50,000 women and children are trafficked into the United States each year.

(2) Many of these persons are trafficked into the international sex trade, often by force, fraud, or coercion. The sex industry has rapidly expanded over the past several decades. It involves sexual exploitation of persons, predominantly women and girls, involving activities related to prostitution, pornography, sex tourism, and other commercial sexual services. The low status of women in many parts of the world has contributed to a burgeoning of the trafficking industry.

(3) Trafficking in persons is not limited to the sex industry. This growing transnational crime also includes forced labor, and involves significant violations of minimal labor, public health, and human rights standards worldwide.

(4) Traffickers primarily target women and girls, who are disproportionately affected by poverty, lack of access to education, chronic unemployment, discrimination, and lack of viable economic opportunities in countries of origin. Traffickers lure women and girls into their networks through false promises of decent working conditions at relatively good pay as nannies, maids, dancers, factory workers, restaurant workers, sales clerks, or models. Traffickers also buy children from poor families and sell them into prostitution or into various types of forced or bonded labor.

(5) Traffickers often transport victims from their home communities to unfamiliar destinations, including different countries away from family and friends, religious institutions, and other sources of protection and support, leaving the victims defenseless and vulnerable.

(6) Victims are often forced through physical violence to engage in sex acts or perform slavery-like labor. Such force includes rape and other forms of sexual abuse, torture, starvation, imprisonment, threats, psychological abuse, and coercion.

(7) Traffickers often make representations to their victims that physical harm may occur to them or others should they escape or attempt to escape. Such threats can have the same coercive effects on victims as actual infliction of harm.

(8) Trafficking in persons is increasingly perpetrated by organized, sophisticated criminal enterprises. Such trafficking is the fastest growing source of profits for organized criminal enterprises worldwide. Profits from the trafficking industry contribute to the expansion of organized crime in the United States and worldwide. Trafficking often is aided by official corruption in countries of origin, transit, and destination, thereby threatening the rule of law.

(9) Trafficking includes all the elements of the crime of forcible rape, when it involves the involuntary participation of another person in sex acts by means of fraud, force, or coercion.

(10) Trafficking also involves violations of other laws, including labor and immigration codes and laws against kidnapping, slavery, false imprisonment, assault, battery, pandering, fraud, and extortion.

(11) Trafficking exposes victims to serious health risk. Women and children trafficked into the sex industry are exposed to deadly diseases, including HIV and AIDS. Trafficking victims are sometimes worked or physically brutalized to death.

(12) Trafficking in persons involving slavery-like labor practices substantially affects interstate and foreign commerce. The United States must take action to eradicate the substantial burdens on commerce that result from trafficking in persons and to prevent the channels of commerce from being used for immoral and injurious purposes.

(13) Trafficking of persons is an evil requiring concerted and vigorous action by countries of origin, transit or destination, and by international organizations.

(14) Existing legislation and law enforcement in the United States and other countries are inadequate to deter trafficking and bring traffickers to justice, failing to reflect the gravity of the offenses involved. No comprehensive law exists in the United States that penalizes the range of offenses involved in the trafficking scheme. Instead, even the most brutal instances of trafficking into the sex industry are often punished under laws

that also apply to lesser offenses such as consensual sexual activity and illegal immigration, so that traffickers typically escape deserved punishment.

(15) In the United States, the seriousness of this crime and its components are not reflected in current sentencing guidelines, resulting in weak penalties for convicted traffickers. Additionally, adequate services and facilities do not exist to meet the needs of health care, housing, education, and legal assistance, which safely reintegrate trafficking victims into their home countries.

(16) In some countries, enforcement against traffickers is also hindered by official indifference, by corruption, and sometimes even by official participation in trafficking.

(17) Existing laws often fail to protect victims of trafficking, and because victims are often illegal immigrants in the destination country, they are repeatedly punished more harshly than the traffickers themselves.

(18) Victims of severe forms of trafficking should not be inappropriately incarcerated, fined, or otherwise penalized solely for unlawful acts as a direct result of being trafficked, such as for having used false documents, entering the country without documentation, or working without documentation.

(19) Victims of trafficking often find it difficult or impossible to report the crimes committed against them or to assist in the investigation and prosecution of such crimes. This is because they are frequently unfamiliar with the laws, culture, and language of the countries into which they are trafficked. Also, they are often subjected to coercion, intimidation, physical detention, debt bondage, and fear of forcible removal to countries where they face hardship.

(20) The United States and the international community agree that trafficking in persons involves grave violations of human rights and is a matter of pressing international concern. The international community has repeatedly condemned slavery and involuntary servitude, violence against women, and other elements of trafficking, through declarations, treaties, United Nations resolutions and reports, including the Universal Declaration of Human Rights; the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery; the 1957 Abolition of Forced Labor Convention; the International Covenant on Civil and Political Rights; the Convention on the Elimination of All Forms of Discrimination Against Women; the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; United Nations General Assembly Resolutions 50/167, 51/66, and 52/98; the Final Report of the World Congress against Sexual Exploitation of Children (Stockholm, 1996); the Fourth World Conference on Women (Beijing, 1995); and the 1991 Moscow Document of the Organization for Security and Cooperation in Europe.

(21) Trafficking in persons is a transnational crime with national implications. To deter international trafficking and bring its perpetrators to justice, nations including the United States must recognize that trafficking is a serious offense. This is done by prescribing appropriate punishment, giving priority to the prosecution of trafficking offenses, and protecting rather than punishing the victims of such offenses. The United States must work bilaterally and multilaterally to abolish the trafficking industry by taking steps to promote cooperation among countries linked together by international trafficking routes. The United States must also urge the international community to take strong action in multilateral fora to engage recalcitrant countries in serious and sustained efforts to eliminate trafficking and protect trafficking victims.

(22) Trafficking in persons substantially affects interstate and foreign commerce. Trafficking for such purposes as involuntary servitude, peonage, and other forms of forced labor has an impact on the nationwide employment network and labor market. Within the context of slavery, servitude, and labor or services which are obtained or maintained through coercive conduct that amounts to a condition of servitude, victims are subjected to a range of violations.

(23) Involuntary servitude statutes are intended to reach cases in which persons are held in a condition of servitude through nonviolent coercion. In United States v. Kozminski, 487 U.S. 950 (1988), the Supreme Court found that section 1584 of title 18, United States Code, should be narrowly interpreted, absent a definition of involuntary servitude by Congress. As a result, that section was interpreted to only criminalize servitude coerced through force, threats of force, or threats of legal coercion.

SEC. 3. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on the Judiciary of the Senate and the Committee on International Relations and the Committee on the Judiciary of the House of Representatives.

(2) COERCION.—The term "coercion" means—

(A) acts or circumstances not necessarily including physical force but intended to have the same effect; or

(B) any act, scheme, plan, or pattern intended to cause a person to believe that failure to perform an act will result in the infliction of serious harm.

(3) COMMERCIAL SEX ACT.—The term "commercial sex act" means any sex act whereby anything of value is given to or received by any person.

(4) DEBT BONDAGE.—The term "debt bondage" means the status or condition of a debtor arising from a pledge by the debtor of his or her personal services or of those of a person under his or her control as a security for debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined.

(5) INVOLUNTARY SERVITUDE.—The term "involuntary servitude" includes a condition of servitude induced by means of—

(A) any act, scheme, plan, or pattern intended to cause a person to believe that, if the person did not enter into or continue in such condition, that person or another person would suffer serious harm or physical restraint, or

(B) the abuse or threatened abuse of the legal process.

(6) MINIMUM STANDARDS FOR THE ELIMINATION OF TRAFFICKING.—The term "minimum standards for the elimination of trafficking" means the standards set forth in section 8.

(7) SEVERE FORMS OF TRAFFICKING IN PERSONS.—The term "severe forms of trafficking in persons" means—

(A) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or

(B) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

(8) SEX TRAFFICKING.—The term "sex trafficking" means the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act.

(9) STATE.—The term "State" means any of the fifty States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and territories and possessions of the United States.

(10) UNITED STATES.—The term "United States" means the fifty States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the territories and possessions of the United States.

(11) VICTIM OF TRAFFICKING.—The term "victim of trafficking" means a person subjected to an act or practice described in paragraph (7) or (8).

(12) VICTIM OF A SEVERE FORM OF TRAFFICKING.—The term "victim of a severe form of trafficking" means a person subject to an act or practice described in paragraph (7).

SEC. 4. ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES.

The Secretary of State, with the assistance of the Assistant Secretary of Democracy, Human Rights and Labor, shall, as part of the annual Country Reports on Human Rights Practices, include information on the status of trafficking in persons, including the following information:

(1) A description of the nature and extent of severe forms of trafficking in persons in each country.

(2) An assessment of the efforts by the governments described in paragraph (1) to combat severe forms of trafficking. Such an assessment shall address—

(A) whether any governmental authorities tolerate or are involved in such trafficking;

(B) which governmental authorities are involved in activities to combat such trafficking;

(C) what steps the government has taken against its officials who participate in, facilitate, or condone such trafficking;

(D) what steps the government has taken to investigate and prosecute officials who participate in or facilitate such trafficking;

(E) what steps the government has taken to prohibit other individuals from participating in such trafficking, including the investigation, prosecution, and conviction of individuals involved in severe forms of trafficking in persons, the criminal and civil penalties for such trafficking, and the efficacy of those penalties in eliminating or reducing such trafficking;

(F) what steps the government has taken to assist victims of such trafficking, including efforts to prevent victims from being further victimized by traffickers, government officials, or others, grants of stays of deportation, and provision of humanitarian relief, including provision of mental and physical health care and shelter;

(G) whether the government—

(i) is cooperating with governments of other countries to extradite traffickers when requested;

(ii) is assisting in international investigations of transnational trafficking networks and in other cooperative efforts to combat trafficking;

(iii) refrains from prosecuting victims of severe forms of trafficking and from other discriminatory treatment of such victims due to such victims having been trafficked, or due to their having left or entered the country illegally; and

(iv) recognizes the rights of victims and ensures their access to justice.

(3) Information described in paragraph (2) and, where appropriate, in paragraph (3) shall be included in the annual Country Reports on Human Rights Practices on a country-by-country basis.

(4) In addition to the information described in this section, the Annual Country Reports on Human Rights Practices may contain such other information relating to trafficking in persons as the Secretary determines to be appropriate.

SEC. 5. INTERAGENCY TASK FORCE TO MONITOR AND COMBAT TRAFFICKING.

(a) ESTABLISHMENT.—The President shall establish an Interagency Task Force to Monitor and Combat Trafficking (in this Act referred to as the "Task Force").

(b) APPOINTMENT.—The President shall appoint the members of the Task Force, which shall include the Secretary of State, the Administrator of the United States Agency for International Development, the Attorney General, the Secretary of Labor, the Secretary of Health and Human Services, the Director of Central Intelligence, and such other officials as may be designated by the President.

(c) CHAIRMAN.—The Task Force shall be chaired by the Secretary of State.

(d) SUPPORT FOR THE TASK FORCE.—The Secretary of State is authorized to establish within the Department of State an Office to Monitor and Combat Trafficking, which shall provide assistance to the Task Force. Any such Office shall be headed by a Director. The Director shall have the primary responsibility for assisting the Secretary of State in carrying out the purposes of this Act and may have additional responsibilities as determined by the Secretary. The Director shall consult with domestic, international nongovernmental organizations, and multilateral organizations, including the Organization of American States, the Organization for Security and Cooperation in Europe, and the United Nations, and with trafficking victims or other affected persons. The Director shall have the authority to take evidence in public hearings or by other means. The Office is authorized to retain staff members from agencies represented on the Task Force.

(e) ACTIVITIES OF THE TASK FORCE.—In consultation with nongovernmental organizations, the Task Force shall carry out the following activities:

(1) Coordinate the implementation of this Act.

(2) Measure and evaluate progress of the United States and other countries in the areas of trafficking prevention, protection and assistance to victims of trafficking, and prosecution and enforcement against traffickers, including the role of public corruption in facilitating trafficking. Beginning in 2002, not later than June 1 of each year, identify and publish the names of those countries which do not meet the minimum standards set forth in section 8.

(3) Expand interagency procedures to collect and organize data, including significant research and resource information on domestic and international trafficking. Any data collection procedures established under this subsection shall respect the confidentiality of victims of trafficking.

(4) Engage in efforts to facilitate cooperation among countries of origin, transit, and destination. Such efforts shall aim to strengthen local and regional capacities to prevent trafficking, prosecute traffickers and assist trafficking victims, and shall include initiatives to enhance cooperative efforts between destination countries and countries of origin and assist in the appropriate reintegration of stateless victims of trafficking.

(5) Examine the role of the international "sex tourism" industry in the trafficking of persons and in the sexual exploitation of women and children around the world.

(6) Engage in advocacy, with governmental and nongovernmental organizations, among other entities, to advance the purposes of this Act.

(f) INTERIM REPORTS.—In addition to the list provided under subsection (e)(2), the Secretary of State, in the capacity as chair of the Interagency Task Force, may submit to the appropriate congressional committees one or more interim reports with respect to the status of severe forms of trafficking in persons, including information about countries whose governments have come into or out of compliance with the minimum standards for the elimination of trafficking since the transmission of the last annual report.

SEC. 6. PREVENTION OF TRAFFICKING.

(a) ECONOMIC ALTERNATIVES TO PREVENT AND DETER TRAFFICKING.—The President, acting through the Administrator of the United States Agency for International Development and the heads of other appropriate agencies, shall establish and carry out international initiatives to enhance economic opportunity for potential victims of trafficking as a method to deter trafficking. Such initiatives may include—

(1) microcredit lending programs, training in business development, skills training, and job counseling;

(2) programs to promote women's participation in economic decisionmaking;

(3) programs to keep children, especially girls, in elementary and secondary schools, and to educate children, women, and men who have been victims of trafficking;

(4) development of educational curricula regarding the dangers of trafficking; and

(5) grants to nongovernmental organizations to accelerate and advance the political, economic, social, and educational roles and capacities of women in their countries.

(b) PUBLIC AWARENESS AND INFORMATION.—The President, acting through the Secretary of Labor, the Secretary of Health and Human Services, the Attorney General, and the Secretary of State, shall establish and carry out programs to increase public awareness, particularly among potential victims of trafficking, of the dangers of trafficking and the protections that are available for victims of trafficking.

(c) CONSULTATION REQUIREMENT.—The President shall consult with appropriate nongovernmental organizations with respect to the establishment and conduct of initiatives described in subsections (a) and (b).

SEC. 7. PROTECTION AND ASSISTANCE FOR VICTIMS OF TRAFFICKING.

(a) ASSISTANCE FOR VICTIMS IN OTHER COUNTRIES.—

(1) IN GENERAL.—The Secretary of State and the Administrator of the United States Agency for International Development, in consultation with appropriate nongovernmental organizations, shall establish and carry out programs and initiatives in foreign countries to assist in the safe integration, reintegration, or resettlement, as appropriate, of victims of trafficking. Such programs and initiatives shall be designed to meet the appropriate assistance needs of such persons and their children, as identified by the Inter-Agency Task Force to Monitor and Combat Trafficking established under section 5.

(2) ADDITIONAL REQUIREMENT.—In establishing and conducting programs and initiatives described in paragraph (1), the Secretary of State and the Administrator of the United States Agency for International Development shall take all appropriate steps to enhance cooperative efforts among foreign countries, including countries of origin of victims of trafficking, to assist in the integration, reintegration, or resettlement, as appropriate, of victims of trafficking including stateless victims.

(b) VICTIMS IN THE UNITED STATES.—

(1) ASSISTANCE.—Subject to the availability of appropriations and notwithstanding title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, the Attorney General, the Secretary of Health and Human Services, the Secretary of Labor, the heads of other Federal agencies, and the Board of Directors of the Legal Services Corporation shall expand existing services to provide assistance to victims of severe forms of trafficking in persons within the United States, without regard to the immigration status of such victims.

(2) GRANTS.—

(A) Subject to the availability of appropriations, the Attorney General may make grants to States, territories, and possessions of the United States, Indian tribes, units of local government, and nonprofit, nongovernmental victims' service organizations to develop, expand, or strengthen victim service programs for victims of trafficking.

(B) Of amounts made available for grants under this paragraph, there shall be set aside 3 percent for research, evaluation and statistics; 2 percent for training and technical assistance; and 1 percent for management and administration.

(C) The Federal share of a grant made under this paragraph may not exceed 75 percent of the total costs of the projects described in the application submitted.

(c) TRAFFICKING VICTIM REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Attorney General and the Secretary of State shall promulgate regulations for law enforcement personnel, immigration officials, and Department of State officials to implement the following:

(1) Victims of severe forms of trafficking, while in the custody of the Federal Government and to the extent practicable, shall—

(A) not be detained in facilities inappropriate to their status as crime victims;

(B) receive necessary medical care and other assistance; and

(C) be provided protection if a victim's safety is at risk or if there is danger of additional harm by recapture of the victim by a trafficker, including—

(i) taking measures to protect trafficked persons and their family members from intimidation and threats of reprisals and reprisals from traffickers and their associates; and

(ii) ensuring that the names and identifying information of trafficked persons and their family members are not disclosed to the public.

(2) Victims of severe forms of trafficking shall have access to information about their rights and translation services.

(3) Federal law enforcement officials may act to permit an alien individual's continued presence in the United States, if after an assessment, it is determined that such individual is a victim of trafficking and a potential witness, in order to effectuate prosecution of those responsible, and such officials in investigating and prosecuting traffickers shall protect the safety of trafficking victims, including taking measures to protect trafficked persons and their family members from intimidation, threats of reprisals and reprisals from traffickers and their associates.

(4) Appropriate personnel of the Department of State and the Department of Justice are trained in identifying victims of severe forms of trafficking and providing for the protection of such victims.

(d) CONSTRUCTION.—Nothing in subsection (c) shall be construed as creating any private cause of action against the United States or its officers or employees.

(e) PROTECTION FROM REMOVAL FOR CERTAIN CRIME VICTIMS.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended—

(1) by striking "or" at the end of subparagraph (R);

(2) by striking the period at the end of subparagraph (S) and inserting "; or"; and

(3) by adding at the end the following new subparagraph:

"(T)(i) subject to subsection (m), an alien who the Attorney General determines—

"(I) is or has been a victim of a severe form of trafficking in persons as defined in section 3 of the Trafficking Victims Protection Act of 2000,

"(II) is physically present in the United States, American Samoa, or the Commonwealth of the Northern Mariana Islands, or at a port of entry thereto on account of such trafficking,

"(III)(aa) has complied with any reasonable request for assistance in the investigation or prosecution of acts of trafficking, or

"(bb) has not attained the age of 14 years, and

"(IV) the alien would suffer extreme hardship upon removal from the United States,

except that no person shall be eligible for admission to the United States under this subparagraph if there is substantial reason to believe that the person has committed an act of a severe form of trafficking in persons, as defined in section 3 of the Trafficking Victims Protection Act of 2000; and

"(ii) if the Attorney General considers it necessary to avoid extreme hardship—

"(I) in the case of an alien described in clause (i) who is under 21 years of age, the spouse, children, and parents of such alien; and

"(II) in the case of an alien described in clause (i) who is 21 years of age or older, the minor children of such alien,

if accompanying, or following to join, the alien described in clause (i).

(2) DUTIES OF THE ATTORNEY GENERAL WITH RESPECT TO "T" VISA NONIMMIGRANTS.—Section 101 of the Immigration and Nationality Act (8 U.S.C. 1101) is amended by adding at the end the following new subsection:

"(i) With respect to nonimmigrant aliens described in subsection (a)(15)(T)(i)—

"(1) the Attorney General and other government officials, where appropriate, shall provide those aliens with referrals to nongovernmental organizations that would advise the aliens regarding their options while in the United States and the resources available to them; and

"(2) the Attorney General shall, during the period those aliens are in lawful temporary resident status under that subsection, grant the aliens authorization to engage in employment in the United States and provide the aliens with an 'employment authorized' endorsement or other appropriate work permit.".

(3) WAIVER OF GROUNDS FOR INELIGIBILITY FOR ADMISSION.—Section 212(d) of the Immigration and Nationality Act (8 U.S.C. 1182(d)) is amended by adding at the end the following new paragraph:

"(13) The Attorney General shall determine whether a ground for inadmissibility exists with respect to a nonimmigrant described in section 101(a)(15)(T)(i). The Attorney General, in the Attorney General's discretion, may waive the application of subsection (a) (other than paragraph (3)(E)) in the case of a nonimmigrant described in section 101(a)(15)(T)(i), if the Attorney General considers it to be in the national interest to do so. Nothing in this section shall be regarded as prohibiting the Attorney General from instituting removal proceedings against an alien admitted as a nonimmigrant under section 101(a)(15)(T)(i) for material nontrafficking related conduct committed after the alien's admission into the United States, or for material nontrafficking related conduct or a condition that was not disclosed to the Attorney General prior to the alien's admission as a nonimmigrant under section 101(a)(15)(T)(i).".

(f) ADJUSTMENT TO PERMANENT RESIDENT STATUS.—Section 245 of such Act (8 U.S.C 1255) is amended by adding at the end the following new subsection:

"(l)(1) If, in the opinion of the Attorney General, a nonimmigrant admitted into the United States under section 101(a)(15)(T)(i)—

"(A) has been physically present in the United States for a continuous period of at least 3 years since the date of admission as a nonimmigrant under section 101(a)(15)(T)(i),

"(B) has, throughout such period, been a person of good moral character, and

"(C)(i) has, during such period, complied with any reasonable request for assistance in the investigation or prosecution of acts of trafficking, or

"(ii) the alien would suffer extreme hardship upon removal from the United States,

the Attorney General may adjust the status of the alien (and any other alien admitted under that section) to that of an alien lawfully admitted for permanent residence if the alien is not described in section 212(a)(3)(E).

"(2) An alien shall be considered to have failed to maintain continuous physical presence in the United States under paragraph (1)(A) if the alien has departed from the United States for any period in excess of 90 days or for any periods in the aggregate exceeding 180 days.

"(3) Upon the approval of adjustment of status under paragraph (1), the Attorney General shall record the alien's lawful admission for permanent residence as of the date of such approval.".

SEC. 8. MINIMUM STANDARDS FOR THE ELIMINATION OF TRAFFICKING.

(a) MINIMUM STANDARDS.—For purposes of this Act, the minimum standards for the elimination of trafficking for a country that is a country of origin, transit, or destination for a significant number of victims are the following standards:

(1) The country should prohibit severe forms of trafficking in persons and punish acts of such trafficking.

(2) For the knowing commission of any act of sex trafficking involving force, fraud, coercion, or in which the victim of sex trafficking is a child incapable of giving meaningful consent, or of trafficking which includes rape or kidnapping or which causes a death, the country should prescribe punishment commensurate with that for the most serious crimes, such as forcible sexual assault.

(3) For the knowing commission of any act of a severe form of trafficking in persons, the country should prescribe punishment which is sufficiently stringent to deter and which adequately reflects the heinous nature of the offense.

(4) The country should make serious and sustained efforts to eliminate severe forms of trafficking in persons.

(b) CRITERIA.—In determinations of whether a country is making serious and sustained efforts under subsection (a)(4), the following factors should be considered as indicia of a good faith effort to eliminate severe forms of trafficking in persons:

(1) Whether the country vigorously investigates and prosecutes acts of severe forms of trafficking in persons that take place wholly or partly within the territory of the country.

(2) Whether the country cooperates with other countries in the investigation and prosecution of severe forms of trafficking in persons.

(3) Whether the country extradites persons charged with acts of severe forms of trafficking in persons on the same terms and to the same extent as persons charged with other serious crimes.

(4) Whether the country monitors immigration and emigration patterns for evidence of severe forms of trafficking in persons and whether law enforcement agencies of the country respond to any such evidence in a manner which is consistent with the vigorous investigation and prosecution of acts of such trafficking, as well as with the protection of human rights of victims and the internationally recognized human right to leave and return to one's own country.

(5) Whether the country protects victims of severe forms of trafficking in persons and encourages their assistance in the investigation and prosecution of such trafficking, including provision for legal alternatives to their removal to countries in which they would face retribution or other hardship.

(6) Whether the country vigorously investigates and prosecutes public officials who participate in or facilitate severe forms of trafficking in persons, and takes all appropriate measures against officials who condone such trafficking.

SEC. 9. ASSISTANCE TO FOREIGN COUNTRIES TO MEET MINIMUM STANDARDS.

The Secretary of State and the Administrator of the United States Agency for International Development are authorized to provide assistance to foreign countries directly, or through nongovernmental, intergovernmental and multilateral organizations, for programs and activities designed to meet the minimum international standards for the elimination of trafficking, including drafting of legislation to prohibit and punish acts of trafficking, the investigation and prosecution of traffickers, the creation and maintenance of facilities, programs, and activities for the protection of victims, and the expansion of exchange programs and international visitor programs for governmental and nongovernmental personnel to combat trafficking.

SEC. 10. ACTIONS AGAINST GOVERNMENTS FAILING TO MEET MINIMUM STANDARDS.

(a) Authority To Impose Sanctions.—The President may impose any of the measures described in subsection (b) against any foreign country to which the minimum standards for the elimination of trafficking under section 8 are applicable and which do not meet such standards. The President shall exercise the authority of this subsection so as to avoid adverse effects on vulnerable populations, including women and children.

(b) Sanctions That May Be Imposed.—The measures described in this subsection are the following:

(1) Foreign assistance.—

(A) In general.—Subject to subparagraph (B), the President may deny to the country assistance of any kind which is provided by grant, sale, loan, lease, credit, guaranty, or insurance, or by any other means, by any agency or instrumentality of the United States Government. The President may exercise the authority of this subparagraph with respect to all foreign assistance to a country or with respect to any specific programs, projects, or activities.

(B) Exception.—Subparagraph (A) shall not apply to assistance under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), or any successor provision of law, or the Arms Export Control Act (22 U.S.C. 2751 et seq.) that is intended to benefit the people of that country directly and that is not channeled through governmental agencies or entities of that country.

(2) Multilateral development bank assistance.—

(A) In general.—The President may instruct the United States Executive Director to each international financial institution described in subparagraph (B) to use the voice and vote of the United States to oppose any loan or financial or technical assistance to the country by such international financial institution.

(B) International financial institutions described.—The international financial institutions described in this subparagraph are the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the African Development Bank, the European Bank for Reconstruction and Development, and the International Monetary Fund.

(3) Prohibition of arms sales.—The President may prohibit the transfer of defense articles, defense services, or design and construction services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), including defense articles and defense services licensed or approved for export under section 38 of that Act (22 U.S.C. 2778), to the country or any national of the country.

(4) Export restrictions.—The President may prohibit or otherwise substantially restrict exports to the country of goods, technology, and services (excluding agricultural commodities and products otherwise subject to control) and may suspend existing licenses for the transfer to that person of items the export of which is controlled under the Export Administration Act of 1979 or the Export Administration Regulations.

(c) Report to Congress.—Upon exercising the authority of subsection (a), the President shall submit a report to Congress on the measures applied under this section and the reasons for the application of the measures.

SEC. 11. ACTIONS AGAINST TRAFFICKERS IN PERSONS.

(a) Authority To Sanction Traffickers in Persons.—

(1) In general.—The President may exercise IEEPA authorities (other than authorities relating to importation) without regard to section 202 of the International Emergency Economic Powers Act (50 U.S.C. 1701), in the case of any foreign person who is on the list described in subsection (b).

(2) Penalties.—The penalties set forth in section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) apply to violations of any license, order, or regulation issued under paragraph (1).

(3) IEEPA authorities.—For purposes of clause (i), the term "IEEPA authorities" means the authorities set forth in section 203(a) of the International Emergency Economic Powers Act (50 U.S.C. 1702(a)).

(b) List of Traffickers of Persons.—

(1) Compiling list of traffickers in persons.—The Secretary of State is authorized to compile a list of the following persons:

(A) Any foreign person that plays a significant role in a severe form of trafficking in persons, directly or indirectly in the United States or any of its territories or possessions.

(B) Foreign persons who materially assist in, or provide financial or technological support for or to, or providing goods or services in support of, activities of a significant foreign trafficker in persons identified pursuant to subparagraph (A).

(C) Foreign persons that are owned, controlled, or directed by, or acting for or on behalf of, a significant foreign trafficker so identified pursuant to subparagraph (A).

(2) Revisions to list.—The Secretary of State shall make additions or deletions to any list compiled under paragraph (1) on an ongoing basis based on the latest information available.

(3) Consultation.—The Secretary of State shall consult with the following officers in carrying out paragraphs (1) and (2).

(A) The Attorney General.

(B) The Director of Central Intelligence.

(C) The Director of the Federal Bureau of Investigation.

(D) The Secretary of Labor.

(E) The Secretary of Health and Human Services.

(4) Publication of list.—Upon compiling the list referred to in paragraph (1) and within 30 days of any revisions to such list, the Secretary of State shall submit the list or revisions to such list to the Committees on the International Relations and Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives; and to the Committees on Foreign Relations, the Judiciary, and the Select Committee on Intelligence of the Senate; and publish the list or revisions to such list in the Federal Register after such persons on the list have admitted, been convicted, or been formally found to have participated in the acts described in paragraph (1) (A), (B), and (C).

(c) Report to Congress on Identification and Sanctioning of Traffickers in Persons.—Upon exercising the authority of subsection (a), the President shall submit a report to the Committees on the International Relations and the Judiciary, and the Permanent Select Committee on Intelligence of the House of Representatives and to the Committees on Foreign Relations and the Judiciary, and the Select Committee on Intelligence of the Senate—

(1) identifying publicly the foreign persons from the list published under subsection (b)(4) that the President determines are appropriate for sanctions pursuant to this section; and

(2) detailing publicly the sanctions imposed pursuant to this section.

(d) Exclusion of Certain Information.—

(1) Intelligence.—Notwithstanding any other provision of this section, the list and report described in subsections (b) and (c) shall not disclose the identity of any person, if the Director of Central Intelligence determines that such disclosure could compromise an intelligence operation, activity, source, or method of the United States.

(2) Law enforcement.—Notwithstanding any other provision of this section, the list and report described in subsections (b) and (c) shall not disclose the name of any person if the Attorney General, in coordination as appropriate with the Director of the Federal Bureau of Investigation, the Administrator of the Drug Enforcement Administration, and the Secretary of the Treasury, determines that such disclosure could reasonably be expected to—

(A) compromise the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution that furnished information on a confidential basis;

(B) jeopardize the integrity or success of an ongoing criminal investigation or prosecution;

(C) endanger the life or physical safety of any person; or

(D) cause substantial harm to physical property.

(3) Notification required.—(A) Whenever either the Director of Central Intelligence or the Attorney General makes a determination under this subsection, the Director of Central Intelligence or the Attorney General shall notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate, and explain the reasons for such determination.

(B) The notification required under this paragraph shall be submitted to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate not later than July 1, 2001, and on an annual basis thereafter.

(e) Law Enforcement and Intelligence Activities Not Affected.—Nothing in this section prohibits or otherwise limits the authorized law enforcement or intelligence activities of the United States or the law enforcement activities of any State or subdivision thereof.

(f) Exclusion of Persons Who Have Benefited From Illicit Activities of Traffickers in Persons.—Section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)) is amended by adding at the end the following new subparagraph:

"(H) Traffickers in persons.—Any alien who—

"(i) is on the most recent list of traffickers provided in section 11 of the Trafficking Victims Protection Act of 2000, or who the consular officer or the Attorney General knows or has reason to believe is or has been a knowing aider, abettor, assister, conspirator, or colluder with such a trafficker in severe forms of trafficking in persons, as defined in the section 3 of such Act; or

"(ii) who the consular officer or the Attorney General knows or has reason to believe is the spouse, son, or daughter of an alien inadmissible under clause (i), has, within the previous 5 years, obtained any financial or other benefit from the illicit activity of that alien, and knew or reasonably should have known that the financial or other benefit was the product of such illicit activity, is inadmissible.".

(g) Implementation.—

(1) The Secretary of State, the Attorney General, and the Secretary of the Treasury are authorized to take such actions as may be necessary to carry out this section, including promulgating rules and regulations permitted under this Act.

(2)(A) Subject to subparagraph (B), such rules and regulations shall require that a reasonable effort be made to provide notice and an opportunity to be heard, in person or through a representative, prior to placement of a person on the list described in subsection (b).

(B) If there is reasonable cause to believe that such a person would take actions to undermine the ability of the President to exercise the authority provided under subsection (a), such notice and opportunity to be heard shall be provided as soon as practicable after the placement of the person on the list described in subsection (b).

(h) DEFINITION OF FOREIGN PERSONS.—As used in this section, the term "foreign person" means any citizen or national of a foreign state or any entity not organized under the laws of the United States, including a foreign government official, but does not include a foreign state.

(i) CONSTRUCTION.—Nothing in this section shall be construed as precluding judicial review of the placement of any person on the list of traffickers in person described in subsection (b).

SEC. 12. STRENGTHENING PROSECUTION AND PUNISHMENT OF TRAFFICKERS.

(a) TITLE 18 AMENDMENTS.—Chapter 77 of title 18, United States Code, is amended—

(1) in each of sections 1581(a), 1583, and 1584—

(A) by striking "10 years" and inserting "20 years"; and

(B) by adding at the end the following: "If death results from a violation of this section, or if such violation includes kidnapping or an attempt to kidnap, aggravated sexual abuse or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or imprisoned for any term of years or life, or both.";

(2) in section 1584—

(A) by inserting "(a)" before "Whoever"; and

(B) by adding at the end the following new subsection:

"(b) For the purposes of this section, the term 'involuntary servitude' includes a condition of servitude induced by means of—

"(1) any act, scheme, plan, or pattern intended to cause a person to believe that, if the person did not enter into or continue in such condition, that person or another person would suffer serious harm or physical restraint, or

"(2) the abuse or threatened abuse of the legal process.";

(3) by inserting at the end the following new sections:

"§ 1589. Trafficking with respect to peonage, slavery, or involuntary servitude

"Whoever knowingly recruits, harbors, transports, provides, or obtains by any means any person in or into a condition that constitutes a violation of this chapter for the purpose of subjecting the person to or maintaining the person in such condition shall be fined under this title or imprisoned not more than 20 years, or both. If death results from a violation of this section, or if under this section the defendant's acts constitute kidnapping or an attempt to kidnap, aggravated sexual abuse, or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or imprisoned for any term of years or life, or both.

"§ 1590. Sex trafficking of children or by force, fraud, or coercion

"(a) IN GENERAL.—Whoever knowingly—

"(1) recruits, harbors, transports, provides, or obtains by any means a person; or

"(2) benefits, financially or otherwise, from an enterprise in which a person has been recruited, harbored, transported, provided, or obtained in violation of paragraph (1),

knowing that force, fraud, or coercion described in subsection (c)(2) will be used to cause the person to engage in a commercial sex act, or that the person has not attained the age of 18 years and will be caused to engage in a commercial sex act, shall be punished as provided in subsection (b).

"(b) PUNISHMENT.—An offense under subsection (a) is punishable—

"(1) if the offense was effected by force, fraud, or coercion, or if the person transported had not attained the age of 14 years at the time of such offense, by a fine under this title or imprisonment for any term of years or for life, or both; or

"(2) if the offense was not so effected, and the person transported had attained the age of 14 years but had not attained the age of 18 years at the time of such offense, by a fine under this title or imprisonment for not more than 20 years, or both.

"(c) DEFINITION.—In this section:

"(1) COERCION.—The term 'coercion' includes—

"(A) any act, scheme, plan, or pattern intended to cause a person to believe that if the person did not engage in a commercial sex act, that person or another person would suffer serious harm or physical restraint, and

"(B) the abuse or threatened abuse of law or the legal process.

"(2) COMMERCIAL SEX ACT.—The term 'commercial sex act' means any sex act, in or affecting interstate or foreign commerce, on account of which anything of value is given to or received by any person, and—

"(A) which takes place in the United States; or

"(B) in which either the person who caused or is expected to participate in the act or the person committing the violation is a United States citizen or an alien admitted for permanent residence in the United States.

"§ 1591. Unlawful conduct with respect to documents in furtherance of trafficking, peonage, slavery, or involuntary servitude

"Whoever, without lawful authority, knowingly and willfully destroys, conceals, removes, confiscates, or possesses any identification, passport, or other immigration document, or any other documentation of another person—

"(1) in the course of a violation of section 1581, 1583, 1584, 1589, 1590, or 1591 or a conspiracy or attempt to commit such a violation,

"(2) to prevent or restrict the person's liberty to move or travel in order to obtain or maintain the labor or services of another, or

"(3) in the course of the unlawful entry or attempted unlawful entry of a person into the United States, in order to obtain or maintain the labor or services of another,

shall be fined under this title or imprisoned for not more than 5 years, or both.

"§ 1592. Mandatory restitution

"(a) Notwithstanding section 3663 or 3663A, and in addition to any other civil or criminal penalties authorized by law, the court shall order restitution for any offense under this chapter.

"(b)(1) The order of restitution under this section shall direct the defendant to pay the victim (through the appropriate court mechanism) the full amount of the victim's losses, as determined by the court under paragraph (3) of this subsection.

"(2) An order of restitution under this section shall be issued and enforced in accordance with section 3664 in the same manner as an order under section 3663A.

"(3) As used in this subsection, the term 'full amount of the victim's losses' has the same meaning as provided in section 2259(b)(3) and shall in addition include the greater of the gross income or value to the defendant of the victim's services or labor or the value of the victim's labor as guaranteed under the minimum wage and overtime guarantees of the Fair Labor Standards Act (29 U.S.C. 201, et seq.).

"(c) As used in this section, the term 'victim' means the individual harmed as a result of a crime under this chapter, including, in the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or a representative of the victim's estate, or another family member, or any other person appointed as suitable by the court, but in no event shall the defendant be named such representative or guardian.

"§ 1593. General provisions

"(a) An attempt or conspiracy to violate section 1581, 1583, 1584, 1589, 1590, or 1591 shall be punishable in the same manner as a completed violation of that section.

"(b)(1) The court, in imposing sentence on any person convicted of a violation of this chapter, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person shall forfeit to the United States—

"(A) such person's interest in any property, real or personal, that was used or intended to be used to commit or to facilitate the commission of such violation; and

"(B) any property, real or personal, constituting or derived from, any proceeds that such person obtained, directly or indirectly, as a result of such violation.

"(2) The criminal forfeiture of property under this subsection, any seizure and disposition thereof, and any administrative or judicial proceeding in relation thereto, shall be governed by the provisions of section 7(e) of the Trafficking Victims Protection Act of 2000.

"(c)(1) The following shall be subject to forfeiture to the United States and no property right shall exist in them:

"(A) Any personal property used or intended to be used to commit or to facilitate the commission of any violation of this chapter.

"(B) Any property, real or personal, which constitutes or is derived from proceeds traceable to any violation of this chapter.

"(2) The provisions of chapter 46 of this title relating to civil forfeitures shall extend to any seizure or civil forfeiture under this subsection.

"(d) WITNESS PROTECTION.—Any violation of this chapter shall be considered an organized criminal activity or other serious offense for the purposes of application of chapter 224 (relating to witness protection)."; and

(3) by amending the table of sections at the beginning of chapter 77 by adding at the end the following new items:

"1589. Trafficking with respect to peonage, slavery, or involuntary servitude.

"1590. Sex trafficking of children or by force, fraud, or coercion.

"1591. Unlawful conduct with respect to documents in furtherance of trafficking, peonage, slavery, or involuntary servitude.
"1592. Mandatory restitution.
"1593. General provisions.".

(b) Amendment to the Sentencing Guidelines.—

(1) Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and, if appropriate, amend the sentencing guidelines and policy statements applicable to persons convicted of offenses involving the trafficking of persons including component or related crimes of peonage, involuntary servitude, slave trade offenses, and possession, transfer or sale of false immigration documents in furtherance of trafficking.

(2) In carrying out this subsection, the Sentencing Commission shall—

(A) take all appropriate measures to ensure that these sentencing guidelines and policy statements applicable to the offenses described in paragraph (1) of this subsection are sufficiently stringent to deter and adequately reflect the heinous nature of such offenses;

(B) consider conforming the sentencing guidelines applicable to offenses involving trafficking in persons to the guidelines applicable to peonage, involuntary servitude, and slave trade offenses; and

(C) consider providing sentencing enhancements for those convicted of the offenses described in paragraph (1) of this subsection that—

(i) involve a large number of victims;

(ii) involve a pattern of continued and flagrant violations;

(iii) involve the use or threatened use of a dangerous weapon; or

(iv) result in the death or bodily injury of any person.

(3) The Commission may promulgate the guidelines or amendments under this subsection in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired.

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

(a) Authorization of Appropriations in Support of the Interagency Task Force.—To carry out the purposes of sections 4, 5, and 10, there are authorized to be appropriated to the Secretary of State $1,500,000 for fiscal year 2001 and $3,000,000 for fiscal year 2002.

(b) Authorization of Appropriations to the Secretary of Health and Human Services.—To carry out the purposes of section 7(b), there are authorized to be appropriated to the Secretary of Health and Human Services $5,000,000 for fiscal year 2001 and $10,000,000 for fiscal year 2002.

(c) Authorization of Appropriations to the Secretary of State.—

(1) Assistance for victims in other countries.—To carry out the purposes of section 7(a), there are authorized to be appropriated to the Secretary of State $5,000,000 for fiscal year 2001 and $10,000,000 for fiscal year 2002.

(2) Voluntary contributions to OSCE.—To carry out the purposes of section 9, there are authorized to be appropriated to the Secretary of State $300,000 for voluntary contributions to advance projects aimed at preventing trafficking, promoting respect for human rights of trafficking victims, and assisting the Organization for Security and Cooperation in Europe participating states in related legal reform for fiscal year 2001.

(3) Preparation of annual country reports on human rights.—To carry out the purposes of section 4, there are authorized to be appropriated to the Secretary of State such sums as may be necessary to include the additional information required by that section in the annual Country Reports on Human Rights Practices, including the preparation and publication of the list described in subsection (a)(1) of that section.

(d) Authorization of Appropriations to Attorney General.—To carry out the purposes of section 7(b), there are authorized to be appropriated to the Attorney General $5,000,000 for fiscal year 2001 and $10,000,000 for fiscal year 2002.

(e) Authorization of Appropriations to President.—

(1) Foreign victim assistance.—To carry out the purposes of section 6, there are authorized to be appropriated to the President $5,000,000 for fiscal year 2001 and $10,000,000 for fiscal year 2002.

(2) Assistance to foreign countries to meet minimum standards.—To carry out the purposes of section 9, there are authorized to be appropriated to the President $5,000,000 for fiscal year 2001 and $10,000,000 for fiscal year 2002.

(f) Authorization of Appropriations to the Secretary of Labor.—To carry out the purposes of section 7(b), there are authorized to be appropriated to the Secretary of Labor $5,000,000 for fiscal year 2001 and $10,000,000 for fiscal year 2002.

HATCH AMENDMENT NO. 4028

Mr. HATCH proposed an amendment to amendment No. 4027, previously proposed by Mr. Hatch (for Mr. Brownback (for himself and Mr. Wellstone)) to the bill, H.R. 3244, supra; as follows:

Strike section 12 of the amendment and insert the following:

SEC. 12. STRENGTHENING PROSECUTION AND PUNISHMENT OF TRAFFICKERS.

(a) Title 18 Amendments.—Chapter 77 of title 18, United States Code, is amended—

(1) in each of sections 1581(a), 1583, and 1584—

(A) by striking "10 years" and inserting "20 years"; and

(B) by adding at the end the following: "If death results from a violation of this section, or if under this section the defendant's acts constitute kidnapping or an attempt to kidnap, aggravated sexual abuse or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or imprisoned for any term of years or life, or both.";

(2) in section 1584—

(A) by inserting "(a)" before "Whoever"; and

(B) by adding at the end the following new subsection:

"(b) For the purposes of this section, the term 'involuntary servitude' includes a condition of servitude induced by means of—

"(1) any act, scheme, plan, or pattern intended to cause a person to believe that, if the person did not enter into or continue in such condition, that person or another person would suffer serious harm or physical restraint, or

"(2) the abuse or threatened abuse of the legal process.";

(3) by inserting at the end the following new sections:

"§ 1589. Trafficking with respect to peonage, slavery, or involuntary servitude

"Whoever knowingly recruits, harbors, transports, provides, or obtains by any means any person in or into a condition that constitutes a violation of this chapter for the purpose of subjecting the person to or maintaining the person in such condition shall be fined under this title or imprisoned not more than 20 years, or both. If death results from a violation of this section, or if under this section the defendant's acts constitute kidnapping or an attempt to kidnap, aggravated sexual abuse, or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or imprisoned for any term of years or life, or both.

"§ 1590. Sex trafficking of children or by force, fraud, or coercion

"(a) In General.—Whoever knowingly—

"(1) recruits, harbors, transports, provides, or obtains by any means a person; or

"(2) benefits, financially or otherwise, from an enterprise in which a person has been recruited, harbored, transported, provided, or obtained in violation of paragraph (1),

knowing that force, fraud, or coercion described in subsection (c)(2) will be used to cause the person to engage in a commercial sex act, or that the person has not attained the age of 18 years and will be caused to engage in a commercial sex act, shall be punished as provided in subsection (b).

"(b) Punishment.—An offense under subsection (a) is punishable—

"(1) if the offense was effected by force, fraud, or coercion, or if the person transported had not attained the age of 14 years at the time of such offense, by a fine under this title or imprisonment for any term of years or for life, or both; or

"(2) if the offense was not so effected, and the person transported had attained the age of 14 years but had not attained the age of 18 years at the time of such offense, by a fine under this title or imprisonment for not more than 20 years, or both.

"(c) Definition.—In this section:

"(1) Coercion.—The term 'coercion' includes—

"(A) any act, scheme, plan, or pattern intended to cause a person to believe that if the person did not engage in a commercial sex act, that person or another person would suffer serious harm or physical restraint, and

"(B) the abuse or threatened abuse of law or the legal process.

"(2) Commercial sex act.—The term 'commercial sex act' means any sex act, in or affecting interstate or foreign commerce, on account of which anything of value is given to or received by any person, and—

"(A) which takes place in the United States; or

"(B) in which either the person who caused or is expected to participate in the act or the person committing the violation is a United States citizen or an alien admitted for permanent residence in the United States.

"§ 1591. Unlawful conduct with respect to documents in furtherance of trafficking, peonage, slavery, or involuntary servitude

"Whoever, without lawful authority, knowingly and willfully destroys, conceals, removes, confiscates, or possesses any identification, passport, or other immigration document, or any other documentation of another person—

"(1) in the course of a violation of section 1581, 1583, 1584, 1589, 1590, or 1591 or attempt to commit such a violation,

"(2) to prevent or restrict the person's liberty to move or travel in order to obtain or maintain the labor or services of another, or

"(3) in the course of the unlawful entry or attempted unlawful entry of a person into the United States, in order to obtain or maintain the labor or services of another,

shall be fined under this title or imprisoned for not more than 5 years, or both.

"§ 1592. Mandatory restitution

"(a) Notwithstanding section 3663 or 3663A, and in addition to any other civil or criminal penalties authorized by law, the court shall order restitution for any offense under this chapter.

"(b)(1) The order of restitution under this section shall direct the defendant to pay the victim (through the appropriate court mechanism) the full amount of the victim's losses, as determined by the court under paragraph (3) of this subsection.

"(2) An order of restitution under this section shall be issued and enforced in accordance with section 3664 in the same manner as an order under section 3663A.

"(3) As used in this subsection, the term 'full amount of the victim's losses' has the same meaning as provided in section 2259(b)(3) and shall in addition include the greater of the gross income or value to the defendant of the victim's services or labor or the value of the victim's labor as guaranteed under the minimum wage and overtime guarantees of the Fair Labor Standards Act (29 U.S.C. 201, et seq.).

"(c) As used in this section, the term 'victim' means the individual harmed as a result of a crime under this chapter, including, in the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or a representative of the victim's estate, or another family member, or any other person appointed as suitable by the court, but in no event shall the defendant be named such representative or guardian.

"§ 1593. General provisions

"(a) An attempt to violate section 1581, 1583, 1584, 1589, 1590, or 1591 shall be punishable in the same manner as a completed violation of that section.

"(b) The court, in imposing sentence on any person convicted of a violation of this chapter, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person shall forfeit to the United States—

"(A) such person's interest in any property, real or personal, that was used or intended to be used to commit or to facilitate the commission of such violation; and

"(B) any property, real or personal, constituting or derived from, any proceeds that such person obtained, directly or indirectly, as a result of such violation.

"(c)(1) The following shall be subject to forfeiture to the United States and no property right shall exist in them:

"(A) Any personal property used or intended to be used to commit or to facilitate the commission of any violation of this chapter.

"(B) Any property, real or personal, which constitutes or is derived from proceeds traceable to any violation of this chapter.

"(2) The provisions of chapter 46 of this title relating to civil forfeitures shall extend to any seizure or civil forfeiture under this subsection.

"(d) WITNESS PROTECTION.—Any violation of this chapter shall be considered an organized criminal activity or other serious offense for the purposes of application of chapter 224 (relating to witness protection)."; and

(3) by amending the table of sections at the beginning of chapter 77 by adding at the end the following new items:

"1589. Trafficking with respect to peonage, slavery, or involuntary servitude.
"1590. Sex trafficking of children or by force, fraud, or coercion.
"1591. Unlawful conduct with respect to documents in furtherance of trafficking, peonage, slavery, or involuntary servitude.
"1592. Mandatory restitution.
"1593. General provisions.".

(b) AMENDMENT TO THE SENTENCING GUIDELINES.—

(1) Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and, if appropriate, amend the sentencing guidelines and policy statements applicable to persons convicted of offenses involving the trafficking of persons including component or related crimes of peonage, involuntary servitude, slave trade offenses, and possession, transfer or sale of false immigration documents in furtherance of trafficking.

(2) In carrying out this subsection, the Sentencing Commission shall—

(A) take all appropriate measures to ensure that these sentencing guidelines and policy statements applicable to the offenses described in paragraph (1) of this subsection are sufficiently stringent to deter and adequately reflect the heinous nature of such offenses;

(B) consider conforming the sentencing guidelines applicable to offenses involving trafficking in persons to the guidelines applicable to peonage, involuntary servitude, and slave trade offenses; and

(C) consider providing sentencing enhancements for those convicted of the offenses described in paragraph (1) of this subsection that—

(i) involve a large number of victims;

(ii) involve a pattern of continued and flagrant violations;

(iii) involve the use or threatened use of a dangerous weapon; or

(iv) result in the death or bodily injury of any person.

(3) The Commission may promulgate the guidelines or amendments under this subsection in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired.

BREAST CANCER RESEARCH STAMP REAUTHORIZATION ACT OF 2000

LEVIN (AND OTHERS) AMENDMENT NO. 4029

Mr. SMITH of Oregon (for Mr. LEVIN (for himself, Mrs. FEINSTEIN, and Mrs. HUTCHISON)) proposed an amendment to the bill (S. 2386) a bill to extend the Stamp Out Breast Cancer Act; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. AUTHORITY TO ISSUE SEMIPOSTAL STAMPS.

(a) SHORT TITLE.—This Act may be cited as the "Semipostal Act of 2000".

(b) IN GENERAL.—Chapter 4 of title 39, United States Code, is amended by striking section 416 (as added by the Semipostal Authorization Act) and inserting the following:

"§ 416. Authority to issue semipostals

"(a) DEFINITIONS.—In this section, the term—

"(1) 'agency' means an Executive agency (as defined by section 105 of title 5);

"(2) 'amounts becoming available from the sale of a semipostal under this section' means—

"(A) the total amounts received by the Postal Service with respect to the applicable semipostal in excess of the first class, first ounce rate, reduced by

"(B) an amount equal to the full costs incurred by the Postal Service from the issuance and sale of the average first class, first ounce rate stamp, plus any additional costs incurred by the Postal Service unique to the issuance of the applicable semipostal; and,

"(3) 'semipostal' means a special postage stamp which is issued and sold by the Postal Service, at a premium, in order to help provide funding for an issue of national importance.

"(b) AUTHORITY.—The Postal Service may issue no more than 1 semipostal each year, and sell such semipostals, in accordance with this section.

"(c) RATES.—

"(1) IN GENERAL.—The rate of postage on a semipostal issued under this section shall be established by the Governors, in accordance with such procedures as the Governors shall by regulation promulgate (in lieu of the procedures under chapter 36), except that—

"(A) the rate established for a semipostal under this section shall be equal to the rate of postage that would otherwise regularly apply, plus a differential of not to exceed 25 percent; and

"(B) no regular rates of postage or fees for postal services under chapter 36 shall be any different from what such rates or fees otherwise would have been if this section had not been enacted.

"(2) VOLUNTARY USE.—The use of any semipostal issued under this section shall be voluntary on the part of postal patrons.

"(d) AMOUNTS BECOMING AVAILABLE.—

"(1) IN GENERAL.—The amounts becoming available from the sale of a semipostal under this section shall be transferred to the appropriate agency or agencies under such arrangements as the Postal Service shall by mutual agreement with each such agency establish.

"(2) ISSUES OF NATIONAL IMPORTANCE AND AGENCIES.—Decisions under this section concerning issues of national importance, and the appropriate agency or agencies to receive amounts becoming available under this section, shall be made applying the criteria and procedures established under subsection (f).

"(3) RECOVERY OF COSTS.—

"(A) IN GENERAL.—Not later than 6 months after the date of enactment of the Semipostal Act of 2000, the Postal Service shall establish a system to account for all revenues and the full costs (including related labor and administrative costs) associated with selecting, developing, marketing, and selling semipostals under this section. The system shall track and account for semipostal revenues and costs separately from the revenues and costs of all other postage stamps.

"(B) PAYMENT.—Before making any payment to any agency under subsection (d)(1), the Postal Service shall recover the full costs incurred by the Postal Service as of the date of such payment.

"(C) MINIMUM COSTS.—The Postal Service shall to the maximum extent practicable keep the costs incurred by the Postal Service in issuing a semipostal to a minimum.

"(4) OTHER FUNDING NOT TO BE AFFECTED.—Amounts which have or may become available from the sale of a semipostal under this section shall not be taken into account in any decision relating to the level of appropriations or other Federal funding to be furnished to an agency in any year.

"(e) CONGRESSIONAL REVIEW.—

"(1) Before the Postal Service can take action with respect to the implementation of a decision to issue a semipostal, the Postal Service shall submit to each House of the Congress a report containing—

"(A) a copy of the decision;

"(B) a concise explanation of the basis for the decision; and

"(C) the proposed effective date of the semipostal.

"(2) Upon receipt of a report submitted under subsection (1), each House shall provide copies of the report to the chairman and ranking member of the Governmental Affairs Committee in the Senate and the Government Reform Committee in the House.

"(3) The decision of the Postal Service with respect to the implementation of a decision to issue a semipostal shall take effect on the latest of—

"(A) the date occurring 60 days after the date on which the Congress receives the report submitted under subsection (1);

"(B) if the Congress passes a joint resolution of disapproval described in section 7, and the President signs a veto of such resolution, the earlier date—

"(i) on which either House of Congress votes and fails to override the veto of the President; or

"(ii) occurring 30 session days after the date on which the Congress received the veto and objections of the President; or

"(C) the date the decision would have otherwise been implemented, if not for this section (unless a joint resolution of disapproval under section 7 is enacted).

"(4) Notwithstanding subsection (3), the decision of the Postal Service with respect to the implementation of a decision to issue a semipostal shall not be delayed by operation of this subsection beyond the date on which either House of Congress votes to reject a joint resolution of disapproval under section 7.

"(5) The Postal Service shall not implement a decision to issue a semipostal if the Congress enacts a joint resolution of disapproval, described under subsection 7.

"(6)(A) In addition to the opportunity for review otherwise provided under this chapter, in the case of any decision for which a report was submitted in accordance with subsection (1) during the period beginning on the date occurring 30 days before the date the Congress adjourns a session of Congress through the date on which the same or succeeding Congress first convenes its next session, this section shall apply to such rule in the succeeding session of Congress.

"(B) In applying this section for purposes of such additional review, a decision described under subsection (1) shall be treated as though—

"(i) the decision were made on—

"(I) in the case of the Senate, the 5th session day, or

"(II) in the case of the House of Representatives, the 5th legislative day,

after the succeeding session of Congress first convenes; and

"(ii) a report on such rule were submitted to Congress under subsection (1) on such date.

"(7) For purposes of this section, the term "joint resolution" means only a joint resolution introduced in the period beginning on the date on which the report referred to in subsection 1 is received by Congress and ending 60 days thereafter (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), the matter after the resolving clause of which is as follows: "that Congress disapproves the decision of the Postal Service submitted on   relating to the issuance of   semipostal, and the Postal Service shall take no action to implement such decision." (The blank spaces being appropriately filled in).

"(8)(A) A joint resolution described in subsection (7) shall be referred to the committees in each House of Congress with jurisdiction.

"(B) For purposes of this subsection, the term "submission date" means the date on which the Congress receives the report submitted under section 1.

"(9) In the Senate, if the committee to which is referred a joint resolution described in subsection (7) has not reported such joint resolution (or an identical joint resolution) at the end of 20 calendar days after the submission date defined under subsection (8)(B), such committee may be discharged from further consideration of such joint resolution upon a petition supported in writing by 30 Members of the Senate, and such joint resolution shall be placed on the calendar.

"(10)(A) In the Senate, when the committee to which a joint resolution is referred has reported, or when a committee is discharged (under subsection (9)) from further consideration of a joint resolution described in subsection (7), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

"(B) In the Senate, debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

"(C) In the Senate, immediately following the conclusion of the debate on a joint resolution described in subsection (7), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

"(D) Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution described in subsection (7) shall be decided without debate.

"(11) In the Senate the procedure specified in subsection (9) or (10) shall not apply to the consideration of a joint resolution respecting a Postal Service decision to implement a decision to issue a semipostal—

"(A) after the expiration of the 60 session days beginning with the applicable submission date, or

"(B) if the report under subsection (1) was submitted during the period referred to in subsection (6), after the expiration of the 60 session days beginning on the 5th session day after the succeeding session of Congress first convenes.

"(12) If, before the passage by one House of a joint resolution of that House described in subsection (7), that House receives from the other House a joint resolution described in subsection (7), then the following procedures shall apply:

"(A) The joint resolution of the other House shall not be referred to a committee.

"(B) With respect to a joint resolution described in subsection (7) of the House receiving the joint resolution—

"(i) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

"(ii) the vote on final passage shall be on the joint resolution of the other House.

"(13) This section is enacted by Congress—

"(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution described in subsection (7), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

"(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

"(f) REGULATIONS.—

"(1) IN GENERAL.—Not later than 6 months after the date of enactment of the Semipostal Act of 2000, the Postal Service shall promulgate regulations to carry out this section, including provisions relating to—

"(A) which office or other body within the Postal Service will be responsible for making the decisions described in subsection (d)(2);

"(B) what criteria and procedures will be applied in making those decisions;

"(A) IN GENERAL.—If any semipostal ceases to be offered during the period covered by a report, the information contained in such report shall also include—

"(i) the dates on which the sale of such semipostal commenced and terminated; and

"(ii) the total amount that became available from the sale of such semipostal and any agency to which such amount was made available.

"(B) SEMIPOSTALS THAT CEASE TO BE OFFERED.—For each year before the year in which a semipostal ceases to be offered, any report under this subsection shall include, for that semipostal and for the year covered by that report, the information described under clauses (i) and (ii).

"(h) NO INDIVIDUAL RIGHT CREATED.—This section is not intended to and does not create any right or benefit, substantive or procedural, enforceable at law by any party against the Postal Service, its Governors, officers or employees, the United States, its agencies or instrumentalities, its officers or employees, or any other person.

"(i) INAPPLICABILITY TO BREAST CANCER RESEARCH SPECIAL STAMPS.—This section shall not apply to special postage stamps issued under section 414.

"(j) TERMINATION.—This section shall cease to be effective at the end of the 10-year period beginning on the date on which semipostals are first made available to the public under this section.".

(c) REPORTS BY AGENCIES.—

(1) IN GENERAL.—Each agency that receives any funding in a year under section 416 of title 39, United States Code (as amended by this section) shall submit a written report under this subsection with respect to such year to the congressional committees with jurisdiction over the United States Postal Service.

(2) CONTENTS.—Each report under this subsection shall include—

(A) the total amount of funding received by such agency under section 416 of such title during the year to which the report pertains;

(B) an accounting of how any funds received by such agency under section 416 of such title were allocated or otherwise used by such agency in such year; and

(C) a description of the effectiveness in addressing the applicable issue of national importance that occurred as a result of the funding.

(d) REPORTS BY THE GENERAL ACCOUNTING OFFICE.—

(1) INITIAL REPORT.—Not later than 4 months after semipostal stamps are first made available to the public under section 416 of title 39, United States Code (as amended by this section), the General Accounting Office shall submit to the President and each house of Congress an initial report on the operation of the program established under such section.

(2) INTERIM REPORTS.—Not later than the third year, and again not later than the sixth year, after semipostal stamps are first made available to the public under section 416 of title 39, United States Code (as amended by this section), the General Accounting Office shall submit to the President and each house of Congress an interim report on the operation of the program established under such section.

(3) FINAL REPORT.—Not later than 6 months before the date of termination of the effectiveness of section 416 of title 39, United States Code (as amended by this section), the General Accounting Office shall submit to the President and each house of Congress a final report on the operation of the program established under such section. The final report shall contain a detailed statement of the findings and conclusions of the General Accounting Office, and any recommendation the General Accounting Office considers appropriate.

(e) CONFORMING AMENDMENT.—Section 2 of the Semipostal Authorization Act is amended by striking subsections (b), (c), and (e).

(f) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act and the program under section 416 of title 39, United States Code (as amended by this section) shall be established not later than 1 year after the date of enactment of this Act.

Amend the title of the bill so as to read: "To authorize the United States Postal Service to issue semipostals, and for other purposes.".

NOTICES OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that an oversight field hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Wednesday, August 23 at 9 a.m. in the U.S. Federal Building Courthouse, Courtroom 1, located at 222 West 7th Avenue, 2nd Floor, Anchorage, AK.

The purpose of the hearing is to conduct oversight on the implementation of the federal takeover of subsistence fisheries in Alaska. Additionally, the Committee will examine the recent decision by the Federal Subsistence Board regarding a "rural" determination for the Kenai Peninsula. Oral testimony will be provided by members of the Federal Subsistence Board.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please contact Brian Malnak at 202-224-8119 or Jo Meuse at 202-224-4756.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing will take place on Thursday, September 7, 2000 at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, D.C. This hearing was previously scheduled to take place on July 26, 2000.

The purpose of this oversight hearing is to receive testimony on potential timber sale contract liability incurred by the government as a result of timber sale contract cancellations

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Mark Rey at (202) 224-6170.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

SUBCOMMITTEE ON WATER AND POWER

Mr. SMITH. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on Water and Power.

The hearing will take place on Tuesday, September 12, 2000 at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to conduct oversight on the status of the Biological Opinions of the National Marine Fisheries Service and the U.S. Fish and Wildlife Service on the operations of the Federal hydropower system of the Columbia River.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Water and Power, Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, D.C. 20510-6150.

For further information, please call Trici Heninger, Staff Assistant, or Colleen Deegan, Counsel, at (202) 224-8115.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. McCAIN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Thursday, July 27, 2000. The purpose of this meeting will be to review the Federal Sugar Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. McCAIN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Thursday, July 27, 2000. The purpose of this hearing will be to review proposals to establish an International School Lunch Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. McCAIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, July 27, 2000, at 9:30 a.m. on antitrust issues in the airline industry.

The PRESIDING OFFICER. Without objection, it is ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McCAIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, July 27 at 9:30 a.m. to conduct an oversight hearing. The committee will receive testimony from representatives of the General Accounting Office on the investigation of the Cerro Grande Fire in the State of New Mexico, and from Federal agencies on the Cerro Grande Fire and their fire policies in general.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. McCAIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, July 27, 2000, for an Open Executive Session to consider favorably reporting the following nominations: Robert S. LaRussa to be Under Secretary for International Trade, Department of Commerce; Jonathan Talisman, Assistant Secretary (Tax Policy), Department of the Treasury; Ruth

M. Thomas to be Assistant Secretary for Legislative Affairs, Department of the Treasury; and, Lisa G. Ross to be Assistant Secretary for Management and Chief Financial Officer, Department of the Treasury.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. McCAIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, July 27, 2000, at 10 a.m. The markup will take place in Dirksen Room 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. McCAIN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to hold a markup on pending legislation, and on the nominations of Thomas L. Garthwaite, M.D., to be Under Secretary for Health, Department of Veterans Affairs, and Robert M. Walker to be Under Secretary for Memorial Affairs, Department of Veterans Affairs.

The hearing will be held on Thursday, July 27, 2000, at 10 a.m., in room 418 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. McCAIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, July 27, 2000 at 3:30 p.m. to hold a closed confirmation hearing on the nomination of John E. McLaughlin to be Deputy Director of Central Intelligence.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. McCAIN. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet, July 27, 2000 from 9:39 a.m. to 12:30 p.m. in Dirksen 628 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, BUSINESS RIGHTS AND COMPETITION

Mr. McCAIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Antitrust, Business Rights and Competition be authorized to meet to conduct a markup on Thursday, July 27, 2000, at 9:30 a.m. The markup will take place in Dirksen Room 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON IMMIGRATION

Mr. McCAIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Criminal Justice Oversight be authorized to meet to conduct a hearing on Thursday, July 27, 2000, at 2 p.m., in Dirksen 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION AND RECREATION

Mr. McCAIN. Mr. President, I ask unanimous consent that the Subcommittee on National Parks, Historic Preservation and Recreation of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, July 27, at 2:30 p.m. to conduct a hearing. The subcommittee will receive testimony on S. 1734, a bill to authorize the Secretary of the Interior to contribute funds for the establishment of an interpretive center on the life and contributions of President Abraham Lincoln; H.R. 3084, a bill to authorize the Secretary of the Interior to contribute funds for the establishment of an interpretive center on the life and contributions of President Abraham Lincoln; S. 2345, a bill to direct the Secretary of the Interior to conduct a special resource study concerning the preservation and public use of sites associated with Harriet Tubman located in Auburn, New York, and for other purposes; S. 2638, a bill to adjust the boundaries of the Gulf Islands National Seashore to include Cat Island, Mississippi; H.R. 2541, a bill to adjust the boundaries of the Gulf Islands Natonal Seashore to include Cat Island, Mississippi; and S. 2848, a bill to provide for the exchange to benefit the Pecos National Historic Park in New Mexico.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. I ask unanimous consent that intern Sarah Schnerer be permitted privilege of the floor this afternoon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent Natacha Blain and David Sarokin of my staff be permitted access to the floor during the discussion of this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following report(s) of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM APR. 1 TO JUNE 30, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Jeff Sessions:									
Croatia	Dollar		209.00						209.00
Arch Galloway:									
Croatia	Dollar		207.00						207.00
Senator Joseph I. Lieberman:									
Israel	Dollar		1,841.20						1,841.20
Egypt	Dollar		171.87						171.87
United States	Dollar				5,595.78				5,595.78
Frederick M. Downey:									
Israel	Dollar		1,672.50						1,672.50
Egypt	Dollar		212.30						212.30
United States	Dollar				5,458.80				5,458.80
Senator Jack Reed:									
Colombia	Peso	518.213	248.90					518.213	248.90
Elizabeth L. King:									
Colombia	Peso	517.875	248.74					517.875	248.74
Senator Max Cleland:									
Belgium	Franc		852.00						852.00
Italy	Dollar		112.00						112.00
Kosovo	Dollar		7.00						7.00
United Kingdom	Pound		1,184.00						1,184.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM APR. 1 TO JUNE 30, 2000—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Andrew Vanlandingham:									
Belgium	Franc		584.54						584.54
Italy	Dollar		100.00						100.00
United Kingdom	Pound		358.49						358.49
Bill Chapman:									
Belgium	Franc		807.00						807.00
Italy	Dollar		106.00						106.00
Kosovo	Dollar		7.00						7.00
United Kingdom	Pound		1,201.00						1,201.00
Patricia Murphy:									
Belgium	Franc		584.54						584.54
Italy	Dollar		100.00						100.00
United Kingdom	Pound		358.49						358.49
Senator Jeff Sessions:									
United Kingdom	Pound	949	1,442.00					949	1,442.00
Netherlands	Guilder	1,136.05	492.00					1,136.05	492.00
Belgium	Franc	31,329	741.00					31,329	741.00
Total			13,848.57		11,054.58				24,903.15

JOHN WARNER,
Chairman, Committee on Armed Services, July 7, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS FOR TRAVEL FROM APR. 1 TO JUNE 30, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Jim Bunning:									
Italy	Dollar		1,192.53		3,791.60				4,984.13
Total			1,192.53		3,791.60				4,984.13

PHIL GRAMM,
Chairman, Committee on Banking, Housing, and Urban Affairs, June 30, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE BUDGET FOR TRAVEL FROM APR. 1 TO JUNE 30, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Frederic Baron:									
Colombia	Dollar		564.00		2,110.80				2,674.80
Total			564.00		2,110.80				2,674.80

PETE V. DOMENICI,
Chairman, Committee on the Budget, July 25, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION FOR TRAVEL FROM APR. 1 TO JUNE 30, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Paula H. Ford:									
Turkey	Dollar		1,050.00		1,518.80				2,568.80
Senator John D. Rockefeller, IV:									
Taiwan	New Taiwan Dollar	46,770	1,518.00					46,770	1,518.00
United States	Dollar				6,577.56				6,577.56
Robert J. Six:									
Taiwan	New Taiwan Dollar	46,770	1,518.00					46,770	1,518.00
United States	Dollar				2,729.56				2,729.56
Paul Margie:									
Taiwan	New Taiwan Dollar	34,793.11	1,129.28					34,793.11	1,129.28
United States	Dollar				2,729.56				2,729.56
Total			5,215.28		13,555.48				18,770.76

JOHN McCAIN,
Chairman, Committee on Commerce, Science, and Transportation, July 5, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES FOR TRAVEL FROM APR. 1 TO JUNE 30, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Frank H. Murkowski:									
Taiwan	New Taiwan Dollar	29,453	966.00		8,928.12			29,453	9,894.12
Hong Kong	Hong Kong Dollar	5,370	690.00					5,370	690.00
Charles Freeman:									
Taiwan	New Taiwan Dollar	29,453	966.00		5,338.08			29,453	6,304.08
Hong Kong	Hong Kong Dollar	8,050	1,035.00					8,050	1,035.00
Brian P. Malnak:									
Taiwan	New Taiwan Dollar	29,453	966.00		5,338.08			29,453	6,304.08
Hong Kong	Hong Kong Dollar	5,370	690.00					5,370	690.00
Total			5,313.00		19,604.28				24,917.28

FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, June 12, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE FOR TRAVEL FROM APR. 1 TO JUNE 30, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Bob Graham:									
Costa Rica	Dollar		173.00						173.00
Robert Filippone:									
Costa Rica	Dollar		173.00						173.00
Richard Chriss:									
Switzerland	Swiss Franc	1,961.16	1,180.00		1,901.00			1,961.16	3,081.00
Total			1,526.00		1,901.00				3,427.00

BILL ROTH,
Chairman, Committee on Finance, July 18, 2000.

AMENDMENT TO 4TH QUARTER 1999 CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1999

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Nancy Stetson:									
India	Dollar						276.62		276.62
Total							276.62		276.62

JESSE HELMS,
Chairman, Committee on Foreign Relations, July 25, 2000.

AMENDMENT TO 1ST QUARTER 2000 CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Joseph Biden:									
France	Dollar						277.45		277.45
Total							277.45		277.45

JESSE HELMS,
Chairman, Committee on Foreign Relations, July 25, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM APR. 1, TO JUNE 30, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Michael Miller:									
Kenya	Dollar		320.00						320.00
Somalia	Dollar		700.00						700.00
United States	Dollar				7,667.66				7,667.66
Nancy Stetson:									
Cuba	Dollar		263.05		364.00				627.05
United States	Dollar				1,523.00				1,523.00
Thailand	Dollar		232.00						232.00
Cambodia	Dollar		362.00						362.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM APR. 1, TO JUNE 30, 2000—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
United States	Dollar				6,641.80				6,641.80
Elizabeth Stewart:									
Belgium	Dollar		572.00						572.00
Croatia	Dollar		250.00						250.00
United States	Dollar				5,528,31				5,528.31
Marshall Billingslea:									
Hong Kong	Dollar		325.00						325.00
Singapore	Dollar		498.00						498.00
United States	Dollar				979.08				979.08
Ian Brzezinski:									
Belgium	Dollar		757.71						757.71
Belarus	Dollar		162.29						162.29
United States	Dollar				5,941.73				5,941.73
Michael Haltzel:									
Sweden	Dollar		1,200.00						1,200.00
France	Dollar		936.00						936.00
Germany	Dollar		900.00						900.00
United States	Dollar				6,878.36				6,878.36
Marcia Lee:									
Colombia	Dollar		189.00						189.00
Brian McKeon:									
Colombia	Dollar		186.00						186.00
Senator Joseph Biden:									
Colombia	Dollar		50.00						50.00
Italy	Dollar		496.00						496.00
United States	Dollar				3,953.66				3,953.66
Senator Chuck Hagel:									
United States	Dollar				4,384.11				4,384.11
Senator John Kerry:									
Cuba	Dollar		207.75		364.00				571.75
United States	Dollar				1,523.00				1,523.00
Thailand	Dollar		210.00						210.00
Cambodia	Dollar		257.00						257.00
United States	Dollar				7,011.32				7,011.32
Marc Thiessen:									
United States	Dollar				3,892.61				3,892.61
Poland	Dollar		1,118.99						1,118.99
United States	Dollar				4,083.94				4,083.94
Natasha Watson:									
Thailand	Dollar		888.00						888.00
United States	Dollar				198.53				198.53
Total			11,080.79		60,935.11				72,015.90

JESSE HELMS,
Chairman, Committee on Foreign Relations, July 25, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON GOVERNMENTAL AFFAIRS FOR TRAVEL FROM APR. 1, TO JUNE 30, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Elise Bean:									
Cayman Islands	Dollar		1,450.00		796.30				2,246.30
Robert Roach:									
Cayman Islands	Dollar		815.99		639.30				1,455.29
Senator Thompson:									
United States	Dollar				8,677.40				8,677.40
Italy	Lira		300.00						300.00
Austria	Schilling	3,029.88	210.00					3,029.99	210.00
Germany	Deutsche Mark	562	274.00					562	274.00
France	Franc	726.10	106.00	1,550	226.28			726.10	332.28
England	Pound	100	153.00					100	153.00
Mark Esper:									
United States	Dollar				5,270.40				5,270.00
Italy	Lira		300.00						300.00
Austria	Schilling	3,029.88	210.00					3,029.88	210.00
Germany	Deutsche Mark	562	274.00					562	274.00
France	Franc	2,137.20	312.00	1,550	226.28			2,137.20	538.28
England	Pound	84.91	129.00					84.91	129.00
Christopher Ford:									
United States	Dollar				5,270.40				5,270.40
Italy	Lira		300.00						300.00
Austria	Schilling	3,029.88	210.00					3,029.88	210.00
Germany	Deutsche Mark	562	274.00					562	274.00
France	Franc	2,137.20	312.00	1,550	226.28			2,137.20	538.28
England	Pound	100	153.00					100	153.00
Senator Durbin:									
Colombia	Peso	519.777	245.64					519.777	245.64
Richard Purcell:									
Colombia	Peso	515.991	243.85					515.991	243.85
Total			6,272.48		21,332.64				27,605.12

FRED THOMPSON,
Chairman, Committee on Governmental Affairs, July 25, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY FOR TRAVEL FROM APR. 1, TO JUNE 30, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Sharon Waxman:									
Holland	Dollar				710.67				710.67
Holland	Dollar		702.24						702.24
Total			702.24		710.67				1,412.91

ORRIN HATCH,
Chairman, Committee on the Judiciary, July 7, 2000.

AMENDMENT TO THE 1ST QUARTER 2000 CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), NATIONAL SECURITY WORKING GROUP STAFF DELEGATION TRAVEL AUTHORIZED BY SENATE MAJORITY LEADER TRENT LOTT AND DEMOCRATIC LEADER TOM DASCHLE FOR TRAVEL FROM FEB. 28 TO MAR. 4, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Mitch Kugler:									
Switzerland	Dollar		828.60		4,137.83				4,966.42
Dennis Ward:									
Switzerland	Dollar		828.60		4,137.83				4,966.42
Terri Smith:									
Switzerland	Dollar		828.60		4,137.83				4,966.42
Total			2,485.80		12,413.46				14,899.26

TRENT LOTT, Majority Leader,
TOM DASCHLE, Democratic Leader,
Mar. 31, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), NATIONAL SECURITY WORKING GROUP TRAVEL AUTHORIZED BY MAJORITY AND DEMOCRATIC LEADERS, FOR TRAVEL FROM APR. 16 TO APR. 20, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Thad Cochran:									
Russia	Dollar		548.00						548.00
United Kingdom	Pound		381.00						381.00
Mitch Kugler:									
Russia	Dollar		700.00						700.00
United Kingdom	Pound		381.00						381.00
Michael Loesch:									
Russia	Dollar		700.00						700.00
United Kingdom	Pound		381.00						381.00
Senator Carl Levin:									
Russia	Dollar		425.00						425.00
United Kingdom	Pound		221.00						221.00
Richard Fieldhouse:									
Russia	Dollar		453.00						453.00
United Kingdom	Pound		221.00						221.00
David Lyles:									
Russia	Dollar		465.00						465.00
United Kingdom	Pound		271.00						271.00
Total			5,147.00						5,147.00

TRENT LOTT, Majority Leader,
TOM DASCHLE, Democratic Leader,
July 27, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), TRAVEL AUTHORIZED BY DEMOCRATIC LEADER FOR TRAVEL FROM APR. 1, TO JUNE 30, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Ernest Hollings:									
Russia	Dollar		1,100.00						1,100.00
Ukraine	Dollar		763.00						763.00
Turkey	Dollar		918.00						918.00
Bulgaria	Dollar		388.00						388.00
Ashley Cooper:									
Russia	Dollar		1,100.00						1,100.00
Ukraine	Dollar		763.00						763.00
Turkey	Dollar		918.00						918.00
Bulgaria	Dollar		388.00						388.00
Total			6,388.00						6,388.00

TOM DASCHLE,
Democratic Leader, June 30, 2000.

MEASURES READ THE FIRST TIME

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the following bills be considered read for the first time and the request for their second reading be objected to, en bloc. They are: H.R. 728, H.R. 1102, H.R. 1264, H.R. 2348, H.R. 3048, H.R. 3468, H.R. 4033, H.R. 4079, H.R. 4201, H.R. 4923, H.R. 4846, H.R. 4888, H.R. 4700, H.R. 4681, and H.J. Res. 72.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the rule, the bills will receive their second reading on the next legislative day.

AUTHORIZATION TO MAKE APPOINTMENTS

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committee boards, conferences or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, SEPTEMBER 5, 2000

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 12 noon on Tuesday, September 5. I further ask consent that on Tuesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until 12:30 p.m., with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of Oregon. I further ask consent that the Senate stand in recess from the hours of 12:30 p.m. to 2:15 p.m. for the weekly policy conferences to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SMITH of Oregon. When the Senate convenes on Tuesday, September 5, the Senate will be in a period of morning business from 12 to 12:30 p.m. Following morning business, the Senate will recess for the weekly party conference meetings. At 2:15 p.m., the 30 hours of postcloture debate on the China PNTR bill will begin. At 6 p.m., by previous consent, the Senate will begin consideration of the energy and water appropriations bill, with amendments in order. Under the agreement, these two bills will be considered simultaneously throughout the week.

ORDER FOR ADJOURNMENT

Mr. SMITH of Oregon. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment——

Mr. WYDEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 1608

Mr. WYDEN. Mr. President, I ask consent that on or before September 15, 2000, the majority leader, after notification with the minority leader, will turn to Calendar No. 520, S. 1608, and it be considered under the following agreement:

That there be 2 hours equally divided for general debate on the bill; that there be a managers' amendment in the nature of a substitute; that there be up to two amendments for each leader, with one amendment of the minority leader to be offered by Senator BOXER; that they be first-degree amendments, relevant to the text of S. 1608, and limited to 1 hour each, to be equally divided in the usual form.

That following the disposition of the above described amendments, the use or yielding back of time, the Senate proceed to third reading and a vote on passage of S. 1608, as amended, if amended, without intervening action, motion, or debate.

I further ask consent that it be in order for either leader to vitiate the above agreement no later than 12 noon on Wednesday, September 6, 2000.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of Oregon. Mr. President, my colleague and I thank the staff and those who have waited this long time. I tell them and anyone who is concerned that the wait has been worthwhile. This bill is the product of a bipartisan pair of Senators who I think tonight have shown what can happen if we work together. We respect one another. We work for the good of the American people.

Every State with timber growing in it, with children growing in it, with roads needing repair in it, will be better because of what we have done tonight.

I salute my colleague and I thank him very much for his role this evening.

ADJOURNMENT UNTIL SEPTEMBER 5, 2000

The PRESIDING OFFICER. The Senate, under the previous order, will stand adjourned until 12 noon on Tuesday, September 5, 2000.

Thereupon, the Senate, at 9:53 p.m., adjourned until Tuesday, September 5, 2000, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate July 27, 2000:

EXECUTIVE OFFICE OF THE PRESIDENT

JOSE COLLADO, OF FLORIDA, TO BE A MEMBER OF THE ADVISORY BOARD FOR CUBA BROADCASTING FOR A TERM EXPIRING DECEMBER 20, 2003. (REAPPOINTMENT)

JOSE COLLADO, OF FLORIDA, TO BE A MEMBER OF THE ADVISORY BOARD FOR CUBA BROADCASTING FOR A TERM EXPIRING DECEMBER 20, 2000, VICE MARJORIE B. KAMPELMAN, RESIGNED.

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

JAMES H. ATKINS, OF ARKANSAS, TO BE A MEMBER OF THE FEDERAL RETIREMENT THRIFT INVESTMENT BOARD FOR A TERM EXPIRING SEPTEMBER 25, 2001. (REAPPOINTMENT)

THE JUDICIARY

CHRISTINE M. ARGUELLO, OF COLORADO, TO BE UNITED STATES CIRCUIT JUDGE FOR THE TENTH CIRCUIT, VICE JOHN C. PORFILIO, RETIRED.

DEPARTMENT OF JUSTICE

PAULA M. JUNGHANS, OF MARYLAND, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE LORETTA COLLINS ARGRETT, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be lieutenant colonel

DANIEL G. AARON, 4632
DAVID ABRAHAMSON, 7976
ROBERT M. ABRAMS, 5033
JOSEPH F. ADAMS, 6138
LYLE N. ADAMS, 4525
PHILLIP G. ADAMS, 9301
WILLIAM G. ADAMSON, 0749
EDWARD E. AGEE, JR., 5769
CRAIG J. AGENA, 2635
ROBERT B. AKAM, 9481
BRUCE E. AKARD, 5317
ROBERT Q. AKE, 8598
GEORGE G. AKIN, 4347
DANIEL A. ALABRE, 8487
MICHAEL A. ALBANEZE, 1668
ERIC S. ALBERT, 9721
SIBYLLA M. ALBERTSON, 9711
DONALD C. ALLGROVE, 7124
VINCENT E. ALONSO, 1367
ANNA E. ALVARADO, 1441
JOSEPH C. AMMON, 8798
VINCENT A. AMOS, 8293
AMANDA L. ANDERSON, 5284
BRIAN H. ANDERSON, 9148
DAVID P. ANDERSON, 5476
DEREK L. ANDERSON, 6343
JOHN P. ANDERSON, 0111
LONNY A. ANDERSON, 4306
MARK A. ANDERSON, 5179
BRENDA A. ANDREWS, 9426
ROBERTO C. ANDUJAR, 8723
WALTER K. ANGLES, 3337
HODGES ANTHONY, JR., 6774
JUAN L. ARCOCHA, 4718
ANTHONY P. ARCURI II, 7348
CHRISTOPHER S. ARGO, 8411
THOMAS W. ARIAIL, 4523
RANDALL T. ARNOLD, 2310
SPENCER Q. ARTMAN, 2080
JAMES S. ASHWORTH, 9085
GEORGE W. ATKINSON, 5773
WAYNE D. AUSTIN, 5207
KEVIN D. AVEN, 4858

KENNETH R. AVERY, 7882
RICK E. AYER, 7536
RONALD E. BAHAM, 2611
ANTONIO R. BAINES, 7901
BRIAN L. BAKER, 1214
CHARLES G. BAKER, JR., 5984
DAVID D. BAKER, 0036
MICHAEL J. BAKER, 9081
VERONICA L. BAKER, 0272
MICHAEL J. BARBEE, 5538
DAVID A. BARLOW, 8046
DAVID S. BARNABY, 1884
RANDALL T. BARNES, 8728
WILLIAM M. BARNETT IV, 2122
MATTHEW J. BARR, 1258
GREGORY V. BARRACK, 6075
RICHARD E. BARROWMAN, 1827
KERRY M. BARRY, 5226
GORDON H. BARTHOLF, JR., 8171
KENNETH C. BARTLETT, 1769
JOSEPH A. BASSANI, JR., 7954
OSCAR C. BATTLE, JR., 6600
CHRISTOPHER W. BAUGHMAN, 3668
CRAIG S. BAYER, 7014
JAMES M. BAYHA, 4813
SCOTT N. BEACH, 8676
MARY J. BEAM, 8612
JAMES R. BECK, 3433
BRADLEY A. BECKER, 9665
JOHN A. BECKER, 7472
RICHARD M. BECKINGER, 0088
KEVIN R. BEERMAN, 5277
CRAIG A. BELL, 4404
BRIAN R. BELLI, 6596
GERALD E. BELLIVEAU, JR., 5623
JOHN L. BELLIZAN, 7272
DAVID G. BELVA, 6513
PETER B. BENOIT, JR., 2058
CHRISTOPHER F. BENTLEY, 4500
DOUGLAS L. BENTLEY, JR., 7745
CHRISTOPHER R. BENYA, 1907
BRYAN W. BEQUETTE, 9773
DANIEL M. BERDINE, 9894
SCOTT D. BERRIER, 8066
JEFFREY D. BERTOCCI, 5310
ROBERT F. BEST, 8668
MEAREN C. BETHEA, 1395
ANTOINE B. BETHEL, 9123
SCOTT E. BICKELL, 4975
MICHAEL E. BIGELOW, 0160
RANDOLPH R. BINFORD, 7251
BRIAN D. BIRDWELL, 9185
WILLIAM M. BIRKETT, 4293
KEVIN R. BISHOP, 6548
DAVID E. BITHER, 7403
JOSEPH W. BLACKBURN, 8257
JOERLE B. BLACKMAN, 3312
RICHARD L. BLACKWELL, 6947
DAVID L. BLAIN, 4479
DEAN F. BLAND, 8316
RANDALL W. BLAND, 8984
DENNIS R. BLECKLEY, 3558
DAVID L. BLOSE, 5501
MICHELE P. BOLINGER, 4658
MICHAEL L. BOLLER, 7997
JAIME L. BONANO, 2030
THOMAS R. BONE II, 0625
CONRAD H. BONNER, 2783
EDWIN R. BOOTH, JR., 8719
RACHEL D. BORHAUER, 4704
ROBERT O. BOSWORTH, 1162
ROLFE B. BOTT, 9758
MARK H. BOURGEOIS, 5147
ANDREW W. BOWES, 4932
DARRYL L. BOWMAN, 1098
LLOYD L. BOXLEY, JR., 2558
CURTIS D. BOYD, 3571
PETER B. BOYD, 3492
STEVE C. BOYDSTON, 4176
STEVEN A. BOYLAN, 2927
JOHN C. BRACKETT, 1948
JAMES W. BRADIN, JR., 8281
STUART W. BRADIN, 1669
CHERYL D. BRADY, 0273
ROBERT H. BRANNOCK, JR., 1013
BARRY A. BRASSEUR, 9380
LARS E. BRAUN, 3862
JOHN H. BREIDENSTINE, JR., 3849
JOSEPH A. BRENDLER, 4671
THOMAS R. BREW, JR., 2011
DOUGLAS L. BRIMMER, 6089
WILLIAM D. BRINKLEY, 0656
KENNETH W. BRITT, 2785
MATTHEW W. BROADDUS, 8675
EDWARD J. BROCK, 9254
DARREN G. BROOKE, 5782
WILLIAM T. BROOKS, 6206
DEBORAH P. BROUGHTON, 9588
GREGORY A. BROUILLETTE, 9930
CATHLEEN M. BROWN, 6756
CLAYTON E. BROWN, 1359
DAVID A. BROWN, 7913
DAVID A. BROWN, 6459
DAVID K. BROWN, 4907
DEBORAH L. BROWN, 5586
JAY P. BROWN, 4304
JEFFERY D. BROWN, 0255
JEFFREY D. BROWN, 1439
JOHN W. BROWN III, 8193
KEVIN S. BROWN, 7114
MARK E. BROWN, 8209
REGINALD BROWN, 4988
STANLEY M. BROWN, 4068
STEVEN K. BROWN, 7222
STEPHEN E. BRUCH, 3894
DUANE E. BRUCKER, 5322
JAMES E. BRUNDAGE, 3064
CYNTHIA J. BUCHE, 9261
JOSEPH P. BUGHE, 7260
HARALD C. BUCHHOLZ, 0681
LAURIE G. BUCKHOUT, 9695
EDWARD D. BUCKNER, 2580
THOMAS E. BUDZYNA, 8421
SCOTT H. BUHMANN, 7612
WENDY S. BULKEN, 7979
STEVEN L. BULLIMORE, 0921
JAMES M. BURCALOW, 6102
MARCUS D. BURCH, 2144
GWYNNE T. BURKE, 0004
ROBERT A. BURNS, 9194
VICTOR R. BUTERA, 0846
BRIAN A. BUTLER, 0636
PAMELA L. BUTLER, 9159
PRESTON A. BUTLER, JR., 5470
CARL R. CALHOUN, 4261
SEAN M. CALLAHAN, 9368
MARK E. CALVERT, 2515
JAMES M. CAMPBELL, JR., 5761
JOHN D. CAMPBELL, 1625
JOHN S. CAMPBELL, 0042
JON W. CAMPBELL, 7736
KELLY N. CAMPBELL, 8749
LARRY W. CAMPBELL, 6101
ROBERT J. CAMPBELL, 4637
DAVID C. CAMPS, 7390
DENNIS M. CANTWELL, 0973
GREGORY L. CANTWELL, 6258
STEVEN M. CAPALBO, 8814
TRINIDAD F. CAPELO, 0095
DOMINIC J. CARACCILO, 5441
ROBERT K. CARL, 1014
MATTHEW B. CARLISLE, 3920
ELIEZER B. CARLO, 6963
SCOTT M. CARLSON, 7889
MARTIN T. CARPENTER, 6281
ROBERT C. CARPENTER, 7010
JOHN C. CARRINGTON, 8905
EDWARD L. CARROLL, 2629
DONALD K. CARTER, 3314
MARLENE R. CARTER, 0623
VICTOR T. CARTER, 5313
MICHAEL A. CASCIARO, 7607
SAMUEL W. CASMUS III, 9128
DANIEL L. CASSIDY, JR., 0335
ALAN W. CASTLEBERRY, 2308
JOHN G. CASTLES II, 7381
ROBERT J. CEJKA, 1037
GREGORY J. CELESTAN, 1995
SCOTT CHAMBERLAIN, 0392
GEORGE F. CHANDLER, 6250
THOMAS C. CHAPMAN, 5006
CHESTER A. CHAR, 5545
SHERMAN L. CHARLES, 8168
JOHN W. CHARLTON, 2568
STEVEN M. CHASE, 3108
ANTOINE CHEATHAM, 8958
DAVID C. CHENEY, 2242
J.K. CHESNEY, 0738
BARTON D. CHESS, 2584
CARLEN J. CHESTANG, JR., 2704
LAVERNE M. CHESTER, 5734
JAMES H. CHEVALLIER, 6206
RICHARD C. CHOPPA, 8972
JONATHON L. CHRISTENSEN, 4847
PATRICK M. CHRISTIAN, 5336
STEPHEN M. CHRISTIAN, 2782
KEVIN A. CHRISTIE, 8694
ANTHONY CHRISTINO III, 9660
SCOTT R. CHRISTOPHER, 7383
JOSEPH CIAMPINI, 9962
NORBERTO R. CINTRON, 6141
TIMOTHY H. CIVILS, JR., 6997
JOHN C. CLANTON, 7079
HARVEY E. CLARK, 6590
RICHARD D. CLARKE, JR., 0988
FERALD A. CLARY, 9227
TROY A. CLAY, 4937
WILFRED D. CLAYTON, 0540
SAMUEL CLEAR, 9666
MARK K. CLEAVER, 6306
JON S. CLEAVES, 8519
JOSEPH F. CLEGG, 6970
STEPHEN L. CLOUM, 8242
CLAYTON W. COBB, 7771
NATALIE M. COLE, 5714
RICHARD J. COLE, 8420
BRIAN F. COLEMAN, 8089
STEVEN A. COLES, 0123
STEPHEN C. COLLAR, 7313
JOHN E. COLLIE, 0597
DAVID G. COLLINS, 5148
ETHAN COLLINS, 5374
BARTON G. COMBS, 5376
BRADFORD M. COMBS, 2409
PEGGY C. COMBS, 8339
CHARLES K. COMER, 1465
PAUL B. CONDON, JR., 4345
JACKLYN CONEY, JR., 5431
WILLIAM R. CONLON, 0127
CHRISTOPHER E. CONNER, 5135
THOMAS H. CONNORS, 1060
JAMES P. CONTRERAS, JR., 5368
WILLIAM B. COOPER, 3448
LORELEI E. COPLEN, 9724
YVONNE M. CORMIER, 1194
THOMAS F. CORNELL, 1632
WILLIAM N. COSBY, 7876
MARK A. COSTELLO, 5382
WILLIAM J. COULTRUP, 5413
THOMAS R. COVINGTON, 3524
MICHAEL A. COWAN, 9946
THOMAS M. COWAN, 5306
JOHN A. COX, 4325
WALLACE G. COX, JR., 3183
BRUCE T. CRAWFORD, 3022
GREGORY W. CRAWLEY, 6696
ERIC R. CRINER, 6210
DERIK W. CROTTS, 3743
THOMAS W. CROUCH, 2439
STEVEN L. CROWE, 8154
ANTHONY CRUZ, 6211
VENTURA A. CUELLO, 2758
WILLIAM M. CULBRETH, 4459
BRIAN K. CUMMINGS, 0535
LOU A. CUNNINGHAM, 0454
JOHN P. CURRAN, 1011
KENT T. CUSACK, 7606
CHARLES T. CUTLER, 7058
MICHAEL P. CYR, 3189
BEVAN R. DALEY, 5550
SCOTT A. DALLESASSE, 0539
JOHN DAMBROSIO, 3955
STEVEN P. DAMON, 6225
SUSAN C. DANIELSEN, 6442
JAMES W. DANNA III, 7808
MATTHEW J. DANSBURY, 4500
DANIEL C. DAOUST, 6950
HARRY B. DARBY, JR., 0623
CHARLES R. DARDEN, 6024
RICHARD S. DAUM, JR., 0984
ALEXANDER D. DAVIS, JR., 0206
JEFFREY H. DAVIS, 9861
JON M. DAVIS, JR., 2368
PAUL T. DAVIS, 6012
THEOPIA A. DEAS, 3154
DALE E. DEBRULER, 5527
ARTHUR S. DEGROAT, 7582
RONALD J. DEJONG, 9334
RALPH C. DELUCA, 1106
DANNY S. DENNEY, 0721
MARCUS F. DEOLIVEIRA, 4027
THOMAS J. DESROSIER, 3446
JOHN K. DEWEY, 0561
MARK A. DEWHURST, 1274
ROBERT L. DEYESO, JR., 3444
SCOTT J. DIAS, 6424
JOSEPH J. DICHAIRO, 1290
BRADLEY C. DICK, 7512
CHAILENDREIA M. DICKENS, 1403
CLIFTON L. DICKEY, 1448
JAMES H. DICKINSON, 0195
JAMES E. DIETZ, 4675
JAMES R. DILLON, 5943
DANIEL J. DILLOW, 4131
STEPHEN E. DIRIGO, 2882
DEIRDRE P. DIXON, 3953
LILLIAN A. DIXON, 5119
DAVID B. DOANE, 2990
WILLIAM H. DODGE, 1779
TERRANCE J. DOLAN, 3586
SCOTT J. DOLGOFF, 2025
CARL DOMINIC, 7504
THOMAS G. DONNELLY, 6008
KARLA M. DONOVAN, 4893
MICHAEL T. DONOVAN, 2574
JAMES L. DOUGLAS, 1154
ROBERT L. DOUTHIT, 3258
JEFFREY M. DOUVILLE, 5332
JOHN F. DOWD, JR., 7276
BRUCE P. DOWDY, 2814
JAMES D. DOWDY, 0199
MICHAEL P. DOWDY, 0039
DEBORAH R. DRAIN, 6801
WILLIAM J. DUDDLESTON, 8037
FRANKLIN D. DUNCAN, JR., 6719
RICKY DUNNAWAY, JR., 7148
DAVID D. DWORAK, 4198
GREGORY J. DYEKMAN, 8844
CHARLES B. DYER, 4412
JACKIE L. DYESS, 4882
ARTHUR J. EARL, 6623
MARK G. EDGREN, 5346
KEITH R. EDWARDS, 9441
MARK H. EDWARDS, 8356
THOMAS I. EISIMINGER, JR., 1852
MARK T. ELLINGTON, 9061
KENT M. ELLIOTT, JR., 0391
KEVIN F. ELLIOTT, 2122
CARL M. ELLIS, 8081
ADRIAN A. ERCKENBRACK, 4254
IAN P. ERICKSON, 1870
MARK A. ERNYEI, 0998
JON A. ERRICKSON, 5979
MARK W. ERWIN, 8878
EARNEST L. EVANS, 0461
RICHARD A. EVANS, 8233
SAMUEL S. EVANS, 3990
THOMAS H. EVANS, 9345
BENJAMIN A. EVERSON, 4077
STEPHEN R. FAHY, 5208
JAMES F. FAIN, 1587
ROBERT E. FALKENSTEIN, 1586
DANIEL M. FANCHER, 3947
MARK A. FARRAR, 8175
KENTON G. FASANA, 8403
THOMAS H. FASS, 7823

MEASURES READ THE FIRST TIME

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the following bills be considered read for the first time and the request for their second reading be objected to, en bloc. They are: H.R. 728, H.R. 1102, H.R. 1264, H.R. 2348, H.R. 3048, H.R. 3468, H.R. 4033, H.R. 4079, H.R. 4201, H.R. 4923, H.R. 4846, H.R. 4888, H.R. 4700, H.R. 4681, and H.J. Res. 72.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the rule, the bills will receive their second reading on the next legislative day.

AUTHORIZATION TO MAKE APPOINTMENTS

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committee boards, conferences or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, SEPTEMBER 5, 2000

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 12 noon on Tuesday, September 5. I further ask consent that on Tuesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until 12:30 p.m., with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of Oregon. I further ask consent that the Senate stand in recess from the hours of 12:30 p.m. to 2:15 p.m. for the weekly policy conferences to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SMITH of Oregon. When the Senate convenes on Tuesday, September 5, the Senate will be in a period of morning business from 12 to 12:30 p.m. Following morning business, the Senate will recess for the weekly party conference meetings. At 2:15 p.m., the 30 hours of postcloture debate on the China PNTR bill will begin. At 6 p.m., by previous consent, the Senate will begin consideration of the energy and water appropriations bill, with amendments in order. Under the agreement, these two bills will be considered simultaneously throughout the week.

ORDER FOR ADJOURNMENT

Mr. SMITH of Oregon. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment——

Mr. WYDEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 1608

Mr. WYDEN. Mr. President, I ask consent that on or before September 15, 2000, the majority leader, after notification with the minority leader, will turn to Calendar No. 520, S. 1608, and it be considered under the following agreement:

That there be 2 hours equally divided for general debate on the bill; that there be a managers' amendment in the nature of a substitute; that there be up to two amendments for each leader, with one amendment of the minority leader to be offered by Senator BOXER; that they be first-degree amendments, relevant to the text of S. 1608, and limited to 1 hour each, to be equally divided in the usual form.

That following the disposition of the above described amendments, the use or yielding back of time, the Senate proceed to third reading and a vote on passage of S. 1608, as amended, if amended, without intervening action, motion, or debate.

I further ask consent that it be in order for either leader to vitiate the above agreement no later than 12 noon on Wednesday, September 6, 2000.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of Oregon. Mr. President, my colleague and I thank the staff and those who have waited this long time. I tell them and anyone who is concerned that the wait has been worthwhile. This bill is the product of a bipartisan pair of Senators who I think tonight have shown what can happen if we work together. We respect one another. We work for the good of the American people.

Every State with timber growing in it, with children growing in it, with roads needing repair in it, will be better because of what we have done tonight.

I salute my colleague and I thank him very much for his role this evening.

ADJOURNMENT UNTIL SEPTEMBER 5, 2000

The PRESIDING OFFICER. The Senate, under the previous order, will stand adjourned until 12 noon on Tuesday, September 5, 2000.

Thereupon, the Senate, at 9:53 p.m., adjourned until Tuesday, September 5, 2000, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate July 27, 2000:

EXECUTIVE OFFICE OF THE PRESIDENT

JOSE COLLADO, OF FLORIDA, TO BE A MEMBER OF THE ADVISORY BOARD FOR CUBA BROADCASTING FOR A TERM EXPIRING DECEMBER 20, 2003. (REAPPOINTMENT)

JOSE COLLADO, OF FLORIDA, TO BE A MEMBER OF THE ADVISORY BOARD FOR CUBA BROADCASTING FOR A TERM EXPIRING DECEMBER 20, 2000, VICE MARJORIE B. KAMPELMAN, RESIGNED.

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

JAMES H. ATKINS, OF ARKANSAS, TO BE A MEMBER OF THE FEDERAL RETIREMENT THRIFT INVESTMENT BOARD FOR A TERM EXPIRING SEPTEMBER 25, 2004. (REAPPOINTMENT)

THE JUDICIARY

CHRISTINE M. ARGUELLO, OF COLORADO, TO BE UNITED STATES CIRCUIT JUDGE FOR THE TENTH CIRCUIT, VICE JOHN C. PORFILIO, RETIRED.

DEPARTMENT OF JUSTICE

PAULA M. JUNGHANS, OF MARYLAND, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE LORETTA COLLINS ARGRETT, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be lieutenant colonel

DANIEL G. AARON, 4632
DAVID ABRAHAMSON, 7976
ROBERT M. ABRAMS, 5033
JOSEPH F. ADAMS, 6138
LYLE N. ADAMS, 4525
PHILLIP G. ADAMS, 9304
WILLIAM G. ADAMSON, 0749
EDWARD E. AGEE, JR., 5769
CRAIG J. AGENA, 2635
ROBERT B. AKAM, 9481
BRUCE E. AKARD, 5317
ROBERT Q. AKE, 8598
GEORGE G. AKIN, 4347
DANIEL A. ALABRE, 8487
MICHAEL A. ALBANEZE, 1668
ERIC S. ALBERT, 9721
SIBYLLA M. ALBERTSON, 9711
DONALD C. ALLGROVE, 7124
VINCENT E. ALONSO, 1367
ANNA E. ALVARADO, 1441
JOSEPH C. AMMON, 8798
VINCENT A. AMOS, 8293
AMANDA L. ANDERSON, 5284
BRIAN H. ANDERSON, 9148
DAVID P. ANDERSON, 5476
DEREK L. ANDERSON, 6343
JOHN P. ANDERSON, 0111
LONNY A. ANDERSON, 4306
MARK A. ANDERSON, 5179
BRENDA A. ANDREWS, 9126
ROBERTO C. ANDUJAR, 8723
WALTER K. ANGLES, 3337
HODGES ANTHONY, JR., 6774
JUAN L. ARCOCHA, 4718
ANTHONY P. ARCURI II, 7348
CHRISTOPHER S. ARGO, 8411
THOMAS W. ARIAIL, 4523
RANDALL T. ARNOLD, 2310
SPENCER Q. ARTMAN, 2080
JAMES S. ASHWORTH, 9085
GEORGE W. ATKINSON, 5773
WAYNE D. AUSTIN, 5207
KEVIN D. AVEN, 4858

KENNETH R. AVERY, 7882
RICK E. AYER, 7536
RONALD E. BAHAM, 2611
ANTONIO R. BAINES, 7901
BRIAN L. BAKER, 1214
CHARLES G. BAKER, JR., 5984
DAVID D. BAKER, 0036
MICHAEL J. BAKER, 9081
VERONICA L. BAKER, 0272
MICHAEL J. BARBEE, 5538
DAVID A. BARLOW, 8040
DAVID S. BARNABY, 1884
RANDALL T. BARNES, 8728
WILLIAM M. BARNETT IV, 2122
MATTHEW J. BARR, 1258
GREGORY V. BARRACK, 6075
RICHARD E. BARROWMAN, 1827
KERRY M. BARRY, 5226
GORDON H. BARTHOLF, JR., 8171
KENNETH C. BARTLETT, 1769
JOSEPH A. BASSANI, JR., 7954
OSCAR C. BATTLE, JR., 6600
CHRISTOPHER W. BAUGHMAN, 3668
CRAIG S. BAYER, 7014
JAMES M. BAYHA, 4813
SCOTT N. BEACH, 8676
MARY J. BEAM, 8612
JAMES R. BECK, 3433
BRADLEY A. BECKER, 9665
JOHN A. BECKER, 7472
RICHARD M. BECKINGER, 0088
KEVIN R. BEERMAN, 5277
CRAIG A. BELL, 4404
BRIAN R. BELLI, 6596
GERALD E. BELLIVEAU, JR., 5623
JOHN L. BELLIZAN, 7272
DAVID G. BELVA, 6513
PETER B. BENOIT, JR., 2058
CHRISTOPHER F. BENTLEY, 4500
DOUGLAS L. BENTLEY, JR., 7745
CHRISTOPHER R. BENYA, 1907
BRYAN W. BEQUETTE, 9773
DANIEL M. BERDINE, 9894
SCOTT D. BERRIER, 8066
JEFFREY D. BERTOCCI, 5310
ROBERT F. BEST, 8668
MEAREN C. BETHEA, 1395
ANTOINE B. BETHEL, 9123
SCOTT E. BICKELL, 4975
MICHAEL E. BIGELOW, 0160
RANDOLPH R. BINFORD, 7251
BRIAN D. BIRDWELL, 9185
WILLIAM M. BIRKETT, 4293
KEVIN R. BISHOP, 6548
DAVID E. BITHER, 7403
JOSEPH W. BLACKBURN, 8257
JOERLE B. BLACKMAN, 3312
RICHARD L. BLACKWELL, 6947
DAVID L. BLAIN, 4479
DEAN F. BLAND, 8316
RANDALL W. BLAND, 8984
DENNIS R. BLECKLEY, 3558
DAVID L. BLOSE, 5501
MICHELE P. BOLINGER, 4658
MICHAEL L. BOLLER, 7997
JAIME L. BONANO, 2030
THOMAS R. BONE II, 0625
CONRAD H. BONNER, 2783
EDWIN R. BOOTH, JR., 8719
RACHEL D. BORHAUER, 4704
ROBERT O. BOSWORTH, 1162
ROLFE B. BOTT, 9758
MARK H. BOURGEOIS, 5147
ANDREW W. BOWES, 4932
DARRYL L. BOWMAN, 1098
LLOYD L. BOXLEY, JR., 2558
CURTIS D. BOYD, 3571
PETER B. BOYD, 3492
STEVE C. BOYDSTON, 4176
STEVEN A. BOYLAN, 2927
JOHN C. BRACKETT, 1948
JAMES W. BRADIN, JR., 8281
STUART W. BRADIN, 1669
CHERYL D. BRADY, 0273
ROBERT H. BRANNOCK, JR., 1013
BARRY A. BRASSEUR, 9380
LARS E. BRAUN, 3862
JOHN H. BREIDENSTINE, JR., 3849
JOSEPH A. BRENDLER, 4671
THOMAS R. BREW, JR., 2011
DOUGLAS L. BRIMMER, 6089
WILLIAM D. BRINKLEY, 0656
KENNETH W. BRITT, 2785
MATTHEW W. BROADDUS, 8675
EDWARD J. BROCK, 9254
DARREN G. BROOKE, 5782
WILLIAM T. BROOKS, 6206
DEBORAH P. BROUGHTON, 9588
GREGORY A. BROUILLETTE, 9930
CATHLEEN M. BROWN, 6756
CLAYTON E. BROWN, 1359
DAVID A. BROWN, 7913
DAVID A. BROWN, 6459
DAVID K. BROWN, 4907
DEBORAH L. BROWN, 5586
JAY P. BROWN, 4304
JEFFERY D. BROWN, 0255
JEFFREY D. BROWN, 1439
JOHN W. BROWN III, 8193
KEVIN S. BROWN, 7114
MARK E. BROWN, 8209
REGINALD BROWN, 4988
STANLEY M. BROWN, 4068
STEVEN K. BROWN, 7222
STEPHEN E. BRUCH, 3894
DUANE E. BRUCKER, 5322
JAMES E. BRUNDAGE, 3064
CYNTHIA J. BUCHE, 9261
JOSEPH P. BUCHE, 7260
HARALD C. BUCHHOLZ, 0681
LAURIE G. BUCKHOUT, 9695
EDWARD D. BUCKNER, 2580
THOMAS E. BUDZYNA, 8421
SCOTT H. BUHMANN, 7612
WENDY S. BULKEN, 7979
STEVEN L. BULLIMORE, 0921
JAMES M. BURCALOW, 6102
MARCUS D. BURCH, 2144
GWYNNE T. BURKE, 0004
ROBERT A. BURNS, 9194
VICTOR R. BUTERA, 0846
BRIAN A. BUTLER, 0636
PAMELA L. BUTLER, 9159
PRESTON A. BUTLER, JR., 5470
CARL R. CALHOUN, 4261
SEAN M. CALLAHAN, 9368
MARK E. CALVERT, 2515
JAMES M. CAMPBELL, JR., 5761
JOHN D. CAMPBELL, 1625
JOHN S. CAMPBELL, 0042
JON W. CAMPBELL, 7736
KELLY N. CAMPBELL, 8749
LARRY W. CAMPBELL, 6101
ROBERT J. CAMPBELL, 4637
DAVID C. CAMPS, 7390
DENNIS M. CANTWELL, 0973
GREGORY L. CANTWELL, 6258
STEVEN M. CAPALBO, 8814
TRINIDAD F. CAPELO, 0095
DOMINIC J. CARACCILO, 5441
ROBERT K. CARL, 1014
MATTHEW B. CARLISLE, 3920
ELIEZER B. CARLO, 6963
SCOTT M. CARLSON, 7889
MARTIN T. CARPENTER, 6281
ROBERT C. CARPENTER, 7010
JOHN C. CARRINGTON, 8905
EDWARD L. CARROLL, 2629
DONALD K. CARTER, 3314
MARLENE R. CARTER, 0623
VICTOR T. CARTER, 5313
MICHAEL A. CASCIARO, 7607
SAMUEL W. CASMUS III, 9128
DANIEL L. CASSIDY, JR., 0335
ALAN W. CASTLEBERRY, 2308
JOHN G. CASTLES II, 7381
ROBERT J. CEJKA, 1037
GREGORY J. CELESTAN, 1995
SCOTT CHAMBERLAIN, 0392
GEORGE F. CHANDLER, 6250
THOMAS C. CHAPMAN, 5006
CHESTER A. CHAR, 5545
SHERMAN L. CHARLES, 8168
JOHN W. CHARLTON, 2568
STEVEN M. CHASE, 3108
ANTOINE CHEATHAM, 8958
DAVID C. CHENEY, 2242
J.K. CHESNEY, 0738
BARTON D. CHESS, 2584
CARLEN J. CHESTANG, JR., 2704
LAVERNE M. CHESTER, 5734
JAMES H. CHEVALLIER, 6206
RICHARD C. CHOPPA, 8972
JONATHON L. CHRISTENSEN, 4847
PATRICK M. CHRISTIAN, 5336
STEPHEN M. CHRISTIAN, 2782
KEVIN A. CHRISTIE, 8694
ANTHONY CHRISTINO III, 9660
SCOTT R. CHRISTOPHER, 7383
JOSEPH CIAMPINI, 9962
NORBERTO R. CINTRON, 6141
TIMOTHY H. CIVILS, JR., 6997
JOHN C. CLANTON, 7079
HARVEY E. CLARK, 6590
RICHARD D. CLARKE, JR., 0988
FERALD A. CLARY, 9227
TROY A. CLAY, 4937
WILFRED D. CLAYTON, 0540
SAMUEL CLEAR, 9666
MARK K. CLEAVER, 6306
JON S. CLEAVES, 8519
JOSEPH F. CLEGG, 6970
STEPHEN L. CLOUM, 8242
CLAYTON W. COBB, 7771
NATALIE M. COLE, 5714
RICHARD J. COLE, 8420
BRIAN F. COLEMAN, 8089
STEVEN A. COLES, 0123
STEPHEN C. COLLAR, 7313
JOHN E. COLLIE, 0597
DAVID G. COLLINS, 5148
ETHAN COLLINS, 5374
BARTON G. COMBS, 5376
BRADFORD M. COMBS, 2409
PEGGY C. COMBS, 8339
CHARLES K. COMER, 1465
PAUL B. CONDON, JR., 4345
JACKLYN CONEY, JR., 5431
WILLIAM R. CONLON, 0127
CHRISTOPHER E. CONNER, 5135
THOMAS H. CONNORS, 1060
JAMES P. CONTRERAS, JR., 5368
WILLIAM B. COOPER, 3448
LORELEI E. COPLEN, 9724
YVONNE M. CORMIER, 1194
THOMAS F. CORNELL, 1632
WILLIAM N. COSBY, 7876
MARK A. COSTELLO, 5382
WILLIAM J. COULTRUP, 5413
THOMAS R. COVINGTON, 3524
MICHAEL A. COWAN, 9946
THOMAS M. COWAN, 5306
JOHN A. COX, 4325
WALLACE G. COX, JR., 3183
BRUCE T. CRAWFORD, 3022
GREGORY W. CRAWLEY, 6696
ERIC R. CRINER, 6210
DERIK W. CROTTS, 3743
THOMAS W. CROUCH, 2439
STEVEN L. CROWE, 8154
ANTHONY CRUZ, 6211
VENTURA A. CUELLO, 2758
WILLIAM M. CULBRETH, 4459
BRIAN K. CUMMINGS, 0535
LOU A. CUNNINGHAM, 0154
JOHN P. CURRAN, 1011
KENT T. CUSACK, 7606
CHARLES T. CUTLER, 7058
MICHAEL P. CYR, 3189
BEVAN R. DALEY, 5550
SCOTT A. DALLESASSE, 0539
JOHN DAMBROSIO, 3955
STEVEN P. DAMON, 6225
SUSAN C. DANIELSEN, 6442
JAMES W. DANNA III, 7808
MATTHEW J. DANSBURY, 4500
DANIEL C. DAOUST, 6950
HARRY B. DARBY, JR., 0623
CHARLES R. DARDEN, 6024
RICHARD S. DAUM, JR., 0984
ALEXANDER D. DAVIS, JR., 0206
JEFFREY H. DAVIS, 9861
JON M. DAVIS, JR., 2368
PAUL T. DAVIS, 6012
THEOPIA A. DEAS, 3154
DALE E. DEBRULER, 5527
ARTHUR S. DEGROAT, 7582
RONALD J. DEJONG, 9334
RALPH C. DELUCA, 1106
DANNY S. DENNEY, 0721
MARCUS F. DEOLIVEIRA, 4027
THOMAS J. DESROSIER, 3446
JOHN K. DEWEY, 0561
MARK A. DEWHURST, 1274
ROBERT L. DEYESO, JR., 3444
SCOTT J. DIAS, 6424
JOSEPH J. DICHAIRO, 1290
BRADLEY C. DICK, 7512
CHAILENDREIA M. DICKENS, 1403
CLIFTON L. DICKEY, 1448
JAMES H. DICKINSON, 0195
JAMES E. DIETZ, 4675
JAMES R. DILLON, 5943
DANIEL J. DILLOW, 4131
STEPHEN E. DIRIGO, 2882
DEIRDRE P. DIXON, 3953
LILLIAN A. DIXON, 5119
DAVID B. DOANE, 2990
WILLIAM H. DODGE, 1779
TERRANCE J. DOLAN, 3586
SCOTT J. DOLGOFF, 2025
CARL DOMINIC, 7504
THOMAS G. DONNELLY, 6008
KARLA M. DONOVAN, 4893
MICHAEL T. DONOVAN, 2574
JAMES L. DOUGLAS, 1154
ROBERT L. DOUTHIT, 3258
JEFFREY M. DOUVILLE, 5332
JOHN F. DOWD, JR., 7276
BRUCE P. DOWDY, 2814
JAMES D. DOWDY, 0199
MICHAEL P. DOWDY, 0039
DEBORAH R. DRAIN, 6801
WILLIAM J. DUDDLESTON, 8037
FRANKLIN D. DUNCAN, JR., 6719
RICKY DUNNAWAY, JR., 7148
DAVID D. DWORAK, 4198
GREGORY J. DYEKMAN, 8844
CHARLES B. DYER, 4112
JACKIE L. DYESS, 4882
ARTHUR J. EARL, 6623
MARK G. EDGREN, 5346
KEITH R. EDWARDS, 9441
MARK H. EDWARDS, 6356
THOMAS I. EISIMINGER, JR., 1852
MARK T. ELLINGTON, 9061
KENT M. ELLIOTT, JR., 0391
KEVIN F. ELLIOTT, 2122
CARL M. ELLIS, 8081
ADRIAN A. ERCKENBRACK, 4254
IAN P. ERICKSON, 1870
MARK A. ERNYEI, 0998
JON A. ERRICKSON, 5979
MARK W. ERWIN, 8878
EARNEST L. EVANS, 0461
RICHARD A. EVANS, 8233
SAMUEL S. EVANS, 3990
THOMAS H. EVANS, 9345
BENJAMIN A. EVERSON, 4077
STEPHEN R. FAHY, 5208
JAMES F. FAIN, 1587
ROBERT E. FALKENSTEIN, 1596
DANIEL M. FANCHER, 3947
MARK A. FARRAR, 8175
KENTON G. FASANA, 8403
THOMAS H. FASS, 7823

DAVID J. FAULKNER, 1353
JAMES R. FAULKNER, 1238
*JOHN FENZEL III, 7629
JUDE C. FERNAN, 0538
ALAN D. FESSENDEN, 2815
GEORGE R. FIELDS, 5952
ALFONSO J. FINLEY, 8287
CRAIG A. FINLEY, 3917
MICHAEL E. FIRLIE, 8884
JOSEPH M. FISCHETTI, 3188
ANTHONY P. FISHER, 1072
HERMAN FITZGERALD III, 5156
WILLIAM S. FLANIGAN, 5846
JON E. FLEISCHNER, 2764
GREGORY R. FLEMING, 7127
JIMMY L. FLEMING, 5158
ANDRE Q. FLETCHER, 8431
CHARLES A. FLYNN, 8732
GARY L. FORBES, JR., 3231
SAMUEL J. FORD III, 4251
WILLIAM M. FORD, 4995
BRUCE C. FOREMAN, 7284
CHARLES E. FORSHEE, 7106
NORBERT H. FORTIER, 1598
GREGORY L. FORTSON, 1073
ANTONIO W. FOSTER, 9213
DARRELL D. FOUNTAIN, 3549
MICHELLE M. FRALEY, 5141
ANTHONY W. FREDERICK, 4017
EDWARD J. FREE, 2518
ROBERT E. FREEHILL, 1235
BYRON A. FREEMAN, 4070
KRISTIN K. FRENCH, 6678
NEIL J. FREY, 8017
DOUGLAS E. FRIEDLY, 8557
RONALD A. FROST, 2253
LAWRENCE E. FUSSNER, 7250
PAUL W. GAASBECK, 5163
DOUGLAS M. GABRAM, 7656
PETER A. GALLAGHER, 0190
DAVID L. GALLOP, 0643
WILLIAM E. GARNER, 6990
PAUL E. GARRAH, 4698
MARK L. GARRELL, 7792
JEAN L. GASLIN, 8421
ROBIN L. GASLIN, 2519
DWAYNE H. GATSON, 5952
PAUL J. GAUTREAUX, 6378
RAFAEL M. GAVILAN, 9203
PATRICK M. GAWKINS, 0678
CLARENCE W. GAYLOR III, 5809
DAVID T. GERARD, 0513
BARBARA J. GEROVAC, 9453
DANIEL J. GETTINGS, 5492
ALLEN J. GILL, 9656
JOSEPH I. GILL III, 9990
WESLEY G. GILLMAN, 6473
PAUL E. GIOVINO, 7123
JOSEPH A. GIUNTA, JR., 7722
KEVIN P. GIVENS, 3674
SCOTT T. GLASS, 8505
ANDREW G. GLEN, 1275
HARRY C. GLENN III, 5031
MICHAEL B. GLENN, 6716
JED L. GOAD, 8895
DALE E. GOBLE, 3577
WILLIAM J. GODBOUT, 6431
DAVID R. GODDARD, 3349
DANIEL A. GODFREY, 0604
ANDREW W. GOETZ, 4804
GLENN H. GOLDMAN, 2617
RYAN F. GONSALVES, 1344
VINCENT R. GORDON, 5992
DANIEL J. GRADY, 8578
KERRY M. GRANFIELD, 3093
EMILY B. GRAVES, 3654
JAMES W. GRAY, 1649
BRYAN D. GREEN, 2605
WILLIAM L. GREEN III, 9797
PETER W. GREENE, 6989
JAMES E. GRIER, JR., 5456
RODNEY O. GRIFFIN, 5970
GABRIELE H. GRIFFITHS, 5058
EROGIES GRIGLEY, JR., 1376
STEVEN R. GRIMES, 8174
RUSSELL L. GRIMLEY, 9329
GLENN K. GROTHE, 0472
JOSEPH M. GRUBICH, 0710
ELVIN K. GUNTER, 0511
DAVID T. GUZMAN, 9523
THOMAS K. HAASE, 9450
WILLIAM F. HAASE, 5743
PAUL J. HAFFEY, 2427
DAVID B. HAIGHT, 6783
DAVID W. HALL, 3872
JEFFREY M. HALL, 3340
SALLY J. HALL, 6998
WILLIAM A. HALL, 7367
SHARON R. HAMILTON, 3457
DONALD R. HAMM, 0152
DANIEL L. HAMPTON, 8891
ROBERT W. HAND, 0281
JOHN M. HANNAH, 6926
LEE E. HANSEN, 6711
RICHARD D. HANSEN, 9676
RICK A. HANSEN, 5135
MATTHEW J. HARDY, 3957
WILLIAM J. HARDY, JR., 9021
JOHN W. HARNEY, 0091
NED L. HARRELL, JR., 9662
CHERYL A. HARRIS, 3930
JEFFERY T. HARRIS, 8055
MICHEL L. HARRIS, 7357
ROBERT J. HARTLEY, 2478
MICHAEL S. HARTMAYER, 2370
THEA HARVELL III, 9604
KIRK J. HASCHAK, 5479
CLAY B. HATCHER, 7283
ROCKIE D. HAYES, 0159
THOMAS J. HAYWOOD, 8353
STANLEY N. HEATH, 8536
JOHN G. HECK, 5061
KENNETH E. HELLER, JR., 2870
JEFFREY B. HELMICK, 5340
JAMES A. HENDERSON, 3666
BARRY R. HENDRICKS, 6054
MICHAEL L. HENDRICKS, 8062
FREDERICK A. HENRY, 0461
BARRY R. HENSLEY, 4330
ROY G. HENSON, 2604
MARTIN L. HERBERT, 9663
JOSEPH A. HERDADE, 1880
JOHN P. HESS, 1877
ROBERT L. HESSE, 2830
DONALD D. HICK, 8470
JOHN J. HICKEY, JR., 1716
SUZANNE C. HICKEY, 1143
CHARLES W. HICKS, JR., 9654
MARVIN C. HIGDON, 8791
NEIL A. HIGGINS, 6536
TERENCE J. HILDNER, 8727
DAVID E. HILL, JR., 3414
DONALD G. HILL, JR., 6834
JEFFREY G. HILL, 9978
WILLIAM V. HILL III, 0148
JAY HILLIARD III, 2271
JOEL R. HILLISON, 3949
THOMAS R. HITE, JR., 9771
GREGORY A. HOCH, 5015
TONY F. HODGE, 6044
RICHARD C. HOEHNE, 3536
ROBERT W. HOELSCHER II, 2190
CAREY W. HOLGATE, 5665
HERSHEL L. HOLIDAY, 7126
SHERRY J. HOLIDAY, 4198
FREDERICK J. HOLLAND, 9374
MICHAEL L. HOLLEY, 3157
ANTHONY A. HOLM, 1113
LAWRENCE B. HOLMES, 3789
MICHAEL E. HOLMES, 6690
COLIN L. HOOD, 4701
STEPHEN G. HOOD, 5544
WILLIAM G. HOWARD, 1813
EDWARD E. HOYT, 0877
PAMELA J. HOYT, 4710
GLENN R. HUBER, JR., 2040
DAVID S. HUBNER, 2643
KEVIN P. HUGHES, 1732
ROBERT S. HUME, 0168
PAUL C. HURLEY, JR., 2750
CRAIG B. HYMES, 1150
KEVIN A. HYNEMAN, 9663
JEFFREY B. IDDINS, 3151
STEVEN C. IKIRT, 3754
BRYANT R. INMAN, 0362
JOHN A. IRVINE, 8782
DEBORAH W. IVORY, 2039
DONALD E. JACKSON, JR., 7627
KAREN J. JACKSON, 8499
LARRY A. JACKSON, 6930
PATRICIA A. JACKSON, 1584
RANDY K. JACKSON, 4383
DAVID M. JANAC, 5464
NEAL E. JAREST, 9694
JEROME E. JASTRAB, 9558
JAN V. JEDRYCH, 4288
JOSEPH B. JELLISON, 3845
TARAS A. JEMETZ, 5264
DARRELL L. JENKINS, 0767
KENNEDY E. JENKINS, 3729
THOMAS E. JENKINS, 8861
KATHLEEN L. JENNINGS, 2174
KEVIN N. JENNINGS, 5737
DOUGLAS G. JETT, 5563
ANTHONY R. JIMENEZ, 1207
IGNACIO F. JIMENEZ, 4135
MICHAEL L. JIMENEZ, 7931
NORBERT B. JOCZ, 7748
AUSTIN G. JOHNSON, 0593
CARL M. JOHNSON, 6975
CRAIG L. JOHNSON, 2647
DARFUS L. JOHNSON, 2910
DAVID E. JOHNSON, 4520
ERIC S. JOHNSON, 8946
JEFFREY S. JOHNSON, 9586
JOHN C. JOHNSON, 1169
MERRY M. JOHNSON, 6208
MICHAEL F. JOHNSON, 9293
WILLIAM E. JOHNSON, JR., 7890
ALAN L. JONES, 7820
ALLEN S. JONES, 2562
GARY R. JONES, 6491
JAMES S. JONES, 3831
ROBERT E. JONES, JR., 8733
STEVEN L. JONES, 6232
TIMOTHY A. JONES, 6894
EDWARD C. JORDAN, 8175
KEVIN R. KAHLEY, 1176
PHILIP E. KAISER, 3082
ROY D. KAMPHAUSEN, 0747
GREGORY C. KANE, 0581
CRAIG E. *KAUCHER, 0741
THOMAS J. KEEGAN, 3559
JOHN D. KEENAN, 2665
SHERRY B. KELLER, 9006
JEFFREY A. KELLY, 1126
THOMAS E. KELLY, 4355
DONALD J. KENNEDY, 7064
VANESSA M. KENNEDY, 8349
JAMES J. KENNEY, 7604
CLIFFORD J. KENT, 4919
MARGARET E. KENT, 5404
EDWARD J. KERTIS, JR., 7304
DANIEL R. KESTLE, 8880
CHARLES W. KIBBEN, 8628
HENRY A. KIEVENAAR III, 5199
STEVEN W. KIHARA, 3308
DION J. KING, 7557
GENE R. KING, 0524
KENNETH E. KING, 2728
ROBERT L. KING, 5307
STANLEY A. KING, 1922
RICHARD A. KIRK, SR., 5670
JOSEPH J. KLUMPP, 7248
RICHARD T. KNAPP, 0151
JAMES W. KNICKREHM, 2017
DOUGLAS J. KNIGHT, 7551
NAVEN J. KNUTSON, 3414
MICHAEL G. KOBA, 7290
WALTER B. KOCH, 3298
DONALD D. KOLTS, 2174
JOSEPH M. KOOLS, 4355
PETER D. KOWAL, 1746
SCOTT T. KRAWCZYK, 4058
PAUL E. KRAWIEC, 0464
JOHN W. KRESS, 2113
GEORGE C. KRIVO, 0945
CHESTER A. KROKOSKI, JR., 1728
MANFRED KROPP, JR., 0246
ROBERT E. KUCHARUK, 5657
JOHN KULIFAY, 2357
JEFFREY J. KULP, 3754
EDWIN J. KUSTER, JR., 4333
BRIGITTE T. KWINN, 1148
FRANK LACITIGNOLA, 6393
RICHARD A. LACQUEMENT, 0119
WILLIAM E. LAHUE, 7349
LONZEL LAKEY, 0977
PETER G. LAKY, 7506
DAVID A. LAMBERT, 3288
GARRETT R. LAMBERT, 5548
JAMES E. LAMKIN, 4084
CHRISTOPHER M. LANCASTER, 3065
KEVIN J. LANCASTER, 8066
LANE J. LANCE, 6908
RAYMOND R. LANGLAIS, JR., 4449
KERRY R. LARRABEE, 6297
JON A. LARSEN, 8897
ROBERT F. LARSEN, JR., 0579
STEVEN C. LARSON, 7827
BARRETT W. LARWIN, 2720
MICHAEL W. LATHAM, 9591
WILLIAM C. LATHAM, JR., 5839
RICHARD W. LAUGHLIN, 7231
DARRYL J. LAVENDER, 0746
DAVID C. LAWSON, 1358
BRIAN C. LEAKEY, 2635
TRACY L. LEAR, 7771
MELVIN R. LEARY, 1961
SHARON L. LEARY, 9475
JEFFREY P. LEE, 8654
RANDALL H. LEE, 0987
SUSAN D. LEEKRATZ, 5552
EDWARD R. LEFLER, 2079
JOHN C. LEGGETT, 8570
CHARLES S. LEITH, 8346
CLARK W. LEMASTERS, JR., 7779
ROY K. LEMBKE, 6624
CHARLES E. LENK, 1355
MICHAEL J. LENTZ, 5612
GERALD J. LEONARD, 7601
PAUL R. LEPINE, 6527
BARRY B. LESLIE, 7387
THERESA S. LEVER, 8950
BRETT G. LEWIS, 4833
LOUISE P. LEWIS, 8432
RALPH W. LIBERATI, JR., 4405
LARS T. LIDEN, 7465
JEFFREY C. LIEB, 2427
CINDY L. LINDQUIST, 1154
TROY L. LITTLES, 4124
KAREN F. LLOYD, 0247
JOHN F. LOEFSTEDT, 8166
KEVIN P. LOGAN, 7516
PAUL J. LOMBARDI, 2864
KENNETH E. LONG, 9801
JOHN C. LOOMIS, 7331
STEVEN E. *LOPEZ, 7828
WILLIAM M. LOUDEN, 0712
HARRY J. LUBIN, JR., 3431
JEFFERY K. LUDWIG, 1080
JASON C. LYNCH, 2387
NICKOLAS D. MACCHIARELLA, 1363
ROBERT L. MACKENZIE, 4906
JOHN W. MAGEE, 2610
THOMAS H. MAGNESS, 6607
MICHAEL T. MAHONEY, 6179
JOHN E. MALAPIT, 1348
MARK L. MALATESTA, 3566
GUY R. MALLOW, 7790
MARVIN S. MALONE, 6418
MICHAEL S. MALONEY, 1332
PATRICK M. MANNERS, 9828
BARRY G. MANNING, 7734
DAVID R. MANNING, 6480
EDWARD P. MANNING, 6135

TUCKER B. MANSAGER, 4706
DAVID L. MANVILLE, 8038
ERNEST P. MARCONE, 2587
RANDY J. MARCOZ, 5498
MATTHEW T. MARGOTTA, 4127
JOSEPH F. MARQUART IV, 6154
BERLIN L. MARSHALL, 5658
CHARLES W. MARSHALL, 8575
EDWARD F. MARSHALL III, 7870
THOMAS J. MARTIN, 9294
HECTOR MARTINEZ, 2416
JAVIER O. MARTINEZ, 2544
BRUCE C. MARTINSON, 5255
PETER A. MARTINSON, 7534
JORGE L. MAS, 5547
CHARLES F. MASKELL, 6104
DANNY T. MASON, 1017
EDWARD D. MASON, 8581
SHEILA L. MASON, 8981
JOHN H. MASTERSON, 8604
CHARLESETTA E. MATHIS, 6292
GREGORY J. MATTHIAS, 8845
JOHN M. MATTOX, 7107
DOUGLAS F. MATUSZEWSKI, 4544
MARSHALL K. MAY, 7282
MICHAEL S. MC BRIDE, 2059
TODD B. MC CAFFREY, 8138
RAY W. MC CARVER, JR., 1248
GEORGE D. MC CLORY, 0147
JOHN W. MC CLORY, 7537
DANIEL J. MC CORMICK, 2766
KIP A. MC CORMICK, 4070
RICHARD R. MC CRACKEN, JR., 2786
THOMAS V. MC CUE, 3839
JOSEPH C. MC DANIEL, JR., 7967
DANIEL J. MC DONALD, 4545
JOEL E. MC DONALD, 2522
MARCUS W. MC DOUGALD, 0623
JOEL D. MC GAHA, 7802
DUNCAN E. MC GILL, 3184
CHRISTOPHER J. MC GRATH, 0484
MICHAEL J. MC GUIRE, 9309
EDWARD J. MC HALE, 1377
TIMOTHY M. MC KANE, 9662
GARY M. MC KENNA, 0904
MICHAEL J. MC KENZIE, 1009
WILLIAM J. MC KIERNAN, 0598
STEPHEN MC KINNEY, 1974
WILLIAM T. MC KINNON, 0184
DANIEL S. MC LEAN, 9586
MARK A. MC MANIGAL, 3993
MICHAEL H. MC MURPHY, 6023
DAVID T. MC NEVIN, 0105
JOHN D. MC PEAK, JR., 8506
DENVER E. MC PHERSON, 1713
JOHN R. MC PHERSON, JR., 0540
LAWRENCE W. MC RAE, JR., 1215
KEVIN W. MC REE, 8903
BRYAN J. MC VEIGH, 3347
THADDEUS P. MC WHORTER, JR., 6585
JIMMY L. MEACHAM, 2818
TIMOTHY G. MEAD, 3409
SUSAN A. MEDLIN, 6558
MARVIN L. MEEK, 2454
BARBRA S. MELENDEZ, 7596
RICHARD C. MENCHI, 0846
ALBERT A. MENDENCE, 2435
FABIAN E. MENDOZA, JR, 5934
DEAN W. MENGEL, 4048
KURT H. MEPPEN, 1676
THOMAS E. MERCER, 0593
JAMES L. MERCHANT III, 7672
TIMOTHY E. MEREDITH, 7142
JOSEPH W. MERLO, 4469
SCOTT G. MESSINGER, 9248
KARL F. MEYER, 2321
SHEILA C. MICHELLI, 6098
JOHN P. MILLAR, 1673
BILLY D. MILLER, JR, 5215
CHRISTOPHER L. MILLER, 0508
DANIEL B. MILLER, 3415
DAVID M. MILLER, 5834
JAMES L. MILLER, 9960
JOHN W. MILLER III, 8193
KENT M. MILLER, 5790
MICHELLE A. MILLER, 9243
RICKY MILLER, 7899
WILLIAM K. MILLER, 5409
MICHELE D. MILLET, 5295
RONALD T. MILLIS, JR., 1409
STEPHEN J. MILLS, 6901
STEVEN J. MINEAR, 8727
JOHN C. MINTO II, 9551
WILLIAM B. MIRACLE, 7873
DANIEL G. MITCHELL, 8994
RONALD C. MIXAN, 0179
MYLES M. MIYAMASU, 6147
ROBERT K. MOCK, 8746
MARK G. MOFFATT, 5287
MARK J. MONGILUTZ, 5382
KYLE M. MONSEES, 4288
HOLLIE MONTGOMERY, JR., 0057
WILLIAM H. MONTGOMERY III, 3264
THOMAS K. MOONEY, 1749
BRIAN P. MOORE, 2226
DAVID M. MOORE, 8772
DAVID R. MOORE, 1900
MARK R. MOORE, 0724
WILLARD E. MOORE, 1931
LUIS A. MORAN, 4388
FRANKLIN J. MORENO, 3800
GREGORY L. MORGAN, 9997
ROBERT T. MORGAN, 3957
TERRY V. MORGAN, 0236
ROGER J. MORIN, 8850
JAMES K. MORNINGSTAR, 0689
STEPHEN B. MORRIS, 7947
MITCHELL T. MORROW, 5675
JON S. MOWERS, 4026
VINCENT J. MOYNIHAN, 9555
HUGH C. MUELLER, 7057
SEAN P. MULHOLLAND, 9763
DAVID P. MULLEN, 1136
FREDDY W. MULLINS, 7070
RANDY W. MUNN, 1526
KEVIN T. MURPHY, 7185
DANIEL P. MURRAY, 1401
RODNEY J. MURRAY, 5562
JOHN F. MYERS, 4279
MARY B. MYERS, 7725
ROGER E. MYERS, 4876
DAVID V. NABER, 7319
JAMES R. NAGEL, 5699
JOHN J. NAGY, 6519
PAUL M. NAKASONE, 7132
ERIC W. NANTZ, 6235
PATRICK J. NARY, 2229
MARSHALL S. NATHANSON, 5180
LEWIS C. NAUMCHIK, 9545
CLARENCE NEASON, JR., 6980
MICHAEL J. NEGARD, 5271
BRADFORD K. NELSON, 1779
BRADLEY K. NELSON, 6596
DANIEL C. NELSON, 0228
GEORGE A. NELSON, 1699
HAROLD W. NELSON III, 0896
ROBERT A. NELSON, 9105
GREGORY M. NETARDUS, 0829
PHILLIP T. NETHERY, 8504
CLAYTON T. NEWTON, 7962
ALAN W. *NEYLAND, 2553
RICHARD E. NICHOLS, JR., 3232
DAVID P. NICHTING, 3442
ANTHONY J. NICOLELLA, 3032
ELBERT NIEVES, 2758
CAROLYN H. NIX, 1022
ANDREW B. NOCKS, 7996
MICHAEL D. NORMAN, 2452
NANCY A. NYKAMP, 8836
MICHAEL B. OBEA, 9332
RANDALL W. O BRIEN, 0818
JOHN E. OCCHIPINTI, 1934
LYNN H. O CONNELL, 7546
PETER O CONNELL, 8593
ROBERT R. O CONNELL, 5463
SEAN P. O DAY, 7335
MOLLY A. O DONNELL, 2434
GREGORY P. OELBERG, 4441
JEFFREY S. OGDEN, 0093
JOSEPH K. OGLE, 1262
GERALD J. *O HARA, 3497
DEAN C. OLSON, 6370
JOHN E. O NEIL, 3457
ROBERT R. ORDONIO, 5222
KIM S. ORLANDO, 1603
PATRICK C. O ROURKE, 8083
DAVID L. OSKEY, 9272
EVELYN F. OSTROM, 6732
AUGUSTUS L. OWENS II, 1746
MICHAEL P. OWENS, 3067
VAN T. OXER, 7865
JOHN R. OXFORD, JR., 3233
JAMES E. OXLEY IV, 5653
JOSEPH V. PACILEO, 8194
FRANCISCO A. PANNOCCHIA, 5704
JAMES B. PARENTEAU, 3215
DAVID B. PARKER, 1529
WALTER Z. PARKER, 4695
DAVID G. PASCHAL, 6952
STEVEN W. PATE, 2730
GLENDON J. PATTEN, 3658
MARK C. PATTERSON, 0395
RANDOLPH L. PATTERSON, 3315
STEPHEN D. PAYNE, 7435
CHRISTOPHER W. PEASE, 0054
STEVEN M. PECORARO, 1516
CHRISTOPHER N. PEGUES, 6119
JACK A. PELLICCI, JR., 7613
DAVID M. PENDERGAST, 2722
WILLIAM J. PENNY, 5158
ROY E. PERKINS, 5775
THOMAS E. PERNELL, 1444
MICHAEL R. PERRY, 6424
ERIK C. PETERSON, 6182
MICHAEL A. PETERSON, 9059
TIMOTHY M. PETIT, 3233
JAMES C. PETROSKY, 1895
ROBERT G. PHELAN, JR., 0161
ROBERT A. PHILLIPS, 6455
JOHN A. PICCIUTO, JR., 3178
MARLYN R. PIERCE, 9151
ROBERT M. PIERCE, 0297
DAVID S. PIERSON, 3386
PHUONG T. PIERSON, 3840
THOMAS A. PIROLI, 4314
WALTER M. PJETRAJ, 9605
TIMOTHY B. PLATT, 8872
DAISY Y. PLEASANT, 2952
WILFRED J. PLUMLEY, JR., 0975
SANDY W. POGUE, 6601
DAVID J. POIRIER, 5267
KEVIN D. POLING, 4500
ARCHIE D. POLLOCK III, 7668
STEVEN A. POLLOCK, 7817
STUART R. POLLOCK, 4577
DOMINIC E. POMPELIA, JR., 7729
MICHAEL C. POPE, 2460
CARL D. PORTER, 1879
ROBERT J. PORTIGUE, JR., 7241
DAVID S. POUND, 2542
FRANKLIN A. POUST, JR., 4409
ROBERT A. POWELL, 8526
HARRY D. PRANTL, 9009
DONALD C. PRESGRAVES, 6067
MICHAEL C. PRESNELL, 1179
DAVID C. PRESS, 3905
ROGER A. PRETSCH, 9728
ROBERT E. PRICE, 8582
VINCENT L. PRICE, 5258
SCOTT A. PRINTZ, 1698
TIMOTHY R. PRIOR, 4110
CARL B. PRITCHARD III, 7886
ROBERT F. PROKOP, JR., 3059
BRIAN D. PROSSER, 1198
CHERI A. PROVANCHA, 6537
CHARLES A. PRYDE, 8566
JAMES W. PURVIS, 1341
JOHN E. QUACKENBUSH, 6785
ROBERT B. QUACKENBUSH, 7526
JOHN H. QUIGG, 0175
THOMAS T. QUIGLEY, 4337
PATRICIA A. QUINN, 5350
THOMAS W. QUINTERO, 2257
WILLIAM S. RABENA, 9069
JEFFREY D. RADCLIFFE, 8114
EDEN L. RADO, 2422
JAMES E. RAKER, 4980
JOSE M. RAMOS, 2539
ANDREW R. RAMSEY, 4152
JAMES H. RAMSEY, JR., 8907
STEVEN S. RATHBUN, 9524
THOMAS W. RAUCH, 5713
ANNETTE L. REDMOND, 3044
HAROLD W. REEVES, JR., 2170
WESLEY L. REHORN, 5278
JOHN M. REICH, 8409
ROBERT S. REILLY, 2301
ALLISON R. REINWALD, 6447
BRIAN R. REINWALD, 4683
GLENN D. REISWEBER, 1916
PATRICK A. REITER, 7994
GREGORY M. REULING, 8472
ANTHONY D. REYES, 5127
MICHAEL M. REYNOLDS, 9469
SCOTT M. REYNOLDS, 6647
GREGORY K. RHOADES, 3748
DAVID J. RICE, 3387
MATTHEW A. RICHARDS, 2692
ANTHONY J. RICHARDSON, 2195
CHERYL D. RICHARDSON, 0344
LAURA J. RICHARDSON, 2595
JOHN E. RICHERSON, 2421
KENNETH H. RIDDLE, 8922
THOMAS C. RIDDLE, 1368
WESLEY A. RIDDLE, 6696
ROBERT J. RIELLY, 8991
STEVEN E. RIENSTRA, 9387
KAROL L. RIPLEY, 4781
DONNA E. RIVERA, 4533
GILBERT RIVERA, 6113
HECTOR R. RIVERA, 3402
RICARDO M. RIVERA, 3112
GLENN A. RIZZI, 9213
CHRISTOPHER J. RIZZO, 9881
FRANKLIN D. ROACH, 2181
WILLIAM G. ROBERTS, 9287
BRUCE E. ROBINSON, 4591
KEITH W. ROBINSON, 9249
TERRILL S. ROBINSON, 4527
DAVID P. RODGERS, 4014
JAMES G. RODGERS, 6579
CHARLES V. ROGERSON, 4636
FREDERICK P. ROITZ, 6880
DREXEL K. ROSS, 6927
BARRY A. ROTH, 0125
GLEN G. ROUSSOS, 9416
CHARLES P. ROYCE, 3975
HOWARD M. RUDAT, 8142
KURT W. RUNGE, 0436
STEPHEN M. RUSIECKI, 8489
JOHN K. RUSSELL, 8852
JOHN A. RUTT, 1178
STEPHEN E. RYAN, 3557
TIMOTHY M. RYAN, 7508
MICHAEL T. SACKOS, 4187
MICHAEL R. SAFFORD, 2521
HECTOR A. SALINAS, 6212
WILLIAM R. SALTER, 1354
ROBERT L. SALVATORELLI, 8658
JOHN L. SALVETTI, 4653
VICTOR H. SAMUEL, 6053
ALLAN J. SANCHEZ, 0609
JEFFREY R. SANDERSON, 9000
SABRINA M. SANFILLIPO, 9489
DEBRA A. SANNWALDT, 6185
PHILIP A. SARGENT, 4475
MICHAEL P. SAULNIER, 6678
ROGER SAVAGE, 5917
GREGORY L. SAWYER, 8198
MILTON L. SAWYERS, 5727
EDWARD A. SBROCCO, 1923
MATTHEW C. SCHAFER, 7495
THOMAS SCHAIDHAMMER, 5901
EMMETT M. SCHAILL, 4407
MICHAEL E. SCHALLER, 9974
BLAIR A. SCHANTZ, 3012

RICHARD S. SCHEELS, 5583
PARKER B. SCHENECKER, 0914
STEVEN M. SCHENK, 5537
STEPHEN M. SCHILLER, 4600
SCOTT A. SCHMIDT, 3714
JOYCE M. SCHOSSAU, 7858
RICHARD P. SCHREIBER III, 2599
JOHN G. SCHULTE, 7883
GREGORY B. SCHULTZ, 5157
JOHN C. SCHULZ, 3976
RUDY E. SCHULZ, 2649
ERIC C. SCHWARTZ, 5814
THERESA R. SCISNEY, 4847
GEORGE B. SCOTT, 3103
KARL R. SEABAUGH, 2990
JAMES T. SEIDULE, 9393
PAUL T. SEITZ, 7342
RONALD E. SELDON, 8793
JACKSON D. SELF, 3859
ROBIN M. SELK, 0625
TERRY L. SELLERS, 2928
MICHAEL SENTERS, 2693
ANDREW B. SEWARD, 8892
LAURA J. SHALLY, 0820
CHRISTOPHER A. SHALOSKY, 7728
RANDAL S. SHANNON, 8608
STEVEN A. SHAPIRO, 4740
STEVEN R. SHAPPELL, 6629
DOROTHY A. SHAUL, 4967
ARTHUR J. SHAW, 1687
ROBERT M. SHEPPARD, 4830
ERNEST T. SHERRILL, 4023
SCOTT E. SHIFRIN, 1486
STEVEN T. SHOEMAKER, 8427
RICHARD A. SHORE, 3307
STEPHEN A. SHUSTER, 6944
MARIANNE SICILIA, 8215
ROBERT M. SIMMONS, 1952
KAREN L. SINCLAIR, 5152
STEVEN SINGLETON, 5886
MICHAEL J. SIPPEL, 6189
STEVEN A. SLIWA, 3649
CHERYL L. SMART, 6754
ALLEN R. SMITH, 6826
ANTHONY L. SMITH, 8696
BOBBY L. SMITH, 1570
ERIC E. SMITH, 2269
FLOYD B. SMITH, JR., 5392
GARY S. SMITH, JR., 8507
KEVIN L. SMITH, 0674
LORENZO SMITH III, 1800
MICHAEL J. SMITH, 3632
PAUL L. SMITH, 1770
PERRY R. SMITH, 4281
ROGER D. SMITH, 8674
STEPHEN C. SMITH, 1264
STEPHEN V. SMITH, 0918
STEPHEN V. SMITH, 8537
THOMAS P. SMITH, 8100
EUGENIA H. SNEAD, 1551
RICHARD L. SOBRATO, JR., 7814
NANCY A. SOLER, 4885
MIRACLE D. SOLLEY, 6033
GEORGE R. SORENSEN, 4683
NILS C. SORENSON, 9380
STEVEN SORRELL, 2821
CARLOS L. SOTO, 6191
WILLIAM C. SOUTHARD, 7561
JOSEPH A. SOUTHCOTT, 2363
THOMAS H. SPECK, 5086
VINCENT R. SPEECE, 5905
JOHN M. SPISZER, 7720
JEFFREY A. SPRINGMAN, 9813
JAMES E. SPURRIER, 9289
WILLIAM R. STANLEY, 2659
BERNARD L. STANSBURY, 7960
THOMAS J. STAPLETON, 2126
RICHARD A. STARKEY, 2282
RICHARD L. STCLAIR, 3861
GLENN T. STEFFENHAGEN, 3607
RONALD A. STEPHENS, 0348
LLOYD A. STEPHENSON, 1043
JOHN G. STERGIUS, 0472
WILLIAM J. STERNHAGEN, 3486
ANDREW W. STEWART, 9545
GREGORY E. STEWART, 9050
LEE G. STEWART, 2016
MARK E. STEWART, 9624
JEFFREY I. STIEFEL, 7142
BEATRICE STIGALL, 6629
JEFFREY A. STIMSON, 6323
CAROL B. STJOHN, 0904
LEROY L. STOCKLAND, 6014
JAMES L. STOCKMOE, 8993
ROBERT J. STONE, JR., 6481
DANIAL K. STREET, 4145
LUTIE J. STRIFE, 0187
MELISSA A. STURGEON, 5924
WILLIAM K. SUCHAN, 7495
JON D. SULLENBERGER, 0802
JOHN R. SUTHERLAND II, 8990
TIMOTHY J. SUTLIEF, 9420
JOHN E. SUTTLE, 6560
KERRY L. SUTTON, 2142
JAMES P. SWEENEY, 5812
DAVID E. SWIFT, 2031
PHILIP L. SWINFORD, 4781
JEFF B. SWISHER, 5722
RODNEY W. SYMONS II, 0049
ERNEST A. SZABO, 8982
GEORGE L. TANNER, 1786
THOMAS H. TATUM, JR., 8233
DAVID B. TAYLOR, 9336
JOHN TAYLOR, 0950
JOHN E. TAYLOR, 1599
ROBERT J. TAYLOR, JR., 3408
RONALD K. TAYLOR, JR., 4567
CHRISTOPHER C. TEASLEY, 2960
LOUIS R. TENUTA, 0669
CRAIG E. TERRY, 1331
DENNIS D. TEWKSBURY, 1308
JEROME E. THOMAS, 1913
SCOTT D. THOMAS, 2956
DENNIS M. THOMPSON, 9459
MARK A. THOMPSON, 9285
JEANNIE L. TIBBETTS, 2153
JOHN R. TIERNEY, 3436
BLAIR A. TIGER, 3005
ROBERT G. TIMPANY, 6402
FRANKLIN J. TIPTON, 9629
DANE S. TKACS, 1180
VINCENT M. TOBIN, 2081
JAMES F. TODD, 0068
BILLY G. TOLLISON, 6667
CHRISTOPHER J. TONE, 6991
JUAN E. TORO, 0990
JAMES M. TRACY, 4150
DAVID W. TREESE, 3307
DAVID L. TRELEAVEN, 5709
JOHN M. TRIPPON, 6101
WALLACE J. TUBELL, JR., 1002
HARRY D. TUNNELL IV, 3887
CLARENCE D. TURNER, 3071
MARK P. TURNER, 1078
MICHAEL W. TURNER, 0567
RANDALL E. TWITCHELL, 5140
THOMAS E. TYRA, 4318
ROBERT J. ULSES, 6362
ANDREW P. ULSHER, 0266
STEWART A. UNDERWOOD, 1463
CATHERINE F. UTNIK, 8110
JAMES A. VAGLIA, 1977
KEVIN J. VALLANDINGHAM, 6191
NUYS W. VAN, 9418
CHARLES W. VANBEBBER, 1844
MICHAEL J. VANRASSEN, 4057
ERIC N. VANVLIET, 8807
BRUCE E. VARGO, 4780
BRIAN K. VAUGHT, 9457
PAUL C. VEILLEUX, 9353
MIGUEL VERGARA III, 5949
JOHN D. VERNON, 3311
WILLIAM E. VICKERS, 6861
BRIAN R. VINES, 2644
LEE R. VINSON, 0161
VANCE P. VISSER, 6957
SHAFER K. VLAHOS, 2639
GARY J. VOLESKY, 5246
KIRK F. VOLLMECKE, 0539
ERIC J. VONTERSCH, 3040
DONALD P. VTIPIL, JR., 7225
BRIAN D. WADE, 4131
STEPHEN E. WALKER, 7952
KEVIN L. WALLER, 9837
KEITH W. WALLEY, 2113
DAMON T. WALSH, 5683
PATRICK J. WALSH, 6060
SHAWN P. WALSH, 5003
CRAIG S. WALTERS, 0180
ROBERT P. WALTERS, JR., 1596
ROBERT A. WARBURG, 2344
CLEMMIE L. WARD, 1679
WARD D. WARD, 5995
MATTHEW WARREN, 7250
TANIA M. WASHINGTON, 8975
CELIA WEBB, 1447
GRANT A. WEBB, 7408
THOMAS D. WEBB, 7379
FRIEDRICH N. WEHRLI, 1526
BRETT D. WEIGLE, 9774
ERIC P. WENDT, 3593
ROBERT W. WERTHMAN, 6328
ALLEN B. WEST, 5994
CARY S. WESTIN, 2266
SCOTT A. WESTLEY, 1029
DAVID C. WESTON, 8862
JAMES E. WHALEY III, 8750
CHRISTOPHER F. WHITE, 5863
DANIEL J. WHITE, 6991
RANDALL S. WHITE, 4945
ROBERT P. WHITE, 8254
SAMUEL R. WHITE, JR., 3340
MICHAEL G. WICKMAN, 6922
RICHARD E. WIERSEMA, 3746
JAMES T. WIGGINS, 8018
MELIA A. WILEY, 8093
DAVID L. WILK, 9291
ANTHONY R. WILLIAMS, 6025
BENNIE WILLIAMS, JR., 3608
CHARLES E. WILLIAMS, 2005
DANIEL E. WILLIAMS, 8564
DAVID M. WILLIAMS, 2899
DWAYNE T. WILLIAMS, 0947
JOHN D. WILLIAMS, 5064
MARK A. WILLIAMS, 3642
MICHAEL C. WILLIAMS, 7596
MICHAEL S. WILLIAMS, 8791
TIMOTHY R. WILLIAMS, 0661
WILLIAM S. WILLIFORD, 5185
EMMA C. WILSON, 9862
GREGORY R. WILSON, 2491
ROGER A. WILSON, JR., 2459
RICHARD C. WINK, 5150
BRIAN C. WINTERS, 0997
DAVID A. WISECARVER, 8342
SHARON L. WISNIEWSKI, 7403
JEFFREY S. WITT, 6459
CLIFFORD J. WOJTALEWICZ, 2853
FREDERICK S. WOLF III, 0629
JAMES T. WOOD, JR., 8792
JEFFRY G. WOOD, 6297
WARD W. WOOD, 1810
WILLIAM W. WOOD, 6252
GEORGE E. WOODARD, JR., 5013
KEVIN M. WOODS, 2741
STEPHEN M. WOOLWINE, 9615
KEVIN W. WRIGHT, 2874
MILLICENT J. WRIGHT, 3421
DALE L. WRONKO, 8261
SCOTT G. WUESTNER, 3065
JEFFREY K. YOUNG, 5430
KENNETH A. YOUNG, 4857
MARK A. YOUNG, 4558
BARBARA L. ZACHARCZYK, 9171
STEPHEN R. ZELTNER, 8152
MICHAEL A. ZEMBRZUSKI, 0924
CHRISTOPHER H. ZENDT, 7715
KELLY A. ZICCARELLO, 4749
DARREN B. ZIMMER, 7017
AARON M. ZOOK, JR., 9978
JAMES M. ZUBA, 7898
AIDIS L. ZUNDE, 8062
X6878
X1122
X1923
X2175
X5766
X1665
X1544
X2451
X0892
X0236
X2457

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR ORIGINAL REGULAR APPOINTMENT AS PERMANENT LIMITED DUTY OFFICERS TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 531:

To be captain

JACK G. ABATE, 3343
RANDY M. ADAIR, 2114
STEVEN W. ALDRIDGE, 7257
JEFF R. BAILEY, 7110
RAYMOND E. BARNETT, 5305
DANNY A. BEAM, 9143
RICHARD D. BEDFORD, 7964
KERRY A. BERG, 2937
MARK F. BIRK, 2059
JOHN M. BISHOP, 8175
DONALD L. BOHANNON, 5852
DAVID G. BOONE, 4910
STEVE K. BRAUND, 4459
MICHAEL L. BRYAN, 3090
WILLIAM A. BURWELL, 3004
MONTY A. CAMPBELL, 8210
RANDY O. CARTER, 4153
PETER D. CHARBONEAU, 6588
RODNEY W. CLAYTON, 3857
TIMOTHY M. COOLEY, 6385
CRANE P. DAUKSYS, 4559
CARL F. DAVIS, 6551
DAVID M. ELLIS, 7630
JOHN D. ESTEP, 9294
KENRICK G. FOWLER, 7282
SCOTT D. FRANCOIS, 5488
STEVEN R. FREDEEN, 5480
DALE W. GANT, 5025
DAVID R. GEHRLEIN, 5992
STEVE L. GOBER, 6983
JOSE GONZALEZ, 8886
JAMES A. GRIFFITHS, 6192
BERNARD J. GRIMES, 7582
ROBERT L. HANOVICH, 7911
KENNETH E. HANSEN, 5931
JASON A. HIGGINS, 4653
KENNETH L. KELSAY, 8664
BYRON KING, 8666
JAMES KOLB, 8019
JACOB D. LEIGHTY III, 3731
KIRKLAND P. MARTIN, JR., 0487
PETER W. MC DANIEL, 6822
RONALD D. MC FAUL, 9932
THOMAS MC MILLAN, 4353
TIMMIE G. MC PHERSON, 3495
CHARLES A. MILLER, 7362
JAMES P. MILLER, JR., 1322
MICHAEL A. MINK, 3612
DANNY R. MORALES, 3003
EUGENE L. MORIN, JR., 2714
LEO T. MUNDAY, 5420
EARL E. NASH, 9531
JAMES J. ODRISCOLL, 6090
JOHN G. OLIVER, 1083
JULIO R. PIRIR, 1085
BALWINDAR K. RAWALAYVANDEVOORT, 7176
ANTHONY F. RETTERER, 2018
JOE G. SANCHEZ, 7810
ROGER W. SCAMBLER, 0786
SCOTT E. SCHECHTER, 6187
TIM J. SCHROEDER, 0671
SCOTT A. SHARP, 1440
CAMILLE C. SMITH, 9313
WILLIAM B. SMITH, 9521

CHARLES B. SPENCER, 1195
DAVID H. STEPHENS, 0841
DANIEL D. STORM, 3073
ANDREW N. SULLIVAN, 0414
MICHAEL D. SURVILAS, 3555
JOHN A. TANINECZ, 4273
MARC TARTER, 5688
JUDITH A. WADE, 2701
JEFFREY G. YOUNG, 9457

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

KEITH R. BELAU, 7771

DEPARTMENT OF DEFENSE

ROBERT N. SHAMANSKY, OF OHIO, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF FOUR YEARS. (REAPPOINTMENT)

DEPARTMENT OF COMMERCE

TROY HAMILTON CRIBB, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE ROBERT S. LARUSSA.

THE JUDICIARY

DAVID STEWART CERCONE, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA, VICE ROBERT J. CINDRICH, UPON ELEVATION.

HARRY PETER LITMAN, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA, VICE ALAN N. BLOCH, RETIRED.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 27, 2000:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. RAYMOND P. HUOT, 2907

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. THOMAS R. CASE, 2013

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. ALEXANDER H. BURGIN, 9820

To be brigadier general

COL. JONATHAN P. SMALL, 0353

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. FREDDY E. MCFARREN, 8271

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. MICHAEL L. DODSON, 5712

NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) WILLIAM J. LYNCH, 1963
REAR ADM. (LH) JOHN C. WEED JR., 2952

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) DANIEL H. STONE, 0520

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. MICHAEL D. HASKINS, 6493

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. CLINTON E. ADAMS, 8045
CAPT. STEVEN E. HART, 6117
CAPT. LOUIS V. IASIELLO, 7632
CAPT. STEVEN W. MAAS, 3387
CAPT. WILLIAM J. MAGUIRE, 8876
CAPT. JOHN M. MATECZUN, 1993
CAPT. ROBERT L. PHILLIPS, 7293
CAPT. DAVID D. PRUETT, 1322
CAPT. DENNIS D. WOOFTER, 5921

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. SCOTT A. FRY, 5541

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR A REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be colonel

MICHAEL R. MAROHN, 9349

IN THE ARMY

ARMY NOMINATIONS BEGINNING ROBERT S. ADAMS JR., AND ENDING SHARON A. WEST, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 6, 2000.

ARMY NOMINATIONS BEGINNING KELLY L. ABBRESCIA, AND ENDING TIMOTHY J ZEIEN II, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 6, 2000.

IN THE COAST GUARD

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS A PERMANENT REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S. CODE, SECTION 211:

To be lieutenant

ELIZABETH A. ASHBURN, 1038

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

THOMAS J. CONNALLY, 1503

MARINE CORPS NOMINATIONS BEGINNING AARON D. ABDULLAH, AND ENDING DANIEL M. ZONAVETCH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 18, 2000.

NAVY

NAVY NOMINATIONS BEGINNING THOMAS A. ALLINGHAM, AND ENDING JOHN W. ZINK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 4, 2000.

NAVY NOMINATIONS BEGINNING ROY I. APSELOFF, AND ENDING JOHN D. ZIMMERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 4, 2000.

NAVY NOMINATIONS BEGINNING DONALD M. ABRASHOFF, AND ENDING CHARLES ZINGLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 11, 2000.

EXTENSIONS OF REMARKS

DECLARE INDIA A TERRORIST NATION

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. DOOLITTLE. Mr. Speaker, recently 20 of us wrote to the President urging him to declare India a terrorist nation. India has done a lot to deserve this designation.

In the letter, we expressed our concern about the massacre of 35 innocent Sikhs in Chithi Singhpora, which took place while the President was visiting India in March. Two independent investigations have now confirmed that the Indian Government carried out this atrocity.

After the massacre, the government killed five Kashmiri Muslims, declaring them militants who were responsible for the massacre. Now they have admitted that the Muslims they killed were innocent. When will they admit their role in the massacre itself?

Until the minority peoples and nations of India enjoy freedom, there can be no stability in the subcontinent. It becomes increasingly clear every day that they cannot enjoy that freedom within Hindu India. America can also help to bring freedom to South Asia by cutting off our aid to India and by openly supporting self-determination for the people of the Sikh homeland of Punjab, Khalistan, the predominantly Muslim Kashmir, Christian Nagalim, and the other nations seeking their freedom from India.

Mr. Speaker, I am submitting the letter to the President into the RECORD for the information of my colleagues. It describes the situation in India in much more detail than I can possibly go into here.

CONGRESS OF THE UNITED STATES,
Washington, DC, June 15, 2000.

HON. BILL CLINTON, President of the United States
The White House, Washington, DC.

DEAR MR. PRESIDENT: While you were visiting India, 35 innocent Sikhs were massacred in the village of Chatti Singhpora in Kashmir. In recent days it has been reported that the Indian government admitted that the five Kashmiri Muslims it killed as "militants" responsible for the massacre were innocent. The Punjab Human Rights Organization and the Movement Against State Repression recently issued a report showing that the government's counterinsurgency forces, under the command of RAW, the Indian intelligence agency, carried out this massacre. An intensive investigation by the International Human Rights Organization also concluded that the Indian government carried out the massacre. Indian Home Minister L.K. Advani identified the Chatti Singhpora massacre as one of three recent events that have helped strengthen India's standing in world opinion. He implicitly admits that India benefitted from this atrocity.

If India can admit that the Muslims it killed are innocent, when will it admit its own responsibility for the Chatti Singhpora massacre? This is a terrible atrocity and the United States must condernn it in the strongest possible terms. America must take action to make it clear that these actions are unacceptable.

India has also committed similar acts of terrorism against its Christian population. Recently, six Christian missionaries were beaten by militant Hindu fundamentalists while distributing Bibles and religious tracts as part of a gospel campaign called "Love Ahmedabad." They were beaten so savagely that one of them may lose his arms and legs. In Indore, St. Paul's Church was attacked. These acts are part of a campaign of terror against Christians that has been in full swing since Christmas 1998. Whether one is a Sikh, a Muslim, a Christian, or a member of another minority, there is no religious freedom in India, despite its claim that it is democratic. The essence of democracy is respect for the rights of all people. Our government should work to help bring real democracy to South Asia.

Mr. President, it is time that America takes a stance against these terrorist atrocities by the Indian government. We urge you to add India to the list of terrorist nations. It is also time to stop aid to India until it observes human rights. And we should put America on record in support of self-determination for all the peoples and nations living under India's brutal rule. These are the most effective steps to bring freedom, prosperity, peace, and stability to South Asia.

Sincerely,

DONALD M. PAYNE, M.C.
and others.

DECLARE INDIA A TERRORIST COUNTRY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. TOWNS. Mr. Speaker, a group of 21 of us wrote to President Clinton last month asking him to declare India a terrorist country due to its terror campaign against Christians and other minorities. Since Christmas of 1998, there has been a wave of terrorist attacks against Christians, Christian churches, and Christian institutions throughout India.

No one is ever held accountable for these actions. In fact, Bal Thackeray, leader of Shiv Sena, recently threatened to engulf the entire country in violence if he is held accountable for his part in the 1992 murders of thousands of people in Bombay. Mr. Thackeray's party, Shiv Sena, is a coalition partner of the ruling BJP and both parties are member organizations of the Rashtriya Swayamsewak Sangh (RSS), a Fascist organization with a program of "Hindu, Hindi, Hindutva, Hindu Rashtra"—in other words, Hindu rule. BJP leaders have been quoted as saying that everyone who lives in India must be Hindu or must be subservient to Hindus. Is this democracy or theocracy?

Recently, a group of four missionaries were beaten by Hindu nationalists for their religious work. They were peacefully distributing religious literature and Bibles. Now one of them may lose his arms and legs. A Catholic priest who came under attack from militant Hindus recently was saved when his landlady, a Hindu, poured boiling oil on the Hindu mob that was attacking him. There have been so many incidents. After the recent murder of another priest, the only eyewitness was picked up by a police official who was under suspension. The witness was hanged in his jail cell. The Indian government ruled that he hung himself, but it seems to be a murder by the police.

Hindus chanting "Victory to Hannuman" burned Graham Stuart Staines, an Australian missionary, and his 8 and 10 year old sons to death as they slept in their jeep. Nuns have been raped, priests have been murdered, churches have been burned and schools have been destroyed. All of these acts, and more, have been done at the hands of militant Hindu nationalists allied with the RSS. No one has been punished for any of these atrocities.

Mr. Speaker, Christians are not the only ones. The Indian government massacred 35 Sikhs in Kashmir during President Clinton's visit to India, then tried to blame Kashmiri "militants." Two extensive investigations have confirmed the Indian government's responsibility.

These latest victims join over 200,000 Christians, more than a quarter of a million Sikhs, over 70,000 Kashmiri Muslims, and tens of thousands of other minorities who have been killed in the Indian government's genocide. Tens of thousands of Sikhs are held without charge or trial, as political prisoners in "the world's largest democracy." Well, if India is really a democracy, it must allow all the peoples and nations under its rule, including the Christians of Nagaland, the Sikhs of Khalistan, the Muslims of Kashmir, and the others, to enjoy self-determination and freedom.

Given its past and present conduct, India must be declared a terrorist country and we should stop giving American taxpayers' money to the Indian government until its religious terrorism and its killing of minorities end and all the peoples and nations of South Asia live in freedom.

Mr. Speaker, I would like to insert our letter to President Clinton into the RECORD, and I hope my colleagues will read it. It will be very informative.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

CONGRESS OF THE UNITED STATES,
Washington, DC, June 15, 2000.
Hon. BILL CLINTON, President of the United States,
The White House, Washington, DC.

DEAR MR. PRESIDENT: We are deeply concerned by the ongoing repression of Christians in India. A wave of violence against Christians and that has been going on since Christmas 1998 has intensified recently.

On May 21, a prayer meeting of a Christian women's group was bombed. An investigation by the All India Christian Conference shows that the Sangh Parivar, a branch of the Fascist RSS, the parent organization of the ruling BJP, carried out the bombing, which injured 30, four of them very seriously. Also in May, six Christian missionaries who were distributing Bibles and religious literature were beaten by militant Hindu fundamentalists. One of them may lose his arms and legs due to the savage beating. On April 21 in Agra, a group of Hindu militants affiliated with the Bajrang Dal attacked a Christian group and burned Biblical literature. The Bajrang Dal is a wing of the RSS. In Haryana, three nuns were run down by a motor scooter while they were on their way to Easter services. The RSS recently published a booklet on how to implicate Christians and other minorities in false criminal cases, the *Hindustan Times* reported.

Missionary Graham Staines was burned to death along with his sons, who were 8 years old and 10 years old, while they were asleep in their jeep. The killers chanted "Victory to Hannuman." Hannuman is a Hindu god with the face of a monkey. Hindu nationalists have murdered at least four priests, raped four nuns and kidnapped another, whom they forced to drink her own bodily fluids. More than 200,000 Christians in predominantly Christian Nagaland have been killed by the Indian government. No one is punished for any of these acts.

India has also committed similar acts of terrorism against its Sikh and Muslim minorities, among others. It has killed over 250,000 Sikhs. In March, the government massacred 35 Sikhs.in the village of Chatti Singhpora. According to the State Department, between 1991 and 1993, India paid out more than 41,000 cash bounties to police officers for killing Sikhs. India has killed more than 70,000 Kashmiri Muslims and destroyed the most revered mosque in Kashmir. Tens of thousands of Sikhs, Kashmiris, Christians, and others are being held as political prisoners.

Mr. President, America cannot just watch these atrocities happen. We call on you to declare India a terrorist nation. We further urge an end to U.S. aid to India until human rights are enjoyed by all people there. And we ask the United States to support self-determination for all the peoples and nations of the subcontinent. Let the light of freedom shine everywhere in South Asia.

Sincerely,
EDOLPHUS TOWNS, M.C.,
and 20 others.

HONORING WALTER BROOKS FOR A LIFETIME OF ACHIEVEMENT

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Ms. DELAURO. Mr. Speaker, it is with a heavy heart that I rise today to pay tribute to an outstanding member of the New Haven community, and my dear friend, Walter Brooks, whose passing has ended a career spanning over four decades—truly an era in New Haven politics. Today, members of the New Haven community will gather to honor the memory of Walter and the lifetime of contributions he has made.

Throughout his life, Walter demonstrated a unique commitment to the families and neighborhoods of New Haven. I had the distinct pleasure of working with Walter on a variety of projects during my career. His charisma and energy never ceased to amaze me. I have often spoke of our nation's need to make communities our first priority by bringing life to projects that create better neighborhoods in which working families can earn a living and raise their children. Using his myriad of talents, Walter worked hard to achieve these goals. As a state legislator, Walter served as the chairman of the Black and Hispanic Caucus and was appointed to the Select Housing Committee where he worked with State Attorney General Richard Blumenthal to draft the affordable housing statute—helping to ensure that all families would have safe, affordable housing in which to raise their families. With the Hill Development Corporation, Project MORE, and most recently, the Beulah Land Development Corporation, Walter focused his energy on providing some of our communities most vulnerable families with the chance for an irreplaceable opportunity—the chance to own their own home. Serving as the Chairman of the Housing Authority Board of Commissioners, Walter has been an integral partner in the recent re-organization of the agency. Tirelessly working to revitalize New Haven neighborhoods, Walter exemplified the activism essential to building strong and vital communities.

Walter was a driving force behind Connecticut politics—locally and statewide. His encouragement and guidance led many minorities to seek and win elected office. A skilled political organizer, Walter committed himself to local and state issues. Serving two terms as an Alderman in the City of New Haven and five terms as a State Representative in the General Assembly, Walter was never afraid to fight for what he believed was right—regardless of where his party may have stood. He has often been characterized as a legislator willing to roll up his sleeves and knock on doors to get people involved. He understood the importance of community participation and made every effort to involve community members in the issues that affected their neighborhoods and families. Walter served on the Board of Alderman for the City of New Haven, along with my mother, Luisa DeLauro. There he was her colleague and her friend. He accompanied her on a trip to Taiwan, and of course I felt better knowing that he was there looking out for her. Walter exemplified what an elected official should be, a role model for many who continue to serve in public office today, and his example will continue to inspire people to ensure their neighborhoods have a strong voice advocating on their behalf.

As a civil rights activist, housing advocate, or political advisor, his efforts have made a real difference in the lives of thousands of Connecticut residents. Walter has left an indelible mark on the City of New Haven and the State of Connecticut. It is with my sincerest condolences and greatest sympathies that I join his wife, Andrea Jackson-Brooks, his children, family, friends, and community members in bidding a sad farewell to Walter Brooks. His memory will long serve as an example to us all—his legacy never forgotten.

OCEANS ACT OF 2000

SPEECH OF

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Mr. PALLONE. Mr. Speaker, I join my colleagues today in supporting the passage of S. 2327, the Oceans Act. We have an excellent opportunity to initiate a major review of ocean policies in this Nation and to take action to improve our understanding of ocean systems and the ocean environment as a whole.

As a coastal member and co-chair of the Coastal Caucus, I've always been supportive of protecting our oceans and coasts and realize the tremendous benefits they offer all Americans. Our oceans provide us with jobs, food, recreational as well as educational opportunities, medicine, and transportation. Our oceans also play an important role in determining climate.

But all is not well with our oceans. Today, more than half of all 265 million Americans live within 50 miles of our shores. This has put tremendous pressure on our estuaries, coastal zone, and near and offshore areas. In 1998, over 2,500 health advisories were issued against the consumption of contaminated fish. In 1998, over 7,000 beach closings or warnings were issued due to pollution. Harmful algal blooms, like red tides and pfiesteria, have been responsible for over $1 million in economic damages over the last decade. A 1997 National Marine Fisheries Service report to Congress stated that of the federally managed species for which sufficient data was available, 31% are "overfished." The list goes on and on.

S. 2327 attempts to rectify some of these problems by establishing a Commission on Ocean Policy. This Commission, which is similar to the original Stratton Commission of the late 1960's, will report to Congress and the President policy recommendations for improvements with respect to our oceans, ultimately resulting in a coordinated National Ocean Policy.

In closing Mr. Speaker, I urge all Members to vote in favor of this legislation so that we can go to conference and have it signed into law before the end of the session. Cast a vote for our Oceans! Vote yes on the Oceans Act!

COMMUNITY RENEWAL AND NEW MARKETS ACT OF 2000

SPEECH OF

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Mrs. McCARTHY of New York. Mr. Speaker, I rise in support of the New Markets Initiative before the House today. This bipartisan bill provides hope for distressed economic areas that have not benefited from the longest stretch of economic growth since World War II.

Despite unprecedented economic expansion and sustained unemployment levels, many people in inner cities and rural areas continue to live in poverty. Job growth is virtually nonexistent while crime rates continue to increase.

This legislation establishes 40 new "renewal communities" in areas with high poverty and unemployment levels. These distressed areas can qualify for various tax incentives and loan assistance programs.

As a member of the House Small Business Committee, I believe the New Markets Initiative will help jumpstart these underserved communities. Specifically, the New Markets Venture Capital Program which creates a new class of venture capital funds that target low-to-moderate income communities.

In addition to attracting investors and businesses to these distressed areas, this legislation addresses the housing needs of community residents. One provision, in particular, expands the low income housing credit from $1.25 per capita to $1.75 per capita. This tax credit, administered by the states, helps build 90,000 affordable housing units each year. However, the demand for the credits is greater than the supply by three to one. This proposal would help create an additional 180,000 units of affordable housing over the next 5 years for low-income families.

In order to sustain this economic boom, it must benefit everyone. The New Markets Initiative helps achieve this goal by providing the tools and incentives to foster and sustain economic growth in distressed areas.

I urge my colleagues to support this important piece of legislation.

IN HONOR OF BASIL M. RUSSO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to honor Basil M. Russo, recently named the 'Italian Man of the Year' by The Italian Sons and Daughters of America.

Mr. Russo has been closely involved with the social, cultural and political life of Ohio throughout his distinguished career. After graduating from Cleveland Marshall College of Law in 1972, Basil Russo was a prominent member of Cleveland's City Council, serving as a Councilman for eight years between 1972 and 1980. Indeed, in 1978 Basil became the Majority Leader of the council, before leaving to take up responsibilities as a judge in the Court of Appeals, and then a Common Pleas Court judge. Basil's professional life has also included the foundation of his own law firm, Basil Russo & Co., L.P.A., which he still runs to this day, and the production of a feature film entitled Places in 1997.

As this award acknowledges, Basil Russo has also been a vibrant member of the Italian American community at a local and national level. He currently serves as the National Vice-President of the Italian Sons and Daughters of America, the third largest Italian American fraternal organization in the United States. This organization is involved in numerous social and political events that range from sponsoring the Debutante Ball, to owning and operating a senior citizen housing complex. His status in the legal community also means that since 1992 Basil has served as President of the Justinian Forum; the Italian American Bar Association for Cuyahoga County comprising 22 Judges and 250 attorneys of Italian American descent. It is fitting therefore that Basil was also the founding member of the Italian Americans of Northeast Ohio, established in 1994. He has also made a significant contribution to the religious life of Ohio through his co-chairmanship, alongside his wife Patricia, of the Advisory Board of the Department for Marriage and Family Ministry of the Diocese of Cleveland between 1992 and 1995. In fact, Basil still serves as a Lector and Eucharistic Minister at Holy Rosemary Parish.

Basil's talents for film-making and the legal profession have clearly been inherited by his four grown-up children. Anthony, Joseph and Angela are all studying film-making at university, while Gabrielle is studying for a J.D. in law at Basil's alma mater in Cleveland. My best wishes go to Mr. Russo and his family, and I would invite my fellow Congressmen to join me in commending his outstanding achievements in Ohio and beyond.

TRIBUTE TO CENTRAL NEW YORK ORGANIZATIONS VITAL TO THE SUCCESS OF THE AMERICANS WITH DISABILITIES ACT

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. WALSH. Mr. Speaker, today marks the historic celebration of the ten-year anniversary of the Americans with Disabilities Act. As a strong supporter of the ADA from the very start, I join with you in reflecting upon all the great changes this law has brought to the disability community.

The ADA is more than access and accommodations. Those are the legal words for what the Act is all about. Quality of life issues are what is really at stake.

Going to the doctor where an interpreter is provided to accurately receive proper diagnosis and treatment. Being able to get to work and perform a meaningful job with assistance. Accessing public transportation for a day or evening out with family or friends. Shopping for groceries or other needed items—these are the type of quality of life issues that the ADA set out to guarantee just ten years ago.

In the Central New York area, we are fortunate to have several agencies that work tirelessly to promote the type of access the ADA protects. In Syracuse, Enable and Arise have fought from the ground level with a "hands on" approach to make this law a reality. They are to be commended. In Cortland, the Access to Independence of Cortland County works to bring services and education to both the disability and non-disability community. And in Auburn, Options for Independence advocates for people with disabilities. In addition, there are numerous individuals across the 25th Congressional District who have contributed to the success of this program.

Some ADA changes are subtle, others more drastic. But in every case their impact has had an immeasurable effect on the quality of life we all enjoy. I take this opportunity to commend all those involved in removing obstacles, eliminating barriers and ensuring equal access for all.

CHRISTIAN PERSECUTION IN INDIA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. TOWNS. Mr. Speaker, I recently joined with 20 of our colleagues in a letter to President Clinton urging him to declare India a terrorist state because of its repression of Christians Sikhs, and other minorities. Today in India, Christians, Sikhs, Muslims, and others are being subjected to a reign of terror at the hands of the Indian government. Since Christmas Day 1998, there has been a wave of persecution and terrorism against Christians in India. Churches have been burned, Christian schools and prayer halls have been attacked, nuns have been raped, and priests have been killed.

Earlier this month, two more churches were bombed in the Indian state of Karnataka, according to a report from Newsroom.org. These attacks came just a month after a Catholic church was bombed in Bangalore. This is a frightening reminder of the resistance to civil rights in the South of the 1950s.

Late last month, a Hindu woman poured boiling oil on a group of militant Hindu nationalists who were attacking her tenant, a Catholic priest. Four Christian missionaries were beaten last month, one so severely that he may lose his arms and legs. These missionaries were beaten for distributing Christian religious literature and Bibles. The RSS, a Fascist organization that is the parent organization of the ruling BJP, has published a booklet on how to implicate Christians in false criminal cases. On Easter, a group of nuns on their way to Easter services were run down by Hindu fundamentalists riding motor scooters. In March, a Sikh family saved some nuns whose convent was attacked by Hindu fundamentalists.

Last month, a women's prayer meeting was bombed by militant Hindu fundamentalists. In April, fundamentalist Hindus attacked a Christian group and burned biblical literature. These are, unfortunately, just the latest incidents in a pattern of oppression of Christians.

The pattern has been long term. Last fall, Hindu fundamentalists aligned with the ruling BJP abducted a nun named Sister Ruby and forced her to drink their urine. Hindus chanting "Victory to Hannuman," a Hindu god, burned missionary Graham Staines to death along with his 8-year-old and 10-year-old sons, while they slept in their jeep. The violence has been carried out by the RSS and other allies and supporters of the BJP government in India and no one ever seems to be punished for these acts.

Sikhs and Muslims have also been targeted, and we should take note of that. In March, while President Clinton was visiting India, 35 Sikhs were murdered in the village of Chithi Singhpora. Two independent investigations have shown that the Indian government carried out this massacre. This, too, is part of a pattern of genocide.

India's campaign of terror against minorities is clearly designed to wipe out the minorities. It is time to declare India a terrorist state and it is time to cut off American aid to India to help strengthen the hand of human rights there. And we should support self-determination for all the minority nations seeking their freedom from India. The predominantly Christian nation of Nagalim, which India holds, is about to begin talks with the Indian government on their political status. I hope that these talks will be the beginning of freedom not just for the people of Nagaland but for all the minority peoples and nations of South Asia.

Strong action must be taken. We should cut off India's aid until human rights are respected. We should demand self-determination for the people of Khalistan, Kashmir, Nagalim, and the other minority nations under Indian rule in the form of a free and fair plebiscite on the question of independence. That is the way democratic nations do it. Is India the democracy it claims to be or not?

I would like to place the Newsroom article of July 10 into the Record for the information of my colleagues. I urge my colleagues to take a look at it.

TWO CHURCHES HIT WITH BOMB ATTACKS IN INDIA

July 10, 2000 (Newsroom)—Bomb blasts damaged two churches in India's southern Karnataka state over the weekend as Christians across the nation staged marches and rallies to protest sectarian violence.

Early on Saturday a low-intensity bomb exploded at the doors of a Protestant church in Hubli, about 270 miles north of the state capital, Bangalore. Police the blast occurred between 4 a.m. and 4:30 a.m. at St. John's Lutheran Church in Hubli's Keshavapura area, which has a 15,000-strong Christian population. The explosion damaged the church's steel gates and its belfry, but no injuries were reported, police said.

On Sunday an explosion left a small crater and shattered windows in the St. Peter and Paul Church in Bangalore.

The attack in Hubli came exactly one month after a bomb blast shook a Roman Catholic church in Wadi in the north Karnataka town of Gulbarga. Three other bomb attacks on churches occurred on June 8, in the coastal town of Goa and the southern state of Andhra Pradesh. Police say that the attack on Saturday is similar to the June 8 blasts, which are still under investigation.

The federal government blames sympathizers of the Pakistan intelligence agency ISI (Inter Service Intellegence) and claims the neighboring nation is out to destabilize India and drive a wedge between Christians and Hindus.

Church leaders allege, however, that right-wing Hindu groups are behind a series of attacks against India's 23 million Christians, and may be responsible for the latest church bombings. Christians believe many of the Hindu groups are closely connected to near the Hindu nationalist Bharatiya Janata Party (BJP), which leads the federal government's ruling coalition. A number of marginalized social groups have been victims of radical Hindus who go unpunished by the regime, said Sajan George, national convenor of the Global Council of Indian Christians. "It becomes clear from these attacks that whether it is Christians, Muslims, or Dalits, the attacks never end; they are part of the continuing spiral built into the sectarian ideology, out to justify acts of blatant violence and denial of fundamental rights to life, equality before the law, freedom of religion, and freedom of expression," George said after the Hubli church bombing.

In the BJP-ruled northern state of Uttar Pradesh a Roman Catholic priest was murdered last month as he slept in the town of Mathura, near the Taj Mahal. One of the key witnesses to the murder, a cook called Ekka, died mysteriously under police custody.

Bangalore was one, of several state capitals where Christians marched on Saturday in remembrance of victims of religious persecution and in protest of continuing violence. At a rally in Hyderabad on Sunday the president of the All India Christian Council, Joseph D'Souza, read a list of demands to which a crowd of some 100,000 expressed agreement by raising their hands. The demands included state protection for church property and arrest and prosecution of all who openly engage in hate campaigns against Christians.

The Deccan Herald of Bangalore reported Monday that city police had been directed by the Congress Party-led Karnataka government to step up security churches and other places of worship.

HONORS SERGEANT CARLETON C. "C.C." JENKINS FOR OUTSTANDING SERVICE

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Ms. DELAURO. Mr. Speaker, it gives me great pleasure to rise today to pay tribute to a native of New Haven, Connecticut and outstanding member of the United States Capitol Police, Sergeant Carleton "C.C." Jenkins. Sergeant C.C.—as he was affectionately called by the men and women he supervised—retired from the United States Capitol Police on June 30, 2000 ending a career of dedicated and distinguished service that spanned over three decades.

Before arriving in Washington, Sergeant C.C. served the New Haven community in several ways. Working for the State Highway Department, the City Welfare Department, and the Redevelopment Agency of New Haven, he focused his efforts on enriching our community, building strong neighborhoods where families could raise their children. His good work made a real difference in the lives of many. An active member of the local NAACP, he brought a strong voice to Connecticut during the historical March on Washington. Drafted into the United States Army, Sergeant C.C. proudly served his country during the Vietnam war. It was upon his return from service that Sergeant C.C. decided to leave New Haven for Washington to begin his career with the United States Capitol Police.

As Members of Congress, we owe a-debt of gratitude to each Capitol Police officer who protects our safety and that of the visiting public. Sergeant C.C. is certainly no exception. Joining the U.S. Capitol Police shortly after his discharge from the United States Army, Sergeant C.C. demonstrated a unique commitment to public service. The first fifteen years of his service were spent with the House of Representatives, most of those stationed at the horseshoe entrance of the Rayburn Building. With refreshing sincerity and an unforgettable smile, Sergeant C.C. made it a point to get to know Members and their staffs personally. His promotion to sergeant brought him to the Senate side of Congress where he spent the remainder of his career. Over the years, he became an irreplaceable fixture on the Hill by meeting every challenge, regardless of its difficulty, with unparalleled integrity. For thirty-one years, he has upheld and exemplified the mission of law enforcement officials—protecting and serving the people.

Always dedicating his time and considerable energy to others, Sergeant C.C. continued his outstanding record of community service in Washington. For many years he served as a volunteer Director and Vice-Chairman of the Wright-Patman Congressional Federal Credit Union as well as one of the founders and directors of his local church credit union. Sergeant C.C. has dedicated his career, and indeed his life, to the betterment of his community and neighbors.

Sergeant Jenkins has repeatedly distinguished himself as an outstanding public servant and citizen. I am proud to join his wife, Diane, their children, Carleton Jr. and Jason, family, friends, and colleagues to extend my best wishes for continued health and happiness in his retirement. His legacy will serve as an example for all who serve. Sergeant C.C.—New Haven is proud of you, the congressional community will miss you, and a grateful public thanks you.

TRIBUTE TO THE LATE LEON E. COHEN

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. PALLONE. Mr. Speaker, on July 8, 2000, the Highland Park area of New Jersey lost one of its most distinguished members with the passing of Leon E. Cohen of Highland

Park. Mr. Cohen was a man deeply involved with the Highland Park and Franklin Township government. His presence and knowledge will be sorely missed, while his contributions to civic life continue to impact the community.

Mr. Speaker, Leon Cohen's service to Highland Park began in 1991 when he was elected to a borough council seat. During his nine years on the borough council he served as Chairman of the borough council finance committee where he excelled in municipal finance management. Twice during his tenure, Leon served as Council President where he provided outstanding leadership. As Chairman of the finance committee, Leon was responsible for the Finance, Tax, and Court Departments and he also represented the borough council on the planning board and as council liaison to the Library Board of Trustees. Leon's financial expertise saved the Borough of Highland Park tens of thousands of dollars during his tenure in office. Single handedly, he put together a most creative financing package that made possible the Highland Park Public Library expansion project. He also played a major role in developing the finance package that made possible the new Senior/Youth Center in Highland Park.

Leon E. Cohen was born September 9, 1929 in Brooklyn, NY to Russian immigrants Jacob and Bella Cohen. As a student, Leon excelled in math and science at the City College of New York in Manhattan, where he earned a bachelor's degree in chemistry. In 1952, Leon wed Evelyn Schwarz. They became the proud parents of a son, Steven, and two daughters, Ann and Laurie. Leon and—his family moved from Brooklyn to the Bronx and then to Franklin Township in Somerset County. He worked for FMC Corporation in Princeton for 41 years before his retirement in 1943, in the process, becoming well published in the chemistry of phosphorous based compounds.

IN HONOR OF LISA M. ANDERSON

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to pay respect to Lisa M. Anderson, a lawyer and political activist who died at the age of 34 last week.

Ms. Anderson was born in Orlando, Florida and graduated from the University of South Florida in Tampa. After college, she moved to Cleveland to attend Case Western University School of Law, where she graduated in 1996. Lisa quickly established herself as part of the community in Cleveland, as a member of the Sierra Club, Amnesty International, the Society of International Law Students, and as a mentor to international law students and first year law students.

While a student, Lisa headed a program to place foreign law students in local jobs. Upon her graduation from Case, she received the Frederick K. Cox International Law Center Award for outstanding service. As an attorney, she was admitted to the bar in both Ohio and Florida.

Lisa Anderson worked on numerous political campaigns, including my own congressional race in 1996 after her graduation from Case. In 1998, she volunteered as a driver for the U.S. Senate campaign of former Cuyahoga County Commissioner Mary O. Boyle, but was soon hired to research issues and draft position papers. In July of that year, Lisa was diagnosed with a brain tumor. She underwent surgery, and soon continued her work on the campaign from her computer at home. A favorite memento from that campaign was a picture with First Lady Hillary Rodham Clinton.

After her diagnosis, Lisa focused her attention and energy on cancer research. She participated in the Brain Tumor Lobby Day on Capitol Hill in 1999 where she visited with me and other Members of Ohio's delegation to Congress to help us focus our attention on cancer research and the needs of individuals with brain tumors. Ms. Anderson also participated in, and served on the founding board of The Gathering Place, a cancer wellness facility in Beachwood, Ohio.

I ask you to join me in expressing my deepest condolences to Lisa's family and many friends, and honoring the memory of Lisa Anderson.

JUNE CITIZEN OF THE MONTH

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mrs. McCARTHY of New York. Mr. Speaker, I rise today to name Don Dreyer, the director of the Nassau County Office for the Physically Challenged, as the Citizen of the Month in the Fourth Congressional District for June 2000.

I admire Don's dedication. He has worked so hard to improve the lives of people with disabilities within our community, and nationally.

Don has served in his current position for 22 years. Being disabled, Don understands the concerns and difficulties of physically challenged individuals. He has strongly advocated for local, state, and federal legislation to improve the independence and productivity of children and adults with disabilities.

Don was a driving force behind the passage of the Americans with Disabilities Act (ADA) of 1990. He attended the ADA signing ceremony at the White House with President Bush.

In 1996, Nassau County was named the "Model ADA Program" by the National Association of Counties. This was a great honor for Don who, along with his compliance committee, developed the innovative $21 million project. The program works with organizations so that modifications in their policies and procedures include access by persons with visual, auditory, and other disabilities.

Don developed an outreach program to the private sector on the ADA program. Since 1984, he has been teaching members of the Nassau County Police Academy a curriculum involving their correspondence with persons with disabilities. Don presents programs to the local Chambers of Commerce, as well as hosts and produces the Cablevision series entitled, "Capabilities in Health."

I commend Don for all he has overcome and all he has accomplished. I am honored to give him this recognition he well deserves.

Don lives in Rockville Centre with his wife Barbara. He is a graduate of Hofstra University with a B.A. in English and an M.S. in Counselor Education. Dreyer has served as the Director of Media and Public Relations at the National Center for Disability Services, the Hofstra University Newsletter Editor, and the Assistant Director of University Relations at Hofstra University before becoming the director of the Nassau County Office for the Physically Challenged.

INTRODUCTION OF THE DEMOCRATIC RIGHTS FOR UNION MEMBERS (DRUM) ACT OF 2000

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. BOEHNER. Mr. Speaker, today I introduce the Democratic Rights for Union Members (DRUM) Act of 2000. The DRUM Act is a pro-union member bill that helps rank-and-file workers achieve greater democracy within their labor organizations. The bill amends the 1959 Labor-Management Reporting and Disclosure Act (LMRDA), also known as the "Landrum-Griffin" Act. Landrum-Griffin is the only federal statute which deals directly with the relationship between union members and union leaders.

Four decades have passed since the LMRDA became law. There is no doubt this important bill from the 1950s has improved the American workplace. Many of the workforce benefits that Americans take for granted have come from union input representing the views and wishes of hardworking American union members. However, similar to many of our other federal labor laws, there is an antiquated side to Landrum-Griffin that reduces its effectiveness. In many cases, we have seen the law manipulated or ignored by union leaders who have used their power and the financial resources of their labor organizations for personal gain. In the 105th Congress, under the direction of then-Employer-Employee Relations Subcommittee Chairman Harris Fawell, and continuing during the 106th Congress, the EER Subcommittee has held seven hearings examining in-depth the strengths and failings of Landrum-Griffin. I am happy to report that in the vast majority of American unions, "union democracy" as envisioned by the authors of Landrum-Griffin is thriving. Unfortunately, there are some cases in which union leaders have exploited the current system to the detriment of rank-and-file members.

Following the subcommittee's first four hearings, Representative Fawell introduced the Democratic Rights for Union Members (DRUM) Act of 1998 to begin the process of updating Landrum-Griffin to enhance the democratic rights of union members. The legislation I introduce today builds on Representative Fawell's bill by adding several new provisions addressing additional problems the subcommittee observed during this Congress.

LANDRUM-GRIFFIN BACKGROUND

Few Members of Congress or rank-and-file union members are even aware of Landrum-

Griffin's "Bill of Rights." It is important to understand the foundations of union democracy before one can discuss necessary changes.

Today, Landrum-Griffin covers some 13.5 million members, in more than 30,000 unions having more than $15 billion in assets. Congress passed the LMRDA as a response to public outcry resulting from revelations of corruption and racketeering in the labor movement. This corruption came to light in the late 1950s, during three years of hearings in the Senate Select Committee on Improper Activities in the Labor and Management Field, chaired by Senator John L. McClellan. The authors of the LMRDA believed that promoting democracy within unions would reduce corruption and strengthen the labor movement by providing union members more control over their own union affairs.

Clyde Summers, Jefferson B. Fordham Professor of Law Emeritus at the University of Pennsylvania Law School, who sat on a panel of experts convened by then-Senator John F. Kennedy to draft a union members' Bill of Rights (the basis for Title I of Landrum-Griffin), eloquently summarized the intent of the law in testimony before the EER Subcommittee on March 17, 1999:

> The whole focus of the Landrum-Griffin Act was to protect the democratic rights of members as an instrument of collective bargaining. There was a guiding principle to limit governmental intervention to the minimum, to limit intervention in terms of union decision-making, to leave unions free to make their own decisions. But this was to be accomplished by guaranteeing the democratic process inside the union on the logic, the philosophy, that if the union members made these decisions on their own, that if these were democratically made, this gave a legitimacy to these decisions.

Landrum-Griffin contains six titles. The first title, the foundation upon which the rest of the legislation is constructed, contains a union member Bill of Rights mandating various rights: to information, to free speech, to free association, and to protection from undue discipline. Title II governs reporting and recordkeeping by labor organizations. Title III provides a framework for trusteeships. Title IV lays out requirements for elections of union officers, including specific time frames within which elections must be held. Title V outlines the fiduciary duties of union officers. Title VI provides a variety of additional requirements, and grants general investigatory powers to the Department of Labor.

THE AMENDMENTS

The bill I introduce today includes several amendments to Landrum-Griffin. Each of these changes will have a positive impact on the everyday lives of union members. Those unions that treat their members fairly will not be affected at all. The legislation introduced today is not an exhaustive list of reforms. There are other changes that Congress may want to consider in the future, but the DRUM Act represents a very productive starting point.

My bill provides: enhanced notification to union members of their rights under the LMRDA; increased authority for the Department of Labor to enforce the notification rights of union members;

ENHANCED NOTIFICATION RIGHTS

The DRUM Act addresses real problems that have come to the subcommittee's attention during our hearings or through recent court rulings. For example, the legislation requires unions to periodically notify all members of their Title I rights. Some unions, as incredible as it may sound, have argued that a one-time notification of rights under the LMRDA given decades ago satisfies the current law requirement to "inform its members concerning the provisions of" the Act (29 USC §415).

This issue was the subject of a recent Fourth Circuit case. (*Thomas* v. *Grand Lodge of Int'l Ass'n of Machinists,* 201 F.3d 517 (4th Cir. 2000)). In Thomas, union members sued the International Association of Machinists to require the union to distribute to each member a summary of their rights under Landrum-Griffin. The union claimed that they had fulfilled the notification requirements in 1959 when they distributed the text of the recently-passed law. Incredibly, the district court had agreed with the union leadership despite the fact that most, if not all, of the members were not members in 1959. Fortunately, the Fourth Circuit overruled the district court, and determined that the one-time notification was not sufficient, but stopped short, however, of enumerating what "sufficient notification" entails. My bill clarifies the notification obligation, by requiring the Secretary of Labor to promulgate regulations that provide enhanced guidance to union organizations on how best to inform their members of their LMRDA rights. After all, if union members are not aware that they have rights, they will be unable to exercise them.

"REASONABLE QUALIFICATIONS" IN UNION ELECTIONS

An additional line of court cases prompts another provision in DRUM. There is conflicting appeals court precedent on the issue of what constitutes a "reasonable qualification" (29 USC §481 (e)) in order to be eligible to run for elected union office. Earlier this year, the First Circuit ruled against the Department of Labor, after the Department sued a local union over an election rule which barred 96 percent of the local's members from running for office (*Herman* v. *Springfield Mass. Area, Local 497, American Postal Workers Union,* 201 F.3d (1st Cir. 2000)). The court held as reasonable a requirement that union members attend three of the previous nine union meetings in order to run for office. This court decision contradicts a ruling from the D.C. Circuit in 1987, in which a union's election rule was considered unreasonable primarily because it disqualified a large percentage of union members (*Doyle* v. *Brock,* 821 F.2d 778 (D.C. Cir. 1987)).

In Herman, the Majority all but requested that the Department of Labor adopt a regulation using a specific percentage standard. I believe it is the responsibility of the Congress to enact such a requirement, rather than to require the administration to take on the nearly impossible task of interpreting Congressional intent and balancing that intent with contradictory court opinions. As such, the legislation introduced today lays out a clear standard by which election rules will be judged as reasonable or unreasonable. The legislation simply says that any rule excluding more than half of a union's members from running for office is not reasonable. This bright line will benefit union members, candidates for union office, and incumbent union leaders equally, because by removing ambiguity, we will enhance union democracy and reduce potential internal strife.

CONCLUSION

The workplace of the 21st Century is vastly different from that existing 40 years ago. Workers and employers are working together toward a common goal, rather than continuing the adversarial relationship which characterized the last century. This evolution in the workplace has reduced industrial strife, and has increased productivity, profits, and, most importantly, the satisfaction and pay of workers.

This same collective strategy is key to the effective operation of internal union affairs. The days of well-heeled union bosses, using their members to enrich themselves at the expense of worker advancement are quickly ending. Unions, which provide workers with camaraderie, personal support—both inside and outside the workplace—and a means to improve their lives, are enriched as members achieve true democracy within their labor organizations. Enhancing the ability of rank-and-file members to take a greater responsibility for how their union operates solidifies the positive impact unions have on the workplace and the lives of working men and women.

HONORING IRVING B. HARRIS FOR A LIFETIME OF ACHIEVEMENT ON HIS 90TH BIRTHDAY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Ms. DELAURO. Mr. Speaker, it gives me great pleasure to stand today to honor a remarkable individual who has left a lasting mark on our Nation and its children. I am honored to pay tribute to Irving B. Harris as he celebrates his 90th birthday on August 4, 2000.

Irving's leadership and commitment is inspiring. His passion and advocacy have led the fight for policy development on behalf of very young children and families, attention to the physical and mental health of pregnant women and mothers of infants and toddlers, the prevention of violence, the training of a competent infant/family work force, and the building of effective community-based programs. He is as well-respected as a leading voice for children as he is as a corporate leader. After entering the business world following his graduation from Yale University, he served with both the Board of Economic Warfare and the Office of Price Administration during World War II. He has served in executive capacities for several well-known companies, including the Toni Home Permanent Co., and the Pittway Corp.

However, Mr. Harris is best known for his commitment to improving the chances of disadvantaged children across this country. His many contributions and determined advocacy for the well-being and development of infants, toddlers, and their families are legendary. He was instrumental in creating and establishing such well-respected institutions as the Erikson Institute and the Ounce of Prevention Fund, as well as the highly ambitious Beethoven Project, which has served as models for the development of training and service programs across the country. He helped to establish Zero to Three, a national nonprofit charitable organization whose mission is to strengthen and support families, practitioners and communities to promote the healthy development of babies and toddlers. He was the moving force in the establishment of the Harris Graduate School of Public Policy Studies at the University of Chicago. His vision and leadership have earned him appointments to the National Commission on Children and the Carnegie Corporation of New York's Task Force on Meeting the Needs of Young Children. For his efforts, Irving has been awarded 10 honorary degrees.

He has been, and continues to be, a champion for children and families everywhere. It is with great pride that I rise today to congratulate Irving. I also would like to extend my sincere thanks and appreciation for his many contributions and best wishes for continued health and success. Our Nation's children thank you and wish you a happy birthday.

PERSONAL EXPLANATION

HON. J.D. HAYWORTH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. HAYWORTH. Mr. Speaker, on Thursday, July 20, 2000, I missed rollcall votes 421, 422, 423, 424, 425, 426, 427, and 428 because I was attending to congressional business in my district. Had I been present, I would have voted "aye" on rollcall vote 421, "no" on rollcall vote 422, "aye" on rollcall vote 423, "no" on rollcall vote 424, "no" on rollcall vote 425, "no" on rollcall vote 426, "aye" on rollcall vote 427, and "aye" on rollcall vote 428.

INTRODUCTION OF THE CHRONIC ILLNESS CARE IMPROVEMENT ACT OF 2000

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. STARK. Mr. Speaker, in our aging society, it is beginning to dawn on millions of Americans across the country that chronic illnesses are now America's number one health care problem. Yet because our health care system has been designed around meeting the needs of acute, not chronic illness, our system of services for those with Alzheimer's, diabetes, and other major conditions is both fragmented and inadequate.

To be successful, 21st century health care must be reorganized to maximize the intelligent use of those protocols and procedures that can most effectively control and slow the rate of chronic illness progression. This can only be accomplished if treatment for chronic conditions is consciously and carefully integrated across a range of professional providers, caregivers and settings.

This integration of services for chronic illness care is at the heart of the Chronic Illness Care Improvement Act of 2000 that I am introducing today.

It is a major bill, designed to focus debate on the need to provide comprehensive and coordinated care for people with serious and disabling chronic illness. I am introducing this Medicare measure this summer to invite comments, ideas and suggestions for refining this bill so that it can be re-introduced at the beginning of the 107th Congress, with bipartisan sponsorship. The bill I am introducing today is the result of months of consultation and work with numerous senior, illness, and health policy groups. I hope that it will receive the endorsement of many groups in the days to come.

The bill has four titles and is phased in over a number of years. Why? Because we know a lot about the management of chronic illness—but in truth, the comprehensive national program that is so desperately needed will require long range planning and implementation in phases.

Therefore, Title I creates a temporary Commission to study and recommend solutions to the complex issues involved in coordinating and integrating the diversity of healthcare services for the chronically ill.

Title II lays the groundwork for a full, comprehensive care program by establishing the databases and infrastructure we will need to provide high quality care to those with chronic illness.

Title III launches two major prototype chronic disease management programs-one for diabetes and the other for Alzheimer's disease. Once we learn from the experience of these two prototypes, the Act calls for expansion to a high quality national program for management of other serious and disabling chronic illnesses.

Title IV promotes coordination of care for dually eligible beneficiaries by streamlining the processes of obtaining waivers and determining budget neutrality of combined Medicare and Medicaid programs.

WHY A PROGRAM TO IMPROVE THE CARE OF CHRONIC ILLNESS IS NEEDED

Do you know someone who has diabetes, high blood pressure or a heart condition? Perhaps someone who is important to you suffers from arthritis, asthma or Alzheimer's disease. All of these problems have one thing in common-they are chronic illnesses. Once these problems begin, they stay with you and many of these problems inevitably progress over time. What most people don't know is that chronic illness is America's highest-cost and fastest growing healthcare problem accounting for 70 percent of our nation's personal healthcare expenditures, 90 percent of all morbidity and 80 percent of all deaths.

Yet while chronic disease is America's number one healthcare problem, care for those with chronic illness is provided by a fragmented healthcare system that was designed to meet the needs of acute episodes of illness. We cannot deliver 21st century healthcare with a system that was designed a half century ago, before angioplasty or bypass surgery for heart disease and before L-dopa for Parkinson's disease.

Medical discoveries like these have transformed many illnesses from rapidly disabling conditions to chronic conditions that people live with for a long time. But the healthcare system that works for a devastating heart attack does not work for chronic illnesses that need a totally different group of services, including long range planning, prevention, coordination of care, routine monitoring, education, and self-management.

The acute care model is a mismatch for the needs of chronic disease and the result is that people with chronic conditions receive healthcare that responds to crises rather than preventing them. The fact is we know a lot about the natural course of chronic illnesses like diabetes and arthritis. We have learned the all-too-common scenarios that result in complications such as an amputation in the diabetic or a stroke in the person with uncontrolled hypertension. Delaying stroke by 5 years would yield an annual cost savings of 15 billion dollars, yet we continue to shortchange the ounce of prevention that is worth a pound of cure.

The patients know what is wrong with the system—they tell us our healthcare system is disjointed and a nightmare to navigate. They want more information about their condition, more emotional support, and more control of their care. They deserve better communication and integration of care amongst their many healthcare providers who currently function to deliver separate and unrelated services, even though they are providing care to the same person.

But none of this will happen in a medical system that does not reward quality of care for chronic illness. Our healthcare system does not reward preventive care or continuity of care. Neither do we reward early diagnosis, interdisciplinary care, emotional counseling or patient and caregiver education.

The cornerstone of quality healthcare for chronic illness is long-range planning and prevention, yet the Congressional Budget Office currently has no mechanism to measure cost-effectiveness over extended periods of time. Unless we recognize that an upfront investment in the early and middle stages of chronic illness will pay dividends over the long term, we will continue to be caught in the vicious cycle of responding to crises rather than anticipating and preventing them.

There is increasing recognition of the looming problem of providing long-term care to the growing number of senior citizens, but little awareness that better care of chronic illness beginning at the time of diagnosis is the most effective strategy to prevent the progression of disability and loss of independence. Join me in supporting The Chronic Illness Care Improvement Act of 2000 to bring excellence to the care of chronic illness, just as Medicare has already achieved for acute illness. This legislation will put our emphasis where it belongs—on proactive strategies that will prevent complications and disability before they happen.

This is a systems problem that requires a systems solution. Disease management of chronic illness will only succeed if financial, administrative and information systems are developed to support it. Our current healthcare system locks into place fragmentation and duplication of services. We must strive to align financial incentives among healthcare providers to achieve common care, quality and cost objectives. We can improve the quality of care while reducing costs by reducing duplicative and unnecessary services and by preventing complications and loss of independence.

The healthcare challenge of this new century is to design a Medicare system that meets the needs of persons with serious and potentially disabling chronic illness. The medical discoveries of the 20th century have dramatically prolonged the life expectancy of persons with all types of chronic conditions. In the 21st century, our challenge is to reduce the progression of disability and to improve the functional status and quality of life of persons with chronic illness.

INVITATION FOR COMMENTS

Mr. Speaker, reforming our health care delivery system to improve the care of chronic illness is a complex and major undertaking. Therefore, I want to repeat my comments that I am introducing this bill today to solicit comments and ideas from across the Nation. Today's bill is just the first round in a major initiative to improve this part of our health care system. I look forward to additional ideas and suggestions.

Following is a section-by-section description of the proposal.

THE CHRONIC ILLNESS CARE IMPROVEMENT ACT OF 2000 BILL SUMMARY

1. The bill charges a congressionally-appointed National Commission with development of a Medicare policy agenda that provides for an integrated, comprehensive continuum of care for serious and disabling chronic illness. Among its responsibilities, the National Commission on Improving Chronic Illness Care will:

Raise public awareness about how and why chronic illness care should be improved;

Investigate the barriers preventing integration of care for the chronically ill and establish baseline data for benchmarking future progress in reducing the prevalence of chronic conditions and healthcare costs;

Establish direction for integrating the delivery, administration and finances of chronic care services.

III. The bill lays the groundwork for a national program of coordination and integration of care for serious and disabling chronic illness through initiatives addressing:

Prevention of Disease and Progression of Disability: Preventive services under Medicare are expanded. Research is also expanded into risk factors associated with the progression of disability. A public awareness campaign on prevention of chronic illness is established and bonus payments are offered to reward plans and providers that meet targets for reducing disability.

National Targets for Improving Chronic Care: HHS will develop a national database for long-term planning and measurement of outcomes; will set national goals to reduce the prevalence of chronic illness; and will develop outcomes measures for analysis of long-term effectiveness of interventions that prevent chronic illness, complications and disability.

Coordination and integration of health services across different care settings: Common patient assessment instruments-are developed to integrate care across settings. Medicare and Medicaid-services for dually eligible beneficiaries are coordinated by streamlining the processes of obtaining waivers and determining budget neutrality for these programs.

Adequate manpower, education and expertise in chronic illness: Expand training opportunities where shortages of physician's with chronic illness expertise exist and HHS-sponsored, Internet-based national resource centers are set up to serve chronic illness patients and providers.

Managed care bonus programs for excellence in integration of chronic illness care:, Bonus payments are provided through Medicare for the development of comprehensive programs serving chronically ill beneficiaries. Specifically, disability prevention programs that achieve prevention goals, improve quality or perform research into delaying the progression of disability or preventing disease-related complications are funded.

Development of methods of cost assessment that make sense for long goals and outcomes: Methodologies to measure long range costs of comprehensive disease management programs that prevent chronic illness, delay disability, and prolong independence are developed and implemented by HHS.

III. The bill implements a nationally Phased-in program of comprehensive integration and coordination of care for serious and disabling chronic illness by:

Establishing-Prototype models for comprehensive disease management of two chronic illnesses, diabetes and Alzheimer's disease in 2003, that will be used as the basis for expanding in 2007 to other serious and disabling chronic illnesses, including hypertension, heart disease, asthma, arthritis, multiple sclerosis and Parkinson's disease.

These comprehensive disease management programs known as The National Initiative to Improve Chronic Illness Care include these key components: Best practices and evidence-based clinical guidelines, Interdisciplinary care, Case management, Disability prevention, Patient and caregiver education to foster self-management, Medication monitoring, Integrated administrative and financial services, Integrated information systems.

THE SCIENTIFIC CERTAINTY IN SENTENCING ACT OF 2000

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. SENSENBRENNER. Mr. Speaker, today I introduce the "Scientific Certainty in Sentencing Act of 2000." As the Chairman of the House Science Committee, I have had the opportunity to see first hand the amazing changes that take place each day in various fields throughout the science world. Advancements in DNA testing are no exception. Each advance brings a new degree of accuracy.

The legislation I am introducing today will allow convicted federal criminals the use of DNA testing. This would be allowed for those who did not have the opportunity to use DNA testing during trial or those who can show that a new technologically advanced DNA test would provide new evidence in their case.

Whether this new testing results in an exoneration, reduced sentence, or a reaffirmation of the conviction, we can all rest assured that the rule of law is upheld and that truth and justice have prevailed.

This legislation allows the great strides that have come, and will come, in the field of biological science to be utilized so that we may ensure that we are keeping the correct people behind bars. The bill is not a vehicle for frivolous appeals, but rather to allow all relevant facts to be shown in each case, which can only benefit all parties involved.

I encourage my colleagues to join me in promoting the use of the best technological advances in regards to convicted federal criminals.

PERSONAL EXPLANATION

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. WELLER. Mr. Speaker, due to unavoidable circumstances, I was forced to take a medical leave of absence from the House of Representatives after 7:00 p.m. on July 20, 2000. I respectfully request that how I would have voted had I been able to be present for votes be submitted and accepted into the CONGRESSIONAL RECORD at an appropriate place as follows:

On Rollcall Vote 421, an amendment offered by Representative VITTER, Adding $25 Million to the High Intensity Drug Trafficking Areas Program, had I been able to be present I would have voted aye.

On Rollcall Vote 422, an amendment offered by Representative DELAURO to allow federal funds to pay for abortions under the Federal employee health benefit program by striking Section 509, had I been able to be present I would have voted no.

On Rollcall Vote 423, an amendment offered by Representative TOM DAVIS of Virginia to add a new section prohibiting funds from being used to carry out the amendments to the Federal Acquisition Regulation relating to responsibility considerations of Federal contractors and the allowability of certain contractor costs, had I been able to be present I would have voted aye.

On Rollcall Vote 424, an amendment offered by Representative RANGEL to add provisions to the bill prohibiting funds from being used to implement Public Law 104–114 which codifies the economic embargo of Cuba, as in effect on March 1, 1996, had I been able to be present, I would have voted no.

On Rollcall Vote 425, an amendment offered by Representative SANFORD to add provisions to the bill which prohibit the use of funds from being used to enforce part 515 of the Code of Federal Regulations (the Cuban Assets Control Regulations) with respect to any travel or travel related transaction, had I been able to be present, I would have voted aye.

On Rollcall Vote 426, an amendment offered by Representative MORAN of Kansas to prohibit funds in the bill from being used to implement any sanction imposed by the United States on the private commercial sale of medicine, food, or agricultural product to Cuba, had I been able to be present, I would have voted aye.

On Rollcall Vote 427, an amendment offered by Representative HOSTETTLER to prohibit the use of funds to enforce, implement, or administer the provisions of the settlement document dated March 17, 2000, between Smith and Wesson and the Department of the Treasury, had I been able to be present I would have voted aye.

On Rollcall Vote 428 for final Passage of the Fiscal Year 2001 Treasury Postal Appropriations, had I been able to be present I would have voted aye.

TRIBUTE TO THE LATE BARBARA ROSE ISLEY

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. GALLEGLY. Mr. Speaker, today I pay tribute to the memory of Barbara Rose Isley, who died last week after decades of dedicated community service in my district.

Mrs. Isley and her late husband, Mason, were founding members of the Camarillo Citizen Patrol, a citizens organization that helped the Camarillo Police Department with stakeouts, traffic control, crowd control, searching for lost or missing people and Kid Prints.

She was known by her handle "Ding-Dong Lady" because she sold Avon products, an occupation she pursued for 35 years and for which she had achieved the honor of being a member of the President's Club.

Through the years Mrs. Isley helped transform the Citizen Patrol from members patrolling in their personal vehicles wearing civilian clothes to the currently marked Citizen Patrol cars and uniforms. She was the unit's secretary from its founding until her death last week. During that time she guided eight Deputy Advisors as they took over the helm of the Citizen's Patrol.

The Camarillo Citizen Patrol was the first disaster assistance team for Camarillo. Mrs. Isley and other members received training in first aid; shelter management; damage assessment surveys of fires, floods and earthquakes; and aiding the victims. One of Mrs. Isley's favorite stories about the Citizen's Patrol occurred in mid-1999.

A series of vehicle burglaries were committed at a Camarillo hotel from February to July 1999. A two-month surveillance was launched. Mrs. Isley and another member, who were armed with binoculars and a two-way radio and stationed in a hotel room overlooking a parking lot, watched as three suspects broke into a van and took a computer case. She radioed to deputies who were nearby in unmarked cars. The suspects were quickly captured and booked into jail on multiple counts of burglary, conspiracy and possession of stolen property. A further investigation revealed that the three suspects were responsible for approximately 40 similar crimes along Highway 101 from Los Angeles to Santa Barbara.

Mrs. Isley graduated from the Citizen's Academy in November 1998 and was honored as the Camarillo Citizen Patrol Member of the Year for 1998.

Avon and the Citizen Patrol were not Mrs. Isley's only passions. She was also a member of the Camarillo Christian Church and a volunteer for the American Red Cross for more than 20 years.

She was also a mother, grandmother and great-grandmother.

Mr. Speaker, I know my colleagues will join me in honoring the memory of Barbara Rose Isley as a woman of strength and dedication whose work will continue to have a positive effect on her community, her friends and her family.

JUSTICE FOR VICTIMS OF TERRORISM ACT

SPEECH OF

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Mr. HOEFFEL. Mr. Speaker, I rise in support of H.R. 3485, the Justice for Victims of Terrorism Act. This legislation strengthens federal laws designed to combat state sponsored terrorism, and I am pleased that it is finally coming before the entire House for a vote.

The United States justice system is the envy of the world. We pride ourselves on affording due process to all who come before the court while simultaneously ensuring that no one is above the law. Confidence in our judiciary is the cornerstone of our democracy. Citizens need to know that if they are harmed, the government will stand behind them. This confidence is especially important when Americans are abroad.

This principle was behind passage of the 1996 antiterrorism bill. The legislation gave American citizens injured by an act of terrorism the right to bring a private lawsuit against the terrorist state responsible for the act. Three years later Congress approved legislation which allowed the attachment of assets of terrorist states to satisfy judgements. The President was given a waiver in that bill which allowed him to block attachment of assets if it was in the interest of national security.

H.R. 3485 allows victims of terrorism to satisfy judgements against foreign states by allowing assets frozen by the U.S. to be subject to attachment. The bill shields diplomatic property from attachment, but does not protect any property which has been used for any non-diplomatic purpose including rental property.

This issue has special importance for me because a native of Montgomery County, Pennsylvania has been trying to achieve some justice in this area of the law since his kidnapping almost 15 years ago. Mr. Joseph Cicippio was an employee at the American University in Beirut. On September 12, 1986, he was kidnapped by terrorists and held hostage for five years under terrible conditions including threats of death, physical violence and brutal interrogation.

In 1997, Joseph Cicippio brought a suit under the 1996 terrorism bill against the Islamic Republic of Iran for his injuries. He received a judgement for $20 million in the U.S. District Court for the District of Columbia. Unfortunately, he has not received any portion of this judgement. The Justice for Victims of Terrorism Act would go a long way toward helping Mr. Cicippio and other plaintiffs like him who together have over $650 million in judgements against Iran. This bill sends a signal loud and clear that justice for U.S. citizens will not stop at the water's edge.

FAMILY FARM SAFETY NET ACT

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. POMEROY. Mr. Speaker, today, I am pleased to join Representative DAVID MINGE of Minnesota in introducing the Family Farm Safety Net Act. The Family Farm Safety Net Act is designed to permanently extend the availability of marketing assistance loans, raise the loan rates of all commodities and make the loan rates more equitable with each other. This legislation, which is supported by the National Farmers Union, the North Dakota Farmers Union, and the National Barley Growers Association, will go a long way in providing additional assistance to our nation's family farmers.

As we all know, our nation's federal farm policy has been a disaster, mostly because of its removal of a price safety net to protect our nation's farmers in times of low prices and bad weather. In many ways, the Northern Plains and especially my home State of North Dakota represents ground zero in the farm crisis, having experienced the twin evils of production loss caused by severe weather and rock-bottom commodity prices.

In 1996 when Congress passed Freedom to Farm, farm prices were at near record highs. In 1996, wheat was $4.30 per bushel, soybeans were at $7.35 per bushel, and corn was $2.71 per bushel. Total net farm income for 2000 is projected to be only $40.4 billion, nearly $14 billion below what it was in 1996. And, according to the University of Missouri's Food and Agricultural Policy Research Institute (FAPRI), by 2009, net farm income will fall to $37 billion if the current farm program is not changed. Moreover, in 2000, direct government payments through the form of Agricultural Market Transition Act (AMTA) payments and market loss assistance payments will be more than $16 billion, nearly 40 percent of total farm income.

I opposed this legislation because of my fear of exactly what we are seeing now—the abysmal collapse of commodity prices and the lack of a safety net to protect farmers. At the time, opposing Freedom to Farm was not a politically popular position. Many believed that the opponents were afraid of change and not willing to allow the farmer to take advantage of the free market. Today, 4 years after its passage, my fear has come true. Wheat is now selling at $2.54 per bushel—a 40 percent drop in price. Corn is now selling at $1.36 per bushel—a 50 percent drop in price, and soybeans are now selling at $4.82—a 34 percent drop in price.

Our legislation is quite simple. It raises the loan rate levels of all commodities by making the loan rates more equitable and extends the lengths of the terms of the loan period from to 9 to 20 months. Our legislation restores a price safety net by creating loan rates that are more reflective of producers' costs of production and by providing producers with more time to best determine when to sell their grain in today's volatile market.

Under our legislation the loan rate for wheat, which is the largest commodity grown in North Dakota, will be raised from $2.58 per bushel to $3.40 per bushel. Through this increase in the loan rate for wheat, North Dakota's family farmers will see an average of nearly $19 per acre more in a loan deficiency payment (LDP) for their wheat. And, if the Family Farm Safety Net were law during the 1999 crop year, North Dakota wheat producers would have received an additional $200 million in LDPs.

This legislation makes the loan rates for all the commodities more comparable to each other. Under the current farm bill, the loan rate for soybeans is $5.26 and the loan rate for wheat is only $2.58. This distortion in loan rates is causing the market to become distorted because many producers are being forced to grow soybeans as their only hopes of "breaking even." As a result of this distortion in loan rates, soybean acreage in the United States has grown more than 10.5 million acres to all-time record of 73.1 million acres since the passage of the farm bill. No other example of this is more evident than in my home State of North Dakota where soybean acreage has grown by more than 100 percent since the passage of the farm bill.

As Congress begins to consider alternatives for its next farm bill, I believe the Family Farm Safety Net is the right step to provide a safety net for America's producers who have suffered so severely the last four years. I look forward to working with my colleagues on our efforts to assist our nation's family farmers.

TRIBUTE TO DR. JAMES EDISON BROWN

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to a wonderful man, Dr. James Edison Brown. Dr. Brown was a terrific physician and a loving family man. I have had the privilege of working with his daughter Trinita on transportation issues in the House of Representatives, and I can attest that this apple has not fallen far from the tree. Dr. Brown's list of accomplishments is endless. However, contributions to his community and his triumph over the barriers of a society which tried to limit him are what impress me most. It is with honor and sadness that I pay tribute to Dr. James Edison Brown.

I submit the following passage for the RECORD:

Dr. James Edison Brown, the first black Ophthalmologist trained in the state of New Jersey, died Friday June 30, after a short illness.

Born in Camden, South Carolina, the youngest son of the late Willie Carlos and Mamie Ballard Brown, he graduated as the valedictorian of Jackson High School at age 15 and made his way from the segregated South to New York City with less than $20 in his pocket.

Brown hoped things would be better in the North. While he worked to convince the best universities in New York City to admit him, he took a variety of jobs in an effort to save money for college. One of his jobs was as a waiter at one of the elite men's clubs at the time. Amid the laughter and ridicule of his fellow wait staff, Brown persevered.

In 1951, Uncle Sam called and Brown served honorably in the Intelligence Division of the United States Army in Europe. When he returned from Europe, he entered and graduated from New York University with a degree in Biology in 1956. Later that summer he married Theresa Hundley of New York City.

Undaunted, Brown faced continuing resistance to his efforts to gain admission at the nation's top medical schools. Brown returned to Europe to pursue his medical education. He attended the Faculty of Medicine at the University of Paris, France, the University of Lausanne, Switzerland and the University of Vienna, Austria. While abroad, he was able to complete his Master's Degree in Biochemistry from Columbia University in New York City.

Upon his return, Brown decided to enter medical school at Howard University in Washington, DC to pursue his dream of becoming an orthopedic surgeon. In his third year of medical school, Brown suffered a near fatal car accident, spent eight months in the hospital and lost a year of medical school. This event changed his career in two ways. First, because of his injuries to his leg, he would not be able to stand for the long hours that orthopedic surgery often demands. Secondly, because of the skills of the eye surgeon who treated him during the accident, he decided to become an ophthalmologist. Brown graduated from medical school in 1964.

Dr. Brown returned to the New York metropolitan area with his young family. After his internship in Staten Island, he was admitted to the residency program in Ophthalmology at the New Jersey College of Medicine. In 1970, Dr. Brown completed the program as Chief Resident to become the first black Ophthalmologist trained in the state of New Jersey, where he remained on the faculty until his passing.

Dr. Brown maintained a practice in New York and New Jersey for over 30 years. He was affiliated with many of the top hospitals in the metropolitan area. For the next 30 years, Dr. Brown distinguished himself and was honored by many medical and scientific societies including becoming a Fellow in the American College of Surgeons and a Fellow in the International College of Surgeons. He is also listed in Who's Who in America and Who's Who in Physicians and Surgeons among others.

His quiet determination and kind demeanor led Dr. Brown to many leadership positions in various fraternal, civic and social organizations including, the Lions Club, the H.M. Club (Hundred Men Club of America), the Norjermen, Sigma Pi Phi (The Boule) and Alpha Phi Alpha Fraternity, Incorporated, where he was a member for almost 50 years.

Dr. Brown cared deeply for his church and church family at New Hope Baptist Church in East Orange, New Jersey. He was able to share his medical skills in innovative ways. He was active in the prison ministry and he helped establish the New Hope Baptist Church Health Ministry. Under his leadership, many church members became certified in CPR.

Dr. Brown leaves to cherish his memory, Theresa Hundley Brown, his wife of almost 44 years; his son Dr. Terrence Edison Brown of Stockholm, Sweden; his daughter, Trinita Evon Brown, Esq. of Washington, DC; his son-in-law, Peter Niel Thomas of Washington, DC; his god-children: Jinene Foye, Brandon Costner and Sheree Gaddy; his brothers, John Brown and Leroy Brown; his sisters: Alice Brown Gadsen, Odell Brown Crouch, Orlee Brown Gibbs, Alberta Brown, Janie Mae Brown; sisters-in-laws Charlotte Brown and Ethel Brown; three aunts, many nieces, nephews, grandnieces, grandnephews, cousins, and many family and friends.

A TRIBUTE TO DR. JAN KARSKI, COURIER OF HISTORY AND IMMORTAL HERO

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to Dr. Jan Karski, who sadly passed away on July 13, 2000, at the age of 86 in Washington, DC. I have little doubt that my colleagues will agree that Dr. Jan Karski is perhaps an unknown, yet irrefutable hero for his courageous and selfless actions during World War II. Under the height of Nazi Germany's occupation, Karski flirted with torture and execution to give the disbelieving free-world knowledge of the unspeakable crimes committed in Eastern Europe. It now gives me great honor to tell Jan Karski's courageous story to the U.S. House of Representatives.

After completing his education in several social sciences, Jan Kozielewski entered the Polish diplomatic service in 1938. Given the covert nature of his service, Kozielewski changed his name to Jan Karski—a surname he retained for the remainder of his life. Karski could not have entered diplomatic service at a more perilous time, as Poland was being devastated via Hitler and Stalin's secret agreement to overthrow the democratic nation. In August 1939, Karski was captured by the Red Army and sent to a Russian prison camp. Three months later, he luckily escaped Russia and returned to Poland to join the anti-Nazi Underground organization.

In Poland, Jan Karski would use his eidetic memory, knowledge of foreign countries and fluency in four languages to serve the Polish resistance, humankind and history. For roughly 3 years, he served as a courier between the Polish government-in-exile and the Underground authorities in Poland. During arduous journeys through the Tatra Mountains bordering Czechoslovakia, Karski often traveled in disguise as a German officer, or merely eluded border patrols. In 1940, the courier was actually arrested and tortured by the Gestapo in Slovakia, but was later rescued by underground forces.

Karski's most heroic actions undoubtedly occurred around September 1942. In a July 1988 Washingtonian interview, Karski recounted that representatives from two Jewish underground organizations informed himself of Hitler's "Final Solution." Knowing that direct evidence would be far more convincing, Karski was smuggled into the Warsaw ghetto twice, which had suffered a virtual eradication of the Jewish population from 450,000 to 50,000. With the help of the resistance, Karski, dressed as a military fighter, witnessed actual mass murders at the Izbica death camp in Eastern Poland.

In late 1942 and 1943, Jan Karski reported to western governments regarding the genocide. In August 1943, he personally spoke with a disbelieving President Roosevelt, Henry Stimson, Cordell Hull, and other high government and civic leaders in the United States.

Unfortunately, Jan Karski was soon proven to be tragically correct, as nearly one-half of the 6 million European Jews were murdered in Nazi-occupied Poland. In his 1944 bestselling book, Story of a Secret State, Karski recounted his witness of "horrible things—horrible, horrible things." After the war, Karski refused to return to his homeland, as the Polish Underground continued to be murdered under Communist rule.

After attaining a doctorate at Georgetown in 1952, Dr. Karski taught at the local university for 40 remarkable years, and guest lectured on behalf of the U.S. Government on several occasions. In 1954, Dr. Karski honored Americans by becoming a fellow citizen. Not surprisingly, the freedom fighter was awarded numerous citations by several governments. He received Poland's highest civic decoration, and twice its highest military award for bravery in combat. In addition, Dr. Karski is an Honorary Citizen of the State of Israel. Furthermore, five universities around the world have given him honorary degrees.

Mr. Speaker, Dr. Jan Karski and his story should never be forgotten. I hope that my words today will help refresh Americans' memory of a holocaust that occurred not too long ago. Most importantly, I urge all young Americans to learn the story of the holocaust and World War II. In 1816, Thomas Jefferson wrote: "Enlighten the people generally, and tyranny and oppressions of body and mind will vanish like evil spirits at the dawn of day." Colleagues, let us continue toward that endearing goal.

REMEMBERING THE LIFE OF DEACON JOHN SIDNEY (SID) HOLLAND

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to pay tribute to Deacon Sid Holland, a long-time friend and colleague of mine, who departed this life on July 5, at the age of 92 after sustaining injuries in an automobile accident. He was a Mason and served as past Master of King Tyree Lodge No. 292 and was a Charter member of the Fairfax County Democratic Party. Sid was a small business owner of the J. S. Holland Sand and Gravel Hauling Co. He was a hard worker and a dedicated family man.

Born on August 13, 1907, in Palmyra, VA, Sid was one of 10 children born to the late John and Mary Odie Holland. As a young man, Sid came to Fairfax County seeking employment and subsequently joined the Mount Pleasant Baptist Church. He also became involved in a number of civic and social organizations. Sid was a natural leader transition Fairfax County through the Civil Rights revolution. Sid always was respected for his ability and friendly demeanor.

As a dedicated member of the Mount Pleasant Baptist Church for over 65 years, Sid served as Sunday School Superintendent, Chairman of the Deacon Board, Trustee and member of the Senior Choir, Usher Board, Pinkett and Chairman Emeritus of the Deacon Board. He was also active in the Northern Virginia Baptist Association and the Mount Vernon Baptist Association. Sid knew God and the work of the church and he translated this into his daily life.

In addition to his church activities, Sid was an officer and member of the Mount Pleasant Lincolnia Association, Harelco Land Developments, Higher Horizon Day Care Center, Fairfax County-Wide Black Citizen Association, Fairfax Human Rights Commission and the Manassas Educational Foundation. He also served on a special commission of the Fairfax County Board of Supervisors charged with writing County Housing Hygiene Code and on a Citizen's Advisory Committee to establish a Housing Authority. His efforts to promote desegregation in Fairfax County are recognized in the recorded history of the county and won him plaudits from leaders of both parties. In addition, he was the longest serving member of the Fairfax County Human Rights Commission, where he continued to advocate for the minority rights amid a growing and diverse minority population.

In closing Mr. Speaker, it gives me great pleasure and honor to speak of Deacon Sid Holland on the House floor today. He will be greatly missed but remembered for his service to his community and dedication to his family. Sid is survived by his wife of 17 years, Constance; his two children, J. Sidney, Jr. of Washington, DC and Dr. Dorothy Mann Mazzola of Seattle, WA; two stepchildren, Solomon Lee of Lakeridge, VA, and Bernice Lee of Falls Church, VA; three sisters, Vera Marshall and Mamie Bruce of Palmyra, VA, and Bertha Payne of Washington, DC; a host of nieces, nephews, grandchildren, and great grandchildren. His first wife, Susie C. Holland, passed away in 1982. He leaves a legacy of racial progress that will long be remembered in Fairfax.

COMMUNITY RENEWAL AND NEW MARKETS ACT OF 2000

SPEECH OF

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Mr. NEAL of Massachusetts. Mr. Speaker, I very much support the legislation we are now considering. H.R. 4923 is one of the few bills we are going to enact this year on a bipartisan basis, the revenue loss is reasonable, and it will provide a good deal of help for communities trying to turn themselves around and increase economic activity within their neighborhoods.

This bill does a lot, but frankly it could do quite a bit more. There is overwhehning support for legislation to immediately increase the low-income housing tax credit and the private activity tax exempt bond volume cap. The bill makes a very modest step forward in both areas, and I appreciate that very much, but by no means are these provisions sufficient. And given the fact that both bills have over 350 cosponsors each, there is no political or partisan reason why a full immediate increase in the credit and the bond cap could not have been put in this bill at this time.

Mr. Speaker, I am supporting this bill. However, I intend to work as hard as I can to see to it that when the conference report comes back to the House, both the tax credit and the bond volume cap provisions are significantly improved over the provisions that are contained in H.R. 4923 today. Many States are like mine, Mr. Speaker, with good, solid projects backed up and waiting for an allocation. Under current limits, the allocations are simply not there. It would be a crying shame, Mr. Speaker, if in the current budget situation we ignored their pleas and did not provide the necessary assistance right away.

GUAM OMNIBUS OPPORTUNITIES ACT

SPEECH OF

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Mrs. MINK of Hawaii. Mr. Speaker, I rise in support of H.R. 2462, the Guam Omnibus Opportunities Act. The bill provides the authority for the Federal Government to transfer back to the Government of Guam land owned by the United States. Land in Guam was acquired by the United States for military use in the years following World War II. The bill assures that the Government of Guam has the first opportunity to acquire excess Federal land in Guam.

In addition the bill has a provision that is important to the State of Hawaii. The bill authorizes the Governor of Hawaii to report to the Secretary of the Interior annually on the financial and social impacts on the State of the compacts of free association with the Federated States of Micronesia, the Republic of the Marshall Islands and the Republic of Palau. The Governors of Guam, Samoa and the Northern Marianas are also authorized to make such reports. The Secretary of the Interior is required to review the reports and forward them, together with any comments of the administration, to the Congress. The bill authorizes the Secretary to conduct a census of Mircronesians for each of the impacted jurisdictions where the Governor requests one and authorizes a total of $300,000 for the censuses.

The reporting requirement improves current law by requiring the Department of Interior to consider the reports of Hawaii and the other jurisdictions affected by the compact of free association, comment on them and forward them to the Congress. While the most important issue is to provide Hawaii and other jurisdictions affected by the compacts of free association with necessary aid as a result of the compacts, this provision helps assure that the needs of the jurisdictions are placed before the Congress. The reports will assure that Congress is aware of the needs of Hawaii and its Pacific neighbors as a result of the compacts.

THE UNIVERSAL EMPLOYEE STOCK OPTION ACT OF 2000

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. HOUGHTON. Mr. Speaker, I am pleased to join my colleague from California, Mr. MATSUI, in introducing the Universal Employee Stock Option Act of 2000. The bill would add another leg on the stool for employee retirement by providing another means of accumulating assets. What does the bill do? The bill would add two incentives to encourage the granting of stock options to all employees.

First, the proposal provides for a tax deferred form of employee stock options, which are only taxable when the stock is sold—a combination of ordinary income and possible capital gain accumulated after the option is exercised. The deferral aspect would provide a powerful incentive to the employee to hold the stock for the longer term. Importantly, the employee pays for the stock, through payroll deductions, with pre-tax dollars—not unlike a section 401(k) plan. The maximum employee pre-tax contribution to an option plan would be $10,000 per year.

Second, the bill would provide a deduction to the employer for the fair market value of the stock at the time of exercise—the exact same amount the employee would report as ordinary income when the stock is sold.

The deduction by the employer at the time the option is exercised is offset by the ordinary income reported by the employee at time of sale. There would be a revenue cost associated with the deferral of reporting of the ordinary income until sale, versus the deduction by the employer at time of exercise. Of course, any gain to the employee at sale which exceeds the ordinary income portion would be taxed as capital gains. The bill provides for adequate safeguards and procedures to track the sale of stock and reporting thereof to the IRS.

Why do we need such a change? As article after article has pointed out, executive compensation keeps accelerating at a much faster pace than regular compensation. The market place will, as time moves along, maintain some control over the executive compensation. But this proposal is a way to help the ordinary working person.

In the 105th Congress, I introduced a stock option bill. I believe this new bill is an improved version because (1) the new bill covers substantially all employees, (2) the total deferral of the tax to the employee, plus purchase with pre-tax dollars, strongly encourages participation and long-term retention of the stock, and (3) the bill encourages employers to offer the tax-deferred compensation in the form of stock options by giving the employer a deduction for the value of the stock at the time of exercise.

The approach in this bill is primarily designed to attract the non-highly compensated employee, and would be an effective way to address the compensation gap and provide long-term security for the employee. We encourage our colleagues to join us by cosponsoring this legislation.

CONGRATULATORY REMARKS TO THE INTEGRITY LODGE NO. 79 OF THE ORDER OF ITALIAN SONS AND DAUGHTERS OF AMERICA'S 65TH ANNIVERSARY

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. KLINK. Mr. Speaker, I rise today to pay tribute to the Integrity Lodge No. 79 of the Order of Italian Sons and Daughters of America on the occasion of its 65th anniversary.

The Integrity Lodge No. 79 was founded in 1935 by Gabriel Falleroni and received its charter on March 31, 1935. Integrity Lodge No. 79, which began with approximately 60 members, now serves as a cultural resource for hundreds of Italian-Americans. It has been a bastion for unity for all members of the Italian-American community in Allegheny County.

The Lodge has been housed in the same location, Mile Lock Lane, since 1951, where it continues to hold its weekly meetings up to this day. Dedicated to promoting ideals of good citizenship and brotherly love, it is committed, and has been from the very beginning in 1935, to furthering the principles of liberty, unity and duty among the community.

Western Pennsylvania was fortunate to receive its share of the western European settlers who immigrated to the United States in the early 1900's, many of whom were Italian immigrants. Due to the large number of Italian immigrants, western Pennsylvania was exposed to a wonderful new culture and was able to reap its benefits with the help of organizations such as Lodge No. 79. For years, members of the Integrity Lodge promoted Italian heritage by introducing all aspects of Italian culture to the community, including Italian games such as bocce. Let it be noted that members of the Lodge were very proficient in bocce and were extremely enthusiastic participants in the game. Members of the Lodge were such avid players that they eventually created their own Bocce League. Through the work of its current president, Mrs. Greco, and many others at Integrity Lodge No. 79, the emphasis on Italian culture and traditions continues to flourish.

Integrity Lodge is known throughout Allegheny County as not just an Italian-American organization, but as an outstanding member of the community. Since its conception, the Lodge has taken an active part in civic and community functions. It has been noted for its generous contributions to several charitable organizations in Allegheny County.

And so it is with great pleasure that I ask my colleagues to join me in congratulating Integrity Lodge No. 79 of the Order of Italian Sons and Daughters of America, past and present, on the celebration of its first 65 years, with best wishes for the next 65, and beyond.

ON THE DEDICATION OF RED ARROW PARK TO THE MEMORY OF THE FAMED RED ARROW DIVISION

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. STUPAK. Mr. Speaker, 83 years ago in July, National Guard units from Michigan and Wisconsin were formed into the 32nd Division. These units traced their heritage back to Spanish American War, with a few even dating back to the famed Iron Brigade, a veteran unit of Civil War fighting that was so terribly decimated on the first day of the Gettysburg battle.

The 32nd Division would soon earn its designation as the Red Arrow Division in major fighting in major offensives in World War I. It was reactivated during World War II and sent to the South Pacific, where the unit took part in six major engagements.

The Red Arrow Division was among the first units serving occupation duty in Japan, and was reactivated again as a result of the Berlin Crisis in 1961.

As a result of army reorganization, the unit now carrying the famed designation is no longer a division but instead is a mechanized brigade, the 32nd Infantry "Red Arrow" Brigade.

Mr. Speaker, while this history of the famed "Red Arrow" unit is available to anyone with a computer and access to the Internet, an important part of the Red Arrow history was lost for many years.

In 1945 the city of Marinette, Wisconsin, the twin city of my home town of Menominee, Michigan, named a beautiful piece of shoreline Red Arrow Park in honor of the fighting unit in which so many of its sons had served. This honor extended to soldiers from Upper Michigan, as well—men like my father-in-law, Ken Olson, from Escanaba, or the late Fred Matz, an honored veteran from Menominee.

But the community forgot where the name came from. Red Arrow Park was just another park—an attractive one and a great place to launch a fishing boat or hold a family reunion—but a park whose heritage had been lost.

On July 30 this situation will be remedied. In a special ceremony spearheaded by local veteran Richard J. Boye of Menominee, the community will dedicate a monument that firmly links the Red Arrow combat unit to Red Arrow Park.

This event will greatly enhance the community value of the park, Mr. Speaker. Red Arrow Park will remain an important place where families can gather in peace And freedom, where children can run and play, cooled by the breezes of Green Bay. Now, however, they will be reminded of the many residents of northern Wisconsin and Upper Michigan who served in the Red Arrow Division in two great wars and the Cold War to preserve peace and freedom.

I thank our veterans for their years of service, and I especially thank our local veterans who organized the July 30 dedication. Their efforts today in setting up this beautiful monument will help future generations remember all their comrades who have served so well.

INTERNATIONAL RESERVE POLICE OFFICER ASSOCIATION EXCHANGE PROGRAM

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. KNOLLENBERG. Mr. Speaker, I rise today to recognize and commend the International Reserve Police Officer Association Exchange Program. This program provides a unique opportunity for reserve police officers from American cities and towns to share information and go on patrol with their counterparts in other nations. The Association allows for the open exchange of reserve policing concepts between countries and between individual reserve officers.

This year marks the fifth year of the International Reserve Police Officer Association exchange program. Their 2000 international conference will be held in the United Kingdom. Officers from my home state of Michigan representing the Oakland County Sheriff's Department, Waterford Township and the City of Dearborn will visit Wales and England in August. The reserve police officers will patrol with both regular and special officers of the South Wales Constabulary, the Metropolitan Police and the City of London. A formal conference will be held on August 31 at New Scotland Yard.

I wish to extend to each officer, from both America and the United Kingdom, my sincere appreciation for their efforts in strengthening the bond of friendship and professionalism among reserve police officers. These individuals risk life and limb every day by volunteering their services to the public. Their dedication and hard work in protecting the public are to be enthusiastically saluted.

ON THE INTRODUCTION OF THE COMMUNITY ACCESS TO HEALTH CARE ACT OF 2000

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. GREEN of Texas. Mr. Speaker, I rise today in support of the Community Access to Health Care Act of 2000, legislation I am introducing to help our states and communities deal with the crisis of the uninsured.

Over 44 million Americans do not have health insurance and this number is increasing by over a million persons a year. Most of the uninsured are working people and their children—nearly 74 percent are families with full-time workers. Ten percent of the uninsured are in families with at least one part-time worker. Low income Americans, those who earn less than 200% of the federal poverty level or $27,300 for a family of three, are the most likely to be uninsured.

Texas is a leader nationally in the number of uninsured, ranking second only to Arizona. About 4 million persons, or 26.8 percent of our non-elderly population, are without insurance.

The uninsured and under-insured tend to be more expensive to care for. They fall through the health care cracks. They put off going to a doctor until it is too late—and then they go to the emergency room. Instead of having available the wide variety of preventive measures and checkups that those of us with insurance take for granted, the uninsured often ignore the symptoms of what might be larger problems because they simply cannot afford to go to the doctor.

According to research done by the Kaiser Family Foundation, nearly 40% of uninsured adults skip a recommended medical test or treatment, and 20% say they have needed but not gotten care for a serious problem in the past year.

Uninsured children are at least 70% less likely, Kaiser reports, to receive preventive care. Uninsured adults are over 30% less likely to have had a check-up in the past year, uninsured men 40% less likely to have had a prostate exam and uninsured women 60% less likely to have had a mammograrm than compared to the insured.

The uninsured are at least 50% more likely than the insured to be hospitalized for conditions such as pneumonia and diabetes. Unfortunately, the uninsured are more likely to be diagnosed with fatal diseases at significantly later stages than are those with insurance. Death rates from breast cancer are higher for the uninsured than for those with insurance.

In many American cities, towns and rural areas, there is general agreement that—something needs to be done to track, monitor and serve the uninsured. We all pick up the tab for the uninsured in the end—why not have communities join forces to attack this problem on a local level? Why not spend our tax dollars wisely and invest in prevention rather than spend them foolishly paying for emergency room visits or lengthy hospitalizations?

The Community Access Program (CAP) embodies this idea; it stems from a very successful Robert Wood Johnson Foundation-funded project that showed that community collaboration increased access to quality, cost-effective health care. Last year, the Clinton Administration proposed and Congress passed the Community Access Program as a $25 million demonstration effort. This year, over 200 applications were received for approximately 20 grants. Obviously, the need for and the interest in this program is great.

The Community Access to Health Care Act of 2000 will authorize the Community Access Program for five years. It gives competitive grants to communities to help more uninsured people receive health care and to ensure that communities join forces to map a strategy for counting and dealing with the uninsured.

Funding under CAP can be used to support a variety of projects to improve access for all levels of care for the uninsured and under-insured. Each community designs a program that best addresses the needs of the uninsured and under insured and the providers in their community. Funding is intended to encourage safety net providers to develop coordinated care systems for the target population.

The majority of the CAP funds will be used to support expenses for planning and developing an integrated health care delivery system. A small portion of the funds may be used for direct patient care if there are gaps to putting together an integrated delivery system.

Applications for the CAP demonstration project were due this past June; 208 were submitted by groups from 46 states and the District of Columbia. Applications were evenly distributed between urban and rural areas, and six were submitted by tribal organizations. About three fourths of applications came from communities with rates of uninsured persons higher than the national average of 14%. Half of applications came from communities with rates of uninsured persons greater than 20%. Close to 90% of applications target all uninsured persons in an area.

Perhaps the best way of explaining how CAP can improve a community's health care networking is to paraphrase from the application submitted from a group in Houston. The lead applicant, Harris County, is the third most populated county in the nation and the most populated county in Texas with about 3.2 million residents. Close to 50% of our residents are Anglo, about 18% are African American, about 27% are Hispanic and about 5% are Asian. The Asian population is the fastest growing, followed by Hispanics and African Americans.

According to Harris County's proposal, "population growth and an economic boom have enhanced the overall wealth and employment opportunities of the community. It has, however, also resulted in greater economic disparities between the privileged and the economically disadvantaged. The numbers of uninsured and under insured are on the rise."

The Texas Health and Human Services Commission estimated that in 1999, 25.5% of the total population in Harris County—834,867—was uninsured. Of this total number, the applicants have targeted three populations: First, they will target those with incomes under 200% of the federal poverty level (428,369 persons). Second, they will target those with incomes over 200% of the federal poverty level (301,000 persons). Third, they win target those who are under insured (328,183 persons).

According to Harris County, the primary focus of this project is to improve the interagency communication and referral infrastructure of major health care systems in the city. This will improve their ability to provide preventive, primary and emergency clinical health services in an integrated and coordinated manner for the uninsured and under insured population. Harris County will place particular emphasis on the development and/or enhancement of the existing local infrastructure and necessary information systems.

In addition to expanding the number and type of providers who participate in collaborative care giving efforts, Harris County would establish a clearinghouse for local resources, care navigation and telephone triage to increase accessibility and reduce emergency room care. The clearinghouse will receive referrals of uninsured patients from health service providers and patient self-referrals. The consortia will give special attention to health disparities in minority groups. It will establish a database for monitoring, tracking, care navigation and evaluation. In Harris County, it is expected that this initial support from grant funds would become self-sustained through contributions from participating providers, especially smaller primary care providers who can rely on the centralized triage program for after-hours response.

Harris County will also develop a plan to allow private and public safety-net providers to share eligibility information, medical and appointment records, and other information. The program will beef up efforts to make sure families and children enroll in programs for which they might be eligible, including Medicaid and the Childrens' Health Insurance Program (CHIP). In addition, Harris County would facilitate simplified enrollment procedures for childrens health programs.

Among those participating in the Harris County group are the Asian American Health Coalition, the Baylor College of Medicine's Department of Family and Community Medicine, Communities Conquering Cancer, Community Education and Preventive Health, the Dental Health Task Force of the Greater Houston Area, the Gulf Coast CHIP Coalition, the Harris County Budget Office, the Harris County Hospital District, the Harris County Public Health and Environmental Services, the HIV Services Section, the Homeless Services Coordinating Council and the Houston Health and Human Services Department.

Also part of this consortia are the Mental Health/Mental Retardation Authority of Harris County, the Ryan White Planning Council, The Assistance Fund, The Rose, and the University of Texas's Health Science Center's Department of Internal Medicine.

What does this group hope to accomplish? It has four goals.

1. Establish a county-wide communication and referral system accessible to Community Health Partners, Affiliates, Clients and Funding Resources.

2. Document referrals from the Community Health Access Clearinghouse to Community Health Partners, Affiliates and Funding Resources.

3. Decrease the rate of non-emergency use of emergency rooms.

4. Increase the numbers of low-income persons with insurance coverage.

This group's plan—and it's a great one—is just one of 208 that were submitted to HRSA this June. Unfortunately, since funds exist only for about 20 projects, Houston and other cities and rural areas may get turned away unless Congress acts to pass the Community Access to Health Care Act of 2000.

Putting together the CAP application was the first step in building new collaborative efforts for many groups. I have heard of instances where providers serving the same populations in the same towns had never sat down at the same table together. Once they do, and once they begin to exchange information and ideas, great things can happen.

We in Congress have argued for years about the federal government's role in ensuring access to affordable health care. I believe that some type of universal care should be a priority for the long term. For the short term, however, authorizing the CAP program will place much-needed funds in the hands of local consortia who, working together, can help to alleviate this crisis—town by town and patient by patient. I am pleased to note that this legislation has also been included as part of Rep. Dingell's FamilyCare Act of 2000, of which I am a cosoponsor.

In closing, I would like to recognize a person whose dedication to this effort has led to the introduction of this legislation today. Dr. Mary Lou Anderson, from the Health Resources Services Administration, actually came out of her retirement to oversee the CAP demonstration project. Her dedication to this project, and to the health of America's families and children, is commendable.

HONORING THE MINNESOTA RIVER BASIN JOINT POWERS BOARD

HON. DAVID MINGE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. MINGE. Mr. Speaker, today I recognize five years of outstanding work by the Minnesota River Basin Joint Powers Board to coordinate the clean up of the thirty-seven county Minnesota River Basin.

Since its inception in 1995, the Minnesota River Basin Joint Powers Board has been able to build progressive and trustworthy relationships among agricultural production, conservation, sporting, and environmental interest groups. They have also been instrumental in building sustainable relationships with local, state, and federal government agencies in order to advance the cause of a restored, fishable, and swimmable Minnesota River.

The Minnesota River Basin Joint Powers Board has also been extremely helpful in promoting the Minnesota River Basin's Conservation Reserve Enhancement Program. Minnesota River CREP hopes to retire and restore 100,000 acres of flood-prone farmland in order to improve water attributes in the Basin and the larger Mississippi River Basin as a whole. Furthermore, their ability to thoughtfully and even-handedly coordinate the needs of thirty-seven counties regarding watershed team tributary strategies has been important to the success of this basin-wide initiative.

I would also like to recognize this group's Executive Director, Steve Hansen, as a tireless and articulate advocate of water quality improvement and the State of Minnesota's continuing environmental commitment to its rivers and natural resources.

In conclusion, I would like to stress the importance of the integrative and comprehensive watershed planning that the Minnesota River Basin Joint Powers Board is engaged in to promulgate and implement successful recovery of this important natural resource—the Minnesota River.

IN REMEMBRANCE OF AMBASSADOR BIRABHONGSE KASEMSRI

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. ROHRABACHER. Mr. Speaker, this week, a long-time friend of the United States, Ambassador Birabhongse Kasemsri, known as Bira to his friends, passed away in his hometown of Bangkok, Thailand. I last saw Ambassador Kasemsri, 65, in 1999 during a visit I was honored to have with Thailand's King Bhumibol, whom Bira served as His Majesty's principal private secretary. In service to his King and country, Bira, was granted three decorations, including Knight Grand Cordon of the Most Noble Order of the Crown of Thailand [Highest Class].

Too often, American policymakers underestimate the importance of our strategic alliance with Thailand, which extends to our Civil War when the King offered President Lincoln a herd of fighting elephants from the Royal Thai military. Ambassador Kasemsri reinforced the strategic relationship during the height of the post-Vietnam Cold War period, during his exemplary service as Thailand's ambassador to the United States. In addition, during the early 1980's while he served as Thailand's ambassador to the United Nations, Bira was a hero of the Reagan doctrine in Southeast Asia by protecting Thailand from communist aggression. During that time, Bira was instrumental in arranging for noted military historian and journalist Al Santoli—who currently serves as my foreign policy advisor—to visit areas of Thailand that were under attack by the Soviet-backed Vietnamese communist army and their surrogates from Cambodia and Laos. Thanks to the sponsorship of Ambassador Kasemsri, the articles that Al wrote for the New Republic and Parade magazines on the threat to Thailand directly contributed to the cessation of chemical warfare in Indochina and the withdrawal of the Vietnamese occupation forces in Cambodia.

On behalf of my wife Rhonda and I, and my colleagues who have had the pleasure of working with Ambassador Kasemsri over many years, I extend deepest sympathy to his wife, Rampiarpha and their three children. I believe that the seeds of solidarity that Bira sowed during his many years of representing The Royal Government of Thailand in America will lead to further development of the friendship between the governments and people of Thailand and the United States.

TRIBUTE TO THE LATE MACEDONIO A. PADILLA

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mrs. NAPOLITANO. Mr. Speaker, it is with particular sadness that I offer this memorial tribute to Mr. Macedonio A. Padilla of Pico Rivera, California, a politically active citizen of the 34th Congressional District. Mac Padilla served his community with an inspired passion for education, insisting on the importance of broadening the horizons of young minds.

Born in Los Angeles, California, on September 12, 1929, Mr. Padilla grew up with his family in the greater Los Angeles community. Having not completed his high school education, he enlisted in the United States Army and served his country in World War II.

He had two daughters, Sylvia and Margaret, with his first wife, Antolina Barba, whom he married in 1950 and divorced some years later. As a single man, he was employed at the Los Angeles Times and later at Farmer John's Meat Distributors.

In 1997, Mr. Padilla finally met the love of his life. He and his new wife, Lilian Aguilar, were fortunate to have her daughter from a previous marriage, Theresa, and were later blessed with Rosalie, their only daughter together. Mr. Padilla raised his four daughters, as well as his twelve grandchildren, teaching them that academic excellence was most important. Putting in much of his personal time and effort into his ideas, he was an assistant at South El Ranchito Elementary School. He loved to educate children. He was also a prominent voice with the local city officials and legislative members.

Even in his eventual health conditions, Mr. Padilla spoke his mind when it mattered most. He made it his life-long goal to help improve his community to the best of his abilities.

Macedonio Padilla passed away on July 18, 2000. He is survived by his four children, their spouses, and his twelve grandchildren: His constant devotion to the members of his community, his family, and his country will forever be remembered.

Mr. Speaker, I extend our sincere sympathy to his family and ask God's comforting graces for them in their time of sorrow.

HONORING THE CLARK COUNTY, ARKANSAS REUNION PICNIC

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. KILDEE. Mr. Speaker, today I speak of a group of people who share a common history and a rich heritage. On July 29, my hometown of Flint, Michigan, will be the site of the Clark County, Arkansas Reunion Picnic.

Following the Civil War, many former slaves settled in an area of Clark County called "Okolona." They had endured slavery by developing and strengthening their bond with God, and with each other. Regularly, they would gather at Rome Spring Hill where they would sing, pray, and eat together as a community. They began to depend on each other as a family.

This tradition continued until the end of World War II, as many Americans moved from southern agricultural communities to the more industrialized cities of the North. Residents of Clark County often moved together in groups, allowing them to retain the bond they had established for so many years. In 1974, the tradition of the Clark County Reunion was resumed in the Northern states. This picnic has since become an annual event, held in five locations around the country, Clark County, AR, Chicago, IL, Seattle, WA, Los Angeles, CA, and Flint, MI. The last time the Reunion Picnic was held in Flint was 1995, and the Flint delegation was joined by over 500 members of their extended family, and they anticipate repeating this accomplishment, if not surpassing it.

Mr. Speaker, the Clark County Reunion Picnic serves many purposes. It provides an opportunity for family to come together, intensify old bonds, and forge new ones. It gives the younger members a chance to learn of their ancestry, and grow emotionally and spiritually. I am proud to know that Flint is a central point in their effort to maintain a strong sense of unity. I am pleased to ask my colleagues in the 106th Congress to join me in congratulating all the Reunion participants.

AZERBAIJAN'S PARLIAMENTARY ELECTIONS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. SMITH of New Jersey. Mr. Speaker, today I introduce a resolution calling on the Government of Azerbaijan to hold free and fair parliamentary elections this November. After a series of elections marred by irregularities, the upcoming election will help define the country's political orientation and its international reputation. Is Azerbaijan developing towards Western-style electoral democracy or mired in the Soviet pattern of controlled voting results? The answer to that question is important for the United States, which has significant strategic and economic interests in Azerbaijan.

At age 77, Azerbaijani President Heydar Aliev is the most experienced politician in the former Soviet space. Since returning to power in 1993, he has created a semi-authoritarian political system that features highly centralized, hands-on presidential rule, with constant positive coverage in the state-run media. President Aliev controls all branches of government and the state's instruments of coercion. His implicit bargain with Azerbaijan's citizens offers stability in return for unquestioned predominance. While Azerbaijan's constitution enshrines separation of powers, neither the legislature, judiciary, press nor opposition parties may challenge President Aliev's hold on power. Indeed, in an interview published in last Sunday's New York Times, he openly said, "I will always be president here."

Opposition parties function, publish newspapers and have some representation in parliament. But they have no access to state media, which portray them negatively, and their opportunities to influence the political process—let alone actual decision-making—are carefully restricted.

With respect to elections, Azerbaijan's record has been poor. The OSCE's Office for Democratic Institutions and Human Rights (ODIHR) monitored the 1995 and 1998 parliamentary and presidential elections, and concluded that they did not meet OSCE standards. Council of Europe observers harshly criticized the first round of the local elections in December 1999, though they noted some improvements in the second round. These flawed elections have exacerbated the deep distrust between the government and opposition parties.

On May 25, the Helsinki Commission, which I chair, held hearings on the upcoming election, in which Azerbaijani Government representatives and opposition leaders participated. At that time, the main bone of contention between them was the composition of the Central Election Commission. During the hearing, a government spokesman announced that Baku was prepared to let government and opposition members veto the other side's nominees for the Commission posts set aside for independents, a major step forward. In fact, that assurance subsequently turned out to be not entirely reliable when the hard bargaining began in Baku, with the mediation of the ODIHR. Nevertheless, the agreement eventually reached did give opposition parties an opportunity to block decisions taken by the pro-presidential majority and was acclaimed by ODIHR as a fair and necessary compromise.

Since then, unfortunately, the process has collapsed. Azerbaijan's parliament passed an election law on July 5 that did not include amendments recommended by the ODIHR to bring the legislation into accord with OSCE standards. The law excludes an opposition party registered in February 2000 from fielding a party list; other problematic aspects include territorial and local election commissions which are effectively under government control, the restriction of voters' rights to sign petitions nominating more than one candidate or party, and the right of domestic observers to monitor the election.

President Aliev claims that he proposed modifications to the election law but parliament refused to accept them. This assertion, considering his hold on the legislature—where a loyal, pro-presidential party controls over 80 percent of the seats—is simply not plausible. In any case, if he did not approve of the law, he could have vetoed it. Instead, he signed it.

On July 7, the ODIHR issued a press release "deploring" shortcomings in the election law. Opposition parties refused to participate in the work of the Central Election Commission unless the law is changed. In response, parliament amended the Central Election Commission law, depriving the opposition of the ability to block decisions. On July 20, 12 political parties, among them the leading opposition parties, warned that if parliament refuses to amend the election law, they will boycott the November ballot. Most recently, the State Department issued a statement on July 24, regretting the recent actions of Azerbaijan's parliament and urging the government and parliament in Baku to work with ODIHR, the opposition and non-governmental organizations to amend the election law in accordance with OSCE standards.

Mr. Speaker, this turn of events is extremely disappointing. The last thing Azerbaijan needs is another election boycott by opposition parties. The consequences would include a parliament of dubious legitimacy, deepened distrust and societal polarization, and a movement away from electoral politics to street politics, which could threaten the country's stability. November's election offers a historic opportunity to consolidate Azerbaijani society. It is essential for the future development of Azerbaijan's democracy and for the legitimacy of its leadership that the election be free and fair and the results be accepted by society as a whole.

This resolution calls on the Administration to remind President Aliev of the pledge he made in August 1997 to hold free and fair elections, and urges Azerbaijan's Government and parliament to accept ODIHR's recommendations on the election law, so that it will meet international standards. I hope my colleagues will join me, Mr. HOYER, Mr. PITTS and Mr. CARDIN in this effort, and we welcome their support.

COMMUNITY RENEWAL AND NEW MARKETS ACT OF 2000

SPEECH OF

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Mr. DAVIS of Illinois. Mr. Speaker, I rise today in strong and enthusiastic support of the Community Renewal and New Markets Act of 2000.

First of all, Mr. Speaker, I want to thank Chairman ARCHER and Ranking Member RANGEL of the Ways and Means Committee for their support in this legislation being on the floor today and I want to thank the Speaker for scheduling. Secondly, I want to thank President Clinton and Speaker HASTERT for their leadership to commitments to try and help the most distressed, disadvantaged and poverty stricken areas of the country, in both urban and rural America. Thirdly, I want to commend and congratulate my colleagues and principal originators and cosponsors of this legislation, Chairman JIM TALENT; chairman of the Small Business Committee and Representative J.C. WATTS for their relentless efforts to make this legislation a reality. And Mr. Speaker, I want to thank all of those who have indicated support for a small, but seriously important step forward, in reality a giant step as we move to uplift downtrodden communities and put hope back into the hearts of our people.

This legislation is designed to do what none of our efforts have effectively done, which is seriously attract business and redevelopment efforts to the poorest communities in our nation. This legislation is no hollow sounding rhetoric, it is no flash and dash, it is no pig in a poke. It is economically sound, socially relevant and based upon the principles of free enterprise. It takes forty Renewal communities and provides tax incentives, lifts restrictions and barriers, provides for capital gains tax for five years, investment programs, wage incentives, environmental clean-ups, CRA credits, Commercial Revitalization, Tax Credit Opportunities to rehabilitate dilapidated housing, venture capital to start businesses and the promotion of Faith-Based Drug Counseling initiatives.

I know that some of my colleagues have concerns about this provision, suggest that it infringes upon the separation of church and State and even go so far as to suggest that it is unconstitutional. This is absolutely untrue!

In the charitable choice arena, this bill breaks no new ground! First of all, H.R. 4, the current Welfare Law, allows States to contract out their social services to both religious or non-religious providers. In addition, H.R. 4271, the Community Services Authorization Act of 1998, Senate Bill S. 2206 and H.R. 1776, the American Home Ownership and Economic Opportunity Act all have some charitable choice provisions. Even under the establishment of the Religion Clause of the First Amendment, (1) Religious organizations are generally eligible to participate as grantees or contractors in such programs. But the clause has generally been interpreted to bar government from providing direct assistance to organizations that are pervasively sectarian.

As a consequence, government funding agencies have often required social service providers, as conditions of receiving public funds, to be incorporated separately from their sponsoring religious institutions. They are to refrain from religious activities and proselytizing in the publicly funded programs and to remove any religious symbols from the premises in which the services are provided. The establishment clause, in short, has been construed to require religious organizations to secularize their services as a condition of obtaining public funding. ACRA's drug treatment provision is the same. It voucherizes the Substance Abuse Block Grant and other treatment Block Grants and allows the patient to decide where to use the voucher.

The courts have found that our government can provide assistance directly to enterprises operated by religious concerns as long as it is not pervasively sectarian and that grantees devise ways of involving other organizations including religious ones, in the delivery of such services.

In the Aguilar vs. Felton case, the Supreme Court ruled that it was constitutionally permissible for public school teachers to provide remedial and enrichment educational services to sectarian school children on the premises of the schools they attend. Thus, the Court has ruled that as long as the client has a choice among providers both religious and non-religious and the participant makes the decision, then the choice is constitutional.

And so, Mr. Speaker, even though I understand the concerns expressed by some of my colleagues, the law is the law. The constitution is the constitution and the legislation is in compliance with both. Therefore, I urge a "yes" vote to help the people renew their hope and rebuild their communities. I am reminded of the scripture, they rebuild the walls because the people had a mind to work. This legislation will work to help restore and rebuild faith in America.

REMEMBERING JOHN ELLIOTT

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. LOBIONDO. Mr. Speaker, thank you for allowing me the opportunity to recognize and pay tribute to the memory of fine young man, Ensign John R. Elliott, 22 of Egg Harbor Township who passed away on Saturday, July 22, 2000.

I would like to offer my deepest sympathy to John's family and friends for their loss of a son, a brother, a grandson, a nephew, a cousin, and a friend. I am truly saddened by John's death and hope that his family and friends may experience peace and comfort in this time of sorrow.

I met John in the fall of 1995 when he participated in the application process for admission to one of our nation's four academies. John expressed his desire to serve in the United States Navy. I had the privilege of nominating him to the United States Naval Academy. In the spring of 1996, he was appointed and accepted by the United States Naval Academy as a member of the Class of 2000.

While at the Academy, John was designated to participate in the United States Navy Honors program, nothing new to a young man who was among the top five graduates in the 1996 Egg Harbor Township High School graduating class, a National Merit Scholar and class president. John was recognized for his exceptional achievement in the fields of math and science and graduated with a Bachelors in Science Degree with merit in systems engineering. Upon graduation, he received his commission as an ensign in the Navy and was to attend flight school in Pensacola, Florida.

As his father has said, he was filled with hopes and dreams for his future. John's hopes and dreams can still be realized in the memory of John's accomplishments. John was an intelligent, hard-working and popular young man, respected and liked by his peers, a successful student and fine young man who had a bright future with the United States Navy. John was one of our best and brightest. He epitomized all that makes the United States of America the greatest nation on the face of the earth.

My thoughts and prayers are with John's parents, Bill and Muriel Elliott of Egg Harbor Township, his sister Jennifer, his grandmother Audrey Moyer, his aunts and uncles Pamela and Randall Johns, Robert and Deborah Elliott, and Artis and Stephen Hoffman, and the rest of his family and friends during this time of grief.

CARL ELLIOTT FEDERAL BUILDING

SPEECH OF

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Mr. DINGELL. Mr. Speaker, I rise in support of the gentleman from Alabama's resolution. It is both fitting and appropriate to recognize my former colleague, Carl Elliott, by naming a public building in his honor. Because not only was Carl Elliott a good and decent man, but a dedicated and capable public servant who gave much to Alabama and his country.

It was just last week that we debated federal aid to libraries. I would remind my colleagues that it was Carl Elliott who began the crusade for library funding, and it is he who is responsible for the Library Services Act.

Carl Elliott was a man of principle and foresight. He was a tireless advocate on behalf of education, working to secure federal assistance for low income, poverty-stricken school districts and students across Alabama and the United States. In doing so, he helped give poor students access to higher education and job opportunities based on their ability and merit rather than economic background.

But his thoughtfulness and humanity on racial issues is noteworthy. At a time of great tumult in the South and Alabama over racial issues, Carl Elliott chose to be on the right side of history and do what was just rather than what was politically expedient. Long after the debate was over and their own political futures were secure, many public officials in the South expressed regret for their positions in opposition to civil rights and race issues in the '60's. But it was people like Carl Elliott who bravely faced the political winds and surrendered their offices, yet not their principles.

Mr. Speaker, I would ask my colleagues to support this resolution and join me in honoring a good man and public servant who did much for his state and country, Carl Elliott.

DEVELOPMENTAL DISABILITIES ASSISTANCE AND BILL OF RIGHTS ACT OF 2000

SPEECH OF

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Mr. GEKAS. Mr. Speaker, I am honored today to help mark the 10th anniversary of the Americans With Disabilities Act. Members in this body can be justifiable proud of efforts taken to enact that law which has been a force for good and has given many persons otherwise excluded from participation in our society the opportunity to contribute their talents and enjoy the full benefits of our Nation.

I recall the ringing support for enactment of the act before my Judiciary Committee from the then-Attorney General, Richard Thornburgh, who had been the Governor of my State of Pennsylvania. Attorney General Thornburgh's view of the disabled and their struggles was influenced by a family encounter himself with disability—as was also President Bush. Their sensitivity to the condition of others provided the environment that enabled the ADA to be enacted.

In 1986, President Ronald Reagan received a report entitled "Toward Independence" from the National Council on Disability. That report recommended the enactment of comprehensive legislation to ban discrimination against persons with disabilities. Subsequently, the Bush administration, together with the Congress and the disabled community, crafted this excellent legislation which has meant so much not only for those disabled by nature but also those additionally victimized by society's ignorance and neglect. Because of this law, great talent has been unleashed by simple changes in the physical environment in homes and in the workplace. But even more so, our physically enabled citizens have gained immeasurably themselves from contact with their disabled brothers and sisters. They have seen on a daily basis the struggle, the effort, and the dedication of those who have overcome so much to enter an environment from which they were formerly excluded. These people did not want a handout, they wanted to put their hands out, to work and live in their own communities and all of us are better for their efforts.

Mr. Speaker, only 10 years have passed since the enactment of the ADA but it has already enabled countless citizens to begin the journey toward our goal of complete integration of society based upon talent, merit, and effort. We have seen with our own eyes the progress that has been made as we stand at the act's 10-year anniversary and I am anxiously anticipating the dreams that will be realized in the future for all Americans.

NATIONAL RECORDING PRESERVATION ACT OF 2000

SPEECH OF

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Mr. THOMAS. Mr. Speaker, the physical condition of many of the nations' culturally, historically, and aesthetically important sound recordings are at-risk because of poor storage conditions and inadequate preservation. With the passage of H.R. 4846, the National Recording Preservation Act of 2000, the Congress will create a public-private partnership to ensure that important sound recordings are preserved and restored.

With the National Digital Library, the national audiovisual conservation center at Culpeper, VA, the Library of Congress's film registry program and now the sound recording registry program, the Congress has created groundbreaking public/private partnerships that minimize taxpayer investment while ensuring the preservation of America's cultural history.

I would like to thank the ranking minority member of the Committee on House Administration, Mr. HOYER, the Committee on the Judiciary and its chairman, Mr. HYDE, the Library of Congress, interested Members of Congress, and the sound recording industry for working to make this legislation possible.

BULLETPROOF VEST PARTNERSHIP GRANT ACT OF 2000

SPEECH OF

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Mr. LOBIONDO. Mr. Speaker, I am very pleased to come before you today in support of H.R. 4033, the Bulletproof Vest Reauthorization Act of 2000. This noncontroversial, bipartisan legislation was introduced by the gentleman from Indiana, Mr. VISCLOSKY and myself on March 20, and passed out of the full Judiciary Committee by voice vote on July 20.

To me, this is a very simple issue and one that I know well. I firmly believe that when a police officer is issued a badge and a gun, they should also be issued a bulletproof vest. When police officers put their lives on the line everyday protecting our neighborhoods—they deserve the highest level of protection and security, which only a bulletproof vest can provide.

When I first introduced the original Bulletproof Vest bill during the 105th Congress, I modeled the program after the Vest-a-Cop and Shield-The-Blue programs established in Southern New Jersey many years ago. When I was first elected to Congress, then-Sergeant Rich Gray, an Atlantic County police officer in Pleasantville came to me telling me of a program that they had put together in Atlantic County, NJ.

Sergeant Gray, who is now Chief Rich Gray of the Pleasantville Police Department, and a very dedicated group of police officers decided that it was time to do something about those who were defending our citizens every day without protection. They started a program called Vest-A-Cop. The Vest-A-Cop program began to grow in Atlantic County and it was the genesis for the idea that I had and subsequently found out that my colleague, the gentleman from Indiana (Mr. VISCLOSKY), had from his district in Indiana.

At that time, the Vest-A-Cop program was actually raising money in a variety of different ways. They were reaching out to the community asking people to understand the needs of police officers and asking those in the community to contribute. We had Scouts who were basically baking cookies and cupcakes and selling them. We had events of all different kinds that were providing vests one and two and three at a time.

This program is one that we modeled after at, and we realized that doing it piecemeal was not going to really cut it and protect our officers for what they needed.

The current Bulletproof Vest Partnership program has enabled police jurisdictions across the nation to purchase over 180,000 bulletproof vests in the last 2 years—180,000 vests that probably would not have been purchased otherwise. However, due to the tremendous popularity of the program, and the program became much more popular than we ever anticipated, we were not able to meet all of the demands. None of the jurisdictions received the full 50–50 federal/state match this year, and, in fact, the Department of Justice reported that jurisdictions with under 100,000 residents received a disproportionately low share of federal funds—an average of only .22 cents on the dollar came from the federal government.

Mr. Speaker, that is not what we in this House originally intended, and this legislation helps correct that.

This bill before us today will extend and improve the current Bulletproof Vest program. First, the annual authorization will be doubled from $25 million to $50 million per year through the year 2004, extending the program for 3 more years. Extending this program is critical in enabling officers across the nation with the opportunity to take advantage of this program which has been proven to save lives.

Second, language was included in the bill which guarantees smaller jurisdictions a fair portion of funding.

Finally, those jurisdictions and corrections officers who have been waiting for the national stab-proof standard to be approved by the Department of Justice will be able to purchase state-approved bulletproof and stab-proof vests. This is a very big improvement from where we were on the last go-around.

The stab-proof issue is of particular interest to me because it hits very close to home. Corrections Officer Fred Baker of my district in New Jersey was stabbed to death while on duty at the Bayside State Prison. Officer Baker was not wearing a vest at the time. We can only speculate as to whether his life would have been spared had he been given an opportunity to wear a vest, but many of us believe that he been given that opportunity, Officer Baker would be alive today and his wife and child would have a husband and father to come home to.

If Officer Baker had the chance to wear a vest, I am sure that he would not have hesitated to put that vest on.

It is critical that Members vote in favor of this legislation. According to the FBI, an average of over 100 officers are assaulted every day, and in 1999, 139 officers were slain while in the line of duty. There are still thousands of officers on duty who do not have access to these life-saving vests. This is an opportunity for us as Members of Congress, who talk so often about the importance of law enforcement, who talk about what we can do to protect themselves as they keep our citizens safe, this is our opportunity.

This common-sense bill has gained the support of 264 bipartisan cosponsors as well as major law enforcement organizations across the Nation. I would like to commend those involved with bringing this bill to the floor today.

I would first like to thank the majority leader, the gentleman from Texas (Mr. ARMEY), who put up with my pleas and pestering for so very long about the importance of this bill; the gentleman from Illinois (Mr. HYDE); and the subcommittee chairman, the gentleman from Florida (Mr. MCCOLLUM).

I would also like to thank my colleague, the gentleman from Virginia (Mr. SCOTT), for his help in this effort. The gentleman from Virginia (Mr. SCOTT) was influential on the Committee on the Judiciary as we were moving this bill through the legislative process; and saving for last, my colleague, the gentleman from Indiana (Mr. VISCLOSKY).

The gentleman from Indiana (Mr. VISCLOSKY) and I have worked on this bill from the very beginning. This is probably a great example of a bipartisan partnership developed to move legislation that is meaningful and can do something in a very positive way to save lives. This is the bottom line here.

Mr. Speaker, many times in the House when there are good ideas that come before us, we do not get a chance to act on them. I think, to reiterate what I mentioned earlier, this is a great example of a positive partnership. These are ideas that are generated within our districts from citizens and police officers and law enforcement officers and corrections officers who are in the real world every day, protecting our neighborhoods, as we heard our other colleagues talk about.

Instead of having to have local community groups raise money just a little bit at a time, the officers in New Jersey in the Second District, officers like Dominic Romeo in Cape May County, in the city of Wildwood, Chief Rich Gray, Shield-the-Blue, the corrections officers of PBA–105, all those who are associated with the Vest-A-Cop program can look to us here in Washington and realize that we have joined together in a very special way, in a very bipartisan way, to generate legislation that means a great deal to law enforcement across this Nation.

Mr. Speaker, I urge all Members of this body to vote for this legislation and show their commitment to law enforcement officers by voting for H.R. 4033.

PRACTICAL FARMERS OF IOWA (PFI)

HON. LEONARD L. BOSWELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. BOSWELL. Mr. Speaker, I am pleased to recognize a public-private partnership between Iowa State University and the organization Practical Farmers of Iowa. In April this partnership was awarded one of 16 National Awards for Environmental Sustainability by Renew America. Since 1989, Renew America has been bringing national attention to constructive, community based programs through which average citizens are meeting the challenges of sustainable development.

A private, nonprofit organization, Practical Farmers of Iowa (PFI) was begun in 1985 as a vehicle to share information from farmer to farmer about how to farm successfully using sustainable methods. The farmers and other agricultural professionals who originated the organization recognized that, while the university system was becoming active in researching alternative farming methods, there was also a wealth of indigenous knowledge among producers. PFI was formed to be a conduit and "amplifier" for that information.

PFI initiated a network of on-farm research and farm field days in 1987 using straightforward protocols that farmers can use to plan, implement, and analyze their own on-farm research. It was at this point that far-sighted leaders at Iowa State University saw the opportunity for collaboration with Practical Farmers of Iowa, and the leadership of PFI responded. Out of the partnership grew the statewide on-farm research program with an ISU Extension agronomist as coordinator.

The on-farm research and dissemination effort has grown to include new kinds of research and new kinds of collaborators, both in the farming community and within the university. The PFI–ISU partnership is a "lightning rod" allowing the university to respond quickly to new issues, issues as diverse as animal-friendly swine production systems, alternative parasite control methods, local food systems and community-supported agriculture (CSA). The partnership also provides the university with thoughtful and sometimes critical feedback concerning research and technology development

The PFI–ISU partnership was among the first between a university and a sustainable agriculture organization, and it is among the more successful. It is a credit to the leadership on both sides, reflecting a science-based approach and cordial relationships. The project has drawn in scientists from many disciplines, providing skilled farmer-collaborators and a support constituency for research into topics as diverse as integrated pest management, soil quality, intercropping, energy crops, prairie restoration, synthetic corn varieties, family allocation of labor, deep-bedded swine systems, specialty marketing, and the social impacts of sustainable agriculture. The membership of PFI brings a built-in "conscience" to the collaboration that keeps it focused on the issues relevant to sustaining the land, farm families, and communities. In the past decade as our understanding of sustainable agriculture has deepened and broadened, this partnership has provided a forum through which that process has advanced.

PERSONAL EXPLANATION

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Ms. GRANGER. Mr. Speaker, due to travel for a funeral, I was not present for several rollcall votes last evening.

Had I been present, I would have voted "aye" on rollcall Nos. 436, 437 and 438.

A REAL MEDICARE DRUG BENEFIT

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Ms. SCHAKOWSKY. Mr. Speaker, I wish to share with my colleagues an Op-ed by Paul Krugman that appeared in today's New York Times. This thoughtful piece dispels the myth that prescription drug insurance plans for the elderly are the answer to lower drug prices.

Mr. Krugman bases his conclusion on the fact that the market will not allow for prescription drug only plans, since the cost of premiums to seniors would be prohibitive. He clearly states that the only way to ensure the success of a Medicare prescription drug benefit "is to make the coverage part of a government program."

He adds, "Republican leaders in the House, in particular, are true believers in the miraculous powers of the free market—they are in effect members of a sect that believes that markets will work even when the businessmen actually involved say they won't, and that government involvement is evil even where conventional analysis says it is necessary."

From the start, Republicans in Congress crafted a prescription drug bill that would guarantee only one thing—that the pharmaceutical companies can continue to price gouge seniors. The President and Democrats in Congress want to give seniors a Medicare prescription drug benefit that is universal, voluntary, and affordable, and builds on the current structure of Medicare.

Below is the full text of Mr. Krugman Op-ed.

[From the New York Times, July 26, 2000]

RECKONINGS: PRESCRIPTION FOR FAILURE

(By Paul Krugman)

In denouncing President Clinton's plan to extend Medicare coverage to prescription drugs, and in touting their own counter-proposal. Republicans have rolled out the usual rhetoric. They excoriate the administration plan as a bureaucratic. "one size fits all" solution. They claim that their plan offers more choice.

And for once their claims are absolutely right. The Republican plan does offer more choice. Unfortunately, this is one of those cases in which more choice is actually bad for everyone. In fact, by trying to give people more choices the Republican plan would end up denying them any choice at all.

Where Democrats want to offer drug coverage directly to Medicare recipients, the Republicans propose to offer money to private insurance companies instead, to entice them into serving the senior market. But all indications are that this plan is a non-starter. Insurance companies themselves are very skeptical; there haven't been many cases in which an industry's own lobbyists tell Congress that they don't want a subsidy, but this is one of them. And an attempt by Nevada to put a similar plan into effect has been a complete dud—not a single insurer licensed to operate in the state has shown any interest in offering coverage.

The reason is "adverse selection"—a problem that afflicts many markets, but insurance markets in particular. Basically, adverse selection is the reason you shouldn't buy insurance from companies that say "no medical exam necessary": when insurance is sold to good and bad prospects at the same price, the bad risks drive out the good.

Why can't the elderly buy prescription drug insurance? Suppose an insurance company were to offer a prescription drug plan, with premiums high enough to cover the cost of insuring an average Medicare recipient. It turns out that annual spending on prescription drugs varies hugely among retirees—depending on whether they have chronic conditions, and which ones. Healthy retirees, who know that their bills won't be that high, would be unwilling to buy insurance that costs enough to cover the bills of the average senior—which means that the insurance plan would attract only those with above-average bills, meaning higher premiums, driving still more healthy people away, and so on until nobody is left. Insurance companies understand this logic very well—and are therefore simply not interested in getting into the market in the first place.

The root of the problem is that private drug insurance could be offered at a reasonable price only if people had to commit to paying the necessary premiums before they knew whether they would need expensive drugs. Such policies cannot be offered if those who find out later that they don't require such drugs can choose to stop paying what turn out to be unnecessarily high premiums.

And while in principle one could write a contract that denies the insured the choice of opting out, just try to imagine the legal complications if a private company tried to force a healthy retiree to keep paying high premiums for decades on end, even though he turns out not to need the company's benefits. As a practical matter the only way to avoid this opt-out problem, to enforce the kind of till-death-do-us-part commitment needed to make drug insurance work, is to make the coverage part of a government program.

All of this is more or less textbook economics. So why are Republican leaders insisting on a plan that almost nobody familiar with the issue thinks will work?

Cynical politics no doubt plays an important role. So does money; the insurance industry is by and large against the Republican plan, but the pharmaceutical industry is very anxious to avoid anything that might push down drug prices, and fears that the administration plan will do just that. But sincere fanaticism also enters the picture. Republican leaders in the House, in particular, are true believers in the miraculous powers of the free market—they are in effect members of a sect that believes that markets will work even when the businessmen actually involved say they won't, and that government involvement is evil even where conventional analysis says it is necessary.

The Republican plan is, in short, an assertion of a faith that transcends mundane economic logic. But what's in it for us heathens?

TRIBUTE TO THE HONORABLE KATY GEISSERT

HON. STEVEN T. KUYKENDALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. KUYKENDALL. Mr. Speaker, I rise today with sadness to remember and honor former Torrance Mayor, Katy Geissert. Katy passed away last week after a courageous fight against lung cancer.

Katy was a pioneer in South Bay politics. In 1974, Katy became the first woman elected to the Torrance City Council. After serving three terms, she became the first woman elected Mayor of the City of Torrance. Katy paved the way for women to hold public office in Torrance. A resident of Torrance for nearly a half-century, Katy was actively involved in the local community.

Her contributions to the Torrance community are numerous. Katy was the Founding President of the Torrance Cultural Arts Center Foundation, past chairman of the Torrance Salvation Army Advisory Board, consultant to the South Bay/Harbor Volunteer Bureau, and charter board member of the Torrance League of Women Voters.

People will remember Katy for her allegiance to the South Bay. She was deeply committed to the local community and its residents. Katy will be missed. The community she represented is a better place to live because of her service.

IN MEMORY OF JAN KARSKI

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. LANTOS. Mr. Lantos. Mr. Speaker, I rise today to invite my colleagues in Congress to join me in paying tribute to Jan Karski, who passed away on July 13th at the age of 86. A man of extraordinary courage, Karski risked his life to journey into the danger of the Warsaw ghetto and the Belzec death camp as a member of the Polish underground during World War II. He did this to gain first hand information and then convey the horrors of the Nazi regime to the Allied leaders. The enormity of Karski's task was confirmed after his meeting with the head of the Zionist organization and the leader of the Jewish Socialist Alliance. According to Karski, his mission was to transmit material to the Polish and Allied governments which "constituted the expression and contained the information, sentiments, requests, and instructions of the entire Jewish population of Poland as a unit, a population that was at the moment dying as a unit."

After speaking with London authorities in 1942, Karski's frightful accounts were met with disbelief and denial. Yet he continued to deliver his searing report of Nazi atrocities and of Hitler's Final Solution, spending months briefing government and community leaders in Britain and in the United States. It is difficult to imagine the turmoil Karski must have suffered, as he was constantly called upon to recall the ghastly scenes he had witnessed and to recount the new unprecedented criminality. Because of his perseverance, Karski is credited with providing President Franklin D. Roosevelt with the motivation to establish the United States War Refugee Board, an organization that saved tens of thousands of Jewish lives toward the end of World War II.

Born in 1914 in Lodz, Poland, Dr. Karski received a Master's Degree in Law and another Master's Degree in Diplomatic Sciences at the Jan Kazimierz University in Lvov in 1935. After completing his education in Germany, Switzerland, and Great Britain in the years 1936–38, he entered the Polish diplomatic service. His following years were marked by extraordinary contributions to Nazi resistance efforts. Conscripted into the Polish army in August 1939, Karski was eventually taken prisoner by the Red Army and sent to a Russian prisoner of war camp. He escaped in November 1939, returned to German-occupied Poland and joined the anti-Nazi underground. Because of his knowledge of languages and foreign countries, he was used as a courier between the government-in-exile in London and underground authorities in Poland. In this capacity he made several secret trips between France, Great Britain and Poland. In August of 1943, he personally reported to President Roosevelt, Secretary of State Cordell Hull, Secretary of War Henry L. Stimson, and other United States government leaders.

After the war, Jan Karski moved to the United States where he married, became an American citizen, and received a doctorate from Georgetown University. Mr. Karski went on to have a distinguished academic career at Georgetown, and he also served as a special envoy and as a witness for the American government on a number of occasions. In 1956–57, and again in 1966–67, he was sent by the State Department on six-month lecture tours to sixteen countries in Asia and in French-speaking Africa. On numerous occasions, he was asked by various Congressional committees to testify on Eastern European Affairs. He lectured extensively at the Defense Intelligence Air University, Industrial College of the Armed Forces, and other government and civic institutions.

Mr. Karski is also a respected author. His book, "Story of a Secret State", which describes his experiences during World War II, was a bestseller. He was awarded a Fulbright Fellowship to inspect Polish, British and French archives for his major scholarly work, "The Great Powers and Poland, 1919–45" (from Versailles to Yalta). His many honors also include the distinction of "Righteous Gentile," bestowed by the Yad Vashem Holocaust

Memorial in Jerusalem. Karski is also an honorary citizen of Israel, the recipient of a special citation by the United Nations, and the recipient of the Order virturi Militair, the highest Polish military decoration.

Jan Karski's humility was always evident throughout his life. When visiting the United States Holocaust Memorial Museum, he came upon the Rescuer's Wall, where tribute is paid to non-Jews who helped to save Jewish lives. He quickly passed the plaque upon which his own name was inscribed, instead preferring to seek out the names of his underground comrades. He was always quick to point out that "the Jews were abandoned by governments, by church hierarchies, and by societal structures. But they were not abandoned by all humanity." He felt that he was no different from anyone else who tried to ease the plight of the Jewish people. Remarkably, he insisted that he did "nothing extraordinary."

In an editorial last week paying tribute to Jan Karski, the Washington Post (July 19, 2000) observed: "A community's heroes are not necessarily its noisiest or most prominent citizens. Certainly neither adjective applied to Jan Karski, . . . but Mr. Karski was an authentic moral hero." Despite his protestations, Jan Karski's contribution to humanity was indeed remarkable. Shimon Peres said, "A great man is one who stands head and shoulder above his people, a man who, when surrounded by overpowering evil and blind hatred, does all in his power to stem the tide. Karski ranks high in the all-too-brief list of such great and unique personalities who stood out in the darkest age of Jewish history." And in the words of Elie Wiesel: "Jan Karski: a brave man? Better: a just man."

Mr. Speaker, once again I invite my colleagues to join me in paying tribute to the courage and selflessness of Jan Karski. He was an authentic moral hero who risked his life to fulfill what he considered to be his duty as a human being.

PERSONAL EXPLANATION

HON. WILLIAM L. JENKINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. JENKINS. Mr. Speaker, on roll call no. 429, on motion to grant the consent of the Congress to the Kansas and Missouri Metropolitan Culture District Compact, had I been present, I would have voted "yea"; on roll call no. 430, motion to Community Renewal and New Markets Act, had I been present, I would have voted "yea"; on roll call no. 431, motion on Innocent Child Protect Act, had I been present, I would have voted "yea"; on roll call no. 432, motion on Veterans Claims Assistance Act, had I been present, I would have voted "yea"; on roll call no. 433, to suspend the rules and agree to Fisherman's Protective Act Amendments, had I been present, I would have voted "nay";

INDIA COALITION PARTNER THREATENS TO ENGULF COUNTRY IN VIOLENCE

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. DOOLITTLE. Mr. Speaker, last week, Bal Thackeray, founder and head of Shiv Sena, threatened to engulf India in violence if he is held accountable for his part in thousands of deaths in 1992.

Shiv Sena is a coalition partner of the ruling BJP. Shiv Sena has been assigned responsibility for the bombing of the Ayodhya mosque in Uttar Pradesh.

How could a democratic country accept a violent, intolerant person like this into the government? It is bad enough that the allies of the government commit atrocities and no one is ever held to account. Now a coalition partner says that he will engulf the country in violence. This shows that violence and intolerance are the prevailing way to life in India. Minorities are suffering from the intolerance of militant Hindu fundamentalists.

A wave of violence against Christians has swept India since Christmas 1998. The most recent incident was the bombing of two churches in the state of Karnataka. The violence against Christians has been so severe that they appealed to the international community for help. Churches have been burned and now bombed. There have been attacks on prayer halls, Christian schools, and other Christian institutions. Militant Hindu nationalists burned missionary Graham Staines and his two young boys to death in their jeep while they were sleeping.

These atrocities show the truth about India. If it is "the world's largest democracy," how can it allow atrocities like this to keep occurring with nobody being held responsible? As the world's only superpower and the bastion of freedom for the world, we should take action. We should stop aid to India until all people within its borders enjoy human rights. And we should put the Congress on record in support of self-determination for the people of Khalistan, Kashmir, Nagalim, and all the countries seeking their freedom from India.

I submit the article on Mr. Thackeray into the RECORD, Mr. Speaker. I hope everyone will read it.

[From the New York Times International, July 17, 2000]

PROTESTS BY HINDU GROUP RAISE FEAR IN INDIA

BOMBAY, July 16 (Reuters)—Much of Bombay was shut down today by fear and protests over the possible prosecution of a militant Hindu leader in connection with riots that left more than 2,000 people dead in 1992.

Supporters of Bal Thackeray, the leader of the Hindu nationalist party Shiv Sena, took to the Streets Saturday after the Maharashtra State government decided to let the police prosecute him in the countrywide rioting. That violence, directed mainly at India's Muslim minority, erupted after the destruction of a mosque in the town of Ayodhaya, and Shiv Sena got most of the blame.

Police officials said no action had been taken to arrest Mr. Thackeray, but many shops closed and people stayed indoors here and in other parts of the state as Shiv Sena supporters pelted buses with stones and blocked commuter train services.

Today Mr. Thackeray appealed for calm, but on Saturday he was quoted as saying, "Not only Maharashtra but the entire country will burn" as a result of the decision, which he called "an incitement to communal riots."

CONGRATULATING HALF HOLLOW HILLS HIGH SCHOOL EAST

HON. RICK LAZIO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. LAZIO. Mr. Speaker, today I congratulate a distinguished group of students from the Half Hollow Hills High School in Dix Hills, New York.

These students recently won the Region 5 award at the "We the People . . . the Citizen and the Constitution" national finals held here in Washington, DC. This award is presented to the school in each of five geographic regions with the highest cumulative score during the first two days of the national finals. These outstanding young people competed against 50 other classes from throughout the nation and demonstrated a remarkable understanding of the fundamental ideals and values of American constitutional government.

Our United States Constitution is over 200 years old. Two-thirds of the world's constitutions have been adopted since 1970. Only fifteen other constitutions predate WWII and none predate the U.S. Constitution. Recent studies show that approximately half of American adults do not know that the purpose of the original Constitution was to create a federal government and define its power. The educators and students of Dix Hills have proven that they do not fall into this category and it is an honor to recognize their achievement.

I wish to congratulate Ms. Gloria Sesso and her students Isaac Chen, Jeffrey Chernick, Alyssa Cohen, Zachary Cohn, Michael Givner, Michael Gold, Sarah Gowrie, Yonathan Hertz, Michael Lee, Jonathan Lehrer, Jessica Levine, Amanda Manaro, Seth Moskowitz, Brian Nakash, Justin Pomerantz, Rahul Sharma, Jared Stone, Jeffrey Tsai, Lauren Tuzzolino, and Jared Warshaw.

HONORING PHILIP ROSENBLOOM

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. PALLONE. Mr. Speaker, I rise today to pay tribute to Philip Rosenbloom of Monmouth Beach, Monmouth County, who will be celebrating on August 1st his 75th birthday. Phil Rosenbloom has devoted much of his adult life enhancing the civic and cultural life of my district, and I wish to honor his contributions.

A native of Monmouth County, Phil Rosenbloom grew up in Asbury Park, where his family owned the local print shop. The printing business became his vocation as well, and he gradually built his own successful printing corporation based in New York, where he produced record album jackets and direct mail advertising for manufacturers of records, tapes, and CD's. However, if printing was his business, his passion since his childhood days has been great jazz music. Phil often said that his fantasy of the perfect life would be to own a little saloon where he would invite the great jazz musicians in the country to play and he could listen all day long.

But Mr. Speaker, we pay tribute to Phil because he is not just a listener—he is a "doer." While establishing his career in the printing business, he and his wife, Norma, raised three sons just a few miles away from his boyhood home. He served on the Board of Trustees of Temple Beth Miriam; he chaired committees for Planned Parenthood of Central New Jersey; he served as President of the Board of Trustees of the Monmouth County Arts Council; he currently sits on the Monmouth Beach Planning Board. In the 1960's, when my district was experiencing the racial tensions prevalent throughout the country, Phil was an outspoken advocate for civil rights and racial harmony. He is a life member of the NAACP.

Perhaps his most noteworthy achievement was to find a way to share his love of music and theater with the citizens of Monmouth County. After selling his business and "retiring," Phil devoted his energy and enthusiasm to the transformation of a run-down movie house in Red Bank into the Count Basie Theatre, now a newly-renovated and vibrant cultural center. Under his presidency of the theater, he has helped bring music, plays, and other arts to the children of our district, and he has helped create a showplace for great jazz. He also helped establish a jazz scholarship to a leading school of music, which will be presented on an annual basis to deserving young jazz musicians in our district. He continues to serve as a trustee of the theater.

Phil and his wife, Norma, a classically-trained pianist, a former high school music teacher, and now a family law attorney, live in Monmouth Beach. They have three sons, David, James, and Eric, and three grandchildren. All of their sons learned from Phil and Norma the importance of building their adult lives around giving service to others.

Mr. Speaker, when we think of a life well-lived, we think about dedication to family, to community, and to place of worship. We think about balancing hard work with a love and passion for our culture's highest forms of expression—theater, art, and music. Phil Rosenbloom certainly embodies, and continues to embody, the meaning of a well-lived life. Mr. Speaker, I urge my colleagues to join me today in honoring Phil Rosenbloom and celebrating with him his 75th birthday.

IN HONOR OF THE GRAMERCY PARK BLOCK ASSOCIATION AND ITS FOUNDERS, ARLENE HARRISON AND TIMOTHY COHEN

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay special tribute to The Gramercy Park Block Association and to its founders, Arlene Harrison and Timothy Cohen. The Gramercy Park Block Association is an invaluable organization that works tirelessly to improve the safety, security, and quality of life of those New Yorkers who live in and around Gramercy Park.

In the fall of 1993, Mr. Cohen, who was only fifteen years old at the time, was savagely beaten in an unprovoked attack by a neighborhood gang. After his recovery, Mr. Cohen and his mother, Ms. Arlene Harrison, began a campaign to improve the quality of life in the area in which they live.

Ms. Harrison and Mr. Cohen have pioneered the development of innovative, community based techniques to combat crime and improve the day-to-day quality of life for fellow Gramercy Park residents.

Ms. Harrison and Mr. Cohen created and implemented Operation Interlock, an emergency police radio network and have successfully campaigned to improve community ties with their local police precincts. The Block Association's partnership with the Police Department's 13th Precinct has received national media attention as a model of how a police-community partnership can work to reduce crime in a neighborhood. Other police forces from around the nation are currently exploring the possibility of implementing Operation Interlock in their own respective jurisdictions.

In addition, the Association has successfully lobbied to increase both the wattage and the number of street lights around Gramercy Park and the Consolidated Edison energy plan. They have thereby made the neighborhood an increasingly safe place to walk at night.

Mr. Cohen and Ms. Harrison have also pioneered the development and implementation of many other local programs that promote community service and safety, for example, Operation ID, Block Watcher Training Sessions, Senior Citizen Escort, and Project Kidcare. Each of these programs serves a vital purpose in bringing the community together for a safer neighborhood.

In particular, Ms. Harrison and Mr. Cohen mobilized the community in support of the Kenmore Rehabilitation Plan to clean up the notoriously drug and crime-ridden Kenmore Hotel. They worked tirelessly with local organizations to rehabilitate the facility, providing a safer community and a more positive environment for a previously underserved group of tenants. Ms. Harrison now serves as the chair of the Kenmore Hall Advisory Board.

Mr. Speaker, I salute the work of the Gramercy Park Block Association and its founders, Mr. Timothy Cohen and Ms. Arlene Harrison, and I ask my fellow Members of Congress to join me in recognizing their contributions to the New York community and to our country. I take pride in the fact that I have such model citizens living in my district.

BELLE DEMBY, 106 YEARS YOUNG

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. TOWNS. Mr. Speaker, I rise today to honor Belle Demby as she celebrates her 106th birthday.

Ms. Demby is a native of North Carolina who moved to Brooklyn as a teenager when her father got a job building the Fourth Avenue subway line. When she first arrived in Brooklyn, you could still find fresh chickens in open air markets on Third Avenue and Myrtle Avenue. She worked for $1.50 a day sweeping the platforms of the BRT subway line and probably never earned more than $12 a week throughout all of World War I.

For entertainment, she listened to music. As she recently told a New York Times reporter, "I listened to the radio. What do you call them, Victrola? All I can tell you is it was a big box that had music in it." When the stock market crashed she and her husband both lost their jobs. To make ends meet, Ms. Demby worked in factories, laundries and anywhere she could get a job. She recalled recently how "longshoremen were walking back and forth to the waterfront to see if a ship came in so they could get work."

Belle Demby now lives near the Brooklyn Navy Yard in the Ingersoll Houses. Family and friends take turns reading her passages from the Bible. Although she is blind, she is still able to attend Bethel Baptist Church every Sunday with her daughter who is 87 and a grandson who at 69 is a grandfather himself.

Please join me in acknowledging the remarkable life of Belle Demby on her 106th birthday.

IN HONOR OF THE FIRST ANNIVERSARY OF THE COMPLETION OF THE KENMORE HOTEL RESTORATION PROJECT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mrs. MALONEY of New York. Mr. Speaker, I rise today to recognize the first anniversary of the complete restoration of the Kenmore Hotel. The hotel's story is a remarkable tale of cooperation between many different levels of government, NPOs, and private industry in the name of helping those citizens who most desperately need our assistance.

In 1927, the Kenmore Hotel was built by the family of Nathaniel West as an apartment hotel for working single New Yorkers. Throughout the 1970s and early 1980s the Kenmore became known as a hotel for the "down and out" and the community witnessed its decent from modest respectability to complete squalor. By the middle 1980s, the Kenmore's elderly and mentally ill tenants were preyed upon by drug dealers, loan sharks, and others engaged in criminal activities. By that time, the Kenmore had more than 500 building code violations, it had been the scene of multiple tenant murders, and it was, in short, uninhabitable.

After repeated failed attempts to convince the owner to clean up the hotel, I asked the Justice Department to step in. Under the direction of Attorney General Janet Reno, the Kenmore was seized in June of 1994, becoming the largest asset forfeiture in the history of the federal government. The United States Marshal Service, working together with the NYPD, carried out the seizure of the Kenmore and became the landlord to some 300 tenants. I worked with the Marshal Service and tenants to monitor the situation and made sure that the Kenmore returned to habitability as quickly as possible.

Two years later, on July 3, 1996, with $30 Million in hand from private investors, public (NYC and NYS) loans, a commercial loan, as well as a rent guarantee from NYC and Section 8 Vouchers from the Department of Housing and Urban Development, Housing and Services, Inc. (HSI) commenced a complete renovation of the premises. It was only this cooperation that enabled construction to begin.

The 641 single units were converted to 326 studio apartments each with a private bath, kitchen, and air conditioning. The tenants are now served by a 35 person staff that includes front desk personnel, maintenance and repair staff, social workers, and a full time on site manager. In addition, HSI brokered agreements with local health providers so that there are nurses, psychiatrists, and a myriad of other service providers offering on-site assistance to tenants in need. On May 4, 1999, I joined HSI, tenants, elected officials and community leaders at a ribbon cutting ceremony celebrating the completion of the renovations. In honor of the event the building was renamed Kenmore Hall.

This spring HSI and the Kenmore partnered with the 23rd Street Association, the GPBA (Gramercy Park Block Association), and the ACE Community Partnership to create a community improvement project that employs Kenmore tenants and other homeless persons. The project seeks to reduce homelessness by providing community improvement work and job readiness training for low income men and women. The program prepares once homeless men and women to reenter the workforce through community enhancement projects in the 23rd Street area, including environmentally focused neighborhood cleanup projects.

The Kenmore Story is one where all parties involved share in its success. This project demonstrates the remarkable results that are possible when everyone works together to fix a problem that has plagued an entire community. Nonprofit organizations, community groups, government officials and agencies, and the private sector all worked together to clean up the Kenmore and provide decent housing to a previously underserved group of tenants. Kenmore Hall has become a valuable community asset and a national model of supportive, affordable housing. I am proud to report that in my district, multilevel cooperation became a reality.

RYAN WHITE CARE ACT AMENDMENTS OF 2000

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. DAVIS of Illinois. Mr. Speaker, I rise today in strong support of H.R. 4807, the Ryan White CARE Act Amendments.

The Ryan White CARE Act provides resources through states, localities, and agencies, all with the goal of improving the quality and availability of care of low-income, uninsured, and underserved individuals and families affected by HIV/AIDS. I am thankful for the many individuals and families who have been assisted and care for because of this landmark legislation. And I thank those health care providers, community health centers, and families who care for individuals with HIV/AIDS.

We have seen some successes as a result of the Ryan White Act. In fact, in the city of Chicago, the number of deaths due to AIDS decreased from approximately 1,000 per year in 1993–95 to only 377, during 1997. Also, the Ryan White Act is reaching out to the poor. On a national level, the average annual income of more than 50 percent of Ryan White clients have never exceeded $25,000 per year, compared with 27 percent of all HIV-positive clients in care in 1996. Furthermore, the AIDS Drug Assistant Program formulary was expanded from 33 drugs in 1996 to 65 drugs in 1997, including all protease inhibitors and antiretroviral therapies.

These reports are encouraging, however, Illinois is among the ten states in the nation reporting the highest number of AIDS cases from 1981 to 1999, that is, 22,348 individuals with AIDS in Illinois, 19,347 of those individuals living in Chicago. We can reach even more people through prevention and early diagnosis programs and we can treat even more people with greater access to the latest drugs and technology.

I therefore fully support the expanded provisions under the Ryan White Amendments. First of all, these new provisions revise the grant formula to reflect the prevalence of HIV infections and AIDS cases. Under current law, funds are distributed only on the basis of AIDS cases.

Secondly, the bill establishes a new supplementary competitive grant program for states in "severe need" of additional resources to combat the HIV/AIDS epidemic. In determining severe need, HHS will consider evidence of disparities in access and services and historically underserved communities.

Also, perinatal transmission of HIV is a problem that needs to be more fully addressed through early testing of the mother and baby and through counseling and treatment programs. I am pleased that this bill increases the authorization for the grant program dealing with perinatal HIV transmission by $20 million.

In addition to the provisions I mentioned, the Ryan White CARE Act Amendments would create focused efforts to reach prisoners with HIV/AIDS, reach individuals who are currently not receiving care, and eliminate disparities in access to services.

Mr. Speaker, I therefore rise in strong support of the Ryan White CARE Act Amendments.

A TRIBUTE TO RUBY'S COFFEE SHOP

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. DUNCAN. Mr. Speaker, a great Knoxville institution is closing, and it is a real loss to our area and to this Nation. Ruby's Coffee Shop in Burlington, in East Knoxville, will close this Saturday after 37 years in business.

This fine restaurant, where I have eaten many, many times, has been a friendly gathering place where friendships have been made and strengthened and problems have been solved. Almost everyone felt better and happier, physically and mentally, after a meal at Ruby's.

Owner Ruby Witt, her daughter, Mary Jo Netherton, her sister, Ann Henderlight, and the entire staff are wonderful, kind, big-hearted people. They have given great service and sympathetic ears to many thousands.

Their food was always outstanding and reasonably priced. At Ruby's, no matter who you were or how much money you had, you got good food and good treatment.

As long as I live, I will never forget Roy Berrier, one of the barbers at Barnes Barber Shop next door, coming in and breaking into a rendition of the song "Pine Trees" (his own song) in front of a full house at Ruby's.

This Nation is a better place today because of places like Ruby's and the people who worked there. I am sorry to see this fine restaurant close, but I wish the very best to Ruby, her family, and staff.

I would like to call to the attention of my colleagues and other readers of the RECORD the following article which was published in the Knoxville News-Sentinel.

[From the Knoxville News-Sentinel, July 26, 2000]

RUBY'S TO CLOSE AFTER 37 YEARS

(By Don Jacobs)

No matter how savory the food at Ruby's Coffee Shop, it'll never match the warmth and friendliness exuded by the 37-year-old business' employees.

But that slice of Southern hospitality is about to be cut from the East Knoxville landscape with the closing Saturday of a business that has seated governors, senators, sports legends and even a vice president.

The small, family-operated business where customers are greeted by first name, are allowed to walk behind the counter to pour coffee and are invited to use the shop's phone, is closing its doors. The daughters of the owner are just plumb tired.

"It's sad but happy," said Mary Jo Netherton, the 64-year-old daughter of the owner.

"I'm just tired. I was telling somebody the other day that they let people out of the penitentiary for murder sooner than I'll be getting out of this place."

Netherton's 62-year-old sister, Barbara Williams, echoed the feeling that 10- to 12-hour work days that begin at 5 a.m. won't be terribly missed.

"You know, when you get in your 60s, you don't need to be doing waitress work," Williams said.

Owner Ruby Witt hasn't been active at the business at 3920 Martin Luther King Jr. Avenue since she suffered a minor stoke six years ago. But each day the 84-year-old Witt gets an earful of current events about the lives of her customers from her daughters.

"She's interested in the people," Netherton said.

Witt's popularity among residents, public officials, police officers and the University of Tennessee sports department earned her an unofficial moniker as the mayor of Burlington. Police officers said whatever Ruby wanted, Ruby got from the city.

Emphasizing that point, a customer noted there are no parking meters outside.

Netherton has been gingerly lifting fried eggs from the grill for 37 years at the business while Williams has been a fixture for 23 years. While neither of the women will miss the work, they will never fill the chasm of daily chatter with customers.

"I'm going to miss it," Williams said. "We've enjoyed the people. They've been like family to us."

Customers feel the same way. "We're spoiled," said Jimmie Bounds. "We'll never get that kind of service. When we walk in the door, they yell to put a pan of biscuits on."

Bounds and her husband, Dean Bounds, regularly trek from their Holston Hills residence with their home-grown tomatoes. They slice their tomatoes and pour their own molasses on what they claim are the best biscuits around.

Biscuits and cornbread are the domain of Ann Henderlight, Witt's younger sister, who for 37 years has been using the same metal evaporated milk can to cut her dough. "I don't measure anything," Henderlight said. "I just put in a little of this and a little of that. I just do it like my mother did."

Lettie Glass of Lilac Avenue has been munching those biscuits for 15 years. "Honey, they're just so fluffy they melt in your mouth. They really can cook," she said.

For Glass, the food is just part of the attraction.

"They treat people like people," Glass said.

Former Gov. Ray Blanton, U.S. Congressional members Bill Frist and John J. Duncan Jr., former UT football coach Johnny Majors, country music icon Archie Campbell and vice President Al Gore have taken a seat at one of the dozen booths or seven counter stools, Netherton said.

Netherton recalls mixing six raw eggs in a glass of orange juice and cooking 25 strips of bacon for former heavyweight boxing champion John Tate while he was in training.

But nowadays, Williams said, the business isn't as profitable as it used to be. The sisters just couldn't bring themselves to raise their prices as food costs climbed. The menu demands a total of $3.50 for two eggs, three bacon strips, a biscuit and coffee.

"We didn't think the everyday people coming in here could afford it if we raised the prices," Williams said.

Several customers noted the sisters often fed the penniless. "If somebody came in here hungry, they got fed," Williams said.

INTRODUCTION OF THE RESTORATION OF FAIRNESS IN IMMIGRATION LAW ACT OF 2000

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. CONYERS. Mr. Speaker, I am proud to introduce today the Restoration of Fairness in Immigration Law Act of 2000. Today is truly a seminal event when the Congressional Black, Hispanic and Asian Pacific Caucuses along with Members on both sides of the aisle unite behind a single piece of comprehensive immigration legislation.

For too many years, Congress has witnessed a wave of anti-immigrant legislation, playing on our worst fears and prejudices. Since 1994, we have considered proposals to ban birthright citizenship, ban bilingual ballots, and slash family and employment based immigration, as well as to limit the number of asylees and refugees. In 1996 we passed laws denying legal residents the right to public benefits and denying immigrants a range of due process and fairness protections, including prohibiting courts from reviewing many INS decisions, requiring lawful permanent residents be deported for minor offenses committed years ago, and imposing mandatory detention on non-criminal asylum seekers.

This year, I believe we have turned the corner, as business and organized labor have joined the advocacy community in recognizing the critical role immigrants play in our workplaces, our communities, our schools, and our culture. I particularly want to commend John Sweeney, President of the AFL–CIO, and the other 29 organizations who yesterday endorsed this historic piece of legislation. With the introduction of this comprehensive bill, I, along with the bipartisan list of co-sponsors, the Black, Hispanic and Asian Pacific American Caucuses, and the many supporting community organizations, send a clear message that Congress needs to fix what we did in '96.

Our work will not stop with the introduction of this legislation. We only have one month left in the legislative session, but I believe that many provisions of this bill can be passed into law, including providing Haitians and Central Americans with immigration parity, enacting late amnesty relief, and protecting battered immigrants.

Attached is a summary of the key provisions of this legislation.

Summary of the "Restoration of Fairness in Immigration Law Act of 2000"

TITLE I.—DUE PROCESS IN IMMIGRATION PROCEEDINGS

Subtitle A.—Judicial Review (Sections 101–107)

Repeals all of the provisions from the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 ("IIRIRA") which strip the courts of jurisdiction over immigration-related matters. It returns court jurisdiction to exactly what it was before IIRIRA.

Subtitle B.—Fairness in Removal Proceedings

Sec. 111. Burden of Proof.—IIRIRA created a higher threshold for persons seeking to enter the U.S. by requiring them to establish their admissibility "clearly and beyond doubt." This section implements a "clear and convincing evidence" standard, which is the same standard INS applies in deportation cases.

Sec. 112. Withdrawal of Application for Admission.—Creates a presumption in favor of granting a request for permission to withdraw an application for admission to depart from the United States immediately, unless an immigration judge has rendered a decision on the admission seeker's admissibility.

Sec. 113. Absences Outside the Control of the Alien.—Under IIRIRA, a person with lawful permanent resident status is subject to a full inspection upon returning from a trip abroad if he has been absent from the United States for a continuous period of 180 days. This section changes the time period from 180 days to a year or longer in some situations, which comports with INS's current procedures.

Sec. 114. Reinstatement of Removal Orders Against Persons Illegally Reentering.—Under IIRIRA, immigrants who reenter the United States after being previously removed must be removed from the country without any right to judicial review. This provision provides for a hearing before an immigration judge and an opportunity to seek relief from removal.

Subtitle C.—Fairness in Detention

Sec. 121. Restoring Discretionary Authority.—Restores pre-IIRIRA law granting discretionary authority to release immigrants from detention who do not pose a risk to persons or property and are likely to appear for future proceedings.

Sec. 122. Periodic Review of Detention Determinations.—Eliminates indefinite detention without review that resulted from IIRIRA's changes to detention provisions. It requires mandatory review every 90 days.

Sec. 123. Limitation on Indefinite Detention.—Establishes a one year ceiling on the time an individual can be detained while waiting to be removed, so long as the individual is not a risk to the community and is not a flight risk.

Sec. 124. Pilot Program.—Requires a pilot program to determine the viability of supervision of foreign nationals subject to detention through means other than confinement in a penal setting, so long as the individual is not a risk to the community and is not a flight risk.

Sec. 125. Mandatory Detention.—IIRIRA requires mandatory detention for all individuals involved in expedited proceedings. This section provides for release unless the detainees are risks to the community or flight risks.

Sec. 126. Right to Counsel.—Would allow attorneys, with the consent of their clients, to make limited appearances in bond, custody, detention, or removal immigration proceedings.

Subtitle D.—Consular Review of Visa Applications (Sections 131–132).

Incorporates the "Consular Review Act of 1999" (H.R. 1156) introduced by Rep. Frank (D–MA) to require the Secretary of State to set up a Board of Visa Appeals that would have authority to review any discretionary decision of a consular officer regarding the denial, cancellation, or revocation of an immigrant or nonimmigrant visa or petition, or the denial of an application for a waiver of any ground of inadmissibility under the INA.

TITLE II.—FAIRNESS IN CASES INVOLVING PREVIOUS AND MINOR MISCONDUCT

Subtitle A.—Increased Fairness and Equity Concerning Removal Proceedings

SEC. 201. EXCLUSION FOR CRIME INVOLVING "MORAL TURPITUDE."—Eliminates exclusion from the United States under IIRIRA for acts of moral turpitude which may have constituted the elements of a crime but have not led to a conviction.

SEC. 202. AGGRAVATED FELONY PROVISIONS. (a). "Illicit Trafficking"—Excepts a single offense of simple possession of a controlled substance from the "aggravated felony" category created by IIRIRA if it is the person's first controlled substance offense. (b). "Crimes of Violence and Theft Offenses"—Changes the definition of violence and theft offenses that are considered to be "aggravated felonies" under IIRIRA from offenses for which the sentence was imprisonment for at least one year to offenses for which the sentence was imprisonment for at least five years. (c). "Alien Smuggling"—Limits the "alien smuggling" category to offenses committed for the purpose of commercial gain. (d). Waiver.—Provides discretionary authority to disregard convictions for aggravated felonies that did not result in incarceration for more than one year. (e). Conforming Change Concerning Removal of Nonpermanent Residents.—Repeals a IIRIRA provision that bars nonpermanent resident aliens who have been convicted of an aggravated felony from being eligible for discretionary relief from removal.

SEC. 203. DEFINITION OF "CONVICTION" AND "TERM OF IMPRISONMENT."—Modifies IIRIRA's definition of "conviction" to provide that an adjudication or judgment of guilt that has been expunged, deferred, annulled, invalidated, withheld, or vacated; an order of probation without entry of judgment; or any similar disposition will not be considered a conviction for purposes of the INA. Also strikes the provision in that definition which states that any reference to a "term of imprisonment" or "sentence" is deemed to include the period of incarceration or confinement ordered by the court regardless of any suspension of the imposition or execution of the imprisonment or sentence.

SEC. 204. DEFINITION OF "CRIMES OF MORAL TURPITUDE."—IIRIRA provided for deportation when an alien is convicted of a crime involving moral turpitude for which a sentence of one year or longer may be imposed.' This section limits deportation on this basis to cases where the offense was serious enough to result in incarceration for a year or more.

SEC. 205. CANCELLATION OF REMOVAL FOR LPRS (FORMERLY KNOWN AS SECTION 212(C) RELIEF).—Restores discretion to grant relief to long-time legal permanent residents who have committed minor criminal offenses. Repeals IIRIRA's stop-time rule so that lawful permanent residents can continue to accumulate their permanent resident status in the U.S.

SEC. 206. CANCELLATION OF REMOVAL FOR NON-CITIZEN (FORMERLY KNOWN AS SUSPENSION OF DEPORTATION).—IIRIRA replaced suspension of deportation relief with "cancellation of removal" relief which significantly narrowed eligibility for equitable relief. This section reverses IIRIRA by replacing the cancellation of removal provisions with the previous suspension of deportation provisions.

SEC. 207. RETROACTIVE CHANGES IN REMOVAL GROUNDS.—Reverses retroactive changes made by IIRIRA by providing that an immigrant will not be found to be removable for committing any offense that was not a ground for removal or deportation when the offense occurred (e.g., the "aggravated felony" classification will apply only to an offense that was defined as an "aggravated felony" when the offense occurred).

SEC. 208. LAWFUL PERMANENT RESIDENTS REMOVED UNDER RETROACTIVE.—Permits former lawful permanent residents who have been removed from the U.S. to return and apply for 212(c) relief as it previously existed or for cancellation of removal under the provisions of this bill. Applies to LPRs who were (1) removed for a criminal offense that was not a basis for removal when it was committed; (2) removed for criminal offense that is not a basis for removal when this bill is enacted; or (3) removed for a criminal offense for which relief would have been available but for the enactment of AEDPA or IIRIRA.

Subtitle B.—Exclusion Grounds

SEC. 211. FAILURE TO ATTEND REMOVAL PROCEEDINGS.—Limits the applicability of the five-year bar to admissibility that IIRIRA imposed on persons who fail to attend or remain in attendance at removal proceedings to situations where the individual acted willfully.

SEC. 212. VIOLATION OF STUDENT VISA CONDITIONS.—Limits the applicability of the five-year bar to admissibility that IIRIRA imposed on persons who violate a term or condition of their nonimmigrant student visas to situations where the student acted willfully.

SEC. 213. FALSE CLAIMS TO CITIZENSHIP.—Limits the applicability of an IIRIPA provision which made making a false claim to citizenship for an immigration benefit a basis for exclusion or deportation. INS will be required to prove that a claim of citizenship was not only false, but was also in fact willfully made by the individual.

SEC. 214. MINOR CRIMINAL OFFENSES.—Provides a waiver of inadmissibility based on a controlled substance violation for which the alien was not incarcerated for a period exceeding one year.

SEC. 215. BARS TO ADMISSIBILITY.—Under IIRIRA, a person unlawfully present in the United States for more than 180 days but less than 1 year who then voluntarily departs from the United States is barred from reentering the United States for 3 years. A person who is unlawfully present in the United States for 1 year or more and then voluntarily departs is barred from reentering the United States for 10 years. This section reduces the 3 and 10 year bars to admissibility to 1 and 3 years, respectively.

TITLE III.—ENCOURAGING FAMILY REUNIFICATION

Subtitle A.—Reuniting Family Members

SEC. 301. VISA FOR SPOUSES AND CHILDREN OF PERMANENT RESIDENTS.—Provides for a visitor's visa permitting family members to join their lawful permanent resident spouse or parent in the United States while waiting for an immigrant visa number. Also makes a visitor's visa available to persons waiting for an immigrant visa number on the basis of their status as battered immigrants.

SEC. 302. UNMARRIED SONS AND DAUGHTERS OF REFUGEES.—Under current law, when children reach the age of 21, they are classified as "sons and daughters" and lose their entitlement to refugee status when accompanying or following to join a parent who is a refugee. This section provides refugee status for older children when it is warranted by unusual circumstances or to preserve family unity.

SEC. 303. *Unmarried Sons and Daughters and Asylees.*—Provides asylee status to unmarried sons and daughters who are accompanying or following to join a parent who is a refugee when such a benefit is warranted by unusual circumstances.

SEC. 304. PROCESSING DELAYS.—Provides protection against INS and State Department delays in processing by requiring the determination of an applicant's eligibility to be based on the beneficiary's age 90 days after the date on which the application was filed. Also incorporates H.R. 2448 introduced by Rep. Mink (D-HI) to assure that immigrants do not have to wait longer for an immigrant visa as a result of a reclassification because of the naturalization of a parent or spouse.

Subtitle B.—Limited Waiver of Grounds of Admissibility

SEC. 311. 212(i) WAIVERS.—IIRIRA added a hardship provision requiring the applicant to establish that the waiver is needed to avoid causing "extreme hardship" to his or her spouse or parent. This section retains a general hardship requirement, but it does not require a showing of "extreme" hardship. IIRIRA also made persons present in the United States without being admitted or paroled inadmissible, and this section provides a discretionary waiver of that new ground of inadmissibility.

SEC. 312. DOCUMENT FRAUD.—Under IIRIRA, this waiver is limited to spouses and children. The reasons for permitting relief in cases where the alien was acting solely to help a spouse or a child apply with equal force to the case in which the alien was trying to help a parent or non-minor son or daughter. Relief obviously should be available in both situations.

SEC. 313. NEW GENERAL WAIVER.—Waives inadmissibility in unusual circumstances (including victims of a battering or extreme cruelty by a spouse or other relative) for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest. Applies to cases in which the applicant is inadmissible because of a failure to attend removal proceedings, for unintentionally violating the conditions of a student visa, for having been removed previously, and for being unlawfully present in the United States.

Subtitle C.—Eliminating Unfairness and Waste in Section 245(i) Waivers (Section 321-322)

Makes section 245(i) of the INA a permanent provision. Provides a waiver of inadmissibility on the basis of an unlawful presence in the United States in cases where the unlawful presence occurred during a time when the person involved would have been able to become a lawful permanent resident but for a gap in the life of section 245(i).

Subtitle D.—Equitable Procedures Concerning Voluntary Departure

SEC. 331. TIME ALLOWED FOR VOLUNTARY DEPARTURE.—IIRIRA limits grants of voluntary departure to a 120-day period. This section repeals that limit and permits the length of time for voluntary departure to be based on the circumstances in a particular case.

SEC. 332. VOLUNTARY DEPARTURE BONDS.—Eliminates the mandatory requirement that an lien must post a bond as a condition for receiving voluntary departure at the conclusion of removal proceedings and instead leaves this matter up to the discretion of the official who sets the bond terms.

SEC. 333. AUTOMATIC PENALTIES.—Eliminates automatic penalties for failing to depart pursuant to a grant of voluntary departure.

Subtitle E.—Public Charge (Sec. 341)

Eliminates the requirement of an affidavit of support as a condition for admissibility, but it permits using such an affidavit as evidence that the applicant for admission should not be excluded as a person who is likely to become a public charge. Also reduces the minimum income requirement for persons who sponsor the immigrants from 125% of the Federal poverty line to 100%.

TITLE IV.—FAIRNESS IN ASYLUM AND REFUGEE PROCEEDINGS

Subtitle A.—Increased Fairness in Asylum Proceedings

SEC. 401. TIME LIMITS ON ASYLUM APPLICATIONS.—Eliminates the requirement that an asylum applicant must establish that his application was filed within one year of his arrival at the United States or justify the delay on the basis of extraordinary circumstances.

SEC. 402. GENDER-BASED PERSECUTION.—Adds a provision to the definition of a "refugee" which specifies that persecution on account of gender will be deemed to fall within the "particular social group" category for asylum purposes.

SEC. 403. CAP ON ADJUST FROM ASYLEE TO LEGAL PERMANENT RESIDENT.—Eliminates cap of 10,000 on the number of individuals who can change their status from "asylee" to "lawful permanent resident" in any fiscal year. Provides that the President will set the numerical limitation before the beginning of each fiscal year.

SEC. 404. WITHHOLDING OF REMOVAL.—Individuals who have been convicted of certain offenses are currently ineligible for withholding of deportation even if there is a high probability that they will be persecuted. This section would limit that exclusion to individuals who were sentenced to an aggregate term of imprisonment of more than five years and are considered to be a danger to the United States.

Subtitle B.—Increased Fairness and Rationality in Refugee Consultations (Sec. 411)

Refugee Admissions Consultation. Changes the time for the President's report on refugee admissions from the beginning of each fiscal year to the date when he or she submits his or her budget proposal to Congress.

TITLE V.—INCREASED FAIRNESS AND EQUITY IN NATURALIZATION AND LEGALIZATION PROCEEDINGS

Subtitle A.—Naturalization Proceedings

SEC. 501. FUNDS FOR NATURALIZATION PROCEEDINGS.—Establishes a fund that will be used to reduce the backlog of naturalization applications to no more than six months. It would also provide funding for more expeditious processing of visa petitions, adjustment of status applications, and work authorization requests.

SEC. 502-506. CAMBODIAN AND VIETNAMESE MILITARY VETERANS.—Exempts Cambodian and Vietnamese naturalization applicants from the English language requirement if they served with special guerilla units or irregular forces operating in support of the United States during the Vietnam War (or were spouses or widows of such persons on the day on which such persons applied for admission as refugees). Also provides special consideration with civics requirement.

Subtitle B.—Parity in Treatment for Refugees From Central America and Haiti (Sections 511—516)

Incorporates the "Central American and Haitian Parity Act of 1999" (H.R. 2722) introduced by Reps. Smith (R-NJ) and Gutierrez (D-IL) to extend the same opportunity to become LPRs to eligible nationals of Guatemala, El Salvador, Honduras, and Haiti, as currently provided to Cubans and Nicaraguans under NACARA.

Subtitle C.—Equality of Treatment for Women's Citizenship (Sections 521—522)

Incorporates the "Restoration of Women's Citizenship Act" (H.R. 2493) introduced by Rep. Eshoo (D-CA) and Walsh (R-NY), which grants posthumous citizenship to American women who married alien men before September 1922 and died before they could take advantage of the procedures set up by Congress to regain their citizenship in 1951.

Subtitle D.—Refugees from Liberia (Sec. 531)

Authorizes lawful permanent resident status for Liberian refugees who are in the United States under a Deferred Enforced Departure Order executed by President Clinton on September 27, 1999.

Subtitle E.—Previously Granted Amnesty Rights (Sec. 541)

Incorporates the text of the "Legal Amnesty Restoration Act of 1999" (H.R. 2125) introduced by Rep. Jackson-Lee (D-TX) to repeal jurisdictional restrictions imposed by Congress on the courts in IIRIRA with respect to certain outstanding claims for legalization and work permits under the Immigration Reform and Control Act of 1986.

Subtitle F.—Legal Amnesty Restoration (Sec. 551)

Incorporates the text of the "Date of Registry Act" (H.R. 4138) introduced by Rep. Jackson-Lee (D-TX) and Rep. Luis Gutierrez (D-IL) to amend the INA to permit the Attorney General to create a record of lawful admission for permanent residence for certain aliens who entered the United States prior to 1986. This permits them to become lawful permanent residents of the United States.

Subtitle G.—Asian American Visa Petitions (Sec. 561)

Incorporates the text of the "American Asian Justice Act of 1999" (H.R. 1128) by Rep. Millender-McDonald (D-CA), which grants certain individuals born in the Philippines or Japan who were fathered by United States citizens the right to file visa petitions in lieu of their parents and other relatives.

TITLE VI.—FAIRNESS AND COMPASSION IN THE TREATMENT OF BATTERED IMMIGRANTS (SECTIONS 601-615)

The provisions in this title were taken from the "Battered Immigrant Women Protection Act of 1999" (H.R. 3083) introduced by Rep. Schakowsky (D-IL), Rep. Morella (R-MD), and Rep. Jackson Lee (D-TX), which continues the work that began with the passage of the first Violence Against Women Act in 1994 ("VAWA 1994"). IIRIRA drastically reduced access to VAWA immigration relief for battered immigrant women and children. Title VII restores and expands the provisions of VAWA which provide access to a variety of legal protections for battered immigrants.

TITLE VII.—UNUSED EMPLOYMENT BASED IMMIGRANT VISAS

SEC. 701.—Incorporates section 101(b) of the "Helping to Improve Technology Education and Achievement Act of 2000" (H.R. 3983) introduced by Rep. Zoe Lofgren (D-CA) and Rep. D. Dreier (R-CA) to allow unused visas from FY 1999 and FY 2000 to be recaptured for future use.

TITLE VIII.—MISCELLANEOUS PROVISIONS

SEC. 801. BOARD OF IMMIGRATION APPEALS.—Adds definition of "appellate immigration judge" to the existing definition of "immigration judge" and specifies that the Attorney General may delegate authority to the appellate immigration judges.

SEC. 802. FORFEITURES.—Limits the seizure and forfeiture of a vehicle used to harbor or smuggle an alien to cases in which the purpose of harboring or smuggling the alien was for commercial advantage or private financial gain.

SEC. 803. COMMUNICATIONS WITH THE INS.—Repeals a provision in IIRIRA which prohibits any federal, state or local government official from preventing or restricting any government entity from sending to or receiving information from INS regarding the citizenship status or immigration status of any individual, or maintaining such information.

SEC. 804. AUTHORITY TO PERMIT STATE PERSONNEL TO CARRY OUT IMMIGRATION OFFICER FUNCTIONS.—Repeals provision which allows the Attorney General to enter into agreements with State and local governments to have enumerated immigration functions handled by local law enforcement agencies.

SEC. 805. PAROLE AUTHORITY.—Changes the standard for determining when to parole a person into the United States temporarily from "for urgent humanitarian reasons or significant public benefit," to "for emergent reasons or for reasons deemed strictly in the public interest."

SEC. 806. BORDER PATROL.—Incorporates the text of the "Border Patrol Recruitment and Retention Act of 1999" (H.R. 1881) introduced by Rep. Jackson Lee (D-TX) to provide for an increase to the GS-11 grade level for Border Patrol agents who have completed one year of services at a GS-09 grade level and who have fully successful performance rating. It provides for an Office of Border Patrol Recruitment and Retention.

SEC. 807. ERRONEOUS ASYLUM APPLICATION.—Eliminates two IIRIRA provisions limiting the rights of persons seeking asylum. Section 208(d)(6) of the INA prohibits foreign nationals who have knowingly made a "frivolous" asylum application from ever receiving any benefit under the INA Sec. 208(d)(7) states that nothing in the asylum provisions of the INA can be construed to create a legally enforceable substantive or procedural right or benefit.

SEC. 808. AUTHORIZATION OF APPROPRIATIONS FOR IMPLEMENTATION OF ACT.—Authorizes appropriations for the various provisions included in the Act.

TITLE IX.—EFFECTIVE DATES

Sets forth various effective dates with regard to the Act's provisions.

INITIAL VICTORY IN THE STRUGGLE FOR FREEDOM OF THE PRESS IN RUSSIA—BUT THE FIGHT MUST GO ON

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. LANTOS. Mr. Speaker, in the long and difficult fight for freedom of the press in Russia we have won an important victory today. The Russian prosecutor informed Vladimir Gusinsky—head of Russia's Media-Most media conglomerate—that the case against him has been dropped for "the lack of a fact of a crime."

Mr. Speaker, the prosecutor's action against Mr. Gusinsky was never simply a case of prosecuting a crime. From the beginning it has been a case of seeking to persecute and harass and intimidate and muzzle the free press in Russia. Vladimir Gusinsky is the head of Media-Most, which owns NTV television network, Russia's leading independent television network, as well as Echo of Moscow radio, and a number of other important independent media ventures.

It is significant, Mr. Speaker, that NTV and other Media-Most journalists have been critical of Russian President Putin and of the actions of the Russian government. Critical journalism is certainly nothing that would even raise eyebrows in the United States or Western Europe or other free countries around the world.

Mr. Speaker, the harassment of Mr. Gusinsky involved actions against him that go well beyond what would be done in a normal criminal proceeding involving such charges. Mr. Gusinsky was jailed for four days in June; in a high-handed fashion authorities seized documents from his company's offices several times; after he was released from jail, he was repeatedly called in for questioning; he was prohibited from traveling abroad; and steps were taken to freeze his personal assets.

On a number of occasions in the past, I have called to the attention of my colleagues in this House the systematic efforts to harass and intimidate the independent media in Russia. I hope that President Putin now understands that there is no room for Russia in the community of free and democratic nations if his government engages in efforts to oppress and threaten the free press in Russia.

Mr. Speaker, the dropping of charges against Mr. Gusinsky represents a victory for democracy and press freedom in Russia, but the battle is far from over. We must continue and strengthen our efforts to preserve free media in Russia.

INTRODUCTION OF THE FEDERAL INFORMATION POLICY ACT OF 2000

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to introduce legislation that will endow the Federal Government with the ability to better coordinate and manage information technology policies governmentwide and transform the Federal Government into a national model for information resources management and information security practices. The Federal Information Policy Act [FIPA] of 2000 establishes an Office of Information Policy with a Chief Information Officer [CIO] for the United States and creates within that body, an Office of Information Security and Technical Protection [IN STEP]. This legislation harmonizes existing information resources management responsibilities now held by OMB and provides IN STEP with the responsibility for facilitating the development of a comprehensive, federal framework for devising and implementing effective, mandatory controls over government information security. In this latter respect, the Act is the logical complement to legislation I introduced in April, the Cyber Security Information Act of 2000, which seeks to encourage private sector information sharing with government in order to protect our national critical infrastructure. The Federal Information Policy Act will force the Federal Government to put its house in order and become a reliable public partner for protecting America's information highways.

For nearly four decades, information technology has been an integral component of information resources management [IRM] by the Federal Government. The Government's role as the single largest procurer of IT products and services in the 1960s and 1970s spurred the development of the U.S. computer industries that now form the backbone of our nation's New Economy. A decade ago, technology stood as one of many factors important to the mission and performance objectives of the Federal Government. Now both our economy and our society have become information-driven, such that IT plays the critical role in facilitating the Federal Government's ability to be effective and efficient in managing federal programs and spending, communicating with and providing services to citizens, and protecting America's critical infrastructure.

Five years ago, Congress recognized the crucial role played by technology when we called on the Administration to appoint a top-level officer to focus exclusively on the Year 2000 computer problem that threatened to undermine national commerce and government. This determination—that a single individual was needed to coordinate national and local cooperation to remediate computer systems and develop contingency plans—was based in part on an understanding of the interconnectivity of information systems within government, between government and the private sector, and within the private sector. The President heeded our recommendation and appointed John Koskinen to a Cabinet-level position as the chairman of the President's Council on Year 2000 Conversion.

Moreover, the Year 2000 computer problem highlighted two important deficiencies in the current Federal IRM structure. First, the Y2K scenario presented an important reminder that technology does not fill some amorphous role within the Federal Government. It is the ubiquitous thread that binds the operations of the Federal Government, and its efficient or inefficient use will make or break the ability of government to perform everything from the most mundane of governmental functions to the most critical national security measures. Second, the high degree of interdepence between information systems, both internally and externally, exposes the vulnerability of the Federal Government's computer networks to both benign and destructive disruptions. This factor is tremendously important to understanding how we devise a comprehensive and flexible strategy for coordinating, implementing and maintaining federal information security practices throughout the Federal Government as the rising threat of electronic terrorism emerges.

In following the lessons learned from the Y2K problem as well as the recent Love Bug viruses that affected many federal computer systems, the Federal Information Policy Act accomplishes four main purposes: (1) to revise chapter 35 of title 44 of the U.S. Code to establish a Federal Chief Information Officer to head the Office of Information Policy (OIP) within the Executive Office of the President; (2) to consolidate and centralize IRM powers currently allotted to the Office of Management and Budget [OMB] within the OIP; (3) to establish within the OIP the Office of Information Security and Technical Protection [IN STEP]; and (4) to establish a comprehensive framework implementing mandatory information security standards, and annual independent evaluations of agency practices in order to provide effective controls over Federal information resources. The Act creates a new chapter 36 to retain OMB's paperwork clearance functions that are currently contained in chapter 35 and are performed by the Office of Information and Regulatory Affairs.

This past May, at the Center for Innovative Technology in my congressional district, the House Government Reform Subcommittee on Government Management, Information, and Technology held a hearing in which we explored the strategies and challenges facing government in implementing electronic government initiatives. We learned that while electronic government initiatives promise to provide faster, more efficient, and convenient services, the Internet sets forth a wide array of challenges that must be addressed in order for the lower costs and improved customer service associated with electronic government to be realized. These include theft, fraud, consumer privacy protection, and the destruction of assets. To meet those challenges, the General Accounting Office [GAO] testified that "effective top management leadership, involvement, and ownership are a cornerstone of any information technology investment strategy."

The Paperwork Reduction Act [PRA] established the Office of Information and Regulatory Affairs [OIRA] within OMB and gave the Office the authority to reduce unnecessary paperwork burdens and to "develop and maintain a Governmentwide strategic plan for information resources management." However, in a July 1998 repot, the GAO found that OIRA had failed to satisfy some of its IRM responsibilities assigned by the PRA. And last year, the GAO found that improvements in broad IT management reforms "will be difficult to achieve without effective agency leadership support, highly qualified and experienced CIOs, and effective OMB leadership and oversight."

I am deeply concerned that current federal IRM policies are suffering from the lack of a focused, coordinating body. The Clinger-Cohen Act, passed in the 104th Congress, made an important contribution to Federal IT policy by mandating that federal agencies appoint Chief Information Officers and by recognizing the need to coordinate and facilitate interagency IT communication and policies, a role given to OMB. But having each agency develop IT policies independently of one another poses the potential risk of having a government unable to communicate and function and function amongst its own parts. A central IT management process is essential if government is going to be able to successfully achieve cost benefits similar to those experienced in the private sector and improve its responsiveness to the public through e-government initiatives and better-performing Federal operations. And that coordinating entity must be capable of deploying comprehensive policies that reflect the interdependence of federal information systems.

With its many management responsibilities, OMB is simply unable to devote the attention need for effective IRM. FIPA creates a CIO of the United States to fulfill that coordinating role, acting as the principal adviser to the President on the development, application and management of information technology government-wide. He or she will be able to encourage innovation in technology uses, coordinate inter-agency IRM initiatives and communication, and promote cost-effective investments in information technologies. The Act also formalizes the establishment of the Chief Information Officers Council, which currently exists by virtue of a 1996 Executive Order. Made up of the CIOs from the major Federal agencies, the CIO Council provides an important forum for interagency communication and for improving IT management policies, procedures, and standards. The Federal CIO will chair the Council, a position now held by the Deputy Director for Management at OMB, and must submit an annual report to the President and Congress on its achievements and recommendations for future initiatives.

A Federal CIO will allow OIRA to concentrate and improve on the critical function of paperwork reduction that is so important to our continued efforts to minimize bureaucratic burdens on individuals, small businesses, and others resulting from the collection of information by or for the Federal Government. It is for this reason that the paperwork clearance functions are maintained in FIPA.

Equally critical is the ability of the Federal Government to anticipate, monitor, and recover from intrusions into Federal computer networks. This important objective was detailed in the President's National Plan for Information Systems Protection, Version 1.0, issued in January 2000. Many sectors of the government have experienced, at one time or another, cyber security breaches. Under current law, rules and regulations governing the security of federal computer systems are guided by the Computer Security Act of 1987 and Annex III of OMB Circular A–130. The result is that several agencies including OMB, the National Institute of Standards and Technology [NIST], the General Services Administration, and the National Security Agency, all play a role in overseeing and implementing computer security procedures and reviews. Cyber security readiness is an intrinsic element of every information resources management. But like Federal IRM policy in general, the integrity of Federal information systems is being endangered by a lack of government-wide coordination and implementation of proven information security practices.

Certainly, each Federal agency must bear the responsibility for assessing risk, detecting and responding to security incidents, and protecting its own operations and assets. It is for this reason that this legislation also adapts many of the provisions contained in the Government Information Security Act championed by Senate Governmental Affairs Committee Chairman FRED THOMPSON. It requires every Federal agency to develop and implement security policies that include risk assessment, risk-based policies, security awareness training, and periodic reviews.

However, in a March 2000 Senate hearing on the Government Information Security Act, the GAO pointed to compelling reasons for establishing strong central leadership for coordinating information security-related activities across government. Foremost is the inadequacy of information-sharing among agencies regarding vulnerabilities and solutions to those weaknesses, as well as the lack of a clear mandate for handling and reporting security incidents affecting federal information systems.

For instance, in a March 29, 2000 hearing, the House Government Reform Subcommittee on Government Management, Information and Technology examined the state of information security practices throughout the Federal Government. GAO shared its most recent review at that time of the Environmental Protection Agency [EPA]. Its tests found "numerous security weaknesses associated with the computer operating systems and the agencywide computer network that support most of EPA's mission-related and financial operations." Indeed, the EPA had recorded several serious computer incidents within the last two years but the GAO indicated that EPA's subsequent methods for strengthening its security procedures were inadequate. In an earlier report, the GAO stated that "resolving EPA's information security problems will require substantial ongoing management attention since security program planning and management to date have largely been a paper exercise doing little to substantively identify, evaluate, and mitigate risks to the agency's data and systems."

As part of its testimony, the GAO referred to earlier findings that 22 of the largest federal agencies were providing inadequate protection for critical federal operations and assets from computer-based attacks. GAO reported that within the past year, it was able to identify systemic weaknesses in the information security practices of the Department of Defense, the National Aeronautics and Space Administration, the Department of State, and the Department of Veterans Affairs. In each instance, sensitive data and/or mission-critical systems were penetrable by unauthorized users.

These results reflect government-wide systemic weaknesses and follow numerous GAO audits which have repeatedly identified serious failures in the most basic access controls for Federal information systems. In its May 1999 tests of NASA's computer-based controls, GAO was able to successfully gain access to several mission-critical systems, and could have easily disrupted command and control operations conducted through orbiting spacecraft. An independent auditor found last August that the State Department's mainframe computer was extremely vulnerable to unauthorized access that could expose, in turn, other computer operations connected to those mainframe computers. These are just a few examples of the many troubling indicators that currently plague Federal agency information security practices.

Another key challenge to making the Federal Government more secure lies in the mind set of many federal agencies vis-a-vis the importance of information security to their operations and assets. For many, implementing best practices for controlling and protecting information resources is a low priority. A centralized leader would be able to make information security one of the top priority missions of the Federal Government. It is this overarching responsibility that is given to the United States CIO in the Act, and is subsequently delegated to the Director of IN STEP. In establishing government-wide policies, the IN STEP Director will direct the implementation of a continuing risk management cycle within each Federal agency, implement effective controls on information to address identified risks, promote awareness of information security risks among users, and act as a continual monitor and evaluator of policy and control effectiveness of information security practices.

In addition, the Federal Information Policy Act tightens the responsibilities of each Federal agency for implementing security procedures and policies that ensure the protection of its information systems. The CIO, in consultation with the Director of IN STEP, will have enforcement authority over individual agencies through his or her ability to make recommendations to the Director of OMB with respect to funding for information resources. This provision is necessary to ensuring that IN STEP can ensure accountability within each agency for information security management.

And finally, two other important features are included that are vital for the long-term development of flexible and responsive information security controls. The first is investing authority in the Director of IN STEP, through the CIO, to require Federal agencies to identify and classify the security risks associated with each of their information operations, and to calculate the risk and magnitude of harm that would result from an intrusion. IN STEP will have simultaneous authority to oversee the development and implementation of mandatory minimum control standards developed by NIST, that would be required for each classification. For this purpose, final authority is given to the CIO, in consultation with the Secretary of Commerce, to decide and officially issue the standards. And the Act requires the Inspector General or an independent evaluator to conduct an independent evaluation of the information security program and practices of each agency on an annual basis, which will subsequently be reported to the U.S. CIO.

At the time when the growth and success of our competitive national economy is clearly demonstrating a correlation to the Information Revolution, the Federal Information Policy Act will secure the ability of our Federal Government to fully utilize information technology in order to better serve American citizens. And in a time when any entity-including government-that is connected to a computer needs to make information security a priority, we are finding that the Federal Government is dangerously behind the curve. We are losing time. FIPA will spur the actions needed to achieve readiness against future cyber security threats in a uniform and coordinated process. It is my hope that Congress will act on this measure as soon as possible so that the Federal Government will move forward and become a leader in the management and protection of governmental information systems.

VOLUNTEERS RESTORE ROSIE THE RIVETER'S VICTORY SHIP

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. GEORGE MILLER of California. Mr. Speaker, earlier this month, the House of Representatives unanimously passed my legislation to create a Rosie the Riveter National Historic Park in Richmond, CA. H.R. 4063, which has been the subject of a hearing also in the Senate Energy Committee, would honor all those who served, in uniform and in coveralls, wearing helmets or bandanas, hoisting a machine gun or a welder's torch.

Rosie the Riveter is, in the words of the National Park Service, "the most remembered icon of the civilian work force that helped win World War II and has a powerful resonance in the women's movement." Rosie has been commemorated on posters, in the famous Normal Rockwell painting, and on a U.S. postage stamp. She remains one of the most enduring images of the Second World War.

Another icon does remain that is worth remembering and preserving is one of the 747 ships that the Rosies—and the Wendys and Welder—constructed at the Richmond Kaiser shipyards: the Red Oak Victory, one of the last surviving Victory ships that served in World War II. Eventually, the Red Oak Victory will play a crucial and permanent role in the National Historic Park. Today, she is being carefully restored by a small navy of volunteers that is stripping paint, cleaning rust, and reconstructing this legacy of the greatest war in history.

I want to pay tribute to the men and women who are volunteering their time to spruce up the Red Oak Victory so that future generations of residents, visitors and students can learn first hand about the home front efforts to win the war and the tremendous economic, demographic and social changes generated by the war effort.

The San Francisco Chronicle has published an account of the restoration effort, and I would like to share that report with my colleagues.

[From the San Francisco Chronicle, July 27, 2000]

ROSIE REVISITED—VOLUNTEER CREW IS RESTORING A WORLD WAR II VICTORY SHIP, REMNANT OF RICHMOND'S SHIPYARDS

(By Chip Johnson)

Every Tuesday for the past year, Owen Olson has left his Daly City home and stepped back in time aboard the Red Oak Victory, a World War II relic being brought back to life on the Richmond waterfront.

At 79 years old, the retired U.S. Navy lieutenant dons a pair of coveralls and safety glasses, and climbs down into the bowels of the ship's engine room to strip off layer upon layer of lead-based paint. His face streaked with oil, he is a Norman Rockwell image of an engine-room grease monkey.

Olson is one of the 30 volunteers, many of them retirees, who show up to paint, weld and repair the aging vessel. It is the only ship still afloat from Richmond's giant Kaiser Shipyards—a remnant of the glory days when 747 ships were built there during the war.

One day, they hope, the vessel will be docked at the Rosie the Riveter/World War II Home Front National Park in Richmond. The Rosie memorial, a 400-foot-long wall shaped like a section of a Victory ship, will tell the story of the working women—and men—of World War II. It is scheduled to be unveiled at a dedication ceremony in mid-October.

Meanwhile, about 7,000 feet of space at the old Ford plant, which built 60,000 tanks during the war, will be converted into a visitor center near where the Red Oak Victory would be docked in the future.

The visitor center will provide information about the shipyards, the tank factory and other World War II-era sites in Richmond as well as war-factory sites in Massachusetts, Washington, Michigan, Ohio, New York, Louisiana and Connecticut.

When the park is approved by Congress, it will become eligible for funding from the National Park Service. The visitor center is scheduled to be completed in two years.

Meanwhile, there is a lot of work to be done on the Red Oak Victory, whose restoration must be funded by grants and donations in addition to the sweat of volunteers who hope to have the job finished in two years.

On his weekly trip to Richmond, Olson is joined by a collection of aging wise guys and characters who look like they were typecast for a remake of "McHale's Navy," a 1960s TV sitcom.

The crew is clearly more comfortable aboard the ship—a rusting giant cargo vessel pulled from the mothball fleet at Suisun Bay two years ago—than they are on land. Some of the officers' quarters have been restored by a volunteer group from Clearlake in Lake County, but the rusting exterior decks and walls of the ship need the most attention.

Mike Huntsinger, a career merchant sailor, serves as the chief mate. His job is to coordinate the tasks on the ship and perform a mechanical assessment of the ship's condition. A detailed 60-page restoration report has just been submitted to a firm that will estimate the cost of repairing the 441-foot vessel.

"The objective is to restore it to an operating vessel and make it look like it did the day it was launched," he said.

Right now, the boat is docked in Brickyard Cove Marina at an old city-owned dock, Terminal 9. She is a rusting gray lady, but there are signs of life aboard her. A gigantic winch used to load one of the ship's four huge cargo holds has been restored and is now operational.

The 5mm and 20mm guns aboard the vessel, which was used to ferry supplies to soldiers fighting the Japanese, lie on the deck until the day they are mounted on the gun tubs on the bow and stern of the ship.

But making the Red Oak Victory whole again will take far more than the elbow grease and old sea stories that Olson and J.P. Irvin, his mate in the engine room, or chief engineer Bill Jackson can muster.

The cost is staggering—about $3 million to $4 million worth of mechanical repairs would require the giant vessel to be dry-docked. An equally long list of cosmetic work, including a stem-to-stern paint job, would also require a substantial investment, he said.

Sea valves in the ship's hull that once allowed ocean water inside to cool the engines have been welded shut. The propeller needs to be balanced, auxiliary generators could use an overhaul, and ultrasound tests must be performed on the hull, just to name a few things, Huntsinger said.

"We'll pare down from there and see what the real world gives us," he said.

Lois Boyle, president of the Richmond Museum of History, which owns the boat, will try to raise money through federal transportation grants, corporate sponsors—including Kaiser Permanente, whose parent company built the vessel—and hundreds of others.

The museum has also applied to have the ship placed on the National Register of Historic Places, which would qualify it for funding.

Despite its state of disrepair, the Red Oak Victory—named after the tiny town in Iowa that suffered the heaviest losses per capita in World War II—was a working merchant ship in the Vietnam War before being decommissioned in 1969.

Jackson, a veteran seaman who sailed for 53 years, knows the feeling. The 82-year-old Oakland native was living in Costa Rica with a new wife and new son when he got a call in 1990 from an old sea buddy to help run a steam-powered supply ship in Operation Desert Storm.

A few years later, Jackson returned to Oakland, where he lives with family members and spends his days aboard the Red Oak Victory.

"I love this ship and the sea and the friendships with the men that have sailed them over the years," he said.

He must love ships because during World War II, he had two of them torpedoed from underneath him. He survived, but suffered injuries aboard the Courageous, which was sunk off the coast of Trinidad.

The Red Oak Victory has become a rallying point for old sailors and history buffs alike, a place where they can work and reminisce and shave 30 years away.

Huntsinger remembers the feeling he had the first time he saw the ship.

"I saw the mast from the highway, came aboard and the memories came flooding back," he said.

As much as he and the rest enjoy the work, they will never turn away volunteers.

"I have a love for these old ships," said Rolly Hauck, 77 a retired salesman from Novato who served in the merchant fleet.

He and his compatriots have but one collective wish when it comes to the Red Oak Victory.

"I want to see this ship live again," Hauck said.

DEVELOPMENTAL DISABILITIES ASSISTANCE AND BILL OF RIGHTS ACT OF 2000

SPEECH OF

HON. JAMES H. MALONEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Mr. MALONEY of Connecticut. Mr. Speaker, this week marks the 10th anniversary of the Americans for Disability Act, which has helped all our fellow Americans to realize their full potential. In this regard, I was pleased to attend a ceremony last month here in the U.S. Capitol Building at which Pitney Bowes, a worldwide leader in messaging technology based in Connecticut, received the Blinded American Veterans Foundation's Corporate Award for their development of the Universal Access Copies.

This revolutionary copier incorporates many leading technologies, including the first-ever use of advanced speech recognition in a copier. This speech recognition software can "learn" any user's voice pattern, including those with speech disabilities, and respond to any language. This enables users to operate every feature of the copier merely by stating simple commands. In addition to voice activation, a touch screen and Braille keyboard allows operators to choose how they prefer to operate the system. The copier also adjusts to different heights allowing people with mobility limitations, including those in wheelchairs, to operate it. The Universal Access Copier assists those with disabilities in enjoying employment opportunities that may not have been previously available to them.

At the ceremony, John Fales, Jr., President of the Blinded American Veterans Foundation (BAVF), presented the award to Michael Critelli, CEO and Chairman of Pitney Bowes. This was the 15th annual George "Buck" Gillispie Congressional awards ceremony held as part of the 2000 Flag Week events. For those who may not know, BAVF was launched in 1985 by three American Veterans who lost their sight during service in Korea and Vietnam—John Fales (USMC), Don Garner (USN) and Dennis Wyant (USN). All these individuals had achieved successful careers despite their blindness but they realized that many sensory disabled veterans had not had the same opportunities afforded them. Accordingly, they determined to form the foundation and pursue its goals of research, rehabilitation and re-employment.

I am proud to say the Universal Access Copier was developed at the Pitney Bowes Technology Center, which serves as the company's "innovation incubator", and symbolizes Pitney Bowes' ongoing commitment to excellence in research and technological development. The Technology Center sits on a nine-acre site in my congressional district in Shelton, Connecticut and provides a consolidated engineering campus for several hundred engineers, scientists, and programmers. The company was previously honored for development of the copier when it was presented the Computerworld Smithsonian Award which recognizes vision, leadership and innovation through outstanding use of information technology. Pitney Bowes' Universal Access Copier was singled out for the help it offers 34 million Americans with disabilities of working age in living and working more independently. The copier has also been inducted into the permanent Smithsonian Institution's Research Collection alongside such famous technological innovations as Samuel Morse's original telegraph.

The copier is only one of many Pitney Bowes' technological innovations. For the last 14 years, the company has ranked in the top 200 companies receiving U.S. patents. Pitney Bowes has received over 3,000 patents worldwide, with an average of more than 100 issued every year.

Mr. Speaker, Pitney Bowes unwavering commitment to bring innovative technologies to all, including those with disabilities, truly stands out. I commend them on their work and look forward to their continued success.

TRIBUTE IN APPRECIATION OF DANIEL ZARAZUA

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. BARCIA. Mr. Speaker, today I congratulate Chief Master Sergeant Daniel Zarazua on his retirement from the Air Force and in appreciation for the many years of dedicated service that he has given to his family, his community, and his country.

Born August 5, 1952, Daniel Zarazua has lead a heroic and inspirational life. He joined the United States Air Force in 1970, and after completing basic training and technical school, he graduated as a Medical Service Specialist at Sheppard Air Force Base in Texas. He has served all over the world, including assignments in Taiwan, the Philippines, Italy, and Korea, and rose from the rank of Airman to Chief Master Sergeant in less than 20 years. He has received the Meritorious Service Medal, the Air Force Commendation Medal, and the Air Force Achievement Medal, among other decorations during his distinguished career.

But Daniel Zarazua has always been more than just a soldier. He has always been a dedicated family man. Ask his mother Lila, a truly remarkable woman in her own right, and she will tell you that her son, Dan, called her nearly every single Monday throughout his military career. And with a wife and two children of his own, seven natural siblings, nine step-siblings, he has had opportunities to be a husband, a father, a big brother, a little brother, and an uncle.

Throughout American history, there are stories of great heroism, tremendous sacrifice, and epic courage. America is safe and free because generations of men and women willingly endured the hardships and sacrifices required to preserve our liberty. They answered the call and were there to fight for the nation, so that all of us could enjoy the freedoms we hold so dearly. America is truly the land of the free and home of the brave because of men like Daniel Zarazua who were willing to risk their life at the altar of freedom.

It was General George Patton who said "Wars may be fought with weapons, but they are won by soldiers. It is the spirit of the soldier who follows and of the soldier who leads that gains the victory." Mr. Speaker, Daniel Zarazua has always been a "soldier who leads", and I ask all of my colleagues to join me in honoring him for his unending dedication to his family, his community, and his country. I could go on and on about Daniel's patriotism, but I wanted to recognize him for all that he has done, and wish him well in the days ahead, days that will be filled with all the good fruits of a well-deserved retirement. I know that he will spend even more time with his mother, his wife Sue, and his two children, Dan and Monica. Daniel Zarazua has lived a truly incredible life, and he serves as a role model and an inspiration to everyone who has had the pleasure to know him.

CONGRATULATING JAMES AND COKE HALLOWELL

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate James and Coke Hallowell for winning the Excellence in Business Hall of Fame Award for 2000.

James started working at his father's dealership in 1955, and assumed control of the company in 1968. It was a small company in a rural community. By 1999 Hallowell Chevrolet sold 2,000 vehicles and generated $65 million in sales. James retired from the business in 1999, when he sold the dealership to his partner Bill Hendrick.

Over the years James and Coke have received numerous honors. James has received the Leon S. Peters Award, Fresno Junior Chamber of Commerce Award as Fresno's Outstanding Young Man in 1969, Time Magazine's Quality Dealer Award in 1971, and Fresno State's Alumnus of the Year award in 1974. Coke has been the State Center Community College District trustee for two terms.

James and Coke have contributed their time, efforts, and money to charitable and civic causes as well. Coke has been deeply committed to the San Joaquin River Parkway since 1985. James has been active with the Fresno Philharmonic Orchestra, is currently president-elect of the Fresno Business Council, and has a seat on the Community Medical Center's Board of Directors.

Mr. Speaker, it is my pleasure to congratulate James and Coke Hallowell for winning the Excellence in Business Hall of Fame Award for 2000. I urge my colleagues to join me in wishing them many more years of continued success.

MABANK CENTENNIAL CELEBRATION

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. HALL of Texas. Mr. Speaker, it is my privilege to rise today in recognition of the Centennial Celebration of MaBank, Texas in the fourth Congressional District. Mabank was established in 1889 when two ranchers, Mason and Eubank, convinced railroad officials to build their line through their ranches. Thus, the community Mabank was formed and named for these two ranchers—and one-hundred years later continues to be a thriving community beloved by its dedicated citizens and filled with community spirit.

To celebrate this important milestone, Centennial Committee Chairman Robert Eubank, and members Louann Confer, Larry Teague, Jim Clark, John Hyde, Tom Whatley, Hughla Beets and Andrea Pickens, along with Centennial Coordinators Vicky Watters and Scott Confer, are planning a festive week of activities from October 3 to 7, 2000.

The celebration will begin with a tribute to Veterans that will include a special salute fly-over by F–16's from the 457th Fighter Squadron. The Mabank Band will present a patriotic concert and other Mabank Independent School District students will perform dances representative of various periods during the last century. There also will be a skit depicting the history of Mabank. Area churches will come together one evening for singing, and several groups, including the contemporary Christian band "Forty Days" will close the evening's events.

A carnival will run through the remainder of the week, and there will be an authentic representation of the Wild, Wild West, among other special events. Friday night the Mabank Panthers football team will take on their traditional rival, the Kemp Yellow Jackets. On Saturday, a parade commemorating the history of Mabank will begin at Mabank High School. The three acres adjacent to the new Pavilion and Rodeo Arena will be bustling with the carnival, a chili cook-off, classic and antique car show and an arts and crafts festival. Other activities include a quilting show and a domino tournament. Centennial week events will culminate with a concert starring Mark Chesnutt and Woody Lee as featured entertainers.

Mr. Speaker, centennial celebrations are important footnotes to our nation's history. We have much to be thankful for in our great nation, and I join the citizens of Mabank in celebrating the rich history of their hometown during their Centennial Celebration this year. I would have a difficult time in discussing Mabank and not remembering a great part of the bedrock of this city, county, state and nation—the late Andrew Gibbs. Space and time prevent me from listing his many contributions, and acts of kindness and friendship, but suffice it to say that he is missed by all who knew him. So as we adjourn today, let us do so by paying tribute to the Centennial Anniversary of Mabank, Texas, and to one of its most distinguished citizens, the late Andrew Gibbs.

JUSTICE FOR VICTIMS OF TERRORISM

SPEECH OF

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Mr. McCOLLUM. Mr. Speaker, I rise in support of H.R. 3485, the Justice of Victims of Terrorism Act, which I introduced and which has strong bipartisan support in Congress. This bill amends law first passed in 1996 to allow justice for the victims of state sponsored terrorism and to hold terrorist states accountable for their conduct. Under current law, these victims are entitled to compensation out of frozen assets in the United States of the guilty terrorist state once the victim obtains a federal court judgment. Sadly, however, the Administration is denying these victims, such as Stephen Flatow, the Brothers to the Rescue families, Terry Anderson and the other victims of terrorism in Lebanon, the justice they deserve.

In response to the President's urging, Congress passed in April 1996 a provision in the Anti-Terrorism and Effective Death Penalty Act [28 U.S.C. 1605(a)(7) and 1610(a)(7)] which gave victims of terrorist acts the ability to sue the state sponsors of those acts in federal court. This is one of seven exceptions to the jurisdictional immunity of a foreign state. The 1996 Anti-Terrorism Act also made an exception to U.S. sovereign immunity in order for such victims who are awarded judgments to proceed against the frozen, or blocked, commercial assets of that terrorist state that are held in trust by the United States government. The Act gave victims the ability to proceed against terrorist-owned assets regardless of whether those assets were involved in the terrorist act itself.

In October 1998, Congress passed Section 117 of the Fiscal Year 1999 Treasury Department Appropriations Act to clarify the assets of terrorist states available to victims of terrorism for attachment and execution of judgments. At the insistence of the Administration, however, that legislation gave the President a waiver to block the attachment of certain assets, if he deemed it to be in the interest of national security. Instead, the President exercised that waiver to essentially nullify the law and deny compensation out of frozen assets in every case to date.

H.R. 3485 remedies the Administration's failure to enforce the law in two ways. First, the bill amends the definition of "agency or instrumentality of a foreign state" to allow victims to proceed against assets that are majority owned by terrorist states. This gives victims a practical remedy in collection upon terrorist assets. Second, the bill narrows and clarifies the President's national security waiver to explicitly allow the President to protect diplomatic property, but not commercial assets.

I am concerned that the President has exercised what was intended to be a narrow national security waiver too broadly and contrary to the clear intention of Congress both in the 1996 Anti-Terrorism Act and particularly, in the FY99 Treasury Department Appropriations bill. In Section 117 of the FY 99 Appropriations bill, Congress intended a narrow waiver as interpreted in the case of *Alejandre v. Republic of Cuba*. Let me make it absolutely clear on top of any reading of past statements or reading of the Committee Report in relation to H.R. 3485 that the waiver is a narrow one, and this bill replaces that waiver with language that limits the President's power to protect only diplomatic property as defined under the Vienna Convention.

I am also concerned about the difficulty that victims of terrorism have had in executing against the blocked assets of terrorism sponsoring states because of the lack of information available from the foreign state. H.R. 3485 is intended to make it easier for victims to execute against these assets by clarifying that the victims are not required to meet additional hurdles of proof, including the alter-ego test or a showing of a daily control as has been applied based on the Supreme Court's 1983 decision in *Bancec*. Again, let me make it clear that H.R. 3485 eliminates any of these additional hurdles not intended to be imposed under Section 117, and instead allows for a showing of majority ownership by terrorist states.

The President and Administration officials encouraged victims to take terror states to court under the 1996 Anti-Terrorism Act. Yet now, in contradiction to the President's words, the Administration refuses to allow compensation out of the frozen assets of terrorist states against whom judgment have been rendered. As a consequence, those who have committed acts of terror resulting in the death of American citizens are effectively going unpunished.

In addition to the Brothers to the Rescue families who suffer from Cuba's 1996 shootdown of civilian aircraft, this legislation assists two well-known victims of Iranian-sponsored terrorism. In a tragic case, the family of Alisa Flatow won a judgment against the government of Iran for its involvement in a bus bombing in Israel in April 1995 that took her life. Months after Stephen Flatow received his judgment in federal court, the President exercised the national security waiver to prevent the Flatow family from attaching Iranian assets in the United States. Another example is the horrific story of Terry Anderson, who as we all recall, was barbarically held in Beirut by terrorists sponsored by Iran for over seven years. Several months ago, Terry Anderson won a judgment against Iran and he now joins other former Iranian hostage sin seeking compensation and justice. Recently, the Eisenfeld and Duke families own a judgment for the murder in a bus bombing in Israel of their son and daughter, who were engaged to be married at the time. Also, Robin Higgins whose husband, U.S. Marine colonel, was brutally murdered by terrorists sponsored by Iran in Lebanon is currently in the process of seeking her judgment.

The Administration has used a variety of evolving arguments to deny these victims the justice they deserve. These arguments were presented before a Committee hearing in the other body, discussed in a hearing I chaired in the Subcommittee on Immigration and Claims, and enumerated in responses to questions I submitted to Treasury Deputy Secretary Stuart Eizenstat. I have considered the Administration's arguments and have determined, along with other colleagues of mine, they do not hold up.

I hope my colleagues on both sides of the aisle will support this important and necessary legislation to finally bring justice to the victims of terrorism and to deter terrorist acts against U.S. citizens by making those state sponsors of terrorism pay.

INTRODUCTION OF THE "VIOLENCE AGAINST WOMEN CIVIL RIGHTS RESTORATION ACT OF 2000"

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. CONYERS. Mr. Speaker, I am proud and honored today to be joined by Ms. BALDWIN, Ms. MALONEY and 40 other co-sponsors to introduce the "Violence Against Women Civil Rights Restoration Act of 2000."

The Violence Against Women Act of 1994, or "VAWA," was historic legislation that contained a broad array of laws and programs to address domestic violence and sexual assault in our country.

In addition to funding numerous programs such as law enforcement and prosecution grants to combat violence against women, a National Domestic Violence Hotline, and battered women's shelters and services, VAWA created both civil and criminal causes of action to target domestic violence and sexual assault.

A few months ago, the Supreme Court struck down a provision of VAWA, which allowed victims of gender-motivated violence to sue their attackers in federal court. Importantly, that case, United States v. Morrison, did not affect the validity of the rest of VAWA, which is clearly constitutional.

But, Morrison is just the latest in a series of cases in which the Supreme Court has, in my view, improperly narrowed Congress' authority to legislate under the Commerce Clause.

The Court's 5–4 majority disregarded the mountain of evidence that Congress had amassed through four years of hearings, documenting the effects of violence against women on interstate commerce. The Court's majority substituted its own judgment for that of Congress—and this from supposedly "conservative" Justices who purport to defer to Congressional findings.

The Morrison decision vividly demonstrates the important role the next President will have in shaping the composition of the Supreme Court, and ensuring that the Court respect Congress' authority to protect the civil rights of our citizens.

In response to the Morrison decision, I am introducing the "Violence Against Women Civil Rights Restoration Act of 2000." This legislation will restore the ability of victims of gender-motivated violence to seek justice in federal court, where there is a connection to interstate commerce.

For example, a rape victim could bring a civil suit against her attacker in federal court where the attacker crosses a state line; if he uses a facility or instrumentality of interstate commerce—such as the roads, the telephone, or the Internet; or if he uses a gun, weapon, or drug that has traveled in interstate commerce. In addition, she could bring a case where the intent of the offense is to interfere with her participation in commercial or economic activity.

The bill also authorizes the Attorney General to prevent discrimination in the investigation and prosecution of gender-based crimes. This bill will ensure that all victims have fair and equal access to the courts.

I want to thank the domestic violence and sexual assault communities for their support of this legislation, especially NOW Legal Defense and Education fund, who defended Christy Brzonkala before the Supreme Court, and who has been instrumental in drafting this bill.

I look forward to working with the Majority, the Senate, and the White House to help pass this bill into law and restore the civil remedy for victims of gender-based violence.

TRIBUTE TO LT. COL. RICHARD F. BLANSETT, 174TH FIGHTER WING

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. WALSH. Mr. Speaker, on October 1, 2000 Lt. Col. Richard F. Blansett is retiring as the comptroller for the 174th Fighter Wing of the New York Air National Guard located at Hancock Field in Syracuse, NY. He assumed the position of comptroller on October 1, 1989. In this capacity, he is responsible for the development and administration of the Wing's $29 million annual budget as well as a variety of military personnel resources.

Lieutenant Colonel Blansett was born on December 25, 1944 in Watertown, NY and graduated from Watertown High School in June of 1962. He holds a bachelor of arts degree from Union College and a master of science degree in Human Resource Management from Chapman University.

Lieutenant Colonel Blansett began his military career as a traditional guardsman with the 174th Fighter Wing, enlisting as an administrative clerk assigned to the Fuels Branch in 1967. Since then, he has served the Wing in its Support Group Orderly Room, Supply Squadron Executive Support Office and Combat Support Squadron. He has served as Squadron Executive Support Officer, Squadron On-the-Job Administrator, Base Chief Career Counselor and Base Utilization Officer, rising in rank to staff sergeant, to second lieutenant and to captain.

In 1981, then Captain Blansett became a full-time member of the Guard as the Wing Logistics Plans Officer. In 1985, he was transferred to the Resources Squadron to serve as budget officer and cost analysis officer. He continued to be a leader in logistical deployments as the air cargo officer—a heavy additional duty that he maintains to date.

In 1989, then Major Blansett was assigned to his current position as comptroller. During Operation Desert Shield and Desert Storm in 1990–91, when the 174th Fighter Wing was deployed to the Persian Gulf, Major Blansett served as the acting Deputy Commander for Resources.

On September 19, 1993 Major Blansett was promoted to lieutenant colonel. Throughout his tenure in this position, Lieutenant Colonel Blansett implemented and managed a variety of programs at base level and has been instrumental in managing the evolution of financial management processes from paper to electronic systems. In his 11 years in this position, Lieutenant Colonel Blansett has maximized unit resources and played a crucial role in the improvement of Hancock Field's infrastructure.

He has served as chairman of the Comptroller Advisory Board for the entire Air National Guard and, most recently, has advised and assisted the 174th in its Aerospace Expeditionary Force Deployment Operation. He also has played a key role in shaping the first home-station Operational Readiness Inspection conducted by Air Combat Command.

During his time in service Lieutenant Colonel Blansett has received numerous medals and commendations. More importantly, he has earned the respect and admiration of the men and women who serve with him.

In addition to his work duties, Lieutenant Colonel Blansett has been actively involved in the Boy Scout organization, serving as both a scoutmaster and Explorer advisor. Lieutenant Colonel Blansett and his wife, Julie, have a son, Christoper, daughter-in-law, Jen, and daughter Kimberly, all of whom reside in the Syracuse area.

I take this opportunity to applaud and commend Lieutenant Colonel Blansett for his 30-plus years of service to the 174th Fighter Wing and wish him well as he conquers new challenges in retirement. We are all better off for his years of dedication and sacrifice.

25TH ANNIVERSARY OF THE HELSINKI FINAL ACT

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. SMITH of New Jersey. Mr. Speaker, next Tuesday marks the 25th anniversary of the signing of the Helsinki Final Act, which organized what has become known as the Helsinki or OSCE process, a critical venue in which the United States has sought to advance human rights, democracy and the rule of law. With its language on human rights, the Helsinki Final Act granted human rights of a fundamental principle in regulating international relations. The Final Act's emphasis on respect for human rights and fundamental freedoms is rooted in the recognition that the declaration of such rights affirms the inherent dignity of men and women and are not privileges bestowed at the whim of the state. The commitments are worth reading again. Among the many pages, allow me to quote from several of the documents:

In the Helsinki Final Act, the participating States commit to "respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion."

In the 1990 Charter of Paris for a New Europe, the participating states declared, "Human rights and fundamental freedoms are the birthright of all human beings, are inalienable and are guaranteed by law. Their protection and promotion is the first responsibility of government."

In the 1991 Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE, the participating States "categorically and irrevocably declare[d] that the commitments undertaken in the field of the human dimension of the CSCE are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the States concerned."

In the 1990 Charter of Paris for a New Europe, the participating States committed themselves "to build, consolidate and strengthen democracy as the only system of government of our nations."

The 1999 Istanbul Charter for European Security and Istanbul Summit Declaration notes the particular challenges of ending violence against women and children as well as sexual exploitation and all forms of trafficking in human beings, strengthening efforts to combat corruption, eradicating torture, reinforcing efforts to end discrimination against Roma and Sinti, and promoting democracy and respect for human rights in Serbia.

Equally important, the standards of Helsinki, which served as a valuable lever in pressing human rights issues also provided encouragement and sustenance to courageous individuals who dared to challenge repressive communist regimes. Many of these brave men and women—members of the Helsinki Monitoring and affiliated Groups in Russia, Ukraine, Lithuania, Georgia, Armenia, and similar groups in Poland and Czechoslovakia and elsewhere, Soviet Jewish emigration activists, members of repressed Christian denominations and others—paid a high price in the loss of personal freedom and, in some instances, their lives, for their active support of principles enshrined in the Helsinki Final Act.

Pressure by governments through the Helsinki process at various Helsinki fora, thoroughly reviewing compliance with Helsinki commitments and raising issues with Helsinki signatory governments which violated their freely undertaken human rights commitments, helped make it possible for the people of Central and Eastern Europe and the former Soviet Union to regain their freedom and independence.

With the dissolution of the Soviet Union and Yugoslavia, the OSCE region has changed dramatically. In many of the States, we have witnesses widespread and significant transformations and a consolidation of the core OSCE values of democracy, human rights and the rule of law. Unfortunately, in others, there has been little if any progress, and in some, armed conflicts have resulted in hundreds of thousands having been killed and in the grotesque violation of human rights.

Mr. Speaker, this milestone anniversary presents the President an appropriate opportunity to issue a proclamation in recognition of the obligations we and the other OSCE States have committed to uphold. It is important to keep in mind that all of the agreements of the Helsinki process have been adopted by consensus and consequently, each participating State is equally bound by each document. In addition to committing ourselves of the faithful implementation of the OSCE principles, the President should encourage other OSCE signatories as all of us have recognized that respect for human rights and fundamental freedoms, democratic principles, economic liberty, and the implementation of related commitments continue to be vital elements in promoting a new era of democracy and genuine security and cooperation in the OSCE region. Each participating State of the OSCE bears primary responsibility for raising violations of the Helsinki Final Act and the other OSCE documents.

In the twenty-five years since this historic process was initiated in Helsinki, there have been many successes, but the task is far from complete. Mr. Speaker, we can look at OSCE's past with pride and its future with hope, keeping in mind President Ford's concluding comments at the signing of the Helsinki Final Act: "History will judge this conference not by what we say here today, but by what we do tomorrow—not by the promises we make, but by the promises we keep."

TRIBUTE TO ANNE WILLIS, LONGTIME CHICAGO EDUCATOR

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. LIPINSKI. Mr. Speaker, today I pay tribute to a longtime educator who is retiring from the Chicago Public School system (CPS) this year. After 36 years of tremendous service for the Chicago Board of Education (CBE), Anne Willis will be leaving Byrne Elementary School in Southwest Chicago. This teacher is a perfect example of the continuously hardworking, but often-unrecognized efforts of educators in the Third Congressional District of Illinois. It gives me great pride to share with you her story and accomplishments.

Anne Willis brought to the Chicago public schools an extensive advanced education. In 1957, Anne earned a bachelors of arts from St. Xavier University in Chicago. Ten years later, she earned a masters of education from Chicago State. In 1978, Mrs. Willis completed another masters degree from Rush University's College of Nursing.

Besides years of tremendous medical care for Chicago students, Anne was active in important community organizations. For example, she served as a school nurses delegate to the Chicago Teacher's Union (CTU), and participated in the Courtesy Classroom of the Region 4 Nurses Club.

With her duly earned free time, Anne plans to join the "Walkers of the USA" and walk across the Earth's most beautiful locations. When commenting on her retirement, Anne stated admirably: "The most important people for me are the children I serve, my family and friends."

Again, I was pleased to learn of the retirement and wonderfully productive life of Anne Willis. In a time when she is receiving numerous recognition and praise, I gladly echo my own thanks from the Halls of the U.S. Congress. This educator represents the day-to-day hard work and compassion that steer Chicago's youth toward successful and healthy futures. Mr. Speaker, I wish Anne Willis a well-deserved long and happy retirement.

A TRIBUTE TO PITNEY BOWES' COMMITMENT TO DISABLED AMERICANS

HON. JAMES H. MALONEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. MALONEY of Connecticut. Mr. Speaker, this week marks the 10th anniversary of the Americans with Disabilities Act, which has helped all our fellow Americans to realize their full potential. In this regard, I was pleased to attend a ceremony last month here in the U.S. Capitol Building at which Pitney Bowes, a worldwide leader in messaging technology based in Connecticut, received the Blinded American Veterans Foundation's Corporate Award for their development of the Universal Access Copier.

This revolutionary copier incorporates many leading technologies, including the first-ever use of advanced speech recognition in a copier. This speech recognition software can "learn" any user's voice pattern, including those with speech disabilities, and respond to any language. This enables users to operate every feature of the copier merely by stating simple commands. In addition to voice activation, a touch screen and Braille keyboard allows operators to choose how they prefer to operate the system. The copier also adjusts to different heights allowing people with mobility limitations, including those in wheelchairs, to operate it. The Universal Access Copier assists those with disabilities in enjoying employment opportunities that may not have been previously available to them.

At the ceremony, John Fales, Jr., President of the Blinded American Veterans Foundation (BAVF), presented the award to Michael Critelli, CEO and Chairman of Pitney Bowes. This was the 15th annual George "Buck" Gillispie Congressional awards ceremony held as part of the 2000 Flag Week events. For those who may not know, BAVF was launched in 1985 by three American Veterans who lost their sight during service in Korea and Vietnam—John Fales (USMC), Don Garner (USN) and Dennis Wyant (USN). All of these individuals had achieved successful careers despite their blindness but they realized that many sensory disabled veterans had not had the same opportunities afforded them. Accordingly, they determined to form the foundation and pursue its goals of research, rehabilitation, and re-employment.

I am proud to say the Universal Access Copier was developed at the Pitney Bowes Technology Center, which serves as the company's "innovation incubator," and symbolizes Pitney Bowes' ongoing commitment to excellence in research and technological development. The Technology Center sits on a nine-acre site in my congressional district in Shelton, Connecticut and provides a consolidated engineering campus for several hundred engineers, scientists and programmers. The company was previously honored for development of the copier when it was presented the Computerworld Smithsonian Award which recognizes vision, leadership and innovation through outstanding use of information technology. Pitney Bowes' Universal Access Copier was singled out for the help it offers 34 million Americans with disabilities of working age in living and working more independently. The copier has also been inducted into the permanent Smithsonian Institution's Research Collection alongside such famous technological innovations as Samuel Morse's original telegraph.

The copier is only one of many Pitney Bowes' technological innovations. For the last 14 years, the company has ranked in the top 200 companies receiving U.S. patents. Pitney Bowes has received over 3,000 patents worldwide, with an average of more than 100 issued every year.

Mr. Speaker, Pitney Bowes' unwavering commitment to bring innovative technologies to all, including those with disabilities, truly stands out. I commend them on their work and look forward to their continued success.

TRIBUTE TO MARC REISNER

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today to announce the untimely passing of Marc Reisner, a leading environmental author who helped awaken the nation and this body to the urgent need to reform the way we thought about water policy.

Mr. Reisner's 1986 book, "Cadillac Desert," is not only one of the great pieces of environmental literature ever written, but a marvelous study of the political process. It is often said that in the American West, whiskey is for drinking and water is for fighting. Mr. Reisner's account of the historic water battles that have rocked California over the past 100 years puts new meaning into that old truism.

Having spent much of the last quarter century working to bring federal water policy into the modern era, I salute Mr. Reisner for bringing these issues, and the urgency of adopting a new water ethic, before the public in a comprehensive and effective history. We continue the arduous and seemingly never-ending battle to modernize water policy, and much of what we have achieved, including the landmark Central Valley Project Improvement Act of 1992, has profited by the understanding of water policy and water politics promoted by Mr. Reisner and "Cadillac Desert."

I want to express my condolences to his family, including his wife Lawrie Mott who is a scientist with the Natural Resources Defense Council, and their two daughters. While his passing is a devastating loss and unacceptingly premature, I hope they can find comfort in knowing that his work helped change this nation for the better, and will continue to influence policymakers and private citizens for many years to come.

I submit for the RECORD at this point a story from the San Francisco Chronicle on Marc Reisner.

The article follows:

[From the San Francisco Chronicle, July 24, 2000]

MARC REISNER, LECTURER, AUTHOR OF "CADILLAC DESERT"

(By Glen Martin)

Marc Reisner, a writer and conservationist who wrote the seminal text on the West's perennial water wars, died Friday of cancer at his Marin County home. He was 51.

Mr. Reisner wrote and lectured extensively on environmental issues, but he was best known for his 1986 book, "Cadillac Desert," an angry indictment of water depletion in the American West.

The book was a wake-up call about destructive dam-building, pork barrel water subsidies, and the general frittering away of the West's scarce water resources.

It stimulated a campaign for water policy reform that continues to the present.

Mr. Reisner was born in St. Paul, Minn., and was a 1970 graduate of Earlham College in Indiana. From 1972 to 1979, he was a staff writer and communications director for the Natural Resources Defense Council.

He was awarded an Alicia Patterson Journalism Fellowship in 1979, and began the research on water policy that ultimately resulted in "Cadillac Desert."

Mr. Reisner's book was a finalist for the National Book Critics Circle Award in 1986. The book was the basis for a $2.8 million documentary film series, which was first shown on national Public Broadcasting stations in 1997. The film won a Columbia University/Peabody Award.

"Cadillac Desert" was ranked by the Modern Library as 61st among the 100 most notable nonfiction English language works published in the 20th century.

Mr. Reisner was also the author of "Game Wars," a 1991 book that elucidated the career of Dave Hall, a now retired special agent for the U.S. Fish and Wildlife Service who specialized in busting international poaching rings.

With author Sarah Bates, he co-wrote "Overtapped Oasis" in 1989, an examination of Western water policy. During the course of his career, his elegantly written essays and articles appeared in dozens of magazines and newspapers.

At the time of his death, Mr. Reisner was working on a book about the role natural disasters have played in shaping California history and politics.

In recent years, Mr. Reisner devoted much of his time to promoting solutions to California's environmental problems.

He was a consultant to the Pacific Coast Federation of Fishermen's Associations on removing antiquated dams that were interfering with anadromous fish runs.

He also co-founded the Ricelands Habitat partnership, a coalition of farmers and conservationists that worked to promote environmentally friendly agriculture, improve waterfowl habitat on cropland and minimize the negative impact on fisheries caused by water diversions.

Mr. Reisner was also involved in two private "green" ventures.

He managed the Vidler Water Co., which promoted environmentally benign groundwater storage and water transfer programs as an alternative to dams. And he worked with a group of California rice farmers and engineers to make fiberboard and other products from compressed rice straw.

Recently, Mr. Reisner served as a distinguished visiting professor at the University of California at Davis, lecturing on the interaction of human civilization and the environment.

He was a member of the board of the Natural Heritage Institute, an honorary trustee of the Tuolumne River Preservation Trust, a Rene Dubos Fellow and a recipient of the Bay Institute's Bay Education Award. He also received a special commendation from the American Whitewater Affiliation for his efforts to promote river conservation.

Earlier this year, Mr. Reisner was awarded a Pew Fellowship in marine conservation. He intended to use the funds to restore native salmon habitats in California.

Environmentalists remember Mr. Reisner as someone who was determined to mitigate the environmental problems he covered in his writing.

"Before 'Cadillac Desert,' the general public perception was that dams and water manipulation were an unmitigated good thing," said Michael Sherwood, a staff attorney for the Earth Justice Legal Defense Fund who is involved in litigation on endangered salmon and steelhead runs.

"Marc was instrumental in raising awareness of the damage being done to fish and wildlife," said Sherwood, "and in recent years, he showed ways environmentalists and irrigators could work together to find solutions that both protected natural resources and allowed commercial uses for water. We can be thankful he was here to open our minds on both issues."

Mr. Reisner is survived by his wife, Lawrie Mott, a senior scientist for the Natural Resources Defense Council; and two daughters, Ruthie and Margot, all of Marin County. Memorial services are pending.

SUPPORTING THE OLDER AMERICANS ACT

HON. DAN MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. MILLER of Florida. Mr. Speaker, I would like to bring your attention to an issue important to the American people, and especially to the people of my district in Florida. The Older Americans Act authorization expired in 1995, and we are on the cusp of reauthorizing this program and improving the services offered to our seniors.

This act provides important programs such as Meals-on-Wheels, in-home services for elderly Americans, and services for residents of long-term care facilities. I have personally helped deliver meals to homebound seniors with the Manatee County Meals on Wheels. I recognize the importance of programs like these to assist our older population, and I will not turn my back on America's seniors.

I continue to support the programs within this act, and believe that this Nation has a responsibility to care for our elderly population. However, last year, I was not supportive of H.R. 782, which would reauthorize the Older Americans Act because the funding did not accurately account for the concentration of seniors in States such as Arizona, California, Texas, and my home State of Florida. For example, under the present formula, Florida is slated to lose $40 million over 5 years. The formula for allocation of funds relies on outdated census figures from 1987. We all know people are moving south. It makes no sense that we are providing services and dollars in the year 2000, based on where seniors lived 13 years ago. We need to focus on how we can best provide support to the elderly population, and that includes accurately assessing the needs of each State. As chairman of the Census Subcommittee, I know we are spending almost $6 billion this year to provide accurate numbers. Why get these numbers if we are not using them?

Although the House version of the Older Americans Act has some flaws, a recent bipartisan agreement in the Senate reformulates the funds allotted to State based upon their senior population in 2000. I believe this is our chance to move forward with legislation and be more responsive to seniors in our country. I urge the House to move toward helping our seniors and to consider and pass the Older Americans Act as agreed upon in the Senate.

RECOGNIZING IMPORTANCE OF CHILDREN IN THE UNITED STATES AND SUPPORTING GOALS AND IDEAS OF NATIONAL YOUTH DAY

SPEECH OF

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Mr. McCOLLUM. Mr. Speaker, I rise today in support H. Con. Res. 375 to recognize an "American Youth Day." This legislation, which I introduced with strong bipartisan support, recognizes the importance of America's youth and supports the ideas and goals of an American Youth Day. The bill encourages such organizations as General Colin Powell's group, America's Promise.

American Youth Day is about recognizing our youth and providing them with the role models and skills they need to be successful. By investing in our nation's most valuable resource—our children—we help create a better future for all of us. H. Con. Res. 375 recognizes and supports a nationwide Youth Day to be observed annually on a Saturday near the beginning of the school year, with the date to be specifically determined by the local community.

The concept of this legislation was inspired by one of my constituents, retired Navy Captain George Marshall Bates, who has advocated the establishment of an American Youth Day since the 1960's. While Captain Bates' proposal is broader and more encompassing in specificity than this Resolution, the ideals and principle objectives are the same and I am very fortunate to have had his assistance in producing this legislation. Captain Bates is a distinguished retired Navy JAG officer, and the youth of this nation are the beneficiaries of his persistence and effective advocacy of this cause.

The resolution acknowledges that today's oppressive influences on youth include violence, drugs, abuse and even stress. Regardless of economic status, ethnic or cultural background, or location, our youth feel the pressures of contemporary society.

The resolution also acknowledges the wonderful efforts of America's Promise—The Alliance for Youth, led by General Colin L. Powell, United States Army (retired). America's Promise is one of the Nation's most comprehensive nonprofit organizations dedicated to building and strengthening the character and competence of youth by mobilizing communities around the nation to fulfill the organization's "Five Promises" for America's young people. American Youth Day seeks to promote local and national activities that fulfill the five promises of America's Promise, which are as follows:

1. Ongoing relationships with caring adults;
2. Safe places with structured activities during non-school hours;
3. A healthy start and future;
4. Marketable skills through effective education; and
5. Opportunities to give back through community service.

In order to secure a future for our youth, Americans must spend time, share traditions, and communicate values to children. Often it is even more important to make a special effort to do this during teen years. Many youth live in single parent homes and seldom get the nurturing and guidance of a complete family; for them the time mentors take to spend with them in immensely important. This bill encourages local schools and communities across the nation to highlight our children and share their successes and give them the attention and encouragement so many miss by participating in an American Youth Day. I hope my colleagues will join in me in supporting this important and worthwhile endeavor.

IN HONOR OF DOUGLAS FLATT

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. HALL of Texas. Mr. Speaker, it is my privilege to rise today to pay tribute to an exceptional citizen of Tyler, Texas. The Texas Section of the American Society of Engineers recently honored Douglas E. Flatt, P.E. with its Service to People Award, a distinguished award that recognizes those who have made significant contributions to their community.

Mr. Flatt has served as both president and director of the East Texas Chapter of the Texas Society of Professional Engineers and Northeast Branch of the Texas Section of the American Society of Civil Engineers. He is a life member of the National Society of Professional Engineers as well as the American Society of Civil Engineers. Additionally, he has served on the Board of Directors for the Texas Section of the ASCE. In 1985, he received TSPE's East Texas Engineer of the Year Award and in 1988 he received ASCE's Professional Services Award.

He has also served as Chairman of the Southern Division of the Association of Independent Scientific, Engineering and Testing Firm as well as President of the Texas Council of Engineering Laboratories in 1982 and 1983. Currently he serves on both the Legislative Committee and the Membership Committee of the Consulting Engineers Council of Texas and is a member of the American Society for Testing and Materials Committee E–50 for Environmental Site Assessments.

Mr. Flatt formed ETTL Engineers and Consultants in 1965 and currently serves as Chairman of the Board. Prior to forming his successful corporation, he was employed by the Texas Department of Transportation, first as senior laboratory engineer and later as senior resident engineer.

Mr. Flatt's recent award, however, is a testament to the time and effort that he has devoted to his community. He has served on the City of Tyler's Airport Advisory Board and the Board of Adjustment of Planning and Zoning. He has been Chair of the Tyler Chamber of Commerce Highway Transportation Committee, President of the Smith County Youth Foundation, Chairman of the Board of the Tyler YMCA, and the advisory board of the East Texas Crisis Center, and on the board of the Texas Society to Prevent Blindness. He is also a member of the Tyler Rotary Club where he is a Paul Harris fellow, and actively serves the First Presbyterian Church of Tyler as deacon, elder and trustee.

Mr. Flatt graduated from Terrell High School in 1949 and earned B.S. Degrees in Agricultural and Civil Engineering from Texas A&M University in 1953 and 1955. He received a Master of Science Degree in 1957 from Texas A&M University following his discharge from active duty as First Lieutenant in the U.S. Army Field Artillery. He maintains close ties with his alma mater, serving as vice-president and board member of the Texas A&M Association of Former Students. He is an endowed Century Club member, member of the 12th Man Foundation as well as the Pillars of A&M. He is also a contributor and participant in A&M's Spencer J. Buchanan Chair in Civil Engineering.

Mr. Speaker, throughout his life, Douglas Flatt has upheld high standards in all that he has done. He has achieved success in his profession—and he has also dedicated much of his life in services to others. I join his wife, Maxine; his son, Darrell, and daughter-in-law, Donna; and his grandchildren, John and Madeline, all of whom are residents of Tyler, in congratulating him on his Service to People Award.

2000 EXCELLENCE IN BUSINESS AWARD

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate the recipients of the fifth annual Excellence in Business Award for their high ethical standards, corporate success and growth, employee and customer service, and concern for the environment.

Award winners include businesses across the spectrum of the valley economy: agriculture; charities; finance; banking and insurance; health care; manufacturing; professional services; real estate and construction; nonprofit organizations; small businesses; retail and wholesale.

The 2000 Excellence in Business Award winners are:

Agriculture—Zacky Farms
Charitable—Hope Now for Youth, Inc.
Financial/Banking/Insurance—U.S. Small Business Administration
Healthcare—Kaiser Permanente Medical Center
Manufacturing—Netafim Irrigation, Inc.
Nonprofit—The Bulldog Foundation
Professional Service—Deloitte & Touche
Real Estate/Construction—Webb & Son
Retial/Wholesale—Richard Caglia Electric Motor Shop
Small Business—BennettFrost Personnel Services, Inc.
Hall of Fame—James and Coke Hallowell

Mr. Speaker, I want to congratulate each of the 2000 Excellence in Business Award winners for their leadership and contributions to the community. I urge my colleagues to join me in wishing all of the recipients many more years of continued success.

COMMUNITY RENEWAL AND NEW MARKETS ACT OF 2000

SPEECH OF

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Mr. RANGEL. Mr. Speaker, I am sorry to say that one very important American community will receive little or no help from this legislation; the American citizens of Puerto Rico. Puerto Rico cannot benefit from this legislation because of its unique tax relationship with the mainland. Along with Mr. CRANE, I am a sponsor of H.R. 2138 to extend job creation incentives for new activities in Puerto Rico. Despite significant efforts at the local level, unemployment in Puerto Rico remains stubbornly high and incomes are not catching up. H.R. 2138 would encourage U.S. companies to preserve or expand current operations in Puerto Rico, rather than taking these U.S. jobs to foreign countries with much lower wage bases and no U.S. labor and environmental protections.

We owe our fellow citizens in Puerto Rico some continuing help toward economic growth and opportunity. I hope we can work together this year to ensure that these opportunities are inclusive, not exclusive, by considering section 30A incentives for the U.S. companies operating in Puerto Rico. We should not leave these 4 million Americans behind.

IN RECOGNITION OF NORMAN PAPPAS, FOUNDER AND PRESIDENT OF THE ENTERPRISE GROUP

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. KNOLLENBERG. Mr. Speaker, one of our most revered institutions, the family-owned business, is under assault from the federal estate tax (death tax).

According to the Center for the Study of Taxation, 70 percent of family-owned businesses fail to make it to the second generation and 87 percent don't make it to the third. The death tax is one of the major contributors to this disturbing statistic. To pay this unfair tax, which can reach as high as 55 percent of the value of an estate, many family-owned businesses must be liquidated or sold off entirely after the owner dies.

For several years, a bipartisan coalition in Congress has worked to provide relief from the death tax. In fact, on June 9, 2000, the House of Representatives overwhelmingly passed H.R. 8, The Death Tax Elimination Act. This much-needed bill would strengthen family-owned businesses and encourage savings and investment by repealing the death tax over a ten-year period.

Unfortunately, it appears as though business owners will have to continue waiting for significant relief from the death tax, as President Clinton has indicated that he will veto H.R. 8 if it reaches his desk.

That being said, there are still many steps that business owners can take to minimize the negative impact of the death tax. Norman Pappas, founder and president of The Enterprise Group, a company located in Southfield, MI, has recent written an important book that I enthusiastically recommend to every business owner who want to ensure that his company remains strong and is kept in the family after he dies.

Mr. Pappas' book, "Passing the Bucks—Protecting Your Wealth from One Generation to the Next," reveals the secrets of effective business succession and estate tax planning that can help reduce or even eliminate the risk of losing most of the assets a business owner worked so hard to accumulate.

For the last 30 years, The Enterprise Group and other financial and estate planners have helped business owners protect what is rightfully theirs. For example, Mr. Pappas has assisted over 1,500 businessmen and women to traverse the complicated practice of business succession and estate planning as they wrestle with the federal tax burden. Mr. Pappers' expertise experience in solving the complicated financial problems of family-owned businesses is evident throughout "Passing the Bucks." One of the primary lessons we have learned is that we must eliminate the death tax and I am proud that we have done just that in this House.

Mr. Speaker, I rise today to acknowledge the accomplishments of Mr. Pappas and his colleagues in the practice of estate planning and to commend his efforts to protect family-owned businesses from the onerous provisions of the death tax.

A TRIBUTE TO VIRGINIA L. DORIS

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. KENNEDY of Rhode Island. Mr. Speaker, today I would like to bring attention to the work of Virginia L. Doris of Warwick RI. As a Rhode Island historian for over 40 years, Ms. Doris has put great effort into her quest to bring proper honor and recognition to America's "poet and patriot," Francis Scott Key, author of our National Anthem. As we near the 221 year anniversary of the birth of this American legend, I would like to submit this poem by Ms. Doris into the RECORD, so that we might renew the call for an official day honoring Francis Scott Key's contribution to our national heritage.

FRANCIS SCOTT KEY—AMERICA'S ULTIMATE POET AND PATRIOT

Anthem, Mighty Anthem! our voices resound,
Poem by God's blessing, unsceptered, uncrowned

Anthem, Sacred Anthem! our pulses repeat,
Warm with life-blood, as long as they beat!

Listen! The reverence of his soul imbued doth thrill us still,
In the old familiar places beneath their emerald hill.

Here at this altar our vows we renew,
  Still in thy cause be loyal and true—
True to thy flag on the field, and the wave,
  Living to honor it, dying to save!

Wake in our breast the living fires,
  The Holy faith warmed our sires,
Thy spirit shed through every heart,
  To every arm thy strength impart!

Our lips should fill the air with praises, and pay the debt we owe,
So high above this hymn we raise, the floods of garlands flow.

Harken! The reverence of his soul imbued doth thrill us still,
In the old familiar places beneath their emerald hill.

Anthem, Mighty Anthem! our voices resound.
Poem by God's blessing unsceptered uncrowned!

Anthem, Sacred Anthem! our pulses repeat,
Warm with the life-blood, as long as they beat!

Composed by: Virginia Louise Doris

HONORING AN AMERICAN HERO

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. HALL of Texas. Mr. Speaker, it is an honor and a privilege today to remember and pay tribute to a great American and a good friend, Allen Gordon Smith Sr., of Diana, TX, who died on April 21 of this year. Mr. Smith was an American war hero, a prisoner of war, and an outstanding citizen of East Texas. His influence on his community and his friends and family will be felt for many years to come, and his dignity shall not be diminished by time.

In October 1939, Mr. Smith voluntarily joined the U.S. Army Air Corps at Barksdale Air Force Base in Louisiana—a decision that would change his life. He became a member of the 27th Bomb Group of the 16th Squadron. The group was sent to the Philippines, landing in November 1941. Mr. Smith was captured by the Japanese on April 9, 1942, at the fall of Bataan. He survived the infamous Bataan Death March and spent 42 months in Japanese prisoner of war camps. No words could adequately tell his story about this experience—so suffice it to say that he emerged from the war as a true American hero and a strong advocate for veterans.

Mr. Smith was a leader and a life-time member of the American Ex-Prisoners of War as well as the Disabled American Veterans. He served two terms as national director of the American Ex-Prisoners of War and one term as commander of the Department of Texas Ex-Prisoners of War. He also was a Veterans Administration Service officer, in which capacity he worked on behalf of fellow veterans. His distinguished service in defense of our Nation and in support of veterans will be long remembered.

Following his service in the war, Mr. Smith returned to Longview and married Helen Florence Jones on November 22, 1946. He attended the University of Houston. In 1956, Mr. and Mrs. Smith moved to Diana, where they devoted much of their time working with the youth in their community. They served on a governor-appointed committee to work with youth in Upshur, Camp, and Wood Counties, and Mr. Smith served on the board of directors for Baseball for Boys in East Texas. Mr.

Smith also worked with youth through the Cub Scouts and the 4–H Club.

After 24 years of service, Mr. Smith retired from Lone Star Steel. He was a member of the Judson Road Church of Christ in Longview.

Mr. Smith is survived by his wife, Helen; his son and daughter-in-law, Allen Jr. and Elayne Smith; his daughter and son-in-law, Daneila Smith Woods and John Woods; four granddaughters and grandsons-in-law; one grandson and granddaughter-in-law; two great-granddaughters; four step-great-grandchildren; a sister and brother-in-law, Julia and Robert Crowder; a brother and sister-in-law, Alvin and Patsy Smith; and a number of other relatives and friends.

Mr. Speaker, Allen Gordon Smith was a man of dignity and honor who lived a distinguished life in service to his country, his community, and to his family and fellow citizens. He was a wonderful role model to many children in East Texas, and his influence will be felt for generations to come. Mr. Speaker, as we adjourn today, I ask my colleagues to join me in remembering, honoring, and paying our last respects to this outstanding American—Allen Gordon Smith, Sr.

RECOGNITION OF THE FIRST AFRICAN BAPTIST CHURCH OF COLUMBUS' 160TH ANNIVERSARY

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. COLLINS. Mr. Speaker, 170 years ago, while the manacles of slavery were still fastened on African Americans, twelve Christians—11 whites and a slave named Joseph—founded Columbus' first church, the Ephesus Baptist Church, which was renamed the First Baptist Church. This was in 1830, one year after Columbus, Georgia was granted its charter. Blacks and whites, slaves and free, worshiped God under one roof.

In 1840, after construction of a new building, the First Baptist Church gave the old sanctuary to the mixed black and white congregation, who reorganized as the African Baptist Church. Today, one hundred and sixty years later, after war, reconstruction, oppression, economic depression, and hardships, the First African Baptist Church is still spreading the gospel in Columbus.

This church has a long history of service to its community. Up to the advent of the Civil War, it had an ethnically diverse congregation. After the war, the church gave birth to three different churches: the Metropolitan Baptist Church in 1890, the Friendship Baptist Church in 1906, and the Mt. Tabor Baptist Church in 1908. The church sanctuary has changed four times. Today's main sanctuary was erected in 1915, when the church adopted its present name, the First African Baptist Church.

The congregation of the First African Baptist Church has weathered many storms, but the worst may have been the Great Depression. In 1936, creditors foreclosed on the church. But all was not lost, because four trustees stood in the gap and pledged their personal property to pay the debts. These men were W.A. Talley, J.J. Senior, J.H. Williams, and G.F. Rivers. The congregation stood by these four men of faith and worked to raise the funds to retire the debt.

Mr. Speaker, the First African Baptist Church congregation has been a force for good in Columbus.

Under the leadership of the Rev. Dr. Robert M. Dickerson Jr., it continues to play a key role in the city. Rev. Dickerson began the "Gathering of the Children," and restructured the Youth Program. He reorganized the Christian Education ministry. He started the Tuesday noon Bible Study time, the Early Sunday morning worship services, and the Riverfront Easter Sunrise Service. He ordained 11 new deacons and established the Capital Improvement Fund for mid-range and long-range improvements. He also added three ministers to the Ministerial Staff. Additionally, Dr. Dickerson instituted the "Pastor's Unsung Hero" Award presented each November.

He is continuing his work to add new programs to bring the word and comfort of God to the people of Columbus.

Mr. Speaker, I want to commend the First African Baptist Church of Columbus, its congregation and its leaders. They have been doing a great work in the city for 160 years, and I trust that, Lord willing, they will be spreading the Gospel a hundred years hence.

PARSONS FAMILY FIFTIETH REUNION

HON. WAYNE T. GILCHREST

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. GILCHREST. Mr. Speaker, I rise today to recognize and celebrate the fiftieth reunion of the Thomas Edward Parsons family. The Parsons family is gathering in Oxford, Talbot County, Maryland, on July 29th, to celebrate their reunion at the home of Elaine Valliant Cox. The Parsons family reunion was first held in Royal Oak, Talbot County, Maryland, at the home of William Harris Valliant and instituted to preserve family relationships as their family began to spread beyond Talbot County. The Parsons' family history has been documented in Talbot County, Maryland back to the early nineteenth century. The first reunion was advertised in a local newspaper asking descendants of Thomas and Susan Benson Parsons to gather on August 20, 1951. One hundred eleven members of the Parsons family gathered on the Valliant lawn coming from Idaho, Illinois, Pennsylvania, Delaware, West Virginia, Maryland and Washington, DC. The oldest family member in attendance was Mrs. Margaret Parsons of Oxford, Maryland, wife of Edward Thomas Parsons. She was ninety years of age.

This year the eldest family member in attendance is Mrs. Louise Valliant Willis of Oxford, Maryland, She is ninety-nine years of age and is the daughter of Susan Parsons Valliant, the youngest member of the original twelve Parsons siblings. The youngest member will be Natalie Chance Schmidt of Easton, Maryland. About sixty Parsons family members are expected to attend from all over the country. In recent years, family members have attended the Eastern Shore reunion from as far away as Seattle, Washington.

The current generation of Parsons family members represents all walks of life from many parts of the country and from around the Eastern Shore of Maryland. The Parsons family reunion officers are Jan Valliant O'Neal of Kensington, Maryland, Marguerite Schimpff Webster of Washington, District of Columbia, Cathy Newton Schmidt of Easton, Maryland, and Robert Thomas Valliant, Jr., of Oxford, Maryland.

Mr. Speaker, in conclusion, I want to congratulate the Parsons family for celebrating their fiftieth family reunion and honoring the significance of family in the building of our great nation.

HONORING KEVIN BRACKEN

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. LIPINSKI. Mr. Speaker, today I honor Kevin Bracken, a native of Chicago, IL. Kevin, through many amazing feats of athletic prowess, has earned himself a place on the U.S. Olympic Greco-Roman wrestling team. He is the only member of the Greco-Roman team from Illinois, which consists entirely of first-year Olympians. This is truly a remarkable accomplishment, and I know he will represent his country with great pride, strength, and skill.

Kevin grew up on the south side of Chicago, placing third in the 1990 State Championships for St. Laurence High School. He then attended Illinois State University, where he was a three-time qualifier for the NCAA and received the 1994 Male Athlete of the Year award. Since those early achievements in his life, he has only gone forward, constantly surpassing expectations of all those around him, no matter how high set.

His friends, family, and former teammates must be, and should be proud to witness what he has accomplished, and what he will certainly continue to accomplish in the future. Kevin is a credit to all those who have held faith in him, and through perseverance and extraordinary effort, he has earned his place among the elite of his profession.

Mr. Speaker, I offer my congratulations to Kevin Bracken, and wish him the best of luck in his continuing career. I am sure he will continue to make them proud.

RECOGNIZING BRADENTON, FL. AS A GREAT PLACE TO LIVE

HON. DAN MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. MILLER of Florida. Mr. Speaker, I rise this morning to congratulate a city in my congressional district, Bradenton, FL. Bradenton has been recognized in the July 2000 issue of Money magazine as one of the best places to retire. Money quotes Bradenton as, "a perfect Florida beach town for sun and sailing." I agree and believe it is much more than that.

With 238 sunny days a year it is no surprise to me that this area made headlines. The coastal community with a population under 50,000 is located just south of Tampa Bay. Bradenton's 27 miles of beautiful, white and beaches provide the perfect environment for sailing, skiing, fishing and various outdoor activities.

The criteria used by Money to evaluate nearly 500 communities included population, opportunities for educational advancement, outdoor activities, cultural amenities, quality of medical care, and accessible transportation. Factors that also influenced the ratings were cost of living, taxes, and home prices. Today's seniors live an active lifestyle, so each community was also evaluated on the various activities in the area.

Bradenton offers an array of cultural attractions including the Golden Apple Dinner Theater and the Florida West Coast Symphony. The South Florida Museum and Bishop Planetarium is a unique complex that features cultural and historical exhibits and laser light shows. The ballet, the opera, art galleries, historical parks, and museums are all within the city limits. Retirees can stay busy at the various outdoor festivals throughout the year.

Bradenton is home to the Pittsburgh Pirates spring training complex and is within an hour's drive to three professional sports teams. Retirees can enjoy the areas 24 nationally recognized golf courses, including Legacy Golf Course designed by Arnold Palmer.

The warm weather and casual atmosphere truly make Bradenton a wonderful retirement community. I am honored that Bradenton received such outstanding recognition.

It is not just the weather, infrastructure, healthcare system, and recreation opportunities that make Bradenton a nationally recognized place to retire; it is the great people who live there. The people of Bradenton are truly second to none and make everyone feel welcome. I know, I moved there over 40 years ago and am proud it to call it my home. Money magazine has further shown the country just how great my hometown is.

IN RECOGNITION OF DONALD VICKERS

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. HALL of Texas. Mr. Speaker, I rise today to honor and pay tribute to a fine American and great Texan, Mr. Donald Vickers of Blossom, TX.

In 1942, at the age of 16, Donald Vickers felt the need to fight for his country during World War II. He left his home in Blossom and joined the Army, and his service to his country lasted 31 years and 7 months, during which time he fought in World War II, Korea, the Cuban conflict, and Vietnam.

This fine gentleman, who is revered by friends and family and lovingly called "Papa Donald", received his early training at Camp Shelby, MS, and soon after was sent to fight in North Africa. Later he trained in England and was a part of the fateful landing on D-Day, during the Normandy Invasion. He served in the European theater operation from 1943 to 1945, being assigned to a Tank Destroyer Battalion. In 1946 he re-enlisted and later served in Korea as an advisor to the 59th Republic of Korea Army Tank Company. During the Cuban conflict he was deployed off Cuba in the LST's, which were ready to land both men and equipment. His first tour in Vietnam from December 1965 to December 1966 was with the 25th Infantry Division, 69th Armor Battalion. After serving stateside in 1967, he was assigned to serve with the Military Advisors Corp in Vietnam from December 1968 to December 1969. His other tours of duty included Germany and Hawaii. Stateside, he served in Mississippi, Kansas, Georgia, California, New Jersey, New Mexico, and later, back home in Texas, before he retired from the service in August 1974.

Donald Vickers, now Sergeant Vickers, has been awarded numerous decorations during his many years of service. These include the Combat Infantry Badge, Purple Heart with 2 Clusters, Bronze Stars with V device and 2 Clusters, ARCOM with 3 Clusters, Good Conduct Medal with Silver Bar and 1 Leaf, Vietnam Service Medal with 1 Silver and 3 Bronze Service Stars, WWII Victory Medal, European and Middle Eastern Campaign Medal, National Defense Service Medal with Oak Leaf Cluster and Korean Service Medal. In addition, he has received written commendations from his commanding officers which reflect their recognition of his courage, his patriotism, leadership and dedication to his country, his men, and the Army.

Mr. Vickers has been married for many years to Mary Jo Vickers. They have 5 children, 10 grandchildren and 4 great-grandchildren. It was one of their granddaughters, Mrs. Cassidy Fuess, of Denton, TX, who in her devotion to her grandfather and desire to share his history with others, contacted me to tell his story. My thanks to Cassidy, her grandfather, and their family for their devotion to those values that Americans hold dear—love of their country and love for their family. I am proud that they are from my district, and I appreciate the opportunity to recognize Sgt. Donald Vickers and his family today.

THE CHILD PROTECTION/ALCOHOL AND DRUG PARTNERSHIP ACT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. RANGEL. Mr. Speaker, the National Center on Addiction and Substance Abuse (CASA) at Columbia University released a report last year which found that alcohol and drug abuse cause or exacerbate 7 out of every 10 cases of child abuse or neglect. Regrettably, child welfare workers and judges are not always sufficiently trained in how to detect and cope with substance abuse problems. And of even greater concern, when accurate assessments are made, there is often a lack of available treatment. In fact, the Department of Health and Human Services reports that 63 percent of all mothers with drug problems do not receive any substance abuse treatment within a year.

To combat this threat to child safety and family stability, I am introducing the Child Protection/Alcohol and Drug Partnership Act, which would improve the prevention, screening, and treatment of substance abuse for parents with children in the child welfare system. The bill would provide $1.9 billion over the next five years to States that develop cooperative arrangements between their substance abuse and child abuse agencies to provide services to the parents of at-risk children. Bipartisan companion legislation has been introduced by Senators SNOWE, ROCKEFELLER, DEWINE, and DODD.

Under the bill, the funding would be disbursed to States based on the number of children in the State. To receive their allotment under the program, States would be required to spend a match starting at 15% in 2001, rising to 25% in 2005. In addition, they would be required to provide a detailed analysis of their current efforts to address substance abuse issues for families in the child welfare system and specify the additional steps they intend to pursue with the new funding (supplanting of existing funds would be prohibited). Funding could be used for a variety of specific activities, including: providing preventive and early intervention services for children of parents with alcohol and drug problems; expanding the availability of substance abuse treatment, including residential treatment, for parents involved with the child welfare system; and improving the screening and assessment of substance abuse problems for families in the child welfare system.

I urge my colleagues to join me in sponsoring this proposal, which is strongly supported by the Children's Defense Fund, the Child Welfare League of America, the National Association of State Alcohol and Drug Abuse Directors, and the American Public Human Services Association.

DEPARTMENT OF TRANSPORTATION CAN REDUCE ACCIDENTS

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Ms. DEGETTE. Mr. Speaker, I rise today to call attention to one of the leading causes of injury and death to small children—backing vehicles. Most Americans probably do not give much thought to backing out of their driveway, or a parking space at the local supermarket. Yet reversing the car presents a danger to our children, as well as to the disabled and elderly, that can no longer be ignored.

Children under the age of two are more likely to suffer non-traffic-related injuries or fatalities in driveways, parking lots, or sidewalks than any other age group. Moreover, over half of all pedestrian injuries to children in this age group occurs when a vehicle is backing up. Toddlers are especially vulnerable because they are exposed to traffic threats that exceed their cognitive, developmental and sensory abilities. Children have difficulty judging speed, spatial relationships and distance. The risk to disabled individuals and the elderly must also be considered, as they can be unable to move out of the way of a backing vehicle. The risk is augmented as cars get bigger and taller, increasing a driver's "blind spot" behind the car, making the driver unaware of what my lie behind.

Unfortunately, families in my home state of Colorado are already painfully aware of the danger posed by backing vehicles. In Greeley, Colorado, a grandfather accidentally backed over his 18-month-old grandson with a Sports Utility Vehicle (SUV), killing the child last December. A few months later, tragedy struck a couple in Denver when an elderly man on an electric scooter was fatally injured when his wife accidentally backed their minivan into him in the driveway of their home.

At this time, there are no concrete studies to show the dangers of backing vehicles. I ask the Department of Transportation to conduct a study to determine the number of fatalities, injuries and property damage caused by slow-speed backing vehicle accidents. I urge my colleagues to support such a study.

HONORING DONALD WEBER

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. WEINER. Mr. Speaker, today I invite my colleagues to pay tribute to Donald Weber on the occasion of his retirement as Superintendent of Community School District 21.

Donald Weber has long been known for his commitment to the children of Community School District 21 and to providing them with the finest educational opportunities that public education can provide. Donald Weber is truly representative of the best that our community has to offer.

As Superintendent of Community School District 21 for the last seventeen years, Donald Weber developed numerous special programs including: Mark Twain Intermediate School for the Gifted and Talented, Project ADAPT (a model program that is an alternative to suspension), a strong parent involvement program as evidence by the activities of the District Parents' Workshop, the Brooklyn Studio Secondary School, a model inclusionary middle/high school and The Bay Academy For the Arts and Sciences, a magnet school for children interested in the sciences.

Under the dedicated leadership of Donald Weber, standardized reading and math scores of District 21's students continue to rank among the highest in New York City and the number of students achieving at or above grade level continues to increase.

In recognition of his stature as a dynamic educator and for his efforts on behalf of the students of Community School District 21, Donald Weber has received numerous awards including being named as the New York State Superintendent of the Year 1999–2000.

Donald Weber is a lifetime resident of Community School District 21 and is a product of its schools. A graduate of Public School 177, Donald Weber has routinely demonstrated his commitment to community service and to enhancing the quality of life for all New York City residents: He is former member of Community Planning Board 13 and is a founding member of the Shorefront Friends For Hospice, Inc.

Donald Weber has long been known as an innovator and beacon of good will to all those with whom he has come into contact. Through his dedicated efforts, he has helped to improve my constituents' quality of life. In recognition of his many accomplishments on behalf of my constituents and their children, I offer my congratulations to Donald Weber on the occasion of his retirement as Superintendent of Community School District 21.

SUPPORTING REAUTHORIZATION OF VIOLENCE AGAINST WOMEN ACT PROGRAMS

HON. ANNE M. NORTHUP

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mrs. NORTHUP. Mr. Speaker, I rise to pay tribute to the Violence Against Women Act and to encourage its reauthorization by Congress and the President.

As you know, legislation proposing a federal response to the problem of violence against women was first introduced in 1990, although violence against my gender has been recognized as a serious social problem since the late 1970's. Previous enactment of Violence Against Women Act (VAWA) measures have resulted in grant programs and new penalties aimed at increasing awareness and reducing the occurrence of crimes against women. Reauthorization of VAWA ensures that our protection of women and perseverance in this area does not lapse, and provides support for the next five years to the law enforcement, hotlines, shelters and services, and community initiatives that assist our cities and localities in dealing with these types of crimes.

Through this program, we have been able to better educate the American public how to respond to crimes against women. This funding has allowed us to bring bring domestic violence out of the shadows and into the forefront. For example, in my district of Louisville, since VAWA money has become available our area has become a model for other jurisdictions because of its multi-disciplinary approach to domestic violence. Agencies and organizations, previously struggling to cooperate with each other, now are working together.

As a community we have received approximately $5.5 million in VAWA money. Our police are better trained and educated concerning the cycle of domestic violence. Victim advocates now work side by side with the police to provide a better response to victims of domestic violence. More evidence is being collected than ever before, and more victims are taking the brave step of coming forward and more convictions are stopping the cycle of abuse.

Violence against women is not solely a problem for women. Every case that is left unaddressed has the potential to create more violence, to fuel a downward spiral of mental and physical abuse and to destroy more families. I believe the initiatives begun in 1990 go a long way in addressing the need for a tougher stance in this area. We must continue our commitment to increasing personal safety for everyone, and focus our efforts on programs that work to educate the public and prevent future crimes. We must work to limit the devastating consequences that occur to our women, our families and society as a whole.

I encourage Congress to again support the VAWA programs which are so vital to combatting the occurence of domestic abuse, before authorization expires on September 30, 2000.

DR. FRANK LEGGETT—FAMED BASSFIELD DOCTOR RETIRES

HON. RONNIE SHOWS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. SHOWS. Mr. Speaker, I stand before you, my colleagues and the American people to tell you about an American treasure—Dr. Frank Leggett of Bassfield. Dr. Leggett has been a judge, mayor, coroner, alderman, football team physician, church deacon, and hospital chief of staff. In his spare time, Dr. Leggett delivered 300 precious lives to the community of Bassfield and our part of Mississippi. He brought lives into this world, then he nurtured them, served them and took care of them. Dr. Leggett gave more than he received. Our home, my home, Bassfield, is forever a better place because of the contributions of Dr. Frank Leggett.

Dr. Leggett was born in Brookhaven, MS, back in 1926. His early life was marked by our Nation's Great Depression and our greatest war—World War II. Dr. Leggett is part of the greatest generation who not only endured, but survived and built and gave. He and his generation gave us the greatest nation on the planet. He is a graduate of Ole Miss and Baylor. He worked in Meridian and then came to Bassfield in 1956.

He says he retired on June 30 of this year. But, I have to say, after 40 years on the Bassfield Board of Alderman, and Medical Staff President for 25 years at Jefferson Davis County Hospital (now Prentiss Regional Hospital) I don't think we will really allow this retirement to happen. He will still be with us. Dr. Leggett will be with us caring and giving and sharing like he always has. Dr. Leggett will be at church and across our community serving us as always.

Dr. Leggett loves to travel. He has seen most of our world. But he always made it back home to Bassfield where he belonged and where we needed him. I am indeed honored to stand before the American people and say thank you to Dr. Frank Leggett.

STRICT CRIMINAL LIABILITY REFORM FOR OIL SPILL INCIDENTS

HON. DAVID VITTER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. VITTER. Mr. Speaker, I am pleased today with Congressmen COBLE and CLEMENT to introduce legislation to eliminate the application of strict criminal liability for maritime transportation-related oil spills. Contrary to the objectives of the Oil Pollution Act of 1990, commonly referred to as OPA90, strict criminal liability serves to undermine the safe and reliable maritime transportation of oil products, and prevents timely, effective and cooperative cleanup operations in the diminishing number of situations when an oil spill occurs.

Through comprehensive congressional action just a decade ago that led to the enactment and implementation of OPA90, the United States has successfully reduced the number of oil spills in the maritime environment and has established a cooperative public/private partnership to respond effectively to the diminishing number of situations when an oil spill occurs. The Congress, though the enactment of OPA90, carefully balanced the imposition of stronger criminal and civil penalties with the need to promote enhanced cooperation in spill prevention and response efforts. In so doing, the Congress clearly enumerated the circumstances where stringent criminal penalties could be imposed in maritime oil spill incidents.

But this carefully crafted approach is being undermined in practice. Antiquated, unrelated "strict liability" statutes that do not require any showing of "knowledge" or "intent"—specifically—the Migratory Bird Treaty and the Refuse Act—are increasingly utilized as a basis for criminal investigation and prosecution for oil spill incidents. As stated in a U.S. Coast Guard directive, a company and employees, in the event of an oil spill, "could be convicted and sentenced to a criminal fine even where [they] took all reasonable precautions to avoid the discharge". Such turn-of-the-century statutes as the Migratory Bird Treaty Act and Refuse Act, in effect, have turned every oil spill into a potential crime scene without regard to fault or intent, and thus have undermined the cooperation and responsiveness that Congress sought to foster when it enacted OPA90.

Furthermore, strict criminal liability forces responsible members of the marine transportation industry to face and extreme dilemma in the event of an oil spill—provide less than full cooperation and response as criminal defense attorneys will certainly direct, or cooperative full despite the risk of criminal prosecution that would result from any additional actions or statements made during the course of the spill response. The only method available to companies and their employees to avoid the risk of criminal lability completely is to get out of the Marine oil transport business altogether.

Mr. Speaker, in May 1998, the House Coast Guard and Maritime Transportation Subcommittee conducted oversight hearing on criminal lability for oil pollution. The Coast Guard, the primary federal maritime agency tasked with the implementation and enforcement of OPA90, testified at that hearing that it does not rely on strict criminal liability statutes in assessing culpability for oil split incidents. With the support of other organizations, including the Chamber of Shipping of America, INTERTANKO, the Transportation Institute, and the Water Quality Insurance Syndicate (WQIS), American Waterways Operators (AWO) and two tank vessel captains testified as to the adverse impact that strict criminal liability has on the oil spill prevention and response objectives of OPA90. Notably, one tank vessel captain observed that "strict criminal liability does not make [him] do [his] job better; it only produces counterproductive stress". He continued by stating the following: "Because of the current [criminal lability" situation I cannot and will not encourage my children to follow in my footsteps. Nor can I encourage anyone else to enter the marine petroleum transportation business. Yet the industry needs good people. Strict criminal liability is a tremendous deterrent to anyone considering entering the industry at this time."

Similarly, the other tank vessel captain testified that responsible vessel owners and operators do everything humanly possible to avoid accidents, but that "the sea being a place of infinite peril, if accidents occur, despite human precautions, we must use all of the marines' skills to contain damage and to get the oil out of the water". He continued by stating that the "increased emphasis on applying criminal sanctions to incidents where oil gets into the water, regardless of whether the spill is caused by reckless or grossly negligent human actions, will undermine our ability to respond successfully in the case of the spill." The captain further stated that the "masters, officers and crew of tank vessels should be the best in the business", but that "if they are driven from this area by criminal enforcement policies, we will end up with mediocrity where we should have excellence." I concur with these observations. Strict criminal liability does not improve the marine transportation industry's ability to attract or retain experienced vessel masters and crews, and does not further the oil spill prevention and response goals of OPA90.

Mr. Speaker, again in March 1999, the House Coast Guard and Marine Transportation Subcommittee and the House Water Resources and Environment Subcommittee conducted an oversight hearing to review the implementation of OPA90 on the 10th anniversary of the EXXON VALDEZ oil spill in Alaska. Notably, the issue of criminal liability in oil spill incidents are raised several times during the hearing where AWO, the American Petroleum Institute (API), INTERTANKO, and the Chamber of Shipping of America all stated that the threat of strict criminal liability of oil pollution incidents requires immediate reform and that the issue is their top legislative priority.

The Coast Guard recently confirmed that its "criminal prosecution of environmental crimes is reserved for only the most egregious cases, where evidence of willful misconduct, culpable negligence, failure to report a spill, or attempts to falsify records, is considered with significant harm to the environment or the thread of such harm." However, despite the fact that the "Coast Guard has never a case based on strict liability violations", other agencies, including the U.S. Department of Justice, have prosecuted at least four vessel pollution cases since the enactment of OPA90 using strict criminal liability statutes. The availability and use of such statutes continues to undermine cooperative and effective oil spill prevention and response efforts.

Mr. Speaker, the legislation we are introducing today will not change the tough criminal sanctions, that were imposed in OPA90. Rather, the legislation will reform the preeminent role of OPA90 as the statute which provides the exclusive criminal penalties for oil spills. In so doing, it will eliminate the unjustified use of strict liability statutes that undermine the very objectives which OPA90 sought to achieve, namely to enhance the prevention of and response to oil spills.

RECOGNIZING AN EAST TEXAS STUDENT

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. HALL of Texas. Mr. Speaker, I rise today in recognition of Taylor Garrett of Van, TX, for his research efforts in Madrid, Spain, last summer that formed the basis for his Honors thesis during his senior year at Southwestern University in Texas. He and his professor, Dr. Daniel Castro, spent 6 weeks at the Archivo Historico Nacional de Madrid researching 16th to 19th century documents dealing with the Spanish Inquisition. To be chosen for this research opportunity was a great honor, and Taylor was chosen due to his proficiency in the Spanish language and his strong interest in the history of this period.

Once in Madrid, these two researchers catalogued materials from archives in an effort to discover the role of women and other "voiceless" constituencies during the colonial Inquisition. For 6 weeks Taylor's main role was to translate paleography—a symbol-based language—into English. Southwestern University supports collaborative research between students and faculty, and I am proud that this young Texan from my district was selected to participate in this important project.

Mr. Speaker, I am pleased to have the opportunity to recognize the achievements of Taylor Garrett and to commend him for his enthusiasm for learning, his willingness to work hard, and his commitment to high academic standards—qualities that are crucial to our Nation's continued leadership in research and discovery efforts in all fields.

THE FERES DOCTRINE

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. KANJORSKI. Mr. Speaker, I rise to seek recognition to introduce a bill that will overturn what has come to be known as the "Feres doctrine." In introducing this legislation I hope to rectify a grave injustice that has been perpetuated upon our servicemen and women and pay tribute to a truly inspirational young woman, Kerryn O'Neill. Kerry O'Neill grew up in Kingston, Pennsylvania in my Congressional District, and I had the pleasure of nominating her for admission to the United States Naval Academy.

On December 1, 1993, Kerry O'Neill, a "graduate with the distinction" of the United States Naval Academy in the top ten percent of her class, was brutally murdered by her former fiancé, Ensign George Smith, while sitting in her on-base apartment watching a movie with a friend, who was also killed. Ensign Smith, who was to have commenced his first tour of duty on a nuclear submarine the next day, then shot himself.

O'Neill had a superb record at the Academy setting athletic records for the fastest time run by an Academy cross-country runner and for the indoor and outdoor track 5,000 meter runs. In 1992 she was the first female athlete in any Naval Academy sport to qualify for the NCAS Division I Championships. She was also the recipient of the Vice Admiral William P. Lawrence Sword as the outstanding female athlete in her class.

Her accomplishments, however, paled in comparison to her intelligence, dedication, and enthusiasm, which made her an "inspiration" to those who knew her. As James E. Brockington, Jr., Commander, USN wrote of Kerry, "Gone too soon is that smile that brightened the darkest of days. Lost are those sparkling eyes that mirrored our quest for perfection. A leader, a dreamer, a source of unparalleled excellence—she is gone too soon."

In attempting to understand this tragedy, and what could have caused Ensign Smith to commit such murderous act, Kerry's parents learned that Ensign Smith had scored in the 99.99th percentile for aggressive/destructive behavior in Navy psychological tests. To evaluate his psychological fitness for the unique demands of submarine duty, Ensign Smith had, two months before the shooting, been required to submit to the Navy's "Subscreen" test. Ensign Smith scored more than four standard deviations above the normal levels for aggressive/destructive behavior and more than two standard deviations above normal levels in six other categories. Because Ensign Smith's results were well above the two-standard deviations above norms in multiple categories, under non-discretionary Navy regulations his abnormal test results were referred to a Navy psychologist, who in turn was required to conduct a full evaluation. The Navy civilian psychology responsible for reviewing the unusual scores and evaluating Smith, simply fail to conduct any such review or evaluation. This failure to review was a clear violation of Navy regulations (Compl. Paragraphs 10–15; Pet. App. 15a–17a). A psychological evaluation could have identified the potential for this destructive act and possibly prevented this tragedy from occurring.

Based on this negligent behavior by the Navy psychologist, the O'Neills filed suit seeking damages for the injury and death of their daughter under the Federal Tort Claims Act. Their case was dismissed pursuant to the Feres doctrine, based on the reasoning that because at the time of her death Kerry O'Neill was in her military quarters and was on active duty status, her injuries and death were "incident to military service."

In the 1950 case of Feres v. United States, the Supreme Court created a broad exception to the federal government's general liability under the Federal Tort Claims Act, where the service member's injury arises out of or is "in the course of activity incident to service." Since this initial ruling, the Court has departed from the original justifications for its holding and has expanded the ruling based on vague and broad policy justifications, not intended by Congress when it enacted the Federal Tort Claims Act. In passing the Federal Tort Claims Act, Congress intended to prohibit tort claims against the federal government by a military member or his or her family only when the injuries arise "out of the combatant activities of the military or naval forces, or the Coast Guard, during time of war." Kerry O'Neill's death was the result of a social relationship and the negligent failure of a Navy civilian psychiatrist to further evaluate Ensign Smith, not due to her involvement in combat, and in actuality, not incident to her service.

Congress wrote the statute to prohibit claims for injuries "arising out of the combatant activities of the military or naval forces, or the Coast Guard, during time of war," because we do not want to allow soldiers or their families to be able to sue the government in a combat situation, when countless decisions are made that ultimately result in the death or injury of the service member. In order to protect the integrity of military command decisions, we cannot have any and all instances of death or injury brought and questioned by juries.

Such considerations, however, do not necessitate that military personnel lose their ability to recover for clearly negligent behavior by the federal government, just as every other individual in this country is allowed to do. Unfortunately, the individuals hurt most by the Feres doctrine are those men and women who commit their lives to the service of their country. These individuals should be protected by our laws, not punished. As case after case has demonstrated, the consequences of this doctrine are unjust. Private Charles A. Richards, Jr., who was off-duty, was killed by an Army truck, whose driver had run a red light. He was driving home from work at Fort Knox to care for his then-pregnant wife. His wife was unable to recover damages. Another service woman, who had given birth to twins, discovered one of her twins suffered bodily injury and the other died due to the negligent prenatal care at a military hospital. She was unable to recover damages. Such unjust outcomes were clearly not the intention of Congress.

The Feres doctrine has been the subject of harsh criticism. In dissenting from the denial of rehearing en banc in Richards v. United States, four judges of the Third Circuit, including Chief Judge Becker, called the Feres doctrine a "travesty" and urged the Supreme Court to consider the case. Numerous law review articles have also been written on the case, decrying the doctrine. Additionally, Feres's critics have included at least three current Justices of the Supreme Court, who have argued that Feres was wrong when decided.

My legislation, like the companion bill introduced by the senior Senator from the Commonwealth of Pennsylvania, simply seeks to overturn the judicially created Feres doctrine, while leaving in place the original intention of Congress to prohibit tort claims arising out of combatant activities during times of war. The legislation amends the Federal Tort Claims Act to specifically provide that the Act applies to military personnel on active duty to the same as it applies to anyone else. There is no reason to deny our military men and women the just compensation they deserve when they are injured or killed as a result of the negligent actions of the Federal government or its agents outside the heat of combat.

Mr. Speaker, the legislation will not bring back Kerryn O'Neill, or the other two service members, who were harmed by their government in this one instance. Nor will this legislation bring compensation to their families. But hopefully, this legislation will right this unjust doctrine, and help to prevent similar tragedies in the future. We need to address this situation as quickly as possible and I urge my colleagues to support this bill.

HONORING CARYN BART OF RIVER EDGE, NEW JERSEY

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. ROTHMAN. Mr. Speaker, today I pay tribute to Caryn Bart of River Edge, New Jersey, a nurse who works at Holy Name Hospital in Teaneck, who went far beyond the call of duty to help a family with their struggle through a horrible tragedy.

Armando and Erika Herrera, from Garfield, New Jersey, who both work at Holy Name Hospital, recently suffered the tragic loss of their seven-year-old son, Daniel. On June 9, 2000, mother and son traveled to visit relatives in Hungary. Two days later, while Mrs. Herrera lay down flowers at her mother's grave, an elevated headstone tipped over, fell, and fractured Daniel's skull.

As Mr. and Mrs. Herrera were naturally stunned and dazed by these events, not knowing what to do, Caryn Bart took it upon herself to help the Herrera's in their time of need. Ms. Bart, who has four children and is married to Steve Bart, became a registered nurse in 1997 after graduating from Bergen Community College.

Through Ms. Bart's facilitation, the Herreras received calls from doctors in London, Helsinki and New York. A special flight was arranged to take them to a children's hospital in London. All that could have been done was done. Unfortunately, Daniel died of his injuries a few days later.

Although nothing can help Armando and Erika Herrera through this terrible loss, the efforts of Ms. Bart must be acknowledged. She is truly a great American and worthy of much praise and thanks. What Ms. Bart did is a wonderful example of the gift of loving kindness. She is an inspiration and an example of what compassion generosity are for all of us.

Angels walk among us and many of the nurses of America, like Caryn Bart, are these angels.

FINANCIAL INSTITUTIONS SHOULD PROVIDE LENDING CAPITAL FOR ENVIRONMENTALLY RESPONSIBLE DRY AND WET CLEANING SMALL BUSINESSES

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. MANZULLO. Mr. Speaker, today, I am introducing a Sense of the Congress Resolution that would urge financial institutions to promote environmentally responsible dry and wet cleaning processes and to work with business enterprises to provide streams of capital to protect the environment.

I am offering this important resolution to help bring to light the situation that our nation's small dry and wet cleaning businesses face with regard to the cleaning process that most of the small cleaning establishments utilize—namely, percholoroethelyne (perc) and petroleum based solvents. Perc and petroleum based solvents are known pollutants; they contaminate the air, land and groundwater. However, there are other options available to small dry and wet cleaning businesses.

On Thursday, July 20, 2000, the Small Business Subcommittee on Tax, Finance and Exports, which I chair, held an extraordinarily important hearing on H.R. 1303, the Environmental Dry Cleaning Tax Credit Act. This bipartisan bill, introduced jointly by Representatives DAVE CAMP and DAVID PRICE, is an incentive-based approach to resolving the complex environmental problems the dry cleaning industry faces as a result of its use of perc, a hazardous waste when it is emitted into the air and groundwater. There are nearly 35,000 dry cleaners across the country. Most employ only a handful of workers. They are truly small businesses.

H.R. 1303 provides a 20 percent tax credit toward the purchase of new equipment that uses non-hazardous waste producing wet and dry cleaning technology. Recent technological developments utilize carbon dioxide—the same chemical compound found in sodas (or pop, depending on what part of the nation you represent). Carbon dioxide is obviously not harmful to the environment, since we consume it and our vegetation thrives on it.

Like all new ideas on the market, this technology is expensive. That is exactly why the tax credit is necessary. While there are costs associated with H.R. 1303, they are far outweighed, in our view, by the expenses associated with cleaning up the dry cleaning solvents that have been used for decades. For example, in North Carolina, it is estimated that once the assessment and remediation for sites contaminated from the use of perc, costs using the state's own "cost-per-site" estimates could approach $72 million to $90 million annually. The State of Florida has estimated that it has 2,700 contaminated dry cleaning sites that are requiring almost $1.5 billion needed for clean-up. The numbers are staggering for nationwide clean up costs, which could approach nearly $20 billion—far outweighing the costs estimated for H.R. 1303.

After we heard testimony from the witnesses at our hearing, I was approached by a gentleman from the Bank of America, who shared with me the situation facing the dry and wet cleaning industry from the perspective of banks. He stated that the "severe and costly nature of environmental issues has virtually eliminated dry cleaners' access to conventional bank capital over the past seven to eight years." He pointed to one overwhelming reason: fear over liability as a result of contamination from perc and petroleum solvents.

I submit his letter for printing in the RECORD. However, I want to share with you the assessment by the Bank of America that financial institutions face because of these environmental risks. These include: (1) direct legal liability; (2) complete asset value loss; (3) partial asset value loss; and (4) indirect operation risk.

Mr. Speaker, it is quite obvious that the concerns of our nation's financial industry are serious enough to shy away from lending to a specific industry. But what is striking is the extent upon which the Bank of America is willing to share with Congress about why they will not lend to dry cleaners that use perc or petroleum based solvents.

What is encouraging is that the Bank of America, along with other lending institutions, such as the Central Carolina Bank, have determined that dry and wet cleaning processes that utilize carbon dioxide technology and other non-hazardous waste causing substances deserve financial backing. I am sure that other banks across the country have similar lending policies. Although I do not know specifically which one, I invite those banks to contact and confirm this with me. I, in turn, will share this information with my colleagues.

I want to reiterate the important of this resolution. There is a need that must be met. We have an enormous number of dry and wet cleaning businesses in the United States that find it difficult to obtain financial backing from lending institutions because of environmental concerns. The reason I am offering this resolution, along with my colleagues, is that I believe the American public needs to be aware of this safer, environmentally sound dry and wet cleaning technology. There are options out there, and I encourage our financial institutions to work with our dry and wet cleaners to expand this new environmentally safe technology.

BANK OF AMERICA,
SMALL BUSINESS RISK MANAGEMENT,
Raleigh, NC, July 25, 2000.

Re H.R. 1303, the Environmental Dry Cleaning Tax Credit Act.

Hon. DONALD A. MANZULLO,
Member of Congress, Chairman, House Small Business Subcommittee on Tax, Finance, and Exports, Washington, DC.

DEAR CHAIRMAN MANZULLO: Thank you for speaking with me at last Thursday's post-hearing luncheon briefing. As I stated then, the severe and costly nature of environmental issues have virtually eliminated dry cleaners' access to conventional bank capital over the past 7–8 years. There is one overwhelming reason for this—chemical contamination from perchloroethylene and petroleum solvents.

The historical environment risk to banks of lending to dry cleaners can be broken down into four groups:

(a) *Direct Legal Liability*—Simply being in the chain of title after a foreclosure can create varying degrees of bank responsibility for funding property cleanups.

(b) *Complete Asset Value Loss*—The extent of contamination is often such that banks will "walk away" from foreclosure and write off the entire asset value.

(c) *Partial Asset Value Loss*—Even if the bank is not liable for cleanup operations, or the cleanup is not so extensive to justify a complete loss, banks can only sell contaminated, foreclosed properties for a small fraction of what the appraised value was at loan origination—before the contamination! Banks must write off the difference.

(d) *Indirect Operational Risk*—Even if the bank is not taking a lien on real property, there is still a high risk due to the potential for significant unexpected expenses associated with dry cleaning operations. These expenses include spill clean-up costs, regulatory fines, operational interruption due to permit loss, and increased costs due to various employee health issues.

Regardless of how much better today's perchloroethylene or petroleum based dry cleaning machines are when compared to older machines, the risks noted above persist. While updated perchloroethylene and petroleum equipment may decrease the discharge of hazardous chemical solvents, they cannot eliminate them. Thus, banks will continue to avoid financing the equipment, the property on which they're located and the operator who uses them.

The complete elimination of the risks noted above by the CO_2 process would clearly be the single most important positive development in the relationship between banks and dry cleaners in over a decade. However, this does not mean that banks will immediately be welcoming back dry cleaners. The removal of the environmental bank risk due to hazardous solvents is replaced with the financial risk of high leverage due to the cost of the new CO_2 technology. Tax incentives such as those included in H.R. 1303 would significantly help to make this important new technology financially viable for dry cleaners and thus create a credit risk atmosphere acceptable to federally insured banks and banking regulatory agencies.

Bank of America is the leading lender to small businesses in the United States with $6.8 billion in commercial loans to businesses with less than $10 million in annual revenue. The average dry cleaner personifies what we would love to include in our portfolio—small, hard working, mostly family owned businesses with close ties to their communities. Legislation such as H.R. 1303 should allow these business owners to replace existing high interest loans, expensive leases, and less than desirable commercial locations with access to the conventional bank capital needed for commercial viability and sustainable long-term growth.

Sincerely,

JOSEPH C. BONNER,
Vice President, Small Business Risk Management, Commercial Credit Policy Development.

HONORING CANDACE GUYTON AND BYRON C. SMITH

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. FROST. Mr. Speaker, today I congratulate Candace Guyton and Byron C. Smith, two Arlington, TX, teenagers whose artistic achievements earned them medals in a scholastic competition held at the NAACP national convention earlier this month.

Byron won a second-place silver medal and $750 in scholarship money for his entry in the film making-video category at the NAACP-sponsored Afro-Academic, Cultural, Technological and Scientific Olympics (ACT SO) competition. Byron beat out more than 20 other students from across the country with his three-minute documentary cartoon about Bill Pickett, a Texas cowboy who pioneered the process of "bulldogging."

Candace won a $500 scholarship and a third-place bronze medal in the vocal contemporary music category. Not only did Candace demonstrate her tremendous vocal skills, but she performed an original song, "A Thing Called Love."

Congratulations again to Byron Smith and Candace Guyton and the proud parents of these wonderfully talented teenagers. Your tremendous achievements in Baltimore have made our North Texas community proud. Your success in the ACT SO competition is proof that you can succeed in anything you choose.

PERSONAL EXPLANATION

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. ANDREWS. Mr. Speaker, on rollcall no. 255, I was unable to vote because of a family commitment. Had I been present, I would have voted "aye"; on rollcall no. 256, I was unable to vote because of a family commitment. Had I been present, I would have voted 'aye'; and on rollcall no. 298, I was unable to vote because of a scheduling conflict. Had I been present, I would have voted 'aye.'

RECOGNIZING RICHARD SCHWARTZ

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize Richard Schwartz for the significant contributions he has made throughout the United States through his commitment to Goodwill Industries.

Richard Schwartz serves as a member of the Board of Governors of Goodwill Industries in Santa Clara County, CA, and has served on religious, organizational, and government boards in Boston, MA, and professional and health care organizations in New Jersey.

In addition to serving in the U.S. Army in Korea from 1953–1954, Richard has worked in interior design, insurance sales, and pharmaceuticals, and served as director of Government and Trade Operations and vice president of Customer and Industry Affairs for Syntex Laboratories Inc.

Richard Schwartz chaired the National Wholesale Druggist's Association health care awareness event and produced and co-directed a major health care conference at the University of Southern California Center of Excellence in Health Care Management.

Not only has Richard Schwartz served as a member of the board and chairman of the Government Affairs Committee of Goodwill and served Santa Clara County, but he also represented 13 communities throughout the State by serving on the Council of California Goodwill Industries. After dedicated service to both the State and Goodwill Industries, Richard received the Chairman's Award by Goodwill Industries International for outstanding leadership in a volunteer capability.

Mr. Speaker, Richard Schwartz has been an active volunteer who has greatly increased the visibility of the Goodwill mission. It is appropriate that we recognize Richard at this time for his commitment and devotion to community service, the Goodwill organization and to our Nation.

DEVELOPMENTAL DISABILITIES ASSISTANCE AND BILL OF RIGHTS ACT OF 2000

SPEECH OF

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Ms. LEE. Mr. Speaker, today we are commemorating the 10th anniversary of the Americans with Disabilities Act (ADA). This law has proven to make a tremendous impact on the lives of 54 million individuals in our country.

In the past decade, Americans with disabilities have been provided protection in employment, public services, public accommodations, as well as services operated by private entities, and transportation, telecommunications providers.

Since the passage of the ADA, millions of Americans have had the opportunity to contribute to society by being able to work in all fields of employment.

This monumental law has also allowed disabled Americans to enjoy life by increasing their access to recreational activities as well as removing obstacles to business and leisure travel.

Because of the ADA more and more individuals are able to travel with their families or guide dogs with better accommodations and less barriers. People with disabilities now have more access to shopping areas, dining facilities, theaters, travel services, and much more.

The ADA has helped to ensure equal employment opportunity as well as allowed individuals to materialize their educational and professional goals.

This law has opened up many doors to millions of Americans by allowing them to lead independent and self-sufficient lives. The ADA has been an important tool in the fight to eliminate all forms of discrimination. The ADA has provided reasonable accommodations in the workplace. The ADA has made major differences in the lives of many individuals.

Let's all celebrate the anniversary of the passage of this important law and celebrate the lives of millions of Americans.

LETTER FROM CARMEN SABRIA

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. MCKEON. Mr. Speaker, this letter was brought to my attention by a constituent of mine in the 25th district of California, and I find it fitting to include it in the CONGRESSIONAL RECORD. I believe Ms. Sabria sheds a whole new light on the Elian Gonzalez case, in retrospect, and highlights many of the freedoms Americans take for granted.

LETTER TO THOSE WHO MAY NOT UNDERSTAND: Elianated yet? I am. And duly so. It seems like an unending saga and we're all sick of it by now. But after Holy Saturday's events, even I, a pretty impartial Cuban-American, feel obligated to at least help you, my Anglo-American and African-American friends understand why the Cuban community is so outraged!

To reunite a little boy with his father is a beautiful thing. To do it with a gun at his head is not! If I can remember the small trauma when I was only two years old and my father put me and my mother in the bathroom while he nailed the ironing board to the front door to protect us from a big hurricane, I am certain this six year old will never forget this day! To take a little boy back to his real home is wonderful. But Elian is not going home to Cardenas, his home town, oh no . . . He's going to an 11-room mansion in Havana where he is going to live with his parents, yes, but also with other children and some "teachers" . . . Is that "home" or an indoctrination camp?

To some of you, most of the impassioned Cubans you have seen on T.V. today may seem irrational in their desire to keep that little boy in this free land. To us who see a child miraculously saved from the treacherous, shark-filled waters of the Florida strait, after his mother risked his life and lost hers to bring him to a place where he could be raised as a free man, where his wonderful spirit could develop and his ideas find expression, it seems criminal to send him back to a country where individual thought is an abomination, and free speech a crime.

A beautiful, fertile land that could still be as it was four decades ago, the most prosperous and advanced of all Latin America, where now children can only drink milk for a few years before their "quota" is removed, where medical doctors give up their practice to work as taxi drivers so they can earn U.S. dollars to feed their families because the peso has no value anymore; where young women prostitute themselves to tourists as the only way to earn that precious "dollar" that will buy their children some shoes; where children must join the communist "pioneros" movement with their red berets and are taught to sing communist songs and hate Americans, and youngsters grow to be "Communist Youth" members and are kept from dreaming dreams by being fed stories of upcoming invasions from "the enemy"; a country where artists and writers can only produce art that follows the government line; and fathers like Juan Miguel must obey what Fidel Castro orders him to say and do rather than do what is best for his child.

Do you know that Elian's father asked for a U.S. visa twice before little Elian came, and that he called his relatives here to let them know his child was coming here with his mom?

But little Elian will soon be reunited with his father and with his grandparents in that paradise island and we should be happy about that. No, maybe we're not acting out of concern over Elian and what his life is going to be like when he goes back "home". Maybe we're acting out of the pain that's in every one of these acclimated, prosperous, hard-working Cuban-Americans who cannot forget.

How can I forget the eight months I had to work in the fields shoveling dirt and pulling weeds as punishment because I had requested a visa to leave the country? How can I forget that my friends and I were kicked out of the University of Havana, even though we had the highest scores in our class, just because we had not joined the Communist Party's Cuban Youth group? How can I forget the long year my godmother spent in jail for suspicion of counter-revolutionary activities and was never the same woman again? How can I forget Eddy who died of suffocation when they packed them like sardines in a truck after being captured in Bay of Pigs... He was a handsome young man in his early twenties. How can I forget the months my cousin Ramon spent in the dungeons of La Cabana Castle right after the BoP invasions (just for being a young man and not belonging to the communist militia), where they almost starved him to death and where he heard the shots every night of those who were being executed. How can my friend Marta forget the ten years she waited in Castro's Cuba while her husband, a young poet, wasted away most of the time in solitary confinement, surrounded by rats and roaches, and the ten more years she spent in the States struggling to get him out? This poet is the former U.S. Ambassador to the United Nations Commission on Human Rights, Armando Valladares. Do you know that due to the terrible tortures and malnutrition he suffered when they finally got together after 20 years, he could not give her the children she had longed for and they had to adopt? Or Emilita, who sent her children to live with her parents in the States to keep them safe while she stayed behind with her husband who was serving 20 years in political prison? When she saw her children again, they were no longer children.

The stories are endless, my friends, every Cuban in this country has a story, and it is those stories that are crying out today. The story of a people who felt betrayed after the Missile Crisis when President Kennedy signed a pact with Soviet Premier Nikita Khruschev never to allow Cubans to plot another invasion to free their land . . . The story of a people who are feeling betrayed again because one of our own who was saved from the sharks is now being sent back to the biggest shark of all . . . Fidel Castro, who will indoctrinate him and turn him into an icon of his propaganda or, if he doesn't succeed, will destroy his spirit by turning him into a frustrated youngster with no way out.

My friends, I apologize for this "speech" but I thought it was time for this formerly not very outspoken Cuban to speak out. I know you will understand.

CARMEN SABRIA,
Miami, Florida.

TRIBUTE TO LT. GEN. JOE N. BALLARD

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. SKELTON. Mr. Speaker, let me take this opportunity to pay tribute to Lt. Gen. Joe N. Ballard, 49th Chief of Engineers and Commander, U.S. Army Corps of Engineers, who is retiring from his post after 35 commendable years of service to our Nation.

Lt. Gen. Ballard assumed command of the Corps of Engineers on October 1, 1996, and has been responsible for an annual budget of over $12 billion and a leadership of a workforce of more than 35,000 civilian and military personnel worldwide.

During his tenure as Chief of Engineers, Lt. Gen. Ballard led the Corps of Engineers in a number of significant accomplishments. Among them were restructuring all levels of the organization, streamlining major changes in business practices, reemphasizing the Corps' missions in support of the Army and Department of Defense, and strengthening the organization's commitment to serve the nation and its vital interests.

Lt. Gen. Ballard has managed Army Corps of Engineers missions—including the nation's vast Civil Works Program, environmental restoration, and construction on military installations. His leadership has guided the Corps in assisting with recovery from natural disasters as well as regulating work in the Nation's waterways and wetlands, conducting research and development, serving as the Army and Air Force real estate agent, and providing engineering services to 60 other Federal agencies and more than 80 other nations. Earlier, he served as Commander of Fort Leonard Wood, Missouri, with great distinction.

In addition to the military honors that he has achieved, the Council of Deans of Historically Black Colleges and Universities and the Career Communications Group recognized Lt. Gen. Ballard as the 1998 Black Engineer of the Year. He has also been the 1998–1999 president of the Society of American Military Engineers and a member of the National Engineering Honor society, Tau Beta Pi.

Mr. Speaker, Lt. Gen. Ballard has had an outstanding career in the Corps of Engineers and with the Army. He will surely be missed by everyone at those organizations. As he retires, I wish Joe and his wife Tessie all the best. I am certain that the Members of the House will join me in paying tribute to this outstanding American.

HONORING MEMBERS OF THE VOLUNTEER HONOR ROLL

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. DUNCAN. Mr. Speaker, I am rising today to honor five of my constituents who have been named to the Honor Roll of Volunteers by the Appalachian Trail Conference [ATC].

Phyllis Henry, Jim Botts, Lionel Edney, Bill Kerr, and Dick Ketelle are among the 75 people who received this award because of their hard work which symbolizes the efforts and dedication of thousands of volunteers who help manage and protect the Appalachian Trail.

The Volunteer Honor Roll was established to celebrate ATC's 75th anniversary this year. Founded in 1925 to promote, build, and protect the Appalachian Trail, ATC is one of the most successful volunteer-based conservation and outdoor recreation organizations in the United States.

As you know, the Appalachian Trail is one of America's premier hiking trails and the world's longest footpath. Located within a day's drive of two-thirds of the U.S. population, it is used each year by up to four million individuals from around the world.

It is only through the great work and leadership of individuals like these five people and organizations like the Smoky Mountain Hiking Club, to which they all belong, that we are able to protect and maintain this great national treasure.

Each of these individuals has dedicated thousands of hours over the years so that we could enjoy the Appalachian Trail. I would like to take the time to personally thank them for all of their work and to honor their great volunteer spirit for which Tennessee has been recognized for hundreds of years.

LORI BERENSON

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. NADLER. Mr. Speaker, today I support the recent letter signed by a majority of members of the House of Representatives urging the President to work for the release of Lori Berenson, an American Citizen illegally detained in a military prison in Peru.

It is ridiculous that I must bring up this issue yet again after four years. How many letters must we send to the President of Peru on Ms. Berenson's behalf. How many times must Mark and Rhoda Berenson appeal to members of their own government before they are reunited with their child?

Ms. Berenson was convicted four years ago of treason and sentenced to life imprisonment in Peru. The details of her case read like the script of a movie, secret Peruvian military tribunal, conviction in violation of international law, maximum security isolation, and now reports that her health is seriously threatened.

Ms. Berenson was convicted by a judicial system which has been characterized by the U.S. State Department as "inefficient, often subject to corruption, and easily controlled by the executive branch." The state department further states that "* * * proceedings in the military courts—and those for terrorism in civilian court—do not meet internationally accepted standard of openness, fairness, and due process." Ms. Berenson's conviction has been condemned by the Organization of American States and the United Nations High Commission on Human Rights.

How does the American government, the most powerful government on the globe, the world's hegemon, sit by and allow this to happen. How can we continue to tell Mark and Rhoda Berenson "We're sorry, but there is nothing the United States of America can do to help free your daughter."

I cannot express in words, the pain I would feel if my child was being held illegally, health deteriorating. All of us in this chamber should try to imagine for just a moment the pain that is felt each and every day by the Berensons. We must then turn that sadness into a collective cry for action on the part of the administration. United States citizens must not be treated in such a barbaric manner.

I call on the President to act decisively. To use the vast resources of this great nation and demand Lori Berenson's release.

TAI KAI ATLANTA 2000

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. BARR of Georgia. Mr. Speaker, on August 18, 2000 a gathering will take place in Atlanta, Georgia of teachers and students of the traditional Japanese martial art of Ninjutsu. The International Bujinkan Tai Kai, as the gathering is called, will host visitors from every corner of the globe. They will be in Georgia to train under the guidance of Dr. Masaaki Hatsumi, the Grandmaster of Ninjutsu. Dr. Hatsumi is the 34th Grandmaster of Ninjutsu, is the founder of the Bujinkan Dojo, and is considered a national treasure by the Japanese government. Bujinkan, which means "Divine Warrior Hall," was named in honor of his teacher, Toshitsugu Takamatsu.

I am extremely pleased Dr. Hatsumi has chosen Atlanta, Georgia as the host city for International Bujinkan Tai Kai 2000. It is my sincere hope each participant will benefit from the principles of discipline, self respect, and respect for fellow man, at the heart of Bujinkan.

I submit the following for the RECORD.

TAI KAI,
ATLANTA 2000,
July 1, 2000.

Re: Request for Proclamation or Special Letter of Welcome
Congressman BOB BARR,
c/o Slade Gulledge, Marietta Congressional Office, Marietta, GA.

DEAR MR. GULLEDGE: With regard to a conversation you had with a member of my staff, Sean Gerety, and later an e-mail, I am requesting a Proclamation from Bob Barr to Dr. Masaaki Hatsumi. Atlanta has been selected as the site of the International Bujinkan Tai Kai by Dr. Masaaki Hatsumi, the 24th generation grandmaster of the Bujinkan system. Dr. Hatsumi is the only grandmaster of the traditional Japanese martial art of ninjutsu, and consequently his selection of Atlanta for the Tai Kai constitutes an important event.

The Bujinkan Atlanta Dojo, America's original school of Japan's oldest martial art will be sponsoring the Tai Kai for the fifth time. Bud Malmstrom is the owner and 11 degree Black Belt instructor of this school. He began his training over 22 years ago. Bud's wife Bonnie, 9th degree Black Belt instructor has been the organizer of all five Tai Kai conventions. She was the first non-oriental and the third woman only in the would to pass the fifth degree black belt test.

Hatsumi's last visit to Atlanta was during the Olympic year, 1996. He decided in 1996 that he would like to revisit the fair and beautiful city of Atlanta for the Millennium 2000 American Tai Kai training celebration. August 18th 600 ninja scholars and enthusiasts from every corner of the world will convene in the Grand Ballroom of the OMNI Hotel at CNN Center to begin a four day training event with the grandmaster of ninjutsu. Ninjutsu simply stated: the skill of the ninja is the art of winning . . . "attaining that which we need while making the world a better place in which to live."

Please see the information included and provide us with a Proclamation if at all possible. We will have an opening reception August 18th and plan to bestow this to Dr. Hatsumi as a gesture of welcome. If there is anyone from your office who could present this award to Dr. Hatsumi, it would be wonderful. Please let me know where and when we can pick up the proclamation. Thanking you sincerely,

With warmest regards,

BONNIE G. MALMSTROM,
Secretary/Treasurer.

NICO FERRARO: 2000 LABOR LEADER OF THE YEAR OF THE SAN DIEGO COUNTY BUILDING AND CONSTRUCTION TRADES COUNCIL, ALF–CIO

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. FILNER. Mr. Speaker, I rise today to recognize Nico Ferraro, business manager of the Plumbers & Pipefitters, Local 230, as he is honored by the San Diego County Building and Construction Trades Council, AFL–CIO at the Eighteenth Annual John S. Lyons Memorial Banquet.

Nico Ferraro is being honored as the 2000 Labor Leader of the Year because he is an active labor leader who has gained a reputation for getting things done. His activism caught the attention of Local 230, and he was elected to the executive board in 1989. In 1992, he was elected pipefitter business representative and served in that capacity until his appointment as business manager in 1997.

As business manager of Local 230, he represents the 1600 member local union in many ways. He is a trustee to the pension and health and welfare funds, the secretary to the Joint Apprenticeship Committee, delegate to the District Council, and executive board member to the Building Trades and the Central Labor Council. He serves on a statewide committee for the International Union and is also a hearing officer for the International Union. He is a management trustee for the OPEIU pension.

Nico is dedicated to improving the wages, pension, and working conditions of his membership and demonstrating to all of San Diego the benefits of union membership. He has spoken before the Industrial Welfare Commission, the California Apprenticeship Council, to church groups and to community college students on the benefits of being a union member.

He is involved in all aspects of the labor movement. A number of his pro-union letters to the editor have been published in San Diego newspapers. He co-chairs the Labor Council Street Heat Committee. He raises money for Local 230's scholarship fund. Recently, he was appointed to the Industrial Welfare Commission Wage Board where he will be asked to determine the wages, work hours, and working conditions for the mining, drilling, and construction industries.

Nico's dad, uncles, brothers and neighbors in New York City were union members. He learned at an early age the value of union membership. He served a five-year steamfitter apprenticeship with one of the original United Autoworkers locals, Local 638. From the minute he was initiated into the union, he knew it was for him! A highlight was his work on the 110 story World Trade Center twin towers building in New York.

Nico has been married for the past fourteen years to his wife Lynn, who is a member of the California Teachers Association.

As a friend and supporter of the working man and woman, I want to sincerely congratulate Nico Ferraro on receiving this prestigious award for his long hours and intensive work in the cause of justice. It is an honor to know him and to support his work!

SECTION 907 OF THE FOREIGN ASSISTANCE ACT

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. KNOLLENBERG. Mr. Speaker, today I stress the importance of retaining Section 907 of the Foreign Assistance Act in the Foreign Operations Bill.

For more than 10 years Azerbaijan has cut off the transportation of food, fuel and medicine from the United States and the United Nations to our ally Armenia. Armenia and its neighbor, Nagorno-Karabagh are both landlocked, and these blockades are virtually isolating them from the rest of the world.

Section 907 prohibits United States aid to Azerbaijan and constitutes a focused, appropriate message to the government of Azerbaijan that the United States won't support efforts to marginalize, via blockade, entire populations of neighboring states.

Section 907 must remain in place until the President of Azerbaijan confirms that country is taking steps to cease blockades and offensive uses of force against Armenia and Nagorno-Karabagh.

I encourage my colleagues to support Section 907 in the Foreign Operations bill.

AUTHORIZING BUREAU OF RECLAMATION TO PROVIDE COST SHARING FOR ENDANGERED FISH RECOVERY IMPLEMENTATION PROGRAMS FOR UPPER COLORADO AND SAN JUAN RIVER BASINS

SPEECH OF

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Mr. UDALL of Colorado. Mr. Speaker, as a cosponsor of H.R. 2348, I rise to urge its approval.

This bill is an important one for Colorado and the other States within the upper basin of the Colorado River and the basin of the San Juan River.

The recovery program for endangered fish in the upper basin of the Colorado river is a cooperative program involving the State of Colorado and our neighboring States of Utah and Wyoming; the U.S. Fish and Wildlife Service, Bureau of Reclamation, and Western Area Power Administration, environmental organizations, and water-development interests in all three states.

The State of Colorado is also a participant in the recovery program for the San Juan program, along with New Mexico, the Southern Ute and Ute Mountain Ute tribes, USFWS and Bureau of Reclamation, the Navajo Nation, the Jicarilla Apache Tribe, and water development interests.

Both recovery programs are aimed at recovering the endangered fish in ways that meet the requirements of the Endangered Species Act while minimizing conflicts and allowing continued utilization of the area's scarce water resources for this and other purposes in ways that are consistent with applicable state laws, interstate compacts, and Supreme Court decrees allocating water among the states.

The purpose of the legislation is to provide a specific authorization for the funding that is necessary for implementation of these programs. Such funding has been consistently provided in recent years, but having such a specific authorization will provide greater certainty for all concerned.

The bill is the product of a cooperative effort among the participants in the programs and other interested parties. It is a sound and balanced measure that merits strong support. I am glad to have the opportunity to join with Chairman HANSEN and the other sponsors of this legislation in urging its passage by the House and hope that the Senate will act promptly to send it to the President for signature into law.

H.R. 1248, THE VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT

HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mrs. KELLY. Mr. Speaker, the U.S. Department of Justice estimates that between 1 million and 4 million women are physically abused by their husbands or live-in partners each year.

Justice also reports that females account for 39 percent of the hospital emergency department visits for violence-related injuries.

According to another poll, up to 40 percent of teenage girls age 14 to 17 report knowing someone their age who has been hit or beaten by a boyfriend.

Family violence costs the nation upwards of $10 billion annually in medical expenses, police and court costs, shelters and foster care, sick leave, absenteeism, and non-productivity.

Mr. Speaker, I have only touched on the tip of the iceberg. Unlike many people, we are in a position to help turn these statistics around.

We can begin by passing H.R. 1248, the Violence Against Women Reauthorization Act and help the thousands of men and the millions of women who face abuse in their own homes feel a little safer in knowing that we are here and we are listening and will once again fulfill/our promise and help them escape from abuse and end the cycle of violence.

Mr. Speaker, I urge my colleagues to support this important legislation, not only for the men and women being abused today but for our children who may be the victims of tomorrow.

LARRY LUCCHINO: THE JOHNS FELLOWSHIP AWARD OF THE SAN DIEGO COUNTY BUILDING AND CONSTRUCTION TRADES COUNCIL, AFL-CIO

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. FILNER. Mr. Speaker, I rise today to recognize Larry Lucchino, as he is honored by the San Diego County Building and Construction Trades Council, AFL-CIO at the Eighteenth Annual John S. Lyons Memorial Banquet.

Larry Lucchino, President and Chief Executive Officer of the San Diego Padres, is being recognized for his contribution to the community of San Diego and for fulfilling three fundamental commitments of ownership which he made as he purchased the San Diego Padres baseball team on December 21, 1994.

First and foremost, the Padres, under the leadership of Larry Lucchino have become active participants in the community, assisting the children of the region in their education, recreation, and health. The Padres Scholars Program was established in 1995 to aid students with college scholarships. The Little Padres Parks Program has committed to building or refurbishing 60 youth ballfields in San Diego and Northern Baja. The Cindy Matters Fund, named for a lifelong Padres fan who inspired Padres players and staff during her fight against cancer, pledges assistance in the fight against children's cancer and provides funding to the UCSD Medical Center's Pediatric Oncology Research Laboratory.

Second, he has helped to rebuild the club so that they were recognized as the most improved team in the National League in 1995 and champions of the National League West in 1996. In 1998, the Padres captured the National League West Championship and then proceeded to the World Series to play against the New York Yankees.

He has also created a warm and fan-friendly environmental at the local Qualcomm Stadium, and his passion for the internationalization of baseball has led to historic achievements with the Padres playing games in Mexico and Hawaii, and establishing relations with teams in Japan and Korea.

In addition, Larry Lucchino is active in both civic and charitable institutions in San Diego, serving on the CEO Roundtable, the Board of Directors of the Economic Development Corporation, the Binational Advisory Council on Border-Crossing Process, and the Board of Directors of the Padres Foundation.

He has the unique distinction of earning a Final Four watch with Princeton in 1965, a Super Bowl ring with the Washington Redskins in 1983, and the World Series ring with the Baltimore Orioles in 1983. He has earned a reputation as one of baseball's modern-day innovators. As President and CEO of both the Baltimore Orioles from 1988–1993 and the San Diego Padres since 1995, he has broken ground in ballpark design and planning, the development of new marketing concepts, and the furthering of player-owner relations.

Larry Lucchino is being honored by a very special award. The JOHNS Fellowship Award was established to commemorate the late John Lyons of the Teamsters who was one of the founders of the San Diego Chapter of the Leukemia Society of America. The proceeds from the Memorial Banquet will be used to support local charitable causes including bone marrow testing and local research grants.

My sincere congratulations go to Larry Lucchino, and I am proud to salute him and to recognize his accomplishment with this statement in the United States House of Representatives. Thank you, Larry.

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2001

SPEECH OF

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4871) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2001, and for other purposes.

Mrs. MORELLA. Mr. Chairman, I want to support the efforts of Congressman WYNN and his desire to provide funding for FDA consolidation in Montgomery County, Maryland. In last week's Treasury Postal Appropriations bill, no funding was made available for the consolidation project. I wholeheartedly agree with Rep. WYNN's request that greater consideration for the project be made in conference.

Presently, the FDA has approximately 39 different buildings in 21 different locations and 6,000 employees throughout the Washington, DC metropolitan area. The purpose of the consolidation project was to condense those buildings, employees, and locations into one site, the former Naval Surface Warfare Center in White Oak Maryland. There are several benefits of this consolidation: one, it would allow for the design and construction of a Center for Drug Evaluation and Research Laboratory (CDER). Two, there would be a savings of more than $200 million in lease costs over a ten year term. Three, it would help fill the void left by the closure of the 700 acre White Oak Naval Surface Warfare Center.

I am aware that no construction projects were funded by the Treasury/Postal subcommittee; however, this project benefits the nation by establishing a much needed drug evaluation and research laboratory while reducing costs for taxpayers.

I urge the conferees to restore the funding that was part of the President's proposed FY 2001 budget.

A TRIBUTE TO DETECTIVE MATT EATON

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. GARY MILLER of California. Mr. Speaker, I rise to congratulate Detective Matt Eaton, of the Montclair, California Police Department, for earning the Montclair Chamber of Commerce 1999 Annual Achievement Award.

Detective Eaton was hired as a full-time police officer in 1989, working the cornerstone of policing, patrol enforcement. Over the past eleven years, Detective Eaton has developed his highly specialized skills through training and daily experiences.

Known for his energy and enthusiasm, Detective Eaton is quick to volunteer to help others with their tasks. He commits great effort and dedication to his job, often working late on his days off His vision and leadership led to the development of a county-wide standardized Crimes Against Children Protocol. However, Detective Eaton's dedication is not limited to the City of Montclair. He drafted a California State Assembly Bill designed to protect all residents from the invasion of concealed cameras.

Detective Eaton has been recognized by Project Sister, Child Protective Services, the Los Angeles County Sheriff's Department, San Bernardino County Sheriff's Department, and he has been honored by his own department as the recipient of their Annual Achievement Award.

Detective Eaton's eleven years of exemplary service distinguishes him as a true American hero, worthy of this Congress' praise and gratitude.

HONORING THE CHILDREN'S INN AT NIH

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mrs. MORELLA. Mr. Speaker, I rise to recognize and celebrate the 10th Anniversary of the Children's Inn at the National Institute of Health, located in Bethesda, Maryland. The Children's Inn has provided the critical service of a warm, friendly, and comfortable environment for seriously ill pediatric patients and their families since June of 1990.

The NIH is the premier biomedical research facility in the world. Children from across the nation and around the world regularly travel to the NIH to receive extraordinary treatments for many illnesses and disorders. While patients receive their medical treatments, the Children's Inn provides a comforting, stable environment for families going through the emotionally draining experience of treating a seriously ill child.

During the past 10 years, nearly 4,000 children and their families have made 23,263 visits to The Children's Inn. The facility provides a welcome solace for both patients and families. A warm group of staff members and volunteers assure that each resident of the Children's Inn is comfortable and feels at home. At the end of long days filled with tests and treatments, the young patients are greeted at the Inn with a variety of activities. The children can enjoy arts and crafts, bingo, movies, video games, computers, and the fellowship of other children sharing similar experiences.

Families staying at the Children's Inn are provided a 24-hour support network of gracious and compassionate staff, volunteers, and other parents caring for children. This provides an invaluable resource in boosting morale, and makes the treatment process not only bearable, but also enjoyable for both patients and family members.

A recent story in a local Montgomery County, Maryland newspaper told the story of a mother of a terminally ill child who was a resident at The Children's Inn on various occasions. Speaking of the positive influence the Children's Inn has had on her family, she said, "The Inn was one of the greatest gifts I could receive."

Congratulations to the Children's Inn for 10 years of devoted service to our community. Keep up the great work!

EDWARDS ELEMENTARY SCHOOL: MUSTAFAA SALEH AND LISA MATTESON

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. LIPINSKI. Mr. Speaker, these students are all credit to their families and the Chicago community. I wish them tremendous success in their continuing education and future aspirations. Furthermore, I charge all of them to use their strength and leadership in service to this great nation. Mr. Speaker, I am again pleased to offer my sincere congratulations the winners of my 2000 Spirit of Achievement Award program.

RICHARD H. BLADES, 1930–1999: PUBLIC SERVANT

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. HORN. Mr. Speaker, late last year, we lost a remarkable man—a man who made significant contributions to every field he touched: the non-profit sector, business, politics, and government, including the House of Representatives.

Richard H. Blades was an expert in public relations who never sought publicity for himself, a political strategist of the first rank who never held office, a man of comfortable means who never forgot those less fortunate, and a man with a great sense of humor who never failed to confront the serious issues of his community, state, and nation.

Dick Blades was born in Huntington Park, California, and established a reputation in high school, and at the University of Southern California, as a skilled debater. After graduating from U.S.C. in 1952, Dick began work as a public relations consultant and political strategist. He also established an extraordinary partnership with Alphonzo Bell.

In the 1950s, Al Bell was a major figure in the California Republican Party serving as Chairman of the State Republican Central Committee, and later as Chair of the Los Angeles County Republican Central Committee. Dick worked with Al Bell on some of the legendary internal battles of the Republican party in the 1950's—featuring such larger-than-life figures as Governor Goodwin Knight, Senator William F. Knowland, the Republican Leader of the United States Senate, Senator Thomas H. Kuchel, the Republican Whip, and Vice President Richard M. Nixon.

Alphonzo Bell was then elected to the House of Representatives in 1960 from Los Angeles and would serve for sixteen very distinguished years. During those years, Dick assisted Congressman Bell in a variety of capacities, including campaign manager, field representative, and administrative assistant. Dick also found time to consult on Nelson Rockefeller's 1964 campaign for President, and Charles Percy's victorious 1966 campaign for United States Senate in Illinois.

The partnership of Congressman Bell and Dick Blades enjoyed great success and they had many significant legislative accomplishments in the 1960's and 1970's, especially in the areas of education, space and technology, and the environment. Their proudest achievements included initiating the preservation of the Santa Monica Mountains and the Channel Islands, and establishing the San Onofre area as a public beach.

Dick had great respect for the House of Representatives as an institution where diverse people and interests would come together to resolve conflicts. He is an example of what makes this institution work—the dedicated staff member who serves his Representative, Congress, and the country, with honor, wisdom, and loyalty. Dick also respected the electoral process and was known for his keen understanding of the issues. The campaigns he managed spoke honestly and intelligently to the people, and Dick treated the voters as independent citizens capable of exercising good judgment, not as a pliable mass to be manipulated with modern media techniques.

After Congressman Bell's retirement, Dick provided consulting services to Bell Petroleum and embarked on another extraordinary career as a volunteer board member in the non-profit world. All of the skills Dick displayed in the political world were now being used to help charities—many of them very small or new organizations doing innovative work.

Dick's qualities of judgment, wisdom, and ability to get things done, along with his skills in finance, public relations, policy, and personnel, made him a revered and sought after board member in a variety of worthy causes, especially in the areas of health care, disability rights, and literacy. Dick was a life-long asthmatic who ultimately succumbed to respiratory failure. He served as President of the Asthma and Allergy Foundation of Southern California and helped begin the Breathmobile project which brings critical medical services to inner city children. The Breathmobile program has been credited with saving hundreds, if not thousands, of lives, and was later expanded to the entire country.

Dick was also a valued board member and officer of Centro Latino Educacion Popular, which trains Spanish-speaking adults to read and write, the Western Law Center for Disability Rights at Loyola Law School, and the Rose Foundation for Communities and the Environment.

Although Dick was unquestionably a man of the sensible center, he had a diverse collection of friends who ranged from the far right to the far left. He helped to moderate them, but he, in turn, learned from them and was always open to good ideas from any source.

At Dick's memorial service, there was an astonishing array of friends from all walks of life—business, charities, education, politics, and entertainment—and from all stations in life, young and old, the wealthy and those of modest means, celebrities and those whose names have never been in the papers.

What they had in common, along with Dick's friends who could not attend, was deep affection and respect for an extraordinary man who had no children but who touched the lives of many, and who leaves a legacy of achievement and generosity of spirit that is a model for us all.

IN HONOR OF EMILIO MILITO NAVARRO, EUGENE GENE SMITH AND WILMER RED FIELDS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. KUCINICH. Mr. Speaker, today I honor Emilio "Milito" Navarro, Eugene "Gene" Smith, and Wilmer "Red" Fields; three players who have made a celebrated contribution to the baseball history of America.

Emilio Navarro played for the Cuban Stars and is the last known living player from the Eastern Colored League. Considered an excellent hitter, in 1928 Emilio was the regular shortstop and lead off batter for the Cuban Stars and posted a .337 batting average in the following season. Frequently listed as "Milito" in the box scores, he was a star in his homeland of Puerto Rico, and was elected to the Puerto Rican Hall of Fame in 1992.

Eugene Smith played in the Negro Leagues from 1939 to 1950 and pitched for the Cleveland Buckeyes in 1947. He was regarded as a power pitcher with a good fastball and slider, and was one of the "Big Four" on the St. Louis Stars" pitching staff.

Wilmer "Red" Fields was an ace pitcher for the Homestead Grays team that won the National Negro League Championship in 1948. He registered a 7–1 record in league games that year, appeared in the All-Star game, and pitched in two World Series games. After the Grays disbanded, Fields was offered positions with five major league teams, but turned all the offers down. He did, however, play for Toronto in the International League, as well as playing in several Latin American Leagues during winters.

My fellow colleagues, please join with me in honoring these three admirable athletes, whose talents are being recognized at the Third Annual Negro/Hispanic Baseball Legends Celebration this year.

INTRODUCTION OF THE NORTHERN FRONT RANGE ROADLESS AREA AND MOUNTAIN BACKDROP PROTECTION ACT AND THE COLORADO FOREST RESTORATION AND FIRE REDUCTION ACT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. UDALL of Colorado. Mr. Speaker, Colorado's forest lands are one of the things that makes our state a very special place to live. But as our population increases, so do the pressures on our forests and the potential damage that can result from intense wildfires in the areas where residential areas press against the forests.

Today, I am introducing two bills that respond to at least some aspects of these two serious problems. One will provide protection for roadless areas in the Congressional District I represent. The other would put new emphasis on cooperative efforts to restore forest lands and prevent catastrophic forest fires in areas of high risk throughout Colorado.

PROTECTION FOR ROADLESS AREAS

The first bill is the Northern Front Range Roadless Area and Mountain Backdrop Protection Act. Under that bill, the Forest Service would manage over 80,000 acres on the Arapaho-Roosevelt National Forest as "protected roadless areas." All of these areas are within Colorado's Second Congressional District. They are areas that the Forest Service identified as roadless in its 1997 Revision of the Land and Resource Management Plan for the Arapaho-Roosevelt. Most of these areas would be appropriate additions to existing wilderness areas, and they are also included in President Clinton's Roadless Conservation Proposal for the national forests.

The Arapaho-Roosevelt National Forest is within a few minutes drive for more than 2.5 million people in the Front Range Denver-metro area. As a result, it is experiencing increasing use of all kinds, especially recreational use. I have supported the President's roadless area initiative in part because I know how those increasing pressures are affecting the Arapaho-Roosevelt and the other national forests in Colorado. And, with respect to relevant lands within my own Congressional District, I want to build on what the President has proposed. So, my first bill would undergird the President's initiative with a statutory requirement that the Forest Service manage these areas to preserve their roadless qualities until Congress determines otherwise.

With this interim protection in place, the bill would also require the Forest Service to study and evaluate these areas and then make recommendations to Congress regarding their future management. That report would be submitted within three years. In the meantime, and until Congress decides otherwise, these roadless areas would be managed under the "recommended for wilderness" management category in the Forest Plan, and require the Forest Service to study and report to Congress in three years about management options for these lands. The report would include recommendations about the suitability of wilderness designation for some or all of these lands but can also include any other recommendations the Secretary of Agriculture decides to make. The bill will thus maintain all options and allow the Congress to ultimately resolve the status of these roadless lands.

ROCKY FLATS MOUNTAIN BACKDROP STUDY

The bill also contains a section intended to help local communities preserve the Front Range Mountain Backdrop just west of the Rocky Flats Environmental Technology site.

As all Coloradans know, Rocky Flats is just a few miles north and west of Denver. Once, it was a nuclear weapons production facility. But now that mission is over and the task of the Rocky Flats workforce is to carry out a thorough, prompt, and effective cleanup and closure. I strongly support that effort, and am also working to have the prairie land within the site's 6,500 acres protected as wildlife habitat and open space. But I think we need to look beyond the site's perimeters.

So far, development in the Denver-metro area has not yet surrounded the Rocky Flats site. However, growth and sprawl are heading its way. Now is the time to shape the future of this part of the Front Range, and I think we have a real but fleeting opportunity to establish Rocky Flats and lands to its west as a "crown jewel" of open space and wildlife habitat that will be of inestimable value for Coloradans for generations to come. I also think the federal government can help achieve that goal. So, my bill would call on the Forest Service to examine the land ownership patterns west of Rocky Flats, identify lands that are undeveloped, and recommend options on how these areas could be preserved.

FOREST RESTORATION AND WILDFIRE PREVENTION

The second bill I am introducing is the Colorado Forest Restoration and Fire Reduction

Act. This bill complements the roadless-area protection bill by addressing some of the most pressing forest issues in other areas—the parts of Colorado's forests that adjoin urban development and that are at greatest risk for intense fires that can despoil watersheds and destroy homes.

As the news headlines continue to report, wildfires on national forests and other forested lands are a serious problem this summer—especially in Colorado. Right now, a major fire is still burning at the Mesa Verde National Park, another fire threatens the watershed of Glenwood Springs, and people are trying to recover from earlier fires that destroyed homes in areas of the Front Range.

Part of the problem results from hot, dry weather. But there are other, contributing factors. For many years, the Forest Service had a policy of trying to suppress nearly every fire, even though fire is an inescapable part of the ecology of western forests like those in Colorado. Today, in many parts of the forests there is an accumulation of underbrush and small diameter trees that is greater than would be the case if there had been more, smaller fires over the years. They provide the extra fuel that can turn a small fire into an intense inferno. Add to that our growing population and increasing development in the places where communities meet the forests—the so-called "urban interface"—and you have a recipe for worse problems ahead.

Properties, lives, and wildlife habitat are at risk, and so is the environment. Uncontrolled wildfires strip the land of its protective vegetative cover, making it highly susceptible to erosion. We have seen what that means in places like Buffalo Creek, where the eventual rain storms wash sediment and forest material into waterways, polluting and clogging sources of drinking water. In addition, wildfires also have serious adverse effects on the quality of the air.

Working with state and local partners, including our state forest service, the U.S. Forest Service has identified the interface areas at greatest risk of fire—the areas they call the "red zone." My second bill deals just with those areas.

Red zone areas in Colorado are situated in regions that contain complex land ownership patterns—frequently involving federal, state, Tribal, county, private and city lands. Those patterns make it difficult for any one agency to deal with the problem and so makes the problem that more intense. My bill would address these problems by establishing a program to share costs and provide incentives for collaborative efforts at forest restoration and fire-prevention projects in the red zone.

The bill calls on the Forest Service to work with state and local agencies, independent scientists, and stakeholder groups to identify priorities and develop projects for forest restoration and fire prevention. The bill spells out clear and sound requirements that such projects would have to meet to be eligible for funding—including preservation of old trees and trees larger than 12″ in diameter. It also specifies that preservation of roadless areas would be required, and that all projects would have to meet the requirements of all federal and state environmental laws.

To help assure the integrity of the program, the bill would require establishment of a technical advisory panel, including independent scientists as well as representatives of relevant agencies and stakeholder groups, to provide additional guidelines and set priorities. It would also require that the projects authorized under the bill be monitored and evaluated for their benefits and any potential adverse impacts to make sure the program is working as intended. The bill also authorizes funding to provide the federal share of the costs of the projects developed and implemented under the program.

Ultimately, the objective of this bill is to develop new collaborative relationships between the Forest Service and state, local and private forest experts and landowners—together with the public—to get out on the land and address problems before they become uncontrollable. The theory of this bill is that it is cheaper and more effective to prevent fires than to fight them. Reducing fire risks and restoring natural balance on our forested lands can help us accomplish that goal.

Mr. Speaker, these bills were not written overnight and they do not reflect just my own ideas. In developing them, I have drawn upon the technical expertise of federal and state agencies and have consulted with members of the Colorado conservation community as well as with other Coloradans who are familiar with the resources, values, and problems of our forests. I think these bills are sound, balanced measures that can help address some of the most pressing of those problems. I look forward to working with other Members of the Colorado delegation and the Congress as a whole to achieve the important goals of this legislation.

NOW IS THE TIME TO RENEW THE VIOLENCE AGAINST WOMEN ACT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. UDALL of Colorado. Mr. Speaker, we've had a busy agenda this week. But one important bill has been missing—the bill to reauthorize the Violence Against Women Act, or "VAWA." The House should take it up without delay.

VAWA is very important for Colorado. Through last year, our state received almost $15 million in VAWA grants. That money has helped assist victims of domestic violence, but it has also done much more.

In fact, according to a letter from our Attorney General, Ken Salazar, and his colleagues from other states, VAWA "has enabled us to maximize the effectiveness of our state programs that have made a critical difference in the lives of women and children endangered by domestic violence, sexual assault, and stalking." The current authorization for VAWA expires this year. Because I know the importance of renewing and strengthening this vital measure, I have joined in cosponsoring H.R. 1248, the VAWA reauthorization bill. I was encouraged when the Judiciary Committee approved it for consideration by the full House. But that happened on June 27th—a full month ago—and still the bill has not reached the floor, even though many less important measures have been considered.

I call on the leadership of both parties to bring the VAWA reauthorization bill to the floor without further delay. This is too important a matter to neglect.

A TRIBUTE TO CARY J. BRAIRTON

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. GARY MILLER of California. Mr. Speaker, it is with great pleasure that I celebrate the 50th Birthday of Cary J. Brairton of Pittsford, NY.

Mr. Brairton was born on August 19 to his father and mother, James and Arax Brairton in Rochester, NY and has been living in the Rochester-area for all of his 50 years. His father was a member of the Rochester City Council and owner of a small business in the heart of downtown Rochester. Mr. Brairton graduated from the Rochester Institute of Technology in 1972. He has been an employee of the Eber Brothers Corporation for 27 years.

Mr. Brairton has been an active member in the community and to youth development. He has come to the aid of many youth athletic teams to ensure the kids would have the opportunity to play little league baseball, football or soccer by becoming a coach, volunteer or referee when no one else would agree to do so.

But his biggest achievement has been his devoted love to his two sons, Michael and Scott. Mr. Brairton lost his father in 1963 and grew up much of his life without the benefit of a paternal influence. For this reason, he has been a loving father and role model to his sons. Mr. Brairton's greatest accomplishment has been his overwhelming commitment to encourage and support his children in whatever activities they chose to participate in, whether it was sports, musicals, or other activities. He almost never missed one of his children's activities, even when his older son was playing lacrosse in college six hours away or when his youngest was participating in soccer tournaments all along the eastern shore.

Mr. Brairton will also be celebrating his 28th Wedding Anniversary on August 19. Mr. and Mrs. Brairton met while they were students at Eastridge High in Irondequoit, NY in 1967. The couple weathered the strains of a long distance relationship as Mr. Brairton attended 2 years at Heidelberg College in Ohio while Mrs. Brairton enrolled at Buffalo State. Hundreds of weekend visits to his wife-to-be allowed their love to flourish and in 1972, the two were wed at Saint James Church in Rochester, NY.

Cary J. Brairton has been a committed father demonstrating great family values and deserves the congratulations of this Congress on his 50th Birthday and the anniversary of his 28 years as a dedicated husband.

INTRODUCTION OF THE BOOK STAMP ACT JULY 27, 2000

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. HOLT. Mr. Speaker, in this new century, an education is more important to Americans than ever before in our nation's history. We have progressed from the agricultural-based economy of our forefathers to one that is knowledge-based and dependent on information and communications technology.

Today, in order to succeed and even just to function in this new economy, Americans must have a solid education and foundation of skills. In addition, Americans must be equipped with the skills necessary to continue learning. They must be prepared to survive in a world of rapid social and technological change.

Literacy is the primary tool needed for lifelong learning. It opens up doors to new opportunities and experiences.

Yet, today, too many Americans are unable to read a single sentence. In fact, nearly 40 percent of our nation's children cannot read at grade-level by the end of the third grade. In disadvantaged communities, this failure rate is a shocking 60 percent. Without the basic skill of literacy, these children are likely to fall to the wayside in our new economy.

We must combat illiteracy. However, we cannot wait until these children start school; we must reach them earlier. We should eagerly seek to give these children the excitement, the satisfaction, the empowerment, and the impetus for growth that comes from reading.

Studies have confirmed that reading to young children in the years before age 5 has a profound effect on their ability to learn. Doctors have told us that a child's brain needs intellectual stimulation to grow to its full potential, so we must read to our children from birth through school age. But many families do not have access to children's books. A recent study found that 60 percent of kindergarten children who performed poorly in school did not own a single book.

The Book Stamp Act, which I am introducing today along with my colleagues Mr. UPTON, Mr. ANDREWS, Mr. MILLER, Mr. OWENS, Mr. PAYNE, and Mr. ROMERO-BARCELO, and which was recently introduced in the Senate by Senators KENNEDY and HUTCHISON, will help provide children with their own books before they enter school.

The act authorizes an appropriation of $50 million a year for this purpose. It also creates a special postage stamp, which will feature an early learning character and which will sell at a slightly higher rate than the normal 33 cents, to create additional revenues for the Book Stamp Program.

The resources will be distributed through the Child Care and Development Block Grant to the state child care agency in each state. The state agency then will allocate its funds to local child care research and referral agencies throughout the state on the basis of local need.

These non-profit agencies will work with established book distribution programs such as First Book, Reading is Fundamental, and Reach Out and Read to coordinate the buying of discounted books and the distribution of the books to children.

However, since these young children cannot read on their own. These agencies will also work with parents and child care providers to educate them on the best ways to read to children and the most effective use of books with children at various stages of development.

Illiteracy is a serious problem. For our Nation to continue to thrive in this new century, we must ensure that all children have the ability to read and learn. The Book Stamp Act will help achieve this goal.

I urge all of my colleagues to join me in support of this bill.

HONORING LOUIS' LUNCH ON ITS 105TH ANNIVERSARY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to celebrate the 105th anniversary of a true New Haven landmark: Louis' Lunch. Recently the Lassen family celebrated this landmark as well as the 100th anniversary of their claim to fame—the invention and commercial serving of one of America's favorites, the hamburger.

A hundred years ago, Louis Lassen, founder of Louis' Lunch, ran a small lunch wagon selling steak sandwiches to local factory workers. A frugal business man, Louis did not like to waste the excess beef from his daily lunch rush. So, he ground up the excess, grilled it, and served it between two slices of bread—without ketchup. With a meat grinder and a streak of that infamous Yankee ingenuity, Louis changed the course of American culinary history, serving America's first hamburger. This is the story that each faithful patron will hear when they visit the small Crown Street luncheonette still owned and operated by the third and fourth generations of the Lassen family. Hamburgers are still the specialty of the house where steak is ground fresh each day and hand molded, still slow cooked on the same turn-of-the-century gas grills, broiled vertically, and served between two slices of toast with your choice of three acceptable garnish: cheese, tomato, and onion. Requests for ketchup or mustard are briskly declined. This is the home of the greatest hamburger in the world—a claim that is not easily contested—perhaps best known for allowing their customers to have a burger their way or not at all.

More than just another diner, Louis' Lunch has held a special place in the hearts of the residents of New Haven for more than a century. Thousands turned out in the 1960s and 1970s when the city announced plans to raze Louis' to make room for a new high rise building—testimony to its immeasurable popularity and special place in our City's history. After fighting City Hall for ten years, Ken Lassen, Louis' grandson, agreed to move the luncheonette to its present Crown Street location. To help with the reconstruction, patrons donated bricks for the new walls. Today, as he takes you on the "tour of the walls", Ken recounts each brick's unique story and can point to stones from Rome's Colosseum, paving bricks from Lisbon, Portugal, even a chunk of rock from the Church of the Holy Sepulchre in Jerusalem. Designated an historic landmark in 1967, it was with great pride that I nominated Louis' Lunch as a part of the Library of Congress' "Local Legacies" project earlier this year. The Lassens and the community of New Haven shared unparalleled excitement when the Library of Congress named Louis' Lunch a "Connecticut Legacy"—nothing could be more true.

The Lassen family has left an indelible mark on our community's history—and our country's history. I know the New Haven community will join me as I stand today to extend my heartfelt congratulations to Ken Lassen and his family on the 105th anniversary of Louis' Lunch. My best wishes for another century of success.

IN CELEBRATION OF THE 65TH ANNIVERSARY OF SOCIAL SECURITY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to celebrate a great day in our nation's history. On August 14, 1935, President Franklin Delano Roosevelt signed into law the historical Social Security Act. This law has been improving Americans' lives for sixty-five years, and I recognize the anniversary of its signing.

Social Security represents a sacred compact between the generations that benefits both seniors and younger members of our nation. Senior citizens have earned the right to these benefits from a lifetime of work. Social Security has granted our elders the peace to live independently and with dignity. In addition, the great pressures placed on our younger generations to support their elderly parents are lessened because of America's Social Security program.

Complementing retirement benefits, the Social Security Administration also provides citizens with disability, survivor, Medicare, and family benefits. In fact, one in three social security beneficiaries is, in fact, not a retiree. As a result, Social Security has grown into a family protection plan which forms a base of economic security in today's society. In my view, Social Security is the most successful federal program in history.

As President Roosevelt explained upon signing the Social Security Act, "this law . . . represents a cornerstone in a structure which is being built but is by no means complete." As he predicted, the program has been amended many times throughout the past sixty-five years. With each change, the Social Security Administration has extended its aid to another group of needy Americans. Once again, as Roosevelt foreshadowed, the law has served to "take care of human needs and at the same time provide the United States an economic structure of vastly greater soundness."

These social insurance programs have blessed America with a reputation of protecting her citizens. As the Declaration of Independence famously states, our government has the responsibility to secure the rights of life, liberty and the pursuit of happiness. In the past sixty-five years, the Social Security Administration has been safeguarding these rights for citizens who otherwise may easily be overlooked. Our great nation has earned its reputation for greatness in partial measure because of the accomplishments the Social Security Administration has achieved in the past sixty-five years.

Mr. Speaker, I congratulate the Social Security Administration, Congress, and the American people for their commitment to the social security system. I look to the past and recognize the magnitude of the Act's effect; I look to the future and envision the achievements that are yet to come. I ask my colleagues to join me in this celebration and recognize the sixty-five years that Social Security has been improving America.

A TRIBUTE TO OFFICER BRIAN ROSE

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. GARY MILLER of California. Mr. Speaker, I rise to congratulate Officer Brian Rose, of the Montclair, California Police Department, for earning the Montclair Chamber of Commerce Officer of the Year Award for 1999.

Officer Rose began his law enforcement career in 1993 with the Adelanto Police Department. While in Adelanto, he served as a K–9 Officer on the HINET task force which targeted drug transportation on the desert roadways.

In 1997, Officer Rose was hired by the Montclair Police Department. Since his arrival, he has been an outstanding law enforcement officer. Last year, Officer Rose maintained a stellar record of arrests, averaging over 14 apprehensions each month. Many of these arrests were felony drug charges which stemmed from routine traffic stops. Officer Rose also made over 20 DUI arrests, assisted in the discovery of a methamphetamine lab in the city, and aided in the investigation and arrests on the charge of kidnapping for ransom. A vehicle pursuit and stop conducted by Officer Rose resulted in the arrests of parolees, the recovery of a firearm, drugs and over $20,000 in drug monies. Most recently, he stopped an out-of-state plated car which resulted in the arrests for car theft and for a murder warrant.

In addition to his work on the streets, Officer Rose has been training to become an "Officer in Charge" for his shift, as well as performing the duties of a Field Training Officer. Officer Rose serves as the Montclair Police Department's Drug Recognition Expert and trainer.

Officer Rose's outstanding service to the City of Montclair distinguishes him as a true American hero, worthy of this Congress' praise and gratitude.

TRIBUTE TO CARL L. BLUM, P.E. UPON HIS RETIREMENT AS DEPUTY DIRECTOR OF THE LOS ANGELES DEPARTMENT OF PUBLIC WORKS

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. HORN. Mr. Speaker, today I honor and recognize Mr. Carl L. Blum, on the announcement of his retirement as a Deputy Director of the Los Angeles County Department of Public Works.

Carl has served the people of the County of Los Angeles with nothing less than the utmost integrity and professionalism. During his years of service at the Los Angeles County Flood Control District and Department of Public Works, Carl demonstrated an unwavering commitment to making Los Angeles County a better—and safer—place to live.

After 21 years with the Los Angeles County Flood Control District, Carl joined the Los Angeles County Department of Public Works. In the many capacities he has served in, Carl has played a large part in the successful management of public works in the County. I want to commend Carl in particular for his integral role in working with local, State, and Federal officials and members of the community to construct the Los Angeles County Drainage Area Project (LACDA). It is a testament to Carl's work—and that of other officials with County and Corps of Engineers—that the LACDA project has been one of the most successful public projects in Los Angeles County's history.

Mr. Speaker, I am saddened to see Carl retire, but I want to congratulate him on his many accomplishments and thank him for his dedication to the people of Los Angeles County. I ask my colleagues to join me in wishing Carl health and happiness in his future endeavors.

NATIONAL ADVISORY COMMISSION ON TAX REFORM AND SIMPLIFICATION

HON. JIM DeMINT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. DEMINT. Mr. Speaker, the journey of a thousand miles begins with a single step. This was true when our founding fathers decided to pledge their lives, their fortunes, and their sacred honor to secure freedom and democracy in our country. It is also true of our work in Congress, where even the most difficult tasks must begin with a single step.

Today we are here to take the first-step on an issue crucial to the American people and to me—fundamental tax reform. My friend ROB PORTMAN and I are introducing legislation creating a national commission on fundamental tax reform and simplification. The Portman/DeMint bill establishes a commission to study tax reform, and report to Congress with findings and recommendations, so we can go forward.

A similar commission was passed as part of my friend STEVE LARGENT's bill which would sunset the Federal Tax Code and allow Congress to debate a replacement. I am still hopeful the Senate will do the right thing and take up that bill. However, it is becoming increasingly clear that this is an issue that, if we hope to make serious progress, we must have a serious study. A serious and comprehensive report to Congress and the President will allow us to move forward on this issue with some foundation.

The Tax Code has become so intrusive, it invades the daily decisions of families and businesses. I know this from my own experience in starting and running a small business, as well as from raising a family. As Americans, I know we can do better.

There is no question that fundamental tax reform is desperately needed. The Federal Tax Code is 7 million words long, a patchwork maze of complexity and confusion. It is intrusive, invasive, and overly complex—as my constituents continually remind me.

The majority of Americans now turn to tax professionals to prepare their tax forms. This is hard to believe, but it is true. Many have no choice—they simply do not understand all the tricks and traps. Unfortunately, many of these same tax professionals are calling for tax reform and simplification as well. I have spoken with accountants and tax professionals from my district who have told me of their struggles and uncertainty.

This is not just my district. In 1998, Money Magazine asked 46 tax professionals to calculate a hypothetical family's tax responsibilities. Not one got the correct answer, and no two even got the same answer. When tax professionals do not understand the Federal Tax Code, what about American families?

There are exemptions you may never know you qualified for, and deductions you forgot to take. There are different rates, and different dates by which you need to file different forms to qualify for those rates. There are ways in which money must be moved through a complex series of traps to avoid paying maximum taxes, and there are mine fields of forms you may never have known existed, which you needed to file last week to avoid the fine you just received. And there are people who make their living mapping out the maze and guiding others through this code. I do not fault these people—it is a good living, and they are only dealing with something that we in Congress created. But is this the best we can do? Is this in keeping with a government of the people, by the people, for the people?

The Internal Revenue Service, which is generally made up of honorable men and women, has been given the task of managing this monster. It takes 136,000 people to administer our federal tax laws. The FBI employs less than 30,000—and they combat terrorism.

Since 1986, there have been over 5400 modifications to the Tax Code—and it is still not fixed.

We must return fairness and simplicity to our federal tax policy. I recognize this will not be an easy task, I know that some are comfortable with the way things are, but I believe it is the right thing to do.

I believe we are most secure when we are most free, and the complexity and confusion of the federal tax code hinders our freedom. I am convinced that we can do better.

The journey of a thousand miles begins with a single step. When I came to Congress, I came with a dream of increasing freedom for people. In this, I continue to dream of a world in which Americans live under a tax code that is simple and fair, a code that makes sense. To get there, it takes courage. To get there, we must take the first step.

I invite my colleagues to cosponsor the Portman/DeMint tax reform commission bill and help us move forward on this issue in a responsible way. We can get a handle on this issue, and get a foothold to move forward with fundamental tax reform. This is what the American people have entrusted us to do, and I ask for your help in securing the future for our country.

KASHMIRI LEADER RAISES AUTONOMY ISSUE—OTHER STATE LEADERS FOLLOW HIS LEAD

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. BURTON of Indiana. Mr. Speaker, the Chief Minister of Kashmir, Farooq Abdullah, recently called for greater autonomy for the state of Kashmir. However, Abdullah is closely allied with India's ruling BJP, and the BJP government firmly rejected the demand. Other state leaders like Gurcharan Singh Tohra and Simrangid Singh Mann asked Chief Badal to pass a similar measure in the Punjab Assembly.

Under India's constitution, Kashmir was supposed to have a special status, but India has systematically chipped away at it. How would Chief Minister Abdullah make sure that they do not do so under his autonomy plan? The Indian government has imposed President's Rule on Punjab nine times. How would Punjabi leaders ensure that it would not happen again if Punjab has autonomy?

When India forcibly and illegally occupied Kashmir, they promised that there would be a plebiscite on Kashmir's status. That promise has not been kept. The Sikhs in Punjab were promised "the glow of freedom" in Punjab. That promise, too, has been broken. India proclaims its democratic principles loudly, but fails to live up to them when the time comes.

Mr. Speaker, the book The Politics of Genocide by Iderjit Singh Jaijee reports that the Indian government has murdered over 250,000 Sikhs since 1984, over 70,000 Kashmiri Muslims, more than 200,000 Christians in Nagalim, and thousands of others. According to Amnesty International, thousands of innocent civilians are being held as political prisoners. Christmas of 1998 unleashed a waive of violence against Christians that has resulted in church burnings and bombings, the murders of priests and missionaries, and other atrocities. Just recently, two extensive, independent studies concluded that the Indian government killed 35 Sikhs in Chithi Singhpora. Amnesty International has also said that India is responsible. How is autonomy going to prevent these things from happening?

America should support self-determination for all the peoples and nations of South Asia. We should act against the atrocities by cutting off American aid against India until basic human rights are enjoyed by all people within its borders. We should declare India a terrorist nation. And we should declare our support for self-determination in South Asia by calling for a free and fair plebiscite on the question of independence. Not autonomy, but independence. That is the only solution, the only way to bring true freedom to all the peoples and nations of South Asia. If India is truly a democracy, why can't it allow the people of Kashmir to have the plebiscite fifty-two years ago? Why can't it allow the people of Khalistan, Nagalim, and the other nations seeking their freedom to vote on their status the democratic way? Is that too much to ask of democracy?

IN RECOGNITION OF OFFICER MOSES HART, UPON HIS RETIREMENT FROM THE UNITED STATES CAPITOL POLICE FORCE

HON. ALBERT RUSSELL WYNN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. WYNN. Mr. Speaker, I rise today to honor a constituent and one of Capitol Hill's finest, Officer Moses Hart. Officer Hart was appointed to the United States Capitol Police Force on October 15, 1973. He will be retiring on July 31, 2000, after almost 27 years of distinguished service. He has spent his entire career assigned to the House Division of the Capitol Police. For the past 10 years, he has been assigned to the Ford House Office Building. Over these years, Moses has made a tremendous difference in the lives of Members of the House, Congressional staff, and visitors from throughout the world.

I wish him well in his retirement and hope he will take the time to enjoy fishing, one of his favorite hobbies. In addition, I am sure he will devote time to his number one love, barbering. Moses has been a licensed barber for more than 30 years.

Mr. Speaker, I ask that my colleagues join me in extending our sincerest appreciation and best wishes to Moses Hart upon his retirement for the United States Capitol Police Force.

NATIONAL UNDERGROUND RAILROAD FREEDOM CENTER ACT

SPEECH OF

HON. BARON P. HILL

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Mr. HILL of Indiana. Mr. Speaker, I rise today in strong support of H.R. 2919, the National Underground Railroad Freedom Center Act. As the Representative of a Southern Indiana district that housed many "stops" on the Underground Railroad, I am a co-sponsor of this legislation to promote preservation and public awareness of the Underground Railroad and those who helped African American slaves escape to freedom in the North.

As we all know, the Underground Railroad was an informal system of transporting runaway slaves to freedom in the North and Canada. The "stations" of the Railroad were homes of slavery's staunchest opponents, and the "conductors" took the fugitives at night to the next station along the secret routes. The brave individuals who took these runaway slaves into their homes, fed them, hid them from authorities, and transported them to the next stop up the road did so at high risk, as those who aided fugitives were prosecuted, especially after the passage of the Fugitive Slave Act of 1850.

I am proud to say that Southern Indiana played a key role in the Underground Railroad, one of the most powerful and sustained multiracial human rights movements in world history. The Ohio River, which separates Kentucky and Indiana, represented the border between slavery in the South and freedom in the North. There were twelve major crossing points for runaway slaves along the Ohio River, three of which were in my Congressional district. Once the slaves crossed the Ohio River, they were not only in free territory, Indiana, but they had placed that wide river between themselves and their pursuers.

In Indiana, fugitives could find refuge at Bill Crawford's farm near the town of Corydon. Conductors transported fugitives from the mouth of Indian Creek in Corydon across Jackson County or Jennings County on their way towards Ohio. Those who took a different route over the Ohio River found refuge in Jeffersonville and Rising Sun. John B. Todd's house in Madison, the site of some of the busiest Underground Railroad activity in the state, was a well-known safe haven for escapees. There were an estimated 600 to 800 successful escapees through Kentucky and Indiana each year due to these brave efforts.

Mr. Speaker, I salute both the Hoosiers who helped the fugitive slaves through the Underground Railroad and the slaves whose love for freedom motivated them to risk their lives by escaping to the North. The Freedom Center in Cincinnati, Ohio, will facilitate a greater understanding of our nation's history and honor those who risked their own freedom to stand by their conviction that no person should be slave to another.

A TRIBUTE TO THE 2000 "SPIRIT OF ACHIEVEMENT AWARD" WINNERS

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. LIPINSKI. Mr. Speaker, I rise today to congratulate the participants of my 2000 Spirit of Achievement Award program. In 1982, when the current citizens of the 3rd District of Illinois elected me to represent them in the United States Congress, I introduced this very successful program. Since then, every middle school in the 23rd Ward of Chicago annually selects a graduating 8th grade boy and girl who they feel represents overall outstanding academic achievement, community service and extracurricular activities. Today, it gives me great pleasure to recognize the hard work of 28 young achievers and future leaders from the 23rd Ward of Chicago.

St. Jane De Chantal School: Nora Krause and Christopher Paluch; Our Lady of Snows School: Amanda Hartman and Jeffrey Mikula; St. Camillus School: Amanda Kurmpel and Kevin Jasionowski; St. Bruno School: David Szwajnos; St. Rene Elementary School: Anthony Garcia and Catherine O'Connell; St. Daniel the Prophet School: Deanna Maida and Paul Bruton; and St. Richards School: Monika Dlugopolski and Christopher Dyrdak.

Gloria Dei School: Faith Krasowski and Jeremiah Jurevis; Hale Elementary School: Emily Fisher and Xavier Hernandez; Peck Elementary School: Maribel Pantoja and Anthony Naranjo; Dore Elementary School: Robert Bradel and Jennifer Collins; Kinzie Elementary School: Victoria Okrzesik and Patrick Forbes; Byrne Elementary School: Jennifer Turner and Ryan Nabor; and Twain Elementary School: Sebastian Gawenda.

TAKE YOUR KIDS TO VOTE DAY

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mrs. MORELLA. Mr. Speaker, today I introduce a piece of legislation that will designate November 7, 2000 as National Take Your Kids to Vote Day.

Since 1972, voter participation in national elections has dropped dramatically. In 1972, nearly two-thirds of eligible adults cast their ballots. In 1996, the last Presidential election, less than half of all eligible voters (43 percent) exercised their right to vote. Even more disturbing, however, is the drop-off in voter participation rates among younger adults, ages 18–24. Since the 1972 election there has been nearly a 20-percentage point decline, with only 32 percent going to the polls in 1996.

If we are going to turn this trend around, we have to start with our children. Parents need to talk to their children about the importance of voting. In fact, parents, if they have the opportunity, should take their children to the polls on Election Day.

Studies indicate that young people whose parents vote in every election are twice as likely to vote as those whose parents vote infrequently or not at all. And it's even more important for parents to talk to their children about the value of voting and democracy. Children whose parents talk to them about government and politics are far more likely to vote when they become adults. Kids Voting USA, a nonprofit, nonpartisan organization that has been working to involve youth in the election process for nearly a decade now says that "Taking your child to the polls is one of the most important things you can do as a citizen and parent."

This is something that all of us—Republicans, Democrats, and Independents—should agree upon. Democracy is too important to waste. I urge my colleagues to support this legislation and help make voting a family tradition.

SANTA ROSA AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT ACT OF 2000

SPEECH OF

HON. MARY BONO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mrs. BONO. Mr. Speaker, I rise today in support of my legislation, H.R. 3676, the Santa Rosa and San Jacinto Mountains National Monument Act.

Congress has an opportunity to enact legislation which was originated by the constituents of California's 44th Congressional District. When these residents came to see me and suggested that I introduce legislation to designate our local mountains a National Monument, I decided it was an idea worth pursuing.

For years, my family has enjoyed these scenic wonders and recreational opportunities that are abundant in this remarkable range. I have often hiked the canyons and hills above our home in Palm Springs, sharing with my children, Chianna and Chesare, the beauty of an ecosystem that continues to thrive despite its close proximity to a highly urbanized community. I have developed a profound respect for the people who, over the past century, have served as stewards of these lands. They have done a remarkable job in balancing the preservation of these mountains with the inevitable development that has occurred in Southern California.

It is appropriate that we also recall the original caretakers of this land, the Cahuilla people. For centuries, the Agua Caliente Band of Cahuilla Indians made the canyons and hills above Palm Springs their home. And the Cahuilla people roamed throughout the desert and mountains of this entire region living in harmony with this unique environment. Their culture and heritage is an integral part of the history of this region. And even today, the Indian Canyons near Palm Springs offer a welcome respite from the hectic pace of the urban areas of the Coachella Valley.

One of the tangible benefits that will be derived from this Monument designation is the preservation of tribal lands and historic artifacts. The Agua Caliente Tribe has been a partner in this process from the start, and I want to thank the Tribal Council and all the Cahuilla people for their support of this legislation.

In crafting this bill, I was confronted with a challenge to balance traditional uses and private property rights that the people of the region enjoy with the need to preserve these mountain vistas.

The intention of H.R. 3676 is not to diminish the decisionmaking authority of Local Government (City, County, Water District, School District, etc.,) over land use decisions on private property located next to or inside the boundary of the proposed Santa Rosa and San Jacinto National Monument.

The bill provides that "nothing in the legislation shall be construed as affecting any private property rights within the boundaries of the National Monument". Therefore, if a local City or County has a General Plan designation on property within the Monument boundary, for urban land uses such as hotel, resort, golf course or residential uses, then the legislative intent of Local Government shall not be changed, modified or impeded solely by this Federal Law.

H.R. 3676 has eliminated the concept of buffer zones or protective perimeters around the boundary of the proposed National Monument. This elimination of buffer zones is designed to protect private lands located both on the outside and inside of Monument boundaries. The intent is to protect private land nearby and within the boundary from any form of Federal Monument regulation by this Congress or the Federal Administration. The right to use private land by private land owners is paramount in H.R. 3676.

This bill's intent would not allow any federal administrative agency the existence of this proposed Monument to exact mitigation, money or other land use restrictions on private lands, directly or indirectly. The regulation of land use and authority over private lands inside or near to the Monument boundaries is solely vested in Local Government and is totally outside the purview of this bill.

In addition, I would like to emphasize that no existing Federal law or Federal Agency governing air quality, water quality or any other regulated resource shall seek to regulate or affect local land use control over private land near to or inside the Monument with any reference to a negative impact on this proposed National Monument by virtue of impacts on the above mentioned regulated resources.

So, we returned to the fundamental concept of how our system of government should work. I went directly to the people of the 44th district and sought their participation and input on how best to draft legislation that would reflect their commitment to both environmental preservation and private property rights protection. The result of their efforts is contained in the bill before you today.

Mr. Speaker, the best way our constituents can be heard on matters such as these is if Congress, not the Administration, takes this action. With all due respect to those who serve in Washington, the people who live in this area know better than any federal worker how to resolve these issues. Therefore, it was encouraging that early on, the Secretary of the

Interior took a personal interest in this effort and publicly supported the Congressional process as the preferred vehicle for this designation. I thank the Secretary and Bureau of Land Management offices out of Washington, Sacramento and Palm Springs for working with me on this issue.

With this bill, we are able to protect private property rights with strong buffer zone language, willing seller provisions and clearly worded access language. And we are able to further protect these mountains by prohibiting future withdrawals, curbing motorized vehicle use and controlling cattle grazing.

I have said many times that I would not go forth with a bill which does not protect the rights of those individuals who live within the proposed boundary lines and those who live right at the foot of the mountains. This bill strikes an appropriate balance by protecting the rights of affected constituents as well as these unique mountains. I wish to thank Chairman HANSEN and his able staff, Allen Freemyer and Tod Hull, for assisting me in this process so that I could achieve this balance.

In addition, I would like to thank the Coachella Valley Mountains Conservancy under the direction of Bill Havert, the Desert Chapter of the Building Industry Association and its Executive Director Ed Kibbey and the local branch of the Sierra Club and its head, Joan Taylor.

Too often, environmentalists and private property rights advocates are at odds with one another. In my heart, I believe that we can work to achieve the goals of each group for the betterment of all. It may be the more difficult course to chose, but one well worth taking. So, I would also like to thank my many colleagues, my Legislative Director, Linda Valter and the rest of my staff who have helped me along this way.

Mr. Speaker, as a child, my parents drove our family all over this wonderful country, visiting National Parks and awe inspiring lands throughout the West. Now, my constituents have given me the opportunity to do something that will allow future families the same privilege. I hope you will all join me to achieve this worthy goal.

OCEANS ACT OF 2000

SPEECH OF

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Ms. ESHOO. Mr. Speaker, I rise in support of S. 2327, The Oceans Act of 2000. This important bill pays tribute to and increases support for one of the most important environmental resources we have—our oceans.

This bill would establish a 16-member Commission on Ocean Policy to review existing federal ocean policy and make recommendations to Congress on a new, coordinated, comprehensive policy.

The oceans play a vital role in the daily lives of millions of Americans. Not only do we go to the ocean for recreation but we also depend upon the resources for our survival. Coastal communities like those in my congressional district, use the ocean for fishing, tourism, and business, among other things. Our oceans also play an important role in the ecological system by providing habitat for numerous species of life and influencing whether we will reduce or worsen other environmental threats such as global warming, flooding, water pollution, endangered species survival, and coral reefs existence.

The coasts and oceans have seen a flood of new development and population migration over the past few decades. In fact, approximately 50 percent of the United States population now live in coastal areas. This will only increase in the future with estimates expecting 75 percent of our population to live in coastal areas by 2025.

We need to ensure that we have a coordinated policy to deal with the pressures our oceans and coastal areas face. Our last effort to update our national policies on oceans was the Commission on Marine Science, Engineering, and Resources—known as the Stratton Commission—in 1969. I'm pleased that many of the Commission's recommendations are now the law of the land, but it has been far too long since we last updated our ocean policies.

State and local jurisdictions have enacted numerous laws and policies to deal with the environmental problems that have occurred in our oceans and coastal communities. This has resulted in overlapping and conflicting rules between the federal and state levels. The bill we consider today will help alleviate this problem by bringing ocean policy into the 21st Century by creating new coordinated and comprehensive policies.

I'm proud to be a co-sponsor of the House version of The Oceans Act of 2000 that my good friend from California, Mr. FARR, introduced. His work on this issue has inspired me and has done a great deal to ensure that our oceans are taken care of.

I urge all of my colleagues to support this important bill today and I thank the leadership for bringing it before the House for consideration.

TRIBUTE TO THE GREATER NEW HOPE MISSIONARY BAPTIST CHURCH

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. LAMPSON. Mr. Speaker, today I recognize the Greater New Hope Missionary Baptist Church as it hosts the inaugural session of the American Baptist General Convention of Texas Congress of Christian Workers & State Youth Convention. I want to congratulate Pastor William H. King, III who's leadership touches his congregation and the community in so many ways. I would also like to welcome Pastor Adrian Johnson, president of the convention, along with the young people attending to the city of Dickinson.

Today's youth are growing up in a world very different from the one I knew years ago. We live in an age where most families require two incomes to make ends meet, and nearly half of all marriages end in divorce. Our children simply do not have as much supervision or guidance as we did. Add to that, the dangers of drugs and the prevalence of gangs and violence in our schools—as any parent knows, it is not an easy time to raise a family or to be a student.

My father died when I was a young boy, leaving my mother to care for me and my brothers and sister. She couldn't have done it alone. In those days, neighbors looked out for each other and watched out for each other's kids. Our family received support from the entire community. In fact, our friends and neighbors considered us an extension of their own families. That's an important reason why my siblings and I were able to achieve our goals and live the American Dream.

Mr. Speaker, now more than ever, our schools, churches, synagogues, mosques, and temples need to stand together with our families to set an example for our children. Our kids are the future and we must invest as much time and energy into their well-being as possible. I offer my sincere congratulations to the Greater Hope Missionary Baptist Church and all of the conventioneers as they come together next week in spirit and in faith to learn and grow with one another.

IN HONOR OF THE 10TH CONGRESSIONAL DISTRICT YOUTH CONGRESS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. KUCINICH. Mr. Speaker, today I honor the 10th Congressional District Youth Congress, whose work on school violence is an inspiring vision of the potential for peace in the human spirit. The tireless work of these students stands as a testament to the ability of youth to lay the foundation for long lasting peace in our schools and communities.

The 10th Congressional District Youth Congress convened in 1998 to work on advancing democratic principles by involving youth in activities to improve their schools and communities. Providing an open forum for discussion, the Youth Congress brings students together to establish themselves as a strong voice in community issues and initiatives.

A student run organization, the Youth Congress is an advocate for parent and community participation in shaping students to reach their maximum potential. The Youth Congress endeavors to embrace and promote all forms of diversity in race, religion, gender, and sexual orientation, and works to bring understanding and acceptance to every aspect of local schools and communities. The students work to achieve these goals through promoting nonviolent organizing principles, and encouraging their schools to actively embrace peace.

Concerned about the overwhelming presence of violence in their schools and a growing intolerance for diversity, the Youth Congress conducted a year long study of all aspects of violence, including peaceful resolutions. The students assembled a district-wide coalition of public officials, police forces, school administrators, teachers and parents, to form a network of experience, expertise, and idea exchange. Drawing on this wealth of knowledge, the Youth Congress drafted a resolution to encourage and inspire action by their school administrators and the government officials.

The action points of the resolution are as follows:

We, the Students of the 10th Congressional District Youth Congress, for our safety and continued growth as problem solvers, critical thinkers, and involved citizens, urge you to adopt the following policies and programs:

Establish a core curriculum throughout all high schools on conflict resolution and diversity education. This program should devote time evenly to nonviolent conflict resolution training and in-depth studies of diversity training and acceptance. The diversity training should include, but not be limited to, studies of the civil rights movement, gay and lesbian issues, native American history, a study of the Holocaust, and a wide range of cultural and ethnic education studies.

Implement peer mediation and other proven student-to-student problem-solving initiatives.

Form a parent/student advisory board and task force charged with development and promotion of honor codes and disciplinary policies. The advisory board and task force will work to increase parent education and establish workshops to help parents teach and support nonviolent and cooperative problem-solving for families and communities.

Establish student review boards with oversight of honor codes and disciplinary policies. The review board will also promote on-going conflict resolution awareness and training for all students and staff.

Establish a policy that no student be removed from the student population without due process, and a plan for the student's eventual reentry or a clear and specific action plan for the student and family.

Review the role of uniformed and non-uniformed police officers as well as security staff. Promote the role of police and security as facilitators or models of effective conflict resolution. Police officials should be resources to encourage students and staff to respect differences, as well as being informed liaisons with youth- and family-serving organizations in the community.

Work to reduce class size to create an atmosphere conducive to appropriate learning and one that is less prone to create conflict.

Provide access to mental health services, through creative partnerships with community-based health and mental health providers. Establish the presence in all schools of a full range of mental health services for students and staff. Special emphasis should be placed on continuing staff training, assessment and mental health counseling for all students and families, and establishing strong links with community social service agencies.

Pass reasonable and uniform gun control laws within our cities, including registration and safety lock laws.

Study the impact of a culture that among other things, has sold violence as entertainment and promotes insensitivity to human suffering. Encourage print and electronic news media to balance their coverage of tragedy, terror, death and disaster with attention to the aspects of human existence that ennoble, enrich and empower students, families and communities and in doing so begin to tell new stories about all of us.

The students and youth of the Cleveland area will play a significant role in replacing our culture of violence with a culture of peace. The model they set forth this day can be used as a model in cities all across our nation.

My fellow colleagues, please join me in honoring the work of the 10th Congressional District Youth Congress, as these students continue to lead the way in establishing long lasting peace in our schools and communities.

BRING GEN. AUGUSTO PINOCHET TO JUSTICE IN THE UNITED STATES

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. GEORGE MILLER of California. Mr. Speaker, the murder in Washington, D.C. of Orlando Letelier and his assistant Roni Karpen Moffit by the Chilean intelligence agency (DINA) has been a point of contention for the Chilean and United States governments since it occurred in September of 1976. Letelier was an important figure in the democratically elected government of President Salvador Allende and he came to this country after being imprisoned and beaten in Chile and then released by the Pinochet dictatorship from the position he had held, Chile's ambassador to the U.S. There is compelling evidence that Gen. Pinochet ordered his assassination. Moffit died because she happened to be driving in the car with him which had been wired with a bomb.

Now that Pinochet has had his immunity revoked by a Chilean court, U.S. authorities have begun to review whether sufficient grounds exist to authorize his extradition.

Joshua G. Hill, a Research Associate with the Washington-based Council on Hemispheric Affairs (COHA), authored a brief research memorandum on Pinochet's involvement in the assassinations and steps being taken to bring him to justice. I commend to my colleagues this brief paper on a case that has remained of such great importance to so many people in the U.S. and Chile.

"Pinochet and the Letelier Case," by Joshua Hill, research associate, Council on Hemispheric Affairs, Washington, D.C.

PINOCHET AND THE LETELIER CASE

BACKGROUND

Chilean dictator Augusto Pinochet's seventeen-year reign was one of terror and murder. Not only were well over three thousand political opponents 'killed or "disappeared" in Chile (including several U.S. citizens), but Pinochet's murderous group extended into the United States as well. Orlando Letelier, one of the most famous Chilean dissidents living abroad was murdered September 21, 1976 on the streets of Washington, D.C. Now that the Santiago Court of Appeals has removed General Pinochet's immunity, the U.S. Department of Justice is reviewing the possible extradition of Pinochet to stand trial for the car bombing murders of Letelier and Roni Moffitt, an American colleague of Letelier's at Washington's Institute for Policy Studies. According to the evidence presented at the time of the trial, the bomb was detonated by remote control. Letelier was killed instantly, while Roni Moffitt died when a metal shard pierced her body. Her husband, Michael, who was in the back seat, miraculously survived the blast.

THE INITIAL TRIALS

The Department of Justice led by Attorney General Janet Reno reopened the Letelier case once Pinochet returned to Chile after being held under house arrest, in Great Britain. Accusations arising in Chilean and Spanish courts have rejuvenated interest in

THE MOUNTING EVIDENCE AGAINST PINOCHET

In March and April of this year, the U.S. Justice Department and FBI investigated and interviewed witnesses in Chile. They were allowed to submit questions through a Chilean judge to forty-two subpoenaed people. John Dinges, a journalist and author who obtained a secret memo from a Chilean reporter, claims that an affidavit exists attesting to the existence of an order from Pinochet to Espinoza to murder Letelier. Compounding this testimony, it is a fact that Pinochet revoked Letelier's Chilean citizenship only ten days before his assassination in a response to growing outcries by Letelier against Chile's atrocious human rights policy. "What was important to me about the stripping of his citizenship was the timing of it—just 10 days before the assassination," said E. Lawrence Barcella Jr., a former federal prosecutor who won two other cases against Chileans involved in the murder of Letelier. "It clearly shows that the efforts of Letelier was making to bring pressure on Chile-were working. He was getting under the junta's skin."

After his imprisonment in the United States, the Chilean government sentenced Contreras in 1995 to seven years for murder. Since it is highly doubtful that Contreras was acting without the President's approval, this conviction strengthens the case against Pinochet. In fact, in Contreras's 1997 affidavit, he stated that no DINA missions were ever undertaken without prior consent from Pinochet.

U.S. DOMESTIC PRESSURE IS APPLIED

Adding to the domestic political pressure in the U.S., on May 26 California Congressmen George Miller and thirty-four other Congressmen sent a letter to President Clinton to insist that the U.S. continue to press the Chilean government for greater assistance in carrying out the investigation of Pinochet's complicity. They labeled the Letelier case the worst incident of terrorism committed by a foreign government on U.S. soil and the letter requested the president to focus on discussing the investigation in his meeting with Chilean President Ricardo Lagos in Berlin on June 2. It also called for the possible extradition of Pinochet to the United States if the evidence continues to point toward a significant connection between the former- Chilean dictator and Letelier's murder.

The extradition of Pinochet may be unlikely due to his advanced age and ailing health, but many members of Congress and others still are calling for a trial and a conviction to reinforce the principle that the U.S. will not tolerate terrorism on its soil. The Letelier case represents the effort to demonstrate that no one is above the law, not even a former dictator and self-proclaimed president.

INTRODUCTION OF THE ISRAEL DIPLOMATIC RELATIONS ACT

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. CROWLEY. Mr. Speaker, today, I am introducing legislation, along with Congresswoman NITA LOWEY, in an effort to correct a grave injustice being committed against our friend and ally in the Middle East; Israel.

Many of my colleagues may not be aware that a number of nations have not established full diplomatic relations with Israel. Israel currently maintains diplomatic relations with 162 countries. Approximately 25 countries do not have any diplomatic relations with Israel at all. Another 4 countries have only limited relations.

In order for Israel to be a full member of the world community, she must establish diplomatic relations. The Israeli Embassy tells me that Israel is actively seeking to establish and upgrade their relations with several countries. This has proven difficult with many of the Islamic nations, such as Pakistan and Indonesia.

In 1994, Representative Lee Hamilton had language included in the State Department Foreign Relations FY94–95 Authorization bill that stated the Secretary of State should make the issue of Israel's diplomatic relations a priority and urge countries that receive U.S. assistance to establish full diplomatic relations with Israel.

Unfortunately, despite this provision, the U.S. government has not made this issue a priority.

At the beginning of this year, during an International Relations Committee hearing, I asked Secretary of State Madeleine Albright about Israel's diplomatic relations with countries receiving U.S. assistance. The Secretary replied that she considers Israel's relations with the world community and other nations essential to peace and stability and has been actively encouraging countries, such as Indonesia, to establish full relations with Israel. I could not agree more.

I believe the U.S. should be doing everything possible to help Israel establish these relations. In fact, Congresswoman LOWEY and I worked together to include a provision in the Report to the FY 2001 Foreign Operations Appropriations bill that urges Israel's Arab neighbors to establish full diplomatic relations with Israel.

However, more needs to be done. That is why Congresswoman LOWEY and I are introducing the "Israel Diplomatic Relations Act," to help promote Israel's role in the international community.

Our legislation spells out clearly the importance of Israel's status in the international community and the need for Israel to receive the recognition she deserves. It also requires an annual report to Congress by the U.S. Department of State on U.S. government activities to help promote Israel's diplomatic relations in the world community.

This report is of critical importance because it will require our embassies to focus attention on Israel's diplomatic relations.

I urge my colleagues to help us promote peace and stability in the Middle East by supporting and cosponsoring this critical legislation.

HONORING NORM ANTINETTI

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. CONDIT. Mr. Speaker, today I honor a very special person, Mr. Norm Antinetti as he enters into a well-deserved retirement after 40 years of dedicated service to Oakdale High School.

Norm's list of accomplishments is impressive. He has the distinction of holding the longest tenure in the history of Oakdale High. During that career he coached football, baseball and the love of his life, basketball.

There's a saying in Oakdale, Mr. Speaker: If you grew up in Oakdale and played basketball, you know Norm. He's as much a fixture on the court as his red Oakdale Mustangs baseball cap or jacket is on him.

As a coach, he guided teams to four Valley Oak League championships and won four other major tournament championships. He coached the Kiwanis Large Schools South All-Star basketball team twice and started Oakdale's 30-year-old Rotary Holiday Classic Basketball Tournament.

He's been named the California Interscholastic Federation—San Joaquin Athletic Director of the Year, Stanislaus District Coach of the Year, Valley Oak League Varsity Coach of the Year and Fellowship of Christian Athletes Coach of the Year to name only a few of his accolades.

It is rare that we are able to recognize such a selfless person. He is a fitting example of what is right about getting involved with our young people and being a positive role model for them.

I consider it a privilege to call him friend and am very proud to ask my colleagues to join me in honoring Norm Antinetti.

HONORING MINNIE ELIZABETH SAPP

HON. VAN HILLEARY

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. HILLEARY. Mr. Speaker, it is with great joy that today I honor Minnie Elizabeth Sapp, who recently celebrated her one-hundredth birthday. Mrs. Sapp had the rare fortune of seeing a complete century unfold. It was on July 12, 1900 that Mrs. Sapp was born—in the log house built by her grandfather, James Waymon Mitchell, on Lost Creek in White County, and it was on July 12, 2000 that we celebrated her one-hundredth birthday.

On Christmas Day in 1921, Mrs. Sapp married Homer Floyd Sapp in the same room in the log house where she was born. The couple traveled by buggy to Homer's father's home, at what is now Rim Rock Mesa at Bon Air. Six years later they moved to a forty-acre farm on Corolla Road.

The couple had seven children. The two boys died as infants, and sadly one daughter, Helen, passed away at 14. The other four daughters survived: Josephine, Norma, Evelyn, and Betty. Although her husband Homer died in 1980, Mrs. Sapp continues to live at the farm that the couple moved to 73 years ago.

In 1993, Mrs. Sapp wrote her personal memoirs, and among her memories are recollections of lighting the house with coal lamps and making lye and soap. The United States has changed much since the days of her childhood, but her memories of quilting, walking barefoot to free school and later attending boarding school at Pleasant Hill Academy, carrying water from the spring, and keeping the fire going year round have shaped a strong, loving woman who is devoted to her family and friends.

Two weeks ago I had the honor of attending Mrs. Sapp's birthday celebration, and on the 16th of July the Bon Air United Methodist Church honored her with a service, singing, and presentation of a plaque. The family and friends who surround her serve as a testament to the impact this amazing woman has on all who meet her.

Truly, Minnie Elizabeth Sapp is a blessing to her community. Mrs. Sapp's devotion to family and religion has seen her through 100 years, and I am confident that it is her love of life which will fill every day that is to come. That is why it is in the spirit of all who know and love her that I wish to congratulate Mrs. Sapp on her one-hundredth birthday celebration.

IN RECOGNITION OF THE CONTRIBUTIONS MADE BY FRANK PUCKETT

HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. STENHOLM. Mr. Speaker, today I draw my colleagues' attention to the years of service that Mr. Frank Puckett has provided to the city of Abilene and I congratulate Frank upon his retirement from the Abilene Reporter-News, the largest newspaper in the 17th Congressional District where he was employed for 19 years. Both with the newspaper and in the community, Frank's leadership has been tireless and productive.

It took Frank awhile to find his way to us out in West Texas. Having begun his life in Indiana, he journeyed through the wilderness of Ohio and Illinois before making it to the Promised Land of Abilene in 1981. We're glad he persevered.

Frank joined the Reporter-News in 1981 as executive vice president and general manager. It took him only two years to be promoted to the position of president and then in 1995 he assumed the publisher's mantle.

While his role with the newspaper has been significant, it may be that his involvement with the city of Abilene has been even more far-reaching. During the 1980s when the Texas economy presented numerous challenges to local residents, Frank was instrumental in providing the leadership necessary to move towards greater economic development and security. He chaired ACT–NOW, which successfully orchestrated Abilene's economic recovery. He also served on the boards of the Chamber of Commerce, the West Texas Rehabilitation Center, Abilene Industrial Foundation, Hendrick Home for Children, Tax Increment Financing District, Abilene Improvement Corp and Abilene Community Foundation.

With Dyess Air Force Base fulfilling such a significant role in Abilene's economy, Frank took on a major responsibility when he became chairman of the Military Affairs Committee for Abilene's Chamber of Commerce. In that capacity, he has focused on helping the base secure new missions and update current facilities. With Frank, I share a fond hope that Dyess will one day house the Air Borne Laser program. In recognition of his contributions, Frank has been named Outstanding Citizen by both the Strategic Air Command and the Air Mobility Command.

While all of us in Abilene join in wishing Frank the very best in his retirement from the newspaper, none of us expect or hope to see Frank's retirement from all of the other many activities which have made his presence in Abilene so valuable. We know that he has much yet to contribute and we look forward to our continued mutual efforts to strengthen our beloved community and District.

COMMEMORATING HUMBOLDT COUNTY'S PARTICIPATION IN THE NINTH ANNUAL RELAY FOR LIFE

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. THOMPSON of California. Mr. Speaker, today I recognize Larry Olson and the citizens of Humboldt County, California for their recent efforts in the fight against cancer. At the Ninth Annual "Relay for Life" on July 14th and 15th, 2000, the local chapter of the American Cancer Society raised a record-breaking $640,000.

Mr. Larry Olson was the event's chairman and under his leadership the Humboldt County "Relay for Life" was the top fundraising community in the state of California and one of the top ten nationwide for the third consecutive year. The spirit and the generosity of the people of the North Coast are what make this "Relay For Life" such a success. Hundreds of individuals, small businesses and organizations made generous donations. Their dedication and commitment should echo across the nation.

This 24-hour event embodies the spirit of community and fellowship. There were 232 teams who competed, each consisting of 12 members. Combined with hundreds of volunteers, the total number of participants exceeded 3,500. Among the hundreds of participants were over 500 cancer patients and survivors. Their participation underscores the sense of hope that one day there will be a cure to this devastating disease.

Mr. Speaker, it is appropriate at this time that we acknowledge the outstanding accomplishments of Larry Olson and the people of Humboldt County for their effort in the fight against cancer.

THE HOUSING FINANCE REGULATORY IMPROVEMENT ACT

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. RYAN of Wisconsin. Mr. Speaker, H.R. 3703, the Housing Finance Regulatory Improvement Act, if enacted, would enhance the regulatory structure of the housing GSEs—Fannie Mae, Freddie Mac, and the Federal Home Loan Banks (FHLBanks).

While I do not agree with every proposal under this bill, I support advancing a constructive dialogue between Congress, the housing GSE's, their regulators and all industries involved. Continued work is needed to guarantee GSE mission compliance to forestall unfair competition into non-mission related products, as well as to ensure GSE safety and soundness to limit taxpayer liability.

Currently, the housing GSEs are under good management and are in sound operating condition. That is why it is important to examine the systemic risk that these entities may pose to our financial system at the present time.

Overall, I believe that the duties of the housing GSE's are somewhat divergent. On one hand, they have a mission to homebuyers to maintain liquidity in the housing markets and to stabilize mortgage rates. On the other hand, they are publicly traded companies that must return a profit to their shareholders. The means for a high shareholder return is manipulation of the GSE's implicit government subsidy, and there is a fine line between how much of the subsidy's benefits should be returned to homeowners and how much should be passed on to shareholders.

Regardless, the GSEs have played an important role in bringing together homebuyers, lenders and capital from across the country and reducing mortgage rates. Again, while I do not support all provisions of H.R. 3703, I believe it is a step in the right direction. Introduction of this legislation has been a catalyst for serious discussion over the housing GSE's mission and the implications of financial failure. In cosponsoring this bill, I want to advance a dialogue to make certain that taxpayers and the private sector are protected from excessive risk and unfair competition.

PAYING TRIBUTE TO THE LIVES OF LT. CMDR. GARETH RIETZ AND LT. RAYMOND O'HARE

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. HOYER. Mr. Speaker, today I recognize the unfortunate deaths of two Navy test pilots at the Patuxent River Naval Air Station on July 11, 2000. Lt. Cmdr. Gareth Rietz, 33, and Lt. Raymond O'Hare, 33, lost their lives while training to become test pilots at the prestigious U.S. Naval Test Pilot School. The students were flying on a familiarization flight aimed at refreshing their flying proficiencies following a short break. Both seniors, they were experienced aviators and were scheduled to graduate in December 2000.

Commander Bob Stoney, the Naval Test Pilot School's Commanding Officer, in an interview with the Washington Post following the incident, commented, "What they would have wanted us to do is get back on our horses and ride." There are safety and legal investigations under way, but life is returning to normal as a new class is beginning its training.

Gareth Rietz, a native of Washington State, "was the cheerleader for everybody, the coach, the quarterback," Stoney said. A graduate of Washington State University, he leaves his wife and daughters behind.

Raymond O'Hare, a native of Illinois, was, as Stoney said, "a tremendously gifted man who seemed to have a calling to higher things. He was extremely smart, good at everything he did." A graduate of Harvard University, he is survived by his wife and three children. Before he died, he had been selected for the grade of Lieutenant Commander.

Their untimely deaths should prompt us all to take a moment to reflect on the sacrifices that they and thousands of others have made to keep this Nation safe and free. We should also take this time to re-evaluate the benefits for our troops and their families. It is easy for us to take the military for granted in this time of relative peace and prosperity. But the crash at Pax River should remind us that what our military does each and every day is still dangerous.

Mr. Speaker, I ask my colleagues in the House to join me in expressing our sincere condolences to the families of these two proud Americans who have sacrificed their lives for their Country. We should all pause to reflect on the loss of these two distinguished individuals who were being trained as test pilots, an occupation that directly benefits the safety and performance abilities of aircraft weapons systems. I also would ask my colleagues to join me in recognizing the men and women who are left behind at the Test Pilot School to carry on the proud mission of this small elite program which has produced so many American heroes, both the famous, including John Glenn, dozens of Space Shuttle astronauts, and the unsung heroes who quietly dedicate their careers to pushing the technology envelope for aviation systems.

Past and present members of the U.S. Armed Forces deserve to have our full and continued support and we should not wait for another tragedy like the one at Pax River, to remind ourselves that our troops are in danger on a daily basis, whether in harm's way or preparing to go into conflict. The men and women of our armed services are defending this nation so that we may go about our daily lives feeling safe and protected. I look forward to continuing to work with my colleagues in the Congress to ensure that we provide them with the latest and best weapons systems available and that we continue to recognize their hard work and honor the sacrifices they make on a daily basis.

ON BEHALF OF LORI BERENSON

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. MOAKLEY. Mr. Speaker, today I call for action on behalf of Lori Berenson. Tomorrow, Peruvian President Fujimori will be inaugurated for another term and President Clinton will most likely congratulate him and wish him success. But what our President should be doing is raising the issue of Lori's release. And our diplomats should be working on it every minute of every day.

This is an American citizen, Mr. Speaker—one of our own. As a result of a conviction by a secret military tribunal, Lori has toiled in a Peruvian jail for more than 4 years now, and has endured severe health effects as a result. Throughout this ordeal, Lori has maintained her absolute innocence. Numerous international human rights organizations, the United Nations, and the Organization of American States have all called for her release and pointed to widespread corruption in the Peruvian courts. But still, the United States has not taken the action necessary to obtain Lori's release.

Mr. Speaker, our nation has an excellent working relationship with the government of Peru. We cooperate on a wide range of issues together. The release of Lori should be one of those issues that is important to our nation. This is the time we must use the influence we've gained in Peru. It is time that President Clinton demands Lori's release at the highest levels it is time this nation stands up for Lori—it is time for Lori Berenson to come home.

THE HOME OWNERSHIP TAX CREDIT ACT: MAKING THE AMERICAN DREAM A REALITY FOR ALL AMERICANS

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Ms. ROYBAL-ALLARD. Mr. Speaker, today, I am introducing the Home Ownership Tax Credit Act (HOTCA). This bill will help address a crisis in home ownership among low-income Americans.

The booming economy has helped boost the national home ownership rate to a record high level. However, home ownership among low-income households, minorities, women and families living in rural areas still lags behind. Although the national average of home ownership is 67%, only 45% of low-income families own their homes.

While present Federal policy promotes home ownership for higher income families by allowing taxpayers to deduct mortgage interest and real estate taxes, it does little to help low-income families achieve home ownership. The deductions of mortgage interest and real estate taxes benefit almost exclusively middle and upper-income Americans. In fact, only 10% of these tax benefits go to home owners who make less than $40,000 a year. Rental assistance is available for poor families through a variety of federal subsidies (primarily HUD's Section 8 program), but there's little help for low to middle income families who want to make the transition from renters to home owners.

This legislation will lend a hand to our hard-working families so that they too can achieve home ownership. By leveraging private resources and without creating new programs or bureaucracies, this bill will help hundreds of thousand of families finally realize the American dream of home ownership.

This tax credit tackles the two leading obstacles of home ownership: affordability and lender risk. First, many low income families simply cannot afford the monthly mortgage payments and initial downpayment for even a modest home in their area. The home ownership tax credit addresses this "wealth hurdle" by offering interest-free second mortgages to the low-income buyer. This is critical because this second mortgage will reduce the buyer's down payment and monthly mortgage costs by as much as 30%.

Second, lenders are often reluctant to make so-called "risky" loans due to fear of foreclosures. By lowering the loan amount needed for the first mortgage, the home ownership tax credit reduces the risk for the lender.

Similar programs implemented in North Carolina and New York have already proven successful in increasing homeownership for low-income families and jump-starting formerly distressed neighborhoods. It's time we take this program nation-wide and help families throughout the country achieve the American dream of owning their own home.

I urge my colleagues to join me and cosponsor the Home Ownership Tax Credit Act.

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2001

SPEECH OF

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4871) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2001, and for other purposes.

Mr. MOORE. Mr. Chairman, I rise today in opposition to H.R. 4871, the FY 2001 treasury-postal appropriations bill.

I am pleased that the committee reported an appropriations bill that strongly supports law enforcement efforts in this country. Fully funding the administration's gun-law-enforcement initiatives, including a proposal to add 600 employees to the agency to more fully enforce existing gun laws, suggests that this Congress is finally getting serious about stopping the scourge of gun crimes that have crippled this nation.

I hope this is a sign of more to come in promoting public safety and preventing these senseless crimes by approving legislation on juvenile justice which has languished in a conference committee for over a year.

This bill also contains a provision that I strongly support which would roll back the 0.5% surcharge on federal employee retirement contributions. This increase was mandated by the 1997 balanced budget law and has disproportionately affected federal employees by taxing more of their gross income for retirement than their private sector counterparts contribute.

Just yesterday, the CBO announced that we will run in FY 2001 a surplus of over $100 billion. Mr. Speaker, the budget is balanced: it is time to stop funding surpluses at the expense of our hard working federal employees.

While I support many of the priorities in this bill and commend the committee on a job well done in allocating finite resources, I remain concerned about one provision in this bill that suggest this Congress is not serious about holding the line on spending.

Mr. Chairman, about a decade ago, through legislative slight of hand, Congress passed a law to allow for the automatic annual increase in Members' salaries. This was a politically motivated move to shield Congress from casting embarrassing votes to increase their own pay. While we were technically afforded the opportunity to vote against an increase by casting a no vote on a procedural issue, the fact remains that by voting in support of this legislation, we will be voting for our own pay raises.

This will be a vote that comes at the expense of other mandates an earlier Congress created: Two years ago the House voted overwhelmingly for the IRS Reform and Restructuring Act which followed recommendations of a commission that studied the IRS and stated that IRS budgets "should receive stable funding for the next three years so that the leaders can . . . improve taxpayer service and compliance."

Mr. Chairman, this bill, contrary to the recommendations of a bipartisan commission and contrary to the will of this House, cuts $465 million from the administration's request. If this Congress is serious about holding the line on spending, we would not hold our other priorities hostage to our desires of a larger paycheck.

I will be voting against this bill and I will be voting against a pay increase—I urge my colleagues to put their money where their mouth is and reject final passage of this legislation.

DEVELOPMENTAL DISABILITIES ASSISTANCE AND BILL OF RIGHTS ACT OF 2000

SPEECH OF

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Mr. GOODLING. Mr. Speaker, I rise today in support of H.R. 4920, the Developmental Disabilities Assistance and Bill of Rights Act of 2000. The legislation would improve service systems for individuals with disabilities, including state developmental disability councils that assist individuals with disabilities, protection and advocacy systems for individuals with disabilities, and university affiliated programs for research and public service programs. I am pleased to see that others here in Congress are taking up this fight, particularly Rep. Rick Lazio, the sponsor of this legislation we are now considering.

Rep. Lazio has done an outstanding job of bringing the need for this legislation to the attention of Members. Under his leadership, H.R. 4920 has been crafted to provide many quality services for individuals with disabilities. Mr. Lazio's bill builds upon the programs in current law to create a well-rounded approach toward assisting individuals with disabilities.

I also find it very appropriate that we consider this legislation on the 10th anniversary of the Americans with Disabilities Act. In its ten years, the ADA has done much to improve the daily lives of individuals with disabilities. The ADA has helped move these individuals into the mainstream of American life.

The Committee I chair has jurisdiction over several laws that provide assistance and protections for individuals with disabilities, including the Individuals with Disabilities Education Act (IDEA), and the Americans with Disabilities Act (ADA). Throughout my time in Congress, I have consistently fought for improved programs and funding for individuals with disabilities.

I am particularly pleased with the increases in funding for IDEA that we have seen over the past five years, although we still have a long way to go.

I am pleased to support this bill.

THE REGISTER GUARD

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. DeFAZIO. Mr. Speaker, I submit for the Congressional Record, an Opinion Editorial written by my predecessor, former Congressman Jim Weaver. In the article, printed in the Register Guard, Wednesday, July 26, 2000, Weaver discusses his encounters with Governor Bush's newly appointed running-mate, Dick Cheney. I recommend Jim Weaver's well-crafted, thought-provoking article to my colleagues for its insight and importance.

Cheney Has Shown He's Soft in Nature, but Tough on Issues

(By Jim Weaver)

Dick Cheney and I were members of the House Committee on the Interior in the 1970s and 1980s. We sat opposite each other on the upper tier of the committee bench, he on the Republican side, and I on the Democratic side.

Cheney was always cordial, even gentle in demeanor, willing to discuss any matter and listen to other views. I grew to like him and conferred with him often.

While writing a book on the U.S. House of Representatives, he discovered that an ancestor of mine, James B. Weaver, had conducted a filibuster in the House in 1888 on the Oklahoma Land Bill. As I, too, had filibustered a bill, he told me the story. I appreciated his personal consideration.

So it always surprised me that when decisions were actually made in the committee, Cheney was hard as steel, and uncompromising on the hard-fought issues over forest preservation, revision of the 1872 mining act, grazing on public lands or nuclear power. He was three or four places down from the ranking Republican on the committee, but there was little question as to who controlled the Republican side—Dick Cheney. This very strong, highly intelligent, determined man kept the Republicans unanimous against any environmental incursions the Democrats attempted.

The chairman of the committee at that time was Mo Udall of Arizona. He bent over backward to conduct the committee fairly and to give the Republicans every parliamentary opportunity. His reward, offered by Cheney and his cohorts, was constantly and vehemently to accuse him and the Democrats of tyranny and railroading our bills. I only wish we had done so.

After the accident at the Three Mile Island nuclear plant in 1979, a House committee was chosen to conduct an investigation. I was named chairman and Cheney vice chairman. It was an intensive inquiry and resulted in many revelations. Cheney was an admirable person to work with. Conscientious and penetrating, Cheney helped make the inquiry the best of the presidential, Senate and House investigations.

But when the committee reported its findings, Cheney wrote a minority report to accompany my majority report.

My report blamed the accident on the extreme technological complications of nuclear power while Cheney, as did the other reports, blamed "human error." Cheney concluded with the NRC estimate that the accident would take a year and $60 million to repair. My report predicted 10 years and $1 billion dollars. Ten years later and more than a billion dollars spent, they were still cleaning up the last remnants.

I think Cheney would make an outstanding Republican vice president; actually, an outstanding Republican president. If I were a dyed in the wool Republican, I could not find a better person to vote for. But I am not a Republican.

PERSONAL EXPLANATION

HON. WILLIAM L. JENKINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. JENKINS. Mr. Speaker, on rollcall No. 439, on motion to suspend the rules and pass, as amended, Bulletproof Vest Partnership Grant Act, had I been present, I would have voted "yea"; on rollcall No. 440, on motion to suspend the rules and pass Illegal Pornography and Prosecution Act, had I been present, I would have voted "yea"; on rollcall No. 441, on passage disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to Vietnam, had I been present, I would have voted "yea"; on rollcall No. 442, on agreement to providing for consideration of H.R. 4942, making appropriations for the District of Columbia for fiscal year 2001, had I been present, I would have voted "yea."

AMERICORPS

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. PICKERING. Mr. Speaker, I submit the following two articles for the Congressional Record and recommend that all members read and consider them when looking at the issue of AmeriCorps. These articles were brought to my attention by former Pennsylvania Senator Harris Wofford, and I hope that members find them helpful when considering reauthorization of AmeriCorps.

[From The Hill, June 21, 2000]

Why I Changed My Mind About AmeriCorps

(By Dan Coats, former Republican Senator from Rhode Island)

When I was in the Senate, I did not support the legislation that created AmeriCorps because of my fundamental belief in private voluntary service and my skepticism about government-based solutions. I thought that government-supported volunteers would undermine the spirit of voluntary service and that new federal resources might subvert the mission and the independence of the civic sector.

My faith in the civic sector has not diminished one bit: in fact, it is stronger today than ever before. However, I have changed my mind about AmeriCorps. Instead of distorting the mission of the civic sector, AmeriCorps has proved to be a source of new power and energy for nonprofit organizations across the country.

My changed view about AmeriCorps is in no small measure because of the leadership that Harris Wofford, my Democratic former Senate colleague from Pennsylvania, has given to that program. Wofford and I did not vote on the same side very often in the Senate, and we still differ on many issues. But his leadership of AmeriCorps has convinced me that I should have voted with him on this issue.

First, thanks to Wofford's steadfast commitment to place national service above partisanship, AmeriCorps has not become the political program that some of us initially feared. Second, he shares my belief that the solutions to some of our most intractable problems lie in the civic sector. Accordingly, he has set AmeriCorps to the work of supporting, not supplanting, the civic sector.

I have seen firsthand how AmeriCorps members have provided a jolt of new energy to the civic sector from my experience as president of Big Brothers Big Sisters of America. As Millard Fuller, founder of Habitat for Humanity and another former skeptic of government-supported volunteers, also discovered, the leadership provided by full-time AmeriCorps members is a key addition for nonprofit and faith based organizations that are tackling the most difficult community and human problems.

AmeriCorps members, through their idealism, enthusiasm and can-do spirit, have multiplied the impact of organizations like Big Brothers Big Sisters and Habitat, and hundreds of other organizations large and small. The number of Republicans who have changed their mind about AmeriCorps continues to grow.

In the last years, Sens. John McCain (R-Ariz.) and Mike DeWine (R-Ohio) and Rep. John Kasich (R-Ohio) have spoken out about the positive role AmeriCorps plays in strengthening the civic sector. Together, we join a growing bipartisan list of present and former federal and state legislators, governors and civic leaders in support of AmeriCorps.

Their support is part of a quiet, yet remarkable, transformation in American politics that has occurred since the white-hot debate that took place a few years ago between those who believed that government should take the lead in solving community problems and those who thought government could accomplish little or nothing, and was even likely to be a negative force.

Now, as evidenced by both major party presidential candidates and by growing bipartisan support in Congress, a new middle ground has emerged, leading to a unique partnership between AmeriCorps, the nonprofit organizations and private and religious institutions that are critical to strengthening our communities. It is these institutions that transmit values between generations that encourage cooperation between citizens, and make our communities stronger.

In a recent speech to the nation's governors, retired Gen. Colin Powell declared himself "a strong supporter of AmeriCorps." After spending two years working with the organization Powell concluded, "[W]hat they do in terms of leveraging other individuals to volunteer is really incredible. So it is a tremendous investment in young people, a tremendous investment in the future. . . ."

Later this month, a bipartisan coalition in the Senate will introduce legislation to reauthorize AmeriCorps and its parent agency, the Corporation for National Service. I hope that Congress will move quickly to enact this legislation so that AmeriCorps can continue to work with the nonprofit and faith-based sectors to strengthen our communities and build a better future for us all.

[From The NonProfitTimes, March 2000]

Two Presidents: A Shared Legacy

(By Harris Wofford, CEO, Corporation for National Service and Bob Goodwin, President, Points of Light Foundation)

Most people would not think that Presidents George Bush and Bill Clinton have that much in common. But, Presidents Bush and Clinton share an important legacy. By making citizen service a central idea of their presidencies, these two presidents have fundamentally changed the land-scape of the civic sector by moving citizen service from the margins to the center of the public agenda.

It wasn't always this way. In 1988, President Bush called for a "thousand points of light" in his inaugural address and thereafter created the Points of Light Foundation. President Bush recently told us that he never imagined the Points of Light would be viewed as a Republican venture. Nonetheless, Democrats were dubious and sometimes belittled it as an inadequate substitute for government action.

Today, much of that skepticism has passed. With bipartisan support, the Points of Light Foundation was included as part of the National Service Act of 1993 and receives regular funding through the Corporation for National Service. The foundation's network of hundreds of volunteer centers, often part of the United Way, is thriving—helping to connect local residents with opportunities to serve. And two years, President Clinton joined with President Bush to resume the Daily Points of Light Award.

Simiarly, President Clinton's special contribution to citizen service—AmeriCorps—faced still opposition from some Republican skeptics. After the Republican takeover of Congress in 1994, there were recurring threats to eliminate AmeriCorps.

But President Clinton was steadfast, governors and mayors, Republicans and Democrats, and local and national nonprofits and faith-based organizations rallied in support, and the critics have been quieted.

By a large majority, including many Republicans, the Senate has voted for two years in a row to continued support for AmeriCorps. Republican Sen. Kit Bond stated, "The battle over whether we ought to have an AmeriCorps program or not is over. It has been decided." And Colin Powell has said, "It is a tremendous investment in young people, a tremendous investment in the future, and I am a strong supporter of AmeriCorps."

Today, the partisan bickering around service and volunteering has almost disappeared. The call for citizen service is a major theme of presidential candidates of both parties. Al Gore, George W. Bush, John McCain and Bill Bradley all have spoken powerfully on the need for citizen service and the role that nonprofits and faith-based organizations can play in solving community problems and uniting us as a nation.

While the political winds have been shifting, two great streams of civilian service—community volunteering and intensive national service—have become partners in communities across the country.

These collaborations work because the Points of Light and AmeriCorps are founded on the same fundamental belief: through service we can bring people together to solve the problems that still plague our country. Their operating principle is to provide resources—usually people power—to thousands of nonprofits, with government playing the role of junior partner, supporting the work of these organizations, not guiding it.

Three years ago the Points of Light Foundation and the Corporation for National Service cemented and elevated their partnership when Presidents Bush and Clinton came together to convene the Presidents' Summit for America's Future in Philadelphia. They enlisted Colin Powell to chair the Summit and to lead the continuing campaign for America's Promise.

Powell's mandate is to rally the forces of all the great institutions in this country, businesses, the nonprofit sector, governments at all levels, and committed individuals, traditional volunteers and those in full-time service, to make a concerted effort to assure the conditions for success for all young Americans.

In coming weeks this partnership between the Corporation for National Service and the Points of Light Foundation will be demonstrated again as a bipartisan coalition in the United States House of Representatives and United States Senate introduces legislation reauthorization the Corporation and its three main programs—AmeriCorps, the Senior Corps, and student service learning. This legislation will extend the life of the Corporation and support for the Points of Light Foundation into the next Administration.

Presidents Bush and Clinton pressed—and are still pressing—an idea and an ideal. Together they have raised a standard to which, as George Washington said at the Constitutional Convention, "the wise and the honest may repair."

This is a legacy of which they can jointly and justly be proud.

By passing this legislation, Congress will honor and share in this important bipartisan and nonpartisan legacy.

HONORING MARY MIYASHITA

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. MATSUI. Mr. Speaker, today I honor a woman with a remarkable career in public service, Mary Miyashita. To say that Mary has a flair for politics would only begin to skim the surface of the extraordinary contributions that she has made to numerous candidates and causes over the years.

Mary first got involved in politics during the 1948 gubernatorial campaign of Adlai Stevenson and has been a dedicated social and political activist ever since. The best way to describe Mary's political interests and involvement is exhaustive. I consider her presence to be a staple in the Democratic Party. She carries with her enough charisma to charm a crowd as well as the political savvy and assertiveness needed to fight the good fight. She has been selected as a Delegate to the Democratic National Convention five times in the past 30 years, served as Co-Chair of the California Affirmative Action Committee in 1976 as well as Co-Chair of the California Democratic Party Budget and Finance Committee in 1976.

She has done everything from Chairing the 1980 Kennedy Caucus to hosting political leaders at her home. In fact, the only thing that stretches farther than Mary's dedication is her knowledge of the political scene. By just glancing at her impressive list of political involvement, it is easy to attest that Mary is a true champion of public service.

Over the years, Mary has been recognized by a host of organizations for her Herculean efforts. In 1975 she was named Democratic Woman of the Year and Key Woman of the Democratic Women's Forum in 1960. This year she is being recognized once more, this time by the esteemed publication Asia Week for her many years of public service. As a founding member of the first Asian Pacific Caucus in 1976, Mary helped to pave the way for equal and just treatment of Asian Pacific Americans. Time and time again she has succeeded in ensuring that the interests of the Asian Pacific Community are heard and protected. She has been the shining light that has inspired scores of youth to get involved in politics. I can think of no one else more deserving of this honor than Mary.

Her involvement is not exclusive to strictly politics. She is an active member of the PTA, ACLU, Women for Peace and the League of

Women Voters to name a few. Programs such as Meals on Wheels, and the Woman and Children Crisis Shelter would not have found the success that they have enjoyed without Mary to support them.

Her continuous leadership is a true testament to public service. If a template for leadership could be made, it would bear the resemblance of my good friend Mary Miyashita. Her career thus far as a social and political activist is commendable, and happily far from being over.

TO COMMEMORATE THE 150TH ANNIVERSARY OF THE HUNTSVILLE ITEM

HON. JIM TURNER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. TURNER. Mr. Speaker, I have a special opportunity today to honor the Huntsville Item, a fine newspaper in East Texas, which will be celebrating its 150th birthday on August 18.

The Huntsville Item is the second oldest continually published newspaper in the state of Texas. Over the last century and a half, it has reported the everyday challenges facing East Texans, as well as the triumphs and tragedies of our great nation.

The Huntsville Item began publication in Huntsville, Texas on August 20 1850, under the editorship of George Robinson, who was born in Liverpool, England. From 1863–1864, during Robinson's enlistment in the Civil War, the Item was irregularly published due to Robinson's war duties and scarce supplies.

A fire destroyed the printing house of the Item on May 4, 1878, and the paper had to be printed several blocks away. But again, six years later, fire struck down the printing house, interrupting the Item's distribution for several weeks while printing was relocated to nearby Willis. Later that year, George's youngest son, Fred, took over management of the paper, moving all its operations back into Huntsville.

For several years early in the twentieth century, the Huntsville Item operated as the Huntsville Post-Item under publisher J.A. Palmer. In 1915, the paper was sold to Ross Woodall, who, along with his wife, published the paper until 1967.

The Item is currently owned by Community Holdings Newspapers, Inc.

The faded headlines of this newspaper tell the story of our nation's history.

Through the Civil War, two World Wars, Korea, Vietnam, the Persian Gulf, and Kosovo, the Item relayed news of brave American soldiers to their parents, siblings, and loved ones. Its newsprint has captured the Great Depression, the Baby Boom, the Oil Rush, the S&L crash, and the digital revolution. Its columns have examined Nolan Ryan, Willie Nelson, LBJ and Sam Rayburn.

I congratulate all the editors, photographers, and reporters who have made this newspaper last through the test of time. Even after four fires and other challenges, the paper has survived and flourished.

I hope that the stories it reports in the next hundred and fifty years will mirror the same growth, progress, and success that our nation has experienced since its first copy, published in 1850.

TRIBUTE TO POSTMASTER ROY C. BUNCH

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. JONES of North Carolina. Mr. Speaker, today I pay a special tribute to Postmaster Roy C. Bunch who resides in North Carolina's Third Congressional District, which I have the privilege to represent.

Next week friends, family, and officials will gather at the Albemarle Plantation in Hertford to recognize Mr. Bunch for 50 years of dedicated service to the federal government.

Mr. Bunch began his career in the United States Navy on August 24, 1944 and served our Nation until March 6, 1946.

His career as Postmaster of the Belvidere facility began on January 24, 1952 where he has tirelessly served for over 48 years.

After fifty years of service to the Federal Government and to the men, women and children of our great Nation, Mr. Bunch is not slowing down.

He is in wonderful health and has mentioned no plans of retirement.

He currently resides in Belvidere, North Carolina with his wife of 51 years, Clemma Bunch. Together Roy and Clemma have one son and a daughter.

He continues to be an exemplary example of an outstanding public servant and for that I would like to take this opportunity to thank Mr. Bunch.

All of our federal employees deserve great thanks from this Nation. It is not an overstatement to say that without federal employees our country would not be able to function. They touch every aspect of our lives and provide immeasurable benefits to us all. Without the dedication to service that federal workers such as Mr. Bunch provide, our Nation would not be the great country it is today.

Mr. Roy Bunch, "thank you," I salute you.

INTRODUCTION OF THE MINGE-HOOLEY COMPREHENSIVE RURAL TELECOMMUNICATIONS ACT

HON. DAVID MINGE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. MINGE. Mr. Speaker, today I announce the introduction of landmark legislation to help maintain the viability of America's rural economy. I join with my colleague Representative DARLENE HOOLEY and members of the Democratic Rural Task Force in introducing the Comprehensive Rural Telecommunications Act.

Several months ago, I was given the opportunity to chair the Democratic Rural Task Force. This task force was developed with the aim of pursuing initiatives which ensure our rural communities are not left behind in the new millennium. Many factors comprise a robust economy. That is true in an urban, suburban or rural community. It was my job to decide which economic sectors of rural America we could most realistically pursue.

With the advice and input of the telecommunications innovators in my Congressional district, I saw the important need for a strong investment in telecommunications infrastructure to provide for the maintenance and future growth of rural America. The Internet creates great commercial opportunities; therefore, telecommunications infrastructures are more than ever a crucial tool of our economic development. However, rural communities are at a real disadvantage when it comes to building these new advanced networks, given their distance from urban centers and low population densities. Telecommunication providers often prefer to deploy advanced telecommunication systems in urban areas, where fixed costs are spread over more customers and volume is greater.

The gentlewoman from Oregon and I set to work on an ambitious proposal that would take a comprehensive approach rather than several fragmented efforts. This collaborative effort led to the three part Comprehensive Rural Telecommunications Act. Our legislation combines incentives for infrastructure creation along with the educational opportunities needed to ensure a population who can utilize the new infrastructure.

The legislation establishes National Centers for Distance Working which would provide training, referral, and employment-related services and assistance to individuals in rural communities and Indian Tribes to support the use of teleworking in information and high technology fields. These centers would help people in rural areas link up with employers so they could take advantage of new career opportunities even if they do not live in areas with numerous employers.

To encourage infrastructure creation, the legislation provides a 10% to 15% tax credit on expenditures by companies deploying broadband (1.5 MBPS) or enhanced broadband (10 MBPS) in rural areas. The legislation also authorizes the USDA's Rural Utility Service to provide up to $3 billion in loans or credit extensions to eligible telecommunications carrier providers to finance the deployment of broadband service in rural communities.

A special thanks goes to the esteemed Senators DORGAN, ROCKEFELLER, and WELLSTONE. Much of this legislation is based on individual bills they have previously introduced. I would also like to thank the Chairman of the Democratic Caucus, Representative MARTIN FROST.

Mr. Speaker, I request that my House colleagues join with me in supporting and passing the Minge-Hooley Comprehensive Rural Telecommunications Act, which is critical to rural America's future.

FREE SPEECH AND MEDIA IN THE OSCE REGION AFTER 25 YEARS

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. PITTS. Mr. Speaker, today freedom of the press and media in the OSCE participating States is deteriorating and regressing, largely unnoticed by the peoples of the region. This is happening in Western and Central Europe in much the same way one cooks a frog. Place the frog in cold water and start the fire. As the water heats up, the frog is gradually cooked—having never known he was in danger. This type of political gradualism is a true threat to the peoples and States of Europe.

Recent hearings held by the Helsinki Commission, on which I serve, have noted a number of high profile cases in Eastern Europe showcasing the situation. We have heard of the rise of influence and pressure from heavy-handed government authorities who feel the need to control the views and reports of independent journalists. Such actions have been especially evident in Bosnia, Azerbaijan, and Ukraine. The recent arrest of Vladimir Gusinsky, head of Media Most and an outspoken critic of Russian President Putin, has raised our concern about Russia's approach to an agenda of free media.

A key OSCE commitment allows for the development and protection of freedom of expression, permitting independent pluralistic media. Three years ago, the OSCE States were concerned enough about the problems in this area that they mandated the creation of the position of Representative on Freedom of the Media. The 25th Anniversary of the Helsinki Final Act marks an appropriate occasion to review the past relations between the OSCE governments and the media, and to review the current situation of free media in the region.

Last year, 11 journalists were killed in the region, with a number of the deaths accompanied by suspicious circumstances. In addition to those killed while reporting the news, many others were arrested under suspicious circumstances and without due process. Radio Free Europe/Radio Liberty reporter Andrei Babitsky's story is a frightening example of just how badly the situation for reporters has deteriorated in Russia. While covering and reporting on the war in Chechnya, Babitsky was arrested by Russian troops for "participating in an armed formation," and yet later was traded to Chechen rebels in an exchange, thus being placed in grave danger. Babitsky was later retrieved by Russian forces and subsequently charged with using false papers.

While Babitsky was fortunate to have survived and received international exposure, most other journalists are not so lucky in Russia. In Vladimir Putin's first "state of the union" speech, he said that he supported a free Russian press, but was angered that media owners could influence the content. That is, while Putin openly declares support for a free media, he chills the media in his next utterance. Likewise, Gusinsky's arrest has heightened our concern as we see the tightening of the noose on the throat of a free press in Russia.

Actions by governments in Southeastern Europe are also a cause for concern. Turkey and the Balkan States present serious impediments towards promoting and allowing free media. Serbia continually threatens, harasses, and fines all media that do not follow the official line. Milosevic has seen to the gradual demise of any independent Serbian media, not the least through fines totaling $2.1 million last year. Turkish authorities continue to block free media in key areas, with either the Kurdish issue or criticism of the military most likely to land journalists in jail.

Mr. Speaker, I could continue. Such developments are rife throughout the Caucasus and Central Asia. It is not enough for OSCE States to ardently promote the idea of free speech and media. Collective accountability must be used, along with public diplomacy, if the OSCE is to consist of States that rise to the standard envisioned at Helsinki 25 years ago regarding free speech and media.

RECOGNIZING THE NYSP PROGRAM AT THE UNIVERSITY OF WISCONSIN—EAU CLAIRE

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. KIND. Mr. Speaker, today I recognize a fantastic program that benefits young people throughout the nation, and to pay special tribute to the chapter in my congressional district.

Earlier this month, I had the pleasure to spend some time at the National Youth Sports Program (NYSP) on the University of Wisconsin—Eau Claire campus. This is the twentieth year that an NYSP summer camp has operated in the Chippewa Valley region of western Wisconsin, at which disadvantaged youth take part in athletic, math and science activities for five weeks. The sports component of the program emphasizes instruction, competition, physical fitness and lifetime sports. The classroom programs cover nutrition, drug and alcohol awareness, higher education preparation and career discussions in addition to the science and math curriculum.

Of the 180 or so NYSP programs that operate nationwide each summer, the University of Wisconsin—Eau Claire camp has been recognized as one of the top five programs seven times. It has also been rated as the top program twice in the last decade.

NYSP is an excellent example of how federal partnerships with communities can work for the betterment of America's young people. Funds for NYSP are provided through the Department of Health and Human Services and are administered through the NCAA. In my home state, additional funds for food services are provided through the Department of Agriculture.

NYSP provides the kids who participate in the camps with wonderful opportunities they would not otherwise have to learn, play, and form new friendships in friendly, safe and supportive environments. This year at UW—Eau Claire, 589 young people participated in NYSP.

Mr. Speaker, I congratulate all of the many staff and volunteers who run the NYSP program at UW—Eau Claire. In particular, I wish to recognize Lisa McIntyre, Bill Harms, Jeff Lutz, Tom Platt and Tony Hudson, whose dedication to the program is very admirable, and who make sure I am kept up-to-date about the progress and success of NYSP each year.

I offer a special word of congratulations and thanks to Diane Gibertson, who has been the Activities Director of NYSP in Eau Claire. Diane is retiring this year, and was instrumental in establishing NYSP in the Chippewa Valley twenty years ago. Diane's tireless efforts over the years on behalf of youth in our community serves as a shining example for all of us—young and old—to follow our dreams, and to take time to help make the dreams of our children come true.

Once again, Mr. Speaker, on behalf of the residents of western Wisconsin, I congratulate and thank all those who have made the NYSP program an amazing success. Our children, and our communities, are certainly the better for their efforts.

THE TECHNOLOGY EDUCATION AND TRAINING ACT

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. WELLER. Mr. Speaker, today, I am introducing a bill with Mr. MORAN, Mr. COX, Mr. TAUZIN, Mr. TOM DAVIS, Mr. DRIER, Mr. ADAM SMITH, Mr. SALMON and Mrs. TAUCHER to address the severe worker shortage in technology related industries. The Technology Education and Training Act provides a $1,500 tax credit for information technology training expenses.

This tax credit is necessary to address the serious shortage in the United States of trained technology professionals. This shortage has a dramatic effect on the U.S. economy. According to the CompTIA Workforce Study, as a result of unfilled IT positions, the U.S. economy loses $105.5 billion in spending that would otherwise go to salaries and training. This reduces household income by $37.2 billion and prevents the creation of 1. 6 million jobs. Currently, an estimated 268,740 (10%) of IT service and support positions are unfilled. This results in $4.5 billion per year in lost worker productivity. An ITAA study released April 11, 2000 predicts a shortage of 843,328 for the 1.6 million new IT workers needed in 2000.

The tax credit we establish in this bill would be available to both individuals and businesses for training and educational expenses for individuals being trained in technology related industries. The allowable credit would be $1,500. For small businesses, or businesses and individuals in enterprise zones, empowerment zones, and other qualified areas, the credit would equal $2,000. The training program must result in certification.

This bill encourages a private-public sector partnership which allows the private sector to determine who, what, where and how to train workers. It also helps to fill the IT worker pipeline with thousands of new and retrained IT skilled workers which would otherwise leave thousands of jobs in cities across America unfilled.

Mr. Speaker, thank you for the opportunity to speak on behalf of The Technology Education and Training Act.

THE IMPORTANCE OF A GLOBAL SCHOOL LUNCH AND GLOBAL WIC PROGRAM

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. McGOVERN. Mr. Speaker, I was very excited to read the July 23, 2000 statement by President Clinton at the G–8 Summit in Okinawa, Japan, announcing a $300 million initial start-up program in support of a universal school and pre-school feeding program for the over 300 million hungry children of the world. On July 27th, the Senate Agriculture Committee held a hearing on this issue and invited former Senators George McGovern and Bob Dole, the two chief proponents of this initiative, Secretary of Agriculture Dan Glickman, Senator RICHARD DURBIN, myself, and several others to testify.

This is a remarkable initiative to promote education and reduce hunger among children world wide. I would like to enter into the RECORD the President's statement describing this initiative, as well as the testimony of Ambassador George McGovern and my own testimony before the Senate Agriculture Commitee.

THE CLINTON-GORE ADMINISTRATION: BUILDING A STRONGER GLOBAL PARTNERSHIP FOR INTERNATIONAL DEVELOPMENT THROUGH SUPPORT FOR BASIC EDUCATION AND CHILDHOOD NUTRITION—JULY 23, 2000

Today, President Clinton announced new Initiatives to expand access to basic education and improve childhood development in poor counties. Part of the Okinawa Summit's unprecedented emphasis on international development, these measures include:

(1) A new $300 million U.S. Department of Agriculture international school nutrition pilot program to improve student enrollment, attendance, and performance in poor countries. (2) Endorsement by the G–8 of key international "Education for All" goals, including the principle that no country with a strong national action plan to achieve universal access to primary education by 2015 should be permitted to fail for lack of resources. (3) A now commitment by the World Bank to double lending for basic education in poor countries—an estimated additional $1 billion per year. (4) An FY 2001 Administration budget request to increase funding for international basic education assistance by 50% ($55 million) targeted to areas where structural weaknesses in educational systems contribute to the prevalence of abusive child labor.

Better access to basic education can be a catalyst for poverty reduction and broader participation in the benefits of global economic integration. Literacy is fundamental not only to economic opportunity in today's increasingly knowledge-intensive economy but also to maternal and infant health, prevention and treatment of HIV-AIDS and other infectious diseases, elimination of abusive child labor, improved agricultural productivity, sustainable population growth and environmental conditions, and expanded democratic participation and respect for human rights.

(1) The U.S. will launch a $300 million school feeding pilot program working through the UN World Food Program in partnership with private voluntary organizations. Building on ideas promoted by Ambassador George McGovern and former Senator Robert Dole and explored at the World Food Program (WFP), the USDA's Commodity Credit Corporation (CCC) would purchase surplus agricultural commodities and donate them for use in school feeding and pre-school nutrition programs in poor countries with strong action plans to expand access to and improve the quality of basic education.

For the first year of the program, the USG would spend $300 million for commodities, international transportation, and other costs under the current CCC authorities, feeding as many as 9 million schoolchildren and preschoolers.

The program would be initiated working through the WFP in partnership with Private Voluntary Organizations (PVOs), the U.S. share of which could grow over time depending upon participation by other donors and eligibility by developing countries.

Selection criteria would be based on need and include a commitment and contribution of resources by the host government, technical feasibility, good progress toward a strong national action plan to achieve the Dakar Education, for All goals, and a commitment by the host govemment to assume responsibility for operating the program within a reasonable time frame where feasible.

A portion of the commodities could be sold to provide cash resources for incountry program management, funding any associated programs (e.g. feeding equipment purchases and local-commodity purchases, etc.). Incountry product storing, processing, handling and transportation, and purchasing the appropriate foods for the local program.

Funding would come from USDA's Commodity Credit Corporation under the surplus removal authority of the CCC Charter Act, and Section 416(b) of the Agricultural Act of 1949, which provides for overseas donations of commodities in CCC's inventory to carry out assistance programs in developing countries and friendly countries. The last several years have seen record food surpluses in the U.S., with corresponding record donations of food overseas. USDA analysts project continued surpluses over the next few years.

(2) The G–8 has strongly endorsed Education for All goals and called for increased bilateral, multilateral, and private donor support for country action plans. At the initiation of the U.S., the G–8 has agreed to endorse the goals of a recently concluded international conference on access to basic education. Held in April 2000 in Dakar, Senegal, the World Education Forum gathered over 1,000 leaders from 145 countries to increase the world community's commitment to basic education in poor countries by:

Ensuring that no country with a strong national action plan to expand access to and improve the quality of basic education should be permitted to fail to implement its plan for lack of resources;

Ensuring that by 2015 all children, particularly girls, children in difficult circumstances and those belonging to ethnic minorities, have access to and complete free and compulsory primary education of good quality;

Achieving a 50% per cent improvement in level of adult literacy by 2015, especially for women;

Eliminating gender disparities in primary and secondary education by 2005; and

Expanding and improving comprehensive early childhood care and education.

(3) In connection with the Summit and at the suggestion of the U.S., World Bank President James Wolfensohn has pledged that the Bank will increase education lending by 50% and devote the increase to basic education in support of the Dakar Framework—a $1 billion increase or doubling of the Bank's lending for this purpose. This step could galvanize action on the part of the developing countries and other public and private donors to develop a deeper partnership in support of educating the world's youth.

(4) The G–8 action builds on the President's FY 2001 budget initiative to increase by 50% ($55 million) US assistance to strengthen educational systems in areas of developing countries, targeted to areas where abusive child labor is prevalent. The International Labor Organization has estimated that 250 million children work worldwide. A lack of educational alternatives exacerbates this problem. The Administration initiative would complement direct efforts to reduce abusive child labor such as those by the International Labor Organization by providing support for improvements in educational systems.

The Okinawa Summit's focus on basic education in developing countries builds on one of the primary achievement of last year's G–7/G–8 Summit, the Cologne Debt Initiative, which will triple the scale of debt relief available to countries undertaking economic reforms and committing to devote the resources freed up by lower foreign debt repayments to the education and health of their people. The President has requested $435 million in appropriations for this years participation in the Cologne Debt Initiative, $810 million including FY 2002 and 2003.

The intemational community has set a goal of achieving universal access to primary education by 2015; however, half of children in developing countries do not attend school and 880 million adults remain illiterate. An estimated 120 million children in developing countries do not attend any school at all, and an additional 150 million children drop out of school before completing the four years of schooling needed to develop sustainable literacy and numeracy skills.

Girls represent over 60% and perhaps as many as two-thirds of the children who are not in school.

Where 20% of women or less read and write, those women have an average of six children each. By contrast, in countries in which female literacy has reached 80% or more, this figure drops to fewer than three children each.

Each year of maternal education reduces childhood mortality by eight percent, deworming medicine.

In Sub-Saharan Africa, 40% of children (42 million) are out of school. In South Asia, 26% (46 million) are not enrolled in primary education. Of those children who do enroll, 33% never finish in Sub-Saharan Africa, 41% in South Asia, and 26% in Latin America.

The United Nations World Food Program estimates that 300 million children in developing countries are chronically hungry. Many of these children are among the nearly 120 million who do not attend school. Others are enrolled in school but underperform or drop out due in part to hunger or malnourishment.

A 1996 World Bank study concluded that when children suffer from hunger or poor nutrition and health, their weakened condition increases their susceptibility to disease, reduces their learning capacity, forces them to end their school careers prematurely, or keeps them out of school altogether.

An estimated 210 million children suffer from iron deficiency anemia, 85 million are at higher risk for acute respiratory disease and other infections because of vitamin A deficiency, and 60 million live with iodine deficiency disorders. Each condition adversely affects cognitive development, physical development, and motivation, yet each is susceptible to cost effective treatment because the body requires only minute quantities of the nutrients in question.

By helping to address these problems, school feeding and pre-school child nutrition programs have been shown to have a significant positive impact on rates of student enrollment, attendance and performance.

The Presidents international school feeding pilot program and the G–8's support for basic education in poor countries are part of the G–8's unprecedented emphasis on development. One of the principal objectives of the Okinawa Summit has been to strengthen the partnership of developed and developing countries, international institutions, the private sector, and civil society in support of global poverty alleviation. The Summit will create a framework for significantly increased bilateral, multilateral, and private sector assistance to poor countries with effective policies in three interrelated areas: infectious diseases, basic education, and information technology. The goal is to mobilize a more comprehensive response by the international community in response to developing countries that exert leadership at home on these issues. No issue is more fundamental to human progress that basic education:

Primary education is the single most important factor in accounting for diffierenoes in growth rates between East Asia and sub-Saharan Africa because it leads to greater achievement of secondary education, according to the World Bank.

An education helps people understand health risks, including AIDS, and preventative steps and demand quality treatment.

Education opportunities are also critical to eliminating abusive child labor. Around the world, tens of millions of young children in their formative years work under hazardous conditions, including toxic and carcinogenic substances in manufacturing, dangerous conditions in mines and on sea fishing platforms, and backbreaking physical labor. Some children labor in bondage, are sold into prostitution, or are indentured to manufacturers, working against debts for wages so low that they will never be repaid.

TESTIMONY OF GEORGE McGOVERN, U.S. AMBASSADOR TO THE AGENCIES ON FOOD AND AGRICULTURE, ROME, ITALY—JULY 27, 2000

Mr. Chairman and distinguished members of the Committee, I'm pleased to be associated once again with this important committee. During eighteen years as a Senator from South Dakota, I served every day as a member of this Committee: That was one of the deep satisfactions of my life. I also enjoyed my service on the Foreign Relations Committee, the Joint Economic Committee and my Chairmanship of the Select Committee on Nutrition and Human Needs. But Agriculture was my bread and butter committee.

This morning I'm especially pleased to be accompanied by my friend and longtime Senate colleague, Bob Dole. As you know, Bob and I represent opposing parties. But we fonned a bipartisan coalition in the Senate on matters relating to food and agriculture. That coalition reformed the field of nutrition and virtually put an end to hunger in America. We reformed and expanded food stamps for the poor; we improved and expanded the school lunch and breakfast programs; we launched the WIC program for pregnant and nursing low-income women and their infants. In the 1980's and 1990's there has been some slippage in the coverage of these excellent programs and that needs to be corrected. It is embarrassing that in this richest of all nations we still have an estimated 31 million Americans who do not have enough to eat.

But today I want to describe a new vision for you. It is a vision that would commit the United Nations, including the U.S., to providing a nutritious meal every day for every child in the world.

There are now 300 million hungry school age children in Asia, Africa, Latin America and Eastern Europe. Most of them do not have a school lunch or breakfast. One hundred and thirty million of them do not attend school and are condemned to a life of illiteracy. Most of those not in school are girls because of the favoritism toward boys and discrimination against girls.

How can we draw these children into the classroom? The most effective attraction anyone has yet devised to bring youngsters into the schools and keep them there is a good school lunch program. The American school lunch program is the envy of the world. At the recent convention in St. Louis of the American School Food Service Association there were visitors from half a dozen foreign countries, including Japan, who were there to find out how they should erect school lunch programs.

By actual test results, a school lunch program will double school attendance; it will also dramatically improve the learning process and academic achievement. Children can't learn on an empty stomach. Nutrition is the precondition of education.

Nearly 40 years ago when the late President Kennedy brought me into the White House as Director of Food for Peace—a bipartisan program under P.L. 480 launched in the Eisenhower Administration—I received a telephone call from the Dean of the University of Georgia. He said, "Mr. McGovern, I'm calling to tell you that the federal school lunch program has done more to stimulate the social and economic development of the south than any other single program. It has," he said, "brought our youngsters into the schools, improved their learning capability, made them stronger, faster and healthier athletes, and more stable and effective citizens."

I believe the Georgia Dean was right then, and based on what he told me so many years ago, I know that he would support a daily school lunch for every child across the world.

If we could achieve the goal of reaching 300 million hungry children with one good meal every day, that would transform life on this planet. Dollar for dollar it is the best investment we can make in creating a healthier, better educated and more effective global citizenry.

One enormous benefit from such an effort is that it would help mightily in breaking down the barriers to the education of girls. Third World parents will send both girls and boys to school if lunches are provided. In six countries where studies have been conducted, it was revealed that illiterate girls who enter into marriage at 11, 12 or 13 years of age have an average of 6 children. Girls who have been schooled have an average of 2.9 children; they marry later and are better able to nurture and educate their children.

One significant benefit of an international school lunch program is that it would raise the income of American farmers and those in other countries that have farm surpluses. Every member of this Committee knows that nearly every farm crop is now in surplus. This depresses farm markets and farm income. But if the Secretary of Agriculture—Dan Glickman, a great Secretary—used his authority in the market he can buy everything from California and Florida oranges to Kansas and Indiana wheat, Iowa corn, Montana, Texas and North and South Dakota cattle and hogs, Wisconsin and New York milk and cheese, and North and South Carolina and Georgia peanuts.

I'm pleased that President Clinton has endorsed this concept. In a White House meeting a month ago he told me: "George, this is a grand idea. I want us to push it." I cite Secretary Glickman and Undersecretary Gus Schumacher as my witnesses.

The President proposed $300 million for the first year—largely in the form of surplus farm commodities. If other U.N. countries will consider that $300 million as a 25% share with the other three-fourths coming from the rest of the world for a total of $1.2 billion, that would not be a bad start.

I'd like to yield now to Bob Dole for some comments and then perhaps the Committee will wish to question us.

Governor George Bush has described himself as a "compassionate conservative." The most compassionate conservative I know is Bob Dole. He was terribly wounded in World War II. I suspect partly because of that he has a tender heart for veterans. But beyond this, wherever there are hungry poor people, or undernourished children, or farmers in trouble, Bob Dole is always there.

The late Martin Luther King, Jr. once preached a sermon on the New Testament verse: "Be ye wise as serpents and gentle as doves." Translated into the modern vernacular, Dr. King said this means: "Be ye tough-minded and tender-hearted."

That's Bob Dole.

Testimony of U.S. Representative James P. McGovern—July 27, 2000

THE IMPORTANCE OF A GLOBAL SCHOOL FEEDING PROGRAM

I want to thank the Chairman, Senator Lugar, and Ranking Member, Senator Harkin, for the opportunity to appear before your Committee this morning. Your years of service and leadership both on agriculture issues and on foreign aid and humanitarian issues are admired and appreciated by your colleagues and, I might add, the people of Massachusetts. By holding the first hearing to explore the importance of a universal or global school feeding program, once again this Committee demonstrates that leadership.

In the U.S. House of Representatives, I'm happy to report a bipartisan movement is growing in support of this initiative. Congressman Tony Hall, Congresswomen Jo Ann Emerson and Marcy Kaptur and I recently sent a bipartisan letter to President Clinton signed by 70 Members of Congress, urging him to take leadership within the international community on this proposal. I am attaching a copy of that letter to my testimony and ask that it be part of the Record of this hearing.

I would also like to enter into the Record as part of my testimony a letter in support of this initiative by the National Farmers Union. In their letter, NFU states: "The benefits to those less fortunate than ourselves will be profound, while our own investment will ultimately be returned many times over. The international nutrition assistance program is morally, politically and economically correct for this nation and all others who seek to improve mankind."

As Senators George McGovern, Bob Dole and Richard Durbin have just testified, the proposal we are discussing today is very simple: to initiate a multilateral effort that would provide one modest, nutritious meal to the estimated 300 million hungry children of the world. I do not wish to repeat their testimony, but there are points I would like to underscore.

Mr. Chairman, I believe the world moves on simple ideas.

This simple idea is also a big idea, made more compelling in its potential to move us closer to achieving many of our most important foreign policy goals:

reducing hunger among children;

increasing school attendance in developing countries;

strengthening the education infrastructure in developing countries;

increasing the number of girls attending school in developing countries;

reducing child labor; and

increasing education opportunities for children left orphaned by war, natural disaster and disease, especially HIV/AIDS.

Over the next ten to twenty years, achieving these goals will significantly affect the overall economic development of the countries that participate in and benefit from this initiative. Children who do not suffer from hunger do better in school—and education is the key to economic prosperity. The better educated a nation's people, the more its population stabilizes or decreases, which, in turn, decreases pressures on food and the environment.

Our own prosperity is clearly linked to the economic well-being of the nations of Asia, Africa, Latin America and Eastern Europe. As their economies grow stronger, so do markets for U.S.-made products. The generation of children we help save today from hunger and who go to school will become the leaders—and the consumers—of their countries tomorrow.

This simple idea, Mr. Chairman, might prove to be the catalyst to a modern-day Marshall Plan for economic development in developing countries: A coordinated international effort to create self-sustaining school feeding programs and to enhance primary education throughout the developing world. Our farmers, our non-profit development organizations, and our foreign assistance programs could help make this a reality.

On the other hand, it could also fail.

It could fail, Mr. Chairman, if we in Congress fail to provide sufficient funding for this initiative; if we fail to provide a long-term commitment of at least ten years to this initiative; and if we fail to integrate this initiative with our other domestic and foreign policy priorities.

In its July 23rd announcement, the Clinton Administration has made available $300 million in food commodities to initiate a global school feeding program. This is an admirable beginning for a global program estimated at $3 billion annually when it is 100 percent in place, with the U.S. share approximately $755 million per year.

To ensure the success of this initiative, we will need to commit ourselves to long-term, secure funding for this and related programs.

First, new legislation to authorize this program, and the necessary annual appropriations to carry it out, must at a minimum provide for the total U.S. share. These funds would not only provide for the purchase of agriculture commodities, but also for the processing, packaging and transportation of these commodities; for the increased agency personnel to implement and monitor expanded U.S. education projects in developing countries; and for an increased number of contracts with U.S.-based non-governmental organizations (NGOs) implementing these feeding and education programs in target countries.

A significant portion of this assistance will go to our farming community for the purchase of their products, and that's as it should be. Quite frankly, Mr. Chairman, I would rather pay our farmers to produce than watch them destroy their crops or pay them not to produce at all.

Second, the United States must lead and encourage other nations to participate and match our contributions both to the food and the education components of this project.

Third, we will need to increase funding for development assistance to strengthen and expand education in developing countries. One of the key reasons for supporting school feeding programs is to attract more children to attend school. If that happens, then the schools will need cooking centers, cooking utensils and cooks. Within a year or two, the increase in student population will require more classrooms. Those classrooms will need teachers and supplies. Additional development assistance, delivered primarily through NGOs, will be needed to successfully implement both the food and the education components of this proposal.

Fourth, we will need to secure greater funding for and recommit ourselves to debt relief and to programs that support and stimulate local agriculture and food production in these countries—two important priorities of our foreign assistance programs. Revenues that developing countries must now use to service their debt could instead be invested in education, health care and development. Successful school feeding programs also rely on the purchase and use of local food products, which are in harmony with local diet and cultural preferences. If the ultimate goal is to make these food and education programs self-sustaining, the promotion of local agricultural production and national investment in education are essential.

Fifth, our commitment to this effort must be long term. Too often initiatives are announced with great fanfare and then fade away with little notice given. Many development organizations currently active in the field with "food for education" programs are skeptical of this proposal. Many governments of developing countries share that skepticism. They have heard it before. They have seen programs announced, begun and then ended as funding abruptly or gradually ended. Our commitment to both the food and education components of this initiative must cover at least a decade.

Sixth, we do not need to re-invent the wheel to implement this program, or at least the U.S. participation in this multilateral effort. We have a long and successful history of working with our farming community to provide food aid. We have successful partnerships with NGOs already engaged in nutrition, education and community development projects abroad. We also have established relations with international hunger and education agencies, including the Food Aid Convention, the World Food Program, UNICEF and the United Nations Food and Agriculture Organizations (FAO).

Finally, Mr. Chairman, I believe we must also take a good long look at our own needs, and at the same time we contribute to reducing hunger abroad, we must make a commitment to ending hunger here at home. In a time of such prosperity, it is unacceptable that we still have so many hungry people in America. None of our seniors should be on a waiting list to receive Meals-on-Wheels. No child in America should go to bed hungry night after night. No family should go hungry because they don't know where the next meal will come from. No pregnant woman, no nursing mother, no infant nor toddler should go hungry in America. We have the ability to fund existing programs so these needs are met.

If I may, Mr. Chairman, I would also like to add one more comment. As first proposed, this initiative also had a universal WIC component. The United States is already involved in several nutrition and health programs for mothers and infants. I was very pleased to see in the President's announcement that it contained a pre-school component. I hope that we might also expand our assistance in this area and reach out to our international partners to increase their aid as well. We all know how important those early years of development are in a child's life. I fully support the school feeding and education initiative we are discussing this morning. But if a child has been malnourished or starved during the first years of their life, much of their potential has already been damaged and is in need of repair. Surely the best strategy would include health, immunization and nutrition programs targeted at children three years and younger.

I believe we can—and we must—eliminate hunger here at home and reduce hunger among children around the world.

I believe we can—and we must—expand our efforts to bring the children of the world into the classroom.

I hope you and your Committee will lead the way.

Thank you, Mr. Chairman.

IN HONOR OF THE UPCOMING 50TH WEDDING ANNIVERSARY OF DAVID AND ARMIDA MURGUIA OF SAN ANTONIO, TEXAS

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. GONZALEZ. Mr. Speaker, it is with great pride, honor and happiness that I rise to recognize the upcoming 50th wedding anniversary of David and Armida Murguia of San Antonio,Texas.

David and Amy were married November 8, 1950 at Our Lady of Perpetual Hope Catholic Church in San Antonio and honeymooned in Allende, Mexico.

Immediately after their honeymoon, David was inducted into the U.S. Army and transferred to Ft. Lee, Virginia, where Amy was able to join him after a short separation. After his military service, the Murguia's returned to San Antonio where they have lived ever since. The Murguia's are members of St. Ann's Catholic Church.

David graduated from St. Gerard's High School and attended St. Mary's University, where he obtained a law degree. He worked at Kelly Air Force Base before starting his own law practice.

Amy graduated from Ursuline Academy in San Antonio, and after raising their children, went to work as David's legal assistant. Both retired in 1998 after a long, productive, and well respected legal career.

As a result of their marriage, David and Amy are the proud parents of eight children, Michael David, Vincent John, Philip Andrew, David III, Theresa Armida, Catherine Ann, Mark Anthony, and Matthew. They have 13 grandchildren, and several great grandchildren. As do all couples, David and Amy have had their joyous occasion and rough times, but through it all, they have stuck by each other, and in a rare occasion in America today, will soon celebrate their 50th wedding anniversary.

On behalf of all citizens of San Antonio, I want to wish them a wonderful anniversary and I hope that they are able to celebrate many, many more. May their love and dedication to each other inspire each of us to work even harder on our own relationships so that we too may someday celebrate as the Murguia's are doing now.

BAY AREA RAPID TRANSIT BART

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mrs. TAUSCHER. Mr. Speaker, as the Congresswoman representing eastern Contra Costa County and the Tri-Valley area of Alameda County, I rise today to express my firm belief that the Bay Area Rapid Transit (BART) system should be extended to Antioch and Livermore, California. While I am aware and understand that there are those who want to extend BART only to the South Bay, I must remind them that the families and businesses of the Antioch and Livermore areas also need BART and have been paying their hard-earned dollars into the BART system for almost four decades.

As a very large number of our commuters know, getting to and around Silicon Valley, more often than not, is a very difficult problem. This year, state and regional planners have begun deciding on the next generation of rail and road improvements for the region to address the traffic congestion problems. Furthermore, it is clear from the Governor's transportation plan and proposed budget that BART to San Jose is going to receive certain consideration. However, that does not mean that Antioch and Livermore citizens, who have made significant financial investments into the BART system, should be overlooked. Moreover, any new communities who seek BART service must first buy into the system.

During the next few months, I will be working closely with the Governor as well as state and Bay Area planners on a regional transit plan. One thing is certain: in order to successfully build any and all of these very expensive extensions, we must unite as a region and accept one common regional transit plan. As the only Bay Area Member of Congress on the Transportation and Infrastructure Committee, I know that regional unity is the necessary key in securing the federal and state transportation funds we need to build these important transit projects. When we are competing for scarce federal dollars with other urban centers, we cannot afford to waste our time and resources arguing among each other.

Mr. Speaker, I am confident that any regional plan will incorporate the history of BART with the equity of its stakeholders. I look forward to working with my colleagues on the Transportation and Infrastructure Committee as well as our Bay Area planners to develop the next generation of transit and road projects to meet the ever-growing needs of our region.

COMMON SENSE FOR THE TRIANGLE

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. PRICE of North Carolina. Mr. Speaker, I would like to commend to my colleagues the following article that appeared in the July 16, 2000, Raleigh News & Observer. Mack Paul, Chief of Staff to North Carolina Lieutenant Governor Dennis Wicker, wrote it. Mr. Paul has been active in local planning and transportation issues over the years as a civic leader, focusing on enhancing the Research Triangle area's quality of life and economic growth. The regionalism issue Mr. Paul addresses is one that will continue to gain importance and deserves the thoughtful attention of the Congress and the nation.

[From the News & Observer, July 16, 2000]

COMMON SENSE FOR THE TRIANGLE

(By Mack Paul)

RALEIGH.—Spurred in part by intense media attention, the public dialogue on growth in the Triangle has progressed markedly over the last two years. Many now see that gridlock, Code Orange days and dwindling open space bear a direct relation to the low density, auto-dependent pattern of development known as sprawl. The "Smart Growth" principles adopted last year by the Triangle Smart Growth Coalition and Greater Triangle Regional Council embody this recognition.

The next step remains much more problematic: what strategies do we pursue to achieve smarter growth?

Public transportation, downtown revitalization, open space protection, affordable housing and traditional neighborhood development top the list of preferred policy prescriptions. Elected officials say that it is time to act. But we're not acting—at least not with haste. Municipalities still see little to gain within their local context from enacting Smart Growth policies.

We're confronted with the classic game theory known as "the tragedy of the common." In this scenario, herders must share a common meadow. But no herder can limit grazing by anyone else's flock. If a herder limits his own use of the common meadow, he alone loses. Yet unlimited grazing destroys the common resource on which the livelihood of all depends. Therefore, the herders are seemingly doomed to self-defeating opportunism.

In the Triangle, the common meadow represents all those resources that comprise our economic health and quality of life, including our open space, air quality, infrastructure, schools, jobs and housing. As each municipality grapples with how best to utilize these resources in the face of a rapidly growing herd, it confronts the reality that no matter how wise its policies, it has no control over the other herders.

In the tragedy of the common, mutual cooperation represents the only way for the herders to survive long-term. Similarly, mutual cooperation at the regional level—regionalism—offers the best way for the Triangle to ensure long-term prosperity.

Regionalism offers a framework for maximizing our use of common resources in two ways. First, it encourages the coordination of resource systems that cross jurisdictions. For example, a regional transit system cannot succeed unless station-area planning in all of the affected municipalities supports it.

Second and more important, regionalism helps to mitigate disparate impacts that arise from competition for economic growth. If one area captures most of the new jobs but offers little affordable housing, it increases traffic and sprawl in neighboring municipalities. If outlying rural areas attract all of the new development, they can contribute to the decline of a central city, worsen air quality and significantly reduce the amount of open space.

As shown by the tragedy of the common, regionalism poses a real challenge because it requires a shift in thinking. Individuals must see that their personal interests are better served by cooperating with those with whom they compete for a precious resource. It builds over time. With each success comes trust and a desire for bolder action. Experience from other areas provides three important lessons about regionalism.

First, regionalism cannot succeed without a strong civic life. Those regional efforts that have succeeded all enjoy active and ongoing participation by businesses and citizens through a variety of civic organizations. The Triangle Smart Growth Coalition, Greater Triangle Regional Council, Regional Transportation Alliance and Triangle Community Coalition offer examples of emerging regional civic groups. These types of organizations provide our best opportunity for building the strong relationships necessary for regional cooperation.

Second, regionalism cannot succeed without a regional framework for decision-making. Areas that have been successful at pursuing Smart Growth strategies have some form of regional authority. The tragedy of the common demonstrates the difficulty in relying on the voluntary actions of one's neighbors. Regional models vary widely—from purely advisory as in Denver to more authoritative as in Atlanta and Minneapolis. Any framework we adopt should reflect and be an extension of the Triangle's civic life.

Third, regionalism cannot succeed without some encouragement from the state. Areas that have adopted effective regional frameworks have benefited from state laws supporting such action. A new law permitting the Triangle's two Metropolitan Planning Organizations to combine would facilitate regional transportation planning.

Next year, the Smart Growth Commission will consider making other recommendations, including financial incentives, to encourage regionalism. The Triangle's leadership should help shape and push for this legislation.

Ultimately, the Triangle cannot fulfill its promise as a "world class region" without regionalism. We will remain a collection of dissonant localities simply exploiting the economic principle that specialized industries tend to cluster together. Once our quality of life wanes, those industries will cluster elsewhere.

Regionalism can ensure that does not happen by showing us where self-interest is self-defeating and by offering a forum for mutual cooperation. It offers the best hope for seeing that our herd continues to prosper.

A BILL TO ENSURE THAT INCOME AVERAGING FOR FARMERS NOT INCREASE A FARMER'S LIABILITY FOR THE ALTERNATIVE MINIMUM TAX

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. HERGER. Mr. Speaker, I rise today to introduce the Farmer Tax Fairness Act, along with my Ways and Means Committee colleagues, Representatives THURMAN, HAYWORTH, DUNN, TANNER, CAMP, MCCRERY, ENGLISH, and FOLEY. This legislation will help ensure that farmers have access to tax benefits rightfully owed them.

As those of us from agricultural areas understand, farmers' income often fluctuates from year to year based on unforeseen weather or market conditions. Income averaging allows farmers to ride out these unpredictable circumstances by spreading out their income over a period of years. Last year, we acted in a bipartisan manner to make income averaging a permanent provision of the tax code. Unfortunately, since that time, we have learned that, due to interaction with another tax code provision, the Alternative Minimum Tax (AMT), many of our nation's farmers have been unfairly denied the benefits of this important accounting tool.

Our legislation directly addresses the concerns being raised by farmers using income averaging. Under the Farmer Tax Fairness Act, if a farmer's AMT liability is greater than taxes due under the income averaging calculation, that fanner would disregard the AMT and pay taxes according to the averaging calculation. As such, farmers will be able to take full advantage of income averaging as intended by Congress.

This provision is a reasonable measure designed to ensure farmers are treated fairly when it comes time to file their taxes. I urge my colleague to join me in promoting greater tax fairness for our nation's farmers.

HONORING JOEL PETT FOR HIS 2000 PULITZER PRIZE IN EDITORIAL CARTOONING

HON. ERNIE FLETCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. FLETCHER. Mr. Speaker, It is my honor to recognize today the outstanding achievement of Joel Pett for being awarded the 2000 Pulitzer Prize in Editorial Cartooning.

Since 1984, Joel has served in the capacity of Editorial Cartoonist with the Lexington Herald Leader and has produced cartoons on local and national government. Since that day in 1984—Pett's outstanding and talented work has appeared in many newspapers and magazines around America. This is why it is not surprising that he was recognized with such a prestigious national award.

With keen wit and acute perception, he has been able to highlight subtle perspectives that demand a more careful examination by the public. By presenting difficult topics in a comical way, Joel Pett is able to touch upon the core issues within the daily life of politics and government.

His distinction as the recipient of the 2000 Pulitzer Prize for Editorial Cartooning is one that highlights his creativity, inventiveness and intellect. Joel is a talented professional journalist who is dedicated to his work that he presents to readers throughout the year. I know that the Lexington Herald Leader, Lexington community and Commonwealth, of Kentucky are all proud of his outstanding achievement.

It is a pleasure to recognize Joel Pett, on the House floor today, for his superior work in political cartoons that has earned him the 2000 Pulitzer Prize in Editorial Cartooning.

MORATORIUM NEEDED ON FEDERAL LAND EXCHANGES UNTIL SYSTEM IS FIXED

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. GEORGE MILLER of California. Mr. Speaker, land exchanges between private parties and the federal government have long been a source of contention in Congress and in local communities. Exchanges are supposed to provide the federal government a valuable tool to acquire lands with high public interest values, such as enhanced recreational opportunities or wildlife habitat, and to dispose of lands with less or limited public value.

According to a new General Accounting Office study that I commissioned, however, the Bureau of Land Management and the U.S. Forest Service have wasted hundreds of millions of dollars swapping valuable public land for private land of questionable value, and the Bureau may even be breaking the law. In response to this report, I have called on Interior Secretary Babbitt and Agriculture Secretary Glickman to immediately suspend all land exchanges until the exchange programs can be fixed.

The GAO report was prominently covered earlier this month by NBC Nightly News, CBS Radio, the Washington Post, and other media outlets across country. Subsequently, my call for a moratorium on exchanges has received strong support from newspapers, organizations and individuals from across the country as well.

I commend to my colleagues three of the newspaper editorials that have appeared so far endorsing the call for the moratorium. I hope that my colleagues will review the GAO report and the call for a moratorium and will support such a move. The public is being taken advantage of in these deals and their wallet and the environment are paying the price. "Let's Make a Land Deal," The Washington Post, July 15, 2000; "Public Land Deals Better Not Cheat The Public," The Bozeman (MT) Chronicle, July 20, 2000; "Land Exchange Programs Troubled, But Well Worth Fixing", Minneapolis (MN) Star Tribune, July 24, 2000.

[From the Washington Post, July 15, 2000]

LET'S MAKE A LAND DEAL

It seems like a simple idea: If the federal government owns some land it doesn't necessarily care to keep, and a private landowner has some land the government wants, and the two are roughly equal in value, then make a trade. The Forest Service and Bureau of Land Management have had the authority to make those kinds of deals for years, with the idea that the exchanges would help the agencies consolidate federal lands and acquire important resources. But the transactions are often far from simple and, according to a General Accounting Office report released this week, the land-exchange program has shortchanged taxpayers by millions of dollars by undervaluing federal land or overvaluing private land in some of its deals.

The GAO said there are so many inherent difficulties in the land-exchange process that Congress should consider giving up the program altogether, opting for more straightforward sales and purchases. The Forest Service and the Bureau of Land Management reacted sharply to the report, contending that GAO looked at too few transactions to justify its broad recommendation and that many of the cases it cited are old and have already been addressed. They say significant reforms are already underway.

Properly handled, land exchanges give the two agencies resources (public lands suitable for exchange) that they can use to acquire valuable and useful lands, including habitat for endangered species. If they lose that resource and wind up having to compete for funds for every proposed purchase, the likelihood is that their ability to obtain important land or consolidate holdings will be curtailed.

But it is important to be sure that those purposes are being served by the land swaps and that the public's interest is protected, both in terms of what land is being traded away and what value is being obtained for it. Rep. George Miller (D-Calif.), who requested the GAO report, has called for a moratorium on land exchanges until each agency "demonstrates that it can insure all exchanges are in the public interest and of equal value, as required by law." That's a challenge they ought to be able to meet.

[From the Bozeman Chronicle, July 20, 2000]

PUBLIC LAND DEALS BETTER NOT CHEAT THE PUBLIC

(By Chronicle Editor)

Intelligent, well-meaning people can disagree over what's the appropriate amount of land for the federal government to own. But when the government strikes a deal to buy, sell or trade land, there should be no disagreement on the necessity of making certain the public is getting a fair deal.

That apparently has not been the case.

A recent General Accounting Office audit found that the Forest Service and Bureau of Land Management have lost millions of dollars from land exchanges by either buying too high or selling too low. This is a serious indictment of public land stewardship that should not be taken lightly.

Exchanges have become an important part of Western public lands policy as land managers seek to consolidate fragmented holdings, increase wildlife winter range and improve access.

All of these are important public benefits. But it is a serious breach of the public trust if land deals aimed at accomplishing those ends cheat the taxpayers out of land values that are rightfully theirs.

Several major land exchanges have involved Gallatin National Forest in recent years and have accomplished some important land management goals. The problem arises when negotiations and appraisals involved in these land deals are kept secret. Public land managers argue they must be kept secret because revealing proprietary business information from private parties involved in the negotiations could kill the deal.

But if the GAO report is correct in its dismal assessment of the outcome of many of these deals, maybe we'd all be better off if the deals were killed.

Public land managers need to find ways to conduct these negotiations in the open where all can see. If the lands involved are of sufficient value to arouse private parties' interest, then conditioning a trade on open negotiations and publicly revealed land appraisals will not kill deals.

Public negotiations allow anyone with an interest to step forward and point out aspects of the proposed trades that might be overlooked by agency officials. Open negotiations only invite more complete information about factors contributing to land value and reveal the public's priorities for managing these lands.

Public land managers need to remind themselves occasionally that the land they manage is not theirs; it belongs to the citizens of the United States, and those citizens are entitled to a say in how it's done.

[From the Minneapolis [MN] Star Tribune, July 24, 2000]

LAND EXCHANGE PROGRAMS TROUBLED, BUT WELL WORTH FIXING

There are outrages aplenty in a recent congressional audit of federal land-exchange programs: Nevada acreage valued at $763,000 was transferred by the government to private owners, who resold it the same day for $4.6 million. A 4,300-acre Douglas fir forest in Washington state was swapped to a timber company for 30,000 clearcut acres near Seattle.

These are patently bad deals. But do they, and others documented by the General Accounting Office in its recent report, justify ending the programs?

The GAO's auditors think so. Arguing that land-swapping is inherently problematical, they urge Congress to consider abandoning the practice—perhaps replacing it with a cash-purchase system, wherein the U.S. Forest Service and Bureau of Land Management simply sell parcels they don't want and use the revenue to buy others they do.

But it's unclear how this approach would ease the key bedevilment of the exchange programs: the difficulty of establishing fair value for tracts of land that may be remote, undevelopable, depleted, largely unmarketable to private buyers—or all of the above. Appraising such land is a wholly different task from pricing a farm, homestead or business based on recent sales of comparable properties.

This doesn't excuse the agencies' worst flubs, of course, but it does argue for some tolerance in reviewing their overall, performance—3 million acres of unwanted federal land traded, since 1989, for 2 million desirable acres whose acquisition protected habitat, improved recreation, consolidated fragmented holdings, buffered parks or wilderness from incompatible development. The GAO has carefully measured taxpayers' losses in a few dozen swaps, but not their gains in thousands of others.

Moving to a cash-purchase system would almost certainly slow the agencies' acquisition of valuable lands and subject their work to congressional micromanagement. Congress has long been reluctant to fully fund its own land-conservation commitments; in recent years the budgets for the land-owning agencies have come under increasing pressure, reflecting a sentiment against acquisition of public lands—especially in the West, where most exchanges occur.

Moreover, the Forest Service and BLM have adopted significant reforms since 1998, prompted by newspaper reports exposing their failings. Though the GAO audit was commissioned in part to review the effectiveness of these changes, most of the truly terrible transactions cited by the auditors—including the aforementioned Nevada and Washington deals—occurred before they were adopted.

It is certainly true, as the auditors observe, that the agencies' clearer policies, better training and more stringent review of proposed deals can't guarantee perfect performance. But it is also true that the agencies deserve a better chance to show results.

Rep. George Miller, the California Democrat and public-lands advocate who asked for the GAO study, isn't persuaded that the programs ought to be scrapped, but he has called for a halt to new swaps until the agencies can show they have shaped up. There's little chance that Congress will adopt such a moratorium this session, but the agencies shouldn't take that as a reprieve. Having overhauled their procedures, they must now strive to regain the public's trust in the outcome.

PERSONAL EXPLANATION

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. ROEMER. Mr. Speaker, due to the birth of my daughter Grace Elizabeth, I was not present for rollcall votes 416 through 428 on July 19 and July 20, 2000. Had I been present, I would have voted "aye" on rollcall No. 416; "aye" on rollcall No. 417; "aye" on rollcall No. 418; "aye" on rollcall No. 419; "aye" on rollcall No. 420; "aye" on rollcall No. 421; "nay" on rollcall No. 422; "aye" on rollcall No. 423; "nay" on rollcall No. 424; "aye" on rollcall No. 425; "aye" on rollcall No. 426; "nay" on rollcall No. 427; and "nay" on rollcall No. 428. I also was not present on July 26, 2000 to vote on rollcall No. 422. I would have voted "nay."

IN HONOR OF COMMANDER GREGORY LAWRENCE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. STARK. Mr. Speaker, I would like to take this opportunity to honor my dear friend, Commander Gregory Lawrence, a member of the Milpitas, California Police Department. I would like to congratulate Commander Lawrence on his retirement, September 8, 2000.

Commander Lawrence attended high school at William C. Overfelt High School in San Jose, California. Between the years of 1966 and 1969 he served as a Tank Commander in the U.S. Army. He continued his education at San Jose City College and San Jose State University. In 1979 he graduated from San Jose State with a Bachelor of Arts degree in Administration of Justice. In 1995 he earned a Masters Degree in Management from California State Polytechnic University, Pomona. During his 29 year police career he attended the FBI National Academy, the POST sponsored Supervisory Leadership Institute and Command College.

Commander Lawrence began his career with the Milpitas Police Department on June 18, 1971. Through hard work and dedication he rose through the ranks and was promoted to Senior Officer in September 1973, Sergeant in July 1980, Lieutenant in October 1991, and Commander on September 15, 1998.

Commander Lawrence served as a supervisor in patrol, traffic, community relations, personnel, and investigations. He was instrumental in the development and implementation of the first Community Relations unit where he taught drug resistance classes at Ayer and Milpitas High Schools. He was also one of the department's first Crisis Negotiators. He was the first and only Sergeant to ride motorcycles as a duty assignment and researched, developed, and implemented the department's driver training and bicycle programs.

Commander Lawrence served his community extremely well and I cannot thank him enough for his unselfish dedication to the city of Milpitas. He has accomplished a lot in his 29 years with the police department and has set a great example for dozens of other police officers, friends, and members of the community for years to come.

Commander Lawrence deserves great commendation, and I would like to ask my fellow colleagues to join me in congratulating him on his retirement.

HONORING GOULD CONSTRUCTION

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize an exceptional group, Gould Construction, as well as its President Mark Gould, whom the Associated General Contractors of America honored with the Design-Build Award for 2000. The Associated General Contractors selected Gould Construction because of their dedication to Colorado and to its community.

Gould Construction succeeded in winning the Design-Build competition, which is new this year, of the 33,000 strong Associated General Contractors organization, because they demonstrated an ability to work under extreme circumstances. The selection criteria included difficulty of the job, project management, innovation, state-of-the-art advancement, sensitivity to the environment, client service, and contribution to the community. Gould Construction excelled in all these criteria when they worked for the city of Glenwood Springs to construct the Grizzly Creek raw water diversion. The Grizzly Creek water diversion dam was experiencing problems after close to a century of operation and after several natural disasters inhibited its functionality. Gould Construction worked in a challenging environment to restore the dam operation. The employees of Gould Construction worked nine weeks, suspended high above the narrow Roaring Fork Valley in the White River National Forest, to complete a plan that originally was scheduled for thirteen weeks.

Gould Construction worked endlessly under these treacherous conditions to complete this immense project; workers, food and construction material all had to be air lifted in to the site. The conditions were such that workers had to live in camps for the duration of each workweek. The nature of the project led to other challenges as well, Gould had to deal with environmental permits and had to operate to preserve the historical parts of the old dam; all in conjunction with creating a groundbreaking design that would deal with avalanches and rockfalls from the steep valley walls. Mark Gould, President of Gould Construction, said this about receiving the award "I'm thrilled for our employees, this award recognizes that we're doing important and innovative work nationally, not just in the Roaring Fork Valley. I think it will help us attract employees who come to the area seeking a challenge."

Mr. Speaker, it is obvious why Gould Construction was chosen as the Design-Build Award winner for 2000. Congress should extend a well-deserved recognition for the award and our thanks for their service and dedication to Colorado and to its outdoors.

SENATE—*Tuesday, September 5, 2000*

The Senate met at 12:02 p.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Lord of all life, we praise You that there is no division between the sacred and the secular. You have created all things to praise You and our work to glorify You. Forgive us when we forget that what is said and done here in this Chamber is as sacred as what is done in a sanctuary of a synagogue or in a church. Whatever belongs to You is sacred. This Nation, this Senate, the women and men who serve as Senators, and all of us who work with them and for them belong first and foremost to You. You are our Judge. We are accountable to You. Forgive us when we trade political greatness for petulant gamesmanship, when words are used to criticize others rather than communicate truth about issues, when party spirit is more important than being party to Your Spirit, when winning the election in November becomes more crucial than nonpartisan winning of what's best for our Nation in the votes to be cast in the Senate. Bless the Senators in this busy season. Fill this Chamber with Your sovereign presence, the Senators' minds with Your wisdom, and their hearts with concern for each other. May debate greater expose truth and votes coincide with both conscience and conviction. This is the day You have made; we will rejoice and glorify You in it. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MIKE ENZI, a Senator from the State of Wyoming, led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. ENZI). The Chair recognizes the majority leader.

Mr. LOTT. I thank the Chair.

SCHEDULE

Mr. LOTT. Mr. President, first, I would like to welcome all of my colleagues and our staff back from the August period when we had time to be with our families and our friends and our constituents. We are inspired by the Chaplain's prayer and ready, I am sure, for a lot of good work. As I have visited with some of my colleagues already, I see that they look mighty rested and ready for a busy legislative period, and I think they are probably going to need to be. We still have to complete action on five appropriations measures, as well as conference reports as they become available.

In addition, there are a number of other legislative matters we hope to finish as we move toward the adjournment period of the Congress. We have some bills we hope to take up freestanding in the Senate, and, of course, we have some conference reports other than appropriations bills on which we will be working. So we have a lot of work we are going to need to consider.

Today, the Senate will have a period of morning business prior to the 12:30 p.m. recess for weekly party conferences and meetings. When the Senate reconvenes at 2:15 p.m., it will begin postcloture debate on the motion to proceed to the China PNTR legislation. Those Senators who wish to make statements are encouraged to notify the bill managers. Hopefully, a lot of Senators who wish to speak on the China trade issue will take advantage of the time today, and we will go to as late as possibly 6 p.m., although we may be prepared to go a little bit earlier than that if our colleagues have made their statements and we can get agreement to do that. But at least at 6 p.m. the Senate will begin consideration of the energy and water appropriations bill with amendments in order.

As a reminder, we will be considering these two bills on a dual track throughout the week with the motion to proceed to the China trade bill being considered during the day and the appropriations bill or bills being considered at night. So votes could still occur if we move toward the time when we could need to have a vote today, but certainly during the day on Tuesday, Wednesday, Thursday, and possibly Friday morning we will be having votes on the appropriations amendments that are offered at night or on China PNTR when amendments become available.

So there will be long days, but we will do our best to keep Senators advised after communicating with the leadership on both sides of the aisle what the schedule will be. I hope we can make good progress and complete this appropriations bill and move to another one later on this week or early next week.

MEASURES PLACED ON CALENDAR—H.R. 728, H.R. 1102, H.R. 1264, H.R. 2348, H.R. 3048, H.R. 3468, H.R. 4033, H.R. 4079, H.R. 4201, H.R. 4923, H.R. 4846, H.R. 4888, H.R. 4700, H.R. 4681, H.J. RES. 72

Mr. LOTT. Mr. President, I understand there are a number of bills at the desk due for their second reading. I ask unanimous consent that the bills be considered read a second time and placed on the calendar en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 12:30 p.m., with Senators permitted to speak therein for up to 5 minutes each.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the senior Senator from Wyoming.

Mr. THOMAS. I thank the Chair.

LEGISLATIVE DIRECTION

Mr. THOMAS. Mr. President, I appreciate the opportunity to have a discussion as to where we are going in these remaining, I guess, less than 20 days we have before us. Certainly, we have a great deal to do, as the leader has pointed out. We have 13 appropriations bills and just 2 that have been passed. So we have the responsibility, probably first of all, to deal with that to keep the Government moving forward in doing the kinds of things we must do to ensure that programs in place now are funded.

There are a number of other things, of course, that will be talked about, a number of issues each of us, I suppose, have heard a great deal about when we were in our States. I come from a State in which nearly half the land belongs to the Federal Government. So you can imagine a good many of the things I heard about, and I am sure my partner in the Chair heard about, have to do with the public lands issue, the idea of access, multiple use.

We, of course, have had the great unfortunate experience during this time

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

of lots of forest fires, which, of course, have been very destructive. We need to take a long look at that, starting, of course, in commending the people who have worked so hard and risked so much to be able to control those fires and have done the very best job that could be done.

On the other hand, we have to take a look at the policy that has to do with the control and the management of resources, in this case particularly the management of forests. I submit to you there does need to be management; unless we want nature's way of reducing forests by fire, then we have to do it in some other ways that can be used. So I do hope we will have an opportunity there, of course, to not only take a look at the necessary funding that will be required in order to give the utmost protection to those activities, but also to seek to avoid this kind of repetition in the future.

We will be talking, of course, about normal trade relations with the People's Republic of China and additionally, shortly thereafter, WTO entry for Taiwan. I hope both of those things can happen, and happen shortly. We have postponed this activity for a very long time.

I think most people understand that if we are going to move forward in today's world, we are going to have to move forward to seek to make some changes in mainland China. The best way to do that is to have some rules laid out for them to be part of a world organization, such as the WTO, and begin to move forward to increase the number of changes that have, indeed, been made there.

I think that is very important. It is very important for our economy, but probably more so, it is important for the kinds of things we would like to have take place in China with regard to human rights, with regard to economic freedom, which are things we want to have happen today. So we will be moving forward certainly on that.

We will have an opportunity to take another look at tax reductions for the taxpayers of this country in a couple of areas that seem to me to be largely based on fairness. For example, the marriage penalty, it is really very difficult to understand how we can be opposed to making that fair. Two people who are single, if you combine their incomes, are at a certain level, but if they were married, with the same level of income, they would pay more income taxes. That does not seem to be right. Fairness ought to be one of the areas vital to taxation.

The same could be applied to the estate tax. As I suggested, our State of Wyoming has lots of small businesses, lots of farm and ranch families who have spent their lives—as did their predecessors—developing these kinds of assets. Under present law, when those assets are subject to the death tax, we find they have to sell those lands in order to make it work out.

Mr. President, I sense that you are about ready to rap the gavel, as you should. I just end by saying I hope we can address ourselves to the issues that are out there and not put ourselves off creating issues rather than resolving them. It seems to me that is our challenge. We have the opportunity to do that in the next several weeks.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Dakota.

ISSUES BEFORE THE 106TH CONGRESS

Mr. DORGAN. Mr. President, my colleague, the Senator from Wyoming, said we have a lot to do. He is certainly correct, we have a lot to do in about a 5-week sprint to the end of this 106th Congress.

I think all of us aspired to come to this Chamber because we want to get things done for the American people. We want this country to be successful and to grow and prosper. We want to address real problems.

My hope is that we can find ways, between the political aisles, where Republicans and Democrats can agree that there are things that need to be done in this country and that we can do them together. I think that would be a refreshing thing for the American people to see.

In the final 5 or 6 weeks of this Congress, we could probably take some advice from the Robert Frost poem, "Stopping By Woods On A Snowy Evening," where Robert Frost says:

> The woods are lovely, dark, and deep,
> But I have promises to keep,
> And miles to go before I sleep,
> And miles to go before I sleep.

We have miles to go before we put this 106th Congress to bed.

What are these issues that we must deal with before we finally adjourn this Congress?

A Patients' Bill of Rights. We have had so much discussion about the Patients' Bill of Rights in this Congress, and yet the Patients' Bill of Rights languishes in a conference. Month after month after month, nothing gets done. I know people have come to the floor of the Senate and have said: Gee, we are making progress. But I say the difference between this conference committee and a glacier is at least a glacier moves an inch or so every decade. This conference committee is not able to make progress on a Patients' Bill of Rights.

It seems to me, in the Senate and the House we must say to this conference: We want to have a real Patients' Bill of Rights brought to the floor of the Senate and the House and passed.

I have told stories in relation to this on the floor of the Senate. It is probably useful to recount at least one story again as an example of why we need a Patients' Bill of Rights.

A woman fell off a cliff in the Shenandoah mountains. After having fallen off the cliff, she was rendered unconscious, with broken bones, with a concussion. Being unconscious, she was taken by ambulance to an emergency room in a hospital. She was rolled in on a gurney, unconscious. She survived. She had very significant injuries, but she survived.

Following that ordeal, she was released from the hospital to be told that her emergency room expenses would not be covered by the managed care organization because she did not have prior approval for emergency room treatment.

This is someone who was hauled into the emergency room on a gurney, unconscious. She was in a coma. She was told by the insurance company: You did not have prior approval for emergency room treatment.

The Patients' Bill of Rights is very simple. It says: A patient ought to have the right to know all of their medical options for treatment, not just the cheapest. A patient ought to have the right to emergency room treatment when they have an emergency. There are a whole series of rights that patients ought to have when dealing with their managed care organization.

There was the woman who cried one day at a hearing that I held with my colleague from Nevada as she held up a picture of her 16-year-old son who had died. She told us that on her son's deathbed he said to her: Mom, how can they do this to a kid like me? Through tears, she held up the picture of her young son who had died who had said: Mom, how can they do this to a kid like me?

That situation had forced this kid and his family to fight the insurance company to get the treatment he needed. They failed. He died. This was a kid who was told to fight cancer and fight the insurance company at the same time. That is unfair. That is not a fair fight.

You ought not have to fight cancer and your managed care organization to get the treatment you need. That is the point. We need to pass a real Patients' Bill of Rights. We have not done that. There are lots of excuses for it, but we need to get it done. We need to get it done now.

We need to add a prescription drug benefit for senior citizens on the Medicare program. We all know that. If we were to write the Medicare program today, there is no question we would have a prescription drug benefit in the program. But 30 years ago, 40 years ago when the Medicare program was created, most of the lifesaving drugs we have today did not exist. They do now. Each senior citizen needs access to those drugs.

Last year, the cost of prescription drugs increased 16 percent in this country. All too often the prescription drugs—the miracle drugs—they need are out of their reach because of their inability to pay for them. We need to add a prescription drug benefit to the Medicare program. We can do that, and should do that.

We ought to raise the minimum wage. The folks at the bottom of the economic ladder in this country have not kept up. We need to help them as well. Increasingly, they are women trying to raise families in single-parent households. We need to increase the minimum wage. We should do that. We can do that.

We ought to write a new farm bill. Everybody understands the current farm bill has failed. My feeling is, if we have the opportunity—and we should have the opportunity—in this Congress to write a new farm bill, we ought to be able to provide a decent safety net for those out there on America's farms who are struggling to make a living.

These issues and others—school modernization, fixing what is wrong in education—all of these things we can do, and should do. We only have 5 or 6 weeks remaining. I hope all of us, in the spirit of bipartisanship, can decide these are the issues, these are the things that are important to the American people, these are the things that will strengthen our country.

Yes, we have miles to go before we sleep, but we have the opportunity, in this setting, in this democracy, to make these decisions for the benefit of the American people.

The PRESIDING OFFICER (Mr. Thomas). The Senator's time has expired.

Mr. DORGAN. Mr. President, I yield the floor.

ORDER OF PROCEDURE

Mr. ENZI. Mr. President, I ask unanimous consent that at 2:15 Senator Helms be recognized for up to 15 minutes to be followed by Senator Craig for up to 1 hour, to be followed by Senator Hollings for up to 1 hour. I further ask that Senator Kennedy be recognized for up to 30 minutes during today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

WYOMING v. AUBURN

Mr. ENZI. Mr. President, it is good to be back in the Chamber again. I have enjoyed a month of traveling around Wyoming. I know that our entire delegation was there on a number of occasions. We met at different places across the State as we listened to the people of the State to see what sorts of things they felt were important to our State and our Nation.

I have to mention that at the end of that trip, of course, there was some football. We are back in that season again. I have to explain the tie that I am wearing today. It is probably bright enough for anybody in the Chamber to be able to read it. Last Thursday night, the opening game for the University of Wyoming Cowboys and the Auburn War Eagles took place on ESPN. Many people might have seen it. I have to say that the Auburn Tigers—now called the War Eagles—were extremely impressive. It, obviously, is an educational institution of higher learning, and they did teach Wyoming a few lessons. At the end of the game, Wyoming almost came back. They got a little overconfident and they got one touchdown behind and wound up losing. Therefore, today, I will be wearing an Auburn tie and making some comments about the fine program they have at Auburn.

I did get to teach part of an MBA class for executives who came in from all over the United States to learn about the business of this country and how to better perform in business. It is a rather unique class. It has wider participation than most, and people are required to have 8 years of experience before they can take the class. So it was a different level of master of business administration candidates than a person normally gets to talk to—again, absorbing some of the lessons they are learning through the questions that they ask.

I was very impressed with the university and the special programs they are offering. Of course, I had to be very impressed with their team. I am now one of the biggest supporters of Auburn outside of the State of Alabama, hoping they go undefeated in the rest of the season, helping Wyoming in their power index and, of course, I hope Wyoming doesn't lose another game this year. I am confident, because of the level of competition involved in this game, that that will be the case. I am proud of the players at the University of Wyoming, and I look forward to a very entertaining year, as well as one of great production as they learn their lessons so they can be the ones who take over the jobs of this country.

COMPLETING THE WORK OF THE SENATE

Mr. ENZI. Mr. President, I have to add a few comments to what was previously said about needing to move forward because I sincerely believe we need to move forward with the work of the Senate.

The biggest work we have before us is finishing the appropriations bills—$1.7 trillion of spending—and we ought to spend a few minutes debating that. If you will recall, before we left, one of the difficulties we were having was even getting the opportunity to debate those bills: There were filibusters prohibiting the right to debate the bills—extremely long filibusters. That was debate in itself, but it didn't allow the work of the Senate to proceed to appropriate the $1.7 trillion. We need to pass the bills, get them brought up; we need to have them discussed and have relevant amendments put on the bills. We need to get that work out of the way first.

I can't help but comment a little on the Patients' Bill of Rights. The conference committee has been working on that. They were making great progress until it looked as if it might not be an issue anymore. Then it was brought up for a vote again and again using the original version, not the compromise version that had been worked out over a long period of very difficult work.

So we have a choice: We can have issues or we can have solutions. It just takes the two sides getting together and moving forward.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak for 5 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE SENATE'S RESOLVE

Mr. DURBIN. The Senate and House will be returning to business this week in Washington, DC. The important question is, What did we learn in August?

As we went home to our States and spoke to families across Illinois and other States represented in this body, the question was whether the Members of the U.S. Senate will return with the resolve to do something.

You see, for the last several years, the Senate has done virtually nothing when it comes to the important issues facing working families across America. The families I met in Illinois during the month of August were, I guess, almost unanimous in their belief that this Congress should waste no time in enacting a meaningful prescription drug benefit under Medicare. I no longer have to give the speech about Medicare and prescription drugs. The audience gives it to me. They say: Senator, did you know if you cross the border and go into Canada, you can buy the same drugs at half the price? I say: Yes, I was about to tell you that. They say: Did you know people are paying more if they are elderly or disabled than virtually any other group in America? I say: Yes, I was about to tell you that, too.

The audience gives you the speech before you can deliver it. Then they ask the most important question: If you know all this, why haven't you done anything? Why hasn't this Congress enacted a prescription drug benefit under Medicare? The truth is that the pharmaceutical companies have come to the Congress with their special interests and powerful lobbyists and they have stopped us cold. The Republican leadership in the House and the Senate has basically tried to keep the pharmaceutical companies happy and the insurance companies happy and have said they will trust the insurance companies to provide protection to American families. Well, I can't even say that with a straight face in Illinois because families there know that when you leave it up to insurance companies and it comes to medical care, you don't get the best decisions; you get decisions driven by the bottom line for the profit margin.

So those of us on the Democratic side want to give our friends on the Republican side one last chance before the election to vote for a meaningful prescription drug benefit under Medicare that is universal, which will apply to everybody, as Medicare applies to everybody. Instead, of course, the Republicans want to talk about an estate tax break for the wealthiest Americans—a tax cut of a trillion dollars; and, 40 percent of it or more will go to those making over $300,000 a year. After you have spent the trillion dollars on a tax cut for the wealthy, there is not much left to take care of prescription drug benefits under Medicare. There is very little, if any, money left to help families pay for college education.

I was at several universities across Illinois talking about a proposal on the Democratic side—one that Vice President GORE supports—to give a college tax credit or a deduction for families. That is what families talk about.

"It is a lovely baby. He looks like his dad. He has been sleeping all night. How are we going to pay for his college?" That is what you hear when you go to a nursery and look at a new infant. It is a legitimate concern.

We on the Democratic side of the aisle believe that if we are going to have any tax cuts, we should target them to the needs of American families—the need to pay for college education and for training. The deductibility of $12,000 a year in tuition and fees can have a dramatic impact on families.

The Republican leadership just doesn't buy it. They think if there is to be a tax cut, it has to go to the wealthiest people in America. I think it should go to the hardest working people in America—those who deserve it the most, not the least. Those are the families who get up and go to work every day to try to put their kids through school and who try to make this a better country.

That will be the debate you will hear over the next several weeks. If it sounds reminiscent of what you are hearing from the Presidential campaign trail, it is because there is a clear difference between the two major candidates for President. There is a clear difference between the parties on the floor.

We on the Democratic side are going to plead with the Republicans to give us four or five votes so we can pass a prescription drug benefit under Medicare, and targeted tax cuts to pay for college education expenses so people can have a deduction—so when they have long-term care for an aging parent, they can take care of that parent or grandparent, and an additional tax credit for day care so people going to work can leave their kids in a safe environment.

These are the real family issues. The Republicans have not really listened closely.

I hope that Republicans, as they left the Philadelphia convention in August and watched what happened in the national debate at the Presidential level, understand that we really face a serious need in this country in helping families. It is not enough anymore to argue that the wealthy are getting wealthier. Working families want help, too, so their parents and grandparents can pay for prescription drugs and take care of the necessities of life.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

EXTENSION OF MORNING BUSINESS

Mr. ROBB. Mr. President, I ask unanimous consent that the period for morning business be extended for not to exceed 10 minutes and that I be permitted to speak during that period.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBB. Thank you, Mr. President.

JUDICIAL NOMINEES

Mr. ROBB. Mr. President, in these last few weeks of this Congress, there is much to be done. I would like to focus this morning on our constitutional responsibility to confirm judges.

Virginia is one of the five states covered by the Fourth Circuit for the U.S. Court of Appeals. Today, one third of the seats on the Fourth Circuit are vacant. One seat on the bench has been vacant for ten years—longer than any other seat in the country. The U.S. Judicial Conference has called filling that seat a "judicial emergency," and Chief Justice William Rehnquist has warned that "vacancies cannot remain at such high levels indefinitely without eroding the quality of justice that traditionally has been associated with the federal judiciary."

One reason for the high number of vacancies on the Fourth Circuit is the claim that the appellate court doesn't need any more judges. Those who oppose filling the vacancies argue that having more judges will make decision-making more cumbersome and difficult, and that keeping the number small leads to more efficient deliberations.

The problem with this argument is that it substitutes "efficiency" for "justice" in our judicial system. Certainly it would be more efficient to have criminal cases decided by one juror instead of twelve, but our Founding Fathers wisely determined that a variety of views in the jury room would be more likely to yield a result that was "right," and "fair". It's the same reason our Supreme Court is made up of nine jurists, instead of one. And it is difficult to believe that justice is being served fully in a circuit that hears oral argument on only 23 percent of its cases—the lowest percentage of any other circuit—and dismisses 87 percent of its appeals in brief, unsigned opinions according to the Washington Post. While efficiency is laudable, justice is the goal.

On June 30, 2000, the President nominated Roger Gregory to fill the vacancy on the Fourth Circuit that has been open for a decade. Roger Gregory is a highly qualified and well respected attorney from Richmond, Virginia. He graduated summa cum laude from Virginia State University and received his J.D. from the University of Michigan. He has an extensive federal practice, is an accomplished attorney, and was described by Commonwealth Magazine as one of Virginia's "Top 25 Best and Brightest."

When he is confirmed, Roger Gregory will fill the longest-standing vacancy in the nation. He will bring energy and insight to the Fourth Circuit. In addition, as an African-American, he will bring much-needed diversity to the bench.

The Fourth Circuit Court of Appeals does not look like America, and it never has. No African-American has ever served on the Fourth Circuit. In fact, it is the only circuit court in the nation without minority representation.

This should trouble all of us. Justice cannot be served without a diversity of views and experiences expressed in the rooms where decisions are made.

As the Supreme Court noted when it barred discrimination in the selection of juries, the exclusion of minorities or women from the deliberative process removes "qualities of human nature and varieties of human experience, the range of which is unknown or perhaps unknowable."

The absence of minority representation on the Fourth Circuit is especially troubling, however, since the Fourth Circuit has the largest percentage of

African-Americans of any circuit in the nation. In our circuit, twenty-three percent of our population is African-American. Yet not one of the judges on the Fourth Circuit is African-American. Mr. President, it's time for a change. In fact, it's past time.

There have been several efforts in the past to integrate this circuit, but these efforts have been blocked. The Administration has tried since 1995 to integrate this circuit, but the "blue slips" for these nominees simply weren't returned, effectively thwarting those nominees.

I have argued for years that Virginia deserves another seat on the bench. Finally late last fall, we in Virginia were given an opportunity to fill one of the vacancies. We seized the opportunity and after an extensive and thorough search and vetting process—including time-consuming ABA screenings and FBI background checks—Roger Gregory was nominated by the Administration. We now have a chance to correct this gross inequity on the Fourth Circuit. Roger Gregory has the support of both Senators from Virginia.

There is time to move this nominee. Immediately before we began our August recess, the Judiciary Committee held a hearing and three judges were voted out of the Committee just six days after they were nominated. Of the last 12 judges confirmed by the Senate, 11 were confirmed within three months of nomination.

In 1992, another presidential election year in which the White House was controlled by one party and the Senate by another, Senate Democrats confirmed 66 nominees to the federal bench. Eleven of those were Circuit Court judges, and six of the Circuit Court judges were confirmed later than July of that year. Three were confirmed in August, two in September, and one in October.

And presidential candidate George W. Bush has called on the Senate to approve judicial nominees within 60 days. The sixty days for Roger Gregory passed on August 30. It is time to grant Mr. Gregory the courtesy of a hearing.

The late, renowned Judge Spotswood Robinson integrated the D.C. Circuit in 1966. He, too, came from Richmond, Virginia. It is time for another Richmonder, Roger Gregory, to break another barrier. We have already waited too long.

I urge the Judiciary Committee to move the nomination of Roger Gregory, and grant him a hearing.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:40 p.m., recessed until 2:18 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. ENZI).

TO AUTHORIZE EXTENSION OF NONDISCRIMINATORY TREATMENT TO THE PEOPLE'S REPUBLIC OF CHINA—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the postcloture debate on H.R. 4444, which the clerk will report.

The assistant legislative clerk read as follows:

> A motion to proceed to the bill (H.R. 4444) to authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China, and to establish a framework for relations between the United States and the People's Republic of China.

The PRESIDING OFFICER. Under the previous order, the Chair recognizes the Senator from North Carolina.

Mr. HELMS. Mr. President, with deep respect, I ask unanimous consent to yield first to the distinguished chairman, Mr. ROTH.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. Mr. President, I thank the distinguished Senator from North Carolina for his usual courtesy.

Mr. President, I rise today to encourage my colleagues to support the motion to proceed to H.R. 4444 and to pass this legislation without amendment. Our vote on normalizing trade relations with China will mark the most significant vote we take in this Congress. Indeed, it will be one of the most important votes we will take during our time in the Senate.

At the outset, I want to be clear—because of PNTR's significance and because we have so little time left before the 106th Congress adjourns, I will oppose all amendments to PNTR, regardless of their merit.

The House bill takes the one essential step that we must take to ensure that American workers, American farmers and American businesses reap the benefits of China's market access commitments.

There is nothing that we can add to this bill that will improve upon its guarantee that our exporters benefit from the agreement it took three Presidents of both parties 13 years to negotiate with the Chinese.

I ask my colleagues to join me in adopting this approach because the risks of going to conference on this bill, in this political season, are too great. Bluntly, a vote to amend is a vote to kill this bill and, with it, any chance that U.S. workers, farmers, and businesses will benefit from China's accession to the WTO.

The significance of this vote is due both to the economic benefits that will flow from opening China's market to our exports and the broader impact that normalizing our trade will have on our relationship with China. I want to address each of those points in turn.

Let me clarify, first, what this debate is about. The vote on PNTR is not a vote about whether China will get into the World Trade Organization, as some have said. I assure you that China will get into the WTO whether we vote to normalize our trade relations with China or not.

What this vote is about, as I indicated at the outset, is whether American manufacturers, farmers, service providers, and workers will get the benefits of a deal that American negotiators under three Presidents of both parties fought for 13 years to achieve. Or, will we simply concede the benefits of that deal to their European and Japanese competitors for the Chinese market?

As I explained just prior to the August recess, my reason for supporting this legislation is first and foremost because of the benefits that normalizing trade with China will offer my constituents back home in Delaware.

China is already an important market for firms, farmers, and workers located in my state. Delaware's exports to China in many product categories nearly doubled between 1993 and 1998. Delaware's trade with China now exceeds $70 million.

What China's accession to the WTO means to Delaware is a dramatic further opening of China's markets to goods and services that are critical to Delaware's economy. China, for example, is already the second leading market for American poultry products worldwide.

Poultry producers in Delaware and elsewhere have built that market in the face of both quotas and high tariffs. China's accession to the WTO will mean that the tariffs Delaware poultry producers face will be cut in half, from 20 to 10 percent, and quotas that now limit their access to the Chinese market will be eliminated.

Normalizing our trade relations with China will also make a huge difference to the chemical and pharmaceutical industries which make up a significant share of my state's manufacturing base.

In the chemical sector alone, China has agreed to eliminate quotas on chemical products by 2002 and will cut its tariffs on American chemical exports by more than one-half.

Delaware is also home to two automobile manufacturing plants, one Chrysler and one Saturn. Once in the WTO, China will be obliged to cut tariffs on automobiles by up to 70 percent and on auto parts by more than one-half.

The agreement also ensures that U.S. automobile manufacturers will be able to sell directly to consumers in China and finance those sales directly as our auto companies do here in the United States.

What holds true for Delaware holds true for the country as a whole. Independent economic analysis by Goldman Sachs suggests that the package may mean an increase of as much as $13 billion annually in U.S. exports to China. That's right—$13 billion annually.

What that figure reflects is that China's accession to the WTO will benefit every sector of the U.S. economy from agriculture to manufacturing to services.

Agriculture tariffs will be cut by more than half on priority products life beef, pork, and poultry. China will also eliminate many of the barriers to sales of bulk commodities such as wheat, corn, and rice.

Industrial tariffs would be slashed across the board by more than one-half—from an average rate of 24 percent to 9 percent. Equally important, American exporters will be able to sell directly to Chinese consumers and avoid the restrictions imposed on their sales by the state-owned enterprises they must currently use to distribute their products in China.

The deal will create broad new access for Americans services like telecommunications, banking and insurance. In particular, I want to stress that China not only agreed to open its market to new ventures in the banking and insurance areas but agreed to grandfather the existing hard-won market access that American financial service firms have already achieved. I expect those obligations to be met fully by the Chinese.

The agreement also provides unprecedented safeguards to American manufacturers here at home. The agreement reached this past November permits the United States to invoke a country-specific safeguard against imports from China that may disrupt our markets. In addition, the agreement allows the United States to apply special rules regarding unfair pricing practices by Chinese firms for 15 years after the agreement goes into force.

The agreement even addresses a concern that has been raised by many concerned with the efforts of China to convert U.S. technology to military uses. The WTO agreement specifically obliges China to end the practice of demanding that American firms cough up their manufacturing technology as a condition of exporting to or investing in the Chinese market.

Significantly, the agreement and China's accession to the WTO gives the United States rights against Chinese trade practices that we do not currently enjoy. It also ensures that the United States has a forum in which it will benefit from the support of the rest of China's WTO trading partners should disputes over China's obligations arise.

In the Finance Committee we devoted many hours to consultations with the President and his representatives as the negotiations proceeded.

We devoted an equal number of hours to a review of the agreement finally reached this past November. I believe I can speak for my colleagues on the committee in saying that there was overwhelming support for the agreement so ably negotiated by Ambassador Barshefsky.

That support is warranted not only by the terms of the agreement but by the testimony we heard and the support expressed from a broad and diverse spectrum of U.S. interests.

The agreement was supported not only by U.S. businesses, American farmers, and groups representing virtually every sector of the U.S. economy. The agreement garnered the support of Presidents from Gerald Ford to George Bush, former Secretaries of State and Treasury, and an impressive array of national security specialists from Richard Perle to General Colin Powell all of whom underscored the importance of China's accession to the WTO and normalizing our trade relations with China 'as good not only in economic terms but in strategic terms as well.

The testimony before the Finance Committee left little doubt that China's reemergence as a world power presents challenges to the world community and to U.S. interests. But, the testimony before the committee was unequivocal on one point—that our interests are best served by drawing China into that community of nations, rather than isolating China from that community through restrictions on trade.

General Powell said it best in his public statement on PNTR, indicating that—

> * * * from every standpoint—from the strategic standpoint, from the standpoint of our national interests, from the standpoint of our trading and economic interests—it serves all of our purposes to grant permanent normal trading relations to China.

Opponents of this legislation have often tried to downplay the importance of normalizing our trade relations with China. They argued that we are entitled to the benefit of the WTO agreement based on our bilateral trade arrangements with China dating back to 1979. They argue that we will suffer no competitive disadvantage if we fail to take the steps necessary on our end to comply with our own WTO obligations.

I want to lay that argument to rest. That argument was contradicted by Ambassador Barshefsky, by our own legal counsel, and by every trade expert consulted by the Finance Committee.

However, just to make sure, my distinguished colleague and the ranking member of the Finance Committee, Senator MOYNIHAN and I, together with the chairman and ranking member of the House Ways and Means Committee, specifically put that question to the General Accounting Office.

The GAO has had a team following the WTO negotiations with the Chinese closely for several years. We asked them for their assessment of the terms of the agreement and whether we could rely on our 1979 agreement to obtain the benefits of China's accession to the WTO.

The GAO, in testimony before the committee and in a report it released prior to House passage of PNTR, concluded that the 1979 bilateral arrangement would not guarantee the rights three Presidents of both parties spent 13 years negotiating with the Chinese.

According to the GAO, the essential step in obtaining the benefits of China's accession to the WTO was the passage of PNTR. Indeed, the GAO emphasized that failure to approve PNTR would "put U.S. business interests at a considerable competitive disadvantage" in the Chinese market.

In other words, the single step we must take to obtain the benefits of the Chinese agreement to open their markets is the passage of H.R. 4444.

In light of that fact, let me turn briefly to an explanation of the legislation before us. The bill authorizes the President to normalize our trade relations with China when China has completed the WTO accession process provided that the terms of China's accession are equivalent to those negotiated this past November.

That action will assure that American firms, farmers, and workers will receive the benefit of the bargain Ambassador Barshefsky struck with China.

But, the House bill does considerably more to ensure that we get the benefit of our bargain and more to address many of the concerns that opponents of this legislation have raised regarding China's human rights practices and more to encourage the development of political pluralism in China.

On the trade front, the House bill provides for the aggressive monitoring of China's compliance with its WTO obligations and the enforcement of U.S. rights under the WTO agreement.

The bill would offer particular help to small- and medium-size businesses, and to workers, in making use of the remedies available under U.S. law to address any violations of U.S. WTO rights or to address any unfair Chinese trade practices.

In addition, the House bill implements the special safeguard mechanism that was a part of the November agreement. In effect, the bill provides the counterpart in domestic law to the provisions of the bilateral agreement that offer import-sensitive industries in the United States protection in any dramatic surge in imports from China that disrupt U.S. markets.

The bill also addresses a concern that I am sure all of us share with respect to Taiwan's economic future. Taiwan has applied for admission to the World

Trade Organization and its accession process is essentially complete.

The House bill expresses the sense of Congress that the WTO should approve Taiwan's accession to the WTO at the same time that it approves China's. As a matter of WTO rules, there is no need to debate Taiwan's designation or its relationship to China. The WTO rules permit the accession of Taiwan regardless of its designation.

China has long provided assurances that it would not stand in the way of Taiwan's accession at the same time China itself enters the WTO, and I expect China to live up to those assurances, just as the House bill makes clear.

Apart from securing the trade benefits of China's accession to the WTO, the House bill represents an important step forward on the issues of human rights, internationally-agreed labor standards, and religious freedom.

In an innovative approach, the bill would create a commission made up of members of both the Congress and the executive branch, modeled on the successful domestic counterpart to the Helsinki Commission on human rights, to monitor Chinese practices in those areas, as well as the development of the rule of law and democracy.

One of the significant advantages of the approach adopted by the House bill is that it ensures a constructive, ongoing review of China's practices throughout the year, rather than what has become an unproductive once-a-year effort tied to a congressional vote.

More fundamentally, the commission will ensure that the United States' concerns and our message to the Chinese leadership regarding Chinese human rights practices is undiluted by a debate over whether to renew China's trade status.

There are some who have suggested that the bill should have gone farther. They suggest that the bill should have empowered the proposed commission to address national security concerns as well.

Those concerns, however, have been mooted by the recent action taken by the Senate in the context of the Defense authorization bill. I congratulate my distinguished colleagues, Senators WARNER, LEVIN, and BYRD, the chairman of the Armed Services Committee, the committee's ranking member, and one of the most senior members of that panel, for proposing the creation of a separate commission to look at precisely those issues of national security and the link between those issues and our expanding trade relationship with China.

In sum, the House bill preserves what we in the Finance Committee sought to do in the bill we reported out, which was to ensure that American firms, farmers, and workers gain the benefits of the agreement reached this past November, and take additional steps to secure those trade benefits and offers a new approach to addressing U.S. concerns regarding human rights practices in China.

I believe that H.R. 4444 not only merits our support, but that it strikes a careful and appropriate balance of the interests we have in our broader relationship with China.

For that reason, I intend not only to support the legislation as drafted, but, as I said at the outset, I will oppose any amendment to the House bill no matter how meritorious the amendment might be standing on its own.

That brings me to my final point. There are a number of my colleagues that see this vote as an opportunity to link other issues to our trading relationship with China.

I am certain that we will have the opportunity to debate amendments on everything from the release of political prisoners to China's implementation of a one-child policy to its recurring threats against Taiwan to issuers of weapons proliferation. I respect my colleagues' point of view and recognize that these are serious issues that should remain a part of the broader dialog with China on our bilateral relations.

What I fundamentally disagree with is the approach of linking progress in those areas to our trade with China.

I do so for three reasons. First, the approach of linking progress to our trading relations with China has proved to be a failure. We have tried the approach of linking progress in other areas, such as human rights, to trade and it simply has not worked. It is time to try a different approach.

Second, the threat of economic sanctions would only work if the target country believes that there is something fundamental at risk. Here, I want us to think through the logic of voting "no" on PNTR. The net effect of a "no" vote on PNTR would be to cut off U.S. exports to China.

China already has access to our market. We do not enjoy reciprocal access to China's market. That is what the WTO agreement provides. In voting "no" on PNTR, we would only be voting to deny ourselves the benefits of the WTO agreement to American firms, farmers, and workers.

Denying ourselves the benefit of the WTO agreement is simply no threat to the Chinese. They will simply obtain the goods, services, and technology they want from other WTO members.

In other words, even if you accepted the logic of economic sanctions, voting "no" on PNTR does not serve the objective of modifying China's behavior or the views of its leadership.

Finally, there are some who decry the pursuit of profit when issues of human rights and human freedoms are at stake. While I share their concerns for human rights conditions in China, I feel compelled to say that they are wrong and their criticisms are misplaced.

In the end, human freedom is indivisible. It is not neatly divided between political freedom and economic freedom, as some suggest. Economic freedom is freedom, pure and unadulterated. The reason is that, absent economic freedom, no person has the wherewithal to defend their political rights.

What that means in practical terms in the context of modern China is that we should do whatever we can to empower the Chinese people to pursue their own course toward freedom.

One essential step toward that goal is to ensure that the Chinese people are free to pursue their own economic destiny free from the heavy hand of the state. That is because the roots of political pluralism lie in economic interests that differ from those of the Chinese Communist Government and those of the Chinese leadership.

The noted Chinese human rights activist Fu Sheni, active in defense of Chinese human rights and political freedoms since the 1979 Democracy Wall Movement, has made this point more eloquently than I can.

In a public statement on PNTR, Fu emphasized that:

> The annual argument over NTR renewal exerts no genuine pressure on the Chinese Communists and performs absolutely no role in compelling them to improve the human rights situation. . . . [I]mprovement of the human rights situation and advancement of democracy in China must mainly depend on the greatness of the Chinese people, in the process of economic modernization, gradually creating the popular citizen consciousness and democratic conscience and struggling for them. It will not be achieved through the action of the U.S. Congress in debating Normal Trade Relations. . . .

Fu's point was echoed by the China Democracy Party, founded 2 years ago, in its public statement on PNTR. In declaring its support for China's accession to the WTO and for the normalization of our trade relations with China, the Democracy Party stated:

> We believe the closer the economic relationship between the United States and China, the more chances to politically influence China, the more chances to monitor human rights, and the more effective the United States to push China to launch political reforms.

The Democracy Party's statement went on to say that the Communist leadership's power in China is "planted in state ownership." A vote for PNTR is a vote to end the Communist leadership's monopoly on power within Chinese society. A vote against PNTR would condemn the Chinese people to work for the state-owned enterprises that are the Communist leadership's most effective means of political control.

That is why, beyond the economic benefits for my home state of Delaware and for our nation as a whole, I support normalizing our trade relations with

China. It is a vote for freedom and that is where I will cast my lot every time.

I thank my colleagues and urge their support for the motion to proceed and for passage of this essential legislation.

Once again, I thank my distinguished colleague from North Carolina.

The PRESIDING OFFICER (Ms. COLLINS). Under the previous order, the Senator from North Carolina is recognized for up to 15 minutes.

Mr. HELMS. Madam President, I say to my distinguished and long-time friend from Delaware that I seldom disagree with him, but this time I do, and it is a doozy.

Madam President, the pending bill, H.R. 4444, which proposes to give permanent most-favored-nation trading status to Communist China, is perhaps the most ill-advised piece of legislation to come to the Senate floor in my 28 years as a Senator.

As the Senate considers this issue, the ultimate question is an ominous one: Will granting permanent most-favored-nation status to Communist China advance the foreign policy interests of the United States?

My genuine conclusion is that by doing so, the United States Senate will be making a mockery of common sense.

Now, there is no question that giving permanent most-favored-nation trade status to China may advance the business interests of various sectors of the U.S. corporate community. But the Senate, amidst all the high pressure tactics, must not confuse business interests with the national interest of the American people.

America's principal national interest, vis-a-vis mainland China, is to seek to democratize China, hoping that China will conduct its foreign relations in a civilized fashion, and stop behaving in a rogue fashion, as the Chinese Communists have done for the past 50 years.

We must dare to ponder the most realistic of questions—for example: Will granting permanent most-favored-nation trade status to Communist China persuade its rulers to retreat from their threats to invade Taiwan if Taiwan does not negotiate reunification with the Communist mainland?

Will China all of a sudden cease its relentless military buildup in the Taiwan Strait?

Will China halt its brazen land grabs in the Spratly Islands?

Will China stop its reckless proliferation of weapons among its fellow criminal regimes around the world?

Any Senator answering any such questions in the affirmative should wait around until the Sugar Plum Fairy dances down Lollipop Lane. The fact is, the United States has had normal trade relations with Communist China for the past 20 years. Yet Communist China's behavior has not improved one iota; it has worsened dramatically on every one of these fronts during those two decades of normal trade.

Communist China has become more, not less, threatening to Taiwan during the past 20 years. Twenty years ago Communist China was not making incursions across the maritime boundaries of the Philippines, but today it is arrogantly doing so.

Two reports delivered to Congress by the CIA this year make crystal clear that China's weapons proliferation continues apace—flatly contradicting testimony by the Clinton State Department in 1999 before the Foreign Relations Committee of which I happen to be chairman.

Let's examine further this exotic pig in a poke.

As everyone knows—with the possible exception of anybody on a trip to the Moon for the past few years—Communist China dramatically lowered its threshold for using military force against Taiwan in its notorious White Paper this past February. For years, China has assured that it would invade Taiwan only if Taiwan declared independence. That was preposterous on its face—but now, China says it will invade Taiwan if Taiwan merely delays reunification talks with China for too long.

That is not progress to me, Mr. President; it is instead clearly dangerous regression in China's policy toward Taiwan. And guess what. It happened just 3 weeks before the President sent this legislation to Capitol Hill.

Angry threats against Taiwan have become more frequent and increasingly venomous, both in the Chinese press and from the mouths of Chinese leaders. Recent headlines in Chinese newspapers have talked of smashing Taiwan and drowning Taiwan in a sea of fire. In a March 28 article in the South China Morning Post, Chinese President Jiang Zemin was quoted as saying "If we were to take military action, it should be sooner rather than later."

The Chinese have also directed those threats at us. China has repeatedly threatened to use nuclear weapons against American cities if the U.S. comes to Taiwan's defense. As recently as April 11, an article appeared in another Hong Kong paper entitled: "Nuclear War Will Certainly Break Out If The United States Gets Involved"—that is to say, Taiwan.

If that attitude is the fruit of normal trade relations with China, then by all means, it is indeed bitter fruit.

Lest anyone think that China is merely engaging in bluster, consider this: the year 2000 will mark the 11th straight year that China's military budget will increase by double digits. What is China doing with all that money?

Well, one thing is a pair of Russian destroyers armed with the Sunburn missile, which skims the sea at Mach 2.5—about 2,000 miles per hour—and has an effective range of 65 miles and can carry nuclear warheads. In answer to a question I asked at a Foreign Relations Committee hearing in February, the Secretary of State replied: "The terminal flight path of the Sunburn makes it very difficult for any U.S. defense system, including Aegis, to track and shoot down the Sunburn."

China began shopping for this missile just after we sent carriers near Taiwan in 1996; China has spent over $2 billion for two destroyers and at least thirty-two missiles.

Madam President, I doubt that the American people will be heartened to know that our $68 billion trade deficit with China helped pay for this latest Chinese threat to American sailors.

And this is just the tip of the iceberg. Other Chinese weapons purchases (that the American taxpayers are financing through our trade policies), include Russian advanced fighters, air-to-air missiles, and submarines. Most, if not all, of this weaponry is designed for a Taiwan scenario, helping to tip the balance of power in that region further and further away from democratic Taiwan and toward the Communists in Beijing.

This is yet another product of our let's trade-at-any-cost policy with China.

That is the reason I am here today to speak against this piece of legislation. It may pass, but it will never do it with my vote or my support.

Madam President, I earlier mentioned increased Chinese aggression in the Spratly Islands. We must bear in mind that, in 1995, China seized some small islands called Mischief Reef in the South China Sea. Mischief Reef is just 100 miles off the coast of the Philippines and over 1,000 miles from the Chinese mainland. With this brazen land grab having gone unopposed, even verbally, by anyone other than our Philippine allies, China reached out again in late 1998.

In October of that year, China began a crash construction project and by January of 1999, had replaced some ramshackle huts on Mischief Reef with permanent structures that have been frequented by Chinese warships and are deemed as dual-use capable by military experts.

Twenty years of annual trade favors to China were not enough to ward off these blatant violations of international norms, but I, for one, await with bated breath the day when China withdraws from Mischief Reef because of pressure from the World Trade Organization.

Don't hold your breath, Madam President; it's not going to happen.

We can also see the absurdity of U.S. policy toward China by taking a look at China's proliferation record. In 1998, President Clinton certified that China could be trusted—let me repeat that.

He certified that China could be trusted with our nuclear materials, paving the way for the longstanding desire of some U.S. companies to export nuclear reactors to China. Then, in testimony before the Foreign Relations Committee in March 1999, Assistant Secretary of State Stanley Roth gave China a clean bill of health on proliferation.

I am not kidding. That is so.

Mr. Roth stated that China had actually become part of the solution to proliferation problems.

It didn't take long for Assistant Secretary Roth's testimony to be exposed as—let me find a gentle word—maybe "incomplete" is the nicest word I can find. In April 1999, the Washington Times reported that China was continuing its secret transfer of missile and weapons technology to the Middle East and South Asia. A follow-up story in July detailed China's continuing shipments of missile materials to North Korea. These press reports were verified twice this year by none other than the Central Intelligence Agency in its semi-annual proliferation reports to Congress.

But I guess we are supposed to believe that more trade will solve that sort of problem.

But I am not convinced—not by my distinguished friend from Delaware, not by all of the businessmen who have called on me, not by anybody.

In sum, Communist China's foreign policy behavior has become increasingly antithetical to U.S. national interests during the past 20 years of so-called "normal" trade relations. It is difficult to see how making the status quo permanent will cause any improvement whatsoever.

Of course, the direction of China's foreign policy will hinge largely on whether the Chinese government democratizes and begins to treat its own people better than under the existing Communist regime.

All of us know the horror stories of things perpetuated against the Chinese people by their own government. But here again, the record of engagement—or shall I state it more clearly, appeasement—has yielded miserable results.

In fact, China was somewhat more inclined toward reform 15 years ago than it is today. In the mid-and-late 1980s, China's leadership at least express some sympathy for reform, and for the students and others who were demanding it. But these reforms were ousted, replaced by hardline Stalinists who massacred the students and began a decade-long campaign of brutal repression. You can't describe it any way otherwise. Senator WELLSTONE and I will have more to say about human rights in China at a later time, but I believe the U.S. State Department's 1999 Human Rights Report says it all.

This is not JESSE HELMS. This is the State Department of the United States of America. And the last time I checked it was under the purview of a fellow named Bill Clinton.

The State Department said:

> The Chinese Government's poor human rights record deteriorated markedly throughout the past year, as the Government intensified efforts to suppress dissent.

Do you want to hear that again?

The State Department of the United States said: "The Chinese Government's poor human rights record deteriorated markedly throughout the past year, as the Government"—meaning the Chinese Government—"intensified efforts to suppress dissent."

Many supporters of this legislation, if not most, insist that the way to improve this miserable situation is to reward Communist China with permanent most-favored-nation trade status. Madam President, I find absolutely no evidence whatsoever to support such an assertion.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Idaho is recognized for up to 15 minutes.

Mr. CRAIG. Madam President, thank you very much.

I ask unanimous consent that Senator MOYNIHAN follow me to make his opening statement on PNTR, and that he use such time as he may consume for that statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREST FIRES

Mr. CRAIG. Madam President, I asked for time in our schedule today so that I might be joined with other Western Senators and those Senators concerned about the catastrophic fires that have been sweeping across public lands in the West for the last month and a half.

Coincidentally, today is the first day of school across our Nation. Many of our children in elementary schools are going to be asked by their teachers: What did you do during your summer vacation? For the next few moments, I will suggest to you that this is my opening speech following my summer vacation. Let me tell you what I did during my summer vacation.

I went home to my beautiful State of Idaho and watched it burn—hundreds of thousands of acres of timberland, grassland, wild habitat, and environmentally sensitive land burned with catastrophic fires that were too dangerous, too hot, and too powerful to put firefighters in the face of to try to stop them and protect these beautiful natural resources.

In fact, I never thought I would return to Washington, DC, in search of clean air. But it is true. The air is cleaner over our Nation's Capital today than it is in my beautiful State of Idaho, or Montana, or those Great Basin States of the West that are known for spaciousness, vistas, and clean air.

This year's fire season may well prove to be the worst in half a century. All of our 11 Western States, as well as Kansas, Arkansas, Oklahoma, and Texas, are reporting very high and extreme fire danger levels today.

As I speak, large fires are actively burning in California, Colorado, Florida—a little less so in Idaho today because it rained during the night, and it rained over the weekend. But it is true in Louisiana and Mississippi—a little less true in Montana because of that same rainstorm—Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, and Wyoming.

The map I have to my left demonstrates the character and the widespread nature of these fires. It isn't coincidental, nor is it unique, that most of these fires would be found on public lands—land managed by Federal land management agencies of this Government.

As of last week, the National Interagency Fire Center reports that 81 large fires are burning presently, covering nearly 1.7 million acres of land. The acres burned year to date exceed 6.5 million acres nationwide. That is over twice the 10-year average to date.

The reason I keep using the word "to date" is because we are now in the early days of September, and normal fire seasons will run late into September—and even later into October in California and other places down toward and including the Southwest. The total number of fires on public lands has surpassed 74,000. Let me repeat that: 74,000 fires on public lands. That is almost 13,000 fires higher than the 10-year average.

Nationally, wildfires this year have burned an area larger than our neighboring State to the District, Maryland. In other words, envision the entire State of Maryland charred by fire. That is how many acres have been consumed by fire in our Nation this year.

There are roughly 26,000 firefighters battling wildfires. We have run out of trained firefighters and are preparing 550 new Army troops to assist fire crews. This is in addition to over 2,000 soldiers already deployed to fire crews nationwide, as well as firefighters from 3 different foreign countries—Canada, Australia, and New Zealand. All of the personnel fighting fires deserve our heartfelt thanks for their efforts and their dedication. And yes, we have also lost lives of firefighters.

Current estimates suggest that nearly $120 million was spent in August alone fighting wildfires. The National Interagency Fire Center in Boise reports it is spending $18 million a day on fire suppression and related efforts. Last week, the Federal Government reported that it has spent $626 million so far on suppression costs this year. The Forest Service budget director estimates that wildfire costs this year will exceed $1 billion in total. This estimate assumes that the fire season ends in the normal framework I have discussed. However, the fires that are currently burning probably will not be extinguishable by man. They will have to wait for the snow to fall this winter or late fall or for major storms to move in the normal winter cycle.

It is hard to believe that to be a true statement, but it is a true statement that in the heartlands of our wilderness, our public lands where these fires will continue to smolder, to flare up during the hot days of the late fall, it will take a snowstorm in the heart of Idaho to put out these kinds of fires.

On Wednesday, August 30, President Clinton granted Montana Governor Marc Racicot's request that Montana be declared a Federal disaster area. On Thursday of last week, my Governor, Dirk Kempthorne, asked President Clinton to declare Idaho a disaster area, and he has. And I expect likely declarations coming soon from others.

In a fire season as bad as the one we are now experiencing, it is undeniable we would be seeing a significant area burn. Indeed, the General Accounting Office has warned in a series of reports that there are 39 million acres of Federal lands at risk right now of uncontrolled catastrophic wildfire. Therefore, the severity of this season should not have been a surprise to anyone, nor should we have stood by saying this is a natural situation.

Ten years ago, a group of foresters and renowned national silviculturists met in Sun Valley, ID, to study the character of the forests of the Great Basin of the West. They said at that time that those forests were in severe need of active management because they were nearly dead or dying from disease and bug kill and that if we didn't pursue an active management policy, these forests would be at risk of catastrophic fire.

That was 10 years ago. Since that time, I and others have asked the General Accounting Office to study the state of our forests, only to be reminded that what has happened this year would happen if we were not actively involved. However, over the last 3 weeks we have heard a series of news stories that call into question whether the Federal firefighting agencies have been adequately funded, staffed, and prepared to deal with the fire risk that we all knew existed and that will still exist after this year. Notwithstanding differences in land management policy—and there are differences between this administration and me and other Members of the Congress—there is no disagreement that the Federal land management agencies should be prepared to deal with fires when they occur.

Nevertheless, 3 weeks ago, USA Today reported that the Bureau of Land Management fire preparedness budget request was reduced first by the Department of the Interior and then by the Office of Management and Budget. Current and former Bureau of Land Management employees complained in writing that the effect of these budget reductions would be to reduce fire preparedness dramatically.

That story was followed by a Washington Times investigative piece that reported that the money taken from the fire preparedness budget was used to acquire new Federal lands as a part of this administration's current land legacy initiative. I am sure that at the time the President had money taken from these fire budgets he didn't understand that his land legacy would be millions of acres of charred trees and lost wildlife habitat. Mr. President, that is the permanent flame that you may well have as your legacy.

At the same time, United Press International filed a story that the Forest Service fire preparedness budget was similarly reduced either at the Department of Agriculture or the Office of Management and Budget, or both. United Press International quoted representatives of the Forest Service Employees Union complaining that, in downsizing, the administration disproportionately reduced the number of lower grade GS 5's and 9's and put the money with GS 14's. What does that equate to? It said that it reduces people on the ground and puts them in the Washington, DC, office. Folks on the ground fight fires. People in the Washington office do not. Yet that is the kind of transition about which even the Forest Service Employees Union was talking. Those are amongst a lot of things that this Congress will have to deal with in the coming days.

Last week, I had a good conversation with Forest Service Chief Mike Dombeck. We agreed on a series of steps for the agency and the Congress to take over the next few weeks to address the situation currently at hand. We are not going to see major policy shifts this year, but we clearly ought to outline in the CONGRESSIONAL RECORD why we are where we are today and why 6.5 or 7 million acres of our public lands have been charred.

Clearly, it is important that we develop an emergency budget not only to pay the bills of firefighting that we have incurred, but also the kind of environmental restoration that is critical now so we will not see continued catastrophic events occurring as a result of these fires, the kind that could destroy wildlife habitat and watersheds, because we were not able to move quickly in the kind of environmental restoration that is very necessary. We also have private lands at risk and private property owners who deserve to be compensated because of the way the Forest Service managed these fires in certain instances, or the character in which these fires burned.

I will be working with my colleagues in the coming days to do just that. First, we will hold hearings in the coming weeks regarding: Was the Forest Service prepared this season to fight these fires? If they were not, why were they not? Then we will begin to examine the current policy and its impact on these 30-plus million acres at risk. I hope to take colleagues with me, as chairman of the Forestry Subcommittee, to my State of Idaho and into Montana and the Great Basin area of the West in the next few weeks as we talk to the citizens on the ground who have experienced firsthand the risk of losing their homes, their property, and, yes, even their communities.

We have already dealt with the urban wildland interface as a result of the catastrophic fires in Los Alamos. But even with that, we have not yet done enough. I hope the administration will bring forth a package in the coming days to work with us to develop a program of active management to try to save these environmentally sensitive areas, to improve the ability of these areas to deal with fire, and, most importantly, to improve the ability of our Federal lands management agencies to deal with fire in coming years. If we are truly in the kind of environment that I believe we are in, or if we are at a time and place of La Nina versus El Nino and ocean oscillations and seasonal changes in the environment, then next year could be every bit as great a fire year as this year. It is clearly important that we prepare now to do so.

I have had several of my colleagues join me on the floor who wish to speak to this issue. Madam President, I ask how much time is left of the hour that I requested?

The PRESIDING OFFICER. The Senator has 46 minutes remaining.

Mr. CRAIG. At this time I yield to Senator CRAIG THOMAS of Wyoming for such time as he may consume.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. THOMAS. Madam President, I thank the Senator from Idaho, who has been a leader for a very long time in this area—not only on fires, of course, but the management of forests, which is really the issue we will finally have to get to here. I thank him for what he is doing and certainly for the hearings he will have in his committee, which I think will be extremely important and are now extremely appropriate.

Wildfires are a very serious thing. They are very scary. They are damaging. They threaten not only the forest itself but, of course, facilities and homes in the forests. I grew up right next to the Shoshone forest next to Cody, WY, between Cody and Yellowstone and, as a matter of fact, participated on two occasions in fighting forest fires. It really is something you can hardly imagine, particularly if you are on a steep mountainside and the forest fire itself releases boulders that roll down. There are lots of scary things about it.

As my colleague and most of us know now, wildfires in the West of the United States have ravaged literally thousands of acres this year, the worst experience we have had in forest fires for a very long time. Hopefully, that is now under control. There has been some change in the weather—snow, as a matter of fact, in some places. There has been some change also in the climate itself. We have had a very dry year in the West which has made it even more difficult.

In my home State of Wyoming, we have had thousands of acres devastated. Let me share some of the actual numbers that I think are fairly startling. This is from the National Fire News. The National Interagency Fire Center puts this out from Boise, ID. They have a 13-year comparison of the losses that have taken place as of September 4, for the year 2000.

The loss has been 6,566,000 acres this year. This year, of course, is not completed. There are always losses. Last year, in 1999, there were 4.4 million acres burned; the year before, 2 million, and 1 to 2 million has been the more common amount, although in 1996 it was 5.7 million acres that were destroyed.

I guess the message is that we know there is going to be some burn. The burn, of course, is the natural way. There are those who argue: Let nature take its course. However, things are not the way they were 300 years ago or 200 years ago. There has to be some kind of different approach.

In the States, of course: California, 214,000 acres; in Florida—Florida which is outside the West—183,000; Idaho, being the hardest hit at this point, 1.2 million acres burned in Montana, nearly a million—900,000 acres. New Mexico had almost half a million acres burned. So it has been very devastating. Certainly our first obligation is to fund and do what we can now to stop the fires and to repair the immediate damages.

I think it is interesting that in the long term, the total this year is 6.5 million acres burned, and burned for the last 10 years, 2.9 million—less than half. So we have had a very difficult experience this year.

I ask unanimous consent a complete table of wildfire statistics be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

THIRTEEN-YEAR WILDLAND FIRE COMPARISON STATISTICS YEAR-TO-DATE FOR THE UNITED STATES

As of September 4	Number of wildland fires	Number of acres
2000	74,571	6,566,520
1999	70,609	4,403,438
1998	60,872	2,037,629
1997	49,644	2,720,690
1996	86,533	5,787,767
1995	63,170	1,661,679
1994	58,638	3,238,065
1993	46,625	1,613,843
1992	70,444	1,478,661
1991	57,583	2,020,184
1990	55,630	4,386,528
1989	45,015	1,448,639
1988	67,945	3,623,613

NUMBER OF WILDLAND FIRES AND ACRES AFFECTED IN 2000 BY STATE UPDATED SEPTEMBER 4, 2000

State	Number of fires	Number of acres
AK	351	751,233
AL	4,377	65,477
AR	2,019	26,226
AZ	3,260	94,144
CA	5,693	214,735
CO	1,921	126,005
CT	55	183
DC	2	2
DE	12	165
FL	5,604	183,304
GA	6,883	50,735
IA	0	0
ID	1,413	1,234,818
IL	22	386
IN	875	3,005
KS	14	689
KY	1,163	49,287
LA	3,473	53,724
MA	1,854	2,735
MD	253	506
ME	208	283
MI	555	9,635
MN	2,448	55,738
MO	162	11,692
MS	3,758	55,355
MT	2,289	921,608
NC	2,814	16,818
ND	934	40,996
NE	19	434
NH	246	160
NJ	521	1,432
NM	2,222	453,519
NV	1,000	634,478
NY	104	452
OH	737	3,950
OK	1,100	46,481
OR	1,583	427,617
PA	113	954
PR	1	1
RI	81	75
SC	3,738	18,301
SD	507	14,704
TN	1,476	18,984
TX	2,468	176,194
UT	1,613	235,186
VA	687	8,234
VT	28	67
WA	942	256,706
WI	1,435	4,509
WV	920	18,917
WY	621	276,061
Total	74,571	6,566,520
Ten-Year Average	61,975	2,934,848

Mr. THOMAS. I think we need to recognize and thank the people on the ground, the agencies, the firefighters, for all they did. This is tough work. This is dangerous work. So I am very grateful for what has been done.

I was out in the midst of it, out in Yellowstone during this last August. Certainly some of the problems were that there were not enough facilities; there were not enough airplanes; there were not enough firefighters; there was not enough equipment to deal with all these things that happened. Again, I am not blaming anyone for that, but it did make it much more difficult.

In the appropriations bill with which we are now dealing, I have requested some additional funds for wildlife and fire management this fiscal year. I am very concerned, as the Senator from Idaho pointed out, that in many of these cases—not only firefighters but also maintenance and other kinds of things—this administration has put more emphasis on acquisition and purchase than they have on the management of the resources we have now. I think we need to take a look at that. I am chairman of the parks subcommittee. All of us know there are $4 billion or $5 billion in infrastructure repairs and maintenance needed. But that is not where this administration put the money.

This land legacy thing was the one that had the emphasis. So there are some tough questions, I think, certainly not of motives but tough questions in terms of management, as to what our responsibility ought to be. I really am looking forward to the Energy and Natural Resources Committee's oversight hearings when we can take a real, honest look at what we ought to do.

What do the roadless areas we are talking about have to do with the ability to control fires? I think it has something to do with it. We have wilderness areas and parks, of course, that are managed differently. It is true that in a wilderness area you are not going to have roads. You have to deal with it another way. Most of these fires are not in the wilderness. If we had access to the fires early on, I think it would be helpful. Certainly harvesting, clearing out the underbrush, clearing out the fuel as it builds up, as it naturally does around mature trees—I have been in some places that are very nearly wilderness, again up around Cody, WY. When selective timbering is done, you go through and you hardly notice it having been harvested. But I tell you, there is much less likelihood of an uncontrollable fire in that area than in the condition in which it had been.

Of course, the administration is quick to say it has properly managed the fires. This may not be the case, both from the standpoint of being as prepared financially as we should have been, and, of course, having some management techniques which many of the forest people, many of the people who are actually on the ground, recommend. They know there are things that can be done.

I think this is an area we need to talk about. We need to talk about it now. Our focus, of course, has to be on the future and what we can do to limit the kinds of losses in our resources we had this year. I am very pleased to be able to work with my colleagues here, particularly the Senator from Idaho. I am looking forward to doing what we can to be prepared so in the future we will have less of a tragedy than we had this year.

I yield the floor.

Mr. CRAIG. I thank my colleague from Wyoming. Let me especially echo the point he made well just a few moments ago. We have had thousands of men and women out there on the fire lines risking their lives over the last month and a half. Clearly, a special thanks is needed to them for the work they have done. I think that is most appropriate as we assess now where we are and what we might be able to do, both short term and long term, in the packages that are put together and the policy changes that are made. The administration has said they will be coming forth with some proposals. We will take a very serious look at them as they come, to work with them in the immediate sense as we look at long term.

Now, let me yield 10 minutes to the other Senator from Wyoming, Mr. MIKE ENZI. I am pleased he joins us today to discuss this critical situation in the West.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Madam President, I rise to join in this elaboration on the damage and devastation that is going on in the West. It has been a tradition in the Senate that when disasters happen, Senators come to the floor and they ask emergency measures be taken, both to stop what is happening and to make up for some of the economic loss that is a result of the emergency.

That is what we are doing today. Just as importantly, we are here today suggesting that there are changes the Federal Government can make so that we do not have these problems again. Prevention is better than pain. Prevention is better than the pain that is caused by the forest fires that devastate homes, jobs, and recreation.

Senator THOMAS and I have been traveling around Wyoming. We are downwind from Idaho. We are downwind from Washington. We are downwind from Montana. In the daytime, one cannot see the mountains or the fires for the smoke. At night, you can see the fires as you drive down the roads, and people prepare their evacuation plans to get out of their homes, to abandon their homes to flames. It is a terrible situation.

It can be prevented, but we are going down the wrong road right now. I rise to express my deep concerns over the mismanagement of the National Forest System that has led to one of the worst fire seasons in the history of the United States of America.

There is no question that fire is a part of the natural world. No one knows this better than the men and women in the Western United States who have risked their lives during the last 4 months to protect and save homes, lives, property, and the environment from the terrible threat of the catastrophic wildfires.

As of September 4, the National Interagency Fire Center in Boise, ID, reports that 6.6 million acres of Federal public lands have been burned this year alone. In comparison, in 1996, we suffered what was up until then the worst year on record for fires in the continental United States. At that time, we lost 5.8 million acres. We have already exceeded that loss by almost 800,000 acres, and it is growing.

What makes this tragedy so terrible is that most of this threat could have been prevented had our Federal land management agencies not been stymied by the Washington, DC, one-size-fits-all-based policies that sacrificed forest health for political gain. Rather than implement policies that would have made our forests more fire resilient and would have made forest communities safer from the threat of catastrophic wildfires, these agencies, such as the U.S. Forest Service, the Bureau of Land Management, the National Park Service, and the Fish and Wildlife Service, have adopted practices from Washington that have allowed our forests to grow denser and denser without establishing the proper safeguards, such as defensible fuel profile zones and mechanically thinned forests that can incorporate fires into the natural management.

For more than 60 years, our Nation has placed an emphasis on aggressive fire suppression programs which have removed fire as a mitigating factor in maintaining forest health. As a result of these well-meaning efforts, many of our forests now suffer from an unnatural accumulation of vegetation on the forest floors. Dense undergrowth, combined with increasing taller layers of intermediate vegetation, has turned Western forests into deadly time bombs.

Unlike healthy fires of the past that thinned out the underbrush and left the large trees to grow larger, modern wildfire quickly claims the dense vegetation like a ladder until it tops out at the uppermost, or crown, level of the forest and races out of control as a catastrophic fire. Because of their high speed and intense heat, these crown fires leave an almost sterile environment in their wake. After a crown fire, nothing is left behind—no trees, no wildlife, and no habitat—with few micro-organisms left to rebuild the soil.

Vegetation manipulation, including timber harvests, is therefore necessary to restore our forests, particularly in the West, to conditions that are most resistant to catastrophic disturbance and that are within acceptable ranges of variability. Good stewardship, scientific studies, including the Sierra Nevada ecosystem project report, state that timber harvest is a tool that can be used to enhance overall forest resilience to disturbance. The SNEP report states, for example, that "logging can serve as a tool to help reduce fire hazard when slash is treated and treatments are maintained." If conducted on a large enough scale and in a controlled manner, timber harvests can restore our national forests to a point where large catastrophic fires are much less likely. In other words, we can harvest the trees instead of burning them down. We can make them into boards that will keep that CO_2 they have absorbed over a lifetime intact in a home instead of going up in smoke as CO_2.

The Forest Service has recognized this threat and in April of this year stated that "Without increased restoration treatments . . . wildfire suppression costs, natural resources losses, private property losses, and environmental damage are certain to escalate as fuels continue to accumulate and more acres become high risk."

The Clinton-Gore administration, however, has chosen to ignore its own experts and has proposed new programs that would combine with current planning efforts, such as the Sierra Nevada framework, Interior Columbia Basin ecosystem management project, the roadless initiative, and the Federal monument proclamations, will only make the situation worse by removing our access to forests and by taking away some of our most effective forest management tools. Instead, the administration wants to rely on the extensive use of prescribed fire which will further exacerbate the risk of catastrophic wildfires on the Federal land throughout the West and proposes to prohibit all forms of commercial timber harvest, regardless of the objective.

Those prescribed fires get out of control, as I am sure the Senator from New Mexico will point out in a little while, in one of those damaging winds. In Wyoming, prescribed burns get out of control, and if you cannot get to the fire, you cannot put out the fire. We are talking about a roadless initiative in the United States right know.

This is a map that shows the forest system in Wyoming—not the grasslands, not the Bureau of Land Management-controlled lands—the forest system. Wyoming has about 400 miles on a border. If we take away the roads in any of those colored areas, how do we get in to fight the forest fire while it is still a small fire? That is when we want to take them on. That is when we need to be able to get to them. If we wipe out the roads—and they are referred to sometimes as ghost roads because they are not roads one takes a normal car over, but they are roads from which fires can be fought.

Madam President, I draw your attention to another sign that has appeared in Montana. This is actually addressed to all of us, but it is a little more pointed than that:

> To the firefighters: Thank you for all your efforts.
>
> To the U.S. Forest Service: Everything that we love is gone . . . up in smoke. The mismanagement of our forests has turned our beautiful valley into an ash heap.

> To Bill Clinton and Al Gore: Because of your environmental policies, the jobs are gone, the way of life is gone, and now the beauty is gone. What's next? Shame on you.

If we do not do anything about it, shame on us.

In the interest of protecting the integrity and posterity of our forest and wild lands, wildlife habitat, watershed—if there is a forest fire and it wipes out all the trees, next year North Dakota will have more floods because more water will make it into the stream—air quality, human health and safety, and private property, the U.S. Forest Service and other Federal land management agencies must immediately enact a cohesive strategy to reduce the overabundance of forest fuels which place these resources at high risk of catastrophic wildfire.

While this strategy must include increased timber sales, however, there is no reason these sales cannot be structured to improve forest health by including in the terms of the contracts a requirement to thin out the underbrush and leave our forests in a healthier, more sustainable condition.

I have concentrated on forest fires. There are grassland fires happening on BLM lands, private lands, and there are some lessons to be learned on taking care of those, too. It is not as dramatic to talk about a grass fire as a timber fire, but on those lands where there is good stewardship, the fires will stop. Where there is bad stewardship, the fires will blow across at a rate animals cannot even run.

The catastrophic wildfires not only cause damage to forest and other lands but place the lives of firefighters at risk, pose threats to human health, personal property, sustainable ecosystems, and air and water quality.

We must call to task the failed policies and move forward with better proactive policies that protect the West and the United States from the overriding threat of catastrophic wildfire.

I yield the floor and reserve the remainder of our time.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Madam President, I thank the Senator from Wyoming for his comments. He has made a very critical statement as it relates to some of the initiatives that are before us today, as it relates to roadless initiatives, roadless areas, accessibility to these areas, and the risk of catastrophic fire.

Last week, I sent to the President a letter indicating we had discovered that the administration, in their roadless area initiative, was not using the current reports on catastrophic fire as it related to their initiative. We would ask them to go back and review that before they attempted, by regulation, to lock up another 10, 15, 20, 30 million acres of land. It ought to be examined against the current fuel-loading on that land and the risk of catastrophic fire.

Now I will yield to the Senator from New Mexico who has just gone through a catastrophic fire in his State that nearly wiped out one of our great National Laboratories. It certainly wiped out a beautiful area in the mountains of New Mexico near Los Alamos where it took hundreds of homes and may well end up costing the taxpayers of this country over $1 billion to repair bad policy and bad decisionmaking coming together that created the Los Alamos fire.

I yield to my colleague from New Mexico.

Mr. DOMENICI. I thank the Senator.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, I recall coming to the floor when we considered the military construction appropriations bill. My friend, the Senator from Arizona, Mr. KYL, recalls that. The military construction bill came to the floor and we told the Senate how we worked for over a month, in a bipartisan manner, to provide the administration with tools to improve fuel reduction in the wildland and urban interface; that is, urban interface areas for communities that are at risk.

I understand the distinguished Senator, Mr. KYL from Arizona, has some very excellent portrayals of what happens to forests that are attended to and cleared as compared with those we leave unattended and then have a fire. Unfortunately, the administration threatened to veto the legislation we worked on because they found some of the suggestions too hot to handle. However, my colleagues found the suggestions very prudent, and later accepted my amendment to the Interior appropriations bill, which is where we finally were able to offer it. It was offered there as an emergency measure and received huge bipartisan support.

Throughout the United States, there is an increasing amount of land in what natural resource scientists and firefighting experts call wildland-urban interface. This is very important because if that burns, not only do we lose forests, but we lose communities, we lose villages, we lose watersheds right close to cities which have a propensity to destroy the water supply as the trees in the watershed burn.

Many millions of acres—according to the General Accounting Office estimate, 39 million acres or more—of national forests are at high risk of wildfires.

Over August—it was not a luxury; normally visiting my State is a privilege and a luxury—I had to go there to visit fire-devastated communities, and in particular one, Los Alamos, but also some smaller ones. One of the communities is named Weed, where a couple hundred people came with their concerns because they are so frightened about what is happening to the forests on which they live, work, and from which they used to make a living.

As of today, there are over 52 fires burning over 1,000 acres each across this country.

The total number of acres burned this year is 223 percent of the 10-year-to-date average.

On Labor Day, almost 17,000 acres burned—on that one day.

Close to half a million acres have burned in my State this year; many more in other States, including the States of Utah, Colorado, Wyoming, Montana, and others.

When we first started working on this measure, the administration believed there was too much national environmental special interest group opposition to my mild fuel-reduction amendment. But I wanted to ensure that we did not just throw money at the problem and say we solved the threat to our communities.

We gave them, in that amendment, $240 million in emergency funding to work on hazardous fuel reduction. Actually, since that amendment, which will be in conference under the chairmanship of Senator GORTON, there have been many more fires that have occurred. Much more evidence has been discerned with reference to communities that are right up next to forests that are loaded with kindling on the ground, ready to make a small fire into a monstrous fire.

The language in that amendment provides the land management agencies additional authority that they now lack to do some of this fuel reduction work. We asked them, at their sole discretion, to do this work in a way that would provide jobs to local people, opportunities to private, nonprofit, or cooperating entities, such as youth conservation corps, and opportunities for small and micro businesses.

We asked the two Secretaries involved to identify those communities where hazard reduction activities were already underway or could be commenced by the end of the calendar year. We further asked the Secretaries to describe, by May of the coming year, the roadblocks to beginning hazardous fuel reduction work in the remaining communities at risk.

I can tell you about some of the communities in my State because our State forester had no hesitation to find out this information. He went out to find it. We have an excellent State forestry department and an excellent State forester.

They found the Ruidoso area, an area many people visit, has a very serious threat in terms of heavy pine scattered throughout the areas and residue on the ground of a very high kindling nature.

In Santa Fe, the water supply is in immediate jeopardy.

The growing East Mountain communities of Albuquerque are facing significant fire hazards.

The Middle Rio Grande Bosque—a green area, a greenbelt along our river, the Rio Grande—and the Espanola area, increasingly face the threat of out-of-control fire; that is, federal forests that are not cleaned up, forests that have not been paid any attention to in terms of management.

Los Alamos was deeply impacted by the Cerro Grande fire and will have the continued threat in unburned canyons.

We have all seen on television the terrible pictures of personal devastation from that area where more than 400 people were left without residences. Some were in duplexes that were burned to the ground. We have to pay for those because that fire was started by a Park Service employee who made a very serious mistake. I think we are all aware of that. That actually happened.

I want to summarize my remarks by suggesting that it is still very interesting to me how the Secretary of the Interior, Mr. Babbitt, can come out to the West and say some of the things he does. President Clinton's Interior Department has been in charge of many federal lands—along with Agriculture Department, in charge of the forests for as long as Clinton has been President. I say to my friend from the State of Arizona, soon that will be 8 years. They have been in control of: How should we manage? What should we cut? What should we do with these forests? It is interesting that Mr Babbitt would come out West and say: This administration is not responsible for any of this; it comes from administrations before this one.

Frankly, how many years would it take this administration to fix the problems in the management of the forests? I have listened to my good friend, the chairman of the subcommittee that handles this issue in the Energy and Natural Resources Committee. I heard him talk about what the Federal Government has done and not done.

I have not heard anything about a major effort to clean up the forests. In fact, I think it has been to the contrary. I think there has been a fear that if you clean this up, you are logging. If you clean up the stuff on the ground so it will not burn, you are putting people to work in rural areas; and you are supporting this idea that there are many uses for forests, you are making it a reality—where this administration wants to push more to only public use rather than any private use.

I say to the Secretary of the Interior—and I certainly have not heard Secretary Glickman say this—but for him to come out West and say this didn't happen on their watch seems to me to be skating on very thin ice in terms of the reality of things.

What do we have now? What we have now is a Presidential election. Vice President GORE is running, and many of us think most of these policies were run through his staff for their "environmental" validity.

I think it would be nice to know, since the Secretary of the Interior denies that this administration and our Vice President, who many know was in charge of a lot of environmental policies—where was he on all these fire danger issues? More importantly, where will he be if he is elected? I cannot believe that if a set of questions were put to him—and we can't do that—he will answer them only if he wants to and only if they write them up a certain way. What did you do during your 8 years with reference to this problem, and if you are elected, what will you do during the next 4 years? Be very specific. Wouldn't it be something if you asked: Do you support a policy saying you can not put a road in the forest, even to stop the fire? I don't know if he would answer that.

The policy in this country now appears to be not to put any roads in. In my State they have told me that in the overgrown Santa Fe watershed, they don't believe they are allowed to put a road a half mile up—even a temporary one—to thin a rather steep slope, which you cannot get to from the main road. There are many frustrating stories like that. We hear stories about the federal land management agencies concerned with "protecting" certain things on the ground before you use a Caterpillar to stop a fire.

Frankly, to me, the results make that policy an adversity, because in order to save some resources, the result is ironically thousands and thousands of acres of burned forests and damaged resources. So which is the more prudent policy? To try to stop the fire early on at a quarter of its entirety using mechanized equipment, or let the whole thing burn and look back on it and say we didn't touch any of the ground with a tractor or any equipment, but we sure burned the forest down? These are very important issues. Where do we go next?

I submit that Congress is going to see—even in the few days it has—that that $240 million as an emergency comes out of that conference. I think some Senators are getting some estimates about the environmental restoration cost for some of these forests that burned in the State of Senator KYL, and certainly in the distinguished chairman's State, and in the State of Montana and others. What will it cost to go back and rehabilitate and make them grow again? That surely is a great American emergency.

Do we want to leave these millions of acres with only the stark reality of a fire? Millions of trees are standing that are burned. Do we want to leave them all there until they rot away? Don't we want to say that as part of a rehabilitation plan, we ought to remove some of them?

Frankly, I will give you one example. We have a little community in Otero County called Alamogordo. It had one nice lumber mill, which just closed. Do you know what is around it? A very big fire that we reported here on the floor. Around the small town of Weed, near that closed sawmill, stands millions of burned trees with about 25 percent of their utility gone. We have not yet decided to remove one of those trees and to put somebody back to work in that lumber mill because of the policies the Senator from Idaho was speaking of.

We need plans. I agree. But we also need to put the money up so the plans and the work be done quickly, in my opinion. One of the biggest and most important things we can do in the coming weeks is to provide this to the administration and say, "Get started." Clearly, they won't accomplish a great deal, but the sooner we get started the better.

I understand Senator KYL has an expert in his State who has worked on the issue of how much good can we do in cleaning up the forests, so that we have some fire prevention, instead waiting around and then trying to put out a devastating fire.

I yield the floor.

Mr. CRAIG. Before I yield to the Senator from Arizona, I thank the Senator from New Mexico for his most appropriate statement. He experienced this firsthand earlier in the year before Idaho and Montana experienced it—the kind and the character of truly intensive and catastrophic fires, burning thousands of degrees hotter than a normal fire in a normal forest setting.

He is right. Over the course of the next several weeks, as chairman of the authorizing subcommittee, I am going to work very hard to come up with figures and amounts that we can build into an emergency package and hopefully include it in the Interior appropriations bill, which would fit the kind of environmental restoration necessary on the acres that have already burned, but also the kind of urban interface stewardship programs that will bring about the fuel reduction that our colleague from Arizona will speak to in a moment. He and people in his State have done some very interesting and extremely valuable pioneering work on the Ponderosa Forest of northern Arizona, which is important for this Congress, and hopefully this administration, to take into consideration as a part of the way we deal with these forest lands that now have literally tens of thousands of gallons of gasoline-equivalent fuel on the ground, which burns explosively under the right circumstances, as we have just experienced.

Let me yield to my colleague from Arizona, Senator JOHN KYL, to speak to this issue and the experiments going on in his State.

(Mr. ENZI assumed the chair.)

Mr. KYL. Mr. President, I thank my colleague from Idaho for bringing the attention to this issue to the Senate floor, to our colleagues here, as well as to people around the country. To my colleague from New Mexico with whom I have been visiting about this matter for 5 or 6 years now, a real thanks for his efforts to bring a $240 million supplemental appropriation which will only begin to scratch the surface of the needs we have. Half of that money goes to the Department of Agriculture's U.S. Forest Service and the other half goes to the Department of the Interior for the BLM because in our public forests today we have them spread both in the National Forest System, as well as the Department of the Interior-administered lands of the BLM. Arizona and New Mexico have the largest pine forests in the world.

Senator CRAIG pointed out that we have done some pioneering here. For the last decade or so, Northern Arizona University's School of Forestry has been working on techniques to return the forest to the rather parklike, very natural condition that it was in at the turn of the century, 100 years ago, when you had very broad stretches of grassland with few trees per acre—maybe 100 trees per acre. Big beautiful trees, ponderosa pines, are a little bit reminiscent of a sequoia, for example—very large, yellow bark, a beautiful huge tree. When they are spaced out a fairly large distance from each other in a rather parklike condition, I don't think there is anything prettier.

More to the point, there is nothing more beneficial for the flora and fauna in the area. Lush grass feeds the deer and elk and other browsers. We have a healthy environment for birds and other species and, frankly, the entire ecological situation is the way that God created it to be.

Then along came man, and through a series of mistakes we mismanaged the forests to the point that today most of the forest is clogged and gnarled into what they call a "dog hair trimmer," meaning that a dog can't run through it without leaving half of his hair behind on the underbrush that has been growing up.

What happens is that, first of all, all of this underbrush competes for the nutrients and the water in the soil so none of the trees grow to be the big, beautiful trees we all love, and none of the grass can grow so that the browsers—the deer, elk, and animals such as that—don't come into the area. And because every bit of nature depends on something else, most of the species simply vanish. Nothing can really survive there.

You create two other conditions: disease-prone because they are weak; secondly, fire-prone, where a spark of fire here is like setting off tinder with a larger box around it to burn. Because of the undergrowth and fuel on the ground, as soon as the fire starts, it quickly spreads to the lower branches and then the upper branches of the trees, and that is why you see this almost explosion of fire as it crowns out; it goes right up through the top of these huge, magnificent trees and explodes the trees in the process. What happens is that the soil is baked to a temperature that is unhealthy for regeneration. Ordinarily, nature-caused fire will burn along the ground and burn a little bit of the underbrush that is there but never crown out. As a result, it is not the timber fire that you get here. This literally sterilizes the soil. For years, nothing can regenerate. Perhaps devastatingly, erosion results very quickly—destroying streams, rivers, and lakes. It takes the topsoil that has taken millions of years to be created so things can grow, and wipes that out. It drains all of it right down into the rivers and streams and clogs them up.

What is the environment for the flora and fauna? There is nothing. We talk about endangered species. Goodbye species.

We had a fire around Four Peaks in Arizona which destroyed about 75,000 acres. I learned that this was the heaviest concentration of black bear habitat in the country and perhaps the world. What happened to all of these black bears? Many of them did not survive. Many of the other animals did not survive. The trees are gone. We have a very large bird population in Arizona. Amazingly enough, many of those birds had nowhere else to go.

The point is that when you have this kind of catastrophe, you are not aiding nature; you are destroying it. All of the environment is destroyed in the process—not to mention the waste and the cost. We have now spent about $1 billion this year to fight these fires. That money could have gone a long way toward managing the forests and preventing the fires in the first place. You are not simply saving timber; you are not simply preserving a nice view for people. You are saving the environment for the flora and fauna—preventing erosion, preventing the sterilization of the soil, and all of the rest.

As I started to say, work has been done around the country, but most importantly in Northern Arizona University, pioneered by Dean Garrett, and most recently by Dr. Wally Covington at Northern Arizona University. Secretary Bruce Babbitt is a friend of Wally Covington and fully supports the work that he has been doing at Northern Arizona University. In some small projects in northern Arizona, we have been able to acquire funding to do this forest restoration and demonstrate the efficacy of the treatment.

The problem is the administration has not carried that on to a larger treatment area. I don't know why because science proves it out. Secretary Babbitt understands that it is the right thing to do. But I think, frankly, it is a fear that the radical environmentalists, which this administration relies upon for a great deal of its support, will object. Indeed, after putting together a wonderful program with the support of Secretary Babbitt, Dr. Covington, the Grand Canyon Trust, and other environmental groups, all of whom were working together to make the area around Flagstaff, AZ, safer, to improve the environment, and to restore the forests to a healthy condition, radical environmental groups sued to stop the process and delayed it for an entire year—to no effect because the project will go on. But it will be delayed a year.

The GAO reports that we have 39 million acres to treat in this country. Strike that. With 6 million acres having burned this year, we are now down to 33 million acres. We have to do this within a 20-year period if we are going to save these forests. That is going to require a commitment of the next administration. If the current administration can't do the job, maybe the next one can.

Finally, I am holding a document put out by the U.S. Department of Agriculture Forest Service, Southwestern Region, called "Arizona's Wild Land Urban Interface." To summarize what is in this document, you see areas that haven't been treated that are severely burned. Then you see what happens when they treat the areas. You find, for example, in the Coronado National Forest a before-and-after picture where you see this clogged-up condition of undergrowth. It is not pretty, it is not environmentally sound, and the number of trees per acre are reduced to about 300. Whereas they had about 1,500 before, they are trying to get it down to about 150 per acre. When you do that, you have a beautiful park-like condition that is healthy.

I can tell you, having visited the treatment areas around Flagstaff, that after about 3 years you see the pitch content of the trees significantly improved. That prevents the bark beetles from attacking the trees. The protein content of the grass is an order of magnitude higher. All of the elk, deer, and other animals are coming in to browse. Everything about the forest is healthier when you can go in and thin out this underbrush and hopefully follow up with a prescribed burn which simply burns along the ground and burns any of the residue. It doesn't crown out. After that, you can let nature take its course because then you have a healthy forest with larger diameter trees. If lightning strikes, not one of those trees catches fire. It starts with the grass on fire around it. It may burn the grass for several acres. That is all right. That will regenerate in just 1 year. That is acceptable. But it doesn't crown out and destroy the rest of the forest. That is what we have to commit to do in all of our Nation's forests.

I commend the small first step that Senator DOMENICI has taken here with appropriations. I commend the administration to create a budget that will begin to spend, frankly, billions of dollars that are necessary to treat the forests of our country, not just in the southwest but all over the western United States which so desperately needs this new forest management to save our Nation's forest.

I appreciate the fact that Senator CRAIG has offered me the opportunity to speak to this today, and I look forward to continuing to talk about this issue because, unfortunately, like some of the other things, it takes a catastrophe to finally bring out what has to be done. While all of us lament the catastrophe, at least perhaps it will jolt us into doing what is right to save our wonderful forests in the U.S.

Mr. CRAIG. Mr. President, I thank Senator KYL for what I think is a very clear explanation of what happens when you have this massive fuel-loading that has occurred on the floors of our public land forests in the Nation. When he talks about active management, he is not talking about wilderness areas. He is not talking about wildlife preserves. He is talking about the millions and millions of acres of land that we call multiple-use lands or lands that are classified within this roadless area that this administration is currently examining and is considering keeping roadless and undisturbed.

The question becomes very clear. Can you do this kind of active management by righting the wrongs of past actions we have taken on our public lands to restore forest health and to allow fire then to be a participant in the ecosystem in a way that is not catastrophic or stand altering or wildlife destroying? Those are very real changes with which all of us have to grapple. We ought to start. I will start with hearings in the next few days that will deal with that. Some of our environmental friends recognize this. One of them happens to be from New Mexico. The Forest Guardian Group is quoted as saying that wildfires are getting bigger, burning hotter, and the effects are more devastating.

It is clear that we will have to take mechanical steps to thin forests before we can use fire to restore these forests to their natural regimes.

Mr. MOYNIHAN. Will the Senator allow me a question?

Mr. CRAIG. I am happy to yield to the Senator from New York.

Mr. MOYNIHAN. I hope he will make available more of the research that has been described so carefully by himself and the Senator from Arizona. This is new to an easterner but not too new. Two-thirds of the State of New York is covered by hardwood forests and some cedar and pine. But these are important propositions that should be listened to intensively. I surely wish to be one who will do so, and I look forward to supporting the efforts that are indicated.

Mr. CRAIG. I thank the Senator from New York for saying so. Yes, it is true that some of these ideas are new. Some of them have been building over the last decades as we have recognized the current state of the health of our forests. My time is up.

Mr. MOYNIHAN. Mr. President, I am sure the chairman would wish us to yield such time as the Senator from Idaho needs to conclude.

Mr. CRAIG. Let me conclude because the chairman of the Finance Committee has just brought a very critical issue to the floor. I appreciate the opportunity to kind of sandwich ourselves in between the opening remarks of the chairman and the opening remarks of the ranking member of the Finance Committee as it relates to China and PNTR, which is the most important issue before this Senate. But it is important that Senators be given an opportunity to hear the concerns that are now out there about our public lands and some remedial action that we can take in the short term as we look at long-term policies working with this administration and future administrations to resolve this kind of critical issue.

I thank you very much for the time and the time my colleagues have used in joining me to bring out some of the necessary and important facts about the events that are occurring out there as we go through this most devastating fire season.

Let me conclude once again with this thought: Six and one-half million acres of public land have now burned. For those who might be listening and who do not understand what 1 acre of land represents, or 1 square mile of land, let me suggest that it is the entire State of Maryland charred to the ground, with piles of ash, with snags of timber, standing dead trees, nothing left, with the risk of siltation and soot and ash moving into the watershed, into the streams, and into the valuable aquatic habitat. No wildlife can live there. Much of the wildlife having been destroyed, no trees can provide the productiveness to build a home and provide fiber for our country except in charred snags. An area the size of the State of Maryland has now burned. Thousands and thousands of acres continue to burn. I believe that is a national crisis. It is a crisis on which all Members must focus. If it had been a hurricane that just wiped out the State of Maryland, we would all be rushing to save that State.

Fire, too, is a part of Mother Nature's disaster or catastrophic scheme. I hope our colleagues will work with us and that the Nation will begin to understand that active management on these timbered public lands in the appropriate and designated areas is not only critical; it is necessary to save our forests.

I yield the floor.

TO AUTHORIZE EXTENSION OF NONDISCRIMINATORY TREATMENT TO THE PEOPLE'S REPUBLIC OF CHINA—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. Under the previous agreement, the Senator from New York is recognized for such time as he may consume.

Mr. MOYNIHAN. Mr. President, I thank my revered chairman for this opportunity to discuss the most important issue we will deal with in this portion of this session of Congress.

At the Finance Committee's final hearing on China this spring, on April 6, our last witness, Ira Shapiro, who was formerly the chief negotiator for Japan and Canada at the U.S. Trade Representative's office, closed his testimony with these words.

> . . . [this vote] is one of an historic handful of Congressional votes since the end of World War II. Nothing that Members of Congress do this year—or any other year—could be more important.

I rise to suggest, sir, that he is not wrong, and to explain at some length, if I may be indulged, the reasons therefor.

The United States has a long history of commercial ties with China, beginning at a time when we exported raw materials, medicinal herbs and such like products, in return for sophisticated manufactures.

The first American ship to visit China, the *Empress of China*, cleared New York harbor more than 216 years ago on February 22, 1784. It carried a cargo of 300 tons of ginseng, a wild root found in the uplands of States such as New York, where it is gathered to this day and is known as shang. The cargo included wool, cloth, lead, cotton, and pepper—pepper, I take it, to be a transshipment of pepper received from South Asia. She reached Canton 7 months later, on August 23, 1784, and returned to New York the following May where the vessel created a sensation with its exotic cargo of manufactures: porcelain, umbrellas, fans, and then some tea and spices.

By the 1830s American commercial interests in China had grown considerably despite China's restrictions on trade. But American traders lagged far behind their British counterparts—one might say the Portuguese, as well, who were the first in the Far East—and when the British secured additional trading rights by the Treaty of Nanjing, concluded in 1842 after the first Opium War, as it was known, the merchants of Boston became especially fearful that American traders would suffer discrimination.

In the context of today's debate, it is worth recalling that the U.S. response a century and a half ago to the fears that we were being locked out of the China market was just what we are talking about today. We sent a special emissary to ask the Chinese to grant the United States what is in effect normal trade relations status. Congress voted $40,000—some Members thought it to be an exorbitant sum—for a special diplomatic mission to China. Congressman Caleb Cushing of Massachusetts was dispatched as minister plenipotentiary. His instructions stated that his primary object was to secure for the United States the same commercial privileges that had just been won by the British.

On July 3, 1844, Cushing signed the United States' first treaty with China. It was called the Treaty of Wanghia, named after a village near Macao which was a Portuguese settlement. Its centerpiece was "a most favored nation clause." That was the 17th century term used at the time. The meaning is that you will get the same treatment as that nation which has the most favored treatment, which in effect means equal treatment for all, or what we call normal trade relations. Just equal treatment for all, ensuring that the American merchants would have the same terms of trade and negotiation as did the French and the English traders.

A century and a half later, we are still grappling with these very same concerns. Thus, we find ourselves on September 5, 2000, debating the merits of establishing permanent normal trade relations with China, that term, "normal trade relations," having been changed, having been adopted in the Finance Committee. We are very proud of our chairman in this regard, to have succeeded in changing the 17th century term "most favored nation," which gave altogether the wrong impression to any but skilled trade negotiators and merchants.

Our purpose is to ensure that Americans are not disadvantaged in the Chinese market and the Chinese not disadvantaged in ours.

We begin the debate on a high note and with great expectations. Just as we left for the August recess on July 27, an overwhelming majority of Senators voted, 86–12, in support of the motion to invoke cloture on the motion to proceed to this bill. That is what we are doing now. It was almost exactly proportionately divided: 45 Republicans and 41 Democrats voted for cloture.

The vote followed an unquestionably impressive and somewhat surprising vote in the House of Representatives on May 24. A margin of three or four votes had been predicted, with a 10-vote margin the most optimistic projection.

In the end, the measure passed decisively: 237 yeas to 197 noes. The Finance Committee also has wholeheartedly endorsed the bill, on a bipartisan basis. On May 17, the committee ordered reported a very simple two-page bill, S. 2277. It is not a complicated matter, two pages states it all, to extend permanent normal trade relations to China. The vote was near to unanimous, 19–1.

I remind my fellow Senators on this side of the aisle that all Democratic members of the Finance Committee voted in support of the bill.

The House saw fit to add several provisions designed to implement elements of the November 15, 1999, U.S.-China bilateral World Trade Organization agreement to address several other facets of U.S.-China relations. Thus, the House bill, H.R. 4444, includes an import surge mechanism which codifies a provision of the November agreement, negotiated by our Trade Representative, to deal with that possibility in trade. It creates a human rights commission loosely modeled upon the Commission on Security and Cooperation in Europe, the Helsinki Commission, and it authorizes appropriations for the Departments of Commerce, State, and Labor and the U.S. Trade Representative's office to monitor China's compliance with its World Trade Organization commitments—nothing major, nothing troubling.

On June 17, the Finance Committee examined the House-passed bill in executive session. It was the near unanimous view of the committee that we simply ought to take up the House bill, pass it, and send it to the President, who has committed to signing it. It, after all, represents an enterprise that has been afoot through many administrations, and came to a successful conclusion in his when the World Trade Organization was created and the trade agreement was negotiated. And, so, the sooner the better.

We all need some reminding of our history. China's accession to the World Trade Organization is consistent with longstanding U.S. trade policy and allows China to resume the role it played 50 years ago. There can be no doubt that passage of this legislation is in the interest of the United States. This is true whether we view the matter from the overarching perspective of our broad trade policy goals or look more narrowly at the benefits that China's accession to the World Trade Organization will bring to American farmers, industry, and workers.

Let me make the case from both vantage points. In a very real sense, America's trade policy over the past 66 years—two-thirds of a century, ever since Cordell Hull created the Reciprocal Trade Agreements Program in 1934 in the depths of the Great Depression—ever since then we have pursued policies that have brought us to this moment of extraordinary completion. With its accession to the World Trade Organization, China merely resumes the role that it played half a century ago when it was instrumental in United States-led efforts to build a multilateral trading system from the economic rubble generated by us in the Smoot-Hawley Tariff Act of 1930. If you were to make a short list of five events that led to the Second World War, sir, Smoot-Hawley would be one of them.

Tariffs in that act of 1930 increased to unprecedented levels—on average 60 percent. As predicted, imports dropped by two-thirds in value terms. But what had not been predicted was that there was a corresponding and almost precisely equal drop of two-thirds in the value of exports which materialized when our trading partners responded in kind and hiked their tariffs just as the United States had done.

The result was ruinous, not only for the United States but for our trading partners. The British abandoned free trade and adopted Commonwealth preferences. The Japanese began the Greater East Asian Co-Prosperity Sphere. In 1933, with unemployment at 33 percent, Hitler was elected Chancellor of Germany.

It took the Reciprocal Trade Agreements Act of 1934 to get the trade policy of the United States back on track. The impetus behind the Reciprocal Trade Agreements program was predicated on the view that the recovery of the U.S. economy depended on finding outlets for our production—that is, opening and developing export markets—and that the only way to accomplish this was to negotiate reciprocal reductions in tariffs.

If I may be permitted a personal note, I was taught, after returning from the Navy in World War II—I was taught this subject by Harry Hawkins, a great State Department official who Cordell Hull, in his memoirs, observes handled reciprocal trade. This was not to them a mere economic issue—prices, trading and such like. This was an issue that had led the world to the brink of destruction in World War II. It was hoped that would never happen again.

This is what we are talking about now, at a more attenuated level. But the belief that has driven American policy for two-thirds of a century is still alive and happily and importantly so.

We did this initially on a country-by-country basis. From 1934 through 1947, the United States negotiated separate agreements with 29 countries. That is a large number. I believe the initial membership of the United Nations was in the neighborhood of 55 countries. So half the countries in the world had entered agreements by this time.

With the conclusion of the Second World War, trade assumed an important role in postwar economic reconstruction plans, and the conviction emerged that multilateral trade agreements were more efficient and ultimately a more trade liberalizing means of spurring economic growth than a web of bilateral agreements, having all the countries involved reach the same agreement in the same setting.

China played a central role in that thinking and planning from the beginning. China was one of the 44 participants in the Bretton Woods Conference of July 1 to 22, 1944. We saw the war coming to an end, and we were preparing for the aftermath. Bretton Woods established the International Monetary Fund down on Pennsylvania Avenue and the International Bank for Reconstruction and Development, which we know as the World Bank, again not 20 blocks away.

A multilateral trade agreement was expected to complement these institutions. There were three in mind: the fund, the bank, and the trade organization. Postwar planners did not turn their attention to trade until 1946. That year, China was appointed to the preparatory committee of the United Nations Conference on Trade and Employment, which was charged with drafting the charter for the International Trade Organization, the ITO. Thus, it was that China became one of the original 23 contracting parties to the General Agreement on Tariffs and Trade which was but one of the chapters of the ITO charter. It came to be known by its initials, the GATT, and it was put into effect in 1948 as an interim arrangement until the charter had been ratified. It was just a very small office in Geneva. A British Treasury official, Eric Wyndham White and three secretaries, as I recall from those days, in a small house above Geneva ran it all and ran it wonderfully waiting for the ITO.

The ITO never came to pass or did not come to pass at that time. It died in the Senate Finance Committee. The GATT survived. China remained a part of the GATT until March 8, 1950, when the Republic of China, by now located on Taiwan, notified the GATT that China would withdraw.

I note, and I do not want to insist as my history is not that clear, but it was the Government of China of Chiang Kai-shek on Taiwan that withdrew. I do not believe we have any record of the PRC, the People's Republic, as such having done it. It would not have mattered, but effectively China was out. It is to be noted—I am subject to correction—but it is to be noted.

It was not until 1986 that the People's Republic of China became sufficiently interested in the subject of GATT to try to reclaim its seat, and the accession negotiations began. Indeed, China had hoped to become a founding member of the World Trade Organization which came into effect on January 1, 1995, only 5 years ago, and, in effect, incorporated the GATT and succeeded it, the GATT having been originally a part of the ITO.

The negotiations with China proved too complex to meet that deadline, but they continued. Today after 14 difficult years in negotiation with the whole international community—not with our Trade Representative—China is within striking distance of becoming the 138th member of the WTO. It seems elemental that China, the world's 9th largest merchandise exporting nation in 1999 and the 11th largest importer—these are WTO statistics—ought to be in the World Trade Organization, and this is universally agreed. Agreed elsewhere, not unanimously agreed in the United States, but here we are with an 86–12 vote saying, "Let's do it."

It is equally obvious that it is in the United States' interest to have such a commanding player in a rules-based system that is largely the design and certainly is entirely the inspiration of the United States with the assent at that time of the United Kingdom and the participation of China and, I must grant, the U.S.S.R. and France.

This brings me to a second broad observation. The economic case for permanent normal trade relations is, I would think, unassailable. Ambassador Barshefsky negotiated an outstanding market access agreement. That much is not in dispute. It was China and not the United States that had to make significant and wide-ranging market access commitments.

Take just a few of the products that are of great importance to my State of New York. In 1998, New York's direct exports to China totaled $596 million, $1 billion all told if shipments to Hong Kong are taken into account as now they ought to be. New York's exports are no longer principally ginseng, although I would note that in 1999, the United States exported just over 512 tons to China and Hong Kong.

Almost 90 percent of New York's exports are manufactured goods. On average, tariffs on such products under the agreement before us will fall from 25 percent to 9 percent by the year 2005. We are a leading producer of information technology, paper, optical fibers, photographic equipment, and photocopier parts. China will eliminate its tariffs on information technology products and photocopier parts. It is not in their interest to charge themselves more for the products that they want.

China has promised deeper cuts on other products. Of particular interest, the tariff on digital cameras will fall from 45 percent to zero. Tariffs on wood and paper fall not to zero but to very low rates, in the 5 to 7.5 percent range.

The opportunities for New York's financial services industry are staggering. Take insurance. Currently, the Chinese insurance market is valued at $10 billion a year and is estimated to be growing 20 percent annually. Twenty percent annually doubles every 4 years. At present, per capita spending on insurance in China is under $8, compared to a world average of $431. The market is there.

Under its WTO agreement, China will eliminate current requirements that restrict foreign insurance companies to a handful of cities. China would also allow insurers to offer different types of policies—health insurance, group insurance, and the like.

Again, to keep in the Senate tradition of speaking first of my own State, while this is not well appreciated, New York is still a major agricultural State. We are the Nation's second largest producer of apples and third largest producer of dairy products, grapes, and wine. Our agricultural exports are well above a third of a billion dollars. This agreement reduces tariffs on apples and pears and cherries from 30 percent to 10 percent, and on wine from 65 percent to 20 percent.

I must not fail to mention that the Chinese will also cut their tariff on ginseng from 40 percent to 10 percent.

New York is by no means the only State that will benefit. The distinguished chairman of the Finance Committee pointed out on July 27, just before we broke for the August recess, how China's accession to the WTO will benefit the State of Delaware, which is a major manufacturer, producing automobiles in abundance, chemicals beyond the imagination of most of us, and with a two-century tradition thereof. We grow ginseng; you produce chemicals—a pattern that I do not know if we want to maintain entirely, but there it is.

California, which exported $2.5 billion in goods to China in 1998, will surely gain from China's commitments to eliminate tariffs on information technology products. What we think of in Silicon Valley, that is what we are talking about. There will be no tariffs on those products.

Minnesota's exports to China more than doubled from 1993 to 1998—doubled, sir—increasing from $119 million to $316 million. China will cut in half its tariff on scientific instruments—which Minnesota is probably internationally acclaimed for—cut them down to 6.1 percent, which is a derisory number, as any international trade expert will tell you.

Minnesota's farmers will gain. China is already the world's largest growth market for soybeans and soybean products. I can remember as a boy in the 1930s reading—and for some reason I can remember—an article in the Reader's Digest telling us about the soybean, this amazing product that was grown in China that had such enormous potential for the rest of mankind. Indeed it did. Indeed it came here. And now we are sending it there.

That is a pattern and point of fact that is well established in trade. We think of it mostly in terms of manufacturers. But it can obviously apply to agricultural products, too. Raymond Vernon, at Harvard, described this as the product cycle theory of international trade. A country begins to produce a certain product. It then begins to sell the product overseas. The product begins to be produced overseas. And then it begins to be sold back to the original nation, the nation where it was originally produced.

We have seen this in automobiles, going from the United States to Asia, or Europe, and then coming back. I observe, sir, that we see it with soybeans. They came first from China. We consumed them, then produced them, and now we are sending them back to China. That is the felicity of trade and the importance of it.

It can be said with certainty that every State in the Union will benefit from China's accession to the World Trade Organization.

Permanent normal trade relations for China is necessary to realize the full benefits of China's accession to the WTO. Here is the rub: Our producers and workers and companies will not be guaranteed the full benefits of China's concessions until we grant China permanent normal trade relations status. The welfare of our workers, our manufacturers, our farmers, our lumbermen, our fishermen is at issue here.

This is because the World Trade Organization requires that member states extend to each other unconditional normal trade relations. This principle is enshrined in the World Trade Organization—in the World Trade Organization's General Agreement on Tariffs and Trade of 1994, the General Agreement on Trade in Services, and the Agreement on Trade-Related Aspects of Intellectual Property Rights—a matter of increasing importance to the United States. It is an absolute requirement, and should be.

That is what we had in mind at Bretton Woods in 1944, what we put in place, as we hoped, in 1946 with the International Trade Organization, which never came into being—or did not come into being until now. Sir, it is the very same principle that the United States sought to establish in our first trade treaty with China in 1844.

We do not meet this requirement today since the U.S. law requires that China's trade status must be renewed annually, based on a review of China's immigration policies, to which I will address myself in a moment.

But, sir, as we well know, this legislation was created during the cold war, was directed against the Soviet Union and the satellite states, and had nothing whatever to do with China. H.R. 4444—that is the bill before us—will put us into compliance with our WTO obligations with respect to China and allow us to gain—in full—the considerable benefits that Ambassador Barshefsky negotiated in the November 1999 agreement.

There are those who argue that granting permanent normal trade relations is not necessary and that we will still reap at least some of these hard-fought gains by virtue of our previous trade agreements. I beseech the Senate, do not be lulled by this argument.

First, it is contradicted by nearly all experts who have examined it in detail—the administration, the General Accounting Office, the Congressional Research Service, and others.

Second, our competitors will not be similarly hamstrung. They will benefit from all of the concessions that China made without restriction or question. They will prefer this situation from which we are excluded, and they will necessarily and legitimately seek to maintain it. We will have done ourselves the injury. No others can be blamed.

More important—much more important, sir—China will view failure to enact this legislation as an unfriendly act, at the very least. The consequences could be severe, and they could endure. I would expect that they will because, sir, we have a long and troubling history of antipathy toward the Chinese. It is a strong term. I use it on this floor because it has been stated on this floor for a century and more; it is time to reverse it.

Opposition to this measure—permanent normal trade relations—will be puzzling to many. But, sir, there is a long and rueful history in the United States of our racial antagonism toward Chinese emigration to this country, which now appears as an antagonism to the arrival of Chinese goods.

It is not a pleasant history and it is painful to recount it. But it is necessary. It begins in California—which is understandable—where the movement to put an end to Chinese immigration into this country began in the late 1850s.

By way of background, the Immigration and Naturalization Service reports that only 46 Chinese emigrated to the United States in the three decades between 1820 and 1850. The Chinese immigration explosion began in the 1850s, fueled by the California gold rush and the construction of the Transcontinental Railroad. From 1851 to 1880, 228,899 Chinese emigrated to the United States. By 1880, Chinese immigrants in California alone numbered 75,000, more or less—about 9 percent of the State's total population.

Such was the demand for Chinese labor that the United States reinforced its "open door" policy by treaty: The Burlingame Treaty of 1868 guaranteed to the Chinese Government the unrestricted immigration of its citizens to the United States. The State of California applauded the arrangement at the time.

But there was an almost immediate backlash from workers in California who had organized themselves into so-called "anti-coolie" associations beginning in the mid-1850s.

In the 1870s, the anti-Chinese movement gained momentum in the face of an economic downturn and the near completion of the Transcontinental Railroad. In 1876, a special committee of the California State Senate examined the problem and issued a report to the U.S. Congress entitled "An Address to the People of the United States upon the Evils of Chinese Immigration."

And in July 1876, the United States Congress established a Joint Special Committee to Investigate Chinese Immigration, chaired by Senator Oliver Morton of Indiana. The joint committee held 18 days of hearings in San Francisco in October and November 1876, and issued its final report in February 1877. A statement presented to the joint committee on October 26, 1876, on behalf of the "Labor Union of San Jose, CA," was typical:

> Do they [the Chinese] prevent white immigration? We know that most assuredly they do, as of our personal knowledge we know numbers of laboring men during the past year that have come to the coast, and have had to leave the coast for lack of employment, in consequence of their inability to compete with Mongolians, and thus sustain a loss, through their influence, when they return to their old homes, not yet cursed by the presence of the Chinese.

This will be found in the report of the Special Committee to Investigate Chinese Immigration in Senate Report Number 689, 44th Congress, second session, page 1172, in the year 1877.

Please note that this was written years before the establishment of the American Federation of Labor, which has had no such views; to the contrary. Still it was heard.

The joint committee's final report makes painful reading, and I quote, Mr. President:

> To anyone reading the testimony which we lay before the two Houses it will become painfully evident that the Pacific coast must in time become either American or Mongolian. There is a vast hive from which Chinese immigrants may swarm, and circumstances may send them in enormous numbers to this country. These two forces, Mongolian and American, are already in active opposition. . . . The American race is progressive and in favor of a responsible representative government. The Mongolian race seems to have no desire for progress, and to have no conception of representative and free institutions. . . .
>
> It further appears from the evidence—and I continue to read from the report of the Joint Committee of Congress—that the Chinese do not desire to become citizens of this country, and have no knowledge of or appreciation for our institutions. Very few of them learn to speak our language. . . . To admit these vast numbers of aliens to citizenship and the ballot would practically destroy republican institutions on the Pacific coast, for the Chinese have no comprehension of any form of government but despotism, and have not the words in their own language to describe intelligibly the principles of our representative system.

That is in the report of the Joint Special Committee to Investigate Chinese Immigration, to be found in Senate Report 689, 44th Congress, second session at pages Roman V to Roman VII.

The joint committee's report paved the way for the Chinese Exclusion Act of 1882, which suspended immigration by Chinese laborers for 10 years. The scope of the act was expanded in 1888, and renewed for another 10 years in 1892. And then, in 1902—the century we are still in if we count the numbers—Congress indefinitely renewed the Chinese Exclusion Acts.

We handled these things somewhat more diplomatically with Japan. When the San Francisco Board of Education passed an order requiring all Oriental pupils—there were 93 at the time—to attend a public school specially set aside for them, President Theodore Roosevelt averted a foreign policy crisis by persuading the Board to rescind its order in exchange for his commitment to negotiate a "gentlemen's agreement" with Japan. The agreement of 1907-1908 was actually a series of diplomatic notes in which the Government of Japan voluntarily pledged to issue no more passports to coolies going to the mainland of the United States—coolies being the term for common laborers.

The Chinese Exclusion Acts were not repealed until 1943.

It was not until 1943 when Chinese immigrants were, for the first time, allowed to become naturalized American citizens. No other group on Earth has faced this discrimination. In the middle of the Second World War, we were allies. We were one year from the Bretton Woods agreement where China would sit with us and plan the postwar institutions of the world. Only then did we repeal that exclusion—not just in country but from the right of citizenship.

Pay heed: This animus continued for the longest while, and sometimes from the most unexpected places. The term "coolie labor" became a term of opprobrium and hostility extending the globe over.

Thus, in this past Sunday's New York Times book review came the review of the book, It Didn't Happen Here: Why Socialism Failed in the United States, by our preeminent political sociologist Seymour Martin Lipset and Gary Marks, describing how one of the great socialist leaders of the early 20th century, a man esteemed in our history and a Member of the House of Representatives, had this to say on the floor of the House. I quote the review by David Glenn.

> Milwaukee's best-known Socialist leader, Victor Berger (himself an Austrian Jewish immigrant), delivered a racist harangue on the floor of Congress in 1911 against the immigration of "modern white coolies . . . Slavians [sic], Italians, Greeks, Russians and Armenians."

—this from a man who inspired the brotherhood of workers the world over.

Allow me to quote Representative Berger's statement more fully, as reported in the CONGRESSIONAL RECORD of June 14, 1911.

> While the products of our factories are highly protected, sometimes as highly as 200 percent, the producers of these products are not protected at all. On the contrary, during the last 20 years Slavonians, Italians, Greeks, Russians, and Armenians have been brought into this country by the million. Simply because they have a lower standard of living they have crowded out the Americans, Germans, Englishmen, and Irishmen from the workshops, factories, and mines of our highly protected industries.

He goes on to compare the wage rates that he believed to have fallen in the aftermath of white immigration. As I have said, one of the most enlightened men of that age used the term "modern white coolies." That is a part of our history. It is time we moved on. I will move on in conclusion to two points.

First, the macroeconomic implications of our trade policy.

Discussions of trade policy would be incomplete without mention of the macroeconomic implications of trade policy and the Nation's persistent balance of payments deficit—an issue addressed by Wynne Godley in "Drowning In Debt" a Policy Note recently published by the Jerome Levy Institute. The issue is somewhat complicated and centers around some complex economic interactions. But certain simple propositions warrant revisiting.

First, the large and persistent balance of payments deficit reflects an imbalance between domestic saving and domestic investment. Simply put our Nation is not saving enough. The improvement in government finances—moving from deficits of more than 4 percent of GNP to surpluses of more than 2 percent of GNP—have been partially offset by a decline in private savings. At the same time, an investment boom has required even more saving. In the short-run, this is not a problem, particularly since the investment boom will yield some dividends in the form of higher economic growth.

Second, in the long-run, this imbalance cannot continue, particularly as we approach the retirement of the baby boom generation. Indeed, it would be more prudent to now run balance of payment surpluses, reflecting an abundance of domestic savings, which so to speak can be cashed in when the baby boom generation retires.

Third, trade policies, such as approving PNTR for China will increase economic efficiency, but may or may not reduce the balance of payments deficit. Only sound domestic policies can do that, for example a responsible fiscal policy that encourages domestic saving including budget surpluses, can reduce the balance of payments deficits.

Allow me to close on a personal note. In January 1975, returning from a posting at U.S. Ambassador to India, I had the great pleasure of visiting Peking—as it then was—as a guest of George and Barbara Bush, who then represented the United States at the capital in a less than ambassadorial capacity. We had not yet exchanged ambassadors with the Communist regime. I was struck by a number of seeming contradictions. The great Tiananmen Square was dominated by two vast flag poles. At the top of the first were two massive portraits of 19th century hirsute Victorian gentlemen, Marx and Engels. The other had portraits of a somewhat mongol looking Stalin and, finally, Mao Zedong, who died in 1976. The Great Hall of the People, as I wrote later, maintained throughout my visit "the inert external manner of a post office on Sunday morning." In fact that very week, some 2,864 delegates had assembled there for the Fourth Party Congress. A new Constitution was adopted. Zhou Enlai was confirmed as Premier. And he declared that world war was inevitable.

But that was not the impression one carried away. I have some confidence in what I say as two weeks later I wrote a long "Letter from Peking" for the New Yorker magazine. China, I wrote, "is a huge industrializing nation." Its products were not at that point overwhelmingly impressive: "In sum, Stalinist art and Meiji manufacture." Even so, Premier Zhou had predicted that by 1980 China would have a "relatively comprehensive industrial and economic system," and that by the end of the century this, combined with science and technology, would put her "in the front ranks of the world." Here we are at the end of that century.

I came away from Peking convinced that the regime had broken its ties with Moscow. No one with an elementary sense of Eurasian history could believe they would last much longer. None you might say other than our intelligence agencies. Now the cult of Mao has receded. Some years ago I was back in what was now Beijing on a CODEL headed by much-loved Republican leader Bob Dole. The portraits atop the flag poles had vanished. Mao was consigned to a smallish portrait above an entrance to the Forbidden City on one side of the square. Industry and business moving forward regardless of ideology. At Shanghai the old European banks on the Bund were nominally empty—no exterior signs of any activity within—but were in fact bustling within, banking, as they had been 60 years earlier.

No one should think of the People's Republic as a "normal" nation. It has a century of revolutionary past to accommodate to a more settled future. The potential for estrangement and worse is still there. To the extent that trade moderates international tensions, surely we will do so; indeed, insist on doing so. Too much is at stake not to do.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Massachusetts is recognized for 30 minutes.

Mr. KENNEDY. Mr. President, I see my colleagues on the floor. I note that my colleague from New Mexico was here waiting before I came to the floor and before my friend from Iowa arrived. I know he has an important short subject matter. He has not been recognized in the consent agreement, and I want to accommodate all.

I believe I am entitled to 30 minutes; I expect to be able to complete my remarks in a shorter period. I want to accommodate the Senator from New Mexico. I will speak 20 minutes, and then yield to the Senator from Iowa. I ask unanimous consent to follow that outline, if it is agreeable to the Members.

The PRESIDING OFFICER (Mr. ROBERTS). Without objection, it is so ordered.

The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I thank my colleague from Massachusetts, Senator KENNEDY, for his courtesy in allowing me to speak at this point. I speak not on the issue that is pending before the Senate but in morning business. I ask I be permitted to speak for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. BINGAMAN pertaining to the introduction of S. 3002 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The distinguished Senator from Massachusetts is recognized for 20 minutes.

Mr. KENNEDY. Mr. President, I ask to be able to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

AGENDA FOR SEPTEMBER

Mr. KENNEDY. Mr. President, this afternoon, we are considering whether to proceed to legislation to establish permanent normal trading relations with China. That's an important issue, and it should be debated.

But in the short time remaining this year, we also must answer the call of the American people for real action on key issues of concern to working families. I want to mention briefly and then talk for the few more moments that I have about three specifically.

We must raise the minimum wage—with no gimmicks, no poison pills, and no bloated tax breaks for the wealthy. We are willing to consider some tax relief for small businesses to offset any burden of raising the minimum wage. But the minimum wage should be the engine for relief for low-wage workers, not the caboose on a massive train of tax breaks and antiworker legislation.

The latest Republican scheme may raise the minimum wage. But it also reduces overtime payments for all workers. Workers all over America are saying that employers are requiring them to work too much overtime. Under the Republican scheme, not only can employers require workers to work more overtime, but employers can pay them less for that overtime.

We must pass a real Patients' Bill of Rights—true HMO reform in which all Americans in managed care plans are protected—not just some, as our Republican friends propose.

We must strengthen our hate crimes laws. The Senate has passed such legislation on the DOD authorization. It's now up to the Republican leadership to decide whether we stand up against hate and bigotry in America, or will this Congress just take a pass.

We must invest in education in ways that will make a real difference for our children. That means helping local schools hire more teachers so we can have smaller class sizes, and a quality teacher in every classroom in America. It means partnering with local schools to modernize school buildings and build more schools. It means increasing Pell Grants so more young Americans have a chance to go to college. It means more pre-school and after-school help for parents and schools.

We must adopt sensible gun controls that keep our communities and our schools safe. We should require child safety locks on all guns, and we must close the gun show loophole.

We must adopt urgently needed immigration reforms. We must expand the visa quota for skilled workers—the so-called "H-1B visa." And we must adopt new laws to ensure equal treatment under our immigration laws for Latino and other immigrants.

Last but not least, we must enact a prescription drug benefit as part of the Medicare program. Whenever a senior citizen signs up for Medicare, a comprehensive prescription drug benefit should automatically come with it. Senior citizens shouldn't have to battle HMOs and insurance companies to get the prescription drugs they need. Yet, that is what our Republican friends propose.

Let's do it right—and do it now. Let's pass a prescription drug benefit as an integral and normal part of the Medicare program, just like hospitalization and doctors' visits.

This summer, Congress voted tax breaks for the wealthiest Americans and a pay raise for itself, but the Republican leadership has continued to block efforts to raise the salaries of America's most underpaid workers—those earning the minimum wage.

While Members of this Republican Congress are quick to find time to increase their own salaries and cut taxes for the wealthiest Americans, they have not yet found the time to pass an increase in the minimum wage to benefit those hard-working, low-wage Americans. The Republican leadership has insisted on doing nothing for those at the bottom of the economic ladder. It is an outrage that Congress would raise its own pay but not the minimum wage.

I was pleased to hear during the recess that House Republicans are finally coming around to our way of thinking. Last week, after three years of foot-dragging, Speaker HASTERT offered the President a plan to raise the minimum wage. This is a positive development, and it gives us real hope that we can raise the pay of the lowest paid workers this year.

These low income working families deserve a raise. Their pay has been frozen for three years. Since January 1999 alone, minimum wage workers have now lost $3,000 due to the inaction of Congress. If we fail to increase the minimum wage this year, it will lose all of the value gained by the last two increases. Minimum wage earners should not be forced to wait any longer for an increase.

But we can't use this as an excuse to cut workers' overtime pay, as Speaker HASTERT proposes. We can't raise the minimum wage on one hand—and cut overtime pay for millions of Americans on the other hand.

The typical American family is working more and more hours, according to a study released for Labor Day by the Economic Policy Institute called "The State of Working America 2000–2001." Employees have increasingly been forced to work mandatory overtime—time they would rather be spending with their families—and they should be fairly compensated for that work.

Several new studies further prove how important a minimum wage increase is. A recent report released by the Economic Policy Institute entitled "The Impact of the Minimum Wage: Policy Lifts Wages, Maintains Floor for Low-Wage Labor Market" reveals that 63 percent of gains from a $1 increase in the minimum wage would go to families in the bottom 40 percent of the income distribution. The study also finds that the higher wage raises the incomes of low-wage workers, with no evidence of job loss. In addition, the study reports that, among people who will benefit from an increase in the minimum wage, 1.75 million workers are parents with earnings below $25,000 a year.

A June 2000 Conference Board report, "Does A Rising Tide Lift All Boats? America's Full-time Working Poor Reap Limited Gains in the New Economy," found that poverty has risen among full-time, year round workers since 1973. Lower skilled workers have profited much less from the current economic boom. They have yet to recover from the serious erosion of their earnings from the mid-1970s to the mid-1990s. The number of full-time workers in poverty has doubled since the late 1970s—from about 1.5 million to almost 3 million by 1998. Millions of poor children are dependent upon these full-time workers.

"Minimum Wage Careers?", an August 1999 study by two government economists, found that 12 percent of all workers have spent the first ten years of their careers within $1 of the minimum wage. 8 percent of workers, predominantly women, minorities, and the less-educated, spend at least 50 percent of their first ten post-school years in jobs paying less than $1 above the minimum wage. This research demonstrates that millions of workers stay at or near the minimum wage long after their entry into the workforce. The minimum wage is not just an "entry level" wage. As the study concludes, "minimum wage legislation has non-negligible effects on the lifetime opportunities of a significant minority of workers."

Raising the minimum wage is not just a labor issue. The minimum wage issue is also a family issue. Forty percent of minimum wage workers have families. Parents are spending less and less time with their families. Listen to this: 22 hours less a week than they did 30 years ago, according to a study last year by the Council of Economic Advisers. As reflected in a report released by the Economic Policy Institute last week, an average middle-class family in 1998 spend 6.8 percent more time at work then it did in 1989. These extra hours at work mean that parents have less time to spend with their children.

Raising the minimum wage issue is also a children's issue. Thirty-three percent of minimum wage earners are parents with children under 18. Over 8 million children living in poverty live in working poor families. The Children's Defense Fund recently released a report called "The State of America's Children 2000." A chapter on Family Income explains that if "recent patterns persist, one out of every three children born in 2000 will have spent at least a year in poverty by his or her 18th birthday." The inadequate pay of these workers is the reason why 33 percent of all poor children, or 4.3 million children, in 1998 were poor despite living in a family where someone worked full-time, year-round. Children who grow up in poor families face a much higher risk of poor health, high rates of learning disabilities and developmental delays, and poor school achievement and they are far more likely to end up in poverty themselves.

Raising the minimum wage is also a civil rights issue. A disproportionate share of minorities will be affected by an increase in the minimum wage. While African Americans represent 12 percent of the total workforce, they represent 16 percent of those who would benefit from a minimum wage increase. Only 11 percent of the workforce is Hispanic, but 19 percent of those who would directly affected by an increase in the minimum wage are Hispanic.

Raising the minimum wage is also a women's issue. Sixty percent of minimum wage earners are women. The workers affected by an increase in the minimum wage are concentrated in female-dominated occupations.

Above all, raising the minimum wage is a fairness issue. Minimum wage earners, such as waitresses and teacher's aides, childcare workers, and elder care workers, deserve to be paid fairly for the work that they do. They should not be forced into poverty for doing the work that is so important to the citizens of the Nation.

In this period of unprecedented economic prosperity, the 10 million workers at the bottom of the economic ladder who will benefit from raising the minimum wage should not be forced to wait any longer for the fair increase they deserve.

Each day we fail to raise the minimum wage, families across the county continue to fall farther behind. Two facts tell the story. The minimum wage would have to be $7.66 an hour today—instead of its current level of $5.15—to have the same purchasing power it had in 1968. If wages had kept pace with worker productivity gains over the last twenty-five years, the minimum wage would have to be $8.79 today.

We heard a great deal about opposition to the increase in minimum wage because we are not getting increases in productivity. No economy has ever had the dramatic increases in productivity as we have had, Mr. President. If we tied those increases in productivity to where the minimum wage should be, it would be at $8.79 instead of $5.15.

These disgraceful disparities show how far we have fallen short in guaranteeing that low-income workers receive their fair share of the nation's prosperity. No one—no one—who works for a living should have to live in poverty.

We are not going to go away or back down. We have bipartisan support for this increase. It is long past time for this Congress to pass a fair minimum wage bill.

PROTECTING AGAINST HMO ABUSES AND PRESCRIPTION DRUGS BENEFIT

Mr. KENNEDY. Mr. President, as we enter the final weeks of the 106th Congress and the home stretch of the Presidential campaign, two health issues demand immediate action—protecting patients against the abuses of HMOs and other health insurance plans and providing coverage of prescription drugs under Medicare for senior citizens. The American people deserve action on each of these issues from this Congress. The position of the two Presidential candidates on these issues has become a key factor in determining whether they are truly committed to serving the needs of the American people, and the position of every member of Congress on these issues is important for the same reason.

With regard to the Patients' Bill of Rights, last week, ABC began to air a documentary series—"Hopkins 24/7"—that vividly illustrates once again the need for prompt action to end HMO abuses. Hopkins 24/7 is a documentary on life at one of the nation's finest hospitals—Johns Hopkins. The documentary is the result of three months of intensive filming. The first segment, shown on August 30, showed American medicine at its best, and the abuses by managed care at their worst.

A 14-year-old girl, Tiffanie Salvadia, sought care from Johns Hopkins for her cancer of the uterus. The diagnosis had been delayed for six critical weeks because crucial tests were not ordered by her HMO physicians. When Tiffanie finally reached Johns Hopkins, the cancer had spread from her uterus, raising the risk of this serious illness even further. When Tiffany finally reached an institution capable of giving her the quality care she needed, the problems with her HMO were not over: Authorization for a vital test was needed, but the hospital was unable to contact the HMO for the authorization. Fortunately, Hopkins simply went ahead and performed the test, and hoped that the hospital might be able to obtain payment later.

Tiffanie ultimately received fine care from Hopkins, and her chances of recovery from the cancer now seem good. But her favorable prognosis is no thanks to her HMO. Here is what Dr. Paul Colombani, the oncologist at Hopkins, had to say about Tiffanie's case and about his experience with managed care generally.

On the difficulty in getting the test authorized, he said, "I have to do the diagnosis codes and the procedure codes. And we have to submit them to the insurance company ahead of time. And they have to say yea or nay. We're not going to do this. You have to do that. I think it is ridiculous that a high school clerk should be telling me that I can or cannot do an operation on a patient."

On the delay in getting Tiffanie an accurate diagnosis and treatment, the doctor said, "We see delays in diagnosis because of the inadequacies of the managed care system all the time. And for . . . the .1 percent of patients where it turns out to be a life and death situation, they just look at that as the price of doing business. It's pathetic. In October or September, or whatever, that was the time to do that surgery. Now we're playing catch up."

Perhaps the most heart-rending comment came from Tiffanie's mother. It is a comment that any parent who has ever had a child with a serious illness can understand. She said, "My daughter has cancer. I want to concentrate on her, and getting her better and not have to worry about if I have a referral for this or a referral for that."

"I want to concentrate on her." That should be the right of any parent whose child is seriously ill. But today, because of the abuses of the insurance industry, it is not a right—it is a privilege of the fortunate few.

Whether the issue is diagnostic tests, specialty care, emergency room care, access to clinical trials, availability of needed drugs, protection of doctors who give patients their best possible advice, or women's ability to obtain gynecological services—too often, in all these cases, HMOs and managed care plans make the company's bottom line more important than the patient's vital signs. These abuses should have no place in American medicine. Every doctor knows it. Every patient knows it. And in their hearts, every Member of Congress knows it.

Almost 11 months ago, the House of Representatives passed the bipartisan Norwood-Dingell bill to end these abuses. It is endorsed by 300 groups of doctors, nurses, patients, and advocates for women, children, and families. It is supported by virtually every medical group in this country. It passed by an overwhelming bipartisan majority. It should have sailed through the Senate of the United States. But it continues to languish because the Republican leadership continues to put a higher priority on protecting industry profits than on protecting patients.

We have come close to successful passage. On June 8th, the Norwood-Dingell bill fell just one vote short of passage in the full Senate. It was supported by every Democratic Senator—and only four Republican Senators.

The American people deserve action before this Congress ends. Every day we delay, more patients suffer. The Patients' Bill of Rights is one of the most important issues facing this Congress—facing every family, too. There is no question where Vice-President AL GORE stands. If Governor Bush supported patients' rights and were willing to show the leadership that the American people have the right to expect in a Presidential candidate, this legislation would clearly pass the Senate. But on this issue, Governor Bush has failed to show the leadership we need.

I still believe that enactment of strong, effective legislation is possible this year. I am here to serve notice to the Senate today, that there will be new votes on this issue before we adjourn. I am hopeful that we will be successful. The American people are waiting for relief—and we owe it to them to act.

On Medicare prescription drugs, the second major issue of health reform facing us is insurance coverage of prescription drugs under Medicare.

After a year of full-time campaigning, Governor Bush today has finally offered a specific prescription drug plan for the consideration of the American people. Unfortunately, that plan is an empty promise for senior citizens. It is not Medicare—and it is not adequate. It is part of a broad plan to make regressive changes in Medicare that will raise premiums, force senior citizens to join HMOs, and further a radical right-wing program of privatization. And drug benefits would not even be available to most senior citizens for four years.

Senior citizens need a drug benefit under Medicare. They earned it by a lifetime of hard work. They deserve it, and it is time for Congress to enact it. The clock is running out on this Congress, but it is not too late for the House and Senate to act. The Administration and Vice President GORE have proposed one. So have Democrats in Congress. And we intend to assure that the Congress will vote on a real prescription drug program this month. The American people deserve action, and we intend to see that they get it.

Too many elderly Americans today must choose between food on the table and the medicine they need to stay healthy or to treat their illnesses. Too many senior citizens take half the pills their doctor prescribes, or don't even fill needed prescriptions—because they can't afford the high cost of prescription drugs.

Too many seniors are paying twice as much as they should for the drugs they need, because they are forced to pay full price, while almost everyone with a private insurance policy benefits from negotiated discounts.

In the face of declining coverage and soaring costs, more and more senior citizens are being left out and left behind. The vast majority of the elderly are of moderate means. They cannot possibly afford to purchase the prescription drugs they need if serious illness strikes.

The older they are, the more likely they are to be in poor health, and the more likely they are to have very limited income to meet their health needs.

Few if any issues facing this Congress are more important than giving the nation's senior citizens the health security they have been promised. The promise of Medicare will not be fulfilled until Medicare protects senior citizens against the high cost of prescription drugs, in the same way that it protects them against the high cost of hospital care and doctor care.

Vice President GORE has been fighting for prescription drug coverage under Medicare since 1993. President Bill Clinton has called for immediate action in his last two State of the Union Addresses.

The Administration has put a solid program on the table for the consideration of Congress—and their program is affordable for senior citizens and also for the federal budget—because they do not use the surplus for hundreds of billions of dollars in tax breaks for the wealthy.

The Bush plan is not adequate and it is not Medicare. In fact, he has also endorsed a regressive plan to change Medicare in a way that will raise premiums and force senior citizens to join HMOs.

That is not the kind of Medicare the American people want, and it's not the kind of prescription drug benefit they want either.

Under Bush's version of Medicare reform, the premiums paid by senior citizens for conventional Medicare could increase by as much as 47% in the first year and continue to grow over time, according to the nonpartisan Medicare actuaries. The elderly would face an unacceptable choice between premiums they can afford and giving up their family doctor by joining an HMO.

Senior citizens already have the right to choose between conventional Medicare and private insurance options that may offer additional benefits. The difference between what senior citizens have today and what George Bush is proposing is not the difference between choice and bureaucracy—it's the difference between choice and coercion—driven by a right-wing agenda of privatization. On this ground alone, it deserves rejection, regardless of its provisions for covering prescription drugs.

But the program to cover prescription drugs is equally flawed—so flawed that it is an empty promise for millions of senior citizens. To begin with, the value of the Bush program to senior citizens is only one-half of what Vice President GORE has proposed. The reason is obvious—after massive tax breaks for the wealthy, there is not room in the Bush budget for adequate prescription drug coverage for senior citizens.

The Bush plan provides little help to the vast majority of senior citizens who are not poor, but are of modest means and cannot afford large drug expenses or large increases in Medicare premiums. Under the Bush plan, these seniors have to pay three-quarters of the cost of their prescription drug coverage—and the coverage is not even adequate.

In the entire history of Medicare, senior citizens have never been asked to pay such a high share of the cost of the premiums for any benefit.

The defects in the Bush plan go far beyond the inadequacy of the benefits. It is a program that only a drug company executive could love. For the first four years, there is no Medicare benefit at all, just a program of block grants to the states for providing coverage for low income senior citizens. Senior citizens want Medicare, not welfare, and they deserve Medicare, not welfare.

When the Bush plan finally becomes available to all seniors, it does not provide a real Medicare benefit—or any other adequate benefit. Instead, it gives senior citizens what is, in effect, a voucher—and it tells them to go out and buy their own coverage from a private insurance company. If the price is too high in the area in which they live, they are out of luck. If the drug company's list of approved drugs does not include the medicine they need, their only recourse is a time-consuming appeal. There is no defined benefit—senior citizens are not even guaranteed the same coverage in Missouri that they would get in Mississippi. It is all up to the insurance company.

The nonpartisan Congressional Budget Office has estimated that under the similar Republican plan passed by the House of Representatives, benefits would be so inadequate and costs so high that less than half of the senior citizens who need help the most—those who have no prescription drug coverage today—will even participate.

A prescription drug benefit that leaves out half of the senior citizens who need protection the most is not a serious plan to help senior citizens.

It is ironic that in offering this inadequate plan, Mr. Bush has criticized Vice President GORE for a "big-government, one-size-fits-all" solution. The Gore plan covers prescription drugs under Medicare in exactly the same way that Medicare covers doctor and hospital costs. Mr. Bush obviously feels this is a one-size-fits all solution. That is why he has endorsed an extreme restructuring of the Medicare program. He may favor forcing the elderly into HMOs, but that is not what Democrats in Congress support. That's not what Vice President GORE supports. Most important, that's not what the American people support.

There is still time for Congress to enact a genuine prescription drug benefit under Medicare. The Administration has presented a strong proposal. Let's work together to enact it this year. It is not too late. The American people are waiting for an answer.

I am hopeful we will pass that legislation. Again, I am strongly committed, as I believe my colleagues, Senator DASCHLE and others are, to ensure we will have an opportunity to vote on that measure before we adjourn.

I thank the Chair, and I yield the floor.

TO AUTHORIZE EXTENSION OF NONDISCRIMINATORY TREATMENT TO THE PEOPLE'S REPUBLIC OF CHINA—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The distinguished Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, we started earlier today the initial discussion of what I call the China trade bill, the Senate by law ratifying the agreement that has been worked out by this administration and the Government of China to level the playing field for trade between the United States and China.

In a simple form, the bill before us will give access for U.S. exporters—meaning manufacturing, services and agriculture—to China on the same basis that China has had access to our markets for the last 15 to 20 years.

When you have an opportunity for our people to export to China, to sell to China, on the same basis that China has been able to do with the United States, it is a win-win situation. My Midwestern common sense tells me this is a good situation for America. So that debate has started today.

We are on the question of the motion to proceed. I support this motion. I hope we get to a final vote on the bill, because I think it will pass by an overwhelming margin, not the very narrow margin that it passed in the House of Representatives. This will give us an enhanced opportunity to do business with 20 percent of the world's population.

There are many reasons I support this bill, which is probably one of the most important matters to come before the Senate this session. But today, I would like to address just two reasons. The first is the issue of jobs, a very positive aspect to this legislation. The second is human rights, which some people view as a reason for being against this legislation. I suggest to you that even though the human rights situation in China is not good, trade gives us an opportunity to improve that human rights situation.

In each case, I want to address concerns of real people in a commonsense way. Too often, when we talk about major policy changes, we do so in lofty terms, not connected to the people's concerns and their interests, and what is important to everyday working Americans.

Today, I would like to talk about how real people will be affected by making it possible for the United States to take advantage of China's pending accession to the World Trade Organization.

Lowering protectionist tariffs and tearing down trade barriers that discriminate against American products will create many thousands of new American jobs. A new era of free trade with China, under the WTO World Trade Organization disciplines, will help us continue to build the tremendous prosperity that we enjoy as a direct result—a very direct result—of the success of our postwar trading system; going back to 1947, as we have used the gradual freeing up of trade around the world to expand the world economic pie. Because of free trade, with a population that is now about double what it was back then, we now have more prosperity for more people. If we had not expanded the world economic pie, we would, in fact, have less for our increased world population. So think in terms of the economic enhancement of individuals and the political stability that comes from it.

In my State of Iowa, we know our economic interdependence with the rest of the world is not a policy choice; it is a fact. Trade means jobs anywhere, but particularly in my State. In just 5 years, Iowa's merchandise export to China has soared 35 percent.

In the Waterloo-Cedar Falls area—that is close to where I was born, and where I have lived my entire life—recent merchandise sales to China have surged 806 percent. Iowa's trade-related jobs mean that a young couple can afford their first home. They can afford tuition for school. They can afford to buy a car. They can afford to care for their families, the way working people want to care for their families.

But unless we seize this moment, this opportunity will pass us by. When China enters the World Trade Organization, which it will do regardless of the outcome of this vote on the Senate floor—and if we do not remove all of our current conditions on trade with China, which this bill does—other countries will reap the rewards of a trade deal that we helped negotiate. American companies then would be forced to sit on the sidelines as companies from the European Union or Asia or Africa or elsewhere take our business and ultimately take our jobs because we have not assumed this opportunity of freer trade with China.

If we pass up this opportunity, America will be at the end of the line of the 137 other WTO countries, that will be standing in front of us, trading with China.

I want to give my colleagues two real-life examples from my State of Iowa.

Tucker Manufacturing Company is a family-owned business in Cedar Rapids, Iowa, that has developed a unique window-washing system which it makes and sells around the world. Tucker has made a few small sample sales to China and has found a distributor that would like to make a large order. Tucker knows that in the past state-owned distribution companies in China have dictated commercial terms that have often harmed exporting companies like Tucker. They would like to see China become a World Trade Organization member so that distribution rights are no longer strictly controlled by the state, meaning the country and Government of China, and so that any new transactions in China then are protected by the rule of law, which is what the World Trade Organization regime is all about—the rule of law, predictability in international trade, the resolving of disputes in international trade.

A second example from Cedar Rapids, Iowa, is the Diamond V Mills Company, which I visited just last week. I had the opportunity to present it with the Commerce Department's E-Star Award for excellence in exports. They had already received the E award, now they have the E-Star award that indicates they have been highly successful in international trade on an ongoing basis.

Diamond V Mills has exported its yeast culture feed ingredients to China since 1996, but they did it by operating through a local distributor. The company wants to sell directly to its end user but has not been able to do so—until this agreement goes through—due to China's current restrictions on a foreign company's rights to distribute its products in China.

Under the WTO accession agreement, China has committed to opening its markets to the private distribution networks that Diamond V Mills of Cedar Rapids needs. If Diamond V Mills can get access to new distribution networks in China, it will generate more sales, earn more revenue, provide more jobs in Iowa, create more opportunity and more prosperity for everybody.

These are only two examples of how Iowa's manufacturing sector will benefit through expanded trade with China. There are many more. We have Iowa's farmers and agricultural producers seeing tremendous benefits from this proposal as well because China's World Trade Organization accession agreement will dramatically lower agricultural tariffs and eliminate many nontariff trade barriers. As a result, our farmers will sell more soybeans and more soy oil to China than ever before.

After the United States, China is the second largest consumer of corn and corn products in the world. As the distinguished Presiding Officer knows, my State is No. 1 in the production of corn in the United States, as his State is No. 1 in the production of wheat.

China's WTO commitments will create a great export opportunity for Iowa's corn growers and for corn growers across the United States.

Iowa State University professor Dermot Hayes recently told my international trade subcommittee that if China fully implements its WTO accession commitments we could see hog prices rise by as much as $5 per head. That is a larger benefit than any of the Government support programs we have heard about lately.

Unlike some of the proposals I have heard, we would not have to impair our obligations under the WTO's subsidies agreement, or the WTO agriculture agreement, to do it.

Second, I want to discuss the issue of human rights and political freedoms in China because this is a legitimate issue, even though I disagree with the argument that killing this bill is going to help human rights in China. I wish to make it clear I don't find fault with those who bring it up as part of this debate because I think wherever we can try to say to China that they are going down the wrong road on human rights, they are hurting their country, not us.

Like all Americans, Iowans care deeply about the struggle for liberty. Many have family members who have given their lives in freedom's cause, or they know someone who has. It hurts us to hear horrible accounts of repression. We are rightly repelled. We don't understand why it happens, and we want it to change because we think freedom is an innate right for the Chinese as well as for Americans. But the fact is, we can never turn China into a model of constitutional democracy if we isolate them economically. However, we can help bring about fundamental reform in China's economy and political structure through enforceable WTO rules that do not discriminate and are consistent and are not arbitrary.

In addition, I have a firm conviction that regardless of how necessary a political and rule of law environment is for trade to take place and political leaders such as the President of the United States and other people negotiating with the Chinese, none of those efforts, as important as they are, can compare to the opportunities for advancing political freedom and human rights that will come when millions of American businesspeople interact with millions of Chinese businesspeople on a day-to-day basis. That is going to do more to improve human rights than anything else.

When it comes to making decisions, the WTO applies the democratic principle of consensus rule. All of these principles—democratic decision-making, nondiscrimination, non-arbitrary regulation—are also the obvious, essential ingredients of political freedom. The process of economic reform, guided by China's WTO commitments, will mean that China will become more open. They will eventually become more free. We know, perhaps better than any nation on Earth, that economic and political freedoms share deep roots.

That economic and political rights go hand in hand is at the heart of America's constitutional heritage. Many in China know that economic and political reform are closely linked as well. That is why many of China's military hardliners oppose China's entry into the World Trade Organization.

Perhaps it is this inevitable linking between economic reform and political freedom that has inspired the Dalai Lama, no stranger to China's religious repression, to say:

> I have always stressed that China should not be isolated. China must be brought into the mainstream of the world community. . . .

To those who doubt that economic reform has occurred in China, or that it is significant, I ask them to consider how much has changed in the last half century. You will remember that in 1952, China's Communist government mounted a wide-ranging crusade to undermine private entrepreneurs, businesspeople were commonly condemned as "counterrevolutionaries," and many were assessed large fines and forced out of business.

In fact, by 1956, China required all private firms to be jointly owned and, in fact, run by the government. In practice, this meant that we had state control of all private enterprise in China. It wasn't until the early 1980s that private enterprise began to reemerge in China. More significantly, it wasn't until 1988 that the private economy even had a defined legal status in China.

Today, 12 years later, China is a different country. Today, young Chinese engineers who studied and worked in California's Silicon Valley are going back to China, lured by entrepreneurial opportunities that didn't even exist a few years ago.

The number of individuals employed by the private sector in China has soared by over 31 percent in the last 3 years. That is bad news for China's state-owned enterprises. That happens to also be bad news for China's People's Liberation Army, which depends on many state-run businesses for revenue and have opposed these reforms that are going on within China, including this agreement before the Senate.

But this development is good news for the cause of freedom. As the number of individuals employed in the private sector rises, the state will have less and less direct control over how people think and how people react to political change.

Massachusetts Institute of Technology professor Edward Steinfeld is one of our country's keenest scholars on what goes on in China. This is what he had to say about the meaning of China's World Trade Organization concessions on China's direction as a country:

> The concessions of 1999 represented a thorough reversal of course. Instead of reform serving to sustain the core, the core itself would be destroyed to save reform, along with the growth, prosperity, and stability reform has brought to China.
>
> In the new view, instead of using market forces to save state socialism, state socialism itself would have to be sacrificed to preserve the market economy.

I agree with Professor Steinfeld. China's membership in the World Trade

Organization will require it to reform a very large portion of its economy, and not only to comply with WTO rules, but to be able to compete internationally.

With a "yes" vote on the motion to proceed and a "yes" vote on approving permanent normal trading status for China, we can help change the world. China constitutes one-fifth of the world's population. We can be on the right side of history. We ought to be on the right side of history. I urge a vote for this motion to proceed and a vote of yes on final passage.

I yield the floor.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWNBACK). Without objection, it is so ordered.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I would like to use an amount of my leader time prior to the time we go to the energy and water bill to speak on an unrelated matter.

The PRESIDING OFFICER. The Democratic leader is recognized.

FIREFIGHTING HELP IN SOUTH DAKOTA

Mr. DASCHLE. Mr. President, I haven't had the opportunity yet today to welcome all of our colleagues back and to express my hope that we use this next period as productively and as successfully as we can.

As have most of my colleagues, I had the opportunity to spend a good deal of time at home in South Dakota for the last 3 weeks.

I especially want to commend the Forest Service for the extraordinary job they have done in fighting historically the most consequential fire we have had in the State now, with 85,000 acres of timberland burned. I am grateful for the response we have had from people all over the country. I especially thank the Forest Service, the Governor of the State of South Dakota, William Janklow, for the remarkable job he has done, the National Guard for their response, and the volunteer fire departments from all over the State of South Dakota and surrounding region.

We are grateful for their extraordinary response, and we are grateful as well for the effort that has been made to contain the fire which is now 85-percent contained.

I thank the volunteer ambulance personnel whom I met from all over the State. We are experiencing what many of our colleagues are experiencing with volunteer ambulance service. Many of them are on the verge of going out of business because of reimbursement schedules for Medicare and Medicaid. Without those, especially in rural areas, we are in a very serious set of circumstances involving the health and in many cases the lives of people who live in rural areas today.

I thank those in schools all over South Dakota who opened their doors and their offices to me in Kadoka, White River, Lemmon, and most of our Indian reservations in Belle Fourche. I thank them.

I thank those who especially were willing to meet with me on hospital reimbursement and appreciate very much their willingness to talk about how serious the circumstances were with regard to Medicare reimbursement for hospitals and clinics throughout our State.

I must say, at virtually every one of our stops we had occasion to talk about the unfinished agenda here in the Senate. I want to talk just briefly about that prior to the time we turn to another important piece of legislation, the energy and water bill.

UNATTENDED LEGISLATION

Mr. DASCHLE. Mr. President, there is great concern about unattended legislation, legislation having to do with health care, education, meaningful gun safety, and minimum wage. There is no legitimate reason we could not have accomplished something on each of the issues I have mentioned and many more.

There is no legitimate reason this Congress couldn't have passed a real Patients' Bill of Rights long before this.

There is no good reason we couldn't have added a voluntary Medicare prescription drug benefit.

There is no reason we couldn't have agreed by now to strengthen our children's schools. We have had many opportunities. There are those who say that passing bills is hard work.

If you want to see real hard work, go to Murdo, South Dakota some day. Talk to Cathy Cheney and the five other members of her volunteer ambulance squad.

They are on call 24 hours a day, seven days a week. When a call comes in—even if it's in the middle of the night—they drop whatever they're doing, leave their jobs and families, and go. Most times, they are not back for at least 3 hours.

When they're not answering calls, they're studying for certification tests. And they don't get paid a dime for any of it. That is hard work, Mr. President. And it is not just South Dakotans who face challenges like this.

Go to any community in any state in America, and you'll find people who are working hard—some of them are working two and three jobs—to make a decent life for themselves and their families, and to give something back to their communities.

You will find older people who worked hard for 40 and 50 years, who are retired now. They are not asking us to do the impossible.

They are not asking us to make unreasonable concessions. All they are asking is that we make a good-faith effort to solve the problems these families are dealing with today and who face the challenging months and years when they must examine, address, and answer problems in their own lives.

When the 106th Congress began, many of us had great hopes about what we could accomplish.

We had had budget surpluses 2 years in a row and were on our way to a third year—something that hadn't happened in 50 years. The economy was setting record after record.

After years of having to downsize our dreams because of the deficit, Americans were finally in a position to start hoping again, and tackling some of the big challenges facing working families.

Nearly 2 years later, almost none of those hopes has been met.

As we near the end of this Congress, it appears increasingly likely that they will not be met. One reason for that is, frankly, our less than ambitious legislative schedule. If we adjourn, as planned, on October 6, the Senate will have been in session for a total of just 115 days this year. That is 115 out of 365.

By any objective measure, that is not exactly breaking a sweat. In fact, it is the lightest Senate schedule since 1956. It is only 2 days more than the infamous do-nothing Congress of 1948. But the calendar is not the only reason we have achieved so little.

A more significant, and troubling, reason for this Congress' inaction has been the absolute refusal by Republican leaders in both houses to pass the people's agenda.

For 2 years, majority leaders in both houses have used their numerical advantage, and every parliamentary trick they could find, to prevent us from passing a real Patients' Bill of Rights.

Despite the fact that there is an overwhelming majority in the Congress and an overwhelming majority of the American people who want campaign finance reform, Republican leaders in both Houses have prevented us from passing the McCain-Feingold bill.

Despite pleas from the victims of the Columbine tragedy and more than a million moms who came to Washington to petition Congress, Republican leaders have repeatedly refused to pass reasonable gun safety measures.

They oppose our plan for affordable prescription drug coverage. They oppose our plan to strengthen our children's schools by making classes smaller and schools safer and setting higher standards.

For 2 years, they even opposed raising the minimum wage by $1 over 2 years. Now some of our Republican colleagues in the other body say they might be willing to do this but only if we include tens of billions of dollars worth of tax cuts for the wealthiest in the country. Why can't we just do the right thing? Why can't we just raise the minimum wage $1 an hour over 2 years without having to spend tens of billions of dollars on new tax breaks for people who need them the least?

Instead of working to pass a people's agenda, our Republican colleagues have spent most of the last 2 years pursuing one goal: Cutting taxes the wrong way, creating huge new tax breaks at the expense of everything and everyone else.

This week we will lose more time and more opportunities because they insist on trying to override the President's vetoes on their so-called marriage penalty and estate tax bills. Never mind that 60 percent of the cost of their marriage penalty has nothing to do with fixing the marriage penalty. Never mind their estate tax bill benefits only the wealthiest 2 percent of estates. Never mind that neither bill will help middle-class families. In fact, they will hurt ordinary Americans by eating up the expected surplus, money we need for other things.

Our friends on the other side of the aisle clearly think their tax cuts are good politics. They just hope the American people accept their spin and don't check the facts.

Despite the history of this Congress, my colleagues and I have not given up hope for its future. Five weeks is not a lot of time, but it is enough time. Even given the time we must spend on appropriations bills and the China trade legislation, there is still enough time for this Congress to solve some of the problems real people talk about and worry about outside of Washington.

In 1948, Republicans held their Presidential nominating convention in Philadelphia. At that convention they endorsed a platform filled with all kinds of measures a Republican Congress had spent the previous 2 years blocking. Back then there was no September session of Congress. It went from the convention to the campaign trail. President Truman was so amazed by what he heard in Philadelphia, he ordered Congress back for a special session. He told Members: There is still time before the election. If you really believe what you say, pass your platform and I will sign it.

Last month, our Republican friends held another nominating convention in Philadelphia, the first time they have been back since 1948. Once again, they claim to support all kinds of things Republicans in this Congress have spent the last 2 years fighting. We have a request for our friends across the aisle, right now, tonight. There are still 5 weeks left in this Congress. Let's use this time to do the things you said in Philadelphia you support. Let's pass a responsible budget that pays down the debt, protects Social Security and Medicare, and invests in America's future. Let's cut taxes for working families. Let's strengthen our children's schools and protect our children from gun violence. Let's raise the minimum wage $1 an hour over 2 years. Let's finally pass a prescription drug benefit and a real Patients' Bill of Rights.

We were pleased by what we heard in Philadelphia about prescription drugs and a Patients' Bill of Rights. We are more pleased with the commercial running in Rhode Island. That commercial, paid for by the Republican Senate Committee, praised Senator CHAFEE for.

> . . . voting against his own party and for a real Patients' Bill of Rights . . . and a prescription-drug benefit that gives seniors the drugs they need at a price they can afford.

Both of those plans referred to in that ad are our plans. We intend to give our colleagues a chance to make that record match the rhetoric before this Congress ends. We will start by offering the bipartisan Norwood-Dingell Patients' Bill of Rights the first chance we get. There is no reason the American people should have to wait until next Congress for a real Patients' Bill of Rights. It is time to stop stalling. It is time for an up-or-down vote in this Senate on the Dingell-Norwood Patients' Bill of Rights bill. We also intend to give our colleagues the chance to support a voluntary affordable prescription drug benefit. If they really believe in these things, they will have the opportunity to work with this side to pass them. Let's schedule the vote. We will support them, and the President will sign them.

We spend far too much time in this Congress talking about things that don't matter for working families and avoiding the problems that do matter. The progress we had hoped to make at the beginning of this Congress is still within our reach. Let's not waste another day. Let's work hard in these next 5 weeks on the issues I have mentioned, into the night and through the weekends if we have to. Let's not give up until we have honestly said we have done what the American people sent us here to do.

I yield the floor.

Mr. DOMENICI. I ask unanimous consent for 3 minutes to comment on the comments of Senator DASCHLE after a few brief remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, clearly I appreciate the distinguished minority leader's cooperation in getting this bill up. I appreciate the tone of his comments in that he desires apparently to get this bill and other bills passed. I hope that is true. I say to the Senate, I will do my best to try to finish this bill tomorrow night. I don't know of a lot of real difficult amendments. There are some important amendments for regions of the country and otherwise. Clearly, I have seen no amendments thus far that attack the substance of this bill which I will explain shortly.

Mr. President, what is not said by the minority leader, in an effort to analyze the entire Presidential election and what is going on here in the Congress as of this moment, first, on tax reform measures that the Republicans have proposed, call them what you may. Of course, the distinguished Senator, minority leader, chooses to call them so-called marriage penalty reform.

Between 35 and 45 million American couples are affected by that bill. Affected how? Their taxes will go down for no other reason than we will eliminate a penalty currently imposed just because they are married. Whether we have some other people covered in it or not, let me suggest we know what it will cost in 5 years. We know what it will cost in 10 years to the Treasury if we give back a little bit of money to the married couples in America who are getting taxed extra just because they are married.

What else did we pass? We passed a 10-year phase-in of the death tax. Surely those on the other side know that by definition the only people who pay a death tax—that is, a tax on death—are people who have accumulated some assets. So they could all be called rich. Essentially, the current law of America says if, after your mother and father have worked their whole lives and have acquired four drugstores and own a house and have invested in a piece of property, if that ends up being $10 million—I am speaking to Americans who might have worked 40 years—right now the Government can take as much as 65 percent of it upon their death.

That is the question. Is that right? Does America want that? Or should we ask our President to sign a bill that phases that out over 10 years?

I happen to have looked at numbers to see how they relate one to another in this budget process. My estimates are as follows: Both of those taxes combined cannot be risky to America.

Why can't they be? Because they amount to somewhere between 10 percent and 12 percent of the surplus—10 percent to 12 percent of the surplus, the non-Social Security surplus which is $3.4 trillion.

The same people who say that is risky have on the table at least five new programs that will spend more of the surplus than those two tax cuts. Are those programs therefore risky, because they spend more of the Federal surplus than these two tax reform measures? No. But neither are the tax cuts, just because they are tax reform measures. They are not risky just because they give people back some of their money. To those on the other side and the Vice President, who is running for President, they must be risky because they give back to the American people some real tax reform money.

If we want to go on to debate whether the Vice President even has a plan to give Americans back any of their tax money, we can do that at any time. I am not on the tax writing committee, but I will volunteer. I will be here. And I can tell you right up front, very little of what the President proposes goes to taxpayers for tax relief. Almost all of it goes to Americans whom the Vice President chooses to give back money, by way of just giving them a check that matches or exceeds their own money, in a huge way. The largest transfer of wealth that we probably have ever seen is tucked away in what the Vice President calls tax cuts for the American people.

Read the Washington Post editorial of 4 days ago. While they are quick to criticize Republicans, they have a very good paragraph in the middle of their editorial saying: Mr. Vice President, Democrats, why do you insist on telling the taxpayers, including middle income taxpayers, how they should spend the tax dollars you want to give them back? The Washington Post says: If you want to give them a tax cut give them a tax cut. They don't do that. They create some new targeted programs. If you want to use them, you have to use it for college tuition. If you want to use it, you have to use it for this, that, or the other.

Question: Don't some Americans have more concern about how to use it and where to use it, and would do that right, rather than to have the Government do that for you while making the Tax Code more complicated and claiming they are giving you tax relief?

Frankly, I could answer many more of the questions but I will just do the issues raised by the minority leader, and I will only address one.

The President of the United States has never attempted to seriously do a bipartisan Medicare prescription bill—never. He has sent us his own, but never has negotiated with Republicans. The one time we had a bipartisan committee, since you required a supermajority, he pulled his support so it would not have a supermajority—yet it had a majority, bipartisan, for a major reform and prescription drug bill. So one of the reasons most of the things not getting done are not getting done is because they have become so partisan that the other side of the aisle says, "Our way or no way." The President says, "My way or no way." The Vice President says, "I am running for President and here is what I propose. It will be that way or no way."

That is what the American people will find out, I hope, as we debate these issues in an effort in the next 5 weeks to resolve many of them. And I hope we do.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2001

The PRESIDING OFFICER. Under the previous order, the clerk will report the bill.

The bill clerk read the title as follows:

A bill (H.R. 4733) making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations, with an amendment as follows:

Strike all after the enacting clause and insert the part printed in italic.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2001, for energy and water development, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, beach erosion, and related purposes.

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, restudy of authorized projects, miscellaneous investigations, and, when authorized by laws, surveys and detailed studies and plans and specifications of projects prior to construction, $139,219,000, to remain available until expended.

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), $1,361,449,000, to remain available until expended, of which such sums as are necessary for the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund, as authorized by Public Law 104–303; and of which such sums as are necessary pursuant to Public Law 99–662 shall be derived from the Inland Waterways Trust Fund, for one-half of the costs of construction and rehabilitation of inland waterways projects, including rehabilitation costs for the Lock and Dam 24, Mississippi River, Illinois and Missouri; Lock and Dam 3, Mississippi River, Minnesota; London Locks and Dam; Kanawha River, West Virginia; and Lock and Dam 12, Mississippi River, Iowa projects; and of which funds are provided for the following projects in the amounts specified:

Indianapolis Central Waterfront, Indiana, $4,000,000;

Jackson County, Mississippi, $2,000,000; and

Upper Mingo County (including Mingo County Tributaries), Lower Mingo County (Kermit), Wayne County, and McDowell County, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project in West Virginia, $4,100,000:

Provided, That no part of any appropriation contained in this Act shall be expended or obligated to begin Phase II on the John Day Drawdown study or to initiate a study of the drawdown of McNary Dam unless authorized by law: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed hereafter to use available Construction, General funds in addition to funding provided to Public Law 104–206 to complete design and construction of the Red River Regional Visitors Center in the vicinity of Shreveport, Louisiana at an estimated cost of $6,000,000: Provided further, That section 101(b)(4) of the Water Resources Development Act of 1996, is amended by striking "total cost of $8,600,000" and inserting in lieu thereof, "total cost of $15,000,000": Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $3,000,000 of the funds appropriated herein for additional emergency bank stabilization measures at Galena, Alaska under the same terms and conditions as previous emergency bank stabilization work undertaken at Galena, Alaska pursuant to Section 116 of Public Law 99–190: Provided further, That with $4,200,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue construction of the Brunswick County Beaches, North Carolina-Ocean Isle Beach portion in accordance with the General Reevaluation Report approved by the Chief of Engineers on May 15, 1998: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use not to exceed $300,000 of funds appropriated herein to reimburse the City of Renton, Washington, at full Federal expense, for mitigation expenses incurred for the flood control project constructed pursuant to 33 U.S.C. 701s at Cedar River, City of Renton, Washington, as a result of over-dredging by the Army Corps of Engineers: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, may use Construction, General funding as directed in Public Law 105–62 and Public Law 105-245 to initiate construction of an emergency outlet from Devils Lake, North Dakota, to the Sheyenne River, except that the funds shall not become available unless the Secretary of the Army determines that an emergency (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) exists with respect to the emergency need for the outlet and reports to Congress that the construction is technically sound, economically justified, and environmentally acceptable, and in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.): Provided further, That the economic justification for the emergency outlet shall be prepared in accordance with the principles and guidelines for economic evaluation as required by regulations and procedures of the Army Corps of Engineers for all flood control projects, and that the economic justification be fully described, including the analysis of the benefits and costs, in the project plan documents: Provided further, That the plans for the emergency outlet shall be reviewed and, to be effective, shall contain assurances provided by the Secretary of State, after consultation with the International Joint Commission, that the project will not violate the requirements or intent of the Treaty Between the United States and Great Britain Relating to Boundary Waters Between the United States and Canada, signed at Washington January 11, 1909 (36 Stat. 2448; TS 548) (commonly known as the "Boundary Waters Treaty of 1909"): Provided further, That the Secretary of the Army shall submit the final plans and other documents for the emergency outlet to Congress: *Provided further*, That no funds made available under this Act or any other Act for any fiscal year may be used by the Secretary of the Army to carry out the portion of the feasibility study of the Devils Lake Basin, North Dakota, authorized under the Energy and Water Development Appropriations Act, 1993 (Public Law 102–377), that addresses the needs of the area for stabilized lake levels through inlet controls, or to otherwise study any facility or carry out any activity that would permit the transfer of water from the Missouri River Basin into Devils Lake.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For expenses necessary for prosecuting work of flood control, and rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a and 702g–1), $324,450,000, to remain available until expended: *Provided*, That the Secretary of the Army is directed to complete his analysis and determination of Federal maintenance of the Greenville Inner Harbor, Mississippi navigation project in accordance with Section 509 of the Water Resources Development Act of 1996.

OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; and removal of obstructions to navigation, $1,862,471,000, to remain available until expended, of which such sums as become available in the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662, may be derived from that Fund; and of which such sums as become available from the special account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l), may be derived from that account for construction, operation, and maintenance of outdoor recreation facilities: *Provided*, That the Secretary of the Army, acting through the Chief of Engineers, from the funds provided herein for the operation and maintenance of New York Harbor, New York, is directed to prepare the necessary documentation and initiate removal of submerged obstructions and debris in the area previously marked by the Ambrose Light Tower in the interest of safe navigation.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $120,000,000, to remain available until expended: *Provided*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use funds appropriated herein to: (1) by March 1, 2001, supplement the report, Cost Analysis For the 1999 Proposal to Issue and Modify Nationwide Permits, to reflect the Nationwide Permits actually issued on March 9, 2000, including changes in the acreage limits, preconstruction notification requirements and general conditions between the rule proposed on July 21, 1999, and the rule promulgated and published in the Federal Register; (2) after consideration of the cost analysis for the 1999 proposal to issue and modify nationwide permits and the supplement prepared pursuant to this Act and by September 30, 2001, prepare, submit to Congress and publish in the Federal Register a Permit Processing Management Plan by which the Corps of Engineers will handle the additional work associated with all projected increases in the number of individual permit applications and preconstruction notifications related to the new and replacement permits and general conditions. The Permit Processing Management Plan shall include specific objective goals and criteria by which the Corps of Engineers' progress towards reducing any permit backlog can be measured; (3) beginning on December 31, 2001, and on a biannual basis thereafter, report to Congress and publish in the Federal Register, an analysis of the performance of its program as measured against the criteria set out in the Permit Processing Management Plan; (4) implement a 1-year pilot program to publish quarterly on the U.S. Army Corps of Engineer's Regulatory Program website all Regulatory Analysis and Management Systems (RAMS) data for the South Pacific Division and North Atlantic Division beginning within 30 days of the enactment of this Act; and (5) publish in Division Office websites all findings, rulings, and decisions rendered under the administrative appeals process for the Corps of Engineers Regulatory Program as established in Public Law 106–60: *Provided further*, That, through the period ending on September 30, 2003, the Corps of Engineers shall allow any appellant to keep a verbatim record of the proceedings of the appeals conference under the aforementioned administrative appeals process: *Provided further*, That within 30 days of the enactment of this Act, the Secretary of the Army, acting through the Chief of Engineers, shall require all U.S. Army Corps of Engineers Divisions and Districts to record the date on which a Section 404 individual permit application or nationwide permit notification is filed with the Corps of Engineers: *Provided further*, That the Corps of Engineers, when reporting permit processing times, shall track both the date a permit application is first received and the date the application is considered complete, as well as the reason that the application is not considered complete upon first submission.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites throughout the United States resulting from work performed as part of the Nation's early atomic energy program, $140,000,000, to remain available until expended.

GENERAL EXPENSES

For expenses necessary for general administration and related functions in the Office of the Chief of Engineers and offices of the Division Engineers; activities of the Coastal Engineering Research Board, the Humphreys Engineer Center Support Activity, the Water Resources Support Center, and headquarters support functions at the USACE Finance Center, $152,000,000, to remain available until expended: *Provided*, That no part of any other appropriation provided in title I of this Act shall be available to fund the activities of the Office of the Chief of Engineers or the executive direction and management activities of the division offices: *Provided further*, That none of these funds shall be available to support an office of congressional affairs within the executive office of the Chief of Engineers.

REVOLVING FUND

Amounts in the Revolving fund are available for the costs of relocating the U.S. Army Corps of Engineers headquarters to office space in the General Accounting Office headquarters building in Washington, D.C.

ADMINISTRATIVE PROVISIONS

Appropriations in this title shall be available for official reception and representation expenses (not to exceed $5,000); and during the current fiscal year the Revolving Fund, Corps of Engineers, shall be available for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles.

GENERAL PROVISIONS—CORPS OF ENGINEERS—CIVIL

SEC. 101. Notwithstanding any other provisions of law, no fully allocated funding policy shall be applied to projects for which funds are identified in the Committee reports accompanying this Act under the Construction, General; Operation and Maintenance, General; and Flood Control, Mississippi River and Tributaries, appropriation accounts: *Provided*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to undertake these projects using continuing contracts, as authorized in section 10 of the Rivers and Harbors Act of September 22, 1922 (33 U.S.C. 621).

SEC. 102. Agreements proposed for execution by the Assistant Secretary of the Army for Civil Works or the United States Army Corps of Engineers after the date of the enactment of this Act pursuant to section 4 of the Rivers and Harbor Act of 1915, Public Law 64–291; section 11 of the River and Harbor Act of 1925, Public Law 68–585; the Civil Functions Appropriations Act, 1936, Public Law 75–208; section 215 of the Flood Control Act of 1968, as amended, Public Law 90–483; sections 104, 203, and 204 of the Water Resources Development Act of 1986, as amended (Public Law 99–662); section 206 of the Water Resources Development Act of 1992, as amended, Public Law 102–580; section 211 of the Water Resources Development Act of 1996, Public Law 104–303, and any other specific project authority, shall be limited to credits and reimbursements per project not to exceed $10,000,000 in each fiscal year, and total credits and reimbursements for all applicable projects not to exceed $50,000,000 in each fiscal year.

SEC. 103. None of the funds made available in this Act may be used to revise the Missouri River Master Water Control Manual when it is made known to the Federal entity or official to which the funds are made available that such revision provides for an increase in the springtime water release program during the spring heavy rainfall and snow melt period in States that have rivers draining into the Missouri River below the Gavins Point Dam.

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, $38,724,000, to remain available until expended, of which $19,158,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account: *Provided*, That of the amounts deposited into that account, $5,000,000 shall be considered the Federal contribution authorized by paragraph 402(b)(2) of the Central Utah Project Completion Act and $14,158,000 shall be available to the Utah Reclamation Mitigation and Conservation Commission to carry out activities authorized under that Act.

In addition, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior, $1,216,000, to remain available until expended.

BUREAU OF RECLAMATION

For carrying out the functions of the Bureau of Reclamation as provided in the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) and other Acts applicable to that Bureau as follows:

WATER AND RELATED RESOURCES

(INCLUDING TRANSFER OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, *maintenance and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, Indian tribes, and others, $655,192,000, to remain available until expended, of which $1,916,000 shall be available for transfer to the Upper Colorado River Basin Fund and $38,667,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund; of which $16,000,000 shall be for on-reservation water development, feasibility studies, and related administrative costs under Public Law 106–163; of which not more than 25 percent of the amount provided for drought emergency assistance may be used for financial assistance for the preparation of cooperative drought contingency plans under Title II of Public Law 102–250; and of which not more than $500,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706: Provided, That such transfers may be increased or decreased within the overall appropriation under this heading: Provided further, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 460l–6a(i) shall be derived from that Fund or account: Provided further, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: Provided further, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: Provided further, That funds available for expenditure for the Departmental Irrigation Drainage Program may be expended by the Bureau of Reclamation for site remediation on a non-reimbursable basis: Provided further, That section 301 of Public Law 102–250, Reclamation States Emergency Drought Relief Act of 1991, as amended, is amended further by inserting "2000, and 2001" in lieu of "and 2000": Provided further, That the amount authorized for Indian municipal, rural, and industrial water features by section 10 of Public Law 89–108, as amended by section 8 of Public Law 99–294, section 1701(b) of Public Law 102–575, Public Law 105–245, and Public Law 106–60 is increased by $2,000,000 (October 1998 prices): Provided further, That the amount authorized for Minidoka Project North Side Pumping Division, Idaho, by section 5 of Public Law 81–864, is increased by $2,805,000: Provided further, That the Reclamation Safety of Dams Act of 1978 (43 U.S.C. 509) is amended as follows: (1) by inserting in Section 4(c) after "1984," and before "costs" the following: "and the additional $95,000,000 further authorized to be appropriated by amendments to that Act in 2000,"; (2) by inserting in Section 5 after "levels)," and before "plus" the following: "and, effective October 1, 2000, not to exceed an additional $95,000,000 (October 1, 2000, price levels),"; and (3) by striking "sixty days (which" and all that follows through "day certain)" and inserting in lieu thereof "30 calendar days".*

BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT

For the cost of direct loans and/or grants, $8,944,000, to remain available until expended, as authorized by the Small Reclamation Projects Act of August 6, 1956, as amended (43 U.S.C. 422a–422l): Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $27,000,000.

In addition, for administrative expenses necessary to carry out the program for direct loans and/or grants, $425,000, to remain available until expended: Provided, That of the total sums appropriated, the amount of program activities that can be financed by the Reclamation Fund shall be derived from that Fund.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, and habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, $38,382,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), 3405(f), and 3406(c)(1) of Public Law 102–575, to remain available until expended: Provided, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102–575.

POLICY AND ADMINISTRATION

For necessary expenses of policy, administration, and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, $50,224,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: Provided, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

ADMINISTRATIVE PROVISIONS

SEC. 201. Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed four passenger motor vehicles for replacement only.

SEC. 202. Funds under this title for Drought Emergency Assistance shall be made available primarily for leasing of water for specified drought related purposes from willing lessors, in compliance with existing State laws and administered under State water priority allocation. Such leases may be entered into with an option to purchase: Provided, That such purchase is approved by the State in which the purchase takes place and the purchase does not cause economic harm within the State in which the purchase is made.

GENERAL PROVISION

SEC. 203. (a) For fiscal year 2001 and each fiscal year thereafter, the Secretary of the Interior shall continue the funding of monitoring and research, as authorized by section 1807 of the Grand Canyon Protection Act of 1992 (106 Stat. 4672), at not more than $7,687,000, adjusted to reflect changes in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

(b) The activities to be funded as provided under subsection (a) include activities required to meet the requirements of subsections (a) and (b) of section 1805 of the Grand Canyon Protection Act of 1992 (106 Stat. 4672), including the requirements of the Biological Opinion on the Operation of Glen Canyon Dam and activities required by the Programmatic Agreement on Cultural and Historic Properties.

(c) To the extent that funding under subsection (a) is insufficient to pay the costs of the monitoring and research, the Secretary of the Interior may use funds appropriated to carry out section 8 of the Act of April 11, 1956 (commonly known as the "Colorado River Storage Project Act") (43 U.S.C. 620g), to pay those costs.

SEC. 204. Effective for fiscal year 2000, and each subsequent fiscal year, notwithstanding any other provision of law, no funds appropriated in this or any other act shall be expended to implement the policies articulated in the memorandum dated June 19, 2000, concerning the Middle Rio Grande Project, written by the Solicitor of the Department of the Interior to the Commissioner of the Bureau of Reclamation and the Director of the Fish and Wildlife Service, and the legal analysis referenced in the memorandum or any subsequent recommendations, directives or other correspondence including a letter referenced ALB–105 ENV–4.00, dated July 6, 2000, to the Chief Executive Officer of the Middle Rio Grande Conservancy District from the Albuquerque Area Manager of the Bureau of Reclamation addressing the issues raised by this Solicitor's memorandum except as may be provided in an agreement entered into by all affected holders of water rights within the Middle Rio Grande Conservancy District and which agreement has been approved by the New Mexico State Engineer, or as may be required by a final non-appealable court order.

Effective for fiscal year 2000, and each subsequent fiscal year, notwithstanding any other provision of law, no funds appropriated in this or any other Act shall be expended to implement the policies, recommendations and directives articulated in a letter referenced ENV–4.00, ALB–105, dated June 29, 2000, to the Chairman of the Board of Directors for the Fort Sumner Irrigation District from the Albuquerque Area Manager of the Bureau of Reclamation regarding the Fort Sumner Diversion Dam Water Operations except as may be provided in an agreement entered into by all affected holders of water rights within the Fort Sumner Irrigation District and which agreement has been approved by the New Mexico State Engineer, or as may be required by a final non-appealable court order.

SEC. 205. Section 202 of Division B, Title I, Chapter 2 of Public Law 106–246 is amended by adding at the end the following: "This section shall be effective through September 30, 2001.".

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY SUPPLY

(INCLUDING TRANSFER OF FUNDS)

For Department of Energy expenses including the purchase, construction and acquisition of plant and capital equipment, and other expenses necessary for energy supply, and uranium supply and enrichment activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of not to exceed 17 passenger motor vehicles for replacement only, $691,520,000 to remain available until September 30, 2002, of which $12,000,000 shall be derived by transfer from the United States Enrichment Corporation Fund: Provided, That, in addition, royalties received to compensate the Department of Energy for its participation in the First-Of-A-Kind-Engineering program shall be credited to this account to be available until September 30, 2002 for the purposes of Nuclear Energy, Science and Technology activities.

NON-DEFENSE ENVIRONMENTAL MANAGEMENT

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction or expansion, $309,141,000, to remain available until expended.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions and other activities of title II of the Atomic Energy Act of 1954 and title X, subtitle A of the Energy Policy Act of 1992, $297,778,000, to be derived from the Fund, to remain available until expended: Provided, That $30,000,000 of amounts derived from the Fund for such expenses shall be available in accordance with title X, subtitle A, of the Energy Policy Act of 1992.

SCIENCE

For Department of Energy expenses including the purchase, construction and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not to exceed 58 passenger motor vehicles for replacement only, $2,870,112,000, to remain available until expended: Provided, That notwithstanding any other provision of law, not to exceed $51,163,000 of the funds appropriated herein may be obligated for the Small Business Innovation Research program and not to exceed $3,069,000 of the funds appropriated herein may be obligated for the Small Business Technology Transfer program.

NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $59,175,000, to remain available until expended and to be derived from the Nuclear Waste Fund: Provided, That not to exceed $2,500,000 may be provided to the State of Nevada solely for expenditures, other than salaries and expenses of State employees, to conduct scientific oversight responsibilities pursuant to the Nuclear Waste Policy Act of 1982, (Public Law 97–425) as amended: Provided further, That not to exceed $5,887,000 may be provided to affected units of local governments, as defined in Public Law 97–425, to conduct appropriate activities pursuant to the Act: Provided further, That the distribution of the funds as determined by the units of local government shall be approved by the Department of Energy: Provided further, That the funds for the State of Nevada shall be made solely to the Nevada Division of Emergency Management by direct payment and units of local government by direct payment: Provided further, That within 90 days of the completion of each Federal fiscal year, the Nevada Division of Environmental Management and the Governor of the State of Nevada and each local entity shall provide certification to the Department of Energy, that all funds expended from such payments have been expended for activities authorized by Public Law 97–425. Failure to provide such certification shall cause such entity to be prohibited from any further funding provided for similar activities: Provided, That none of the funds herein appropriated may be: (1) used directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for lobbying activity as provided in 18 U.S.C. 1913; (2) used for litigation expenses; or (3) used to support multistate efforts or other coalition building activities inconsistent with the restrictions contained in this Act: Provided further, That all proceeds and recoveries by the Secretary in carrying out activities authorized by the Nuclear Waste Policy Act of 1982 in Public Law 97–425, as amended, including but not limited to, any proceeds from the sale of assets, shall be available without further appropriation and shall remain available until expended.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed $35,000), $210,128,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): Provided, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: Provided further, That moneys received by the Department for miscellaneous revenues estimated to total $128,762,000 in fiscal year 2001 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of 31 U.S.C. 3302: Provided further, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 2001 so as to result in a final fiscal year 2001 appropriation from the General Fund estimated at not more than $81,366,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $28,988,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed 12 for replacement only), $4,883,289,000, to remain available until expended.

DEFENSE NUCLEAR NONPROLIFERATION

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense, Defense Nuclear Nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $908,967,000, to remain available until expended: Provided, That not to exceed $5,000 may be used for official reception and representation expenses for national security and nonproliferation (including transparency) activities in fiscal year 2001.

NAVAL REACTORS

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense, Naval Reactor activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $691,600,000, to remain available until expended.

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Office of the Administrator of the National Nuclear Security Administration, including official reception and representation expenses (not to exceed $5,000), $10,000,000, to remain available until expended.

OTHER DEFENSE RELATED ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental restoration and waste management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of 67 passenger motor vehicles for replacement only, $4,635,763,000, to remain available until expended: Provided, That any amounts appropriated under this heading that are used to provide economic assistance under section 15 of the Waste Isolation Pilot Plant Land Withdrawal Act (Public Law 102–579) shall be utilized to the extent necessary to reimburse costs of financial assurances required of a contractor by any permit or license of the Waste Isolation Pilot Plant issued by the State of New Mexico.

DEFENSE FACILITIES CLOSURE PROJECTS

For expenses of the Department of Energy to accelerate the closure of defense environmental management sites, including the purchase, construction and acquisition of plant and capital equipment and other necessary expenses, $1,082,297,000, to remain available until expended.

DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION

For Department of Energy expenses for privatization projects necessary for atomic energy defense environmental management activities authorized by the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), $324,000,000, to remain available until expended.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense, other defense activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $579,463,000, to remain available until expended, of which $17,000,000 shall be for the Department of Energy Employees Compensation Initiative upon enactment of authorization legislation into law.

DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $292,000,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for the Nez Perce Tribe Resident Fish Substitution Program, the Cour D'Alene Tribe Trout Production facility, and for official reception and representation expenses in an amount not to exceed $1,500.

During fiscal year 2001, no new direct loan obligations may be made. Section 511 of the Energy and Water Development Appropriations Act, 1997 (Public Law 104–206), is amended by striking the last sentence and inserting, "This authority shall expire September 30, 2005.".

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, including transmission wheeling and ancillary services, pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $3,900,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, amounts collected by the Southeastern Power Administration pursuant to the Flood Control Act to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures as follows: for fiscal year 2001, up to $34,463,000; for fiscal year 2002, up to $26,463,000; for fiscal year 2003, up to $20,000,000; and for fiscal year 2004, up to $15,000,000.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, and for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, $28,100,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, not to exceed $4,200,000 in reimbursements, to remain available until expended: Provided, That amounts collected by the Southwestern Power Administration pursuant to the Flood Control Act to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures as follows: for fiscal year 2001, up to $288,000; for fiscal year 2002, up to $288,000; for fiscal year 2003, up to $288,000; and for fiscal year 2004, up to $288,000.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $1,500, $164,916,000, to remain available until expended, of which $154,616,000 shall be derived from the Department of the Interior Reclamation Fund: Provided, That of the amount herein appropriated, $5,950,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: Provided further, That amounts collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures as follows: for fiscal year 2001, up to $42,500,000; for fiscal year 2002, up to $33,500,000; for fiscal year 2003, up to $30,000,000; and for fiscal year 2004, up to $20,000,000.

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $2,670,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 423 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses (not to exceed $3,000), $175,200,000, to remain available until expended: Provided, That notwithstanding any other provision of law, not to exceed $175,200,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2001 shall be retained and used for necessary 2001 expenses in this account, and shall remain available until expended: Provided further, That the sum herein appropriated from the General Fund shall be reduced as revenues are received during fiscal year 2001 so as to result in a final fiscal year 2001 appropriation from the General Fund estimated at not more than $0.

GENERAL PROVISIONS—DEPARTMENT OF ENERGY

SEC. 301. (a) None of the funds appropriated by this Act for Department of Energy programs may be used to award, amend, or modify a contract in a manner that deviates from the Federal Acquisition Regulation unless, on a case-by-case basis, a waiver to allow for such a deviation is granted.

(b) The Administrator of the National Nuclear Security Administration shall have the exclusive waiver authority for activities under "Atomic Energy Defense Activities, National Nuclear Security Administration" and may not delegate the authority to grant such a waiver. The Secretary of Energy shall have the exclusive waiver authority for all other activities which may not be delegated.

(c) At least 60 days before a contract award, amendment, or modification for which the Secretary intends to grant such a waiver as provided for in subsection (b), the Secretary shall submit to the Subcommittees on Energy and Water Development of the Committees on Appropriations of the House of Representatives and the Senate a report notifying the subcommittees of the waiver and setting forth the reasons for the waiver.

(d) At least 60 days before a contract award, amendment, or modification for which the Administrator of the National Nuclear Security Administration intends to grant such a waiver as provided in subsection (b), the Administrator shall submit to the Subcommittees on Energy and Water Development of the Committees on Appropriations of the House of Representatives and the Senate a report notifying the subcommittees of the waiver and setting forth the reasons for the waiver.

SEC. 302. (a) None of the funds appropriated by this Act under "Atomic Energy Defense Activities, National Nuclear Security Administration" may be used to award, amend, or modify a contract in a manner that deviates from the Federal Acquisition Regulation, unless the Administrator of the National Nuclear Security Administration grants, on a case-by-case basis, a waiver to allow for such a deviation. The Administrator may not delegate the authority to grant such a waiver.

(b) At least 60 days before a contract award, amendment, or modification for which the Administrator intends to grant such a waiver, the Administrator shall submit to the Subcommittees on Energy and Water Development of the Committees on Appropriations of the House of Representatives and the Senate a report notifying the subcommittees of the waiver and setting forth the reasons for the waiver.

SEC. 303. None of the funds appropriated by this Act may be used to—

(1) develop or implement a workforce restructuring plan that covers employees of the Department of Energy; or

(2) provide enhanced severance payments or other benefits for employees of the Department of Energy, under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2644; 42 U.S.C. 7274h).

SEC. 304. None of the funds appropriated by this Act may be used to prepare or initiate Requests For Proposals (RFPs) for a program if the program has not been funded by Congress.

(TRANSFERS OF UNEXPENDED BALANCES)

SEC. 305. The unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this title. Balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 306. Notwithstanding 41 U.S.C. 254c(a), the Secretary of Energy may use funds appropriated by this Act to enter into or continue multi-year contracts for the acquisition of property or services under the head, "Energy Supply" without obligating the estimated costs associated with any necessary cancellation or termination of the contract. The Secretary of Energy may pay costs of termination or cancellation from—

(1) appropriations originally available for the performance of the contract concerned;

(2) appropriations currently available for procurement of the type of property or services concerned, and not otherwise obligated; or

(3) funds appropriated for those payments.

SEC. 307. Of the funds in this Act provided to government-owned, contractor-operated laboratories, up to 6 percent shall be available to be used for Laboratory Directed Research and Development: Provided, That the funds in the Environmental Management programs of the Department of Energy are available for Laboratory Directed Research and Development.

SEC. 308. (a) Of the funds appropriated by this title to the Department of Energy, not more than $200,000,000 shall be available for reimbursement of management and operating contractor travel expenses.

(b) Funds appropriated by this title to the Department of Energy may be used to reimburse a Department of Energy management and operating contractor for travel costs of its employees under the contract only to the extent that the contractor applies to its employees the same rates and amounts as those that apply to Federal employees under subchapter I of chapter 57 of title 5, United States Code, or rates and amounts established by the Secretary of Energy. The Secretary of Energy may provide exceptions to the reimbursement requirements of this section as the Secretary considers appropriate.

SEC. 309. (a) None of the funds in this Act or any future Energy and Water Development Appropriations Act may be expended after December 31 of each year under a covered contract unless the funds are expended in accordance with a Laboratory Funding Plan that has been approved by the Administrator of the National Nuclear Security Administration. At the beginning *of each fiscal year, the Administrator shall issue directions to the laboratories for the programs, projects, and activities to be conducted in that fiscal year. The Administrator and the Laboratories shall devise a Laboratory Funding Plan that identifies the resources needed to carry out these programs, projects, and activities. Funds shall be released to the Laboratories only after the Administrator has approved the Laboratory Funding Plan. The Administrator of the National Nuclear Security Administration may provide exceptions to this requirement as the Secretary considers appropriate.*

(b) For purposes of this section, "covered contract" means a contract for the management and operation of the following laboratories: Lawrence Livermore National Laboratory, Los Alamos National Laboratory, and Sandia National Laboratories.

SEC. 310. Section 310(b) of Public Law 106–60 (113 Stat. 496) is amended by striking "Lawrence Livermore National Laboratory, Los Alamos National Laboratory, Oak Ridge National Laboratory, Pacific Northwest National Laboratory, and Sandia National Laboratories." in paragraph (b), and inserting "Oak Ridge National Laboratory, and Pacific Northwest National Laboratory.".

SEC. 311. None of the funds provided in this Act may be used to establish or maintain independent centers at a Department of Energy laboratory or facility unless such funds have been specifically identified in the budget submission.

SEC. 312. None of the funds made available in this or any other Act may be used to restart the High Flux Beam Reactor.

SEC. 313. None of the funds in this Act may be used to dispose of transuranic waste in the Waste Isolation Pilot Plant which contains concentrations of plutonium in excess of 20 percent by weight for the aggregate of any material category on the date of the enactment of this Act, or is generated after such date.

SEC. 314. TERM OF OFFICE OF PERSON FIRST APPOINTED AS UNDER SECRETARY FOR NUCLEAR SECURITY OF THE DEPARTMENT OF ENERGY. (a) LENGTH OF TERM.—The term of office as Under Secretary for Nuclear Security of the Department of Energy of the first person appointed to that position shall be three years.

(b) EXCLUSIVE REASONS FOR REMOVAL.—The exclusive reasons for removal from office as Under Secretary for Nuclear Security of the person described in subsection (a) shall be inefficiency, neglect of duty, or malfeasance in office.

(c) POSITION DESCRIBED.—The position of Under Secretary for Nuclear Security of the Department of Energy referred to in this section is the position established by subsection (c) of section 202 of the Department of Energy Organization Act (42 U.S.C. 7132), as added by section 3202 of the National Nuclear Security Administration Act (title XXXII of Public Law 106–65; 113 Stat. 954)).

SEC. 315. SCOPE OF AUTHORITY OF SECRETARY OF ENERGY TO MODIFY ORGANIZATION OF NATIONAL NUCLEAR SECURITY ADMINISTRATION. (a) SCOPE OF AUTHORITY.—Subtitle A of the National Nuclear Security Administration Act (title XXXII of Public Law 106–65; 113 Stat. 957; 50 U.S.C. 2401 et seq.) is amended by adding at the end the following new section:

"SEC. 3219. SCOPE OF AUTHORITY OF SECRETARY OF ENERGY TO MODIFY ORGANIZATION OF ADMINISTRATION.

"Notwithstanding the authority granted by section 643 of the Department of Energy Organization Act (42 U.S.C. 7253) or any other provision of law, the Secretary of Energy may not establish, abolish, alter, consolidate, or discontinue any organizational unit or component, or transfer any function, of the Administration, except as authorized by subsection (b) or (c) of section 3291.".

(b) CONFORMING AMENDMENTS.—Section 643 of the Department of Energy Organization Act (42 U.S.C. 7253) is amended—

(1) by striking "The Secretary" and inserting "(a) Subject to subsection (b), the Secretary"; and

(2) by adding at the end the following new subsection:

"(b) The authority of the Secretary to establish, abolish, alter, consolidate, or discontinue any organizational unit or component of the National Nuclear Security Administration is governed by the provisions of section 3219 of the National Nuclear Security Administration Act (title XXXII of Public Law 106–65).".

SEC. 316. PROHIBITION ON PAY OF PERSONNEL ENGAGED IN CONCURRENT SERVICE OR DUTIES INSIDE AND OUTSIDE NATIONAL NUCLEAR SECURITY ADMINISTRATION. Subtitle C of the National Nuclear Security Administration Act (title XXXII of Public Law 106–65; 50 U.S.C. 2441 et seq.) is amended by adding at the end the following new section:

"SEC. 3245. PROHIBITION ON PAY OF PERSONNEL ENGAGED IN CONCURRENT SERVICE OR DUTIES INSIDE AND OUTSIDE ADMINISTRATION.

"(a) Except as otherwise expressly provided by statute, no funds authorized to be appropriated or otherwise made available for the Department of Energy may be obligated or utilized to pay the basic pay of an officer or employee of the Department of Energy who—

"(1) serves concurrently in a position in the Administration and a position outside the Administration; or

"(2) performs concurrently the duties of a position in the Administration and the duties of a position outside the Administration."

"(b) The provision of this section shall take effect 60 days after the date of enactment of this section.".

SEC. 317. The Administrator of the National Nuclear Security Administration may authorize the plant manager of a covered nuclear weapons production plant to engage in research, development, and demonstration activities with respect to the engineering and manufacturing capabilities at such plant in order to maintain and enhance such capabilities at such plant: Provided, That of the amount allocated to a covered nuclear weapons production plant each fiscal year from amounts available to the Department of Energy for such fiscal year for national security programs, not more than an amount equal to 2 percent of such amount may be used for these activities: Provided further, That for purposes of this section, the term "covered nuclear weapons production plant" means the following:

(1) The Kansas City Plant, Kansas City, Missouri.

(2) The Y–12 Plant, Oak Ridge, Tennessee.

(3) The Pantex Plant, Amarillo, Texas.

SEC. 318. LIMITING THE INCLUSION OF COSTS OF PROTECTION OF, MITIGATION OF DAMAGE TO, AND ENHANCEMENT OF FISH AND WILDLIFE, WITHIN RATES CHARGED BY THE BONNEVILLE POWER ADMINISTRATION, TO THE RATE PERIOD IN WHICH THE COSTS ARE INCURRED. Section 7 of the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839e) is amended by adding at the end the following:

"(n) LIMITING THE INCLUSION OF COSTS OF PROTECTION OF, MITIGATION OF DAMAGE TO, AND ENHANCEMENT OF FISH AND WILDLIFE, WITHIN RATES CHARGED BY THE BONNEVILLE POWER ADMINISTRATION, TO THE RATE PERIOD IN WHICH THE COSTS ARE INCURRED.—Notwithstanding any other provision of this section, rates established by the Administrator, under this section shall recover costs for protection, mitigation and enhancement of fish and wildlife, whether under the Pacific Northwest Electric Power Planning and Conservation Act or any other Act, not to exceed such amounts the Administrator forecasts will be expended during the fiscal year 2002–2006 rate period, while preserving the Administrator's ability to establish appropriate reserves and maintain a high Treasury payment probability for the subsequent rate period.".

SEC. 319. Notwithstanding any other law, and without fiscal year limitation, each Federal Power Marketing Administration is authorized to engage in activities and solicit, undertake and review studies and proposals relating to the formation and operation of a regional transmission organization.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, for necessary expenses for the Federal Co-Chairman and the alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, $66,400,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100–456, section 1441, $18,500,000, to remain available until expended.

DELTA REGIONAL AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to establish the Delta Regional Authority and to carry out its activities, $20,000,000, to remain available until expended, subject to enactment of authorization by law.

DENALI COMMISSION

For expenses of the Denali Commission including the purchase, construction and acquisition of plant and capital equipment as necessary and other expenses, $30,000,000, to remain available until expended.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses (not to exceed $15,000), $481,900,000, to remain available until expended: Provided, That of the amount appropriated herein, $21,600,000 shall be derived from the Nuclear Waste Fund: Provided further, That revenues from licensing fees, inspection services, and other services and collections estimated at $457,100,000 in fiscal year 2001 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: Provided further, That $3,200,000 of the funds herein appropriated for regulatory reviews and assistance to other Federal agencies and States shall be excluded from license fee revenues, notwithstanding 42 U.S.C. 2214: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2001 so as to result in a final fiscal year 2001 appropriation estimated at not more than $24,800,000.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $5,500,000, to remain available until expended: Provided, That revenues from licensing fees, inspection services, and other services and collections estimated at $5,500,000 in fiscal year 2001 *shall be retained and be available until expended, for necessary salaries and expenses in this account: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2001 so as to result in a final fiscal year 2001 appropriation estimated at not more than $0.*

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100–203, section 5051, $3,000,000, to be derived from the Nuclear Waste Fund, and to remain available until expended.

TITLE V

FISCAL YEAR 2000 SUPPLEMENTAL APPROPRIATIONS

DEPARTMENT OF ENERGY

ATOMIC ENERGY DEFENSE ACTIVITIES

CERRO GRANDE FIRE ACTIVITIES

For necessary expenses for fiscal year 2000 to remediate damaged Department of Energy facilities and for other expenses associated with the Cerro Grande fire, $203,460,000, to remain available until expended and to become available upon enactment: Provided, That the entire amount shall be available only to the extent an official budget request for $204,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

TITLE VI

RESCISSION

DEPARTMENT OF ENERGY

DEFENSE NUCLEAR WASTE DISPOSAL

(RESCISSION)

Of the funds appropriated in Public Law 104–46 for interim storage of nuclear waste, $85,000,000 are transferred to this heading and are hereby rescinded.

TITLE VII

GENERAL PROVISIONS

SEC. 701. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in section 1913 of title 18, United States Code.

SEC. 702. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 703. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the "Cleanup Program—Alternative Repayment Plan" and the "SJVDP—Alternative Repayment Plan" described in the report entitled "Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995", prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal Reclamation law.

SEC. 704. Section 6101(a)(3) of the Omnibus Budget Reconciliation Act of 1990, as amended (42 U.S.C. 2214(a)(3)) and Public Law 106-60 (113 Stat. 501), is further amended by striking "September 30, 2000" and inserting "September 30, 2001".

SEC. 705. None of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol.

SEC. 706. (a) Sections 5105, 5106 and 5109 of Division B of an Act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes (Public Law 106–246), are repealed.

(b) Subsection (a) shall take effect on the date of enactment of this Act.

This Act may be cited as the "Energy and Water Development Appropriations Act, 2001".

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask unanimous consent—and this has been approved by the other side—that the committee amendment to H.R. 4733 be adopted and that the bill as amended be considered as original text for the purpose of further amendments, provided that no points of order are waived by this request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, the Committee on Appropriations favorably reported H.R. 4733 by a vote of 28 to 0 on Tuesday, July 18.

Senator REID and I have worked very hard this year to put together a fair bill under extremely difficult circumstances. As reported by the committee, the recommendation would provide $22.470 billion in new budget authority for fiscal year 2001. That total is broken out between a defense allocation that is pretty good, and a non-defense allocation that is extremely limited.

The Defense BA allocation is $13.484 billion. That is $400 million over the President's request and $1.384 billion over last year. The committee requested the additional money to address some very serious needs in the nuclear weapons complex, defense environmental clean-up, and in ongoing international nonproliferation programs.

However, the BA allocation on the non-defense side of the bill is much more difficult—it provides $8.986 billion, which is $603 million below the President's request and $73 million below the current year level.

In order to accommodate some serious shortfalls in the President's request, and some very legitimate requests from Members, we have had to cut a significant amount more than the $603 million we are short from the request.

The allocation has also forced the committee to make very difficult choices, and we have tried to do that on as fair a basis as possible. We have followed certain criteria. In the water accounts for example:

No. 1, we have tried to focus available funding, to the greatest extent possible, to ongoing studies and construction projects.

No. 2, we have included no new construction starts or new initiatives in fiscal year 2001, and only a very limited number of new studies or planning projects.

No. 3, we have not included unauthorized projects or water and sewer infrastructure projects contained in the Water Resources Development Act of 1999.

No. 4, numerous projects budgeted at or near the Corps' capability have been reduced in order to pick-up funds for congressional priorities and to restore funding not requested by the administration for flood control and inland navigation projects.

No. 5, given these constraints, we have been limited to accommodating only the highest priority requests of Members where possible.

Having said that, the recommendation for the U.S. Army Corps of Engineers totals $4.104 billion. This is $41 million above the budget request and $22 million below the FY 2000 enacted level. The following is a highlight of the recommendation of the Corps Budget for FY 2000:

General Investigations totals $139 million, down $23 million below the current year.

Construction General totals $1.361 billion, down $24 million below the current year.

Operation and Maintenance totals $1.862 billion which is $8 million over the current year.

Moving on to the Bureau of Reclamation, the recommendation before the committee totals $753 million. This is $48 million below the budget request and $13 million below the current year level. The recommendation includes:

Six hundred and fifty-five million dollars for Water and Related Resources which includes both construction and operation and maintenance of Bureau projects. This is $50 million over the current year level.

None of the $60 million requested for the California Bay-Delta Restoration program is provided in the bill, as the authorization for this program expires in fiscal year 2000.

Thirty-eight million dollars for the Central Valley Project Restoration Fund a reduction of $4 million from the current year.

For the Department of Energy's non-defense accounts, we have proposed some substantial reductions from the President's request. However, in many cases, those reductions appear large only because the President proposed large increases we will not be able to accommodate, given our non-defense allocation.

In other accounts such as Nuclear Energy R&D, the administration request was 4 percent below current year. Therefore, the committee has tried to balance the Department's research efforts by providing reasonable increases to these important research efforts.

For the Science programs at the Department of Energy, the committee recommends $2.870 billion, an increase of $82 million over last year, but still $292 million below the request.

Over half of the total proposed increase to Science was in one construction project, the Spallation Neutron Source in Tennessee. The committee strongly supports this project and has provided $240 million, an increase of $140 million over current year.

The allocation forced the committee into some very difficult decisions regarding many otherwise outstanding programs and initiatives under the Office of Science. For example, although the committee has traditionally provided strong support to High Energy Physics, Nuclear Physics and Fusion Energy, all are funded at below last year's level.

Within the defense allocation, we have been able to add significant funds to some very pressing problems.

Within Weapons Activities, the committee has provided $4.883 billion, an increase of $244 million over the budget request. The committee is very concerned about the state of the science based Stockpile Stewardship Program. As it is now, the program is not on schedule, given the current budget, to develop the tools, technologies and skill-base to refurbish our weapons and certify them for the stockpile. For example, we are behind schedule and over cost on the production of both pits and secondaries for our nuclear weapons. The committee has provided significant increases to these areas.

Furthermore, DOE has failed to keep good modern facilities and our production complex is in a terrible state of disrepair. To address these problems, the mark provides an increase of over $100 million for the production plants in Texas, Missouri, Tennessee, and South Carolina.

But it is not just the physical infrastructure that is deteriorating within the weapons complex, morale among the scientists at the three weapons laboratories is at an all-time low. For example, the last two years at Los Alamos have witnessed security problems that greatly damaged the trust relationship between the government and its scientists. Additionally, research funds have been cut and punitive restrictions on travel imposed.

As a result, the labs are having great difficulty recruiting and retaining America's greatest scientists. To help address this problem, the bill has increased the travel cap from $150 million to $200 million, and increased Laboratory Directed Research and Development. And I intend to offer additional amendments to increase LDRD and travel.

For security, the committee recommends $336 million for the Department's security office, an increase of $213 million over last year. This is in addition to the $45 million for increased Cyber Security that was just enacted as part of the fiscal year 2000 Supplemental. In addition, the committee has made sure General Gordon, as the new head of the NNSA, will have the resources and the authority to take care of security throughout the weapons complex.

The Department has experienced tremendous difficulty in constructing its special experimental and computational facilities within budget and within schedule. The National Ignition Facility is only the most recent example, and on that issue, Senator REID and I have agreed to recommend at this time only the $74 million requested by the administration, recognizing that much more money will be required this year if this project is to continue.

Regarding accelerator production of tritium, the committee has combined that with other programs to begin an exciting new program called Advanced Accelerator Applications. The committee recommendation includes $60 million to continue the important work on a back-up tritium source for defense purposes, but will also fund important work on accelerator transumutation of waste and other accelerator applications.

The committee continues its strong tradition of support for nuclear nonproliferation issues. We recommend $909 million, an increase of $43 million over the request, and $180 million more than last year.

For Defense Environmental Management, the committee recommends $6.042 billion, a $326 million increase over last year. To the extent possible, we have tried to address the needs of Members with environmental management sites. We have provided increases at Savannah River and the Hanford site, and provided additional funds for environmental science and technology research at Idaho and other labs.

In summary, the recommendation before you is for $22.47 billion, a reduction of $225 million from the request. Within that amount, non-defense programs are reduced $603 million while defense accounts increase $400 million. This is going to be a difficult year, but I look forward to consideration by the full Senate.

It is our intention to work hard over the next few evenings to complete work on the bill. It is my intention to seek a unanimous consent that all amendments be filed by noon on Wednesday. We will be here all evening, and I urge my colleagues to bring any amendments they may have to the floor so we can consider them. It is my intention, shortly after all amendments have been filed, to act on a package of managers amendments.

Before I yield back, I would like to thank Chairman STEVENS for the strong support he has given to the energy and water bill, particularly on the defense funding side. I would also like to thank my ranking member, senator REID, for all the effort he has put forth in working together on this bill.

Mr. JEFFORDS. Mr. President, I wonder if the Senator from New Mexico will allow me to add a glowing statement about the bill he is about to speak to?

Mr. DOMENICI. I would be pleased to do that even if it were not glowing but, since it is, I am delighted.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I rise today to praise the managers of this bill for their commitment to renewable energy. I particularly want to thank Senator HARRY REID for his leadership in bringing additional funding to advance the cause of clean energy in this nation.

Earlier this year the Senate renewable energy caucus, led by Senators ROTH, BINGAMAN, ALLARD and myself, sent a letter to the bill managers asking that they put the U.S. Senate on record in support of wind, solar, biomass, geothermal and other renewable energy resources.

Mr. President, 54 of our colleagues signed that letter and they should know that the bill before us today boosts funding for renewable energy by $87 million over last years levels. This is a great achievement. And unlike in past years, I come to the Senate floor without the annual renewable energy funding amendment but with what will hopefully be an annual effort praising the managers of this bill.

We thank you Senator REID for your vision and commitment to reducing this nation's reliance on foreign oil and advancing our investment in clean, domestic energy resources.

This increase puts our country back onto the path of a sustainable energy policy.

In recent years, the U.S. trade deficit has soared. The number one contributor to the trade deficit is imported foreign oil—and its contribution has reached record levels.

Since the oil embargo of 1973-74, imports of foreign oil have risen from a little over 30 percent to 55 percent, and will hit 65 percent in a decade. By then, most of the world's oil will come from potentially unstable Persian Gulf nations.

These imports account for over $60 billion. That is more than 36 percent of the U.S. trade deficit. These are U.S. dollars being shipped overseas to the Middle East when they could be put to better use here at home.

In 1976, myself and a number of freshmen Members of the House of Representatives proposed such a provision and nearly passed it to the exact same 10 percent. Unfortunately, that failed. But at that time we, a number of us working together, did start the wind energy program, which is now blossoming, with Vermont being the leader in that field, and also, with a very good amendment I was able to get on, we started, really, the solar voltaic program at that particular time. During the period since that time, a couple of times we have come very close to putting into a mandatory situation where we would decrease the consumption of oil by 10 percent through renewables.

Now we are on our way, finally. Hopefully, this bill will pass.

We are lowering our balance of payments.

We are providing an invaluable insurance policy to enhance our national security.

And we are protecting our environmental and reducing air pollution.

Federal support for renewable energy research and development has been a major success story in the United States. Costs have declined, reliability has improved, and a growing domestic industry has been born.

Through this boost in the renewables budget, we are building upon our successes. We are helping to develop industries which reduce our trade deficit and boost national security. We are helping farmers, ranchers, rural communities, and small businesses.

The 54 Senators who signed this letter—and in particular—Senator REID, deserve a great deal of credit for protecting the environment, promoting job growth, and advancing America's future.

Again, I thank the two sponsors of the bill, Senators REID and DOMENICI. I praise them for their efforts and helping in any way possible. I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, if I can respond before the Senator from Vermont leaves the floor, this has been a very difficult issue for Senator DOMENICI and me for a number of years. We acknowledge the leadership of the Senator from Vermont on this issue. But for him, we probably would not be in the position we are now. I appreciate his nice words and recognize his leadership on this issue over the many years.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I thank the distinguished Senator from Nevada, Mr. REID, for what he has said, and I echo the compliments. I think the Senator from Vermont understands the delicate position we are in this year in that the nondefense portion of this appropriations bill is inadequate to cover the nondefense research and water projects we ought to be covering in the bill.

I believe when we were able to almost match the Senator's and his cosponsors' request on solar and wind, they understand we are hopeful when we get to conference of getting some additional money from the budget and the appropriators for the nondefense portion of this bill which will make it easier for us to keep this and hold it all the way through. I have been sure and careful to explain that to the Senator from Vermont. I am sure he is aware of it. I wanted to put it in the RECORD.

Mr. JEFFORDS. Mr. President, if the Senator will yield, I agree with him 100 percent, and I am going to do all I can to assist him.

Mr. DOMENICI. Mr. President, while Senators are going to talk about projects, programs, activities, and amendments to add $5 million here or $7 million there, I want to break this appropriations bill into two parts—I wish I had it on a chart, and maybe I will have it the next time we are on this bill—so that when anybody offers an amendment that costs money, if it is in the nondefense part, whatever it is for, maybe some science research, maybe a water project that we did not fund, maybe operation and maintenance for some part of the Mississippi, a levy system, we are going to try to show you where we are really hurting for money is the nondefense part of this budget, the water projects and the nondefense science.

As a matter of fact, the allocation is about $604 million below the President's request in the nondefense part of this appropriations bill. That is $73 million less than last year's appropriations. It is not a question only of not being able to meet the President's request. We are, in essence, below last year's appropriated number, which many people say isn't realistic unless you are prepared to take some programs out of the Department—and we can hardly do that. That is a negative $73 million.

Fortunately, on the defense side, we have talked our way through all these different hurdles of how much defense money is available, and I am very appreciative of the fact that through the efforts of our chairman of the Appropriations Committee, the appropriators who spend defense money—that is the big defense bill, the smaller bill on military construction and a very small bill on Commerce that spends some money on defense—they have left, as part of the increase, sufficient money to cover the defense in this bill, which is $13.5 billion.

I regret to say the problem we have is when we go to the House, we have to raise the House's number because they are about $600 million below us on the defense side of their bill. It is a difficult problem.

I do believe the allocation that both chairmen of the House and Senate Appropriations Committees are going to ultimately come up with will make us whole at the Senate level on defense. I just explained why. The money is there, and I hope before this is over, we will convince everyone we are in an area where we have to be very concerned how much money we are spending on the defense side because the morale and capability of our National Laboratories to maintain our nuclear weapons activities is getting very close as to whether it can continue in a manner we have expected over the years.

When somebody says it is only $7 million and I need it for a levy and I need to start a program even though we said no new starts, I want to keep in front of everybody that we are $604 million below the President on nondefense, and the House is $600 million below ours on defense, and we are $500 million higher than the President's on defense. Those will be put up here for everybody to see.

If anybody wants an interpretation of what is in this bill, I tried very hard in a nonpartisan way to explain it in my earlier statement. I have given full credit to the magic of bipartisanship when it comes to writing a bill like this. We have to try to work together. Maintaining our nuclear capacity through science and research and nonproliferation should not be a partisan issue. Thanks to Senator REID, it is not. There are a few disagreements he and I have. We will iron them out on the floor.

I want to make sure everybody understands that right now, this day, 5 weeks before the new fiscal year, the nuclear defense laboratories, which essentially are made up of a piece of the National Laboratory in Tennessee called Oak Ridge, called Y-12, plus Los Alamos National Laboratory, Sandia National Laboratories in Albuquerque and Livermore, and Lawrence Livermore National Laboratory, are the laboratories that maintain our nuclear weapons activities that measure the performance and ability of our nuclear weapons, and their safety and reliability.

Right now, they are fragile because the morale is low. Throughout this short debate, I will keep mentioning to Senators that we better be careful with reference to the scientists who have done the big defense work who we must retain at these laboratories to perfect our Stockpile Stewardship Program, which allows no weapons testing while we are still going to protect the reliability of our weapons. We need to retain the old heads who have done this work for so long. At Los Alamos there are about 40 of them who are in the X division, including NEST or the Nuclear Emergency Search Team.

Their morale is very low because, my colleagues will recall, that is the area where that hard drive was found behind a machine, and they did not know how it got there. They have now been under investigation for 14 weeks. Fourteen weeks is a long time to have the very best scientists in the world who have maintained our nuclear capacity, some of them for 30 years, some for 25, some more 40, under investigation. We do not want them to leave the laboratories, and we want to attract the best new scientists to follow in their footsteps and have them educated by the other scientists. We are not succeeding at either.

The new recruits of the very best scientists are at an all-time low, and that is measurable. In other words, we know how many scientists we invited to work and how many accepted. I will put that in the RECORD. It is very low compared to 5 years ago. We also know how many are planning to leave, and it is very high compared to other years.

Everybody knows I have a parochial interest. At least they would assume that. If one of my colleagues had a laboratory like Los Alamos in his or her State, I say to any Senator, I assume they would be concerned about it. If they had a Sandia National Laboratory, which is the engineering laboratory for nuclear weapons, I assume they would be concerned.

I am concerned, and I have to try to convince the Senate that we have to put back some money in terms of morale builders, and we have to start telling those great scientists that they have done a wonderful job for America.

So something got messed up. If you can't prove there is spying or espionage, pretty soon you ought to get off their backs and you ought to say to them: We are going to fix this administratively.

I could go on tonight and tell you how we are going to do that because we have a new administrative approach to running the nuclear weapons activities of America. We have a great man, General Gordon, heading it. Give him a chance. Give him a chance to restructure. At the same time, let somebody who knows their problems lead this effort. He is about as knowledgeable as anyone we could get to head the NNSA, the National Nuclear Security Administration. It is hard to remember that name, but it will not be hard in a couple years because this general is going to make sure we know about it.

He is already showing some real leadership in terms of our understanding what NNSA is. It is the entire package of activities for our nuclear safety as far as our weapons and nonproliferation. We know he is going to fix this morale issue if we give him a chance.

For now we have to be very careful. For instance, the House limits their travel again, even lower than the President recommends. Does it ever occur to anyone that the great scientists travel? Was that ever an astonishing conclusion? If you did not know it, let me tell you: Great scientists travel. They love to go to conventions and conferences to share ideas. And if you say to a young crop of the best scientists in America: Come and work at Los Alamos, but you had better remember that you can only make one trip a year—well, what they are telling us already is: Hey, I have a company that doesn't limit me. They are offering me some stock options. They want me to come.

Pay isn't a problem. We pay our scientists pretty well at these laboratories, as a matter of fact. I must tell you, if they like their work they will stay there.

So my concern is a very serious one. We could not do what I think we must do and live with the House number on defense in this bill. We are $600 million higher than the House. We tell the Senate that with much pride because you have to give these laboratories what they need.

Let me give you just one area. The National Laboratory structure, with reference to nuclear weapons, is in need of an entire new, let's say, 10-year plan for rebuilding ancient buildings. I use the word "ancient" because some of them are so old that if you could apply the historic preservation statutes in the State of New Mexico, some of them would be untouchable because they are too old. That is how old they are. I do not want to tell you how old. But it is not very old to be labeled "old" anymore if you are a building.

But we started a plan. We started an approach for $100 million in this bill, to start some of that—for lack of a better word, we will call it infrastructure. But it is buildings; it is equipment. We must go on beyond that for a few years and get the nuclear weapons complex, so to speak, built up or decide we are going to have an inferior one. We would not be able to tell Americans the best people work there.

The best brainpower of America is devoted to making sure our nuclear weapons are right and safe. As we lower the numbers—which we are going to be doing; that, we can all say—even with lower numbers, we know what we are doing. We do not have to have tests because we know they are safe.

If we do not, I am going to support people who come to the floor and say: Let's start testing again. Have no doubt about it. We voted in the Mark Hatfield amendment to start a moratorium. We are doing it unilaterally. They are saying: Why don't we sign the treaty? We are not doing any testing by statute right now.

So these great scientists have to substitute brainpower and equipment for what underground testing used to give them, with information about the adequacy, the safety, the reliability.

Now we have to do it by computers, by new machines, new, fantastic x-ray machines that look inside bombs. We had better have the very best people in America working there, wouldn't you think? I would.

My distinguished friend from Nevada wants to speak.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. It is my understanding the Senator from Maine wishes to make a relatively short statement. I do not want to impose upon her time because we have to be here anyway.

I believe the Senator from New Mexico wishes to be recognized.

Mr. DOMENICI. I had indicated I wanted to send an amendment to the desk so we have one pending.

AMENDMENT NO. 4032

Mr. DOMENICI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] proposes an amendment numbered 4032.

Mr. DOMENICI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Starting on page 64, line 24, strike all through page 66, line 7.

Mr. DOMENICI. The amendment removes from the bill an environmental provision that I had put in there prior to a successful discussion of the issues and termination of the issues temporarily in the State of New Mexico. So I do not need the amendment. Senator Reid knows about it. That is what this amendment is.

Mr. REID. The amendment is pending; is that right?

The PRESIDING OFFICER. The amendment is pending.

Mr. REID. Mr. President, I ask unanimous consent that the amendment be set aside so the Senator from Maine can speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maine.

Mr. SCHUMER addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

AMENDMENT NO. 4033

Mr. SCHUMER. Mr. President, I thank the Senator from New Mexico, the Senator from Nevada, and most particularly, the Senator from Maine for helping arrange time so she and I can discuss the amendment that we are about to send to the desk. I request its immediate consideration.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. Schumer], for himself and Ms. Collins, proposes an amendment numbered 4033.

Mr. SCHUMER. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 93, between lines 7 and 8, insert the following:

GENERAL PROVISIONS—INDEPENDENT AGENCIES

SEC. 4 . PRESIDENTIAL ENERGY COMMISSION.

(a) Findings.—Congress finds that—

(1) crude oil and natural gas account for two-thirds of America's energy consumption;

(2) in May 2000, United States natural gas stocks totaled 1,450 billion cubic feet, 36 percent below the normal natural gas inventory of 2,281 billion cubic feet;

(3) in July 2000, United States crude oil inventories totaled 298,000,000 barrels, 11 percent below the 24-year average of 334,000,000 barrels;

(4) in June 2000, distillate fuel (heating oil and diesel fuel) inventories totaled 103,700,000 barrels, 26 percent below the 24-year average of 140,000,000 barrels;

(5) combined shortages in inventories of natural gas, crude oil, and distillate stocks, coupled with steady or increased demand, could cause supply and price shocks that would likely have a severe impact on consumers and the economy; and

(6) energy supply is a critical national security issue.

(b) Presidential Energy Commission.—

(1) Establishment.—

(A) In general.—The President shall establish, from among a group of not fewer than 30 persons recommended jointly by the Speaker and Minority Leader of the House of Representatives and the Majority Leader and Minority Leader of the Senate, a Presidential Energy Commission (referred to in this section as the "Commission"), which shall consist of between 15 and 21 representatives from among the following categories:

(i) Oil and natural gas producing States.

(ii) States with no oil or natural gas production.

(iii) Oil and natural gas industries.

(iv) Consumer groups focused on energy issues.

(v) Environmental groups.

(vi) Experts and analysts familiar with the supply and demand characteristics of all energy sectors.

(vii) The Energy Information Administration.

(B) Timing.—The appointments of the members of the Commission shall be made not later than 30 days after the date of enactment of this Act.

(C) Period of appointment.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(D) Chairperson.—The members of the Commission shall appoint 1 of the members to serve as Chairperson of the Commission.

(E) Initial meeting.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(F) Meetings.—The Commission shall meet at the call of the Chairperson.

(2) Duties.—

(A) In general.—The Commission shall—

(i) conduct a study, focusing primarily on the oil and natural gas industries, of—

(I) the status of inventories of natural gas, crude oil, and distillate fuel in the United States, including trends and projections for those inventories;

(II) the causes for and consequences of energy supply disruptions and energy product shortages nationwide and in particular regions;

(III) ways in which the United States can become less dependent on foreign oil supplies;

(IV) ways in which the United States can better manage and utilize its domestic energy resources;

(V) ways in which alternative energy supplies can be used to reduce demand on traditional energy sectors;

(VI) ways in which the United States can reduce energy consumption;

(VII) the status of, problems with, and ways to improve—

(aa) transportation and delivery systems of energy resources to locations throughout the United States;

(bb) refinery capacity and utilization in the United States; and

(cc) natural gas, crude oil, distillate fuel, and other energy-related petroleum product storage in the United States; and

(VIII) any other energy-related topic that the Commission considers pertinent; and

(ii) not later than 180 days after the date of enactment of this Act, submit to the President and Congress a report that contains—

(I) a detailed statement of the findings and conclusions of the Commission; and

(II) the recommendations of the Commission for such legislation and administrative actions as the Commission considers appropriate.

(B) Time period.—The findings made, analyses conducted, conclusions reached, and recommendations developed by the Commission in connection with the study under subparagraph (A) shall cover a period extending 10 years beyond the date of the report.

(c) Use of Funds.—The Secretary of Energy shall use $500,000 of funds appropriated to the Department of Energy to fund the Commission.

(d) Termination of Commission.—The Commission shall terminate on the date that is 90 days after the date on which the Commission submits its report under subsection (b)(2)(A)(ii).

Mr. SCHUMER. Mr. President, I thank my colleagues from New Mexico and Nevada for making time. I am proud to join with Ms. Collins, the Senator from Maine, in offering this amendment.

The amendment is a very simple one. It calls for a Presidential commission to study and propose, hopefully, consensus recommendations on how to deal with the impending crisis we have in energy.

The crisis is easy to document. U.S. inventories of natural gas, crude oil, heating oil, and diesel fuel are all at or near 25-year historic lows. Motorists in my State of New York and throughout the country are paying gasoline prices that are hovering near record highs in absolute terms and are increasing at record levels.

The current price of heating oil is higher than consumers typically pay in the dead of winter. Natural gas prices are at twice their typical price and are the highest in history at a time when warm weather keeps demand for natural gas low.

We are on the precipice of the most serious, most expensive; and most economically devastating energy crisis since spiraling prices sent our economy into a tailspin in 1976, and, of course, in terms of electricity as well. We have real problems with greater and greater demand and not enough supply.

Alan Greenspan said last July that the high price of oil has been putting inflationary pressure on our economy and that any further market impact "would pose a risk to America's economic outlook."

With crude oil selling for more than $33 a barrel and natural gas selling for a record nearly $5 per billion cubic feet, we are at the point that Chairman Greenspan warned about.

This is on top of a very expensive energy season where American consumers spent more than $75 billion on energy costs over the previous year.

Everyone has their own solution to the energy crisis. I have listened to the chairman of the Energy Committee and some on that side who say we should simply pump more oil. And, in the opinion of others, we should do that despite what we do to the environment.

I have heard many on this side say we have to do many things to reduce demand, such as raise CAFE standards and include SUVs and minivans under the designation of automobiles and raise the average miles per gallon.

I have heard others talk about new types of energy sources and how we need to explore them. Probably every one of the 100 Members in this Chamber, particularly after the last 6 months, has an idea. There is one problem. Our ideas are so fractured and so lacking consensus that we have done nothing. This is not blame on the Democrats or Republicans, on the White House or the Congress. Basically, there is enough blame to go around so that everybody can point a finger.

The bottom line is simple: Our demand for energy is increasing. Our supply of energy, particularly domestic supply, is decreasing. Unless we come to some kind of national consensus, the problems we faced last winter with home heating oil and this early summer with gasoline will cause new problems.

I have a great deal of respect for the Secretary of Energy. I think he has done a very good job under trying circumstances. I don't blame him. I don't blame the President. I don't blame the majority leader. I don't blame the chairman of the energy committee. But we have a problem. Thus far, we have been unable to deal with it.

The amendment Senator COLLINS and I have offered to the energy and water appropriations bill will create a national energy commission. The energy commission will be established jointly by the President and the majority and minority leaders of the House and Senate and will bring together representatives from the energy producing States, energy consuming States, oil and natural gas industries, consumer groups, environmental groups, and experts and analysts in the energy field. It is just the kind of group needed to bring about the consensus we so sorely lack. There may not be a consensus, but I believe we ought to try.

I, for one, am dubious of many commissions. In this case it is needed because of the paralysis in Washington in terms of addressing this issue, because of the lack of consensus throughout the land in how to deal with something that at the very least is going to cost Americans a lot more money and at its worst could take our fine economic recovery and send it into a tailspin.

The commission was designed by the Senator from Maine and myself to have a broad consensus of parties, branches of government and views and constituencies. It will conduct a study and provide a report to us on the following: the status of inventories of our energy sources; the cause for and consequences of energy supply disruption and energy product shortages nationwide and in particular regions; ways in which the United States can become less dependent on foreign oil supplies; ways in which alternate energy sources can be used to reduce demand on traditional energy sectors; ways in which the U.S. can reduce energy consumption; and ways to improve refinery capacity, utilization, and storage in the United States of natural gas, crude oil, and distillate fuel.

The commission shall provide a report within 6 months of enactment that shall include an assessment of our problems and recommendations on how to solve them.

In conclusion, last year New Yorkers and New Englanders paid more than $2 a gallon for heating oil. Home owners paid up to $1,000 more to heat their homes in my State, not because of weather but because of shortages. Motorists, people going on vacation, people driving cars and trucks for a living also paid hundreds if not thousands of dollars more out of their pockets this year.

As Chairman Greenspan warned, this is one of the few things that looms on the near horizon that could throw our economy off kilter.

Let us not get caught unprepared again. This amendment is the start of an energy policy that will protect consumers and protect our economy.

I thank the Chair and my colleagues from New Mexico and Nevada for their generosity and most particularly the Senator from Maine who is always a pleasure to work with on these and other issues.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Maine.

Ms. COLLINS. Mr. President, I first want to thank the managers of this bill, Senator DOMENICI and Senator REID, for bringing this appropriations bill to the floor in a bipartisan fashion and for making this time available to us tonight.

I am very pleased to join with my good friend and colleague from the State of New York, Senator SCHUMER, in offering this important amendment to the Energy and Water Appropriations bill. As my colleague has explained, this amendment is straightforward. It would establish a Presidential commission to help us develop a comprehensive, sustainable energy policy. The time is long overdue for this Nation to have an energy policy. Unfortunately, the current administration has failed to develop one.

Last year when the home heating oil crisis gripped the Northeast, the Energy Secretary, Bill Richardson, was very forthright. He admitted that the Federal Government had been caught napping and said that we simply were not prepared.

Due largely to OPEC's anticompetitive manipulation of our oil markets, we have been experiencing dramatic price increases that have rippled throughout the four corners of this Nation. This year consumers have paid 47 percent more for gasoline. Truckers have paid 46 percent more for diesel fuel. And Northeasterners have paid 81 percent more for home heating oil than they did just one year earlier.

In my home State of Maine, this problem is reaching crisis proportions. Seventy-five percent of all Maine households use home heating oil, consuming an average of 800 gallons per year. Last year, the average Maine household spent $320 more than it did the previous year simply to heat with oil. Of course, heating with natural gas provided little relief as natural gas prices have also soared. And the outlook for this year is even worse.

Meanwhile, although OPEC countries sold 5 percent less oil in 1999, their profits were up by 38 percent.

Today, as a year ago, we find ourselves turning the corner toward cooler weather and another looming home heating oil price crisis. All signs indicate that this one will be even worse than last year's. Consider that crude oil closed Friday at $33 per barrel, up from $22 a year ago. Last week heating oil futures hit their highest level since October of 1990. At the same time, as my colleague has pointed out, home heating oil and natural gas inventories are down. Indeed, distillate stocks are roughly 10 million barrels lower than the administration predicted just last month. In fact, stocks of crude oil, gasoline and heating oil in the United States have not been at levels this low since the mid-1970s, when our economy was thrown into turmoil due in large measure to a volatile oil market. Compounding the problem, the demand for distillate fuel is predicted to increase significantly this winter.

In short, the fast approaching winter looks bleak. And judging from the most recent comments of OPEC officials, it is clear that we cannot expect any real relief from the cartel.

As my colleague has pointed out, there is no consensus in the Congress or in the administration about what approach we should take in developing a national energy policy. Policymakers differ on what can be done to provide relief to American consumers.

My friend from New York and I have been advocating for some time that the administration implement a responsible plan to swap oil from our well-stocked Strategic Petroleum Reserve to satisfy market demand and provide some price relief to American consumers. Others in this Chamber advocate different approaches. But I believe we can all find common ground with the notion that, in the long term, we need to conduct a comprehensive study of our oil and natural gas industries in order to develop a strategy to stabilize fuel prices, to explore alternative energy sources, and to reduce our reliance on foreign oil supplies. Our amendment would take an important first step in accomplishing these goals through the creation of a bipartisan energy commission.

I very much appreciate the fact that the managers have been working with us on this legislation, which I hope they will accept. With that, I yield the floor.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, on behalf of myself and with the concurrence of the minority leader, I ask unanimous consent that during the consideration of the energy and water appropriations bill on Wednesday, it be in order for the minority leader, or his designee, to offer an amendment to strike relating to the Missouri River. I further ask consent that there be 3 hours for debate equally divided in the usual form on that amendment, and further, no amendments be in order to the language proposed to be stricken by a vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, as soon as there is a unanimous consent agreement, it is my understanding that what we are going to try to do—there appear to be no more amendments tonight. As soon as there is something from the staff putting us out tonight, I will withhold.

Mr. DOMENICI. The Senator is correct.

MORNING BUSINESS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT OF 2000

Mr. THURMOND. I rise today to express reservations about S. 2869, the Religious Land Use and Institutionalized Persons Act of 2000, and the larger issue of the impact of religious liberty legislation in the context of prisons and the military.

One of the founding principles of our Nation involves the freedom to worship. I have always been a strong supporter of this most basic right. For example, for many years I have introduced a constitutional amendment to permit prayer in public schools, and I would be very pleased if we could pass that amendment.

In the closing hours of the Senate before the August recess, the Senate considered the Religious Land Use and Institutionalized Persons Act, which is essentially an attempt to change the way the courts interpret the Free Exercise Clause of the Constitution regarding prisons and land use regulations throughout the Nation. Ever since the Supreme Court held the Religious Liberty Protection Act unconstitutional as applied to the states, supporters of this legislation have tried to reverse that decision. Just as the Religious Liberty Protection Act has been held unconstitutional as applied to the states and its legality is still unclear regarding the federal government, there are legitimate issues regarding whether S. 2869 is constitutional. Moreover, there are serious questions about whether this bill is good public policy, especially as it relates to the prisons and jails across America.

I first wish to note what this bill is not. It is not directed at laws that intentionally discriminate against a particular religion or even all religions. We all recognize that laws that intentionally discriminate against religious groups cannot be tolerated, and the courts already routinely invalidate such laws. Rather, this bill is directed at laws that apply to everyone equally, but have the effect of burdening someone's exercise of his or her religion. It is this indirect impact that the supporters are trying to address. However, in the process, the bill is entirely inconsistent with the principles of federalism, and it creates significant problems in many areas.

I would like to specifically address prisons. The safe and secure operation of prisons is an extremely difficult and complex task. I fear that establishing new legal rights for inmates through this law will only make that job more difficult and more dangerous.

The Supreme Court under O'Lone and other cases established a reasonable standard for evaluating religious freedom claims in prison, balancing the needs of inmates and the institution. Then, in 1993, the Religious Freedom Restoration Act imposed a very difficult burden on correctional officials when prisoners made demands that they claimed were based on their religious faith. Although R.F.R.A. was held unconstitutional a few years later, the bill will again upset the balance.

Applying this legislation in prison has the real potential to undermine safety and security. Inmates have used religion as a cover to organize prison uprisings, get drugs into prison, promote gang activity, and interfere in important prison health regulations. Additional legal protections will make it much harder for corrections officials to control these abuses of religious rights.

One example of a successful prisoner lawsuit before R.F.R.A. was held unconstitutional concerns an inmate who refused to take a tuberculosis test in Jolly v. Coughlin. The New York prison system wished to prevent the spread of T.B. to staff and inmates, so it implemented a mandatory testing program to screen inmates for T.B. so the disease could be treated before it became active and contagious. The plaintiff refused to take the test based on his religious beliefs, and won. The courts permitted the inmate to violate this very reasonable health policy. This is a clear interference with prison safety and security. There is no excuse for courts to allow inmates to tell authorities what health policies they will or will not follow.

This case is just an example of how S. 2869 has the potential to put courts back in the business of second-guessing correctional officials and micromanaging state and local jails. There should be deference to the expertise and judgement of prison administrators. These professionals know what is needed to protect the safety and security of inmates, staff, and the public.

The possibilities for inmate demands for religious accommodation under S. 2869 are limited only by the criminal's imagination. As the Attorney General of Ohio said in a letter last year, "We have seen inmates sue the states for the 'right' to burn Bibles, the 'right' to engage in animal sacrifices, the 'right' to burn candles for Satanist services, the 'right' to certain special diets, or the 'right' to distribute racist materials."

There was a large increase in prisoner demands and a rise in lawsuits based on religious liberty while R.F.R.A. was in effect. The Solicitor of Ohio testified a few years ago that there were 254 inmate R.F.R.A. cases in the Lexis computer database during the three years the law applied to the states. This does not include cases that were not included in the database, and some of the cases listed actually included many inmates because the cases were class action suits.

Winning lawsuits will encourage inmates to challenge authority more and more often in day to day prison life, and S. 2869 will make it much more likely that they will win. However, even if a prisoner's claim fails, it costs the prison much time and money to defend, at a time when prison costs are rising. The new legal standard will make it much harder to get cases dismissed before trial, greatly increasing the diversion of time and resources.

As former Senator Alan Simpson said during the debate on R.F.R.A. in 1993, applying this legislation to prisons will impose "an unfunded Federal mandate requiring the State and local governments to pay for more frequent, expensive, and protracted prisoner suits in the name of religious freedom."

Some have argued that the fact that S. 2869 must comply with the Prison Litigation Reform Act solves any problems regarding inmates. Unfortunately, as the National Association of Attorneys General has recognized, this is incorrect. It is true that the P.L.R.A. has limited the number of frivolous lawsuits inmates can bring. However, under this new legislation, lawsuits that formerly were frivolous now will have merit because this bill changes the legal standard under which religious claims are considered. Because S. 2869 makes it much easier for prisoners to win their lawsuits, the P.L.R.A. will be of little help.

Not all prisoners abuse the law. Indeed, it is clear that religion benefits prisoners. It helps rehabilitate them, making them less likely to commit crime after they are released. In fact, it is ironic that S. 2869 may actually diminish the quality and quantity of religious services in prison. If R.F.R.A. is any indication, requests for religious accommodation will rise dramatically for bizarre, obscure or previously unknown religious claims. These types of claims divert the attention and resources of prison chaplains away from delivering religious services. The great majority of inmates who legitimately wish to practice their religious beliefs will be harmed by this law.

I am pleased that the General Accounting Office will be conducting a study regarding the impact of religious liberty legislation in the prison environment. We must continue to review this important issue very closely.

Additionally, I wish to discuss my concerns regarding the effect of religious rights legislation in the military. While S. 2869 does not directly impact the Armed Services, the Administration considers the predecessor to S. 2869, the Religious Freedom Restoration Act, to be constitutional and binding on all of the federal government, including the military. I strongly believe that the military should be excluded from any legislation creating special statutory religious rights.

In discussing religious rights, it is important to note that the Free Exercise Clause of the Constitution has never provided individuals unlimited rights. The Free Exercise Clause must be balanced against the interests and needs of society in various circumstances.

Government interests are especially significant outside of general civilian life, and the military is the best example. Here, governmental interests are paramount for a variety of reasons that the courts have always recognized. The courts have always been tasked with balancing the rights of individuals against the interests of society. In this area, I believe the courts have struck a good balance.

In Goldman v. Weinberger, the key legal authority on this issue, the Supreme Court reaffirmed its long-standing position and made clear that courts must defer to the professional judgment of the military regarding the restrictions it places on religious practices. The military, not the courts, generally should decide what is permitted and what is not permitted.

This does not mean that soldiers have no religious rights under the Constitution, but the courts generally must defer to the professional judgement of the military on applying these rights in the military. This is essential because of the military's need to foster discipline, unity, and respect in achieving its mission of protecting America's national security.

As the court in Goldman explained, "The military is, by necessity, a special society separate from civilian society. . . . The military must insist upon a respect for duty and a discipline without counterpart in civilian life. . . . The essence of military service is the subordination of the desires and interest of the individual to the needs of the service."

The R.F.R.A. entirely rejected this approach. It put the courts in the business of deciding what religious activities should be permitted in the military and what should not. It does this by establishing a very high legal standard, called the strict scrutiny test, that must be met before the government, including the military, may enforce a law or regulation that interferes in any person's exercise of their religious rights. Under this test, a restriction on religious practices is permitted only if it is narrowly tailored to achieve a compelling governmental interest. This is a very difficult legal standard to meet and is an unrealistic and dangerous burden for the military. However, under this law, the courts must treat all requests for religious practice under the same standard, whether it is the Armed Forces or anywhere else in society.

The R.F.R.A. does not in any way recognize the special circumstances of the military. This is a serious mistake. There is simply no reason why the courts should be in the business of second-guessing how the military handles these matters.

In the past, the Department of Defense has recognized this problem. A comprehensive Defense Department study of religion in the military in 1985 concluded that the "strict scrutiny" test should not apply to the military. It concluded that adopting this standard "would be a standing invitation to a wholesale civilian judicial review of internal military affairs. . . . It would invite use of the results in civilian cases as a model for the military context when, in fact, the differences between civilian and military society are fundamental. Adoption of the civilian 'strict scrutiny' standard poses grave dangers to military discipline and interferes with the ability of the military to perform its mission."

The Armed Forces today fully accommodates religious practices. In fact, I have concerns about whether the Defense Department is too generous in what it is permitting on military bases today. For example, as reported last year in the Washington Post, Army soldiers who consider themselves to be members of the Church of Wicca are carrying out their ceremonies at Fort Hood in Texas. The Wiccas practice witchcraft. At Fort Hood, they are permitted to build fires on Army property and perform their rituals involving fire, hooded robes, and nine inch daggers. An Army chaplain is even present.

More recently, I read about an ongoing case where a Marine soldier disobeyed a direct order against leaving his military base because the date fell on the new moon, a holy day for Wiccas, and he said he needed to get copper sulfate to perform a ritual. This is just the type of case that a soldier could win under R.F.R.A.

I do not believe that the Armed Forces should accommodate the practice of witchcraft at military facilities. The same applies to the practices of other fringe groups such as Satanists and cultists. Racist groups could also claim religious protection. For the sake of the honor, prestige, and respect of our military, there should be no obligation to permit such activity.

Members of some groups, such as the Native American Church and Rastafarians, use controlled substances in their religious ceremonies. The military today broadly allows the use of the drug peyote for soldiers who claim to be members of the Native American Church. Peyote, a controlled substance, is a hallucinogenic drug. According to a 1997 letter from the National Institute on Drug Abuse, peyote appears to cause an acute psychotic state for up to four hours after it is ingested. The long term effects of its use, especially its repeated use, are simply not known, including the possibility of flashbacks and mood instability. As part of the Authorization Bill for the Department of Defense, I am requiring that the Defense Department conduct a study on this drug. It simply has no legitimate place within our Armed Forces. This is an excellent example of the military going too far today in its efforts to accommodate religious practices.

Another problem from the military's efforts to accommodate fringe groups is that it can harm recruitment. Last year, various religious organizations called for a boycott of the Armed Forces because of its accommodation of these fringe religious groups. The military is having significant difficulty today with recruitment for our all-volunteer force, and the accommodation of groups such as the Wiccas further complicates this problem.

Without R.F.R.A., it is clear that the military could severely limit or prevent practices such as these if it wished. It is less clear exactly what limits the military can impose under R.F.R.A., to the extent that the law is constitutional as applied to the Federal Government.

When I have raised concerns about these matters with Defense Department officials, I have been told that the military will not permit soldiers to practice beliefs that pose a threat to good order and discipline. Unfortunately, that is not the legal standard the Department is faced with under R.F.R.A. Under religious liberty laws, the courts make the decision based on whether the religious restriction is the least restrictive means to accomplish a compelling governmental interest, not whether the restriction is based on good order and discipline.

Religious liberty legislation could cause many problems for the military that have not been considered. Although there have been few claims under R.F.R.A. in the military to date, this could easily change in the future. Soldiers who adhere to various faiths, including many established religions, could make claims that violate important, well-established military policies. For example, soldiers who are Rastafarian can claim protection to wear beards or dread-locks, and Native Americans can claim protection for long hair. Also, Rastafarians may claim an exemption from routine medical care that require injections, such as immunizations. Although it is my understanding that the military does not accommodate exemptions from grooming standards or receiving health care, soldiers could bring such claims and likely win. To date, inmates or guards in prisons have won cases similar to these in court, and there is little reason to expect that cases brought by soldiers would turn out any differently.

Soldiers brought lawsuits in the 1960s seeking exemptions from immunizations and exemptions from work on certain days based on religious practices, but these claims failed under the deferential standard. However, under R.F.R.A., there are endless opportunities for religious practices to interfere in important military policies and practices, and it is much more likely that such cases would be successful.

One such matter arose during the Persian Gulf War. At the time, the military imposed restrictions on Christian and Jewish observances and the display of religious symbols for soldiers stationed in Saudi Arabia. This was important so that our troops would not violate the laws and religious decrees of the host nation. There was some talk of lawsuits against our military because of these restrictions. Although this matter arose before R.F.R.A. was enacted, such a lawsuit is much more likely to be successful today.

In short, it is not in the best interest of our nation and national security for religious liberty legislation to apply to our Armed Forces. Decisions about religious accommodation should be left to the military, not the courts.

I will continue to monitor this most serious matter. It is my sincere hope that the next Administration will recognize the seriousness of this issue and support excluding the military from legislation that creates special religious rights.

VICTIMS OF GUN VIOLENCE

Mr. DURBIN. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read some of the names of those who lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

September 5, 1999:

Andre P. Bacon, 21, Chicago, IL;

Agron Berisha, 18, Miami, FL;

Mark Douglas, 34, Fort Wayne, IN;

Princeton L. Douglas, 18, Chicago, IL;

Willie Lassiter, 20, Atlanta, GA;

Denkyira McElroy, 24, Chicago, IL;

Jerry Ojeda, 23, Houston, TX;

Rodney Prince, 18, Baltimore, MD;

Jarhonda Snow, 4, Miami, FL;

Unidentified Female, San Francisco, CA.

One of the gun violence victims I mentioned, 23-year-old Jerry Ojeda from Houston, was drinking with friends when they began taking turns shooting a 9-millimeter pistol into the air. After firing several shots, Jerry took the gun and turned it on himself.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

BUDGET SCOREKEEPING REPORT

Mr. DOMENICI. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under Section 308(b) and in aid of Section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the First Concurrent Resolution on the Budget for 1986.

This report shows the effects of congressional action on the budget through July 26, 2000. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 2001 Concurrent Resolution on the Budget (H. Con. Res. 290), which replaced the 2000 Concurrent Resolution on the Budget (H. Con. Res. 68).

The estimates show that current level spending is above the budget resolution by $17.5 billion in budget authority and by $20.6 billion in outlays. Current level is $28 million below the revenue floor in 2000.

Since my last report, dated June 20, 2000, the Congress has cleared, and the President has signed, the Military Construction Appropriations Act, fiscal year 2001 (P.L. 106-246). This action changed the 2000 current level of budget authority and outlays.

I ask unanimous consent to have a letter dated July 27, 2000 and its accompanying tables printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 27, 2000.

Hon. PETE V. DOMENICI,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed tables show the effects of Congressional action on the 2000 budget and are current through July 26, 2000. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of H. Con. Res. 290, the Concurrent Resolution on the Budget for Fiscal Year 2001, which replaced H. Con. Res. 68, the Concurrent Resolution on the Budget for Fiscal Year 2000.

Since my last report, dated June 20, 2000, the Congress has cleared, and the President has signed, the Military Construction Appropriations Act, FY2001 (Public Law 106-246). This action changed budget authority and outlays.

Sincerely,

DAN L. CRIPPEN,
Director.

Enclosures.

TABLE 1.—FISCAL YEAR 2000 SENATE CURRENT LEVEL REPORT, AS OF JULY 26, 2000

[In billions of dollars]

	Budget resolution	Curent level[1]	Current level over/under resolution
On-budget:			
Budget Authority	1,467.3	1,484.8	17.5
Outlays	1,441.1	1,461.7	20.6
Revenues	1,465.5	1,465.5	([2])
Debt Subject to Limit	5,628.3	5,584.5	−43.8
Off-budget:			
Social Security Outlays	326.5	326.5	0.0
Social Security Revenues	479.6	479.6	0.0

[1] Current level is the estimated revenue and direct spending effects of all legislation that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest information from the U.S. Treasury.

[2] Less than $50 million.

Source: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE FISCAL YEAR 2000 SENATE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES, AS OF JULY 26, 2000

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in previous sessions:			
Revenues	n.a.	n.a.	1,465,480
Permanents and other spending legislation	876,140	836,751	n.a.

TABLE 2.—SUPPORTING DETAIL FOR THE FISCAL YEAR 2000 SENATE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES, AS OF JULY 26, 2000—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Appropriation legislation	869,318	889,756	n.a.
Offsetting receipts	−284,184	−284,184	n.a.
Total, enacted in previous sessions	1,461,274	1,442,323	1,465,480
Enacted this session:			
Omnibus Parks Technical Corrections Act of 1999 (P.L. 106–176)	7	3	0
Wendell H. Ford Aviation Investment and Reform Act (P.L. 106–181)	2,805	0	0
Trade and Development Act of 2000 (P.L. 106–200)	53	52	−8
Agricultural Risk Protection Act of 2000 (P.L. 106–224)	5,500	5,500	0
Military Construction Appropriations Act, FY 2001 (P.L. 106–246)	15,173	13,799	0
Total, enacted this session	223,538	19,354	−8
Entitlements and mandatories: Adjustments to appropriated mandatories to reflect baseline estimates	−35	0	n.a.
Total Current Level	1,484,777	1,461,677	1,465,472
Total Budget Resolution	1,467,300	1,441,100	1,465,500
Current Level Over Budget Resolution	17,477	20,577	n.a.
Current Level Under Budget Resolution	n.a.	n.a.	28
Memorandum: Emergency designations for bills enacted this session	11,163	2,078	0

Source: Congressional Budget Office.

Notes: P.L. = Public Law; n.a. = not applicable.

THE PROJECT ON GOVERNMENT OVERSIGHT

Mr. BINGAMAN. Mr. President, on July 24, the chairman of the Committee on Energy and Natural Resources, brought before the Senate a report on payments made by the Project on Government Oversight, a public interest group commonly called "POGO," to two federal employees. Unfortunately, the chairman referred to the report in his remarks as a "committee report." It is not, and I think we need to set the record straight on that point.

The rules of the Senate give the Committee on Energy and Natural Resources, like all our standing committees, broad authority to "make investigations into any matter within its jurisdiction." But the power to make investigations rests with the Committee as a whole. It is not vested in the chairman or any one Senator.

In January, at the chairman's request, the Comptroller General detailed an employee of the General Accounting Office, Mr. Paul Thompson, to the committee to conduct a "preliminary inquiry" into the payments. In February, the chairman informed the committee that the inquiry was underway and that he would "make recommendations" to the committee "as soon as we have something tangible."

The chairman has leapt from "preliminary inquiry" to a final report without any intervening action or consideration by the committee. The committee never authorized Mr. Thompson's investigation and it never approved his report. I first learned about it after the chairman posted it on the Internet.

Nor was the report written or approved by the General Accounting Office. Although Mr. Thompson is a GAO employee, he was detailed to the committee. So far as I can tell, no one at the General Accounting Office participated in the investigation or in writing the report. Mr. Thompson's activities were not subject to the professional standards of conduct that govern GAO investigations, and his report was not subject to review and approval by senior GAO officials.

If the chairman had asked the committee to approve Mr. Thompson's report, I would have voted against it. If a majority of the committee had agreed to adopt the report as its own, I would have filed minority views. Since I was not given that opportunity, I will state my views for the RECORD.

POGO's payments to Mr. Berman and Mr. Speir cannot be understood in isolation. They must be viewed in the larger context of the ongoing controversy over federal oil and gas royalties.

Oil companies that produce oil on federal land are, by law, required to pay royalties to the Federal Government based on the value of the oil they produce from federal leases. Many of the major oil companies have been accused of undervaluing and, thus, underpaying the royalties they owe to the American people. The alleged underpayments total many hundreds of millions of dollars.

A few years ago, POGO and various private individuals sued the oil companies under the False Claims Act. The False Claims Act allows a private citizen to sue anyone who has defrauded the Government. If successful, the person bringing the suit, known as a "relator," is entitled to a share of the money recovered by the Government as a result of the suit.

The essential facts surrounding the POGO payments are not in dispute. POGO asked Robert A. Berman, an employee at the Department of the Interior, and Robert A. Speir, an employee at the Department of Energy, to join its False Claims Act suit. Neither man agreed. POGO then offered to share any money it received from its suit with the two men and they agreed. In January 1998, they put their agreement in writing. In August 1998, Mobil Oil Corporation settled the claims against it by paying the Government and the relators a total of $45 million. In November 1998, POGO got about $1.2 million from the settlement and it paid Mr. Berman and Mr. Speir $383,600 apiece out of its share.

The current dispute centers on why POGO made those payments. POGO characterized the payments as "awards" for the two men's "decade-long public-spirited work to expose and stop the oil companies' underpayment of royalties for the production of crude oil on federal and Indian lands." POGO's opponents believe POGO had sinister motives.

Mr. Thompson's report attempts to substantiate the opponents' suspicions. I am troubled by Mr. Thompson's report for several reasons.

First, I am troubled by the very nature of Mr. Thompson's report. In his letter of transmittal to Chairman MURKOWSKI, Mr. Thompson makes very serious charges against POGO; its chairman, Mr. Banta; its executive director, Ms. Brian; and the two federal employees who received the payments, Mr. Berman and Mr. Speir. He accuses POGO of paying the two men "to influence the Department [of the Interior] toward taking actions and adopting policies" benefiting both POGO and the two employees. Without saying so directly, Mr. Thompson's report insinuates that POGO and the two employees may have broken federal criminal laws against bribery, the payment and acceptance of gratuities, and the payment and acceptance of private compensation for government service.

Yet nowhere in his 42-page report does Mr. Thompson present the evidence necessary to back up his charges. In place of evidence, he offers only theories, speculation, suspicions, circular reasoning, and his personal conviction that all assertions of innocence from Ms. Brian and Messrs. Banta, Berman, and Speir are untrustworthy.

Second, I am troubled by the report's lack of a coherent theory of the case. Mr. Thompson laboriously rebuts the explanations offered by POGO, but never meets his own burdens of production and persuasion.

Part of his problem may stem from the fact that the chairman never defined the scope of the inquiry. Mr. Thompson states that the "chief concern" behind the inquiry was "whether the payments represent an improper influence upon the Department of the Interior's development of its new oil royalty valuation policy," but his report focuses little attention on this issue.

Whether the payments improperly influenced the Department of the Interior's oil valuation rule is, of course, a legitimate concern of the Committee on Energy and Natural Resources. In his transmittal letter, Mr. Thompson concludes that the rule "may have been improperly influenced by" the payments. Yet his own report fails to support that conclusion. The report states that the two men's involvement in the rulemaking "terminated" around December 1996, before the Department of the Interior published its proposed rule in January 1997. After Mr. Berman and Mr. Speir stopped working on the rule, it was substantially revised over the course of 8 public comment periods, 20 public meetings and workshops, the review of thousands of pages of testimony, and close congressional oversight. Mr. Thompson's assertion that POGO's payments may have "improperly influenced" the final rule simply is not supported by the rulemaking record.

The bulk of Mr. Thompson's report is devoted to his search for an improper motive for the payments. I do not believe that this is an appropriate use of the committee's investigative powers. The matter is now under investigation by the Inspector General of the Department of the Interior and the Public Integrity Section of the Department of Justice—as it should be. The appearance of impropriety created by the payments warrants investigation, but by the proper authorities. It is for the appropriate law enforcement agencies and, ultimately, the courts, not the Committee on Energy and Natural Resources, to decide if any laws were broken.

This is particularly the case where, as here, the targets of the committee's investigation are not senior policy officials, but private citizens or low-ranking civil servants, and where, as here, the committee has shown a strong bias against the targets of its probe. The chairman of the Energy Subcommittee publicly declared the payments to be "grossly unethical" soon after they came to light in May 1999, and the chairman of the full committee publicly declared them to involve "apparent gross impropriety" only a month after Mr. Thompson began his investigation.

The Framers wisely kept law enforcement and judicial powers out of Congress's hands, because, as Alexander Hamilton said, "of the natural propensity of [legislative] bodies to party divisions," and their fear that "the pestilential breath of [party] faction may poison the fountains of justice." The strong political feelings recently displayed in the House Committee on Resources over this matter bear this out.

Over two centuries ago, Benjamin Franklin observed that "There is no kind of dishonesty into which otherwise good people more easily and frequently fall than that of defrauding the Government." All too often, otherwise good people are tempted to cheat their Government because they think they can get away with it. All too often, they do, because most fraud against the Government goes unreported. Most federal employees are reluctant to report fraud because they believe nothing will be done if they do report it, or because they are afraid of reprisal.

For this reason, Congress amended the False Claims Act in 1986, in the words of the Judiciary Committee, "to encourage any individual knowing of Government fraud to bring that information forward." The 1986 amendments offer large rewards to whistleblowers who bring a successful false claims action and afford new protections against employer retaliation. While the amendments do not expressly authorize federal employees to file whistleblower suits, the courts have generally read the amended law to permit them to, since the courts recognize that federal employees are often in the best position to uncover and report government fraud.

What happened here seems fairly clear. Two federal employees had information they believed showed that oil companies were defrauding the Government. They brought it forward to their agencies. They also, it seems likely, may have shared some of that information with POGO. They could have openly joined POGO's False Claims Act suit but, for whatever reason, they chose not to. They chose instead to become, in effect, silent partners in POGO's suit. POGO generously, if foolishly, shared its windfall with them.

Probably all concerned would now agree that this arrangement was a serious mistake. POGO has handed its opponents a powerful weapon with which to wound its credibility and its effectiveness. It has not only brought down a world of trouble on itself, Mr. Berman, and Mr. Speir, but it has deflected attention away from the question of whether the oil companies defrauded the Government to the matter before us.

At the very least, the payment of large sums of money by an outside source to a federal employee for work related activities creates an appearance of impropriety. If the appropriate authorities ultimately determine that the payments to Mr. Berman and Mr. Speir were not unlawful, then Congress may need to tighten the conflict of interest laws to more clearly bar federal employees from accepting such payments in the future, or to amend the False Claims Act to prevent federal employees from aiding or benefiting from False Claims Act suits. Crafting a legislative solution that would prevent a recurrence of this problem in the future would, in my view, be a more constructive—and far more appropriate—use of the Senate's time and energy than trying to build a case against POGO and Messrs. Berman and Speir.

Any changes in the current laws should, however, be carefully drawn to avoid shutting off the legitimate flow of allegations and information about government fraud and corruption from federal employees to organizations like POGO. These organizations play a valuable role in exposing government fraud and corruption. They offer a safe harbor to federal employees who may be unable or unwilling to come forward publicly on their own. We may not always agree with the causes they espouse or the allegations they make, but we would make a terrible mistake if we were to choke off the flow of allegations and information to them or still their voice.

They must, of course, operate within the law. Good intentions do not give them, or the people that come to them, free rein to violate federal conflict of interest laws, agency ethnic rules, or the protective orders of the courts. If anything like that happened in this case, then POGO and the two federal employees should be held accountable by the appropriate law enforcement officials and the courts. But, as the Supreme Court has admonished us in the past, Congress is not a law enforcement agency or a judicial tribunal, and we should not presume to be one in this case.

The Committee on Energy and Natural Resources, like most of the Senate's standing committees, from time to time, has to conduct investigations into certain matters to do its job. The Energy Committee has, in recent years, conducted a number of sensitive investigations into serious allegations of wrongdoing leveled against senior Administration officials whose nominations were pending before the committee. Each of these investigations was handled very thoroughly and professionally on a bipartisan basis by the committee's own lawyers.

Special, partisan investigations like Mr. Thompson's carry with them special problems. By focusing exclusively on proving the guilt of their chosen target, they tend to lose sight of the larger picture and their sense of proportion. Justice Robert Jackson warned us of this danger in the case of prosecutors who "pick people" they think they "should get rather than cases that need to be prosecuted."

> With the law books filled with a great assortment of crimes, [Justice Jackson said,] a prosecutor stands a fair chance of finding at least a technical violation of some act on the part of almost anyone. In such a case, it is not a question of discovering the commission of a crime and then looking for the man who has committed it, it is a question of picking a man and then searching the law books, or putting investigators to work, to pin some offense on him. It is in this realm—in which the prosecutor picks some person he dislikes or desires to embarrass, or selects some group of unpopular persons and then looks for an offense, that the great danger of abuse of prosecuting power lies. It is here that law enforcement becomes personal, and the real crime becomes that of being unpopular with the predominant or governing group, being attached to the wrong political views, or being personally obnoxious to or in the way of the prosecutor himself.

Sadly, I fear that has happened in this case.

COST OF REPORTED BILLS BY THE CONGRESSIONAL BUDGET OFFICE

Mr. SMITH of New Hampshire. Mr. President, Section 403 of the Congressional Budget and Impoundment Control Act requires that a statement of the cost of reported bills, prepared by the Congressional Budget Office, be included in Senate reports. On July 27, 2000, the Committee on Environment and Public Works filed Senate Report 106–362, accompanying S. 2796, the Water Resource Development Act of 2000, and Senate Report 106–363, accompanying S. 2979, Restoring the Everglades, An American Legacy Act. The cost estimates were not available at the time of filing. The information subsequently was received by the committee and I ask unanimous consent to print it in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 18, 2000.
Hon. ROBERT C. SMITH,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 2796, the Water Resources Development Act of 2000.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Rachel Applebaum, who can be reached at 226–2860.

Sincerely,
DAN L. CRIPPEN.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 2796, Water Resources Development Act of 2000, as ordered reported by the Senate Committee on Environment and Public Works on June 28, 2000

Summary

S. 2796 would authorize the Secretary of the Army, acting through the Army Corps of Engineers (Corps), to undertake projects specified in title I of the bill for inland navigation, flood control and damage reduction, environmental restoration, and shore protection. CBO estimates that the bill would authorize about $2 billion (in 2000 dollars) for these projects.

Other provisions of the bill would authorize the Secretary to conduct studies on water resources needs and feasibility studies for specified projects; authorize the Secretary to convey or exchange certain properties; renew, end, or modify previous authorizations for certain projects; and authorize new programs or pilot projects to develop water resources and protect the natural environmental, including a program to restore the natural environment of the south Florida ecosystem. For these activities, CBO estimates that S. 2796 would authorize the appropriation of about $1.7 billion.

Assuming the appropriation of the necessary amounts, including adjustments for increases in anticipated inflation, CBO estimates that implementing S. 2796 would cost about $1.6 billion over the 2001–2005 period, and another $2.5 billion over the following 10 years for the projects that would be authorized by the bill. (Some construction costs and operations and maintenance would occur after this period.) CBO estimates that enacting S. 2796 would increase certain offsetting receipts to the Federal Government by about $3 million over the 2001–2003 period. Because enacting the bill would affect direct spending, pay-as-you-go procedures would apply.

S. 2796 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). State and local governments would incur some costs as a result of the bill's enactment, but these costs would be voluntary.

Estimated Cost to the Federal Government

The estimated budget impact of S. 2796 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and the environment).

[By fiscal year, in millions of dollars]

	2000	2001	2002	2003	2004	2005
Changes in Spending Subject to Appropriation						
Estimated Authorization Level	315	373	357	317	367	....
Estimated Outlays	223	340	350	341	372	....
Changes in Direct Spending						
Estimated Budget Authority	−1	a	−2	(1)	(1)	....
Estimated Outlays	−1	a	−2	(1)	(1)	....

[1] Less than $500,000.

Basis of Estimate

For this estimate, CBO assumes that S. 2796 will be enacted by the beginning of fiscal year 2001 and that all amounts authorized by the bill will be appropriated for each fiscal year.

Spending Subject to Appropriation

For projects specified in the bill the Corps provided estimates of annual budget authority needed to meet design and construction schedules. CBO adjusted those estimates to reflect the impact of anticipated inflation during the time between authorization and appropriation. Estimated outlays are based on historical spending rates for activities of the Corps.

Direct Spending (including Offsetting Receipts)

Land Exchange in Pike County, Missouri. S. 2796 would authorize the Secretary to receive about 9 acres of land from S.S.S. Lumber, Inc. and convey another 9 acres to the company. If the land the government receives is less valuable than the land the company receives, then the bill would require the company to pay the difference. The bill also requires the company to pay the administrative costs of the exchange. After the exchange is completed, the Federal Government would forgo a small amount of offsetting receipts that are currently collected for the use of this land.

Joe Pool Lake, Trinity River Basin, Texas. S. 2796 would authorize the Secretary to enter into an agreement with the city of Grand Prairie, Texas, to transfer maintenance of Joe Pool Lake from the Trinity River Authority to the city. The bill would relieve the Trinity River Authority of its remaining obligation to repay the Federal Government for construction of the lake, and it would require the city to pay the Federal Government about $2 million in both 2001 and 2003 as a condition of the agreement. Based on information from the Corps, CBO expects the Trinity River Authority will pay its current obligation of about $1 million for 2001, but will default on its subsequent obligations to the government, which total about $14 million over the next 39 years. Because the government would receive more money under S. 2796 than under current law, the agreement with the city would increase offsetting receipts by $1 million in 2001 and $2 million in 2003.

Pay-As-You-Go Considerations

The Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting spending or receipts. The net changes in outlays that are subject to pay-as-you-go procedures are shown in the following table. For the purposes of enforcing pay-as-you-go procedures, only the effects in the current year, the budget year, and the succeeding 4 years are counted.

[By fiscal year, in millions of dollars]

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Changes in outlays	0	−1	0	−2	0	0	0	0	0	0	0
Changes in receipts	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Estimated Impact on State, Local, and Tribal Governments

S. 2796 contains no intergovernmental mandates as defined in UMRA. State and local governments probably would incur some costs to meet the matching requirements for water resources development projects and other programs authorized by this bill, but these costs would be voluntary. Some State and local governments would benefit from provisions in the bill that would alter cost-sharing obligations.

CBO estimates that non-Federal entities (primarily State and local governments) that choose to participate in the projects and programs authorized by S. 2796 would spend about $2.5 billion (in 2000 dollars) to match the authorized Federal funds. These estimates are based on information provided by the Corps. In addition to these costs, non-Federal entities would pay for the operation and maintenance of many of the projects after they are constructed.

S. 2796 would authorize new environmental restoration programs in several areas of the country. Under these programs, the Secretary of the Army would select projects and enter into agreements with local interests to carry them out and share in the costs. Generally, the non-Federal share of these costs would be 35 percent. The bill also would direct the Corps to carry out a number of projects in support of a plan to restore the Florida Everglades. Non-Federal participants in these projects would pay 50 percent of the project costs.

One section of this bill would benefit non-Federal participants in Corps projects by broadening an existing provision, which requires the Corps to consider the ability of non-Federal participants to pay their share of project costs. Under current law, cost-sharing agreements for flood control projects and agricultural water supply projects are subject to this "ability to pay" provision. S. 2796 would add other types of projects, including feasibility studies and projects for environmental protection and restoration, navigation, storm damage protection, shoreline erosion, and hurricane protection.

Estimated Impact on the Private Sector: The bill contains no new private-sector mandates as defined in UMRA.

Estimate Prepared by: Federal Costs: Rachel Applebaum (226-2860); Impact on State, Local, and Tribal Governments: Marjorie Miller (225-3220); Impact on the Private Sector: Sarah Sitarek (226-2940).

Estimate Approved by: Peter H. Fontaine Deputy Assistant Director for Budget Analysis.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 11, 2000.

Hon. ROBERT C. SMITH,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 2797, the Restoring the Everglades, an American Legacy Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Rachel Applebaum, who can be reached at 226-2860.

Sincerely,

DAN L. CRIPPEN.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 2797, Restoring the Everglades, an American Legacy Act, as reported by the Senate Committee on Environment and Public Works on July 27, 2000

Summary

S. 2797 would authorize the Secretary of the Army, acting through the Army Corps of Engineers (Corps), to establish a program for protecting the natural environment, providing flood control, and increasing the water supply for the south Florida ecosystem. The bill would authorize appropriations for projects estimated to cost $791 million (at 2000 prices). S. 2797 would require the Secretary to fund 50 percent of the operations and maintenance costs for the specified projects, and to provide administrative support for this effort.

Assuming appropriations for the authorized projects and adjusting their estimated costs for anticipated inflation, CBO estimates that implementing S. 2797 would cost $254 million over the 2001-2005 period, and $665 million over the succeeding 5 years. After 2010, program administration, operations, and maintenance for the specified projects would cost about $12 million annually. S. 2797 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

S. 2797 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA). State and local governments might incur some costs to match the Federal funds authorized by this bill, but those costs would be voluntary.

Estimated cost to the Federal Government

The estimated budgetary impact of S. 2797 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and the environment).

[By fiscal year, in millions of dollars]

	2001	2002	2003	2004	2005
Changes in Spending Subject to Appropriation					
Estimated Authorization Level	20	38	49	61	154
Estimated Outlays	15	29	44	57	109

Basis of Estimate

The Corps provided estimates of annual budget authority needed to meet design and construction schedules for projects that would be authorized by the bill. CBO adjusted the estimated project costs to reflect the impact of anticipated inflation during the time between authorization and appropriation. That adjustment brings projected funding for project design and construction to about $900 million.

Estimated outlays are based on historical spending rates for construction projects of the Corps. Outlays are projected to increase significantly after 2004 as design and preliminary work would be completed and major construction work would begin. CBO also estimated the Corps' administrative expenses under the bill (about $3 million a year), as well as operations and maintenance costs ($11 million from 2007 to 2010), and the cost to the Department of the Interior to purchase certain land specified in the bill ($2 million).

Pay-As-You-Go Considerations: None.

Intergovernmental and Private-Sector Impact

S. 2797 contains no intergovernmental or private-sector mandates as defined in UMRA. The bill would require matching funds from the State of Florida equal to half the cost of the authorized projects, including costs to operate and maintain those projects. Any such expenditures by the State would be voluntary.

Estimate Prepared by: Federal Costs: Rachel Applebaum (226-3220); Impact on the Private Sector: Sarah Sitarek (226-2940).

Estimate Approved by: Robert A. Sunshine, Assistant Director for Budget Analysis.

SUBMITTING CHANGES TO THE BUDGETARY AGGREGATES AND APPROPRIATIONS COMMITTEE ALLOCATION

Mr. DOMENICI. Mr. President, section 206(b) of H. Con. Res. 290 (the FY2001 Budget Resolution) requires the Chairman of the Senate Budget Committee to adjust the allocation for the Appropriations Committee and the appropriate budgetary aggregates when the requirements of that section are met. Sec. 5108 of P.L. 106-246, the 2001 Military Construction Appropriations bill, and Sec. 8150 of P.L. 106-259, the 2001 Department of Defense Appropriations bill, satisfy the requirements of section 206(b) of H. Con. Res. 290.

I hereby submit revisions to the 2001 Senate Appropriations Committee allocations, pursuant to section 302 of the Congressional Budget Act, in the following amounts:

	Budget authority	Outlays
Current Allocation:		
General purpose discretionary	$541,738,000,000	$554,360,000,000
Highways		26,920,000,000
Mass transit		4,639,000,000
Mandatory	327,787,000,000	310,215,000,000
Total	869,525,000,000	896,134,000,000
Adjustments:		
General purpose discretionary	+58,558,000,000	+38,413,000,000
Highways		
Mass transit		
Mandatory		
Total	+58,558,000,000	+38,413,000,000
Revised Allocation:		
General purpose discretionary	600,296,000,000	592,773,000,000
Highways		26,920,000,000
Mass transit		4,639,000,000
Mandatory	327,787,000,000	310,215,000,000
Total	928,083,000,000	934,547,000,000

I hereby submit revisions to the 2001 budget aggregates, pursuant to section 311 of the Congressional Budget Act, in the following amounts:

	Budget authority	Outlays	Surplus
Current Allocation:			
Budget Resolution	$1,467,843,000,000	$1,453,081,000,000	$50,119,000,000
Adjustments:			
Sec. 206(b) of H. Con. Res. 290 adjustment	+$58,558,000,000	+$38,413,000,000	−$38,413,000,000
Revised Allocation:			
Budget Resolution	$1,526,401,000,000	$1,491,494,000,000	$11,706,000,000

THE DESIGNATION OF WILSON CREEK IN NORTH CAROLINA AS A WILD, SCENIC, AND RECREATIONAL RIVER

Mr. EDWARDS. Mr. President, I rise today to say how pleased I am that the President recently signed into law H.R. 1749, legislation that designates Wilson Creek in North Carolina as a wild and scenic river. This legislation passed the House of Representatives without opposition, and I was proud to support it here in the Senate and to see it pass just prior to the August recess.

The designation of Wilson Creek as a wild and scenic river is critically important to the local community. It will protect Wilson Creek for use by those who seek a relaxing hike in the woods or an exciting rafting experience. The scenic and recreational areas along Wilson Creek are also some of the most beautiful and ecologically valuable countryside in all of North Carolina. In a time when all of us have so much going on in our lives, Wilson Creek will provide us with a place to relax and enjoy a bit of the natural world.

Wilson Creek is truly a national treasure. It possesses remarkable scenic and recreational value and is home to a wide variety of plant and animal species. It is designated as an Outstanding Resource Water, indicating its exceptional recreational and ecological significance and high level of water quality. It winds its way through rare geologic rock formations that are also quite beautiful. The pools and rapids along Wilson Creek provide opportunities for canoe and kayak enthusiasts to test their skills or take a relaxing paddle. For years, visitors have camped, hiked, fished and played along Wilson Creek, and this designation will ensure that they will continue to enjoy all that the area has to offer for years to come.

I would also like to say a few words about the history of this legislation and the impressive effort that has led us to this important point. It is not enough to say that this measure was a bipartisan effort. This law is the result of a cooperative effort spearheaded by the Caldwell County Commissioners, in which every interested party had a voice. Working with the Forest Service, the Avery County Commissioners, the Caldwell County Chamber of Commerce, the Caldwell County Economic Development Commission, local landowners and the local community, the Commissioners helped develop this important plan to protect permanently Wilson Creek. That this legislation has had such strong local support is a testament to the hard work put forward by all of these groups and individuals. The collaborative effort to craft and pass this legislation will serve as a model for other communities that may have similar projects. They are to be commended for their efforts. I would also like to thank other local officials, citizens, the Forest Service, and everyone else who dedicated so much time, effort, and heart to get us to this point.

Many portions along Wilson Creek exist much as they did more than 100 years ago, and I believe we must do all we can to preserve them. We have a rare opportunity to protect a critically important waterway for future generations, and I am so pleased to see it become law.

ADDITIONAL STATEMENTS

DEVILS LAKE OUTLET

• Mr. DORGAN. Mr. President, I have spoken many times about the need for an emergency outlet for Devils Lake. An article from the Fargo Forum reaffirms the need to act expediently to build an emergency outlet for Devils Lake before a catastrophic natural spill occurs.

Mr. President, I ask that the article be printed in the RECORD.

[From the Fargo Forum, Aug. 22, 2000]

USGS ADDS EVIDENCE FOR OUTLET

A little-noticed report from the U.S. Geological Survey adds more to the vast body of evidence that the Devils Lake, N.D., area is in a wet cycle and will remain in a wet cycle for some time to come.

And that means Devils Lake, which rose 25 feet from February 1993 to August 1999, likely will continue to rise. The lake's elevation today is about 1446.3 feet, or slightly down from last year's 130-year high. The lake naturally discharges into Stump Lake to the east at level 1447 feet, and into the Tolna Coulee and Sheyenne River at elevation 1459 feet.

Given the USGS conclusions that the wet conditions which have dominated the region since 1977 will continue for at least another decade, it is not unreasonable to assume the lake will rise to the breakout level of 1459 feet.

What happens then?

USGS research suggests a spill into the Sheyenne River would be catastrophic downstream. A discharge would erode sediments in the natural drainage pathways and dump up to 2 million acre feet of water into the river, or about four times the volume of the 1997 flood at Lisbon, N.D. That incredible flood of water would be in addition to normal flows in the Sheyenne.

Opponents of a Devils Lake outlet refuse to recognize the potential of a lake breakout. Like blissful Pollyannas, they don't believe the worst can happen.

It can. If wet conditions persist and nothing is done to control the lake's level, it will.

USGS also says a properly managed outlet would moderate the effects of a catastrophic natural lake breakout. An outlet might not prevent a natural spill into the Sheyenne, but USGS believes chances of a damaging spill would be reduced. Spill volumes and durations would be reduced, thus reducing downstream damage.

An outlet remains the best option for managing the lake's level and protecting downstream interests on the Sheyenne River. The USGS report is the latest evidence supporting an outlet.

Flood prevention is better than reacting to a disaster. The permanent flood at Devils Lake has caused more than its share of personal heartache and property damage. As the lake rises—it will—the potential for disaster will rise with it. Building an outlet now at least will put in place a tool to moderate the effects of the rising water.•

AMERICANS FAVOR DEATH-TAX REPEAL

• Mr. KYL. Mr. President, a number of Senators who opposed the Death Tax Elimination Act have spoken on the Senate floor in recent weeks, suggesting that only a few people care about the unfairness of the tax.

During the death-tax repeal debate back in July, one of the tax's proponents went so far as to question "whose side are you on?" if you favor repeal. I have no difficulty answering that at all. We are on the side of the American people.

A June 22-25 Gallup poll found that 60 percent of the people support repeal, even though about three-quarters of those supporters do not think they will ever have to pay a death tax themselves.

A poll conducted by Zogby International on July 6 found that, given a choice between a candidate who believes that a large estate left to heirs should be taxed at a rate of 50 percent for anything over $2 million, and a candidate who believes that the estate tax is unfair to heirs and should be eliminated, 75 percent of the people prefer the person supporting death-tax repeal.

Other polls similarly put support for repeal at between 70 and 80 percent.

Some issues are simply about fairness. It does not matter who benefits. Death-tax proponents just cannot seem to understand that, but the American people do.

The American people have an unwavering sense of fairness. They recognize that there is something terribly wrong when, despite having taxed someone for a lifetime, the federal government can come back one more time when a person dies and take more than half of whatever is left. That is not only unfair, it threatens the American dream.

That is why repeal scores high with the American people in public-opinion polls. It is why repeal is supported by a broad coalition of small business, minority, environmental, family, and seniors organizations. Among those groups are the U.S. Hispanic Chamber of Commerce, the National Indian Business Association, the National Black Chamber of Commerce, the American Farm Bureau Federation, and the National Federation of Independent Business, to name just a few.

Fairness, that is what the effort to repeal the death tax is all about.•

LOCAL RABBI SHEDS TEARS OF JOY

• Mr. ROBB. Mr. President, Rabbi Israel Zoberman, the leader of Congregation Beth Chaverim in Virginia

Beach and President of the Hampton Roads Board of Rabbis, recently offered some inspirational comments on the selection of our colleague, Senator JOSEPH I. LIEBERMAN, as the Democratic Nominee for Vice President of the United States. I ask that Rabbi Zoberman's comments be printed in the RECORD.

[From the Virginian-Pilot, Aug. 28, 2000]

JEWISH CANDIDATE FOR VP: LOCAL RABBI SHEDS TEARS OF JOY

(By Rabbi Israel Zoberman)

The Jewish response to events tends to fluctuate from the extreme of elation, of mazal tov!, to the extreme of despair, of oy vey! It is no wonder since the Jewish condition poignantly reflects the tension between the two poles of the human experience: bringing about either a Messianic exaltation concerning sheer survival or a painful note acknowledging a harsh reality.

Former Secretary of State Henry Kissinger is quoted as saying in the past that when you give a Jew optimistic news he turns pessimistic. This exaggeration by the hitherto highest ranking Jewish American, a refugee from Nazi Germany, who lacks Senator Joseph Lieberman's proud religious attachment, is rooted in Jewish caution given the trying lessons of its historical experience. It was no surprise then that upon Senator Lieberman's nomination to the National Democratic ticket, there were those Jews who felt that the ever feared specter of anti-Semitism of pre-World War II days might rear its ugly head again. However, the hard-core anti-Semites on the very fringes of society, already assert that the Jews control the world.

There were those whose first impulse was to give thanks for the "miracle" of finally removing a remaining barrier carrying much symbolism. Since American Jews have already made it in our great land, it serves as a significant reminder that not all doors have been fully open. For most Jews, it probably was a mixed response, weighing all possible consequences to the historic act.

Who could remain neutral to Senator Lieberman's own genuine joy mingled with deep, though inclusive, religious expression, and his wife Hadassah's touching sharing of her family Holocaust background. I myself, son of survivors who spent his early childhood in a Displaced Persons Camp in Germany, was moved to tears witnessing a great American drama unfold, reaching a new high.

Indeed we have reason to rejoice in America moving closer to fulfilling its promise to all its citizens with renewed hope now that the highest offices in the land will be available to qualified minority candidates of all groups.

At this turning point, America has the curiosity and opportunity to learn more about the heritage of its fellow Jewish citizens, with its various spiritual movements, in the way that only this breakthrough event can provide. American Jews, at the same time, are poised to hopefully become more reassured about their own religious and ethnic affiliation in a country where their major challenge is not being rejected as Americans in this, our most hospitable home, but rather retaining their Jewish identity in face of unprecedented easy assimilation into the mainstream.

The possible reinvigoration of the political process because of the presently injected excitement, in spite of yet to be proved American response and maturation over the religious factor, is certainly a worthy plus. What our nation urgently needs is less apathy and more involvement by all in an environment with diminished interest in politics and an embarrassing low voting record, which ultimately are the dangers facing our democracy. Civil disagreement, too, on important issues ought to replace the evident cultural war which threatens to tear apart the precious pluralistic fabric of the enviable American quilt—with church and State separation the golden thread keeping it together.●

WILLIAM MAXWELL

● Mr. MOYNIHAN. Mr. President, William Maxwell has left us. As he once put it, an afternoon nap into eternity. Wilborn Hampton, in his wonderful obituary in The New York Times, ends with Bill wondering what he would do there where there was nothing to read!

His list of books ends with the Autobiographies of William Butler Yeats. It would be appropriate to add Yeats' account of a contemporary: "He was blessed, and had the power to bless."

He was surely such to this senior Senator. I was a ragamuffin of a lad some fifty-sixty years ago. He suggested to me that I might one day write for The New Yorker. I took the compliment with as much credence as if he had said I might one day play for the Yankees. But then, many years later, I did write for The New Yorker. He had the power to bless.

I ask that a copy of Wilborn Hampton's obituary from the August 1st edition of The New York Times be printed in the RECORD.

[From The New York Times Obituaries, Tues. Aug. 1, 2000]

WILLIAM MAXWELL, 91, AUTHOR AND LEGENDARY EDITOR, DIES

(By Wilborn Hampton)

William Maxwell, a small-town boy from Illinois who edited some of the century's literary lions in 40 years at The New Yorker while also writing novels and short stories that secured his own place in American letters, died yesterday at his home in Manhattan. He was 91.

John Updike, whose early stories for The New Yorker were edited by Mr. Maxwell, said in an interview several years ago: "They don't make too many Bill Maxwells. A good editor is one who encourages a writer to write his best, and that was Bill."

"A lot of nice touches in my stories belong to Bill Maxwell," Mr. Updike said. "And I've taken credit for them all."

In addition to Mr. Updike, Mr. Maxwell, in his career as a fiction editor at The New Yorker, worked with writers like John Cheever, John O'Hara, J.D. Salinger, Shirley Hazzard, Vladimir Nabokov, Mary McCarthy, Eudora Welty, Harold Brodkey, Mavis Gallant, Isaac Bashevis Singer and Frank O'Connor.

Polishing their manuscripts exerted an influence on his own writing, which included six novels, three collections of short stories, a memoir ("Ancestors," 1971), a volume of essays and fantasies for children. "I came, as a result of being an editor, to look for whatever was unnecessary in my own writing," he said in a 1995 interview. "After 40 years, what I came to care about most was not style, but the breath of life."

William Keepers Maxwell Jr. was born in Lincoln, Ill., on August 16, 1908, one of three sons of William Keepers Maxwell, an insurance executive, and the former Eva Blossom Blinn. When he was 10, his mother died in the influenza epidemic of 1918–19, a shattering experience that he would revisit in "They Came Like Swallows" (1937), his second novel and the one that established him as a writer. His 14 years in Lincoln (sometimes called Draperville or Logan in his books), would provide, as Mr. Maxwell later put it, "three-quarters of the material I would need for the rest of my writing life."

Lincoln was a postcard Midwestern town with tree-shaded streets and a courthouse square where an annual carnival was held and people paraded on patriotic holidays. In 1992 Mr. Maxwell wrote a reminiscence (in "Billy Dyer and Other Stories") of the "many marvels" of Lincoln:

"No house, inside or out, was like any other house, and neither were the people who lived in them. Incandescent carbon lamps, suspended high over the intersections, lighted the way home. The streets were paved with brick, and elm trees met over them to provide a canopy of shade. There were hanging baskets of ferns and geraniums, sometimes with American flags, suspended from porch ceilings. The big beautiful white horses in the firehouse had to be exercised, and so on my way to school now and then I got to see the fire engine when nobody's house was on fire."

After Mr. Maxwell's mother died, he went to live with an aunt and uncle in Bloomington, Ill., which, compared with Lincoln, was a metropolis and "where something was always going on, even if it was only the cat having kittens."

From his earliest years, he loved reading. As David Streitfeld put it in an article in The Washington Post, "Maxwell requires printed matter the way other people need oxygen." Mr. Maxwell said "Treasure Island" was the first work of literature he ever read. "At the last page, I turned back to the beginning," he said. "I didn't stop until I had read it five times. I've been that way ever since."

Mr. Maxwell's father eventually remarried and moved to Chicago, taking his family with him. Mr. Maxwell earned a bachelor's degree at the University of Illinois and a master's at Harvard and taught in Illinois for two years. As a youth he wanted to be a poet, but realized early that he did not have that gift and so started writing stories. He had published one novel, "Bright Center of Heaven" (1934), and had a second in his typewriter when he moved to New York with the $200 advance and applied for a job at The New Yorker.

There was a vacancy in the art department, and Mr. Maxwell was hired at $35 a week to fill it. "I sat in on meetings and then told artists what changes were wanted," he said. He eventually moved to the fiction department, where he worked with Katharine White, with whom he formed a lifelong friendship, though one that was always circumscribed by their professional status. Long after both retired, they still wrote letters that began, "Dear Mrs. White," and "Dear Mr. Maxwell."

One day during World War II he interviewed a young woman who had applied for a job as poetry editor at The New Yorker. The magazine did not have a separate poetry editor in those days, and Mr. Maxwell had been doubling in that capacity. "She was very attractive," he would succinctly explain later, "and I pursued the matter."

The woman did not get the job, but on May 17, 1945, Emily Gilman Noyes and Mr. Maxwell were married. The couple had two daughters, Kate Maxwell and Brookie Maxwell, both of whom live in Manhattan. Mrs. Maxwell died on July 23, in Manhattan. Besides his daughters, Mr. Maxwell is survived by a grandson and a brother, Robert Blinn Maxwell, of Oxnard, Calif.

Mr. Maxwell's last book was "All the Days and Nights," a collection of stories of fables. In a radio interview he said he began the book "because my wife liked to have me tell her stories when we were in bed in the dark before falling asleep."

As an editor, Mr. Maxwell was known for his tact in dealing with authors with reputations for being headstrong. He didn't always succeed. Brendan Gill wrote in his memoir, "Here at The New Yorker," that Mr. Maxwell once took the train to Ossining, N.Y., to tell John Cheever that the magazine was rejecting one of his stories. Cheever became furious, not so much at the rejection, but that his courtly editor felt it necessary to come tell him in person.

On another occasion, Mr. Maxwell again boarded a train, this time to go read three new stories by John O'Hara in the presence of the author. It was a command performance and he was nervous. The first two stories he read were not acceptable to The New Yorker, and Mr. Maxwell started reading the third with trepidation. Fortunately, the third turned out to be "Imagine Kissing Pete," one of O'Hara's best.

Some of Cheever's later stories caused consternation at The New Yorker because of the erotic content. When William Shawn, then the editor, objected to a reference to lust, "I was beside myself," Mr. Maxwell said, "It seems very old-fashioned now, but then it was unacceptable, and there was nothing I could do about it."

When John Updike has his own editorial battles at The New Yorker, he said he always found an ally in Mr. Maxwell. "There was always a lot of fiddling, and a lot of the fiddles came from Shawn. And Bill would assist me in ignoring them."

Sometimes it was the editor who benefited from the advice of the writter. Mr. Maxwell has been working for eight years on a novel that was eventually titled "The Chateau" (1961), which he has set in France rather than in the familiar territory of the American Midwest. But it was not coming together. He showed the manuscript to Frank O'Connor, who read it and advised him that there were, in fact, two novels there. "My relief was immense," Mr. Maxwell said, "because it is a lot easier to make two novels into one than it is to make one out of nothing whatever. So I went ahead and finished the book."

The letters of Frank O'Connor and Mr. Maxwell from 1945 to 1996, the year of O'Connor's death, were published in 1968 under the title "The Happiness of Getting It Down Right." O'Connor, a prolific contributor to The New Yorker, revised endlessly, and after his death left 17 versions of one story that the magazine had eventually rejected.

Mr. Maxwell's lack of celebrity never disturbed him. "Why should I let best-seller lists spoil a happy life?" he said.

Among his novels are "Time Will Darken It" (1948) and "So Long, See You Tomorrow" (1980). His story collections included "The Old Man at the Railroad Crossing and Other Tales" (1966), "Over by the River, and Other Stories" (1977) and "Billy Dyer and Other Stories" (1992). A collection of essays was published as "The Outermost Dream" in 1989.

The 1995 Alfred A. Knopf published a collection of his stories under the title "All the Days and Nights," and Mr. Maxwell gained some long overdue public recognition. Jonathan Yardley, writing in The Washington Post, said the volume showed that "Maxwell has maintained not merely a high level of consistency but has, if anything, become over the years a deeper and more complex writer."

His honors included the American Book Award, the Brandeis Creative Arts Medal and the William Dean Howells Medal of the American Academy of Arts and Letters. (He was elected to the academy in 1963.)

In March 1997 Mr. Maxwell wrote an article for The New York Times Magazine in which he talked about his life as a writer and the experiences of age:

"Out of the corner of my eye I see my 90th birthday approaching. I don't yet need a cane, but I have a feeling that my table manners have deteriorated. My posture is what you'd expect of someone addicted to sitting in front of a typewriter.

"Because I actively enjoy sleeping, dreams, the unexplainable dialogues that take place in my head as I am drifting off, all that, I tell myself that lying down to an afternoon nap that goes on and on through eternity is not something to be concerned about," he continued. "What spoils this pleasant fancy is the recollection that when people are dead, they don't read books. This I find unbearable. No Tolstoy, no Chekhov, no Elizabeth Bowen, no Keats, no Rilke.

"Before I am ready to call it quits I would like to reread every book I have ever deeply enjoyed, beginning with Jane Austen and going through shelf after shelf of the bookcases, until I arrive at the 'Autobiographies' of William Butler Yeats."●

EASTER SEALS OF SOUTHEASTERN MICHIGAN

● Mr. LEVIN. Mr. President, I rise to honor Easter Seals of Southeastern Michigan. On Saturday, September 9, 2000, Easter Seals of Southeastern Michigan will celebrate 80 years of service to the residents of Southeastern Michigan.

Since June 21, 1920, Easter Seals of Southeastern Michigan has been assisting individuals with disabilities and their families. During this time, Easter Seals of Southeastern Michigan has remained committed to treating every person it serves with equality, dignity and independence.

Guided by these principles, Easter Seals of Southeastern Michigan seeks to provide creative solutions that assist the thousands of families it provides with therapy and support services each year. Nationwide, Easter Seals serves 1 million people annually.

For eight decades, Easter Seals of Southeastern Michigan has served children and adults with disabilities. While September 9, 2000, commemorates these efforts, it is also a day of high hopes and expectations. September 9, 2000, marks the official unveiling of the new Easter Seals facility in Southfield, Michigan. I am confident that this facility will enable Easter Seals of Southeastern Michigan to complete their mission for another 80 years and beyond.

Mr. President, I know my colleagues join me in offering congratulations and best wishes for continuing success to the Easter Seals of Southeastern Michigan, as they celebrate 80 years of service to disabled individuals and their families.●

TRIBUTE TO DOLORES HUERTA

● Mr. KENNEDY. Mr. President. I come here to pay tribute to the remarkable career of one of our nation's most influential labor and civil rights leaders, Dolores Huerta, who has retired as Secretary-Treasurer of the United Farm Workers of America.

Dolores Huerta is a true national treasure. For half a century, the great victories for farm workers, the advances for these hardworking and proud families, would not have been possible without the able leadership and vision of Dolores Huerta. When farm workers marched, Dolores led the way. When farm workers struck for better wages and working conditions, Dolores was at the front of the line. In all of the great boycotts for better jobs for farm workers and their families, it was Dolores who pulled it all together.

Farm workers are her family. And all of us in public life soon learned that if something was wrong with her brother and sisters in the field, Dolores would be knocking on doors to set things right. Her activism was ignited when as a teacher, many of her students came to school suffering from hunger and without adequate clothing. Frustrated by the plight of these children, Dolores decided that she could best serve her community by working as a grass roots advocate and refocused her life to the economic empowerment of the parents of her students—the farm workers.

In 1955, she founded the Stockton, California chapter of the Community Service Organization. There, she began to develop her leadership skills through the organization's advocacy work to end segregation and police brutality, promoting voter registration, and improving public services for the disenfranchised.

The plight of migrant farm workers always remained a central part of her public service. She soon met her kindred spirit in the cause for farm worker rights, Cesar Chavez. Dolores and Cesar embarked on a new path to bring the plight of farm workers in our national consciousness. In 1962, they founded the National Farm Workers Association, the predecessor to the United Farm Workers. Never before did farm workers have a voice in the political process. Under her leadership as Political Director, farm workers began to understand that they could achieve social justice by organizing strikes, boycotts, and voter registration drives. Through Dolores' leadership, once invisible farm workers were now given a human face and became an integral part of the struggle to gain civil rights and equal justice for people of all colors and economic backgrounds.

Dolores will always hold a special place in the hearts of the Kennedy family. Dolores and Cesar Chavez developed a special relationship with my brother Bobby for John F. Kennedy's 1960 presidential campaign. Together, they established the "Viva Kennedy" voter registration drive for Hispanic voters in California. That effort was revived in 1968 for Bobby's presidential campaign. I will always remember how her dedication and hard work were instrumental to my brother's California primary victory. Dolores made it possible for Bobby to reach out to Mexican-Americans and convey the message of a common vision for equal justice. She encouraged those who believed that they were disenfranchised to come to the polls for the first time to join in the fight for civil rights and human dignity. My family will always remember and respect Dolores for her strong and skillful efforts as well as her commitment to the great goals that we share.

1973 was yet another turning point for the farm worker movement. When grape growers decided to discontinue the collective bargaining agreements with the United Farm Workers, Dolores organized a national boycott and public education campaign to inform consumers of the poor working conditions and unfair wages that farm workers endured from the agricultural industry. The striking farm workers were subjected to severe harassment and violence. Many of them lost their lives in the struggle. But they would not give up until justice was won. In the end, the California legislature enacted the Agricultural Labor Relations Act. For the first time, farm workers were granted the right to collectively organize and bargain for better wages and working conditions.

Cesar Chavez passed on seven years ago, but the struggle of the farm workers continues. At a time in which most people settle into the slower pace of their golden years, Dolores keeps on fighting the battles that have not yet been won. I am delighted to hear that she will still be on the ramparts and in the trenches for workers in need of her help. Dolores continues to do all she can to empower future generations of Americans to carry the torch that she let so brightly shine over these challenging years. She will also continue her efforts to increase Latino voter participation and develop strong leadership opportunities for Hispanic women around the country, and advocate for the rights of immigrants and working people, speak on behalf of working people across America.

Millions of Americans enjoy a higher quality of life because of her skillful efforts. No one has fought harder for civil rights of people of color, for worker's rights, for environmental rights, for women's and children's rights, for quality education and health care, and for economic empowerment for the poor. The Kennedy family is proud to consider Dolores a friend.

Dolores Huerta is a living legend and a true American hero. Her vision, compassion, and tireless commitment to all Americans is never ending. Nothing we can say or do can truly repay her for all she has done to make our country the strong and more just nation that it is today. From all of us who love and respect her, we say, "Job well done!"●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting five treaties which were referred to the Committee on Foreign Relations.

MESSAGES FROM THE HOUSE RECEIVED DURING THE ADJOURNMENT OF THE SENATE

Under the authority of the order of the Senate of January 6, 1999, the Secretary of the Senate, on July 28, 2000, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House has passed the following bill:

S. 2869. An act to protect religious liberty, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution:

S. Con. Res. 132. A concurrent resolution providing for a conditional adjournment or recess of the Senate and conditional adjournment of the House of Representatives.

The message further announced that the House has agreed to the amendment of the Senate to the bill (H.R. 3519) to provide for negotiations for the creation of a trust fund to be administered by the International Bank for Reconstruction and Development or the International Development Association to combat the AIDS epidemic.

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 6, 1999, the Secretary of the Senate, on August 21, 2000, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

S. 2869. An act to protect religious liberty, and for other purposes.

H.R. 4040. An act to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance is made available to Federal employees, members of the uniformed services, and civilian and military retirees, provide for the correction of retirement coverage errors under chapters 83 and 84 of such title, and for other purposes.

Under the authority of the order of the Senate of January 6, 1999, the Secretary of the Senate, on August 23, 2000, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

H.R. 8. An act to amend the Internal Revenue Code of 1986 to phase out the estate and gift taxes over a 10-year period.

Under the authority of the order of the Senate of January 6, 1999, the enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

Under the authority of the order of the Senate of January 6, 1999, the following enrolled bill, previously signed by the Speaker of the House, was signed on July 28, 2000, by the President pro tempore (Mr. THURMOND):

H.R. 4576. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

H.R. 728. An act to amend the Watershed Protection and Flood Prevention Act to authorize the Secretary of Agriculture to provide cost share assistance for the rehabilitation of structural measures constructed as part of water resource projects previously funded by the Secretary under such Act or related laws.

H.R. 1102. An act to provide for pension reform, and for other purposes.

H.R. 1264. An act to amend the Internal Revenue Code of 1986 to require that each employer show on the W-2 form of each employee the employer's share of taxes for old-age, survivors, and disability insurance and for hospital insurance for the employee as well as the total amount of such taxes for such employee.

H.R. 2348. An act to authorize the Bureau of Reclamation to provide cost sharing for the endangered fish recovery implementation programs for the Upper Colorado and San Juan River Basins.

H.R. 3048. An act to amend section 879 of title 18, United States Code, to provide clearer coverage over threats against former Presidents and members of their families, and for other purposes.

H.R. 3468. An act to direct the Secretary of the Interior to convey to certain water rights to Duchesne City, Utah.

H.R. 4033. An act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify the procedures and conditions for the award of matching grants for the purchase of armor vests.

H.R. 4079. An act to require the Comptroller General of the United States to conduct a comprehensive fraud audit of the Department of Education.

H.R. 4201. An act to amend the Communications Act of 1934 to clarify the service obligations of noncommercial educational broadcast stations.

H.R. 4923. An act to amend the Internal Revenue Code of 1986 to provide tax incentives for the renewal of distressed communities, to provide for 9 additional empowerment zones and increased tax incentives for empowerment zone development, to encourage investments in new markets, and for other purposes.

H.R. 4846. An act to establish the National Recording Registry in the Library of Congress to maintain and preserve recordings that are culturally, historically, or aesthetically significant, and for other purposes.

H.R. 4888. An act to protect innocent children.

H.R. 4700. An act to grant the consent of the Congress to the Kansas and Missouri Metropolitan Culture District Compact.

H.R. 4681. An act to provide for the adjustment of status of certain Syrian nationals.

H.J. Res. 72. Joint resolution granting the consent of the Congress to the Red River Boundary Compact.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-10051. A communication from the Director of the Office of Civilian Radioactive Waste Management, Department of Energy, transmitting, pursuant to law, the annual report for fiscal year 1999; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committees on Energy and Natural Resources, and Environment and Public Works.

EC-10052. A communication from the Chief of the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; LAKE ERIE, Red, White and Blues Bang, Huron, OHIO (CGD09-00-020)" (RIN2115-AA97 (2000-0039)) received on July 13, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10053. A communication from the Chief of the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; LAKE ERIE, PORT CLINTON, OHIO (CGD09-00-021)" (RIN2115-AA97 (2000-0040)) received on July 13, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10054. A communication from the Chief of the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; LAKE ERIE, Maumee River, Ohio (CGD09-00-022)" (RIN2115-AA97 (2000-0041)) received on July 13, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10055. A communication from the Chief of the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; LAKE ERIE, Huron River Fest, Huron, OHIO (CGD09-00-023)" (RIN2115-AA97 (2000-0042)) received on July 13, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10056. A communication from the Chief of the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Hill Bay, VA (CGD05-00-020)" (RIN2115-AA97 (2000-0043)) received on July 13, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10057. A communication from the Chief of the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Fireworks Display, Provincetown Harbor, Provincetown, MA (CGD01-00-022)" (RIN2115-AA97 (2000-0044)) received on July 13, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10058. A communication from the Chief of the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Tongass Narrows, Ketchikan, AK (COTP Southeast Alaska 00-008)" (RIN2115-AA97 (2000-0045)) received on July 13, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10059. A communication from the Chief of the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Kill Van Kull Channel, Newark Bay Channel, South Elizabeth Channel, Elizabeth Channel, Port Newark Channel, and New Jersey Pierhead Channel, New York and New Jersey (CGD01-98-165)" (RIN2115-AA97 (2000-0046)) received on July 13, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10060. A communication from the Chief of the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Technical Amendments; Organizational Changes; Miscellaneous Editorial Changes and conforming Amendments (USCG-2000-72233)" (RIN2115-ZZ02 (2000-0001)) received on July 13, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10061. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "IFR Altitudes; Miscellaneous Amendments (27); Amdt. No. 423 [7-6/7-13]" (RIN2120-AA63 (2000-0004)) received on July 13, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10062. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Raytheon Aircraft Company 17, 18, 19, 23, 24, 33, 35, 36/A36, A36TC/B36TC, 45, 50, 55, 56, 58, 58TC, 60, 65, 70, 76, 77, 80, 88, and 95 Series Airplanes; docket no. 98-CE-61 [6-12/6-13]" (RIN2120-AA64 (2000-0368)) received on July 13, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10063. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Rolls-Royce plc. RB211 Trent 768-60; Trent 772-60, and Trent 772B-60 Turbofan Engines; docket no. 2000-NE-05 [7-3/7-13]" (RIN2120-AA64 (2000-0369)) received on July 13, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10064. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: GE Company Model CF6-80C2A1/A2/A3/A5/A8/D1F Turbofan Engines; docket no. 99-NE-45 [6-27/7-13]" (RIN2120-AA64 (2000-0370)) received on July 13, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10065. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Allison Engine Company Inc. AE007A and AE 3007C Series Turbofan; docket no. 99-NE-15 [7-3/7-13]" (RIN2120-AA64 (2000-0371)) received on July 13, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10066. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A330 and A340 Series Airplanes; docket no. 99-NM-196 [7-3/7-13]" (RIN2120-AA64 (2000-0372)) received on July 13, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10067. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Saab Model 2000 Series Airplanes; docket no. 99-NM-368 [7-7/7-13]" (RIN2120-AA64 (2000-0373)) received on July 13, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10068. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Barrow, AK; docket no. 00-AAL-1[7/5-7/13]" (RIN2120-AA66 (2000-0166)) received on July 13, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10069. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Fairfield, IA; docket no. 00-ACE-13 [7-3/7-13]" (RIN2120-AA66 (2000-0167)) received on July 13, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10070. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Oelwein, IA; docket no. 00-ACE-12 [7-3/7-13]" (RIN2120-AA66 (2000-0168)) received on July 13, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10071. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Albion, NE; docket no. 99-ACE-30 [7-12/7-13]" (RIN2120-AA66 (2000-0169)) received on July 13, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10072. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Hugoton, KS; docket no. 00-ACE-18 [7-12/7-13]" (RIN2120-AA66 (2000-0170)) received on July 13, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10073. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Walnut Ridge, AR; docket no, 2000-ASW-14 [7-12/7-13]" (RIN2120-AA66 (2000-0171)) received on July 13, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10074. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; McPherson, KS; docket no. 00-ACE-17 [7-12/7-13]" (RIN2120-AA66 (2000-0172)) received on July 13, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10075. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation of Class E Airspace; Freeport TX; docket no, 2000-ASW-11; direct final rule; confirmation of effective date 1 [7-12/7-13]" (RIN2120-AA66 (2000-0173)) received on July 13, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10076. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Removal of Vessel Moratorium of the GOA and BSAI" (RIN0648-A000) received on July 19, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10077. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Eastern Aleutian District of the Bering Sea and Aleutian Islands" received on July 19, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10078. A communication from the Surface Transportation Board, transmitting, pursuant to law, the report of a rule entitled "Modification of the Carload Waybill Sample and Public Use File Regulations" received on July 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10079. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Halibut Bycatch Mortality Allowance in the Bering Sea and Aleutian Islands Management Area" received on July 19, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10080. A communication from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Acquisition Planning" received on July 19, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10081. A communication from the Acting Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Security Requirements for Unclassified Information Technology Resources" received on July 19, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10082. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ."Standard Instrument Approach Procedures; Miscellaneous Amendments (29); amdt. no. 2000 [7-13/7-117]" (RIN2120-AA65 (2000-0037)) received on July 21, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10083. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (42); amdt. no. 1999 [7-13/7-117]" (RIN2120-AA65 (2000-0038)) received on July 21, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10084. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A319, A320, and A321 Series Airplanes; docket no. 99-NM-351[6-19/6-26]" (RIN2120-AA64 (2000-0346)) received on July 21, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10085. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A300-600 Series Airplanes; docket no. 98-NM-164 [6-19/6-26]" (RIN2120-AA64 (2000-0347)) received on July 21, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10086. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Saab Model SF340A and 340B Series Airplanes; docket no. 2000-NM-23 [7/13-7/20]" (RIN2120-AA64 (2000-0377)) received on July 21, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10087. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737-600, -700, and -800 Series Airplanes; docket no. 2000-NM-209 [7-13/7-20]" (RIN2120-AA64 (2000-0378)) received on July 21, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10088. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747 Series Airplanes; docket no. 2000-NM-206 [7-13/7-20]" (RIN2120-AA64 (2000-0379)) received on July 21, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10089. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 727 Series Airplanes; docket no. 99-NM-75 [7-13/7-20]" (RIN2120-AA64 (2000-0381)) received on July 21, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10090. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747 Series Airplanes; Docket no. 99-NM-192 [7-13/7-20]" (RIN2120-AA64 (2000-0382)) received on July 21, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10091. A communication from the Legal Technician of the National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Procedures for Transition to New National Driver Register" (RIN2127-AG68) received on July 21, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10092. A communication from the Assistant Administrator for Satellite and Information Services, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Licensing of Private Remote-Sensing Space Systems" (RIN0648-AC64) received on July 21, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10093. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Oakley, KS; docket no. 00-ACE-20 [7-14/7-20]" (RIN2120-AA66 (2000-0176)) received on July 21, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10094. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Columbia, MO; docket no. 00-ACE-21 [7-14/7-20]" (RIN2120-AA66 (2000-0178)) received on July 21, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10095. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Carrizo Springs, Glass Ranch, TX; docket no. 2000-ASW-12 [7-18/7-20]" (RIN2120-AA66 (2000-0179)) received on July 21, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10096. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Atwood, KS; docket no. 00-ACE-19 [7-14/7-20]" (RIN2120-AA66 (2000-0180)) received on July 21, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10097. A communication from the Office of Protected Resources, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Sea Turtle Conservation; Restrictions Applicable to Shrimp Trawl Activities" (RIN0648-AN30) received on July 21, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10098. A communication from the Office of Protected Resources, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Sea Turtle Conservation; Restrictions to Fishing Activities" (RIN0648-A019) received on July 21, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10099. A communication from the Office of Protected Resources, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Sea Turtle Conservation; Restrictions Applicable to Shrimp Trawl Activities; Leatherback Conservation

Zone" (RIN0648–A022) received on July 21, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10100. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska—Closes Central Regulatory Area of the Gulf of Alaska for Pacific Ocean Perch" received on July 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10101. A communication from the Assistant Administrator For Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "To Implement Collection of Information Requirements Approved Under Framework 33 to the Northeast Multispecies Fishery Management Plan" (RIN0648–AN51) received on July 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10102. A communication from the Deputy Assistant Administrator of the Office of Diversion Control, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Establishment of Freight Forwarding Facilities for DEA Distributor Registrants" (RIN117–AA36) received on July 19, 2000; to the Committee on the Judiciary.

EC–10103. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Schedules of Controlled Substances: Exempt Anabolic Steroid Products" (RIN1117–AA51) received on July 27, 2000; to the Committee on the Judiciary.

EC–10104. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report relative to the operation of the premerger notification program; to the Committee on the Judiciary.

EC–10105. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Listed Chemicals: Final Establishment of Thresholds for Iodine and Hydrochloric Gas (Anhydrous Hydrogen Chloride)" (RIN117–AA43) received on August 21, 2000; to the Committee on the Judiciary.

EC–10106. A communication from the Director of the Administrative Office of the United States Courts, transmitting, pursuant to law, the report relative to capital habeas corpus proceedings for the period of July 1, 1999 through June 30, 2000; to the Committee on the Judiciary.

EC–10107. A communication from the Associate Director of the Office of Legislative, Intergovernmental and Public Affairs, Court Services and Offender Supervision Agency for the District of Columbia, transmitting, the notification of a violation of the Antideficiency Act; to the Committee on Appropriations.

EC–10108. A communication from the Administrator of the Food and Nutrition Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Food Distribution Program on Indians Reservations—Income Deductions and Miscellaneous Provisions" (RIN0584–AC81) received on August 21, 2000; to the Committee on Indian Affairs.

EC–10109. A communication from the Director of the Executive Office of the President, Office of Management and Budget, transmitting, pursuant to law, the pay-as-you-go report dated August 9, 2000; to the Committee on the Budget.

EC–10110. A communication from the Secretary of Defense, transmitting the report of a retirement; to the Committee on Armed Services.

EC–10111. A communication from the Associate Bureau Chief of the Wireless Telecommunication Bureau, Federal Communications Commissions, transmitting, pursuant to law, the report of a rule entitled "Amendments of Parts 0, 80, and 90 of the Commission's Rules to Make the Frequency 156.250 MHz Available for Port Operations Purposes in Los Angeles and Long Beach, CA Ports" (WT Docket No. 99–332, FCC 00–220) received on July 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10112. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska—Closes Central Aleutian District of the Bering Sea and Aleutian Islands for Pacific Ocean Perch" received on July 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10113. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska—Closes West Yakutat District of the Gulf of Alaska for Pacific Ocean Perch" received on July 24 , 2000; to the Committee on Commerce, Science, and Transportation.

EC–10114. A communication from the Assistant General Counsel for Regulatory Law, Office of Environmental Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Operations Assessments" (DOE–EM–STD–5505–96) received on July 27, 2000; to the Committee on Energy and Natural Resources.

EC–10115. A communication from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Safety of Magnetic Fusion Facilities: Guidance" (DOE–STD–6003–96) received on July 27, 2000; to the Committee on Energy and Natural Resources.

EC–10116. A communication from the General Counsel of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Final Rule on Well Category Determinations" (RIN1902–AB98) received on July 27, 2000; to the Committee on Energy and Natural Resources.

EC–10117. A communication from the Acting Director of the Office of Policy, Department of Energy, transmitting, a report entitled "The Northeast Heating Fuel Market: Assessment and Options"; to the Committee on Energy and Natural Resources.

EC–10118. A communication from the Assistant Secretary for Export Administration, Department of Commerce, transmitting, pursuant to law, the report on a rule entitled "Reexports to Serbia of Foreign Registered Aircraft Subject to the Export Administration Regulations" (RIN0694–AC26) received on July 25, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–10119. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations 65 FR 38212 06/20/2000" received on July 21, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–10120. A communication from the Secretary of the Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Commission Guidance on Mini-Tender Offers and Limited Partnership Tender Offers" received on July 25, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–10121. A communication from the Managing Director of the Office of the General Counsel, Federal Housing Finance Board, transmitting, pursuant to law, the report of a rule entitled "Federal Home Loan Bank Acquired Member Assets, Core Mission Activities, Investments and Advances" (RIN3069–AA98) received on July 27, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–10122. A communication from the Managing Director of the Office of the General Counsel, Federal Housing Finance Board, transmitting, pursuant to law, the report of a rule entitled "Powers and Responsibilities of Federal Home Loan Bank Boards of Directors and Senior Management" (RIN3069–AA90) received on July 27, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–10123. A communication from the Fiscal Assistant Secretary of the Department of the Treasury, transmitting, pursuant to law, a notice concerning an annual report on material violations of regulations; to the Committee on Banking, Housing, and Urban Affairs.

EC–10124. A communication from the Assistant General Counsel for Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Amendments to HUD's Mortgagee Review Board and Civil Money Penalty Regulations" (RIN2501–AC44 (FR–4308–F–02)) received on July 21, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–10125. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of the transmittal of the certification of the proposed issuance of an export license relative to Australia, Austria, Canada, Finland, French Guiana, Germany, Italy, Japan, Kourou, NATO, New Zealand, Norway, Russia, Saudi Arabia, Sea Launch, Spain, Sweden, Switzerland, Thailand, and the United Kingdom; to the Committee on Foreign Relations.

EC–10126. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC–10127. A communication from the Acting Executive Director of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Adjustment of Civil Monetary Penalties for Inflation" (RIN3038–AB59) received on July 27, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10128. A communication from the Under Secretary for Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting, pursuant to law, a copy of a final rule entitled "Recipient Claim Establishment and Collection Standards" received on July 27, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10129. A communication from the Director of the Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Irradiation in the Production, Processing, and Handling of Food" (Docket No. 98F–0165) received on July 27, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10130. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Veterinary Services User Fees; Pet Food Facility Inspection and Approval Fees" (Docket No. 98–045–2) received on July 21, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10131. A communication from the Employee Benefits Manager, Farm Credit Bank, transmitting, pursuant to law, the annual reports of Federal Pension Plans for the plan year January 1, 1999, through December 31, 1999; to the Committee on Governmental Affairs.

EC–10132. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Pre-Tax Allotments for Health Insurance Premiums" (RIN3206–AJ16) received on July 27, 2000; to the Committee on Governmental Affairs.

EC–10133. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Health Insurance Premium Conversion" (RIN3206–AJ17) received on July 27, 2000; to the Committee on Governmental Affairs.

EC–10134. A communication from the Executive Director of the Committee for Purchase from People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of additions to the procurement list received on July 27, 2000; to the Committee on Governmental Affairs.

EC–10135. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Administrative Claims Under the Federal Tort Claims Act" (RIN3206–AI70) received on July 27, 2000; to the Committee on Governmental Affairs.

EC–10136. A communication from the Small Business Advocacy Chair, Environmental Protection Agency, transmitting, the report of three items; to the Committee on Environment and Public Works.

EC–10137. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Final Rule To List the Short-tailed Albatross as Endangered in the United States" received on July 26, 2000; to the Committee on Environment and Public Works.

EC–10138. A communication from the Secretary of Defense, transmitting, a notice relative to a retirement received on July 27, 2000; to the Committee on Armed Services.

EC–10139. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance on section 403(b) plans" (Revenue Ruling 2000–35) received on July 21, 2000; to the Committee on Finance.

EC–10140. A communication from the Director of Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Delegation of the adjustment of certain temporary agricultural worker (H–2A) petitions, appellate and revocation authority for those petitions to the Secretary .of Labor" (RIN1115–AF29 INS. No. 1946–98) received on July 21, 2000; to the Committee on the Judiciary.

EC–10141. A communication from the Director of the Office of Wage Determinations, Employment Standards Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Service Contract Act; Labor Standards for Federal Service Contracts" (RIN1215–AB26) received on July 26, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–10142. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update" (Notice 2000–18) received on July 28, 2000; to the Committee on Finance.

EC–10143. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Procedure 2000–32" (RP–111202–00) received on July 27, 2000; to the Committee on Finance.

EC–10144. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice 2000–34 Losses by Blue Cross Blue Shield Organizations" (Notice 2000–34) received on July 27, 2000; to the Committee on Finance.

EC–10145. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice 2000–38 Withholding and Reporting Requirements for section 457(b) plans" (Notice 2000–38) received on August 1, 2000; to the Committee on Finance.

EC–10146. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "T.D. 8894 Loans From a Qualified Employer Plan to Plan Participants and Beneficiaries" (RIN1545–AE41) received on July 28, 2000; to the Committee on Finance.

EC–10147. A communication from the Social Security Regulations Officer, transmitting, pursuant to law, the report of a rule entitled "Revised Medical Criteria for Evaluating Mental Disorders and Traumatic Brain Injury" (RIN0960–AC74) received on July 31, 2000; to the Committee on Finance.

EC–10148. A communication from the Secretary of Health and Human Services, transmitting, a report relative to establishing minimum nurse staffing ratios in nursing homes; to the Committee on Finance.

EC–10149. A communication from the Associate Administrator of the Tobacco Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Amend Regulations for Tobacco Inspection" (Docket Number TB–99–02 RIN0581–AB75) received on July 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10150. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A319, A320 and A321 Series Airplanes, 2000NM55" (RIN2120–AA64 (2000–0384)) received on July 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10151. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: BF Goodrich Main Brake Assemblies as Installed on Airbus Model A319 and A320 Series Airplanes; docket no. 2000–NM–210; [7–21/7–26]" (RIN2120–AA64 (2000–0385)) received on July 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10152. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model MD–11 Series Airplanes; docket no. 99–NM–246 [7–19/7–27]" (RIN2120–AA64 (2000–0386)) received on July 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10153. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737–200 and –300 Airplanes, docket no. 2000–NM–216 [7–20/7–27]" (RIN2120–AA64 (2000–0387)) received on July 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10154. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747–400 Series Airplanes equipped with P & W PW4000 Series Engines; docket n. 99–NM–66 [7–8/7–27]" (RIN2120–AA64 (2000–0388)) received on July 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10155. A communication from the Attorney-Advisor of the National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Incentive Grants for Alcohol-Impaired Driving Prevention Programs" (RIN2127–AH42) received on July 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10156. A communication from the Attorney-Advisor of the National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Child Restraints Anchorage Systems—response to petitions for reconsideration (second notice)" (RIN2127–AH86) received on July 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10157. A communication from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Procedural Revisions for Awards Resulting from Broad Agency Announcements" received on July 28, 2000 ; to the Committee on Commerce, Science, and Transportation.

EC–10158. A communication from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Contract Bundling" received on July 28, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10159. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled

"Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna Specifications and Regulatory Amendment" (RIN0648–AO03; I.D. 041200D) received on July 28, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10160. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Black Sea Bass Fishery; Commercial Quota Harvested for Quarter 3 Period" received on July 28, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10161. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Aleutian District of the Bering Sea and Aleutian Islands" received on July 28, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10162. A communication from the Under Secretary for Oceans and Atmosphere, Department of Commerce, transmitting, pursuant to law, the annual report of the Coastal Zone Management Fund for the National Oceanic and Atmospheric Administration for fiscal year 1999; to the Committee on Commerce, Science, and Transportation.

EC–10163. A communication from the Chairman of the Federal Communications Commission, transmitting, pursuant to law, the report on Auction expenditures for fiscal year 1999; to the Committee on Commerce, Science, and Transportation.

EC–10164. A communication from the Deputy Chief of the Accounting Policy Division, Common Carrier Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Federal-State Joint Board on Universal Service, CC Docket Nos. 96–45 and 97–21" (FCC 00–180, CC Docs. 96–45, 97–21) received on July 31, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10165. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Stemme GmbH & Co. KG Models S10–V and S10–VT sailplanes; docket no. 99–CE–25 [7–26/7–31]" (RIN2120–AA64 (2000–0390)) received on July 31, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10166. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747 Series Airplanes; docket no. 99–NM–335 [7–19/7–31]" (RIN2120–AA64 (2000–0391)) received on July 31, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10167. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC 10 –10, –5, 30, and 40 Series Airplanes; Model MD–10–10F and 30F Series Airplanes; and KC 10A Airplanes; docket no. 98–NM–228 [7–19/7–31]" (RIN2120–AA64 (2000–0392)) received on July 31, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10168. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747 Series Airplanes; docket no. 99–NM–64 [7–19/7–31]" (RIN2120–AA64 (2000–0393)) received on July 31, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10169. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737–200, 300, 400, and 500 Series Airplanes; docket no. 2000–NM–103 [7–19/7–31]" (RIN2120–AA64 (2000–0394)) received on July 31, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10170. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Short Brothers Model SD3–60 Series Airplanes; docket no. 2000–NM–12 [7–19/7–31]" (RIN2120–AA64 (2000–0395)) received on July 31, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10171. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (45); amdt no. 2001 [7–27/7–31]" (RIN2120–AA65 (2000–039)) received on July 31, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10172. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (46); amdt no. 2002 [7–27/7–31]" (RIN2120–AA65 (2000–0040)) received on July 31, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10173. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Western Regulatory Area of the Gulf of Alaska" received on August 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10174. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska—Closes Central Regulatory Area of the Gulf of Alaska for Northern Rockfish" received on August 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10175. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska—Closes Central Regulatory Area of the Gulf of Alaska for Pelagic Shelf Rockfish" received on August 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10176. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska—Closes West Yakutat District of the Gulf of Alaska for Other Rockfish" received on August 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10177. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Sablefish by Vessels Using Trawl Gear in the Central Regulatory Area of the Gulf of Alaska" received on August 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10178. A communication from the Assistant General Counsel for Regulatory Law, Office of Field Integration, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Implementation Guide for Surveillance and Maintenance During Facility Transition and Disposition" (DOE G 430.1–2) received on July 28, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10179. A communication from the Assistant General Counsel for Regulatory Law, Office of Field Integration, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Deactivation Implementation Guide" (DOE G 430.1–3) received on July 28, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10180. A communication from the General Counsel of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Optional Certificate and Abandonment Procedures for Applications for New Service Under Section 7 of the Natural Gas Act" (RIN1902–AB96) received on August 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10181. A communication from the Director of Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Repeal of Reporting Requirements Under Public Law 85–804" (DFARS Case 2000–D016) received on July 28, 2000; to the Committee on Armed Services.

EC–10182. A communication from the Director of Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Streamlined Payment Practices" (DFARS Case 98–D026) received on July 28, 2000; to the Committee on Armed Services.

EC–10183. A communication from the Secretary of Defense, transmitting, a notice relative to a retirement received on July 28, 2000; to the Committee on Armed Services.

EC–10184. A communication from the Deputy Executive Secretary, Substance Abuse and Mental Health Services Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Application Deadline for the Substance Abuse Prevention and Treatment (SAPT) Block Grant Program" (RIN0930–AA04) received on July 26, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–10185. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to emergency funds available to eight states that have been impacted by the heat wave in the South this summer and to Alaska due to the recent fisheries disaster; to the Committee on Health, Education, Labor, and Pensions.

EC–10186. A communication from the Director of the Regulations Policy and Management Staff, Department of Health and

Human Services, transmitting, pursuant to law, transmitting, pursuant to law, the report of a rule entitled "Secondary Direct Food Additives permitted in Food for Human Consumption; Correction" (Docket No. 00F-0786) received on August 1, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–10187. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the transmittal of the certification of the proposed issuance of an export license relative to Egypt; to the Committee on Foreign Relations.

EC–10188. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the notification of intent to obligate funds for purposes of Nonproliferation and Disarmament Fund activities; to the Committee on Foreign Relations.

EC–10189. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, a report relative to the physicians comparability allowance (PCA) program; to the Committee on Governmental Affairs.

EC–10190. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13–375 entitled "Fiscal Year 2001 Budget Support Act of 2000" adopted by the Council on June 6, 2000; to the Committee on Governmental Affairs.

EC–10191. A communication from the Executive Director of the Committee for Purchase From People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of additions to the procurement list received on August 1, 2000; to the Committee on Governmental Affairs.

EC–10192. A communication from the Director of the Office of Government Ethics, Office of General Counsel and Legal Policy, transmitting, pursuant to law, the report of a rule entitled "Exemption Under 18 U.S.C. 208(b)(2) for Financial Interests of Non-Federal Government Employers in the Decennial Census" (RIN3209–AA09) received on August 1, 2000; to the Committee on Governmental Affairs.

EC–10193. A communication from the Comptroller General, transmitting, pursuant to law, a report relative to General Accounting Office employees as of July 14, 2000; to the Committee on Governmental Affairs.

EC–10194. A communication from the Investment Manager, Treasury Division, Army and Air Force Exchange Service, transmitting, pursuant to law, the Annual Report Federal Pensions Plans for calendar year 1999; to the Committee on Governmental Affairs.

EC–10195. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Spanish Pure Breed Horses from Spain" (Docket no. 99-054-2) received on July 28, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10196. A communication from the Administrator of the Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Fee Increase for Egg Products Inspection—Year 2000" (RIN0583-AC71) received on July 28, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10197. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Brucellosis in Cattle; State and Area Classifications; Louisiana" (Docket no. 99-052-1) received on July 31, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10198. A communication from the Small Business Advocacy Chair, Environmental Protection Agency, transmitting, pursuant to law, the report of four rules entitled "Fenpropathrin; Extension of Tolerance for Emergency Exemptions" (FRL6597–9), "Diflubenzuron; Pesticide Tolerance" (FRL6596–3), "Cerfentrazone–ethyl; Pesticide Tolerance" (FRL6597–7), and "Avermectin; Extension of Tolerance for Emergency Exemptions" (FRL6598–8) received on August 1, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10199. A communication from the Under Secretary for Domestic Finance , Department of the Treasury, transmitting, pursuant to law, the report on the Resolution Funding Corporation for calendar year 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–10200. A communication from the Deputy Secretary of the Division of Investment Management, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Exemption From Section 101(c)(1) of the Electronic Signatures in Global and National Commerce Act for Registered Investment Companies" (RIN3235–AH93) received on July 27, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–10201. A communication from the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the report relative to observed trends in the cost and availability of retail banking services; to the Committee on Banking, Housing, and Urban Affairs.

EC–10202. A communication from the President of the United States, transmitting, pursuant to law, the six month periodic report on the national emergency with respect to Iraq; to the Committee on Banking, Housing, and Urban Affairs.

EC–10203. A communication from the President of the United States, transmitting, pursuant to law, a notice relative to the continuation of the Iraqi emergency; to the Committee on Banking, Housing, and Urban Affairs.

EC–10204. A communication from the Small Business Advocacy Chair, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; Approval of Revisions to COMAR 26.11.12 Control of Batch Type Hot-Dip Galvanizing Installations" (FRL6838–3) and "Preliminary Assessment Information Reporting; Addition of Certain Chemicals" (FRL6597–3) received on July 18, 2000; to the Committee on Environment and Public Works.

EC–10205. A communication from the Small Business Advocacy Chair, Environmental Protection Agency, transmitting, pursuant to law, the report of two rules entitled "Approval and Promulgation of Implementation Plans; Oklahoma; Revised Format for Materials Being Incorporated by Reference" (FRL6727–1) and "Redefinition of the Glycol Ethers Category Under Section 112 (b) (1) of the CAA And Section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act" (FRL6843–3) received on July 27, 2000; to the Committee on Environment and Public Works.

EC–10206. A communication from the Director of Congressional Affairs, Nuclear Material Safety and Safeguards, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Revised, Final Policy Statement on Medical Use of Byproduct Material" (RIN3150–AF74) received on August 1, 2000; to the Committee on Environment and Public Works.

EC–10207. A communication from the Small Business Advocacy Chair, Environmental Protection Agency, transmitting, pursuant to law, the report of two rules entitled "Drinking Water State Revolving Funds" (FRL6846–5) and "Identification of Approved and Disapproved Elements of the Great Lakes Guidance Submissions From the States of Michigan, Ohio, Indiana, and Illinois, and Final Rule" (FRL6846–3) received on August 1, 2000; to the Committee on Environment and Public Works.

EC–10208. A communication from the Deputy Assistant Administrator for Fisheries, Office of Protected Resources, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Species; Final Rule Governing Take of 14 Threatened Salmon and Steelhead Evolutionarily Significant Units (ESUs)" (RIN0648-AK94) received on August 1, 2000; to the Committee on Environment and Public Works.

EC–10209. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the pay-as-you-go reports dated August 4, 2000 and received on August 8, 2000; to the Committee on the Budget.

EC–10210. A communication from the Assistant Secretary of the Occupational Safety and Health Administration, transmitting, pursuant to law, the report of a rule entitled "Nationally Recognized Testing Laboratories—Fees; Public Comment Period on Recognition Notices" (RIN1218–AB57) received on August 7, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–10211. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Listing of Color Additives for Coloring Sutures; D&C Violet No. 2" (Docket No. 99C–1455) received on August 7, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–10212. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products for Over-the-Counter Human Use; Amendment of Final Monograph for OTC Antitussive Drug Products" (RIN0910–AA01) received on August 8, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–10213. A communication from the Secretary of Defense, transmitting, a notice relative to a retirement of a Superintendent of the Air Force Academy; to the Committee on Armed Services.

EC–10214. A communication from the Secretary of Defense, transmitting, a notice relative to a retirement of a Chief of Engineers Commanding General; to the Committee on Armed Services.

EC–10215. A communication from the Chief of the Programs and Legislation Division, Office of the Legislative Liaison, Department of the Air Force, transmitting, a report relative to cost comparison at Willow Grove Air Reserve Station; to the Committee on Armed Services.

EC-10216. A communication from the Alternate Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Enhancement of Dental Benefits under the TRICARE Retiree Dental Program (TRDP)" received on August 8, 2000; to the Committee on Armed Services.

EC-10217. A communication from the Comptroller General, transmitting, pursuant to law, the June 2000 report; to the Committee on Governmental Affairs.

EC-10218. A communication from the District of Columbia Auditor, transmitting, pursuant to law, the report entitled "Current Status of the Contract for the District's Consolidated Real Property Inventory System"; to the Committee on Governmental Affairs.

EC-10219. A communication from the Director of Employee Benefits, AgriBank, transmitting, pursuant to law, the report relative to the Seventh Farm Credit District; to the Committee on Governmental Affairs.

EC-10220. A communication from the Director of the Workforce Compensation and Performance Service, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Prevailing Rate System; Miscellaneous Changes to Certain Federal Wage System Wage Areas" (RIN3206-AJ21) received on August 8, 2000; to the Committee on Governmental Affairs.

EC-10221. A communication from the Director of the Workforce Compensation and Performance Service, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Pay Administration; Back Pay; Holidays; and Physicians' Comparability Allowances" (RIN3206-AI76) received on August 8, 2000; to the Committee on Governmental Affairs.

EC-10222. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report entitled "Statistical Programs of the United States Government: Fiscal Year 2001"; to the Committee on Governmental Affairs.

EC-10223. A communication from the Chief of the Office of Regulations and Administrative Law, Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations; SLR; Harbour Town Fireworks Display, Calibogue Sound, Hilton Head, SC (CGD07-00-062)" (RIN2115-AE46 (2000-0006)) received on August 4, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10224. A communication from the Chief of the Office of Regulations and Administrative Law, Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Manchester Fourth of July Fireworks, Manchester, Massachusetts (CGD01-00-157)" (RIN2115-AA97 (2000-0047)) received on August 4, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10225. A communication from the Chief of the Office of Regulations and Administrative Law, Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Seafair Blue Angels Performance, Lake Washington, WA (CGD13-00-022)" (RIN2115-AA97 (2000-0048)) received on August 4, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10226. A communication from the Chief of the Office of Regulations and Administrative Law, Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; United States Army Bridge Exercise across the Arkansas River" (RIN2115-AA97 (2000-0049)) received on August 4, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10227. A communication from the Chief of the Office of Regulations and Administrative Law, Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; USS JOHN F. KENNEDY, Boston Harbor, Boston, Massachusetts (CGD01-00-130)" (RIN2115-AA97 (2000-0050)) received on August 4, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10228. A communication from the Chief of the Office of Regulations and Administrative Law, Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Gastineau Channel, Juneau, AK (COTP Southeast Alaska 00-005)" (RIN2115-AA97 (2000-0051)) received on August 4, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10229. A communication from the Chief of the Office of Regulations and Administrative Law, Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; New York Harbor, Western Long Island Sound, East and Hudson Rivers Fireworks (CGD01-00-004)" (RIN2115-AA97 (2000-0052)) received on August 4, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10230. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Air Tractor, Inc. Models AT-501, AT-502, and AT-5-2A Airplanes—docket no. 2000-CE-40 [7-31/8-3]" (RIN2120-AA64(2000-0397)) received on August 4, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10231. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model MD-11 Series Airplanes; docket no. 2000-NM-30 [7-27/8-3]" (RIN2120-AA64(2000-0398)) received on August 4, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10232. A communication from the Acting Director of the Office of Sustainable Fisheries, Domestic Fisheries Division, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Scup Fishery; Commercial Quota Harvested for Summer Period" received on August 7, 2000; to the Committee on Commerce , Science, and Transportation.

EC-10233. A communication from the Acting Director of the Office of Sustainable Fisheries, Domestic Fisheries Division, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock for Processing by the Inshore Component in the Bering Sea Subarea" received on August 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10234. A communication from the Chief of the Office of Regulations and Administrative Law, Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Port Graham, Cook Inlet, Alaska (COTP Western Alaska 00-002)" (RIN2115-AA97 (2000-0054)) received on August 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10235. A communication from the Chief of the Office of Regulations and Administrative Law, Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Presidential Visit, Hudson River New York (CGD01-00-152)" (RIN2115-AA97 (2000-0057)) received on August 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10236. A communication from the Chief of the Office of Regulations and Administrative Law, Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Hudson Valley Triathlon, Hudson River, Ulster Landing, NY (CGD01-00-160)" (RIN2115-AA97 (2000-0058)) received on August 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10237. A communication from the Chief of the Office of Regulations and Administrative Law, Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Groton Long Point Yacht Club Fireworks Display, Main Beach, Groton Long Point, CT(CGD01-00-142)" (RIN2115-AA97 (2000-0059)) received on August 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10238. A communication from the Chief of the Office of Regulations and Administrative Law, Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; San Juan Harbor, Puerto Rico (COTP San Juan 00-065)" (RIN2115-AA97 (2000-0060)) received on August 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10239. A communication from the Chief of the Office of Regulations and Administrative Law, Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Mashantucket Pequot Fireworks Display, Thames River, New London, CT (CGD01-00-012)" (RIN2115-AA97 (2000-0061)) received on August 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10240. A communication from the Chief of the Office of Regulations and Administrative Law, Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Iron Spring Farm Fireworks Display (CGD01-00-140)" (RIN2115-AA97 (2000-0062)) received on August 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10241. A communication from the Chief of the Office of Regulations and Administrative Law, Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Staten Island Fireworks, Arthur Kill (CGD01-00-015)" (RIN2115-AA97 (2000-0063)) received on August 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10242. A communication from the Chief of the Office of Regulations and Administrative Law, Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Presidential Visit, Martha's Vineyard, MA (CGD01-00-190)" (RIN2115-AA97 (2000-0064)) received on August 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10243. A communication from the Chief of the Office of Regulations and Administrative Law, Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: Fireworks Display, Peekskill Bay, NY (CGD01-00-184)" (RIN2115-AA97 (2000-0065)) received on August 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10244. A communication from the Chief of the Office of Regulations and Administrative Law, Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: Dignitary Arrival/Departure and United Nations Meetings, New York, NY (CGD01-00-146)" (RIN2115-AA97 (2000-0066)) received on August 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10245. A communication from the Chief of the Office of Regulations and Administrative Law, Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; OPSAIL MAINE 2000, Portland, ME (CGD01-99-194)" (RIN2115-AA97 (2000-0067)) received on August 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10246. A communication from the Chief of the Office of Regulations and Administrative Law, Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Special Anchorage Areas/Anchorage Grounds Regulations; OPSAIL 2000, Port of New London, CT (CGD01-99-203)" (RIN2115-AA98 (2000-0006)) received on August 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10247. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73 .202(b), Table of Allotments, DTV Broadcast Stations (Albany, GA)" (MM Docket No. 99-319, RM-9756) received on August 9, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10248. A communication from the chairman of the Federal Communications Commission, transmitting, pursuant to law, the report relative to market entry barriers in the telecommunications industry; to the Committee on Commerce,. Science, and Transportation.

EC-10249. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "TD: Definition of Grantor" (RIN15450-AX25 TD8890) received on July 28, 2000; to the Committee on Finance.

EC-10250. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice 2000-22 Penalty Relief for Information Reporting on Certain Discharges of Indebtedness" (Notice 2000-22) received on July 28, 2000; to the Committee on Finance.

EC-10251. A communication from the Deputy Secretary to the Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Prospective Payment System and Consolidated Billing for Skilled Nursing Facilities—Medicare" (RIN0938-AJ593) received on August 7 , 2000; to the Committee on Finance.

EC-10252. A communication from the Deputy Secretary to the Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Changes to the Hospital Inpatient Prospective Payment Systems and Fiscal Year 2001 Rates (HCFA-1118-F)" (RIN0938-AK09) received on August 7, 2000; to the Committee on Finance.

EC-10253. A communication from the Deputy Secretary to the Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program: Provisions of the Balanced Budget Refinement Act of 1999; Hospital Inpatient Payments and Rates and Costs of Graduate Medical Education (HCFA-1131-F)" (RIN0938-AK20) received on August 7, 2000; to the Committee on Finance.

EC-10254. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rev. Rul. 2000-39 BLS-LIFO Department Store Indexes—June 2000" (Rev. Rul. 2000-39) received on August 7, 2000; to the Committee on Finance.

EC-10255. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Procedure 2000-35" (RP-117369-97) received on August 8, 2000; to the Committee on Finance.

EC-10256. A communication from the Deputy Executive Secretary to the Department, Center for Health Plans and Providers, Health Care Financing Administration, transmitting, pursuant to law, the report of a rule entitled "Prospective Payment System for Hospital Outpatient Services: Revisions to Criteria to Define New or Innovative Medical Devices, Eligible for Pass-Through Payments and Corrections to Criteria for the Grandfather Provision for Certain Federally Qualified Health Center (RIN0939-AI56) received on August 1, 2000; to the Committee on Finance.

EC-10257. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Comprehensive Case Resolution Pilot Notice" (Notice 2000-43, 2000-35 I.R.B.) received on August 9, 2000; to the Committee on Finance.

EC-10258. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Coordinated Issue: Life Insurance Industry—Loss Utilization in Life-NonLife Consolidated Return—Separate v. Single Entity Approach" (UIL1503.05-00) received on August 9, 2000 to the Committee on Finance.

EC-10259. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the "Child Welfare Outcomes 1998: Annual Report"; to the Committee on Finance.

EC-10260. A communication from the Small Business Advocacy Chair, Environmental Protection Agency, transmitting, the report of two items; to the Committee on Environment and Public Works.

EC-10261. A communication from the Small Business Advocacy Chair, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Amendment to Standards of Performance for New Stationary Sources; Monitoring Requirements (PS-1)" (FRL6846-6) received on August 3, 2000; to the Committee on Environment and Public Works.

EC-10262. A communication from the Chief of the Terrorism and Violent Crime Section, Department of Justice and Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Accidental Release Prevention Requirements; Risk Management Programs Under the Clean Air Act Section 112(r)(7); Distribution of Off-Site Consequence Analysis Information" (RIN1105-AA70) received on August 4, 2000; to the Committee on Environment and Public Works.

EC-10263. A communication from the Chief of the Terrorism and Violent Crime Section, Department of Justice and Environmental Protection Agency, transmitting, pursuant to law, the report of two rules entitled "Control of Emissions of Air Pollution from 2004 and Later Model Year Heavy Duty Highway Engines and Vehicles; Revision of Light-Duty On-Board Diagnostics Requirements" (FRL6846-4) and "Federal Plan Requirements for Hospital/Medical Infectious Waste Incinerators Constructed on or Before June 20, 1996" (FRL6848-9) received on August 8, 2000; to the Committee on Environment and Public Works.

EC-10264. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Office of Migratory Bird Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Permits; Determination That the State Of Delaware Meets Federal Falconry Standards and Amended List of States Meeting Federal Falconry Standards" (RIN1018-AF93) received on August 9, 2000; to the Committee on Environment and Public Works.

EC-10265. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report with respect to exports to Turkey; to the Committee on Banking, Housing, and Urban Affairs.

EC-10266. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report with respect to exports to Venezuela; to the Committee on Banking, Housing, and Urban Affairs.

EC-10267. A communication from the President of the United States, transmitting, pursuant to law, a notice of the extension of the national emergency declared in Executive Order 12924; to the Committee on Banking, Housing, and Urban Affairs.

EC-10268. A communication from the Deputy Legal Counsel for the Community Development Financial Institutions Fund, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Community Development Financial Institutions Program" (RIN1505-AA71) received on August 9, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-10269. A communication from the Deputy Secretary of the Division of Corporate Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Financial Statements and Periodic Reports for Related Issuers and Guarantors" (RIN3235-AH52) received on August 9, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-10270. A communication from the General Counsel, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Professional Conduct for Practitioners—Rules and Procedures" (RIN1125-AA13) received on August 7, 2000; to the Committee on the Judiciary.

EC-10271. A communication from the Under Secretary of Commerce for Intellectual Property, Patent and Trademark Office, transmitting, pursuant to law, the report of a rule entitled "Revision of Patent Fees for Fiscal Year 2001" (RIN0651-AB01) received on August 7, 2000; to the Committee on the Judiciary.

EC-10272. A communication from the Chair of the Sentencing Commission, transmitting, pursuant to law, the annual report for fiscal year 1999; to the Committee on the Judiciary.

EC-10273. A communication from the Acting General Counsel, Office of Government Contracting, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Government Contracting Programs: Contract Bundling Procurement Strategy" (RIN3245-AE04) received on August 7, 2000; to the Committee on Small Business.

EC-10274. A communication from the Associate Deputy Administrator for Government Contracting and Minority Enterprise Development, Small Business Administration, transmitting, pursuant to law, a report relative to minority small business and capital ownership development for fiscal year 1999; to the Committee on Small Business.

EC-10275. A communication from the Assistant Secretary, Land and Mineral Management, Engineering and Operations Division, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Training of Lessee and Contractor Employees Engaged in Oil and Gas and Sulphur Operations in the Outer Continental Shelf (OCS)" (RIN1010-AC41) received on August 7, 2000; to the Committee on Energy and Natural Resources.

EC-10276. A communication from the General Counsel, Federal Energy Regulatory Commission, transiting, pursuant to law, the report of a rule entitled "Depreciation Accounting, Docket No. RM99-7-000" (RIN1902-AB85) received on August 8, 2000; to the Committee on Energy and Natural Resources.

EC-10277. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report concerning the final rule entitled "Schedule of Fees for Consular Services, Department of State and Overseas Embassies and Consulates"; to the Committee on Foreign Relations.

EC-10278. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, a report concerning compliance by the Government of Cuba; to the Committee on Foreign Relations.

EC-10279. A communication from the Chief Counsel, Department of Justice, transmitting, the Foreign Claims Settlement Commission's annual report for calendar year 1999; to the Committee on Foreign Relations.

EC-10280. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC-10281. A communication from the Associate Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Hazelnuts Grown in Oregon and Washington; Increases Assessment Rate" (Docket Number: FV00-982-2 FR) received on August 2, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-10282. A communication from the Small Business Advocacy Chair, Environmental Protection Agency, transmitting, pursuant to law, the report of three rules entitled "Imidacloprid; Extension of Tolerances for Emergency Exemptions" (FRL6736-8), "Pymetrozine; Pesticide Tolerance" (FRL6599-2), and "Sodium Chlorate; Extension of Exemption from Tolerance for Emergency Exemption" (FRL6599-3) received on August 4, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-10283. A communication from the Associate Administrator of the Fruits and Vegetables—Research and Promotion Branch, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Honey Promotion, Research and Information Order; Referendum Procedures" (Docket Number: FV-00-702-2 FR) received on August 7, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-10284. A communication from the Associate Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Nectarines and Peaches Grown in California; Revision of Handling Requirements for Fresh Nectarines and Peaches" (Docket Number: FV00-916-1 FIR) received on August 9, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-10285. A communication from the Director of the Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Device; Anesthesiology Devices; Classification of Devices to Relieve Upper Airway Obstruction; Correction" (Docket No. 00P-1117) received on August 11, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-10286. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Loan Interest Rates, 12 CFR Section 701.21(c)(7)(ii)(C)", received on August 11, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-10287. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Air Tractor, Inc. Models AT-501, AT-502, and AT-502A; docket no. 2000-CE-40 [7-31/8-10]" (RIN 2120-AA64 (2000-0399)) received on August 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10288. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace, North Bend, OR; docket no. 99-ANM-12 [7-25/8-10]" (RIN 2120-AA66 (2000-0181)) received on August 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10289. A communication from the ACC for General Law, the National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "State Highway Safety Data And Traffic Records Improvements" (RIN2127-AH43) received on August 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10290. A communication from the Attorney of the Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials: Miscellaneous Amendments" (RIN2137-AD16) received on August 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10291. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna; Harpoon Category Closure" (I.D. 061500D) received on August 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10292. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off' Alaska; Arrowtooth Flounder in the Western Regulatory Area of the Gulf of Alaska" received on August 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10293. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod in the Western Regulatory Area of the Gulf of Alaska" received on August 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10294. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Spiny Dogfish Fishery; Commercial Quota Harvested for Period 1" received on August 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10295. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for Connecticut" received on August 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10296. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Trip Limit Adjustments" received on August 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10297. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; Emergency for the Summer Flounder Fishery" (RIN0648-AO32) received on August 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10298. A communication from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of an interim rule entitled "Cost Accounting Standard Waivers" received August 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10299. A communication from the Small Business Chair of the Environmental Protection Agency, transmitting, a notice related to regulatory programs; to the Committee on Environment and Public Works.

EC–10300. A communication from the Small Business Advocacy Chair of the Environmental Protection Agency, transmitting, pursuant to law, the report of three rules entitled "Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania; Approval of Revisions to Volatile Organic Compounds Regulations [FRL#6847–3]", "Clean Air Act Full Approval of Operating Permit Program; Approval of Expansion of State Program Under Section 112 (1); State of Colorado [FRL#6851–3]", and "Fiscal Year 2001 Chesapeake Bay Program Activity Grants, Request for Proposals and Guidelines and Application Package" received on August 10, 2000; to the Committee on Environment and Public Works.

EC–10301. A communication from the Under Secretary of Commerce for Intellectual Property and Director of the Patent and Trademark Office, transmitting, pursuant to law, the report of a rule entitled "Request for Continued Examination Practice and Changes to Provisional Application Practice" (RIN0651–AB13) received on August 10, 2000; to the Committee on the Judiciary.

EC–10302. A communication from the Acting Assistant Attorney General, Office of Justice Programs, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Environmental Impact Review Procedures for the VOI/TIS Grant Program" (RIN1121–AA52) received on August 11, 2000; to the Committee on the Judiciary.

EC–10303. A communication from the Acting Director of the Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "West Virginia Regulatory Program" (WV–085–FOR) received on August 10, 2000; to the Committee on Energy and Natural Resources.

EC–10304. A communication from the Assistant Secretary for Environmental Management, Department of Energy, transmitting, pursuant to law, a notice relative to the intention to enter into a three-year extension contract DE–AC22–96EW96405; to the Committee on Energy and Natural Resources.

EC–10305. A communication from the Assistant General Counsel for Regulatory Law, Office of Safeguards and Security, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Protective Force Program" (DOE O 473.2) received on August 11, 2000; to the Committee on Energy and Natural Resources.

EC–10306. A communication from the Assistant General Counsel for Regulatory Law, Office of Safeguards and Security, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Protective Force Program Manual" (DOE M 473.2–2) received on August 11, 2000; to the Committee on Energy and Natural Resources.

EC–10307. A communication from the Assistant General Counsel for Regulatory Law, Office of Environment Safety and Health, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Fire Protection Design Criteria" (DOE–STD–1066–99) received on August 11, 2000; to the Committee on Energy and Natural Resources.

EC–10308. A communication from the Assistant General Counsel for Regulatory Law, Office of Environment Safety and Health, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Radiological Control" (DOE–STD–1098–99) received on August 11, 2000; to the Committee on Energy and Natural Resources.

EC–10309. A communication from the Administrator of the Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Farm Loan Programs Servicing Policies—Servicing Shared Appreciation Agreements" (RIN0560–AF78) received on August 10, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10310. A communication from the Associate Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Winter Pears Grown in Oregon and Washington; Establishment of Quality Requirements for the Beurre D'Anjou Variety of Pears" (Docket Number FV00–927–1 FR) received on August 10, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10311. A communication from the Associate Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Cranberries Grown in States of Massachusetts, et al.; Increased Assessment Rate" (Docket Number FV00–929–4 IFR) received on August 10, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10312. A communication from the Associate Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tart Cherries Grown in the States of Michigan, New York, Pennsylvania, Oregon, Utah, Washington, and Wisconsin; Decreased Assessment Rate" (Docket Number FV00–930–3 FR) received on August 10, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10313. A communication from the Associate Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Irish Potatoes Grown in Certain Designated Counties in Idaho, and Malheur County, Oregon; Modification of Handling Regulations" (Docket Number FV00–945–1 FIR) received on August 10, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10314. A communication from the Secretary of Defense, transmitting, the report of two retirements; to the Committee on Armed Services.

EC–10315. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, the Defense Manpower Requirements Report for fiscal year 2001; to the Committee on Armed Services.

EC–10316. A communication from the Director of the Employment Service; Workforce Restructuring Office, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Career Transition Assistance for Surplus and Displaced Federal Employees" (RIN3206–AI39) received on August 11, 2000; to the Committee on Governmental Affairs.

EC–10317. A communication from the Executive Director of the Committee for Purchase from People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of additions to the procurements list received on August 11, 2000; to the Committee on Governmental Affairs.

EC–10318. A communication from the Attorney General, transmitting, pursuant to law, the report of the Inspector General for the period October 1, 1999 through March 31, 2000; to the Committee on Governmental Affairs.

EC–10319. A communication from the District of Columbia Auditor, transmitting a report relative to the review of metropolitan police department vehicles; to the Committee on Governmental Affairs.

EC–10320. A communication from the Director of the Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Special Procedures for Negotiation of Construction Contracts" (DFARS Case 2000–D010) received on August 21, 2000; to the Committee on Armed Services.

EC–10321. A communication from the Director of Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Construction and Service Contracts in Noncontiguous States" (DFARS Case 99–D308) received on August 21, 2000; to the Committee on Armed Services.

EC–10322. A communication from the Director of Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Contract Drawings, Maps, and Specifications" (DFARS Case 99–D025) received on August 21, 2000; to the Committee on Armed Services.

EC–10323. A communication from the Director of Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Mentor-Program Improvements" (DFARS Case 99–D307) received on August 21, 2000; to the Committee on Armed Services.

EC–10324. A communication from the Director of Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Transportation Acquisition Policy" (DFARS Case 99–D009) received on August 21, 2000; to the Committee on Armed Services.

EC–10325. A communication from the Director of Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "North American Industry Classification System" (DFARS Case 2000–D015) received on August 21, 2000; to the Committee on Armed Services.

EC–10326. A communication from the Director of the Office of the Secretary of Defense (Administration and Management), transmitting, pursuant to law, a report relative to printing and duplicating services during fiscal year 1999; to the Committee on Armed Services.

EC–10327. A communication from the Under Secretary of Defense (Acquisition and Technology), transmitting, pursuant to law, a report relative to purchases from foreign entities in fiscal year 1999; to the Committee on Armed Services.

EC–10328. A communication from the Director of the Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Food Additives Permitted for Direct Addition to Food for Human Consumption; Calcium Disodium EDTA and Disodium EDTA" (Docket No. 00F–0119) received on August 21, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–10329. A communication from the Director of the Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Listing of Color Additives Exempt From Certification; Luminescent Zinc Sulfide" (Docket No. 97C–0415) received on August 21, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–10330. A communication from the Director of the Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Gastroenterology and Urology Devices; Reclassification of the Extracorporeal Shock Wave Lithotripter" (Docket No. 98N–1134) received on August 21, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–10331. A communication from the Director of the Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Topical Optic Drug Products for Over-the-Counter Human Use; Products for Drying Water-Clogged Ears; Amendment of Monograph; Lift of Partial Stay of Effective Date" (RIN0910–AA01) received on August 21, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–10332. A communication from the Director of the Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "New Animal Drug Applications; Sheep as a Minor Species" (Docket, No. 99N–2151) received on August 21, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–10333. A communication from the Assistant Secretary for Civil Rights, Department of Education, transmitting, pursuant to law, the Fiscal Year 1999 Annual Report; to the Committee on Health, Education, Labor, and Pensions.

EC–10334. A communication form the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Comprehensive Community Mental Health Services for Children and Their Families Program; to the Committee on Health, Education, Labor, and Pensions.

EC–10335. A communication from the Deputy Director of the Office of Enforcement Policy, Wage and Hour Division, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Attestations by Facilities Temporarily Employing H–1C Nonimmigrant Aliens as Registered Nurses" (RIN1205–AB27) received on August 22, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–10336. A communication from the Assistant General Counsel for Regulations, Special Education & Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "National Institute on Disability and Rehabilitative Research" (RIN84.133G) received on August 24, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–10337. A communication from the Director of the Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" received on August 23, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–10338. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a notification relative to emergency funds; to the Committee on Health, Education, Labor, and Pensions.

EC–10339. A communication from the Director of the Office of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Veterans Training: Vocational Rehabilitation Subsistence Allowance Rates" (RIN2900–AI74) received on August 23, 2000; to the Committee on Veterans' Affairs.

EC–10340. A communication from the Secretary of Labor, transmitting, pursuant to law, the report describing employment and training programs for veterans during program year 1998 and fiscal year 1999; to the Committee on Veterans' Affairs.

EC–10341. A communication from the Assistant General Counsel for Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Initiation of Civil Money Penalty Action for Failing to Disclose Lead-Based Paint Hazards: Amendments Concerning Official to Initiate Action" (RIN2501–AC74(FR–4609–F–01)) received on August 21, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–10342. A communication from the Assistant General Counsel for Regulations, Office of Inspector General, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Implementation of the Privacy Act of 1974" (RIN2508–AA11 (FR–4575–F–03)) received on August 21, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–10343. A communication from the Deputy Secretary of the Office of General Counsel, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Regulation FD, Exchange Act Rules 10b5–1 and 10b5–2" (RIN3235–AH82) received on August 15, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–10344. A communication from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Regulation T—Credit by Brokers and Dealers" received on August 21, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–10345. A communication from the Director of the Financial Crimes Enforcement Network, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Amendment to the Bank Secrecy Act Regulations—Exemptions from the Requirement to Report Transactions in Currency; Interim Rule" (RIN1506–AA23) received on August 16, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–10346. A communication from the Under Secretary for Export Administration, Department of Commerce, transmitting, pursuant to law, a report relative to the expansion of certain foreign policy-based export controls; to the Committee on Banking, Housing, and Urban Affairs.

EC–10347. A communication from the Assistant General Counsel for Regulations, Office of the Assistant Secretary for Public and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Public Housing Agency (PHA) Plan: Streamlined Plans" (RIN2577–AB89 (FR–4420–F–09)) received on August 21, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–10348. A communication from the Attorney of the Office of the Secretary of Transportation, transmitting, pursuant to law, the report of a rule entitled "Relocation of Standard Time Zone Boundary in the State of Kentucky" (RIN2105–AC80 (2000–0002)) received on August 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10349. A communication from the Acting Assistant Administrator For Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Closure of Critical Habitat Pursuant to a Court Order" (RIN0648–AO44) received on August 21, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10350. A communication from the Acting Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Central Contractor Registration (CCR)" received on August 21, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10351. A communication from the Chairman of the Bureau of Enforcement, Federal Maritime Commission, transmitting, pursuant to law, the report of a rule entitled "Inflation Adjustment of Civil Monetary Penalties" (FMC Docket No.: 00–09) received on August 21, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10352. A communication from the Chief of Policy and Program Planning, Common Carrier Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Deployment of Wireline Services Offering Advanced Telecommunications Capability, CC Docket No. 98–147, Order on Reconsideration and Second Further Notice of Proposed Rulemaking, and Fifth Further Notice of Proposed Rulemaking in CC Docket No. 96–98." (FCC 00–297, CC DOCS. 98–147, 96–98) received on August 21, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10353. A communication from the Director of the Minority Business Development Agency, Department of Commerce, transmitting, pursuant to law, a notification relative to the solicitation of applications (RIN0640–ZA08) received on August 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10354. A communication from the Deputy Assistant Administrator, Estuarine Reserves Division, National Ocean Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Federal Register Notice/FY01 National Estuarine Research Reserve Graduate Research Fellowship" (RIN0648–ZA89) received on August 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10355. A communication from the Assistant Administrator for Satellite and Information Services, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Office of Research and Applications Ocean Remote Sensing Program Notice of Financial Assistance" (RIN0648–ZA90) received on August 23, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10356. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Implement Framework Adjustment 35 to the Northeast Multispecies Fishery Management Plan" (RIN0648–AO15) received on August 23, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10357. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska—Opens Central Regulatory Area, Gulf of Alaska, for pollock catcher vessels that are non-exempt under the American Fisheries Act" received on August 23, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10358. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule Implementing Amendment 12 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region" (RIN0648–AN39) received on August 23, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10359. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747–400 Series Airplanes; docket no. 2000–NM–151 [7–25/8–14]" (2120–AA64 (2000–0400)) received on August 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10360. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 727 Series Airplanes Modified in Accordance with Valsan Supplemental Type Certificate (STC) SA4363NM; docket no. 2000–NM–248 [7–31/8–14]" (2120–AA64 (2000–0401)) received on August 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10361. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "General Rulemaking Procedures; docket no. FAA1999–6622 [8–21/8–17]" (2120–AG95) received on August 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10362. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC–8 Series Airplanes; docket no. 2000–NM–100 [8–3/8–17]" (2120–AA64 (2000–0413)) received on August 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10363. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter France Model SA–365N, N1, AS–365N2, and N3 Helicopters; Docket no. 2000–SW–09 [8–9/8–17]" (2120–AA64 (2000–0404)) received on August 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10364. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A319, A320, and A321 Series Airplanes; docket no. 99–NM–331 [8–14/8–17]" (2120–AA64 (2000–0403)) received on August 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10365. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "AD—Bell Helicopter Textron In .–manufactured Model HH–1K, TH–1F, UH–1A, UH1B, UH–1E, UH–1F, Uh–1H, UH–1L, and UH–1P; & Southwest Florida Aviation SW–204, SW204–HP, SW–205 & SW205A–1 Helicopters; doc #2000–SW–01 [8–9/8–17]" (2120–AA64 (2000–0405)) received on August 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10366. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bell Helicopter Textron Canada Model 430 Helicopters; docket no. 99–SW–84 [8–15/8–17]" (2120–AA64 (2000–0406)) received on August 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10367. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Sikorsky Aircraft Corporation Model S–76 Series Helicopters; docket no. 2000–SW–26 [8–15/8–17]" (2120–AA64 (2000–0407)) received on August 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10368. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McCauley Propeller Model 4HFR34C653/L106FA–); docket no. 2000–NE–17 [8–8/8–17]" (2120–AA64 (2000–0408)) received on August 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10369. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bell Helicopter Textron Canada Model 407 Helicopters; Docket no. 2000–SW–10 [7–28/8–17]" (2120–AA64 (2000–0409)) received on August 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10370. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC–10 Series Airplanes; docket no. 99–NM–215 [7–31/8–17]" (2120–AA64 (2000–0410)) received on August 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10371. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC–10 Series Airplanes; docket no. 99–NM–214 [7–31/8–17]" (2120–AA64 (2000–0411)) received on August 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10372. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC–10–10, –10F, –15, –30, –30F (KC–10A and KDC–10 Military), –40, and –40F Series Airplanes; docket no. 99–NM–211 [7–31/8–17]" (2120–AA64 (2000–0412)) received on August 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10373. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Honeywell International Inc. TFE31, 2, 3, 4, and 5 Series Turbofan Engines; docket no. 99–NE–10 [8–8/8–17]" (2120–AA64 (2000–0414)) received on August 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10374. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Minneapolis, Crystal Airport, MN; Correction; docket no. 00–AGL–10" (2120–AA66 (2000–0182)) received on August 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10375. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Ionia, MI; docket no. 00–AGL–13 [7–26/8–17]" (2120–AA66 (2000–0183)) received on August 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10376. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Greenwood/Wonder Lake, IL; docket no. 00–AGL–12 [7–26/8–17]" (2120–AA66 (2000–0184)) received on August 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10377. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Shelbyville, IN; docket no. 00–AGL–11 [7–24/8–17]" (2120–AA66 (2000–0185)) received on August 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10378. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Elkhart, KS ; docket no. 00–ACE–22 [7–25/8–17]" (2120–AA66 (2000–0186)) received on August 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10379. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D Airspace; Kissimmee, FL; docket no. 00–ASO–23 [8–4/8–17]" (2120–AA66 (2000–0187)) received on August 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10380. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D Airspace; Oakgrove, NC; docket no. 00–ASO–24 [8–4/8–17]" (2120–AA66 (2000–0188)) received on August 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10381. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D Airspace; Boca Raton, FL; docket no. 00–ASO–22 [8–7/8–17]" (2120–AA66 (2000–0189)) received on August 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10382. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Marquette, MI; docket no. 00–AGL–02 [7–26/8–

17]” (2120–AA66 (2000–0191)) received on August 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10383. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Modification of Class D Airspace; Gary, IN ; and Modification of Class E Airspace; Gary, IN; docket no. 00–AGL–16 [7–26/8–17]” (2120–AA66 (2000–0192)) received on August 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10384. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Modification of Class D and Class E Airspace; Chicago, Aurora Municipal; Airport, IL; docket no. 00–AGL–15 [7–26/8–17]” (2120–AA66 (2000–0193)) received on August 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10385. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Amendment to Class E Airspace; Washington, MO; docket no. 00–ACE–24 [8–11/8–17]” (2120–AA66 (2000–0194)) received on August 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10386. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Revision of Class E Airspace; Denglewod CO; correction; docket no. 00–ANM–01 [8/10–/8–17]” (2120–AA66 (2000–0195)) received on August 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10387. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Modification of Class E Airspace; Wenatchee, WA; docket no. 00–ANM–07 [8–10/8–17]” (2120–AA66 (2000–0196)) received on August 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10388. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled Revocation of Restricted Area R–3302 Savanna; IL; docket no. 00–AGL–21 [8–14/8–17]” (2120–AA66 (2000–0197)) received on August 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10389. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Amendment of VOR Federal Airway V–162; docket no. 00–AEA–1 [8–9/8–17]” (2120–AA66 (2000–0198)) received on August 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10390. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Amendment to Class E Airspace; Atwood, KS; correction; docket no. 00–ACE–19 [8–9/8–17]” (2120–AA66 (2000–0199)) received on August 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10391. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Realignment of Jet Route J–151; docket no. 99–ASO–12 [8–7/8–17]” (2120–AA66 (2000–0190)) received on August 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10392. A communication from the Attorney Advisor, Common Carrier Bureau, Accounting Policy Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Federal-State Joint Board on Universal Service, CC Docket No. 96–45, Twentieth Order on Reconsideration” (FCC 00–126, CC Doc. 96–45) received on August 21, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10393. A communication from the Attorney Advisor, Common Carrier Bureau, Accounting Policy Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Federal-State Joint Board on Universal Service, CC Docket No. 96–45, 19th Order on Reconsideration” (FCC 99–396, CC Doc. 96–45) received on August 21, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10394. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Regatta Regulations; Harford County Power Boat Regatta, Bush River, Abingdon, Maryland (CGD05–00–028)” (RIN2115–AE46 (2000–0007)) received on August 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10395. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Regatta Regulations; Eighth Coast Guard District Annual Marine Events (CGD08–99–066)” (RIN2115–AE46 (2000–0008)) received on August 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10396. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Regatta Regulations; Thunder on the Narrows Hydroplane Races, Prospect Bay, Kent Island Narrows, Maryland (CGD05–00–027)” (RIN2115–AE46 (2000–0009)) received on August 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10397. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Drawbridge Regulations: Elizabeth River, NJ (CGD01–00–194)” (RIN2115–AE47 (2000–0035)) received on August 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10398. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Drawbridge Regulations; Bayou Boeuf, LA (CGD08–00–017)” (RIN2115–AE47 (2000–0036)) received on August 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10399. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Drawbridge Regulations: Atlantic Intracoastal Waterway, mile 739.2, Jacksonville, FL (CGD07–00–066)” (RIN2115–AE47 (2000–0037)) received on August 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10400. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Drawbridge Regulations: Westchester Creek, Bronx River, and Hutchinson River, NY (CGD01–99–070)” (RIN2115–AE47 (2000–0038)) received on August 21, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10401. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Drawbridge Regulations; Newton Creek, Dutch Kills, English Kills and their Tributaries, NY (CGD01–99–069)” (RIN2115–AE47 (2000–0041)) received on August 21, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10402. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Drawbridge Regulations: Gowanus Canal, NY (CGD01–99–067)” (RIN2115–AE47 (2000–0040)) received on August 21, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10403. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Safety/Security Zone Regulations: Presidential Visit, Martha's Vineyard, MA (CGD01–00–189)” (RIN2115–AA97 (2000–0068)) received on August 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10404. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Safety/Security Zone Regulations; Guayanilla Bay, Guayanilla, Puerto Rico (San Juan 00–059)” (RIN2115–AA97 (2000–0069)) received on August 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10405. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Safety/Security Zone Regulations: Saybrook Summer Pops Concert, Saybrook Point Connecticut River, CT (CGD01–00–191)” (RIN2115–AA97 (2000–0070)) received on August 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10406. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Safety/Security Zone Regulations: Village of Bellport Fireworks Display (CGD01–00–186)” (RIN2115–AA97 (2000–0071)) received on August 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10407. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled

"Safety/Security Zone Regulations: U.S. Marine Corps Water Jump, Resurrection Bay, Seward, Alaska (COPT Western Alaska 00-010)" (RIN2115-AA97 (2000-0072)) received on August 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10408. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: Fireworks Display, Hudson River, Pier 84, NY (CGD01-00-204)" (RIN2115-AA97 (2000-0073)) received on August 21, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10409. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: Fireworks Display, Western Long Island Sound, Larchmont, NY (CGD01-00-192)" (RIN2115-AA97 (2000-0074)) received on August 21, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10410. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: T.E.L. Enterprises, Great South Bay, Davis Park, Sayville, NY (CGD01-00-195)" (RIN2115-AA97 (2000-0075)) received on August 21, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10411. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: Tampa Bay, Florida (COTP Tampa 00-061)" (RIN2115-AA97 (2000-0076)) received on August 21, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10412. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: Chesapeake Bay, Hampton, VA (CGD05-00-035)" (RIN2115-AA97 (2000-0077)) received on August 21, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10413. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: McArdle (Meridian Street) Bridge, Chelsea River, Chelsea, Massachusetts (CGD01-00-203)" (RIN2115-AA97 (2000-0078)) received on August 21, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10414. A communication from the Attorney Advisor of the National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Insurer Reporting Requirements for October 1999" (RIN2127-AH62) received on August 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10415. A communication from the Attorney Advisor of the National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Insurer Reporting Requirements for October 2000" (RIN2127-AH77) received on August 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10416. A communication from the Attorney Advisor of the National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Uniform Tire Quality Grading Standards Information" (RIN2127-AH82) received on August 15 , 2000; to the Committee on Commerce, Science, and Transportation.

EC-10417. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna; Adjustment of General Category Daily Retention Limit on Previously Designated Restricted Fishing Days" (I.D.072100C) received on August 21, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10418. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska—Closes Fishing for the Shallow-Water Species With Trawl Gear in the Gulf of Alaska" received on August 21, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10419. A communication from the Associate Bureau Chief, Wireless Telecommunications, Policy & Rules Branch, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment to the Commission's Rules Regarding a Plan for Sharing the Costs of Microwave Relocation" (WT Docket No. 95-157; FCC 00-123) received on August 21, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10420. A communication from the Associate Bureau Chief, Wireless Telecommunications, Policy and Rules Branch, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of the Commission's Rules Regarding Multiple Address Systems - 47 C.F.R. Parts 22 and 101" (WT Docket No. 97-81, FCC 99-415) received on August 21, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10421. A communication from the Assistant Administrator For Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Regulatory Amendment under the Fishery Management Plan for Reef Fish Resources of the Gulf of Mexico to Establish Red Snapper Management Measures for 2000" (RIN0648-AM04) received on August 21, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10422. A communication from the Assistant Administrator For Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Pelagic Longline Management" (RIN0648-AM79; I.D. 110499B) received on August 21, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10423. A communication from the Assistant Administrator For Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska: Allocation of Pacific Cod among Vessels Using Hook-and-line or Pot Gear in the Bering Sea and Aleutian Islands" (RIN0648-AN25) received on August 23, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10424. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Pacific Junction, Iowa)" (MM Docket No. 99-50, RM-9425) received on August 21, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10425. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, Stratford and Lincoln, NH" (MM Docket No. 99-84, RM-9501, RM-9594) received on August 21, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10426. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of FM Allotments; FM Broadcast Stations Fountain Green and Levan, Utah" (MM Docket No. 99-222, RM-9602, RM-9789) received on August 21, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10427. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Scappoose and Tillamook, OR)" (MM Docket No. 99-276, RM-9702) received on August 21, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10428. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Elberton and Lavonia, Georgia); in re Application of Waves of Mercy Productions, Inc., Pendergrass, GA, for Construction Permit for New Noncommercial FM Station" (MM Docket 99-343, RM-9750; BPED-19990630MB) received on August 21, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10429. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Parts 21 and 74 to Enable Multipoint Distribution Service and Instructional Television Fixed Service Licensees to Engage in Two-Way Transmissions" (MM Docket No. 97-217; FCC 00-244) received on August 21, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10430. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of FM Allotments, FM Broadcast Stations Hayward, Wisconsin" (MM Docket No. 00-23, RM-9819) received on August 21, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10431. A communication from the Special Assistant to the Bureau Chief, Mass

Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Angel Fire, Chama, and Taos, NM)" (MM Docket No. 99-116, RM-9536) received on August 21, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10432. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Mason, Menard and Fredericksburg, TX)" (MM Docket No. 99-215, RM-9337, RM-9892) received on August 21, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10433. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of FM Allotments, FM Broadcast Stations Saint Regis, Montana" (MM Docket No. 99-225, RM-9635) received on August 21, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10434. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Keeseville and Dannemora, NY)" (MM Docket No. 99-285, RM-9717, RM-9808) received on August 21, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10435. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, Minerva, NY" (MM Docket No. 99-345, RM-9782) received on August 21, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10437. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Prevailing Rate Systems: Abolishment of the Philadelphia, PA, Special Wage Schedule for Printing Positions" (RIN 3206-AJ22) received on August 21, 2000; to the Committee on Governmental Affairs.

EC-10438. A communication from the Chairman of the Broadcasting Board of Governors, transmitting, pursuant to law, a report relative to commercial activities inventory; to the Committee on Governmental Affairs.

EC-10439. A communication from the Executive Director of the Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting, pursuant to law, the report of additions to the procurement list received on August 21, 2000; to the Committee on Governmental Affairs.

EC-10440. A communication from the Executive Director of the Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting, pursuant to law, the report of additions to the procurement list received on August 23, 2000; to the Committee on Governmental Affairs.

EC-10441. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report relative to the waste isolation pilot plant; to the Committee on Energy and Natural Resources.

EC-10442. A communication from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Guidelines for Preparing Criticality Safety Evaluations at Department of Energy Non-Reactor Nuclear Facilities" (DOE-STD-3007-93, Change Notice No. 1) received on July 27, 2000; to the Committee on Energy and Natural Resources.

EC-10443. A communication from the Assistant Secretary of the Policy, Management, and Budget, Office of the Secretary, Department of the Interior, transmitting, pursuant to law, the report relative to local hire actions; to the Committee on Energy and Natural Resources.

EC-10444. A communication from the Assistant Secretary, Land and Minerals Management, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Leasing of Solid Minerals other than Coal or Oil Shale" (RIN1004-AC49) received on August 16, 2000; to the Committee on Energy and Natural Resources.

EC-10445. A communication from the Assistant Secretary, Land and Minerals Management, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Financial Assistance, Local Governments 43 CFR Part 1880, Subpart 1881" (RIN1004-AD23) received on August 21, 2000; to the Committee on Energy and Natural Resources.

EC-10446. A communication from the Secretary of the Interior, transmitting, pursuant to law, the report of the Office of Surface Mining for 1999; to the Committee on Energy and Natural Resources.

EC-10447. A communication from the Acting Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, the report entitled "Annual Energy Review 1999"; to the Committee on Energy and Natural Resources.

EC-10448. A communication from the Small Business Advocacy Chair, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "OMB Approvals Under the Paperwork Reduction Act: Technical Amendment (FRL#6846-8) received on August 15, 2000; to the Committee on Environment and Public Works.

EC-10449. A communicaton from the Acting Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting: Final Frameworks for Early Season Migratory Bird Hunting Regulations" (RIN1018-AG08) received on August 17, 2000; to the Committee on Environment and Public Works.

EC-10450. A communication from the Director of the Office of Congressional Affairs, Nuclear Material Safety and Safeguards, Nuclear Regulatory Commission, transmitting, pursuant to law, the repport of a rule entitled "10CFR Part 72—Clarification and Addition of Flexibility" (RIN3150-AG15) received on August 22, 2000; to the Committee on Environment and Public Works.

EC-10451. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, the report of two items; to the Committee on Environment and Public Works.

EC-10452. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, the report of four items; to the Committee on Environment and Public Works.

EC-10453. A communication from the Regulations Officer of the Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Payroll and Related Expenses of Public Employees; General Administration and Other Overhead; and Cost Accumulation Centers and Distribution Methods" (RIN2125-AE74) received on August 17, 2000; to the Committee on Environment and Public Works.

EC-10454. A communication from the Regulations Officer of the Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Temporary Matching Fund Waiver" (RIN2125-AE76) received on August 17, 2000; to the Committee on Environment and Public Works.

EC-10455. A communication from the Director of the Regulatory Management Staff, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Maintenance Plan and Designation of Area for Air Quality Planning Purpose for Carbon Monoxide; State of Arizona; Correction (FRL#6852-6) received on August 15, 2000; to the Committee on Environment and Public Works.

EC-10456. A communication from the Director of the Regulatory Management Staff, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants for Pharmaceuticals Production" (FRL#6855-1) received on August 16, 2000; to the Committee on Environment and Public Works.

EC-10457. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, a report of a rule relative to nonimmigrant visa fees received on August 21, 2000; to the Committee on Foreign Relations.

EC-10458. A communication from the Assistant Secretary of Legislative Affairs, transmitting, pursuant to law, the report of a rule concerning the acceptance of nonimmigrant petitions received on August 21, 2000; to the Committee on Foreign Relations.

EC-10459. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC-10460. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, a report relative to foreign agents for the period from July 1, 1999 through December 31, 1999; to the Committee on Foreign Relations.

EC-10461. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Modification of Tax Shelter Rules" (RIN1545-AY37) received on August 11, 2000; to the Committee on Finance.

EC-10462. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance under section 108(e)(4) regarding related parties" (Rev. Proc., 2000-33, 2000-36 I.R.B.) received on August 16, 2000; to the Committee on Finance.

EC–10463. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice 2000-44" (RINOGI–110806–00) received on August 17, 2000; to the Committee on Finance.

EC–10464. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "September 2000 Applicable Federal Rates" (Revenue Ruling 2000-41) received on August 17, 2000; to the Committee on Finance.

EC–10465. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice 2000-45 Preproductive periods of certain plants" (Notice 2000-45) received on August 21, 2000; to the Committee on Finance.

EC–10466. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Extension of Due Date for Electronically Filed Information Returns; Limitation of Failure to Pay Penalty for Individuals During Period of Installment Agreement" (RIN1545–AX31 (TD8895)) received on August 21, 2000; to the Committee on Finance.

EC–10467. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rules for Property Produced in a Farming Business" (1545-AQ91 TD8897) received on August 21, 2000; to the Committee on Finance.

EC–10468. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to child support enforcement; to the Committee on Finance.

EC–10469. A communication from the Deputy Executive Secretary, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Heath Insurance Reform: Standards For Electronic Transactions" (RIN0938–AI58) received on August 21, 2000; to the Committee on Finance.

EC–10470. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report relative to the Temporary Assistance For Needy Families Program; to the Committee on Finance.

EC–10471. A communication from the Administrator, Farming Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Handling Payments from the Farm Service Agency (FSA) to Delinquent FSA Farm Loan Program Borrowers" (RIN0560–AG24) received on August 16, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10472. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting, pursuant to law, the report of a rule entitled "Karnal Bunt: Regulated Areas" (Docket #99-077-2) received on August 17, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10473. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting, pursuant to law, the report of a rule entitled "Export Certification; Heat Treatment of Solid Wood Packing Materials Exported to China" (Docket #99-100-2) received on August 17, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10474. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting, pursuant to law, the report of a rule entitled "Poultry Products from Mexico Transiting the United States" (Docket #98-094-2) received on August 17, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10475. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting, pursuant to law, the report of a rule entitled "Imported Fire Ant; Quarantined Areas" (Docket #00-007-2) received on August 21, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10476. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting, pursuant to law, the report of a rule entitled "Pine Shoot Beetle; Regulated Articles" (Docket #99-082-2) received on August 21, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10477. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting, pursuant to law, the report of a rule entitled "Mexican Fruit Fly Regulations; Removal of Regulated Area" (Docket #98-082-6) received on August 21, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10478. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting, pursuant to law, the report of a rule entitled "Oriental Fruit Fly; Removal of Quarantined Area" (Docket #99-076-3) received on August 21, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10479. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting, pursuant to law, the report of a rule entitled "Change in Disease Status in Denmark Because of BSE" (Docket #00-030-2) received on August 21, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10480. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting, pursuant to law, the report of a rule entitled "Change in Disease Status of Portugal Because of African Swine Fever" (Docket #99-096-2) received on August 23, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10481. A communication from the Administrator of the Risk Management Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Common Crop Insurance Regulations; Fig, Pear, Walnut, Almond, Prune, Table Grape, Peach, Plum, Apple and Stonefruit Crop Insurance Provisions" received on August 21, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10482. A communication from the Acting Executive Director of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Amendments to Insider Trading Regulation" (RIN3038–AB35) received on August 21, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10483. A communication from the Acting Executive Director of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Exemption from Certain Part 4 Requirements for Commodity Pool Operators with Respect to Offerings to Qualified Eligible Persons and for Commodity Trading Advisors with Respect to Advising Qualified Eligible Persons" (RIN3038–AB37) received on August 21, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10484. A communication from the Acting Executive Director of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Exemption from Registration for Certain Foreign FCMs and IBs" (RIN3038–AB46) received on August 21, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10485. A communication from the Acting Executive Director of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Minimum Financial Requirements for Futures Commission Merchants and Introducing Brokers: Amendments to the Provisions Governing Subordination Agreements Included in the Net Capital of a Futures Commission Merchant or Independent Introducing Broker" (RIN3038–AB54) received on August 23, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10486. A communication from the Director of the Regulatory Management Staff, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Dimethenamid; Pesticide Tolerances for Emergency Exemptions" (FRL# 6738–1) received on August 22, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10487. A communication from the Associate Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Kiwifruit Grown in California; Decreased Assessment Rate" (Docket Number: FV00-920-3 IFR) received on August 15, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10488. A communication from the Associate Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Increased Assessment Rate" (Docket Number: FV00-905-1 FR) received on August 23, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10489. A communication from the Chief Financial Officer of the Department of Agriculture, transmitting, pursuant to law, the report of three rules entitled "Uniform Federal Assistance Regulations", "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments" and "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations" received on August 23, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10490. A communication from the Director of the Geological Survey, Department of the Interior, transmitting, a draft of proposed legislation entitled "United State Geological Survey Products and Services Act"; to the Committee on Energy and Natural Resources.

EC–10491. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation entitled "Conversion of Non-Federal Service Agency County Committee Employees to Federal Civil Service

Status"; to the Committee on Agriculture, Nutrition, and Forestry.

EC-10492. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Oriental Fruit Fly; Removal of Quarantined Area" (Docket #99-044-3) received on August 24, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-10493. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Mexican Fruit Fly Regulations; Removal of Regulated Area" (Docket #99-084-2) received on August 24, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-10494. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Glyphosate; Pesticide Tolerance" (FRL #6736-6) received on August 25, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-10495. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Buprofezin; Time-Limited Pesticide Tolerances" (FRL #6740-1) received on August 28, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-10496. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747-100, -200, -300, 747SR and 747 SP Series Airplanes; Correction—docket no,. 97-NM-88 [8-7/8-14]" (RIN2120-AA64 (2000-0402)) received on August 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10497. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (51); amdt. No. 2004 [8-10/8-24]" (RIN2120-AA65 (2000-0041)) received on August 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10498. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revisions to Digital Flight Data Recorder Requirements for Airbus Airplanes; Docket no. FAA-2000-7830" (RIN2120-AH08) received on August 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10499. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations: SLR, Fireworks Display, Patapsco River, Inner Harbor, Baltimore, Maryland (CGD05-00-033)" (RIN2115-AE46 (2000-0010)) received on August 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10500. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations; SLR, Chesapeake Challenge, Patapsco River, Baltimore, Maryland (CDG05-00-032)" (RIN2115-AE46 (2000-0011)) received on August 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10501. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations: Harlem River, NY (CDG01-00-205)" (RIN2115-AE47 (2000-0042)) received on August 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10502. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Traffic Separation Schemes: Off San Francisco, in the Santa Barbara Channel, in the Approaches to Los Angeles-Long Beach, California (USCG-1999-5700)" (RIN2115-AF84) received on August 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10503. A communication from the Associate Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Reorganization and Revision of Parts 1, 2, 21, and 94 of the Rules to Establish a New Part 101 Governing Terrestrial Microwave Fixed Radio Services; Amendment of Part 21 of the Commission's Rules for the Domestic Public Fixed Radio Services; McCaw Cellular Communication, Inc. Petition for Rule Making." (WT Docket 94-148, CC Docket 93-2, RM786) received on August 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10504. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species (HMS) Fisheries; Vessel Monitoring Systems; Delay of Effectiveness" (RIN0648-AJ67 I.D.040500B) received on August 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10505. A communication from the Secretary, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Care Labeling of Textile Wearing Apparel and Certain Piece Goods" (RIN3084-AA54) received on August 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10506. A communication from the Chief Counsel, Saint Lawrence Seaway Development Corporation, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Seaway Regulations and Rules" (RIN2135-AA11) received on August 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10507. A communication from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Public Participation in Activities Relating to the Agreement on Global Technical Regulations: Statement of Policy" (RIN2127-AH29) received on August 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10508. A communication from the Attorney, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Open Container Law" (RIN2127-AH41) received on August 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10509. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Statement of Policy Regarding Safety of Railroad Bridges" (RIN2130-AA99) received on August 28, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10510. A communication from the Associate Bureau Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report on a rule entitled "In the Matter of the Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Agency Communication Requirements Through the Year 2010; Establishment of Rules and Requirements for Priority Access Service" (WT Docket No. 96-86, FCC 00-264) received on August 28, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10511. A communication from the Chairman of the Federal Communications Commission, transmitting, pursuant to law, reports relative to designs and tests of combinatorial bidding; to the Committee on Commerce, Science, and Transportation.

EC-10512. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, a draft of proposed legislation entitled "Enhancement of Privacy and Public Safety in Cyberspace Act"; to the Committee on the Judiciary.

EC-10513. A communication from the Secretaryof the Judicial Conference of the United States, transmitting, a draft of proposed legislation entitled "Federal Judgeship Act of 2000"; to the Committee on the Judiciary.

EC-10514. A communication from the Under Secretary of Commerce for Intellectual Property and Director of the Patent and Trademark Office, transmitting, pursuant to law, the report of a rule entitled "Changes to Implement the Patent Business Goals" (RIN0651-AA98) received on August 24, 2000; to the Committee on the Judiciary.

EC-10515. A communication from the Under Secretary of Commerce for Intellectual Property and Director of the Patent and Trademark Office, transmitting, pursuant to law, the report of a rule entitled "Public Information, Freedom of Information and Privacy" received on August 28, 2000; to the Committee on the Judiciary.

EC-10516. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of two rules entitled "Approval and Promulgation of Implementation Plans; Oregon" (FRL #6858-1) and "Approval and Promulgation of Implementation Plans; Texas; Reasonably Available Control Technology for Major Stationary Sources of Nitrogen Oxides in the Houston/Gaveston, Beaumont/Port Arthur, and Dallas/Fort Worth Ozone Nonattainment Areas" (FRL #6860-3) received on August 24, 2000; to the Committee on Environment and Public Works.

EC-10517. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of two rules entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of Iron and Steel Production Installations" (FRL #6845-8) and "Revisions to the California State Implementation Plan, San

Joaquin Valley Unified Air Pollution Control District" (FRL #6852-5) received on August 28, 2000; to the Committee on Environment and Public Works.

EC-10518. A communication from the Secretary of Education, transmitting, a draft of proposed legislation entitled "National Education Research and Statistics Act of 2000"; to the Committee on Health, Education, Labor, and Pensions.

EC-10519. A communication from the Acting Deputy Solicitor, Office of the Solicitor, Department of the Interior, transmitting, pursuant to law the report of a rule entitled "Legal Process: Testimony of Employees and Production of Records" (RIN1090-AA76) received on August 28, 2000; to the Committee on Energy and Natural Resources.

EC-10520. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule concerning a new procedure for payment of certain immigrant visa fees received on August 24, 2000; to the Committee on Foreign Relations.

EC-10521. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, transactions involving U .S. exports to Algeria, Brazil, and the Russian Federation; to the Committee on Banking, Housing, and Urban Affairs.

EC-10522. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice 2000-48 Per Diem Rate Updates" (Notice 2000-48) received on August 24, 2000; to the Committee on Finance.

EC-10523. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice 2000-49: Clarification of Schedule P (Form 1120-FSC)" (Notice 2000-49) received on August 25, 2000; to the Committee on Finance.

EC-10524. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rev. Rule. 2000-47 BLS-LIFO Department Store Indexes—July 2000" (Rev. Rul. 2000-47) received on August 25, 2000; to the Committee on Finance.

EC-10525. A communication from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Petitions for Relief: Seizures, Penalties and Liquidated Damages" (RIN1515-AC01) received on August 28, 2000; to the Committee on Finance.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-612. A resolution adopted by the Senate of the Commonwealth of Massachusetts relative to the Ricky Ray Hemophilia Relief Act of 1998; to the Committee on Appropriations.

RESOLUTION

Whereas, Congress passed the Ricky Ray Hemophilia Relief Fund Act of 1998; and

Whereas, the Ricky Ray Hemophilia Relief Act was passed to provide for compassionate payments to individuals with blood-clotting disorders, such as hemophilia; and

Whereas, in its review of the events surrounding the HIV infection of thousands of people with blood-clotting disorders, such as hemophilia, a 1995 study, entitled "HIV and the Blood Supply", of the Institute of Medicine found a failure of leadership and inadequate institutional decision-making process in the system responsible for ensuring blood safety, concluding that a failure of leadership led to less than effective donor screening, weak regulatory actions and insufficient communication to patients about the risk of AIDS; and

Whereas, this legislation, named after a teenage hemophiliac who died from AIDS, was enacted to provide financial relief to the families of hemophiliacs who were devastated by the Federal Government's policy failure in the handling of the AIDS epidemic; and

Whereas, now that the relief bill has been signed into law by the President, Congress has been reticent to fund it; Now, therefore, be it

Resolved, That the Massachusetts Senate urges the Congress of the United States to fully fund the Ricky Ray Hemophilia Relief Act of 1998 in the year 2000 so that there is no delay between the authorization and timely appropriation of this relief; and be it further

Resolved, That copies of these resolutions be transmitted forthwith by the clerk of the Senate to the President of the United States, the presiding officer of each branch of Congress and the members thereof from this commonwealth.

POM-613. A resolution adopted by the Council of the Borough of Surf City relative to the dumping of dredged material; to the Committee on Environment and Public Works.

POM-614. A resolution adopted by the Township of Manchester, New Jersey relative to the "Mud Dump Site"; to the Committee on Environment and Public Works.

POM-615. A resolution adopted by the City Council of Portsmouth, Ohio relative to the Uranium Enrichment Plant; to the Committee on Energy and Natural Resources.

POM-616. A resolution adopted by the House of the Commonwealth of Massachusetts relative to lower gasoline prices; to the Committee on Energy and Natural Resources.

RESOLUTION

Whereas, the Massachusetts House of Representatives urges the Congress of the United States to take any and all appropriate action to lower gasoline prices; and

Whereas, gasoline prices have skyrocketed over the past several months, and in some instances, the price per gallon at the pump has increased over 50 percent resulting in gasoline prices that are at historically high levels; and

Whereas, an undue hardship has been placed upon senior citizens, fixed income earners, and persons dependent upon automobile transportation; and

Whereas, the inexplicable jump in gasoline prices will increase the cost of public transportation; and

Whereas, the dramatic rise in gasoline prices has increased the costs of transporting goods, thus increasing the cost of living for not only the residents of the commonwealth, but also for all Americans; Therefore be it

Resolved, That the Massachusetts House of Representatives urges the Congress of the United States to initiate any and all appropriate actions to lower gasoline prices; and be it further

Resolved, That a copy of these resolutions be forwarded by the clerk of the House of Representatives to the presiding officer of each branch of Congress and to the members thereof from the commonwealth.

POM-617. A resolution adopted by the City Council of Ann Arbor, Michigan relative to economic sanctions against Iraq; to the Committee on Banking, Housing, and Urban Affairs.

POM-618. A resolution adopted by the Legislature of the Commonwealth of Guam relative to clemency; to the Committee on Energy and Natural Resources.

RESOLUTION NO. 368

Whereas, Mr. Alejandro T.B. Lizama, known to his friends and the large number of civic and community organizations as "Al," was arrested and sentenced to a year in prison for charges stemming from an incident at the U.S. District Court of Guam; and

Whereas, "Al" is a Historic Preservation Specialist II employed with the Historic Resources Division of the Guam Department of Parks and Recreation, devoting his life work to the study, documentation and preservation of the Chamorro culture through art, research and outreach; and

Whereas, "Al," during his over twenty-five (25) years of service as an employee of the Guam Department of Parks and Recreation, has shared this knowledge with the military and federal community, including those from the Department of the Air Force, the Department of Defense school system, and the Navy Family Service Center, voluntarily conducting "Welcome to Guam Orientation" programs and other outreach programs; and

Whereas, "Al" is the recipient of countless certificates of appreciation and commendation, voluntary service awards and certificates of appreciation, including those from Major General Richard T. Swope USAF Commander, Thirteenth Air Force; Colonel Stephen M. McClain, USAF Commander, 633d Air Base Wing; Commander D.L. Metzig, U.S. Navy, Director of Navy Family Service Center Guam, by direction of the Commander; and Principal Steven Dozier, Guam Department of Defense High School, for his many hours of voluntary service to their Communities;

Whereas, in 1994, "Al" was selected and recognized as one of Ten Employees of the Year in the "Magnificant Seven Program," a prestigious event which recognizes individuals and groups for their achievements and contributions in the service of the government of Guam; and

Whereas, "Al" is one (1) of just four (4) nominees for the 2000 "Governor's Award of Excellence," recognized for his innumerable contributions to the Community over the years, including, but not limited to, volunteering his time to speak to students and members of the Community in outreach programs about the significance of preserving one's culture and past; and

Whereas, "Al" is an accomplished artist whose many donated artworks appear proudly displayed in all parts of the Island; and

Whereas, "Al" was awarded the "Bronze Star Medal" for valor, the "Combat Infantry's Badge" and other Campaign medals for his patriotic service and achievement during the Vietnam War; and

Whereas, "Al" suffers from Post-Traumatic Stress Disorder ("PTSD") and was accepted to participate in the PTSD Residential Rehabilitative Program in Hilo, Hawaii, to deal with the trauma scars acquired during his service to our Country in Vietnam; and

Whereas, it would be against the interests of both "Al" and the Island Community, and would not advance the cause of justice and retribution if he were to be incarcerated for a full year; now therefore, be it

Resolved, That I MinåBente Singko Na Liheslaturan Guåhan does hereby, on behalf of the people of Guam, respectfully request that clemency be granted to Veteran Alejandro T.B. Lizama by President William J. Clinton, that his sentence be commuted and that he be released and returned to Guam; and be it further

Resolved, That the Speaker certify, and the Legislative Secretary attests to, the adoption hereof and that copies of the same be thereafter transmitted to the Honorable William J. Clinton, President of the United States of America; to the President of the United States Senate; to the Speaker of the United States House of Representatives; to the Secretary General of the United Nations; to the National Organization for the Advancement of Chamoru People; to the Honorable Congressman Robert A. Underwood, Member of the U.S. House of Representatives; and to the Honorable Carl T.C. Gutierrez, I Magålahen Guåjan.

POM–619. A resolution adopted by the Township of Pequannock, New Jersey relative to prescription drug benefit enhancement; to the Committee on Finance.

REPORTS OF COMMITTEES RECEIVED DURING RECESS

Under the authority of the order of the Senate of July 26, 2000, the following reports of committees were submitted on August 25, 2000:

By Mr. JEFFORDS, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 2764: A bill to amend the National and Community Service Act of 1990 and the Domestic Volunteer Service Act of 1973 to extend the authorizations of appropriations for the programs carried out under such Acts, and for other purposes (Rept. No. 106–365).

By Mr. SMITH, of New Hampshire, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 522: A bill to amend the Federal Water Pollution Control Act to improve the quality of beaches and coastal recreation water, and for other purposes (Rept. No. 106–366).

By Mr. CAMPBELL, from the Committee on Indian Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 1148: A bill to provide for the Yankton Sioux Tribe and the Santee Sioux Tribe of Nebraska certain benefits of the Missouri River Basin Pick-Sloan project, and for other purposes (Rept. No. 106–367).

By Mr. CAMPBELL, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 1658: A bill to authorize the construction of a Reconciliation Place in Fort Pierre, South Dakota, and for other purposes (Rept. No. 106–368).

By Mr. SMITH, of New Hampshire, from the Committee on Environment and Public Works, without amendment:

S. 2297: A bill to reauthorize the Water Resstources Research Act of 1984 (Rept. No. 106–369).

S. 2878: A bill to commemorate the centennial of the establishment of the first national wildlife refuge in the United States on March 14, 1903, and for other purposes (Rept. No. 106–370).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment:

S. 134: A bill to direct the Secretary of the Interior to study whether the Apostle Islands National Lakeshore should be protected as a wilderness area (Rept. No. 106–371).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 729: A bill to ensure that Congress and the public have the right to participate in the declaration of national monuments on federal land ((Rept. No. 106–372).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1612: A bill to direct the Secretary of the Interior to convey certain irrigation project property to certain irrigation and reclamation districts in the State of Nebraska (Rept. No. 106–373).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with amendments:

S. 1643: A bill to authorize the addition of certain parcels to the Effigy Mounds National Monument, Iowa (Rept. No. 106–374).

S. 1972: A bill to direct the Secretary of agriculture to convey to the town of Dolores, Colorado, the current site of the Joe Rowell Park (Rept. No. 106–375).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 2051: A bill to revise the boundaries of the Golden Gate National Recreation Area, and for other purposes (Rept. No. 106–376).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources:

Report to accompany S. 2279, A bill to authorize the addition of land to Sequoia National Park, and for other purposes (Rept. No. 106–377).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 2300: A bill to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for coal that may be held by an entity in any 1 State (Rept. No. 106–378).

By Mr. THOMPSON, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute:

S. 1564: A bill to protect the budget of the Federal courts (Rept. No. 106–379).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with amendments:

S. 2343: A bill to amend the National Historic Preservation Act for the purposes of establishing a national historic lighthouse preservation program (Rept. No. 106–380).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 2499: A bill to extend the deadline for commencement of construction of a hydroelectric project in the State of Pennsylvania (Rept. No. 106–381).

By Mr. MCCAIN, from the Committee on Commerce, Science, and transportation, with an amendment in the nature of a substitute:

S. 1407: A bill to authorize appropriations for the Technology Administration of the Department of Commerce for fiscal years 2000, 2001, and 2002, and for other purposes (Rept. No. 106–382).

By Mr. BOND, from the Committee on Small Business, with an amendment in the nature of a substitute:

S. 1594: A bill to amend the Small Business Act and Small Business Investment Act of 1958 (Rept. No. 106–383).

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1639: A bill to authorize appropriations for carrying out the Earthquake Hazards Reduction Act of 1977, for the National Weather Service and Related Agencies, and for the United States Fire Administration for fiscal years 2000, 2001, and 2002 (Rept. No. 106–384).

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 1687: A bill to amend the Federal Trade Commission Act to authorize appropriations for the Federal Trade Commission (Rept. No. 106–385).

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 2412: A bill to amend title 49, United States Code, to authorize appropriations for the National transportation Safety Board for fiscal years 2000, 2001, 2002, and 2003, and for other purposes (Rept. No. 106–386).

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 2438: A bill to provide for enhanced safety, public awareness, and environmental protection in pipeline transportation, and for other purposes (Rept. No. 106–387).

S. 2440: A bill to amend title 49, United States Code, to improve airport security (Rept. No. 106–388).

By Mr. CAMPBELL, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 1929: A bill to amend the Native Hawaiian Health Care improvement Act to revise and extend such Act (Rept. No. 106–389).

By Mr. LUGAR, from the Committee on Agriculture, Nutrition, and Forestry, with an amendment in the nature of a substitute:

S. 2697: A bill to reauthorize and amend the Commodity Exchange Act to promote legal certainty, enhance competition, and reduce systemic risk in markets for futures and over-the-counter derivatives, and for other purposes (Rept. No. 106–390).

By Mr. LUGAR, from the Committee on Agriculture, Nutrition, and Forestry, without amendment:

S. 3001: A bill to amend the United States Grain Standards Act to extend the authority of the Secretary of Agriculture to collect fees, extend the authorization of appropriations, and improve the administration of that Act, to amend the United States Warehouse Act to authorize the issuance of electronic warehouse receipts, and for other purposes (Rept. No. 106–391).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment:

H.R. 468: A bill to establish the Saint Helena Island National Scenic Area (Rept. No. 106–392).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with amendments:

H.R. 992: A bill to convey the Sly Park Dam and Reservoir to the El Dorado Irrigation District, and for other purposes (Rept. No. 106–393).

H.R. 1695: A bill to provide for the conveyance of certain Federal public lands in the Ivanpah Valley, Nevada, to Clark County, Nevada, for the development of an airport facility, and for other purposes (Rept. No. 106–394).

By Mr. SMITH, of New Hampshire, from the Committee on environment and Public Works, without amendment:

H.R. 999: A bill to amend the Federal Water Pollution Control Act to improve the quality of coastal recreation waters, and for other purposes.

REPORTS OF COMMITTEES RECEIVED DURING RECESS

Under the authority of the order of the Senate of January 6, 1999, the following reports of committees were submitted on August 30, 2000:

By Mr. DOMENICI, from the Committee on Appropriations:

Report to accompany H.R. 4733, a bill making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes (Rept. No. 106–395).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated, on August 25, 2000.

By Mr. LUGAR:

S. 3001. A bill to amend the United States Grain Standards Act to extend the authority of the Secretary of Agriculture to collect fees, extend the authorization of appropriations, and improve the administration of that Act, to amend the United States Warehouse Act to authorize the issuance of electronic warehouse receipts, and for other purposes; from the Committee on Agriculture, Nutrition, and Forestry, placed on the calendar.

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated, today:

By Mr. BINGAMAN (for himself, Mr. McCAIN, Mr. HOLLINGS, Mrs. MURRAY, Mr. BROWNBACK, Mr. DOMENICI, Mr. BREAUX, Mr. ROBB, Mr. TORRICELLI, and Mr. GORTON):

S. 3002. A bill to authorize a coordinated research program to ensure the integrity, safety and reliability of natural gas and hazardous liquids pipelines, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. ASHCROFT (for himself, Mr. HAGEL, and Mr. ABRAHAM):

S. 3003. A bill to preserve access to outpatient cancer therapy services under the medicare program by requiring the Health Care Financing Administration to follow appropriate procedures and utilize a formal nationwide analysis by the Comptroller General of the United States in making any changes to the rates of reimbursement for such services; to the Committee on Finance.

By Mr. INOUYE:

S. 3004. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for the conversion of cooperative housing corporations into condominiums; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. LANDRIEU (for herself, Mrs. FEINSTEIN, Mrs. HUTCHISON, Ms. COLLINS, Mrs. MURRAY, Mrs. BOXER, Mrs. LINCOLN, Ms. MIKULSKI, and Ms. SNOWE):

S. Res. 347. A resolution designating the week of September 17, 2000, through September 23, 2000, as National Ovarian Cancer Awareness Week; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN (for himself, Mr. McCAIN, Mr. HOLLINGS, Mrs. MURRAY, Mr. BROWNBACK, Mr. DOMENICI, Mr. BREAUX, Mr. ROBB, Mr. TORRICELLI, and Mr. GORTON):

S. 3002. A bill to authorize a coordinated research program to ensure the integrity, safety and reliability of natural gas and hazardous liquids pipelines, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE PIPELINE INTEGRITY, SAFETY AND RELIABILITY RESEARCH AND DEVELOPMENT ACT OF 2000

Mr. BINGAMAN. Mr. President, I rise today to address a serious issue currently pending in the Senate—pipeline safety. On August 19, there was a tragic pipeline accident in my state of New Mexico. A natural gas transmission line ruptured at 5:30 a.m. that Saturday morning in a rural area south of Carlsbad, NM. Unfortunately, the rupture occurred near a popular fishing spot along the Pecos river. Two families were camped below the bridge traversed by the pipeline. Eleven people, including five small children, died when their favorite camping spot was overcome by heat and flames. I have just learned that the one survivor, Amanda Smith, died earlier today. I would like to include a couple of articles about the victims to be printed in the RECORD after my statement. They should be remembered as individuals, not mere statistics.

This was a human tragedy I can barely describe. I spoke briefly with Martha Chapman, mother of two of the victims, and grandmother of two of the children. She had just returned to Carlsbad for the funeral from Lubbock where she had been keeping vigil at the bedside of her daughter-in-law. She was devastated. She said her whole life was gone. She begged me to do what I could to make sure something like this would never happen to another family. I had no words that could ease her grief, but I promised to do what I could when I returned to Washington. That afternoon I went out to the site to see firsthand the damage and what was being done to determine the cause of the rupture.

I spent several hours with Kelley Coyner, the chief pipeline safety official at the Department of Transportation, and some of her engineers and inspectors. What became abundantly clear to me is that the Office of Pipeline Safety does not have adequate resources to carry out its mandate. There are only 55 inspectors for the entire interstate pipeline system. Secondly, the agency needs the additional authority it has requested in the current reauthorization bill to address the different circumstances on individual pipelines.

The first thing we need to do is to ensure the Office of Pipeline Safety has the necessary resources to protect the public safety and the environment. The budget of the Office of Pipeline Safety is fully reimbursed by user fees charged to the pipeline operators, yet for the last five years the Congress has under funded the agency's budget request. For FY 2001 the request was $47 million. The Senate has appropriated $43 million, the House only $40 million. I urge the conferees to increase the appropriation for FY 2001 to at least the requested level.

Second, we need to pass the Pipeline Safety Reauthorization bill. The bill reported by the Commerce Committee requires each and every interstate natural gas and hazardous liquid pipeline to develop and implement an integrity management plan. This approach will give the Office of Pipeline Safety the authority to impose more rigorous requirements, as necessary, to address areas with the greatest likelihood of failures and on aging pipelines and those in populated or environmentally sensitive areas. This bill is a major step toward ensuring the safety of our pipeline infrastructure. I am concerned, though, that the authorization levels included in the bill as filed may not be adequate for the task of a very individualized approach that will require a significant increase in staffing to address regional differences and community-specific needs.

I would like to commend the efforts of Senator McCAIN, chairman of the Commerce Committee, and Senators MURRAY and GORTON and their staff, who have all worked hard to move the reauthorization forward. I also want to acknowledge Senators BREAUX and BROWNBACK for their efforts to include a workable set of requirements that can be fully implemented and enforced.

Although the National Transportation Safety Board has not determined the cause of the accident in New Mexico, it appears that internal corrosion was a major factor. The transmission line in New Mexico ruptured at a point near a sharp bend in the pipe. An electronic internal inspection device, commonly called a smart pig, which is used for detecting corrosion in a pipeline, could not be run through that section of pipe because of the bend. Currently, about the only way to inspect sections of pipe such as this is to dig up the pipe and evaluate it directly. The company in New Mexico is doing just that along nearly 400 miles of pipeline to ensure there are not any other vulnerable spots along the pipe. But, with nearly 500,000 miles, and growing, of transmission lines across the country, this is not an optimal solution from the standpoint of time or cost.

This country has the technological capability to collect data from the outer reaches of the solar system; we should be able to develop technologies to measure pipeline integrity under six feet of soil without digging up thousands of miles of pipe.

I asked one of the scientists from Sandia National Laboratories, one of the Department of Energy's multipurpose labs, to come to Carlsbad with me to visit the site of the accident and to talk to the pipeline safety experts about the gaps in our technical capabilities. The national labs have capabilities for remote sensing, satellite monitoring and materials development that could surely be adapted for better testing and inspection of the pipeline infrastructure. I am also wondering whether MEMS, the efforts at miniaturizing electronic equipment, could be applied to develop a smart pig, or device with the same purpose, to negotiate older pipelines. Sandia has been working on a project to upgrade the Russian pipeline system, the scientists have the knowledge and expertise on pipeline operations to benefit our own system.

Since returning from Carlsbad, I have been working to develop a framework for a collaborative R&D effort directed by the Department of Transportation with the assistance of the Department of Energy and the National Academy of Sciences. The Departments of Transportation and Energy, as well as a number of industry research groups, including the Pipeline Research Council International and the Gas Technology Institute, currently conduct research on pipeline integrity, but there is no coordinated, prioritized plan to ensure the most critical issues are being addressed in the most effective manner. I am introducing a bill today, the Pipeline Integrity, Safety and Reliability Research and Development Act of 2000, that will set up such a structure led by the Department of Transportation. I want to thank Senators McCAIN, HOLLINGS, MURRAY, GORTON, ROBB, BROWNBACK, BREAUX, DOMENICI, LANDRIEU, KERRY and TORRICELLI for cosponsoring this bill.

The bill directs DOT and DOE to work with an Advisory Committee set up by the National Academy of Sciences to develop a five-year accelerated plan of action to address the most critical R&D needs to ensure pipeline integrity, safety and reliability. The Advisory Committee would include representatives of the natural gas, oil and petroleum product pipelines, the national labs, universities, the industry research groups, state pipeline safety officials, environmental organizations, pipeline safety advocates and any other technical experts the Academy includes.

According to a recent GAO report, "From 1989 through 1998, pipeline accidents resulted in an average of about 22 fatalities per year. Fatalities from pipeline accidents are relatively low when compared with those from accidents involving other forms of freight transportation: On average about 66 people die each year from barge accidents, about 590 from railroad accidents, and about 5100 from truck accidents." Recent accidents, including the tragedy in my state, have undermined public confidence in the safety of pipelines. As policymakers we must take responsibility for restoring that confidence.

Natural gas and liquid pipelines are a critical element of our nation's energy infrastructure. They provide a cost-effective and relatively safe means of delivering energy. As the economy has grown, and become increasingly urbanized, siting new pipelines has become more and more challenging. At the same time, the importance of these pipelines has increased dramatically. Incidents on two gasoline pipelines, relatively unnoticed since no one was injured, reduced their operations at a critical time this summer contributing to a gasoline price spike of $2.50 a gallon in the northern Midwest. The rupture of this major natural gas transmission line in New Mexico reduced supplies into California at a critical time of peak electricity demand. I hope we don't experience a major failure of a product line into the northeast this fall or winter which could send the price heating oil off the charts.

I plan to offer my bill as an amendment to the pipeline safety reauthorization when it comes before the Senate. As the ranking member on the Energy Committee and representative of a state crisscrossed with thousands of miles of pipelines, I urge my colleagues to support passage of the pipeline safety reauthorization bill with my amendment. I further urge you to support full funding for the Office of Pipeline Safety and the R&D program.

Let me indicate the cosponsors of this legislation: Senators McCAIN, HOLLINGS, MURRAY, BROWNBACK, DOMENICI, BREAUX, ROBB, TORRICELLI, GORTON, KERRY, and LANDRIEU. I ask unanimous consent to have the bill and two articles printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3002

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pipeline Integrity, Safety and Reliability Research and Development Act of 2000".

SEC. 2. FINDINGS.

Congress finds that—

(1) natural gas and hazardous liquid pipelines are a critical element of our nation's energy infrastructure;

(2) pipeline transportation of natural gas and liquid fuels is a cost-effective means of delivering energy;

(3) the nation's reliance on pipelines is increasing, especially for delivery of fuel to densely populated areas;

(4) a number of the nation's pipelines have been in service for more than 50 years;

(5) ensuring pipelines are constructed and maintained to minimize the risks to safety and the environment is a national priority;

(6) early detection of serious defects in a pipeline reduces the risk of accidents;

(7) pipeline operators and federal and state inspectors need advanced technologies to locate and monitor pipelines before failures occur;

(8) the many benefits of pipeline transportation are in the national interest and it is appropriate for the Federal Government to provide investment in fundamental and research-driven innovation in the areas of pipeline materials, operations and inspections techniques; and

(9) federal contributions to promoting pipeline safety should be part of a coordinated research and development program under the Department of Transportation and in coordination with the Department of Energy, the national laboratories, universities, the private sector and other research institutes.

SEC. 3. COOPERATION AND COORDINATION PROGRAM FOR PIPELINE INTEGRITY RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The Secretary of Transportation, in coordination with the Secretary of Energy, shall develop and implement an accelerated cooperative program of research and development to ensure the integrity of natural gas and hazardous liquid pipelines. This research and development program shall include materials inspection techniques, risk assessment methodology, and information systems surety.

(b) PURPOSE.—The purpose of the cooperative research program shall be to promote research and development to—

(1) ensure long-term safety, reliability and service life for existing pipelines;

(2) expand capabilities of internal inspection devices to identify and accurately measure defects and anomalies;

(3) develop inspection techniques for pipelines that cannot accommodate the internal inspection devices available on the date of enactment;

(4) develop innovative techniques to measure the structural integrity of pipelines to prevent pipeline failures;

(5) develop improved materials and coatings for use in pipelines;

(6) improve the capability, reliability, and practicality of external lead detection devices;

(7) identify underground environments that might lead to shortened service life;

(8) enhance safety in pipeline siting and land use;

(9) minimize the environmental impact of pipelines;

(10) demonstrate technologies that improve pipeline safety, reliability and integrity;

(11) provide risk assessment tools for optimizing risk mitigation strategies; and

(12) provide highly secure information systems for controlling the operation of pipelines.

(c) AREAS.—In carrying out this Act, the Secretary of Transportation, in coordination with the Secretary of Energy, shall consider research and development on natural gas, crude oil and petroleum product pipelines for—

(1) early crack, defect, and damage detection, including real-time damage monitoring;

(2) automated internal pipeline inspection sensor systems;

(3) land use guidance and set back management along pipeline rights-of-way for communities;

(4) internal corrosion control;

(5) corrosion-resistant coatings;

(6) improved cathodic protection;

(7) inspection techniques where internal inspection is not feasible, including measurement of structural integrity;

(8) external lead detection, including portable real-time video imaging technology, and the advancement of computerized control center leak detection systems utilizing real-time remote field data input;

(9) longer life, high strength, non-corrosive pipeline materials;

(10) assessing the remaining strength of existing pipes;

(11) risk and reliability analysis models, to be used to identify safety improvements that could be realized in the near term resulting from analysis of data obtained from a pipeline performance tracking initiative.

(12) identification, monitoring, and prevention of outside force damage, including satellite surveillance; and

(13) any other areas necessary to ensuring the public safety and protecting the environment.

(d) POINTS OF CONTACT.—

(1) IN GENERAL.—To coordinate and implement the research and development programs and activities authorized under this Act—

(A) the Secretary of Transportation shall designate, as the point of contact for the Department of Transportation, an officer of the Department of Transportation who has been appointed by the President and confirmed by the Senate; and

(B) the Secretary of Energy shall designate, as the point of contact for the Department of Energy, an officer of the Department of Energy who has been appointed by the President and confirmed by the Senate.

(2) DUTIES.—

(A) The point of contact for the Department of Transportation shall have the primary responsibility for coordinating and overseeing the implementation of the research, development and demonstration program plan, as defined in subsections (e) and (f).

(B) The points of contact shall jointly assist in arranging cooperative agreements for research, development and demonstration involving their respective Departments, national laboratories, universities and industry research organizations.

(e) RESEARCH AND DEVELOPMENT PROGRAM PLAN.—Within 240 days after the date of enactment of this Act, the Secretary of Transportation, in coordination with the Secretary of Energy and the Pipeline Integrity Technical Advisory Committee, shall prepare and submit to the Congress a 5-year program plan to guide activities under this Act. In preparing the program plan, the Secretary shall consult with appropriate representatives of the natural gas, crude oil and petroleum product pipeline industries to select and prioritize appropriate project proposals. The Secretary may also seek the advice of utilities, manufacturers, institutions of higher learning, federal agencies, the pipeline research institutions, national laboratories, state pipeline safety officials, environmental organizations, pipeline safety advocates, and professional and technical societies.

(f) IMPLEMENTATION.—The Secretary of Transportation shall have primary responsibility for ensuring the five-year plan provided for in subsection (e) is implemented as intended by this Act. In carrying out the research, development, and demonstration activities under this Act, the Secretary of Transportation and the Secretary of Energy may use, to the extent authorized under applicable provisions of law, contracts, cooperative agreements, cooperative research and development agreements under the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.), grants, joint ventures, other transactions, and any other form of agreement available to the Secretary consistent with the recommendations of the Advisory Committee.

(g) REPORTS TO CONGRESS.—The Secretary of Transportation shall report to the Congress annually as to the status and results to date of the implementation of the research and development program plan. The report shall include the activities of the Departments of Transportation and Energy, the national laboratories, universities, and any other research organizations, including industry research organizations.

SEC. 4. PIPELINE INTEGRITY TECHNICAL ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Secretary of Transportation shall enter into appropriate arrangements with the National Academy of Sciences to establish and manage the Pipeline Integrity Technical Advisory Committee for the purpose of advising the Secretary of Transportation and the Secretary of Energy on the development and implementation of the five year research, development and demonstration program plan as defined in Sec. 3(e). The Advisory Committee shall have an ongoing role in evaluating the progress and results of the research, development and demonstration carried out under this Act.

(b) MEMBERSHIP.—The National Academy of Sciences shall appoint the members of the Pipeline Integrity Technical Advisory Committee after consultation with the Secretary of Transportation and the Secretary of Energy. Members appointed to the Advisory Committee should have the necessary qualifications to provide technical contributions to the purposes of the Advisory Committee.

SEC. 5. AUTHORIZATION OF APPROPRIATION.

(a) There are authorized to be appropriated to the Secretary of Transportation for carrying out this Act $3,000,000 which is to be derived from user fees (49 U.S.C. Sec. 60125), for each of the fiscal years 2001 through 2005.

(b) Of the amounts available in the Oil Spill Liability Trust Fund (26 U.S.C. Sec. 9509), $3,000,000 shall be transferred to the Secretary of Transportation to carry out programs for detection, prevention and mitigation of oil spills authorized in this Act for each of the fiscal years 2001 through 2005.

(c) There are authorized to be appropriated to the Secretary of Energy for carrying out this Act such sums as may be necessary for each of the fiscal years 2001 through 2005.

[From Current-argus.com, Aug. 23, 2000]

FAMILY REFLECTS ON LOST LOVED ONES

(By Pam Easton)

LUBBOCK.—She's had four days to try and understand why she lost 11 family members to a pipeline explosion in southeastern New Mexico. Martha Chapman has come up with only one explanation so far—love.

"This family has lived together, loved together, camped together, fought together, but never once been without love," she said Tuesday from University Medical Center in Lubbock.

A fireball erupting from the explosion swept through the family's campsite along the Pecos River early Saturday morning, turning sand into glass and parts of a nearby bridge into powder.

Chapman and other relatives have kept a vigil for the sole survivor, Amanda Smith.

She remains in critical condition in the hospital's burn unit, suffering from burns over more than 20 percent of her body and smoke inhalation that has caused heart and kidney problems.

Amanda Smith's brother, Jerry Rackley, said those who died are together again after doing what they loved best: camping, fishing and being with family.

Killed were Amanda Smith's parents, Don and Glenda Sumler; her father-in-law, Bobby Smith; her husband, Terry Smith; her son, Dustin; her daughter, Kirsten; her brother- and sister-in-law, Roy and Amy Heady; and their three children.

The losses have been staggering for everyone involved, but they will most likely be the hardest for Amanda Smith, Rackley said.

"We need her," Chapman said, weeping. "She is my son's wife. She is my daughter."

A similar vigil was kept for Bobby Smith, Amanda's father-in-law, who died Monday.

Chapman said the family has managed to face each day by sharing prayers and memories, knowing that those who died are now together with God. "That is why so many of us have left this earth together," Chapman said. "When we were placed on this earth, we were already genetically linked. Our lives were already intwined by God."

El Paso Natural Gas, which owned the pipeline, has put the family up in hotels, fed them, clothed them and made sure they go without any wants or needs.

Rackley said extended family members who have traveled to the hospital have eased everyone's pain.

"There are faces here that I've never seen before," he said. "But they are family. They have a place in my heart and they always will."

[From A service of the Albuquerque Journal, September 5, 2000]

LAST PIPELINE VICTIM DIES

CARLSBAD, N.M.—Amanda Smith, the only survivor of a pipeline explosion that killed 11 members of her extended family Aug. 19, died Tuesday in a Lubbock hospital.

Smith, 25, lost her husband and two children in the fiery blast that engulfed the family's campsite near Carlsbad.

Her brother and Smith family members were with her when she died at 12:35 p.m. CDT, said Gwen Stafford, vice president of University Medical Center in Lubbock.

Stafford said Smith never regained consciousness at the Texas hospital.

The pipeline owned by El Paso Energy Company blew up along the Pecos River 25 miles south of Carlsbad, sending a 350-foot fireball into the sky and billows of flame into the nearby campsite.

Amanda Smith and her father-in-law, Bobby Smith, 43, were sent to the Lubbock hospital, where Bobby Smith died August 21.

Also killed were Amanda Smith's husband, Terry, 23; his 3-year-old son, Dustin; her daughter, Kirsten Sumler, 5; her parents, Don Sumler and Glenda Sumler, 47, of Loving; and Roy Lee Heady, 20; his wife Amy, 18, of Artesia, and their three daughters, 22-month-old Kelsey and 6-month-old twins Timber and Tamber.

National Transportation Safety Board investigators have not determined what caused the explosion and said it could take up to a year to prepare a report. However, they said investigators, at the scene found that corrosion inside the damaged pipeline had eaten away half of the pipe's wall in places.

Bobby Smith's wife, Jennifer, filed a federal lawsuit Aug. 30 in Albuquerque, alleging El Paso Natural Gas "failed to properly comply with state and federal rules, regulations, opinions and orders while operating an interstate gas transmission line" near the intersection of the Delaware and Pecos rivers in Eddy County.

The gas company also failed to "properly inspect, maintain, and operate their interstate gas transmission line," which led to the explosion and fire, the lawsuit said.

By Mr. ASHCROFT (for himself, Mr. HAGEL, and Mr. ABRAHAM):

S. 3003. A bill to preserve access to outpatient cancer therapy services under the medicare program by requiring the Health Care Financing Administration to follow appropriate procedures and utilize a formal nationwide analysis by the Comptroller General of the United States in making any changes to the rates of reimbursement for such services; to the Committee on Finance.

CANCER CARE PRESERVATION ACT

Mr. ASHCROFT. Mr. President, in recent years, our nation has achieved tremendous advances in its War on Cancer—including developing breakthrough therapies and expanding the cancer care delivery system of convenient and low-cost community settings. This progress has enabled us to achieve an unprecedented reduction in American cancer deaths, which began in 1998.

Today, 90% of all chemotherapy treatments are delivered in community settings like doctors' offices and outpatient hospital settings. Two important components of Medicare reimbursement for outpatient cancer treatments support these community care sites: payment for drugs themselves; and payment for the services of the physicians, nurses, and other caregivers who treat patients with cancer.

Unfortunately, the Health Care Financing Administration has targeted outpatient cancer therapy services for deep budget cuts. HCFA has proposed to reduce drastically Medicare reimbursement rates for cancer drugs by unilaterally changing the definition of "average wholesale price," which is at the heart of the current reimbursement formula. While there are indications that drug reimbursements have often exceeded doctors' and hospitals' costs, these margins have been used to help cover costs for professional services, which are inadequately reimbursed according to the cancer community, the General Accounting Office, and HCFA itself. Yet HCFA has not made any adjustments in these professional services payments.

The planned cuts in Medicare reimbursement rates threaten to force doctors to send seniors with cancer out of the community settings where they now receive care and into more expensive in-patient settings. As a result, seniors may lose the option of receiving cancer treatments from the caregivers of their choice in settings that are close to the support structure of family, friends, and community. In addition, since the cost of cancer treatments are generally higher in hospital in-patient settings than they are in outpatient settings, this ill-conceived proposal to force seniors into hospitals will actually cause Medicare spending to rise.

Mr. President, I have heard from many Missourians—doctors, patients, and hospital officials—about how the Administration's planned cuts in Medicare outpatient cancer care reimbursement rates will negatively impact patient care. I would like to share with my colleagues what some of them have told me.

Dr. Burton Needles of St. Louis wrote to me to say that his patients prefer receiving chemotherapy in his office rather than in the hospital, but that the planned cuts would make it impossible for him to continue treating Medicare cancer patients in his office. On the other side of the state in Kansas City, Dr. Christopher Sirridge said that the result would be less accessible care for seniors with cancer, and even higher costs for the Medicare program.

In Columbia, officials at the Ellis Fischel Cancer Center have told me that HCFA's change in reimbursement rates would make it extremely difficult for them to continue to be a source of chemotherapy and supportive care for cancer patients.

And, finally, Mr. President, let me share the words of a cancer patient, Darlene Bahr, from St. Louis. Ms. Bahr wrote to me: "I have been fighting cancer for 18 years. This is the fourth time I have cancer. I have been on a total of four years of chemo, which had been successful. I am now on chemo and hope it will be successful again." Ms. Bahr continues: "If the physician's office and the hospital cannot afford to give me these drugs, where will I get them? Does Medicare want to eliminate cancer care?"

Mr. President, Medicare beneficiaries like Ms. Bahr—who are facing battles against cancer—must not be saddled with the added burden of worrying about whether they will receive the care they need, in the setting they choose. Many doctors have communicated to HCFA and Congress that the Administration's plan to cut payments for cancer-fighting drug treatments will likely prevent doctors from delivering outpatient cancer care—leaving thousands of seniors without this preferred, and lower cost, option.

Congress must act to ensure that our progress in cancer treatment is not undermined by bureaucratic, inappropriate changes to Medicare reimbursement rates for cancer care.

Therefore, Mr. President, today, I am introducing the Cancer Care Preservation Act, which will guarantee that HCFA cannot implement any reductions to Medicare reimbursement for outpatient cancer treatment unless those changes: are developed in concert with the General Accounting Office, the Medicare Payment Advisory Commission, and representatives of the cancer care community, including patients, survivors, nurses, physicians, and researchers; provide for appropriate payment rates for outpatient cancer therapy services, based upon the determinations made by the General Accounting Office; and are authorized by an act of Congress.

My legislation also will require GAO to complete a formal nationwide analysis to determine the physician and non-physician clinical resources necessary to provide safe outpatient cancer therapy services. In addition, GAO must determine the appropriate payment rates for such services under the Medicare program.

Medicare beneficiaries with cancer must be confident that they will continue to receive the care they need, in the setting they choose, without risk of arbitrary and unexpected reductions in reimbursement that may force their doctors to cease offering treatment or refer them to a different facility for treatment.

So today, I urge my colleagues to join with me in ensuring that our seniors receive full access to the life-saving therapies they need in the settings they choose, by cosponsoring the Cancer Care Preservation Act.

Mr. President, I ask unanimous consent that the Cancer Care Preservation Act be printed in the RECORD immediately following my remarks.

I yield the floor.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3003

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cancer Care Preservation Act of 2000".

SEC. 2. FINDING.

Congress finds that in light of the tremendous advances achieved by this Nation in its war on cancer, including the development of breakthrough therapies, the expansion of the cancer care delivery system to convenient and low-cost community settings, and the unprecedented annual reduction in American cancer deaths beginning in 1998, legislation is needed to ensure that these advances are not undermined by inappropriate changes to rates of reimbursement for outpatient cancer therapy services under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

SEC. 3. PRESERVATION OF REIMBURSEMENT RATES FOR OUTPATIENT CANCER THERAPY SERVICES.

Notwithstanding any other provision of law, the Administrator of the Health Care Financing Administration may not implement any reduction to the rates of reimbursement for outpatient cancer therapy services under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.), unless such reductions—

(1) are developed in consultation with the Comptroller General of the United States, the Medicare Payment Advisory Commission established under section 1805 of such Act (42 U.S.C. 1395b–6) (in this Act referred to as "MedPAC"), and representatives of the cancer care community, including patients, survivors, nurses, physicians, and researchers;

(2) provide for appropriate payment rates for outpatient cancer therapy services, based upon the determinations made by the Comptroller General of the United States in the nationwide analysis required under section 4 of this Act; and

(3) are authorized by an Act of Congress.

SEC. 4. FORMAL NATIONWIDE ANALYSIS OF CLINICAL RESOURCES NECESSARY TO PROVIDE SAFE OUTPATIENT CANCER THERAPY SERVICES.

(a) ANALYSIS.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a nationwide analysis to determine the physician and non-physician clinical resources necessary to provide safe outpatient cancer therapy services and the appropriate payment rates for such services under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(2) ISSUES ANALYZED.—In conducting the analysis under paragraph (1), the Comptroller General of the United States shall determine—

(A) the adequacy of practice expense relative value units associated with the utilization of those clinical resources;

(B) the adequacy of work units in the practice expense formula; and

(C) the necessity for an additional reimbursement methodology for outpatient cancer therapy services that falls outside the practice expense formula.

(3) CONSULTATION.—In conducting the analysis under paragraph (1), the Comptroller General of the United States shall consult with Administrator of the Health Care Financing Administration, MedPAC, and representatives of the cancer care community, including patients, survivors, nurses, physicians, and researchers.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to Congress on the analysis conducted under subsection (a) together with recommendations for such legislative and administrative action as the Comptroller General of the United States determines appropriate.

By Mr. INOUYE:

S. 3004. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for the conversion of cooperative housing corporations into condominiums; to the Committee on Finance.

TO PROVIDE TAX RELIEF FOR THE CONVERSION OF COOPERATIVE HOUSING CORPORATIONS INTO CONDOMINIUMS

Mr. INOUYE. Mr. President, today I rise to introduce legislation that would amend the Internal Revenue Code of 1986 to allow Cooperative Housing Corporations (Co-ops) to convert to condominium forms of ownership without any immediate tax consequences.

Under current law, a conversion from cooperative shareholding to condominium ownership is taxable at a corporate level as well as an individual level. The conversion is treated as a corporate liquidation, and therefore taxed accordingly. In addition, a capital gains tax is levied on any increase between the owner's basis in the co-op share pre-conversion and the market value of the condominium interest post-conversion. This double taxation dissuades condominium conversion because the owner is being taxed on a transaction that is nothing more than a change in the form of ownership. While the Internal Revenue Service concedes that there are no discernible advantages to society from the cooperative form of ownership, it does not view Federal tax statutes as having the flexibility to allow co-ops to re-organize freely as condominiums.

In cooperative housing, real property ownership is vested in a corporation, with shares of stock for each apartment unit, that are sold to buyers. The corporation then issues a proprietary lease entitling the owner of the stock to the use of the unit in perpetuity. Because the investment is in the form of a share of stock, investors sometimes lose their entire investment as a result of debt incurred by the corporation in construction and development. In addition, due to the structure of a cooperative housing corporation, a prospective purchaser of shares in the corporation from an existing tenant-stockholder has difficulty obtaining mortgage financing for the purchase. Furthermore, tenant-stockholders of cooperative housing also encounter difficulties in securing bank loans for the full value of their investment.

As a result, owners of cooperative housing are increasingly looking toward conversion to condominium ownership regimes. Condominium ownership permits each owner of a unit to directly own the unit itself, eliminating the cooperative housing dilemmas of corporate debt that supersedes the investment of cooperative housing share owners, and other financial concerns.

The legislation I introduce today will remove the penalty of double taxation from the cooperative housing to condominium ownership, and will greatly benefit co-op owners across the Nation. I urge my colleagues' consideration and support for this measure.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD

There being no objection, the bill was ordered to be printed in the RECORD as follows:

S. 3004

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NONRECOGNITION OF GAIN OR LOSS ON DISTRIBUTIONS BY COOPERATIVE HOUSING CORPORATIONS.

(a) IN GENERAL.—Section 216(e) of the Internal Revenue Code of 1986 (relating to distributions by cooperative housing corporations) is amended to read as follows:

"(e) DISTRIBUTIONS BY COOPERATIVE HOUSING CORPORATIONS.—

"(1) IN GENERAL.—Except as provided in regulations—

"(A) no gain or loss shall be recognized to a cooperative housing corporation on the distribution by such corporation of a dwelling unit to a stockholder in such corporation if such distribution is in exchange for the stockholder's stock in such corporation, and

"(B) no gain or loss shall be recognized to a stockholder of such corporation on the transfer of such stockholder's stock in an exchange described in subparagraph (A).

"(2) BASIS.—The basis of a dwelling unit acquired in a distribution to which paragraph (1) applies shall be the same as the basis of the stock in the cooperative housing corporation for which it is exchanged, decreased in the amount of any money received by the taxpayer in such exchange.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions after the date of the enactment of this Act.

ADDITIONAL COSPONSORS

S. 345

At the request of Mr. ALLARD, the name of the Senator from Rhode Island (Mr. L. CHAFEE) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 482

At the request of Mr. ABRAHAM, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 482, a bill to amend the Internal Revenue Code of 1986 to repeal the increase in the tax on the social security benefits.

S. 522

At the request of Mr. LAUTENBERG, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 522, a bill to amend the Federal Water Pollution Control Act to improve the quality of beaches and coastal recreation water, and for other purposes.

S. 631

At the request of Mr. DEWINE, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 631, a bill to amend the Social Security Act to eliminate the time limitation on benefits for immunosuppressive drugs under the medicare program, to provide continued entitlement for such drugs for certain individuals after medicare benefits end, and to extend certain medicare secondary payer requirements.

S. 922

At the request of Mr. ABRAHAM, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 922, a bill to prohibit the use of the "Made in the USA" label on products of the Commonwealth of the Northern Mariana Islands and to deny such products duty-free and quota-free treatment.

S. 1028

At the request of Mr. ROBB, his name was withdrawn as a cosponsor of S. 1028, a bill to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the United States Constitution, have been deprived by final actions of Federal agencies, or other government officials or entities acting under color of State law, and for other purposes.

S. 1109

At the request of Mr. MCCONNELL, the names of the Senator from Kansas (Mr. BROWNBACK), the Senator from North Dakota (Mr. DORGAN) and the Senator from Rhode Island (Mr. L. CHAFEE) were added as cosponsors of S. 1109, a bill to conserve global bear populations by prohibiting the importation, exportation, and interstate trade of bear viscera and items, products, or substances containing, or labeled or advertised as containing, bear viscera, and for other purposes.

S. 1196

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 1196, a bill to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes.

S. 1277

At the request of Mr. GRASSLEY, the name of the Senator from Nebraska (Mr. KERREY) was added as a cosponsor of S. 1277, a bill to amend title XIX of the Social Security Act to establish a new prospective payment system for Federally-qualified health centers and rural health clinics.

S. 1419

At the request of Mr. MCCAIN, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 1419, a bill to amend title 36, United States Code, to designate May as "National Military Appreciation Month."

S. 1536

At the request of Mr. DEWINE, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Maryland (Ms. MILKULSKI) were added as cosponsors of S. 1536, a bill to amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act, to modernize programs and services for older individuals, and for other purposes.

S. 1760

At the request of Mr. BIDEN, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 1760, a bill to provide reliable officers, technology, education, community prosecutors, and training in our neighborhoods.

S. 1783

At the request of Mr. COCHRAN, the name of the Senator from Kentucky (Mr. MCCONNEL) was added as a cosponsor of S. 1783, a bill to amend title XVIII of the Social Security Act to provide for a prospective payment system for inpatient longstay hospital services under the medicare program.

S. 1900

At the request of Mr. LAUTENBERG, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1900, a bill to amend the Internal Revenue code of 1986 to allow a credit to holders of qualified bonds issued by Amtrak, and for other purposes.

S. 1941

At the request of Mr. DODD, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1941, a bill to amend the Federal Fire Prevention and Control Act of 1974 to authorize the Director of the Federal Emergency Management Agency to provide assistance to fire departments and fire prevention organizations for the purpose of protecting the public and firefighting personnel against fire and fire-related hazards.

S. 2003

At the request of Mr. JOHNSON, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2003, a bill to restore health care coverage to retired members of the uniformed services.

S. 2133

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 2133, a bill to temporarily suspend the duty on Solvent Blue 124.

S. 2134

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 2134, a bill to temporarily suspend the duty on Solvent Blue 104.

S. 2135

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 2135, a bill to temporarily suspend the duty on Pigment Red 176.

S. 2136

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 2136, a bill to temporarily suspend the duty on benzenesulfonamide,4-amino-2,5-dimethyoxy-N-phenyl.

S. 2264

At the request of Mr. ROCKEFELLER, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2264, a bill to amend title 38, United States Code, to establish within the Veterans Health Administration the position of Advisor on Physician Assistants, and for other purposes.

S. 2265

At the request of Mr. ROBB, his name was added as a cosponsor of S. 2265, a bill to amend the Internal Revenue Code of 1986 to preserve marginal domestic oil and natural gas well production, and for other purposes.

S. 2274

At the request of Mr. GRASSLEY, the names of the Senator from West Virginia (Mr. BYRD) and the Senator from Missouri (Mr. ASHCROFT) were added as cosponsors of S. 2274, a bill to amend title XIX of the Social Security Act to provide families and disabled children with the opportunity to purchase coverage under the medicaid program for such children.

S. 2330

At the request of Mr. ROTH, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 2330, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services.

S. 2386

At the request of Mrs. FEINSTEIN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2386, a bill to extend the Stamp Out Breast Cancer Act.

S. 2390

At the request of Mr. GRAMS, his name was added as a cosponsor of S. 2390, a bill to establish a grant program that provides incentives for States to enact mandatory minimum sentences for certain firearms offenses, and for other purposes.

S. 2394

At the request of Mr. MOYNIHAN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 2394, a bill to amend title XVIII of the Social Security Act to stabilize indirect graduate medical education payments.

S. 2423

At the request of Mr. DURBIN, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 2423, a bill to provide Federal Perkins Loan cancellation for public defenders.

S. 2424

At the request of Mr. CHAFEE, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsors of S. 2434, a bill to provide that amounts allotted to a State under section 2401 of the Social Security Act for each of fiscal years 1998 and 1999 shall remain available through fiscal year 2002.

S. 2435

At the request of Ms. SNOWE, the name of the Senator from Arkansas

(Mrs. LINCOLN) was added as a cosponsor of S. 2435, a bill to amend part B of title IV of the social Security Act to create a grant program to promote joint activities among Federal, State, and local public child welfare and alcohol and drug abuse prevention and treatment agencies.

S. 2448

At the request of Mr. HATCH, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 2448, a bill to enhance the protections of the Internet and the critical infrastructure of the United States, and for other purposes.

S. 2528

At the request of Ms. COLLINS, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2528, a bill to provide funds for the purchase of automatic external defibrillators and the training of individuals in advanced cardiac life support.

S. 2537

At the request of Mr. JEFFORDS, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2537, a bill to amend title 10, United States Code, to modify the time for use by members of the Selected Reserve of entitlement to certain educational assistance.

S. 2584

At the request of Mr. ROBB, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 2584, a bill to provide for the allocation of interest accruing to the Abandoned Mine Reclamation Fund, and for other purposes.

S. 2589

At the request of Mr. JOHNSON, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 2589, a bill to amend the Federal Deposit Insurance Act to require periodic cost of living adjustments to the maximum amount of deposit insurance available under that Act, and for other purposes.

S. 2601

At the request of Mr. ASHCROFT, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2601, a bill to amend the Internal Revenue Code of 1986 to exclude from the gross income of an employee any employer provided home computer and Internet access.

S. 2609

At the request of Mr. CRAIG, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 2609, a bill to amend the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act to enhance the funds available for grants to States for fish and wildlife conservation projects, and to increase opportunities for recreational hunting, bow hunting, trapping, archery, and fishing, by eliminating chances for waste, fraud, abuse, maladministration, and unauthorized expenditures for administration and implementation of those Acts, and for other purposes.

S. 2639

At the request of Mr. KENNEDY, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 2639, a bill to amend the Public Health Service Act to provide programs for the treatment of mental illness.

S. 2675

At the request of Ms. SNOWE, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2675, a bill to establish an Office on Women's Health within the Department of Health and Human Services.

S. 2698

At the request of Mr. MOYNIHAN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2698, a bill to amend the Internal Revenue Code of 1986 to provide an incentive to ensure that all Americans gain timely and equitable access to the Internet over current and future generations of broadband capability.

S. 2707

At the request of Mr. CRAPO, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2707, a bill to help ensure general aviation aircraft access to Federal land and the airspace over that land.

S. 2718

At the request of Mr. SMITH, of New Hampshire, the names of the Senator from Nevada (Mr. REID) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 2718, a bill to amend the Internal Revenue Code of 1986 to provide incentives to introduce new technologies to reduce energy consumption in buildings.

S. 2800

At the request of Mr. LAUTENBERG, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 2800, a bill to require the Administrator of the Environmental Protection Agency to establish an integrated environmental reporting system.

S. 2836

At the request of Mr. HAGEL, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 2836, a bill to amend title XVIII of the Social Security Act to provide medicare beneficiaries with access to affordable outpatient prescription drugs.

S. 2841

At the request of Mr. ROBB, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 2841, a bill to ensure that the business of the Federal Government is conducted in the public interest and in a manner that provides for public accountability, efficient delivery of services, reasonable cost savings, and prevention of unwarranted Government expenses, and for other purposes.

S. 2858

At the request of Mr. GRAMS, the names of the Senator from Arkansas (Mrs. LINCOLN), the Senator from Mississippi (Mr. COCHRAN), and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 2858, a bill to amend title XVIII of the Social Security Act to ensure adequate payment rates for ambulance services, to apply a prudent layperson standard to the determination of medical necessity for emergency ambulance services, and to recognize the additional costs of providing ambulance services in rural areas.

S. 2879

At the request of Ms. COLLINS, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 2879, a bill to amend the Public Health Service Act to establish programs and activities to address diabetes in children and youth, and for other purposes.

S. 2891

At the request of Mr. REID, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Wyoming (Mr. THOMAS) were added as cosponsors of S. 2891, a bill to establish a national policy of basic consumer fair treatment for airline passengers.

S. 2903

At the request of Mr. ABRAHAM, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from Illinois (Mr. FITZGERALD) were added as cosponsors of S. 2903, a bill to amend the Internal Revenue Code of 1986 to expand the child tax credit.

S. 2912

At the request of Mr. KENNEDY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2912, a bill to amend the Immigration and Nationality Act to remove certain limitations on the eligibility of aliens residing in the United States to obtain lawful permanent residency status.

S. 2921

At the request of Mr. DASCHLE, his name was added as a cosponsor of S. 2921, a bill to provide for management and leadership training, the provision of assistance and resources for policy analysis, and other appropriate activities in the training of Native American and Alaska Native professionals in health care and public policy.

S. 2936

At the request of Mr. ROBB, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2936, a bill to provide incentives for new markets and community development, and for other purposes.

S. 2938

At the request of Mr. BROWNBACK, the names of the Senator from Texas (Mrs. HUTCHISON), the Senator from Texas (Mr. GRAMM), the Senator from Minnesota (Mr. GRAMS), and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 2938, a bill to prohibit United States assistance to the Palestinian Authority if a Palestinian state is declared unilateral, and for other purposes.

S. 2939

At the request of Mr. GRASSLEY, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 2939, a bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for energy efficient appliances.

S. 2997

At the request of Mr. KERRY, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 2997, a bill to establish a National Housing Trust Fund in the Treasury of the United States to provide for the development of decent, safe, and affordable housing for low-income families.

S. CON. RES. 111

At the request of Mr. NICKLES, the names of the Senator from Rhode Island (Mr. REED) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. Con. Res. 111, a concurrent resolution expressing the sense of the Congress regarding ensuring a competitive North American market for softwood lumber.

S. CON. RES. 130

At the request of Mr. ABRAHAM, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from New York (Mr. MOYNIHAN) were added as cosponsors of S. Con. Res. 130, concurrent resolution establishing a special task force to recommend an appropriate recognition for the slave laborers who worked on the construction of the United States Capitol.

At the request of Mrs. LINCOLN, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from West Virginia (Mr. BYRD) were added as cosponsors of S. Con. Res. 130, supra.

S. RES. 294

At the request of Mr. ABRAHAM, the names of the Senator from Delaware (Mr. BIDEN), the Senator from Texas (Mr. GRAMM), and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. Res. 294, a resolution designating the month of October 2000 as "Children's Internet Safety Month."

S. RES. 304

At the request of Mr. BIDEN, the names of the Senator from Maine (Ms. COLLINS), the Senator from North Carolina (Mr. EDWARDS), the Senator from Michigan (Mr. ABRAHAM), the Senator from Louisiana (Mr. BREAUX), the Senator from Ohio (Mr. DEWINE), the Senator from Wisconsin (Mr. KOHL), and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. Res. 304, a resolution expressing the sense of the Senate regarding the development of educational programs on veterans' contributions to the country and the designation of the week that includes Veterans Day as "National Veterans Awareness Week" for the presentation of such educational programs.

S. RES. 345

At the request of Mr. GRAMS, his name was added as a cosponsor of S. Res. 345, a resolution designating October 17, 2000, as a "Day of National Concern About Young People and Gun Violence."

AMENDMENT NO. 3388

At the request of Mr. JEFFORDS, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of amendment No. 3388 proposed to S. 2549, an original bill to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

SENATE RESOLUTION 347—DESIGNATING THE WEEK OF SEPTEMBER 17, 2000, THROUGH SEPTEMBER 23, 2000, AS NATIONAL OVARIAN CANCER AWARENESS WEEK

Ms. LANDRIEU (for herself, Mrs. FEINSTEIN, Mrs. HUTCHISON, Ms. COLLINS, Mrs. MURRAY, Mrs. BOXER, Mrs. LINCOLN, Ms. MIKULSKI, and Ms. SNOWE) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 347

Whereas 1 out of every 55 women will develop ovarian cancer at some point during her life;

Whereas over 70 percent of women with ovarian cancer will not be diagnosed until ovarian cancer has spread beyond the ovary;

Whereas prompt diagnosis of ovarian cancer is crucial to effective treatment, with the chances of curing the disease before it has spread beyond the ovaries ranging from 85 to 90 percent, as compared to between 20 and 25 percent after the cancer has spread;

Whereas several easily identifiable factors, particularly a family history of ovarian cancer, can help determine how susceptible a woman is to developing the disease;

Whereas effective early testing is available to women who have a high risk of developing ovarian cancer;

Whereas heightened public awareness can make treatment of ovarian cancer more effective for women who are at-risk; and

Whereas the Senate, as an institution, and members of Congress, as individuals, are in unique positions to help raise awareness about the need for early diagnosis and treatment for ovarian cancer: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of September 17, 2000, through September 23, 2000, as National Ovarian Cancer Awareness Week; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe National Ovarian Cancer Awareness Week with appropriate recognition and activities.

• Ms. LANDRIEU. Mr. President, I rise today to speak on an issue that should concern us all: that of ovarian cancer. Specifically, I rise to introduce a resolution, along with my colleagues Senators LINCOLN, MIKULSKI, FEINSTEIN, MURRAY, SNOWE, HUTCHISON, COLLINS, and BOXER, designating September 17th through September 23d as National Ovarian Cancer Week.

Mr. President, of the more than 25,000 women who were diagnosed with ovarian cancer in 1999, about 14,500, a little over half, will die of this disease. Think about that for a moment. More than half of our grandmothers, our mothers, our sisters and daughters are dying of a disease that, if caught earlier, could have been treated. Mr. President, I wish this were the only condition in which this was the case, but it is not. Like with many other diseases, we need to turn our focus to prevention and early detection. Doing so not only means saving lives, but millions of tax dollars in the long run.

In over 70 percent of the women with this disease, it will not be discovered until after it has spread beyond the ovaries. This is of critical importance, since the recovery rate for these women for whom the disease has spread is less than 25 percent. This is compared to an 85 to 90 percent recovery rate for those in whom the disease is caught early. Ovarian cancer is difficult to detect, as the symptoms are often vague and mimic other medical problems.

Still, there are ways that we can reduce the risk of this disease, and significantly reduce the mortality rate. For women with a family history of ovarian cancer, as well as other women with high-risk factors for the disease, regular screenings are available. Although these screenings are not for everyone, individuals with a high-risk factor, particularly those with one or more family members who have had ovarian cancer, should look into these tests.

Mr. President, this is why it is so important that we raise awareness about ovarian cancer, and this is what this resolution tries to do. By establishing this special week, we can bring the knowledge of this disease to thousands of high-risk women, and give people a better chance of beating this dreadful disease.•

AMENDMENTS SUBMITTED

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2001

CLELAND (AND MILLER) AMENDMENTS NOS. 4030–4031

(Ordered to lie on the table.)

Mr. CLELAND (for himself and Mr. MILLER) submitted two amendments intended to be proposed by them to the bill (H.R. 4733) making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes; as follows:

AMENDMENT NO. 4030

On page 58, between lines 13 and 14, insert the following:

SEC. 1 . BRUNSWICK HARBOR, GEORGIA.

The Secretary of the Army and the non-Federal interest with respect to the project for navigation, Brunswick Harbor, Georgia, authorized by section 101(a)(19) of the Water Resources Development Act of 1999 (113 Stat. 277), may conduct negotiations concerning, and enter into, a project cooperation agreement for the project, subject to the review and approval processes applicable to project cooperation agreements.

AMENDMENT NO. 4031

On page 48, between lines 16 and 17, insert the following:

Brunswick Harbor, Georgia, $255,000;

DOMENICI AMENDMENT NO. 4032

Mr. DOMENICI proposed an amendment to the bill (H.R. 4733) supra; as follows:

Starting on page 64, line 24, strike all through page 66, line 7.

SCHUMER (AND COLLINS) AMENDMENT NO. 4033

Mr. SCHUMER (for himself and Ms. COLLINS) proposed an amendment to the bill, H.R. 4733, supra; as follows:

On page 93, between lines 7 and 8, insert the following:

GENERAL PROVISIONS—INDEPENDENT AGENCIES

SEC. 4 . PRESIDENTIAL ENERGY COMMISSION.

(a) FINDINGS.—Congress finds that—

(1) crude oil and natural gas account for two-thirds of America's energy consumption;

(2) in May 2000, United States natural gas stocks totaled 1,450 billion cubic feet, 36 percent below the normal natural gas inventory of 2,281 billion cubic feet;

(3) in July 2000, United States crude oil inventories totaled 298,000,000 barrels, 11 percent below the 24-year average of 334,000,000 barrels;

(4) in June 2000, distillate fuel (heating oil and diesel fuel) inventories totaled 103,700,000 barrels, 26 percent below the 24-year average of 140,000,000 barrels;

(5) combined shortages in inventories of natural gas, crude oil, and distillate stocks, coupled with steady or increased demand, could cause supply and price shocks that would likely have a severe impact on consumers and the economy; and

(6) energy supply is a critical national security issue.

(b) PRESIDENTIAL ENERGY COMMISSION.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—The President shall establish, from among a group of not fewer than 30 persons recommended jointly by the Speaker and Minority Leader of the House of Representatives and the Majority Leader and Minority Leader of the Senate, a Presidential Energy Commission (referred to in this section as the "Commission"), which shall consist of between 15 and 21 representatives from among the following categories:

(i) Oil and natural gas producing States.

(ii) States with no oil or natural gas production.

(iii) Oil and natural gas industries.

(iv) Consumer groups focused on energy issues.

(v) Environmental groups.

(vi) Experts and analysts familiar with the supply and demand characteristics of all energy sectors.

(vii) The Energy Information Administration.

(B) TIMING.—The appointments of the members of the Commission shall be made not later than 30 days after the date of enactment of this Act.

(C) PERIOD OF APPOINTMENT.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(D) CHAIRPERSON.—The members of the Commission shall appoint 1 of the members to serve as Chairperson of the Commission.

(E) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(F) MEETINGS.—The Commission shall meet at the call of the Chairperson.

(2) DUTIES.—

(A) IN GENERAL.—The Commission shall—

(i) conduct a study, focusing primarily on the oil and natural gas industries, of—

(I) the status of inventories of natural gas, crude oil, and distillate fuel in the United States, including trends and projections for those inventories;

(II) the causes for and consequences of energy supply disruptions and energy product shortages nationwide and in particular regions;

(III) ways in which the United States can become less dependent on foreign oil supplies;

(IV) ways in which the United States can better manage and utilize its domestic energy resources;

(V) ways in which alternative energy supplies can be used to reduce demand on traditional energy sectors;

(VI) ways in which the United States can reduce energy consumption;

(VII) the status of, problems with, and ways to improve—

(aa) transportation and delivery systems of energy resources to locations throughout the United States;

(bb) refinery capacity and utilization in the United States; and

(cc) natural gas, crude oil, distillate fuel, and other energy-related petroleum product storage in the United States; and

(VIII) any other energy-related topic that the Commission considers pertinent; and

(ii) not later than 180 days after the date of enactment of this Act, submit to the President and Congress a report that contains—

(I) a detailed statement of the findings and conclusions of the Commission; and

(II) the recommendations of the Commission for such legislation and administrative actions as the Commission considers appropriate.

(B) TIME PERIOD.—The findings made, analyses conducted, conclusions reached, and recommendations developed by the Commission in connection with the study under subparagraph (A) shall cover a period extending 10 years beyond the date of the report.

(c) USE OF FUNDS.—The Secretary of Energy shall use $500,000 of funds appropriated to the Department of Energy to fund the Commission.

(d) TERMINATION OF COMMISSION.—The Commission shall terminate on the date that is 90 days after the date on which the Commission submits its report under subsection (b)(2)(A)(ii).

DEWINE AMENDMENT NO. 4034

(Ordered to lie on the table.)

Mr. DEWINE submitted an amendment intended to be proposed by him to the bill, H.R. 4733, supra; as follows:

On page 90, between lines 6 and 7, insert the following:

SEC. 320. (a) FINDINGS.—The Senate makes the following findings:

(1) The closure or downsizing of a Department of Energy facility can have serious economic impacts on communities that have been built around and in support of the facility.

(2) To mitigate the devastating impacts of the closure of Department of Energy facilities on surrounding communities, section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (42 U.S.C. 7274h) provides a mechanism for the provision of financial assistance to such communities for redevelopment and to assist employees of such facilities in transferring to other employment.

(3) It is difficult to forecast necessary changes in the workforce at Department of Energy facilities in advance of the preparation of the budget for the Department of Energy given uncertainties regarding future budges, project schedules, and other factors.

(4) Limitations on the capacity of the Department of Energy to seek reprogramming of funds for worker and community assistance programs in response to the closure or downsizing of Department facilities undermines the capability of the Department to respond appropriately to unforeseen contingencies.

(b) SENSE OF SENATE.—It is the sense of the Senate that, in agreeing to the conference report to accompany the bill H.R.4733 of the 106th Congress, the conferees on the part of the Senate should not recede to provisions or language proposed by the House of Representatives that would limit the capacity of the Department of Energy to augment funds available for worker and community assistance grants under section 3161 of the National Defense Authorization for Fiscal Year 1993 or under the provisions of the USEC Privatization Act (subchapter A of chapter 1 of title III of Public Law 104–134; 42 U.S.C. 2297h et seq.).

DEWINE (AND LEVIN) AMENDMENT NO. 4035

(Ordered to lie on the table.)

Mr. DEWINE (for himself and Mr. LEVIN) submitted an amendment intended to be proposed by them to the bill, H.R. 4733, supra; as follows:

On page 47, strike line 18 and insert the following: **$139,219,000**, to remain available until expended, of which **$1,500,000** shall be made available to carry out activities under the John Glenn Great Lakes Basin Program established under section 455 of the Water Resources Development Act of 1999 (42 U.S.C. 1962d-21).

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, September 14 at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on the transportation of Alaska North Slope natural gas to market and to investigate the cost, environmental aspects, economic impacts and energy security implications to Alaska and the rest of the nation for alternative routes and projects.

For further information, please call Dan Kish at (202) 224–8276 or Jo Meuse at (202) 224–4756.

AUTHORITY FOR COMMITTEES TO MEET

SPECIAL COMMITTEE ON AGING

Mr. CRAIG. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet today, September 5, 2000 from 2:15 p.m.–4:30 p.m. in Dirksen 562 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Robert Griffiths, a legislative fellow in my office, be afforded floor privileges during the consideration of H.R. 4444.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask unanimous consent Pete Lyons, a fellow in my office, and Dave Hunter with Senator JEFFORDS' office, be given privileges of the floor for the duration of the consideration of the energy and water development bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

BREAST CANCER RESEARCH STAMP REAUTHORIZATION ACT OF 2000

On July 27, 2000, the Senate amended and passed S. 2386; as follows:

S. 2386

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO ISSUE SEMIPOSTAL STAMPS.

(a) SHORT TITLE.—This Act may be cited as the “Semipostal Act of 2000”.

(b) IN GENERAL.—Chapter 4 of title 39, United States Code, is amended by striking section 416 (as added by the Semipostal Authorization Act) and inserting the following:

“§ 416. Authority to issue semipostals

“(a) DEFINITIONS.—In this section, the term—

“(1) ‘agency’ means an Executive agency (as defined by section 105 of title 5);

“(2) ‘amounts becoming available from the sale of a semipostal under this section’ means—

“(A) the total amounts received by the Postal Service with respect to the applicable semipostal in excess of the first class, first ounce rate, reduced by

“(B) an amount equal to the full costs incurred by the Postal Service from the issuance and sale of the average first class, first ounce rate stamp, plus any additional costs incurred by the Postal Service unique to the issuance of the applicable semipostal; and

“(3) ‘semipostal’ means a special postage stamp which is issued and sold by the Postal Service, at a premium, in order to help provide funding for an issue of national importance.

“(b) AUTHORITY.—The Postal Service may issue no more than 1 semipostal each year, and sell such semipostals, in accordance with this section.

“(c) RATES.—

“(1) IN GENERAL.—The rate of postage on a semipostal issued under this section shall be established by the Governors, in accordance with such procedures as the Governors shall by regulation promulgate (in lieu of the procedures under chapter 36), except that—

“(A) the rate established for a semipostal under this section shall be equal to the rate of postage that would otherwise regularly apply, plus a differential of not to exceed 25 percent; and

“(B) no regular rates of postage or fees for postal services under chapter 36 shall be any different from what such rates or fees otherwise would have been if this section had not been enacted.

“(2) VOLUNTARY USE.—The use of any semipostal issued under this section shall be voluntary on the part of postal patrons.

“(d) AMOUNTS BECOMING AVAILABLE.—

“(1) IN GENERAL.—The amounts becoming available from the sale of a semipostal under this section shall be transferred to the appropriate agency or agencies under such arrangements as the Postal Service shall by mutual agreement with each such agency establish.

“(2) ISSUES OF NATIONAL IMPORTANCE AND AGENCIES.—Decisions under this section concerning issues of national importance, and the appropriate agency or agencies to receive amounts becoming available under this section, shall be made applying the criteria and procedures established under subsection (f).

“(3) RECOVERY OF COSTS.—

“(A) IN GENERAL.—Not later than 6 months after the date of enactment of the Semipostal Act of 2000, the Postal Service shall establish a system to account for all revenues and the full costs (including related labor and administrative costs) associated with selecting, developing, marketing, and selling semipostals under this section. The system shall track and account for semipostal revenues and costs separately from the revenues and costs of all other postage stamps.

“(B) PAYMENT.—Before making any payment to any agency under subsection (d)(1), the Postal Service shall recover the full costs incurred by the Postal Service as of the date of such payment.

“(C) MINIMUM COSTS.—The Postal Service shall to the maximum extent practicable keep the costs incurred by the Postal Service in issuing a semipostal to a minimum.

“(4) OTHER FUNDING NOT TO BE AFFECTED.—Amounts which have or may become available from the sale of a semipostal under this section shall not be taken into account in any decision relating to the level of appropriations or other Federal funding to be furnished to an agency in any year.

“(e) CONGRESSIONAL REVIEW.—(1) Before the Postal Service can take action with respect to the implementation of a decision to issue a semipostal, the Postal Service shall submit to each House of the Congress a report containing—

“(A) a copy of the decision;

“(B) a concise explanation of the basis for the decision; and

“(C) the proposed effective date of the semipostal.

“(2) Upon receipt of a report submitted under paragraph (1), each House shall provide copies of the report to the chairman and ranking member of the Governmental Affairs Committee in the Senate and the Government Reform Committee in the House.

“(3) The decision of the Postal Service with respect to the implementation of a decision to issue a semipostal shall take effect on the latest of—

“(A) the date occurring 60 days after the date on which the Congress receives the report submitted under paragraph (1);

“(B) if the Congress passes a joint resolution of disapproval described in paragraph 7, and the President signs a veto of such resolution, the earlier date—

“(i) on which either House of Congress votes and fails to override the veto of the President; or

“(ii) occurring 30 session days after the date on which the Congress received the veto and objections of the President; or

“(C) the date the decision would have otherwise been implemented, if not for this section (unless a joint resolution of disapproval under paragraph 7 is enacted).

“(4) Notwithstanding paragraph (3), the decision of the Postal Service with respect to the implementation of a decision to issue a semipostal shall not be delayed by operation of this subsection beyond the date on which either House of Congress votes to reject a joint resolution of disapproval under paragraph 7.

“(5) The Postal Service shall not implement a decision to issue a semipostal if the Congress enacts a joint resolution of disapproval, described under paragraph 7.

“(6)(A) In addition to the opportunity for review otherwise provided under this chapter, in the case of any decision for which a report was submitted in accordance with paragraph (1) during the period beginning on the date occurring 30 days before the date the Congress adjourns a session of Congress through the date on which the same or succeeding Congress first convenes its next session, this section shall apply to such rule in the succeeding session of Congress.

“(B) In applying this section for purposes of such additional review, a decision described under paragraph (1) shall be treated as though—

“(i) the decision were made on—

“(I) in the case of the Senate, the fifth session day, or

“(II) in the case of the House of Representatives, the fifth legislative day,

“after the succeeding session of Congress first convenes; and

“(ii) a report on such role were submitted to Congress under paragraph (1) on such date.

“(7) For purposes of this section, the term ‘joint resolution’ means only a joint resolution introduced in the period beginning on the date on which the report referred to in paragraph (1) is received by Congress and ending 60 days thereafter (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), the matter after the resolving clause of which is as follows: ‘That Congress disapproves the decision of the Postal Service submitted on relating to the issuance of semipostal, and the Postal Service shall take no action to implement such decision.’ (The blank spaces being appropriately filled in.).

“(8)(A) A joint resolution described in paragraph (7) shall be referred to the committees in each House of Congress with jurisdiction.

“(B) For purposes of this subsection, the term ‘submission date’ means the date on which the Congress receives the report submitted under paragraph (1).

“(9) In the Senate, if the committee to which is referred a joint resolution described in paragraph (7) has not reported such joint resolution (or an identical joint resolution) at the end of 20 calendar days after the submission date defined under paragraph (8)(B), such committee may be discharged from further consideration of such joint resolution upon a petition supported in writing by 30 Members of the Senate, and such joint resolution shall be placed on the calendar.

“(10)(A) In the Senate, when the committee to which a joint resolution is referred has reported, or when a committee is discharged (under paragraph (9)) from further consideration of a joint resolution described in paragraph (7), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

“(B) In the Senate, debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

“(C) In the Senate, immediately following the conclusion of the debate on a joint resolution described in paragraph (7), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

“(D) Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution described in paragraph (7) shall be decided without debate.

“(11) In the Senate the procedure specified in paragraph (9) or (10) shall not apply to the consideration of a joint resolution respecting a Postal Service decision to implement a decision to issue a semipostal—

“(A) after the expiration of the 60 session days beginning with the applicable submission date, or

“(B) if the report under paragraph (1) was submitted during the period referred to in paragraph (6), after the expiration of the 60 session days beginning on the fifth session day after the succeeding session of Congress first convenes.

“(12) If, before the passage by one House of a joint resolution of that House described in paragraph (7), that House receives from the other House a joint resolution described in paragraph (7), then the following procedures shall apply:

“(A) The joint resolution of the other House shall not be referred to a committee.

“(B) With respect to a joint resolution described in paragraph (7) of the House receiving the joint resolution—

“(i) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

“(ii) the vote on final passage shall be on the joint resolution of the other House.

“(13) This section is enacted by Congress—

“(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution described in paragraph (7), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

“(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

“(f) REGULATIONS.—

“(1) IN GENERAL.—Not later than 6 months after the date of enactment of the Semipostal Act of 2000, the Postal Service shall promulgate regulations to carry out this section, including provisions relating to—

“(A) which office or other body within the Postal Service will be responsible for making the decisions described in subsection (d)(2);

“(B) what criteria and procedures will be applied in making those decisions;

“(C) any limitations relating to the issuance of semipostals, such as whether more than 1 semipostal may be offered for sale at any given time; and

“(D) how the price of a semipostal will be established.

“(2) NOTICE AND COMMENT.—Before any regulation is promulgated under this section, a copy of the proposed regulation shall be published in the Federal Register and an opportunity provided to interested parties to present written comment and, where practicable, oral comment.

“(3) ISSUANCE.—The Postal Service shall not issue a semipostal until at least 30 days after the final regulations promulgated under paragraph (1) take effect.

“(g) ANNUAL REPORTS.—

“(1) IN GENERAL.—The Postmaster General shall include in each report rendered under section 2402, with respect to any period during any portion of which this section is in effect, information concerning the operation of any program established under this section.

“(2) SPECIFIC REQUIREMENT.—

“(A) IN GENERAL.—If any semipostal ceases to be offered during the period covered by a report, the information contained in such report shall also include—

“(i) the dates on which the sale of such semipostal commenced and terminated; and

“(ii) the total amount that became available from the sale of such semipostal and any agency to which such amount was made available.

“(B) SEMIPOSTALS THAT CEASE TO BE OFFERED.—For each year before the year in which a semipostal ceases to be offered, any report under this subsection shall include, for that semipostal and for the year covered by that report, the information described under clauses (i) and (ii).

“(h) NO INDIVIDUAL RIGHT CREATED.—This section is not intended to and does not create any right or benefit, substantive or procedural, enforceable at law by any party against the Postal Service, its Governors, officers or employees, the United States, its agencies or instrumentalities, its officers or employees, or any other person.

“(i) INAPPLICABILITY TO BREAST CANCER RESEARCH SPECIAL STAMPS.—This section shall not apply to special postage stamps issued under section 414.

“(j) TERMINATION.—This section shall cease to be effective at the end of the 10-year period beginning on the date on which semipostals are first made available to the public under this section.”.

(c) REPORTS BY AGENCIES.—

(1) IN GENERAL.—Each agency that receives any funding in a year under section 416 of title 39, United States Code (as amended by this section) shall submit a written report under this subsection with respect to such year to the congressional committees with jurisdiction over the United States Postal Service.

(2) CONTENTS.—Each report under this subsection shall include—

(A) the total amount of funding received by such agency under section 416 of such title during the year to which the report pertains;

(B) an accounting of how any funds received by such agency under section 416 of such title were allocated or otherwise used by such agency in such year; and

(C) a description of the effectiveness in addressing the applicable issue of national importance that occurred as a result of the funding.

(d) REPORTS BY THE GENERAL ACCOUNTING OFFICE.—

(1) INITIAL REPORT.—Not later than 4 months after semipostal stamps are first made available to the public under section 416 of title 39, United States Code (as amended by this section), the General Accounting Office shall submit to the President and each house of Congress an initial report on the operation of the program established under such section.

(2) INTERIM REPORTS.—Not later than the third year, and again not later than the sixth year, after semipostal stamps are first made available to the public under section 416 of title 39, United States Code (as amended by this section), the General Accounting Office shall submit to the President and each house of Congress an interim report on the operation of the program established under such section.

(3) FINAL REPORT.—Not later than 6 months before the date of termination of the effectiveness of section 416 of title 39, United

States Code (as amended by this section), the General Accounting Office shall submit to the President and each house of Congress a final report on the operation of the program established under such section. The final report shall contain a detailed statement of the findings and conclusions of the General Accounting Office, and any recommendation the General Accounting Office considers appropriate.

(e) CONFORMING AMENDMENT.—Section 2 of the Semipostal Authorization Act is amended by striking subsections (b), (c), and (e).

(f) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act and the program under section 416 of title 39, United States Code (as amended by this section) shall be established not later than 1 year after the date of enactment of this Act.

APPOINTMENT

The PRESIDING OFFICER. The Chair announces on behalf of the Republican Leader, pursuant to Public Law 105-134, his appointment of Nancy Rutledge Connery, of Maine, to serve as a member of the Amtrak Reform Council, vice Joseph Vranich, of Pennsylvania, effective July 28, 2000.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 99-498, reappoints Charles Terrell, of Massachusetts, to the Advisory Committee on Student Financial Assistance for a three-year term beginning October 1, 2000, effective July 28, 2000.

APPOINTMENT BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Public Law 106-173, announces the appointment of Frank J. Williams, of Rhode Island, to the Abraham Lincoln Bicentennial Commission, effective August 24, 2000.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 106-40, TREATY DOCUMENT NO. 106-41, TREATY DOCUMENT NO. 106-42, TREATY DOCUMENT NO. 106-43, TREATY DOCUMENT NO. 106-44

Mr. DOMENICI. As in executive session, I ask unanimous consent that the Injunction of Secrecy be removed from the following treaties and protocols transmitted to the Senate on September 5, 2000, by the President of the United States:

Treaty with Costa Rica on Return of Vehicles and Aircraft (Treaty Document No. 106-40); Protocol Relating to the Madrid Agreement (Treaty Document 106-41); Investment Treaty with Lithuania (Treaty Document No. 106-42); Protocol Amending the 1950 Consular Convention with Ireland (Treaty Document No. 106-43); Treaty with Panama on the Return of Vehicles and Aircraft (Treaty Document No. 106-44).

I further ask consent that the treaties and protocols be considered as having been read the first time; that they be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's messages be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The messages of the President are as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the Government of the United States of America and the Government of the Republic of Costa Rica for the Return of Stolen, Embezzled, or Appropriated Vehicles and Aircraft, with Annexes and a related exchange of notes, signed at San Jose on July 2, 1999. I transmit also, for the information of the Senate, the report of the Department of State with respect to the Treaty.

The Treaty is one of a series of stolen vehicle treaties being negotiated by the United States in order to eliminate the difficulties faced by owners of vehicles that have been stolen and transported across international borders. Like several in this series, this Treaty also covers aircraft. When it enters into force, this Treaty will be an effective tool to facilitate the return of U.S. vehicles and aircraft that have been stolen, embezzled, or appropriated and taken to Costa Rica.

I recommend that the Senate give early and favorable consideration to the Treaty, with Annexes and a related exchange of notes, and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 5, 2000.*

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate to accession, the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks adopted at Madrid June 27, 1989, which entered into force December 1, 1995. Also transmitted for the information of the Senate are the report of the Department of State with respect to the Protocol and a February 2, 2000, letter from the Council of the European Union regarding voting within the Assembly established under the Protocol.

The Protocol will offer several major advantages to U.S. trademark owners. First, registration of trademarks internationally will be possible without obtaining a local agent and without filing an application in each Contracting Party. If the United States accedes to the Protocol, the Protocol will provide a trademark registration filing system that will permit a U.S. trademark owner to file for registration in any number of Contracting Parties by filing a single standardized application in English, and with a single payment in dollars, at the United States Patent and Trademark Office (PTO). The PTO will forward the application to the International Bureau of the World Intellectual Property Organization (respectively, the "International Bureau" and "WIPO"), which administers the Protocol. Second, under the Protocol, renewal of a trademark registration in each Contracting Party may be made by filing a single request with a single payment. These two advantages should make access to international protection of trademarks more readily available to both large and small U.S. businesses.

Third, the Protocol will facilitate the recording internationally of a change of ownership of a mark with a single filing. United States businesses experience difficulties effecting valid assignments of their marks internationally due to burdensome administrative requirements for recordation of an assignment in many countries. These difficulties can hinder the normal transfer of business assets. The Protocol will permit the holder of an international registration to record the assignment of a trademark in all designated Contracting Parties upon the filing of a single request with the International Bureau, accompanied by a single payment. To carry out the provisions of the Protocol, identical implementing legislation, which is supported by my Administration, was passed by the House of Representatives and introduced in the Senate.

Accession to the Protocol is in the best interests of the United States. Therefore, I recommend the Senate give early and favorable consideration to the Protocol and give its advice and consent to accession, subject to the declarations described in the accompanying report of the Department of State.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 5, 2000.*

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the Government of the United States of America and the Government of the Republic of Lithuania for the Encouragement and Reciprocal Protection of Investment, with Annex and Protocol, signed at Washington on January 14, 1998. I transmit also, for the information of the Senate, the report of the Department of State with respect to this Treaty.

The bilateral investment treaty (BIT) with Lithuania was the third such treaty signed between the United

States and a Baltic region country. The Treaty will protect U.S. investment and assist Lithuania in its efforts to develop its economy by creating conditions more favorable for U.S. private investment and thereby strengthening the development of its private sector.

The Treaty furthers the objectives of U.S. policy toward international and domestic investment. A specific tenet of U.S. policy, reflected in this Treaty, is that U.S. investment abroad and foreign investment in the United States should receive national treatment. Under this Treaty, the Parties also agree to customary international law standards for expropriation. The Treaty includes detailed provisions regarding the computation and payment of prompt, adequate, and effective compensation for expropriation; free transfer of funds related to investments; freedom of investments from specified performance requirements; fair, equitable, and most-favored-nation treatment; and the investor's freedom to choose to resolve disputes with the host government through international arbitration.

I recommend that the Senate consider this Treaty as soon as possible, and give its advice and consent to ratification of the Treaty at an early date.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *September 5, 2000.*

To the Senate of the United States:

I transmit herewith, for the Senate's advice and consent to ratification, the Protocol Amending the 1950 Consular Convention Between the United States of America and Ireland, signed at Washington on June 16, 1998. Also transmitted for the information of the Senate is the report of the Department of State with respect to the Protocol.

The Protocol expands the scope of tax exemption under the 1950 Consular Convention Between the United States of America and Ireland to provide for reciprocal exemption from all taxes, including Value Added Taxes (VAT) on goods and services for the official use of the mission or for the personal use of mission members and families. The amendment will provide financial benefit to the United States, both through direct savings on embassy purchases of goods and services as well as through lowering the cost of living for United States Government employees assigned to the U.S. Embassy in Dublin.

Because the Protocol will achieve long-term tax exemption on the purchase of goods and services for our embassy and personnel in Ireland, I recommend that the Senate give early and favorable consideration to the Protocol and give its advice and consent to ratification.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *September 5, 2000.*

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the Government of the United States of America and the Government of the Republic of Panama for the Return of Stolen, Robbed, or Converted Vehicles and Aircraft, with Annexes, signed at Panama on June 6, 2000, and a related exchange of notes of July 25, 2000. I transmit also, for the information of the Senate, the report of the Department of State with respect to the Treaty.

The Treaty is one of a series of stolen vehicle treaties being negotiated by the United States in order to eliminate the difficulties faced by owners of vehicles that have been stolen and transported across international borders. Like several in this series, this Treaty also covers aircraft. When it enters into force, it will be an effective tool to facilitate the return of U.S. vehicles and aircraft that have been stolen, robbed, or converted and taken to Panama.

I recommend that the Senate give early and favorable consideration to the Treaty, with Annexes and a related exchange of notes, and give its advice and consent to ratification.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *September 5, 2000.*

ORDER OF PROCEDURE—S. 1608

Mr. DOMENICI. Mr. President, I ask unanimous consent, with respect to the consent agreement relating to consideration of S. 1608, that time allowed for vitiation be extended to no later than 12 noon on Thursday, September 7.

The PRESIDING OFFICER. Without objection, it is so ordered.

REFERRAL OF H.R. 1102

Mr. DOMENICI. Mr. President, I ask unanimous consent that H.R. 1102 be referred to the Committee on Finance.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, SEPTEMBER 6, 2000

Mr. DOMENICI. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m., Wednesday, September 6. I further ask unanimous consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and that the Senate then resume debate on the motion to proceed to H.R. 4444, the China legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DOMENICI. Mr. President, when the Senate convenes at 9:30, postcloture debate on the motion to proceed to the China legislation will resume. It is hoped that an agreement can be reached to begin debate on the substance of the bill during tomorrow's session in an effort to complete action on that by the end of this week.

The Senate will also continue debate on the energy and water appropriations bill during tomorrow evening's session with amendments expected to be offered.

As a reminder, the Senate will consider the China trade bill and the energy and water appropriations bill on a dual track each day this week with votes expected throughout the week.

ORDER FOR ADJOURNMENT

Mr. DOMENICI. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order following the remarks of Senator REID of Nevada.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nevada is recognized.

ENERGY AND WATER APPROPRIATIONS ACT, 2002

Mr. REID. Mr. President, as always, I appreciate the hard work the chairman and his staff put into drafting this annual appropriations bill.

They have done an excellent job in pulling this bill together and I appreciate the cooperative manner with which he and his staff have worked with my staff. I also appreciate the consideration he has provided to the requests of all Members.

This subcommittee received over 1,000 requests from Members this year and majority and minority staff have combed through all of them.

As always, we are not able to accommodate as many of them as we would like, and, frankly, not even as many as we need to.

There are a great many things to like in this bill:

Solid funding for the programs to keep our nation's nuclear arsenal safe and secure.

Strong Army Corps and Bureau of Reclamation funding for work already underway.

First time funding for the Delta Regional Commission.

Also, for the first time in many years, the bill contains nearly full funding for the Solar and Renewable Energy programs.

I want to thank the Chairman of the Subcommittee, Mr. DOMENICI, for working with me to send some more resources to renewables.

We received a bipartisan letter, signed by 56 of our colleagues, requesting full funding for the Solar and Renewable accounts in this bill. I am delighted to report that we have come very close to doing so.

I believe that the Solar and Renewables programs are essential to our nation's long-term energy security and appreciate your consideration, Mr. Chairman.

As we have discussed, I am committed to producing a final energy and water conference report that is balanced and takes into account the wide variety of activities that we are called upon to fund.

Unfortunately, I do not believe that we can do justice to the non-defense side of our bill without additional resources.

There are also several controversial items, including no funding for CalFed, no funding for the removal of a uranium tailings pile on the shore of the Colorado River near Moab, and the inclusion of several policy riders that will all need to be resolved in conference, or possibly here on the floor.

Additionally, it is my understanding that the administration has issued a veto threat over several issues, including:

1. Language prohibiting the Secretary of Interior from allocating water from the Central Arizona Project; and

2. A provision that prohibits the Army Corps of Engineers from updating the Missouri River Operators Manual; this provision also involves the Endangered Species Act.

This second item will be the subject of a fairly extensive debate here on the floor between Senators DASCHLE and BAUCUS and Senator BOND and others.

I take the veto threat seriously and encourage other Members to do the same.

While I am not inclined to encourage Members to vote against this bill at this time, it is my hope and expectation that these matters can be worked out either here on the floor or in conference.

In short, the vote count on this bill today or whenever we vote should not be considered indicative of the way I or other Members will vote if the President vetoes this bill.

That said, given the unfortunate financial constraints that the subcommittee had to work with—which I will discuss in a moment—this is a good bill overall. I support it and encourage my colleagues to do the same.

My overall message is simple today: This subcommittee simply does not have the resources it needs to do the job that Congress, the administration, and the American people expect of us.

I am not pointing fingers or attempting to assign blame: I am simply stating a fact.

This is a very important appropriations bill, one where we are asked to pay for a broad array of programs critical to our nation's future. We fund:

The guardians of our nation's nuclear weapons stockpile.

Our nation's flood control and navigation systems, infrastructure that contributes to human safety and economic growth.

Long-term research, development, and deployment of solar and renewable technologies, programs critical to our nation's long-term energy security and environmental future and;

Science programs that are unlocking the human genome and other breakthroughs that help to keep the U.S. at the scientific forefront of the world.

All of these are areas that are critical to our nation's independence and security, yet, year after year, this subcommittee is called upon to gut one or more of these programs to pay for other energy and water programs, or spending in other subcommittees.

We cannot continue to do this. These activities are too important.

While most of these comments focus on our shortfalls on the non-defense side of our ledger, they hold true for the defense programs, as well.

The subcommittee allocation for non-defense activities of the Bureau of Reclamation, the Army Corps of Engineers, the Department of Energy and others is over $600 million below the President's request.

Such a huge funding shortfall has required the subcommittee to impose strict limits on the types of projects that can be funded this year.

For example, as Chairman DOMENICI mentioned, there are no new construction new starts for BOR or the Army Corps in this bill.

As you can imagine, it is difficult to tell my colleagues that a fully authorized water project, one that is completely ready to go, has no shot at a construction new start this year. Only on-going work—usually at a dollar level well below the President's request—and a handful of new studies.

This is no way to run a robust national program.

But this year's numbers really only tell part of the story. All of us know, we have good financial years and bad financial years around here. However, short-falls year in and year out in the water accounts of the Army Corps have now resulted in a backlog of $45—$50 billion in fully authorized projects that are awaiting the first dollar in funding.

This shortfall just takes into account the Corps' historic mission of navigation and flood control and does not take into account some of the new directions that Congress has pushed the Corps in recent years.

It is wrong to give short shrift to important components of our nation's critical infrastructure. Flood control protects human lives and property; navigation projects ensure that our nation's economic engine continues to hum.

I think it is important to take a few minutes to review our "critical water infrastructure" and what it means in real terms to this country.

Our Nation's water resources infrastructure, developed over the past two centuries, has improved the quality of our lives and provided a foundation for the economic growth and development of this country.

Water supply systems, water treatment systems, flood protection projects, and water transportation systems all contribute to our national prosperity.

Our current economic expansion can be directly traced, at least in part, to investment decisions made by our forebears in this body to develop the nation's water resources.

They had the forethought to make these tough investment decisions and fortunately they are still paying dividends today.

The water infrastructure provided by the Army Corps alone provides an annual rate of return of approximately 26 percent. The stream of benefits are realized as flood damages prevented, reduced transportation costs, electricity, recreation, and water supply services.

Navigable channels provide an efficient and economic corridor for moving more than 2 billion tons of the Nation's domestic and foreign commerce. The value of this commerce is in excess of $660 billion.

Total jobs generated are about $13 million and Federal taxes generated by this commerce is estimated at nearly $150 billion. For every dollar invested to improve navigation infrastructure, U.S. Gross Domestic Product rises more than $3 dollars.

About 660 million of the 2.2 billion tons of cargo are moved on the nation's inland waterway system. That equates to 440,000 barges.

To move this cargo by alternative means would require an additional 17.6 million trucks on our nation's highway system or an additional 5.8 million rail cars on the nation's rail system.

That is a considerable amount of traffic to add to these overburdened systems.

The Army Corps manages 383 major lakes and reservoirs for flood control and has 8500 miles of levees in place. The flood protection provided by these structures, on average, prevents $20 billion in damages per year. That is a saving of $6 for every dollar invested in flood control projects.

Thousands of cities, towns and industries rely on the roughly 9.5 million acre feet of water supply storage from 116 lakes and reservoirs in the U.S. built by the Army Corps.

Army Corps owned and operated hydroelectric power plants produce enough electricity to supply almost 5 million homes with power. That is 24 percent of the total U.S. hydropower capacity of 3 percent of total U.S. electric capacity. Additionally, these plants annually return over half a billion dollars to the Federal Treasury.

Coastal projects protect almost 500 miles of our nation's critical eroding shoreline.

Over 30 percent of the recreation and tourism occurring on Federal lands takes place on Army Corps water resource projects. These visitors spend $10 billion annually on these recreational pursuits resulting in over 600,000 full and part-time jobs.

In addition to the direct benefits provided by this water infrastructure, substantial secondary or indirect economic benefits are realized.

I am also very familiar with the great work that the Bureau of Reclamation does for the 17 Western states, including mine. Its facilities include: 348 reservoirs providing 245 million acre-feet of water storage for municipal, rural and industrial uses to over 31 million people in the Western states. Irrigation water to 1 in every 5 western farmers for about 10 million acres of irrigated land.

Additionally, the Bureau is the second largest producer of hydroelectric power generating 40 billion kilowatt hours of energy each year from 58 powerplants. Its facilities also provide substantial flood control, recreation, and fish and wildlife benefits.

The great urbanization of the west could not be accomplished without their management of scarce water resources.

Unfortunately, in recent years national investment has not kept pace with our level of economic and social expansion.

Public infrastructure investments including those for water resources infrastructure in 1960 amounted to 3.9 percent of the Gross Domestic Product.

Today the figure is more like 2.6 percent of the GDP.

That may not sound like much of a change, but let's look at the Army Corps during that period.

In the mid 1960s, the country was investing $4.5 billion annually in new water infrastructure, today it is less than $1.5 billion (measured in 1996 dollars).

Our water resources needs are no less today than they were 40 years ago. Yet we are investing one third as much.

One major impact of that reduction is the increasingly drawn out construction schedules forced by underfunding these projects.

These artificially lengthened schedules cause the loss of some $5 billion in annual benefits and increase the cost of these projects by some $500 million.

Failure to invest in maintenance, major rehabilitation, research and development, and new infrastructure has resulted in the gradual reduction in the value of our capital water resources stocks, and in turn the benefits we receive.

The value of the Army Corps' capital stock peaked in 1981 with a replacement value of $150 billion. Today its estimated value has decreased to $124 billion measured in 1995 dollars.

The Army Corps' estimates that their backlog for critical maintenance work is $400 million and is projected to grow by $100 million per year at current funding levels.

Our Nation's water infrastructure continues to perform as designed, but evidence of the need for reconstruction or modernization is becoming evident.

Some facilities have reached their capacity and some have reached the end of their design lives. New or shifting populations and growth have created unmet demands.

Finally, society's values are increasingly emphasizing sustainability and ecological considerations in water infrastructure management and development.

As you can see, I am one who firmly believes that investments in our nation's infrastructure more than pay for themselves through improved productivity and efficiency. To ignore these needs in the short term is going to cause us problems over the long haul.

Before I close today, I want to say some words of praise for the federal employees and contractors that populate the Departments, Agencies, and other organizations that are funded under this bill.

In the last year there has been a considerable amount of press and congressional attention surrounding issues such as security lapses at our National Labs and criticism of processes and procedures at the Army Corps.

From time to time we summons the political leadership of these organizations to the Hill to criticize, chide, or impress upon them the wisdom of our thinking. Often, it can be a pretty warm seat that we put them on.

None of that is to suggest that the Members of this body are anything other than respectful and proud of the hard work and accomplishments of our federal workforce, including contractors, lab employees, and others that make these important organizations run.

We expect a lot of you and, with very few exceptions, you live up to all of the expectations and demands that we impose on you. You serve your nation with distinction and we appreciate it.

I thank the Chairman, and the subcommittee staff for all of their hard work in getting us to this point. His team of Clay Sell, David Gwaltney, and LaShawnda Smith have been great to work with. On the minority staff, I want to say a word of thanks to Roger Cockrell, who is on detail from the Army Corps of Engineers office in Vicksburg, Mississippi, and Liz Blevins of the subcommittee staff.

NATIONAL IGNITION FACILITY FUNDING

Mr. REID. Mr. President, I rise in support of the Brownback amendment.

The National Ignition Facility has become a shining example of how not to build large national facilities.

When this project was first proposed by the Department of Energy several years ago, DOE sold this project to me and other Members as a cornerstone of our nation's science-based Stockpile Stewardship program.

Leaders from DOE and the Lawrence Livermore National Lab came to me at a time when many Members of the Senate, including Chairman DOMENICI, were somewhat skeptical that NIF was actually needed.

They assured me that NIF was absolutely vital to national security and that it would be brought in on time and within budget.

Based on that, I came to bat for NIF and convinced many of my colleagues to support it.

I regret it.

In my estimation, DOE lied to me.

They sold me a bill of goods and I am not happy about it.

It is now several years later and the project is hundreds of millions of dollars over budget and years behind schedule.

The administration has undertaken a re-baselining activity in the last year that they believe will put this project back on a glidepath to completion.

Our subcommittee has provided (temporarily) $74.5 million for the project. The administration wants another $135 million this year and hundreds of millions of dollars more on top of the original baseline per year over the next 7 years to get this thing done (3–5 years late).

That is what they say now. By the time we are actually done, it will be billions.

Enough is enough.

There is plenty of skepticism in the scientific and national security community as to whether we will ever be able to get the information we need to certify our stockpile from NIF.

I believe there are other, cheaper ways to get this job done and I think it is time to go back to the drawing board and find a new path forward.

I cannot tell you how angry I am that DOE and all of the national labs consistently do this sort of thing to Congress:

They overpromise and under-deliver at a vastly inflated price.

I say, enough is enough.

This is nothing personal against Livermore.

If the next big thing at Los Alamos or Sandia runs dramatically over-budget I will be down here again to express my outrage.

I have been a Member of Congress and the Senate too long to watch as administration after administration comes up here to whisper sweet nothings in my ear and then jack up the price a year or two later.

Let me clear about one thing: I have nothing but respect for the thousands of men and women who populate our nation's weapons labs.

The scientists of Lawrence Livermore, Sandia, and Los Alamos are amongst the most brilliant, dedicated, patriotic and creative people on Earth.

The contributions they have made to our nation's national security are too numerous to count.

In recent years, I have had two Fellows from Lawrence Livermore, Larry Ferderber and Bob Perret, serve in my personal office. They both did exceptional work for me, for Nevada, and for our nation. They both served me very well for many years.

It is a shame that the highest levels of leadership at DOE and at Livermore have not served their employees and the American people with equal distinction.

Mr. President, I yield the Floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I ask to speak for 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I thank Senator REID for his comments and his cooperation. We still have a few days to go. The picture presented with reference to the nondefense portion of this bill, in particular, is absolutely true. I cannot figure why the House and Senate in their overall scope of allocating money continue to underallocate for nondefense when Senators and House Members probably request more of us in the nondefense part of this bill than any bill, except perhaps the interior appropriations bill.

The Senator mentions 1,000 requests. Those have to do with projects or programs or activities for dams that are clearly within reason as things we should do. I am working hard and will continue to work hard to try to get additional allocation before we complete the conference. I hope we can. Obviously if we cannot, with what the House has appropriated this will be a bad overall result for the nondefense part of the Corps of Engineers and the Bureau of Reclamation.

Mr. REID. I hope we can get a bill that we can send to the President, recognizing that it is a bill that he will sign. I hope we can do that. We have a commitment from the chairman of the full committee, Senator STEVENS, that he will work with us. Knowing his tenacity, I am confident we will be able to come up with something that is appropriate.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 9:30 a.m., Wednesday, September 6, 2000.

Thereupon, the Senate, at 7:26 p.m., adjourned until Wednesday, September 6, 2000, at 9:30 a.m.

SENATE—*Wednesday, September 6, 2000*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, we commit this day to You. By Your grace, You have brought us to the beginning of another day. There is so much to do today: votes to cast, speeches to give, and loose ends to be tied. In the rush of things, it is so easy to live with flat "horizontalism," dependent only on our own strength and focused on what others can do for us or with us. Today, we lift up our eyes to behold Your glory, our hearts to be filled with Your love, joy, and peace, and our bodies to be replenished.

Fill the wells of our souls with Your strength and our intellects with fresh inspiration. We know that trying to work for You will wear us out, but allowing You to work through us will keep us fit and vital.

Now, here are our minds, enlighten them; here are our souls, empower them; here are our wills, quicken them; here are our bodies, infuse them with energy. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable WAYNE ALLARD, a Senator from the State of Colorado, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Senator from Colorado is recognized.

SCHEDULE

Mr. ALLARD. Mr. President, today the Senate will resume postcloture debate on the motion to proceed to the China PNTR legislation. It is hoped an agreement can be reached to begin debate on the substance of the bill during today's session of the Senate. The Senate will also continue debate on the energy and water appropriations bill during this evening's session. The Schumer amendment regarding an energy commission is the pending amendment.

By previous consent, during today's consideration of the energy and water appropriations bill, Senator DASCHLE, or his designee, will be recognized to offer a motion to strike the language relating to the Missouri River. There will be up to 3 hours of debate on the amendment prior to a vote in relation to the motion; therefore, votes could occur into the evening.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. ALLARD). Under the previous order, leadership time is reserved.

TO AUTHORIZE EXTENSION OF NONDISCRIMINATORY TREATMENT TO THE PEOPLE'S REPUBLIC OF CHINA—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate now resumes postcloture debate on H.R. 4444, which the clerk will report.

The assistant legislative clerk read as follows:

> A motion to proceed to the bill (H.R. 4444) to authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China, and to establish a framework for relations with the United States and the People's Republic of China.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I yield to my friend from Minnesota for purposes of making a unanimous consent request.

Mr. WELLSTONE. Mr. President, I ask unanimous consent I be allowed to follow the Senator from Montana in this debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Montana.

Mr. BAUCUS. Mr. President, as we begin the debate about whether to grant China Permanent Normal Trade Relations status, PNTR, we need to remind ourselves what the Senate vote is all about and what it is not about.

We are voting on whether American companies, American farmers, American workers, and American consumers will be able to take advantage of the new market opportunities afforded by changes that China will make over the next 5 years once it becomes a member of the World Trade Organization, the WTO. If we grant PNTR, China will have to give Americans all the benefits that we, and other WTO members, successfully negotiated after an arduous 13 years. If we fail to grant China PNTR status, then our Japanese and European competitors will be able to do business in China in ways that will be unavailable to us and at the expense of our exporters, our farmers, our manufacturers, our financial service companies, our Internet companies.

During the Senate debate this month, we will hear a lot about other issues, with Senators offering a plethora of amendments. The list will probably include human rights, worker rights, religious freedom, prison labor, Taiwan security, arms proliferation, and export of American jobs, among others.

Most, if not all, of these subjects are important. They should be of concern to the United States Senate, and to all Americans. A number of issues that go beyond the strict granting of PNTR to China, such as human rights, monitoring and enforcement of Chinese commitments at the WTO, promotion of the rule of law, and Taiwan's accession to the WTO, are included in the bill we are considering. Other issues, such as proliferation and Taiwan security, are best dealt with apart from this legislation.

I share many of the concerns that some of my Senate colleagues will express over the coming days. But we are not voting on whether China is our friend. We are not voting about whether China should be an ally of the United States. And we are not voting about whether China should be a democracy or not.

To repeat, we are voting about whether American workers, farmers, and businesses will benefit from a decade-long negotiation, or whether we will allow our competitors in Japan and Europe to benefit while Americans do not.

That said, there are also broader implications involved in the Senate vote on PNTR. Let me mention a few.

First, a rejection of PNTR will be seen by China as an American policy decision to isolate them, to impair their growth and development, and to prevent China from emerging as a great regional power. That is how they will see it. Our intention should be to incorporate China into the global trading system, to get them to follow the same rules that we all use in international trade, and to make them accountable to an international institution for their trade policies and trade actions. The more China is integrated into the global system, the more responsibly they will act. It is that simple.

Second, a rejection of PNTR will likely lead to an indefinite delay in Taiwan's accession to the WTO. On the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

other hand, passage of PNTR will result in Taiwan's accession. What will happen after both China and Taiwan accede to—that is, are members of—the WTO?

They will participate together, along with all other WTO members, in meetings ranging from detailed technical sessions to Ministerials. There will be countless opportunities for interaction. Under the WTO's most-favored-nation rule, they will have to provide each other the same benefits that they grant to other members.

Taiwan's current policy limiting direct transportation, communication, and investment with the mainland will likely be found to violate WTO rules. Both will be able to use the WTO dispute settlement mechanism against the other. And WTO-induced liberalization, in both Taiwan and the PRC, will increase and deepen ties between them in trade, investment, technology, transportation, information, communications, and travel. It will promote stability across the Taiwan Strait.

Third, consider Chinese behavior once it joins the WTO. We should not expect to see changes overnight: nobody does. Those people in business and government fighting to maintain their vested interests in the status quo will not disappear. The reformers will be strengthened, but they will still be under constant attack as the battle between the forces of reform and the forces of reaction continues. But it is certainly a vital interest of the United States to do everything we can to support those who favor reform over totalitarianism, to support those who favor private enterprise over state-owned enterprises, to support those who favor incorporating China into the global trading community over autarky.

We need to engage China to promote responsible behavior internally and externally, to encourage them to play by international rules, to integrate the Chinese economy into the market-driven, middle-class-participatory economies of the West. China's entry into the WTO will help anchor and sustain these economic reform efforts and empower economic reformers. China will not become a market-driven economy overnight, but it is in our interest that they move in this direction, and WTO will help.

I look forward to a vigorous debate in the best tradition of the Senate. I urge all my colleagues to support this PNTR legislation without amendments.

I yield the floor.

The PRESIDING OFFICER (Mr. L. CHAFEE). The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair.

Mr. President, I thank my colleague from Montana for his remarks. We are not in agreement on this question, but I have a tremendous amount of respect for his work in the Senate.

Let me, first of all, state at the beginning of this debate that it is commonly assumed the Senate is going to pass PNTR. For most, this is a foregone conclusion, but I think this is an extremely important debate and, as a matter of fact, one of the reasons I am very proud to be a Senator from Minnesota is that, unlike the House of Representatives where it was really difficult to have an extensive debate, we will have that debate in the Senate. I will have a number of amendments I will bring to the floor. They will be substantive. I think my colleagues will believe they are thoughtful, and we will have up-or-down votes.

I also echo the remarks of my colleague from Montana when he says we should be very clear about what this debate is about and what it is not about. This debate is not about whether or not we have trade with China. We do have trade with China. We will have trade with China. It is not about whether or not we communicate with China. We most definitely will. It is not about whether we isolate China. We are not going to do that. It is not about whether we should have an embargo of China, as we do with Cuba. That is not even on the radar screen.

Nobody is talking about any of that. The question before us is whether or not we in the Congress give up our right to have annual review of normal trade relations with China—we used to call it most-favored-nation status—whether or not we give up what has been our only leverage to promote noncommercial values—I emphasize that, I say to my colleagues—noncommercial values in our trading relationships, such as human rights, labor rights, and environmental protection. Do we put human rights, labor rights, environmental protection, religious rights, the right not to be persecuted for practicing one's religious beliefs or exercising one's religious beliefs in parentheses, of no interest or concern to us, or do we maintain some leverage as a country to speak out on this?

The larger question is not whether China is integrated into the world economy. China is a part of the world economy. The questions are: Under what terms will China be integrated? what will the rules be? who will decide those rules? who will benefit from these decisions? and who will be harmed by them?

The trade agreement negotiated by the United States and China last November and the PNTR legislation currently before the Senate provide very discouraging answers to these questions as to who will decide, who will benefit, and exactly who is going to be asked to sacrifice.

Our bilateral agreement contains page after page of protections for U.S. investors. It is a virtual wish list for multinational corporations operating in China and for those who wish to relocate their production there, but it contains not a word about human rights, nothing about religious freedom, nothing on labor rights, and nothing on the environment.

It has been said that the United States could not demand such things because we have conceded nothing in our deal with China. That is far from the truth. With PNTR, the United States gives up our annual review of China most-favored-nation trading privileges, as well as our bilateral trade remedies.

MFN review has not been used as effectively as it should be, I grant that, but it is about the only leverage we have left to speak up for human rights, and when we as a nation do not speak up for human rights in other countries, we diminish ourselves. Just ask Wei Jingsheng, who I hope will receive the Nobel Prize for his courageous speaking out for democracy in China. Ask him the difference it made when every year normal trade relations with China came up for review here while he was in prison. The treatment was better. The Government was worried about what we would do. Now we give up that leverage.

It is also true that our bilateral trade remedies have not been used as effectively as they should, but section 301 remains our only explicit remedy against China's violation of core labor standards.

The United States right now absorbs 40 percent of China's exports. The argument that we could not have done better by way of some concessions on these basic issues falls on its face. In exchange for the concessions we have made to China, could we not have at least exacted some concessions with regard to human rights? We did not. Yet this year's annual report by the State Department says China's human rights performance continued to worsen in 1999.

Today in the New York Times there is another State Department report which we called for, we required, on the whole question of religious freedom or lack of religious freedom. I quote from just the first two paragraphs of today's New York Times:

> As more and more Chinese seek to practice faiths including Tibetan Buddhism, Christianity and Islam, government officials have increasingly responded with harassment, extortion, detention, and even torture, the State Department said today.
>
> As a result, a "marked deterioration" in religious freedom has occurred in China during the last year, enabled by a new law granting state and local officials broad authority to suppress 14 minority religions, including the Falun Gong movement, the State Department said in its second annual report on religious freedom around the world.

We have had more relations, more trade, and this vote is coming up this year, and when it comes to the question of whether people can exercise the right to practice their own religion, there is more persecution.

I will have an amendment that will deal with the whole question of religious freedom. It will mirror the conclusions of a commission we set up to look at religious freedom throughout the world, to look at religious freedom in China, a commission which recommended to the Congress that we not grant automatic trade relations with China unless the Chinese Government meets essential minimum decency requirements when it comes to not persecuting people because of their religious practice.

According to the State Department's report:

> The government's poor human rights record deteriorated markedly throughout the year as the government intensified efforts to suppress dissent, particularly organized dissent. Abuses included instances of extrajudicial killings, torture, mistreatment of prisoners, and denial of due process.

We are talking about hundreds, maybe thousands, of people in China sentenced to long prison terms where they have been beaten, tortured, and denied medical care.

According to Amnesty International, throughout China, mass summary executions continue to be carried out. At least 6,000 death sentences and 3,500 executions were officially recorded last year. The real figures are believed to be much higher. Nor did we obtain any concessions on religious freedom in our negotiations with China. Scores of Roman Catholics and Protestants—I speak as a Jew—have been arrested. A crackdown on Tibet was carried out during the "strike hard" campaign. Authorities ordered the closure of monasteries in Tibet and banned the Dalai Lama's image. At one monastery which was closed, over 90 monks and novices were detained or "disappeared." That is why the U.S. Commission on International Religious Freedom recommended delaying PNTR until China makes "substantial improvement in allowing people the freedom to worship." I say to my colleagues, do you just want to turn your gaze away from this question?

We obtained no concessions from China on complying with their existing commitments on forced prison labor which they have not lived up to. Harry Wu, a man of extraordinary courage and character, has documented China's extensive forced labor system. His research has identified more than 1,100 labor camps across China, many of which produce products for export to dozens of countries around the world, including the United States.

We demanded no concessions from the Chinese on their persecution of labor organizers. If you try to form an independent union, if you should want to make more than 3 cents an hour, or 14 cents an hour, if you should not want to work 16 and 18 hours a day, if you should want to be treated with some dignity, and you try to organize a union, then you are faced with 3 to 8 years in a hard labor camp. We pay no attention to this question at all. I say to Senators, Democrats and Republicans alike.

Absent any minimum standards for human rights, for labor, or for the environment, the most likely scenario is for China to become an export platform, attracting foreign manufacturers, with lax regulations, and wages as low as 3 cents an hour.

Unfortunately, many of the concessions that we chose to demand from China will only make it easier for the United States, for multinational corporations to relocate there, paying people 10 cents an hour, 3 cents an hour, 13 cents an hour—I am going to give examples in my opening statement in just a few minutes—in competition with American workers and ordinary people in our country, who, by the way, if they oppose our trade agreements, are accused of being backward, are accused of not being sophisticated, are accused of not understanding this new global economy in which we live.

Please forgive ordinary citizens and wage earners for their skepticism that without some basic standards, what you are going to see is China becoming a magnet for more and more companies to go there and pay people deplorable wages, with deplorable working conditions, while we lose our jobs.

I believe the time has come for a different approach in negotiating our trade agreements and for reforming the rules of the global economy. I want to make it very clear at the beginning of my opening statement, I say to my colleagues, I am an internationalist. I am a fierce internationalist. I am the son of a Jewish immigrant who fled persecution from the Ukraine, who was born in the Ukraine, and then lived in Russia, who spoke 10 languages fluently. I am not an isolationist.

But I will say today on the floor of the Senate that we should be looking forward, and we should be looking to how we participate in this new global economy, and how we can have some rules, some edifice, some kind of framework so this new global economy works for working people and the environment and human rights. Too many of my colleagues want to put all of these concerns in parenthesis.

I think we need to be clear about what is at stake. My colleague from Montana, Senator BAUCUS, said that as well. That is why so many people in this country are concerned about passage of this legislation.

The PNTR is being sold as an agreement to increase U.S. exports. I have heard this said a million times: If we pass PNTR, we will dramatically increase U.S. exports to China, and it will be a win-win—a win-win for agriculture, a win-win for business, a win-win for labor.

This legislation and trade deal with China is much more about investment than it is about exports. It is much more about making it easier for U.S. firms to relocate jobs in China than it is about exports.

First of all, the argument that this debate is all about exports and reducing our trade deficit falls on its face. I say to my colleagues, last August the U.S. International Trade Commission, the ITC, completed a study on the effects of the China deal on our trade balance. The ITC found that the China deal will increase our trade deficit with China, not lower it.

Second of all, it is not at all true that we need PNTR to be able to have trade with China. China is already obligated, under the 1979 bilateral trade agreement, according to our own General Accounting Office, the GAO, to give us all of the benefits by way of tariff reductions that it gives any of the other WTO countries. Even the administration concedes this point.

Third of all, PNTR will lead to more imports from China by encouraging multinationals to invest in China manufacturing to export to the U.S. market. That is what this is all about. Big companies could go to China—I will give many examples—they would not have to worry any longer about annual reviews, about normal trade relations. They could go there.

People can't organize a union. They are thrown in prison. There is no respect for human rights. There is no respect for people to practice their religion. As a result, they could go there and pay people deplorable wages, under deplorable conditions, and then export back to our country.

Let me just be real clear about it. Before the House vote on PNTR—and I hope colleagues will listen—few noticed that the ITC had predicted that the trade deal with China would significantly increase investment of multinational corporations in China. But after the House vote, the New York Times, the Washington Post, and the Wall Street Journal all carried articles laying out what this legislation is really about.

Now, as it is in the Senate, and we have the benefit of a little bit more wisdom and knowledge, let me just quote, first of all, an article entitled, "Playing the China Card," from the New York Times:

> Although the Clinton Administration often listed exports as the headline benefit of broadening trade with China, the real advantage for U.S. companies is probably enhanced rights of investment and ownership there. . . . Most companies try to crack the difficult China market by setting up local operations, often using those plants as export production bases as well.

Here is what the Wall Street Journal had to say the day after PNTR passed the House in an article entitled, "House Vote Primes U.S. Firms to Boost Investments in China":

> While the debate in Washington focused mainly on the probable lift for U.S. exports

> to China, many U.S. multinationals have something different in mind. "This deal is about investment, not exports," says Joseph Quinlan, an economist with Morgan Stanley Dean Witter & Co. . . .
>
> In the tense weeks leading up to last night's vote, business lobbyists emphasized the beneficial effect the agreement would have on U.S. exports to China. They played down its likely impact on investment, leery of sounding supportive of labor union arguments that the deal would prompt companies to move U.S. production to China. But many businessmen concede that investment in China is the prize. . . .

Then finally, after the House vote, the U.S. Business and Industrial Council surveyed the web sites of dozens of U.S. multinationals who have been lobbying for PNTR, and they reached similar conclusions:

> In contrast to the focus in their congressional lobbying and their advertisements, American multinationals say almost nothing about exports when they describe their China business on their web sites. There, the overwhelming emphasis is on supplying the China market—and often other markets, like the U.S. market—from factories they build or acquire or work with in China. . . .

Mr. President, this should come as no surprise to colleagues. According to the Economic Policy Institute, U.S. investment in Chinese manufacturing—I am talking about before this vote—shot up from $123 million in 1988 to $4 billion in 1998.

The number of U.S. affiliates manufacturing in China rose from 64 in 1989 to 350 in 1997, and the value of their sales rose from $121 million in 1989 to $8 billion in 1997. That is before we pass normal trade relations with China. U.S. agribusiness conglomerates that have been promoting U.S. exports to China as much as anyone are also investing in production facilities there in China. As the Wall Street Journal noted the day after the House vote:

> Even agriculture companies are getting in on the act. Poultry giant Purdue Farms, Inc. is ratcheting up its investment in China with a joint venture for a processing plant and hatchery near Shanghai.

Purdue isn't the only one. Cargill operates a fertilizer blending plant and a malt plant and two feed mills in different areas of China and boasted in a press release last year that it is a "major exporter of Chinese corn and steel."

I urge farmers in Minnesota to listen to that. Cargill says: We set up operations in China; we are a major exporter of corn. Steel workers in the Iron Range, listen to that. They don't have to worry about environmental rules and regulations. They don't have to worry about fair labor standards. They don't have to worry about human rights standards that the Chinese Government will impose. They can produce corn well below the cost of production of corn growers in Minnesota, and they themselves brag about the fact that they are a major exporter of Chinese corn.

Cargill, Archer-Daniels-Midland, and ConAgra, which have operated in China for years, lobbied hard for a provision in the China trade deal that will let them set up distribution networks that can be used for exports as well as imports. And John Deere has a joint venture with one of China's state-owned companies that sells tractors.

If we look at our trade deficit with China, it tells the story. Our trade deficit with China rose 256 percent from 1992 to 1999. Imports from China more than tripled in real terms, while exports grew only 69 percent. Our trade deficit with China jumped $11 billion last year to $68 billion. In 1999, we had a 6-to-1 ratio of imports to exports.

We do trade with China. There is a huge trade imbalance. And as U.S. investment in China goes up, that is what is going to happen. As our trade deficit gets worse, China is developing into an export platform for foreign firms that seek the world's cheapest labor and access to the world's largest consumer market—not China but ours. People in China are, by and large, very poor. The market is not China. The market is in this country. The U.S. today absorbs about 40 percent of China's exports, and about 40 percent of China's exports, more than $200 billion in 1998, came from multinational firms operating in China.

If this debate is really about investment and not exports, then the question is, Why are so many U.S. corporations so eager to invest in China? The answer that many of these corporations will give is that they want access to China's huge internal market. But as we have seen, most of the production they are investing in is for export to the United States and other foreign markets. There is a good reason for that. This was the same argument made about NAFTA—we want to have this market in Mexico. But the problem is, the wages are so low in these countries, the poverty is so great, we don't have the market.

So why are U.S. corporations so interested in relocating production in China? Why are they so interested that we no longer reserve for ourselves the right to annually review normal trade relations with China? The most important reason is they are interested in low cost, and that is a euphemism. What I really mean to say is, they are interested in low wages and the repression of worker rights. That is what is so attractive about investment in China.

The year 1994 is the last data we have. I am trying to bring to the floor of the Senate in this debate as much empirical data as I can. Chinese production workers who worked in the factories of the U.S. multinationals earned on average of 83 cents an hour. That is the last year for which the data is available. By way of comparison, the average manufacturing worker today in our country makes $16.87.

The State Department human rights report last year confirms the appalling state of labor rights in China. I will quote a few sections.

> Independent trade unions are illegal. . . The government has not approved the establishment of any independent unions to date.
>
> The government continues its effort to stamp out union activity, including through detention or arrest of labor activists.

The State Department then goes on to list a number of labor activists who have been imprisoned because they did nothing more than demand the right to be able to form a union so they could bargain collectively and get better wages. They are in prison, and we pay no attention to that.

I cite a recent report by the National Labor Committee which should dispel any doubts whether there are irresponsible U.S. corporations taking advantage of these appalling labor conditions. By the way, there are responsible U.S. corporations as well. However, the shame of it is, without any kind of standards, it is what the irresponsible U.S. corporations get away with.

The conclusion of the NLC:

> Recent in-depth investigations of 16 factories in China producing car-stereos, brakes, shoes, sneakers, clothing, TVs, hats, and bags for some of the largest U.S. companies clearly demonstrate that [these corporations] and their contractors in China continue to systematically violate the most fundamental human and worker rights while paying below subsistence wages. The U.S. companies and their contractors operate with impunity in China, often in collaboration with repressive and corrupt local government authorities.

NLC investigators found brand name—Kathie Lee/Wal-Mart—handbags being made in a factory "where 1,000 workers were held under conditions of indentured servitude, forced to work 12 to 14 hours a day, seven days a week, with only one day off a month, while earning an average of 3 cents an hour."

I hope my colleagues are not going to vote against an amendment that I am going to bring to the floor that is going to deal with basic human rights and another amendment I will bring to the floor dealing with the problem of religious persecution.

Continuing from the NLC report:

> However, after months of work, 46 percent of the workers surveyed earned nothing at all—

They didn't even make 3 cents an hour.

> In fact, they owed money to the company. The workers were allowed out of the factory for just an hour and a half a day. The workers were fed two dismal meals a day and housed 16 people to one small, crammed dorm room. Many of the workers did not even have enough money to pay for bus fare to leave the factory to look for other work. When the workers protested being forced to work from 7:30 a.m. to 11:00 p.m. seven days a week, for literally pennies an hour, 800 workers were fired.

Do Members not think in this trade agreement we might not want to have some conditions calling on the Chinese Government to live up to basic standards of decency?

One factory producing brand name sneakers for the U.S. market hires only females between the ages of 18 and 25—another U.S. company in China.

> The base wage at the factory is 18 cents an hour, and workers need permission to leave the factory grounds. Factory and dorms—where 20 women share one small dorm room, sleeping on triple-level bunk beds—are locked down at 9:00 p.m. every night. When workers in the polishing section could no longer stand the grueling overtime hours and low pay and went on strike, they were all fired. Factory management then lectured the remaining workers that they would not tolerate unions, strikes, bad behavior, or the raising of grievances.

I will have an amendment that will say we should condition automatic normal trade relations with China on their living up to the basic standard that people should be able to form an independent union if that is what they believe they should do without being imprisoned.

At a plant making brand name—Nike—clothing for American consumers, young workers worked from 7:30 a.m. to 10:30 p.m., 7 days a week. They made 22 cents an hour. Wal-Mart, by the way, is in China. I think they are paying 14 cents an hour. And another factory manufacturing for export to the U.S. market does not hire anyone older than 25; workers are paid 20 cents an hour and work 11- to 12-hour shifts.

I have no doubt that some of our companies—I hope many—want to be responsible employers. But when we don't have any standards and we sign onto trade agreements without any standards whatsoever, we create economic incentives that push in the wrong direction, where the companies wanting to do well by workers are at a competitive disadvantage and it becomes a race to the bottom.

In our country—I am proud to say as a former college teacher—among young people is the best organizing of justice, idealism, and activism I have seen in many years. But how can you support the anti-sweatshop campaign, denounce the rapid proliferation of sweatshops all over the world, and denounce the resurgence of sweatshops here in the U.S. and then turn around and promote unregulated investment in China without any conditions whatsoever?

I simply say that I seriously question, on the basis of some pretty solid empirical evidence, whether this China deal is going to lift living standards overseas to our levels or whether this China deal and some of our other trade policy is going to lower living standards down to theirs. It is not very hard to figure out what this deal is about. It is going to encourage more investment in China under the conditions I have described.

I wish to give two case studies. On July 7, the New York Times ran a story about Zebco Corporation, world-famous makers of fishing reel, which moved most of its production to China in June. Most of Zebco's 240 workers will eventually lose their jobs. They said:

> With most of Zebco's competitors having already set up fishing tackle plants in China, allowing them to undercut Zebco's prices at Wal-Marts everywhere, Zebco began a year ago to explore the possibility of moving its own lines to China. The company found that it could commission Chinese factories to produce and deliver reels to the United States for one-third less than it could make them at home, company officials said.
>
> As assembly-line factory jobs go, Zebco offers ordinary pay but solid benefits, including Christmas gifts of stock certificates. Workers returned the loyalty. Turnover was low.

This is what it was all about.

> Then, earlier this year, the company pushed assembly-line workers to raise their output by at least 10 percent a month, and China became a cattle prod.

That is in the New York Times piece.

> Still, the shop floor fell into stunned silence one Monday afternoon when the president of the company read a brief statement as first-shift workers finished their day. Zebco was moving some production to China. Many of those listening would lose their jobs. Zebco reels no longer commanded an "adequate profit," the statement said.
>
> Many leading United States companies are like Zebco. They face competitive pressure to save money by producing in China—often exporting back to the United States—rather than making goods here to sell in China.

The workers as Zebco are not alone. Warren Davis is a courageous, outspoken United Auto Workers leader. He is their regional director for Ohio and Pennsylvania. In a recent letter, he told me about 90 workers at a plant he represents who are all going to lose their jobs because of the conditions that I have described. He writes:

> Nestaway Corporation has been under contract with the Rubbermaid Corporation of Wooster, Ohio. It is losing its critical contract because Rubbermaid claims it can no longer afford to buy Nestaway's sink strainers. . . .
>
> The victims are the workers at Nestaway Corporation in Garfield Heights, Ohio. They are mainly single parents with poor prospects for finding any other job that pay a wage comparable to the $9 an hour they had been paid. . . .

Basically, it is the same thing. They can't compete. I continue to quote from him:

> My question to you is, for whom does the bell toll? Because this is not just about the jobs of Region 2 members of the United Auto Workers. This is about all of American manufacturing. And it is about the debate in the Senate.

The stories of workers at Zebco and Nestaway tell a larger story. We have an exploding trade deficit with China, and it is only going to get worse because without any kind of conditions, without any kind of human rights standards, without any kind of fair labor standards, without any kind of minimal standards for human rights, what we are going to see is more and more companies not exporting but investing in China, going to China, paying low wages. This becomes the export platform, and then the products are exported back to our country. According to the EPI, our exploding trade deficit with China cost over 683,000 jobs between 1992 and 1999. This trade deal with China will cost even more—over 870,000 jobs, just looking into the immediate future.

Well, let me now make two final points in my opening statement. It is commonly argued that everybody benefits, that it is exports, and I have tried to take that on. We get the arguments of the trade agreement, and I have tried to take that on. It is argued that, in fact, this is a policy that will help people in China. I have tried to take that argument on. Let me simply talk about the inequality in our country. Even free trade economists have now concluded that existing trade policy is the single largest cause of growing inequality since 1979. We have a booming economy, but we have the widest gap between the rich and the poor of any industrialized nation in the world. Inequality, both within countries and between countries, has dramatically increased.

When we went through the debate on NAFTA, the argument was there will be winners and losers, but we will be better off as a country, and we certainly will be there to compensate the losers: we will have job training and education programs and all of the rest. But do you know what? That was fine sentiment expressed on the floor of the Senate, but after NAFTA was passed and we lost hundreds of thousands of jobs, support for the training and assistance suddenly dried up. All of the Senators and all of the Representatives who I hear say, "Yes, there will be losers and we are certainly going to have to do better"—I would like to hear those Senators and Representatives talk about health security for people in this country, affordable child care, good education for their children, increasing the minimum wage. But quite often you find just the opposite.

I wish to talk about an amendment I am going to bring to the floor of the Senate, which I think is terribly important. Part of what is going on, unfortunately, with our trade policy—and given the size of China, this will sharply widen the inequality. This will exacerbate this, I think, most serious question of all.

The message is, if you organize, we are gone: we will go to these other countries. The message is that if you want to work for more than 3 cents an hour, you don't get our investment.

But if this is all about workers, and if this is all about coming through for working people in our country—making sure that the jobs we have in our country are good jobs, and there are decent health care benefits for people, and they can support their families—I think we will have to look at the very strong correlation between unionization and good jobs and good working benefits—and that is a well established correlation—and, therefore, the need to give people the right to organize.

Right now in the country during an organizing drive, in 91 percent of the cases employers require employees to listen to the companies but deny the employees any opportunity to listen to both sides. I am going to introduce a right-to-organize amendment. That should no longer be the case. Employees should be allowed to hear from both sides.

In 31 percent of all the organizing campaigns, employers illegally fire union sympathizers with virtual impunity. Ten thousand workers are fired illegally every year. It is profitable to do so. In this amendment, I say if a company breaks the law and illegally fires that worker, that company is going to be faced with stiff financial penalties.

In one-third of the cases, even after the employees say they want to join a union so they can make better wages, the companies refuse to negotiate. This amendment will call, therefore, for mediation to be followed by binding arbitration.

I hope my colleagues will support this right-to-organize amendment.

I think the way our country is going is that people and families are more concerned about the right to be able to organize and bargain collectively, earn a decent living, and support their families.

I say especially to the Democrats that you ought to support this amendment. You ought to support this amendment because this is all about the basic right of people to be able to organize and to do better for themselves and their families. This is all about being on the side of working people. Do I not hear that the Democratic Party is on the side of working people? I have an amendment that will give Democrats, and I hope Republicans, an opportunity to be on the side of working people.

In conclusion, we have a choice. I think the choice is really clear. We are in a global economy. We are in an international economy. The question is, Are there going to be any new rules?

We live in a democracy. My father taught me more than anything else to love my country, and I love my country because we live in a democracy. I get to speak on the floor of the Senate. Citizens get to speak up. We have a voice.

On the one hand, we have the current model of a business trade policy designed to serve mainly the interests of multinational corporations, Wall Street financial institutions, and global business conglomerates. This is the model of globalization that has generated such outrage and certainly skepticism on the part of most ordinary citizens in the country. Good for them.

I think there is a 2-to-1 margin—as I remember the recent polling data—of people who say they don't believe these trading agreements are going to lead to good job prospects but are going to more likely take away good jobs for Americans.

Just think about it for a moment. We passed not too long ago the CBI initiative. That is all about, as my colleague said, helping poor working people in the Caribbean countries. How do you help poor working people in the Caribbean countries where they don't even have the right to work? They can't join a union. The Caribbean countries with the fastest growing exports have experienced—are you ready for this?—the steepest decline in wages.

So often I hear from my colleagues: Well, Paul, we know you support working people but do not seem to be supporting the poor in these developing nations. I say to my colleagues that every time I go to a trade conference, I look for the poor. I never see the poor at these trade conferences. I see the elites from these countries. I don't see the poor represented.

In any case, with the Caribbean countries, let me cite one very interesting correlation. Those countries with the fastest growing exports and that have the lowest wages have seen the steepest decline in wages.

The question is, Who benefits from expanding trade benefits without any enforceable labor standards? Who benefits from trade and investment policies that discourage rather than encourage the right to organize? Not American workers; not workers in the other countries; not the poor in other countries. This is not win-win; this is lose-lose.

I will not cite a lot of statistics about the global economy, but for a moment I want to cite a few to point out to colleagues that many foreign countries have not fared so well under this "Washington consensus trade and investment policy" of recent decades.

More than 80 countries have per capita income lower than they did in 1970, lower in 1999 than in 1978 by 200 million poor people living in abject poverty.

Only 33 countries have achieved and sustained 3-percent growth between 1980 and 1996, and in 59 countries the per capita GNP actually declined.

The number of poor continues to grow throughout the world.

There are 100 million people in industrialized countries living below the poverty line, and 35 million of them are unemployed.

There are 1.3 billion people in the developing world earning less than $1 per day and who have no access to clean water for themselves or their children.

You are coming out here on the floor of the Senate and trying to argue that trade policy has been a great benefit for the poor in the world. I don't think the empirical data support that.

Let me conclude where I started.

I am an internationalist. I hear all this discussion about how this debate and this vote is all about whether or not you believe we live and work in a global economy. I take seriously those words that we live and work in a global economy. It certainly is true. But may I point out to my colleagues the implications of this point of view.

If we live in a global economy and if we are truly concerned about human rights, then we can no longer concern ourselves only with human rights at home.

If we live in a global economy and we truly care about religious freedom, then we can no longer concern ourselves only with religious freedom at home.

If we live in a global economy and work in a global economy and we care about the rights of workers to organize and bargain collectively and earn a better standard of living for themselves and their children, then we can no longer concern ourselves with labor rates only at home.

If we truly care about the environment and we live in a global economy, then we can no longer concern ourselves with environmental protection only at home.

Raising living standards is not only the right thing to do, it is necessary if we are to maintain our own living standard. We need to ensure that prosperity is shared more broadly so that the world economy is stabilized and that healthy and sustainable products are created for our exporters. When people make 3 cents an hour and are poor, they cannot buy what we produce in our country.

I am proud to associate myself with those who have been engaged in human rights work. I think I care more about human rights issues than almost any other set of issues in my family background. They have understood a basic truth; it is this: That Americans can never be indifferent to the circumstances of exploited and abused people in the far reaches of the globe. When the most basic human rights and freedoms of others are infringed upon or endangered, we are diminished by our failure to speak out for human rights.

When we embrace the cause of human rights, we reaffirm one of the greatest traditions of American democracy, but we are not embracing the cause of human rights with this trade bill.

There is another truth, and it is reaching a larger and larger public. The well-being of our families, the well-being of ordinary wage earners in the United States of America, depends to a considerable degree on the welfare of people who we have never met, people who live halfway across the planet. Our fates are intertwined.

Some of my colleagues say the global markets will take care of themselves; they cannot be tamed; there is nothing we should do; this is laissez faire economics at its best.

I point my colleagues to the lessons of our own economic history. As we debate this piece of legislation on the floor of the Senate—and I will have an amendment that will deal with religious freedom, an amendment that deals with human rights; I will have an amendment that deals with exports from China from forced prison labor; I will have an amendment that deals with a right to organize in China; and I will have an amendment that deals with the right to organize in our own country—let Members for a moment think about this debate in an historic context. I heard my colleague, Senator BAUCUS, for whom I have great respect, say this is a very important debate. Senator MOYNIHAN, who will retire—and the Senate and our country will miss him—believes this is one of the most important votes we will cast. I agree. I think this is one of the most important debates that has taken place in the Senate.

I deal with a sense of history. One-hundred years ago, our country moved from an economy of local economic units to an industrialized economy. It was a wrenching economic transformation, a major seismic change in our economy. We were moving toward a national, industrialized economy 100 years ago, at the beginning of the last century.

As that happened, there was a coalition—some of them were evangelical, some were populist, some were farmers, some were women, some were working people—that made a set of demands. The farmers said: We want antitrust action because these big conglomerates are pushing us off the land or they were exploiting the consumers. They want a 40-hour workweek. We want the right to organize. We want some protections against exploiting children, child labor. Women said: We want the right to vote. We want direct election of the U.S. Senators. They made those demands, and nobody thought they had a chance.

The Pinkertons killed anyone trying to organize a union. All too often that happened. The media was hostile to this set of demands, by and large. Journalists followed this debate. I am not bashing all journalists, but in general the media was not supportive. And believe it or not, money probably dominated politics even more than it does today.

However, those women and men felt, as citizens of a democracy, they had the right to demand for themselves and their families all they thought was right and all they had the courage to demand. They didn't win everything, but a lot of their demands became the law of the land and their collective efforts made our country better. Their efforts amounted to an effort to civilize a new national economy.

So it is today, 100 years later. These amendments I will bring to the floor of the Senate reflect an effort on the part of people in the United States of America and others throughout the world to say, yes, we live in a new global economy, but just as 100 years ago men and women organized and had the courage to make that new national economy work for them, we make a set of demands. We bring a set of issues before the Senate. We call for votes on amendments which basically say that we need to make sure that this new global economy works for working people, works for family farmers, works for the environment, works for human rights.

Mr. President, we want to make sure we can civilize this new global economy so that it works for most of the people.

I ask unanimous consent that the next two Democratic speakers be Senator DORGAN and Senator TORRICELLI, and that Senator TORRICELLI's statement be considered a morning business statement, after Senator GORTON speaks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Washington.

Mr. GORTON. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIORITIES

Mr. GORTON. Mr. President, after a refreshing though strenuous August recess, we are now in the home stretch not only of this session of Congress but of this Congress.

The previous speaker discussed one of the great national and international priorities, normal trade relations with China on a permanent basis. I have several other priorities, both national and regional, that I will discuss, each of which I think is vitally important for the successful conclusion of this Congress of the United States.

At the very top of my list is pipeline safety. More than a year ago, a tragic accident in Bellingham, WA, occurred with a liquid pipeline. A huge explosion snuffed out the lives of three bright young people and destroyed a magnificent and beautiful park. Ever since the date of that accident, my colleague from the State of Washington and I have focused a great deal of attention on the renewal and the strengthening of the Pipeline Safety Act and of the Office of Pipeline Safety, designed to enforce its restrictions.

We have succeeded in passing a relatively strong Pipeline Act reauthorization through the Senate Commerce Committee with certain objections, with a number of amendments that were seriously contested and closely divided in that committee. We have now worked diligently with all concerned and I believe we are on the verge of a bill that can come before this Senate and can be passed enthusiastically, and I believe unanimously, by the Senate of the United States. It is imperative that we do so quite promptly because while the House has begun to focus attention on the issue, time is very short before the end of this Congress to actually accomplish the goals we seek in increasing pipeline safety.

A dramatic and equally tragic incident during the course of the last month with a national gas pipeline in New Mexico has illustrated most regrettably, once again, the essential nature of our improving pipeline safety standards all across the United States. I am focused particularly on giving a more significant voice in pipeline safety matters to the people who live in the vicinity of these pipelines and whose lives regrettably seem to be very much at risk with respect to either negligence or oversight on the part of those who own and operate these pipelines.

Pipelines, both for natural gas and for the transmission of liquid petroleum products, are a vitally important part of our economy. In some respects, they are safer than other forms of transportation for these commodities. However, accidents are all too frequent, and all too frequently those accidents are devastating and fatal in nature.

The importance of passing this legislation cannot be overemphasized. I am highly optimistic on this subject. I had an extensive discussion last evening with the majority leader and have his encouragement. I believe in the course of the next few days we will be able to take up this bill.

Regrettably, on another high national priority, I find myself frustrated that we have not made a sufficient degree of progress. A number of days, over a period of weeks and months, have been devoted in this body to a debate on education policy and a renewal of the Elementary and Secondary Education Act. For all practical purposes, that bill is being frustrated by extended discussion, led by the unalterable opposition to providing more trust and confidence in our local school authorities on the part of the Democratic leadership and the senior Senator from Massachusetts.

An integral part of the bill, which is still before this body and which has majority support, is Straight A's. Straight A's gives State school authorities several options: One, to continue under the present system. Two, for a dozen or so States to combine a dozen or more present categorical aid programs into one system that comes to the State, is passed through with at least 95 percent of the money to individual school districts on one undertaking and one undertaking only, and that undertaking is that each State that would get this authority will sign a contract pursuant to which there will be an improvement in the skills of the students over a 5-year period; that is to say, by any objective measure that the State uses, our kids will be better educated.

It is a dramatic change. It is a change from process accountability, the form of accountability we have at the present time—that is to say: Did you fill out the forms correctly?—to results accountability: Are our children better educated? I am convinced and a majority of this body is convinced that by providing more trust and confidence in parents and teachers and principals and school board members—the people who know our children's names—that the students' education will improve. There is still time to pass such a bill. I regret the opposition even to a test, optional to each State, is so great it seems unlikely that this vitally important education reform will be passed.

Just last week I spoke to the junior and senior classes at Bridgeport High School, a rural school in Washington State, a very small school, not more than 100 students and faculty combined. They do not need more Federal rules and regulations. They don't need to be told they should use the newest Federal program to hire roughly half a teacher, which is what they get under that program. They need our trust and confidence in the dedicated nature of those teachers and administrators and parents in that community, who know better than we do here in Washington, DC, what the students of Bridgeport, WA, need. The same thing is true of 17,000 other school districts across the United States.

I also note present on the floor today my distinguished friend and colleague from North Dakota. He and I are joined in at least two other priorities with which we are dealing this year. One is the opportunity to end unilateral boycotts against the export of food and medicines from the United States. We represent, I am convinced, a substantial majority of the Members of the Senate, as well as the House of Representatives. We have a termination to those boycotts in the Agriculture appropriations bill that is now before our conference committee. I know he joins with me in believing that it is absolutely essential, and long overdue, that we end those agricultural boycotts at the present time and provide additional markets to American farmers and agricultural producers as at least one modest step toward returning prosperity to the agricultural sector of our economy.

We are also joined in believing that Americans are overcharged for prescription drugs, that we have a system under which American pharmaceutical companies—who benefit from very large subsidies, both indirectly from the National Institutes of Health, and directly through tax credits for the development of prescription drugs—that when those companies charge Americans twice as much or more than twice as much for those drugs as they charge, for all practical purposes, almost anyone outside the United States, that something is absolutely wrong. Again, we have passed in this body at least a significant step in the direction of correcting that injustice. I think it is very important that the appropriations bill to which that important matter is attached be passed and we make at least a significant step, a genuine step forward toward fair and nondiscriminatory treatment of all Americans in the cost of the prescription drugs that are so important to their health.

On two other subjects, this body has passed a bill attempting to ensure the reliability of our electrical transmission system and the supply of electricity to all the people of the United States. We have had unwarranted price hikes. We have had both the existence and threat of brownouts in various parts of this country this year. That situation is only going to get worse until we do something about it. A noncontroversial but vitally important electricity reliability bill has passed this body. I urge my colleagues in the House of Representatives to do the same.

Finally, on a regional issue, the great issue in the Pacific Northwest is the future of our hydroelectric dam system on the Columbia and Snake Rivers, and particularly the four dams on the lower Snake River. Many in this administration have pursued the foolish goal of removing those dams in order, the administration asserts, to save salmon. Nothing could be less cost effective as against the many absolutely first rate programs that are going on in the Pacific Northwest directly to that end, programs that not at all incidentally have been remarkably successful if we measure them by this year's return of spring chinook salmon to the Columbia River system.

The administration and the Vice President have blinked in this connection, knowing the proposal is as unpopular as it is absurd in the Pacific Northwest. One group in the administration said it would be off the table for 8 years. However, the chairman of the White House Council on Environmental Quality was cited in the course of the last month saying that moratorium will only be for 3 years, and the Vice President is not guaranteeing 3 years but just, "as long as it [the present system] works." My own view is that that is until after the November election.

So to the best of my ability to do so, the administration will be given the opportunity to put its money where its mouth is with a prohibition against its using any money in the appropriations bill for fiscal year 2001, not only for removing the dams but for any step or purpose on the road to removing those dams. The debate over salmon recovery, a universal goal in the Pacific Northwest, will be far more constructive and far more productive when that particular view is taken off of the agenda in its entirety.

Finally, as the Senator responsible for the management of the Interior appropriations bill, we must, of course, deal with the remaining fires across the United States in our forests and on our rangelands, and particularly again in the Northwest part of the United States from which my State has not been entirely free but with which it has not been afflicted to the extent that Montana, Idaho, and certain other States have been. Whatever our concerns about the causes of those fires, the expenditures that have been made and are to be made in connection with their suppression are a genuine emergency and will be included in the conference committee report on the Interior Department bill as an emergency. At the same time, due to the very hard work of my friend and colleague, the senior Senator from Idaho, there are dramatic changes in fire prevention policies which will also be included in that bill that are vitally important to see to it that we do not soon have a repetition of the disastrous fires that have consumed so many hundreds of thousands, even millions of acres of our public and private lands during the course of this summer.

Mr. President, that is an ambitious agenda, but I believe it to be a vitally important agenda, not only for my own constituents but for the people of the United States as a whole.

The PRESIDING OFFICER (Mr. HUTCHINSON). Under the previous order, the Senator from North Dakota is to be recognized.

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senator from New Jersey be recognized for 10 minutes, following which I will be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New Jersey.

Mr. TORRICELLI. I thank my friend, the Senator from North Dakota, for his consideration.

TELEVISED POLITICAL ADVERTISING

Mr. TORRICELLI. Mr. President, I want to address the Senate today on the question of the national elections and the rising interest by the American people in campaign finance reform. There is no better time to debate the intricacies of how we are financing and conducting national elections than in the midst of the very contests themselves.

Over the next 8 weeks, candidates for Federal office will spend more money than at anytime in American history to attempt to persuade the American people in the casting of their votes. There is one simple, compelling reason for this spiraling increase in campaign expenditures, and that is the cost of televised political advertising, the cost of being on the national television networks.

This Congress has tangentially dealt with some of the campaign finance problems. It is obviously positive that Congress tightened regulations for the disclosure of contributions for section 527 organizations. It was a small victory.

We have, through the years, increased the number of votes in this institution, of which I am one, for comprehensive reform as envisioned by Mr. FEINGOLD and Mr. MCCAIN. But indeed, even if both of these provisions were enacted, the pressure for increased expenditures would not abate. With all of these reforms in place, the pressure to raise more money and spend more money would still dominate the system, which leads to the proposition that to deal with the costs of advertising on television, either this Congress must go beyond the current debate on campaign finance reform or others outside of the Congress must become part of the solution.

Ironically, the principal critique of the campaign finance system is coming from the very people who are driving its costs—the television networks. A 30-second prime time advertisement in the New York City market now costs $50,000. In Chicago, the same advertisement can cost more than $20,000. This is the heart of the problem.

The New York Times estimates the 2000 elections will cost $3 billion. This is a 50-percent increase over the 1996 elections. And $600 million, or 20 percent of those expenditures, will be on political advertisements on television. This represents a 40-percent increase in only 4 years.

During the Presidential primaries, both GORE and Bush spent 46 percent of all of their campaign expenditures just on television ads, twice as much as any other category of expenditures. The evidence is overwhelming. What is driving this increase in expenditures, hence requiring the raising of these exorbitant, even obscene, amounts of money, is the cost of television advertising. It could not be clearer.

Potentially the most expensive Senate race in American history is going to be the current Senate race in New Jersey. A study by the Alliance for Better Campaigns focused on last June's primary in my State. It came to the following conclusions:

Local television stations in New York and Philadelphia took in a record $21 million from New Jersey Senate candidates, but these same television affiliates of the networks devoted an average of only 13 seconds per night in the final 2 weeks of the Senate campaign to actual news.

This chart illustrates what was available to the people of my State in choosing a Senator. In New York, a CBS affiliate—this is in the final 2 weeks of the campaign, only the last 14 days—devoted 10 seconds to coverage of news on the campaign. In Philadelphia, one network gave an average of 1 second per night to actual news about the campaign.

It is, therefore, not unpredictable that this would lead to candidates unable to communicate with voters through the news spending exorbitant amounts of money in advertisements. Indeed, during the final 2 weeks of the New Jersey Senate primary, viewers in Philadelphia and New York markets were 10 times more likely to receive a communication from a candidate through a paid advertisement than they were through an actual news story. They were 10 times more likely, if they were watching the news, to see an ad rather than actually seeing a report from a reporter on the campaign.

Paid advertisements have come to dominate sources of information over actual news reports in American political campaigns.

During the last Presidential primary season, it was much the same. The typical local television station aired less than 1 minute of candidates discussing issues each night. During the month before the Super Tuesday primary on March 7, the national networks aired a nightly average of 36 seconds. The people of the United States were choosing their two nominees in the major national primary, and for the preceding month the television networks devoted 36 seconds to discussing issues. Of the 22 televised Presidential debates held during this year's primary season, 2 were aired on network television. ABC, CBS, and NBC reduced by two-thirds the amount of time that was then devoted to the national political conventions.

This is the source of some obvious changes in the American political culture. Not only is this collapse of news coverage leading candidates to raise more money and buy more advertisements, it is obviously changing how the American people make their judgments.

On average, since 1952, 22 percent of voters have said they decided how to vote based on their observation of political conventions. This is also in a state of collapse. People made judgments on hard news, they made judgments on political conventions, they watched for sources of news that were unbiased or professional, and that is being replaced by political advertisements, not by choice but because there is no choice.

It is extraordinary, given this state of affairs, that the principal force driving allegedly for campaign finance reform has been in the media.

The networks reduced the amount of news coverage, radically increased the cost of advertising, and then complained about campaign financing. It is an extraordinary state of affairs.

Indeed, at this point, the television networks have political advertising as the third most lucrative source of their revenues—only behind the automobile companies and retail advertisers.

Indeed, buying air time for political ads is now 10 percent of the revenues of the television networks. Hence, it will become clear why they may complain about the cost of political campaigns, appropriately—because we all want reform in this institution more than they—but one can see why they are leading by complaint, not by example, in doing anything about the costs. They are themselves living off of and profiting by the system. And it is accelerating.

In the last decade, the percentage of political ads as a portion of total revenue of the television networks has gone from 3 percent of all revenue in political ads in 1992 to 9.2 percent this year and rising.

During the last cycle, network broadcasters accepted $531 million in political advertising. This is a 33-percent increase since 1996 and over a 110-percent increase since a decade ago. It isn't just that they are charging exorbitant money; it is rising in multiples every year. They are driving the cost of American political campaigns.

Candidates have been living, for the last 25 years, with the same $1,000 limit in raising hard Federal dollars—$1,000 per American per election. But the networks are up 110 percent in how much they are taking in, meaning that candidates are spending more and more time, going to more and more people, raising more and more money to communicate with the same voters.

I do not know how we get this Congress to enact campaign finance reform. I trust at some point it will happen. I do not know what else the Democratic Party can do. We have had 45 seats in the Senate for the last 2 years, and every single Democrat has voted for campaign finance reform.

But even if we were to have succeeded in those votes, it would not have solved this problem. We would limit how much would be raised, perhaps, but we would not deal with these expenditures. Ultimately, it is these expenditures that must be addressed.

As my friend, Senator MCCONNELL, stated many times on the floor of this Senate, the Nation does not suffer from too much political debate. It probably suffers from too little. If we lower the amount that can be raised, and the networks keep raising the amount that is required to be spent, all we are going to accomplish is less discussion of issues. If the networks were devoting more time to the impartial discussion of issues, debates, news coverage, conventions, it would be a good substitute for political advertising. But the amount of news coverage is collapsing while the costs go up.

If we control the expenditures, the net result will simply be this: The American people, making vital decisions about the Nation's future, with less and less and less information.

The hypocrisy of this gets worse. It is not just that networks charge more money and have less news coverage. For those of us who believe there should be a requirement for free or reduced-rate air time over the public airwaves, to reduce the need to raise this money, guess who is working against us. The very people who employ Mr. Brokaw, Mr. Rather, and Mr. Jennings, who, every night, are complaining about the cost of political advertising. Their employers are lobbying to stop the reforms. The National Association of Broadcasters, the lobbying arm of the television networks, spent $2.8 million lobbying Congress in 1998.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. TORRICELLI. Mr. President, I ask unanimous consent for an additional 2 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. TORRICELLI. In the year 2000, they have already spent $1.4 million.

As the Washington Post reported on May 2, when it comes to helping solve the political fundraising problem, the broadcasting industry "doesn't see beyond its own bottom line." Exactly.

They are for campaign finance reform, unless they have to make a contribution. They are the principal component of this problem. Every person in this institution is spending time raising money when they should be working on legislation—compromising public confidence in the Congress by raising exorbitant amounts of money to feed the television networks that do not meet their own responsibility in reporting the news, no less in reducing the costs.

This is everybody's problem. The principal burden of solving it is in this Senate. I do not excuse that. The principal burden is here. We should be requiring free or low-cost television. But it is not our problem alone. Everyone in America can make a contribution to this. And it begins with the networks. You have a public license. The airwaves of the United States belong to the American people. In no other democracy in the world does the cost approach what we require for political candidates to raise money to use the public airwaves to communicate with our own constituents—sold at a profit.

I believe this Senate should require the FCC to have the networks offer a reasonable amount of free or reduced-rate advertising to candidates for Federal office as a matter of law. But until we do, the networks, as a matter of public responsibility, need to evaluate how much time they are devoting to political news so the American people are informed, recognizing that is the only way for democracy to reach sound judgments, and to unilaterally meet their responsibility and reduce these costs unless or until this Congress takes action. I believe this is the heart of the campaign finance problem.

Mr. President, I thank the Senator from North Dakota, once again, for allowing me the time.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

TO AUTHORIZE EXTENSION OF NONDISCRIMINATORY TREATMENT TO THE PEOPLE'S REPUBLIC OF CHINA—MOTION TO PROCEED—Continued

Mr. DORGAN. Mr. President, am I recognized for 30 minutes by previous consent in postcloture debate?

The PRESIDING OFFICER. The Senator has up to 1 hour.

Mr. DORGAN. Mr. President, some long while ago I was at a meeting in North Dakota, and I was talking about senior citizen issues and health care, and a range of things, and I used a statistic. I told the senior citizens who were at the meeting that there are two men for every woman over the age of 80 in the United States. And an older fellow rose from his chair and leaned forward on his cane and said to me: Young man, that is one of the most useless statistics I have ever heard.

I thought about that for a while. There are a lot of useless statistics used in all kinds of different venues. In this discussion about trade, there will certainly be plenty of statistics used. Perhaps plenty of them will be useless. But I do want to talk about some trade statistics today because we are now debating the motion to proceed to the bill that would make normal trade relations with China permanent.

I think there are a lot of wonderful things going on in this country. All of us should count our blessings that we live in a country that is doing so well. The economy is growing, growing rapidly; we have unprecedented economic growth and opportunity. It is a great time. Unemployment is down, way down. Inflation is down, way down. Crime is down. Home ownership is up.

You could look at all of the data. Productivity is up, up, way up. All of the data shows that this country is doing very well. All of us need to be thankful for that.

But there are some storm clouds on the horizon in one area, and that is in the area of international trade. And we should not ignore them.

This is not about Republicans and Democrats. It is about a public policy area this country must address. If we don't address it in a thoughtful way, we will not continue this kind of economic opportunity and growth.

Here is a chart that describes what is happening in trade. This is the merchandise trade deficit for this country; that is, the trade in goods. I have not included the trade in services, only the trade in merchandise goods. This is essentially manufacturing. We eliminated the red ink in the budget. The budget deficits are gone. But the trade deficits are going up, way up. This year especially. In June, the monthly merchandise trade deficit increased to $36.8 billion. The deficit for the first half of this year was $216 billion. That means that at the end of this year we will probably have a $430 billion merchandise trade deficit. We are buying from abroad $1.2 billion a day in goods more than we are selling abroad, and that can't continue forever.

With whom are these deficits? Well, for the first half of the year 2000, the merchandise deficit that we have with Mexico is nearly $12 billion; with Canada, $22.6 billion and increasing dramatically. With the European Union, it is a dramatic increase from $16 billion for the first half of last year to $26 billion this year. With China, it has increased from $29 billion to $36 billion.

These are not yearly figures. These are 6-month figures, January through June. So this is equal to a $72 billion annual trade deficit with the country of China. With Japan, this is almost unforgivable, year after year, forever, we have had these huge budget deficits with Japan. Now they are totaling nearly $80 billion a year.

What is happening is wrong. I am not a classic "protectionist," as the press would describe some of those involved in this debate. I believe we need to expand international trade. I believe we ought to be open for competition and be required to compete. But I also believe the trade ought to be fair; the rules of trade ought to be fair. Globalization attends to it some requirement that we have global rules, not only global markets.

What is happening here, with Japan and China and, yes, others, is they are selling into our marketplace at a record pace in a whole range of areas, yet we are not able to access opportunities in their marketplace. I wonder how many Americans know what the tariff would be on a pound of U.S. beef that is shipped to Japan today? Do you want to ship a T-bone steak that comes from a ranch in North Dakota to Tokyo? What do you think the tariff would be on a T-bone steak going to Tokyo? I will tell you what it is. It is over 40 percent, a tariff of over 40 percent on American beef going into Japan. That is after we have negotiated an agreement with Japan. That shows the failure of our negotiations. A country that has an $80 billion trade surplus with us is allowed to have a greater than 40-percent tariff on American beef going to them. Obviously, there is something fundamentally wrong with the way we negotiate trade agreements.

We recently negotiated a trade agreement with China, a big, old country with 1.2 billion people. One can't help but stand on the Great Wall of China and look at those mountains, at the country, and express wonder at who they are and where they have been, their rich history, and what they will be tomorrow. What an interesting country. But we have a $72 billion merchandise trade deficit with China. We just negotiated an agreement that is a bad agreement. Let's take automobiles as one example: China has 1.2 billion potential drivers, as soon as they all reach driving age, and we want to sell American cars to some of them. So here is what we said when we negotiated the agreement: This is what we will do. You have a $72 billion trade surplus with us, or we have a big deficit with you. So we will negotiate a bilateral agreement with you where we will have a 2.5-percent tariff on any Chinese automobiles you want to send to us, and we will have a 25-percent tariff on any automobiles we send into China. In other words, after the negotiation is done, we will agree that we will accept a tariff imposed by China that is 10 times higher on U.S. automobiles than will be imposed by the United States on vehicles from China.

Ask somebody, how on Earth can that happen? Was somebody drinking heavily while they negotiated? How can one possibly agree to something that is that unfair? I could go on and on. It will serve no purpose, except to say that these numbers ought to demonstrate that while things are doing well in this country and while we are blessed with a wonderful economy, these storm clouds with respect to the trade imbalance need to be attended to. We need better trade agreements, and we need more attention to trade agreements that require elements of fair trade between our country and Japan, between us and the Chinese, between us and Europe, and between us and Canada.

Last month, The Wall Street Journal had a piece "Will the Trade Gap Lower the Boom?" It notes that our trade gap is now about 4.2 percent of our overall economy, and it goes on to say that:

> A percentage that high would scare the green eyeshades right off the analysts in many industrialized nations.

We don't hear a whisper about it—not here, not around the country, very seldom in the press. This is a very unusual story. It also says:

> But there is a disaster scenario that . . . gets more likely with each breath that fills the trade deficit balloon. . . . On average, the current account gap hits its limit at 4.2 percent of GDP, exactly where the U.S. finds itself today. . . . Confidence in our economy could collapse before the rest of the world is firmly back on its feet.

The point is there is something wrong here, and Congress cannot ignore it. That is why Senator STEVENS, Senator BYRD, and I created in legislation a trade deficit review commission. It has finished its meetings and is now developing recommendations to policymakers both in the administration and Congress, on how to deal with this issue.

I have supported normal trade relations with China in the past. But, the issue for me isn't shall we make it permanent or not. Shall we have NTR with China? Of course, we should. The issue is: Are we going to do something about these deficits? Does anybody think having a $72 billion deficit with China is normal? Is that a normal trade relationship? Of course, it is not. It is abnormal. It is a perversion. How about Japan? Is this a normal trade relationship, having an $80 billion deficit with the country of Japan? That is not normal. It is abnormal. We, as a country, need to understand and say to China and Japan and others, the European Union, that we are all for expanded trade. We have been the leader in expanding trade. But we are also going to be the leader in standing up for our economic interests and demanding that the rules of trade be fair rules.

The first 25 years after the Second World War we could compete with anybody around the world with one hand tied behind our back. It was no problem at all. That was when our trade policy was just flat out foreign policy. The second 25 years, we have seen tougher economic competitors. Countries have developed with strong economies. They have become shrewd economic competitors. Every one of these countries have a managed trade economy in which they say: We will not allow what the United States allows. We will not ever allow the kind of run up of a trade deficit that the United States will allow.

We do it because we don't pay attention to it. We have this philosophy that somehow it will all right itself at some point in the future. It will not right itself without action by the Congress and the administration to say we are the leaders in free, expanded and fair trade, and we insist the rules of trade be fair.

I come to the floor during this discussion about China PNTR to say that there are other elements, in many ways bigger issues, to this trade debate that we must be attentive to and we must do so soon.

While there is a lot of good news—and we will hear a great deal of it during the campaigns by Republicans and Democrats, claiming credit for this, that, and the other thing—but I hope we will all claim credit for the responsibility to begin solving these problems. During good times, it seems to me, is the opportunity to look down the road and see where the storm clouds develop and figure out how to respond to them. We must, it seems to me, decide that it is a significant issue and it is in the interest of all citizens in this country that Congress begin to tackle this issue in a way that reduces these trade deficits, continues to expand our trade opportunities, but puts us on a better footing with our trading partners.

Mr. DORGAN. Mr. President, I ask unanimous consent that I may speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPRINTING TO THE FINISH

Mr. DORGAN. Mr. President, yesterday I spoke briefly about the agenda that confronts this Congress in the next 5 weeks. This is literally a sprint to the finish. Much of what we will discuss and debate are the most important issues people worry about and are talking about around the supper table. They talk about the issues that affect them every day: Are our kids going to good schools? Are we proud of the schools we send our kids to? Do I have a good job? Does it provide retirement benefits, insurance, security? Will grandma and grandpa have adequate health care when they have serious health problems? Is our neighborhood a safe one in which to live? Can we afford the prescription drugs that the doctor prescribes and says we need to maintain a healthy lifestyle and to control a disease we may have?

All of these things are the things that interest families who discuss what their lives are like these days and how they can be improved.

I want to talk about the agenda and the issues with which we have to deal before this Congress adjourns. Before I do, as a way of introducing that, let me tell you about a television story that appeared on KFYR Television in Bismarck, ND, about 2 to 3 weeks ago. KFYR Television News did a piece about my Uncle Harold. My Uncle Harold, from Dickinson, ND, is now 80 years old, and he is a runner. There are not very many 80-year-old runners, so the television news did a story about him. The story showed him running down the street, with the gold medals he has won, and doing various things.

Here is the story about my uncle. About 6 or 7 years ago, he and my aunt went to the Prairie Rose Games in Fargo, ND, where they have events for everybody in different age brackets. They decided to enter the bowling event because they bowl. Harold also saw that they had races for people who are 70 and above, so he decided to enter one at about age 71. He had never run before, but he decided to enter three races at the Prairie Rose Games, and he won all three easily. He said, "You know, I never knew I could run like that." So he started running. He went to Minnesota to run, and then to South Dakota, and Arizona.

Pretty soon, Uncle Harold started specializing. Now he runs in the 400 meter and 800 meter events. So I have this uncle who just turned 80 running in races all over the country. He now has 45 gold medals. My aunt thinks he has had a stroke. She thinks it is as goofy as the devil that this 80-year-old man is running. Yet he discovered he is the fastest around in his age bracket. He is going to try out for the Senior Olympics and go one more time. He took fifth out of 200-some runners the last time. Now that he is 80 and at the bottom of a new age bracket, he thinks he will get a gold medal in the Olympics. My uncle is a fisherman, so I don't know whether this is true, but he said he runs the 400 meter race in 79 seconds. I run a little as well. One of these days I will figure out whether I can run it in 79 seconds.

I should mention one other thing about Uncle Harold. He also golfs, and he is the strangest golfer I have ever golfed with. I went golfing with my uncle a couple of years ago. He takes a bag and only takes four or five clubs. He hits the ball and, because he is always in training for the Senior Olympics, he sprints on a dead run to the ball. It is a strange looking thing to see a guy who was 78 years old at the time hit a ball and go on a dead run to find out where it rested and then hit it again. In the meantime, my wife and I were driving a cart, and this 78-year-old man is sprinting on the golf course. I have since decided I should never drive a cart when golfing with my uncle.

The point is, here is this 80-year-old guy jogging 3 miles a day, getting ready to try to qualify to go again to the National Senior Olympics. That is pretty remarkable when you think about it. Thirty years ago, that would not have happened. Usually, when you are 80, you find a chair someplace and relax. But these days people are living longer, healthier lives. My uncle, for example, is training for the Olympics. That is the result of a lot of things: lifestyle changes, nutrition changes, cultural changes, better health care, Medicare. A whole series of things are happening in this country that are pretty remarkable. That really all relates to the agenda that we have in the next 5 weeks in this Congress.

Americans are living longer, living better, at a time when we are so blessed in this country. We have an agenda in the Congress that will have an impact on people's lives. Yes, for my uncle, but for everybody's aunts, uncles, brothers, and sisters—the agenda of health care and education and other things that mean so much to people's lives.

Let me talk for a minute about what we need to do and why. First of all, one of the advancements that allows people to live longer and healthier lives is the increase in the use of prescription drugs. There are so many illnesses and diseases for which, 35 years ago when Medicare was developed by this Congress, there were no medicines. But now there are miracle drugs, prescription medicines. We have decided that it is important to add a prescription drug benefit to the Medicare program. Why? Because being able to afford the right prescription drugs can allow people to lead healthier lives and treat illnesses and stay out of a hospital, which is horribly expensive. It is, in the long run, a bargain for the American people to say let's have a prescription drug benefit in the Medicare program.

Now, some say, well, we cannot afford it. The fact is that it will cost a lot more if we don't have it. People will get sick and go to hospitals and it will cost more. The issue of affordability applies more to senior citizens than to the Government. The reason we need this benefit is that too many senior citizens know they need a medicine, but they can't afford to buy it.

A doctor in Dickinson, ND, testified at a hearing I held in Dickinson. He said he prescribed a drug to a senior citizen who had a mastectomy in order to treat her breast cancer. The doctor said to his patient: This is the drug I am going to prescribe for you because it will reduce the chances of a recurrence of your cancer. She said: What does it cost? He told her and she said: Doctor, I can't afford to take that drug. I will just have to take my chances.

At every hearing I have held, I have heard testimony from people who say: We go to the back of the grocery store where the pharmacy is first because we have to buy our prescription drugs first; only then, will we know how much money we have left over to buy food.

Spending on prescription drugs increased 16 percent last year in this country. Sixteen percent. Some of that is increased utilization and some is increased prices. But too many senior citizens know they need a prescription drug, and they can't afford it. We need to do two things: put on pressure to bring drug prices down and, No. 2, add an affordable, universal, voluntary prescription drug benefit to the Medicare program.

Mr. President, with your permission, I want to show a couple of pill bottles. I ask unanimous consent to be allowed to do that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. I will speak about the prices charged for prescription drugs in this country versus the prices charged elsewhere in the world for the identical medicine.

These two bottles are slightly different but they contain the same pill. Both bottles are for a wonderful drug called Zocor, which is used to lower cholesterol in patients. It is a medication that a lot of people use. I commend all those who did the research to create these kind of drugs. But to those who decided the prices that ought to be charged for these medications to various citizens around the world, I don't say good job.

Let me describe what has happened.

In both bottles are the same pill, in the same dosage, made by the same company, perhaps made in the same manufacturing plant, approved by the FDA. Once the medicine is approved by the FDA, the FDA approves the manufacturing plants, and the company produces the drug for sale. This bottle they sent to Canada. They say to the Canadians: Do you want to buy some Zocor? It will lower your cholesterol. It is $1.82 per tablet.

This other bottle they sent to Grand Forks or Minot, ND, or anywhere else in the U.S. To Americans they say: Do you want to buy some Zocor? Well, you will have to pay $3.82 per tablet. $1.82 and $3.82, why the difference? That is something we ought to ask the drug companies.

I have taken a group of senior citizens to Canada to a little drugstore in Emerson, Manitoba. I stood in that one-room pharmacy, and I saw the prices charged there. I have seen the prices charged for the same medications in North Dakota. I know the drugstores on Main Streets in North Dakota are not charging higher prices because they want to overcharge. They are simply having to pay the drug companies an inflated price far above that which is charged in Canada, England, Germany, Italy, France, and in virtually every other country in the world because the pharmaceutical manufacturers impose that charge on them. This is not the fault of Main Street drugstores.

Again, I ask the question—I have asked this many times—is there anyone in the Senate who wants to stand up and say: Count me in on supporting these prices; I really believe it is fair and right to charge the American consumer $3.82 for the exact same pill for which a Canadian is charged $1.82? Is there one Senator willing to say this? There hasn't been one in the last six weeks that I have asked this question. If there is not any Senator willing to stand up and say this, then will all of them join us to try to change this situation so that the American consumer who needs to purchase prescription drugs receives a fair price?

The amendment that we passed in the Senate is now in conference. I am one of the conferees. What we are saying with this legislation is that pharmacists and drug wholesalers have the same right to reimport prescription drugs into this country that the drug companies already have, provided that the imported medications are FDA-approved and made in FDA-approved plants. It is very simple. We need to do that before this session of Congress ends.

The prescription drug companies are working overtime, of course, to kill this provision. They say the issue is safety. It is not. It is profits. That is what the issue is—profits, not safety. These are pills made in FDA-approved plants. These are medicines approved by the FDA with a chain of custody that can be traced from the manufacturing plant to the drugstores. There is no safety issue at all.

Adding a prescription drug benefit to the Medicare Program and enacting legislation that we passed on the floor with the bipartisan support of Senator JEFFORDS, Senator GORTON, myself, and many others who have worked on this are two things Congress must do before adjourning this year.

The other thing we need to do is pass a Patients' Bill of Rights.

I want to talk a few minutes about that today because we have Patients' Bill of Rights legislation that is in conference.

What is the Patients' Bill of Rights? This legislation says let's even up the odds a little bit between people who are sick and their insurance companies. Let's even up the odds a little bit.

In some cases what has been happening is that a person's medical care has become a function of their insurance company's profit. All too often doctors are not the ones making the decision about what kind of care is provided to a patient. It is an accountant in some insurance office thousands of miles away.

Yesterday, I mentioned a young boy in Nevada. I want to mention him again because it seems to me that he illustrates, as with so many others, the problem. A young man named Christopher Roe died October 12 last year. His mother came to a hearing that Senator REID and I co-chaired in Nevada. He died on October 12, 1999, on his 16th birthday. The official cause of his death was leukemia. But his mother tells us that the real reason he died was that his health care plan denied him the investigational chemotherapy drug that he needed. He needed a shot, a chance, and the bureaucracy of the managed care organization never gave him that chance. They just took forever to get to that point.

Christopher Roe died, and Christopher Roe's mother came to our hearing. She held up a large picture of Christopher. She wept as she told us about her son who from his sickbed looked up at her, and said, "Mom, I just don't understand how they could do this to a kid?" Good question? Christopher died.

Or let me share another example. A woman fell off a cliff in the Shenandoah mountains. She was hauled into an emergency room unconscious with broken bones. She was treated. After a difficult period, she survived, and was then told by her managed care organization that they wouldn't cover her emergency room treatment because she didn't get prior approval. She was hauled in on a gurney unconscious, but the managed care organization said: You did not get prior approval for emergency room treatment.

That is the kind of thing that is happening all too often in this country.

Or, perhaps a better way to describe it is with the story of Ethan Bedrick, a young boy born with cerebral palsy resulting from a complicated delivery who was told that he had only a 50-percent chance of being able to walk by age 5. The managed care organization denied him the therapy he needed because they said a 50-percent chance of a young boy being able to walk by age 5 was insignificant. They considered it insignificant that a young boy had a 50-percent chance of being able to walk with the right kind of therapy.

Is there a reason to question those who are making health care decisions in the sterile offices of managed care organizations 1,000 miles away from where the doctor is seeing the patient and describing the medical treatment that is necessary for the patient's care? Yes. That is why I wanted to make this point.

We had a debate on patients' care in the Senate a while back. We lost by one vote, effectively, because there were some Members missing. We may have turned the tide in the Senate based on that vote, in which case the Presiding Officer may very well have broken the tie. But a substitute Patients' Bill of Rights was offered by our colleague, Senator NICKLES, when we offered the Patients' Bill of Rights.

Dr. GREG GANSKE, a Republican Member of the U.S. House, wrote a letter to all of us about that substitute. In fact, the local papers described the substitute that the Senate passed as the Patients' Bill of Rights. It was not a Patients' Bill of Rights. It was a "patients' bill of goods." But the Senate passed it, and the papers wrote exactly what those who supported it had hoped they would: The Senate passed a Patients' Bill of Rights.

Dr. GANSKE, a Republican Member of Congress, said this Senate legislation virtually eliminates any meaningful remedy for most working Americans and their families against death and injury caused by HMOs.

That is not a Democrat speaking. That is a Republican Member of the U.S. House, Dr. GANSKE.

Let me describe the legal analysis he sent around to every Member of the Senate:

> . . . The measure would appear to undo State law remedies for medical injuries caused by managed care companies treatment decisions and delays.
>
> . . . In the name of patient protection the Senate legislation appears to eliminate virtually any meaningful remedy for most working Americans and their families.
>
> . . . A vehicle for protecting managed care companies from various forms of legal liability under current law.
>
> Viewed in this light, the congressional passage of the Senate bill would be worse than were Congress to enact no measure at all.

I raise this because this is not a Democrat being critical of a Republican proposal. It is a Republican Member of Congress saying that the proposal passed by the Senate was worthless, just worthless.

This is not partisan criticism, it is Dr. GANSKE, a Republican Member of Congress, saying what the majority of the Senate claimed was a real Patients' Bill of Rights was worthless.

Now we could, and should, and I hope will pass a real Patients' Bill of Rights. There is a commercial being run in a northeastern State on behalf of a Member of the Senate who voted for our Patients' Bill of Rights, the Norwood-Dingell Patients' Bill of Rights that was passed on a bipartisan basis by the House. A Member of the Senate who voted for that—a Republican; there were only a very few—is running a commercial paid for by the Republican Senatorial Campaign Committee that says this Senator voted for a real Patients' Bill of Rights—meaning ours.

It is fascinating to me that we now have a circumstance where the Republican Campaign Committee is saying that the Patients' Bill of Rights we proposed was the "real one." We will have more to say about that and have a more aggressive debate about that in the days ahead.

My expectation is that there will be a tie vote when another vote occurs—and it will happen again; we fully intend it to happen again. Fortunately, we will have a Vice President to break that tie. The Patients' Bill of Rights issue is very important.

Let me mention a couple of other issues, and then I will conclude.

We also have a responsibility to deal with the farm crisis and we have not done so very well. We have a farm bill that doesn't work. The Freedom to Farm bill does not work. It has been a failure since it was enacted in 1996. The promise was: Produce what you want; we will sell it overseas and get rid of the farm program and things will be better off.

Since that time, prices have collapsed and family farmers have had an awful time trying to make ends meet. In most cases, they are receiving far less now in real terms than they received during the Great Depression for their product. These are not people who are slothful. These are not people who aren't being productive. They are economic all-stars. They produce in prodigious quantity the food the world needs so desperately. Yet the market says: By the way, your food has no value.

While people climb trees to pick leaves to eat in countries around the world where there is not enough food, family farmers driving a 2-ton truck to a country elevator are told by the grain trader: Your food has no value.

Something is wrong with that. What really has no value is the current farm program. It doesn't work. It is long past time to fix it. We are within three or four votes of doing that. I encourage help from the other side to give us the votes needed to pass a farm program that provides real assistance for family farmers.

While we are on the subject of freedom, those who wrote the Freedom to Farm bill—I didn't, and I voted against it—should understand there is something called the freedom to sell. The freedom to sell means if you want to give family farmers the freedom to produce whatever, let's also give them the freedom to sell their products in markets such as Iran, Iraq, Cuba, North Korea, and others that have been off limits to them because this country has imposed economic sanctions against countries whose behavior we don't like. I am fine with economic sanctions. Slap them with sanctions. But don't ever include food as a part of those sanctions. Using food as a weapon is unbecoming to this country. A country as big and as good and as powerful and as important as this country ought never use food as a weapon.

The freedom to sell is a pretty important principle which we ought to care a bit about. There is an amendment that I put in the appropriations bill now in conference, and I know there are a couple of House leaders who are intending to try to kill that as we get to conference. I am hoping with the bipartisan support we received in the Senate that we will prevail on this issue.

Finally, one of the other important issues we face as we wrap up this Congress is trying to do something to strengthen the education system in our country. We have the opportunity to do that. It is just that we have all of this bickering back and forth. We have things that we know need to be done. Everybody here understands that if you are in a classroom of 15 people, there is more learning going on than if there is a classroom with 1 teacher and 30 kids. Class size matters. We have proposals to reduce class size which will dramatically improve education.

We also understand you cannot learn in schools that are in functional disrepair. No wonder there is disrepair in the schools. They were built 50 or 60 years ago, after World War II, when we had soldiers coming back, having families, and building schools for their children all across the country. Many of these schools are still in use today and are in desperate need of repair and remodeling. If anyone doubts that, take a trip to the Ojibwa school on the Turtle Mountain Indian Reservation or the Cannon Ball Elementary School, south of Bismarck, ND. Take a look at those schools and ask yourself whether those schools need help.

The third grader who walks through the classroom door in the Cannon Ball School ought to be able to expect the same opportunity for a good education as all kids in this country. Yet these children don't have the same opportunity. We know that. Yet legislation to improve and modernize our schools languish in this Senate because some people don't believe it is important, or some people believe they cannot do it because if they did, somebody would declare victory for a public policy that makes sense.

Let's declare victory for a little common sense in all of these areas: Education, health care, agriculture. There are so many areas. The agenda in this Congress is the agenda we establish. If we are a Congress of underachievers, that is our fault, not something we blame on anybody else.

I wish I were in the majority here, but I am not. The majority establishes a schedule; we don't. I accept that. We have a right, and insist on the right, between now and the 5 weeks when this Congress wraps up its business, to try to bring to the floor of the Senate once again a real Patients' Bill of Rights and have another vote. We have a right to try to push these policies to get them done. We have a right to try to push education policies that we think will enhance and improve education in this country. We have a right to try to push policies that say we want to add a prescription drug benefit to the Medicare program. We have a right to insist that the American consumer pay prices for prescription drugs that are fair—not the highest prices of anyone in the entire world.

We have a right to address all of those issues, and we should. There is time. It is just a matter of will. Will the Members of the Senate who do the scheduling, who plan the agenda, exhibit the will to do what is right in the final 5 weeks and pass this kind of legislation?

As I said when I started, when people sit down at the dinner table and talk about their lives, they are talking about things that matter to them. All of the things I have talked about are things that matter to them: Are our kids going to good schools? Do grandpa and grandma have the opportunity to get decent health care when they are sick? Are the neighborhoods safe? Do I have a decent job? Does it pay well? Does it have security? All of those are things that are important to the American people. All of those are things they should expect this Congress to address in the coming 5 weeks.

I yield the floor.

Mr. GRAMS. Mr. President, what is the order of business pending before the Senate?

The PRESIDING OFFICER. The Senate is debating the motion to proceed on the permanent normal trade relations with China.

Mr. GRAMS. Mr. President, I would like to talk about my support for H.R. 4444, but I just want to respond briefly to one comment of the Senator from North Dakota, Mr. DORGAN. I think he was bragging a little bit, maybe, about his uncle who is 80 years old and running in a marathon. I just congratulate him. How great that our senior citizens, because of the advances of medicine, can do that. I have a friend retiring at the age of 65. He wanted to retire to spend more time playing golf with his dad. Another is an uncle who was 85 last year who got his first hole-in-one, Ray Sandey. I just wanted to put that into the RECORD and congratulate them on their achievements.

Mrs. LINCOLN. Mr. President, I wish to comment on the comments of my two colleagues who have spoken about the important issues facing our aging populations in this Nation. They both commented on the 83-year-olds and the 84-year-olds. I think I have them beat. My husband's grandmother will turn 103 on the last day of this month.

So the issues for the elderly in Arkansas are extremely important to us, a No. 1 priority, and something I hope we will address in the context of a prescription drug piece for the elderly, as well as reauthorizing the Older Americans Act, not to mention the importance of solidifying and preserving Social Security and Medicare.

TO AUTHORIZE EXTENSION OF NONDISCRIMINATORY TREATMENT TO THE PEOPLE'S REPUBLIC OF CHINA—MOTION TO PROCEED—Continued

Mr. GRAMS. Mr. President, I rise in strong support of H.R. 4444, which grants permanent normal trade relations—PNTR—to China. We should have passed this in early June, and I deeply regret the delay and hope we can expedite the House bill without amendments.

I believe this is a no brainer. China negotiated a WTO accession agreement with the United States—an agreement in which China has committed to improve market access for most U.S. products and services to China. In exchange, the one thing we are required to grant them is PNTR—the same treatment all WTO members afford each other.

The U.S.-China WTO agreement is a good one. China has made commitments in nearly every sector of our economy—agriculture, goods and services. Strong enforcement measures were included which allow us to not only continue use of our strong trade remedy laws, but China has agreed to allow us to use a tougher safeguard standard than our current "201" law and continued use of tougher anti-dumping laws. This will help us enforce the agreement and generally allow us to use very tough trade remedy laws to address dumping and import surges.

U.S. competitiveness will also be protected since China has dropped its requirement that U.S. companies transfer technology in order to export or invest in China. Exports to China will no longer require Chinese components or performance requirements. China will allow competition through imports for the first time. U.S. exporters can sell directly rather than using a government distribution system. It has made commitments on intellectual property enforcement as well.

For the first time, China will be subject to the multilateral trade disciplines of the WTO. Any WTO member can enter into the dispute settlement process with China if China does not live up to any of its bilateral commitments. We can still use our trade remedy laws against China if necessary, and the Administration has tripled resources to monitor and enforce the U.S.-China WTO accession agreement.

Some may say this week that we can continue our annual Jackson-Vanik review of China and still receive the benefits of the U.S.-China agreement—or they will say the 1979 U.S.-China Bilateral Agreement will provide the same benefits as the 1999 agreement. They will claim we need the annual review to achieve progress on human rights, nuclear proliferation and other areas of differences we have with China. However, virtually none of the concessions achieved in the 1999 agreement are covered in the 1979 agreement. And we will not receive the benefits under the 1999 agreement if we do not grant China PNTR. The annual review is not responsible for the progress we have made in China—so it is time to end it.

Let's examine what PNTR will mean to U.S. farmers and workers. A Goldman Sachs estimate indicates U.S. exports to China will increase by $14 billion per year by 2005. In 1998, U.S. exports to China exceeded $14 billion, which supported over 200,000 high-wage American jobs. Therefore, exports will more than quadruple by 2005—and the potential is enormous as China continues to grow in the future. USDA projects China will account for over one-third of the growth in U.S. ag exports in the next ten years. It will spend over $750 billion for new infrastructure projects.

Since the benefits for Minnesota my home state are particularly important to me, I want to use that as a reference, but I think it represents other States and their opportunities as well. Minnesota's exports to China in 1998 tripled the 1996 volume. China is now Minnesota's 12th largest export destination, up from 22nd in 1993. We are now exporting 25 product groups compared to 21 in 1993. There are many farmers and workers who will benefit from the projected growth in agriculture and infrastructure project sales in China.

Overall, America's farmers will prosper with an end to corn export subsidies, increased corn and wheat quotas, reduced tariffs from an average of 31 percent to 14 percent with greater decreases on soybeans, beef, pork, poultry, cheese, and ice cream. For example, my home State of Minnesota is the third largest soybean producer in the courtry, and China is the largest growth market for soybean products. Minnesota is the fourth largest feed corn producer, and the tariff-rate quota for corn will expand by 2004. China consumes more pork than any other country and will lower its pork tariffs and accept USDA certification. This is a huge boon for Minnesota pork producers. Cheese tariffs will be reduced from 50 percent to 12 percent, which will benefit Minnesota dairy farmers. Potato product tariffs will also be cut in half benefiting Minnesota's potato farmers and processors. Vegetable producers will see their tariffs drop up to 60 percent by 2004. And fertilizer and all ag products can now be distributed without going through a Chinese middleman.

Tariff reductions will help other Minnesota workers export more in the areas of ag equipment, forest products, medical equipment, scientific, and measuring instruments, computers, pumps, machinery of all kinds and environmental technology equipment. PNTR will open markets for our banking, insurance, telecommunications and software services. In fact, the Coalition of Service Industries states:

> It will enable U.S. service industries to begin to operate in one of the world's most important—and until now, most restricted—markets in the world.

Minnesota's largest exports to China now are industrial machinery, computers, and food products. And exports from small- and medium-sized businesses will expand. Right now Minnesota exports 55 percent of its total exports to China from small and medium businesses. Crystal Fresh, American Medical Systems, Inc., Image Sensing Systems, Inc., Minnesota Wire & Cable, ADC Telecommunications, Brustuen International, and Auto Tech International are among Minnesota's smaller companies with success stories to tell. Their China markets are expanding, and the 1999 agreement will only increase their potential. Of course we have long-time exporters such as Honeywell, 3M, Cargill, Pillsbury, Land O'Lakes, and many others who will be able to expand their exports to China as well.

You have heard that the 1999 agreement will not produce overnight results, but I believe it will produce some short-term positive results. And the best benefit will be the longer term prospects. It is important to continue building commercial relationships for the future in order to reap those longer-term benefits. If we are not there early on, we may miss out on important future gains. As China develops and more of its citizens improve their earning power, they will demand more food products, goods and services. PNTR will allow U.S. firms the opportunity to compete for their business.

I would now like to address some of the concerns of our labor union friends who believe PNTR will result in huge job losses in the U.S. That is curious to me since the U.S.-China WTO accession agreement is one sided. Union leaders cite an Economic Policy Institute—EPI—study alleging at least 872,091 jobs will be lost between 1999 and 2010, but the EPI study assumes every Chinese import displaces domestic production. However, a CATO analysis shows most of our imports from China substitute for imports from other countries or are inputs used in the U.S. to produce final U.S. products. If a rising trade deficit causes job losses, why are our unemployment rates the lowest they have been in 30 years?

The Institute for International Economics also indicates that most of the growth of the U.S.-China trade imbalance is due to China taking market share from other East Asian economies rather than from U.S. producers.

The bilateral agreement includes greater protections against unfair imports than we currently have and it will eliminate many Chinese practices that have helped it stimulate its own exports as well as forcing many U.S. companies to invest in China. Any "giant sucking sound" we may have seen in the past will be reversed under the U.S.-China WTO agreement. China will be forced to abandon many of its policies which did force or encourage U.S. companies to invest there. The agreement will grow U.S. jobs by allowing us to export more of our products from the U.S. rather than selling through U.S. investments in China.

Union leaders also speculate that U.S. companies want to shift production to China to take advantage of labor rates "as low as 13 cents an hour." The average production worker wage at U.S. companies in China is $4 an hour and $9.25 for higher skilled workers. The World Bank indicates average Chinese wages grew by 343 percent between 1987 and 1997, mainly due to China's engagement with other countries. I believe approving PNTR and allowing more trade with China would continue the trend toward higher wages for Chinese workers.

A group of 12 academicians recently commented on China's low wages and stated that PNTR would help improve

China's labor standards. They discussed China's poverty as the main reason for low wages and often poor working conditions. They concluded child labor often is necessary to help families survive. They believe China's entry into the WTO will help it enforce and improve its own laws, and that opposing PNTR undermines China's efforts to improve its labor rights. They concluded by stating:

> Whoever may benefit from a sanctions approach to trade with China, it will certainly not be Chinese workers or their children.

You will also hear claims that the U.S. is being flooded with products made by Chinese forced labor. Both our trade laws and the WTO prohibit forced-labor imports, and the U.S. Customs Service vigorously enforces our law.

Union leaders also talk about PNTR as a reward to China, yet it is hard to see how the bilateral agreements negotiated by China to enter the WTO are a reward. Many, many concessions were made, and those commitments are binding and will be vigorously enforced bilaterally and through the WTO.

I hope union members, who will benefit from the U.S.-China WTO agreement, will listen to their elder statesman Leonard Woodcock, who stated recently:

> I have been startled by organized labor's vociferous negative reaction to this agreement . . . in this instance, I think our labor leaders have got it wrong. . . . American labor has a tremendous interest in China's trading on fair terms with the U.S. The agreement we signed with China this past November marks the largest single step ever taken toward achieving that goal.

In my State of Minnesota, Governor Jesse Ventura, in his March testimony before the Ways and Means Committee, also sent union leaders a message. The Governor said:

> They (unions) better modernize themselves and realize that opening up China to our trade is going to create more jobs here. . . .

I have spoken to union members and others who are also concerned about labor and environmental practices in China. While China, as a developing country, has a way to go on these issues, they certainly have made some progress as well. And I am proud that American companies investing in China have created better jobs, higher wages and better working conditions and have begun to serve as a model for their Chinese counterparts. Many U.S. companies have "best practices" of environmental, health, and safety standards which provide good job opportunities for many Chinese citizens. Housing, meals, insurance, and medical care are often included in their employment.

Here is what a Chinese employee of one American company in Shanghai stated:

> I, a common girl, with no power and no money, could hardly imagine all these things could be done several years ago . . . don't let the friendship become cool (U.S.-China). Many of the Chinese people are longing for knowledge, techniques and culture from western countries, especially U.S.

An employee of another American firm in China stated:

> . . . when our local company merged two years ago, my salary was increased five or six times . . .

Another worker said:

> After I joined the company, my family's life and living standard improved. I have some deposit in the bank and bought a new apartment which is big enough for my family.

You will hear a lot during this debate about how we are pandering to U.S. companies who want to trade with China, ignoring all of our concerns with China. However, as noted previously, there are many examples of how American companies are helping Chinese citizens improve their lives, and as China privatizes more of its state-owned industries, the new owners will look to our companies as an example of how to succeed. I strongly believe American companies care about their employees and that they do not invest abroad to exploit local workers and ruin the environment. I believe American companies help bring about positive changes in China and other nations, and the exposure to Western ideals and values they bring to China includes a better work experience for those they hire. In fact, American companies are taking their responsibility seriously by setting up programs in their Chinese subsidiaries addressing issues from fair labor practices and environmental standards to community involvement.

For those concerned about human rights, I again ask why they believe human rights would be aided by isolating ourselves from China. Maintaining relationships with the Chinese people through trade and other contact I believe is the best way to help the Chinese people help themselves. They are the ones who will promote changes from within that will improve their lives. Even Martin Lee, the Chairman of the Democratic Party of Hong Kong, who has long fought for human rights in China, recently stated:

> The participation of China in the WTO would not only have economic and political benefits, but would also serve to bolster those in China who understand that the country must embrace the rule of law.

The Dalai Lama, also long critical of China's human rights practices, especially in Tibet, states:

> Joining the World Trade Organization, I think, is one way (for China) to change in the right direction . . . I think it is a positive development.

Some believe granting PNTR will help promote hardliners in China's leadership. However, a Washington Post story earlier this year noted that China analysts have found hardliners, including PLA officials, worrying that WTO membership will privatize more of China's economy and import more western ideas about management and civil society which they see as a threat to those who want to ensure the longevity of the one-party Communist state.

The U.S. should be part of this, through the granting of PNTR. While China will become a member of the WTO with or without us, I would certainly prefer the U.S. have a part in using our improved trade relationship as a way to make progress on our differences with China.

Many human rights activists support China PNTR. Former political prisoner Fu Shenqi says:

> I unquestionably support the (view that NTR and the human rights question be separated because) the annual argument over NTR renewal exerts no genuine pressure on the Chinese communists and performs absolutely no role in compelling them to improve the human rights situation . . .

The China Democracy Party, founded two years ago, issued a statement including:

> . . . We declare hereby to support the Unconditional PNTR to China by the U.S. government.

Zhou Yang, Executive director of the China Democracy and Freedom Alliance, states:

> Granting PNTR to China is a positive force in promoting China's recognition of world human rights and in improving the human rights situation of the Chinese people.

Noted Chinese human rights activist Bao Tong was more direct, saying: "Pass permanent normal trade relations with China . . ." and adding, "But in the U.S., the 'Seattle coalition . . . have combined their lobbying firepower to oppose the move (PNTR). From here in China, their intellectual counterparts are looking on in dismay . . . it doesn't make sense to use trade as a lever. It just doesn't work." There are many others with similar advice.

Included in the definition of human rights is religious persecution. While religious leaders remain concerned about the recent report from the U.S. International Religious Freedom Commission, which points out China has a long way to go toward religious freedom, they point to progress as well. A letter signed by 13 religious organizations concluded:

> Change will not occur overnight in China. Nor can it be imposed from outside. Rather, change will occur gradually, and it will be inspired and shaped by the aspirations, culture and history of the Chinese people. We on the outside can help advance religious freedom and human rights best through policies of normal trade, exchange and engagement for the mutual benefit of peoples of faith, scholars, workers and businesses. Enacting permanent normal trade relations with China is the next, most important legislative step that Congress can take to help in this process.

As you know, the House has attached a Commission on China to PNTR.

which would monitor human rights progress with an annual report. It would set a U.S. objective to work to create a WTO mechanism to measure compliance, and requires an annual USTR report on the PRC's compliance with the 1999 agreement and also authorizes additional staff to monitor China's compliance. It also includes sense-of-the-Congress language that China and Taiwan should enter the WTO at the same time.

The bottom line is PNTR is easy. China had to do all the heavy lifting. We gave up noting in these negotiations, and PNTR doesn't force us to give up anything. I urge my colleagues to oppose all amendments offered in an attempt to either slow down or kill PNTR. While the amendments point out problem areas we have with China, these matters should be, and are, addressed separately in high-level contact between our two countries. I address them as well in contact I have with Chinese officials.

Particularly, I urge you to oppose the Thompson-Torricelli amendment. While I will have a much longer statement once that amendment is offered, I will only say now that this amendment in any form will drive a wedge through our efforts to improve our relationship with China. It will foster a relationship of mistrust that will not help us improve China's proliferation record or its record on any other differences. The amendment is counterproductive. The amendment will not accomplish its goal of reducing proliferation, and it will create hostility between our countries. As Henry Kissinger stated:

> If hostility to China were to become a permanent aspect of our foreign policy, we would find no allies. Nationalism would accelerate throughout the region. Just as American prestige grew with the opening to China, most Asian nations would blame America for generating an unwanted cold war with Beijing.

This amendment will force us on the path of a cold war most of us never want to see again. Also, there have been so many drafts of this amendment, I am not sure any of us will really know what we are voting on. An amendment as controversial as this one deserves to go through the usual congressional committee process, and not be offered in a highly politicized matter on the Senate floor.

There has been progress with China and proliferation, human rights and other issues. Let's work with China toward further progress—and use the laws we already have, if necessary, to address lack of progress. Above all, let's not use trade as a weapon. Let's pass PNTR to provide our workers and farmers the benefits of the U.S.-China WTO agreement. This should be one of the easiest trade votes we will ever take. Let's vote on H.R. 4444 without amendment now—this week—not 2 weeks from now.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, I, too, am here to speak on the issue of permanent normal trade relations with China.

In order to be successful in today's global economy, every industry must market its products overseas. And in order for the United States to continue the unprecedented economic growth we have seen during the last few years, we must adopt policies that open international markets for farmers, small businesses, manufacturers and service industries.

On November 15 of last year, our Government successfully negotiated an historic trade agreement with the People's Republic of China that will bring China into the World Trade Organization. The potential impact of this arrangement cannot be overstated. China is home to one-fifth of the world's population and is growing by 7 percent each year. Access to China's enormous population will help sustain American economic growth.

But before the United States and Arkansas can reap the full benefits of this agreement, Congress must vote to grant China Permanent Normal Trade Relations status. The WTO requires that its members extend normal trade relations to all other members.

There is a lot at stake depending on whether or not the United States grants PNTR to China. Since February, I have been urging the Senate leadership to bring this issue up for a vote as soon as possible. I had hoped that we would approve this legislation prior to the August recess, but nevertheless, I am anxious to finish work on this bill as soon as possible and get it on the President's desk for signature. There are so many things at stake. We must not lose this opportunity.

China will join the WTO regardless of the congressional decision on PNTR, so a decision to deny this new status to China will only give China license to keep its markets closed to U.S. services and agriculture, and to keep its high tariffs in place on U.S. goods and services while opening it up to all other WTO members.

All sectors of our economy, especially agriculture, will benefit from increased trade with China. Likewise, all sectors of our economy will suffer if we don't trade with China. Chinese accession into the WTO could mean $2 billion more a year in national agricultural exports to China by the year 2005.

On U.S. priority agricultural products, tariffs will drop from an average of 31 percent to 14 percent. China will also expand access for bulk agricultural products, permit private trade in these products, and eliminate export subsidies. In my home State of Arkansas, rice, poultry, soybean and cotton producers will stand to reap enormous benefits from opening markets with China, including lower tariffs and increased trade. For instance, under its WTO accession agreement, China will cut tariffs on rice to 1 percent. Also, China is already the second leading market for U.S. poultry exports. If Congress approves PNTR status, it will cut tariffs in half from 20 percent to 10 percent by the year 2004 for frozen poultry cuts.

In addition to the agricultural changes, China's tariffs on American industrial goods will fall from an average of about 25 percent to less than 10 percent within 5 years. Industries including telecommunications, banking, insurance, reinsurance, and pensions will all gain expanded market access. In information technology, tariffs on products such as computers, semiconductors and all Internet-related equipment will decrease from an average of 13 percent to zero by the year 2005.

In exchange, the U.S. gives up nothing; our trade policies remain the same. The economic reasons make so much sense and are themselves a very powerful reason for passage of PNTR.

But the opportunity we have as a nation to make an impact on the humanity of China only exists if we are engaged with the country and its people. We cannot build a relationship that is effective if we turn our backs on China and isolate them.

Is China a perfect country? No.

I too share the concerns about human rights abuses in China and believe that a greater international presence in the country, fostered by free trade, will help to improve the lives of Chinese workers and citizens. WTO membership will strengthen the forces of reform inside China by exposing the Chinese to better paying jobs, and higher labor and environmental standards.

Finally, permanent normal trade relations with China will force the Chinese to play by the rules in the international marketplace.

Only under this agreement with their accession into the WTO will we have the proper recourse to be able to question their practices.

The WTO's dispute settlement system will force China to explain its actions if other member countries question them. In addition, the WTO's trade policy review mechanism will allow all other members to review a country's entire trade system. This type of scrutiny of China is virtually unprecedented in history.

If we do not approve PNTR status for China, the missed opportunities will be tremendous, not to mention the devastation it could have on our strong economy today. Our producers and industries will not be in a position to openly access the 1.3 billion people who live in China. The United States will not have the ability to challenge China's trade practices or demand better human rights practices. In short, the United States stands to gain enormously if we grant PNTR status to China, and we stand to lose enormously if we do not.

Certainly once China does enter the WTO, there will still be many challenges ahead for all of us, but congressional approval of PNTR for China is a critical first step. It means so much to this Nation and to my home State of Arkansas. We must take this first step in passage of a good, clean PNTR bill in the Senate. Having China in the WTO is a good deal for Arkansas and a good deal for this Nation.

I encourage my colleagues to approve the House-passed bill granting permanent normal trading relations with China—soon, not later—and that we send it to the President to be confirmed so we can continue building a relationship which will benefit both countries.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. I rise today, Mr. President, to express my opposition to granting permanent normal trade relations to the People's Republic of China.

The recent history of U.S.-China relations has been a study in self-delusion. The administration and this Congress do not lack for evidence or information about the nature of the Chinese government. But I am afraid the siren song of vast Chinese markets has deafened too many ears to the news of oppression and abuse inside China. Too often, the U.S. has chosen to ignore the realities before us and, as in this trade debate, has engaged in political and intellectual contortions to compartmentalize and seal off a host of important issues so that the promise of vast profits can stand alone and unencumbered.

But I urge my colleagues to remember today—the mythological sirens' song served to lure sailors onto the rocks that crushed their ships. And refusing to look at the whole picture of U.S.-China relations in the single-minded pursuit of trade is, I submit, both foolish and dangerous. I fear that this country will find its policy in shambles unless we force ourselves to see the facts before us.

The fact is that China continues to be one of the most oppressive states in the world.

The State Department acknowledges that the human rights situation in China has deteriorated over the past year—a year in which the U.S. has extended normal trade relations with China, casting doubt on the claims that trade will lead to greater openness and therefore greater civil and political rights in China.

The list of abuses committed by the Chinese government is so lengthy, so encompassing, as to be numbing. Thousands of political prisoners remain in prison—many sentenced after unfair trials or no trial at all. Torture is regularly used to extract "confessions" from detainees. Authorities continue to use the brutal laogai system of "reeducation through labor" to detain dissidents and others deemed dangerous to this paranoid state. Religious freedom does not exist in China; from global faiths like Catholicism to more obscure sects, the leadership in Beijing has sought to force its will and its agenda on spirituality. Nowhere is this more egregious than in Tibet, where thousands of monks and nuns still are arbitrarily detained, where something termed "patriotic education" is forced on Tibetans at their monasteries, where individuals have been arrested and sentenced to imprisonment for activities such as displaying the banned Tibetan flag, where an entire culture is at risk. And forced abortion and forced sterilization are realities in the PRC.

The Chinese government has waged a campaign to destroy all sources of dissent. Leading members of the China Democracy Party have been sentenced to lengthy prison terms for "conspiring to subvert state power." Activists in Xinjiang have been the target of a campaign of arrests, substandard trials, and executions. Leaders of laborers and peasants daring to call for worker's rights are detained. Expression, in virtually all of its forms, is restricted. The government of China has zealously launched into a campaign to monitor and control content on the internet. According to Human Rights Watch, "last fall, local newspapers and magazines were put under Communist Party control. And the State Press and Publications Administration banned foreign investment in wholesale book publication and distribution, and limited the right to distribute textbooks, political documents, and the writing of China's leaders to a handful of enterprises."

My colleagues, this is the state that seems so promising to the supporters of PNTR. This is the China with which we are urged to engage. This is to be our full partner.

That very abbreviated list of abuses sounds awfully bad, doesn't it? But the Administration's material on PNTR sounds so good. It is full of promises and optimism. How, I wonder, do they imagine getting from here to there—to that promised land in which our relationship with China is all about good news and profits?

I would suggest that the influence of money in politics goes a long way toward explaining the peculiar nature of this debate and U.S. policy toward China more broadly.

The push for PNTR legislation is one of the most expensive lobbying campaigns in history. Business interests are pitted against labor unions, as they make PAC and soft money contributions, and wage huge lobbying campaigns on television and in the halls of Congress. So before we go any further with this legislation, I would like to Call the Bankroll on the PNTR issue, to give my colleagues and the public an idea of the spending spree that has gone on to lobby us on this bill.

Labor unions have donated heavily to the parties as they have fought against Permanent Normal Trade Relations with China. The Center for Responsive Politics estimates labor's overall soft money, PAC and individual contributions at roughly $31 million so far in this election cycle in a May 24th report. In particular, the AFL-CIO and its affiliates, which have campaigned hard against PNTR, have given $60,000 in soft money through the first 15 months of this election cycle.

And then there's the other side of the debate. On the side of PNTR we find corporate America, which, according to a New York Times report, engaged in its "costliest legislative campaign ever" to win this fight—including an $8 million advertising campaign. The "costliest legislative campaign ever" by corporate America—now that's saying something.

As we know, corporations typically spend the most in the political money game, and often win as a result. And it looks like PNTR will be no exception, Mr. President.

For example, take the Business Roundtable, a well-known business coalition eager to get this bill passed. The Center for Responsive Politics' May 24th report put the collective contributions of Business Roundtable members at $58 million in soft money, PAC money and individual contributions so far in the election cycle. And that is in addition to the Roundtable's $10 million dollar advertising campaign to push PNTR, according to the Center.

Business Roundtable members are corporations like Boeing, Philip Morris, UPS and Citigroup. These are heavy hitters who regularly write checks to the political parties for $50,000, $100,000, even a quarter million dollars. These companies have to ante up to stay in the game, Mr. President—PNTR is a high stakes game, and the ante is bigger than ever.

I will quickly run down the soft money contributions of these companies, Mr. President. These are huge numbers, and they are just through the first 15 months of this election cycle: Boeing has given more than $465,000 in soft money through the first 15 months of the election cycle, including 10 contributions of $25,000 or more.

UPS, its subsidiaries and executives have given more than $960,000 in soft money through March 31st of the current cycle. That includes two contributions of a quarter million dollars.

Citigroup, its subsidiaries and executives gave more than one million dollars in soft money through the first 15 months of this election cycle, including six contributions of $50,000 or more.

And of course who could forget Philip Morris, Mr. President? Long known as the granddaddy of political donors, Philip Morris and its subsidiaries have given more than $1.2 million in soft money through March 31st of the election cycle, including more than eight donations of $100,000 or more.

Since I've mentioned Philip Morris' contributions here, let me take a moment to discuss the impact of contributions of large multinational corporations with many legislative interests. Some might argue that is unfair to mention Philip Morris in this calling of the bankroll because its main interest is tobacco legislation.

That is exactly the beauty of soft money contributions from the point of view of the corporate donor. They buy access for the company that makes them. They aren't payment for a particular piece of legislation. No, they are more powerful than that because they are so large, and so sought after by the parties. They further the interests of that company on all pieces of legislation. There can be no doubt that Philip Morris has an interest in PNTR.

China is a huge untapped market for cigarettes. So Philip Morris's soft money contributions open the doors for its lobbyists on this issue, just as they open the doors for its anti-tobacco control arguments.

Everyone knows that PNTR is the very top legislative priority for the business community in this country. There is absolutely no dispute about that. The lobbying effort has been extraordinary. And Philip Morris's legislative and lobbying muscle, supported by their huge campaign contributions, have been put at the service of that priority, as well as of its own particular interest in tobacco legislation.

Mr. President, corporations such as Philip Morris, and the other members of the Business Roundtable pay to play—they get visibility in the debate, and they get their voices heard loud and clear. The shape of the PNTR debate so far is exactly what we should expect from a campaign finance system that is rigged to value money above all else.

So it is clear that some people do stand to gain from PNTR and China's accession to the World Trade Organization. But I think that camp has vastly overstated its case. These forces, which have paid to pipe the siren song into the halls of the Senate for months now, claim, for example, that America's farmers will benefit greatly from PNTR for China. They wave impressive graphs, they promise access to vast markets. But I for one, as a Senator from a very important agriculture state, am not convinced that those claims are more than just empty promises. China's Vice Minister of Trade has already noted publicly that market-opening promises for U.S. wheat exporters are only a theoretical opportunity—not an actual one. The fact is that China's promises to import more agricultural products conflict with internal Chinese political and cultural dynamics—dynamics that are affected by longstanding fears about dependence on foreign food and by employment-creation imperatives. China has produced a glut of agricultural goods for years. Beijing now has massive stockpiles and a three-to-one ratio of exports to imports. Chinese prices will likely continue to be lower than American ones for years. I am not convinced that there is a big pay-off in store for American agriculture.

Ask Wisconsin's ginseng growers about the Chinese commitment to rule-governed trade. They will tell you that the Chinese have continued to mislabel their ginseng as "Wisconsin-grown ginseng." As a result of this misleading practice, the price paid to actual American ginseng farmers has steadily declined. Recent press reports even suggest that the Chinese are now smuggling ginseng containing dangerously high levels of harmful pesticides and chemicals into U.S.—again inaccurately labeled as Wisconsin ginseng.

I concede, Mr. President, that profits are within the reach of some. And I recognize that the business community is responsible to its shareholders. Seeking profitable opportunities is their very purpose, and there is nothing wrong with that. But this Senate is responsible to all of the citizens of the United States, to the core values of this country, and to future generations of Americans. And the United States of America does not stand only for profit. Even if I were convinced that Permanent Normal Trade relations with China and Beijing's accession to the WTO would bring significant new economic opportunities to a large number of Americans—and I am not convinced of this fact—I still believe it is my responsibility to weigh that factor against others—including the fact that the Chinese government's human rights record is unquestionably appalling. I still believe that certain economic gains are not worth their moral price. I still believe that the prosperity we all seek for our great country should never be a prosperity that also brings shame.

But de-linking trade from human rights and prohibiting an annual debate on this issue suggests that I do not have the right to weigh these factors, that I cannot consider the totality of U.S.-Chinese bilateral relations when matters of trade arise. Apparently, we are all simply supposed to follow the music.

I argue that to compartmentalize our national values is to cordon off our national identity, to subordinate what we stand for so completely that it no longer affects how we behave. That is dangerous. I think it is an abdication of the responsibility I accepted when I took this office.

So apart from the question—and it is a good question, a question not answered nearly so easily as the Administration would like—of whether or not a significant number of Americans will reap economic benefits from PNTR for China—and apart from legitimate questions grounded in the historical record about whether or not China will stick to its trade-related commitments—apart from these issues, we are debating whether or not to draw a sharp, impenetrable division between one of our interests—economic gain—and what we believe and who we are. That is the question that has been evaded in the mountains of pro-PNTR literature and the countless pro-PNTR briefings that have become a fixture on Capitol Hill in recent months. I cannot support such a division. I will not abdicate my responsibilities in the hopes of avoiding tough choices and decisions. I cannot support this bill.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SMITH of New Hampshire). Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, in making opening comments relative to permanent normal trade relations with China, I feel compelled to sort of qualify as a witness in that we have over the years in these particular debates about international trade made very little progress, whether with Democratic administrations or Republican administrations.

My rising in opposition and my amendments will be to the thrust of not having permanent and not having normal trade relations with anybody because our normal trade relations are a $350 billion to $400 billion trade deficit which is destroying the middle class in our society, weakening our democracy, and diminishing our influence in world affairs. With all of the pep talk about the wonderful economy, we are actually, on this particular score, in tremendous decline.

I say "as a witness" in a sense because I can remember when southern Governors started computing. People up in New Hampshire and other places say that they are from down south and that they are blind protectionists: they do not understand the importance of manufacturing and international trade and exports. So I hearken back to the day when I represented the northern textile industry from New Hampshire as well as the southern textile industry. I appeared before the old International Tariff Commission. Who ran me around the room? None other than Tom Dewey. This was back in 1960. The subject was textiles—that 10 percent of the American consumption of textiles in clothing was represented in imports, and if this continued at the pace that it was going, before long we would be out of business.

By the way, they told me at that particular hearing: Governor, what do you expect? For those emerging Third World countries in the Pacific rim and everywhere else, what do you expect them to make? Let them make the shoes and the clothing, and we will make the computers and the airplanes.

Fast forward 40 years: They are making the shoes. They are making the clothing. They are making the airplanes and they are making the computers. They are making all of it. Actually, we have high tech. I want to get into that in a minute. High tech—they think that is saving us. We have a deficit in the balance of trade with the People's Republic of China in high technology.

This Congress doesn't have any idea where we are on this particular score. Everybody is outside talking about the new economy. True it is, we are all proud of that new economy, particularly on this side of the aisle. They were afraid to say they raised the Social Security tax in 1993 when Clinton came into office. But I wasn't afraid. I brought it in line with all other pension plans. We are afraid to say we raised gasoline taxes. But we did. We cut spending $250 billion. The taxes that were supposed to be $250 billion are now up to $370 billion. Then we cut some taxes very minimally. We reduced the size of government by some 377,000 Federal employees.

They have the new economy. But the new economy has a private side and a public side. The private side is doing extremely well. High employment, low unemployment, low interest rates, booming economy, booming stock market, strong bank system—but the public side is almost a disaster. I say that advisedly. The reason I say it is so that, for one thing, they are talking surplus, surplus. Everywhere, someone cries "surplus."

The public debt to the penny according to the U.S. Treasury Department shows that, as of September 1, the debt is $5.676 trillion. At the beginning of the fiscal year of September 30, 1999, it was $5.656 trillion.

I ask unanimous consent to have this printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE PUBLIC DEBT TO THE PENNY

	Amount
9/01/2000	$5.676.516,679.692.56
Prior months:	
8/31/2000	5,677,822,307.077.83
7/31/2000	5,658,807,449,906.68
6/30/2000	5,685,938,087,296.66
5/31/2000	5,647,169.888,532.25
4/28/2000	5,685,108,228,594.76
3/31/2000	5,773,391,634,682.91
2/29/2000	5,735,333,348,132.58
1/31/2000	5,711,285,168,951.46
12/31/1999	5,776,091,314,225.33
11/30/1999	5,693,600,157,029.08
10/29/1999	5,679,726,662,904.06
Prior fiscal years:	
9/30/1999	5,656,270.901,615.43
9/30/1998	5,526,193,008,897.62
9/30/1997	5,413,146,011,397.34
9/30/1996	5,224,810,939,135.73
9/29/1995	4,973,982,900,709.39
9/30/1994	4,692,749,910,013.32
9/30/1993	4,411,488,883,139.38
9/30/1992	4,064,620,655,521.66
9/30/1991	3,665,303,351,697.03
9/28/1990	3,233,313,451,777.25
9/29/1989	2,857,430,960,187.32
9/30/1988	2,602,337,712,041.16
9/30/1987	2,350,276,890,953.00

Source: Bureau of the Public Debt.

Mr. HOLLINGS. Mr. President, that shows that the debt has increased $20 billion—no surplus. They don't want to say where they get the surplus from. I can tell you where they get the surplus from. We had an increased measure of taxation over the years. When we had the 1983 Social Security settlement, we wanted it to increase to build up a trust fund to take care of the baby boomers in the next generation—which is now. In 1992, the Social Security surplus was $50 billion; now the Social Security surplus is $150 billion.

Over the last 8 years—because of what we did back in 1983—we have an additional $100 billion surplus, if you please, for the Social Security trust fund. We voted it here—section 13-301 of the Budget Act—that you shall not use Social Security surpluses in your budgets. Section 12 of the Greenspan commission said it should be set aside. It took us from 1983 until 1990 in order to get that done, but we finally got it done. Ninety-eight Senators voted for it. Almost all the Members of the House voted for it. It was signed into law on November 5, 1990, by President George Bush.

But all of them are running around saying we are going to save Social Security while they are spending it with all kinds of monkeyshine plans—invest a little, invest a lot, do this, or do that to save Social Security. They set up the straw man in violation of the law—the policy of the Greenspan commission and talking about surpluses when there is not any surplus. The debt is increasing. If there is a surplus, why has the debt increased $20 billion? With all the wonderful income tax from which we had revenues on April 15, with all the good corporate tax revenues in June, we are still increasing the debt some $20 billion.

All of them say tax cut, tax cut, but if you cut the estate taxes, you have increased the debt. All tax cuts are increasing the debt. They are all saying pay down the debt, pay down the debt. It is Alice in Wonderland. It is double talk. They are not talking sense with relation to what is actually going on.

Everybody says we are paying down the debt. But they are for all of these taxes. Whether it is middle class, or targeted, or estate, or gasoline, or capital gains, or marriage penalty, any of those tax cuts under present circumstances obviously amount to an increase in debt. They talk about surplus that doesn't exist, and they talk about paying down the debt as they regularly increase it. They don't mention waste.

As a result of this charade, interest costs have gone up to $366 billion for this fiscal year. I remember when we balanced the budget in 1968 and 1969 under President Lyndon Johnson. The interest cost on the national debt was less than $1 trillion; the interest cost was only $16 billion. That was the cost of all the wars from the Revolution, to the Civil War, the Spanish-American War, World War I, World War II, Korea, Vietnam. We had a debt of less than $1 trillion and they had interest costs of only $16 billion. Now we are up to $5.7 trillion, with $1 billion a day being spent. Wait until the whopping payment is made in September.

I ask unanimous consent to have printed in the RECORD the interest expense as of this minute.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INTEREST EXPENSE ON THE PUBLIC DEBT OUTSTANDING

The monthly Interest Expense represents the interest expense on the Public Debt Outstanding as of each month end. The interest expense on the Public Debt includes interest for Treasury notes and bonds; foreign and domestic series certificates of indebtedness, notes and bonds; Savings Bonds; as well as Government Account Series (GAS), State and Local Government series (SLGs), and other special purpose securities. Amortized discount or premium on bills, notes and bonds is also included in interest expense.

The fiscal year Interest Expense represents the total interest expense on the Public Debt Outstanding for a given fiscal year. This includes the months of October through September.

INTEREST EXPENSE—FISCAL YEAR 2000

	Amount
July	$19.332,594,012.00
June	75.884,057,388.85
May	26,802,350.934.54
April	19.878,902,328.72
March	20.889,017,596.95
February	20,778,646.308.19
January	19.689.955,250.71
December	73,267,794,917.58
November	25.690,033.589.51
October	19,373,192,333.69
Fiscal Year Total	321,586,544,660.74

AVAILABLE HISTORICAL DATA—FISCAL YEAR END

	Amount
1999	$353,511,471,722.87
1998	363,823,722.920.26
1997	355,795,834,214.66
1996	343,955,076,695.15
1995	332,413,555,030.62
1994	296,277,764,246.26

AVAILABLE HISTORICAL DATA—FISCAL YEAR END—Continued

	Amount
1993	292,502,219,484.25
1992	292,361,073,070.74
1991	286,021,921,181.04
1990	264,852,544,615.90
1989	240,863,231,535.71
1988	214,145,028,847.73

Mr. HOLLINGS. It is $321 billion without the August and September payments. When we get those particular payments, it will go up, up, and away. And that is under low interest rate circumstances.

We have the worst waste of all. I served on the Grace Commission under President Reagan. We were going to cut out waste, fraud, and abuse. Now we have caused the greatest waste of all.

After President Clinton early this year made the State of the Union Address, the comment was made by the distinguished majority leader that it was costing $1 billion a minute. The President talked for 90 minutes; that is $90 billion. Governor Bush wants to give a $90 billion tax cut. We could give President Clinton $90 billion in spending. We could give Governor Bush $90 billion in tax cuts and still have $170 billion left for all the increases to the Department of Health, for class size reduction and school construction and any and every kind of research at NIH that we wanted.

The point is, we are spending the money and we are not getting anything for it and we don't talk about it on the campaign trail. What do they avoid talking about? The $350 to $400 billion—and it will probably be nearly $400 billion—deficit in the balance of trade. The economists say that costs us at least 1 percent on our GNP. Instead of 4.1, we would have 5.1, and more jobs.

This is ignoring the failure of the United States to compete in international trade. I emphasize that for a reason, for those who say we are blind protectionists, that we don't understand the global economy, the global competition and do not want to compete and want to start a trade war. No. 1, we have been in a trade war and we have been losing. They don't understand that. No. 2, on globalization, I don't want to sound like the Vice President, but I helped invent it 40 years ago. I went as a young Governor to Europe. I have that Deutsche Telekom bill that they talked about in the paper the other day. The truth is, I called on the Germans in Frankfurt. Today we have 116 German industries in the little State of South Carolina. I will never forget calling on Michelin in downtown Paris in June of 1960 with 11,600 Michelin employees. We have Hoffman-LaRoche from Switzerland. And Honda broke ground a few years ago. I was amazed to hear that Honda produced and exported more vehicles than General Motors.

I have been in public service 50 years. I have been debating this issue in all five textile bills that passed here. Four of them passed the House also and were vetoed by Presidents over the years. When we come to trade and globalization, I think it behooves me not to talk about permanent, not to talk about normal, but use this opportunity to sober up the Congress and the leadership of the United States, making them realize that we are in a real competition, but not for profit. That is, the American multinational. They could care less. They don't have a country. Boeing came out the other day and said in the United States, we are not a U.S. company but an international company. Caterpillar has been holding in Illinois. But they were international. They think it is fine. The Chamber of Commerce has forgotten about Main Street America and gone with the multinationals. NAM and the Business Roundtable—we are in the hands of the Philistines. We are losing our manufacturing base because we don't understand that the global competition is not for profit but for jobs and market share.

Let me talk a minute about jobs. At the fall of the wall, 4 billion workers came from behind the Iron Curtain, ready to work for anything, anywhere, at any time. In the last 10 years, with computerization and satellites, you can transfer your technology on a computer chip, you can transfer your financing by satellite. You can produce anything anywhere that you please. That is the global competition and international trade.

While our American producers for the so-called profit want to manufacture, say, in the People's Republic of China, for 10 percent of the labor costs than it is paying in the United States, we have been losing, losing, losing. In manufacturing, they say 30 percent of volume is in the cost of labor. Or you can save 20 percent of your volume by moving the manufacturer of your product offshore or down to Mexico. Simply put, you can maintain your executive and your sales force here but put your manufacturing elsewhere. If you have $500 million in sales, at 20 percent, before taxes, you can save $100 million. Or you can continue to work your own people and go broke because your competition is headed that way. That is the job policy of the U.S. Congress today. It is to accelerate the exodus and the export of jobs.

I will never forget when they told us that NAFTA was going to create 200,000 jobs. I just looked at the figure from the Bureau of Labor Statistics. It is more than just that 38,700 figure, but in textiles alone we have lost 38,700 jobs since NAFTA; in North Carolina, 90,000. I will never forget when they came down to Charlotte and said they wanted to talk about the digital divide. They are the ones dividing it. You think if you lost a job you are going out and buying a $2,000 or $3,000 computer? "It's the economy, stupid." That is where we are. You just can't understand we are here, when they think it is a productivity thing on jobs: Productivity, productivity, productivity—We have global competition.

The U.S. industrial worker was the most productive industrial worker in the world, all during the 60s, all during the 1970s, all during the 1980s, all during the 1990s, and is today still the most productive industrial worker. They are not the highest paid. They pay much more in Germany and a bunch of other countries—and I will have a word to say about that, where the rich are getting richer and the poor are getting poorer and the middle class is disappearing. But the point is, we are losing our manufacturing strength and capability. We are losing our economy.

America's security and strength is like a three-legged stool. You have the one leg which is the values of a nation, and that is unquestioned. We commit for freedom in Somalia and down in Haiti, Bosnia, Kosovo. There are nine peacekeeping missions currently and we are adding four more around the world. People admire the United States of America and its high principles and values.

The second leg is one of the military, and that is unquestioned.

But the third leg is a fraud—intentionally so. You see, after World War II we had the only industry, so with the Marshall Plan, that really started globalization. We not only sent the money, we sent the technology and the expertise—and capitalism has defeated communism. In the People's Republic of China, which is the present subject, they are tending more every day towards capitalism. That is a wonderful thing.

The question is, Can we afford to give away the store? We have sacrificed and sacrificed so that now Boeing of Seattle, WA is moving production of airplanes—the most prominent of export industries—out of the country. Why do you think the machinists at Boeing led the strike not to break up in Seattle last December? That was a crowd that came out of Oregon, if I remember correctly, the Ruckus Society, or something like that. But the AFL–CIO march, at that WTO meeting in Seattle in December was led by the Boeing machinists. Why? Because 70 percent of the Boeing 777—McDonnell 90–10 is made overseas. In order to sell the Boeing plane in the People's Republic of China, according to Bill Greider, 50 percent of the Boeing 777 is made in downtown Shanghai.

So we are losing the best, the best of the jobs. We know about jobs. We know about globalization. We are looking at this constant drain, so to speak, over the 50-year period. At the end of World

War II we had 41 percent of our workforce in manufacturing. Last month, we lost another 69,000 manufacturing jobs. Go to the Department of Commerce—ask them.

So we have gone from 41 percent down to 12 percent. Akio Morita, the former head of Sony said: Wait a minute, that world power that loses its manufacturing capacity ceases to be a world power. That is why we stand opposed to permanent normal trade relations with China.

I know full well—I live in the real world—we are going to have trade with China. I am not opposed to trade with China. I am opposed to permanent, normal. When I say "permanent," that is exactly what these CEOs of the Fortune 500 companies want. Because they know if they go over and invest in China and it has been permanent, they can come back appealing, "Don't change anything," and they can get a foothold there and they can really make a wonderful profit. But, of course, that puts us more and more in jeopardy because we cannot shout "productivity" to the most productive industrial worker while at the same time saddling him with all the penalties.

What are the penalties? What are the costs of productivity? We, the Congress of the United States, say: Before you open up the XYZ manufacturing company you have to have a minimum wage, Social Security, Medicare, Medicaid, clean air, clean water, safe working place, safe machinery, plant closing notice, parental leave. We might add on prescription drugs. Everybody is for prescription drugs. That is the cost of doing business.

You can go down to Mexico for none of that, 58 cents, $1 an hour. You can go, for 10 percent of the cost, to China. We run around here like we understand something when we are totally off base, operating in the dark, on one of the most important issues confronting the United States. They think: Technology, high tech, high tech. Let's talk about jobs. High tech jobs? Do you know that a third of Microsoft's workers are part time? At one time they were all full time and lower-level workers sued and said: We are going to get some of these stock options and other benefits. And they won the case in court. So Gates and Microsoft turned around and gave them a 364-day contract. They are part time; 40 percent of the employees in Silicon Valley are part time. They don't give them any jobs. Gates has 22,000 up there in Redmond, WA and Boeing has 100,000. But what jobs they do have don't produce anything to export.

We had a deficit balance of trade in advanced technology products with the People's Republic of China of $3.5 billion in 1999. This year it will be almost $5 billion. So don't give me anything about high tech—the high tech is going to save us. That is not going to save us at all. Advances in technology has spurred productivity. We all acknowledge that. The Japanese, after all, are the ones that taught us that with their advances in robotics in the early 80's. The BMW plant in Spartanburg, SC has been able to incorporate cutting edge technology and machinery. That is why over half the employees came off the farms within 50 miles and the other little textile industries and have been able to produce very efficiently. The quality of the Spartanburg plant exceeds the quality of Munich BMW. As a result, BMW is doubling the size of its operations at the Spartanburg plant.

Open your eyes. The most productive automobile plant in the world, according to J.D. Power, is not in Detroit, it is down in Mexico—the Ford plant. We know about productivity and we know about jobs. While we lost 69,000 manufacturing jobs this August, we took on some 127,000 service jobs. We are going just the way of England.

At the end of the war, they told the Brits: Don't worry; instead of a nation of brawn, this will be a nation of brains; and instead of producing products, we will provide services. Instead of creating wealth, we will handle it and be a financial seller. And England has gone to hell in an economic hand basket. Even Land Rover is leaving there now, and there is some question with the BMW plant there.

I am not anti-British. I love the Brits. But London has become a downtown amusement park. I like to go there like everybody else. What I am talking about here is economic strength. The British Army is not as big as our Marine Corps. We are running around here puffing and blowing about the world's superpower. You cannot use and you would not use the hydrogen bomb. They couldn't care less now about the 6th Fleet or our military superiority.

So what counts? Money. Money talks in international affairs. I will never forget when in the U.N. there was a resolution to examine China with respect to human rights and they were preparing to set up the hearings. This was 1993.

The last time I checked 5 years later, 1998, they did not have the hearings. Why? Because the Chinese are the best diplomats. The Chinese are the best negotiators. They are the best business people. They have the best commercial minds. They went all around Africa, down into Australia and everywhere else. They never called for the hearings. Why? Because everybody wants to get into that rich market of $1.3 trillion. At the moment, we have the richest market in the world, and we refuse to use it and whine: Be fair, fair trade, level the playing field.

Come on. Trade is not Boy Scouts. There is no morality to trade—be fair. I know what they are talking about. I know the word "trade" itself. "Free trade" is an oxymoron, but they hope there will be no barriers, no tariffs, no limitations.

As we shout for free trade, the same thing we shout for is world peace. I do not believe we are going to get either one in my lifetime. Maybe in Strom's. The fact of the matter is, the father of this country said the best way to preserve the peace is to prepare for war. The best way to get free trade is to compete, raise the barriers and then remove them. The Chinese do that. They use their market.

Some come to the floor and talk at length with respect to how the agreement is so good and it will not do this and it will not do that. I will touch on one thing this afternoon because I am limited in my time. My colleagues will remember, they said there would not be any more forced technology transfers. That is what Qualcomm thought when it invested in China. Ambassador Barshefsky, the Special Trade Representative, said:

> The rules put an absolute end to forced technology transfers.

This was November of last year after they had the agreement. I have an article from the Wall Street Journal with regard to "Qualcomm learns from its mistake in China":

> U.S. mobile phone maker listens to Beijing's call for local production.

This is dated June 7 of this year. The Ambassador is telling us the agreement does one thing, but the reality is quite another. Qualcomm, trusting it would not have to transfer, has to have local production before it can sell. So it is with all of these other industries.

I am not anti-Chinese. I am anti this policy. I have been against this particular policy for years on end. We had a GAO report—about which I could go on at length—that the agreement is indecisive and complex. When we negotiate, we find out again and again it is normal trade relations; namely, you have to give before you can take. You have to give the Chinese the technology, and move production to China. I do not fault China. The Chinese are doing only what we did to build this great United States of America.

In the earliest days, we had just won our freedom, and the Brits corresponded with the fledgling Colonies and said: Now that you have won your freedom, why don't you trade with us what you produce best, and we will trade back with you what we produce best—the doctrine of comparative advantage these economists will tell you about.

Alexander Hamilton had the wisdom, outlined in the Report on Manufactures. There is one copy left at the Library of Congress. That little booklet in a line told the Brits to bug off: We are not going to remain your colony. As a result, the second bill that ever passed Congress—the first being the

Seal of the United States—was a protectionist measure passed on July 4, 1789, a tariff bill of 50 percent on 60 different articles. From there we began to build our own economic strength, our own industrial capacity, carried on by President Lincoln. When plans were being made to build the transcontinental railroad, some said buy the steel from London. Lincoln said: Oh, no, we are going to build our own steel plants, and then when we get through, we will not only have the railroad, we will have a steel capacity.

Again, that crowd that comes around here whining about free trade, getting all the protection you can possibly imagine—the farmers—are solid for this. They are going to learn a lesson—be careful what you wish for. Maybe I will get on to that in a minute.

It was Franklin Delano Roosevelt who instituted marketing quotas, protective import quotas, price supports—protectionism that built up. Yes, I am for the farmer and we are the greatest agriculture producer in the world. But do not tell me about free trade. There have not been any price supports for my textiles and my 38,700 textile workers who have lost their jobs since NAFTA. Incidentally, I remind people just exactly what happened. Yes, they are having to turn to service jobs if they can.

I remember Onieta Industries in Andrews, SC. They made T-shirts. Everybody can understand it. They closed the plant in the early part of last year. There were approximately 480 employees with an average age of 47. Do it Washington's way; do it the way Congress lectures: Education, education—we have to reeducate. They sound like a bunch of Mao Tse-tungs. So we reeducate, and tomorrow we have 487 expert computer operators. Are you going to hire the 47-year-old or the 21-year-old?

Those 47-year-olds are out of a job. The average employer is not going to take on the pension costs and health costs for the 47-year-old when they have relatively none to consider for the 20-year-old. So they are sidelined. And that is the anxiety explored recently in Business Week: "The Backlash Behind the Anxiety of Globalization."

President Clinton, himself—this is from the Los Angeles Times in May of this year. I quote:

> So Clinton asked rhetorically, why are we having this debate on PNTR? Because people are anxiety ridden about the forces of globalization.

I just finished reading David Kennedy's "Freedom from Fear," the legacy of Franklin Delano Roosevelt. The legacy of William Jefferson Clinton is fear and fear itself. Global anxiety. Why? Because that 47-year-old who worked at a plant for 25 years was saving his money, making his home payments, his car payments and had a little boat down on the Black River—now he is high and dry. At best, he is trying to get a job at McDonald's or at the laundry or somewhere else in the service economy that doesn't pay.

Talking about those jobs, I think we ought to really emphasize the fact that we are separating, if you please, the society. In Fortune magazine, dated September 4 there is the article entitled, "Are the Rich Cleaning Up?" It is by Cait Murphy:

> Blue-collar workers make less than they did a generation ago while the earnings of professionals have soared.

Mr. President, I ask unanimous consent to have this article printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Fortune, Sept. 4, 2000]

ARE THE RICH CLEANING UP?

(By Cait Murphy)

The average price of a Manhattan apartment south of Harlem has hit more than $850,000—at a time when two-fifths of New York City's residents make $20,000 or less a year. In Silicon Valley teachers struggle with the rent while dot-com-rich parents wonder how to cope with "affluenza"—the perils of new and great wealth. (Hint: Just don't buy that helicopter.) In leafy suburbs nurses and cops commute from 50 miles away: They cannot afford to live near their work.

This dichotomy—between new wealth and the not-so-wealthy—has lately become something of an academic and political obsession. Economists and social scientists have turned the study of income inequality into a thriving cottage industry. And while the rich-poor gap has not cropped up explicitly in the presidential campaign, it is the subtext for a number of front-burner issues like tax cuts, educational reform, and the "digital divide." When a politician uses the word "fairness" in an economic debate, that's often shorthand for "inequality."

Why the concern about inequality? Basically, because there's more of it. From 1977 on, the cash earnings of the poorest fifth of the U.S. population fell about 9%, estimates the Center on Budget and Policy Priorities; middle-class earnings rose 8%; and upper-income earnings, 43%. The exact numbers are hotly contested, but it is clear that the distance between the top and the bottom tiers of the income distribution has grown strikingly since the 1970s. By some measures, Americans' earnings are more unequal today than at any time in the past 60 years; at best, even after the past several years, when income has grown throughout the income distribution, the gap has plateaued at or near record levels.

Of course, no serious person would argue that everyone should get the same-sized piece of the economic pie. That would be unfair to those who work hard, as opposed to those who watch reruns of *Gilligan's Island* all day. And if spectators want to pay more to watch a baseball game than, say, a badminton match, there is no reason both sets of athletes must be paid alike. At the same time, no serious person would deny that inequality can hit such levels (think medieval societies) that it comprises both an ethical problem and a threat to social peace (the peasants revolt). Finally, there is little disagreement about whether inequality has increased. It has. But there is also massive mud-wrestling about how much it has grown, why, and what it all means.

FORTUNE will spare you the arcane details—for now, anyway. But the fundamental argument about inequality is simple. The pessimists contend that income distribution has grown so lopsided that all society is worse off. Richard Freeman of Harvard speculates that there is a link between inequality and crime. He notes that high school dropouts fill the nation's jails—and that these men have lost the most ground economically. Edward Wolff of New York University contends that if young men had a better shot at earning a stable living they might be more willing to marry and stop having children on a freelance basis. Robert Greenstein of the Center on Budget and Policy Priorities argues that earnings disparities are one of the reasons that almost one in five children lives in poverty. America's lowest-paid workers make less, as a percentage of the median wage (the point at which 50% are above and 50% below), than their counterparts in any other country (38%, compared with 46% in Britain and Japan and more than 50% in France and Germany). This means that many low-skilled parents just cannot earn enough to escape poverty. "If there were somewhat less inequality," Greenstein concludes, "more would have a better standard of living."

There is also considerable (but contentious) literature that more-equal societies are healthier. And there is the inchoate but deeply felt belief that inequality at current levels is simply un-American. It gives the rich too loud a voice. It makes it too hard for those at the bottom to rise to prosperity. And it allows the wealthy to separate themselves from society through private clubs, private schools, and gated communities.

The optimists respond to that critique with a polite yawn. Or perhaps a rude word along the lines of "Rubbish!" Sure, inequality has grown, but so what? As long as people at the bottom have not become absolutely worse off, goes this set of arguments, it doesn't matter that the rich got richer faster. And no, the poor are not worse off. Though men's earnings seem to have fallen since 1973 (and maybe they haven't), women's have clearly risen. That trend and smaller households mean that family income and income per head have increased all along the income distribution. Housing quality and access to medical care have improved markedly for the poor since 1973.

Besides, people don't necessarily stay in the same position. They move up and down the income ladder: Horatio Alger was not just making stuff up. Today's income distribution is the result of long-standing economic forces and social trends. Nothing is broke, so don't fix it.

Those are the broad outlines of a debate in which the devil is most definitely in the details. What follows is a primer of the arguments, followed by a suggestion about how to get out of this thicket.

What are people so concerned about? Students of inequality use several tools in their trade. One is the Gini coefficient; a 0 coefficient is perfect equality (everyone has exactly the same share of the economic pie). A coefficient of 1 is perfect inequality (Bill Gates gets it all). In America the coefficient has risen from 0.323 in 1974 to 0.375 in 1997, according to the Luxembourg Income Study, higher than in any other rich country. Britain's is 0.346, Germany's 0.300, Canada's 0.286, and Sweden's 0.222.

Matters naturally are not quite that straightforward. Alan Greenspan has pointed out that while the Gini coefficient is comparatively high for income, when applied to consumption it is about 25% lower. In other words, poorer people are spending more like the rich; they are, for example, almost as likely to own such things as dryers and microwave ovens. So the economic distance between the top and the bottom may be narrower than the income numbers suggest. And Europe's greater equality may simply reflect the widely accepted premise that while America has adapted to economic change by allowing inequality to rise, Europe has adjusted by allowing higher unemployment. Which is better?

Another favored analytical tool for measuring inequality is to divide the population into fifths, or quintiles, and see what share of the nation's earnings each fifth took home. According to the Census Bureau, in 1998 the bottom 20% earned only 3.6% of total income (4.2% in 1973), compared with more than 49% for the top 20% (44% in 1973).

But wait a minute. The Heritage Foundation points out that the Census defines quintiles in terms of households—and households in the bottom quintile are much smaller than those at the top. Therefore, while there are 64 million people in the richest quintile, there are fewer than 40 million in the poorest one. Adjust for population, and the share of the bottom fifth grows. Also, many Americans have income that is not in the form of wages or cash transfers—food stamps and housing subsidies for the poor, realized capital gains for the better-off. Adjust for that, and the distribution narrows again, as it does after accounting for taxes. Should the adjustment include Medicaid and Medicare? If so (and that is debatable), the gap shrinks further still; put it all together, and Heritage figures that the bottom quintile takes in 9.4% of national income, and the top 39.6%.

There is, then, no consensus on how to measure inequality. There is, however, broad agreement that it has indeed grown. Since the early 1970s the cash incomes of the rich have indeed risen faster than those of the poor, with the middle class hanging in there; the higher up the income ladder, the faster the growth. That may help explain why the poverty rate, now 12.7%, has still not dipped to 1973 levels (11.1%). Median household income (the point at which 50% are above and 50% below) has grown grudgingly, rising about 9% in real terms from 1973 to 1998 and passing its 1989 peak only in 1998.

Men have had a particularly dismal time. The median income of men is significantly lower than in 1973 ($27,394 then vs. $25,212 in 1997, in 1997 dollars). Men under 45 are making less now, in real terms, than they did in 1967, and blue-collar workers have taken the biggest hit. Blacks and women, however, have seen their earnings rise.

Why is inequality increasing? Income inequality is increasing because wage inequality is. The U.S. economy has evolved to reward highly educated people even more than in the past—a trend that social scientists, in a flight of whimsy, call "skill-biased technological change." This means that demand for labor has shifted toward the skilled and away from the unskilled. Brains beat brawn—hands down.

That explains the rise in the college premium—the extra income college graduates can expect to earn compared with those who finish only high school. The premium rose much faster in the U.S. than in Europe because the supply of graduates in the U.S. did not rise as fast in the 1980s and 1990s as the demand for them; Europe came closer to matching demand and supply. It sounds like a tautology, and perhaps it is: Income shifted toward the more highly skilled because employers would pay more for their services. But it really is that simple.

Of course, that by itself doesn't explain the income gap. Another significant factor has been family structure. Weighing on the downscale side of income distribution has been the burgeoning number of single-parent families, particularly those headed by never-married mothers; overall, single-parent families earn about half as much as two-parent households. On the upscale side, there has been an increase in families in which both spouses make lots of money. To put it another way, there are almost 2½ times as many people working in the richest fifth of households as in the poorest fifth. Less than a third of the people in the bottom quintile live in households headed by a married couple; the rest are single (55%) or in single-parent families. In the top quintile some 90% live in married-couple families.

Changes in family structure account for more than a third of the increase in income inequality since 1979, figures Gary Burtless of the Brookings Institution, making it a slightly more important factor than the widening wage gap. Lynn Karoly of the Rand Institute in California calculates that the wage gap is a bigger deal, but no matter: No one disputes that both factors are crucial.

Other suspects in the inequality lineup are the declining minimum wage (lower in real terms than in 1973), declining unionization among men (accounting for as much as 20% of the gap, estimates Freeman), deregulation (protected industries kept wages high), immigration (which can depress wages), and trade (that giant sucking sound). Higher levels of entrepreneurship may also be associated with higher inequality.

All those things probably count, but to a minor degree compared with the changes in earnings patterns and family structure. Immigrants, for example, can drive down wages in local labor markets, particularly among the low-skilled, but that effect is muted across the country as a whole. When it comes to trade, the effect is even more difficult to identify. While some companies have certainly shipped jobs to cheaper climes, most U.S. trade is with other rich countries, and most low-paid jobs are domestic, such as cleaning or food service. Remember, too, that to critique immigration and trade strictly in terms of their impact on inequality is to look through a cracked mirror: Doing so ignores the contributions immigrants make to America and the opportunities wrought by freer trade.

What is more important than any of these individual factors, Karoly notes, is how all of them have reinforced one another. At the same time, there have been few countervailing forces. The U.S. could have tried to slow these trends, as Europe has done, through high minimum wages or centralized wage bargaining or protective trade barriers or high taxes. It chose not to.

What can be done? The primary rule of economic policy should be like that of medicine: First, do no harm. And the problem with many of the knee-jerk policy responses to inequality is that they cannot pass that test. Looking at the list of culprits responsible for the run-up in inequality, for instance, one could argue for less technological change, less trade, more regulation, and less entrepreneurship. Would America really be better off with such an economic blueprint? To ask the question is to answer it.

Even the more plausible approaches carry side effects worth thinking about. Take unions. Unions are an essential part of a free society, and they do an excellent job of raising wages for members. But they can also be associated with not-so-good things, such as protecting their workers at the expense of those trying to get into the labor market—an important factor in the high level of European unemployment. In July, Alan Greenspan contended that it was America's greater labor-market flexibility that had allowed it to take advantage of information technologies faster and more fully than Europe; tech-led productivity has been the bedrock of America's recent wage and productivity surge. In this context, the case for actively encouraging more unionization begins to weaken.

What about raising the minimum wage? That's plausible too, and the increased minimum wage probably played a role in steadying inequality in the past few years. Moreover, countries like France, which has a high minimum wage, have seen inequality grow much less. America may be robust enough to swallow the proposed minimum-wage increase to $6.15. But there is clearly a point where a minimum wage can become burdensome, killing job opportunities, as has happened in Europe. And raising the minimum wage is an awkward way to lessen inequality. Most minimum-wage workers do not live in low-income households (think of suburban teens), and many poor households have no workers at all. So most of the gain from a higher minimum wage goes to families that are not poor. Worse, the Organization for Economic Cooperation and Development has documented a connection between the minimum wage and youth unemployment: the higher the wage, the more idle youngsters. That has to be a large part of the reason a quarter of France's under-25-year-olds are out of work.

Is all this simply an argument for complacency? Not quite. It is really an argument for looking at the issue from a different perspective. Let's face it: Normal Americans do not fret about rising Gini coefficients or quintile displacements. They do however, worry if hard-working people, even professionals, cannot find a home of their own that fits their means. They don't want children suffering, even if their parents made bad choices. They believe that opportunity is available to all and that government should not hinder people's ability to take care of themselves. Americans, in short, are hapless at class warfare (perhaps because they are so absorbed in racial and ethnic issues). If they were better at it, they would be howling, say, at the proposed death of the death tax, which applies to only a tiny share of estates. Instead, most people want it killed. The attitude seems to be, "Hey, that might be my estate someday."

Given such attitudes, a plausible list of goals for government might go something like this: Enhance the prospects of poor children, improve living conditions, reward work, bolster family responsibility, keep taxes from impoverishing people and ensure mobility.

And surprise, surprise: American social policy in the 1980s and '90s has done almost precisely that. The Reagan Administration can take credit for the 1986 tax reform, which released many lower-income Americans from federal income-tax liability. The earned-income-tax credit (EITC), also a Reagan-era initiative, supplements the pay of low-wage workers with children through a refundable tax credit of up to 40% of earnings. The Bush and Clinton Administrations expanded the EITC (the latter in the teeth of strong Republican opposition). Both also expanded the provision of support services for poor children outside the home—child care, foster care, Head Start, and so on. Child-support enforcement expanded under all three (with, it has to be said, spotty results), and health insurance and child-care subsidies for poor children expanded under Bush and Clinton. The welfare reform of 1996 (in the teeth of strong Democratic opposition) explicitly connected working to the receipt of benefits. Overall, these policies make up a broadly consistent approach that Americans are in tune with—and that has delivered real improvements.

Perhaps, then, the way to remedy inequality is not so much to try to lessen the Gini coefficient—through redistributive taxation, for example—but to ameliorate the problems of those snagged at the bottom. One such problem is clearly housing. There is a gap between the growing numbers of low-income renters (10.5 million in 1995) and the shrinking numbers of low-cost rental units (6.1 million). A record 5.4 million households spend more than half of their income on rent or live in substandard housing. The feds can and should do more in this regard by boosting the number of housing vouchers. (Congress eliminated new housing vouchers for four years in the 1990s; the 2000 budget envisions expansion.)

But inequality begins at home. It is not coincidental that two cities with massive affordability problems—New York and San Francisco—may also have the most tortured housing markets in the country. Byzantine regulations suppress new construction and raise its cost. Insiders—those who have scored a price-controlled apartment—benefit at the expense of outsiders, who pay prices exaggerated by the artificially induced constraint in supply. So while rent decontrol rarely makes the egalitarian to-do list, it deserves to be on it. And Silicon Valley and other wealthy communities should take a hard look at regulations—two-acre zoning and the like—that put up a keep out sign for the unrich.

Expanding the EITC further—by increasing the credit (particularly to families with three or more children) and extending it to childless full-time workers—would also help. The EITC is first-rate social policy. Essentially it promises parents that if they work, their income will exceed the poverty line. In 1998, EITC supplements lifted almost five million people out of poverty, and that money has proved an important carrot to get former welfare recipients into the job market. A further expansion would put more dollars in low earners' pockets and reduce the ranks of the working poor, without the scattershot effect of the minimum wage. It also makes perfect equity sense in the context of the tax cuts both parties are fiddling with. Don't believe the fluff: Tax cuts would benefit the better-off most, for the very good reason that they pay the lion's share of taxes. The top 1% of earners, for example, pays almost a fifth of all individual federal income taxes, according to the Congressional Budget Office, and the top fifth almost 60%. The bottom two quintiles contribute 8%. An expanded EITC, in combination with tax cuts, would spread tax largesse all the way up and down the income distribution. Along the same lines, states that are considering cutting taxes would do well to cut sales taxes, which hit the poor hardest, rather than income taxes. Or they could start or expand their own versions of the EITC, as more than a dozen states have already done.

Third, surely a country as rich and talented as America can figure out some way to ensure reasonable, regular health care at a level of access that, say, Ireland provided in the 1960s. There has been expansion of guaranteed medical provision for poor children, but about 15% still slip between the cracks. A system with fewer gaps could also promote mobility; it is scary for low-income people in a job with health coverage to try to improve their position by moving to a new job without it.

Fourth, let's remember that not every problem comes with a ready solution, from government or anywhere else. For example, it would be an unambiguously good thing for America as a whole if families formed more readily and stayed together more reliably. This would also narrow wage inequality and boost family income. It's just far from obvious how to get there from here.

Social policy is not a field of dreams; miracles are rare. Across the rich world, estimates Ignazio Visco of the OECD, the long-term poor are some 2% to 4% of the population. But at any given time, these families make up half of the population living in poverty—everyone else moves up and out. The major problem in such homes is not lack of money but disorganization, illness, lack of social skills, and general cluelessness. In her book *What Money Can't Buy*, Susan Mayer of the University of Chicago argues that after basic needs are met, additional income has little effect on children's prospects. Using a form of regression analysis that only a social scientist could love (or indeed understand), Mayer estimates that doubling the income of the poor would reduce high school dropout rates by one percentage point, increase education by a few months, have no effect on teen pregnancy, and possibly worsen male idleness. "Any realistic redistribution strategy," she concludes, "is likely to have a relatively small impact on the overall incidence of social problems." Enhancing living standards to provide dignity and reasonable comfort is a social good in itself. But humility is warranted in terms of the long-range benefits of doing so.

In the long run, because so much of inequality is connected with the higher returns on skills, it is crucial that Americans learn the things they need to know in order to succeed. Which brings us to education, the most important component of the mobility that is the bedrock of the American dream. Poor people in poor communities are educationally short-changed, and the problems begin early. That Americans of almost any intellectual level can find a college to accept them does not excuse the lack of basic skills too many high school graduates demonstrate. Money may be part of the answer, but only part. Cash can be spent wisely or stupidly; there is, at best, an ambiguous correlation between spending and achievement. But evidence indicates that increased attention to education in early childhood brings enduring and positive results. It's clear that there has to be more emphasis on accountability and outcomes—what children actually learn—as opposed to how much is being spent. That's beginning to happen. And it's hard to believe that competition—vouchers, charter schools, and the like—would not be a goad to improvement.

Finally, let's remember that nothing good is going to happen if the economy goes into the tank. Tight labor markets have done more to make welfare reform work than any aspect of its design; productivity has driven up wages since 1993 faster than any transfer program could have done. Remedies to inequality that hurt the economy as a whole will hurt the poor first and worst.

Laura D'Andrea Tyson, former head of the Council of Economic Advisors under President Clinton, offered a striking way of looking at these issues at a Federal Reserve conference in 1998. Imagine the income distribution, she suggested, as an apartment building in which the penthouse is more and more luxurious, and the basement, in which a number of dwellers (and their children) are stuck year after year, is rat infested. What to do? Well, some social critics, offended by the presence of wealth amid such distress, would like to pillage the penthouse. Tyson simply notes, "We need to do something about that rat-infested basement." Taking care of the rats and making sure people can climb out of the cellar: That seems about right.

Mr. HOLLINGS. You begin to understand—when we talk about jobs, when we talk about pay, when we talk about our society, when we talk about our economic strength, when we talk about the middle class—that the strength of our democracy is disappearing.

So, yes, we are going to trade with China. But if you make it permanent and you make it normal and you want to compete with China, you are going to be in one heck of a fix, is all I have to say.

Let me say a word about market share. Japan has been practicing this for a long time. They have a society that sacrifices at the home market in order to take on the international market, the market of the United States. There is no question about it.

That Lexus that costs $34,000 in the United States costs $40,000 to $44,000 in downtown Tokyo. That camera that sells for $300 here—a Japanese camera—sells for $600 to $1,000 in downtown Tokyo. That Handycam that sells for $640 in the United States—made in Japan—sells for almost $2,000 in downtown Tokyo.

We do not have that kind of society. This is a spoiled society. We are supposed to give you tax cuts even though we have hardly any taxes to cut. And they can't be punitive, because look at the economy. By the way, we are paying down the debt, but we do not tell them we are increasing the debt at the same time.

I really have not had but one person ask me about the estate tax. Nobody has asked me about the Social Security tax because we put it in line with all other pension plans. Nobody has bothered about gasoline. Overseas, they regularly sacrifice $4.20 for a gallon of gas. When we get to $2 a gallon, we go ape and hold Federal investigations, TV shows, and everything else.

So the competition in globalization is one of sacrifice. In China, they call it communism; sacrifice, in Japan, in Korea, and even in France and Germany. They have all kinds of rules and regulations. Try to buy a year 2000 Toyota in France. They keep it at the Port of Le Havre and inspect it a year or so, and you can buy the year 2000 model on January 1, 2001.

They have all kinds of barriers and different tricks. We talk about globalization and productivity as if we know something about it and that all we have to do is reeducate and get more engineering graduates. Come on.

I am talking about middle America, the blood and guts of this society, the blood and guts of this democracy. That is what keeps us a strong country. That Fortune magazine article that came out the day before yesterday will tell you about that divide, will tell you that the take-home pay of that industrial worker is less than what it was 20 years ago, adjusted for inflation. It is a devil of a trend, but they are not talking about that or even mentioning trade. But when it comes to market share, the Japanese set the pace.

What is going on in telecommunications?

I have a bill which is a reminder because the law is there. I am going to testify tomorrow that it is nothing more than a reminder. No communications bill is going to pass unless they put it as a rider on one of these appropriations bills. Because they do not want to debate these things.

All you have to do is look at Deutsche Telekom's SEC reports and know they call themselves a monopoly and that the German government is in control.

When you are a country in control, you can print money. We know that better than anybody. We have been running deficits since 1968, 1969 under Lyndon Johnson; now the debt is $5.7 trillion. So we know about governments printing money.

Deutsche Telekom had its stock at $100 earlier this year, in March. Now it is down to $40. Do you think Ron Sommer, the CEO of Deutsche Telekom, is worried? He could care less. He says: I have $100 billion.

He just had a bond issue of $14 billion. Everybody got into it. We could not get a $14 billion bond issue going in this country. But a government-controlled company can easily get it because that company can't go broke. It is bound to win.

Sommer says: I have $100 billion. And I am ready to buy AT&T or MCI or Sprint or VoiceStream or any telecom company I please. If his stock was down in the regular market to $40, and he had $100 billion, there would be a footrace between Boone Pickens and Carl Icahn. They would be in there in a flash. There would have been a takeover long ago. You see, they can come in with all kinds of capital and distort the competitive market.

That is why we deregulated telecommunications from U.S. Government control in 1996. We certainly did not do it to put it under German Government control. That is why we have the World Trade Organization, in order to get competition, not to set up government-controlled companies to take over in the private market.

But why do they do that? Who does offer the highest price, they tell me, per subscriber in one of these communications entities. Previously the highest bid was $12,000 per subscriber. Deutsche Telekom comes in with $21,000 to $22,000. Money is nothing to them. Why? Because they want market share. They battle. And the whole fight in globalization is for either jobs on the one hand, market share on the other hand, or both.

That is the globalization. That is the trade. And we do not have a trade policy.

They talk about free trade, and they get together. Unfortunately, our Democratic leadership gets together with the Republican leadership on this score.

They put out the white tent and they fixed the vote. The New York Times wrote the article about it. The New York Times put in there that they got the NAFTA vote by giving our friend, Jake Pickle, a culture center; another Congressman two C–17s; another one a golf match. They had 26 gimmies to fix the vote. So they fixed the vote here in the Finance Committee and fixed the vote with the leadership, and they have the unmitigated gall to come and say: No amendments, don't discuss it, when can we vote, let's get this thing over with, free trade, free trade, free trade.

I am going to join my friend, our leader from West Virginia, Senator BYRD, and others, and hope we bring some sobriety to this crowd up here in Washington. Let's start competing and let's start being productive. Congress berates the U.S. industrial worker. You must become productive. But we can't pass an increase in the minimum wage. We can't pass a patients' bill of rights. We can't pass gun control. We can't pass campaign finance. We can't do anything.

Remember, we are competing with ourselves. I think that is one of the main points to be understood. I will never forget those industrialists who traveled all the way to Europe and back with jet lag to implement the Marshall Plan. Now with the profit the corporations make, they don't mind the jet lag. They don't mind moving for a while to Japan and Korea and other places. And as of 1973, the banks—Citicorp and Chase Manhattan—made a majority of their revenues and profits outside of the United States. They became more or less multinational. Then, of course, the corporations themselves started traveling over there and they organized in order to support this so-called free trade, which they knew historically was a bummer. They organized the Trilateral Commission and the Foreign Policy Association. If you run for President, the first thing you do is get a gilded invitation to go up and pledge on the altar of almighty free trade your loyalty and your fealty to free trade. So you become sophisticated. You become knowledgeable. Yet you don't know what you are talking about.

Then they give the contributions to the college campuses so that you not only have the companies and the banks, but you have the campuses. There was a Ms. Jacobson who put out a study back in the 1980s where the majority of the contributions, I think, on the Harvard campus were Japanese. So you get all the campuses. You get the consultants. You get the Washington lawyers. We don't hear too much from our friend Pat Choate. I wish he would run again. Pat Choate wrote "The Agents of Influence."

The agents of affluence were our special Trade Representatives, whether it was Eberly or Brock or Strauss, those representing us immediately went to represent the other side. It would be like General Powell going to represent Saddam Hussein and Iraq. But that is what has been going on. To Mickey Kantor's credit, he has not done that. But I have been here long enough to watch all of them. Carla Hills, who gets all of these awards and everything else, represented the other side, the competition.

Then you have the retailers. We used to debate a bill, Mr. President. I would go down to Bloomingdale's, and I would get a lady's blouse made in Taiwan and one made in New Jersey because they are trying to fill up the order. They were never the same price, and the American manufacturer wasn't the lower price. I went to Herman's and got a catcher's mitt, one made in Michigan, one made in Korea—the same thing, the one from Korea was cheaper. So they make a bigger profit, the retailers. And the retailers pay the newspapers through advertisements. That is the source of the majority of newspapers' profits. The business manager of that newspaper says you have to be for free trade because the retailers are their clientele.

I just heard the distinguished Senator from Arkansas talk about free trade. She was very much for this particular bill. Their biggest industry? Wal-Mart, import industry. They are going to sell a few chickens in Arkansas. Tyson hopes he can sell a few chickens. But they are not producing anything else there. So we have to go over to the retailers.

We have the banks, the corporations, the consultants, the societies, the campuses, the lawyers, special trade representatives and, yes, the lawyers. The Commerce Committee does not consider a bill that your office does not fill up with this crowd. In fact, these folks are confusing the Deutsche Telekom bill that my distinguished colleague cosponsored with me, running around the whole month of August trying to figure out how to get this vote and how to get that vote.

Section 310(a) says you cannot license a foreign government in telecommunications. It has been that way since 1934. We argued and debated it in the 1996 bill. We ultimately left it alone. In spite of the White House and the FCC and all the other legal shenanigans they have ongoing, the law is still there, but they are trying to confuse that.

It is like Spain with the fifth column. We have the enemy within, like Bobby Kennedy wrote about. I mean, I am not worried about China. I would run it the same way they are running it. They have a $68 to $70 billion plus balance of trade. We have got $70 billion minus balance of trade and it has been growing each year. It is going to continue to grow.

This is not about jobs in the United States. It is about jobs in China. The Wall Street Journal had a big headline that said investors are racing now to invest in downtown Beijing, get a foothold there and then get the protection of the WTO—because you know who the WTO is going to rule in favor of. Fidel Castro can cancel your vote, Senator, my vote, the U.S. vote. I mean, come on, the WTO setting our trade policy?

I have introduced a bill in each of the last sessions of Congress and I will introduce it again next year. I am trying to get the 28 Departments and the Agencies coordinated in a department of trade and commerce so that we can have a coordinated assault on the needs of this Nation. At the present time, it is all spread around, disparate. You have the policy from the Trade Representative. No, it is the Commerce Secretary. No, it is the Secretary of Defense. No, it is the White House. No, it is some other ruling that the administrative body, the FCC, has made. That is why we have these booming 60,000 lawyers at the bar in the District of Columbia—not 6, 60,000. I believe 59,000 of them are communications lawyers.

If we could just coordinate and get one trade policy for this country and get competitive like the old Yankee trader; otherwise, we are losing our jobs, our manufacturing. We are in economic decline. We are losing our middle class. Unfortunately, we are losing the strength of our democracy. I really believe that.

My friend, the Senator from New York, says this is a most important vote. Well, I think it is just as important for the exact opposite reason, that we kill it, not pass it, kill this thing, have regular trade, not normal, because we have been losing. I want to start competing. I certainly don't want a permanent trade agreement. Don't have one Congress try to bind the other Congresses. "Permanent" was put in there by the NAM Business Roundtable and the downtown lawyers. They are trying to get predictability to that investment over there, and they want to come back and tell ensuing Congresses: Look, you told us it was permanent and so we have our money over there.

And so just like the Senator from Arkansas protects Wal-Mart, which he should, maybe I would be here trying to protect a textile company that wants to produce in downtown Beijing.

The PRESIDING OFFICER (Mr. GREGG). The time under cloture has expired.

Mr. HOLLINGS. I thank the Chair and yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I come to the floor of the Senate this afternoon to discuss a motion to proceed on what many of us believe to be a very important issue, and that is Permanent Normal Trade Relations (PNTR) for China.

While this issue has been a long time in coming to the floor of the Senate, its time has come. Our Nation, for a good number of years, has pursued a relationship with mainland China to improve the trade and commerce flows that are critical to this country. The agreement that we are here to ultimately get to final debate and passage on, is an agreement that allows an unprecedented access to the China market.

I support PNTR for China because it will seal the deal on the U.S.-China Bilateral Agreement and finally allow U.S. business and farmers the access to Chinese markets that the Chinese have to our market. In other words, America has had a relatively open market to China while China's market has been, for all intents and purposes, closed—except by category and by definition. Passage of PNTR will help pave the way for China's eventual membership in the World Trade Organization.

I think, as you would probably agree, all of these are critical in our relationship to this very large country and the role that it will inevitably play in our future world. This deal cuts the barriers to trade that U.S. farmers and businesses have unfairly encountered for decades. It serves Idaho because it slashes tariffs on exports critical to Idaho's economy.

Let me give a couple of examples. On U.S. priority industry products, tariffs will fall to 7.1 percent. Tariffs will fall on several products that are critical to my State, including wood and paper, which are critical to my State; chemicals, a growing industry in my State; and capital and medical equipment. In information technology—now a very important part of Idaho's economy—the tariff on products, such as computers, semiconductors, and all Internet-related equipment will fall from an average of 13 percent to zero by the year 2005.

On U.S. priority agricultural products, tariffs will be reduced from an average of 35.1 percent to 14 percent by January of 2004, at the latest. It will also expand market access for U.S. corn, cotton, wheat, rice, barley, soybeans, meat, and other products.

I think we all know the current state of the agricultural economy, and while we will set policy, to hopefully help production agriculture, we have always known that knocking down trade barriers and expanding the world marketplace for our producers in agricultural products remains critical. We have long since passed the day when we are the consumers of all that we produce. Now, well over 50 percent of everything a farmer or rancher produces on his or her property has to be sold in world markets to maintain current economies and to improve the profitability of those individual operations.

China, without question, is struggling today to determine what it will do in agriculture. Without question, it will want to feed itself and to continue to do so. Any nation worth its own gravity wants to provide food and fiber for its own citizens. But as that economy improves—and it is improving—the ability of disposable income in the hands of the mainland Chinese means that they will want to buy more of a variety of products that our tremendous agricultural economy produces. This is merely a step, and that is why I say dropping tariffs from 31.5 percent to 14.5 percent by the year 2004 is significant. As we work with them, those tariffs could actually drop more rapidly in that area with additional agreements. There is no question that future Administrations in this country will continue to pressure the Chinese to move in the direction of even lower tariffs, but that significant drop of over 15 percent will rapidly enhance agricultural opportunities for sales to China.

The United States needs this deal. We are the strongest economy in the world and, as a Senator, would I stand here and say we need this deal? Yes, because we do. The U.S. trade deficit with China is large and continuing to widen. The deficit surged from $6.2 billion in 1989 to nearly $57 billion in 1998. And it continues to rise.

That statement alone is proof that our economy has been a largely open economy and theirs has been a relatively closed economy. This agreement, however, rapidly moves them toward a much more open economy and, therefore, spells in very simple language an opportunity for American business and industry and America's working men and women to expand the products they produce to sell into the Chinese markets.

In addition to reducing barriers to trade, it will also force China to play by the rules.

There is, I guess, a bit of a saying that when you deal with the Chinese on the mainland, you sign the contract, and then you begin to negotiate. In this country, when you sign the contract, you have made the agreement. The negotiation is complete. That is why bringing them on line with PNTR and into WTO means that not only will they have to ultimately play by the rules, but there will be a learning process for them as well. In working with the dispute mechanisms of the WTO they will obviously learn that as they move more aggressively into world markets, there is a rule of law that we have all trading nations of the world play by; that is, a rule of fair trade based on the standards established and negotiated within the agreements.

Let me give you an example of the problems we face today.

Idaho is known for its beautiful orchards. Of course, the State of Washington—our neighbor—is known for more orchards and that fine red apple that many of us see on the shelves of the produce markets and supermarkets of our country. Today, many of those orchards that produce those marvelous apples in Idaho and Washington are being pulled out and replaced by other crops. Why? Because the Chinese have flooded the United States market with concentrated apple juice—that when you buy apple juice in the marketplace, the apple juice could well be produced from a Chinese concentrate shipped into our markets, then processed and bottled and sold into the American market.

The only way we can control the Chinese flow of concentrated apple juice into our market today would be to either openly threaten or close down our markets—close down our borders to the Chinese. That makes very little sense when you are working to expand markets because they then would counter by closing down access to another portion of their markets only to hurt another segment of our agriculture.

If they were in the WTO—if we accept this agreement—then they come under entirely new standards so that they have to regulate the flow of their concentrated apple juice into our markets, and without question, substantially improve the overall economy of the fresh fruit industry of this Nation and of the State of Idaho, and the State of Washington.

PNTR also means better opportunity for Idaho business-people and for the Idaho workforce.

For several years now Idaho has exported to China on a growing basis. We are 1.2 million strong in the State of Idaho. We are not a large State—at least population-wise.

In 1993, my State exported just about $2 million worth of goods and services to China. But by just 2 years ago, in 1998, that number had grown to $25 million. That is a 1,000-percent increase in the flow of goods and services leaving Idaho and going to mainland China, which just shows you the tremendous expansiveness in the marketplace that still remains relatively closed. This agreement rapidly opens that market and allows us greater access.

This last year, in December of 1999, I had the opportunity to lead an Idaho trade mission to China. I asked 13 different businesses and industries to go along with me and my wife, Suzanne, and some of our staff. Representatives from agricultural companies and building material companies and the high-tech community went along with us. We were all united, not only in our recognition of the importance of China's entry into the WTO, but all of these companies that went along went to look for opportunities to expand the marketplace of products built in Idaho for expanding the economy of my State and expanding the workforce and the job opportunities that exist in my State.

While we were there, we had the distinct privilege of meeting with President Jiang Zemin. President Jiang gave us the courtesy of nearly an hour of his time in a direct discussion with myself and the trade delegation. During that time, he talked about China's future and he expressed it this way. He said China is serious about a transition to a more market-based economy, although the President made it very clear that China was not going to fall for the Russian model. In other words, they weren't going to throw out the old and assume that the new would just naturally take its place.

What they recognized and what they are doing at this moment is a progressive step-by-step approach for greater access in the marketplace, greater flexibility in the marketplace, without collapsing their economy, and without destroying the job base they currently have. There is no question that China is eager to gain the economic benefit and the political prestige of a WTO membership.

During that tour, we also went to an area and a province to the coastal city of Xiamen. There you can see firsthand what happens when an economy that was once guarded, protected, and limited by state-owned companies and by political control is turned, relatively, loose to join the world economy. Xiamen is one of six free-trade zones in China that was created by Premier Deng Xiaoping a good number of years ago. Their gross domestic product is phenomenal with average GDP of 20 percent, and job creation of the kind that is tremendously significant in giving the workforce of China the kind of upward mobility that all of us seek for all peoples of the world.

While we were there, we toured a brand new Kodak plant that was built on about 19 acres of ground. It was once a rice paddy for water buffalo and cobra snake. In just 19 months, this rice paddy was transformed into a very modern company that met all of the building codes, standards, and safety requirements as if they were built in my backyard, or in your backyard, or anywhere in this Nation. It was the home of thousands of workers, working for a much higher wage given the kind of power that a higher wage gives, and even given the opportunity to buy and own their own apartment.

If we really want to see China change, we must help give their workforce this kind of an economy, give them more money in their pockets, a chance to own private property, and then we will watch, over the years, a political change that will take place.

PNTR for China will improve the standard of living for many Chinese who have endured very poor standards of living.

PNTR isn't just a good deal for the farmers of Idaho, or the business men and women of Idaho. It is a good deal for the Chinese people who have suffered poverty beyond compare, and who are now beginning to experience through the marketplace, the opportunity of upward mobility, and the opportunity of private property ownership that truly begins to transform the political base and the landscape of a country.

Over the last year, as this issue developed and certainly over the last 6 months as we have known and as the Nation has known that we would ultimately debate the issue of permanent trade status for China and debate their entry into the WTO, I have received a multitude of letters from Idaho from all kinds of constituents who for one reason or another see the issue of permanent trade status the same way I do. While we agree that some of the human rights issues in China, and some of the other kind of concerns that we have are important, we also agree that our Nation must be continually engaged with the Chinese to change the world and to change their role in the world. Building a wall or turning our backs on this huge population base is no way to gain those kinds of ultimate changes or benefits.

These letters, and letters from my Governor, Dirk Kempthorne, I think note, at least for the moment, that I share them with you. Let me give you a couple of examples.

Here is one from David Sparrow, of Boise, ID.

He writes:

> DEAR SENATOR: As a constituent and a member of the agricultural community, I continue to urge your strong support of PNTR legislation with China.

He goes on to say:

> PNTR for China is vital to the farmers and other agricultural interests in our district. Your vote is critical.

Another one is just a simple one-liner from a gentleman in America Falls, when he said:

> Support trade with China. Nothing to lose except a market to other countries.

That is exactly right. If we don't compete effectively, then our producers and our American workforce will be the loser as other economies of the world continue to increasingly engage the Chinese marketplace in their bid for consumer products and a role in the world markets.

Doug Garrity from Blackfoot, ID, wrote this Senator:

> DEAR SENATOR: As your constituent, I urge you to vote in favor of Permanent Normal Trade Relations with China. Congress must approve PNTR this year in order to secure unprecedented access to world markets for my company and others across America.

He was talking about a company in American Falls, ID, that is an agriculture-based company.

When the Idaho trade delegation and I met with President Jiang Zemin it was very clear from what he was saying that they believed this time, it was their turn to make the concessions. He openly talked about why they had made these concessions, why they were lowering their trade barriers, why they would phase them in over a period of time, and openly discussed even freer markets than the kind that are proposed in the current agreement Ambassador Charlene Barshefsky negotiated in late October and early November. President Jiang Zemin recognizes that the strength of his country in the future is not going to be based on the strength of a government but the strength of an economy and the right of his people to share in that economy, both individually and collectively as a country. He spoke very openly about that.

It was an amazing experience to visit for well over an hour with a man who had walked behind Mao in the great revolution. He did not mention that once, but instead talked in terms of open and free markets and talked about China's role in a world economy and our role and our companies' roles and our national economy's influence over them and their economy. It was a dialog I would not expect to have. Yet it is a dialog that is now pursued nearly every day of the week in China by U.S. companies who are openly and actively gaining a piece of that market.

Another letter from Marlene Sanderlin of Lewiston, ID, which is a forest products and agricultural town. It is the location of our seaport where ocean-going barges come all the way up the Columbia and Snake Rivers into the heart of Idaho to take out Montana and Idaho grain, forest products, paper, and coal from Montana. All of that is moving out to the Pacific rim and some of it ultimately going to China. The vitality of that seaport, in the heart of Idaho, is in large part connected to the vitality of our trade in the Pacific rim and China. And China's economic growth, without question, is an opportunity for that seaport and for every seaport in the United States and the men and women who work in the maritime industries.

> As your constituent, I urge you to support PNTR legislation for China. This legislation benefits real people: Me, my family, and my country. It guarantees economic growth for America and promotes the growth of democracy in China.

She speaks from my experience and my limited exposure in China, and the absolute truth when she says it addresses the growth of the democracy or the democratic actions within China itself.

Potlatch Corporation happens to be a company that is a large paper and fiber producer in Lewiston, ID. They write, asking that we support this. Why? Because of the thousands of workers they have at Potlatch and the products they can supply into the Pacific rim and into the Chinese market.

I have a good many letters from Idaho. We have received thousands. I know that nearly every Senator has received phenomenal communiques from their State in support of this particular issue that is now before the Senate itself. Establishing a permanent trade relationship with China means establishing a permanent, but also growing and developing relationship with the most populated country in the world. Without question, it is a vast opportunity for the sale of our products, and for an ongoing and working relationship with those Chinese people that can do nothing but help improve the ongoing relationship.

We will have some important tests in the coming days as other votes on other issues directly related to China come up. I will take a serious look at some of them because we need to make very clear, straightforward statements to our friends in China as to what we can and will expect and what we don't expect as it relates to their role in the world community and our role along with theirs.

If PNTR were voted down, the real losers would be the American business person, the American farmer, and the American workforce. We have a vibrant economy today, and our economy is vibrant because we can sell in an ever-opening world market. It has not cost us jobs, it has continually improved and built a stronger economic base and a greater job opportunity for nearly every citizen in our country who seeks it. While that economy is strong, in the agricultural communities of Idaho and across the Nation, it is weak. It is weak because nearly 20 percent of the world market is off limits or in some way restricted to direct access for our production agriculture.

This is a quantum leap forward to not only gaining greater access but improving the economy of hometown, smalltown America. Idaho, my State, has a good many of them. PNTR is a critical link in providing that business economy, jobs, and growth relationship with China and China's future. Rejecting permanent normal trade relations would, in my opinion, have a dramatic impact on the economy for all the opposite reasons I have expressed that passage would have a positive impact.

Lastly, if we reject this, we largely freeze our relations with China. We can't afford to do that as a country. We can't afford to do that as a world leader. I, along with a lot of my colleagues, have been very stressed in the last several months with some of the utterances coming from China and some of what appear to be their activities here. Shame on us if we ignore this and if we ignore all of those other utterances. Full engagement is the only way we can deal with the Chinese. Full engagement economically, full engagement in trade, dealing with defense matters, openly stating our positions in unequivocal ways as to how we will deal with our friends, neighbors, and potential adversaries around the world.

It is that kind of leadership that is incumbent upon this country, it is that kind of leadership that is asked for in the Senate now in the passage of a permanent normalizing trade relationship with mainland China. I hope as we move to this vote we can get there, pass it, pass it as cleanly as possible, and get it to the President for his signature.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRAIG). Without objection, it is so ordered.

Mr. BYRD. Mr. President, the Senate is presently considering the extension of permanent normal trade relations status, or PNTR, to the People's Republic of China contingent upon China's accession to the World Trade Organization, WTO. Earlier this year, it appeared that China might seek to join the WTO this fall, but now, in the first blush of autumn, that possibility has receded. And so has the urgency for us to consider granting PNTR on a permanent basis or on a temporary basis to China. Yet, here we are, with but a scant handful of days left in this Congress and a large number of must-pass appropriations bills awaiting our attention, discussing the merits or demerits or lack of merits of forevermore foregoing our annual ritual of reviewing and extending normal trade relations to China.

It might be worthwhile for the Senate to so consume its time, if we were taking this debate seriously. After all, it is quite a significant vote, the outcome of which may have long-lasting effects on our economy, on American jobs and on American workers. Proponents of extending PNTR to China note with some alarm that, should China join the WTO, the United States could be subject to sanctions by China because we do not currently treat it exactly the same as we do other trading partners, both in the WTO and outside the WTO. And that is true. We do not treat China the same as, say, the United Kingdom or Japan. We put conditions on our trade with China, human rights conditions and labor conditions and nonproliferation conditions. We do so out of concern for those issues with respect to China.

Our annual debate and vote to extend for another year normal trade relations, with conditions or without conditions, allows us, here in Congress, to comprehensively review our relationship with China. The annual vote on NTR is important to China, more important, perhaps, than any other single piece of legislation might be. The United States is a huge market, an attractive market, and an important market for Chinese goods. The competitive advantage of NTR tariff rates is consequential. It is both a carrot and a stick to persuade China to alter its behavior with regard to issues near and dear to Americans, such as religious freedom, such as nonproliferation.

I would be happy to spend many hours on this debate, and discussing this important trade and security relationship. I consider it an important debate. But I am somewhat dismayed to read news accounts about a cabal among Senators to stifle one of the most important rights granted by the Constitution to the Senate. That is the right to offer and have debate on and votes on amendments. In the House, the rule guides debate and the number and content of amendments that might be offered to a bill. That is perhaps necessary in a body with 435 Members. But the Constitution says: Each House may determine its own rules. The framers made the Senate a place where minority views, and small States, had an equal voice.

Thus, West Virginia, a State consisting of 24,000 square miles—as a matter of fact, 24,231.4 square miles—is not a very large State when placed beside, on a geographic map, the great State of New York, which is so ably represented and which has been so ably represented by the senior Senator from New York, Mr. MOYNIHAN.

I oppose this legislation with due apologies to my friend. And he is my friend—a man of great wit, of great stature, a man of natural grace, a student, a scholar, a teacher—PAT MOYNIHAN. I apologize to him for having to vote against this bill, but I shall do it with gusto.

The framers established the Senate as a forum for unlimited debate and unlimited amendment. Or did they? They certainly did so with respect to unlimited amendments. But for several years, there was the previous question here in the Senate by which debate could be limited. But when Aaron Burr completed his tenure as Vice President of the United States and made his farewell address to the Senate, in early March of 1805, he recommended that the previous question be dropped from the rules. It had only been used 10 times in the previous years from the inception of the Republic. When the rules were revised in 1806, the previous question was dropped. It was then that unlimited debate reigned pure and undefiled and unchallenged in the Senate of the United States. So this is a precious birthright.

By the way, there were no limitations placed upon debate from that time—1806 or 1805—until 1917, when the present rule XXII—not exactly the present rule; it has been changed some since then—but a rule providing for the invoking of cloture was adopted in the Senate in 1917.

But this group of Members—I do not know who they are, and I am not sure that such a group exists, but I will take rumor for truth at this point because it very well could occur to some Members to want a "clean" vote, up or down.

This group of Members, I read, want a "clean" vote, up or down, on the House-passed bill. They, and a number of House Members, do not want a conference. And they do not want a second vote in both Houses on a conference report. So these Senators—well-intentioned, well-meaning—are determined to defeat every amendment, I hear, to this bill, regardless of merit. So having heard it, let me accept it as the truth and proceed accordingly. I am embarrassed to read that. I hope that it is not true, that Members of this body would relinquish a critical Senate prerogative, especially over so important an issue. Perhaps they would say: Well, it isn't exactly relinquishing a prerogative. Other Senators may call up amendments, but we will vote them down. They shall not pass.

If it is true, then we are just spinning our wheels here, are we not, by trying to fulfill our Constitutional role of regulating foreign commerce? We are just spinning deep ruts in the Senate floor by attempting to offer amendments to improve this bill before we close off our opportunity to annually review and affect our relationship with China.

I have reviewed the House bill, somewhat cursorily, I admit. It is not that the House-passed bill is a bad bill. It contains a number of reporting requirements that attempt to assuage concerns about human rights and labor rights in China. But without the goal of an annual renewal of NTR status behind it, what force does a report have to affect behavior in China? How can a report protect American workers whose jobs are in jeopardy because of unfair actions in the trade field by China? How can a report protect American missionaries in China or Chinese citizens who wish to practice their religious beliefs? How does a report turn back a shipment of missile technology? How does a report turn back threatening words and actions directed at another nation like Taiwan?

The goal of this administration, and of the past few administrations—and I say this most advisedly; I have been in Congress now 48 years—and every administration since I came to Washington, Democratic and Republican, has been the same way, always singing the same old tune, and is guided, it seems to me, by the State Department.

The goal of all of these administrations, including the present one, has been to, bit by bit, eat away at the constitutional powers of this body to regulate foreign commerce. This is the message behind limiting mechanisms such as fast track. The argument is that our trading partners do not like agreements to be amended so it is take it or leave it for the Senate. But the Senate must make judgments based on our national interest.

Trade is a matter of increasing national interest. No one would dream of making the argument that we cannot vote for reservations or changes in arms control treaties because it would upset our negotiating partner. The Soviets promptly renegotiated the changes we made with respect to the INF treaty, a very fundamental change on the question of the very definition of the missiles that were the subject of the treaty. So are we to conclude that we can amend arms control treaties but not trade agreements, or even legislation dealing with trade agreements?

Trade has now become a varsity sport in America, especially here in Washington. It is very important to our well-being, important to millions of workers, important to the quality of our environment, important to the world's environment. It is important to large industrial and service sectors, a matter of such importance that we should at least pay careful attention to our constitutional responsibilities. The final product will be more in the national interest and Senators will have done their duty to their constituents and to our Nation, as it was envisioned by our Founding Fathers, if we debate this matter at length and if we offer amendments, debate them in good faith, and have votes up or down on them and let the chips fall where they may.

Is it not possible that we might improve this legislation by the vote of a majority here in the Senate? Suppose one were to offer an amendment vital to our security interest. It is not germane, but there is no rule of germaneness in the Senate except under rule XVI with respect to appropriations bills or when time agreements obtain or when cloture is invoked. So why not? Why not offer subject matter that is important to our national security interest?

If there is a group of Senators who have, by tacit understanding, by a wink and a nod, or by words openly declared that they will oppose any and every amendment regardless of its complexity or its complexion or whether it is good or bad or in between—if there is such a group of Senators, why not abstain from that and let us vote? Let us have a vote up or down and have a vote based on the subject matter of the amendment without any prior agreement, without any wink or nod, if there be such. Let us see where the chips fall.

Are we to say that this particular bill is the acme of perfection and we should not have any further amendments of any sort regardless of merit? I don't think that would be the right way to commence.

Once granted, PNTR will be difficult, though not impossible, to retract. Any attempt to withdraw PNTR status in the future, if it is granted now, will cause an uproar, and not just in China. The diplomatic crowd in the aptly named Foggy Bottom here in D.C. will bleat that rejecting PNTR will upset delicate negotiations with the Chinese. The big business crowd will complain about lost opportunities to sell or invest in China. The Administration at the time will prate erroneously about Congress interfering with their sovereign right to conduct foreign affairs. And even in Congress, bills might be introduced, only to die an unremarked death in some committee or on some calendar. I have been here a long time. I have seen a lot of bills die and I know a thing or two about how to kill them. So I know that undoing a thing is much harder to do than doing it in the first place. It will be much harder to undo PNTR than it will be to grant it.

So why are we apparently so gung-ho to have this sham debate and vote now, this year, this week or next? There is no great urgency. The bill will not even take effect until China's accession to the WTO is voted upon. Why do it now, just weeks after a damning report has been issued about China's role in the proliferation of missiles and missile technology? Why do it now—why not next week sometime or next month or next year sometime—mere weeks after Chinese authorities conducted another raid on a so-called Christian sect that resulted in three Taiwan-born American citizens and approximately 100 Chinese citizens being arrested for meeting in worship? Why do it now, just months after Chinese officials have made still more threatening gestures toward Taiwan?

Why do it now, before the final negotiations on the bilateral U.S.-Chinese trade agreement, particularly the trade subsidy portions, have been ironed out?

Perhaps someone was listening to that advertisement I have heard on the TV so many times: Do it now, do it here. Well, we don't do it now.

China's record on trade agreements is not stellar. Since 1992, six trade agreements have been made—and broken—by China. In the last two years, we have seen the effects of dumping on the U.S. steel industry, as well as on the apple industry. So why are we rushing this vote? Why now? Why are we rushing this in such haste that we will not even seriously consider amendments that might improve the legislation? It is hardly perfect, sprung like Minerva, fully formed, from the forehead of Jove, or like Aphrodite from the ocean foam.

In that vein, I have several amendments prepared which I believe could improve this agreement. One concerns prospective U.S. investments in the Chinese energy sector. This amendment, if adopted, supports the market for clean energy technology in China's admittedly booming economy. I believe this amendment would pass the Senate. I think it would command a decided majority in the Senate, if left to its own merits. Sales of such clean technology helps U.S. firms, of course, but also provide a mechanism for the Chinese to improve their air and water quality, a necessary step if China is ever to step up to what should be leadership role for her among the world's developing nations with regard to climate change.

Now I am all for dealing with global warming. I am for the Kyoto Protocols, if China will get on board. So why not have an amendment to that effect. Let's have a vote here in the Senate.

After all, by the year 2015 at the latest, China is expected—let's see, I will be serving in my tenth term; that will be my tenth term. After all, by 2015 at the latest, China is expected to surpass the United States as the world's leading emitter of greenhouse gases. For her own sake, as well as for the future of all of us, China needs to step up to the plate and tackle her role in addressing the global issue of climate change. The United States would also benefit from this effort, as increased volume of clean technology sales helps to reduce prices and make the best technology more affordable to retrofit on existing U.S. facilities.

My other amendments are perhaps somewhat more specific in nature. In light of China's less-than-sterling record of abiding by previous trade agreements, these amendments are focused on increasing the transparency of Chinese Government subsidies made to China's many state-owned enterprises, and on improving existing U.S. procedures for acting on dumping complaints. China has made vague promises about not dumping and about not providing unfair subsidies to her enterprises. Yet China has also staked a verbal claim to the status of developing nations, which would exempt her from any sanctions with regard to subsidies made to Chinese industries. My amendments would require reports on China's state-owned enterprises—what's wrong with that?—and the advantages they enjoy, which would better enable us to determine if China's actions are fair.

Another of my amendments would add certainty to the sometimes excessively lengthy process used to determine if such subsidies have adversely affected U.S. companies and U.S. workers. These amendments will help us better to protect American manufacturers, American jobs, American workers, and American families from unfair trade practices.

American trade negotiators have crowed that, in the U.S.-China Bilateral Trade Agreement, the United States has given up nothing, while the Chinese have made substantial concessions and have offered to significantly lower tariff rates on certain goods. But I argue that the United States is giving up something substantial, though not directly through the U.S.-China Bilateral Trade Agreement. We are making our part of the bargain now. We are giving up our annual review and extension of normal trade relations with China in favor of a permanent normal trade relations status. And we are doing it now, before China has to make a single concession as a result of the bilateral agreement, which, like PNTR, is contingent upon China's accession to the WTO. But I suspect that the Chinese may also be gambling on the fact that having once made the plunge in granting PNTR to China, the United States will give it to them even if they never make it to the WTO, or even if the details of the bilateral change are ignored. That is the way we are, and the Chinese know it as well as I do.

We have an obligation to our constituents and to the citizens of our great Nation to look out for their best interests. The Constitution gives us a role. Yes, it does. This is the Constitution that I hold in my hand for all to see through that electronic eye. This is the Constitution. Article I, section 8 gives Congress the power to regulate interstate and foreign commerce. So why don't we utilize that power? Why don't we utilize it? The Constitution gives us a role in regulating foreign commerce. I am not sure that we perform that obligation very well. We grant—I don't—fast-track authority to the Executive to negotiate massive trade deals and leave ourselves without the ability to amend. We take away the Senate's right under the Constitution to amend. We grant fast-track authority to the Executive to negotiate massive trade deals and leave ourselves without the ability to amend them, as we did with NAFTA and GATT, both of which I voted against—proudly. I voted against both.

My State certainly did not benefit from those actions. West Virginia lost jobs and lost a lot of the diversity in its manufacturing base. China is an enormous potential market, perhaps, but she is also an enormous labor pool competing for jobs and competing at a price advantage. Our economy is strong, but we cannot all sit at computer keyboards and be information age technology wizards. As a Nation, we also need to actually make things and grow things. Production and farming are important. But I would not invest in planting a new apple orchard right now, with Chinese apples and apple juice flooding the U.S. market. I would think twice about establishing a new assembly plant or some factory right now that faces competition from lower-paid workers in China, who do not have the same labor protections that workers in the United States enjoy and deserve. The future is uncertain and cloudy.

Who will get the prize? Chinese or American workers? Will China be rewarded despite a history of broken trade agreements, weapons proliferation, religious repression, poor labor protection, and aggressive foreign policy statements? Will China be rewarded before the final trade issues concerning subsidies have been inked in? Or will American workers enjoy a respite? Will American concerns for security, human rights, and fair trade hold sway for a little while longer? I say to my colleagues, let it wait. Let it wait. This debate, this vote, can wait until we have the leisure and the will to do it right. If we persist in this misguided charade of a debate with no intention of considering any amendments on their merits, I will fulfill my obligations. I will offer amendments—good amendments, useful amendments, not dilatory amendments. I hope they will not be tabled simply to avoid a vote up or down, to avoid going to conference.

At this time, I believe it would be extremely unwise to simply rubber stamp the House bill and approve PNTR with China without amendments.

Granting PNTR to China with no amendments and no conditions signals that the U.S. Congress has given up on putting worker rights and environmental standards on the international trade agenda. Coupled with the rhetoric of the President, the Vice President, and the U.S. Trade Representative in support of PNTR, congressional acquiescence will reduce American credibility on labor and environmental issues to virtually nothing.

At this time, it is not known whether China will actually apply for membership in the WTO. But one thing is clear; the Chinese Government has not wavered in its absolute opposition to any consideration of labor rights and social standards in the WTO. Despite claims that a market economy is bringing democracy to China, the U.S. State Department's 1999 human rights report on China concludes that the Chinese Government's "poor human rights record deteriorated markedly throughout the year, as the government intensified efforts to suppress dissent, particularly organized dissent." Documented human rights violations include torture and mistreatment of prisoners, forced detentions, denial of due process, and extra-judicial killings. Violent repression of all efforts to organize independent union activity continues.

Given such a record, it would seem unbelievable to many that the United States Congress would grant a green light to PNTR with China, without so much as even a nod toward conditions or amendments.

Are we to turn a blind eye to every deeply held principle we have as a people about justice, freedom, and right and wrong for the pie-in-the sky promises of economic gain? I hope not. For that would be much, much more than a sell-out. That would be a shame.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I rise with deference and not a small measure of awe at the continued erudition of my colleague from West Virginia. The first decision I made when I came to the Senate was to support him for majority leader, and I have not made one of equal consequence since. None has given me greater pleasure.

I say on the question of amendments that it is a point of significance. When the Finance Committee reported a measure on its own, it was a two-page bill. It was not a complicated matter. It was just agreed to. It will allow us to reap the benefits of an agreement that was reached between two countries.

Now, I must say with absolute openness—and I hope always to be such. Yes. It is the hope of the managers of the legislation that the Senator from Delaware, the chairman of the Finance Committee, and the ranking member, that we not amend the House bill. We have agreed to take up H.R. 4444, because if we amend it with a semicolon, it will require us to go back. The bill will go back. I do not have to tell the Senator. It will have to go to conference and pass the House again, and then come here and pass the Senate. Time has run out. This would have been a wholly acceptable and sensible approach in May, but here we are in September of an election year in the last weeks of the Senate.

So the Senator from West Virginia is right. He said he has read it in the newspapers. I stand here to tell him that it is the case. I hope we made no effort to conceal this. It is simply our judgment and the administration's judgment.

I would like to say one last thing about fast track. The Senator could not be more correct—that we have given up our right to amend the trade agreements. But we did that in the aftermath of the disastrous experience, which was the Smoot-Hawley Tariff Act of 1930. If you were to make a list of five events that led to the Second World War, Smoot-Hawley would be one. We raised our tariffs to the 60-percent level by trading on the floor in the most normal political process that works very well in most matters. But in trade it can be ruinous. We reached a level of tariffs of 60 percent. We were in that early stage of a sharp market crash. The economy was down. But it came back up. But with Smoot-Hawley, indeed imports dropped by two-thirds. And exports dropped by two-thirds. The British went off free trade into commonwealth preferences. The Japanese went to the Greater East Asian Coprosperity sphere.

In 1933, with unemployment rates of almost 33 percent, Germany elected Hitler chancellor.

So under Cordell Hull, that great statesman from Tennessee, and Secretary of State under President Roosevelt, we began reciprocal trade agreements. We gave the President the authority to negotiate reciprocal reductions in tariffs without coming back for the formal approval of the Congress. This was the predecessor of, the precedent for, the fast track procedures that were established in the Trade Act of 1974. In effect, the Congress itself said we will deny ourselves this temptation, if you like. We can always take it back.

Indeed, right now the President has no fast-track authority. It expired in 1994. He could not get it in the atmosphere of the divided parties.

It is that atmosphere, too, that leads us to believe that we should not send this measure back to the House. It had been thought that the permanent normal trade relations bill might pass by two or three votes. It was more, but not overwhelming. As the Senator from West Virginia knows, here in the Senate Chamber 86 votes were cast in July on the motion to proceed.

I want to be open about this matter, if I can, and as I am. There is nothing more to say than what I have said, save that I believe I have more time—possibly 3 hours—apportioned to me in this debate. If the beloved President pro tempore—and all of those things—would wish more of my time to speak further, he would only have to ask.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the very distinguished senior Senator from the State of Alexander Hamilton, New York. Alexander Hamilton was the only one of the New York delegation who finally signed the Constitution. He was one of the truly great statesmen in the early life of this Republic. He helped guide the people of that delegation at the Convention to a resolution concerning this great document, and one who helped, along with John Jay and James Madison, to write those, if I might use the word, "immortal" papers, the Federalist Papers. He helped to win the approval of the State of New York for the Constitution.

There is no one with whom I would rather, very honestly, discuss this particular subject in the Senate than the Senator from New York because I am so opposed to the view that he has just expressed. I am so opposed to it. I could with much greater passion say that if it were someone else.

I respect the Senator. I admire him. I know he was and is the great teacher. I wish I had had the good fortune to sit in a class and listen to Senator MOYNIHAN speak as a Professor.

I am proud to say that I had much to do with Senator MOYNIHAN's being a member of the Finance Committee, as he also had to do with my becoming majority leader.

But I am very, very much opposed to this approach. I am very, very much opposed to and somewhat chagrined and disappointed, I say with due apologies to my friend, at the philosophy which seems to govern the Senate at the moment with respect to this legislation, with respect to not adopting amendments.

The distinguished Senator has had no hesitancy whatever. He is not doing something behind closed doors or under the table or under the desk, but sitting it on front of the desk: This we are doing and this is why we are doing it.

He honestly believes that is the best for his country. I admire that. I respect the Senator for that forthrightness. He would not be otherwise but forthright. I respect his reasons, therefor. However, I cannot agree with him. I am totally, absolutely, unchangeably, unalterably set in my viewpoint that this is not the right thing to do; it is not in accordance with the Constitution of the United States; it is not in accordance with the wishes, the intentions of the framers. So be it. I am not going to argue that point. We will just disagree and be as great friends as we have ever been. And the Senator will win when we cast our final vote on this. His conscience will be clear and mine will be clear.

My State has lost under these trade agreements—GATT. Our country has lost under NAFTA. It is my understanding that we have lost 440,000 workers in this country as a result of NAFTA. Those are the statistics my staff has been able to get from the administration.

As I say, I will not belabor the point further. I thank the distinguished Senator for leadership that he has given the Senate. He is a man who has always enjoyed the respect of his colleagues whether he agrees or disagrees in a particular matter. He doesn't go out of this Chamber and carry it with him. We all love him, and we will all hate to see him go. But I will say to him, of his illustrious words that have been spoken in the Senate so many times, I have very carefully listened to them, and they will never dim from my memory.

The PRESIDING OFFICER. The Senator from New York's time has expired.

Mr. MOYNIHAN. I ask for an additional 1 minute to thank my illustrious, incomparable colleague for his remarks.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, inasmuch as no Senator seeks recognition, and there is a little time remaining before the Senate goes back to the appropriations bill dealing with energy and water, I ask unanimous consent that I may speak for not to exceed 10 minutes without the time being charged against time under the rule.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAITH AND POLITICS

Mr. BYRD. Mr. President, I rise today to congratulate Vice President GORE on his particularly fine choice of a running mate for the coming Fall election.

JOE LIEBERMAN is an able Senator. More importantly, he is a sincere and thoughtful Senator. He really fits no ideological sleeve, although some are already busily trying to label him. JOE LIEBERMAN is his own man, I believe. He follows his own conscience, I am confident of that, as even these early days of the Presidential campaign have already demonstrated.

Senator LIEBERMAN has firmly gripped the national political steering wheel, and he is bravely addressing one of the more fundamental issues before this Nation, namely the erosion of faith-based values from public life and public policy and the consequences of that regrettable loss.

On July 17, I took this Senate floor to express my own general concern and alarm over the direction this nation seems to be taking when it comes to spiritual values. My speech on that occasion was aimed in particular at a recent Supreme Court decision regarding voluntary prayer at a high school football game, but my remarks reflected my long-held general view that the Supreme Court has gone too far on such matters, and has increasingly misinterpreted the Framers intent regarding the establishment clause and perhaps more to the point the free exercise clause of the first amendment.

During my remarks, I called for a Constitutional amendment which might help to clarify the Framers' intentions. I even wrote to both Presidential candidates, with the hope of focusing attention on the matter, and thereby starting a national conversation about the proper place of religion in our public life, in our political life, in our country's life.

My friend, JOE LIEBERMAN, has done this Nation a great service by making his belief that faith-based principles and religion must and ought to have a place in our national policy and in our discussions about directions and priorities.

To my utter amazement, however, JOE LIEBERMAN has been misunderstood, and even maligned by some.

My colleague, now a candidate for the second highest office in the land, is not trying to force his religion or any religion down the throats of any unwilling recipient. Nor is JOE LIEBERMAN claiming, at least I do not read his remarks in this way, that a person cannot be moral if that person is not religious—even though I have to say that George Washington made it clear that without religion, morality cannot prevail; George Washington, in his Farewell Address. So, upon that authority I would rest my case. JOE LIEBERMAN is simply saying that in trying to assure that no one is coerced into embracing any one religion, or any religion, for that matter, the pendulum may have swung too far. JOE LIEBERMAN is simply expressing his own, and many other people's views, that it sometimes appears that persons of religious faith are not allowed their full freedom to practice and live their various faiths as their consciences dictate. He wants to have a national conversation about that, and I applaud his courage, for it is a subject easily misunderstood.

Political correctness gets in the way of all too many things in this country of ours. I am not a subscriber of political correctness by any means, shape or form. It has gotten in the way of an honest and open dialogue about how to allow for the open expression of faith-based values and practices for those who want those things in their lives, without infringing on the rights and beliefs of those who don't.

In my humble opinion, we must, as a Nation have this dialogue. The pendulum has swung too far. The Framers did not intend surely for a totally secular society to be forced on the populace by government policy. They only wished for individuals to be free to embrace whatever faith they wished, or none at all, if they desired none.

Prayer abounds throughout the speeches of our great men. References to God virtually drip from our public buildings, and invocations of the Creator's blessing crop up at every important public gathering throughout our history. We have wandered off the Framers' track on this, and we need to work toward a better understanding of what was intended, what was to be protected and why.

I hope that our fine colleague, Mr. LIEBERMAN, continues to try to further the conversation. Not to do so would be detrimental. I fear that the misunderstanding about this issue is huge and growing. There is a new sort of intolerance about religion that I find most disturbing. It has become the thing we don't talk about, because it is not politically correct, so many of us are driven into a closet. It is seen as a divider in our culture, instead of the force for good it certainly can and should be.

Where we do not want to go, and where we have rapidly been heading, is toward an instituted governmental policy which is prejudiced against all religion. We need to think long and hard about this together, as a country. How sadly ironic it would be if, after over 200 years, a nation grounded in religion and founded by religious men and women, with shining faith-based ideals about equality, fairness, freedom, and justice, and decades of effort to make those ideals a reality, wound up reflecting in its laws and policies a prejudice against religion and religious people.

SENATOR DIANNE FEINSTEIN'S INJURY

Mr. BYRD. Mr. President, I yield the floor—I seek recognition again for 1 minute simply to express my joy in seeing my friend and our illustrious, highly respected, and able colleague, DIANNE FEINSTEIN, back with us on the floor today. We are sorry that misfortune has for the moment seen fit to not deal with her fairly, but in time all will be corrected and I am sure she will be just as always, as new. She is a fine Senator. She is a great friend of mine. I consider her to be someone we should all try to emulate. It might be very difficult for some of us to emulate her. But we are proud of her, proud of the work she does. I salute her today, and I yield the floor.

Mrs. FEINSTEIN. I thank the distinguished Senator from West Virginia. I very much appreciate those comments. Last Friday night, I took a tumble down stone stairs and managed to have a compound fracture of my tibia and crack a couple of ribs, so I can't say I am none the worse for wear, but I thank the Senator very much for his warm words. I greatly appreciate it.

Mr. President, I ask unanimous consent to speak for some time in morning business for the purposes of introducing a bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California is recognized.

Mrs. FEINSTEIN. I thank the Chair.

(The remarks of Mrs. FEINSTEIN and Mr. SPECTER pertaining to the introduction of S. 3007 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mrs. FEINSTEIN. I thank the Chair. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, under rule XXII of the Senate, I ask unanimous consent that my hour to speak under cloture for the motion to proceed be yielded to Senator MOYNIHAN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. VOINOVICH). Without objection, it is so ordered.

Mr. THOMAS. What is the order of business?

The PRESIDING OFFICER. The Senate is in a postcloture situation on the motion to proceed to the PNTR.

TO AUTHORIZE EXTENSION OF NONDISCRIMINATORY TREATMENT TO THE PEOPLE'S REPUBLIC OF CHINA—MOTION TO PROCEED—Continued

Mr. THOMAS. I will proceed with PNTR on that basis. I thank the Chair.

Mr. President, as chairman of the Subcommittee on East Asian and Pacific Affairs of the Senate Foreign Relations Committee, I rise today in strong support of H.R. 4444, a bill to establish permanent normal trade relations with the People's Republic of China.

Let me begin today by disposing of the principle argument offered by opponents of this bill—that this bill somehow is a "gift" to the PRC, a reward. To hear the opponents of this bill talk, you would think that we were on the losing end of this equation.

However, examining the basic facts shows there is a fatal flaw in that assertion. Our markets are already open to the Chinese and to Chinese goods; the same is not true about our ability to enter China's markets. This bill, and the accompanying accession of China to the WTO, changes that. This bill opens up their markets to the United States. This bill lowers tariff and nontariff barriers to our goods and services. This bill gives us a level playing field. In other words, it is a win-win situation for the United States.

It is estimated that in the first year after this bill is enacted, and China accedes to the WTO, our trade with China will increase by $14 billion; in other words, almost double today's volume. And that translates into more jobs for U.S. workers and U.S. companies.

To use my home State of Wyoming, as an example, which is not a large export State, China ranked as Wyoming's 15th largest export destination in 1999; that is up from 16th in 1998 and 19th in 1997. Our largest exports are agricultural products, such as beef, grains, and, in addition to that, minerals.

Under this agreement, Wyoming farmers and cattlemen will no longer have to compete with export subsidies China uses to make its agricultural products unfairly competitive. China has agreed to eliminate sanitary requirements which are not based on sound scientific bases and which act as artificial barriers to products from America's Northwest, which includes Wyoming. Wyoming producers will benefit from a broadening of the right to import and distribute imported products in China, and from wide tariff cuts on a wide range of products.

To illustrate, under the agreement, China has cut its tariff on beef from 45 percent to 12 percent. It has cut its tariff on pork from 20 percent to 12 percent. And, significantly for a great number of my constituents in Sweetwater County, it will reduce its exorbitant tariffs on soda ash—90 percent of which is mined in Wyoming—from double-digits to 5.5 percent.

Passage of this bill means fewer barriers to U.S. exports. Fewer barriers mean more exports, and more exports mean more jobs for Wyoming farmers, ranchers, cattlemen and small business owners.

I don't need to tell my colleagues about the present sorry economic state of many of our agricultural sectors and small businesses. The key to their continuing viability and growth is increasing their share of foreign markets. It is for that principal reason that I support this bill and for China to go into the WTO. Clearly, it is going to be more advantageous for us to deal with the People's Republic of China through this organization than on a unilateral basis which we have done for the last number of years. By the way, this same trade arrangement has been available to them on an annual basis.

Let me make one more observation before moving on. Defeating the bill will not keep the PRC out of the WTO.

China will accede to that body regardless of what we do this week, regardless of whether or not we want it. We don't have a veto over their admission, and we make it sound as if that is the case from time to time.

What defeating this bill will do, however, will be to deny us the benefits of an open Chinese market, at least a more open Chinese market. It would allow China to keep its doors closed. It would give our allies and competitors a huge advantage over us.

I was there a while back, when we had a feud going on between the United States and China. They canceled large orders from Boeing and bought airbuses from France. That is the way the world has become. They can do that. It would set in stone our present trade regime where 40-percent tariffs are the norm, not the exception. That is what would happen if we don't pass this bill.

These are not the only bases for my support. Unlike some of my colleagues, I believe China is changing for the better and that admitting them to the WTO will, hopefully, speed that process. One has only to compare the China of 1978—the China of the Cultural Revolution, of Mao suits, and Marxism-Leninism-Mao Zedong theory—with the China of 2000, the China of the economic revolution, to see that changes are indeed both substantial and widespread.

This is not to say that everything is great there. That is not really part of the discussion. Of course, there are a number of things that need to be done. The country continues to have an abysmal human rights record, to stifle political dissent, to subjugate Tibetans, to stridently attempt to cow Taiwan into submission. All these things continue to go on. No one likes that, but that is not really the issue. The issue is how can we best bring about change.

There is no argument in this Senate as to whether China needs to change. We all agree it does. I believe the real issue is how do we effectuate that change. Do we do it by continuing to attempt to isolate China, as some Members would have us do, by pushing them away from us, or do we accomplish the task by seeking to engage China, by drawing it further into the community of nations, by giving its people an opportunity to see how others live in the world and then become impatient to make that transformation for themselves?

We can see that happening in a number of places around the world. Is it too slow? Sure. Isolating China off by itself is to some a feel-good position, a solution for some people. Improve your human rights record or we will cut off trade. Stop threatening Taiwan or we will cut off military exchanges. Stop selling military hardware to other countries or we will cut off high-tech transfers. Do we want a policy that makes us feel good or do we want something that works?

I don't believe you can unilaterally isolate a country such as China. Cut off trade and the European Union is more than happy to step in, sell China Airbuses, as I mentioned, in place of our Boeings. Cut off military-to-military exchanges and we lose the opportunity to impress the PLA with the vast superiority of our military while improving increasing mutual distrust among our two militaries. Cut off high-tech transfers and Beijing simply gets it somewhere else. Add that to the fact that foreign governments rarely react kindly to ultimatums from other governments—take, for example, how we in the U.S. would react to another country if they told us how to manage our affairs—and I believe the unworkability of the "isolationist solution" becomes self-apparent.

Instead, I believe the best way to influence China is to engage it, to draw it inextricably into the world community, to expose it to the world of ideas.

In 1995, on my first trip to China as subcommittee chairman the difference that contacts and trade with the West made in the PRC were clearly evident. I have not traveled there over the years as many people have, but just in the last few years there has been great change. Perfect? Absolutely not. More change is needed, of course.

In Beijing, the vast majority of the population was still riding bicycles. There were, 5 years ago, very few private cars, and political questions, especially in Taiwan, and the party line were the sole topic of discussion. In Shanghai, bicycles were replaced by mopeds and more private cars. While Taiwan and "one China" were still topics of discussion, individuals I met there were more interested in talking about trade, what they could do to facilitate economic change and growth. In Guangzhou, there were fewer bicycles or mopeds to be seen. Private cars, including BMW and Mercedes Benz, appeared to be the norm. Politics wasn't talked about a great deal.

The lesson was quite clear. The establishment of the rudiments of a market economy coupled with trade with the outside world leads to increased personal wealth and to increased personal entrepreneurship. That in turn leads to an increased interest in and expectation of growth and certain basic personal freedoms. We have seen that same development in Taiwan and South Korea where authoritarian governments have been replaced by thriving democracies over the last 20 years. The same hopefully will happen with China. Once the genie is out of the bottle, there is no putting it back. The march toward an open democratic society will happen. The only question is how long it will take.

I am told by experts that in Asia it probably takes a generational change before some of those things happen. I am sure that is true. I believe, however, that we do speed its pace by passing this legislation. I also believe that Chinese accession will remove a major irritant in our relationship. Whenever we have a disagreement with China over trade relations, be it intellectual property or market access or whatever, our reaction is to apply some unilateral sanctions on China, sanctions which only serve eventually to limit the rest of our relationship and our exports to that country. It is ineffective here and it has been ineffective other places. We have removed a number of those sanctions this year.

By bringing China into the WTO, we turn trade disputes from unilateral into multilateral issues. We transform the dispute from "I said/he said" to one mediated by an independent international body. We thereby lessen the irritation of bilateral affairs while at the same time increasing the likelihood that China will find a remedy to the problem.

For all those reasons, I support H.R. 4444.

Before I close, let me add a word or two about possible amendments which may be offered for consideration. Regardless of their relative merit, I, as Senator ROTH, chairman of the Finance Committee, and many others am strongly opposed to adding any amendments to the China PNTR bill. Any amendment will only have the effect of killing it for this year, since amending would require it to be sent back to the conference committee. Once in conference, it is unlikely the bill would emerge before we adjourn sine die. We only have some 20 legislative days remaining in this session and a full plate of domestic appropriations and legislation with which to deal. It would be a herculean task under any circumstances, but this year makes it more difficult because, of course, some on the other side of the aisle are doing everything they can to stall the process. We hope that won't continue to happen.

There is not, realistically, enough time for a conference and to pass it back through both Houses. It is clear the House fully supports the present unamended version. It passed by a vote of 237-197. So does a vast majority of the members of the Senate Finance and Foreign Relations Committees, and so do I.

Mr. President, despite all the hyperbole about passage of H.R. 4444, it does not mean we are selling out to the Chinese, that we are telling them it is all right to proliferate, to abuse human rights, or to threaten Taiwan. It means we expect them to play by the same rules we do; we expect them to be a responsible member of the world community, and we expect to be able to reap the same benefits they do from an ever-expanding global economy. No more.

no less. The bill is good for the United States, good for U.S. companies, good for U.S. workers, and good for the U.S. consumers.

In the final analysis, this is good for China because it will undoubtedly bring about the kind of changes that many would like to see in that country, including many Chinese. Many Chinese would like to see democratization, rule of law, and respect for basic fundamental human rights.

For all these reasons, I urge my colleagues to support the passage of H.R. 4444.

Mr. SCHUMER. Mr. President, I rise to echo the remarks made yesterday by Chairman ROTH and also to concur with my friend and senior colleague from New York, PAT MOYNIHAN, regarding China's compliance, or lack thereof, with the U.S.-China bilateral agreement signed as part of China's admission to the World Trade Organization.

I am concerned that after laboriously working out a bilateral trade agreement that addressed myriad economic issues, China seems to be picking and choosing which aspects of the agreement to follow and which to ignore. A prime example is insurance. Under the bilateral agreement signed last November, China agreed to preserve the existing market access currently enjoyed by foreign insurance companies. In other words, under the agreement, a foreign-owned insurance company in China would be able to continue to operate and to add new branches and sub-branches as a wholly-owned company once China entered the WTO. Less than a year after this historic and painstaking agreement was signed, China is unilaterally rewriting the rules and treating these grandfathered companies like new entrants into the China market. This puts the very companies that invested in China's economic growth at a competitive disadvantage to new entrants.

Fundamental to the foundation of the U.S.-China bilateral agreement, to China's ascension into the WTO, and to the possible establishment of Permanent Normal Trade Relations with China is the belief that agreements will be honored, not on a piecemeal basis, but fully. This "interpretation" by the Chinese government on insurance begins to cast doubts about whether iron-clad agreements with China will truly be completely and totally honored.

I still intend on supporting PNTR for China, but I am disappointed that China appears to be backsliding on its agreement regarding insurance. I hope that the Chinese leadership will adhere to the agreements signed last year on insurance, and absent that, I hope the Administration continues to apply forceful pressure to see that China keeps its end of the bargain. That is the essence of free, fair and open trade.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Vermont is recognized.

Mr. LEAHY. I thank the Chair.

(The remarks of Mr. LEAHY pertaining to the introduction of S. 3011 are located in today's RECORD under "Statements on Introducted Bills and Joint Resolutions.")

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2001

The PRESIDING OFFICER (Mr. SMITH of Oregon). Under the previous order, the hour of 6 p.m. having arrived, the Senate will now resume consideration of H.R. 4733, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4733) making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes.

Pending:

Domenici amendment No. 4032, to strike certain environmental-related provisions.

Schumer/Collins amendment No. 4033, to establish a Presidential Energy Commission to explore long- and short-term responses to domestic energy shortages in supply and severe spikes in energy prices.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I have a request that the leader asked me to make that has been cleared on both sides.

I ask unanimous consent that immediately following the Thursday morning vote relative to the Missouri River provision in the energy and water appropriations bill, the Senate then proceed to a vote on the adoption of the motion to proceed on H.R. 4444, notwithstanding the provisions of rule XXII.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I ask unanimous consent that with respect to the energy and water appropriations bill, all first-degree amendments must be filed at the desk by 6:30 p.m. this evening, with the exception of up to five amendments each to be filed by Senator DOMENICI of New Mexico and Senator REID of Nevada, and those be filed no later than 7:30 p.m. tonight, and that all first-degree amendments be subject to relevant second-degree amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I note the presence of the distinguished Senator from the State of Missouri, Mr. BOND. I say to the Senate, since the amendment that we are now going to take up for up to 3 hours this evening has to do with the upper and lower Missouri River debate, I am not going to manage any of that. I am going to let the management be in the hands of Senator KIT BOND, if he does not mind, in my stead. I join him in his effort. He knows that. But nonetheless, it is his issue. I prefer to have him managing it.

Mr. DASCHLE. Mr. President I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4081

Mr. DASCHLE. Mr. President, I have an amendment at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. DASCHLE] for Mr. BAUCUS, for himself, Mr. DASCHLE, and Mr. JOHNSON, proposes an amendment numbered 4081.

Mr. DASCHLE. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strike the section relating to revision of the Missouri River Master Water Control Manual)

On page 58, strike lines 6 through 13.

The PRESIDING OFFICER. There are 3 hours of debate on this amendment.

The Democratic leader.

Mr. DASCHLE. I thank the Presiding Officer.

Mr. President, this issue really has a very fundamental premise. The issue is: Can we use the best information available to us to manage the Missouri River, to manage it in a way that recognizes the sensitive balance that exists today—environmentally, industrially, agriculturally, recreationally? Can we take the best information we have available to us and put together the best management plan recognizing that balance? That is the essence of the question before us.

My distinguished colleague from Missouri, Senator BOND, has said: I don't want the Corps of Engineers to alter the manual that has been used now for more than 40 years. His view is that the manual that was written in the 1950s and adopted in approximately 1960 ought to be the manual that we use from here on out, and he wants to stop in its tracks any effort to consider whether or not the Missouri River management reflects today that sensitive balance.

I think it is wrong to say to the Corps of Engineers—to say to any Federal agency—we don't want you to look at the facts. We don't want you to look at the information. We don't want you to take into account that delicate balance. We want you to blindly follow whatever decisions you made in 1960—I might add, before even all the dams on the Missouri River were built—and we want you to follow that verbatim.

We can't afford to do that. The decisions that we make on the Missouri affect the decisions we make on the Mississippi and on virtually every other river in this country. For us to freeze in place whatever decisions may have been made decades ago, and say it must not change, is putting our head in the sand and, I must say, endangering the health and the very essence of the river for years, if not decades, to come.

It was in 1804 that Meriwether Lewis and William Clark set out on their Corps of Discovery expedition to explore the Missouri River and search for a passage to the Pacific Ocean.

Stephen Ambrose wrote an extraordinary book, "Undaunted Courage," that I just reread over the summer. I must say, I do not know that there is a better book about what they found and the splendor that they discovered having traversed the entire Missouri River.

Along this expedition, Lewis and Clark encountered a wild river, teeming with fish and wildlife, that rose every spring to carry the snowmelt from the Rocky Mountains and shrank back in the summer as part of the ancient and natural flow cycle. That is what the river did; that is what most rivers do.

Since that historic trip, we have constructed six major dams and we have forever changed the flow and the character of that river. The last earthen dam was completed during the administration of John F. Kennedy. To manage the dams, the Corps produced, in 1960, as I noted a moment ago, a management plan, that we call the master manual. That manual caters primarily to barge traffic on the Missouri River at the expense, virtually, of everything else, at the expense of fish and wildlife, at the expense of agriculture, at the expense of recreation, at the expense of ecological considerations, at the expense of the environment, at the expense of people virtually north of the State of Missouri.

What is amazing to me is that we do this with the recognition that the barge industry today is minuscule, valued at $7 million—that is million with an "m"—and it transports less than 1 percent of all agricultural goods transported in the upper Midwest. Talk about the tail wagging the dog. This is the tip of the tail wagging the tail and the dog. The legs, the head, you name it, it is all wagging because of the tip of the tail.

These charts reflect the current circumstances on the river. This is the barge traffic that was first projected. They thought, when they wrote the master manual, that about 12 million tons of traffic would be carried by barge on the river on an annual basis. That was the estimate when the manual was written in 1960. I was about 10 years old, I suppose, when that manual was written. The Corps, of course, did the best they could projecting what they thought would be the level of traffic, 12 million tons. But as oftentimes is the case, they made a mistake. It wasn't 12 million tons. By 1977, it was only 3 million tons. And guess what. Current traffic is not 12, it is not 3, it is 1.5. That is all the traffic there is, 1.5 million tons, representing three-tenths of 1 percent of all agricultural traffic.

What is really amazing—as I said a moment ago, is that this is a classic example of the tip of the tail wagging the rest of the tail and all of the dog. Look who has sacrificed. Navigation provides roughly $7 million in benefits annually, compared to $85 million in recreational benefits. It compares to $415 million in flood control, $542 million in water supply projects and priorities of all kinds, and $677 million, two-thirds of $1 trillion, in hydropower. Yet we have written a manual, incredibly, that says we are going to let this minuscule $7 million industry dictate what is best for the 85, the 415, the 542, and the $677 million. Figure that out. Who in his right mind would say that somehow we ought to let that minuscule amount dictate what is best. Forget the ecological and environmental factors for a moment.

I go back to my original point. Barge traffic today is three-tenths of 1 percent. If I had not magnified this slice, you couldn't even find it in this pie. Roughly 99.7 percent of all agriculture produced in the Upper Midwest doesn't go by barge. How does it go? It goes the way the rest of the country. It goes by rail and by truck. So why would we threaten to throw even more out of kilter the ecological priorities of the river by putting barge traffic first? Why would we endanger hydropower, water supply, flood control, and recreation? I cannot answer that question.

But that is not even the question we are facing tonight. There are those on the other side who have said: We don't care what factors are out there. We don't care what percentage is barge traffic. We will not even let the Corps consider, even think about the possibility of changing the master manual, regardless of the facts. Don't confuse us with the facts. We are going to protect the barge industry, and it does not matter what the costs are.

We will have to face extraordinarily problematic ramifications of this provision for all of these other very critical priorities, including the ecology of the river. Three endangered species are headed towards extinction: the piping plover, the least interior tern, and the pallid sturgeon. Two fish species are candidates for listing on the endangered species list. But that isn't the only thing this fight is about. What this fight is all about is whether or not we can recognize the delicate balance that exists today.

This fight is not about endangered species. This fight is about an endangered river. This fight is about whether or not the health of the Missouri can be secured. That is what this fight is about. This fight is about restoring balance to management of the river. We will never go back to the days of Lewis and Clark, the pre-dam period. That will never happen. But there are things we can do through good management that will give us the opportunity to make the river as vibrant as it can be. But we cannot do it if the current provision in this bill stays intact and becomes law.

Recognizing that, the question is whether or not we will let the Corps be the Corps, whether or not we will allow the Corps to go through the legal process involved in evaluating what is best for the river and change the management plan to reflect a more fair balance.

That is all we are asking. Let us come up with a plan that allows us in the most complete way to analyze what is happening to the river, what is best for the river, what can be done in Montana and the Dakotas and Iowa and Missouri and all the way up and down the Missouri River to ensure that the health and vitality of that river can be sustained and even improved upon. That is what the Corps is trying to do.

What the Corps is simply trying to do is to say, look, we can do a better job than we did in the 1950s and 1960s in managing this river. We can reflect the new balance, and the recognition must be made that things have changed dramatically since the fifties and sixties. We need to reflect that change in the master manual itself.

Here is the process; the process is pretty simple. A preliminary draft of the EIS, environmental impact statement, was completed all the way back in 1998. Following that, there was a coordination and public comment period that lasted through January of 1999. That period allowed tribal and public officials to respond to the preliminary revised draft of the environmental statement. Then we went on to the fish and wildlife consultation and biological opinion phase, which some of our colleagues on the other side of the aisle tried to stop just recently. They wanted to kill that, to move it so we would not have the opportunity to consider very carefully what the scientists and biological experts have said about the quality of life on the Missouri today. They wanted to kill it.

Thanks to the Director of the Corps, Joe Westphal, and others, we are now in a position to at least hear what the scientists have had to say, and we will have that report by November 1. Following that, there will be a revised draft of the environmental impact statement. They will take into account all of the comments made by those who are concerned on all sides. They will take into account this coordination and what comments public officials have made, in particular. They will then take into account fish and wildlife and biological opinions.

When all of that has been gathered, we will then revise the draft and make available to the public a draft for additional comment for 6 months. We then see the final environmental impact statement after a 6-month tribal and public comment period. Washington will then review all of those comments. A record of decision will be made and the revise of the master manual will then be implemented. Those are all the steps.

This is like a court of law. This is like any other legal process. There are a number of very important steps that we apply in all cases—in all cases where difficult decisions involving critical public policy have to be made. We make these steps for a reason. We want public comment. We want scientific input, the best decisions from governmental leaders at all levels. We want to do that with the full involvement in a democracy of everyone who cares and everyone who has some responsibility.

But here is what happens. Under the provision currently in the bill, there is a big red stop sign on this process. It says: You are not going to do any of this. We are going to stop you in your tracks. We are not going to let you go through that process. We are not going to allow public comment and the array of other opportunities for public involvement. We are not going to have that process. It is over. That is what this amendment says; that is what the provision in the bill says.

So I have to say it is extraordinarily damaging to the river to have this attitude. It is such an important issue involving so many priorities—environmental, ecological, industrial, recreational, agricultural—because it is endangering the interests of our country in such a profound way on this river. This administration has said, without equivocation, it will be vetoed if this provision is still in the bill. That is how strongly the administration feels about it. It will be vetoed. So we can play this game as long as our colleagues wish to do so. But let's make one thing clear. This will not become law. This will not become law because it is just too important.

I don't fully appreciate the reasons my colleagues on the other side of the aisle are opposed to even allowing the process to go forward, given what I have said is this multistep opportunity for careful consideration of all the options. But it goes down to, as I said in the beginning, a need on the part of some to protect this minuscule barge industry regardless of all of its ramifications on everything and everybody else.

But as I understand it, there are those on the other side who are opposed because they understand that what has happened is that there has been some effort to find this new balance. This new balance is a recognition of all of the different factors that need to be calculated, in part, through the Fish and Wildlife Service and, in part, through the Corps of Engineers and, in part, through States' direct involvement.

What has been proposed is that the Corps slightly revise its master manual to increase spring flows, known as a "spring rise," once every 3 years—not every year, but once every 3 years they would increase the spring rise in an effort to attempt to bring back a natural flow, a natural rejuvenation of the river as we have understood it prior to the time the dams were built. They would reduce summer flows, known as a "split season," every year.

The spring rise and the split season roughly mimic the natural flow of the river, which increase in the spring due to snowmelt and sharply decline in the summer, beginning around July 1. It is as Lewis and Clark found it. We can't go back to Lewis and Clark. Nobody is suggesting that. What we are attempting to do, however, is to show once again that there is this balance, this need to recognize that if we are going to keep the river healthy, we have to allow it to do what it once did, prior to the time the dams were built. This is the flow pattern under which native species developed, which is absolutely critical to their very survival—not just the three endangered species, but all species on the river.

The spring rise is needed to scour sandbars clean of vegetation so they can be used by endangered birds for nesting habitat.

The spring rise also signals native fish species that it is time to spawn. This is the green light. They see these spring rises, and that triggers to the species that they can spawn. When they don't have that spring rise, the whole natural cycle is put out of whack. That is what has been happening year after year and decade after decade.

The low summer flows, or split season, exposes the sandbars during the critical nesting time, so that the birds have sufficient room to nest and so that the nests don't get flooded. To prevent any potential downstream flooding, the Corps, Fish and Wildlife Service, and others, have already thought about addressing the concern of some downstream who are understandably concerned about flooding. They would simply eliminate this plan from implementation during the 10 percent highest flow years—eliminate it; it would not happen. Changes would not be implemented during the 25 percent lowest flow "drought" years.

So this plan would not harm Mississippi River navigation. We have already conceded that. This is the balance. This is an effort to try to find middle ground. We are going to say we will lop off the top 10 percent and the top 25 percent; we will deal with those normal years in the middle. Once consultation between the Corps and Fish and Wildlife Service is completed, the Corps then still will take into account other suggestions made during the public comment period.

There are so many beneficiaries of this plan. Naturally, the river itself is the biggest beneficiary.

The river itself—not species on the river, not those living along the river, not the States upstream, but the river—will be the prime beneficiary of this effort. Why? For the reasons I have just stated—because we want to find a way to bring balance back into the management. We want to find middle ground in an effort to recognize all uses on the river.

Downstream farmers will benefit from better drainage from fields during the summertime. That is a given. The public will have greater opportunities to recreate up and down the river. Even the Mississippi barge industry will benefit from the changes that are being called on for the Missouri River.

I wish to take a few minutes to talk briefly about each of those benefits.

First, with regard to the river itself, the combination of the spring rise and flood season will help restore the health of the river and recover from the dangerous imbalance that we have with regard to all species on the river today.

According to the Fish and Wildlife Service's draft opinion and the Corps of Engineers' revised draft environmental impact statement of 1998, high spring flows will signal native fish species to spawn, flush detrital food into the river, inundate side channels for young fish habitat, and build up the sandbars in the river channel for the tern and plover nesting habitat, and provide a greater area for the endangered birds to nest, as well as for all birds.

The 600-page draft of the Fish and Wildlife Service opinion is based on hundreds of published peer review studies. The opinion itself was a peer review by a panel of experts who supported all of those conclusions.

The fact is that whether or not we give the Missouri River the chance to survive, to flourish, to be healthy again depends in large measure on whether or not we as Senators will allow the Corps, the Fish and Wildlife Service, and all affected governmental authorities to recognize the importance of proper balance: to recognize that what we decided to do in 1960 does not now apply and should not be used to manage the river in the next century; to recognize that if we are going to take all of the economic and environmental concerns and put them in proper balance, we have to revise the manual. To say that the Corps will be prohibited from doing so is just bad, bad policy.

We recognize that maybe the barge industry on the Missouri—not the Mississippi barge industry—will be hurt by this. But we recognize that this minuscule three-tenths of 1 percent should not dictate all of the other uses of this river, or any river. We shouldn't let the tip of the tail wag the tail and the dog. But that is what is happening today. That is what this legislation would do. That is why it is so important that we strike it when we have the vote. That is why I feel so strongly about this issue.

There is one other factor as we look at the barge industry itself that is perplexing. Barge benefits on the river economically are about $7 million. The subsidies to the barge industry last year exceeded the total benefits of the industry itself. There is $8 million in subsidies to the barge industry even recognizing that the industry generated $7 million in benefits. Not only do we have managerial concerns, not only do we have concerns reflecting the life and health of one of the most important rivers in the United States of America, we ought to have taxpayer concerns. Why in Heaven's name are we subsidizing a $7 million barge industry with an $8 million subsidy? That one I don't understand. But that is why we are having this debate.

I am very appreciative of the leadership shown by the senior Senator from Montana, Mr. BAUCUS, who has been the preeminent environmentalist and environmental leader, as ranking member of the Committee on Environment and Public Works. I am grateful for his presence on the floor, as well as my colleague from South Dakota, Senator JOHNSON, who has been an extraordinary advocate of the effort that we have made now for several months to ensure that the Missouri River has the future that it deserves.

I yield the floor. I retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I certainly concur with my friend from South Dakota on the great words he said about Stephen Ambrose's book, "Undaunted Courage." I know the occupant of the chair read it. A lot of the guys who started out in my State wound up in the State of Oregon. It is truly a masterful piece of work and a wonderful piece of history.

I had a great, great, great, great-grandfather who was one of the fellows who poled the barges up the river. He wasn't sufficiently outstanding to get his name in the book. But it is quite an honor to have somebody who went up the river who was with Lewis and Clark. So I have been a great devotee of the river and have followed it a good bit.

I was really interested to hear the Senator from South Dakota talk about what we were trying to do to hurt the poor old river. The minority leader claims the provision that he seeks to strike would stop any changes in the Missouri River manual and would keep the plans just as they have been for 50 years.

So I thought to myself: Gee, that wasn't the section that I put in. Maybe they changed it somehow in the writing of it. So I went back and read section 103. This is the provision that would be stricken. It says:

> None of the funds made available in this Act may be used to revise the Missouri River Master Water Control Manual when it has been made known to the Federal entity or official to which the funds are made available that such revision provides for an increase in the springtime water release program during the spring heavy rainfall and snow melt period in States that have rivers draining into the Missouri River below the Gavins Point Dam.

What it says is that you can't implement a plan to increase flooding during spring flood season on the Missouri River during the course of 2001.

Contrary to what you have just heard, any other aspect of the process to review and amend the operation of the Missouri River, to change the Missouri River manual, to consider the opinions, to discuss, to debate, to continue the vitally important research that is going on now on the river and how we can improve its habitat will continue.

I have been proud to sponsor the Mississippi and Missouri River Habitat Improvement Program in which we funded the Corps of Engineers to make changes to improve the river and to bring it back more to its natural state. It is not going to be all the way back to its natural state but to provide conservation opportunities, to provide spawning habitats, nesting habitats for birds, the kind of habitat we want to encourage the biological diversity on the river.

The U.S. Geological Survey has an environmental research arm that is studying the river to find out what really works. Do you know something. That work is going on. Those studies are being pursued. They have some interesting information that they don't have a conclusion on yet. It is not the spring rise that would improve the habitat. Perhaps it is the gravel bars on side channels. That looks promising. This work can continue; so can all of the work under the National Environmental Policy Act to develop an environmental impact statement. Any other change to the manual can continue. Analysis and public comment can continue.

The provision is clear. It tells the U.S. Government that the "risky scheme" of increasing the height of the river in the flood-prone spring months is one option and the only option that cannot be implemented during the coming year because it is too dangerous.

This is the fifth time that we have put forward this prohibition. It has been signed into law four times previously by this President.

Why is it so important this year? Because the U.S. Fish and Wildlife Service decided to short circuit the process, to jump over all of the proceedings, the hearings, the studies, that the Corps of Engineers has carried out.

They issued what I guess is called in an authoritarian, Communist government, a diktat, a letter, on July 12 to the Corps of Engineers: You will change the manual to have a spring rise, the spring surge.

They were the ones who wanted to skip over the process. They were the ones dictating to the Corps—despite the public comment, despite all the other information—they should implement that.

We have spring rises on the Missouri River. This chart shows 1999. In March and April the river rises. These are the rises at different stages of the river. We have spring rises. We already do because there are many tributaries coming in. Perhaps we don't have quite the floods in some years that we did because there have been dams built to reduce the danger of flooding and to reduce somewhat the loss of life and the damage to property and communities.

We already have a spring rise because of tributaries, including the Platte and the Kansas, the Tarkio, the Blue, the Gasgonade, and others. That spring rise results in frequent flooding. And the more water released at Gavins Point, the greater the flood risk.

Since when should this deliberative body, the U.S. Congress, say we should encourage a Federal agency to take a premeditated action to increase flood risk when there is no scientific evidence that it will have the benefit for endangered species that is proposed.

This is untenable for farmers living along the river. One-third of the commodities of Missouri are grown in the floodplains of the Missouri and Mississippi Rivers. It is untenable for mayors who want their communities and their critical infrastructure protected. It is imperative for the families who do not want to lose their family members in floods. Some who don't live in areas of flood may not know but floods do take lives. Floods are deadly. Floods are devastating. I have witnessed the aftermath of too many floods. I have seen the heartbreak and devastation, not just the loss of homes. I have seen families who have lost a parent, lost a child, in floods.

Agricultural groups, flood control groups, have supported our position very strongly. It is not a complicated issue. It is certainly not a partisan issue. The Governor of Missouri is a Democrat. The Democratic mayors of St. Louis and Kansas City support this provision. The Southern Governors Association supports this provision because of the impact of the Missouri River on the Mississippi River and its lower tributaries.

Make no mistake about it, the impact of this spring flood is serious on the traffic on the Mississippi River.

I ask unanimous consent to have printed in the RECORD letters regarding this issue.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

SOUTHERN GOVERNORS' ASSOCIATION,
Washington, DC, August 29, 2000.

Hon. TRENT LOTT,
U.S. Senate, Russell Senate Office Building, Washington, DC.
Hon. TOM DASCHLE,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATORS: On behalf of the Southern Governors' Association, I am writing to express concerns about proposed plan by the Fish and Wildlife Service for a springtime rise of 17,500 cubic feet per second in the Missouri River at Gavins Point Dam. This plan has the potential to harm citizens and agricultural activities along the lower portion of the Missouri River and urge your support for restricting this spring rise proposal.

If the current plan is implemented and these states incur significantly heavy rains during the rise, there is a real risk that farms and communities along the lower Missouri River will suffer serious flooding. In addition, a spring rise has a negative effect on agriculture land. Sustaining high river flow rates over several consecutive weeks will exacerbate the problems of wetness and poor drainage historically experienced by farmers along the river, limiting the productivity and accessibility of floodplain crop lands.

Finally, the proposal for a spring rise also brings harm to Mississippi River states and users of the nation's inland waterway system. Any spring rise in April or May puts additional water in the Mississippi River when it is normally high and does not need the extra water. This spends water out of a limited water budget in the Missouri River Basin and ends up subtracting water out of the Mississippi during the summer or fall when the water is needed for river commerce.

We appreciate your serious attention to these concerns and urge your support for a restriction on the spring rise proposal.

Sincerely,

MIKE HUCKABEE.

OFFICE OF THE GOVERNOR,
STATE OF MISSOURI,
Jefferson City, August 17, 2000.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: I am writing regarding recent developments surrounding efforts to revise the Missouri River Master Manual. Specifically, I am concerned about proposed plans by the Fish and Wildlife Service outlined in letters to the Corps of Engineers dated March 28, 2000 and July 12, 2000. The July 12 letter directs the Corps of Engineers to implement major changes in operations affecting both the Missouri and Mississippi Rivers while circumventing the public review processes required by law.

I respectfully request your immediate assistance in directing the Service to reevaluate its plan and to commit to a more open process that conforms to the public involvement requirements of the National Environmental Policy Act. Further, there are legislative efforts underway to prohibit the Service from initiating its plan at this time, and I request your support of those efforts.

Absent a change in the Service's plan, it is likely that efforts to restore endangered species along the river will be damaged, an increase in the risk of flooding river communities and agricultural land will occur, and states along the river will suffer serious economic damage to their river-based transportation and agricultural industries.

There are numerous problems with the plan as proposed by the Service that may actually harm endangered species rather than help them recover. The plan calls for a significant drop in water flow during the summer. The months of June and July are, in fact, the two highest flow months under natural pre-dam conditions primarily because of mountain snow melt combined with downstream rainfall. Unfortunately, the mistiming of the Service's plan will allow predators to reach river islands on which endangered terns and plovers nest giving predators access to the young still in the nests. Predation is discussed in the species recovery plans as one of the significant impediments to restoration of healthy tern and plover populations.

In addition, model runs of the Fish and Wildlife Service's proposal indicate substantially greater water storage behind the Missouri River dams as compared with current operations. This increased water storage would raise average reservoir levels so that approximately 10 miles of free-flowing river would be sacrificed to the artificial lakes. If solving the Missouri River endangered species problems is the objective, it would seem reasonable for the Fish and Wildlife Service to make proposals that do not increase the dominance of reservoirs over free-flowing rivers.

The spring rise will also increase our susceptibility to flooding along the Missouri and Mississippi Rivers. An analysis of the Missouri River flooding that occurred during the spring of 1995 shows that if the spring rise proposed by the Service had been in effect, the level of flooding would have been worse. The Corps could not have recalled water already released hundreds of miles upstream, as the water's travel time from Gavins Point to St. Charles, Missouri is 10 days. If the proposed plan is implemented and heavy rains occur during the spring rise, there is a real risk that farms and communities along the lower Missouri River will suffer increased flooding.

The Service's plan for a spring rise also will damage prime agricultural land because it will limit the productivity and accessibility of floodplain croplands. If implemented, the Service's plan will result in the Missouri River being held four feet higher for several consecutive weeks along southwestern Iowa and northwestern Missouri. Our agricultural community is extremely concerned that increased soil saturation and poor drainage will compromise the productivity of their farms. In addition, the plan will damage the ability for agricultural producers and commercial employers to utilize the river to move their products to markets. Consequently, it will make the price of these products increase and damage the ability of our farmers and manufacturers to compete in the world economy.

Mr. President, it is vitally important to the residents of the State of Missouri as well as the entire Midwest that the Service's plan be reevaluated. Again, I would appreciate your assistance in this very important matter.

Very truly yours,

MEL CARNAHAN.

OFFICE OF THE MAYOR,
CITY OF ST. LOUIS, MO,
August 30, 2000.

Re: H.R. 4733, the Energy and Water Appropriations Bill

Hon. CHRISTOPHER S. BOND,
U.S. Senate, Washington, DC.

DEAR SENATOR BOND: The City of St. Louis is a central transportation hub for the Midwest that includes the second largest inland port in the nation. Water transportation on the Mississippi River has been central to St. Louis' development and today is integral to our economic structure. All of this stands to be threatened by the Fish and Wildlife Service proposal to implement a policy that increases the risk of flooding on our principal inland waterways.

The movement of more than 100 million tons of cargo through the Port of St. Louis could be placed in jeopardy during low water years if flows from the Mississippi River are restricted during the summer and fall months. Conversely, the St. Louis region has struggled periodic flooding during the spring that would be devastating without the management of the Mississippi River for flood control purposes.

I urge you to press forward with your provision to H.R. 4733, the Energy and Water Appropriations Bill, that would restrict implementation of a "spring rise" in the spring and a "split navigation season" in the summer and fall as requested by the Fish and Wildlife Service. Before any provision or policy reversing the multiple uses of the rivers can be supported, we must fully understand the economic and environmental implications to the citizens of St. Louis.

Sincerely,

CLARENCE HARMON,
Mayor.

OFFICE OF THE MAYOR,
Kansas City, MO, July 25, 2000.

Subject: Spring Rise on Missouri River: Sec. 103—Energy & Water Appropriations Bill.

Hon. CHRISTOPHER S. BOND,
U.S. Senate, Russell Building, Washington, DC.

DEAR SENATOR BOND: The City of Kansas City, Missouri wishes to express its concern over consideration being given to a spring rise along the Missouri River. The increase in release rate being proposed for Gavins Point by the Fish & Wildlife Service would raise the water service levels along the lower Missouri River by approximately two feet. As you know, Kansas City is susceptible to flooding from the Missouri River and in 1993 several of the levees protecting our city came within inches of overtopping. Any allowed increase in flows will subject us to a worsened flooding condition.

As we proceed with the study of seven levees along the Missouri and Kansas Rivers, in cooperation with the Corps of Engineers and several other local sponsors, to investigate changes that may be needed and justified to enhance flood protection from the Missouri River it seems inappropriate at best to be considering changes that will serve to decrease our level of protection. Additionally, the spring rise will necessitate a split navigation season, the impacts of which would be potentially disastrous to the barge industry along the lower Missouri River and have far reaching impacts to the economy in our region.

We strongly urge that Section 103 preventing the study and implementation of a spring rise along the Missouri River be included in the upcoming Energy & Water Appropriations Bill. Thank you for your consideration of this matter and for your continued support in helping to reduce flooding throughout the City of Kansas City, Missouri.

Sincerely,

KAY BARNES,
Mayor.

Mr. BOND. Every waterway group and every flood control group that I have spoken to that is knowledgeable about the river supports the provision.

I ask unanimous consent to have printed in the RECORD a letter signed by 92 organizations supporting my provision.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL WATERWAYS ALLIANCE,
Washington, DC, September 1, 2000.

Hon. CHRISTOPHER S. BOND,
Russell Senate Office Building,
U.S. Senate, Washington, DC.

DEAR SENATOR BOND: On September 5, 2000, the Senate is scheduled to begin consideration of H.R. 4733, the Energy and Water Development Appropriations Bill for FY 2001. We are writing to express our strong opposition to any efforts to strike Section 103, which prohibits implementation of a "spring rise" on a portion of the inland navigation system.

A recent directive issued by the U.S. Fish and Wildlife Service to implement a "spring rise" immediately on the Missouri River is a reversal of water resource policy without appropriate public review, independent scientific validation, Congressional debate or endorsement. For decades, every Congress and Administration has endorsed a policy of water resource development that was designed to protect communities against natural disasters and serve efficient and environmentally friendly river transportation, reliable low-cost hydropower and a burgeoning recreation industry.

The "spring rise" demanded by the Fish and Wildlife Service is based on the premise that we should "replicate the natural hydrograph" that was responsible for devastating and deadly floods as well as summertime droughts and even "dust bowls." For decades, we have worked to mitigate the negative implications of the "natural hydrograph" with multiple-purpose water resources management programs, including reservoirs storing excess flood and snow-melt waters in the spring and releasing those waters in low-flow periods. These efforts have protected communities from floods, enabled the safe and efficient movement of a large percentage of the Nation's intercity freight by a mode that results in cleaner air, safer streets, and a higher quality of life and also provided hundreds of thousands of family-wage jobs in interior regions.

Retaining Section 103 will allow National Environmental Policy Act (NEPA) compliance and provide time for Congress to adequately consider whether reversing proven water resources policy makes sense and whether a "spring rise" is scientifically supported. We urge you to keep the existing language in H.R. 4733 and oppose any efforts to strike or unnecessarily amend it.

Sincerely,

Tal Simpkins, Executive Director, AFL-CIO Maritime Committee, Washington, D.C.

Floyd D. Gaibler, Vice President, Government Affairs, Agricultural Retailers Association, Washington, D.C.

Bob Stallman, President, American Farm Bureau Federation, Park Ridge, Illinois.

Richard C. Creighton, President, American Portland Cement Alliance, Washington, D.C.

Tony Anderson, President, American Soybean Association, St. Louis, Missouri.

Thomas A. Allegretti, President, American Waterways Operators, Arlington, Virginia.

Glen L. Cheatham, Executive Vice President, Arkansas Basin Development Association, Tulsa, Oklahoma.

Steve Taylor, President, Arkansas-Oklahoma Port Operators Association, Inola, Oklahoma.

Martin Chaffin, President, Arkansas Waterways Association, Helena, Arkansas.

Paul N. Revis, Executive Director, Arkansas Waterways Commission, Little Rock, Arkansas.

J. Ron Brinson, President and Chief Executive Officer, Board of Commissioners of the Port of New Orleans, New Orleans, Louisiana.

Fred Ballard, President, Board of Mississippi Levee Commissioners, Greenville, Mississippi.

Philip R. Hoge, Executive Director, City of St. Louis Port Authority, St. Louis, Missouri.

Tracy Drake, Executive Director, Columbiana County Port Authority, East Liverpool, Ohio.

Chuck Conner, President, Corn Refiners Association, Inc., Washington, D.C.

R. Barry Palmer, Executive Director, Dinamo (Association for Improvement of Navigation in America's Ohio Valley), Pittsburgh, Pennsylvania.

Mark D. Sickles, President, Dredging Contractors of America, Alexandria, Virginia.

Gary D. Myers, President, The Fertilizer Institute, Washington, D.C.

Jeffrey T. Adkisson, Executive Vice President, Grain and Feed Association of Illinois, Springfield, Illinois.

Dr. Adam Bronstone, Business Policy Consultant, Greater Kansas City Chamber of Commerce, Kansas City, Missouri.

J.H. (Harold) Burdine, Port Director, Greenville Port Commission, Greenville, Mississippi.

Douglass W. Svendson, Jr., Executive Director, Gulf Intracoastal Canal Association, New Orleans, Louisiana.

Martin Chaffin, Executive Director, Helena-West Helena-Phillips County Port Authority, Helena, Arkansas.

William O. Howard, Executive Director, Henderson County Riverport Authority, Henderson, Kentucky.

Chris Hombs, Executive Director, Howard Cooper County Regional Port Authority, Boonville, Missouri.

Leon Corzine, President, Illinois Corn Growers Association, Bloomington, Illinois.

Luke A. Moore, President, Illinois River Carriers' Association, Paducah, Kentucky.

John Prokop, President, Independent Liquid Terminals Association, Washington, D.C.

Don W. Miller, Jr., Executive Director, Indiana Port Commission, Indianapolis, Indiana.

Earl Bullington, President, Industrial Development Authority of Pemiscot County, Caruthersville, Missouri.

James R. McCarville, President, Inland Rivers Ports & Terminals, Inc., Jackson, Mississippi.

Donald C. McCrory, Executive Director, International Port of Memphis, Memphis, Tennessee.

Ron Litterer, President, Iowa Corn Growers Association, Des Moines, Iowa.

Alan Peter, President, Kansas Corn Growers Association, Garnett, Kansas.

George C. Andres, General Manager, Kaskaskia Regional Port District, Red Bud, Illinois.

Hal Greer, President, Kentucky Association of River Ports, Hickman, Kentucky.

Dr. Sam Hunter, President, The Little River Drainage District, Cape Girardeau, Missouri.

Ronnie Anderson, President, Louisiana Farm Bureau Federation, Baton Rouge, Louisiana.

Christopher J. Brescia, President, MARC 2000 (Midwest Area River Coalition 2000), St. Louis, Missouri.

Robert Zelenka, Executive Director, Minnesota Grain and Feed Association, Minneapolis, Minnesota.

George C. Grugett, Executive Vice President, Mississippi Valley Flood Control Association, Memphis, Tennessee.

Steve Taylor, Program Director, Missouri Corn Growers Association, Missouri Corn Merchandising Council, Jefferson City, Missouri.

Tom Waters, Chairman, Missouri Levee and Drainage District Association, Orrick, Missouri.

Daniel L. Oberbey, President, Missouri Port Authority Association, Scott City, Missouri.

Jack Horine, President, Missouri Valley Levee District, Orrick, Missouri.

Patrick R. Murphy, Port Director, Natchez-Adams County Port Commission, Natchez, Mississippi.

Terry Detrick, President, National Association of Wheat Growers, Washington, D.C.

Paul J. Bertels, Director, Production and Marketing, National Corn Growers Association, St. Louis, Missouri.

James P. Howell, Vice President, Legislative and Regulatory Affairs, National Council of Farmers Cooperatives, Washington, D.C.

Kendall Keith, President, National Grain and Feed Association, Washington, D.C.

Leroy Watson, Legislative Director, National Grange, Washington, D.C.

Harry N. Cook, President, National Waterways Conference, Inc., Washington, D.C.

Scott Merritt, Executive Director, Nebraska Corn Growers Association, Lincoln, Nebraska.

Ronnie L. Inman, Chairman, New Bourbon Regional Port Authority, Perryville, Missouri.

Timmie Lynn Hunter, Executive Director, New Madrid County Port Authority, New Madrid, Missouri.

Joe LaMothe, Secretary, Northeast Industrial Association, Kansas City, Missouri.

Patrick French, Executive Director, Northeast Missouri Development Authority, Hannibal, Missouri.

Tracy V. Drake, Co-Chairman, Ohio Ports Commission, East Liverpool, Ohio.

Glen L. Cheatham, Jr., Manager, Waterways Branch, Oklahoma Department of Transportation, Tulsa, Oklahoma.

Ted Coombes, Chairman, Oklahoma Waterways Advisory Board, Tulsa Oklahoma.

Glenn W. Vanselow, Ph.D., Pacific Northwest Waterways Association, Vancouver, Washington.

Duane Michie, Chairman, Pemiscot County Port Authority, Caruthersville, Missouri.

Derrill L. Pierce, Executive Director, Pine Bluff-Jefferson County Port Authority, Pine Bluff, Arkansas.

Hal Greer, Executive Director, Port of Hickman, Hickman, Kentucky.

J. Scott Robinson, Port Director, Port of Muskogee, Muskogee, Oklahoma.

James R. McCarville, Executive Director, Port of Pittsburgh Commission, Pittsburgh, Pennsylvania.

John W. Holt, Jr., CED, PPM, Executive Port Director, Pot of Shreveport-Bossier, Shreveport, Louisiana.

Joseph Accardo, Jr., Executive Director, Port of South Louisiana, LaPlace, Louisiana.

Tom Waters, President, Ray-Clay Drainage District, Orrick, Missouri.

Richard F. Brontoli, Executive Director, Red River Valley Association, Shreveport, Louisiana.

Kenneth P. Guidry, Executive Director, Red River Wateway Commission, Natchitoches, Louisiana.

Myron White, Executive Director, Red Wing Port Authority, Red Wing, Minnesota.

David Work, Port Director, Rosedale-Bolivar County Port Commission, Rosedale, Mississippi.

Debbi Durham, President, Chic Wolfe, Chairperson of the Board, Siouxland Chamber of Commerce, Sioux City, Iowa.

Donald M. Meisner, Executive Director, Siouxland Interstate Metropolitan Planning Council, Sioux City, Iowa.

Daniel L. Overbey, Executive Director, Southeast Missouri Regional Port Authority, Scott City, Missouri.

Bill David Lavalle, President, St. John Levee & Drainage District, New Madrid, Missouri.

Ted Hauser, Director of Planning, St. Joseph Regional Port Authority, St. Joseph, Missouri.

Donald G. Waldon, Administrator, Tennessee-Tombigbee Waterway Development Authority, Columbus, Mississippi.

Donald G. Waldon, President, Tennessee-Tombigbee Waterway Development Council, Columbus, Mississippi.

James L. Henry, President, Transportation Institute, Camp Springs, Maryland.

Robert L. Wydra, Executive Director, Tri-City Regional Port District, Granite City, Illinois.

Tom Waters, President, Tri-County Drainage District, Orrick, Missouri.

Robert W. Portiss, Port Director, Tulsa Port of Catoosa, Catoosa, Oklahoma.

Robert W. Bost, Chairman, Tulsa's Port of Catoosa Facilities Authority Catoosa, Oklahoma.

David L. McMurray, Chairman, Upper Mississippi, Illinois and Missouri Rivers Association, Burlington, Iowa.

Russell J. Eichman, Executive Director, Upper Mississippi Waterway Association, St. Paul, Minnesota.

James B. Heidel, Executive Director, Warren County Port Commission, Vicksburg, Mississippi.

Sheldon L. Morgan, President, Warrior-Tombigbee Waterway Association, Mobile, Alabama.

Dan Silverthorn, Executive Director, West Central Illinois Building and Construction Trades Council, Peoria, Illinois.

M.V. Williams, President, West Tennessee Tributaries Association, Friendship, Tennessee.

B. Sykes Sturdivant, President, Yazoo-Mississippi Delta Levee Board, Clarksdale, Mississippi.

Mr. BOND. These organizations represent labor, agriculture, port facilities, flood control districts, and others. They are located in areas as distant as the States of Washington, Louisiana, Minnesota, and Pennsylvania.

Since this letter was signed, additional groups have asked to join with us in our position in support of section 103. They include the Minnesota Association of Cooperatives, the St. Louis Building and Construction Trades Council, the Minnesota Farm Bureau, the Minnesota Soybean Growers Association, and the Minnesota Corn Growers Association.

In Missouri, our Department of Natural Resources supports section 103. They oppose raising the spring river height, and they are just as knowledgeable and just as dedicated as the so-called experts at the U.S. Fish and Wildlife Service who want to jump over the process and impose their particular risky scheme on our State and all the downstream States.

I had a very enlightening week traveling from the northwest corner of my State, down the Missouri and the Mississippi Rivers, talking with real people, knowledgeable people, scientists, and experts about this proposal. I was joined and supported by members of the Governor's staff. I was joined by the director of our department of natural resources. I was joined by farmers and mayors and chambers of commerce officials, economists and flood control advocates, and other members of our resource agencies. I was joined by representatives of our independent department of conservation—one of the finest departments of conservation in the Nation, one that is looked to as a model, and one that is engaged in ongoing work to preserve the pallid sturgeon and to work with us on reasonable, common sense, scientifically proven ways to assure that we keep the pallid sturgeon.

From all of these people I heard firsthand how dangerous the Fish and Wildlife Service plan is and how unnecessary it is. I heard from people who ship the goods on the river now and from people who want to ship on the river in the future but who are withholding investment in river facilities until the uncertainty of the Fish and Wildlife Service proposal is resolved. I have heard from mayors who are worried about the flood risk in the spring. Unless you have been in one of those communities or one of our large cities where a flood has hit, you do not appreciate how devastating a flood is.

I have heard from power companies worried about not having adequate water for cooling in the summer. I have heard from farmers who have been flooded and know firsthand that more water in the spring, despite suggestions to the contrary, means more risk of flood.

The farmers who live along the river know that even if it doesn't flood, a higher river level in the spring means more seepage under the levees and wetter fields that you cannot plow and you cannot plant.

We are here tonight discussing section 103 because despite the views of the Corps of Engineers, the U.S. Geological Survey, the downstream States, the agricultural groups, and the waterway users, the Fish and Wildlife Service is determined to have it their way or no way. The Fish and Wildlife Service wants to experiment with spring flooding. They must think we have forgotten about the controlled burn in Los Alamos. They want to give us controlled floods on the Missouri River in the spring. I say no thanks; we have been there; we have done it; and we don't need the Federal Government making floods worse.

This is not a new proposal. It was raised by the Corps of Engineers in 1993, and after public hearings in Omaha, Kansas City, St. Louis, Quincy, Memphis, New Orleans, and elsewhere, the administration went back to the drawing room to find a consensus with the States. Apparently, the Fish and Wildlife Service is not interested in a consensus or we would not be here today. They are not interested in the dangers of increased flood risk or we would not be here today. They are not interested in the public meetings and the viewpoints that were expressed in 1995 or this would have ended then. They want to raise the height of the river in the spring because they think flooding may improve the breeding habitat for the pallid sturgeon.

The distinguished minority leader says we ought to be able to act on the best information available. I have asked these people: Where is the information?

When I talked with them last week, our resource agencies, the U.S. Geological Survey had not seen any biological opinion. They issued that diktat, that letter of instruction, on July 12. As of last week, the State agencies, the U.S. Geological Survey, with expertise in environmental assessment, a fellow Federal agency, had not seen it.

How can we let them go ahead with the scheme when they won't even allow us to look at the basis for their proposal? This truly is a risky scheme. This is one that we cannot tolerate.

Our State Department of Natural Resources disagrees with Fish and Wildlife. Our State Conservation Department believes the Fish and Wildlife plan is not necessary. They have presented a plan that does not have spring flooding and no transportation flows in the spring—in the summer and fall. And they believe that plan will do more to help preserve the pallid sturgeon, the least tern, and the piping plover, than this risky scheme put forward by Fish and Wildlife.

Our State Conservation Department has an alternative species recovery plan. They cannot get Fish and Wildlife to look at it. Don't you think they would want to look at the various options? Don't you think they would want to consider the evidence before they threaten property and lives with spring floods in Missouri?

I have a lot of respect for the difficult and important job of Fish and Wildlife, but let me say this is not about who cares the most about endangered species. The commitment of our Natural Resources Department and our Conservation Department to fish and wildlife is not inferior to that of Fish and Wildlife of the U.S. Government. U.S. Fish and Wildlife does not have a monopoly on dedication and they do not have a monopoly on wisdom. In fact, our Department of Natural Resources has some serious concerns the Fish and Wildlife Service plan may actually harm endangered species rather than help them recover. That fear was expressed by our Governor of Missouri, Governor Carnahan, a Democrat, in a letter to the President 2 weeks ago. Why? Because normally in the summer the natural hydrograph is for the snowmelt to bring the river up. Under this plan, river levels will be going down. That means less water cover. It means burying sandbars where predators might come after the smallest hatch.

Fish and Wildlife has a twofold plan. One, it proposes a split season which will end river transportation on the Missouri and do great harm to the river transportation on the Mississippi River. Without water transportation, we are left with a regional railroad monopoly.

The minority leader said we initially projected there would be 12 million tons on the river. That is not true. If you look at the 1952 report and the testimony in 1952 and 1956 when they were developing the Missouri River plan, they said 5 million tons. This past year, it was 8 million tons on the river. As I said earlier, there would be a lot more because there is investment out there waiting to happen if we know that Fish and Wildlife is not going to take over the river and get rid of all barge traffic.

Barge traffic is the most environmentally sound means of transporting grain to the world markets. It is the most efficient. One barge, one tow with 25 barges, carries the same amount of grain as 870 individual semitrailer trucks that put out far more pollution. Barge transportation bringing inputs to farmers up the river is much more efficient than rail or truck. That lowers the price farmers pay for goods brought in in the spring for Missouri farmers. It lowers them for South Dakota farmers too; the landed price at Sioux City has an impact on what farmers pay. If you got rid of river transportation altogether—which I think may be the ultimate goal. I don't think the Fish and Wildlife Service and the people supporting this just want to flood out the people downstream in the spring; I think there is a greater objective—getting rid of barge transportation altogether. One can only assume that the railroad industry thinks that having no competition is a good idea. But I seriously question whether we, as Senators, should be supporting consolidation rather than competition.

The low summer flow proposed by Fish and Wildlife is curious for two additional reasons: One, because it will reduce energy revenues by more than one-third at the dams generating hydropower, particularly during high usage months in the summer. We are about to debate the necessity of a national energy commission to look at how we can meet our growing energy needs, and here we are with a Fish and Wildlife plan to decrease clean hydropower generation. We do not have the luxury of letting existing power capacity go to waste. The low summer flow proposed by the Fish and Wildlife Service reduces revenues in the high demand summer months by more than one-third.

Another reason the low flow is curious is that, while the Fish and Wildlife Service said they want the river to "mimic its natural hydrograph," historically the highest flows were following the summer snowmelt upstream, and that is the same time Fish and Wildlife demands a low flow. They go the opposite way of their stated objective.

This risky scheme has not been subject to adequate analysis and comment by scientists, by people who understand, who live along, work with, and study the river. That is why we say it should not be implemented in the coming year. Let the studies, the debates go on. We would like to see sound science. We would like to see the best information available. Fish and Wildlife has not shown it to us.

The fall harvest is approaching. It looks like bumper crops. We have short supplies of storage. As a matter of fact, many elevators, grain elevators, started calling my office saying they do not have rail capacity. The railroads cannot get them the cars they need to carry out the fall harvest, and they are going to have to stop taking in grain that comes in. Two years ago, because of railcar shortages and disorganization, grain was piled up on the ground as it was in the former Soviet Union. The Fish and Wildlife Service proposes a complete reliance on that one mode of transportation.

Last night on the floor, Senator REID spoke candidly about the value of our Nation's inland waterway system and noted that:

> To move this additional cargo by alternative means would require an additional 17.6 million trucks on our Nation's highway system or an additional 5.8 million railcars on the nation's rail system. To say what can be handled by our inland water system can be moved by rail or trucks, it simply can't be done.

I agree with Senator REID. He is quite right. Fish and Wildlife seeks to eliminate water transportation on the Missouri. But Fish and Wildlife has really thought this through because they have a solution for eliminating the transportation options. They are going to propose, through this plan, to curtail agriculture production by flooding farmers in the spring with high water. As I said earlier, raising the river levels in the spring keeps farmers out of the field. So, as a result of the Fish and Wildlife spring rise, there will be less agricultural production awaiting the transportation that is not available.

Doesn't that just gladden your hearts? I mean, the farmers who depend for their living upon raising crops and shipping them economically into the world market—guess what, you are not going to have the transportation. But we will take care of that because we will keep you from having the production. That is why the farmers of Missouri say, "No thanks."

Let me speak to a couple of assertions that do not paint a very full picture of the importance of the debate. First, there is the assumption by some that the Missouri River ends suddenly and does not impact the Mississippi River. That is convenient, but it is not true. I have seen the confluence with my own eyes. I know that in low-water years, drought years, dry summers, 65 percent of the flow of the Mississippi River at St. Louis comes from the Missouri River. And to say that the Mississippi barge traffic would love to have that water cut back is absolutely ludicrous. That is why the southern Governors, noting the importance of the Missouri River flow in the Mississippi, have sent a resolution in support of section 103 that the minority leader seeks to strike.

Second, there is this notion—we heard it expressed earlier—the Corps will never release extra water in the spring if there is a risk of flooding.

Good intention, of course. Give them full credit for trying. But they could only carry out this intention if they could predict the weather perfectly because water released from the South Dakota dam takes 11 days to arrive in St. Louis. A lot of weather can happen in 11 days.

Have any of you watched the weather forecasts for the Midwest this summer? I try to keep some trees alive. I watch it. I turn on the weather channel in the morning. It is a lot more informative than some of the morning talk shows. My Farmers Almanac said we were going to have heavy rains in mid-June and the end of June. The week before, 5 days before the middle of June—the middle of July, they said this is a drought season; there is not going to be a drop of water; it is going to be a dry year. The heavens opened up, and we had 5-, 6-, 8-inch rains. A lot of weather can occur in even 3 days.

I have a lot of respect for my friend from South Dakota—political miracles we see him perform—but I don't trust him or the Fish and Wildlife Service to predict the weather 11 days in advance downstream.

One mistake is all it takes to result in a Government-imposed flood that brings to mind the controlled burn in Los Alamos. That was not supposed to happen, either. The water is not retrievable when it is released.

Rainfall in the lower basin will swell the river after the release, and water from the release will only supplement the flood damage.

If the water is at your Adam's apple, the Federal Government will do you the courtesy of raising it to your temple.

Third, there is already a spring rise as I have stated. If a spring rise is what is needed to recover the species, we ought to have sturgeon all over the place because we had bodacious floods in 1993 and 1995. Those little sturgeons should be popping up all over because we had a spring rise to end all spring rises. It did not happen.

Fourth, with respect to water transportation benefits, the Fish and Wildlife Service and my colleague from South Dakota assume that in the absence of competition, the railroad industry will not raise rates on farmers. Try that out on any shipper. Ask anybody in the Midwest who has been captive of the railroad if they really believe that competition does not make any difference. That is the assumption which underlies the small $7 million in benefits from river transportation cited by the opponents of this transportation.

If it sounds as if I am picking on the railroad industry, which would be the biggest beneficiaries, along with farmers and producers in Latin America and Australia and Europe, I am not. I have no quarrel with the railroads aiming to maximize their profits. You cannot blame a compass for pointing north. They need to maximize profits.

If the Government wants to eliminate their competition, why would they interfere? Every Senator knows, or should know if they studied economics, that in the absence of competition, prices will rise. We see prices rise at the end of the navigation season. On the Mississippi, we see prices rise when locks are closed for maintenance.

There is a Fortune 100 firm on the Mississippi River that has built a river terminal it has never used except when it negotiates with the railroads. It has that river terminal, and the railroads come in and say: We are going to charge you *x* amount for bringing your product in. And they say: We will just open up this river terminal, and we will beat your prices down. They come around.

According to the Tennessee Valley Authority which did a study on the Missouri River, the savings to rail shippers because of competition created by barge traffic is an estimated $200 million annually. That is the benefit to shippers. Those people get goods coming in and those shipping commodities out. That includes benefits worth $56 million to shippers in Missouri, $43 million to shippers in Iowa, $36 million to shippers in Nebraska, and as the occupant of the Chair will be interested to know, $52 million to shippers in Kansas, and $14 million to shippers in South Dakota.

In summary, flood control is important, energy production is important, and having modern and competitive transportation options for our farmers and shippers is important.

With respect to the species, our resource agencies say the Fish and Wildlife Service is wrong and their plan is harmful and unnecessary. That is why I included the provision for the fifth year. This provision does not stop the process as has been alleged by my colleague. It simply says the water management manual cannot be changed to force a dangerous spring rise. It is a risky scheme on which we cannot afford to gamble. It is a controlled flood that is not controllable.

Ten years ago, the courts decided to review the river management. Seven years ago, it proposed a spring rise. It was opposed in public hearings from Sioux City to Memphis to New Orleans. It was opposed by the U.S. Department of Agriculture. It was opposed by the U.S. Department of Transportation. It was opposed by agriculture and other shippers.

Twenty-seven Senators in a bipartisan letter to the President opposed it. So in 1995, the administration rejected the spring rise and went back to the drawing board. The President ordered the Corps to work with the States to find a consensus. Meanwhile, Congress included section 103 four different times to remind the Fish and Wildlife Service that their obsession to increase flooding was not acceptable.

Last year, seven out of eight States arrived at a consensus that the Corps accepted which did not include a spring rise. Then, notwithstanding the public hearings in 1994, the letter to the President, the legislative provisions, notwithstanding the consensus, the Fish and Wildlife Service arrogantly pushes the same old plan to raise the river height in the spring.

The U.S. Geological Survey told me last week that they do not know enough about the river or the pallid sturgeon to know if there is any chance the Fish and Wildlife Service's plan will work. They are the ones who work to define habitat and biological response. They have not been shown the information from the Fish and Wildlife Service.

The Missouri department of conservation says they have an alternative to recover species which does not do premeditated damage to safety, to property, and to human lives. The Missouri department of natural resources said the Fish and Wildlife Service's plan is flawed and unnecessary.

The provision permits any experiment the Fish and Wildlife Service can dream up except the one risky scheme of a controlled flood in the spring which we cannot tolerate. Members of Congress have every right to place commonsense parameters on bureaucratic excursions. That is the purpose of this provision.

We know there are many other benefits that come from wise management of the Missouri River. The spring rise does not help the upstream States. In fact, States such as the Dakotas and Montana will find that they will not have the water they want for recreational purposes if it is flushed down the river in the spring. I know the Fish and Wildlife Service wants to run this river, just as it wants to take over management of a lot of other rivers, but the rivers are authorized for multiple uses. That is the way the Corps and the States manage them.

Because the proposal to initiate floods is harmful, because there are alternatives, I believe section 103 is a prudent and restrained safeguard that should be retained in this legislation, and I urge my colleagues to oppose the motion to strike.

The PRESIDING OFFICER (Mr. ROBERTS). The distinguished Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I rise to support the Daschle-Baucus amendment to strike section 103 from the energy and water appropriations bill. One might ask why. The answer is very simple: Because section 103 is an anti-environmental rider that prevents the sound management of the Missouri River. It is that simple.

I begin by endorsing the points made so well by Senator DASCHLE. The Army

Corps of Engineers is managing the Missouri River today on the basis of a master manual that was written in 1960. Guess what? It has not changed much since then. It is 40 years old. It is like trying to run the Internet based on a plan that was written in the heyday of rotary telephones. Conditions are different. Priorities are different.

As Senator DASCHLE explained, the master manual favors some uses of the river, such as barge traffic, that may have made sense in 1960 but makes little sense today. That is a very important point. In effect, a 40-year-old master manual favors the barge industry, which may have made sense in 1960 but makes virtually no sense today based upon the Corps's own economic analysis of the river, and it favors those uses over other uses, such as recreation, which are much more important now than they were in 1960.

As has been pointed out, the master manual also wastes taxpayers' dollars. We are today spending more than $8 million a year in operation and maintenance costs to support a $7 million barge industry. That is a bad deal for taxpayers. It is a subsidy that does not make sense.

In the interest of time, I will not elaborate on all those points. The Senator from South Dakota, the minority leader, has covered that ground very well. I do not want to repeat them. Instead, I would like to make three additional points.

First, the anti-environmental rider proposed by the Senator from Missouri harms my State of Montana. Second, it prevents the Corps of Engineers from complying with the law, from complying with the Endangered Species Act. And third, the rider derails a process of carefully revising the master manual, a process that is working.

In addition, I want to respond to an important argument made by the Senator from Missouri and other proponents of the rider. They argue that the rider is necessary to reduce the risk of floods. I will address that in a later point.

First, the impact of the rider on my State of Montana would be profound. The Missouri River flows not only through our State but through our history, as well as the history of other States.

Meriwether Lewis found the source of the Missouri River on August 12, 1805. It is at Three Forks, MT. It is shown on this map up here to the left, just east of the Continental Divide.

From there the river flows north, winding around near Helena, Great Falls, past Fort Benton, and then east through the lake created by the Fort Peck Dam near Glasgow.

There is Fort Peck Dam right here on the map. It is one of the major dams in the Missouri River system.

This is eastern Montana, an agricultural region. As the occupant of the Chair knows, agriculture has been suffering some very hard economic times for more than a decade with low prices for wheat, low prices for beef, drought. In eastern Montana, as well as in the western Dakotas, people are moving out, looking for jobs, virtually for survival.

Fort Peck Lake—that is this lake shown on the map right here—is a key part of our plan in our State to revive our State's economy, at least in that part of the State. It is a center for boating, a center for fishing, and, I might say, all kinds of recreation which is related to the lake.

Fort Peck is host to several major walleye tournaments each summer. The biggest is called the Governor's Cup, which attracts people from all around the State, all around the Nation, and all around the world.

I was there last July with one of the major sponsors of it, Diane Brant. I might say, she provides the gusto that makes the tournament work. It is incredible watching everybody line up to go out and go walleye fishing. Hundreds of boats went by the review stand, in single file, as walleye anglers set forth to prove their mettle.

This tournament brings jobs and excitement to the area. We are working hard to get more done. For example, I am working with Diane and local community leaders, and others, to establish a warm water fish hatchery on the north bank of the river to improve the walleye fishery. But we face a problem. It is a big one. Under the master manual, water levels in the Fort Peck Lake are often drawn down in the summer, largely to support the barge traffic downstream, which is an industry that need not be subsidized near to the degree that it is, and certainly according to the Army Corps of Engineers' information.

In fact, there have been times when the lake has been drawn down so low that boat ramps are a mile or more from the water's edge. This is what this photograph shows. This is a photograph of a boat landing at Fort Peck Lake. It is called Crooked Creek. It is a mile from the boat landing to the edge of the lake.

Why? Because Fort Peck has been drawn down to support a barge industry downstream. Frankly, the industry is dated and does not need to be supported near that much at the expense of people upstream, upriver, who, frankly, do not have many means of recreation. But the main thing they want to do is to be able to put a boat in the river. They are unable to do so because the boat ramp is over a mile from the river.

These drawdowns have occurred frequently. The effect is devastating. Obviously, drawdowns prevent people from boating and fishing. They also reduce the numbers of walleyes, sturgeon, and other fish.

Let me be specific. Right now the water level at Fort Peck has been drawn down about 10 feet, to increase flows for downstream barge traffic. That is right now. A few weeks ago there was another walleye tournament at Crooked Creek, and it could well have been canceled. There was a lot of concern because ramps could not be used. Fortunately, it did not happen this year, but very often it does.

The drawdowns are a big part of the economic raw deal that eastern Montana has been getting for years. More balanced management of this system, which takes better account of upstream economic benefits is absolutely critical to reviving our State's economy in eastern Montana.

I am not going to stand here and try to kid anybody. This debate is, to a significant degree, about who gets Missouri River water, and when. That is accurate. But that is not all this debate is about. There is an awful lot more to it.

The section 103 rider prevents the Corps of Engineers from obeying the law of the land. Let me repeat that. The section 103 rider prevents the Army Corps of Engineers from obeying the law. It is that simple. It is that specific. It is that accurate. Specifically, it prevents the Corps from following the Endangered Species Act.

Before I get into the details, let me say a couple things about the Endangered Species Act. A lot of people are watching tonight. They may wonder: What is all this fuss about? There is less than a month left of the congressional session. Big issues need to be addressed—the budget, prescription drug coverage, trade with China. Why in the middle of all of this are we debating the fate of two birds and a fish? Good question. This is why.

Any time an issue such as this comes up, it is tempting to think only about the particular species that are being involved—the snail darter; the spotted owl. In this case, the piping plover, the least tern, and the pallid sturgeon. But that is thinking too narrowly.

In a much broader sense, the debate is about whether we really are serious about protecting endangered species. It is about whether our generation is going to meet its moral obligation to preserve the web of life that sustains us, and pass it along, as a legacy, to future generations.

If we create a loophole here, there will be pressure to create another loophole somewhere else—and another and another. Before you know it, the law will be shredded into tatters.

Don't get me wrong. I am not saying that the Endangered Species Act is perfect. It is not—far from it. I have worked for years to come up with reforms that would improve the act, that would increase public participation, assure that decisions are based on sound science, give a greater role to the

States, get more certainty to landowners, bring people together, rather than drive them apart.

Over the last decade, I have worked as hard as anyone to reform the Endangered Species Act. But those reforms have not passed. They have been reported out of the Committee on Environment and Public Works, but they have been kept off this Senate floor, as good as they are.

Nevertheless, in the meantime, the Endangered Species Act today remains the law of the land. We have to respect it. It is the law.

With that as background, let me turn to specifics and explain how Senator BOND's rider prevents the Army Corps of Engineers from managing the Missouri River in a way that is consistent with the law.

The river provides habitat for three endangered species: the piping plover, the least tern, and the pallid sturgeon. Each of these species evolved along a river that had higher flows in the spring and lower flows in the summer. That is the natural order of things. Each species depended on a life cycle that depended on this pattern.

The tern and the plover need higher flows in the spring. Why? To create the sandbars they nest on. Higher flows create sandbars. They need lower flows in the summer. Why? To create a buffer that reduces the risk that the nests might be washed away by, say, a storm. That is the natural order of things.

The sturgeon needs high flows in the spring for breeding and lower flows in the summer for the development of young fish.

This is a photo of a piping plover, a female, nesting over three eggs.

But the way I just described the natural order is not the way the river is being managed today. Under the master manual, today's management system, the Corps tries to maintain steady water levels through the spring and summer so there is always enough water to support the barge traffic downstream. It is this steady, even, but unnatural, flow that is driving the three species to the brink of extinction.

The management plan in the master manual may have made sense in 1960, before we knew about the threat to these species and before the Endangered Species Act was passed—I remind my colleagues, it was passed 13 years later, in 1973—but the master manual does not make sense today. It may have made sense in 1960, not today. Therefore, when the Corps began to revise the master manual 10 years ago—they have been at this for a long time—it was the first time the Corps seriously considered how the dams on the river affect endangered species.

There have been a lot of reports, a lot of discussions, a lot of give-and-take, but finally, after a decade of work, the process is moving forward. We are close to revising the master manual, revising it so we have a better, more balanced current use of the river, such as flood control, navigation, but also more to protect the plover, the tern, and the sturgeon.

How do we do this? Basically by providing for a moderate rise in flows in the spring and reduced flows in July and August. This is the so-called spring rise/split season alternative. This alternative has strong support. Fish and game officials from all seven Missouri River basin States say it is the right thing to do.

Last summer, they recommended that we—I will not read the whole quote, I will begin in the middle—

> . . . provide higher flows during critical spring and early summer periods for native fish spawning and habitat development followed by lower flows during the critical summer-period.

That is the recommendation. They have studied this thing, believe me. Guess what? The Fish and Wildlife Service agrees. Its draft biological opinion says:

> Spring and summer flow management is an integral component of the measures to avoid jeopardy to listed species . . . This would include higher spring flows and lower summer flows than currently exist.

They have studied this. Guess what again? The Army Corps of Engineers recognizes the benefits of a spring rise and a split season. The Corps has said that "periodic high flows are required for terns and plovers to remove encroaching vegetation, but during the nesting season, stable or declining flows are needed to avoid nesting flight." The Corps has made similar observations about the pallid sturgeon. In other words, the fish and game experts from the Missouri River basin States, the Fish and Wildlife Service, and the Corps of Engineers all recognize the importance of higher flows in the spring and lower flows in the summer.

This is where the section 103 rider comes in. Simply put, the rider prevents the Corps from revising the master manual to provide for higher water levels in the spring. The Senator from Missouri said so. He said that is what he intends to do. Those are the words of the rider: Prevent the master manual from providing higher water levels in the spring. By doing so, the rider contradicts what fish and game experts from the basin States and Federal agencies involved all recognize is necessary to provide more protection for the three endangered species and comply with the law.

Again, the debate is not just about the allocation of water between upstream and downstream States. The debate is also fundamentally about whether in one fell swoop we tell the Corps of Engineers to ignore the law; ignore the Endangered Species Act regarding the management of one of the country's largest rivers. The answer, of course, is obvious. The Corps should obey the law, just like everyone else.

Forget about the species for a minute, think about basic fairness. We require private landowners to comply with the Endangered Species Act, so why shouldn't we also require the Federal Government to do so. They shouldn't get a free pass, especially when the Federal Government is the main cause of the problem. The Federal Government should not get a free pass. The Federal Government—in this case, the Army Corps of Engineers—should be held to the same standard as everybody else, and the Corps agrees that it should be held to that same standard.

That brings me to a related point; that is, government by litigation. Stop and think about this for a moment. If we think about it, we probably all know what will happen down the road if this rider becomes law. What is going to happen? The Fish and Wildlife Service will issue its final biological opinion. Like the draft, it probably will recommend higher flows in the spring, lower flows in the summer. Normally, the Corps would then revise the master manual. But because of the rider, the Corps cannot make the revisions necessary to comply with the Endangered Species Act. The rider says: Army Corps of Engineers, you cannot follow the law.

So what is going to happen? At that point there is certain to be a lawsuit brought by environmental groups challenging the Corps' failure to obey the law. Guess what? The environmental groups are likely to win. Why? Because the master manual will effectively ignore the needs of the species and therefore violate the Endangered Species Act.

It is not just my opinion that a master manual without a spring rise and a split season would ignore the needs of the endangered species. This is the unanimous opinion of the experts who reviewed the biological opinion. This unanimous recommendation was based on sound science. I might add, two people from the State of Missouri were on the peer review committee. They unanimously agreed that this is the alternative—that is spring rise/split season—which is necessary to protect these species.

Let's go back a little bit. Let's say that the rider passes. Let's say a lawsuit is brought. As I mentioned, the likelihood is very high that the plaintiffs, the environmentalists, would win. What happens next? We wind up with the river being operated not by the Corps of Engineers, not influenced by the Congress, but by the courts, a judge in some Federal court somewhere—they will get venue probably somewhere along the Missouri River—will be overseeing the operation of the entire Missouri River system; again, because of a lawsuit that wins. That might be politically convenient for some, but it is an abdication of our responsibility. As we have seen along the Columbia and Snake Rivers, it generates much more litigation and much more uncertainty.

Let us not go down the path of litigation. We do have a process in place to carefully revise the master manual. It has been underway for years; 10 years to be more specific. Now at the last moment, when the end is in sight, here we find a rider on an appropriations bill which would derail the process by taking not only one of the alternatives right off the table but the one that probably is necessary to comply with the law. Of course, that is not fair; of course, it is not right. It is not the right way for us to be doing business here. Instead, we should give the process we began 10 years ago a chance to work.

Now that we have a draft biological opinion, there will be an opportunity—this is a very important point—for public comment, both on the draft and on the later environmental impact statement. That way we have a decision that is not made in a vacuum. But this rider makes a mockery of that process. There will be an extensive period for public comment, but the public agencies cannot take any of those comments into account. That is what this rider does. It says: OK, here is your alternative, but you can't be implemented so the comments are irrelevant. What kind of message does that send to our people, already cynical about the way Government works? I say there is a better way: allow the process to work.

With that, I will briefly respond to a point made by the Senator from Missouri and some of his supporters. Concern has been expressed that if we have higher flows in the spring, there is a greater chance of flooding—a wonderful metaphor, floods; wonderful picture, floods; wall of water; risky proposition. It gets people scared and nervous, obviously. That is what it is designed to do. It is designed to scare people, scare them into supporting the rider. But we are not only emotional entities, we are supposedly analytical beings.

We are supposed to think about this stuff a little bit, look at the facts, not just the emotion. So let's look at the facts, I say to my other good friend from Missouri who is managing this bill at this time.

First of all, nobody wants floods. Flood control comes first. There is no question about it. Flood control comes first. I might say, though, the Corps and other agencies have taken flood control into account. In fact, the Corps has modeled many different river management alternatives. Their models show that under a spring rise/split season, there is no difference in flood control. Statistically, it is about 1 percent, which is basically zero. The Army Corps of Engineers has taken this question fully into account already. Of course, they would; it is their responsibility, and they have done that. Their conclusions show that under this alternative, there is virtually no difference in flooding compared with the current master manual—virtually none.

I heard one of my good friends from Missouri say, well, gee, nobody can predict the weather. Mr. President, that is a total red herring, totally irrelevant. That has nothing to do with what we are talking about here. We can't predict the weather today under the current master manual or tomorrow if the spring rise/split season are adopted—in either event. The two floods mentioned—in 1993 and 1997—under this proposal, the spring rise/split season, would not have been in effect; that is, the spring rise/split season proposal would not have been permitted because of the modeling and the anticipation of the flood years 1993 or 1997. Actually, the spring rise is to be implemented only once every 3 years. Say year No. 1 comes up, and 4 years later year No. 1 comes up again, and this might be a flood year. The model says, no, we don't implement a spring rise; we are not going to take the risk of more flooding.

So let's get the flood scare tactic off the table here. It has nothing to do with what we are talking about. The Army Corps of Engineers' own models conclude that the risk of flooding is virtually insignificant.

In closing, I want to also point out one other thing. The basic argument of the Senator from Missouri is that we are just taking one item off the table—spring rise/split season. That is all we are doing. We are not taking other alternatives off the table, other environmental enhancement measures, wetlands restoration, and habitat restoration. We are not taking that off the table. So what is the big fuss here? That is the basic argument.

The flaw in that argument is that the people who have studied this, the peer reviewers, have unanimously concluded that both are needed in order to solve this problem—that is, both a spring rise/split season and legislation to help restore habitat. Both are needed. They have concluded you can't have one without the other; you have to have both. You have to have the spring rise/split season. It makes sense because that is the natural order of things; that is the way the river runs naturally. It tends to flood in the spring and not later on.

The argument has also been made that this is going to hurt Mississippi barge traffic downstream. Frankly, that is another red herring designed to scare Senators downstream from Missouri, from St. Louis. It is a scare tactic because if you look at the data, at the facts, the facts show that, actually, because more water is being let out of the dams in the spring, and it is saved in the summer, on a net basis, they are going to have to let a little bit more out in the fall, which benefits the barge industry on the Mississippi. So it is a red herring. It is inaccurate—more to the point—that this proposal would hurt barge traffic down from St. Louis. That is not right. The Corps data shows more water is going to be released at the time it is more necessary.

To sum it all up, let's pass this amendment that strikes section 103. Let the process continue to work. There is ample opportunity for public comment. But let's not disrupt it in a way that will cause a lawsuit and will cause a lot more problems than it will solve. I understand Senators who feel obligated, regardless of the facts, to support the Senator. But let's do what is right and not pass this.

I yield the floor.

Mr. JOHNSON. Mr. President, I am pleased to take this opportunity to join my colleagues to discuss the issue of the how the Missouri River should be managed by the Corps of Engineers. I strongly urge the Senate to adopt the Daschle-Baucus-Johnson amendment to strike Section 103 from the Energy and Water Appropriations bill, which prevents needed changes to the management of the Missouri River that have been called for by the U.S. Fish and Wildlife Service. President Clinton has stated that he will veto the bill if this amendment is not included. The time has come to manage the river in line with current economic realities.

This issue has come before the Senate because some Senators from states downstream on the Missouri River are attempting to politicize the management of the River. As has been done in the last four years, they are trying to politicize this issue by adding a rider to the Energy and Water Appropriations bill to prevent the Army Corps of Engineers from changing the 40 year old master manual that sets the management policy of the river.

Mr. President, let me assure you and the rest of my colleagues that after 40 years, the management of the Missouri River is in serious need of an update to reflect the current realities of the River. The Corps current plan for managing water flow from the Missouri River Dams, known as the master manual provides relatively steady flows during the spring, summer and fall to support a $7 million downstream barge industry. The manual has not been substantially revised on 40 years.

In that time, the projections of barge traffic used to justify the manual have never materialized. Instead, the steady flows required by the manual have contributed to the decline of fish and wildlife along the river.

To counter this problem, the Army Corps of Engineers has proposed a revision of the master manual which governs how the river is managed.

I was among those who first called for a revision of the master manual because I firmly believed then, as I do now, that over the years, we in the Upper Basin states have lived with an unfortunate lack of parity under the current management practices on the Missouri River. It is no secret that we continue to suffer from an upstream vs. downstream conflict of interest on Missouri River uses. Navigation has been emphasized on the Missouri River, to the detriment of river ecosystems and recreational uses. I recognize that navigation activities often support midwestern agriculture, however the navigation industry has been declining since it peaked in the late 1970's. It is no longer appropriate to grossly favor navigation above other uses of the river.

Those of us from the upstream States have been working for more than 10 years to get the Corps of Engineers to finally make changes in the 40 year old master manual for the Missouri River.

After more than 40 years, the time has come for the management of the Missouri River to reflect the current economic realities of an $90 million annual recreation impact upstream, versus a $7 million annual navigation impact downstream. The downstream barge industry carries only 3/10 percent of all agriculture goods transported in the upper Midwest. The Corps has been managing the Missouri River for navigation for far too long and it is time to finally bring the master manual into line with current economic realities. Passage of the Daschle-Baucus-Johnson amendment will do just that.

As I stated earlier, the process to review and update the master manual began more than 10 years ago, in 1989, in response to concerns regarding the operation of the main stem dams, mainly during drought periods. A draft Environmental Impact Statement (DEIS) was published in September 1994 and was followed by a public comment period. In response to numerous comments, the Corps agreed to prepare a revised DEIS.

After years of revisions and updates that have dragged this process out to ridiculous lengths, the Corps finally came forward with alternatives to the current master manual, including the "split season" alternative, which I strongly support, along with my colleagues from the Upper Basin States.

The rider to prevent implementation of changes in the manual has been included for the last 4 years. In previous years, this rider was not as important because the Corps was not ready to revise the river management policies. However, this year, the Corps is consulting extensively with the Fish and Wildlife Service and is officially learning that it must implement a spring rise and split season to avoid driving endangered species to extinction. Since the Corps finally has a schedule to complete the process in the near future, rejecting this rider is more than important than ever.

Those of us from the States in the Upper Basin are determined to work aggressively for the interests of our region. For decades our states have made many significant sacrifices which have benefitted people living further south along the Missouri River.

Mr. President, now is the time to finally bring an outdated and unfair management plan for the Missouri River up to date with modern economic realities. I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The distinguished Senator from Missouri is recognized.

Mr. ASHCROFT. Mr. President, I yield as much time as the Senator from Iowa may consume in opposing this motion to strike.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I strongly urge my colleagues to support section 103 of the energy and water appropriations bill. This section would prohibit changes to management of the Missouri River which would unquestionably increase flood risk on the lower Missouri and Mississippi Rivers. If this section is dropped from the bill, landowners in Iowa along the Missouri River will face the threat of increased flooding. Farmers and other river barge users would face increased transportation costs in getting their grain and other goods to market. Both of these outcomes are unacceptable to a majority of Iowans.

There is nothing new in this bill language. It has been placed in four previous appropriations bill by my distinguished colleague from Missouri, Senator BOND. Each of these bills has been signed into law by this President. The measure would prohibit the U.S. Army Corps of Engineers from implementing a U.S. Fish and Wildlife Service plan to increase releases of water from Missouri River dams in the spring. The Daschle amendment could result in significant flooding downstream given the heavy rains that are usually experienced in my, and other downstream states during that time.

We must keep in mind that it takes 8 days for water to travel from Gavins Point to the mouth of the Missouri.

Unanticipated downstream storms can make a "controlled release" a deadly flood inflicting a widespread physical and human cataclysm. There are many small communities along the Missouri River in Iowa. Why should they face an increased potential risk for flooding and its devastation? They shouldn't.

Equally unacceptable is the low-flow summer release schedule proposed by the Clinton-Gore administration's Fish and Wildlife Service. A so-called split navigation season would be catastrophic to the transportation of Iowa grain to the marketplace. In effect, the Missouri River would be shut-down to barge traffic during a good portion of the summer. It would also have a disastrous effect on the transportation of steel to Iowa steel mills located along the Missouri, construction materials and farm inputs such as fertilizer.

Opponents of section 103 will advance an argument that a spring flood is necessary for species protection under the Endangered Species Act, and that grain and other goods can be transported to market by railroad. I do not accept that argument. I believe that there is significant difference of opinion whether or not a spring flood will benefit pallid sturgeon, the interior least tern or the piping plover. In fact, the Corps has demonstrated that it can successfully create nesting habitat for the birds through mechanical means. Further, it is in dispute among biologists whether or not a flood can create the necessary habitat for the sturgeon.

I would further point out that the Fish and Wildlife Service has yet to designate "critical habitat" for the pallid sturgeon as required by the Endangered Species Act.

Loss of barge traffic would deliver the western part of America's great grain belt into the monopolistic hands of the railroads. Without question, grain transportation prices would drastically increase with disastrous results on farm income.

Every farmer in Iowa knows that the balance in grain transportation is competition between barges and railroads. This competition keeps both means of transportation honest. This competition keeps transportation prices down and helps to give the Iowa farmer a better financial return on the sale of his grain. This competition helps to make the grain transportation system in America the most efficient and cost effective in the world. It is crucial in keeping American grain competitively priced in the world market. The Corps itself estimates that barge competition reduces rail rates along the Missouri by $75-200 million annually.

Further, if a drought hits during the split navigation season, there would be even less water flowing along the Missouri. This would greatly inhibit navigation along the Mississippi River. We cannot let this happen.

Less water flowing in the late summer would also affect hydroelectric rates. The decreased flows would mean less power generation and higher electric rates for Iowans who depend upon this power source.

I agree with the National Corn Growers and their statement that, "an intentional spring rise is an unwarranted, unscientific assault on farmers and citizens throughout the Missouri River Basin." I urge my colleagues to support section 103. Vote against the Daschle amendment.

The PRESIDING OFFICER. The distinguished Senator from Missouri is recognized.

Mr. BOND. Mr. President, I rise to speak in support of section 103, and I yield myself such time as I may consume to make my remarks.

Section 103 of this bill is a provision that is necessary for the millions of Americans who live and work along the Missouri and Mississippi Rivers. But before I get into detailing those considerations, let me commend Senator BAUCUS and the Senate Appropriations Committee for including section 103 in the energy and water appropriations bill.

This section protects the citizens of my State of Missouri and other States from dangerous flooding and allows for cost-efficient transportation of grain and cargo. Of course, cost-efficient transportation provides a basis for much of our industry and agriculture.

The pending amendment would delete section 103 in the underlying bill, thereby sanctioning the Fish and Wildlife Service's attempt to bully the Corps of Engineers into immediately changing the river's water management plan to include a spring rise which would increase flood risk on the lower Missouri and Mississippi Rivers.

This is not just a dispute between the States of Missouri and the Dakotas. It is a much larger issue. It is about whether we will prevent unnecessary administrative intrusion into the operation of the Missouri or any U.S. river, and whether the public it is about should have the opportunity to review proposed changes and whether we should allow a disputed biological opinion to be the subject of independent scrutiny.

Without section 103, decades of operating the Nation's commercially navigable rivers for multiple purposes will be reversed without clear congressional direction.

Joining us in urging defeat of the pending amendment is a bipartisan collection of people and organizations representing farmers, manufacturers, labor unions, shippers, cities, and port authorities from 15 Midwest States. Also supporting us in opposing the Daschle amendment are major national organizations, including the American Farm Bureau, the American Waterways Association, the National Grange, and the National Soybean Association.

We are united in opposing this amendment because of the risk. It would lead to a dangerous flooding condition and could interfere with the movement and cost of grain and cargo shipped on our Nation's inland waterways.

It is not a novel thing for me to stand in defense of the Missouri River. I come to this debate after fighting for Missouri's water rights as the Missouri attorney general and Governor, and I will continue to make water flows on the Missouri and Mississippi Rivers top priorities.

As background for this debate, Senators need to know that the use of the Missouri River is governed by what is known as the Missouri River Master Manual. Right now, there is an effort underway to update that manual. The specific issue that is at the crux of this debate today is what is called a spring rise. A spring rise in this case is a release of huge amounts of water from above Gavins Point Dam on the Nebraska-South Dakota border during the flood-prone spring months.

To see whether such a controlled flood may improve the habitat of the pallid sturgeon, the least tern, and the piping plover, section 103 is a commonsense provision that states:

> None of the funds made available in this act may be used to revise the Missouri River Master Water Control Manual if such provisions provide for an increase in the springtime water release program during the spring heavy rainfall and snow melt period in States that have rivers draining into the Missouri River below the Gavins Point Dam.

This policy has been included in the last four energy and water appropriations bills, all of which the President signed without opposition.

In an effort to protect the species' habitats, the U.S. Fish and Wildlife Service issued an ultimatum to the Army Corps of Engineers insisting that the U.S. Corps of Engineers immediately agree to its demand for a spring rise. The Corps was given 1 week to respond to the request of Fish and Wildlife for immediate implementation of a spring rise. The Corps' response was a rejection of the spring rise proposal, and they called for further study of the effect of the spring rise.

The Bond language in section 103 will allow for the studies the Corps recommends.

National environmental groups want to delete section 103. They want to do that in an attempt to circumvent additional analysis of the effects of the proposal.

What is ironic and even tragic is that spring flooding could hurt the targeted species more than it would protect them, and it would do so in a way that would increase the risks of downstream flooding and interfere with the shipment of cargo on our Nation's highways.

Dr. Joe Engeln, assistant director of the Missouri Department of Natural Resources, stated in a June 24 letter that there are several major problems with the Fish and Wildlife's proposed plan that may have a perverse effect of harming the targeted species rather than helping the targeted species.

First, Dr. Engeln points out that the plan would increase the amount of water held behind the dams, which would have the effect of reducing the amount of river between the big reservoirs by about 10 miles in an average year and a reduction in certain parts of the river.

In addition, Dr. Engeln writes, "The higher reservoir levels would also reduce the habitat for the terns and plovers that nest along the shorelines of the reservoirs."

Dr. Engeln also points out that because the plan calls for a significant drop in flow during the summer, predators will be able to reach the islands upon which the terns and plovers nest, giving them access to young still in nests. It is clear there isn't a single view about the value, even in terms of seeking to protect these species which are the focus of this debate.

Some advocates of the proposed plan claim this plan is a return to more natural flow conditions. They say, we want to return the river to its condition at the time of the Lewis and Clark expedition. Not only is it unrealistic to return the river to its "natural flow" when the Midwest was barely habitable because of erratic flooding conditions, according to Dr. Engeln.

> The proposal would benefit artificial reservoirs at the expense of the river and create flow conditions that have never existed along the river in Iowa, Nebraska, Kansas, and Missouri.

Dr. Engeln's letter states:

> Balancing the needs of all river users is complicated. Predicting the loss of habitat and its impact on the terns and plovers should not be subject to disagreements. The Fish and Wildlife Service and the Corps of Engineers need to examine the implications of this proposal and recognize its failure to protect these species.

Listen to the last comment: The Missouri Department of Natural Resources—I might note, this is a well-recognized department; our conservation and natural resource departments are nationally recognized. We are especially supportive, with special independent tax revenues for the conservation commission. The Missouri Department of Natural Resources states that the Fish and Wildlife Service should recognize the proposal's failure to protect these species.

The plan by the Fish and Wildlife Service fails to protect species. It exposes the citizens of the Midwest and Southern States and their farms and cities and ports to dangerous flooding. It also interferes with the shipment of cargo and could lead to higher prices being charged for the shipment of cargo.

Over 90 organizations representing farmers, shippers, cities, labor unions, and port authorities sent a letter to Congress last week that Senator BOND has had printed in the CONGRESSIONAL RECORD. Let me briefly quote from this letter:

> The spring rise demanded by the Fish and Wildlife Service is based on the premise that we should "replicate the national hydrograph" that was responsible for devastating and deadly floods, as well as summertime droughts and even dust bowls.

The letter goes on to say:

> For decades we have worked to mitigate the negative implications of the natural

hydrograph with multiple purpose water resource programs. These efforts have protected communities from floods and also provided hundreds of thousands of families wage jobs in interior regions.

These 90-plus organizations are exactly right. For decades, the Government has made water resource management decisions by taking into account the many varied uses of the river in balancing the interests of all affected groups: agriculture, energy, municipal, industrial, environmental, and recreational. Our policies in the past have been designed to protect communities against natural disasters, as well as allow efficient and environmentally friendly river transportation, low-cost and reliable hydropower and a burgeoning recreation industry.

Let me indicate when I was attorney general of the State of Missouri—and that is several decades ago—there was a run made on the river at that time to divert the river, to run it through a pipeline to the lower Gulf States and to run the river in conjunction with powdered coal through the pipeline as a means of taking the river.

I guarded the river then because I knew of its value to our State. Half the people in the State of Missouri drink water from the Missouri River. It is a tremendous resource in terms of transportation, in moving grain downstream for international sale. Soybean farmers in America have to sell over half of their crop overseas. Moving their crop to the ports is essential. Moving the crop efficiently to the ports is very important in terms of our competitive position. It is a necessary thing that we preserve this potential for those who operate our family farms—not just to have the transportation—to avoid the unnecessary and devastating potential of floods.

Last week, the sponsors of the pending amendment circulated a Dear Colleague letter regarding their amendment. It is a letter to explain their idea of striking section 103. They laid out the arguments. The environmental groups who are supporting the Daschle amendment have made many of the same points in defense of their position. I want to take a few minutes to refute the main points of the supporters of this amendment, which is to strike this provision.

First, the supporters argue that the Missouri River management changes will not create potential downstream flooding because the spring rise would not occur every year. It would not be implemented during the 10 percent highest flow years, they say, "and the Corps would not release additional water from Gavins Point dam if the Missouri were already flooding."

While this may sound reassuring, it is not acceptable to those citizens living downstream because unreliable waterflows pose a grave danger to everyone living and working along the banks of the river. The spring rise would come at a time in the year when downstream citizens are most vulnerable to flooding and downstream agriculture is certainly very vulnerable to flooding.

It normally takes 11 or 12 days for water to travel from the Gavins Point reservoir to St. Louis. During the spring, the weather in the Midwest is unpredictable. I might want to protect myself. It may be that the weather in the Midwest is always predictable.

I remember last summer visiting a flood-ravaged city in eastern Missouri in this watershed. Union, MO, had a 14-inch rain that was not predicted. I had flooding on my farm in late July when we had a 7-inch unpredicted rain. And not only just this kind of outburst or cloud burst, but we know that the weather in the Midwest is hard to predict. Heavy rain or a series of heavy rains in the 12-day period following a spring rise would certainly greatly increase the chances for downstream flooding, and the amount that would be necessary to top a levy here and there could be the amount precipitated with the rise, the purposeful release of the water.

The second major point the opponents make is that section 103 prohibits the Corps from producing a final environmental impact study. The true fact is the language of section 103 only forbids the use of Federal funds to make revisions of the master manual to allow for a spring rise. It does not impact the Corps' ability to produce a final environmental impact study, nor does it permanently ban revisions. Section 103 would only be operative for fiscal year 2001.

The third point that the opponents make is that the Fish and Wildlife Service proposal will help Mississippi barge navigators. The true fact is every Mississippi navigational organization and transportation entity is against the proposed spring rise and in support of section 103. They say these folks will all be assisted by this. But all the folks who actually work in this industry, every single navigational organization says that kind of assistance "we don't want." It is akin to the fellow saying: I don't think the check is in the mail and I don't think you are from the Federal Government and here to help me.

The fourth point that our opponents make is that the Missouri River farmers will benefit by the proposed management changes. The real fact is that every farm group is against the proposal and is in favor of retaining section 103. The American Farm Bureau Federation, the National Corn Growers Association, the National Association of Wheat Growers, the American Soybean Association, the National Grain and Feed Association, the National Council of Farmer Cooperatives, Agriculture Retailers Association—enough.

The fifth point our opponents make is that public recreational opportunities in upstream States will be improved by the proposed changes. According to the mark 2,000 set of groups, no evidence exists to suggest that recreation and tourism will benefit from a spring rise.

The sixth point our opponents make is that the spring rise will help to restore the health of the river and recover endangered fish and bird species. No documentation has been provided that establishes the need for a spring rise beyond what currently occurs naturally. As I mentioned before, the Missouri Department of Natural Resources strongly disagrees that a spring rise would have environmental benefits for endangered birds.

The seventh point our opponents make in their letter is that the only industry harmed by the proposal would be the downstream barge industry. They don't always make this point. Sometimes they say this will not make any difference to the barge industry. Sometimes they say it is going to help the barge industry. Then they say the only industry that would be hurt would be the barge industry. I think what we can all agree on is the barge industry would be affected, and I think we ought to listen to the barge industry. The barge industry simply says very clearly they don't want any part of this, that they reject this concept.

Competition on the waterways, of course, would be impaired. If you hurt the barge industry, it is totally naive to think that you can hurt the barge industry and that would be the only industry hurt. If you hurt the barge industry and take that grain shipment capacity out of the system, all of a sudden you have to load more trucks. So there would be a greater demand for trucking. With more demand, we all know what happens: Supply and demand, if the supply is the same the price goes up. In fact, it doesn't take a particularly strong analytical bent to get there. But the Tennessee Valley Authority has made some estimates about this. According to the TVA, water competition holds down railroad rates, not only trucking rates but railroad rates, and the holddown of the railroad rates by water competition is about $200 million each year.

If you are talking about that kind of impact holding down those rates, I think it is fair to say there are potential ripple effects on a lot of other folks than just the barge industry, and I happen to believe this is a time when the American farmer might find himself on the tracks and the fast freight coming through, and not for the benefit of the American farmer. It is time for us to say we need as much competition as possible in hauling these resources to market rather than to minimize that competition.

Finally, the amendment sponsors say the President will veto this bill if section 103 is maintained. If the President decides to veto the entire bill after having signed this provision four times previously, it states a very clear message by the Clinton-Gore administration to the citizens of the Midwest. It is very easy to understand. Unfortunately, it would be very hard to digest and accommodate. But the message would be this: The Clinton-Gore administration is willing to flood downstream communities as part of an unscientific, risky scheme that will hurt, not help, the endangered species it seeks to protect. If that is the message, I wouldn't want to be the messenger. A vote for the Daschle amendment sends the message to communities all along the Missouri River that this Congress supports increased flooding of property and higher costs for family farmers, factory workers, and industrial freight movers.

I think it is pretty clear that there is not sound science to support some protection of these species. There is a clear disagreement among scientists, and a strong argument that the implementation of this plan would, in fact, damage the capacity of some of these species to continue.

I urge Senators to look closely at the facts and to stand with the men and women who depend upon sane, scientific management of the Missouri and Mississippi Rivers, and to join me in voting no on the Daschle amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The distinguished Senator from Montana.

Mr. BAUCUS. I don't know if the Senator from Missouri wants to speak now. I have maybe 5 or 10 minutes of points I want to make, but if the Senator wants to speak now——

Mr. BOND. Please; my colleague has the floor.

Mr. BAUCUS. Mr. President, just several points for the record. In all due respect, listening to my colleagues, there were lots of conclusions. I don't hear a lot of facts, support for the statements made.

One of the statements I heard is that flood control benefits will be much worse under the preferred plan, that is the spring rise/split season. But that is not what the facts are, according to the Army Corps of Engineers. If you look at all the various data here on all the various alternatives that the Corps considered, it totaled up the flood control benefits for the river from the Fort Peck Dam down to the mouth, and I must say there is statistically no difference in flood control benefits. So this big scare tactic of floods—I have heard some say, not on this floor, a wall of water—is, according to the facts, inaccurate. It is inaccurate according to the modeling done by the Corps on all the various alternatives.

The benefits under the current master manual, flood control benefits, according to the Army Corps of Engineers, are about $414 million. The spring rise/split season flood control benefits are virtually statistically the same; that is, $410 million—virtually no difference. Those are the facts. Not the rhetoric, not the abstraction, not the generalization, but the facts.

Second, I have heard here that the spring rise/split season will increase Mississippi River navigation costs. That is the assertion. Let's look at the facts, again, facts according to studies done by the Army Corps of Engineers—not by that dreaded Fish and Wildlife Service, but by the Army Corps of Engineers.

The facts: If you look at the average annual Mississippi River navigation costs for the Army Corps of Engineers, under the master manual it is about $45.70 million; under the spring rise alternative is it $46.85, which comes out to less than a 1-percent difference. So, again, it is a scare tactic and an inaccurate scare tactic to say that the spring rise/split season is going to increase navigational costs downriver on the Mississippi. It is just not accurate, according to studies done by the Army Corps of Engineers.

I have also heard on the floor this evening that the spring rise/split season will decrease hydropower benefits for the main stem reservoir system. That is the assertion. That is the rhetoric. Let's look at the facts. Let's look at what the Army Corps of Engineers' actual data says. I have it here before me. Under the current master manual, the average annual hydropower benefits total $676 million. Under the spring rise/split season, the average annual hydropower benefits are higher, $683 million; not lower, higher. So the hydropower benefits under the spring rise/split season are actually better, higher than they are under the current master manual.

Another point, you have heard stated many times on the floor tonight this provision has been in the appropriations bill for about 4 years and there has been no objection; the President hasn't objected, so what is the big deal? The difference is in those prior years it was all abstraction. That is, there was no Fish and Wildlife Service biological opinion. We were dealing with thin air, not dealing with something substantive. Now we are. The Fish and Wildlife Service issued their biological opinion. We have something definite. And they concluded the spring rise/split season is necessary.

On that same point, I might say the group that peer-reviewed this proposal—I think there are seven or eight from the Missouri River basin—unanimously concluded this is necessary.

I might tease my good friend from Missouri, saying his colleague at length quoted a Missourian who has had problems with the proposal alternative. I might tease my friend from Missouri, pointing out of the seven scientists on the peer review who unanimously concluded this makes sense, two of them are Missourians, one with the department of conservation and the other with the University of Missouri at Columbia. One says it is a bad idea; two say it is a good idea. I will take the majority vote from the Missourians.

I might also point out that basically we want the Corps of Engineers to follow the law. Under the law, whenever a species is threatened or endangered, the Fish and Wildlife Service consults with the relevant agency—in this case the Army Corps of Engineers. And, under the law, the alternative must comply with the Endangered Species Act. It will not have the devastating effect that has been asserted.

I say so not as an assertion but backed up by facts, backed up by the Army Corps of Engineers' own data. Look at the data. The data shows, A, this is not going to cause all the problems that have been asserted and, B, this is probably necessary under the law. Otherwise, it is thrown in the courts, and we all know what happens when something like this is thrown into the judicial system. We will be wrapped up trying to resolve this for years and years.

I strongly urge my colleagues to do what is right. Follow the science, follow the law, and vote to delete section 103 from the appropriations bill.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Missouri is recognized.

Mr. BOND. Mr. President, I yield myself 5 minutes, which I hope ends this debate for this group who is listening in rapt attention. I appreciate the attention of those people who are sitting on the edge of their seats learning more than they ever wanted to know about the Missouri River. It is important to us. It is vitally important to Missouri and other downstream States.

We do disagree with some of the statements that have been made by my colleagues on the other side. We have a disagreement on the interpretation and I think a disagreement on the facts.

The statement has been made that the Fish and Wildlife Service's split season does not have any impact on the river flows in the Mississippi River. That has not happened. The Fish and Wildlife Service proposal, according to the Corps of Engineers' advice to us today, has not happened. That is not accurate.

I believe strongly the spring rise will take water out of upstream reservoirs. They need that water for recreation. I have worked very closely with my friend and colleague from Montana, and others, to do what we can to accommodate legitimate recreation needs. My colleague from Montana was a very valuable ally when we pushed through the middle Missouri River habitat mitigation plan that made changes that we think are improving fish and wildlife habitat along the Missouri. I thank him for that.

When he says the models show there is a statistically insignificant impact downstream, any kind of spring rise in any year which is an exceptional flood year is going to have exceptional and disastrous impacts. Look at it in a low-flow year. It may not make much difference, but if you put that spring surge down the river in a year when we get that unexpected 6-inch, 8-inch, 10-inch, 14-inch rise, we have a devastating flood that not only wipes out property and destroys facilities along the river but puts lives at danger.

The statement was made that fish and game agencies are united behind this plan. They are not. This is one of the big questions that needs to be resolved. Resolution of those questions can and must go on during the coming year. We do not stop all of the agencies from continuing the discussions and debate. Contrary to what has been said on this floor by the proponents of the motion to strike, we only say you cannot implement the spring rise.

This risky scheme needs to be thoroughly worked out, thoroughly debated, before anybody has a thought of putting it into action. That is why we want to have a year with no spring rise implemented as ordered by the diktat of the U.S. Fish and Wildlife Service in their letter of July 12.

The statement was made that the consensus of the States in the Missouri River Basin Association was in favor of a spring rise. There is a difference between a spring rise in the upper part of the river which is above the dams, above Gavins Point, which makes the difference on what the flows are in Missouri, Kansas, Iowa, and Nebraska.

The Missouri River Basin Association recommends trial fish enhancement flows from Fort Peck Reservoir. The enhanced flows will be coordinated with the unbalancing of the upper basin reservoirs and thus will occur approximately every third year. This is in the upper basin. It does not have any impact directly downstream.

With respect to the lower Missouri River, which is below the last dam—that is, Gavins Point releases—the statement of the Missouri River Basin Association is that it recognizes the controversial nature of adjustment to releases from Gavins Point Dam. MRBA recommends the recovery committee investigate the benefits and adverse impacts of flow adjustment to the existing uses of the river system. They did not, have not, and are not recommending increased flows.

This effort by the Fish and Wildlife Service to impose their views over the views not only of the neighbors of the people downstream who have studied it, the fish and wildlife agencies, this is a risky scheme that provides tremendous potential for a flooding disaster along the Missouri River, and I urge my colleagues tomorrow to oppose the motion to strike.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I want to say it has been a good debate. Our views have been aired. I deeply respect that different Senators might have different points of view on this issue. After all, that is why we run for this job. That is why we are here. We all have various points of view. I do not want to be corny, but that is what makes democracy strong—various points of view.

I very much respect and appreciate my good friend from Missouri and others who are arguing to include this provision in the appropriations bill to prevent the spring rise. My basic point is we have different points of view on this. My basic point is let the process work, do not preempt it. There will be plenty of opportunities for comments on the draft opinion and on whatever alternative the Army Corps of Engineers picks. There are lots of different options. Let's not prejudge it by saying it cannot be one as opposed to others. Somebody might come up with a better idea between now and then. My belief is we should let the process work. We can let it work by not adopting this rider to the appropriations bill. We should work through this as it evolves.

Mr. President, I yield the floor.

Mr. BOND. Mr. President, I am prepared to yield back time on this side and bring this to a blessed conclusion after stating that I appreciate the chance to discuss this issue with my good friend from Montana and to say we are willing to let the process go forward. Just do not send us a controlled flood next spring. That is all we ask. Let the process work. Do not send the water down.

I now yield back the time on this side.

Mr. BAUCUS. Mr. President, I yield back the remainder of my time and ask that we let the process work.

The PRESIDING OFFICER. All time is yielded back.

MORNING BUSINESS

Mr. BOND. Mr. President, I now ask unanimous consent that the Senate now proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

AIRPORT SECURITY IMPROVEMENT ACT OF 2000

Mr. McCAIN. Mr. President, on June 15, 2000, the Committee on Commerce, Science, and Transportation reported S. 2440, the Airport Security Improvement Act of 2000. A report on the bill was filed on August 25, 2000. At that time, the committee was unable to provide a cost estimate for the bill from the Congressional Budget Office. On September 1, 2000, the accompanying letter was received from the Congressional Budget Office, and I now make it available to the Senate. I ask unanimous consent that the letter from CBO be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. Congress,
Congressional Budget Office,
Washington, DC, September 1, 2000.

Hon. John McCain,
Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has prepared the enclosed cost estimate for S. 2440, the Airport Security Improvement Act of 2000.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are James O'Keeffe (for federal costs),who can be reached at 226-2860, Victoria Heid Hall (for the state and local impact), who can be reached at 225-3220, and Jean Wooster (for the private-sector impact), who can be reached at 226-2940.

Sincerely,

Barry B. Anderson
(For Dan L. Crippen, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE, SEPTEMBER 1, 2000

S. 2440: Airport Security Improvement Act of 2000, As Reported by the Senate Committee on Commerce, Science, and Transportation on August 25, 2000

SUMMARY

S. 2440 would require the Federal Aviation Administration (FAA) to revise certain airport security policies and procedures. These policies would direct airports and air carriers to implement a number of security measures, including Federal Bureau of Investigation (FBI) electronic fingerprint checks before filling certain jobs, better training for security screeners, and more random security checks of passengers. S. 2440 also would require the FAA to expand and accelerate the current effort to improve security at air traffic control facilities.

CBO estimates that implementing S. 2440 would cost $155 million over the 2001–2005 period, assuming appropriation of the necessary amounts. That amount represents the difference between estimated spending under FAA's current plan for security improvements and spending for such improvements under the bill. Because S. 2440 would affect direct spending, pay-as-you-go procedures would apply, but CBO estimates the net impact on direct spending would be negligible.

S. 2440 contains an intergovernmental mandate as defined in the Unfunded Mandates Reform Act (UMRA) because it would require airport operators to improve airport security. CBO estimates that the new requirements would impose no significant costs on state, local, or tribal governments, including public airport authorities.

S. 2440 would impose private-sector mandates, as defined in UMRA, on air carriers and security screening companies. CBO expects that total costs of those mandates would not exceed the annual threshold established by UMRA for private-sector mandates ($109 million in 2000, adjusted for inflation).

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of S. 2440 is shown in the following table. The costs of this legislation fall within budget function 400 (transportation).

SPENDING ON SECURITY IMPROVEMENTS TO AIR TRAFFIC CONTROL FACILITIES SUBJECT TO APPROPRIATION

[By fiscal year, in millions of dollars]

	2000	2001	2002	2003	2004	2005
Spending Under Current Plan:						
Estimated Authorization Level	12	19	20	23	25	25
Estimated Outlays	6	20	20	22	24	25
Proposed Changes:						
Estimated Authorization Level	0	61	70	67	−25	−25
Estimated Outlays	0	46	68	68	−2	−25
Spending Under S. 2440:						
Estimated Authorization Level	12	80	90	89	0	0
Estimated Outlays	6	66	88	90	22	0

BASIS OF ESTIMATE

For this estimate, CBO assumes that S. 2440 will be enacted near the beginning of fiscal year 2001 and that the necessary amounts will be appropriated for each fiscal year. Estimated outlays are based on historical spending patterns.

S. 2440 would require the FAA to expand and accelerate its current plans to improve security at air traffic control facilities. Based on information from the FAA, implementing this provision of the bill would cost about $155 million over the 2001–2005 period. This amount includes a spending increase of $182 million during the 2001–2003 period and a $27 million reduction in spending over the following two years, relative to current plans for security improvements.

Implementing S. 2440 would require airports and air carriers to increase the number of fingerprint checks on employees and potential hires that are conducted by the FBI with assistance from the Office of Personnel Management. Both of these agencies would receive payments from airport operators and air carriers (or their contractors), which would be recorded as offsetting receipts (a credit against direct spending). These payments could then be spent without further appropriation action to conduct fingerprint checks on employees. Since the additional direct spending and offsetting receipts would be approximately equal, we estimate that the net impact on direct spending of this provision would be negligible.

PAY-AS-YOU-GO CONSIDERATIONS

The Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. implementing S. 2440 would affect direct spending, but CBO estimates that any such effects would be negligible.

ESTIAMTED IMPACT ON STATE, LOCAL, AND TRIBAL GOVERNMENTS

S. 2440 contains an intergovernmental mandate as defined in UMRA because it would require airport owners and operators to improve airport security. Based on information from the Airports Council International and the Air Transport Association, CBO estimates that the new requirements would impose no significant costs on state, local, or tribal governments, including airport authorities, because under existing contracts and agreements any additional costs would be borne by air carriers and other airport tenants.

ESTIMATED IMPACT ON THE PRIVATE SECTOR

S. 2440 would impose private-sector mandates, as defined by UMRA, on air carriers and security screening companies. Based on information from the FAA and industry representatives, CBO estimates that the costs of those mandates would not exceed the annual threshold established by UMRA for private-sector mandates ($109 million in 2000, adjusted for inflation).

First, the bill would mandate new hiring procedures and training standards for airport security workers. Section 2 would require air carriers to conduct an FBI electronic fingerprint check on all applicants for certain positions related to airport security positions with unescorted access to sensitive areas, positions with responsibility for screening passengers or property (screeners), and screener supervisor positions. Because the FBI electronic fingerprint checks would make the current price of employment investigations and subsequent audits of those investigations unnecessary, enacting this section could result in savings for air carriers. Section 3 would require additional hours of training for security screeners. In addition, the bill would require that computer training facilities be located near certain airports.

Second, the bill would accelerate the effective date of two sets of requirements that the FAA plans to implement in the next year. Section 3 would accelerate the FAA's current proposed rule on the Certification of Screening Companies. The rule is intended to improve aviation security by requiring companies and air carriers that provide security screening to be certified by the FAA. Section 4 would also accelerate a number of requirements on air carriers to improve security at access control points at airports. Most significantly, the section would require air carriers to develop and implement programs that foster and reward compliance with access control requirements. Because S. 2440 would accelerate implementation of those new mandates, air carriers and security screening companies would incur some compliance costs months earlier compared to current law.

Third, Section 6 would require the FAA to gradually increase the random selection factor in the Computer-Assisted Passenger Prescreening System (CAPPS) at airports where bulk explosive detection equipment is used. The selection factor controls the number of passengers randomly selected to have their baggage undergo enhanced security checks. If bulk explosive detection equipment is available, it is used for this enhanced security check. If it is not available, the passenger's baggage is placed on the airplane only after the air carrier has confirmed that the passenger is on board.

Because only about 5 percent of airports use the bulk explosive detection equipment, enacting Section 6 would, in theory, increase the number of bags that would be checked with the bulk explosive detection equipment in only a few airports. According to the FAA and industry representatives, however, a limitation in CAPPS would not allow an increase in the random factor in a subset of selected airports. All airports would be subject to the increased random factor. Thus, to comply with the mandate air carriers would have to either (1) reprogram their computer systems to selectively increase the random selection factor in airports that use bulk explosive detection equipment or (2) increase the number of bags undergoing enhanced security checks based on the factor whether or not an airport uses such equipment. In either case, air carriers would incur the incremental cost of checking the additional bags at airports that use bulk explosive detection equipment.

Estimate prepared by: Federal Costs: James O'Keeffe (226–2860). Impact on State, Local, and Tribal Governments: Victoria Heid Hall (225–3220). Impact on the Private Sector: Jean Wooster (226–2940).

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

VICTIMS OF GUN VIOLENCE

Mr. REID. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read the names of some of those who have lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today. September 6, 1999: Andres Aguliar, 33, Houston, TX; Sharon Barraso, 20, Philadelphia, PA; Tony Butler, 18, Philadelphia, PA; Edwin Cordova, 23, Houston, TX; Tijuan Dickey, 19, Baltimore, MD; Ellis Hair, 21, Chicago, IL; Anthony Jones, 32, Detroit, MI; Louis Merril, 17, Chicago, IL; Oscar Murray, 24, Detroit, MI; Isaac Noyola, 21, Houston, TX; Kevin Parker, 23, St. Louis, MO; Michael Sanchez, 28, Philadelphia, PA; Gregory Scott, 30, Houston, TX; Vincent Casey Stanley, 36, Memphis, TN; Cheryl Thornton, 20, New Orleans, LA; Unidentified Male, 58, Norfolk, VA; and Unidentified Male, 25, Norfolk, VA.

One of the gun violence victims I mentioned 23-year-old Edwin Cordova of Houston, was on his way home from a trip to Galveston with a group of friends. After passing a truck that had been attempting to block their way, one of the truck's passengers fired gunshots through the rear window of the vehicle. Cordova, who was riding in the front passenger's seat, died at the hospital of a gunshot wound to the neck.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

A STRONG MEDICARE FOR OUR SENIORS' FUTURE

Mr. ABRAHAM. Mr. President, Medicare, that's what seniors and health care providers in Michigan talked about with me over the August recess—Medicare. Whether it was prescription drug coverage for Medicare beneficiaries, Medicare reimbursement restoration so that health care providers can continue to provide quality health care for beneficiaries, or reining in the excesses in this Administration's crusade to ferret out Medicare fraud and abuse, even where it does not exist. I have heard the message of my constituents, and that is that Medicare needs to be modernized, reformed, and refocused on providing the best health care possible for seniors and the disabled.

Nowhere has the national debate on Medicare focused more clearly than on prescription drug costs. The increased reliance on prescription drugs in health care treatments in recent years means seniors are paying a much higher portion of their income on drugs. As new drugs come on the market that allow doctors to treat illnesses without surgery, or even allow them to treat illnesses for the first time, the result is that health care has shifted from inpatient hospital services for surgical treatment to outpatient care that utilizes more, better, and more specific drugs. The result is that while per unit costs of drugs are expected to increase by an average of 3.2 percent over the next five years, overall drug expenditures are expected to rise by almost 14.5 percent per year as the number of prescriptions per senior shoots up by more than 20 percent.

But Medicare, developed in the late 1960's, and little changed since then, is still geared primarily towards the antiquated focus on intensive, inpatient care, and continues to miss the fundamental shift towards modern care techniques, including prescription drugs. Comprehensive Medicare reform, such as that outlined in the recommendations of the Bipartisan National Commission on the Future of Medicare that embodies choice, competition, and modernization, would allow Medicare to continue its guarantee of health coverage, while providing the type of health coverage that a modern senior needs. Unfortunately, apparently due to the election cycle games of this Administration, the necessary super-majority could not be mustered to report these proposals to Congress. So, America's seniors continue to be denied without a modern Medicare system, including prescription drug coverage.

But these political realities do not lessen the immediacy of the problem, nor the need for this Congress to move now on providing a prescription drug benefit. I believe we must move on passing a prescription drug coverage plan for Medicare seniors, and pass it now. I hear the cry of my colleagues who say this will take the wind out of the sails for needed overall Medicare reform, but that assumes comprehensive reform is possible during this session of Congress. Given the politically charged nature of this election, and the fact that our colleagues on the other side of the aisle seem to find new excuses every week for why they can't vote for even the most non-controversial of the appropriations bills, I doubt that will happen. In the short term, Medicare will remain solvent and will be able to provide adequate medical care for seniors. However, Michigan seniors need prescription drug coverage as soon as possible, and I intend to see that happen.

Twice this summer, once on my own, and once with a bipartisan group of 12 other Senators, I have called upon the Senate Leadership to bring to the Senate floor a meaningful prescription drug plan that will not only cover these increasingly expensive drugs, but also ensure that such a plan does not impose additional costs on our seniors, additional costs that would wipe out any savings the coverage would provide. It makes little sense to me to establish a prescription drug plan that pays for 50 percent, or even 100 percent, of a senior's drug expenses, which average about $550 per year, but then saddle them with $600 in new premiums, and have them end up with greater out-of-pocket expenses than if they never had the coverage in the first place. That's not what I hear Michigan seniors say they want in a prescription drug plan. No, what I hear them say is that they want a prescription drug plan that will actually reduce their out-of-pocket expenses, allow them the most freedom and choice in determining their own coverage, and protect them from unexpectedly high drug expenses, expenses that can make their daily choice one between food and drugs.

That's why I am so excited about the prescription drug plan on which I have been working with Senators HAGEL and McCAIN as well as the other cosponsors, the Medicare Rx Drug Discount and Security Act of 2000, S. 2836. Of all the plans we have seen presented before this and the other Chamber, I believe this bill most directly addresses the major issues of prescription drug coverage. First, unlike any other bill currently before Congress, it provides broad and deep discounts for prescription drugs, on average 30–39 percent discounts, through multiple, competing drug discount buying plans. Much has been made over the last few years about the relative price difference American seniors pay for their prescription drugs as compared to those paid by their Canadian counterparts, where prices are fixed by the Government. But those comparisons are of the retail price. When the prices paid by Canadian seniors are compared to the prices paid by American seniors that are in group buying plans, the American senior pays less.

And these plans are not uncommon. In fact, 71 percent of all prescription drugs paid for by third parties have been administered by these group buying plans, such as with the Michigan National Guard's drug insurance coverage plan. Furthermore, many group buying plans are offered outside of insurance programs, such as those innovative programs being offered by Macomb and Wayne Counties in Michigan, where price savings of as much as 70 percent on drugs are obtained. But as I've pointed out before, Medicare beneficiaries can't take advantage of these savings because the Medicare system still employs the antiquated priorities and structures of the days in which it was born.

For the average American senior with drug expenses of about $670 per year, in 2002, our plan would provide an immediate savings of $235 per year. And, depending upon the drugs they have prescribed, savings could be as high as 70–85 percent for the more common drugs where usage is higher and competing brands more plentiful. Furthermore, there would be even greater market pressure for lower prices under our plan because multiple, competing drug discount plans would be available from which seniors could choose. If the particular drugs a senior uses were cheaper under another plan, that senior could shift over to that plan, and enjoy those better discounts. By allowing the market to drive down prices we can provide robust market price discounts that no other plan before Congress can beat, and which are substantially better than those offered under almost every Democrat plan which I've seen. In fact, because almost every plan that has been offered by Democrats in both the Senate and the House allows for only a single entity to control the price discounting for Medicare seniors, there will be little competitive pressure to pass along savings to Senior consumers, and little incentive to even try to get prices down. The Congressional Budget Office recognized this during their analysis of the President's prescription drug proposal, and determined that drug discounts would only average 12.5 percent, or about a third of those that would be seen under the Hagel-Abraham plan.

But reducing the price of drugs is only half of the prescription drug equation. The other half is ensuring that Medicare provides the needed protections for Seniors against expensive drug treatments that may force them to decide between putting bread on the table or taking a life-saving drug. And the Hagel-Abraham bill does just that with the best catastrophic drug coverage of any bill before Congress. By tiering the coverage to income, we assure all seniors they will not be financially devastated by drug expenses for some of the new treatments that can approach $500 per month.

Here is how the prescription drug costs caps break down under the Hagel-Abraham plan. Seniors earning less than 200 percent of poverty, $16,700 for a single and $22,500 for a couple, would pay no more than $1,200 annually. All drug expenses after that would be covered by the Federal Government. For those seniors that earn more than that, but below 400 percent of poverty, $33,400 for singles and $45,000 for couples, costs would be limited to $2,500 annually. And Seniors above 400 percent of the poverty level, up to $100,000 for singles and $200,000 for couples, would pay no more than $5,000 annually. Although some of my colleagues may believe that prescription drug insurance should be available to all Medicare beneficiaries, and that the government should subsidize the insurance of even the wealthiest Americans, I don't think it makes sense to subsidize the drug expenditures for those single seniors making more than $100,000, and those couples making more than $200,000, especially considering they have much easier access to private insurance coverage.

What makes this proposal particularly attractive, in my opinion, is that it does not require seniors to pay hundreds of dollars in new Medicare premiums, premiums that could be greater than their actual drug expenses. In fact, the Congressional Budget Office has determined that when the President's prescription drug proposal is fully implemented, seniors will have to pay more almost $600 per year in new Medicare premiums, on top of the $88 per month they will have to pay for their existing Part B Medicare coverage. I can't see how that can be a good deal for America's seniors. CBO also recently scored the drug proposal offered by Senator ROBB as an amendment to the Senate's Labor-HHS Appropriations Bill. That proposal would, according to CBO, increase Medicare's financing gap between revenues and outlays by 25 percent, while imposing new premiums of $80 per month, or $960 per year! Forcing America's seniors to pay almost $1,000 per year, just to have the privilege of participating in this big-government drug program, is wrong, flat-out wrong. And it will most likely wipe out any savings they would gain from the coverage in the first place. I believe by the time these plans were fully implemented, Michigan seniors would be wishing for the "good ol' days" where the government wasn't providing them such "great" coverage that forced them to spend more than they did before.

I am not merely railing against these plans because they represent a big-government view of legislating. No, it's that I am deeply concerned with the record of the Health Care Financing Administration and its existing prescription drug programs. The fact of the matter is that HCFA's centralized, top-down, bureaucratic method of providing it's current inpatient drug benefit has led to drug rationing, cutbacks in coverage, and price fixing. Just recently this Administration announced that it intends to cut back coverage of cancer-fighting drugs administered in doctors' offices and set the price for those drugs by Executive fiat, even while it says that it's proposed additional drug coverage will not result in these same things. There is no escaping the fact that when the government controls all aspects of prescription drug insurance the quality of care and access are placed in jeopardy. It has been happening in Canada and we cannot allow that to happen to whatever new prescription drug coverage we provide.

But we are taking action to stop the Administration's attempts to cut back cancer drug coverage for sick seniors. I am cosponsoring with Senator ASHCROFT the Cancer Care Preservation Act, which will guarantee that HCFA cannot implement any reductions in Medicare reimbursements for outpatient cancer treatment unless those changes are developed in conjunction with the Medicare Payment Advisory Commission and representatives of the cancer care community, provides for appropriate payment rates for outpatient cancer therapy services, and is specifically authorized by an act of Congress. Furthermore, I am sending a letter to the President of the United States today, calling upon him to rescind HCFA's plan until such time as such changes can be fully examined by the cancer care community and Congress. To think that the Medicare system could stop covering the most effective cancer treatments simply by it's own edict should be a clear warning to all of my colleagues on the dangers in having a single agency control the access to our senior's prescription drugs.

And that leads me to the second problem I've been hearing about in Michigan the issue of how HCFA and this Administration manage Medicare, especially with regard to reimbursement rates. When I first came to the Senate, Medicare was going broke quickly, and was bound for bankruptcy by 2001. The Balanced Budget Act of 1997 implemented necessary changes to contain the growth in Medicare spending to extend the system's solvency until 2015, giving us time to implement necessary structural and market-based reforms in Medicare, reforms that can make the program viable for generations to come. But those modest reductions in the rate of growth for Medicare have become full-blown cuts in the face of this Administration's refusal to spend the money Congress has authorized them to spend.

In fact, this Administration has short-changed Medicare by $37 billion in the last two years. The Congressional Budget Office's July 2000 Budget Projection update indicates that Medicare spending this year will be $14 billion below what Congress budgeted, following last year's spending by the Administration of only $209 billion for Medicare versus the $232 billion Congress provided. The fact of the matter, is that most reimbursement rates are set by the Administration and HCFA, and this Administration has repeatedly refused to spend the money on Medicare that Congress has given them. In fact, while the original Balanced Budget Act of 1997 was expected to reduce Medicare growth by $103 billion between 1998 and 2002, this Administration's relentless ratcheting down of reimbursements over and above that authorized by Congress has pushed those cuts to almost $250 billion. And between 2001 and 2005, the cuts are expected to be even more dramatic, climbing from $163 billion to $457 billion, 280 percent greater than Congress originally intended.

The consequences for Michigan's health care industry are devastating. According to the March 2000 Michigan Health and Hospital Association report, "The Declining State of Michigan Hospitals" HCFA's implementation of BBA 97 has cost Michigan hospitals an average of $8.5 million each. As a result, 68 percent of the hospitals have been forced to eliminate at least one service, ranging from urgent care and rural health clinics, to rehabilitation and pain management centers, to screening and preventative health services. Forty-five percent of all the hospitals have eliminated at least two of the services, and more than half of those who haven't yet eliminated services yet are considering it for 2000. Previous reports have put the statewide total lost hospital revenue at $2.5 billion, or just over $13.5 million per hospital.

But hospitals are not the only health care provider hit by the effects of BBA 97 and the voracious appetite of HCFA bureaucrats. Home Heath Care agencies have been particularly hard hit by HCFA policies seemingly intent on driving them all out of business. Home health care spending was expected to grow by $2 billion even after BBA 97 cost containment measures, but have dropped by $9 billion, a 54 percent drop in just two years. In fact, the number of home health care claims have dropped by 50 percent in just two years, and the average payment per patient lowered by 38.5 percent, far lower than originally projected with BBA 97. CBO stated this unexpected drop in reimbursements as the primary reason that total Medicare spending dropped last year. Over the four years covered by BBA 97, CBO now expects home health care spending to be reduced by $69 billion, over four times the original $16 billion that they originally estimated. Like hospitals, home health care has been decimated. Over 2,500 home health agencies have closed or stopped serving Medicare patients. Moreover, HCFA estimates that nearly 900,000 fewer home health patients received services in 1999 than in 1997.

Finally, I think we need to look at the effects of this Administration's policies on reimbursements to skilled nursing facilities. Under BBA 97, the rate of growth for skilled nursing facility reimbursements was to be slowed by $19.8 billion between 1998 and 2004. However, since that original projection, reimbursements are now expected to fall by an additional $15.8 billion. This even takes into account the $2 billion in reimbursement restorations provided by the Balanced Budget Refinement Act of 1999. For Michigan, the numbers are equally disconcerting. Michigan has lost $643 million in nursing facility reimbursements, over and above those projected with BBA 97, over 75 percent more than originally projected. Is it any wonder then, that 25 percent of all skilled nursing facilities serving Medicare patients are operating in bankruptcy and that why the number one problem for hospital discharge coordinators is that they can't find nursing facilities for their patients needing them?

We have provided some important reimbursement relief in the Balanced Budget Refinement Act of 1999. But it was only a first step and by no means a complete response to the Administration's policies. While Medicare reimbursements over the next five years are projected to be cut by $295 billion more than originally projected, BBRA 99 only restored about $16 billion of that, or less than 5 percent of the additional cuts. Containing the growth of Medicare was necessary to ensure Medicare did not go bankrupt, but this continuous, unsustainable ratcheting down of reimbursements is simply wrong, and we must reverse it now. That is why this body must bring to the floor real, substantive, Medicare reimbursement restoration legislation. And we must do it very soon. We cannot wait until next Congress, or even until next month. We must do it now. Ensuring Medicare's fiscal solvency on the backs of Medicare providers is not only wrong, but counterproductive, and will ultimately lead to the insolvency of Medicare's health care guarantees as we know it.

I have been working very hard to provide specific reimbursement relief for Michigan's health care providers. First, Senator HUTCHISON of Texas and I have been fighting for two years now to improve the inpatient reimbursements for hospitals. Our American Hospital Preservation Acts of 1999 and 2000 would do just that. This year's version will restore the entirety of the Market Basket Indicator inflation adjustment for inpatient hospital reimbursement rates, returning over $6.9 billion to hospitals over the next five years, and $13.5 billion over the next 10. That will in turn mean more than $536 million in increased reimbursements for Michigan hospitals over the next ten years, or more than $3.4 million per hospital.

Likewise, I have joined 53 of my colleagues in cosponsoring S. 2365, the Home Health Payment Fairness Act to eliminate the automatic 15 percent reduction to home health payments currently scheduled to go into effect on October 1, 2001. The home health care industry cannot survive with the current reimbursement reductions, let alone another 15 percent across-the-board cut. Finally, I am working closely with a number of my colleagues to craft a bill that will provide for adequate nursing home reimbursements through a refinement of the inflation adjustment factors. We believe appropriate legislation will be available this week or next, and if any of my colleagues are interested in joining this effort, I encourage them to contact me immediately.

The third concern I hear from Michiganians about Medicare, is that even with the steps we have taken to improve its financial standing and the quality of care, it is still headed towards bankruptcy in the very near future. Seniors in Michigan are scared, scared that they will lose their Medicare benefits because we cannot modernize Medicare so that it will stay solvent for generations to come. But it looks like things are getting better with Medicare and that at least in the short term, we have the fiscal breathing room to make the necessary changes to avoid a train wreck down the way.

This summer the Board of Trustees of the Federal Hospital Insurance Trust Fund issued a correction to their 2000 Annual Report. In it, the Trustees reported that the financial projections were more favorable than those made in 1999, that the Trust Fund income exceeded expenditures for the second year in a row, and that the Fund now met the Trustees' test of short-range financial adequacy. In fact, income is now projected to continue to exceed expenditures for the next 17 years, a substantial increase over previous estimates.

Now 2017 is still too soon for us to rest in our efforts to ensure the permanent solvency of Medicare through market-based modernization and reform, as well as provide seniors' access to the full spectrum of health care options. First, we need to shift Medicare from a centrally-controlled government system to a market-based system, one that maximizes choice and can best respond to changing medical care needs, such as recommended by the National Bipartisan Commission on the Future of Medicare.

Second, to ensure that we don't raid the Medicare Trust Funds to pay for non-Medicare spending, as repeatedly proposed by this Administration, we need to wall off the Medicare Trust Fund surpluses so that they can only be used for Medicare. I have been proud to vote for a Medicare lockbox proposal. But recent analysis by conservative groups such as the Heritage Foundation, and liberal groups such as the Center on Budget and Policy Priorities have raised serious questions about the efficacy of each of these proposals, and so I will be working with my colleagues on both sides of the aisle, especially my fellow Budget Committee Members, to draft a Medicare lockbox that not only protects the Medicare surpluses, but also enhances our ability to provide for the long-term solvency of the system. Even after providing for a new prescription drug benefit, and after providing for healthier reimbursements for health care providers, we will still have about $110 billion in Medicare surpluses available to fund this reform. Given that the Bipartisan Medicare Commission's reform proposal would actually end up costing less than the current Medicare system through competition and choice, I believe this is more than adequate to fix our problems with Medicare. Regardless, the Medicare lockbox will ensure those surpluses are still there when the need comes for any funds to finance reform.

Third, I believe we need to allow Americans to prepare for their retirement health care needs outside of Medicare through Medical Savings Accounts, or MSAs, long-term care insurance, and existing health care benefit flexibility. Today's able-bodied workers will be tomorrow's seniors, and to the extent that we can set in motion now provisions that will allow them more choices, more options, and more access to quality health care, the healthier our entire retirement health care system will be, including Medicare. As we all know, MSAs are a market-based alternative for quality health care. They offer maximum flexibility for the self-employed, employees, and employers while reducing the out-of-pocket cost of insurance. MSAs are an alternative health insurance plan with real cost-control benefits for the millions of Americans who have been forced into managed care and feel they have lost control of their health care decisions. By establishing these MSAs now, tomorrow's seniors will have sizable balances available in their retirement years to supplement whatever coverage is available under Medicare. To that end, I believe we should make MSAs permanent and affordable by removing eligibility restrictions, including allowing Federal employees to have MSAs, lowering the minimum deductible, permitting both employer and employee MSA contributions, and allowing MSAs in cafeteria plans. Furthermore, I believe we should also waive the 15 percent penalty tax on non-medical distributions if the remaining balance at least equals the plan deductible.

As for long-term care insurance, I support legislation phasing-in 100 percent deductibility of long-term care insurance premiums, when they are not substantially subsidized by an employer. Under my plan, individuals age 60 and older would not be subject to such a phase-in period, and would qualify for 100 percent deductibility immediately. I believe we should also allow long-term care insurance to be offered as a cafeteria plan benefit. By providing for more accessible long-term care options, retirees can build insurance against the catastrophic expenses of long-term home and nursing facility care that is becoming increasingly difficult to obtain under Medicare.

Finally, we should allow for greater health insurance plan flexibility, especially with regards to the multipurpose Flexible Spending Accounts. Flexible Spending Accounts and cafeteria plans have become a popular means of providing health benefits to employees, but under current law, unused benefits are forfeited. This "use it or lose it" rule has limited the appeal of these plans as well as forfeiting substantial amounts of money that could be available for retirement health care needs. I support legislation which will allow transferring up to $500 in unused Flexible Spending Account balances from one year to the next, or to roll-over that amount into an IRA, 401(k) retirement plan, or a Medical Savings Account.

All of these proposals will help retirees better plan for and provide for their health care needs. But regardless of these supplemental programs, Medicare will still be at the base of any retirees health care program. That's why it's even more heartening to see in the corrected Medicare Trustees' report that some of the more drastic measures we once thought would be required are no longer necessary to keep Medicare sound. For example, in 1997, when Medicare was on the verge of bankruptcy by 2001, many of us, on a bipartisan basis, voted in favor of a limited move to raise the retirement age for Medicare eligibility from 65 to 67 years of age starting in 2003 and phased-in over the following twenty-four years. We did that on a near emergency basis, because the Medicare system was threatened. But I noted at the time, if the situation improved, such a change would not be necessary. In my opinion, that is now the case, and that kind of approach no longer needs to be considered in light of the improved financial condition of Medicare and the emergence of significant Medicare trust fund surpluses.

In fact, at the time I cast my vote on this question, I entered into the RECORD on July 14, 1997, a number of prerequisites which I indicated would have to be met in order for me to support the actual implementation of the proposal. In that none of these prerequisites—the development of a viable system for low- and middle-income seniors to obtain and maintain affordable health care until eligible for Medicare, as well as concurrence by the National Bipartisan Medicare Commission on the Future of Medicare on raising the eligibility age—have been addressed in the two to three year time-frame that I set forth in my statement, I have withdrawn my support for raising the eligibility age. I no longer believe this change is necessary in light of the improved financial status of Medicare, or prudent in light of the failure of its sponsors to adequately address the concerns I raised.

Finally, the fourth Medicare issue on which I have been inundated with complaints is how hard it is to navigate the regulatory complexity of the Medicare system. I have heard from doctors and hospital administrators, home health care agencies and skilled nursing facilities, about how even a simple mistake, or even a difference of opinion, can embroil them in legal controversies that take years to resolve, and many times more in legal bills than the amount of the originally contested bill. HCFA has now produced over 111,000 pages of Medicare regulations, three times the size of the incredibly complex Internal Revenue Code. These regulations make it nearly impossible to operate efficiently, and make simple administrative errors appear to be criminal fraud. In fact, on August 10th, 1998, Dr. Robert Walker, president emeritus of the Mayo Foundation, told the National Bipartisan Commission on the Future of Medicare, "The public has been led to believe that the Medicare program is riddled with fraud, when in reality, complexity is the root of the problem. This has contributed to the continuing erosion in public confidence in our health care system. We must all have zero tolerance for real fraud, but differences in interpretation and honest mistakes are not fraud."

Recently, the Association of American Physicians and Surgeons conducted a survey of its members as to the impact of HCFA regulations on their ability to treat patients. They found that it costs on average 27 percent more to process a Medicare claim as it does a private health insurer claim, and that doctors and their staffs spend more than a fifth of their time on Medicare compliance issues. Furthermore, more than half of all doctors say they will retire from active patient care at a younger age because of "increased hassles with Medicare." This is bad news for Medicare seniors, as further pointed out by the survey. Almost a quarter of all doctors are no longer accepting new Medicare patients, and of those that do, 34 percent are restricting services to those patients, such as difficult surgical procedures or comprehensive medical work-ups. Last, these are not changes simply to stop previously fraudulent activity. Thirty-eight percent of all doctors surveyed stated they submitted Medicare claims that they knew were for less than for which they were entitled, or "downcoding" in the Medicare regulatory parlance, but did not want to subject themselves to the potential of erroneous HCFA reviews and claim denials. Similar "downcoding" results have been found with hospitals who deny patients the most appropriate regimen of care in complex cases because they do not believe they will be fully reimbursed by Medicare if they submit such a complex care claim.

That is why on July 27, I introduced S. 2999, the Health Care Providers Bill of Rights, a bill aimed at addressing the numerous regulatory and law enforcement abuses in the Medicare system that have brought to my attention by Michigan health care providers. This bill addresses many of the specific regulatory "hassles" experienced by doctors and providers everyday as they try to provide the best possible care for our Seniors.

The bill is divided into six titles: Title I—Reform of HCFA Regulatory Process; Title II—Reform of Appeals Process; Title III—Reform of Overpayment Procedure; Title IV—Reform of Voluntary Disclosure Procedure; Title V—Criminal Law Enforcement Reforms; and Title VI—Provider Compliance Education.

Provisions that should be of particular interest to my colleagues are those that rescind HCFA's ability to withhold future reimbursements in order to offset alleged prior underpayments, a strict 180 day time line for completion of the Medicare administrative appeals cases, placing program participation terminations and suspensions in abeyance while appeals are pending, prohibiting the use of sample audit results to reduce future reimbursement rates, stopping overpayment collections while appeals are pending, and establishing voluntary disclosure procedures that also bring the Department of Justice and U.S. Attorneys into the process, as well as providing safe harbor from prosecution for those that enter into and abide by the voluntary disclosure requirements.

Some further provisions that were specifically recommended by providers include requiring HCFA, fiscal intermediaries, and carriers to all spend a portion of their Medicare funds on provider education, requiring them to provide legally binding advisory opinions on Medicare coverage, billing, documentation, coding, and cost reporting requirements, as well as extending the current anti-kickback, civil monetary penalty, and physician self-referral advisory opinion requirements that are set to expire August 21st of this year.

A number of organizations have expressed their strong support for this legislation, including the Michigan Health & Hospital Association, the Federation of American Hospitals, the National Association for Home Care, the American Federation of Home Care Providers, the Healthcare Leadership Council, and the American Health Care Association. I ask unanimous consent these letters of support be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

MICHIGAN HEALTH &
HOSPITAL ASSOCIATION,
Lansing, MI, August 9, 2000.

Hon. SPENCER ABRAHAM,
U.S. Senate, Dirksen Senate Building, Washington, DC.

DEAR SENATOR ABRAHAM: The Michigan Health and Hospital Association (MHA) appreciates the opportunity to comment on the Health Care Provider Bill of Rights and Access Assurance Act. The legislation includes many provisions aimed at ensuring that health care providers are treated in a fair, equitable and civil manner.

Michigan's hospitals and health systems must contend with an array of complex Medicare laws and regulations. Too often, Medicare billing errors, due to confusing and conflicting regulations and instructions, are presumed to be purposeful and intentional acts. Title I of the bill positively addresses this regulatory maze, mandating that the Health Care Financing Administration follow clear and specific procedures when issuing regulations.

Another provision that will be particularly beneficial is the inclusion of criminal law enforcement reform. Establishing specific search warrant rules as well as revising current law enforcement powers of the Health and Human Services Office of Inspector General will greatly assist in minimizing any disruption of patient care or threats to the confidentiality of patient records.

We commend you for addressing these areas of concern. The MHA also would like to express its gratitude for your leadership on hospital issues as we work to maintain the highest quality of care for Medicare beneficiaries.

Sincerely,

BRIAN PETERS,
Vice President, Advocacy.

FEDERATION OF AMERICAN HOSPITALS,
Washington, DC, July 27, 2000.

Hon. SPENCER ABRAHAM,
Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR ABRAHAM: The Federation of American Hospitals commends you for your work to clarify and improve the regulatory burdens and administration of the Medicare program. The regulatory burden health care providers face is massive, growing every day, and diverts us from our primary mission of delivering high quality health care to the patients in our communities. Hospitals and other health care providers take their responsibility to comply with Medicare laws and regulations very seriously and have devoted significant amounts of energy and resources to these obligations. While HHS has been diligent in its efforts to implement an unprecedented number of regulatory changes in the program, more work is needed to address problem areas in the current administration of the Medicare Program and to develop a more active partnership with health care providers to promote the integrity of the Program.

The "Health Care Provider Bill of Rights and Access Assurance Act" proposes some important changes to the status quo to address some key problem areas. One of the most important checks and balances on the validity of the regulations HCFA promulgates is the ability of health care providers to challenge those regulations in a court of law when they believe that the regulations are excessive, unconstitutional, beyond the scope of statutory authority or have been promulgated in violation of the Administrative Procedures Act. This legislation solidifies timely judicial review of these challenges. Another important provision in the legislation promotes greater health care provider participation in program integrity efforts by improving the voluntary disclosure and overpayment repayment processes.

The bill also contributes to health care provider education and compliance efforts by providing for the reauthorization of the existing advisory opinion provisions subject to expire in August and setting some new advisory opinion requirements. The existing advisory opinion statutes provide guidance on the application of the antikickback and physician self-referral laws. The bill also adds a new requirement that HCFA, acting through its contractors, provide written answers to health care providers on nuts and bolts billing, coding and cost report questions. In a program this complex, errors are likely and providers need greater assistance to navigate the myriad of law, regulation and policy. Hospitals want to be active partners in the effort to promote program integrity and hope to work closely with HCFA and its program integrity partners on education and prevention efforts.

We appreciate your interest in these matters and look forward to working with you on this important legislation.

Sincerely,

THOMAS A. SCULLY,
President and CEO.

NATIONAL ASSOCIATION
FOR HOME CARE,
Washington, DC, July 27, 2000.

Hon. SPENCER ABRAHAM,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR ABRAHAM: On behalf of the National Association for Home Care (NAHC), the nation's largest organization representing home care providers and the patients they serve, I want to extend my sincerest appreciation and support for your legislation, "The Health Care Provider Bill of Rights and Access Assurance Act." This legislation to reform the regulatory processes used by the Health Care Financing Administration (HCFA) to administer the Medicare program is greatly needed.

Home health agencies are currently instituting an overwhelming number of administrative changes. Many of these changes are costly and significantly increase the workloads of already strained agency staffs, affecting the ability of agencies to retain staff and continue to provide high-quality, appropriate care. HCFA frequently ignores public notice and comment requirements in implementing programmatic changes, and often underestimates or downplays the impact of new requirements on struggling agencies. As a result, providers are subject to onerous and burdensome requirements without an opportunity for input, and are given insufficient time to make operational changes in order to comply with regulations.

This legislation would ensure public input in HCFA's regulatory process and prevent arbitrary actions and erroneous decisions by HCFA from having a devastating impact on home care providers and their patients before corrective action is taken. Too often today home care agencies are bankrupted and their patients lose care before faulty policies are corrected. This bill would provide an opportunity to correct errors before irreparable harm is done. It would also prevent sanctions for conduct which providers did not know was against the rules. Providers have every intention of following the rules, but they must have advance notice of what the rules are.

The Medicare home health benefit is at great risk due to severe financial reductions and onerous and unnecessary administrative burdens. Direct intervention by the Congress is necessary to ensure the integrity and future of this important and popular benefit. We deeply appreciate your concern for home health patients and those who care for them. Enactment of the provisions in this bill would make a major contribution to expanding access to home health care and strengthening the home care infrastructure. Our hats are off to you for this groundbreaking legislation.

With best regards,

Sincerely,

VAL HALAMANDARIS,
President.

HEALTHCARE LEADERSHIP
COUNCIL,
Washington, DC, July 26, 2000.

Hon. SPENCER ABRAHAM,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR ABRAHAM: On behalf of the Healthcare Leadership Council (HLC), I would like to express our deep appreciation for your proposal to help health care providers comply with Medicare's increasingly burdensome regulatory maze.

The HLC is a chief executive coalition of over 50 of the largest health care organizations in the country, including hospital systems, insurers, pharmaceutical companies, and medical device companies. The HLC has zero tolerance for true fraud and abuse. True fraud and abuse in our health care system undermines quality, threatens patients' trust and should not be tolerated.

However, the public's confidence in the nation's health care system has been eroded by headlines of health care fraud investigations that are most often not the result of true, intentional fraud—but rather errors or misunderstandings due to countless, complex regulations. We believe strongly that Medicare's complexity actually undermines compliance and, ultimately, the quality of patient care.

The Provider Bill of Rights and Access Assurance Act contains several provisions that will improve communication and relations among Medicare's providers, regulators, and enforcers. Provisions that we particularly support are those that would expand providers' appeals rights, coordinate voluntary disclosure procedures among enforcement agencies, and educate providers regarding the application of certain regulations through advisory opinions and other means.

The Healthcare Leadership Council commends you for your leadership on this very important issue and we stand ready to help you further refine this legislation so that it will serve to greatly improve the Medicare program for providers and patients alike.

Sincerely,

MARY R. GREALY,
President.

AMERICAN FEDERATION OF
HOMECARE PROVIDERS, INC.,
Silver Spring, MD, July 25, 2000.

Sen. SPENCER ABRAHAM,
U.S. Senate, Washington, DC.

DEAR SENATOR ABRAHAM: The American Federation of HomeCare Providers is pleased to endorse your legislation, the "Medicare Provider Bill of Rights."

Our members are small business health care providers who say that they would much rather deal with the Internal Revenue Service than with the Health Care Financing Administration (HCFA) and its contractors. Home care businesses have no rights that the Fiscal Intermediaries, carriers, and state surveyors appear to feel obligated to respect. There is no penalty for incorrect contractor decisions and no viable system to resolve disputes. Even instances of blatant abuse of providers and beneficiaries go without remedy because there is nothing to hold HCFA and its agents accountable when they are wrong and when their behavior goes beyond the bounds of ethical and legal behavior. Contractors routinely refuse to consider documentation, deny that they received records sent by providers, deny the obvious wording of the law and regulation, and sometimes even refuse to abide by court decisions.

Health care providers also believe that speaking out for the right of patients to receive an appropriate level of care and standing up for their own rights become grounds to target them for harassment. They believe that they are held to 100 percent standards of excellence and accuracy, which they are proud to meet, and those who serve as HCFA's contractors are held to no standards of excellence and accuracy in their dealings with the provider community. It is now time to ensure due process rights so that conscientious health care companies, who render critical and appropriate services in their communities and abide by the tenets of the Medicare law and regulation, are not subject to arbitrary and abusive behavior that has the potential to put them out of business, literally on the spot. Favorable decisions by Administrative Law Judges are of little comfort to a home health agency that has unjustifiably been shut down, on specious surveyor claims that it does not meet the Medicare Conditions of Participation, or by massive statistical sampling overpayment assessments, later overturned on appeal.

Medicare providers must be accorded the same type of protections that Congress saw fit to enact for the American pubic in the Taxpayer Bill of Rights. We believe that your legislation would do just that.

Sincerely yours,

ANN B. HOWARD,
Vice President for Policy.

AMERICAN HEALTH CARE ASSOCIATION,
Washington, DC, July 28, 2000.

Hon. SPENCER ABRAHAM,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR ABRAHAM: On behalf of the American Health Care Association (AHCA), a federation of state affiliates representing more than 12,000 non-profit and for-profit nursing facility, assisted living, residential care, intermediate care for the mentally retarded, and subacute care providers I am writing to thank you and express our support for your legislation, The Health Care Provider Bill of Rights and Access Assurance Act.

This legislation is extremely important to long term care providers for a number of reasons. Recently, in, Shalala v. Illinois Council on Long Term Care, Inc., the U.S. Supreme Court ruled that virtually all challenges to the legality of Medicare regulations or policy must be brought through the same Department of Health and Human Services ("HHS") administrative review process used to address individual provider reimbursement and certification issues before proceeding to federal court. The Court's decision means that a provider or beneficiary cannot challenge the legality of any Medicare regulation or policy without accepting an adverse agency action and proceeding through a time-consuming and costly administrative process. It is particularly problematic for nursing homes because many components of HHS's survey and enforcement regulations and policies conflict with federal law and are fundamentally flawed. Your legislation would give Medicare providers the right to challenge directly the constitutionality and statutory authority of HCFA's regulations and policies.

Additionally, the bill will suspend the termination and sanction process while appeals on deficiencies are pending, as well as prohibit the public dissemination of deficiency determinations while an appeal is pending, absent clear and convincing evidence of criminal activity. In the current survey system, skilled nursing facilities are cited and then may be terminated for highly questionable deficiencies which do not present a risk to resident health and safety. Additionally, these citations may be posted on a public website and this plus the risk of closure of a facility can confuse and scare the residents and their families. Your bill would prevent facilities from closing while they appeal a citation. Also, the bill establishes precedence for administrative appeals so that providers will have an affirmative defense in appeals where other providers have gone through similar appeals. This would add must needed certainly to the complex rules and regulations under the Medicare program. We appreciate your commitment to this important provision.

Among many other provisions in the legislation, the bill will make needed changes to the False Claims Act. It will require that claims brought under the Act for damages alleged to have been sustained by the government must be of a material amount, which will limit False Claims Act claims to those that have a significant impact on the Medicare program.

Senator Abraham, we commend your efforts and praise your leadership. As the nation's largest association of long term care providers, AHCA is available to assist you in any way that we can to advance this legislation.

Sincerely,

CHARLES H. ROADMAN II, M.D.,
President and CEO.

Mr. ABRAHAM. I am continuing to reach out to additional organizations to garner their support, as well as to my colleagues in the Senate to join Senators COCHRAN of Mississippi and Senator GRAMS of Minnesota as cosponsors. Furthermore, Members of the other body will soon introduce companion legislation to S. 2999 in the hope that we can incorporate these necessary reforms in a Medicare reimbursement restoration bill or other reform legislation that may pass this Congress. Finally, I am joining Senator CRAIG in calling on the Senate Finance Committee to hold immediate hearings on this legislation, and the broader issue of HCFA regulatory complexity. With this legislation, I believe we can break down one of the primary obstacles to assuring access to quality health care in this country, the seemingly unfettered abuses of Medicare bureaucrats against doctors and providers alike. I urge my colleagues to join me on this important measure.

I believe I have laid out a comprehensive and sensible policy for ensuring the continued viability of Medicare. Medicare has provided millions of seniors access to quality health care where otherwise they would go without. But more must be done, and must be done soon: we must modernize Medicare so that it provides for coverage of prescription drug expenses; we must improve reimbursements to providers so that reform and cost containment does not come at the expense of the very access to health care Medicare is trying to provide; we must implement comprehensive Medicare reform that improves beneficiaries choices in their health care decisions, mirrors the health care needs of the modern senior, and is fiscally sound for generations to come; and we must rein in the abusive and incredibly complex bureaucratic behemoth that has crippled health care providers' ability to operate efficiently in the Medicare system. We can do all of this, but time is running very short. Our seniors need these changes, and the time to act is now.

I ask unanimous consent a section-by-section analysis of the measure be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE ABRAHAM HEALTH CARE PROVIDERS' BILL OF RIGHTS (S. 2999)

SECTION-BY-SECTION SUMMARY

Title I—Regulatory Reform

Section 101. Prohibiting the Retroactive Application of Regulations

Providers have complained that HCFA, its Financial Intermediaries (FI's; the private firms that administer the Part A payments), and its carriers (the private firms that administer the Part B payments), issue retroactive rules and policies that are not subject to the Administrative Procedures Act. In fact, they show where HCFA has often issued these rules and policies rather than regulations specifically to avoid the requirements of the Administrative Procedures Act (public hearings, public discussion periods, publication in the Federal Register, etc.), and that they do so retroactively. This section will prohibit HCFA from issuing anything regarding the legal standards governing the scope of benefits, the payments rates, or eligibility rules except by regulation, and then only prospectively, so that no retroactive regulations are issued.

Section 102. Requiring HCFA to Follow Normal Regulation Issuance Procedures

Providers also complain about how HCFA circumvents the Administrative Procedures Act regulatory process by issuing interim final rules, which are implemented without the public discussion period and hearings, under emergency powers called the "Good Cause" clause, but fails to provide any justification other than simply that they have good cause. In order to prevent these tautologies from continuing, this section prohibits HCFA from issuing interim final regulations that haven't gone through the normal regulation public vetting process.

Section 103. GAO Report on HCFA Compliance with Regulatory Procedure Laws

Given the extensive reports of HCFA abusing its regulatory issuance authority, this section directs GAO to conduct an audit of, and report to Congress within 18 months on, HCFA's compliance with the Administrative Procedures Act and the Regulatory Flexibility Act.

Section 104. Providing for Summary Judicial Challenges of HCFA Regulations on Constitutional or Other Broad Grounds

Before the Supreme Court Decision of Shalala v. Illinois Council this spring, providers had a right to prospective judicial challenges to HCFA regulations they thought were either unconstitutional or were beyond HCFA's statutory authority to issue. After this decision, however, the only recourse providers have to challenge these regulations is to wait until they are found in violation, then appeal the HCFA decision. This section reestablishes a prospective regulatory and judicial challenge process of those HCFA regulations to challenge the constitutionality or statutory authority of a regulation, or to preemptively challenge an interim final rule issued under the Good Cause clause.

Section 105. Delineating Procedures for National Coverage Determination Changes

There is a regulatory process that is exempt from even the currently liberal HCFA regulatory issuance rules, called National Coverage Determinations. These determine what will, and will not, be covered by the Medicare program, and can change rules on what medical procedures that will be covered rules overnight. This section establishes a National Coverage Determination review process that requires a 30-day prior notice of initiating such a process, and allows for adequate public comment before implementing the new coverage determination.

Title II—Appeals Process Reform

Section 201. Expanding Providers' Overpayment Appeal Rights

Current appeal regulations only allow providers three options when HCFA tells them they have been overpaid: admit the overpayment and pay it; submit evidence in mitigation to reduce the amount of alleged overpayment but waive all appeal rights; or appeal the decision, but be subjected to a Statistically Valid Random Sample Audit (SVRS), a process which essentially shuts the provider down. This section will allow providers to exercise the second option (submitting evidence in mitigation) without waiving their appeal rights.

Section 202. Deadlines for Appeal Adjudication

This section requires the Medicare appeals process to be completed within 180 days, 90 days for the Administrative Law Judge first level appeal and 90 days for the Departmental Appeals Board second level appeal. Where the appeals process does not meet these deadlines, this section provides for the appeals process to be automatically advanced to the next stage.

Section 203. Provider Appeals on the Part of Deceased Beneficiaries

This section allows providers to pursue appeals on behalf of deceased beneficiaries where no substitute party is available.

Section 204. Suspending Terminations and Sanctions During Appeals

Currently, if HCFA makes a determination that a provider is abiding by HCFA standards, it can terminate that provider's participation in Medicare, publicly disseminate that deficiency information, and impose sanctions short of termination, even if the provider appeals the determination. This section suspends the termination and sanction process while appeals on deficiencies are pending, as well as prohibits the public dissemination of deficiency determinations while the appeal is pending, absent clear and convincing evidence of criminal activity.

Section 205. Establishing Precedence for Administrative Appeals

Ninety-eight percent of all appeals that are adjudicated at the first level of the appeals process (the Administrative Law Judge level), are determined in favor of the provider. This appears to be due in large part because HCFA apparently tries to squeeze providers into not fighting overpayment determinations in the hope that some providers simply will pay rather than fight. This section will give Departmental Appeals Board decisions national precedence in the Medicare appeals process so that providers will not have to fight the same appeal over and over.

Section 206. Safe Harbor for Substantial Compliance With HCFA Procedures

Providers can try their very best to comply with HCFA regulations but then be told by HCFA that they have violated some policy or rule, and be subject to fines and overpayment determinations. This section gives providers protection from HCFA action where a claim was submitted by a provider in reliance on erroneous information or written statements supplied by a Federal agency.

Section 207. GAO Audit of HCFA's Statistical Sampling Procedures

HCFA bases much of its compliance determinations on statistical sample audits, either through random audits as part of the Medicare Integrity Program, or through overpayment audits. However, there is substantial evidence that HCFA's statistical sampling procedures do not follow generally accepted procedures, and don't interpret the data in a statistically valid manner. This section direct GAO to conduct an audit of HCFA's (and its Financial Intermediaries' and Carriers') statistical sampling and utilization procedures.

Title III—Overpayment Procedure Reform

Section 301. Prohibit Retroactive Overpayment Determinations through New Policies

HCFA currently has the authority to change policy interpretations and implement them so as to make retroactive overpayments determinations, even though the previous policy may have allowed the charges. This section bars HCFA from making overpayment determinations based upon the retroactive application of a new policy interpretation.

Section 302. Prohibit Reductions of Future Payments Based on Sample Audits of Past Claims

HCFA currently reduces future payments by whatever error rate they derive from their statistical sample audits, even where there is no evidence that the pending or future payments are similarly in error, they simply assume that they are so, even if under appeal. Furthermore, the provider has no way to stop that withholding until the appeal is decided in their favor. This section bars HCFA from making such blanket withholdings from future payments, without clear and convincing evidence of fraud.

Section 303. Prohibit Withholding of Underpayments or Future Payments for Past Overpayments

In addition to withholding future payments by whatever error rate a HCFA sample audits produce, HCFA also regularly withholds underpayments owed the provider, as well as the full amount of future payments, and applies them to past overpayments, regardless of whether the provider is appealing the overpayment determination, or has entered into a repayment agreement. This can effectively strangle a provider's entire revenue flow, and has forced many providers into bankruptcy, even when such overpayments are being appealed. This section prohibits HCFA from withholding underpayments or future payments to pay for past overpayments, unless clear and convincing evidence of fraud exists.

Section 304. Suspend Overpayment Collections While Appeals are Pending

Even if a provider decides to be subjected to the lengthy and expensive appeals process, they are still required to immediately repay HCFA for alleged overpayments. This section suspends overpayment recoupment while appeals are pending. Given that appeals will be expedited under this bill to 180 days, the Medicare system will still have timely access to any overpayment funds.

Title IV—Voluntary Disclosure Procedure Reform

Section 401. Effective Voluntary Disclosure Procedures

Many times the first person to discover that a provider has been overpaid or has not been in compliance with Medicare regulations is the provider himself. However, the Department of Health and Human Services voluntary disclosure procedures still allow the Attorney General and U.S. Attorneys to use the exact same information provided by the provider to the Department Office of Inspector General under the current voluntary disclosure process against the provider for prosecution. This section directs the Secretary of Health and Human Services (HCFA's parent department) and the Attorney General to make joint voluntary disclosure procedures which provide a safe harbor from prosecution for providers who report the violation so long as these agencies haven't already approached them about the possible violation or overpayment, and there isn't previously and independently obtained clear and convincing evidence of fraud.

Title V—Criminal Law Enforcement Reform

Section 501. Rescind Law Enforcement Powers of HHS OIG Investigators

Currently, the Department of Health and Human Services' Office of Inspector General investigators are the enforcement arm of the Medicare program for HCFA, and are deputized by the U.S. Marshal Service to execute those duties. This has turned into their being granted near carte blanche authority for enforcing Medicare laws and regulations. With that, it is increasingly evident that OIG investigators may abuse that power, such as raiding hospitals and physicians offices with the same tactics that SWAT teams use on crack houses. This section rescinds OIG's deputation, and bars those investigators from carrying weapons in the execution of their duties.

Section 502. Codify More Stringent Search Warrant Rules for Health Care Facilities

Many health care providers who find themselves on the wrong side of an HHS OIG investigation are subjected to unnecessarily intrusive search warrant executions, with doctors and nurses accosted by gun-wielding investigators, and patients removed from medical care. This section codifies search warrant rules that so as to protect the confidentiality of medical records, the provider-patient relationship, and the uninterrupted continuation of medical care. Specifically, it requires the law enforcement agency requesting the search warrant to take the least intrusive approach to executing the warrant, consistent with vigorous and effective law enforcement. It also directs the law enforcement agency seeking the warrant to work closely with the Department of Justice and the relevant U.S. Attorney's office to ensure the warrant is indeed necessary and that the search minimizes disruption to patient care or threats to the confidentiality of patient records.

Title VI—Provider Compliance Education

Section 601. Provider Education Funding

This section requires Financial Intermediaries and Carriers to spend 3 percent of their Medicare funds on provider billing and compliance education, and HCFA to dedicate 10% of their Medicare Integrity Program funds to such education, so as to try to decrease the rate of provider non-compliance, as well as over- and under-billing.

Section 602. Advisory Opinions for Health Care Providers

This section requires HCFA to provide written answers to questions about coverage, billing, documentation, coding, cost reporting and procedures under the Medicare program, answers which can be used as an affirmative defense against an overpayment determination or an allegation of violating Medicare regulations.

Section 603. Extension of Existing Advisory Opinion Provisions of Law

The Health Insurance Portability and Accountability Act (HIPAA) included a provision requiring the Secretary to issue written advisory opinions on certain specified topics under the anti-kickback statute and civil monetary penalty provisions. However, that provision sunsets on August 21st, 2000. The Balanced Budget Act of 1997 (BBA 97) provides a similar provision regarding the legality of referrals under the physician self-referral laws, which also sunsets August 21st, 2000. This section extends these advisory opinion provisions permanently.

Supporting Organizations

Michigan Health & Hospital Association.
Federation of American Hospitals.
National Association for Home Care.
American Federation of Home Care Providers.
Healthcare Leadership Council.
American Health Care Association.

SUPPORTING THE PRESIDENTIAL VETO OF THE ESTATE TAX REPEAL LEGISLATION

Mr. JOHNSON. Mr. President, I will vote to uphold the President's veto of the wildly irresponsible estate tax repeal bill sent to his desk, and I will also continue to support changes in the law that will provide additional relief for the two percent of American families that are subject to this law.

Under current law, family farms and small business pay no Federal estate tax unless their property is worth more than $1.3 million. Others are eligible for an estate tax exemption of $675,000. I recently voted to raise the small business and family farm exemption to $4 million by 2001 and with a phased in exemption of $8 million by 2010. The general exemption would increase to $2 million by 2001 and $4 million by 2010.

The cost to the Treasury for this additional exemption for America's wealthiest families comes to about $61 billion over ten years. The cost of the total-repeal bill being vetoed by the President, however, comes to $105 billion over the first ten years, and a whopping $750 billion when fully phased in during the next ten years.

Very few South Dakota farms or small businesses have any Federal estate tax liability whatever under current law, but I do want to make sure that exemptions are ample. What I don't want to see, however, is an estate tax repeal bill that is so terribly expensive that it makes it almost impossible for Congress to pass tax relief for middle class taxpayers, to shore up Medicare, to pay down more of the accumulated national debt or improve education.

Keep in mind that most of the budget surplus that is being talked about will not materialize for another five years or so, and prudence would suggest to us that it may never materialize at all. Thank heavens for some adult supervision from the White House at a time when Congress has been behaving like spoiled children under the Christmas tree. Supporters of this irresponsible legislation believe there is room in our budget to give multimillionaires an $8 million tax break, but the legislation sent to the President would have broken the bank and denied relief and assistance to the other 98 percent of American families.

Once Congress concludes its partisan political finger-pointing games, it is my hope that estate tax and marriage penalty relief can be passed in a proper and careful manner that will allow for debt reduction, Medicare improvements, and a commitment to education.

PURPLE HEART AWARDED TO SPECIALIST RAYMOND S. TESTON

Mr. BURNS. Mr. President, I would like to take a moment to recognize Raymond S. Teston. Ray is a great man, and an American hero.

Specialist Raymond S. Teston had served close to one full year of field duty and was to leave Vietnam to return home to Georgia. The night before his departure, August 12, 1969, and the following morning, "C" troop, First Squadron, 1st Calvary of the American Division was overrun while at Base Camp, Hawk Hill, Hill 29. The first wave of the attack was from rocket propelled grenades and 122 mm rockets killing several soldiers and injuring many more. Ray was critically wounded during the ensuing battle and out of the 86 men assigned, was one of only eleven who survived.

On November 5, 1999, the President of the United States of America, the Army Adjutant General and the Secretary of the Army awarded the Purple Heart to Specialist Raymond S. Teston, United States Army, for wounds received in action in the Republic of Vietnam on August 12, 1969. This is Ray's second award of the Purple Heart; his first came on April 2, 1968, just outside of the Tam Key, Vietnam.

I commend Ray Teston's courage and bravery. I thank him, and all veterans, for their service and sacrifices to our great country and for defending our freedoms. Each time I salute the flag, I like to think of heroes such as Raymond S. Teston, who symbolize all the things that are good about this country—duty—honor—faith in our democracy. Thank you Raymond S. Teston.

SENATOR MOYNIHAN: A PROFILE IN RARE COURAGE

Mr. SCHUMER. Mr. President, I ask unanimous consent that "Moynihan—a Profile in Rare Courage" from yesterday's Newsday in praise of the courage and commitment of Senator DANIEL PATRICK MOYNIHAN be incorporated into the CONGRESSIONAL RECORD.

Mr. President, while certainly the race for the seat which Senator MOYNIHAN has left open has excited New Yorkers and the Nation, it is my desire today to simply remind the Nation what a treasure the State of New York bestowed on all of us through Senator MOYNIHAN. I am confident that I speak for all of my colleagues in the Senate when I say that his intellect and leadership will be greatly missed.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MOYNIHAN—A PROFILE IN RARE COURAGE

(By Gray Maxwell)

As the final summer of Sen. Daniel Patrick Moynihan's public career comes to an end, I think back to one languid Friday afternoon three summers ago.

Not much was happening. The Senate was in recess. So Moynihan—my boss at the time—and I went to see an exhibit of Tyndale Bibles at the Library of Congress. William Tyndale wrote the first English Bible from extant Greek and Hebrew manuscripts. Moynihan was eager to learn more about a man whose impact on the English language, largely unacknowledged, is equal to Shakespeare's.

One might wonder what Tyndale has to do with the United States Senate. Not much, I suppose. But like Tennyson's Ulysses, Moynihan is a "gray spirit yearning in desire to follow knowledge like a sinking star." He has unbounded curiosity. I'm not one who thinks his intellectualism is some sort of indictment. Those who do are jealous of his capabilities, or just vapid. In a diminished era when far too many senators know far too little, I have been fortunate to work for one who knows so much and yet strives to learn so much more.

There is little I can add to what others have written or will write about his career. But I would make a few observations. On a parochial note, no other senator shares his remarkable facility for understanding and manipulating formulas—that arcane bit of legislating that drives the allocation of billions of dollars. He has "delivered" for New York, but it's not frequently noted because so few understand it.

More important, every time he speaks or writes, it's worth paying attention. I think back to the summer of 1990, when Sen. Phil Gramm (R-Texas) offered an amendment to a housing bill. Gramm wanted to rob Community Development Block Grant funds from a few "Rust Belt" states and spread them across the rest of the country. The amendment looked like a winner: More than 30 states would benefit. Moynihan spoke in opposition. He delivered an extemporaneous speech on the nature of our federal system worthy of inclusion in the seminal work of Hamilton, Madison, and Jay as The Federalist No. 86.

(His speech was effective. The amendment was defeated. New York's share of CDBG funding was preserved.) What I most want to comment on is Moynihan's courage. Too many of today's tepid, timid legislators are afraid to offer amendments they know will fail.

They are afraid of offending this constituency or that special interest. They have no heart, no courage. Moynihan always stands on principle, never on expediency. He's not afraid to cast a tough vote, to be in the minority—even a minority of one. His positions on issues from bankruptcy "reform" to government secrecy, from welfare repeal to habeas corpus, from the "line item" veto to Constitutional amendments du jour, haven't been popular. But I'm confident they are right. It just takes the rest of us a while to catch up with him.

While Moynihan has been successful as a legislator, I think of him as the patron senator of lost causes (i.e., right but unpopular). Every senator is an advocate for the middle class. That's where the votes are. What I admire and cherish about Moynihan is his long, hard, eloquent fight on behalf of the underclass—the disenfranchised, the demoralized, the destitute, the despised.

T.S. Eliot wrote to a friend, "We fight for lost causes because we know that our defeat and dismay may be the preface to our successors' victory, though that victory itself will be temporary; we fight rather to keep something alive than in the expectation that anything will triumph." Eliot's wistful statement, to me, captures the essence of Moynihan. He has an unflinching sense of responsibility.

For the past quarter century, Moynihan has been the Senate's reigning intellectual. But he has been more than that. He has defended precious government institutions under attack by those who have contempt for government.

And he has been the Senate's—and the nation's—conscience. His fealty as a public servant, ultimately, has been to the truth as best as he can determine it. He seeks it out, and he speaks it, regardless of who will be discomfited.

He has done so with rigor, and wit, a little bit of mischief now and then, and uncommon decency.

I have been privileged to work in the United States Senate for 16 years, and for several outstanding members, Republicans and Democrats. I will not see another Moynihan in my career. He is sui generis.

When Thomas Jefferson followed Benjamin Franklin as envoy to France, he told the Comte de Vergennes, "I succeed him; no one could replace him." Others will succeed Moynihan; no one will replace him. We should pause for a moment, and give thanks that he has devoted his life and considerable talents to public service.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, September 5, 2000, the Federal debt stood at $5,678,475,470,839.16, five trillion, six hundred seventy-eight billion, four hundred seventy-five million, four hundred seventy thousand, eight hundred thirty-nine dollars and sixteen cents.

Five years ago, September 5, 1995, the Federal debt stood at $4,968,613,000,000, four trillion, nine hundred sixty-eight billion, six hundred thirteen million.

Ten years ago, September 5, 1990, the Federal debt stood at $3,241,866,000,000, three trillion, two hundred forty-one billion, eight hundred sixty-six million.

Fifteen years ago, September 5, 1985, the Federal debt stood at $1,823,101,000,000, one trillion, eight hundred twenty-three billion, one hundred one million.

Twenty-five years ago, September 5, 1975, the Federal debt stood at $545,270,000,000, five hundred forty-five billion, two hundred seventy million which reflects a debt increase of more than $5 trillion—$5,133,205,470,839.16, five trillion, one hundred thirty-three billion, two hundred five million, four hundred seventy thousand, eight hundred thirty-nine dollars and sixteen cents during the past 25 years.

ADDITIONAL STATEMENTS

RECOGNITION OF TOM NORRIS AND JAMES BROWN FOR CONTRIBUTIONS TO THE FEDERAL WAY SUMMER MATH PROGRAM

• Mr. GORTON. Mr. President, imagine 140 students who want to spend their summer learning math. For students participating in the Summer Math Program at Thomas Jefferson High School in Federal Way, Washington, this is just the case. For the past five years, Tom Norris and James Brown have worked tirelessly and created a successful program that has dramatically improved the math skills of hundreds of students.

When Mr. Norris and Mr. Brown started the Summer Math Program, they had five students in attendance. Since then, the program has become well-known throughout Thomas Jefferson High School as a resource for students struggling with math or hoping to improve their SAT scores and has grown by leaps and bounds.

The Summer Math Program is based on a three part system that includes: Advanced Algebra or Pre-Calculus, an SAT summer program, and "The Math Team." The Advanced Algebra and Pre-Calculus course enables students who desire to complete Calculus before they leave high school to enroll in higher math classes in the following school year. The SAT summer program, offered at a much lower cost than other SAT review classes, equips students with the skills and confidence needed for their college preparatory exams. As a result, Thomas Jefferson High School has some of the highest SAT scores in the South Puget Sound of Washington State.

Additionally, students who enjoy competing in math competitions can participate on the Math Team. Students practice throughout the summer in preparation for the annual national competition which took place in July. As a true testament to the excellence of the program, Mr. Norris and Mr. Brown coached the team to a fifth-place victory last summer when the students participated against 50 other schools. This certainly was a great accomplishment for the program and students participating!

Samuel Kim, a Math Team member who will be a senior this year, told me that the Math Team, "keeps you in the right frame of mind during summer so you can keep your math skills strong, and it gives you good interaction with others." Samuel had nothing but applause for his coaches stating, "Mr. Norris is very friendly and inspirational, yet demanding and excited to see us succeed in competition, while Mr. Brown is more light-hearted in his motivational tactics."

The record of the Math Team and the achievements of students in the Summer Math Program speaks not only to the excellence of the program but also to the efforts and drive of both Mr. Norris and Mr. Brown. Their dedication to education, and math in particular, is rarely paralleled in other local school districts during the summer months. I am impressed with the dedication of these two men to their students' education even during the summer months. It is with great pleasure that I recognize them for their outstanding service to the students of Thomas Jefferson High School.•

RETIRED U.S. DISTRICT JUDGE ROBERT R. MERHIGE, JR.

• Mr. ROBB. Mr. President, I'd like to take a moment to pay special recognition to a good friend of mine and a distinguished former jurist, Robert R. Merhige, Jr. of Richmond, Virginia. Now in private practice after serving as a U.S. District Judge, Bob was recognized a few months ago in an article in The National Law Journal as the driving force behind the resolution of the Dalkon Shield Claimants Trust. The article details Judge Merhige's efforts to resolve over 400,000 claims, and it's clear that he accomplished this difficult task by working towards a fair result with skill and intellect. He kept his eye on the ball until the job was concluded. I ask that the article be printed in the RECORD.

[From the National Law Journal, May 15, 2000]

$3 BILLION LATER, DALKON TRUST CLOSES SHOP: MASS TORT CLEARINGHOUSE SEEN BY SOME AS THE BEST-RUN OUTFIT OF ITS KIND

(By Alan Cooper)

RICHMOND, VA.—The numbers are impressive, even by mass tort standards.

More than 400,000 claims reviewed. Nearly $3 billion distributed. Administrative costs just 9%, including lawyer fees.

Even more impressive, the job is done.

The Dalkon Shield Claimants Trust closed on April 30 with a claim to being the best-managed mass tort plan so far.

Retired U.S. District Judge Robert R. Merhige, Jr., now of counsel at Hunton & Williams, gets much of the credit for what many view as the success of the trust, as well as the blame for what others see as its shortcomings.

The trust emerged from the 1985 bankruptcy petition of A.H. Robins Co., which sold 3.6 million intrauterine birth devices called the Dalkon Shield between 1971 and 1974. Robins took it off the market under government pressure.

Robins and its products liability insurer, Aetna Casualty & Surety Co., were overwhelmed by allegations that women had suffered perforated uteruses and pelvic inflammatory disease that left them sterile. More than 326,000 women filed claims in response to a worldwide ad campaign.

Judge Merhige's 1987 estimate that the liability wouldn't top $2.475 billion set off a bidding war, won by American Home Products Corp. It acquired Robins by providing about $2.3 billion for claimants, to be paid by the trust, and $700 million-plus in stock to Robins shareholders.

Claimants' payments were based on amounts Robins paid to settle cases before the bankruptcy and based on their medical records. With interest, they totaled nearly $3 billion.

Robert E. Manchester, of Burlington, Vt., who represented 3,500-plus claimants, said of Judge Merhige, "He shaped the solution by tapping into people who were willing to be constructive."

"There was a significant number of people who felt they were treated badly by the process"—mostly atypical claimants—plaintiffs', lawyer Stephen W. Bricker, of Richmond said.

James F. Szaller, of Cleveland's Brown & Szaller, said that Judge Merhige "sometimes took unusual courses, but he did get it done. The result for the vast majority of people was good."•

RETURN OF FLAGSHIP "NIAGARA" TO LAKE ERIE

• Mr. SANTORUM. Mr. President, I would like to recognize Captain Walter Rybka and the officers and crew of the Flagship *Niagara* on their return from their East Coast ten-month voyage. The Flagship *Niagara* is a symbol of Erie, Pennsylvania's history and serves as an Ambassador of the Commonwealth when in participates in tall ship events. As a resident of Pennsylvania, I am proud to have such a treasure as part of our history.

The Flagship *Niagara* has played an important role in our nation's history. It sailed proudly in the War of 1812 and fought in the Battle of Lake Erie. I commend the Pennsylvania Historical and Museum Commission, the Flagship Niagara League, and the City of Erie for restoring the ship and making it available so that others in the United States may learn of its history.

I would also like to take this opportunity to express my sincere appreciation to those who serve on the Flagship *Niagara*. The Flagship *Niagara* is a part of Pennsylvania's history, and your commitment to the ship and to Erie is highly commendable.

RECOGNITION OF JIM SUTTON, SUPERINTENDENT OF THE KALAMA SCHOOL DISTRICT

• Mr. GORTON. Mr. President, I would like to bring the Senate's attention today to Mr. Jim Sutton, a man who has given a generation of Kalama students a unique look at the courageous acts of an older generation—the men and women who fought in World War II. Mr. Sutton is the Superintendent of the Kalama School District and also finds the time to teach a course on World War II and the Cold War. Through his great personal interest in WWII and his desire to transfer some of his interest onto his students, Jim has made history come alive for them.

Mr. Sutton's class, based on the book Band of Brothers, by Stephen Ambrose, uses firsthand accounts of companies who were a part of D-Day in WWII. Ambrose's book documents the accounts of E Company, which the movie, "Saving Private Ryan," was based.

Mr. Sutton has made it possible for his students to meet some of these great men who fought in WWII. Jim has brought an Italian officer that fought Rommel in the African Campaign, a P–51 pilot who brought actual video footage from his wing cameras, a machine gunner who landed at D-Day, and a German soldier who spent two years in a Russian prisoner of war camp.

Anyone can see how Mr. Sutton recognizes the sacrifices of the WWII generation and has shared it with others. Most impressive was in June when five of Mr. Sutton's students accompanied him to the opening of the D-Day museum in New Orleans, Louisiana where students were able to meet their history book heroes in person.

I have always considered my "Innovation in Education" Awards to highlight special people and programs, and this award demonstrates how innovative a typical U.S. history class can be. Mr. Sutton has created a live link between the past and the present for his students.

Greg Rayl, Principal of Kalama Middle and High School, who nominated Mr. Sutton for the award adds, "Too often superintendents are many steps removed from the daily classroom management and operations of their district's schools. Jim not only walks the halls interacting with students and teachers, but teaches as well."

As an avid reader of history, I am delighted to learn about Mr. Sutton who has gone the extra mile to make history come alive for his students. I ask that the Senate join me in commending Mr. Sutton for his dedication to his students and for bringing two generations together.•

STATEMENT ON THE PASSING OF MRS. CORETTA OGBURN

• Mr. SANTORUM. Mr. President, I would like to take this opportunity to recognize Mrs. Coretta Ogburn who died on Monday July 31, 2000. She was born on July 30, 1909 in Pittsburgh to the late Sally and Henry Black.

Mrs. Ogburn graduated from the Pittsburgh Public School System and later became employed for many years with the Allegheny County Health Department from which she retired in the 1970s. She was also well known as a dedicated and highly respected community leader for her committed efforts to her Church and community organizations. She was actively involved in the Negro Emergency Education Drive (NEED), the Urban League, the YWCA, the YMCA, and the Pittsburgh branch of the NAACP.

During her tenure as a member of the NAACP, Mrs. Ogburn sat on the Executive Committee, Human Rights Dinner Committee, Scholarship Committee, Women in the NAACP (WIN), and the Membership Committee. As Chair of the Membership Committee, she was instrumental in increasing branch memberships for the organization, and in 1958, she received her first award for soliciting the most NAACP memberships. In addition, the National Office of the NAACP awarded Mrs. Ogburn a medal for her accomplishments as one of the top membership solicitors in the entire nation. Mrs. Ogburn was awarded several other awards for her commitment and dedication to this organization.

It is an honor for me to recognize Mrs. Coretta Ogburn and the selfless time and energy she put towards her community. She was a true civil servant and community leader, and Pittsburgh was very blessed to have her a resident of its city. She cared a great deal for her loved ones, illustrated true dedication to the organizations which she belonged, and will be sorely missed by all those who knew her.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a treaty and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-10526. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, a certification relative to Armenia, Azerbaijani, Georgia, Kazakhstan, the Kyrgyz Republic, and Uzbekistan; to the Committee on Armed Services.

EC-10527. A communication from the Under Secretary of Defense, Acquisition and Technology, transmitting, pursuant to law, the Selected Acquisition Reports for the period from April 1 through June 30, 2000; to the Committee on Armed Services.

EC-10528. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of military expenditures for countries receiving U.S. assistance; to the Committee on Appropriations.

EC-10529. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the Missile Technology Control Regime; to the Committee on Foreign Relations.

EC-10530. A communication from the Department of Defense, General Services Administration, and the National Aeronautics and Space Administration, transmitting jointly, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation, Federal Acquisition Circular 97-19" (FAC97-19) received on July 25, 2000; to the Committee on Governmental Affairs.

EC-10531. A communication from the Executive Director of the Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting, pursuant to law, the report of additions to the procurement list received on August 30, 2000; to the Committee on Governmental Affairs.

EC-10532. A communication from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled "Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance" (RIN3095-AA89) received on August 30, 2000; to the Committee on Governmental Affairs.

EC-10533. A communication from the Director of the Employment Service, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Interagency Career Transition Assistance for Displaced Former Panama Canal Zone Employees" (RIN3206-AI56) received on August 30, 2000; to the Committee on Governmental Affairs.

EC-10534. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Retirement Eligibility For Nuclear Materials Couriers Under CSRS and FERS" (RIN3206-AI66) received on August 30, 2000; to the Committee on Governmental Affairs.

EC-10535. A communication from the Director of the Employment Service, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Positions Restricted to Preference Eligibles" (RIN3206-AI69) received on August 30, 2000; to the Committee on Governmental Affairs.

EC-10536. A communication from the District of Columbia Auditor, transmitting, pursuant to law, the report entitled "Statutory Audit of Advisory Neighborhood Commission 4C for the Period October 1, 1995 through September 30, 1999" received on August 30, 2000; to the Committee on Governmental Affairs.

EC-10537. A communication from the Acting Director of the Office of Government Ethics, Office of General Counsel and Legal Policy, transmitting, pursuant to law, the report of a rule entitled "Proposed Exemption Amendments Under 18 U.S.C. 208(b)(2) for Financial Interests in Sector Mutual Funds, De Minimis Securities, and Securities of Affected Nonparty Entities in Litigation" (RIN3209-AA09) received on August 31, 2000; to the Committee on Governmental Affairs.

EC-10538. A communication from the Acting Director of the Office of Government Ethics, Office of General Counsel and Legal Policy, transmitting, pursuant to law, the report of a rule entitled "Standards of Ethical Conduct for Employees of the Executive Branch: Definition of Compensation for Purposes of Prohibition on Acceptance of Compensation in Connection with Certain Teaching, Speaking and Writing Activities" (RIN3209-AA04) received on August 30, 2000; to the Committee on Governmental Affairs.

EC-10539. A communication from the Deputy Assistant Administrator of the National Oceanic Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Climate and Global Change Program" received on August 30, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10540. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska—Closes Deep-Water Species Fishery Using Trawl Gear in the Gulf of Alaska" received on August 30, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10541. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure of the Commercial Fishery for Gulf Group King Mackerel in the Gulf Western off Texas, Louisiana, and Alabama" received on August 30, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10542. A communication from the Chief of the Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Establishment of an Improved Model for Predicting the Broadcast Television Field Strength Received at Individual Locations" (ET Docket 00-11, FCC 00-185) received on August 30, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10543. A communication from the Chief of the Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Parts 2 and 95 of the Commission's Rules to Create a Wireless Medical Telemetry Service" (ET 99-255 and PR 92-235) received on August 30, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10544. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Wamsutter, Bairoil, Wyoming)" (MM Docket NO. 98-86; RM-9284, RM-9671) received on August 30, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10545. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule Implementing Amendment 12 to the Fishery Management Plan for Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic" (RIN0648-AM75) received on August 30, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10546. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Alva, Oklahoma)" (MM Docket No. 00-7, RM-9799) received on August 30, 2000; to the Committee on Commerce, Science , and Transportation.

EC-10547. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC 10-10, -15, -30, -30F, and -40 Series Airplanes and Model MD-10-10F and MD-10-30F Series Airplanes; docket no. 2000-NM-50 [8-21/8-31]" (RIN 2120-AA64 (2000-0417)) received on September 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10548. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A330 and A340 Series Airplanes; docket no. 2000-NM-62 [8-21/8-312]" (RIN 2120-AA64 (2000-0418)) received on September 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10549. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: British Aerospace HP137 Mk1, jetstream Series 200 and 3101 and 3201 Airplanes; docket no. 98-CE-117; [8-21/8-31]" (RIN 2120-AA64 (2000-0419)) received on September 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10550. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Wytwornia Sprzetu Model PZL-104 Wilga 80 Airplanes; docket no. 2000-CE-52 [8-21/8-31]" (RIN 2120-AA64 (2000-0420)) received on September 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10551. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 767-200, -300, and -300F Series Airplanes; docket no. 99-NM-54 [8-21/8-31]" (RIN 2120-AA64 (2000-0421)) received on September 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10552. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model DHC-7-100, and DHC-8-100, 200, and 300 Series Airplanes; docket no. 2000-NM-90 [8-17/8-31]" (RIN 2120-AA64 (2000-0422)) received on September 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10553. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Saab Model 340B Series Airplanes; docket no. 2000-NM-225 [8-21/8-31]" (RIN 2120-AA64 (2000-0426)) received on September 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10554. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Industrie Model A300B2 and B4 Series Airplanes; docket no. 97-NM-184 [8-16/8-31]" (RIN 2120-AA64 (2000-0427)) received on September 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10555. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737-100, 200, 200C Series Airplanes; docket no. 2000-NM-183 [8-8/8-31]" (RIN 2120-AA64 (2000-0428)) received on September 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10556. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Lockheed Model L 1011 385 Series Airplanes; docket no. 99-NM-233 [8-16/8-31]" (RIN 2120-AA64 (2000-0429)) received on September 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10557. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: SAAB Model 340B and SAAB 2000 Series Airplanes; docket no. 99-NM-354 [8-16/8-31]" (RIN 2120-AA64 (2000-0430)) received on September 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10558. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: CFM International 56-2, 2A, 2B, 3, 3B, 3C, 5, 5A, 5B, 5C Series Turbofan Engines; docket no. 99-NE-40 [8-2/8-31]" (RIN 2120-AA64 (2000-0431)) received on September 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10559. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747 Series Airplanes; docket no. 98-NM-285 [8-2/8-31]" (RIN 2120-AA64 (2000-0432)) received on September 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10560. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747-200 and 300 series airplanes equipped with GE CF6-80C2 Series Engines; docket no. 99-NM-79 [8-2/8-31]" (RIN 2120-AA64 (2000-0433)) received on September 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10561. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (75); amdt. no. 2007 [8-24/8-31]" (RIN2120-AA65 (2000-0042)) received on September 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10562. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D Stuart, FL; correction; docket no. 00-ASO-12 [8-18/8-31]" (RIN 2120-AA66 (2000-0201)) received on September 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10563. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Kearney, NE; docket no. 00-ACE-11 [8-2/8-31]" (RIN 2120-AA66 (2000-0202)) received on September 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10564. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Elko, NV; docket no. 00-ASP 5 [8-2/8-31]" (RIN 2120-AA66 (2000-0203)) received on September 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10565. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D Airspace; Boca Raton, FL; correction; docket no. 00-ASO-22 [8-21/8-31]" (RIN 2120-AA66 (2000-0204)) received on September 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10566. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Savannah, GA; docket no. 00-ASO-10 [8-2/8-31]" (RIN 2120-AA66 (2000-0205)) received on September 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10567. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Hampton, IA; correction; docket no. 00-ACE-7 [8-2/8-31]" (RIN 2120-AA66 (2000-0206)) received on September 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10568. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Realignment to Restricted Area R-6901A Fort McCoy; WI; docket no. 00-AGL-20 [8-17/8-31]" (RIN 2120-AA66 (2000-0207)) received on September 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10569. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Removal of Class E Airspace; Melbourne, FL, and Cocos Patrick AFB, FL; docket no. 00-ASO-27 [8-24/8-31]" (RIN 2120-AA66 (2000-0208)) received on September 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10570. A communication from the Acting Chief of the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: San Juan Harbor, Puerto Rico (COTP San Juan 00-065)" (RIN2115-AA97 (2000-0056)) received on September 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10571. A communication from the Acting Chief of the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Lake Erie, Maumee River, Ohio (CGD09-00-079)" (RIN2115-AA97 (2000-0079)) received on September 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10572. A communication from the Acting Chief of the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Security Zone Regulations; Lake Erie, Maumee River, Ohio (CGD09-00-080)" (RIN2115-AA97 (2000-0080)) received on September 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10573. A communication from the Acting Chief of the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Fireworks Display, Rockaway Beach, NY (CGD01-00-206)" (RIN2115-AA97 (2000-0081)) received on September 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10574. A communication from the Acting Chief of the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations: SLR: Sharptown Outboard Regatta, Nanticoke River, Sharptown, Maryland (CDG05-00-031)" (RIN2115-AE46 (2000-0012)) received on September 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10575. A communication from the Acting Chief of the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Upper Mississippi River (CDG08-00-014)" (RIN2115-AE47 (2000-0043)) received on September 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10576. A communication from the Acting Chief of the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Tickfaw River, LA (CDG08-00-019)" (RIN2115-AE47 (2000-0044)) received on September 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10577. A communication from the Acting Chief of the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Red River, LA (CDG08-00-020))" (RIN2115-AE47 (2000-0045)) received on September 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10578. A communication from the Acting Chief of the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Fire Protection Measures for Towing Vessels (USCG-1998-4445)" (RIN2115-AF66 (2000-0001)) received on September 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10579. A communication from the Associate Bureau Chief, Wireless Telecommunications, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of the Commission's Rules to Permit Flexible Service Offerings in the Commercial Mobile Radio Services" (WT Docket No. 96-6; FCC 00-246) received on September 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10580. A communication from the Congressional Budget Office, transmitting, pursuant to law, the Sequestration Update Report for Fiscal Year 2001; referred jointly, pursuant to the order of January 30, 1975 as modified by the order of April 11, 1986, to the Committees on Agriculture, Nutrition, and Forestry; Armed Services; Banking, Housing, and Urban Affairs; Commerce, Science, and Transportation; Energy and Natural Resources; Environment and Public Works; Finance; Foreign Relations; Governmental Affairs; Health, Education, Labor, and Pensions; the Judiciary; Small Business; Veterans' Affairs; Indian Affairs; Intelligence; Appropriations; and the Budget.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1510: A bill to revise the laws of the United States appertaining to United States cruise vessels, and for other purposes (Rept. No. 106-396).

By Mr. SPECTER, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 1810: A bill to amend title 38, United States Code, to clarify and improve veterans' claims and appellate procedures (Rept. No. 106-397).

By Mr. SPECTER, from the Committee on Veterans' Affairs, without amendment:

S. 3011: An original bill to increase, effective as of December 1, 2000, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans (Rept. No. 106-398).

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted on September 5, 2000:

By Mr. HELMS, from the Committee on Foreign Relations:

Treaty Doc. 106-8. Convention (No. 176) Concerning Safety and Health in Mines (Exec. Report No. 106-16).

TEXT OF THE COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT:

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Convention (No. 176) Concerning Safety and Health in Mines, Adopted by the International Labor Conference at its 82nd Session in Geneva on June 22, 1995 (Treaty Doc. 106-8) (hereinafter, "The Convention"), subject to the understandings of subsection (a), the declarations of subsection (b) and the provisos of subsection (c).

(a) UNDERSTANDINGS.—The Senate's advice and consent is subject to the following understandings, which shall be included in the instrument of ratification:

(1) ARTICLE 12.—The United States understands that Article 12 does not mean that the employer in charge shall always be held responsible for the acts of an independent contractor.

(2) ARTICLE 13.—The United States understands that Article 13 neither alters nor abrogates any requirement, mandated by domestic statute, that a miner or a miner's representative must sign an inspection notice, or that a copy of a written inspection notice must be provided to the mine operator no later than the time of inspection.

(b) DECLARATIONS.—The Senate's advice and consent is subject to the following declarations, which shall be binding on the President:

(1) NOT SELF-EXECUTING.—The United States understands that the Convention is not self-executing.

(2) TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the State Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The advice and consent of the Senate is subject to the following provisos:

(1) REPORT.—One year after the date the Convention enters into force for the United States, and annually for five years thereafter, the Secretary of Labor, after consultation with the Secretary of State, shall provide a report to the Committee on Foreign Relations of the Senate setting forth the following:

(i) a listing of parties which have excluded mines from the Convention's application pursuant to Article 2(a), a description of the excluded mines, an explanation of the reasons for the exclusions, and an indication of whether the party plans or has taken steps to progressively cover all mines, as set forth in Article 2(b);

(ii) a listing of countries which are or have become parties to the Convention and corresponding dates; and

(iii) an assessment of the relative costs or competitive benefits realized during the reporting period, if any, by United States mine operators as a result of United States ratification of the Convention.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the Convention requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 106-14. Food Aid Convention 1999 (Exec. Rept. 106-17).

TEXT OF THE COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT:

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Food Aid Convention, 1999, which was open for signature at the United Nations Headquarters, New York, from May 1 through June 30, 1999, and signed by the United States on June 16, 1999 (Treaty Doc. 106-14), referred to in this resolution of ratification as "The Convention," subject to the declarations of subsection (a) and the proviso of subsection (b).

(a) DECLARATIONS.—The advice and consent of the Senate is subject to the following declarations:

(1) NO DIVERSON.—United States contributions pursuant to this Convention shall not be diverted to government troops or security forces in countries which have been designated as state sponsors of terrorism by the Secretary of State.

(2) PRIVATE VOLUNTARY ORGANIZATIONS.—To the maximum feasible extent, distribution of United States contributions under this Convention should be accomplished through private voluntary organizations.

(3) TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the State Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISO.—The advice and consent of the Senate is subject to the following provisos:

(1) SUPREMACY OF THE CONSTITUTION.—Nothing in the Convention requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 105-48. Inter-American Convention on Sea Turtles (Exec. Rept. 106-18).

TEXT OF THE COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT:

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Inter-American Convention for the Protection and Conservation of Sea Turtles, With Annexes, done at Caracas, Venezuela, on December 1, 1996 (Treaty Doc. 105-48), which was signed by the United States, subject to ratification, on December 13, 1996, referred to in this resolution of ratification as "The Convention," subject to the understandings of subsection (a), the declarations of subsection (b) and the provisos of subsection (c).

(a) UNDERSTANDINGS.—The advice and consent of the Senate is subject to the following understandings, which shall be included in the instrument of ratification of the Convention and shall be binding on the President:

(1) ARTICLE VI ("SECRETARIAT").—The United States understands that no permanent secretariat is established by this Convention, and that nothing in the Convention obligates the United States to appropriate funds for the purpose of establishing a permanent secretariat now or in the future.

(2) ARTICLE XII ("INTERNATIONAL COOPERATION").—The United States understands that, upon entry into force of this Convention for the United States, the United States will have no binding obligation under the Convention to provide additional funding or technical assistance for any of the measures listed in Article XII.

(3) ARTICLE XIII ("FINANCIAL RESOURCES").—Bearing in mind the provisions of paragraph (7), the United States understands that establishment of a "special fund," as described in this Article, imposes no obligation on Parties to participate or contribute to the fund.

(b) DECLARATIONS.—The advice and consent of the Senate is subject to the following declarations:

(1) "NO RESERVATIONS" CLAUSE.—Concerning Article XXIII, it is the sense of the Senate that this "no reservations" provision has the effect of inhibiting the Senate in its exercise of its constitutional duty to give advice and consent to ratification of a treaty, and the Senate's approval of these treaties should not be construed as a precedent for acquiescence to future treaties containing such provisions.

(2) TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the State Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(3) NEW LEGISLATION.—Existing federal legislation provides sufficient legislation authority to implement United States obligations under the Convention. Accordingly, no new legislation is necessary in order for the United States to implement the Convention. Because all species of sea turtle occurring in the Western Hemisphere are listed as endangered or threatened under the Endangered Species Act of 1973, as amended (Title 16, United States Code, Section 1536 et seq.), said Act will serve as the basic authority for implementation of United States obligations under the Convention.

(4) ARTICLES IX AND X ("MONITORING PROGRAMS," "COMPLIANCE").—The United States understands that nothing in the Convention precludes the boarding, inspection or arrest by United States authorities of any vessel which is found within United States territory or maritime areas with respect to which it exercises sovereignty, sovereign rights or jurisdiction, for purposes consistent with Articles IX and X of this Convention.

(5) It is the sense of the Senate that the entry into force and implementation of this Convention in the United States should not interfere with the right of waterfront property owners, public or private, to use or alienate their property as they see fit consistent with pre-existing domestic law.

(c) PROVISOS.—The advice and consent of the Senate is subject to the following provisos:

(1) REPORT TO CONGRESS.—The Secretary of State shall provide to the Committee on Foreign Relations of the Senate a copy of each annual report prepared by the United States in accordance with Article XI of the Convention. The Secretary shall include for the Committee's information a list of "traditional communities" exceptions which may have been declared by any party to the Convention.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the Convention requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. FEINGOLD:

S. 3005. A bill to require country of origin labeling of all forms of ginseng; to the Committee on Commerce, Science, and Transportation.

By Mr. ASHCROFT:

S. 3006. A bill to remove civil liability barriers surrounding donating fire equipment to volunteer fire companies; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself, Mr. LUGAR, Mr. SPECTER, Mr. INHOFE, Mr. SANTORUM, Mr. GRAMS, Mr. MURKOWSKI, Ms. COLLINS, Mr. MOYNIHAN, and Mr. FITZGERALD):

S. 3007. A bill to provide for measures in response to a unilateral declaration of the existence of a Palestinian state; to the Committee on Foreign Relations.

By Mr. JEFFORDS (for himself, Mr. KENNEDY, and Mr. FEINGOLD):

S. 3008. A bill to amend the Age Discrimination in Employment Act of 1967 to require, as a condition of receipt of Federal funding, that States waive immunity to suit for certain violations of that Act, and to affirm the availability of certain suits for injunctive relief to ensure compliance with that Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HUTCHINSON (for himself, Mr. GRAMS, Mr. WELLSTONE, Ms. COLLINS, Mr. THURMOND, Mr. HOLLINGS, and Mr. JEFFORDS):

S. 3009. A bill to provide funds to the National Center for Rural Law Enforcement; to the Committee on the Judiciary.

By Mr. GRASSLEY:

S. 3010. A bill to amend title 38, United States Code, to improve procedures for the determination of the inability of veterans to defray expenses of necessary medical care, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SPECTER:

S. 3011. An original bill to increase, effective as of December 1, 2000, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans; from the Committee on Veterans' Affairs; placed on the calendar.

By Mr. LEAHY:

S. 3012. A bill to amend title 18, United States Code, to impose criminal and civil penalties for false statements and failure to file reports concerning defects in foreign motor vehicle products, and to require the timely provision of notice of such defects, and for other purposes; to the Committee on the Judiciary.

By Mrs. MURRAY:

S.J. Res. 51. A joint resolution authorizing special awards to veterans of service as United States Navy Armed Guards during World War I or World War II; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FEINGOLD:

S. Res. 348. A resolution to express the sense of the Senate that the Secretary of the Treasury, acting through the United States Customs Service, should conduct investigations into, and take such other actions as are necessary to prevent, the unreported importation of ginseng products into the United States from foreign countries; to the Committee on Finance.

By Mrs. HUTCHISON (for herself and Mr. GRAMM):

S. Con. Res. 134. Concurrent resolution designating September 8, 2000, as Galveston Hurricane National Remembrance Day; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FEINGOLD:

S. 3005. A bill to require country origin labeling of all forms of ginseng; to the Committee on Commerce, Science, and Transportation.

GINSENG TRUTH IN LABELING ACT OF 2000

Mr. FEINGOLD. Mr. President, I rise today to introduce a package of legislation (S. 3005 and S. Res. 348) that addresses the increased amount of smuggled and mis-labeled ginseng entering this country.

This legislation provides for some common sense reforms that would require country-of-origin labeling for ginseng products, and express the Sense of the Senate that customs should put a stop to the flow of smuggled ginseng into the United States. My legislation will push for stricter enforcement of ginseng importation and allow consumers the information they need to determine the origin of the ginseng they buy.

SMUGGLING-LABELING PROBLEM

Mr. President, Chinese and Native American cultures have used ginseng for thousands of years for herbal and medicinal purposes.

In America, ginseng is experiencing a newfound popularity, and I am proud to say that my home state of Wisconsin is playing a central role in ginseng's resurgence.

Wisconsin produces 97 percent of the ginseng grown in the United States, and 85 percent of the country's ginseng is grown in Marathon County.

The ginseng industry is an economic boon to Marathon County, as well as an example of the high quality for which Wisconsin's agriculture industry is known.

Wisconsin ginseng commands a premium price in world markets because it is considered to be of the highest quality and because it has a lower pesticide and chemical content.

With a huge market for this high-quality ginseng overseas, and growing popularity for the ancient root here at home, Wisconsin's ginseng industry should have a prosperous future ahead.

Unfortunately, the outlook for ginseng farmers is marred by a serious problem—smuggled and mislabeled ginseng. Wisconsin ginseng is considered so superior to ginseng grown abroad that smugglers will go to great lengths to label ginseng grown in Canada or Asia as "Wisconsin-grown."

Here's how the switch takes place: Smugglers take Asian or Canadian-grown ginseng and ship it to plants in China, allegedly to have the ginseng sorted into various grades.

While the sorting process is itself a legitimate part of distributing ginseng, smugglers often use it as a ruse to switch Wisconsin ginseng with the Asian or Canadian ginseng considered inferior by consumers.

The smugglers know that while Chinese-grown ginseng has a retail value of about $5-$6 per pound, while Wisconsin-grown ginseng is valued at roughly $16-$20 per pound.

To make matters even tougher for Wisconsin's ginseng farmers, there is no accurate way of testing ginseng to determine where it was grown, other than testing for pesticides that are legal in Canada and China but are banned in the United States.

And in some cases, smugglers can even find ways around the pesticide tests. A recent ConsumerLab.com study confirmed that much of the ginseng sold in the U.S. contained harmful chemicals and metals, such as lead and arsenic.

And that's because the majority of Ginseng sold in the U.S. originates from countries with lower pesticide standards, so it's vitally important that consumers know which ginseng is really grown in Wisconsin.

CONSUMER/PRODUCER IMPACT

For the sake of ginseng farmers and consumers, the U.S. Senate must crack down on smuggled and mislabeled ginseng.

Without adequate labeling, consumers have no way of knowing the most basic information about the ginseng they purchase—where it was grown, what quality or grade it is, or whether it contains dangerous pesticides.

The country of origin labeling is a simple but effective way to enable consumers to make an informed decision. And putting the U.S. Senate on record in support of cracking down on ginseng smuggling is an important first step toward putting an end to the illegal ginseng trade.

The lax enforcement of smuggled ginseng also puts our producers on an unfair playing field. The mixing of superior Wisconsin ginseng with lower quality foreign ginseng root penalizes the grower and eliminates the incentive to provide the consumer with a superior product.

Mr. President, we must give ginseng growers the support they deserve by implementing country-of-origin labeling that lets consumers make in formed choices about the ginseng that they consume.

We must ensure when ginseng consumers reach for a quality ginseng product—such as Wisconsin grown ginseng—that they are getting the real thing, not a cheap imitation.

By Mr. ASHCROFT:

S. 3006. A bill to remove civil liability barriers surrounding donating fire equipment to volunteer fire companies; to the Committee on the Judiciary.

THE GOOD SAMARITAN VOLUNTEER FIREFIGHTER ASSISTANCE ACT

• Mr. ASHCROFT. Mr. President, today I rise to introduce the Good Samaritan Volunteer Firefighter Assistance Act of 2000. This bill will assist our nation's volunteer firefighters, who daily risk their lives to protect our families, friends and neighbors. The legislation I am introducing will allow volunteer fire departments to accept much needed fire-fighting supplies from manufacturers and others by limiting the liability of companies and fire departments that donate certified surplus equipment.

In the United States today, the local fire department is expected to be protector of life, property and environmental safety concerns. Many communities must rely on the capable and courageous men and women in the local volunteer fire department to protect lives and safety. In fact, 75 percent of firefighters in this country are volunteers. Most volunteer departments serve small, rural communities and are quite often the only fire fighting services available for these areas. Unfortunately, one of the largest problems faced by volunteer fire services is lack of sufficient resources. Too often, these departments are struggling to provide their members with adequate protective clothing, safety devices and training programs.

In my home state of Missouri, there are approximately 450 fire departments throughout the state that have a budget of less than $15,000 per year. Many have budgets under $7,000/year and there are even some under $2,000/year. After paying insurance premiums, most departments do not even have $5,000 in their operating budgets. This is simply not enough money to purchase new and much needed fire-fighting equipment. In addition, the cost of fire and emergency medical apparatus and equipment has steadily increased over the past 20-30 years. Because of this, volunteer firefighters spend a large amount of time raising money for new equipment; time that could be better spent providing training to respond to emergencies.

Fire protection equipment is constantly improving and advancing with new state-of-the-art innovation. Because industry is constantly updating its fire protection, it is not unusual for plants and factories to accumulate surplus fire equipment that is slightly dated, but still effective, and most is almost new, or never used. Despite the excellent condition of most of these surplus items, company attorneys usually refuse to allow donations to fire departments, which desperately need this equipment. Companies routinely destroy surplus equipment to guarantee it will never be used by other firefighters. Pressure bottles for breathing apparatus are cut in half and the regulators buried. Protective fire coats are cut apart. Fire trucks are broken up and sold for scrap. All of this is done to prevent any liability from falling on corporate donors. Approximately $20 million per year in surplus equipment is scrapped, while a lot of rural departments go without the most basic supplies, such as protective clothing. Tragically, each year millions of dollars worth of fire equipment is destroyed instead of donated to these volunteer fire departments.

Mr. President, it does not make sense that quality fire-fighting tools are destroyed because of fear of liability by those who wish to donate their unused equipment. According to some estimates, over 800,000 volunteer firefighters nationwide save state and local governments $36.8 billion annually. We need to support the volunteer fire departments, and Congress should start by removing liability barriers that keep volunteer firefighters from receiving perfectly safe, donated equipment. Under this bill a person who donates qualified fire control or fire rescue equipment to a volunteer fire company will not be liable in civil damages in any State or Federal Court for personal injuries, property damage, or death proximately caused by a defect in the equipment. In order to protect firefighters from faulty donated equipment, this bill requires the equipment to be recertified as safe by an authorized technician. The bill does not protect those persons who act with malice, gross negligence, or recklessness in making the donation; nor does it protect the manufacturer of the donated equipment.

Mr. President, this bill is supported by a number of firefighting organizations. In States that have removed liability barriers through legislation similar to this, volunteer fire companies have received millions of dollars in quality fire fighting equipment. For example, in 1997, the Texas state legislature passed a bill that limited the liability of companies who donated surplus equipment to fire departments.

Prior to passage of this bill, companies in Texas had refrained from donating their used equipment for fear of potential lawsuits. Now, companies donate their surplus equipment to the Texas Forest Service, which then certifies the equipment and passes it on to volunteer fire departments. The donated equipment must meet all original specifications before it can be sent to volunteer departments. The program has already received in excess of six million dollars worth of equipment for volunteer fire departments.

Companion legislation has been introduced in the House of Representatives by Congressman CASTLE. I urge my Senate colleagues to join me in ending the wasteful destruction of useful fire equipment, saving taxpayer funds, and better equipping our volunteer firefighters to save lives. I am proud to introduce this bill and look forward to working to ensure that the federal government increases its commitment to the men and women who make up our local volunteer fire departments.●

By Mrs. FEINSTEIN (for herself, Mr. LUGAR, Mr. SPECTER, Mr. INHOFE, Mr. SANTORUM, Mr. GRAMS, Mr. MURKOWSKI, Ms. COLLINS, Mr. MOYNIHAN, and Mr. FITZGERALD):

S. 3007. A bill to provide for measures in response to a unilateral declaration of the existence of a Palestinian state; to the Committee on Foreign Relations.

UNILATERAL PALESTINIAN STATEHOOD DISAPPROVAL ACT OF 2000

Mrs. FEINSTEIN. Mr. President, I rise today to join Senator LUGAR in introducing the Unilateral Palestinian Statehood Disapproval Act. This is cosponsored by Senators MOYNIHAN, SPECTER, INHOFE, SANTORUM, GRAMS, COLLINS and MURKOWSKI.

We are now 7 days away from September 13. That is the day that the Palestinian Authority Chairman Yasser Arafat has set, in the past, as a day when he would declare, unilaterally, Palestinian statehood. He has recently said that he would reassess his intention to declare an independent Palestinian state unilaterally. I am hopeful that he will. But, nonetheless, I am concerned that neither he nor other senior Palestinian leaders have repudiated the idea of a unilateral declaration of statehood.

As part of the 1993 Oslo accords, the Israelis and Palestinians committed to resolving all outstanding issues through negotiation. Chairman Arafat reiterated this position on July 25 of this year, at the conclusion of the last round of the Camp David negotiations when he and Prime Minister Barak issued a statement agreeing on the importance of "avoiding unilaterally action that prejudiced the outcome of negotiations." Indeed, one of the keys to the success of the peace process thus far has been the commitment by each side to avoid any unilateral action that would undermine the search for a mutually satisfactory agreement.

A unilateral declaration of Palestinian statehood would violate the commitments of Oslo. A unilateral declaration of statehood would be a grave blow to the peace process, one from which that process might not be able to recover.

I believe very strongly, and my cosponsors do as well, that any Palestinian state should be the result of negotiations between Israel and the Palestinians, not the result of the unilateral action of either one side or the other.

It is my sincere hope that in the next few days, Mr. Arafat and others in the Palestinian leadership will step back from the September 13 deadline and recommit themselves to the Oslo process and negotiations with Israel.

This legislation is necessary, however, because should Mr. Arafat go forward with the unilateral declaration, the repercussions for the peace process and stability in the Middle East are, indeed, both serious and severe. The United States must make it clear that we will not recognize or condone a unilateral declaration and that the United States will work to make sure the international community neither accepts nor supports a unilaterally declared Palestinian state.

The legislation we introduce today would do the following:

It would state that the United States should not recognize any unilaterally declared Palestinian state.

It would urge the President and the Secretary of State to use all diplomatic means to work with other countries to deny recognition to such a unilaterally declared state.

It would prohibit any direct U.S. assistance to a unilaterally declared Palestinian state, except for humanitarian assistance or cooperation on antiterrorism efforts.

It would direct the Secretary of the Treasury to oppose membership in any international financial institution by a unilaterally declared Palestinian state and oppose any financial assistance from these institutions to such a state.

It would state the sense of the Congress that the President should downgrade the status of the Palestinian office in the United States to an information office.

It would also state the sense of the Congress that the President should oppose Palestinian membership in the United Nations or any other international organization, and that the United States should oppose economic or other assistance to a unilaterally declared Palestinian state, except for humanitarian or security assistance.

Finally, it would urge the President to expedite and upgrade the ongoing review of strategic relations between the United States and Israel.

We have included a Presidential national interest waiver authority so that if the President deems that even with a unilateral declaration that the peace process can move forward, the United States will have the flexibility to continue that process.

I realize that it is a little unusual to say, but it is my sincere hope that this legislation will never require action, let alone implementation.

I have been a long-time supporter of the peace process and for a peace agreement that provides security for Israel and leads to the consensual establishment of a Palestinian state that will be a peaceful neighbor of Israel. Since coming to the Senate, I have worked long and hard as an advocate for peace in the Middle East and as a supporter of the negotiations led by President Clinton, Secretaries Christopher and Albright, and conducted so ably by Dennis Ross.

Because of this support, it is my sincere hope that Mr. Arafat will not choose to heed those who have suggested that the Palestinian Authority should unilaterally declare a Palestinian state on September 13. If Mr. Arafat is willing to continue to work within the context of the peace process and stick to his commitments at Oslo and Camp David not to take unilateral steps, then I believe the United States should continue our partnership with the Palestinian people in search for peace. Under such circumstances, there is no need for this legislation.

I was deeply disappointed that the last round of negotiations at Camp David did not succeed in reaching an agreement. Prime Minister Barak appeared to make every effort to reach out and extend the hand of peace and placed items on the table for negotiation that no Israeli Prime Minister was previously even willing to discuss with the Palestinian leadership.

Although there is still a long way to go, I believe that if both sides are sincere in their desire for peace, a negotiated settlement is still possible, and it is my hope that Israel and its Palestinian neighbors will once again find themselves at the negotiating table in the not too distant future. I understand that Mr. Arafat, Prime Minister Barak, and President Clinton will be meeting in New York this week, and I hope the talks can get back on track. But if the Palestinians should choose to endanger the peace process by a unilateral declaration of statehood on September 13, the United States must be clear what our policy should be.

The United States has a vital and an important role to play as an honest broker in the region and as a guarantor of the peace process and any peace that may result. It is precisely our role as an honest broker that compels me to offer this legislation. If the Palestinians take unilateral steps that undermine the peace process, the United States must make it clear that we will neither condone nor support such actions.

I urge my colleagues to join the Senator from Indiana and me in sending a clear and compelling message in support of the Middle East peace process. Unilateral actions are not acceptable to the United States, and should the Palestinian Authority choose to break with the peace process, the United States will act accordingly.

Mr. President, it is my understanding that Senator SPECTER may well be coming to the floor to make some comments on this. If he does, I ask unanimous consent that his comments be reflected directly following mine and Senator LUGAR's.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, I rise to join Senator FEINSTEIN and other Members from both sides of the aisle to introduce the Unilateral Palestinian Statehood Disapproval Act of 2000. I am pleased to be an original co-sponsor of this legislation.

At the conclusion of the July round of negotiations between Israel and the Palestinian Authority at Camp David, Prime Minister Barak and Chairman Arafat issued a statement agreeing on the importance of "avoiding unilateral action that prejudices the outcome of negotiations." They both acknowledged that progress is best assured if both parties refrain from unilateral actions that would have the effect of undermining the peace process.

After the Camp David talks ended, Chairman Arafat announced that he intended to unilaterally declare an independent Palestinian state by September 13 if negotiations with Israel did not conclude in a satisfactory manner by then. Such a statement is harmful to the negotiations and would be disastrous to the peace process.

It is important for the Congress to be heard on this issue. A unilateral declaration of a Palestinian state is objectionable and would create an unnecessary rupture in our ability to work with the Palestinian Authority to advance the peace process. It is my hope that Chairman Arafat will listen to the voices of other leaders in the Arab world, and elsewhere, which have counseled caution and urged him to refrain from these unilateral steps toward statehood.

Our legislation proposes several targeted limitations and restrictions on the Palestinian Authority should they decide to declare a Palestinian state in advance of a final agreement. It states that if Chairman Arafat unilaterally declares a Palestinian state, the U.S. should not recognize it, that we should work with our friends and allies not to recognize any such state, and that we should downgrade the Palestinian office in the United States to an information office.

The legislation places limitations on official U.S. assistance to a unilaterally declared Palestinian state but provides exceptions for cooperation on anti-terrorism and security matters. Our bill also urges the President to oppose membership to a unilaterally declared Palestinian state in the United Nations and to oppose any economic and financial assistance from the U.N., affiliated agencies and international financial institutions.

It is my hope that none of these restrictions will have to be implemented. Because we want to insure that the President can use all the tools available to him to assist the parties to succeed in the peace negotiations, we included a presidential national interest waiver authority on those provisions pertaining to economic and financial assistance.

I hope my colleagues will agree to support this legislation and the longstanding effort to construct a comprehensive peace in the Middle East.

Mr. SPECTER. Mr. President, I have sought recognition to comment about the statements by Palestinian Chairman Yasser Arafat that there may be a unilateral declaration of Palestinian statehood on September 13. That, in my judgment, would be a grave mistake, and the United States and our allies ought to do everything in our power to prevent Chairman Arafat of the Palestinian Authority from making that unilateral declaration of statehood.

When the Oslo accords were signed in 1993, there was an agreement that all of the outstanding issues between Israel and the Palestinian Authority would be negotiated with a solution. There have been very extensive discussions, including recent talks at Camp David, which have not produced that kind of an agreement and that has led Chairman Arafat to raise the issue—perhaps more accurately called "threat"—to have a unilateral declaration of statehood on September 13.

I have cosponsored S. 3007, which was introduced today by the distinguished Senator from California, Mrs. FEINSTEIN, which calls for action by the United States in the event that there is a unilateral declaration of statehood. The bill contains provisions which would articulate the policy of the United States not to recognize a unilaterally declared Palestinian state, to extend diplomatic efforts to deny recognition by working with the allies of the United States, the European Union, Japan, and other countries, to downgrade the status of the Palestinian office in the United States if there should be such a unilateral declaration, to prohibit U.S. assistance to the Palestinian Authority if there should be such a unilateral declaration, to take steps to oppose Palestinian membership in the United Nations or other international organizations, and to oppose Palestinian membership in or assistance from the international financial institutions.

I believe this bill is an effective shot across the bow.

I wrote to Chairman Arafat on August 18 of this year, urging Chairman Arafat to abandon any thoughts about a unilateral declaration of statehood for the Palestinian Authority. I ask unanimous consent that the full text of this letter be printed in the RECORD at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. SPECTER. Mr. President, the essence of the letter which I wrote to Chairman Arafat is contained in two paragraphs where I say:

> . . . There is a strong feeling, both in the United States Senate and the United States House of Representatives, as well as that expressed by President Clinton, that there be no such unilateral declaration of statehood.
>
> There has been tremendous support in the Senate and House, as well as from the President, for an overall peace settlement and that Congressional support has included U.S. contributions to implement such an accord. That Congressional support would certainly be eroded by a unilateral declaration of statehood.

I had urged Chairman Arafat in the past to avoid a unilateral declaration of statehood when the possibility was raised that such a unilateral declaration might be made back on May 4, 1999.

Chairman Arafat came to the United States on March 23, and I was scheduled at that time to visit him in his hotel in Virginia, but shortly before our scheduled appointment I found that Chairman Arafat was visiting on the House side in the Capitol complex, and I had an opportunity to invite Chairman Arafat to my Capitol office.

At that time, we had an extensive discussion where I urged him not to make the unilateral declaration of statehood. He asked me at that time, if he would refrain from that unilateral declaration of statehood, whether I would make a statement saying it was a wise course of action, giving recognition to the restraint of Chairman Arafat and the Palestinian Authority. I said I would do so and that I would make a statement on the floor of the Senate on May 5 if Chairman Arafat and the Palestinian Authority, in fact, did not make a unilateral declaration of statehood. I wrote Chairman Arafat to that effect on March 31, 1999.

I ask unanimous consent that a copy of this letter be printed in the Congressional RECORD at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. SPECTER. Mr. President, I made two statements for the CONGRESSIONAL

RECORD—one on April 26, 1999, which I incorporate by reference, and another statement on May 4, 1999, when Chairman Arafat and the Palestinian Authority did not make a unilateral declaration of statehood.

The meeting I had with Chairman Arafat in my Capitol office was a very interesting one and a very constructive one. One note which I had referred to in one of my earlier statements on the floor is worth a very brief reference. I have a very large poster which has a joint picture of President Clinton with thumbs up and a picture of Chairman Arafat right next to him making the V sign, obviously not taken together but juxtaposed together on one large poster. It looks like a campaign poster, almost as if the two men were running for political office, which, of course, they were not.

I had accompanied President Clinton on his trip to Israel in December of 1998. I saw the poster and thought it a nice item of memorabilia and had it framed and put in my Capitol office. When Chairman Arafat saw his picture on my wall, it did a good bit more than any of my persuasive comments to establish an aura of goodwill in a complimentary sense. He very much liked seeing his picture there. In fact, he wanted to take a picture of the two of us standing in front of his picture, which now stands beside the poster in my Capitol office.

I mention that because of the—I am searching for the right word. "Congenial meeting" might not be exactly right, but it was a businesslike meeting where Chairman Arafat listened to my arguments against a unilateral declaration of statehood.

When I recite this, I do not really mean to suggest my voice was the determinative voice. I think that comported with what the Palestinian Authority had in mind in any event. I think every extra bit of pressure that can be brought ought to be brought. That is why I wrote to Chairman Arafat earlier this year, on August 18, and that is why I am supporting the bill introduced by the Senator from California, Mrs. FEINSTEIN, which would impose certain restraints and, in effect, certain sanctions on the Palestinian Authority if they do make a unilateral declaration of statehood. In my judgment, it would set back the peace process between Israel and the Palestinian Authority substantially. I retain some optimism that the differences between Israel and the Palestinian Authority may yet be reconciled.

I compliment the President and the Secretary of State for their very extensive efforts to try to bring about that accord. I believe those efforts should be continued and intensified. I also compliment Dennis Ross of the State Department who has done so much in the negotiating process with the parties.

While there are meetings underway at the United Nations, there may be some occasion for the President to act further in consultation with Israeli Prime Minister Barak and Palestinian Authority Chairman Yasser Arafat to try to bring about advances on the peace process and ultimately an accord. But certainly a unilateral declaration of statehood by the Palestinian Authority would be met with grave opposition in this Chamber—I know that for a certainty—and I believe also in the House of Representatives.

In conclusion, I urge Chairman Arafat and his colleagues in the Palestinian Authority not to make a unilateral declaration of statehood on September 13, or at any other time, but to continue the peace process to try to work out outstanding differences in accordance with the commitments made by the Palestinian Authority on the Oslo accord.

I thank the Chair and yield the floor.

EXHIBIT 1

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, March 31, 1999.

Chairman YASSER ARAFAT,
President of the National Authority,
Gaza City, GAZA, Palestinian National Authority.

DEAR MR. CHAIRMAN: Thank you very much for coming to my Senate hideaway and for our very productive discussion on March 23.

Following up on that discussion, I urge that the Palestinian Authority not make a unilateral declaration of statehood on May 4 or on any subsequent date. The issue of the Palestinian state is a matter for negotiation under the terms of the Oslo Accords.

I understand your position that this issue will not be decided by you alone but will be submitted to the Palestinian Authority Council.

When I was asked at our meeting whether you and the Palestinian Authority would receive credit for refraining from the unilateral declaration of statehood, I replied that I would go to the Senate floor on May 5 or as soon thereafter as possible and compliment your action in not unilaterally declaring a Palestinian state.

I look forward to continuing discussions with you on the important issues in the Mid-East peace process.

Sincerely,

ARLEN SPECTER.

EXHIBIT 2

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, August 18, 2000.

Chairman YASSER ARAFAT,
President of the National Authority,
Gaza City, GAZA, Palestinian National Authority.

DEAR CHAIRMAN ARAFAT: On March 23, 1999, when you visited my Senate Office in Washington, I urged you not to make a unilateral declaration of Palestinian statehood, which had been discussed as a possibility for May 4, 2000.

At that time, I told you that I would make a statement on the Senate floor on May 5, 1999, praising your decision not to declare statehood unilaterally if, in fact, you made that decision. You did not declare statehood on May 4, 1999; and, as promised, I made the statement on the Senate floor. For your rereview, I enclose a copy of that statement.

Now, again, there is talk that there may be a unilateral declaration of Palestinian statehood on September 13, 2000. Again, I urge you not to make such a declaration, but to continue negotiations to try to work out an overall agreement with Israel.

I know that there is a strong feeling, both in the United States Senate and the United States House of Representatives, as well as that expressed by President Clinton, that there be no such unilateral declaration of statehood.

There has been tremendous support in the Senate and House, as well as from the President, for an overall peace settlement and that Congressional support has included U.S. contributions to implement such an accord. That Congressional support would certainly be eroded by a unilateral declaration of statehood.

If you do not make such a unilateral declaration of Palestinian statehood on September 13, I will again speak on the Senate floor in praise of your restraint.

Again, I urge you to renew discussions with Israel for an overall settlement.

I look forward to our next meeting when you are in Washington or I am in the Mideast.

Sincerely,

ARLEN SPECTER.

Mr. REID. Mr. President, before the Senator from Pennsylvania leaves the floor, I want the RECORD to reflect the statements he has made are bipartisan in nature. I underline and underscore the importance of the statement of the Senator from Pennsylvania. I think it would be very unwise for Chairman Arafat to move unilaterally on establishing statehood. I hope he will sit back and look at the great loss that will take place if an agreement is not reached at this time.

I commend and applaud the Senator from Pennsylvania for his statement.

Mr. SPECTER. Mr. President, I thank my distinguished colleague from Nevada for those very timely comments. It is important to have that note of bipartisanship. May the RECORD further reflect, 20 minutes ago the distinguished Senator from New Mexico said he wanted to do something sharp at 6 p.m., and the big hand is at the 12 and the little hand is at the 6 in this instant.

Mr. DOMENICI. Mr. President, if I knew when I asked the Senator from Pennsylvania if he could be finished in 20 minutes that he was going to be delivering such an important speech, I might have been reluctant to ask him. I do commend him on that speech—not the brevity and coming in on time, but the substance is very important.

Mr. SPECTER. Mr. President, I thank my colleague from New Mexico for those comments. We have worked together for many years and earlier today on the Appropriations Committee, and I appreciate what he just said.

By Mr. JEFFORDS (for himself, Mr. KENNEDY, and Mr. FEINGOLD):

S. 3008. A bill to amend the Age Discrimination in Employment Act of 1967 to require, as a condition of receipt of Federal funding, that States waive immunity to suit for certain violations of that Act, and to affirm the availability of certain suits for injunctive relief to ensure compliance with that Act; to the Committee on Health, Education, Labor, and Pensions.

THE OLDER WORKERS RIGHTS RESTORATION ACT OF 2000

Mr. JEFFORDS. Mr. President, I am pleased to be here today to introduce legislation that will restore to state employees the ability to bring claims of age discrimination against their employers under the Age Discrimination and Employment Act of 1967. The Older Workers Rights Restoration Act of 2000 seeks to provide state employees who allege age discrimination the same procedures and remedies as those afforded to other employees with respect to ADEA.

This legislation is needed to protect older workers like Professor Dan Kimel, who has taught physics at Florida State University for nearly 35 years. Despite his years of faithful service, in 1992, Professor Kimel found that he was earning less in real dollars than his starting salary. To add insult to injury, his employer was hiring younger faculty out of graduate schools at salaries that were higher than he and other long-service faculty members were earning. In 1995, Professor Kimel and 34 colleagues brought a claim of age discrimination against the Florida Board of Regents.

Dan Kimel and his colleagues brought their cases under the Age Discrimination and Employment Act of 1967 ("ADEA"). In 1974, Congress amended the ADEA to ensure that state employees, such as Dan Kimel has full protection against age discrimination. I stand before you today because this past January the Supreme Court ruled that Dan Kimel and other affected faculty do not have the right to bring their ADEA claims against their employer. The Court in Kimel v. Florida Board of Regents, held that Congress did not have the power to abrogate state sovereign immunity to individuals under the ADEA. As a result of the decision, state employees, who are victims of age discrimination, no longer have the remedies that are available to individuals who work in the private sector, for local governments or for federal government. Indeed, unless a state chooses to waive its sovereign immunity or the Equal Employment Opportunity Commission decides to bring a suit, state workers now find themselves with no federal remedy for their claims of age discrimination. In effect, this decision has transformed older state employees into second class citizens.

For a right without a remedy is no right at all. Employees should not have to lose their right to redress simply because they happen to work for a state government. And a considerable portion of our workforce has been impacted. In Vermont, for example, the State is one of our largest employers. We cannot and should not permit these state workers to lose the right to redress age discrimination.

This legislation will resolve this problem. The Older Workers Rights Restoration Act of 2000 will restore the full protections of the ADEA to Dan Kimel and countless other state employees in federally assisted programs. The legislation will do this by requiring the states to waive their sovereign immunity as a condition of receiving federal funds for their programs or activities. The Older Workers Rights Restoration Act of 2000 follows the framework of many other civil rights laws, including the Civil Rights Restoration Act of 1987. Under this framework, immunity is only waived with regard to the program or activity actually receiving federal funds. States are not obligated to accept such funds; and if they do not they are immune from private ADEA suits. The legislation also confirms that these employees may bring actions for equitable relief under the ADEA.

I urge all my colleagues to join me in supporting this bill.

I ask unanimous consent that a copy of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3008

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Older Workers Rights Restoration Act of 2000".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Since 1974, the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.) has prohibited States from discriminating in employment on the basis of age. In EEOC v. Wyoming, 460 U.S. 226 (1983), the Supreme Court upheld Congress' constitutional authority to prohibit States from discriminating in employment on the basis of age. The prohibitions of the Age Discrimination in Employment Act of 1967 remain in effect and continue to apply to the States, as the prohibitions have for more than 25 years.

(2) Age discrimination in employment remains a serious problem both nationally and among State agencies, and has invidious effects on its victims, the labor force, and the economy as a whole. For example, age discrimination in employment—

(A) increases the risk of unemployment among older workers, who will as a result be more likely to be dependent on government resources;

(B) prevents the best use of available labor resources;

(C) adversely effects the morale and productivity of older workers; and

(D) perpetuates unwarranted stereotypes about the abilities of older workers.

(3) Private civil suits by the victims of employment discrimination have been a crucial tool for enforcement of the Age Discrimination in Employment Act of 1967 since the enactment of that Act. In Kimel v. Florida Board of Regents, 120 S. Ct. 631 (2000), however, the Supreme Court held that Congress lacks the power under the 14th amendment to abrogate State sovereign immunity to suits by individuals under the Age Discrimination in Employment Act of 1967. The Federal Government has an important interest in ensuring that Federal funds are not used to facilitate violation of, the Age Discrimination in Employment Act of 1967. Private civil suits are a critical tool for advancing that interest.

(4) As a result of the Kimel decision, although age-based discrimination by State employers remains unlawful, the victims of such discrimination lack important remedies for vindication of their rights that are available to all other employees covered under the Act, including employees in the private sector, of local government, and of the Federal Government. Unless a State chooses to waive sovereign immunity, or the Equal Employment Opportunity Commission brings an action on their behalf, State employees victimized by violations of the Age Discrimination in Employment Act of 1967 have no adequate Federal remedy for violations of the Act. In the absence of the deterrent effect that such remedies provide, there is a greater likelihood that entities carrying out federally funded programs and activities will use Federal funds to violate the Act, or that the Federal funds will otherwise subsidize or facilitate violations of the Act.

(5) Federal law has long treated nondiscrimination obligations as a core component of programs or activities that are, in whole or part, assisted by Federal funds. Federal funds should not be used, directly or indirectly, to subsidize invidious discrimination. Assuring nondiscrimination in employment is a crucial aspect of assuring nondiscrimination in those programs and activities.

(6) Discrimination on the basis of age in federally assisted programs or activities is, in contexts other than employment, forbidden by the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.). Congress determined that it was not necessary for the Age Discrimination Act of 1975 to apply to employment discrimination because the Age Discrimination in Employment Act of 1974 already forbade discrimination in employment by, and authorized suits against, State agencies and other entities that receive Federal funds. In section 1003 of the Rehabilitation Act Amendments of 1986 (42 U.S.C. 2000d–7), Congress required all State recipients of Federal assistance to waive any immunity from suit for discrimination claims arising under the Age Discrimination Act of 1975. The earlier limitation in the Age Discrimination Act of 1975, originally intended only to avoid duplicative coverage and remedies, has in the wake of the Kimel decision become a serious loophole leaving millions of State employees without an important Federal remedy for age discrimination resulting in the use of such funds to subsidize or facilitate violations of the Age Discrimination in Employment Act of 1967.

(7) The Supreme Court has upheld Congress' authority to condition receipt of Federal funds on acceptance by the States or other recipients of conditions regarding or related to the use of those funds, as in Cannon v. University of Chicago, 441 U.S. 677 (1979). The Court has further recognized that Congress may require a State, as a condition of receipt of Federal assistance, to waive the State's sovereign immunity to suits for a violation of Federal law, as in College Savings Bank v. Florida Prepaid Postsecondary

Education Expense Board, 527 U.S. 666 (1999). In the wake of the Kimel decision, in order to assure compliance with, and to provide effective remedies for violations of, the Age Discrimination in Employment Act of 1967 in State programs or activities receiving Federal assistance, and in order to ensure that Federal funds do not subsidize or facilitate violations of the Age Discrimination in Employment Act of 1967, it is necessary to require such a waiver as a condition of receipt of that Federal financial assistance.

(8) The waiver resulting from the acceptance of Federal funds by 1 State program or activity under this Act will not eliminate a State's immunity with respect to other programs or activities that do not receive Federal funds; a State waives sovereign immunity only with respect to Age Discrimination in Employment Act of 1967 suits brought by employees within the programs or activities that receive such funds. With regard to those programs and activities that are covered by the waiver, the State employees will be accorded only the same remedies that were available to State employees under the Age Discrimination in Employment Act of 1967 before Kimel and that are accorded to all other covered employees under the Act.

(9) The Supreme Court has repeatedly held that State sovereign immunity does not bar suits for prospective injunctive relief brought against State officials, as in ex parte Young, 209 U.S. 123 (1908). Clarification of the language of the Age Discrimination in Employment Act of 1967 will confirm that the Act authorizes such suits. The injunctive relief available in such suits will continue to be no broader than the injunctive relief that was available under the Act before the Kimel decision, and that is available to all other employees under that Act.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to provide to State employees in federally assisted programs or activities the same rights and remedies for practices violating the Age Discrimination in Employment Act of 1967 as are available to other employees under that Act, and that were available to State employees prior to the Supreme Court's decision in Kimel v. Florida Board of Regents, 120 S. Ct. 631 (2000);

(2) to provide that the receipt of Federal funding for use in a program or activity constitutes a State waiver of sovereign immunity from suits by employees within that program or activity for violations of the Age Discrimination in Employment Act of 1967; and

(3) to affirm that suits for equitable relief are available against State officials in their official capacities for violations of the Age Discrimination in Employment Act of 1967.

SEC. 4. REMEDIES FOR STATE EMPLOYEES.

Section 7 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 626) is amended by adding at the end the following:

"(g)(1)(A) A State's receipt or use of Federal financial assistance in any program or activity of a State shall constitute a waiver of sovereign immunity, under the 11th amendment to the Constitution or otherwise, to a suit brought by an employee of that program or activity under this Act for equitable, legal, or other relief authorized under this Act.

"(B) In this paragraph, the term 'program or activity' has the meaning given the term in section 309 of the Age Discrimination Act of 1975 (42 U.S.C. 6107).

"(2) An official of a State may be sued in the official capacity of the official by any employee who has complied with the procedures of subsections (d) and (e), for equitable relief that is authorized under this Act. In such a suit the court may award to the prevailing party those costs authorized by section 722 of the Revised Statutes (42 U.S.C. 1988).".

SEC. 5. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of such provision or amendment to another person or circumstance shall not be affected.

SEC. 6. EFFECTIVE DATE.

(a) WAIVER OF SOVEREIGN IMMUNITY.—With respect to a particular program or activity, section 7(g)(1) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 626(g)(1)) applies to conduct occurring on or after the day, after the date of enactment of this Act, on which a State first receives Federal financial assistance for use in that program or activity.

(b) SUITS AGAINST OFFICIALS.—Section 7(g)(2) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 626(g)(2)) applies to any suit pending on or after the date of enactment of this Act.

Mr. FEINGOLD. Mr. President, I am pleased to join my distinguished colleagues, Senator JEFFORDS and Senator KENNEDY, as an original cosponsor of the Older Workers Rights Restoration Act of 2000.

With advances in medicine and science, Americans are living longer than ever before. This means that older Americans are also working longer than ever before. We should ensure that those Americans who work well into the golden years of their lives—including state employees—can do so without fear of being denied a job, fired or overlooked for a promotion based on their age.

Since enactment of the Age Discrimination in Employment Act in 1967, our Nation has come a long way in eliminating age discrimination in the workplace. But the Supreme Court's decision earlier this year in Kimel v. Florida Board of Regents threatens to turn back the clock on the progress we've made. Under that decision, a state employee who has a claim of employment discrimination based on age cannot bring a private lawsuit against a state government under the Age Discrimination in Employment Act. The state government is immune from such suits. The individual's only legal recourse is to file a complaint with the Equal Employment Opportunity Commission and hope that the EEOC takes the case. But the EEOC has limited resources and only pursues a fraction of the cases filed.

Mr. President, this result is unacceptable. Older American workers make important contributions to their employers—both businesses and governments, at the state and federal levels. Older Americans should be able to work free of even a hint of discrimination. And older Americans employed by state governments deserve the same protections against discrimination on the job that other older Americans employed by private businesses or the federal government enjoy.

This bill that we introduce today would do just that. It ensures that state employees in federally assisted programs or activities have the same rights and remedies for practices violating the Age Discrimination in Employment Act as are available to other employees under that act and that were available to state employees prior to the Supreme Court's Kimel decision.

Mr. President, I have had a long-standing commitment to aging issues, both as a U.S. Senator and, previously, as a Wisconsin State Senator. In the U.S. Senate, I have served on the Special Committee on Aging. In the Wisconsin state senate, I served for ten years as the chairman of the Senate Committee on Aging. In fact, the first legislation I introduced as a state senator was a bill to eliminate mandatory retirement. That bill passed and was signed into law. As a result, older Wisconsin residents have the right to work without being forced to retire at a certain age.

I look forward to working with Senator JEFFORDS to move this important legislation through the Senate. I urge my colleagues to join us in taking this step toward restoring protections for state employees against age discrimination.

Thank you, Mr. President. I yield the floor.

By Mr. GRASSLEY:

S. 3010. A bill to amend title 38, United States Code, to improve procedures for the determination of the inability of veterans to defray expenses of necessary medical care, and for other purposes; to the Committee on Veterans' Affairs.

LEGISLATION FOR THE BENEFIT OF LAND-RICH CASH POOR VETERANS

Mr. GRASSLEY. Mr. President, I am today introducing a bill which would exclude the value of real property of a veteran, or a veteran's spouse or dependent, in determining how a veteran's eligibility for health care from the Department of Veterans Affair (VA) is classified. The bill would also simplify eligibility determinations by eliminating the annual self-reporting burden for veterans, and instead enable the Department to obtain income information directly from the Internal Revenue Service and the Social Security Administration.

The problem asset-rich, cash-poor veterans experience in gaining eligibility for veterans pension and health care benefits was brought to my attention late last year by one of my constituents, Larry Sundall. Larry is one of Iowa's county veterans service officers. He serves veterans in Emmet County, in northwest Iowa. In the course of his work, he was finding that many of his farmer-veteran constituents where in desperate straits with no, or little, income, but still could not qualify for VA pension programs without selling their land. Because of the value of their land, these veterans would also be classified in Category 7 for purposes of health service eligibility in the event they sought health care from the VA. Category 7 veterans can receive health care services as long as the VA has sufficient funds. However, they are required to pay co-payments for any health care they receive through the VA because of the value of their land, even if they have no income and are in debt to boot. If the administration and Congress don't appropriate enough money, these Category 7 veterans will not be eligible for health care services from the VA.

At Larry's urging, I decided to convene a meeting of interested parties in Des Moines last April to talk over this issue. Because many of his county veterans officials in Iowa, Minnesota, Nebraska, and South Dakota were encountering constituents with similar problems, we invited the associations of county veterans service officers from those states to send a representative to participate. We invited the State Veterans Affairs Officers from those states. VA staff from headquarters, regional offices, and VISNs also participated. The meeting was very useful and informative from my perspective, and I am grateful to all who participated. As it happens, the VA's Health Services Administration had already recognized the asset test as a problem for veterans and had formed a task force to look into the feasibility of eliminating the asset test. The Veterans Benefits Administration had also begun to discuss the issue. In any case, VA participants at the meeting agreed to convey the essentials of our discussion to principal officials at VA headquarters.

The problem follows from a provision of Title 38 which holds that the Secretary may deny benefits to a veteran ". . . when the corpus of the estate of the veteran . . . is such that under all the circumstances . . . it is reasonable that some part of the corpus of such estates be consumed for the veteran's maintenance". In other words, if the income and estate of a veteran are large enough, they should be used before the veteran receives benefits from the VA. The law also states, however, that liquidations of assets should be required only when it can be done at "no substantial sacrifice" to the veteran. Regulations implementing this provision of law contain essentially the same language. The complications begin with a VA manual, 21-1, which lays out criteria to be used by VA staff in adjudicating eligibility for pension and health benefits. Under the criteria set out in M21-1, the net worth of a veteran must be adjudicated when the veteran's income and net worth is greater than $50,000. Ownership of $50,000 of farm land or other real property does not automatically and inevitably mean that adjudicators will declare a farmer veteran ineligible for these VA programs. In principle, the $50,000 is just a threshold which is to trigger adjudication of a veteran's claim for benefits, not to automatically disqualify a veteran for benefits.

But there are two problems with the treatment of assets in the schema. First is the $50,000 level. It's obviously much too low, even as a trigger for adjudication. In Iowa currently, the average value of an acre of farm land is $1,781. So a farm holding valued at $50,000 would average about 28 acres, clearly two small to be viable. A 40 acre farm, at the current average value per acre, would be worth $71,240. A more viable 80 acre farm would be valued at $142,480. It seems to me, therefore, that the threshold triggering review of a farmer veteran's income and assets should be raised to $150,000. But, second, and more fundamentally, the law stipulates, as I noted earlier, that divestiture of an estate should not involve "substantial sacrifice". It is difficult for me to see that selling off the family farm, in many, if not most, cases, the sole source of livelihood for a farm family, would not involve substantial sacrifice. It thus seems inherently unrealistic to require a veteran to liquidate land holdings in order to become eligible for VA pension benefits or in order to pay co-payments for VA health care services.

What the bill I am introducing today would do is eliminate completely the asset test as a factor is establishing eligibility for health care services. A veteran's income, however, would still be considered in eligibility determinations. The bill would also permit the Secretary to determine the attributable income of the veteran using income date from the year preceding the prior year in the event that the Secretary is unable to use prior year data. Finally, the bill would permit the Secretary to use information obtained from the Secretary of the Department of Health and Human Services and the Treasury for the purpose of determining the attributable income of a veteran.

The VA estimates that this proposal should save the VA money, Mr. President. They estimate that more than $11 million would be saved in fiscal year 2001, growing to more than $13 million in fiscal year 2005.

I ask that the full text of the bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3010

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. IMPROVEMENT OF PROCEDURES FOR DETERMINATION OF INABILITY TO DEFRAY EXPENSES OF NECESSARY MEDICAL CARE.

(a) EXCLUSION OF CERTAIN ASSETS FROM ATTRIBUTABLE INCOME AND CORPUS OF ESTATES.—Subsection (f) of section 1722 of title 38, United States Code, is amended—

(1) in paragraph (1), by inserting before the period at the end the following: ", except that such income shall not include the value of any real property of the veteran or the veteran's spouse or dependent children, if any, or any income of the veteran's dependent children, if any"; and

(2) in paragraph (2), by striking "the estates" and all that follows and inserting "the estate of the veteran's spouse, if any, but does not include any real property of the veteran, the veteran's spouse, or any dependent children of the veteran, nor any income of dependent children of the veteran.".

(b) ALTERNATIVE YEAR FOR DETERMINATION OF ATTRIBUTABLE INCOME.—That section is further amended by adding at the end the following new subsection:

"(h) For purposes of determining the attributable income of a veteran under this section, the Secretary may determine the attributable income of the veteran for the year preceding the previous year, rather than for the previous year, if the Secretary finds that available data do not permit a timely determination of the attributable income of the veteran for the previous year for such purposes.".

(c) USE OF INCOME INFORMATION FROM CERTAIN OTHER FEDERAL AGENCIES.—Section 5317 of that title is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following new subsection (f):

"(f) In addition to any other activities under this section, the Secretary may utilize income information obtained under this section from the Secretary of Health and Human Services or the Secretary of the Treasury for the purpose of determining the attributable income of a veteran under section 1722 of this title, in lieu of obtaining income information directly from the veteran for that purpose.".

(d) PERMANENT AUTHORITY TO OBTAIN INFORMATION.—(1) Section 5317 of that title, as amended by subsection (c), is further amended by striking subsection (h).

(2) Section 6103(*l*)(7)(D) of the Internal Revenue Code of 1986 (26 U.S.C. 6103(*l*)(7)(D)) is amended in the flush matter at the end by striking the second sentence.

By Mr. LEAHY:

S. 3012. A bill to amend title 18, United States Code, to impose criminal and civil penalties for false statements and failure to file reports concerning defects in foreign motor vehicle products, and to require the timely provision of notice of such defects, and for other purposes; to the Committee on the Judiciary.

TRANSPORTATION INFORMATION RECALL ENHANCEMENT ACT

Mr. LEAHY. Mr. President, like so many Americans, I have been faced with a barrage of confusing and frightening information about the recent Firestone tire recall. I have a Ford Explorer, and it has Firestone tires on it. My wife and I drive it and take our children and our friends and others for rides in that vehicle. So I understand what a lot of my fellow Vermonters are going through regarding this deadly episode. It never should have happened.

But it is not just Explorer owners who are at risk—pedestrians, joggers, bicyclists, and other cars could be hit by out-of-control vehicles or by tire pieces.

The tires on my car are the same size and type as those covered by the recall. But they were manufactured at a different plant—a North Carolina plant. Even though employees of that plant have raised serious concerns about quality control in that factory, the tires on my Explorer are not eligible for the recall. But I have to tell you, I look long at them each time I get into the vehicle, and it is in the back of my mind every time I drive.

Even though they tell me that they are not yet the subject of a recall, I wonder what tomorrow's news may bring.

The first foreign recall occurred on August 1999, but the Secretary of Transportation apparently was not even informed of this by the manufacturer until May of 2000—nearly a year after the fact. That is outrageous. It is unacceptable. Worse yet, that kind of delay has proven deadly. I don't even want to think about the lives that could have been saved had there been quicker action, and had the manufacturers been honest enough to notify the public immediately.

Even after the recall was issued, the deadly risk continues as families have to wait to get replacement tires. I want to mention one sad case. A grandfather, Gary Meek of Farmersville, California, was a retired police officer. He, his wife and granddaughter, Amy, 13 years old, were driving on August 16, a couple weeks ago, when a Firestone tire on the Ford Explorer separated. His wife survived the crash, but Mr. Meek and his granddaughter were killed. His widow has to carry on with those awful memories.

I am going to introduce legislation today to mandate that the Secretary of Transportation be immediately notified of defects in motor vehicles or vehicle components—immediately after the foreign manufacturer becomes aware of the dangerous defect or when the manufacturer is notified about the defect by the foreign government. This notification would be earlier in time than the beginning of a foreign recall or any efforts to replace the defective product.

My bill also requires the manufacturer file a full report on the circumstances regarding each defective vehicle or vehicle component. The bill will impose stiff criminal penalties for false or misleading statements, or efforts to coverup the truth, regarding these reports. It also imposes criminal and civil penalties for other violations of the bill. In other words, if tires are defective, or are going to be recalled or replaced in some other country, they have to notify us—and notify us accurately and truthfully.

One would think some of these foreign tire companies would feel a moral duty to save lives. You would think that would be enough to motivate them. One would think even the idea of huge fines might motivate them. That doesn't seem to be enough. Maybe if they think they will get a jail sentence if they don't notify us truthfully, maybe, they will put the interests of the lives and safety of the public ahead of the short-term gains of their own companies.

My bill, the Transportation Information Recall Enhancement Act, requires notification of a foreign dangerous defect within 48 hours. It requires even more detailed information filings a few days later. My bill also requires notification of increases in deaths or serious injuries in foreign countries regarding vehicles and vehicle components that could prove deadly if they are on American soil.

Secretary Slater said in an interview that there should be a law requiring that the United States be immediately notified of foreign recalls. We are on the way to making that a reality. I will work with any Senator, Republican or Democrat, on this issue so we can pass this legislation or any other bill to get the job done in the next couple of weeks.

It is incomprehensible to me how any corporate executives can live with themselves when they withhold information that could have saved people's lives. If they are going to conceal the truth or make false statements, they should face criminal sanctions. Sometimes if a person thinks they are going to end up in the slammer, they will pay a lot more attention to the safety of people, rather than simply looking at the balance sheet.

For example, we just received reports about Mitsubishi over the past two decades. For 20 years, they routinely withheld information about dangerous products which ended up in America and other countries. These corporate officers should be forced to explain their inaction to the families of those who have been injured using their products. Maybe Americans should not buy any Mitsubishi products because they lied for 20 years. Criminal penalties are clearly needed. In the global economy there has to be some compassion for the suffering that is sometimes caused around the world. There seems to be almost a disconnect. The President of Ford Motors, for example, when he heard that Congress was going to question him, at first was unwilling to testify personally.

I think he heard an almost national outcry over that insolence and disregard of the people of this country, insolence and arrogance that kept him from realizing how concerned Americans were. Fortunately, he changed his mind and found the time. I suspect the appropriate congressional committees would have gotten a subpoena, and the result would have been the same. He would have testified.

Every corporation has a right to sell their products. Every corporation has a right to make a decent profit. They ought to be able to do that. When they know they have a product that can bring about death or injury, and especially when only they know it and nobody else does, they ought to make those facts known. The law should be very clear that they have to make it known. If they manufacture a product in this country to sell both here and abroad, if there are problems in the other country and the product is defective, they should notify this country of that fact. They will lose some business in the short term. In the long term, they will do better. The American public will be secure, and the American public will not be endangered.

What Firestone did, what Ford did, and for that matter, what Mitsubishi did, was wrong. It was absolutely wrong. I want corporate leaders never to do this again. I want a law that says if you provide information to our government regarding defective products that is false, misleading or untruthful that you are going to go to jail.

Mr. President, I ask unanimous consent to print a summary of the bill in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3012

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Transportation Information Recall Enhancement Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) in an interview with ABC News on September 3, 2000, Secretary of Transportation Rodney Slater stated that he thinks there should be a law requiring that the United States be immediately notified of a foreign recall, "especially in the global economy when you've got U.S. goods really being used by individuals around the world. We should know when there's a problem someplace else.";

(2) as of the date of enactment of this Act, there is no legal requirement for manufacturers of motor vehicles and their components to notify United States agencies of a recall issued in a foreign country;

(3) between August 1999 and spring 2000, Ford Motor Company replaced Firestone tires on 46,912 vehicles in Saudi Arabia, Thailand, Malaysia, and South America;

(4)(A) on May 2, 2000, the National Highway Traffic Safety Administration opened a preliminary evaluation into Firestone ATX, ATX II, and Wilderness AT tires after receiving 90 complaints, primarily from consumers in the Southeast and Southwest, about tread separations or blowouts;

(B) as of September 2000, the National Highway Traffic Safety Administration has received over 1,400 complaints, including reports of more than 250 injuries and 88 deaths; and

(C) some of the complaints date back to the early 1990s, and 797 of the complaints report that a tire failure took place between August 1, 1999, and August 9, 2000; and

(5)(A) on August 9, 2000, Bridgestone/Firestone announced a United States recall of 6,500,000 ATX, ATX II, and Wilderness AT tires; and

(B) that date was 3 months after the National Highway Traffic Safety Administration commenced its investigation and nearly 9 months after Ford Motor Company initiated the replacement of the tires in foreign countries.

(b) Purpose.—The purpose of this Act is to ensure that defects in motor vehicles or replacement equipment in foreign countries are quickly, accurately and truthfully reported to the United States Secretary of Transportation in cases in which—

(1) the motor vehicles or replacement equipment is manufactured for export to the United States; or

(2) the motor vehicles or replacement equipment is manufactured in the United States using a manufacturing process that is the same as, or similar to, the manufacturing process used in the foreign country, with the result that the motor vehicles or replacement equipment manufactured in the United States may also be defective.

SEC. 3. CRIMINAL AND CIVIL PENALTIES IN CONNECTION WITH REPORTING OF DEFECTS IN FOREIGN MOTOR VEHICLE PRODUCTS.

(a) In General.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

"§ 1036. Penalties in connection with reporting of defects in foreign motor vehicle products

"(a) Definitions.—

"(1) Foreign motor vehicle product.—The term 'foreign motor vehicle product' means a motor vehicle or replacement equipment that—

"(A) is manufactured in a foreign country for export to the United States; or

"(B) is manufactured in a foreign country using a manufacturing process that is the same as, or similar to, a manufacturing process used in the United States for a motor vehicle or replacement equipment.

"(2) Other terms.—The terms 'defect', 'manufacturer', 'motor vehicle', and 'replacement equipment' have the meanings given the terms in section 30102 of title 49.

"(b) Criminal Penalty.—A manufacturer of a foreign motor vehicle product, or an officer or employee of such a manufacturer, that, in connection with a report required to be filed under section 30118(f) of title 49, willfully—

"(1) falsifies or conceals a material fact;

"(2) makes a materially false, fictitious, or fraudulent statement or representation; or

"(3) makes or uses a false writing or document knowing that the writing or document contains any materially false, fictitious, or fraudulent statement or entry;

shall be fined under this title, imprisoned not more than 5 years, or both.

"(c) Civil Penalty.—

"(1) In general.—In addition to any civil penalty that may be assessed under chapter 301 of title 49, a manufacturer that violates section 30118(f) of title 49 shall be subject to a civil penalty of not more than $500,000 for each day of the violation.

"(2) Compromise of penalty.—The Attorney General may compromise the amount of a civil penalty imposed under paragraph (1).

"(3) Determination of amount.—In determining the amount of a civil penalty or compromise under this subsection, the Attorney General shall consider—

"(A) the appropriateness of the penalty or compromise in relation to the size of the business of the manufacturer liable for the penalty; and

"(B) the gravity of the violation.

"(4) Deduction of amount of penalty.—The United States Government may deduct the amount of the civil penalty imposed or compromised under this section from any amount that the Government owes the manufacturer liable for the penalty.".

(b) Conforming Amendment.—The analysis for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

"1036. Penalties in connection with reporting of defects in foreign motor vehicle products.".

SEC. 4. REPORTING OF DEFECTS IN FOREIGN MOTOR VEHICLE PRODUCTS.

Section 30118 of title 49, United States Code, is amended by adding at the end the following:

"(f) Reporting of Defects in Foreign Motor Vehicle Products.—

"(1) Definition of foreign motor vehicle product.—The term 'foreign motor vehicle product' means a motor vehicle or replacement equipment that—

"(A) is manufactured in a foreign country for export to the United States; or

"(B) is manufactured in a foreign country using a manufacturing process that is the same as, or similar to, a manufacturing process used in the United States for a motor vehicle or replacement equipment.

"(2) Reporting of defects.—

"(A) Initial report.—Not later than 48 hours after determining, or learning that a government of a foreign country has determined, that a foreign motor vehicle product contains a defect that could be related to motor vehicle safety, the manufacturer of the foreign motor vehicle product shall report the determination to the Secretary.

"(B) Written report.—

"(i) In general.—Not later than 5 days after the end of the 48-hour period described in subparagraph (A), the manufacturer shall submit to the Secretary a written report that meets the requirements of clause (ii).

"(ii) Contents of written report.—A written report under clause (i) shall contain—

"(I) a description of the foreign motor vehicle product that is the subject of the report;

"(II) a description of—

"(aa) the determination of the defect by the government of the foreign country or by the manufacturer of a foreign motor vehicle product; and

"(bb) any measures that the government requires to be taken, or the manufacturer determines should be taken, to obtain a remedy of the defect;

"(III) information concerning any serious injuries or fatalities possibly resulting from the defect; and

"(IV) such other information as the Secretary determines to be appropriate.

"(3) Reporting of possible defects.—Upon making a determination that there have been a significant number of serious injuries or fatalities in a foreign country that could have resulted from a defect in a foreign motor vehicle product that could be related to motor vehicle safety (as determined in accordance with regulations promulgated by the Secretary), the manufacturer of the foreign motor vehicle product shall report the determination to the Secretary in such manner as the Secretary establishes by regulation.".

SEC. 5. EFFECTIVE DATE.

This Act and the amendments made by this Act take effect on the date that is 180 days after the date of enactment of this Act.

Summary

This Act will provide criminal penalties for making false or misleading statements in notifications or reports made to the U.S. Government regarding recalls or replacement actions regarding motor vehicles and component parts. This criminal liability and the requirements for providing notice is triggered when a foreign government makes the manufacturer aware of the defect in motor vehicles or replacement parts, even before it triggers recalls or replacement actions.

This Act will help ensure accurate, truthful information and timely notice regarding recalls or replacement actions concerning defective motor vehicles or replacement equipment such as tires in foreign countries are quickly reported to the United States Secretary of Transportation where such vehicles are manufactured for export to the United States or where the defective product or equipment is manufactured in the United States in a manner that is similar to its manufacture in the foreign country and thus may likewise be dangerous.

The notification must be provided to the Secretary within 48 hours of when the foreign manufacturer learns or is notified of the defect by the foreign government. Within 5 days of that 48-hour deadline, a more detailed, accurate and truthful report must be provided to the Secretary of Transportation describing the basis for actions taken and providing information about serious injuries or fatalities related to the defect.

In addition, even if a defect is not identified, the Secretary must be notified each time there is a significant increase in deaths or serious injuries in a foreign country related to vehicles or vehicle components manufactured in foreign countries for export to the United States or related to vehicles or components manufactured in the United States using similar manufacturing processes (as are used in the foreign country), as defined in regulations of the Secretary.

Failure to comply with these requirements, and any related requirements set by the Secretary under the bill, shall result in a civil money penalty of up to $500,000, per day. In addition, for manufacturers or employees of foreign motor vehicle products (manufacturing vehicles for export to the United States or using manufacturing processes similar to that used in the United States) who in reporting to the Secretary knowingly or willfully: falsifies, conceals, or covers up a material fact; makes a materially false, fictitious, or fraudulent statement or representation; or makes a false writing or document, shall be imprisoned for up to 5 years and shall be subject to criminal fines of up to $500,000 for corporations, or $250,000 for individuals.

This Act shall be effective beginning six months after enactment.

By Mrs. MURRAY:

S.J Res. 51. A joint resolution authorizing special awards to veterans of service as United States Navy Armed Guards during World War I or World War II; to the Committee on Armed Services.

LEGISLATION TO HONOR NAVAL ARMED GUARD VETERANS

Mrs. MURRAY. Mr. President, I am introducing legislation today to provide a long overdue honor to a distinguished group of American veterans. The United States Naval Armed Guard made heroic contributions to our naval efforts in World War I and World War II and the time has come for a grateful nation to recognize these brave veterans.

The Armed Guard consisted of the officers, gunners, radiomen, signalmen and later medics and radarmen who were placed on cargo ships to protect them from armed assault.

The U.S. Navy Armed Guard was first constituted during World War I and armed gunners served on 384 ships. During World War II, the U.S. Navy Armed Guard served on 6,236 merchant ships. 710 of these ships were sunk and many more were damaged in combat. The Armed Guard has 144,970 men assigned to it before the war ended in 1945. 1,810 men were killed during engagements with the enemy.

I am here today because the contributions to victories in the two world wars of these fine patriots has never been recognized by our Government or the Navy. I believe the Congress should act to honor these veterans whose recognition is both deserved and long overdue.

The wartime contributions of these men were absolutely vital to the safe delivery of cargos that took the war to our enemies. Many times they stayed in the fight even as the decks of their ships were awash and sinking. What is most notable is that other nations that now are free because of the contributing sacrifices of the U.S. Navy Armed Guards, have awarded special medals in recognition of the heroic actions of the members of the U.S. Navy Armed Guard Special Force.

Mr. President, It is high time we did the right thing and recognized these fine fighting men for their service. This legislation would honor these men in a very fitting way. It will recognized former members of the U.S. Armed Guard Special Force with a special medal that honors them as American heroes. It will recognize the military character of their service by awarding each of them at least one of the three World War II campaign medals for service in the American, Asiatic-Pacific, and Europe-Africa-Middle East theaters of war. Let's do the right thing for this unrecognized group of American veterans who sacrificed so much for their country. For more than fifty years, members of the Naval Armed Guard have shared their wartime stories of sacrifice and commitment with one another. Now is the time for all Americans to acknowledge their service in a heart felt way.

I urge prompt Senate consideration and passage of this legislation.

ADDITIONAL COSPONSORS

S. 867

At the request of Mr. ROTH, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 867, a bill to designate a portion of the Arctic National Wildlife Refuge as wilderness.

S. 1215

At the request of Mr. DODD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1215, a bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish headstones or markers for marked graves of, or to otherwise commemorate, certain individuals.

S. 1608

At the request of Mr. WYDEN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1608, a bill to provide annual payments to the States and counties from National Forest System lands managed by the Forest Service, and the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands managed predominately by the Bureau of Land Management, for use by the counties in which the lands are situated for the benefit of the public schools, roads, emergency and other public purposes; to encourage and provide new mechanisms for cooperation between counties and the Forest Service and the Bureau of Land Management to make necessary investments in Federal lands, and reaffirm the positive connection between Federal Lands counties and Federal Lands; and for other purposes.

S. 1732

At the request of Mr. BREAUX, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1732, a bill to amend the Internal Revenue Code of 1986 to prohibit certain allocations of S corporation stock held by an employee stock ownership plan.

S. 1814

At the request of Mr. SMITH of Oregon, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1814, a bill to establish a system of registries of temporary agricultural workers to provide for a sufficient supply of such workers and to amend the Immigration and Nationality Act to streamline procedures for the admission and extension of stay of nonimmigrant agricultural workers, and for other purposes.

S. 1915

At the request of Mr. JEFFORDS, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1915, a bill to enhance the services provided by the Environmental Protection Agency to small communities that are attempting to comply with national, State, and local environmental regulations.

S. 1938

At the request of Mr. CRAIG, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 1938, a bill to provide for the return of fair and reasonable fees to the Federal Government for the use and occupancy of National Forest System land under the recreation residence program, and for other purposes.

S. 1974

At the request of Mr. SCHUMER, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Georgia (Mr. MILLER) were added as cosponsors of S. 1974, a bill to amend the Internal Revenue Code of 1986 to make higher education more affordable by providing a full tax deduction for higher education expenses and a tax credit for student education loans.

S. 2018

At the request of Mrs. HUTCHISON, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2018, a bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the medicare program.

S. 2096

At the request of Mr. BAYH, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2096, a bill to amend the Internal Revenue Code of 1986 to provide an income tax credit to long-term caregivers.

S. 2308

At the request of Mr. MOYNIHAN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2308, a bill to amend title XIX of the Social Security Act to assure preservation of safety net hospitals through maintenance of the Medicaid disproportionate share hospital program.

S. 2438

At the request of Mr. MCCAIN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2438, a bill to provide for enhanced safety, public awareness, and environmental protection in pipeline transportation, and for other purposes.

S. 2639

At the request of Mr. DOMENICI, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2639, a bill to amend the Public Health Service Act to provide programs for the treatment of mental illness.

S. 2643

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 2643, a bill to amend the Foreign Assistance Act of 1961 to provide increased foreign assistance for tuberculosis prevention, treatment, and control.

S. 2686

At the request of Mr. COCHRAN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2686, a bill to amend chapter 36 of title 39, United States Code, to modify rates relating to reduced rate mail matter, and for other purposes.

S. 2703

At the request of Mr. AKAKA, the names of the Senator from Vermont (Mr. LEAHY), the Senator from New Jersey (Mr. TORRICELLI), the Senator from North Dakota (Mr. CONRAD), and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 2703, a bill to amend the provisions of title 39, United States Code, relating to the manner in which pay policies and schedules and fringe benefit programs for postmasters are established.

S. 2726

At the request of Mr. HELMS, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 2726, a bill to protect United States military personnel and other elected and appointed officials of the United States Government against criminal prosecution by an international criminal court to which the United States is not a party.

S. 2729

At the request of Mr. SMITH of Oregon, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 2729, supra.

At the request of Mr. CONRAD, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2729, a bill to amend the Internal Revenue Code of 1986 and the Surface Mining Control and Reclamation Act of 1977 to restore stability and equity to the financing of the United Mine Workers of America Combines Benefit Fund by eliminating the liability of reachback operations, to provide additional sources of revenue to the Fund, and for other purposes.

S. 2733

At the request of Mr. SANTORUM, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 2733, a bill to provide for the preservation of assisted housing for low income elderly persons, disabled persons, and other families.

S. 2735

At the request of Mr. CONRAD, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2735, a bill to promote access to health care services in rural areas.

S. 2787

At the request of Mr. BIDEN, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 2787, a bill to reauthorize the Federal programs to prevent violence against women, and for other purposes.

At the request of Mr. HATCH, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 2787, supra.

S. 2807

At the request of Mr. FRIST, the names of the Senator from Kentucky (Mr. BUNNING) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 2807, a bill to amend the Social Security Act to establish a Medicare Prescription Drug and Supplemental Benefit Program and to stabilize and improve the Medicare+Choice program, and for other purposes.

S. 2858

At the request of Mr. GRAMS, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2858, a bill to amend title XVIII of the Social Security Act to ensure adequate payment rates for ambulance services, to apply a prudent layperson standard to the determination of medical necessity for emergency ambulance services, and to recognize the additional costs of providing ambulance services in rural areas.

S. 2868

At the request of Mr. FRIST, the names of the Senator from North Carolina (Mr. HELMS), the Senator from North Dakota (Mr. CONRAD), the Senator from North Dakota (Mr. DORGAN), and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 2868, a bill to amend the Public Health Service Act with respect to children's health.

S. 2879

At the request of Ms. COLLINS, the name of the Senator from Delaware (Mr. ROTH) was added as a cosponsor of S. 2879, a bill to amend the Public Health Service Act to establish programs and activities to address diabetes in children and youth, and for other purposes.

S. 2937

At the request of Mr. DOMENICI, the names of the Senator from Ohio (Mr. VOINOVICH) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 2937, a bill to amend title XVIII of the Social Security Act to improve access to Medicare+Choice plans through an increase in the annual Medicare+Choice capitation rates and for other purposes.

S. 2967

At the request of Mr. MURKOWSKI, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2967, a bill to amend the Internal Revenue Code of 1986 to facilitate competition in the electric power industry.

S. 2978

At the request of Mr. DASCHLE, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 2978, a bill to recruit and retain more qualified individuals to teach in Tribal Colleges or Universities.

S. 2997

At the request of Mr. KENNEDY, his name was added as a cosponsor of S. 2997, a bill to establish a National Housing Trust Fund in the Treasury of the United States to provide for the development of decent, safe, and affordable housing for low-income families.

S. CON. RES. 127

At the request of Mr. FITZGERALD, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. Con. Res. 127, a concurrent resolution expressing the sense of the Congress that the Parthenon Marbles should be returned to Greece.

S. RES. 332

At the request of Mr. KENNEDY, the names of the Senator from Michigan (Mr. ABRAHAM) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. Res. 332, a resolution expressing the sense of the Senate with respect to the peace process in Northern Ireland.

S. RES. 343

At the request of Mr. FITZGERALD, the names of the Senator from Mississippi (Mr. LOTT), the Senator from Maryland (Ms. MIKULSKI), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from New Mexico (Mr. BINGAMAN), and the Senator from Minnesota (Mr. GRAMS) were added as cosponsors of S.Res. 343, a resolution expressing the sense of the Senate that the International Red Cross and Red Crescent Movement should recognize and admit to full membership Israel's Magen David Adom Society with its emblem, the Red Shield of David.

AMENDMENT NO. 4033

At the request of Ms. COLLINS, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of Amendment No. 4033 proposed to H.R. 4733, a bill making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes.

SENATE CONCURRENT RESOLUTION 134—DESIGNATING SEPTEMBER 8, 2000, AS GALVESTON HURRICANE NATIONAL REMEMBRANCE DAY

Mrs. HUTCHISON (for herself and Mr. GRAMM) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 134

Whereas September 8, 2000 marks the 100th anniversary of the hurricane that struck Galveston, Texas on September 8, 1900, the deadliest natural disaster in United States history;

Whereas an estimated 6,000 people died in a few hours in this thriving port of 37,000, dubbed the "Wall Street of the West" at the dawn of the 20th century;

Whereas vast waves, surging flood waters, and powerful winds of more than 120 miles an hour overtook the town, in an era without radar, satellites, or modern radio, making off-shore hurricanes difficult to track;

Whereas the residents of Galveston island showed much courage and sacrifice during the tempest, exemplified by 10 nuns who lost their lives along with the 90 children they were trying to save at St. Mary's Orphanage on the beach;

Whereas Galveston never lost her resilient spirit, built a sturdy 17-foot sea wall that staved off other fierce hurricanes, pumped in millions of tons of sand from the Gulf of Mexico in order to raise the level of the city and its buildings to a safer height, and became a beautiful and prosperous town yet again;

Whereas the city of Galveston is this year holding a ceremony commemorating the hurricane, launching educational efforts, and celebrating the rebirth of Galveston after the storm; and

Whereas our Nation, which benefits from modern weather technology and the lessons learned from the Galveston tragedy, should never cease to improve hurricane forecasting and make life safer and more secure along our coasts: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) September 8, 2000 is designated as Galveston Hurricane National Remembrance Day; and

(2) the President is authorized and requested to issue a proclamation in memory of the thousands of Galvestonians and other Americans who lost their lives in the devastating hurricane of 1900 and the survivors who rebuilt Galveston.

SENATE RESOLUTION 348—TO EXPRESS THE SENSE OF THE SENATE THAT THE SECRETARY OF THE TREASURY, ACTING THROUGH THE UNITED STATES CUSTOMS SERVICE, SHOULD CONDUCT INVESTIGATIONS INTO, AND TAKE SUCH OTHER ACTIONS AS ARE NECESSARY TO PREVENT, THE UNREPORTED IMPORTATION OF GINSENG PRODUCTS INTO THE UNITED STATES FROM FOREIGN COUNTRIES

Mr. FEINGOLD submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 348

SECTION 1. UNREPORTED IMPORTATION OF GINSENG PRODUCTS.

It is the sense of the Senate that the Secretary of the Treasury, acting through the United States Customs Service, should, to the maximum extent practicable, conduct investigations into, and take such other actions as are necessary to prevent, the importation of ginseng products into the United States from foreign countries, including Canada and Asian countries, unless the importation is reported to the Service, as required under Federal law.

AMENDMENTS SUBMITTED

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2001

LOTT AMENDMENTS NOS. 4036-4037

(Ordered to lie on the table.)

Mr. LOTT submitted two amendments intended to be proposed by him to the bill (H.R. 4733) making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes; as follows:

AMENDMENT NO. 4036

At the appropriate place in the bill, insert the following:

SEC. . Of the funds to be appropriated by section , $10,400,000 is available for the Pascagoula Harbor for operation and maintenance.

AMENDMENT NO. 4037

At the appropriate place in the bill, insert the following:

SEC. . Of the funds to be appropriated by section , $20,000,000 is available for the Gulfport Harbor for authorized channel width dredging in the North Channel.

SCHUMER (AND MOYNIHAN) AMENDMENT NO. 4038

(Ordered to lie on the table.)

Mr. SCHUMER (for himself and Mr. MOYNIHAN) submitted an amendment intended to be proposed by them to the bill, H.R. 4733, supra; as follows:

On page 68, line 15, strike "expended:" and insert "expended, of which $3,000,000 shall be available for facilities utilization at the National Synchrotron Light Source at Brookhaven National Laboratory:".

COCHRAN AMENDMENT NO. 4039

(Ordered to lie on the table.)

Mr. COCHRAN submitted an amendment intended to be proposed him to the bill, H.R. 4733, supra; as follows:

On page 67, line 4, strike "Fund:" and insert "Fund, of which an appropriate amount shall be available for innovative projects in small rural communities in the Mississippi Delta, such as Morgan City, Mississippi, to demonstrate advanced alternative energy technologies, concerning which projects the Secretary of Energy shall submit to Congress a report not later than March 31, 2001:".

COCHRAN AMENDMENT NO. 4040

(Ordered to lie on the table.)

Mr. COCHRAN submitted an amendment intended to be proposed him to the bill, H.R. 4733, supra; as follows:

On page 90, between lines 6 and 7, insert the following:

SEC. 320. (a) FINDING.—Congress finds that the Department of Energy is seeking innovative technologies for the demilitarization of weapons components and the treatment of mixed waste resulting from the demilitarization of such components.

(b) EVALUATION OF ADAMS PROCESS.—The Secretary of Energy shall conduct an evaluation of the so-called "Adams process" currently being tested by the Department of Energy at its Diagnostic Instrumentation and Analysis Laboratory using funds of the Department of Defense.

(c) REPORT.—Not later than September 30, 2001, the Secretary of Energy shall submit to Congress a report on the evaluation conducted under subsection (b).

GRAMS AMENDMENT NO. 4041

(Ordered to lie on the table.)

Mr. GRAMS submitted an amendment intended to be proposed by him to the bill, H.R. 4733, supra; as follows:

On page 90, between lines 6 and 7, insert the following:

SEC. 3 . REPORT ON IMPACTS OF A STATE-IMPOSED LIMIT ON THE QUANTITY OF SPENT NUCLEAR FUEL THAT MAY BE STORED ONSITE.

(a) SECRETARY OF ENERGY.—Not later than 90 days after the date of enactment of this Act, the Secretary of Energy shall submit to Congress a report containing a description of all alternatives that are available to the Northern States Power Company and the Federal Government to allow the Company to continue to operate the Prairie Island Nuclear Generating Plant until the end of the term of the license issued to the Company by the Nuclear Regulatory Commission, in view of a law of the State of Minnesota that limits the quantity of spent nuclear fuel that may be stored at the Plant, assuming that existing Federal and State laws remain unchanged.

(b) COMPTROLLER GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the potential economic and environmental impacts to ratepayers in the States of Minnesota, North Dakota, and Wisconsin if the Prairie Island Nuclear Generating Plant were to cease operation as a result of having reached the limit established by the State law referred to in subsection (a), including impacts attributable to the costs of new generation, decommissioning costs, and the costs of continued onsite storage of spent nuclear fuel until such time as the Secretary of Energy opens a repository for such fuel.

BREAUX AMENDMENT NO. 4042

(Ordered to lie on the table.)

Mr. BREAUX submitted an amendment intended to be proposed by him to the bill, H.R. 4733, supra; as follows:

Insert the following at the end of line 18, page 47 before the period: ":*Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $200,000, of funds appropriated herein for Research and Development, for a topographic/bathymetric mapping project for Coastal Louisiana in cooperation with the National Oceanic and Atmospheric Administration at the interagency federal laboratory in Lafayette, Louisiana."

GRAHAM AMENDMENT NO. 4043

(Ordered to lie on the table.)

Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill, H.R. 4733, supra; as follows:

On page 53, line 14, before the period, insert the following: "; *Provided further*, That $1,700,000 shall be used to implement environmental restoration requirements as specified under the certification issued by the State of Florida under section 401 of the Federal Water Pollution Control Act (33 U.S.C. 1341), dated October 1999 (permit number 0129424–001–DF)".

BREAUX AMENDMENT NO. 4044

(Ordered to lie on the table.)

Mr. BREAUX submitted an amendment intended to be proposed by him to the bill, H.R. 4733, supra; as follows:

At the appropriate place, insert the following:

SECTION 1. FUNDING OF THE COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT.

Section 4(a) of the Act of August 9, 1950 (16 U.S.C. 777c(a)), is amended in the second sentence by striking "2000" and inserting "2009".

SCHUMER (AND OTHERS) AMENDMENT NO. 4045

(Ordered to lie on the table.)

Mr. SCHUMER (for himself, Mr. TORRICELLI, and Mr. MOYNIHAN) submitted an amendment intended to be proposed by them to the bill, H.R. 4733, supra; as follows:

On page 48, strike line 19 and insert the following:

"Jackson County, Mississippi, $2,000,000;

"Arthur Kill Channel, New York, $5,000,000;

"Kill Van Kull Channel, New York, $53,000,000; and".

MURKOWSKI AMENDMENT NO. 4046

(Ordered to lie on the table.)

Mr. MURKOWSKI submitted an amendment intended to be proposed by him to the bill, H.R. 4733, supra; as follows:

On page 67, line 9, after "activities" insert the following: ", and *Provided Further*, That, of the amounts made available for energy supply $1,000,000 shall be available for the Office of Arctic Energy".

GRASSLEY (AND OTHERS) AMENDMENT NO. 4047

(Ordered to lie on the table.)

Mr. GRASSLEY (for himself, Mr. GRAMS, and Mr. VOINOVICH) submitted an amendment intended to be proposed by them to the bill, H.R. 4733, supra; as follows:

On page 90, between lines 6 and 7, insert the following:

SEC. 3 . REPORT ON NATIONAL ENERGY POLICY.

(a) FINDINGS.—Congress finds that—

(1) since July 1999—

(A) diesel prices have increased nearly 40 percent;

(B) liquid petroleum prices have increased approximately 55 percent; and

(C) gasoline prices have increased approximately 50 percent;

(2)(A) natural gas is the heating fuel for most homes and commercial buildings; and

(B) the price of natural gas increased 7.8 percent during June 2000 and has doubled since 1999;

(3) strong demand for gasoline and diesel fuel has resulted in inventories of home heating oil that are down 39 percent from a year ago;

(4) rising oil and natural gas prices are a significant factor in the 0.6 percent increase in the Consumer Price Index for June 2000 and the 3.7 percent increase over the past 12 months;

(5) demand for diesel fuel, liquid petroleum, and gasoline has continued to increase while supplies have decreased;

(6) the current energy crisis facing the United States has had and will continue to have a detrimental impact on the economy;

(7) the price of energy greatly affects the input costs of farmers, truckers, and small businesses; and

(8) on July 21, 2000, in testimony before the Committee on Agriculture, Nutrition, and Forestry of the Senate, the Secretary of Energy stated that the Administration had developed and was in the process of finalizing a plan to address potential home heating oil and natural gas shortages.

(b) REPORT.—Not later than September 30, 2000, the Secretary of Energy shall submit to Congress a report detailing the Department of Energy's plan to address the high cost of home heating oil and natural gas.

LEVIN AMENDMENTS NOS. 4048–4049

(Ordered to lie on the table.)

Mr. LEVIN submitted two amendments intended to be proposed by him to the bill, H.R. 4733, supra; as follows:

AMENDMENT NO. 4048

On page 47, line 18, before the period, insert the following:

", of which $75,000 of funds made available to provide planning assistance to States under section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–16) shall be used to conduct a comprehensive water management study for Houghton Lake, Michigan".

AMENDMENT NO. 4049

On page 47, strike line 18 and insert the following:

$139,219,000, to remain available until expended, of which $1,500,000 shall be made available to carry out activities under the John Glenn Great Lakes Basin Program established under section 455 of the Water Resources Development Act of 1999 (42 U.S.C. 1962d-21).

LEVIN (AND OTHERS) AMENDMENTS NOS. 4050

(Ordered to lie on the table.)

Mr. LEVIN (for himself, Mr. LAUTENBERG, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by them to the bill, H.R. 4733, supra; as follows:

On page 47, strike line 18 and insert the following:

$139,219,000, to remain available until expended, of which not less than $2,000,000 shall be used for the national shoreline erosion control development and demonstration program authorized under section 5 of the Act of August 13, 1946 (33 U.S.C. 426h), including for projects on Lake Michigan in Allegan County, Michigan, on Cape May Point in southern New Jersey, and on High Island in Galveston, Texas.

LEVIN AMENDMENT NO. 4051

(Ordered to lie on the table.)

Mr. LEVIN submitted an amendment intended to be proposed by him to the bill, H.R. 4733, supra; as follows:

On page 47, strike line 18 and insert the following:

$139,219,000, to remain available until expended, of which $250,000 shall be made available to develop the Detroit River Masterplan under section 568 of the Water Resources Development Act of 1999 (113 Stat. 368).

BINGAMAN AMENDMENTS NOS. 4052–4053

(Ordered to lie on the table.)

Mr. BINGAMAN submitted two amendments intended to be proposed by him to the bill, H.R. 4733, supra; as follows:

AMENDMENT NO. 4052

On page 83, before line 20, add the following new subsection:

"(c) The limitation in subsection (a) shall not apply to travel by Department of Energy management and operating contractor employees who are scientists or engineers when such travel is for the purpose of—

"(1) performing research or development activities; or

"(2) presenting research or development results to other scientists or engineers.".

AMENDMENT NO. 4053

On page 83, strike line 20 and all that follows down to the end of page 84, line 23 and insert the following:

"SEC. 309. (a) None of the funds for the National Nuclear Security Administration in this Act or any future Energy and Water Development Appropriations Act may be expended after December 31 of each year under a covered contract unless the funds are expended in accordance with a Laboratory Funding Plan for Nuclear Security that has been approved by the Administrator of the National Nuclear Security Administration as part of the overall Laboratory Funding Plan required by section 310(a) of Public Law 106-60. At the beginning of each fiscal year, the Administrator shall issue directions to laboratories under a covered contract for the programs, projects, and activities of the National Nuclear Security Administration to be conducted at such laboratories in that fiscal year. The Administrator and the laboratories under a covered contract shall devise a Laboratory Funding Plan for Nuclear Security that identifies the resources needed to carry out these programs, projects, and activities. Funds shall be released to the Laboratories only after the Secretary has approved the overall Laboratory Funding Plan containing the Laboratory Funding Plan for Nuclear Security. The Secretary shall consult with the Administrator on the overall Laboratory Funding Plans for Los Alamos National Laboratory, Lawrence Livermore National Laboratory, and Sandia National Laboratories prior to approving them. The Administrator may provide exceptions to requirements pertaining to a Laboratory Funding Plan for Nuclear Security as the Administrator considers appropriate.

"(b) For purposes of this section, 'covered contract' means a contract for the management and operation of the following laboratories: Argonne National Laboratory, Brookhaven National Laboratory, Idaho National Engineering and Environmental Laboratory, Lawrence Berkeley National Laboratory, Lawrence Livermore National Laboratory, Los Alamos National Laboratory, Oak Ridge National Laboratory, Pacific Northwest National Laboratory, and Sandia National Laboratories."

STEVENS (AND MURKOWSKI) AMENDMENT NO. 4054

(Ordered to lie on the table.)

Mr. STEVENS (for himself and Mr. MURKOWSKI) submitted an amendment intended to be proposed by them to the bill, H.R. 4733, supra; as follows:

At the appropriate place in the bill, insert the following new section:

"SEC. . Within available funds under Title I, the Secretary of the Army, acting through the Chief of Engineers, shall provide up to $7,000,000 to replace and upgrade the dam in Kake, Alaska which collapsed July, 2000 to provide drinking water and hydroelectricity."

INOUYE AMENDMENTS NOS. 4055–4056

(Ordered to lie on the table.)

Mr. INOUYE submitted two amendments intended to be proposed by him to the bill, H.R. 4733, supra; as follows:

AMENDMENT NO. 4055

Insert the following after line 13, page 58:

SEC. 104. In conducting the Kihei Area Erosion, HI, Reconnaissance Study the report should include the extent and causes of the erosion along the Kihei shorefront. Further, an assessment of both the regional and national recreational and environmental benefits from restoring this segment of the Kihei shoreline should be used to determine whether a federal interest exists in renourishing this shoreline.

AMENDMENT NO. 4056

Insert the following after line 13, page 58:

SEC. 105. The Waikiki Erosion Control, HI, Reconnaissance Study should include any environmental resources that have been, or may be, threatened by the erosion of this shoreline. Further, the study shall include an estimate of the total recreational and other economic benefits accruing to the public derived from restoring this segment of shoreline, in addition to any other estimated benefits the Corps deems appropriate in assessing the Federal interest in participating in the restoration of this shorefront.

REID AMENDMENTS NOS. 4057–4060

(Ordered to lie on the table.)

Mr. REID submitted four amendments intended to be proposed by him to the bill, H.R. 4733, supra; as follows:

AMENDMENT NO. 4057

Insert at the end of line 5, page 67 of the bill "; *Provided, further*, That $1,000,000 is provided to initiate planning of a one MW dish engine field validation power project at UNLV in Nevada".

AMENDMENT NO. 4058

Insert at the end of line 22, page 61, "; *Provided Further*, That, beginning in fiscal year 2000 and thereafter, any amounts provided for the Newlands Water Rights Fund for purchasing and retiring water rights in the Newlands Reclamation Project shall be nonreimbursable."

AMENDMENT NO. 4059

On line 4, page 67, after the word "Fund:" Insert the following: "*Provided*, That $3,000,000 shall be made available for technology development and demonstration program in Combined Cooling, Heating and Power Technology Development for Thermal Load Management, District Energy Systems,. and Distributed Generation, based upon natural gas, hydrogen, and renewable energy technologies. Further, the program is to be carried out by the Oak Ridge National Laboratory through its Building Equipment Technology Program."

AMENDMENT NO. 4060

On page 90, between lines 6 and 7, insert the following:

SEC. 3 . LIMITATION ON USE OF FUNDS TO PROMOTE OR ADVERTISE PUBLIC TOURS.

(a) IN GENERAL.—Notwithstanding any other provision of law, no funds made available under this title shall be used to promote or advertise any public tour of a facility or project of the Department of Energy.

(b) APPLICABILITY.—Subsection (a) does not apply to a public notice that is required by statute or regulation.

REID (AND OTHERS) AMENDMENT NO. 4061

(Ordered to lie on the table.)

Mr. REID (for himself Mr. JEFFORDS, and Mr. LEAHY) submitted an amendment intended to be proposed by them to the bill, H.R. 4733, supra; as follows:

On page 67, line 4, after the word "Fund:" insert the following: "*Provided*," That, of the amount available for wind energy systems, not less than $5,000,000 shall be made available for small wind, including not less than $2,000,000 for the small wind turbine development project."

REID AMENDMENTS NOS. 4062–4064

(Ordered to lie on the table.)

Mr. REID submitted three amendments intended to be proposed by him to the bill, H.R. 4733, supra; as follows:

AMENDMENT NO. 4062

On page 67, line 4, after the word "Fund:" insert the following: "*Provided*," That, $4,000,000 shall be made available for the demonstration of an underground mining locomotive and an earth loader powered by hydrogen at existing mining facilities within the State of Nevada. The demonstration is subject to a private sector industry cost-share of not less than equal amount, and a portion of these funds may also be used to acquire a prototype hydrogen fueling appliance to provide on-site hydrogen in the demonstration."

AMENDMENT NO. 4063

On page 67, line 4, after the word "Fund:" insert the following: "*Provided*," That, $5,000,000 shall be made available to support a project to demonstrate a commercial facility employing thermo-depolymerization technology at a site adjacent to the Nevada Test Site. The project shall proceed on a cost-share basis where Federal funding shall be matched in at least an equal amount with non-federal funding."

AMENDMENT NO. 4064

On line 15, page 68, after the word "expended:" Insert the following: "*Provided*, that $2,000,000 shall be made available to the University Medical Center of Southern Nevada for acquisition of a linear accelerator."

CONRAD (AND DORGAN) AMENDMENTS NOS. 4065–4066

(Ordered to lie on the table.)

Mr. CONRAD (for himself and Mr. DORGAN) submitted two amendments intended to be proposed by them to the bill, H.R. 4733, supra: as follows:

AMENDMENT NO. 4065

On page 55, between lines 18 and 19, insert the following:

FLOOD CONTROL AND COASTAL EMERGENCIES

The Secretary of the Army shall, notwithstanding any other provision of law, use up to $32,000,000 of funds previously appropriated under this head to design and construct levees at Devils Lake, North Dakota, to protect areas currently protected only by roads acting as levees.

AMENDMENT NO. 4066

On page 55, between lines 18 and 19, insert the following:

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary for emergency flood control, as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), $32,000,000 to remain available until expended: *Provided*, That the Secretary of the Army shall, notwithstanding any other provision of law, use the funds provided to design and construct levees around the lake of Devils Lake, North Dakota, to protect areas currently protected only by roads acting as levees: *Provided further*, That the entire amount shall be available only to the extent that the President submits to Congress an official budget request for specific dollar amount that includes designation of the entire amount of the request as an emergency requirement for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.): *Provided further*, That the entire amount is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

BUNNING AMENDMENT NO. 4067

(Ordered to lie on the table.)

Mr. BUNNING submitted an amendment intended to be proposed by him to the bill, H.R. 4733, supra; as follows:

On page 97, between lines 12 and 13, insert the following:

SEC. 7 . SALE OF MINERAL RIGHTS BY THE TENNESSEE VALLEY AUTHORITY.

The Tennessee Valley Authority shall not proceed with the proposed sale of approximately 40,000 acres of mineral rights in land within the Daniel Boone National Forest, Kentucky, until after the Tennessee Valley Authority completes an environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

STEVENS (AND MURKOWSKI) AMENDMENT NO. 4068

(Ordered to lie on the table.)

Mr. STEVENS (for himself and Mr. MURKOWSKI) submitted an amendment intended to be proposed by them to the bill, H.R. 4733, supra; as follows:

On page 47, line 18 after the phrase "to remain available until expended" insert the following: "*Provided*, that $50,000 provided herein shall be for erosion control studies in Harding Lake watershed in Alaska."

DOMENICI AMENDMENTS NOS. 4069–4071

(Ordered to lie on the table.)

Mr. DOMENICI submitted three amendments intended to be proposed by him to the bill (H.R. 4733) supra, as follows:

AMENDMENT NO. 4069

At the appropriate place in the bill providing funding for Defense Nuclear Nonproliferation, insert the following: "*Provided further*, That $2,000,000 shall be provided for equipment acquisition for the Incorporated Research Institutions for Seismology (IRIS) PASSCAL Instrument Center."

AMENDMENT NO. 4070

On page 73, line 22, after the word "expended", insert the following: "*Provided*, That, $3,000,000 shall be made available from within the funds provided for Science and Technology to support a program to be managed by the Carlsbad office of the Department of Energy, in coordination with the U.S.-Mexico Border Health Commission, to apply and demonstrate technologies to reduce hazardous waste streams that threaten public health and environmental security in order to advance the potential for commercialization of technologies relevant to the Department's clean-up mission: *Provided further*, That $2,000,000 shall be made available from within the funds provided for Science and Technology to support a program to be managed by the Carlsbad office of the Department of Energy to implement a program to support the Materials Corridor Partnership Initiative."

AMENDMENT NO. 4071

On page 61, line 25, add the following before the period: ": *Provided further*, That $2,300,000 of the funding provided herein shall be for the Albuquerque Metropolitan Area Water Reclamation and Reuse project authorized by Title XVI of Public Law 102-575 to undertake phase II of the project".

STEVENS AMENDMENTS NOS. 4072–4073

(Ordered to lie on the table.)

Mr. DOMENICI (for Mr. STEVENS) submitted two amendments intended to be proposed by him to the bill (H.R. 4733) supra; as follows:

AMENDMENT NO. 4072

On page 67, line 4, after the word "Fund:" insert the following: "*Provided*, That, $1,000,000 shall be made available for the Kotzebue wind project."

AMENDMENT NO. 4073

On page 67, line 4 after the word "Fund:" insert the following: "*Provided*, That, $2,000,000 shall be made available for the design and construction of a demonstration facility for regional biomass ethanol manufacturing in Southeast Alaska."

ABRAHAM AMENDMENT NO. 4074

(Ordered to lie on the table.)

Mr. DOMENICI (for Mr. ABRAHAM) submitted an amendment intended to be proposed by him to the bill (H.R. 4733) supra; as follows:

On page 67, line 4, after the word "Fund:" insert the following: "*Provided*, That, $500,000 shall be made available for the bioreactor landfill project to be administered by the Environmental Education and Research Foundation and Michigan State University."

COCHRAN AMENDMENT NO. 4075

(Ordered to lie on the table.)

Mr. DOMENICI (for Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill (H.R. 4733) supra; as follows:

On page 52, line 10, strike "$324,450,000", and insert: "$334,450,000".

On page 52, line 10, strike "expended", and insert: "expended, of which $14,809,000 is for construction of the Yazoo Basin, Demonstration Erosion Control, Mississippi, and $375,000 is for construction of Yazoo Basin, Tributaries projects in Mississippi, and of which $6,165,000 is for operation and maintenance of the Yazoo Basin, Arkabutla, Mississippi, project, and $5,232,000 is for operation and maintenance of the Yazoo Basin, Granada, Mississippi, project".

DOMENICI AMENDMENTS NOS. 4076–4079

(Ordered to lie on the table.)

Mr. DOMENICI submitted four amendments intended to be proposed by him to the bill (H.R. 4733) supra; as follows:

AMENDMENT NO. 4076

On page 83, before line 20, insert the following new subsection:

"(c) The limitation in subsection (a) shall not apply to reimbursement of management and operating contractor travel expenses within the Laboratory Directed Research and Development program."

AMENDMENT NO. 4077

On page 93, line 18, strike "enactment" and insert: "enactment, of which $2,000,000 shall be made available to the U.S. Army Corps of Engineers to undertake immediate measures to provide erosion control and sediment protection to sewage lines, trails, and bridges in Pueblo and Los Alamos Canyons downstream of Diamond Drive in New Mexico".

AMENDMENT NO. 7078

On page 82, line 24, strike "6" and replace with "8".

AMENDMENT NO. 4079

On page 73, line 22, strike everything after the word "until" through page 74, line 3, and replace with "expended."

ROTH (AND BIDEN) AMENDMENT NO. 4080

(Ordered to lie on the table.)

Mr. ROTH (for himself and Mr. BIDEN) submitted an amendment intended to be proposed by them to the bill, H.R. 4733, supra; as follows:

On page 53, line 8, before the colon, insert the following: "; and of which $50,000 shall be used to carry out the feasibility study described in section 1 ".

On page 58, between lines 13 and 14, insert the following:

SEC. 1 . DELAWARE RIVER TO CHESAPEAKE BAY, DELAWARE AND MARYLAND.

(a) IN GENERAL.—The Secretary of the Army, in cooperation with the Department of Transportation of the State of Delaware, shall conduct a study to determine the feasibility of providing additional crossing capacity across the Chesapeake and Delaware Canal.

(b) REQUIRED ELEMENTS.—In carrying out subsection (a), the Secretary shall—

(1) analyze the need for providing additional crossing capacity;

(2) analyze the timing, and establish a timeframe, for satisfying any need for additional crossing capacity determined under paragraph (1);

(3) analyze the feasibility, taking into account the rate of development around the canal, of developing 1 or more crossing corridors to satisfy, within the timeframe established under paragraph (2), the need for additional crossing capacity with minimal environmental impact;

(4) analyze the feasibility of maintaining the bridge across the canal in the Route 13 corridor as compared with the feasibility of the development of 1 or more new crossing corridors, taking into account the environmental impact associated with the development of 1 or more new crossing corridors; and

(5) analyze the cost of maintaining and improving the bridge across the canal in the Route 13 corridor as compared with the cost of demolition of the bridge and the development of 1 or more new crossing corridors, within the timeframe established under paragraph (2).

BAUCUS (AND OTHERS) AMENDMENT NO. 4081

Mr. DASCHLE (for Mr. BAUCUS (for himself, Mr. DASCHLE, and Mr. JOHNSON)) proposed an amendment to the bill, H.R. 4733, supra; as follows:

On page 58, strike lines 6 through 13.

ROTH (AND BIDEN) AMENDMENTS NOS. 4082–4083

(Ordered to lie on the table.)

Mr. ROTH (for himself and Mr. BIDEN) submitted two amendments intended to be proposed by them to the bill, H.R. 4733, supra; as follows:

AMENDMENT NO. 4082

On page 58, between lines 13 and 14, insert the following:

SEC. 1 . SENSE OF THE SENATE CONCERNING THE DREDGING OF THE MAIN CHANNEL OF THE DELAWARE RIVER.

It is the sense of the Senate that—

(1) the Corps of Engineers should continue to negotiate in good faith with the State of Delaware to address outstanding environmental permitting concerns relating to the project for navigation, Delaware River Mainstem and Channel Deepening, Delaware, New Jersey, and Pennsylvania, authorized by section 101(6) of the Water Resources Development Act of 1992 (106 Stat. 4802) and modified by section 308 of the Water Resources Development Act of 1999 (113 Stat. 300); and

(2) the Corps of Engineers and the State of Delaware should resolve their differences through a legally enforceable agreement in an effort to safeguard the natural resources of the State of Delaware.

AMENDMENT NO. 4083

On page 58, between lines 13 and 14, insert the following:

SEC. . ST. GEORGES BRIDGE, DELAWARE.

None of the funds made available by this Act may be used to carry out any activity relating to closure or removal of the St.

Georges Bridge across the Chesapeake and Delaware Canal, Delaware, including a hearing or any other activity relating to preparation of an environmental impact statement concerning the closure or removal.

ALLARD (AND OTHERS) AMENDMENTS NOS. 4084–85

(Ordered to lie on the table.)

Mr. ALLARD (for himself, Mr. VOINOVICH, and Mr. GRAMS) submitted two amendments intended to be proposed by them to the bill, H.R. 4733, supra; as follows:

AMENDMENT NO. 4084

At the end of the bill, insert the following:

TITLE —DEBT REDUCTION ACT OF 2000

SEC. 01. SHORT TITLE.

This title may be cited as the "Debt Reduction Act of 2000".

SEC. 02. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) fiscal discipline, resulting from the Balanced Budget Act of 1997, and strong economic growth have ended decades of deficit spending and have produced budget surpluses without using the social security surplus;

(2) fiscal pressures will mount in the future as the aging of the population increases budget obligations;

(3) until Congress and the President agree to legislation that strengthens social security, the social security surplus should be used to reduce the debt held by the public;

(4) strengthening the Government's fiscal position through public debt reduction increases national savings, promotes economic growth, reduces interest costs, and is a constructive way to prepare for the Government's future budget obligations; and

(5) it is fiscally responsible and in the long-term national economic interest to use an additional portion of the nonsocial security surplus to reduce the debt held by the public.

(b) PURPOSE.—It is the purpose of this title to—

(1) reduce the debt held by the public with the goal of eliminating this debt by 2013; and

(2) decrease the statutory limit on the public debt.

SEC. 03. ESTABLISHMENT OF PUBLIC DEBT REDUCTION PAYMENT ACCOUNT.

(a) IN GENERAL.—Subchapter I of chapter 31 of title 31, United States Code, is amended by adding at the end the following new section:

"§ 3114. Public debt reduction payment account

"(a) There is established in the Treasury of the United States an account to be known as the Public Debt Reduction Payment Account (hereinafter in this section referred to as the 'account').

"(b) The Secretary of the Treasury shall use amounts in the account to pay at maturity, or to redeem or buy before maturity, any obligation of the Government held by the public and included in the public debt. Any obligation which is paid, redeemed, or bought with amounts from the account shall be canceled and retired and may not be reissued. Amounts deposited in the account are appropriated and may only be expended to carry out this section.

"(c) If the Congressional Budget Office estimates an on-budget surplus for fiscal year 2000 in the report submitted pursuant to section 202(e)(2) of the Congressional Budget Act of 1974 in excess of the amount of the surplus set forth for that fiscal year in section 101(4) of the concurrent resolution on the budget for fiscal year 2001 (House Concurrent Resolution 290, 106th Congress), then there is hereby appropriated into the account on the later of the date of enactment of this Act or the date upon which the Congressional Budget Office submits such report, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2000, an amount equal to that excess. The funds appropriated to this account shall remain available until expended.

"(d) The appropriation made under subsection (c) shall not be considered direct spending for purposes of section 252 of Balanced Budget and Emergency Deficit Control Act of 1985.

"(e) Establishment of and appropriations to the account shall not affect trust fund transfers that may be authorized under any other provision of law.

"(f) The Secretary of the Treasury and the Director of the Office of Management and Budget shall each take such actions as may be necessary to promptly carry out this section in accordance with sound debt management policies.

"(g) Reducing the debt pursuant to this section shall not interfere with the debt management policies or goals of the Secretary of the Treasury.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 31 of title 31, United States Code, is amended by inserting after the item relating to section 3113 the following:

"3114. Public debt reduction payment account.".

SEC. 04. REDUCTION OF STATUTORY LIMIT ON THE PUBLIC DEBT.

Section 3101(b) of title 31, United States Code, is amended by inserting "minus the amount appropriated into the Public Debt Reduction Payment Account pursuant to section 3114(c)" after "$5,950,000,000,000".

SEC. 05. OFF-BUDGET STATUS OF PUBLIC DEBT REDUCTION PAYMENT ACCOUNT.

Notwithstanding any other provision of law, the receipts and disbursements of the Public Debt Reduction Payment Account established by section 3114 of title 31, United States Code, shall not be counted as new budget authority, outlays, receipts, or deficit or surplus for purposes of—

(1) the budget of the United States Government as submitted by the President,

(2) the congressional budget, or

(3) the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 06. REMOVING PUBLIC DEBT REDUCTION PAYMENT ACCOUNT FROM BUDGET PRONOUNCEMENTS.

(a) IN GENERAL.—Any official statement issued by the Office of Management and Budget, the Congressional Budget Office, or any other agency or instrumentality of the Federal Government of surplus or deficit totals of the budget of the United States Government as submitted by the President or of the surplus or deficit totals of the congressional budget, and any description of, or reference to, such totals in any official publication or material issued by either of such Offices or any other such agency or instrumentality, shall exclude the outlays and receipts of the Public Debt Reduction Payment Account established by section 3114 of title 31, United States Code.

(b) SEPARATE PUBLIC DEBT REDUCTION PAYMENT ACCOUNT BUDGET DOCUMENTS.—The excluded outlays and receipts of the Public Debt Reduction Payment Account established by section 3114 of title 31, United States Code, shall be submitted in separate budget documents.

SEC. 07. REPORTS TO CONGRESS.

(a) REPORTS OF THE SECRETARY OF THE TREASURY.—(1) Within 30 days after the appropriation is deposited into the Public Debt Reduction Payment Account under section 3114 of title 31, United States Code, the Secretary of the Treasury shall submit a report to Congress confirming that such account has been established and the amount and date of such deposit. Such report shall also include a description of the Secretary's plan for using such money to reduce debt held by the public.

(2) Not later than October 31, 2000, and October 31, 2001, the Secretary of the Treasury shall submit a report to Congress setting forth the amount of money deposited into the Public Debt Reduction Payment Account, the amount of debt held by the public that was reduced, and a description of the actual debt instruments that were redeemed with such money.

(b) REPORT OF THE COMPTROLLER GENERAL OF THE UNITED STATES.—Not later than November 15, 2001, the Comptroller General of the United States shall submit a report to Congress verifying all of the information set forth in the reports submitted under subsection (a).

AMENDMENT NO. 4085

At the appropriate place, insert:

DEPARTMENT OF THE TREASURY

BUREAU OF THE PUBLIC DEBT

SUPPLEMENTAL APPROPRIATION FOR FISCAL YEAR 2001

GIFTS TO THE UNITED STATES FOR REDUCTION OF THE PUBLIC DEBT

For deposit of an additional amount for fiscal year 2001 into the account established under section 3113(d) of title 31, United States Code, to reduce the public debt, $5,000,000,000.

ALLARD AMENDMENT NO. 4086

(Ordered to lie on the table.)

Mr. ALLARD submitted an amendment intended to be proposed by him to the bill, H.R. 4733, supra; as follows:

On page 66, between lines 11 and 12, insert the following:

SEC. 2 . USE OF COLORADO-BIG THOMPSON PROJECT FACILITIES FOR NON-PROJECT WATER.

The Secretary of the Interior may enter into contracts with the city of Loveland, Colorado, or its Water and Power Department or any other agency, public utility, or enterprise of the city, providing for the use of facilities of the Colorado-Big Thompson Project, Colorado, under the Act of February 21, 1911 (43 U.S.C. 523), for—

(1) the impounding, storage, and carriage of nonproject water originating on the eastern slope of the Rocky Mountains for domestic, municipal, industrial, and other beneficial purposes; and

(2) the exchange of water originating on the eastern slope of the Rocky Mountains for the purposes specified in paragraph (1), using facilities associated with the Colorado-Big Thompson Project, Colorado.

THOMAS AMENDMENT NO. 4087

(Ordered to lie on the table.)

Mr. THOMAS submitted an amendment intended to be proposed by him to the bill, H.R. 4733, supra; as follows:

At the appropriate place in the bill, insert the following new section and renumber any remaining sections accordingly:

SEC. . AMENDMENT TO IRRIGATION PROJECT CONTRACT EXTENSION ACT OF 1998.

Section 2 of the Irrigation Project Contract Extension Act of 1998, Pub. L. No. 105-293, is amended by:

(a) striking the date "December 31, 2000" in subsection (a) and inserting in lieu thereof the date "December 31, 2003."; and

(b) striking subsection (b) in its entirety and renumbering the remaining subsections accordingly.

SMITH OF OREGON (AND CRAIG) AMENDMENT NO. 4088

(Ordered to lie on the table.)

Mr. SMITH of Oregon (for himself and Mr. CRAIG) submitted an amendment intended to be proposed by them to the bill, H.R. 4733, supra; as follows:

On page 66, between lines 11 and 12 insert:

SEC. . The Secretary of the Interior is authorized and directed to use not to exceed $1,000,000 of the funds appropriated under title II to refund amounts received by the United States as payments for charges assessed by the Secretary prior to January 1, 1994 for failure to file certain certification or reporting forms prior to the receipt of irrigation water, pursuant to sections 206 and 224(c) of the Reclamation Reform Act of 1982 (96 Stat. 1226, 1272; 43 U.S.C. 390ff, 390ww(c)), including the amount of associated interest assessed by the Secretary and paid to the United States pursuant to section 224(i) of the Reclamation Reform Act of 1982 101 Stat. 1330-268; 43 U.S.C. 390ww(i)).

CRAPO (AND OTHERS) AMENDMENT NO. 4089

(Ordered to lie on the table.)

Mr. CRAPO (for himself, Mr. CRAIG, and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the bill, H.R. 4733, supra; as follows:

On page 68, line 15, strike "expended:" and insert "expended, of which $500,000 shall be available for participation by the Idaho National Engineering and Environmental Laboratory in the Greater Yellowstone Energy and Transportation Systems Study:".

GRAMS (AND WELLSTONE) AMENDMENTS NOS. 4090-4091

(Ordered to lie on the table.)

Mr. GRAMS (for himself and Mr. WELLSTONE) submitted two amendments intended to be proposed by them to the bill, H.R. 4733, supra; as follows:

AMENDMENT NO. 4090

On page 52, line 2, insert the following before the period: "*Provided further*, That $1,000,000 of the funding appropriated herein shall be used to undertake the Red Lake River Flood Control Project at Crookston, Minnesota. The funding for the project would be offset by increasing the savings and slippage applied to the FY2001 Construction, General account from $ to $. The proposed amendment would have no affect on outlays."

AMENDMENT NO. 4091

On page 52, line 2, insert the following before the period: "*Provided further*, That $500,000 of the funding appropriated herein shall be used to undertake the Hay Creek, Roseau County, Minnesota Flood Control Project under Section 206 funding. The funding for the project would be offset by increasing the savings and slippage applied to the FY2001 Construction, General account from $ to $. The proposed amendment would have no affect on outlays."

REED AMENDMENTS NOS. 4092-4093

(Ordered to lie on the table.)

Mr. REED submitted two amendments intended to be proposed by him to the bill, H.R. 4733, supra; as follows:

AMENDMENT NO. 4092

On page 47, line 18, before the period, insert the following: ", of which not less than $1,500,000 shall be available for the conduct of activities related to the selection, by the Secretary of the Army in cooperation with the Environmental Protection Agency, of a permanent disposal site for environmentally sound dredged material from navigational dredging projects in the State of Rhode Island".

AMENDMENT NO. 4093

On page 53, line 8, strike "facilities:" and insert the following: "facilities, and of which $500,000 shall be available for maintenance and repair of the Sakonnet Harbor breakwater in Little Compton, Rhode Island:".

GORTON AMENDMENT NO. 4094

(Ordered to lie on the table.)

Mr. GORTON submitted an amendment intended to be proposed by him to the bill, H.R. 4733, supra; as follows:

SEC. . The Secretary may accept and expend funds contributed by port authorities to carry out work required by applicable environmental statutes, including the Endangered Species Act of 1973 (16 U.S.C. 1531, et seq.).

DODD AMENDMENT NO. 4095

(Ordered to lie on the table.)

Mr. DODD submitted an amendment intended to be proposed by him to the bill, H.R. 4733, supra; as follows:

On page 90, between lines 6 and 7, insert the following:

SEC. 3 . AVAILABILITY OF UNOBLIGATED BALANCES.

Of the unobligated balances of funds appropriated under the heading "ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES" in the Energy and Water Development Appropriations Act, 1993 (106 Stat. 1332), and prior Energy and Water Development Appropriations Acts, $7,900,000 shall be made available for the University of Connecticut.

COCHRAN AMENDMENT NO. 4096

(Ordered to lie on the table.)

Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill, H.R. 4733, supra; as follows:

On page 52, line 10, strike "$324,450,000" and insert "$344,044,000"

On page 52, line 15, before the period insert ": *Provided further*, That of the amounts made available under this heading for construction, there shall be provided $15,000,000 for the Demonstration Erosion Control Program and $375,000 for Tributaries in the Yazoo Basin of Mississippi; $48,647,000 for the Mississippi River levees: *Provided further*, That of the amounts made available under this heading for operation and maintenance, there shall be provided $7,242,000 for Arkabutla Lake, $4,376,000 for Enid Lake, $5,732,000 for Grenada Lake, $7,680,000 for Sardis Lake"

On page 67, line 19, strike "$309,141,000" and insert "$304,241,000"

On page 68, line 14, strike "$2,870,112,000" and insert "$2,854,435,000"

On page 70, line 19, strike "210,128,000" and insert "$205,228,000"

DORGAN (AND CONRAD) AMENDMENTS NOS. 4097-4098

(Ordered to lie on the table.)

Mr. DORGAN (for himself and Mr. CONRAD) submitted two amendments intended to be proposed by them to the bill, H.R. 4733, supra; as follows:

AMENDMENT NO. 4097

On page 61, line 11, after the colon, insert the following: "*Provided further*, That the Secretary shall use up to $75,000 of the funds provided under this heading to conduct a study of the Oakes Test Area, North Dakota, to determine modifications or additional facilities that will reduce the costs of operating the facilities and improve the reliability of the water supply in anticipation of a future transfer of the facilities from the Federal Government to a non-Federal interest:".

AMENDMENT NO. 4098

On page 77, at the beginning of line 26, insert the following: "*Provided further*, That any amount spent on studies to enhance the transmission capability and transfer capacity of the transmission system and interconnected systems of the Western Area Power Administration for the delivery of power shall be non-reimbursable:".

DOMENICI AMENDMENT NO. 4099

(Ordered to lie on the table.)

Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill, H.R. 4733, supra; as follows:

On page 97, between lines 14 and 15, insert the following:

TITLE —NUCLEAR REGULATORY COMMISSION

Subtitle A—Funding

SEC. 01. NUCLEAR REGULATORY COMMISSION ANNUAL CHARGES.

Section 6101 of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 2214) is amended—

(1) in subsection (a)(3), by striking "September 30, 1999" and inserting "September 20, 2005"; and

(2) in subsection (c)—

(A) in paragraph (1), by inserting "or certificate holder" after "licensee"; and

(B) by striking paragraph (2) and inserting the following:

"(2) AGGREGATE AMOUNT OF CHARGES.—

"(A) IN GENERAL.—The aggregate amount of the annual charges collected from all licensees and certificate holders in a fiscal year shall equal an amount that approximates the percentages of the budget authority of the Commission for the fiscal year stated in subparagraph (B), less—

"(i) amounts collected under subsection (b) during the fiscal year; and

"(ii) amounts appropriated to the Commission from the Nuclear Waste Fund for the fiscal year.

"(B) PERCENTAGES.—The percentages referred to in subparagraph (A) are—

"(i) 98 percent for fiscal year 2002;

"(ii) 96 percent for fiscal year 2003;

"(iii) 94 percent for fiscal year 2004;

"(iv) 92 percent for fiscal year 2005; and

"(v) 88 percent for fiscal year 2006.".

SEC. 02. NUCLEAR REGULATORY COMMISSION AUTHORITY OVER FORMER LICENSEES FOR DECOMMISSIONING FUNDING.

Section 161i. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(i)) is amended—

(1) by striking "and (3)" and inserting "(3)"; and

(2) by inserting before the semicolon at the end the following: ", and (4) to ensure that sufficient funds will be available for the decommissioning of any production or utilization facility licensed under section 103 or 104b., including standards and restrictions governing the control, maintenance, use, and disbursement by any former licensee under this Act that has control over any fund for the decommissioning of the facility".

SEC. 03. COST RECOVERY FROM GOVERNMENT AGENCIES.

Section 161w. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(w)) is amended—

(1) by striking ", or which operates any facility regulated or certified under section 1701 or 1702,";

(2) by striking "483a" and inserting "9701"; and

(3) by inserting before the period at the end the following: ", and, commencing October 1, 2000, prescribe and collect from any other Government agency any fee, charge, or price that the Commission may require in accordance with section 9701 of title 31, United States Code, or any other law".

Subtitle B—Other Provisions

SEC. 11. OFFICE LOCATION.

Section 23 of the Atomic Energy Act of 1954 (42 U.S.C. 2033) is amended by striking "; however, the Commission shall maintain an office for the service of process and papers within the District of Columbia".

SEC. 12. LICENSE PERIOD.

Section 103c. of the Atomic Energy Act of 1954 (42 U.S.C. 2133(c)) is amended—

(1) by striking "c. Each such" and inserting the following:

"c. LICENSE PERIOD.—

"(1) IN GENERAL.—Each such"; and

(2) by adding at the end the following:

"(2) COMBINED LICENSES.—In the case of a combined construction and operating license issued under section 185(b), the initial duration of the license may not exceed 40 years from the date on which the Commission finds, before operation of the facility, that the acceptance criteria required by section 185(b) are met.".

SEC. 13. ELIMINATION OF NRC ANTITRUST REVIEWS.

Section 105 of the Atomic Energy Act of 1954 (42 U.S.C. 2135) is amended by adding at the end the following:

"(d) APPLICABILITY.—Subsection (c) shall not apply to an application for a license to construct or operate a utilization facility under section 103 or 104(b) that is pending on or that is filed on or after the date of enactment of this subsection.".

SEC. 14. GIFT ACCEPTANCE AUTHORITY.

(a) IN GENERAL.—Section 161g. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(g)) is amended—

(1) by inserting "(1)" after "(g)";

(2) by striking "this Act;" and inserting "this Act; or"; and

(3) by adding at the end the following:

"(2) accept, hold, utilize, and administer gifts of real and personal property (not including money) for the purpose of aiding or facilitating the work of the Nuclear Regulatory Commission.".

(b) CRITERIA FOR ACCEPTANCE OF GIFTS.—

(1) IN GENERAL.—Chapter 14 of title I of the Atomic Energy Act of 1954 (42 U.S.C. 2201 et seq.) is amended by adding at the end the following:

"SEC. 170C. CRITERIA FOR ACCEPTANCE OF GIFTS.

"(a) IN GENERAL.—The Commission shall establish written criteria for determining whether to accept gifts under section 161g.(2).

"(b) CONSIDERATIONS.—The criteria under subsection (a) shall take into consideration whether the acceptance of the gift would compromise the integrity of, or the appearance of the integrity of, the Commission or any officer or employee of the Commission.".

(2) CONFORMING AND TECHNICAL AMENDMENTS.—The table of contents of chapter 14 of title I of the Atomic Energy Act of 1954 (42 U.S.C. prec. 2011) is amended by adding at the end the following:

"Sec. 170C. Criteria for acceptance of gifts.".

SEC. 15. CARRYING OF FIREARMS BY LICENSEE EMPLOYEES.

(a) IN GENERAL.—Chapter 14 of title I of the Atomic Energy Act of 1954 (42 U.S.C. 2201 et seq.) (as amended by section 14(b)(1)) is amended—

(1) in section 161, by striking subsection k. and inserting the following:

"(k) authorize to carry a firearm in the performance of official duties such of its members, officers, and employees, such of the employees of its contractors and subcontractors (at any tier) engaged in the protection of property under the jurisdiction of the United States located at facilities owned by or contracted to the United States or being transported to or from such facilities, and such of the employees of persons licensed or certified by the Commission (including employees of contractors of licensees or certificate holders) engaged in the protection of facilities owned or operated by a Commission licensee or certificate holder that are designated by the Commission or in the protection of property of significance to the common defense and security located at facilities owned or operated by a Commission licensee or certificate holder or being transported to or from such facilities, as the Commission considers necessary in the interest of the common defense and security;" and

(2) by adding at the end the following:

"SEC. 170D. CARRYING OF FIREARMS.

"(a) AUTHORITY TO MAKE ARREST.—

"(1) IN GENERAL.—A person authorized under section 161k. to carry a firearm may, while in the performance of, and in connection with, official duties, arrest an individual without a warrant for any offense against the United States committed in the presence of the person or for any felony under the laws of the United States if the person has a reasonable ground to believe that the individual has committed or is committing such a felony.

"(2) LIMITATION.—An employee of a contractor or subcontractor or of a Commission licensee or certificate holder (or a contractor of a licensee or certificate holder) authorized to make an arrest under paragraph (1) may make an arrest only—

"(A) when the individual is within, or is in flight directly from, the area in which the offense was committed; and

"(B) in the enforcement of—

"(i) a law regarding the property of the United States in the custody of the Department of Energy, the Nuclear Regulatory Commission, or a contractor of the Department of Energy or Nuclear Regulatory Commission or a licensee or certificate holder of the Commission;

"(ii) a law applicable to facilities owned or operated by a Commission licensee or certificate holder that are designated by the Commission under section 161k.;

"(iii) a law applicable to property of significance to the common defense and security that is in the custody of a licensee or certificate holder or a contractor of a licensee or certificate holder of the Commission; or

"(iv) any provision of this Act that subjects an offender to a fine, imprisonment, or both.

"(3) OTHER AUTHORITY.—The arrest authority conferred by this section is in addition to any arrest authority under other law.

"(4) GUIDELINES.—The Secretary and the Commission, with the approval of the Attorney General, shall issue guidelines to implement section 161k. and this subsection.".

(b) CONFORMING AND TECHNICAL AMENDMENTS.—The table of contents of chapter 14 of title I of the Atomic Energy Act of 1954 (42 U.S.C. prec. 2011) (as amended by section 14(b)(2)) is amended by adding at the end the following:

"Sec. 170D. Carrying of firearms.".

SEC. 16. UNAUTHORIZED INTRODUCTION OF DANGEROUS WEAPONS.

Section 229a. of the Atomic Energy Act of 1954 (42 U.S.C. 2278a(a)) is amended in the first sentence by inserting "or subject to the licensing authority of the Commission or to certification by the Commission under this Act or any other Act" before the period at the end.

SEC. 17. SABOTAGE OF NUCLEAR FACILITIES OR FUEL.

Section 236a. of the Atomic Energy Act of 1954 (42 U.S.C. 2284(a)) is amended—

(1) in paragraph (2), by striking "storage facility" and inserting "storage, treatment, or disposal facility";

(2) in paragraph (3)—

(A) by striking "such a utilization facility" and inserting "a utilization facility licensed under this Act"; and

(B) by striking "or" at the end;

(3) in paragraph (4)—

(A) by striking "facility licensed" and inserting "or nuclear fuel fabrication facility licensed or certified"; and

(B) by striking the period at the end and inserting "; or"; and

(4) by adding at the end the following:

"(5) any production, utilization, waste storage, waste treatment, waste disposal, uranium enrichment, or nuclear fuel fabrication facility subject to licensing or certification under this Act during construction of the facility, if the person knows or reasonably should know that there is a significant possibility that the destruction or damage caused or attempted to be caused could adversely affect public health and safety during the operation of the facility."

BOXER AMENDMENT NO. 4100

(Ordered to lie on the table.)

Mrs. BOXER submitted an amendment intended to be proposed by her to the bill, H.R. 4733, supra; as follows:

On page 97, between lines 12 and 13, insert the following:

SEC. 7 . REPORT TO CONGRESS ON ELECTRICITY PRICES.

(a) FINDINGS.—Congress finds that—

(1) California is currently experiencing an energy crisis;

(2) rolling power outages are a serious possibility;

(3) wholesale electricity prices have soared, resulting in electrical bills that have increased as much as 300 percent in the San Diego area;

(4) small business owners and people on small or fixed incomes, especially senior citizens, are particularly suffering;

(5) the crisis is so severe that the County of San Diego recently declared a financial state of emergency; and

(6) the staff of the Federal Energy Regulatory Commission (referred to in this section as the "Commission") is currently investigating the crisis and is compiling a report to be presented to the Commission not later than November 1, 2000.

(b) REPORT.—

(1) IN GENERAL.—The Commission shall—

(A) continue the investigation into the cause of the summer price spike described in subsection (a); and

(B) not later than December 1, 2000, submit to Congress a report on the results of the investigation.

(2) CONTENTS.—The report shall include—

(A) data obtained from a hearing held by the Commission in San Diego;

(B) identification of the causes of the San Diego price increases;

(C) a determination whether California wholesale electricity markets are competitive;

(D) a recommendation whether a regional price cap should be set in the Western States;

(E) a determination whether manipulation of prices has occurred at the wholesale level; and

(F) a determination of the remedies, including legislation or regulations, that are necessary to correct the problem and prevent similar incidents in California and elsewhere in the United States.

HARKIN (AND OTHERS) AMENDMENT NO. 4101

(Ordered to lie on the table.)

Mr. HARKIN (for himself, Mr. REID, and Mr. FEINGOLD) submitted an amendment intended to be proposed by them to the bill, H.R. 4733, supra; as follows:

On page 90, between lines 6 and 7, insert the following:

SEC. 320. (a) PROHIBITION ON USE OF FUNDS FOR CONSTRUCTION OF NATIONAL IGNITION FACILITY.—Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be obligated or expended for purposes of the construction of the National Ignition Facility.

(b) REDUCTION IN APPROPRIATIONS.—Notwithstanding any other provision of this Act, the amount appropriated by this title under "ATOMIC ENERGY DEFENSE ACTIVITIES" under the heading "NATIONAL NUCLEAR SECURITY ADMINISTRATION" under the subheading "WEAPONS ACTIVITIES" is hereby reduced by $74,100,000, with the amount of the reduction allocated to amounts otherwise available under that subheading for construction of the National Ignition Facility.

BAUCUS AMENDMENTS NOS. 4102–4104

(Ordered to lie on the table.)

Mr. BAUCUS submitted three amendments intended to be proposed by him to the bill, H.R. 4733, supra; as follows:

AMENDMENT NO. 4102

On page 66, between lines 11 and 12, insert the following:

SEC. 2 . RECREATION DEVELOPMENT, BUREAU OF RECLAMATION, MONTANA PROJECTS.

(a) IN GENERAL.—To provide a greater level of recreation management activities on reclamation project land and water areas within the State of Montana east of the Continental Divide (including the portion of the Yellowtail Unit of the Pick-Sloan Project located in Wyoming) necessary to meet the changing needs and expectations of the public, the Secretary of the Interior may—

(1) investigate, plan, construct, operate, and maintain public recreational facilities on land withdrawn or acquired for the projects;

(2) conserve the scenery, the natural, historic, paleontologic, and archaeologic objects, and the wildlife on the land;

(3) provide for public use and enjoyment of the land and of the water areas created by a project by such means as are consistent with but subordinate to the purposes of the project; and

(4) investigate, plan, construct, operate, and maintain facilities for the conservation of fish and wildlife resources.

(b) COSTS.—The costs (including operation and maintenance costs) of carrying out subsection (a) shall be nonreimbursable and nonreturnable under Federal reclamation law.

AMENDMENT NO. 4103

On page 66, between lines 11 and 12, insert the following:

SEC. 2 . CANYON FERRY RESERVOIR, MONTANA.

(a) APPRAISALS.—Section 1004(c)(2)(B) of title X of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681-713; 113 Stat. 1501A-307) is amended—

(1) in clause (i), by striking "be based on" and inserting "use";

(2) in clause (vi), by striking "Notwithstanding any other provision of law," and inserting "To the extent consistent with the Uniform Appraisal Standards for Federal Land Acquisition,"; and

(3) by adding at the end the following:

"(vii) APPLICABILITY.—This subparagraph shall apply to the extent that its application is practicable and consistent with the Uniform Appraisal Standards for Federal Land Acquisition.".

(b) TIMING.—Section 1004(f)(2) of title X of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681-714; 113 Stat. 1501A-308) is amended by inserting after "Act," the following: "in accordance with all applicable law,".

(c) INTEREST.—Section 1008(b) of title X of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681-717; 113 Stat. 1501A-310) is amended by striking paragraph (4).

AMENDMENT NO. 4104

On page 66, between lines 11 and 12, insert the following:

SEC. 2 . BUREAU OF RECLAMATION.

Section 2805(a) of Reclamation Recreation Management Act of 1992 (16 U.S.C. 460*l*-33(a)) is amended by adding at the ending the following:

"(3) Any person who violates any such regulation shall be fined under title 18, United States Code, imprisoned not more than 6 months, or both. Any person charged with a violation of such a regulation may be tried and sentenced by any United States magistrate judge designated for that purpose by the court by which the magistrate was appointed, in the same manner and subject to the same conditions and limitations as provided for in section 3401 of title 18, United States Code.

"(4) The Secretary may—

"(A) authorize law enforcement personnel from the Department of the Interior to act as law enforcement officers to maintain law and order and protect persons and property on Reclamation land within the State of Montana east of the Continental Divide, including the portion of the Yellowtail Unit of the Pick-Sloan Project located in Wyoming;

"(B) authorize law enforcement personnel of any other Federal agency that has law enforcement authority (with the exception of the Department of Defense) or law enforcement personnel of any State or local government, including an Indian tribe, when the Secretary determines it to be economical and in the public interest, and with the concurrence of that agency or the State or local government, to act as law enforcement officers on Reclamation land within the State of Montana east of the Continental Divide, including the portion of the Yellowtail Unit of the Pick-Sloan Project located in Wyoming, with such enforcement powers as may be so assigned to the officers by the Secretary to carry out the regulations promulgated by the Commissioner of Reclamation;

"(C) cooperate with the States of Montana and Wyoming or units of local government of the States, including an Indian tribe, in the enforcement of laws or ordinances of the State or unit of local government; and

"(D) provide reimbursement to the State or local government, including an Indian tribe, for expenditures incurred in connection with activities under subparagraph (B).

"(5) An officer or employee designated or authorized by the Secretary under paragraph (4) may—

"(A)(i) carry firearms on Reclamation land within the State of Montana east of the Continental Divide, including the portion of the Yellowtail Unit of the Pick-Sloan Project located in Wyoming; and

"(ii) make arrests without warrants for any offense against the United States committed in the officer's or employee's presence, or for any felony cognizable under the laws of the United States if—

"(I) the officer or employee has reasonable grounds to believe that the person to be arrested has committed or is committing such a felony; and

"(II) the arrests occur within the Reclamation land or the person to be arrested is fleeing from the Reclamation land to avoid arrest;

"(B) execute any warrant or other process issued by a court or officer of competent jurisdiction for the enforcement of any Federal law (including any regulation) issued pursuant to law for an offense committed on Reclamation land within the State of Montana east of the Continental Divide, including the portion of the Yellowtail Unit of the Pick-Sloan Project located in Wyoming,; and

"(C) conduct investigations of any offense against the United States committed on Reclamation land within the State of Montana east of the Continental Divide, including the portion of the Yellowtail Unit of the Pick-Sloan Project located in Wyoming, in the absence of investigation of the offense by any other Federal law enforcement agency having investigative jurisdiction over the offense committed or with the concurrence of the other agency.

"(6)(A) Except as otherwise provided in this paragraph, a law enforcement officer of any State or local government, including an Indian tribe, designated to act as a law enforcement officer under paragraph (4) shall not be deemed to be a Federal employee and shall not be subject to the laws relating to Federal employment, including laws relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal benefits.

"(B) For the purposes of chapter 171 of title 28, United States Code (commonly known as the 'Federal Tort Claims Act'), a law enforcement officer of any State or local government, including an Indian tribe, shall, when acting as a designated law enforcement officer under paragraph (4) and while under Federal supervision and control, and only when carrying out Federal law enforcement responsibilities, be considered to be a Federal employee.

"(C) For the purposes of subchapter I of chapter 81 of title 5, United States Code, relating to compensation to Federal employees for work injuries, a law enforcement officer of any State or local government, including an Indian tribe, shall, when acting as a designated law enforcement officer under paragraph (4) and while under Federal supervision and control, and only when carrying out Federal law enforcement responsibilities, be deemed to be a civil service employee of the United States within the meaning of the term 'employee' as defined in section 8101 of title 5, United States Code, and the provisions of that subchapter shall apply. Benefits under that subchapter shall be reduced by the amount of any entitlement to State or local workers' compensation benefits arising out of the injury or death.

"(7) Nothing in any of paragraphs (3) through (9) limits or restricts the investigative jurisdiction of any Federal law enforcement agency, or affects any existing right of a State or local government, including an Indian tribe, to exercise civil and criminal jurisdiction within a Reclamation project or on Reclamation land.

"(8) The law enforcement authorities provided for in this subsection may be exercised only in accordance with rules and regulations promulgated by the Secretary and approved by the Attorney General.

"(9) In this subsection, the term 'law enforcement personnel' means employees of a Federal, State, or local government agency, including an Indian tribal agency, who have successfully completed law enforcement training and are authorized to carry firearms, make arrests, and execute services of process to enforce criminal laws of their employing jurisdiction.".

DURBIN AMENDMENTS NOS. 4105–4107

(Ordered to lie on the table.)

Mr. DURBIN submitted three amendments intended to be proposed by him to the bill, H.R. 4733, supra; as follows:

AMENDMENT NO. 4105

On page 58, strike lines 6 through 13 and insert the following:

SEC. 103. MISSOURI RIVER MASTER MANUAL.

None of the funds made available by this Act may be used to make final revisions to the Missouri River Master Water Control Manual.

AMENDMENT NO. 4106

Strike section 103 and insert the following:

SEC. 103. None of the funds made available in this Act may be used to make final revisions to the Missouri River Master Water Control Manual—

(a) during fiscal year 2001;

(b) within six months of the release of the draft environmental impact statement on the manual; and

(c) when it is made known to the Federal entity or official to which the funds are made available that the National Academy of Sciences has not completed its study, Missouri River Basin: Improving the Scientific Basis for Adaptive Management, Project Identification Number: WSTB–U–99–06–A.

AMENDMENT NO. 4107

Strike section 103 and insert the following:

SEC. 103. None of the funds made available in this Act may be used to make final revisions to the Missouri River Master Water Control Manual—

(a) during fiscal year 2001;

(b) within six months of the release of the draft environmental impact statement on the manual; or

(c) when it is made known to the Federal entity or official to which the funds are made available that the National Academy of Sciences has not completed its study, Missouri River Basin: Improving the Scientific Basis for Adaptive Management, Project Identification Number: WSTB–U–99–06–A.

TORRICELLI AMENDMENTS NOS. 4108–4109

(Ordered to lie on the table.)

Mr. TORRICELLI submitted two amendments intended to be proposed by him to the bill, H.R. 4733, supra; as follows:

AMENDMENT NO. 4108

On page 58, between lines 13 and 14, insert the following:

SEC. 1 . HISTORIC AREA REMEDIATION SITE, SANDY HOOK, NEW JERSEY.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) BACKGROUND AMBIENT CONTAMINATION LEVEL.—The term "background ambient contamination level" means the level of contamination by a contaminant that is substantially equivalent to or less than the level of such contamination in biota and sediments occurring naturally in the ocean in areas that have never been affected by dumping.

(3) CONTAMINANT.—The term "contaminant" means a substance that, as determined by the Administrator, poses an unacceptable threat to human health or the environment.

(4) HISTORIC AREA REMEDIATION SITE.—The term "Historic Area Remediation Site" means the dredged material disposal area located east of Sandy Hook, New Jersey, and described in section 228.15(d)(6) of title 40, Code of Federal Regulations (as in effect on July 1, 1999).

(b) STANDARDS.—

(1) IN GENERAL.—Not later than January 1, 2001, the Administrator, in consultation with the Secretary of the Army, shall finalize and release for public review and comment the Environmental Protection Agency Region/CENAN response to the peer review concluded in October 1998 on the Framework for Evaluating Bioaccumulation Test Results for Remediation of the Historic Area Remediation Site in accordance with the New York-New Jersey Harbor Estuary Program requirements, as required under the 1996 Comprehensive Conservation Management Plan.

SEC. 1 . APPROPRIATION FOR ALTERNATIVE NONOCEAN REMEDIATION SITES.

There is appropriated, out of any money in the Treasury not otherwise appropriated, to the Secretary of the Army for fiscal year 2001, an additional amount of $8,000,000 to carry out a nonocean alternative remediation demonstration project for dredged material at the Historic Area Remediation Site.

AMENDMENT NO. 4109

On page 53, line 8, after "facilities", insert the following: ", and of which not less than $200,000 of funds made available for the Delaware River, Philadelphia to the Sea, shall be made available for the Philadelphia District of the Corps of Engineers to establish a program to allow the direct marketing of dredged material from the Delaware River Deepening Project to public agencies and private entities".

TORRICELLI (AND OTHERS) AMENDMENT NO. 4110

(Ordered to lie on the table.)

Mr. TORRICELLI (for himself, Mr. LAUTENBERG, Mr. SCHUMER, Mr. MOYNIHAN, and Mr. DODD) submitted an amendment intended to be proposed by them to the bill, H.R. 4733, supra; as follows:

At the appropriate place, insert the following:

SECTION 1. REDESIGNATION OF INTERSTATE SANITATION COMMISSION AND DISTRICT.

(a) INTERSTATE SANITATION COMMISSION.—

(1) IN GENERAL.—The district known as the "Interstate Sanitation Commission", established by article III of the Tri-State Compact described in the Resolution entitled, "A Joint Resolution granting the consent of Congress to the States of New York, New Jersey, and Connecticut to enter into a compact for the creation of the Interstate Sanitation District and the establishment of the Interstate Sanitation Commission", approved August 27, 1935 (49 Stat. 933), is redesignated as the "Interstate Environmental Commission".

(2) REFERENCES.—Any reference in a law, regulation, map, document, paper, or other record of the United States to the Interstate Sanitation Commission shall be deemed to be a reference to the Interstate Environmental Commission.

(b) INTERSTATE SANITATION DISTRICT.—

(1) IN GENERAL.—The district known as the "Interstate Sanitation District", established by article II of the Tri-State Compact described in the Resolution entitled, "A Joint Resolution granting the consent of Congress to the States of New York, New Jersey, and Connecticut to enter into a compact for the creation of the Interstate Sanitation District and the establishment of the Interstate Sanitation Commission", approved August 27, 1935 (49 Stat. 932), is redesignated as the "Interstate Environmental District".

(2) REFERENCES.—Any reference in a law, regulation, map, document, paper, or other record of the United States to the Interstate Sanitation District shall be deemed to be a reference to the Interstate Environmental District.

STEVENS AMENDMENT NO. 4111

(Ordered to lie on the table.)

Mr. DOMENICI (for Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill, H.R. 4733, supra; as follows:

On page 68, line 21 after the word "program" insert the following: "; *Provided further*, That $12,500,000 of the funds appropriated herein shall be available for Molecular Nuclear Medicine."

DASCHLE AMENDMENTS NOS. 4112–4113

(Ordered to lie on the table.)

Mr. DASCHLE submitted two amendments intended to be proposed by him to the bill (H.R. 4733), supra; as follows:

AMENDMENT NO. 4112

On page 47, line 18, before the period, insert the following: ", of which $200,000 shall be made available to carry out section 447 of the Water Resources Development Act of 1999 (113 Stat. 329)".

AMENDMENT NO. 4113

On page 67, line 4, strike "Fund:" and insert "Fund, and of which not less than $100,000 shall be made available to Western Biomass Energy LLC for an ethanol demonstration project:".

NOTICE OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Committee on Small Business will hold a hearing entitled "Slotting Fees:. Are Family Farmers Battling to Stay on the Farm and in the Grocery Store?" The hearing will be held on Tuesday, September 14, 2000, 1:00 p.m. 628 Dirksen Senate Office Building.

The hearing will be broadcast live over the Internet from our homepage address: http://www.senate.gov/sbc

For further information, please contact David Bohley at 224–5175.

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources.

The hearing will take place on Wednesday, September 13, 2000 at 2:15 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to receive testimony on S. 2873, a bill to provide for all right, title, and interest in and to certain property in Washington County, Utah, to be vested in the United States; H.R. 3676, a bill to establish the Santa Rosa and San Jacinto Mountains National Monument in the State of California; and its companion S. 2784, a bill entitled "Santa Rosa and San Jacinto Mountains National Monument Act of 2000; S. 2865, a bill to designate certain land of the National Forest System located in the State of Virginia as wilderness; S. 2956 and its companion bill, H.R. 4275, a bill to establish the Colorado Canyons National Conservation Area and the Black Ridge Canyons Wilderness, and for other purposes, and S. 2977, a bill to assist in the establishment of an interpretive center and museum in the vicinity of the Diamond Valley Lake in southern California to ensure the protection and interpretation of the paleontology discoveries made at the lake and to develop a trail system for the lake for use by pedestrians and nonmotorized vehicles.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Mike Menge at (202) 224–6170.

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources. The purpose of this hearing is to receive testimony on S. 2749, a bill to establish the California Trail Interpretive Center in Elko, Nevada, to facilitate the interpretation of the history of development and use of trails in the settling of the western portion of the United States; S. 2885, a bill to establish the Jamestown 400th Commemoration Commission, and for other purposes; S. 2950, a bill to authorize the Secretary of the interior to establish the Sand Creek Massacre National Historic Site in the State of Colorado; S. 2959, a bill to amend the Dayton Aviation Heritage Preservation Act of 1992, and for other purposes; and S. 3000, a bill to authorize the exchange of land between the Secretary of the Interior and the Director of the Central Intelligence Agency at the George Washington Memorial Parkway in McLean, Virginia and for other purposes.

The hearing will take place on Thursday, September 14, 2000 at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, D.C.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD–364 Dirksen Senate Office Building, Washington, D.C. 20510–6150.

For further information, please contact Jim O'Toole or Kevin Clark of the Committee staff at (202) 224–6969.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, September 6, 2000 at 9:30 a.m., in open session to consider the nominations of Lieutenant General Peter Pace, USMC for appointment to the grade of general and to be commander-in-chief, United States Southern Command; Lieutenant General Charles R. Holland, USAF for appointment to the grade of general and to be commander-in-chief, United States Special Operations Command; and Major General Robert B. Flowers, USA for appointment to the grade of lieutenant general and to be the Chief of Engineers, United States Army.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, September 6, 2000, for an Oversight Hearing on Upper Payment Limits: Federal Medicaid Spending for Non-Medicaid Purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIVES

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 6, 2000, at 10:30 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. GORTON. Mr. President, I ask unanimous that the Committee on Indian Affairs be authorized to meet on Wednesday, September 6, 2000 at 9:30 a.m. in room 485 of the Russell Senate Building to mark up S. 611, the Indian Federal Recognition Administrative Procedures Act and S. 2282, Native American Agricultural Research and Export Enhancement Act of 2000 to be followed by a hearing on S. 2580, a bill to provide for the issuance of bonds to provide funding for construction of Indian schools.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, September 6, 2000, at 10:00 a.m., in Dirksen 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Administrative Oversight and the Courts be authorized to meet to conduct a hearing on Wednesday, September 6, 2000 at 2:00 p.m., in SD226.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Peter Washburn and Dan Utech, fellows on the Environment and Public Works Committee, be granted floor privileges during consideration of H.R. 4733.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I further ask unanimous consent, on behalf of Senator BINGAMAN, that two fellows in his personal office, Dan Alpert and John Jennings, be allowed privileges of the Senate floor while the energy and water appropriations bill is the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 106–45

Mr. CRAIG. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following convention transmitted to the Senate on September 6, 2000, by the President of the United States:

Convention for International Carriage by Air, Treaty Document No. 106–45.

I also ask that the convention be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith, for Senate advice and consent to ratification, the Convention for the Unification of Certain Rules for International Carriage by Air, done at Montreal May 28, 1999 (the "Convention"). The report of the Department of State, including an article-by-article analysis, is enclosed for the information of the Senate in connection with its consideration of the Convention.

I invite favorable consideration of the recommendation of the Secretary of State, as contained in the report provided herewith, that the Senate's advice and consent to the Convention be subject to a declaration on behalf of the United States, pursuant to Article 57(a) of the Convention, that the convention shall not apply to international carriage by air performed and operated directly by the United States for noncommercial purposes in respect to its functions and duties as a sovereign State. Such a declaration is consistent with the declaration made by the United States under the Convention for the Unification of Certain Rules Relating to International Carriage by Air, done at Warsaw October 12, 1929, as amended (the "Warsaw Convention") and is specifically permitted by the terms of the new Convention.

Upon entry into force for the United States, the Convention, where applicable, would supersede the Warsaw Convention, as amended by the Protocol to Amend the Warsaw Convention, done at Montreal September 25, 1975 ("Montreal Protocol No. 4"), which entered into force for the United States on March 4, 1999. The Convention represents a vast improvement over the liability regime established under the Warsaw Convention and its related instruments, relative to passenger rights in the event of an accident. Among other benefits, the Convention eliminates the cap on carrier liability to accident victims; holds carriers strictly liable for proven damages up to 100,000 Special Drawing Rights (approximately $135,000) (Special Drawing Rights represent an artificial 'basket' currency developed by the International Monetary Fund for internal accounting purposes to replace gold as a world standard); provides for U.S. jurisdiction for most claims brought on behalf of U.S. passengers; clarifies the duties and obligations of carriers engaged in codeshare operations; and, with respect to cargo, preserves all of the significant advances achieved by Montreal Protocol No. 4.

I recommend that the Senate give early and favorable consideration to this Convention and that the Senate give its advice and consent to ratification, subject to a declaration that the Convention shall not apply to international carriage by U.S. State aircraft, as provided for in the Convention.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 6, 2000.*

ORDER OF PROCEDURE—S. 1608

Mr. BOND. Mr. President, I ask unanimous consent that the vitiation order with respect to the agreement for consideration of S. 1608 be extended until 12 noon on Friday.

The PRESIDING OFFICER. Without objection, it is so ordered.

GALVESTON HURRICANE NATIONAL REMEMBRANCE DAY

Mr. BOND. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Con. Res. 134, submitted earlier today by Senators HUTCHISON and GRAMM.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 134) designating September 8, 2000, as Galveston Hurricane National Remembrance Day.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. BOND. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this concurrent resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 134) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. CON. RES. 134

Whereas September 8, 2000 marks the 100th anniversary of the hurricane that struck Galveston, Texas on September 8, 1900, the deadliest natural disaster in United States history;

Whereas an estimated 6,000 people died in a few hours in this thriving port of 37,000, dubbed the "Wall Street of the West" at the dawn of the 20th century;

Whereas vast waves, surging flood waters, and powerful winds of more than 120 miles an hour overtook the town, in an era without radar, satellites, or modern radio, making off-shore hurricanes difficult to track;

Whereas the residents of Galveston island showed much courage and sacrifice during the tempest, exemplified by 10 nuns who lost their lives along with the 90 children they were trying to save at St. Mary's Orphanage on the beach;

Whereas Galveston never lost her resilient spirit, built a sturdy 17-foot sea wall that staved off other fierce hurricanes, pumped in millions of tons of sand from the Gulf of Mexico in order to raise the level of the city and its buildings to a safer height, and became a beautiful and prosperous town yet again;

Whereas the city of Galveston is this year holding a ceremony commemorating the hurricane, launching educational efforts, and celebrating the rebirth of Galveston after the storm; and

Whereas our Nation, which benefits from modern weather technology and the lessons learned from the Galveston tragedy, should never cease to improve hurricane forecasting and make life safer and more secure along our coasts: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) September 8, 2000 is designated as Galveston Hurricane National Remembrance Day; and

(2) the President is authorized and requested to issue a proclamation in memory of the thousands of Galvestonians and other Americans who lost their lives in the devastating hurricane of 1900 and the survivors who rebuilt Galveston.

ORDERS FOR THURSDAY, SEPTEMBER 7, 2000

Mr. BOND. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Thursday, September 7. I further ask consent that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume debate on the Daschle motion regarding the Missouri River, with 10 minutes equally divided in the usual form prior to a vote on or in relation to the motion.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BOND. When the Senate convenes at 9:30 a.m., there will be 10 minutes remaining for closing remarks with respect to the motion to strike the Missouri River provision contained in the energy and water appropriations bill. Immediately following that vote, a vote will occur on the motion to proceed to the China PNTR legislation. Therefore, two back-to-back votes will occur at approximately 9:40 a.m. Following those two votes, the Senate will consider the China PNTR bill. It is hoped that agreements can be reached on various amendments to the bill and, therefore, votes can be expected to occur throughout the day.

As a reminder, the filing deadline for all first-degree amendments to the energy and water appropriations bill was 6:30 this evening. As a further reminder, the Senate will continue to consider the China trade bill and the energy and water appropriations bill on a dual track for the remainder of the week, with votes expected throughout each day.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BOND. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:23 p.m., adjourned until Thursday, September 7, 2000, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 6, 2000:

DEPARTMENT OF STATE

JOSEPH R. BIDEN, JR., OF DELAWARE, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-FIFTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

ROD GRAMS, OF MINNESOTA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-FIFTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN H. CAMPBELL, 2822

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. BRADFORD C. BRIGHTMAN, 2206

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. H. DOUGLAS ROBERTSON, 1652

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS VICE CHIEF OF NAVAL OPERATIONS, UNITED STATES NAVY, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5035:

To be admiral

VICE ADM. WILLIAM J. FALLON, 0304

IN THE AIR FORCE

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

WARREN S. SILBERMAN, 1962

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 624:

To be colonel

MERRITT M. SMITH, 4603

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JAMES M. DAVIS, 5776
JEFFREY D. DOW, 8241
DAVID P. ROLANDO, 0593
LANNEAU H. SIEGLING, 5766

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 628:

To be major

JOHN ESPINOSA, 7231

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

RANDALL J. BIGELOW, 1959

HOUSE OF REPRESENTATIVES—*Wednesday, September 6, 2000*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mrs. BIGGERT).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 6, 2000.

I hereby appoint the Honorable JUDY BIGGERT to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God of covenant love, You provide us wisdom for our lives; You empower us to live out our commitments to others. As we enter into legislative session today, You welcome us into Your presence.

May the families and local districts we leave to assemble once again as the 106th Congress be blessed and protected by You.

May our personal relationships with them be secured and our common life be enriched by the work and intentions that bring us to public service.

Help this government to enact laws that respect the right of parents and protect children. Guide this Congress and all local communities to create homes and neighborhoods where trust and creative deeds may flourish.

Fix us on the course of justice and shape our future by solid information and quality education. Let truth be our guide and secure peace our gift to families and the world, now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Pennsylvania (Mr. PITTS) come forward and lead the House in the Pledge of Allegiance.

Mr. PITTS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 820. An act to authorize appropriations for fiscal years 2000 and 2001 for the Coast Guard, and for other purposes.

H.R. 3244. An act to combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions, in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 820) "An Act to authorize appropriations for fiscal years 2000 and 2001 for the Coast Guard, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MCCAIN, Mr. STEVENS, Ms. SNOWE, Mr. HOLLINGS, and Mr. KERRY, to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 3244) "An Act to combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions, in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints from the—

Committee on the Judiciary: Mr. HATCH, Mr. THURMOND, and Mr. LEAHY; and

Committee on Foreign Relations: Mr. HELMS, Mr. BROWNBACK, Mr. BIDEN, and Mr. WELLSTONE; to be the conferees on the part of the Senate.

The message also announced that the Senate has passed bills, a joint resolution and concurrent resolutions of the following titles in which the concurrence of the House is requested:

S. 610. An act to direct the Secretary of the Interior to convey certain land under the jurisdiction of the Bureau of Land Management in Washakie County and Big Horn County, Wyoming, to the Westside Irrigation District, Wyoming, and for other purposes.

S. 1894. An act to provide for the conveyance of certain land to Park County, Wyoming.

S. 1936. An act to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other National Forest System land in the State of Oregon and use the proceeds derived from the sale or exchange for National Forest System purposes.

S. 2020. An act to adjust the boundary of the Natchez Trace Parkway, Mississippi, and for other purposes.

S. 2279. An act to authorize the addition of land to Sequoia National Park, and for other purposes.

S. 2352. An act to amend the Wild and Scenic Rivers Act to designate the Wekiva River and its tributaries of Wekiwa Springs Run, Rock Springs Run, and Black Water Creek in the State of Florida as components of the National Wild and Scenic Rivers System.

S. 2386. An act to authorize the United States Postal Service to issue semipostals, and for other purposes.

S. 2421. An act to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing an Upper Housatonic Valley National Heritage Area in Connecticut and Massachusetts.

S. 2998. An act to designate a fellowship program of the Peace Corps promoting the work of returning Peace Corps volunteers in underserved American communities as the "Paul D. Coverdell Fellows Program".

S.J. Res. 48. Joint resolution calling upon the President to issue a proclamation recognizing the 25th anniversary of the Helsinki Final Act.

S. Con. Res. 53. Concurrent resolution condemning all prejudice against individuals of Asian and Pacific Island ancestry in the United States.

S. Con. Res. 133. Concurrent resolution to correct the enrollment of S. 1809.

The message also announced that pursuant to Public Law 105–134, the Chair, on behalf of the Republican Leader, announces the appointment made during the adjournment, of Nancy Rutlege Connery, of Maine, to serve as a member of the Amtrak Reform Council, vice Joseph Vranich, of Pennsylvania, effective July 28, 2000.

The message also announced that pursuant to Public Law 99–498, the Chair, on behalf of the President pro tempore, reappoints Charles Terrell, of Massachusetts, to the Advisory Committee on Student Financial Assistance for a three-year term beginning October 1, 2000, made during the adjournment, effective July 28, 2000.

The message also announced that pursuant to Public Law 106–173, the Chair, on behalf of the Majority Leader, announces the appointment of Frank J. Williams, of Rhode Island, to the Abraham Lincoln Bicentennial Commission, made during the adjournment, effective August 24, 2000.

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 28, 2000.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted to Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on July 28, 2000 at 9:35 a.m.

That the Senate passed without amendment H.R. 1749; that the Senate passed without amendment H.R. 1982; that the Senate passed without amendment H.R. 3291; that the Senate agreed to House amendments to Senate amendments for H.R. 4040.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to clause 4 of Rule I, Speaker pro tempore MORELLA signed the following enrolled bills on Saturday, July 29, 2000:

H.R. 1749, to designate Wilson Creek in Avery and Caldwell Counties, North Carolina, as a component of the National Wild and Scenic Rivers System;

H.R. 1982, to name the Department of Veterans Affairs outpatient clinic in Rome, New York, as the "Donald J. Mitchell Department of Veterans Affairs Outpatient Clinic";

H.R. 3291, to provide for the settlement of the water rights claims of the Shivwits Band of the Paiute Indian Tribe of Utah, and for other purposes;

S. 2869, an act to protect religious liberty, and for other purposes;

The following enrolled bills on Monday, August 7, 2000:

H.R. 1167, to amend the Indian Self-Determination and Education Assistance Act to provide for further self-governance by Indian tribes, and for our purposes;

H.R. 3519, to provide for negotiations for the creation of a trust fund to be administered by the International Bank for Reconstruction and Development or the International Development Association to combat the AIDS epidemic;

The following enrolled bill on Friday, August 18, 2000:

H.R. 4040, to amend Title 5, United States Code, to provide for the establishment of a program under which long-term care insurance is made available to Federal employees, members of the uniformed services, and civilian and military retirees, provide for the correction of retirement coverage errors under chapters 83 and 84 of such title, and for other purposes.

And Speaker pro tempore GILCHREST signed the following enrolled bill on Wednesday, August 23, 2000:

H.R. 8, to amend the Internal Revenue Code of 1986 to phase out the estate and gift taxes over a 10-year period.

APPOINTMENT AS MEMBERS TO PARENTS ADVISORY COUNCIL ON DRUG ABUSE

The SPEAKER pro tempore. Pursuant to sections 710(a)(2) of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1709) and the order of the House of Thursday, July 27, 2000, the Speaker, on Tuesday, August 15, 2000, appointed the following members from the private sector to the Parents Advisory Council on Youth Drug Abuse on the part of the House:

Ms. Judith Kreamer, Naperville, Illinois, to a three-year term;

Ms. Modesta Martinez, Bensenville, Illinois, to a two-year term;

And Mr. Richard F. James, Columbus, Ohio, to a one-year term.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Transportation and Infrastructure; which was read and, without objection, referred to the Committee on Appropriations:

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES,
Washington, DC, July 26, 2000.

Hon. J. DENNIS HASTERT,
Speaker of the House,
Washington, DC.

DEAR MR. SPEAKER: Enclosed are copies of resolutions adopted on July 26, 2000 by the Committee on Transportation and Infrastructure. Copies of the resolutions are being transmitted to the Department of the Army.

With kind regards, I am

Sincerely,

BUD SHUSTER,
Chairman.

Enclosures.

DOCKET 2648: CROSS LAKE, LOUISIANA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Red River Basin, Arkansas and Louisiana, Comprehensive Study published as House Report 98-217, with a view to determine the feasibility of measures relating to water supply, flood damage reduction, and recreation at Cross Lake, Louisiana, at this time.

Adopted: July 26, 2000.

DOCKET 2649: OCKLAWAHA RIVER BASIN, FLORIDA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Four River Basins, Florida, published as House Document 585, 87th Congress and other pertinent reports, with a view to determine the feasibility of measures related to comprehensive watershed planning for water conservation, water supply, flood control, environmental restoration and protection, and other water resource related problems in the Apopka/Palatkaha Basins and the Upper Ocklawaha River Basin south of the Silver River.

Adopted: July 26, 2000.

DOCKET 2650: FORT DODGE, IOWA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Des Moines River Basin, Iowa and Minnesota, published as House Document 146, 96th Congress, 1st Session, and other pertinent reports, to determine whether any modifications of the recommendations contained therein are advisable in the interest of flood damage reduction and environmental restoration and protection of the Des Moines River at Fort Dodge, Iowa.

Adopted: July 26, 2000.

DOCKET 2651: CORPUS CHRISTI SHIP CHANNEL, TEXAS

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Corpus Christi Ship Channel, Texas, published as House Document 99, 90th Congress, 2nd Session, and a view to determine whether any modifications are advisable at the present time with particular reference to providing improvements to the Corpus Christi Ship Channel, Texas, in the interest of shoreline protection, storm damage reduction, environmental restoration and protection, and other allied purposes.

Adopted: July 26, 2000.

DOCKET 2652: PORTLAND HARBOR, MAINE

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Portland Harbor, Maine, published as House Document 216, 87th Congress, 1st Session, and House Document 510, 79th Congress, 2nd Session, and other pertinent reports with a view to determine whether modifications of the recommendations contained therein are advisable in the interest of navigation and other allied purposes, including the advisability of deepening the existing 45-foot harbor channel and 35-foot Fore River channel and turning basin.

Adopted: July 26, 2000.

DOCKET 2653: SEARSPORT HARBOR, MAINE

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on Searsport Harbor, Maine, published as House Document 500, 87th Congress, 2nd Session, and other pertinent reports, with a view to determine whether modifications of the recommendations contained therein are advisable in the interest of navigation, including the advisability of deepening the existing 35-foot channel and turning basin.

Adopted: July 26, 2000.

Docket 2654: Kihei Area Shoreline, Maui, Hawaii

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army in accordance with Section 110 of the River and Harbor Act of 1962, is requested to review the feasibility of providing beach restoration and shoreline protection in the vicinity of Kihei on the Island of Maui, Hawaii.

Adopted: July 26, 2000.

Docket 2655: Brownsville Ship Channel, Texas

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army, shall review the report of the Chief of Engineers for the Brazos Island Harbor, Texas, published as House Document 428, 86th Congress, 2nd Session, and other pertinent reports to determine the feasibility of providing navigation improvements to the Brownsville Ship Channel associated with the Brownsville Deepwater Container Port.

Adopted: July 26, 2000.

There was no objection.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Transportation and Infrastructure; which was read and, without objection, referred to the Committee on Appropriations:

Committee on Transportation and Infrastructure, House of Representatives,
Washington, DC, July 26, 2000.

Hon. J. Dennis Hastert,
Speaker: House of Representatives,
Washington, DC.

Dear Mr. Speaker: Enclosed please find copies of resolutions approved by the Committee on Transportation and Infrastructure on July 26, 2000, in accordance with 40 U.S.C. §606.

With warm regards, I remain

Sincerely,

Bud Shuster,
Chairman.

Enclosures.

Lease: Internal Revenue Service, San Francisco, CA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to section 7 of the Public Buildings Act of 1959, (40 U.S.C. §606), appropriations are authorized to lease up to approximately 93,000 rentable square feet of space and 7 parking spaces for the Internal Revenue Service currently located at 1650 Mission Street, San Francisco, CA, at a proposed total annual cost of $1,732,000 for a lease term of three years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Provided further, That the General Services Administration shall report to the Committee on Transportation and Infrastructure on the course of action taken to meet the long-term space needs for the Internal Revenue Service.

Bud Shuster,
Chairman.

July 26, 2000.

Amendment: United States Courthouse, Kansas City, Missouri

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to section 7 of the Public Buildings Act of 1959, (40 U.S.C. §606), appropriations are authorized for the design and review for the repair and alteration of the existing vacated United States courthouse located at 811 Grand, Kansas City, Missouri at a design cost of $4,304,000. This resolution amends the Committee resolution of February 5, 1992, which authorized construction of a new courthouse in Kansas City, Missouri at a total estimated cost of $114,476,000.

Bud Shuster,
Chairman.

July 26, 2000.

National Institutes of Health: Bayview Campus, Baltimore, Maryland

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to Section 11(b) of the Public Buildings Act of 1959, (40 U.S.C. §610), the Administrator of General Services shall investigate the feasibility and need to construct, lease, or acquire a facility to house the National Institutes of Health Research Center, Bayview Campus of Johns Hopkins University, Baltimore, Maryland. The analysis shall include a full and complete evaluation including, but not limited to: (i) the identification and cost of potential sites and (ii) 30 year present value evaluations of all options; including lease, purchase, and Federal construction, and the purchase options of lease with an option to purchase or purchase contract. The Administrator shall submit a report to Congress within 20 days.

Bud Shuster,
Chairman.

July 26, 2000.

Additional Design: United States Post Office—Courthouse, Little Rock, Arkansas

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to Section 7 of the Public Buildings Act of 1959, (40 U.S.C. §606), appropriations are authorized for additional design for the construction of a 132,003 gross square foot addition, including 55 inside parking spaces, and construction of alterations to the existing United States Post Office—Courthouse located at 600 Capitol Street in Little Rock, Arkansas, at an additional design and review cost of $1,820,000, a prospectus for which is attached to, and included in, this resolution.

Provided, That any design shall, to the maximum extent possible incorporate shared or collegial space, consistent with efficient court operations that will minimize the size and cost of the building to be constructed.

Provided further, That any design shall incorporate changes in the 1997 United States Courts Design Guide, including the implementation of a policy on shared courtrooms.

Bud Shuster,
Chairman.

July 26, 2000.

Site and Design: United States Courthouse, Los Angeles, California

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to Section 7 of the Public Buildings Act of 1959, (40 U.S.C. §606), appropriations are authorized for acquisition of a site and the design for the construction of a 1,016,300 gross square foot United States courthouse, including 150 inside parking spaces, located in Los Angeles, California, at a site cost of $20,600,000 and design and review cost of $14,650,000, for a combined cost of $35,250,000, a prospectus for which is attached to, and included in, this resolution.

Provided, That any design shall, to the maximum extent possible incorporate shared or collegial space, consistent with efficient court operations that will minimize the size and cost of the building to be constructed.

Provided further, That the design shall recognize the need for courtrooms to be available to fulfill judicial responsibility and to serve the public by disposing of cases in a fair and expeditious manner, and in so doing the facility shall, to the maximum extent possible utilize the 1,016,300 square feet of space for a stand alone courthouse with sufficient courtrooms to maximize operational efficiencies and enhance security.

Provided further, That the Committee expects the General Services Administration, in consultation with the Administrative Office of the United States Courts, to design for, and configure for maximum utilization, a courtroom sharing model for the courts in Los Angeles, California, ensuring, to the maximum extent practicable, continued use of all existing courtrooms in the Roybal Federal Building for judicial proceedings.

Bud Shuster,
Chairman.

July 26, 2000.

Construction: E. Barrett Prettyman United States Courthouse, Washington, D.C.

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to Section 7 of the Public Buildings Act of 1959, (40 U.S.C. §606), appropriations are authorized for the construction of a 327,600 square foot annex building and for renovations to the existing courthouse, including 250 parking spaces, for the E. Barrett Prettyman United States Courthouse located in Washington, D.C., at an additional design cost of $563,000, management and inspection cost of $4,583,000, estimated construction cost for the annex of $75,665,000, and estimated construction cost for renovations to the existing courthouse of $28,687,000 for a combined cost of $109,498,000, a modified prospectus for which is attached to, and included in, this resolution.

Provided, That the construction of this project does not exceed construction benchmarks as established by the General Services Administration.

Bud Shuster,
Chairman.

July 26, 2000.

Construction: United States Courthouse, Gulfport, Mississippi

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to Section 7 of the Public Buildings Act of 1959, (40 U.S.C. §606), appropriations are authorized for the construction of a 219,897 gross square foot

United States courthouse, including 50 inside parking spaces, located in Biloxi/Gulfport, Mississippi, at an additional site cost of $3,633,000, management and inspection cost of $3,078,000, and estimated construction cost of $38,137,000 for a combined cost of $44,848,000, a prospectus for which is attached to, and included in, this resolution.

Provided, That the construction of this project does not exceed construction benchmarks as established by the General Services Administration.

Bud Shuster,
Chairman.

July 26, 2000.

Site and Design: United States Courthouse, Richmond, Virginia

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to Section 7 of the Public Buildings Act of 1959, (40 U.S.C. §606), appropriations are authorized for acquisition of a site and the design for the construction of a 259,688 gross square foot United States courthouse, including 64 inside parking spaces, located in Richmond, Virginia, at a site cost of $15,500,000 and design and review cost of $3,976,000, for a combined cost of $19,476,000, a prospectus for which is attached to, and included in, this resolution.

Provided, That any design shall, to the maximum extent possible incorporate shared or collegial space, consistent with efficient court operations that will minimize the size and cost of the building to be constructed.

Provided further, That any design shall incorporate changes in the 1997 United States Courts Design Guide, including the implementation of a policy on shared courtrooms.

Bud Shuster,
Chairman.

July 26, 2000.

Construction: United States Courthouse, Seattle, Washington

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to Section 7 of the Public Buildings Act of 1959, (40 U.S.C. §606), appropriations are authorized for the construction of a 634,763 gross square foot United States courthouse, including 180 inside parking spaces, located in Seattle, Washington, at an additional site cost of $9,216,000, at an additional design cost of $3,110,000, a management and inspection cost of $5,708,000, and estimated construction cost of $173,657,000 for a combined cost of $191,691,000, a prospectus for which is attached to, and included in, this resolution.

Provided, That the construction of this project does not exceed construction benchmarks as established by the General Services Administration.

Bud Shuster,
Chairman.

July 26, 2000.

Site and Design: United States Courthouse, Mobile, Alabama

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to Section 7 of the Public Buildings Act of 1959, (40 U.S.C. §606), appropriations are authorized for acquisition of a site and the design for the construction of a 305,361 gross square foot United States courthouse, including 50 inside parking spaces, located in Mobile, Alabama, at a site cost of $2,895,000 and design and review cost of $4,642,000, for a combined cost of $7,537,000, a prospectus for which is attached to, and included in, this resolution.

Provided, That any design shall, to the maximum extent possible incorporate shared or collegial space, consistent with efficient court operations that will minimize the size and cost of the building to be constructed.

Provided further, That any design shall incorporate changes in the 1997 United States Courts Design Guide, including the implementation of a policy on shared courtrooms.

Bud Shuster,
Chairman.

July 26, 2000.

Site and Design: Federal Building—United States Courthouse, Cedar Rapids, Iowa

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to Section 7 of the Public Buildings Act of 1959, (40 U.S.C. §606), appropriations are authorized for acquisition of a site and the design for the construction of a 246,187 gross square foot United States courthouse, including 40 inside parking spaces and 79 outside parking spaces, located in Cedar Rapids, Iowa, at a site cost of $9,785,000 and review cost of $3,689,000, for a combined cost of $13,474,000, a prospectus for which is attached to, and included in, this resolution.

Provided, That any design shall, to the maximum extent possible incorporate shared or collegial space, consistent with efficient court operations that will minimize the size and cost of the building to be constructed.

Provided further, That any design shall incorporate changes in the 1997 United States Courts Design Guide, including the implementation of a policy on shared courtrooms.

Bud Shuster,
Chairman.

July 26, 2000.

Site and Design: United States Courthouse, Rockford, Illinois

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to Section 7 of the Public Buildings Act of 1959, (40 U.S.C. §606), appropriations are authorized for acquisition of a site and the design for the construction of a 129,800 gross square foot United States courthouse, including 33 inside parking spaces and 100 outside parking spaces, located in Rockford, Illinois, at a site cost of $618,000 and design and review cost of $2,219,000, for a combined cost of $2,837,000, a prospectus for which is attached to, and included in, this resolution.

Provided, That any design shall, to the maximum extent possible incorporate shared or collegial space, consistent with efficient court operations that will minimize the size and cost of the building to be constructed.

Provided further, That any design shall incorporate changes in the 1997 United States Courts Design Guide, including the implementation of a policy on shared courtrooms.

Bud Shuster,
Chairman.

July 26, 2000.

Design: United States Courthouse, Las Cruces, New Mexico

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to Section 7 of the Public Buildings Act of 1959, (40 U.S.C. §606), appropriations are authorized in the amount of $3,040,000 for the design of a 197,577 gross square foot United States courthouse, on government owned land, including 70 inside parking spaces, located in Las Cruces, New Mexico, a prospectus for which is attached to, and included in, this resolution.

Provided, That any design shall, to the maximum extent possible incorporate shared or collegial space, consistent with efficient court operations that will minimize the size and cost of the building to be constructed.

Provided further, That any design shall incorporate changes in the 1997 United States Courts Design Guide, including the implementation of a policy on shared courtrooms.

Bud Shuster,
Chairman.

July 26, 2000.

Site and Design: United States Courthouse, Buffalo, New York

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to Section 7 of the Public Buildings Act of 1959, (40 U.S.C. §606), appropriations are authorized for acquisition of a site and the design for the construction of a 153,296 gross square foot United States courthouse annex, including 40 inside parking spaces, located in Buffalo, New York, at a site cost of $1,030,000 and design and review cost of $2,569,000, for a combined cost of $3,599,000, a prospectus for which is attached to, and included in, this resolution.

Provided, That any design shall, to the maximum extent possible incorporate shared or collegial space, consistent with efficient court operations that will minimize the size and cost of the building to be constructed.

Provided further, That any design shall incorporate changes in the 1997 United States Courts Design Guide, including the implementation of a policy on shared courtrooms.

Bud Shuster,
Chairman.

July 26, 2000.

Site and Design: United States Courthouse, Nashville, Tennessee

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to Section 7 of the Public Buildings Act of 1959, (40 U.S.C. §606), appropriations are authorized for acquisition of a site and the design for the construction of a 310,294 gross square foot United States courthouse, including 169 inside parking spaces, located in Nashville, Tennessee, at a site cost of $9,076,000 and design and review cost of $4,335,000, for a combined cost of $13,411,000, a prospectus for which is attached to, and included in, this resolution.

Provided, That any design shall, to the maximum extent possible incorporate shared or collegial space, consistent with efficient court operations that will minimize the size and cost of the building to be constructed.

Provided further, That any design shall incorporate changes in the 1997 United States Courts Design Guide, including the implementation of a policy on shared courtrooms.

Bud Shuster,
Chairman.

July 26, 2000.

Site and Design: United States Courthouse, El Paso, Texas

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to Section 7 of the Public Buildings Act of 1959, (40 U.S.C. §606), appropriations are authorized for acquisition of a site and the design for the construction of a 221,613 gross square foot United States courthouse, including 60 inside parking spaces, located in El Paso, Texas, at a site cost of $4,120,000 and design and review cost of $4,353,000, for a combined cost of

$8,473,000, a prospectus for which is attached to, and included in, this resolution.

Provided, That any design shall, to the maximum extent possible incorporate shared or collegial space, consistent with efficient court operations that will minimize the size and cost of the building to be constructed.

Provided further, That any design shall incorporate changes in the 1997 United States Courts Design Guide, including the implementation of a policy on shared courtrooms.

BUD SHUSTER,
Chairman.

July 26, 2000.

SITE AND DESIGN: UNITED STATES COURTHOUSE, NORFOLK, VIRGINIA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to Section 7 of the Public Buildings Act of 1959, (40 U.S.C. §606), appropriations are authorized for acquisition of a site and the design for the alteration of the existing courthouse and construction of an annex for a 399,394 gross square foot United States courthouse, including 47 inside parking spaces, located in Norfolk, Virginia, at a site cost and utility relocation of $5,787,000 and design and review cost of $4,806,000, for a combined cost of $10,593,000, a prospectus for which is attached to, and included in, this resolution.

Provided, That any design shall, to the maximum extent possible incorporate shared or collegial space, consistent with efficient court operations that will minimize the size and cost of the building to be constructed.

Provided further, That any design shall incorporate changes in the 1997 United States Courts Design Guide, including the implementation of a policy on shared courtrooms.

BUD SHUSTER,
Chairman.

July 26, 2000.

CONSTRUCTION: UNITED STATES COURTHOUSE, ERIE, PENNSYLVANIA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to Section 7 of the Public Buildings Act of 1959, (40 U.S.C. §606), appropriations are authorized for the alteration of the existing courthouse and construction of an annex for a 134,794 gross square foot United States courthouse complex, including 18 inside parking spaces, located in Erie, Pennsylvania, at an additional design cost of $121,000, a management and inspection cost of $1,764,000, and estimated construction cost of $25,084,000 for a combined cost of $26,969,000, a prospectus for which is attached to, and included, in this resolution.

Provided, That the construction of this project does not exceed construction benchmarks as established by the General Services Administration.

BUD SHUSTER,
Chairman.

July 26, 2000.

CONSTRUCTION: UNITED STATES COURTHOUSE, FRESNO, CALIFORNIA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to Section 7 of the Public Buildings Act of 1959, (40 U.S.C. §606), appropriations are authorized for the construction of a 428,376 gross square foot United States courthouse including 112 inside parking spaces, located in Fresno, California, at an additional design cost of $820,000, at a management and inspection cost of $4,596,000, and estimated construction cost of $107,141,000 for a combined cost of $112,557,000, a prospectus for which is attached to, and included in, this resolution.

Provided, That the construction of this project does not exceed construction benchmarks as established by the General Services Administration.

BUD SHUSTER,
Chairman.

July 26, 2000.

There was no objection.

NEVADA'S PRESCRIPTION DRUG PLAN WILL WORK

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Madam Speaker, last week Vice President GORE criticized the State of Nevada for its innovative prescription drug plan for seniors.

Mr. GORE said it would not work. Mr. GORE said it was a complete failure. He also said insurance companies would not participate.

Well, Mr. Speaker, I rise today to respectfully say that Mr. GORE's statements about Nevada's prescription drug plan were false and misleading, and Mr. GORE should apologize to the hard-working people of Nevada.

At least five insurance companies have asked to serve as the vendor for the State's program. The State of Nevada will provide the selected insurance company with help and, in turn, Nevada's low-income seniors will truly benefit from reduced prescription costs, starting next year.

Providing an insurance-based prescription drug benefit can work and Nevada is leading the way. It is time to get Washington, D.C. out of the medicine cabinets of American seniors. It is time to follow Nevada's lead and provide a voluntary, flexible, and affordable prescription drug plan under Medicare.

INDONESIAN MILITIAS KILL U.N. STAFF IN WEST TIMOR

(Mr. MCGOVERN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCGOVERN. Madam Speaker, in 1999, militias, armed and supported by the Indonesian military, rampaged through East Timor because the people of East Timor voted for freedom and independence.

One year later, the militias are on the rampage again. Today, pro-Indonesia militias killed at least three United Nations refugee workers in West Timor.

Over 100,000 refugees from East Timor remain trapped in squalid refugee camps in West Timor, under the control of the militias. These U.N. workers were providing much-needed relief to these refugees.

Let me tell my colleagues how they died. A mob of thousands of militiamen, wielding machetes and rifles stormed the U.N. headquarters in West Timor. The militias stabbed their victims to death, dragged their bodies into the street, and then set them on fire.

President Clinton must condemn these brutal murders and demand the Indonesian government disarm and disband the militias and ensure the safe return of the refugees to East Timor.

Finally, the United States must maintain the suspension of all U.S. military aid and relations with the Indonesian military until this has been accomplished.

The murder and mayhem in West Timor must stop today.

THE FIRST CONGRESS OPENED WITH PRAYER

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, on this day, September 6, 1774, 226 years ago, the first Congress assembled in Philadelphia. According to the Records of Congress, Congress established two important precedents on that day. First, rules of governing its procedures; and, second, it decided to open its sessions with prayer.

John Adams provided the details on that second decision, reporting that "When Congress first met, Mr. Cushing made a motion that it should be opened in prayer. It was opposed by one or two, because we were so divided in religious sentiment that we could not agree on the same act of worship. Mr. Samuel Adams rose and said, 'He was no bigot, and could hear a prayer from a gentleman of piety and virtue, who was at the same time a friend to his country, and therefore he moved that Mr. Duche, an Episcopalian clergyman, might be desired to read prayers to the Congress tomorrow morning.' The motion was seconded and passed in the affirmative."

Interestingly, although objections were raised against public prayers two centuries ago, Congress quickly learned that prayer was a unifying rather than a dividing force. Now, two centuries later, we still benefit from what they learned 226 years ago today.

TAKE HEED REGARDING ELECTRIC UTILITY DEREGULATION

(Mr. FILNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FILNER. Madam Speaker, I returned home, like all of my colleagues, to my district in August. And what did I find in my hometown of San Diego? In a word, disaster.

San Diego is the first area of California to fully deregulate its electrical utility industry. The result is that in just 3 months the double and tripling of electrical rates by the price-gouging electrical generators; seniors on fixed incomes wondering whether to turn up their air conditioning or pay for their medicines; small businesses wondering how long they can hold out; hospitals, libraries, youth centers, schools, the military, all their budgets thrown into turmoil.

While the State legislature has just administered a Band-Aid to stop the bleeding, we need stronger and longer-lasting action. I am asking the House today to pass legislation to roll back the wholesale rates for electricity in the western region and roll those back retroactively. Those who have gouged our consumers for more than $350 million in the last 3 months should pay the bill for their actions.

We need to take this action now. So, my colleagues, welcome back, but look closely at San Diego. We are the poster children for the nation. Many of my colleagues have deregulation bills in their States and we have deregulation bills on our floor. Deregulation cannot work when the basic commodity is controlled by monopolies. Take heed, Congress.

DEATH TAX OVERRIDE

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Madam Speaker, author Pearl S. Buck once wrote, "Our society must make it right and possible for old people not to fear the young or to be deserted by them, for the test of a civilization is the way that it cares for its helpless members." Yet our Nation's tax policies do desert the elderly.

The IRS bureaucrats tax seniors who work, scrimp, and save all their lives to build a business or a family farm. Their property and profits are taxed yearly. They even pay taxes on their employees. And what is the result? Upon the death of the owner, a successful business is hit with a death tax of up to 55 percent of the business' worth. Most family businesses cannot survive such crippling taxes, and families are forced to sell.

The death tax is uncivilized. Let us override the Clinton veto of the death tax.

CONGRESS SHOULD LOOK INTO CHINESE MONEY LAUNDERING SCHEME AND ATTORNEY GENERAL'S REFUSAL TO INVESTIGATE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Madam Speaker, something stinks. First it was the Chinese general, then it was the Chinese Communist party, and then along came another 96 Chinese nationals. And they all had one thing in common: They all made illegal contributions to the Democratic National Committee.

□ 1415

And after all that, the Justice Department said no investigation is warranted.

Now, if that was not enough to tip off Barney Fife, my colleagues, task force chairmen LaBella and Conrad and FBI Director Louis Freeh all recommended an independent counsel for the matter and Janet Reno said no. She said no three times, my colleagues.

Beam me up.

Janet Reno has betrayed America.

Congress should demand immediately an investigation into both this Chinese money laundry business and, number two, Janet Reno.

I yield back the statement of the CIA that, as we speak, Chinese missiles are pointed at us.

ESTATE TAX

(Mr. EHLERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EHLERS. Madam Speaker, when I was a young lad, I grew up successively in two different farming villages. One had 800 occupants. Another had 200. And I became acquainted with the work of the farmers. They work very, very hard. They struggle to build their farms. They reinvest in their farms. And when they die, they want to leave it to their children.

But unfortunately, because of something called the death tax, established in order to finance World War I, they frequently are not able to leave that farm to their children.

The death tax can be as high as 55 or 60 percent. They simply cannot afford to pay the tax in order to keep the farm. They do not have the cash. Their money is tied up in the land.

We passed a bill in the House and the Senate to get rid of the death tax. The President vetoed that plan. He and the Democrats in this Chamber argue that this is a tax cut for the rich. They should go talk to some farmers. They will find out they are not rich. Their money is tied up in the land. It is not in their wallets.

I urge that we override the President's veto and make things right for these people.

The rich escape the estate tax. They have attorneys who show them all the ways to get rid of it. The farmers cannot afford to hire those attorneys.

I urge an override of the veto.

INTERNATIONAL CHILD ABDUCTION

(Mr. LAMPSON asked and was given permission to address the House for 1 minute.)

Mr. LAMPSON. Madam Speaker, I rise today on my continued effort to bring to the attention of this House my deepest concern for the American families destroyed by cases of international child abduction.

Today I will share with my colleagues the story of Ms. Ildiko Gerbatsch and her two daughters, Naomi, 13, and Isabelle, 10.

In the summer of 1997, Naomi and Isabelle visited their father in Germany. At the end of the children's visit, their father failed to return them to their mother in the United States. After 3 years of legal disputes costing close to $100,000 in legal fees, the mother now has full custody of both children, but only on paper.

Ms. Gerbatsch has only been allowed to visit with Naomi and Isabelle on three occasions. She has been mistreated by the German courts, who have failed to comply with the Hague Treaty.

Madam Speaker, I come to the floor for these daily 1-minutes because I care about families and reuniting children and parents. Let us make it our duty to place pressure on countries who are Hague signatories and who choose not to abide by that agreement.

I urge my colleagues to join me in spreading the message and taking a responsible role in bringing our children home.

SAVING SOCIAL SECURITY AND IMPROVING EDUCATION IN AMERICA

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Madam Speaker, over the last month, I held many town hall meetings, meetings with constituents across the 7th Congressional District of Michigan.

Two priority issues that seem to come from those meetings as a message to me to bring back to Washington was making sure we save Social Security, not only a concern of the seniors but a concern of their kids and their grandkids.

Secondly was somehow doing a better job to improve education to make sure every child has the opportunity to learn to their maximum potential.

So I challenge myself and I challenge my colleagues to give education a top priority, to get the money out of Washington and into the district.

In terms of Social Security, we must have provisions that make sure that that generation that works so hard, that did so much, that sacrificed, that saved string, that saved tinfoil are not deprived of the Social Security that they have been promised by this Congress. Let us make that effort.

In the last 7½ years, this administration has failed to give us the leadership to solve those problems.

Madam Speaker, over the last month, I held many town hall meetings, and forums with constituents across the 7th Congressional District of Michigan.

Two priority issues that came up in most every meeting was Education and Social Security. Making sure we save Social Security, was not only a concern of the seniors but a concern of younger workers.

Parents were concerned about the K through 12 education for their kids; somehow doing a better job to improve education to make sure every child has the opportunity to learn to their maximum potential.

So I challenge myself and I challenge my colleagues to give education a top priority, to get the money out of Washington and into the class room so educators and parents can decide how best to use it.

In terms of Social Security, we must have provisions that make sure that that generation that worked so hard, that did so much, that sacrificed, that saved string, that bundled tinfoil for the war effort are not deprived of the Social Security that they were promised. Let us make that effort.

In the last 7½ years, this administration has failed to give us the leadership to solve those problems. Let us do better in the future.

STATE DEPARTMENT ANNUAL REPORT ON INTERNATIONAL RELIGIOUS FREEDOM

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Madam Speaker, the State Department's Annual Report on International Religious Freedom was released yesterday.

Among the countries that continue to stand out because of their horrible record on religious freedom are China and Sudan.

The report says of China: "Government respect for religious freedom in China deteriorated, as the persecution of several religious minorities increased."

Such groups as Tibetan Buddhists, Muslims, Falun Gong practitioners, and unofficial Protestants and Roman Catholics were subject to harassment, extortion, prolonged detention, physical abuse, and incarceration in prison or reeducation camps through labor, while the State Department says that there are credible reports that the Chinese Government beat and tortured these people of faith.

Also, in Sudan, it says the Muslim-dominated regime continued to persecute members of different religious minorities, Christian and Muslim.

The report says that much of the world's population lives in countries in which the right to religious freedom is restricted or prohibited.

The Congress, the Clinton administration, and the next administration must do more to stand up for those who are persecuted or suffer because of their religious faith.

PRESIDENT CLINTON'S TRAVEL EXCESSES

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Madam Speaker, remember back in 1992 when President Clinton was criticizing then President Bush for his travels around the world? And remember in the Democrat Convention they had T-shirts that said, "George Bush's around-the-world tour"?

Well, it has been 8 years. Let us look at the record. President Clinton has been one of the most widely traveled of all Presidents, according to the Washington Post. He has traveled with huge entourages. He has spent almost $300 million just in the last 3 years. And while his term is ending, President Clinton decided to go on one more worldwide tour while he still was on the taxpayers' tab.

According to the GAO, Clinton and other government officials had been on 159 trips in the last 3 years.

Mr. President, it is time to come home and tend to business.

PRESCRIPTION DRUG PLANS

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Madam Speaker, after the Bush press conference yesterday, there are now competing prescription drug plans from the candidates. But for the elderly or the baby-boomers, the competition is already over.

The Bush plan is a fundamental, third-rail change from universally available benefits the way Social Security and Medicare have always been to a low-income benefit more like welfare. If they have little money, they get it; otherwise, they do not.

I represent a lot of lower-income seniors who will be taken care of by either both the Bush or the Gore plan. But I am not about to support a plan that leaves out my many middle-income seniors who are in the same boat when it comes to expensive drugs.

Governor Bush cannot restructure Medicare by restructuring the middle class out of it.

MAKING IN ORDER CERTAIN MOTIONS TO SUSPEND THE RULES ON TODAY

Mrs. MORELLA. Madam Speaker, I ask unanimous consent that it be in order at any time today for the Speaker to entertain motions to suspend the rules and pass the following bills:

H.R. 4884, H.R. 4534, H.R. 4615, H.R. 3454, H.R. 4484, H.R. 2302, H.R. 4448, and H.R. 4449.

The SPEAKER pro tempore (Mrs. BIGGERT). Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 8 of rule XX, the Chair announces that she will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Such record votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules, but not before 6 p.m. today.

WILLIAM S. BROOMFIELD POST OFFICE BUILDING

Mrs. MORELLA. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4884) to redesignate the facility of the United States Postal Service located at 200 West 2nd Street in Royal Oak, Michigan, as the "William S. Broomfield Post Office Building."

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDESIGNATION.

The facility of the United States Postal Service located at 200 West 2nd Street in Royal Oak, Michigan, and known as the Royal Oak Post Office, shall be known and designated as the "William S. Broomfield Post Office Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in section 1 shall be deemed to be a reference to the "William S. Broomfield Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Maryland (Mrs. MORELLA).

GENERAL LEAVE

Mrs. MORELLA. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4884.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Mrs. MORELLA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I commend the sponsor of this legislation, the gentleman from Michigan (Mr. KNOLLENBERG), for introducing this legislation, H.R. 4884, introduced on July 19, 2000, that designates the facility of the United States Postal Service located at 200 West 2nd Street in Royal Oak, Michigan, as the "William S. Broomfield Post Office Building."

This legislation has the support of all members of the House delegation from the State of Michigan, pursuant to the policy of the Committee on Government Reform.

Madam Speaker, it is my privilege to speak briefly on the former Member of Congress and my friend, William S. Broomfield, for whom I was privileged to serve for 6 years.

Mr. Broomfield was born in Royal Oak, Michigan, and graduated from Michigan State College, now known as Michigan State University. He served in the United States Army Air Corps during the Second World War and then went into the real estate and property management business.

Bill, as he continues to be known by his friends and by those whom he has represented, was elected to the Michigan State House of Representatives from 1949 to 1954. He served as speaker pro tem in 1953. He was then elected to the State Senate in 1955 and 1956.

In January 1957, Michigan's 18th district elected him to the 85th Congress. He served for 17 succeeding Congresses until January 1992, when he voluntarily retired.

During his tenure in Congress, Representative Broomfield served as a member of the Committee on Foreign Affairs and was ranking member from 1975 until his retirement in 1992.

After retirement, Bill Broomfield started a foundation in Michigan that supports various charities in southeast Michigan, including the efforts to cure cancer, spina bifida, Alzheimer's, and the Salvation Army.

Mr. Broomfield is now a resident of Lake Orion, Michigan. It is fitting that a post office be named after William S. Broomfield in Royal Oak, the birthplace of this dedicated and respected public servant.

I wholeheartedly endorse this resolution and urge all of our colleagues to support this bill, H.R. 4884, honoring Bill Broomfield, a gentleman and a colleague and a friend of many in this House.

Madam Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, as a member of the House Committee on Government Reform, I am pleased to join my friend and fellow committee member, the gentlewoman from Maryland (Mrs. MORELLA), in the consideration of these postal-naming bills.

We seek to pass bills which name eight post offices after a number of distinguished Americans. Collectively, we will honor two former Members of Congress, a pastor, the first African American chaplain, a POW, an assemblyman, and the first African American municipal court judge and a fine university educator and administrator. I look forward to the swift passage of these measures, as H.R. 4884.

This bill, which redesignates a post office after William S. Broomfield, was introduced by the gentleman from Michigan (Mr. KNOLLENBERG) on July 19, 2000.

Mr. Broomfield was born in Royal Oak, Michigan, and graduated from high school and attended Michigan State College. He served in the United States Army Air Corps and was a member of the Michigan State House and Senate. He was elected to the 85th Congress in 1956 and represented the 18th Congressional District until his retirement in 1992.

Former Congressman Broomfield was a member of the Committee on International Relations and widely recognized as a consensus builder. He represented his constituents for well over 40 years and is still involved in local charity work.

I urge the swift adoption of this measure.

Madam Speaker, I reserve the balance of my time.

☐ 1430

Mrs. MORELLA. Madam Speaker, I am pleased to yield such time as he may consume to the gentleman from Michigan (Mr. KNOLLENBERG), the chief sponsor of this bill.

Mr. KNOLLENBERG. Madam Speaker, I thank the gentlewoman from Maryland (Mrs. MORELLA) for yielding me this time. I want to begin also by thanking the gentleman from New York (Mr. MCHUGH) for bringing this bill to the floor today. I also want to thank the ranking member, the gentleman from Pennsylvania (Mr. FATTAH), for his valuable assistance as well; and I appreciate the gentleman from Maryland (Mr. CUMMINGS) being with us during this debate today.

I rise to pay much deserved tribute to Congressman William S. Broomfield who is so endearing and personable that he was known to his constituents simply as Bill. And Bill Broomfield is here with us today. I stand before the House as the sponsor of H.R. 4884, legislation that has been described as naming the post office building at 200 West Second Street in Royal Oak, Michigan in honor of my friend and predecessor.

I am pleased to report to my colleagues that the entire Michigan House delegation has not only signed on as cosponsors but as original cosponsors of this bill. Madam Speaker, Bill Broomfield is so well respected by his colleagues on both sides of the aisle that both Republicans and Democrats stand together to honor this fine man.

As was mentioned, Bill Broomfield was born in Royal Oak, Michigan back in 1922; went on to Michigan State University, then known as Michigan State College; and he has been serving ably in the Michigan legislature and in Congress for, as has been mentioned, over 40 years. He was first elected to Congress in 1956, the same time as the second Eisenhower administration; and he did not stop serving his constituents until his retirement from this body in 1992, a span of 36 years. During his tenure, he served with eight different presidents.

During his tenure, Bill Broomfield was the hallmark of bipartisanship and a self-defined consensus builder. He served as a member of the Foreign Affairs Committee, later named the International Relations Committee, where he helped craft America's foreign policy during the critical Cold War era. He served as the ranking member of this committee from the mid-1970s until his retirement from this body. He was also the point person in Congress for many of the foreign policy initiatives championed by Presidents Reagan and Bush. From Nicaragua to the Persian Gulf to Eastern Europe to North Korea, he led the charge in Congress for the foreign policy that ultimately won the Cold War.

For this effort, Michiganders and Americans everywhere owe him a tremendous debt of gratitude. The history books may credit Reagan and Bush with bringing down communism, but make no mistake, it should also mention Bill Broomfield in the same breath for his outstanding contribution to the effort that won the Cold War.

Bill Broomfield was also a careful keeper of Congress's prerogatives in foreign policy. He made sure that the legislative branch of government fulfilled its constitutional duty and that the President consulted with lawmakers. For example, Mr. Broomfield ensured that President Bush would consult with Congress when the chief executive ordered a massive troop buildup in Saudi Arabia in response to Iraq's aggression in Kuwait. When President Bush did come to Congress, Bill Broomfield supported his efforts. He said, "We must give the President the power he needs to convince Saddam that he has no other alternative."

Think about all the changes in America that Bill Broomfield had the privilege of witnessing firsthand during his 36-year tenure in this body. He has seen the rise and fall of Soviet totalitarianism. He has seen man reach the Moon and Jim Crow fall. He helped move the U.S. post-war era economy to the brink of the technological revolution.

As we move into the 21st century, we should not forget the legacy of those who helped us get there and Bill

Broomfield was at the forefront of that crusade. Just because he retired from elective office did not mean that he stopped serving the public. In fact, he started a foundation that supports many causes and charities throughout southeast Michigan, including the Salvation Army and efforts for fighting cancer, Alzheimer's and spina bifida.

Bill Broomfield is Royal Oak's favorite son and a true man of the people. He loves the people that he served for and they have love, admiration and respect for him. I also want to mention his devoted wife of so many years, Jane, who was so active in the community. From the middle of the Eisenhower era to the beginning of the Clinton administration, Bill Broomfield was a gentleman in every sense of the word and an example of everything that is good and decent in public service and this institution. Naming the post office in his hometown of Royal Oak is just one way we can pay tribute to this fine man.

I urge support for the bill.

Mr. CUMMINGS. Madam Speaker, I yield myself such time as I may consume.

I want to thank the gentleman from Michigan (Mr. KNOLLENBERG) for sponsoring this legislation. The thought came to my mind of something that Voltaire said. He said, "He who give not thanks to man give not thanks to God." And so it is quite appropriate that we do this this afternoon.

Madam Speaker, I am very pleased to yield 5 minutes to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Madam Speaker, I thank the gentleman from Maryland (Mr. CUMMINGS), the gentlewoman from Maryland (Mrs. MORELLA), the gentleman from Michigan (Mr. KNOLLENBERG) and everybody else who has joined together for this happy moment. And that it is. I first knew Bill Broomfield as a constituent. My wife and I moved to Berkley in 1957. Bill Broomfield was Congressman while we lived there through 1972 when the districts changed.

I also came to know Bill Broomfield as a competitor, in a sense. In the early 1960s, I was the county chair of the Democratic Party; and then in 1968, I was the State chair. And we tried very hard to defeat Bill Broomfield. So I knew him as a competitor. And then I had the privilege, beginning in 1982, to know Bill as a colleague. And throughout all of these relationships, his characteristics were constant, a dedicated public servant, honest to the core, hardworking in DC, and at home; and when I was the Democratic chair I thought he was too hardworking. It also was so characteristic that in all of his relationships, there was a complete civility.

I think these characteristics were well noted upon Bill's retirement, first by President Carter who said, "Your record number of terms is testimony to the impact you have made on the lives of all whom you have served so well over the years," and also former President Ronald Reagan who said. "It was an honor to have you 'on my team.' Through your dedication, you have established a distinct record of community service that has so intimately been dedicated to your fellow man."

During those years, the Carter years and the Reagan years, as noted, Bill Broomfield was on Foreign Affairs and became ranking there. And they were years of controversy, as Bill Broomfield remembers so well. I was there during many of these controversies. El Salvador, just among some of them, the nuclear weapons freeze, Lebanon, issues relating to Greece and Turkey, and even though often we were on different sides, there was always this effort to find a consensus and, most important, an air and reality of civility.

Truly, Bill, has been a public servant, a wonderful public servant in terms of your dedication. I first represented Royal Oak in 1982 in the Congress. That was 10 years after Bill Broomfield no longer represented his home city Royal Oak. But everywhere I went in those early years, Bill Broomfield was fondly remembered and still remains such.

As mentioned, he was born in Royal Oak, he was raised in the city of Royal Oak, he went to schools there, several of which have been torn down, some near where we now live. He represented the Royal Oak area in the State and then the Federal legislatures for almost 25 years. So in a word, it is highly fitting today that the post office in Royal Oak be named after Bill Broomfield. It marks, this designation, the service of Bill Broomfield and his wife Jane on behalf of the citizens of Royal Oak. Royal Oak has grown mightily these last 10, 15 years, so much so that I think Bill's beloved parents would hardly recognize it. But Royal Oak has remained, in a sense, as it was and it has retained its roots, and the post office is an important institution within this community.

So I say to you, Bill Broomfield, it is a pleasure to join so many others in this effort today. We feel especially pleased that you are here, healthy and continuing in service to the community. This is a joyful moment for us all. I am sure this institution will rise together in naming the post office of Royal Oak after a distinguished, dedicated public servant, William S. Broomfield.

Mrs. MORELLA. Madam Speaker, I am pleased to yield 2 minutes to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Madam Speaker, in behalf of this House, we welcome the Honorable Bill Broomfield to this Chamber again, to his old Chamber. Bill helped me when he was first elected to office in 1957 when he first came in, and he helped me again in his last year in 1992. In 1957, my brother, who was a jet pilot, was killed in Asia. All of his personal effects had been lost coming back to Michigan. Chan's wife, Bonnie, and I went to Bill Broomfield. Bonnie is from Royal Oak. And so this new freshman Congressman pushed ahead, found Chan's personal effects and got them back to us.

Again when I was first elected in 1992, I won a tough primary, did not have any final opposition in the general, and came to Bill Broomfield who had been a friend in between to help give me some guidance on learning to be a good Congressman. What struck me as significant is Bill said, "Look, one of the things I try to do the best I can is responding honestly and quickly to mail coming in from constituents." At that time the Congressman had a turnaround time for 98 percent of his mail of 24 hours. So he had set a target. Do we not all wish we had a 24-hour turnaround time that we could give that kind of attention and dedication to mail? He did that. I have tried to achieve it.

Here is a gentleman that has guided us through foreign policy decisions for his 36 years in the United States Congress, from the problems of Soviet invasion in Hungary, their invasion of Czechoslovakia, Nicaragua, the Persian Gulf, Eastern Europe, Iran, Iraq, the problems with North Korea. We should be consulting with him on a regular basis for our current international affairs. Bill Broomfield, again, congratulations. I am proud to be a cosponsor of this legislation.

Mr. SMITH of Michigan. Madam Speaker, in behalf of this House, we welcome the Honorable Bill Broomfield to this Chamber again, to his old stomping grounds. Bill helped me when he was first elected to office in 1957, in his first year, and he helped me again in his last year in 1992. In 1957, my brother, Chan, who was a jet pilot, was killed in Asia. All of his personal effects had been lost coming back to Michigan. Chan's wife, Bonnie, who was from Royal Oak, and I went to Bill Broomfield. And so this new freshman Congressman pushed ahead, found Chan's personal effects and got them back to us.

Again when I was first elected in 1992, I went to Bill Broomfield who had been a friend to help give me some guidance on learning to be a good Congressman. What struck me as significant is Bill said, "Look, one of the things I try to do the best I can is responding honestly and quickly to mail coming in from constituents." At that time the Congressman had a turnaround time for 98 percent of his mail of 24 hours. So he had set a target and achieved it. Do we not all wish we had the ability to respond to constituent inquiries in a 24-hour turnaround time; that we could give that kind of attention and dedication to mail? He did that. I have tried to follow his advice and example.

Here is a gentleman that has guided us through foreign policy decisions for his 36 years in the United States Congress, from the problems of Soviet invasion in Hungary, their invasion of Czechoslovakia, the problems in Nicaragua, the Persian Gulf, Eastern Europe, Iran, Iraq, the problems with North Korea. Bill is still an excellent consultant for our current international challenges. Bill Broomfield, again, congratulations. I am proud to be a cosponsor of this legislation honoring you.

Mr. CUMMINGS. Madam Speaker, I yield 3 minutes to the distinguished gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Madam Speaker, I commend both the gentleman from Maryland (Mr. CUMMINGS) and the gentlewoman from Maryland (Mrs. MORELLA) for bringing this to the floor and for the committee. It is good to see our good friend Mr. Broomfield here. I want to commend the gentleman from Michigan (Mr. KNOLLENBERG) for the legislation.

I heard comments earlier of what a competitor he was. Bill Broomfield was not just a competitor. He was a consummate winner, a winner for Royal Oak, a winner for Michigan, a winner for the United States of America, and with his distinguished record if you take the time to really look at it, he was a winner for the entire world.

Just earlier I was here. I did not know this bill was scheduled. Mr. Broomfield came over. He is a dear friend to all of us and always has time for everyone. He said, I just wish that my parents could be here today. I want to say on the House floor, his parents are here today; they are here in you. And all of your family that will follow will benefit from the fact that they will see the great contributions of your parents and you and your family as this post office is named on your behalf.

□ 1445

This is truly fitting, and it is an honor that is justly deserved; and I am proud to be a part of this today and wish you and your family the very best.

Mrs. MORELLA. Madam Speaker, I yield 4 minutes to the gentleman from New York (Mr. GILMAN), chairman of the Committee on International Relations.

Mr. GILMAN. Madam Speaker, I thank the gentlewoman from Maryland (Mrs. MORELLA) for yielding the time to me.

Madam Speaker, I am pleased to rise today in strong support of H.R. 4884, designating the facility of the United States Postal Service located at 200 West Second Street in Royal Oak, Michigan, as the William Broomfield Post Office Building. And I commend the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Michigan (Mr. KNOLLENBERG) for bringing this resolution to the floor, along with the gentleman from New York (Mr. MCHUGH), chairman of the Subcommittee on Postal Service, and the gentleman from Maryland (Mr. CUMMINGS) for bringing this to our attention today.

Bill Broomfield, who we are pleased is with us today and in this Chamber, was first elected to the Congress in 1956 and meritoriously served his constituents of Michigan's 18th district for some 36 years, until he retired in 1992.

As a member of Committee on International Relations, earlier known as the Committee on Foreign Affairs, I had the distinct pleasure of serving with Bill for many years, where, as our ranking member, Bill Broomfield helped to establish our Nation's foreign policy during the critical Cold War period.

It was during all of those years in working with Bill that I experienced Bill Broomfield's unique ability to bring our Members of Congress together as he sought to build a consensus on numerous important issues championed by then President Reagan and President Bush.

Accordingly, I urge all of our colleagues to support this resolution that appropriately honors former Congressman Bill Broomfield and the constituents he served so well for so long in the 18th District of Michigan.

Mr. CUMMINGS. Madam Speaker, I reserve the balance of my time.

Mrs. MORELLA. Madam Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Madam Speaker, I did not have the pleasure of working with Mr. Broomfield, but I do want to offer some testimonials based on the information I have as a fellow Michiganian.

I think it is entirely appropriate that we name the post office in Royal Oak in honor of this gentleman. For years he carried the mail for the Republicans in the Congress and also for the Republicans in the White House. And even while he was carrying the mail for the President, very often he also had the courage, when he thought the mail was inappropriate or not addressed properly, to stand up to the Presidents and say, wait a minute, I think you are going down the wrong track; I think you have to rethink this and do it differently. Frequently, they were willing to listen.

He is a man of honor, a man of good service, and a man of good political sense. My first acquaintance with him was when I first moved to Michigan in 1967. He had then been in office 11 years; he had taken office when I was just entering graduate school. But soon after I came to Michigan, I began reading about him in the papers; and I thought that this is a man who knows what he is doing and knows how to do it right, and my judgment was correct.

I am sorry that I was not able to serve with him. I arrived in the Congress only 11 months after he left, but his legend has persisted; and I have appreciated him, particularly his excellence in foreign affairs, something in which I personally believe the Congress, both the House and the Senate, should play a much more active role, similar to what they did a number of years ago during and following World War II. He was a careful keeper of Congress' prerogatives in foreign policy, and he served well and honorably in so many ways, not only in the Committee on Foreign Relations, but in other ways and particularly in service to his constituents.

I had no idea when I moved to Michigan in 1967 that I would some day be serving in this House. In fact, I had no intention of doing so, but I am pleased to be here to try to carry on the work and fulfill the legend that Mr. Broomfield established for Michigan, for his district and for this country. He is an honorable person who did an outstanding job for his country, and we are here today to show our appreciation for what he has done for us.

Mr. CUMMINGS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I did not have the opportunity to serve with Congressman Broomfield, but the gentleman from Michigan (Mr. DINGELL), who wanted to be here today but is tied up in a conference committee, told me that Mr. Broomfield is probably one of the greatest public servants he served with. One of the things that he said is that no matter how difficult the arguments became, no matter how heated, he always knew that he was speaking from his heart and synchronizing his conscience with his conduct, and perhaps that is the type of example that we here now serving should follow.

So it is indeed my honor to salute him. And I can say this for all of our honorees today, the people that we will be honoring, Madam Speaker, when I asked a fellow Marylander how it felt to have a post office named after him, and his name is Sam Lacey, one of the great sports writers, he broke out into tears, and he said just the idea that children yet unborn will walk past that post office and see my name and they simply will ask the question, who was he? And if someone can simply answer with a smile that he was a great man and that he touched this earth and made it better, then that makes me happy.

I am sure Congressman Broomfield can say the same thing, and so we take this moment to honor him and honor the people of Michigan.

Madam Speaker, I yield back the balance of my time.

Mrs. MORELLA. Madam Speaker, I yield myself such time as I may consume.

Again, I am very honored to be here with this bill that I support so strongly, H.R. 4884, honoring our former Member of Congress, Bill Broomfield. He was indeed, as we have heard, a coalition builder, someone who was always fair, a gentle man and always who respected all of his colleagues and respected the people that he represented and very committed to the work of making America as best as could be done.

Madam Speaker, I congratulate all of us for the idea of having a post office named for Bill Broomfield, and I congratulate him and Mrs. Broomfield.

Mr. DINGELL. Madam Speaker, I rise today in support of the gentleman from Michigan's resolution, and in honor of a fellow Michigander, William Broomfield, with whom I had the privilege of serving with in this body for thirty-six years. William Broomfield was born in Royal Oak, Michigan and represented it in Congress with distinction. It is only fitting that the city's post office be named in his honor.

William Broomfield was a man of principle and foresight. Moreover, he was a dedicated and tireless public servant who honorably represented residents of Michigan in our State legislature and, most notably, in the U.S. House of Representatives for most of his adult life. William Broomfield's capable service to his constituents was rewarded time and time again by their continual support for him as their Representative.

William Broomfield was also a mainstay of the Foreign Affairs Committee. As Ranking member for fourteen years, he was a workhorse rather than a show horse. He did not seek out the spotlight, but worked tirelessly, often behind the scenes, to help craft important legislation that was amiable to both sides of the isle and in the best interests of our great country.

Naming the Royal Oak Post Office Building in William Broomfield's honor is a proper tribute to a man who vigorously served his constituents and honorably served his country in doing so. As such, Mr. Speaker, I would ask my colleagues to support this resolution and join me in honoring a good man and public servant who did much for his state and country, William Broomfield.

Mr. BEREUTER. Madam Speaker, this Member wants to express strong support for H.R. 4884, which would name a United States Postal Service facility in Royal Oak, Michigan, as the "William S. Broomfield Post Office Building." This Member became well acquainted and impressed with the decency, convictions, and leadership of Representative Bill Broomfield. A Member of this body from 1956–1992, Bill Broomfield served the state of Michigan with extraordinary distinction. When this Member joined the House Foreign Affairs Committee at the beginning of his 3rd term, Representative Broomfield, the senior Republican member of the Committee, gave this member great advice when requested, support and encouragement, and most importantly an outstanding example of how a Representative can so capably represent their constituency and state, while pursuing the national interest on matters of foreign policy. During his time as a senior member of the Foreign Affairs Committee, this nation faced numerous crises—the Cuban missile crisis, the Vietnam War, the Soviet invasion of Afghanistan, turmoil in Latin America, and the collapse of the Soviet empire. In each instance, Bill Broomfield's first thought was toward the U.S. national interest. Thus the designation of this Post Office Building with his name in his home town is certainly one way his colleagues and newer Members of Congress can appropriately recognize the outstanding contributions he made to America while a Member of the U.S. House of Representatives.

Madam Speaker, obviously, this Member encourages his colleagues to support this legislation and hereby extend this Member's appreciation of his service to Bill Broomfield and his family.

Mrs. MORELLA. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and pass the bill, H.R. 4884.

The question was taken.

Mrs. MORELLA. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

JAMES T. BROYHILL POST OFFICE BUILDING

Mrs. MORELLA. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4534) to designate the facility of the United States Postal Service located at 114 Ridge Street in Lenoir, North Carolina, as the "James T. Broyhill Post Office Building," as amended.

The Clerk read as follows:

H.R. 4534

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JAMES T. BROYHILL POST OFFICE BUILDING

(a) DESIGNATION.—The facility of the United States Postal Service located at 114 Ridge Street, N.W. in Lenoir, North Carolina, shall be known and designated as the "James T. Broyhill Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "James T. Broyhill Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Maryland (Mrs. MORELLA).

GENERAL LEAVE

Mrs. MORELLA. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4534, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Mrs. MORELLA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I want to commend the sponsor of this legislation, the gentleman from North Carolina (Mr. BURR), for introducing H.R. 4534. The bill was introduced on July 19 of this year and is cosponsored by each member of the House delegation from the State of North Carolina.

This legislation, as amended, will designate the facility of the United States Postal Service located at 114 Ridge Street, Northwest, in Lenoir, North Carolina, as the James T. Broyhill Post Office Building.

James Thomas Broyhill was born in Lenoir, North Carolina, in 1927. He attended public schools and graduated from the University of North Carolina in 1950 with a BS degree in business administration. Later, he was elected to the 88th Congress and served until January 3, 1986.

Mr. Broyhill was elected to the House of Representatives to represent the 10th District of North Carolina in 1962 and was reelected to 11 succeeding Congresses. During this period, he served as the ranking member on the Committee on Energy and Commerce. Mr. Broyhill resigned his House seat in July 1986 when he was appointed to the United States Senate to fill the unexpired term of Senator James East of North Carolina who died unexpectedly.

Senator Broyhill was respected by both Houses on both sides of the aisle as a level-headed and open-minded legislator.

Madam Speaker, I commend our colleague, the gentleman from North Carolina (Mr. BURR), for sponsorship of this legislation. I urge support of H.R. 4534 by all of our colleagues.

Madam Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 4534, which names a post office after James T. Broyhill, was introduced by the gentleman from North Carolina (Mr. BURR) on May 24, 2000.

James T. Broyhill was born in Lenoir, North Carolina in 1927. He graduated from the University of North Carolina at Chapel Hill in 1950. He served as vice president of Broyhill Furniture Industries and was a member of the Lenoir Chamber of Commerce where he served as president for 2 years.

In 1962, James Broyhill was elected to the United States House of Representatives where he served until 1986. He was the ranking member of the House Energy and Committee on Commerce for a number of years.

Upon the death of Senator John East, Congressman Broyhill was appointed to the United States Senate by the governor. He subsequently lost in his election bid for the Senate seat and was appointed to serve as the chairman of the North Carolina Economic Development Board. He is currently retired and living in Winston Salem, North Carolina. I urge the swift adoption of this measure.

Madam Speaker, I reserve the balance of my time.

Mrs. MORELLA. Madam Speaker, I yield 4 minutes to the gentleman from North Carolina (Mr. BURR), the author of this legislation.

Mr. BURR of North Carolina. Madam Speaker, I thank the gentlewoman from Maryland (Mrs. MORELLA) for yielding the time to me.

Madam Speaker, it is indeed an honor to be here today to ask my colleagues to support H.R. 4534, which was cosponsored by every member of the North Carolina delegation.

Jim Broyhill, along with his entire family, has always had a sincere dedication to serving the community and helping wherever there was a need. His parents instilled in him the importance of giving of oneself and time to help make a better place for all to live. It was because of this desire that in 1962 Jim Broyhill first ran for the United States Congress in the old eighth district of North Carolina.

There is a story that is told on Jim; it is still told today about that first campaign. Old timers in Alexander County remember the first speech that Jim Broyhill gave as a candidate. They said it was one of the worst speeches they ever heard a political candidate ever give, but thank goodness Jim Broyhill got better as that campaign went on.

In time, he rose to the position of ranking member of the Committee on Commerce; and with this, his influence grew and his reputation for honesty, for hard work grew with that. Jim Broyhill was a workhorse when serving in the Congress, and while he may not have been seen on the Sunday talk shows, everyone in Washington knew the value of what he was doing.

In 1985, Jim announced he would run for the United States Senate; but before he could, Senator East died and he was appointed to that position.

□ 1500

For the remainder of the year after losing that Senate race, Jim could have gone into retirement, but he did not do it. He continued to serve and was appointed in 1987 as the chairman of North Carolina Economic Development Board, the chief advisory board for the North Carolina Department of Commerce. From this post, he assisted the State's efforts to recruit new business and expand existing industries in North Carolina.

Then in 1989, at the request of Governor Martin, Jim took on the full-time responsibility of serving as the Secretary of the Department of Commerce, a position he held until 1991. It should be noted that in the years in which he was affiliated with the Department of Commerce, they saw some of the greatest gains in economic expansion in North Carolina's history.

In 1991, Jim finally did enter retirement; and it is fortunate for Winston-Salem that he chose to be there, with his wife, Louise Robbins Broyhill, who is one of the most gracious ladies and has always been supportive of Jim's ventures. They are the parents of three children and several grandchildren.

I commend Jim today, because Jim Broyhill is a true example of what a public servant should be, a man more concerned with doing his duty and serving his country than with personal gain. He has built a reputation of dedication and devotion to his State, his country, and, even in retirement, Jim Broyhill finds time to work with the local food bank and the other organizations where he gives his time and his expertise.

Jim Broyhill never went in for negative campaigning. That is the type of individual Jim Broyhill was, a very optimistic person.

Jim Broyhill's years of service deserve some form of recognition, and the naming of a post office in his hometown is a small way in which we can honor the work that he has already done before us.

I urge my colleagues to vote in support of H.R. 4534, to rename the Lenoir Post Office as the "James T. Broyhill Post Office Building."

Mr. CUMMINGS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, in listening to the gentleman from North Carolina (Mr. BURR), and I want to thank him for sponsoring the legislation, but he talked about Mr. Broyhill not engaging in negative campaigning. I think it was Mother Teresa who said something so profound, she said always be for something, not against things.

I think that that says a lot for him. He was for himself and for making sure that his community was well represented and well served, and is still doing it. So I think it is quite appropriate that we take this action today, and again I want to thank the gentleman.

Mrs. MORELLA. Madam Speaker, I am pleased to yield 4 minutes to the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. Madam Speaker, I thank the gentlewoman from Maryland and the gentleman from Maryland for having brought this bill to the floor.

Madam Speaker, about 25 years ago I had the pleasure of visiting my uncle on his Watauga County farm in the shadow of the Tennessee border. It was late April, and there was a nip in the air, because summertime comes late in the Blue Ridge.

He and I were walking across the cow pasture, and I said to him, "Have you seen Jim Broyhill lately?" He instinctively opened the pocket of his overalls and removed a rumpled, worn letter and proudly extended it to me. It was a letter from Jim Broyhill addressed the previous Christmas, 4 months earlier, to him and his wife, to my uncle and his wife, wishing them a happy Christmas. I bet he had shown that letter to 125 people, and he proudly put it back into his overall pocket when I returned it to him.

That testimony, that rumpled letter, testified to me how Jim Broyhill's constituents felt about him. He was revered by all who knew him, because, Madam Speaker, he, unlike some elected officials, was not a stealth representative. He did not all of a sudden become accessible 5 weeks before the next election. He was consistently accessible, consistently providing outstanding constituency service. He is a good man, and was an exceptional Member of Congress.

Madam Speaker, I say to the gentlewoman from Maryland and the gentleman from Maryland, when I next drive through Lenoir on my way to the crest of the Blue Ridge Mountains, I will feel just a little better as I drive through that little mountain town, knowing that its Post Office bears the name of Jim Broyhill, an outstanding American, an outstanding public servant. I know that my colleagues in the House, here in the people's House, join me in extending our best wishes to Jim and Louise Broyhill and their family.

Mrs. MORELLA. Madam Speaker, I thank the gentleman from North Carolina for his very heartfelt comments.

Madam Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from North Carolina (Mr. BALLENGER).

Mr. BALLENGER. Madam Speaker, I would like, first of all, to thank the gentlewoman from Maryland for yielding me time, and also thank the gentleman from North Carolina (Mr. BURR) for allowing me to be one of the cosponsors to bring this bill to the floor to name a post office after Jim Broyhill.

Jim and I have been friends for years. He was in Congress, from 1962 to 1986, and during those times he was sometimes unopposed. I can remember one time, because he was so strong in the Republican Party, when things got bad, we needed somebody to run against Jim Broyhill so that he would campaign. I do not say I did this, but I was accused of it, in fact he was unopposed until about 3 weeks before the election, and some strange, kind of a, I want to say some sort of a nut from Western North Carolina, filed against him. Jim Broyhill called me up on the telephone and said, "Cass, you paid that guy to run against me."

I would like to tell Jim right here and now I did not do that, but I thought it was a wonderful idea for whoever did do it.

Another thing about Jim Broyhill, it was his unbelievable memory of people. I have campaigned with him many times, and he would walk up to what I would consider a complete stranger and say, "Madam, how is your husband after his operation?" First of all, he knew her name, and, second of all, there was an operation, and, third, two years before is when this all happened. Yet he remembered all these things.

He was the most exceptional politician I ever saw in the fact that he was close to the people and they knew it, and he did a wonderful job.

Madam Speaker, everybody said how he was a ranking member on the Committee on Energy and Commerce, and the present ranking member, a Democrat, we will not mention names, has said to me many times that he was probably the most reasonable Republican he ever saw to work with. That was Jim's way of doing things. He was just a person more dedicated to getting something done than playing politics.

As one might gather, I have a special reason to honor Jim Broyhill, for it was Jim's appointment to the Senate which first allowed me to run for Congress representing the people of the 10th District of North Carolina. Many of you may know Jim Broyhill for his distinguished record of public service. He is a great friend of mine and has helped me in every election since 1986.

Let me just say, Western North Carolina has been greatly rewarded by both Jim and his family.

Mrs. MORELLA. Madam Speaker, I am pleased to yield 3 minutes to the gentleman from North Carolina, (Mr. JONES).

Mr. JONES of North Carolina. Madam Speaker, I thank the gentlewoman for yielding me time, and also the ranking member.

Madam Speaker, I bring a little different perspective, because my father, who is deceased, served in the United States Congress from 1966 to 1992, and he had the pleasure of serving with Jim Broyhill. At the time, I was a member of the North Carolina House of Representatives, a Democrat at that time, and my father and I would talk on the weekends, and many times those conversations would deal with his colleagues in Washington, both the delegation, both Republicans and Democrats.

The reason I wanted to come to the floor was because my father told me, he said there was not a finer Member of Congress than Jim Broyhill, because he was a man of quality and a man of integrity.

So I think the fact that my friend, the gentleman from North Carolina (Mr. BURR), has offered H.R. 4534 and the committee has brought it to the floor is a special day, not only for Jim Broyhill and his family, but also the citizens of North Carolina, because I think too many times, as the gentleman from North Carolina (Mr. BURR) said in his comments, too many times the people do not realize there are more workhorses in the U.S. Congress than show horses, and that is probably the way it needs to be, because we are doing, as the gentleman from North Carolina (Mr. COBLE) said, the people's business.

I just wanted to come to the floor to say to Jim Broyhill, Senator Broyhill, and his wife and his children and their grandchildren, that this is not only a great day for you, but it is a great day for North Carolina, because you have been and still are one of the finest citizens, you and your family, and America is a better place because you served in the United States House and the United States Senate.

Mr. CUMMINGS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, it certainly is appropriate that we honor Senator Broyhill. The comments that have been made today I am certain will go a long ways towards letting us know why Senator Broyhill meant so much to the great State of North Carolina, to this country and to the world. So we take this moment, Madam Speaker, this moment in time, to salute him by naming this post office after him.

Madam Speaker, I yield back the balance of my time.

Mrs. MORELLA. Madam Speaker, I urge passage of H.R. 4534.

Madam Speaker, I yield back the balance of my time.

Mr. DINGELL. Madam Speaker, I rise today in support of the gentleman from North Carolina's resolution honoring James T. Broyhill, a good friend and honorable man with whom I had the privilege of serving in this body for almost twenty-three years. Moreover, I was pleased to have had the opportunity to work with Jim Broyhill in his capacity as Ranking Member of the House Commerce Committee while I was Chairman.

As a Member of the House and Senate, Jim Broyhill was a dedicated and tireless public servant. He capably and honorably represented his constituents and they rewarded him time and time again with their continual support for him as their representative.

Jim Broyhill was also a good friend and true gentleman. I can think of no more honorable man in this institution and his contributions as Ranking Member of the Commerce Committee were of the highest quality.

Jim Broyhill was a workhorse, not a show horse. He did not seek the spotlight, but worked vigorously to ensure that the committee passed effective legislation for the good of this country.

Jim Broyhill was well respected by both constituents and colleagues for his integrity, kindness and ability to get things done. Renaming the Lenoir Post Office in honor Jim Broyhill is a proper tribute to a good man and public servant who did much for his state and country.

Mr. ETHERIDGE. Madam Speaker, I rise today to urge my colleagues to support H.R. 4534, a bill to designate a facility of the United States Postal Service as the James T. Broyhill Post Office Building. This legislation, which was cosponsored by every Member of the North Carolina Delegation, is a fitting tribute to one of our state's model public servants.

Jim Broyhill was born on August 19, 1927, in Lenoir, North Carolina to the late J.E. and Sadie Hunt Broyhill and is a graduate of University of North Carolina at Chapel Hill. His parents taught him the value of service and devotion to his community that has guided him throughout his career in public service. That career began in 1962, in the old 8th Congressional District of North Carolina, when Broyhill won his first of eleven elections to the House of Representatives.

Upon his election, Broyhill immediately began to build a reputation for honesty and integrity that allowed him to wield influence with both Democrats and Republicans. During his 11 terms in the House, Broyhill made a name for himself as a member, and later as Ranking Member, of the Energy and Commerce Committee. Following the untimely death of Senator John East, then Governor Jim Martin appointed Broyhill to complete the remaining two years of Senator East's term. In 1986, Broyhill's 24-year Congressional career ended when he lost his bid to win his Senate seat outright.

Despite his personally disappointing loss, Broyhill continued to work on the behalf of the people of North Carolina. Broyhill's public career continued as he served as the Chairman of the North Carolina Economic Development Board. In 1989 Governor Martin gave Broyhill the responsibility of promoting and expanding North Carolina business and industry by appointing him the Secretary of the Department of Commerce. Jim Broyhill retired from public service in 1991 to spend more time with his wife, Louise Robbins, his children, and his grandchildren.

Madam Speaker, it gives me great pleasure to pay tribute to a great North Carolinian and American by naming a Post Office in Lenoir after James T. Broyhill. I ask my colleagues to support H.R. 4534, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and pass the bill, H.R. 4534, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to redesignate the facility of the United States Postal Service located at 114 Ridge Street, N.W. in

Lenoir, North Carolina, as the 'James T. Broyhill Post Office Building'".

A motion to reconsider was laid on the table.

REVEREND J.C. WADE POST OFFICE

Mrs. MORELLA. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4615) to redesignate the facility of the United States Postal Service located at 3030 Meredith Avenue in Omaha, Nebraska, as the "Reverend J.C. Wade Post Office."

The Clerk read as follows:

H.R. 4615

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REVEREND J.C. WADE POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 3030 Meredith Avenue in Omaha, Nebraska, and known as the Ames Station, shall be known and designated as the "Reverend J.C. Wade Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Reverend J.C. Wade Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Maryland (Mrs. MORELLA).

GENERAL LEAVE

Mrs. MORELLA. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4615.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Mrs. MORELLA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the gentleman from Nebraska (Mr. TERRY) introduced H.R. 4615 on June 8, 2000. This legislation has been supported by the entire House delegation of the State of Nebraska pursuant to the policy of the Committee on Government Reform.

H.R. 4615 designates the facility of the United States Postal Service located at 3030 Meredith Avenue in Omaha, Nebraska, as the Reverend J.C. Wade Post Office.

Reverend James Commodore Wade was a noted pastor and a civic leader. He was born in Oklahoma in 1909. His mother died when he was 5 years old, his father died when he was 8, and his grandfather died when he was 11. At age 17, he was completely out on his own. He joined the ministry at age 21. He was known as being the youngest pastor in the State of Oklahoma.

J.C. Wade was invited to speak in Omaha in 1944 and stayed on. He served on the Mayor's Advisory Committee in Omaha and organized the first Head Start Program in Salem, Nebraska. He was a member of the Baptist Pastors Conference and the Interdenominational Alliance. He served as the President of the New Era Baptist State Convention, Incorporated, for 9 years, and also as the State vice president to the National Baptist Convention for 9 years. On the national level, he was a member of the National Baptist Convention U.S.A., Inc.; the Gospel Music Workshop of America; and the NAACP. Dr. Wade died in August 1999.

Madam Speaker, I want to thank the gentleman from Nebraska (Mr. TERRY) for introducing this legislation, and I want to urge our colleagues to support H.R. 4615.

□ 1515

Mr. CUMMINGS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 4615, which names a post office after the Reverend J.C. Wade, was introduced by the gentleman from Nebraska (Mr. TERRY) on June 8, 2000. We thank him for doing that.

Reverend James Commodore Wade was a noted pastor and a civic leader. He was born in Oklahoma in 1909. He served on the Mayor's Advisory Committee in Omaha, and organized the first Head Start program in Salem, Nebraska. He was a member of the Baptist Pastor's Conference and the Interdenominational Alliance.

He served as a President of the New Era Baptist State Convention for 9 years, and also as a State Vice President to the National Baptist Convention for 9 years. I want to personally note as a member of that convention that I am very pleased to see that we are honoring him today.

On the national level, he was a member of the National Baptist Convention, the Gospel Music Workshop of America, and the NAACP. Ralph Waldo Emerson once said that you cannot judge a man by his station in life, but what he has done to get there.

I listened to the words of my distinguished colleague, the gentlewoman from Maryland, as she noted the fact that his parents died at an early age but yet he was able to overcome, and as a matter of fact, become a minister at a very early age. Again, on a personal note, as the son of two ministers, I can appreciate what we are doing here today.

Just to know that this gentleman who hales from Oklahoma was able to and became a significant part of the National Baptist Convention says a whole lot. It is a very distinguished convention, and it is a very important one in our Nation.

With that, Madam Speaker, I urge the swift adoption of this measure.

Madam Speaker, I reserve the balance of my time.

Mrs. MORELLA. Madam Speaker, I yield such time as he may consume to the gentleman from Nebraska (Mr. TERRY), and I thank him for introducing this piece of legislation.

Mr. TERRY. Madam Speaker, I thank the gentlewoman for yielding time to me, and I thank the gentleman from Maryland. I thank both members for managing this bill on the floor. I also thank the chairman of the committee, the gentleman from New York (Mr. MCHUGH), and the ranking member, the gentleman from Pennsylvania (Mr. FATTAH), for their efforts in committee to make sure that this bill passes and becomes reality.

In our society I think it is important, and especially for our children, to recognize those people that have had such a positive impact and effect on their community. It is truly an honor to be able to stand here and name a post office after one such gentleman in Omaha, Nebraska.

This bill renames the Ames Street Station after Reverend J.C. Wade, who for 44 years was the pastor and emeritus pastor of the Salem Missionary Baptist Church in north Omaha, which is the largest African-American church in Nebraska, and frankly, is one of the largest churches, period; in the State of Nebraska, because of his commitment and leadership.

Reverend Wade, as we learned, was born in Oklahoma, Wybark, Oklahoma, September 1, 1909. Wybark, by the way, is now called Chase, Oklahoma. Unfortunately for the Omaha, Nebraska community to which he moved in around 1950, he passed away on August 30, 1999.

Madam Speaker, I submit for the RECORD the program of his memorial service that outlines in more detail his achievements for his community.

A copy of the memorial service program is as follows:

REV. DR. JAMES COMMODORE WADE, SR.

Sunrise—September 1, 1909

Sunset—August 30, 1999

Homegoing Celebration for Rev. Dr. James Commodore Wade, Sr.

"And I will give you pastors according to mine heart, which shall feed you with knowledge and understanding."—Jeremiah 3:15

"And how shall they preach, except they be sent? As it is written, How beautiful are the feet of them that preach the gospel of peace, and bring glad tidings of good things!"—Romans 10:15

Friday, September 3, 1999 10:00 A.M.; Salem Baptist Church, 3336 Lake Street, Omaha, Nebraska; Rev. Maurice Watson, Officiating

OBITUARY

(The obituary was prewritten by Rev. Dr. James Commodore Wade, Sr.)

The life of James Commodore Wade, Sr. is a theocratic reply to the somewhat desparaging question, "Who's gonna take the boy?" James Commodore Wade, Sr. was birthed in a small hamlet called Wybark, Oklahoma, now Chase, Oklahoma, on September 1, 1909 to the parentage of George W.

Wade and Henrietta Ayers Wade. When the boy, James, was 5, his mother died and that marked the beginning of that disparaging question, "Who's gonna take the boy?" At age 8, he experienced the death of his father and again the question was raised, "Who's gonna take the boy?" Then at age 11, he witnessed the demise of his grandfather, Mr. Samuel Ayers, who at the time was his guardian. Once more, we encounter the query, "Who's gonna take the boy?" Seeming to be an orphan child, living as he says, "from pillar to post," it was at that point that God intervened and replied to that disheartening question by saying, "I will take the boy and make him the beneficiary of special providence." And the rest of the life of James Commodore Wade, Sr. is but a constant unfolding of God's providential care for a boy without a guardian or a home. Prior to the death of his grandfather, at age 10, he accepted Christ at the Union Grove Baptist Church, Wybark, Oklahoma, and was baptized in the Arkansas River by the late Rev. W.L. Turner.

Because of the twin afflictions of poverty and segregation, James went to a little one-room school, when he could, and finished the eighth grade in his mid-teens. By the time James was 17, he was completely out on his own. It was at this point that James left his native home and moved to Tulsa, Oklahoma. After moving to Tusla, he united with the St. Andrews Baptist Church under the leadership of Rev. W.H. Woods. It was during these years that James picked up the pace of his flight from his life's calling. He attempted to do what so many have sought to do, and that is to run away from the "preacher" calling. But God always has a way of making his servants give in to the clarion call. For J.C. Wade, God brought about a cataclysmic experience in the solar system. According to Rev. Wade's own testimony, "The sun, instantaneously switched places." Because of that stunning experience, J.C. Wade, Sr. confessed his call to the ministry at age 21 and preached his first sermon on April 1, 1931 at the St. Andrews Baptist Church, Tulsa, Oklahoma, whose pastor was Rev. W.H. Woods.

The year 1933 began another phase in the life of Rev. J.C. Wade, Sr., for in 1933, Rev. Wade was called to be the pastor of the Fountain Baptist Church in Haynes, Oklahoma for an overwhelming salary of 50¢ per week, sometimes! Pastor Wade had the sweet, torturous task of walking five miles on Sunday to preach the gospel to a dense crowd of 50 to 100 people, that is, if it didn't rain or snow. After serving the Fountain Baptist Church, the oldest church in the state of Oklahoma for approximately 2-2½ years, Pastor Wade, who bore the distinction of being the youngest pastor in the state of Oklahoma, resigned the Foundation Baptist Church and moved to the southern metropolis of Memphis, Tennessee. Memphis, at that time, was considered to be the haven of great preachers. There were two significant reasons for his moving to Memphis. One was that his father in the ministry wanted him to go to school; and secondly, he wanted him to be his assistant pastor at the Bethlehem Baptist Church.

After moving to Memphis, Rev. Wade met at Bethlehem a tender young lady named Mary Frazier, whom God had delivered from the crippling affliction called polio. Rev. Wade was most impressed with Mary, but Mary was most unimpressed with him. In fact, she was so unimpressed with him until when he would seek to pay her a visit, she would say, "Here comes that Old Esau." But her being unimpressed did not deter nor dissuade Rev. Wade. There was a prominent member of the Frazier family who genuinely admired "Old Esau," and that was Mary's mother, who everybody affectionately called "Mama Frazier." Since Mary refused to court Rev. Wade, Rev. Wade took a most effective alternate approach. He courted Mary through her mother, "Mama Frazier." It was an effective approach because on December 18, 1935, Rev. Wynn united in holy matrimony, Rev. J.C. Wade, Sr. and Mary "Unimpressed" Frazier.

Those early years were some tough days. Because of grave circumstances, Rev. and Mrs. Wade lived five years with her mother, "Mama Frazier." Rev. Wade worked at the government fleet, better known then as working on the levy. While working on the levy in the fall of 1936, Rev. Wade was called to be the shepherd of the Middle Baptist Church. However, a strange thing occurred: After serving as pastor for approximately three months, Rev. Wade permitted a visiting minister to preach for him during the Christmas season; he had to work on Sundays. The congregation, feeling that the visiting minister could outpreach Rev. Wade, dismissed him and called the visiting minister.

In the year 1937, Pastor Wade became pastor of the Shiloh Baptist Church on Court Street in Memphis, Tennessee. The membership totaled less than 100 people. This time, there was a substantial pay increase from "sometimes" 50¢ per week. The financial arrangement at Shiloh was 40/60.

Whatever was raised on Sunday, 40% was to be retained by the church and 60% was to be given to the pastor-elect. What an arrangement! However, the offering was a modest $6.00 per Sunday.

Then in 1940, Pastor Wade accepted another church in Memphis called the Riverside Baptist Church in the south Memphis area which had a membership of 200 people. Pastor Wade did something that was a church custom in the South at that time. That custom was to pastor, simultaneously, more than one church. Pastor Wade accepted the Riverside Baptist Church at a great salary increase: He began his ministry there at $25.00 per week.

To show you that Pastor Wade was concerned about providing for the needs of his family, while pastoring two churches, he took on a job at Mr. Green's store on Horn Lake Road and Ingle as a butcher.

In Genesis 1:28, we read, "And God said unto them, be fruitful and multiply and replenish the earth." The year 1937 marks the beginning of the Wade's being fruitful. On March 20, 1937, a little girl was born, and she was named Ruth Evelyn. On July 24, 1938, a boy was born and he was named James Commodore Wade, Jr. In the fall of 1939, tragedy almost struck the Wade household. Mrs. Wade became dangerously ill and was carried to the hospital in an unconscious condition. While Mrs. Wade was en route to the hospital, Rev. Wade went into their pantry and shut up with God and said, "God, you can't take her now. I don't want my children growing up as I did, not knowing Mother." God heard and answered that prayer because by the time Rev. Wade arrived at the hospital, Mrs. Wade was sitting up, dangling her feet on the side of the bed. After Mrs. Wade's recovery, they moved from Mama Frazier's to rent from Mr. George Griffin on Dixon Street. After having moved on Dixon, the Wades continued to be fruitful, for on March 15, 1941, another girl was born. She was named Doretha. Then on September 18, 1944, another son was born, and he was named Melvin Von.

In the early summer of 1944, Rev. Wade was invited by Rev. Woods, his father in the ministry, to preach a two-week revival at the Salem Baptist Church in Omaha Nebraska. Excitedly, he told many ministers who would gather at the Polk Printing office on Monday mornings. With a jubilant spirit, he went to Omaha to preach, for two weeks, only to find out after reaching Omaha, that Rev. Woods was not in the city. So, in an embarrassed state and at the request of the official board, Rev. Wade remained in Omaha. On the third Sunday in July, Rev. Wade was called to be the pastor of the Salem Baptist Church which had a roll of 250 members with 88 present. Rev. Wade states that there were three significant reasons for accepting a church who kept their pastors for two years at a time: 1) God ordained it so; 2) He did not want to rear his children in the segregated South; and 3) His mother-in-law's sainted sister Emma Highsmith told him that the Lord told her that his field was not in Memphis, and pointing in a northern direction, she said it's going to be that way.

The unique thing about Pastor Wade moving to Omaha was that, gradually, all of Sister Wade's family moved to Omaha.

After moving to Omaha, the Wades continued to be fruitful. In 1949, Sister Wade conceived a son, and to their dismay, that son passed away at birth. However, desiring to have one more child, on March 10, 1951, a little girl was born, and she was named Marsha Ann.

In 1949, Pastor Wade began to make extensive changes on Salem's structure. Then in 1955, with the membership having exceeded the present seating capacity, Rev. Wade sought to enlarge the sanctuary to accommodate the overflow crowd. That vision met with much opposition. But in spite of opposition, the structure was completed in 1956. Two years after that completion, the loan which they almost didn't get, was paid off.

1957 and 1958 were exciting years, not only because a loan was paid off, but because in December, 1957, Pastor Wade watched his daughter Doretha conduct her first musical. It was a Christmas cantata. And then in the spring of 1958, his elder son James confessed his call to the ministry and preached his first sermon. Then in 1961, with much ecstasy, he watched his son James receive a B.A. degree from Bishop College. Another exciting year for Pastor and Mrs. Wade was 1962. For 27 years, Rev. and Mrs. Wade lived in the following places: with Mama Frazier, in a rental house, and in a church parsonage. But in 1962, a dream came true. They purchased their first home at 3612 North 42nd Street. Then in 1963, his second son, Melvin, preached his first sermon.

After being told that the freeway was going to include the Salem structure at 28th and Decatur, Pastor Wade began to search out a location for a new Salem site.

In 1970, ground was broken for a new church structure at 34th and Lake Streets and was completed in April, 1971. That loan was paid off in 1978.

Another milestone was reached when he was informed in 1982 that government funds had been granted for the construction of a senior citizens' complex.

Yes, it was God who took the boy. For only God could take an orphan child, without much education, call him to preach, change his education insight, make him a rhetorical genius, and a linguistical genius. Make him a husband, a father, a pastor, a shepherd, a builder, and an evangelist. Because God had taken care of the boy. Rev. Wade was one of the most influential pastors in Omaha. He stood in some of the great preaching places in America, and he traveled extensively, evangelizing and proclaiming the gospel. Because God had taken care of an orphan boy from Wybark, Dr. Wade held key denominational positions, both locally and nationally.

Yes, God, indeed had taken care of the boy, James Commodore Wade, Sr. Rev. Wade also acknowledged, lest he seem ungrateful, the three years he spent as a member of the Friendship Baptist Church, Kansas City, Missouri, under the pastorate of the Rev. S. C. Doyle, who was a pastor and friend to him.

Rev. Wade will be greatly missed by ALL who knew him but he leaves to cherish his memories his wife of sixty-three years: Mary Frazier-Wade, Omaha: three daughters and son-in-law: Ruth Murray, Doretha Wade-Wilkerson, Los Angeles, California, Marsha Ann (Rev. Clyde) Nichols, Denver, Colorado; two sons and daughters-in-law: Rev. James C., Jr. (Ella) Wade, East Chicago, Indiana, Rev. Melvin V., Sr. (Jacquie) Wade, Los Angeles; nephew: Gene Bell, Evanston, Illinois; four nieces: Tina Williams, Chicago, Illinois, Marguerite Anderson, Cincinnati, Ohio, Myrtis Twyman, Westchester, Illinois, Wilma Hardiman, Omaha; sisters-in-law and brothers-in-law: Susan and William Cooper, Queon Temple, Agnes Brown, Sam (Grace) Frazier, all of Omaha; nine grandchildren; six great-grandchildren; and other relatives.

Madam Speaker, renaming this postal facility in his honor is an attempt to pay tribute to this outstanding citizen and dedicated man of God. The work initiated by Reverend Wade continues to this day in our community, and his impact on our community should be remembered, as it will forever have changed our community.

Among the notable community service achievements, Reverend Wade created the Salem Preschool for Children. In the early fifties, he realized that our youngest children have to go to school ready to learn, so he started the preschool to make sure that when they entered school they were ready; the precursor to what we call the Head Start program today. He started it before anyone in government had ever thought of that concept.

He organized, too, the first adult basic education in Omaha, Nebraska, at the church. He participated, and we have heard deeply in our community through the Mayors' Advisory Council, the Interdenominational Council, which by the way unifies our community from all faiths and geographic areas.

As a leader in the religious community, Reverend Wade served as the President of the New Era Baptist State Convention, the State Vice President to the National Baptist Convention, and director of religious education for the Sunday School and Baptist Training Union of the New Era State Convention.

As a member of the National Baptist Convention U.S.A., Reverend Wade brought the Baptist National Convention to Omaha three times. During his tenure at Salem Baptist, Reverend Wade grew the congregation from 250 members to nearly 4,000 members.

I was reminded the other day of a fascinating story about this man who took the Salem Baptist Choir to Crookston, Minnesota, for a concert in the late 1960s. This church in Crookston was based in an all-white community. Some of the Crookston members had never associated with African-Americans before, but this choir performed their concert even while their hearts were grieving because of riots that were occurring in Omaha, Nebraska.

The Choir fellowshipped with church members at a picnic following the concert, and later stayed in Crookston members' homes. The event broke down racial barriers and helped develop friendships between the two congregations that last to today. This outreach was a great success, particularly at a time when riots were going on not only in our hometown but throughout the country. It greatly affected the members of both churches.

All these earthly achievements testify to the character of Reverend J.C. Wade, who we seek to honor today by passing H.R. 4615 designating the Reverend J.C. Wade Post Office.

Finally, I would like to honor Reverend Wade's wife of 63 years, an amazing woman, Mary Frazier Wade, and thank her for her assistance and her support in this legislation.

Madam Speaker, I urge my colleagues to support this legislation.

Mr. CUMMINGS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I was very pleased to hear the gentleman from Nebraska (Mr. TERRY) reiterate the concern that Reverend J.C. Wade had for the education of young people. If we were to honor him, I am sure he would want to be honored for his pastoral duties and his efforts, but I am sure he would also want to be honored for looking towards the future so that he could make sure that young children could rise up to be the very best they could be.

When we are talking about establishing the first Head Start center in Omaha, I think that says a lot, because he clearly had a vision of the future. As I often say, he cared about somebody other than himself. He wanted to make sure that those children were able to rise up.

I am sure that as they pass the post office, a lot of those children who benefited from his efforts, they can only stop to salute and say, thank you.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. MORELLA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am very moved to hear about the contributions of Reverend J.C. Wade. I want to thank the gentleman from Nebraska (Mr. TERRY) for so acknowledging and for introducing this legislation to name a post office building in his name.

Madam Speaker, I urge support for the bill, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and pass the bill, H.R. 4615.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

HENRY McNEAL TURNER POST OFFICE

Mrs. MORELLA. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3454) to designate the United States post office located at 451 College Street in Macon, Georgia, as the "Henry McNeal Turner Post Office."

The Clerk read as follows:

H.R. 3454

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF POST OFFICE.

(a) DESIGNATION.—The United States post office located at 451 College Street in Macon, Georgia, shall be known and designated as the "Henry McNeal Turner Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Henry McNeal Turner Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Maryland (Mrs. MORELLA).

GENERAL LEAVE

Mrs. MORELLA. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Mrs. MORELLA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the legislation before us, H.R. 3454, was introduced by our colleague, the gentleman from Georgia (Mr. CHAMBLISS). All Members of the House delegation from Georgia have cosponsored this bill.

H.R. 3454 designates the post office located at 451 College Street in Macon, Georgia, as the Henry McNeal Turner Post Office.

There is much to be said about the man honored by this legislation, but I will speak briefly. Henry McNeal Turner was a well-known missionary, pastor, evangelist, church administrator, Army chaplain, author of religious publications, and postmaster.

Turner faced many obstructions in his youth. However, he taught himself to read, and at the age of 19 became a preacher in the African Methodist Episcopal Church. In 1863, he organized the first regiment of African-American troops, and he became the first African-American Army chaplain, and then became a chaplain of the regular troops.

Mr. Turner was appointed as a delegate to the Constitutional Convention in 1867. He was elected to the Georgia State Legislature in 1868 and in 1870. He was appointed postmaster of Macon in 1869. After a year as postmaster, Mr. Turner returned to the State Legislature and founded the Georgia Equal Rights League. He actively championed equal rights, and led mission trips to Sierra Leone, Liberia, and South Africa.

Madam Speaker, I urge our colleagues to support H.R. 3454, honoring an individual who sought equality for all Americans and for people around the world.

I want to thank the gentleman from Georgia (Mr. CHAMBLISS) for bringing our focus to this great individual, Henry McNeal Turner.

Madam Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I join the gentlewoman from Maryland (Mrs. MORELLA) in thanking the gentleman from Georgia (Mr. CHAMBLISS) for sponsoring H.R. 3454.

Henry McNeal Turner was a well-known missionary pastor, evangelist, church administrator, Army chaplain, author of religious publications, and postmaster. He taught himself to read, and at the age of 19 he became a preacher in the African-American Methodist Episcopal Church.

In 1863, he organized the first regiment of African-American troops. He became the first African-American Army chaplain, and then became a chaplain of the regular troops. He was elected to the Georgia State legislature in 1868.

I guess it is easy for us to say that today, but when we think about the times back in 1868, for an African-American man to be elected to the State legislature is phenomenal.

In 1869 he was appointed Postmaster of Macon, Georgia. He actively championed equal rights, and led missions to Sierra Leone, Liberia, and South Africa. So we pause here to honor him by naming this post office after him.

I must say that it is so important that we do this, for he is a hero to so many people, and particularly to African-American people. Just the thought that this post office will be named after him, and children again will have to say, well, who was he, Henry McNeal Turner. I think somebody can turn around and say that he was a great man and accomplished a lot of great things in a very difficult time.

□ 1530

Madam Speaker, I urge my colleagues to vote for this measure.

Madam Speaker, I reserve the balance of my time.

Mrs. MORELLA. Madam Speaker, I am honored to yield such time as he may consume to the gentleman from Georgia (Mr. CHAMBLISS), the prime sponsor of this legislation.

Mr. CHAMBLISS. Madam Speaker, I thank the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Maryland (Mr. CUMMINGS) for their kind comments regarding Henry McNeal Turner and for bringing this bill to the floor today.

Madam Speaker, last year I introduced H.R. 3454 to designate the United States Post Office located at 451 College Street in Macon, Georgia, as the Henry McNeal Turner Post Office. Today we have the opportunity to honor a great man by passing this bill.

Bishop Henry McNeal Turner was one of Georgia's most dynamic African American men in the 1800s. He was a missionary, an evangelist, a theologian and church administrator, an Army chaplain, a postmaster, an author, a politician, and a staunch supporter of equal rights in America.

Bishop Turner was born in South Carolina in 1834. He taught himself to read and, at the age of 19, became a pastor in the African Methodist Episcopal Church. As he helped to build the membership of the church, Turner was appointed a deacon, then elder, and eventually bishop of the AME Church.

By 1880, Bishop Turner was responsible for churches from Nova Scotia to Louisiana. Additionally, Turner traveled extensively in Africa as a missionary and established churches in Liberia, Sierra Leone, and South Africa.

In the United States, Turner strove for equality amongst blacks and whites. In 1863, he helped organize the first United States regiment of African American troops and became the first African American Army chaplain appointed by President Abraham Lincoln.

During Reconstruction, he worked to make life in 19th century Georgia a better place for blacks. Turner helped organize the Republican Party in Georgia in 1867 and was first elected to the Georgia State Senate in 1868 as a Republican.

During his political career, Turner introduced bills for higher education for blacks, to protect black people from the Ku Klux Klan, and to give women the right to vote. Turner was an ardent supporter of public schools in Georgia and championed equal rights by founding the Georgia Equal Rights League.

In 1869, after all the black legislators were expelled from the legislature because of their race, Turner was appointed postmaster in Macon, Georgia. But he was then returned to the Georgia legislature in the following year.

Bishop Henry McNeal Turner is remembered as a man of many accomplishments. His influence spread far and wide, and his power was felt from rural towns in Georgia to churches in Africa. In the United States Army, in the postal service, in the African Methodist Episcopal Church, and in government Bishop Turner fought fiercely to improve the lives of the minorities and to defend their rights. Turner College and Turner Theological Seminary in Atlanta are named for him, as are many churches across Georgia, Kentucky, South Carolina, and Louisiana.

Bishop Turner stood for freedom, justice, and equality and left an endearing mark on our society. In reference to Bishop Turner, the Reverend Augusta Hall, Jr., senior pastor of the Saint Paul AME Church in Covington, Georgia, stated as follows:

"Georgia stands as your living testament. Churches you have built throughout her realm, ordaining those who would serve the Church of Allen, true servants of God you placed at her helm.

"Bishop Turner, even when your days drew nigh, look upwards you taught us, for inspiration comes from on high. Bishop Turner, may you dwell forever in God's heavenly sky. God bless the name of Henry Turner, may your legacy never die."

Bishop Turner's commitment to education, service, missionary work, the improvement of people, and racial equality deserve our recognition. Naming the post office in Macon, Georgia, of which he was postmaster at one time, is certainly a fitting tribute to this great man.

All 11 members of the Georgia congressional delegation are cosponsors and supporters of this bill to honor Bishop Henry Turner. I would encourage my colleagues to join me in passing this bill to recognize Bishop Turner's contributions to Georgia and America.

I give special thanks to Elder Ben Ridley and current Macon Mayor Jack Ellis for their assistance and cooperation in researching Bishop Turner and for helping to bring this post office naming to a reality.

Mr. CUMMINGS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, in listening to the gentleman from Georgia (Mr. CHAMBLISS), I could not help but think about the fact that, when he talked about how Henry McNeal Turner worked hard many, many years ago for equal rights, for African Americans, and women, it is so interesting, Madam Speaker, that the denomination in which he was a bishop, the African Methodist Episcopal Church, just named one of our neighbors, one of my neighbors in Baltimore, Bishop Vashti McKenzie. I cannot help but think that it was people like Henry McNeal Turner who laid the foundation for such a wonderful opportunity for women and in particular for Bishop Vashti McKenzie.

So today we salute him, and I urge all of our Members to vote in favor of this very, very important piece of legislation.

Madam Speaker, I yield back the balance of my time.

Mrs. MORELLA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I cannot help but be moved by what I hear about Bishop Turner, and I am very pleased that we have before us this naming post office bill for Bishop Turner, a man who was early on demonstrative of great courage, conviction, equality for African Americans, as well as for women, and for helping those who need it most.

So I urge this House to unanimously pass H.R. 3454, and I thank the gentleman from Georgia (Mr. CHAMBLISS) for introducing it.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and pass the bill, H.R. 3454.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

EVERETT ALVAREZ, JR. POST OFFICE BUILDING

Mrs. MORELLA. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4484) to designate the facility of the United States Postal Service located at 500 North Washington Street in Rockville, Maryland, as the "Everett Alvarez, Jr. Post Office Building."

The Clerk read as follows:

H.R. 4484

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EVERETT ALVAREZ, JR. POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 500 North Washington Street in Rockville, Maryland, shall be known and designated as the "Everett Alvarez, Jr. Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Everett Alvarez, Jr. Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Maryland (Mrs. MORELLA).

GENERAL LEAVE

Mrs. MORELLA. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4484.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Mrs. MORELLA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 4484, which designates the facility of the United States Postal Service located at 500 North Washington Street in Rockville, Maryland as the Everett Alvarez, Jr. Post Office Building. It is with great pride that we in the Maryland Congressional Delegation honor a man for whom our entire Nation is eternally grateful.

During his life, Mr. Alvarez has faithfully served as a distinguished military officer and public servant. In 1960, after earning a Bachelor of Science in Electrical Engineering from the University of Santa Clara and becoming the first in his family to go to college, Mr. Alvarez joined the United States Navy.

After serving in the Navy for 20 years, he retired from his position with program management at the Naval Air Systems Command in Washington, D.C. and accepted an appointment as deputy director of the Peace Corps.

In 1982, President Reagan nominated him, and the Senate confirmed his appointment, as the deputy administrator of the Veterans Administration. After leaving the position of deputy administrator of the VA, Mr. Alvarez joined the Hospital Corporation of America before forming his own consulting company, Conwal, Incorporated.

A dedicated civil servant, Mr. Alvarez is best known to the public as the first American aviator shot down over North Vietnam. In 1964, then LTJG Everett Alvarez, an A-4 Skyhawk pilot, was assigned to Attack Squadron 144 on board the U.S.S. *Constellation*. On August 5, he was shot down and captured on the first raid in North Vietnam.

Commander Alvarez was reported as captured at about 4 p.m. Hanoi time at Hon Gai Bay in the Gulf of Tonkin. He was kept in the local jail cell in Hon Gai with two Vietnamese prisoners for 2 days, then moved to a nearby farm until August 12. On the 12th, he was taken in Hanoi and placed into room 24 in the infamous Hanoi Hilton where he lived until March of 1965, at which time other American prisoners started to arrive.

Commander Alvarez earned the dubious distinction of not only being the first naval aviator captured by the North Vietnamese, but also the longest confirmed prisoner of war in North Vietnam. On February 12, 1973, Commander Alvarez was finally released after 8½ years of imprisonment.

For his courageous service, Everett Alvarez holds numerous military decorations. He has been honored with the Silver Star, two Legions of Merit, with combat "V," two Bronze Stars, with combat "V," the Distinguished Flying Cross, and two Purple Heart medals.

In addition, a city park and two housing projects in California and Texas have been named in honor of Mr. Alvarez. In 1987, his hometown of Salinas, California, named a new high school in his honor. In March of 1998, he was awarded with the Daughters of the American Revolution's Medal of Honor.

Today, we have the opportunity to honor him in Rockville, Maryland, where Mr. Alvarez, his wife Thomasine, and his two sons, Mark and Bryan, currently reside. Unfortunately the Alvarez family was not able to be in the gallery this afternoon because Mr. Alvarez continues to serve America and America's future with his position on the Board of Regents of the Uniformed Services University of Health Sciences and is currently at their annual board meeting in Colorado.

Commander Alvarez's life stands as a testament to patriotism, to courage, and to perseverance. He, like any of our Nation's veterans, deserves our highest praise for risking his life defending this great Nation.

In the historical publication, We Came Home, Commander Alvarez reflects on his prisoner-of-war experience with this statement:

"For years and years, during our long incarceration, we dreamed of the day when we would come home to our families and friends. We never gave up hope that this day might come soon, because we had faith—faith in God, in our country, and in ourselves. It was this faith that maintained that someday our dreams would come true. No one can be prouder than I am for having had the association of some of the bravest men this country has ever seen—my fellow prisoners who were held in North Vietnamese jails."

Madam Speaker, it is a privilege for me to sponsor this legislation endorsed by all of the Maryland delegation to honor one of America's great heroes, Everett Alvarez, Jr.

Madam Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 4484, which names a post office after Everett Alvarez, was introduced by the gentlewoman from Maryland (Mrs. MORELLA), my good friend and colleague, on May 17, 2000.

Everett Alvarez was born in Salinas, California, in 1937. He earned a Bachelor of Science Degree in Electrical Engineering and a Master's degree in Operations Research and Systems Analysis, and a Juris Doctorate.

After earning his bachelor's degree in 1960, he joined the United States Navy and was an officer. He was taken prisoner of war in August of 1964 and held captive in North Vietnam for 8½ years until the general release of prisoners in February of 1973.

He served in program management at the Naval Air Systems Command in Washington, D.C. until his retirement in 1980. In 1981, he accepted an appointment as deputy director of the Peace Corps. President Reagan nominated him, and he was confirmed by the Senate, to be deputy administrator of the Veterans Administration in 1982.

Mr. Alvarez is a recipient of numerous military declarations and civilian awards and serves on several boards of directors. The fact is that he is a military man and he has given so much to his country, and someone once said freedom is not free. The fact is that Mr. Alvarez took time out of his life to sacrifice so that we could all be free and enjoy the wonderful life that we enjoy in this country and around the world.

Madam Speaker, I urge the adoption of H.R. 4484. I thank the gentlewoman from Maryland (Mrs. MORELLA) for recognizing this great Marylander.

Madam Speaker, I yield back the balance of my time.

☐ 1545

Mrs. MORELLA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I want to acknowledge and demonstrate my appreciation to the chairman of the Committee on Government Reform, the gentleman from Indiana (Mr. BURTON), and the ranking member; as well as the chairman of the subcommittee before whom this bill came, the gentleman from New York (Mr. MCHUGH) and his ranking member, the gentleman from Pennsylvania (Mr. FATTAH).

I want to also thank the gentleman from Maryland (Mr. CUMMINGS) for his sponsorship of this bill. It is interesting that we have the two Marylanders managing the time for a bill to name a post office for a national hero that will be in Maryland. So I urge support of this bill.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and pass the bill, H.R. 4484.

The question was taken.

Mrs. MORELLA. Madame Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

JAMES W. McCABE, SR. POST OFFICE BUILDING

Mrs. MORELLA. Madame Speaker, I move to suspend the rules and pass the bill (H.R. 2302) to designate the building of the United States Postal Service located at 307 Main Street in Johnson City, New York, as the "James W. McCabe, Sr. Post Office Building."

The Clerk read as follows:

H.R. 2302

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

(a) IN GENERAL.—The building of the United States Postal Service located at 307 Main Street in Johnson City, New York, shall be known and designated as the "James W. McCabe, Sr. Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the "James W. McCabe, Sr. Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Maryland (Mrs. MORELLA).

GENERAL LEAVE

Mrs. MORELLA. Madame Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2302.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Mrs. MORELLA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, our colleague, the gentleman from New York (Mr. HINCHEY) introduced H.R. 2302 on June 22, 1999. Pursuant to the policy of the Committee on Government Reform, each House Member of the State delegation of New York has cosponsored the legislation.

H.R. 2302 designates the building of the United States Postal Service at 307 Main Street in Johnson City, New York, as the James W. McCabe, Sr. Post Office Building.

James W. McCabe was born in Johnson City, New York, in 1917. He attended elementary school in Johnson City and high school at Holy Cross Seminary in Notre Dame, Indiana. He graduated cum laude from the University of Notre Dame where he majored in Latin and had minors in English and philosophy. He then attended SUNY-Albany to complete teaching requirements, and he also received a master's degree in education. He did further graduate studies at Syracuse University, Colgate University and Ithaca College.

Mr. McCabe served with the Army Air Corps from 1943 through 1945. He was stationed in the South Pacific with a B-24 bomber crew. He was awarded the Air Medal with an oak leaf cluster and was honorably discharged with the rank of technical sergeant.

After military service, Mr. McCabe taught Latin and English at Johnson City High School. James McCabe served as mayor of Johnson City from 1963 to 1971, and on the executive committee of the New York Conference of Mayors in 1970 to 1971. He was elected to represent his constituents as an assemblyman from January 1973 to 1985.

For his efforts on behalf of the mentally disabled, the Mayor of New York, on behalf of the City of New York and the Advisory Board of the New York City Department of Mental Health and Mental Retardation Services, presented Mr. McCabe the Human Service Award in 1977. Also in 1977, he received the Legislator of the Year Award from the New York State Personnel and Guidance Association for his work in mental health.

In 1981 and 1982, Mr. McCabe was named Legislator of the Year by the New York State Association of Counties and the Friend of Education Award.

After his service in the State assembly, Mr. McCabe served on the New York State Board of Regents for 5 years.

Mr. McCabe died in Johnson City on May 23, 1999. He is survived by his wife of 55 years, Margaret Flynn McCabe.

Madam Speaker, this bill honors an individual who devoted his life to public service. It is most appropriate to honor James W. McCabe, Sr., by naming a United States Post Office in Johnson City, New York, where Mr. McCabe was born, served his community and died; and I urge all Members to support H.R. 2302 honoring James W. McCabe, Sr.

Madam Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Madam Speaker, I yield 5 minutes to the gentleman from New York (Mr. HINCHEY), the author of the legislation.

Mr. HINCHEY. Madam Speaker, it is with a great deal of pleasure that I rise and ask the House to support us in designating the building of the United States Postal Service, which is located at 307 Main Street in Johnson City, New York, as the James W. McCabe, Sr. Post Office Building.

In doing so, I want to express my appreciation to my friend and colleague, the gentlewoman from Maryland (Mrs. MORELLA), and others who are supporting us in this endeavor. I thank them very much.

Jim McCabe, Sr. served a total of 17 years in New York State government. As a former Mayor of Johnson City and a member of the New York State legislature, Jim served his community and he served his entire State with great distinction.

Many members of the New York congressional delegation served with Jim during his six terms in the assembly and remember him for his dedication, for his kindness, and, most of all, I think, for his great strong sense of integrity. His leadership was always based upon his conscience, not on the polls and not on party. His intelligent leadership earned him the friendship and respect of all those who were privileged to serve with him.

Jim McCabe died in 1999, and naming the Johnson City Post Office after him would permanently honor his memory in the community that he served so well. This tribute is particularly appropriate since Jim's father served as the postmaster in Johnson City.

Jim McCabe was born in Johnson City, New York, on April 17, 1917. He graduated cum laude from the University of Notre Dame. He then attended the State University of New York at Albany for a semester to complete his teaching requirements, and later received a master's degree in education. He did further graduate study at Syracuse University, at Colgate University, and also Ithaca College.

He was a devoted family man and was married for 56 years to his wife Margaret, and together they had seven children.

Jim served with the Army Air Corps from 1943 through 1945. He was a World War II veteran. He was stationed in the South Pacific with a B-24 bomber crew. And for his service there, he was awarded the Air Medal with an oak leaf cluster.

Jim taught Latin and English at Johnson City High School when he was discharged from the service from 1946 to 1973. He also served as a counselor at that school.

From 1963 to 1971, Jim was the Mayor of Johnson City. As mayor, Jim was a strong proponent of the construction of New York Route 17, soon to be redesignated as part of the interstate highway system, Interstate 86. The construction of that Route 17 brought economic development to the area. At a time when the region was dumping raw sewage into the Susquehanna River, Jim helped establish the Binghamton-Johnson City Joint Sewer Treatment Plant, which still serves the people of Broome County. And it was his foresight and leadership on this important environmental issue that made that possible.

From 1970 to 1971, he served as a member of the Executive Committee of the New York State Conference of Mayors. Jim McCabe also served six terms in the New York State assembly. That service was from 1973 until 1982. During that time, he was chairman of the Assembly Committee on Local Government and also chair of the Legislative Commission on State and Local Relations.

As a member of the State Assembly's Committee on Mental Health, Education and on the Rules Committee and its Task Force on the Disabled, Jim was a passionate advocate on behalf of the mentally disabled, and he became known all across New York State for that service. In fact, for his efforts, Jim received the Human Service Award in 1977. The award was presented by then New York City Mayor Abraham Beame on behalf of New York City and the Advisory Board of the New York City Department of Mental Health and Mental Retardation Services.

In the same year, Jim McCabe received the Legislator of the Year Award from the New York State Personnel and Guidance Association, additionally for his work in mental health. Jim was named Legislator of the Year in 1981 and 1982 by the New York State Association of Counties. He also received the Friends of Education Award in 1982 from the New York Education Association.

After his service in the State Assembly, and in a way as a capstone of his entire service in both State and local government, Jim served for 5 years on the New York State Board of Regents. The New York State Board of Regents, of course, is the board which oversees the entire educational system within New York. It was a very appropriate way for Jim McCabe to end his public service, in the sense that throughout his years, in local government and in the State legislature, and wherever he worked, with young people and old everywhere, his educational skills served him in good stead.

Jim, first and foremost, was an educator. And everyone with whom he came in contact benefitted from his skills, from his experience, from his wide breadth of service both here at home and abroad. It is, Mr. Speaker, with a great sense of pride that I offer this legislation to the Congress of the United States to name the Post Office Building in Johnson City as the James W. McCabe, Sr. Post Office.

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume to congratulate the gentleman from New York (Mr. HINCHEY) for introducing this bill for someone who certainly deserves the recognition.

Mr. Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also applaud the gentleman from New York (Mr. HINCHEY) for this bill and for introducing it. I think he has said it quite eloquently as to why we are honoring this wonderful gentleman, James W. McCabe, in naming a post office after him.

The fact is, as I have said about some of our other honorees earlier today, they have come upon the Earth, they have seen it, they saw they could make a difference and made that difference.

With that, I would associate myself with the statement that the gentleman from New York just made and would urge our colleagues to vote in favor of this very important legislation based upon that.

I also want to thank the gentlewoman from Maryland (Mrs. MORELLA) also for all her assistance.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume and I again urge this House to unanimously pass H.R. 2302, the legislation naming the James W. McCabe Post Office Building.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. KUYKENDALL). The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and pass the bill, H.R. 2302.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

JUDGE ROBERT BERNARD WATTS, SR. POST OFFICE BUILDING

Mrs. MORELLA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4448) to designate the facility of the United States Postal Service located at 3500 Dolfield Avenue in Baltimore, Maryland, as the "Judge Robert Bernard Watts, Sr. Post Office Building."

The Clerk read as follows:

H.R. 4448

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JUDGE ROBERT BERNARD WATTS, SR. POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 3500 Dolfield Avenue in Baltimore, Maryland, shall be known and designated as the "Judge Robert Bernard Watts, Sr. Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Judge Robert Bernard Watts, Sr. Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Maryland (Mrs. MORELLA).

GENERAL LEAVE

Mrs. MORELLA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4448.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is an honor to bring before the House H.R. 4448, legislation that was introduced by our colleague, the gentleman from Maryland (Mr. CUMMINGS). This bill was introduced on May 15 of this year and is supported by all Members of the House delegation from the State of Maryland, and I am honored to be a cosponsor.

□ 1600

This legislation designates the United States Post Office located at 3500 Dolfield Avenue in Baltimore, Maryland, as the "Judge Robert Bernard Watts, Sr. Post Office."

Judge Watts graduated with honors from Morgan State College in 1943. He joined the Army and served until 1945. After this service, he earned a law degree from the University of Maryland in 1948.

Judge Watts was deeply involved with the civil rights movement and worked closely with the NAACP. He was instrumental in desegregating numerous theaters, restaurants, department stores, hotels, and the Gwynn Oak Amusement Park. Judge Robert Bernard Watts was the first African American to be appointed full time to the bench of the Municipal Court of Baltimore City and was the first judge in Maryland to open hundreds of adoption records.

Mr. Speaker, I urge all Members to support H.R. 4448 in honor of a gentleman, a gentleman who has made a difference in the lives of his community and his State.

I also want to congratulate the gentleman from Maryland (Mr. CUMMINGS) for taking time to introduce this bill and for bringing the good works of Judge Watts to the attention of our colleagues.

Mr. Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank the gentlewoman from Maryland (Mrs. MORELLA), the gentleman from New York (Mr. MCHUGH), and the gentleman from Pennsylvania (Mr. FATTAH) the ranking member of the Subcommittee on Postal Service, for their support in bringing this bill to the floor.

I believe that persons who have made meaningful contributions to society should be recognized. The naming of a postal building in one's honor is truly a salute to the accomplishments and public service of an individual.

H.R. 4448 designates the United States Postal Building located at 3500 Dolfield Avenue, Baltimore, Maryland, as the "Judge Robert Bernard Watts, Sr. Post Office Building."

I am pleased to be able to speak today about Judge Robert Bernard Watts, Sr. Judge Watts was born in west Baltimore, was at the center of the civil rights movement in the State of Maryland. He began his civil rights work as chairman of the NAACP Youth Chapter at Morgan State University. His chapter, with 200 members, was the largest in the country at that time. Because of his outstanding work, the NAACP sent him to his first national convention in Atlanta, Georgia, in 1942, where he met the late Justice Thurgood Marshall with whom he worked for 15 years on various civil rights cases.

He was the first African American to be appointed full time to the bench of the Municipal Court of Baltimore City. He then served in the Army until 1945. He earned a law degree from the University of Maryland, my alma mater, in 1949, where he was the editor of the Maryland Law Review, which is a very high honor.

Also in 1949, he formed the first major African American law firm in Baltimore. He was the first African American appointed to the Municipal Court in Maryland. In 1968 he was appointed by Governor Spiro Agnew to the Supreme Bench of Baltimore City.

As a judge, Watts was instrumental in desegregating numerous theaters, restaurants, department stores, hotels, and the Gwynn Oak Amusement Park. He was the first judge in Maryland to open hundreds of adoption records, reuniting numerous families. Judge Watts was one of the few judges who volunteered to be a part of our family court, the court that dealt with various disputes with regard to family matters, divorces, adoptions, and child support.

I had an opportunity, many opportunities, to go before him. And quite often he would tell us that the reason why he liked doing this kind of work was because he wanted to bring families together and have them see the bigger picture. He cared so much about children he wanted to make sure that fathers understood that they needed to be a part of their children's lives.

Moreover, Judge Robert Watts not only served justly and fairly in the courtroom but served in numerous organizations in the community. At one point in his career he served on 14 boards at the same time, among them Bon Secours Hospital, which is located in the seventh Congressional District. He chaired three gubernatorial task forces regarding family law, AIDS, and prison overcrowding and served the community as a member of Alpha Phi Alpha Fraternity, Inc.

He died October 8, 1998.

He was such a wonderful, wonderful husband to his wife Jacqueline. He was married to her for over 50 years.

And so we take this moment to salute him for all that he has done to make life better for so many people.

One great author said that, when speaking of a great person, he said he brought life to life. It is clear that Judge Watts did that.

Mr. Speaker, I reserve the balance of my time.

Mrs. MORELLA. Mr. Speaker, again I thank the gentleman from Maryland (Mr. CUMMINGS) for introducing this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I am very pleased to yield 5 minutes to my distinguished colleague, the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, first let me thank my friends, the gentleman from Maryland (Mr. CUMMINGS) and the gentlewoman from Maryland (Mrs. MORELLA), for bringing forward this legislation that honors Judge Watts.

I can think of no person more appropriate to be honored than Judge Watts. He was my friend. He was my mentor. As my colleagues have pointed out, yes, he was responsible for breaking many barriers. He was an outstanding jurist. He was a colleague of my father on the Supreme Bench of Baltimore City and a close friend of my father and our family.

I remember sharing many dinners together with Judge Watts and his family. He was an extraordinary individual. But I think his greatest accomplishment was the way that Judge Watts was able to bring communities and people together. He could mediate problems in a neighborhood. He could mediate problems in a city. He could mediate problems in our State. He was called upon by governors, by legislators, by jurists, by attorneys to help bring his wisdom to improve our community. And as the gentleman from Maryland (Mr. CUMMINGS) pointed out, he never turned down a request, serving on 14 boards at one time.

Let me just share with my colleagues one example of one board that he agreed to serve on. He served with me as a trustee at St. Mary's College in St. Mary's City, Maryland, not exactly close to his hometown of Baltimore. It was about a 2-hour commute in order to attend the trustees meetings.

Now, Judge Watts was well known in Baltimore, but he was willing to take his knowledge and expertise and use it to help a small liberal arts college in a rural part of our State.

He never missed a meeting that I can remember. He was always an active participant. We had a very sensitive issue that, quite frankly, I do not think anyone but Judge Watts could have resolved.

St. Mary's College is one of the finest public liberal arts colleges in this Nation. And this is a tribute also to Judge Watts' talent, leadership, and willingness to get involved in community activities.

Mr. Speaker, he spent his life serving his community. I am proud that today we are going to be able to honor his community by the naming of this facility.

I congratulate all involved.

Mrs. MORELLA. Mr. Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Maryland (Mr. CARDIN) for his comments. As he was speaking, I could not help but remember the many times that Judge Watts sat in the meetings of blacks and Jews, we called them Blews, and tried to make sure that African-Americans and Jewish people worked together to resolve problems. He was a man who constantly looked for what people had in common, as opposed to their differences; and he fully understood that if we concentrated on the things we have in common, we can accomplish so very, very much.

So we take this moment not only to salute Judge Watts, but we also salute Mrs. Watts, Jacqueline Watts; his five children Robert, Rodney, Jacqueline, Janelle, and Bobbett; and we take this moment to name this post office after him so that, as I have said so many, many times, so that when children look at the post office and look at the name up there, they can say, Well, who was Judge Watts? And it may be many, many years from now and somebody will be able to say, Well, he was a great jurist, he was a great great humanitarian and, in the words of the gentleman from Maryland (Mr. CARDIN), he was a consensus builder and one who brought people together.

I do not think we can give any greater tribute to any person greater than the one we have given here today. I urge passage of this legislation.

Mr. Speaker, I yield back the balance of my time.

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we can see there is unanimity among the Maryland delegation on behalf of the Nation and the service of Judge Robert Bernard Watts, Sr. So I urge passage of this bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. KUYKENDALL). The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and pass the bill, H.R. 4448.

The question was taken.

Mrs. MORELLA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

DR. FLOSSIE McCLAIN DEDMOND POST OFFICE BUILDING

Mrs. MORELLA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4449) to designate the facility of the United States Postal Service located at 1908 North Ellamont Street in Baltimore, Maryland, as the "Dr. Flossie McClain Dedmond Post Office Building."

The Clerk read as follows:

H.R. 4449

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DR. FLOSSIE McCLAIN DEDMOND POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1908 North Ellamont Street in Baltimore, Maryland, shall be known and designated as the "Dr. Flossie McClain Dedmond Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Dr. Flossie McClain Dedmond Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Maryland (Mrs. MORELLA).

GENERAL LEAVE

Mrs. MORELLA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4449.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill before us, H.R. 4449, was introduced by the gentleman from Maryland (Mr. CUMMINGS), my colleague. This legislation designates the post office located at 1908 North Ellamont Street in Baltimore, Maryland, as the "Dr. Flossie McClain Dedmond Post Office." Each member of the Maryland delegation has cosponsored this legislation, pursuant to the policy of the Committee on Government Reform.

Dr. Flossie McClain Dedmond earned a bachelor's degree in English from Fisk University, a master's degree from Columbia University, and she pursued postgraduate studies in English and speech at Ohio State University and Catholic University of America, respectively.

Dr. Dedmond taught and held administrative positions at Allen University, Benedict College, Knoxville College, Morgan State University, and Coppin State College, where she spent 31 years in various posts.

She held various positions at Coppin, including professor of English, head of the English Department, and chair of numerous committees. She was also the director of the summer/evening college and retired as dean of the arts and sciences division.

The first residence hall at Coppin State College was named "The Flossie M. Dedmond Center for Living and Learning." Dr. Dedmond was bestowed the honor of Dean Emeritus when she retired from Coppin State.

Dr. Dedmond passed away on September 11, 1998.

Mr. Speaker, I urge our colleagues to support H.R. 4449, a bill that honors a great academician who has inspired innumerable young Americans.

I also want to recognize the dedicated work of the gentleman from Maryland (Mr. CUMMINGS) in bringing this legislation to the floor.

Mr. Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Dr. Flossie McClain Dedmond earned a bachelor's degree in English from Fisk University, received a master's degree from Columbia University, and pursued postgraduate studies at Ohio State University and Catholic University of America. She served in teaching and administrative positions at Allen University, Benedict College, Knoxville College, Morgan State University, and Coppin State College.

□ 1615

Dr. Dedmond spent 31 years working at Coppin State College where she served in numerous roles. Upon her retirement, the honor of Dean Emeritus was bestowed upon her. In 1993, Coppin's first residence hall was named after her and is called the Flossie M. Dedmond Center for Living and Learning.

A talented musician, Dr. Dedmond composed the alma mater for Allen University, and the song is still in use today. Along with her other many talents and honors, Dr. Dedmond was a prize winning poet. For over 6 years, she served as the Governor's appointee on a 13-member appellate judicial nominating commission. She is the former national vice president of the National Council of Negro Women. Dr. Dedmond was also a 52-year member of Alpha Kappa Alpha Sorority, a service sorority. In her many years of service to this organization, she was a former national public relations director of the sorority and was one of the organization's incorporators of the Cleveland Job Corps. She died on September 11, 1998.

Dr. Burnett, the President of Coppin State University, tells a very interesting story about how, when she was dean, she had a major trip that she was supposed to take to Austria to deliver a paper and it was probably the most important trip of her life as a college educator. He said that she was prepared to go but they had some problems at the university and so he thought that she had flown off to deliver her paper in Austria. So he walks in early that Monday morning to try to address the problems, and she is sitting there in his office. He said, "Why are you still here?" She says, "I'm here because I didn't want to leave you here to drown. I wanted to stay here to make sure that the students who come through the doors of this university have an opportunity to move forward and become the great people that I know that they can be."

That was what Dr. Dedmond was all about, touching the lives of college students, making sure that they were prepared to go out of the doors of Coppin State University and other historically black colleges and universities so that they could touch others to make their lives better.

She would often talk about breaking the cycle of poverty and breaking the cycle of illiteracy and breaking the cycle of alcoholism and health problems and she wanted to do her part; and she did, staying so long at Coppin State University, touching the young people's lives, making it so that they could break the cycles in their own families. And so today we salute her.

Mr. Speaker, I urge all of my colleagues to vote in favor of this very important legislation.

Mr. Speaker, I yield back the balance of my time.

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume.

This legislation honors a woman, Dr. Dedmond, who was a woman of arts and letters and great service to her country and to her community.

It is important that we open the doors of opportunity for others, but it is also very important that we prepare them to go through those doors. That is what Dr. Dedmond did.

I urge passage of H.R. 4449.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. KUYKENDALL). The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and pass the bill, H.R. 4449.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

COMMUNICATION FROM THE HONORABLE BART STUPAK, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable BART STUPAK, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, August 9, 2000.
Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that my office has been served with a civil subpoena for documents issued by the Circuit Court for the 47th Judicial Circuit of Michigan and directed to the "Custodian of Records."

After consultation with the Office of General Counsel, I have determined that it is consistent with the precedents and privileges of the House to notify the party that issued the subpoenas that I do not have any responsive documents.

Sincerely,

BART STUPAK,
Member of Congress.

COMMUNICATION FROM STAFF MEMBER OF THE HONORABLE JAMES A. TRAFICANT, JR., MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Anthony Traficanti, office of the Honorable JAMES A. TRAFICANT, Jr., Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, August 10, 2000.
Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule VIII of the Rules of the House that I have received a subpoena for testimony before the grand jury issued by the United States District Court for the Northern District of Ohio.

Sincerely,

ANTHONY TRAFICANT I.

COMMUNICATION FROM STAFF MEMBER OF THE HONORABLE JAMES A. TRAFICANT, JR., MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Betty Manente, office of the Honorable JAMES A. TRAFICANT, Jr., Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, August 10, 2000.
Hon. J. DENNIS HASTERT,
Speaker, U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule VIII of the Rules of the House that I have received a subpoena for testimony before the grand jury issued by the United States District Court for the Northern District of Ohio.

Sincerely,

BETTY MANENTE.

COMMUNICATION FROM STAFF MEMBER OF THE HONORABLE JAMES A. TRAFICANT, JR., MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Faye Sarra, office of the Honorable JAMES A. TRAFICANT, Jr., Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, August 10, 2000.
Hon. J. DENNIS HASTERT,
Speaker, U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule VIII of the Rules of the House that I have received a subpoena for testimony before the grand jury issued by the United States District Court for the Northern District of Ohio.

Sincerely,

FAYE SARRA.

COMMUNICATION FROM THE PRODUCTION OPERATIONS MANAGER, OFFICE OF COMMUNICATION MEDIA, OFFICE OF CHIEF ADMINISTRATIVE OFFICER

The SPEAKER pro tempore laid before the House the following communication from Gary Denick, Production Operations Manager, Office of Communication Media, Office of Chief Administrative Officer:

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER, HOUSE OF REPRESENTATIVES,
Washington, DC, August 21, 2000.
Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony and production of records issued by the Superior Court for the District of Columbia.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

GARY DENICK,
Production Operations Manager,
Office of Communication Media.

COMMUNICATION FROM THE ACTING ASSOCIATE ADMINISTRATOR, OFFICE OF HUMAN RESOURCES, OFFICE OF CHIEF ADMINISTRATIVE OFFICER

The SPEAKER pro tempore laid before the House the following communication from J. Michael Dorsey, Acting Associate Administrator, Office of Human Resources, Office of Chief Administrative Officer:

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER, HOUSE OF REPRESENTATIVES,
Washington, DC, August 28, 2000.
Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a civil trial subpoena for documents issued by the Superior Court for Los Angeles County, California.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

J. MICHAEL DORSEY,
Acting Associate Administrator, Office of Human Resources.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6 p.m. today.

Accordingly (at 4 o'clock and 22 minutes p.m.), the House stood in recess until approximately 6 p.m.

☐ 1800

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. KUYKENDALL) at 6 p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 4884, by the yeas and nays;

H.R. 4484, by the yeas and nays;

H.R. 4448, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

WILLIAM S. BROOMFIELD POST OFFICE BUILDING

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4884.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and pass the bill, H.R. 4884, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 404, nays 0, not voting 30, as follows:

[Roll No. 451]

YEAS—404

Abercrombie
Aderholt
Allen
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lantos
Largent
Larson
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—30

Ackerman
Andrews
Bishop
Cook
Danner
Ehrlich
Emerson
Engel
Franks (NJ)
Jefferson
Jones (OH)
Klink
Lampson
LaTourette
Lazio
Lowey
McCollum
McIntosh
Meeks (NY)
Mollohan
Owens
Reyes
Shadegg
Souder
Strickland
Vento
Walden
Weiner
Wise
Young (AK)

☐ 1823

So (two-thirds having voted in favor thereof), the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. KUYKENDALL). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

EVERETT ALVAREZ, JR. POST OFFICE BUILDING

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4484.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Maryland (Mrs.

MORELLA) that the House suspend the rules and pass the bill, H.R. 4484, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 403, nays 0, not voting 31, as follows:

[Roll No. 452]

YEAS—403

Abercrombie
Aderholt
Allen
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
English
Eshoo
Etheridge
Evans
Everett
Ewing
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lantos
Largent
Larson
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Oberstar
Obey
Olver
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—31

Ackerman
Andrews
Bishop
Cook
Danner
Ehrlich
Emerson
Engel
Farr
Franks (NJ)
Johnson (CT)
Jones (OH)
Klink
Lampson
LaTourette
Lazio
McCollum
McIntosh
Mollohan
Nussle
Owens
Reyes
Schakowsky
Shadegg
Souder
Vento
Walden
Weiner
Wilson
Wise
Young (AK)

□ 1833

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. JOHNSON of Connecticut. Mr. Speaker, on rollcall No. 452 I put my card in the box but it failed to register. Had it registered, I would have voted "yes."

JUDGE ROBERT BERNARD WATTS, SR. POST OFFICE BUILDING

The SPEAKER pro tempore (Mr. KUYKENDALL). The pending business is the question of suspending the rules and passing the bill, H.R. 4448.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and pass the bill, H.R. 4448, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 404, nays 0, not voting 30, as follows:

[Roll No 453]

YEAS—404

Abercrombie
Aderholt
Allen
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lantos
Largent
Larson
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis

McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—30

Ackerman
Andrews
Bishop
Bliley
Castle
Cook
Danner
Ehrlich
Emerson
Engel
Franks (NJ)
Ganske
Jones (OH)
Klink
Lampson
LaTourette
Lazio
McCollum
McIntosh
Mollohan
Owens
Reyes
Shadegg
Souder
Vento
Walden
Weiner
Wilson
Wise
Young (AK)

☐ 1841

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, August 7, 2000.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Monday, August 7, 2000 at 12:25 p.m., and said to contain a message from the President whereby he returns without his approval, H.R. 4810, the "Marriage Tax Relief Reconciliation Act of 2000".

Sincerely yours,
JEFF TRANDAHL,
Clerk of the House.

MARRIAGE TAX RELIEF RECONCILIATION ACT OF 2000—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—(H. DOC. NO. 106-291)

The SPEAKER pro tempore laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning herewith without my approval H.R. 4810, the "Marriage Tax Relief Reconciliation Act of 2000," because it is poorly targeted and one part of a costly and regressive tax plan that reverses the principle of fiscal responsibility that has contributed to the longest economic expansion in history.

My Administration supports marriage penalty relief and has offered a targeted and fiscally responsible proposal in our fiscal year 2001 budget to provide it. However, I must oppose H.R. 4810. Combined with the numerous other tax bills approved by the Congress this year and supported by the congressional majority for next year, it would drain away the projected surplus that the American people have worked so hard to create. Even by the Congressional Budget Office's more optimistic projection, this tax plan would plunge America back into deficit and would leave nothing for lengthening the life of Social Security or Medicare; nothing for voluntary and affordable Medicare prescription drug benefits; nothing for education and school construction. Moreover, the congressional majority's tax plan would make it impossible for us to get America out of debt by 2012.

H.R. 4810 would cost more than $280 billion over 10 years if its provisions were permanent, making it significantly more expensive than either of the bills originally approved by the House and the Senate. It is poorly targeted toward delivering marriage penalty relief—only about 40 percent of the cost of H.R. 4810 actually would reduce marriage penalties. It also provides little tax relief to those families that need it most, while devoting a large fraction of its benefits to families with higher incomes.

Taking into account H.R. 4810, the fiscally irresponsible tax cuts passed by the House Ways and Means Committee this year provide about as much benefit to the top 1 percent of Americans as to the bottom 80 percent combined. Families in the top 1 percent get an average tax break of over $16,000, while a middle-class family gets only $220 on average. But if interest rates went up because of the congressional majority's plan by even one-third of one percent, then mortgage payments for a family with a $100,000 mortgage would go up by $270, leaving them worse off than if they had no tax cut at all.

We should have tax cuts this year, but they should be the right ones, targeted to working families to help our economy grow—not tax breaks that will help only a few while putting our prosperity at risk. I have proposed a program of targeted tax cuts that will give a middle-class American family substantially more benefits than the Republican plan at less than half the cost. Including our carefully targeted marriage penalty relief, two-thirds of the relief will go to the middle 60 percent of American families. Our tax cuts will also help to send our children to college, with a tax deduction or 28 percent tax credit for up to $10,000 in college tuition a year; help to care for family members who need long-term care, through a $3,000 long-term care tax credit; help to pay for child care and to ease the burden on working families with three or more children; and help to fund desperately needed school construction.

And because our plan will cost substantially less than the tax cuts passed by the Congress, we'll still have the resources we need to provide a Medicare prescription drug benefit; to extend the life of Social Security and Medicare; and to pay off the debt by 2012—so that we can keep interest rates low, keep our economy growing, and provide lower home mortgage, car, and college loan payments for the American people.

This surplus comes from the hard work and ingenuity of the American people. We owe it to them to make the best use of it—for all of them, and for our children's future.

Since the adjournment of the Congress has prevented my return of H.R. 4810 within the meaning of Article I, section 7, clause 2 of the Constitution, my withholding of approval from the bill precludes its becoming law. The Pocket Veto Case, 279 U.S. 655 (1929). In addition to withholding my signature and thereby invoking my constitutional power to "pocket veto" bills during an adjournment of the Congress, to avoid litigation, I am also sending H.R. 4810 to the House of Representatives with my objections, to leave no possible doubt that I have vetoed the measure.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *August 5, 2000.*

□ 1845

The SPEAKER pro tempore (Mr. KUYKENDALL). Consistent with the action of Speaker Foley on January 23, 1990, when in response to a parliamentary inquiry the House treated the President's return of an enrolled bill with a purported pocket veto of H.R. 2712 of the 101st Congress as a "return veto" within the meaning of Article 1, Section 7, clause 2 of the Constitution, the Chair, without objection, orders the objections of the President to be spread at large upon the Journal and orders the message to be printed as a House document.

Mr. ARCHER. Mr. Speaker, I ask unanimous consent that the veto message of the President, together with the accompanying bill, H.R. 4810, be referred to the Committee on Ways and Means.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, August 31, 2000.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Thursday, August 31, 2000 at 4:22 p.m., and said to contain a message from the President whereby he returns without his approval, H.R. 8, the "Death Tax Elimination Act of 2000."

Sincerely yours,

JEFF TRANDAHL,
Clerk of the House.

DEATH TAX ELIMINATION ACT OF 2000—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106–292)

The SPEAKER pro tempore laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning herewith without my approval H.R. 8, legislation to phase out Federal estate, gift, and generation-skipping transfer taxes over a 10-year period. While I support and would sign targeted and fiscally responsible legislation that provides estate tax relief for small businesses, family farms, and principal residences along the lines proposed by House and Senate Democrats, this bill is fiscally irresponsible and provides a very expensive tax break for the best-off Americans while doing nothing for the vast majority of working families. Starting in 2010, H.R. 8 would drain more than $50 billion annually to benefit only tens of thousands of families, taking resources that could have been used to strengthen Social Security and Medicare for tens of millions of families.

This repeal of the estate tax is the latest part in a tax plan that would cost over $2 trillion, spending projected surpluses that may never materialize and returning America to deficits. This would reverse the fiscal discipline that has helped make the American economy the strongest it has been in generations and would leave no resources to strengthen Social Security or Medicare, provide a voluntary Medicare prescription drug benefit, invest in key priorities like education, or pay off the debt held by the public by 2012. This tax plan would threaten our continued economic expansion by raising interest rates and choking off investment.

We should cut taxes this year, but they should be the right tax cuts, targeted to working families to help our economy grow—not tax breaks that will help only the wealthiest few while putting our prosperity at risk. Our tax cuts will help send our children to college, help families with members who need long-term care, help pay for child care, and help fund desperately needed school construction. Overall, my tax program will provide substantially more benefits to middle-income American families than the tax cuts passed by the congressional tax-writing committees this year, at less than half the cost.

H.R. 8, in particular, suffers from several problems. The true cost of the bill is masked by the backloading of the tax cut. H.R. 8 would explode in cost from about $100 billion from 2001–2010 to about $750 billion from 2011–2020, just when the baby boom generation begins to retire and Social Security and Medicare come under strain.

Repeal would also be unwise because estate and gift taxes play an important role in the overall fairness and progressivity of our tax system. These taxes ensure that the portion of income that is not taxed during life (such as unrealized capital gains) is taxed at death. Estate tax repeal would benefit only about 2 percent of decedents, providing an average tax cut of $800,000 to only 54,000 families in 2010. More than half of the benefits of repeal would go to one-tenth of one percent of families, just 3,000 families annually, with an average tax cut of $7 million. Furthermore, research suggests that repeal of the estate and gift taxes is likely to reduce charitable giving by as much as $6 billion per year.

In 1997, I signed legislation that reduced the estate tax for small businesses and family farms, but I believe that the estate tax is still burdensome to some family farms and small businesses. However, only a tiny fraction of the tax relief provided under H.R. 8 benefits these important sectors of our economy, and much of that relief would not be realized for a decade. In contrast, House and Senate Democrats have proposed alternatives that would provide significant, immediate tax relief to family-owned businesses and farms in a manner that is much more fiscally responsible than outright repeal. For example, the Senate Democratic alternative would take about two-thirds of families off the estate tax entirely, and could eliminate estate taxes for almost all small businesses and family farms. In contrast to H.R. 8—which waits until 2010 to repeal the estate tax—most of the relief in the Democratic alternatives is offered immediately.

By providing more targeted and less costly relief, we preserve the resources necessary to provide a Medicare prescription drug benefit, extend the life of Social Security and Medicare, and pay down the debt by 2012. Maintaining fiscal discipline also would continue to provide the best kind of tax relief to all Americans, not just the wealthiest few, by reducing interest rates on home mortgages, student loans, and other essential investments.

This surplus comes from the hard work and ingenuity of the American people. We owe it to them—and to their children—to make the best use of it. This bill, in combination with the tax bills already passed and planned for next year, would squander the surplus—without providing the immediate estate tax relief that family farms, small businesses, and other estates could receive under the fiscally responsible alternatives rejected by the Congress. For that reason, I must veto this bill.

Since the adjournment of the Congress has prevented my return of H.R. 8 within the meaning of Article I, section 7, clause 2 of the Constitution, my withholding of approval from the bill precludes its becoming law. The Pocket Veto Case, 279 U.S. 655 (1929). In addition to withholding my signature and thereby invoking my constitutional power to "pocket veto" bills during an adjournment of the Congress, to avoid litigation, I am also sending H.R. 8 to the House of Representatives with my objections, to leave no possible doubt that I have vetoed the measure.

I continue to welcome the opportunity to work with the Congress on a bipartisan basis on tax legislation that is targeted, fiscally responsible, and geared towards continuing the economic strength we all have worked so hard to achieve.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *August 31, 2000.*

The SPEAKER pro tempore. Consistent with the action of Speaker Foley on January 23, 1990, when in response to a parliamentary inquiry the

House treated the President's return of an enrolled bill with a purported pocket veto of H.R. 2712 of the 101st Congress as a "return veto" within the meaning of Article 1, Section 7, clause 2 of the Constitution, the Chair, without objection, orders the objections of the President to be spread at large upon the Journal and orders the message to be printed as a House document.

Mr. ARCHER. Mr. Speaker, I ask unanimous consent that further consideration of the veto message on the bill, H.R. 8, be postponed until September 7.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3703

Mr. METCALF. Mr. Speaker, I ask unanimous consent to remove my name as cosponsor of H.R. 3703.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

□ 1900

GENERAL LEAVE

Mr. PAUL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of the special order today of the gentleman from North Carolina (Mr. COBLE).

The SPEAKER pro tempore (Mr. TANCREDO). Is there objection to the request of the gentleman from Texas?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

IN MEMORY OF KANSAS SENATOR JANICE HARDENBURGER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, something sad happened back home in Kansas last week. Cancer took the life of one more of our State's citizens. Our State has many treasures: beautiful sunsets, rolling prairie hills, city factories, waves of wheat, meadowlarks, cottonwood trees, and grazing cattle. But what matters to us Kansans most, what makes our place the State we choose to call home is our people, Kansans.

The death of one Kansan takes something away from every Kansan. With the death of Janice Hardenburger, the loss is evident. Janice is the epitome of who we are and what we would like to be, one who knew reality of how things are, yet one who could envision how things ought to be.

A fighter for her beliefs, strong willed and plain spoken, devoted to her family as a wife and mother and grandmother, she was generous with her time, a farmer, a rancher, a listener and a doer, a supporter of others and, for the last 8 years, a State senator, a public servant.

For more than 25 years, Janice has been my friend. For 4 years she was my colleague in the State senate. Born in the small north central Kansas town of Haddam, Janice had a lifelong love for education and politics. She graduated valedictorian from Haddam Rural High School before attending Kansas State University and graduating with a degree in home economics and education.

She married her husband in 1952, and due to his career in the Air Force, she and her family moved often. During these years, she kept busy as a volunteer and raising two sons, Joseph and Thomas.

With Bill's retirement from the military in 1971, the Hardenburgers moved back home to Kansas. Janice got involved in her community, and she sought a seat on the Washington County Commission. She recognized the importance of health care in rural communities, and she developed the first rural health initiative project in Kansas.

She chaired Ronald Reagan's campaign for President in our State and served the Reagan administration in the Department of Health and Human Services regional office in Kansas City. She worked hard every time to see that her fellow Kansan, Bob Dole, would be elected President.

In 1992, she decided she could even do more for others and was elected to State senator for the 21st district. She was reelected in 1996 and was campaigning for reelection at the time of her death. During her time in the Kansas senate, she worked hard on health care issues and fought for local control. She believed that government should be local and limited. She chaired the elections on local government committee.

Janice was ill during the last session of the legislature. She could not eat, and she had pain. But despite huge impediments, she worked all session long to fashion an ethics law worthy of passage. As State Senator Dave Kerr indicated at her memorial service, that legislation now stands as a lasting tribute to one highly ethical lady who gave her waning strength to bring higher standards of ethics in all elective politics in Kansas. Senator Hardenburger never became silent about things that mattered.

For those of us who are privileged to work in public service, where the toll for entry can be excruciatingly high and the price of staying even higher, we do not always expect to find true friendship, true loyalty, and a true devotion for making things better. We had that in State Senator Janice Hardenburger.

Our State and its people are better off because of one life, a life that will be greatly missed. I offer my condolences to Janice's family, but we also praise God for a life well lived and the legacy she leaves behind.

LORI BERENSON TO GET NEW CIVILIAN TRIAL IN PERU

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY of New York. Mr. Speaker, after nearly 5 years in Peruvian prisons, my constituent, Lori Berenson, could finally be coming home.

Last week, the military tribunal that gave Lori a life sentence announced that her conviction is being overturned and her case is being transferred to a civilian court.

Lori was convicted by a hooded military tribunal in a trial that lacked any semblance of due process. She never had a chance to present her side, to call witnesses and present evidence in her defense.

For nearly 5 years, I have been asking my colleagues to join me in protesting her conviction. I have circulated three letters to the President over the years, and each letter has been signed by more and more Members of Congress in support of Lori. In August, 221 Members of Congress, in a bipartisan way, signed a letter calling for Lori's release.

I will be circulating a new letter asking for mercy for Lori, asking for Peru to act with compassion and send Lori home on humanitarian grounds.

Since her conviction, Lori's health has deteriorated. She was originally sent to Yanomayo Prison, located high in the Andes, over 12,000 feet above sea level. The altitude destroyed her health. People like Lori who have not grown up in the Andes cannot acclimate to the high altitude of Yanomayo.

I visited with Lori in October of 1997. When I saw her, her fingers were swollen and she had circulatory problems as a result of the high altitude. Very little natural light comes into the prison, and prisoners are allowed only 1 hour a day to exercise outside. As a result, Lori's eye sight was failing. Yanomayo was not heated, and the temperature rarely rises above 40 degrees. The cold gave Lori perpetual laryngitis.

Eventually, the Peruvian officials responded to pleas to move Lori. But in some ways, she faced an even harder challenge to her health. The new prison was more than 5,000 feet above sea level, better than the former prison, but still hard for a New Yorker. The altitude, while less dangerous to her health, continued to affect her circulatory system.

The toughest part was that she was forced to spend months completely alone. For more than 100 days, Lori was kept in solitary confinement. The isolation had an extremely negative effect on her psychological well-being.

Despite the difficult circumstances, Lori has always been quiet, polite, and well behaved, a model prisoner. I am hopeful that Peru will take these circumstances into account and act with mercy and compassion.

I returned to Peru in April of 1998 and, together with the gentleman from New York (Mr. GILMAN), met with President Fujimori. He was very open during our meeting and agreed to take another look at Lori's case if new evidence was presented. Apparently, Peru has uncovered new evidence, and Lori is getting a new trial in a civilian court.

Since Lori was arrested, her parents, Mark and Rhoda Berenson, have worked every day tirelessly for her release. They know Lori as a young idealist who traveled to Peru as a journalist. University professors who live in my district, the Berensons have given up their careers to devote themselves to trying to free their daughter and bring her home. They welcome the news that Lori's conviction has been overturned, but they worry that political pressures will ensure that she will receive a long sentence in a civilian trial.

In Peru, it is a crime to express sympathy for the MRTA, the crime is apologia. In the United States, it would be protected as free speech. There it can carry a long prison sentence.

I hope that Peru can be persuaded to act with mercy. There is nothing to be gained by keeping Lori in prison any longer. Peru has already admitted that Lori was not the terrorist leader she was originally convicted of being.

I wrote to President Fujimori yesterday to let him know how pleased I am that Lori will have a civilian trial. President Fujimori has taken a brave step that has subjected him to enormous criticism at home. I am pleased that he recognized that the evidence showed that Lori did not belong in Peru's military courts.

Now it is time for Peru to take the next step and release Lori. Lori will not be getting off lightly if she is released now. She has spent nearly 5 years in prison in conditions that have seriously undermined her health. I hope that whatever the outcome of her trial, Lori's ordeal will soon be over. For humanitarian reasons, for the sake of compassion, and for her health, I hope Lori will be allowed to come home.

Mr. Speaker, I include my letter to President Fujimori for the RECORD as follows: .

HOUSE OF REPRESENTATIVES,
Washington, DC, September 5, 2000.
President ALBERTO FUJIMORI,
Palacio de Gobierno, Plaza de Armass S/N, Lima 1 Peru.

DEAR PRESIDENT FUJIMORI: I am pleased to learn that Lori Berenson's conviction has been overturned by Peru's military tribunal. As you know from our conversation when we met in April 1998, Lori Berenson is a constituent of mine and I am deeply concerned about her. I appreciated your willingness and that of members of your government to discuss her case with me during those visits.

The tribunal's decision is a tremendous step forward for human rights in Peru. I applaud the members of the tribunal for looking at new evidence in this case and concluding that the new evidence did not support the original verdict.

In October 1997, I visited Lori in prison and I found her spirits to be good despite her deteriorating health. Like many people who are unaccustomed to high altitudes, Lori could not acclimate to living at Yanomayo prison. The high altitude played havoc with her health. When I saw her, her fingers were swollen, her eyesight was failing, and she was having circulatory problems and perpetual laryngitis. After she was moved to a prison at a lower altitude, she spent more than 100 days in solitary confinement. Despite the severe privation, she has always been quiet, polite and well-behaved—a model prisoner.

I am grateful that she will have a civilian trial. However, after nearly five years in prison, Lori has already undergone severe punishment and I hope, whatever the outcome of her trial, her ordeal will soon be over. For humanitarian reasons, for the sake of compassion and for her health, I hope Lori will soon be allowed to come home.

Sincerely,

CAROLYN B. MALONEY,
Member of Congress.

MINDING OUR OWN BUSINESS REGARDING COLOMBIA IS IN THE BEST INTEREST OF AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, those of us who warned of the shortcomings of expanding our military presence in Colombia were ignored when funds were appropriated for this purpose earlier this year. We argued at that time that clearly no national security interests were involved; that the Civil War was more than 30 years old, complex with three factions fighting, and no assurance as to who the good guys were; that the drug war was a subterfuge, only an excuse, not a reason, to needlessly expand our involvement in Colombia; and that special interests were really driving our policy: Colombia Oil Reserves owned by American interests, American weapons manufacturers, and American corporations anxious to build infrastructure in Colombia.

Already our foolish expanded pressure in Colombia has had a perverse effect. The stated purpose of promoting peace and stability has been undermined. Violence has worsened as factions are now fighting more fiercely than ever before for territory as they anticipate the full force of U.S. weapons arriving.

The already weak peace process has been essentially abandoned. Hatred toward Americans by many Colombians has grown. The Presidents of 12 South American countries rejected outright the American-backed military operation amendment aimed at the revolutionary groups in Colombia.

This foolhardy effort to settle the Colombian civil war has clearly turned out to be a diplomatic failure. The best evidence of a seriously flawed policy is the departure of capital. Watching money flows gives us a market assessment of policy; and by all indication, our policy spells trouble.

There is evidence of a recent large-scale exodus of wealthy Colombians to Miami. Tens of thousands of Colombians are leaving for the U.S., Canada, Costa Rica, Spain, Australia. These are the middle-class and upper-class citizens, taking their money with them. Our enhanced presence in Colombia has accelerated this exodus.

Our policy, unless quickly and thoroughly reversed, will surely force an escalation of the civil war and a dangerous increase in our involvement with both dollars and troops. All this will further heighten the need for drug sales to finance all factions of the civil war. So much for stopping the drug war.

Our policy is doomed to fail. There is no national security interest involved; therefore, no goals can be set and no victory achievable. A foreign policy of non-intervention designed only to protect our sovereignty with an eagerness to trade with all nations willing to be friends is the traditional American foreign policy and would give us the guaranteed hope of peace, the greatest hope of peace and prosperity.

Let us think seriously about our foreign policy, and hopefully someday we will pursue a policy in the best interest of America by minding our own business.

HISPANIC HERITAGE MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BACA) is recognized for 5 minutes.

Mr. BACA. Mr. Speaker, today I rise to bring about the awareness of Hispanic Heritage Month, which begins September 15 and continues through October 5.

Today, according to the U.S. Census Bureau, more than 29 million people of the United States are of Hispanic origin. This is about 10 percent of the country. Close to half of those reside in California. More than 600,000 reside in my district of San Bernardino County.

Why, just the other day, the Los Angeles Times was discussing the fact that, in California, Hispanics are no longer the minority. That is why this coming month is a time for all Latinos to be able to recognize the great accomplishments by the people here in the States as well as around the world.

We recognize the great achievements of people like Cesar Chavez who led the fight for the protection of farm workers' health and health rights; Bishop Barnes, who represents San Bernardino Riverside Catholic Diocese; Miguel de Cervantes Saavedra, who wrote about the great Don Quixote; and people like Andres Segovia, Tito Peuntes, and Julio Iglesias, who were and still are some of the best Spanish musicians in the world.

The teachings and contributions of Hispanics like these, and learning about the cultures from which they come, are how we are able to continue our tradition through our youth.

In many of our classrooms around the country, teachers will hold activities and discussions that will focus on what our ancestors have accomplished. That is why they will learn the great accomplishment of the Spanish explorers as well as those who first settled in States like California and Texas.

□ 1915

This is why cities like Los Angeles, San Bernardino, San Antonio, amongst many other cities, have Hispanic names. Such teachings and discussions will not only educate our children, but also provide them with the proper role models needed to succeed. It also lets them know that they too can accomplish higher dreams; Hispanics in positions, in leadership positions throughout the United States.

We now see that Hispanic Heritage Month is not just about celebration, but it is about uniting our community to better educate our children and to educate ourselves about what it means to be a Hispanic. It means being proud of who we are. It does not matter if we are Mexican, Puerto Rican, Cuban, Spanish, or Central American. This is a time we all continue to celebrate our cultures as a whole.

And what a culture we have. The number of Hispanic-owned businesses in the United States increased by 76 percent between 1986 and 1992 and continues to grow daily. Across America we find more and more Hispanic businesses growing and more and more Hispanic business owners, business owners like Richard Romero out of my district who owned quite a few car dealerships, who just recently passed away.

We have more representatives in government now than we have ever had in the history of this country and of our people. Each year, from now until the year 2050, the Hispanic population is projected to add more to people in the United States than any other race or ethnic group, and we are soon to become the largest minority in the country. But even with the success, we still have problems. We lack full health care benefits for all people. There are still problems with immigrant laws that were written in haste and do not protect the people they were originally written for. High school dropout rates and teen pregnancy numbers are too high. We must address these issues if we plan to build a better culture and a better country for all people of America.

And speaking of education, we have to address the issues of bilingual education and the digital divide. And that does not just apply to Spanish children, it applies to all children. We have to begin by providing our youth with the tools necessary to succeed. We can begin to provide these tools right here in Congress.

By understanding each other's culture we can understand what is needed for everyone and we learn to respect one another. And respect is what we all ask for. That is why it is so important for this Congress to recognize this month and to take time to learn about a great culture with a great future, that is each other's culture and the Hispanic culture this month.

Before I go on, I also want to recognize September 16, Mexico Independence Day. I want to recognize the hardship that the people have had to face in order to achieve their independence. Like this country, they too believe in the freedom of choice and independence from tyrannical government. Only through a better understanding can we achieve our goals, a united country working for the betterment of ourselves, and not only where we come from but where we are going. Together, united, our country will be a lot better.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4115, UNITED STATES HOLOCAUST MEMORIAL MUSEUM

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–822) on the resolution (H. Res. 570) providing for consideration of the bill (H.R. 4115) to authorize appropriations for the United States Holocaust Memorial Museum, and for other purposes, which was referred to the House Calendar and ordered to be printed.

TRIBUTE TO FIREFIGHTERS

The SPEAKER pro tempore (Mr. TANCREDO). Under a previous order of the House, the gentleman from Idaho (Mr. SIMPSON) is recognized for 5 minutes.

Mr. SIMPSON. Mr. Speaker, I rise today to thank the men and women who have been selflessly fighting fires throughout the western United States this summer. Unfortunately, I have the distinction of representing the district that has, what I am told, the largest fire and the most acres burned in the United States. The Clear Creek fire alone covers an area of over 200,000 acres, outside of Salmon, Idaho, an area one-third the size of the State of Rhode Island. It is but one of many that have been burning throughout Idaho and the western United States.

I was fortunate that I was able to spend 2 days on the fire lines and in the camps with the men and women who have been heroically fighting these catastrophic fire. I saw firefighters on the line in the smoke and ash. I met with support crews in the camps who cook, provide firefighting supplies and equipment, make maps all night long in preparation for morning briefings, and the men who run the showers so that the firefighters can have a basic semblance of normalcy, a hot shower after 16 hours on the fire line. That is what it comes down to for front-line firefighters, food, a hot shower, and, if they are lucky, a little sleep.

Many of the firefighters and support personnel are wives and husbands who have left their families in other areas of the country for weeks at a time. I met one woman from Missouri who worked at a Forest Service district office there. She was running the commissary. It is the people on the front lines and behind the scenes working together that help to contain these wild fires, with some help from Mother Nature. Without their dedication, perseverance, and individual sacrifices, many more lives, structures, and wildlife habitat would have been lost. Their commitment and dedication is unsurpassed, and they are the best in the world.

Spending a couple of days in the fire camps and on the lines, I picked up a few things from the people who are at the ground level. One is obvious, and we have been discussing it for years. We have to manage our forests. They are in an unhealthy state, with the Forest Service's own estimate placing 40 million acres at high fire risk. I saw the high fuel loads; lodgepole pines so thick it looked like toothpicks had been dropped from the sky, and the high levels of brush on the ground.

We need to find a way to restore many of our forests to a more healthy, natural state that includes managing prescribed burns and thinning. We may not agree on every aspect of getting to that natural state, but we can find common areas that we can agree on; that fuels reduction is better than fuels feeding these catastrophic fires in our forest. The old adage that an ounce of prevention is worth a pound of cure is very appropriate.

A well-funded fuels reduction program will pay significant dividends in reducing the firefighting and restoration costs over time. Think how far the $1 billion we are spending on fighting these fires this summer would have gone towards fuels reduction. We also have to come up with an approach to rehabilitate and restore these fire-stricken lands that works for all of those who are interested in the care of our Nation's forests.

As I was meeting with the staff and operations managers in the fire camp, I also noticed something was missing. It took me a while to figure it out, but I finally realized that there was a lack of younger personnel who would be taking the place of the fire managers as they retire in the years to come. Recent hiring freezes and reductions in personnel have left a gap in the level of experience that we have coming up to fight future fires. Men and women who have been working for 20 to 30 years fighting fires have institutional knowledge about the dynamics and management of firefighting in these warlike conditions. Ensuring that the agencies have adequate funding for personnel in these crucial positions is critical to the security of our forests.

We also need to address the current pay system that acts as a disincentive for experienced fire personnel to work on the lines, although I was pleased to hear there has been a temporary correction to this policy.

Mr. Speaker, these are but a few of the things I discovered while spending time on the Clear Creek fire. Healthy forests and fuel management is an issue Congress has to spend more time discussing and finding answers to. My fellow colleagues, the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE) and the gentleman from Virginia (Mr. GOODLATTE), have each been seeking more proactive ways to manage our Nation's forests. I have asked that their respective forest committees hold a joint hearing to explore future avenues for forest management, including fuels reduction and treatment, in order to decrease the likelihood of a future catastrophic fire. I am hopeful this hearing will generate the necessary dialogue so that we can start the process of restoring and rehabilitating our Nation's forests.

Finally, Mr. Speaker, I want to thank George Matejko, forest supervisor for the Salmon-Challis National Forest, who allowed my chief of staff and I to get a first-hand look at the fires. I also want to thank Tom Hutchinson, fire management officer for the Valvermo Ranger District of the Angeles National Forest. Tom served as the incident commander for the California Incident Management Team 4 that was managing the fire. He and Virginia Gibbons, public affairs specialist for the Deschutes National Forest, gave us a close look at how fire operations work.

Finally, I want to thank all of those who have given their time and efforts to protect Idaho and the West from these catastrophic fires. The people of Idaho and I thank you.

WORK MADE FOR HIRE AND COPYRIGHT CORRECTIONS ACT OF 2000

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. COBLE) is recognized for 5 minutes.

Mr. COBLE. Mr. Speaker, today I am introducing, along with the gentleman from California (Mr. BERMAN), the ranking member of the Subcommittee on Courts and Intellectual Property of the Committee on the Judiciary, H.R. 5107, the Work Made for Hire and Copyright Corrections Act of 2000. This bill addresses the controversy over the recent amendment to the Copyright Act that added sound recordings to the list of works eligible to be works made for hire. It resolves the controversy and is supported by all parties involved. It also includes other noncontroversial corrections to the Copyright Act.

First, some background about sound recording as works made for hire is necessary. A work made for hire is, one, a work prepared by an employee within the scope of his or her employment; or, two, a work especially ordered or commissioned for use as a contribution to a collective work if the parties expressly agree in a written instrument signed by them that the work shall be considered a work made for hire.

The Copyright Act provides authors a right to terminate a grant of right 35 years after the grant. The termination right, however, does not apply to works made for hire. Since 1972, sound recordings have been registered by the Copyright Office as works made for hire, even though they were not statutorily recognized as such prior to the enactment of the Intellectual Property and Communication Omnibus Reform Act of 1999. This statute, known as IPCORA, included a provision that added sound recordings to the list of works eligible for work made for hire status.

Following the passage of the amendment last year, recording artists argued that the change was not a clarification of the law and that it had substantively affected their termination rights. When apprised of these arguments, I agreed to hold a hearing on the issue of sound recordings as works made for hire. The subcommittee subsequently held a hearing on May 25, 2000, after which the gentleman from California (Mr. BERMAN) and I encouraged both sides to seek a mutually satisfactory resolution through private negotiations. Representatives of the artists and the recording industry negotiated diligently and in good faith, and during the August work period they presented us with a compromise solution.

H.R. 5107, Mr. Speaker, implements that solution. It is a repeal of the amendment without prejudice. In other words, it restores both parties to the same position they were in prior to the enactment of the amendment in November 1999. The bill states that in determining whether any work is eligible to consider a work made for hire, neither the amendment in IPCORA nor the deletion of the amendment through this bill shall be considered or otherwise given any legal significance or shall be interpreted to indicate congressional approval or disapproval of any judicial determination by the courts or the Copyright Office.

Given the complex nature of copyright law, this compromise was not easily reached, but I believe it is a good solution and I want to thank everyone who worked so diligently to resolve this controversy. I want to give special thanks as well to the gentleman from California (Mr. BERMAN), ranking member on our subcommittee, and the ranking member of the full committee, the gentleman from Michigan (Mr. CONYERS), for their participation and cooperation.

I also want to recognize Mr. Cary Sherman of the RIAA, the recording industry, and Mr. Jay Cooper, who represents the recording artists, for their efforts to find a solution.

H.R. 5107 also includes other noncontroversial corrections to the Copyright Act. These amendments remove expired sections and clarify miscellaneous provisions governing fees and recordkeeping procedures. These are necessary amendments which will improve the operation of the Copyright Office and clarify U.S. copyright law.

Mr. Speaker, it was my belief this amendment merely codified existing practice and that remains my belief, and there is ample authority that supports my contention. In fairness to the artist community, there is also ample and convincing authority that supports the artists' contention regarding this issue. I believe we have reached a fair compromise with which all parties can live.

In conclusion, Mr. Speaker, I think H.R. 5107 is a good, noncontroversial bill. I urge my colleagues to support H.R. 5107 when it is considered on the floor, hopefully imminently, maybe even within the next couple weeks.

Mr. BERMAN. Mr. Speaker, today, Representative HOWARD COBLE and I have introduced H.R. 5107, the Work Made for Hire and Copyright Corrections Act of 2000. Because of the very important nature of this bill, I believe it merits an extensive explanation.

Section 2(a)(1) of this bill would remove the words "as a sound recording" from paragraph (2) of the definition of "works made for hire" in Section 101 of the Copyright Act—words that this Congress added less than a year ago through Section 1000(a)(9) of Public Law Number 106–113. When Congress enacted Section 1000(a)(9) last year, we believed it was a non-controversial, technical change that merely clarified current law. However, since that time, we have been contacted by many organizations, legal scholars, and recording artists who take strong issue with Section 1000(a)(9), asserting that it constitutes a significant, substantive change in law. We have discovered that there exists a serious debate about whether sound recordings always, usually, sometimes, or never fall within the nine, pre-existing categories of works eligible to be considered "works made for hire," and thus there exists a serious debate about the substantive or technical nature of Section 1000(a)(9).

In testimony before the House Judiciary Subcommittee on Courts and Intellectual property on May 25, 2000, esteemed legal scholars took broadly divergent views. Professor Paul Goldstein of Stanford University Law School stated that "the contribution of an individual sound recording as one of several selections on a CD or other album will typically constitute a 'contribution to a collective work,'" while Professor Marci Hamilton of Cardozo School of Law maintained that, in a vast majority of instances, sound recordings would fail to qualify as "contributions to collective works" or as "compilations." Marybeth Peters, the Register for Copyrights in the United States Copyright Office, testified that, depending on the particular facts surrounding its creation, a sound recording might, or might not, constitute a contribution to a collective work. In a letter received by Congressman Coble and me prior to that May 25, 2000 hearing, twenty-five highly respected professors of Law stated "there may be particular situations in which a musical artist would be considered as having contracted to provide a 'contribution to a collective work,'" but asserted that, prior to the addition of the words, "as a sound recording" to Section 101 of the copyright Act, sound recordings would most often fail to qualify under the nine pre-existing categories of works eligible to be "made for hire."

As I stated, the testimony and correspondence of these intellectual property law experts and others demonstrate the existence of a serious debate about whether and the extent to which sound recordings were eligible to be "works made for hire" under paragraph 2 of the definition prior to enactment of Section 1000(a)(9) of Public Law Number 106–113. By mandating that all sound recordings are eligible to be works made for hire, Section 1000(a)(9) effectively resolved this debate, and impaired the ability of authors of sound recordings to argue that particular sound recordings and sound recordings in general cannot be works made for hire. Since it eviscerates the legal arguments of those on one side of this debate, Section 100(a)(9) may constitute a substantive change in certain situations and to the extent that courts might otherwise have upheld those arguments.

This leads to the question of why it is necessary to undo Section 1000(a)(9) by removing the words "as a sound recording" from Section 1010 of the Copyright Act. The change embodied by Section 2000(a)(9) precludes authors of sound recordings from arguing that their sound recordings are not eligible to be considered works made for hire, and thus effectively prevents those authors from attempting to exercise termination rights under Section 203 of Title 17. Because Section 1000(a)(9) has the potential to have such a negative effect on the legal arguments and rights of authors of sound recordings, Congress should have undertaken more extensive deliberations before making this change. While Section 1000(a)(9) was published in the Congressional Record more than a week prior to its final passage, and while the Members on the Conference Committee were fully aware of its existence, there were no congressional hearings or committee mark-ups in which Section 1000(a)(9) was considered or discussed.

It is my opinion that we should immediately undo Section 1000(a)(9) so as to prevent any prejudice to the legal arguments of authors of sound recordings. Then a future Congress, after more extensive deliberation and careful consideration, could decide whether this legal debate should be resolved through legislation.

However, we are sensitive that, in undoing the amendment made by Section 1000(a)(9), we must be careful not to adversely affect or prejudice the rights of other interested parties. Specifically, we do not want the removal of the words "as a sound recording" from the definition of works-made-for-hire in Section 101 of the Copyright Act to be interpreted to preclude or prejudice the argument that sound recordings are eligible to be works made for hire within the nine, pre-existing categories. In essence, we want the removal of the words "as a sound recording" from Section 101 of the Copyright Act to return the law to the status quo ante, so that all affected parties have the same rights and legal arguments they had prior to enactment of Section 1000(a)(9).

It is for those reasons that we were convinced of the need to include Section 2(a)(2) within this statute. Section 2(a)(2) intends to ensure that the removal of the words "as a sound recording" will have no legal effect other than returning the law to the exact state existing prior to enactment of Section 1000(a)(9).

Our legal research shows that a simple repeal of a previous amendment may not be interpreted by the courts as simply returning the law to its previous state, but may be seen as actually altering that state. For instance, in American Automobile Association v. United States, 367 U.S. 687 (1961), the plaintiff had for years been using an accounting method that it believed was permitted under a general provision of law despite the absence of a statute specifically allowing this practice. Subsequently, Congress enacted Section 452 of the Internal Revenue Code of 1954, which specifically allowed this accounting practice, but one year later repealed Section 452. In interpreting this repeal, Justice Scalia wrote for the majority: "the fact is that [Section] 452 for the first time specifically declared petitioner's system of accounting to be acceptable for income tax purposes, and overruled the long-standing position of the Commissioner and courts to the contrary. And the repeal of the section the following year . . . was just as clearly a mandate from the Congress that petitioner's system was not acceptable for tax purposes."

The present set of circumstances are quite similar. For years, record companies have treated sound recordings as works made for hire, and have entered into contracts to this effect, whether enforceable or not, with recording artists. Though previous law did not specifically list sound records as a category of works made for hire, record companies regarded sound recordings as fitting with the nine, existing categories of works made for hire. Section 1000(a)(9) represented the first specific, statutory declaration by Congress that sound recordings are a category of works made for hire.

As a result of the close parallel between the current situation and the facts in American Automobile Association, it appears possible that courts would interpret a simple repeal of Section 1000(a)(9) in the same way the Supreme Court interpreted the simple repeal of Section 452 in that case—namely as a sign that Congress does not consider sound recordings to be eligible for works made for hire status.

The probability of the courts interpreting a simple repeal in this manner is increased by the existence of two U.S. District Court opinions that some may argue are on point. Under a well-known canon of statutory construction, courts assume that Congress is aware of existing judicial decisions when it enacts legislation and, unless Congress indicates otherwise and to the extent reasonable, courts interpret such legislation to be consistent with those decisions. Prior to the enactment of Section 1000(a)(9), U.S. District Courts in Staggers v. Real Authentic Sound and Ballas v. Tedesco stated, in dicta, that sound recordings were not eligible to be considered works made for hire because they were not specifically included as a category of works eligible to be works made for hire under Section 101 of the Copyright Act. Though the eligibility of sound recordings for inclusion within the nine categories of works made for hire was not briefed or argued by the parties in either case, and though the courts did not provide a detailed rationale for their comments in dicta, future courts might interpret a simple repeal bill to indicate Congressional acquiescence to these decisions.

These considerations indicate that a simple repeal bill would negatively prejudice the argument, available prior to enactment of Section 100(a)(9), that a particular sound recording was eligible to be considered a work made for hire because it fit within one of the nine, pre-existing categories. Because of the potential prejudice to this argument, it appears that a simple repeal of the words "as a sound recording" would not accomplish our goal, which is to return the law on the eligibility of sound recordings for work made for hire status to its state prior to enactment of Section 1000(a)9).

Therefore, we have crafted Section 2(a)(2) to ensure that the removal of the words "as a sound recording" will not have prejudicial effect. With the inclusion of Section 2(a)(2) in this bill, we ensure that courts will interpret Section 101 exactly as they would have interpreted it if neither Section 1000(a)(9) nor this bill were ever enacted.

Lastly, Section 2(b)(1) gives Section 2(a) retroactive effect. The need to make these sections retroactive stems from the confusion and injustice that would otherwise result. Because these sections will have retroactive effect, there will be only one, uninterrupted law governing the eligibility of sound recordings to qualify as works made for hire—namely the same law that existed prior to the November 29, 1999 enactment of Section 1000(a)(9). If Section 2(a) were not given retroactive effect, then sound records created or contracted for between November 29, 1999 and the date of enactment of this bill could be treated differently than sound recordings created before or after those dates. Such a result would be both confusing for the courts to administer and unfair to those who happened to enter into agreements to author sound recordings after November 29, 1999 and before the date of this bill's enactment.

Unfortunately, there is some question as to whether it is constitutional under the Fifth and Fourteenth Amendments of the U.S. Constitution to give Section 2(a) retroactive effect. If the courts disagree with our conclusion that Congress can constitutionally make these provisions retroactive, we have added a severability clause in Section 2(b)(2) to ensure that the courts will not strike down the whole bill.

In short, we believe passage of this bill is vital to ensure that whatever rights the authors of sound recordings may have had previously are restored, and that such restoration is achieved in a way that does not unfairly impair the rights of others. I urge all my colleagues to support this legislation when it is brought to the House floor for their consideration.

A DISASTER FOR SAN DIEGO: DEREGULATION OF ELECTRIC UTILITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, I rise tonight to tell my colleagues about a tragic situation going on in San Diego, California. Like all of my colleagues, I went home at the beginning of August for a work period in our district, but what I found in San Diego was a disaster, and not a natural disaster but a man-made disaster, a disaster made by a few companies who are willing to put the whole quality of life of San Diegoans at risk for their own profit; a disaster that did not affect only a few people, but affected all of the residents of San Diego County, 2½ million people.

□ 1930

What was the basis of this disaster? San Diego is the first area in California to fully deregulate the electrical utility industry, to fully deregulate, which means that San Diegans pay the market price for electricity. The market price is determined by the few generators of electricity who control the power grid into San Diego.

So what was the result of this deregulation, a deregulation which was supposed to bring competition and lower the cost? It doubled and then tripled the cost of electricity in just 3 months. In just 3 months, if they were a resident in San Diego County, their bill went up from $45 to $50 to $100 one month and $150 the next month. If they were a small business struggling to get by, their $800 bill went up to $1,500 in one month and then went up to $2,500 the next month.

How could they stay in business with those increases in prices?

Hospitals, libraries, youth centers, schools, the military, all of their budgets thrown into turmoil. And what was the reaction of people? Rebellion. Many people just tore up their bills.

Elected bodies in San Diego County said they are not going to pay the doubled or tripled price, they are going to pay only what they paid the year before, because they knew their costs were not determined by a supply-and-demand function but by price gouging and manipulation of the market.

Rallies were held. Demonstrations took place. Political figures at the city, county, State level tried to begin to solve this problem. The State legislature acted earlier this week by putting a cap on the retail price of electricity, a cap on the retail price. But what the State legislature did was merely put a Band-Aid on a bleeding city. Because that price was just deferred to a later time. It was not refunded. It was deferred. And the people who would have to pay that price were not the folks who gouged San Diegans to begin with, but the actual consumers who were the victims of this price gouging.

We must go beyond what the State of California's legislature did. The Federal Government must act and can act. The wholesale price of electricity can be set by the Federal Energy Regulatory Commission. And this Congress should direct that commission, known as FERC, to in fact roll back the wholesale price of electricity to the price that was paid before deregulation in which people had made profits and good profits at that price; and yet they were charging and are now charging prices double, triple, quadruple, five times what they were before deregulation.

I have a bill, my colleagues, called the Help San Diego Act: Halt Electricity Price Gouging in San Diego and Halt it Now.

The people in San Diego cannot survive the doubled and tripled prices of electricity rates. Small businesses are going under. Seniors are having to make choices between using their air conditioning or paying for their food or medical prescriptions.

I ask my colleagues to look closely at San Diego, a little dot on the southwest corner of our Nation, because we are the poster children for the future. The rest of the State of California will soon be deregulated. Many of my colleagues in their States have deregulation bills in their legislatures. This House has deregulation bills in front of it. This deregulation cannot work, my colleagues, when a basic commodity is controlled by a few monopoly corporations.

The San Diego example makes it clear the consumer must be protected if this kind of policy is going to be pursued.

Deregulation in California took place without consumer protection. It took place in an atmosphere of monopoly control of a basic commodity. My city was in danger of dying economically. We have stopped it temporarily with State legislative action. But the Federal Government must act now. FERC must roll back the wholesale price of electricity retroactively.

The people, the companies, who forced these unconscionable rates on the citizens of San Diego should pay the price and not the consumers, the victims themselves.

My colleagues, look closely at San Diego. Your city may be next.

SLORC REGIME INTENSIFIES CRACKDOWN ON OPPOSITION IN BURMA

The SPEAKER pro tempore (Mr. TANCREDO). Under a previous order of the House, the gentleman from California (Mr. ROHRABACHER) is recognized for 5 minutes.

Mr. ROHRABACHER. Mr. Speaker, yes, I think the people should watch San Diego. It is a pity that the liberal-left coalition that controls the Democratic Party is so allied with extreme environmentalists that for 20 years they have prevented the development of any new energy resources in California. So now the people of San Diego and all of California suffer under this loss because we are having an energy shortage in a State where we should have abundance in energy.

Unfortunately, the only solution that we have being offered seems to be price controls rather than developing new energy sources, which will only make the situation worse.

But tonight I need to talk about what is going on in Burma, which is something of importance now because thousands of lives are at stake in that country.

During the past week, the SLORC regime, which controls Burma with an iron fist, a regime backed by the Communist Chinese, has intensified their crackdown on the opposition in Burma. This is a new round of brutality by the SLORC regime, and it occurred after democracy leader Aung San Suu Kyi was prevented from leaving Rangoon to visit her party's members outside the capital city.

Soldiers surrounded her car. This is a Nobel Prize winner, the person who is the rightful governmental leader of that country because of the elections her party won. She was forced to sit in a car in the sun for a full week and then forcibly return to the capital.

Aung San Suu Kyi is one of the true heroes of our time. She is now under house arrest. Her house is surrounded by SLORC military forces and secret police, and many diplomats in Rangoon are expressing concern about her health and her well-being.

Yesterday, the British Ambassador to Burma was roughed up by the SLORC goons when he tried to visit Aung San Suu Kyi. The National League for Democracy in Rangoon has had their offices raided and documents confiscated and their members have been arrested and face arbitrary jail sentences.

In the countryside, the SLORC regime continues its brutality and ethnic cleansing against indigenous tribal groups such as the Christian Karens and Karennis, who are seeking emergency refuge in Thailand in growing numbers. The SLORC and Communist Chinese benefit from the narcotics trafficking of the ruthless Wa State Army, which is destabilizing Thailand and spreading the poison of deadly heroin throughout the world.

The United States Congress is not ignorant of the corrupt and brutal practices of the Burmese dictatorship. Their wicked deeds will continue and will continue to be noted here. Their continued repression of democracy is evident.

The United States and the Democratic nations which are doing business with SLORC, and I might add Japan, Australia, Israel, Singapore and others, those of us in the democratic world will not sit by and watch this idly as this type of repression continues forever.

Investment in Burma has already been affected. Tragically, the people of Burma suffer as commerce and trade has dried up. And they are already suffering terrible deprivation in Burma as their gangster regime which controls their country impoverishes what should be a rich land.

This regime, the SLORC regime in Burma, is condemning those people who should be living a prosperous life. They are condemning them to poverty and deprivation and tyranny. A country so rich in natural resources is now one of the poorest in the world without freedom.

Tonight, as we note this is going on in Burma, let us note a champion of human rights. Ginetta Sagan passed from this scene last week. Ginetta Sagan helped me many times in the cause of human rights in Burma and in other countries. Ginetta Sagan first volunteered to fight tyranny as a member of the Resistance against Fascists and Nazis in World War II.

After she was captured then, she was brutally tortured. And after she survived that torture, she helped lay the foundation for the modern human rights movement.

Ginetta Sagan was under 5 foot in height, but she was a giant in the fight for justice and liberty, saving thousands of political prisoners through her efforts in Poland, Vietnam, Chile, and Greece. She died, unfortunately, after a full life, on September 1.

Ginetta Sagan is gone, but the fight for human rights continues and the struggle against gangsters like those who control Burma continues. We have to pick up the torch and carry on where Ginetta left off. Justice and democracy will triumph over evil because we will not falter and Ginetta Sagan will not be forgotten.

Let me just say that Ginetta Sagan and I were active for 20 years. She had enormous energy and love for people. She will be missed. But the tyrants in Burma and elsewhere should not think that this is a loss, because her spirit will continue to inspire others to continue this fight for liberty and justice.

ESTATE TAX

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

Mr. SHERMAN. Mr. Speaker, I yield to the gentleman from San Diego, California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I just briefly want to respond to the gentleman from Orange County, California (Mr. ROHRABACHER). I invite him to visit San Diego.

It is misplaced to blame the San Diego crisis on environmental regulations. Yes, we need more capacity as the environment grows. Yes, we need environmentally sensitive generating capacity. And, yes, we need alternative sources of energy. There is plenty of sun in San Diego. But this crisis is not one of supply and demand.

This crisis had to do with monopoly pricing and manipulation of the market. The price had nothing to do with when the load was at peak or when supply was needed. It had to do with the people who controlled it and what price they could get.

Mr. SHERMAN. Mr. Speaker, reclaiming my time, I want to add my voice to that of the gentleman from California (Mr. ROHRABACHER) in calling for human rights in Myanma, also known as Burma.

Mr. Speaker, with Senator LIEBERMAN's recent notoriety, the country has learned a few words of Yiddish. And one of the more interesting words is the world chutzpah, best defined as the kind of extreme galling nerve as when someone who has killed their parents asks for mercy because, after all, they are an orphan.

Mr. Speaker, there is something that calls for even more chutzpah than the Menendez brothers asking for a commutation of their sentence because of their status as orphans, and that is when our Republican colleagues come to this floor and accuse the Democrats of waging class warfare when they will bring before this House tomorrow an override of the President's wise veto of the estate tax repeal.

They will try to ram through this House a bill that provides $50 billion in tax cuts once it is fully effective. Not one penny, not one penny, for the home health care worker. Not one penny for the fast-food employee. Not one penny for the janitor. Fifty billion dollars and not one penny for those struggling to get by. All of it for the richest 1½ percent of Americans, most of it for the 3,000 richest families in America.

And they will have the chutzpah to come here and say that they want to imperil this economic expansion for the benefits of those lucky few and accuse us of waging class warfare.

Mr. Speaker, I represent a district that is not envious. I do not represent class envy. Malibu is the second richest city in my district. My constituents, more than most others, do pay the estate tax. But they have sent me here to Washington to fight for fiscal responsibility, for Social Security, for Medicare with prescription drug coverage, and for Federal aid to education and to the environment.

They did not send me here to ask for $50 billion, all of it, all of it for the wealthiest 1½ percent of Americans.

□ 1945

This estate tax does not affect any family or will not affect any family with $2 million or less to leave to their children. But it will affect the as of yet unborn Bill Gates, Jr.

Mr. Speaker, I think that it is important that our children and grandchildren inherit a government that is debt free rather than a few families are able to inherit millions or even billions of dollars that are tax free.

Mr. Speaker, this $50 billion of tax relief aimed at those with the most will imperil Social Security, Medicare, and prescription drug coverage; imperil our ability to pay off the national debt, maintain fiscal responsibility and continue our unprecedented economic growth.

There are two other bad aspects of this bill that have not been discussed on this floor. First, in order to keep the cost down to only $50 billion, the authors of this bill, which should have been vetoed, actually increase the tax of many widows, increase the income tax of widows by denying them a step up in basis for their income tax returns. And, second, this estate tax repeal will cost America's hospitals, universities, and charities billions of dollars. They will come here asking for our help, but with $50 billion a year less in Federal revenue, we will not be able to help them. This is the unspoken secret. The universities and their development officers will not tell us about it because they do not want to bite the hand that feeds them. But major charitable gifts to universities will bite the dust if we uphold this veto.

Do not vote to override the veto.

NATIONAL MISSILE DEFENSE

The SPEAKER pro tempore (Mr. TANCREDO). Under a previous order of the House, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Pennsylvania. Mr. Speaker, this past Friday, President Clinton gave a major foreign policy speech at Georgetown University announcing his decision not to move forward with the plan to deploy a national missile defense. It took the President 7 years and 8 months of his administration to finally make a speech about missile defense. He did not make a speech after 26 young Americans came home in body bags because we could not defend against a low complexity Scud missile.

He did not make a speech after in January of 1995 the Russians almost responded with an attack on the U.S. because they misread a Norwegian rocket launch, an attack that we could not defend against; and he did not make a speech 2 years ago after the North Koreans test-fired their three-stage missile which the CIA now claims can hit the U.S. directly. But he did make a speech this past Friday.

I was not surprised, because his position has been consistent with both he and AL GORE for the past 8 years. In fact, Mr. Speaker, I could respect the President if he would have come out publicly and simply said, "I disagree with the Congress and the American people. I don't support missile defense and will not during my administration move forward." That is what he has done for 8 years. In fact, the day that my bill came up on the House floor for a vote just a year ago he wrote a letter to every Member of the House opposing the bill, saying please vote against it. Yet 103 Democrats joined 215 Republicans in giving a veto-proof margin to move this country forward. So the President did what he does so frequently. He used a political game and pretended that he really was for missile defense.

Mr. Speaker, again I could respect him if he simply said that he opposed missile defense as he did in that letter to every Member a year ago in March. But, instead, the President of the United States in his speech before Georgetown University publicized around the world last Friday told half-truths, misrepresented factual information and, Mr. Speaker, sadly he just downright lied.

Mr. Speaker, beginning tomorrow, at a speech before the National Defense University, I will respond to the President factually, I will respond to his specific words, and I will show the American people how this President and this Vice President have chosen to ignore the reality of the threats that are emerging. I will focus on four key areas the President focused on: The emergence of the threat, the arms control record of this administration, the Russian and world response to missile defense, and the technology readiness, because those are the issues the President spoke to, and I will take apart word by word taking the opportunity to define "is" as the President defines "is," and I will show the American people that again this President and this Vice President just do not get it.

This Congress voted overwhelmingly with veto-proof margins in the House and the Senate to move forward. And this President, in a typical election-year maneuver the Friday before Labor Day, before he was to travel to the U.N. this week, chose to give the American people bad information.

The American people deserve to hear the other side. Beginning tomorrow, I will give the other side and through a series of special orders over the next several months will outline for the American people the factual response to President Clinton's falsehoods that he outlined at Georgetown this past Friday.

ILLEGAL NARCOTICS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Florida (Mr. MICA) is recognized for 60 minutes as the designee of the majority leader.

Mr. MICA. Mr. Speaker, I am pleased to return to the House of Representatives after our August recess and district work period and continue this series that I began nearly 18 months ago as chairman of the Subcommittee on Criminal Justice, Drug Policy and Human Resources, a series that I began on the topic of illegal narcotics and its impact upon our Nation.

Tonight, I thought I would recap some of what has taken place during this congressional recess, some of the activities that have occurred relating to illegal narcotics and our attempts to bring illegal narcotics and drug abuse in some control and order in our society, and also give an update on some of the actions of the administration in this interim period while Congress was in recess.

I think that it is important that we keep in perspective the history of the efforts by Congress and this administration and other administrations in trying to curtail what has become probably the most serious social problem facing our Nation and certainly the youth of this country. I think that the statistics that have recently been released about crime show that some of the murder rate in this country is down. And I think that, in the next week, our subcommittee is looking at some of the statistics that have been released; but I think they are startling figures that will show that more people are now dying as a direct result of drug abuse and misuse in this country than some of the murders that are committed. And I know that that is the case in the area that I represent.

I represent a beautiful area in Florida from Orlando to Daytona Beach, the central Florida and greater Orlando area, and the headlines blurted out some nearly 2 years ago that deaths by drug overdoses had exceeded homicides in our area of central Florida. And I think that is now occurring, and we will be able to substantiate these figures, on a national basis. So if people are concerned about the use of firearms, about commissions of murder, mayhem in our society, I think that we have now reached the point where drug deaths and overdose as a direct result of illegal narcotics are now taking an even greater toll than other forms of murder.

I will never forget that a parent who had lost a child in central Florida said, Mr. MICA, that in fact drug overdoses are a form of murder, and certainly when you have a son or a daughter lost to illegal narcotics, either someone providing them or the individual dying as a result of someone distributing to them illegal narcotics, you certainly view that as murdering or destroying the life of your loved one.

But tonight, I want to try to shed a little light. I try not to do this in a partisan fashion. I do not think that our efforts to curtail illegal narcotics is a partisan matter. I think that both sides of the aisle are sincere in trying to find solutions. But I think we also have to look at some of the facts involved and some of the spin that is even put on what is happening at the national level, possibly for the sake of politics, maybe for the sake of applying some cosmetics to a record that is not too attractive. That is something that we have to deal with. And we must, in fact, deal with facts if we are going to find real solutions to the problem we face with illegal narcotics.

So tonight I want to talk about the Clinton administration's attempt to blur some of their failure in Colombia in their shutdown of our war on illegal drugs and some of the steps that were taken even during this recess by the President to try to put a happy face or a successful face on really a policy of disaster that has taken place since the beginning of the Clinton-Gore administration in 1993 when they took office and began systematically dismantling any semblance of a real war on drugs.

The President, as we know, visited Colombia with great fanfare for some 8 hours. He spent 8 hours there out of nearly 8 years in the White House. And again, I think, to put the best face possible on a situation that they helped in fact create through some of their actions.

Let me first review how we got ourselves into the situation in Colombia where the Congress had to, in an emergency fashion, dedicate $1.3 billion just in this fiscal year that we are approaching for aid to Colombia. According to the President's own drug czar last year, Barry McCaffrey, he called Colombia, and I will use his quote, he said it was a flipping nightmare last summer and then asked, in fact, that the President consider it an emergency situation. This is after tens of thousands of Colombians were slain, members of the police force, members of the military, civilians, legislators, members of their Congress, local and national judges, attorneys general and other officials from top to bottom in Colombia were slaughtered in a war that has been fueled by narcoterrorists. So finally the administration woke up last year and said the situation had gotten out of control, and in fact it had gotten out of control.

Now, to get out of control, it was not easy. In fact, I believe some very specific steps by the Clinton administration, and I want to go over them tonight, led us to be forced really to pass an aid package of historic proportions. $1.3 billion for any country, we know there is something dramatically wrong. This did not happen overnight. It began with a systematic shutdown of assistance in combating illegal narcotics and the situation that was developing and deteriorating in Colombia.

So let me first start by reviewing, if I may, the situation. Members know that most of the illegal narcotics are now coming from Colombia. This chart which was prepared by the drug enforcement agency shows that most of the cocaine and heroin, in 1997, and it is true today, is coming from Colombia. This was not the case as I will point out in 1993 at the beginning of this administration. But this administration took some steps back in 1993 when they first came into office that turned out to be disastrous.

□ 2000

In 1994, the Clinton administration stopped providing information and intelligence to the Colombians regarding drug flights tracked by the United States, which, in fact, eliminated the effectiveness of Colombia's shootdown policy.

Now, prior to 1994, Colombia was participating with shootdown drug trafficking planes, and Colombia was primarily a transit route for narcotics. And in that era, 1993, some 7 years ago, the beginning of this administration, it was mostly cocaine that was coming through and transcending or being processed. It was not grown in Colombia.

This administration managed to turn the situation, where Colombia again was just a transit point and a transshipment point, into a major producing country. The first step, as I said, was the refusal to share intelligence.

Now, this is an interesting chart we had prepared. In 1993, the cocaine production in Colombia was some 65 metric tons, very little, almost off the charts in 1993, 65 metric tons. The poppies grown in Colombia for producing heroin was almost zero in 1993. And in 1999, we have 520 metric tons of cocaine; and this, I believe, is in the 80 percent range of all the cocaine produced in the world. They managed to develop a market in Colombia and, again, by some very specific policy decisions.

These are the charts that the President certainly would not want to show and the administration would not want to show. Almost no heroin produced again in 1993, some 7 years ago. Now, this figure refers to probably 75 percent of all the heroin that is seized in the United States.

According to DEA signature testing program, they can take the DNA of the heroin that is confiscated and seized and actually tell almost to the field where it is produced, but some 75 percent of all of the heroin produced in Colombia and seized in the United States comes from Colombia. Now, this took place in this administration.

The first decision was to stop the shootdown policy, stop information sharing. Now, in this vast arena of going after drug traffickers at their source, which is most effective, because we stop shipment of a ton or quantities, we stop it at its source, once it gets into the United States and beyond these distribution points, it is costly, it is ineffective, and we are never going to get it all.

One DEA official I met in the jungle of Central America described it so aptly. He said, Mr. MICA, down here we can stop the drugs at their source where they are produced cost effectively for a few dollars. In fact, when the coalition started cutting the source country programs, some of the DEA agents chipped in and put some of their own personal money to stop some of the production and activity down there, because they were so dedicated to the program, knew it would work.

This agent said, Mr. MICA, trying to stop the illegal narcotics once they get to our shores is sort of like getting a hose, hooking it up to a spigot and then putting a 360 degree sprinkler out in your lawn and running around with coffee cans trying to catch the water as it sprinkles out. And that is the analogy that this agent used in the jungles to me. He said the best thing to do is to turn that spigot on and turn off the illegal narcotics. That would be a simple strategy.

It was a strategy that worked under the Reagan and Bush administration and as far back as the Nixon administration. There was a heroin epidemic under the Nixon administration. He stopped it at its source. He went in and through purchasing and through other programs that he set up, President Nixon, they stopped that.

President Reagan and President Bush created an Andean strategy, a Vice President's task force, and as my colleagues may recall, even when we had a Central American leader involved in narcotic trafficking and money laundering.

Remember President Noriega of Panama? In 1989, President Bush sent American troops in. In fact, American lives were lost in that case, but they went in with force and with determination and stopped that trafficking at the choke point.

In this case, it was Panama and the Ismus of Panama and the head of a country who was involved, and they captured him, as my colleagues may recall from television days, and put him in jail for dealing in illegal narcotics and for money laundering and corruption. So that was the way they dealt with it.

The way the Clinton-Gore administration dealt with the problem is they stopped the shootdown policy. So the first thing they did is stop the shootdown policy and stop information sharing so we could not go after drug traffickers at their source. This policy so enraged Members of Congress.

I remember my colleague, I just gotten elected in 1993 and the gentleman from California (Mr. HORN) was elected the same year. In 1994, when they did this, they took this first step, everyone was shocked, and the gentleman from California (Mr. HORN) said, "As you will recall as of May 1, 1994, the Department of Defense decided unilaterally to stop sharing real-time intelligence regarding aerial traffic in drugs with Colombia and Peru. Now, as I understand it, that decision, which hasn't been completely resolved, has thrown diplomatic relations with the host countries into chaos." That is 1994.

Now, that was the Republican viewpoint in 1994 when the administration took this step.

This is what the Democrats had to say. Remember, the Democrats controlled the White House. In 1993 to 1995, they controlled the House of Representatives by a wide majority. They also controlled the other body, the United States Senate. And this is what the Democrats said in August of that same year, 1994, committee chairmen of two House subcommittees blasted the Clinton administration yesterday for its continuing refusal to resume sharing intelligence data with Colombia and Peru that would enable those Andean nations to shoot down aircraft carrying narcotics to the United States.

So we see the beginning of $1.3 billion problem developing through very specific policy decisions not criticized just by Republicans, but this is how we got ourselves into this mess, with, again, stopping the information sharing, stopping having Colombia get a handle on this situation early on and repeated requests by both Republicans and Democrats not to take these steps.

So these policy decisions had some very serious implications, and those implications resulted in a change in trafficking patterns and production patterns of narcotics.

This is an interesting chart, because it shows Andean cocaine production. And we see in 1991, 1992 the situation; and this line that we have going through here is Bolivia. This line, the blue line going through here and down is Peru. And the line, the red line that we have we have going up here is Colombia, and this is cocaine production.

What the administration did was, in fact, stop information sharing. Then in 1996 and 1997, the Clinton administration decertified Colombia. We have a certification law that I helped work on when I worked back in the Senate and develop, and it is a simple law. It says that every year the President must certify that a country is cooperating in stopping both the production and trafficking of illegal narcotics. The President must certify. The President sends that certification, and he says that they are cooperating. In return for when the President certifies that there is cooperation, these countries get foreign assistance; they are eligible for foreign aid. They are eligible for trade benefits of the United States of America, and they are also eligible for finance benefits.

Benefits of our country are bestowed on them for their little bit of cooperation in stopping illegal narcotics. A nice trade we thought when we developed the law.

Now, we found in developing the law that we wanted to make a statement and say that a country was decertified as not fully cooperating and cooperating, and that might have been the case with Colombia because of its leadership. But we also put in the law a provision that said you could decertify, but you could issue a national interest waiver, and even though a country was decertified, in our national interests, the interests of the United States, we could continue to give assistance to fight illegal narcotics.

In 1996, 1997 this administration, Clinton-Gore, decertified Colombia without using the provision put in law so that we could continue to get aid, let them help us with the illegal narcotics problem. So what happened here is cocaine production, actual growth of coca in Colombia dramatically increased. Look, it just took off the charts, with their policy of not getting aid down there. What happened?

Now, the Republicans took control of the House of Representatives, and we were able to pass measures. We also took control of the other body; but we were also able to pass measures and funding to start two programs, and I know because I was involved with these, with the gentleman from Illinois (Mr. HASTERT), who is now the Speaker of the House, Mr. Zellif, the former chairman of the subcommittee jurisdiction that I now chair, we went down to Peru and Colombia and Bolivia to see what it would take to get this under control.

Again, this is not rocket science. It is a simple thing. We stop the production of these drugs at their source, cost effective; and we put very few million, maybe $20 million, $30 million, in some of these programs in Bolivia and Peru. And guess what?

In our alternative crop programs, in our enforcement programs, in our eradication programs, look what happened here. In fact, we have reduced by over 50 percent, 55 percent the production of cocaine in Peru. President Fujimori has done an incredible job, not only in bringing stability to that country, but cooperation.

Recently, I must commend him, he has shot down drug traffickers after the United States, again, after we went through the fiasco of not sharing information and intelligence for drug trafficking air shootdowns to these countries, we found that the administration repeated the mistake and even our own Ambassador from Peru was saying, continue to get information to us.

This is in a report I got this last December. In the report the United States Ambassador from Peru, I believe in 1998, said they were making the same mistake and they should continue the information sharing. That information sharing, I believe now we have gotten some of that started again. President Fujimori has ordered the shootdown of drug trafficking planes, and they are given fair warning.

We know that they are carrying death and destruction out of that country and across other borders and into our streets and our communities and our schools. So we have a situation in which we know what works.

□ 2015

In Bolivia, we put together a plan, and the plan has worked with the incredible cooperation of President Hugo Suarez Banzer, the President of Bolivia, who has cooperated. The vice president has helped lead the effort. And in the package that we are now sending, that we have now passed and are sending to Bolivia, and actually it is in the $1.3 billion, there is $100 million for Bolivia of the total Colombian aid package, because we do not want this to continue here.

We have the possibility within the next 24 to 36 months of completely eradicating cocaine production in Bolivia. I tell you, if you can do it in Peru, and I went to Peru at the turn of the last decade, 1990–1991, before President Fujimori took office, there was pure chaos. There were people sleeping in the streets, there was gunfire at night, the parks were full, the Shining Light Path Mao terrorists were blowing up buildings, power supplies, they had control of some cities, you could not travel there.

Within a short period of time and two administrations, President Fujimori has not only brought stability and peace to that country and a stable way of life, but he also has dramatically decreased the cocaine and coca production in that country, and with very few dollars. He was punished some by this administration and by the liberals from the other side of the aisle because of his so-called human rights violations, or that his election was by popular election, an additional term and approved by the people. His opponent asked that the election be delayed.

Could you imagine in this country that you do not like the results of the election, and you say, oh, let us have another election at another date? Fujimori again won the majority vote. Now there are those that are again giving President Fujimori, who has done an incredible job in assisting the United States, a difficult time. But this is a program of success. This will eradicate for very few dollars coca production and cocaine production.

We can do the same thing in Colombia. Of course, the situation has deteriorated much more in that country, and, again, because of specific policies of this administration and specific steps that were taken by this administration that got us in this mess.

So here we are with this production going off the chart. Here we are with the House of Representatives, the other body and the administration providing $1.3 billion now in aid to get our cart out of the ditch in Colombia, which is the major producer of heroin, some 75 percent as we demonstrated by the other chart, and some 80 percent of the cocaine production for the entire world now out of Colombia.

This was not easy for the Clinton-Gore Administration to achieve. I mean, to make this country into a disaster in 7 short years, the leader in production in cocaine, the leader in production in heroin coming into the United States, was no easy step, but they managed to do it by distorting the intent and also the provisions of the drug certification law.

One of the interesting things you hear the administration talking about, and we even heard some of the leaders from South America talking about, is, first of all, having the United States abolish the certification process, and then turning that over to an international body.

Could you imagine having the United States benefits of foreign aid, eligibility for finance assistance and trade benefits, given to another organization outside the sovereign United States, to determine who is eligible for foreign assistance and benefits, trade and finance from the United States? It is almost ludicrous, but the administration has been nodding and bowing to some of these suggestions, and I would fear that they would fall into the trap of letting someone else determine who gets benefits of the United States. I cannot believe it, but it is being talked about.

Repeatedly since the new majority, the Republican side, came into office, and even before that, I know we have requested that steps be taken not to allow the situation in Colombia to deteriorate. During the 1993 to 1995 period when again the Democrats, the other party, controlled the House of Representatives in vast numbers, I had over 130 Members request a hearing on our national drug policy, and in a period of 2 years there was really one hearing, if you did not count appropriations, routine hearings, on the question of our national drug policy and what was happening to it. I had 130 requests for hearings, and almost none were held.

I am pleased to say we have probably done some 40 hearings, almost one a week, since I have chaired the subcommittee, looking for solutions, looking for ways in which we can tackle this great social challenge and social and health problem that our country is facing with the illegal narcotics, and really it has become a national security problem. But one hearing was held in 1993–1994.

In 1995, when the new majority took office and control of the House and the other body, we again pleaded with the administration to get assistance to Colombia. We sent letters, we sent joint requests, we sent resolutions, and we actually even funded monies to go to that country. Each time the administration blocked assistance getting to Colombia.

After tremendous pressure by the Congress, in 1998 we did get action by the administration to certify with a national security waiver by the administration, so finally some 2 years ago they granted this waiver.

Now, they granted a waiver to allow narcotics fighting equipment and resources to get to Colombia. That was their so-called policy. But in practice what they did was a disaster. Let me just show you some of the things that they did.

We funded money; they diverted money. They diverted resources. I am told the vice president had directed some of the AWACS aircraft that we had flying, surveillance aircraft, from the drug producing region to Alaska to check for oil spills.

The President took money from what we had pledged to give to this region, the drug producing region, and diverted it to Haiti in his nation building attempts in that country. I could spend the rest of the night talking about the disaster of the Haitian policy, and Haiti has now turned into one of the major drug transit countries in the entire hemisphere and world, despite nearly $3 billion in diversion of some of the money that the Republican-led Congress had authorized for that war on drugs. They moved the money into Haiti. They moved the equipment into Bosnia and to Kosovo and to other administration deployments.

So even when we finally got them to grant this waiver that is allowed to get the resources there, the resources were diverted in fact.

Then what we found is we asked not only that appropriated funds by the Congress get there to help bring this situation which was deteriorating in Colombia under control, and we saw the production dramatically rising, which the charts supplied even by the administration confirm, but the other thing that we always asked to help if you are going to have a war or effort or a fight to assist in tackling a problem is you need equipment and resources.

This is an interesting article from last year, "Colombia turns down dilapidated United States trucks." We tried to get surplus equipment. Okay, if you will not take the money that the Congress has appropriated, the Republican-led Congress has said to get there to do the job, how about just supplying some of the surplus? Heaven knows we have tons of surplus equipment in our downsizing, and some of it is not used or is in mothballs. They took these trucks, which actually I am told were designed for a northern or arctic climate, and sent them down to Colombia, and sent equipment that could not be used or was so expensive to repair or convert for use in the jungle or the tropic application that it was useless.

Now, this would not be bad enough, but the Congress saw this coming, and again the Republican-led Congress tried to do its best to get the resources to Colombia in a timely fashion. Again, the policy of not sharing information, of stopping the shoot down policy in 1994–1995 created a disaster. In 1996 to 1998 they decertified without a national interest waiver, so no aid was going down. 1998, they finally granted a waiver to allow aid to go down. They send down aid that cannot be used.

The Congress passed some 2 years ago a $300 million appropriation to send Blackhawk helicopters and equipment resources to Colombia to get the situation under control. Now, you would think that with the direction of the Congress, the administration could carry this out. Wrong. Until January of 1999, I am sorry, until January of 2000, this year, we were not able to get the helicopters to Colombia in a fashion that could be used. Almost an incredible scenario of bungling, of mismanagement in delivering the Blackhawk helicopters, which arrived, sent by this administration to Colombia without proper armoring and without ammunition.

What made it even worse is some of the ammunition that we ended up asking be sent to Colombia ended up during the Christmas holidays, from December to January looking for this ammunition, which should have been there over a year ago, ended up on the loading dock of the Department of State, another bungled disaster in trying to get aid that the Congress, the Republican-led Congress, had worked since 1995 to get to Colombia in a timely fashion, and, again, aid that could be used in an effective manner.

So the major expenditure of the $300 million that we asked some 3 or 4 years ago to get these resources and funded several years ago, the major component of this package were these helicopters which they need to get to high altitude to go after both the traffickers and also do the eradication. Other equipment will not work, but we know what will work, and we could not get that there. In a very limited quantity it finally got there the beginning of this year, but not armed, not properly armored, and not properly equipped, with the ammunition that was outdated.

□ 2030

So one does not get oneself into a $1.3 billion disaster emergency appropriation by accident. One does not get oneself where we have a country which is a transit country for narcotics into the major producing country now in the world for the supply of hard narcotics coming into the United States, we do not get this accomplished by just a couple of easy steps. Unfortunately, we take some steps that I have outlined here tonight that in fact turn the situation into a disaster, and cause the Congress to expend hard-earned taxpayer dollars to sort of mop up the mess.

All this was now sort of blurred by the President in his grandstanding and going down to Colombia for some 8 hours to make this all look good. I am sure his action, the reports I have, are poll-driven that in fact the situation had deteriorated so badly, not only in Colombia, and the public was aware of it, but also with illegal narcotics flooding into the country in unprecedented quantities that it began to affect the credibility of this administration and those running for higher office.

I will quote from the New York Times. I do not want to prejudice this, because I am a partisan from the Republican side, and I do not want to prejudice it with my statement, but we will take the New York Times August 30 article.

It said, "The U.S. authorities describe Colombia's drug trade, which supplies about 80 percent of the world's cocaine and two-thirds of the heroin on U.S. streets, as a national security concern. But analysts suggest domestic politics rather than foreign policy may be behind the timing of Clinton's trip."

I did not say this, the New York Times said this. Let me quote again from this article:

"Since Clinton took office in 1992, Colombia's cocaine output has risen more than 750 percent, to 520 metric tons last year, leading to Republican charges that the Democrats have soft-peddled on drugs."

The rest of the article says, "Diplomatic sources say Wednesday's trip will give Clinton the perfect stage to strike a tough pose on drugs and allow Democratic Party presidential candidate Al Gore to say the current administration did not fall asleep at the switch."

This is the New York Times article. I did not say that, they in fact said that.

But these accidents in fact have created a disaster. The failed policy in Haiti has created a disaster, turning Haiti into the key transit zone for illegal narcotics coming through the Caribbean today. Again, do not take my word, let us take the administration's drug czar's word.

General Barry McCaffrey, director of the Office of Drug Policy, said "My only broad-gauge assessment is that Haiti is a disaster. We've got a weak to nonexistent democratic institution, a police force that is on the verge of collapse from internal corruption, and eroding infrastructure that is creating a path of very little resistance. We are watching an alarming increase."

This is, again, not my comment but the comment of our drug czar. This is after the administration's policy of nation-building, after spending probably some $3 billion in Haiti and much of the funds in the institution of nation-building, building the police force and building the judicial system, building a legislative body, and this is the assessment by the administration's drug czar that this has turned into a drug haven.

I have not gotten into Panama. I just described how the policy of President Bush was to go in and go after a drug trafficker. In this case it happened to be the President of a country, Noriega, who he sent our troops for, who captured him and jailed him.

The contrast is that the Clinton and Gore administration allowed Panama to be given up, which it did have to be given up, we will give them that, as far as our base, but they turned over $10 billion in assets. We requested that we at least be allowed to lease and use the bases which we had established there, even if we had to pay for them, as a continuance of our forward drug surveillance operations.

We have to remember that before May 1 of last year all of our drug surveillance operations for this entire region of the Caribbean, where all these narcotics are grown and sourced and transited from, all of that surveillance operation was located in Panama at our bases.

In a bungled negotiation with Panama not only did we lose everything as far as the canal is concerned, and we were expected to lose that, but we lost all of the other assets. The Air Force bases, all of our strategic locations, and every operation for our forward drug surveillance and intelligence operations were housed at Howard Air Force base in Panama. This was, again, a total loss, and it is sad to report to the Congress and to the American people that the administration is now trying to still piece together a substitute for Howard Air Force Base.

So rather than pay a little bit of rent or assistance for using the facility that we had even built in Panama for this operation and other national security operations, we are now paying Ecuador, and we will probably pay over $100 million to build an airstrip, and we will have a limited contract with that country. We are going to pay for improvements and facilities at Aruba and Curacao, and we are going to pay additionally in El Salvador.

But what has happened, since May of last year, until we are now told today it is 2002, we have a wide open gap. So not only do we have Colombia producing incredible quantities, actually producing heroin, actually poppies that produce heroin and they come from there, but we have cocaine coming from there in unprecedented quantities, and also the coca bean grown there.

We have this incredible producing country, and our surveillance operations cut dramatically. In fact, we are told until 2002 that we will not be up to where we were when Howard Air Force base was opened.

What is of even more concern is the administration, when they came in in 1993, took some very specific steps, Clinton-Gore, in closing down the source country programs, in closing down the interdiction programs. They have great disdain to begin with for the military, and they wanted to make certain that they took them out of the war on drugs.

Now, of course, Members can hear the comments that the war on drugs is a failure. The commentators are always saying that. But the war on drugs, Mr. Speaker, basically closed down with the advent of this administration. That was in 1993. They stopped the interdiction programs, cut the source country programs, took the military out of the surveillance operations, and last year we lost the forward operating location.

So if Members wonder why we have a disaster in Colombia, there are specific steps that led to that. If Members wonder why our streets are flooded with heroin in unprecedented quantities and cocaine in unprecedented amounts, there is a reason for that. That is that surveillance operations are basically closed down, and are in the process of being replaced at great expense to the American taxpayers. The latest estimates are probably in the $150 million range, in addition to what we lost in assets in Panama.

That is some of the situation that we got ourselves into. The President went down with great fanfare, and we would think that he had solved the problem when in fact he helped to create the problem through some very specific steps that I think I have documented here tonight.

Mr. Speaker, what I would like to do is just talk for a few minutes about another thing that has taken place during the recess.

During the recess, we had with great fanfare not only the President visiting Colombia to make it look like they had done something, and of course I did not describe what they did tonight in detail about how they got us into this pickle, but we heard just in the last few days the drug czar and Donna Shalala, our Secretary of Health and Human Services, come out and proclaim that illegal drug use is down among teens. Of course, there is this headline in the Washington Times that says also that it is up for young adults.

They were trying to stage during this recess, in addition to the President's staging appearance in Colombia, that drug use was down among teens. What they had to do really was to counter the other headlines and reports that had been coming out one after another.

This is from the Washington Times: "Threat of Ecstasy Reaching Cocaine, Heroin Proportions." This is August 16 of 2000. This is a report, and we had before my subcommittee the folks from the Centers for Disease Control who issued a stinging report that said "High-schoolers Report · More Drug Use." This is the New York Times. This is from Friday, June 9, 2000.

So the administration staged an event to try to make it look like they had gotten a handle on teen drug use, and it was in response to these reports coming out, the Centers for Disease Control and other reports that we have.

What disturbs me as chair of the subcommittee is that it is almost a deceitful use of statistics. We passed a $1 billion program to combat illegal narcotics use and drug abuse, an anti-drug media campaign some 2 years ago, and some $200 million plus per year is being expended over a period of time to try to get this situation under control.

When we passed that we wanted some measurable results, and we required in the law that we passed that there be measurable performance standards and a report back to Congress. I didn't think that the drug czar's office could do this or the administration would do this, but they took statistics and they molded them in this presentation as a follow-up to the President's staged appearance in Colombia, and used them in a fashion which I think was deceiving and which violates the intent.

In fact, there is an article which says the administration may have violated the law by not properly reporting to the Congress as required by the law.

But what they did was they took the perceived drug use as harmful of 12th graders, and they took a 1996 baseline that we started out with, and showed that 59.9 percent in 1996 perceived drug use as harmful, these 12th graders. Each year that had decreased.

We wanted to find out if the $1 billion we are spending is effective. They came out with a report, and what they did was they changed the baseline. They changed the baseline from 1996 to 1998 so that they could show it was a smaller baseline.

In this drug control strategy we require that they set a goal, so we know that we are getting something for our money, and we try to reach this goal. The goal they set was for 80 percent of the use, the 12th grade use to perceive this as harmful, drug use as harmful. What we have seen is actually a deterioration in this.

The administration cleverly took, and it was not discovered by our subcommittee but by a reporter, and changed the baseline to 1998, used the new baseline. They shifted from 12th grade, because they had slightly more favorable statistics for eighth-graders, and used those statistics. So what they did was they said they were getting closer to their goal, and eighth-graders were 73 percent more likely to perceive drug use as harmful, and said they were 7 percent from reaching their goal, when in fact they had actually deteriorated in the 12th-grade range, and researchers will tell us that 12th grade is a better measure of long-term drug use. Twelfth-graders usually set the stage for their lifetime action with the illegal narcotics.

☐ 2045

So we have seen a clever and rather deceitful distortion of a law that we passed to try to gauge performance and find out if we are meeting our objectives, and I find that very disturbing. I do not know if time permits to bring folks in and to conduct a hearing; but we certainly will be, if necessary, subpoenaing records to find out how they could take the intent and law passed by this Congress to set meaningful goals, to set performance standards, and then evaluate and report back to the representatives of the people.

So I take this matter very seriously that the law, intent and spirit of the law may have not been measured up to by this administration in an attempt to make it look like they have done something to help us, when in fact, if we start looking at statistics, we find that Ecstasy use is absolutely skyrocketing. This shows the Ecstasy use.

If we look at methamphetamine, almost no methamphetamine back at the beginning of this administration. These charts were given to me by another agency of this administration. We see from 1993 to 1999 the country, these colored parts here showing methamphetamine going at a rapid rate.

If we look at 12th grade drug use and the charts that again were provided and information by this administration, we still see serious increases, some leveling off. If we look at the prevalence of cocaine use, we see again dramatic increases under the watch of this administration.

So I do not particularly like to call this to the attention of the Congress and the American people, but I think it is a distortion of the intent of Congress to try to get measurable results and effective expenditure of our dollars and our antinarcotics effort.

So tonight, I appreciate the time and patience of my colleagues. I will try to return maybe again this week and finish the rest of this report. But we still face a very serious illegal narcotics problem that is taking a record number of lives, destroying families, and imposing great social devastation across our land.

Mr. Speaker, I appreciate again the attention of the House.

PRESCRIPTION DRUG BENEFIT FOR AMERICAN SENIORS

The SPEAKER pro tempore (Mr. TANCREDO). Under the Speaker's announced policy of January 6, 1999, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I would like to discuss in a little depth tonight the issue of prescription drugs and trying to provide a prescription drug benefit to America's seniors.

In that context, I wanted to specifically, Mr. Speaker, make reference to the proposal that the Republican candidate for President, Mr. Bush, has made in the last few days, and draw the contrast between that and the plan that the Democrats have been putting forward in the House of Representatives and that is also supported by Vice President GORE. I know I am going to be joined tonight by some of my colleagues on the Democratic side of the aisle.

Mr. Speaker, my concern about what has been happening with the Bush Medicare plan, or I should say with the Bush prescription drug plan, it is just basically too little too late. The Democrats here in the House have been talking about expanding prescription drugs through Medicare. On the Republican side of the aisle, we have seen fig leaves go out about different proposals to provide some sort of voucher or subsidy for seniors who might want to go out and buy a prescription drug plan.

But the Republican proposal really does not do anything, nor does Mr. Bush's proposal do anything to help the average senior. I think it is just a lot of rhetoric. It does not actually do anything to solve the problems that seniors face today. I just wanted to contrast because, in many ways, I think that what Mr. Bush has proposed is really no different. It is just another version of what the Republican leadership in the House has been talking about for the last 6 months.

On the other hand, the Democratic proposal which we have been putting forth and has been supported by Vice President GORE has very specific remedies for dealing with the problems that seniors face. So I would just like to run through some of the distinctions if I could.

All that the Republicans are doing, and that includes their presidential candidate, Mr. Bush, is throwing some money or proposing to throw some money at the insurance companies, hoping that they will sell a drug-only insurance policy; and the insurance companies admit that they are not going to be selling those kinds of policies, that basically a drug-only insurance policy will not be available.

What the Democrats have been saying is that we have a tried-and-true program, a Medicare program, that has been around for over 30 years now; and all we have to do is take that existing Medicare program and expand it through a new part D where one would pay a premium per month and one would get a prescription drug benefit in the same way that one gets one's part B benefit to pay for one's doctor's bills right now. One pays a modest premium, and the Government pays for a certain percentage of one's drug bills.

The Democrats, and here is one of the most important distinctions, the Democrats guarantee that the drug benefit one gets through Medicare covers all one's medicines that are medically necessary as determined by one's doctor, not the insurance company.

The Republicans and Mr. Bush tell one to go out and see if one can find an insurance policy to cover one's medicine; and if one cannot find it, well, that is just tough luck. Even if one does manage to find an insurance company through the voucher that the Government might give one under the Bush plan, there is no guarantee as to the cost of the monthly premium or what kind of medicine that one gets.

Now I find myself when I talk to seniors that they want certainty. They want to know that, if they pay a premium, as they do under part B, and now they would under the part D proposed by the Democrats and by the Vice President, that they are guaranteed certain prescription drug coverage and it is going to be there for them whenever they need it.

Lastly, I think in contrasting these two plans, the Republican and the Democratic plans, and just as important, I see the gentleman from Maine (Mr. ALLEN) just came in, and he has been the biggest supporter of this issue, is that the Republicans and the Bush plan leave American seniors open to continued price discrimination. There is nothing in the Bush plan or in the Republican plan to prevent the drug companies from charging one whatever they want. The Democratic plan, on the other hand, says that the Government will choose a benefit provider who will negotiate for one the best price, just like the prices that are negotiated by the HMOs and other preferred providers.

The real difference, though, is that the Democrats are working with the existing Medicare program to basically expand Medicare to provide prescription drug coverage, and that would make a difference for the average senior. The first prescription drug, the first medicine that they need would be covered under the Democratic plan.

The Republican plan is just, in my opinion, nothing more than a cruel hoax on the seniors. It is the same type of thing that the Republicans in Congress have been proposing.

I wanted to just mention two more things, then I would like to yield to my colleagues who are joining me here tonight. There was an article in today's New York Times where the Republican candidate, Mr. Bush, was spelling out his prescription drug program. Interestingly enough, when asked about the issue of price discrimination, he actually criticized GORE's plan, the Democratic plan, by suggesting that, in the way that we set aside benefit providers and say they are going to negotiate a good price so that seniors do not get ripped off, and the price discrimination that currently exists disappears, what Mr. Bush says is that that would do nothing but ultimately lead to price controls.

I just wanted to use this quote if I could, Mr. Speaker. It says that Mr. Bush today, much like the drug industry, criticized Mr. GORE's plan as a step towards price controls. "By making government agents the largest purchasers of prescription drugs in America," Mr. Bush said, "by making Washington the Nation's pharmacist, the Gore plan puts us well on the way to price control for drugs."

Now, what that says to me is that what Mr. Bush wants, he wants to do something that is going to help the pharmaceutical companies, he wants to do something that is going to help the insurance agencies, the insurance companies; but he is not doing something that helps the average American.

We had time for the last month or so when we were all in our districts, and I had a lot of forums and town meetings, many of which were with seniors. Whether they were seniors or not, everybody talked to me about the price, the cost of prescription drugs. Now do my colleagues mean to tell me that when we pass a prescription drug plan we are not going to address that issue? If we do not address that issue in some way by at least saying this the Government is going to try to have someone out there to negotiate a better price, then any prescription drug plan that is put into place is not going to really solve anybody's problem because the cost is going to be too high.

The other thing I wanted to point out, and this is something that I said before we had our August break, is that what Mr. Bush is proposing and what the Republicans proposed here in the House of Representatives when we were in session during the summer and the spring has already been tried in at least one State; and that is the State of Nevada.

In the State of Nevada, back in the springtime, they passed a prescription drug plan that was very similar to what Mr. Bush and the Republicans have proposed; and that is essentially giving a subsidy, giving a voucher to seniors so that they can go out and try to find their own prescription drug plan, their own prescription drug policy through some insurance company. In the State of Nevada, none of them were sold. People tried to find a plan, and there were no insurance companies that was willing to sell it.

The only thing that I can see happening with Mr. Bush's plan is that some of the HMOs will offer the coverage because if they can take that voucher and add it to whatever seniors now get under Medicare, that they may be willing in some cases through HMOs to take up the slack and perhaps provide some benefits for prescription drugs.

But the problem with that is that as we know over the last 6 months and over the last 2 years since more and more seniors have gotten into HMOs, a lot of those HMOs are now cutting back. They are simply getting out of the Medicare program. They are telling the seniors they have to have a higher deductible, more of a co-payment, basically telling the seniors that they have to pay more out of pocket.

So I do not think pushing seniors into HMOs is the answer. I think there is a serious problem with managed care, not that managed care is necessarily a bad thing. But if Mr. Bush thinks that we are going to solve the prescription drug prices for seniors by simply pushing them into HMOs, the experience of the last 2 years shows that is simply not the answer.

What we are facing here is a Republican plan under the Republican candidate for President that basically does not do anything for the average American senior. We have to realize now the only way we are going to get real coverage for seniors is if we add a prescription drug benefit to the Medicare program, which is exactly what the Vice President and the Democrats have been proposing for the last 2 years.

With that, I yield to the gentleman from Texas (Mr. TURNER), a gentleman who has been outspoken on this issue and who I know really cares a great deal about the seniors in his district and trying to solve this problem. I know he has had a number of forums over the last month or so in Texas, his home State. We talked a little bit and shared some thoughts today about how the response from seniors that we have again been getting over the last month has been really very similar. They are really crying out for reform. They have a problem. They cannot afford to pay prescription drugs out of pocket. They are crying out for relief, which is what the Vice President wants to achieve.

Mr. Speaker, I yield to the gentleman from Texas (Mr. TURNER).

Mr. TURNER. Mr. Speaker, I thank the gentleman from New Jersey (Mr. PALLONE) for yielding to me. It is good to be here and to share this hour with him and our colleagues on the Democratic side of the aisle who have worked for so long now trying to pass a prescription drug benefit for our senior citizens under the Medicare program.

Mr. Speaker, 2 months ago the Republicans tried to diffuse the issue by passing a bill on the floor of this House by a very narrow margin that was simply a plan that told the insurance companies to go out there and offer insurance policies for prescription drugs to our seniors. They did it in spite of the fact that, during the hearings on the very bill, the insurance companies came in and said that it was not going to work. In fact, the president of Blue Cross and Blue Shield said the idea of a private insurance drug benefit, and I am quoting, "provides false hope to America's seniors because it is neither workable nor affordable."

Now we see that Governor Bush has belatedly approached the same plan.

□ 2100

He simply says that we need to rely on private insurance companies to provide prescription drug coverage for our seniors. It is quite interesting to note that the Republicans and Governor Bush have said we can rely on private insurance companies to cover our seniors' prescription drug needs when at this very moment the private insurance companies are pulling out of providing Medicare+Choice plans for our seniors.

In early August, I had the opportunity to travel around my district. I visited about 40 communities and talked to hundreds of seniors who are struggling to pay their prescription drug bills. I stopped in many pharmacies and talked to many seniors who brought in their prescription medicine bottles. In fact, I had urged them to bring in their empty medicine bottles to allow me to take them back to Washington. This is one of them from Kirbyville.

I urged my seniors to use these empty prescription medicine bottles as a way to send a message to the Congress that they are ready for this Congress to do something about the high cost of prescription drugs and to provide a Medicare benefit for prescription drugs. I have got at least four full boxes of these, and it shows that the seniors that I represent are tired of waiting for this Congress to do something. We have been working on this for over 2 years now, and the truth of the matter is it is time for this Congress to act.

When I talked to the seniors in my district, many of them had prescription medicine bills that run several hundreds of dollars a month. I met seniors who are trying to make do by taking their pills and breaking them in half; trying to get by and lower the cost that way. Others told me they just try to take a pill every other day instead of every day as prescribed. I met seniors who are having to make the difficult choice of whether to buy their groceries or to fill their prescription.

In the community of Navasota in my district I was there at a local pharmacy that is located in a grocery store, and a lady came up to me, she did not know I was going to be there to talk about this issue, and she just overheard me so she stopped in to listen. Afterwards, she came up to me and she said, I just brought my prescription in yesterday and I had come back today to pick it up. She said I was just back at the pharmacy counter and the pharmacist told me that it would be $125. She said I told him he would just have to keep it. I asked the pharmacist later if that was a common problem and he said it was. He said many people come in and ask to have their prescriptions filled only to find that the price is too high for them to afford.

In a Nation as prosperous as this Nation is, and in a Nation that is as compassionate as we like to think and say we are, I believe it is time for us to recognize that we can do something for our seniors in helping them with the cost of prescription drugs.

I had a lady in a little town of Teneha come up and hand me an envelope, and she said to me, “Would you please read this on your way to your next stop?” When I got in the car I began to read this letter, and I want to share it with my colleagues.

This lady that handed me the letter had been in the insurance business for 19 years and she relates a story about her deceased mother. She says, “Dear Congressman Turner: I am writing this in memory of my mother, who passed away last November in Conroe at the age of 87. My mother had multiple health problems that resulted in her having to take many expensive prescription drugs for the last 20 years of her life. She was very active and able to live a full life in spite of her health problems, and was grateful for medication that could help her. She very meticulously followed her doctor's orders on medication and diet.

“Like most people her age who lived through the Great Depression and World War II, she possessed much pride in self-sufficiency. She did not ask anyone for handouts. She believed in paying her bills first and foremost and maintaining good credit. People of this era worked hard. And even though they worked hard and paid the maximum through Social Security, their retirement income is still not sufficient to meet the total cost of retirement living, especially if there is a prescription drug bill every month of $300 or more.

“My mother's only income was her Social Security retirement income with a prescription drug cost of $300 a month. After her death, I discovered that her major indebtedness was a credit card with over $6,000 on it. I inquired and determined that it was practically all for prescription drugs. She used the card when she needed medicine and had no money left in the bank. She knew that the account could be paid off when her modest home was sold. Because of her pride and self-sufficiency, I did not know this until her death.”

It is of quite a surprise, I am sure, to this lady, to know her mother had to charge her prescription drugs on her credit card and run up a $6,000 bill just to be sure she could take her medicine.

These stories and many like it were repeated to me over and over again as I traveled around my district during our August work period. These people that I talked to are in desperate need of some help. We need sound policies and a meaningful prescription drug coverage plan, not empty promises, not press releases.

Today, the problems of the drug crisis has reached a new crisis. This is brought about by the fact that all across our country seniors who signed up for these so-called Medicare+Choice plans, offered by the big HMOs as a substitute for regular Medicare, have been canceling their coverage of our seniors. Hundreds of seniors told me that they personally received these notices of cancellation to be effective on December 31 of this year. In the 19 counties in my district, as of the end of December, 15 of those counties will have no Medicare+Choice HMO option offered to them.

All across this country seniors are receiving similar notices of cancellation. In fact, at last count there were over 900,000 seniors in this country that are receiving notices from their insurance companies saying their Medicare+Choice HMO plans are canceled as of December 31. Many of those are in my State of Texas. One would think that Governor Bush would understand that private insurance HMO coverage for prescription drugs is not the answer, particularly in light of the fact that hundreds of thousands of seniors across this country are being told no by their HMO.

We have learned, I think, an important lesson, one that our Republican friends and Governor Bush also need to learn, and that is we cannot rely upon private insurance as a safety net for our seniors. Once again the Republicans propose that private insurance can solve the problem. Recently, when Governor Bush announced his new plan, he said he would begin to cover prescription drugs in year 5 of his proposal by reforming Medicare, and for the next 4 years he said he would give $12 million a year to the States to allow them to do something about the problem of prescription drugs for seniors.

Now, the States tell us that they do not want to have this ball. The National Governors Association has already said, and I quote, “If Congress decides to expand prescription drug coverage to seniors, it should not shift the responsibility or its cost to the States.” Why should we give money to our States to subsidize insurance companies instead of just using the money to provide meaningful prescription drug coverage under the traditional Medicare program that seniors understand and trust? The insurance companies are abandoning our seniors right and left, and yet our Republican friends continue to say that insurance, private insurance, can take care of the problem.

Medicare was signed into law by a great Texan, Lyndon Johnson, in 1965, in a day when prescription drug coverage was not nearly as important as it is today, because prescription drugs were a very small percentage of our total health care cost. Today it is a much larger percentage and a much more serious problem. After 35 years of protecting our seniors, we should be strengthening Medicare with a prescription drug benefit, not dissolving it in favor of private insurance companies out to earn a buck when we already know from our current experience that private insurance companies cannot be relied upon.

We only need to look back to see what has happened to seniors across this country in recent months. In rural east Texas, the area of the country that I represent, 65 percent of our seniors on Medicare do not have access to any of these Medicare+Choice plans that offer prescription drug coverage. What are we going to do for those when the Republican plan goes into effect?

Seniors in my district know what their Social Security check is down to the penny. They know how much rent they pay and they know their other bills almost to the penny. What they need is a specific defined prescription drug benefit.

The Republican plan, the Bush plan, does not give them that. The Bush Republican plan only gives them more questions. Seniors will not know how much that plan costs them, seniors will not know what it covers, and seniors certainly will not know how long it will be there for them.

The Democratic plan is very simple. We know how much it is going to cost. We have already talked about the cost of the Democratic plan. It begins about $24 a month and rises slightly over the period of increased coverage. It covers 50 percent of the first $5,000 of prescription drug cost and covers everything above that, and it is a part of Medicare, not some insurance company plan that may go away next year. That is the kind of security senior citizens want; that is the kind of security that senior citizens deserve.

The private insurance industry clearly has to try to make a profit. They are not in the business of providing a safety net for our seniors. That is the appropriate role of government. We cannot afford to abandon our seniors to those same HMOs that have been dropping them all across the Nation to date. Our prescription drug benefit plan is universal, it is affordable, it is understandable, and it is voluntary. If there be any senior who chooses not to sign up for the Medicare prescription drug benefit that we propose, they simply will not have to pay the premium.

So our plan, I think, is the one that seniors deserve, and I hope that we can continue to push until this goal is accomplished, hopefully in this Congress, but, if not, in the future I am confident that we will prevail.

Mr. Speaker, I yield back to the gentleman from New Jersey.

Mr. PALLONE. Mr. Speaker, I want to thank my colleague from Texas because he really lays out the differences between the Bush Republican plan and the Gore Democratic plan, but there were two things I just wanted to comment on because I thought they were so important.

First, the gentleman pointed out that when he talked about these private insurance-only policies that the Bush Republican plan is relying on, they are assuming that there is going to be a voucher of some sort that seniors are going to be able to take with them and go to buy this private insurance policy for prescription drugs. It is illusory. It is not going to happen. The reason is very simple, which is that insurance companies do not provide benefits, they insure against risk. We know that almost every senior is going to have to use prescription drugs, so it makes sense to put it as a benefit under the existing Medicare program rather than look at it as some sort of risk. Insurance companies are not going to provide coverage when they know that every senior would actually benefit and take advantage of the plan. That is why these insurance policies were not sold in Nevada and why they will never be sold anywhere else.

The second thing is that the Bush Republican plan is sort of a cruel hoax. The gentleman laid out that during the month or so that we were back in our districts and Congress was not in session that he talked to real people, as did I, and they are suffering. They are making choices; dividing pills, having to make choices between food and prescription drugs. When the gentleman went to a lot of the towns in his district, he knew this was a real problem.

□ 2115

I feel that what Governor Bush has proposed is just something that is illusory and is there to give the impression that somehow he wants to address the problems that these real people have. And he has really only come up with it in the last few weeks because AL GORE has been out there talking about the Democratic machine and it has gotten a positive response. So all of a sudden Governor Bush had to come up with something, knowing full well that it is not going to work. And I think that is a real cruel hoax on these people that we have been seeing every day for the last month that are crying out for some relief.

I want to yield to my colleague, the gentleman from Maine (Mr. ALLEN). Again, I know that he has been out there talking about the problem of price discrimination because so many seniors now that do not have coverage and have to buy prescription drugs at the local pharmacy out of pocket pay significantly higher prices than those who are in HMOs or some kind of an employer plan that is able to buy the prescription drugs in bulk and negotiate a good price.

The thing that really bothered me was the fact that, in laying out his plan today, Governor Bush actually criticized the Democratic plan, the Gore plan, because it tried to address the issue of price discrimination that somehow even making this attempt was a bad thing, and yet that is the biggest problem that seniors face right now and everyone faces because of that price discrimination.

Mr. Speaker, I yield to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I thank the gentleman from New Jersey (Mr. PALLONE) for all his good work on this issue and will begin by saying he is absolutely right, people know that the amount they are spending on prescription drugs is going up and up, that drugs themselves are getting more expensive.

As people get older, they use more and more prescription drugs. My colleague was talking a little earlier about how many people use prescription drugs. Well, for seniors it is 85 percent. Eighty-five percent of all seniors take at least one prescription drug; and many, as we know, take more than one.

My parents have their rows of pill bottles. And certainly the industry has done a great deal to extend people's lives and to improve the quality of people's lives. But the fact is that these medicines do no good for people who cannot afford to take them and there are millions and millions of Americans, at least 13 million seniors alone, who simply have no coverage at all for their prescription drugs.

It has got to be tough to be a Republican these days because watching Governor Bush try to thread the needle, as the House Republicans did before, we see the same kind of exercise. On the one hand, they want to sound like Democrats, they want to sound as if they are reforming Medicare, they are providing a Medicare prescription drug benefit. But because they do not really want to strengthen a government program, which is what, of course, Medicare is, they have to figure out some other way to do it.

It is so different from the private sector because people who are employed and have their insurance through Aetna or Cigna or United or a Blue Cross plan may very well, and probably do in many cases, have prescription drug coverage provided by the health care carrier.

But the Republicans are completely adverse to having Medicare provide a prescription drug benefit just as those private sector plans do; and so they go through all sorts of contortions to argue against the simplest, most cost-effective, fairest system possible, which is a Medicare prescription drug benefit.

I want to comment a little bit on the Bush plan because it is so much like what our friend on the Republican side threw up in this House some time ago.

The interesting thing about this plan, among many interesting things, is, first of all, he says we are going to provide a subsidy of 25 percent for people over the lowest income level, we are going to provide a subsidy of 25 percent of the premium. And so the logical question to ask is, Well, how much is the premium? Because then we will know how much the subsidy is. And the answer is, Well, there is no information on that because the premium will be offered and chosen and decided by a set of private insurance companies. And so then the question is, Well, how much will the deductible be? And there is no answer to that because the deductible will be decided by HMOs and other insurance companies.

Then there is the question of the copay and how much will the copay be.

Same thing. There is no answer to any of those questions. There are no details. And the reason is they cannot abide the thought of strengthening Medicare, they cannot abide the thought of really modernizing Medicare.

When the Republicans talk about modernizing Medicare, watch out. Because they are not modernizing it. They are basically saying, we are going to reform it by transforming it; we are going to turn Medicare over to HMOs and insurance companies and you will all be better off.

Now, of course, it is true that when you look at the experience of HMOs in Medicare now, they are leaving the program. Seniors are being dropped all across this country. And the coverage is very uneven. For about somewhere between 14 and 15 percent of seniors in this country, they get prescription drug coverage through a managed care plan. But the number who get their coverage that way are falling off.

In my home State of Maine, as of a month or two ago, there were a grand total of 1,700 seniors who got their prescription drugs through a Medicare managed care plan. As of January 1, there will be none. We will have no Medicare managed care in Maine; therefore, no way for seniors to get prescription drug coverage through a managed care company in my State. There simply will be no way.

Governor Bush, in presenting his plan, and the Republicans in the House, in presenting their comparable plan here some time ago, always said, We are going to leave it up to the consumer. It is their choice. Well, it is not their choice if there is no plan to chose from.

And whose choice is it really? What they are really talking about when it comes to choice is not the choice of the consumers; it is the choice of the insurance companies. Because they are the ones who will decide the premiums, the copays, the benefit levels. And those benefit levels, those premiums, those copays can change year after year after year.

I have talked to a lot of seniors in my district, and what they want and what they need is stability and continuity and predictability and equity. They need to know that what they had for a benefit last year will be there next year and the year after and the year after, and they want to know if there is a copay that it will be about the same year to year to year. And most of all, they want to know that the plan will be there.

That is what Medicare provides. Medicare provides a guaranteed benefit that will be there year after year after year.

All of my colleagues on the other side who attack Medicare over and over again as a bureaucracy are ignoring the fact that the HMOs and the other insurance companies are bureaucracies in themselves, but they are much more expensive and much more unfair and much more unpredictable than Medicare.

Mr. PALLONE. Mr. Speaker, I yield to the gentlewoman from Florida (Mrs. THURMAN).

Mrs. THURMAN. Mr. Speaker, after what Maine has done, which is kind of the leader in the country right now and I think through the leadership that the gentleman from Maine (Mr. ALLEN) has provided here in the House, they came back in their legislature with a very strong bill based on many of the studies that we have done in our districts about the cost of what has happened in Canada and what has happened in Mexico.

But when we talk about these plans with the insurance companies, I will say to my colleague, and I think that many of us know this, is that in the Committee on Ways and Means, we actually had the chairman of the insurance industry and I asked him the question, I said, Mr. Kahn, I said, do you believe that insurance companies will offer a stand-alone drug benefit? And do my colleagues know what his answer was? No, absolutely not. They have no interest in going into any of our districts to cover any of the folks, whether they have been on HMOs or whether they are in a Medicare program stand-alone, a fee-for-service. They have no interest in this. The risk is too high for them to take. And we know that insurance companies work off of risk. And because the sickest would be the ones going into these programs, they cannot afford to offer a plan.

So what my colleague is saying here is exactly right. It does not matter how much money we offer as far as a tax deduction, and nobody has told me whether or not they have a liability or no liability on their deductions, we do not even know that part of it yet, even though it seems to be based just to those that are the very low-income seniors. So my guess is that it would only be for those who have tax liability; there is no plan out there.

And we are hitting the same thing in Florida. I mean, in one of the counties that I represent, in Hernando County, we had 9,000 seniors dropped from two Medicare Choice programs. Two. These people are afraid because there is nobody there to pick up this prescription drug benefit, and they do not know what they are going to do.

Mr. PALLONE. Mr. Speaker, reclaiming my time, what I said before in response to what the gentlewoman said, we had the example in Nevada that implemented the Republican plan almost exactly what Mr. Bush and the Republicans in the House have proposed 6 months ago, and not one insurance company has offered to sell that kind of a policy.

So we do not even have to take the word of Mr. Kahn. We have an example in a State where there is no policy offered.

Mrs. THURMAN. Mr. Speaker, if the gentleman will continue to yield, I think one of the things that is significant about the plan that is being offered by the Democrats is that it is a voluntary program. And, in fact, if people want to stay in their HMOs and those HMOs are not pulling out, we also provide about $25 billion to them to make sure that we strengthen those HMO Medicare Choice programs that are available and that are left in this country. And I think that is an added advantage to what we are trying to do in this whole debate is to never take something away from something, only to add to those that have nothing.

Mr. PALLONE. Mr. Speaker, reclaiming my time, I yield now to my colleague, the gentleman from Arkansas (Mr. BERRY), who again has been one of the main proponents of increasing health care access and addressing the problem of prescription drugs and has been working on these health care issues for some time.

Mr. BERRY. Mr. Speaker, I thank my colleague, the gentleman from New Jersey (Mr. PALLONE), for yielding me the time. He has done a great job in the leadership of health care in this House, and we appreciate what he has done. He has been at this longer than I have.

It is also nice to join my colleague, the gentleman from Texas (Mr. TURNER), the gentleman from Maine (Mr. ALLEN), and the gentlewoman from Florida (Mrs. THURMAN). I appreciate their efforts on behalf of the American people to see that our senior citizens have a decent prescription drug benefit with Medicare.

We stand here this evening the greatest Nation that has ever been in the history of the world. There has never been another country that has the economic, the military, and the political power that this country does. And yet our senior citizens, many of them, millions of them, are going to go to bed tonight and not have enough to eat or not have the medicine they need because our prescription drug manufacturers are simply robbing them of that.

Medicare was even admitted to being a success by Governor Bush yesterday, even knowing that the former speaker, Mr. Gingrich, and his colleagues in the majority have vowed for years that they would see Medicare wither on the vine, I believe is the way they put it.

What we know, and we do not have to spend all of August in the First Congressional District of Arkansas to find this out, we can go to any congressional district in the country, this is a real problem for real people; and it is causing real pain, and it is time that we do something about it.

As Congress takes the next month or so to wrap up legislative business for this year, there is simply no excuse for leaving seniors and the disabled without a reliable prescription drug benefit under Medicare.

The Republican leadership has reluctantly been forced to put forward what they call a plan because of the overwhelming public outcry created by rapidly escalating, outrageously profitable prescription drug prices charged by manufacturers.

Being forced to develop a plan, the best Republican leaders have been able to do is to listen to their friends in the pharmaceutical industry. If they had traveled with any of us over August and listened to the stories that we heard, every one of us heard, and they are heartbreaking, these are people that worked hard, played by the rules, and thought they had made the right decisions to provide for their senior years.

□ 2130

They would know that we have got to do something about this problem, and it is time to have a prescription drug benefit for Medicare. The Democratic plan will use the purchasing power of our seniors covered by Medicare to negotiate large discounts from drug makers. I believe Governor Bush said yesterday that that would be a dangerous thing to do. It might actually reduce by a little bit the outrageous profits of these drug companies. They might actually even have to cut back on some of the tremendous salaries that they pay the people that run these companies, and that would be too bad to cut some of those folks back under maybe $100 million a year.

The Republican plan is a cynical game being played with our seniors' health, a shameful attempt to deceive our seniors. They have proposed a large first step toward privatizing Medicare and forcing our seniors to deal with private insurance companies to get the care and the prescription drugs that they need. The insurance companies say they do not want it. They do not want anything to do with it. That is why we have to have Medicare. Medicare is a success.

You can ask the Republicans, "What does it cover?" And they will tell you, "Well, we don't know." Then you can say, "How much does it pay?" And they will say, "We don't know." Then you can say, "What are the premiums?" And they will say, "We don't know." They do not want to see drug companies' exorbitant profits damaged. That is what the interest is in the plan that Governor Bush put forward yesterday, that, and continuing to try to destroy Medicare as we know it.

Their plan only provides subsidies to their insurance companies, the donors and the pharmaceutical companies' profits rather than giving any direct assistance to our seniors. It does nothing to see that Americans can buy prescription medicine at the same price as every other country in the world and we pay two to three times as much in this country. Their plan is based on the discredited theory that private insurers will offer affordable prescription insurance if they are given enough government subsidies. But the HMOs and the insurance companies just simply say this will not work.

It is also unlikely that the country will be able to pay for prescription drug coverage under Medicare because the Republicans are continuing their attempts to squander any available moneys on tax cuts that are disproportionately benefitting the wealthy. The American people want a prescription drug benefit for our seniors, and it is time for this Congress and the next President to recognize the tremendous need that our seniors have and do the right thing and pass a legitimate prescription drug benefit for Medicare.

Mr. PALLONE. I want to thank the gentleman. Certainly he speaks the truth about what we are facing and how the Bush Republican plan does not address the problems that we were hearing about during the August recess.

I yield to the gentleman from Maine.

Mr. ALLEN. I thank the gentleman for yielding. I do not think that anyone says it better than the gentleman from Arkansas (Mr. BERRY). He is a pharmacist himself. He knows what he is talking about when it comes to the things that people are going through.

I wanted to come back for a moment and talk about one part of the Bush plan that was announced yesterday or the day before and that strikes me as completely unrealistic. What he is saying is we are going to provide $48 billion over 4 years in terms of grants to the States in order to provide immediate relief for seniors who need help.

There are several points to be made. The first point. The fact is that the people who are suffering the most are not necessarily those with the lowest income. They are the people with the highest prescription drug cost. I was talking to a man up in Waterville not so long ago, Waterville, Maine, who had owned his own garage, his own auto repair business, he and his wife were now retired but they were not quite 65 and they had a little bit of coverage for their prescription drugs that they would lose when they hit 65. His wife's expenses and his together were already running at $1,000 a month. He was terrified as to what would happen to him when he hit 65, he lost his coverage, there is no coverage under Medicare and he knew he would be in great trouble. So there is one problem. People all up and down the senior income ladder have difficulty paying for their prescription drugs.

The second problem is this: There are only 16 plans, 16 States in the country which have functioning programs for the low-income elderly. Now, five States have passed legislation to get them to that place and there are a couple of other States trying innovative things, but when you look at the number of people covered by these plans, you are talking about somewhere between, in most cases, with the exception of three States, somewhere between 5,000 and, oh, roughly 50,000 people in the entire State. These programs are not working. They are not available. They would have to be created. Certainly Texas does not have any form of low-income assistance for the elderly, prescription drug insurance. These plans are not able to pick up the slack any time soon and if they did, they would be misguided.

The fundamental problem is this: Medicare is a Federal health care plan. Republicans do not like that. They do not like the plan, but Medicare is a Federal health care plan. It works. It is cost efficient. Its administrative costs run about 3 percent a year. When you turn to the private insurance industry after all the administrative costs and the overhead and those executive salaries, you are talking about 30 percent a year. And they are picking and choosing among the people they want to cover. So the fundamental fact is that if we are going to have a cost effective system, it is going to be through Medicare. If we are going to have a fair system that covers everyone, it is going to be through Medicare. If we are going to have a system where people can predict their premiums, their copays, their deductible from year to year to year to year, it is going to be through Medicare. It is simply wrong to take this issue that is just really doing enormous damage to our seniors now, people who cannot afford their prescription drugs and their food and their rent and basically to say to them that we have got to wait until we can transform Medicare by turning it over to HMOs and insurance companies and then if we give them enough money, maybe they will give you prescription drug insurance. It is pathetic.

Mr. PALLONE. I agree. Just one minute and then I want to yield to the gentleman from Texas here because he has been waiting. When I had my senior forums in August in New Jersey, the people that came were the people that could not take advantage of the existing State program in New Jersey. Let us face it, if you are below a certain income, very low, then you have Medicaid and you have prescription drug coverage, not maybe as all inclusive as we would like but something.

In New Jersey, we have a program financed with casino revenue money from Atlantic City that pays for people just above that. But that program increasingly is running out of money because the revenues are not keeping up with the cost of all these drugs. But the people that came to my forums, and my district is not an affluent district, it is about middle of the road, middle income, most of the people were not eligible for either of those programs. That is the rub. It is those people, it is the middle class that do not have the benefit.

What I wanted to say, what you were talking about specifically is that it is funny. I heard Governor Bush keep talking about choice, how the Republicans were going to give choice. There is no question there is more choice in our plan. It is a voluntary plan. You do not have to sign up for part D if you do not want to. If you want to keep your State prescription drug plan, you can if you are a certain income. If you have an employer-based retirement plan and you want to keep it, if you want to go to an HMO, you can keep it. The bottom line is everybody is guaranteed the coverage under Medicare. That is what is so beautiful about the Gore Democratic plan and so different from what Bush and the Republicans are proposing.

I yield to the gentleman from Texas.

Mr. TURNER. I just want to say when I heard the gentleman from Maine (Mr. ALLEN) talking about the issue that it is so very true that private insurance companies are not the answer, and I think our senior citizens understand that. I think they understand full well that Medicare works, it has served them well, and the seniors that I talked to in August who had received these notices of cancellation, seniors that had signed up for these Medicare+Choice plans simply because they offered them some prescription drug coverage in addition to the regular Medicare coverage, those seniors understand that you cannot count on private insurance, and it is just as the gentleman from Arkansas (Mr. BERRY) said a minute ago, the Republican plan offered by Governor Bush does not assure any senior what it is going to cost them, does not guarantee them what it is going to cover, does not tell them what the deductibles are, and it certainly does not promise them that it is going to be there because, as we have learned, these HMOs can pull out any time they want to. Our plan is understandable. We have already laid out the cost to seniors. It is going to be available to everybody on a volunteer basis. Seniors can get the prescription drug their doctor prescribes. And they are going to know that it will be there, not just today but tomorrow as well.

Now, that is what our seniors need. The choice that Governor Bush was talking about is a choice of confusion. He is saying that private insurance companies are going to be offering all kinds of plans and you can just choose the one you want. The truth is, that is a false promise. It has not worked in Medicare+Choice with over 900,000 seniors in this country receiving a notice that as of December 31 their Medicare+Choice plan is going to be canceled.

Medicare is a good program. It has served us well since 1965 and there is absolutely no reason to abandon it. We need to pass the Democratic plan. It is the plan that seniors can understand and that they need.

Mr. PALLONE. We have about 4 minutes, so I would like to split the time between my colleague from Florida and my colleague from Arkansas.

I will start with my colleague from Florida.

Mrs. THURMAN. As we are in an era of when we are talking about surpluses and times of when things are fairly good, things may not always be this good. One of the things that we have to remember is that it is our job to protect Medicare and the solvency of that trust fund. Quite frankly, one of the things that I see in this debate that gets forgotten is that under Medicare today, we pay for prescription drugs as they are needed in the hospitals. When we bring somebody in to stabilize them, we provide them with those medicines. But when we let them out of the hospital and they walk into that pharmacy and all of a sudden they are told that what they had to have in the hospital now just costs them $400 a month and they cannot pay that and they have to make that decision of what drug they take that month or that week or that day as versus whatever other expenses they might have, we are also costing this system millions of dollars every day because we let them out of the hospital after we have stabilized them and then we, 2 months later, find them back in the same situation as we left them before. And we are thinking to ourselves, we want to make the solvency of the Medicare program, we want to continue the program. The only thing we can do, contrary to whatever anybody else says is, this has got to be a Medicare program. It has got to be done under the Medicare program. It is good for the solvency and it is good for the patient.

I think we really have to take all of these things into account. I would love to talk to my pharmacist, the gentleman from Arkansas (Mr. BERRY), and thank all of us for being here tonight. This is a good debate and it needs to be had in this country.

Mr. PALLONE. I yield to the gentleman from Arkansas.

Mr. BERRY. Like many of you, I know that many of you have held public forums and senior meetings and all of those things over and over again, into the hundreds. I hear a lot of criticism about a lot of things, about the government. We all do. I have never had anyone tell me, "You ought to do away with Medicare." I do not understand. Our seniors like Medicare. It is a good program. It works. It is successful. It is what they need. They just need a prescription drug benefit to go along with it. I just simply do not understand why Governor Bush and the Republicans are so determined to destroy it. Why would they want to do that to our seniors when we know this is the only way we can provide decent health care protection for our senior citizens, and it is absolutely a mystery to me why they would engage in this attempt, this shameful attempt, to destroy Medicare that has been such a wonderful thing, and will continue to be if we add a prescription drug benefit to it.

Mr. PALLONE. Mr. Speaker, I want to thank everyone for participating in this tonight and make the point that this is our first day back in session, but we are going to keep at this. We are going to keep demanding that the Republicans take action and that the Republican leadership allow the Democratic proposal to be considered and that we pass a prescription drug program under Medicare that really is meaningful because that is what the people need. It has to be addressed. It should be addressed between now and when we adjourn, not next year.

DEATH TAX

The SPEAKER pro tempore (Mr. SCARBOROUGH). Under the Speaker's announced policy of January 6, 1999, the gentleman from Colorado (Mr. McINNIS) is recognized for 60 minutes.

Mr. McINNIS. Mr. Speaker, good evening colleagues.

I note that I am kind of outnumbered here five to one. The gentlewoman from Florida (Mrs. THURMAN), whom we just heard, said we have had a good debate here. I wish that my colleagues would understand that we have only heard one side of the debate. In fact, what we have heard are five individuals who are highly, in my opinion, speaking the partisan tone and presenting one side of the case.

Now, my remarks tonight really are going to center on the death tax, but I cannot go without at least rebutting some of the comments that were made. I refer to the gentleman from Arkansas (Mr. BERRY), the pharmacist. This is a closest I have ever come, colleagues, to asking that the words be stricken from the RECORD after I listened to the gentleman from Arkansas over here.

This gentleman from Arkansas (Mr. BERRY), the pharmacist, in my opinion, has totally mislead the public when he says that the Republicans or the Democrats or any elected politician wants to do away with Medicare. It is exactly what the gentleman said, that the Republicans want to do away with Medicare.

Now, tell me, colleagues, tell me one elected official on this House floor, Democrat, Republican, eastern, western, northern, southern, show me one elected Congressman that wants to do away with Medicare. That is about the grossest misrepresentation that I have heard on the RECORD on Special Orders.

I want to continue to go on. I mean, the only way that we are going to be able to help the senior citizens of this country and not, by the way, just the senior citizens but a lot of other people who also face high prescription services, is to work as a team, and not to develop highly partisan comments late at night, late into the hour when most of our colleagues are off the floor, not to use the tactics of fear, which seem to be the tactics that some of these previous speakers have used: the senior citizens are going to be trashed, the senior citizens Medicare program is going to be destroyed by the Republicans, all the Republicans care about are the pharmaceuticals.

We can sure tell we are about to come up to a national election, can we not? That is not how we are going to resolve this problem, and you know it is not how we are going to resolve this problem, so do my colleagues that have conveniently just left the House floor.

What team do they want to be on? Do they want to be on a team that really can go out and help people with high prescription medical services or prescriptions?

Mr. PALLONE. Would the gentleman yield?

Mr. McINNIS. The gentleman had 1 hour totally unrebutted, and I intend to rebut it with the next hour.

Mr. Speaker, I have control of the floor. I have control of the House.

Mrs. THURMAN. The gentleman does not want to debate.

Mr. McINNIS. Mr. Speaker, I say to the gentlewoman I love to have a debate that is not one sided. That is why I am taking time away from the death tax, which I intend to talk about.

Mr. PALLONE. Mr. Speaker, does the gentleman from Colorado want to hear from us? I am just asking.

SPEAKER pro tempore. The gentleman from Colorado has the hour.

Mr. McINNIS. Mr. Speaker, the key here is my colleagues can come across the party aisle, Democrats and Republicans come across the party aisle. George W. Bush ought not to be criticized in the late hour of the House of Representatives by a very partisan team who are out strictly to destroy any kind of proposal that George W. Bush comes up with. Now look, my colleagues may not agree with everything that George W. Bush says, but is the whole concept, every line of it intended to destroy Medicare? Of course it is not. It is just the same as GORE and Clinton, they have come up with some ideas. But should my colleagues just in blank say because it was GORE or because it was Clinton that it ought to be destroyed? No.

I think my colleagues owe it to the people that we are elected to represent, to go on a very constructive fashion, as I intend to do here in a few minutes talking about the death tax and talk about the pluses and the minuses, talk about the details of it, talk about the fine print.

I saw an excellent article today, I pulled it out of the newspaper, The Washington Post, it says 12 questions to ask about the proposals of AL GORE. "If the projected budget surpluses on which you are basing your spending plans do not materialize or come up short, which promises will you put on hold?

The reason I bring these questions up to my colleagues on the Democratic side is, look, I realize that it is an election season, it is the time for promises. It is almost if you are a teacher telling all your kids whatever wishes you want to come true, I will grant them, just as long as I get my contract renewed.

Look, somewhere you are going to have to face these voters and you are going to have to tell them how you are going to pay for this. If you want to talk about socialized medicine, talk about it as socialized medicine, be upfront with our constituents. They are not dummies. In fact, they elected us to come back up here so we will speak frankly to them, so that we will talk to them. This is what it is going to cost you.

Take a look at your tallies. Just in today's Washington Post, GORE promises another $300 billion, the Medicare program, the pharmaceutical program. Some of these are needs that we have to address. But as we begin to address them and as we begin to critique other people's programs, we ought to keep a little cost tally on the right-hand side to see if we can afford them.

It is kind of like going to the car dealership and saying all right I promised my son this car and I promised my daughter this car, my other daughter this car, my other son this car and my wife promised me this car, and I promised her that car. At some point the salesman is going to stop and say, Congressman McINNIS, can you afford what you are promising all of this family? Are you really serious? Are you really going to deliver the money to provide these cars for your four, five children and your wife and your wife for you, or are you just talking? Are you just trying to get me excited as a salesman?

I am afraid that is what the previous hour just did. It is an effort to get people excited about this upcoming election by giving them, in my opinion, distorted and inaccurate information. That is pretty strong terminology, but do you think that the gentleman who is a pharmacist, the gentleman from Arkansas (Mr. BERRY), the Congressman here, can fairly stand up in front of my colleagues and say that George W. Bush's plan and the Republican plan their whole intent is to destroy Medicare? Give me a break.

As I said earlier, there is nobody on this floor, nobody in an elected office, not a county commissioner, not a city councilman, not a governor, not anywhere in the country that wants to destroy Medicare; and using that kind of fear tactic on our senior citizens is unjustified.

Constructive criticism is welcome. That is exactly what this House floor is for, constructive criticism. But to come up here and patently mislead, in my opinion, is very unfortunate, and that is really frankly what gives people kind of a bad taste in their mouth about politics in this country.

Let me move on to something which I intended to speak about the entire time. My wife and I have faced it, many of our young people in this country, the young people, I am talking about the people in their 20s, the people that are going to college for an education, the young people of our country that have dreams, I am talking about the next generation in their mid-40s such as myself. That generation has been able to realize a part of their dreams, and then I am talking about the generation ahead of me that have realized their dreams, but their biggest dream is to see what they can do for the generation that is behind them or the generations that are behind them.

I cannot think of a more fundamental question in front of all of us to decide whose team you are on then to vote tomorrow. The vote we have on this House floor tomorrow is a vote to override the Presidential veto on our bill that passed this House. By the way, I think it was 65 Democrats. So some of the Democrats, not the leadership, but some of the mainstream Democrats more conservative Democrats crossed the party aisle and voted to eliminate the death tax.

The President, by the way, this year in his budget did not call for elimination of the death tax, did not call for the status quo of the death tax, in other words, keep the death tax absolutely the same. Instead, the President this year in his budget which was submitted to this Congress actually increases the death tax by $9.5 billion. Again, the President does not eliminate the death tax. The President does not keep the death tax neutral. The President increases the tax by $9.5 billion. No wonder he vetoed this House of Representatives' and the U.S. Senate's proposal to eliminate the death tax.

Tomorrow, every one of us is going to have an opportunity to cast our vote on that tally board up there as to whether or not we think fundamentally the death tax is a fair tax to have in this system.

Now, I have heard on the August recess, I heard some of the rhetoric coming out to justify a death tax in this country: Well, it is only for the wealthy; well, it is only just for a few people in this country. Well, it is selfish for you to think of doing away with the death tax. Every one of those defenses, every one of those items of rhetoric avoids the basic question, and the basic question is should a government based, as a democratic government of the United States is based, should it have a tax based simply on the event of a death?

It is not based on what you have earned. It is not an income tax. It is not based on a Social Security-type of tax. It is not based on a you-sell-some-land-for-a-huge-profit, a capital-gains type of tax. This tax is based strictly on the event of your death; that is the only justification for that tax. You died, the Government gets to tax you.

By the way, take a look at how this goes. Let us give you an idea who qualifies for this. Let us say you are a rancher or a farmer, and I was appalled, by the way, when I was driving in a car in my district out there in Colorado listening to the newscast about President Clinton vetoing this death tax, and I was appalled to hear some professor. I do not know where he came from, but some professor say, well, there has never been a family farm in America lost because of the death tax.

I about drove off the road. I feel like getting that person, that professor, getting him out of the ivory tower, grabbing him by his necktie and say why could you not come out to the rural parts of this country and see what this death tax does to us. Take a look at the impacts to the community and take a look at the impacts generation after generation.

You know what it takes to qualify? Let us say a young person, they are 20 years old, 25 years old, they just get out of college or they just get out of some type of technical school and they want to start a construction company; and let us say they buy on credit, they buy a truck, they buy a bulldozer, they buy a backhoe and maybe they buy some other type of equipment, say a cable layer or maybe a smaller type of piece of equipment. The day they pay those pieces of equipment off, more likely than not, they will be in that bracket that the President calls the special privileged.

How about for farming? If you own a tractor, a combine and a few cows and your pickup truck, watch out, because you are now in the category of what the President and the Secretary of Treasury called the elite few, only those 2 percent. Not only that, as I started to point out earlier, let us say that you have an estate that is hit by the death tax, and you pay the taxes on that. So you pay them here. Let us say your father or your grandfather paid for that in 1970, then that same piece of property, although it has already been taxed, and by the way, almost all of the death tax is a tax on property that has already been taxed. You already paid income tax on it. You already paid capital gains on it. You already paid any other type of tax, with the exception of some IRAs.

What happens here? Here is property that is already taxed. It gets taxed when your grandfather died. Your grandfather, let us say, was fortunate enough to be able to pass some of it on to your father, and when your father dies, this same property that was already taxed 30 years ago gets taxed again, generation after generation. In other words, every generation that comes on to the farm, one of their highest priorities is not how do you grow better potatoes, how do we get more production out of our cattle, how do we grow better wheat, how do we do this or do that better?

□ 2200

The first question of this generation of young people that want to go into small business or want to go into a farming operations their first question is, Gosh, how do I make enough money to pay for the day when mom or dad die and I have to pay for the estate tax or I get kicked off the farm?

That is the wrong place. The United States of America should not be the country where the first question you ask is how do I pay the government taxes for the event of death? In our country, the reason we are such a great country is because the first question in history we have always asked is how can we do it better? What can we do to increase proficiency on this farm or proficiency in this small business?

Well, tomorrow we are going to get a chance, and the American public, colleagues, are going to see where you are, which side of the team you are on. Either you want a death tax, either you support the government being able to go to every citizen in this country who has been successful and qualifies. What you are supporting tomorrow if you do not vote to override Clinton, in other words if you go along with Clinton, what you are supporting is a tax on the event of death that is punitive.

Those of us, and I stand here very proudly to tell you I am going to be one of the first votes to cast an override on the presidential veto, those of us, and I am confident we will pass it out of here, with Democrats across the party aisle, those of us who vote to eliminate the death tax stand on the other side of the team.

I have listened to some arguments, some other rhetoric that has come up, but before I get into that, let me point out something else. The rhetoric has as its base a focus on the 2 or 3 or 4 or 5 or 6 percent of the people impacted by the estate tax. Now, remember the death tax, and I should correctly call it the death tax, not estate tax, the death tax, got its beginnings in the early 1900s. It was a way to go get the robber barons, to go after who they alleged to be the robber barons, to go after the Carnegies, to go after the Rockefellers, to go after those type of families. That is why that tax was devised. Hey, let us get them on their death. Let us get that money back into the hands of the people.

Let me tell you what happens to a small community, and I will give you an example. Take a small community in any State. I live in Colorado, so take a small community in the Third Congressional District of the State of Colorado. Let us say that we have an individual there who is a young person in their twenties, and I know many of them, and so do you, colleagues, who had big dreams. As they worked through life, through a lot of hard work, through a lot of risk by the way, a lot of risk, they took risks, through a lot of risks they built a successful business in this small town. By the way, my story is based on facts. It happened in a small community in Southwestern Colorado.

Then they are successful in this business, and, unfortunately, they meet an untimely death, or even if they died in the normal course of things. What happens to the risk and to the business that they built up in that small community?

Here is what happens. If you have a business in a community, a successful individual, in this particular case that I am thinking of it was a man and wife team, they own a construction company, they built it up from scratch. They started out, they worked 16 hour days for most of their life. Up until the day probably about 3 weeks before his death, he was going to the office to work, and what happened is while they were successful in this community, and they had many years of success, they provided funding for the local church, 80 percent of the budget. They provided the majority of funding for things like charities. They provided more jobs than any other employer in town. They provided more opportunity in this small community from an economic standpoint than any other employer in town.

Well, what happened upon their death? What happened upon their death was no more support in the local community. Instead, what happens with the death tax is that success of that individual, sure, that individual was wealthy by most of our standards, but what happens is they take the money from that individual's estate, they do not leave it in the community and say, look, we are going to require that the estate continue to distribute into this community, the monies to the local church or to the local United Way. No.

What happens is the government takes the money and transfers it out of your community, any community USA, takes it out of your community and transfers it to Washington, DC, where a government bureaucracy takes those dollars and redistributes those dollars throughout the bureaucracy.

The money that the government takes in these death tax cases does not stay in your local community. That is what rubs me wrong. Look, I do not think it is right that you go after somebody because they have been successful and they have made some money. I mean, that is the American way. But I have got a lot more sympathy for the community, which gets that money sucked out of their community, and that money is transferred to Washington, DC. That is where it is unfair.

I have gotten a number of different letters and correspondence. I want to give you some real live examples.

Let me clarify a couple of things first. First of all, as I said earlier at the beginning of my comments, my wife and I, our big dream in life, and my wife's name is Lori, our big dream in life was not have a big house, not to have a big boat, although we would like to have those things. But the fact is we have to list priorities. We did not spend a lot of money on other things like recreational equipment and things, and have no objection to those who do. But our focus was we really wanted to put money away so that our kids would at least get a chance at maybe owning a house some day.

We are not wealthy. My wife and I do not come from a lot of wealth. But, especially early in our marriage, we put money aside. Every time we got a spare penny, we did not put it in a payment for a new car, we did not remodel our house, we put our money in investments so that some day our children when they got married and were starting their young families could maybe have a down payment or maybe own a home. That was our dream.

You know what, I do not think it is a unique dream. I do not think it is a dream just limited to my wife and I. I think it is a dream that most of us on this House floor and most of the people that we represent also dream of, what can we do for our kids?

I know of no higher priority for a family than their children, and one of the focuses of planning for the future of your children is economic, and one of the economic factors is you want to try and give them some kind of opportunity, to either take over the family farm, or get a start in the family business, or, as in my wife and my case, because we do not own a business, to at least have a little money for a down payment on a home.

That is the dream that can be trashed by your own government. Who would have ever imagined our forefathers when they wrote that Constitution and when they talked about taxes in that Constitution, that the government would tax the event of death, and, furthermore, they would take that tax from the local community whereupon the death occurred and the person resided and transfer it to the Nation's Capital to feed a very, very hungry bureaucracy?

Now, do not be kidded when people tell you, well, this is one of the tax cuts, those big tax cuts, and we just cannot afford tax cuts right now. Well, that is an argument for another day. But the reality of it is the death tax generates very little tax income revenue for this country, and you know it and I know it.

By the time you are done administering it, and by the way, the wealthiest families, including I would guess the people in the administration, once the administration's job is over in January, I would guess that most of those, including the Secretary of Treasury and the President himself, will go on to very successful and lucrative business careers, and I will bet you money, I will bet the finest dinner in Washington to anyone in here, that in a couple of years the President and the Secretary of Treasury and all the other members of his administration who are voting to keep this death tax in place will have gone out and secured the services of professional tax attorneys and CPAs and trust attorneys so they can avoid or minimize any kind of payment that they themselves say is a justified death tax.

This is nothing but a punishment. This tax is a punishment for success in our country. How can you look at our young people and say we want you to be successful, we want you to work hard, and part of your responsibility, although it seems to be inherent and human nature, part of your responsibility is to provide for your children; but, by the way, if you are too successful, or if you provide for your children a little too much, like giving them an opportunity to come on the family farm, we will punish you and we will destroy you, if that is what is necessary, to take the money that we figure you owe the government, because you died and we are going to transfer that money out to Washington, DC.

Now, you may think that I am just up here talking about hypothetical situations. The fact is I am not. I am going to spend the next few minutes giving you some real live stories.

Headline, Daily Sentinel, great newspaper, Grand Junction, Colorado. “Owner sells Brookhart's in Grand Junction and in Montrose to a company in Dallas. The pressure of estate taxes,” death taxes, “has forced the owner of Brookhart's Building Centers in Mason and Montrose Counties to sell to a Dallas lumber company, a Brookhart's official said today. Brookhart's owner of Colorado Springs said it is one of the hardest decisions his family has made in 52 years of business. Watts said the current Federal estate taxes forced his father to make this sale. In order to protect our family, in order to protect our current employees, from a forced liquidation upon the death of my father or my mother, we felt the best thing would be now to sell this company.”

This letter, dated August 28, 2000. “My grandparents purchased land on the east side of Lake Washington across from Seattle in 1932. People thought they were crazy. It was a very long trip to anywhere, but they were school teachers, just back from helping build an orphanage in Alaska, and they liked the more rural lifestyle along the waterfront next to the duck hunters' cabin.

“They salvaged old bricks from a road that was being torn up, they chipped off the mortar and they built themselves a home. A few years ago grandma died and left the house and the land and some stocks and bonds to my dad, who was 68 years old at the time. It was quite a windfall, because that lakeside lot is now worth more than $1 million, even though the house is very old and in need of new basic plumbing, wiring, et cetera.

“My dad and his wife plan to live there. Times have been tough and they have no home of their own. The question became one of economics: Would there be enough inheritance to pay the estate or the death tax bought selling that lot that had been in the family, that they had started from scratch?”

Just like many young couples today. This letter reflects 40 years from now if we have this death tax in place what a lot of our young people today that are setting out to have their dreams, and this same kind of letter will apply to those people if we do not do something about it.

“Good news. They got to keep the house. Now it is my worry. Some day I will inherit my grandparents' homestead, but I cannot imagine how we will be able to keep it in the family if we have to pay death taxes. The burden of this tax would force us to sell. Sure, we would be wealthy if we decided to sell the old house to condominium developers, but we would be more interested in preserving the place of family picnics, swims on hot summer days, and green beans fresh from the garden.

“Our family is not amongst the rich. We are middle class Americans, and we are proud of it. We believe in family heritage and in our country. But why would our country want to take away the heritage that my grandparents built one brick at a time?”

Be a hero do it for the country. Vote to override that veto that we vote on tomorrow.

Let me mention one other thing. In Colorado, I am very proud of the State of Colorado. Obviously I am exceedingly proud of my district, the Third Congressional District. Basically the Third Congressional District covers almost all of the mountains in Colorado. It is a district geographically that is larger than the State of Florida, and we have lots of discovery in that area. A lot of people have discovered how beautiful Colorado is. So we have a lot of people that are moving into our

State. We have a lot of threat to open space, open space we never thought would be threatened by development of condominiums and so on.

Do you know what is forcing a lot of that development, to those of you tomorrow who are going to support the President in keeping the death tax and imposing the death tax, and that is what your vote tomorrow will be, you will be imposing the death tax on the American people? You are directly responsible, in my opinion, for the development of much open space in Colorado, because those family farms and ranches cannot afford to keep that open space open if in fact they get hit with the death tax.

□ 2215

They have to sell it, and they are smart to sell it as soon as they can to try to avoid and minimize this death tax.

So for our environment, for our environment this death tax is damaging, and this leads me to other letters.

My name, and I will leave that out. "My family lives in a central part of Idaho. Our family's cattle ranch is 45 miles from Sun Valley. The ranch consists of 2,600 deeded acres, 700 head of cattle. My youngest brother Ross lives with and manages the ranch with my mother.

"Although I am still involved in the ranch, my husband and I also operate a small business in Ketchum. My two brothers, my sister, and I all grew up working alongside my father, my mother, and my grandfather. We worked weekends, we worked holidays, and we worked summer breaks. We moved cattle, we rode the range, and we fixed the fences.

"We didn't have a lot of material things. We didn't have a lot of material things, but we had our family. We had our land and we had our lifestyle.

"On October 5, 1993, my father was accidentally killed when his clothing got caught in farm machinery. He was 71 and he was very healthy. He worked from dawn to dusk, and he loved the land, and he loved his family. We were always a very close-knit family. The hub of our family was my father and the ranch.

"Even though my brother, my sister, and I don't live there anymore, we all go home, along with the grandchildren, to help with the seasonal work. My daughter and I take as much time off in the summer as we can and we work at our summer cow camp moving cattle. My mother puts on a lot of church and community picnics and barbecues down by the swimming hole.

"Every June our family enters the local parade with a float representing our ranch." That shows a lot of pride. "All of the other ranchers and families in the Valley do the same exact thing. Last year, the theme for the parade was the heritage ranching, mining, and logging.

"My father's death was the most devastating event that any of us could have ever gone through. The second most devastating event was sitting down with the attorney after his death. I will never forget those attorney's words, and I quote, 'There is no way you can keep this place, absolutely no way.' Still in shock from the accident, I said, 'How can this be? We own this land. We have no debt on the land. We have just lost my father, and now we are going to lose our ranch, too?' "

Our attorney proceeded to pencil out the death taxes that would be due after my mother's death, and we all sat in total shock. It had taken my grandfather and my father their entire lifetimes to build up the ranch and now we can't continue on, and the grandchildren will not have the land and the rich heritage that it provides.

"It has been 3½ years since my father's accident. We still don't know what we are going to do. We only know we will not be able to keep the ranch unless something is done with the estate tax.

"The same scenario is happening to many ranchers in our valley. Eighty percent of the ranches have been owned by the same families for two or three generations. The value of the land on these ranches has risen dramatically in the last 5 years. All of these ranchers live on modest incomes, and most of them can barely educate their children off those incomes. I am certain none of them will be able to pay the death tax."

At the same time while I am reading this letter, keep in mind that the Treasury, the Secretary of Treasury, calls it an act of selfishness to do away with this death tax. The President, the administration, this year proposed not only not doing away with it, as I mentioned earlier, not keeping it the same, but increasing it $9 billion.

"This community will not be able to survive without the ranching community that has made it. What is happening is these ranches are being bought by wealthy absentee owners who do not run cattle and who fly in only once or twice a year. It has already happened to two neighboring ranches. Both of the owners, both second generations, were killed in accidents. Their families could not pay the death taxes and sold the ranches to wealthy Southern Californians.

"I have heard it said before that the death tax exists to redistribute wealth, to take from the rich, presumably to benefit others less fortunate. Let me tell you, from where I stand now I know that this tax accomplishes exactly the opposite. For my family, the tax means we will not be able to continue running the ranch that has been our heritage for 60 years.

"This Congress says it is pro-family. However, I know from personal experience that the current death tax is anti-family. The death tax will force us to sell the ranch to a wealthy absentee owner who is unlikely to run cattle or keep the workers employed, or contribute to the community in a way such as my mother and my father and my grandfather have done.

"Surely if Congress does not provide relief from this tax many other families will suffer a similar fate. Ultimately, I wonder if towns like Mackee as we know it today will continue to exist. I urge you to ask yourselves," and I think this is a very pertinent paragraph, "I urge you to ask yourselves, why does this tax exist? Is it worth the great harm it has caused to my family and many others like us? If it is not worth the harm, then the tax shouldn't exist. I hope you will do everything in your power to eliminate the Federal death tax."

I have got example after example. I have a couple more here I want to talk to the Members about. But I think the message is clear: What are we doing here in America taxing death? Why do we look at death as a taxable event?

The Democrat leadership justifies this tax by saying, We are only going after the wealthy. How can they justify going after anybody based on the fact of an untimely death?

I should note how interesting it is. It is kind of like the people here on this floor who talk about public schools and how good public schools are, and oppose any kind of choice. But my understanding is there is not one of us on this House floor, there is not one of us on this House floor who send their kids to public schools in Washington, D.C. They are all in private schools or other schools, but not the public schools in Washington, D.C.

It seems somewhat hypocritical. The same thing here. There are a lot of people who support the death tax because they figured out a way around it, but the fundamental question comes back, and I think it is presented by these letters, what right do we have as Congressmen of the United States, what right does the government have to go upon its citizens and tax them because one of the citizens has died, and to tear apart family farms and ranches?

That professor from that ivory tower that commented and supported President Clinton's veto of the death tax, who said there has never been a family farm in America that has been liquidated or destroyed by the death tax, that person was born with blinders on.

I would be happy, and in fact, I would give that professor frequent flier miles to fly to Colorado and let us go visit these. Let us go up to Idaho, sit down and talk with that family, Mr. Professor, Mr. President, let us get on Air Force One. He took it to Africa, why does he not take it to Idaho? Why does he not go talk to some of these people and ask them what the death tax is doing to their families, and the heritage of their families?

The President can use that Air Force one for a little domestic travel. Give it a try. It is very moving.

Here is another one, Derrick Roberts. This was a letter to the editor we got.

"My family has ranched in northern Colorado for 125 years. My sons are the sixth generation, the sixth generation to work this land. We want to continue, but the IRS is forcing almost all ranchers and many farmers out of business.

"The problem is death taxes. The demand for our land is very high, and 35-acre ranches are selling in this area for as high as 4,500 an acre. We have 20,000 acres. We want to keep it as open space, but the U.S. Government is making it impossible because we have to pay a 55 percent tax on the valuation of this acreage when my parents pass on.

"Ranchers are barely scraping by these days. If we were willing to develop homesites, we could stop the mining, but since we want to save the ranch, we are in trouble. The family has been able to scrape up the death taxes as each generation has died up to now." That was my earlier example. "This time, however, I think we are done for. Our only other option is to give the ranch to a nonprofit organization, and they all want it, but they won't guarantee they will not develop it, either.

My dad is 90, so we don't have a lot of time left to decide. We are one of only two or three ranchers left around here. Our ranches have been subdivided. One of the last to go was a family that had been there as long as ours. When the old folks died, the kids borrowed money to pay the death taxes. Soon they had to start selling cattle to pay the interest. When they ran out of cattle their 18,000 to 20,000 acre place was foreclosed on and is now being developed. The family now lives on in a trailer in town and the father works as a highway flagman.

"If you want to stop sprawl, you had better ask the U.S. Government to get off the backs of family farms and ranches."

Mr. Speaker, Ron Edwards. "I am writing to bring to your attention an issue of the utmost importance to me," which was the elimination of the death tax. "I urge you to support and pass death tax repeal legislation this year." Well, Ron, we did it. We passed it, by the way, in the House chambers with bipartisan support. We had 65 Democrats join us. I hope tomorrow on this Republican legislation we have 65 Democrats that come across the aisle and join us again to override the veto. So we have passed legislation, but the President vetoed it.

"Family-owned businesses need relief from death taxes now. We are celebrating 66 years in business. My grandfather, Vic Edward, started with a fruit and vegetable stand in 1933 at our current location, east of Fort Morgan. The business grew into a grocery store and a lawn and garden center. My father, Vic Edward, is 80 years old and in very poor health.

"No business can remain competitive in a tax regime that imposes death taxes as high as 55 percent. Our death taxes should encourage rather than discourage the perpetuation of these businesses."

Of all the letters, Mr. Speaker, that I have read on this issue, and obviously it is a big issue to me and I hope it is a big issue to Members, I cannot think of one sentence that is more pertinent and more outstanding than the sentence I just gave.

Let me repeat that sentence again: "Our tax laws should encourage rather than discourage the perpetuation of these businesses." In other words, the government should go to these farmers, should go to the young people that are starting out with their dreams, and say, we want to encourage family business to go from one generation to the next generation.

We can look at a lot of countries in this world. One of the bonds to strong families is the fact that homes and farms and small businesses have gone from one generation to the next generation to the next generation. In these countries the government encourages, not discourages, as they do in the United States, but encourages the passing from generation to generation of these family businesses.

"Being a member of the House Committee on Ways and Means, I am sure you already know the urgency of the death tax repeal. The economics of the estate tax are not good at all. Family-owned businesses and their employees will continue to suffer until this unfair, unproductive, and uneconomic death tax is abolished.

"My wife, Vicky, and I are very active, and look forward to working with you and your staff to enact some commonsense legislation to preserve and promote", to preserve and promote, "our Nation's family-owned enterprises."

This is a story about a ranch in Aspen, Colorado. We all know about Aspen, which is in my district. I have all the mountain resorts in Colorado. I have Aspen, Telluride, Vail, Beaver Creek. I grew up there. My family has been in Colorado for many generations.

I remember going into Aspen when it was nothing but a coal mining town. One could buy a lot for $600. I remember stopping in the Vail Valley and all there was was a ranch house.

What has happened is there were a lot of family farms and ranches. Because of the popularity of these communities, those families, those what we call basic salt of the earth kind of people, are seeing that their dreams of passing on their hard work to the next generation are being dashed by the tax policies of this country.

□ 2230

By the way, not a lot of countries in the world exercise this type of tax policy, but the United States does.

In Aspen, there are a lot of tales to be told with the conversion of former ranches into luxury homes or golf courses throughout this valley. Sometimes it was a simple financial decision, a choice to take advantage of soaring development values in the face of plummeting cattle prices. But for other families, the passing of a parent meant the passing of a life-style.

We have been around for a long time. The Maurin family's roots are deep in Long Capital Creek Road in Old Snowmass. For nearly a century, heritage and hard work, heritage and hard work for nearly a century were enough to sustain those that lived on that 300,000 acre stretch of land, but it all changed in 1976.

Until Dwight's father's death, each generation presided over a working cattle ranch that was both the lifeblood and livelihood of our clan. His later years were lean years for Dwight's father, but the fate of the ranch was not at risk until the Internal Revenue Service showed up.

The tax bill on this ranch was to $750,000, and what it took to pay the bill was to cut the ranch in half. No longer could the Maurin cattle migrate in winter months. It would be 10 years after cutting the ranch in half and selling off half of it, it would be 10 years of installments before the death tax could be paid.

What those taxes took was something very vital, the ability of our family to support the families by working the land that has so long been theirs. Maurin now works full time as a mechanic for the Roaring Fork School District, then helps with the ranch when he gets home at night. He does not mind the long hours he puts in.

What does get under his skin is the memory of an IRS agent overseeing his father's taxes either did not recognize that devastation was about to occur or did not care. It was just pay us, or we will seize everything. If anything is left over, we will keep it. If you cannot make ends meet on what is left, you can find work elsewhere.

We have no intention of selling the remaining 640 acres, but what happens to our daughters when we die? What choice will they have with only half of the land to graze. The ranch itself is only making enough to cover its operating costs and its annual property taxes.

It is Maurin's day job at the school district that pays the doctor bills, the car insurance, the grocery bills, and everything else. There is always hope that things will change before our daughters need to make a decision about the ranch.

But I wonder if people really think about the permanent changes that take place when a ranch is sold. It is not just a loss to the family, it ripples much wider. There are movements in the right direction, but are they moving quickly enough? Because once it is sold to developers this ranch is gone forever.

Real quickly, "I Am a Businessman". So I am telling my colleagues this is not just families, farms and ranches.

I am a businessman. My business is all about what a small business is. I have 42 people employed, and we are in our second generation. I am all too familiar with the death tax, as my father passed away 2 years ago. My mother, my sister and I have been through the experience of paying estate taxes at 50 percent-plus rate. Let me explain how we were fortunate enough to get into this bracket.

My father left school after the 8th grade in 1938 and did odd jobs until serving for 3 years in World War II. Afterward, he purchased a small diner and built a 12-unit motel in a small town in Pennsylvania. He and mom worked 16 hours a day 7 days a week for 12 years before migrating to the restaurant supply business. That was better business. But it was not an easy task either.

I can remember him saying for many years that he hoped Monday's mail would have enough money to cover the payroll costs he had written on the previous Friday.

You can ask in this country, why would anybody start a business? There are obviously still Americans that are willing to risk everything to be in control of their lives. The satisfaction of proving that you can do better is still a motivator in our country. The key word is "risk". People are willing to take this risk, provide the jobs and tax base that makes this country grow.

Only by taxes from those who take risk does the government even exist. This is why when I see our Secretary of Treasury write about the repeal of the estate tax I can become exorcised. He seems to think that this money is the Treasury's money to dispense as it pleases.

Maybe it appears to be a simple view of fairness and equity if you spent your life in academia and never had to worry about making a payroll. But I resent like hell being told that I am selfish to want to keep what I and my family have earned and already paid taxes on.

In effect, the government is saying to businessmen, and I am skipping, by the way, some paragraphs, in effect, the government is saying to businessmen, since you worked harder and longer and were more successful, we will use your estate to pay for programs which we take political credit.

The original purpose of this death tax was to catch a handful of robber barons from the early industrial America. Now it reaches into the most productive parts of America. Is not the fact that 5 percent of our citizens now pay 50 percent of the tax bill evidence that there is more than enough progresstivity in the Tax Code.

This was an article written in the Washington Post dated Friday, July 14th, 2000. I have other cases, more samples.

The key is this, Mr. Speaker, tomorrow we face on this floor a very significant vote. The President of the United States of America has made a decision that the death tax in this country should stand. The President of the United States of America has submitted to the U.S. House of Representatives in his budget a proposal, not only to let the death tax stand, but to increase it by $9.5 billion.

The President of this country has vetoed a bipartisan bill. In other words, Republicans and Democrats sent to the President a piece of legislation saying, Mr. President, enough is enough. Get rid of this death tax. It fundamentally will not alter the revenues to this country. It is not a big revenue producer. Get rid of it. The President of the United States vetoed that bill, and tomorrow the President of the United States sends up to us on this House floor his veto message, and we have the opportunity to override it.

I am confident that we in these chambers and that the Democrats will come across the aisle and that, as a team, we will stand up and be counted and say that the death tax is not justified in this country, that the role of our government should be to encourage, not discourage the passing of business or property from one generation to the next generation.

Tomorrow we will stand, and we will take that vote. I am not sure how the result is going to be in the Senate, but I hope they vote to override it, too.

During my entire term in Congress, I cannot think of something that would be more pro family, that would help preserve more open space, that just out of fundamental fairness would go back to a fair and equitable tax scheme than doing away with the death tax.

Tomorrow it is on our shoulders. No way out. If one is going to be here to vote, one is going to have to post one's vote. Do not give one's constituents some magic tale about why one voted to keep the death tax in place. One is either for elimination of it or one is not.

Tomorrow my colleagues are going to make that decision. I hope for the sake of future Americans, I hope for the sake of the young people in their mid twenties that want to make their dreams come true, for the couples like my wife and I who want to make our dreams come true and for my parents who want to pass their dreams on to the next generation, I hope for the sake of those people, for my colleagues' constituents, that my colleagues stand tall against the President and vote to override his veto.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. WALDEN of Oregon (at the request of Mr. ARMEY) for today on account of attending a funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mrs. MALONEY of New York, for 5 minutes, today.

Mr. BACA, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

(The following Members (at the request of Mr. PAUL) to revise and extend their remarks and include extraneous material:)

Mr. MORAN of Kansas, for 5 minutes, today.

Mr. PAUL, for 5 minutes, today.

Mr. SIMPSON, for 5 minutes, today.

Mr. COBLE, for 5 minutes, today.

Mr. ROHRABACHER, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. WELDON of Pennsylvania, for 5 minutes, today.

SENATE BILLS, A JOINT RESOLUTION AND A CONCURRENT RESOLUTION REFERRED

Bills, a joint resolution and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 610. An act to direct the Secretary of the Interior to convey certain land under the jurisdiction of the Bureau of Land Management in Washakie County and Big Horn County, Wyoming, to the Westside Irrigation District, Wyoming, and for other purposes; to the Committee on Resources.

S. 1894. An act to provide for the conveyance of certain land to Park County, Wyoming; to the Committee on Resources.

S. 1936. An act to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other National Forest System land in the State of Oregon and use the proceeds derived from the sale or exchange for National Forest System purposes; to the Committee on Resources.

S. 2020. An act to adjust the boundary of the Natchez Trace Parkway, Mississippi, and for other purposes; to the Committee on Resources.

S. 2279. An act to authorize the addition of land to Sequoia National Park, and for other purposes; to the Committee on Resources.

S. 2421. An act to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing an Upper Housatonic Valley National Heritage Area in Connecticut and Massachusetts; to the Committee on Resources.

S. 2998. An act to designate a fellowship program of the Peace Corps promoting the work of returning Peace Corps volunteers in underserved American communities as the "Paul D. Coverdell Fellows Program"; to the Committee on International Relations.

S.J. Res. 48. Joint resolution calling upon the President to issue a proclamation recognizing the 25th anniversary of the Helsinki Final Act; to the Committee on International Relations.

S. Con. Res. 53. Concurrent resolution condemning all prejudice against individuals of Asian and Pacific Island ancestry in the United States; to the Committee on the Judiciary.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills of the House of the following titles:

On July 27, 2000:

H.R. 4437. To grant to the United States Postal Service the authority to issue semipostals, and for other purposes.

On July 28, 2000:

H.R. 4576. Making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

On August 8, 2000:

H.R. 1749. To designate Wilson Creek in Avery and Caldwell Counties, North Carolina, as a component of the National Wild and Scenic Rivers System.

H.R. 1982. To name the Department of Veterans Affairs outpatient clinic in Rome, New York, as the "Donald J. Mitchell Department of Veterans Affairs Outpatient Clinic".

H.R. 1167. To amend the Indian Self-Determination And Education Assistance Act to provide for further self-governance by Indian tribes, and for other purposes.

H.R. 3291. To provide for the settlement of the water rights claims of the Shivwits Band of the Paiute Indian Tribe of Utah, and for other purposes.

H.R. 3519. To provide for negotiations for the creation of a trust fund to be administered by the International Bank for Reconstruction and Development or the International Development Association to combat the AIDS epidemic.

On August 24, 2000:

H.R. 8. To amend the Internal Revenue Code of 1986 to phaseout the estate and gift taxes over a 10-year period.

ADJOURNMENT

Mr. McINNIS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 39 minutes p.m.), the House adjourned until tomorrow, Thursday, September 7, 2000, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9481. A letter from the Secretary of Agriculture, transmitting the annual animal welfare enforcement report for fiscal year 1999, pursuant to 7 U.S.C. 2155; to the Committee on Agriculture.

9482. A letter from the Administrator, Risk Management Agency, the Department of Agriculture, transmitting the Department's final rule—Common Crop Insurance Regulations; Fig, Pear, Walnut, Almond, Prune, Table Grape, Peach, Plum, Apple and Stonefruit Crop Insurance Provisions—received August 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9483. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Exemption From Registration for Certain Foreign FCMS and IBs (RIN: 3038-AB46) received August 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9484. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Exemption from Certain Part 4 Requirements for Commodity Pool Operators With Respect to Offerings to Qualified Eligible Persons and for Commodity Trading Advisors With Respect to Advising Qualified Eligible Persons (RIN: 3038-AB37) received August 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9485. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Final Rules Concerning Amendments to Insider Trading Regulation (RIN: 3038-AB35) received August 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9486. A letter from the Acting Executive Director, Commodity Futures Trading Commission; transmitting the Commission's final rule—Minimum Financial Requirements for Futures Commission Merchants and Introducing Brokers Amendments to the Provisions Governing Subordination Agreements Included in the Net Capital of a Futures Commission Merchant or Independent Introducing Broker (RIN: 3038-AB54) received August 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9487. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Minimum Financial Requirements for Futures Commission Merchants and Introducing Brokers Amendments to the Provisions Governing Subordination Agreements Included in the Net Capital of a Futures Commission Merchant or Independent Introducing Broker (RIN: 3038-AB54) received August 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9488. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Spainish Pure Breed Horses from Spain [Docket No. 99-054-2] received July 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9489. A letter from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Hazelnuts Grown in Oregon and Washington; Increased Assessment Rate [Docket No. FV00-982-2 FR] received August 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9490. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Brucellosis in Cattle; State and Area Classifications; Louisiana [Docket No. 99-052-1] received July 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9491. A letter from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting the Department's final rule—Fee Increase for Egg Products Inspection—Year 2000 [Docket No. 99-012F] (RIN: 0583-AC71) received August 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9492. A letter from the Associate Administrator, USDA, Fruits and Vegetables, Research and Promotion Branch, Department of Agriculture, transmitting the Department's final rule—Honey Research, Promotion, and Consumer Information Order; Revision of Subpart C-Referendum Procedures [FV-00-702 FR] received August 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9493. A letter from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Nectarines and Peaches Grown in California; Revision of Handling Requirements for Fresh Nectarines and Peaches [Docket No. FV00-916-1 FIR] received August 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9494. A letter from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Kiwifruit Grown in California; Decreased Assessment Rate [Docket No. FV00-920-3 IFR] received August 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9495. A letter from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Irish Potatoes Grown on Certain Designated Counties in Idaho, and Malheur County, Oregon; Modification of Handling Regulations [Docket No. FV00-945-1 FIR] received August 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9496. A letter from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Tart Cherries in the States of Michigan, New York, Pennsylvania, Oregon, Utah, Washington, and Wisconsin, Decreased Assessment Rates [Docket No. FV00-930-3 FR] received August 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9497. A letter from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Cranberries Grown in the States of Massachusetts, et al.; Increased Assessment Rate [Docket No. FV00-929-4 IFR] received August 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9498. A letter from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Winter Pears Grown in Oregon and Washington; Establishment of Quality Requirements for the Beurre D'Anjou Variety of Pears [Docket No. FV00–927–1 FR] received August 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9499. A letter from the Administrator, FSA, Department of Agriculture, transmitting the Department's final rule—Handling Payments from the Farm Service Agency (FSA) to Delinquent FSA Farm Loan Program Borrowers (RIN: 0560–AG24) received August 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9500. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Poultry Products from Mexico Transiting the United States [Docket No. 98–094–2] received August 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9501. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Export Certification; Heat Treatment of Solid Wood Packing Materials Exported to China [Docket No. 99–100–2] received August 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9502. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Karnal Bunt; Regulated Areas [Docket No. 99–077–2] (RIN: 0579–AB17) received August 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9503. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Mexican Fruit Fly Regulations; Removal of Regulated Area [Docket No. 98–084–2] received August 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9504. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Oriental Fruit Fly; Removal of Quarantined Area [Docket No. 99–044–3] received August 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9505. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Mexican Fruit Fly Regulations; Removal of Regulated Area [Docket No. 98–082–6] received August 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9506. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Oriental Fruit Fly; Removal of Quarantined Area [Docket No. 99–076–3] received August 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9507. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Pine Shoot Beetle; Regulated Articles [Docket No. 99–082–2] received August 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9508. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Imported Fire Ant; Quarantined Areas [Docket No. 00–007–2] received August 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9509. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Changes in Disease Status in Denmark Because of BSE [Docket No. 00–030–2] received August 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9510. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Change in Disease Status of Portugal Because of African Swine Fever [Docket No. 99–096–2] received August 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9511. A letter from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Oranges, Grapefruit, Tangerines and Tangelos Grown in Florida; Increased Assessment Rate [Docket No. FV00–905–1 FR] received August 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9512. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Import/Export User Fees [Docket No. 97–058–2] (RIN: 0579–AA87) received August 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9513. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Plum Pox [Docket No. 00–034–2] received August 30, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9514. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Citrus Canker; Addition to Quarantined Areas [Docket No. 00–036–1] received August 30, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9515. A letter from the Administrator, Food and Nutrition Service, Department of Health and Human Services, transmitting the Department's final rule—Food Distribution Program on Indian Reservations: Income Deductions and Miscellaneous Provisions (RIN: 0584–AC81) received August 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9516. A letter from the Small Business Advocacy Chair, Environmental Protection Agency, transmitting the Agency's final rule—Avermectin; Extension of Tolerance for Emergency Exemptions [OPP–301027; FRL–6598–8] (RIN: 2070–AB) received August 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9517. A letter from the Small Business Advocacy Chair, Environmental Protection Agency, transmitting the Agency's final rule—Carfentrazone-ethyl; Pesticide Tolerance [OPP–301025; FRL–6597–7] (RIN: 2070–AB78) received August 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9518. A letter from the Small Business Advocacy Chair, Environmental Protection Agency, transmitting the Agency's final rule—Diflubenzuron; Pesticide Tolerance [OPP–301019; FRL–6596–3] (RIN: 2070–AB78) received August 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9519. A letter from the Small Business Advocacy Chair, Environmental Protection Agency, transmitting the Agency's final rule—Fenpropathrin; Extension of Tolerance for Emergency Exemptions [OPP–301024; FRL–6597–9] (RIN: 2070–AB78) received August 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9520. A letter from the Small Business Advocacy Chair, Environmental Protection Agency, transmitting the Agency's final rule—Pymetrozine; Pesticide Tolerance [OPP–301033; FRL–6599–2] (RIN: 2070–AB78) received August 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9521. A letter from the Small Business Advocacy Chair, Environmental Protection Agency, transmitting the Agency's final rule—Imidacloprid; Extension of Tolerances for Emergency Exemptions [OPP–301035; FRL–6736–8] (RIN: 2070–AB78) received August 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9522. A letter from the Small Business Advocacy Chair, Environmental Protection Agency, transmitting the Agency's final rule—Sodium Chlorate; Extension of Exemption from Tolerance for Emergency Exemptions [OPP–301031; FRL–6599–3] (RIN: 2070–AB) received August 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9523. A letter from the Small Business Advocacy Chair, Environmental Protection Agency, transmitting the Agency's final rule—Zinc Phosphide; Pesticide Tolerances for Emergency Exemptions [OPP–301029; FRL–6598–9] (RIN: 2070–AB) received August 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9524. A letter from the Small Business Advocacy Chair, Environmental Protection Agency, transmitting the Agency's final rule—Propiconazole; Extension of Tolerances for Emergency Exemptions [OPP–301036; FRL–6737–1] (RIN: 2070–AB78) received August 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9525. A letter from the Small Business Advocacy Chair, Environmental Protection Agency, transmitting the Agency's final rule—Mancozeb; Pesticide Tolerance Technical Correction [OPP–301028; FRL–6736–4] (RIN: 2070–AB78) received August 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9526. A letter from the Small Business Advocacy Chair, Environmental Protection Agency, transmitting the Agency's final rule—Coumaphos; Pesticide Tolerances for Emergency Exemptions [OPP–301039; FRL–6738–3] (RIN: 2070–AB78) received August 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9527. A letter from the Regulatory Management Staff, Environmental Protection Agency, transmitting the Agency's final rule—Fosetyl-Al; Pesticide Tolerance [OPP-301032; FRL-6599-4] (RIN: 2070-AB78) received August 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9528. A letter from the Regulatory Management Staff, Environmental Protection Agency, transmitting the Agency's final rule—Acibenzolar-S-Methyl; Pesticide Tolerance [OPP-301037; FRL-6737-6] (RIN: 2070-AB78) received August 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9529. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Glyphosate; Pesticide Tolerance [OPP-301034; FRL-6736-6] (RIN: 2070-AB78) received August 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9530. A letter from the Regulatory Management Staff, Environmental Protection Agency, transmitting the Agency's final rule—Dimethenamid; Pesticide Tolerances for Emergency Exemptions [OPP-301038; FRL-6738-1] (RIN: 2070-AB78) received August 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9531. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Buprofezin (2-Tert-butylimonp-3- isopropyl -5-phenyl-1, 3, 5-thiadiazinan-4-one); Time-Limited Pesticide Tolerances [OPP-301040; FRL-6740-1] (RIN: 2070-AB) received August 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9532. A letter from the Administrator, Farm Service Agency, transmitting the Department's final rule—Farm Loan Programs Account Servicing Policies—Servicing Shared Appreciation Agreements (RIN: 0560-AF78) received August 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9533. A communication from the President of the United States, transmitting his request to make available appropriations totaling $2,600,000 in budget authority for the Department of Health and Human Services' Low Income Home Energy Assistance Program, and designate the amount made available as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, pursuant to 31 U.S.C. 1107; (H. Doc. No. 106-286); to the Committee on Appropriations and ordered to be printed.

9534. A letter from the the Director, the Office of Management and Budget, transmitting a cumulative review of the recissions and deferrals for fiscal year 2000, pursuant to 2 U.S.C. 685; (H. Doc. No. 106-285); to the Committee on Appropriations and ordered to be printed.

9535. A letter from the Director, Congressional Budget Office, transmitting CBO's Sequestration Update Report for Fiscal Year 2001, pursuant to 2 U.S.C. section 904(b); to the Committee on Appropriations.

9536. A letter from the Director, Office of Management and Budget, transmitting notification of the President's intent to exempt all military personnel accounts from sequester for FY 2001, if a sequester is necessary; to the Committee on Appropriations.

9537. A communication from the President of the United States, transmitting the request and availability of funds pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985; (H. Doc. No. 106-278); to the Committee on Appropriations and ordered to be printed.

9538. A communication from the President of the United States, transmitting a Department of Defense budget request persuant to Title IX of H.R. 4576, tthe Department of Defense Appropriations Act of 2001; (H. Doc. No. 106-283); to the Committee on Appropriations and ordered to be printed.

9539. A communication from the President of the United States, transmitting the request and availability of funds in accordance with Public Law 104-208, the Omnibus Consolidated Appropriations Act, 1997; (H. Doc. No. 106-284); to the Committee on Appropriations and ordered to be printed.

9540. A letter from the The President Of The United States, transmitting a funding request for the Department of Agriculture, Forest Service, Wildlife Fire Management; (H. Doc. No. 106-289); to the Committee on Appropriations and ordered to be printed.

9541. A letter from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Air Force, Department of Defense, transmitting notification that the Commander of Willow Grove Air Reserve Station (ARS), Pennsylvania, has conducted a comparison study to reduce the cost of operating the Base Operating Support (BOS), pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

9542. A letter from the Under Secretary, Personnel and Readiness, Department of Defense, transmitting the Department's Defense Manpower Requirements Report for FY 2001, pursuant to 10 U.S.C. 115(b)(3); to the Committee on Armed Services.

9543. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Repeal of Reporting Requirements Under Public Law 85-804 [DFARS Case 2000-D016] received July 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

9544. A letter from the Alternate OSD, Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting the Department's final rule—Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Enhancement of Dental Benefits under the TRICARE Retiree Dental Program—received August 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

9545. A letter from the Alternate OSD Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting the Department's final rule—Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Expansion of Department Eligibility for TRICARE Retiree Dental Program—received August 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

9546. A letter from the Director, Defense Procurement, OUSD, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Transportation Acquisition Policy [DFARS Case 99-D009] received August 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

9547. A letter from the Director, Defense Procurement, OUSD, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; North American Industry Classification System [DFARS Case 2000-D015] received August 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

9548. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Construction and Service Contracts in Noncontiguous States [DFARS Case 99-D308] received August 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

9549. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Contract Drawings, Maps, and Specifications [DFARS Case 99-D025] received August 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

9550. A letter from the Director, Defense Procurement, OUSD, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Mentor-Protege Program Improvements [DFARS Case 99-D307] received August 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

9551. A letter from the Director, Defense Procurement, OUSD, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Special Procedures for Negotiation of Construction Contracts [DFARS Case 2000-D010] received August 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

9552. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Pollution Control and Clean Air and Water [DFARS Case 2000-D004] received August 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

9553. A letter from the Secretary of Defense, transmitting the approved retirement and advancement to the grade of lieutenant general on the retired list of Lieutenant General David H. Ohle, United States Army; to the Committee on Armed Services.

9554. A letter from the Secretary of Defense, transmitting the approved retirement and advancement to the grade of Lieutenant General on the retired list of Lieutenant General Robert F. Foley, United States Army; to the Committee on Armed Services.

9555. A letter from the Secretary of Defense, transmitting the approved retirement and advancement to the grade of Lieutenant General of the retired list of Lieutenant General Michael S. Davidson, Jr., United States Army; to the Committee on Armed Services.

9556. A letter from the Secretary of Defense, transmitting the approved retirement and advancement to the grade of lieutenant general on the retired list of Lieutenant General Tad J. Oelstrom, United States Air Force; to the Committee on Armed Services.

9557. A letter from the Secretary of Defense, transmitting the approved retirement and advancement to the grade of lieutenant general on the retired list of Lieutentant General Joe N. Ballard; to the Committee on Armed Services.

9558. A letter from the Secretary of Defense, transmitting the approved retirement and advancement to the grade of admiral on the retired list of Admiral Harold W. Gehman, Jr., United States Navy; to the Committee on Armed Services.

9559. A letter from the Secretary of Defense, transmitting the approved retirement and advancement to the grade of vice admiral on the retired list of Vice Admiral Lee F.

Gunn, United States Navy; to the Committee on Armed Services.

9560. A letter from the Secretary of Defense, transmitting the approved retirement and advancement to the grade of vice admiral on the retired list of Vice Admiral Herbert A. Browne, Jr., II. United States Navy; to the Committee on Armed Services.

9561. A letter from the Secretary of Defense, transmitting the approved retirement and advancement to the grade of General on the retired list of General Charles E. Wilhelm, United States Marine Corps; to the Committee on Armed Services.

9562. A letter from the Secretary of Defense, transmitting the approved retirement and advancement to the grade of lieutenant general on the retired list of Lieutenant General James M. Link, United States Army; to the Committee on Armed Services.

9563. A letter from the Secretary of Defense, transmitting the approved retirement and advancement to the grade of Lieutenant General on the retired list of Lieutenant General John E. Rhodes, United States Marine Corps, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

9564. A letter from the President and Chairman, Export-Import Bank, transmitting a report involving U.S. exports to Turkey, pursuant to 22 U.S.C. 2776(c); to the Committee on Banking and Financial Services.

9565. A letter from the Deputy Legal Counsel, Community Development Financial Institutions Fund, Department of the Treasury, transmitting the Department's final rule—Notice of Funds Availability (NOFA) Inviting Applications for the Community Development Financial Institutions (CDFI) Program—Intermediary Component [Billing Code 4810-70-P] received August 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

9566. A letter from the Deputy Legal Counsel, Community Development Financial Institutions Fund, Department of the Treasury, transmitting the Department's final rule—Notice of Funds Availability (NOFA) Inviting Applications for the Community Development Financial Institutions Program—Core Component [Billing Code 4810-70-P] received August 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

9567. A letter from the Deputy Legal Counsel, Community Development Financial Institutions Fund, Department of the Treasury, transmitting the Department's final rule—Community Development Financial Institutions Program (RIN: 1505-AA71) received August 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

9568. A letter from the Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting the Department's final rule—Amendment to the Bank Secretary Act Regulations—Exemptions from the Requirement to Report Transactions in Currency—Interim Rule (RIN: 1506-AA23) received August 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

9569. A letter from the Assistant General Counsel for Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting the Department's final rule—Initiation of Civil Money Penalty Action for Failing To Disclose Lead-Based Paint Hazards: Amendments Concerning Official To Initiate Action [Docket No. FR-4609-F-01] (RIN: 2501-AC74) received August 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

9570. A letter from the Assistant General Counsel for Regulations, Office of the Assistant Secretary, Department of Housing and Urban Development, transmitting the Department's final rule—Public Housing Agency (PHA) Plan: Streamlined Plans [Docket No. FR-4420-F-09] (RIN: 2577-AB89) received August 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

9571. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to Venezuela, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

9572. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to Brazil, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

9573. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to the Russian Federation, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

9574. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to Algeria, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

9575. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to the Republic of Algeria, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

9576. A letter from the Board of Governors, Federal Reserve System, transmitting the annual report on the subject of retail fees and services of depository institutions, pursuant to 12 U.S.C. 1811 nt.; to the Committee on Banking and Financial Services.

9577. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Loan Interest Rates—received August 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

9578. A letter from the Director, Office of Management and Budget, transmitting OMB Cost Estimate For Pay-As-You-Go Calculations; to the Committee on the Budget.

9579. A letter from the Director, Office of Management and Budget, transmitting OMB Cost Estimate For Pay-As-You-Go Calculations; to the Committee on the Budget.

9580. A letter from the Acting Assistant General Counsel, Special Education & Rehabilitative Services, Department of Education, transmitting the Department's final rule—Notice of Final Competative Preferences for Fiscal Year 2001 for the Rehabilitation Long-Term Training and Rehabiliation Long-Term Training and Rehabilitation Continuing Education Programs—received August 30, 2000, pursuant to 2 U.S.C. 685; to the Committee on Education and the Workforce.

9581. A letter from the Assistant General Counsel for Regulations, Special Education & Rehabilitative Services, Department of Education, transmitting the Department's final rule—National Institute on Disability and Rehabilitation Research—received August 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9582. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits—received August 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9583. A letter from the Department of Energy, transmitting the Energy Information Administration's Annual Report to Congress 1999, pursuant to Public Law 89-448, section 3(a) (80 Stat. 201); Public Law 95-91, section 302 (91 Stat. 578); to the Committee on Commerce.

9584. A letter from the Secretary of Health and Human Services, transmitting the Department's fourth annual report to Congress summarizing evaluation activities related to the Comprehensive Community Mental Health Services for Children and Their Families Program, pursuant to 42 U.S.C. 300X-4(g); to the Committee on Commerce.

9585. A letter from the Director, Minority Business Development Agency, Department of Commerce, transmitting the Department's final rule—Solicitation of Applications for the Minority Business Development Center (MBDC) Program [Docket No. 000724217-0217-01] (RIN: 0640-ZA08) received August 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9586. A letter from the Assistant General Counsel for Regulatory Law, Office of Field Integration, Department of Energy, transmitting the Department's final rule—Deactivation Implementation Guide [DOE G 430.1-3] received July 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9587. A letter from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting the Department's final rule—Fire Protection Design Criteria [DOE STD-1066-99] received August 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9588. A letter from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting the Department's final rule—Radiological Control [DOE-STD-1098-99] received August 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9589. A letter from the Assistant General Counsel for Regulatory Law, Office of Safeguards and Security, Department of Energy, transmitting the Department's final rule—Protective Force Program Manual [DOE M 473.2.-2] received August 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9590. A letter from the Assistant General Counsel for Regulatory Law, Office of Safeguards and Security, Department of Energy, transmitting the Department's final rule—Protective Force Program [DOE O 473.2] received August 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9591. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Listing of Color Additives for Coloring Sutures; D&C Violet No. 2 [Docket No. 99C-1455] received August 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9592. A letter from the Deputy Executive Secretary, Substance Abuse and Mental Health Services Administration, Department of Health and Human Services, transmitting the Department's final rule—Application Deadline for the Substance Abuse Prevention and Treatment (SAPT) Block Grant Program (RIN: 0930-AA04) received August 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9593. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Secondary Direct Food Additives Permitted in Food for Human Consumption; Correction [Docket No. 00F-0786] received August 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9594. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Cold, Cough, Allergy, Bronchodilato, and Antiasthmatic Drug Products for Over-the-Counter Human Use; Amendments of Final Monograph for OTC Antitussive Drug Products [Docket No. 76N-052T] (RIN: 0910-AA01) received August 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9595. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Medical Devices; Anesthesiology Devices to Relieve Upper Airway Obstruction; Correction [Docket No. 00P-1117] received August 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9596. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Listing of Color Additives Exempt From Certification; Luminescent Zinc Sulfide [Docket No. 97C-0415] received August 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9597. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Food Additives Permitted for Direct Addition to Food for Human Consumption; Calcium Disodium EDTA and Disodium EDTA [Docket No. 00F-0119] received August 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9598. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—New Animal Drug Applications; Sheep as a Minor Species [Docket No. 99N-2151] received August 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9599. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Topical Otic Drug Products for Over-the-Counter Human Use; Products for Drying Water-Clogged Ears; Amendment of Monograph; Lift of Partial Stay of Effective Date [Docket No. 77N-334S] (RIN: 0910-A01) received August 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9600. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Gastroenterology and Urology Devices; Reclassification of the Extracorporeal Shock Wave Lithotripter [Docket No. 98N-1134] received August 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9601. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Control of Communicable Diseases; Apprehension and Detention of Persons With Specific Diseases; Transfer of Regulations [Docket No. 00N-1317] received August 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9602. A letter from the Attorney Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule—Consumer Information Regulations; Uniform Tire Quality Grading Standards [Docket No. NHTSA-99-6019] (RIN: 2127-AH82) received August 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9603. A letter from the Attorney, Office of the Secretary of Transportation, Department of Transportation, transmitting the Department's final rule—Relocation of Standard Time Zone Boundary in the State of Kentucky [OST Docket No. OST-99-5843] (RIN: 2105-AC80) received August 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9604. A letter from the Small Business Advocacy Chair, Environmental Protection Agency, transmitting the Agency's final rule—Drinking Water State Revolving Funds [FRL-6846-5] (RIN: 2040-AD20) received August 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9605. A letter from the Small Business Advocacy Chair, Environmental Protection Agency, transmitting the Agency's final rule—Amendments to Standards of Performance for New Stationary Sources; Monitoring Requirements [AD-FRL-6846-6] (RIN: 2060-AG22) received August 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9606. A letter from the Small Business Advocacy Chair, Environmental Protection Agency, transmitting the Agency's final rule—Control of Emissions of Air Pollution from 2004 and Later Model Year Heavy-Duty Highway Engines and Vehicles; Revision of Light-Duty On-Board Diagnostics Requirements [AMS-FRL-6846-4] (RIN: 2060-AI12) received August 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9607. A letter from the Small Business Advocacy Chair, Environmental Protection Agency, transmitting the Agency's final rule—Federal Plan Requirements for Hospital/Medical/Infectious Waste Incinerators Constructed on or Before June 20, 1996 [AD-FRL-6848-9] (RIN: 2060-AI25) received August 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9608. A letter from the Small Business Advocacy Chair, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Full Approval of Operating Permit Program; Approval of Expansion of State Program Under Section 112(l); State of Colorado [CO-001a; FRL-6851-2] received August 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9609. A letter from the Small Business Advocacy Chair, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania; Approval of Revisions to Volatile Organic Compounds Regulations [PA156-4104a; FRL-6847-3] received August 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9610. A letter from the Small Business Advocacy Chair, Environmental Protection Agency, transmitting the Agency's final rule—OMB Approvals Under the Paperwork Reduction Act; Technical Amendment [FRL-6846-8] received August 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9611. A letter from the Administrator, Environmental Protection Agency, transmitting the report on Endocrine Disruptor Screening Program, mandated under the Food Quality Protection Act of 1996; to the Committee on Commerce.

9612. A letter from the Director, Regulatory Management Staff, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants for Pharmaceuticals Production [FRL-6855-1] (RIN: 2060-AJ17) received August 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9613. A letter from the Regulatory Management Staff, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Maintenance Plan and Designation of Area for Air Quality Planning Purposes for Carbon Monoxide; State of Arizona [AZ072-0085C; FRL-6852-6] received August 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9614. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Oregon [Docket No. OR-84-7299a; FRL-6858-1] received August 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9615. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Texas; Reasonably Available Control Technology for Major Stationary Sources of Nitrogen Oxides in the Houston/Galveston, Beaumont/Port Arthur, and Dallas/Fort Worth Ozone Nonattainment Areas [TX-122-1-7451a; FRL-6860-3] received August 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9616. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District [CA 240-0254; FRL-6856-4] received August 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9617. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins [AD-FRL-6858-5] (RIN: 2060-AH47) received August 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9618. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans Georgia: Approval of Revisions for a Transportation Control Measure [GA54-200025; FRL-6865-8] received August 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9619. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans: Michigan [MI43-7283; FRL-6851-5] received August 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9620. A letter from the Deputy Associate Administrator, Environmental Protection

Agency, transmitting the Agency's final rule—Use of Alternative Analytical Test Methods in the Reformulated Gasoline Program [FRL-6855-8] received August 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9621. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants: Maryland; Control of Emissions from Existing Hospital/Medical/Infectious Waste Incinerators [MD-103-3055a; FRL-6862-4] received August 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9622. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implentation Plans: Texas: Control of Air Pollution from Volatile Organic Compounds, Transfer Operations, Loading and Unloading of Volatile Organic Compounds [TX-116-1-7437a; FRL-6862-5] received August 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9623. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation; New Jersey; Nitrogen Oxides Budget and Allowance Trading Program [Region II Docket No. NJ36-2-213, FRL-6860-1] received August 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9624. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District [CA 217-024B; FRL-6852-5] received August 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9625. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans: Maryland; Control of Iron and Steel Production Installations [MD008/052-3052; FRL-6845-8] received August 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9626. A letter from the Chief, Terrorism and Violent Crime Section, Criminal Division,, Environmental Protection Agency and Department of Justice, transmitting the Agency's final rule—Accidental Release Prevention Requirements; Risk Management Programs Under the Clean Air Act Section 112(r)(7); Distribution of Off-Site Consequence Analysis Information (RIN: 2050-AE80) (RIN: 1105-AA70) received August 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9627. A letter from the Deputy Chief, Accounting Policy Division, Common Carrier Bureau, Federal Communications Commission, transmitting the Commission's final rule—Federal-State Board on Universal Service [CC Docket No. 96-45] Changes to the Board of Directors Of the National Exchange Carriers Association, Inc. [CC Docket No. 97-21] received August 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9628. A letter from the Chairman, Federal Communications Commission, transmitting the Auction Expenditures Report for Fiscal Year 1999; to the Committee on Commerce.

9629. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Albany, Georgia) [MM Docket No. 99-319; RM-9756] received August 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9630. A letter from the Chairman, Federal Communications Commission, transmitting the Triennial Report to Congress on market, entry barriers in the telecommunications industry; to the Committee on Commerce.

9631. A letter from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Parts 1, 21 and 74 to Enable Multipoint Distribution Service and Instructional Television Fixed Service Licensees to Engage in Fixed Two-Way Transmissions [MM Docket 97-217] received August 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9632. A letter from the Attorney Advisor, Common Carrier Bureau, Accounting Policy Division, Federal Communications Commission, transmitting the Commission's final rule—Federal-State Joint Board on Universal Service [CC Docket No. 96-45] received August 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9633. A letter from the Attorney Advisor, Common Carrier Bureau, Accounting Policy Division, Federal Communications Commission, transmitting the Commission's final rule—Federal-State Joint Board on Universal Service [CC Docket No. 96-45] received August 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9634. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Boulder City, Nevada, Bullhead City, Lake Havasu City, Kingman, Dolan Springs, and Mohave Valley, Arizona, and Ludlow, California) [MM Docket No. 99-271; RM-9696; RM-9800] received August 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9635. A letter from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations. (Pacific Junction, Iowa) [MM Docket No. 99-50; RM-9425] received August 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9636. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Scappoose and Tillamook, Oregon) [MM Docket No. 99-276; RM-9702] received August 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9637. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Stratford and LINCOLN, New Hampshire) [MM Docket No. 99-84; RM-9501; RM-9594] received August 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9638. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Elberton and Lavonia, Georgia) [MM Docket No. 99-343; RM-9750] In re Application of Waves of Mercy Productions, Inc. Pendergrass, Georgia [BPED-19990630MB] For Construction Permit for New Noncommercial Educational FM Station—received August 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9639. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Fountain Green and Levan, Utah) [MM Docket No. 99-222; RM-9602; RM-9789] received August 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9640. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Minerva, New York) [MM Docket No. 99-345 RM-9782] received August 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9641. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Mason, Menard and Fredericksburg, Texas) [MM Docket No. 99-215 RM-9337, RM-9892] received August 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9642. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Hayward, Wisconsin) [MM Docket No. 00-23; RM-9819] received August 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9643. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Saint Regis, Montana) [MM Docket No. 99-225; RM-9635] received August 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9644. A letter from the Associate Chief, WTB, Federal Communications Commission, transmitting the Commission's final rule—Reorganization and Revision of Parts 1, 2, 21, and 94 of the Rules to Establish a New Part 101 Governing Terrestrial Microwave Fixed Radio Services [WT Docket No. 94-148] Amendment of Part 21 of the Commission's Rules for the Domestic Public Fixed Radio Services [CC Docket No. 93-2] McCaw Cellular Communications, Inc. Petition for Rule Making [RM-7861] Amendment of Part 101 of the Commission's Rules to Streamline Processing of Microwave Applications in the Wireless Telecommunications Services [WT Docket No. 00-19] Telecommunications Industry Association Petition for Rukemaking [RM-9418] Received August 25, to the Committee on Commerce.

9645. A letter from the Assoc. Bureau Chief/Wireless Telecommunications, WTB/CWD/Policy & Rules Branch, Federal Communications Commission, transmitting the Commission's final rule—Amendment to the Commission's Rules Regarding a Plan for Sharing the Costs of Microwave Relocation [WT Docket No. 95-157 RM-8643] received August 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9646. A letter from the Associate Bureau Chief, WTB, Federal Communications Commission, transmitting the Commission's final rule—Amendment of the Commission's Rules Regarding Multiple Address Systems [WT Docket No. 97-81] received August 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9647. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Keesville and Dannemora, New York) [MM Docket No. 99-285, RM-9717, RM-9808] received August 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9648. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations (Angel Fire, Chama, Taos, New Mexico) [MM Docket No. 99-116 RM-9536] received August 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9649. A letter from the Association Bureau Chiefs, Wireless Telecommunications Bureau, PSPWD, Federal Communications Commission, transmitting the Commission's final rule—The Development of Operational, Technical and Spectrum Requirements For Meeting Federal, State and Local Public Safety Agency Communication Requirements Through the Year 2010 [WT Docket No. 96-86] Establishment of Rules and Requirements For Priority Access Service—received August 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9650. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule—Optional Certificate and Abandonment Procedures for Applications for New Service Under Section 7 of the Natural Gas Act [Docket No. RM00-5-000; Order No. 615] received August 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9651. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule—Depreciation Accounting [Docket No. RM99-7-000; Order No. 618] received August 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9652. A letter from the Secretary, Bureau of Consumer Protection, Federal Trade Commission, transmitting the Commission's final rule—Trade Regulation Rule on Care Labeling of Textile Wearing Apparel and Certain Piece Goods—received August 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9653. A letter from the Director, Office of Congressional Affairs, Nuclear Material Safety and Safeguards, Nuclear Regulatory Commission, transmitting the Commission's final rule—Medical Use of Byproduct Material; Policy Statement, Revision—received August 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9654. A letter from the Deputy Secretary, Division of Corporate Finance, Securities and Exchange Commission, transmitting the Commission's final rule—Financial Statements and Periodic Reports For Related Issuers and Guarantors [Release Nos. 33-7878; 34-43124; International Series No. 1229; FR-55; File No. S7-7-99] (RIN: 3235-AH52) received August 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9655. A letter from the Deputy Secretary, Office of General Counsel, Securities and Exchange Commission, transmitting the Commission's final rule—Selective Disclosure and Insider Trading [Release Nos. 33-7881, 34-43154, IC-24599, File No. S7-31-99] (RIN: 3235-AH82) received August 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9656. A letter from the Deputy Secretary, Division of Market Regulation, Securities and Exchange Commission, transmitting the Commission's final rule—Unlisted Trading Privledges [Release No. 34-43217; File No. S7-29-99] (RIN: 3235-AH85) received August 30, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9657. A communication from the President of the United States, transmitting notification that the Iraqi emergency is to continue in effect beyond August 2, 2000, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 106-279); to the Committee on International Relations and ordered to be printed.

9658. A communication from the President of the United States, transmitting a report on developments concerning the national emergency with respect to Iraq that was declared in Executive Order No. 12722 of August 2, 1990, pursuant to 50 U.S.C. 1703(c); (H. Doc. No. 106-280); to the Committee on International Relations and ordered to be printed.

9659. A letter from the Lieutenant General, Director, Defense Security Cooperation Agency, transmitting the Department of the Navy's proposed lease of defense articles to Spain (Transmittal No. 07-00), pursuant to 22 U.S.C. 2776(a); to the Committee on International Relations.

9660. A letter from the Director, International Cooperation, Acquisition and Technology, Department of Defense, transmitting a copy of Transmittal No. 14-00 which constitutes a Request for Final Approval to conclude Amendment 1 to the Memorandum of Understanding with the Secretary of Defense of the United Kingdom of Great Britain and Northern Ireland Concerning Counterterrorism Research and Development, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

9661. A letter from the Director, International Cooperation, Acquisition and Technology, Department of Defense, transmitting a copy of Transmittal No. 11-00 which constitutes a Request for Final Approval to conclude the agreement between the US and Germany concerning In-Service Support of the Rolling Airframe Missile (RAM) Guided Weapon System, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

9662. A letter from the Director, International Cooperation, Acquisition and Technology, Department of Defense, transmitting a copy of Transmittal No. 10-00 which constitutes a Request for Final Approval to conclude Amendment 5 to the 76/62 Oto Melara Compact Gun (OMCG) Cooperative Support Memorandum of Understanding (MOU), pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

9663. A letter from the Director, International Cooperation, Acquisition and Technology, Department of Defense, transmitting a copy of Transmittal No. 12-00 which constitutes a Request for Final Approval for the Agreement concerning the NATO Transatlantic Advances Radar (NATAR) Project, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

9664. A communication from the President of the United States, transmitting Progress toward a negotiated settlement of the Cyprus question covering the period June 1 to July 31, 2000, pursuant to 22 U.S.C. 2373(c); to the Committee on International Relations.

9665. A communication from the President of the United States, transmitting the President's bimonthly report on progress toward a negotiated settlement of the Cyprus problem, covering the period April 1 to May 31, 2000, pursuant to 22 U.S.C. 2373(c); to the Committee on International Relations.

9666. A communication from the President of the United States, transmitting his notification of his declaration continuing the national emergency regarding export control regulations, pursuant to 50 U.S.C. 1621(a); (H. Doc. No. 106-282); to the Committee on International Relations and ordered to be printed.

9667. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

9668. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

9669. A communication from the President of the United States, transmitting a supplemental report, consistent with the War Powers Resolution, to help ensure that the Congress is kept fully informed on continued U.S. contributions in support of peacekeeping efforts in the former Yugoslavia; (H. Doc. No. 106-281); to the Committee on International Relations and ordered to be printed.

9670. A letter from the Program Manager, Bureau of Alcohol, Tobacco and Firearms, transmitting the Bureau's final rule—Implementation of the Model Regulations for the Control of the International Movement of Firearms, Their Parts and Components, and Ammunition [T.D. ATF-426] (RIN: 1512-AC01) received June 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

9671. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a notification, pursuant to Section 42(b) of the Arms Export Control Act, that the Government of Egypt has requested that the United States Government permit the use of Foreign Military Financing for the sale and limited coproduction of 120mm training ammunition; to the Committee on International Relations.

9672. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Schedule of Fees for Consular Services, Department of State and Overseas Embassies and Consulates—received August 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

9673. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report concerning compliance by the Government of Cuba with the U.S.-Cuba Migration Accords of September 9, 1994, and May 2, 1995; to the Committee on International Relations.

9674. A communication from the President of the United States, transmitting a periodic report, consistent with the War Powers Resolution, on the U.S. military forces supporting the International Force East Timor (INTERFET); (H. Doc. No. 106-288); to the Committee on International Relations and ordered to be printed.

9675. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13-375, "Fiscal Year 2001 Budget Support Act of 2000"—received August 9, 2000, pursuant to D.C. Code section 1-

233(c)(1); to the Committee on Government Reform.

9676. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled "Current Status of the Contract for the District's Consolidated Real Property Inventory System," pursuant to D.C. Code section 47-117(d); to the Committee on Government Reform.

9677. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled "Review of Metropolitan Police Department Vehicles Purchased during Fiscal Years 1996 and 1997," pursuant to D.C. Code section 47-117(d); to the Committee on Government Reform.

9678. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled "Statutory Audit of Advisory Neighborhood Commission 4C for the Period October 1, 1995 through September 30, 1999," pursuant to D.C. Code section 47-117(d); to the Committee on Government Reform.

9679. A letter from the Comptroller General, General Accounting Office, transmitting List of all reports issued or released by the GAO in June 2000, pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform.

9680. A letter from the Investing Manager, Treasury Division, Army and Air Force Exchange Service, transmitting transmitting the annual report disclosing the financial condition of the Retirement Plan and Annual Report as required by Public Law 95-595, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform.

9681. A letter from the Attorney General, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 1999, through March 31, 2000; and the semiannual management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

9682. A letter from the Chairman, Broadcasting Board of Governors, transmitting the Fair Act of 1998 Commercial Activities Inventory, in accordance with Public Law 105-270; to the Committee on Government Reform.

9683. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Procurement List: Additions and Deletions—received July 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9684. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Procurement List: Additions—received August 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9685. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Procurement List: Additions and Deletions—received August 17, 2000; to the Committee on Government Reform.

9686. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Procurement List: Additions and Deletions—received August 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9687. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Procurement List: Additions—received August 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9688. A letter from the Comptroller General, transmitting a report on General Accounting Office Employees detailed to congressional committees as of July 14, 2000; to the Committee on Government Reform.

9689. A letter from the Chief Financial Officer, Department of Agriculture, transmitting the Department's final rule—Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments and Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations (RIN: 0503-AA16) received August 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9690. A letter from the Under Secretary of Commerce for Intellectual Property and Director, Patent and Trademark Office, Department of Commerce, transmitting the Department's final rule—Public Information, Freedom of Information and Privacy (RIN: 0651-AB21) received August 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9691. A letter from the Assistant Secretary for Environmental Management, Department of Energy, transmitting notification of intent to enter into a three-year extension to contract DE-AC22-96EW96405 with MSE Technology Applications, Incorporated (MSE-TA) using other competitive procedures; to the Committee on Government Reform.

9692. A letter from the Assistant General Counsel for Regulations, Office of Inspector General, Department of Housing and Urban Development, transmitting the Department's final rule—Implementation of the Privacy Act of 1974 [Docket No. FR-4575-F-03] (RIN: 2508-AA11) received August 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9693. A letter from the Management Analyst, Department of Justice, transmitting the semiannual report on activities of the Inspector General for the period October 1, 1999, through March 31, 2000, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

9694. A letter from the Director, Employee Benefits/Payroll/HRIS, Farm Credit District, transmitting transmitting the annual report disclosing the financial condition of the Retirement Plan and Annual Report as required by Public Law 95-595, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform.

9695. A letter from the Acting Director, Office of General Counsel & Legal Policy, Office of Government Ethics, transmitting the Office's final rule—Standards of Ethical Conduct for Employees of the Executive Branch; Definition of Compensation for Purposes of Prohibition on Acceptance of Compensation in Connection with Certain Teaching, Speaking and Writing Activities (RIN: 3209-AA04) received August 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9696. A letter from the Director, Workforce Compensation and Performance Service, Office of Personnel Management, transmitting the Office's final rule—Cost-of-Living Allowances (Nonforeign Areas); Guam and the Commonwealth of the Northern Mariana Islands (RIN: 3206-AJ15) received August 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9697. A letter from the Director, Workforce Compensation and Performance Service, Office of Personnel Management, transmitting the Office's final rule—Cost-of-Living Allowances (Nonforeign Areas); Honolulu, HI (RIN: 3206-AI38) received August 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9698. A letter from the Director, Office of Personnel Management, Office of Personnel Management, transmitting the Office's final rule—Pay Administration: Back Pay; Holidays; and Physicians' Comparability Allowances (RIN: 3206-AI61) received August 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9699. A letter from the Director, Employment Service, Workforce Restructuring Office, Office of Personnel Management, transmitting the Office's final rule—Career Transition Assistance for Surplus and Displaced Federal Employees (RIN: 3206-AI39) received August 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9700. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Prevailing Rate Systems; Miscellaneous Changes to Certain Federal Wage System Wage Areas (RIN: 3206-AJ21) received August 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9701. A letter from the Director, WCPS/OCA/SWSD, Office of Personnel Management, transmitting the Office's final rule—Prevailing Rate Systems; Abolishment of the Philadelphia, PA, Special Wage Schedule for Printing Positions (RIN: 3206-AJ22) received August 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9702. A letter from the Librarian of Congress, transmitting the report of the activities of the Library of Congress, including the Copyright Office, for the fiscal year ending September 30, 1999, pursuant to 2 U.S.C. 139; to the Committee on House Administration.

9703. A letter from the Secretary of the Interior, transmitting the 1999 Annual Report for the Office of Surface Mining Reclamation and Enforcement (OSM), pursuant to 30 U.S.C. 1211(f), 1267(g), and 1295; to the Committee on Resources.

9704. A letter from the Assistant Secretary, Land and Minerals Management, Engineering and Operations Division, Department of the Interior, transmitting the Department's final rule—Oil and Gas and Sulpher Operations in the Outer Continental Shelf-Subpart O-Well Control and Production Safety Training (RIN: 1010-AC41) received August 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9705. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Office of Migratory Bird Management, Department of the Interior, transmitting the Department's final rule—Migratory Bird Permits; Determination That the State of Delaware Meets Federal Falconry Standards (RIN: 1018-AF93) received August 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9706. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—West Virginia Regulatory Program [WV-085-FOR] received August 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9707. A letter from the Assistant Secretary, Land & Minerals Management, Department of the Interior, transmitting the Department's final rule—Leasing of Solid Minerals Other Than Coal and Oil Shale [WO-320-1990-01-24 A] (RIN: 1004-AC49) received August 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9708. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Migratory Bird Hunting; Final Frameworks for Early-Season Migratory Bird Hunting Regulations (RIN: 1018–AG08) received August 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9709. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, U.S. Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Migratory Bird Hunting; Early Seasons and Bag and Possessions Limits for Certain Migratory Game Birds in the Contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands (RIN: 1018–AG08) received August 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9710. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock for Processing by the Inshore Component in the Bering Sea Subarea [Docket No. 000211040–0040–01; I.D. 072800A] received August 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9711. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Western Regulatory Area of the Gulf of Alaska [Docket No. 000211039–0039–01; I.D. 072400C] received August 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9712. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Sablefish by Vessels Using Trawling Gear in the Central Regulatory Area of the Gulf of Alaska [Docket No. 990304062–9062–02; I.D. 072400B] received August 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9713. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Aleutian District of the Bering Sea and Aleutian Islands [Docket No. 000211040–0040–01; I.D. 072000A] received August 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9714. A letter from the Acting Director, Office of Sustainable Fisheries, Domestic Fisheries Division, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Black Sea Bass Fishery; Commercial Quota Harvested for Quarter 3 Period [Docket No. 000119014–0137–02; I.D. 071800B] received August 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9715. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species (HMS); Atlantic Bluefin Tuna Specifications and HMS Regulatory Amendment [Docket No. 000515139–0203–02; I.D. 041200D] (RIN: 0648–AO03) received August 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9716. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pelagic Shelf Rockfish in the Central Regulatory Area of the Gulf of Alaska [Docket No. 000211039–0039–01; I.D. 072500A] received August 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9717. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pelagic Shelf Rockfish in the West Yakutat District of the Gulf of Alaska [Docket No. 000211039–0039–1] received August 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9718. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Other Rockfish in the West Yakutat District of the Gulf of Alaska [Docket 000211039–0039–01; I.D. 072500D] received August 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9719. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Central Regulatory Area of the Gulf of Alaska [Docket No. 000211039–0039–01; I.D. 072500C] received August 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9720. A letter from the Under Secretary, Ocean and Atmosphere, National Oceanic and Atmospheric Administration, transmitting the annual report of the Coastal Zone Management Fund for the National Oceanic and Atmospheric Administration for fiscal year 1999, pursuant to 16 U.S.C. 1456a(b)(3); to the Committee on Resources.

9721. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Scup Fishery; Commercial Quota Harvested for Summer Period [Docket No. 000119014–0137–02; I.D. 072600E] received August 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9722. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries off the West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Trip Limit Adjustments [Docket No. 991223347–9347; I.D. 071200C] received August 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9723. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Spiny Dogfish Fishery; Commercial Quota Harvested for Period 1 [Docket No. 000426114–0114–01; I.D. 072600D] received August 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9724. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for Connecticut [Docket No. 000119014–0137–02; I.D. 072400E] received August 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9725. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Arrowtooth Flounder in the Western Regulatory Area of the Gulf of Alaska [Docket No. 000211039–0039–01; I.D. 073100A] received August 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9726. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod in the Western Regulatory Area of the Gulf of Alaska [Docket No. 000211039–0039–01; I.D. 073100B] received August 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9727. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species; Atlantic Bluefin Tuna [I.D. 061500D] received August 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9728. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna [I.D. 072100C] received August 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9729. A letter from the Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species; Pelagic Longline Management [Docket No. 991210332–0212–02; I.D. 110499B] (RIN: 0648–AM79) received August 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9730. A letter from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Closure of Critical Habitat Pursuant to a Court Order [Docket No. 991228352–0229–04; I.D. 080800A] (RIN: 0648–A044) received August 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9731. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Areas 620 and 630 in the Gulf of Alaska [Docket No. 991228352-0012-02; I.D. 081800B] received August 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9732. A letter from the Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Allocation of Pacific Cod Among Vessels Using Hook-and-line or Pot Gear in the Bering Sea and Aleutian Islands [Docket No. 000511130-0237-02 I.D. 032900C] (RIN: 0648-AN25) received August 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9733. A letter from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery off the Southern Atlantic States; Amendment 12 [Docket No. 000502120-0215-02; I.D. 041000E] (RIN: 0648-AN39) received August 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9734. A letter from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Northeast Multispecies Fishery: Framework Adjustment 35 to the Northeast Multispecies Fishery Management Plan [Docket No. 000803226-0226-01; I.D. 070500D] (RIN: 0648-AO15) received August 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9735. A letter from the Acting Director, Office of Sustainable Fisheries Service, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Shallow-water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No. 000211039-0039-01; I.D. 08100C] received August 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9736. A letter from the Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Red Snapper Management Measures [Docket No. 000810231-0231-01; I.D. 042400I] (RIN: 0648-AM04) received August 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9737. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species (HMS) Fisheries; Vessel Monitoring Systems [Docket No. 981216308-9124-02; I.D. 040500B] (RIN: 0648-AJ67) received August 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9738. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna [I.D. 080300A] received August 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9739. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure [Docket No. 970930235-8028-02; I.D. 082300B] received August 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9740. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Deep-water Species Fishery, by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No. 000211039-0039-01; I.D. 082200A] received August 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9741. A letter from the Assistant Attorney General, Department of Justice, transmitting the report on the administration of the Foreign Agents Registration Act covering the six months ended December 31, 1999, pursuant to 22 U.S.C. 621; to the Committee on the Judiciary.

9742. A letter from the Under Secretary of Commerce for Intellectual Property and Director, Patent and Trademark Office, Department of Commerce, transmitting the Office's final rule—Changes to Implement the Patent Business Goals [Docket No. 980826226-0202-03] (RIN: 0651-AA98) received August 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

9743. A letter from the General Counsel, Executive Office for Immigration Review, Department of Justice, transmitting the Department's final rule—Professional Conduct for Practitioners—Rules and Procedures [EOIR No. 112F; A.G. Order No. 2309-2000] (RIN: 1125-AA13) received August 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

9744. A letter from the Acting Assistant Attorney General, Office of Justice Programs, Department of Justice, transmitting the Department's final rule—Environmental Impact Review Procedures for the VOI/TIS Grant Program [OJP(OJP)-1277] (RIN: 1121-AA52) received August 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

9745. A letter from the Deputy Director, Office of Enforcement Policy, Wage and Hour Division, Department of Labor, transmitting the Department's final rule—Attestations by Facilities Temporarily Employing H-1C Nonimmigrant Aliens as Registered Nurses (RIN: 1205-AB27) received August 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

9746. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Documentation of Immigrants and Nonimmigrants Under the Immigration and Nationality Act, as Amended—Change in Procedures for Payment of Immigrant Visa Fees [Public Notice 3377] received August 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

9747. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Documentation of Nonimmigrants Under the Immigration and Nationality Act, as Amended—Waiver of Nonimmigrant Visa Fees for Members of Observer Missions to the United Nations—received August 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

9748. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Documentation of Nonimmigrants Under the Immigration and Nationality Act, as Amended—Addition of Department of Labor for Approval of Certain Nonimmigrant Petitions—received August 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

9749. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's Twenty-Second Annual Report to Congress pursuant to section 7A of the Clayton Act, pursuant to 15 U.S.C. 18a(j); to the Committee on the Judiciary.

9750. A letter from the Director, Office of General Counsel & Legal Policy, Office of Government Ethics, transmitting the Office's final rule—Exemption Under 18 U.S.C. 208(b) (2) for Financial Interests of Non-Federal Government Employers in the Decennial Census (RIN: 3209-AA09) received August 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

9751. A letter from the Under Secretary of Commerce for Intellectual Property and Director, Patent and Trademark Office, transmitting the Office's final rule—Revision of Patent Fees for Fiscal Year 2001 (RIN: 0651-AB01) received August 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

9752. A letter from the Under Secretary of Commerce for Intellectual Property and Director, Patent and Trademark Office, transmitting the Office's final rule—Request for Continued Examination Practice and Changes to Provisional Application Practice (RIN: 0651-AB13) received August 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

9753. A letter from the Chair, United States Sentencing Commission, transmitting the 1999 annual report of the activities of the Commission, pursuant to 28 U.S.C. 997; to the Committee on the Judiciary.

9754. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30120; Amdt. No. 2001] received July 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9755. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30121; Amdt. No. 2002] received July 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9756. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Stemme GmbH & Co. KG Models S10-V and S10-VT Sailplanes [Docket No. 99-CE-25-AD; Amendment 39-11832; AD 2000-15-03] (RIN: 2120-AA64) received July 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9757. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 99-NM-335-AD; Amendment 39-11810; AD 2000-14-01] (RIN: 2120-AA64) received July 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9758. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas

Model DC-10-10, -15, -30, and -40 Series Airplanes; Model MD-10-10F and MD-10-30F Series Airplanes; and KC-10A (Military) Airplanes [Docket No. 98-NM-288-AD; Amendment 39-11820; AD 2000-14-10] (RIN: 2120-AA64) received July 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9759. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 99-NM-64-AD; Amendment 39-11821; AD 2000-14-11] (RIN: 2120-AA64) received July 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9760. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737-200, -300, -400, and -500 Series Airplanes [Docket No. 2000-NM-103-AD; Amendment 39-11823; AD 2000-14-13] (RIN: 2120-AA64) July 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9761. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Short Brothers Model SD3-60 Series Airplanes [Docket No. 2000-NM-12-AD; Amendment 39-11818; AD 2000-14-09] (RIN: 2120-AA64) received July 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9762. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations; Harbour Town Fireworks Display, Calibogue Sound, Hilton Head, SC [CGD07-00-062] (RIN: 2115-AE46) received August 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9763. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: Manchester Fourth of July Fireworks, Manchester, Massachusetts [CGD1-00-157] (RIN: 2115-AA97) received August 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9764. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulations, Seafair Blue Angels Performance, Lake Washington, WA [CGD13-00-022] (RIN: 2115-AA97) received August 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9765. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—United States Army Bridge Exercise across the Arkansas River [COTP Memphis, TN Regulation 00-014] (RIN: 2115-AA97) received August 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9766. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: USS JOHN F. KENNEDY, Boston Harbor, Boston, Massachusetts [CGD01-00-130] (RIN: 2115-AA97) received August 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9767. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Gastineau Channel, Juneau, AK [COTP Southeast Alaska 00-005] (RIN: 2115-AA97) received August 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9768. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: New York Harbor, Western Long Island Sound, East and Hudson Rivers Fireworks [CGD01-00-004] (RIN: 2115-AA97) received August 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9769. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD-11 Series Airplanes [Docket No. 2000-NM-30-AD; Amendment 39-11829; AD 2000-14-18] (RIN: 2120-AA64) received August 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9770. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Air Tractor, Inc. Models AT-501, AT-502, and AT-501A Airplanes [Docket No. 2000-CE-40-AD; Amendment 39-11837; AD 2000-14-51] (RIN: 2120-AA64) received August 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9771. A letter from the Acting Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone: Dignitary Arrival/Departure and United Nations Meetings, New York, NY [CGD01-00-146] (RIN: 2115-AA97) received August 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9772. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety and Security Zones: Presidential Visit, Martha's Vineyard, MA [CGD01-00-190] (RIN: 2115-AA97A) received August 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9773. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Temporary Regulations: OPSAIL 2000, Port of New London, CT [CGD01-99-203] (RIN: 2115-AA98, AA84, AE46) received August 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9774. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: Staten Island Fireworks, Arthur Kill [CGD01-00-015] (RIN: 2115-AA97) received August 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9775. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulation for San Juan Harbor, Puerto Rico [COTP San Juan 00-065] (RIN: 2115-AA97) received August 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9776. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747-400 Series Airplanes [Docket No. 2000-NM-151-AD; Amendment 39-11831; AD 2000-15-02] (RIN: 2120-AA64) received August 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9777. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747-100, -200, -300, 747SR, and 747SP Series Airplanes [Docket No. 97-Nm-88-Ad; Amendment 39-1748; AD 2000-10-23] (RIN: 2120-AA64) received August 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9778. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 727 Series Airplanes Modified in Accordance with Valsan Supplemental Type Certificate (STC) SA4363NM [Docket No. 2000-NM-248-AD; Amendment 39-11838; AD 90-15-12R1] (RIN: 2120-AA64) received August 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9779. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E airspace, North Bend, OR [Airspace Docket No. 99-ANM-12] received August 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9780. A letter from the Attorney, RSPA, Department of Transportation, transmitting the Department's final rule—Hazardous Materials: Miscellaneous Amendments [Docket No. RSPA-99-6213 (HM-218)] (RIN: 2137-AD16) received August 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9781. A letter from the ACC for General Law, NHTSA, Department of Transportation, transmitting the Department's final rule—State Highway Safety Data and Traffic Records Improvements [Docket No. NHTSA-98-4532] (RIN: 2127-AH43) received August 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9782. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Air Tractor, Inc. Models AT-501, AT-502, and AT-502A Airplanes [Docket No. 2000-CE-40-AD; Amendment 39-11837; AD 2000-14-51] (RIN: 2120-AA64) received August 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9783. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Atwood, KS; Correction [Airspace Docket No. 00-ACE-19] received August 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9784. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revocation of Restricted Area R-3302 Savanna; IL [Airspace Docket No. 00-AGL-21] (RIN:

2120-AA66) received August 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9785. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment of VOR Federal Airway V-162 [Airspace Docket No. 00-AEA-1] (RIN: 2120-AA66) received August 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9786. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E airspace; Wenatchee, WA [Airspace Docket No. 00-ANM-07] received August 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9787. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace, Englewood, CO [Airspace Docket No. 00-ANM-01] received August 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9788. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Washington, MO [Airspace Docket No. 00-ACE-24] received August 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9789. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class D Airspace; Chicago, Aurora Municipal Airport, IL; and modification of Class E Airspace; Chicago, Aurora Municipal Airport, IL [Airspace Docket No. 00-AGL-15] received August 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9790. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class D Airspace; Gary, IN; and modification of Class E Airspace; Gary, IN [Airspace Docket No. 00-AGL-16] received August 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9791. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Marquette, MI [Airspace Docket No. 00-AGL-02] received August 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9792. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Realignment of Jet Route J-151 (RIN: 2120-AA 66) received August 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9793. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class D Airspace; Boca Raton, FL [Airspace Docket No. 00-ASO-22] received August 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9794. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Minneapolis, Crystal Airport, MN Correction [Airspace Docket No. 00-AGL-10] received August 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9795. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Ionia, MI [Airspace Docket No. 00-AGL-13] received August 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9796. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Greenwood/Wonder Lake, IL [Airspace Docket No. 00-AGL-12] received August 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9797. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification pf Class E Airspace; SHELBYville, IN [Airspace Docket No. 00-AGL-11] received August 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9798. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Elkhart, KS [Airspace Docket No. 00-ACE-22] received August 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9799. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class D Airspace; Kissimmee, FL [Airspace Docket No. 00-ASO-23] received August 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9800. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class D Airspace; Oak Grove, NC [Airspace Docket No. 00-ASO-24] received August 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9801. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Honeywell International Inc. TFE731-2, -3, -4, and -5 Series Turbofan Engines [Docket No. 99-NE-10-AD; Amendment 39-11841; AD 2000-15-09] (RIN: 2120-AA64) received August 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9802. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-8 Series Airplanes [Docket No. 2000-NM-100-AD; Amendment 39-11843; AD 2000-15-11] (RIN: 2120-AA64) received August 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9803. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-10-10, -10F, -15, -30, -30F (KC-10A and KDC-10 Military), -40, and -40F Series Airplanes [Docket No. 99-NM-211-AD; Amendment 39-11834; AD 2000-15-05] (RIN: 2120-AA64) received August 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9804. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-10 Series Airplanes [Docket No. 99-NM-214-AD; Amendment 39-11835; AD 2000-15-06] (RIN: 2120-AA64) received August 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9805. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-10 Series Airplanes [Docket No. 99-NM-215-AD; Amendment 39-11836; AD 2000-15-07] (RIN: 2120-AA64) received August 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9806. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron Canada Model 407 Helicopters [Docket No. 2000-SW-10-AD; Amendment 39-11827; AD 2000-14-16] (RIN: 2120-AA64) received August 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9807. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McCauley Propeller Model 4HFR34C653/L106FA-0 [Docket No. 2000-NE-17-AD; Amendment 39-11842; AD 2000-15-10] (RIN: 2120-AA64) received August 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9808. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Sikorsky Aircraft Corporation Model. S-76 Series Helicopters [Docket No. 2000-SW-26-AD; Amendment 39-11861; AD 2000-11-52] (RIN: 2120-AA64) received August 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9809. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Hellicopter Textron Canada Model 430 Helicopters [Docket No. 99-SW-84-AD; Amendment 39-11860; AD 2000-16-06] (RIN: 2120-AA64) received August 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9810. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron Inc.-manufactured Model HH-1K, TH-1F, TH-1L, UH-1A, UH-1B, UH-1E, UH-1F, UH-1H, UH-1L, and UH-1P; and Southwest Florida Aviation SW204, SW204HP, SW205, and SW205A-1 Helicopters [Docket No. 2000-SW-01-AD; Amendment 39-11854; AD 2000-15-21] (RIN: 2120-AA64) received August 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9811. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model SA-365N, N1, and AS-365N2, N3 Helicopters [Docket No. 2000-SW-09-AD; Amendment 39-11852; AD 2000-15-19] (RIN: 2120-AA64) received August 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9812. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes [Docket No. 99-NM-331-AD; Amendment 39-11769; AD 2000-11-21] (RIN: 2120-AA64) received August 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9813. A letter from the Regulations Officer, FHA, Department of Transportation, transmitting the Department's final rule—Payroll and Related Expenses of Public Employees; General Administration and Other Overhead; and Cost Accumulation Centers and Distribution Methods (RIN: 2125-AE74) received August 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9814. A letter from the Regulations Officer, FHA, Department of Transportation, transmitting the Department's final rule—Temporary Matching Fund Waiver (RIN: 2125-AE76) received August 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9815. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—General Rulemaking Procedures [Docket No. FAA 1999-6622; Amendment No. 11-46] (RIN: 2120-AG95) received August 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9816. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations; Eighth Coast Guard District Annual Marine Events [CGD 08-99-066] (RIN: 2115-AE46) received August 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9817. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—SAFETY ZONE REGULATIONS; Guayanilla Bay, Guayanilla, Puerto Rico [COTP San Juan 00-059] (RIN: 2115-AA97) received August 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9818. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Bayou Boeuf, LA [CGD08-00-017] received August 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9819. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Atlantic Intracoastal Waterway, mile 739.2, Jacksonville, FL [CGD 07-00-066] (RIN: 2115-AE47) received August 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9820. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Elizabeth River, NJ [CGD01-00-194] (RIN: 2115-AE47) received August 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9821. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Chesapeake Challenge, Patapsco River, Baltimore, Maryland [CGD05-00-032] (RIN: 2115-AE46) received August 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9822. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Traffic Separation Schemes: Off San Francisco, in the Santa Barbara Channel, in the Approaches to Los Angeles-Long Beach, California [USCG-1999-5700] (RIN: 2115-AF84) received August 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9823. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Harlem River, NY [CGD01-00-205] (RIN: 2115-AE47) received August 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9824. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30149; Amdt. No. 2004] received August 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9825. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revisions to Digital Flight Data Recorder Requirements for Airbus Airplanes [Docket No. FAA-2000-7830; Amendment Nos. 121-278 & 125-34] (RIN: 2120-AH08) received August 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9826. A letter from the Attorney, NHTSA, Department of Transportation, transmitting the Department's final rule—Open Container Laws [Docket No. NHTSA-99-4493] (RIN: 2127-AH41) received August 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9827. A letter from the Chief Counsel, Saint Lawrence Seaway Development Corporation, Department of Transportation, transmitting the Department's final rule—Seaway Regulations and Rules: Miscellaneous Amendments [Docket No. SLSDC 2000-7543] (RIN: 2135-AA11) received August 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9828. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: Fireworks Display, Hudson River, Pier 84, NY [CGD01-00-204] (RIN: 2115-AA97) received August 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9829. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: Chesapeake Bay, Hampton, VA [CGD05-00-035] (RIN: 2115-AA97) received August 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9830. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—SAFETY ZONE: McArdle (Meridian Street) Bridge, Chelsea River, Chelsea, Massachusetts [CGD01-00-203] (RIN: 2115-AA97) received August 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9831. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Westchester Creek, Bronx River, and Hutchinson River, NY [CGD01-99-070] (RIN: 2115-AE47) received August 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9832. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Gowanus Canal, NY [CGD01-99-067] (RIN: 2115-AE47) received August 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9833. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Newtown, Creek, Dutch Kills, English Kills and their tributaries, NY [CGD01-99-069] (RIN: 2115-AE47) received August 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9834. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulations: Tampa Bay, Florida [COTP Tampa 00-061] (RIN: 2115-AA97) received August 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9835. A letter from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting the Department's final rule—Policy on the Safety of Railroad Bridges [Docket No. RST-94-3, Notice No. 2] received August 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9836. A letter from the Assistant Chief Counsel, Federal Highway Administration, Department of Transportation, transmitting the Department's final rule—Safety Fitness Procedures [Docket No. FMCSA-99-5467 (Formerly Docket No. FHWA-99-5467)] (RIN: 2126-AA42 (Formerly RIN: 2125-AE56)) received August 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9837. A letter from the Small Business Advocacy Chair, Environmental Protection Agency, transmitting the Agency's final rule—Identification of Approved and Disapproved Elements of the Great Lakes Guidance Submission From the States of Michigan, Ohio, Indiana, and Illinois, and Final Fule [FRL-6846-3] received August 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9838. A letter from the Small Business Advocacy Chair, Environmental Protection Agency, transmitting the Agency's final rule—Fiscal Year 2001 Chesapeake Bay Program Activity Grants: Request for Proposals and Guidelines and Application Package—received August 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9839. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Effluent Limitations Guidelines, Pretreatment Standards, New Source Performance Standards for the Centralized Waste Treatment Point Source Category [FRL-8663-8] received August 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9840. A letter from the Deputy Assistant Administrator, NOAA, Department of Commerce, transmitting the Department's final rule—NOAA Climate and Global Change Program, Program Announcement [Docket No. 000616180-0180-01] (RIN: 0648-ZA91) received August 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

9841. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Procedural Revisions for Awards Resulting from Broad Agency Announcements—received July 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

9842. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Contract Bundling—received July 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

9843. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Cost Accounting Standards Waivers—received August 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

9844. A letter from the Acting Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Central Contractor Registration (CCR)—received August 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

9845. A letter from the Assistant Administrator for Satellite and Information Services, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Program Notice of Financial Assistance [Docket No. 000712204-0204-01] (RIN: 0648-XA56) received August 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

9846. A letter from the General Counsel, Office of Financial Assistance, Small Business Administration, transmitting the Administration's final rule—Business Loan Program—received August 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

9847. A letter from the Acting General Counsel, Office of Government Contracting, Small Business Administration, transmitting the Administration's final rule—Government Contracting Programs—received August 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

9848. A letter from the Associate Deputy Administrator for Government Contracting and Minority Enterprise Development, Small Business Administration, transmitting the annual report on Minority Small Business and Capital Ownership Development for fiscal year 1999, pursuant to 15 U.S.C. 636(j)(16)(B); to the Committee on Small Business.

9849. A letter from the Acting General Counsel, Office of Size Standards, Small Business Administration, transmitting the Administration's final rule—Small Business Size Standards; Arrangement of Transportation of Freight and Cargo—received August 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

9850. A letter from the Secretary of Labor, transmitting the annual report on employment and training programs for veterans during program year 1998 (July 1, 1998 through June 30, 1998) and fiscal year 1999 (October 1, 1998 through September 30, 1999), pursuant to 38 U.S.C. 2009(b); to the Committee on Veterans' Affairs.

9851. A letter from the Director, Office of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting the Department's final rule—Veterans Training: Vocational Rehabilitation Subsistence Allowance Rates (RIN: 2900-AI74) received August 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

9852. A letter from the The President Of The United States, transmitting notification of his intention to add Nigeria to the list of beneficiary developing countries under the Generalized System of Preferences (GSP), pursuant to Public Law 104-188, section 1952(a) (110 Stat. 1917); (H. Doc. No. 106-287); to the Committee on Ways and Means and ordered to be printed.

9853. A letter from the The President Of The United States, transmitting notification of his intention to grant Nigeria preferential treatment under the Generalized System of Preferences (GSP), pursuant to Public Law 104-188, section 1952(a) (110 Stat. 1917); (H. Doc. No. 106-290); to the Committee on Ways and Means and ordered to be printed.

9854. A letter from the Secretary of Health and Human Services, transmitting the twenty-third annual report on the Child Support Enforcement Program, pursuant to 42 U.S.C. 652(a)(10); to the Committee on Ways and Means.

9855. A letter from the Chief, Regulations Unit, Department of the Treasury, transmitting the Service's final rule—Clarification of Schedule P (Form 1120-FSC) [Notice 2000-49] received August 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9856. A letter from the Chief Counsel, Bureau of Public Debt, Office of Chief Counsel, Department of the Treasury, transmitting the Department's final rule—U.S. Treasury Securities—State and Local Government Series—received August 30, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9857. A letter from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting the Department's final rule—Petitions for Relief: Seizures, Penalties, and Liquidated Damages [T.D. 00-57] (RIN: 1515-AC01) received August 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9858. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update [Notice 2000-18] received July 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9859. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Information Reporting for Discharges of Indebtedness [Notice 2000-22] received July 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9860. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Definition of Grantor [TD 8890] (RIN: 1545-AX25) received July 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9861. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Loans From a Qualified Employer Plan to Plan Participants or Beneficiaries [TD 8894] (RIN: 1545-AE41) received July 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9862. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Eligible Deferred Compensation Plans under Section 457 [Notice 2000-38] received August 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9863. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Comprehensive Case Resolution Pilot Program [Notice 2000-43] received August 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9864. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Coordinated Issue Life Insurance Industry Loss Utilization in a Life-Nonlife Consolidated Return Separate v. Single Entity Approach UIL 1503.05-00—received August 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9865. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Department Store Indexes-June 2000 [Notice 2000-39] received August 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9866. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Tax Forms and Instructions [Rev. Procedure 2000-35] received August 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9867. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Modification of Tax Shelter Rules [TD 8896] (RIN: 1545-AY37) received August 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9868. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Acquisition of Corporate Indebtedness—received August 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9869. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Increase In Cash-Out Limit Under Sections 411(a)(7), 411(a)(11), and 417(e)(1) for Qualified Retirement Plans [TD 8891] (RIN: 1545-AW59) received August 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9870. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Department Store Indexes—July 2000 [Rev. Ruling 2000-47] received August 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9871. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Optional Per Diem Rates for Employees, Self-employed Individuals, and Other Taxpayers Used in Computing Deductible Costs [Notice 2000-48] received August 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9872. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property—received August 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9873. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Extension of Due Date for Electronically Filed Information Returns; Limitation of Failure to Pay Penalty for Individuals During Period of Installment Agreement [TD 8895] (RIN: 1545–AX31) received August 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9874. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Tax Avoidance Using Artificially High Basis [Notice 2000–44] received August 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9875. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rules for Property Produced In A Farming Business—received August 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9876. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Preproductive Periods of Certain Plants [Notice 2000–45] received August 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9877. A letter from the Secretary of Health and Human Services, transmitting the Child Welfare Outcomes 1998: Annual Report entitled, "Safety Permanency Well-being"; to the Committee on Ways and Means.

9878. A letter from the Regulations Officer, Social Security Administration, transmitting the Administration's final rule—Revised Medical Criteria for Evaluating Mental Disorders and Traumatic Brain Injury [Regulation Nos. 4 and 16] (RIN: 0960–AC74) received July 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9879. A letter from the Chair, Christopher Columbus Fellowship Foundation, transmitting the FY 1999 Annual Report of the Christopher Columbus Fellowship Foundation, pursuant to Public Law 102–281, section 429(b) (106 Stat. 145); jointly to the Committees on Banking and Financial Services and Science.

9880. A letter from the Assistant Secretary for Civil Rights, Department of Education, transmitting the annual report summarizing the compliance and enforcement activities of the Office for Civil Rights and identifying significant civil rights or compliance problems, pursuant to Public Law 105–244 section 101(a) (112 Stat. 633); jointly to the Committees on Education and the Workforce and the Judiciary.

9881. A letter from the Secretary of Health and Human Services, transmitting a report on the Low Income Home Energy Assistance Program, pursuant to 42 U.S.C. 8629(b); jointly to the Committees on Commerce and Education and the Workforce.

9882. A letter from the Deputy Executive Secretary, Department of Health and Human Services, transmitting the Department's "Major" rule—Health Insurance Reform: Standard for Electric Transactions [HCFA–0149–F] (RIN: 0938–AI58) received August 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Commerce and Ways and Means.

9883. A letter from the Secretary of Health and Human Services, transmitting a report entitled, "Appropriateness of Minimum Nurse Staffing Ratios in Nursing Homes Summer 2000"; jointly to the Committees on Commerce and Ways and Means.

9884. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting a report authorizing the transfer of up to $100M in defense articles and services to the Government of Bosnia-Herzegovina, pursuant to Public Law 104–107, section 540(c) (110 Stat. 736); jointly to the Committees on International Relations and Appropriations.

9885. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report required by section 504 of the FREEDOM Support Act, pursuant to 22 U.S.C. 5852; jointly to the Committees on International Relations and Appropriations.

9886. A letter from the Deputy Executive Secretary, Health Care Financing Administration, transmitting the Administration's "Major" rule—Medicare Program: Provisions of the Balanced Budget Refinement Act of 1999; Hospital Inpatient Payments Rates and Costs of Graduate Medical Education [HCFA–1131–IFC] (RIN: 0938–AK20) received August 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Commerce.

9887. A letter from the Deputy Executive Secretary, Health Care Financing Administration, transmitting the Administration's "Major" rule—Medicare Program: Prospective Payment System and Consolidated Billing for Skilled Nursing Facilities—Update [HCFA–1112–F] (RIN: 0938–AJ93) received August 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Commerce.

9888. A letter from the Deputy Executive Secretary, Center for Health Plans and Providers, Health Care Financing Administration, transmitting the Administration's final rule—Medicare Program; Prospective Payment System for Hospital Outpatient Services: Revisions to Criteria to Define New or Innovative Medical Devices, Drugs, and Biological Eligible for Pass-Through Payments and Corrections to the Criteria for the Grandfather Provision for Certain Federally Qualified Health Centers [HCFA–1005–IFA] (RIN: 0938–AI56) received August 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Commerce.

9889. A letter from the Deputy Executive Secretary, Health Care Financing Administration, transmitting the Administration's "Major" rule—Medicare Program; Changes to the Hospital Inpatient Prospective Payment Systems and Fiscal Year 2001 Rates [HCFA–1118–F] (RIN: 0938–AK09) received August 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LEACH: Committee on Banking and Financial Services. H.R. 4541. A bill to reauthorize and amend the Commodity Exchange Act to promote legal certainty, enhance competition, and reduce systemic risk in markets for futures and over-the-counter derivatives, and for other purposes; with amendments (Rept. 106–711, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. H.R. 4541. A bill to reauthorize and amend the Commodity Exchange Act to promote legal certainty, enhance competition, and reduce systemic risk in markets for futures and over-the-counter derivatives, and for other purpose; with an amendment (Rept. 106–711, Pt. 3). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 4840. A bill to reauthorize the Atlantic Coastal Fisheries Cooperative Management Act; with an amendment (Rept. 106–804). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. S. 1027. An act to reauthorize the participation of the Bureau of Reclamation in the Deschutes Resources Conservancy, and for other purposes (Rept. 106–805). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2798. A bill to authorize the Secretary of Commerce to provide financial assistance to the States of Alaska, Washington, Oregon, and California for salmon habitat restoration projects in coastal waters and upland drainages; with an amendment (Rept. 106–806). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2296. A bill to amend the Revised Organic Act of the Virgin Islands to provide that the number of members on the legislature of the Virgin Islands and the number of such members constituting a quorum shall be determined by the laws of the Virgin Islands, and for other purposes (Rept. 106–807). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. S. 1275. An act to authorize the Secretary of the Interior to produce and sell products and to sell publications relating to the Hoover Dam, and to deposit revenues generated from the sales into the Colorado River Dam fund (Rept. 106–808). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 4318. A bill to establish the Red River National Wildlife Refuge; with an amendment (Rept. 106–809). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2090. A bill to direct the Secretary of Commerce to contract with the National Academy of Sciences to establish the Coordinated Oceanographic Program Advisory Panel to report to the Congress on the feasibility and social value of a coordinated oceanography program; with an amendment (Rept. 106–810). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1113. A bill to assist in the development and implementation of projects to provide for the control of drainage, storm, flood and other waters as part of water-related integrated resource management, environmental infrastructure, and resource protection and development projects in the Colusa Basin Watershed, California; with an amendment (Rept. 106–811). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 4389. A bill to direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy District; with an amendment (Rept. 106–812). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3520. A bill to designate segments and tributaries of White Clay Creek, Delaware and Pennsylvania, as a component of the National Wild and Scenic Rivers System; with an amendment (Rept. 106–813). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. S. 1211. A act to amend the Colorado River Basin Salinity Control Act to authorize additional measures to carry out the control of salinity upstream of Imperial Dam in a cost-effective manner, (Rept. 106–814). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 755. A bill to amend the Organic Act of Guam to provide restitution to the people of Guam who suffered atrocities such as personal injury, forced labor, forced marches, internment, and death during the occupation of Guam in World War II, and for other purposes; with an amendment (Rept. 106–815). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 4226. A bill to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other land in the Black Hills National Forest and to use funds derived from the sale or exchange to acquire replacement sites and to acquire or construct administrative improvements in connection with the Black Hills National Forest; with an amendment (Rept. 106–816). Referred to the Committee on the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 4583. A bill to extend the authorization for the Air Force Memorial Foundation to establish a memorial in the District of Columbia or its environs (Rept. 106–817). Referred to the Committee on the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. S. 406. An act to amend the Indian Health Care Improvement Act to make permanent the demonstration program that allows for direct billing of medicare, medicaid, and other third party payors, and to expand the eligibility under such program to other tribes and tribal organizations (Rept. 106–818 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. S. 1508. An act to provide technical and legal assistance for tribal justice systems and members of Indian tribes, and for other purposes (Rept. 106–819 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. S. 1937. An act to amend the Pacific Northwest Electric Power Planning and Conservation Act to provide for sales of electricity by the Bonneville Power Administration to joint operating entities (Rept. 106–820 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on Science. H.R. 4271. A bill to establish and expand programs relating to science, mathematics, engineering, and technology education, and for other purposes; with an amendment (Rept. 106–821 Pt. 1). Ordered to be printed.

Mr. REYNOLDS: Committee on Rules. House Resolution 570. Resolution providing for consideration of the bill (H.R. 4115) to authorize appropriations for the United States Holocaust Memorial Museum, and for other purposes (Rept. 106–822). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

[The following action occurred on July 28, 2000]

Pursuant to clause 5 of rule X the Committee on Ways and Means and Small Business discharged. H.R. 2848 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

[Submitted September 6, 2000]

Pursuant to clause 5 of rule X the Committees on Ways and Means and Commerce discharged. S. 406 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

Pursuant to clause 5 of rule X the Committee on the Judiciary discharged. S. 1508 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

Pursuant to clause 5 of rule X the Committee on Commerce discharged. S. 1937 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 4271. Referral to the Committee on Education and the Workforce extended for a period ending not later than September 21, 2000.

S. 406. Referral to the Committees on Ways and Means and Commerce extended for a period ending not later than September 6, 2000.

S. 1508. Referral to the Committee on the Judiciary extended for a period ending not later than September 6, 2000.

S. 1937. Referral to the Committee on Commerce extended for a period ending not later than September 6, 2000.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. COBLE (for himself, Mr. Berman, and Mrs. Bono):

H.R. 5106. A bill to make technical corrections in copyright law; to the Committee on the Judiciary.

By Mr. COBLE (for himself, Mr. Berman, Mr. Conyers, Mrs. Bono, Mr. Wexler, Mr. Delahunt, Ms. Lofgren, Mr. Boucher, Ms. McCarthy of Missouri, and Mr. Rogan):

H.R. 5107. A bill to make certain corrections in copyright law; to the Committee on the Judiciary.

By Mr. McINTOSH:

H.R. 5108. A bill to provide for the geographic reclassification of a county under the Medicare Program to provide for more equitable payments under that program to hospitals located in that county; to the Committee on Ways and Means.

By Mr. STEARNS (for himself, Mr. Gutierrez, Mr. Stump, and Mr. Evans):

H.R. 5109. A bill to amend title 38, United States Code, to improve the personnel system of the Veterans Health Administration, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CALVERT (for himself, Mr. Lewis of California, Mrs. Bono, Mr. Packard, and Mr. Baca):

H.R. 5110. A bill to designate the United States courthouse located at 3470 12th Street in Riverside, California, as the "George E. Brown, Jr. United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. ADERHOLT:

H.R. 5111. A bill to direct the Administrator of the Federal Aviation Administration to treat certain property boundaries as the boundaries of the Lawrence County Airport, Courtland, Alabama, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BACA:

H.R. 5112. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax to elementary and secondary public school teachers; to the Committee on Ways and Means.

By Mr. BILBRAY (for himself, Mr. Hunter, Mr. Packard, and Mr. Cunningham):

H.R. 5113. A bill to amend the Flood Control Act of 1944 to provide that investor owned utilities and other private entities shall have the same rights to purchase electric energy generated at Federal facilities as public bodies and cooperatives, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Resources, and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HEFLEY:

H.R. 5114. A bill to require that the Secretary of the Interior conduct a study to identify sites and resources, and to recommend alternatives for commemorating and interpreting the Cold War, and for other purposes; to the Committee on Resources.

By Mr. KLINK:

H.R. 5115. A bill to amend title 5, United States Code, to make the Federal Employees Health Benefits Program available to the general public, and for other purposes; to the Committee on Government Reform.

By Mrs. MALONEY of New York (for herself, Mr. Boehlert, Mr. Capuano, Mr. Quinn, Mr. Boucher, Mr. Brady of Pennsylvania, Mr. Tierney, Mr. Thompson of California, Mr. Hinchey, Mr. Kucinich, Mr. Conyers, and Mr. Frost):

H.R. 5116. A bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the program for the National Health Service Corps; to the Committee on Commerce.

By Mr. RAMSTAD (for himself, Mr. Crane, Mr. Hayworth, Mr. Foley, Mr. Schaffer, Mr. Brady of Texas, and Mr. Herger):

H.R. 5117. A bill to amend the Internal Revenue Code of 1986 to clarify the allowance of the child credit, the deduction for personal exemptions, and the earned income credit for missing children, and for other purposes; to the Committee on Ways and Means.

By Mr. SAXTON (for himself and Mr. Pallone):

H.R. 5118. A bill to provide the waters and submerged lands off the coast of New Jersey and within the Historic Area Remediation Site shall be treated as a marine protected area for purposes of Executive Order 13158.

dated May 26, 2000; to the Committee on Resources.

By Mr. THORNBERRY:

H.R. 5119. A bill to provide for health care liability reform; to the Committee on the Judiciary.

By Mr. SCHAFFER (for himself, Mr. Rohrabacher, Mr. Wynn, Mr. Brown of Ohio, Mr. Andrews, Mr. Sherman, Mr. Wexler, Mr. Gonzalez, Mr. Diaz-Balart, Mr. Chabot, Mr. Deutsch, Mr. Jefferson, Mr. McNulty, Mr. Doolittle, Mr. Crowley, Mr. Bliley, Mr. Payne, Mr. Tancredo, Mr. Hefley, Mr. Rogan, Mr. Martinez, Mr. Sessions, Mr. Porter, Mr. Berman, Ms. Ros-Lehtinen, Mr. Pallone, Mrs. Meek of Florida, Mr. Underwood, Mr. Bilirakis, Mr. Crane, Ms. Eddie Bernice Johnson of Texas, Mr. Gibbons, Mr. Talent, Mr. Green of Texas, Mrs. Lowey, Mr. Lantos, Ms. Berkley, Mr. Goodling, Mr. Souder, Ms. Pelosi, Ms. DeGette, Mr. McInnis, Mrs. Northup, Mr. Stark, Mr. McIntosh, Mr. Cunningham, Mr. Cummings, Mr. Armey, Mr. Oxley, and Mr. Rahall):

H. Con. Res. 390. Concurrent resolution expressing the sense of the Congress regarding Taiwan's participation in the United Nations; to the Committee on International Relations.

By Mr. GREEN of Texas:

H. Res. 571. A resolution expressing the sense of the House of Representatives in support of Czech-American Heritage Month and recognizing the contributions of Czech Americans to the United States; to the Committee on Government Reform.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

467. The SPEAKER presented a memorial of the Legislature of the State of New Mexico, relative to Senate Memorial No. 5 urging the Congress of the United States to amend the employee retirement income security act of 1974 to grant authority to all individual states to monitor and regulate self-funded employer-based health plans in order to provide greater consumer protection and effect health care reform; to the Committee on Education and the Workforce.

468. Also, a memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to a House Resolution memorializing the Congress to iniate any and all appropriate action to lower gasoline prices; to the Committee on Commerce.

469. Also, a memorial of the House of Representatives of the Commonwealth of The Mariana Islands, relative to House Resolution No. 12-58 memorializing the Department of Interior to assist the Commonwealth of the Northern Mariana Islands to obtain for the Commonwealth Compact-Impact funds and a waiver of the CIP local matching fund requirement; to the Committee on Resources.

470. Also, a memorial of the Legislature of the State of Montana, relative to House Joint Resolution 3 memorializing the United States Congress to revise significantly Federal Estate Tax Law to reduce the onerous tax burden related to the transfer of property; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 59: Ms. Pryce of Ohio.

H.R. 65: Mrs. McCarthy of New York.

H.R. 72: Mr. Combest.

H.R. 207: Mrs. Mink of Hawaii.

H.R. 218: Mrs. Bono and Mr. Riley.

H.R. 284: Mr. Romero-Barcelo, Mr. Frost, Mr. Gutierrez, Mrs. Meek of Florida, Mr. Manzullo, Mr. Gilman, Ms. Roybal-Allard, and Mr. Jenkins.

H.R. 303: Mr. Bass, Mr. Ford, Mr. Edwards, Mr. Hoeffel, Mr. Ballenger, Mr. Watts of Oklahoma, and Mr. Shaw.

H.R. 360: Ms. Rivers.

H.R. 402: Ms. Roybal-Allard.

H.R. 407: Mr. Peterson of Minnesota.

H.R. 460: Mr. Wise, Mr. Smith of Washington, Mr. Dixon, Mr. Fattah, Mr. Moakley, Mrs. Emerson, Mr. Gilchrest, and Mrs. Morella.

H.R. 483: Mr. Goode.

H.R. 515: Mr. Pascrell.

H.R. 534: Mr. Matsui, Mr. Blumenauer, Mr. Nethercutt, Mr. Engel, Mr. Hayes, and Mr. Pascrell.

H.R. 583: Mr. George Miller of California, Mrs. Thurman, Mr. Tancredo, Mr. Sawyer, and Mrs. Napolitano.

H.R. 783: Mr. Pomeroy.

H.R. 793: Mr. Hayworth.

H.R. 842: Mr. Evans.

H.R. 860: Mr. Kuykendall, Mr. Sawyer, Mr. LoBiondo, Mr. Hyde, and Mr. Reyes.

H.R. 890: Mr. Davis of Illinois.

H.R. 1020: Mr. Kildee, Mr. Tierney, and Mr. LoBiondo.

H.R. 1057: Mr. Edwards.

H.R. 1108: Mr. Blumenauer.

H.R. 1115: Mr. Andrews.

H.R. 1142: Mr. Buyer.

H.R. 1156: Ms. Lofgren.

H.R. 1163: Mr. Andrews.

H.R. 1168: Mr. Horn, Mr. Mica, Mr. Bartlett of Maryland, and Mr. McCollum.

H.R. 1248: Mr. Smith of Washington, Mr. Smith of New Jersey, Mr. LaHood, Mr. Doyle, Mr. Taylor of North Carolina, Mr. Sabo, Mr. Blagojevich, and Mr. Gephardt.

H.R. 1263: Mr. Petri.

H.R. 1285: Mr. Boswell.

H.R. 1286: Mr. Sweeney.

H.R. 1413: Mr. Lewis of Kentucky.

H.R. 1465: Mr. Shadegg.

H.R. 1644: Mr. Turner.

H.R. 1671: Mr. Jenkins, Mr. Mica, Mr. McCollum, Mr. Fossella, Mr. Kind, Mr. Forbes, and Ms. Hooley of Oregon.

H.R. 1708: Mr. Sununu.

H.R. 1798: Mr. Boehlert.

H.R. 1824: Mr. Cunningham, Mr. Hayworth, Mr. McIntosh, Mr. Filner, and Mr. Towns.

H.R. 1854: Mr. Barrett of Wisconsin.

H.R. 1870: Mr. LoBiondo and Mr. Holden.

H.R. 1871: Ms. Kilpatrick, Mr. Reyes, Mr. Boucher, and Mr. Pascrell.

H.R. 1890: Mrs. Meek of Florida and Mr. Abercrombie.

H.R. 1926: Mr. Bartlett of Maryland, Mr. Franks of New Jersey, and Mr. Strickland.

H.R. 2000: Mr. George Miller of California and Mr. Andrews.

H.R. 2166: Mr. Udall of Colorado, Mr. Doyle, Mr. Kleczka, Mr. Kennedy of Rhode Island, and Mr. Tancredo.

H.R. 2308: Mrs. Wilson.

H.R. 2321: Mr. Moran of Virginia.

H.R. 2451: Mr. Dickey, Mr. Houghton, and Mr. Bentsen.

H.R. 2499: Ms. Velázquez.

H.R. 2562: Mr. Smith of New Jersey.

H.R. 2592: Mr. Maloney of Connecticut.

H.R. 2611: Mr. Borski.

H.R. 2618: Mr. Quinn.

H.R. 2620: Mr. Hilliard, Mr. Boucher, Mr. Norwood, Mr. Goode, Mr. Gilchrest, Ms. Danner, Mr. Hobson, Mr. Oxley, Mr. Ehrlich, Mr. Frost, and Mr. Crane.

H.R. 2631: Mrs. Clayton and Mrs. Lowey.

H.R. 2660: Mr. Boehlert.

H.R. 2696: Mrs. Mink of Hawaii.

H.R. 2697: Mr. Nethercutt.

H.R. 2710: Mr. Jones of North Carolina, Ms. Lee, Mr. Lantos, Mr. Coyne, Mr. Kildee, Mr. Tierney, Mr. Norwood, Mr. Wolf, Mr. Gejdenson, Mr. Weygand, Mr. Frank of Massachusetts, Mr. Weiner, Mr. Gonzalez, Mrs. Fowler, Mr. Reyes, Mr. Gary Miller of California, Mr. Pastor, Mr. Kleczka, Mr. Costello, Mr. Sweeney, Mr. Goode, Mr. Etheridge, Mr. Shimkus, Mr. Wamp, Mr. Brown of Ohio, Mr. Horn, Mr. Frelinghuysen, Mr. Ballenger, Mr. Bateman, Mr. Barr of Georgia, Mr. Skelton, Mr. Rothman, Mr. Filner, Mr. Boucher, Mr. Greenwood, Mr. Skeen, Mr. Boyd, Mr. Green of Wisconsin, Mr. Whitfield, Mr. Hobson, Mr. McIntosh, Mr. Ney, Ms. Berkley, Mr. Bonior, Mr. Clay, Mr. Frost, and Mr. Bonilla.

H.R. 2725: Mr. Dickey.

H.R. 2774: Mr. Sabo.

H.R. 2814: Mr. Pascrell.

H.R. 2892: Mr. Doyle, Mr. Klink, Mr. Brady of Pennsylvania, and Ms. Danner.

H.R. 3003: Mr. Tierney, Mr. Horn, Ms. Pryce of Ohio, Mr. Klink, Mr. Price of North Carolina, Mr. Shays, Mrs. Myrick, Mr. Lampson, Mr. Pomeroy, and Mr. Bilirakis.

H.R. 3032: Ms. Eddie Bernice Johnson of Texas.

H.R. 3047: Mr. Hoeffel.

H.R. 3100: Ms. Rivers, Mr. Tauzin, and Mr. Sherman.

H.R. 3107: Mr. Price of North Carolina.

H.R. 3127: Mr. Wu.

H.R. 3144: Mr. Franks of New Jersey.

H.R. 3192: Mr. Martinez, Mr. Pastor, Mr. Hastings of Florida, Mr. LoBiondo, Ms. McCarthy of Missouri, Mr. Owens, Mr. Fattah, Mr. Becerra, Mr. Watt of North Carolina, Mr. Farr of California, Mr. Holt, and Mr. Frost.

H.R. 3235: Mrs. Capps and Mr. Hinojosa.

H.R. 3372: Mr. Andrews.

H.R. 3408: Mr. Gallegly and Mr. Shays.

H.R. 3463: Mr. LoBiondo, Mr. Rothman, Mr. Hoeffel, Mr. Payne, and Ms. Velázquez.

H.R. 3514: Mr. Wexler, Mr. Smith of New Jersey, Mr. Hoeffel, Mr. Kleczka, Ms. Roybal-Allard, Mr. Wamp, Mr. Tancredo, Mr. Dixon, and Mr. Isakson.

H.R. 3546: Mr. Clement, Mr. Gilchrest, and Mr. Larson.

H.R. 3573: Mr. Maloney of Connecticut.

H.R. 3590: Mr. Mica.

H.R. 3593: Mr. Sherman.

H.R. 3661: Mr. Walden of Oregon.

H.R. 3677: Mr. Udall of New Mexico, Mr. Chabot, and Mr. Lazio.

H.R. 3694: Mr. Boyd.

H.R. 3732: Mr. Oxley.

H.R. 3809: Mr. Ramstad.

H.R. 3825: Mr. Blumenauer.

H.R. 3850: Mr. Lucas of Kentucky and Mr. Gillmor.

H.R. 3861: Mr. Andrew.

H.R. 3891: Ms. Schakowsky, Ms. Lee, and Mr. Stark.

H.R. 3896: Mrs. Thurman and Mr. Pascrell.

H.R. 4191: Mr. Peterson of Minnesota.

H.R. 4196: Mr. Stump.

H.R. 4213: Mrs. Fowler.

H.R. 4248: Mr. Bereuter.

H.R. 4258: Mr. Thompson of Mississippi.

H.R. 4259: Mr. Thompson of California.

H.R. 4271: Ms. Millender-McDonald, Mr. Cramer, Mr. Rahall, Mr. Bilirakis, Mr. Mica, Ms. Woolsey, Mr. Hoeffel, Mr. Lucas of Oklahoma, Mr. Sensenbrenner, Mr. Udall of Colorado, Mr. Weldon of Florida, Mr. Sandlin, Mr. Dooley of California, Mr. Klink, Mr. Kolbe, Mr. Faleomavaega, Mr. LaTourette, Mr. Moore, Mr. Whitfield, and Mrs. Napolitano.

H.R. 4272: Ms. Millender-McDonald, Mr. Cramer, Mr. Rahall, Mr. Bilirakis, Mr. Mica, Mr. Weldon of Florida, Mr. Hoeffel, Mr. Sandlin, Mr. Klink, Mr. Kolbe, Mr. Faleomavaega, Mr. LaTourette, Mr. Moore, Mr. Whitfield, and Mrs. Napolitano.

H.R. 4273: Ms. Millender-McDonald, Mr. Cramer, Mr. Rahall, Mr. Bilirakis, Mr. Mica, Mr. Weldon of Florida, Mr. Hoeffel, Mr. Sandlin, Mr. Klink, Mr. Kolbe, Mr. Faleomavaega, Mr. LaTourette, Mr. Moore, Mr. Whitfield, and Mrs. Napolitano.

H.R. 4274: Mr. Costello and Mr. Matsui.

H.R. 4277: Mr. Reyes, Mr. Sanders, Mr. Taylor of North Carolina, Mr. Evans, Mr. Kucinich, Mr. Cramer, Mr. Hansen, Mr. Gilman, Mr. Mollohan, Mr. Menendez, Ms. Rivers, Mr. Romero-Barcelo, Mr. Klink, Mr. Gallegly, Ms. Kaptur, Mr. Costello, Mr. Canady of Florida, Mr. Fattah, Mr. Holden, Mr. Kennedy of Rhode Island, and Mr. Hyde.

H.R. 4281: Mr. Hinchey, Ms. Baldwin, Mr. Berman, Mrs. Johnson of Connecticut, Mr. LoBiondo, Mr. Saxton, and Mr. Engel.

H.R. 4292: Mr. Hill of Montana, Mr. Lucas of Kentucky, and Mr. Green of Wisconsin.

H.R. 4328: Mr. Pickering, Ms. Lee, and Mr. Boucher.

H.R. 4334: Mr. Hinojosa and Mr. Cramer.

H.R. 4349: Mr. Romero-Barceló and Mr. Underwood.

H.R. 4357: Mrs. Capps.

H.R. 4361: Mr. Skelton, Ms. Baldwin, and Mr. McCollum.

H.R. 4375: Mr. Berman and Ms. Schakowsky.

H.R. 4393: Mr. Frost, Mr. Barrett of Wisconsin, Mr. Abercrombie, Mrs. Fowler, Mr. Diaz-Balart, Mr. Wise, Mr. Davis of Illinois, Mr. Shadegg, and Mr. McKeon.

H.R. 4438: Mr. Frank of Massachusetts.

H.R. 4453: Mr. McDermott and Mr. Waxman.

H.R. 4467: Mr. Norwood, Mr. Bonilla, and Mr. Sessions.

H.R. 4471: Mr. Coyne.

H.R. 4479: Mr. Bilbray.

H.R. 4483: Mrs. Clayton, Mr. Wexler, Mr. Sanders, Mr. Etheridge, Mr. Berman, Mr. Weiner, and Mr. Pascrell.

H.R. 4492: Mr. Souder.

H.R. 4493: Mr. Campbell and Mr. Rangel.

H.R. 4511: Mr. Souder and Mr. Martinez.

H.R. 4543: Mr. Frost, Ms. Roybal-Allard, Mr. Bentsen, and Mr. Sessions.

H.R. 4567: Ms. McCarthy of Missouri.

H.R. 4569: Mr. Gilman.

H.R. 4570: Ms. Roybal-Allard, Ms. Jackson-Lee of Texas, Ms. Rivers, Mr. Waxman, Mr. Coyne, Mr. Price of North Carolina, Mr. Kolbe, Mr. Udall of Colorado, Mr. Watts of Oklahoma, and Mr. Engel.

H.R. 4636: Mr. Waxman and Mr. Hilliard.

H.R. 4639: Mr. Kingston.

H.R. 4652: Mr. McNulty and Mr. Shadegg.

H.R. 4659: Mr. LoBiondo, Mr. Oberstar, and Mr. Kennedy of Rhode Island.

H.R. 4673: Mr. Gillmor.

H.R. 4677: Mr. Goode, Mr. Sandlin, Mr. Minge, Mr. Bonilla, and Mr. Taylor of North Carolina.

H.R. 4684: Mr. LoBiondo and Mr. Franks of New Jersey.

H.R. 4701: Mr. McKeon, Mr. Filner, and Mr. LaTourette.

H.R. 4702: Mr. Gordon.

H.R. 4727: Mr. Evans, Ms. Lee, and Mr. Olver.

H.R. 4736: Mr. Baker, Mr. Nethercutt, Mr. Bryant, Mr. Buyer, Ms. Danner, Mr. Frost, Mr. Bartlett of Maryland, Mr. Deal of Georgia, Mr. Horn, Mr. Boehlert, Mr. Goode, Mrs. Myrick, Mr. McHugh, Mr. Hilleary, Mr. Calvert, Mrs. Northup, Mr. Gallegly, Mr. Rahall, Mr. Bateman, Mr. Kingston, Mr. Hinchey, Mr. Bereuter, Mr. Shimkus, and Mr. Wamp.

H.R. 4740: Mr. McGovern and Mr. Baldacci.

H.R. 4742: Mr. Thompson of Mississippi.

H.R. 4746: Mr. Bartlett of Maryland.

H.R. 4759: Mr. Sweeney, Mr. Hall of Texas, Mrs. Capps, Mr. Rush, Ms. Stabenow, Mr. Kilbe, and Mr. Smith of New Jersey.

H.R. 4770: Mr. Baldacci.

H.R. 4793: Ms. Lee.

H.R. 4794: Mr. Isakson and Mr. Weldon of Pennylvania.

H.R. 4822: Mr. Forst, Mr. Brown of Ohio, Mrs. Christensen, Mr. Filner, Mr. Gutierrez, Mr. Hastings of Florida, Mr. Hinchey, Ms. Kilpatrick, Ms. McKinney, Mr. Reyes, Mr. Thompson of Mississippi, Mr. Barrett of Wisconsin, Ms. Norton, Mr. Borski, Ms. Lee, Mr. Lewis of Georgia, Ms. Jackson-Lee of Texas, Mr. Clay, Mr. Payne, Ms. Kaptur, Mr. Davis of Illinois, Mrs. Meek of Florida, Mr. Doyle, Ms. DeGette, Mr. Forbes, and Ms. Waters.

H.R. 4825: Ms. Eshoo, Mrs. Capps, Mr. Crowley, Mr. Towns, Mrs. McCarthy of New York, Mr. Canady of Florida, Mr. Price of North Carolina, Mr. Klink, Mr. Vento, Mr. Abercrombie, Mr. Blagojevich, Ms. Danner, Mr. Gallegly, Mr. Stupak, Ms. Schakowsky, Ms. Ros-Lehtinen, Mr. Matsui, Mr. Oberstar, Mr. Dixon, Ms. Rivers, and Mr. Vitter.

H.R. 4830: Mr. Hyde, Mr. Jackson of Illinois, and Mr. Porter.

H.R. 4831: Mr. Hyde, Mr. Jackson of Illinois, and Mr. Porter.

H.R. 4841: Mr. McIntyre.

H.R. 4848: Mr. Fattah, Mr. Hinojosa, Mr. Peterson of Minnesota, Mr. Gordon, Mr. Leach, Ms. Norton, Mr. Bonior, Mr. Kleczka, Mr. Jackson of Illinois, Mr. Dooley of California, Mr. Rodriguez, and Mr. Hoyer.

H.R. 4878: Mr. Brady of Pennsylvania.

H.R. 4902: Mr. Schaffer, Mr. Rahall, Mr. Hutchinson, Mr. Etheridge, and Mr. Ney.

H.R. 4907: Mr. Boucher, Mr. Davis of Virginia, Mr. Scott, Mr. Wolf, Mr. Gillmor, and Mr. Stump.

H.R. 4922: Mr. Burr of North Carolina, Mr. Dooley of California, Mr. Mascara, Mr. Pickering, Mr. Knollenberg, Mr. McIntosh, Mrs. Emerson, Mr. Kingston, and Mr. Bass.

H.R. 4926: Mr. Clyburn, Mr. Hilliard, Mr. Rangel, and Mr. Romero-Barceló.

H.R. 4950: Mr. Towns, Mrs. Fowler, Mr. Baldacci, Mr. Leach, Mr. Romero-Barceló, Mrs. Morella, and Mr. Engel.

H.R. 4951: Mr. Upton, Mrs. Fowler, and Mr. Crane

H.R. 4966: Mr. Becerra, Mr. Wexler, Mr. McGovern, Mr. Stark, Mr. Fattah, and Mr. Lantos.

H.R. 4968: Mr. Metcalf, and Mr. Smith of Washington.

H.R. 4971: Mr. Crane, Mr. McCollum, Mr. Boucher, Mr. Riley, Mr. Nethercutt, and Mr. Houghton.

H.R. 4976: Mr. Frank of Massachusetts, Mr. Hastings of Florida, Mr. Boehlert, Mr. Smith of Washington, Ms. Eshoo, Mr. Rothman, Mr. Shaw, Mr. Bentsen, Mr. Shays, and Mr. Manzullo.

H.R. 4987: Mr. Blunt.

H.R. 4992: Mr. Conyers and Mr. Filner.

H.R. 5004: Mr. Paul.

H.R. 5021: Mr. Barrett of Wisconsin.

H.R. 5034: Mr. Goodling.

H.R. 5035: Mr. Berman and Mr. Frost.

H.R. 5055: Mr. Jefferson.

H.R. 5066: Mr. McGovern, Ms. Lee, and Ms. McKinney.

H.R. 5067: Mr. Bonior and Ms. Eshoo.

H.R. 5098: Mr. Tancredo.

H. Con. Res. 74: Ms. Pelosi and Ms. Velázquez.

H. Con. Res. 177: Ms. Velázquez.

H. Con. Res. 306: Mrs. Lowey, Mr. Weiner, Mr. Smith of New Jersey, Mr. Bentsen, Mr. Pascrell, Mr. Towns, Mr. Wu, Mr. Saxton, Mr. Norwood, Mr. Greenwood, Ms. Rivers, Mrs. Clayton, and Mr. Cramer.

H. Con. Res. 308: Mr. Frank of Massachusetts and Mr. Sanders.

H. Con. Res. 327: Mr. Norwood and Mr. Pascrell.

H. Con. Res. 341: Mrs. Morella.

H. Con. Res. 345: Ms. Danner.

H. Con. Res. 355: Mr. Filner, Mr. Scott, Ms. McKinney, Mrs. Meek of Florida, Mr. Abercrombie, Ms. Pelosi, Ms. Lee, Mr. Blumenauer, Mr. Faleomavaega, Mr. Vento, and Mr. Bonior.

H. Con. Res. 361: Mr. Payne, Mr. Bereuter, Mr. Wexler, and Mr. Rush.

H. Con. Res. 363: Mr. Udall of Colorado.

H. Con. Res. 368: Mr. Rogan and Mr. McGovern.

H. Con. Res. 370: Mr. Horn, Mr. Waxman, Mrs. Capps, Mr. Cunningham, Mr. McGovern, Ms. Eshoo, and Mrs. Napolitano.

H. Con. Res. 376: Mr. LaTourette and Mr. Rahall.

H. Res. 420: Mr. Allen.

H. Res. 458: Mr. Toomey, Mrs. Northup, Mr. Cooksey, Mr. Blumenauer, Mr. Lewis of Georgia, Mr. LaTourette, Mr. Udall of New Mexico, Mr. Gallegly, Mr. Cox, Mr. Norwood, Mrs. Lowey, and Mr. Turner.

H. Res. 461: Ms. Woolsey, Mr. Dicks, Mr. Udall of Colorado, Mr. McDermott, Mr. Watt of North Carolina, Mr. Horn, Mr. Andrews, Ms. Roybal-Allard, Mr. Lewis of Kentucky, Mr. Levin, Mr. Abercrombie, Mr. Cook, Mr. Kennedy of Rhode Island, Mr. Delahunt, Mrs. Tauscher, and Mr. Pascrell.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3703: Mr. Metcalf.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

104. The SPEAKER presented a petition of the Legislature of Rockland County, New York, relative to Resolution No. 421 supporting the continuation of Section 8 Housing to protect the homes and residences of 170 Rockland families at the Nyack Plaza in the Village of Nyack, Town of Orangetown; to the Committee on Banking and Financial Services.

105. Also, a petition of The European Parliament, relative to a resolution on the establishment of a common European security

and defense policy with a view to the European Council in Feira; to the Committee on International Relations.

106. Also, a petition of the National Assembly of Korea, relative to a Resolution calling for the revision of the Agreement under Article 4 of the Mutual Defense Treaty between the Republic of Korea and the United States of America, regarding facilities and areas and the Status of United States Armed Forces in the Republic of Korea; to the Committee on International Relations.

107. Also, a petition of National Conference of Lieutenant Governors, relative to A Resolution promoting the States and Territories participation in the National Environmental Policy Act; to the Committee on Resources.

108. Also, a petition of Legislature of Rockland County, NY, relative to Resolution No. 419 permitting Rockland County to repeal the county's 3% sales tax on gasoline for two successive six month periods to provide financial relief to area residents; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

IN HONOR OF MARY A. PTASZEK

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2000

Mr. KUCINICH. Mr. Speaker, today I rise to honor Mary Ptaszek, a woman who committed her life to serving her community and improving the lives of those who lived in it.

A dedicated servant to her community Mrs. Ptaszek served as precinct committeewoman for three different wards, and on the Democratic Executive Committee. A native of Cleveland, Mrs. Ptaszek committed her life to helping others. A devoted wife and sibling, Mrs. Ptaszek was a lifelong member of St. Barbara Catholic Church where she sang in the choir.

When her mother passed away Mrs. Ptaszek became her family's matriarch, hosting large family gatherings at her home. Mrs. Ptaszek's caring touch was extended not only to her family but to the greater community as well. Her devotion to her community was evident as, even her final years, she would drive fellow seniors to their medical appointments or to the shopping centers.

Through politics Mrs. Ptaszek looked to better the lives of those around her. A kind-hearted, community minded women Mrs. Ptaszek sought to use politics as a tool of good to create better communities.

Mrs. Ptaszek was a kind, dedicated, passionate woman who selflessly gave of herself to help others. Mr. Speaker, I ask my fellow colleagues to join me in celebrating the life and tremendous accomplishments of this truly remarkable woman who worked tirelessly on behalf of others.

IN HONOR OF EII, INC., AT THE INFENIUM LINDEN BUSINESS AND TECHNOLOGY CENTER, FOR RECEIVING APPROVAL FROM OSHA TO PARTICIPATE IN THE STAR VOLUNTARY PROTECTION PROGRAMS (VPP)

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2000

Mr. MENENDEZ. Mr. Speaker, I rise today to honor EII, Inc., at the Linden Business and Technology Center, located in Linden, New Jersey, for its exceptional employee safety and health programs.

EII, Inc.'s recent approval for participation in the Occupational Safety and Health Administration's (OSHA) Voluntary Protection Programs (VPP) is a testament to a company that puts the well-being of its employees above the careless and irresponsible desire to increase profits at all costs—rare behavior at a time when profits often seem more important than people.

EII, Inc. is an electrical contractor providing maintenance and process support at the Infenium Linden Business and Technology Center. EII, Inc.'s employees, all represented by their respective trade unions, include electricians, pipefitters, millrights, and carpenters. Each employee has been incremental in OSHA's evaluation and approval of EII, Inc.

OSHA's recognition of EII, Inc. is the result of a special relationship that has developed between management and employees, a relationship established by the management's commitment has to the safety and health of the hard working men and women at EII, Inc.

In addition, EII, Inc. is the only electrical contractor to receive VPP approval, with less than 20 construction companies participating nation-wide—only two of which are in New Jersey.

Today, I ask my colleagues to join me as I honor EII, Inc., a company that truly understands the safety needs of its employees, and a company that puts people before profits.

IN MEMORY OF GINETTA SAGIN—PIONEER HUMAN RIGHTS ACTIVIST

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2000

Mr. LANTOS. Mr. Speaker, I wish to call the attention of my colleagues in the House to the passing of a dear, dear personal friend and a true giant in the struggle for human rights. Just a few days ago, on Friday, August 25, Ginetta Sagan died of cancer at the age of 75.

I know that all of my colleagues who had the good fortune to know and work with her, and I know there are many here today who share my tremendous feeling of loss for not only a stalwart defender for human rights and humanity around the world, but also a true and wonderful personal friend and outstanding human being.

Mr. Speaker, the President of the United States appropriately honored the lifetime achievements of this remarkable woman when he awarded her the Presidential Medal of Freedom in 1994, the highest civilian honor our nation can bestow. Throughout her life, she has brought healing, justice, and mercy to the oppressed and has helped to change the thinking of those who are in positions of power and authority.

Born in Milan, Italy, to a Jewish mother and Catholic father, Ginetta Sagan first worked against the fascists at the early age of 17, bringing clothes and food coupons to Jews in hiding. Her mother and father were arrested by Mussolini's Black Brigade in 1943 and did not survive the war. In 1943, Ginetta—and she almost always went only by her first name—worked as a courier for the Italian resistance, using her nickname Topolino, or "Little Mouse." Ginetta was only 5 feet tall, but she had the energy and the power of a giant. She helped to transport more than 300 fugitives and thousands of pamphlets through the Italian Alps, before she was betrayed and arrested in early 1945.

Mr. Speaker, for over a month and a half, she was beaten, burned, electrically shocked and raped. On April 23, 1945—the very day scheduled for her execution—she managed to escape with the help of the Italian Resistance and two friendly German officers. In the deep dungeons of her Fascist torturers, where all hope is lost and only pain and fear live, Ginetta Sagin found her deep and unshakable commitment to human rights. It was there that she found her incredible strength to work tirelessly on behalf of the downtrodden. When a guard tossed her a loaf of bread, she found a matchbox with a slip of paper hidden inside. Inscribed on this piece of paper was only one word, which epitomizes her whole life: the Italian word Coraggio—Courage. Ginetta later named the first newsletter for Amnesty International Matchbox, reflecting this very moving experience.

After the war, Mr. Speaker, Ginetta attended the prestigious Sorbonne University in Paris. She continued her study of child development in 1951 at the University of Chicago, where she met and married Leonard Sagan, a medical student who later became a public health physician. After living in Washington, DC., Boston and Japan, the Sagans moved to my home state of California in 1968. Leonard Sagan died in 1977.

While living in Washington, DC., Ginetta began her lifelong work with Amnesty International, the London-based human rights organization. Ginetta helped found the United States chapter of this world-wide organization and, as its honorary chairwoman, worked tirelessly for its goals.

Mr. Speaker, Amnesty International annually awards a prize named in Ginetta's honor in recognition of her outstanding service and leadership on behalf of women and children's rights. Not surprisingly, as soon as she reached the Bay Area in California, she gathered like-minded activists and founded Amnesty International's Western Regional Office. In addition, Ginetta created the Aurora Foundation in order to investigate and campaign actively against torture in postwar Vietnam. The Foundation continues to play a crucial role in supporting human rights activists around the world.

Ginetta also actively campaigned against human rights abuses in Chile, Greece, Algeria, Poland, the Philippines and South Africa. In 1971, Ginetta organized a concert in Berkeley to raise funds for political prisoners in Greece. The concert, which featured her friend, folk singer Joan Baez, and Greek entertainer Melina Mercouri, drew some 10,000 people.

Mr. Speaker, the San Francisco Chronicle, in its obituary of her published on August 29, quotes Julianne Cartwright Taylor, chair of Amnesty International USA Board of Directors: "Her [Ginetta's] legacy is a constant reminder that our role is vital, and that without the work of human rights defenders, thousands upon thousands of individuals would be affected for the worst."

In addition to her outstanding human rights work, this energetic woman found time to become an accomplished cook and cookbook author. She taught cooking classes for congressional spouses and was also an outstanding gardener. A species of orchids is named in her honor.

Mr. Speaker, Ginetta Sagan is survived by three sons—Loring, Duncan and Pico—as well as six grandchildren.

IN MEMORY OF KENNETH BLAND

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2000

Mr. NEY. Mr. Speaker, I rise today in memory of Kenneth Bland, who passed away on August 27, 2000. Kenneth was born on June 11, 1933 in Cadiz, Ohio to George and Bernice Bland.

Kenneth was a retired coal miner with Y&O Coal Company Nelms No. 2 mine near Cadiz. He served his country in the Army during the Korean war. Kenneth was the father and stepfather of six wonderful children; James, John, Jana, Jennifer, Robert and Lesley. Kenneth's family also included four grandchildren and two stepgrandchildren.

Mr. Speaker, it is a privilege for me to pay my last respects to a man who gave so much of himself to his community, his area and his family. Kenneth will be missed by all whose lives he touched. I am honored to have represented him and proud to call him a constituent and a friend.

IN HONOR OF JOSEPH TAKACS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2000

Mr. KUCINICH. Mr. Speaker, today I rise to remember Joseph Takacs, a man who devoted his life to the betterment of mankind, and the struggles of those who needed help the most.

Mr. Takacs led the autoworkers at General Motor's Fisher Body plant in Cleveland for more than 10 nonconsecutive years in the 1960's and 1970's. A courageous fighter for the working man, Mr. Takacs was one of 250 workers who staged a sit-in at General Motor's Cleveland plant that lasted from December 1936 into February 1937. Through the dedication and determination of Mr. Takacs and his striking colleagues a nationwide strike began. The strike forced the company to recognize the union as a bargaining agent for its hourly employees, even today, considered one of the greatest union victories.

Mr. Speaker, Mr. Takacs was a dedicated man who committed his life to union reform, helping the poor, and fighting for the working men and women of this nation. Mr. Takacs was an inspirational leader and a mentor for generations to come. A champion of the causes of working people Mr. Takacs never turned his back on anyone. A leader dedicated to his fellow colleagues, during strikes, Mr. Takacs would beg for food to make sure that there was always food at the union hall.

Mr. Takacs, a past president of United Auto Workers Local 45, has served on the front lines of the battle for working families since the 1930's. I ask my distinguished colleagues to join me in celebrating the life of this truly remarkable man, who has dedicated his life to serving others.

SAINT THOMAS EPISCOPAL PARISH GOLDEN ANNIVERSARY

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2000

Ms. ROS-LEHTINEN. Mr. Speaker, it is with great pleasure that I congratulate the members of St. Thomas Episcopal Parish on their 50 years in the South Florida community. St. Thomas Episcopal Parish will celebrate its 50th anniversary on Sunday, October 1st, with commemorative worship service and festivities.

I commend Rev. Roger M. Tobin for his selfless work and service to parishioners. He and the members of the parish should be proud to know that they have long served their community with selfless devotion and will continue to do so for the next 50 years.

It is an honor for me to represent St. Thomas Episcopal Parish in the United States Congress. The parish and the members stand as an example of unity and strength in our community and I am proud to offer my felicitations today.

I also want to recognize the parish's 50th Anniversary Committee for their hard work and dedication to making the 50th anniversary celebration a success. These special individuals include: Committee Chair, Virginia Wheeler; and Committee members Virginia Elias, Blossom Hibbe, Jim Karousatos, Bob McCammon, Betty Melfa, Pam Normandia, Sam Normandia, Holly Ostlund, Polly Patterson, Diana Propeck, Mary Lou Shad, Roxanne Singler, Frank Stuart, Susie Westbrook; and Honorary member, the Rt. Rev. Calvin O. Schofield, Jr.

I ask my congressional colleagues to join me in congratulating St. Thomas Episcopal Parish on its golden anniversary and in wishing the parishioners much continued success and longevity.

THE APPOINTMENT OF BILL LANN LEE AS ASSISTANT ATTORNEY GENERAL FOR CIVIL RIGHTS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2000

Mr. LANTOS. Mr. Speaker, I rise today to applaud to the recess appointment of Bill Lann Lee as assistant Attorney General for Civil Rights. Bill Lann Lee is a true civil rights crusader, and his appointment reflects the Clinton-Gore administration's unflinching commitment to protecting the civil rights of all Americans by rigorously enforcing our nation's civil rights legislation.

Mr. Speaker, Mr. Lee's personal experiences with discrimination as an Asian-American have driven him to fight passionately for the last quarter century to secure the civil rights of all Americans. Bill Lann Lee's deep and personal commitment to civil rights and his outstanding record of service make him an exemplary choice for this critical position. In Bill Lann Lee all Americans can rest assured that they have a true civil rights crusader looking out for their civil rights, forcefully advocating fair affirmative action policies for all those discriminated against. The appointment of Bill Lann Lee as Assistant Attorney General for Civil Rights brings to this critical position a proven civil rights leader with a deep and personal commitment to protecting the rights of all Americans.

Bill Lann Lee's personal drive in civil rights advocacy was fueled by the experiences of his father, a proud but poor Chinese immigrant. Bill Lann Lee grew up knowing his father fought for freedom abroad in World War II even though he was denied dignity and freedom here at home because of his ethnicity. Inspired by that kind of unshakeable patriotism, Bill Lann Lee set out to establish a legal career in which he could fight to protect all Americans from the kind of discrimination his father experienced. Today he says, "Whenever I work on cases for women, for minorities, for individuals who need help, I sincerely feel that they are people like my father." Bill Lann Lee's desire to protect everyone from discrimination is a personal one, and it is this kind of commitment that makes him an outstanding choice for Assistant Attorney General for Civil Rights.

Mr. Speaker, Bill Lann Lee brings a strong work ethic and record of service to his new position. He who grew up near Harlem's 125th street, and spent hours sorting piles of dirty clothes in his family laundry. He experienced racism because of his Asian-American background, but he had the courage and determination to work beyond that bias and excel in the classroom. Because of his hard work, he had the opportunity to take advantage of a scholarship for minorities and attended Yale University, graduating Phi Beta Kappa.

He went on to Columbia Law School, where he studied with Jack Greenberg, a veteran civil rights lawyer who succeeded Thurgood Marshall as director-counsel of the NAACP Legal Defense Fund. Because of Bill Lann Lee's hard work, he received an excellent education and laid the foundation for an outstanding legal career at the forefront of Civil

Rights advocacy. It is from this position that he has spent the last 25 years continuing to work hard to protect the civil rights of all Americans.

Mr. Speaker, for the past 25 years of his distinguished legal career, Bill Lann Lee has been an advocate for civil rights enforcement, leading the fight for health care accessibility, public transportation equity, fair employment and housing rights and school desegregation. He worked for the NAACP since 1974 and the Center for Law in the Public Interests since 1983 where he served for five years as supervising attorney for Civil Rights Litigation. Among his most noteworthy victories are a 1985 case that provided housing for Los Angeles area residents displaced by the Century Freeway; a 1987 case that broke down barriers to the hiring and promotion of women and minorities at Lucky Stores, a retail chain in California; and a 1991 case that led to the expansion of California's efforts to screen underprivileged children for lead poisoning.

On December 15, 1997, Bill Lann Lee was appointed Acting Attorney General for Civil Rights at the Department of Justice. In this position, he has worked to strengthen our nation's hate crime laws, make society accessible to Americans with disabilities, fight housing discrimination, and protect reproductive health care providers and combat modern day slavery. His accomplishments as Acting Assistant Attorney General have been remarkable, and that taken together with his previous accomplishments in the NAACP and the Center for Law in the Public Interests make him an excellent choice for Assistant Attorney General for Civil Rights.

Mr. Speaker, Bill Lann Lee has established a remarkable record of service as Acting Assistant Attorney General, and it is most fitting that President Clinton made the recess appointment of Mr. Lee as Assistant Attorney General because of his deep commitment to protecting the civil rights of all Americans. Bill Lann Lee deserves to serve in this position, but more importantly, our country needs to have Bill Lann Lee in this post.

Mr. Speaker, I commend President Clinton for appointing Bill Lann Lee to the post of Assistant Attorney General, and I applaud the appointment of the first Asian-American to America's top civil rights post.

HONORING MACLOVIO MARTINEZ

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2000

Mr. McINNIS. Mr. Speaker, I would like to take this moment to recognize the outstanding service of the Honorable Maclovio Martinez, of Costilla County, Colorado. Mr. Martinez is retiring after two decades of service as Costilla County Assessor. Before serving the great state of Colorado, Maclovio began his public service with the State Department in the Foreign Service, where he served for eight years in Paraguay.

Mr. Martinez's achievements as a public servant are many in number. As Assessor, he helped to form the Costilla County Conservancy District, serving as its president. He also served as a member of the then Colorado Gov. Roy Romer's Cost Containment Committee, as well as Chairman of the San Luis Valley Health Care Foundation and president of the San Luis Museum.

Maclovio has served his community admirably and has ensured that Costilla County and its surrounding communities are a better place to live. His outstanding commitment to public service will be missed and I wish him the best in his future endeavors.

On behalf of the citizens of Costilla County and the United States Congress, Maclovio I thank you for your contributions.

IN HONOR OF ROSE MARIE LOVANO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2000

Mr. KUCINICH. Mr. Speaker, today I rise to remember Rose Marie Lovano, a woman who dedicated her life to improving her community and the lives of those who lived in it.

While Rose was active in her community it was through politics that she felt that she could best help those around her. Rose believed in politics as a tool to help improve people's lives. Rose's long and distinguished career in public service started in 1960, as precinct committeewoman. Rose went on to serve as president of the Garfield Heights Democratic Club and has been a ward leader since 1981. Rose has also been awarded the distinct honor of representing her community at every Democratic National Convention since 1980.

Born in Cleveland, Rose, before her career in politics, served as a dedicated union member throughout her working life. She joined Bakery Workers Local 19, during her six years working for J. Spang Baking Co., then joined the Upholsterers Union during her seven years working for Krohler Furniture. Rose went on to work for Greyhound Bus Lines, and was a steward in Local 1517 of the Amalgamated Transit Union, serving also as president of the Greyhound credit union.

Politics was Rose's true passion. Rose is a true example of how politics can serve the needs of the people, and benefit people's lives. Rose never turned her back on any of her constituents. Residents would constantly call her at the home she shared with her family, and Rose would never turn her back on them. If she couldn't help she would find others who could. Rose's life serves as model, to all, of how politics can be used as a tool of good, to help the people who often need it the most.

Mr. Speaker, on a personal note, I knew Rose, and the dedication, passion, and persistence that she brought to politics, and her life long commitment to helping others has had a profound effect on my life. It is for this reason, I ask my fellow colleagues to join me in celebrating the life of this truly remarkable human being who dedicated her life to helping others.

IN HONOR OF EII, INC., AT THE INFENIUM BAYWAY CHEMICAL PLANT, FOR RECEIVING APPROVAL FROM OSHA TO PARTICIPATE IN THE STAR VOLUNTARY PROTECTION PROGRAMS (VPP)

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2000

Mr. MENENDEZ. Mr. Speaker, I rise today to honor EII, Inc., at the Bayway Infenium Chemical Plant, located in Linden, New Jersey, for its exceptional employee safety and health programs.

EII, Inc.'s recent approval for participation in the Occupational Safety and Health Administration's (OSHA) Voluntary Protection Programs (VPP) is a testament to a company that puts the well-being of its employees above the careless and irresponsible desire to increase profits at all costs—rare behavior at a time when profits often seem more important than people.

EII, Inc. is an electrical contractor providing maintenance and process support at the Infenium Chemical Plant, a VPP Star for five years running. EII, Inc.'s employees, all represented by their respective trade unions, include electricians, pipefitters, millrights, and carpenters. Each employee has been incremental in OSHA's evaluation and approval of EII, Inc.

OSHA's recognition of EII, Inc. is the result of a special relationship that has developed between management and employees, a relationship established by the management's commitment has to the safety and health of the hard working men and women at EII, Inc.

In addition, EII, Inc. is the only electrical contractor to receive VPP approval, with less than 20 construction companies participating nation-wide—only two of which are in New Jersey.

Today, I ask my colleagues to join me as I honor EII, Inc., a company that truly understands the safety needs of its employees, and a company that puts people before profits.

IN MEMORY OF MICHAEL "MITCH" BOICH, FOUNDER OF THE BOICH COMPANIES

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2000

Mr. NEY. Mr. Speaker, I rise today in memory of Mitch Boich who passed away on August 25, 2000. Mitch was the founder of the Boich Companies and a man of tremendous vision who never lost his sense of tradition.

Mitch was a native of Steubenville, Ohio who served in the Army after graduating from Wintersville High School in 1944. After the war, he attended the Ohio State University.

Since the late 1940's, Mitch founded several successful businesses in construction, coal mining and related industries. He and his wife of nearly 50 years, Doris Jean, have three wonderful children; Michael, Cynthia and Betsy and three grandchildren.

Mitch spent his life serving his community and was well loved and respected by all who knew him. He was a man known for his pizzazz and his strength.

Mr. Speaker, it is a privilege for me to pay my last respects to a man who gave so much of himself to his community and his family. Mitch will be missed by all whose lives he touched. I am honored to have known him and to have been able to call him a friend.

HONORING ROY MARTINEZ

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2000

Mr. McINNIS. Mr. Speaker, at this time I would like to extend my gratitude to the Honorable Roy Martinez. Mr. Martinez's commitment to improving his community through public service has made San Luis, Colorado a better place for everyone who lives there. After donating 26 years to his community, Mr. Martinez is stepping down from public office.

For over a quarter of a century, Mr. Martinez has generously given of his time and personal resources to the citizens of Costilla County. During the past four years he has served honorably as County Commissioner, where his diligent work helped to bring the county into this technological age. Before becoming Commissioner, he served as Clerk and Recorder for over two decades, again, with great distinction.

Mr. Martinez has served his community admirably and his dedication and drive to succeed will be missed.

Roy, you have made your community, state and nation proud. I commend you on your service to the citizens of Costilla County and I wish you the best in your future endeavors.

RELIGIOUS WORKER VISAS

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2000

Mr. GALLEGLY. Mr. Speaker, I would like to express my support of H.R. 1871, the Mother Teresa Religious Worker Act of 1999, by adding my name as a cosponsor. H.R. 1871 is an important bill that permanently extends the religious worker visa program, which is set to expire at the end of this month. Under the current program, 5,000 religious workers enter the United States each year to participate in spiritual and charitable work in communities throughout our country, including many communities in my native California.

The visa program allows religious organizations to sponsor non-minister religious workers from foreign countries. These volunteers often work with our most needy individuals through church programs to ensure they have shelter and food. Aside from assisting with the bare necessities, they minister to the sick, work with adolescents at risk, and assist refugees and immigrants when they first arrive in the United States.

This program is due to expire on September 30 of this year. I call upon my colleagues to extend this religious worker visa program before this date to avoid any disruption for those seeking to enter our country.

At the same time, both the Department of State and the Immigration and Naturalization Service have expressed concerns that the religious worker visa program is vulnerable to fraud. I share many of these concerns. Therefore, as this legislation moves through Congress, we must address the issues raised by the State Department and INS and ensure that only those persons who perform religious work enter on these visas.

I urge the permanent extension of the religious worker visa program at the earliest possible date.

IN HONOR OF THE 40TH ANNIVERSARY OF THE SOUTHLAND YWCA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to honor the fortieth anniversary of the Southland YWCA. This non-profit organization has been serving women and their families in the Southwest area of Cleveland since 1919, and it deserve our recognition and congratulations.

The Southland YWCA in Middleburg Heights, Ohio is commemorating its 40th Anniversary on September 8 and 9, 2000. These two days of celebration should prove to be embraced throughout the community, as women and their families show their appreciation for an organization that has continually served the people of its area with a large variety of beneficial programs.

In 1960, the Southland YWCA moved to its current location in Middleburg Heights, Ohio, and it has continued to serve families in the area ever since. The Southland YWCA serves the Southwest area of Cleveland in the areas of fitness, child care, and diversity programming, among many others. It has implemented many programs and activities for the community, including swimming lessons, summer day camp for children, exercise classes, karate lessons, homemaking lessons, craft classes, divorce support programs, help for battered women, and even an investment club. Through these many services, the YWCA has encouraged women to become activists in their own communities.

I take their opportunity to applaud the fine service the Southland YWCA has provided to Cleveland for forty years because I believe that organizations such as this one are essential to the development of our communities throughout the country. I would like to wish the YWCA the best of luck in the future, and hope to see the organization commended again forty years from now.

REVEREND MONSIGNOR GERARD T. LA CERRA DISTINGUISHED AND BELOVED CHANCELLOR AND FRIEND

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2000

Ms. ROS-LEHTINEN. Mr. Speaker, it is with great sadness that I note the passing of Reverend Monsignor Gerard T. La Cerra, one of South Florida's most beloved and distinguished residents.

With selfless devotion and love, Monsignor La Cerra served the Archdiocese of Miami not only as its Chancellor from 1978 to 1993, but also as a source of strength and inspiration to all who knew him. Although we will all remember his important position in the Church for he was designated as Prelate with Honor with the title of Reverend Monsignor by His Holiness Pope John Paul II and was appointed Founding Supervising Principal of the new Catholic High School in South Dade, Archbishop Coleman F. Carroll High, we will remember most his extraordinary acts of kindness to the people of South Florida.

We were fortunate to have Monsignor La Cerra and the love and kindness that he expressed to our community and our church will forever be remembered and cherished. My office and the rest of the South Florida Congressional delegation had the opportunity to get to know Monsignor La Cerra more closely and to restitute some of the work he did for his parish by organizing an effort to increase public awareness on the need for organ transplant and donations. He underwent a successful heart transplant surgery and was able to continue his work in the Archdiocese of Miami.

I ask my Congressional colleagues to join me in paying tribute to this devoted spiritual leader and to express our heartfelt condolences to his family and friends, may they find peace and comfort in the knowledge that he made significant differences in the many lives he touched. He will forever be remembered.

HONORING PAT LATRONICA

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize a very distinguished woman, Pat LaTronica of Pueblo, Colorado. Mrs. LaTronica passed away July 3, 2000 at the age of 62. She was best known for her work at a local restaurant as well as her charity work. With her warm heart and great eye for classy fashion, she brought a smile to patrons of her restaurant, no matter their age or background.

In addition to her work at the restaurant, Mrs. LaTronica was also an enthusiastic volunteer in her community. If it wasn't helping serve holiday dinners to those less fortunate, it was working hard on the board of directors of the Salvation Army. No matter the time of year, this wonderful woman could be found bringing smiles to the faces of citizens through her considerable volunteer efforts.

Mrs. LaTronica brought a spirit of joy to all of those around her no matter where or what she was doing. It is this sense of joy and happiness that will be missed, but not soon forgotten.

Ms. LaTronica was a great citizen and an even better person. She will be greatly missed by friends, family and the citizens of Pueblo.

IN HONOR OF THE UNION CITY HOUSING AUTHORITY, CELEBRATING 50 YEARS OF AFFORDABLE HOUSING

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2000

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the Housing Authority of Union City, New Jersey, celebrating a half-century of providing affordable housing to area families.

The 50th anniversary of the Union City Housing Authority is a wonderful cause for celebration. However, the real celebration lies in the extraordinary success the Authority has achieved in community building, which has led to its recognition as one of the top performing housing authorities in the nation.

This success has been accomplished through a clear understanding that building houses alone will not build communities. Compassion, hard work, dedication, and solid planning are the heart and mind of the Union City Housing Authority, and it is this heart and mind that builds prosperous communities.

When people envision public housing, they do not envision communities that provide for the spiritual and social needs of residents. Most picture dismal, neglected houses, empty streets, and residents disconnected from the mainstream.

Public housing has changed because we have changed. For many years now, the Union City Housing Authority has had a different vision of public housing; and today, that vision has touched countless lives, satisfying for many the age-old need for a real home—not just a shelter from the harsh elements.

Today, I ask my colleagues to join me as I honor the Union City Housing Authority for its extraordinary success at providing affordable housing, establishing communities, and changing lives.

TRIBUTE TO MS. KATHRINE SMITH OF MADISON COUNTY, ALABAMA

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2000

Mr. CRAMER. Mr. Speaker, I rise today to pay tribute to a wonderful woman in my district, Ms. Kathrine "Kate" Smith. Today Ms. Smith celebrates her 94th birthday. For almost a century, she has graced North Alabama with her dignified presence and has shared her talents and gifts with her community.

Ms. Smith's community service accomplishments would fill many a page, so it will suffice to say that she gives back to her community tenfold. Ms. Smith has been recognized for her service with many awards, plaques and certificates and thus it is fitting that the United States Congress join the many others in honoring her for her full and selfless life.

In addition to her outstanding community service, she is also a member of First Missionary Baptist Church, she sings in the church choir and is a member of the Missionary Society, OES (Eastern Star) and The Good Neighbor's Club.

I join Ms. Smith's friends and family who love her dearly in wishing her a happy and healthy 94th year. I thank her for her extraordinary contributions to our community and wish her a well-deserved happy birthday.

TRIBUTE TO CASTRO VALLEY UNIFIED SCHOOL DISTRICT AND ST. MARY'S COLLEGE SCHOOL OF EDUCATION

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2000

Mrs. TAUSCHER. Mr. Speaker, I rise today to honor an outstanding public-private partnership in my district and all the participants who share a deep commitment for the education of our children. Castro Valley Unified School District and St. Mary's College of California have developed and implemented a partnership that has led to a comprehensive literacy development program at kindergarten through post-graduate collegiate levels.

I commend St. Mary's College of California for forming a public-private partnership with the Castro Valley Unified School District. This commitment to the betterment of children and education by extending professional learning experiences and teaching strategies has greatly increased the school district's ability to deliver a comprehensive literacy program. Because of their efforts, almost all Castro Valley Unified School District students completing third grade are at or above reading level, student achievement is up, literacy attainment is heightened, and teaching strategies are being redefined and better directed.

I take great pride in honoring the dedication and professional leadership that St. Mary's College has taken in establishing this partnership. The partnership has helped expand the role of the public school teacher to a researcher, writer, and facilitator and created a model for successful literacy teacher-training programs. I believe that this public-private partnership should serve as a model to school districts and colleges across the country in order to create higher standards of literacy and literacy education at kindergarten through post-graduate collegiate levels.

HONORING PATTY ARAGON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2000

Mr. MCINNIS. Mr. Speaker, I would like to take this moment to celebrate the wonderful life of Patricia Aragon. Mrs. Aragon recently passed on after a courageous battle with cancer.

Patty was a beloved citizen of Pagosa Springs where she and her husband, Ross, raised their six children. And with Patty, it was always children—hers and others in her community—that came first. She served on the local school board for over a decade where she was proud to pass out diplomas at commencement ceremonies. Everyone who came in contact with Patty was instantly overtaken with her loving spirit. When she wasn't helping the school system, she could be found serving patron's of her restaurant. She and her husband owned Al's and Al's West restaurants where Patty was famous for her chiliburgers and homemade tortillas.

Patty Aragon was an incredibly spirited person who loved to see others smile. Through her business and public service, she touched the lives of hundreds children and adults alike.

It is with this, Mr. Speaker, that I say thank you to this remarkable woman and great Coloradan. She will be greatly missed, but not soon forgotten.

LEBARON TAYLOR—A MAN FOR ALL SEASONS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2000

Mr. TOWNS. Mr. Speaker, next week the Congressional Black Caucus Foundation will host its 30th Annual Legislative Weekend. For the first time in the history of this event, we will be without our beloved friend, and former CBC Foundation Chairman and board member, H. LeBaron Taylor. LeBaron died from cardiac arrest on July 19th.

LeBaron was both Senior Vice President for Corporate Affairs at Sony Music Entertainment and Vice President for Corporate Affairs at Sony Software Corporation. His responsibilities ranged from government and public affairs issues to corporate responsibilities including equal opportunity employment and minority development and corporate philanthropy. LeBaron's impact on the entertainment industry, however, far exceed his formal titles or positions within the Sony corporate structure.

From his entry in the music industry as a broadcast engineer as well as an on-air personality and program director at WCHB in Detroit to a stint as station manager at WDAS in Philadelphia to his move into the record business with the creation of Revilot Records in 1967, LeBaron was a pioneer in the promotion of Black music. He would later move to Atlantic Records in New York City before joining CBS Records in 1974. Black Enterprise magazine noted that LeBaron "defined black music in the '70's."

LeBaron's unique relationships with artists led to his position with CBS Records as the head of their marketing department for Black music. Under his leadership, CBS Records' Black music Marketing department became the model for the entire industry. Three years later, he became the company's first vice president of Black Music Marketing, with the added responsibility of Jazz/Progressive Music Marketing. LeBaron was recognized by Ebony magazine as one of the "Top 50 Black American Executives in Corporate America" and, most recently, as one of the top Blacks in the entertainment industry.

Throughout his career, he received numerous awards for his public service activities and his pioneering efforts in Black music marketing. A two-time recipient of the Congressional Black Caucus Chair Award, LeBaron also received the Chairman's Humanitarian Award from TransAfrica Forum; the NAACP Corporate Image Award; and awards from the National Urban League; the National Association of Black Owned Broadcasters; The Black Entertainment and Sports Lawyers Hall of Fame, the White House Conference on Small Business and The Business Policy Review Council among many others that are too numerous to mention. His civic activities included board membership with organizations such as the CBC Foundation, the Joint Center for Political and Economic Studies Board of Governors and the Rhythm & Blues Foundation.

Characteristically, the accomplishment of which LeBaron was most proud was his recognition by the Black Employees Organization of CBS Inc. for mentoring and fostering the growth and development of minorities within the company.

A native of Detroit, LeBaron graduated from Wayne State University and recently was awarded an Honorary Doctor of Law degree from Miles College in Fairfield, Alabama. He was also a board member of the Grand Boule Foundation of Sigma Pi Phi Fraternity and chaired its Social Action Committee. He is survived by his wife, Kay Loverlace Taylor, Ed.D. and four children: Eric and Tiffani from his first marriage and his stepchildren, Laura and Jason, from his second marriage. His first wife, Yvonne passed away in January of 1997.

The CBC Foundation's Annual Legislative Weekend will be forever changed by the absence of LeBaron Taylor not only because of his dedication to our Weekend's activities, but also because of his lasting contributions to the public service work of the Foundation, his friendship and support for CBC Members and his contributions to the Black music industry.

IN HONOR OF ELLI STASSINOPOULOS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to celebrate the extraordinary life of Elli Stassinopoulos, mother and grandmother, whose singular, unselfish devotion to her family and friends places her in that pantheon which awaits all those who have made the every need of their loved ones a higher cause than themselves. "Angles fly because they take themselves lightly," she would tell her children. Elli's voyage through life was that of a lighted persona which the darkness of history could not comprehend, nor could personal tragedy embitter.

Elli Stassinopoulos knew peril and hardship early in life. Her family fled Russia during the 1917 Revolution. She was captured by the Germans when she joined the anti-Nazi Greek resistance. She surmounted a disappointing marriage. Despite here early travails, she lived each day in simplicity and humility, triumphant, with a grateful heart and a sense of wonder. She slipped past the would-be conquerors of spirit to establish her domain in the sanctity of the home. In it she created magic with food and philosophy. Her household sustained and uplifted body, mind and spirit for her beloved daughters, Arianna, and Agapi and granddaughters Christina and Isabella.

"From the heirloom carpet spirited out of the Caucasus to her last pair of gold earrings, she sold everything along the way to pay for our schooling, sending me to Cambridge, and my sister Agapi to the Royal Academy of Dramatic Arts. But far beyond an education, she gave us what I know is the greatest gift a mother can give her child: her attention, her energy, her unconditional loving," wrote Arianna in a recent Mother's Day tribute to "Yaya" (Greek for grandmother).

Yaya's knowledge of the Greek classics, her stunning eloquence and her joy of living defined enchantment for all visitors to her home. Her life was an unceasing hymn of praise to her loved ones. And long after her beautiful voice has become a blessed memory, the music of that praise will be felt in the hearts of those who loved her so much, and all reecho in the voices of her daughters and granddaughters through the years. Great love reverberates greatly.

Mr. Speaker, I ask all Members of the House of Representatives to join with me in recognizing the life of Elli Stassinopoulos, a woman who exemplified the kind of caring and devoted love of a mother and grandmother which is cherished and which makes each home a holy place.

TRIBUTE TO MAYOR CLYDE FOSTER OF TRIANA, ALABAMA

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2000

Mr. CRAMER. Mr. Speaker, I rise today to pay tribute to Mr. Clyde Foster, a resident of my district and the former Mayor of Triana, Alabama. The City of Triana has designated today as "Clyde Foster Day" and I want to join the City in recognizing their unsung hero.

Mr. Foster has dedicated many years of outstanding public service to his community and to the entire state of Alabama. He has accumulated over fifty years of community service including the twenty he spent as Mayor of the lovely city of Triana. In the position of Mayor, Mr. Foster held the city together improving the lives of its citizens and making Triana a better place to work and raise a family.

I wish to take this opportunity to thank Mr. Foster for his exemplary role as a leader in our community. I join the Governor of Alabama and the State Senate in commending Mr. Foster for his selfless lifetime commitment to improving his city. As his friends, neighbors and family join today to honor him, I share their pride in and gratitude for the life and accomplishments of their beloved Mr. Foster. On behalf of the United States Congress, I thank him for a job well done.

A TRUE COLORADO HERO

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize an extraordinary young man, Travis Stout. Travis, a young Cub Scout, just recently received the Boy Scouts of America Medal of Merit. It was on November 24, 1999 that Travis' quick actions and knowledge of emergency actions allowed him to save his father from danger. This lifesaving award is being presented to a young man that not only saved his father, but also exemplified the characteristics of what it takes to be a true hero.

Travis, his younger brother Allen, and father Wayne were checking oil field generators as they often do on weekends. When methanol was blown back out of the line, Wayne was hit in the eyes and mouth. Travis, realizing the danger of the event, quickly flushed out his father's eyes with water and dialed help. With help unable to reach the area in time, Travis operated his father's truck and drove to the Utah-Colorado border to meet help.

Travis, a ten-year-old, took it upon himself to help his father and in doing so became a hero of a size much greater than his own. I think we all owe this young gentleman our congratulations and commendations on this incredible feat of heroism. Travis is a true hero and an outstanding citizen of our great nation, as well as an example for all to follow.

IN TRIBUTE TO JIM AND MARIE McCOY

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2000

Mr. GALLEGLY. Mr. Speaker, I pay tribute to Jim and Marie McCoy, who recently celebrated 40 years as owners and operators of McCoy's Automotive & Towing in Santa Paula, California, a city in my district known for its world-renowned citrus and hardworking citizens.

McCoy's Automotive offers foreign and domestic car service to its customers. Jim and Marie McCoy offer dedication and devotion to their community.

While building a thriving business, Jim McCoy also found time to be president of the Chamber of Commerce, a City Councilman and Santa Paula's mayor. Marie McCoy has been active with the Brownies, the PTA and several other community organizations. Together, they took on many of the community's fund-raising needs, most recently the Jim Knight Annual Golf Tournament, which benefits Santa Paula Memorial Hospital.

They built a family as they built a family business. The McCoys started with a two-bay garage in 1960 and expanded to a three-bay garage, with expanded services, three years later. By 1975, the McCoys had built such a loyal following that they had to move to their present location—an eight-bay garage—where they continue to grow.

Mr. Speaker, it is fitting that on the day we return from our districts, having just celebrated Labor Day, that we honor Jim and Marie McCoy. They epitomize the small businessperson—people who strive to build America's economy while raising strong families with strong ideals. They epitomize the entrepreneur, who takes time from his hectic schedule to serve as an elected official and community leader, and who takes time from her hectic schedule to raise funds for nonprofit organizations and serve in our schools.

Mr. Speaker, I know my colleagues will join me in congratulating Jim and Marie McCoy for 40 years of successful ownership of McCoy Automotive & Towing, and thank them for a lifetime of devotion to their community.

TRIBUTE TO DR. ROBERT J. FISHER, SUPERINTENDENT, CASTRO VALLEY UNIFIED SCHOOL DISTRICT

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2000

Mrs. TAUSCHER. Mr. Speaker, I rise today to honor a very special leader in my district. Dr. Robert Fisher has been involved in education for 36 years as a teacher and administrator. As Superintendent, Dr. Fisher has successfully worked for the betterment of the entire school community.

Dr. Bob Fisher emphasized increased student achievement marked by 95 percent of all third graders reading at grade level by the end of third grade, distinguished performance by schools on the statewide assessments, and four schools receiving recognition as State Distinguished Schools. Dr. Fisher established a partnership with St. Mary's College, the Annenberg Foundation, and the Hewlett Foundation. These public-private partnerships have helped Dr. Fisher to better serve the school community and increase literacy rates among students.

I take great pride in honoring Dr. Bob Fisher's dedication and leadership. His hard work has created high standards, rigorous curricula and excellent teachers throughout the District. Under his direction, Castro Valley Unified School District has served as a model for schools in Alameda County and throughout the State of California. I believe that school districts across the country should follow Dr. Fisher's example and take the opportunity to learn from his successful and innovative ways.

PRESIDENT MUST PRESS VAJPAYEE ON HUMAN RIGHTS AND SELF-DETERMINATION

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2000

Mr. TOWNS. Mr. Speaker, next week Indian Prime Minister Atal Bihari Vajpayee is coming to visit the United States. He will meet with several American leaders, including President Clinton and perhaps both major-party Presidential candidates. When he meets with these leaders, they must bring up the issue of human rights and self-determination.

India claims to be a democracy, but in truth there is no democracy in India. It is a militant Hindu fundamentalist state. Christians, ,Sikhs, Muslims, Dalits, and other minorities suffer severe oppression and atrocities at the hands of Hindu fundamentalists.

Just last month, a priest in Gujarat was kidnapped, tortured, and paraded through town naked by militant Hindu nationalists. The Indian government has refused to register a complaint against the kidnappers. This is the latest act in a campaign of terror against Christians that has been going on since Christmas 1998. This campaign has seen the murders of priests, rape of nuns, Hindu militants burning a missionary and his two sons to death in their van, the destruction of schools and prayer halls, and other anti-Christian atrocities. Most of these activities have been carried out by allies of the government or people affiliated with organizations under the umbrella of the RSS, the parent organization of the ruling BJP, which was founded in support of Fascism.

Recently, Bal Thackeray, the leader of Shiv Sena, a coalition partner of the ruling BJP, threatened to engulf the country in violence if he is held responsible for his part in hundreds of murders in 1992. In India, democracy apparently requires making coalitions with killers.

The Christians are not the only minority that is being oppressed. When President Clinton visited India in March, 35 Sikhs were massacred in the village of Chithi Singhpora in Kashmir. The Indian government killed five Muslims, claiming that they were the individuals responsible for the killings. Later they were forced to admit that these Muslims were innocent. Now the Indian government has arrested two more people on the claim that they are responsible for the massacre. Yet two independent investigations have clearly established that the Indian government itself was responsible for the massacre. How can a democratic nation justify these actions?

The Sikhs have declared their independence from India, forming the new country of Khalistan in 1987. The people of Kashmir were promised a plebiscite on their future in 1948, and India promised the United Nations that this referendum would be held as well. The people of predominantly Christian Nagalim seek their independence. There are several other freedom movements within India's borders. It seems to this Member that the best, fairest, and most democratic way to settle these issues is to conduct a free and fair plebiscite on the question of independence in these minority nations.

In addition to our legitimate nuclear-proliferation concerns, it is important that as the world's only superpower, our leaders press the government of India to live up to the democratic standards they proclaim by allowing all people within their borders to enjoy basic human rights and self-determination. If they do not do so, we should cut off U.S. aid to India and put this Congress on record with a resolution in support of human rights, self-determination, and nuclear nonproliferation for all the people of South Asia.

HONORING CINDY K. BOWEN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to honor the service of the Honorable Cindy K. Bowen, of Montrose County, Colorado. Ms. Bowen is retiring after over a decade of service as County Commissioner. Before serving as Commissioner, Ms. Bowen was a Senior Auditor for Dalby, Wendland and Company, CPA's, where she served as Montrose County's Auditor from 1978–1987.

For years, Cindy has done great service to western Colorado as a Commissioner and, because of her distinguished tenure, has received a number of awards. Among them are CCI Outstanding Freshman Commissioner of the year in 1989, and CCI Outstanding Commissioner of the year in 1994. Ms. Bowen's service to Montrose County has helped to make it a better place for all its citizens. Her outstanding commitment to public service is greatly appreciated and will be missed.

It is with this, Mr. Speaker, that I congratulate Cindy on her upstanding service as a County Commissioner and wish her all the best in all her future endeavors.

TRIBUTE TO MRS. HELEN ELLIS JOHNSTON OF HUNTSVILLE, AL

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2000

Mr. CRAMER. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to a resident of my district and a dear friend, Mrs. Helen Ellis Johnston. Mrs. Johnston's accomplishments and service to her community would fill many a page. She is greatly loved and respected throughout the community and will be honored by the local chapter of the Arthritis Foundation with their annual Humanitarian award.

A native Kentuckian, Mrs. Johnston is married to Mr. William Hooper Johnston. She has three daughters: Mrs. Patricia Vidler, Ms. Christy Catts, and Mrs. Cathy Nickelson. Mrs. Johnston moved to Alabama in 1952. Shortly thereafter she began the years of nonprofit and volunteer service that have been the lifeblood of so many organizations.

After arriving in Huntsville, Mrs. Johnston soon found her niche in working to improve this community's public health safety. She served for 12 years as Executive Director for the North District of the Alabama Lung Association of Alabama. In this position, she took a proactive approach to public health awareness helping to write and implement the first Alabama Health Curriculum Guide for schools across the State. Receiving a grant from the EPA, she conducted the first workshop in North Alabama to create citizen awareness on the need for adoption of the Clean Air Amendment and later served on Alabama's Environmental Quality Control Board.

Among her numerous community service ventures, she shared her talents and gifts with the Symphony Guild originating and chairing both the first Symphony Ball in 1964 and the first Silver Tea in 1967 for the Youth Symphony. Mrs. Johnston inaugurated several of our community's premier charity social functions including the Von Braun Center's Beaux Arts Ball, the Library's "Vive Le Livre" and Huntsville Hospital Foundation's Celebrity Golf Classic.

I believe this is a fitting tribute for one who has dedicated many years to serving the nation and the citizens of North Alabama. I send my congratulations to Mrs. Johnston and her family as she accepts the well-deserved Humanitarian Award from the Arthritis Foundation of North Alabama. On behalf of the people of Alabama's 5th Congressional District, I join them in celebrating the extraordinary accomplishments of a wonderful lady, Mrs. Helen Ellis Johnston.

IN HONOR OF ST. AUGUSTINE ACADEMY'S SEVENTY-FIFTH ANNIVERSARY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to celebrate the seventy-fifth anniversary of St. Augustine Academy, an institute devoted to excellence in education. The Academy is a private, non-profit all-girls high school that presents its students with a challenging array of options. The students of St. Augustine are on a business, college preparatory or general academic track. Throughout the past seventy-five years, this curriculum, by educating thousands of young women, has provided an educational program that is personal, academically stimulating and responsible to society's needs.

The school was founded in 1925 by the Sisters of Charity of Saint Augustine. While the Academy is a Christ-centered and family oriented community that reflects a Catholic tradition, students of all races and creeds are accepted and welcomed by the Academy. In this atmosphere, a strong emphasis is placed on responsibility, expectations, and initiative. St. Augustine has stressed the importance of individual attention in education, for the personal concern shown these young ladies is exceptional. The advanced faculty fosters graduating classes of "lifelong learners" who will be fully prepared for their next path in life.

In addition to St. Augustine's reputation for academics, the institution is also known for its service. Educating women in an atmosphere of "In Omnibus Caritas" (In All Things Charity) each student is challenged to grow both mentally and spiritually through the virtue of service. Students of all faiths are encouraged to find their unique gifts and use them to help the community they live in. In doing so, St. Augustine's has been aiding the communities of Greater Cleveland for seventy-five years, and the students, staff, and administrators deserve to be thanked.

Mr. Speaker, I ask you and our colleagues to join me in thanking the Saint Augustine Academy. The school has produced girls who are ready to fulfill their responsibilities to their family, community, and the global society. Celebrate with me these contributions the Academy has been providing as the Academy itself celebrates its seventy-fifth anniversary.

EGYPT'S EFFORTS ON BEHALF OF THE CAMP DAVID MIDDLE EAST NEGOTIATIONS

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2000

Mr. RAHALL. Mr. Speaker, I submit into the RECORD a letter from His Excellency Nabil Fahmy, Ambassador to the United States, representing the Arab Republic of Egypt.

Mr. Speaker, when the Camp David Summit ended without an agreement between the leaders of Israel and Palestine, a vigorous campaign was activated to paint an arbitrary picture of what supposedly went wrong—to the effect that Mr. Arafat was intransigent, had rejected all proposals put before him, and was supported in this intransigence by Egypt and Saudi Arabia.

I firmly believe that Egypt's response to those arbitrary and much publicized charges will go far to put a better light upon what, in truth, occurred. I submit for the RECORD the August 17, 2000 letter I have received from Ambassador Nabil Fahmy on this subject, and commend it to my colleagues for their close consideration.

EMBASSY OF THE
ARAB REPUBLIC OF EGYPT,
Washington, DC, August 17, 2000.

Hon. NICK RAHALL,
Rayburn House Office Building,
Washington, DC.

DEAR CONGRESSMAN RAHALL: To follow upon the latest summit negotiations at Camp David, I would like to share with you some of my thoughts.

As soon as the Camp David summit ended without an agreement, a vigorous campaign painted a subjective picture of what went wrong in the 14 days of closed negotiations. In short, the story was that Arafat had been intransigent, had rejected all proposals, and was encouraged by Egypt and Saudi Arabia.

These accounts overlook how far the Palestinian position had moved over the last few years. By accepting the 1967 borders, Palestinians had already compromised on about 80% of what many in the region believe to be the land of historic Palestine. Also, at Camp David it was reported that they further agreed to an exchange of land leaving some settlements under Israeli sovereignty. They have accepted intrusive security measures to satisfy Israeli concerns. No one underscored that Arafat compromised on many issues. While many issues remain outstanding, progress has been witnessed in numerous areas. The issue of sovereignty of East Jerusalem, particularly El Aqsa Mosque, was among the outstanding issues. It is especially sensitive to Palestinians. We have to recognize that the Palestinians were flexible, however, they also have legitimate concerns that are dear to them.

The issue of Jerusalem remains outstanding, not only for the Palestinians. To this day, the international community has not recognized the Israeli occupation of Jerusalem. Numerous United Nations Security Council resolutions considered that all legislative and administrative measures taken by Israel, to change the legal status of Jerusalem, are invalid and cannot change Jerusalem's status. They urgently called upon Israel to rescind all such measures, and to desist form further actions changing the status of Jerusalem. Almost every country in the world, including the United States, respected those resolutions and have not established diplomatic Missions to Israel in the Holy City.

On the eve of the Madrid Peace Conference (1991), the basis of the current negotiations, the United States reassured the Palestinians that "The U.S. is opposed to Israeli annexation of East Jerusalem and extension of Israeli law on it and the extension of Jerusalem's municipal boundaries." This remains the pronounced U.S. official position today.

We must not forget that the negotiations at the Egyptian-Israeli Camp David summit were also about to collapse on how to deal with the issue of Jerusalem. Each side stated its position in a letter to President Carter who would provide, for the record, an affirmation of the United States stance on Jerusalem. In his letter, dated September 22, 1978, President Carter asserted: "The position of the United States on Jerusalem remains as stated by Ambassador Goldberg in the United Nations General Assembly on July 14, 1967, and subsequently by Ambassador Yost in the United Nations Security Council on July 1, 1969." The two statements unequivocally declared that:

"The United States considers that the part of Jerusalem that came under the control of Israel in the June (1967) War, like other areas occupied by Israel, is occupied territory . . .

The actions of Israel in the occupied portion of Jerusalem . . . give rise to understandable concerns that the eventual disposition of East Jerusalem may be prejudiced and the rights and activities of the population are already being affected and altered.

(The United States) government regrets and deplores this pattern of activity, and it has so informed the government of Israel on numerous occasions since June 1967.

(The United States) has consistently refused to recognize these measures as having anything but a provisional character and do not accept them as affecting the ultimate status of Jerusalem."

Forcing a compromise on the Palestinians would ultimately mean the postponement of the end of the conflict and would plant the seeds for a bloodier confrontation between future generations. We have learned, the hard way, that military superiority and "qualitative edges" have never prevented wars nor provided security, and will never do. We have no alternative but to reach a comprehensive Palestinian-Israeli peace accord, including Jerusalem, and to reach it now, to bring to a final close the Palestinian-Israel conflict.

In a NY Times Op-Ed article on August 6, 2000, President Carter wrote: "Accolades for one side and condemnation of the other is always a political temptation after an unsuccessful effort, but this makes it very difficult to orchestrate future negotiation sessions where mutual confidence in the mediator is required. Such statements made since Camp David discussions have aroused concern in the Arab community, and the possible movement of the American Embassy from Tel Aviv to Jerusalem would create an even greater impediment to further progress."

Let us look for solutions rather than waste our time and energy trying to find excuses.

As for Egypt's role, when asked on Israeli television about this issue, President Clinton answered "I think that the truth is that because this had never been discussed before between the two parties—and because when we went into the negotiations, they were usually secret or sacrosanct—that I'm not sure, number one, that they thought they knew enough to know what to ask for". "

President Clinton also spoke about Egypt's role in the peace process in an interview with Al-Hayat Newspaper published Friday the 11th of August. He said: "The fact is that all that has happened since the original Camp David in September '78, including Madrid and Oslo, is an indication of the courageous and visionary policy of Egypt. Egypt was a pioneer for peace and continues to be a key partner for the United States. We agree on the fundamentals of the peace process and we will not be able to reach an Israeli-Palestinian agreement on these core issues without close consultations with Egypt. We are engaged in such a process today."

What more can be said to dispel rumors that Egypt and other Arab countries were not helpful to the negotiations in Camp David. Egypt has been a key player in brokering almost all Palestinian-Israeli agreements, and has taken an active role in the pursuit of a just, lasting and comprehensive peace settlement. When faced with a crisis or a stalemate in any Arab-Israeli negotiations, the parties and the United States always turn to Egypt for fair and objective advice. One recent example was the Sharm el Sheikh Summit in September 1999.

It is noteworthy that Prime Minister Barak sent an envoy to Cairo even before leaving the U.S. and then proceeded himself to Cairo to meet President Mubarak after his return to the region, as did President Arafat. In the meantime, contacts between Egyptian and American officials continued in search of ways to overcome this impasse: Ambassador Walker, the Assistant Secretary of State for Near Eastern Affairs went to Cairo where he met with President Mubarak and conferred with Foreign Minister Moussa to coordinate both countries' efforts. President Clinton has recently corresponded with President Mubarak and Secretary Albright has since then called Foreign Minister Moussa. As always, we are now examining avenues of working with Palestinians and Israelis to give a creative boost to the negotiating process.

It is a difficult task before us, let us focus our efforts on finding a truly historic compromise to finally bring peace between Palestinians and Israelis. I look forward to working with you toward this objective.

Sincerely,

NABIL FAHMY,
Ambassador.

HONORING DONNIE SPARKS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2000

Mr. McINNIS. Mr. Speaker, I would like to congratulate Donnie Sparks, of Canon City, Colorado, for his outstanding career in the Bureau of Land Management. Mr. Sparks served diligently as field office manager for nearly two decades. His efforts have been instrumental in designing State and Federal partnerships that have become eminently successful within the Bureau.

Before his distinguished career with the BLM in Colorado, Donnie worked as assistant manager for the Bureau in Alaska where he helped to manage the entire northwest corner of the state. After moving to Colorado, Donnie's hard work paid off in contributions that will live on in Colorado for many decades to come. Along with the Colorado Department of Corrections, Mr. Sparks helped to develop the very successful wild horse program that has been in place for nearly 15 years. Donnie also worked to form yet another State and Federal partnership with the Colorado Department of Parks and Outdoor Recreation creating the Arkansas Headwaters Recreation Area, which has become the most rafted river in the country.

It is with this, Mr. Speaker, that I say thank you to Donnie for his hard work and service over the years. Donnie's distinguished career has been quite remarkable and has had a positive impact on Colorado that will not soon be forgotten. He has worked hard to improve our great state and for that I thank him.

I wish him the best in all his future endeavors.

TRIBUTE TO DR. LARRY WYMAN McCOY OF THE SHOALS, ALABAMA

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2000

Mr. CRAMER. Mr. Speaker, I rise today to pay tribute to an intellectual treasure of my district, Dr. Larry McCoy of Northwest-Shoals Community College. Dr. McCoy has excelled in all facets of academia. As a student, he cultivated a love of learning through his time at the University of Alabama, Athens College and Nova University. His almost 40 year career in education includes positions all across the state of Alabama as a teacher, coach, athletic director, Dean of Admissions and President of a college. He served as Dean of Admissions before becoming Dean of Student Development at Athens State from 1983 to 1987. Dr. McCoy began his time in the Shoals at Muscle Shoals Technical College but under his leadership and with his keen vision and by adding programs and consolidating campuses, the Technical College grew to become today's thriving Northwest-Shoals Community College with campuses in Muscle Shoals and Phil Campbell.

His distinguished reputation as an academian is supported by the numerous presentations he has made to groups such as the National Managers Association and the National Conference on Teaching Excellence and his position as co-editor of the Alabama College System Professional Development News.

Dr. McCoy has served as a role model for his students for nearly forty years. He has always upheld the position of the scholar athlete coaching 9 All-American and 17 All-State football players. He has been named Alabama AAA State Coach of the Year and was inducted into the Alabama High School Sports Hall of Fame in 1999.

In addition to his exceptional professional contributions to our area, Dr. McCoy has given of himself and his talents serving as President of the Rotary Club of Sheffield and President of the Chamber of Commerce of the Shoals. He has also served as Chairman of the Board of Trustees of the Medical Center Shoals and the Chairman of the Board of Directors of the Shoals Economic Development Authority among many others.

Throughout his life, Dr. McCoy has set a great example of how one person can make a huge difference in his community. I want to congratulate him on his well-deserved retirement. I understand his family and friends are gathering tonight to celebrate his service to the school at a dinner in his honor and I join them in wishing him the best. On behalf of the people of Alabama's 5th Congressional District, I commend him for his tireless efforts for the students of Northwest Alabama.

IN HONOR OF PUERTO RICO ON ITS CONSTITUTION DAY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2000

Mr. KUCINICH. Mr. Speaker, I rise to honor the citizens of Puerto Rico on Constitution Day, July 25, 1999. The people of Puerto Rico established Constitution of the Commonwealth of Puerto Rico for the very same reasons our forefathers wrote the Constitution of the United States of America, to establish themselves as a democracy.

The Puerto Rican Constitution ensures basic welfare and human rights for the people, ensconces the idea of a government which reflects the will of the people, and pays tribute and loyalty to the Constitution of the United States of America.

The Puerto Rican culture is a distinctly unique culture. By pledging allegiance to the Constitution of the United States of America, the people of Puerto Rico celebrate shared beliefs and the coexistence of both cultures. By ratifying their own Constitution, the people of Puerto Rico retain and honor their original heritage while expressing the desire to pursue democracy and happiness for themselves.

Mr. Speaker, I would like to recognize the following individuals for their contributions to the Greater Cleveland: Rev. Tomas Acevedo, Dr. Barbara Bird-Bennet, Lcdo. Jose Feliciano, Ray Galindo, Barbara Gill, Magda Gomez, Chris Hernandez, Vivian Riccio, Aurea Rivera, Diana Del Rosario, Ramon Torres. I hope that my fellow colleagues will join me in honoring these individuals and praising the Puerto Rican people as they celebrate Constitution Day.

TRIBUTE TO LOUISE STEFANELLI SIMMONS

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2000

Mr. RAHALL. Mr. Speaker, I rise in tribute to Louise Stefanelli Simmons who retired from the Corps of Engineers in Huntington, West Virginia on August 1, 2000 after dedicating 39 years, 11 months and four days to the Corps.

I salute Louise Stefanelli Simmons for her lifelong dedication to her husband and son Alan, as well as her devotion to duty throughout her service with the U.S. Army Corps of Engineers. Her professionalism as well as her commitment to family and community are an outstanding example of family values and good citizenship.

Louise was born in Newark, New Jersey of Italian immigrant parents, one of four children. After graduating from Newark Prep with an associate degree in business, Louise worked as a civilian for the U.S. Army Corps in Newark during World War II, where she met her future husband Howard "Red" Simmons. Upon her marriage, she left family and friends in New Jersey to marry "Simmy" as she called him, moving with him to Huntington, West Virginia. Louise remembers the "culture shock" when she first visited downtown Huntington—the girl from the "big city"—there was no comparison.

Early on in her marriage to "Simmy", she helped him run their restaurant, the Corral Drive-Inn near Marshall University, then got her real estate license so she could help him in his real estate development business.

In addition to helping out with the restaurant business and her husband's real estate interests, Louise worked several years for an insurance company before coming to the Corps of Engineers in 1963, Beginning in the typing pool before becoming secretary to the Chief of Engineering, she later became the secretary to the Colonel in charge of the Huntington Corps, where she remained for nearly four decades.

Louise will spend much of her retirement time as a long-time booster of Marshall University's sports activities, especially the football team, and attending the sporting events involving her two grandchildren, Mark 14 and Elizabeth 12.

Louise loves to travel, back to New Jersey with family and friends. Early this summer she took a 2-week vacation to Italy, to revisit the history of her parentage, and to steep herself in the culture and traditions of her parents' homeland.

Other retirement activities will include her dedication to walking (twice around Ritter Park at least 5 days a week), watching old movies, and perfecting her Italian cooking. Louise is an active member of Johnson Memorial United Methodist Church, the Women's Club of Huntington, and participates in the Professional Secretaries Association.

I wish all the best for Louise, her husband, son Alan and her grandchildren as she embarks upon her Golden Years giving all her uninterrupted energy and love to her family, to her church, and to the community to which she has already contributed so abundantly throughout her remarkable life in her adopted State of West Virginia.

HONORING BASIL T. KNIGHT

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2000

Mr. McINNIS. Mr. Speaker, it is with great sadness that I now honor an extraordinary human being and great American, Basil T. Knight. Mr. Knight was an educator that changed the lives of literally thousands of young men and women over his more than seven decades as an educator in western Colorado. As family, friends, former students and colleagues mourn this profound loss, I would like to honor this truly great American.

Mr. Knight was an individual that reached out to help every human being that he came in contact with. As an educator, countless students in District 51 have been affected by this remarkable man and each are better off because of his service. Basil began his legendary educational career as a substitute teacher at Mount Lincoln School near Palisade, Colorado, in 1923. He went on to become Principal only a year later. In 1925, Basil became a math teacher at Grand Junction High School where he remained for over three decades. As remarkable as his teaching career was, his immense impact upon the community continued long after he left the classroom.

Mr. Knight was elected County Supervisor of Schools in 1965, which placed him in charge of over 40 schools within the county. As supervisor, he continued to work to ensure that the children in his community would receive the best education possible. His commitment to education earned him not only the Educator of the Year award in 1974 from the Colorado Education Association, but also the District 51 staff development center now bears his name. Employees and visitors alike are reminded of his unmatched commitment to education every time they set foot in the Basil T. Knight Center.

Mr. Knight's passion for serving children extended well into his golden years. In fact, he played an instrumental role in the passage of a recent school bond initiative that helped improve a number of existing schools in the Grand Junction area and build two new ones. The passing of this bond was the answer to a wish he made on his 100th birthday. Beyond his brick and mortar contributions to School District 51, Mr. Knight's legacy will also endure in his five A's philosophy (attendance, attitude, attention, achievement and ABC's), a philosophy still used by the district today.

Former State Senator Tilman Bishop, in a recent article in the Grand Junction Daily Sentinel, helps to sum up the impact Basil had on his community: "Many generations have and will benefit from Basil T. Knight, to say he was a unique person is an understatement. Thank you Basil for all you stood for and believed in."

Mr. Speaker and fellow colleagues, as you can see, this extraordinary human being truly deserves our gratitude and our thanks. It is individuals like Basil who are committed to bettering the lives of America's youth through both education and public service that make our great country what it is today. Basil T. Knight may be gone, but his proud and distinguished legacy will long endure.

America is most assuredly a better place for having known Basil T. Knight.

PROPOSED TRIBUTE TO LIEUTENANT COLONEL DOUGLAS E. WADE, UNITED STATES AIR FORCE, ON THE OCCASION OF HIS RETIREMENT

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2000

Mr. MOAKLEY. Mr. Speaker, I rise today to pay tribute to Lieutenant Colonel Douglas E. Wade as he prepares to culminate his active duty career in the United States Air Force. Doug is the epitome of an outstanding officer and leader.

Lieutenant Colonel Wade began his career more than 20 years ago as an enlisted soldier in the Army. He then received his direct commission as a second lieutenant in the Air Force. A law graduate of Ohio State University, as well as the Air Command and Staff College, Doug Wade has met the many challenges of military service as an Air Force Officer, and has faithfully served his country in a variety of command and staff assignments.

Doug concludes his career as the Director for House Affairs in the Office of the Assistant Secretary of Defense for Legislative Affairs; he was instrumental in advising the Defense Department leadership on a broad range of national security issues of immediate interest to Congress. Doug's personal rapport with the House leadership and Members of Congress was vital in ensuring Department of Defense programs were clearly presented and soundly defended on Capitol Hill.

Mr. Speaker, service and dedication to duty have been the hallmarks of Lieutenant Colonel Wade's career. He has served our nation and the Air Force well during his years of service, and we are indebted for his many contributions and sacrifices in the defense of the United States. I am sure that everyone who has worked with Doug joins me in wishing him and his family health, happiness, and success in the years to come.

HONORING DONELDA WARHURST AND LIZ STUMPF OF YORBA LINDA, CALIFORNIA

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2000

Mr. GARY MILLER of California. Mr. Speaker, it is with great pleasure that I honor

Donelda Warhurst and Liz Stumpf, teachers at Bryant Ranch School, in Yorba Linda, California. Ms. Warhurst and Mrs. Stumpf are more than just educators; they are passionate, inspiring leaders who encourage their students to reach beyond the walls of the classroom in their pursuit of knowledge.

Ms. Warhurst and Mrs. Stumpf spearheaded the award-winning "Once Upon a River" curriculum. "Once Upon a River" is an integrated, cross curriculum approach that allows students to learn more about the Santa Ana River while simultaneously mastering grade-level skills in language arts, math, science, social studies, and the arts.

In addition to studying the chemistry and biology of the water, the historical importance of the Santa Ana River, and data collection skills, the students also have a public property access permit to carry-out mitigation of Arundo Donax, Castor Bean, and Tamarisk. Students have applied their knowledge to effectively clear the area of Arundo Donax, an introduced species of bamboo that was threatening native plants, build and install bluebird boxes, and educate others about the Santa Ana River.

Ms. Warhurst and Mrs. Stumpf have showcased and furthered the work of their students through various community partnerships. The Orange County Park Service and the Orange County Flood Control District have served as advisors. Students have also worked with officials at the City of Yorba Linda and a local bat biologist.

"Once Upon a River" has been a success. After five years and 10,080 volunteer hours provided by 280 students, an acre of the highly invasive "Arundo Donax" has been completely removed along the Santa Ana River.

Ms. Warhurst and Mrs. Stumpf have been recognized by the Orange County Board of Supervisors, the Placentia Yorba Linda Unified School Board, and the Points of Light Foundation.

Mr. Speaker, I ask that this House please join me in recognizing, honoring and commending Ms. Warhurst and Mrs. Stumpf for their creativity, leadership, and commitment to their students.

A TRIBUTE TO NICK ROMANO

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2000

Mr. KLECZKA. Mr. Speaker, I rise today in tribute to my good friend and a life-long supporter of working men and women, Nick Romano, who retired July 1, 2000 after 42 years of dedicated service to and membership in the United Auto Workers (UAW).

Nicholas Romano was hired in 1958 at the Milwaukee manufacturing plant of American Motors. Throughout his years at the American Motors Body Plant, Chrysler and the UAW, Nick has been a progressive advocate for his union brothers and sisters, his neighbors and community. A selfless leader, Nick seized every opportunity available to express the opinions of organized labor to his elected officials locally, on the state level and nationally. Nick organized and participated in many grass-roots lobbying efforts to bring labor-related issues and concerns into the limelight.

The union membership granted Nick many official duties, including group steward, head steward, benefits representative, chair of the bargaining committee, member of the Local 75 Executive Board (culminating in the last 15 years as Local President), member of the national UAW negotiating team for the DaimlerChrysler national contract negotiations and a seat on the Wisconsin State UAW CAP Executive Board until his retirement last month.

It will be literally impossible to replace Nick Romano and forget all that he has done and meant to the UAW in southeastern Wisconsin, the Midwest and our nation. But let each and every one of us learn from Nick's four decades' worth of leadership to step up and do the best we can to live by his example. May God bless you Nick, Judy and your family.

Nick will be honored by UAW International Representatives, Region 4 and Local Representatives, his family and many friends at a retirement dinner Saturday, September 9 in Milwaukee. I personally extend my thanks and well wishes to Nick for all that he's done.

HONORING ROBERT STANTON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2000

Mr. McINNIS. Mr. Speaker, it is with great sadness that I wish to take this moment to recognize the remarkable life and achievements of one of Colorado's leading public servants, Robert Stanton, who recently passed away. As family, friends, and neighbors mourn his passing, I would like to honor this great Coloradan.

For the better half of a decade, Mr. Stanton served faithfully as the president of the Bonfils-Stanton foundation. This foundation was established in 1962 by Charles Edwin Stanton following the death of his wife, Mary Madeline Bonfils, and is devoted to the advancement of philanthropic causes. Robert has made numerous contributions to many organizations, including the University of Colorado Health and Sciences Center and the University of Denver Biological Sciences Department where he created an endowment. in honor of Ira E. Cutler.

Robert had an extremely distinguished professional career working for the American Society of Mechanical Engineers, the Board of Examiners for Engineers and Land Surveyors, the National Society of Professional Surveyors Inc., the American Institute of Chemical Engineers, as well as supervising fieldwork for oil companies in Colorado, Oklahoma and Texas. Mr. Stanton's life was one of distinction both professionally and in the realm of public service.

In addition to his distinguished professional career, Mr. Stanton still found time to serve his community and state and that is why his memory will live on in the minds of many. I am confident, Mr. Speaker, that in the face of this loss, family and friends can take comfort in the knowledge that each is a better person for having known him.

He will be greatly missed.

INTRODUCTION OF THE "WORK MADE FOR HIRE AND COPYRIGHT CORRECTIONS ACT OF 2000"

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2000

Mr. CONYERS. Mr. Speaker, I am pleased to join with subcommittee ranking Member HOWARD BERMAN and subcommittee chairman HOWARD COBLE to introduce the "Work Made for Hire and Copyright Corrections Act of 2000," which strikes "sound recordings" from the definition of "work made for hire" in section 101 of the Copyright Act.

This bill undoes an amendment to the Copyright Act made last November, an amendment that changed the Act to treat "sound recordings" as "works made for hire." Without the benefit of Committee hearings or other debate, that change effectively terminated any future interest that artists might have in their sound recordings and turned them over permanently to the record companies.

Fortunately, all of the interested parties—the Members, the recording artists, and the recording industry—after hearing testimony at a Subcommittee hearing now agree that the provision must be struck, that we must return the law to where it was on November 28, 1999, the day before the amendment passed into law, so that artists' authorship rights are preserved.

I am pleased that the recording industry has worked diligently with the recording artists to reach agreement on how to do just that. Arrived at after several months of negotiations, this bill ensures that we return to status quo ante on "sound recordings" with respect to whether and under what circumstances they are considered "works made for hire." The bill is retroactive to the date section 1011(d) was enacted. As such, this bill will function as if section 1011(d) never existed; the artists and industry have the same rights now that they did on November 28, 1999.

I ask my colleagues to support this compromise legislation. Vote "Yes" when it comes before the full House.

A TRIBUTE TO KIRKLAND TEEN CENTER

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2000

Mr. INSLEE. Mr. Speaker, we hear so much these days about the problems plaguing today's young people that sometimes the positives are drowned out. Therefore, I rise today to publicly recognize the Kirkland Teen Center. I will be attending the center's groundbreaking ceremony this Saturday, and I want to take a moment to make my colleagues aware of this extraordinary center, created by our youth for our youth.

The center's operating partner, Friends of Youth, is a local non-profit agency with nineteen locations throughout King and Snohomish Counties. The Friends of Youth's mission is to: develop, provide and advocate services for children, youth, their families and communities that encourage individual growth and promote constructive relationships.

Mr. Speaker, that mission will be the guiding force behind this drug-free and alcohol-free youth center. The center will include a coffee shop with a teen manager, provide poetry classes, as well as provide a state of the art recording studio, a modem photography lab, and a graphic art/animation technology station. Moreover, the center is being built from the ground up and will connect with the Kirkland Senior Center, allowing for intergenerational programs and events. The center allows teens to develop positive relationships with peers and adults, and parents to have the security in knowing their child is spending time at a safe place.

I hosted three informative town meetings in my district last year about the need for afterschool programs. I strongly believe that afterschool programs are an excellent, well-proven way to keep teens from engaging in criminal activities. The time between school bells and dinner bells presents the most risk to our young people, and in an age when most parents are unable to stay home with their children, we must provide safe and productive activities for our youth. The Kirkland Teen Center is a perfect example of a safe, after-school center, and I believe Congress would do well to promote more centers like this one around the country.

All of the youth that volunteered their time to plan, or serve on this center's Board of Directors and Advisory Board, deserve our praise for their hard work and selfless dedication to their community as a whole. I ask all of my colleagues to join me in congratulating everyone involved in the Kirkland Teen Center for a job well done.

IN HONOR OF JIMMY SIMS, ROBERTSON COUNTY, KY FIREFIGHTER

HON. KEN LUCAS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2000

Mr. LUCAS of Kentucky. Mr. Speaker, I rise today in recognition of Mr. Jimmy Sims, who recently retired as Fire Chief of the Robertson County, KY Fire Department.

Mr. Sims' retirement wraps up nearly a half-century of dedicated service to his community. He is the only surviving founding member of the volunteer department, which was started in 1951. Mr. Sims served as chief from 1975–1999. Another example of his extraordinary level of dedication—his home served as the county fire dispatch center for 24 years. From 1969–1993, he took emergency calls and dispatched crews from his home.

Mr. Sims helped his neighbors countless times over the years, responding to round-the-clock calls for help, saving lives and protecting property.

I rise today to commend Chief Sims for his commitment to helping his neighbors in Robertson County. I ask all my fellow Members of Congress to join me in commending this fine public servant, and wishing him well in his retirement.

HONORING JOHNNETTE PHILLIPS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 06, 2000

Mr. McINNIS. Mr. Speaker, I would like to take this moment to honor the distinguished service of the Honorable Johnnette Phillips of Eagle County, Colorado. Johnnette is retiring as Eagle County Commissioner after serving admirably for nearly a decade. Her outstanding commitment is unparalleled and her contributions immeasurable.

For Johnnette, serving her community comes naturally. Before serving as commissioner, she used her natural leadership ability as Eagle County Clerk and Recorder, serving for nearly 15 years. Beyond her efforts as Clerk and Recorder and Commissioner, Johnnette has helped advance the cause of a number of worthy organizations, serving as President and Second Vice President of Colorado Counties, Inc., Northwest Colorado Council of Governments Executive Board and President of both the American Legion Auxiliary and the Colorado State Association of County Clerks and Recorders.

Johnnette's drive and determination has not only improved her local community, but also earned her national recognition. Ms. Phillips received the well-deserved honor of being named among Who's Who in U.S. Executives in 1995 and Who's Who in Women Executives in 1996. What' more, her service has won her the admiration of an entire community.

On behalf of the State of Colorado and the United States Congress, Johnnette, I thank you for your service and wish you the very best in your future endeavors. Your immense contributions to Eagle County will not be soon forgotten.

TRIBUTE TO ROBERT ANGUIANO

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2000

Mr. ORTIZ. Mr. Speaker, I rise to pay tribute to Robert Anguiano of Corpus Christi's Tuloso-Midway High School, for winning the Hispanic Heritage Awards Foundation National Youth Award for Sports. This young man has an enormous amount of discipline and endurance.

Robert has accomplished a great deal in the field of sports and academics, and I am proud that he was chosen for this honor. Robert is in the top 20% of his class, an athlete-scholar with a litany of associations including honors clubs, leadership awards and community service. He is precisely the sort of young person that the Hispanic Heritage Awards Foundation seeks to reward.

Robert has an unusual determination. This became particularly evident when he badly hurt his knee while playing tennis. He went through two and one half months on crutches and hours of physical therapy. His doctors told him he could play tennis again, but would not be competitive due to the seriousness of the injury. He did not let their admonitions deter him from his game.

Robert won this award, not because he had a particularly good year, but because he has been a steady, reliable athlete and has always been in it for the long haul. His coach credits him with holding his tennis team together during a transition and leading them to the regional level.

This young man is more than an athlete; he is a scholar, a young leader in his school and community, and he volunteers his time to teach tennis to younger people in the community. He is a National Honor Society member, captain of his tennis team, and has a grade point average of 3.74.

The Hispanic Heritage Awards celebrates the achievements of outstanding Hispanic Americans in the arts, literature, leadership, education and sports. The awards program provides an important service to the community and youth by profiling Hispanic American role models. The awards, which are endorsed by 34 national Hispanic organizations who serve as the nominating committee, is the only program co-hosted by all of these organizations.

I ask my colleagues to join me today in commending Robert Anguiano for his accomplishments and his quiet leadership in the classroom and on the tennis court, and in commending the Hispanic Heritage Awards for their efforts in rewarding the excellence among our young people.

A TRIBUTE TO A VETERAN, HERB KING

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2000

Mr. FILNER. Mr. Speaker, I rise today to recognize Mr. Herb King who is being honored on September 8th at the California Gay Veterans Memorial Dinner as the winner of the Sheila Kuehl Leadership Award.

Herb is a long-time friend. He was born in September, 1918 and graduated from the Boston Latin School, the oldest public school in the United States. He attended the University of Massachusetts in Amherst and graduated from the Massachusetts Institute of Technology in June, 1940 with a Bachelor of Science Degree in Biology and Public Health.

He went on active duty as a reserve Army Second Lieutenant in October of 1940. When Pearl Harbor was attacked the following December, he volunteered for field duty, served in the North African and Italian campaigns, and reached the rank of Major and a Battalion Commander.

At the Quartermaster Subsistence Research Laboratory in Chicago, Herb developed the formula for a concentrated ration that was designated as the "K" Ration, based on his last name. After World War II, he became an industrial engineer in the food industry, designing food processing plants. He retired over 20 years ago.

Herb has been on the executive board of the California Democratic Party, twice a delegate to the Democratic. National Convention, a member of the Gay, Lesbian and Bisexual Veterans of America since it was founded in 1990, and a founding member and participant of the Federation of Gay Games. He was one of four gay and lesbian veterans who participated in a nation-wide bus tour in 1993, promoting equal rights for gays and lesbians in military service. Herb currently writes a regular column for the San Diego Gay and Lesbian Times and is a member of the San Diego Gay and Lesbian Band.

The Sheila Kuehl Leadership Award that Herb is receiving is named for California State Assemblymember Sheila Kuehl. The proceeds from this Memorial Dinner will be dedicated to building California's first Lesbian Gay and Bisexual Veterans Memorial in Palm Springs.

As a Member of the House Veterans' Affairs Committee, I am pleased to recognize Herb King for his military service to our nation and for his friendship and support.

THE FIRST CONGREGATIONAL CHURCH OF SAGINAW

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2000

Mr. BARCIA. Mr. Speaker, I rise today to praise and give thanks to the First Congregational Church of Saginaw for the devotion its members have shown to the community, serving as a beacon of hope to those mistakenly sounding the death knell for a vibrant city on the cusp of a renaissance.

The church's story is one of survival and perseverance through many struggles, toils and tears. Members first gathered together in 1857, constructing the present church building in Romanesque Revival style in 1868 with plans by Detroit architect Gordon W. Lloyd. A fellowship hall, school wing, the Bethlehem Chapel and the former Mary E. Dow House designed by Alden B. Dow were added later.

Visitors to First Congregational cannot help but cast an awestruck eye on its elegant beauty and the inspiration its sanctuary gives to all who stand in it. The original sanctuary windows were replaced with magnificent stained glass, adding a special touch to the stately 1913 Louis Comfort Tiffany window in the north transept. The church, a bulwark ever-changing, did more building and restoration in 1973 following a fire that destroyed the sanctuary roof.

Churches, however, are more than bricks and mortar. First Congregational members have included names familiar to Saginaw's history, such as Morley, Wickes and Frank Andersen. Today's members continue to take a lead-by-example approach by participating in PRIDE, the East Side Soup Kitchen, Hidden Harvest, Habitat for Humanity, the Saginaw Community Foundation, the Saginaw Choral Society and many other groups. With an annual Musical Arts Concert, they also offer an ear-pleasing addition to the city's cultural bounty.

Recently, the church agreed to provide college scholarships to all incoming Central Intermediate School sixth-grade students who graduate from high school and go on to college.

Mr. Speaker, this clearly is a church that has taken its Christian mission to heart by not abandoning Saginaw, but instead acting as a good neighbor in finding ways to improve the lives of its residents.

HONORING THE 75TH ANNIVERSARY OF THE JACKSON COUNTY LEAGUE OF WOMEN VOTERS

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2000

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in honoring the 75th anniversary of the Jackson County League of Women Voters.

The League of Women Voters of the United States was formed in 1920 by suffragettes who wanted to ensure that the newly enfranchised women would be informed about the voting process and about how to vote. Five years later, a group of women in Jackson County began a league locally.

For 75 years the Jackson County League of Women Voters has helped all voters, men and women, to prepare for elections. The League has held demonstrations on how to vote, sponsored forums for candidates to explain their views and published election guides. For several decades, League members have served in Jackson County as deputy registrars, registering voters at local events and stores.

The League believes in open and accountable government. Locally, it promoted the City Manager form of government for the City of Carbondale and has studied the professionalization of and the various forms of both city and county government. For many years before the advent of the Open Meetings Act which requires that public bodies post agendas and hold open meetings, the League sent observers to many public meetings as a reminder to public officials about the citizens whom they serve.

The Jackson County League of Women Voters has also helped to desegregate the schools, integrate the neighborhoods, develop recycling and other environmental programs, create standards for large scale livestock farms and ensure the safety of the drinking water. The League has also published a guide to mental health services in the County and a booklet about county offices. Nationally, the League has studied issues as wide-ranging as national security, urban transportation and health care.

Currently, the League of Jackson County is working to break the cycle of violence in children by ending aggressive behavior in schools, a project through the local health department. It is examining the forms of election of Illinois State legislators and promoting campaign finance reform. The League sponsors a series of talks by local county officials on local issues. It is studying the need for a new County Courthouse and other facilities. The League is also encouraging voters to take a friend to vote, as a means to encourage citizens to vote. The League of Women Voters adheres to the belief that democracy is not a spectator sport.

The League of Women Voters is open to men and women, at least 18 years of age. The League is non-partisan, but involved in many efforts in our communities. Always, the focus of the League is encouraging active citizen involvement and participation in the community and in the government.

Mr. Speaker, I ask my colleagues to join me in honoring the men and women of Jackson County on the occasion of the 75th anniversary of the Jackson County League of Women Voters.

IN SUPPORT OF VAWA REAUTHORIZATION

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2000

Mrs. MINK of Hawaii. Mr. Speaker, I rise today to urge the leadership of the House of Representatives to schedule floor action on the reauthorization of the Violence Against Women Act (VAWA), which expires this year.

The Violence Against Women Act, H.R. 1248, was reported out of the House Judiciary Committee on June 27, 2000. With 216 cosponsors, H.R. 1248 enjoys strong bipartisan support. It reauthorizes current VAWA grant programs for 5 years, makes targeted improvements, and adds important new programs.

The passage of the Violence Against Women Act in 1994 was one of the greatest accomplishments of the 103rd Congress and the Clinton Administration. Since 1995, VAWA grants have provided a major source of funding for national and local programs to reduce rape, stalking, and domestic violence. The 1994 Act bolstered the prosecution of child abuse, sexual assault, and domestic violence cases; provided services for victims by funding shelters and sexual assault crisis centers; increased resources for law enforcement and prosecutors; and created a National Domestic Violence Hotline.

VAWA has made a difference in the lives of millions of women, but we need to do more. We must ensure that we adequately address the needs of all victims of domestic violence and sexual assault including immigrant women, older women, women with disabilities, and women of color. We must help women who are trying to escape domestic violence by providing transitional housing and legal assistance services.

H.R. 1248 vastly improves VAWA by strengthening the existing provisions and by adding new provisions to address dating violence, reach underserved populations, facilitate enforcement of state and tribal protective orders nationwide, provide transitional housing, create programs for supervised visitation and exchange for children, develop training programs on elder abuse for law enforcement personnel and prosecutors, provide civil legal assistance funds, strengthen the National Instant Criminal Background Check System, and more.

Passage of the Violence Against Women Act has been identified as the top priority of the Congressional Women's Caucus. It is certainly one of my top priorities.

I urge the leadership to schedule a vote on this vital legislation within the next ten days. The Senate is ready to vote on its VAWA bill. We must be ready to go to conference and to send this bill to the president before the 106th Congress adjourns.

We cannot in good conscience go home to our districts without acting on this critical legislation, which so strongly impacts the safety and well being of women and children throughout our nation.

TRIBUTE TO ST. ANDREW'S AFRICAN METHODIST EPISCOPAL CHURCH

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2000

Mr. MATSUI. Mr. Speaker, I rise in tribute to St. Andrew's African Methodist Episcopal Church of Sacramento. On October 1, 2000, St. Andrew's will be celebrating its 150th anniversary. It is the oldest church of its kind on the Pacific Coast. As the Congregation members gather to celebrate, I ask all of my colleagues to join with me in saluting this monumental achievement.

St. Andrew's was founded in 1850, three months before California was admitted as the 31st state to the Union. It is the first African Methodist Episcopal Church and the first African-American religious congregation established on the Pacific Coast of the United States.

In the beginning, a small group of worshipers gathered in Sacramento at the home of Daniel Blue. Under the leadership of Barney Fletcher, this group would form the church that would later be known as St. Andrew's A.M.E. Church. In the fall of 1850, Reverend Isaac Owen, pastor of the Seventh Street Methodist Episcopal Church, participated in the formal organizing of the church.

The first trustees, James R. Brown, John Barton, George Fletcher, John L. Wilson, and Chesterfield Jackson purchased part of the lot in the square between G and H Streets. At this site, the first church was erected and named the Methodist Church of Colored People of Sacramento. In 1851, the members of the church petitioned the Indiana Conference for admission to the African Methodist Episcopal Church and officially became the Bethel African Methodist Church. Later in the 19th century, the church acquired its current name, St. Andrew's African Methodist Episcopal Church.

St. Andrew's has been a pioneer in organizing an educational and religious haven for people of color. In 1854, the first A.M.E. Sunday School in the far west was organized. This also became the site of the first public school organized for children of African, Asian, and Native American descent. In 1855, the church was the site of the first statewide convention of the colored citizens of California. This was the first organized political activity by people of African descent in California aimed at securing citizenship rights.

During the following years of westward expansion in the United States, St. Andrew's became a pivotal point in the far west for African Methodism, and it hosted numerous political, secular, educational, and cultural activities for African Americans. The church helped to develop educated and trained leaders of the African American community, even before the end of slavery.

Today, St. Andrew's continues to shine as a pillar for the community. In 1995, the church was recognized as a California Registered Landmark for being the oldest African-American Church on the Pacific Coast. For 150 years, the church has admirably served the ethnically diverse Sacramento community.

Mr. Speaker, as the exceptional people of St. Andrew's African Methodist Episcopal Church gather to celebrate their 150th anniversary, I am honored to pay tribute to one of Sacramento's most outstanding institutions. Throughout their proud history, the people of St. Andrew's have maintained an impressive tradition of service to the African-American community and other minority communities in greater Sacramento. I ask all my colleagues to join with me in wishing the people of St. Andrew's continued success in all their future endeavors.

SALUTE TO BEVERLY ANN KING, 2000 MINORITY ENTERPRISE DEVELOPMENT REGIONAL MINORITY ADVOCATE OF THE YEAR

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2000

Mr. DIXON. Mr. Speaker, I am pleased to salute my constituent and my friend, Beverly Ann King, who is being singled out for her enormous contributions to minority entrepreneurs with the National Minority Enterprise Development (MED) Week Award, which will be presented to her in Washington, DC, on Wednesday, September 27, 2000. Each year, the President of the United States designates one week as Minority Enterprise Development (MED) Week to honor outstanding members of the business sector. I am proud to note that in addition to being a recipient of the national Award, Beverly also received the Region IX MEDWeek Award at a luncheon in her honor on Thursday, August 31, 2000, and on Wednesday, October 18, 2000, will be honored with the local Los Angeles MED Week Award, at a luncheon in her honor at the Los Angeles Convention Center.

President and Chief Executive Officer of BAK Management, Beverly King is recognized nationally for her expertise in the conceptualization and implementation of programs benefitting minority, women, and disadvantaged business (MBE/WBE/DBE) owners. She has been a much sought after advocate for minority entrepreneurs for nearly two decades, as she has worked to ensure participation and parity for MBE/WBE/DBE enterprises in government and business contracting opportunities. As an expert in the field of MBE/WBE/DBE programs, she is a frequent lecturer and conducts seminars and training programs into the concepts and skills necessary for a successful minority business program.

Ms. King founded Beverly A. King (BAK) Management Consulting in July 1986. Her numerous clients have included the City of Los Angeles, Bunker Hill Tower, the Southern California Gas Company (now SEMPRA Energy), and Turner Construction. She continues to represent Turner Construction, serving as the company's Community Affairs Director and MBE/WBE/EEO Administrator.

Prior to establishing BAK Management Consulting, Beverly served six years as Equal Opportunity Manager for the Federal Highway Administration (FHA) in Los Angeles. Her duties included overseeing all civil rights/EEO activities associated with the construction of Los Angeles' Century Freeway project, and serving as the FHA's representative on the Century Freeway Affirmative Action Committee.

During the early years of her career, Beverly worked in our nation's capital for Senator Ralph Yarborough of Texas and Congresswoman Yvonne Brathwaite Burke of Los Angeles. She attended Prairie View A&M College in Texas, Howard University in Washington, DC, and earned undergraduate and graduate degrees from Pepperdine University in Los Angeles.

The recipient of numerous awards and honors, including the President's Award presented by the Black Business Association of Los Angeles, in August 1992 she was named by Speaker Thomas Foley to a four year term as a member of the United States Glass Ceiling Commission.

She is on the Corporate Advisory Board and a member of the Black Business Association; the Asian Business Association; the National Association of Minority Contractors of Southern California; and Women Construction Executives of Los Angeles. In addition, she has served on the Advisory Board of the UCLA Graduate School of Business. Furthermore, she is chair of the Legislative Task Force of Black Women's Forum and serves on the Board of Black Women of Achievement.

Mr. Speaker, Beverly A. King is indeed a woman of achievement. The fruits of her labors bear witness through the growth of the many successful MBE/WBE/DBE's engaged today in businesses throughout the Los Angeles community. It is a pleasure to publicly commend her, and to extend heartfelt congratulations to her on the high honors she is so deservedly receiving at this time. On behalf of the residents of the 32nd Congressional District of Los Angeles, I thank her and wish her continued success in the future.

TRIBUTE TO THE LATE RICHARD D. ROMERO

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2000

Mr. BACA. Mr. Speaker, it is with regret and deep sadness that I announce the passing of Inland Empire businessman, philanthropist, and community leader Richard Romero, at the age of 64.

Richard demonstrated vision and entrepreneurial spirit in the Inland Empire for over 30 years, opening his first dealership, Pomona Valley Datsun, in 1970. Today his business interests include 8 automobile franchises, a wholesale auto auction and a real estate company.

Throughout the years, Richard had a large presence in the Inland Empire, both as a businessman and community leader. He believed that what makes this country great is our individual commitments to philanthropies.

Richard and his wife of 38 years, Val, sponsored and supported many service organizations and programs for children including: an annual Christmas Choral Competition which awards monetary grants to 5 area high schools, a Christmas Program which provides gifts for over 300 foster children, Assistance League of Pomona Valley, Kiwanis, Ontario Chamber of Commerce and National Charity League.

Richard was born in rural Socorro, New Mexico, September 4, 1935, son of Clara and James Romero. He began working at age 9 washing cars and working in a service station. He earned a bachelor's degree in Business Administration, and for 6 years served our country in the Army Reserve Tank Corps. He then worked as assistant auditor for the state of New Mexico.

He moved to Los Angeles to work as an auditor for 20th Century Fox, at which time he also began his career in the retail auto business when he bought a small gas station from which he began refurbishing and selling used cars.

Richard was Chairman of the Board of Empire Nissan, Romero Motors Corporation, Jeep/Chrysler/Plymouth of Ontario, Toyota of Glendale and J. McCullough Corporation. He had served as a board member of the California Motor Car Dealers Association and the Chairman of the Board and CEO of Acquirecorp's Norwalk Auto Auction, Oremor Management & Investment Company and Oremor Development L.L.C.

Richard received several awards within the industry, including Chrysler Corporation's "Five Star Award for Excellence" and Nissan's President Inner Circle Award. In 1987, he was honored as the only Californian to receive the Import Car Dealer of Distinction Award. He was also the winner of the Time Magazine's Quality Dealer Award and named Mr. Hispanic Business Man of the Year, 1985.

In addition to being listed in "Who's Who in California", he was also named 1987 Humanitarian of the Year by the Alliance of Latino Business Association. He served with the Deukmejian administration as a California Transportation Commissioner. He also served on the Board of Governors of Opportunity Funding Corporation, a nonprofit, Washington, D.C. based organization, which helps minority members start and/or expand small businesses. Additionally, he worked closely with King Juan Carlos of Spain when he served on the Board of Governors for Expo '92 in Seville.

Richard was the founder and former chairman of the board of directors of Empire Bank and also served for over 20 years on the Board of Trustees for the University of La Verne, which chose him for their 1998 President's Award. Additionally, he served on the Board of Governors for the Rose Institute of Claremont McKenna College. The Romeros' had the honor of meeting and hosting several dignitaries and celebrities in their home including Chief of Staff Howard Baker under President Ronald Reagan, Former Governor Pete Wilson, Lord Roger Keyes, Sir Julien and Lady Ridsdale, and heavy weight champion George Foreman. He had also met and conferred with Presidents Reagan, Bush, Ford and Carter.

Richard is survived by his wife Val; son R.J.; two daughters Valerie and Christina; and four grandchildren with one on the way.

Richard will be missed by family and friends alike. He touched us all with his kind deeds and leadership in our community.

U.S. SHOULD SHOW SOLIDARITY WITH IRANIAN RESISTANCE

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2000

Mr. TRAFICANT. Mr. Speaker, Mohammad Khatami, the president of Iran, is scheduled to speak at the United Nations' Millennium Summit in New York today. More than 10,000 Iranian-Americans protested yesterday in front of the United Nations saying that Khatami does not represent the Iranian people, and should not be speaking at this summit.

Unfortunately I was not able to join U.S. Senator ROBERT TORRICELLI, and my colleagues in the House, CAROLYN MALONEY, GARY ACKERMAN, and GREGORY MEEKS at this impressive rally. But, Mr. Speaker, I want to voice my strong support for the 10,000 Iranian-Americans who were in front of the UN yesterday rallying for freedom and democracy in Iran. The crowd was chanting yesterday that the true representative of the Iranian people is the National Council of Resistance of Iran, and its president-elect, Maryam Rajavi. I couldn't agree more.

The United States should not be supporting Khatami. He is not the reformer the press has made him out to be. The fact is, under Khatami, Iran's human rights record has gotten worse. Under Khatami, Iran continues to be an aggressive supporter of international terrorism. The fact is, the Khatami presidency has brought more misery and despair to the Iranian people.

I would like to send this message to all the world leaders attending, the summit: support the Resistance's call for democracy in Iran and ban tyrants like Khatami from the UN.

TRIBUTE TO MARY MIYASHITA

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2000

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to Mary Miyashita, who will be recognized as the Special Honoree for Lifetime Achievement at a reception held by Asian Week on August 13, 2000. This event will honor the Asian and Pacific Islander American Delegates to the Democratic National Convention 2000.

Mary and I have been friends for 25 years and I am delighted to join her many admirers in honoring her lifetime of selfless and energetic service to the Asian-American community and to the Democratic party. I know of no one who has been more generous with her time, energy, money and even her home, than Mary has been in the pursuit of justice and equal opportunity for every individual.

Mary has served on a plethora of civic organizations. She has been a board member of the ACLU, the League of Women Voters, Women for Peace, the PTA and the Whittier Area Fair Housing Committee. She was a founding member of the Advisory Board of Meals on Wheels and of the Woman and Children's Crisis Shelter.

The Democratic Party has no more stalwart member than Mary Miyashita. Since Adlai Stevenson's 1948 gubernatorial campaign, no major election has passed without Mary's active participation. She is a true believer in representative democracy, working tirelessly on behalf of numerous local, state and federal candidates and helping tip the electoral scales on more than one occasion.

Mary has been either a delegate or an alternate to every Democratic National Convention since 1972. She served on the Los Angeles County Democratic Party's Central Committee for 20 years. Among the many awards showered upon her by grateful party organizations are Key Woman of the Democratic Woman's Forum, Democratic Woman of the Year in 1975 and "Superstar of '78." Mary is definitely a Superstar every year as far as I'm concerned.

In 1976, Mary helped found the first Asian Pacific Caucus, which has grown into a prestigious and highly effective advocacy organization. Her service to the Asian-American community is virtually without peer. She has been my confidant and advisor on issues of importance to her for decades.

In short, Mary is one of my favorite people and I am delighted to ask my colleagues to join me in saluting her—for her outstanding achievements, for her dedicated work, and for her charm and her delightful personality. I am very proud to have Mary as my friend.

PERSONAL EXPLANATION

HON. WILLIAM L. JENKINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2000

Mr. JENKINS. Mr. Speaker, I was not present to cast my votes on rollcall votes 443–

450. Had I been present, I would have voted aye on rollcall No. 443, aye on rollcall No. 444, aye on rollcall No. 445, aye on rollcall No. 446, aye on rollcall No. 447, aye on rollcall No. 448, nay on rollcall No. 449, and aye on rollcall No. 450.

IN HONOR OF MARION'S CONTINENTAL RESTAURANT

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2000

Mr. NADLER. Mr. Speaker, I rise today to recognize the 50th anniversary of the opening of Marion's Continental Restaurant. Since 1950, Marion's has been a culinary delight for all New Yorkers. The savory continental cuisine served at Marion's is some of the city's finest. I am thrilled that Marion Nagy came to this country to live the American dream and, in doing so, has endeared Marion's to the hearts of New Yorkers. Restaurants come and go in New York City, but Marion's has endured for half a century. This is a true testament to the superb quality and hospitality available at Marion's.

Mr. Speaker, I salute Marion's Continental Restaurant and I urge my colleagues to join me today in honoring and celebrating the anniversary of their 50 years serving the people of New York City.

TRIBUTE TO JOHNNY GILL

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2000

Mr. FARR of California. Mr. Speaker, I rise today to honor a man who spent his life advocating for agriculture and farming, and for the future of many of the people in the Salinas Valley of California. Johnny Gill passed away last month at his Lockwood, California home at the age of 47. The cause of his death was amyotrophic lateral sclerosis, commonly known as Lou Gehrig's disease.

Mr. Gill operated the John Gill Ranch in Monterey County, California, and was a pillar of agricultural life in that area. 25 years ago he started the King City Young Farmers organization and served actively as its first president to see its success. He was also active in many other local agricultural and community based organizations, including the 4-H, Little League, and the Sober Graduation program. Mr. Gill was also a Premier Sponsor and active member of the King City Chamber of Commerce and Agriculture. And, in a tribute befitting a figure such as Mr. Gill, last February, more than 900 people came together to honor him as King City's "Citizen of the Year" for 1999. This event, besides celebrating the accomplishments of Mr. Gill, also raised $375,000 to fight ALS and included a speech of tribute by actor Clint Eastwood, another Monterey County resident.

John Gill was a man of much accomplishment, even tending to all of his farming duties up until the end of his life. He was a role model for so many of our nation's farmers and citizens in general, and he will be sorely missed by his wife Pam Gill; his parents Jack and Augusta Gill of Paso Robles; his sons Francis Gill of King City, Jared Gill of Hollister and Bret Davis of Salinas; and his sisters Melinda Stewart of Paso Robles and Jeannine Mansfield of Burke, Washington.

IN HONOR OF JULIAN "RICH" RICHARDSON

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2000

Ms. LEE. Mr. Speaker, I rise today to pay homage and tribute to a great community leader and mentor. Julian "Rich" Richardson, an honorable member of the Oakland/San Francisco Bay Area community, and a great distributor of knowledge to the human family, passed away Monday, August 21, 2000.

It was an honor and privilege to have known this incredible man, whom I called my friend. One of eight children, Rich put himself through school at the Tuskegee Institute, founded by Booker T. Washington, working nights and weekends at a print shop. He studied under the famous scientist George Washington Carver, and earned a degree in Lithography.

While at Tuskegee Institute he married his beautiful and brilliant wife, Raye, and they settled in San Francisco in the 1940's, a time when Black people were still denied access to many hotels, restaurants, and jobs that paid a livable wage. During the Korean conflict he served his country in the Army as a map printer, and in 1960 launched Success Printing, a printing and publishing company.

Julian Richardson then opened Success Books, later renamed Marcus Books, after Marcus Garvey, the Jamaican and Harlem-based Black Nationalist who urged Blacks to foster a connection to their African homeland and learn a history commonly ignored in American textbooks.

Marcus Books is not only one of the oldest Black-owned bookstores in the country, it is a venue for new and vintage novels, a place for the community to meet with the numerous Black intellectuals, poets, and legends who frequent the store on book tours. Rich not only sold books that bettered the lives and intellects of countless members of the community, he cultivated an audience for the books and nurtured authors, even publishing a number of them.

Rich, with his family by his side, introduced a world of literature and an appreciation of books to thousands of people who would not have had such an opportunity without his landmark bookstores. At Marcus Bookstores, I personally spent many hours among my heroes; the intellectuals, artists, musicians, poets, and authors that spoke through the enormous collection of works contained within the shelves. Many times I came across authors with whom I was unfamiliar, and this remarkable community institution allowed me to expand my intellect and world view by discovering their work.

Rich was a giant among men, a champion for Black people and a true leader in every sense of the word. His great insight and wisdom allowed him to be a mentor, educator, and even a surrogate to young men in the community who did not know their fathers and looked to him for advice, support, and criticism that was given with compassion. On a personal level, Rich always encouraged me no matter what I was doing—as a student, an aide to Congressman Ron Dellums, and throughout my career of public service—Rich uplifted my spirits and told me to carry on.

I know I speak for the thousands of individuals whose lives have been bettered in saying that Julian "Rich" Richardson will be greatly missed, and that his contribution to the Black community and the entire world is immeasurable.

SOCIAL SECURITY TAX RELIEF ACT

SPEECH OF

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. PAUL. Mr. Speaker, I am pleased to rise in support of the Social Security Tax Relief Act (H.R. 4865). By repealing the 1993 tax increase on Social Security benefits, Congress will take a good first step toward eliminating one of the most unfair taxes imposed on seniors: the tax on Social Security benefits.

Eliminating the 1993 tax on Social Security benefits has long been one of my goals in Congress. In fact, I introduced legislation to repeal this tax increase in 1997, and I am pleased to see Congress acting on this issue. I would remind my colleagues that the justification for increasing this tax in 1993 was to reduce the budget deficit. Now, President Clinton, who first proposed the tax increase, and most members of Congress say the deficit is gone. So, by the President's own reasoning, there is no need to keep this tax hike in place.

Because Social Security benefits are financed with tax dollars, taxing these benefits is yet another incidence of "double taxation." Furthermore, "taxing" benefits paid by the government is merely an accounting trick, a "shell game" which allows members of Congress to reduce benefits by subterfuge. This allows Congress to continue using the Social Security trust fund as a means of financing other government programs and mask the true size of the federal deficit.

Mr. Speaker, the Social Security Tax Relief Act, combined with our action earlier this year to repeal the earnings limitation, goes a long way toward reducing the burden imposed by the Federal Government on senior citizens. However, I hope my colleagues will not stop at repealing the 1993 tax increase, but will work to repeal all taxes on Social Security benefits. I am cosponsoring legislation to achieve this goal, H.R. 761.

Congress should also act on my Social Security Preservation Act (H.R. 219), which ensures that all money in the Social Security Trust Fund is spent solely on Social Security. When the government takes money for the Social Security Trust Fund, it promises the American people that the money will be there for them when they retire. Congress has a moral obligation to keep that promise.

In conclusion, Mr. Speaker, I urge my colleagues to help free senior citizens from oppressive taxation by supporting the Social Security Benefits Tax Relief Act (H.R. 4865). I also urge my colleagues to join me in working to repeal all taxes on Social Security benefits and ensuring that moneys from the Social Security trust fund are used solely for Social Security and not wasted on frivolous government programs.

CLARIFYING THE HOMEBOUND DEFINITION

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2000

Mr. MARKEY. Mr. Speaker, on July 27 I along with 21 bipartisan Members introduced the Homebound Clarification Act of 2000, H.R. 5067 the companion bill to the Senate bill sponsored by Senator James Jeffords (R–VT) and Senator Jack Reed (D–RI).

This bill solves a problem in the current Medicare Home Health benefit that has created serious problems for Alzheimer's patients and our most frail, elderly and vulnerable Medicare beneficiaries.

Under current law, in order for Medicare beneficiaries to receive coverage for home health services they must be "confined to home". Current policy interpretations by the Health Care Financing Administration and followed by fiscal intermediaries are causing substantial harm to Medicare beneficiaries by effectively forcing home health users to be unnecessarily restricted to their own homes.

These restrictions impose harsh and irrational restrictions on patients and their caregivers. For instance, Alzheimer's patients are denied access to adult day services, which complement home health benefits, relieve caregiver burdens and delay nursing home placement, at no cost to the Medicare program. In another instance, home health services to a quadriplegic beneficiary who is lifted into a wheelchair and uses specially adapted transportation and is therefore not considered to be homebound.

The introduction of the Homebound Clarification Act follows the introduction of similar legislation Representative Chris Smith and I introduced in March of 2000, H.R. 4028. This bill was a more narrowly crafted version of the Homebound Clarification Act bill and targets patients with Alzheimer's Disease and related dementia disorders only.

The Homebound Clarification Act is endorsed by over 40 health and advocacy groups.

This bipartisan legislation will help to improve the lives of millions of our most frail and vulnerable Americans. I look forward to continuing to work with my colleagues to pass this important measure.

A SALUTE TO HENRY F. MOZELL ON HIS RETIREMENT

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2000

Ms. LEE. Mr. Speaker, I rise in honor today to salute Henry F. Mozell for his years of invaluable service in Oakland's fight to alleviate hunger and homelessness. His retirement marks the end of an extensive and distinguished career as a champion for the less fortunate.

Born in Dover, North Carolina, Mr. Mozell began serving the Oakland community upon the completion of his service in the U.S. Navy. His studies at the University of California in Urban Studies advanced his interests in community welfare.

Since his initial community projects, Mr. Mozell has been an active supporter of programs developed to combat hunger and homelessness in Oakland. His commitment to providing innovative programs such as the Mayor's Hunger and Relief Program has earned him national recognition.

Among the many awards Mr. Mozell has received during his career are the Mayor's World Food Day Award, the East Oakland Hope Award for the establishment of a hot meal site, and a Project Volunteer Award for bringing farm foods to Oakland. Most recently, he has been awarded with the Global Peace Award from Oaktown.

His active role in the political arena includes his service as the President of the East Oakland Democratic Club, the Vice President of the Alameda County Democratic Central Committee and his service on the State of California's Affirmative Action Committee. These positions are a testament to his continued involvement and concern for our community.

I proudly join friends, colleagues and family in honoring Henry Mozell's work, achievement and forthcoming retirement from a rewarding career.

IN HONOR OF JANE CAMPBELL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to honor Jane Campbell, a Cuyahoga County Commissioner who is being honored at the Jewish National Fund's Tree of Life Dinner of September 13, 2000.

Jane Campbell is one of three Cuyahoga County Commissioners, representing 1.5 million constituents in the Greater Cleveland area. She manages human services, economics, and infrastructure development and redevelopment for the most populous county in Ohio. Jane Campbell serves as the President of the Board of Commissioners and also chairs the Violence Against Women Act Committee and the Children Who Witness Violence Committee. She is also a Board Member of the District One Public Works Integrating Committee.

Prior to her role as Cuyahoga County Commission, Jane Campbell served six terms in the Ohio House of Representatives. During her time there, she was elected Majority Whip and Minority Assistant Leader by her colleagues.

Jane Campbell is an outstanding leader and public servant. She has dedicated herself to serving the people of Ohio and should be commended for her exemplary record of service. Jane Campbell is truly a committed and admirable woman.

My fellow colleagues, please join with me in paying tribute to Jane Campbell as she is honored for her devotion and service by the Jewish National Fund at the 2000 Tree of Life dinner in September.

20TH ANNIVERSARY OF MOTHERS AGAINST DRUNK DRIVING

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2000

Mr. GILMAN. Mr. Speaker, I rise today to congratulate and express my deepest gratitude to the thousands of individuals and victims throughout our nation, who have worked diligently to build and to extend the mission of Mothers Against Drunk Driving (MADD).

Mothers Against Drunk Driving, MADD, is a non-profit grass roots organization with more than 600 chapters nationwide and a presence around the world. Today, this worthy organization celebrates and remembers its 20th anniversary. Founded by a small group of California women in 1980 after a 13-year-old-girl was killed by a hit-and-run, repeat offender, MADD continues to work to find effective solutions to the drunk driving and underage drinking problems, while supporting those who have already experienced the pain of these senseless crimes.

Thanks to the support of Mothers Against Drunk Driving, our roads and highways are today much safer. Due to their efforts, alcohol related traffic deaths have dropped, victim assistance institutes have been created to train volunteers on how to support victims of drunk driving and how to serve as their advocates in the criminal justice system, and in advocating important legislation, such as the Omnibus Anti-Drug Abuse Act, which has been enacted.

Mr. Speaker, drunk driving is not an accident. Along with my friends in MADD, I will continue to work to pass .08 BAC legislation and to reduce the number of alcohol related deaths throughout our Nation. I thank the Mothers Against Drunk Driving. I support them, and I urge all of our colleagues to applaud their efforts over the past 20 years and in all of their future endeavors.

IN HONOR OF JOSEPH A. BARTOSZEK

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2000

Mr. KUCINICH. Mr. Speaker, today I rise to remember Joseph Bartoszek, a man who dedicated over forty years of his life serving as a mentor and inspiring youth.

Mr. Bartoszek, a native of Cleveland, was a toolmaker for Cleveland Pneumatic Tool Co. until his retirement eighteen years ago. A veteran who proudly served our nation during World War II, with a tour in France and Germany, he was an active member of Catholic War Veterans Post 1812 and VFW Post 108.

Mr. Bartoszek found his true passion when he was thirteen, when he joined the Boy Scouts of America. Mr. Bartoszek spent forty years as a Scoutmaster and Explorer adviser. During his long and distinguished career with the Scouts he received many awards, including the Silver Beaver, Scouting's highest honor for volunteers. Mr. Bartoszek spent over ten summers working with youth at Tinnerman Canoe Base as a counselor of the Ad Altare Dei program, Pope Pius XII retreats, and Scout development sessions.

Mr. Bartoszek touched countless lives with his endless devotion to helping young men, and his steadfast commitment to creating a better society. Mr. Bartoszek is a friend to all, a man who tirelessly dedicated his life to the betterment of others, and a man who has served the larger community a greater deed than we will ever be able to thank him enough for.

I ask that my fellow colleagues join me in celebrating the life and tremendous accomplishments of this truly remarkable man.

HONORING THE LIFE OF MR. JERRY RAYMOND

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2000

Ms. STABENOW. Mr. Speaker, I rise today to recognize the lifetime achievements of Mr. Jerry Raymond who passed away in January 1999 and offer my sincere condolences to his family.

Jerry Raymond was a remarkable man whose many contributions to Wayne county, the labor movement and the City of Livonia will be long remembered. He was a 49 year resident of Livonia and served on the City Council from 1966 to 1980. Always cognizant of the needs of others, his favorite saying was "People come first." He advocated for housing for seniors before it was the popular thing to do. His sensitivity to others is undoubtedly why he was re-elected to office so many times.

There are many other fascinating things that are important to know about this special man. He quit high school after his mother died and his father lost his job. As he moved around the country looking for a job, he started getting involved in strikes and joined the cause of working men and women. He became a union activist and his leadership in the labor movement brought him national recognition. Despite his many achievements, Jerry felt something was missing as he watched other family members pursue a higher education. Although he did not have a high school diploma, he enrolled in law school. He graduated Cum Laude and was honored by being elected President of his class. He opened a law practice called Jerry Raymond and Associates in Livonia and practiced law until shortly before his death.

Jerry was a special friend, role-model and mentor to many including myself. He was very involved in his community and in democratic politics. He is missed by everyone whose life he touched, but his spirit lives on in our memories and in the legacy he left behind.

IN HONOR OF JOSEPH TAKACS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2000

Mr. KUCINICH. Mr. Speaker, today I remember Joseph Takacs, a man who devoted his life to the betterment of mankind, and the struggles of those who needed help the most.

Mr. Takacs led the autoworkers at General Motor's Fisher Body plant in Cleveland for more than 10 nonconsecutive years in the 1960's and 1970's. A courageous fighter for the working man, Mr. Takacs was one of 250 workers who staged a sit-in at General Motor's Cleveland planet that lasted from December 1936 into February 1937. Through the dedication and determination of Mr. Takacs and his striking colleagues a nationwide strike began. The strike forced the company to recognize the union as a bargaining agent for its hourly employees, even today, considered one of the greatest union victories.

Mr. Speaker, Mr. Takacs was a dedicated man who committed his life to union reform, helping the poor, and fighting for the working men and women of this nation. Mr. Takacs was an inspirational leader and a mentor for generations to come. A champion of the causes of working people, Mr. Takacs never turned his back on anyone. A leader dedicated to his fellow colleagues, during strikes, Mr. Takacs would beg for food to make sure that there was always food at the union hall.

Mr. Takacs, a past president of United Auto Workers Local 45, has served on the front lines of the battle for working families since the 1930's. I ask my distinguished colleagues to join me in celebrating the life of this truly remarkable man, who has dedicated his life to serving others.

PASSAGE OF THE SOCIAL SECURITY BENEFITS TAX RELIEF ACT

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2000

Mr. BEREUTER. Mr. Speaker, because the House passed H.R. 4865, the Social Security Benefits Tax Relief Act, by a vote of 265–159, this Member encourages his colleagues to read the following editorial, from the August 5, 2000, edition of the Norfolk Daily News. This editorial highlights why the House of Representatives passed H.R. 4865. In particular, this editorial correctly states that the taxation of Social Security benefits was not within the original intent of those who created this system.

[From the Daily News, Aug. 5, 2000]

"CONTRACT" NOT NOW MENTIONED

TAX REDUCTION FOR SOCIAL SECURITY BENEFITS WOULD AID ELDERLY PAYERS

A modest tax cut proposal that would benefit some 9 million Social Security recipients is apparently going nowhere because of a threatened presidential veto.

Under the plan, which won a 265–159 vote in the House, with 52 Democrats joining the Republican majority, the amount of benefits subject to taxation could drop from 85 percent to 50 percent. That change would restore a tax level in effect until the 1993 increase urged by President Clinton and for which Vice President Gore cast the deciding vote.

Given current surplus levels, the change is easily affordable from Uncle Sam's standpoint. More than that, however, the change is in keeping with the original philosophy of the program. That is, to provide an old-age benefit to workers from earnings on which taxes had already been paid. It was much later that these benefits became an important new source of tax revenue for the U.S. Treasury.

It is of special interest that the same partisans who now protest a reduction in this tax, since it might help individual elderly people now earning as much as $34,000 annually or married couples at a $44,000 level, are the ones who have long berated opponents as "breaking a contract" on Social Security with any proposed alteration of benefits. They were silent when the benefits were effectively reduced with higher taxation.

Taxing those benefits was not the original intent of those who devised the system. Whatever implied contract existed was long ago violated by the decision to lump the benefits with other income and make it subject to regular taxation.

The system long discriminated against Social Security beneficiaries who worked for income rather than acquiring their extra money from interest payments or dividends. The imposition of the greater tax load—argued as necessary in 1993 in order to overcome deficits—did nothing to restore equity.

Much can and must be done to simplify the tax system, including that applicable to the Social Security beneficiaries, but such action must not preclude a simple reduction in rates to reflect the fact that excessive federal surpluses amount to a government taking of private wealth.

HONORING ING. KAROL MITRIK

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2000

Mr. KUCINICH. Mr. Speaker, today I rise to honor Ing. Karol Mitrik, Mayor of Spisska Nova Ves, for his outstanding leadership and dedication to his fellow countrymen.

One of six children Ing. Karol Mitrik was born in Spisska Nova Ves where he was taught an early lesson in the value of work, working sunrise to sunset on a farm. His childhood experience led him to pursue an education in the area of agriculture. He graduated in 1981 with a Master's degree in Agronomy from the Agricultural University in Nitra. In 1994 he finished studies in the City University with Certificate in Effective Management.

In 1994 Mitrik became Mayor of Spisska Nova Ves. A dynamic leader with vast knowledge of regional policies and economic development he has worked tirelessly on the behalf of the people of Spisska Nova Ves. Due to Mitrik's extraordinary leadership Spisska Nova Vas became a sister city of Youngstown. Mitrik also established the first Rotary Club in eastern Slovakia. Mitrik's expertise extends beyond local activities, he is involved in a student exchange program, is a Member of Council of the Association of Towns and Communities of Slovakia, Chairman of the Association of Towns and Communities of Slovakia, Vice-president of Mayor's club of Slovakia, and Chairman of Interest Association for Development of the Spis region.

Mr. Speaker, I ask my fellow colleagues to join me in rising and honoring this remarkable man and his tremendous accomplishments on behalf of the people of Spisska Nova Vas.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, September 7, 2000 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 12

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings on the Firestone tire recall.

SR-253

Environment and Public Works

To hold hearings on proposed United States Department of Transportation regulations on planning and environment.

SD-406

Foreign Relations

To hold hearings on pending calendar business.

SD-419

2:30 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold oversight hearings on the status of the Biological Opinions of the National Marine Fisheries Service and the U.S. Fish and Wildlife Service on the operations of the Federal hydropower system of the Columbia River.

SD-366

SEPTEMBER 13

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine marketing violence to children issues.

SR-253

Environment and Public Works

Fisheries, Wildlife, and Drinking Water Subcommittee

To hold hearings on the Draft Biological Opinions by the National Marine Fisheries Service and U.S. Fish and Wildlife Service on the operation of the Federal Columbia River Power System and the Federal Caucus draft Basinwide Salmon Recovery Strategy.

SD-406

2 p.m.

Foreign Relations

To hold hearings on pending calendar business.

SD-419

Intelligence

To hold closed hearings on intelligence matters.

SH-219

2:15 p.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold hearings on S. 2873, to provide for all right, title, and interest in and to certain property in Washington County, Utah, to be vested in the United States; H.R. 3676, to establish the Santa Rosa and San Jacinto Mountains National Monument in the State of California; S. 2784, entitled "Santa Rosa and San Jacinto Mountains National Monument Act of 2000"; S. 2865, to designate certain land of the National Forest System located in the State of Virginia as wilderness; S. 2956; to establish the Colorado Canyons National Conservation Area and the Black Ridge Canyons Wilderness; H.R. 4275, to establish the Colorado Canyons National Conservation Area and the Black Ridge Canyons Wilderness; and S. 2977, to assist in the establishment of an interpretive center and museum in the vicinity of the Diamond Valley Lake in southern California to ensure the protection and interpretation of the paleontology discoveries made at the lake and to develop a trail system for the lake for use by pedestrians and nonmotorized vehicles.

SD-366

SEPTEMBER 14

9 a.m.

Foreign Relations

International Operations Subcommittee

To hold hearings on exchange programs and the national interest.

SD-419

9:30 a.m.

Energy and Natural Resources

To hold oversight hearings on the transportation of Alaska North Slope natural gas market and to investigate the cost, environmental aspects and energy security implications to Alaska and the rest of the nation for alternative routes and projects.

SD-366

Commerce, Science, and Transportation

To hold hearings on air traffic control issues.

SR-253

10 a.m.

Judiciary

Business meeting to consider pending calendar business.

SD-226

1 p.m.

Small Business

To hold hearings to examine slotting fees, and the battle family farmers are having to stay on the farm and in the grocery store.

SD-628

Environment and Public Works

Fisheries, Wildlife, and Drinking Water Subcommittee

To hold hearings on the Draft Biological Opinions by the National Marine Fisheries Service and U.S. Fish and Wildlife Service on the operation of the Federal Columbia River Power System and the Federal Caucus draft Basinwide Salmon Recovery Strategy.

SD-406

2:30 p.m.

Energy and Natural Resources

National Parks, Historic Preservation, and Recreation Subcommittee

To hold hearings on S. 2749, to establish the California Trail Interpretive Center in Elko, Nevada, to facilitate the interpretation of the history of development and use of trails in the setting of the western portion of the United States; S. 2885, to establish the Jamestown 400th Commemoration Commission; S. 2950, to authorize the Secretary of the Interior to establish the Sand Creek Massacre Historic Site in the State of Colorado; S. 2959, to amend the Dayton Aviation Heritage Preservation Act of 1992; and S. 3000, to authorize the exchange of land between the Secretary of the Interior and the Director of the Central Intelligence Agency at the George Washington Memorial Parkway in McLean, Virginia.

SD-366

SEPTEMBER 26

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs on the Legislative recommendation of the American Legion.

345 Cannon Building

HOUSE OF REPRESENTATIVES—*Thursday, September 7, 2000*

The House met at 10 a.m.

Chaplain James T. Akers, Kansas American Legion, Madison, Kansas, offered the following prayer:

Holy God, Giver of Peace and Author of Truth, we acknowledge Your rule over our lives and the life of this Nation. We know You have plans for us and the power to make them happen. Give our representatives a vision of Your will for America today. Help us to always remember that we serve a great people and hold a sacred trust on their behalf. May we see that no Nation lives for itself alone, but is responsible to You for the well-being of Your creation. Now, let Your blessing rest upon this House, its leadership, its dedicated Members and staff, and of course this very great country. All this we pray in Your most gracious name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from California (Mr. GEORGE MILLER) come forward and lead the House in the Pledge of Allegiance.

Mr. GEORGE MILLER of California led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 134. Concurrent resolution designating September 8, 2000, as Galveston Hurricane National Remembrance Day.

ADMINISTRATION ATTACKS THE BOY SCOUTS

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, it never ceases to amaze me just how out of touch the Clinton-Gore administration is with the problems, the real problems, facing this Nation.

For example, more than 5 million acres of beautiful forest lands have burned to a black ash due to years of mismanagement and neglect by this administration, and yet the Clinton-Gore administration has decided to focus its time, its energy, and the taxpayer dollars of every hardworking American on whether or not the Boy Scouts should be allowed to camp on public grounds.

That is right, Mr. Speaker. This administration has launched its latest politically motivated attack against one of our Nation's most respected institutions, the Boy Scouts of America. Everyone knows that the Boy Scouts have done more for this country than the Clinton-Gore administration and the Boy Scouts are out educating young adults in character, responsibility and citizenship, three qualities that have not often been used to describe this administration.

Mr. Speaker, it is time that the Clinton-Gore administration stop attacking every group that is making our Nation great and instead start focusing on the problems of this Nation.

AIDS SPENDING IN D.C. APPROPRIATIONS

(Mr. CUMMINGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CUMMINGS. Mr. Speaker, as we consider the D.C. appropriations bill, let us not forget our ongoing battle with one of the deadliest diseases affecting more than 40 million persons worldwide: AIDS.

In our Nation alone the number of new cases each year remains at 40,000, making this a leading cause of death. We have an obligation to act. We have seen substantial increases in Federal funding for research, education and treatment. The Congressional Black Caucus, working with the White House, secured $251 million in funds for programs in minority communities. Government-wide AIDS spending is estimated at $10 billion in fiscal year 2000.

Progress has been made, but we must do more. Current research has determined that needle exchange programs, which I support, help curtail infection rates by more than 10 percent. This deadly infectious disease cannot be allowed to spread unchecked. Vote against amendments to the D.C. bill that threaten this principle.

EYE DEGENERATIVE DISEASES

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, Isaac, Daria, and Ilana Lidsky, young constituents from my congressional district, are three of the approximately 6 million people who have retinal degenerative diseases. Along with their parents, Betti and Carlos, the Lidsky family works tirelessly to raise research funds for eye degenerative diseases. This Saturday, the Lidskys will hold their annual dinner which has helped make possible unprecedented medical advances.

In a groundbreaking study, supported by the Foundation Fighting Blindness, scientists amazingly restored vision in a mouse using oral doses of a chemical compound derived from vitamin A. This miracle offers evidence that researchers will soon be able to develop similar cures for patients with retinitis pigmentosa, macular degeneration, and other retinal degenerative diseases which may lead to blindness.

Now more than ever, in an effort to make these treatments available, we need to support funding for the National Eye Institute so that our Nation's researchers will have the resources needed to make sight-debilitating diseases extinct.

Mr. Speaker, this Sunday, CBS's "60 Minutes" will highlight the Lidskys' uplifting story, and I urge my colleagues to tune in and learn what each of us can do in order to help realize a cure soon.

RUSSIAN-BUILT MISSILES POINTED AT U.S.

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, Russian President Putin told the United Nations that America does not need the Star Wars program.

Think about it. This Rusky wants it both ways. First, he builds missiles with billions of dollars of foreign aid from Uncle Sam; takes our money, builds the missiles; and if that is not enough to bust my colleagues' rubles, he then sells these missiles to our enemies who then point them at us.

I say here on the House floor that this guy, Putin, is not only drinking too much vodka, he is smoking dope. I say it is time to protect America from

Russian politicians who should be addressing Alcoholics Anonymous not the United Nations.

I yield back the fact, Congress, that we have missiles pointed at us that were built with our cash and made by Russia.

THE BOY SCOUTS OF AMERICA

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, no organization has done more to train young men to believe in God and country than the Boy Scouts of America. No organization is more fundamentally decent and better for young men.

But the Clinton-Gore administration apparently thinks they are dangerous. After Democratic delegates booed a Boy Scout color guard at their convention, the Justice Department launched an investigation to see whether they should bar the Boy Scouts from Department of Interior programs because of their traditional American values.

They have since backed down. But just the fact that the Clinton-Gore administration even contemplated banning the Boy Scouts from national parks and programs because of their beliefs is an outrage.

The Boy Scouts is not a hate organization. It is the premier youth organization in America providing training for character and volunteerism. The Clinton-Gore administration should stop pandering to the loony left.

BUSH PROPOSAL ON PRESCRIPTION DRUG BENEFITS

(Mr. GEORGE MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, I would draw our colleagues' attention to The New York Times and the Washington Post this morning where, after reviewing the Bush proposal on Medicare drug benefits, prescription drug benefits for our elderly, they draw the conclusion that, in fact, it is no benefit at all for millions of modest-income senior citizens in this country.

In fact, it is a benefit that is illusory. It is a benefit that requires us to wait for the governor to put in place a new bureaucracy to provide for drug benefits. It is a benefit that can be charged any price for its premiums and, as they draw the conclusion, that millions and millions of Americans simply will not be able to afford it. Therefore, the benefit is of no value to them at all.

More and more independent reviews of the Bush proposal are drawing this same conclusion, that it is only the appearance of a prescription drug benefit. It is not in fact a prescription drug benefit and that it would rely on the same private insurance companies that today are gouging people for health care or withdrawing health care from the elderly or denying them the services.

The one thing the Bush proposal does do is it undermines the current Medicare system.

DEATH TAX OVERRIDE

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, last month the Clinton-Gore administration vetoed tax relief for the American people. They struck down a repeal of the death tax, a measure which taxes family businesses and farms on up to 55 percent of their value upon the death of their owner. Eighty-five percent of these businesses do not survive to the second generation because of the death tax penalty.

And to what end? Government enforcement of the death tax costs nearly as much as the tax actually generates. As a result, the death tax adds less than 1 percent of revenue to the Federal budget. In contrast, if we had ended the death tax last year, we could have created 45,243 more jobs this year and nearly 236,000 by 2010.

I urge my colleagues on both sides of the aisle to do the right thing: override this senseless veto and do away with the death tax.

BACK TO SCHOOL

(Mr. PASCRELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PASCRELL. Mr. Speaker, millions of students across this country will get onto school buses and bikes to go back to school this week. Unfortunately, many of our Nation's students will be returning to crowded classrooms, run-down school buildings and outdated textbooks.

As a former teacher, I am acutely aware of both the excitement and the challenges facing our educational system today. We need to improve education by establishing tougher standards for our teachers, creating a school construction and modernization program, and funding preschool for some 3 year-olds and all of 4-year-olds. To that end, Congress must make education its top priority.

I would like to take a moment to wish a classroom in the Eighth Congressional District in New Jersey well this school year. Robin Holcombe is a kindergarten teacher in the Passaic School Number Six. She teaches 23 active, curious, and wonderful 5- and 6-year-olds. I want to let Robin know that the Congress is working for her and her students and will not rest until we provide her more professional training, smaller class sizes and her new kindergarten students with a sound and promising educational future.

Mr. Speaker, before I close, let me just say that many of the schools in northern New Jersey were built before the First World War. Congress must respond.

DEATH TAX OVERRIDE

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, if there is one thing that makes the United States a unique country, it is our idea that anyone with a strong work ethic can succeed in America.

For over 100 years, men and women have emigrated to this country to take advantage of the tangible ideal we call the American Dream. Not surprisingly, the Internal Revenue Service is taxing the American Dream into the grave with a mean-spirited provision called the death tax.

The death tax hurts average Americans who cannot afford to pay high-price lawyers to settle their affairs. As a result, 70 percent of small businesses do not survive into the second generation. That is totally unfair.

This Congress passed a bill to repeal the onerous death tax. Regrettably, the Clinton-Gore administration vetoed it. Let us show the Clinton-Gore administration that the American dream is still alive. I urge my colleagues to support overriding the death tax veto.

DEATH TAX OVERRIDE

(Mr. HEFLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFLEY. Mr. Speaker, death should not be taxed. Unfortunately, current law allows the IRS to do just that. When a person who owns a small business or a family farm passes away, the Government taxes up to 55 percent of that business' worth.

The death tax has meant the end to thousands of family-owned enterprises. In fact, this tax prevents nearly 85 percent of these organizations from being transferred from one generation to the next.

Business owners who can afford high-price lawyers can sometimes avoid passing on this tax to their families, but average Americans often cannot. The American Dream should not be taxed. And yet in vetoing this legislation, the Clinton-Gore administration is doing just that.

It is wrong for the Government to compound the shock of losing a family member with the devastation of losing one's livelihood. Now is the time to right this injustice. Vote to override the Clinton-Gore veto of the death tax.

□ 1015

OIL PRICES HIT 10-YEAR HIGH

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, the top headline in this morning's Washington Post says, "Oil Prices Hit a 10-Year High."

One main reason the prices are this high and probably going higher is that the OPEC countries know that the environmental extremists in this country will not allow more domestic oil production.

The U.S. Geologic Survey says we have billions of barrels of oil, equal to 3 years' worth of Saudi oil, in one tiny 2,000- to 3,000-acre part of the coastal plain of Alaska.

We have billions more barrels off the U.S. outer-continental shelf.

Yet this administration has vetoed legislation and has issued an executive order to prevent production of this oil.

I wonder if some of these environmental groups are funded by companies that make more money when we buy foreign oil.

To be so dependent on foreign oil hurts both our economy and our national security and risks more oil spills at sea.

Those who like higher gas prices, Mr. Speaker, should write the White House and wealthy environmentalists and say thank you.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 570 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 570

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4115) to authorize appropriations for the United States Holocaust Memorial Museum, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Resources now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from New York (Mr. REYNOLDS) is recognized for 1 hour.

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER). During consideration of the resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, last night the Committee on Rules met and granted an open rule for H.R. 4115, a bill to authorize appropriations for the United States Holocaust Memorial Museum.

The rule waives all points of order against consideration of the bill and provides 1 hour of general debate equally divided and controlled by the chairman and ranking member of the Committee on Resources.

The rule further makes in order the Committee on Resources amendment in the nature of a substitute, now printed in the bill, as an original bill for the purpose of an amendment, which shall be open for amendment at any point.

Additionally, the rule waives all points of order against the committee amendment in the nature of a substitute and authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD.

The rule allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote.

Finally, the rule provides one motion to recommit, with or without instructions.

Mr. Speaker, through Israeli poet Abraham Shlonsky's simple words, we are reminded of our continued responsibility to the memory of that greatest of all human tragedies that was the Holocaust:

"For my eyes that have seen the bereavement and burdened with the cries of my bowed heart I vow to remember all, to remember and not forget anything."

The terror spread by the Nazi regime across Europe from 1933 to 1945, the persecution and murder of millions of innocents because of their race, religion, political beliefs or nationality, stands to this day as one of the darkest, saddest, most tragic chapters of our world's history.

The Holocaust systematic annihilation of 6 million Jews by the Nazis and their collaborators is an unthinkable and unfathomable culmination of man's inhumanity to man.

But we must always think and we must always try to fathom what happened through the Holocaust. We must, as Abraham Shlonsky vowed, remember and not forget anything.

It was in that spirit of remembrance that in 1980 Congress established the United States Holocaust Memorial Council to plan a powerful living memorial to victims and survivors of the Holocaust.

The United States Holocaust Memorial Museum was opened in 1993 and has since become one of the most widely visited museums in Washington, D.C., hosting some 12 million visitors annually.

The museum is America's national institution for the documentation, study, and interpretation of Holocaust history and serves as this country's memorial to the millions murdered during the Holocaust.

The museum's primary mission is to advance knowledge of this unprecedented tragedy, preserve the memory of those who suffered, and encourage its visitors to reflect not only on the moral and spiritual questions raised by the events of the Holocaust but on their own responsibilities as citizens.

As many of the millions who have visited the Holocaust Memorial Museum can attest, one cannot soon forget this haunting tour of the darkest aspects of human nature. Nor will one forget the spirit of the millions of victims who perished and the courage of those who survived to bear witness against these atrocities.

H.R. 4115 reauthorizes and establishes the United States Holocaust Memorial Museum as an independent entity of the Federal Government with the responsibility of its day-to-day operations and maintenance.

The bill is a work product of the gentleman from Utah (Mr. CANNON) and the House Committee on Resources based on the National Academy of Public Administration's 1999 report on the museum's maintenance, governance and management to the House Subcommittee on Interior.

The bill assures the continued presence and function of the memorial's current council by establishing it as the board of trustees with overall governance responsibility of the museum.

Additionally, this bill authorizes necessary appropriations to more effectively operate and maintain the museum.

Mr. Speaker, the Holocaust Memorial Museum is a tremendous testament to the human spirit; and as such, this body should have the fullest opportunity to amend any legislation pertaining to this memorial. By bringing this measure to the floor under an open rule, Members will have that opportunity.

Mr. Speaker, as Nobel Laureate and Founding Chairman of the United States Holocaust Memorial Council, Elie Weisel said, "that is what the victims wanted: to be remembered, at least to be remembered."

And only through remembrance can we truly vow, never again.

I urge my colleagues to support this fair and open rule and the underlying measure.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from New York (Mr. REYNOLDS) for yielding me the customary 30 minutes.

Mr. Speaker, since its opening in 1993, the Holocaust Memorial Museum has become one of the most visited sites in Washington with nearly 15 million visitors in the past 7 years. This museum is a living memorial to the victims of the Holocaust and serves as the focus for education on the lessons of that great human tragedy in the hopes that one day we can rid the Earth of all genocide.

The underlying bill, H.R. 4115, would establish the museum as an independent entity of the Federal Government. Moreover, the measure provides the board of trustees with overall governance responsibility.

This legislation was introduced at the request of the council and the director of the museum. This is a noncontroversial change in the operations of the museum which deserves the support of the House.

The rule is an open rule and will allow any germane amendment to be offered to the bill, although it is not anticipated that any will be offered.

I am particularly proud to speak in support of this bill because of my own experience of working with Holocaust survivors. The Holocaust embodied the worst of what human beings can do, and yet so many survivors are still filled with hope and faith in the basic goodness of human nature.

As sponsor of a separate bill, the Justice for Holocaust Survivors Act, I had the privilege of meeting and hearing from many of these remarkable individuals. It is one of the proudest accomplishments of my career in Congress that this modest bill helped to drive the German Government to double the size of its compensation fund for the survivors of slave labor camps.

Mr. Speaker, in order that the House might proceed directly to consideration of H.R. 4115, I urge adoption of the rule.

Mr. Speaker, I yield back the balance of my time.

Mr. REYNOLDS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 570 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4115.

□ 1028

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4115) to authorize appropriations for the United States Holocaust Memorial Museum, and for other purposes, with Mr. LATOURETTE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Utah (Mr. CANNON) and the gentleman from California (Mr. MILLER) each will control 30 minutes.

The Chair recognizes the gentleman from Utah (Mr. CANNON).

Mr. CANNON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I introduced this legislation to reauthorize the United States Holocaust Museum because the museum serves an important function in remembering the past.

This marks 7 years of success for the museum, which is visited by millions of people each year through its acclaimed exhibitions, education opportunities, publications and outreach programs.

Created by a unanimous act of Congress in 1980, the museum continues to receive strong support and recognition.

In addition to its primary mission of advancing and communicating knowledge of the Holocaust history, the museum offers an opportunity for its visitors to reflect upon the moral and spiritual questions raised by the Holocaust.

The success of the museum clearly demonstrates the public's deep interest in contemplating and gaining valuable lessons from the Holocaust.

□ 1030

The museum has had 14 million visitors, of which about 3.7 million have been children. In addition, 61 heads of state have visited, along with 2,000 foreign officials from 130 nations. In response to public demand, the museum has developed an educational and scholarly outreach program, with traveling exhibitions in 27 cities over the past several years. The teacher program serves 25,000 educators across the United States annually. Their Web site has received 1.5 million visits each year.

The museum has received recognition internationally as a center for Holocaust research and remembrance. There has been a dramatic growth in its collections, including more than 35,000 artifacts, 12 million pages of archived documents, 65,000 photographic images, oral histories from over 6,000 individuals, a library of over 30,000 volumes in 18 languages, and a renowned registry of Holocaust survivors and their families with a total of 165,000 listings. The museum is an invaluable reference service for the public, with the Museum archival, photo, historian's office and library staff responding to over 18,000 requests each year for information, guidance and services.

These accomplishments demonstrate the museum's extraordinary public service and the success it has achieved on the National Mall, across the United States and internationally. The museum's mission to carry the legacy of Holocaust education and conscience forward into the 21st century is important. The museum is key to strengthening our ability as Americans to understand history's painful lessons, to help us overcome the worst of human impulses, and to improve our future.

I might just point out here that the Holocaust that we are dealing with is not just that of the Nazi atrocities leading up to and through World War II. We have had a large number of nations who have persecuted and murdered their citizens. In Cambodia we have had about 2 million people murdered. East Timor had 200,000. In Uganda, 750,000 people were murdered. And in Rwanda recently 800,000 people. Armenia had about 600,000 people murdered and in Russia if you include not just the decisions to murder citizens but the stupidity of the command economy, somewhere between 80 and 100 million people died at the hands of the government or at the decisions of the government.

The bill before us authorizes necessary appropriations to more effectively operate and maintain the museum. None of the funds are authorized for construction purposes. Federal appropriations for the museum have averaged around $31 million annually for the last 5 years and the budget request for fiscal year 2001 is $34.6 million. Donated funds have averaged approximately $21 million for the last 3 years, with expected donations of $21.4 million in 2001.

When the National Academy of Public Administration studied the functioning of the museum, they recommended several minor changes which are incorporated into this legislation. Among them are the ability to retain revenue from activities undertaken by the museum and several slight organizational changes to make the museum more efficient. This bill will support the mission of the United States Holocaust Memorial Museum and its enduring role in our society.

As a member of the museum's council I am proud to be a sponsor of this legislation. Several of our colleagues are also members of the council. The gentleman from New York (Mr. GILMAN), the gentleman from Texas (Mr. FROST), the gentleman from California (Mr. LANTOS), and the gentleman from Ohio (Mr. LATOURETTE) contribute to the important cause of the museum and council by serving on the council. I urge my colleagues to join me and the 24 original cosponsors in voting for this legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 4115 is a noncontroversial measure that would legislatively establish the United States Holocaust Memorial Museum as the institution with primary responsibility for our national remembrance to victims of the Holocaust. In addition, the bill provides for the permanent authorization of appropriations for the museum's operation.

In 1980, Congress enacted Public Law 96-388 establishing a U.S. Holocaust Memorial Council. Among the council's responsibilities was the planning, construction and operation of a permanent living memorial museum to the victims of the Holocaust in cooperation with the Secretary of the Interior and other Federal agencies.

The United States Holocaust Memorial Museum opened to widespread acclaim in April 1993. Visitation to the museum has greatly exceeded our expectations. With more than 2 million visitors annually, it is one of the most visited museums in Washington, D.C. In addition, the museum has won awards for architectural and programmatic excellence.

H.R. 4115 is based upon the recommendations of a study done by the National Academy of Public Administration on the governance and management of the council and the museum. The bill would establish the U.S. Holocaust Memorial Museum as the institution with primary responsibility for the mandates of the original Holocaust Memorial legislation.

The existing Holocaust Memorial Council would be established as a board of directors of the museum with the council's director as the chief executive officer of the museum. The bill would also authorize the museum to retain and expend revenues generated from activities. The bill includes a permanent authorization of appropriations of such funds as may be necessary for the museum's operation.

Mr. Chairman, we must assume that the Republican leadership had some time it needed to fill on the floor schedule because H.R. 4115 is a wholly noncontroversial measure that did not need to be brought to the floor under a rule. Nevertheless, I support the bill and urge my colleagues to do likewise.

Mr. Chairman, I reserve the balance of my time.

Mr. CANNON. Mr. Chairman, I yield such time as he may consume to the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Chairman, I rise in support of H.R. 4115, a bill to reauthorize the United States Holocaust Memorial Museum introduced by the gentleman from Utah (Mr. CANNON).

Mr. Chairman, H.R. 4115 reauthorizes and establishes the United States Holocaust Memorial Museum as an independent entity of the Federal Government with the responsibility of maintaining and operating the museum. The gentleman from Utah (Mr. CANNON) deserves credit for crafting this bill which helps a very important part of the Washington, D.C. museum complex and is an important part of history.

On November 1, 1978, then President Jimmy Carter established the President's Commission on the Holocaust charged with the responsibility to submit a report to the President on the establishment and maintenance of an appropriate memorial to commemorate victims of the Holocaust. The final report called for a memorial and museum as a Federal institution serving the public, scholars and other institutions. In 1980, Congress passed a law which established the U.S. Holocaust Memorial Council and, among other things, required them to plan, construct and operate a permanent living memorial museum to the victims of the Holocaust in cooperation with the Secretary of the Interior and other Federal agencies. In April of 1993 the Holocaust Memorial Museum opened and since then has become one of the most visited sites in Washington, D.C., hosting approximately 2 million visitors annually.

At the request of the Subcommittee on Interior of the Committee on Appropriations, the National Academy of Public Administration prepared a report in 1999 to assess the museum and make recommendations to improve the museum's governance, management, and administration. H.R. 4115 implements many of these recommendations.

The Holocaust Memorial Council was formed in 1980 for the purpose of establishing a permanent living memorial museum. Having accomplished this, H.R. 4115 establishes the Holocaust Memorial Museum, rather than the council, as the institution for the primary responsibility for the museum's operation. The Holocaust Memorial Council, however, would still function as the governing body in serving as the board of trustees. The council is currently composed of 65 voting members appointed by the President, the Speaker of the House, and the President pro tempore of the Senate. Three members of the council are selected by the President's Cabinet. Among the current council members are five Members of the House, including the gentleman from Utah (Mr. CANNON), the gentleman from New York (Mr. GILMAN), the gentleman from Texas (Mr. FROST), the gentleman from California (Mr. LANTOS), and the gentleman from Ohio (Mr. LATOURETTE). This bill authorizes necessary appropriations to more effectively operate and maintain the museum. However, none of the funds may be used for construction purposes.

This is a good bill which assists in the continuation of one of our most important museums. I urge my colleagues to support this. I know, as many Members of Congress know, probably more people ask to go to the Holocaust Museum now than probably any other place outside of the White House and this building.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. BONIOR), the minority whip.

Mr. BONIOR. Mr. Chairman, I thank my colleague for yielding time. Let me thank the gentleman from California (Mr. GEORGE MILLER) for his leadership and my colleague on the Republican side of the aisle for his leadership on this bill.

Mr. Chairman, not very far from here there is a woman who lives in a nursing home and her name is Janka Fischer. She is 101 years of age. Most of the people in the home know Mrs. Fischer as a kind woman with a Hungarian accent who despite her age always wants to help others. What only a few know is that 60 years ago, Mrs. Fischer was a talented seamstress in her native Budapest. She had a small business of her own and a close, loving Jewish family. And then all of that changed. The Hungary she lived in became a very different place than the nation she grew up in. It was a nation living under Fascism, a country where it was no longer safe to be a Jew.

In the summer of 1944 with the war clearly lost, the German government ordered the annihilation of the Hungarian Jews. The author Daniel Goldhagen writes that between May 15 and July 9, the Germans diverted box cars from the war effort to send 43,000 Hungarian Jews to concentration camps. Most of the Jews were murdered in the gas chambers at Auschwitz. Others died in different camps and on forced marches. A relative handful survived. They included Mrs. Fischer and two of her daughters. Almost everyone else died in the chambers. Mrs. Fischer still cannot talk about that time without bursting into tears. How could she do otherwise? Through luck and through her sheer tenacity, she survived the Holocaust. But will the memory of the Holocaust survive Mrs. Fischer? Will it survive the others who suffered through it?

We have a responsibility to see to it that it does, to see to it that future generations understand the lessons of that era and to see to it that the world never forgets them. That is the special mission of the Holocaust Memorial Museum and that is why it has earned the support of every American. We owe that to those who died in the gas chambers at Auschwitz. We owe it to that nice old woman with the Hungarian accent named Janka Fischer.

Again, I thank my colleagues for their leadership in bringing this to the floor.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. ROTHMAN).

Mr. ROTHMAN. Mr. Chairman, first I want to thank the ranking member, the gentleman from California (Mr. GEORGE MILLER), for all his assistance in putting together this bill; and of course, I want to recognize my dear, dear friend, the gentleman from Utah (Mr. CANNON), who in my 4 years now in the Congress I have not found an individual of higher integrity and moral purpose than the gentleman from Utah. It is just a pleasure to serve with him. I thank him for his leadership on this issue.

As an original cosponsor of this bill, I welcome this legislation's intent to permanently authorize appropriations for the United States Holocaust Museum. By passing this bill today, this body will give the United States Holocaust Memorial Museum, quite appropriately, I believe, the same permanent authorization for appropriations that is currently reserved for the Smithsonian Institution and the National Archives.

Mr. Chairman, I believe that it is in America's vital national interest to continue the way in leading and in remembering and preventing the crimes against humanity that are depicted in the U.S. Holocaust Memorial Museum. It is the exact purpose served by the Holocaust Museum and a purpose that will continue to be realized if we pass this resolution today.

During the past 7 years, 61 heads of state and 2,000 foreign officials from over 130 countries have toured the Museum and learned more about the horrors of the Holocaust and about what can happen. Each year, more than 25,000 teachers nationwide are provided with materials and training on the continuing lessons of the Holocaust. And since its opening in 1993, the U.S. Holocaust Memorial Museum has welcomed over 13 million visitors.

□ 1045

What is the lesson of the U.S. Holocaust Memorial Museum my friends? The lesson is that ignorance, hatred, and intolerance, if left unchecked can result in the slaughter of innocent millions and millions and millions of men, women, and children.

Whether we study the holocaust or any other genocide, we can learn these lessons, it is the role of the U.S. Holocaust Memorial Museum that serves this purpose today. We need to make sure that the slaughter, the shame, and the scars of this Holocaust and all the genocides of the 20th century are never repeated.

Mr. CANNON. Mr. Chairman, I yield myself such time as I may consume.

First of all, I would like to thank my dear friend, the gentleman from New Jersey (Mr. ROTHMAN) and for his kind words. We got to know each other when we cohosted our freshman class in the evening that we held at the Holocaust Museum and while we differ on a number of issues, there are some things that draw us together as Americans and as friends.

Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. REGULA), the chairman of the Appropriations Subcommittee on Interior.

Mr. REGULA. Mr. Chairman, I thank the gentleman from Utah (Mr. CANNON) for yielding me the time.

Mr. Chairman, I rise today to offer my strong support for the passage of H.R. 4115, the reauthorization of the U.S. Holocaust Memorial Museum.

For the past 6 years, I have chaired the Appropriations Subcommittee on Interior which provides the Federal funding for this outstanding museum, and I am pleased today to offer my support for its reauthorization.

The Holocaust Museum was constructed with private funding in 1993 and today remains a model public, private partnership. As has been said before, it has served something in excess of 13 million visitors and students and dignitaries from all over the world, including 130 foreign countries.

The bill to reauthorize the museum is an important document, as it makes important improvements to the museum's overall administration and operation. These changes set the museum on a very positive course for the future and have been recommended by the National Academy of Public Administration.

With these changes in place, the museum may continue to carry out its important mission of serving as this country's memorial to the millions of people murdered during the Holocaust and of educating us and future generations so that we may prevent such a tragedy from ever again occurring. And I cannot emphasize enough the education role of this museum.

Mr. Chairman, I thank you again for the opportunity to express my strong support for this bill.

Mr. Chairman, I rise today to offer my strong support for the passage of H.R. 4115, the authorization of the U.S. Holocaust Memorial Museum. For the past six years, I have chaired the Interior Appropriations Subcommittee which provides the federal funding for this outstanding museum, and I am pleased today to offer my support for its reauthorization.

The Holocaust Museum was constructed with private funding in 1993 and today remains a model public private partnership. Since its opening, the museum has received 13.5 million visitors, including students and dignitaries from all over the United States and 130 foreign countries.

The bill to reauthorize the museum is an important document, as it makes important improvements to the museum's overall administration and operation. These changes set the museum on a very positive course for the future and have been recommended by the National Academy of Public Administration. With these changes in place the museum may continue to carry out its important mission of serving as this country's memorial to the millions of people murdered during the Holocaust and of educating us and future generations so that we may prevent such a tragedy from ever again occurring. I cannot emphasize enough the important role of the Museum in educating the visitors about this tragedy.

Mr. Chairman, thank you again for the opportunity to express my strong support for this bill.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. LANTOS).

Mr. LANTOS. Mr. Chairman, I thank my friend, the gentleman from California (Mr. GEORGE MILLER) for yielding me time, and I want to express my appreciation to the gentleman and also to the gentleman from Utah (Mr. CANNON) for their leadership on this issue.

Mr. Chairman, I, of course, rise in strong support of this legislation as the only survivor of the Holocaust ever elected to the Congress of the United States. The Holocaust Memorial Museum clearly fulfills two equally important but very different functions. It stands as a permanent tribute to the vast numbers of innocent men, women and children who were murdered on a gigantic scale by the Nazi war machine and their allies, but it also stands as one of the foremost pedagogic institutions of the United States of America.

because it opens its doors to millions of young people in this country who go through the halls of the museum in disbelief and horror as they are confronted with man's mindless inhumanity to man.

In the harried days at the end of the Second World War, it was customary to say "never again". But, of course, that phrase from the vantage point of the year 2000—has a very hollow ring, because time and time again populations were extinguished in southeast Asia, in central Africa and elsewhere as religious and ethnic and racial hatred ran amuck. People killed others for the sole reason that they were of a different ethnic or religious or linguistic or racial community.

It is one of the great achievements of our great republic that the first military undertaking of human history purely for reasons of human rights was initiated by the United States and our NATO allies in the former Yugoslavia just a year and a half ago. We simply felt that the killing of innocent people in Kosovo was unacceptable because they represented a different religious or ethnic group from the dominant religious or ethnic group of Yugoslavia.

So I think the Holocaust Memorial Museum needs to be viewed in a very broad context. It is a reminder for all time to come of the nightmare of the Holocaust, the massacre of 6 million innocent people by a regime of ultimate brutality and barbarity. But it is also an educational institution that reminds us for all time to come that hate crimes lead to more hate crimes, and when hate crimes become endemic, we have a Holocaust.

The Holocaust Memorial Museum is one of the most significant institutions of our Nation, and it speaks well for the Congress of the United States that today we will be reauthorizing this institution—I trust unanimously—to carry on its sacred mission.

Mr. CANNON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to thank the gentleman from California (Mr. LANTOS) for his very kind words. The gentleman knows I have been a great admirer of his for many years, in fact 25 years ago when I first met his beautiful daughters before he was a congressman.

Mr. Chairman, I yield as much time as he may consume to the gentleman from Ohio (Mr. LATOURETTE), a fellow council member on the Holocaust Museum.

Mr. LATOURETTE. Mr. Chairman, I thank the gentleman from Utah (Mr. CANNON) for yielding me the time.

Mr. Chairman, I rise today in support of H.R. 4115, the legislation in front of the body.

Over the last 6 years, I have had the honor of serving as one of the council members of the Holocaust Museum, and I can say with all candor, that that service has been one of the highest honors if not the highest honor that I received since I have been in the United States Congress.

During my time of service, I have had the opportunity to learn firsthand what all of us really knew, that it is a remarkable institution. The museum recently marked its 7th anniversary and in its short tenure it certainly made its mark.

There was great anticipation and excitement when it was about to open and when the idea was conceived, but I do not think anybody would have recognized what it would achieve in only 7 years. Other speakers have talked about the shattered attendance records. People have talked about the fact that dignitaries from 130 countries have come. And while those dignitaries garner the headlines, it is the everyday people from all walks of life who really make the story of the museum so special: parents and children, school groups, community groups, and teachers.

Given the museum's success, it is hard to believe today that before its opening there was genuine concern as to whether or not this museum would appeal to anyone but Jews. People were afraid that visitors would not come. Of the millions of people, Mr. Chairman, who have visited the museum, 80 percent of all visitors are not Jewish, 14 percent are foreigners and 18 percent have come to the museum more than once.

When the museum celebrated its 5th anniversary, it commissioned a survey about the Americans' view of the Holocaust. The purpose of the survey was to judge Americans depth of understanding and also to focus and continue to focus the mission of the museum. The survey had encouraging and discouraging results. Seventy-seven percent of Americans had heard of the museum, and 61 percent said they would be interested in visiting it if they came to Washington, D.C. Two of every three Americans polled wanted to learn more about the Holocaust, and minorities were most enthusiastic in that regard including 79 percent of the African Americans polled and 75 percent of the Hispanics.

Eighty percent, four out of every five Americans surveyed pictured the Holocaust as one of the history's most important lessons, placing it behind the American Revolution, but ahead of the American Indian struggles, the U.S. civil rights movement, Vietnam, slavery and the Cold War.

Responses also proved the value worth of the museum and its role in educating the public. One out of every five Americans, 20 percent, do not know or were not sure that Jews were killed during the Holocaust or that it occurred during the Second World War. More than 70 percent of those polled falsely believed that the United States granted asylum to any and all European Jews that wanted it. Sadly, in fact, the United States had one of the worst records in accepting refugees. Only 21,000 refugees were accepted in the United States as they fled Nazism during World War II.

Mr. Chairman, my first experience at the museum, I was taken by a fellow by the name of Mark Newman, whose father was a Holocaust survivor, and although he said I should come back, and I have come back many times to spend 4 hours and 5 hours in the museum at a time, he wanted to show me two exhibits. Because I was going to be a new legislator, he wanted to show me the exhibit on the St. Louis and the exhibit on the failed conference at Evian, the conference wherein supposedly the great powers of the world got together to determine which country would in fact accept refugees who were fleeing for their very lives from the stain of Nazism. That conference failed, it failed, and my host made the observation, because legislators did not do their job at this moment in time, and it remains a stain of shame on the United States. It remained a lesson that I carry with me as I make decisions here in the House of Representatives.

I want to thank the gentleman from Utah (Mr. CANNON) for bringing forth this legislation. It is a good bill. It passed unanimously when it was first authorized, and it should again today.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just wanted to thank the gentleman from Utah (Mr. CANNON) for bringing this legislation forward and note that many of the speakers this morning talked about the educational aspect of this museum. Many of us have school children, young people who come and visit Washington as part of trips for various organizations or schools or social clubs and what have you, and when you talk to these young people when they come to our office and you ask them about their experience in Washington D.C., for those who had the opportunity to visit the Holocaust Museum, it is quite something to talk to these young people as they speak of their amazement, of their horror, and of their sadness visiting the museum, and the fact that but for the museum they may have never learned or they had not learned to date of the story of the Holocaust, of the history of the Holocaust and of the scale of the Holocaust.

Clearly, a decision that was championed for so long by our former colleague Sidney Yates of Illinois, a decision by this Congress to establish this museum is clearly one that is paying back incredible dividends in terms of enriching the knowledge of history of young people and so many others in this country and from around the world about the Holocaust.

I think the Congress should be very proud of the establishment of this museum. As the gentleman from Ohio (Mr. LATOURETTE) pointed out, at one point people thought maybe this was not wise, it should not be done, there was no constituency for it. But the fact of the matter is, that we now see it as among the most visited of the museums and sites in Washington D.C.

When we establish these kinds of museums or the national parks or the wilderness areas, very often, as we find out, these are decisions that we make that keep giving back to this Nation, and they give back on a daily and a yearly basis as they enrich the lives and the understanding of the American people and others about our place in history, about the role of history and our consideration of the future.

□ 1100

Clearly the Holocaust Museum is a major, major monument to that effort. As the gentleman from California (Mr. LANTOS) reminds us, the Holocaust is not only about the past and about history, it is about a very deep consideration of human rights in the future and in current-day political struggles throughout the world.

In many ways, that may be one of the finest gifts that the Holocaust Museum gives to each new generation as they take their place of position of authority, is to think about the Holocaust, and then to think about the tragedies that everyday people are suffering throughout the world at the hands of despots and those who seek power almost just for power's sake, but have to do it at the great price of another people so that they can achieve that kind of incredible totalitarian power over others.

So it is with great respect that I support this legislation, and again thank the gentleman from Utah (Mr. CANNON) and the cosponsors of this legislation.

Mr. Chairman, I yield back the balance of my time.

Mr. CANNON. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Mr. Chairman, I just was thinking as we reflected on the success of the museum that we should mention that Miles Lerman, who was chairman of the museum board for many years, along with Congressman Sid Yates, who was chairman of the Committee on the Interior working together, really made this a success. I think much of what we have discussed today is a reflection of the initiative of these two individuals and the enormous amount of effort they put into making this museum what it is today with its ability to serve the public and convey a message.

Mr. CANNON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to close by encouraging Members of this body and other Americans to visit the museum. I thought I might do that by telling my personal experience with the museum. First of all, I would like to thank the ranking member of the committee for his support and help during this debate and the development of the bill.

I was born in 1950, shortly after World War II; and, as I went through high school, one of the kindest, most thoughtful professors, teachers, that I had there was a Jew who had survived the holocaust. He had a colleague, who I never had a class from, but who had a son that was my age, so I became friends with the three of them.

One of the most stark experiences of my youth was to see those two teachers of history roll up their sleeves and show me a tatoo that had been put on their arms by the Nazi regime. That framed much of my view of the world and of history and of the role of government, frankly, and it was very important to me.

Since the opening of the museum, I have visited it several times; and it is a tremendously personal experience to go through that museum. You are confronted with the best and worst in the impulses of human beings as you go through it. It is an intimate experience. We do not have many survivors of the Holocaust left who can give the impression to young people that those two great men gave to me.

So I would encourage everyone to go through and visit the museum. I will say that it is a stark experience. There are places that have barriers so that small children cannot see some of the demonstrations of the inhumanity of man to man. They are worth looking at, and considering.

Mr. Chairman, let me just say it has been a great pleasure to work on this bill with all of those involved.

Mr. CROWLEY. Mr. Chairman, I rise in strong support of H.R. 4115, the United States Holocaust Memorial Museum Act. As the only Member of the New York State delegation to serve on the Committee on Resources, I was pleased to co-sponsor this legislation.

Seven years ago, the Holocaust Museum was opened in Washington D.C. as both a stark testament to the sheer brutality of the Holocaust and as an appropriate way to learn from the past so that we never repeat it.

I believe the words of General Dwight David Eisenhower dating from April 15, 1945 express the horrors of the Holocaust best and reaffirm why this Institution is needed. His quote, as it is inscribed on the walls outside the Museum, states:

> The things I saw beggar description . . . the visual evidence and verbal testimony of starvation, cruelty, and bestiality were overpowering. I made the visit deliberately in order to be in position to give first hand evidence of these things if ever, in the future, there develops a tendency to charge these allegations merely to quote "propaganda."

I encourage all Americans to visit this Museum in our Capitol City and witness firsthand the powerful images of both hope and hatred expressed in that building. From the railroad car that transported human beings like chattel to the concentration camps, to the powerful testimonies of real survivors, the images are real, stark and bitter.

On my first visit, I was most struck by the fact that, as you begin the tour, every visitor is provided an identification card of a real victim of the Holocaust.

As you walk through the Museum, you turn the page of "your" life story. As I reached the end, I felt personally connected to my "identity" and was disturbed to learn of "my" fate.

Unfortunately, the lessons and the educational seminars of the Museum today are still needed as we still witness genocide on our planet today.

Here, I remember back to the opening ceremony of this Museum. Holocaust survivor and author Eli Weisel was one of the principal speakers and he stood and challenged President Clinton, sitting next to him, to address the new Holocaust of the 1990's—Bosnia.

He spoke about the true mission of the Museum—to teach us about our past so that we will never repeat them in the future. That is not only a Museum of the past but of the present and the future.

Unfortunately, our world continues to witness mass death, genocide and violence driven solely by hatred of an individual based on one's race, religion, ethnicity or sexual orientation—like we saw under Hitler.

While I proudly stand in support of this legislation—the Holocaust Museum is more then a Washington landmark. It is a reminder of what our world has witnessed and a testament that more work is needed so that no more memorials need to be erected to victims of genocide and hate.

I also want to thank two of my colleagues. The first is my current colleague, Representative TOM LANTOS, a Holocaust survivor and a moral voice for all of us in this Chamber.

I would also like to acknowledge the work of a former colleague, someone I have not had the pleasure to serve with, but whom, without his leadership, the Museum may not be standing today. That person is Congressman Sid Yates.

The first time I visited the Museum, I was joined by his successor, Representative JAN SCHAKOWSKY, who has carried on his dedication and support for this fine institution.

Congressman LANTOS, I honor you. Congressman Yates, I remember you today.

Mr. BENTSEN. Mr. Chairman, I rise in strong support of H.R. 4115, legislation to officially establish the United States Holocaust Museum and authorize appropriations for its operation. The U.S. Holocaust Memorial Museum is this nation's premiere institution for the documentation, study, and interpretation of Holocaust history, and serves as this country's memorial to the millions of people murdered during the Holocaust.

Chartered by a unanimous Act of Congress in 1980, the Holocaust Museum has greatly broadened public understanding of the history of the Holocaust through multifaceted programs. The Holocaust represents the most tragic human chapter of the 20th century when six million Jews perished as the result of a systematic and deliberate policy of annihilation. The Holocaust Museum allows us all to bear witness to the atrocities of the period and challenges us to confront the indifference of that our own political leaders showed at that time. These lessons are critical, especially in light of the use, in recent years, of genocide for political and tactical purposes by regimes in Europe and Africa.

As an aside, I would like to take this time to also recognize the Holocaust Museum of Houston. Since its opening in 1996, the Holocaust Museum of Houston, like its national counterpart in Washington, has installed exhibits that not only remind visitors of those who died and survived the tragedy of the Holocaust, but also to educate the public, specifically school-age children, about the dangers of racial intolerance.

Mr. Chairman, I rise in strong support of H.R. 4115 and urge my colleagues to join me in authorizing appropriations for the U.S. Holocaust Memorial Museum.

Ms. SCHAKOWSKY. Mr. Chairman, I am proud to join my colleagues today in support of H.R. 4115, the U.S. Holocaust Memorial Museum Authorization. This bill builds upon and continues the legacy of my predecessor Representative Sidney Yates whose hard work led to the passage of legislation establishing the Holocaust Memorial Council in the 96th Congress.

The vision of Congressman Yates and so many others has translated into a powerful, successful, and beautiful testament to the lives that were lost to the Holocaust, the United States Holocaust Memorial Museum. And what a testament the Museum is. Without about 12 million visitors every year, the museum has served as an incredible teaching tool, as well as a place of peace where people can go to remember those who were lost. Along with the great success of the facility here in Washington, the Museum does substantial outreach to schools and communities throughout the nation. The traveling exhibits of the Museum have brought the lessons of the Holocaust to those who are unable to visit the nation's Capital. The Museum also provides materials for teachers who devote class time to Holocaust commemoration. Anyone, who has visited the Museum or one of its traveling exhibits understands the important role they play and the important lessons they can teach to all Americans.

The Holocaust Memorial Council has also helped guide this body in observance of the Days of Remembrance every year when we take time in the nation's Capital to commemorate the Holocaust.

The bill we are considering today makes permanent the authorization of such sums as necessary for the Museum to continue to operate. Besides going through the formality of making this funding permanent today, we are making an important statement. With passage of this legislation, the members of this body are saying to the nation and to the world that we will never forget and that we will continue to teach our children and our children's children that what happened during one of the world's darkest and most tragic chapters in history must never again be tolerated.

Again, Mr. Chairman, I join my colleagues in supporting this legislation and I thank all members who worked to bring this measure to the floor. I urge all members to vote in support of H.R. 4115.

Mr. PAUL. Mr. Chairman, I rise today in hesitant opposition to H.R. 4115, the U.S. Holocaust Memorial Museum Authorization Act. We as vigilant Americans must never forget the horrific lessons of the past and those attendant consequences of corporatism, fascism, and tyrannical government; that is, governmental deprivation of individual rights. A government which operates beyond its proper limits of preserving liberty never bodes well for individual rights to life, liberty and property. Particularly, Adolph Hitler's tyrannical regime is most indicative of the necessary consequences of a government dominated by so-called "government-business" partnerships, gun-confiscation schemes, protectionism, and abandonment of speech and religious freedom in the name of "compelling government interests."

Ironically, this measure's language permanently authorizes the appropriation of such sums as may be necessary for the United States Holocaust Memorial Museum; a purpose which propels our very own federal government beyond its constitutionally enumerated limits. This nation's founders were careful to limit the scope of our federal government to those enumerated powers within Article One, Section 8 of the U.S. Constitution. These limits were further instilled within the bill of rights' tenth amendment which reserves to States and private parties those powers not specifically given to the federal government.

Evidence that such private contributions can properly memorialize this most important historical abhorration can be found given that this museum receives approximately $20 million in private donations annually.

Mr. Chairman, while I agree it is most important to remember and memorialize with a heavy heart the consequences of tyrannical governments operating beyond their proper limits, ignoring our own government's limits of power and, thus, choosing a means incompatible with its ends to do so must not be tolerated. Hence, I must oppose H.R. 4115.

Mrs. MALONEY of New York. Mr. Chairman, I rise today in strong support of this legislation. The Holocaust Memorial Museum is a powerful tool to educate about the horrors of the Holocaust, to preserve the memory of the millions who suffered, and to teach its visitors how hate and intolerance can lead to tragedy. Over the last 7 years, almost 15 million people have visited the Museum and witnessed firsthand the truth about what happened during the Holocaust. Thousands more have toured the traveling exhibits the Museum coordinates and conferences around the country. In Washington, DC alone, a record 1.5-million visitors have toured the museum this year.

It is critical that a sensitivity to the Holocaust be instilled in our society. Even today there are establishments that are teaching that the Holocaust never happened or avoid it altogether.

I recently heard from a woman that was taught in her high school history class to appreciate the leadership Hitler brought to Germany. In fact, her only assignment on World War II was to write a paper praising Hitler's regime.

Unfortunately, it wasn't twenty years ago that this happened. In fact, there are organizations out there today with the sole purpose of denying that the Holocaust ever happened. This makes the role of the United States Holocaust Memorial Museum that much more necessary.

Educating about past wrongs and teaching tolerance instead of hate is the only means we have to help prevent future tragedies.

I urge my colleagues to continue to support the United States Holocaust Memorial Museum and in doing so, honor the memory of all those who suffered at the hands of hate.

Mr. GILMAN. Mr. Chairman, I rise in strong support of legislation the House is considering today, H.R. 4115, which authorizes appropriations for the United States Holocaust Memorial Museum. In so doing, this legislation also commends the vital, ongoing work of the Museum in speaking the truth against those who would deny that the Holocaust ever took place or who attempt to negate that the Holocaust specifically targeted Jews for extinction.

I especially commend the sponsor of this measure, Mr. CANNON of Utah, who serves with me on the Holocaust Memorial Council. I wish as well to thank the Chairman of the Resources Committee, Mr. YOUNG, and the Chairman of the Subcommittee on National Parks, Mr. HANSEN, for their great support and commitment to the Museum and this subsequent authorizing legislation.

In its seven year history, the Holocaust Memorial Museum has had 14 million visitors, of which 3.7 million have been children. In addition, 61 heads of state have visited, along with 2,000 foreign officials from 130 nations.

The Museum has sent traveling exhibits to over 27 cities in the past few years. Its teacher program serves 25,000 educators across the United States annually, and its website has received over 1.5 million visits per year since its inception.

The Museum is recognized internationally as a major center for Holocaust research and memory. It contains more than 35,000 artifacts, 12 million pages of archived documents, 65,000 photographic images, oral histories from over 6,000 individuals, a library of over 30,000 volumes in 18 languages, and a renowned registry of Holocaust survivors and their families with a total of 165,000 listings.

The museum has become an invaluable reference for the public, and over 18,000 requests for information are fulfilled each year.

The House Resource Committee's report notes that, "H.R. 4115 reauthorizes and establishes the United States Holocaust Memorial Museum as an independent entity of the federal government with the responsibility of maintaining and operating the Museum. This bill assures the continued presence and function of the (Holocaust Memorial) Council by establishing it as the board of trustees of the Museum with overall governance responsibility for the Museum. This bill authorizes necessary appropriations to more effectively operate and maintain the Museum . . . Federal appropriations have averaged around $31 million annually for the last five years. The budget request for Fiscal Year 2001 is $34.6 million. Donated funds have averaged approximately $21 million for the last three years with expected donations of $21.4 million for 2001."

Mr. Chairman, as a member of the Museum's Holocaust Memorial Council I am pleased to cosponsor this legislation. I also wish to express my support and gratitude for the hard work and dedication shown by the Museum's director, Sara Bloomfield, and its chairman, Rabbi Irving "Yitz" Greenberg. I have no doubt that under their guidance, the Holocaust Memorial Museum will continue to be regarded as the pre-eminent Holocaust related institution in the United States.

Accordingly, Mr. Chairman, I strongly urge my colleagues to join in expressing their support for the critically important work of the Holocaust Memorial Museum by adopting H.R. 4115.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today to strongly support H.R. 4115, the U.S. Holocaust Museum Authorization.

This is an important measure that comes at a critical time in the 106th Congress. The legislation permanently authorizes the appropriation of such sums as necessary for the United States Holocaust Memorial Museum. We should not delay our full support of H.R. 4115. There is no common-sense reason to delay or impede this wise and timely step.

A 1980 law (PL 96–388) established the Holocaust Memorial Council, which was to plan, construct, and operate a permanent memorial museum to the victims of the Holocaust.

I was delighted when the U.S. Holocaust Museum was opened in April 1993. It is no secret that it has become one of the most visited sites in Washington, averaging about 12 million visitors per year.

The victims of the Holocaust must be remembered so that no such tragedy ever happens again.

A 1999 study conducted by the National Academy of Public Administration recommended changes in the way the museum is governed and managed. The recommended changes will, among other things, facilitate greater public understanding of why the museum was needed in the first place.

H.R. 4115 also changes the museum's management structure by moving the day-to-day responsibility for maintaining and operating the museum from the Holocaust Memorial Council to the museum.

Under the bill, the museum also would be changed from a federal institution to an independent entity of the federal government. This is surely a well-reasoned decision by those that have done a good job in carrying out the will of Congress. It is vital to monitor the museum's continued development.

During the last five fiscal years, federal appropriations for the museum have averaged $31 million. The administration's budget request for fiscal 2001 is $34.6 million. The museum also receives approximately $20 million in donations annually. Congress should, at the very minimum, support this very modest increase, particularly on behalf of the families and friends of the victims of the Holocaust. That is the least we can do.

This bill properly implements the Academy's recommendations. It deserves our continued support, and I urge my colleagues to vote in favor of this bill.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 4115

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT.

Chapter 23 of title 36, United States Code, is amended to read as follows:

"CHAPTER 23—UNITED STATES HOLOCAUST MEMORIAL MUSEUM

"Sec. 2301. Establishment of the United States Holocaust Memorial Museum; functions.
"Sec. 2302. Functions of the Council; membership.
"Sec. 2303. Compensation; travel expenses; full-time officers or employees of United States or Members of Congress.
"Sec. 2304. Administrative provisions.
"Sec. 2305. Staff.
"Sec. 2306. Insurance for museum.
"Sec. 2307. Gifts, bequests, and devises of property; tax treatment.
"Sec. 2308. Annual report.
"Sec. 2309. Audit of financial transactions.
"Sec. 2310. Authorization of appropriations.

"SEC. 2301. ESTABLISHMENT OF UNITED STATES HOLOCAUST MEMORIAL MUSEUM; FUNCTIONS.

"The United States Holocaust Memorial Museum (hereinafter in this chapter referred to as the 'Museum') is an independent establishment of the United State Government. The Museum shall—

"(1) provide for appropriate ways for the Nation to commemorate the Days of Remembrance, as an annual, national, civic commemoration of the Holocaust, and encourage and sponsor appropriate observances of such Days of Remembrance throughout the United States;

"(2) operate and maintain a permanent living memorial museum to .the victims of the Holocaust, in cooperation with the Secretary of the Interior and other Federal agencies as provided in section 2306 of this title; and

"(3) carry out the recommendations of the President's Commission on the Holocaust in its report to the President of September 27, 1979, to the extent such recommendations are not otherwise provided for in this chapter.

"SEC. 2302. FUNCTIONS OF THE COUNCIL; MEMBERSHIP.

"(a) IN GENERAL.—The United States Holocaust Memorial Council (hereinafter in this chapter referred to as the 'Council') shall be the board of trustees of the Museum and shall have overall governance responsibility for the Museum, including policy guidance and strategic direction, general oversight of Museum operations, and fiduciary responsibility. The Council shall establish an Executive Committee which shall exercise ongoing governance responsibility when the Council is not in session.

"(b) COMPOSITION OF COUNCIL; APPOINTMENT; VACANCIES.—The Council shall consist of 65 voting members appointed (except as otherwise provided in this section) by the President and the following ex officio nonvoting members:

"(1) 1 appointed by the Secretary of the Interior.

"(2) 1 appointed by the Secretary of State.

"(3) 1 appointed by the Secretary of Education.

Of the 65 voting members, 5 shall be appointed by the Speaker of the United States House of Representatives from among Members of the United States House of Representatives and 5 shall be appointed by the President pro tempore of the United States Senate upon the recommendation of the majority and minority leaders from among Members of the United States Senate. Any vacancy in the Council shall be filled in the same manner as the original appointment was made.

"(c) TERM OF OFFICE.—

"(1) Except as otherwise provided in this subsection, Council members shall serve for 5-year terms.

"(2) The terms of the 5 Members of the United States House of Representatives and the 5 Members of the United States Senate appointed during any term of Congress shall expire at the end of such term of Congress.

"(3) Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member, other than a Member of Congress appointed by the Speaker of the United States House of Representatives or the President pro tempore of the United States Senate, may serve after the expiration of his term until his successor has taken office.

"(d) CHAIRPERSON AND VICE CHAIRPERSON; TERM OF OFFICE.—The Chairperson and Vice Chairperson of the Council shall be appointed by the President from among the members of the Council and such Chairperson and Vice Chairperson shall each serve for terms of 5 years.

"(e) REAPPOINTMENT.—Members whose terms expire may be reappointed, and the Chairperson and Vice Chairperson may be reappointed to those offices.

"(f) BYLAWS.—The Council shall adopt bylaws to carry out its functions under this chapter. The Chairperson may waive a bylaw when the Chairperson decides that waiver is in the best interest of the Council. Immediately after waiving a bylaw, the Chairperson shall send written notice of the waiver to every voting member of the Council. The waiver becomes final 30 days after the notice is sent unless a majority of Council members disagree in writing before the end of the 30-day period.

"(g) QUORUM.—One-third of the members of the Council shall constitute a quorum, and any vacancy in the Council shall not affect its powers to function.

"(h) ASSOCIATED COMMITTEES.—Subject to appointment by the Chairperson, an individual who is not a member of the Council may be designated as a member of a committee associated with the Council. Such an individual shall serve without cost to the Federal Government.

"SEC. 2303. COMPENSATION; TRAVEL EXPENSES; FULL-TIME OFFICERS OR EMPLOYEES OF UNITED STATES OR MEMBERS OF CONGRESS.

"(a) IN GENERAL.—Except as provided in subsection (b) of this section, members of the Council are each authorized to be paid the daily equivalent of the annual rate of basic pay in effect for positions at level IV of the Executive Schedule under section 5315 of title 5, for each day (including travel time) during which they are engaged in the actual performance of duties of the Council. While away from their homes or regular places of business in the performance of services for the Council, members of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed expenses under section 5703 of title 5.

"(b) EXCEPTION.—Members of the Council who are full-time officers or employees of the United States or Members of Congress shall receive no additional pay by reason of their service on the Council.

"SEC. 2304. ADMINISTRATIVE PROVISIONS.

"(a) Experts and Consultants.—The Museum may obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, at rates not to exceed the daily equivalent of the annual rate of basic pay in effect for positions at level IV of the Executive Schedule under section 5315 of title 5.

"(b) Authority To Contract.—The Museum may, in accordance with applicable law, enter into contracts and other arrangements with public agencies and with private organizations and persons and may make such payments as may be necessary to carry out its functions under this chapter.

"(c) Assistance From Other Federal Departments and Agencies.—The Secretary of the Smithsonian Institution, the Library of Congress, and the heads of all executive branch departments, agencies, and establishments of the United States may assist the Museum in the performance of its functions under this chapter.

"(d) Administrative Services and Support.—The Secretary of the Interior may provide administrative services and support to the Museum on a reimbursable basis.

"SEC. 2305. STAFF.

"(a) Establishment of the Museum Director as Chief Executive Officer.—There shall be a director of the Museum (hereinafter in this chapter referred to as the 'Director') who shall serve as chief executive officer of the Museum and exercise day-to-day authority for the Museum. The Director shall be appointed by the Chairperson of the Council, subject to confirmation of the Council. The Director may be paid with nonappropriated funds, and, if paid with appropriated funds shall be paid the rate of basic pay for positions at level IV of the Executive Schedule under section 5315 of title 5. The Director shall report to the Council and its Executive Committee through the Chairperson. The Director shall serve at the pleasure of the Council.

"(b) Appointment of Employees.—The Director shall have authority to—

"(1) appoint employees in the competitive service subject to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, relating to classification and general schedule pay rates;

"(2) appoint and fix the compensation (at a rate not to exceed the rate of basic pay in effect for positions at level IV of the Executive Schedule under section 5315 of title 5) of up to 3 employees notwithstanding any other provision of law; and

"(3) implement the decisions and strategic plan for the Museum, as approved by the Council, and perform such other functions as may be assigned from time to time by the Council, the Executive Committee of the Council, or the Chairperson of the Council, consistent with this legislation.

"SEC. 2306. INSURANCE FOR MUSEUM.

"The Museum shall maintain insurance on the memorial museum to cover such risks, in such amount, and containing such terms and conditions as the Museum deems necessary.

"SEC. 2307. GIFTS, BEQUESTS, AND DEVISES OF PROPERTY; TAX TREATMENT.

"The Museum may solicit, and the Museum may accept, hold, administer, invest, and use gifts, bequests, and devises of property, both real and personal, and all revenues received or generated by the Museum to aid or facilitate the operation and maintenance of the memorial museum. Property may be accepted pursuant to this section, and the property and the proceeds thereof used as nearly as possible in accordance with the terms of the gift, bequest, or devise donating such property. Funds donated to and accepted by the Museum pursuant to this section or otherwise received or generated by the Museum are not to be regarded as appropriated funds and are not subject to any requirements or restrictions applicable to appropriated funds. For the purposes of Federal income, estate, and gift taxes, property accepted under this section shall be considered as a gift, bequest, or devise to the United States.

"SEC. 2308. ANNUAL REPORT.

"The Director shall transmit to Congress an annual report on the Director's stewardship of the authority to operate and maintain the memorial museum. Such report shall include the following:

"(1) An accounting of all financial transactions involving donated funds.

"(2) A description of the extent to which the objectives of this chapter are being met.

"(3) An examination of future major endeavors, initiatives, programs, or activities that the Museum proposes to undertake to better fulfill the objectives of this chapter.

"(4) An examination of the Federal role in the funding of the Museum and its activities, and any changes that may be warranted.

"SEC. 2309. AUDIT OF FINANCIAL TRANSACTIONS.

"Financial transactions of the Museum, including those involving donated funds, shall be audited by the Comptroller General as requested by Congress, in accordance with generally accepted auditing standards. In conducting any audit pursuant to this section, appropriate representatives of the Comptroller General shall have access to all books, accounts, financial records, reports, files and other papers, items or property in use by the Museum, as necessary to facilitate such audit, and such representatives shall be afforded full facilities for verifying transactions with the balances.

"SEC. 2310. AUTHORIZATION OF APPROPRIATIONS.

"To carry out the purposes of this chapter, there are authorized to be appropriated such sums as may be necessary. Notwithstanding any other provision of law, none of the funds authorized to carry out this chapter may be made available for construction. Authority to enter into contracts and to make payments under this chapter, using funds authorized to be appropriated under this chapter, shall be effective only to the extent, and in such amounts, as provided in advance in appropriations Acts.".

The CHAIRMAN. During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the Congressional Record. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Are there any amendments to the bill?

If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the committee rose; and the Speaker pro tempore (Mr. Regula) having assumed the chair, Mr. LaTourette, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4115) to authorize appropriations for the United States Holocaust Memorial Museum, and for other purposes, pursuant to House Resolution 570, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 415, nays 1, not voting 18, as follows:

[Roll No. 454]

YEAS—415

Abercrombie
Ackerman
Aderholt
Allen
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas

Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—1

Paul

NOT VOTING—18

Andrews
Barton
Cubin
Engel
Everett
Herger
Jefferson
Jones (OH)
Kaptur
Klink
Lazio
McCollum
McIntosh
Owens
Rangel
Towns
Vento
Young (AK)

□ 1129

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1130

PROVIDING FOR CONSIDERATION OF H.R. 4678, CHILD SUPPORT DISTRIBUTION ACT OF 2000

Ms. PRYCE of Ohio. Mr. Speaker, by the direction of the Committee on Rules, I call up House Resolution 566 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 566

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 4678) to provide more child support money to families leaving welfare, to simplify the rules governing the assignment and distribution of child support collected by States on behalf of children, to improve the collection of child support, to promote marriage, and for other purposes. The bill shall be considered as read for amendment. The amendment recommended by the Committee on Ways and Means now printed in the bill, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; (2) the further amendment printed in part B of the report of the Committee on Rules, if offered by Representative Scott of Virginia or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST); pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 566 is a modified closed rule providing for consideration of the Child Support Distribution Act of 2000. The rule provides for one hour of general debate equally divided and controlled by the chairman and the ranking minority member of the Committee on Ways and Means.

The rule waives all points of order against consideration of the bill.

The rule also provides that the Committee on Ways and Means substitute, as modified by the amendment printed in Part A of the Committee on Rules report, shall be an original bill for the purpose of further amendment.

The amendment in Part A addresses the concerns expressed by several of our Members by giving States the option of paying child support that is currently retained by the State and Federal Government to mothers on welfare. This will give States the option of making payments on the obligations that accrued before 1997 to the families as opposed to the government keeping the money.

The amendment also lists several specific activities that fatherhood projects may include to promote and sustain marriage.

The rule also provides for consideration of the amendment printed in Part B of the Committee on Rules report if offered by the gentleman from Virginia (Mr. SCOTT) or his designee, which shall be considered as read and shall be debatable for 10 minutes. All points of order against the Scott amendment are waived.

Finally, Mr. Speaker, the rule provides another chance to amend the bill through one motion to recommit with or without instructions.

Mr. Speaker, since Congress enacted the historic welfare reform in 1996, 6 million families have moved off the welfare rolls and into jobs that provide the satisfaction of self-sufficiency and personal responsibility. Today we have the lowest number of families on welfare since 1970.

While we celebrate this success, we understand that that transition from welfare to work is not necessarily easy. Many of these families rely on a single parent to hold things together and provide for all of their needs. For those of us who have raised children with the help and support of a spouse, it is hard to fathom the energy, patience, and stamina required to take on such a task alone. Every bit of help makes a difference to these struggling families.

The least the government can do is help these parents collect all of the child support that is rightfully theirs.

The Child Support Distribution Act would ensure that, when a family is off welfare, all rights to child support, including payments on past due support, would be assigned to that family. This would require States to hold off on collecting any past due child support that it has a right to until the family is completely repaid. In addition, when a family is on welfare, States will have the option of sharing collections with the family.

The goal is to facilitate a relationship between the mother who is often the recipient of this support and the father who is often paying it, before the mother leaves welfare and does not have the State intervening in her behalf.

Of course the right to child support means little to a family if child support orders are not enforced. That is why this legislation seeks to improve enforcement by requiring the Department of Health and Human Services to provide guidelines for child support enforcement and issue a report on private companies involved in child support collection. Based on this information, Health and Human Services will set up 13 State demonstration programs designed to improve enforcement.

In addition, this bill cracks down on deadbeat parents by denying passports to individuals responsible for past due support and expanding the tax refund intercept program so that it can be used to collect past due support.

Mr. Speaker, while we seek to assist these families by making sure they get the money they are owed, we should also focus on the circumstances that have led to their dependency on government and the other social challenges that they face. There is no doubt that this is more difficult for single parent families to achieve financial security than for two-parent households.

In addition, kids who have only one parent to rely on have a harder time in school, a lower rate of graduation, a greater propensity towards crime, an increased likelihood of becoming a single parent themselves, and a higher chance of ending up on welfare.

That is why the Child Support Distribution Act includes a fatherhood grant program that seeks to build stronger families by promoting marriage, encouraging the payment of child support, and boosting fathers' income so that they can do a better job as providers for their children.

The bill encourages local efforts to help fathers by requiring that 75 percent of the funding be given to nongovernmental community-based organizations including faith-based institutions. In addition, a national clearinghouse of information about fatherhood programs and a multi-city fatherhood demonstration project would be established.

The fact is that we are not sure what the best way is to get fathers back into the picture and engaged in their children's upbringing. But we think some community-based organizations might have some good ideas that would meet the unique needs of the fathers in their own cities and towns. This fatherhood program is designed to try to tap into these communities, try some new things, and then scientifically evaluate the results so that good programs can be duplicated.

Mr. Speaker, all said, this legislation takes a number of important steps forward in our Nation's efforts to redefine welfare and make it work for families.

I want to thank and congratulate the gentlewoman from Connecticut (Mrs. JOHNSON) who authored this important legislation. I hope all of my colleagues will support the rule and our Nation's neediest families by voting for the Child Support Distribution Act. I urge a yes vote on the rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a modified closed rule providing for the consideration of H.R. 4678, the Child Support Distribution Act of 2000. This rule makes in order one amendment to be offered by the gentleman from Virginia (Mr. SCOTT) and provides that a further amendment, which has been developed by both the majority and the minority of the Committee on Ways and Means, shall be considered as adopted upon passage of the rule.

While the Democratic members of the Committee on Rules normally do not support rules which limit the amendments which may be offered to legislation, in this instance, we will not object to the rule reported by the majority.

Mr. Speaker, H.R. 4678 is an important proposal developed on a bipartisan basis by the gentlewoman from Connecticut (Mrs. JOHNSON) and the gentleman from Maryland (Mr. CARDIN). This bill makes important changes in the distribution of child support payments collected by the States on behalf of current and former welfare recipients.

This change would allow families to keep all arrears collected by the State that accrued before and after a family went on welfare rather than the 50 percent allowed by current law.

The bill also establishes a fatherhood grant program that would fund public and private fatherhood programs that seek to promote marriage, successful parenting, and better jobs for poor fathers.

The rule makes in order an amendment that will be offered by the gentleman from Virginia (Mr. SCOTT) which has been included in previous legislation to make clear that any eligible entity cannot subject a participant to sectarian worship, instruction, or proselytization, clarifies that eligible recipients of these funds are in receipt of Federal financial assistance, and, finally, closes the loophole in welfare reform that allows discrimination against beneficiaries when another standing law permits it.

Mr. Speaker, this is worthy legislation that deserves consideration by the House, and I urge my colleagues to adopt this rule so that we may proceed to the debate on H.R. 4678.

Mr. Speaker, I reserve the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Illinois (Mr. HYDE), the distinguished chairman of the Committee on the Judiciary.

Mr. HYDE. Mr. Speaker, I am a strong supporter of this excellent bipartisan legislation, H.R. 4678. I want to commend the gentleman from Maryland (Mr. CARDIN), the ranking member, for his work on this important issue. I want to especially congratulate the gentlewoman from Connecticut (Mrs. JOHNSON) who has been a relentless and effective fighter for child support issues.

I am very proud to be a small part of this excellent legislation and which proves that legislation of substance can be bipartisan.

I rise today in strong support of H.R. 4678, the Child Support Distribution Act of 2000 and in support of the work of Chairwoman JOHNSON in assuring that our children receive the child support that they deserve.

Too many defenseless children are victimized by parents who do not support their children. Think of it: our most important resource—our nation's children—are often left without food or the basic necessities they need due to their parents' refusal to support them. These children, hungry and without money for support, are then forced to turn to the government for assistance when they are abandoned by their non-custodial parents.

There are two types of child support payments: current support and past due support, or arrearages. H.R. 4678 primarily deals with arrearages and the question of who keeps the collections: the family or the government. Previously, when a family left welfare, the government was able to retain all payments on past due support. The 1996 welfare reform law required the government to split the arrearages with the family. Due to the overwhelming number of families who have since left welfare to work, this legislation now will require that the other half be paid to the families. This way, the maximum amount of child support payments will be going directly to a family for their support. If a family is still on welfare, a state has the option to share collections with the family.

However, while H.R. 4678 provides for simplified rules for the review, collection and enforcement of support orders, I wish that we could have gone further. I believe that the duty of paying child support to one's child is as important as the duty to one's country to pay taxes. I introduced legislation this Congress, H.R. 1488, that would require the IRS to collect child support in the same manner that taxes are collected. The child support collected would then be disbursed to the custodial parent with penalties and interest if appropriate. This approach is not possible at this time. H.R. 4678 is a good step in the right direction. It improves our current system of enforcement and distribution to those who need it the most, while promoting financial and personal responsibility. This ultimately curbs welfare dependency.

This vote is a vote for our children. Every child deserves to be supported, and this is Congress' chance to pass a law that will be for the kids' sake.

I'd like to congratulate Chairwoman JOHNSON and Ranking Member CARDIN for their leadership and dedication to this issue, and I urge my colleagues to support this important legislation.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, I thank the gentleman from Texas for yielding me this time. I would like to thank the Committee on Rules for making one of my two amendments in order. The first amendment that was made in order allows us to consider the question of proselytization, Federal assistance, and discrimination against beneficiaries in one of the provisions of the bill.

The bill, as it is written, allows Federal funds to be used to essentially subject the program participants to proselytization. That is wrong, and that is why the amendment should be in order, and it is in order. It also provides that the receipt of Federal funds will bring with it the civil rights attachments. The bill as it now stands is silent on that. It also prohibits on any circumstance discrimination against beneficiaries based on religion.

All of those amendments should be adopted. One amendment that I had offered that was not found in order would prohibit the discrimination based on religion by the program. We have a situation where the programs now may discriminate based on religion against perspective employees.

I would like to read, Mr. Speaker, a part of a letter from the Religious Action Center of Reform Judaism, which says that "charitable choice language will permit religious institutions that receive government funds to discriminate in their employment on the basis of religion. This amounts to federally funded employment discrimination and allows religious organizations to exclude people of different faith from government funded programs."

Mr. Speaker, that is obviously wrong, and we ought to be able to address that. We will be addressing it in the motion to recommit. Because all of these issues will be allowed under the rule as presented, I will not oppose the rule.

Ms. PRYCE of Ohio. Mr. Speaker, I have no further speakers, and I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. NADLER).

□ 1145

Mr. NADLER. Mr. Speaker, this is a very good bill to improve child support collections and to assert the priority of giving child support collections to the custodial parent, the mother usually, rather than to the States, as at present. That is a very good thing to do, and I applaud the sponsors of the bill.

I do think there is one defect in the bill, which could be very much improved by the amendment to be offered by the gentleman from Virginia (Mr. SCOTT), and I rise in support of that amendment.

No one opposes the participation of religious institutions in this or any other program. In fact, currently, many religious organizations, including Catholic Charities, Protestant Welfare Services, and so forth, play a vital role in the delivery of these services. The problem is not their participation; the problem is allowing a taxpayer-funded program to be restricted, as the language in this bill would currently do; allowing a taxpayer-funded program to be restricted to members of only a particular religion or forcing an unwilling participant to participate in a religious activity or to be subject to proselytization in order to receive taxpayer-funded services. As presently drafted, this bill would allow that, and that is a real defect.

We should respect the religious beliefs of every American. That is what religious liberty is all about. We should never ask anyone to lay aside his or her beliefs in order to receive taxpayer-funded services. The Government has no business subsidizing religious intolerance or discrimination in any form.

So when it comes up for consideration, I urge my colleagues to support the Scott amendment, which would simply clarify that none of the funds in these programs be used in a way which would discriminate against any American on the basis of religion. It would harmonize this bill with the spirit of the first amendment and with the spirit of our civil rights laws and would make this bill, if not a perfect bill, then as close to a perfect bill as we are likely to see.

So I urge my colleagues to support the Scott amendment and then to vote for the bill.

Mr. FROST. Mr. Speaker, I urge adoption of the rule, and I yield back the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I may consume to once again tell my colleagues that this is a fair rule that allows the House to debate important legislation to continue the success of welfare reform.

The rule should not be controversial, as it accommodates many of our colleagues who had concerns about the legislation by incorporating their ideas into either the part A amendment adopted under this resolution or through consideration of the part B amendment to be offered by the gentleman from Virginia (Mr. SCOTT).

In addition, I would remind my colleagues that the House has already worked its will in a large portion of this bill. H.R. 4678 includes the Fathers Count Act, which the House overwhelmingly passed in November by a bipartisan vote of 328 to 93.

Mr. Speaker, this legislation strengthens family by giving more single parents and children the financial assistance they are owed and by encouraging fathers to be responsible parents and play a greater role in their children's lives. Through this legislation we are increasing the odds for families who are struggling every day to make ends meet and we are helping impoverished children have a better chance of success in school and society by encouraging both parents to become involved in their upbringing.

I hope that my colleagues will support this attempt to provide more families with the pride of financial self-sufficiency, security, and dignity and vote for the children who need the strength of both parents to help them make better lives for themselves. I urge a "yes" vote on the rule and the bill.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MAKING IN ORDER AMENDMENT IN LIEU OF PART A AMENDMENT PRINTED IN HOUSE REPORT 106-798 TO H.R. 4678, CHILD SUPPORT DISTRIBUTION ACT OF 2000

Ms. PRYCE of Ohio. Mr. Speaker, I ask unanimous consent that during consideration of H.R. 4678, pursuant to House Resolution 566, the amendment recommended by the Committee on Ways and Means now printed in the bill be modified by the amendment that the gentlewoman from Connecticut (Mrs. JOHNSON) has placed at the desk in lieu of the amendment printed in part A of House Report 106-798; and that the amendment she has placed at the desk be considered as read.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentlewoman from Ohio (Ms. PRYCE)?

There was no objection.

The text of the amendment is as follows:

Page 7, line 25, strike the close quotation marks and the following period.

Page 7, after line 25, insert the following:

"(7) STATE OPTION TO PASS THROUGH ADDITIONAL SUPPORT WITH FEDERAL FINANCIAL PARTICIPATION.—

"(A) IN GENERAL.—Notwithstanding paragraphs (1) and (2), a State shall not be required to pay to the Federal Government the Federal share of an amount collected on behalf of a family that is not a recipient of assistance under the State program funded under part A, to the extent that the State pays the amount to the family.

"(B) RECIPIENTS OF TANF FOR LESS THAN 5 YEARS.—

"(i) IN GENERAL.—Notwithstanding paragraphs (1) and (2), a State shall not be required to pay to the Federal Government the Federal share of an amount collected on behalf of a family that is a recipient of assistance under the State program funded under part A and that has received the assistance for not more than 5 years after the date of the enactment of this paragraph, to the extent that—

"(I) the State pays the amount to the family; and

"(II) subject to clause (ii), the amount is disregarded in determining the amount and type of the assistance provided to the family.

"(ii) LIMITATION.—Of the amount disregarded as described in clause (i)(II), the maximum amount that may be taken into account for purposes of clause (i) shall not exceed $400 per month, except that, in the case of a family that includes 2 or more children, the State may elect to increase the maximum amount to not more than $600 per month.".

Page 9, after line 9, insert the following:

(d) STATE OPTION TO DISCONTINUE CERTAIN SUPPORT ASSIGNMENTS.—Section 457(b) of such Act (42 U.S.C. 657(b)) is amended by striking "shall" and inserting "may".

Page 9, line 10, strike "(d)" and insert "(e)".

Page 9, line 22, strike "section 457(a)(2)(B)(i)" and insert "clause (i) or (ii) of section 457(a)(2)(B)".

Page 10, line 1, strike "(e)" and insert "(f)".

Page 10, beginning on line 9, strike "section 457(a)(2)(B)(i)" and insert "clause (i) or (ii) of section 457(a)(2)(B)".

Page 13, line 16, strike "The" and insert "Not later than October 1, 2001, the".

Page 15, strike lines 20 through 24 and insert the following:

States that had a public non-IV-D child support enforcement agency as of January 1, 2000.

Page 19, line 13, strike "related to information-sharing".

Page 25, strike lines 13 through 18 and insert the following:

"(1) promote marriage through such activities as—

"(A) counseling, mentoring, disseminating information about the advantages of marriage, enhancing relationship skills, teaching how to control aggressive behavior, disseminating information on the causes and treatment of domestic violence and child abuse, and other methods; and

"(B) sustaining marriages through marriage preparation programs, premarital counseling, and marital inventories, and through divorce education and reduction programs, including mediation and counseling;

Page 25, line 19, insert "such activities as" after "through".

Page 25, line 21, strike the comma.

Page 26, line 4, insert "such activities as" after "viding".

Page 27, line 5, strike "or".

Page 27, line 7, strike the period and insert "; or".

Page 27, after line 7, insert the following:

"(iv) at risk of parenthood outside marriage, but not more than 25 percent of the participants in the project may qualify for participation under this clause.

Page 28, strike lines 4 and 5 and insert the following:

stances, and information about sexually transmitted diseases and their transmission, including HIV/AIDS and human papillomavirus (HPV).

Page 33, after line 6, insert the following:

"(i) to the extent that the application submitted by the entity sets forth clear and practical methods to encourage and sustain marriage;

Page 33, line 7, strike "(i)" and insert "(ii)".

Page 33, line 23, strike "schedule or" and insert "schedule,".

Page 33, line 24, strike "(unless" and insert ", or marrying the mother of his children, unless".

Page 34, line 2, strike the close parenthesis.

Page 34, line 12, strike "(ii)" and insert "(iii)".

Page 35, line 1, strike "(iii)" and insert "(iv)".

Page 35, line 6, strike "(iv)" and insert "(v)".

Page 46, line 27, strike the period and insert "; and".

Page 46, after line 27, insert the following:

"(E) develop and distribute materials that are for use by entities described in subparagraphs (A) and (B) and that provide information on domestic violence and child abuse prevention and treatment.

CHILD SUPPORT DISTRIBUTION ACT OF 2000

Mrs. JOHNSON of Connecticut. Mr. Speaker, pursuant to House Resolution 566, I call up the bill (H.R. 4678) to provide more child support money to families leaving welfare, to simplify the rules governing the assignment and the distribution of child support collected by States on behalf of children, to improve the collection of child support, to promote marriage, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 566, the bill is considered read for amendment.

The text of H.R. 4678 is as follows:

H.R. 4678

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Support Distribution Act of 2000".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—DISTRIBUTION OF CHILD SUPPORT

Sec. 101. Distribution of child support collected by States on behalf of children receiving certain welfare benefits.

TITLE II—REVIEW AND ADJUSTMENT OF CHILD SUPPORT ORDERS

Sec. 201. Mandatory review and modification of child support orders for TANF recipients.

TITLE III—EXPANDED INFORMATION AND ENFORCEMENT

Sec. 301. Guidelines for involvement of public non-IV-D and private agencies in child support enforcement.

Subtitle A—State Option to Provide Information and Enforcement Mechanisms to Public Non-IV-D Child Support Enforcement Agencies

Sec. 311. Establishment and enforcement of child support obligations by public non-IV-D child support enforcement agencies.
Sec. 312. Use of certain enforcement mechanisms.
Sec. 313. Effective date.

Subtitle B—State Option to Provide Information and Enforcement Mechanisms to Private Child Support Enforcement Agencies

Sec. 321. Establishment and enforcement of child support obligations by private child support enforcement agencies.
Sec. 322. Use of certain enforcement mechanisms.
Sec. 323. Effective date.

TITLE IV—EXPANDED ENFORCEMENT

Sec. 401. Decrease in amount of child support arrearage triggering passport denial.
Sec. 402. Use of tax refund intercept program to collect past-due child support on behalf of children who are not minors.

TITLE V—FATHERHOOD PROGRAMS

Subtitle A—Fatherhood Grant Program

Sec. 501. Fatherhood grants.

Subtitle B—Fatherhood Projects of National Significance

Sec. 511. Fatherhood projects of national significance.

TITLE VI—MISCELLANEOUS

Sec. 601. Change dates for abstinence evaluation.
Sec. 602. Report on undistributed child support payments.
Sec. 603. Use of new hire information to assist in administration of unemployment compensation programs.
Sec. 604. Immigration provisions.
Sec. 605. Correction of errors in conforming amendments in the Welfare-To-Work and Child Support Amendments of 1999.
Sec. 606. Elimination of set-aside of welfare-to-work funds for successful performance bonus.

TITLE VII—EFFECTIVE DATE

Sec. 701. Effective date.

TITLE I—DISTRIBUTION OF CHILD SUPPORT

SEC. 101. DISTRIBUTION OF CHILD SUPPORT COLLECTED BY STATES ON BEHALF OF CHILDREN RECEIVING CERTAIN WELFARE BENEFITS.

(a) MODIFICATION OF RULE REQUIRING ASSIGNMENT OF SUPPORT RIGHTS AS A CONDITION OF RECEIVING TANF.—Section 408(a)(3) of the Social Security Act (42 U.S.C. 608(a)(3)) is amended to read as follows:

"(3) NO ASSISTANCE FOR FAMILIES NOT ASSIGNING CERTAIN SUPPORT RIGHTS TO THE STATE.—A State to which a grant is made under section 403 shall require, as a condition of providing assistance to a family under the State program funded under this part, that a member of the family assign to the State any rights the family member may have or acquire (on behalf of the family member or of any other person for whom the family member has applied for or is receiving such assistance) to support from any other person for any period for which the family receives assistance under the program, in an amount equal to the lesser of—

"(A) the number of months for which the family receives or has received assistance from the State (within the meaning of section 457) and for which there is in effect a support order on behalf of the family member or such other person, multiplied by the amount of monthly support awarded by the order; or

"(B) the total amount of assistance so provided to the family.".

(b) Increasing Child Support Payments to Families and Simplifying Child Support Distribution Rules.—

(1) Distribution rules.—

(A) In general.—Section 457(a) of such Act (42 U.S.C. 657(a)) is amended to read as follows:

"(a) In General.—Subject to subsections (d) and (e), the amounts collected on behalf of a family as support by a State pursuant to a plan approved under this part shall be distributed as follows:

"(1) Families receiving assistance.—In the case of a family receiving assistance from the State, the State shall—

"(A) pay to the Federal Government the Federal share of the amount collected, subject to paragraph (3)(A);

"(B) retain, or pay to the family, the State share of the amount collected, subject to paragraph (3)(B); and

"(C) pay to the family any remaining amount.

"(2) Families that formerly received assistance.—In the case of a family that formerly received assistance from the State:

"(A) Current support.—To the extent that the amount collected does not exceed the current support amount, the State shall pay the amount to the family.

"(B) Arrearages.—To the extent that the amount collected exceeds the current support amount, the State—

"(i) shall first pay to the family the excess amount, to the extent necessary to satisfy support arrearages not assigned pursuant to section 408(a)(3);

"(ii) if the amount collected exceeds the amount required to be paid to the family under clause (i), shall—

"(I) pay to the Federal Government, the Federal share of the excess amount described in this clause, subject to paragraph (3)(A); and

"(II) retain, or pay to the family, the State share of the excess amount described in this clause, subject to paragraph (3)(B); and

"(iii) shall pay to the family any remaining amount.

"(3) Limitations.—

"(A) Federal reimbursements.—The total of the amounts paid by the State to the Federal Government under paragraphs (1) and (2) of this subsection with respect to a family shall not exceed the Federal share of the amount assigned with respect to the family pursuant to section 408(a)(3).

"(B) State reimbursements.—The total of the amounts retained by the State under paragraphs (1) and (2) of this subsection with respect to a family shall not exceed the State share of the amount assigned with respect to the family pursuant to section 408(a)(3).

"(4) Families that never received assistance.—In the case of any other family, the State shall pay the amount collected to the family.

"(5) Families under certain agreements.—Notwithstanding paragraphs (1) through (4), in the case of an amount collected for a family in accordance with a cooperative agreement under section 454(33), the State shall distribute the amount collected pursuant to the terms of the agreement.

"(6) State financing options.—To the extent that the State share of the amount payable to a family for a month pursuant to paragraph (2)(B) of this subsection exceeds the amount that the State estimates (under procedures approved by the Secretary) would have been payable to the family for the month pursuant to former section 457(a)(2) (as in effect for the State immediately before the date this subsection first applies to the State) if such former section had remained in effect, the State may elect to use the grant made to the State under section 403(a) to pay the amount, or to have the payment considered a qualified State expenditure for purposes of section 409(a)(7), but not both. For purposes of section 455, any such payment from the grant made to the State under section 403(a) shall be considered an amount expended for the operation of the plan approved under section 454.".

(B) Approval of estimation procedures.—Not later than October 1, 2001, the Secretary of Health and Human Services, in consultation with the States (as defined for purposes of part D of title IV of the Social Security Act), shall establish the procedures to be used to make the estimate described in section 457(a)(6) of such Act.

(2) Current support amount defined.—Section 457(c) of such Act (42 U.S.C. 657(c)) is amended by adding at the end the following:

"(5) Current support amount.—The term 'current support amount' means, with respect to amounts collected as support on behalf of a family, the amount designated as the monthly support obligation of the noncustodial parent in the order requiring the support.".

(3) Conversion of permanently assigned child support obligations.—Section 457(b) of such Act (42 U.S.C. 657(b)) is amended by inserting "until October 1, 2007 (or such earlier date as the State may select)" before the period.

(c) Ban on Recovery of Medicaid Costs for Certain Births.—Section 454 of such Act (42 U.S.C. 654) is amended—

(1) by striking "and" at the end of paragraph (32);

(2) by striking the period at the end of paragraph (33) and inserting "; and"; and

(3) by inserting after paragraph (33) the following:

"(34) provide that the State shall not use the State program operated under this part to collect any amount owed to the State by reason of costs incurred under the State plan approved under title XIX for the birth of a child for whom support rights have been assigned pursuant to section 408(a)(3), 471(a)(17), or 1912.".

(d) Conforming Amendments.—

(1) Section 409(a)(7)(B)(i)(I)(aa) of such Act (42 U.S.C. 609(a)(7)(B)(i)(I)(aa)) is amended by striking "457(a)(1)(B)" and inserting "457(a)(1)(B)(ii)".

(2) Section 404(a) of such Act (42 U.S.C. 604(a)) is amended—

(A) by striking "or" at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting "; or"; and

(C) by adding at the end the following:

"(3) to fund payment of an amount pursuant to section 457(a)(2)(B), but only to the extent that the State properly elects under section 457(a)(6) to use the grant to fund the payment.".

(3) Section 409(a)(7)(B)(i) of such Act (42 U.S.C. 609(a)(7)(B)(i)) is amended by adding at the end the following:

"(V) Portions of certain child support payments collected on behalf of and distributed to families no longer receiving assistance.—Any amount paid by a State pursuant to section 457(a)(2)(B)(i), but only to the extent that the State properly elects under section 457(a)(6) to have the payment considered a qualified State expenditure.".

(e) Effective Date.—

(1) In general.—The amendments made by this section shall take effect on October 1, 2005, and shall apply to payments under parts A and D of title IV of the Social Security Act for calendar quarters beginning on or after such date, and without regard to whether regulations to implement such amendments (in the case of State programs operated under such part D) are promulgated by such date.

(2) State option to accelerate effective date.—In addition, a State may elect to have the amendments made by this section apply to the State and to amounts collected by the State, on and after such date as the State may select that is after the date of the enactment of this Act and before October 1, 2005.

TITLE II—REVIEW AND ADJUSTMENT OF CHILD SUPPORT ORDERS

SEC. 201. MANDATORY REVIEW AND MODIFICATION OF CHILD SUPPORT ORDERS FOR TANF RECIPIENTS.

(a) Review Every 3 Years.—Section 466(a)(10)(A)(i) of the Social Security Act (42 U.S.C. 666(a)(10)(A)(i)) is amended—

(1) by striking "or," and inserting "or"; and

(2) by striking "upon the request of the State agency under the State plan or of either parent,".

(b) Review Upon Leaving TANF.—

(1) Notice of certain families leaving TANF.—Section 402(a) of such Act (42 U.S.C. 602(a)) is amended by adding at the end the following:

"(8) Certification that the child support enforcement program will be provided notice of certan families leaving TANF program.—A certification by the chief executive officer of the State that the State has established procedures to ensure that the State agency administering the child support enforcement program under the State plan approved under part D will be provided notice of the impending discontinuation of assistance to an individual under the State program funded under this part if the individual has custody of a child whose other parent is alive and not living at home with the child.".

(2) Review.—Section 466(a)(10) of such Act (42 U.S.C. 666(a)(10)) is amended—

(A) in the paragraph heading, by striking "UPON REQUEST";

(B) in subparagraph (C), by striking "this paragraph" and inserting "subparagraph (A) or (B)"; and

(C) by adding at the end the following:

"(D) Review upon leaving TANF.—On receipt of a notice issued pursuant to section 402(a)(8), the State child support enforcement agency shall—

"(i) examine the case file involved;

"(ii) determine what actions (if any) are needed to locate any noncustodial parent, establish paternity or a support order, or enforce a support order in the case;

"(iii) immediately take the actions; and

"(iv) if there is a support order in the case which the State has not reviewed during the 1-year period ending with receipt of the notice, notwithstanding subparagraph (B), review and, if appropriate, adjust the order in accordance with subparagraph (A).".

TITLE III—EXPANDED INFORMATION AND ENFORCEMENT

SEC. 301. GUIDELINES FOR INVOLVEMENT OF PUBLIC NON-IV-D AND PRIVATE AGENCIES IN CHILD SUPPORT ENFORCEMENT.

(a) In General.—The Secretary of Health and Human Services, in consultation with States (as defined for purposes of part D of title IV of the Social Security Act), local governments, and individuals or companies knowledgable about involving entities, other than State agencies operating child support enforcement programs under such part, in child support enforcement, shall develop separate sets of recommendations which address the participation of public non-IV-D child support enforcement agencies (as defined in section 466(h) of such Act) and private child support enforcement agencies (as defined in section 466(i) of such Act) in child support enforcement pursuant to the amendments made by this title. The matters addressed by the recommendations shall include substantive and procedural rules which should be followed with respect to privacy safeguards, data security, due process rights, administrative compatibility with State and Federal automated systems, eligibility requirements (such as registration, licensing, and posting of bonds) for access to information and use of enforcement mechanisms, recovery of costs by charging fees, and penalties for violations of the rules.

(b) Issuance of Report.—Not later than October 1, 2001, the Secretary of Health and Human Services shall issue to the general public a written report containing the separate sets of recommendations required by subsection (a).

(c) Effective Date.—This section shall take effect on the date of the enactment of this Act.

Subtitle A—State Option to Provide Information and Enforcement Mechanisms to Public Non-IV-D Child Support Enforcement Agencies

SEC. 311. ESTABLISHMENT AND ENFORCEMENT OF CHILD SUPPORT OBLIGATIONS BY PUBLIC NON-IV-D CHILD SUPPORT ENFORCEMENT AGENCIES.

(a) State Plan Requirements.—Section 454 of the Social Security Act (42 U.S.C. 654), as amended by section 101(c) of this Act, is amended—

(1) in paragraph (33), by striking "and" at the end;

(2) in paragraph (34), by striking the period and inserting "; and"; and

(3) by inserting after paragraph (34) the following:

"(35) at the option of the State, provide that—

"(A) subject to the privacy safeguards of paragraph (26), the State agency responsible for administering the State plan under this part may provide to a public non-IV-D child support enforcement agency (as defined in section 466(h)) all information in the State Directory of New Hires and any information obtained through information comparisons under section 453(j)(3) about an individual with respect to whom the public agency is seeking to establish or enforce a child support obligation, if the public agency meets such requirements as the State may establish and has entered into an agreement with the State under which the public agency has made a binding commitment to carry out establishment and enforcement activities with respect to the child support obligation subject to the same data security, privacy protection, and due process requirements applicable to the State agency and in accordance with procedures approved by the head of the State agency;

"(B) the State agency may charge and collect fees from any such public agency to recover costs incurred by the State agency in providing information and services to the public agency pursuant to this part.".

(b) Public Non-IV-D Child Support Enforcement Agency Defined.—Section 466 of such Act (42 U.S.C. 666) is amended by adding at the end the following:

"(h) Public Non-IV-D Child Support Enforcement Agency Defined.—In this part, the term 'public non-IV-D child support enforcement agency' means an agency, of a political subdivision of a State, which is principally responsible for the operation of a child support registry or for the establishment or enforcement of an obligation to pay child support (as defined in section 459(i)(2)) other than pursuant to the State plan approved under this part.".

SEC. 312. USE OF CERTAIN ENFORCEMENT MECHANISMS.

(a) Federal Tax Refund Intercept.—

(1) Additional State Plan Requirement.—Section 454(35) of the Social Security Act, as added by section 311(a) of this Act, is amended—

(1) by striking the period at the end of subparagraph (B) and inserting "; and"; and

(2) by adding at the end the following:

"(C) the State agency may transmit to the Secretary of the Treasury pursuant to section 464 a notice submitted by a public non-IV-D child support enforcement agency (in such form and manner as the State agency may prescribe) that a named individual owes past-due child support (as defined in section 464(c)) which the public agency has agreed to collect, and may collect from the public agency any fee which the State is required to pay for the cost of applying the offset procedure in the case.".

(2) Conforming Amendments.—Section 464 of such Act (42 U.S.C. 664) is amended—

(A) in subsection (a)(2)(A)—

(i) in the 1st sentence, by striking ", and that the State agency" and inserting "or which a public non-IV-D child support enforcement agency in the State has agreed to collect, and that the State agency (or the public non-IV-D child support enforcement agency)"; and

(ii) in the 2nd sentence, by striking "he" and inserting "the Secretary of the Treasury"; and

(B) in subsection (a)(3)(A)—

(i) in the 1st sentence, by inserting "(or, in the case the State is acting on behalf of a public non-IV-D child support enforcement agency, the public non-IV-D child support enforcement agency)" after "the State"; and

(ii) in the 2nd sentence, by inserting "(or, as applicable, the public non-IV-D child support enforcement agency's)" after "State's".

(b) Reporting Arrearages to Credit Bureaus.—Section 466(a)(7)(A) of such Act (42 U.S.C. 666(a)(7)(A)) is amended by inserting ", and allowing the State to include in the report similar information provided (in such form and manner as the State agency may prescribe) by a public non-IV-D child support enforcement agency" before the period.

(c) Passport Sanctions.—Section 454(31) of such Act (42 U.S.C. 654(31)) is amended—

(1) by striking "and" at the end of subparagraph (A);

(2) by adding "and" at the end of subparagraph (B); and

(3) by adding at the end the following:

"(C) the State agency may include in the certification any such determination, notice of which is provided to the State agency (in such form and manner as the State agency may require) by a public non-IV-D child support enforcement agency;".

(d) Financial Institution Data Matches.—

(1) In general.—Section 466(a)(17) of such Act (42 U.S.C. 666(a)(17)) is amended by redesignating subparagraph (D) as subparagraph (E) and inserting after subparagraph (C) the following:

"(D) Coordination with public non-IV-D child support enforcement agencies.—The identifying information described in subparagraph (A)(i) which is provided by the State may include any such identifying information that is provided to the State agency by a public non-IV-D child support enforcement agency in such form and manner as the State agency may require.".

(2) Liability protections.—Section 469A(d) of such Act (42 U.S.C. 669a(d)) is amended by adding at the end the following:

"(3) State child support enforcement agency.—The term 'State child support enforcement agency' includes, with respect to a financial record of an individual, a public non-IV-D child support enforcement agency if the public agency is seeking to establish or enforce a child support obligation with respect to the individual pursuant to an agreement described in section 454(35)(A).".

(e) Use of Income Withholding for Unemployment Insurance Benefits.—

(1) Disclosure of wage information.—Section 303(e)(1) of such Act (42 U.S.C. 503(e)(1)) is amended by striking the second sentence and inserting the following: "For purposes of this subsection, the term 'child support obligations' means obligations to pay child support (as defined in section 459(i)(2) of the Social Security Act).".

(2) Authority to withhold.—Section 303(e)(2)(A) of such Act (42 U.S.C. 503(e)(2)(A)) is amended—

(A) in clause (i), by inserting "and the identity and location of the State or local child support enforcement agency enforcing the obligations (to the extent known)" before the comma;

(B) in clause (iii)(III), by striking "462(e)" and inserting "459(i)(5)"; and

(C) in the matter following clause (iv), by striking "his" and inserting "the individual's".

(3) Conforming amendment.—Section 303(e)(4) of such Act (42 U.S.C. 503(e)(4)) is amended by striking "the last sentence of paragraph (1)" and inserting "section 454 which has been approved by the Secretary of Health and Human Services under part D of title IV or pursuant to an agreement described in section 454(35)(A)".

SEC. 313. EFFECTIVE DATE.

Except as provided in section 701(b), the amendments made by this subtitle shall take effect on October 1, 2002, and shall apply to payments under part D of title IV of the Social Security Act for calendar quarters beginning on or after such date, and without regard to whether regulations to implement such amendments are promulgated by such date.

Subtitle B—State Option To Provide Information and Enforcement Mechanisms to Private Child Support Enforcement Agencies

SEC. 321. ESTABLISHMENT AND ENFORCEMENT OF CHILD SUPPORT OBLIGATIONS BY PRIVATE CHILD SUPPORT ENFORCEMENT AGENCIES.

(a) State Plan Requirements.—Section 454 of the Social Security Act (42 U.S.C. 654), as amended by sections 101(c), 311(a), and 312(a)(1) of this Act, is amended—

(1) in paragraph (34), by striking "and" at the end;

(2) in paragraph (35), by striking the period and inserting "; and"; and

(3) by inserting after paragraph (35) the following:

"(36) at the option of the State, provide that—

"(A) subject to the privacy safeguards of paragraph (26), the State agency responsible for administering the State plan under this part may provide to a private child support enforcement agency (as defined in section 466(i)) any information in the State Directory of New Hires and any information obtained through information comparisons under section 453(j)(3) about an individual with respect to whom the private agency is seeking to establish or enforce a child support obligation, if the private agency meets such requirements as the State may establish and has entered into an agreement with the State under which the private agency has made a binding commitment to carry out establishment and enforcement activities with respect to the child support obligation subject to the same data security, privacy protection, and due process requirements applicable to the State agency and in accordance with procedures approved by the head of the State agency;

"(B) the State agency may charge and collect fees from any such private agency to recover costs incurred by the State agency in providing information and services to the private agency pursuant to this part.".

(b) Private Child Support Enforcement Agency Defined.—Section 466 of such Act (42 U.S.C. 666), as amended by section 311(b) of this Act, is amended by adding at the end the following:

"(i) Private Child Support Enforcement Agency Defined.—In this part, the term 'private child support enforcement agency' means a person or any other non-public entity which seeks to establish or enforce an obligation to pay child support (as defined in section 459(i)(2)).".

SEC. 322. USE OF CERTAIN ENFORCEMENT MECHANISMS.

(a) Federal Tax Refund Intercept.—

(1) Additional state plan requirement.—Section 454(36) of the Social Security Act, as added by section 321(a) of this Act, is amended—

(A) by striking the period at the end of subparagraph (A) and inserting "; and"; and

(B) by adding at the end the following:

"(C) the State agency may transmit to the Secretary of the Treasury pursuant to section 464 any notice submitted by a private child support enforcement agency (in such form and manner as the State agency may prescribe) that a named individual owes past-due child support (as defined in section 464(c)) which the private agency has agreed to collect, and may collect from the private agency any fee which the State is required to pay for the cost of applying the offset procedure in the case.".

(2) Conforming amendments.—Section 464(a) of such Act (42 U.S.C. 664(a)), as amended by section 312(a)(2) of this Act, is amended by inserting "(or private)" after "public non-IV-D" each place it appears.

(b) Reporting Arrearages to Credit Bureaus.—Section 466(a)(7)(A) of such Act (42 U.S.C. 666(a)(7)(A)), as amended by section 312(b) of this Act, is amended by inserting "(or private)" after "public non-IV-D".

(c) Passport Sanctions.—Section 454(31)(C) of such Act (42 U.S.C. 654(31)), as amended by section 312(c) of this Act, is amended by inserting "(or private)" after "public non-IV-D".

(d) Financial Institution Data Matches.—

(1) In general.—Section 466(a)(17)(D) of such Act, as added by section 311(d) of this Act, is amended by inserting "(or private)" after "public non-IV-D".

(2) Liability protections.—Section 469A(d)(3) of such Act, as added by section 312(d)(2) of this Act, is amended—

(A) by inserting "(or private)" after "public non-IV-D";

(B) by inserting "(or private) after "the public" each place it appears; and

(C) by inserting "(or 454(36)(A))" before the period.

(e) Use of Income Withholding for Unemployment Insurance Benefits.—Section 303(e)(4) of such Act (42 U.S.C. 503(e)(4)), as amended by section 312(e)(3) of this Act, is amended by inserting ", and includes a private child support enforcement agency (as defined in section 466(i)) with respect to an individual who is an applicant for, or who is determined to be eligible for unemployment compensation if the State in which the private child support enforcement agency is located confirms that the private child support enforcement agency is seeking to establish, modify, or enforce a child support obligation of the individual pursuant to an agreement described in section 454(36)(A)" before the period.

SEC. 323. EFFECTIVE DATE.

Except as provided in section 801(b), the amendments made by this subtitle shall take effect on October 1, 2003, and shall apply to payments under part D of title IV of the Social Security Act for calendar quarters beginning on or after such date, and without regard to whether regulations to implement such amendments are promulgated by such date.

TITLE IV—EXPANDED ENFORCEMENT

SEC. 401. DECREASE IN AMOUNT OF CHILD SUPPORT ARREARAGE TRIGGERING PASSPORT DENIAL.

Section 452(k) of the Social Security Act (42 U.S.C. 652(k)) is amended by striking "$5,000" and inserting "$2,500".

SEC. 402. USE OF TAX REFUND INTERCEPT PROGRAM TO COLLECT PAST-DUE CHILD SUPPORT ON BEHALF OF CHILDREN WHO ARE NOT MINORS.

Section 464 of the Social Security Act (42 U.S.C. 664) is amended—

(1) in subsection (a)(2)(A), by striking "(as that term is defined for purposes of this paragraph under subsection (c))"; and

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking "(1) Except as provided in paragraph (2), as used in" and inserting "In"; and

(ii) by inserting "(whether or not a minor)" after "a child" each place it appears; and

(B) by striking paragraphs (2) and (3).

TITLE V—FATHERHOOD PROGRAMS

Subtitle A—Fatherhood Grant Program

SEC. 501. FATHERHOOD GRANTS.

(a) In General.—Part A of title IV of the Social Security Act (42 U.S.C. 601-619) is amended by inserting after section 403 the following:

"SEC. 403A. FATHERHOOD PROGRAMS.

"(a) Purpose.—The purpose of this section is to make grants available to public and private entities for projects designed to—

"(1) promote marriage through counseling, mentoring, disseminating information about the advantages of marriage, enhancing relationship skills, teaching how to control aggressive behavior, and other methods;

"(2) promote successful parenting through counseling, mentoring, disseminating information about good parenting practices including prepregnancy, family planning, training parents in money management, encouraging child support payments, encouraging regular visitation between fathers and their children, and other methods; and

"(3) help fathers and their families avoid or leave cash welfare provided by the program under part A and improve their economic status by providing work first services, job search, job training, subsidized employment, career-advancing education, job retention, job enhancement, and other methods.

"(b) Fatherhood Grants.—

"(1) Applications.—An entity desiring a grant to carry out a project described in subsection (a) may submit to the Secretary an application that contains the following:

"(A) A description of the project and how the project will be carried out.

"(B) A description of how the project will address all three of the purposes of this section.

"(C) A written commitment by the entity that the project will allow an individual to participate in the project only if the individual is—

"(i) a father of a child who is, or within the past 24 months has been, a recipient of assistance or services under a State program funded under this part;

"(ii) a father, including an expectant or married father, whose income (net of court-ordered child support) is less than 150 percent of the poverty line (as defined in section 673(2) of the Omnibus Budget Reconciliation Act of 1981, including any revision required by such section, applicable to a family of the size involved); or

"(iii) a parent referred to in paragraph (3)(A)(iii).

"(D) A written commitment by the entity that the entity will provide for the project, from funds obtained from non-Federal sources, amounts (including in-kind contributions) equal in value to—

"(i) 20 percent of the amount of any grant made to the entity under this subsection; or

"(ii) such lesser percentage as the Secretary deems appropriate (which shall be not less than 10 percent) of such amount, if the application demonstrates that there are circumstances that limit the ability of the entity to raise funds or obtain resources.

"(E) A written commitment by the entity that the entity will make available to each individual participating in the project education about alcohol, tobacco, and other drugs and the effects of abusing such substances, and information about HIV/AIDS and its transmission.

"(2) Consideration of applications by interagency panel.—

"(A) Establishment.—There is established a panel to be known as the 'Fatherhood Grants Recommendations Panel' (in this subparagraph referred to as the 'Panel').

"(B) Membership.—

"(i) In general.—The Panel shall be composed of 10 members, as follows:

"(I) Two members of the Panel shall be appointed by the Secretary.

"(II) Two members of the Panel shall be appointed by the Secretary of Labor.

"(III) Two members of the Panel shall be appointed by the Chairman of the Committee on Ways and Means of the House of Representatives.

"(IV) One member of the Panel shall be appointed by the ranking minority member of the Committee on Ways and Means of the House of Representatives.

"(V) Two members of the Panel shall be appointed by the Chairman of the Committee on Finance of the Senate.

“(VI) One member of the Panel shall be appointed by the ranking minority member of the Committee on Finance of the Senate.

“(ii) Qualifications.—An individual shall not be eligible to serve on the Panel unless the individual has experience in programs for fathers, programs for the poor, programs for children, program administration, or program research.

“(iii) Conflicts of interest.—An individual shall not be eligible to serve on the Panel if such service would pose a conflict of interest for the individual.

“(iv) Timing of appointments.—The appointment of members to the Panel shall be completed not later than April 1, 2001.

“(C) Duties.—

“(i) Review and make recommendations on project applications.—The Panel shall review all applications submitted pursuant to paragraph (1), and make recommendations to the Secretary regarding which applicants should be awarded grants under this subsection, with due regard for the provisions of paragraph (3), but shall not recommend that a project be awarded such a grant if the application describing the project does not attempt to meet the requirement of paragraph (1)(B).

“(ii) Timing.—The Panel shall make such recommendations not later than October 1, 2001.

“(D) Term of office.—Each member appointed to the Panel shall serve for the life of the Panel.

“(E) Prohibition on compensation.—Members of the Panel may not receive pay, allowances, or benefits by reason of their service on the Panel.

“(F) Travel expenses.—Each member of the Panel shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

“(G) Meetings.—The Panel shall meet as often as is necessary to complete the business of the Panel.

“(H) Chairperson.—The Chairperson of the Panel shall be designated by the Secretary at the time of appointment.

“(I) Staff of federal agencies.—The Secretary may detail any personnel of the Department of Health and Human Services and the Secretary of Labor may detail any personnel of the Department of Labor to the Panel to assist the Panel in carrying out its duties under this paragraph.

“(J) Obtaining official data.—The Panel may secure directly from any department or agency of the United States information necessary to enable it to carry out this paragraph. On request of the Chairperson of the Panel, the head of the department or agency shall furnish that information to the Panel.

“(K) Mails.—The Panel may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

“(L) Termination.—The Panel shall terminate on October 1, 2001.

“(3) Rules governing grants.—

“(A) Grant awards.—

“(i) In general.—The Secretary shall award matching grants, on a competitive basis, among entities submitting applications therefor which meet the requirements of paragraph (1), in amounts that take into account the written commitments referred to in paragraph (1)(D).

“(ii) Timing.—On October 1, 2001, the Secretary shall award not more than $140,000,000 in matching grants after considering the recommendations submitted pursuant to paragraph (2)(C)(i).

“(iii) Nondiscrimination.—The provisions of this section shall be applied and administered so as to ensure that mothers, expectant mothers, and married mothers are eligible for benefits and services under projects awarded grants under this section on the same basis as fathers, expectant fathers, and married fathers.

“(B) Preferences.—In determining which entities to which to award grants under this subsection, the Secretary shall give preference to an entity—

“(i) to the extent that the application submitted by the entity describes actions that the entity will take that are designed to encourage or facilitate the payment of child support, including but not limited to—

“(I) obtaining a written commitment by the agency responsible for administering the State plan approved under part D for the State in which the project is to be carried out that the State will voluntarily cancel child support arrearages owed to the State by the father as a result of the father providing various supports to the family such as maintaining a regular child support payment schedule or living with his children;

“(II) obtaining a written commitment by the entity that the entity will help participating fathers who cooperate with the agency in improving their credit rating; and

“(III) helping fathers arrange and maintain a consistent schedule of visits with their children, unless it would be unsafe;

“(ii) to the extent that the application includes written agreements of cooperation with other private and governmental agencies, including the State or local program funded under this part, the local Workforce Investment Board, the State or local program funded under part D, community-based domestic violence programs, and the State or local program funded under part E, which should include a description of the services each such agency will provide to fathers participating in the project described in the application;

“(iii) to the extent that the application describes a project that will enroll a high percentage of project participants within 6 months before or after the birth of the child; or

“(iv) to the extent that the application sets forth clear and practical methods by which fathers will be recruited to participate in the project.

“(C) Minimum percentage of recipients of grant funds to be nongovernmental (including faith-based) organizations.—Not less than 75 percent of the entities awarded grants under this subsection in each fiscal year (other than entities awarded such grants pursuant to the preferences required by subparagraph (B)) shall be awarded to—

“(i) nongovernmental (including faith-based) organizations; or

“(ii) governmental organizations that pass through to organizations referred to in clause (i) at least 50 percent of the amount of the grant.

“(D) Diversity of projects.—

“(i) In general.—In determining which entities to which to award grants under this subsection, the Secretary shall attempt to achieve a balance among entities of differing sizes, entities in differing geographic areas, entities in urban versus rural areas, and entities employing differing methods of achieving the purposes of this section.

“(ii) Report to the congress.—Within 90 days after each award of grants under subparagraph (A)(ii), the Secretary shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a brief report on the diversity of projectes selected to receive funds under the grant program. The report shall include a comparison of funding for projects located in urban areas, projects located in suburban areas, and projects located in rural areas.

“(E) Payment of grant in four equal annual installments.—During the fiscal year in which a grant is awarded under this subsection and each of the succeeding three fiscal years, the Secretary shall provide to the entity awarded the grant an amount equal to ¼ of the amount of the grant.

“(4) Use of funds.—

“(A) In general.—Each entity to which a grant is made under this subsection shall use grant funds provided under this subsection in accordance with the application requesting the grant, the requirements of this subsection, and the regulations prescribed under this subsection, and may use the grant funds to support community-wide initiatives to address the purposes of this section.

“(B) Nondisplacement.—

“(i) In general.—An adult in a work activity described in section 407(d) which is funded, in whole or in part, by funds provided under this section shall not be employed or assigned—

“(I) when any other individual is on layoff from the same or any substantially equivalent job; or

“(II) if the employer has terminated the employment of any regular employee or otherwise caused an involuntary reduction of its workforce in order to fill the vacancy so created with such an adult.

“(ii) Grievance procedure.—

“(I) In general.—Complaints alleging violations of clause (i) in a State may be resolved—

“(aa) if the State has established a grievance procedure under section 403(a)(5)(I)(iv), pursuant to the grievance procedure; or

“(bb) otherwise, pursuant to the grievance procedure established by the State under section 407(f)(3).

“(II) Forfeiture of grant if grievance procedure not available.—If a complaint referred to in subclause (I) is made against an entity to which a grant has been made under this section with respect to a project, and the complaint cannot be brought to, or cannot be resolved within 90 days after being brought, by a grievance procedure referred to in subclause (I), then the entity shall immediately return to the Secretary all funds provided to the entity under this section for the project, and the Secretary shall immediately rescind the grant.

“(C) Rule of construction.—This section shall not be construed to require the participation of a father in a project funded under this section to be discontinued by the project on the basis of changed economic circumstances of the father.

“(D) Rule of construction on marriage.—This section shall not be construed to authorize the Secretary to define marriage for purposes of this section.

“(E) Penalty for misuse of grant funds.—If the Secfetary determines that an entity to which a grant is made under this subsection has used any amount of the grant in violation of subparagraph (A), the Secretary shall require the entity to remit to the Secretary an amount equal to the amount so used, plus all remaining grant funds, and the entity shall thereafter be ineligible for any grant under this subsection.

“(F) Remittance of unused grant funds.—Each entity to which a grant is awarded under this subsection shall remit to the Secretary all funds paid under the grant that remain at the end of the fifth fiscal year ending after the initial grant award.

“(5) AUTHORITY OF AGENCIES TO EXCHANGE INFORMATION.—Each agency administering a program funded under this part or a State plan approved under part D may share the name, address, telephone number, and identifying case number information in the State program funded under this part, of fathers for purposes of assisting in determining the eligibility of fathers to participate in projects receiving grants under this section, and in contacting fathers potentially eligible to participate in the projects, subject to all applicable privacy laws.

“(6) EVALUATION.—The Secretary, in consultation with the Secretary of Labor, shall, directly or by grant, contract, or interagency agreement, conduct an evaluation of projects funded under this section (other than under subsection (c)(1)). The evaluation shall assess, among other outcomes selected by the Secretary, effects of the projects on marriage, parenting, employment, earnings, and payment of child support. In selecting projects for the evaluation, the Secretary should include projects that, in the Secretary's judgment, are most likely to impact the matters described in the purposes of this section. In conducting the evaluation, random assignment should be used wherever possible.

“(7) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out this subsection.

“(8) LIMITATION ON APPLICABILITY OF OTHER PROVISIONS OF THIS PART.—Sections 404 through 410 shall not apply to this section or to amounts paid under this section, and shall not be applied to an entity solely by reason of receipt of funds pursuant to this section. A project shall not be considered a State program funded under this part solely by reason of receipt of funds paid under this section.

“(9) FUNDING.—

“(A) IN GENERAL.—

“(i) INTERAGENCY PANEL.—Of the amounts made available pursuant to section 403(a)(1)(E) to carry out this section for fiscal year 2001, a total of $150,000 shall be made available for the interagency panel established by paragraph (2) of this subsection.

“(ii) GRANTS.—Of the amounts made available pursuant to section 403(a)(1)(E) to carry out this section for fiscal years 2002 through 2005, a total of $140,000,000 shall be made available for grants under this subsection.

“(iii) EVALUATION.—Of the amounts made available pursuant to section 403(a)(1)(E) to carry out this section for fiscal years 2001 through 2006, a total of $6,000,000 shall be made available for the evaluation required by paragraph (6) of this subsection.

“(B) AVAILABILITY.—

“(i) GRANT FUNDS.—The amounts made available pursuant to subparagraph (A)(ii) shall remain available until the end of fiscal year 2006.

“(ii) EVALUATION FUNDS.—The amounts made available pursuant to subparagraph (A)(iii) shall remain available until the end of fiscal year 2008.”.

(b) FUNDING.—Section 403(a)(1)(E) of such Act (42 U.S.C. 603(a)(1)(E)) is amended by inserting “, and for fiscal years 2001 through 2007, such sums as are necessary to carry out section 403A” before the period.

(c) APPLICABILITY OF CHARITABLE CHOICE PROVISIONS OF WELFARE REFORM.—Section 104 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (42 U.S.C. 604a) is amended by adding at the end the following:

“(l) Notwithstanding the preceding provisions of this section, this section shall apply to any entity to which funds have been provided under section 403A of the Social Security Act in the same manner in which this section applies to States, and, for purposes of this section, any project for which such funds are so provided shall be considered a program described in subsection (a)(2).”.

Subtitle B—Fatherhood Projects of National Significance

SEC. 511. FATHERHOOD PROJECTS OF NATIONAL SIGNIFICANCE.

Section 403A of the Social Security Act, as added by subtitle A of this title, is amended by adding at the end the following:

“(c) FATHERHOOD PROJECTS OF NATIONAL SIGNIFICANCE.—

“(1) NATIONAL CLEARINGHOUSE.—The Secretary shall award a $5,000,000 grant to a nationally recognized, nonprofit fatherhood promotion organization with at least 4 years of experience in designing and disseminating a national public education campaign, including the production and successful placement of television, radio, and print public service announcements which promote the importance of responsible fatherhood, and with at least 4 years experience providing consultation and training to community-based organizations interested in implementing fatherhood outreach, support, or skill development programs with an emphasis on promoting married fatherhood as the ideal, to—

“(A) develop, promote, and distribute to interested States, local governments, public agencies, and private nonprofit organizations, including charitable and religious organizations, a media campaign that encourages the appropriate involvement of both parents in the life of any child of the parents, and encourages such organizations to develope or sponsor programs that specifically address the issue of responsible fatherhood and the advantages conferred on children by marriage;

“(B) develop a national clearinghouse to assist States, communities, and private entities in efforts to promote and support marriage and responsible fatherhood by collecting, evaluating, and making available (through the Internet and by other means) to all interested parties, information regarding media campaigns and fatherhood programs;

“(C) develop and distribute materials that are for use by entities described in subparagraph (A) or (B) and that help young adults manage their money, develop the knowledge and skills needed to promote successful marriages, plan for future expenditures and investments, and plan for retirement;

“(D) develop and distribute materials that are for use by entities described in subparagraphs (A) and (B) and that list all the sources of public support for education and training that are available to young adults, including government spending programs as well as benefits under Federal and State tax laws.

“(2) MULTICITY FATHERHOOD PROJECTS.—

“(A) IN GENERAL.—The Secretary shall award a $5,000,000 grant to each of two nationally recognized nonprofit fatherhood promotion organizations which meet the requirements of subparagraph (B), at least one of which organizations meets the requirement of subparagraph (C).

“(B) REQUIREMENTS.—The requirements of this subparagraph are the following:

“(i) The organization must have several years of experience in designing and conducting programs that meet the purposes described in paragraph (1).

“(ii) The organization must have experience in simultaneously conducting such programs in more than one major metropolitan area and in coordinating such programs with local government agencies and private, nonprofit agencies, including State or local agencies responsible for conducting the program under part D and Workfore Investment Boards.

“(iii) The organization must submit to the Secretary an application that meets all the conditions applicable to the organization under this section and that provides for projects to be conducted in three major metropolitan areas.

“(C) USE OF MARRIED COUPLES TO DELIVER SERVICES IN THE INNER CITY.—The requirement of this subparagraph is that the organization has extensive experience in using married couples to deliver program services in the inner city.

“(3) PAYMENT OF GRANTS IN FOUR EQUAL ANNUAL INSTALLMENTS.—During each of fiscal years 2002 through 2005, the Secretary shall provide to each entity awarded a grant under this subsection an amount equal to ¼ of the amount of the grant.

“(4) FUNDING.—

“(A) IN GENERAL.—Of the amounts made available pursuant to section 403(a)(1)(E) to carry out this section, $3,750,000 shall be made available for grants under this subsection for each of fiscal years 2002 through 2005.

“(B) AVAILABILITY.—The amounts made available pursuant to subparagraph (A) shall remain available until the end of fiscal year 2005.”.

TITLE VI—MISCELLANEOUS

SEC. 601. CHANGE DATES FOR ABSTINENCE EVALUATION.

(a) IN GENERAL.—Section 403(a)(5)(G)(iii) of the Social Security Act (42 U.S.C. 603(a)(5)(G)(iii)), as amended by section 606(a) of this Act, is amended by striking “2001” and inserting “2005”.

(b) INTERIM REPORT REQUIRED.—Section 403(a)(5)(G) of such Act (42 U.S.C. 603(a)(5)(G)), as so amended, is amended by adding at the end the following:

“(iv) INTERIM REPORT.—Not later than January 1, 2002, the Secretary shall submit to the Congress a interim report on the evaluations referred to in clause (i).”.

SEC. 602. REPORT ON UNDISTRIBUTED CHILD SUPPORT PAYMENTS.

Not later than 6 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the procedures that the States use generally to locate custodial parents for whom child support has been collected but not yet distributed due to a change in address. The report shall include an estimate of the total amount of such undistributed child support and the average length of time it takes for such child support to be distributed. The Secretary shall include in the report recommendations as to whether additional procedures should be established at the State or Federal level to expedite the payment of undistributed child support.

SEC. 603. USE OF NEW HIRE INFORMATION TO ASSIST IN ADMINISTRATION OF UNEMPLOYMENT COMPENSATION PROGRAMS.

(a) IN GENERAL.—Section 453(j) of the Social Security Act (42 U.S.C. 653(j)) is amended by adding at the end the following:

“(7) INFORMATION COMPARISONS AND DISCLOSURE TO ASSIST IN ADMINISTRATION OF UNEMPLOYMENT COMPENSATION PROGRAMS.—

"(A) IN GENERAL.—If a State agency responsible for the administration of an unemployment compensation program under Federal or State law transmits to the Secretary the name and social security account number of an individual, the Secretary shall, if the information in the National Directory of New Hires indicates that the individual may be employed, disclose to the State agency the name, address, and employer identification number of any putative employer of the individual, subject to this paragraph.

"(B) CONDITION ON DISCLOSURE.—The Secretary shall make a disclosure under subparagraph (A) only to the extent that the Secretary determines that the disclosure would not interfere with the effective operation of the program under this part.

"(C) USE OF INFORMATION.—A State agency may use information provided under this paragraph only for purposes of administering a program referred to in subparagraph (A).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2000.

SEC. 604. IMMIGRATION PROVISIONS.

(a) NONIMMIGRANT ALIENS INELIGIBLE TO RECEIVE VISAS AND EXCLUDED FROM ADMISSION FOR NONPAYMENT OF CHILD SUPPORT.—

(1) IN GENERAL.—Section 212(a)(10) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)) is amended by adding at the end the following:

"(F) NONPAYMENT OF CHILD SUPPORT.—

"(i) IN GENERAL.—Any nonimmigrant alien is inadmissible who is legally obligated under a judgment, decree, or order to pay child support (as defined in section 459(i) of the Social Security Act), and whose failure to pay such child support has resulted in an arrearage exceeding $2,500, until child support payments under the judgment, decree, or order are satisfied or the nonimmigrant alien is in compliance with an approved payment agreement.

"(ii) WAIVER AUTHORIZED.—The Attorney General may waive the application of clause (i) in the case of an alien, if the Attorney General—

"(I) has received a request for the waiver from the court or administrative agency having jurisdiction over the judgment, decree, or order obligating the alien to pay child support that is referred to in such clause; or

"(II) determines that there are prevailing humanitarian or public interest concerns.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect 180 days after the date of the enactment of this Act.

(b) AUTHORIZATION TO SERVE LEGAL PROCESS IN CHILD SUPPORT CASES ON CERTAIN ARRIVING ALIENS.—

(1) IN GENERAL.—Section 235(d) of the Immigration and Nationality Act (8 U.S.C. 1225(d)) is amended by adding at the end the following:

"(5) AUTHORITY TO SERVE PROCESS IN CHILD SUPPORT CASES.—

"(A) IN GENERAL.—To the extent consistent with State law, immigration officers are authorized to serve on any alien who is an applicant for admission to the United States legal process with respect to any action to enforce or establish a legal obligation of an individual to pay child support (as defined in section 459(i) of the Social Security Act).

"(B) DEFINITION.—For purposes of subparagraph (A), the term 'legal process' means any writ, order, summons or other similar process, which is issued by—

"(i) a court or an administrative agency of competent jurisdiction in any State, territory, or possession of the United States; or

"(ii) an authorized official pursuant to an order of such a court or agency or pursuant to State or local law.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to aliens applying for admission to the United States on or after 180 days after the date of the enactment of this Act.

(c) AUTHORIZATION TO SHARE CHILD SUPPORT ENFORCEMENT INFORMATION TO ENFORCE IMMIGRATION AND NATURALIZATION LAW.—

(1) SECRETARIAL RESPONSIBILITY.—Section 452 of the Social Security Act (42 U.S.C. 652) is amended by adding at the end the following:

"(m) If the Secretary receives a certification by a State agency, in accordance with section 454(37), that an individual who is a nonimmigrant alien (as defined in section 101(a)(15) of the Immigration and Nationality Act) owes arrearages of child support in an amount exceeding $2,500, the Secretary may, at the request of the State agency, the Secretary of State, or the Attorney General, or on the Secretary's own initiative, provide such certification to the Secretary of State and the Attorney General information in order to enable them to carry out their responsibilities under sections 212(a)(10) and 235(d) of such Act.".

(2) STATE AGENCY RESPONSIBILITY.—Section 454 of the Social Security Act (42 U.S.C. 654), as amended by sections 101(c), 311(a), 312(a)(1), 321(a), and 322(a) of this Act, is amended—

(A) by striking "and" at the end of paragraph (35);

(B) by striking the period at the end of paragraph (36) and inserting "; and"; and

(C) by inserting after paragraph (36) the following:

"(37) provide that the State agency will have in effect a procedure for certifying to the Secretary, in such format and accompained by such supporting documentation as the Secretary may require, determinations that nonimmigrant aliens owe arrearages of child support in an amount exceeding $2,500.".

SEC. 605. CORRECTION OF ERRORS IN CONFORMING AMENDMENTS IN THE WELFARE-TO-WORK AND CHILD SUPPORT AMENDMENTS OF 1999.

(a) IN GENERAL.—Section 403(a)(5) of the Social Security Act (42 U.S.C. 603(a)(5)), as amended by section 606(a) of this Act, is amended—

(1) in subparagraph (E), by striking "$1,500,000" and inserting "$15,000,000";

(2) in subparagraph (F), by striking "$900,000" and inserting "$9,000,000";

(3) in subparagraph (G)(i), by striking "$300,000" and inserting "$3,000,000".

(b) RETROACTIVITY.—The amendments made by subsection (a) of this section shall take effect as if included in the enactment of section 806 of H.R. 3424 of the 106th Congress by section 1000(a)(4) of Public Law 106–113.

SEC. 606. ELIMINATION OF SET-ASIDE OF WELFARE-TO-WORK FUNDS FOR SUCCESSFUL PERFORMANCE BONUS.

(a) IN GENERAL.—Section 403(a)(5) of the Social Security Act (42 U.S.C. 603(a)(5)) is amended by striking subparagraph (E) and redesignating subparagraphs (F) through (K) as subparagraphs (E) through (J), respectively.

(b) CONFORMING AMENDMENTS.—

(1) Section 403(a)(5)(A)(i) of such Act (42 U.S.C. 603(a)(5)(A)(i)) is amended by striking "subparagraph (I)" and inserting "subparagraph (H)".

(2) Subclause (I) of each of subparagraphs (A)(iv) and (B)(v) of section 403(a)(5) of such Act (42 U.S.C. 603(a)(5)(A)(iv)(I) and (B)(v)(I)) is amended—

(A) in item (aa)—

(i) by striking "(I)" and inserting "(H)"; and

(ii) by striking "(G), and (H)" and inserting "and (G)"; and

(B) in item (bb), by striking "(F)" and inserting "(E)".

(3) Section 403(a)(5)(B)(v) of such Act (42 U.S.C. 603(a)(5)(B)) is amended in the matter preceding subclause (I) by striking "(I)" and inserting "(H)".

(4) Subparagraphs (E) and (F) of section 403(a)(5) of such Act (42 U.S.C. 603(a)(5)(F) and (G)), as so redesignated by subsection (a) of this section, are each amended by striking "(I)" and inserting "(H)".

(5) Section 412(a)(3)(A) of such Act (42 U.S.C. 612(a)(3)(A)) is amended by striking "403(a)(5)(I)" and inserting "403(a)(5)(H)".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

TITLE VII—EFFECTIVE DATE

SEC. 701. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in sections 101(e), 301(c), 313, 323, 603(b), 605(b) and 606, and in subsection (b) of this section, this Act and the amendments made by this Act shall take effect on October 1, 2001, and shall apply to payments under part D of title IV of the Social Security Act for calendar quarters beginning on or after such date, and without regard to whether regulations to implement such amendments are promulgated by such date.

(b) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—In the case of a State plan approved under section 454 of the Social Security Act which requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this Act, the State plan shall not be regarded as failing to comply with the additional requirements solely on the basis of the failure of the plan to meet the additional requirements before the 1st day of the 1st calendar quarter beginning after the close of the 1st regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

The SPEAKER pro tempore. The amendment printed in the bill, modified by the amendment permitted by the order of the House of today, is adopted.

The text of H.R. 4678, as amended, as modified, is as follows:

H.R. 4678

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Support Distribution Act of 2000".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—DISTRIBUTION OF CHILD SUPPORT

Sec. 101. Distribution of child support collected by States on behalf of children receiving certain welfare benefits.

TITLE II—REVIEW AND ADJUSTMENT OF CHILD SUPPORT ORDERS

Sec. 201. Mandatory review and modification of child support orders for TANF recipients.

TITLE III—DEMONSTRATION OF EXPANDED INFORMATION AND ENFORCEMENT

Sec. 301. Guidelines for involvement of public non-IV-D child support enforcement agencies in child support enforcement.
Sec. 302. Demonstrations involving establishment and enforcement of child support obligations by public non-IV-D child support enforcement agencies.
Sec. 303. GAO report to Congress on private child support enforcement agencies.
Sec. 304. Effective date.

TITLE IV—EXPANDED ENFORCEMENT

Sec. 401. Decrease in amount of child support arrearage triggering passport denial.
Sec. 402. Use of tax refund intercept program to collect past-due child support on behalf of children who are not minors.
Sec. 403. Garnishment of compensation paid to veterans for service-connected disabilities in order to enforce child support obligations.

TITLE V—FATHERHOOD PROGRAMS

Subtitle A—Fatherhood Grant Program

Sec. 501. Fatherhood grants.

Subtitle B—Fatherhood Projects of National Significance

Sec. 511. Fatherhood projects of national significance.

TITLE VI—MISCELLANEOUS

Sec. 601. Change dates for abstinence evaluation.
Sec. 602. Report on undistributed child support payments.
Sec. 603. Use of new hire information to assist in administration of unemployment compensation programs.
Sec. 604. Immigration provisions.
Sec. 605. Correction of errors in conforming amendments in the Welfare-To-Work and Child Support Amendments of 1999.
Sec. 606. Elimination of set-aside of welfare-to-work funds for successful performance bonus.
Sec. 607. Increase in payment rate to States for expenditures for short term training of staff of certain child welfare agencies.

TITLE VII—EFFECTIVE DATE

Sec. 701. Effective date.

TITLE I—DISTRIBUTION OF CHILD SUPPORT

SEC. 101. DISTRIBUTION OF CHILD SUPPORT COLLECTED BY STATES ON BEHALF OF CHILDREN RECEIVING CERTAIN WELFARE BENEFITS.

(a) MODIFICATION OF RULE REQUIRING ASSIGNMENT OF SUPPORT RIGHTS AS A CONDITION OF RECEIVING TANF.—Section 408(a)(3) of the Social Security Act (42 U.S.C. 608(a)(3)) is amended to read as follows:

"(3) NO ASSISTANCE FOR FAMILIES NOT ASSIGNING CERTAIN SUPPORT RIGHTS TO THE STATE.—A State to which a grant is made under section 403 shall require, as a condition of providing assistance to a family under the State program funded under this part, that a member of the family assign to the State any rights the family member may have (on behalf of the family member or of any other person for whom the family member has applied for or is receiving such assistance) to support from any other person, not exceeding the total amount of assistance so provided to the family, which accrues during the period that the family receives assistance under the program.".

(b) INCREASING CHILD SUPPORT PAYMENTS TO FAMILIES AND SIMPLIFYING CHILD SUPPORT DISTRIBUTION RULES.—

(1) DISTRIBUTION RULES.—

(A) IN GENERAL.—Section 457(a) of such Act (42 U.S.C. 657(a)) is amended to read as follows:

"(a) IN GENERAL.—Subject to subsections (d) and (e), the amounts collected on behalf of a family as support by a State pursuant to a plan approved under this part shall be distributed as follows:

"(1) FAMILIES RECEIVING ASSISTANCE.—In the case of a family receiving assistance from the State, the State shall—

"(A) pay to the Federal Government the Federal share of the amount collected, subject to paragraph (3)(A);

"(B) retain, or pay to the family, the State share of the amount collected, subject to paragraph (3)(B); and

"(C) pay to the family any remaining amount.

"(2) FAMILIES THAT FORMERLY RECEIVED ASSISTANCE.—In the case of a family that formerly received assistance from the State:

"(A) CURRENT SUPPORT.—To the extent that the amount collected does not exceed the current support amount, the State shall pay the amount to the family.

"(B) ARREARAGES.—To the extent that the amount collected exceeds the current support amount, the State—

"(i) shall first pay to the family the excess amount, to the extent necessary to satisfy support arrearages not assigned pursuant to section 408(a)(3);

"(ii) if the amount collected exceeds the amount required to be paid to the family under clause (i), shall—

"(I) pay to the Federal Government, the Federal share of the excess amount described in this clause, subject to paragraph (3)(A); and

"(II) retain, or pay to the family, the State share of the excess amount described in this clause, subject to paragraph (3)(B); and

"(iii) shall pay to the family any remaining amount.

"(3) LIMITATIONS.—

"(A) FEDERAL REIMBURSEMENTS.—The total of the amounts paid by the State to the Federal Government under paragraphs (1) and (2) of this subsection with respect to a family shall not exceed the Federal share of the amount assigned with respect to the family pursuant to section 408(a)(3).

"(B) STATE REIMBURSEMENTS.—The total of the amounts retained by the State under paragraphs (1) and (2) of this subsection with respect to a family shall not exceed the State share of the amount assigned with respect to the family pursuant to section 408(a)(3).

"(4) FAMILIES THAT NEVER RECEIVED ASSISTANCE.—In the case of any other family, the State shall pay the amount collected to the family.

"(5) FAMILIES UNDER CERTAIN AGREEMENTS.—Notwithstanding paragraphs (1) through (4), in the case of an amount collected for a family in accordance with a cooperative agreement under section 454(33), the State shall distribute the amount collected pursuant to the terms of the agreement.

"(6) STATE FINANCING OPTIONS.—To the extent that the State share of the amount payable to a family for a month pursuant to paragraph (2)(B) of this subsection exceeds the amount that the State estimates (under procedures approved by the Secretary) would have been payable to the family for the month pursuant to former section 457(a)(2) (as in effect for the State immediately before the date this subsection first applies to the State) if such former section had remained in effect, the State may elect to use the grant made to the State under section 403(a) to pay the amount, or to have the payment considered a qualified State expenditure for purposes of section 409(a)(7), but not both.".

"(7) STATE OPTION TO PASS THROUGH ADDITIONAL SUPPORT WITH FEDERAL FINANCIAL PARTICIPATION.—

"(A) IN GENERAL.—Notwithstanding paragraphs (1) and (2), a State shall not be required to pay to the Federal Government the Federal share of an amount collected on behalf of a family that is not a recipient of assistance under the State program funded under part A, to the extent that the State pays the amount to the family.

"(B) RECIPIENTS OF TANF FOR LESS THAN 5 YEARS.—

"(i) IN GENERAL.—Notwithstanding paragraphs (1) and (2), a State shall not be required to pay to the Federal Government the Federal share of an amount collected on behalf of a family that is a recipient of assistance under the State program funded under part A and that has received the assistance for not more than 5 years after the date of the enactment of this paragraph, to the extent that—

"(I) the State pays the amount to the family; and

"(II) subject to clause (ii), the amount is disregarded in determining the amount and type of the assistance provided to the family.

"(ii) LIMITATION.—Of the amount disregarded as described in clause (i)(II), the maximum amount that may be taken into account for purposes of clause (i) shall not exceed $400 per month, except that, in the case of a family that includes 2 or more children, the State may elect to increase the maximum amount to not more than $600 per month.".

(B) APPROVAL OF ESTIMATION PROCEDURES.—Not later than October 1, 2001, the Secretary of Health and Human Services, in consultation with the States (as defined for purposes of part D of title IV of the Social Security Act), shall establish the procedures to be used to make the estimate described in section 457(a)(6) of such Act.

(2) CURRENT SUPPORT AMOUNT DEFINED.—Section 457(c) of such Act (42 U.S.C. 657(c)) is amended by adding at the end the following:

"(5) CURRENT SUPPORT AMOUNT.—The term 'current support amount' means, with respect to amounts collected as support on behalf of a family, the amount designated as the monthly support obligation of the noncustodial parent in the order requiring the support.".

(c) BAN ON RECOVERY OF MEDICAID COSTS FOR CERTAIN BIRTHS.—Section 454 of such Act (42 U.S.C. 654) is amended—

(1) by striking "and" at the end of paragraph (32);

(2) by striking the period at the end of paragraph (33) and inserting "; and"; and

(3) by inserting after paragraph (33) the following:

"(34) provide that the State shall not use the State program operated under this part to collect any amount owed to the State by reason of costs incurred under the State plan approved under title XIX for the birth of a child for whom support rights have been assigned pursuant to section 408(a)(3), 471(a)(17), or 1912.".

(d) STATE OPTION TO DISCONTINUE CERTAIN SUPPORT ASSIGNMENTS.—Section 457(b) of such Act (42 U.S.C. 657(b)) is amended by striking "shall" and inserting "may".

(e) CONFORMING AMENDMENTS.—

(1) Section 409(a)(7)(B)(i)(I)(aa) of such Act (42 U.S.C. 609(a)(7)(B)(i)(I)(aa)) is amended by striking "457(a)(1)(B)" and inserting "457(a)(1)".

(2) Section 404(a) of such Act (42 U.S.C. 604(a)) is amended—

(A) by striking "or" at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting "; or"; and

(C) by adding at the end the following:

"(3) to fund payment of an amount pursuant to clause (i) or (ii) of section 457(a)(2)(B), but only to the extent that the State properly elects under section 457(a)(6) to use the grant to fund the payment.".

(3) Section 409(a)(7)(B)(i) of such Act (42 U.S.C. 609(a)(7)(B)(i)) is amended by adding at the end the following:

"(V) PORTIONS OF CERTAIN CHILD SUPPORT PAYMENTS COLLECTED ON BEHALF OF AND DISTRIBUTED TO FAMILIES NO LONGER RECEIVING ASSISTANCE.—Any amount paid by a State pursuant to clause (i) or (ii) of section 457(a)(2)(B), but only to the extent that the State properly elects under section 457(a)(6) to have the payment considered a qualified State expenditure.".

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on October 1, 2005, and shall apply to payments under parts A and D of title IV of the Social Security Act for calendar quarters beginning on or after such date, and without regard to whether regulations to implement such amendments (in the case of State programs operated under such part D) are promulgated by such date.

(2) STATE OPTION TO ACCELERATE EFFECTIVE DATE.—In addition, a State may elect to have the amendments made by this section apply to the State and to amounts collected by the State, on and after such date as the State may select that is after the date of the enactment of this Act and before October 1, 2005.

TITLE II—REVIEW AND ADJUSTMENT OF CHILD SUPPORT ORDERS

SEC. 201. MANDATORY REVIEW AND MODIFICATION OF CHILD SUPPORT ORDERS FOR TANF RECIPIENTS.

(a) REVIEW EVERY 3 YEARS.—Section 466(a)(10)(A)(i) of the Social Security Act (42 U.S.C. 666(a)(10)(A)(i)) is amended—

(1) by striking "or," and inserting "or"; and

(2) by striking "upon the request of the State agency under the State plan or of either parent,".

(b) REVIEW UPON LEAVING TANF.—

(1) NOTICE OF CERTAIN FAMILIES LEAVING TANF.—Section 402(a) of such Act (42 U.S.C. 602(a)) is amended by adding at the end the following:

"(8) CERTIFICATION THAT THE CHILD SUPPORT ENFORCEMENT PROGRAM WILL BE PROVIDED NOTICE OF CERTAN FAMILIES LEAVING TANF PROGRAM.—A certification by the chief executive officer of the State that the State has established procedures to ensure that the State agency administering the child support enforcement program under the State plan approved under part D will be provided notice of the impending discontinuation of assistance to an individual under the State program funded under this part if the individual has custody of a child whose other parent is alive and not living at home with the child.".

(2) REVIEW.—Section 466(a)(10) of such Act (42 U.S.C. 666(a)(10)) is amended—

(A) in the paragraph heading, by striking "UPON REQUEST";

(B) in subparagraph (C), by striking "this paragraph" and inserting "subparagraph (A) or (B)"; and

(C) by adding at the end the following:

"(D) REVIEW UPON LEAVING TANF.—On receipt of a notice issued pursuant to section 402(a)(8), the State child support enforcement agency shall—

"(i) examine the case file involved;

"(ii) determine what actions (if any) are needed to locate any noncustodial parent, establish paternity or a support order, or enforce a support order in the case;

"(iii) immediately take the actions; and

"(iv) if there is a support order in the case which the State has not reviewed during the 1-year period ending with receipt of the notice, notwithstanding subparagraph (B), review and, if appropriate, adjust the order in accordance with subparagraph (A).".

TITLE III—DEMONSTRATIONS OF EXPANDED INFORMATION AND ENFORCEMENT

SEC. 301. GUIDELINES FOR INVOLVEMENT OF PUBLIC NON-IV-D CHILD SUPPORT ENFORCEMENT AGENCIES IN CHILD SUPPORT ENFORCEMENT.

(a) IN GENERAL.—Not later than October 1, 2001, the Secretary, in consultation with States, local governments, and individuals or companies knowledgable about involving public non-IV-D child support enforcement agencies in child support enforcement, shall develop recommendations which address the participation of public non-IV-D child support enforcement agencies in the establishment and enforcement of child support obligations. The matters addressed by the recommendations shall include substantive and procedural rules which should be followed with respect to privacy safeguards, data security, due process rights, administrative compatibility with State and Federal automated systems, eligibility requirements (such as registration, licensing, and posting of bonds) for access to information and use of enforcement mechanisms, recovery of costs by charging fees, penalties for violations of the rules, treatment of collections for purposes of section 458 of such Act, and avoidance of duplication of effort.

(b) DEFINITIONS.—In this title:

(1) CHILD SUPPORT.—The term "child support" has the meaning given in section 459(i)(2) of the Social Security Act.

(2) PUBLIC NON-IV-D CHILD SUPPORT ENFORCEMENT AGENCY.—The term "public non-IV-D child support enforcement agency" means an agency, of a political subdivision of a State, which is principally responsible for the operation of a child support registry or for the establishment or enforcement of an obligation to pay child support other than pursuant to the State plan approved under part D of title IV of such Act, or a clerk of court office of a political subdivision of a State.

(3) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(4) STATE.—The term "State" shall have the meaning given in section 1101(a)(1) of the Social Security Act for purposes of part D of title IV of such Act.

SEC. 302. DEMONSTRATIONS INVOLVING ESTABLISHMENT AND ENFORCEMENT OF CHILD SUPPORT OBLIGATIONS BY PUBLIC NON-IV-D CHILD SUPPORT ENFORCEMENT AGENCIES.

(a) PURPOSE.—The purpose of this section is to determine the extent to which public non-IV-D child support enforcement agencies may contribute effectively to the establishment and enforcement of child support obligations.

(b) APPLICATIONS.—

(1) CONSIDERATION.—The Secretary shall consider all applications received from States desiring to conduct demonstration projects under this section.

(2) PREFERENCES.—In considering which applications to approve under this section, the Secretary shall give preference to applications submitted by States that had a public non-IV-D child support enforcement agency as of January 1, 2000.

(3) APPROVAL.—

(A) TIMING; LIMITATION ON NUMBER OF PROJECTS.—On July 1, 2002, the Secretary may approve not more than 10 applications for projects providing for the participation of a public non-IV-D child support enforcement agency in the establishment and enforcement of child support obligations, and, if the Secretary receives at least 5 such applications that meet such requirements as the Secretary may establish, shall approve not less than 5 such applications.

(B) REQUIREMENTS.—The Secretary may not approve an application for a project unless—

(i) the applicant and the Secretary have entered into a written agreement which addresses at a minimum, privacy safeguards, data security, due process rights, automated systems, liability, oversight, and fees, and the applicant has made a commitment to conduct the project in accordance with the written agreement and such other requirements as the Secretary may establish;

(ii) the project includes a research plan (but such plan shall not be required to use random assignment) that is focused on assessing the costs and benefits of the project; and

(iii) the project appears likely to contribute significantly to the achievement of the purpose of this title.

(c) DEMONSTRATION AUTHORITY.—On approval of an application submitted by a State under this section—

(1) the State agency responsible for administering the State plan under part D of title IV of the Social Security Act may, subject to the privacy safeguards of section 454(26) of such Act, provide to any public non-IV-D child support enforcement agency participating in the demonstration project all information in the State Directory of New Hires and any information obtained through information comparisons under section 453(j)(3) of such Act about an individual with respect to whom the public non-IV-D agency is seeking to establish or enforce a child support obligation, if the public non-IV-D agency meets such requirements as the State may establish and has entered into an agreement with the State under which the public non-IV-D agency has made a binding commitment to carry out establishment and enforcement activities with respect to the child support obligation subject to the same data security, privacy protection, and due process requirements applicable to the State agency and in accordance with procedures approved by the head of the State agency;

(2) the State agency may charge and collect fees from any such public non-IV-D agency to recover costs incurred by the State agency in providing information and services to the public non-IV-D agency under the demonstration project;

(3) if a public non-IV-D child support enforcement agency has agreed to collect past-due support (as defined in section 464(c) of such Act) owed by a named individual, and the State agency has submitted a notice to the Secretary of the Treasury pursuant to section 464 of such Act on behalf of the public non-IV-D agency, then the Secretary of the Treasury shall consider the State agency to have agreed to collect such support for purposes of such section 464, and the State agency may collect from the public non-IV-D agency any fee which the State is required to pay for the cost of applying the offset procedure in the case;

(4) for so long as a public non-IV-D child support enforcement agency is participating in the demonstration project, the public non-IV-D agency shall be considered part of the State agency for purposes of section 469A of such Act; and

(5) for so long as a public non-IV-D child support enforcement agency is participating in the demonstration project, the public non-IV-D agency shall be considered part of the State agency for purposes of section 303(e) of such Act but only with respect to any child support obligation that the public non-IV-D agency has agreed to collect.

(d) WAIVER AUTHORITY.—The Secretary may waive or vary the applicability of any provision

of section 303(e), 454(31), 464, 466(a)(7), 466(a)(17), and 469A of the Social Security Act to the extent necessary to enable the conduct of demonstration projects under this section, subject to the preservation of the data security, privacy protection, and due process requirements of part D of title IV of such Act.

(e) FEDERAL AUDIT.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct an audit of the demonstration projects conducted under this section for the purpose of examining and evaluating the manner in which information and enforcement tools are used by the public non-IV-D child support enforcement agencies participating in the projects.

(2) REPORT TO THE CONGRESS.—

(A) IN GENERAL.—The Comptroller General of the United States shall submit to the Congress a report on the audit required by paragraph (1).

(B) TIMING.—The report required by subparagraph (A) shall be so submitted not later than October 1, 2004.

(f) SECRETARIAL REPORT TO THE CONGRESS.—

(1) IN GENERAL.—The Secretary shall submit to the Congress a report on the demonstration projects conducted under this section, which shall include the results of any research or evaluation conducted pursuant to this title, and shall include policy recommendations regarding the establishment and enforcement of child support obligations by the agencies involved.

(2) TIMING.—The report required by paragraph (1) shall be so submitted not later than October 1, 2005.

SEC. 303. GAO REPORT TO CONGRESS ON PRIVATE CHILD SUPPORT ENFORCEMENT AGENCIES.

(a) IN GENERAL.—Not later than October 1, 2001, the Comptroller General of the United States shall submit to the Congress a report on the activities of private child support enforcement agencies that shall be designed to help the Congress determine whether the agencies are providing a needed service in a fair manner using accepted debt collection practices and at a reasonable fee.

(b) MATTERS TO BE ADDRESSED.—Among the matters addressed by the report required by subsection (a) shall be the following:

(1) The number of private child support enforcement agencies.

(2) The types of debt collection activities conducted by the private agencies.

(3) The fees charged by the private agencies.

(4) The methods used by the private agencies to collect fees from custodial parents.

(5) The nature and degree of cooperation the private agencies receive from State agencies responsible for administering State plans under part D of title IV of the Social Security Act.

(6) The extent to which the conduct of the private agencies is subject to State or Federal regulation, and if so, the extent to which the regulations are effectively enforced.

(7) The amount of child support owed but uncollected and changes in this amount in recent years.

(8) The average period of time required for the completion of successful enforcement actions yielding collections of past-due child support by both the child support enforcement programs operated pursuant to State plans approved under part D of title IV of the Social Security Act and, to the extent known, by private child support enforcement agencies.

(9) The types of Federal and State child support enforcement remedies and resources currently available to private child support enforcement agencies, and the types of such remedies and resources now restricted to use by State agencies administering State plans referred to in paragraph (8).

(c) PRIVATE CHILD SUPPORT ENFORCEMENT AGENCY DEFINED.—In this section, the term "private child support enforcement agency" means a person or any other non-public entity which seeks to establish or enforce an obligation to pay child support (as defined in section 459(i)(2) of the Social Security Act).

SEC. 304. EFFECTIVE DATE.

This title shall take effect on the date of the enactment of this Act.

TITLE IV—EXPANDED ENFORCEMENT

SEC. 401. DECREASE IN AMOUNT OF CHILD SUPPORT ARREARAGE TRIGGERING PASSPORT DENIAL.

Section 452(k) of the Social Security Act (42 U.S.C. 652(k)) is amended by striking "$5,000" and inserting "$2,500".

SEC. 402. USE OF TAX REFUND INTERCEPT PROGRAM TO COLLECT PAST-DUE CHILD SUPPORT ON BEHALF OF CHILDREN WHO ARE NOT MINORS.

Section 464 of the Social Security Act (42 U.S.C. 664) is amended—

(1) in subsection (a)(2)(A), by striking "(as that term is defined for purposes of this paragraph under subsection (c))"; and

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking "(1) Except as provided in paragraph (2), as used in" and inserting "In"; and

(ii) by inserting "(whether or not a minor)" after "a child" each place it appears; and

(B) by striking paragraphs (2) and (3).

SEC. 403. GARNISHMENT OF COMPENSATION PAID TO VETERANS FOR SERVICE-CONNECTED DISABILITIES IN ORDER TO ENFORCE CHILD SUPPORT OBLIGATIONS.

Section 459(h) of the Social Security Act (42 U.S.C. 659(h)) is amended—

(1) in paragraph (1)(A)(ii)(V), by striking all that follows "Armed Forces" and inserting a semicolon; and

(2) by adding at the end the following:

"(3) LIMITATIONS WITH RESPECT TO COMPENSATION PAID TO VETERANS FOR SERVICE-CONNECTED DISABILITIES.—Notwithstanding any other provision of this section:

"(A) Compensation described in paragraph (1)(A)(ii)(V) shall not be subject to withholding pursuant to this section—

"(i) for payment of alimony; or

"(ii) for payment of child support if the individual is fewer than 60 days in arrears in payment of the support.

"(B) Not more than 50 percent of any payment of compensation described in paragraph (1)(A)(ii)(V) may be withheld pursuant to this section.".

TITLE V—FATHERHOOD PROGRAMS

Subtitle A—Fatherhood Grant Program

SEC. 501. FATHERHOOD GRANTS.

(a) IN GENERAL.—Part A of title IV of the Social Security Act (42 U.S.C. 601-619) is amended by inserting after section 403 the following:

"SEC. 403A. FATHERHOOD PROGRAMS.

"(a) PURPOSE.—The purpose of this section is to make grants available to public and private entities for projects designed to—

"(1) promote marriage through counseling, mentoring, disseminating information about the advantages of marriage, enhancing relationship skills, teaching how to control aggressive behavior, disseminating information on the causes and treatment of domestic violence and child abuse, and other methods;

"(2) promote successful parenting through such activities as counseling, mentoring, disseminating information about good parenting practices including prepregnancy, family planning, training parents in money management, encouraging child support payments, encouraging regular visitation between fathers and their children, and other methods; and

"(3) help fathers and their families avoid or leave cash welfare provided by the program under part A and improve their economic status by providing such activities as work first services, job search, job training, subsidized employment, career-advancing education, job retention, job enhancement, and other methods.

"(b) FATHERHOOD GRANTS.—

"(1) APPLICATIONS.—An entity desiring a grant to carry out a project described in subsection (a) may submit to the Secretary an application that contains the following:

"(A) A description of the project and how the project will be carried out.

"(B) A description of how the project will address all three of the purposes of this section.

"(C) A written commitment by the entity that the project will allow an individual to participate in the project only if the individual is—

"(i) a father of a child who is, or within the past 24 months has been, a recipient of assistance or services under a State program funded under this part;

"(ii) a father, including an expectant or married father, whose income (net of court-ordered child support) is less than 150 percent of the poverty line (as defined in section 673(2) of the Omnibus Budget Reconciliation Act of 1981, including any revision required by such section, applicable to a family of the size involved);

"(iii) a parent referred to in paragraph (3)(A)(iii); or

"(iv) at risk of parenthood outside marriage, but not more than 25 percent of the participants in the project may qualify for participation under this clause.

"(D) A written commitment by the entity that the entity will provide for the project, from funds obtained from non-Federal sources, amounts (including in-kind contributions) equal in value to—

"(i) 20 percent of the amount of any grant made to the entity under this subsection; or

"(ii) such lesser percentage as the Secretary deems appropriate (which shall be not less than 10 percent) of such amount, if the application demonstrates that there are circumstances that limit the ability of the entity to raise funds or obtain resources.

"(E) A written commitment by the entity that the entity will make available to each individual participating in the project education about the causes of domestic violence and child abuse and local programs to prevent and treat abuse, education about alcohol, tobacco, and other drugs and the effects of abusing such substances, and information about sexually transmitted diseases and their transmission, including HIV/AIDS and human papillomavirus (HPV).

"(2) CONSIDERATION OF APPLICATIONS BY INTERAGENCY PANEL.—

"(A) ESTABLISHMENT.—There is established a panel to be known as the 'Fatherhood Grants Recommendations Panel' (in this subparagraph referred to as the 'Panel').

"(B) MEMBERSHIP.—

"(i) IN GENERAL.—The Panel shall be composed of 10 members, as follows:

"(I) Two members of the Panel shall be appointed by the Secretary.

"(II) Two members of the Panel shall be appointed by the Secretary of Labor.

"(III) Two members of the Panel shall be appointed by the Chairman of the Committee on Ways and Means of the House of Representatives.

"(IV) One member of the Panel shall be appointed by the ranking minority member of the Committee on Ways and Means of the House of Representatives.

"(V) Two members of the Panel shall be appointed by the Chairman of the Committee on Finance of the Senate.

"(VI) One member of the Panel shall be appointed by the ranking minority member of the Committee on Finance of the Senate.

"(ii) QUALIFICATIONS.—An individual shall not be eligible to serve on the Panel unless the individual has experience in programs for fathers, programs for the poor, programs for children, program administration, program research, or programs of domestic violence prevention and treatment.

"(iii) CONFLICTS OF INTEREST.—An individual shall not be eligible to serve on the Panel if such service would pose a conflict of interest for the individual.

"(iv) TIMING OF APPOINTMENTS.—The appointment of members to the Panel shall be completed not later than April 1, 2001.

"(C) DUTIES.—

"(i) REVIEW AND MAKE RECOMMENDATIONS ON PROJECT APPLICATIONS.—The Panel shall review all applications submitted pursuant to paragraph (1), and make recommendations to the Secretary regarding which applicants should be awarded grants under this subsection, with due regard for the provisions of paragraph (3), but shall not recommend that a project be awarded such a grant if the application describing the project does not attempt to meet the requirement of paragraph (1)(B).

"(ii) TIMING.—The Panel shall make such recommendations not later than October 1, 2001.

"(D) TERM OF OFFICE.—Each member appointed to the Panel shall serve for the life of the Panel.

"(E) PROHIBITION ON COMPENSATION.—Members of the Panel may not receive pay, allowances, or benefits by reason of their service on the Panel.

"(F) TRAVEL EXPENSES.—Each member of the Panel shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

"(G) MEETINGS.—The Panel shall meet as often as is necessary to complete the business of the Panel.

"(H) CHAIRPERSON.—The Chairperson of the Panel shall be designated by the Secretary at the time of appointment.

"(I) STAFF OF FEDERAL AGENCIES.—The Secretary may detail any personnel of the Department of Health and Human Services and the Secretary of Labor may detail any personnel of the Department of Labor to the Panel to assist the Panel in carrying out its duties under this paragraph.

"(J) OBTAINING OFFICIAL DATA.—The Panel may secure directly from any department or agency of the United States information necessary to enable it to carry out this paragraph. On request of the Chairperson of the Panel, the head of the department or agency shall furnish that information to the Panel.

"(K) MAILS.—The Panel may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

"(L) TERMINATION.—The Panel shall terminate on October 1, 2001.

"(3) RULES GOVERNING GRANTS.—

"(A) GRANT AWARDS.—

"(i) IN GENERAL.—The Secretary shall award matching grants, on a competitive basis, among entities submitting applications therefor which meet the requirements of paragraph (1), in amounts that take into account the written commitments referred to in paragraph (1)(D).

"(ii) TIMING.—On October 1, 2001, the Secretary shall award not more than $140,000,000 in matching grants after considering the recommendations submitted pursuant to paragraph (2)(C)(i).

"(iii) NONDISCRIMINATION.—The provisions of this section shall be applied and administered so as to ensure that mothers, expectant mothers, and married mothers are eligible for benefits and services under projects awarded grants under this section on the same basis as fathers, expectant fathers, and married fathers.

"(B) PREFERENCES.—In determining which entities to which to award grants under this subsection, the Secretary shall give preference to an entity—

"(i) to the extent that the application submitted by the entity sets forth clear and practical methods to encourage and sustain marriage;

"(ii) to the extent that the application submitted by the entity describes actions that the entity will take that are designed to encourage or facilitate the payment of child support, including but not limited to—

"(I) obtaining a written commitment by the agency responsible for administering the State plan approved under part D for the State in which the project is to be carried out that the State will voluntarily cancel child support arrearages owed to the State by the father as a result of the father providing various supports to the family such as maintaining a regular child support payment schedule living with his children or marrying the mother of his children, unless the father has been convicted of a crime involving domestic violence or child abuse;

"(II) obtaining a written commitment by the entity that the entity will help participating fathers who cooperate with the agency in improving their credit rating; and

"(III) helping fathers arrange and maintain a consistent schedule of visits with their children, unless it would be unsafe;

"(iii) to the extent that the application includes written agreements of cooperation with other private and governmental agencies, including the State or local program funded under this part, the local Workforce Investment Board, the State or local program funded under part D, community-based domestic violence programs, and the State or local program funded under part E, which should include a description of the services each such agency will provide to fathers participating in the project described in the application;

"(iv) to the extent that the application describes a project that will enroll a high percentage of project participants within 6 months before or after the birth of the child; or

"(v) to the extent that the application sets forth clear and practical methods by which fathers will be recruited to participate in the project.

"(C) MINIMUM PERCENTAGE OF RECIPIENTS OF GRANT FUNDS TO BE NONGOVERNMENTAL (INCLUDING FAITH-BASED) ORGANIZATIONS.—Not less than 75 percent of the entities awarded grants under this subsection in each fiscal year (other than entities awarded such grants pursuant to the preferences required by subparagraph (B)) shall be awarded to—

"(i) nongovernmental (including faith-based) organizations; or

"(ii) governmental organizations that pass through to organizations referred to in clause (i) at least 50 percent of the amount of the grant.

"(D) DIVERSITY OF PROJECTS.—

"(i) IN GENERAL.—In determining which entities to which to award grants under this subsection, the Secretary shall attempt to achieve a balance among entities of differing sizes, entities in differing geographic areas, entities in urban versus rural areas, and entities employing differing methods of achieving the purposes of this section.

"(ii) REPORT TO THE CONGRESS.—Within 90 days after each award of grants under subparagraph (A)(ii), the Secretary shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a brief report on the diversity of projectes selected to receive funds under the grant program. The report shall include a comparison of funding for projects located in urban areas, projects located in suburban areas, and projects located in rural areas.

"(E) PAYMENT OF GRANT IN FOUR EQUAL ANNUAL INSTALLMENTS.—During the fiscal year in which a grant is awarded under this subsection and each of the succeeding three fiscal years, the Secretary shall provide to the entity awarded the grant an amount equal to ¼ of the amount of the grant.

"(4) USE OF FUNDS.—

"(A) IN GENERAL.—Each entity to which a grant is made under this section shall use grant funds provided under this section in accordance with the application requesting the grant, the requirements of this section, and the regulations prescribed under this section, and may use grant funds to support community-wide initiatives to address the purposes of this section, but may not use grant funds for court proceedings on matters of child visitation or child custody or for legislative advocacy.

"(B) NONDISPLACEMENT.—

"(i) IN GENERAL.—An adult in a work activity described in section 407(d) which is funded, in whole or in part, by funds provided under this section shall not be employed or assigned—

"(I) when any other individual is on layoff from the same or any substantially equivalent job; or

"(II) if the employer has terminated the employment of any regular employee or otherwise caused an involuntary reduction of its workforce in order to fill the vacancy so created with such an adult.

"(ii) GRIEVANCE PROCEDURE.—

"(I) IN GENERAL.—Complaints alleging violations of clause (i) in a State may be resolved—

"(aa) if the State has established a grievance procedure under section 403(a)(5)(I)(iv), pursuant to the grievance procedure; or

"(bb) otherwise, pursuant to the grievance procedure established by the State under section 407(f)(3).

"(II) FORFEITURE OF GRANT IF GRIEVANCE PROCEDURE NOT AVAILABLE.—If a complaint referred to in subclause (I) is made against an entity to which a grant has been made under this section with respect to a project, and the complaint cannot be brought to, or cannot be resolved within 90 days after being brought, by a grievance procedure referred to in subclause (I), then the entity shall immediately return to the Secretary all funds provided to the entity under this section for the project, and the Secretary shall immediately rescind the grant.

"(C) RULE OF CONSTRUCTION.—This section shall not be construed to require the participation of a father in a project funded under this section to be discontinued by the project on the basis of changed economic circumstances of the father.

"(D) RULE OF CONSTRUCTION ON MARRIAGE.—This section shall not be construed to authorize the Secretary to define marriage for purposes of this section.

"(E) PENALTY FOR MISUSE OF GRANT FUNDS.—If the Secretary determines that an entity to which a grant is made under this subsection has used any amount of the grant in violation of subparagraph (A), the Secretary shall require the entity to remit to the Secretary an amount equal to the amount so used, plus all remaining grant funds, and the entity shall thereafter be ineligible for any grant under this subsection.

"(F) REMITTANCE OF UNUSED GRANT FUNDS.—Each entity to which a grant is awarded under this subsection shall remit to the Secretary all funds paid under the grant that remain at the end of the fifth fiscal year ending after the initial grant award.

"(5) AUTHORITY OF AGENCIES TO EXCHANGE INFORMATION.—Each agency administering a program funded under this part or a State plan approved under part D may share the name, address, telephone number, and identifying case

number information in the State program funded under this part, of fathers for purposes of assisting in determining the eligibility of fathers to participate in projects receiving grants under this section, and in contacting fathers potentially eligible to participate in the projects, subject to all applicable privacy laws.

"(6) EVALUATION.—The Secretary, in consultation with the Secretary of Labor, shall, directly or by grant, contract, or interagency agreement, conduct an evaluation of projects funded under this section (other than under subsection (c)(1)). The evaluation shall assess, among other outcomes selected by the Secretary, effects of the projects on marriage, parenting, employment, earnings, payment of child support, and incidence of domestic violence and child abuse. In selecting projects for the evaluation, the Secretary should include projects that, in the Secretary's judgment, are most likely to impact the matters described in the purposes of this section. In conducting the evaluation, random assignment should be used wherever possible.

"(7) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out this subsection.

"(8) LIMITATION ON APPLICABILITY OF OTHER PROVISIONS OF THIS PART.—Sections 404 through 410 shall not apply to this section or to amounts paid under this section, and shall not be applied to an entity solely by reason of receipt of funds pursuant to this section. A project shall not be considered a State program funded under this part solely by reason of receipt of funds paid under this section.

"(9) FUNDING.—

"(A) IN GENERAL.—

"(i) INTERAGENCY PANEL.—Of the amounts made available pursuant to section 403(a)(1)(E) to carry out this section for fiscal year 2001, a total of $150,000 shall be made available for the interagency panel established by paragraph (2) of this subsection.

"(ii) GRANTS.—Of the amounts made available pursuant to section 403(a)(1)(E) to carry out this section for fiscal years 2002 through 2005, a total of $140,000,000 shall be made available for grants under this subsection.

"(iii) EVALUATION.—Of the amounts made available pursuant to section 403(a)(1)(E) to carry out this section for fiscal years 2001 through 2006, a total of $6,000,000 shall be made available for the evaluation required by paragraph (6) of this subsection.

"(B) AVAILABILITY.—

"(i) GRANT FUNDS.—The amounts made available pursuant to subparagraph (A)(ii) shall remain available until the end of fiscal year 2006.

"(ii) EVALUATION FUNDS.—The amounts made available pursuant to subparagraph (A)(iii) shall remain available until the end of fiscal year 2008.".

(b) FUNDING.—Section 403(a)(1)(E) of such Act (42 U.S.C. 603(a)(1)(E)) is amended by inserting ", and for fiscal years 2001 through 2007, such sums as are necessary to carry out section 403A" before the period.

(c) APPLICABILITY OF CHARITABLE CHOICE PROVISIONS OF WELFARE REFORM.—Section 104 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (42 U.S.C. 604a) is amended by adding at the end the following:

"(l) Notwithstanding the preceding provisions of this section, this section shall apply to any entity to which funds have been provided under section 403A of the Social Security Act in the same manner in which this section applies to States, and, for purposes of this section, any project for which such funds are so provided shall be considered a program described in subsection (a)(2).".

Subtitle B—Fatherhood Projects of National Significance

SEC. 511. FATHERHOOD PROJECTS OF NATIONAL SIGNIFICANCE.

Section 403A of the Social Security Act, as added by subtitle A of this title, is amended by adding at the end the following:

"(c) FATHERHOOD PROJECTS OF NATIONAL SIGNIFICANCE.—

"(1) NATIONAL CLEARINGHOUSE.—The Secretary shall award a $5,000,000 grant to a nationally recognized, nonprofit fatherhood promotion organization with at least 4 years of experience in designing and disseminating a national public education campaign, including the production and successful placement of television, radio, and print public service announcements which promote the importance of responsible fatherhood, and with at least 4 years experience providing consultation and training to community-based organizations interested in implementing fatherhood outreach, support, or skill development programs with an emphasis on promoting married fatherhood as the ideal, to—

"(A) develop, promote, and distribute to interested States, local governments, public agencies, and private nonprofit organizations, including charitable and religious organizations, a media campaign that encourages the appropriate involvement of both parents in the life of any child of the parents, and encourages such organizations to develop or sponsor programs that specifically address the issue of responsible fatherhood and the advantages conferred on children by marriage;

"(B) develop a national clearinghouse to assist States, communities, and private entities in efforts to promote and support marriage and responsible fatherhood by collecting, evaluating, and making available (through the Internet and by other means) to all interested parties, information regarding media campaigns and fatherhood programs;

"(C) develop and distribute materials that are for use by entities described in subparagraph (A) or (B) and that help young adults manage their money, develop the knowledge and skills needed to promote successful marriages, plan for future expenditures and investments, and plan for retirement;

"(D) develop and distribute materials that are for use by entities described in subparagraphs (A) and (B) and that list all the sources of public support for education and training that are available to young adults, including government spending programs as well as benefits under Federal and State tax laws; and

"(E) develop and distribute materials that are for use by entities described in subparagraphs (A) and (B) and that provide information on domestic violence and child abuse prevention and treatment.

"(2) MULTICITY FATHERHOOD PROJECTS.—

"(A) IN GENERAL.—The Secretary shall award a $5,000,000 grant to each of two nationally recognized nonprofit fatherhood promotion organizations which meet the requirements of subparagraph (B), at least one of which organizations meets the requirement of subparagraph (C).

"(B) REQUIREMENTS.—The requirements of this subparagraph are the following:

"(i) The organization must have several years of experience in designing and conducting programs that meet the purposes described in paragraph (1).

"(ii) The organization must have experience in simultaneously conducting such programs in more than one major metropolitan area and in coordinating such programs with local government agencies and private, nonprofit agencies, including State or local agencies responsible for conducting the program under part D and Workfore Investment Boards.

"(iii) The organization must submit to the Secretary an application that meets all the conditions applicable to the organization under this section and that provides for projects to be conducted in three major metropolitan areas.

"(C) USE OF MARRIED COUPLES TO DELIVER SERVICES IN THE INNER CITY.—The requirement of this subparagraph is that the organization has extensive experience in using married couples to deliver program services in the inner city.

"(3) PAYMENT OF GRANTS IN FOUR EQUAL ANNUAL INSTALLMENTS.—During each of fiscal years 2002 through 2005, the Secretary shall provide to each entity awarded a grant under this subsection an amount equal to ¼ of the amount of the grant.

"(4) FUNDING.—

"(A) IN GENERAL.—Of the amounts made available pursuant to section 403(a)(1)(E) to carry out this section, $3,750,000 shall be made available for grants under this subsection for each of fiscal years 2002 through 2005.

"(B) AVAILABILITY.—The amounts made available pursuant to subparagraph (A) shall remain available until the end of fiscal year 2005.".

TITLE VI—MISCELLANEOUS

SEC. 601. CHANGE DATES FOR ABSTINENCE EVALUATION.

(a) IN GENERAL.—Section 403(a)(5)(G)(iii) of the Social Security Act (42 U.S.C. 603(a)(5)(G)(iii)), as amended by section 606(a) of this Act, is amended by striking "2001" and inserting "2005".

(b) INTERIM REPORT REQUIRED.—Section 403(a)(5)(G) of such Act (42 U.S.C. 603(a)(5)(G)), as so amended, is amended by adding at the end the following:

"(iv) INTERIM REPORT.—Not later than January 1, 2002, the Secretary shall submit to the Congress a interim report on the evaluations referred to in clause (i).".

SEC. 602. REPORT ON UNDISTRIBUTED CHILD SUPPORT PAYMENTS.

Not later than 6 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the procedures that the States use generally to locate custodial parents for whom child support has been collected but not yet distributed due to a change in address. The report shall include an estimate of the total amount of such undistributed child support and the average length of time it takes for such child support to be distributed. The Secretary shall include in the report recommendations as to whether additional procedures should be established at the State or Federal level to expedite the payment of undistributed child support.

SEC. 603. USE OF NEW HIRE INFORMATION TO ASSIST IN ADMINISTRATION OF UNEMPLOYMENT COMPENSATION PROGRAMS.

(a) IN GENERAL.—Section 453(j) of the Social Security Act (42 U.S.C. 653(j)) is amended by adding at the end the following:

"(7) INFORMATION COMPARISONS AND DISCLOSURE TO ASSIST IN ADMINISTRATION OF UNEMPLOYMENT COMPENSATION PROGRAMS.—

"(A) IN GENERAL.—If a State agency responsible for the administration of an unemployment compensation program under Federal or State law transmits to the Secretary the name and social security account number of an individual, the Secretary shall, if the information in the National Directory of New Hires indicates that the individual may be employed, disclose to the State agency the name, address, and employer identification number of any putative employer of the individual, subject to this paragraph.

"(B) CONDITION ON DISCLOSURE.—The Secretary shall make a disclosure under subparagraph (A) only to the extent that the Secretary

determines that the disclosure would not interfere with the effective operation of the program under this part.

"(C) USE OF INFORMATION.—A State agency may use information provided under this paragraph only for purposes of administering a program referred to in subparagraph (A).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2000.

SEC. 604. IMMIGRATION PROVISIONS.

(a) NONIMMIGRANT ALIENS INELIGIBLE TO RECEIVE VISAS AND EXCLUDED FROM ADMISSION FOR NONPAYMENT OF CHILD SUPPORT.—

(1) IN GENERAL.—Section 212(a)(10) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)) is amended by adding at the end the following:

"(F) NONPAYMENT OF CHILD SUPPORT.—

"(i) IN GENERAL.—Any nonimmigrant alien is inadmissible who is legally obligated under a judgment, decree, or order to pay child support (as defined in section 459(i) of the Social Security Act), and whose failure to pay such child support has resulted in an arrearage exceeding $2,500, until child support payments under the judgment, decree, or order are satisfied or the nonimmigrant alien is in compliance with an approved payment agreement.

"(ii) WAIVER AUTHORIZED.—The Attorney General may waive the application of clause (i) in the case of an alien, if the Attorney General—

"(I) has received a request for the waiver from the court or administrative agency having jurisdiction over the judgment, decree, or order obligating the alien to pay child support that is referred to in such clause; or

"(II) determines that there are prevailing humanitarian or public interest concerns.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect 180 days after the date of the enactment of this Act.

(b) AUTHORIZATION TO SERVE LEGAL PROCESS IN CHILD SUPPORT CASES ON CERTAIN ARRIVING ALIENS.—

(1) IN GENERAL.—Section 235(d) of the Immigration and Nationality Act (8 U.S.C. 1225(d)) is amended by adding at the end the following:

"(5) AUTHORITY TO SERVE PROCESS IN CHILD SUPPORT CASES.—

"(A) IN GENERAL.—To the extent consistent with State law, immigration officers are authorized to serve on any alien who is an applicant for admission to the United States legal process with respect to any action to enforce or establish a legal obligation of an individual to pay child support (as defined in section 459(i) of the Social Security Act).

"(B) DEFINITION.—For purposes of subparagraph (A), the term 'legal process' means any writ, order, summons or other similar process, which is issued by—

"(i) a court or an administrative agency of competent jurisdiction in any State, territory, or possession of the United States; or

"(ii) an authorized official pursuant to an order of such a court or agency or pursuant to State or local law.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to aliens applying for admission to the United States on or after 180 days after the date of the enactment of this Act.

(c) AUTHORIZATION TO SHARE CHILD SUPPORT ENFORCEMENT INFORMATION TO ENFORCE IMMIGRATION AND NATURALIZATION LAW.—

(1) SECRETARIAL RESPONSIBILITY.—Section 452 of the Social Security Act (42 U.S.C. 652) is amended by adding at the end the following:

"(m) If the Secretary receives a certification by a State agency, in accordance with section 454(35), that an individual who is a nonimmigrant alien (as defined in section 101(a)(15) of the Immigration and Nationality Act) owes arrearages of child support in an amount exceeding $2,500, the Secretary may, at the request of the State agency, the Secretary of State, or the Attorney General, or on the Secretary's own initiative, provide such certification to the Secretary of State and the Attorney General information in order to enable them to carry out their responsibilities under sections 212(a)(10) and 235(d) of such Act.".

(2) STATE AGENCY RESPONSIBILITY.—Section 454 of the Social Security Act (42 U.S.C. 654), as amended by section 101(c) of this Act, is amended—

(A) by striking "and" at the end of paragraph (33);

(B) by striking the period at the end of paragraph (34) and inserting "; and"; and

(C) by inserting after paragraph (34) the following:

"(35) provide that the State agency will have in effect a procedure for certifying to the Secretary, in such format and accompained by such supporting documentation as the Secretary may require, determinations that nonimmigrant aliens owe arrearages of child support in an amount exceeding $2,500.".

SEC. 605. CORRECTION OF ERRORS IN CONFORMING AMENDMENTS IN THE WELFARE-TO-WORK AND CHILD SUPPORT AMENDMENTS OF 1999.

The amendments made by section 2402 of Public Law 106–246 shall take effect as if included in the enactment of section 806 of H.R. 3424 of the 106th Congress by section 1000(a)(4) of Public Law 106–113.

SEC. 606. ELIMINATION OF SET-ASIDE OF WELFARE-TO-WORK FUNDS FOR SUCCESSFUL PERFORMANCE BONUS.

(a) IN GENERAL.—Section 403(a)(5) of the Social Security Act (42 U.S.C. 603(a)(5)) is amended by striking subparagraph (E) and redesignating subparagraphs (F) through (K) as subparagraphs (E) through (J), respectively.

(b) CONFORMING AMENDMENTS.—

(1) Section 403(a)(5)(A)(i) of such Act (42 U.S.C. 603(a)(5)(A)(i)) is amended by striking "subparagraph (I)" and inserting "subparagraph (H)".

(2) Subclause (I) of each of subparagraphs (A)(iv) and (B)(v) of section 403(a)(5) of such Act (42 U.S.C. 603(a)(5)(A)(iv)(I) and (B)(v)(I)) is amended—

(A) in item (aa)—

(i) by striking "(I)" and inserting "(H)"; and

(ii) by striking "(G), and (H)" and inserting "and (G)"; and

(B) in item (bb), by striking "(F)" and inserting "(E)".

(3) Section 403(a)(5)(B)(v) of such Act (42 U.S.C. 603(a)(5)(B)) is amended in the matter preceding subclause (I) by striking "(I)" and inserting "(H)".

(4) Subparagraphs (E) and (F) of section 403(a)(5) of such Act (42 U.S.C. 603(a)(5)(F) and (G)), as so redesignated by subsection (a) of this section, are each amended by striking "(I)" and inserting "(H)".

(5) Section 412(a)(3)(A) of such Act (42 U.S.C. 612(a)(3)(A)) is amended by striking "403(a)(5)(I)" and inserting "403(a)(5)(H)".

(c) FUNDING.—Section 403(a)(5)(I)(i)(II) of such Act (42 U.S.C. 603(a)(5)(I)(i)(II)) is amended by striking "$1,450,000,000" and inserting "$1,400,000,000".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 607. INCREASE IN PAYMENT RATE TO STATES FOR EXPENDITURES FOR SHORT TERM TRAINING OF STAFF OF CERTAIN CHILD WELFARE AGENCIES.

Section 474(a)(3)(B) of the Social Security Act (42 U.S.C. 674(a)(3)(B)) is amended by inserting ", or State-licensed or State-approved child welfare agencies providing services," after "child care institutions".

TITLE VII—EFFECTIVE DATE

SEC. 701. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in sections 101(e), 304, 603(b), 605(b) and 606, and in subsection (b) of this section, this Act and the amendments made by this Act shall take effect on October 1, 2001, and shall apply to payments under part D of title IV of the Social Security Act for calendar quarters beginning on or after such date, and without regard to whether regulations to implement such amendments are promulgated by such date.

(b) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—In the case of a State plan approved under section 454 of the Social Security Act which requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this Act, the State plan shall not be regarded as failing to comply with the additional requirements solely on the basis of the failure of the plan to meet the additional requirements before the 1st day of the 1st calendar quarter beginning after the close of the 1st regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

The SPEAKER pro tempore. After 1 hour of debate on the bill, as amended, it shall be in order to consider a further amendment printed in part B of the report if offered by the gentleman from Virginia (Mr. SCOTT) or his designee, which shall be considered read, and shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent.

The gentlewoman from Connecticut (Mrs. JOHNSON) and the gentleman from Maryland (Mr. CARDIN) each will control 30 minutes of debate on the bill.

The Chair recognizes the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I begin by expressing my appreciation to my colleague and ranking member, the gentleman from Maryland (Mr. CARDIN), and his very capable staff. This bill we bring before the House today was fashioned in some of its most significant sections by the gentleman's hard work and insight, and I thank him.

I also want to thank my colleagues on the Conservative Action Team, who have helped us strengthen the marriage provisions in the fatherhood program that is such a vital part of this legislation. The gentleman from Oklahoma (Mr. COBURN) and his associates have worked with us in good faith and have improved this bill both by changing the procedure under which it is being debated and by adding excellent provisions to the bill.

The 1996 welfare reform law has been one of the greatest social policy successes of the last half century. Due in great measure to this legislation and excellent reforms in the earned income credit, Medicaid child care, and other programs that support working families, work by single mothers, and especially never-married single mothers has increased in the last 5 years to its highest level ever. The result, according to a broad Census Bureau measure of poverty, is that we have reduced child poverty by nearly 30 percent in the last 5 years. We have reduced child poverty by nearly 30 percent in the last 5 years. This is a historic achievement made possible by legislation that originated in this body.

Welfare reform has put us on the right track. But many of these single mothers and their children are struggling on extremely low incomes. Those who used to be on welfare are now in the workforce, but all too often their day-to-day personal struggle is nothing short of heroic. They work hard to juggle transportation, child care, work, and family time. It is a big job and millions of women are tackling it with determination and grit. So we come before our colleagues today with a proposal to ensure that these mothers who have left welfare get all the help they deserve. Under this bill they will get to keep more of the child support money the fathers of their children are paying.

It is time to modernize the child support system's connection with welfare and require that a woman get 100 percent of the father's child support payment as she leaves welfare. That is exactly what this bill does. When fully implemented, this legislation will provide young mothers leaving welfare with an additional $700 million per year. That is $3.5 billion over 5 years. And every penny of it comes from child support payments made by fathers.

In addition, this bill allows States to pass along child support through to the family while the family is still on welfare. This will encourage the development of the bond between the noncustodial parent in the family, help them develop an understanding of their economic ties, and better prepare families for the transfer off of welfare. Remember, if they understand the economic ties that bind, they are going to be better positioned to develop the emotional ties that bind and on which life depends.

Of course, the best solution for these single mothers and their children would be to form two-parent families through marriage. We now have overwhelming evidence from research that marriage is good for health and happiness of both mothers and fathers, but the greatest beneficiaries of marriage are the children. Thus, as part of a very balanced package we bring to the floor today, we propose to fund small-scale community and faith-based projects throughout the Nation to promote marriage and better parenting by low-income fathers whose children are on welfare and to help them improve their economic circumstances.

I know that many in this body doubt that government should be involved in promoting marriage, so I urge them to consider how our proposal would work. We want to provide seed money to help faith-based and other community organizations tackle this vital job. Seventy-five percent of the funds must support nongovernmental organizations. So we are not creating a new government program and bureaucracy. Government is simply a mechanism to help private organizations perform this important work.

Let me also mention the legitimate concern of some that women could be pressured into violent relationships. In this bill we have added many provisions to assure that domestic violence and child abuse are prevented and, when necessary, that referrals are made to local services to help families in which violence is occurring.

But we must in good conscience build on the important fact discovered through welfare reform. Because of its paternity determination requirements, we now know that 80 percent of the adults having out-of-wedlock children are serious about their relationship and believe it will be lasting. That is simply astounding. And we did not know that before welfare reform was implemented. Yet, after 2 years, after 2 years, most fathers are out of the picture. This bill will help many poor young men and women, more than half of whom live together when the child is born, and as I said, 80 percent of whom say they hope to form a lasting relationship, to fulfill that dream through education and support.

These young people are poor. They often live in dangerous communities, lack economic prowess, and have few role models to follow to help them form stable, lasting marriages. These young-couples face long odds. This bill will help them. It will help them work toward marriage; it will help them work toward becoming better parents and work toward economic advancement. For example, we will now provide the same help in getting a job to the fathers of children on welfare as we do to mothers on welfare. In other areas we will provide some of the education that has so helped women to their male partners. It is just common sense.

This bill will move us a dramatic step forward in helping our poorest young people help themselves by making sure that child support money stays in the family. This will help young mothers to avoid or get off welfare, and bring young fathers and their children closer together.

The fatherhood provisions of this bill promote more responsible behavior by fathers, including marriage, better parenting, and work. Through the fatherhood demonstration grants and the child support distribution reforms, we will bring our Nation a giant step forward on that path to building strong families and helping our poorest young people and children realize their dreams.

Again, I thank my colleague, the gentleman from Maryland (Mr. CARDIN), for his very significant contribution to this family-strengthening bipartisan legislation. Today we advance the agenda of personal responsibility and strengthen the family ties on which the well-being of our children depends.

Mr. Speaker, I reserve the balance of my time.

□ 1200

Mr. CARDIN. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, I thank my colleague from Maryland for yielding me the time.

Mr. Speaker, I want to commend the author of the bill, the gentlewoman from Connecticut (Mrs. JOHNSON), who has been the leader in this effort.

I rise in strong support of H.R. 4678, the Child Support Distribution Act, a measure that promises to boost more families out of poverty and seeks to remedy the serious trend of fatherlessness.

Over the past 40 years, the number of children living in households without fathers has tripled from just over five million in 1960 to 17 million today. This void has repercussions not only on the financial stability of the child but also on the child's emotional well-being and moral development.

Statistics show that, without fathers in their lives, children are five times more likely to live in poverty, two times more likely to commit crimes, over twice as likely to abuse alcohol or drugs, and more likely to become pregnant as teenagers.

I am dedicated to strengthening the family. As a parent, I believe it to be my responsibility to teach my own daughters values and ethics by which to live. H.R. 4678 encourages responsible fatherhood by establishing a fatherhood grant program that would fund public and private fatherhood programs for fiscal years 2001 through 2007.

H.R. 4678 would fund fatherhood programs that promote successful parenting by not only teaching parenting skills and encouraging healthy child-parent relationships but also deliver job training to fathers to help break the cycle of poverty.

Additionally, and equally as important, under H.R. 4678, children would benefit from more child support collected by the States on their behalf. For families leaving welfare, H.R. 4678 would compel States to distribute all arrears before the State could receive any arrears owed to it for the period the family collected welfare.

Under current law, a family that leaves welfare only receives 50 percent of any past due child support payments. H.R. 4678 will also provide States with an option to pass the entire child support payment on to the family on welfare. Presently, States keep the child support payment and split the payment evenly with the Federal Government.

Under H.R. 4678, $3.5 billion in additional child support would be provided to needy children over a 5-year period and $5 billion over the decade.

Mr. Speaker, as a father, I find it hard to believe that some would fail to honor their obligation to support their own children. But the sad truth as we know it is that far too many become deadbeat parents and far too often the children are pushed into poverty.

We in Congress began the effort to aid the States in child support enforcement through the welfare reform legislation that the gentlewoman from Connecticut (Mrs. JOHNSON) spoke of which we passed in 1996 with my support; and we should continue this important task by passing this bill, H.R. 4678, the Child Support Distribution Act, today.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield 2 minutes to my colleague, the gentleman from Illinois (Mr. WELLER).

Mr. WELLER. Mr. Speaker, this is a great day. I want to thank the gentlewoman from Connecticut (Mrs. JOHNSON) for her leadership and my friend the gentleman from Maryland (Mr. CARDIN) for his leadership in crafting a bipartisan bill.

I think back to 1994, when I had the privilege of being elected to this body, and at that time there were more children living in poverty than ever before. As a result of the welfare reform efforts led by this Congress, we have now seen a reduction by one-half of our Nation's welfare rolls.

This legislation addressing fatherhood and families and strengthening families is a continued positive, successful step forward. That is why I want to commend the chairwoman and the ranking member for this effort.

I also want to thank the committee for including an amendment that was offered by the gentlewoman from Florida (Mrs. THURMAN) and myself which treats more fairly private organizations such as Catholic charities and Jewish Welfare League and others who serve in providing foster care and other child care services under the programs in this legislation.

Under current law, the Federal Government provides a 75 percent matching rate for funds spent training public child welfare workers. But that match is not there for those private workers through Catholic charities and other organizations.

Our amendment, which was included in this legislation, brings parity to the treatment of both public and private workers involved in child welfare.

I would point out that in my home State of Illinois the majority of our programs the majority of the children are served by private organizations such as Catholic charities. In fact, 80 percent of foster care services are offered by private child welfare agencies.

Florida is moving towards a 100 percent completely private system. New York and Kansas are also heavily dependent on this. And that is why this legislation is so important.

Our legislation provides parity by providing that same equal 75 percent match for training programs. And it is the right thing to do. If we want to list the private sector, we need to treat the private sector fairly and equally with the public sector. Those who benefit the most, of course, are the children who are served. Because a trained workforce results not only in better care for children but strengthening of our families.

Mr. CARDIN. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Michigan (Mr. LEVIN), a senior member of the Committee on Ways and Means, the former ranking member of the Subcommittee on Human Resources, and a person who has been extremely active on child support issues.

Mr. LEVIN. Mr. Speaker, I thank my colleague for yielding me the time.

Mr. Speaker, I rise in strong support of this bill; and I congratulate the leadership of the subcommittee, the gentlewoman from Connecticut (Mrs. JOHNSON) and the gentleman from Maryland (Mr. CARDIN), for all of their hard work on this.

This bill, in a few words, will improve life for the millions of poor children. It would seem obvious that the essential purpose of our child support enforcement program should be to collect child support for children who need it.

Thirteen and a half million children in the U.S., almost 20 percent, currently live in poverty. One-third of children in single-parent families are poor. And those children are half again as likely to be poor if they do not receive child support.

Unfortunately, under current law, the top priority of our child support enforcement system is to reimburse States for past welfare costs.

In my home State of Michigan, we collect over $160 million a year in child support owed to children who have received welfare at some point. These children and their families are among the poorest in the State. But the vast majority of the child support money we collect in the State does not go to improve their lives.

Instead, over $60 million is paid to the Federal Government and almost $70 million goes directly into the State treasury. Most of the rest is used to pay administrative costs or to reimburse the State for health benefits provided to the families. Little of it goes to the kids who need it.

This policy deprives poor children of needed income and creates a disincentive for their fathers to pay support. The legislation we are considering today would put kids first in the child support system. I believe that this legislation will reduce child poverty, and that is such an essential task.

Child support income is more than a fourth of the household budget for the average family that receives child support. The only source of income that is larger is the parent's income from work. Research shows that single parents who receive child support are more likely to work than those who do not. The child support income would allow these parents to forgo second and third jobs to try to keep their families afloat.

Our work, though, on child support is far from over. Nationwide, less than a third of eligible families receive child support now. In Michigan, which has a better-than-average child support enforcement structure, barely half of eligible families receive any child support at all. Almost 200,000 mothers and their children receive zero.

Child support collections through the Federal child support enforcement system have increased since the 1996 Welfare Reform Act. It gave child support collectors new tools, like the ability to suspend driver's licenses. But clearly we still have much work to do in this area. But this bill is an important further step, one that will improve the quality of life for millions of poor children.

I say this in tribute to the work of the gentlewoman from Connecticut (Mrs. JOHNSON) and the gentleman from Maryland (Mr. CARDIN) and everybody else over the years, some of the Members who are not here today in this Congress who have worked on this important area.

We should pass this legislation and put children first in our child support system.

Mrs. JOHNSON of Connecticut. Mr. Speaker, it is my privilege to yield 2 minutes to the gentleman from Pennsylvania (Mr. GOODLING), the chairman of the Committee on Education and the Workforce, who has provided extraordinary leadership for families and children.

Mr. GOODLING. Mr. Speaker, I thank the gentlewoman for yielding me the time.

Mr. Speaker, I rise in support of H.R. 4678, the Child Support Distribution Act of 2000. I commend the gentlewoman from Connecticut (Chairman JOHNSON) for her active work on this bipartisan legislation.

Mr. Speaker, I am especially pleased with those provisions of this act that promote marriage, fatherhood and strong families.

Prior to recess, the body passed a resolution by the gentleman from Pennsylvania (Mr. PITTS) on the importance of each of these areas. Some of the points in that resolution are worth repeating I think.

In 1998, 1.2 million babies, or 33 percent of all newborns, were born out of wedlock.

According to a 1996 Gallup Poll, 79.1 percent of Americans believe the most significant family or social problem facing America is the physical absence of the father from the home and the resulting lack of involvement of fathers in the rearing and development of their children.

According to the Bureau of the Census, in 1996, almost 17 million children in the United States, one-fourth of all children in the United States, lived in families where the father was absent.

The United States is now the world's leader in fatherless families, according to the United States Bureau of the Census.

Mr. Speaker, as a Nation, we must focus more attention on addressing these issues. This legislation is a step in the right direction.

Specifically, the fatherhood program included under this child support act provides a source of funding for local communities to carry out programs designed to strengthen families. This includes programs that disseminate information about the advantages of marriage and promote marriage through mentoring and provide classes on how to control aggressive behavior, that train parents in money management, and programs that help fathers and their families break free of reliance upon welfare.

Again, I commend the gentlewoman from Connecticut (Mrs. JOHNSON) for her commitment in this area.

Mr. CARDIN. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY) who has been one of our real champions on helping us understand the issues concerning child support and who has done a great job in helping our committee.

Ms. WOOLSEY. Mr. Speaker, I rise in support of H.R. 4678. I commend my colleagues the gentlewoman from Connecticut (Mrs. JOHNSON) and the gentleman from Maryland (Mr. CARDIN) for their efforts to improve our country's child support system.

As many of my colleagues are aware, I know firsthand the importance of child support. Thirty years ago, I was a single, working mom with three young children. In fact, my children were 1, 3, and 5 years old. My children's father did not pay court-ordered child support, and my salary alone was not enough to make ends meet.

As a result, we were forced to go on welfare. Had we received child support, we would not have been on welfare.

Today millions of American families still rely on welfare for the exact same reason, a deadbeat parent. That was not fair to my family 30 years ago. It is not fair to families today. And it is certainly not fair to the American taxpayers. But it is also not fair when child support is paid and the family never sees a penny because the State and the Federal Government keeps it.

This bill before us today will change that.

The CBO estimates that the improved "pass through" provisions in H.R. 4678 will get more than $1 billion of child support every year into low-income families and help children in need.

It is hard being a kid today, so we must show them that they are important. Kids who know that their dads and moms care enough to see that there is food on the table and shoes on their feet get the message loud and clear: they are cared about and that they matter.

While it is not a perfect bill, H.R. 4678 does help to send the message to our children, our children all over the country, that they do matter.

□ 1215

I urge that my colleagues support and vote for H.R. 4678.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. ENGLISH), a member of the subcommittee.

Mr. ENGLISH. Mr. Speaker, it is a privilege to rise in support of this legislation, the presence of which on the floor is a great tribute to the gentlewoman who chairs our subcommittee and the ranking member and their bipartisan effort to help kids. I am delighted to support this legislation, which in my view speaks to a fundamental congressional responsibility, to provide States with the necessary tools to ensure that families leaving welfare are receiving the child support that they are entitled to.

Under this legislation, we give families who have left public assistance first rights to any child support arrears that are owed to them, before Federal and State government are reimbursed for costs incurred while the family was on assistance. This legislation speaks to the confusion of the current distribution rules which are complex, simplifying them to make them easier to understand and lower the administrative burden for the States.

I think that we can all agree that the staff time used to decipher these rules would be better spent by trying to increase collections. This bill also includes the creation of a fatherhood grant program, an issue we have addressed here on the floor in the past which would work with low-income fathers to promote marriage, encourage them to play an active role in their child's lives, and help them get better jobs. Ultimately, these children benefit not only from the financial support that a noncustodial parent provides but also from the stability of having both parents involved in their upbringing. This legislation is a mammoth step in the right direction in terms of reforming the child support distribution system.

I would encourage all of my colleagues to unite in bipartisan support of this important initiative.

Mr. CARDIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to first start by thanking my colleague and friend, the Chair of our subcommittee, the gentlewoman from Connecticut (Mrs. JOHNSON), for bringing this legislation forward. It has not been an easy process and rarely is important legislation moved forward without the hard work of our Chair. The gentlewoman from Connecticut deserves a lot of credit for her tenacity in staying with this issue. The legislation before us moves our Nation forward on a policy that will help children by getting more child support to the family. While that might sound like common sense, current law actually penalizes States that want to send child support collections to families struggling to leave welfare and in some cases to families that have already left public assistance.

I can tell my colleagues in my own State of Maryland our legislature has struggled with this issue. Because of the penalties imposed by Federal law, they have been unable to reach agreement to pass more child support through to the families. If a State sends child support collections to a family on welfare, they still owe the Federal Government between half to three-quarters of that same child support payment. This has discouraged States from sending child support to families and encouraged them to adopt an effective 100 percent tax rate on child support payments to certain families. The Child Support Distribution Act as modified by the amendment included in the rule would end this disincentive for States to send child support to families.

The gentlewoman from California (Ms. WOOLSEY) pointed out that when this bill is fully implemented, $1 billion a year in child support will go to low-income families. During the 10-year phase-in period, $6.3 billion of child support collections will actually go to the families. That is good news for families in our Nation. This bipartisan measure would provide States with various options to send child support to low-income families with the Federal Government acting as a partner rather than a financial barrier for the States to do what they believe is best for the families in their own States.

For example, a State would be able to permit the pass-through of $400 a month to families receiving cash welfare as long as that amount is disregarded for welfare payment purposes.

In addition, States could send all support to families that have left cash assistance.

Now, there are three primary reasons why this makes good policy sense. The first and the most obvious that we have talked about is that more resources are going to go into low-income families. There is a better chance that families will actually be able to succeed and get off of welfare and be able to take care of their own financial needs. That is the obvious reason why this legislation makes sense.

The second, it encourages the noncustodial parent to be more involved in the upbringing of his or her child. In most cases it is the father. But it connects the father to the family when the money goes directly to the needs of the child. It makes it easier to collect child support. A father is going to be more willing to pay the money when the money actually goes to the family.

And the third is that it simplifies the administration of our child support system. Our committees have had hearings and have listened to child support enforcement people at our State level about the complexity of our current system. This legislation, in fact, will simplify that system.

In addition to the child support provisions that are included in this legislation, we have also put into this legislation the fatherhood initiative that already passed this body by an overwhelming vote last year; $150 million in grants to community-based organizations to promote marriage, encourage the payment of child support, and enhance the employment prospect of low-income parents. I am particularly pleased that that legislation has been modified.

We continue to learn. We have put additional provisions in that legislation to prevent domestic violence. That is certainly a welcome addition that we were able to include in the legislation. We have also included in the legislation before my colleagues improvements in our child support enforcement provisions as it relates to the issuance of passports and visas for those who are delinquent in the payment of child support.

Mr. Speaker, child support for families is common sense. Now we must make it the law of the land. I strongly urge all my colleagues to support this legislation. We are very pleased that many of the outside groups, the Center for Budget and Policy Priorities, the National Women's Law Center, the Center for Law and Social Policy, the Children's Defense Fund, all urge a favorable vote on this legislation because, as they state in their letter to us dated July 26, it will distribute more support to families to help them maintain employment and reduce welfare, it simplifies the State child support system, and it provides the needed services to low-income noncustodial parents to help them support and raise their children.

Lastly, Mr. Speaker, let me point out that this legislation has had a rough going through our committee. I particularly want to thank Ron Haskins of the majority staff and Nick Gwyn of the Democratic staff for putting children first and finding a way that we could bridge our differences so that we could bring forward the legislation today that enjoys strong bipartisan support. I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield 2 minutes to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Speaker, I too as others have done today rise in strong support of the gentlewoman from Connecticut's and the gentleman from Maryland's Child Support Distribution Act of 2000. This legislation improves on the success of the child support enforcement measures enacted in the historic 1996 welfare reform bill, a bill which itself has dramatically reduced welfare dependency and afforded real opportunity where once there was none.

I want to focus my comments on a particular section of the bill that I introduced as H.R. 4071, the Child Support Fairness and Federal Tax Refund Interception Act to modernize the Federal tax refund offset program. The Federal tax refund offset program is the second most effective way of collecting back child support, accounting for one-third of all back child support collected. But current law limits this program to parents who are on public assistance or parents with children who are still minors or parents with disabled adult children. My provision expands the eligibility for this program to parents with children regardless of their age or disability status.

A constituent of mine, Lisa McCave, of Wilmington, Delaware, wrote me a compelling letter last summer advocating for this change in the law. She had to stand by and watch a $2,426 Federal tax refund go to her husband in Georgia even though he owed her nearly $7,000 in back child support just because her son was no longer a minor. As she said in her letter to me, "We must be able to get all moneys available toward paying child support in arrearage no matter if the child has become an adult when the arrearage is being paid. We should not have to make our children do without necessaries nor should we have to work two and three jobs to make up for an irresponsible, noncontributing parent."

On behalf of Lisa McCave and other single parents like her, these artificial barriers should be torn down. A noncustodial parent should not be able to escape their child support responsibilities by playing a waiting game until their child is 18.

I want to thank the gentlewoman from Connecticut (Mrs. JOHNSON) and the gentleman from Maryland (Mr. CARDIN) for their leadership on this issue and urge my colleagues to support this important bill.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I stand in strong support of H.R. 4678.

Let me just tell my colleagues my perspective. Our welfare reform policy has been built on two things: the single mother and her needs, which is rightfully so, and then the principle of work, work if you are able to work. But the third leg of the stool, if you will, that we have totally ignored is marriage. Because we have had for years a welfare reform system that says to the father, you are an economic disadvantage. You are irrelevant to the well-being of your children. We have even gone so far as to say you are somewhat of an alley cat. You get a girl pregnant and she is 16 years old, hit the road and we will deal with her. It is a ridiculous policy.

What H.R. 4678 does is bring the dad back in the formula. I have met with the Georgia fatherhood program. We have one of their chapters in Savannah, which I represent. In one of their meetings, I met with four of these dads. Here is their personal kind of general story. When I was 18 years old, I became a father. But I was not ready to live up to that responsibility and the Government backed that decision. The Government said I do not have to. If I do hang around, we lose housing, we lose health care, we lose day care, we lose transportation benefits. So it was easy for me to hit the road. And so I left, and a lot of my friends in this situation left. But nobody ever told me what it was like to have the arms of a little 5-year-old girl hug my neck and call me Daddy. Now I have learned that and I want to come back. But I do not want the mama of this little girl. I do not want my little girl to be penalized because I want to come back and be the dad now and do right. Yet that is what our system has been telling him.

But through this bill, we are saying not only are you going to come back but we are going to give you job training because we want you to have stability in your life so that you can have stability in your marriage and your child's life. We are going to give you some education skills, job training skills, and parenthood skills. You are going to feel good.

Mr. Speaker, I have looked into the eyes of four of these dads and their testimony is very, very powerful. We owe this to them. We owe it to the institution of marriage. We owe it to welfare and social reform; but more than anything else, we owe it to millions and millions of kids who our economic policy has said, you are going to go through life without a dad. This way we can change that. This gives us an opportunity. I urge my colleagues to support this bill.

Mr. CARDIN. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. SCOTT).

☐ 1230

Mr. SCOTT. Mr. Speaker, I thank the gentleman from Maryland (Mr. CARDIN) for yielding the time to me.

Later in the debate, I will be offering an amendment and a motion to recommit. The amendment prohibits the use of Federal funds and proselytization. It requires that there should be no discrimination against the beneficiaries based on religion and to make sure that civil rights laws will apply to these Federal funds.

The motion to recommit will provide that we should not discriminate in employment during the course of these programs.

I just wanted to read a list of organizations supporting both the amendment and the motion to recommit, because I would not have time during the consideration of the amendment and the motion. Those who support both the amendment and the motion to recommit will be the American Baptist Churches USA; the ACLU; the American Federation of State, County and Municipal Employees; the American Jewish Committee; the American Jewish Congress; the Americans United; the ADL; Antidefamation League; the Central Conference of American Rabbis Council on Religious Freedom/Friends Committee on National Legislation; Quaker; Hadassah; the Jewish Council for Public Affairs; the Na'amat USA; the National Association of Alcoholism and Drug Abuse Counselors; the National Council of Jewish Women; the National Education Association; the National PTA; People for the American Way; Service Employees International Union; the AFL-CIO; the Union of American Hebrew Congregations; the Unitarian Universalist Association; the Women of Reform Judaism; the National Gay and Lesbian Taskforce; and the Presbyterian Church USA Washington Office.

Mrs. JOHNSON of Connecticut. Mr. Speaker, it is my pleasure to yield 3 minutes to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Speaker, I thank the gentlewoman from Connecticut (Mrs. JOHNSON) for yielding me the time.

Mr. Speaker, I also thank the gentlewoman for her commitment and her efforts to get this important bill to the floor, and I am pleased that my friend, the gentleman from Maryland (Mr. CARDIN), has worked so hard to bring this bill to the floor as well.

There is no question that in our society in the last generation, too often fathers have been absent without leave. Too often fathers have not been where they were supposed to be, have not been doing what they were supposed to be doing, and rightly and appropriately, because of that, so much of our effort has been to figure out what we could do to help mothers.

Well, one thing we can do to help mothers is to try to help create an environment where fathers really function as fathers, where fathers do more than father a child, they actually play the role of fathers in this society. This bill is a significant step in that direction.

This bill is a significant effort to try to make that happen. Education, job training, parenthood training are all skills that fathers need. We are changing lots of communities in America, beginning with welfare reform; and people in those many communities begin to see for the first time a community driven by work, not welfare.

They also need an opportunity to see a community driven by two-parent families, not single moms struggling to get by. Too many young men in America have grown up in the last decade, maybe even the last 3 decades in communities where there were no role models of fathers, in communities where we do not just pick up the fatherhood parenting skills by watching what happens next door, because what happens next door is exactly what happened at your house, a single mom struggling to get by, nobody to help her with that process.

This bill goes beyond adding the important resources that it does add to collecting child support. It goes beyond that and works hard for the first time in a significant way at a Federal level to help fathers become fathers to do that through faith-based organizations and community-based organizations.

And as well intentioned as I know the gentleman from Virginia (Mr. SCOTT) will be with his motion to recommit, of course, I am opposed to that, because I think involving these community-based and faith-based organizations, as this bill does, with the appropriate protections already in the law and in this bill, is a way to deliver these services.

How do we deliver services that create guidelines, the role models, the thoughts about parenthood and fatherhood, if we immediately exclude from that people who understand the community, people who work in that community and community-based and faith-based organizations all the time.

We need to look constantly for better ways to deliver these messages that make our society more of what we want it to be. Fathers working alongside mothers, raising children in an environment driven by work and values and family is what we need to be trying to build our society on. That can happen more effectively with the implementation this bill.

I am for it. I urge my colleagues to vote for it. I am grateful to my colleagues who have worked so hard to bring this important piece of legislation to the floor today.

Mr. CARDIN. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I support the Scott amendment. I think it is a common sense approach, and I hope that this body will approve that amendment. But I want to make it clear, regardless of what happens on the Scott amendment, it is important that we approve this legislation.

Let me point out that all the Democratic Members of the subcommittee, which include the gentleman from California (Mr. STARK), the gentleman from California (Mr. MATSUI), the gentleman from Pennsylvania (Mr. COYNE), and the gentleman from Louisiana (Mr. JEFFERSON) and myself sent a letter out to make it clear that if the Scott amendment does not pass, we urge support for H.R. 4678 because the bill takes real steps to lift low-income mothers and their children out of poverty. This is very important legislation.

Secondly, let me just quote, if I might, from Governor Glendening of Maryland, when I asked him about the pass through issue in my own State, he said in the last session, the Maryland general assembly considered this issue, but decided not to take action on such a significant and costly policy change without a clear knowledge of how the Federal Government will approach this issue and share in the costs involved.

It is important that we pass legislation clarifying child support pass through, so that our States can take advantage of the pass through issues to help low-income families.

I urge my colleagues that, regardless of what position my colleagues take on the Scott amendment, to please support the final passage of the legislation.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield 5½ minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Speaker, I rise in support of this bill for several reasons, and I want to enunciate a few of them. We will have a more extended discussion on charitable choice in a little bit.

First off, I think it is important that conservatives understand that tough child support, child support that lets parents know, particularly fathers, that they cannot abandon their families is not only important for the financial support of families, but to send a message to America that, in fact, when one gets married, it is a serious thing that can have long-term consequences. When we have children, we have a lifetime obligation to do that.

This bill also makes sure that the money collected from those fathers in the efforts that we have done here in the House to expand child support collection actually goes to the families and not merely to replace the government income that goes out to those families, but gives an incentive to help empower those families to move out of poverty because many times, after a divorce or after a separation, those families are driven into poverty.

Many of the people who are there transition into poverty before they move off, because many of what usually are the mothers have the custody of the children, are trapped in poverty for a period of time. And the noncustodial parent falls behind in their child support payments or does not make it a full amount of payment or drives those payments low, and until there is a remarriage and until there is a career change, often there is a penalty on that. This bill tries to address those problems of child support.

As a conservative, I am also particularly pleased in the efforts in the fatherhood area. Some have legitimate concerns as to the expanding role of government, and one question that comes up from some of my conservative colleagues is why would the government become involved in fatherhood initiatives? Partly it is because the government indirectly violated the do no harm goal of what I believe should be the number one priority of the Federal Government.

What the Federal Government has done over time, by programs that are well intentioned, they have given, in fact, a disincentive to marriage in this country, they have made it easier for fathers to abandon their families, to not provide the support.

In public housing, we have had discrimination on families. In fact, if you have two incomes blended together, you go over the income cap, so there is a disincentive in much of public housing in the United States.

To stay married, the marriage penalty and the tax code gives economic disincentives to stay married. We have program after program that is, in fact, in the name of good intentioned efforts to help single moms has, in fact, separated the dad from many families because of indirectly many government programs. I believe that fatherhood is, in fact, essential and having fathers involved in the life of their children is essential.

We have seen creative programs in Oklahoma, in many States, Oklahoma being a model, in many States in fatherhood initiatives. We need to expand these programs. We need and cannot address the problems of teen violence, of drug abuse and many other things unless we have both parents involved, unless in particular as many books are currently pointing out, fathers need to be involved with young boys, they also need to be involved with their daughters in a different way, but particularly as we look at questions of youth violence and school dropouts and many of the problems in society, we must have fathers involved.

My belief is, we would not be facing this crisis as much today if the Federal Government had not already messed this up, and this is part a compensatory way not to take over these programs but to facilitate, which leads us to the question of charitable choice.

It is my great honor to be House cochair with the gentleman from New Jersey (Mr. ANDREWS) of the Empowerment Caucus, the Senate cosponsors and leaders of that are Senator SANTORUM and Senator LIEBERMAN. In our empowerment package which Senator LIEBERMAN, vice presidential candidate LIEBERMAN, said the legislation we introduced today is really a model of cooperation and innovation. It combines much of the President's new markets initiatives and Republican-favored American Community Renewal Act and a progressive new synthesis for stimulating investment entrepreneurship and economic opportunity in disadvantaged communities.

In that package sponsored by Senator LIEBERMAN, unless he would change his mind on what he has backed for years here, it allows religious faith-based providers to become involved in this without diminishing the religious freedom of the beneficiaries or of the organizations.

Vice President GORE has also supported as has Governor Bush faith-based organizations in being eligible for government grants without changing the nature of those religious institutions, i.e., employment questions that are within the law, and, b, without restricting and reaching into other programs that they do that are not funded with government funds.

Let us make it sure as we debate this today, we cannot use government funds to proselytize, that is clear. We can never use government funds to proselytize.

This amendment that we are going to debate today is in advance over any other debate we have, which now is reaching into the private funds of those organizations, as to whether they can do anything of religious character, we all agree no public funds can be used for proselytization, that is a government principle that is long standing and upheld by the courts. But the courts have recently ruled that you cannot also reach into the faith-based organizations that in fact we are allowed to give computers to religious schools because the computers themselves do not proselytize. It is not the business of the government to decide whether proselytization will occur on those computers, we just cannot directly fund it.

Mr. CARDIN. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, let me make it clear, there is no disagreement on either side of the aisle or that I know of any Member of this body, that the participation of the faith-based groups in the programs we are talking about. They are an instrumental part of the fabric of our Nation and are extremely important in the delivery of services.

The question is, it must be consistent with the Constitution establishment clause and separation of church and State.

I thank the gentleman from Virginia (Mr. SCOTT) for bringing forward two amendments or two opportunities for us to clarify that issue. And we are going to have a healthy debate on it. At the end of the day, the House, this body will work its will; and whatever the results are, I am prepared to abide by.

I urge at the end of the day that we all join together as we have during this debate and support the passage of this legislation.

Mr. Speaker, I yield back the balance of my time.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I would just like to say, Listen up America. So often what happens on this House floor is not reported by the media, unless there is a conflict and a battle. The fact that the gentleman from Maryland (Mr. CARDIN) and I have spent many, many hours thinking about this bill, listening to people's concerns about it, working out the problems means that it comes to the floor with agreement, but it is a dramatic change in public policy.

It is going to make an enormous difference in the ability of our Nation to build strong families. It is going to make an enormous difference in the lives of children. Just as welfare reform put models of work in our neighborhood, so his bill will put models of marriage in those neighborhoods, creating the umbrella of economic and emotional security under which children can grow well and strong.

Research has documented over and over, what we have never been willing on this floor to talk about, the importance of marriage and what it means to children. So today we take that step. We are going to help people learn how to parent, help people understand marriage, help people take that option.

Why?

Because mothers and fathers do better in marriage, but we are doing this for the kids.

□ 1245

Years ago when I was a freshman in this body, I was a member of the Select Committee on Children, Youth and Families. We held a hearing on children's fears, and the goal of the hearing was to demonstrate that children's greatest fear was of nuclear war. In fact, what the hearing demonstrated was that children's greatest fear was of divorce.

Children need moms, they need dads, and we need to honor the role of fathers and help those who come into it without preparation to succeed in it, just as much as we need to help women on welfare succeed economically.

This bill will help men whose children are on welfare succeed economically, in the same way welfare gives the mothers of their children that help, but it goes beyond that and addresses the emotional need to grow of young people so that they can not only succeed economically, but succeed as parents and succeed as co-parents of this child.

So this is a giant change in public policy, it is a radical step forward, and I urge my colleagues to support it.

Mr. PAUL. Mr. Speaker, I appreciate the opportunity to explain why I must oppose H.R. 4678, the Child Support Distribution Act. While I applaud the sections of the bill providing increased flexibility to states to ensure that child support payments go to benefit children, rather than government bureaucrats, other provisions of H.R. 4678 present grave dangers to individual liberty, privacy, constitutional government and the sanctity of the American family.

I am particularly disturbed by the language expanding the use of the National Directory of New Hires, popularly known as the "new hires database", in order to more effectively administer the unemployment compensation system and deny visas and residency to non-citizens who are delinquent in child support payments. Identifying persons who are failing to fulfill their legal obligation to pay child support is a worthy goal, as an OB-GYN who has delivered over four thousand babies in my over thirty year medical career, words cannot express the contempt I hold for those who would refuse to support their children. Similarly, preventing fraud in the unemployment program is obviously important to the nation's employers and employees whose taxes finance the unemployment insurance system.

However much I share the goals meant to be accomplished by the expanded uses of the database, I must remind my colleagues that the road to serfdom, like the road to hell, is paved with noble purposes and good intentions. Expanding the use of the new hires database brings us closer to the day when the database is a universal tracking system allowing government officials easy access to every individual's employment and credit history. Providing the government with that level of power to track citizens is to invite abuse of individual liberties.

The threat of the expansion of the new hires database is magnified by the fact that it uses on the social security number, which has become for all intents and purposes a de facto national ID number. In addition to threatening liberty, forcing Americans to divulge their uniform identifier for inclusion in a database also facilitates the horrendous crime of identity theft. In order to protect American citizens from both private and public criminals I have introduced legislation, H.R. 220, restricting the use of the social security number to purposes related to social security administration so that the government cannot establish databases linked by a common identifier.

I would also remind my colleagues that the federal government has no constitutional authority to be involved in the collection of child support, much less invade the privacy of every citizen in order to ferret out a few wrongdoers. Constitutionally, there are only three federal crimes: treason, counterfeiting, and piracy on the high seas. For Congress to authorize federal involvement in any other law enforcement issue is a violation on the limits on Congressional power contained in Article 1, section 8 and the 10th Amendment of the United States Constitution. No less an authority than Chief Justice William Renhquist has stated that Congress is creating too many federal laws and infringing on the proper police powers of the states.

In a free society, constitutional limits on government power and the liberty of citizens must never be sacrificed to increase the efficiency of any government program, no matter how noble the program's goal. Again I ask my colleagues to keep in mind that the dangerous road toward the loss of liberty begins when members of Congress put other goals ahead of our oath to preserve the Constitution and protect the liberty of our constituents.

While the expanded use of the new hires database provides sufficient justification for constitutionalists to oppose this bill, H.R. 4678 also must be opposed as it furthers the intrusion of the federal government into family life through the use of federal funds to support "fatherhood programs." Mr. Speaker, the federal government is neither constitutionally authorized nor institutionally competent to promote responsible fatherhood. In fact, by leveling taxes on responsible parents to provide special programs for irresponsible parents the federal government is punishing responsible fathers!

Federal programs promoting responsible fatherhood are another example of how the unintended consequences of government interventions are used to justify further expansions of state power. After all, it was the federal welfare state which undermined the traditional family as well as the ethic of self-responsibility so vital to maintaining a free society. In particular, the welfare state has promoted the belief that the government (re: taxpayer) has the primary responsibility for child-rearing, not the parents. When a large number of citizens view parenting as proper function of the central state it is inevitable that there will be an increase in those who fail to fulfill their obligations as parents. Without the destructive effects of the welfare state, there would be little need for federal programs to promote responsible fatherhood.

Instead of furthering federal involvement in the family, Congress should stop pumping the narcotic of welfare into America's communities by defunding federal bureaucracies and returning responsibility for providing assistance to those institutions best able to provide help without fostering an ethic of irresponsibility and dependancy: private charities and churches.

Certain of my colleagues will say that this bill does promote effective charity through expansion of the "charitable choice" program where taxpayer funds are provided to "faith-based" institutions in order to administer certain welfare programs. While I have no doubt that churches are better able to foster strong families than federal bureaucrats, I am concerned that providing taxpayer funding for religious institutions will force the institutions to water-down their message—thus weakening the very feature that makes these institutions effective in the first place!

Furthermore, providing taxpayers dollars to secular institutions violates the rights of taxpayers not to be forced to subsidize beliefs that may offend them. As Thomas Jefferson said "To compel a man to furnish contributions of money for the propagation of opinions which he disbelieves and abhors is sinful and tyrannical."

In conclusion, H.R. 4678, the Child Support Distribution Act, violates the Constitution by expanding the use of the new hires database, thus threatening the liberty and privacy of all Americans, as well as by expanding the federal role in family in the misguided belief that the state can somehow promote responsible fatherhood. By expanding the so-called "charitable choice" program this bill also violates the conscience of millions of taxpayers and runs the risk of turning effective religious charities into agents of the welfare state. It also furthers the federalization of crime control by increasing the federal role in child support despite the fact that the federal government has no constitutional authority in this area. I therefore urge my colleagues to reject this bill and return responsibility for America's children to states, local communities and, most importantly, parents.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to express concerns regarding H.R. 4678, the Child Support Distribution Act of 2000, a bill intended to provide more child support money to families leaving welfare. The debate over welfare reform is very different from the reality of families struggling to escape poverty. Millions of taxpayers dollars have gone to private contractors who's only mission should be the preparation of adults who receive welfare to move from dependence to independence. Unfortunately, the amount of professional assistance made available to these families nor the qualifications of those contractors who are federally funded for the express purpose of providing counseling and job assistance to adults as they transition from welfare to work is not available. We do not have any effective measure as to the success or lack thereof of our effort to reform our nation's welfare system. For this reason, I would challenge my colleagues in this body to raise the bar on any legislative action that would effect the income of those families, which are transitioning from welfare to work.

This is an issue of great importance to children residing in the City of Houston and across this nation and, therefore, should be addressed under an open unrestricted rule, not under one which only allows one amendment such as in this case. The state of Texas has the fourth largest child support caseload in the nation with 1.2 million cases involving 2 million children. Child support collections for these cases increased 15% from $757 million in State Fiscal Year 1998 to $868 million in State Fiscal Year 1999.

Under current law, states are entitled to child support payments while a family is receiving cash welfare payments. And when a family leaves welfare, the state received 50% of any past due child support payments and the family receives 50%. Fortunately, this legislation would allow states to send child support payments directly to families who are also receiving welfare. This should not be an option for the states, but a requirement that they send all child support payments to these families for the care of their children.

Under current law, states are entitled to child support payments while a family is receiving cash welfare payments. And when a family leaves welfare, the state receives 50% of any past due child support payments and the family receives 50%. Fortunately, this legislation would allow states to send child support payments directly to families who are also receiving welfare. This should not be an option for the states, but a requirement that they send all child support payments to these families for the care of their children.

This bill should maximize the amount of child support funds that states should provide to families in order to increase the potential for success as families struggle to escape poverty under current welfare reform law. It is only fair that the amount of child support collected on their behalf should actually go for the care of these children. It is also very important that states provide this additional support during the critical period after a family leaves welfare. As the current bill is written the effective date for this provision is October 1, 2005, with an allowance for those states which wish to being providing these additional child support funds earlier being permitted to do so.

If members of this body have forgotten that welfare reform has been implemented and families are as we speak on this matter being denied additional assistance from states because their time has run out for access to federally subsidized living assistance benefits. To suggest that some of these families can wait until October of 2005 to receive child support payments which are legally due them is obscene and irresponsible on the part of this body's leadership. This issue is not a republican issue or a democratic issue, but a children's issue and should be treated as such, this legislation should be worked on until our children are helped and treated fairly.

Mrs. MALONEY of New York. Mr. Speaker, I rise in support of this important legislation which will improve the chances of parents trying to manage the transition from welfare to work.

The underlying bill will significantly strengthen child support enforcement efforts and improve the lives of working families and their children. I am particularly pleased that this bill will improve the lives of thousands of women working hard to support themselves and their families on their own.

This legislation will focus more of the funds collected from child support enforcement activities on the individuals who are actually owed the funds. Too often, in spite of our best efforts to continually improve enforcement activities, child support dollars often fail to reach the families and children who so desperately need them.

This change will ensure that single mothers receive an additional $3.5 billion over the next five years.

This marks yet another important improvement in child support enforcement activities. I am extremely proud that the Clinton Administration and Congress have made so many significant strides in this arena. Last year, we collected over $16 billion in child support—more than twice the amount collected in 1992.

In 1992, I introduced the Child Support and Enforcement Improvements Act which was designed to improve the ability of states to collect overdue child support payments. Many of the provisions of that bill were included in the 1996 Welfare Reform legislation and have helped child support collections continue to rise.

I am proud we have been able to use innovative ways to improve collections including new efforts to redirect tax refund dollars which have resulted in $1.3 billion in additional collections, and programs to match delinquent parents with financial records which have also yielded $3 billion since last August. This legislation is another important step in the effort to ensure that all Americans fulfill their responsibilities as parents. It will help families achieve independence and ensure that more children grow up in safe, stable households.

I urge all of my colleagues to support this common-sense legislation today.

Mr. MARKEY. Mr. Speaker, I rise in support of the Child Support Distribution Act (H.R. 4678) which will allow more child support money to get to the families who need and deserve this compensation. I would like to commend Chairwoman NANCY JOHNSON for sponsoring this legislation and for working tirelessly on behalf of the families of America who will benefit from this bill. I would also like to thank Mrs. JOHNSON for working with me and my colleagues to make improvements to this legislation as it moved through Committee.

On June 26, I along with my colleague Representative JOE BARTON submitted a letter to Mrs. JOHNSON asking that Title III of H.R. 4678 be deleted due to the serious privacy threat the language posed to highly sensitive and personal information. Under Title III, private child support collection agencies would be granted access to national data bases established in 1996 exclusively to facilitate securing delinquent child support payments by federally funded state child support collection agencies. These databases house personal financial, wage and health information. Under current law, state child support agencies and their contractors are subject to federal regulation with respect to the use and disclosure of this sensitive information. However, under Title III of the bill, private collection agencies would have been allowed to access this same information with no federal protections whatsoever.

In addition we submitted a letter to Secretary Shalala at the Department of Health and Human Services asking her to urge the President to veto any legislation that would allow unregulated access to access to these databases.

We were not the only ones disturbed by the language in Title III; consumer privacy groups, state organizations, and employer groups as well as child advocacy groups were all in strong opposition to the title. These groups included the Children's Defense Fund, the National Women's Law Center, the Center for Law and Social Policy, the Association for Children for Enforcement of Support, Inc., the Consumer Federation of America, Consumers Union, U.S. Public Interest Research Group, and the American Payroll Association. These groups understood that allowing unfettered access to these databases could ultimately undermine child support enforcement efforts.

In compelling testimony regarding the privacy threat associated with expanding access to these databases, Joan Entmacher, Director of the National Women's Law Center stated the following on May 18 before the Human Resources Subcommittee on Ways and Means:

> Over the years, Congress has worked to increase the effectiveness of child support enforcement while protecting the privacy of individuals. In the Family Support Act of 1988 and Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Congress required the creation of the automated systems and databases essential to effective state child support enforcement, and addressed legitimate privacy concerns by carefully limiting access to and use of the information. If access to these databases is expanded, and abuses occur, a future Congress or state legislatures may conclude that the only way to protect privacy would be to dismantle these databases altogether, permanently setting back child support enforcement.

Mr. Speaker, I am pleased that Chairwoman JOHNSON was receptive to our concerns and elected to preserve privacy by removing Title III from the bill. Again, I commend my esteemed colleague Representative JOHNSON for her leadership on this matter.

The SPEAKER pro tempore (Mr. PEASE). All time for general debate on the bill has expired.

AMENDMENT OFFERED BY MR. SCOTT

Mr. SCOTT. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SCOTT:

Page 39, after line 19, insert the following:

"(E) PROTECTION FOR BENEFICIARIES.—An entity to which a grant is made under this section shall not subject a participant in a program assisted with the grant to sectarian worship, instruction, or proselytization.

"(F) RULE OF CONSTRUCTION ON RECEIPT OF FINANCIAL ASSISTANCE UNDER THIS SECTION.—For purposes of any Federal, State, or local law, receipt of financial assistance from a grant made under this section shall constitute receipt of Federal financial assistance or aid.

Page 39, line 20, strike "(E)" and insert "(G)".

Page 40, line 5, strike "(F)" and insert "(H)".

Page 43, line 15, insert "(except the except clause of subsection (g))" after "this section".

The SPEAKER pro tempore. Pursuant to House Resolution 566, the gentleman from Virginia (Mr. SCOTT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, I yield myself 2 minutes and 40 seconds.

Mr. Speaker, all of the provisions in this amendment have been previously accepted by the majority in the other bills, H.R. 3222, Even Start, and H.R. 4141 the Safe and Drug-Free Schools, which contained the charitable choice provisions.

In the charitable choice part of this provision that allows the Federal funding of faith-based organizations, the first provision of this amendment clarifies that any eligible entity request not subject a participant during the course of a publicly funded fatherhood program to sectarian worship instruction or proselytization. Under the bill, the charitable choice provision only provides that no direct funds can be used for that purpose. This would not, of course, cover privately paid employees or volunteers, who could use the Federal-funded program to promote their sectarian agenda.

The concern here is that you have individuals seeking assistance in a federally funded fatherhood program, and in essence they become a captive audience. It is wrong to take advantage of their need for services and essentially require them to participate in a federally sponsored sectarian worship program. I say "federally sponsored" because, according to the bill, the bill allows the programs to be paid for with 80 percent of the expenses being paid for by Federal funds.

The majority had previously accepted this provision, and in the committee report accompanying the Even Start bill, H.R. 3122, that report outlines the acceptance of that amendment.

Another portion of this amendment closes the loophole contained in the bill which would allow discrimination against some beneficiaries based on their religion. There should be no circumstance in which a person is denied benefits under a federally funded program solely because of that person's religious beliefs.

Finally, my amendment clarifies that programs using Federal funds are technically in receipt of Federal financial assistance. This makes it clear that in the cases of insidious discrimination, the Department of Justice could use enforcement procedures under title VI of the Civil Rights Act to enforce civil rights of beneficiaries and employees.

Mr. Speaker, these provisions have previously been accepted by the majority in two other bills.

The amendment will protect beneficiaries from unwarranted proselytization and discrimination, and it ensures that civil rights protections available to all other Federal programs will apply to this legislation.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise in opposition to the amendment.

The SPEAKER pro tempore. The gentlewoman from Connecticut is recognized for 5 minutes.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to make very clear that the amendment that the gentleman is offering is not the same amendment that is in the Even Start legislation or in the Drug-Free Schools bill. It is different in its wording, and the difference is significant.

Mr. Speaker, I yield 2½ minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Speaker, I thank the chairwoman for her efforts and should have said that earlier on the full bill. I appreciate her leadership.

Mr. Speaker, I am not going to get into a lot of discussion here about the amazing wonders that some of these groups are accomplishing around the country that are faith based, but I want to get into the technical thing.

As a person who has been a primary negotiator with the gentleman from Virginia (Mr. SCOTT) on this, I immediately realized when the phone call came to me a couple of days ago in Indiana that this was not the same amendment, and it has an overwhelming difference which made me resist it.

I have worked with the gentleman because we agree with many of the basic parts of this, that you cannot fund through government funds sectarian worship, instruction or proselytizing, and that there are certain civil rights laws that are required to be upheld regardless in employment discrimination.

But what this program does and this amendment would do is reach into the private funding. The differences, for example, are as we went through Even Start, where people are often in a school or on school grounds and in a defined program, a fatherhood program may have different components, and the way the gentleman has worded this, "in a program," "program" is not clearly defined, that it could be a fatherhood initiative that has many components.

The component funded by the Federal Government cannot proselytize. But, as I mentioned earlier, we also have a Supreme Court decision that has come through since we have had these discussions at the Committee on Education and the Workforce, Mitchell versus Helms. The majority clearly ruled that, for example, a computer can be given to a religious institution, because the computer does not do the proselytizing, nor does a building do the proselytizing, nor does a book that does not have proselytizing in it do proselytizing.

If other funds from that organization do proselytizing, then, as long as an individual recipient has a choice, as long as there is not discrimination based on religion and who is in the program, things which we agreed with before and which are protected under law, whether or not the Scott amendment passes, you cannot discriminate on who you serve if you get government funds; you cannot discriminate and use government funds for proselytizing; you cannot practice racial discrimination, for example. But you can, for example, have a program that if part of the fatherhood program gets a computer, or if we help fund a building, and that group happens to have a religious component to their program not funded by the Federal Government, it does not mean that they have to drop everything else that is in their fatherhood program, such as Charles Ballard's in Cleveland does. He cannot use government funds to proselytize, but he can use government funds to do other things. I think it is wonderful, and I think the programs are wonderful.

Mr. SCOTT. Mr. Speaker, I yield myself 45 seconds.

First of all, on the question of whether or not you can discriminate against who you serve, the second part of this amendment deals with that directly, and that is you cannot under any circumstances discriminate on who you serve based on religion. The bill includes a loophole, and this amendment will close that loophole.

On the question of whether you can proselytize during a federally funded program, that is clear, Mr. Speaker. You should not be able to proselytize; you should not be able to run a program that does that. This amendment makes it clear. The bill as it is leaves it open, that you can run a federally sponsored sectarian worship program with Federal funds.

Mr. SOUDER. Mr. Speaker, will the gentleman yield?

Mr. SCOTT. I yield to the gentleman from Indiana.

Mr. SOUDER. Mr. Speaker, my question is, does the gentleman grant that there is a difference between "during," which we have had before, and "in a program"? Because we have agreed that during a program funded by government funds, that is directly funded, you cannot, but "in a program" is broader. Does the gentleman agree with that being the difference?

Mr. SCOTT. Mr. Speaker, reclaiming my time, no, I do not, because under the bill it only includes direct funds. So if you are running the program and have someone come into the program during the program to proselytize with indirect funds, or volunteer, you have got your captive audience, and that is wrong.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would remind the gentleman that you cannot do it during the program. Current law very clearly prohibits public monies for sectarian worship, instruction or proselytizing. In addition, current law is very clear that no program receiving Federal funds may discriminate based on race, color, national origin, disability, or age. This amendment is not necessary to enforce title VI of the Civil Rights Act, section 504 of the Vocational Rehabilitation Act or the Age Discrimination Act. It is not necessary, further, to present proselytizing.

What it does do is to change the provisions on which we have relied for a number of years and will thereby frighten churches away from being willing to participate in this program. Remember, these fathers that we are trying to reach out to are the very people that government has not been able to reach, that the bureaucracy is not going to be able to get at them. That is why we want the churches to help.

In many neighborhoods, frankly, the black churches, the Hispanic churches, are the only institutions left standing; and we want them to be able to get some Federal money to help them teach parenting skills, teach financial management skills, do work-readiness programs, to help these fathers take their economic responsibility and their emotional responsibility to their kids.

The big advantage of this is going to be that if that neighborhood church is able to bring these men back into their families and help these families grow then they will be there to support those families throughout the many decades of growth that families go through, through the hard times, which we all know are a part of our lives, as well as through the good times.

So to pass this amendment would absolutely, without question, chill the participation of the ecumenical community, not just the Protestant churches and the Catholic church, but the synagogues and the mosques, in this program. That would be a tragedy for men, for families, and for children.

I urge defeat of the amendment.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

The important word here, Mr. Speaker, is "direct," that you can run especially a church program indirectly with a captive audience that you have got, and that is the essential word. When you say you cannot proselytize, in fact you can, if you do it indirectly.

Mr. Speaker, I yield 30 seconds to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, I do not agree that there is a loophole. Clearly you cannot do it during the program. If you go as far as the gentleman's bill, to say you cannot do it "in" the program, is significant and will disallow a lot of normal church activities.

But my deepest concern is not whether or not the gentleman and I argue this technically, whether lawyers agree or disagree. The fact is that a change in the wording of this provision that has been in place now for I think 4 years, starting with welfare reform, will chill the participation, particularly of the small churches that we are trying to get involved through this bill.

Mr. SCOTT. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the amendment has three provisions. One is to disallow any proselytization during the program. It says in the wording "a participant in a program assisted by Federal funds." It also prohibits any discrimination in terms of who you serve, and it provides for civil rights protections under Federal law that apply to every other Federal program. I would hope that we would adopt this amendment.

Ms. PELOSI. Mr. Speaker, I rise in strong support of the Scott amendment and the motion to recommit in opposition to the Charitable Choice provisions in The Child Support Distribution Act, H.R. 4678. These provisions would weaken important anti-discrimination civil rights protections; violate the constitutional separation of church and state; and entangle religious institutions in the reach of government. These provisions explicitly enable faith-based organizations to proselytize to those receiving public services; to discriminate in employment decisions with public funds; and provide that faith organizations need not alter their religious character causing adverse consequences.

While the underlying child support provisions in this bill are important to help families raising their children and that they are endorsed by the Children's Defense Fund, the Center on Budget and Policy Priorities, and CLASP, my opposition is focused solely on the Charitable Choice provisions. Also, opposing these Charitable Choice provisions is The Work Group for Religious Freedom in Social Services, a coalition of more than 40 national religious, civil rights, civil liberties, and education organizations, including the ACLU, American Baptist Churches, USA, American Jewish Committee, and Americans United for Separation of church and State.

The Scott amendment is essential because it would strengthen prohibitions against proselytizing and prevent discrimination against beneficiaries. It also would clarify that beneficiaries who received direct grants or beneficiaries who receive indirect assistance are both in receipt of federal financial assistance.

The amendment has three main components. First, although the bill would prohibit federal funds provided directly to recipient institutions from being expended for sectarian workshop, instruction, or proselytizing, the bill does not extended the prohibition to privately funded staff pursuing these activities toward individuals receiving public services within the publicly funded program. The Scott amendment recognizes that it is inappropriate for publicly funded institutions and programs to include a component of proselytization and would prevent this. Second, the Scott amendment would close a loophole enabling discrimination against beneficiaries when another existing local, state, or federal law permits it. Third, the Scott amendment makes it clear to our court system that when federal funds are involved federal civil rights apply and they can be enforces under the Civil Rights Act Title VI or other applying laws. This would apply even if federal financial assistance is provided via a voucher, certificate, or other indirect methods. SCOTT's motion to recommit addresses employment discrimination and would strike the bill's provision allowing religious organizations to use public funds to discriminate in hiring. All of these needed protections are very important to ensure that the religious rights and the civil rights of Americans can be exercised and where they overlap, there is an appropriate balance. They also would serve to protect the separation of church and state. I urge my colleagues to support the Scott amendment and motion to recommit.

□ 1300

The SPEAKER pro tempore (Mr. PEASE). All time has expired.

Pursuant to House Resolutión 566, the previous question is ordered on the bill and on the amendment offered by the gentleman from Virginia (Mr. SCOTT).

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Virginia (Mr. SCOTT).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. SCOTT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 163, noes 257, answered "present" 1, not voting 13, as follows:

[Roll No. 455]

AYES—163

Abercrombie
Ackerman
Allen
Baca
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Bishop
Blagojevich
Blumenauer
Bonior
Boswell
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capuano
Cardin
Carson
Clay
Clayton
Clyburn
Conyers
Costello
Coyne
Crowley
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dixon
Doggett
Dooley
Edwards
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Green (TX)
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Horn
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson, E.B.
Kanjorski
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky

Scott
Serrano
Sherman
Sisisky
Slaughter
Stabenow
Stark
Strickland
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Woolsey
Wu
Wynn
Whitfield
Wicker
Wilson
Wise
Wolf
Young (FL)

NOES—257

Aderholt
Andrews
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boucher
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Castle
Chabot
Chambliss
Chenoweth-Hage
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ewing
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Martinez
Mascara
McCrery
McHugh
McInnis
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller

ANSWERED "PRESENT"—1

Kaptur

NOT VOTING—13

Engel
Everett
Jefferson
Jones (OH)
Lazio
McCollum
McIntosh
Owens
Riley
Tanner
Towns
Vento
Young (AK)

☐ 1323

Messrs. SALMON, DAVIS of Florida, DAVIS of Virginia and HILL of Indiana changed their vote from "aye" to "no."

Ms. ESHOO and Messrs. GEPHARDT, BALDACCI and COSTELLO changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. PEASE). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. SCOTT

Mr. SCOTT. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SCOTT. I am in its present form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. SCOTT moves to recommit the bill H.R. 4678 to the Committee on Ways and Means with instructions to report the same to the House forthwith with the following amendment:
>
> Page 43, line 15, insert "(other than subsection (f))" after "this section".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) is recognized for 5 minutes in support of his motion.

Mr. SCOTT. Mr. Speaker, first of all, I want to make it clear to my colleagues that the motion does not kill the bill. It simply strikes the provision contained in the bill which allows employment discrimination and reports the bill immediately back to the House for consideration without that provision.

Mr. Speaker, the motion makes it clear that a religious organization participating in a fatherhood program may not use Federal funds to discriminate in their hiring based on religion. Mr. Speaker, the idea that religious bigotry might take place with Federal funds is not speculative.

During several debates that we have had on this issue, it has been established that it is the intent of the sponsors to allow a religious organization using Federal funds under charitable choice to fire or refuse to hire a perfectly qualified employee solely or based on that person's religion. One said that a Jewish organization could fire a Protestant if they choose.

Furthermore, some proponents of charitable choice have gone so far to suggest that charitable choice would not work unless one could discriminate. One proponent was quoted in Congressional Quarterly stating that groups should not be barred from Federal funds because they are a Christian organization and like to hire Christians.

Mr. Speaker, there was a time when some Americans, because of their religion, were not considered qualified for certain jobs. In fact, before 1960, it was thought that a Catholic could not be elected President. Before the civil rights laws passed, people of certain religions were routinely subject to invidious discrimination when they sought employment. Fortunately the civil rights laws of the 1960s put an end to that practice, and we no longer see signs suggesting that those particular religions need not apply for jobs.

Mr. Speaker, it is disappointing to know that at the same time that we are considering the first person of the Jewish faith to be our Vice President that at the same time we are considering legislation which will allow religious organizations to practice religious discrimination in federally funded programs.

Federally funded religious bigotry is wrong, and so I urge the adoption of the motion to recommit with instructions.

Mr. Speaker, I yield the balance of my time to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, this vote is very clear. It is nonpartisan. If my colleagues favor using Federal tax dollars to discriminate based on religion for federally funded jobs, then vote "no" on this motion. But if my colleagues think it is wrong to take the American people's tax dollars and put out a sign that says no Jews, no Protestants, or no Catholics, no Muslims need apply for this federally funded job, then they should vote "yes" for this motion.

☐ 1330

I would suggest it is wrong to discriminate against any American citizen based on religion. I think to use Federal tax dollars to subsidize that religious discrimination should be intolerable, and it should be unacceptable in this bill or any bill that passes this House. I urge, for that reason, a bipartisan "yes" vote on this motion to recommit.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume to indicate that if this amendment does not pass, we will have people having the ability to tell people that they do not hire their kind because of their religion. This amendment would prohibit that practice, would prohibit discrimination based on religion in federally funded programs.

I would hope that we would take a stand against religious bigotry and adopt the motion to recommit.

Mr. Speaker, I yield back the balance of my time.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise in very strong opposition to the motion to recommit, and I yield 30 seconds to the gentleman from Maryland (Mr. CARDIN), my ranking member.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentlewoman from Connecticut (Mrs. JOHNSON) is recognized for 5 minutes, and the gentleman from Maryland (Mr. CARDIN) is yielded to for 30 seconds.

Mr. CARDIN. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, there are different views in this House in regards to this particular issue. I happen to agree with the position of the gentleman from Virginia (Mr. SCOTT) and will support the motion. However, regardless of what happens on the motion, I urge my colleagues to support the final passage of this legislation.

I am joined in this request by all the Democratic members of our subcommittee: the gentleman from California (Mr. STARK), the gentleman from California (Mr. MATSUI), the gentleman from Pennsylvania (Mr. COYNE), and the gentleman from Louisiana (Mr. JEFFERSON).

This is an extremely important bill. Let the House work its will on this motion, but please support final passage.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Speaker, this is a very critical vote. The question is whether we are going to repeal title VII of the Civil Rights Act that has exempted churches from being regulated in their employment patterns.

This is a question of church governance and whether we are now going to say that churches, if they are going to participate in any Federal program, can no longer be churches. If we take the religious nature out of the churches and say that they cannot control who they hire, we have changed the nature of current law. We have changed the nature of the Civil Rights Act, title VII, that was given in particular to churches so they did not fall under this type of thing.

In the recent decision on Mitchell versus Helms, for the majority, Justice Thomas wrote, "The religious nature of a recipient should not matter to the constitutional analysis so long as the recipient adequately furthers the government's secular purpose."

We all agree they cannot proselytize with government funds. If they are accomplishing our goal of fatherhood, of housing, of juvenile justice, whatever our goal is, to get kids off drugs, as long as they are not proselytizing with our government funds, I do not believe we in Congress should tell a church that they should no longer be a church or they cannot participate.

We need the involvement of all parts of our community. This amendment would in fact gut almost any denomination from being willing to participate in trying to address the problems that so desperately need our cooperative efforts.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Speaker, I thank the gentlewoman for yielding me this time.

My good friend from Virginia, and we are good friends, said that this does not gut the bill, does not kill the bill. There is no question it kills the bill. Title VII at the present time exempts churches and religious organizations from employment discrimination laws. So, obviously, the church is not going to give up that title VII exemption or the religious organization, so they just do not participate.

So we will lose some of the very most important people that could make this program work simply because we have gutted the bill; we have eliminated their participation. It is just as simple as that.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this is a difficult issue. But for 4 years now this Nation has had Charitable Choice language in its welfare reform bill, in its Even Start program, and in other legislative initiatives for the explicit purpose of allowing churches to be part of the social service delivery system because often they can reach people that no government agency can reach.

There are neighborhoods in America, there are areas of America where the only institutions left are small churches. Those small churches cannot tolerate complex, burdensome regulations governing their activities, but they can provide services without proselytizing. Clearly under current law, they cannot use Federal funds on any program that is going to proselytize. They cannot use Federal funds if they are going to discriminate. All those things are in current Charitable Choice laws and they have worked. Do not change it.

And particularly do not change it in this fatherhood bill, because the fathers we are trying to reach are outside of the traditional system. The most likely agencies to reach them are the very small black churches in poor neighborhoods, Hispanic churches, other small institutions that we hope will be able to reach out to these fathers, and help bring them back into being the emotional parent of their child as well as the economic parent.

Charitable Choice provisions have worked. Do not vote for this motion to recommit because it will destroy the opportunity of particularly our smallest churches to participate in the fatherhood grant demonstration program. And that would be really a tragedy because it would weaken us in reaching people that traditionally in our society we have not been able to reach. Government has not reached them, the big institutional churches have not reached them, and we need, we need, to reach into the neighborhoods where the people need our help.

Mr. Speaker, I urge opposition to this motion to recommit.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. SCOTT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 175, noes 249, not voting 10, as follows:

[Roll No. 456]

AYES—175

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Green (TX)
Gutierrez
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Kanjorski
Kennedy
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Sisisky
Slaughter
Smith (WA)
Snyder
Stabenow
Stark

Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Woolsey
Wu
Wynn

NOES—249

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kaptur
Kasich
Kelly
Kildee
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Martinez
McCrery
McHugh
McInnis
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Moran (VA)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wise
Wolf
Young (FL)

NOT VOTING—10

Engel
Everett
Jefferson
Jones (OH)
McCollum
McIntosh
Owens
Towns
Vento
Young (AK)

□ 1355

Mr. SPRATT and Mr. COOKSEY changed their vote from "aye" to "no."

Mrs. CAPPS changed her vote from "no" to "aye."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. PEASE). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CARDIN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 405, nays 18, not voting 11, as follows:

[Roll No. 457]

YEAS—405

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—18

Ackerman
Bateman
Cannon
Chenoweth-Hage
Coburn
Frank (MA)
Gejdenson
Graham
Hostettler
Jackson (IL)
Jones (NC)
Manzullo
Paul
Payne
Sanford
Scott
Shadegg
Waters

NOT VOTING—11

Engel
Everett
Ewing
Jefferson
Jones (OH)
McCollum
McIntosh
Owens
Towns
Vento
Young (AK)

□ 1412

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. OWENS. Mr. Speaker, today, I was unavoidably absent on a matter of critical importance and missed the following vote:

H.R. 4115 (rollcall No. 454), to authorize appropriations for the United States Holocaust Memorial Museum and for other purposes, introduced by the gentleman from Utah, Mr. CANNON, I would have voted "yea."

On the amendment to H.R. 4678 (rollcall 455), introduced by the gentleman from Virginia, Mr. SCOTT, I would have voted "aye."

On the motion to recommit H.R. 4678 with instructions (rollcall 456), introduced by the gentleman from Virginia, Mr. SCOTT, I would have voted "aye."

On passage of H.R. 4678 (rollcall 457), to provide more child support money to families leaving welfare, to simplify the rules governing assignment and distribution of child support collected by States on behalf of children, to improve the collection of child support, to promote marriage, and for other purposes, introduced by the gentlelady from Connecticut, Mrs. JOHNSON, I would have voted "yea."

GENERAL LEAVE

Mrs. JOHNSON of Connecticut. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4678.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

DEATH TAX ELIMINATION ACT OF 2000—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore. The unfinished business is the further consideration of the veto message of the President of the United States on the bill (H.R. 8) to amend the Internal Revenue Code of 1986 to phaseout the estate and gift taxes over a 10-year period.

The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

(For veto message, see proceedings of the House of September 6, 2000, at page H7240.)

The SPEAKER pro tempore. The gentlewoman from Washington (Ms. DUNN) is recognized for 1 hour.

Ms. DUNN. Mr. Speaker, for purposes of debate only I yield 30 minutes to the gentleman from New York (Mr. RANGEL).

Mr. Speaker, I yield 2 minutes to the gentleman from the great State of California (Mr. HERGER).

Mr. HERGER. Mr. Speaker, Americans are being taxed at the highest rate since World War II. The worst example of this is the death tax, a provision that punishes Americans trying to leave a family farm or small business to their loved ones. Instead of being left a legacy built on hard work and dedication, grieving families are subjected to taxes so high, many are forced to sell their inheritance just to pay the IRS.

□ 1415

That is completely unfair. In my northern California district, some of the leading employers are family farms and small businesses. These hard-working Americans deserve tax fairness and the opportunity to pursue the American dream without being punished by the IRS. Let us do the right thing, by voting to override the President's veto of the death tax.

Mr. RANGEL. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, we are about to embark on the closing of this session and the question is whether we can get something done in a bipartisan way or whether or not we are going to move forward and have tax policy by looking for vetoes and by press conferences.

Clearly, everybody knows if my colleagues had any concern at all about small businesses and farmers being protected by estate taxes, then my colleagues would have joined with Democrats and petitioned the President to sign a bill so that we can give them instant relief. I mean relief now, not like this 10-year plan that my colleagues have that is going to bust the bank.

There is still time for us to work together on this and other matters. If, on the other hand, Republicans would rather have sound bites rather than sound tax policy and attempts to just make it an issue that the President has vetoed this, then we will not have an opportunity to come together and agree on a compromise so that we can both go home and tell the small business people and the farmers that we have protected them against inheritance tax.

So what I am suggesting to my colleagues, we can have our differences, but let us try to set a tone this evening that as we conclude this session that we will be in a better position to compromise and to get something signed into law. It is ridiculous to assume that every time we have an agreement that we are going to kick it up a notch and take away from the surpluses such an extent that we cannot give targeted tax cuts, that we cannot give prescription drug benefits to our aging, that we cannot give some assistance to our working families.

Mr. Speaker, this is the first volume to see how we are going to carry ourselves as we conclude this session, and I do hope that, even though we may disagree, that we do not have to be disagreeable.

Mr. Speaker, I reserve the balance of my time.

Mr. STARK. Mr. Speaker, I rise today in vehement opposition to the GOP's attempt to override the President's veto of the repeal on estate taxes. President Clinton and my Democratic colleagues were right the first time on the estate tax and nothing has changed. This bill gives the wealthiest 5 percent of all Americans a $105 billion tax break. This is just one more fiscally irresponsible bill to consume the non-Social Security budget surplus revenues before we address the needs of working families.

If Congress overrides the veto of H.R. 8, we will be well on our way to giving $649 billion over 10 years in tax breaks for the wealthy. None of these tax bills will help working families. But passing a feasible and affordable Medicare prescription drug benefit will help all working families—not just wealthy families. Governor Bush, and my Republican colleagues, prefer to spend more money on the dead through the estate tax repeal, than on those who are living and need a worthwhile prescription drug benefit. Governor Bush proposes a prescription drug benefit that would force seniors to pay high out-of-pocket-expenses that lacks the guarantee of comprehensive coverage. Seniors need a solid prescription drug plan that offers them guarantees and predictability. They don't need a repeal in the estate tax. The GOP needs to reassess its priorities.

Offering a Medicare early buy-in plan to those who retire early but need health coverage will also help America's working families. The men and women in my district don't sit on estates worth $20 million. They are forced to work until they are physically unable. When that time comes for those working men and women, I want to give them something back. I don't want to have to tell them that the 106th Congress spent their Medicare prescription drug benefit, or early buy-in health insurance on a tax break for Bill Gates.

All of the benefits from estate tax repeal will go to taxpayers in the top 5 percent income group. Those taxpayers' earn at least $130,000 per year. Ninety percent of the tax cut benefits will go to those in the top 1 percent income group—those earning $319,000 per year. The GOP is attempting to mislead U.S. taxpayers through scare tactics. They have been throwing anecdotal "evidence" that family-owned businesses and farms face bankruptcy due to the evil estate tax. This is simply not true. For every dollar of farm estate tax cuts from H.R. 8, 99 dollars will go to other kinds of estates. For every dollar of small or family business estate tax cut benefits, 95 dollars or more will go to other estates. These other estates comprise the very wealthiest of all estates in the U.S.—those estates worth more than $20 million.

The estate tax repeal—and the numerous other tax measures passed by the House—should be scrutinized with a measure of fairness. It hardly seems fair to come to the floor of the House week after week to provide hand over fist full of tax break dollars to the wealthiest U.S. taxpayers, when we haven't even addressed Medicare's solvency. In FY 2000, the federal estate tax, if left unchanged, is expected to raise $27 billion. That's more than double the total amount of federal income taxes paid by the bottom half of all taxpayers. Some leading estate tax repeal advocates, such as Steve Forbes and Dick Armey would suggest that we triple taxes on the bottom half of all taxpayers—with their flat tax proposals—to make up the lost revenue from the estate tax repeal.

Our children will be hurt by the estate tax repeal. This bill costs over $105 billion over 10 years and $50 billion every year after 2011. We could rebuild of repair every one of our schools for a little over $105 billion. We could also provide health insurance to 7.7 million of the 11 million children currently without health insurance for $105 billion. We could also enroll an additional 836,000 children in Head Start with the $105 billion Republicans want to spend on the wealthiest 2 percent of Americans.

Before any Member of the House votes to override this bill, I want you to consider the opportunities lost. This bill isn't about helping out family-owned businesses and small farms. It's about helping the wealthiest taxpayers in America and denying seniors a solid prescription drug benefit. I urge my colleagues to sustain the President's veto and vote no on this bill.

Ms. DUNN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the comments of the gentleman from New York (Mr. RANGEL), but the fact is that his proposal does not repeal the death tax.

Mr. Speaker, I rise today in strong support of this veto override and our bipartisan effort to eliminate the death tax. In his veto message, President Clinton made several arguments defending the taxation of death, and he proposed targeted tax credits for small businesses and family farms.

Unfortunately, this targeted approach being touted by President Clinton and Vice President GORE will target American families right out of relief. First, and perhaps most importantly, their proposal maintains the fundamental unfairness of the death tax.

It says that at the end of your life, after you worked hard to provide a legacy for your family, the government is still entitled to nearly half the fruits of your labor. I cannot accept this, Mr. Speaker, because it so grossly violates the fundamental virtues of thrift, diligence, and hard work.

Mr. Speaker, 95 percent of Americans believe that it is wrong to tax income during your life and then once again because you die to tax it once again.

Secondly, President Clinton and Vice President GORE believe that they can exempt family-owned farms and businesses by raising the family-owned business exemption to $2.5 million. Well, I stand here to tell my colleagues that it will not work.

In 1997, with the very best of intentions, this Congress created the family-owned business exemption in order to try to protect small businesses from the devastating effects of this tax. In order to qualify for this exemption, however, a family must meet many statutory definitions. These definitions have proven to be so overly complex that most estate planners tell us only 3 percent of their clients even qualify. Worse yet, those families who attempt to claim relief under these definitions find that the IRS challenges them two thirds of the time.

So in the rare instance when a family qualifies, they find themselves spending thousands of dollars in attorneys' fees to defend themselves from the IRS. Despite very good intentions, Congress simply cannot recreate in tax law the complex family relationships that exist in the real world, so the oppositions approach will not work. And we should not pretend that it will work.

The Clinton-Gore proposal maintains high death tax rates and provides hollow relief for family farms and for businesses. Most importantly, it does not repeal the death tax. There is only one way to rid the code of this immoral, unfair, and economically unsound tax and that is to eliminate it.

I urge my colleagues to keep their commitments to their constituents and to vote in favor of the veto override.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Mrs. THURMAN), a member of the Committee on Ways and Means.

Mrs. THURMAN. Mr. Speaker, over the years, I, too, have heard some small business owners and family farmers and I empathize with their situation and I have worked to provide estate tax relief to farmers and small business owners as we did in 1997.

I am supporting a fiscally responsible alternative that gives estate tax relief where it is needed. That proposal would provide a married couple with a farm or a small business with a $4 million estate tax exclusion in 2001. Today's phases in tax relief over the next 10 years. Let me repeat the choice before us, 10 years of waiting or immediate relief.

I do not want to face constituents who may lose a parent before the year 2010 and then learn that the promised estate tax relief does not exist. It is irresponsible for us to talk of relief in the future when we can provide that relief today.

Over the years, I have also heard from farmers and business people who recognize the importance of a strong economy which includes paying down the national debt. They agree with Alan Greenspan that a debt buyback helps the economy more than a tax cut.

If they knew that they could get a $4 million benefit and a debt-free economy they would, too, be supporting this veto. Once the veto is sustained, the majority will have to explain to them why the promised tax relief in fact hurts their economic future.

During the earlier debate, I heard from a friend who is a family farmer and a transplant recipient. He asked me when he could expect estate tax relief and when he could get help for his prescription drugs. Under the majority's tax plan, he gets either one or the other.

Under the responsible $4 million exclusion, he could get both tax relief and Medicare prescription drug benefits and a debt-free economy. Most of my constituents do not ask me about estate tax relief. They want Medicare prescription drug coverage.

If this veto is not sustained, they will get nothing to help them with their current needs.

The SPEAKER pro tempore (Mr. PEASE). Does the gentleman from Texas (Mr. ARCHER) claim the time of the gentlewoman from Washington (Ms. DUNN)?

Mr. ARCHER. I do, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Texas (Mr. ARCHER) controls the time.

Mr. ARCHER. Mr. Speaker, I yield 2½ minutes to the gentleman from Missouri (Mr. HULSHOF), a respected member of the Committee on Ways and Means.

Mr. HULSHOF. Mr. Speaker, the question is a simple one, I say to my friend from New York (Mr. RANGEL), should the death of a family member be a taxable event? Should the passing of one's mother or father who have worked hard to build a business to pass on to their descendants, should that event, that personal tragedy, should that be a taxable event?

If my colleagues believe that it should be, then vote to sustain the veto of the President. If my colleagues think it should not be a tax event, then vote to override the President's veto.

Mr. Speaker, I appreciate the gentleman from Texas (Chairman ARCHER) for yielding me some time, and I suspect that we are going to hear throughout this period of debate the weary class warfare argument from the defenders of the death tax, that this is a tax for the wealthy.

Rather than get caught up in revenue projections and distribution tables and effective dates and whether we have an immediate tax relief or not in our prescription drugs, I would like to tell my colleagues briefly about a constituent family of mine, the Eiffert family. Howard Eiffert began a lumber business in 1965, with very little capital and through a lot of hard work has built a business, the Boone County Lumber Company, that now employs 30 full-time employees. His two sons, Greg and Brad, are looking forward to taking over that family business.

Howard is now 66 years of age and hopes that he can pass that lumber business on to his sons who want to continue the business. But because the tax is still on the books, Greg and Brad

Eiffert are required to pay $35,000 a year. Let me repeat that, Greg and Brad Eiffert, the sons of the founder of this business, are paying $35,000 a year in annual premiums for a life insurance policy, the sole source of which proceeds will be used to hopefully pay off the entirety of the tax bill when that estate, that business is passed to the next generation.

Now, $35,000 a year could hire a very good full-time employee, not to mention the fact that if they do not pay this fee every year, that the death tax will require the closure of the business, which means, in addition to the loss of the property taxes and the payroll taxes and the income taxes that they already pay, the loss of 30 steady paychecks. I urge this body to vote to override the President's veto.

Mr. Speaker, it is a shame that the House has to consider an override of the President's veto today. The President should have done the right thing and signed the bill to bury the Death Tax once and for all. Unfortunately, he didn't, and I rise to urge my colleagues to join me in voting to override the President's veto.

We have heard the same-old, tired class-warfare rhetoric from the defenders of the Death Tax. We have heard that it only benefits the rich. My friends, your vote should be based on one question and one question alone—do you think that death should be a taxable event? Should death trigger a tax as high as 55 percent on a lifetime's worth of hard-work? My answer is no. That is why we should undue the harm done by the President's veto pen.

We can talk about this issue in the context of revenue projections, distribution tables and effective dates. But I want to take a minute to tell you about the Eiffert family in Columbia, Missouri. In 1965, Howard Eiffert started Boone County Lumber Company. Today, his son Brad and Greg help run the business. Howard is now 66 years old and would like to pass the business on to his sons. But this isn't as easy as it seems. The Death Tax looms over this dream like a dark cloud. The Eifferts pay $35,000 a year in insurance premiums in preparation to pay the Death Tax when the day of Howard's passing comes. Howard and his sons Brad and Greg are the real faces of the so-called "rich" that supporters of keeping the Death Tax love to demonize. Keeping the Death Tax on the books is not fair. Fairness dictates that the Eiffert's hard-work should be rewarded, and the Boone County Lumber Company should continue into the next generation.

The Eiffert's situation is but one example of why we should kill the Death Tax. This tax is inefficient. It kills jobs. It punishes those willing to take risks and allows the tax code to wreck a lifetime of hard-work. But most importantly, retaining the Death Tax is plain wrong. I know it, and the Eiffret family certainly knows it.

Mr. Speaker, I urge my colleagues to vote to override the President's ill-conceived veto.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. STENHOLM), who certainly has a reputation of being a friend of the farmer and small business.

Mr. STENHOLM. Mr. Speaker, if we believe that repeal of the estate tax is more important than eliminating the national debt and protecting the integrity of the Medicare and Social Security trust funds, vote to override the veto of this bill.

However, if we agree that eliminating the national debt and protecting Social Security and Medicare is a more important priority than any new spending or tax cuts, then vote to sustain this veto.

Let me tell my colleagues what I am for. I am for estate tax relief for all estates up to $4 million effective January 1, 2001. The Democratic alternative that could have been signed into law would have immediately repealed the estate tax for all family-owned small businesses, farms, and ranches under $4 million and reduced rates on all other estates. It would provide immediate relief, instead of delaying relief for 9 years as the bill before us would do.

Now, we hear a lot today about the $4.6 trillion surplus, but I would remind our colleagues in this body, these are just projections, and we know it.

Budget projections that have changed repeatedly for the good over the past 3 years, they could just as easily change for the worse in the next 3 years. What happens then if we have already pocketed and spent these surpluses?

It is easy to get applause in a town hall meeting by repeating the line "you deserve the tax cut because the surplus is your money" and that is the truth. But that line does not tell the whole truth. What it leaves out is that we still have a $5.6 trillion national debt, $7.9 trillion unfunded liability on Social Security and trillions of dollars of unfunded liabilities in Medicare and other retirement programs.

Those who justify massive tax cuts first by saying that the surplus belongs to the American people and should be returned to them forget to mention that these debts also belong to the American people.

The cost of this bill before us that has been vetoed would keep growing and growing just at the time Social Security and Medicare began to face financial problems in 2010. Until we deal with the long-term financial problems of facing Social Security, we need to be fiscally responsible about any tax or spending bills that would place a greater burden on the budget in the next decade.

If my friends on the other side of the aisle who have been making speeches as we already heard about small business owners and ranchers are serious about helping these folks, I hope they will take the President up on his offer to sign legislation that would provide immediate and fiscally responsible estate tax relief for small businesses and family farms.

The folks I represent back home want a meaningful estate tax that is enacted into law, not more political speeches about whose fault it is that we did not accomplish anything. I want folks who have a farm and a ranch and a small business just like my friend, the gentleman from Missouri (Mr. HULSHOF) to be able to leave the fruits of their labor to their children, but I do not want to leave future generations with a massive national debt and unfunded liabilities in Social Security and Medicare because we want to do the politically popular thing in the year 2000.

□ 1430

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. HAYWORTH), another respected member of the Committee on Ways and Means.

Mr. HAYWORTH. Mr. Speaker, I thank the chairman of our committee, I thank the Speaker, and I thank my friend from Texas who preceded me in the well, because he failed to point out one essential part of the equation. You see, it is legitimate to have differences of opinion and to disagree without being disagreeable, and Mr. Speaker, I think it is painfully apparent.

Our friends on the left believe there is a higher and better use for your money in the coffers of the Federal Government. My friend from New York said it very clearly in the Wall Street Journal: "We will have to figure out who hasn't been hit so hard and take away some of what they have earned."

But the other portion, my friend from Texas left out. Should the Vice President of the United States become President of the United States, just yesterday, Mr. Speaker, he outlined a budget plan that would spend all of the surplus; and while I do not doubt my friend from Texas' commitment to cutting the deficit and the national debt, the fact is our friends on the left had 40 years and they were so caught up in spending that they spent all the monies, including the Social Security monies.

So what we say is this, and, again, I would enjoin my friends to disagree without being disagreeable: the fact is there is a philosophy on the left to take away what people earn. The fact is also that many of our friends on the left, fully one-third of the minority, including every member of the Democratic Party serving here from Tennessee, voted for death tax relief.

We ask folks to join with us to say let us put this unfair death tax to death, because we can continue to pay down our debt and we can also get rid of this onerous tax. As my friend from Colorado has said, "no taxation without respiration." It is unfair to have to visit the undertaker and the tax collector on the same day.

I represent family farmers who are fiscally conservative, who care about Social Security and Medicare, but also care about their children and also care about their fellow citizens, and we should get rid of this tax. Vote to override the veto.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Speaker, it is my pleasure to say to the House today that I am voting today to sustain the Presidential veto, and I would like to ask my Republican friends to refrain from putting Presidential politics into this issue.

This issue is extremely important. We have the lives of people who need Medicare, people who need Social Security. The vast majority of working families do not need us to cut funds away now for a tax break for the very, very rich. Two percent of the population will benefit from this tax.

I am saying to this Congress and to America, it is time now that we talked about people who need Social Security, people who need Medicare. The repeal of the Federal estate tax benefits a relatively small number of individuals. We have got to begin to think about the entire American public.

What about the rest of us? What about those of us who are on low and middle incomes who need better schools? You keep talking about better education. Let us put your money where your mouth is. You keep using political nuances. We must solve the problems of this country. We need less crowded schools; we need an increase in minimum wage. There are so many things we need before we take all of the money off the top for 2 percent of the wealthy.

Mr. ARCHER. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. TRAFICANT), this body's most outspoken advocate for the working people of this country.

Mr. TRAFICANT. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, World War I is over. It is time to stop taxing death. It is out of control. America is literally taxed from the womb to the tomb, from the doctor to the undertaker, and the White House has blinders on. They say it helps the rich.

The facts are clear: the average small business in America spends $35,000 a year on insurance, attorneys and accountants for their estate planning, and that does not include the tax they will pay down the road.

It has gotten so bad, and I wanted to compliment this chairman on this bill, that at one point in our history the estate tax was 77 percent. Seventy-seven percent. Are we nuts?

And this class warfare business that continues to hit the floor, rich man, poor man, is un-American. Whatever happened to the old slogan in America, "be all you can be"? Work hard, build a nest egg for your family.

The veto gives us a new slogan. The President is saying "join the pack, give it back. Share your nest egg. Be damned with your family. Hard work and industrial behavior does not mean anything in America."

Mr. Speaker, that is not capitalism; that is communism. That is not America; that is totalitarianism. That is wrong.

Is it any wonder America is taxed off? On behalf of many families, I say today, tax this. It is time to override this President's veto, and it is time for the Democrats to step up.

Enough is enough. This Tax Code has turned away families, rewarded dependency, penalized achievement, subsidized illegitimacy, and now takes us to the cemetery with a tax collector. Beam me up.

I will vote to override this veto, and I encourage every Member to look carefully at this vote. It is more important than just election politics for the White House.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. NEAL), a knowledgeable member of the Committee on Ways and Means.

Mr. NEAL of Massachusetts. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, the problem with what the previous speaker just said is that 98 percent of the American people are not affected by this. This is clearly an effort to reward 2 percent of the American people. That is what the estate tax is about.

Let me give you the strategy that has been employed here by the Republicans. Let us have a big tax cut, $1.3 trillion. It went nowhere with the American people. Let us separate it out in pieces. It went nowhere with the American people. Let us contest the President's veto. It went nowhere with the American people. And do you know what, they are still at it. They are still at it, even though they see polling data that indicates clearly that the issue is crystallized and the public sides with us on this.

We could do something constructive on this issue. The Democrats came up with a great alternative here today, $4 million of exemptions that would take care of all of the people that they have noted here today.

The previous speaker said "override the President's veto." The overwhelming truth here is that the President offered a good fix on this issue, along with us in the Democratic Caucus, and the other side refused to accept it. Stand with the President on this veto today.

Mr. ARCHER. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in opposition to the President's veto of H.R. 8, the Death Tax Elimination Act. One point I want to make, those 2 percent we keep hearing from our friends on the right, or on the left, I should say, those 2 percent hire a substantial amount of the people that work in this country. Keep that in mind.

This estate tax plan is simple, and we need to make sure that we sustain the President's veto.

It is disgraceful as a result of the estate tax more than 70 percent of family-owned businesses do not survive the second generation. Seventy percent of family-owned businesses do not survive the second generation.

Earlier this summer we had a vigorous debate about free trade, protecting jobs of American men and women, and then forcing 70 percent of Americans to sell off a family-owned business to protect American jobs. It this the American dream? I do not think so.

This estate tax is simply Uncle Sam double-dipping into the pockets of hard-working Americans. First we pay income taxes, then Uncle Sam comes back for more and more taxes, and the estate tax, which is now taking 55 percent of the value of an estate upon death.

This estate tax is extremely hard felt in my State of California where land prices are extremely high. Please vote to override.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Speaker, this is an issue where there is truth on both sides. There are competing interests here. There is an interest in really dealing with hard-working Americans who have paid tax on their money, but there is also an interest of concentration of wealth.

As a society, do we really want a threshold of no threshold on estate tax? Someone being able to transfer $20 billion, and families transferring $20 billion? As a society, that is a bad thing.

I think what we need to do as we look at what the reality is, $675,000 in today's world is not an acceptable number, and that number should be raised. We should have a debate and we should have policy, and we should not be playing games with the American people like the majority party is doing right now.

I have legislation that I am going to introduce literally right now that would raise that $675,000 to $5 million and index it for inflation. I do not know if $5 million is the magic number, but the reality is that is what Americans want that would be good public policy; that would be a compromise that the American people would support and the President would probably sign.

If we want to make policy, pass this legislation, and stop playing games with the American people.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Speaker, I met Bill and Mary Cross and Richard and Judy Beuth in Northern Illinois. They are the 2 percent. They get up early, they work all day, just to put food on the table of Americans. They are only 2 percent; and, therefore, if we follow the minority, they are insignificant and they do not count. But they are America's farmers.

When Richard Beuth's mom died in 1995, and then dad died in 1998, for the privilege of being able to farm this Centennial Farm, which has been in the family for over 100 years, he had to mortgage the farm for $185,000. They are not rich. These are American farmers, and I represented many of them as an attorney, and I was at the auction sale when the gavel fell that cut a family farm in half just to pay the death taxes. They are not rich. They put the food on the table of America.

Mr. President, look at them in the eyes, the ones who get up real early and work 20 hours a day, crying out for help. America's farmers are being called "rich" and "insignificant." This is the bill to help them out, Mr. President; and you vetoed it, and you looked at them right in the eye and you said "you don't count."

Well, they do count. The Crosses, the Beuths, the Wilmarths, the Eberts, the Kappenmans, the little people across the world that put the food on the table. They are America's farmers. It is because of them and for them that we should override this veto.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. BONIOR), our distinguished minority whip.

Mr. BONIOR. Mr. Speaker, I just heard from the distinguished gentleman from Illinois speak with passion, and I would say to him with all due respect that the plan that you have offered will take 10 years to phase in to help those farmers that the gentleman just talked about.

The plan that we have been talking about and we have been arguing for will cover up to $4 million in exemptions for businesses and for farmers like the gentleman has just described, and it will take effect immediately. That is the difference.

Mr. Speaker, years from today, when historians consider the effort to repeal the estate tax, they will say never have so many spent so much time to give so much money to so very few.

□ 1445

When I listen to the folks that I represent back home, and I know many Members have just come from their districts, what they are talking to me about is better schools, a stronger social security system, improving Medicare to include a prescription drug benefit. They want us to reduce the national debt.

That is what I think all of the Members are hearing. There are not a heck of a lot of people telling us to put these priorities on the back burner so we can repeal the estate tax for the Bill Gates' of the world.

There is a reason for that. Ninety-eight percent of all Americans will get absolutely nothing out of the estate tax, nothing. But there are a few people who stand to gain, they are the richest 2 percent of Americans, never mind that it will cost $50 billion a year for the richest 2 percent to get the benefits of this bill.

Let me just conclude, Mr. Speaker, by saying that we have a sensible alternative that I have just described. It is a reasonable alternative. It goes into effect immediately. It is the better approach. It is the more responsible, fiscally, approach to this problem. I hope we will sustain the President's veto on this important piece of legislation.

Mr. ARCHER. Mr. Speaker, I yield 2½ minutes to the gentleman from Texas (Mr. DELAY), the respected whip of the House.

Mr. DELAY. Mr. Speaker, I thank the chairman for yielding time to me.

Mr. Speaker, today we have a final chance to save family farms and small businesses that will be sacrificed to pay the unfair death tax. This vote is about whether or not we stop the Federal government from confiscating farms and businesses through an aggressive tax that attaches a penalty to the end of life.

It is not the top rich. The rich do not pay these taxes. It is people like me when I used to be in the pest control businesses. It is a plumbing business that puts all of its assets aside as they build this business and create jobs.

These are people that do not make $100,000, $200,000, $400,000 a year. Most of the time these people take in $60,000 or so to fund their own families. Then when they die, the government comes in in a very unfair way and takes their businesses, and also costs jobs because the people that work for those businesses lose their jobs because they have to liquidate in order to pay this onerous tax.

The death tax punishes Americans who achieve their financial dreams. What is worse, it targets American farmers and these small business owners that are trying to sustain what they have worked their whole lives to build. When the death tax comes due, the surviving relatives are already wrestling with the tough decisions that follow a loss in their family, and this tax complicates matters by forcing family members to liquidate these farms and these small family businesses.

This is wrong. It is unfair. It has been unfair for years. Most Americans recognize that this tax sends the very wrong message. That is why voters overwhelmingly support our proposal to bury the death tax.

This debate also raises a critical question about our national priorities: Should surplus dollars be kept in Washington to be spent by politicians, or should that money be returned to the men and women who earned it?

Our position is clear. Republicans believe that the American people can identify and address their own priorities. We believe that they are far better equipped to know their best interests than any Washington bureaucracy ever can be.

Republicans support two options to return the surplus to the American people: We should either return the surplus to them through tax relief, or give the surplus back to the American people by paying down on the public debt.

By supporting this bill, by overriding the President's veto, Members will end the death tax today and empower American families tomorrow.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I represent the State of North Dakota. I represent more production acres of agriculture than any other Member of the House of Representatives. My, my, my, I have not heard so much concern about our family farmers in four terms in this Congress than I am hearing in the course of this debate.

The fact of the matter is, it is time for a little truth in advertising. This bill is not about family farms, this bill is about tax relief for the wealthiest few in this country.

Let us just take a look at the numbers to put this in perspective. Of taxable estates, those containing farm assets from 1995, 1996, and 1997 represented one-tenth of 1 percent of the taxable estates. That was before the increase, and a significant increase, bringing it to a $2.6 million unified credit today.

It is time we raised that credit. We have had some powerful presentations on the other side. The comments of the gentleman from Illinois (Mr. MANZULLO) were particularly well done in terms of actually having gone to an auction and basically about a family having to sell assets to pay the estate tax.

If indeed that is the situation, even for a few family farms, let us address it and let us address it right now. The majority bill does not do that. The vetoed bill does not do that. It phases in this credit over time, leaving relief for the very end for those families that are subject to so much discussion on the other side.

I want Members to look at this chart right here. This chart shows who is going to get help. The blue is the Democrat alternative. The red is the Republican bill. This is in year one of this Republican plan. We can see the help for these families is right now under the Democrat bill. They say, see us later, see us later, under the majority bill.

Okay, let us go down a few years. This is the year 2009, almost a decade from where we stand today, relief under the Democrat bill, and here is relief under the Republican bill, barely phased in. Basically, they have to wait 10 years if they are the kind of family farmer, if they are the small business owner that the other side is talking so much today about.

If the need is so urgent, and the majority whip said that this is the final chance, this is the final chance to save family farms and small businesses from being confiscated from the death tax, then why in goodness' name does he wait 10 years to phase in the relief?

If it is that much of a problem, let us do something about it and do it now. That is what the Democrat alternative does. We do it in a way that does not bust the budget, that does not take away our chance to pay off the national debt.

By skewing this whole package for the wealthiest few at the very top, they deprive relief to those who need it, and they bust the budget while they are at it.

Mr. ARCHER. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. METCALF).

Mr. METCALF. Mr. Speaker, the death tax is confiscatory taxation at its very worst. Many family farms and small businesses do not have the cash flow necessary to pay the inheritance tax. Many family farms and small businesses must go out of business and use the assets to pay this devastating tax.

This veto override is our opportunity to solve this situation, to do what is right for the small businesses of this Nation. Besides, the cost of collection of this tax eats up most of the receipts it brings in. We must override this very unwise veto.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, I rise in opposition to the motion to override the President's veto of H.R. 8. Estate taxes do place a burden on American small businesses and farmers, but this vote is nothing more than a back-door attempt to enact the first installment of the $2 trillion tax cut that my Republican colleagues want to do.

I guess it is frustrating, Mr. Speaker, because I wonder where our Republican progressives have gone to in seeing these kinds of tax cuts.

Let me read a quote that I picked up over the weekend: "I do not believe that any advantage comes either to the country as a whole or to the individuals inheriting the money by permitting the transmission in their entirety of such enormous fortunes as have been accumulated in America. The tax could be made to bear more heavily upon persons residing out of the country. Such a heavy progressive tax is of course in no shape or way a tax on thrift or industry, for thrift and industry have ceased to possess any measurable importance in the acquisition of the swollen fortunes of which I speak."

I will not read the rest, but that was by Theodore Roosevelt, a progressive Republican who knew what it was not to let the richest people in this world save taxes where it should be spent.

America is about a democracy, about saying, hey, let us give everybody a chance. Sure, we can take care of the family farms, of the small businesses, and in parts of the country where our homesteads and houses have accumulated, that would be done. But the Republican strategy is going to fail because it means that there will be no estate tax relief this year or next year for small businesses and farmers.

Our colleagues, if they were serious about an estate tax, they would have worked with some of us and said, hey, we had an alternative that took care of all the problems we hear about, whether it is the local auction or not. But does Bill Gates really need a tax cut anymore than the Rockefellers did in the last century? No.

The Republican plan helps the wealthiest 2 percent of the American families and does nothing for the 98 percent of Americans who are still out there. What we need to do is pass real estate tax relief that will help the small estates, family farms, and the people who have their family homes. That is what we need to do.

I would hope that we would override this veto, because then it takes a big chunk out of trying to also pay down the debt, take care of social security, Medicare, the defense of our country, everything else we want to do.

Let us do something reasonable. We can make estate tax cuts part of the package before the end of this year, but we need to do it after we sustain this President's veto.

Mr. ARCHER. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. COX).

Mr. COX. Mr. Speaker, I thank the chairman for yielding time to me.

I have heard here an attempt to make this debate one about the super rich instead of the family next door; to make it about only 2 percent of the super rich instead of half of the American population; to make it partisan, when in fact it is very bipartisan.

This legislation went to the President backed by Democrats and Republicans. A big number of Democrats supported this, 65, in this House. While AL GORE is campaigning it as some Republican plot, the entire delegation of Tennessee voted for this, including all of the Democrats, including our distinguished African-American colleague, the gentleman from Tennessee (Mr. FORD), a keynote speaker at the Democrat convention.

Before we question the motives of people supporting abolishing the death tax, let us consider that more is at stake here. This is not about the super rich. Bill Gates will never pay this tax and everyone knows it. Those are the only people who we know to a certainty who will never pay this tax.

But working men and women will pay not just the 55 percent, not just the 60 percent confiscatory rate, they will pay 100 percent when they lose their jobs, when the business for which they work is sold out to pay the tax man. It is time for the death tax to die.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes and 10 seconds to the distinguished gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, there they go again. Fantasy Island. The Republican majority would rather fight for the wealthiest interests in America than agree to eliminating the estate tax for 98 percent of Americans. They would rather put at risk the soundness of our economy, the stability of social security, the reliability of Medicare, and the ability to pay down the debt while investing in our children's education than give up on a plan that gives a $10.5 million average cut to 329 estates, and a $50 billion cut to the top 2 percent of estates. That is the truth.

The truth is more than half of the benefits of this Republican bill will go to less than one-tenth of 1 percent of all Americans. I support the Democratic alternative which gives all estates relief now, not 10 years from now, as this bill does.

The President was right to veto this bill. He wants and I want a tax relief bill which is fiscally responsible and is targeted for the majority of working families. This bill would drain more than $50 billion annually to benefit just thousands of families while taking resources that should be used to strengthen social security and Medicare for millions of families.

□ 1500

I want tax cuts which will protect family farms and small businesses, but that will also help families send their kids to college, provide for long-term care, pay for child care, and help communities build badly needed schools.

We can do this, Mr. Speaker, if the Republican leadership will sit down at the table of democracy and reach agreement with those of us who were also elected to reason with one another on behalf of the American people.

If the majority will unlock itself from the grip of the special interest, we can legislate constructively and cooperatively on behalf of all of the people and just not for a very few of the people. Let us sustain this veto.

Mr. ARCHER. Mr. Speaker, I yield 1½ minutes to the gentleman from Illinois (Mr. CRANE), a respected member of the Committee on Ways and Means.

Mr. CRANE. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I would like to read to my colleagues a letter that I received just yesterday from a constituent of mine in Barrington, Illinois.

"Dear Congressman Crane: I urge you to override President Clinton's veto of H.R. 8 (death tax elimination).

"I personally have a friend whose grandfather owns a farm which has been in his family since 1732. When he passes away, his family will have no choice but to sell the farm in order to pay the death tax.

"Every person who owns such a property or business started up with money which was saved after paying regular income taxes earlier. It just doesn't seem fair to force them to sell or pay again.

"Sincerely, Roger Hedberg, Sr."

The death tax means an end to a family's heritage. That farm has been in the family for 268 years. If someday they sell the family farm it should be their own choice. They should never be compelled to do so to pay a tax that should never have been enacted.

The death tax is an immoral, obscene tax. It is a tax belonging to a philosophy of envy, fear and greed. That is the wrong philosophy for America in the 21st century.

The death tax should be repealed immediately, and I urge my colleagues to do the right thing and vote to override the President's ill-advised veto of this bill.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, my colleague the gentleman from Texas (Mr. DELAY), the Majority Whip, asked the question do we spend the surplus or do we send it back? I would remind the gentleman from Texas (Mr. DELAY) that, when he first came to Congress, our Nation was about $1 trillion in debt. It is now $5.7 trillion in debt.

See, contrary to what some folks would have us think, the debt is not only disappearing, it is growing and it is growing by the month. These figures are all available in the monthly Treasury statements. I encourage every American to look it up on the World Wide Web.

See if you do so, you will discover that just in the past year, the debt of this Nation has increased by $40 billion, $40 billion. That is 40,000 million dollars that we are more in debt than we were a year ago.

They do talk about a surplus, and there is a surplus. But the only surplus is in the trust funds, things like the Social Security Trust Fund, things like the Medicare Trust Fund, things like the Military Retiree Trust Fund. See, if we remove the trust funds, then we spend $13 billion more than we have collected in taxes.

So when the gentleman from Texas (Mr. DELAY) and others say let us give 2 percent of the American people a tax break, I ask them, and please answer me, whose trust fund are they going to steal it from?

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. ARMEY), the highly respected Majority Leader of the House.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, every day of their life, moms and dads all over this great Nation get up and go to work. They go to work and they earn a living. They take care of their family. They try to build a home. They try to educate their children. They pay their bills faithfully, decent, honest, hard working American people. From every dime's worth of income they earn during the year, they pay their taxes faithfully. When there is something else, they try to save, and maybe they tried to build, and maybe they try to accumulate something.

As they work all their life for their children's well-being, for their comfort, for their safety, their security, their health, they also believe that, if we are really successful, mom, we do a good job, we keep the family farm together, we build this small business into something, create a few jobs for some of our friends and neighbors, when it is all over, we might be able to leave it to our children. They are not working that hard. Paying their taxes, paying their bills, saving, being double taxed on what little bit they can save, watching their little business grow because they are looking forward to the day when they die and leave it to the government.

Yet, this government, with its tax code which is rife with silliness, disincentive, hurt and harm for every American for every time they ever do the right thing stands uncorrected.

The gentleman from Texas (Mr. ARCHER) has labored in his vineyard for 30 years. For 30 years he has seen the silliness multiply in the Tax Code. Today he said let us just take one onerous, obnoxious, wrongful, unfair provision out of the Tax Code.

Let us stop the death tax. Why? It is not about the money. If my colleagues think it is about the money, they have missed the point. It is about the character of our Nation. It is about loving a Nation that loves its children and build its own future.

Yes, we have prosperity. The American people gave it to us, not this Federal Government. Because we have prosperity, we have $268 billion in budget surplus.

For the 30 years that the gentleman from Texas (Mr. ARCHER) was here, 26 in the minority, not one dime was ever committed by Congress when the Democrats were in the majority to buying down a penny's worth of national debt. They raided the Social Security Trust Funds and spent it on all kinds of risky spending schemes. They went on and paid all that debt and let it mount up.

Now America, because it built its small businesses and sustained its small farms, America gave us the surplus. Eighty-five to 95 percent of this surplus is already committed to debt reduction. In just the last few years since the Republicans took the majority, we will have paid down by the end of this year nearly a half a trillion dollars in debt. That is 500 billion dollars in debt.

After that, we said let us get rid of one onerous, obnoxious, stupid, unfair provision of the Tax Code, the death tax. The Democrats as always, as always, with every tax reduction one ever brings to the floor of this House, label it a risky tax scheme for only the best, only the richest, and they regret that that fellow is going to die and get a tax break.

Well, let me remind my colleagues, Mr. Speaker, one does not give the dead guy a tax break. He is in his grave. What one does is abstain from stealing his life's work legacy from his children. That is right. To take a man and a woman's lifetime's work away from their children is wrong. No government should do that, certainly not a government that embraces American values and family values. It is wrong.

The gentleman from Texas (Mr. ARCHER) is correct to be here where he is today in his 30th year of service of the Congress of the United States. He says once, once in 30 years, let us do something that is right in the Tax Code, let us get rid of some silliness, add some sanity.

I applaud the gentleman from Texas (Chairman ARCHER), and I implore all of my colleagues to vote to override the President's ill-advised veto. Hold that family estate, that family farm, that small business for the children of that loving mother and father that worked so hard for all those years, and keep those jobs for those loyal employees who would otherwise be driven out of work. Let us do the right thing. Just once in 30 years, join with the chairman and do the right thing.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I rise to explain why I will vote to uphold the President's veto today.

I am on RECORD as having voted for H.R. 8 as well as the Democratic plan. The estate tax puts an undue burden on small business owners and farms who are the heart of America's middle class, often making it difficult to pass their enterprises on to family members.

It is my firm belief that the estate tax in its current form needs to be changed. There is no argument there on either side. The President has shown that he is willing to sit down and work out a solution with all parties rather than this be bipartisan.

He said and wrote to us, the entire House of Representatives, on August the 31st, "I am returning herewith without my approval H.R. 8, legislation to phase out Federal estate, gift, and generation-skipping transfer taxes over a 10-year period. While I support and would sign targeted and fiscally responsible legislation that provides estate tax relief for small businesses, family farms, and principal residences along the lines proposed by the House and the Senate Democrats. . . ."

This should not be a partisan issue. I am opposed to allowing taxpayers to be pawns in an election year battle. This political posturing today is unfortunate. I have voted for many of the very taxes that have been proposed on both sides of the aisle, and I voted for the repeal of this tax. But we need to take a look at all of this together. As we say in science, the gestalt, the total body of proposed tax cuts to see what it adds up to.

We cannot jeopardize the surplus, and we cannot jeopardize future generations. This is what we need to be smart about. Before this is all over by October 1, I am sure we will be.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. SAM JOHNSON), a respected member of the Committee on Ways and Means, and a great American hero.

Mr. SAM JOHNSON of Texas. Mr. Speaker, we must repeal the death tax that penalizes American values. The dollars are there, unlike what the gentleman from New Jersey (Mr. PASCRELL) ahead of me said.

Unfortunately, the Clinton-Gore administration and most of their Democratic allies support the death tax, and yet they make all sorts of arguments to justify yet another unfair tax. Do not believe them. They are up to their old class warfare tricks.

Here is the truth. For too long the death tax has punished our families and small businesses. The death tax punishes families who save and who have worked hard all their lives. Worst of all, the death tax punishes their grieving children who have to sell their parents hard-earned assets just to pay the tax man. The death tax punishes those workers who are employed by the small businesses and farms. That is just not right.

Americans hope to achieve the American dream and be able to share the fruits of their success with their children. We do not need Washington tax collectors operating a toll booth on the way to heaven. Unfortunately, President Clinton and his fellow supporters of the death tax just do not get it. They think Washington is more important than American values.

There were 65 Democrats who voted to repeal the death tax in June. Will they have the courage to do what is right for America, or will they change their vote and blindly follow their party in an election year? Enough is enough. It is time to start repealing taxes on American values. Get rid of that toll booth on the way to heaven. Repeal the death tax.

Mr. RANGEL. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, the moment of truth has arrived, and that is do we want to give relief to small business people in connection with estate taxes and to farmers, or are we really looking for a campaign issue; and that is that we force the President to have a veto.

Clearly, there is a way to give relief immediately, and that is to sustain the President's veto and demand that, as we conclude our work in this session, that the President give some priority to giving relief to estate taxes.

I can assure my colleagues, in speaking on behalf of the Democrats, that we would like to join with you in this effort where we can go home and campaign on so many other issues that we disagree with. But at least on this issue, we would be able to say that all estates that come up to $4 million would be exempt, that all individuals would automatically have $1 million exemption.

□ 1515

Oh no, it would not take care of the very, very, very rich; but it would take care of the working people that work every day and protect the assets that they leave for their children and their children's children.

Now, it is true that we can fight on each and every issue. We can fight against prescription drugs for the elderly, we can fight in terms of giving tremendous tax cuts, again to the very rich; but it would seem to me that we would be enhancing the reputation of this great august body if we could just find something that we could agree on and just not dismiss the Democratic alternative.

We know that our Republican colleagues know that we protect the people that should be protected under our substitute. We know that the President would never have vetoed this bill if he thought it was the right thing to do by the people who could be hurt with an estate tax. And the most important thing is that the American people can tell the difference between a political ploy and those people who want to provide a legislative solution to what amounts to a real problem.

Again, I am saying that Republicans and Democrats have not talked with each other too much during the last couple of years; and that is mainly because, well, they have chosen to look for confrontation; they have chosen to take the areas that we agree with and kick it up a notch to make certain that the President is going to veto. This is so whether we talk about minimum wage, the marriage penalty tax, and now as we deal with estate taxes.

I would suggest, Mr. Speaker, to those people who want to support the President, support the American people, support small businesses, support the farmers, that this is a great opportunity for us to reach across the aisle and have this bipartisan effort so that we can tell the American people that we can work together, even though we did not start off that way. This is an opportunity for us to do it, and I suggest to my colleagues that we try working together before the election, at least on this bill.

Mr. ARCHER. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. Mr. Speaker, greed is a bad word; but profit is a good word, and we have got to separate the two.

I do not like all the class warfare that has been played on this issue. But while we are talking about it, let me say to my colleagues that if they want big corporations and multinational corporations to buy small businesses at a fire sale price from small business people who are the engine of the American economy, then vote to defend the President's veto here. My colleagues should want to side with small business people and not with large corporations and multinational corporations that are going to gobble up all these small business people. That is literally what happens when a fire sale is forced. That is not fair. That is not right.

But let us not trash the free enterprise system. It is what people in Eastern Europe and the Soviet Union really wanted of the American Dream, an opportunity to have things for their family that they never had or to have a business and to literally go to work and know that the sky is the limit on opportunity.

So let us defend the free enterprise system, but let us most importantly defend the small guy, the small business people and the family farmer. That is what we are trying to do. It is the right thing. And I do think everybody should join in in a bipartisan way.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Speaker, I thank the gentleman for yielding me this time.

I think we see ourselves in a situation that is good news-bad news. The good news is that we are talking about reform, and there is no dispute in this country that we need reform. Everybody is talking about it. The Democrats have had an alternative; the Republicans have a total repeal. The bad news is that there is no real interest in reform. It is just interest in sending a message.

If my Republican colleagues were really interested in pure tax reform and helping the people they talk about, they would have gone down and worked out with the President something he would sign. And he said he would sign something as long as it was reasonable. But this is just total repeal. And my colleagues knew that he would veto that, and that is mean.

I am one of those who voted with my Republican colleagues because I thought perhaps they would lead us into a meaningful discussion of how we could have reasonable inheritance tax reform. My colleagues have not done that. They have failed in that leadership. They have been more interested in a political message than in trying to solve this problem in the United States. Shame on them.

And that is why some of us are going to start supporting the President in his veto, because the Republicans did not want reform, they just wanted a message.

Mr. RANGEL. Mr. Speaker, I yield the balance of my time to the gentleman from Missouri (Mr. GEPHARDT), our distinguished minority leader.

Mr. GEPHARDT. Mr. Speaker, I rise today in strong support of the President's veto, a veto that speaks volumes about the differences that divide us, about our competing agendas.

This weekend I was back home in my district in St. Louis; and I went door to door, as I always do, and I heard from the working families who live in my district. In all the many conversations I had with my constituents, I did not get one question about what we were going to do to get rid of the estate tax. I did not hear one soul tell me to wipe out taxes for the wealthiest 2 percent of the American people.

The people in my district, like I expect the people in my colleagues' districts, are not interested in tax breaks for the wealthiest Americans. They are not interested in going back to the Reagan years, the Bush years of red ink and large deficits and high interest rates and high inflation and high unemployment.

Let me tell my colleagues what the people did talk about. They talked about when we are going to get a prescription medicine program for senior citizens in Medicare. They talked about getting protections from HMOs and insurance companies, so that, God forbid, the doctors and nurses were making important medical decisions and not accountants and HMO executives. They talked about education. They talked about school buildings. They talked about teachers. They talked about getting rid of guns in schools. They talked about Social Security and Medicare. They talked about paying down the national debt. They talked about doing something about middle-income tax relief.

Please hear this, my colleagues. This bill is a bad bill. It is a reckless bill. It does absolutely nothing for 98 percent of the American people. Now, we proposed an alternative that would get something done if our friends would compromise. We said, let us give immediate relief to more than half the people with the smaller estates. We said, let us cut the estate tax immediately by 20 percent. We said that we can relieve 99 percent of all small businesses and family farmers from paying any estate tax.

We could have done that months ago. We can do that today. The President would sign a bill that was our alternative, that would give people immediate needed relief from the estate tax. But we did not do that, because, I guess, we have to spend this precious time on the floor getting this veto sustained.

This bill would give the largest 330 estates nationwide more than $10.5 million in tax cuts, on average, every year. These estates are valued at more than $20 million apiece and, meanwhile; 98 percent of our people would not see a dime in tax cuts. Add it up. When we add up all the figures, we are draining our surpluses. This bill in the second 10 years would cost over $750 billion.

Let me finally say this. Last year, the Republicans sent us a trillion dollar tax cut. The President vetoed it. They did not even bring it back here for an override. So this year there was a better idea: let us cut it up into little sausage pieces and maybe we can fog one past the American people.

People do not want to spend the majority of this surplus on tax cuts, and they sure do not want to spend it on tax cuts for the wealthiest Americans. They want us to pay down the national debt. They want us to take care of Social Security and Medicare. They want us to spend these last days that we have on the floor in this session doing prescription medicine for our senior citizens in the Medicare program, getting a patients' bill of rights, and doing something to have better school buildings and more teachers and better education. They want us to have a minimum wage increase. They do not want this bill.

I urge Members to sustain the President's veto. Let us come back with the Democratic alternative. Let us get something done for the American people. Let us pay down the debt.

Mr. ARCHER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, today we continue our commitment to end the death tax that haunts American families, farms and businesses. Today, we try to break the logjam created by yet another veto by a President who is determined to stonewall bipartisan actions by the Congress of the United States.

I listened with fascination to the minority leader who just spoke. Yes, there are differences that divide us. Major differences. Six years ago he proposed to reduce the exclusion in the death tax to $200,000. Where is this newfound change in his position? The change came because the Republicans got a majority in the Congress that year. So today the Democrats say, oh, but we have a better alternative.

The gentleman even referred to what revenue losses will occur in the second 10 years. Who knows? No revenue estimator, public or private, can give us that number. The longest estimate that is out there is 10 years. But what we do know is that in our bill, that the President has just vetoed, the capital gains tax occurs on every sale of an asset from the wealthy estates left by the Bill Gateses of this world. Now, the Democrats do not tell us that. That is fairness.

We say death as an event should not trigger a tax. But when those assets are sold, handed down by the very wealthy, the tax is paid. That did not show up until in the second 10 years, but we do not get a revenue estimate on that because the estimators will not look out that far.

So I listen to this rhetoric of these numbers that are thrown around that are unsupportable and then the Democrats say, we will give immediate relief to the small businesses. But it is a shell game, another Democrat shell game. We think that our relief is under the shell, yet when we pick it up, the bean is not there. Because it is a fact that under the small business and farm exemption, only 3 percent of the people ever qualify for it. In the meantime, they have spent millions of dollars on estate planners.

So the Democrats say they are giving us something, but only 3 percent of the people they say they are going to help will ever qualify. Now, that is a reality. Just talk to anybody who knows anything about estate planning.

Repealing the death tax is the right thing for America. In the land of the free and the home of the brave it is astonishing that we let people be taxed after they die. That is certainly not the American Dream. It's an American nightmare.

My friend from Texas says people get taxed on their way to heaven. I say the death tax has given purgatory a new meaning. Death as an event should not trigger a tax. That is wrong. It should occur, as I mentioned, when the assets are sold.

Some have said the death tax is ghoulish, to think that someone who works for an entire life building up wealth, saving for children, starting a business, running a farm or ranch and paying taxes the entire time gets hit once more from the grave. But as my friend, the gentleman from Texas (Mr. ARMEY), said, it is not the one who dies who pays the tax. It is the heirs who are left.

□ 1530

Now the Democrats will say, Oh, there are only 2 percent of the people that are affected, 98 percent get nothing; the 2 percent that die are not the receivers of the legacy, it is often spread out amongst hundreds of people. And they do not consider the jobs that are created by the 98 percent who work in those family farms and businesses unaffected. They say they are unaffected. They are affected directly. They lose their jobs.

Oprah Winfrey had it right when she said, I get angry every time I think about when I die, the Government will take 55 percent of what I have earned and saved. And why I am angry is because I have already paid taxes once. Why should I be taxed again? That is unfair.

The ancient Egyptians built elaborate fortresses and tunnels and even posted guards at tombs to stop grave robbers. In today's America, we call that estate planning, millions of dollars paid every year for estate planning.

This bill really helps those people who are going to be hit by a hidden tax. Because any middle-income American that has savings and 401(k)s and IRAs will pay a 73-percent tax on their IRAs and their 401(k)s at the time of their death.

This is unfair and we should repeal it and vote to override the President's veto.

Ms. PELOSI. Mr. Speaker, the federal government must not impose an excessive tax burden on working families, and I support targeted tax cuts to help families meet their needs and save for the future.

However, the Republican bill to eliminate the estate tax (H.R. 8) would cut nearly $50 billion from the federal budget per year once fully phased in. Such substantial cuts would harm our ability to strengthen Social Security and Medicare, provide a prescription drug benefit to seniors, pay down the national debt, and provide our essential government services.

I am very concerned about the impact these cuts would have on families, businesses and communities across the country. In addition, the benefits of this cut favor the wealthiest 2% of Americans.

When we prioritize tax cuts over health, education, and labor, we make sacrifices that impact all Americans. We saw this in the House Labor/HHS/Education Appropriations bill where the proposed $175 billion Republican tax cut translated into significant cuts in these important programs. Working families are being asked to make these sacrifices in exchange for a tax cut that would give $300 billion to the 400 richest Americans. $300 billion would pay for a prescription drug benefit for seniors for 10 years!

President Clinton has stated that he would support estate tax relief that is targeted to farm and small business estates. I agree that we should target estate tax cuts to the small businesses and farmers in greatest need. Democrats have offered a substitute that raises the special exclusion for farm and small business estates from $675,000 to $2 million per person. Any unused portion of the exclusion can be transferred to the surviving spouse, meaning that the total exclusion for farm and small business owning couples would become $4 million.

The substitute also increases the general exclusion to $1 million by 2006 and lowers the top marginal estate tax rate from 55% to 44%.

The cost of our bill is approximately $22 billion over ten years. Not only is the Democratic approach more fiscally responsible, I believe that it is a much better alternative for small business owners and farmers because it will benefit nearly all of their families, and it provides immediate relief rather than the 10 year phase in that is included in the Republican bill.

Unfortunately, the Republican leadership has not allowed us to bring this proposal to a vote. I urge my colleagues to vote no on the override of the President's veto.

Ms. McCARTHY of Missouri. Mr. Speaker, I rise today to express my strong support for estate tax reform. Small businesses and farm owners should not be penalized for their success nor should they have to worry about their ability to pass the family business on to future generations. However, I will continue to oppose the estate tax relief as proposed in the bill under consideration today because it offers significant benefit for the very wealthy individuals subject to this tax without regard to the economy, future revenues or tax fairness. I will vote to sustain President Clinton's veto of this misguided effort.

Many middle class Americans believe they do not receive value for their taxes. An important component of any tax reform debate should focus on renewing taxpayer's confidence that they are not only being taxed fairly, but that their tax dollars are being spent wisely. It concerns me that we are considering repeal of the estate tax today without a broader discussion of reform of our tax policy. We don't make decisions in a vacuum and the decisions we make today will have an impact on future revenues and spending on priority initiatives. A vote to override the President's veto today can be viewed as a vote to give the wealthiest one percent of Americans an $850 billion tax break over the next twenty years. This is contrary to the wishes of two Presidents, Theodore Roosevelt and William Howard Taft, who advocated for enactment of the estate tax.

In 1907, Theodore Roosevelt said the following regarding this progressive tax, "Such a tax would be one of the methods by which we should try to preserve a measurable quality of opportunity for the people of the generation growing to manhood." During his Inaugural Address in 1909, William Howard Taft said, "New kinds of taxation must be adopted, and among these I recommend a graduated inheritance tax as correct in principle and as certain and easy of collection." Historically, the richest in our society are the ones who pay the majority of the estate tax, and the original justification for this progressive tax is still applicable today, but reform is needed as our economy and times change.

Currently, only two percent of people who die have enough wealth to be subject to the estate tax. Of the two percent who pay the estate tax, only three percent are small business owners or farmers. Economic experts point out that the majority of assets taxed under the estate tax are unrealized capital gains and tax-exempt bonds which have never been taxed.

I support estate tax relief which would exempt 99% of family farm estates from estate taxes. The measure I voted for earlier this year would have removed two-thirds of those who pay the estate tax from the tax rolls and increased the family exclusion for farms and closely held businesses to $4 million by increasing the limit on the small business exclusion from $1.3 million to $2 million per spouse. This would have provided real relief immediately. H.R. 8 would not provide relief to a single farm or small business from the estate tax until 2010. This relief is needed now, not in ten years.

The measure I support would immediately increase the exemption equivalent of the unified credit against estate and gift taxes to $1.1 million. It also would provide a twenty percent across the board reduction to the estate and gift tax rates.

I support estate tax reform which maintains fiscal responsibility. The cost of H.R. 8 is not offset and will cost the Treasury $105 billion over ten years and $750 billion over the second ten years. Fiscal discipline of the past eight years has brought us to time where we are enjoying economic growth and prosperity. Projected surpluses still require us to make difficult decisions about priorities, and I believe that the President was correct to veto this fiscally irresponsible tax bill.

I voted in favor of a fiscally responsible proposal, the Rangel Amendment to H.R. 8, to provide immediate relief to two-thirds of the individuals in Missouri faced with estate tax liability. On July 13, the New York Times reported that if H.R. 8 would have been law in 1997, more than half of the tax savings would have gone to approximately 400 individuals who died that year leaving individual estates worth more than $20 million each. By contrast, the New York Times reported that the Democratic alternative which I supported would have exempted approximately 95% of all farmers who paid estate tax in 1997 and 88% of small business owners who paid the tax.

If the President's veto is sustained today, I hope my colleagues on both sides of the aisle will come together to find a targeted, fiscally responsible compromise which can be enacted into law before the 106th Congress adjourns this fall.

Mr. CAMP. Mr. Speaker, today we are working to repeal the death tax so that family businesses can be passed down to children and grandchildren, and family farms can continue to exist. Less than half of all family-owned businesses survive the death of a founder and only about five percent survive to the third generation. Under the tax laws that we currently have, it is cheaper for someone to sell a business before dying and pay the capital gains tax than to pass it on to his children.

It's clear and simple—the death tax is double taxation. Small business owners and family farmers pay taxes throughout their lifetime. At the time of death, they are assessed another tax on the value of their property. It would be like giving a friend a gift, which you already paid sales tax on, followed by your friend receiving a bill from the IRS for another cut. It is absurd.

Repealing the death tax makes good economic sense. One out of every three small-business owners expects all or part of their business will have to be liquidated when death taxes come due. That doesn't just mean that the family loses the business. It also means that the employees of that business are laid off. Repealing the death tax will not only save those jobs that would be lost—it will create new jobs. Death tax liabilities caused 26 percent of family businesses to reduce capital investments—investments that would have resulted in new jobs. Nearly 60 percent of businesses owners say they would add jobs over the coming year if death taxes were eliminated. Economists predict that repealing the tax would create 200,000 extra jobs every year.

Estate and gift tax collections amounted to less than 1.4 percent of the federal government's current annual budget. This tax is not worth the costs they impose on the economy, family businesses, and individuals. 70 percent of Americans believe this is one of the most unfair taxes. I happen to be one of those 70 percent. I encourage may colleagues to vote to override this veto and end this tax.

Mr. UDALL of Colorado. Mr. Speaker, I originally voted for this bill, but only very reluctantly. I will not vote to override the President's veto.

I am not voting to sustain the veto because I oppose estate-tax relief for family-owned ranches and farms or other small businesses.

In fact, I definitely think we should act to make it easier for their owners to pass them on to future generations. This is important for the whole country, or course, but it is particularly important for Coloradans who want to help keep ranch lands in open, undeveloped condition by reducing the pressure to sell them to pay estate taxes.

But there is a better way to do it than by enacting this Republican bill.

That is why I voted for the Democratic alternative when the House originally considered this bill.

That Democratic alternative bill would have provided real, effective relief without the excesses of the Republican bill. It would have raised the estate tax's special exclusion to $4 million for a couple owning a farm or small business. So, under that alternative, a married couple owning a family farm or ranch or a small business worth up to $4 million could pass it on intact with no estate tax whatsoever.

Also, the Democratic alternative actually would have provided more immediate relief to small business and farm owners.

Unlike the Republican bill—which is phased in over 10 years—the Democratic alternative would have taken effect immediately. That means a couple passing on their farm or small business in the near future would avoid more tax under the Democratic plan than under the Republican bill. They would not have to hope to live long enough to see the benefits.

In addition, by increasing the general exclusion from $675,000 to $1.1 million next year, the Democratic alternative would have allowed parents to pass on "millionaire" status to their children without a penny of estate tax burden. And the Democratic alternative also would have lowered estate tax rates by 20% across the board.

So, the Democratic alternative—which I voted for, which deserved adoption, and which would not have been vetoed—would have provided important relief from the estate tax and would have done so in a real, effective, and prompt way.

Furthermore, the Democratic alternative would have provided this relief in a fiscally responsible way that would not jeopardize our ability to do what is needed to maintain and strengthen Social Security and Medicare, provide a prescription drug benefit for seniors and pay down the public debt.

By contrast, it is precisely the fiscal overkill of the Republican bill that made me most reluctant to vote for it and that leads me to vote to sustain the President's veto.

As the Rocky Mountain News put it in a September 3rd editorial, "the Republican tax cut is a gamble that the present economic boom isn't going to slow" and is "fiscally irresponsible."

Once fully phased in, the Republican bill would forgo nearly $50 billion a year in revenue with no guarantee that this revenue loss will not harm Social Security and Medicare in future years.

The bill's sponsors say it will cost $28.2 billion over 5 years and $104.5 billion over 10 years. But that is far from the whole story. Because of the way the bill is phased in, its true cost is cleverly hidden and does not show up until after the 10-year budget window.

That means the full effects of the Republican bill will come just at the time when we will have to face budget pressures because my own "baby boom" generation is starting to retire. And if we feel we need to "phase in" H.R. 8 because we cannot afford the full repeal now, how are we ever going to afford it 10 years from now?

We do not need to engage in this fiscal overkill.

According to the Treasury Department, under current law only 2% of all decedents have enough wealth to be subject to the estate tax at all.

To be more specific, the Treasury Department tells me that in 1997 estate-tax returns were filed for only 297 Coloradans.

Furthermore, according to the Treasury Department, of those estates that are affected by the estate tax, only 3%—that is only 6 in 10,000 American estates—were comprised primarily of family-owned small businesses, ranches, or farms.

Looking just at our state, that means that in 1997 fewer than a dozen estate-tax returns were comprised primarily of small businesses, ranches, or farms.

Of course, those numbers only relate to the cases in which an estate tax was actually paid. Clearly, in many other cases families have taken actions to forstall the estate tax. I understand that, and do think that in appropriate cases we should lessen the pressure that prompted some of those actions.

As I said, the Democratic alternative would have provided real, effective, and immediate estate-tax relief to the owners of small businesses, including farms and ranches, and would have done so in a fiscally responsible way. That is why I voted for it.

In contrast, the biggest beneficiaries of the Republican legislation are not these middle-class families who own small ranches or farms or other small businesses, but instead are very wealthy families with very large assets.

Over the past two decades, income and wealth disparities have increased. The Republican bill would increase those wealth disparities. I find this troubling, and it is another reason why I am not voting to override the President's veto.

I greatly regret that on this issue the Republican leadership has rejected bipartisanship. They have opted for confrontation with the President instead of cooperation in crafting a bill that could be signed into law. That is not a course I can support.

Mr. Speaker, if the President's veto is sustained—and I think it will be—we will have another chance to take a better path. I hope that the Republican leadership will decide to reach across the aisle and work to develop a better bill that can be signed before this Congress adjourns. If they do, they will find me ready to help.

Mr. LANTOS. Mr. Speaker, I will vote today to uphold the President's veto of the Estate Tax Elimination Act (H.R. 8).

When this legislation was first considered in the House in June, I strongly supported and voted for the Democratic alternative which was presented by Congressman RANGEL of New York. That proposal called for a significant reduction in the rate of taxation of estates and a 50 percent increase in the small business exclusion. The Rangel proposal was a thoughtful and reasonable effort to deal with the legitimate concerns of small businesses and family farms, but it did not have the problems of the legislation which was being urged by the Republican majority.

When the Rangel substitute was defeated by the House, I nevertheless voted for the adoption of H.R. 8 in order to continue the legislative process. Initial Senate action was much closer to the Rangel substitute, and I expected a House-Senate Conference Committee to produce a bill that I could support.

Unfortunately, Mr. Speaker, the Senate simply accepted the flawed version of the bill as adopted by the House and did not make those changes that would improve the legislation. President Clinton was right to veto this bill, and I will vote to sustain that veto.

Mr. Speaker, I urge my colleagues in the Republican leadership of this House to work with the Democratic leadership and with the President to craft legislation that deals with the legitimate problems of estate taxation and that provides the relief small businesses need. We need to deal with legitimate problems with the federal estate tax, but this bill is clearly the wrong way to do that.

Mr. GILMAN. Mr. Speaker, I rise today in strong support of overriding the President's veto of H.R. 8, the death tax Elimination Act of 2000 and I urge my colleagues to lend this effort their support.

The estate tax is an outmoded policy that has long outlived its usefulness. Alternatively known as the death tax, this tax was instituted in 1916 to prevent too much wealth from congregating with the wealthy capitalist families in early 20th century America. Regrettably, the law failed in its original purpose, as the truly wealthy are always able to shelter their income with the help of tax attorneys that the middle-class cannot afford.

In recent years, the estate tax has been responsible for the death of 85% of American small business by the third generation. Furthermore, countless number of farms have had to be sold in order to pay an outrageously high estate tax, ranging as high as 55% of the farms assessed value.

By forcing the sale of such farmland to outside buyers, often commercial developers, the estate tax has been a major contributor to suburban sprawl and unchecked growth in my congressional district in southern New York.

The most indefensible point about the estate tax, however, is the cost associated with enforcing and collecting at 65 cents out of every dollar taken in.

Given this cost, as well as the fact that the assets taxed under the estate tax have often already been taxed several times, it makes no sense to continue this illogical practice. Family-owned small businesses certainly would do better without the tax, as would family farms that still operate from generation to generation.

Accordingly, I urge my colleagues to join in supporting this veto override.

Mr. BENTSEN. Mr. Speaker, I rise in opposition to the override of H.R. 8. I am disappointed that Congress has been incapable of passing a measure to provide fiscally sound estate tax relief that could be signed into law this year.

During consideration of H.R. 8, I supported the Rangel Substitute Amendment, legislation that would have immediately cut all estate tax rates by 20% immediately and would have eliminated any estate tax for more than half of the people with the smallest estates who otherwise would have to pay some estate tax. The special exclusion that applies to estates would be increased to $1.1 million in 2001, not 2006 as under current law. Moreover, under this measure, 99% of family-owned small businesses and farms would be exempted from estate tax by increasing the special exclusion to $4 million per couple for small businesses and family-owned farms. Thus, rather than applying to the top 2% of all estates, only the top 1% would be subject to any tax. The cost of this measure would be $22 billion over ten years.

Current law exempts from federal tax all estates up to $675,000 in 2000. This exemption will rise to $1,000,000 by 2006, with any federal estate tax applying only to the current value in excess of this amount. Estates in excess of the exemption are taxed at a marginal rate of between 18 and 55 percent. Furthermore, current law provides for closely-held, non-public businesses and farms to receive an exemption of $1.3 million before being subject to any federal estate tax. For estates owned by married couples, this exemption is $2.6 million. And, family farms are exempt from any tax for ten years, if the heirs continue to operate the farm. Estates passed onto a spouse are not subject to tax.

Complete repeal of the estate tax is skewed to give only the wealthiest 2% of families in America the largest tax cuts and would actually give less relief to smaller estates than the Democratic alternative for at least the first five years. Ninety-eight percent of Americans would see no benefit from H.R. 8, while 330 estates, valued at more than $20 million each, would see a tax benefit of approximately $10,530,850. It is a myth that H.R. 8 will enhance protections for small businesses and farms. Only about 3% of the total number of family-owned businesses and farms are subject to the estate tax according to the Treasury Department. It has been estimated that fewer than one in 20 farms will have to pay the estate tax upon the death of the owner. This is due, in large part to the passage in 1997 of the Taxpayer Relief Act (P.L. 105–34) which raised the effective deduction for qualified family-owned business interests to $1.3 million per individual, which exempts almost all family farms and small businesses. Moreover, the few businesses and farms that are subject to the estate tax can make payments in installments over fourteen years at below-market interest rates.

But, repeal of the estate tax will result in a revenue loss of $105 billion in the first ten years, rising to an annual loss of $50 billion by 2011 and the cost in the second ten years would be at least $750 billion. Thus, over twenty years, the total cost of H.R. 8, including extra interest, will be more than $1.0 trillion. Where does the Majority propose to make up the difference? How do they propose to pay for other priorities like Medicare, Social Security and improvements to education?

Mr. Speaker, here we are, in the waning days of this Congress, no closer to providing a prescription drug benefit in Medicare or a Patients' Bill of Rights and having done nothing to further strengthen Social Security or Medicare or eliminate the federal debt by 2012. As a member of the Budget Committee, I continue to advocate that Congress preserve the budget surplus and use it to pay off the national debt while strengthening Social Security. The $3.7 trillion dollar public debt is a tremendous burden on the economy. H.R. 8 jeopardizes our ability to protect Social Security and Medicare and pay down the national debt by creating a revenue loss, when executed, in excess of half a trillion dollars over ten years.

Mr. Speaker, I agree that there are many areas in our tax code warranting reform, including the estate tax, but to start here, with a repeal of tax that only affects the top 2% of all Americans is clearly not a correct priority. I have supported a plan to provide real relief, faster and more fiscally prudent. But, unfortunately, the Majority is more interested in sound bites than sound policy.

Mr. GARY MILLER of California. Mr. Speaker, I rise to urge my colleagues to override President's Clinton's nonsensical veto of H.R. 8, the "Death Tax Elimination Act."

Repealing the death tax would offer significant tax relief to working families and farmers throughout our nation. In my State of California, 80% of our economy's jobs are created as a direct result of small businesses. For these working Americans, H.R. 8 will ensure future prosperity for their families and the individuals their business employs.

In addition to being a financial burden, the death tax is morally wrong. Throughout our lives, we are taxed every time we turn on the light, flush the toilet, earn an income, and even when we die. Taxing one's estate—property which has been subject to property taxes, capital gains taxes, and purchased with net income—is nothing more than double taxation. How can we, the legislators of the freest country in the world, justify this?

Most importantly, our budget can afford this tax relief. Don't be fooled by the rhetoric coming from the other end of Pennsylvania Avenue. Even when combined with the marriage penalty tax relief, these two tax cuts represent only 2% of our surplus.

Losing a loved one is tough enough. Let's make the grieving process a little bit easier by taking the IRS out of the funeral.

Mrs. MINK of Hawaii. Mr. Speaker, I will vote to override the President's veto of H.R. 8, the Estate Tax bill not because I favor repeal of the estate tax, but to send a message to the Democratic and Republican leadership that both sides must work to strike a compromise and pass a bill to reform the estate tax.

Clearly the estate tax has a deleterious effect on successful persons who hope to pass along homes to their children. In my State of Hawaii, property values are highly inflated and properties which would not result in any estate tax on the mainland are subject to estate tax in Hawaii. In 1997, the last year for which statistics are available, 2.5 percent of estates in Hawaii were subject to Federal estate taxes, compared to only 1.9 percent nationwide.

When H.R. 8 was originally considered, I first voted for the Democratic substitute which would have raised the exemption to $4 million, lowered the tax rate and taken effect immediately. The Republican bill would not take full effect for ten years and it did nothing to lower rates. That is too long for many people.

We need to raise the exemption for estates to $4 million or more, lower the tax rate and make the changes effective immediately. There is plenty of room for compromise between the two positions. Both sides must compromise, the Democrats as well as the Republicans.

Mr. KIND. Mr. Speaker, I rise today to oppose, HR 8, the Estate Tax Repeal.

The Leadership has scheduled a vote to attempt to override the president's veto of H.R. 8 in hope that they can take the backdoor route to enact the first installment of their $2 trillion dollars of tax cuts that favor the wealthy over the working families. If this complete repeal of the estate taxes is adopted, it would provide $200 billion of tax relief to the wealthiest 400 individuals in this country. Not only is this not fair it will make it harder to meet our existing obligations such as paying off the 5–7 trillion dollar national debt, saving Social Security, investing in education and modernizing Medicare to provide a prescription drug benefit.

If the leadership were serious about providing estate tax relief to small businesses and family farms, they would have worked for a truly bipartisan estate tax that all members of

Congress would have supported and the president would have signed into law. There will be no estate tax relief, however, if the leadership is not willing to compromise.

With only 19 days remaining in this legislative session, why are we wasting our time debating a bill that benefits the few and prevents us from taking meaningful action on prescription drugs, a Patient's bill of Rights, school construction, and a modest increase in the minimum wage?

I believe we should provide relief to family farms and small businesses and that is why I supported the Rangel alternative that was offered during debate in July. This alternative would have provided fiscally responsible estate tax relief to all small business and family farms starting Jan. 1, 2001. Specifically, it would have immediately raised the special exclusion from the estate tax from $675,000 to $4 million for a couple owning a farm or small business and would have lowered the estate tax rates by 20% across the board.

Unfortunately, congressional leaders opposed this alternative and now continue to waste our time and the taxpayers money debating an estate tax bill that is doomed to fail, only to be used for political purposes during an election year.

Mr. Speaker, I hope we can still reach a compromise on tax relief. But we need sensible tax cuts that stay within a budget and go to working families. As Secretary Summers stated, "in this new era of surpluses, Congress faces profound economic choices that will affect all Americans. There is a strong case for targeted relief, but to put repeal ahead of increasing the minimum wage, putting in place a Patients' bill of Rights, giving tax relief for middle-income families, and strengthening Medicare and Social Security would be to sacrifice the economic interests of most Americans."

Mr. Speaker, I urge my colleagues to vote against H.R. 8. Any tax cut must be done in a fiscally responsible manner, and not derail the opportunity we have to reduce our large national debt, and prepare for our future obligations to our aging population.

Mr. WELDON of Florida. Mr. Speaker, I rise to express disappointment over Mr. Clinton's veto of the bipartisan bill to eliminate the death tax and vowed to work to override the veto once the bill is returned to the House for consideration. Death tax repeal legislation was passed in the House with a strong bipartisan vote (279–136) in June.

This bill would help working Americans who have built up family owned small businesses or family farms. I am pleased with the broad support this repeal legislation received across the political spectrum and I hope this will help us override this ill-advised veto.

The death tax unfairly forces many working families to sell the family businesses or a family farm just to pay the exorbitant taxes. This is a confiscatory tax that takes half of what someone has spent a lifetime building. When this bill becomes law, it will disinvite the Internal Revenue Service to the funeral.

Mr. Clinton and Mr. GORE have injected class warfare into this debate. But they must come to realize that this tax is burdensome to all small business owners, including many first generation minority-owned and women-owned businesses. Small business owners have spent years building up family businesses in the hopes of passing them down to their children. The death tax kills these dreams. It forces these families to completely start over.

Repealing this tax will also help preserve open spaces. As cities encroach on agricultural lands, the estate tax forces most of these families to sell the farm to developers in order to pay the death taxes. Passing the death tax repeal will help us preserve these open spaces.

According to the National Federation of Independent Businesses (NFIB), more than 70 percent of small businesses do not survive the second generation and 87 percent do not make it to the third generation. Sixty percent of small-business owners report that they would create new jobs over the coming year if estate taxes were eliminated.

Repealing this unfair tax would help preserve small businesses, farms, and open spaces. It would keep family businesses together. It would keep family farms in families. It would create new jobs. Let's pass this repeal.

Mr. SMITH of Texas. Mr. Speaker, the death tax really amounts to a double or triple tax. People have already paid a tax on the income they have earned and then they have paid a tax on any gains they have made from investments or interest they have earned from savings and then the death tax hits them again.

It's the wrong tax at the wrong time on the wrong people.

Opponents say repeal of the death tax is not necessary because it affects relatively few estates and there is an exemption for the first $675,000 of an estate. What they will not tell you is that any business with five or ten employees is usually worth more than that amount. And any farm or ranch that is relied upon by an individual as their sole source of income is going to be worth more than that amount, too.

Hard working Americans deserve to be able to leave on the results of their lifetime labor to their children or others. Small businesses and farms and ranches should not have to be sold simply because the owner passes away.

Mr. BLUMENAUER. Mr. Speaker, today's debate is really one of priorities and fiscal discipline, not the estate tax. There is no question that the inheritance tax is badly in need or reform. Since I came to Congress, I have supported increasing the exemption, adjustments for inflation, modification of rates, and protections for closely-held and family businesses. That approach would gain the support of the vast majority of my colleagues, and would also offer more immediate and more reliable relief than a phased-in repeal that could be halted at the first sign of economic trouble.

By contrast, the bill the President vetoed contained much less than met the eye—and much less than those who own businesses, woodlots and farms deserve. Far from offering predictability, certainly and immediate relief, this proposal promised only a roll of the dice, continuing current inequities over a ten-year period and inviting future freezes and reversals.

More fundamentally, since I have been in Congress, I have been dismayed by our eagerness to act on the problems of those who need help the least, while ignoring those who need help the most. We have put the needs of children, senior citizens and working families of modest means on hold. For example, congress has proposed repealing the "death tax" that affects a few hundred of America's wealthiest people, but has done nothing to address the "life tax" that affects the poorest of the 1.6 million people—22 percent of America's elderly—in nursing homes. They cannot receive assistance with their nursing home costs, which run $46,000 on average, unless they "spend down" their non-housing assets to less than $2,000. This policy imposes financial hardship on the most vulnerable before they die—300,000 people in 1998 alone—and in some cases exacts on extraordinary cruel emotional toll, as when long-married couples are counseled to seek divorce.

Congress has done nothing to help the 1/3 of our poorest senior citizens who have not prescription drug coverage and pay the highest drug prices in the world. Nor has Congress addressed the health insurance needs of 11 million uninsured children. A study by the Oregon Center for Public Policy found that, despite an extraordinarily strong economy, working Oregonians were basically no better off than they had been ten or 20 years ago. One in seven working families with children is poor, and one in nine faces hunger at some point during the year.

This is part of a huge tax reduction that makes it harder to meet our long-term priorities while ignoring the needs of most American families. I do not believe that anyone should ever have to sell a family business because a principal has died. Nor do I believe that elderly Americans should have to divorce their spouses in order to afford a nursing home, or that parents should have to choose between providing food or health care for their children. If Congress acts responsibly, we can solve these problems. The President is correct in resisting a series of tax cuts that favor those who need help the least until there is equal attention to the plight of those who need our help the most.

Mr. KNOLLENBERG. Mr. Speaker, the Estate tax is one of the most egregious examples of bad tax policy in Washington. It's unfair, unseemly and economically unsound. Under the guise of making the rich pay their fair share, the death tax has a negative impact on the economy and hurts ordinary Americans. Ironically, those most affected by the death tax are not the wealthy, who have resources to shelter their assets as well as incentive to simply spend their wealth while they are alive but family owned businesses.

The death tax is one of the major reasons businesses don't survive because owners are forced to sell their businesses in order to pay the tax. Less than half of all family owned businesses survive the death of a founder and only 5% survive to the third generation.

The death tax forces businesses to divert money from productive uses such as capital investment and job creation to estate planning. Sixty percent of small businesses owners report they would create new jobs over their coming year if estate taxes were eliminated.

With the nation's savings rate at a record low, we should be encouraging savings, not punishing it. Americans should not be taxed for working hard to pass their wealth on to their children so that they may have a better life. This legislation will help the American people and the American economy. I urge the President to reconsider and sign this bill into law.

Mr. BEREUTER. Mr. Speaker, this Member rises today to oppose the veto override of H.R. 8, the Estate Tax Elimination Act of 2000. This Member does not support the complete repeal of the Federal inheritance tax for the wealthiest Americans—billionaires and mega-millionaires.

On June 9, 2000, this Member voted for H.R. 8 based on his desire to move the inheritance tax reform process forward by dramatically increasing the Federal inheritance tax exemption level. In this Member's statement in the CONGRESSIONAL RECORD on June 9, 2000, he indicated that if a conference report did not change from the House-passed bill, this Member would vote no. But, of course, the Senate passed the House bill, and there was no conference report. Accordingly, this Member has given his word in writing that he would not vote for such a bill to become law. This Member cannot break his promise to his constituents.

If the Presidential veto is sustained, it is this Member's hope that meaningful legislation could be passed this year which would increase dramatically the exemption level to the Federal inheritance tax and would also provide a reduction in Federal inheritance tax rates for all those who pay this tax whether they are subject to the highest inheritance tax rate (55%) or the lowest inheritance tax rate (18%).

This Member is a long-term advocate of inheritance tax reduction, especially in regard to protecting small businesses and family farms and ranches. This Member believes that inheritance taxes unfortunately do adversely and inappropriately affect Nebraskan small business and family farms and ranches when they attempt to pass this estate from one generation to the next.

Accordingly, to demonstrate this Member's very real support for inheritance tax reform, this Member supported the Taxpayer Relief Act if 1997 which passed on July 31, 1997. This Act phased-in an increase in the unified credit exemption from the current level of $675,000 to $1.0 million in 2006. Also, it provided an immediate exclusion of $1.3 million (not in addition to the broader exclusion) for a limited variety of eligible closely-held family farms and businesses.

At the current time, this Member does not support the complete elimination of inheritance taxes. It would be a great political error and controversy to eliminate the inheritance tax on people like Steve Forbes or other billionaires or mega-millionaires. Also, it would discourage some of the largest of the charitable contributions and the establishment of charitable foundations. The benefits of these foundations to American society are invaluable. Our universities and colleges, too, would see a very marked reduction in the gifts they receive if the inheritance tax on the wealthiest Americans was totally eliminated. Despite the legal talents the super-rich can afford, such an inheritance tax change would have major consequence. The total elimination of the inheritance tax is a bad idea.

This Member's past vote for this legislation was a demonstration of his desire to move the inheritance tax reform process forward by increasing dramatically the exemption level to the Federal inheritance tax. There is overwhelming support among his constituents for this kind of reform.

It is important to remind constituents that Congress did pass into law the Taxpayer Relief Act of 1997, with this Member's support. This Act phased-in an increase in the unified credit exemption from the current 2000 level of $675,000 to $1.0 million in 2006. Also, it provided an immediate exclusion of $1.3 million (not in addition to the broader exclusion) for a limited variety of eligible closely-held family farms and businesses.

Specifically, this Member does not support repealing the inheritance tax, with the final step completed in this legislation to zero percent inheritance tax from the year 2009 to the year 2010 as proposed. Instead, this Member prefers the Ewing approach which he enthusiastically supports. This Member is an original cosponsor of H.R. 4112 which was introduced by the distinguished gentleman from Illinois (Mr. Ewing) on March 29, 2000. This measure (H.R. 4112) would immediately increase the Federal inheritance tax exemption from a rate of $675,000 to $5 million and would then increase this exemption annually over the next three years until it reaches a total of $10 million in 2003. After reaching the $10 million level in 2003, the exemption would be indexed annually thereafter to account for inflation. Essential inheritance tax relief is provided by H.R. 4112 for even wealthy business and farm families. This Member is even willing to raise the exemption level beyond $10 million to, for example, $15 million.

By the way, most Nebraskans pay more state inheritance taxes than Federal inheritance or estate taxes so Nebraskans should also consider pushing for reductions or reforms in their state taxes.

Again, Mr. Speaker, for the aforementioned reasons, this Member rises today to oppose the veto override of H.R. 8, the Estate Tax Elimination Act of 2000.

Mr. PAUL. Mr. Speaker, I am pleased to rise in support of the Social Security Tax Relief Act (H.R. 4865). By repealing the 1993 tax increase on Social Security benefits, Congress will take a good first step toward eliminating one of the most unfair taxes imposed on seniors: the tax on Social Security benefits.

Eliminating the 1993 tax on Social Security benefits has long been one of my goals in Congress. In fact, I introduced legislation to repeal this tax increase in 1997, and I am pleased to see Congress acting on this issue. I would remind my colleagues that the justification for increasing this tax in 1993 was to reduce the budget deficit. Now, President Clinton, who first proposed the tax increase, and most members of Congress say the deficit is gone. So, by the President's own reasoning, there is no need to keep this tax hike in place.

Because Social Security benefits are financed with tax dollars, taxing these benefits is yet another incidence of "double taxation." Furthermore, "taxing" benefits paid by the government is merely an accounting trick, a "shell game" which allows members of Congress to reduce benefits by subterfuge. This allows Congress to continue using the Social Security trust fund as a means of financing other government programs and mask the true size of the federal deficit.

Mr. Speaker, the Social Security Tax Relief Act, combined with our action earlier this year to repeal the earnings limitation, goes a long way toward reducing the burden imposed by the Federal Government on senior citizens. However, I hope my colleagues will not stop at repealing the 1993 tax increase, but will work to repeal all taxes on Social Security benefits. I am cosponsoring legislation to achieve this goal, H.R. 761.

Congress should also act on my Social Security Preservation Act (H.R. 219), which ensures that all money in the Social Security Trust Fund is spent solely on Social Security. When the government takes money for the Social Security Trust Fund, it promises the American people that the money will be there for them when they retire. Congress has a moral obligation to keep that promise.

In conclusion, Mr. Speaker, I urge my colleagues to help free senior citizens from oppressive taxation by supporting the Social Security Benefits Tax Relief Act (H.R. 4865). I also urge my colleagues to join me in working to repeal all taxes on Social Security benefits and ensuring that moneys from the Social Security trust fund are used solely for Social Security and not wasted on frivolous government programs.

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, the previous question is ordered.

There was no objection

The SPEAKER pro tempore. The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

Under the Constitution, this vote must be determined by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 274, nays 157, not voting 4, as follows:

[Roll No. 458]

YEAS—274

Abercrombie
Aderholt
Andrews
Archer
Armey
Bachus
Baird
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner

Bonilla
Bono
Boswell
Boucher
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
Delahunt
DeLay
DeMint
Diaz-Balart
Dickey
Dooley
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)

Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Holt
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Klink
Knollenberg
Kolbe
Kuykendall
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
Martinez
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Mink
Mollohan
Moore
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering

Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wise
Wolf
Young (FL)

NAYS—157

Ackerman
Allen
Baca
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Bereuter
Berman

Blumenauer
Bonior
Borski
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capuano
Cardin
Carson

Clay
Clyburn
Conyers
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette

DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Filner
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich

LaFalce
Lantos
Larson
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Moakley
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett

Pomeroy
Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schakowsky
Scott
Serrano
Sherman
Slaughter
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Taylor (MS)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Woolsey
Wu
Wynn

NOT VOTING—4

Greenwood
Jefferson

Vento
Young (AK)

□ 1602

Ms. KAPTUR and Mr. HILLIARD changed their vote from "yea" to "nay."

Mr. FORD changed his vote from "nay" to "yea."

So, two-thirds not having voted in favor thereof, the veto of the President was sustained and the bill was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LAHOOD). The message and the bill is referred to the Committee on Ways and Means.

The Clerk will notify the Senate of the action of the House.

MAKING IN ORDER A MOTION TO SUSPEND THE RULES ON TODAY

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent to authorize the Speaker to entertain a motion to suspend the rules and pass H.R. 4844 today.

The SPEAKER pro tempore (Mr. WALDEN of Oregon). Is there any objection to the request of the gentleman from Pennsylvania?

There was no objection.

RAILROAD RETIREMENT AND SURVIVORS' IMPROVEMENT ACT OF 2000

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4844) to modernize the financing of the railroad retirement system and to provide enhanced benefits to employees and beneficiaries, as amended.

The Clerk read as follows:

H.R. 4844

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Railroad Retirement and Survivors' Improvement Act of 2000".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title: table of contents.

TITLE I—AMENDMENTS TO RAILROAD RETIREMENT ACT OF 1974

Sec. 101. Expansion of widow's and widower's benefits.
Sec. 102. Retirement age restoration.
Sec. 103. Vesting requirement.
Sec. 104. Repeal of railroad retirement maximum.
Sec. 105. Investment of railroad retirement assets.
Sec. 106. Elimination of supplemental annuity account.
Sec. 107. Transfer authority revisions.
Sec. 108. Annual ratio projections and certifications by the Railroad Retirement Board.

TITLE II—AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986

Sec. 201. Amendments to the Internal Revenue Code of 1986.
Sec. 202. Exemption from tax for Railroad Retirement Investment Trust.
Sec. 203. Repeal of supplemental annuity tax.
Sec. 204. Employer, employee representative, and employee tier 2 tax rate adjustments.

TITLE I—AMENDMENTS TO RAILROAD RETIREMENT ACT OF 1974

SEC. 101. EXPANSION OF WIDOW'S AND WIDOWER'S BENEFITS.

(a) IN GENERAL.—Section 4(g) of the Railroad Retirement Act of 1974 is amended by adding at the end the following new subdivision:

"(10)(i) If for any month the unreduced annuity provided under this section for a widow or widower is less than the widow's or widower's initial minimum amount computed pursuant to paragraph (ii) of this subdivision, the unreduced annuity shall be increased to that initial minimum amount. For the purposes of this subdivision, the unreduced annuity is the annuity without regard to any deduction on account of work, without regard to any reduction for entitlement to an annuity under section 2(a)(1) of this Act, without regard to any reduction for entitlement to a benefit under title II of the Social Security Act, and without regard to any reduction for entitlement to a public service pension pursuant to sections 202(e)(7), 202(f)(2), or section 202(g)(4) of the Social Security Act.

"(ii) For the purposes of this subdivision, the widow or widower's initial minimum amount is the amount of the unreduced annuity computed at the time an annuity is awarded to that widow or widower, except that—

"(A) in subsection (g)(1)(i) '100 per centum' shall be substituted for '50 per centum'; and

"(B) in subsection (g)(2)(ii) '130 per centum' shall be substituted for '80 per centum' both places it appears.

"(iii) If a widow or widower who was previously entitled to a widow's or widower's annuity under section 2(d)(1)(ii) of this Act becomes entitled to a widow's or widow's annuity under section 2(d)(1)(i) of this Act, a new initial minimum amount shall be computed at the time of award of the widow's or widower's annuity under section 2(d)(1)(i) of this Act.”.

(b) Effective Date.—

(1) Generally.—The amendment made by this section shall take effect January 1, 2001 and shall apply to annuity amounts accruing for months after December 2000 in the case of annuities awarded on or after that date and in the case of annuities awarded before that date if the annuity amount under section 4(g) of the Railroad Retirement Act was computed under section 4(g), as amended by Public Law 97-35.

(2) Special rule for annuities awarded before January 1, 2001.—In applying the amendments made by this section to annuities awarded before January 1, 2001, the calculation of the initial minimum amount under new section 4(g)(10)(ii) of the Act shall be made as of the date of award of the widow's or widower's annuity.

SEC. 102. RETIREMENT AGE RESTORATION.

(a) Employee Annuities.—Section 3(a)(2) of the Railroad Retirement Act of 1974 is amended by inserting after “(2)” the following: “For purposes of this subsection, individuals entitled to an annuity under section 2(a)(1)(ii) of this Act shall, except for the purposes of recomputations in accordance with section 215(f) of the Social Security Act, be deemed to have attained retirement age (as defined by section 216(l) of the Social Security Act).”.

(b) Spouse and Survivor Annuities.—Section 4(a)(2) of the Railroad Retirement Act of 1974 is amended by striking “if an” and all that follows through “section 2(c)(1) of this Act” and inserting “a spouse entitled to an annuity under section 2(c)(1)(ii)(B) of this Act”.

(c) Conforming Repeals.—Sections 3(a)(3), 4(a)(3), and 4(a)(4) of the Railroad Retirement Act are repealed.

(d) Effective Dates.—

(1) Generally.—Except as provided in paragraph (2), the amendments made by this section shall apply to annuities that begin to accrue on or after January 1, 2001.

(2) Exception.—The amount of the annuity provided for a spouse under section 4(a) shall be computed under section 4(a)(3), as in effect before the date of the enactment of this section, if the annuity amount provided under section 3(a) for the individual on whose employment record the spouse annuity is based was computed under section 3(a)(3), as in effect before the date of the enactment of this section.

SEC. 103. VESTING REQUIREMENT.

(a) Certain Annuities for Individuals.—Section 2(a) of the Railroad Retirement Act of 1974 is amended—

(1) by inserting in subdivision (1) “or, for purposes of paragraphs (i), (iii), and (v), five years of service, all of which accrues after December 31, 1995,” after “ten years of service”, and

(2) by adding at the end the following:

“(4) An individual who is entitled to an annuity under paragraph (v) of subdivision (1), but who does not have at least ten years of service, shall, prior to the month in which the individual attains age 62, be entitled only to an annuity amount computed under section 3(a) of this Act (without regard to section 3(a)(2) of this Act) or section 3(f)(3) of this Act. Upon attainment of age 62, such an individual may also be entitled to an annuity amount computed under section 3(b), but such annuity amount shall be reduced for early retirement in the same manner as if the individual were entitled to an annuity under section 2(a)(1)(iii).”.

(b) Computation Rule for Individuals' Annuities.—Section 3(a) of the Railroad Retirement Act of 1974, as amended by section 102 of this Act, is further amended by adding at the end the following new subdivision:

“(3) If an individual entitled to an annuity under section 2(a)(1)(i) or (iii) of this Act on the basis of less than ten years of service is entitled to a benefit under section 202(a), section 202(b), or section 202(c) of the Social Security Act which began to accrue before the annuity under section 2(a)(1)(i) or (iii) of this Act, the annuity amount provided such individual under this subsection, shall be computed as though the annuity under this Act began to accrue on the later of (A) the date on which the benefit under section 202(a), section 202(b), or section 202(c) of the Social Security Act began or (B) the date on which the individual first met the conditions for entitlement to an age reduced annuity under this Act other than the conditions set forth in sections 2(e)(1) and 2(e)(2) of this Act and the requirement that an application be filed.”.

(c) Survivors' Annuities.—Section 2(d)(1) of the Railroad Retirement Act of 1974 is amended by inserting “or five years of service, all of which accrues after December 31, 1995,” after “ten years of service”.

(d) Limitation on Annuity Amounts.—Section 2 of the Railroad Retirement Act of 1974 is amended by adding at the end the following:

“(i) An individual entitled to an annuity under this section who has completed five years of service, all of which accrues after 1995, but who has not completed ten years of service, and the spouse, divorced spouse, and survivors of such individual, shall not be entitled to an annuity amount provided under section 3(a), section 4(a), or section 4(f) of this Act unless the individual, or the individual's spouse, divorced spouse, or survivors, would be entitled to a benefit under the Social Security Act on the basis of the individual's employment record under both the Railroad Retirement Act and the Social Security Act.”.

(e) Computation Rule for Spouses' Annuities.—Section 4(a) of the Railroad Retirement Act of 1974, as amended by section 102 of this Act, is further amended by adding at the end the following new subdivision:

“(3) If a spouse entitled to an annuity under section 2(c)(1)(ii)(A), section 2(c)(1)(ii)(C), or section 2(c)(2) of this Act or a divorced spouse entitled to an annuity under section 2(c)(4) of this Act on the basis of the employment record of an employee who will have completed less than 10 years of service is entitled to a benefit under section 202(a), section 202(b), or section 202(c) of the Social Security Act which began to accrue before the annuity under section 2(c)(1)(ii)(A), section 2(c)(1)(ii)(C), section 2(c)(2), or section 2(c)(4) of this Act, the annuity amount provided under this subsection shall be computed as though the annuity under this Act began to accrue on the later of (A) the date on which the benefit under section 202(a), section 202(b), or section 202(c) of the Social Security Act began or (B) the first date on which the annuitant met the conditions for entitlement to an age reduced annuity under this Act other than the conditions set forth in sections 2(e)(1) and 2(e)(2) of this Act and the requirement that an application be filed.”.

(f) Application Deeming Provision.—Section 5(b) of the Railroad Retirement Act of 1974 is amended by striking the second sentence and inserting the following: “An application filed with the Board for an employee annuity, spouse annuity, or divorced spouse annuity on the basis of the employment record of an employee who will have completed less than ten years of service shall be deemed to be an application for any benefit to which such applicant may be entitled under this Act or section 202(a), section 202(b), or section 202(c) of the Social Security Act. An application filed with the Board for an annuity on the basis of the employment record of an employee who will have completed ten years of service shall, unless the applicant specified otherwise, be deemed to be an application for any benefit to which such applicant may be entitled under this Act or title II of the Social Security Act.”.

(g) Crediting Service Under the Social Security Act.—Section 18(2) of the Railroad Retirement Act of 1974 is amended—

(1) by inserting “or less than five years of service, all of which accrues after December 31, 1995,” after “ten years of service” every place it occurs; and

(2) by inserting “or five or more years of service, all of which accrues after December 31, 1995,” after “ten or more years of service”.

(h) Automatic Benefit Eligibility Adjustments.—Section 19 of Railroad Retirement Act of 1974 is amended—

(1) by inserting “or five or more years of service, all of which accrues after December 31, 1995,” after “ten years of service” in subsection (c); and

(2) by inserting “or five or more years of service, all of which accrues after December 31, 1995,” after “ten years of service” in subsection (d)(2).

(i) Conforming Amendments.—

(1) Section 6(e)(1) of the Railroad Retirement Act of 1974 is amended by inserting “or five or more years of service, all of which accrues after December 31, 1995,” after “ten years of service”.

(2) Section 7(b)(2) of the Railroad Retirement Act of 1974 is amended by inserting “or five or more years of service, all of which accrues after December 31, 1995,” after “ten years of service”.

(3) Section 205(i) of the Social Security Act is amended by inserting “or five or more years of service, all of which accrues after December 31, 1995,” after “ten years of service”.

(j) Effective Date.—The amendments made by this section shall take effect January 1, 2001.

SEC. 104. REPEAL OF RAILROAD RETIREMENT MAXIMUM.

(a) Employee Annuities.—Section 3(f) of the Railroad Retirement Act of 1974 is amended by striking paragraph (1).

(b) Spouse and Survivor Annuities.—Section 4 of the Railroad Retirement Act of 1974 is amended by striking subsection (c).

(c) Effective Date.—The amendments made by this section shall be effective January 1, 2001, and shall apply to annuity amounts accruing for months after December 2000.

SEC. 105. INVESTMENT OF RAILROAD RETIREMENT ASSETS.

(a) Establishment of Railroad Retirement Investment Trust.—Section 15 of the Railroad Retirement Act of 1974 is amended by inserting after subsection (i) the following:

“(j) Railroad Retirement Investment Trust.—

“(1) Establishment.—The Railroad Retirement Investment Trust (hereinafter in this subsection referred to as the ‘Trust’) is hereby established. The Trust shall manage and invest the assets of the Railroad Retirement Trust Fund (hereinafter in this section referred to as the “Fund”, which is hereby established as a trust organized in the District of Columbia and shall, to the extent not inconsistent with this Act, be subject to the laws of the District of Columbia applicable to such trusts.

“(2) NOT A FEDERAL AGENCY OR INSTRUMENTALITY.—The Trust is not a department, agency, or instrumentality of the Government of the United States and shall not be subject to title 31, United States Code.

“(3) BOARD OF TRUSTEES.—

“(A) GENERALLY.—The Trust shall have a Board of Trustees, consisting of 7 members, each appointed by a unanimous vote of the Railroad Retirement Board. The Railroad Retirement Board may remove any member so appointed by unanimous vote. Of the 7 members, 3 shall represent the interests of labor, 3 shall represent the interests of management, and 1 shall represent the interests of the general public. The members of the Board of Trustees shall not be considered officers or employees of the Government of the United States.

“(B) QUALIFICATIONS.—Members of the Board of Trustees shall be appointed only from among persons who have experience and expertise in the management of financial investments and pension plans. No member of the Railroad Retirement Board shall be eligible to be a member of the Board of Trustees.

“(C) TERMS.—Except as provided in this subparagraph, each member shall be appointed for a 3-year term. The initial members appointed under this paragraph shall be divided into 3 equal groups so nearly as may be, of which one group will be appointed for a 1-year term, one for a 2-year term, and one for a 3-year term. A vacancy in the Board of Trustees shall not affect the powers of the Board of Trustees and shall be filled in the same manner as the selection of the member whose departure caused the vacancy. Upon the expiration of a term of a member of the Board of Trustees, that member shall continue to serve until a successor is appointed.

“(4) POWERS OF THE BOARD OF TRUSTEES.—The Board of Trustees shall—

“(A) retain independent advisers to assist it in the formulation and adoption of its investment guidelines;

“(B) retain independent investment managers to invest the assets of the Fund in a manner consistent with such investment guidelines;

“(C) invest assets in the Fund, pursuant to the policies adopted in subparagraph (A);

“(D) pay administrative expenses of the Fund and the Trust from the money in the Fund; and

“(E) transfer money to the disbursing agent to pay benefits payable under this Act from money in the Fund and administrative expenses related to those benefits.

“(5) REPORTING REQUIREMENTS AND FIDUCIARY STANDARDS.—The following reporting requirements and fiduciary standards shall apply with respect to the Railroad Retirement Trust and the Railroad Retirement Trust Fund (and the assets held in such Trust Fund):

“(A) DUTIES OF THE BOARD OF TRUSTEES.—The Railroad Retirement Trust and each member of the Board of Trustees shall discharge their duties with respect to the assets of the Fund solely in the interest of the Railroad Retirement Board and through it, the participants and beneficiaries of the programs funded under this Act—

“(i) for the exclusive purpose of—

“(I) providing benefits to participants and their beneficiaries; and

“(II) defraying reasonable expenses of administering the functions of the Trust; .

“(ii) with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims;

“(iii) by diversifying investments so as to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so; and

“(iv) in accordance with Trust governing documents and instruments insofar as such documents and instruments are consistent with this Act.

“(B) PROHIBITIONS WITH RESPECT TO MEMBERS OF THE BOARD OF TRUSTEES.—No member of the Board of Trustees shall—

“(i) deal with the assets of the Fund in the trustee's own interest or for the trustee's own account;

“(ii) in an individual or in any other capacity act in any transaction involving the assets of the Fund on behalf of a party (or represent a party) whose interests are adverse to the interests of the Trust, the Fund, the Railroad Retirement Board, or the interests of participants or beneficiaries; or

“(iii) receive any consideration for the trustee's own personal account from any party dealing with the assets of the Fund.

“(C) EXCULPATORY PROVISIONS AND INSURANCE.—Any provision in an agreement or instrument that purports to relieve a trustee from responsibility or liability for any responsibility, obligation or duty under this Act shall be void: *Provided, however,* That nothing shall preclude—

“(i) the Trust from purchasing insurance for its trustees or for itself to cover liability or losses occurring by reason of the act or omission of a trustee, if such insurance permits' recourse by the insurer against the trustee in the case of a breach of a fiduciary obligation by such trustee;

“(ii) a trustee from purchasing insurance to cover liability under this section from and for his own account; or

“(iii) an employer or an employee organization from purchasing insurance to cover potential liability of one or more trustees with respect to their fiduciary responsibilities, obligations, and duties under this section.

“(D) BONDING.—Every trustee and every person who handles funds or other property of the Fund (hereafter in this subsection referred to as ‘Trust official’) shall be bonded. Such bond shall provide protection to the Fund against loss by reason of acts of fraud or dishonesty on the part of any Trust official, directly or through the connivance of others, and shall be in accordance with the following:

“(i) The amount of such bond shall be fixed at the beginning of each fiscal year of the Trust by the Railroad Retirement Board. Such amount shall not be less than 10 percent of the amount of the funds handled. In no case shall such bond be less than $1,000 nor more than $500,000, except that the Railroad Retirement Board, after consideration of the record, may prescribe an amount in excess of $500,000, subject to the 10 per centum limitation of the preceding sentence.

“(ii) It shall be unlawful for any Trust official to receive, handle, disburse, or otherwise exercise custody or control of any of the funds or other property of the Fund without being bonded as required by this subsection and it shall be unlawful for any Trust official, or any other person having authority to direct the performance of such functions, to permit such functions, or any of them, to be performed by any Trust official, with respect to whom the requirements this subsection have not been met.

“(iii) It shall be unlawful for any person to procure any bond required by this subsection from any surety or other company or through any agent or broker in whose business operations such person has any control or significant financial interest, direct or indirect.

“(E) AUDIT AND REPORT.—

“(i) The Trust shall annually engage an independent qualified public accountant to audit the financial statements of the Fund.

“(ii) The Trust shall submit an annual management report to the Congress not later than 180 days after the end of the Trust's fiscal year. A management report under this subsection shall include—

“(I) a statement of financial position;

“(II) a statement of operations;

“(III) a statement of cash flows;

“(IV) a statement on internal accounting and administrative control systems;

“(V) the report resulting from an audit of the financial statements of the Trust conducted under subparagraph (E)(i); and

“(VI) any other comments and information necessary to inform the Congress about the operations and financial condition of the Trust and the Fund.

“(iii) The Trust shall provide the President, the Railroad Retirement Board, and the Director of the Office of Management and Budget a copy of the management report when it is submitted to Congress.

“(F) ENFORCEMENT.—The Railroad Retirement Board may bring a civil action—

“(i) to enjoin any act or practice by the Railroad Retirement Investment Trust, its Board of Trustees or its employees or agents that violates any provision of this Act; or

“(ii) to obtain other appropriate relief to redress such violations, or to enforce any provisions of this Act.

“(6) RULES AND ADMINISTRATIVE POWERS.—The Board of Trustees shall have the authority to make rules to govern its operations, employ professional staff, and contract with outside advisers to provide legal, accounting, investment advisory or other services necessary for the proper administration of this subsection. In the case of contracts with investment advisory services, compensation for such services may be on a fixed contract fee basis or on such other terms and conditions as are customary for such services.

“(7) QUORUM.—Five members of the Board of Trustees constitute a quorum to do business. Investment guidelines must be adopted by a unanimous vote of the entire Board of Trustees. All other decisions of the Board of Trustees shall be decided by a majority vote of the quorum present. All decisions of the Board of Trustees shall be entered upon the records of the Board of Trustees.”.

(b) CONFORMING AND TECHNICAL AMENDMENTS GOVERNING INVESTMENTS.—Subsection 15(e) of the Railroad Retirement Act of 1974 is amended—

(1) beginning in the first sentence, by striking “, the Dual Benefits Payments Account” and all that follows through “may be made only” in the second sentence and inserting “and the Dual Benefits Payments Account as are not transferred to the Railroad Retirement Investment Trust as the Board may determine”;

(2) by striking “the Second Liberty Bond Act, as amended” and inserting “chapter 31 of title 31”; and

(3) by striking "the foregoing requirements" and inserting "the requirements of this subsection".

(c) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this section.

SEC. 106. ELIMINATION OF SUPPLEMENTAL ANNUITY ACCOUNT.

(a) Source of Payments.—Section 7(c)(1) of the Railroad Retirement Act of 1974 is amended by striking "payments of supplemental annuities under section 2(b) of this Act shall be made from the Railroad Retirement Supplemental Account, and".

(b) Elimination of Account.—Section 15(c) of the Railroad Retirement Act of 1974 is repealed.

(c) In General.—Section 15(a) of the Railroad Retirement Act of 1974 is amended by striking ", except those portions of the amounts covered into the Treasury under sections 3211(b)," and all that follows through the end of the subsection and inserting a period.

(d) Effective Date.—The amendments made by this section shall take effect January 1, 2001, except that the Railroad Retirement Supplemental Account shall continue to exist until the transfer authorized by the following sentence occurs. As soon as possible after December 31, 2000, the Board shall determine the balance in the Railroad Retirement Supplemental Account and shall direct the Secretary of the Treasury to transfer such amount to the Railroad Retirement Trust Fund and the Secretary shall make such transfer.

SEC. 107. TRANSFER AUTHORITY REVISIONS.

(a) Railroad Retirement Account.—Section 15 of the Railroad Retirement Act of 1974 is amended by adding after subsection (j) the following:

"(k) Transfers to the Fund.—The Board shall, upon establishment of the Railroad Retirement Trust Fund and from time to time thereafter, direct the Secretary of the Treasury to transfer, in such manner as will maximize the investment returns to the Railroad Retirement system, that portion of the Railroad Retirement Account that is not needed to pay current administrative expenses of the Board to the Railroad Retirement Trust Fund. The Secretary shall make that transfer.".

(b) Railroad Retirement Trust Fund.—Section 15 of the Railroad Retirement Act of 1974, as amended by subsection (a), is further amended by adding after subsection (k) the following:

"(l) Railroad Retirement Trust Fund.—The Railroad Retirement Trust shall from time to time transfer to the disbursing agent described in section 7(b)(4) such amounts as may be necessary to pay benefits under this Act (other than benefits paid from the Social Security Equivalent Benefit Account or the Dual Benefit Payments Account).".

(c) Social Security Equivalent Benefit Account.—Section 15A(d)(2) of the Railroad Retirement Act of 1974 is amended to read as follows:

"(2) Upon establishment of the Railroad Retirement Trust Fund and from time to time thereafter, the Board shall direct the Secretary of the Treasury to transfer, in such manner as will maximize the investment returns to the Railroad Retirement system, the balance of the Social Security Equivalent Benefit Account not needed to pay current benefits required to be paid from that Account to the Railroad Retirement Trust Fund, and the Secretary shall make that transfer. Any balance transferred under this paragraph shall be used by the Railroad Retirement Trust only to pay benefits under this Act or to purchase obligations of the United States that are backed by the full faith and credit of the United States pursuant to chapter 31 of title 31, United States Code. The proceeds of sales of, and the interest income from, such obligations shall be used by the Trust only to pay benefits under this Act.".

(2) Transfers to disbursing agent.—Section 15A(c)(1) of the Railroad Retirement Act of 1974 is amended by adding at the end the following: "The Secretary shall from time to time transfer to the disbursing agent under section 7(b)(4) amounts necessary to pay those benefits.".

(3) Conforming amendment.—Section 15A(d)(1) of the Railroad Retirement Act of 1974 is amended by striking the second and third sentences.

(d) Dual Benefits Payments Account.—Section 15(d)(1) of the Railroad Retirement Act of 1974 is amended by adding at the end the following: "The Secretary of the Treasury shall from time to time transfer from the Dual Benefits Payments Account to the disbursing agent under section 7(b)(4) amounts necessary to pay benefits payable from that Account.".

(e) Certification by the Board and Payment.—Paragraph (4) of section 7(b) of the Railroad Retirement Act of 1974 is amended to read as follows:

"(4)(A) The Railroad Retirement Board, after consultation with the Board of Trustees of the Railroad Retirement Trust and the Secretary of the Treasury, shall enter into an arrangement with a nongovernmental financial institution to serve as disbursing agent for benefits payable under this Act who shall disburse consolidated benefits under this Act to each recipient.

"(B) The Board shall from time to time certify—

"(i) to the Secretary of the Treasury the amounts required to be transferred from the Social Security Equivalent Benefit Account and the the Dual Benefits Payments Account to the disbursing agent to make payments of benefits and the Secretary of the Treasury shall transfer those amounts;

"(ii) to the Board of Trustees of the Railroad Retirement Investment Trust the amounts required to be transferred from the Railroad Retirement Investment Trust to the disbursing agent to make payments of benefits and the Board of Trustees shall transfer those amounts; and

"(iii) to the disbursing agent the name and address of each individual entitled to receive a payment, the amount of such payment, and the time at which the payment should be made.".

(f) Benefit Payments.—Section 7(c)(1) of the Railroad Retirement Act of 1974 is amended—

(1) by striking "from the Railroad Retirement Account" and inserting "by the disbursing agent under subsection (b)(4) from money transferred to it from the Railroad Retirement Trust Fund or the Social Security Equivalent Benefit Account, as the case may be"; and

(2) by inserting "by the disbursing agent under subsection (b)(4) from money transferred to it" after "Public Law 93-445 shall be made".

(g) Transitional Rule for Existing Obligation.—In making transfers under subsections (a) and (c), the Board shall consult with the Secretary of the Treasury to design an appropriate method to transfer obligations held as of the date of enactment or to convert such obligations to cash prior to transfer. The Railroad Retirement Trust may hold to maturity any obligations so received or may redeem them prior to maturity, as the Trust deems appropriate.

SEC. 108. ANNUAL RATIO PROJECTIONS AND CERTIFICATIONS BY THE RAILROAD RETIREMENT BOARD.

(a) Projections.—Section 22(a)(1) of the Railroad Retirement Act of 1974 is amended—

(1) by adding the following sentence after the first sentence: "On or before May 1 of each year beginning in 2002, the Railroad Retirement Board shall compute its projection of the account benefits ratio and the average account benefits ratio (as defined by section 3241(c) of the Internal Revenue Code of 1986) for each of the next succeeding five fiscal years."; and

(2) by striking "the projection prepared pursuant to the preceding sentence" and inserting "the projections prepared pursuant to the preceding two sentences".

(b) Certifications.—The Railroad Retirement Act of 1974 is amended by adding at the end the following:

"COMPUTATION AND CERTIFICATION OF ACCOUNT BENEFIT RATIOS

"Sec. 23. (a) On or before November 1, 2002, the Railroad Retirement Board shall—

"(1) compute the account benefits ratios for each of the most recent 10 preceding fiscal years, and

"(2) certify the account benefits ratios for each such fiscal year to the Secretary.

"(b) On or before November 1 of each year after 2002, the Railroad Retirement Board shall—

"(1) compute the account benefits ratio for the fiscal year ending in such year, and

"(2) certify the account benefits ratio for such fiscal year to the Secretary.

"(c) Definition.—As used in this section, the term 'account benefit ratio' has the meaning given that term in section 3241(c) of the Internal Revenue Code of 1986.".

TITLE II—AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986

SEC. 201. AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.

Except as otherwise provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 202. EXEMPTION FROM TAX FOR RAILROAD RETIREMENT INVESTMENT TRUST.

Subsection (c) of section 501 is amended by adding at the end the following new paragraph:

"(28) The Railroad Retirement Investment Trust established under section 15(j) of the Railroad Retirement Act of 1974."

SEC. 203. REPEAL OF SUPPLEMENTAL ANNUITY TAX.

(a) Repeal of Tax on Employee Representatives.—Section 3211 is amended by striking subsection (b).

(b) Repeal of Tax on Employers.—Section 3221 is amended by striking subsections (c) and (d).

(c) Effective Date.—The amendments made by this section shall apply to calendar years beginning after December 31, 2000.

SEC. 204. EMPLOYER, EMPLOYEE REPRESENTATIVE, AND EMPLOYEE TIER 2 TAX RATE ADJUSTMENTS.

(a) Rate of Tax on Employers.—Subsection (b) of section 3221 is amended to read as follows:

"(b) Tier 2 Tax.—

"(1) IN GENERAL.—In addition to other taxes, there is hereby imposed on every employer an excise tax, with respect to having individuals in his employ, equal to the applicable percentage of the compensation paid during any calendar year by such employer for services rendered to such employer.

"(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the term 'applicable percentage' means—

"(A) 15.6 percent in the case of compensation paid during 2001,

"(B) 14.2 percent in the case of compensation paid during 2002, and

"(C) in the case of compensation paid during any calendar year after 2002, the percentage determined under section 3241 for such calendar year.".

(b) RATE OF TAX ON EMPLOYEE REPRESENTATIVES.—Section 3211, as amended by section 203, is amended by striking subsection (a) and inserting the following new subsections:

"(a) TIER 1 TAX.—In addition to other taxes, there is hereby imposed on the income of each employee representative a tax equal to the applicable percentage of the compensation received during any calendar year by such employee representative for services rendered by such employee representative. For purposes of the preceding sentence, the term 'applicable percentage' means the percentage equal to the sum of the rates of tax in effect under subsections (a) and (b) of section 3101 and subsections (a) and (b) of section 3111 for the calendar year.

"(b) TIER 2 TAX.—

"(1) IN GENERAL.—In addition to other taxes, there is hereby imposed on the income of each employee representative a tax equal to the applicable percentage of the compensation received during any calendar year by such employee representatives for services rendered by such employee representative.

"(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the term 'applicable percentage' means—

"(A) 14.75 percent in the case of compensation received during 2001.

"(B) 14.20 percent in the case of compensation received during 2002, and

"(C) in the case of compensation received during any calendar year after 2002, the percentage determined under section 3241 for such calendar year.

"(c) CROSS REFERENCE.—

"For application of different contribution bases with respect to the taxes imposed by subsections (a) and (b), see section 3231(e)(2).".

(c) RATE OF TAX ON EMPLOYEES.—Subsection (b) of section 3201 is amended to read as follows:

"(b) TIER 2 TAX.—

"(1) IN GENERAL.—In addition to other taxes, there is hereby imposed on the income of each employee a tax equal to the applicable percentage of the compensation received during any calendar year by such employee for services rendered by such employee.

"(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the term 'applicable percentage' means—

"(A) 4.90 percent in the case of compensation received during 2001 or 2002, and

"(B) in the case of compensation received during any calendar year after 2002, the percentage determined under section 3241 for such calendar year.".

(d) DETERMINATION OF RATE.—Chapter 22 is amended by adding at the end thereof the following new subchapter:

"Subchapter E—Tier 2 Tax Rate Determination

"Sec. 3241. Determination of tier 2 tax rate based on average account benefits ratio.

"SEC. 3241. DETERMINATION OF TIER 2 TAX RATE BASED ON AVERAGE ACCOUNT BENEFITS RATIO.

"(a) IN GENERAL.—For purposes of sections 3201(b), 3211(b), and 3221(b), the applicable percentage for any calendar year is the percentage determined in accordance with the table in subsection (b).

"(b) TAX RATE SCHEDULE.—

Average account benefits ratio		Applicable percentage for sections 3211(b) and 3221(b)	Applicable percentage for section 3201(b)
At least	But less than		
	2.5	22.1	4.9
2.5	3.0	18.1	4.9
3.0	3.5	15.1	4.9
3.5	4.0	14.1	4.9
4.0	6.1	13.1	4.9
6.1	6.5	12.6	4.4
6.5	7.0	12.1	3.9
7.0	7.5	11.6	3.4
7.5	8.0	11.1	2.9
8.0	8.5	10.1	1.9
8.5	9.0	9.1	0.9
9.0		8.2	0

"(c) DEFINITIONS RELATED TO DETERMINATION OF RATES OF TAX.—

"(1) AVERAGE ACCOUNT BENEFITS RATIO.—For purposes of this section, the term 'average account benefits ratio' means, with respect to any calendar year, the average determined by the Secretary of the account benefits ratios for the 10 most recent fiscal years ending before such calendar year. If the amount determined under the preceding sentence is not a multiple of 0.1, such amount shall be increased to the next highest multiple of 0.1.

"(2) ACCOUNT BENEFITS RATIO.—For purposes of this section, the term 'account benefits ratio' means, with respect to any fiscal year, the amount determined by the Railroad Retirement Board by dividing the fair market value of the assets in the Railroad Retirement Account and of the Railroad Retirement Investment Trust (and for years before 2001, the Social Security Equivalent Benefits Account) as of the close of such fiscal year by the total benefits and administrative expenses paid from the Railroad Retirement Account and the Railroad Retirement Investment Trust during such fiscal year.

"(d) NOTICE.—No later than December 1 of each calendar year, the Secretary shall publish a notice in the Federal Register of the rates of tax determined under this section which are applicable for the following calendar year.".

(e) CONFORMING AMENDMENTS.—

(1) Section 24(d)(3)(A)(iii) is amended by striking "section 3211(a)(1)" and inserting "section 3211(a)".

(2) Section 72(r)(2)(B)(i) is amended by striking "section 3211(a)(2)" and inserting "section 3211(b)".

(3) Paragraphs (2)(A)(iii)(II) and (4)(A) of section 3231(e) is amended by striking "3211(a)(1)" and inserting "3211(a)".

(4) Section 3231(e)(2)(B)(ii)(I) is amended by striking "3211(a)(2)" and inserting "3211(b)".

(5) The table of subchapters for chapter 22 is amended by adding at the end the following new item:

"Subchapter E. Tier 2 tax rate determination.".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years beginning after December 31, 2000.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent to yield 5 minutes of my time to the gentleman from Michigan (Mr. SMITH) and that he be allowed to control said time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent to yield 5 minutes of my time to the gentleman from Michigan (Mr. SMITH) for the purposes of yielding time to others, as well for the purposes of managing 5 minutes.

Mr. SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The SPEAKER pro tempore. The gentleman from Michigan will control 10 minutes.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of this bipartisan measure which represents the most comprehensive modernization of the railroad retirement system in nearly two decades.

The bill is also the fruit of an arduous 2-year labor-management negotiating process, followed by consideration in two different committees of the House. I particularly want to commend on the Committee of Transportation and Infrastructure our ranking member, the gentleman from Minnesota (Mr. OBERSTAR); the gentleman from Wisconsin (Mr. PETRI), chairman of the Subcommittee on Ground Transportation; and the gentleman from West Virginia (Mr. RAHALL), the ranking member, who have all provided very able and diligent assistance in putting this package together.

I also want to acknowledge and commend the bipartisan efforts of the Committee on Ways and Means leadership. Specifically, we could not be poised to pass such important legislation today without the work of the gentleman from Texas (Chairman ARCHER); the gentleman from New York (Mr. RANGEL), the ranking member; the gentleman from Florida (Mr. SHAW), the subcommittee chairman; and the gentleman from California (Mr. MATSUI), the subcommittee ranking member. Both committees have shown that they can pull together to produce a major reform package such as this one.

I will not attempt to detail the very complex bill here today, only to touch on some of the highlights. Reducing the pension retirement age to 60 with

30 years of service; providing for full inheritance of pension annunities by surviving spouses and cutting the vesting requirement in half to put it on the same 5-year basis with most other pension plans. While increasing benefits, this bill allows for payroll tax reductions, based on the performance of the underlying trust fund. Having a professionally managed investment portfolio will allow railroad retirees to benefit from returns comparable to those available in other pension plans.

I want to stress, Mr. Speaker, that this legislation in no way prejudges whatever decision this Congress might make with regard to Social Security reform. This bill is addressed only to the pension or the Tier II part of railroad retirement. Tier I, the railroad counterpart of Social Security, is not touched in any way.

From a fiscal standpoint, when we apply common sense to this bill, it is assuring a sound and prosperous future for railroad retirement. First, it creates an automatic tax adjustment mechanism so that the payroll tax rates can float up or down reflecting the performance of the pension assets.

Secondly, this automatic adjustment mechanism is structured to assure a minimum of 4 years of benefit reserves.

Third, by diversifying the investment of the Tier II pension assets, it helps both rail workers and employers grow their retirement fund more rapidly than is permitted under current law.

Mr. Speaker, this bill is a win for all, for railroad workers, for railroad retirees, for the railroads that provide a key part of our transport network and for the taxpayer, through enhanced fiscal soundness of the railroad retirement system. I strongly urge its approval.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself 6 minutes.

The legislation before us, Mr. Speaker, will bring substantial benefits to the more than 1 quarter million men and women who work on America's railroads and the more than 700,000 retirees and survivors of retired railroad workers. At the same time, this legislation allows for a significant reduction in the payroll taxes paid by the Nation's railroads.

It is a win for railroads. It is a win for railroad labor. It is a win for retirees.

I want to compliment our chairman, the gentleman from Pennsylvania (Mr. SHUSTER), for the splendid work that he has done and the cooperation extended across the aisle, as we have done so often on so many issues in our committee.

Once again, we have brought a very contentious issue to fruition, through the committee process, through collaboration and cooperation and working out something that is in the best public interest.

I want to thank our ranking member on our side, the gentleman from West Virginia (Mr. RAHALL), for his leadership and working together with railroad labor railroads and the gentleman from Illinois (Mr. LIPINSKI) for the work that he did in previous years as the ranking member on the Subcommittee on Railroads and for his continued interest in and support of this issue and many other Members on our side and on the Republican side who have worked so hard to bring us to this point.

This point is an historic agreement reached by railroad labor and management after 2 years of very tough negotiations. The benefit improvements and tax cuts are made possible by changing current law that limits the investment of railroad retirement trust fund assets to only government securities.

The proposed changes govern how railroad retirement trust fund assets can be invested. The changes will not affect the solvency of the railroad retirement system. The Tier I portion, which is Social Security benefits, will continue to be invested only in government securities.

Tier II, the part of the system that offers pension plan type benefits above the Social Security benefit levels, will be eligible for investment in assets other than government securities. The projected increase in trust fund income from these changes are based on fairly conservative forecasts of the rates of return that can be earned from such a diversified portfolio, about 2 percentage points above the return on government securities.

Most importantly, if those investments fail to perform as well as expected, workers' pensions are further protected as this legislation and in the agreement that underlies the legislation which requires that the railroads absorb any future tax increase that might be necessary to keep this system solvent. Ultimately, the Federal Government continues to be responsible for the security of the railroad retirement system.

This legislation offers the first major benefit improvements in the railroad retirement program in more than 25 years.

Just a few of the improvements, and I will cite the primary benefits.

First, the age at which employees can retire with full benefits is reduced from 62 to 60 years with 30 years of service.

Second, the number of years required for vesting in the railroad retirement system is reduced from 10 years to 5 years.

Third, the benefit of widows and widowers will be expanded.

Fourth, the limits on certain Tier II annuities are repealed.

Fifth, the bill calls for automatic future improvements if the retirement plan becomes overfunded.

The bill allows for railroads' payroll taxes for Tier II benefits to decline from the current level of 16.1 percent to 13.1 percent. By the third year following passage of the bill, the railroads stand to gain nearly $400 million a year from lower payroll taxes. These savings go directly to the railroads' bottom lines, can be used to make the investments they need in improving railroad infrastructure and to improve the wages and working conditions of railway workers.

It is important for us to point out that nothing in the legislation alters the fundamental nature of the railroad retirement program. Benefits will continue to be guaranteed in the final analysis by the Federal Government. This is a good bill. It is good for workers. It is good for retirees. It is good for their survivors. It is good for the railroads and for the national economy. I urge all Members to give it their support.

Mr. Speaker, I reserve the balance of my time.

☐ 1615

Mr. SMITH of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think the question before us is should we delve into using taxpayer money to, if you will, bail out a private pension retirement plan for railroad workers.

Let me just quote some of the facts developed by our Committee on the Budget, four reasons that Members should oppose this bill.

Number one may be the most important as far as the American taxpayers are concerned. The Committee on the Budget says it will cost $33 billion of taxpayer money over the next 10 years. This bill increases benefits and reduces contributions to the Railroad Retirement System by $7 billion over the next 10 years.

In addition, it allows the Railroad Retirement System to cash in $15 billion in government bonds now held by the railroad industry pension fund. These actions will reduce the budget surplus, thereby increasing the Government's interest costs by $13 billion over that time period. The net cost to U.S. taxpayers, including the offset, therefore, is $33 billion.

Again, with all of the pension plans in this country, many of them facing difficulty and insolvency as life spans continue to increase, it reminds me of some of the problems with Social Security. Social Security has some of the exact same problems as the railroad retirement pension plan.

Let me give the second reason suggested by the Committee on the Budget staff. This bill maintains a special subsidy available to no other industry. Under current law, income taxes paid by railroad retirees on their retirement benefits are transferred to the Railroad

Retirement System. Therefore, they do not pay the taxes. This subsidy, which is available to no other industry, will cost taxpayers more than $5 billion.

Number three, it allows the Railroad Retirement System to really raid Social Security. I ask my colleagues to consider the fact that Social Security is becoming insolvent, it is insolvent, and this bill in effect takes some of that Social Security solvency additionally away.

This bill allows the transfer of funds from the railroad retirement Social Security equivalent benefit account to the Social Security retirement trust fund. This transfer will result in Social Security funds being used to pay railroad retirement benefits.

Number four, I think it sets a bad precedent for Social Security reform. Instead of creating personal accounts with individual ownership and control over these accounts, this bill creates a government-appointed board to invest in the stock market on a collective basis. Under collective investments, there is no way to guarantee younger workers that they would receive any of the higher returns earned by the Government with their investment.

So, number one, we are bailing out to the tune of $33 billion, according to the staff of the Committee on the Budget; number two, we are having government go into the business of investing those funds, and I think both precedents are dangerous as we look at Social Security.

Let me quote some information from the Congressional Research Service: "This Railroad Retirement and Survivors Improvement Act," as it is called, "proposes a number of substantive changes."

Number one, the bill would increase benefits for widows and widowers of railroad employees. It would lower the minimum age at which workers with 30 years of employment are eligible for those benefits. So we reduce the requirement for benefits while we ask the American taxpayer to bail them out, using some Social Security money. Something is wrong with this legislation as a precedent, as a way to solve a problem that the railroad retirees have. How many private pension funds do we really want to go into? Government got mixed up in it. It is quasi-governmental.

Mr. Speaker, at this time, so I will have some time to react to other statements, 10 minutes out of the 40 minutes is given against the bill, which I think reflects some of the positive votes as it moved through two separate committees, I will reserve the balance of my time.

Mr. Speaker, I reserve the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before I yield to my good friend from the Committee on Ways and Means, I want to emphasize that of the $33 billion that my good friend from Michigan talks about, the overwhelming majority of that money is paid for by the employers and the employees.

This is a self-financing trust fund. The only part which is not is $6 billion over 10 years, which is transferred simply from government securities to private investment funds, and indeed I should think anybody who believes in the market and in free enterprise and entrepreneurialism would be in support of doing that, because it is going to generate more money.

So to say that this is going to cost the taxpayers this money is simply not accurate, in my judgment.

Mr. Speaker, I am pleased to yield 5 minutes to the distinguished gentleman from Florida (Mr. SHAW).

Mr. SHAW. Mr. Speaker, I thank the chairman for yielding me this time.

The Railroad Retirement and Survivors Improvement Act makes important changes to the Railroad Retirement System that will enhance benefits, increase the industry's responsibility over its pension system, and set the stage for more substantial reforms in the future that would make the program a free-standing pension plan.

The Railroad Retirement System is divided into two tiers: The first tier resembles Social Security, and the second tier resembles a defined benefit employer pension plan. The second tier is very unique. It resembles a private pension plan, but it is administered by the Federal Government. Benefits are entitled under Federal law. The legislation before us today deals primarily with the second tier, the industry's pension plan.

H.R. 4844 makes many improvements to the industry's pension. First, it allows the industry to diversify its assets portfolio by investing in private securities. There is not one single private or state pension system out there today that invests 100 percent of its assets in Treasury bills.

Secondly, it allows the industry to invest its pension contributions outside of the Federal Government and outside the Government's control.

Third, the proposal increases the industry's responsibility over the financial soundness of its pension plan. In the past, when the system ran into financial trouble, the Government had to bail the program out. Under this bill, there is a mechanism which automatically adjusts the industry's taxes if the program gets into trouble. The responsibility and the investment risk falls on the industry. It does not fall upon the taxpayer.

Finally, this legislation takes important steps towards converting the system into a freestanding industry pension plan outside of Federal jurisdiction. Under this bill, the second tier of the Railroad Retirement System becomes more like any other defined benefit employer plan or State pension plan. Its assets are invested in private securities outside of the Treasury, it is governed by a board of trustees who are bound by fiduciary principles similar to ERISA, and also benefit checks are no longer paid by the Treasury.

In closing, I would like to emphasize that the benefit changes and the tax changes made by this bill are paid for within the Railroad Retirement System. The Railroad Retirement System is a self-financing program. Like Social Security, it is entirely financed with dedicated payroll taxes on workers and employers and the taxes that retirees pay on the benefits. The costs of this plan are borne by the Railroad Retirement System, not by the taxpayer.

Mr. Speaker, I would like to add here in answer to comments by the gentleman from Michigan (Mr. SMITH) that the budgetary impact is primarily due to the fact that these Treasury bills are being cashed in in order to make these investments. That does have a budgetary impact. But the budgetary impact really is minimal, because we will be saving in future years the interest that the Treasury has paid. And it is doing something else; it is retiring much of the public debt that the Federal Government owes, which is something that I think both parties at least say that they support, and I certainly do.

Mr. Speaker, I would urge my colleagues to support this piece of bipartisan legislation. I would like to say this was a rare situation where we found ourselves in the enviable position of reaching out and crossing the aisle to our friends in the Democrat Party. It was also quite an experience seeing the industry and the unions coming together to ask for these changes. Moreover this bill is a good thing for the United States taxpayers.

Let me also add that during the debate today, certain questions have been raised about the budgetary effects of this bill. With this statement, I am submitting a response to these concerns. Again, I urge my colleagues to join me in support of this legislation.

RESPONSE TO CONCERNS

1. The bill increases railroad retirement benefits, reduces railroad payroll taxes, and allows the industry to cash in the government bonds in their Trust Fund. These changes will cost taxpayers $20.8 bill over 10 years ($33 billion when interest is included).

The Railroad Retirement system is a self-financing system—just like Social Security. It is paid for with dedicated payroll taxes and taxes that retirees pay on their benefits. The cost of the tax cuts and benefit increases contained in this bill does not fall on the general taxpayer. The cost is wholly paid for with taxes levied on railroad workers, railroad employers, and railroad retirees.

The proposal allows the Railroad Retirement system to invest in private-sector securities. This means that most of the Treasury securities currently held in the Railroad Retirement

Account must be redeemed so they can be transferred to an independent account outside of Treasury. This one-time cost of redeeming the Treasury securities will be borne by taxpayers. However, this is money that the General Fund owes the Railroad Retirement system. It reflects past surpluses that the government has borrowed from the system and must now repay.

2. The proposal will reduce the budget surplus by $20.8 billion and increase the government's interest costs.

The bill reduces the on-budget surplus because the Railroad Retirement system is an on-budget program. As a result, any changes to the system will affect the on-budget surplus—just like changes to Social Security affect the off-budget surplus.

The bill would not increase the government's interest costs. In fact, the Treasury securities in the Railroad Retirement Account are part of the total government debt. Once they are redeemed, the total government debt will fall, and so will the associated interest payments.

3. The bill maintains a special subsidy available to no other industry. Under current law, the income taxes paid by railroad retirees on their retirement benefits are transferred to the Railroad Retirement system instead of the U.S. Treasury. This subsidy costs taxpayers nearly $6 billion.

This is not a subsidy, and it doesn't cost taxpayers anything. The tax is not paid by the general taxpayer—it is paid by railroad retirees. Appropriately, the revenues from the tax go back to the Railroad Retirement system instead of the General Fund of the Treasury. In the same vein, the taxes that seniors pay on their Social Security benefits go back to the Social Security Trust Fund instead of the General Fund.

4. ERISA standards were designed to ensure that companies properly funded their pension plans. However, the railroad industry has a $39.7 billion unfunded liability. Instead of moving toward a funded system, this bill allows the Railroad Industry to enjoy lower taxes and higher benefits now in exchange for higher taxes or lower benefits in the future.

The Railroad Retirement system is not subject to ERISA, and it is not a funded system. Instead, it is a pay-as-you-go system where annual tax revenues are used to pay annual benefits. The trust fund balances in the Railroad Retirement Account are currently large enough to pay more than 5 years worth of benefits. This is considered quite high for a pay-as-you-go system. That's why the system can afford to cut taxes and pay higher benefits.

Although the system can afford these changes in the short run, it may not be able to afford them over time. As a result, the proposal includes a provision that allows the tax rate to adjust each year based on the system's funding situation. For the first time ever, the burden of maintaining the system's solvency will fall on the railroad industry—not the general taxpayer.

Many experts and commissions have recommended that the Railroad Retirement system should be converted into a fully-funded system covered by ERISA. However, it would be very difficult to take this step without the industry's support. This bill is a step in the right direction because it puts the mechanisms in place to move toward a free-standing pension plan outside of federal jurisdiction. If this bill is enacted, the system would resemble a private pension plan, making it much easier to make the transition in the future.

5. The bill will reduce the solvency of the Railroad Retirement system.

Under current law, the Railroad Retirement system is solvent over 75 years under optimistic and intermediate assumptions. The actuaries of the Railroad Retirement Board have certified that the system remains solvent for 75 years under the provisions of this bill.

6. The bill sets a bad precedent for Social Security reform—instead of creating personal accounts with individual ownership and control, this bill creates a government-appointed board to invest in the stock market on a collective basis.

This proposal primarily affects the second tier of the Railroad Retirement system—the part that resembles a private employer pension plan. Because this bill mostly deals with the industry pension, not the Social Security equivalent, the changes made by this bill cannot (and should not) translate to the Social Security program. After all, Social Security is a social insurance program—it is not a pension plan.

Mr. OBERSTAR. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. MATSUI), the ranking member on the Subcommittee on Social Security of the Committee on Ways and Means.

Mr. MATSUI. Mr. Speaker, I would like to thank the gentleman from Minnesota, the ranking Democrat on the Committee on Transportation and Infrastructure, for yielding this time.

I would like to commend both the gentleman from Pennsylvania (Mr. SHUSTER), the gentleman from Minnesota (Mr. OBERSTAR), obviously my colleague and chairman of the Subcommittee on Social Security (Mr. SHAW), and other Members who have been working on this legislation.

This legislation is supported and sponsored by the Association of American Railroads, which are all the railroads in the United States, along with 60 percent of the membership of the railroad labor unions. In my opinion, it took years and years to put together, and for Members to vote this down now would be tragic, because this would have an impact on 254,000 current employees of the industry, and over 700,000 families and individuals that are currently retired. This helps widows and widowers, who will have a $300 increase in benefits, and it will reduce the age of retirement from 62 to 60, the change we made in 1983, and we now need to go back to age 60. So in terms of benefits to the employees and to the industry, this is tremendous.

The reason that there is a cost, as the gentleman from Michigan (Mr. SMITH) has raised, as I think the gentleman from Florida (Mr. SHAW) has indicated, there is a one-time cost, because what we are doing is we are bringing in government bonds to allow the Tier II part of the system to be invested in the private equity market.

That is not a violation of Social Security or anything like that. All that is for, that is like a private defined benefit pension. Tier I programs are like Social Security. Tier II is like a private pension system. Frankly, it is the only pension system that the Federal Government operates, because of a historic relationship with the railroad industry and obviously with the employees. So the $15 billion will be paid down over time. It will not be a continuing obligation to the Federal Government.

Secondly, we received a letter dated the 18th of July, 2000, from Steven Goss, the deputy chief actuary of the Social Security system, to Harry Ballentine, the chief actuary; and in this letter it indicates that there is no impact at all on the Social Security trust fund. So the gentleman from Michigan may want to read this letter, who made the allegation that this would diminish the Social Security trust fund. It will have no impact at all, according to the actuaries.

We must pass this legislation. This is legislation that will help the railroads, and also it will help the employees and current beneficiaries and retirees.

Mr. SMITH of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, may I ask of the chairman and yield for the answer, when it came out of the Committee on Ways and Means, my understanding was that there was a 4.3 cent tax on diesel fuel for railroads. Is that reduction still in the bill?

Mr. SHUSTER. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Michigan. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Speaker, that is not included in this bill. This is a clean railroad retirement reform bill. There is no tax treatment in there.

Mr. SMITH of Michigan. Mr. Speaker, reclaiming my time, to help pay for it, it was my understanding when this bill went through the Committee on Ways and Means, they put a 4.3 cent tax on the diesel fuel used by railroads, and somehow in this clean bill it is no longer there.

□ 1630

If the gentleman will continue to yield, oh, no, that has nothing to do with it, I would say to my good friend. It was several years ago as part of the deficit reduction package of 1993 that that tax was placed.

Mr. SMITH of Michigan. Is the gentleman saying, Mr. Speaker, that the 4.3 cents was not in the bill in the Committee on Ways and Means?

Mr. SHUSTER. The original Committee on Ways and Means bill did have the 4.3 cent reduction in it.

Mr. SMITH of Michigan. Reclaiming my time, Mr. Speaker, since I am short on time, let me just emphasize again that a bill of this magnitude should not be going through on suspension. It should have a full debate, because the consequences, if it is not $33 billion if we do not include the interest, then at least look at the CBO scoring that says $20 billion.

This legislation has been sort of promoted as a bipartisan agreement with overwhelming support by both rail management and rail labor. Why have they agreed so easily? I think the answer is because American taxpayers are footing the bill. Again, CBO has scored the cost at $20 billion.

Let me go through some of the facts. The Railroad Retirement System already has an unfunded liability of $39.7 billion. It is a pension fund in trouble. So with three retirees in the railroad industry, with three retirees for every worker, why would we go to the extent of not only reducing the taxes and contributions they pay in, but increasing the benefits they get out?

So we increase the benefits, we reduce the age for eligibility. Here again it seems to me that it only can be this kind of solution if we reach into the pockets of the American taxpayers. The industry would need to increase contributions from 21 percent of wages to 31 percent of wages for the next 30 years to cover this shortfall.

Accurate accounting shows that the industry has received at least $85 billion more in benefits than it has paid in contributions. The rail industry has for many years, of course, received special government subsidies that are available to no other industry. Just to mention one, under current law, income taxes paid by rail retirees do not go to the U.S. Treasury. They are instead transferred to the Railroad Retirement System, costing taxpayers over $5 billion. The government also currently pays the cost of Amtrak's social security contributions, costing taxpayers another $150 million a year.

This kind of cost, this kind of implication, of precedent, should be going through this Chamber with a full debate and not through a special suspension calendar.

Let me just briefly comment in my closing minutes on specifically what the bill does. It repeals a 26.5 cent per hour employee contribution to supplemental annuities, it reduces employer contributions from the current 16.1 percent to 14.2 percent, and it expands benefits for widows and widowers. It reduces the vesting requirement from 10 to 5 years. It repeals the current gap on payment of earned benefits. Six, it reduces the minimum retirement age to 60 years old.

Mr. Speaker, I reserve the balance of my time.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Wisconsin (Mr. PETRI), chairman of the Subcommittee on Ground Transportation.

Mr. PETRI. Mr. Speaker, I thank the chairman for yielding time to me.

Mr. Speaker, I rise in support of the bill before us, the Railroad Retirement and Survivors' Improvement Act of 2000. H.R. 4844 will increase benefits for widows and widowers of railroad retirees, and lower the vesting period from 10 years to 5 years, which is more consistent with private industry plans. It will also restore the retirement age from age 62 with 30 years of service to age 60 with 30 years of service.

Mr. Speaker, this is an excellent bill with advantages for both labor and management as well as for the general taxpayer. I urge my colleagues to support H.R. 4844.

Mr. OBERSTAR. Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Michigan. Mr. Speaker, I reserve the balance of my time.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from New York (Mr. QUINN).

Mr. QUINN. Mr. Speaker, I want to take a minute to thank everybody who has been involved in this process: the gentleman from Pennsylvania (Mr. SHUSTER), the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Florida (Mr. SHAW), the gentleman from California (Mr. MATSUI), the gentleman from Wisconsin (Mr. PETRI), and many others not on the floor today, the gentleman from Illinois (Speaker HASTERT) being one.

I can remember back in July where many of us went to the Speaker to talk to him about the importance of this bill to try to get it on the calendar. While he is not on the floor discussing it today, I think he and others on both sides of the aisle played a huge role in getting us here today.

I did not rise to talk about the specifics of today's bill because whenever we talk about pension and pension plans we can get a little bit complicated. We have people on both sides of the aisle who have worked this issue. We have people like the gentleman from Florida (Mr. SHAW), who has worked with rail labor and others who understood the problems.

I rose today, this afternoon, just to talk a little bit about the fact that we have been at it now for almost 2 years, Mr. Chairman, talking about discussion, talking about compromise, talking about meeting each other halfway. We are about doing something that is good for a lot of people this afternoon, retirees, and some who will retire. Coming from a railroad family, my father put on 35 years on the South Buffalo Railroad back home.

There is a section here that talks about widows and widowers. This has been a patently and basically unfair rule for too many years, that just because a railroad worker dies, that pension for the widow or widower remains sometimes cut by two-thirds. In the meantime, that same family has the same mortgage bills and heating bills and taxes and prescriptions and all those other bills that come and go day-to-day, week-to-week, year-to-year.

I think more than anything else, Mr. Speaker, we are here to talk about righting some wrongs, doing the fair thing for railroad workers all across the country. I enthusiastically support H.R. 4844, and ask all of our colleagues on both sides of the aisle to do the same thing this afternoon.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, not to oversimplify this issue, but to put it in very plain terms, there is more money being collected in taxes from workers in railroads than is necessary to pay out benefits under the current system.

The agreement reached does equity for both the railroads and the workers. The railroads, on the one hand, get money they can invest in improving their infrastructure, rolling stock, and trackage, and the workers—specifically retirees, widows and widowers, get benefits that they would not otherwise receive. That is what this is all about.

I want to point out that there was not 100 percent agreement between rail management and rail labor. Just after the agreement was reached, representatives of those labor unions, the majority, that supported the agreement and those labor unions, the minority, that opposed it, asked for my support, each on their terms, to support their viewpoint.

I felt it would be in everyone's best interests if rail labor were united in support of the agreement. So in attempting to reach a consensus with all of rail labor, the gentleman from West Virginia (Mr. RAHALL) and I made a proposal to rail labor which we then made to rail management to improve the benefit package.

We recognized we could not radically alter the agreement, but hoped to make the proposal more palatable to those who opposed it. Specifically, we suggested that the railroad companies allow workers to retire at age 58 with actuarially reduced benefits, but with full medical coverage until the employees become eligible for Medicare at age 65.

Today, rail employees can retire at age 60 with reduced benefits. They are not eligible for medical coverage until age 61. We thought we had made a reasonable, modest proposal. It was considered deliberately by railroad management, but unfortunately, we could not get the parties on both sides to agree to coalesce around this change.

In the end, having made that effort, I concluded that this was the best package that could be negotiated under the circumstances.

Most of rail labor is in support of this legislative package. It is good for both sides. It is a great improvement for retirees. The legislation ought to go forward. We ought to approve it in this body today. I, of course, give it my full and strong support.

Mr. Speaker, enacting H.R. 4844 will bring substantial benefits to the more than one quarter million men and women who work on America's railroads and the 700,000 retirees and survivors of retired railroad workers. At the same time the bill allows for a significant reduction in the payroll taxes paid by U.S. railroads. This is clearly a win-win proposition for railroads, railroad labor, retired railroad workers and their survivors.

This bill is the product of an historic agreement reached by railroad labor and management following two years of often-difficult negotiations. The benefit improvements that the two sides agreed upon are made possible by changing the current law that limits the investment of Railroad Retirement Trust Fund assets to government securities. Railroad retirement is a two-tiered system: Tier I largely mimics the Social Security system in terms of taxes and benefits, while Tier II provides additional benefits and might be considered the equivalent of a defined benefit employee pension plan. Tier II benefits are financed by a combination of a 4.9 percent payroll tax on employees and a 16.1 percent payroll tax on employers.

Analysis provided by the Railroad Retirement Board's actuary demonstrates that the proposed changes should not affect the solvency of the Railroad Retirement system. The Tier I portion of the program will continue to be invested only in government securities as has long been the case and is appropriate for the social safety net. Only Tier II funds will be eligible for investment in assets other than government securities. The expected improvement in income to the trust fund is based on a fairly conservative projection of the rates of return on such a diversified portfolio—about two percentage points above the return on government securities. In addition, if the investments fail to perform as well as expected, workers' pensions are further protected as the legislation requires that the railroads absorb any future tax increases that might be necessary to keep the system solvent.

This legislation provides the first major benefit improvements to retired railroad workers and their dependents in more than 25 years. The primary improvements are:

(1) Lower retirement age. The age at which employees can retire with full benefits is reduced from 62 years to 60 years with 30 years of service. Today, employees who retire at age 60 or 61 have their annuity permanently reduced by taking 20 percent or more off the Tier I benefit. The annuities of their spouses are also reduced. Lowering the age to 60 actually restores railroad workers to the retirement age that existed before adjustments made back in 1983 to shore up the program's solvency.

(2) Fewer years for vesting. the number of years required for vesting in the Railroad Retirement System is reduced from ten to five years. This change puts the Railroad Retirement System in line with the pension plans of most other industries.

(3) Expanded benefits for widows and widowers. Under current Social Security Law, a widow or widower of a deceased worker receives the full amount of the retirement benefit previously paid to the retiree. In contrast, a widow or widower of a deceased railroad worker is eligible for 100 percent of the Tier I benefit, but only 50 percent of the late retiree's Tier II benefit. The surviving spouse often experiences a dramatic reduction in income at a time when life has already been made more difficult. Under the proposed change, the surviving spouse's annuity would be guaranteed to be no less than the amount the retiree was receiving in the month before death.

(4) Cap on benefits eliminated. Currently, there is a statutory limit on the initial benefit amount that can be paid to an employee. This limit is computed under a complex formula based on the employee's highest two years of Railroad Retirement and Social Security earnings during the 10-year period immediately before retirement.

This limitation has proved to be unintentionally harsh in two situations. The first involves employees whose lifetime pattern of earnings deteriorated in their last 10 years before retirement due, for example, to job loss or part-time employment.

The second situation involves employees with long railroad careers at modest compensation levels. The Tier II benefit amount is computer under a formula that takes into consideration not only an employee's compensation level, but also length of service. Thus, employees with modest earnings can build up their Tier II benefits through may years of rail service. Because the cap takes into consideration only their modest pre-retirement earnings and completely ignores their long years of service, these employees may have their benefit reduced upon retirement.

Under this legislation, the cap would be repealed for both new and preciously awarded annuities.

(5) Automatic future improvements should the retirement plan become overfunded. Should the plan's assets become greater than an amount deemed necessary by the Railroad Retirement Board to pay benefits, employees and the railroads will be able to use the surplus on a 50–50 basis to improve benefits and lower taxes. H.R. 4844 also reduces significantly the payroll taxes paid by the railroads. This bill allows the railroads' payroll tax for Tier II benefits to decline from the current level of 16.1 percent to 13.1 percent. By the third year following passage of this bill, the railroads stand to gain nearly $400 million annually from lower payroll taxes. All of these savings go directly to the railroads' bottom lines and can be used to make investments needed in the railroad infrastructure and to improve the wages and working conditions of railway workers. Higher net returns also should make railroad stocks look better to potential investors and improve the railroads' ability to engage in equity financing. Clearly, this is a win-win proposition for both the railroads and its workers.

While I believe this bill provides significant benefits to railroad workers and retirees, I recognize that railroad labor is not united in support for this bill. Two unions, the Brotherhood of Locomotive Engineers and the Brotherhood of Maintenance of Way Employees, do not support this legislation. They believe that the distribution of benefits should be weighted more favorably toward railroad workers and retirees as the monies involved are, after all, part of their overall compensation package. They were especially interested in securing a further reduction in the retirement age as the agreement only returned them to the retirement age that prevailed in 1983.

Just after the agreement was reached, representatives of both those labor unions that supported the agreement and those labor unions that opposed it solicited my support. I felt that it would be in everyone's best interest if railroad labor were united in support of the bill. To work toward achieving consensus within all of rail labor, the Gentleman from West Virginia (Mr. RAHALL) and I made a proposal to railroad management to improve somewhat the benefit package. We recognized that we could not radically alter the agreement, but we sought to make the proposal more palatable to those who opposed it. Specifically, we suggested that the railroads allow workers to retire at age 58 with actuarially reduced benefits, but with full medical coverage until the employees become eligible for Medicare at age 65. Today, employees can retire at age 60 with reduced benefits; they aren't eligible for medical coverage until age 61. Mr. RAHALL and I believed this was a modest proposal, but unfortunately we were unsuccessful in getting the parties to coalesce around this change.

Although, I would prefer to see unified labor support for this legislation, I believe that this bill is the best that can be obtained under current conditions and therefore I have given it my full support.

At the request of the Ways and Means Committee, we have made some modifications of the mechanics of how these reforms would be implemented.

Those relatively minor modifications deal with how the monies would be administered, with the composition of the group responsible for the investments, and with the way the benefits will be disbursed, but we have not, in any way, altered the fundamental nature of the program. Railroad retirement benefits will continue to be guaranteed, in the final analysis, by the United States Government. This continues to be a federal program and the Congress continues to have authority over it and responsibility for it. The proposed changes do not in any way represent a step toward privatization.

This is a good bill. It is good for workers; it is good for retirees and their survivors; it is good for the railroads, and it is good for the country. I urge all Members to vote for it.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Michigan. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, again I thank both the chairman and the ranking member for the time to protest some of my concerns.

Again, nobody else in the Nation, or very few, can have a pension system that is going broke and then reduce the contribution, reduce the taxes that are going in by the employee and the employer, and increase benefits, increase benefits for widows, widowers, and also reduce the age to 60 that these individual workers are eligible for that retirement.

Railroad workers work very hard, they put in a lot of time and a lot of hours, but we cannot afford this $33 billion cost bill.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from Omaha, Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Speaker, I rise in support of the 8,000 retirees in my district and the nearly equal number of future retirees from the railroad industry.

One point that I want to make before I talk more is that this body just a few weeks ago rolled back or voted to roll back the tax on social security. The income tax on social security does not go into the Treasury, either. That is how we treat retirement plans. What this is about is fundamental fairness.

Two weeks ago, Mr. Chairman, in my hometown a gentleman with an oxygen tank, very frail, very young, 55 to 60, comes up to me. He is himself a railroad retiree, and says, here is my wife. We need to pass or the Congress needs to pass railroad retirement reform so she will have her benefits when I am no longer here to support her.

That is what this legislation is about in protecting those widows, those families. There are plenty of letters from widows in my area. Mrs. Lohouse, help is on the way. You should get your full benefits.

Mr. OBERSTAR. Mr. Chairman, I yield back the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. SHUSTER) has 2 minutes remaining.

Mr. SHUSTER. Mr. Speaker, I rise in strong support for this bipartisan bill which has been carefully scrubbed by both the Committee on Transportation and Infrastructure and the Committee on Ways and Means on a totally bipartisan basis.

Let me emphasize, contrary to some of the assertions or one of the assertions that we have heard here today, the Railroad Retirement System is not only solvent, the Railroad Retirement Board actuary has certified that it is overfunded. Indeed, that is the reason why or one of the reasons why we are able to move with this legislation today.

Indeed, this legislation also requires a 4-year minimum reserve in the trust fund. The money that is paid out is money which is paid into the system by the railroad workers and by the railroad employers, the railroad companies.

This legislation corrects a grievous wrong, particularly as it applies to the widows of this system. I want to say, Mr. Speaker, that it was over 2 years ago when the gentleman from New York (Mr. QUINN) initiated the first hearing on this issue. Thanks to his diligence and then the follow-up of so many on both sides of the aisle, we find ourselves here today.

I also want to emphasize that at filing time of this report we had 306 cosponsors, and we have had many, many more calls since that time to try to cosponsor, but of course once the report is filed, one cannot.

We have a large majority of Republicans, a large majority of Democrats. This is a totally bipartisan bill. It is good for railroad families, it is good for America, and I urge strong support of this legislation.

Ms. BROWN of Florida. Mr. Speaker, H.R. 4844 is long overdue. Railroad labor, widows and widowers will gain enhanced benefits as a result of this self-financing legislation. I am particularly thrilled that the 4.3 cents/gallon tax repeal is not a part of this legislation.

This provision would have essentially eroded support for the measure and would have thrown the numbers into disarray. H.R. 4844 allows railroad retirement assets to be invested in private securities, reduces the payroll tax on railroads, and reduces vesting from ten to five years for both Tier I and Tier II benefits.

The bill also increases survivor benefits to widows and widowers of rail workers and Mr. Speaker, this is what legislation on behalf of the people is about. I urge strong support for H.R. 4844.

Mr. WELLER. Mr. Speaker, I rise today to enthusiastically support H.R. 4844, the Railroad Retirement and Survivors Improvement Act of 2000.

The Railroad Retirement and Survivors Improvement Act of 2000 is historic legislation that will improve the lives of railroad workers and their spouses. I am proud to be a cosponsor of this important bipartisan bill and am pleased to cast my vote in favor of this legislation today. This bill will guarantee a better standard of retirement for the nearly 3,500 retirees in my district and for all future retirees and their families.

Under H.R. 4844, the quality of life for widows and widowers are significantly improved. Under current law, spouses are limited to one-half of the deceased employee's Tier 2 benefits. However, under this legislation, this bill increases Tier 2 benefits for widows and widowers to 100 percent of the deceased employee's benefits on the date of death. Thus, widowers and widows will continue to receive the same benefits as their spouse received prior to death. Widows should not have to face a loss of income in addition to the death of a spouse. This bill ensures that is no longer a reality—widows will receive full benefits under this legislation.

Additionally, H.R. 4844 reduces the years of covered service to be vested in the railroad retirement system from the present 10 years to 5 years. Ten years is too long to wait to be vested in the railroad retirement system, and this legislation corrects this problem. Further, the retirement age is reduced from 62 to 60. By reducing this age, workers are given the opportunity to retire earlier without a corresponding loss of benefits.

H.R. 4844 also fixes the cap on the "maximum benefit." Present law limits the total amount of monthly railroad retirement benefits payable to an employee and an employee's spouse at the time the employee's annuity payout begins. The Railroad Retirement and Survivors' Improvement Act of 200 removes this cap so that there is not a maximum benefit limit.

Mr. Speaker, this is good legislation that will give working families more retirement security. I commend Chairmen SHAW and ARCHER for their leadership on this bill and ask for all of my colleagues to support this important legislation.

Mr. SHUSTER. Mr. Speaker, I yield back the balance of my time.

□ 1645

The SPEAKER pro tempore (Mr. WALDEN of Oregon). The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and pass the bill, H.R. 4844, as amended.

The question was taken.

Mr. SHUSTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 391, nays 25, not voting 18, as follows:

[Roll No. 459]

YEAS—391

Abercrombie
Aderholt
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Canady
Capps
Capuano
Cardin
Carson
Castle
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
DeLauro
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth

Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Strickland
Stump
Stupak
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—25

Archer
Cannon
Chabot
Coburn
Cox
Crane
DeLay
Hefley
Hostettler
Hunter
Johnson, Sam
Kasich
Largent
Miller (FL)
Paul
Rohrabacher
Royce
Sanford
Schaffer
Sensenbrenner
Shays
Smith (MI)
Stenholm
Sununu
Taylor (MS)

NOT VOTING—18

Ackerman
Callahan
Campbell
Davis (FL)
Delahunt
Holden
Jefferson
Klink
Lazio
McCollum
McDermott
McIntosh
Meeks (NY)
Owens
Roukema
Vento
Vitter
Young (AK)

□ 1708

Mr. SHAYS changed his vote from "yea" to "nay."

Mr. EVERETT and Mr. SHADEGG changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. McDERMOTT. Mr. Speaker, I was absent and unable to vote on rollcall No. 459.

I would have voted in favor of the motion to suspend the rules and pass H.R. 4844.

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4844.

The SPEAKER pro tempore (Mr. WALDEN of Oregon). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. DOGGETT asked and was given permission to address the House for 1 minute.)

Mr. DOGGETT. Mr. Speaker, I have asked to address the House for 1 minute to inquire about next week's schedule.

Mr. BLUNT. Mr. Speaker, will the gentleman yield?

Mr. DOGGETT. I yield to the gentleman from Missouri.

Mr. BLUNT. Mr. Speaker, I thank the gentleman from Texas for yielding, and I am pleased to announce that the House has completed its legislative business for the week. There will be no vote in the House tomorrow. The House will next meet on Tuesday, September 12, at 12:30 p.m. for morning hour and 2 p.m. for legislative business, following a pro forma session meeting at noon on Monday.

We will consider a number of bills under suspension of the rules, a list of which will be distributed to the Members' offices tomorrow. On Tuesday, no recorded votes are expected before 6 p.m.

On Wednesday and the balance of the week, the House will consider the following measures:

H.R. 4461, the District of Columbia Appropriations Act;

H.R. 4516, the Legislative Branch Appropriations Act Conference Report;

And a veto override on H.R. 4810, the Marriage Tax Penalty Relief Reconciliation Act.

The schedule will be released tomorrow, and the whip notice will reflect the entire schedule for next week.

I thank the gentleman for yielding.

Mr. DOGGETT. Reclaiming my time, Mr. Speaker, it looks like there are some rather familiar titles here, and I am wondering if the gentleman could indicate, other than the addition of the suspensions, whether we expect anything new next week or just what we did not reach this week.

Mr. BLUNT. If the gentleman will continue to yield, with the exception of suspensions, and barring some discussion with committees, which we will certainly have, as we need to get our work done this month, this looks like it is the schedule for next week.

Mr. DOGGETT. With this short list, would the gentleman anticipate we would have any late nights, any night next week?

Mr. BLUNT. I would not anticipate we would have any late nights next week. Of course, we do need to get our work done, and that would be subject to change, but at this point we would be looking at those votes after 6 p.m. on Tuesday and then no late evenings next week.

Mr. DOGGETT. Does the gentleman have any indication of which day we would expect the vote on the marriage penalty veto override attempt?

Mr. BLUNT. I think we are anticipating that vote would be on Wednesday.

Mr. DOGGETT. And with reference to next Friday, does the gentleman anticipate whether we will be able to get a notice, as we have been today, that there would be no votes next Friday?

Mr. BLUNT. I think it is early to make that determination. We are still working with the White House and the committee chairmen on a number of different issues; of course working with the other body to get conference reports done as quickly as possible. I cannot say what we will be doing on Friday.

I think we ought to prepare to be here on Friday, but certainly we could very well find out this time next week we are in the same situation we are in right now as we wait for these conference reports to reach some ability to get to the floor and to the White House.

Mr. DOGGETT. I believe the previously published schedule had us out by at least 2 p.m. next Friday. The gentleman would not anticipate we would go beyond that?

Mr. BLUNT. I would anticipate we would be out no later than 2 p.m. on Friday.

Mr. DOGGETT. I thank the gentleman for his courtesy and wish him a good weekend.

Mr. BLUNT. I thank the gentleman for yielding.

ADJOURNMENT TO MONDAY, SEPTEMBER 11, 2000

Mr. BLUNT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday, September 11, 2000.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

HOUR OF MEETING ON TUESDAY, SEPTEMBER 12, 2000

Mr. BLUNT. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, September 11, 2000, it adjourn to meet at 12:30 p.m. on Tuesday, September 12, 2000, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BLUNT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

HOUR OF MEETING ON THURSDAY, SEPTEMBER 14, 2000

Mr. BLUNT. Mr. Speaker, I ask unanimous consent that when the House adjourns on Wednesday, September 13, 2000, it adjourn to meet at 9 a.m. on Thursday, September 14, 2000.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

AUTHORIZING THE SPEAKER TO DECLARE A RECESS ON THURSDAY, SEPTEMBER 14, 2000, FOR THE PURPOSE OF RECEIVING IN JOINT MEETING ATAL BIHARI VAJPAYEE, PRIME MINISTER OF THE REPUBLIC OF INDIA

Mr. BLUNT. Mr. Speaker, I ask unanimous consent that it may be in order at any time on Thursday, September 14, 2000, for the Speaker to declare a recess, subject to the call of the Chair, for the purpose of receiving in joint meeting His Excellency Atal Bihari Vajpayee, prime minister of the Republic of India.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

□ 1715

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. WALDEN of Oregon). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

EXCHANGE OF SPECIAL ORDER TIME

Mr. BENTSEN. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Washington (Mr. INSLEE).

The SPEAKER pro tempore (Mr. WALDEN of Oregon). Is there objection to the request of the gentleman from Texas?

There was no objection.

HONORING BELLAIRE LITTLE LEAGUE ALL-STARS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BENTSEN) is recognized for 5 minutes.

Mr. BENTSEN. Mr. Speaker, I rise today to honor the Bellaire Texas Little League All-Stars for winning the United States Championship and advancing to the title game of the 54th Little League World Series. Along the way, the team inspired not only our community of the 25th District of Texas, but the entire Nation.

More than 7,000 teams from 104 countries vied to attain that coveted position, but it was the determination and the heart of the boys from Bellaire that put the team above the rest.

Throughout their summer of success, the team displayed the qualities of good sportsmanship and perseverance that made their parents, the city, and my constituents in the 25th District of Texas extremely proud. Their journey touched us all.

When the group of 12-year-olds came together in late June as the best players in the Little League, something magical happened. They won district for the first time and the team took sectionals in Galveston. The Bellaire Little League then won the State tournament in Waco and captured the United States South Region championship in St. Petersburg, Florida.

Bellaire then went undefeated at the regionals and earned a spot in the Little League World Series. There were many breathtaking plays along the way, a game-winning homer for Alex Atherton against Lamar and a no-hitter from Ross Haggard to beat Barboursville, West Virginia. They played on national television a total of nine times as they advanced, and all of Houston found themselves glued to the TV set.

The ride lasted until the 3-2 loss to Venezuela in the championship game, a defeat that was hard fought and handled with the honor that hometown fans learned to expect from the youthful team.

Bellaire is well known for its baseball, but always on the high school level, not Little League. The Bellaire Cardinals have won seven State high school championships and a national title in 1999.

Before the young Bellaire team burst onto the scene this year, the Little League team, from among the smallest Little League organizations in the State, had never even won the district before. I commend the coaches who were instrumental in bringing the team together more than 2 years ago when many of the players were 9-year-olds: Coaches Mike Purcell, Cliff Atherton, Steve Malone, and Larry Johnson.

It was Manager Terry McConn who took the tournament team to the championship. Manager McConn has made lasting contributions to these kids by guiding and inspiring such winning performances in his players. All of the adults and parents who sacrificed their free time to helping, coaching, and cheering these kids along should be commended. McConn has had the added benefit and immense gain in managing his son who caught every game.

Not only did the boys from Bellaire capture a spot in the World Series, they also captured our hearts. The Bellaire team's slogans of "We Believe" and "This is our Year" became mottos that will reverberate long after this season ended. The mottos and the qualities of teamwork, cooperation, fairness, athleticism and focus that the boys learned will serve them well for the rest of their lives.

These boys, Alex Atherton, Sean Farrell, Zach Jamail, Mitchell Malone, Terrence McConn, Ben Silberman, Nick Wills, Drew Zizinia, Ross Haggard, Hunter Johnson, Michael Johnson and Justin Shufelt will take the summer of 2000 with them forever.

Borrowing a line from "Field of Dreams," Kevin Costner, who threw out the ceremonial first pitch to Terrence McConn and was honored at the 54th annual Little League Baseball World Series, said the memories of Little League are "so thick that I have to brush them away from my face."

Years from now, I predict these young gentlemen from Bellaire will feel the same way.

Mr. Speaker, I congratulate the Bellaire Little League All-Stars and I thank them for reminding us what good sportsmanship and grace under pressure is all about. I join the other fans of the 25th District of Texas in saluting our young heroes.

DOES WAGE INFLATION CAUSE PRICE INFLATION?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

Mr. METCALF. Mr. Speaker, I am going to speak on does wage inflation cause price inflation? That is a question that few have asked, even at the Federal Reserve Systems' Board of Governors.

Though wage inflation is presently utilized to aid in determining whether the Fed raises the interest rates or lowers rates or leaves rates the way they are, most have never heard of wage inflation until I spoke to this issue in a previous speech. Most still think it means that the wages of workers in the broadest sense are trending upward. Most think it just means workers are getting paid a little more, proof then of our booming economy.

Let me quote one recent headline from the Wall Street Journal: "Unions Seek Big Pay Gains, Sparking Inflation Worries."

In 1994, Layard and Nickell in their book "The Unemployment Crisis" stated this:

> When buoyant demand reduces unemployment (at least relative to recent experience levels) inflationary pressure develops. Firms start bidding against each other for labor, and workers feel more confident in pressing wage claims. If the inflationary pressure is too great, inflation starts spiralling upwards: higher wages lead to higher price rises, leading to still higher wage rises, and so on. This is the wage price spiral.

This rather superficial explanation has been taken literally by many that should know better. But that would pose no problem should the idea itself remain in the cloistered walls of academia. But it did not.

When the Federal Reserve Board decided, along with Members of Congress and the White House, that price stability shall be of primary concern determining Fed policy, along with its clear mandate to keep real inflation under control using its mandated discretionary use of interest rates, this idea took hold.

We do know that Greenspan's Fed has looked at wage inflation as an indicator. Greenspan does not often call it wage inflation, but rather several different terms are offered up to explain the same thing, like this response to a Senate Banking member's question whether the Fed would raise the unemployment rate to something like five percent from its current level of four percent to achieve price stability.

Quoted in the Times:

> I think the evidence indicating that we need to raise the unemployment rate to stabilize prices is unpersuasive. However, he was not sure and the issue was the subject of considerable debate among economists and Fed officials.

And it should also be of considerable debate among the Members of Congress. Greenspan's comments were made during late July of this year. Less than one week later, during the House Committee on Banking hearings I asked Greenspan if he thought it was proper to use worker's wages as an indicator at all. I asked him if he believed wage inflation was the cause of price inflation. Here, in part, are his contradictory remarks:

> Wage inflation by itself does not. The issue basically is the question of whether wage inflation, as you put it, or, more appropriately, increases in aggregate compensation per hour are moving—are increasing at a pace sufficiently in excess of the growth and productivity so that unit labor costs effectively accelerate and generally drive up the price level.

Yes, precisely, that was what I said, does wage inflation, as I put it, because that is what Fed officials and economists call it, cause price inflation?

Greenspan then went on to add this:

> The issue is, what you do not want to encourage are nominal increases in wages which do not match increases in productivity. Because history always tells you that that is a recipe for inflation and for economic recession.

Greenspan then, as is his custom, veered off course into a long discourse on topics nobody asked of him, closing with this final remark: "Nor have we, as you indicated, chosen wages as some indicator of monetary policy. That is not the case."

This is why many economists call this form of discourse Greenspanish, because he stated that wages, or, as he puts it, more appropriately, increases in aggregate compensation per hour, are looked at as an indicator that union labor costs effectively accelerate and generally drive up the price level.

So wage inflation does drive up the price level, according to Greenspan's Fed.

Does wage inflation, whatever it is, cause price inflation? That is the subject we need to go into.

TOPICS OF NATIONAL CONCERN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, I rise today to speak on a couple of unrelated topics of national concern, related in some ways, unrelated in others, but nonetheless very, very important topics.

The first of these pertains to the millions of acres of which have burned and are burning at the present time in our western States. This is something that the Subcommittee on Forests and Forest Health of the Committee on Resources, which is one of the subcommittees on which I serve, heard about in one of the first hearings held in this Congress early in 1999, early last year.

The hearing that we held was based on a 1998 GAO report that I do understand and have read that we were having warnings as early as 1993 about the potential effects of this problem. But in this hearing in 1999, we were told that there were some 40 million acres in our western States that were in immediate danger of catastrophic forest fire.

We now have estimates, based on these latest fires, that over $10 billion worth of economic damage has been done thus far and that the costs to the Federal Government are going to exceed at least $1 billion and that if these fires keep burning and expanding, the costs may become even greater.

The sad thing is that this is a problem that we not only knew about but that we could have easily done something about.

In the mid-1980s, I am told that the Congress passed what was then held as a great environmental law that we would not cut more than 80 percent of the new growth in our national forests; and that was praised as a great environmental law at that time. And yet, today we are cutting less than one-seventh of the new growth in our national forests.

The Subcommittee on Forests and Forest Health staff has told me that we have over 23 billion board feet of new growth in our national forests each and every year, yet we are cutting less than 3 billion board feet. Less than one-seventh of the new growth in our national forests is what we are cutting today. And they tell me that there is over twice that amount, or some 6 billion board feet, of dead and dying timber each year. And yet environmental extremists will not let us go in and remove even the dead and dying trees, and that this causes fuel buildup on the floor of these forests, which has been the main cause of all of these catastrophic forest fires.

Yet, if I went to any school in Knoxville, Tennessee, or in my district and told the school children in that district that I was opposed to cutting any tree in the national forests, they would probably cheer because there has been such a brainwashing effort about things of this nature in schools in this country for the last several years.

Forest experts tell us repeatedly that we have to cut some trees to have healthy forests. Yet there are some people that do not want us to cut a single tree in our national forests. But people who do support that or do not want any logging done whatsoever should stop and think of all the products that are made with wood. Everything from books to newspapers, furniture, houses, toilet paper, all kinds of things, everything that we use in our daily lives or many, many things go back to wood and wood products. And yet there are some of these wealthy extremists who, for some reason, do not want us to cut even a single tree.

Yet, this is a very shortsighted and very harmful position to take. And it is especially harmful to the poor and the working people in the middle-income field because it destroys jobs and drives up prices for everything. So that is a problem that we really need to do something about.

The second thing I want to mention is something that I mentioned in the 1-minutes this morning, but I would like to expand on just a little bit.

The top headline in the Washington Post says today that oil prices have hit a 10-year high. This is something else that we could easily do something about, and yet we have these environmental extremists who not only do they not want us to cut any trees, they do not want us to drill for any oil.

□ 1730

The U.S. Geologic Survey tells us that in one tiny part of the Arctic National Wildlife Refuge, which is 19.8 million acres, 19.8 million acres, the Arctic National Wildlife Refuge is that big, the Great Smoky Mountains National Park which is the most heavily visited national park, a large portion of which is in my district, is less than 600,000 acres, so we are talking about an area 33 times the size of the Great Smoky Mountains National Park, in only two or 3,000 acres on the coastal plain of Alaska, the U.S. Geologic Survey tells us there is some 16 billion barrels of oil. This is equivalent to 30 years of Saudi oil. There are billions more barrels offshore from this country. Yet the administration, the President signed an executive order putting 80 percent of the Outer Continental Shelf off-limits for oil production. He also vetoed legislation which would have allowed us to produce this oil in Alaska.

So if people like high gas prices, they should write the White House and these environmental groups and tell them thank you for the high gas prices that we have in this country today.

PRESCRIPTION DRUG COVERAGE

The SPEAKER pro tempore (Mr. LAHOOD). Under a previous order of the House, the gentlewoman from Michigan (Ms. STABENOW) is recognized for 5 minutes.

Ms. STABENOW. Mr. Speaker, I rise this evening as I have done on many, many occasions to talk about the most important quality-of-life issue for seniors in my State and around the country, and that is the issue of prescription drugs and the high costs that they are having to pay. Not only do we know that seniors who have no insurance are paying twice as much as others when they go to the drug store and get their medications, but we have a health care system that has been in place now for 35 years, a very successful health care system called Medicare that simply needs to be modernized to cover prescription drugs so that our seniors can continue to get the promise of health care that we made to them 35 years ago.

I have been asking people in my district and around the State of Michigan to write letters that I will share on the floor of the House of Representatives. Once again this evening, I wish to do that, to read a letter from Annabelle Lewis from Hillsdale, Michigan, who writes about her own struggles to pay for her prescriptions.

She says:

> I stopped taking the Provachol 20 milligrams for high cholesterol in January 1999, having previously cut pills in half. In December 1999, a year later, my cholesterol was 339. Having received some free samples, my cholesterol came down to 198. Presently this medication is $122.99 per month, not including $30.58 for Estrogen replacement. Medicare part B deductible this month has reduced my Social Security to $505. This covers house expenses with little left over. Having this medication available certainly would be less expensive than a nursing home should I have a stroke. I am able to continue working as a nurse but I find it very difficult due to my depressed state. I hope this information is useful and you will be blessed in your efforts.
>
> Sincerely, thank you, Annabelle Lewis.

Under the plan that I am supporting for Medicare coverage, a voluntary, optional, comprehensive Medicare benefit we would add to Medicare, Annabelle Lewis would be saving $438, important dollars, the difference between eating breakfast, lunch or dinner, paying the utility bill, having the quality of life that I am sure as a nurse she has worked hard all these years to acquire and now finds herself having to struggle with issues of cholesterol, whether or not she will be healthy or have a stroke.

Seniors in our country deserve better. I know right now with all the confusion and all the numbers and all the private plans and proposals that are out there, the real bottom line that all of this is about is the fact that the prescription drug companies do not want the 39 million seniors of this country to be organized under Medicare and have the clout to get a reduced price, just like anybody else in any other insurance plan. Coming together they would have the combined clout to get a group discount of great magnitude. That is the real fight about Medicare. That is the fight we are in right now. Do we just simply modernize Medicare, or do we set up some complicated system with insurance companies that say they do not want to cover prescription drugs? And they do not intend to cover prescription drugs, saying instead it is a hollow promise to go that direction.

I would urge, Mr. Speaker, that this House come together and recognize and celebrate Medicare, which is a 35-year success story for our country, 35 years of health care for seniors, for the disabled in this country, that only does not work now because we do not cover the new way that health care has provided today, which is simply prescription drugs. If we simply modernize Medicare, we will be able to continue to keep the promise.

It seems to me in these great economic times, we have two important challenges: we need to pay our bills and we need to keep our promises. The promise of Medicare is something that our seniors are counting on. We need to pass a comprehensive, voluntary prescription drug plan now.

CALLING ON CONGRESS TO STRIKE LANGUAGE IN TRADE BILL IN REGARD TO SUDAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

Mr. WOLF. Mr. Speaker, I am appalled and outraged that language was included in a recent bill that unanimously passed the House that will lift the embargo on gum arabic from Sudan.

Language was included in H.R. 4868, the Miscellaneous Trade and Corrections Act of 2000, which does not even mention the word or country of Sudan or gum arabic. Yet the passing of this language is a significant foreign policy issue for the U.S. The language was known about by very few Members of the House. This is very cryptic language that was used to describe a major foreign policy issue for the U.S., whether to lift significant sanctions against one of the worst regimes in the world.

The regime in Khartoum harbors gobs of terrorists. Abu Nidal, Hamas, and all of the terrorists who are doing so much to disrupt the Middle East have training camps in Sudan. Virtually every major terrorist group in the world passes through Khartoum, many under the tutelage and sponsorship of the government of Sudan. The government of Sudan was implicated and behind the assassination attempt on Egyptian President Hosni Mubarak. The government of Sudan condones slavery. Slavery exists in the 21st century. Yet the Congress voted to help a country that has slavery. Over 2 million people have died because of the war conducted and generated by the northern-led government.

The government of Sudan indiscriminately and repeatedly bombs and kills innocent civilians. They are killing hundreds of Catholics in Bishop Max Gassis' diocese in the Nuba Mountains. Just over the past few weeks, the Sudanese regime has shut down a U.N. humanitarian relief Operation Lifeline Sudan that feeds millions of people in southern Sudan, by repeatedly bombing and attacking and killing workers and planes.

Chinese troops are now supposedly present in Sudan, most likely guarding the precious oil fields that are now generating hard cash for the government.

Now, Mr. Speaker, every Member should know that we have just learned that Osama bin Laden, a terrorist who killed American citizens and bombed two of our embassies, one of the most wanted international terrorists, is reportedly a major investor in Gum Arabic Company Limited. This company is a Khartoum-based firm that has a virtual monopoly over this issue. The new book out called The New Jackals by Simon Reeve says the following:

> Perhaps most crucially, bin Laden cannily invested in Gum Arabic Company Limited, a Khartoum-based firm which has a virtual monopoly over most of Sudan's exports of gum arabic, which in turn comprises about 80 percent of the world's supply. Gum arabic comes from the sap of the Sudanese acacia tree, a colorless, tasteless gum that makes newspaper ink stick to printing presses, keeps ingredients in drinks from settling at the bottom of a can, and forms a film around sweets and medical pills, keeping them fresh. It is a crucial ingredient in dozens of western products.

Then he goes on to say that bin Laden is believed to have secured an effective monopoly over the entire Sudanese output that this Congress has voted to help.

Even now the State Department in Washington and analysts at the CIA remain unsure whether bin Laden is still profiting from his investment. Thirty percent of the shares in Gum Arabic Company Limited are held by the Sudanese government, who tried to assassinate Mubarak who did not support American troops in Desert Storm and Desert Shield.

Then he goes on to say and end that it is still possible that every time someone buys an American soft drink, they are helping fill Osama bin Laden's coffers, his coffers whereby he can go out and kill American men and women and children. I have a description of Osama bin Laden as described by the Anti-Defamation League which I will include for the Record.

Gum arabic is an important Sudanese primary export. The administration has prohibited and put it on a list of sanctions, a comprehensive list of sanctions against the government of Sudan. The executive order was issued as a direct consequence of the Sudanese regime's sponsorship of international terrorism, its effort to destabilize neighboring countries, and its abysmal human rights record, including the denial of religious freedom.

Mr. Speaker, why would the Congress, why would the House pass a bill without telling anyone what was in the bill and every Member that voted for that bill did this and did not know to lift the sanctions on Sudan also in the gum arabic area that is controlled perhaps by Osama bin Laden, who has bombed two American embassies, who we have watches out for with regard to the Canadian border over New Year's Eve and many other times? Why would the Congress do that? I am concerned that this money will help Osama bin Laden continue his terrorism.

I call on the Congress to strike this provision and do as the administration requested, whereby they can have the opportunity to deal with this issue.

Mr. Speaker, I submit the following material on Osama bin Laden.

OSAMA BIN LADEN

Osama Bin Laden is a 41 year-old "businessman" and son of one of Saudi Arabia's wealthiest families, who has been linked to a number of Islamic extremist groups and individuals with vehement anti-American and anti-Israel ideologies. He is a mysterious figure whose exact involvement with terrorists and terrorist incidents remains elusive. Yet his name has surrounded many of the world's most deadly terrorist operations and he is named by the United States State Department as having financial and operational connections with terrorism. Most recently Bin Laden formed the "International Islamic Front for Jihad against America and Israel."

In 1994 when Bin Laden returned to Saudi Arabia after having spent the two previous years in Khartoum, Sudan allegedly financing such militant Islamic causes as terrorist training camps, he was stripped of his citizenship by Saudi authorities who cited his opposition to the Saudi King and leadership (who enjoy warm relations with the U.S. and the western world). In 1996 it was reported that Bin Laden had relocated to Afghanistan, where he had financed and organized training camps for young Muslim extremists during the Afghan War of the 1980's.

Bin Laden has been thought to finance, inspire or directly organize various terrorist attacks. In one way or another his name has been linked to the killings of Western tourists by militant Islamic groups in Egypt, bombings in France by Islamic extremist Algerians, the maintenance of a safe-house in Pakistan for Ramzi Ahmed Yousef, the convicted mastermind of the 1993 World Trade Center bombing, and sheltering Sheikh Omar Abd Al-Rahman (the Blind Sheikh), who was also convicted in the World Trade Center bombing. He has also been linked to the 1992 bombings of a hotel in Yemen, which killed two Australians, but was supposedly targeted against American soldiers stationed there; the 1995 detonation of a car bomb in Riyadh, Saudi Arabia; the 1995 truck bomb in Dhahran, Saudi Arabia that killed 19 U.S. servicemen; and the 1995 assassination attempt on Egyptian President Hosni Mubarak.

Osama Bin Laden has made no secret of his anti-American, anti-Western and anti-Israel sentiments. In fact, he has been outspoken on these topics, issuing theological rulings calling for Muslims to attack Americans and threatening terrorism against related targets:

OSAMA BIN LADEN'S THREATS OF TERRORISM

August 1998—The "International Islamic Front for Jihad against America and Israel," a group sponsored by Bin Laden, issues a warning in the London-based newspaper al-Hayat that, "strikes will continue from everywhere" against the United States. (CNN Interactive, 8/20/98)

May 1998—Bin Laden announces the formation of an "International Islamic Front for Jihad against America and Israel," according to The News, an Islamabad, Pakistan daily. (The International Policy Institute for Counter-Terrorism web site, www.ict.org.il)

March 1998—Bin Laden faxes messages to the U.S. Embassy in Islamabad and U.S. consulates in Peshawar, Lahore, and Karachi threatening to attack U.S. facilities and citizens. (The International Policy Institute for Counter-Terrorism web site, www.ict.org.il)

February 1998—Bin Laden uses a fatwa, religious decree, to call for the liberation of Muslim holy places in Saudi Arabia and Israel, as well as the death of Americans and their allies. The decree says, "These crimes and sins committed by the Americans are a clear declaration of war on God, his messenger and Muslims." (The Washington Post, 2/25/98)

May 1997—During an interview with CNN, Bin Laden reaffirms his call for a holy war against Americans. "We have focused our declaration of jihad on the U.S. soldiers inside Arabia . . . The U.S. government has committed acts that are extremely unjust, hideous and criminal through its support of the Israeli occupation of Palestine." (Reuters, 5/11/97)

February 1997—Bin Laden threatens holy war against the U.S. in an interview on the British documentary program, Dispatches. "This war will not only be between the people of the two sacred mosques and the Americans, but it will be between the Islamic world and the Americans and their allies because this war is a new crusade led by America against the Islamic nations." (Reuters, 2/20/97)

November 1996—Bin Laden issues an ultimatum to the U.S. and Western countries with troops stationed in Arab countries and declares a holy war against the "enemy." Had we wanted to carry out small operations after our threat statement, we would have been able to . . . We thought that the two bombings in Riyadh and Dhahran would be enough (sic.) a signal to the wise U.S. decision-makers to avoid the real confrontation with the Islamic nation, but it seems they did not understand it." (The Washington Times, 11/28/96)

November 1996—Bin Laden warns U.S. forces in Saudi Arabia to expect more "effective, qualitative" attacks and advises Western forces to speed their "departure" from the Middle East. (UPI, 11/27/96)

August 1996—Bin Laden says to the London-based al-Quds al-Arabi newspaper that the Saudis have a "legitimate right" to attack the 5,000 American military personnel stationed in Saudi Arabia. "The presence of the American crusader armed forces in the countries of the Islamic Gulf is the greatest danger and the biggest harm that threatens the world's largest oil reserves . . . The infidels must be thrown out of the Arabian Peninsula." (The Washington Post, 8/31/96)

August 1996—In an interview with The Independent, a London daily, Bin Laden calls the June 1995 truck bomb in Dhahran, Saudi Arabia "the beginning of war between Muslims and the United States." (New York Daily News, 8/11/96)

July 1996—Bin Laden warns that the terrorist who bombed American soldiers in Saudi Arabia will also attack British and French military personnel. He said "[the bomb in Dhahran] was the result of American behavior against Muslims, its support of Jews in Palestine, and the massacre of Muslims in Palestine and Lebanon." (New York Times, 7/11/96)

THE NEW JACKALS: RAMZI YOUSEF, OSAMA BIN LADEN AND THE FUTURE OF TERRORISM

A PORTRAYAL OF THE LIFE AND CRIMES OF RAMZI YOUSEF AHMED, THE TERRORIST WHO BOMBED THE NEW YORK WORLD TRADE CENTER IN 1998

(By Simon Reeve)

On 26 February 1993 a massive bomb devastated New York's World Trade Center, creating more hospital casualties than any event in American history since the Civil War. Ramzi Yousef, the young British-educated terrorist who masterminded the attack, had been seeking to topple the twin towers and cause tens of thousands of fatalities.

An intensive FBI investigation into the crime quickly developed into a man-hunt that took top FBI agents across the globe. But even with the FBI on his trail, Yousef continued with his campaign of terror. He bombed an aeroplane and an Iranian shrine.

He tried to kill Benazir Bhutto, the former Pakistani Prime Minister, and planned to assassinate the Pope, President Clinton and simultaneously destroy 11 airliners over the Pacific Ocean using tiny undetectable bombs. He also plotted an attack on the CIA headquarters with a plan loaded with chemical weapons. His pursuers dubbed Yousef "an evil genius".

During their huge investigation FBI agents discovered that Yousef was funded and sent on some of his attacks by Osama bin Laden, a mysterious Saudi millionaire. By the mid-1990's they realized bin Laden had become the most influential sponsor of terrorism in the world, and agents now conclude that since the early 1990s a small group of terrorists supported by bin Laden have dominated international terrorism.

These "Afghan Arabs" helped defeat the Soviets in Afghanistan before killing thousands of people in campaigns against governments in the West, Africa, the Middle East and Asia. When bin Laden's followers attacked American embassies in Kenya and Tanzania on 7 August 1998, killing 224 people, the U.S. finally launched cruise missile strikes in an attempt to destroy his secret organization.

Drawing on unpublished reports, interrogation files, interviews with senior FBI agents who hunted Yousef, intelligence sources and government figures including Benazir Bhutto, Simon Reeve gives a harrowing account of Yousef's bombings, offers a revealing insight into his background, and details the FBI's man-hunt to catch him.

Reeve explains how Yousef was one of bin Laden's first operatives and documents bin Laden's life and emergence as the leader of a potent terrorist organisation, giving fascinating insights into the man President Clinton has called "the pre-eminent organizer and financier of international terrorism in the world today".

Highly detailed and yet immensely readable, The New Jackals sheds new light on two of the world's most notorious terrorists. Reeve warns that Yousef and bin Laden are just the first of a new breed of terrorist, men with no restrictions on mass killing. He also offers evidence that bin Laden's organization may already have chemical and nuclear weapons and explains why the world could soon face attacks by terrorists with weapons of mass destruction.

Simon Reeve is a journalist and writer. He worked for The Sunday Times for five years before leaving to finish co-writing The Millennium Bomb, published in 1996. He has since contributed to books on corruption, organized crime and terrorism, and has written investigative feature articles for publications ranging from Time magazine to Esquire. He lives in London.

During research for The New Jackals Reeve has eaten ice cream sorbet with Benazir Bhutto, spent hours sitting in a stairwell on a London housing estate waiting for a former Lebanese smuggler, met American intelligence officials in a suburban burger bar and a Chinese restaurant, and been followed by agents from two different countries during meetings with a renegade spy.

Ramzi Yousef, Osama bin Laden and the "Afghan Arabs" have "dominated international terrorism as it relates to the United States and Europe [in the 1990s]. At the international level the only terrorist apparatus that the United States has had to deal with over the past several years has been Osama bin Laden and before that Ramzi Yousef." Oliver "Buck" Revell, former Deputy Director of the FBI.

"Ramzi Yousef is an evil genius." Senior Pakistani intelligence officer.

"Yousef was a pretty unique person. He liked the bar scene, he liked women, he liked moving around. Yousef was very good. He was well trained, very clever. He'll certainly be ranked right up there with the all-timers. Even to this day, he is a very shadowy figure that we really don't know that much about, even after all that's been done and all that's been investigated on him." Neil Herman, the FBI Supervisory Special Agent who led the New York Joint Terrorist Task Force during the hunt for Yousef.

"Yes, I am a terrorist, and I'm proud of it." Ramzi Yousef.

"In the past, we were fighting terrorists with an organisational structure and some attainable goal like land or the release of political prisoners. But Ramzi Yousef is the new breed, who are more difficult and hazardous. They want nothing less than the overthrow of the West, and since that's not going to happen, they just want to punish—the more casualties the better." Oliver "Buck" Revell, former Deputy Director of the FBI.

"He's a cold-blooded terrorist. He doesn't care who he kills. He may be the most dangerous man in the world." Superintendent Samuel Pagdilao of the Philippines National Defense Police describing Yousef.

"One man said to me 'remember there will only be those who believe and those who will die. There will only be the dead and the believers'." Benazir Bhutto, former Prime Minister of Pakistan.

"If Russia can be destroyed, the United States can also be beheaded." Osama bin Laden.

"In my personal view [Osama bin Laden' is very much interested in obtaining weapons of mass destruction and he has the money to pay for them. It's certainly a credible threat." Peter Probst, Pentagon terrorism expert.

"We don't consider it a crime if we tried to have nuclear, chemical, biological weapons. If I have indeed acquired these weapons, then I thank God for enabling me to do so." Osama bin Laden.

"Terrorism is changing. We expect biological attacks in the future." Marvin Cetron, author of the Pentagon's secret Terror 2000 investigation.

"THE NEW JACKALS" BY SIMON REEVE

AL QAEDA

Perhaps most crucially, bin Laden cannily invested in Gum Arabic Company Limited, a Khartoum-based firm which has a virtual monopoly over most of Sudan's exports of gum Arabic, which in turn comprises around 80 per cent of the world's supply. Gum Arabic comes from the sap of the Sudanese acacia tree. A colourless, tasteless gum, it makes newspaper ink stick to printing presses, keeps ingredients in drinks from settling at the bottom of a can, and forms a film around sweets and medical pills, keeping them fresh. It is a crucial ingredient in dozens of products Western consumers use every day, and within two years in arriving in Sudan, bin Laden is believed to have secured an effective monopoly over the entire Sudanese output.

Even now the State Department in Washington and analysts at the CIA remain unsure whether bin Laden is still profiting from his investment. Thirty per cent of the shares in Gum Arabic Company Limited are held by the Sudanese government, who may or may not be siphoning profits into bin Laden accounts. The other 70 per cent is held by individual shareholders and banks, any or all of whom may be acting as fronts for bin Laden. It is still possible that every time someone buys an American soft drink they are helping to fill Osama bin Laden's coffers.

August 11, 2000.

Hon. FRANK R. WOLF,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN WOLF: Thank you for your recent letter expressing your concern about Section 1439 of H.R. 4868. The humanitarian situation in Sudan is a tragic one, and every effort should be made to bring an end to the unnecessary suffering of the Sudanese people.

The Administration agrees with you that the sanctions on the government of Sudan's exportation of gum arabic should not be lifted. The government of Sudan has not made progress in rectifying the human rights abuses for which those sanctions were imposed, and we should not consider permanently lifting sanctions until satisfactory progress has been made.

The crisis in the Sudan is an important issue to me. I recently shared my concerns with Secretary General Annan, and requested that he and his staff continue to work to ensure that humanitarian organizations like Operation Lifeline Sudan are able to effectively carry out their desperately-needed work.

I share your hope for and commitment to an end to this humanitarian disaster.

Sincerely,

RICHARD C. HOLBROOKE.

100TH ANNIVERSARY OF GALVESTON HURRICANE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. LAMPSON) is recognized for 5 minutes.

Mr. LAMPSON. Mr. Speaker, today I introduced a concurrent resolution in memory of the 100th anniversary of the devastating hurricane which struck Galveston, Texas, on September 8, 1900. The residents of Galveston showed great courage and sacrifice during that terrible storm, and I thought it was important for Congress to recognize that that same spirit is still present in the people who live there today; and I wanted to join them as they honor the memories of those who lost their lives on that historic day 100 years ago.

In an era without radar, satellites or modern radio, the island of Galveston was quickly overtaken by vast waves, surging flood waters and powerful winds of more than 120 miles per hour. The hurricane that struck Galveston is the deadliest natural disaster in the history of the United States of America. It is estimated that more than 6,000 people lost their lives in a matter of a few hours. Prior to the storm, Galveston was a thriving port community of 37,000 people and was dubbed the Wall Street of the West.

Stories from the survivors of the storm are filled with displays of courage and self-sacrifice in the face of grave danger. One of the most famous is the one about the nuns who ran the orphanage. As the winds and storm tides got higher, it became obvious that the last building would collapse. The nuns tied the children to themselves with clothesline, eight or nine kids to each nun, in a sad, brave effort to try to save them. Three little boys survived the night by camping in a tree. All the rest died.

Galveston never lost that resilient spirit and went on to build a 17-foot seawall that staved off other fierce hurricanes. The city also pumped in millions of tons of sand from the Gulf of Mexico in order to raise the level of the city and its buildings to a safer height.

This weekend, Galveston will be holding a ceremony commemorating the hurricane, honoring the memories of those who died, launching education efforts, and celebrating the rebirth of Galveston after the storm. My resolution extends those efforts to our Nation's Capital and to all the people of the United States. We should honor those who died in the storm and use the anniversary to continue improving hurricane forecasting and to make life safer and more secure along our coasts.

My resolution recognizes the historical significance of the 100th anniversary of the hurricane, it remembers the victims, and it urges the President to issue a proclamation in memory of the thousands of Galvestonians who lost their lives and the survivors who rebuilt the city.

□ 1745

FEDERAL BUDGET

The SPEAKER pro tempore (Mr. LAHOOD). Under the Speaker's announced policy of January 6, 1999, the gentleman from Texas (Mr. STENHOLM) is recognized for 60 minutes as the designee of the minority leader.

Mr. STENHOLM. Mr. Speaker, I want to thank those making this period of time available today to further the discussion of the bill that was vetoed and then sustained earlier today.

I would gather that anyone listening to the debate today was rather confused about what was in the bills or what was not in the bills or what the effect would be. But to do this, to set the stage for this, I think it is important for us to go back and to review the budget debates earlier this year.

And I want to speak on behalf again of the Blue Dog budget, the Blue Dog Coalition, that proposed a budget that got 171 votes, a majority of the Democrats, and 33 Republicans, joined with us when we were debating. And we thought this year's budget debates should be built around a framework that would put our government on a path of retiring and entirely eliminating our public debt by 2010. We thought it was important to save 100 percent of the Social Security and Medicare surpluses. And we thought it important to allow a net tax cut, net tax cut of $387 billion over 10 years targeted to small businesses and middle-income families and make investments in priority programs of $387 billion over the same 10-year period.

That became known as the 50/25/25 plan, taking any non-Social Security surpluses and taking 50 percent of that to pay down the debt. Because I have found in my district at home, and I notice the polls bear this out, that the American people by and large, by 70 percent plus, want to see the Congress fix Social Security for the future, because every one knows that beginning in 2010 we are going to have some difficult times delivering on our promises of Social Security particularly at the exact same time that the baby boomers will be retiring. No one disputes that.

We felt like that that was important, but the majority party felt like the most important thing that they could do this year was to deliver a 1.3, 1.6, pick the number, $1 trillion tax cut of which every one agrees that many of those components are very, very, very popular.

But the Blue Dogs have said first off when we hear people talk about the $4.6 trillion surplus, we know, and I hope the majority of the American people will soon know, those are projected surpluses.

My colleague will hear in a moment from the gentleman from Mississippi (Mr. TAYLOR), in which he will show there are no surpluses, and he will be right, 100 percent right.

When we disregard the trust funds, not only the Social Security, but Medicare and military and civil service retirement and now railroad retirement, there are no surpluses, but yet we keep hearing this. And then we hear the rhetoric that says $4.6 trillion, it is your money, and we are going to return a part of it to you.

This kind of prompted me to say that even young school children know to complete the phase I swear to tell the truth, the whole truth and nothing but the truth. As common as that phrase is, we sometimes forget that. In the courthouse, it is rather important. I would wish that it was also important here in the U.S. House, because just this afternoon, as we have heard many times, the truth is, yes, the marriage tax penalty is unfair and in many cases two married individuals currently are taxed at a higher rate than they would be had they remained single, and that is not fair.

It is true that family farms and ranchers and other small businesses somtimes have a difficult time paying the current death tax, that is true.

But then let us talk about the whole truth and nothing but the truth. Yes, the $4.6 trillion that we hear so much about, most of us understand and I hope the American people will soon understand, those are projected surpluses, not a single American family tonight will go out and spend projected income without a risk.

If we get an extra bonus of $5,000 and we owe our bank $10,000, we do not go out and spend it on a vacation, unless we are willing to take a chance on digging our family into a deeper hole. Why should our country be different?

That was the argument that many of us were making this afternoon as pertained to the so-called death tax. I personally feel very strongly that the bill the President vetoed should have been vetoed. In fact, I personally recommended that he do veto the bill, and here is why.

When we look at the effect of a bill that is phased in, in 2010, 10 short years from today, that creates a hole in our budget of $50 billion that will expand over the next 10 years to $750 billion, without a plan of how we are going to be dealing with that or just passing on to future Congresses, really, we are passing it on to our grandchildren.

It seemed to me that the first bill that ought to have come to the floor of the House should have been a Social Security reform bill. That should have been the first bill, followed quickly by the Medicare and Medicaid reform bill.

Back home I have numerous hospitals that, unless we put together a balanced budget fix again this year, we will have to close their doors, and this is no exaggeration. Now, to those that talk about spending, if we do not wish to spend some additional money to keep rural hospitals and inner-city hospitals open, that is a fair position for anyone to take, and we will have that discussion. But that is the one we ought to have first, how do we provide for the minimal needs?

As we heard the gentlewoman from Michigan talking about the pharmaceutical bill needs, all that is well established, but yet today we had a bill, the first one to be vetoed. And now I hope the message is sunk in to the leadership of the House, that the next bill also will be vetoed and will be sustained, because I suspect now that most people are beginning to see that the Blue Dogs might have had something right when they said let us not spend projected surpluses, let us use this opportunity in case these surpluses are real, let us pay down our debt.

Let us not forget the $5.6 trillion that we still owe, $700 billion now which I was corrected earlier, because contrary to the rhetoric in this body, our debt is going up, not down. We are paying down publicly-held debt, which is good, but we are increasing the debt to our trust funds, which eventually will have to be paid.

Let us not forget so easily as is so often done, and again this afternoon, let us not forgot that we have an unfunded liability in the Social Security trust fund as of today of $7.9 trillion which is going to have to be paid off. And that is why the Blue Dogs in our budget with the 50/25/25 of saying put maximum interest on paying down the debt, and let us equally divide increased spending on priority areas, and those are defense, veterans, education, health care and agriculture, that is it. Then let us deal with tax cuts.

And that is where, before I yield to my friend, the gentleman from Mississippi, (Mr. TAYLOR), I would make this point again, we would have thought this afternoon that the bill that was vetoed and then sustained was going to do great things for small businesses immediately.

Well, if we listen carefully, we will understand that the reductions in the tax rate on estates under the death tax would not take effect until 2010. The bill that I supported, continue to support and believe that if we can somehow revive some bipartisan action in this action, I believe we can put together a tax component as it pertains to death taxes that would, in fact, repeal all death taxes on all estates up to $4 million immediately, effective January 1, 2001, to those family farms that I heard, and I have numerous of those in my own district.

I want to make it very clear, unless your estate is more than $4 million the Democratic substitute that I and others and I hope will revive itself now that this one has been vetoed, that we can in fact have a $4 trillion exemption so no business, no individual family will ever have to worry about the death tax now.

Now, the argument will be why do we not eliminate it just for everybody. Show me how we are going to fix the Social Security program. Show me how we are going to deal with these surpluses that are not real, which my friend, the gentleman from Mississippi (Mr. TAYLOR) will be showing absolutely that we are talking in terms of fictitious numbers. Show me how we are going to deal with the Social Security, Medicare and Medicaid problems, then let us come and have an honest, open debate about how far we go on estate taxes.

I think a $4 million exemption effective January 1 beats the heck out of an estate tax phased out in 2010. My colleague, the gentleman from North Dakota (Mr. POMEROY) showed so eloquently earlier today the exact numbers of what we are talking about, and I think once that is understood and folks will get back off of the budget plans that are now showing are going nowhere, that we can come together, we can emphasize what the American people want, and that is pay down the debt, take care of Social Security, so it will be as good for our children and grandchildren as it is for those on it today. Take care of Medicare and Medicaid and pharmaceutical drug needs. Be prudent. Debate your spending, hold the spending down as much as you possibly can in a bipartisan way.

And with those opening comments, I yield to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, I want to thank my friend and colleague, the gentleman from Texas (Mr. STENHOLM). You know, I represent a district that is very, very heavily promilitary, overly blessed in military bases. We have about 14,000 military retirees and a much higher percentage of overall citizens who have served in the Armed Forces than we think the typical congressional district has.

I guess because of that, I take particular offense at the thought that for 2 years of the past 3 years, the Veterans Administration budget was frozen, not one penny increase. Despite the fact that we have now about 1,300 World War II veterans a day dying, they are getting to that point in their lives where they need help the most. For a typical American, 90 percent of all health care costs that any of us will incur will occur in the last 6 weeks of our lives. So the last 6 weeks of their lives is very sadly coming due for many of our World War II veterans and the VA budget for the past 2 years was frozen because the majority party said there is not any money to give to them.

This month, this month on September 29, the troops would normally have been paid, there are over a million people who serve in the Army, Navy, Air Force, Marines who are out there in dangerous places like Korea in Kosovo right now or in places like Colombia right now who are flying planes right now, under the sea right now, normally they would get paid on September 29, that is not going to happen this year. They are going to get paid on October 1.

The reason for that is so that pay period of over a billion dollars will not be reflected on this fiscal year, it will be shifted to next fiscal year. For a Congressman like myself or a high-ranking government official who makes good money, that is no big deal, delaying our pay for a couple of days. As a matter of fact, though, our pay is not going to get paid. All the congressional staffers will get paid at the end of September. In fact, the only people in the entire United States Government whose pay is going to be delayed are the guys who earn it and deserve it the most.

And so for a young enlistee on fixed income who is counting on that paycheck on Friday to buy Pampers and formula for his kids, he is not going to get paid until Monday, because it is one of the gimmicks once again from the folks who say we needed that money.

The last year the Democrats ran the House was 1994. In 1994, there were 404 ships in the United States Navy. Today as I speak, there are 315 ships in the United States Navy. That is a drop of 89 ships since the Republicans, who pledged for a strong national defense took over, because they will not give them the money to build the ships or maintain the fleet, again, they say, because we do not have the money.

The fleet is now the smallest it has been since 1933 when it was 311 ships. They say because we do not have the money, so you can imagine my surprise and a great many American's surprise when lo and behold they are suddenly saying we have this huge surplus, after telling the veterans wait your turn, after telling the active duty military wait your turn, after telling the United States Navy wait your turn, we have a big budget surplus, and to keep the guys in Washington, whoever they are, since they are in the majority, from spending it, we have to give it away in tax breaks and let us start with the wealthiest 2 percent of all Americans, the ones who do pay the estate taxes.

There is one small problem with the allegedly budget surplus. It does not exist.

□ 1800

As a matter of fact, 1t you take the time to read these numbers, you will realize about the only two things accurate in the words "budget surplus" are the letters "BS."

Those of you who have home computers, I would encourage you to take a look at 3 p.m. eastern time on the fourth workday of every month on www.publicdebt.treas.gov. This is a publishing of the public debt. One of the things our colleagues will tell you is not only do we have this great big surplus, but we are paying down the debt. If that were true, it would be wonderful. Unfortunately, it is not.

The total debt outstanding as of June 30, 1 year ago, was $5 trillion, and a trillion is a thousand billion, 638 billion, and a billion is a thousand million, 780 million. One year later, on June 30 of the Year 2000, it has grown by over $40 billion, to $5,685,938,000,000.

It has grown. It has grown by $40 billion. So despite the talk that they can afford to give away the $50 billion a year that the estate tax repeal would cost the Treasury of the United States, there is no surplus. The debt is not shrinking, it is growing.

Who owns that debt? Let us remember that a third of all the national debt is owned by foreign lending institutions. So if the Japanese or German lending institutions that own our debt demand that it be paid off, think about the economic chaos in America.

One of the things that I would hope the American people would take the time to look at is that there is a surplus in what is called the trust funds. The trust funds are taxes that are collected for a specific purpose and are supposed to be set aside just for that purpose.

If you look on your pay stub, there is something called FICA. That is just Social Security taxes. It is collected from you, it is collected from your employer, and it is supposed to be set aside to pay your Social Security benefits when that time comes. There is a Medicare Trust Fund, taxes collected from you, set aside to help with your health care costs when that time comes.

If you served in the military, there is a military retiree trust fund to pay your benefits when you retire. There is a trust fund for the Highway Department. Again, taxes when you buy your gasoline, those taxes are supposed to be set aside and used for nothing but paying the trust fund.

Unfortunately, if you take the time to look at the report that I just told you about, you will see that ending in the month of June, the Nation in that fiscal year had already taken $11 billion out of the trust funds just to meet annual operating expenses. That number grew to $12.967 billion in the month of July.

So my question to my colleagues who say that we can afford to lose $50 billion a year in revenue on the estate tax is whose trust fund are you going to steal it from? And they have yet to answer that question. If they are not going to borrow it, then they have got to steal it from a trust fund in order to pay that bill.

Are they going to steal it from the Social Security trust fund? Are they going to steal it from Medicare part A, which pays the hospital costs of senior citizens? Are they going to steal it from Medicare part B, which pays the physicians' costs? Are they going to pay it from the Social Security disability fund, for people who through some tragic accident can no longer work and need a little help until they reach the age of 65? Or are they going to steal it from the military retiree trust fund, people who have given their whole lives to defending our country, who have set aside a portion of their paychecks so they can count on that check for the rest of their lives? Who are they going to steal it from?

As I told you, the debt is growing, and the best analogy that I can use as far as those folks who say we have this big surplus, not only is the debt growing, but it has grown enormously in our lifetimes. Most Americans think that maybe this generation did our per capita share of the total debt. Wrong.

In 1980, this Nation was less than $1 trillion in debt. Right now it is $5.7 trillion in debt. Almost all of the debt has occurred in our lifetimes. So I ask my colleagues who are adamant about huge spending increases or adamant about huge tax decreases, why would you as a Nation burden your children with that debt? Can you name one single responsible individual who says I am going to go buy a whole bunch of stuff, I am going to have a whole lot of fun, and I am going to stick my kids with that bill? And, by the way, I am going to deplete the military while I am at it, I am not going to build any ships to defend us, I am going to shortchange the guys in uniform, and by the way, we might even take a little money out of the militarily trust fund. That is their solution for America. I think their solution is wrong.

I had an opportunity to give this talk to someone who really would benefit from this. He happens to be a banker in Mississippi. He happens to be the majority stockholder of the biggest bank in Mississippi. He had written me saying, you know, I worked on all of my life, I scrimped and saved, and I know the man and know it to be true, and I would like to leave as much of this as I can to my kids. I do not want to pay an estate tax.

I explained to him that our Nation is squandering $1 billion a day on interest on the national debt, we did it yesterday, we did it the day before, we will do it tomorrow and do it every day for the rest of our lives until we pay off the national debt. He is a banker. He understands interest. At the end of our conversation, he said, "Gene, you did the right thing."

I would hope that other Americans will take the time to look at these reports, because, unfortunately, the Washington Post will not tell you, the New York Times will not tell you. I have actually seen economists in nationwide publications saying there is so much money they are going to pay off the debt in 2 years. None of them have bothered to read the only reports that count, and that is the reports from the U.S. Public Debt, the reports from the U.S. Treasury, and they will show convincingly there is no surplus.

So if we care about our country as much as we say we do, if we care enough to let our kids serve in the military, if we care enough to reward those veterans who served us so well in places like World War II, in Vietnam and Korea, if you think the sacrifices that they made are worth preserving, then why would we bankrupt our country now? And not for the least fortunate Americans, but for the sake of the most fortunate Americans? It makes no sense whatsoever.

So I want to thank the gentleman from Texas (Mr. STENHOLM) for this opportunity, and again I want to encourage every American to look up this site, www.publicdebt.treas.gov. If you have any doubt whatsoever as to the accuracy of these figures, you may get them for yourself. I encourage every American who has a computer to take the time and look, because it is frightening; and we as a Nation are truly in the position of a guy who cannot pay his debts, who for 200 years has not paid his debt, and is now going to the banker and saying, Can I just pay some interest? That is what we are doing as a Nation.

There is no surplus. It is time to pay off the debt and quit sticking our kids with our bills.

Mr. STENHOLM. Mr. Speaker, I thank my friend from Mississippi for his contribution and would remind my colleagues, Mr. Speaker, that this is the left side of the aisle speaking. These are the same voices that have been encouraging the current majority to take a look at these surpluses that everyone talks about and deal with them as they are.

What the gentleman has just stated is a fact. It is not made up. The only response we sometimes hear from them is "you Democrats were in charge for 40 years and you did it, so we are going to do it too." Well, that really does not make sense. I do not think the majority of the American people want us to continue making the same mistakes that others have made. That is why we in the Blue Dog Coalition have said all year, let us be fiscally responsible with our tax cuts and let us be fiscally responsible with any additional spending. Let us seek out a bipartisan agreement on all of the above.

Again, that is why I want to, before I yield to my friend from East Texas (Mr. TURNER), I want to again reiterate today's vote on the death tax. Most of us who opposed it and supported the President did so because we believe there is a better alternative.

I would hope that now that the veto has been sustained and that the people will begin asking the question, what next, we will take a look at the Democratic alternative. Maybe it is not perfect, and I would be the first one to say it is not perfect. If it can be improved, let us work in a bipartisan way to improve it. To do what? To eliminate the unfair punitive penalties that occur on small businesses when the death of parents occurs.

We agree to that. Our proposal was that we ought to exempt $4 million estates. Now, back home where I come from, those are not small businesses. But in the big picture they are small businesses. When you start picking a number, it is always difficult to do.

Where is the $4 million coming from? It is something that would cost $22 billion over the next 10 years, rather than $105 billion. And the $4 million figure as proposed and supported by many of us on our side of the aisle would be signed by the President. In fact, I would not be surprised if it could not be improved.

I keep hearing some say why not go to a $4 million exemption, and then tax all estates over and above that at the capital gains tax rate?

I am for that, Mr. Speaker. I think that makes eminent good sense. I would like to see CBO and OMB seriously look at that and see if that would not be a better proposal.

But the bill that was vetoed just cut it off in 2010. The Democratic substitute that I worked so hard on said let us not cut it off at 2010; let us continue the same cost into the next 10 years, at least until we fix Social Security for our children and grandchildren. That is why I have become such a bull dog on all programs, including the one that we just passed overwhelmingly, the Railroad Retirement Act that passed overwhelmingly awhile ago.

I have no doubt it is a good bill. I was contacted by many of my constituents saying support it. A lot of it I could support. But the cost, getting into Social Security, reducing the retirement age precisely at the time that we are increasing the retirement age on Social Security, under current law, from 65 to 67, that is currently going on, I had some questions. I really questioned us taking out of context various bills, even the good ones, even those which I may in the end say I voted wrong today.

But until we can put into context how we are going to deal with these non-surpluses, as we now have heard from the gentleman from Mississippi (Mr. TAYLOR), I really think we have to question what is fiscally responsible and what is not, and remind again when you hear about trust funds, when you hear about surpluses, they are projected. None of this is real. Most families do not spend projected surpluses without getting in trouble if they do not occur.

Mr. Speaker, I am happy to yield to the gentleman from Texas (Mr. TURNER).

Mr. TURNER. Mr. Speaker, I thank the gentleman for yielding. I want to thank the gentleman in particular for his hard work that he has exhibited throughout his years in Congress to try to bring fiscal responsibility to the Federal Government.

Just last year for the first time we had a surplus in the annual Federal budget. We had not had one they tell me for 30 years. I think it is very important as all of this talk is being kicked around about the surplus, the anticipated surplus, that we not waiver in our commitment to try to continue to have annual Federal surpluses so we can pay down our Federal debt.

It may very well be, as the gentleman from Mississippi (Mr. TAYLOR) said, there may not really be a surplus. People talk a lot about the anticipated surplus; but it is not here yet, and it may not be here.

We all have been told by the Congressional Budget Office that the non-Social Security, non-Medicare Trust Fund surplus totals about $2.2 trillion over the next 10 years. That is an estimate. It may or may not arrive. But we also are told that that estimate of the surplus is based on a lot of assumptions. It is based on the assumption that Federal spending will not increase, even though we know the population of this country keeps growing and placing increased demand on the Federal Government.

We also know that if we reduce the assumption in the budget estimate of economic growth by only one half of 1 percent, that 25 percent of that surplus just disappears. A one-half of 1 percent adjustment in annual growth over 10 years means $500 billion of the estimated $2 trillion surplus disappears.

So I think it is important for us to talk tonight about the importance of staying on course for fiscal responsibility, and I was very proud that Vice President GORE and Mr. LIEBERMAN proposed a budget surplus reserve fund, to make sure that if all those rosy estimates of the surplus turn out not to be true, that we will not put this country back into deficits.

□ 1815

A fellow in overalls probably made the point better than I will tonight at a town meeting I had in my district. After all my efforts to explain all this complicated talk about Federal budget surplus estimates and the national debt, he raised his hand and he says, Congressman, how can you folks in Washington talk about a surplus when you have a national debt of over $5 trillion? Well, that stumped me for a minute, because I guess that is true. Only in Washington can people claim to have a surplus when we have a $5 trillion debt at the same time.

Back when we got the revised estimate of the anticipated surplus that is supposed to arrive over the next 10 years of $2.2 trillion from our Congressional Budget Office, that very day the national debt stood at $5.6 trillion. Yes, only in Washington can people say we have a surplus when we owe $5.6 trillion.

So before we let the politicians squander our future anticipated surplus with new spending programs or irresponsible tax cuts that primarily are aimed at the wealthiest Americans, let us set up a simple and reliable budget framework that we can all play by.

The Blue Dog Democrats, the conservative Democrats in this Congress, have always advocated a very simple plan for the use of any anticipated surplus that may arrive over the next 10 years. We say, let us dedicate 50 percent of us to paying down the national debt. Let us use 25 percent of it for commonsense tax cuts that are aimed at people who really need a tax break. Let us use 25 percent of any anticipated surplus to be sure that we save social security and Medicare for the next generation.

That is a sensible plan, a sound plan, and any time I have had the opportunity to talk about it to the people of my district, they say it is a good plan that we ought to follow. Our national debt works a lot like our credit cards. When the United States runs up a big debt that we do not pay off, then we have to pay interest. The debt keeps growing, and so do the interest payments.

The interest today is eating away at our budget. We spent last year almost as much on interest on our national debt as we spent on the entire defense budget, which is the largest category of spending in the Federal budget.

If we use half of our surplus to pay down the national debt, we can pay it off entirely in 10 years. There is still room after that to afford other national priorities like commonsense tax cuts, social security reinforcement, and to save the Medicare program for the future.

But it seems that here in Washington, in order to issue a good press release about how big a tax cut we are for, the majority in this Congress has insisted on applying the bulk of any anticipated surplus to tax cuts. In fact, if we total up all the tax cuts that have passed through one House or the other in this Congress, they total almost $1 trillion.

President Bush has proposed $1.3 to $1.6 trillion in tax cuts over the next 10 years. It is hard for me to see how they could devote 80 to 90 percent of any anticipated surplus that may not even show up to tax cuts, and then tell the American people that they are going to pay off the national debt. The truth of the matter is that we cannot do it.

Under those almost $1 trillion in tax cuts, we find that they were targeted at the wealthiest Americans. In fact, an analysis that I looked at just the other day said that 50 percent of the tax cuts in that Republican plan, that $1 trillion, almost, in tax cuts, would go to the wealthy families of our country who make over $130,000, the top 5 percent of American families, while on the other hand, middle-income families making under $40,000 would get less than 10 percent of those tax cuts.

Stated another way, it means that a middle-income family earning $50,700 a year would get a tax break under the Republican plan of $323 a year, less than $1 a day, while the wealthy family earning $329,000 a year would save

$6,408 in their tax obligation. That is simply not fair.

Yes, all Americans need tax relief, but those who have benefited the most from the prosperity that we have enjoyed should not receive the largest percentage of income savings. We need to get our financial house in order and our debt paid off before we give Bill Gates and Ross Perot a multi-billion dollar tax break.

Let me make it clear, I am a strong supporter of tax cuts for working families. The Democrats in this Congress have voted for tax cuts for American families. They have voted for a less expensive version of the estate tax repeal that would repeal the estate tax for 95 percent of the American people who currently would be obligated to pay one, and keep in mind, only 2 percent of American families even pay the estate tax today.

The Democrats also advocated getting rid of the marriage penalty, and voted on the floor of this House to do so, but the Republicans wanted to be sure they had a sweeter deal and they proposed a tax cut that not only eliminated the marriage penalty, but gave tax relief to those who actually get a marriage bonus.

As I say, if we look at all the tax cuts that the Republican majority has passed on either the floor of this House or the Senate totalling almost $1 trillion, what we find is that the wealthiest Americans benefit the most, leaving the crumbs to average working families.

It is the hard work of every American taxpayer that is fueling our surplus. As I have heard said often in the presidential campaign, American families need tax relief, and they do. Both candidates agree. But the truth of it, to say that the surplus is not the government's money, it is the people's money, misses the point, because the people of the country also, unfortunately, owe almost $6 trillion in debt.

So let us be sure that when we talk about tax cuts, that we are talking about responsible tax cuts aimed at middle-income Americans who need the tax relief, and let us also be sure that we do not make those tax cuts so big that we fail to deal with the national debt, which is approaching $6 trillion.

The truth is, the best tax cut that the American people can get is to pay down the national debt. Let me say that again. The best tax cut that the American people can get is to pay down the national debt.

Members may say, why is that so? Economists uniformly agree that if we pay down the national debt, it gets the government out of the business of borrowing money in the credit market. If we reduce the demand for credit, the effect across-the-board is to lower interest rates: less demand from borrowed money, lowered interest rates.

So what we can do is pay down the national debt, and by doing so, give the American people something even better than tax relief.

The Council of Economic Advisors reports that paying down the debt over the next 10 years will save American families $250 billion in home mortgage payments alone, $250 billion. A 2 percent reduction in interest rates would save a family paying a $100,000 mortgage $2,000 a year.

Keep in mind, even the gigantic, irresponsible Republican tax cut plan saves an average working family, a middle-, income family, less than $1 a day, less than $323 a year. If we can lower interest rates and that family is trying to pay off a home, and most families enjoy the opportunity to own their own home at some point in their lives, if we can reduce that interest rate 2 percent, we will not save them $323, we will save them $2,000 a year.

That is the kind of sound budget plan that this Congress need to pursue. We have a responsibility in these prosperous times to take advantage of a historic opportunity to pay down the debt, a debt that was accumulated over 30 years of deficit spending. We have a responsibility not to count on the estimated $2 trillion surplus that is supposed to arrive here over the next 10 years by deciding today what we are going to do with it.

It is kind of interesting, because we actually here in Congress have had tax cuts on the floor that would consume the opportunity for any Congress in the next 10 years to vote on a tax cut. It seems to me that those who claim to be fiscally prudent, who claim to be fiscal conservatives, would understand that we do not spend a surplus that is not here yet, and that we do not spend it all at one time.

There are other priorities that we have to be attentive to. Medicare needs to be preserved for the next generation. Social security needs to be preserved for the next generation. We need a prescription drug benefit under Medicare for our senior citizens. We need to spend more on national defense. We need to be sure that we protect our veterans.

Those are issues that have not been accounted for when people talk about a $2 trillion estimated surplus. So let us stick to a plan of fiscal responsibility. Let us be sure we protect our economy for the future. Let us be sure that our children do not have to pay off that $5.6 trillion debt that, by the way, continues to grow.

I thank the gentleman for the opportunity to share these thoughts.

Mr. STENHOLM. Mr. Speaker, I thank the gentleman from Texas (Mr. TURNER), and I thank the gentleman for pointing out that the best tax cut that this Congress can give the American people is that which keeps interest rates down, something that gets overlooked in the rhetoric around here so often.

The gentleman gave the numbers, I was using a little smaller number, a $50,000 home mortgage, a reduction of 1 percent in the interest is $500 per year. That is real money that working families would darned sure appreciate.

By now, I would hope that folks have begun to realize some of the fallacies of those who suggest a $1,300,000,000,000 tax cut is what this economy needs.

Review for just a moment as I think out loud, what has the Federal Reserve done I believe six times in the last year? Increased interest rates. Why have they done that? Concern of the Federal Reserve that the economy may be overheating and inflation may be taking off; one of the cruelest taxes that occurs, particularly to those who live on fixed incomes.

Why do we have a tax cut? To stimulate the economy. If we should have a large immediate tax cut that stimulates the economy, why would we not suppose the Federal Reserve may take it away in interest rate increases? It is something that has bothered me a great deal, and it is one of those things that has influenced the Blue Dog budget and the proposal.

Let me again as I close remind everyone that this Blue Dog framework that the gentleman from Texas (Mr. TURNER) and the gentleman from Mississippi (Mr. TAYLOR) and I have been talking about, and I am rather disappointed that we have not been joined by some of our friends on the other side of the aisle who have agreed with us, 33 voted with us earlier this year, in agreeing that this framework that would pay down the debt would be fiscally responsible on spending and tax cuts, and would be a pretty good plan.

It is not too late. We still have 18 working days left now in the 106th Congress if we adjourn at our scheduled time. In order for us to get through with our work, we are going to have to find an agreement that can be supported by a majority of the House, a majority of the Senate, and the President concurring.

It is not a bad blueprint for us to be thinking about now. It is 50/25/25. We all agree we are not going to touch social security and Medicare trust funds. That is half of the $4.6 trillion. Everyone agrees to that. Why not set aside half of the remaining to pay down debt, and then let us, in a bipartisan way, decide how much we are going to spend on health care; on pharmaceutical drugs; on the defense needs of this country; on water, as it pertains to my district.

□ 1830

The Speaker pro tempore has had some pretty severe disasters out in his part of the country. I have witnessed that and the tremendous devastation that has occurred to forests and ranchers and all. I suspect there are going to be some legitimate needs there where we probably are going to find some agreement. So let us stop this complete total partisan bickering and realize it is going to take some bipartisan action.

Here, I want to make another comment about Social Security. Because if I had one prevailing reason for encouraging the President to veto the death tax bill that was presented to him, it was because of Social Security.

I continue to say, as my colleagues have heard me say several times on the floor, I have two reasons for my vote today, and their names are Chase and Kohl, who are my wife Cindy's and my 5- and 3-year old grandsons. When they were born, the first one 5 years ago, I resolved that I did not want them to look back 65 years from that date and say, if only my granddad would have done what in his heart he knew he should have been doing when he was in the Congress, we would not be in the mess we are in today.

That is kind of the guiding light, I guess, for me insisting that a backend loaded tax cut on the death tax that repeals it in 2010 at the cost of $50 billion at the exact same time baby boomers are retiring. That Congress, now I will not be here at that time, my body will not take this job that much longer, but there will be a Congress that will be there, and it is grossly fiscally irresponsible to pass on to future Congresses and to our grandchildren those unanswered questions of where they are going to get that revenue.

I think we ought to first make the decisions here on Social Security and Medicare. Obviously we are not going to do that in the 106th Congress. It is going to take the 107th Congress to do that and a new administration. I look forward to working with them, hopefully, in a bipartisan way.

Just as this year I want to commend the gentleman from Michigan (Mr. SMITH) who stood alone arguing some fiscal responsibility on the Railroad Retirement and Survivors Improvement Act that passed overwhelmingly. I voted with the gentleman from Michigan (Mr. SMITH). I appreciate the point he was making even though it did fall on deaf ears, because any time we can find some bipartisan consensus on spending additional money or cutting taxes, it is very popular, very difficult to stand in the way.

But the gentleman from Arizona (Mr. KOLBE), my colleague from the other side of the aisle, and I have worked on a Social Security reform bill that we know that is going to cost some money over the next 10 years to implement it. That is why I have said that, before we start spending surpluses that are not there, let us fix Social Security. Let us have that open, honest debate. Well, it will take us next year to do that unfortunately.

Here a little bit of other history. Many times today I have heard that it was only after the majority changed in the House of Representatives that the budget got balanced. Well, I think that is taking a few liberties. I am perfectly willing and openly acknowledge the contribution of many of my friends on the other side of the aisle. But I think it is important for us from time to time when we start talking about budget to review some history on votes of the budget.

Let us go back to 1991. Remember that one. That was the Bush budget, President Bush. Well, it passed, but only 37 Republicans voted for it. I happen to have voted for it because I thought it was the right thing to do. But President Bush paid dearly with it because he got unelected in 1992, and one of the big issues was the budget of 1991.

Now let us go on to 1993. Remember that one. The Clinton budget. Well, I voted for parts of that and voted against parts of that, but I got the blame for all of that. In hindsight, the blame was not all that bad. But zero Republicans voted for that budget. It took all Democrats to vote for it.

Then let us fast forward to 1997, the Balanced Budget Agreement in 1997 that many give credit for the current fiscal situation. Well, here again 187 Republicans voted for it. It took a few of us Democrats, we Democrats to vote for it, too.

My point here is saying that we have always had, in most cases, bipartisan cooperation, sometimes bigger than others. But we seem to have wanted to get away from that. I hope, Mr. Speaker, that our colleagues that have been observing this today and perhaps others who may be a little bit puzzled maybe will have a few answers today of why some of us believe that the veto of the bill on the floor today was the right vote. We sustained it, just as some of us feel that the President's veto of the so-called marriage tax penalty is the right vote. I am one of those. I will say openly and honestly right now I will sustain that veto also.

Why do I say that? First off, I agree that we should not have a penalty on the marriage. Any two men and women married should not be penalized for being married. But it does not take $292 billion to repeal the marriage tax penalty. Most economists and accountants will say, no matter how hard we try, we cannot eliminate the penalty, but we can do the best job we possibly can with $82 billion. That is in the Blue Dog budget. That is what we will support, but not $292 billion.

I am saying this to alert, to just say to the leadership, if they insist, and I think they will, on continuing to have as the real centerpiece of their economic platform for November of a $1.3 trillion dollar tax cut, but they also believe that we have to increase defense spending and they also believe we have got to fix health care and they also believe we have got to take care of agriculture's problems and they also believe that we have got to fix Social Security. They cannot do all of those things unless they take a more fiscally responsible position. Mr. Speaker, that is why we take this hour today.

I will say again so that there shall be no misunderstanding by anyone observing or interpreting the vote today. The alternative that the President would have signed and will still sign, as he has stated, would have exempted all small businesses, all small businesses, farmers and ranchers included, up to $4 million from even having to consider paying the death tax. What is wrong with that? Effective January 1, 2001, not 2010.

If we really and truly want to deal with it in a fiscally responsible way, let us know that the partisan politics is over on this vote, let us roll up our sleeves, then let us see if we cannot put together some, as I said earlier, if the Democratic version is not perfect, let us roll up our sleeves and, for a change on the Committee on Ways and Means, work, Democrat and Republican, to make a better one. But let us make sure it fits within the budget restraints.

To get my vote on any compromise, it cannot be a backend loaded tax cut for death taxes, for marriage tax penalty, for any other tax. It is fiscally irresponsible, in my humble opinion, for this Congress to pass tax cuts that explode in 2010 and afterwards. If we want to do it, do it now. Have that open debate. But do not, do not backend load without first coming to this floor with the Social Security reform bill.

My colleagues will find that there will be bipartisan support, bipartisan support for a lot of the ideas kicking around as long as we are willing to openly and honestly pay for them. The bill that was vetoed today was not openly and honestly paid for. The truth, the whole truth and nothing but the truth.

I thank my colleagues for joining with me today, and we look forward to the continuing of this discussion next week and hopefully getting an agreement that will get 218 votes, 51 votes and a Presidential signature, ideally 435 and 100, but that will never happen, Mr. Speaker. But I suspect that we might find one that you and I will agree on.

ISSUES REGARDING THE DEPARTMENT OF EDUCATION

The SPEAKER pro tempore (Mr. SIMPSON). Under the Speaker's announced policy of January 6, 1999, the gentleman from Michigan (Mr. HOEKSTRA) is recognized for 60 minutes as the designee of the majority leader.

Mr. HOEKSTRA. Mr. Speaker, I welcome the gentleman from Colorado (Mr. SCHAFFER) who is going to be joining me tonight as we talk about some of the issues that we have dealt with on my subcommittee.

I chair a subcommittee dealing with the oversight issues dealing with the Education and Labor Departments. We are going to kind of take our colleagues through what we have found in our investigations, and some of the things are quite disappointing. On the other hand, there are some things that have been very, very exciting.

Let us start where we should, since we have responsibility for this agency, taking a look at the Department of Education here in Washington. This is a Department that spends approximately $40 billion per year. It also manages a loan portfolio in the neighborhood of $80 billion to $100 billion. So this is an agency that, under its control, has about $120 billion to $140 billion. It is a pretty large corporation if it were in the private sector.

Let us reflect back as to what we envisioned for an organization like this. In some ways, it matches what our Vice President AL GORE indicated early in the Clinton administration when he was talking about reinventing government, and that we saw these Federal agencies as representing the best in management practices, mirroring the best in management practices that one finds in the private sector.

If these management practices are in the private sector, it would make a lot of sense for the Federal Government and the agencies within the Federal Government to learn from what is the best practices and incorporate those best practices. I think in many ways that was what the Vice President, Vice President GORE, intended with his assignment to reinvent government.

In 3 weeks we will close another fiscal year. The disappointing thing is that, yes, the Education Department has been reinvented, but under this administration, it has been reinvented into something that none of us can feel very good about. Remember this is an agency that spends $40 billion on discretionary funds, manages the loan portfolio in the neighborhood of $80 billion to $100 billion.

What do we know? We know that, for the year 2000, the Department of Education will again fail its audit. It has failed its audit in 1998. It failed its audit in 1999. With testimony that we have received in our oversight subcommittee, it is clear that, once again, in 2000, the Department of Education will not have the internal controls, the internal systems in place that will enable it to receive a clean audit.

If that is what the Vice President means by reinventing government, then it is time that we take another look at exactly what this should mean.

When we have got an agency that does not get a clean audit, what does that mean in the private sector? I worked in the private sector, and I worked for a publicly held company. If one is in the private sector and one's independent auditors come in and take a look at one's books, and they indicate to one's shareholders, one's customers and to Wall Street that one's books are not an accurate reflection of what is actually going on in one's business, typically what will happen is the value of the stock will plummet, perhaps even the trading of one's shares will be suspended on the market. One will begin looking for a new chief financial officer. One may also begin looking for a new chief executive officer. Of course one would begin looking for a new person who said we are going to reinvent this company and make it the way that we would like it to perform. That is the private sector.

Why would that happen? This is why companies go through and get an audit. This is why we push to have Federal agencies become auditable. We know that when the books are not clean, and when the systems are not in place, what one is doing is one is putting in place a system of behavior that is ripe for waste, fraud and abuse.

That is why it is so critical in the private sector. That is also why it is so critical in the government sector. Because now approaching its third year of failed audits, what else do we know? Do we see a Department of Education that has the negative with the failed audits but everything else is fine? No. What we find within the Department of Education is a system that is full of waste, fraud and abuse.

Let us also define exactly what the Department of Education is. The Department of Education does not educate any of our kids. Basically what it does is it manages this $40 billion in discretionary spending. This is money that it sent around the country. It manages this loan portfolio. So basically what it is, it is a bank that distributes taxpayers' money. What we now know under the Vice President's definition of reinventing government it does not do it very well, because the auditors say there is no clear indication that the way that the Department of Education reports its spending actually reflects what happens.

□ 1845

So it is a bank. It distributes funds; it manages loans. What it does not do is it does not educate our kids.

What do we know about the failed audits? What do we see? What we do know is that it has a fairly elaborate process; that it has this $40 billion, and if a local school district would like to get some of that to reduce class size by hiring teachers, to maybe purchase technology, to get integrated into the Internet, it is about a 192-step discretionary grant process. The application and approval process is a very long and expensive process.

Now, with that kind of process, one would think it is foolproof. We would think out of those 192 steps, and by the way, this process used to be a whole lot longer but it was reinvented by the Vice President to only 192 steps, yet it still takes 20 weeks to get it done; but one would think, well, it is a good thing it has gone through that process because at least we will get it right. What are some of the examples and the reason we now know that that is not what is happening? "Congratulations, you are not a winner."

That is our Department of Education. The Jacob Javits scholarship. This is an opportunity where young people who are graduating from college have the opportunity to compete for and receive up to 4 years of graduate education from the Department, paid for by the American taxpayers. Linh Hua, a graduate student at the University of California, received a letter in February informing her that she had been selected to receive a Jacob Javits graduate fellowship. She was excited. If I were her parents or friend, I would be excited, because it means she is going to get $100,000 of education graduate school paid for.

She immediately informed the director of graduate studies at her institution. He in turn trumpeted the good news to the entire English department in a news announcement. It is exactly what anyone else would do if someone in their own class, in their own department were being recognized by the Department of Education for their academic achievement and they are being rewarded.

A few days later Linh received a message on her answering machine that she had received the letter in error. A mistake. The contractor working for the Department had erroneously sent award notification letters to 39 students informing them that they had won the awards. Thirty-nine students. Ms. Hua was crushed by the news. She describes her feelings in a letter to the chairman of the House Committee on Education and the Workforce: "I think my heart snapped in half. News of the possible withdrawal was devastating to me, and I have not found words to break the news to my family and friends. How does one share such news and still hold her head up high? I continue to be visibly distracted from my work, family and friends, and will be in great emotional turmoil until I can trust that my fellowship will not be withdrawn. Surely you will agree that it is wrong for the United States Government to condone such treatment of its citizens."

Members of the committee agreed. At their urging, and due to a provision lawmakers had the foresight to include, I guess we knew when the Vice President reinvented the Department of Education that these types of mistakes might happen, that due to a provision lawmakers had inserted into the Higher Education Act anticipating such a mistake, the education department eventually agreed to award fellowships to these 39 students. The cost for this mistake was $4 million.

Reading, writing and robbery; a theft ring involving collaboration between outside contractors and education department employees operated for at least 3 years, stealing more than $300,000 worth of electronic equipment, including computers, cell phones, VCRs, and a 61-inch television set. It also netted from the agency, from the Department of Education, more than $600,000 in false overtime pay.

Very simple scheme. The Department of Education employee in charge of purchasing filed all these purchasing agreements or purchasing contracts. There were no controls monitoring what this person did. This is why auditing companies say we are not sure that what they were actually doing, or reflecting on the books, actually reflected what they were doing.

This individual ordered the materials and, rather than having it delivered to the Department of Education, they were delivered to these people's homes. What was in it for the phone guy? The phone guy was the one that was able to bill the Department for over $600,000 of false overtime pay. Who paid? The American taxpayer. Who lost? American students who were the ones intended to receive these benefits.

The education department improperly discharged almost $77 million in student loans for borrowers who falsely claimed to be either permanently disabled or deceased. This did not come from our committee; this came from the inspector general's report. From July 1, 1994 through December 31, 1996, fully 23 percent of all individuals whose loans were discharged due to disability claims were actually holding jobs, some earning more than $50,000 a year. A total of $73 million in loans was improperly forgiven.

During the same period, the good news is that 708 borrowers receiving death discharges actually were earning wages. They were still alive. But their loans had been written off for a total of $3.8 million, a total of $77 million.

September: failing Proofreading 101. In September 1999 the education department printed 3.5 million financial aid forms containing incorrect line references to the IRS tax form. The forms were incorrect, had to be destroyed, and 100,000 of them that had been distributed to schools had to be recalled. The cost of the error was $720,000.

The list goes on and on about this mismanagement within the Department of Education. The disappointing thing is the Department of Education still has not been, as the Vice President would have described it, reinvented to a standard that hundreds of thousands of companies around America have to meet each and every day. They have clean books, a clean set of standards. Imagine the IRS going into a company and contesting their tax bill and saying, wow, we think you owe us some money, and the owner of the company coming out and saying, well, we reinvented our company last year so our books are not quite clean; but we think that our books roughly approximate what actually happened within our company. So based on those rough estimates and our books, we think that the tax that we paid you roughly reflects what we actually think we owe you.

I do not think the IRS would show the same kind of sympathy that we have shown to the Department of Education.

It is time for this Department to clean up its act and become reinvented. Actually, it does not even need to be reinvented. What we would like it to do is just to actually meet the standards that are out there in the private sector each and every day.

I see my colleague from Colorado has joined me. I do not know if he wants to add on to some of these examples or talk about others. My colleague from Colorado and I have taken a look at the Department of Education and found the bad news, the bad news on the education front in Washington, that we have a Department that has responsibility for $100 to $120 billion and cannot get a clean set of books and is ripe with waste, fraud, and abuse; but the good news is what my colleague and I have seen as we have gone to 21 States and seen the great things that are happening in education in America today when we empower parents, teachers, and administrators at the local level to focus on educating their kids.

We have seen tremendous things in the Bronx, in Cleveland, Milwaukee, Little Rock, Arkansas, L.A., Muskegon, Michigan. We have seen some great things in education as we have gone around the country. That is the exciting thing. And it is a sharp contrast to what we see here in Washington.

Mr. Speaker, I yield now to my colleague, the gentleman from Colorado (Mr. SCHAFFER).

Mr. SCHAFFER. I thank my colleague for yielding, and I also appreciate the examples that he laid out. They are very sad and they are very unfortunate that the Department of Education wastes and squanders and abuses the taxpayers' money to the extent that it does. But that is really no surprise though, Mr. Speaker. This is Washington, D.C., after all; and the Federal Government wastes, squanders, and loses money in virtually every department that the Federal Government operates. It is just regrettable that the Department of Education is one of the worst.

In the audits that the Congress requires various agencies to carry out, the Department of Education in 1998 could not even audit its own books. The books were so bad, so poorly kept, that they were just unauditable. And I remember the hearings that we held together, that the gentleman chaired, where we brought the Department of Education in and wanted to know where did the money go. We noted that they get billions of dollars, and we share the dream and the goal that these dollars should be spent on children in classrooms. We care about education and we want to see our children have the best resources, and really unlimited, if possible. And to a great extent that is possible, even with the money we are spending now. But the reality is not only do we know for certain that a tremendous proportion of the dollars that the American taxpayer spends never make it to the classroom, it is so bad that the Department could not even quantify that amount because it could not even balance its own books.

It is spending money, Mr. Speaker, without the ability to track these dollars and let the American taxpayers know what it has done with those funds, those important revenues. So that I think the real message is that waste, fraud, and abuse exists in the Department of Education. It is graphic, it is ugly, it is miserable, it is unfortunate, and we want to fix that. And first of all, the way we fix these kinds of problems is by admitting them, openly and publicly, by talking about them and trying to find out how we fix these problems.

The goal is not really to have more and better government. Our goal is to get resources to the children that matter most. I have five kids, three of them are in public schools right now. I know the gentleman has children as well that are in public schools, and we take this matter very personally, Mr. Speaker. Our goal and our mission is to fix government in a way that allows the money that the American taxpayers spend really get to the children we care about, the children that deserve a chance in America.

Mr. HOEKSTRA. If the gentleman will yield for a moment, I will just correct one thing. My children are in a parochial school. So that is a little bit different.

But if we are talking about reinventing, I go back to this other account that the gentleman and I have had some real frustration with, which is the grant back account. The gentleman and I have on occasion, may have called it, or I think others have referred to it, as a slush account. This is a $700 million account. The General Accounting Office went in and took a look at it, and out of this $700 million, which is supposed to be designated only for money that comes back from schools that have misused grants and it goes into this account and then those schools can reapply once they get things straightened out, out of the $700 million that is in this account, only $12 million of it was there under legitimate circumstances. The rest of it just kind of happened to find its way there. And when GAO said, how did it get here, they could not say how it got there. And when they spent it, they could not say where they had the authorization or where they had actually spent the money.

Then, when we compare that definition of reinventing government, I mean where the real reinvention and the real excitement and energy in education is happening today, it is at the State level and it is our local schools who are integrating technology, who are focusing on the needs of their kids. I do not think my colleague was in the Bronx with me in New York when we went to Cardinal Hayes High School, but this is one of the toughest areas; and here is a school that has reinvented itself and is doing some great things. They are turning out some great students in one of the toughest areas of New York City. And there are local schools all over the country each and every day that are reinventing themselves.

A lot of times, when we have talked to some of these schools, they tell us that the only thing that is standing between them reinventing themselves to the extent that they would like to, to meet the needs of their kids, a lot of time it is Federal rules and regulations that say they cannot go where they want to go.

□ 1900

So we have got a department in Washington that has reinvented an agency that cannot deliver. If the Vice President is really interested in reinventing education and reinventing government, what the Vice President needs to do is the Vice President needs to take a look at the reinvention and education that is going on at the local level.

We have been to 21 different States. That is where the excitement is. That is what the focus is on, kids and learning, rather than bureaucracy and paperwork.

Mr. SCHAFFER. Mr. Speaker, and that is the real message that I hope our colleagues will ponder, that we frankly do not look to the U.S. Department of Education, the Federal Government, to define the terms of quality in education across the country.

We do have 50 individual States, each a laboratory in and of themselves; and each that we see is free to be innovative, to weigh the risks of new programs and new ideas against the successful models and the record of their 49 counterparts and colleagues throughout the rest of the country. And States are in a better position to act more swiftly than the Federal Government is. States are closer to the people.

The elected officials are much more accountable than the bureaucrats down the street here from where we are here at the U.S. Department of Education. That is the front line. The States are the front lines of education reform.

And States differ. Some States have a more decentralized approach where local school districts are able to innovate each further at a more local level. Some States are a little more centrally controlled at their State capitals. But in no case should we ever not be willing to trust the future of our children and their ability to grow intellectually to a small group of folks here in Washington, D.C., over at the Department of Education whose goal today, facilitated by this centralized governing types down at today's White House, to collect this authority and power in Washington, D.C., to define the terms of quality, to define how a dollar will be spent in a classroom.

And of course, with the track record of the U.S. Department of Education, it is the last organization we should trust to get the Nation's precious resources and tax dollars to the children that we ultimately care about most.

This is an important topic for the whole country. The USA Today newspaper, I do not have the date on here, it was just a few days ago and I ripped this out of the bottom of the newspaper, this is a survey among Web users, and the top five problems in our society according to a survey of Internet users and of the people that they surveyed on the Internet, 37.7 percent identified education as the number one priority.

I contrast that with, again five priorities total, the next one was Government intrusion into people's lives. That was down at 10.2 percent. Then you have crime, political corruption, and rising health care costs, which trail just a few percents behind that. But given the huge number of individuals that responded, an overwhelming majority identified education as their top priority.

We are hearing this around the country that parents care about how much money they are spending on taxes, they care about the corruption and the lack of integrity we have seen in the White House over the last 8 years. They care about a strong national defense, they care about foreign policy, they care about the environment and health care and all the rest. But education repeatedly as a topic comes up as the number one concern among the people we speak with and have heard from as we travel around the country.

Mr. HOEKSTRA. Mr. Speaker, if we build off of how education is being reinvented around the country, recently my colleague and I were in Minnesota where they are talking about a plan that really reinvents some of their spending and focuses it around parents by giving them tax credits and tax deductions. So Minnesota is working on a reform plan.

Then we have been to Arizona, Michigan, California, at least three States and two of them leading the way on charter schools, Arizona and the State of Michigan. And that is helping to improve all of education within those States. But they are experimenting with charter schools.

Then my colleague and I were in Florida together for a hearing. We were in Tampa. The State of Florida has taken it one step further where they are now actually creating charter school districts so that a whole school district can apply for a charter which says, our relationship now with the State is very, very different. We are not going to focus on bureaucracy and paperwork and process for a greater degree of freedom. What we are only going to focus on is learning.

And then Illinois has reached a unique arrangement with the Chicago public school system, which is one of the largest school systems in the country; and for all intents and purposes, they have created a large charter school relationship with the City of Chicago for their public schools. And again, what they said is, let us forget about all these categorical programs, because the only thing that we really want to focus on, so the State of Illinois rather than now funneling a whole bunch of separate checks to the City of Chicago, now really sends them two, sends them one for general operating and one for special education. And then what they say, on a yearly basis, we are going to come back and we want to review with you the actual results of kids' learning.

So those are the kind of reforms and the reinvention that is taking place at the State level. We have tried to do the same thing here in Washington by creating charter States where States can have a different relationship with the Federal Government that says we are going to do this as a pilot program, hopefully with 10 States, by giving them freedom to move dollars around from program to program; and Washington is no longer going to be going through these 219 steps for grants and audits and those types of things. What they are going to do is they are going to say, as a Federal Government, we are going to reinforce what you are trying to do at the State level, which is to focus on learning with children. That is where we need to go.

Mr. SCHAFFER. Mr. Speaker, it is an interesting thing. What we are really talking about is treating States like States rather than subjects of a centralized Federal Government.

Power was always meant, even by our Founders, to flow from the bottom up, not from the top down, in America. But with respect to the Department of Education, it was about the 1970s when President Carter occupied the White

House that we saw the Department of Education begin to take that authority from States.

So here we are today on the House floor talking about the liberty and freedom that States deserve and rightfully possess to build schools that reach out to children and talking about that almost in revolutionary terms. We have to wage a small war here in Washington simply to allow States to be treated like States.

And my colleague is right, we have seen all across the country great approaches. Governor Jeb Bush in Florida and Lieutenant Governor Frank Brogan in Florida have really led the way at providing real liberty and real freedom to local communities. And they do that based on results.

Those States that hold children in the greatest peril, school districts that are failing in Florida, are the first places they have started in Florida to begin to provide educational opportunity to parents. So you have parental choice in those districts.

I remember the woman we heard from, the mother from the inner city, I cannot remember what city she was from, but we heard her testimony in Tampa, and she came and said, you know, my school was failing. It was rated poorly by the State and failed a couple tests in a row. And the response from our State was to let me, the parent, decide where to send my child to school.

Now, she could have chosen to send her child to the same failing school, but she, like most parents, wanted something better. And so, she drove her child to a different neighborhood not too far from where she lived and found a school where her child was thriving. And she was almost to tears I remember in front of the committee with joy thanking the State of Florida, Governor Bush, Lieutenant Governor Brogan for passing this program in Florida that allowed this parent to be treated like a real customer for the first time and a program that allowed her child to be the center of attention, the center of emphasis in education, not the government school building, not the government employees who are part of a failed system, but to put children first.

That is a model that I think we are pushing for throughout the country and would like to encourage, but it needs to be driven by States.

I will provide one more example as to why we should not look to Washington to reform.

Mr. HOEKSTRA. Mr. Speaker, before my colleague goes there, yeah, the testimony that we had in Florida from that mother was awesome and a sharp contrast to the testimony that we received a couple of years earlier in New York City, where I believe a father came in and testified and said, 5 years ago I knew that the New York City schools were some of the worst schools in the country. But they had a 5-year plan to improve; and I had no choice. I had to send my child to the school that they told me she should go to. He said, it is now 5 years later and the schools are no better and, if anything, they may be worse, and they have got a new 5-year plan. I have no choice. But what if this 5-year plan does not work any better than the last one? Then I have had my child in a failing school for 10 years, and I am going to lose my child.

And as excited and as close to tears as the woman was in Tampa because of the positive things that were happening, we saw the same thing in New York City on the other side, a father almost coming to tears saying, I have no choice. I know the schools are not any good, but have I got no choice and that is where my son or daughter is going to have to be. And what hope does my child have if they are going to be in a school that cannot teach them and that is where they spend the 10 or 11 years that are key and formulative in enabling them to get the basics?

So it is about people. It is not about bureaucracies. It is about parents. It is about kids, and it is about parents wanting to have the best opportunities for their kids, whether it is in the Bronx, whether it is in Cleveland, or whether it is in Tampa or whether it is in Colorado or Michigan.

Mr. SCHAFFER. And parents do want the basics for their children. I think most parents understand and if given a choice would choose the kind of schools that build for their children the kind of intellectual foundation that allows them to learn more and at exponential rates as they grow older and begin to grow in an academic setting.

I have got a question for my colleague, and that is the three R's. In Michigan I assume the 3 R's means about the same thing as it does in Colorado. What do the three R's mean to people in Michigan?

Mr. HOEKSTRA. Reading, writing, and arithmetic.

Mr. SCHAFFER. My parents, oddly enough, were educated in Michigan and grew up there. My father became a school teacher and that is what took him to Cincinnati, Ohio, where I was born. He taught all of his life until he just retired a few years areas ago.

When I grew up and went to school in Ohio, the three R's meant reading, writing, and arithmetic. That is what my father taught in the classroom, as well. And when I moved out to Colorado, that is the kind of education I was looking for for my children were schools with reading, writing, and arithmetic, the basic, most fundamental foundational of learning.

I mention all that and I kind of refer to the three R's that way because today, September 7, the Secretary of Education made a speech, it was his annual back-to-school address entitled "Times of Transition," he made the speech today before the National Press Club. I was going through this before I came over to find out what the Secretary of Education, and this is the person, for those who are unfamiliar, is the person who is the head of the U.S. Department of Education, this is the guy who is in charge.

Mr. HOEKSTRA. Who for 8 years has been in charge now. I think he is the longest serving member of the President's cabinet and has been there since day 1 almost and in 3 weeks will deliver the third set of unauditable books, or a failed audit, to the auditors.

Mr. SCHAFFER. That is right. And before I get to this, I will also add to that, what these failed audits represent is money failing to get to children in American schools. That is what matters the most.

Anyway, here is what he says today, the Secretary of Education, in his speech to the National Press Club: "We need to focus on what we like to call the three R's over at the Department of Education." You would think it would be reading, writing, and arithmetic like it is everywhere else in America. No, the three R's over at the Department of Education is relationships, resilience, and readiness. That is what the emphasis is over at the Department of Education.

Now, relationships, resilience and readiness are important things. I have no doubt about that. But in a Nation that squanders and wastes as much money as it does by giving it to the U.S. Department of Education and allowing that agency to get by without the ability to balance its books and the inability to get those precious dollars to children and a Nation that is lagging behind our international competitors in math and science, that is not right.

□ 1915

Mr. HOEKSTRA. For our colleagues, the information is clear on international testing. The U.S. comes out somewhere between 17th to 19th out of 21 industrialized countries. That is not good enough. That is not good enough for my kids. That is not good enough for your kids. On this, this is something that I am very selfish about. It is time to reinvent education so that our kids score the best in the world, and I hope everybody else in the world is on the same level as what we are; but it is unacceptable to have the rest of the world 1, 2, 3, 4, 5 and it is kind of like, hey, where is the U.S.? we are down here 17th, 19th. It is not good enough, and it is unacceptable.

Mr. SCHAFFER. My point being is that in a Nation where we have unacceptable national test scores in comparison to our peer nations as industrial countries, in a country where we know we have problems in education in

America. Americans would expect and should expect the leader of the U.S. Department of Education to acknowledge that we have a problem, we have got to get serious about it, and we have got to get focused on fixing it. The way that we usually do that back in your State and the State I grew up in Ohio, and the State I live in now, Colorado, and in virtually all other States in the union is we start focusing on the basics, getting the money to children and start focusing on reading, writing, and arithmetic. We can add to that a little bit, science and history and so on and so forth. But over at the Department of Education, as of today, our new goal is to redefine, to reinvent the three Rs to be relationships, resilience, and readiness. I am not making this up, Mr. Speaker.

Mr. HOEKSTRA. You get what you measure. If the Department of Education is now measuring relationships, resilience, and readiness, that is probably what we will get, at least from the programs and the emphasis, the programs that the Education Department funds. If that is reinventing government, I do not want it. I mean, I want my kids to know reading, writing and arithmetic. They need the basics.

Under the Department's definition of the three Rs, if we focus on, I cannot believe these three, relationships, resilience, and readiness, when we focus on those three, we get the fourth R, which is what we have also seen as we go around the country, we get remediation. When you focus on relationships, resilience, and readiness, we are going to get remediation. What is remediation? What remediation is, and this is when we have gone to our colleges and we find that one of the fastest growing programs on college campuses today is remediation because kids entering college cannot read or write at a ninth or 10th grade level or an eighth, ninth or 10th grade level, which means when they get to college they have got to be remediated to get their learning up to that level. And if remediation is one of the fastest growing programs on campus today, then it is time for us to reevaluate as to whether relationships, resilience, and readiness are what we need to be focusing on.

Mr. SCHAFFER. I do not want to denigrate these concepts. These are important things, obviously. But for anyone in a position such as the Secretary of Education in the Clinton administration is, for anyone to be in the position that he is, to define for the Nation these goals as a replacement for the basics in education, it is an indication of why we are in trouble in America and why the U.S. Department of Education is frankly incapable of being part of the solution. It nine times out of 10 is actually the source of the problem. We just need to let professional teachers do the job they are trained to do and let parents have the liberty and freedom to place their children in the kinds of academic settings that earn the confidence of knowledgeable, loving parents. These are the people, after all, who know the names of the children and care about them most. I guarantee you that the Secretary of Education does not know the names of my kids, and he would have a good fight on his hands if he wanted to presume he cared about them more than I did.

Mr. HOEKSTRA. But this is reinventing government from maybe the Vice President's perspective. I am assuming that this is the position of the administration, this is the longest serving Cabinet member; and this is how they have now reinvented government, moving from the Department of Education which should be saying our, I would think close to our only, our most important goal is academic excellence for each and every one of our children and we are not going to leave one behind and we are going to allow every child to achieve their full potential.

What we are now going to have under these measurements is a bunch of children who are going to have great relationships, they are going to be able to get along well, they are going to be prepared for not being able to have the basics and they are going to be able to bounce back and be resilient. This is not brain surgery. The Department of Education should be striving for academic excellence in each and every school in this country.

Mr. SCHAFFER. These are good goals, but they really mean a lot more if you are smart on top of that. There may be some citizens, some of our constituents perhaps, who would prefer that relationships, resilience, and readiness as the Clinton administration states should be more important and the goal of education rather than reading, writing and arithmetic, science, history and all the rest. I think there ought to be a school for those parents. I think there ought to be places around the country where teachers who agree with Secretary Riley, where Secretary Riley can send his grandkids, I suppose, where people who agree that these concepts are more important than real learning can send their own kids.

The problem is you have somebody with a goofy idea here in Washington that wants to impose these values on your children, my children, everybody else's children and it is just wrong. We do not get to vote for Secretary of Education. This is an appointed person. He does not hold town meetings in my neighborhood like I do or in your district like you do. He is not accountable to anyone in my district or anyone who is a parent of these kids who he thinks should be focusing on relationships, resilience, and readiness.

Mr. HOEKSTRA. Let us cut the Secretary a little bit of slack. We know exactly what he is talking about. Relationships. When you go into the workforce today, you recognize that many companies today are talking about participative management; they are talking about team concepts, being able to work in groups and those types of things and that is the relationship factor. But also coming out of a company that focused very heavily on teamwork, participative management and those types of things, you also knew that for somebody to get on the team, they had to have the basic skills to do the job and the assignment that they were given as part of that team. They did not get on the team because they could really relate well to you and because they were ready and because they were resilient. They were on the team first and foremost because they had the skills to do the job that was required, and the teamwork part came second.

But the first criteria was do they have the skills to get the job done? And I think in some cases that is maybe where the Secretary is just moving off track here, is we have got to work with our kids to make sure they know the basics before we move on to some of these other issues.

Mr. SCHAFFER. I think these nutty ideas that come out of the Clinton-Gore administration provide a more clear emphasis on the need for choice, for parental choice, for parental involvement in academic settings. That is frankly where the liberals in the Democrat Party and the more moderate and conservative Members who are on the Republican side of the aisle differ with respect to our approach on education. We on the Republican side genuinely believe that we can trust parents. We genuinely believe that when you elect a local school board member to make decisions about what the curriculum should be, about how much a teacher should be paid, about whether a scarce tax dollar should be spent buying a new bus or repairing the roof or maybe giving the teacher a pay raise, that those are the folks that can be trusted.

We do not need to be second-guessing them every day here in Washington, D.C. That is the real battle that takes place. It is unfortunate that so often it is misrepresented in the press or by our opponents or the media, in other words. Our goals are probably fundamentally the same. We want to build an education system in America that helps children. We favor a decentralized model that is decentralized right down to the last school, even beyond that, even for those who want to educate their children in their own homes, in their church school, or wherever they want to educate them. We want to allow this marketplace of competitive ideas to take place, versus our Democrat friends, the Clinton-Gore model of centralized authority here in Washington where left-wing ideas out of their bureaucratic agencies come to define the failing terms for children all across America.

Mr. HOEKSTRA. I think what we are also saying is that by empowering parents, that if in the local community you have got a school superintendent or a school that says, our model and our priorities, we are going to match what the Department of Education, what Secretary Riley is promoting, our school is going to focus on relationships, resiliency and readiness; and if you have got another school saying we are focused on the basics and when your children leave our school, they are going to be at class proficiency or grade proficiency in reading, writing and math and, as a matter of fact, our objective is to have your kids at one or two levels above grade proficiency in each of those areas, a parent at that point in time should have the option of saying, for what I really want for my kids, that is the school I want to go to. Maybe some will choose the Secretary's model, and they will have the opportunity to go to that type of school. But we should not have a top-down approach from Washington saying this is what every school district is going to focus on.

Mr. SCHAFFER. You mentioned earlier, in 3 weeks the U.S. Department of Education is going to announce that they have failed another audit, that once again they have done a poor job of accounting for the billions, almost $130 billion that they manage, that they cannot account for it very well, the kind of audit that would result in a private company's stock crashing through the floor.

Yet our Department of Education, after coming to Congress and saying we cannot audit our books, then when they did bring us an audit for the subsequent year, 1999, they got an F. Now they are going to bring us another audit that they will fail again. That is a tragic event. It is important to note, though, because what such rampant and wholesale mismanagement of funds really represents is, one, a tremendous amount of sacrifice by the American people who work hard to pay taxes and send them here to Washington, D.C. in hopes that we are going to do something responsible with them. Secondly, it suggests that people in Washington do not take those tax dollars seriously. Third, it suggests that people in Washington do not take the children seriously who are affected by this waste, fraud and abuse in the Department of Education.

Finally, what it suggests is that there are billions of dollars that American taxpayers send to Washington, D.C. that will never get near a child, who like every child in America is repeatedly exploited by the bureaucracy here in Washington to get one more dollar out of the taxpayers' pocket for the children. Yet some of those folks over there have no intention of doing anything different that will result in those dollars really helping children. That is what we are here to try to fix. That is what we want to help. As we travel around the country, that is what we hear school board members say. They do not say, spend more on education. They say, get the money to us. We know what we are doing. We are trained for this. We are elected for this. We know your children and we are professionals. Just get us the money and get out of the way and we will produce results. And when we do that, we know that they are right. Schools do perform better when they have fewer strings, fewer regulations, fewer government agents and bureaucrats snooping around in their files and in their classrooms and getting in the way.

Mr. HOEKSTRA. And they will have a clean audit.

Mr. SCHAFFER. Yes. And with fewer responsibilities and more dollars passing through to the States and the school districts, it will be easier for the, I do not know how many accountants, hundreds of accountants over there in the Department of Education to be able to come back to this Congress and say, the money got to children, we can show you, we can prove it, congratulations, job well done. We are a long way from that goal, but that is our dream.

□ 1730

I am about ready to yield back the balance of my time, and I did not know if my colleague from Colorado (Mr. SCHAFFER) wanted to talk about any other issues tonight.

Mr. SCHAFFER. Mr. Speaker, there is one topic I would like to bring up only because we have adjourned and there is no business left for the rest of the week, and we will be back next week; but I wanted to point out a piece of legislation that was introduced by the Democrats prior to our 1-month recess. It was a bill introduced on July 19 by the gentlewoman from California (Ms. WOOLSEY).

This is a bill, and I will just read the title of it, it is H.R. 4892, to repeal the Federal charter of the Boy Scouts of America. This is a bill, Mr. Speaker, I hope we will all focus on and look at its pernicious motives and also take a look at the legislation's effort to try to pull the rug out from underneath one of the most important civic charitable organizations in our country, the Boy Scouts of America.

This is a bill that is designed to end the Boy Scouts of America. This is an organization that for many, many years, I think 1916 was the year the Scouts was started, I have some statistics on the organization, 90 years ago, that for many, many years has trained and nutured many young boys and has taught them to become responsible young men and adults in our community and in our society; and because of the intolerance, because of the bigotry of some Members of Congress, they have seen fit to go on a rampage to try to eliminate the Boy Scouts of America and revoke their charter.

It is irresponsible, and I hope it is something that our President and Vice President and others will speak out on and let us know where their sentiments lie, what their positions are, where they stand with respect to the Boy Scouts of America.

I have one son who is a member of the Boy Scouts. It is a remarkable organization that has made a dramatic difference in his life. And this is all about the Boy Scout charter and its mission to try to promote the morals and values and teaching skills that will help them throughout their lifetimes.

And for anyone here in this Congress or throughout the rest of the country to attack the Scouts for such a noble mission is just inexcusable and one that I assure all of those Scouts who are concerned about the issue and others who are concerned about the future of the Boy Scouts that there are many Members of Congress that will rise and come to the aid of this important organization.

This is an issue that the critics of the Boy Scouts somehow suggest that the organization lacks a certain amount of diversity, which is not true. If we just go to the Boy Scout Web site and look at their policy statement on diversity, it says more than 90 years ago the Boy Scouts of America was founded on the premise of teaching boys moral and ethnical values through an outdoor program that challenges them and teaches them respect for nature, one another and themselves. Scouting has always represented the best in community, leadership and service.

The Boy Scouts of America has selected its leaders using the highest standards because strong leaders and positive role models are so important to the healthy development of youth. Today, the organization still stands firm that their leaders exemplify the values outlined in the Scout oath and law.

It goes on, on June 28, 2000, the United States Supreme Court reaffirmed that the Boy Scouts of America's standing as a private organization with the right to set its own membership and leadership standards.

The Boy Scouts say here in their policy statement that Boy Scouts of America respects the rights of people and groups who hold values that differ from those encompassed in the Scout oath and law, and the BSA makes no effort to deny the rights of those whose views differ to hold their attitudes or opinions.

It goes on, it is a very nice statement, one that I think the Scouts should be proud of, and that all of us here in Congress should keep in mind when this unfortunate legislation makes its way through the process to revoke the charter of the Boy Scouts of America, because the Democrats have decided that this is an organization that no longer warrants support from the Congress and from the Federal Government.

So my message to Members is there is a large and growing coalition of us who will rise to the defense of the Scouts and do everything we can to make sure that the young men that are part of the organization are led by competent, capable, trustworthy leaders that are able to conduct themselves in a way that is consistent with the Scout oath.

I just want to mention that, Mr. Speaker, for the RECORD it is a very serious issue and it is unfortunate that we have to have this debate, and I think it is going to probably escalate in terms of the intensity as time goes on.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. JEFFERSON (at the request of Mr. GEPHARDT) for today on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BENTSEN) to revise and extend their remarks and include extraneous material:)

Mr. INSLEE, for 5 minutes, today.

Mr. BENTSEN, for 5 minutes, today.

Ms. STABENOW, for 5 minutes, today.

(The following Members (at the request of Mr. DUNCAN) to revise and extend their remarks and include extraneous material:)

Mr. METCALF, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

Mr. WOLF, for 5 minutes, today.

ADJOURNMENT

Mr. HOEKSTRA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 36 minutes p.m.), under its previous order, the House adjourned until Monday, September 11, 2000, at noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9890. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13-402, "Closing of a Portion of a Public Alley in Square 4337, S.O. 95-94, Act of 2000" received September 07, 2000, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

9891. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13-385, "Steve Sellow Way, N.E., Designation Act of 2000" received September 07, 2000, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

9892. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13-384, "Andrew J. Allen Way, N.E. Designation Act of 2000" received September 07, 2000, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

9893. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13-396, "Seniors Protection Amendment Act of 2000" received September 07, 2000, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

9894. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13-386, "Diabetes Health Insurance Coverage Expansion Act of 2000" received September 07, 2000, pursuant to D.C. Code section 1--233(c)(1); to the Committee on Government Reform.

9895. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13-397, "Environmental License Tag Amendment Act of 2000" received September 07, 2000, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

9896. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13-399, "Water and Sewer Authority Collection Enhancement Amendment Act of 2000" received September 07, 2000, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

9897. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13-400, "Conflict of Interest Amendment Act of 2000" received September 07, 2000, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

9898. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13-401, "Reinsurance Credit and Recovery Act of 2000" received September 07, 2000, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

9899. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13-404, "Insurance Agents and Brokers Licensing Revision Amendment Act of 2000" received September 07, 2000, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

9900. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13-403, "Metrobus Ticket Transfer Amendment Act of 2000" received September 07, 2000, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

9901. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13-389, "Drug Abuse, Alcohol Abuse, and Mental Illness Insurance Coverage Amendment Act of 2000" received September 07, 2000, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

9902. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13-387, "State Education Office Establishment Act of 2000" received September 07, 2000, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

9903. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13-418, "Freedom From Cruelty to Animals Protection Amendment Act of 2000" received September 07, 2000, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

9904. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13-407, "Insurer and Health Maintenance Organization Self-Certification Act of 2000" received September 07, 2000, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

9905. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13-406, "Sentencing Reform Amendment Act of 2000" received September 07, 2000, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

9906. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Kentucky Regulatory Program [KY-226-FOR] received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9907. A letter from the Assistant Director, Communications, Bureau of Land Management, Department of the Interior, transmitting the Department's final rule—Notice of Interim Final Supplementary Rules on Public Land in Utah [UT-030-1652-PA-24 1A] (RIN: 1004-AD40) received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9908. A letter from the Acting Director, Office of General Cousel & Legal Policy, Office of Government Ethics, transmitting the Office's final rule—Proposed Exemption Amendments Under 18 U.S.C. 208(b)(2) for Financial Interests in Sector Mutual Funds, De Minimis Securities, and Securities of Affected Nonparty Entities in Litigation (RIN: 3209-AA09) received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. S. 624. An act to authorize construction of the Fort Peck Reservation Rural Water System in the State of Montana, and for other purposes; with an amendment (Rept. 106-823). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1124. A bill to authorize construction of the Fort Peck Reservation Rural Water System in the State of Montana, and for other purposes; with an amendment (Rept. 106-824). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3632. A bill to revise the boundaries of the Golden Gate National Recreation Area, and for other purposes; with an amendment (Rept. 106-825). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3745. A bill to authorize the addition of certain parcels to the Effigy Mounds National Monument, Iowa; with an amendment (Rept. 106–826). Referred to the Committee of the Whole House on the State of the Union.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 2163. A bill to designate the United States courthouse located at 500 Pearl Street in New York City, New York, as the "Ted Weiss United States Courthouse"; with amendments (Rept. 106–827). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. S. 1794. An act to designate the Federal courthouse at 145 East Simpson Avenue in Jackson, Wyoming, as the "Clifford P. Hansen Federal Courthouse" (Rept. 106–828). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2984. A bill to direct the Secretary of the Interior, through the Bureau of Reclamation, to convey to the Loup Basin Reclamation District, the Sargent River Irrigation District, and the Farwell Irrigation District, Nebraska, property comprising the assets of the Middle Loup Division of the Missouri River Basin Project, Nebraska; with an amendment (Rept. 106–829). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1460. A bill to amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to decrease the requisite blood quantum required for membership in the Ysleta del Sur Pueblo tribe (Rept. 106–830). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1751. A bill to establish the Carrizo Plain National Conservation Area in the State of California, and for other purposes; with an amendment (Rept. 106–831). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2674. A bill providing for conveyance of the Palmetto Bend project to the State of Texas; with an amendment (Rept. 106–832). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3388. A bill to promote environmental restoration around the Lake Tahoe basin; with an amendment (Rept. 106–833 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. LEACH: Committee on Banking and Financial Services. H.R. 1161. A bill to revise the banking and bankruptcy insolvency laws with respect to the termination and netting of financial contracts, and for other purposes; with an amendment (Rept. 106–834 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X Committees on the Judiciary and Commerce discharged. H.R. 1161 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

Pursuant to clause 5 of rule X Committees on Agriculture and Transportation and Infrastructure discharged. H.R. 3388 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1161. Referral to the Committees on the Judiciary and Commerce extended for a period ending not later than September 7, 2000.

H.R. 3388. Referral to the Committees on Agriculture and Transportation and Infrastructure extended for a period ending not later than September 7, 2000.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CALVERT:

H.R. 5120. A bill to amend the Small Reclamation Projects Act of 1956 to establish a partnership program in the Bureau of Reclamation for small reclamation projects, and for other purposes; to the Committee on Resources.

By Mr. SHAW:

H.R. 5121. A bill to authorize a comprehensive Everglades restoration plan; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BLILEY:

H.R. 5122. A bill to amend the Health Care Quality Improvement Act of 1986 to provide for the availability to the public of information reported to the National Practitioner Data Bank under such Act, to establish additional reporting requirements, and for other purposes; to the Committee on Commerce.

By Mr. TANCREDO:

H.R. 5123. A bill to require the Secretary of Education to provide notification to States and State educational agencies regarding the availability of certain administrative funds to establish school safety hotlines; to the Committee on Education and the Workforce.

By Mr. BALDACCI:

H.R. 5124. A bill to designate the facility of the United States Postal Service located at 14 Municipal Way in Cherryfield, Maine, as the "Gardner C. Grant Post Office"; to the Committee on Government Reform.

By Mr. BEREUTER:

H.R. 5125. A bill to amend the Agricultural Market Transition Act to provide for the payment of special loan deficiency payments to producers who are eligible for loan deficiency payments, but who suffered yield losses due to damaging weather or related condition in a federally declared disaster area; to the Committee on Agriculture.

By Mrs. CHRISTENSEN (for herself, Mr. ROMERO-BARCELO, Mr. UNDERWOOD, and Mr. FALEOMAVAEGA):

H.R. 5126. A bill to amend titles XI and XIX of the Social Security Act to remove the cap on Medicaid payments for Puerto Rico, the Virgin Islands, Guam, and American Samoa and to adjust the Medicaid statutory matching rate for those territories; to the Committee on Commerce.

By Mrs. CHRISTENSEN:

H.R. 5127. A bill to amend the Harmonized Tariff Schedule of the United States with respect to the production incentive certificate program for watch and jewelry producers in the United States Virgin Islands, Guam, and American Samoa; to the Committee on Ways and Means.

By Mr. COLLINS (for himself and Mr. NEAL of Massachusetts):

H.R. 5128. A bill to amend the Internal Revenue Code of 1986 to allow distilled spirits wholesalers a credit against income tax for their cost of carrying Federal excise taxes prior to the sale of the product bearing the tax; to the Committee on Ways and Means.

By Mr. DEUTSCH:

H.R. 5129. A bill to amend the Internal Revenue Code of 1986 to increase the unified credit against estate and gift taxes to the equivalent of a $5,000,000 exclusion and to provide an inflation adjustment of such amount; to the Committee on Ways and Means.

By Mr. DOOLITTLE (for himself, Mr. CALVERT, Mr. POMBO, Mr. RADANOVICH, Mr. PACKARD, and Mr. THOMAS):

H.R. 5130. A bill to authorize the Secretary of the Interior to provide cost sharing for the CALFED water enhancement programs in California; to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER:

H.R. 5131. A bill to require the Federal Energy Regulatory Commission to roll back the wholesale price of electric energy sold in the Western System Coordinating Council, and for other purposes; to the Committee on Commerce.

By Mr. FRELINGHUYSEN (for himself, Mrs. KELLY, Mr. FRANKS of New Jersey, Mr. GILMAN, Mr. HINCHEY, Mrs. ROUKEMA, Mr. SAXTON, Mrs. McCARTHY of New York, Mr. KING, Mr. LoBIONDO, Mr. PALLONE, Mr. PASCRELL, Mr. LAZIO, Mr. CROWLEY, Mr. WEINER, Mr. SWEENEY, Mr. FOSSELLA, Mr. SERRANO, Mr. SMITH of New Jersey, Mr. MEEKS of New York, Mr. PAYNE, Mr. MENENDEZ, Mr. ANDREWS, Mr. KLECZKA, and Mr. ROTHMAN):

H.R. 5132. A bill to amend title 38, United States Code, to establish a comprehensive program for testing and treatment of veterans for the Hepatitis C virus; to the Committee on Veterans' Affairs.

By Mr. GILCHREST:

H.R. 5133. A bill to amend the National Oceanic and Atmospheric Administration Authorization Act of 1992 to revise and enhance authorities, and to authorize appropriations, for the Chesapeake Bay Office, and for other purposes; to the Committee on Resources.

By Mr. KINGSTON:

H.R. 5134. A bill to designate the facility of the United States Postal Service located at 219 South Church Street in Odum, Georgia, as the "Ruth Coleman Post Office"; to the Committee on Government Reform.

By Mr. LEWIS of Georgia (for himself, Mr. BARR of Georgia, Mr. BISHOP, Mr. CHAMBLISS, Mr. COLLINS, Mr. DEAL of Georgia, Mr. ISAKSON, Mr. KINGSTON, Mr. LINDER, Ms. McKINNEY, and Mr. NORWOOD):

H.R. 5135. A bill to designate a fellowship program of the Peace Corps promoting the work of returning Peace Corps volunteers in underserved American communities as the "Paul D. COVERDELL Fellows Program"; to the Committee on International Relations.

By Mr. McCOLLUM:

H.R. 5136. A bill to make permanent the authority of the Marshal of the Supreme

Court and the Supreme Court Police to provide security beyond the Supreme Court building and grounds; to the Committee on the Judiciary.

By Mr. MICA (for himself, Ms. Roybal-Allard, Mr. Wolf, Mr. Waxman, Ms. Pelosi, Mr. Hoyer, Mr. Wamp, Mr. Ramstad, Mr. Portman, Mr. Brown of Ohio, Mr. Markey, Mr. Davis of Virginia, Mrs. Capps, Mr. Hinchey, Mrs. Lowey, Mr. Reyes, and Mrs. Morella):

H.R. 5137. A bill to amend the Public Health Service Act to provide for a national media campaign to reduce and prevent underage drinking in the United States; to the Committee on Commerce.

By Mr. MORAN of Kansas:

H.R. 5138. A bill to amend the Internal Revenue Code of 1986 to increase the unified credit against estate and gift taxes to the equivalent of $4,000,000; to the Committee on Ways and Means.

By Mr. NORWOOD:

H.R. 5139. A bill to provide for the conveyance of certain real property at the Carl Vinson Department of Veterans Affairs Medical Center, Dublin, Georgia; to the Committee on Veterans' Affairs.

By Mr. PALLONE:

H.R. 5140. A bill to amend title XVIII of the Social Security Act to provide for coverage of pharmaceutical care services under part B of the Medicare Program; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SPRATT:

H.R. 5141. A bill to direct the Secretary of Agriculture to release the reversionary interest of the United States in certain land located in Sumter County, South Carolina, to facilitate a land exchange involving that land and to provide for an exchange of the mineral interests of the United States in that land; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK:

H.R. 5142. A bill to amend title XVIII of the Social Security Act to provide under contract with a Medicare carrier for an official website through which Medicare beneficiaries and others can obtain Internet access to safe and competitively priced domestic and international prescription drugs, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WHITFIELD (for himself and Mrs. Northup):

H.R. 5143. A bill to designate the facility of the United States Postal Service located at 3160 Irvin Cobb Drive, in Paducah, Kentucky, as the "Morgan Station"; to the Committee on Government Reform.

By Mr. WHITFIELD (for himself and Mrs. Northup):

H.R. 5144. A bill to designate the facility of the United States Postal Service located at 203 West Paige Street, in Tompkinsville, Kentucky, as the "Tim Lee Carter Post Office Building"; to the Committee on Government Reform.

By Mr. BOEHLERT (for himself and Ms. Slaughter):

H. Con. Res. 391. Concurrent resolution recognizing the contributions of Susan B. Anthony and Elizabeth Cady Stanton to the women's suffrage movement; to the Committee on the Judiciary.

By Mr. FORBES (for himself, Mr. Fossella, Mrs. Capps, Ms. Danner, Mr. Brown of Ohio, Mr. Martinez, Mr. McNulty, Mr. Hoyer, Mr. McGovern, Mr. Frost, and Mr. Lipinski):

H. Con. Res. 392. Concurrent resolution expressing the sense of the Congress that a postage stamp should be issued in recognition of the services rendered by this Nation's volunteer firefighters; to the Committee on Government Reform.

By Mr. LAMPSON:

H. Con. Res. 393. Concurrent resolution expressing the sense of the Congress in remembrance of the 100th anniversary of the devastating hurricane which struck Galveston, Texas, on September 8, 1900; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 49: Mr. Moran of Virginia, Mr. Doyle, and Mr. Price of North Carolina.

H.R. 148: Ms. Velázquez.

H.R. 207: Ms. Pryce of Ohio.

H.R. 303: Mr. McKeon.

H.R. 306: Mr. Reyes.

H.R. 353: Mr. Turner, Mr. Reyes, and Mr. Pickering.

H.R. 355: Mr. George Miller of California.

H.R. 372: Mr. Hyde and Mr. Jones of North Carolina.

H.R. 488: Mrs. Johnson of Connecticut.

H.R. 531: Mr., Hobson, Mr. Shadegg, Mr. McKeon, Mrs. Wilson, Mr. Chabot, Mr. Green of Wisconsin, and Mr. Sanders.

H.R. 534: Ms. Danner.

H.R. 762: Mr. Gallegly.

H.R. 796: Mr. Portman.

H.R. 865: Mr. Bliley, Mr. Weldon of Florida, and Mr. Price of North Carolina.

H.R. 1039: Mr. Cox.

H.R. 1071: Mrs. Lowey.

H.R. 1187: Mr. Becerra and Mr. Hall of Texas.

H.R. 1188: Mr. Borski.

H.R. 1239: Mr. Lazio, Mr. Bass, and Mrs. Roukema.

H.R. 1303: Mr. Rogan, Ms. Rivers, and Mr. Hobson.

H.R. 1344: Mr. Davis of Illinois and Mr. Goode.

H.R. 1358: Mr. Moore.

H.R. 1387: Mr. Shays.

H.R. 1396: Mr. Hinchey, Mr. Delahunt, Mr. Borski, and Ms. Roybal-Allard.

H.R. 1399: Mr. Reyes.

H.R. 1424: Mr. Pascrell.

H.R. 1514: Mr. Abercrombie.

H.R. 1621: Mr. Becerra, Mr. Ortiz, Mr. Ballenger, Mr. Watt of North Carolina, Mr. Serrano, Mr. Scott, Mr. Gilman, Mr. Roemer, Mr. Deutsch, and Mr. Levin.

H.R. 1623: Ms. Velázquez.

H.R. 1640: Ms. DeLauro and Mr. Andrews.

H.R. 1690: Mr. Pallone.

H.R. 1732: Mr. Lazio.

H.R. 1795: Mr. DeFazio, Mr. Doyle, Mr. Shadegg, and Mr. Ehrlich.

H.R. 1871: Mr. Gallegly.

H.R. 1941: Mr. Evans.

H.R. 2121: Ms. Danner and Mr. Udall of New Mexico.

H.R. 2263: Mr. Houghton.

H.R. 2308: Mr. Crane.

H.R. 2341: Mrs. Emerson.

H.R. 2380: Mr. Moore.

H.R. 2446: Ms. Kilpatrick.

H.R. 2457: Mr. Kind, Mr. Lantos, Mr. Vento, Mr. Costello, Mr. Reyes, and Mr. Boyd.

H.R. 2505: Mr. Lampson.

H.R. 2564: Mr. Rahall.

H.R. 2581: Mr. Wynn.

H.R. 2624: Mr. Sabo.

H.R. 2640: Mr. Oberstar.

H.R. 2702: Mr. Smith of Washington.

H.R. 2710: Mr. Udall of Colorado, Ms. Baldwin, and Mr. Capuano.

H.R. 2720: Mr. Gillmor.

H.R. 2722: Mr. Shays.

H.R. 2749: Mr. Crane.

H.R. 2785: Mr. Toomey.

H.R. 2870: Mr. Sawyer, Mr. Wexler, Mr. Gejdenson, and Mr. Pallone.

H.R. 2880: Mr. Houghton.

H.R. 3082: Mr. Coble.

H.R. 3105: Mr. Brown of Ohio, Mr. Weygand, Mr. Bonior, and Ms. Lee.

H.R. 3142: Mr. Nethercutt.

H.R. 3144: Mr. Saxton.

H.R. 3235: Mr. Kildee.

H.R. 3249: Mr. Udall of New Mexico, Mr. Thompson of California, Mr. Price of North Carolina, Mr. Gutierrez, Mr. Shays, Ms. DeLauro, and Mr. Clay.

H.R. 3256: Mr. Smith of Washington.

H.R. 3302: Mr. Stenholm, Mr. Gekas, Mr. Stump, Mr. Whitfield, Mr. Mica, and Mr. Phelps.

H.R. 3408: Mr. Callahan.

H.R. 3433: Mr. Gutierrez and Mr. Capuano.

H.R. 3466: Mr. Moore.

H.R. 3514: Mr. LaTourette, Mr. English, Mr. Fletcher, Mr. Larson, and Mr. Jones of North Carolina.

H.R. 3580: Mr. Combest, Mr. Gibbons, Mr. Sessions, Mr. DeMint, Ms. Millender-McDonald, Mr. Taylor of North Carolina, Ms. Pelosi, Mr. Shadegg, and Mr. Lampson.

H.R. 3594: Mr. Berry, Mr. Sanford, and Mr. Bonilla.

H.R. 3602: Mr. Camp.

H.R. 3612: Mr. Cox.

H.R. 3650: Ms. Velázquez, Mrs. McCarthy of New York, Mr. Holt, Ms. DeLauro, and Mr. Tierney.

H.R. 3679. Mr. Aderholt, Mr. Baca, Mr. Bonilla, Mr. Boucher, Mr. Buyer, MR. Cardin, Mr. Castle, Mr. Coburn, Mr. Diaz-Balart, Mr. Dickey, Mr. Ganske, Mr. Goss, Mr. Hoekstra, Mr. Hulshof, Mr. Inslee, Mr. Istook, Mrs. Johnson of Connecticut, Mr. Kildee, Mr. McCrery, Mrs. Mink of Hawaii, Mr. Nadler, Mr. Pastor, Mr. Pease, Ms. Pelosi, Mr. Portman, Mrs. Pryce of Ohio, Mr. Rogers, Ms. Ros-Lehtinen, Mr. Rothman, Mrs. Roukema, Mr. Serrano, Mr. Souder, Ms. Stabenow, Mr. Stenholm, Mr. Sununu, Mr. Terry, Mr. Thompson of Mississippi, Mr. Underwood, Mr. Watt of North Carolina, Mr. Wexler, Mrs. Wilson, Ms. Schakowsky, and Mr. Larson.

H.R. 3681: Mr. Bishop, Mr. Gejdenson, and Ms. Jackson-Lee of Texas.

H.R. 3700: Mr. Holt, Mr. George Miller of California, Mr. Fattah, Mr. Waxman, Mr. Tanner, Mr. Sawyer, and Ms. McCarthy of Missouri.

H.R. 3712: Mr. Quinn and Mr. Engel.

H.R. 3872: Mr. Costello, Mr. Saxton, Mr. Boucher, Mr. Camp, Mrs. Morella, Mr. Allen, and Mr. Klink.

H.R. 3887: Mr. Forbes and Mr. Rahall.

H.R. 4046: Mr. Gutierrez and Mr. Hoeffel.

H.R. 4066: Mrs. Capps and Mr. Sabo.

H.R. 4167: Mr. Boucher, Mr. Markey, Mr. Jefferson, Mr. Moran of Virginia, Ms. Velázquez, Mr. Moore, and Mr. Capuano.

H.R. 4192: Mr. CASTLE.

H.R. 4211: Mr. ANDREWS.

H.R. 4215: Mr. RILEY, Mr. ETHERIDGE, Mr. HOSTETTLER, Mr. SPENCE, and Mr. DELAY.

H.R. 4219: Mr. JONES or North Carolina, Mr. LUCAS of Kentucky, Mr. OLVER, and Mr. GEJDENSON.

H.R. 4245: Mr. HANSEN.

H.R. 4259: Mr. BLUMENAUER, Mr. CONYERS, Mr. MCDERMOTT, Mr. DEAL of Georgia, and Ms. SCHAKOWSKY.

H.R. 4274: Mr. CAMP and Mr. RANGEL.

H.R. 4292: Mr. HUNTER.

H.R. 4301: Mr. STARK, Mr. TANCREDO, Mr. GOODE, and Mr. HALL of Texas.

H.R. 4308: Mr. MICA.

H.R. 4328: Mr. OBERSTAR.

H.R. 4346: Ms. MCKINNEY, Mr. MENENDEZ, Mr. MCDERMOTT, Mr. THOMPSON of Mississippi, Mr. HOLDEN, Ms. MCCARTHY of Missouri, Ms. VELÁZQUEZ, Mr. CAPUANO, and Mr. OLVER.

H.R. 4366: Ms. BALDWIN.

H.R. 4390: Ms. DELAURO.

H.R. 4395: Mrs. FOWLER, Mr. LEWIS of Kentucky, Mr. MINGE, Mr. SWEENEY, Mr. ROMERO-BARCELO, Mr. BARTON of Texas, Mr. PALLONE, Mr. LUTHER, Mr. PORTMAN, Mr. SAWYER, Mr. MCGOVERN, and Mr. PASCRELL.

H.R. 4412: Mr. NADLER.

H.R. 4415: Mr. SMITH of Washington.

H.R. 4416: Mr. RAHALL, Mr. ABERCROMBIE, Ms. KILPATRICK, Mr. MCHUGH, Mr. RUSH, Mr. ROMERO-BARCELO, Mrs. JONES of Ohio, Mrs. MEEK of Florida, Mr. SCOTT, Mrs. CLAYTON, and Mr. SAWYER.

H.R. 4434: Mr. CRAMER, Mr. MCNULTY, Mr. FORBES, Mr. LAZIO, Mr. ANDREWS, Mr. STRICKLAND, Mr. BOEHLERT, Mrs. MCCARTHY of New York, and Mr. STUPAK.

H.R. 4481: Mr. JEFFERSON, Mr. SERRANO, Mr. KILDEE, Ms. MILLENDER-MCDONALD, Mr. WATKINS, Mr. DOYLE, Mr. KLINK, Mr. ENGEL, Mr. BLAGOJEVICH, Mr. KLECZKA, Mr. BALDACCI, and Mr. STUPAK.

H.R. 4539: Mr. LOBIONDO.

H.R. 4543: Mr. DREIER and Mrs. BIGGERT.

H.R. 4548: Mr. HERGER, Mr. GEKAS, Mr. GILLMOR, and Mr. BASS.

H.R. 4571: Mr. OXLEY, Mr. MATSUI, Mr. ABERCROMBIE, Mr. CANADY of Florida, and Mr. HINCHEY.

H.R. 4587: Mr. CAMPBELL.

H.R. 4596: Mr. THOMPSON of Mississippi and Mr. MCGOVERN.

H.R. 4614: Mr. EVANS and Mr. FILNER.

H.R. 4633: Mr. HUTCHINSON.

H.R. 4636: Mr. PICKETT.

H.R. 4649: Mr. GEJDENSON, Mr. DEFAZIO, Mr. BRADY of Pennsylvania, Mr. JACKSON of Illinois, Mr. BACA, Ms. MCKINNEY, Mr. GILLMOR, and Mr. MCNULTY.

H.R. 4654: Mr. DUNCAN, Mr. HASTINGS of Washington, Mr. PAUL, and Mr. WALDEN of Oregon.

H.R. 4707: Mr. WALSH, Mr. SANDLIN, Ms. LEE, Ms. SCHAKOWSKY, Mr. STARK, Mr. BERMAN, Mr. MCGOVERN, Mr. ENGEL, Mr. BECERRA, Mr. TIERNEY, Mr. SAWYER, Mrs. MALONEY of New York, Mr. HALL of Ohio, Mr. SERRANO, Mr. FARR of California, Ms. ESHOO, and Mr. FILNER.

H.R. 4734: Mr. STUPAK.

H.R. 4735: Ms. SCHAKOWSKY.

H.R. 4746: Mr. NORWOOD.

H.R. 4750: Mr. THOMPSON of Mississippi.

H.R. 4753: Mr. KENNEDY of Rhode Island.

H.R. 4756: Ms. WATERS.

H.R. 4759: Mr. STUPAK.

H.R. 4773: Mr. GILCHREST, Mr. ROTHMAN, and Mr. BOUCHER.

H.R. 4783: Mrs. THURMAN.

H.R. 4792: Mr. BONIOR and Mr. UDALL of New Mexico.

H.R. 4822: Mr. RUSH.

H.R. 4825: Mr. HORN, Mrs. JOHNSON of Connecticut, and Mr. FOLEY.

H.R. 4827: Mr. PASCRELL.

H.R. 4838: Mr. GEJDENSON, Mr. COX, and Mr. SHAYS.

H.R. 4848: Mr. KENNEDY of Rhode Island, Mr. WEYGAND, Mr. WYNN, Mr. GREEN of Wisconsin, Mr. BOUCHER, Mr. ABERCROMBIE, and Mr. BAIRD.

H.R. 4849: Mr. SMITH of Michigan.

H.R. 4857: Mr. LUCAS of Kentucky, Mrs. CAPPS, Ms. SLAUGHTER, Mr. NUSSLE, Ms. STABENOW, Ms. MILLENDER-MCDONALD, Mr. ROGAN, Mr. CAMP, and Mr. SUNUNU.

H.R. 4874: Mr. TIERNEY and Mr. PRICE of North Carolina.

H.R. 4879: Mr. BARRETT of Wisconsin, Mr. LEWIS of Georgia, and Mr. PALLONE.

H.R. 4892: Mrs. MALONEY of New York and Ms. ROYBAL-ALLARD.

H.R. 4894: Mr. LEWIS of Kentucky, Mr. CHAMBLISS, Mr. BURTON of Indiana, Mr. TANNER, Mr. SKELTON, Mr. BLUNT, Mr. MCINTYRE, and Mr. WYNN.

H.R. 4895: Mr. EWING, Mr. CHAMBLISS, Mr. BURTON of Indiana, Mr. SKELTON, Mr. BLUNT, Mr. MCINTYRE, and Mr. WYNN.

H.R. 4925: Mrs. EMERSON.

H.R. 4927: Mr. GEORGE MILLER of California, Mr. CONYERS, Mr. TURNER, Ms. LEE, and Mr. MATSUI.

H.R. 4938: Mr. BALDACCI.

H.R. 4949: Mr. LARSON, Mr. BRADY of Pennsylvania, Mr. UDALL of Colorado, Mr. RUSH, Mr. LAMPSON, and Ms. KAPTUR.

H.R. 4957: Mr. HALL of Ohio, Mr. RUSH, Mr. MCNULTY, Mr. WATT of North Carolina, Ms. MCKINNEY, Mr. MCDERMOTT, Mr. CONYERS, Mr. CROWLEY, and Ms. MILLENDER-MCDONALD.

H.R. 4965: Mr. DOOLEY of California.

H.R. 4971: Mr. RODRIGUEZ, Mr. SAM JOHNSON of Texas, Mr. BARRETT of Nebraska, Mr. GOODE, Ms. LOFGREN, and Ms. BALDWIN.

H.R. 4977: Mr. LATOURETTE, Ms. DEGETTE, and Mr. BOEHLERT.

H.R. 4981: Mr. ROMERO-BARCELO and Mr. MCNULTY.

H.R. 5004: Mr. VITTER.

H.R. 5021: Mr. BONIOR, Mr. WAXMAN, Mr. WEXLER, Ms. LEE, Ms. NORTON, Mr. ROTHMAN, and Mr. RODRIGUEZ.

H.R. 5040: Mr. CHAMBLISS.

H.R. 5045: Mr. BURR of North Carolina and Mr. RILEY.

H.R. 5050: Mrs. JOHNSON of Connecticut.

H.R. 5055: Mr. FROST.

H.R. 5079: Mr. GUTKNECHT.

H.R. 5095: Ms. NORTON, Mr. DOYLE, Mr. BONIOR, Mr. OLVER, and Ms. LEE.

H.R. 5096: Mr. NEAL of Massachusetts and Mr. LATOURETTE.

H.R. 5117: Mr. MENENDEZ, Mrs. THURMAN, and Mr. DEAL of Georgia.

H.J. Res. 48: Mr. SAXTON.

H.J. Res. 102: Mr. ROTHMAN, Mr. UDALL of New Mexico, Mr. WATKINS, Mr. KUYKENDALL, Mr. RILEY, and Mr. HASTINGS of Washington.

H. Con. Res. 58: Mr. HINOJOSA, Mr. SANDLIN, Mr. BARRETT of Nebraska, and Mr. BONIOR.

H. Con. Res. 285: Mr. DREIER.

H. Con. Res. 286: Mr. SHAYS.

H. Con. Res. 337: Mr. STARK.

H. Con. Res. 340: Ms. BERKLEY, Ms. LEE, and Mrs. NAPOLITANO.

H. Con. Res. 357: Mr. THORNBERRY.

H. Con. Res. 376: Mr. SANDERS.

H. Con. Res. 390: Mr. BARTLETT of Maryland, Mr. CAMP, Mr. BILBRAY, Ms. BROWN of Florida, and Mr. HASTINGS of Florida.

[H07SE0-846]¦H7366¦82:

H. Res. 82: Ms. VELÁZQUEZ.

H. Res. 187: Mr. MORAN of Virginia.

H. Res. 361: Ms. LEE and Mr. MCGOVERN.

H. Res. 430: Ms. DELAURO.

H. Res. 537: Mr. STUMP, Mr. SKELTON, Mr. FRANK of Massachusetts, Mr. PETERSON of Minnesota, Mr. LAFALCE, Mr. GALLEGLY, Mr. STEARNS, Mr. WEXLER, Ms. PRYCE of Ohio, Mr. SHAYS, Mr. MOORE, Mr. GEJDENSON, Mr. ENGEL, Mr. TIERNEY, Ms. WOOLSEY, Mr. PORTMAN, and Mr. PICKERING.

H. Res. 547: Mr. DELAHUNT, Mr. COYNE, Mr. PAYNE, Mrs. LOWEY, and Mr. BORSKI.

SENATE—*Thursday, September 7, 2000*

The Senate met at 9:32 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, the Very Reverend Nathan Baxter, Dean, Washington National Cathedral, Washington, DC.

We are very pleased to have you with us.

PRAYER

The guest Chaplain, the Very Reverend Nathan Baxter, offered the following prayer:

Let us pray: Almighty, holy, and gracious God, we know You by many names, but we are joined together in this moment of prayer because we know You as the author of liberty. We thank You for the gift of democracy. Although it is sometimes cumbersome, it is truly inspired, and we thank You. Most of all, gracious God, we thank You for the Members of our United States Senate and their staffs who devote themselves to the hard and essential work of Government. Momentous for the people of this Nation are the decisions before them in this session. We ask You to give them courage to act rightly when partisan passions beckon; give them patience and discerning answers when truth is not clear; and give them faith to trust You as more than their judge but their loving Father. Now help us, Lord, as citizens of this Nation, to hold our leaders, their staffs, their work, and their families prayerfully in our hearts that they may be sustained and protected. And finally, ever keep before them and us the guiding light of Your divine vision of one Nation under God, indivisible, with liberty and justice for all. Amen.

PLEDGE OF ALLEGIANCE

The Honorable PAT ROBERTS, a Senator from the State of Kansas, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. ROBERTS). The distinguished Senator from Missouri is recognized.

SCHEDULE

Mr. BOND. Mr. President, today the Senate will have 10 minutes for final remarks on the Daschle motion regarding the Missouri River, with a vote to occur at approximately 9:40 a.m. Immediately following that vote, there will be a vote on the motion to proceed to H.R. 4444, the China PNTR legislation.

Following these votes, the Senate is expected to begin consideration of the China trade legislation with amendments in order. The Senate will also continue debate on the energy and water appropriations bill during this evening's session. It is hoped that action on this important spending bill can be completed as early as tonight. Therefore, Senators may expect votes throughout the day and into the evening.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2001

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 4733, which the clerk will report.

The legislative clerk read as follows:

> A bill (H.R. 4733) making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes.

Pending:

> Domenici amendment No. 4032, to strike certain environment related provisions.
>
> Schumer/Collins amendment No. 4033, to establish a Presidential Energy Commission to explore long- and short-term responses to domestic energy shortages in supply and severe spikes in energy prices.
>
> Daschle (for Baucus) amendment No. 4081, to strike certain provisions relating to revision of the Missouri River Master Water Control Manual.

AMENDMENT NO. 4081

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the Daschle amendment No. 4081 on which there shall be 10 minutes of debate equally divided.

The distinguished Democratic leader is recognized.

Mr. DASCHLE. Mr. President, I may use part of my leader time if my comments go over the 5 minutes. I ask that that be recognized should it be required.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, we are about to vote on an amendment that is critical not only for an important region of our country, the upper Midwest, but really the whole country. How we decide the process by which we make critical decisions about the ecological and environmental balance that must be taken into account as we consider all of the challenges we face with regard to proper management is really what is at stake here.

The Missouri River is one of the most important rivers of the country, but this could apply to the Mississippi River and to any one of a number of rivers throughout the country. Ultimately, it will be applied. You could say this is a very important precedent. A process has been created, enacted by this Congress, that allows very careful consideration of all the different factors that must be applied as we make decisions with regard to management of a river, of wetlands, of anything else.

Basically what this amendment does is simply say, let that process go forward, without making any conclusion about what ultimately that process will lead to. If we ultimately decide that whatever process produced is wrong, we, as a Congress, have the opportunity to stop it. Why would we stop it midway? Why would we say today that we don't want that process to continue; we don't want it to reach its inevitable end with a product that we could look at for comment? That is the first point: a process is in place. The legislation currently within the energy and water bill stops that in its tracks.

I don't have it in front of me, but the report language makes it very clear. Senator BOND and others may argue that, no, this process can continue, but the effect of this amendment stops it in its tracks. We will not have an opportunity to carefully consider all of the recommendations given the language that is currently incorporated in the bill. We must not stop a process that allows us a result upon which we will then pass judgment.

The Missouri River is a very critical river. It is a multifaceted river that requires balance. The current management plan was written when the Presiding Officer and I, Senator BOND, and others were, at best, in our teens, if not in our early years of life. It was written in the 1950s and adopted in about 1960. It has been the plan for 40 years.

What the Corps of Engineers is now saying, what Fish and Wildlife is now saying is that after 40 years, prior to the time the dams were constructed, it is time to renew that manual; let's find another; let's take another look at it to determine whether or not what worked in the 1950s and 1960s is something that will work today. Their feeling is that it will not, that we need to upgrade it; we need to refresh it; we need to renew it.

Back when that manual was written, the anticipated amount of barge traffic was about 12 million tons. We never reached 12 million tons. We are down to about 1.5 million tons of barge traffic, totaling about $7 million.

We are spending $8 million in barge subsidies to support a $7 million industry. At the same time, we have an $85 million recreation industry. We have an incredible $667 billion hydropower industry. We have industries that are held captive, in large measure, because of a manual written in 1960 that anticipated barge traffic that never developed.

It is time to get real. It is time to allow the process to go forward. It is time to allow those agencies of the Federal Government, whose responsibility it is to manage this river, to do it without intervention. There will be plenty of time for us to take issue, to differ, to ultimately come to some other conclusion if that happens. But that is not now, especially given the recognition that the manual is out of date. The manual didn't produce the kind of result over four decades that was anticipated. Now it is time to change. That is all we are asking.

Let the process go forward. The President has said that unless this change is made, this bill will be vetoed. We are nearing the end of the session. If we want to guarantee that this is going to be wrapped up in an omnibus bill with absolutely no real opportunity for the Senate to have its voice heard, then the time to change it, so it can be signed, is now—not 4 weeks from now. I am very hopeful my colleagues will understand the importance of this question, the importance of this amendment. I am hopeful that, on a bipartisan basis, we can say let us allow the Corps, Fish and Wildlife, and the biological experts to do their work. Then let us look at that work and make our evaluation.

I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Missouri is recognized.

Mr. BOND. Mr. President, I yield myself 4 minutes and ask that I be advised when that is up so I may yield to my colleagues.

We have had a lot of argument about whether we ought to stop the process. That is not what is at issue. What is at issue is stopping flooding in downstream States, such as Missouri, Kansas, Iowa, Nebraska, and States down the Mississippi, and the implementation of a risky scheme. Section 103—and I am happy to show it to my colleagues—says none of the funds made available may be used to revise the manual to provide for an increase in the springtime water release during spring heavy rainfall and snowmelt in States that have rivers draining into the Missouri River below the Gavins Point Dam.

This same provision has been included in four previous energy and water bills in the last 5 years. It has been passed by this Congress and signed by the President. It clearly permits a review of alternatives to change river management. It only prevents one, single, specific harmful alternative of a controlled flood, which was proposed first in 1993, subjected to public review and comment by this Congress, and rejected by the administration when it was considered in 1994. The U.S. Department of Agriculture opposed it. The U.S. Department of Transportation opposed it. There was unanimous opinion on people who lived in and worked along the river. The officials there oppose this risky scheme. Now, 5 years later, the Fish and Wildlife Service wrote a letter on July 12 demanding that, as an interim step, a spring pulse come down the Missouri River starting in 2001.

This is supposed to help the habitat of the pallid sturgeon. But what it does is increase the spring rise, and the Missouri and Mississippi already have a spring rise. We get floods and we have damage that hurts land and facilities and kills people.

The people of Los Alamos know what happens when the Federal Government gave them a controlled burn. They are still wiping soot out of their hair. This is a proposal to give a controlled flood to areas where there is great risk. That is why the Democratic Governor of Missouri, the mayor of Kansas City, both Democrats, both oppose the motion to strike. They support section 103. We know it would curtail transportation, the most efficient and effective and environmentally friendly form of transportation of agricultural goods, and that is barge traffic. It would end barge traffic on the Missouri River, which I think may be the objective. Barge traffic not only gets product down the river to the world markets, but it keeps the cost of shipping under control by competition. It would harm transportation on the Mississippi River. That is why the Southern Governors' Association and waterways groups have come out in strong support of section 103.

Our State Department and Natural Resources Conservation Department oppose this risky scheme. They are dedicated to the recovery of the species. They have other alternatives that need to be and can be studied. The U.S. Geological Survey Environmental Research Center is looking at what we can do to increase the number of pallid sturgeon, and the likely objectives they have do not involve increasing floods in the spring.

Mr. President, I ask my colleagues to join me in rejecting this motion to strike because it puts lives at risk; it ends transportation for farmers.

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. BOND. I yield that time to my colleague, the junior Senator from Missouri, Mr. ASHCROFT.

Mr. ASHCROFT. Mr. President, I thank the senior Senator from Missouri for taking point on this very important measure that will protect a livelihood and a set of very essential opportunities that exist in downstream States. To send a surge of water downstream in the spring, when we are already at risk of flooding, could hurt the capacity of our farmers to produce. And then to compound the injury and add the insult of making the shipping of what they produce difficult, or impossible, or not competitive, would be very damaging.

Over half of the people in my State of Missouri drink water from the Missouri River. We have come to rely on it as a resource. This doesn't detract from the overall ability to measure and evaluate what happens on the river. It simply says that prior to the plan we are not going to authorize a spring surge which would add flooding and jeopardize the livelihood of many individuals in Missouri and other States that border the Missouri River.

The PRESIDING OFFICER. The time of the Senator has expired.

The minority leader is recognized.

Mr. DASCHLE. Mr. President, I will use some leader time. I understand I have 8 minutes remaining. My colleagues can vote any way they wish, based upon the facts as presented. Let nobody be misled. This has nothing to do with flooding—nothing. This doesn't apply when there is flooding or when there are droughts. That is written right into the language of this new master manual proposal. It has nothing to do with flooding. This has to do with barge traffic. That is what this is about. It is about barge traffic.

Now, the Senator from Missouri talks about the importance of competition. How much competition is there when you have three-tenths of 1 percent of all agricultural transportation related to barge traffic and 99 percent is rail and highway? Is that competition? My colleagues are appropriately trying to defend a dying industry in Missouri, and they are using flood concerns to protect them. This is not about floods. This is about protecting three-tenths of 1 percent of all transportation for agriculture in the entire region. That is what this is about. Nothing more and nothing less.

I yield 2 minutes to the Senator from Montana.

Mr. BAUCUS. Mr. President, I reemphasize the first point made by my friend from South Dakota. He is entirely accurate. We hear about the specter of floods. If you look at the facts, this amendment has nothing to do with floods. Why do I say that? It is because of the Army Corps of Engineers' own analysis. Looking at the alternatives, the current master manual, compared with the spring rise/split season, there is no statistical, no difference—it is 1 percent—in the flood control benefits between the two alternatives. None. One percent is statistically insignificant.

So you hear on the floor those protecting a dying industry using another scare tactic, and that is floods. That is totally inaccurate. In addition, the proposal of the spring rise/split season will be used in only 1 out of every 3 years. And the proposal also provides that if it looks as if there might be a wet year, or more precipitation in the year a spring rise might otherwise occur, there would be no spring rise. Why? Because the primary goal of the Corps of Engineers is flood protection. Let's take that off the table; take flooding and the wall of water down the river off the table.

In the 1993 and 1997 flood years, if this proposal had been in effect, there would be no spring rise and no split season. It would not exacerbate the 1993 and 1997 floods.

In addition, if this amendment to strike 103 is not adopted, we will have a big lawsuit on our hands. Why? Because the environmentalists will file a lawsuit against the Army Corps of Engineers because of not protecting the Endangered Species Act. We would have a whole set of problems on our hands. Let's not have a lawsuit. Let's not have scare tactics for the sake of trying to protect a dying industry that need not be subsidized as it is now.

Mr. HAGEL. Mr. President, I rise today to speak in strong support of my colleague from Missouri, Mr. BOND.

The Bond provision of the fiscal year 2001 Energy and Water Appropriations bill would prohibit the U.S. Army Corps of Engineers from implementing the U.S. Fish and Wildlife Service plan to increase spring time releases of water from Missouri River dams to simulate the natural "rise" and "fall" in the Missouri River. This could be potentially devastating to Nebraska's farmers and ranchers and those whose livelihood depends on the Missouri River because the "rise" increases flood risk, and the "fall" interferes with barge traffic.

This "spring rise" that increases flood risks down the Missouri and the Mississippi is particularly irresponsible when you take into account that over the last two years, FEMA has spent $32.6 million in flood disaster for the Missouri River.

During the flood of 1993, the largest in recorded history, flood costs ranged between $12 and $16 billion. More importantly, main stem Missouri River Dams—the very ones Fish and Wildlife want to change—prevented $4 billion in damages.

If the amendment to strike the Bond provision from the Energy and Water Appropriations bill is successful, and this "fall" occurs, then there is a real potential that water levels are reduced to a point where barge traffic can't get through. Barge traffic is necessary to the farmer. It brings fertilizer up in the spring and brings the harvest to market in the fall. Senator BOND's amendment will ensure that water levels are kept at a navigable level.

This provision is not new to the Energy and Water Appropriations bill. It has been included in four previous appropriations measures that were signed into law by President Clinton. Now, President Clinton is threatening to veto this bill if it contains the Bond provision.

I urge my colleagues to keep the Bond provision in this appropriations bill and keep the Missouri River at a reasonable and steady level.

The PRESIDING OFFICER (Mr. BUNNING). The Senator from Missouri.

Mr. BOND. Mr. President, I ask unanimous consent for 2 additional minutes to respond to comments made by the distinguished minority leader.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BOND. Mr. President, I thank the leader.

I just have to say when the point was made that this is not about flooding, that is what has people in Missouri scared to death. Floods don't happen every year. But when the floods happen, they are devastating.

That is why I want to read from a letter by the Democratic Governor, Mel Carnahan, of Missouri. In an August 17 letter he wrote to the White House trying to stop it, he said that absent change in the service as planned, it is likely efforts to restore endangered species along the river will be damaged and an increase in the risk of flooding river communities and agricultural land will occur; and, States along the river will suffer serious economic damage to their river-based transportation and agricultural industries.

When the Southern Governors Association wrote to the minority and majority leaders, Mike Huckabee, Governor of Arkansas, speaking for the southern Governors, said that if the current plan is implemented and these States incur significantly heavy rains during the rise, there is a real risk that farms and communities along the lower Missouri River will suffer serious flooding.

Frankly, nobody can tell when the heavy rains are coming. I have watched the National Weather Service. They do not know. They cannot predict the heavy rains and floods that have devastated our lands and killed people in recent years. They have come without warning. It takes 11 days for water to get from Gavins Point to St. Louis. They are not good enough. None of us is good enough to know when those heavy rains will occur.

I yield the floor. I thank my colleague from South Dakota.

Mr. DASCHLE. Mr. President, I know I have a couple of minutes remaining in leader time. Let me respond. I understand it is 5 minutes. I will not use all of it because I know we are about ready to go to a vote.

Let me just say that the distinguished senior Senator from Missouri knows what I know and what everyone should know prior to the time they are called upon to vote.

First of all, it is not a plan until it is adopted as a plan. But the Bond language would stop the plan from even going forward before we have had a chance to analyze what effect it would have on floods. But the proposal, which is all it is at this point, says we will exempt those years when there is a prospect for flooding. We will exempt the master manual from being utilized and implemented if a flood is imminent. We lop off the flooded years and the drought years. This plan is to be used only in those times when there is normal rain flow. That is really what we are talking about here.

But I go back to the point: Why stop this process from going forward before we know all the facts? Why stick our head in the sand before we really have the biological, ecological, and all of the managerial details?

That is what the language does. That isn't the way we ought to proceed. There will be time for us to oppose, if that may be the case. But not now, not halfway through the process. Let's allow this process to continue.

I yield the floor and the remainder of my time.

Mr. BOND. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment, and the clerk will call the roll.

The assistant legislative clerk proceed to call the roll.

Mr. NICKLES. I announce that the Senator from Alaska (Mr. MURKOWSKI) is necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The result was announced—yeas 45, nays 52, as follows:

[Rollcall Vote No. 232 Leg.]

YEAS—45

Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Chafee, L.
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin

Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey

Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Mikulski
Miller
Moynihan
Murray

Reed
Reid
Robb
Rockefeller
Roth
Sarbanes
Schumer
Torricelli
Wellstone
Wyden

NAYS—52

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist

Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lincoln
Lott
Lugar
Mack
McCain

McConnell
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—3

Akaka
Lieberman
Murkowski

The amendment (No. 4081) was rejected.

Mr. GRAMM. Mr. President, I move to reconsider the vote.

Mr. GORTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TO AUTHORIZE EXTENSION OF NONDISCRIMINATORY TREATMENT TO THE PEOPLE'S REPUBLIC OF CHINA—MOTION TO PROCEED —Resumed

The PRESIDING OFFICER. Under the previous order, the Senate will now vote on the motion to proceed to the consideration of H.R. 4444, which the clerk will report.

The legislative clerk read as follows:

A motion to proceed to the bill (H.R. 4444) to authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China, and to establish a framework for relations between the United States and the People's Republic of China.

Mr. LOTT. Mr. President, I ask for the yeas and nays on the motion to proceed.

Mr. BYRD. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. The motion under consideration is the motion to proceed to H.R. 4444 which the clerk has already reported, and the yeas and nays have been requested.

Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Alaska (Mr. MURKOWSKI) is necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 5, as follows:

[Rollcall Vote No. 233 Leg.]

YEAS—92

Abraham
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Burns
Byrd
Chafee, L.
Cleland
Cochran
Collins
Conrad
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold

Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
Mack

McCain
McConnell
Mikulski
Miller
Moynihan
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—5

Bunning
Campbell

Inhofe
Jeffords

Smith (NH)

NOT VOTING—3

Akaka
Lieberman
Murkowski

The motion was agreed to.

Mr. HAGEL. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I don't think we have reached an agreement on amendments yet. It is my intention to have some good, substantive debate on amendments. I have a number of amendments I want to bring to the floor. I certainly will agree to time limits on each of these amendments.

Mr. REID. If the Senator will yield, Senator MOYNIHAN has informed me that there has been an agreement reached between he and Senator ROTH and you, and that you would agree to 45 minutes on your side and they would agree to 20 minutes, with no second-degree amendments; is that right?

Mr. WELLSTONE. That is correct. It is not on paper yet, but I think that is what we will agree to.

Mr. REID. Can we agree to it right now?

Mr. WELLSTONE. No. There are a few things to be worked out first.

Mr. REID. I thank the Senator.

AMENDMENT NO. 4114

Mr. WELLSTONE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE], for himself and Mr. HELMS, proposes an amendment numbered 4114.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the President to certify to Congress that the People's Republic of China has taken certain actions with respect to ensuring religious freedom, as recommended by the United States Commission on International Religious Freedom)

On page 4, line 22, beginning with "Prior", strike all through page 5, line 6, and insert the following:

Prior to making the determination provided for in subsection (a)(1), the President shall transmit a report to Congress certifying that—

(1) pursuant to the provisions of section 122 of the Uruguay Round Agreements Act (19 U.S.C. 3532), the terms and conditions for the accession of the People's Republic of China to the World Trade Organization are at least equivalent to those agreed between the United States and the People's Republic of China on November 15, 1999; and

(2) following the recommendations of the United States Commission on International Religious Freedom, the People's Republic of China has made substantial improvements in respect for religious freedom, as measured by the fact that—

(A) the People's Republic of China has agreed to open a high-level and continuing dialogue with the United States on religious-freedom issues;

(B) the People's Republic of China has ratified the International Convention on Civil and Political Rights, which it has signed;

(C) the People's Republic of China has agreed to permit the United States Commission on International Religious Freedom and international human rights organizations unhindered access to religious leaders, including those imprisoned, detained, or under house arrest;

(D) the People's Republic of China has responded to inquiries regarding persons who are imprisoned, detained, or under house arrest for reasons of religion or belief, or whose whereabouts are not known, although they were last seen in the custody of Chinese authorities; and

(E) the People's Republic of China has released from prison all persons incarcerated because of their religion or beliefs.

On page 5, line 10, strike "section 101(a)" and insert "section 101".

Mr. WELLSTONE. Mr. President, first, I say to colleagues that if I was not on the floor right now, I would be in the Foreign Relations Committee. Senator BROWNBACK is conducting some hearings that deal with religious freedom in China. This amendment also deals with the same question.

I rise today, Democrats and Republicans, to offer an amendment. I offer this amendment with Senator HELMS of North Carolina. I believe later on Senator FEINGOLD is going to want to be added as a cosponsor.

This amendment will prove that our country cares deeply about religious freedom and our country is not indifferent to the suffering of millions of Chinese who face religious persecution. Respect for religious liberty goes to the heart of American values. We cannot say that we are deeply committed to human rights and that we are deeply committed to religious freedom and then remain silent as we witness China's abuse of both of these rights.

Two years ago, in a 98-0 vote, the Senate overwhelmingly passed the International Religious Freedom Act, which created the Commission on International Religious Freedom. Congress instructed that the Commission make recommendations to us when it comes to how, through our foreign policy, we could promote international religious freedoms. It took this mandate seriously. After a year-long investigation, the Commission—and this is the report of the U.S. Commission on International Religious Freedom, which was issued May 1, 2000—found that "The government of China and the Communist Party of China discriminates, harasses, incarcerates, and tortures people on the basis of their religion and beliefs."

My amendment follows verbatim the Commission's recommendation. It was the recommendation of this Commission, which we established by a 98-0 vote, to delay PNTR until China made "substantial" improvements in allowing its people the freedom to worship as measured by several concrete benchmarks.

People who believe in religious freedom have long understood a basic truth—that America, our country, can never be indifferent to religious persecution. When others are hounded or persecuted for their religious beliefs, we are diminished by our own failure to act or speak out. But when we embrace the cause of religious freedom, we reaffirm one of the great values of American democracy.

This legislation and this administration is focused on trade, which it is now promoting as a human rights policy. But trade alone will never guarantee change. This report, which I am going to read in a moment, on religious persecution in China issued just this year is brutal. The State Department issued its report on international religious freedom.

Senators cannot turn their gaze away from this unpleasant truth. They talk about a tremendous amount of persecution in China.

We have now had two reports by the State Department on human rights which have not reported great improvement. This past year, the State Department report on human rights abuses talked about a brutal climate in China. We cannot reward China with PNTR while it continues to harass and jail people because of their religious beliefs.

Just yesterday, the Washington Post reported that China has indicted 85 members of a Christian sect in a followup to the recent retention of 130 of its members and the expulsion of 3 American missionaries.

With passage of PNTR, the United States of America gives up our annual right of review of China's most favored nation trade privileges as well as our bilateral trade remedy. We have not used this leverage as effectively as we should. But do we want to give up all of this leverage? Do we want to say we do not take into account this religious persecution in China and we will no longer annually review trade relations to maintain some leverage and some voice in support of the right of people in China to practice their religious beliefs?

During the debate on the International Religious Freedom Act, many of my colleagues made impassioned speeches that U.S. foreign policy should never ignore the importance of this fundamental right of people to be able to practice their religion and not be persecuted in our dealings with other countries. In fact, Congress instructed the Commission to make recommendations to ensure that American foreign policy promotes international religious freedom.

That is what this amendment is about.

The Commission's members—because I am going in a moment to mirror their recommendations, which is what this amendment basically reflects—are drawn from both parties and represent extremely diverse points of view, including, by the way, the members of this Commission as strong proponents of free trade. Its members include Elliot Abrams, former assistant to President Ronald Reagan; John Bolton of the American Enterprise Institute; Rev. Theodore McCarrick, the Archbishop of Newark; Nina Shea of Freedom House; and Rabbi David Sapperstein, director of the Religious Action Center for Reform Judaism.

Despite the Commission's extraordinary diversity, its members unanimously agreed on no PNTR for China. We voted 98-0 for this legislation. We established this Commission. We asked this Commission to present to us recommendations about how we could promote religious freedom. The Commission took this mandate seriously. I want to just quote from this Commission's report. Its members unanimously agreed that we should vote no on PNTR for China.

> Given the sharp deterioration in freedom of religion in China during the last year, the Commission believes an unconditional grant of PNTR at this moment may be taken as a signal of American indifference to religious freedom.

We are just asking in our amendment that Democrats and Republicans go on record as not being indifferent when it comes to the question of religious freedom.

I will explain my amendment in a moment. I see my colleague, Senator HELMS, on the floor. I yield to the Senator from North Carolina and ask unanimous consent that I be able to follow him.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, I ask unanimous consent that it be in order for me to make my remarks from my desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I thank the Chair. I thank the Senator from Minnesota.

Mr. President, around this place we customarily say in a case such as this that we are "pleased" to support an amendment. I am honored to support this amendment, and I am honored to cosponsor it with my friend from Minnesota. In this case, we both have the same conviction about what our Government and our country ought to do before granting permanent normal trade relations to China.

I am sure Senator WELLSTONE has made it clear, but for the purpose of emphasis, this amendment directs the President, if China has indeed met a series of religious freedom conditions, to certify such before granting permanent normal trade relations with China.

This amendment really tells China—and, just as importantly, the rest of the world—that we in America still stand for something, something other than profits, something other than whatever benefit may be imagined by the steps the President is trying to take with China.

In this case, we are saying we don't believe China should be welcomed into international organizations such as the WTO while China continues to repress, to jail, to murder, and to torture their own citizens simply because those citizens have dared to exercise their faith.

Let me quote a passage from the Clinton State Department's own report on religious freedom that was delivered to the Congress of the United States just this past week. This is the State Department:

> In 1999, the Chinese government's respect for religious freedom deteriorated markedly.

The question is, Are we going to stand here today and ignore this, knowing that China abuses, mistreats, and murders its own people? Are we going to ignore the crackdown on Christians that began just last week, during which three Americans—Americans, let me emphasize—were arrested by the Communist Chinese?

Other crimes against religious believers in China abound. In the past couple of years, China has intensified its so-called patriotic reeducation campaign aimed at destroying Tibetan culture and religion. Similar horror stories are taking place in the Muslim northwest where the Chinese Government is smashing, destroying, and stomping anybody who attempts to display any kind of ethnic or true religious identity.

It is naive to believe these abuses will be dealt with by the Commission set up by this legislation. I hope I live long enough to see it happen. I will surpass, I believe, I fear, Senator THURMOND in age before that happens or, more precisely, until hell freezes over because it is not going to happen, not in the lifetime of anybody in this Chamber.

The example of the recently created Commission on Religious Freedom is very instructive. After dramatically cataloging the barbaric crackdown on religious freedom in China, the Commission recommended—how do you like them apples?—that permanent normal trade relations not be granted to China at this time. But nobody pays any attention, similar to a train passing in the night.

Here we are today, ready to toss all of those findings, all of the things we know are going on, and say we ought to do it. Not with my vote, Mr. President; not with my vote. That is why we must insist that progress on religious freedom precede China's entry into the WTO. That is precisely what this amendment does. I urge its adoption. I commend the Senator from Minnesota for sponsoring it.

I yield the floor.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Minnesota.

Mr. WELLSTONE. I thank my colleague from North Carolina. Mr. President, so that all Senators will know what this amendment does, let me be very precise about it. I look forward to hearing a response from my colleague from Nebraska.

It tracks the recommendations of the Commission on Religious Freedom precisely, that the U.S. Congress should grant PNTR, the Commission said, only after China makes substantial improvements with respect to freedom of religion as measured by the following standards, which I think are not unreasonable:

(A) China agrees to establish a high level and ongoing dialog with the U.S. Government on religious freedom issues; (B) China agrees to ratify the International Covenant on Civil and Political Rights which it signed in 1998; (C) China agrees to permit unhindered access to religious leaders, including those imprisoned, detained, or under house arrest by the U.S. commission on international freedom and other human rights organizations; (D) China provides a detailed response to inquiries regarding a number of persons who were imprisoned, detained, or under house arrest for reasons of religion or belief, or whose whereabouts are not known but who were last seen in the custody of Chinese authorities. And, finally, China has made substantial progress in releasing from prison all persons incarcerated for religious reasons.

This amendment is basically the recommendations of the report on the U.S. Commission on International Religious Freedom. The Commission settled on these reasonable conditions after an intensive investigation where they met with Government officials, bishops, monks, and members of house churches in China. Its report extensively documents abuses against Christians, Muslims, Buddhists, and others in China.

Let me give my colleagues a few examples. I start with Christians. The Commission found that the Chinese Government has engaged in crackdowns on the Protestant house church movement and Catholics loyal to the Vatican. Last week, Chinese authorities arrested over 130 Evangelical Christians, including 3 Americans, for holding a revival meeting. Further, Chinese authorities detained scores of Protestant worshipers and detained, beat, and fined unknown underground Catholics in Hebei Province last year. In recent months, many Catholic clergy loyal to the Vatican have also been detained. One young bishop was detained while performing an unauthorized mass. He was found dead on the street in Beijing shortly after being released from detention. The Vatican reports that five churches built without the Chinese Government's authorization were torn down, and another 15 were destroyed in Fujian Province.

While harsh prison sentences and violence against religious activists continue, state control, increasingly, takes the form of the registration process. This is the way the Government monitors membership in religious organizations, locations of meetings, selection of clergy, and content of publications. If religious members do not register, they can be fined, their property seized, and sometimes they are detained. Again, I am just summarizing the reports that are before the Senate.

Muslims: The Government has also carried out a major purge of local officials in heavily populated Muslim areas and targeted "underground" Muslim religious activities. The Government has banned the construction or renovation of 133 mosques, and arrested scores of Muslim religious dissidents.

In Xinjiang, Muslims holding positions in the Government who continue to practice Islam have lost their jobs. Local newspapers report that authorities were moving village by village, hamlet by hamlet, to clean up illegal religious activity. Religious teachers and students at unregistered schools have been detained, and they have been sent to reeducation through labor camps. Conditions in Xinjiang labor camps are said to be the most horrific in China. Brutality and hunger are common, some inmates simply disappear. As in other areas in China, officials have launched an indepth "atheist education" campaign. As in Tibet, access to information is severely restricted.

These are the reports before the Senate. And we are going to say that we will not speak out, and we are not going to at least ask China to comply with minimum standards of decency when it comes to ending this religious persecution before we automatically renew trade relations?

Now to Tibetans. Prior to the Chinese invasion in 1950, Tibet was a country steeped in religion. Religious practice was central to the identity and the lives of Tibetan people. Recognizing the power of religion in Tibetan life, the Chinese have attempted to destroy this cultural base, to quell dissent with authoritarian rule. Over 6,000 monasteries and sacred places have been destroyed by the Chinese over the last 40 years. Today in Tibet, human rights conditions remain grim. Tibetan religious activists face "disappearance" or incommunicado detention, long prison sentences, and brutal treatment in custody. We are going to be silent about this?

In addition, a Government-orchestrated campaign against the Dalai Lama continues. The campaign includes a reeducation program for monks and nuns which the government has spread widely. In one county, for example, monks were locked in their rooms for over 3 weeks for their refusal to denounce the Dalai Lama. In another region, over 120 resident nuns were expelled from their monasteries.

In an action denounced by the Dalai Lama, the Beijing government picked a boy as the reincarnation of the Panchen Lama. This is the latest campaign by the Chinese government to control the future of their religion. In 1995, the Dalai Lama identified another Tibetan boy as the reincarnate Panchen Lama. The Chinese government immediately denounced the Dalai Lama's choice, arrested the boy and his family, and pushed their choice. Chinese authorities continue to hold the Panchen Lama—the world's youngest political prisoner—at a secret location and have refused all requests to visit him by official and unofficial foreign delegations.

As the Commission declared:

> The Chinese government has no more authority under Tibetan Buddhism to select reincarnated lamas than they do to select bishops under Roman Catholicism.

The Karmapa Lama, a young Tibetan man, who was groomed by the Chinese for their own political purposes recently fled his monastery and his Chinese guards for life in exile in India. He had been used cynically by the Chinese as a symbol of religious freedom, yet was unable to receive instruction by religious tutors as required by Tibetan tradition. Earlier this year, the young leader said:

> Tibet has suffered great losses. Tibetan religion and culture have reached the point of complete destruction.

And we do not take that into account with this legislation? We do not even want to go on record supporting religious freedom?

China's excesses can be felt even closer to home as witnessed this past week in New York. On August 28th, more than 1,000 religious leaders from around the world attended the Millennium Peace Summit, a conference organized under the authority of the United Nations. Because of pressure from the Chinese government, the Dalai Lama, spiritual leader of Tibetan Buddhists and winner of the Nobel Peace Price, was conspicuously not invited. U.N. officials and China's own diplomats told conference organizers that China would oppose any appearance in the U.N. General Assembly chamber by the leader of Tibet's 15 million Buddhists.

By the way, I note that Ms. Jiang, from the Qi Gong movement, and Mr. Harry Wu—and I will have an amendment on prison labor—I think is somewhere here in the gallery during this debate.

Perhaps the most egregious example of the PRC government's contempt for the rights of its own citizens has been the unrelenting campaign of repression against practitioners and defenders of Falun Gong, a popular practice of meditation and exercises.

According to international news media reports, at least 50,000 Falun Gong practitioners have been arrested and detained, more than 5,000 have been sentenced to labor camps without trial, 400 have been incarcerated in psychiatric facilities, and over 500 have received prison sentences in cursory show trials. Detainees are often tortured and at least 33 practitioners have died in government custody. Every day there is a report in the New York Times about these abuses in China. Are we just going to ignore all of this?

Consider, for instance, the death of Chen Zixiu, a 58-year-old retired autoworker, who was killed by torture at the hands of Beijing officers when she was unable to pay the fire for her jail time. As described in the Wall Street Journal:

> The day before Chen died, her captors again demanded that she renounce her faith in Falun Gong. Barely conscious after repeated jolts from a cattle prod, the 58-year-old stubbornly shook her head. Enraged, the local officials ordered Ms. Chen to run barefoot in the snow. Two days of torture had left her legs bruised and her short black hair matted with pus and blood, said cellmates and other prisoners who witnessed the incident. She crawled outside, vomited, and collapsed. She never regained consciousness.

Furthermore, over 600 Falun Gong practitioners have reportedly been committed to mental hospitals, where they have been mistreated with injections, sedatives, anti-psychotics, as well as electric shocks. State doctors are misusing the practice of psychiatry against political dissidents, as in the practice of "Soviet psychiatry." That was the country from which my father fled persecutions. The Washington Post recently reported on a computer engineer and a Falun Gong practitioner who died after spending a week in a mental hospital where doctors injected him, twice daily, with an unknown substance that made him lose mobility and finally led to heart failure.

This man suffered extreme mistreatment simply for peacefully exercising their beliefs, a right recognized by the United Nations Declaration of Human Rights and guaranteed by China's own Constitution. It is particularly disturbing that Chinese officials have publicly defended these atrocities on the spurious ground that Falun Gong is allegedly destabilizing the country. Beijing has made similar statements about Christian "house churches" that refuse to submit to government oversight and direction.

As Rabbi David Sapperstein, the former Chairman of the United States Commission on International Religious Freedom, he said:

> Falun Gong has almost become the symbol for the struggle for religious freedom. And when thousands and thousands of people have been arrested, imprisoned, tortured, when people have died in prison, it is impossible for countries to say they are deeply committed to human rights and remain silent. And that is why we have urged the United States government to speak out.

Please let me repeat that:

> And when thousands and thousands of people, Rabbi David Sapperstein goes on to say "have been arrested, imprisoned, tortured, when people have died in prison, it is impossible for countries to say that they are deeply committed to human rights and remain silent. And that is why we have urged the U.S. government to speak out.

In conclusion, I urge my colleagues to support this amendment. It will show that the U.S. Senate does not just pay lip service to the importance of religious freedom, and that it supports the right of millions of Chinese to practice their faiths in peace and without persecution. My amendment is the least we can do. China should not be awarded PNTR now while it continues to arrest Christians, torture Muslims, and hound Tibetans—all because they refuse to renounce their beliefs.

This is a vote on religious freedom. This is a vote about our commitment to it. I do feel strongly about this, given my own background and what my family went through in another country, Russia. But I also want to say to colleagues that it is, in my view, not acceptable to vote "no"; to vote against this amendment or to table this amendment with the argument being: But if we pass an amendment we would have to go to conference committee. Try telling that to people back home.

To me this is the ultimate insider's argument: We cannot support an amendment that supports religious freedom because then the bill we passed would be in a different form than the House bill, and it would have to go to conference committee.

People are not going to be persuaded by that argument. People want us to vote for what we think is right, and that is what we should do. I say to Senators, I personally believe it is a bogus argument. Every Senator in this Chamber knows that if we are serious about passing legislation—I have not been involved in a strategy of delay. I know we are going to have the debate, and I know the legislation is going to pass. But if we want to pass the legislation, there are all sorts of precedents.

We will get it to conference committee, and we will get it right out of conference committee and pass it. We can put it into an omnibus Appropriations Committee report. There are many ways this legislation can be passed, and I do not believe Senators should be able to say: No, we are not going to vote for this amendment that deals with religious persecution because we do not want this legislation to go to conference committee.

This legislation can go to conference committee, come out of conference committee, and it can pass. I hope my colleagues will vote for this amendment.

I reserve the remainder of my time. I know we are not under a UC agreement, but I will take a few more minutes to respond later.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. Mr. President, if the other side is prepared to enter into time agreements, this side is as well.

I ask unanimous consent that when the Senate considers the following amendments, they be considered under the following debate times prior to votes in relation to these amendments:

Wellstone, international religious freedom;

Wellstone, human rights conditions;

Wellstone, prison labor;

Wellstone, right to organize;

Wellstone, persecution of union organizers.

Further, with respect to each amendment, there be 45 minutes under the control of Senator WELLSTONE and 20 minutes under the control of Senator ROTH, or his designee. Finally, I ask unanimous consent that no amendments be in order to the amendments prior to a vote in relation to the amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I thank my colleague. That is more than a reasonable way to proceed. I say to my colleague from Nebraska before he responds, so we can move forward in an expeditious way, I will be prepared when I get the floor to lay my amendments out and then lay them aside so other Senators can offer amendments.

Mr. HAGEL. Mr. President, in response to my friend and colleague, the Senator from Minnesota, on his first amendment regarding religious persecution, my opposition to his amendment is not because I believe there is religious freedom in China. Clearly, there is not. I believe every one of the Members of this body understands that as well. It is my opinion that if we adopt this amendment, it will have the opposite effect desired by its sponsors.

The issue is: How do we best influence the behavior of China on human rights? I believe if we kill permanent normal trade relations with China, it will not be in the best interest of human rights in China.

I share my colleague's concern, as do each of our colleagues in this body, about the repression of citizens' rights in China. Again, the question is, How do we best influence that behavior? How do we best deal with it?

I believe, as well intentioned as this amendment is, that it is misguided and that it will kill, if adopted, this bill. If this amendment is adopted, effectively it will kill permanent normal trade relations this year and have an influence, I suspect, on this bill into next year.

As my colleague has pointed out, if any amendment is attached to permanent normal trade relations, then it will go back to the House for another vote, we will have a conference. Then I believe because of time, if for no other reason, we will have no permanent normal trade relations with China.

One of the most dynamic challenges of our time is America's relationship with China. This challenge represents opportunity and uncertainty for both nations. How the U.S.-China relationship unfolds will have immense consequences for the world and human rights. It is my opinion that it is in the best interests of America, China, and the world that America engage this relationship in every way on every field.

Trade surely is a common denominator for the future of the world. We must encourage China's entrance into the World Trade Organization, and we should grant China PNTR. We must do this certainly, obviously, with a very clear eye to the understanding of the limitations, the challenges, and the realities of this relationship with China. We have an opportunity to move this relationship along a track with positive growth, potential possibilities, and for a future that is far brighter than the future that now exists in China. History will judge us harshly if we squander this opportunity.

China is currently positioned to be admitted to the WTO, the 135-member international organization that works to break down trade barriers and foster free and fair trade among member countries. Once it becomes a member of the WTO, China must implement far-reaching domestic economic reforms, eliminate trade barriers, and strengthen its laws governing domestic business practices, environmental practices, and, yes, human rights is part of that. Human rights is part of that dynamic.

These changes will set China on the road toward becoming a responsible member of the international community. This is clearly in our national interest, it is clearly in the interest of the world, and it is clearly in the interest of human rights in China.

This debate is not only about trade. Far from it. It is much more than trade. For China's future, it must implement the reforms that WTO membership requires, yes, if its economy is to continue to grow and hundreds of millions of Chinese are to be lifted out of abject poverty and hunger.

As nations prosper, the world becomes more peaceful and free. When there is freedom, peace, and prosperity, there is less conflict, less poverty, less hunger, and, yes, less war. That is in the interest of all peoples.

I believe China's membership in the WTO will have a positive influence on human rights in China. Like people everywhere, the Chinese people want more control over their personal lives, more freedom, more rights. They want more control over their own destinies. People who are poor have little power.

Membership in the WTO will, in the long run, increase the prosperity of the Chinese people. The reforms required by WTO membership will strengthen China's economy which will create jobs and boost standards of living, as it does elsewhere in the world, and bring more personal freedom. This is critical if the Chinese people are to lift themselves out of poverty and begin to gain more control over their own destinies.

That is a major reason why Taiwan supports China's accession to the WTO. Martin Lee, leader of Hong Kong's democratic party and outspoken critic of China's Government, also supports China's membership in the WTO, as does, in fact, the Dalai Lama, as do many of China's most prominent human rights activists.

On May 23 of this year, the House of Representatives voted to grant China PNTR status. The Senate should do the same. If Congress grants China PNTR, American businesses and agricultural producers will be able to compete in every segment of the Chinese market.

If Congress fails to pass the Chinese PNTR legislation, we will lock ourselves out of the world's largest and fastest growing market, while our European and Japanese competitors rush in to fill the vacuum. That makes no sense. What sense does that make? How are we influencing the behavior of the Chinese Government? How are we improving human relations and religious freedoms in China when we walk away from China?

One of the main benefits of China's membership in the WTO will be the mandatory reduction of its tariffs on agricultural products, as well as all goods and services. These changes, combined with PNTR for China, will enable America's agricultural producers to tap further and deeper into this huge potential market. Agricultural producers, manufacturers, and service providers will be free to select partners, marketers, buyers, and distributors in China, instead of being forced to go through state-owned trading companies or middlemen.

The Chinese will also have to eliminate export subsidies for their agricultural and other products as well as import barriers such as quarantine and sanitary standards that are not based on sound science. And if the Chinese do not comply with their commitments under the agreement, the United States can petition the WTO to force them to do so. There will be strong economic and political incentives in place to encourage Chinese compliance.

Our markets have long been open to China. Now it is their turn to open their markets to us. We have signed a bilateral trade agreement with China that effectively levels the playing field for the first time ever. But if we do not grant PNTR to China, then all the hard-won concessions in our trade agreement will not apply to the United States; however, they will apply to all other WTO members who do grant PNTR to China. That would represent a tremendous loss and mindless disservice to American businesses, farmers, and workers. And, yes, I say again, what effect would this have on improving rights and improving the Chinese behavior toward those rights and toward their own people?

It is important to the world and to the Chinese people that China become integrated in the global trading system. China's economy will open more quickly to foreign exports and investments, increasing the interaction of the people of China with the rest of the world and increasing their standard of living and potential for more freedom.

These developments will have a positive effect on all human rights in China, provide growth opportunities to American businesses and farmers and workers, and help stabilize a very important region of the world.

This issue has serious geopolitical and, surely, national security interests attached to it for both America and the world, as well as trade and economic interests. They are all interconnected. We must be wise enough to understand this interwoven dynamic and act on it. When nations are trading with each other, they are rarely sending their armies against each other. These are common denominator self-interests for all nations, for all peoples.

China's membership in the WTO and Congress' granting of PNTR are clearly in the best interests of, yes, America, and I believe in the best interests of China, the people of China, and the world. I strongly encourage my colleagues to vote for this bill and oppose all amendments to it.

I add one last point. It is not a matter, I say to the good Senator from Minnesota, of this body or of this Nation or of our people looking the other way when it comes to human rights violations in China. We are not looking the other way. We are finding a course that some of us believe is the correct course to influence the behavior of China. It is for that reason that I shall support this bill and oppose all amendments.

Mr. President, I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. REID. Will the Senator yield for a unanimous consent request?

Mr. WELLSTONE. I am pleased to yield.

Mr. REID. Mr. President, I ask unanimous consent that following the vote on the Wellstone amendment that is now pending Senator BYRD be allowed to offer the next amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, let me, first of all, say to the Senator from Nebraska and to other Senators, that I appreciate what he said, although I think some of my colleagues' remarks were more general remarks about the overall trade agreement. I will try to respond to a little bit of that. But I don't want Senators to get away from what this amendment is about and this vote.

By a 98-0 vote, we supported the International Religious Freedom Act. We said that we were concerned about promoting religious freedom throughout the world. This legislation called for a commission to be set up, called the U.S. Commission on International Religious Freedom, to make recommendations to us about how we could promote religious freedom throughout the world.

This Commission has come up with a recommendation about China. What this Commission has said—a Commission with extraordinary diversity: some of its members for PNTR, other members against it; some of its members Republican, some of its members Democrat; some of its members Christian, Jewish, you name it—and I quote:

> Given the sharp deterioration in freedom of religion in China during the last year, the Commission believes an unconditional grant of PNTR at this moment may be taken as a signal of American indifference to religious freedom.

That is what this amendment is about. That is what this vote is about. This amendment mirrors the recommendations of this Commission.

This amendment does not say that we should not trade with China. This amendment does not say that we should isolate China. This amendment does not say that we should not continue to have economic relations with China. This amendment does not say we should boycott China. This amendment is not a China-bashing amendment. This amendment goes to the very heart of what we say we are about as a country and what we are about as a Senate.

All this amendment says is that before we finally sign off on PNTR, before we automatically renew normal trade relations—or what we used to call most favored nation status—with China, let's at least call upon China to live up to the following standards: China will agree to establish a high-level and ongoing dialog with the U.S. Government on religious freedom issues; China will agree to ratify the International Covenant on Civil and Political Rights, which it signed in 1998; China will agree on unhindered access to religious leaders, including those who have been imprisoned; China will give us a detailed response to inquiries about a number of people who have been in prison or detained or whose whereabouts are not known; and China will show they have made substantial progress in releasing from prison all persons incarcerated for religious reasons.

This amendment does not say we do not trade with China. This amendment does not say we do not have economic relations with China. This amendment just says that we ought to, in this trade agreement, not just focus on the "almighty" dollar. By the way, we will have this debate tomorrow.

I said yesterday—and I know other Senators will say it—my colleague from Nebraska talks about all these exports. I want to tell you, we are going to see a lot more investment, not necessarily more exports. When I hear my colleague from Nebraska describe what is freedom in China, and what is going to go on, I can't figure out exactly what he is trying to get at. We have these two reports on the brutal treatment of people.

I just spent 30 or 40 minutes giving examples of the persecution in China. We have the State Department report on human rights abuses. We have all the human rights organizations reports. We just want to say no, that doesn't matter? We don't want to take this into account at all? We don't want to at least pass an amendment that says yes to normal trade relations, but, China, you must at least live up to these elementary conditions, this sort of basic definition of decency? We don't wanted to go on record supporting that?

We have U.S. companies going to China right now, and they are paying 3 cents an hour. We have people working from 8 in the morning until 10 at night, with maybe a half an hour off from work, under deplorable, horrible working conditions. If they should dare to try to organize a union, they wind up in prison serving 3- to 8-year sentences. I hear from my colleagues we are all concerned about freedom. The evidence just does not support that.

Let me be clear by way of summary: This amendment I have introduced—cosponsored by Senator HELMS and, I believe, Senator FEINGOLD—says we are going to take seriously the International Freedom Act that we passed, we are going to take seriously the recommendations of this report, we are going to say there will be normal trade relations, but the Chinese Government does have to live up to these standards; we are not going to be indifferent to the religious persecution that is taking place in this country.

If this report had not come out by the U.S. Commission on International Religious Freedom, if the State Department had not come out with a report saying it is brutal what is happening to people—Christians, Muslims, Catholics, you name it—then I wouldn't have this amendment. But this is the evidence that is staring us in the face.

The amendment I have introduced calls upon the Senate not to be silent on this question. I know all about some of the companies that have all of their ideas about investment. I know the ways in which they are going to make China an export platform, where they can pay people miserably low wages and then send products back to our country. They are doing that right now. I understand all of the economic power behind this. But I ask my colleagues, are there not other values that matter to us? How about religious freedom?

Again, I say to my colleague from Nebraska, this isn't about whether or not this bill will pass. That is not a legitimate excuse to vote against this amendment. If you feel strongly about religious persecution and you do not want to be indifferent, then you should support this amendment. If we pass this amendment and this bill goes to conference committee, then it will be rereported out of conference committee. And if there is the will to pass this and there is overwhelming support for establishing normal trade relations with China without annual review, it will pass. Everyone knows that. Don't use that as an excuse. Just vote for what you think is right.

Don't go home to the coffee shops in your State and say: Well, yes, I think these reports about persecution of people were terrible. I certainly didn't want the Senate to be indifferent, and I didn't want to communicate a message to the Chinese Government that all we care about is the economics, we don't care about these issues. The thing of it is, I couldn't vote for this amendment because if I voted for this amendment, then the bill wouldn't have been passed in the same form in the House and the Senate. And then it would have had to go to conference committee, and that would have meant there would be some delay. I didn't want there to be any delay.

People's eyes will glaze over. They will look at you, and they will say: Why don't you just vote for what you think is right or wrong. Don't give us this insider talk which, by the way, is not so persuasive.

We could pass this bill in any number of different ways with this amendment. I hope my colleagues will support it.

AMENDMENTS NOS. 4118 THROUGH 4121, EN BLOC

Mr. WELLSTONE. Mr. President, I know Senator BYRD has some amendments. What I will do is send up my other amendments and ask for their consideration. Then I will lay them aside so other colleagues may introduce their amendments. I send my other four amendments to the desk en bloc.

The PRESIDING OFFICER. Without objection, the amendments will be reported and laid aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes amendments Nos. 4118 through 4121 en bloc.

The amendments are as follows:

AMENDMENT NO. 4118

(Purpose: To require the President to certify to Congress that the People's Republic of China has taken certain actions with respect to ensuring human rights protection)

On page 4, line 22, beginning with "Prior" strike all through page 5, line 12, and insert the following:

Prior to making the determination provided for in subsection (a)(1), the President shall transmit a report to Congress certifying that—

(1) pursuant to the provisions of section 122 of the Uruguay Round Agreements Act (19 U.S.C. 3532), the terms and conditions for the accession of the People's Republic of China to the World Trade Organization are at least equivalent to those agreed between the United States and the People's Republic of China on November 15, 1999;

(2) the People's Republic of China has ratified the International Covenant on Civil and Political Rights, signed in October 1998, and that the Covenant has entered into force and effect with respect to the People's Republic of China;

(3) the People's Republic of China has begun to dismantle its system of reeducation through labor, which allows officials of the People's Republic of China to sentence thousands of citizens to labor camps each year without judicial review;

(4) the People's Republic of China has opened up Tibet and Xinjiang to regular, unhindered access by United Nations human rights and humanitarian agencies, foreign journalists, diplomats, and independent human rights monitors;

(5) the People's Republic of China has reviewed the sentences of those people it has incarcerated as counterrevolutionaries under the provisions of a law that was repealed in March 1997 and the People's Republic of China intends to release those people;

(6) the People's Republic of China has agreed to establish a high-level and ongoing dialogue with the United States on religious freedom; and

(7) the leadership of the People's Republic of China has entered into a meaningful dialogue with the Dalai Lama or his representatives.

SEC. 102. EFFECTIVE DATE.

(a) EFFECTIVE DATE OF NONDISCRIMINATORY TREATMENT.—The extension of nondiscriminatory treatment pursuant to section 101 shall be effective no earlier than the effective date of the accession of the People's Republic of China to the World Trade Organization.

AMENDMENT NO. 4119

(Purpose: To require the President certify to Congress that the People's Republic of China is in compliance with certain Memoranda of Understanding regarding prohibition on import and export of prison labor products and for other purposes)

On page 4, line 22, beginning with "Prior", strike all through page 5, line 12, and insert the following:

Prior to making the determination provided for in subsection (a)(1), the President shall transmit a report to Congress certifying that—

(1) pursuant to the provisions of section 122 of the Uruguay Round Agreements Act (19 U.S.C. 3532), the terms and conditions for the accession of the People's Republic of China to the World Trade Organization are at least equivalent to those agreed between the United States and the People's Republic of China on November 15, 1999;

(2) the People's Republic of China is complying with the Memorandum of Understanding Between the United States and the People's Republic of China on Prohibiting Import and Export Trade in Prison Labor Products, signed on August 7, 1992;

(3) the People's Republic of China is complying with the Statement of Cooperation on the Memorandum of Understanding Between the United States and the People's Republic of China on Prohibiting Import and Export Trade in Prison Labor Products, signed on March 14, 1994; and

(4) the People's Republic of China is fully cooperating with all outstanding requests made by the United States for visitation or investigation pursuant to the Memorandum referred to in paragraph (2) and the Statement of Cooperation referred to in paragraph (3), including requests for visitations or investigation of facilities considered "reeducation through labor" facilities.

SEC. 102. EFFECTIVE DATE.

(a) EFFECTIVE DATE OF NONDISCRIMINATORY TREATMENT.—The extension of nondiscriminatory treatment pursuant to section 101 shall be effective no earlier than the effective date of the accession of the People's Republic of China to the World Trade Organization.

AMENDMENT NO. 4120

(Purpose: To require that the President certify to Congress that the People's Republic of China has responded to inquiries regarding certain people who have been detained or imprisoned and has made substantial progress in releasing from prison people incarcerated for organizing independent trade unions)

On page 4, line 22, beginning with "Prior", strike all through page 5, line 12, and insert the following:

Prior to making the determination provided for in subsection (a)(1), the President shall transmit a report to Congress certifying that—

(1) pursuant to the provisions of section 122 of the Uruguay Round Agreements Act (19 U.S.C. 3532), the terms and conditions for the accession of the People's Republic of China to the World Trade Organization are at least equivalent to those agreed between the United States and the People's Republic of China on November 15, 1999;

(2) the People's Republic of China has provided a detailed response to inquiries regarding the number of persons who are imprisoned, detained, or under house arrest because of union organizing; and

(3) the People's Republic of China has made substantial progress in releasing from prison all persons incarcerated for organizing independent trade unions.

SEC. 102. EFFECTIVE DATE.

(a) EFFECTIVE DATE OF NONDISCRIMINATORY TREATMENT.—The extension of nondiscriminatory treatment pursuant to section 101 shall be effective no earlier than the effective date of the accession of the People's Republic of China to the World Trade Organization.

AMENDMENT NO. 4121

(Purpose: To strengthen the rights of workers to associate, organize and strike, and for other purposes)

At the end of the bill, add the following:

TITLE VIII—WORKER RIGHTS

SEC. 801. SHORT TITLE.

This title may be cited as the "Right to Organize Act of 2000".

SEC. 802. EMPLOYER AND LABOR ORGANIZATIONS PRESENTATIONS.

Section 8(c) of the National Labor Relations Act (29 U.S.C. 158(c)) is amended—

(1) by inserting "(1)" after the subsection designation; and

(2) by adding at the end the following new paragraphs:

"(2) If an employer or employer representative addresses the employees on the employer's premises or during work hours on issues relating to representation by a labor organization, the employees shall be assured, without loss of time or pay, an equal opportunity to obtain, in an equivalent manner, information concerning such issues from such labor organization.

"(3) Subject to reasonable regulation by the Board, labor organizations shall have—

"(A) access to areas in which employees work;

"(B) the right to use the employer's bulletin boards, mailboxes, and other communication media; and

"(C) the right to use the employer's facilities for the purpose of meetings with respect to the exercise of the rights guaranteed by this Act.".

SEC. 803. LABOR RELATIONS REMEDIES.

(a) BOARD REMEDIES.—Section 10(c) of the National Labor Relations Act (29 U.S.C.

160(c)) is amended by inserting after the fourth sentence the following new sentence: "If the Board finds that an employee was discharged as a result of an unfair labor practice, the Board in such order shall (1) award back pay in an amount equal to 3 times the employee's wage rate at the time of the unfair labor practice and (2) notify such employee of such employee's right to sue for punitive damages and damages with respect to a wrongful discharge under section 303 of the Labor Management Relations Act, 1947 (29 U.S.C. 187), as amended by the Fair Labor Organizing Act.".

(b) COURT REMEDIES.—Section 303 of the Labor Management Relations Act, 1947 (29 U.S.C. 187) is amended by adding at the end the following new subsections:

"(c) It shall be unlawful, for purposes of this section, for any employer to discharge an employee for exercising rights protected under the National Labor Relations Act.

"(d) An employee whose discharge is determined by the National Labor Relations Board under section 10(c) of the National Labor Relations Act to be as a result of an unfair labor practice under section 8 of such Act may file a civil action in any district court of the United States, without respect to the amount in controversy, to recover punitive damages or if actionable, in any State court to recover damages based on a wrongful discharge.".

SEC. 804. INITIAL CONTRACT DISPUTES.

Section 8 of the National Labor Relations Act (29 U.S.C. 158) is amended by adding at the end the following new subsection:

"(h)(1) If, not later than 60 days after the certification of a new representative of employees for the purpose of collective bargaining, the employer of the employees and the representative have not reached a collective bargaining agreement with respect to the terms and conditions of employment, the employer and the representative shall jointly select a mediator to mediate those issues on which the employer and the representative cannot agree.

"(2) If the employer and the representative are unable to agree upon a mediator, either party may request the Federal Mediation and Conciliation Service to select a mediator and the Federal Mediation and Conciliation Service shall upon the request select a person to serve as mediator.

"(3) If, not later than 30 days after the date of the selection of a mediator under paragraph (1) or (2), the employer and the representative have not reached an agreement, the employer or the representative may transfer the matters remaining in controversy to the Federal Mediation and Conciliation Service for binding arbitration.".

Mr. WELLSTONE. Mr. President, all these amendments will have debate and time agreements, and we will move along.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Mr. President, I ask unanimous consent that the vote regarding the pending Wellstone amendment occur at 12:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMS. I thank the Chair.

I yield up to 3 minutes to my colleague from Montana to speak on the pending Wellstone amendment.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, all my colleagues support the intent of the Wellstone amendment. Of course, we want to protect religious freedom all over the world. It is in our American Constitution. It is in our Bill of Rights. It is enshrined in the first amendment to the Constitution. It has helped make America the great country it is. There is no doubt about it.

But that is not what we are voting on. In effect, what we are voting on is whether our American farmers, ranchers, workers, manufacturers, or service providers will be able to take advantage of very significant liberalization and market openings that will occur in China once it joins the World Trade Organization. In effect, that is what we are voting on.

We are also voting on whether, if we deny Americans the opportunity to trade on a more liberalized basis with China, we are going to therefore allow our Japanese and European competitors to trade with China on much more favorable terms than we Americans would.

A vote for the Wellstone amendment means Americans will be closed out of the Chinese market of trade on favorable terms. It also means in effect that other countries—I mentioned before Japan and the European Union—will be able to trade on more favorable terms because they will have already ratified their PNTR with China. It is very clear at this stage of the congressional session, the Presidential election year, any amendment to H.R. 4444 will kill the bill. That is clear. I assure my colleagues that there will be no conference on this bill if there are any amendments at this stage in the congressional session.

I think it is also illustrative to point out what some very prominent religious leaders have said about the WTO and China. The Dalai Lama has said:

> Joining the WTO, I think, is one way [for China] to change in the right direction. China must be brought into the mainstream of the world community. Forces of democracy in China get more encouragement through that way.

The Reverend Billy Graham said:

> I believe it is far better for us to thoughtfully strengthen positive aspects of our relationship with China than to threaten it as an adversary. It is my experience nations can respond with friendship just as much as people do.

Many religious leaders think we should grant PNTR to China. I believe that. It is crystal clear what the other body will do if any amendments are passed here. If those amendments are passed, we will not have a bill. We will not have PNTR. Therefore, I will vote against the Wellstone amendment. I urge my colleagues to vote against the Wellstone amendment, even though I believe almost all of us agree with its underlying intent. It is just not appropriate at this time on this bill.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. I thank the Senator from Montana for his remarks.

Mr. President, I join in saying that we all share the concern of Senator WELLSTONE regarding China's repression of its citizens' religious freedoms. I am sure every other Member of the Senate does as well. But if passed, make no mistake about it, this amendment, as with any amendment that would be offered to this bill, will effectively kill permanent normalized trade relations with China, since a House-Senate conference and a second vote on PNTR would then be required.

So this amendment, or any amendment, for any reason, basically is a killer amendment to this bill. That is why I am going to oppose all amendments to PNTR and ask my colleagues to join me in adopting this approach.

As I've said before, I believe H.R. 4444 is certainly among the most important legislation we will consider this year and likely the most consequential of the past decade. That's because passage of PNTR will create vast new opportunities for our workers, farmers and businesses and also vast new opportunities for the people of China.

It's also because PNTR serves America's broader national interest in meeting what is likely to be our single greatest foreign policy challenge in the coming years—managing our relations with China.

And as those with the greatest experience working in faith-based organizations actually based in China will tell you, engaging the Chinese through PNTR and other avenues offers us the best chance to advance religious freedom—not hinder it, or stop it, but to advance religious freedom in China. The best thing they say we can do is help pass PNTR.

Here is what Billy Graham, one of whose organizations has been working in China for 10 years providing Bibles, literature and leadership training, has to say:

> I believe it is far better for us to thoughtfully strengthen positive aspects of our relationship with China than treat it as an adversary. In my experience, nations can respond to friendship just as much as people do.

And here is what Reverend Pat Robertson says:

> I do not minimize the human rights abuses which take place in [China], but I must say on first-hand observation that significant progress in regard to religious freedom and other civil freedoms has been made over the past twenty-one years. If the U.S. refuses to grant normal trading relations with [China] we will damage ourselves and set back the cause of those in China who are struggling toward increased freedom for their fellow citizens.

Randy Tate, former Executive Director of Christian Coalition, said the following last year:

> Our case for greater trade . . . is less about money and more about morality. It is about ensuring that one-fifth of the world's population is not shut off from businesses spreading the message of freedom and ministries spreading the love of God. . .

According to a letter from 21 U.S. religious leaders,

> Despite continued, documented acts of government oppression, people in China nonetheless can worship, participate in communities of faith, and move about the country more freely today than was even imaginable twenty years ago. . . . These positive developments have come about gradually in large part as a result of economic reforms by the Chinese government and the accompanying normalization of trade, investment and exchange with the outside world.

Finally, let's listen to His Holiness, the Dalai Lama: "Joining the World Trade Organization . . ." he said, "is one way (for China) to change in the right direction. I think it is a positive development. In the long run, certainly [the trade agreement] will be positive for Tibet. Forces of democracy in China get more encouragement through that way."

Mr. President, let us also remember that H.R. 4444 contains a provision to establish a Congressional-Executive Commission on the People's Republic of China modelled after the Commission on Security and Cooperation in Europe, which played such an important role in promoting human rights in the former Soviet Union.

This new Commission's purpose is to monitor human rights conditions in China, including the right to worship free of involvement of and interference by the government.

Each year, the Commission will issue a report to the President and the Congress setting forth the findings of the Commission as well as recommendations for legislative or executive actions to push China to improve its record on religious freedom and in other areas of human rights.

Let us also remember that the U.S. Ambassador-at-Large for International Religious Freedom visited China in 1999 to emphasize to Chinese authorities the priority the United States places on religious freedom.

In addition, the United States has designated China as a "country of particular concern" for violations of religious freedom under the International Religious Freedom Act.

Mr. President, every one of us in this body is concerned about religious freedom. Yet as so many religious leaders with long-term experience working in China contend, the best way to advance religious freedom is to further our engagement with China economically and otherwise. PNTR is central to such engagement, particularly as H.R. 4444 specifically addresses the issue of religious freedom.

Finally, I must emphasize again that a vote in favor of the amendment offered by my friend from Minnesota—or for any amendment for that matter—effectively is a vote to kill PNTR. There is simply too little time left in this Congress to conference PNTR and conduct a second round of votes.

I ask my colleagues to join with me in tabling this amendment.

Mr. President, I ask unanimous consent that a statement dealing with the Department of State be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

STATEMENT BY RICHARD BOUCHER, SPOKESMAN

RESPONSE TO COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM'S FIRST ANNUAL REPORT

The following statement was issued by Harold Hongju Koh, Assistant Secretary for Democracy, Human Rights and Labor, and Robert Seiple, Ambassador-at-Large for International Religious Freedom.

"The Commission on International Religious Freedom, an independent advisory body created in 1998 to report on and make recommendation to the President, Secretary of State, and the Congress on the state of religious freedom around the world, has released its first annual report. We have only just received the final copy of the report, and will study it carefully. This year's report focuses on three countries in particular—China, Russia and Sudan. In its descriptions of violations of religious freedom, the report appears to parallel closely the evaluations of the State Department's annual Country Reports on Human Rights Practices, released in February of this year, and the International Religious Freedom Report, released in September 1999 (both available at www.state.gov).

"As required by law, the report also makes recommendations for U.S. policy options. We welcome many of the proposals, including the report's call for increased focus on the Sudanese government's abuses of human and religious rights, and its recommendation for increased monitoring of religious liberty at the local level in Russia. The Administration has already enhanced our efforts on each of these issues, and we will look for opportunities to do even more in the future.

"At the same time, the report contains a number of recommendations with which we disagree, especially the recommendation that the Congress impose human rights conditionality on permanent normal trading relations (PNTR) with China. We profoundly believe that conditionality will not advance the cause of religious freedom in China, and will not improve the circumstances of any of the religious adherents about whom we are all deeply concerned. This is because conditionality as proposed by the Commission—and even a vote to reject PNTR—provides little more than the appearance of U.S. leverage against the Chinese government. It would not prevent Chinese entry in to the World Trade Organization (WTO); nor would it deprive China of the economic benefits of WTO membership. What it would do is deprive the U.S. of the full economic benefits of China's market-opening commitments, and severely restrict our ability to positively influence the course of events in China—including our ability to promote religious freedom. It would reduce the role of American companies in bringing higher labor standards to China and in forcing local companies to compete in improving the lives of their workers.

"However, with unconditional Congressional approval of PNTR, China will enter the WTO bound by the full range of economic commitments contained in the U.S.-China bilateral trade agreement. These commitments will move China in the direction of openness, accountability, reform, and rule of law, all of which will improve the conditions for religious freedom in China. Failure to approve PNTR would deprive the U.S. of the ability to hold China to all of these commitments. Given China's likely entry into the WTO, it would also put us in conflict with WTO rules, which require immediate and unconditional provision of PNTR for all WTO members.

"Despite our fundamental disagreement with the Commission on the issue of conditionality, we share the Commission's deep concern about abuse of religious freedom in China, and we remain committed to sustained U.S. Government efforts to promote religious freedom. President Clinton has made promotion of religious freedom abroad a priority of his presidency and an integral part of our foreign policy. The President created the first-ever Advisory Committee on Religious Freedom Abroad, directed that we expand coverage of religious freedom in the State Department's annual human rights report, and supported and signed the legislation that brought into being the International Religious Freedom Commission.

"As demonstrated by our sponsorship of a recent resolution on China at the UN Human Rights Commission in Geneva, we will continue to keep faith with those in China who face persecution due to their religious practices. We also look forward to continued dialogue with the commission on how best to promote our common goal of improving the observance of religious freedom in China and around the world."

The PRESIDING OFFICER. The Senator from Minnesota, Mr. WELLSTONE, is recognized.

Mr. WELLSTONE. Mr. President, I have already made my arguments. I ask unanimous consent that Senator FEINGOLD be added as an original cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, again, on this one procedural point, maybe there is something I don't understand about the Senate, but I have been here 10 years. We do have conference reports and conference committees. This is the most amazing argument. All of a sudden, people are coming to the floor and saying we can't vote for any amendment because there will be no conference committee, or there might be one, but then the bill will be dead. What? We have conference committees all the time.

If Senators want to pass this, and if this amendment or other amendments pass and this bill is in a different form, it will be a better bill than we have. Believe me, it will go to conference. And given this steamroller on behalf of this legislation, with so many people wanting it to pass with such powerful interests in the country for it, believe me, it will go to conference committee and the conference committee will report right back to us, and it will pass if we want it to pass. You can't make the argument that a vote for the amendment kills the bill. Vote for the amendment on its merits up or down but don't make that argument because it is simply not accurate.

Mr. President, I yield the remainder of my time.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMS. Mr. President, I ask unanimous consent that time prior to a vote relative to the Byrd amendment, re: coal, be limited to 3 hours to be equally divided in the usual form, with no second-degree amendments in order prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. GRAMS. The vote has been set for 12:15, is that right?

The PRESIDING OFFICER. Does the Senator yield back his time?

Mr. WELLSTONE. I ask that the vote occur now.

The PRESIDING OFFICER. Is there objection?

Mr. GRAMS. Mr. President, I object now in order to give people time to finish some of the business they have before they come to the floor. We have the vote set right now for 12:15, is that correct?

The PRESIDING OFFICER. That is correct.

Mr. GRAMS. I object to the request to move the vote up earlier.

The PRESIDING OFFICER. Objection is heard.

Mr. GRAMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the Wellstone amendment. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Alaska (Mr. MURKOWSKI) is necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 30, nays 67, as follows:

[Rollcall Vote No. 234 Leg.]

YEAS—30

Ashcroft
Boxer
Bunning
Byrd
Campbell
Collins
Craig
Dodd
Dorgan
Feingold
Gregg
Harkin
Helms
Hollings
Hutchinson
Inhofe
Kennedy
Leahy
Mikulski
Reed
Reid
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Snowe
Specter
Torricelli
Wellstone

NAYS—67

Abraham
Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Breaux
Brownback
Bryan,
Burns
Chafee, L.
Cleland
Cochran
Conrad
Crapo
Daschle
DeWine
Domenici
Durbin
Edwards
Enzi
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Hagel
Hatch
Hutchison
Inouye
Jeffords
Johnson
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Levin
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Miller
Moynihan
Murray
Nickles
Robb
Roberts
Rockefeller
Roth
Schumer
Smith (OR)
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner
Wyden

NOT VOTING—3

Akaka
Lieberman
Murkowski

The amendment (No. 4114) was rejected.

CHANGE OF VOTE

Mr. DODD. Mr. President, on rollcall No. 234, I voted "no." It was my intention to vote "aye." Therefore, I ask unanimous consent that I be permitted to change my vote since it would in no way change the outcome of that vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, on rollcall vote No. 234, I voted "no." It was my intention to vote "aye." Therefore, I ask unanimous consent that I be permitted to change my vote since it would in no way change the outcome of the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

Mr. GRAMS. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4115

Mr. BYRD. Mr. President, I ask that my amendment No. 4115 at the desk be called up.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 4115.

(Purpose: To require the United States to support the transfer of United States clean energy technology as part of assistance programs with respect to China's energy sector, and for other purposes)

On page 69, after line 16, insert the following:

SEC. 702. UNITED STATES SUPPORT FOR THE TRANSFER OF CLEAN ENERGY TECHNOLOGY AS PART OF ASSISTANCE PROGRAMS WITH RESPECT TO CHINA'S ENERGY SECTOR.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the People's Republic of China faces significant environmental and energy infrastructure development challenges in the coming century;

(2) economic growth and environmental protection should be fostered simultaneously;

(3) China has been recently attempting to strengthen public health standards, protect natural resources, improve water and air quality, and reduce greenhouse gas emissions levels while striving to expand its economy;

(4) the United States is a leader in a range of clean energy technologies; and

(5) the environment and energy infrastructure development are issues that are equally important to both nations, and therefore, the United States should work with China to encourage the use of American-made clean energy technologies.

(b) SUPPORT FOR CLEAN ENERGY TECHNOLOGY.—Notwithstanding any other provision of law, each department, agency, or other entity of the United States carrying out an assistance program in support of the activities of United States persons in the environment and energy sector of the People's Republic of China shall support, to the maximum extent practicable, the transfer of United States clean energy technology as part of that program.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the departments, agencies, and entities of the United States described in subsection (b) such sums as may be necessary to support the transfer of clean energy technology, consistent with the subsidy codes of the World Trade Organization, as part of assistance programs carried out by those departments, agencies, and entities in support of activities of United States persons in the energy sector of the People's Republic of China.

The PRESIDING OFFICER. There are 3 hours equally divided on the amendment.

Mr. BYRD. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BYRD. Do quorum calls come out of the 3 hours?

The PRESIDING OFFICER. If they are suggested during the 3 hours, they count. If they are suggested at the end of the 3 hours, they do not.

Mr. BYRD. I thank the Chair.

Mr. President, I ask unanimous consent that the time on the quorum call which I am about to enter will not count against the 3 hours.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, there are exactly three Senators on the floor, including the Senator presiding. Shouldn't we have better attendance than this on a matter so important as this legislation? I am going to suggest the absence of a quorum, and I will object to it being called off, so it will be a live quorum.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I am going to break my own rule here and ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I do not want to be dilatory. That is not my desire at all. I voted earlier today to proceed to the consideration of this measure. But it seems to me to be a sad reflection on us all if we are going to have a far-reaching measure of this importance before the Senate here at 5 minutes until 1 p.m. and with only three Senators on the floor.

Now, it is not so much that this happens to be my amendment, but this does happen to be an important measure, and this does happen to be an important amendment, in my judgment.

So I am going to suggest the absence of a quorum. I ask unanimous consent that it not be charged against the 3 hours.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Now, Mr. President, I would like to have a live quorum, so I will presently intend to object to the calling off of the quorum because I want Senators to give a little bit of attention to what is going on here.

So I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I have been informed that several Senators are not here, they having thought there would be at least an hour and a half to 3 hours before there would be a vote. I am not going to take advantage of Senators in that way, and I, therefore, shall proceed.

But with now the time running, let me say, I think this is a travesty upon the legislative process. This is a far-reaching measure. There are important amendments that will be called up and voted down—summarily voted down—by many Members; at least, many Members will summarily vote against any amendment. Some have already announced their intention to vote against any amendment.

So a rhetorical question, I think, would be in order. Why have any debate? Why call up amendments? Why go through this charade? I have called up an amendment. We all know it is going to be rejected because some Senators are going to vote against any amendments, no matter what the amendment provides. They can be good amendments, they can be better amendments, they can be the best amendments. They are all going to be rejected. What kind of legislative process is that?

I have been in this Congress 48 years. I have been in the Senate 42 years. I have never seen anything like this. Members are very forthright in saying—they don't make any bones about it—that they have agreed they will not support any amendment. Why? Because they say it would mean, if the amendment should carry, that the measure would have to go to the House and then to a conference.

The House might accept the amendment. There might not have to be a conference. The House might accept the amendment. And if a conference did ensue, again, so what? That is the way we have been doing things for decades. The Senate votes. If there are amendments to the House bill, then there is a conference, unless the House accepts the amendment itself. Here are some amendments that, if the House should have an opportunity to vote on them, undoubtedly would receive good votes in the House and perhaps, who knows, they might pass the House. But this administration doesn't want any vote.

I ask unanimous consent that I may ask a question of the distinguished chairman of the committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. This is the question: Does the chairman of the committee know whether or not the administration is opposed to any amendments being added to this measure by the Senate?

Mr. ROTH. Mr. President, I say to my distinguished friend and colleague that it is my understanding the administration is opposed to any amendment.

Mr. BYRD. Can the distinguished chairman answer as to why the administration is opposed to any amendment as far as he, the chairman, knows?

Mr. ROTH. I don't know that I can answer for the White House why they are opposed. I think, if I might make a short comment, a number of us on both sides of the political aisle, as well as both branches of Government, the executive and the Congress, believe this is an extraordinarily important matter, that it involves our country's economic future as well as security, and that it is important we proceed as expeditiously as possible. I suspect, but I cannot say, there are those who are fearful that we are in the campaign season and, if it goes back to the House, that many will be unable to vote their will for fear they might antagonize some of their important supporters.

Mr. BYRD. Mr. President, that is a forthright answer. It is quite enlightening. I certainly thank the distinguished chairman.

I seem to recall that there have been many important measures over the years that have been debated. Many have been enacted; some have been rejected. The Versailles Treaty was rejected.

What I am saying is, this is not the only important measure. I grant that it is very important. The chairman says it is such an important measure, the administration does not want it amended. At least that is his recollection of what the administration's position is. But there have been many important measures. I won't go through them now, but I can think of a good many that have come up here since I have been a Member of the Senate.

I was here when the 1964 Civil Rights Act was enacted. I believe it was before the Senate 116 days, including the 2 weeks that were used in calling up that measure. But we had amendments. There had to be cloture filed on it in order to get a final vote. There was the natural gas bill of 1978. One could go on and name equally important measures that were far-reaching measures, but never was there the blood oath that was taken by Senators that they would stand to the man or to the woman against any amendment: Regardless of its merit, it shall not pass. And since when has the Senate bowed the neck to any administration and agreed, either publicly or in private or with a wink and a nod, that we will stand with you, Mr. Administration; we will be with you; we will stand against any amendment. It does not make any difference how it might affect my constituents. It does not make any difference how it might affect my sons, my daughters, my grandchildren. It does not make any difference, Mr. Administration, or Mr. President; we will stand with you; we will be against this amendment.

What is the Senate coming to when the Senate engages in that kind of charade? I say Senators ought to bow their heads in shame. What is happening to the Senate when that kind of situation obtains? That is what we have come to here, where we follow, like sheep, the administration over a cliff.

I dare say there will be some Senators who have taken that blood oath—I will refer to it as a blood oath; it is probably as good as a blood oath because apparently that is the way it is going to work—who will have agreed to pursue that kind of course in spite of the rules, the history, the traditions of the Senate, in spite of the oath of office they took.

Each of us takes an oath to support and defend the Constitution of the United States. Here is the Constitution of the United States. I hold it in my hand. Are we supporting the Constitution of the United States which says that the Congress shall have power to regulate interstate and foreign commerce? Not exactly in those words, but it is in section 8 of article I of this Constitution: Congress shall have power to regulate commerce. That is what this bill is about, commerce. Yet we are not going to let Congress regulate it. We are not going to let the Congress of the United States uphold and utilize its power under the Constitution of the United States in this regard.

This same Constitution says, with regard to amendments, that all revenue-raising measures will originate in the other body. But the Senate may amend, "as on other bills," it says. So that would include the measure that is before the Senate. So we are giving the back of our hand to the Constitution of the United States. We are not exercising our responsibilities—not just our rights, but we are not exercising our responsibilities to the people, to the Constitution, to this country, to our children, to our grandchildren, and to ourselves. We are not standing by our duty and our responsibility if we enter into such an agreement as that among us.

I daresay some of the Senators who have fallen into that pothole will come to rue the day. I will have more to say about this in that regard before we have the final vote. Today, I cast my 15,801st vote in this Senate; 15,801 votes. No Senator in the history of the Republic can match it. I have never entered into such an agreement. When I was in the leadership, when I was a leader, when I was a whip, when I was secretary of the Democratic conference, whether in the majority or minority, I never asked my friends in the Senate to stand to the man.

I am not saying that the majority leader or minority leader have asked Senators to do that. But there is some kind of a virus that has come along here and seized on the Chamber and, all of a sudden, there are several Senators who are going to vote against any amendment. Think about that. I would not want my constituents to think I would do that. I might want to listen to a Senator. He might be a Republican. I might want to listen to that Republican explain his amendment, and I might want to vote for it, and I might vote for it. I might vote for it even if my fellow Democrats were against it.

This Senator is not going to be bound by any "blood oath." I objected to that when I was a member of the house of delegates 54 years ago. I stood up in a caucus and said, "I'm not going to be bound by this caucus." It was a Democratic caucus. "I am not going to walk around here with shackles and chains on my wrists and legs and, more importantly, on my conscience."

I think a Senator is entitled to be heard on his amendment and entitled to have the frank opinions of other Senators. He is entitled to have his colleagues' opinions, short of any shackles and chains that are binding them, as it were, to vote against any amendment.

So I am utterly wasting my time. I am just wasting my time. I am sorry to say I am impinging on the time of the Presiding Officer. We have the manager of the bill here and I am wasting his time. Why go through all of this when Senators have stood upon this floor and said—I have heard them—that they will vote against any amendment to this bill. Why? Because if the amendment were to be adopted, it would mean that the bill would then have to go back to the House and go to conference. Well, so what. That is the way we do things. That is the process, and it has been the process for decades. That will continue to be the process. We go to conference or the House accepts the bill. In any event, both Houses have to act together in unison and have to agree upon any measure before it can be sent to the President, providing it is a bill or joint resolution.

So there you are. That is the reason. I will tell you why. They are afraid; the administration is afraid. Senators are afraid—those who have taken this position—of being against any amendment. They are afraid that the Senate, in the free exercise of its wisdom and its judgment, might accept and adopt some of these amendments. When they go back to the House in that case, then the House, in its wisdom, might accept the amendments. And so this measure would not be passed as a clean measure.

What are we coming to here? I can't remember that ever happening in my time in the Senate. It is an unwritten agreement, but it is an agreement, apparently. Shame, shame on us; shame on the Senate; shame on the administration, if that is the policy they are pushing. Are we slaves to the administration? Are we slaves or are we men? Are we free men and women? After all, when it is boiled down, in essence, Milton's Paradise Lost is about freedom of the will. God gave man freedom of the will. Now, why don't you Senators exercise that freedom of the will?

I understand that all who vote against amendments are not doing so just because they have entered into some kind of unwritten agreement that they are going to be against all amendments. There are some Senators who will be against this amendment I am offering. They would vote against it, no matter what. So I certainly don't impugn the character or honesty and integrity of Senators. I am sickened by this idea that we have to pass this as a clean bill and no matter what amendment or whose amendment it is, or where it started, or what its impact or merits, we are going to vote down all amendments. That sickens me. You may say, so what, he is sickened. Well, it is more than "so what." This is the United States Senate.

What a sad day when Senators look at a measure and say: We will not support any amendment. What a reflection upon man's freedom of the will. In the body which is the premier upper House of the world, where amendments are assured and where freedom of debate is assured, what a sad reflection upon our attitudes toward our responsibilities and our duties and toward our rights on behalf of our people. The people of West Virginia want this amendment. The people of West Virginia support the amendment. But they are going to be gagged. They can support it all they want. It will not pass. It cannot pass. The same can be said for other amendments.

I have heard it said here, we are going to influence the Chinese to move farther, to a more moderate society, farther in that direction; we have to pass this, we will have more influence. The Chinese have been around for thousands of years, thousands of years. The Chinese were one of the earliest peoples to have a civilized society. And they are in no big hurry. When they seek to achieve an objective, they can wait. They have the patience of that great man of Ur, Job. They have the patience.

And they say we will influence them, we will influence them to become more amenable to our views and the views of the democracy. We don't even have a democracy here. This is a republic. The very idea that we are going to influence them. We have been in business for 212 years here; they have been in business for 2,000, 3,000, 5,000 years or longer. They were around when the pyramids of Egypt were created by the ancient Egyptians. So we are going to influence them? Well, let's see who is influenced in the long run.

The amendment I offer is a good amendment. If we can influence them on this amendment, we will have achieved something.

I say to the former Senator from Wyoming, we don't call attention to people in the galleries, but he has the right to the floor as a former Senator. I say to my friend from Wyoming, who is a man of utterly good sense, good judgment, that if he were a Member of this body, he would laugh at this charade, he would laugh at this charade, were it not so serious. I am glad he is back on the floor today. At least there is a little wisdom in the Chamber at this moment.

Mr. President, as many Senators know, I have been working for many years to provide funding for a range of clean energy technologies. These technologies are essential to growing our economy while also ensuring that environmental improvements, energy security, public health, and air and water quality are met. The U.S. will need a range of energy resources if our nation is ever going to achieve a sustainable economic future, and we must expand the range of newer technologies and practices to meet even more challenging problems in the future. The very same argument can be made for China. It would be productive for both nations if we could leverage our hard-won technological advances while helping China develop in a more environmentally and economically sound manner.

Let me say this over again: It would be productive for both nations—China and the United States—if we could leverage our hard-won and costly, paid for by the taxpayers of America, technological advances, while helping China develop in a more environmentally and economically sound manner.

By 2020, energy technology experts estimate that global clean energy technology markets are expected to double, and these markets in developing countries alone could require a multi-trillion dollar investment as infrastructure is built and replaced. Clean energy technologies and other such beneficial mitigation actions such as carbon sequestration are essential responses if any nation, in this rapidly growing economy, ever hopes to adequately address burgeoning environment and energy concerns such as energy security, resource diversity, land use changes, air and water quality, and ultimately, global climate change. If one realizes that two-thirds of the global energy infrastructure has yet to be built and much of the current infrastructure will need to be upgraded or replaced, then every nation must play a role and strategically plan for this anticipated development.

I note that in May 2000, the U.S. and China signed a cooperative agreement on environment and development. Recognizing that these two intertwining issues are some of the most critical challenges in the coming century, our two nations have committed themselves to meeting ever-growing development needs in an economically and environmentally sound manner. As part of that agreement, the U.S. and China plan to expand and accelerate the transfer of clean energy technologies in order to meet energy demands and environmental protection challenges. Among a number of important features, this recent agreement specifically calls for the increased utilization of Clean Coal Technologies. I believe that agreements like this are a gradual but positive step in bringing increased cooperation between our two nations, and I hope that future endeavors that build upon this foundation are pursued.

In 1985, I worked to create the Department of Energy's Clean Coal Technology program, a very successful research and development program. Originally designed to address acid rain reduction, the Clean Coal Technology program is now addressing a broader range of emission issues, including the reduction of greenhouse gases. It is well known that, just as coal has fueled much of the American economy, it will play a major role in China's development as well.

The U.S. and China, two of the largest energy producing nations in the world, will only make substantial progress in reconciling the need for economic growth and environmental protection through increased cooperation that includes the use of clean energy technologies such as renewable, energy efficiency, nuclear, and fossil energy technologies including Clean Coal Technologies. In the end, it does not matter where clean energy technologies like American-made Clean Coal Technologies are demonstrated. More importantly, it matters that these technologies be deployed in any region or nation that uses coal to meet rapidly growing energy demands. While the U.S. should be deploying these technologies domestically, the best energy technologies for coal-fired generation facilities must be installed so that their real world benefits can be proven in China likewise. In a recent survey conducted by the Electric Power Research Institute, it is predicted that nations such as China, with large indigenous coal reserves, will use these plentiful resources for producing electricity to fuel their rapidly growing economy. China is the world's largest producer and consumer of coal. The study estimates—now, get this, the two other Senators who are here today. I won't name them. I want my two other Senators, though, to hear this. The study estimates that China could build as many as 180 electric powerplants per year for the next 20 years with about 75 percent of these powerplants utilizing coal.

Now, where are the environmentalists? I need their support on this amendment.

Let me say that again. The study estimates that China could build as many as 180 electric powerplants per year for the next 20 years, with about 75 percent of these powerplants utilizing coal.

What is that going to do to the problem of global warming?

Because coal is the largest energy resource that China can produce in great quantities domestically, it will almost certainly be China's dominant fuel resource choice. As a first step, one of the cheapest and easiest pollution abatement measures that China could utilize would include coal washing. We have been through that. We know what coal washing means. It would use coal washing to remove impurities from the ore.

That distinguished Presiding Officer, who is from Illinois, knows what coal washing is. They produce coal up there in Illinois, and have been doing so for quite a long time.

Today, less than 20 percent of the coal burned in China is washed. In the near term, China needs pollution abatement technologies like coal washing and sulfur scrubbing, with an increasing demand for additional clean coal technologies as new facilities come online.

This evidence should serve as a wake-up call—China will use coal to fuel much of China's economic growth. Still, China's many other domestic environmental challenges are formidable, resulting in serious health and potential economic devastation if they are not addressed. For example, China, home to 5 of the 10 most polluted cities in the world, must address the serious impacts on people's health from this poor air quality.

Today, few Chinese cities have adequate water treatment facilities. Approximately 40 percent of China's water in urban areas is contaminated, and land use changes could make agricultural production and food security increasingly more precarious. Additionally, China now ranks second in the world in energy consumption and greenhouse gas emissions.

Hear me now, environmentalists. You should position yourselves at the doors of this Chamber. You should position yourselves at the elevators to the building and buttonhole these Senators when they come into this Chamber and tell them: Vote for this amendment. This is an environmentalists' amendment.

The Energy Information Agency estimates that 84 percent of the projected growth in carbon emissions between 1990 and 2010 will come from developing countries, and one of the largest sources will be China.

While I know there is no one silver bullet to solve the totality of these very complicated global environment and energy problems, if the international community is ever going to effectively combat issues of air and water pollution, land use changes, and global climate change, then the United States and China must work together to increase the use of clean energy technology. That window is now open. To ignore the benefits of clean coal technologies, knowing that coal will be a primary fuel of choice, would be folly, utter folly. The U.S. has grappled with many of these energy and environmental problems and is making slow but steady progress in addressing air, water, and land use problems.

For example, the United States has done much to improve its own use of coal as a fuel for electric generation. While coal use has tripled since 1970, the emissions have decreased substantially while also providing the much needed electric generation necessary to light this Chamber, for example; to light the White House; to fuel the needs of the big cities on the Atlantic seaboard, the large industrial centers in the Midwest. I am talking about coal, C-O-A-L.

While coal use has tripled since 1970, the emissions have decreased substantially, while also providing the much needed electric generation necessary for economic growth. We should, therefore, provide developing nations such as China with our expertise and experience—at their cost. These are not for free. These are paid for by the American taxpayer. But we should make them available, and our agencies operating in China should help to open the doors, open the gates so these technologies that have come at great expense to the American taxpayer can be utilized for great effect in China.

We should help China to resolve its environmental and developmental dilemmas by learning from our own past mistakes, in part through the utilization of the most advanced energy technologies and practices. My amendment requires any U.S. Government agency that plays a role in environment and energy, and operates in China, to increase that agency's efforts to increase China's efforts to get clean energy technologies on the ground in China.

I recognize that at this time there are particular limitations on specific agencies prohibiting them from working in China. These sanctions are another issue that Congress should address later. My amendment is not intended to overturn those sanctions. Rather, the United States should be using the collective resources and expertise of such Government agencies as the Departments of Commerce, State, and Energy, the Environmental Protection Agency, and the Export-Import Bank to provide greater technical assistance and other aid, to the maximum extent practicable, to assist in the promotion, the transfer, and the deployment of more American-made clean energy technology. The U.S. Government needs to help U.S. companies increase their market share for environmental and clean energy technologies in China's rapidly growing market.

In June 1999, the President's Committee of Advisors on Science and Technology released a report entitled "The Federal Role in International Cooperation on Energy Innovation." The conclusions of that study strongly suggested that more needed to be done to fill the gaps in the "technology innovation pipeline." The recommendations include strengthening the Federal foundation for capacities in energy technology innovation, promoting a range of energy efficient and clean energy technologies, and enhancing the interagency development of these ideas internationally. The scientific and technology experts outlining these recommendations have made a number of observations in their report that justify the need for this very important amendment.

What are some of those observations?

1. Energy use will grow dramatically worldwide, particularly in developing nations.

2. Technological innovation and the policies adopted to promote efficient and clean energy technologies will determine the quantity of energy used in the future and the impact of that energy use.

3. A significant portion of the demand for new energy technologies will be outside the United States under any future scenario.

4. Government has a critical and legitimate role to play.

5. Strengthening industrial and developing country cooperation on clean energy technologies is a promising approach to helping secure developing country participation in any future international framework for addressing global climate change.

6. A unified vision and coordinated management will enhance U.S. international cooperation efforts on energy.

In an effort to help implement many of these commonsense ideas, I offer my amendment today. If Senators believe that more needs to be done to address global environment and energy issues —and I not only say Senators, but I also include the White House. The Vice President has been a leader in the effort to have countries clean up the pollution. He has been a leader advocating measures to offset global warming. This is his chance. This is the time. This is the opportunity.

If Senators believe that the United States has developed a package of commercial-ready, cutting-edge, clean energy technologies, if we believe the recommendations outlined in this report and believe that they make sense, if we believe the United States should be doing more to develop clean energy technology markets internationally, then I have the way to do it. I have the amendment. This amendment is a logical outcome.

Clean coal technologies are just one of many examples of clean energy technologies that have been enhanced through U.S. investment in research, development, and demonstration. But many of these newer, cleaner technologies must eventually be deployed in the market so that their worthiness can be proved. It is imperative that we fill that gap. The United States should be doing even more to work with China to get clean energy technologies in place.

If there is something real to this thing called global warming—and I believe there is. I believe there is something to global warming. This is the way to ameliorate it.

China would benefit by utilizing cleaner technologies; growing its economy, and improving its citizens' lives. At the same time, U.S. companies would benefit by creating an even broader market opportunity for American-made technologies.

Some people may believe that the United States should not be helping China make clean energy technology investments until China has formally committed itself to the reduction of greenhouse gas emissions, as outlined in Senate Resolution 98. I am a believer in Senate Resolution. 98. As a lead sponsor of that resolution, let me be clear, we should be encouraging more action, not less action. The amendment that I offer today is not tied to S. Res. 98 or any climate change treaty.

I recognize the underlying science of climate change and believe that every nation including China, must do its part to tackle this international problem. If the international community is ever going to tackle a truly global issue like climate change, then all nations must work to find equitable, cost-effective ways to reduce greenhouse gas emissions. While clean energy technologies may help reduce greenhouse gases, they also address a wide range of equally important environment and energy concerns. Therefore, the United States should be taking further steps on many fronts, including encouraging China to use more American-made clean energy technologies. This is a win-win-win-win opportunity for both our countries and may eventually provide for future scenarios by which developing nations consider climate change commitments.

While there are many issues that our two large, very powerful countries do not agree on, energy and environment challenges constitute common issues of concern in which we can work more closely. Chinese officials at the highest levels have acknowledged that increasing steps must be taken to fight pollution and ecological deterioration. China's domestic efforts must increase given the serious nature of their environmental problems. They have serious environmental problems, and they know it. It is clearly recognized that there are sound policy options and a range of commercial-ready technologies that can help China make substantial improvements in its energy sector but all parties must be ready to meet these challenges. International cooperation remains critically important, especially for introducing more clean energy technologies and mitigating greenhouse gas emissions. This can be done if the United States and China work more closely to enhance clean energy technology transfer for the benefit of both our nations.

As the panel of scientific and technology experts from this assessment on clean energy technology innovation has concluded:

> The needs and opportunities for enhanced international cooperation on energy-technology innovation supportive of U.S. interests and values are thus both large and urgent. . . . Now is the time for the United States to take the sensible and affordable steps . . . to address the international dimensions of the energy challenges to U.S. interests and values that the 21st century will present.

Therefore, I urge Senators to put aside the blood oath and support this amendment as it will help strengthen the American values, American-made technologies, and the PNTR bill that we are considering today.

Mr. President, how much time have I used?

The PRESIDING OFFICER. The Senator has used 56 minutes.

Mr. BYRD. I thank the Chair.

I yield the floor.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Delaware.

Mr. ROTH. Mr. President, I rise in opposition to my colleague's amendment regarding clean energy. I have to confess to my good friend and colleague that I do so reluctantly because I know of no one who is more experienced in the procedures of this august body or who is better equipped to lead an argument in which he believes so strongly.

I have to say that much of what he wants to accomplish I not only sympathize with but think it is critically important that we address those problems at some future time.

First, let me repeat what I stated at the beginning of the week. Any amendments that are added to this legislation would indeed force us into conference on this bill. We are in agreement on that. But given the limits of time, it would be uncertain whether we would have the time to take up and adopt a conference report.

Many of us on both sides of the aisle—my distinguished ranking member, Senator MOYNIHAN, as well as myself—strongly believe that this legislation on PNTR is the most important piece of legislation we will consider this year, if not this decade.

I know the ordinary process is to have conferences and go back and forth, but it seems to me one of the remarkable aspects of this Congress, and the Senate in particular, is the flexibility in the means of which we can progress on a legislative endeavor.

Those of us who believe it is of utmost importance that we open China's doors to American exports and products believe strongly that the best way to accomplish it, under current circumstances, is to try to keep a clean bill.

Let me point out for the public at large, particularly in the Senate—perhaps less so in the House—there are many opportunities to raise this type of question. We have a rule of nongermaneness. To me, always one of the great advantages, I say to the distinguished Senator from West Virginia, of being a Senator, even a freshman Senator, is you can raise significant legislation and have the opportunity to debate it on the floor, which is not always true of the House of Representatives.

But the point I am trying to make is that those of us who support this legislation—I would include the administration—there is a broad consensus among many of us that it is critically important that we move ahead with permanent normal trade relations, and that if we begin down the road of amendments, it could very likely prevent effective action being taken on this piece of legislation.

I point out that if we fail to act this year, China will still become a member of the WTO. We are disadvantaging our people, our companies, our workers, our farmers by not providing them the advantage of the significant concessions that Ambassador Barshefsky negotiated with her Chinese counterparts.

I would say, those who oppose the bill, of course, are more likely to be willing to take these risks than those of us who believe it is of such critical importance to our country.

So given the limits of time, it seems to me it would be uncertain whether we would have the time to take up and adopt a conference report. As such, it seems to me, a vote in favor of an amendment on this bill is a vote to kill it. It is really that simple. That is why I must oppose it.

It is ironic that by threatening passage of PNTR, this legislation could have the opposite effect to what was intended. After all, PNTR is essential to giving our companies, our farmers, and our service providers meaningful access to the Chinese market. This, obviously, includes the companies and service providers that are more than ready to sell China environmentally sound products and services, including those that my colleague seeks to promote through this amendment.

I strongly agree on the seriousness of the environmental problems in China. I think the distinguished Senator from West Virginia mentioned there are certain cities that, if you have ever visited, really illustrate the magnitude of the problem and understand the importance of improvement being made environmentally.

But whether or not we will be in a position to supply our technology, to provide our equipment and services, will depend on how effective we will be on moving ahead with granting PNTR in response to the upcoming accession of China to WTO.

Once China becomes a member of the WTO, we will be in a far superior position to provide the kind of assistance that will protect our interests, but that will happen only if we pass this legislation. Passage of PNTR will improve our ability to encourage China to begin to take the measures that are essential if we are going to address the problems of global warming and all the other serious environmental problems.

Indeed, I have to emphasize that, in my judgment, nothing will promote exports of these types of goods and services more than PNTR. This is not just because of the market access commitments the Chinese have made. WTO accession will also bring China under the disciplines of the TRIPS agreement, which is the WTO agreement on intellectual property rights. As my distinguished colleague knows, nothing is more critically important, and protected with greater care, than know-how, technology. The United States is a leader, the world leader in developing the most progressive technology, whether it is environmental technology or technology in other areas. And by passing PNTR, we help protect our technology. We gain a system by which we can enforce our rights; through a dispute settlement process that is part of the WTO. As a matter of fact, the Chinese have even agreed to some stricter provisions in protecting our intellectual property rights, which is important, I know, to both of us.

We should also not lose sight of the fact that the countries with the best environmental practices are those with the greatest level of economic development. China's WTO accession is the key element for ensuring economic growth in China and bringing them along the path of economic development. It is only with that economic development that we will be able to see long-term and sustainable progress towards environmental protection.

Frankly, this is as true in China as it is in any other developing country. It simply is a fact that poor countries cannot afford the types of environmental protections that the wealthier countries enjoy. As much as we may wish this were not the case, it is a fact we cannot ignore. That is why we should not do anything that would threaten PNTR's passage.

There are, in my judgment, many important reasons for supporting PNTR.

but one of them is that it, together with WTO accession, will be essential an element of creating the conditions in China for improved environmental protection.

Again, I am very sympathetic to the objectives and goals of the Byrd amendment, but I also feel compelled to make it clear to all my colleagues that a vote in favor of this amendment is a vote to kill PNTR. For that reason, I must oppose this amendment and urge my colleagues to vote against it.

Let me reiterate that China will become a member of the WTO regardless of the decision of Congress on PNTR. The legislation before us is not about that. What is at issue is whether we want to say yes to China's offer to open its door to our goods.

Let me also add that I was very much interested in hearing the comments of Senator LARRY CRAIG of Idaho, discussing on this floor his experience in a visit with the Chinese leadership. In that discussion, he pointed out that not only was the President very open about his support for the concessions that had been made in the negotiations with the United States, but he was looking forward to even greater opening of the Chinese market.

Again, I think it is important for everyone to understand that China has access to the American market. This legislation in no way affects that. What is important, this legislation opens up China's market to the United States of goods, products, technology. For that reason, it is critically important that we proceed and act affirmatively on giving permanent normal trade relations.

Once we do that, we are taking a giant step forward in permitting the kind of exchanges of environmental technology, of science, of equipment, of supplies that will help China address its serious environmental problem. I appreciate the concern of Senator BYRD about this environmental issue, but the best way, in my judgment, to begin solving and addressing that problem is by making sure China has permanent normal trade relations.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, as I indicated yesterday in remarks following an extensive comment by our sometime President pro tempore, our revered Senator from West Virginia, the Senator from Delaware and I would have to oppose all amendments. Whatever their good intentions or sound assertions, they would simply have the effect of costing us this epic and fundamentally important measure.

I will just say one thing about clean coal. It is remarkable how much progress has been made in our time. I can recall, as a graduate student after returning from the Navy, I received a Fulbright fellowship to the London School of Economics. The clean air technology was so bad in Britain that there would be days, theoretically full daylight, in which the buses would be preceded by busmen carrying electric lights to show them their way through the streets of London. It was darkness at noon in the most extraordinary way.

I visited what was then Peking, in our usage, in 1975. The air was not breathable.

At that time, or just previously, the Mao government put out large matters about biological warfare by the United States which required the citizens to wear white masks during the day. Certainly it wasn't biological warfare; it was the air quality. It is not what it should be today. It is vastly better than what it was, and it will be vastly better yet as economic development proceeds.

So with a measure of regret and great respect, I have to urge our Members to vote against this otherwise admirable amendment. On another vehicle, at another time, yes, but not this afternoon.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I yield to the Senator from Texas, Mr. GRAMM, 20 minutes on the Byrd amendment, from our side.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I thank our dear colleague from Iowa for yielding. While my time will be charged against the majority time on the Byrd amendment, I want to talk about the bill itself.

Mr. President, you run for a high office such as the Senate because you want to have an opportunity to have an effect on people's lives. You hope that effect you have is going to be a positive one. What we have political parties and debate for is to determine which policies are positive and which are negative in terms of their impact on people. I would have to say I have seldom had an opportunity to speak on an issue or to vote on legislation that I think is more important for the future of every American and more important for all the people who live on this planet than the issue of establishing normal trade relations with China.

I would like to try to look at this in more of a historic context, to try to define why I think this is such a big deal and why this is so important to every person living on the planet. In 1948, from the rubble of World War II, a group of 23 nations got together to form an organization that became known as the GATT. What that organization was trying to do was to learn from the experiences of the 20th century, to learn from the experiences of the Great Depression where we turned a recession into a depression with protectionism and protective tariffs, to learn from the terrible experiences of a world war.

Those nations had a vision, in 1948, to set up a world trading system so that people could produce goods and services and sell them all over the world so that countries would not end up getting into wars over resources, because resources would be freely traded. And since people living anywhere could specialize doing the things they did best, those nations believed the welfare of each individual citizen and all citizens combined would be enhanced.

Remarkably, those 23 nations that set up what we know today as the world's trading system included China. In 1948, 52 years ago, China joined the United States, Great Britain, and other countries with a dream of promoting world trade. But then, in 1949, just 1 year later, something happened. What happened was China took the wrong turn. China turned to the dark side. China listened to politicians who said they were for the people and not for the privileged. China thought they could create wealth by tearing down wealth. China thought you could build up somebody by tearing down somebody else. So they set about creating what Chairman Mao called a "ladder to paradise." The net result was the destruction of capital, the destruction of private property, the destruction of any kind of modern system for economic development—and untold suffering and poverty for the Chinese people. Remarkably, a country with among the most able people in the world found itself among the poorest countries on the planet. China had achieved the Marxist dream of making people equal—but it was an equality in poverty and hopelessness. I should say that it was equality for everybody except a small number of political leaders; they seem to never be equal.

If anybody needs any numerical examples of what a difference economic freedom makes, listen to these numbers. In 1949, mainland China and Taiwan had roughly equal per capita incomes. The mainland had all the natural resources, and obviously they had the same kind of people. By 1978, by promoting world trade, protecting private property, and increasingly allowing people to make economic choices for themselves, the per capita income of Taiwan had risen to $1,560 a year. In contrast, per capita income on the mainland was a wretched $188 a year. Today, the per capita income of Taiwan is over $13,000 a year. And while China has started to turn from the dark side, while dramatic changes are underway in China, per capita income there is currently only $790 a year.

Why is this vote so important? The vote is so important because in 1948 China was one of 23 nations that shared our dream of an open world with relatively free trade. Then in 1949 they turned to the dark side, and the Chinese people paid a terrible price for that decision. Today, 52 years after helping to found what now is the World Trade Organization, China is back knocking on the door, in essence saying we did the wrong thing by turning to the dark side 51 years ago, and now we want to come back and join the rest of the world in the free exchange of goods and services.

This is an important occasion, it seems to me, because we have to answer the question: Are we going to open the door or are we going to slam the door in their face?

We often get carried away around here in thinking that if people are not perfect, they are not good enough. We have heard a lot of criticisms about China on the floor of the Senate, and they are the same criticisms heard around the country. Based on the facts I would say the criticisms are absolutely correct.

The two arguments we have heard more than any other argument in this debate are, No. 1, there is relatively little religious freedom in modern China. Obviously, that is true. I remember when Senator MCCAIN and I were in Beijing and we were visiting with the President of China. We had raised the question about Tibet and about religious freedom. He said: We do not object to people practicing religion. It is proselytizing we object to.

I said: Mr. President, you don't know proselytizing. Wait until the Baptists and the Mormons get over here. You haven't seen proselytizing.

When people think they have found something in religion, they want to share it. But in China they do not have a conception of what religious freedom is. If we are going to trade only with countries that have granted its people the full range of religious freedom, China today fails on that account. But that is not the right question. The right question is, Will there be more religious freedom in China tomorrow than today if we reject this agreement, or will there be more religious freedom if we accept it?

I tried during that meeting, and have on several subsequent occasions in meeting with Chinese leaders, to explain that freedom is like pregnancy. You cannot have just a little of it. It takes on its own life. When people have economic freedom, they want political freedom. When people have a right to own property and make decisions about their own future, they want the ability to make decisions about their own leaders. We have seen it in Taiwan. We have seen it in Korea. It is changing the world, and it will change China.

For our colleagues who say they object to religious suppression in China, so do I. I object to it, and that is one of the reasons I am for normal trade relations with China. I believe that based on all of our historic experience, trade will change China. The ability of people to trade and, in the process, to experience prosperity and have the economic freedom that comes from the ability to buy American products, to know the joy of wearing cotton underwear made out of Texas and American cotton, to get the ability to own stock in America, to get the ability to own bank accounts denominated in U.S. dollars—all of that is provided in this agreement.

Once you have a bank account with U.S. dollars in it, you are fundamentally changed forever. You want your right to have your say, and you want the right not only to make decisions in your family, but you want the right to ultimately affect decisions of your country, and you want the right to worship God as you choose. When you have economic freedom and the prosperity it brings, you ultimately have the power to get religious freedom.

Many of our colleagues say that the Chinese do not respect workers' rights, and they do not. If one was going to judge this agreement based on how workers are treated, how do you expect a country to treat workers when most people work for the government? How do you think this country would treat workers if we all worked for the government? Workers end up being treated well because they have opportunities, because if they do not like how they are being treated on this job, they can quit and go to work somewhere else.

We hear the AFL-CIO talk about workers' rights in China. If they really cared about workers' rights in China, they would be for this agreement because what this agreement is going to mean is more trade, more capital, more competition, more freedom, a larger number of employers in China and, therefore, the freedom that people will have to quit working for the government and government-sponsored enterprises and work in the private sector.

I am not here to argue today that we ought to agree to normal trade relations with China because China treats its workers well. I am here to argue for normal trade relations with China because if we have normal trade relations with China, workers will be treated better because they will have more opportunities, they will have more freedom.

There are some people who make the most fraudulent argument of all, and that is the argument that they oppose normal trade relations with China because China does not protect its environment, or because China makes decisions about its environment to which we object. If you really care about the environment in China—and they are part of the environment of the planet on which we live—you should be for this agreement because what poor country protects its environment? What country with a per capita income of $790 a year has the luxury of being concerned about its environment? I can answer that. None.

If you want the environment to be better protected in China, you want more economic growth, more economic freedom, more prosperity so that people have the luxury of being concerned about the environment.

I am not here today to say people who say there is no religious freedom in China are wrong. I am not here today to say that the people who say workers' rights are not respected in China are wrong. I am not here to say people are wrong when they say that China does not protect their environment. They are right.

The question is not what is China like today; the question is what will China be like tomorrow. The answer will be based on what we do in terms of either opening this door to let them into the world of trade, or slamming the door in their face.

There are other people who say if we let China in, ultimately that is going to mean that when we go to Wal-Mart, that shirts are going to be cheaper, that sweaters are going to be cheaper, that clothing is going to be cheaper, that implements are going to be cheaper, and that that is a bad thing because they could be made in America. I reject that. I think it is a plus. I thank God every day that people can go to Wal-Mart and buy clothing that is inexpensive. Few benefactors in the history of America or the world have done more than Wal-Mart to benefit ordinary people. The Chinese can produce quality goods that the people of Texas want to buy. I believe in freedom, and part of freedom is the right to buy something if it is legally traded and if it benefits your family.

What do we get from these agreements? We have heard a lot of talk about the fact that we get a 17-percent reduction in average tariffs on agriculture. I can assure you that is going to be good news for our corn producers in Texas. It is going to be good news for our cotton producers. We believe that as the Chinese get an opportunity to eat Texas beef, they are going to like it, and as their income grows, they are going to want a lot more of it.

We also believe that lowering industrial tariffs in China from an average of 25 percent to an average of 9 percent is going to be a dramatic boom to U.S. manufacturing, especially the manufacturing of high-quality items in high-wage industries, such as our high-tech industries. We believe we will benefit.

As chairman of the Banking Committee, I wish to touch on three other industries that are also going to benefit. My colleagues know that we in America produce financial services better and more efficiently and more abundantly than any other country in the world. Needless to say, this is a high-wage industry. It is one in which we dominate the world, and we want to continue it. I will touch briefly on a couple of these industries.

In the insurance market in China today, there is an ad hoc system where U.S. and foreign insurers get a license to operate based on political favor, on good fortune, or having been there first.

And as an insurer, you have very real limits on where you can sell your products.

Under the November 15 agreement, China will grant licenses without quantitative limits or needs testing to qualified foreign insurers. American insurance companies will be able to sell in China. And China's geographic limits on where foreign insurers can sell insurance products will be phased out over a 3-year period.

Don't you think it will be good for people in China to get an opportunity to own a piece of the "rock"? It seems to me that if anything ties us together and promotes peace and trade, it is having people in China be able to invest in American insurance companies, or buy IRAs, or enter into 401(k) retirement programs where the money is invested in the United States of America and around the world. Clearly we all benefit from that.

Today, foreign banks in China can engage only in commercial banking if they are located in 20 specific cities. Foreign banks can only offer banking products in foreign currency. That means that for most people in China, they do not have access to American banks. It's an extremely limited ability to operate. Basically, what foreign banks have to do is to get Chinese partners, which means they basically must give part of their business away for the right to operate in China.

But under the November 15 agreement, all geographic restrictions on foreign banking in China will be lifted within 5 years. American banks will be able to own 100 percent of their banking operations in China.

Mr. President, I ask unanimous consent for 2 additional minutes.

Mr. GRASSLEY. I will grant the 2 additional minutes.

Mr. GRAMM. And within 5 years, American banks will be able to do banking business in Chinese currency.

I cannot imagine how the world won't be better off when people working in China can bank in American banks, and use American banking products. If that is not the essence of freedom, I don't know what is.

It's a similar story for our securities industry. Today, there are very real limits on American securities firms' activities in China, and on the ability of U.S. companies to invest and to have clear operating ownership. Those restrictions will be significantly modified for the benefit of our industry as well as the Chinese.

To sum up, with the implementation of the November 15 agreement and the adoption of this PNTR legislation, the American financial sector as well as our industry and agricultural sectors will have an extraordinary opportunity to compete in a growing market of 1.2 billion consumers.

It is seldom in the Senate that you vote on something that represents history in the making. A lot of what we do here—and a lot of what everybody does in every job in the world—is a bunch of little things about which they don't necessarily get excited. Today, we have an opportunity to work on something that is critically important, something that truly will dramatically improve the world in which we live.

I am very strongly in favor of the pending PNTR legislation. I am opposed to amending this legislation. There are many good ideas for amendments, but the bottom line is this is something that is important. This is something that is historic. We need to get on with it, without tacking on amendments.

I thank our colleague very much for yielding me the time.

Mr. ROBERTS addressed the Chair.

The PRESIDING OFFICER (Mr. L. CHAFEE). The Senator from Kansas.

Mr. ROBERTS. Mr. President, I yield myself as much time as I may consume.

Mr. President, I understand the pending amendment is that of the distinguished Senator from West Virginia. My remarks are not to that amendment, or at least the first part of my remarks, but more general in nature on the entire debate in reference to PNTR.

I believe that the issue before us—whether or not to improve what is called the permanent normal trade relations with China—is the Senate's first critical—very critical—foreign policy test of the 21st century.

It seems to me that we are poised at a crossroads. Our future depends on the right decision.

I thank the distinguished Senator from Texas for a very comprehensive review of the issues that will affect our daily lives and pocketbooks, both in China and the United States—more particularly the United States. I associate myself with his remarks.

Do we approve PNTR and demonstrate to China, and just as importantly, if not more, to the world, that diplomacy through commerce is a formula for stability and progress or do we vote PNTR down and miss the opportunity to become linked with one-fifth of the world's population?

I, for one, hope we summon the wisdom and the courage to remain engaged by appropriately approving the legislation that is before us without amendments. To do otherwise would be a very serious mistake.

I strongly support this legislation. However, some of my colleagues have argued, and will continue to argue, that America should refuse to do business with China. They cite the possibility of job loss, trade deficits, international disputes, and human rights, not to mention national security concerns, as reasons to isolate and to ostracize China.

On the contrary, it seems to me that approving PNTR and validating the trade agreement—which requires China to drastically reduce its tariffs, eliminate trade barriers, and remove restrictions on foreign investment and trading and distribution rights—will benefit American workers and farmers and businesses.

These new market opportunities will support U.S. jobs and U.S. economic expansion into the new century, not to mention assisting the Chinese to become more familiar with and ascribe to the rule of law. This issue cuts across all areas of America.

To illustrate the broad importance of China trade, let me use some examples from my home State of Kansas. Boeing is the world's largest aircraft exporter. It employs 18,000 people in Kansas, with a payroll of $1 billion, where 80 percent of that production—80 percent of that $1 billion that accrues to Kansas—is export related.

In 1994, Boeing exported 25 percent of all Kansas production to China. In the future, China plans to buy large numbers of regional aircraft which are made at the Boeing plant in Wichita. But if the Senate should fail to approve this bill—amendment free—Boeing will suffer a huge competitive disadvantage in the huge Chinese market, and these valuable contracts will go to a European competitor, not to mention the loss of jobs in Wichita.

Likewise, PNTR will have a similar impact on agriculture, an industry where one-third of all goods are bound for export markets.

In 1998, Kansas farms exported $58 million worth of goods to China. This agreement increases the market access and grants distribution rights for corn, beans, wheat, beef, pork, and fertilizer—all of the agricultural products so vital to us in regards to our balance of payments as well.

China soon may be able to purchase the entire annual wheat crop of Kansas. I certainly hope that would be the case, more especially with the price today at the country elevator.

My good friend and Kansas native, Secretary of Agriculture Dan Glickman, estimates that passing PNTR will mean an additional $2 billion per year in total U.S. farm exports to China in just several years.

Engaging China will benefit our other Kansas businesses.

Let me go back and reflect a minute before I get into the other jobs that are directly affected in other industries.

We had quite a discussion, it seems to me, before we broke for the August recess about the appropriations and the authorization for agriculture. I think it was reflective of the $5.5 billion in emergency lost income payments, $7.5 billion, as I recall, for the new crop insurance reform, some emergency assistance because of hard-hit areas of the United States, where farmers and ranchers are going through a difficult time.

People totaled up last year's expenditures and this year's expenditures. The difference this time around is that we budgeted this money. It does not come out of emergency funds. There was a real concern expressed by many of my colleagues on this side of the aisle and that side of the aisle about these expenditures, and saying: My goodness, we are spending a record amount for agriculture.

I didn't hear too much debate in that arena as to the cause, as to why we are going through a world price decline, not only the United States but farmers everywhere, all around the world. There have been 3 record years of crops worldwide, sanctions on 71 countries, not using all the export programs, the value of the dollar hindering our exports, the Asian market in real decline, and the same thing for South America. The list goes on and on. Not too much debate with regard to the cause, what is happening to worldwide agriculture prices, and why this outflow of expenditures, yes, to subsidize American agriculture at record levels, and a lot of concern about, wait a minute, we are not going to have one more nickel go to agriculture that is first not authorized and appropriated. I agree with that; I think that is the way it ought to be.

We have done some very good things in this session in behalf of agriculture. My point is, if we do not pass this trade bill, if we do not have an aggressive and consistent agricultural policy with regard to exports, we really should not be hearing too much criticism about one nickel more going to agriculture—if we shut down these markets and say we are not going to trade with one-fifth of the world's population. That is one of the things we should consider as the law of unintended effects. If in fact this bill does not pass, it is going to cause a trade disruption such that one could hardly imagine. We will be going into the next century with our trade policy in real tatters.

Engaging China will benefit our other Kansas businesses—I am trying to point out the effect of this bill in a macro way in Kansas, micro in terms of the Nation—large and small businesses. Let's try Payless Shoe Source, Inc., 2,000 Kansas employees; Black & Veatch production is export related, a major international engineering firm with offices in the Kansas City area; a business called Superior Boiler Works of Hutchinson, KS, which provides industrial boilers for building projects in China—you might not think Hutchinson, KS, is where we are providing most of the boiler projects for that huge nation, but that is the case—several ventures in China by Koch Industries of Wichita. Clearly, the stakes are high, thousands of jobs. One out of four jobs in Kansas depends on trade. I use the Kansas example only for illustration. All 50 States will certainly benefit as well.

I don't think we need to be misled by charges that a vote against PNTR is a vote to protect American jobs. I just don't think that is correct. There are winners and losers in regard to all trade agreements. As a matter of fact, I think in some ways, when we talk about this issue or any trade pact, they are sometimes oversold. They are not a panacea. There are winners and there are some losers. A trade agreement is nothing more than, nothing less than, a working agreement to try to settle the differences you are going to have with your trading partners and competitors anyway. At least you have some structure there and a rule of law where you can reach a logical conclusion and strike an agreement to have much better trade relations. I know they are overcriticized. If I say they are oversold, they probably are. They are certainly overcriticized.

Federal Reserve Chairman Alan Greenspan recently pointed out:

> It is difficult to find credible evidence that trade has impacted the level of total employment over the long run. Indeed we are currently experiencing the widest trade deficit in history with a level of unemployment close to record lows.

Trade-related jobs pay Americans 15 percent more than the average national wage. Free trade with China will provide unrestricted access to a wider variety of goods and services at lower prices and better quality. The distinguished Senator from Texas certainly gave that example in his remarks. In short, international trade raises real wages with virtually no downside risk to job security.

As a member of the Senate Intelligence Committee and chairman of the Armed Services Subcommittee on Emerging Threats, I have very serious concerns about China emerging as a more significant military threat, especially in the area of thermonuclear weapons and the proliferation of that weaponry. I know it is a problem. It is a very serious problem. It is a national security concern. However, it seems to me that is not a reason to erect a trade barrier, nor is it an excuse to add what I would consider to be an amendment conceived with good intentions but a counterproductive and redundant amendment.

I know the distinguished Senator from Tennessee should be on the floor shortly to offer an amendment or a freestanding bill, or whatever he so chooses, to address the proliferation issue. I share his concern. I share his sense of frustration. Secretary Albright, Secretary of Defense Cohen, and a panel of experts went to China over the break and did not achieve the progress we all wanted to see with regard to their talks with the Chinese, more especially with the Chinese concern over national missile defense. That is a real challenge. That is a problem. That is a national security challenge. It seems to me we don't solve it by putting an amendment on a trade bill. Quite the opposite. Trade has a stabilizing effect on international relations. The more the two nations trade and invest economically in each other, the less likely they are to engage in military conflict.

If we don't trade, if we isolate China, it isn't a question of whether or not they will join the WTO. We will turn a lot of the decisionmaking over to the two military general authors who say by 2020 they hope China will be a superpower equal to that of the United States. I know that is where they want to go. If we are able to establish a better trading relationship and engagement, all those decisions will not then be turned over to the nationalists, the hardliners, and all of the military generals.

Since the Thompson amendment seems to enjoy more than nominal support—and why shouldn't it? The Senator has worked very hard on this particular issue; he is modifying it almost each day to try get more support. I understand the concern and frustration on the part of many Members who want to send a signal to the Chinese. At that point, it seems to me there is some growing support for the amendment. But I would like to highlight the importance of passing H.R. 4444 without amendments.

No matter how politically tempting or national security tempting a particular amendment may be, a vote for an amendment serves ultimately as a vote against PNTR. We have other avenues by which we can safeguard our national security interests. They are well known to all Members of the Senate. I will not go into that. To attach an amendment to this bill would be a grave mistake. I think Senators should consider that accordingly.

My former House colleagues have assured me they will not take another vote on PNTR. I know that assurance or that talk is not taken seriously by some in this body. I can't tell the Senate how serious it really is, but it seems to me when they look me in the eye and say: Senator ROBERTS, if we do this, there will not be a vote in the House, then we will have a trade disaster on our hands. That will be our responsibility. In short, it is now or never for PNTR. And never is not an alternative.

In addition to the proliferation concerns, I also find China's record on human rights and its religious oppression unacceptable. However, history proves the best manner to inspire change is through engagement and trade, not isolation, turning the decisionmaking, again, over to those who are now in favor of the oppression. When Deng Xiaoping took power in 1978, 2 years after Mao's death, he opened China to trade and foreign investment.

And the change in the economy and the human condition in China was dramatic—outstandingly dramatic. China's gross domestic product grew at an average of 9.7 percent a year for almost two decades. That is an incredible growth. Its share of world GDP rose from 5 percent in 1978 to 11.8 percent by 1998, only 2 years ago. Its income per person rose six times as fast as the world average when they opened it up to trade. So you can see what kind of economic opportunity, what kind of economic wherewithal, and what kind of improvement there was in the daily lives and the pocketbooks of each Chinese individual. You can see what happened.

More importantly, 20 percent of the population—200 million people—were lifted above the subsistence line. The most dramatic increase in the standard of living in the history of the world gave the Chinese people the ability to purchase televisions, washing machines and, increasingly, computers and mobile phones with Internet access, to become members of a modern global society, in terms of information and transparency in regard to freedom and economic opportunity.

Above all, the economic changes are quickly and dramatically improving personal freedom for the average Chinese citizen. Despite the Communist Government, millions of Chinese now have access to foreign magazines and newspapers, copiers, satellite TV dishes, and the Internet, where they can learn about capitalism, freedom, and democracy, and it is catching. Internet access, which American companies are quite willing to provide, will only accelerate this process.

Finally, it should be stressed that congressional approval of PNTR for China is not a decision on whether China becomes a member of the World Trade Organization. That is not the case. That is not the issue. China will become a member of that world trade group, hopefully, later this year, regardless of our decision. It means we will be locked out of the trade benefits, the agreements that have been so long pursued. It means the PNTR vote will determine how the United States deals with this huge nation as it becomes a WTO member. That is exceedingly important.

Approval gives Americans entry to Chinese markets and provides an avenue for influence. Disapproval ensures we are shut out while China does business with the rest of the world.

With that in mind, I strongly urge my Senate colleagues to lead America down the engagement path toward prosperity and peace by promptly approving the PNTR legislation, amendment free.

I will repeat the one thing I underscored when I started my remarks. It is basically a test to demonstrate to the rest of the world and to China that diplomacy through commerce is a formula for stability. I believe that. That is what this vote is all about.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. ROBERTS. Mr. President, I yield 15 minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Kansas controls 8½ minutes at this time.

Mr. SPECTER. Mr. President, this 15 minutes will be on another subject. I have sought recognition to introduce legislation.

The PRESIDING OFFICER. The Senator only has 8½ minutes to yield.

Mr. BYRD. Mr. President, how much time does the Senator want?

Mr. SPECTER. I will need 15 total.

Mr. BYRD. I yield 6½ minutes to the Senator from Pennsylvania, for a total of 15 minutes.

(The remarks of Mr. SPECTER are located in today's RECORD under Morning Business.)

Mr. LEAHY. Mr. President, the Senator from West Virginia has offered an amendment which highlights that China has enormous reserves of coal which that country will in all likelihood rely on greatly to fuel power plants as its economy continues to expand and modernize.

I commend Senator BYRD for his effort to support the transfer of clean coal technologies to China as part of our foreign assistance programs. The coal in the hills and mountains of China has high concentrations of sulfur and mercury. The United States should encourage the use of technologies that will reduce emissions of harmful substances and improve generation efficiency.

While I support the amendment offered by Senator BYRD, I strongly encourage the Administration to also promote the use of renewable energy technologies in China. Coal may be a plentiful resource in China but that country should also utilize other energy technologies to provide power for their growing economy such as wind, solar and biomass. The United States and many European countries have developed low cost power generation technologies in all of these areas of renewable energy. Our foreign policy should vigorously promote these technologies as well as clean coal technology.

The PRESIDING OFFICER. The Senator from West Virginia controls the remaining time on the amendment.

Mr. BYRD. How much time remains?

The PRESIDING OFFICER. The Senator has 27 minutes and 9 seconds.

Mr. BYRD. Mr. President, once again, I ask the clerk to read my amendment in the RECORD so it appears once again before the Senate takes a vote.

That time will not be charged to me?

The PRESIDING OFFICER. The Senator is correct.

The clerk will report.

The legislative clerk read as follows:

On page 69, after line 16, insert the following:

SEC. 702. UNITED STATES SUPPORT FOR THE TRANSFER OF CLEAN ENERGY TECHNOLOGY AS PART OF ASSISTANCE PROGRAMS WITH RESPECT TO CHINA'S ENERGY SECTOR.

(a)(1) the People's Republic of China faces significant environmental and energy infrastructure development challenges in the coming century;

(2) economic growth and environmental protection should be fostered simultaneously;

(3) China has been recently attempting to strengthen public health standards, protect natural resources, improve water and air quality, and reduce greenhouse gas emissions levels while striving to expand its economy;

(4) the United States is a leader in a range of clean energy technologies; and

(5) the environment and energy infrastructure development are issues that are equally important to both nations, and therefore, the United States should work with China to encourage the use of American-made clean energy technologies.

(b) SUPPORT FOR CLEAN ENERGY TECHNOLOGY.—Notwithstanding any other provision of law, each department, agency, or other entity of the United States carrying out an assistance program in support of the activities of United States persons in the environment and energy sector of the People's Republic of China shall support, to the maximum extent practicable, the transfer of United States clean energy technology as part of that program.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the departments, agencies, and entities of the United States described in subsection (b) such sums as may be necessary to support the transfer of clean energy technology, consistent with the subsidy codes of the World Trade Organization, as part of assistance programs carried out by those departments, agencies, and entities in support of activities of United States persons in the energy sector of the People's Republic of China.

Mr. BYRD. Mr. President, I thank the Chair and I thank the clerk.

In conclusion, Mr. President, this is a pro-business amendment. It is a pro-environment amendment. It is a pro-labor amendment. It is a pro-America amendment. It is a pro-commonsense amendment. The amendment helps businesses to get clean energy technologies into the Chinese market. The amendment helps to clean the water and the air.

I have a book by the distinguished Vice President, Mr. GORE, entitled

"Earth in the Balance." This is where we can start to clean up the Earth. This amendment helps to clean the water and the air. It helps to reduce global climate change, and helps America use our resources and would help China to use its resources more efficiently.

Finally, this amendment promotes American-made clean energy technologies that help the U.S. economy. Who can be against that? I haven't heard one word in these 3 hours, not one word, of criticism concerning my amendment. Not one word by way of attacking my amendment on its merits. As a matter of fact, not many Senators—two or three only—have spoken a few short words in opposition to the amendment, but their arguments are not going to the merits of the amendment. As a matter of fact, I believe the Senators who have spoken would probably support this amendment if it were on some other bill.

I have crafted this amendment so that every Senator's interests are represented. Here is one of the cleanest, purest amendments that has ever been read at the desk where the clerk sits. Nobody is opposed to anything that is in the amendment. There hasn't been a word, not a single word spoken against this amendment. So it is a win-win opportunity that we should take advantage of today.

The only problem is that Senators have blinders on. I can remember back in 1947 when the State of West Virginia had 97,600 farms, had 97,000 horses, and 6,000 mules. When farmers use their horses, they put blinders on them. I am sure Senators understand what blinders are. They keep the horses from seeing an automobile and shying away from it, possibly running away, wrecking the wagon or the buggy, and ending up killing the passenger.

Senators who oppose this today say quite openly and frankly that they oppose it because any amendment adopted to this bill might kill the bill. This is not a killer amendment. I know a killer amendment when I see one. This is not a killer amendment. I have no interest in killing this bill by this amendment or any other amendment. I will vote against the bill. But I have not engaged in any dilatory tactics. I haven't engaged in any filibuster. I voted to take up the bill. I am not interested in killing it through dilatory actions. I am interested in improving it. This bill is going to pass the Senate. I read the handwriting on the wall. Belshazzar is not the only person who can see handwriting on the wall. I can read the handwriting on the wall. We have absolutely no chance of killing the bill if that is what we want to do. I prefer to improve it. It could be improved to the point that I would vote for it, but it will pass whether I vote for it or not.

This is no killer amendment. This amendment is a highly beneficial amendment to our own country, to the working people, to the businesspeople of this country, to the environmentalists and to the environment, to industry, to the Chinese. I have gone over that already so I won't repeat it again. It is not a killer amendment. I plead with Senators to take off the blinders on this amendment. Take them off. Take off your blinders. Senators, and smudge that line that has been drawn in the sand. Take a good look at this amendment. That is why I have had it read again, just before voting on it. Take a good look at it. This amendment is no killer amendment. It is a sugar pill, candy-coated peppermint pill. There is no hidden ingredient. There is no arsenic here; no bitter aftertaste. It will not leave halitosis. It is a sugar-coated amendment.

This amendment will help our trading relations with China because it can help to assuage environmental concerns about China's coming rapid growth. It will help China. It will help the business community in our own country because it will encourage and enhance the marketability of clean energy technology in China. God knows they are going to need it. They are going to need it. It will help those businesses employ more people as they develop and sell these new energy technologies. Everybody benefits, everybody. And I believe the amendment would pass the House, if the House were given an opportunity to vote on this amendment.

But the Senators who oppose this amendment do not want that to happen. They don't want the House to have an opportunity to debate this amendment. They don't want the House to vote on this amendment. But it would pass the House, probably with flying colors. It is an opportunity that should not be missed just because some Members have taken what would amount to a blood oath to oppose all amendments—oppose all amendments.

It is a winning horse, a winning horse. You can't do better over at Charles Town at the races, I say to my friend from Delaware. You can't find a better horse over at Charles Town, just 75 miles from here. Go over there and see the winning horses.

But this is a winning horse that I have brought in here today; a winning horse. Look at its teeth, open its mouth—it is a winning horse. It is just waiting, just waiting, waiting patiently, may I say to the Senator from Massachusetts before he egresses from the Chamber, this is a horse that is just waiting to collect the prize. And all we have to do is say, "giddy-up, giddy-up." It is my amendment that I am talking about—a winning horse.

Senators, let this pony run. Don't draw the line in the sand. Don't say no. Don't close one's ears, like Odysseus was told by Circe to put wax in his ears so that he wouldn't hear the singing sirens. Take the wax out of your ears. Let this pony run. I plead with Members to take off the blindfolds and look at this amendment on its many, many merits.

This will not hurt, Senators. Put just one toe, the big toe or the little toe, over that line in the sand that you have drawn. There is an oasis of benefits for everybody on the other side of the line. Take this step, take this brave, single step and cross over into the promised land, freed from the shackles of the oath that binds you.

A poem comes to my mind, written by J.G. Holland.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 15 minutes 20 seconds.

Mr. BYRD. Fifteen minutes, 20 seconds.

I can't find my poem—ah, my trusty aide has found it. I don't need it anyhow.

God, give us men. A time like this demands
Strong minds, great hearts, true faith and ready hands:
Men whom the lust of office does not kill:
Men whom the spoils of office cannot buy;
Men who possess opinions and a will;
Men who have honor; men who will not lie;
Men who can stand before a demagog
And damn his treacherous flatteries without winking.
Tall men sun-crowned, who live above the fog
In public duty and in private thinking;
For while the rabble, with their thumb-worn creeds,
Their large professions and their little deeds,
Mingle in selfish strife, lo, Freedom weeps,
Wrong rules the land and waiting justice sleeps.
God give us men.
Men who serve not for selfish booty,
But real men, courageous, who flinch not at duty.
Men of dependable character; men of sterling worth.
Then wrongs will be redressed and right will rule the earth.
God, give us men.

Mr. President, I yield back my time. I ask unanimous consent that the vote occur, up or down, on my amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Mr. President, I yield the floor, and I thank all Senators for listening. And in particular I thank the distinguished manager of the bill, a venerable Senator whom I greatly admire, and with whom I often talk. We engage each other in conversation about our little dogs. He has a little dog. I have a little dog. It recalls to my attention an old song, an old fiddle song:

You better stop kicking my dog around,
Every time I come to town,
The boys start kicking my dog around,
Whether he's a poodle or whether he's a hound,
You better stop kicking my dog around.

That is the way the Senator from Delaware and I feel about it. I treasure his friendship. He has been a fine manager on this bill. But he is wrong in taking the position that he should vote against my amendment.

I also thank my friend on this side of the aisle, Mr. MOYNIHAN; as always, a gentleman and scholar. I thank him for the way he has conducted himself on this amendment and on other bills.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the call for the quorum be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 4115. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Alaska (Mr. MURKOWSKI) is necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from California (Mrs. BOXER), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The result was announced—yeas 32, nays 64, as follows:

[Rollcall Vote No. 235 Leg.]

YEAS—32

Bunning
Burns
Byrd
Campbell
Collins
Craig
Daschle
Dorgan
Edwards
Feingold
Gregg
Harkin
Helms
Hollings
Inhofe
Jeffords
Kennedy
Kohl
Leahy
McConnell
Mikulski
Rockefeller
Santorum
Sarbanes
Smith (NH)
Snowe
Specter
Stevens
Thompson
Thurmond
Torricelli
Wellstone

NAYS—64

Abraham
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Breaux
Brownback
Bryan
Chafee, L.
Cleland
Cochran
Conrad
Crapo
DeWine
Dodd
Domenici
Durbin
Enzi
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Hagel
Hatch
Hutchinson
Hutchison
Inouye
Johnson
Kerrey
Kerry
Kyl
Landrieu
Lautenberg
Levin
Lincoln
Lott
Lugar
Mack
McCain
Miller
Moynihan
Murray
Nickles
Reed
Reid
Robb
Roberts
Roth
Schumer
Sessions
Shelby
Smith (OR)
Thomas
Voinovich
Warner
Wyden

NOT VOTING—4

Akaka
Boxer
Lieberman
Murkowski

The amendment (No. 4115) was rejected.

CHANGE OF VOTE

Mr. DORGAN. Mr. President, on amendment 4115, rollcall vote 235, I vote "no." My intention was to vote "aye." I ask unanimous consent that I be permitted to change my vote which in no way would change the outcome of the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote.

Mr. ROTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Delaware.

Mr. ROTH. Mr. President, I ask unanimous consent that Senator HOLLINGS be recognized to offer an amendment, that there be 1 hour equally divided in the usual form prior to a vote in relation to the amendment, and that no second-degree amendments be in order prior to a vote on or in relation to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Carolina.

AMENDMENT NO. 4122

Mr. HOLLINGS. Mr. President, I call up amendment No. 4122 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS] proposes an amendment numbered 4122.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strike the provision terminating the application of chapter 1 of title IV of the Trade Act of 1974 and the effective date provisions, but provide for accession of the People's Republic of China to the World Trade Organization)

On page 4, beginning with line 4, strike through line 18 on page 5 and insert the following:

SEC. 101. ACCESSION OF THE PEOPLE'S REPUBLIC OF CHINA TO THE WORLD TRADE ORGANIZATION.

Pursuant to the provisions of section 122 of the Uruguay Round Agreements Act (19 U.S.C. 3532), the President shall transmit a report to Congress certifying that the terms and conditions for the accession of the People's Republic of China to the World Trade Organization are at least equivalent to those agreed between the United States and the People's Republic of China on November 15, 1999.

On page 5, line 19, strike "**SEC. 103.**" and insert "**SEC. 102.**".

Mr. HOLLINGS. Mr. President, I am reading the words of art here. That is why I have drawn this particular amendment because I thought there might be a question of germaneness. You cannot tell from reading without reference what exactly this amendment does. But in a line, it does away with the "P" of PNTR, the "permanent" normal trade relations, so that we can annually, as we have in the past, fulfill the obligation referred to by the distinguished Senator from West Virginia, who knows better than any our Constitution, article I, section 8. I almost have to demonstrate, like my forbearer, L. Mendel Rivers, the distinguished Congressman from Charleston, SC, who used to head up Armed Services. He would bring up the Secretary of Defense. He would say, Robert Strange McNamara, not the President, not the Supreme Court, but the Congress shall raise and support armies.

Similarly, not the President, not the Supreme Court, but the Congress, under article I, section 8, shall regulate foreign commerce. Now word has it the "Philistines" got the fix on; we can't regulate anything. As the distinguished Senator pointed out in the previous debate on the amendment, there is no debate. They fix the Finance Committee, and once they—the leadership on both sides—get that, then they see how many votes they need and they wait until now to give us a little time, when we are about to leave for the Presidential campaign in another 3 weeks. You would think we would have a chance to debate and exchange ideas about the significance of a $350 billion to $400 billion trade deficit. But not at all. Nobody to listen or to exchange vows and no debate whatsoever. It is very unfortunate.

PNTR, to bring it right into focus—and the reason we submit this particular amendment has nothing to do with opening up China. They say with this agreement and with going into the World Trade Organization, we are going to open up China. Not at all. We have had an agreement with Japan, and Japan has been in the WTO for 5 years, and it has yet to open up the Japanese market.

PNTR has not a thing to do with jobs in America, either. My friend, the director of the U.S. Chamber of Commerce, Mr. Tom Donahue, says PNTR will create 800,000 jobs. I can show you we will lose at least 800,000, according to the Economic Policy Institute. I will get that particular study later.

When they had the House vote and a headline in the Wall Street Journal, there was a footrace for investment in China. But it's not that we are going to start hiring more in America because we are going to have increased production and increased exports and increased jobs, not at all.

So it is not about exports whatsoever. We have a $70 billion deficit in our balance of trade with China, and I will bet you that it increases. Does anybody want to take on the bet? Name the amount, name the odds: the bet is on.

This deficit is going to increase with or without this particular amendment.

And it has nothing to do with technology. We already have a $3.2 billion deficit in the balance of trade in high-tech with the People's Republic of China that will approximate $5 billion alone just this year.

It has really nothing to do with the environment and labor. I supported strongly the amendment of the Senator from West Virginia. But, mind you me, it took us 200 years and more to get around to the environment, to get around to a safe working place and everything else of that kind.

It has nothing to do with human rights. The first human right is to feed 1.3 billion. The second human right is to house the 1.3 billion. The third human right is to educate. And the fourth human right, of course, is one man/one vote. Many here in the Congress have been touting one man/one vote. Without education, you have total chaos. As a result, you are not going to have a PNTR agreement that will improve human rights. They have used traumatic control. We oppose that; we don't like it. But run a country of 1.3 billion and let demonstrations get out of hand, and you have total chaos and no progress or improvement.

So it is really not about undermining the Communist regime. I have heard that on the floor. On the contrary. The Communist regime is unanimously in favor of PNTR. They know what they are doing. We don't know what we are doing. It is not about China obeying its agreements, it is about the United States enforcing ours.

I don't know where the fanciful thought has come from that somehow we have to continue like this, after 50 years of almost losing our entire manufacturing capacity, whereas Japan—a little country of 126 million—takes on 280 million Americans and almost outmanufactures and outproduces the United States of America. We are losing our economic strength. We are losing our middle class that is the backbone of that economic strength. "The strength of a democracy is its middle class," said Aristotle. We put in yesterday a particular article from Fortune magazine about the disparity between the rich and the poor and how the middle class is disappearing.

This has to do with the United States competing in international trade, the global economy. That is why I put up this amendment, so that we won't get it done in the year 2000. There is too great an interest in the Presidential campaign right now to really get anything accomplished on this important issue. Neither Presidential candidate has really addressed the subject of our trade deficit. They just say it in a Pavlovian fashion: "I am for free trade." Well, free trade is an oxymoron. Trade is something for something. We know it is not free. Otherwise, of course, they hope to have trade without restrictions, without tariffs, without nontariff barriers, and those kinds of things.

As the father of our country said, the way to maintain the peace is to prepare for war. And the way to maintain free trade, rather than preparing for war, is to prepare for the trade war. It means in a sense to begin to compete, raise a barrier, and remove a barrier in China.

Jiang Zemin or Zhu Rongji should run for President. They know how to run the trade policy. They use that rich market of 1.3 billion and say: You can't come in here and sell that Boeing airplane, that 777, unless you make half of it in downtown Shanghai. You can't come in here with that automobile, that Buick, unless you put your research center here in Shanghai. They just told Qualcomm—although Trade Representative Barshefsky said we solved this problem—that there will be no more technology transfers. Hogwash. Tell them to call Qualcomm. They found out they couldn't sell there unless they shared the technology to the Chinese.

So business is business; it is not the Boy Scouts and it doesn't adhere to the golden rule. Incidentally, it is not for profits in the international competition. The global competition is for market share and for jobs. We are losing out in every particular turn.

So since I am a little bit limited in time here this afternoon, I want to correct the Record. I know the distinguished chairman of our Finance Committee will enjoy this, because I could quote myself.

We did this research 15 years ago. We were tired of hearing about Smoot-Hawley, and that the hobgoblins were coming. They really went around yelling "peril," and the Chinese, how we discriminated against them. Then the talk was that Smoot-Hawley would cause a world war; if you do not vote for this we are going to have World War III. I never heard of such nonsense. It is time we jailed that buzzard, Smoot-Hawley. Unfortunately, Ross Perot didn't understand Smoot-Hawley.

Mr. President, I ask unanimous consent to have printed in the RECORD a part of the CONGRESSIONAL RECORD dated September 17, 1985, the text by the former distinguished Senator of Pennsylvania, John Heinz.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR JOHN HEINZ, SUBMITTED FOR THE CONGRESSIONAL RECORD, SEPTEMBER 17, 1985

Mr. HEINZ. Mr. President, it gravely concerns me that every time someone in the Administration or the Congress gives a speech about a more aggressive trade policy or the need to confront our trade partners with their subsidies, barriers to imports and other unfair practices, others, in the Congress immediately react with speeches on the return of the Smoot-Hawley Tariff Act of 1930, and the dark days of blatant protectionism and depression.

Take, for example, a statement by the Senator from Rhode Island [Mr. Chafee] which appeared in the Record on June 17. Senator Chafee first asserts that an overvalued dollar is primarily responsible for the current trade deficits. Second, he expresses his concern that Congress might enact legislation, like Smoot-Hawley, in order to alleviate our trade problems. Third, he adds that this would have a devastating effect on the U.S. economy, because Smoot-Hawley had a devastating effect on the economy in the 1930's. In fact, Senator Chafee goes so far as to state that "The Smoot-Hawley Tariff Act * * *, without question, led to the Great Depression."

Mr. President, despite my admiration for the Senator from Rhode Island, I find myself unable to agree with him on this issue. First, while Senator Chafee is correct in citing the excessive value of the dollar as the main contributing factor to our trade deficit, he fails to mention that underlying the dollar's strength and high interest rates is an enormous budget deficit. Nor does he mention the way market access barriers affect U.S. exports abroad.

This question aside, it seems that for many of us that Smoot-Hawley has become a code word for protectionism and, in turn, a code word for the Depression. Yet when one recalls that Smoot-Hawley was not enacted until more than 8 months after the October 1929 economic collapse, it is hard to conceive how it could have "led to the Great Depression." Indeed, for those of us who sometimes wonder about the ability of Congress to make any changes in our economy, the changes supposedly wrought by this single bill in 1930 appear fantastic.

Historians and Economists, who usually view these things objectively, realize that the truth is a good deal complicated, that the causes of the depression were far deeper, and that the link between high tariffs and economic disaster is much more tenuous than the article Senator Chafee placed in the record implies. A 1983 study by Donald Bedell publicly explodes the myth of Smoot-Hawley through an economic analysis of the actual tariff increases in the act and their effects in the early years of the depression. The study points out that the increases in question affected only $231 million worth of products in the second half of 1930, significantly less than 1 percent of world trade; that in 1930–32 duty-free imports into the United States fell at almost the same percentage rate as dutiable imports; and that a 13.5-percent drop in GNP in 1930 can hardly be blamed on a single piece of legislation that was not even enacted until midyear.

This, of course, is not to suggest that high tariffs are good or that Smoot-Hawley was a wise piece of legislation. It was not. It made a bad situation worse. But it was also clearly not responsible for all the ills of the 1930's that are habitually blamed on it by those who fancy themselves defenders of freed trade. Mr. President, I have placed this study in the record previously. Indeed, the Senator from South Carolina (Mr. HOLLINGS] cited it in his recent appearance before the Finance Committee on Textile Legislation. However, the continuing appearance of these articles erroneously blaming Smoot-Hawley for everything bad that has happened since 1930 dictates bringing it to Senators' attention once again. Sort of a refresher course, if you will. Hopefully, the study will help us to clean up the rhetoric so often associated with Smoot-Hawley and provide for a more sophisticated and accurate view of economic history.

Mr. President, I ask that the study, by Don Bedell of Bedell Associates, be printed in the RECORD.

The study follows:

Tariffs Miscast as Villain in Bearing Blame for Great Depression—Smoot/Hawley Exonerated

(By Donald W. Bedell)

SMOOT/HAWLEY, DEPRESSION AND WORLD REVOLUTION

It has recently become fashionable for media reporters, editorial writers here and abroad, economists, members of Congress, members of foreign governments, UN organizations and a wide variety of scholars to express the conviction that the United States, by the single act of causing the Tariff Act of 1930 to become law (Public Law 361 of the 71st Congress) plunged the world into an economic depression, may well have prolonged it, led to Hitler and World War II.

Smoot/Hawley lifted import tariffs into the U.S. for a cross section of products beginning mid-year 1930, or more than 8 months following the 1929 financial collapse. Many observers are tempted simply to repeat "Free Trade" economic doctrine by claiming that this relatively insignificant statute contained an inherent trigger mechanism which upset a neatly functioning world trading system based squarely on the theory of comparative economics, and which propelled the world into a cataclysm of unmeasurable proportions.

We believe that sound policy development in international trade must be based solidly on facts as opposed to suspicions, political or national bias, or "off-the-cuff" impressions 50 to 60 years later of how certain events may have occurred.

When pertinent economic, statistical and trade data are carefully examined will they show, on the basis of preponderance of fact, that passage of the act did in fact trigger or prolong the great depression of the thirties, that it had nothing to do with the great depression, or that it represented a minor response of a desperate nation to a giant world-wide economic collapse already underway?

It should be recalled that by the time Smoot/Hawley was passed 6 months had elapsed of 1930 and 8 months had gone by since the economic collapse in October, 1929. Manufacturing plants were already absorbing losses, agriculture surpluses began to accumulate, the spectre of homes being foreclosed appeared, and unemployment showed ominous signs of a precipitous rise.

The country was stunned, as was the rest of the world. All nations sought very elusive solutions. Even by 1932, and the Roosevelt election, improvisation and experiment described government response and the technique of the New Deal, in the words of Arthur Schlesinger, Jr. in a New York Times article on April 10, 1983. President Roosevelt himself is quoted in the article as saying in the 1932 campaign, "it is common sense to take a method and try it. If it fails, admit it frankly and try another. But above all, try something."

The facts are that, rightly or wrongly, there were no major Roosevelt administration initiatives regarding foreign trade until well into his administration; thus clearly suggesting that initiatives in that sector were not thought to be any more important than the Hoover administration thought them. However, when all the numbers are examined we believe neither President Hoover nor President Roosevelt can be faulted for placing international trade's role in world economy near the end of a long list of sectors of the economy that had caused chaos and suffering and therefore needed major corrective legislation.

How important was international trade to the U.S.? How important was U.S. trade to its partners in the twenties and thirties?

In 1919, 66 percent of U.S. imports were duty free, or $2.9 billion of a total of $4.3 billion. Exports amounted to $5.2 billion in that year making a total trade number of $9.6 billion or about 14 percent of the world's total.

U.S. GROSS NATIONAL PRODUCT, 1929–33

[Dollar amounts in billions]

	1929	1930	1931	1932	1933
GNP	$103.4	$89.5	$76.3	$56.8	$55.4
U.S. international trade	$9.6	$6.8	$4.5	$2.9	$3.2
U.S. international trade percent of GNP	9.3	7.6	5.9	5.1	[1]5.6

[1] Series U., Department of Commerce of the United States, Bureau of Economic Analysis.

Using the numbers in that same chart I it can be seen that U.S. Imports amounted to $4.3 billion or just slightly above 12 percent of total World Trade. When account is taken of the fact that only 33 percent, or $1.5 billion, of U.S. Imports was in the dutiable category, the entire impact of Smoot/Hawley has to be focused on the $1.5 billion number which is barely 1.5 percent of U.S. GNP and 4 percent of world imports.

What was the impact in dollars dutiable imports fell by $462 million, or from $1.5 billion to $1.0 billion, during 1930. It's difficult to determine how much of that small number occurred in the second half of 1930 but the probability is that it was less than 50 percent. In any case, the total impact of Smoot/Hawley in 1930 was limited to a "Damage" number of $231 million spread over several hundred products and several hundred countries!

A further analysis of imports into the U.S. discloses that all European Countries accounted for 30 percent or $1.3 billion in 1929 divided as follows: U.K. at $330 million or 7½ percent, France at $171 million or 3.9 percent, Germany at $255 million or 5.9 percent, and some 15 other nations accounting for $578 million or 13.1 percent for an average of 1 percent.

These numbers suggest that U.S. Imports were spread broadly over a great array of products and countries, so that any tariff action would by definition have only a quite modest impact in any given year or could be projected to have any important cumulative effect.

This same phenomenon is apparent for Asian countries which accounted for 29 percent of U.S. Imports divided as follows: China at 3.8 percent, Japan at $432 million and 9.8 percent, and with some 20 other countries sharing in 15 percent or less than 1 percent on average.

Australia's share was 1.3 percent and all African countries sold 2.5 percent of U.S. Imports.

Western Hemisphere countries provided some 37 percent of U.S. Imports with Canada at 11.4 percent, Cuba at 4.7 percent, Mexico at 2.7 percent, Brazil at 4.7 percent and all others accounting for 13.3 percent or about 1 percent each.

The conclusion appears inescapable on the basis of these numbers; a potential adverse impact of $231 million spread over the great array of imported products which were dutiable in 1929 could not realistically have had any measurable impact on America's trading partners.

Meanwhile, the Gross National Product (GNP) in the United States had dropped an unprecedented 13.5 percent in 1930 alone, from $103.4 billion in 1929 to $89 billion by the end of 1930. It is unrealistic to expect that a shift in U.S. International Imports of just 0.2 percent of U.S. GNP in 1930 for example (231 million on $14.4 billion) could be viewed as establishing a "precedent" for America's trading partners to follow, or represented a "model" to follow.

Even more to the point an impact of just 0.2 percent could not reasonably be expected to have any measurable effect on the economic health of America's trading partners.

Note should be taken of the claim by those who repeat the Smoot/Hawley "villain" theory that it set off a "chain" reaction around the world. While there is some evidence that certain of America's trading partners retaliated against the U.S. there can be no reliance placed on the assertion that those same trading partners retaliated against each other by way of showing anger and frustration with the U.S. self-interest alone would dictate otherwise, common sense would intercede on the side of avoidance of "shooting oneself in the foot," and the facts disclose that World Trade declined by 18 percent by the end of 1930 while U.S. Trade declined by some 10 percent more or 28 percent. U.S. Foreign Trade continued to decline by 10 percent more through 1931, or 53 percent versus 43 percent for World-Wide Trade, but U.S. share of World Trade declined by only 18 percent from 14 percent to 11.3 percent by the end of 1931.

Reference was made earlier to the duty free category of U.S. Imports. What is especially significant about those import numbers is the fact that they dropped in dollars by an almost identical percentage as did dutiable goods through 1931 and beyond: Duty Free Imports declined by 29 percent in 1930 versus 27 percent for dutiable goods, and by the end of 1931 the numbers were 52 percent versus 51 percent respectively.

The only rational explanation for this phenomenon is that Americans were buying less and prices were falling. No basis exists for any claim that Smoot/Hawley had a distinctively devastating effect on imports beyond and separate from the economic impact of the economic collapse in 1929.

Based on the numbers examined so far, Smoot/Hawley is clearly a mis-cast villain. Further, the numbers suggest the clear possibility that when compared to the enormity of the developing international economic crisis Smoot/Hawley had only a minimal impact and International Trade was a victim of the great depression.

This possibility will become clear when the course of the Gross National Product (GNP) during 1929-1933 is examined and when price behavior world-wide is reviewed, and when particular tariff schedules of manufacturers outline in the Legislation are analyzed.

Before getting to that point another curious aspect of the "Villian" theory is worthy of note. Without careful recollection it is tempting to view a period of our history some 50-60 years ago in terms of our present world. Such a superficial view not only makes no contribution to constructive policy-making. It overlooks several vital considerations which characterized the twenties and thirties:

1. The internal trading system of the twenties bears no relation to the interdependent world of the eighties commercially, industrially and financially in size or complexity.

2. No effective international organization existed, similar to the general agreement for tariffs and trade (gatt) for example for resolution of disputes. There were no trade "leaders" among the world's nations in part because most mercantile nations felt more comfortable without dispute settlement bodies.

3. Except for a few critical products foreign trade was not generally viewed in the "economy-critical" context as currently in the U.S. as indicated earlier neither President Hoover nor President Roosevelt viewed foreign trade as crucial to the economy in general or recovery in particular.

4. U.S. Foreign Trade was relatively an amorphous phenomenon quite unlike the highly structured system of the eighties; characterized largely then by "Caveat Emptor" and a broadly laissez-faire philosophy generally unacceptable presently.

These characteristics, together with the fact that 66 percent of U.S. Imports where duty free in 1929 and beyond, placed overall international trade for Americans in the twenties and thirties on a very low level of priority especially against the backdrop of world-wide depression. Americans in the twenties and thirties could no more visualize the world of the Eighties than we in the eighties can legitimately hold them responsible for failure by viewing their world in other than the most pragmatic and realistic way given those circumstances.

For those Americans then, and for us now, the numbers remain the same. On the basis of sheer order of magnitude of the numbers illustrated so far, the "villian" theory often attributed to Smoot/Hawley is an incorrect reading of history and a misunderstanding of the basic and incontrovertible law of cause and effect.

It should also now be recalled that, despite heroic efforts by U.S. policy-makers its GNP continued to slump year-by year and reached a total of just $55.4 billion in 1933 for a total decline from 1929 levels of 46 percent. The financial collapse of October, 1929 had indeed left its mark.

By 1933 the 1929 collapse had prompted formation in the U.S. of the reconstruction finance corporation, Federal Home Loan Bank Board, brought in a democrat president with a program to take control of banking, provide credit to property owners and corporations in financial difficulties, relief to farmers, regulation a stimulation of business, new labor laws and social security legislation. Beard, Charles and Mary, new Basic History of the United States).

So concerned were American citizens about domestic economic affairs, including the Roosevelt Administration and the Congress, that scant attention was paid to the solitary figure of Secretary of State Cordell Hull. He, alone among the Cabinet, was convinced that international trade had material relevance to lifting the country back from depression. His efforts to liberalize trade in general and to find markets abroad for U.S. products in particular from among representatives of economically stricken Europe, Asia and Latin America were abruptly ended by the President and the 1933 London Economic Conference collapsed without result.

The Secretary did manage to make modest contributions to eventual trade recovery through the most favored nation (MFN) concept. But it would be left for the United States at the end of World War II to undertake an economic and political role of leadership in the world; a role which in the twenties and thirties Americans in and out of government felt no need to assume, and did not assume. Evidence that conditions in the trade world would have been better, or even different, had the U.S. attempted some leadership role cannot responsibly be assembled. Changing the course of past history has always been less fruitful than applying perceptively history's lessons.

The most frequently used numbers thrown out about Smoot-Hawley's impact by those who believe in the "villain" theory are those which clearly establish that U.S. dollar decline in foreign trade plummeted by 66 percent by the end of 1933 from 1929 levels, $9.6 billion to $3.2 billion annually.

Much is made of the co-incidence that world-wide trade also sank about 66 percent for the period. Chart II summarizes the numbers.

UNITED STATES AND WORLD TRADE, 1929–33

[In billions of U.S. dollars]

	1929	1930	1931	1932	1933
United States:					
Exports	5.2	3.8	2.4	1.6	1.7
Imports	4.4	3.0	2.1	1.3	1.5
Worldwide:					
Exports	33.0	26.5	18.9	12.9	11.7
Imports	35.6	29.1	20.8	14.0	[1] 12.5

[1] Series U. Department of Commerce of the United States, League of Nations, and International Monetary Fund.

The inference is that since Smoot-Hawley was the first "protectionist" legislation of the twenties, and the end of 1933 saw an equal drop in trade that Smoot-Hawley must have caused it. Even the data already presented suggest the relative irrelevance of the tariff-raising act on a strictly trade numbers basis. When we examine the role of a world-wide price decline in the trade figures for almost every product made or commodity grown the "villain" Smoot-Hawley's impact will not be measurable.

It may be relevant to note here that the world's trading "system" paid as little attention to America's revival of foreign trade beginning in 1934 as it did to American trade policy in the early thirties. From 1934 through 1939 U.S. foreign trade rose in dollars by 80 percent compared to world-wide growth of 15 percent. Imports grew by 68 percent and exports climbed by a stunning 93 percent. U.S. GNP by 1939 had developed to $91 billion, to within 88 percent of its 1929 level.

Perhaps this suggests that America's trading partners were more vulnerable to an economic collapse and thus much less resilient than was the U.S. in any case the international trade decline beginning as a result of the 1929 economic collapse, and the subsequent return by the U.S. beginning in 1934 appear clearly to have been wholly unrelated to Smoot/Hawley.

As we begin to analyze certain specific schedules appearing in the Tariff Act of 1930 it should be noted that sharp erosion of prices world-wide caused dollar volumes in trade statistics to drop rather more than unit volume thus emphasizing the decline value. In addition, it must be remembered that as the great depression wore on, people simply bought less of everything increasing further price pressure downward. All this wholly apart from Smoot/Hawley.

When considering specific schedules, No. 5 which includes sugar, molasses, and manufactures of maple sugar cane, syrups, adonite, dulcite, galactose, inulin, lactose and sugar candy. Between 1929 and 1933 import volume into the U.S. declined by about 40% in dollars. In price on a world basis producers suffered a stunning 60% drop. Volume of sugar imports declined by only 42% into the U.S. in tons. All these changes lend no credibility to the "villain" theory unless one assumes, erroneously, that the world price of sugar was so delicately balanced that a 28% drop in sugar imports by tons into the U.S. in 1930 destroyed the price structure and that the decline was caused by tariffs and not at least shared by decreased purchases by consumers in the U.S. and around the world.

Schedule 4 describes wood and manufactures of, timber hewn, maple, brier root, cedar from Spain, wood veneer, hubs for wheels, casks, boxes, reed and rattan, toothpicks, porch furniture, blinds and clothespins among a great variety of product categories. Dollar imports into the U.S. slipped by 52% from 1929 to 1933. By applying our own GNP as a reasonable index of prices both at home and overseas, unit volume decreased only 6% since GNP had dropped by 46% in 1933. The world-wide price decline did not help profitability of wood product makers, but to tie that modest decline in volume to a law affecting only 6½% of U.S. imports in 1929 puts great stress on credibility, in terms of harm done to any one country or group of countries.

Schedule 9, cotton manufactures, a decline of 54% in dollars is registered for the period, against a drop of 46% in price as reflected in the GNP number. On the assumption that U.S. GNP constituted a rough comparison to world prices, and the fact that U.S. imports of these products was infinitesimal, Smoot/Hawley was irrelevant. Further, the price of raw cotton in the world plunged 50% from 1929 to 1933. U.S. growers had to suffer the consequences of that low price but the price itself was set by world market prices, and was totally unaffected by any tariff action by the U.S.

Schedule 12 deals with silk manufactures, a category which decreased by some 60% in dollars. While the decrease amounted to 14% more than the GNP drop, volume of product remained nearly the same during the period. Assigning responsibility to Smoot/Hawley for this very large decrease in price beginning in 1930 stretches credibility beyond the breaking point.

Several additional examples of price behavior are relevant.

One is schedule 2 products which include brick and tile. Another is schedule 3 iron and steel products. One outstanding casualty of the financial collapse in October, 1929 was the gross private investment number. From $16.2 billion annually in 1929 by 1933 it has fallen by 91% to just $1.4 billion. No tariff policy, in all candor, could have so devastated an industry as did the economic collapse of 1929. For all intents and purposes construction came to a halt and markets for glass, brick and steel products with it.

Another example of price degradation world-wide completely unrelated to tariff policy is petroleum products. By 1933 these products had decreased in world price by 82% but Smoot/Hawley had no petroleum schedule. The world market place set the price.

Another example of price erosion in world market is contained in the history of exported cotton goods from the United States. Between 1929 and 1933 the volume of exported goods actually increased by 13.5% while the dollar value dropped 48%. This result was wholly unrelated to the tariff policy of any country.

While these examples do not include all schedules of Smoot/Hawley they clearly suggest that overwhelming economic and financial forces were at work affecting supply and demand and hence on prices of all products and commodities and that these forces simply obscured any measurable impact the tariff act of 1930 might possibly have had under conditions of several years earlier.

To assert otherwise puts on those proponents of the Smoot/Hawley "villain" theory a formidable challenge to explain the following questions:

1. What was the nature of the "trigger" mechanism in the act that set off the alleged domino phenomenon in 1930 that began or prolonged the Great Depression when implementation of the act did not begin until mid-year?

2. In what ways was the size and nature of U.S. foreign trade in 1929 so significant and critical to the world economy's health that a less than 4% swing in U.S. imports could be termed a crushing and devastating blow?

3. On the basis of what economic theory can the act be said to have caused a GNP drop of an astounding drop of 13.5% in 1930 when the act was only passed in mid-1930? Did the entire decline take place in the second half of 1930? Did world-wide trade begin its decline of some $13 billion only in the second half of 1930?

4. Does the fact that duty free imports into the U.S. dropped in 1930 and 1931 and in 1932 at the same percentage rate as dutiable imports support the view that Smoot/Hawley was the cause of the decline in U.S. imports?

5. Is the fact that world-wide trade declined less rapidly than did U.S. foreign trade prove the assertion that American trading partners retaliated against each other as well as against the U.S. because and subsequently held the U.S. accountable for starting an international trade war?

6. Was the international trading system of the twenties so delicately balanced that a single hastily drawn tariff increase bill affecting just two hundred and thirty one million dollars of dutiable products in the second half of 1930 began a chain reaction that scuttled the entire system? Percentage-wise $231 million is but 0.65% of all of 1929 world-wide trade and just half that of world-wide imports.

The preponderance of history and facts of economic life in the international area make an affirmative response by the "Villian" proponents an intolerable burden.

It must be said that the U.S. does offer a tempting target for Americans who incessantly cry "Mea Culpa" over all the world's problems, and for many among our trading partners to explain their problems in terms of perceived American inability to solve those problems.

In the world of the eighties U.S. has indeed very serious and perhaps grave responsibility to assume leadership in international trade and finance, and in politics as well.

On the record, the United States has met that challenge beginning shortly after World War II.

The U.S. role in structuring the United Nations, the general agreement on tariffs and trade (GATT), the International Monetary Fund, the Bretton Woods and Dumbarton Oaks conferences on monetary policy, the World Bank and various regional development banks, for example, is a record unparalleled in the history of mankind.

But in the twenties and thirties there was no acknowledged leader in international affairs. On the contrary, evidence abounds that most nations preferred the centuries-old patterns of international trade which emphasized pure competition free from interference by any effective international supervisory body such as GATT.

Even in the eighties examples abound of trading nations succumbing to nationalistic tendencies and ignoring signed trade agreements. Yet the United States continues as the bulwark in trade liberalization proposals within the GATT. It does so not because it could not defend itself against any kind of retaliation in a worst case scenario but because no other nation is strong enough to support them successfully without the United States.

The basic rules of GATT are primarily for all those countries who can't protect themselves in the world of the eighties and beyond without rule of conduct and discipline.

The attempt to assign responsibility to the U.S. in the thirties for passing the Smoot/Hawley tariff act and thus set off a chain reaction of international depression and war is, on the basis of a preponderance of fact, a serious misreading of history, a repeal of the basic concept of cause and effect and a disregard for the principle of proportion of numbers.

It may constitute a fascinating theory for political mischief-making but it is a cruel hoax on all those responsible for developing new and imaginative measures designed to liberalize international trade.

Such constructive development and growth is severely impeded by perpetuating what is no more than a symbolic economic myth.

Nothing is less worthwhile than attempting to re-write history, not learning from it, nothing is more worthwhile than making careful and perceptive and objective analysis in the hope that it may lead to an improved and liberalized international trading system.

Mr. HOLLINGS. Mr. President, I had the distinction of working with this tremendous public servant, a brilliant fellow with the best personality. We all loved him. I worked with him on the budget. We even got Sec. 13.301, regarding a lockbox. We already have written in law that you are not to include Social Security in your budget. It is supposed to be in a trust fund. It was signed into law on November 5, 1990, by George Herbert Walker Bush. But they all say: Now I have a lockbox bill. They voted—98 Senators, Senator Heinz, and myself included, back at that particular time. But they don't obey it.

I think the most brilliant of Senators—I have been around 34 years—is our distinguished colleague, the ranking member, PATRICK MOYNIHAN of New York. Sen. MOYNIHAN wrote a very scholarly bill. I don't disparage at all. I lost a lot of valuables during a fire at my home. One was a collection of his books, which has now been replaced. He is a brilliant author, a most interesting writer, and a tremendous authority. But on this particular score, he is incorrect. The outcome of this vote won't threaten any world war, or anything else like that.

It is very important to realize that the crash came in October 1929, and Smoot-Hawley did not occur until June of 1930—8 months after the crash. And furthermore, back in 1929 and 1930, international trade to the United States economy was only 1.5 percent of the GNP. So Smoot-Hawley could not have caused the crash, which has been contended on the floor of the Senate.

And, No. 2, it had no far-reaching effects. In fact, it was hardly mentioned by either President Hoover, or then-candidate Franklin Delano Roosevelt, or President Roosevelt after he took office because there were other things to be disturbed about. The adverse effects of Smoot-Hawley paled in comparison to the problems facing the United States at that time.

I quote:

> The conclusion appears inescapable on the basis of these numbers: a potential adverse impact of $231 million spread over the great array of imported products which were dutiable in 1929 could not realistically have any measurable impact on America's trading partners.

$231 million—here we are talking about a $350 billion to a $400 billion deficit. This is the overall trade figure of $231 million.

I read further:

> Meanwhile, the gross national product (GNP) in the United States had dropped an unprecedented 13.5 percent in 1930 alone, from $103.4 billion in 1929 to $89 billion by the end of 1930. It is unrealistic to expect that a shift in U.S. international imports of just 0.2 percent of U.S. GNP in 1930 for example ($231 million on $14.4 billion) could be viewed as establishing a "precedent" for America's trading partners to follow, or represented a "model" to follow.
>
> Even more to the point an impact of just 0.2 percent could not reasonably be expected to have any measurable effect on the economic health of America's trading partners.

I read and skip over because it is too long under the limited time to read the report in its entirety. But I quote this part.

> 1. The international trading system of the twenties bears no relation to the interdependent world of the eighties commercially, industrially and financially in size or complexity.
>
> 2. No effective international organization existed, similar to the General Agreement for Tariffs and Trade (GATT) for example for resolution of disputes. There were no trade "leaders" among the world's nations in part because most mercantile nations felt more comfortable without dispute settlement bodies.
>
> 3. Except for a few critical products foreign trade was not generally viewed in the "economy-critical" context as currently in the U.S. as indicated earlier neither President Hoover nor President Roosevelt viewed foreign trade as crucial to the economy in general or recovery in particular.
>
> 4. U.S. foreign trade was relatively an amorphous phenomenon quite unlike the highly structured system of the eighties; characterized largely then by "Caveat Emptor" and a broadly laissez-faire philosophy generally unacceptable presently.

That brings it into sharp focus, because you have heard again and again that Smoot-Hawley started a trade war, that collapsed economies brought on the Depression and started World War II. They say if we don't vote for PNTR, it will cause World War III. They are bringing out all of these bogeymen. There is no merit in this.

Again, the Constitution, article I, section 8, says the Congress shall regulate and control foreign trade.

We are listening to the White House and the fix that is on, and they said, permanently abandon, amend the Constitution if you please, disregard this fundamental, and let us handle it because the White House father knows best. They bring out that white tent, and they all run around. They are mostly your friends, Senator ROTH. You know them well. And they are for profits. They don't have a country.

Listen to what Boeing says: I am not an American corporation, I am an international company.

Listen to the chairman of the board of Caterpillar: I am an international corporation.

They are companies without any country. They could care less about you, and I have to give every care. You and I are responsible for the regulation of foreign trade, and we ought not vote against it this afternoon by voting down this amendment on the premise of no amendments, no amendments, no amendments. If we have amendments, the House would then have a chance to look at it and realize that permanent trade relations with China abrogates the responsibility of Congress under the Constitution.

Reading on, there are a couple more quotes in the limited time.

In the concluding comments by Senator Heinz at that time:

> The attempt to assign responsibility to the U.S. in the thirties for passing the Smoot-Hawley Tariff Act and thus set off a chain reaction of international depression and war is, on the basis of a preponderance of fact, a serious misreading of history, a repeal of the basic concept of cause and effect and a disregard for the principle of proportion of numbers.
>
> It may constitute a fascinating theory for political mischief-making but it is a cruel hoax on all of those responsible for developing new and imaginative measures designed to liberalize international trade.
>
> Such constructive development and growth is severely impeded by perpetuating what is no more than a symbolic economic myth.
>
> Nothing is less worthwhile than attempting to rewrite history, not learning from it. Nothing is more worthwhile than making careful and perceptive and objective analysis in the hope it may lead to an improved and liberalized international trading system.

Senator John Heinz of Pennsylvania said that 15 years ago, almost to the day, September 1985. Those observations that our distinguished colleague made are just as true today.

Under the Constitution there is a fundamental responsibility that Congress regulates foreign commerce, but the Finance Committee and the administration with its fixed votes says: No, give it up. When I say "fixed votes," I wish I had the New York Times article. I wish I had the Washington Post article. There were followup articles to the vote on NAFTA, the North American Free Trade Agreement with Mexico, and in that, distinguished Chairman ROTH, it was revealed that they gave our friend, Jake Pickle, a cultural center, they gave another Congressman two C-17s, and another a round of golf in California with the President—just to get their vote. They went around to fix, nothing to do with trade, and once the fix is on, you come out on the floor and say: Vote if you please to abandon your constitutional responsibility.

My amendment says: No, let's have trade with China. That is obviously going to occur. We live in the real world. These embargoes don't work. Forget about the embargoes. You cannot stop trade and grind the economy to a halt, the world economy to a halt, as they alleged Smoot-Hawley did. It will never happen.

It is not about starting a trade war and having an embargo. It is about enforcing our dumping laws—we could start by consolidating the enforcement efforts—and realizing that the industrial worker of the United States of America is the most competitive in the world. The thing that is not competing is the Congress of the United States.

We are about to vote. They say this amendment, too, will be voted down. We are about to vote down our responsibility to one of the most important issues that possibly could confront us. Alan Greenspan says the only bad effect on the economy is the $350 billion trade deficit.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I thank the Chair.

(The remarks of Mr. ROTH pertaining to the introduction of S. 3017 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. Who yields time?

Mr. ROTH. Mr. President, I yield 5 minutes to the distinguished Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, the pending amendment is the Hollings amendment, which takes the "P" out of PNTR; that is, as I understand the amendment, it provides for an annual review of normal trade relations status.

Mr. HOLLINGS. Right.

Mr. BAUCUS. I oppose that amendment, and I urge my colleagues to do so, for a very simple reason. That is, if that amendment were agreed to and were to become part of the normal trading relations status with China, we automatically as Americans would be shooting ourselves in the foot, to say the least.

Why do I say that? As the world becomes more complicated, more complex, we hear about globalism, trade agreements, taxation or nontaxation of products over the Internet, and whatnot. Unfortunately, we have to rise to a higher level of more sophistication and learning and know what is going on with these arrangements and agreements so that we Americans are in a better economic condition.

It is difficult, but we have no choice with all the economic pressures that are advancing our world so quickly. The provisions of the World Trade Organization, I believe, very much help raise our economic standards. They are not perfect, but perfection cannot be the enemy of the good. If there were no WTO, it would be an economic free-for-all. Various countries would be doing their own deals at the expense of others, and it would be chaos. It would be a mess. At least the World Trade Organization is a vehicle, a forum, a mechanism, a way to get some civility, some process into trade matters and trade disputes that occur in this world.

One of the basic principles of the World Trade Organization is nondiscrimination and unconditionality. It is written in article 1 of the WTO. That means when a country grants trade concessions to another, it must do so unconditionally and on a nondiscriminatory basis so the same benefits, same provisions apply to all countries in the world. Otherwise, it is obvious if one country had certain trade agreements with one country and gave certain benefits to one and not another, there would be chaos. Article 1 of the WTO articles provides for nondiscrimination and unconditionality with respect to trade agreements and membership in the WTO.

The amendment before us is discriminatory and it is conditional by not making it permanent normal trade relations status but annual. That flatly violates article 1 of the WTO. As a consequence, if this amendment is adopted, we Americans could be giving up all the market-opening benefits to which China has agreed. That is, China would have no obligation to grant America those concessions, and they are major, whether it is auto tariffs or tariffs on other products. China is dramatically lowering tariffs.

China would also say: We Chinese agree to let you Americans set up your own distribution systems; you do not have to deal through Chinese companies anymore. The list is mind-boggling. It is amazing how much China has agreed to open up and to take American products that we have been trying to export to China that, frankly, have not been exported or significantly diverted because of current Chinese barriers.

My colleagues are going to hear the argument: This agreement is going to help Americans invest in China, and that takes away American jobs. Companies in America and around the world are already investing in China. It is happening today.

The agreement with China says: OK, there can be a lot less pressure on companies to build factories in China and make it more easy for American companies to ship products to China because China is dramatically reducing its barriers.

If this amendment is adopted, as I mentioned, China will be under no obligation to give us those breaks as we try to ship products to China. China will have no obligation to lower trade barriers that China has negotiated with the United States. However, China will be obligated to give those benefits and breaks to our competitors—to Japan, to the European Union—because they have entered WTO properly under the conditions of unconditionality and nondiscrimination. We have complied with article 1.

We have heard a lot of facts and figures about a lot of different issues, but the heart of this amendment is to take away the permanent nature of normal trade relations with China that we will be granting, and that means it is conditional, it is discriminatory and flatly violates article 1 of the WTO and, therefore, is a killer amendment, an anti-American amendment. It is anti-American because all other countries get benefits, and it is a killer because it means we will not get the benefits of China opening up to American exports.

Let me cite one of America's foremost experts on the GATT and the WTO. Professor John Jackson, Georgetown University Law Center:

> The United States must extend permanent, unconditional MFN treatment to the PRC for the US to comply with US WTO obligations, unless the US invokes the "opt-out" provisions of the WTO.

Our own Congressional Research Service has concluded:

> In order to make US law consistent with WTO obligations, Congress would need to remove the PRC from the Title IV regime (i.e., Jackson-Vanik) . . . The Title IV regime is inconsistent with MFN obligations when applied to a WTO member . . . because of the conditions that it attaches to the grant of nondiscriminatory treatment to that country's goods.

Let me respond to the criticism that we get nothing out of PNTR in terms of US trade benefits.

The fact is that granting China PNTR will bring a significant drop in Chinese tariffs. That will reduce the pressure many companies feel to invest in China in order to do business there. Our information technology products—computers, fiber optics, and telecommunications equipment—will see tariffs in China go to zero by 2004. Auto parts tariffs will average only ten percent by 2006.

When you add these significant tariff reductions to the new ability that American firms will have to import directly into China, control their own distribution and service networks, and own advertising firms, export of our goods and services will increase substantially.

Yes, American companies will continue to invest in China. But their ability also to export will be enhanced significantly by PNTR. Failure to grant China PNTR will allow our Japanese and European competitors to export more, but not our workers and our farmers.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I want to yield time to the distinguished Senator from Oklahoma or I will ask unanimous consent that he be permitted such time as is necessary. He wanted to speak on this. I did not realize that. I want to have a few minutes left.

I want to comment on the remarks of the distinguished Senator from Montana. All these wonderful benefits—he has not read the GAO report. Everything is indeterminate. This is the most flexible agreement ever made. We made one with Japan and we have not penetrated that market. We made one with Korea and we have not penetrated that one, either.

All these benefits—I do not know if a $68 billion deficit is a benefit. Heavens above, we have to stop this somehow. Paraphrasing Abraham Lincoln: We have to think anew, act anew, and work together, we might get a plus balance of trade.

The distinguished Senator is saying if you vote for this amendment, you are violating article 1 of the WTO. I say if you vote against it, you are violating article I, section 8 of the U.S. Constitution, abdicating our responsibility to regulate foreign commerce. We cannot make an agreement with the WTO to disband and dispel that particular obligation and responsibility.

I do not understand that at all. That is a narrow analysis if I ever saw one, that somehow the WTO is a wonderful thing. In fact, we are getting all kinds of requests to get out of it on account of the foreign credit sales given American corporations in their exports overseas. I will get into that later on, perhaps next week.

We have received a number of those requests. We are losing, I say to the distinguished Senator. The only reason for this amendment is to say: Wait a minute, let's have trade with China; go ahead with the WTO. Let's just take the "P" out of PNTR. The Senator from Montana said on the floor and Senator MOYNIHAN said on the floor, irrespective of this bill, China will become a member of the WTO—and we are a member of the WTO, so why are they so worried about this amendment?

We are not violating anything by voting for this amendment, but my colleagues will violate article I, section 8 of the Constitution and our responsibilities under the Constitution if they vote against it.

I have used the remaining time I had, I believe. I thank the distinguished Chair. I yield the floor.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Delaware.

Mr. ROTH. Mr. President, I yield myself such time as I may utilize.

I rise in opposition to the amendment offered by my distinguished colleague from South Carolina, and I disagree with my colleague that supporters of normalizing trade have no merit to their argument. The economic benefits of China's accession are unassailable.

According to independent economic analysis, China's market access commitments will mean an additional $13 billion in U.S. exports annually. Our current exports to China are $14 billion a year, which means the deal so ably negotiated by Ambassador Barshefsky will effectively double annual U.S. exports to China.

Doubling our exports to China holds benefits for every sector of the U.S. economy from agriculture to manufacturing to services. It also provides significant benefits for American workers.

The one step that we must take to ensure that American farmers, American workers, and American businesses reap the benefits of an agreement that three Presidents took 13 years to squeeze out of the Chinese. That step is to normalize our trade relations with China.

What that means in practical terms is an end to the unproductive annual review of China's trade status. That is what H.R. 4444 does—it eliminates the annual review that has provided no leverage over Chinese behavior.

My distinguished colleague's amendment would gut the House bill by once again requiring this unproductive annual review of China's trade status. The amendment would deny the benefits of China's WTO accession to our farmers, to our workers, and to our businesses.

Why is that? It is because the annual vote on China's trade status would violate our own obligations under the WTO, as was so effectively pointed out by the Senator from Montana, and allow the Chinese to deny our exporters access to their markets. That access would go, instead, to our European, Japanese, and other competitors.

My colleague from South Carolina has said that the Japanese know how to run their trade policy. Let me say that if we deny the benefits of this deal to our exporters, we will have given the Japanese a trade policy gift that I am certain they would never have guessed we would have been foolish enough to forego.

And, for what? How will denying our exports to China give us any leverage over Chinese behavior? Why would we suppose that cutting off our exports to China would do anything to influence China's policies, whether on Taiwan, on weapons proliferation, on human rights, or on labor rights?

No. What we get in return for foregoing the benefits of this deal is the prospect of returning to the same unproductive annual debate we hold on

China's trade status. It should be obvious to all, based on the arguments we have heard today about Chinese behavior, that the annual debate simply has not worked. It is time to take a different approach.

The bottom line is that we have precious little to lose in ending the annual renewal process and much, much to gain by enacting PNTR.

That is why I oppose the amendment offered by my distinguished colleague and urge this body to oppose it as well.

Mr. President, I yield the floor.

Mrs. FEINSTEIN. Mr. President, I oppose amendment No. 4122, which calls for annual trade reviews with China, offered by the distinguished junior Senator from South Carolina on H.R. 4444, Permanent Normal Trade Relations with China.

This amendment, if passed as part of the China PNTR bill, would be tantamount to unilaterally establishing special conditions on China's membership in the WTO, a violation of World Trade Organization precepts the United States, as a member, commits to follow.

In such a case, China would be legitimately entitled to deny American workers, entrepreneurs, investors—in short, our Nation—the benefits of open access to China's markets and the privileges of important WTO-related agreements, such as the International Telecommunications Agreement, conferred by WTO membership.

I am also convinced that amendments at this stage create a procedural problem that could derail passage of this extremely important bill. Adopting any amendments at this stage would require sending this bill to conference. It is clear to me that we do not have the time remaining in this Congress to resolve a bicameral conflict over this bill. I believe it is crucial that we let nothing interfere with what may be the most important decision concerning China for years to come.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. I think the Senator, the chairman of our committee, has spoken so well and effectively; the Senator from Montana equally so. I believe this debate has been thorough. We respect our friend from South Carolina. We know his views. We do not share them in this case.

So much is at issue. Let us go forward and vote and get on with this matter.

Mr. ROTH. Is there any time remaining, Mr. President?

The PRESIDING OFFICER. The Senator from Delaware has 4 minutes.

Mr. ROTH. Mr. President, I yield back the remainder of my time and ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from South Carolina has 38 seconds.

Mr. HOLLINGS. Mr. President, I yield back the 38 seconds.

The PRESIDING OFFICER. The Senator yields back the time.

The yeas and nays have been requested.

Is there a sufficient second?

There appears to be.

The question is on agreeing to amendment No. 4122.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Alaska (Mr. MURKOWSKI) and the Senator from Arizona (Mr. MCCAIN) are necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from California (Mrs. BOXER), the Senator from California (Mrs. FEINSTEIN), and the Senator from Connecticut (Mr. LIEBERMAN), are necessarily absent.

I further announce that, if present and voting, the Senator from California (Mrs. FEINSTEIN) would vote "no."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 13, nays 81, as follows:

(Rollcall Vote No. 236 Leg.)

YEAS—13

Bunning
Byrd
Campbell
Feingold
Helms
Hollings
Hutchinson
Inhofe
Mikulski
Sarbanes
Smith (NH)
Specter
Wellstone

NAYS—81

Abraham
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Breaux
Brownback
Bryan
Burns
Chafee, L.
Cleland
Cochran
Collins
Conrad
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
Mack
McConnell
Miller
Moynihan
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Schumer
Sessions
Shelby
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wyden

NOT VOTING—6

Akaka
Boxer
Feinstein
Lieberman
McCain
Murkowski

The amendment (No. 4122) was rejected.

Mr. MOYNIHAN. I move to reconsider the vote.

Mr. ROTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT. Mr. President, if I could speak briefly about the schedule, I have been talking with Senator REID and Senator DASCHLE and the managers of this legislation. We are making progress on the amendments. We have had a good debate throughout the week. We are going to keep pushing ahead until we get through the amendments. I had committed not to file cloture before next Tuesday, but it would be my intention to file cloture next Tuesday, if necessary, to get this legislation completed. I think everybody is working hard and doing a good job.

Tonight, at 6 o'clock we will go back to the energy and water appropriations bill. I know Senator DOMENICI and Senator REID are prepared to work on that tonight. Our intent is to push ahead. Hopefully, we will get Senators' amendments considered and disposed of quickly. The intent is to stay and get it done tonight. I believe Senator DOMENICI and Senator REID have indicated that is what they intend to do and we will certainly support their efforts.

I ask unanimous consent that following the vote in relation to the Hollings amendment, Senator SMITH of New Hampshire be recognized to offer his amendment to H.R. 4444, and at 6 o'clock p.m. the amendment be immediately laid aside and the Senate resume consideration of H.R. 4733, the energy and water appropriations bill under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I have a couple of unanimous consent requests that I will offer at this time and hopefully it will not take too long to consider these and we can go ahead and stay on schedule.

I ask unanimous consent that no later than the close of business on Tuesday, September 26, the majority leader be recognized to turn to calendar 527, which is S. 2340, regarding the Amateur Sports Integrity Act, and immediately following the reporting by the clerk, the committee amendments be immediately agreed to, and the majority leader then be recognized to send a cloture motion to the desk to the bill.

Under rule XXII, the cloture vote would occur 1 hour after the Senate convenes following the ascertainment of a quorum on Thursday, September 28.

I also ask consent that notwithstanding rule XXII, if the cloture is invoked, the bill be considered under the following agreement: That there be 2 hours for debate on the bill to be equally divided in the usual form; that there be up to two relevant amendments in order for Senator REID of Nevada and Senator BROWNBACK of Kansas or their designees, that they be subject to relevant second-degree amendments; that no motions to recommit or commit be in order.

I further ask consent that following the disposition of the above-listed amendments, and the use or yielding back of time, the bill be advanced to third reading and passage occur, all without intervening action or debate.

Mr. REID. Reserving the right to object, efforts to force this body to consider a questionable proposal, which is a ban on legal gambling on college games, shows a fundamental misunderstanding, in this Senator's view.

At this stage, we have about 18 or 19 days left in this congressional session. We have 11 appropriations bills that must pass the Senate. We have all the fundamental conference reports that must be held. There is a hue and cry about doing something about a real Patients' Bill of Rights. There is a need to do something about minimum wage. We have all kinds of problems with education. As we speak, today, 3,000 children dropped out of high school in America, and we are not spending any time on that. We need prescription drug coverage, Medicare. There are so many fundamental issues that we need to work on and there is not a hue and cry out there that we need to take the next 19 days and spend 1 minute talking about banning something that is legal in America; that is, betting on college games.

Remember, if we were serious about doing something about betting on college games, we would go after the 98.5 percent of illegal betting that goes on in college games. Only a percent and a half goes on in college games, and that is legal in the State of Nevada.

With just a few weeks to go in Congress, it is incredulous we would be asked to waste time debating the merits of banning legalized wagering on college games.

Therefore, Mr. President, with great underscoring, I object.

The PRESIDING OFFICER. The objection is heard.

Mr. LOTT. Mr. President, I believe there was an objection heard.

I ask consent that the Senator from Kansas be recognized for 1 minute so he can respond on this issue, since it is an issue in which he has been very much involved.

Mr. BRYAN. I request to be included for an additional minute.

Mr. LOTT. I amend my request for that.

Mr. SMITH of New Hampshire. Reserving the right to object, the vote went longer than anticipated. I was looking only for 5 or 10 minutes to present my amendments.

Mr. LOTT. We have the Senator locked in.

We will delay. Let me just ask unanimous consent, then, that we delay going on the energy and water bill for 10 minutes. It will be 10 after 6. Is that the correct time?

Mr. SMITH of New Hampshire. I thank the leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there objection to the majority leader's underlying request?

Mr. DOMENICI. Does that mean we will be on the floor at——

Mr. LOTT. It will be 10 after 6.

The PRESIDING OFFICER. Is there objection to the underlying unanimous consent request? Without objection, the Senator from Kansas is recognized for 1 minute, after which the Senator from Nevada will be recognized for 1 minute.

Mr. BROWNBACK. Mr. President, Senator McCAIN and I are bringing this bill forward. I think the majority leader has proposed 2 hours of debate. I am willing to do that at any time, any place. We would do it now here on the floor, but we can go to the middle of the night if people would like to. This has cleared the Commerce Committee; 14-2 was the vote when this cleared through.

There is a hue and cry across the country. Virtually every college in America has asked for this legislation because they are having problems on their college campuses dealing with betting on their athletes. This is affecting the moral values. It is giving a black eye to our college campuses. There is one place in the country that this goes on legally. It is in Nevada. It is a loophole that has been there, and it is time for us to deal with it. We only need 2 hours to deal with it. I think we can take care of this within the timeframe that is left. I applaud the leader and hope we can get to this yet during this session.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. Mr. President, this legislation would plunge the dagger into the back of Nevada's principal industry and would accomplish no useful purpose. Ninety-eight percent of the sports betting in America is conducted illegally outside of the State of Nevada. There is no logical way in which you can conclude that by eliminating sports betting that occurs in my own State, that is licensed, that is regulated—you have to be 21 years of age—you address a legitimate problem, which is illegal gambling on college campuses.

It is misdirected, it is ill-conceived, and it would be the dream of every illegal bookie in America if this legislation passes. I am pleased to join with my colleague in objecting to this legislation.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I have another unanimous consent request.

First, let me say there has been a lot of discussion about the support and the need for a lockbox on Social Security and Medicare. I certainly agree. We have tried to get that put in place in the Senate. We have not been successful. So I am going to ask consent that we get an agreement to do that.

I remind my colleagues, it was passed in the House overwhelmingly, 46–12, to do that with regard to Social Security and Medicare. We have attempted to do it. We tried to invoke cloture in June of 1999, which failed basically along party lines. I think maybe there has been a lot of movement in this direction, so I think we ought to try to set this up before we go out.

I ask unanimous consent it be in order for the majority leader, after notification of the minority leader, to turn to Calendar No. 152, H.R. 1259, regarding the Social Security and Medicare lockbox, and following the reporting of the bill by the clerk, all remaining amendments to the bill be germane to the subject contained in H.R. 1259.

The PRESIDING OFFICER. Is there objection?

The Democrat leader.

Mr. DASCHLE. Reserving the right to object, let me say for the record, the majority leader has, as he has indicated, offered the lockbox legislation on two separate occasions. I might remind my colleagues that on both occasions he filed cloture immediately, denying the minority any opportunity to offer amendments.

I ask unanimous consent, and ask the majority leader's support, for an alternative approach which would be that we offer Medicare/Social Security lockbox amendments in addition to a prescription drug benefit amendment to be offered in the context of this lockbox. I make that request.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Mr. President, I object to that.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. But I hope the minority leader would consider working together to see if we could get a vote on the Social Security/Medicare lockbox itself. Perhaps he would like to have an alternative proposal in that area. I think we can work it out where there would be alternative proposals on Social Security/Medicare lockbox, if you have a different idea about how to do it. I don't think we ought to get into other issues at this point.

Let's make it clear whether we want to have the Social Security/Medicare lockbox or not. I would be glad to talk with the Democratic leader about seeing if we can at least set it up. There will be other bills where I am sure the prescription drug matter is going to come up, is going to be debated, and it is going to be voted on.

There is a lot of talk out across the land about the lockbox and how there is one or should be one. I think we ought to go ahead and complete that action, and I will work with the Senator on that.

The PRESIDING OFFICER. Is there objection to the majority leader's request?

Mr. DASCHLE. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DASCHLE. Let me respond to the majority leader again to suggest, as I have on many occasions, that we can find a way, perhaps, to address this issue. We certainly have a lot of ideas. I do not want to preclude ideas articulated and offered by my colleagues. I would be more than happy to work with him. As he has indicated, there is a good deal of interest on Social Security and Medicare lockboxes and perhaps we can find a procedural way to address them even in the short time that remains in this session.

Mr. DORGAN. Will the minority leader yield for a moment? I would like to say I am very interested in the lockbox. I am also interested in making sure there is something in the box before it is locked. We have $1.3 trillion in tax cut proposals around here for surpluses that don't yet exist. So when these are offered, I think some of us would like the opportunity to offer amendments. That is the point the Senator from South Dakota makes, and a very appropriate point.

Mr. DASCHLE. I thank the Senator from North Dakota. That is our concern. If we are going to have a debate, we need to have a debate about these issues that afford Senators the right to offer amendments. But again, I reiterate my desire to discuss it with the majority leader.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The majority leader has the floor, to be followed by the Senator from New Hampshire.

Mr. LOTT. If I do have the floor, I yield to Senator DOMENICI.

Mr. DOMENICI. I say to my good friends on the other side of the aisle, the Vice President, as your candidate, plans to spend $2.6 trillion of this surplus on new programs. That is what we are worried about. So we both have some worries about what is going to be left in the lockbox—whether we are going to spend it on taxes or whether you are going to spend it on an infinite number of new programs. I yield the floor.

Mr. LOTT. Mr. President, in view of the time that we have taken, I ask unanimous consent the time before we go to energy and water be extended to 6:15 so Senator SMITH can offer his amendments and lay them aside as he had been promised he would be able to do.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Hampshire.

Mr. SMITH of New Hampshire. I thank the majority leader for his consideration and also thank Senator DOMENICI as well. I do not want to hold the Senate up from moving to the appropriations bill.

AMENDMENT NO. 4129

Mr. SMITH of New Hampshire. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH] proposes an amendment numbered 4129.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. SMITH of New Hampshire. Mr. President, I ask the amendment that I sent to the desk be divided into six categories in the manner in which I now send to the desk.

The PRESIDING OFFICER. The amendment is so divided.

The amendment, as divided, is as follows:

(Purpose: To require that the Congressional-Executive Commission monitor the cooperation of the People's Republic of China with respect to POW/MIA issues, improvement in the areas of forced abortions, slave labor, and organ harvesting, and for other purposes)

On page 46, between lines 3 and 4, insert the following:

Division I

SEC. 302A. MONITORING COOPERATION ON POW/MIA ISSUES.

(a) IN GENERAL.—The Commission shall monitor and encourage the cooperation of the People's Republic of China in accounting for United States personnel who are unaccounted for as a result of service in Asia during the Korean War, the Vietnam era, or the Cold War, including, but not limited to—

(1) providing access by Commission members and other representatives of the United States Government to reported sites of prisoner of war camps of the Korean War era in the People's Republic of China, and to archives, museums, and other holdings of the People's Republic of China, that are believed by the Commission to contain documents and other materials relevant to the accounting for such personnel; and

(2) providing access by Commission members and other representatives of the United States Government to military and civilian officials of the Government of the People's Republic of China, and facilitating access to private individuals in the People's Republic of China, who are determined by the Commission potentially to have information regarding the fate of such personnel.

(b) SPECIFIC INFORMATION IN ANNUAL REPORTS.—The Commission's report under section 302(g) shall also include the following:

(1) An assessment of the contribution to the accounting for missing United States personnel covered by subsection (a) of the information obtained by the Commission and other United States Government agencies under that subsection during the period covered by the report.

(2) A description and assessment of the cooperation of the People's Republic of China in accounting for United States personnel covered by subsection (a) during the period covered by the report.

(3) A list of the archives, museums, and holdings in the People's Republic of China, and of the reported sites of prisoner of war camps of the Korean War era in the People's Republic of China, proposed to be visited by the Commission, and by other representatives of the United States Government, during the 12-month period beginning on the date of the report.

(4) A list of the military and civilian officials of the Government of the People's Republic of China, and of the private individuals in the People's Republic of China, proposed to be interviewed by the Commission, and by other representatives of the United States Government, during the 12-month period beginning on the date of the report.

Division II

SEC. 302B. MONITORING AND REPORTING ON COMMERCIAL ACTIVITIES BETWEEN UNITED STATES COMPANIES AND PEOPLE'S LIBERATION ARMY COMPANIES.

(a) MONITORING OF COMMERCIAL ACTIVITIES BETWEEN UNITED STATES COMPANIES AND PLA COMPANIES.—

(1) REQUIREMENT.—Beginning not later than 90 days after the date of enactment of this Act, the Commission, in cooperation with the Director of the Federal Bureau of Investigation, shall provide for the on-going monitoring of commercial activities, whether direct or indirect, between People's Liberation Army companies and United States companies.

(2) COORDINATION WITH OTHER FEDERAL AGENCIES.—

(A) IN GENERAL.—The monitoring required under paragraph (1) shall be carried out using the information, services, and assistance of any department or agency of the Federal Government, whether civilian or military, that the Director considers appropriate, including the Defense Intelligence Agency, the Central Intelligence Agency, and the United States Customs Service.

(B) COOPERATION.—The head of any department or agency of the Federal Government shall, upon request of the Director, provide the Federal Bureau of Investigation with such information, services, and other assistance in the monitoring required under paragraph (1) as the Director and the head of such department or agency jointly consider appropriate.

(b) ANNUAL REPORTS ON MONITORING.—

(1) REQUIREMENT.—Not later than six months after the date of enactment of this Act, and annually thereafter, the Commission, in cooperation with the Director of the Federal Bureau of Investigation, shall submit to Congress a report on the results of the monitoring activities carried out under subsection (a) during the one-year period ending on the date of the report.

(2) REPORT ELEMENTS.—Each report under this subsection shall set forth, for the one-year period covered by such report, the following:

(A) Information on the People's Liberation Army companies engaged in commercial activities with United States companies during such period, including—

(i) a list setting forth each People's Liberation Army company conducting business in the United States;

(ii) a list setting forth all People's Liberation Army products sold by United States companies to other United States companies or United States nationals;

(iii) a statement of the profits realized by the People's Liberation Army from the sale of products set forth in clause (ii) and on products sold directly to United States companies and United States nationals; and

(iv) a statement of the dollar amount spent for the purchase of the products covered by clause (iii).

(B) An assessment of the consequences for United States national security of the sale of People's Liberation Army products to United States companies and United States nationals, including—

(i) an assessment of the relationships between People's Liberation Army companies and United States companies;

(ii) an assessment of the use of the profits of such sales by the People's Liberation Army; and

(iii) a description and assessment of any technology transfers between United States companies and People's Liberation Army companies.

(3) Form of Report.—Each report under this subsection shall be submitted in unclassified form, but may contain a classified annex.

(c) Definitions.—In this section:

(1) People's Liberation Army Company.—The term "People's Liberation Army company" means any commercial person or entity that is owned by, associated with, or an auxiliary to the People's Liberation Army, including any armed force of the People's Liberation Army, any intelligence service of the People's Republic of China, or the People's Armed Police.

(2) Organized under the Laws of the United States.—The term "organized under the laws of the United States" means organized under the laws of the United States, any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, or any other territory or possession of the United States.

(3) United States Company.—The term "United States company" means a corporation, partnership, or other business association organized under the laws of the United States.

Division III

SEC. 302C. MONITORING AND REPORTING ON DEVELOPMENT OF SPACE CAPABILITIES.

(a) In General.—The Commission shall, with the support of other United States Government agencies, monitor the development of military space capabilities in the People's Republic of China, including—

(1) the extent to which the membership of the People's Republic of China in the World Trade Organization facilitates its acquisition of space and space-applicable technologies;

(2) the extent to which commercial space revenues in the People's Republic of China support and enhance space activities in the People's Republic of China;

(3) the extent to which Federal subsidies for United States companies doing business in the People's Republic of China enhances space activities in the People's Republic of China;

(4) the extent to which the People's Republic of China proliferates space technology to other Nations; and

(5) the extent to which both manned and unmanned space activities in the People's Republic of China—

(A) support land, sea, and air forces of the People's Republic of China;

(B) threaten the United States and its allies; land, sea, and air forces and

(C) threaten the United States and its allies; military, civil, and commercial space assets of

(b) Specific Information in Annual Reports.—The Commission's report under section 302(g) shall include specific information on the nature of the technologies and programs relating to military space development by the Peoples Republic of China described in subsection (a). The report may contain separate classified annexes if necessary.

Division IV

SEC. 302D. MONITORING AND REPORTING ON COOPERATION ON ENVIRONMENTAL PROTECTION.

(a) In General.—The Commission shall monitor and encourage the cooperation of the People's Republic of China in—

(1) the implementation and enforcement of laws for the protection of human health and the protection, restoration, and preservation of the environment that are at least as comprehensive and effective as comparable laws of the United States, including—

(A) the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.);

(B) the Toxic Substances Control Act (15 U.S.C. 2601 et seq.);

(C) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(D) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(E) the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1401 et seq.);

(F) the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.);

(G) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(H) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(I) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);

(J) the Clean Air Act (42 U.S.C. 7401 et seq.);

(K) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);

(L) the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11001 et seq.); and

(M) the Pollution Prevention Act of 1990 (42 U.S.C. 13101 et seq.); and

(2) the allocation, for assisting and ensuring compliance with the laws specified in paragraph (1), of sufficient resources, including funds, to achieve material and measurable progress on a permanent basis in the protection of human health and the protection, restoration, and preservation of the environment.

(b) Specific Information In Annual Reports.—The Commission's report under section 302(g) shall also include, for the period for which the report is submitted, a description of the results of the monitoring required under subsection (a), including an analysis of any progress of the People's Republic of China in implementing and enforcing environmental laws as described in that subsection.

Division V

SEC. 302F. MONITORING AND REPORTING ON CONDITIONS RELATING TO ORPHANS AND ORPHANAGES.

(a) Monitoring.—The Commission shall monitor the actions of the People's Republic of China, and particularly the Ministry of Civil Affairs, to determine if the People's Republic of China has demonstrated that—

(1) the quality of care of orphans in the People's Republic of China has improved by providing specific data such as survival rates of orphans and the ratio of workers-to-orphans in orphanages;

(2) orphans are receiving proper medical care and nutrition;

(3) there is increased accountability of how public and private funds are spent with respect to the care of orphans;

(4) international adoption and Chinese adoptions are being encouraged; and

(5) efforts are being made to help children (and particularly children with special needs) get adopted.

(b) Specific Information in Annual Reports.—The Commission's report under section 302(g) shall also include a description of the results of the monitoring required under subsection (a), including what actions have been taken by the People's Republic of China with respect to improving the quality of care of orphans and encouraging international and Chinese adoptions.

Division VI

SEC. 302H. MONITORING AND REPORTING ON ORGAN HARVESTING AND TRANSPLANTING IN THE PEOPLE'S REPUBLIC OF CHINA.

(a) Monitoring.—The Commission shall monitor the actions of the Government of the People's Republic of China with respect to its practice of harvesting and transplanting organs for profit from prisoners that it executes.

(b) Specific Information in Annual Reports.—The Commission's report under section 302(g) shall also include a description of the results of the monitoring required under subsection (a), including what actions have been taken by the People's Republic of China with respect to eliminating the practice of harvesting and transplanting organs for profit.

Mr. SMITH of New Hampshire. Mr. President, I realize we are in a tight time situation so I will be brief in explaining my situation because I have to be brief in explaining it.

This amendment proposes a number of commonsense additions. These all amend the section of the bill that creates a commission which is to monitor and report on Chinese activities.

The six subjects I am urging we include are very reasonable. I am amazed, really, they have not already been included in the commission's reporting responsibilities. Let me just list and give a brief line or two on each one.

The first division or item is monitoring and reporting on Chinese cooperation on POW and MIA issues. We all know that the Chinese Government possesses information about Americans who are missing from the Korean war—and perhaps even the Vietnam war, but certainly the Korean war; maybe World War II—which could bring closure to literally thousands of families. Yet this Government, the Chinese Government, has refused to provide us even basic information. In fact, it denies it even possesses this information when we know they do. So this amendment would merely let the American people know in an objective manner on this commission the extent to which the Chinese are not cooperating on this humanitarian issue.

The second item is monitoring and reporting on commercial activities between the United States and the People's Liberation Army. Currently, the

Chinese People's Liberation Army directly or indirectly owns scores of businesses. They conduct commerce with U.S. companies. That includes the sale of products to U.S. consumers. So this amendment would simply require the FBI to monitor and report to Congress on the activities of the PLA's, the People's Liberation Army's, businesses here in the United States. Specifically, they would take data collected by the DIA, CIA, customs, and other agencies and report their findings to Congress on the dollar amount of PLA revenues and where these revenues are being directed within the Chinese military. This report will also monitor any technology transfers between PLA companies and U.S. companies, including an assessment of the impact upon the U.S. military, U.S. interests, and our allies. That is all it does. I think it is a very reasonable amendment and should be approved by the Senate.

The third item in the division is monitoring and reporting on development of Chinese space capabilities. We know the world has observed our military space advantage and has taken steps to acquire their own military space systems to counter ours. In particular, we have observed the Chinese are developing military space capabilities that could threaten the United States and threaten our allies' military, civilian, and commercial systems. Free and open trade, and the reduced vigilance free trade fosters, will facilitate the development and proliferation of space technology needed to expand Chinese space capabilities. This commission would monitor this activity and report on it so we would have good information as to exactly what was going on in that regard.

The fourth item is monitoring and reporting on the cooperation on environmental protection. Our Nation has some of the strongest environmental laws in the world. Yet Chinese companies can operate with lower costs and compete with U.S. companies because they do not have to comply with the same requirements that U.S. companies do.

If we are going to give permanent trade status to the country of China, then why not make them play by the same rules U.S. companies do? If you wonder why they can sell their clothes and other products over here so cheaply, that is one of the reasons they compete with us and can pay such low labor costs. They do not have to abide by the same regulations.

This amendment simply monitors the extent to which China is enforcing their own environmental regulations. We cannot dictate how they do that—they are their own nation—but we can monitor it and we can let the American people know that we are, by passing PNTR, saying we are going to ignore their environmental infractions and we are going to enforce ours. I think we ought to have that as part of this agreement.

The fifth division is monitoring and reporting on conditions relating to orphans and orphanages in China and the extent to which they are providing access to U.S. and international adoption agencies. Every year, untold numbers of Chinese baby boys and girls with special needs are left at state-run orphanages in horrible situations. Throughout the nineties, several human rights organizations revealed deplorable conditions and inhuman treatment. The death rates for these children are oftentimes astronomical. They are left to die of starvation. When we give all this wonderful treatment to the country of China, I hope we think about that and see if we have any concerns about these human rights violations.

My amendment would simply monitor and encourage China to determine that the quality and care of its orphans is improving by providing specific data on the survival rates of these children. Isn't that the least we can do if we are going to trade with them and help them? Why not help the children in China who are stuck in these orphanages.

Finally, No. 6, monitoring and reporting on organ harvesting and transplanting in the People's Republic of China. One of the most despicable, horrible acts of any nation in the world—and I cannot understand why we would look the other way and not even report and let the American people and the world know what they are doing. This amendment would task a commission with monitoring this barbaric and inhuman practice of literally taking organs involuntarily from executed prisoners. They are not prisoners executed and then having their organs taken after execution, they are executed in order to get the organs, so we understand what this is. We would require a report on the actions taken by the PRC to end organ harvesting.

In conclusion, this is a good amendment. There are six divisions. They are good divisions. I say to my colleagues who say we cannot amend this because it is going to mess up the whole PNTR issue, this is not messing up anything. This commission is going to monitor these six areas that are, for the most part, outrages really that the Chinese are allowed to get away with.

I urge the adoption of this amendment at the appropriate time. I thank my colleagues, and I yield the floor.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2001—Continued

The PRESIDING OFFICER. Under the previous order, the hour of 6:15 p.m. having arrived, the Senate will now proceed to the consideration of H.R. 4733, which the clerk will report.

The legislative clerk read as follows:

> A bill (H.R. 4733) making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, we are working on perhaps as many as 50 or 60 amendments trying to get them narrowed down to a very few contentious issues. On behalf of Senator REID, I think we can say we intend to finish tonight. We can try. I do not know how many votes we will have. In the meantime, we are still busy putting some language together.

Senator HUTCHISON has asked that I yield 10 minutes to her. I will speak for 1 minute of her time, and I think Senator DODD is going to use a couple minutes.

I ask unanimous consent that 10 minutes be set aside at this point for Senator HUTCHISON to talk about a bill she is introducing.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Texas.

Mrs. HUTCHISON. I thank the Chair.

(The remarks of Mrs. HUTCHISON, Mrs. FEINSTEIN, Mr. DODD, and Mr. DOMENICI pertaining to the introduction of S. 3021 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. First, I note the presence on the floor of the distinguished Senator from Nevada, Mr. REID.

Might I make a parliamentary inquiry?

We now are on the energy and water appropriations bill; is that correct, Mr. President?

The PRESIDING OFFICER. That is correct.

Mr. DOMENICI. There is no time scheduled for its adoption or for termination of debate on the floor?

The PRESIDING OFFICER. There has been no time agreement.

Mr. DOMENICI. I say to Senators, I have talked with the majority leader, and I have talked to Senator HARKIN. Even though there is a very large number of amendments, we are trying to finish tonight. We have arranged to get started with two amendments. We are going to accept one; and one is going to require a vote. Then, when we finish debating those—we might have to put off the vote, I say to Senator DURBIN, for a little while while we work out all these amendments. But we will eventually, at some point, have a vote on Senator DURBIN's amendment before we finish this bill.

We are going to listen for 10, 15 minutes to Senator HARKIN's concerns about the NIF project at Lawrence Livermore. Senator REID and I have agreed we will accept his amendment tonight and proceed after that to debate Senator DURBIN's amendment.

I say to Senator DURBIN, a Senator who is opposed to his amendment will arrive soon. I assume we will have a time agreement, if it is satisfactory to Senator BOND.

Can we do that right now?

Mr. REID. Will the Senator yield?

Mr. DOMENICI. Sure.

Mr. REID. I underline what the Senator from New Mexico has said. My friend from Illinois has three amendments he has filed. It is my understanding that he is going to offer one of those; and if there would be an up-or-down vote on that, he would withdraw two of the amendments—and not only an up-or-down vote but no second-degree amendments.

So the Senator from Illinois would agree—if I could have the attention of the Senator from New Mexico for just a minute. The Senator from Illinois would agree to 30 minutes equally divided, with a vote, with no second-degree amendments. That is my understanding, that we would have a vote on that at some time before final passage later tonight.

Mr. DOMENICI. I say to the Senator, I wonder if he would agree to 20 minutes equally divided?

Mr. DURBIN. I will be prepared to withdraw two of the three amendments. I will be prepared to limit my debate to no more than 10 minutes on my side, if we can agree also that it be an up-or-down vote on the amendment, as offered.

Mr. DOMENICI. We will have an up-or-down vote. We checked that with the opposition. It is not me agreeing. He wants to agree to that. So when he arrives, there will be 10 minutes on a side. I say to the Senator, you will agree to withdraw your other two amendments and proceed with the amendment with reference to the Missouri River that we have seen?

Mr. DURBIN. I will be happy to.

Mr. DOMENICI. Can we get an agreement with Senator HARKIN?

Mr. HARKIN. Mr. President, I have an amendment that I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

Mr. DOMENICI. I wonder if the Senator would let me have a minute?

Mr. HARKIN. Yes.

Mr. DOMENICI. I say to Senator DURBIN—I just got word—I hear Senator BOND is en route and that he did not say that he would agree to no amendments. I think he will when he gets to the floor, but I just want to make clear I probably overspoke. I thought he had said that.

Can we just wait for him to arrive?

Mr. DURBIN. I say to my friend, we will revisit it when he is on the floor.

Mr. DOMENICI. How much time does the Senator want on his amendment?

Mr. HARKIN. If I may have 15 minutes, that would be fine.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Iowa has 15 minutes.

The clerk has yet to report the amendment. The amendment at the desk is not the same as the one filed. It will require unanimous consent to substitute.

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4101, AS MODIFIED

Mr. HARKIN. Mr. President, I ask unanimous consent that the amendment I sent to the desk be substituted for the earlier amendment I had on file.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes an amendment numbered 4101, as modified.

Mr. HARKIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

(Purpose: To limit to $74,100,000 the total amount of funds that may be expended for construction of the National Ignition Facility)

On page 90, between lines 6 and 7, insert the following:

SEC. 320. (a) LIMITATION ON TOTAL COST OF CONSTRUCTION OF NATIONAL IGNITION FACILITY.—Notwithstanding any other provision of law, the total amount that may be expended for purposes of construction of the National Ignition Facility, including conceptual and construction design associated with the Facility, may not exceed $74,100,000.

(b) INDEPENDENT REVIEW OF NATIONAL IGNITION FACILITY.—(1) The Administrator of the National Nuclear Security Administration shall provide for an independent review of the National Ignition Facility and the Inertial Confinement Fusion Program. The review shall be conducted by the National Academy of Sciences.

(2) The review under paragraph (1) shall address the following:

(A) Whether or not the National Ignition Facility is required in order to maintain the safety and reliability of the current nuclear weapons stockpile.

(B) Whether or not alternatives to the National Ignition Facility could achieve the objective of maintaining the safety and reliability of the current nuclear weapons stockpile.

(C) Any current technical problems with the National Ignition Facility, including the effects of such problems on the cost, schedule, or likely success of the National Ignition Facility project.

(D) The likely cost of the construction of the National Ignition facility, including any conceptual and construction design and manufacture associated with construction of the Facility.

(E) The potential effects of cost overruns in the construction of the National Ignition Facility on the stockpile stewardship program.

(F) The cost and advisability of scaling back the number of proposed beamlines at the National Ignition Facility.

(3) Not later than September 1, 2001, the Administrator shall submit to Congress a report on the review conducted under this subsection. The report shall include the results of the review and such comments and recommendations regarding the results of the review as the Administrator considers appropriate.

Mr. HARKIN. Mr. President, this amendment has to do with the so-called NIF. I will use that acronym.

The National Ignition Facility is a massive research facility being built at the Department of Energy's Lawrence Livermore Labs in California. NIF supposedly—I use that word "supposedly"—was a part of the Stockpile Stewardship Program which is supposed to maintain the safety and reliability of our nuclear arsenal without exploding any nuclear weapons.

As many of my colleagues are aware, this is a deeply troubled program. The General Accounting Office recently issued a report that detailed management turmoil, cost overruns, slipping schedules, and unsolved technical problems. I am deeply concerned that we will pour more and more money into NIF, money that could be used for other scientific purposes. NIF appears to be mostly a jobs program for nuclear weapons scientists. That is the point.

Let me review the history of the cost projections for the National Ignition Facility. In 1990, a National Academy of Sciences panel estimated we could achieve ignition with a $400 million facility. They called it a reasonable cost. Then it went up to $677 million in 1993. Then it went up to $2.1 billion this past June for construction costs and another $1.1 billion for operation before it is completed. Then in August, the GAO found that the Department of Energy has still neglected to include the cost of targets and other parts of the program. They have now suggested a total cost of close to $4 billion. It is going up all the time. We were up to $4 billion in August. Outside experts, adding in operation costs for another 25 years, the uncertainties because research and development are underway, estimate the life-cycle costs are now somewhere upwards of about $10 billion and counting. This is not a reasonable cost; it is a massive public boondoggle.

I will say that at this point—and I will say it again and again until we finally resolve this issue of the National Ignition Facility—if you liked the Clinch River breeder reactor that we debated here almost 20 years ago, that we poured billions of dollars into before we finally got rid of it, if you liked the Clinch River breeder reactor, you will love this program. If you liked the Superconducting Super Collider, you would like this program.

Under Clinch River, we spent $1.5 billion before we finally killed it. It was projected to cost $3.5 billion. We thought that was outlandish. On the Superconducting Super Collider, we spent $2.2 billion. It was estimated to cost over $11 billion. We heard all the arguments; I remember them well. I was involved in both debates on Clinch River and on the Superconducting Super Collider: We have spent all that money; we are just going to let it go to waste.

We heard those arguments over and over again: Once we put that money in, we have to complete it.

I ask you, are we worse off as a country now because we did not build the Clinch River breeder reactor; we came to our senses in time? Are we worse off as a country because we came to our senses in time and did not complete the Superconducting Super Collider? Not at all. We are better off because we saved the money. Now we are down to the National Ignition Facility, another one of the big boondoggles of all time.

We have spent about $800 million, give or take a few. It is estimated to cost about $4 billion—slightly more than the Clinch River breeder reactor—and counting, as I said. Four billion is just one of the most recent estimates. It is going to be more than that. Yet we are hearing: Well, we have spent the $800 million; we ought to keep spending the money.

As this National Ignition Facility continues, keep in mind the Clinch River breeder reactor, keep in mind the Superconducting Super Collider. Ask yourselves if we didn't do the right thing by stopping those at the time and saving our taxpayers money.

We have had a lot of problems with NIF. They have repeatedly tried to hide the true costs of the project. In fact, DOE and lab officials told GAO that they deliberately set an unrealistically low initial budget because they feared Congress would not fund a realistic one.

This is directly from the GAO report:

> DOE and Laboratory officials associated with NIF told us that they recognized it would cost more than planned, but that they accepted this unrealistic budget in the belief that Congress would not fund NIF at a higher cost. . . .

They lied to us. They simply lied to us. They admitted it to GAO. Now they want more money. Is this what we reward? Is this the kind of good stewardship we reward?

We had an independent review last year that was supposed to come to Congress. The lab and DOE officials edited it before we got it. They have hidden problems from DOE. When Secretary Richardson praised the project out at Livermore last year, he proclaimed it on cost and on schedule. But the lab officials knew it was actually over budget and far behind. They had known it for months. They simply just did not tell the Secretary of Energy.

So what is this NIF? Why is it necessary? NIF is a stadium-sized building in which they plan to place 192 lasers all pointed at one very small BB-sized, even smaller pellet. When all these lasers fire at one time, it is going to create a lot of heat, a lot of pressure, hopefully, as they say, to create nuclear fusion. These weapons scientists hope they will achieve ignition; that is, to get more energy from the fusion than they put in with the lasers.

The stated purposes of NIF: One, to simulate conditions in exploding nuclear weapons; two, to maintain a pool of nuclear weapon scientists at Livermore; and three, to conduct basic research towards fusion energy.

Let me take the last one first. In the House I was on the Science and Technology Committee for 10 years. We had a lot of dealings with Lawrence Livermore at that time on something called Shiva, a big laser project. It cost us hundreds of millions of dollars. They were going to prove they could develop inertial confinement laser fusion energy. We spent a lot of money on it. It is now on the scrap heap someplace. We wasted a lot of money on that project, too.

Again, let me talk about the stockpile stewardship. It may be true that NIF would provide useful data for simulating nuclear weapons explosions. But we don't need that data to maintain the nuclear arsenal we have today. For decades, we have assured the safety and reliability of our nuclear weapons with a careful engineering program.

First of all, all the weapons we have in our stockpile were tested in more than 1,000 nuclear tests prior to the ban on nuclear explosions—1,000 of them. Secondly, in addition, every year, 11 weapons of each type are removed from the stockpile, taken apart, disassembled, and the components are carefully examined and tested for any signs of aging or other problems. All of the components can be tested, short of creating an actual nuclear explosion. If any problems are found, components can be remanufactured to original specifications.

So far, the evidence indicates that the weapons are not noticeably aging. These activities we have underway right now are low cost. Yet they provide a secure and tested way of maintaining our present nuclear stockpile. We don't need a $4 billion facility at Lawrence Livermore to do what we are doing right now. We can and will continue these surveillance activities of our stockpile.

The kind of detailed information on nuclear explosions that NIF could provide is needed only to modify weapons or design new ones. But we don't need to design any new nuclear weapons. Indeed, the more changes we make, the further we will move from the nuclear tests we have conducted and the less confident we can be that our nuclear weapons will work as intended.

In short, we have conducted over 1,000 nuclear explosions and tests. We have designed, redesigned, compacted, made smaller specifically designed nuclear weapons. We don't need the NIF for any more design, but that is what they intend to do with it. That is why scientists of widely divergent views on other issues agree we do not need NIF for stockpile stewardship.

Edward Teller, known as the father of the hydrogen bomb, when asked what role NIF would have in maintaining the nuclear stockpile, replied, "None whatsoever."

Robert Puerifoy, former vice president of Sandia Lab, said, "NIF is worthless . . . it can't be used to maintain the stockpile, period."

Seymour Sack, a former weapons scientist at Livermore, called NIF "worse than worthless" for stockpile stewardship.

Again, the NIF facility also cannot be justified for basic science or fusion energy research. About 85 percent of the planned experiments are for nuclear weapons physics. Most of the remainder are on nuclear weapons effects. So there is precious little left for any kind of basic or applied sciences.

What we are left with is a $4 billion full employment program for a few nuclear weapons scientists. We can do better than that. We certainly do need to maintain some nuclear weapons expertise as long as we maintain nuclear weapons. As I have said, there is a better way and a cheaper way than spending billions of dollars on construction contracts. It makes absolutely no sense to spend these billions when we have a well-settled, time-tested, proven way of making sure our nuclear stockpile is safe and is workable.

So not only is NIF not needed for this stockpile stewardship, but as the cost of this facility continues to escalate, it is going to steal funding from other stockpile stewardship activities. Just as we found that the Superconducting Super Collider was going to steal from other basic physics research, and as we found the Clinch River breeder reactor would take other needed energy programs, NIF is going to do the same thing.

The administration has requested an additional $135 million for construction of NIF this year, and that is going to be taken from other stockpile stewardship activities, in addition to the $74 million that is in this bill. So if you think we are only spending $74 million on NIF, forget it. They have already requested to transfer another $135 million from other activities.

The administration has requested an even larger increase for fiscal year 2002,

$180 million, and hundreds of millions of dollars more in future years. Again, I submit that we will be starving basic science programs and physics programs in order to get the money to build this project at Lawrence Livermore.

Even Sandia Lab has publicly expressed concern. They said in a statement earlier this year:

> The apparent delay and significant increase in cost for the NIF is sufficient that it will disrupt the investment needed to be made at the other laboratories, and perhaps at the production plants, by several years. This causes us to question what is a reasonable additional investment in the National Ignition Facility.

Lastly—and I will end on this note—even if it is built, the National Ignition Facility may never achieve ignition. Even Lawrence Livermore's NIF project manager, Ed Moses, suggested, "The goal of achieving ignition is a long shot." Physicist Leo Mascheroni is quoted in the August 18 issue of Science magazine as saying, "From my point of view, the chance that this reaches ignition is zero. Not 1 percent. Those who say 5 percent are just being generous to be polite." Well, there you have it.

If it does work, the NIF may itself be a nuclear proliferation threat. The Lawrence Livermore Institutional Plan describes the main purpose of NIF:

> To play an essential role in assessing physics regimes of interest in nuclear weapons design and to provide nuclear weapon-related physics data, particularly in the area of secondary design.

So that is what it is for—designing new nuclear weapons. But we don't need to. It is of dubious value in maintaining the stockpile when we already have, as I said, a time-tested, proven way of doing so.

Well, Mr. President, the amendment I offered basically leaves the $74.1 million that is in the bill. But it only says that was all they could use right now. My amendment says the administrators of the National Nuclear Security Administration shall provide for an independent review of the NIF and the Inertia Confinement Review Program. This review shall be conducted by the National Academy of Sciences.

I have asked that the review address the following: whether it is required in order to maintain the reliability and safety of the stockpile; whether or not the alternatives could achieve the same objective; any current technical problems that we have; the likely cost of the construction; the potential effects of cost overruns; lastly, the cost and availability of scaling back the number of proposed beam lines at the NIF.

Basically, what I am saying is let's put the money in that we have now, but let's have the National Academy of Sciences do an independent study that would not be reviewed and edited by Lawrence Livermore, and this report would be submitted by September of 2001. That is really what this amendment does. I am grateful to the manager and the chairman of the committee for accepting the amendment.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, before my friend from New Mexico speaks, I want to tell my friend from Iowa how appreciative I am of him bringing this to the floor. With his statement tonight, he has made it so the National Ignition Facility will be given a much closer look. It needs to be looked at much more closely. I already have a statement in the RECORD, and I don't need to repeat how I feel about this whole project. I want to acknowledge to my friend what a great service he has rendered to the country by his statement tonight.

Mr. HARKIN. Mr. President, I say to the Senator from Nevada that we really started questioning this because of some of the information the Senator from Nevada was given by officials from the DOE in Lawrence Livermore. That raised a lot of questions about where we were headed.

I thank the Senator from Nevada for his leadership on this issue.

Mr. DOMENICI. Mr. President, the Senator from Arizona wants to use a few minutes on this discussion. But before we do that, I wonder if I can get a unanimous consent agreement that has been cleared by both sides.

I ask unanimous consent that a vote occur on the Durbin amendment at 8 p.m. and there be up to 20 minutes of debate to be equally divided prior to the vote and no second-degree amendments be in order prior to the vote.

Second, I ask unanimous consent that prior to the vote on the Durbin amendment Senator HARKIN be recognized to offer his amendment—which he has already offered—the National Ignition Facility amendment, that time on the amendment be limited to 30 minutes for the full debate; that no second-degree amendments be in order; that Senator HARKIN has used his time, and we will not use 15 minutes on our side.

I further ask unanimous consent that prior to the vote relative to the Durbin amendment the two managers be recognized to offer all the cleared amendments and amendments that we have to modify to get cleared;

And, finally, I ask unanimous consent that immediately following the disposition of the Durbin amendment the bill be advanced to third reading, the Senate proceed to passage of H.R. 4733, following the passage of the bill the Senate insist on its amendments and request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate which would be the entire subcommittee.

Mr. REID. Mr. President, reserving the right to object, I would like to make sure it is clear that the Senator from Illinois will have an up-or-down vote on his amendment and that there will be no motion to table.

Mr. DOMENICI. That is correct. I think I said that. I am glad to have the clarification.

Mr. REID. Also, even though this isn't part of the unanimous consent request, because we have so much, I wonder if we could have some general idea about how long the Senator from Arizona wishes to speak.

Mr. KYL. Five minutes.

Mr. REID. Could we make that part of the unanimous consent agreement?

Mr. DOMENICI. Yes.

Mr. HARKIN. Mr. President, I did not hear what the Senator from New Mexico said about my amendment.

Mr. DOMENICI. We were offering this as if the Senator had not given it, and I was trying to say he already has. I thank the Senator for asking.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Arizona.

Mr. KYL. Mr. President, I appreciate Senator DOMENICI yielding some time to me.

I think, while we have accepted this amendment, it is important that the RECORD be corrected because Senator HARKIN said some things that I believe not to be correct.

I also think that we need to be careful about how we act around here.

The fact that some people made some estimates as to how much it was going to cost to construct the National Ignition Facility and in fact were greatly underestimating the cost of the facility should not be a reason for us to suggest that this facility is unnecessary. They suggest that it is a "boondoggle," to use the word of the Senator from Iowa. They suggest that it is in the same category of some other discretionary projects which we end up not funding in Congress. In fact, the Senator from Iowa and others recognized its importance in their support for the Comprehensive Test Ban Treaty when they argued that we didn't need testing any more because we were going to have this wonderful Stockpile Stewardship Program, a part of which is the ignition facility, and, therefore, they were willing to rely upon the Stockpile Stewardship Program and the National Ignition Facility in lieu of testing forevermore. We are going to give up testing forevermore, Senator HARKIN and others who supported the test ban treaty said.

Now they are saying: Well, actually we don't need the National Ignition Facility, in our opinion. We are willing to submit the question of whether it is needed to some extraneous body.

But I will tell you that I visited with the head of the Lawrence Livermore Lab yesterday, and I talked to any number of Department of Defense and

Department of Energy officials, as well as lab people, and every one of them will confirm that the National Ignition Facility is a critical component of the Stockpile Stewardship Program. Without it, eventually the Stockpile Stewardship Program provides you nothing in terms of data. And, indeed, our National Laboratories would probably not be able to certificate the stockpile of the United States, which, of course, would require advertising—something I know the Senator from Iowa would not want.

The National Ignition Facility is a key component of the Stockpile Stewardship Program because it will actually allow an event to occur that simulates a nuclear explosion. Calculations can then occur based upon that event to either confirm or deny the theory that the scientists have developed that they plugged into the computers.

But there is a point at which you can run all the calculations you want. Unless you have something to compare them to, some real event, they are worthless or meaningless.

That is why the ignition facility is so important. Even though it is a little miniature thing—it is not like a big nuclear explosion—it can provide them with the data they need to then validate the theories of the Stockpile Stewardship Program which they have run on their computers.

The argument of the Senator from Iowa, it seems to me, is a little bit like this: He loans the family car out to his son for a date. He says: Be careful, son. Be in by midnight. The son comes back at midnight: Gee, dad. I am sorry, I wrecked the car. The dad says: It is such a horrible thing you did that we are not going to repair the car. You are cutting off your nose to spite your face.

It is true that the cost of this program has gone up. I believe it has gone up because of mistakes that were made on the part of the laboratory in deciding how much this was going to cost.

It is easy for us to stand up and criticize it and say you all made a mistake. That is easy to do. I will join my colleague in that criticism. But what do you do about it? Do you decide you are not going to go ahead with the facility that all of the experts say is critical because it is going to cost more? That is true. But it is still critical. You can't just say because it is going to cost more than we thought that we are just going to give up on the whole project. At least you can't advocate the Stockpile Stewardship Program, as I know my colleague from Iowa is.

I want to make this point, even though this amendment is going to be accepted. I am hopeful and I presume that it will not be a part of the final legislation that goes to the President for his signature. It would be wrong to cap the funding on this, and it would be wrong to assume that the National Ignition Facility is not a critical part of the Stockpile Stewardship Program.

I want to be able to correct the record so we don't leave any misimpression that somehow this is a discretionary program, that we may not need it, and because it is going to cost somewhat more than we thought, therefore we should be willing to jettison it.

It is a critical component to ensure the viability, the reliability, and the safety of our nuclear stockpile. I assume every one of us in this room is very firmly committed to the proposition that the nuclear stockpile of the United States must be safe and reliable, and if it takes this National Ignition Facility to ensure that, then we ought to be willing to support it even if it is going to cost a little bit more than we originally anticipated.

I appreciate the strong work of the Senator from New Mexico on this, and his willingness to yield me this time.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I thank Senator KYL. I believe that is the end of the discussion, unless the Senator from Iowa wanted a couple of minutes.

Mr. HARKIN. Another minute.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I thank my friend from Arizona. I think what Senator KYL has said indicates why we need a little bit more robust debate on this issue than what we are having tonight. I know it is late. We are moving on. But I really think we need to have a pretty involved discussion and debate on this issue. Obviously, we have a disagreement on this issue. Again, I agree with the Senator from Arizona that we want our stockpiles to be safe and reliable. The question is, What is the best methodology to accomplish that at the cheapest cost to the taxpayers and that perhaps will not open the door to other problems down the road while we might agree upon the basis of how we get there? That is why I think we really need a more robust debate on this issue of the National Ignition Facility than what we have had in the past.

Businesses disagree on this. Scientists disagree on it. Obviously, politicians are disagreeing on it. That is why on this one, which is going to cost a lot of money, I hope that next year—we will not this year, but I hope next year—we can keep this study. I hope we do have the study, as the Senator from Arizona said, by some outside body. The amendment calls for the National Academy of Sciences to do it. I can't think of a more appropriate body to do an independent analysis of the study than the National Academy of Sciences, where they can call on a broad variety of different disciplines to have input.

I hope we at least have that and come back next year. Let's have a more robust and more involved debate on whether or not we really want to continue with the National Ignition Facility.

Mr. KYL. Mr. President, I ask unanimous consent that a document entitled "National Ignition Facility (NIF)—An Integral Part of the Stockpile Stewardship Program" be printed in the RECORD to make the point that the Clinton administration and five laboratory directors believe this is a critical project and that at least $95 million is necessary in fiscal year 2001 for the NIF projects.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL IGNITION FACILITY (NIF)—AN INTEGRAL PART OF THE STOCKPILE STEWARDSHIP PROGRAM

The NNSA is currently in the process of developing its long-term plan for the Stockpile Stewardship Program (SSP). This plan will address all elements needed to maintain the safety, security, and reliability of the nation's nuclear weapons stockpile now and into the future, including science, infrastructure, and people.

NIF supports the SSP, and is a vital element of the SSP in three important ways: (1) the experimental study of issues of aging or refurbishment; (2) weapons science and code development; and (3) attracting and training the exceptional scientific and technical talent required to sustain the SSP over the long term. NIF is an integral part of the SSP providing unique experimental capabilities that complement other SSP facilities including hydrotests, pulsed power, and advanced radiography. NIF addresses aspects of the relevant science of materials that cannot be reached in other facilities.

We concur that the NIF offers a unique, critical capability within a "balanced" SSP. As with other elements of the SSP, its long-term role must be integrated within the overall requirements of the Program. Options should not be foreclosed or limited but should be maintained to allow for its further development. At this critical juncture, we agree that in order to maintain the NIF within a balanced program an additional $95 million is necessary in FY 2001 for the NIF Project.

MADELYN R. CREEDON,
NNSA.
C. BRUCE TARTER, LLNL.
JOHN C. BROWNE, LANL.
C. PAUL ROBINSON, SNL.

Date: September 6, 2000.

ENERGY AND WATER APPROPRIATIONS

NATIONAL IGNITION FACILITY

Mr. KYL. Mr. President, the National Ignition Facility (NIF) is a major part of the Stockpile Stewardship Program, which is a set of programs and facilities that are designed to allow the United States to maintain the safety and reliability of our nation's vital nuclear deterrent.

It is hoped that at some point in 10 to 20 years that the stockpile Stewardship Program can be a replacement for actual nuclear testing. The jury is still out on whether it can in fact eventually accomplish this goal. I support the

Stockpile Stewardship Program because it will improve our knowledge about our nuclear weapons. The fact is that, despite our technical expertise, there is much we still do not understand about our own nuclear weapons. As C. Paul Robinson, Director of the Sandia National Laboratory has said, "Some aspects of nuclear explosive design are still not understood at the level of physical principles."

America's nuclear weapons are the most sophisticated in the world. Each one typically has thousands of parts, and over time the nuclear materials and high explosive triggers in our weapons deteriorate and we lack experience predicting the effects of these changes. Some of the materials used in our weapons, like plutonium, enriched uranium, and tritium, are radioactive materials that decay, and as they decay they also change the properties of other materials within the weapon. We lack experience predicting the effects of such aging on the safety and reliability of our weapons. We did not design our weapons to last forever. The shelf life of our weapons was expected to be about 20 years. In the past, we did not encounter problems with aging weapons, because we were fielding new designs and older designs were retired.

As the Department of Energy said in its review of the Stockpile Stewardship Program completed on November 23, 1999, "The NIF is one of the most vital facilities in the stockpile stewardship program." This facility at the Lawrence Livermore National Laboratory in California is roughly the same size as a stadium, and is designed to produce the intense pressures and temperatures needed to simulate in a laboratory the thermonuclear conditions achieved in nuclear explosions. The NIF will accomplish this goal by focusing 192 laser beams on a "dime-sized" piece of plutonium. When completed, the NIF will be the world's most powerful laser facility, about 60 times more powerful than the next largest DOE laser facility, the NOVA laser.

As a review conducted in 1994 by the so-called, JASON panel, a Defense Department panel of nuclear experts said "The NIF is without question the most scientifically valuable of the programs proposed for the Science Based Stockpile Stewardship program, particularly in regard to research and 'proof-of-principle' for ignition, but also more generally for fundamental science. As such, it will promote the goal of sustaining a high-quality group of scientists with expertise related to the nuclear weapons program."

There is a consensus among the three national laboratories and at the National Nuclear Security Administration that additional funding above the level in the current version of the Energy and Water Appropriations bill for the NIF program needs to be increased. In a joint statement dated September 6, 2000, Dr. Bruce Tarter, the Director of the Lawrence Livermore National Laboratory, Dr. John Browne, the Director of the Los Alamos National Laboratory, Dr. Paul Robinson, the Director of Sandia National Laboratory, and Madelyn Creedon, the Deputy Administrator for Defense Programs at the National Nuclear Security Administration stated:

> NIF supports the SSP, and is a vital element of the SSP in three important ways: (1) the experimental study of issues of aging or refurbishment; (2) weapons science and code development; and (3) attracting and training the exceptional scientific and technical talent required to sustain the SSP over the long term. NIF is an integral part of the SSP providing unique experimental capabilities that complement other SSP facilities including hydrotests, pulsed power, and advanced radiography. NIF addresses aspects of the relevant science of materials that cannot be reached in other facilities.
>
> We concur that the NIF offers a unique, critical capability within a "balanced" SSP. As with other elements of the SSP, its long-term role must be integrated within the overall requirements of the Program. Options should not be foreclosed or limited but should be maintained to allow for its further development. At this critical juncture, we agree that in order to maintain the NIF within a balanced program, an additional $95 million [above the President's original budget request] is necessary in FY 2001 for the NIF Project.

The NIF program has recently experienced delays and cost overruns. But new management for the program is in place. The facility has undergone and passed intensive scientific and programmatic reviews that were recently conducted. And the management problems and lack of oversight that led to the earlier delays and cost overruns are understood and should therefore be preventable.

We are well along toward completion of the NIF facility. Construction of the facility to house the laser beams, a $260 million project itself, is about 90% complete. 80% of the large components for the infrastructure for the laser beams has been procured and is either on site or on the way. The NIF program at Lawrence Livermore Lab has 800 scientists and technicians on the project. Delaying the program, which would result in a standing army of technicians, or canceling it, which would prevent the achievement of the goals of the Stockpile Stewardship Program simply makes no sense.

There is bipartisan support for this program and the Administration supports the program. Undersecretary of State John Holum said in a letter on June 12, 2000 that, "I strongly support this essential national security program. We must avoid the complacency of not doing enough in stewardship. We need to make a long-term commitment to use our scientific prowess to maintain a safe and reliable stockpile of nuclear weapons. . . . The problems with NIF are not scientific. . . . I urge you to support the program."

The NIF is essential to our Stockpile Stewardship Program, which itself is an essential to maintain our nuclear weapons.

Mr. SCHUMER. Mr. President, I want to thank Senator HARKIN for modifying his amendment to the Energy and Water Appropriations bill. The original amendment would have eliminated construction money for the National Ignition Facility (NIF) which is an essential component to our Stockpile Stewardship Program. Any elimination of funding for the program would negate the nearly $1 billion Congress has spent on this project thus far, and would cripple our nation's arms control and non-proliferation efforts. Still, the amendment agreed to does limit the amount of funding for Fiscal Year 2001 which will make it increasingly difficult to meet the goals of the project.

The United States has made a strong commitment against underground nuclear testing. In order to meet this goal and maintain the nuclear deterrent of the United States, we must have a safe, reliable, and effective science based Stockpile Stewardship Program (SSP).

As a key element to the SSP, NIF will be the only facility able to achieve conditions of temperature and pressure in a laboratory setting that have only been reached in explosions of thermonuclear weapons and in the stars. It is expected to provide important contributions to the goals of stockpile stewardship in the absence of nuclear testing and to contribute to the advancement of inertial fusion energy and other scientific research efforts.

I am proud that institutions and contractors throughout New York State have provided valuable services and tools for this project that are essential to its completion. Because New York companies and research institutions provide laser, optics, and other tools, underground nuclear testing will no longer be necessary. That would be a huge benefit to the entire world.

I understand that DOE has recognized that there are some problems with NIF, but DOE is working hard to take the necessary steps to correct these issues. Project management has been restructured and has demonstrated over the last six months that it is capable of managing a project of this scope. It has already been determined that the underlying science associated with NIF is sound.

Until DOE's investigation is complete, it is premature to cut funding for this program. The cost increases should not override the importance of this project in our goal to ensure the safety and reliability of our nuclear weapons.

Any repeal of this funding will cripple the valuable science and knowledge that is coming together from around the world in our effort to maintain the United States nuclear deterrent.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4101) was agreed to.

Mr. REID. I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 4024, 4032, 4033, 4039, 4040, 4042, 4046, 4047, 4057, 4062, 4063, 4067, 4068, 4069, 4070, 4071, 4072, 4073, 4074, 4076, 4077, 4078, 4083, 4085, 4088, 4093, 4100, 4102, AND 4103, EN BLOC

Mr. DOMENICI. Senator Reid and I have jointly reviewed and considered a large number of amendments filed by our colleagues, to which we can agree. This is a little bit unique because all are filed, all have numbers, and all are, therefore, reviewable by anybody desiring to review them.

I send to the desk a list of those amendments and ask they be considered en bloc and agreed to en bloc.

The PRESIDING OFFICER. The clerk will report the amendments, en bloc.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. Domenici] proposes amendments Nos. 4024, 4032, 4033, 4039, 4040, 4042, 4046, 4047, 4057, 4062, 4063, 4067, 4068, 4069, 4070, 4071, 4072, 4073, 4074, 4076, 4077, 4078, 4083, 4085, 4088, 4093, and 4100, 4102, and 4103, en bloc.

The amendments are as follows:

AMENDMENT NO. 4024

(Purpose: To authorize the Corps of Engineers to include an evaluation of flood damage reduction measures in the study of Southwest Valley Flood Reduction, Albuquerque, New Mexico)

On page 47, line 18 before the period, insert the following: ": *Provided*, That in conducting the Southwest Valley Flood Damage Reduction Study, Albuquerque, New Mexico, the Secretary of the Army, acting through the Chief of Engineers, shall include an evaluation of flood damage reduction measures that would otherwise be excluded from the feasibility analysis based on policies regarding the frequency of flooding, the drainage areas, and the amount of runoff".

AMENDMENT NO. 4032

Starting on page 64, line 24, strike all through page 66, line 7.

AMENDMENT NO. 4033

(Purpose: To establish a Presidential Energy Commission to expore long- and short-term responses to domestic energy shortages in supply and severe spikes in energy prices)

On page 93, between lines 7 and 8, insert the following:

GENERAL PROVISIONS—INDEPENDENT AGENCIES

SEC. 4 . PRESIDENTIAL ENERGY COMMISSION.

(a) Findings.—Congress finds that—

(1) crude oil and natural gas account for two-thirds of America's energy consumption;

(2) in May 2000, United States natural gas stocks totaled 1,450 billion cubic feet, 36 percent below the normal natural gas inventory of 2,281 billion cubic feet;

(3) in July 2000, United States crude oil inventories totaled 298,000,000 barrels, 11 percent below the 24-year average of 334,000,000 barrels;

(4) in June 2000, distillate fuel (heating oil and diesel fuel) inventories totaled 103,700,000 barrels, 26 percent below the 24-year average of 140,000,000 barrels;

(5) combined shortages in inventories of natural gas, crude oil, and distillate stocks, coupled with steady or increased demand, could cause supply and price shocks that would likely have a severe impact on consumers and the economy; and

(6) energy supply is a critical national security issue.

(b) Presidential Energy Commission.—

(1) Establishment.—

(A) In general.—The President shall establish, from among a group of not fewer than 30 persons recommended jointly by the Speaker and Minority Leader of the House of Representatives and the Majority Leader and Minority Leader of the Senate, a Presidential Energy Commission (referred to in this section as the "Commission"), which shall consist of between 15 and 21 representatives from among the following categories:

(i) Oil and natural gas producing States.

(ii) States with no oil or natural gas production.

(iii) Oil and natural gas industries.

(iv) Consumer groups focused on energy issues.

(v) Environmental groups.

(vi) Experts and analysts familiar with the supply and demand characteristics of all energy sectors.

(vii) The Energy Information Administration.

(B) Timing.—The appointments of the members of the Commission shall be made not later than 30 days after the date of enactment of this Act.

(C) Period of appointment.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(D) Chairperson.—The members of the Commission shall appoint 1 of the members to serve as Chairperson of the Commission.

(E) Initial meeting.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(F) Meetings.—The Commission shall meet at the call of the Chairperson.

(2) Duties.—

(A) In general.—The Commission shall—

(i) conduct a study, focusing primarily on the oil and natural gas industries, of—

(I) the status of inventories of natural gas, crude oil, and distillate fuel in the United States, including trends and projections for those inventories;

(II) the causes for and consequences of energy supply disruptions and energy product shortages nationwide and in particular regions;

(III) ways in which the United States can become less dependent on foreign oil supplies;

(IV) ways in which the United States can better manage and utilize its domestic energy resources;

(V) ways in which alternative energy supplies can be used to reduce demand on traditional energy sectors;

(VI) ways in which the United States can reduce energy consumption;

(VII) the status of, problems with, and ways to improve—

(aa) transportation and delivery systems of energy resources to locations throughout the United States;

(bb) refinery capacity and utilization in the United States; and

(cc) natural gas, crude oil, distillate fuel, and other energy-related petroleum product storage in the United States; and

(VIII) any other energy-related topic that the Commission considers pertinent; and

(ii) not later than 180 days after the date of enactment of this Act, submit to the President and Congress a report that contains—

(I) a detailed statement of the findings and conclusions of the Commission; and

(II) the recommendations of the Commission for such legislation and administrative actions as the Commission considers appropriate.

(B) Time period.—The findings made, analyses conducted, conclusions reached, and recommendations developed by the Commission in connection with the study under subparagraph (A) shall cover a period extending 10 years beyond the date of the report.

(c) Use of Funds.—The Secretary of Energy shall use $500,000 of funds appropriated to the Department of Energy to fund the Commission.

(d) Termination of Commission.—The Commission shall terminate on the date that is 90 days after the date on which the Commission submits its report under subsection (b)(2)(A)(ii).

AMENDMENT NO. 4039

(Purpose: To provide for funding of innovative projects in small rural communities in the Mississippi Delta to demonstrate advanced alternative energy technologies)

On page 67, line 4, strike "Fund:" and insert "Fund, of which an appropriate amount shall be available for innovative projects in small rural communities in the Mississippi Delta, such as Morgan City, Mississippi, to demonstrate advanced alternative energy technologies, concerning which projects the Secretary of Energy shall submit to Congress a report not later than March 31, 2001:".

AMENDMENT NO. 4040

(Purpose: To require an evaluation by the Department of Energy of the Adams process)

On page 90, between lines 6 and 7, insert the following:

Sec. 320. (a) Finding.—Congress finds that the Department of Energy is seeking innovative technologies for the demilitarization of weapons components and the treatment of mixed waste resulting from the demilitarization of such components.

(b) Evaluation of Adams Process.—The Secretary of Energy shall conduct an evaluation of the so-called "Adams process" currently being tested by the Department of Energy at its Diagnostic Instrumentation and Analysis Laboratory using funds of the Department of Defense.

(c) Report.—Not later than September 30, 2001, the Secretary of Energy shall submit to Congress a report on the evaluation conducted under subsection (b).

AMENDMENT NO. 4042

(Purpose: To provide funding for a topo/bathy study of coastal Louisiana)

Insert the following at the end of line 18, page 47 before the period. ":*Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $200,000, of funds appropriated herein for Research and Development, for a topographic/bathymetric mapping project for Coastal Louisiana in cooperation with the National Oceanic and Atmospheric Administration at the interagency federal laboratory in Lafayette, Louisiana."

AMENDMENT NO. 4046

On page 67, line 9, after "activities" insert the following: ", and *Provided Further*, That, of the amounts made available for energy supply $1,000,000 shall be available for the Office of Arctic Energy."

AMENDMENT NO. 4047

(Purpose: To direct the Secretary of Energy to submit to Congress a report on national energy policy)

On page 90, between lines 6 and 7, insert the following:

SEC. 3 . REPORT ON NATIONAL ENERGY POLICY.

(a) FINDINGS.—Congress finds that—

(1) since July 1999—

(A) diesel prices have increased nearly 40 percent;

(B) liquid petroleum prices have increased approximately 55 percent; and

(C) gasoline prices have increased approximately 50 percent;

(2)(A) natural gas is the heating fuel for most homes and commercial buildings; and

(B) the price of natural gas increased 7.8 percent during June 2000 and has doubled since 1999;

(3) strong demand for gasoline and diesel fuel has resulted in inventories of home heating oil that are down 39 percent from a year ago;

(4) rising oil and natural gas prices are a significant factor in the 0.6 percent increase in the Consumer Price Index for June 2000 and the 3.7 percent increase over the past 12 months;

(5) demand for diesel fuel, liquid petroleum, and gasoline has continued to increase while supplies have decreased;

(6) the current energy crisis facing the United States has had and will continue to have a detrimental impact on the economy;

(7) the price of energy greatly affects the input costs of farmers, truckers, and small businesses; and

(8) on July 21, 2000, in testimony before the Committee on Agriculture, Nutrition, and Forestry of the Senate, the Secretary of Energy stated that the Administration had developed and was in the process of finalizing a plan to address potential home heating oil and natural gas shortages.

(b) REPORT.—Not later than September 30, 2000, the Secretary of Energy shall submit to Congress a report detailing the Department of Energy's plan to address the high cost of home heating oil and natural gas.

AMENDMENT NO. 4057

(Purpose: Concentrating Solar Demonstration Project)

Insert at the end of line 9, page 67 of the bill "; *Provided, further*, That $1 000,000 is provided to initiate planning of a one MW dish engine field validation power project at UNLV in Nevada".

AMENDMENT NO. 4062

(Purpose: To provide $4,000,000 for the demonstration of an underground mining locomotive and an earth loader powered by hydrogen in Nevada)

On page 67, line 4, after the word "Fund:" insert the following: "*Provided*, That $4,000,000 shall be made available for the demonstration of an underground mining locomotive and an earth loader powered by hydrogen at existing mining facilities within the State of Nevada. The demonstration is subject to a private sector industry cost-share of not less than equal amount, and a portion of these funds may also be used to acquire a prototype hydrogen fueling appliance to provide on-site hydrogen in the demonstration."

AMENDMENT NO. 4063

(Purpose: To provide $5,000,000 to demonstrate a commercial facility employing thermo-depolymerization technology)

On page 67, line 4, after the word "Fund:" insert the following: "*Provided*, That, $5,000,000 shall be made available to support a project to demonstrate a commercial facility employing thermo-depolymerization technology at a site adjacent to the Nevada Test Site. The project shall proceed on a cost-share basis where Federal funding shall be matched in at least an equal amount with non-federal funding."

AMENDMENT NO. 4067

(Purpose: To provide that the Tennessee Valley Authority shall not proceed with a sale of mineral rights in land within the Daniel Boone National Forest, Kentucky, until after the Tennessee Valley Authority completes an environmental impact statement)

On page 97, after line 14, insert the following:

SEC. 7 . SALE OF MINERAL RIGHTS BY THE TENNESSEE VALLEY AUTHORITY.

The Tennessee Valley Authority shall not proceed with the proposed sale of approximately 40,000 acres of mineral rights in land within the Daniel Boone National Forest, Kentucky, until after the Tennessee Valley Authority completes an environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

AMENDMENT NO. 4068

On page 47, line 18 after the phrase "to remain available until expended" insert the following:"; *Provided*, That $50,000 provided herein shall be for erosion control studies in the Harding Lake watershed in Alaska."

AMENDMENT NO. 4069

(Purpose: To provide $2,000,000 for equipment acquisition for the Incorporated Research Institutions for Seismology (IRIS) PASSCAL Instrument Center)

At the appropriate place in the bill providing funding for Defense Nuclear Nonproliferation, insert the following: "*Provided further*, That $2,000,000 shall be provided for equipment acquisition for the Incorporated Research Institutions for Seismology (IRIS) PASSCAL Instrument Center."

AMENDMENT NO. 4070

(Purpose: To provide $3,000,000 to support a program to apply and demonstrate technologies to reduce hazardous waste streams that threaten public health and environmental security along the U.S.-Mexico border; and to provide $2,000,000 for the Materials Corridor Partnership Initiative)

On page 73, line 22, after the word "expended", insert the following: "*Provided*, That, $3,000,000 shall be made available from within the funds provided for Science and Technology to support a program to be managed by the Carlsbad office of the Department of Energy, in coordination with the U.S.-Mexico Border Health Commission, to apply and demonstrate technologies to reduce hazardous waste streams that threaten public health and environmental security in order to advance the potential for commercialization of technologies relevant to the Department's clean-up mission. Provided further, That $2,000,000 shall be made available from within the funds provided for Science and Technology to support a program to be managed by the Carlsbad office of the Department of Energy to implement a program to support the Materials Corridor Partnership Initiative."

AMENDMENT NO. 4071

On page 61, line 25, add the following before the period: "; *Provided further*, That $2,300,000 of the funding provided herein shall be for the Albuquerque Metropolitan Area Water Reclamation and Reuse project authorized by Title XVI of Public Law 102–575 to undertake phase II of the project".

AMENDMENT NO. 4072

(Purpose: To provide $1,000,000 for the Kotzebue wind project)

On page 67, line 4, after the word "Fund:" insert the following: "*Provided*, That, $1,000,000 shall be made available for the Kotzebue wind project."

AMENDMENT NO. 4073

(Purpose: To provide $2,000,000 for the design and construction of a demonstration facility for regional biomass ethanol manufacturing in Southeast Alaska)

On page 67, line 4 after the word "Fund:" insert the following: "*Provided*, That, $2,000,000 shall be made available for the design and construction of a demonstration facility for regional biomass ethanol manufacturing in Southeast Alaska."

AMENDMENT NO. 4074

(Purpose: To provide $500,000 for the bioreactor landfill project to be administered by the Environmental Education and Research Foundation and Michigan State University)

On page 67, line 4, after the word "Fund:" insert the following: "*Provided*, That, $500,000 shall be made available for the bioreactor landfill project to be administered by the Environmental Education and Research Foundation and Michigan State University."

AMENDMENT NO. 4076

(Purpose: To exempt travel within the LDRD program from the Department-wide travel cap)

On page 83, before line 20, insert the following new subsection:

"(c) The limitation in subsection (a) shall not apply to reimbursement of management and operating contractor travel expenses within the Laboratory Directed Research and Development program."

AMENDMENT NO. 4077

(Purpose: To provide erosion and sediment control measures resulting from increased flows related to the Cerro Grande Fire in New Mexico)

On page 93, line 18, strike "enactment" and insert: "enactment, of which $2,000,000 shall be made available to the U.S. Army Corps of Engineers to undertake immediate measures to provide erosion control and sediment protection to sewage lines, trails, and bridges in Pueblo and Los Alamos Canyons downstream of Diamond Drive in New Mexico".

AMENDMENT NO. 4078

(Purpose: To provide that up to 8 percent of the funds provided to government-owned, contractor-operated laboratories shall be available to be used for Laboratory Directed Research and Development)

On page 82, line 24, strike "6" and replace with "8".

AMENDMENT NO. 4083

(Purpose: To prohibit the use of funds made available by this Act to carry out any activity relating to closure or removal of the St. Georges Bridge across the Chesapeake and Delaware Canal, Delaware)

On page 58, between lines 13 and 14, insert the following:

"SEC. . ST. GEORGES BRIDGE, DELAWARE.

"None of the funds made available by this Act may be used to carry out any activity relating to closure or removal of the St. Georges Bridge across the Chesapeake and Delaware Canal, Delaware, including a hearing or any other activity relating to preparation of an environmental impact statement concerning the closure or removal."

AMENDMENT NO. 4085

(Purpose: To provide for an additonal payment from the surplus to reduce the public debt)

On page , after line , insert the following:

"DEPARTMENT OF THE TREASURY

"BUREAU OF THE PUBLIC DEBT

"SUPPLEMENTAL APPROPRIATION FOR FISCAL YEAR 2001

GIFTS TO THE UNITED STATES FOR REDUCTION OF THE PUBLIC DEBT

"For deposit of an additonal amount for fiscal year 2001 into the account established under section 3113(d) of title 31, United States Code, to reduce the public debt, $5,000,000,000."

AMENDMENT NO. 4088

(Purpose: To provide sums to the Secretary of the Interior to refund certain collections received pursuant to the Reclamation Reform Act of 1982)

On page 66, between lines 11 and 12 insert:

"SEC. . The Secretary of the Interior is authorized and directed to use not to exceed $1,000,000 of the funds appropriated under title II to refund amounts received by the United States as payments for charges assessed by the Secretary prior to January 1, 1994 for failure to file certain certification or reporting forms prior to the receipt of irrigation water, pursuant to sections 206 and 224(c) of the Reclamation Reform Act of 1982 (96 Stat. 1226, 1272; 43 U.S.C. 390ff, 390ww(c)), including the amount of associated interest assessed by the Secretary and paid to the United States pursuant to section 224(i) of the Reclamation Reform Act of 1982 (101 Stat. 1330–268; 43 U.S.C. 390ww(i))."

AMENDMENT NO. 4093

(Purpose: To set aside funds for maintenance and repair of the Sakonnet Harbor breakwater in Little Compton, Rhode Island)

On page 53, line 8, strike "facilities:" and insert the following: "facilities, and of which $500,000 shall be available for maintenance and repair of the Sakonnet Harbor breakwater in Little Compton, Rhode Island:".

AMENDMENT NO. 4100

(Purpose: To direct the Federal Energy Regulatory Commission to submit to Congress a report on electricity prices in the State of California)

On page 97, between lines 12 and 13, insert the following:

SEC. 7 . REPORT TO CONGRESS ON ELECTRICITY PRICES.

(a) FINDINGS.—Congress finds that—

(1) California is currently experiencing an energy crisis;

(2) rolling power outages are a serious possibility;

(3) wholesale electricity prices have soared, resulting in electrical bills that have increased as much as 300 percent in the San Diego area;

(4) small business owners and people on small or fixed incomes, especially senior citizens, are particularly suffering;

(5) the crisis is so severe that the County of San Diego recently declared a financial state of emergency; and

(6) the staff of the Federal Energy Regulatory Commission (referred to in this section as the "Commission") is currently investigating the crisis and is compiling a report to be presented to the Commission not later than November 1, 2000.

(b) REPORT.—

(1) IN GENERAL.—The Commission shall—

(A) continue the investigation into the cause of the summer price spike described in subsection (a); and

(B) not later than December 1, 2000, submit to Congress a report on the results of the investigation.

(2) CONTENTS.—The report shall include—

(A) data obtained from a hearing held by the Commission in San Diego;

(B) identification of the causes of the San Diego price increases;

(C) a determination whether California wholesale electricity markets are competitive;

(D) a recommendation whether a regional price cap should be set in the Western States;

(E) a determination whether manipulation of prices has occurred at the wholesale level; and

(F) a determination of the remedies, including legislation or regulations, that are necessary to correct the problem and prevent similar incidents in California or anywhere else in the United States.

AMENDMENT NO. 4102

(Purpose: To provide a greater level of recreation management activities on reclamation project land and water areas within the State of Montana east of the Continental Divide)

On page 66, between lines 11 and 12, insert the following:

SEC. 2 . RECREATION DEVELOPMENT, BUREAU OF RECLAMATION, MONTANA PROJECTS.

(a) IN GENERAL.—To provide a greater level of recreation management activities on reclamation project land and water areas within the State of Montana east of the Continental Divide (including the portion of the Yellowtail Unit of the Pick-Sloan Project located in Wyoming) necessary to meet the changing needs and expectations of the public, the Secretary of the Interior may—

(1) investigate, plan, construct, operate, and maintain public recreational facilities on land withdrawn or acquired for the projects;

(2) conserve the scenery, the natural, historic, paleontologic, and archaeologic objects, and the wildlife on the land;

(3) provide for public use and enjoyment of the land and of the water areas created by a project by such means as are consistent with but subordinate to the purposes of the project; and

(4) investigate, plan, construct, operate, and maintain facilities for the conservation of fish and wildlife resources.

(b) COSTS.—The costs (including operation and maintenance costs) of carrying out subsection (a) shall be nonreimbursable and nonreturnable under Federal reclamation law.

AMENDMENT NO. 4103

(Purpose: To modify the law relating to Canyon Ferry Reservior, Montana)

On page 66, between lines 11 and 12, insert the following:

SEC. 2 . CANYON FERRY RESERVOIR, MONTANA.

(a) APPRAISALS.—Section 1004(c)(2)(B) of title X of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681–713; 113 Stat. 1501A–307) is amended—

(1) in clause (i), by striking "be based on" and inserting "use";

(2) in clause (vi), by striking "Notwithstanding any other provision of law." and inserting "To the extent consistent with the Uniform Appraisal Standards for Federal Land Acquisition,"; and

(3) by adding at the end the following:

"(vii) APPLICABILITY.—This subparagraph shall apply to the extent that its application is practicable and consistent with the Uniform Appraisal Standards for Federal Land Acquisition.".

(b) TIMING.—Section 1004(f)(2) of title X of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681–714; 113 Stat. 1501A–308) is amended by inserting after "Act," the following: "in accordance with all applicable law,".

(c) INTEREST.—Section 1008(b) of title X of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681–717; 113 Stat. 1501A–310) is amended by striking paragraph (4).

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

The amendments (Nos. 4024, 4032, 4033, 4039, 4040, 4042, 4046, 4047, 4057, 4062, 4063, 4067, 4068, 4069, 4070, 4071, 4072, 4073, 4074, 4076, 4077, 4078, 4083, 4085, 4088, 4093, 4100, 4102, and 4103) were agreed to.

FLOOD DAMAGE REDUCTION IN THE SOUTHWEST VALLEY OF ALBUQUERQUE, NEW MEXICO

Mr. BINGAMAN. Mr. President, I rise today to speak for a few minutes about my amendment to the Energy and Water Appropriations Bill now before the Senate. My amendment is needed to allow the Army Corps of Engineers to continue to work on a feasibility study to alleviate the chronic flooding in the Southwest Valley of Albuquerque, New Mexico.

First, I want to thank the chairman, Senator DOMENICI, the distinguished ranking member, Senator REID, and their fine staffs for all their good work on this Energy and Water Appropriations bill. This bill provides vital funding for a number of programs that are important to my state of New Mexico and to the nation, and I thank them for their efforts.

For a number of years the Southwest Valley area of Albuquerque in my state of New Mexico has been prone to flooding after major rainstorms. The flooding has caused damage to irrigation and drainage structures, erosion of roadways, pavement, telephone and electrical transmission conduits, contaminated water and soil due to overflowing septic tanks, damaged homes, businesses, and farms, and presented hazards to automobile traffic. In 1997, Bernalillo County approached the Army Corps Engineers to request a reconnaissance study of the chronic flooding problems

The study area encompassed 17.8 square miles of mostly residential neighborhoods along the banks of the Rio Grande in the Southwest Valley and the 50 square miles on the West Mesa, including the Isleta Pueblo, that drain into the valley. The reconnaissance study began in March 1998 and is now completed.

The conclusions of the reconnaissance study define the magnitude of the continuing flooding problem in the Southwest Valley. The study also established a clear federal interest in the drainage project, found a positive cost to benefit ratio for the project, and identified work items necessary to begin designing a range of solutions to alleviate the chronic flooding problems in the valley.

In 1999, based on the positive findings of the reconnaissance study, the Environment and Public Works Committee authorized the Army Corps of Engineers to conduct a full study to determine the feasibility of a project for flood damage reduction in Albuquerque's Southwest Valley. The authorization is contained in section 433 of the Water Resources Development Act of 1999—P.L. 106-53. I want to thank the EPW committee for authorizing this much needed feasibility study. The study began in March 1999 and is expected to be completed in February 2002.

Currently, Bernalillo County, the Albuquerque Metropolitan Arroyo Flood Control Authority and the Corps are working cooperatively on the feasibility study. Last year, the administration requested, and the Congress appropriated $250,000 in federal funding for the feasibility study. This year, the request was for $330,000. I want to thank the committee for again providing the full amount requested.

Last July I had an opportunity to meet with the engineers from the Corps, the County, and AMAFCA to get an update on the study and to tour the areas in the Southwest Valley that are subject to chronic flooding. At the end of the tour, the Corps indicated to me that based on the initial results of the feasibility study, the flooding there was quite severe but the project did not seem to meet the Corps' required flow criterion of 1800 cubic feet per second for the 100-year flood. These flow criteria are outlined in the Engineering Regulations established for Corps. Because of the obvious severity of the flooding, the engineers requested a legislative waiver of the regulations. Without a waiver, the Corps could not continue as a partner in the project. They also indicated the Corps' regulations do not contain any provision to waive the peak discharge criterion.

I would like to take a few moments to describe briefly the unique situation in the Southwest Valley that necessitates a waiver of the Corps' standard regulations. The land along the west side of the Rio Grande is essentially flat. The river is contained by large earthen levees, which were built for flood control. When a river is contained this way by levees, the sediment accumulates in the river bed, slowly raising the level of the river. Of course, if there were no levees, when sediment builds up, the river would simply change course to a lower level. However, over the years, as the sediment has continued to accumulate in the Rio Grande, the level of the river within the levees is now higher than the surrounding land. Thus, when there are heavy rains during the monsoon season, the runoff has nowhere to go—it simply flows into large pools on the valley floor, flooding homes and farms. The water can't flow uphill into the river, so it stays there until it either evaporates or is pumped up and hauled away.

If the flood water sits in large pools and isn't flowing, it clearly can't meet any criterion based on the flow rate of water. Indeed, given the unique nature of the flooding in the Southwest Valley, most areas subject to chronic flood damage do not meet the Corps' peak discharge criterion.

During my visit in July, the three partners in the feasibility study specifically asked me for help in obtaining a waiver of the Corps' technical requirements to deal with this special situation. My amendment provides the necessary waiver the Corps needs to continue to work in partnership with the county and AMAFCA on this project. This is not a new authorization; Congress authorized this study last year. My amendment is a simple technical fix to the existing authorization. Similar language is already in the House companion to this Energy and Water appropriations bill. I do believe the unique situation in Bernalillo County warrants a waiver of the Corps' standard regulations, and I hope the Senate will adopt my amendment.

Mr. REID. Mr. President, on the amendments en bloc, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, I yield to Senator GRASSLEY from Iowa for 2 minutes with reference to explaining an amendment in which he procured a number of cosponsors, which was just accepted. He would like to talk about it.

Heretofore, Senator KYL was referring to the Senator from Iowa, and there were two Senators from Iowa on the floor. I believe it should be reflected that he was speaking of Senator HARKIN from Iowa, not Senator GRASSLEY.

I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Iowa is recognized for 2 minutes.

Mr. GRASSLEY. In the first place, I ask unanimous consent, to the amendment I have had filed at the desk that was just accepted, that the additional cosponsors be added of Senators DEWINE, LUGAR, and KERREY. I thank Senator DOMENICI and Senator REID for accepting the amendment.

Mr. President, I would like to take this opportunity to introduce a critically important amendment to the Energy and Water Appropriations bill, and I would like to thank Senators GRAMS, VOINOVICH, DEWINE, LUGAR, KERREY of Nebraska, and SNOWE for joining me in this effort.

This amendment would require the administration to provide Congress their plan to address the increasing costs in home heating fuels by September 30. Quite frankly, this plan is long overdue.

Mr. President, on July 3 of this year, I wrote President Clinton and Energy Secretary Richardson to bring their attention to the ever-increasing price of natural gas. I also shared my concern regarding the inadequacy of natural gas supplies to meet demand through the summer and into this winter. I requested that the President inform me of the actions he planned to take to address the higher-than-normal heating bills my constituents will surely face this winter.

Jack Lew, Director of the Office of Management and Budget responded to my letter on July 31. Regrettably, Mr. Lew thanked me for expressing my concerns regarding the increase in fuel costs this past winter.

Let me repeat that. In response to my letter about the inadequacy of home heating fuel for the upcoming winter to the President, I received a letter thanking me for my concerns about the increase in fuel costs last winter. Mr. President, it is this type of irresponsible behavior that has led this country into the next energy crisis.

Today, natural gas is at a record high near $5.00 per million BTU's, while supplies hover below the five-year average. This 50 percent increase will certainly impact the more than 80 percent of

Iowa households which use natural gas to heat their homes.

Furthermore, home heating oil is near a 10-year high, at 98 cents per gallon, already 41 percent above the average price last fall and winter. And crude oil remains near a 10-year high.

While testifying before the Senate Agriculture Committee on July 20, Secretary Richardson stated that the administration had developed a plan and was in the process of finalizing a plan to address potential home heating oil and natural gas shortages. Mr. Secretary, I have not seen your plan. I want to see the plan.

I won't allow the Department of Energy to sit idly by as home heating fuels double. For this reason, I am offering this amendment to require the Department of Energy to provide a report to Congress by September 30, 2000, detailing their plan to address the high cost of home heating oil and natural gas.

I believe this amendment will force the administration to take a much more active role in remedying the home heating fuel crisis.

AMENDMENTS NOS. 4034, 4035, 4036, 4037, 4043, 4051, 4055, 4056, 4058, 4061, 4064, 4079, 4080, 4082, 4092, 4096, AND 4112, EN BLOC, AS MODIFIED

Mr. DOMENICI. On behalf of myself and Senator REID, I have a series of amendments, again, offered by number, which are filed, which anybody can read, which have been carefully reviewed and can be agreed to with certain modifications. In each instance, the modification is before the Senator from New Mexico and has been reviewed by the Senator from Nevada and with the proponents of the amendment and the authorizing committee that might be interested. I send to the desk this list of modified amendments and ask that they be considered en bloc.

The PRESIDING OFFICER. The clerk will report the amendments, en bloc, as modified.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] proposes amendments Nos. 4034, 4035, 4036, 4037, 4043, 4051, 4055, 4056, 4058, 4061, 4064, 4079, 4080, 4082, 4092, 4096, and 4112, en bloc, as modified.

The amendments, as modified, are as follows:

AMENDMENT NO. 4034, AS MODIFIED

(Purpose: To state the sense of the Senate regarding limitations on the capacity of the Department of Energy to augment funds for worker and community assistance grants in response to the closure or downsizing of Department of Energy facilities)

On page 90, between lines 6 and 7, insert the following:

SEC. 320. (a) FINDINGS.—The Senate makes the following findings:

(1) The closure or downsizing of a Department of Energy facility can have serious economic impacts on communities that have been built around and in support of the facility.

(2) To mitigate the devastating impacts of the closure of Department of Energy facilities on surrounding communities, section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (42 U.S.C. 7274h) provides a mechanism for the provision of financial assistance to such communities for redevelopment and to assist employees of such facilities in transferring to other employment.

(4) Limitations on the capacity of the Department of Energy to seek reprogramming of funds for worker and community assistance programs in response to the closure or downsizing of Department facilities undermines the capability of the Department to respond appropriately to unforeseen contingencies.

(b) SENSE OF SENATE.—It is the sense of the Senate that, in agreeing to the conference report to accompany the bill H.R.4733 of the 106th Congress, the conferees on the part of the Senate should not recede to provisions or language proposed by the House of Representatives that would limit the capacity of the Department of Energy to augment funds available for worker and community assistance grants under section 3161 of the National Defense Authorization for Fiscal Year 1993 or under the provisions of the USEC Privatization Act (subchapter A of chapter 1 of title III of Public Law 104–134; 42 U.S.C. 2297h et seq.).

AMENDMENT NO. 4035, AS MODIFIED

(Purpose: To set aside funds to carry out activities under the John Glenn Great Lakes Basin Program)

On page 47, strike line 18 and insert the following: "$139,219,000, to remain available until expended, of which $100,000 shall be made available to carry out activities under the John Glenn Great Lakes Basin Program established under section 455 of the Water Resources Development Act of 1999 (42 U.S.C. 1962d–21)."

AMENDMENT NO. 4036, AS MODIFIED

(Purpose: To appropriate $10,400,000 in Title I, Corps of Engineers—Operation and Maintenance for Pascagoula Harbor, Mississippi, to continue critical improvement projects)

At the appropriate place in the bill, insert the following:

SEC. . Of the funds appropriated in Title I, Operations and Maintenance, General, $10,400,000 is available for the operation and maintenance of the Pascagoula Harbor, Mississippi.

AMENDMENT NO. 4037, AS MODIFIED

(Purpose: To appropriate $200,000 in Title I, Corps of Engineers, Construction, General for Gulfport Harbor, Mississippi channel width dredging)

At the appropriate place in the bill, insert the following:

SEC. . Of the funds appropriated in Title I, Construction General, $200,000 is available for the Gulfport Harbor, Mississippi project for the Corps of Engineers to prepare a project study plan and to initiate a general reevaluation report for the remaining authorized channel width dredging.

AMENDMENT NO. 4043, AS MODIFIED

(Purpose: To set aside funds for implementation of certain environmental restoration requirements)

On page 53, line 14, before the period, insert the following: ": *Provided further*, That $1,700,000 shall be used to implement environmental restoration requirements as specified under the certification issued by the State of Florida under section 401 of the Federal Water Pollution Control Act (33 U.S.C. 1341), dated October 1999 (permit number 0129424–001–DF), including $1,200,000 for increased environmental dredging and $500,000 for related environmental studies required by the water quality certification.

AMENDMENT NO. 4051, AS MODIFIED

(Purpose: To set aside funds to develop the Detroit River Masterplan)

On page 47, strike line 18 and insert the following: $139,219,000, to remain available until expended, of which $100,000 may be made available to develop the Detroit River Masterplan under section 568 of the Water Resources Development Act of 1999 (113 Stat. 368).

AMENDMENT NO. 4055, AS MODIFIED

(Purpose: To include additional studies and analyses in the Reconnaissance Report for the Kihei Area Erosion, HI study)

Insert the following after line 13, page 58.

SEC. . Studies for Kihei Area Erosion, HI, shall include an analysis of the extent and causes of the shoreline erosion. Further, studies shall include an analysis of the total recreation and any other economic benefits accruing to the public to be derived from restoration of the shoreline. The results of this analysis shall be displayed in study documents along with the traditional benefit-cost analysis.

AMENDMENT NO. 4056, AS MODIFIED

(Purpose: To include additional studies and analyses in the Reconnaissance Report for the Waikiki Area Erosion Control, HI study)

Insert the following after line 13, page 58.

SEC. . Studies for Waikiki Erosion Control, HI, shall include an analysis of the environmental resources that have been, or may be, threatened by erosion of the shoreline. Further, studies shall include an analysis of the total recreation and any other economic benefits accruing to the public to be derived from restoration of the shoreline. The results of this analysis shall be displayed in study documents along with the traditional benefit-cost analysis.

AMENDMENT NO. 4058, AS MODIFIED

(Purpose: Newlands Water Rights Fund)

On page 66, between lines 11 and 12, insert:

SEC. . Beginning in fiscal year 2000 and thereafter, any amounts provided for the Newlands Water Rights Fund for purchasing and retiring water rights in the Newlands Reclamation Project shall be non-reimbursable.

AMENDMENT NO. 4061, AS MODIFIED

(Purpose: To provide $5,000,000 for small wind projects, including not less than $2 million for the small wind turbine development project)

On page 67, line 4, after the word "Fund:" insert the following "*Provided*, That of the amount available for wind energy systems, not less than $5,000,000 shall be made available for small wind, including not less than $2,000,000 for the small wind turbine development project:"

AMENDMENT NO. 4064, AS MODIFIED

(Purpose: To provide $2,000,000 for a linear accelerator at the University Medical Center of Southern Nevada)

On line 15, page 68, after the word "expended:" Insert the following: "*Provided*, That $3,000,000 shall be made available for high temperature super conductor research at Boston College:"

AMENDMENT NO. 4079, AS MODIFIED

(Purpose: To make a technical correction in language relating to the Waste Isolation Pilot Plant)

On page 73, line 22, strike everything beginning with the word "*Provided*" through page 74, line 3.

AMENDMENT NO. 4080, AS MODIFIED

(Purpose: To make funds available for a study by the Secretary of the Army to determine the feasibility of providing additional crossing capacity across the Chesaspeake and Delaware Canal)

On page 53, line 8, before the colon, insert the following: "; and of which $50,000 shall be used to carry out the feasibility study described in section 1 ".

On page 58, between lines 13 and 14, insert the following:

SEC. 1 . DELAWARE RIVER TO CHESAPEAKE BAY, DELAWARE AND MARYLAND.

(a) IN GENERAL.—The Secretary of the Army, in cooperation with the Department of Transportation of the State of Delaware, shall conduct a study to determine the need for providing additional crossing capacity across the Chesapeake and Delaware Canal.

(b) REQUIRED ELEMENTS.—In carrying out subsection (a), the Secretary shall—

(1) analyze the need for providing additional crossing capacity;

(2) analyze the timing, and establish a timeframe, for satisfying any need for additional crossing capacity determined under paragraph (1);

(3) analyze the feasibility, taking into account the rate of development around the canal, of developing 1 or more crossing corridors to satisfy, within the timeframe established under paragraph (2), the need for additional crossing capacity with minimal environmental impact;

AMENDMENT NO. 4082, AS MODIFIED

(Purpose: To express the sense of the Senate concerning the dredging of the main channel of the Delaware River)

On page 58, between lines 13 and 14, insert the following:

SEC. 1 . SENSE OF THE SENATE CONCERNING THE DREDGING OF THE MAIN CHANNEL OF THE DELAWARE RIVER.

It is the sense of the Senate that—

(1) the Corps of Engineers should continue to negotiate in good faith with the State of Delaware to address outstanding environmental permitting concerns relating to the project for navigation, Delaware River Mainstem and Channel Deepening, Delaware, New Jersey, and Pennsylvania, authorized by section 101(6) of the Water Resources Development Act of 1992 (106 Stat. 4802) and modified by section 308 of the Water Resources Development Act of 1999 (113 Stat. 300); and

(2) the Corps of Engineers and the State of Delaware should resolve their differences through the normal State water quality permitting process.

AMENDMENT NO. 4092, AS MODIFIED

(Purpose: To set aside funds for activities related to the selection of a permanent disposal site for environmentally sound dredged material from navigational dredging projects in the State of Rhode Island)

On page 47, line 18, before the period, insert the following: ", of which not less than $1,000,000 shall be available for the conduct of activities related to the selection, by the Secretary of the Army in cooperation with the Environmental Protection Agency, of a permanent disposal site for environmentally sound dredged material from navigational dredging projects in the State of Rhode Island".

AMENDMENT NO. 4096, AS MODIFIED

On page 52, line 10, strike "$324,450,000" and insert "$334,450,000".

On page 52, line 15, before the period insert ": *Provided further*, That of the amounts made available under this heading for construction, there shall be provided $375,000 for Tributaries in the Yazoo Basin of Mississippi, and $45,000,000 for the Mississippi River levees: *Provided further*, That of the amounts made available under this heading for operation and maintenance, there shall be provided $6,747,000 for Arkabutla Lake, $4,376,000 for Enid Lake, $5,280,000 for Grenada Lake, and $7,680,000 for Sardis Lake".

AMENDMENT NO. 4112, AS MODIFIED

(Purpose: To set aside funds for a feasibility study of the Niobrara River watershed and the operations of Fort Randall Dam and Gavins Point Dam on the Missouri River, South Dakota)

On page 47, line 18, before the period, insert the following: ", of which $100,000 shall be made available to carry out a reconnaissance study provided for by section 447 of the Water Resources Development Act of 1999 (113 Stat. 329)".

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc, as modified.

The amendments (Nos. 4034, 4035, 4036, 4037, 4043, 4051, 4055, 4056, 4058, 4061, 4064, 4079, 4080, 4082, 4092, 4096, and 4112), as modified, were agreed to.

Mr. REID. I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, I have additional cosponsors who were not included in the first en bloc acceptance. They are: Senator KYL on 4076, Senator KYL on 4078, Senator BINGAMAN on 4070, Senator REID on 4085, Senator DOMENICI on 4024, and Senator BINGAMAN on 4071. I ask unanimous consent that these Senators be shown as cosponsors appropriately on those amendments to which I have referred.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I had an opportunity to speak to my friend from New Mexico that Senator TORRICELLI has called and ask for 5 minutes to speak before the vote at 8 o'clock. I ask that in the form of a unanimous consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. We accommodate that.

Mr. President, we have additional amendments we are working on with various staff on both sides of the aisle that are not ready, that are still being worked on. We will continue with the hope we will have them finished before the time comes for final passage of this bill.

I yield the floor.

AMENDMENT NO. 4105

(Purpose: To prohibit the use of funds to make final revisions to the Missouri River Master Manual)

Mr. REID. Mr. President, I call up amendment No. 4105 that I offered last evening, that Senator DURBIN is now going to debate.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. Reid], for Mr. DURBIN, proposes an amendment numbered 4105.

Mr. DURBIN. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 58, strike lines 6 through 13 and insert the following:

SEC. 103. MISSOURI RIVER MASTER MANUAL.

None of the funds made available by this Act may be used to make final revisions to the Missouri River Master Water Control Manual.

Mr. DURBIN. If I understand correctly, we have 20 minutes equally divided on this amendment. I will try to be brief.

I had a conversation with Senator BOND. We are perilously close to being in an agreement. I don't know if we will reach that point; perhaps we will. Let me suggest to him and to those who are following the course of this debate, I think the debate last night between Senator DASCHLE and Senator BOND was a good one because it laid out, I think, very clearly, both sides of this issue.

I come to this debate trying to find some common ground, if there is, and I don't know how much common ground one can find on a river. In this situation, we are dealing with the question of the future of the Missouri River. It is not a parochial interest; it is an interest which affects the Mississippi River and many who have States bordering the Mississippi River, and agricultural and commercial interests that are involved in the future of that river.

I listened to the debate yesterday and tried to follow it. I came to the conclusion that the Senator from Missouri was arguing that he, with his section 103, did not want to see the so-called spring rise occur next year, in the year 2001, and that was the purpose of his amendment.

It is my understanding that if we did nothing, the spring rise would not occur anyway because there is no intention to change the manual for the river that would result in that as of next year.

The purpose of my amendment is to say that there would be no final revisions to the manual that would take place in the upcoming fiscal year, October 1, 2000, to October 1, 2001, but we would allow all of the agencies that are currently studying the future of the river and amending the 1960 manual the opportunity to consider all of the options, to have public comment, to invite in the experts.

I went through the debate, read through the CONGRESSIONAL RECORD. My colleague from Missouri, yesterday, I think, said something along these lines because he said:

> Contrary to what you just heard, [referring to Senator DASCHLE's debate] any other aspect of the process to review and amend the operation of the Missouri River, to change the Missouri River manual, to consider opinions, to discuss, to debate, to continue the vitally important research that is going on now in the river and how it can improve its habitat will continue.

The purpose of my amendment is to say let us protect that. Let us protect that study and that option. No final revision can be made to the manual that would effect the change that I think is a concern of the Senator from Missouri and others during the course of the next fiscal year. So we are preserving the right and opportunity to study the future of the river, but we are saying you cannot make a change in the manual that will change the policies on the river during that period of time.

I think that will give us an opportunity for better information and a full opportunity for public comment. We will learn more in the process from the experts and the experts include not only the environmentalists, who are very important to this discussion, but also many, many others, including those in the agricultural community and in the navigation community. All of them should have an opportunity to be part of this debate about what the manual change will be. That is what I am trying to preserve with this amendment, to try to find, if you will, a middle ground between 103 and where Senator DASCHLE was yesterday.

Let me also say that under my amendment the spring rise or low summer flows proposal would not be implemented next year. We have discussed this with the Fish and Wildlife, as well as the Corps of Engineers. It is our understanding that if you prohibit a final revision in the manual that you are not going to be able to change the manual as of next year, and there is no proposal on the table that would suggest anything is going to occur before the year 2003.

I will concede to my friend from Missouri the letter from the Fish and Wildlife Service, and one particular sentence or two in it, leaves some question. But our followup contact with the Corps of Engineers suggests they are not going to authorize a spring flow next year.

I don't know if what I am suggesting by way of an amendment will win the support of the administration. I don't know the answer to that. What I am offering is a good faith attempt to continue the study, continue the survey, and not make any changes in the policy as of the next fiscal year; but to then be prepared to look at the results, consider the public comments, and try to come up with a policy that is sound.

The Senator from Missouri and the Senator from Illinois both represent agricultural interests. We are constantly being asked to try to balance this, the commercial needs and environmental needs. Certainly the same thing applies to this debate on the history. We are trying to balance the commercial needs for navigation and the needs for environment. I think we can do it.

I think if we are open and honest and have the public comment, which the Senator from Missouri has invited, that it will occur. I will listen carefully. As the Senator from Missouri said last night during the course of the debate: Let the debates go on. We would like to see sound science. We would like to see the best information available. Fish and Wildlife has not shown it to us. I concede during the next year allowing that information to come forward.

Given the U.S. Fish and Wildlife Service currently supports the spring rise and low summer flows profile, taking it off the table for discussion is a recipe for stalemate. Let us at least have the discussion about the spring flow. I think section 103 precludes even that discussion. Let us not change the policy as to the spring flow in the next year, but let us debate it. Let's try to find what the best outcome would be for the future of the river and those who depend on it.

Proposed revisions to the manual would continue to be developed under my amendment. Studies would continue. Talks about alternatives to river management among all the river's stakeholders could continue.

In addition, we want to get the best science we can from the National Academy of Sciences, which is in the process of completing an important study on the future of the Missouri. We should not make any decisions about the future of the river until that study is released, and I think my amendment protects that possibility and gives you the opportunity during this next year to listen to the National Academy of Sciences and to try to resolve that as well as to invite public input.

The Corps is working on a lot of alternatives to managing the Missouri River. I think it is fair for us to keep these proposals, developed by farm and navigation interests and proposals developed by recreation and environmental interests, all on the table and all open to debate.

This is important to my colleague from Missouri. It is really important in Illinois as well. The Missouri River feeds into the Mississippi, and we have some 550 miles of Illinois border on that river. A lot of people depend on it. I want to make certain we do the right thing for our farmers but also for this important piece of America's natural heritage, the Missouri River and Mississippi River.

I am not here to argue about the management of the Missouri River. I am not competent to do it. But I think we have to bring the information together and make the most sound judgment we can about the future of the river, and it is that particular approach I have offered in this amendment. I hope the Senator from Missouri will consider it as a friendly amendment, a positive and constructive alternative in the debate between him and the Senator from South Dakota. I yield the remainder of my time.

The PRESIDING OFFICER. The distinguished Senator from Missouri is recognized.

Mr. BOND. Mr. President, I appreciate the fact the distinguished Senator from Illinois has said he did not want to see a spring rise in 2001. That basically was what my amendment did.

When I looked at his amendment, I was very much concerned that it only deals with a final revision of the master manual. What we have requested—and as he has already pointed out, it has been proposed by the Fish and Wildlife Service in a letter that I believe has already been submitted for the RECORD. If not, I will submit it again for the RECORD.

I ask unanimous consent it be printed.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE INTERIOR,
FISH AND WILDLIFE SERVICE,
Denver, Co, July 12, 2000.

Brig. Gen. CARL A. STROCK,
Commander, Northwest Division, U.S. Army Corps of Engineers, Portland, OR.

DEAR GENERAL STROCK: This letter is a result of our July 10, 2000, meeting in Washington, D.C. regarding the Missouri River Biological Opinion attended by Assistant Secretary Westphal and Director Clark. The following is a summary of the discussions related to the framework of conservation measures needed to avoid jeopardizing the continued existence of listed species on the Missouri River.

The Service will recommend in our draft biological opinion a spring pulse starting point of 49.5 kcfs (+17.5 above full navigation service) during the first available water year and an annual summer low of 21 kcfs from Gavin's Point Dam. As an interim step, a spring pulse of 49.5 kcfs from Gavins Point during the first available water year and a summer low of 25 kcfs would be in effect each year, starting in 2001, until the new Master

Manual is in place or other appropriate NEPA documentation. We would view this as an adaptive management step that, in conjunction with robust monitoring of the biological response, could help us refine a final set of recommendations for implementation. A robust monitoring program will be necessary to identify the desired beneficial biological responses to listed species from these interim measures and to provide a basis for any adjustments that may be necessary. Corps representatives stated during the July 10th meeting that the Corps has significant discretion regarding navigation and that there is flexibility in the 8 month navigation season. They also stated that the length of the navigation season and the flows provided during the navigation season was an "expectation" rather than a guarantee.

The Corps will provide a spring pulse from Fort Peck Dam as discussed in our recent Portland meetings approximately one year out of three beginning in 2002. As a test of the spillway infrastructure, the Corps will perform a "mini-test" in 2001. The parameters of the test will be described by the Corps in your response to this letter and will incorporate the direction agreed to from recent discussions held in Portland.

The Service will identify acres of habitat (sandbar and shallow/slow water) necessary to avoid jeopardy in the biological opinion. We believe the Corps can use existing programs and the likely expanded mitigation program to result in the creation of at least one-third of these acres necessary in the lower river system. The rest will need to be restored through additional physical modification of existing river training structures and through hydrological modification. The Service believes that a majority of the habitat can be created through hydrological modification.

The monitoring needs relative to piping plovers and least terns are currently being adequately addressed by the existing Corps program. The short-term monitoring needs relative to the Fort Peck test for pallid sturgeon have been outlined in a letter sent to the Corps on April 7, 2000. The Corps is currently assisting the Service relative to these short-term needs below Fort Peck. There is a need for a comprehensive short-term monitoring of the response of pallids to the interim flows recommended from Gavins Point. The long-term needs for pallid sturgeon monitoring throughout the system will be addressed in the draft biological opinion.

The Service has outlined the short-term propagation needs (which could efficiently be fulfilled at Garrison Dam and Gavins Point National Fish Hatcheries) necessary to reach stocking objectives in a letter dated April 25, 2000. While the Corps has indicated that they may not have authority to assist in meeting these needs at Service facilities, the Service believes that the Endangered Species Act would provide the basis for such authority. The Service has also sent a letter dated June 27, 2000, to the Corps outlining our concern that a new facility at Fort Peck Dam would not meet these short term needs.

There is agreement in principle regarding using the adaptive management approach in implementing the actions and goals identified in the opinion. There is also agreement regarding the unbalanced intra-system regulation issues. The final discussion of these two topics will be outlined in the draft biological opinion which is expected to be delivered to the Corps on or bout July 31, 2000.

The Service needs to know by July 19, 2000, if you accept the six elements discussed in this letter as being reasonable and prudent. We also need to know if you want to revise the project description to incorporate these elements or if you prefer to have them presented in the form of a RPA in a draft biological opinion.

Sincerely,

——— ———.

Regional Director.

Mr. BOND. Their July 10 letter said to the Corps—I used the term "diktat" as an authoritarian governmental directive. They tell the Corps of Engineers in the letter of July 12:

> As an interim step, a spring pulse of 49.5 kcfs from Gavins Point during the first available water year and a summer low of 25 kcfs would be in effect each year, starting in 2001, until the new Master Manual is in place or other appropriate NEPA documentation.

Basically what Fish and Wildlife is saying is: Forget about the process. You, Corps of Engineers, start a spring rise in 2001.

That is what we are here about. We pointed out all the problems that the spring rise would provide, the fact that there are very good, scientific judgments coming out of the Missouri Department of Conservation, the Missouri Department of Natural Resources, and others, saying that a spring rise would have a harmful effect, not only on people along the river, on river transportation, but on endangered species. We have asked the Missouri Department of Natural Resources of the State of Missouri how they view the proposal by the Senator from Illinois. The director of the Department of Natural Resources has just faxed me a letter saying, in pertinent part:

> Our conclusion is that the proposed Durbin amendment is not protective of Missouri's interests. Nor is it protective of Mississippi River states' interests. The amendment would allow the spring rise and "split season" proposal to proceed to the penultimate point of implementation—too late to be stopped or even amended.

Basically, the view of the attorney general's office and the State department of natural resources in Missouri is that striking section 103 would open up to the dangers that I laid out last night and this morning of the spring rise and the low summer flow.

If the Senator from Illinois agrees that we don't want to have that spring rise and the low summer flows next year, I suggest that we could reach a simple accommodation. Keep section 103. If he wishes to say that studies should go forward on the Missouri River, which is what I firmly believe section 103 does anyhow, we would have no objection to that. But we need to keep that underlying protection that says that you shall not, during 2001, implement the spring rise. That is the purpose of the amendment. That amendment has been in the energy and water bills 4 of the last 5 years, signed by the President.

There is no intent for us to stop the discussions. However, the National Academy of Sciences has a very narrow study on the spring rise itself. The studies that are going forward are studies which should include the proposal of the Missouri Department of Conservation which is a 41,000-cubic-feet-per-second flow of the Missouri River which they think will protect the pallid sturgeon and other endangered species and not subject the people of downstream States—Kansas, Missouri, States along the Mississippi, Illinois, down through Louisiana—from spring flooding and will not end the river transportation on the Mississippi and the Missouri.

If the only question the Senator from Illinois has is whether or not we cut off studies, I will be happy if he asks unanimous consent to change his amendment so it does not repeal section 103 and states that studies of the Missouri River master manual, all of the studies, shall continue but there will be no spring rise in 2001 as provided in section 103; then I think we can reach agreement.

The question has been raised as to whether, even with that modification, that will be acceptable to Members of this body. There are some who appeared to say that would not be acceptable to them.

The question has been raised whether the President might veto the entire appropriations bill over section 103 after having signed it for 4 years in a row. We have already shown there is strong bipartisan support in States affected by the Missouri River manual, that a spring rise would be very hazardous to the human life along the river, as well as to farmers who farm in the productive bottom lands, as well as to the water supply, as well as to river transportation.

I do not think the President will ignore the strong voices of the flood control associations, the bipartisan, strong opposition of the Democratic government of Missouri, the Democratic Governor and mayors of Kansas City and St. Louis who would be subjected to the dangers of flooding from a spring rise.

The President will have to look at the concerns of the people downstream. I think he will realize the scheme is too risky as a result of the action we took today. If the President realizes we are not going to accept the risky scheme of a controlled flood, then maybe we can avoid the need for a vote.

If the distinguished Senator from Illinois wants to leave section 103 and work with us to craft an amendment which says that investigations can continue, which is what I believe section 103 will do, if we can muster even greater support, then we will have much less a danger of having this bill vetoed.

With that in mind, I am happy to work with the Senator from Illinois because his State is at risk of flooding. A spring rise on the Missouri can threaten flooding in Illinois. A low flow on the Missouri River in the summer and in the fall in navigation season not only threatens and ends barge transportation on the Missouri River, but it puts at risk the river transportation on the Mississippi which carries a very significant bulk of the grain going to the export market.

If that is what we are talking about, if we can assure that studies will continue—and I am concerned about the language of his amendment saying we cannot have a final master manual development—that master manual could be implemented so long as it does not include the spring rise—if he is willing to do that, then I say we are on the same page. But I cannot accept and certainly our State governments, the agencies directly involved in the Missouri, cannot accept striking 103.

We went through that battle. We spoke, I thought, with a majority vote, saying there shall be no implementation of a spring rise during the year covered by the bill, which is 2001. If we keep that in place, then I will be happy to work with the distinguished Senator from Illinois to fashion a new section 104 which at least makes clear the agreement we may have reached.

However, if the Senator still feels the need to strike 103, I have to say that is what we voted on; we have been through this. That is the risky scheme of a controlled flood that we cannot accept, and I do not believe, nor do people in the State of Missouri believe, that his amendment standing alone, unmodified, will do that.

I hope, having voted on this and having had the opportunity to tell our colleagues a whole lot more about the Missouri River manual than they ever wanted to know, we might be able to avoid having them vote again. If they vote again, I say to those who supported us, I wish them to continue to support section 103.

If the Senator from Illinois will accept keeping section 103 and work with us to craft a section 104 that further clarifies it, I will be happy to do so. Otherwise, I will just ask all the people who voted with us this morning to vote with us again in opposition to the Durbin amendment.

The PRESIDING OFFICER. All time on the amendment has expired.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I understand where we are, and we will be ready with the remaining amendments very soon. Since there is time remaining, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. DOMENICI. Mr. President, we are about to adopt a bill tonight commonly known as the energy and water appropriations bill, but everybody should know that, at a minimum, it is an interesting set of words—"energy and water." On the other hand, it is even more than an interesting set of words. There is a great irony with reference to this bill.

First of all, believe it or not, by precedent, this bill contains all of the nuclear weapons research and development, preservation, and manufacturing, and along with it are all the water projects—the Corps of Engineers, the Bureau of Reclamation, and all the waterways—and a whole group of nondefense-related science research projects.

What has happened over the years, it seems to this Senator, is that piling these kinds of programs together and then limiting the amount of money has, over time, yielded more attention to the water projects because there are hundreds of House Members concerned, and rightly so, and scores of Senators concerned, and here is our great nuclear weapons program. We have stood before the world and thanked our great scientists because they do not belong to the military. These are free-minded Americans, some who have worked for 40 years and are still at Los Alamos as the nucleus of scientists who understand the nuclear weapons.

What I tried to do in the last few years is build a wall in the bill between the defense money and the nondefense money so we can move ahead with some of the things that are so desperately needed for the nuclear activities of this country, especially since we continue to say we have to compete in that area in the world until we have no more nuclear weapons, which we hope will occur sometime.

In spite of this wall, and trying to hold the defense money harmless from domestic spending, what has happened this year in the House allocations just beats anything you could imagine. For the House decided to underfund both, believe it or not. They decided to underfund the President's defense requirements and underfund his nonnuclear, nondefense projects. We cannot expect to get a bill based on those numbers.

I submit the Senate would have a lot of difficulty accepting that bill that would come from those kinds of numbers. Thanks to Senator STEVENS and Senator BYRD, they have allocated $600 million more on the defense nuclear side than the House. And we are still short somewhere between $300 and $400 million for the water projects. So many of you Senators know that your water projects could not be accepted.

We understand there are some new projects that have been new for 5 years, maybe some for 7. It is awful to still call them new, but they have not been started, so we call them new, and we cannot fund them. We are going to try to get some additional resources because every subcommittee is being helped along. If we can, we can do better when we come back.

But I want to just share a couple things that I think everybody should know.

There are two huge problems that exist with reference to our nuclear weapons activities and personnel and physical plant—where they live and work and do the kinds of things that keep us up there, where we can certify to the President of the United States, from these three nuclear labs, that our weapons are safe and will do what they are supposed to do. These lab directors—civilians—certify that based on what they have in their laboratories.

To give you an example of how bad off we are on physical plant, I just want to cite to you a situation that you would find unbelievable at Y-12 over at Oak Ridge National Laboratory.

I say to the Presiding Officer, part of that is nondefense, as you well know. But part of it is defense and related to nuclear weapons. If you went there tomorrow and said: The subcommittee that funds this asked me to come and take a look at one of the big buildings in Y-12 that has some roofing problems, the first thing they would do to you, Mr. President—especially considering the condition of your scalp, where you have no protection from hair—they would put a helmet on you as soon as you walked in this building. Did you know that? A helmet. And you would say: What's that for? And they would say: Well, distinguished Senator, it is because if you walk around this building, the roof falls in on you in pieces. So we don't want to hurt you. Even though you're not doing anything that is harmful down here in your job, the roof falls in on you in pieces.

This is a building, owned by the Department of Energy, which does nuclear deterrent work for the U.S. Government. It is a shame. We are repairing it. We are putting the money in this year. But just as we do that, there are 40- and 50- and 60-year-old buildings that are part of the complex that we still have alive in some of our laboratories, from the very first Manhattan Project, whenever that was. We have not rebuilt them.

So scientists are finding it difficult, in today's America, to continue working at some of our labs. We need a major new program if we are going to maintain this situation of safe and reliable nuclear weapons, with whatever number of warheads. We need a program to start replacing these buildings. Either we are serious about this—

we want the very best for our best scientists—or we do not.

The second thing is there is a huge morale problem among the very best scientists, who have been with us a long time and know everything one could know about our nuclear weapons. There is a serious problem that is objectively recorded that says the young brilliant scientists coming out of our schools with Ph.D.s and post-docs are coming to the laboratories in smaller and smaller numbers per year when we go out to try to encourage them to come. In fact, it is tremendously off this year.

The morale problem is so bad that the superscientists are beginning to quit. They are being offered an enhanced retirement program by the University of California. The professors and the university want this program because the University has too many senior professors. They need to tenure more new professors. But when this University program comes along it applies to the great scientists, too, at our laboratories.

There is a morale problem built around the FBI and Justice Department from this last episode at Los Alamos, making a whole group of scientists in one of the most secret, most sophisticated, most important operations in nuclear weaponry in America feel as though they are criminals. They just do not appreciate this. They do not like that. Some of them have been there 35 years. They just do not like the FBI treating them all like criminals or even suggesting that, as patriotic scientists, they ought to take their lie detectors and be treated as if there is some criminal in their midst. Frankly, some have decided they are just not going to do that.

I do not know where that ends up, but I submit it ought to end up soon for those who are threatened by prosecution from that last episode of a hard drive being found behind some kind of a multipurpose machine. If there is no evidence of spying and no evidence of distributing information, they ought to get on with this. They ought to get on with it. They ought to even talk to some of these scientists, who have been working for us 30, 40 years, about their attorney's fees, because every one of them has been looked at, and told: You might be the one we're looking for. It couldn't be all of them.

When you put that kind of thing out, it labels everybody in a national laboratory. It includes our most patriotic nuclear physicist, who is one of the greatest design people in all of nuclear history. You are telling him: We are not quite sure about all this, but you may be the one, you could go to jail for 24 months—or whatever number is used. There is no spying. So why don't we get on with it? I have not said this publicly, but I thought I would use this opportunity tonight.

It is serious business. Did you know that we keep saying the only thing the Soviet Union is doing well, in spite of their economic depression and all the rest, is to maintain a pretty adequate and sophisticated nuclear delivery system? I could spend the evening telling you about the difference between the two.

They can maintain their weapons much easier than we can keep ours, because they make nuclear weapons differently. We make them sophisticated, complicated, and that is part of their greatness. They make them simple, robust, and re-make them very often, like every 10 years. They are not as worried about us. We keep them for many years, and then we try to prove they will last longer with this new program we are funding called the Stockpile Stewardship Program.

That is my little summary. There is much more to talk about. I thought it would be good tonight to put in perspective the significance of this bill. It is not just for the harbors of America. It is for those laboratories and plants that harbor the scientists, the manpower, and the equipment to keep our nuclear weapons on the right path. That is pretty important stuff, it seems to me.

My job is to make sure everybody at least understands part of it, so they will help us get out of the dilemma we are in and have a much more robust, much more positive atmosphere around these laboratories soon.

In conclusion, there is a new man in charge. We ought to be hopeful. General Gordon has been put in charge of this under the new law which you helped us with, I say to the Presiding Officer—and many did—which put one person in charge of the nuclear weapons aspects at the DOE. We are so fortunate we got a four-star general, CIA oriented, Sandia Lab-trained individual who in retirement took this job. If it is going to be fixed, he will fix it.

With that, I yield the floor.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

AMENDMENT NO. 4105, WITHDRAWN

Mr. DURBIN. Mr. President, I ask unanimous consent to speak for up to 2 minutes and at the end of that time to withdraw my amendment, if there is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator is recognized.

Mr. DURBIN. Mr. President, I would like to thank the Senator from Missouri, Mr. BOND, as well as Senator REID and representatives from Senator DASCHLE's staff.

We just had a floor conversation about section 103, which has been the subject of great debate over the last several days. We are, as I said, close to at least common ground on the floor, but I do not believe we are at a point where we can put language in the bill to solve the problem between the administration and the committee. It is my heartfelt intention to work with Senator BOND, Senator DOMENICI, and Senator REID to try to do that.

This is an important bill. We don't want to go through and veto, have a return of the bill, if we can work it out. I hope we can. But I don't believe my amendment, in and of itself, is going to solve that problem this evening. Instead, I would like to, at the end of my remarks, ask unanimous consent to withdraw the amendment, and pledge between now and the conference and thereafter to work with all of the principals involved to see if we can work out the important question about the future of the Missouri River and the debate that took place both yesterday and today.

Mr. President, I ask unanimous consent to withdraw amendment No. 4105.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I say to my friend from Illinois and my friend from Missouri, I appreciate very much, as I am sure Senator DOMENICI does, resolving this temporarily at this time. Hopefully, the temporary delay will allow us, by the time we get to conference, to have a solution to the problem which will allow all parties to be satisfied. I appreciate very much Senator BOND, who is a veteran in State and national politics, understanding the quandary we are in tonight. I say the same to the Senator from Illinois, who is the epitome of a good legislator.

Senator DOMENICI and I will do everything we can, before conference and in conference, to try to resolve this matter finally. We recognize there is a veto threat on this bill, so it is in our interest to try to work something out also.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I might say to both Senators, I very much appreciate their efforts. I think while they were talking, I was expressing to anyone who wanted to listen my heartfelt concerns about this bill in terms of the future of our nuclear weapons.

It would not be good if we wasted a year operating under last year's levels or operating under some kind of a veto. I join in not knowing what the veto threat really means. Nonetheless, it would be marvelous if we could work it out to their satisfaction so in some way the issue were resolved.

There is going to be a year hiatus, one way or another, when nothing is going to happen. I don't think the President is going to be able to deny us that. But I think if we worked it out where everybody understood and maybe we could convince him that that is a good idea—that means his council on environmental quality and others—it would be a very good thing for the United States. I hope it works out.

I compliment Senator BOND this evening and earlier on this bill. I think he made a very strong case. It is pretty obvious this is a difficult issue. As he knows, I have been on his side. I have similar problems with endangered species and other things out in the West. We don't have enough water. All our rivers combined don't equal the Missouri River. I think that is a pretty fair statement—maybe even half the flow for all of ours that we have. We don't quite understand how the Missouri River is a problem. We see it as something fantastic. One time we tried to get a little bit of it, take it west, and Scoop Jackson stood in the way, I guess, from the State of Washington.

Anyway, I thank the Senator for what he has done. There is not going to be a vote tonight on that issue.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I appreciate the cooperation of the Senator from Illinois, with whom I think we have reached an agreement that there should not be a spring rise in 2001.

I believe there are some areas that go beyond the existing section 103 on which we might be able to satisfy some of the legitimate concerns raised by the minority leader. He was concerned about the possibility of cutting off debate, cutting off all consideration of other issues relating to the Missouri River manual. That was not our intent. If we can add language that will clarify that, maybe it will at least satisfy some of these problems.

Also, we have a Governor and we have other congressional Members from States affected who might want to communicate with the White House about the workability of this.

To the Senator from New Mexico and the Senator from Nevada, I appreciate the difficulties they faced. They have both been most accommodating on these issues. We don't want to make life more difficult for them. The Senator from New Mexico may not have river problems, but he has had controlled burn problems. We want to make sure we don't have a controlled flood problem.

I am delighted we don't have to ask our colleagues to vote again on this issue tonight. I think there may be further clarification that might satisfy some of the concerns that were raised, certainly by the minority leader. I will be happy to work with them.

On behalf of the State of Missouri and the people of the State of Missouri, I express my appreciation to this body for making it clear that there will not be a controlled flood on the Missouri River or abnormally low flows during the summer of 2001, the year to which this appropriations bill applies.

As always, we are more than happy to work with the committee leaders in trying to resolve these problems in the future. I thank my colleagues for their understanding of the importance of this issue to the people I represent.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I believe I have a unanimous consent request pending to withdraw amendment No. 4105.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Jersey is recognized.

AMENDMENT NO. 4109, AS MODIFIED

Mr. TORRICELLI. Mr. President, I have an amendment, No. 4109, filed with the clerk. It is my understanding that will be in the manager's package. I do not, therefore, call it to the floor of the Senate at this time.

I do wish for a moment to discuss with my colleagues the merits of this legislation and to thank the Senator from New Mexico and the Senator from Nevada for their cooperation and their assistance.

Within this legislation is $27 million to deepen and widen the main channel of the Delaware River. To the city of Philadelphia, the city of Camden, and the States of New Jersey, Delaware, and Pennsylvania, this is of some considerable importance. The Delaware River is a major artery of maritime commerce. I have always supported, and I will always support that river being efficient and available to maritime traffic, but there are serious problems.

When this legislation was considered in the House, my colleague, Representative ANDREWS from southern New Jersey, with the support of Congressman KASICH, offered an amendment to strike this funding. I will not do that tonight because I believe, first, the votes are not available and, second, I still hope the general problems with this dredging can be solved.

The problems are relatively simple. The U.S. Army Corps of Engineers has proposed to dredge 33 million yards of material from the Delaware River. Three States will benefit by this dredging. Primarily the benefits will go to Philadelphia and the State of Pennsylvania, simply based on the size of the economic activity in the region by these States comparatively. Ten million of these 33 million yards will be used to replenish beaches in the State of Delaware. Twenty-three million yards will be placed on prime waterfront property in the State of New Jersey. Ten million goes to Delaware; 23 million occupies prime real estate in the State of New Jersey. And although the principal economic benefits of the dredging are for the city of Philadelphia, none—I repeat, not an ounce—of the material goes to the State of Pennsylvania.

Now I recognize we all have to share the burden, and we may not share the burden equally; it may not be shared proportionally to the economic benefit. But certainly accepting nothing, while the State of New Jersey takes the overwhelming majority of the material, cannot be right and it cannot be fair. Let me make clear that Senator SPECTER and Senator SANTORUM have been remarkably helpful in this matter. They have understood the inequity. They want the three States to work cooperatively. I am very grateful to both of them that, while protecting the interests of their State first and foremost, they have been good neighbors and have been cooperative.

I believe there are solutions to this problem: Primarily, ironically, that while this material is being dumped on the shorelines of New Jersey to our disadvantage, there is an enormous desire by construction companies and others in land development to have this material available.

It is a strange and ironic, even tragic, situation. I hope by this experience, which is also happening in the Port of New York, the Army Corps of Engineers will begin to understand and learn from the situation. Contracting companies, land development companies, major corporations, and communities want this material. Market it, sell it, use it, but no longer use it as if it is a waste material to be dumped on valuable real estate, on the unwanted.

Because of that, in my amendment, we reserve $200,000 for the Army Corps of Engineers to begin actively marketing this material for private and public projects—from road projects in south Jersey, to the future expansion of the Philadelphia Airport, to new construction in Atlantic City, there are willing users, even buyers. This $200,000 can go a long way to solving this problem. Particularly, I thank Senators SPECTER and SANTORUM for their help and cooperation. Of course, to Senator BIDEN, the Senator from New Mexico, and the Senator from Nevada, I am grateful that this is being put in the managers' amendment. I thank them for this time.

I yield the floor.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. DOMENICI. Mr. President, I will withhold that. We are within a few minutes of having the last amendments ready that we have been working on collectively and collaboratively. Then we will be ready for final passage very soon.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 4017, 4044, 4059, 4089, 4099, 4110, AND 4111, EN BLOC

Mr. DOMENICI. Mr. President, I want to add to the list of managers' agreed-to amendments, all of which are filed and at the desk, starting with Nos. 4017, 4044, 4059, 4089, 4099, 4110, and 4111.

I ask unanimous consent that they be considered en bloc and agreed to en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 4017, 4044, 4059, 4089, 4099, 4110, and 4111) were agreed to en bloc, as follows:

AMENDMENT NO. 4017

(Purpose: To authorize the Secretary of the Interior to enter into contracts with the city of Loveland, Colorado, to use Colorado-Big Thompson Project facilities for the impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes)

On page 66, between lines 11 and 12, insert the following:

SEC. 2 . USE OF COLORADO-BIG THOMPSON PROJECT FACILITIES FOR NON-PROJECT WATER.

The Secretary of the Interior may enter into contracts with the city of Loveland, Colorado, or its Water and Power Department or any other agency, public utility, or enterprise of the city, providing for the use of facilities of the Colorado-Big Thompson Project, Colorado, under the Act of February 21, 1911 (43 U.S.C. 523), for—

(1) the impounding, storage, and carriage of nonproject water originating on the eastern slope of the Rocky Mountains for domestic, municipal, industrial, and other beneficial purposes; and

(2) the exchange of water originating on the eastern slope of the Rocky Mountains for the purposes specified in paragraph (1), using facilities associated with the Colorado-Big Thompson Project, Colorado.

AMENDMENT NO. 4044

SECTION 1. FUNDING OF THE COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT.

Section 4(a) of the Act of August 9, 1950 (16 U.S.C. 777c(a)), is amended in the second sentence by striking "2000" and inserting "2009".

AMENDMENT NO. 4059

(Purpose: To provide $3,000,000 for technology development and demonstration program in Combined Cooling, Heating and Power Technology Development for Thermal Load Management, District Energy Systems, and Distributed Generation)

On line 4, page 67, after the word "Fund:" Insert the following:

"Provided, That $3,000,000 shall be made available for technology development and demonstration program in Combined Cooling, Heating and Power Technology Development for Thermal Load Management, District Energy Systems, and Distributed Generation, based upon natural gas, hydrogen, and renewable energy technologies. Further, the program is to be carried out by the Oak Ridge National Laboratory through its Building Equipment Technology Program."

AMENDMENT NO. 4089

(Purpose: To set aside funding for participation by the Idaho National Engineering and Environmental Laboratory in the Greater Yellowstone Energy and Transportation Systems Study)

On page 68, line 15, strike "expended:" and insert "expended, of which $500,000 shall be available for participation by the Idaho National Engineering and Environmental Laboratory in the Greater Yellowstone Energy and Transportation Systems Study:".

AMENDMENT NO. 4099

(Purpose: To extend the authority of the Nuclear Regulatory Commission to collect fees through 2005 and improve the administration of the Atomic Energy Act of 1954)

On page 97, between lines 14 and 15, insert the following:

TITLE —NUCLEAR REGULATORY COMMISSION

Subtitle A—Funding

SEC. 01. NUCLEAR REGULATORY COMMISSION ANNUAL CHARGES.

Section 6101 of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 2214) is amended—

(1) in subsection (a)(3), by striking "September 30, 1999" and inserting "September 20, 2005"; and

(2) in subsection (c)—

(A) in paragraph (1), by inserting "or certificate holder" after "licensee"; and

(B) by striking paragraph (2) and inserting the following:

"(2) Aggregate amount of charges.—

"(A) In general.—The aggregate amount of the annual charges collected from all licensees and certificate holders in a fiscal year shall equal an amount that approximates the percentages of the budget authority of the Commission for the fiscal year stated in subparagraph (B), less—

"(i) amounts collected under subsection (b) during the fiscal year; and

"(ii) amounts appropriated to the Commission from the Nuclear Waste Fund for the fiscal year.

"(B) Percentages.—The percentages referred to in subparagraph (A) are—

"(i) 98 percent for fiscal year 2002;

"(ii) 96 percent for fiscal year 2003;

"(iii) 94 percent for fiscal year 2004;

"(iv) 92 percent for fiscal year 2005; and

"(v) 88 percent for fiscal year 2006.".

SEC. 02. NUCLEAR REGULATORY COMMISSION AUTHORITY OVER FORMER LICENSEES FOR DECOMMISSIONING FUNDING.

Section 161i. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(i)) is amended—

(1) by striking "and (3)" and inserting "(3)"; and

(2) by inserting before the semicolon at the end the following: ", and (4) to ensure that sufficient funds will be available for the decommissioning of any production or utilization facility licensed under section 103 or 104b., including standards and restrictions governing the control, maintenance, use, and disbursement by any former licensee under this Act that has control over any fund for the decommissioning of the facility".

SEC. 03. COST RECOVERY FROM GOVERNMENT AGENCIES.

Section 161w. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(w)) is amended—

(1) by striking ", or which operates any facility regulated or certified under section 1701 or 1702,";

(2) by striking "483a" and inserting "9701"; and

(3) by inserting before the period at the end the following: ", and, commencing October 1, 2000, prescribe and collect from any other Government agency any fee, charge, or price that the Commission may require in accordance with section 9701 of title 31, United States Code, or any other law".

Subtitle B—Other Provisions

SEC. 11. OFFICE LOCATION.

Section 23 of the Atomic Energy Act of 1954 (42 U.S.C. 2033) is amended by striking "; however, the Commission shall maintain an office for the service of process and papers within the District of Columbia".

SEC. 12. LICENSE PERIOD.

Section 103c. of the Atomic Energy Act of 1954 (42 U.S.C. 2133(c)) is amended—

(1) by striking "c. Each such" and inserting the following:

"c. License Period.—

"(1) In general.—Each such"; and

(2) by adding at the end the following:

"(2) Combined licenses.—In the case of a combined construction and operating license issued under section 185(b), the initial duration of the license may not exceed 40 years from the date on which the Commission finds, before operation of the facility, that the acceptance criteria required by section 185(b) are met.".

SEC. 13. ELIMINATION OF NRC ANTITRUST REVIEWS.

Section 105 of the Atomic Energy Act of 1954 (42 U.S.C. 2135) is amended by adding at the end the following:

"(d) Applicability.—Subsection (c) shall not apply to an application for a license to construct or operate a utilization facility under section 103 or 104(b) that is pending on or that is filed on or after the date of enactment of this subsection.".

SEC. 14. GIFT ACCEPTANCE AUTHORITY.

(a) In General.—Section 161g. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(g)) is amended—

(1) by inserting "(1)" after "(g)";

(2) by striking "this Act;" and inserting "this Act; or"; and

(3) by adding at the end the following:

"(2) accept, hold, utilize, and administer gifts of real and personal property (not including money) for the purpose of aiding or facilitating the work of the Nuclear Regulatory Commission.".

(b) Criteria for Acceptance of Gifts.—

(1) In general.—Chapter 14 of title I of the Atomic Energy Act of 1954 (42 U.S.C. 2201 et seq.) is amended by adding at the end the following:

"SEC. 170C. CRITERIA FOR ACCEPTANCE OF GIFTS.

"(a) In General.—The Commission shall establish written criteria for determining whether to accept gifts under section 161g.(2).

"(b) Considerations.—The criteria under subsection (a) shall take into consideration whether the acceptance of the gift would compromise the integrity of, or the appearance of the integrity of, the Commission or any officer or employee of the Commission.".

(2) Conforming and technical amendments.—The table of contents of chapter 14 of title I of the Atomic Energy Act of 1954 (42 U.S.C. prec. 2011) is amended by adding at the end the following:

"Sec. 170C. Criteria for acceptance of gifts.".

SEC. 15. CARRYING OF FIREARMS BY LICENSEE EMPLOYEES.

(a) In General.—Chapter 14 of title I of the Atomic Energy Act of 1954 (42 U.S.C. 2201 et seq.) (as amended by section 14(b)(1)) is amended—

(1) in section 161, by striking subsection k. and inserting the following:

"(k) authorize to carry a firearm in the performance of official duties such of its members, officers, and employees, such of the employees of its contractors and subcontractors (at any tier) engaged in the protection of property under the jurisdiction of the United States located at facilities owned by or contracted to the United States or being transported to or from such facilities, and such of the employees of persons licensed or certified by the Commission (including employees of contractors of licensees or certificate holders) engaged in the protection of facilities owned or operated by a Commission licensee or certificate holder that are designated by the Commission or in the protection of property of significance to the common defense and security located at facilities owned or operated by a Commission licensee or certificate holder or being transported to or from such facilities, as the Commission considers necessary in the interest of the common defense and security;" and

(2) by adding at the end the following:

"SEC. 170D. CARRYING OF FIREARMS.

"(a) AUTHORITY TO MAKE ARREST.—

"(1) IN GENERAL.—A person authorized under section 161k. to carry a firearm may, while in the performance of, and in connection with, official duties, arrest an individual without a warrant for any offense against the United States committed in the presence of the person or for any felony under the laws of the United States if the person has a reasonable ground to believe that the individual has committed or is committing such a felony.

"(2) LIMITATION.—An employee of a contractor or subcontractor or of a Commission licensee or certificate holder (or a contractor of a licensee or certificate holder) authorized to make an arrest under paragraph (1) may make an arrest only—

"(A) when the individual is within, or is in flight directly from, the area in which the offense was committed; and

"(B) in the enforcement of—

"(i) a law regarding the property of the United States in the custody of the Department of Energy, the Nuclear Regulatory Commission, or a contractor of the Department of Energy or Nuclear Regulatory Commission or a licensee or certificate holder of the Commission;

"(ii) a law applicable to facilities owned or operated by a Commission licensee or certificate holder that are designated by the Commission under section 161k.;

"(iii) a law applicable to property of significance to the common defense and security that is in the custody of a licensee or certificate holder or a contractor of a licensee or certificate holder of the Commission; or

"(iv) any provision of this Act that subjects an offender to a fine, imprisonment, or both.

"(3) OTHER AUTHORITY.—The arrest authority conferred by this section is in addition to any arrest authority under other law.

"(4) GUIDELINES.—The Secretary and the Commission, with the approval of the Attorney General, shall issue guidelines to implement section 161k. and this subsection.".

(b) CONFORMING AND TECHNICAL AMENDMENTS.—The table of contents of chapter 14 of title I of the Atomic Energy Act of 1954 (42 U.S.C. prec. 2011) (as amended by section 14(b)(2)) is amended by adding at the end the following:

"Sec. 170D. Carrying of firearms.".

SEC. 16. UNAUTHORIZED INTRODUCTION OF DANGEROUS WEAPONS.

Section 229a. of the Atomic Energy Act of 1954 (42 U.S.C. 2278a(a)) is amended in the first sentence by inserting "or subject to the licensing authority of the Commission or to certification by the Commission under this Act or any other Act" before the period at the end.

SEC. 17. SABOTAGE OF NUCLEAR FACILITIES OR FUEL.

Section 236a. of the Atomic Energy Act of 1954 (42 U.S.C. 2284(a)) is amended—

(1) in paragraph (2), by striking "storage facility" and inserting "storage, treatment, or disposal facility";

(2) in paragraph (3)—

(A) by striking "such a utilization facility" and inserting "a utilization facility licensed under this Act"; and

(B) by striking "or" at the end;

(3) in paragraph (4)—

(A) by striking "facility licensed" and inserting "or nuclear fuel fabrication facility licensed or certified"; and

(B) by striking the period at the end and inserting "; or"; and

(4) by adding at the end the following:

"(5) any production, utilization, waste storage, waste treatment, waste disposal, uranium enrichment, or nuclear fuel fabrication facility subject to licensing or certification under this Act during construction of the facility, if the person knows or reasonably should know that there is a significant possibility that the destruction or damage caused or attempted to be caused could adversely affect public health and safety during the operation of the facility."

AMENDMENT NO. 4110

(Purpose: To redesignate the Interstate Sanitation Commission as the Interstate Environmental Commission, and for other purposes)

At the appropriate place, insert the following:

SECTION 1. REDESIGNATION OF INTERSTATE SANITATION COMMISSION AND DISTRICT.

(a) INTERSTATE SANITATION COMMISSION.—

(1) IN GENERAL.—The district known as the "Interstate Sanitation Commission", established by article III of the Tri-State Compact described in the Resolution entitled, "A Joint Resolution granting the consent of Congress to the States of New York, New Jersey, and Connecticut to enter into a compact for the creation of the Interstate Sanitation District and the establishment of the Interstate Sanitation Commission", approved August 27, 1935 (49 Stat. 933), is redesignated as the "Interstate Environmental Commission".

(2) REFERENCES.—Any reference in a law, regulation, map, document, paper, or other record of the United States to the Interstate Sanitation Commission shall be deemed to be a reference to the Interstate Environmental Commission.

(b) INTERSTATE SANITATION DISTRICT.—

(1) IN GENERAL.—The district known as the "Interstate Sanitation District", established by article II of the Tri-State Compact described in the Resolution entitled, "A Joint Resolution granting the consent of Congress to the States of New York, New Jersey, and Connecticut to enter into a compact for the creation of the Interstate Sanitation District and the establishment of the Interstate Sanitation Commission", approved August 27, 1935 (49 Stat. 932), is redesignated as the "Interstate Environmental District".

(2) REFERENCES.—Any reference in a law, regulation, map, document, paper, or other record of the United States to the Interstate Sanitation District shall be deemed to be a reference to the Interstate Environmental District.

AMENDMENT NO. 4111

On page 68, line 21 after the word "program" insert the following:

"; Provided Further, That $12,500,000 of the funds appropriated herein shall be available for Molecular Nuclear Medicine."

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4041, AS MODIFIED

Mr. DOMENICI. Mr. President, I am going to send about four amendments that have been modified and agreed to.

I send amendment No. 4041, as modified, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico (Mr. DOMENICI), for Mr. GRAMS, proposes an amendment numbered 4041.

Mr. DOMENICI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Secretary of Energy to submit to Congress a report on impacts of a state-imposed limit on the quantity of spent nuclear fuel that may be stored onsite)

On page 90, between lines 6 and 7, insert the following:

SEC. 3 . REPORT ON IMPACTS OF A STATE-IMPOSED LIMIT ON THE QUANTITY OF SPENT NUCLEAR FUEL THAT MAY BE STORED ONSITE.

(a) SECRETARY OF ENERGY.—Not later than 90 days after the date of enactment of this Act, the Secretary of Energy shall submit to Congress a report containing a description of all alternatives that are available to the Northern States Power Company and the Federal Government to allow the Company to continue to operate the Prairie Island Nuclear Generating Plant until the end of the term of the license issued to the Company by the Nuclear Regulatory Commission, in view of a law of the State of Minnesota that limits the quantity of spent nuclear fuel that may be stored at the Plant, assuming that existing Federal and State laws remain unchanged.

Mr. DOMENICI. Mr. President, I yield any time I might have.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4041), as modified, was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 4060, 4087, 4091, 4108, 4109, AND 4113, EN BLOC, AS MODIFIED

Mr. DOMENICI. Mr. President, I send amendments that are at the desk that have been modified: Amendment No. 4060, as modified; modification of amendment No. 4087; modification of amendment No. 4091, all of which are printed and at the desk; amendment No. 4108 as modified; amendment No. 4109, as modified; and amendment No. 4113, as modified.

I send them to the desk and ask unanimous consent that they be considered and agreed to en bloc.

The PRESIDING OFFICER. Without objection, the amendments are considered and agreed to en bloc.

The amendments (Nos. 4060, 4087, 4091, 4108, 4109, and 4113) were agreed to en bloc, as follows:

AMENDMENT NO. 4060, AS MODIFIED

(Purpose: To prohibit the use of funds to promote or advertise any public tour of a facility or project of the Department of Energy)

On page 90, between lines 6 and 7, insert the following:

SEC. 3 . LIMITATION ON USE OF FUNDS TO PROMOTE OR ADVERTISE PUBLIC TOURS.

(a) In General.—Notwithstanding any other provision of law, no funds made available under this title shall be used to promote or advertise any public tour of Yucca Mountain facility of the Department of Energy.

(b) Applicability.—Subsection (a) does not apply to a public notice that is required by statute or regulation.

AMENDMENT NO. 4087, AS MODIFIED

(Purpose: To extend certain contracts between the Bureau of Reclamation and irrigation water contractors in Wyoming and Nebraska that receive water from the Glendo Reservoir)

At the appropriate place in the bill, insert the following new section and renumber any remaining sections accordingly:

"SEC. . AMENDMENT TO IRRIGATION PROJECT CONTRACT EXTENSION ACT OF 1998.

(a) Section 2(a) of the Irrigation Project Contract Extension Act of 1998, Pub. L. No. 105–293, is amended by striking the date "December 31, 2000", and inserting in lieu thereof the date "December 31, 2003.";

(b) Subsection 2(b) of the Irrigation Project Contract Extension Act of 1998, Pub. L. No. 105–293, is amended by:

(1) striking the phrase "not to go beyond December 31, 2001", and inserting in lieu thereof the phrase "not to go beyond December 31, 2003"; and

(2) striking the phrase "terminates prior to December 31, 2000", and inserting in lieu thereof "terminates prior to December 31, 2003."

AMENDMENT NO. 4091, AS MODIFIED

(Purpose: To provide funding for a flood control project in Minnesota)

On page 52, line 2, insert the following before the period:

"Provide further, That $500,000 of the funding appropriated herein shall be used to undertake the Hay Creek, Roseau County, Minnesota Flood Control Project under Section 206 funding.

AMENDMENT NO. 4108, AS MODIFIED

(Purpose: To direct the Administrator of the Environmental Protection Agency to develop standards for evaluating dredged material for remediation purposes at, and to provide funding for a nonocean alternative remediation demonstration project for dredged material at, the Historic Area Remediation Site, New Jersey)

On page 58, between lines 13 and 14, insert the following:

SEC. 1. APPROPRIATION FOR ALTERNATIVE NONOCEAN REMEDIATION SITES.

The Secretary of the Army may use up to $1,000,000 of available funds to carry out a nonocean alternative remediation demonstration project for dredged material at the Historic Area Remediation Site.

AMENDMENT NO. 4109, AS MODIFIED

(Purpose: To set aside funds to establish a program for direct marketing of certain dredged material to public agencies and private entities)

On page 53, line 8, after "facilities", insert the following: ", and of which $150,000 of funds made available for the Delaware River, Philadelphia to the Sea, shall be made available for the Philadelphia District of the Corps of Engineers to establish a program to allow the direct marketing of dredged material from the Delaware River Deepening Project to public agencies and private entities".

AMENDMENT NO. 4113, AS MODIFIED

(Purpose: To set aside funding for an ethanol demonstration project)

On page 67, line 4, strike "Fund:" and insert "Fund, and of which $100,000 shall be made available to Western Biomass Energy LLC for an ethanol demonstration project:".

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, does Senator REID have anything further to add?

Mr. REID. Mr. President, I want to express my appreciation to the chairman of the Budget Committee and to the chairman of this subcommittee for the great work he has done. He has been a pleasure to work with.

I also express my appreciation to your very excellent staff. David Gwaltney and Lashawnda Smith have been tremendous to work with. My staff complimented them through me on many occasions.

I also want to thank Steve Bell, chief of staff; and Drew Willison has done such a brilliant job, assisted by your detailee from the Army Corps of Engineers from Vicksburg; and Elizabeth Blevins of the subcommittee staff.

Mr. DOMENICI. Mr. President, I have already mentioned today and on another occasion the importance of this bill. I thank all Senators for cooperating. We did our very best on the numerous amendments, and we will do our very best in conference. Everyone knows we are very short of money on the nondefense side. If we can get some assistance from the appropriations committee, we will be able to help solve many of these problems in conference.

In the meantime, I want to say to Senator REID that it is always a pleasure to work with him. We will go to conference and do the best we can.

I want to thank Drew Willison of Senator REID's staff. He is a tremendous asset, and we very much like working with him.

I thank the Senator for his thanks to the two members of my staff. They are truly professional, and I am very grateful to them.

Mr. President, we have nothing further. I ask for the yeas and nays on final passage of this bill.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

DREDGING OF THE DELAWARE RIVER

Mr. TORRICELLI. Mr. President, I wish to enter into a colloquy with the distinguished Senators from our neighboring state of Delaware, Senators ROTH and BIDEN. Each of us has communicated with members of the Appropriations Committee on a matter of deep concern to us and our constituents that has been included in the FY 2001 Energy and Water Development Appropriations bill. The Army Corps of Engineers' Delaware River Deepening Project seeks to deepen over 100 miles of the Delaware River channel from the current authorized 40-foot depth to 45 feet. The project would dredge 33 million cubic yards of bottom sediments, placing some 23 million cubic yards in dredge disposal areas in New Jersey, and 10 million cubic yards along Delaware shores.

This project continues to be highly controversial in our states for a number of reasons. First, there remain significant environmental concerns regarding the material to be dredged and its ultimate disposal and impacts on the environment of the Delaware Bay. The Corps of engineers has been criticized for its method of evaluating toxic and polluted sediments—using an averaging method, which many believe can mask the potential impact of dredging toxic hot spots and more concentrated polluted material. Our citizens continue to have strong concerns about the impacts of dredging and disposal on water quality, on drinking water supplies, on important recovering shellfish areas, and on the environment in the vicinity of proposed disposal areas.

A number of members of the New Jersey and Delaware congressional delegations and state agencies have made requests to the Corps of engineers to address a number of these issues. Earlier this year, Representative Andrews and I made a request to the General Accounting Office to conduct a review of the cost-benefit and environmental analyses in light of many of the concerns that have been raised about this project. In addition, Representatives SAXTON and LOBIONDO also sent a similar request to the GAO regarding the economic and environmental issues regarding the Delaware Deepening project. The GAO responded that it could not conduct and complete the study as quickly as would be necessary for conclusions to assist in the consideration of the FY 2001 Energy and Water Development Appropriation.

I want to state here that I intend to continue to pursue these issues and over the course of the next several months to engage the General Accounting Office, the Army Inspector General, the Army Corps of engineers, and any other appropriate agencies to get answers to the questions that I believe are critical to my constituents. For the record, Mr. President, I would like to enter into the record copies of study requests made by members of the New Jersey delegation to the General Accounting regarding the Delaware River Main Channel Deepening project.

If I may address the distinguished senior Senator from Delaware, have you not also made known your concerns to the Committee on Appropriations and to the Army Corps of Engineers?

Mr. ROTH. I thank the gentleman from New Jersey and I would answer his question, indeed we have.

In May of this year, Senator BIDEN and I wrote to the Chairman of the energy and Water Development Appropriations Subcommittee, the distinguished Senator from New Mexico, indicating that the response of the Corps of Engineers to the list of concerns raised by the State of Delaware's Department of Natural Resources and Environmental Control regarding necessary permitting, environmental studies, and environmental protection has been entirely inadequate. In our letter, we indicated that this project must not proceed until environmental information and permitting concerns raised by Delaware's Department of Natural Resources and Environmental Control are satisfactorily addressed by the Army Corps of Engineers.

As a strong supporter of the Coastal Zone Management Plan, I am concerned about the potential environmental impacts of the proposed channel deepening. I strongly urge the Corps to continue negotiating in good faith with the State of Delaware to resolve outstanding informational and permitting issues through a legally enforceable agreement that will safeguard Delaware's natural resources. If an agreement cannot be reached through good faith negotiations, then the State of Delaware should pursue this matter in court.

Mr. TORRICELLI. I thank the Senator for that clarification. Does that also describe the concerns and sentiments of the Senator from Delaware, Senator BIDEN?

Mr. BIDEN. I thank the Senator from New Jersey and the senior Senator from Delaware for their remarks, and wish to indicate my concurrence with the points that they have made. I have had questions about this project, the planning process, its economic justification, and the potential for environmental harm for a number of years. I further understand that the State of Delaware's capital bond bill committee in July indicated in writing its intention to withhold all state money for the Deepening project until the State's Department of Natural Resources and Environmental Control is satisfied and necessary permits obtained.

I believe we need to continue to pursue a resolution to these environmental issues and that the Corps should not move forward to construction unless and until appropriate permits have been issued, and the Congress has before it the information needed to determine that the project is safe and truly justified.

I ask unanimous consent to print in the RECORD, several letters from the Delaware DNREC which discuss the State's concerns.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
Washington, DC, May 2, 2000.

Mr. DAVID WALKER,
Controller General, General Accounting Office, Washington, DC.

DEAR MR. WALKER: We are writing to request that a cost-benefit and environmental analysis be conducted as soon as possible on plans by the Army Corps of Engineers (ACOE) to bring the depth of the Delaware River to 45 feet. This channel deepening project was authorized as part of the Water Resource Development Acts of 1992 (section 101(6)) and 1999 (section 308).

The Plan is estimated to cost $311 million, two-thirds of which would be provided by the federal government. Proponents of the Plan argue that the channel needs to be deepened to accommodate the next generation of cargo ships and that cost saving benefits will be realized by area oil refineries. However, many of our constituents have called into question these benefits and the necessity of channel deepening in keeping the port competitive. Therefore, we are eager to identify the benefits of this project to the nation, and whether these justify the taxpayer cost.

In addition to this central and legally mandated issue of national benefit, we would like to request an analysis of three additional issues by the General Accounting Office (GAO).

First, there is a question as to whether the project sponsors have complied with all of the provisions of the National Environmental Policy Act (NEPA). The Environmental Impact Statement associated with this project appears to be deficient in five ways: (a) there was no assessment of the ecological issues pertaining to the disposal sites for dredged materials because the sites were not identified when the EIS was done: (b) there was no assessment of the impact of any dredging of the private berths of the oil refinery (if any takes place) which is functionally a part of this project: (c) the habitat assessment part of the EIS may not adequately assess the impact of the project on essential fish and oyster habitats; (d) "used mean values" (averages) were improperly used to assess the level of toxins in River sediment and in so doing masked the existence of toxic "hot spots"; and (e) threats to drinking water supplies and water quality have yet to be adequately analyzed and addressed.

Second, the Delaware dredging project reportedly will produce 33 million cubic yards of dredged materials. Ten million yards are scheduled to be used for beach restoration in the State of Delaware. The remaining 23 million cubic yards will simply be dumped on the New Jersey side of the river.

"With little effort, the planners of this project were able to find a beneficial use for 10 million cubic yards of this material. We are concerned that insufficient efforts has been made to find more beneficial uses for the remaining 23 million cubic yards and that New Jersey has been asked to bear too great a burden in its disposal. Thus, we request that the GAO look at both the environmental and economic impacts of placing 23 million cubic yards of dredged materials on the riverfront of these New Jersey communities.

Third, we also ask the GAO to investigate why almost no commitments have yet been received from the businesses who stand to benefit from this dredging. The argument has been made that this project is necessary to keep shipping commerce on the Delaware River. Yet few of these businesses have made commitments to dredge their ports on the Delaware River to match the depth of the main channel. If these businesses truly need this project, we are curious as to why they are not also working to make room for the larger ships this project is meant to accommodate.

As you can see, there are still many questions to be answered regarding this project. Time is of the essence. Congress will consider as part of its FY 2001 Appropriations cycle future funding for this project. It is imperative that this project receive objective scrutiny by the GAO immediately. We offer our assistance in any way possible to facilitate a cost-benefit analysis and evaluation of environmental impacts in a timely manner. Thank you in advance for your efforts and we look forward to your report.

Sincerely,

ROBERT G. TORRICELLI,
United States Senator.
ROBERT E. ANDREWS,
Member of Congress.

U.S. ENVIRONMENTAL PROTECTION
AGENCY, REGION 2,
New York, NY, June 30, 1999.

Mr. ROBERT CALLEGERI,
Director, Planning Division, U.S. Army Corps of Engineers Philadelphia District, Wanamaker Building, Philadelphia PA.

DEAR MR. CALLEGERI: I am writing in reference to the proposed Delaware River Main Channel Deepening Project. In particular, we have recently become aware of potential issues associated with the project through letters from the Delaware River keeper, and discussions stemming from the April 16, 1999 forum facilitated by the Delaware River Basin Commission, as well as the June 11, 1999 meeting convened by Congressman Castle's office.

We have carefully considered these issues. For the most part, we do not believe that they necessitate revising the conclusions reached in the previous environmental impact statement (EIS) process for the project. However, we believe that the following two issues require further consideration and effort prior to the project proceeding: the project's benefit/cost (B/C) ratio and environmental issues raised which may not have been fully evaluated or resolved during the prior planning process.

With regard to the project's B/C ratio, the original project scope included six petroleum facilities as project beneficiaries. Consequently, the benefits to these facilities were included in the project's B/C ratio. However, we have seen no documentation that any of these facilities plan to dredge their private channels. To the contrary, the limited documentation we have indicates that one or more of the petroleum companies believe that it is not in their best economic interest to participate. Accordingly, we would like to see additional documentation showing any commitments made by the companies involved and more explanation of how their participation (or lack thereof) affects the B/C ratio calculations. Moreover, if these facilities are not committed to participate, we would argue that the scope of the project would be modified, which would require the Corps' to recalculate the B/C ratio.

In addition to the economic questions, numerous environmental concerns about the project continue to be raised. While we believe that many of these concerns have been adequately addressed through the prior EIS process, there may be a need for additional environmental analyses for certain issues not fully covered in the prior EIS documentation. For example, impacts related to the dredging of the private facilities discussed above and several port facilities owned or operated by the local sponsors, and potential impacts associated with the development of new sites for dredged material disposal were not fully evaluated in the original EIS. Accordingly, these activities will have to be evaluated under NEPA.

Our final concern about the project relates to the potential impacts associated with the dredging and disposal operations. EPA, however, believes that these impacts can, and should, be addressed through the development of specific monitoring/management plans for the various dredging and disposal phases of the project. The plans should be developed to address specific goals and objectives designed to detect and prevent adverse impacts from the proposed dredging and disposal operations. At a minimum, monitoring for turbidity changes using in situ recording devices during dredging and disposal operations, bathymetry and sediment profiling imagery at the aquatic disposal locations, and ground water monitoring should be included. Additionally, the monitoring/management plans should provide for appropriate contingency actions in the event that unforeseen circumstances (e.g., high levels of contaminants) are encountered during the dredging and disposal operations. We are available to assist as necessary in the development of monitoring/management plans. At the very least, we request the opportunity to review such plans as they are being developed. Furthermore, the monitoring/management plans must be in place prior to the start of any dredging activity.

We look forward to working with you as this project progresses. Should you have any questions concerning this letter, please contact Mark Westrate of my staff at (212) 637-3789.

Sincerely yours,

ROBERT W. HARGROVE,

Chief, Strategic Planning and Multi-Media Programs Branch.

HOUSE OF REPRESENTATIVES,

Washington, DC, May 5, 2000.

Mr. DAVID WALKER,

Comptroller General of the United States, General Accounting Office, Washington, DC.

DEAR MR. WALKER: On May 2, 2000, Representative Robert Andrews and Senator Robert Torricelli wrote to you requesting the General Accounting Office (GAO) review the cost-benefit and environmental analysis of the U.S. Army Corps of Engineer's (USACE) project to dredge the Delaware River to 45 feet. In addition, they asked you to evaluate whether the Corps of Engineers has complied with all provisions of the National Environmental Policy Act, the environmental and economic impacts of placing 23 million cubic yards of dredged materials on the New Jersey riverfront, and why almost no commitments to deepen their side channels have been received from the oil refineries who are identified as receiving 80% of the projects benefits. We support the request by Representative Andrews and Senator Torricelli, and ask that you address several other critical issues dealing with the accuracy of the USACE's study of this project.

Throughout this project, oil facilities located along the Delaware have been identified as the major beneficiaries. However, five of the six facilities have made no commitment to invest the funds necessary to deepen their side-channels and have indicated they are unlikely to do so. Therefore, we request the GAO to recalculate the cost-benefit ratio of this project if the oil facilities do not deepen their side-channels.

The USACE has identified other potential beneficiaries of the deepening project to include the Port of Philadelphia and Camden. We ask that the GAO utilize its expertise in port infrastructure and competitiveness and conduct a study focusing on shipping trends in the North Atlantic Region. In particular, we request the GAO to evaluate the viability of the Port of Philadelphia and Camden becoming a major regional hub port for deep draft container ships if the Delaware River were deepened from 40 to 45 feet. There is no guarantee that the new generation of container ships will ever call at the Port of Philadelphia and Camden at a depth of 45 feet.

In addition, studies prepared by the USACE Waterways Experiment Station (WES) to determine the potential for saltwater flow into the C&D Canal and the Delaware River may have reached inappropriate conclusions to minimize potential environmental impacts of the project. The studies have since been sent back to the WES for reanalysis. We ask that the GAO investigate discrepancies between the studies and determine how they came about. We would also like the GAO to examine all current Corps studies on the Delaware River Deepening Project to determine if similar discrepancies exist.

This information will be critical in helping Congress determine whether the project's national economic benefits are sufficient enough to invest over $200 million. Since Congress will consider future funding for this project in the FY2001 appropriations cycle, it is essential this project receive objective scrutiny by the GAO immediately. We offer our assistance in any way possible to facilitate a cost-benefit analysis, evaluate of environmental impacts, and a review of the accuracy of the USACE studies of this project in a timely manner. Thank you for your efforts and we look forward to your report.

Sincerely,

JIM SAXTON,

Member of Congress,

FRANK A. LOBIONDO,

Member of Congress.

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL,

Dover, DE, March 31, 2000.

LTC DEBRA M. LEWIS,

U.S. Army Corps of Engineers, Wanamaker Building, Philadelphia, PA.

DEAR LIEUTENANT COLONEL LEWIS: I am writing to follow up on our numerous conversations and correspondence regarding the proposed deepening of the Delaware River Main Channel. I appreciate your willingness to address these issues and to work constructively with the State of Delaware to ensure that this project will not go forward unless it complies with our environmental laws and that any environmental impacts from this project will be minimal.

This letter summarizes the remaining environmental issues that the Department of Natural Resources and Environmental Control (DNREC) believes need resolution. In particular, it is essential that the Corps demonstrate conclusively that the project will comply with State of Delaware Surface Water Quality Standards, the Wetlands Act, and the requirements of the Subaqueous Lands Act. We also are beginning to formulate the requirements for testing and monitoring that would apply before, during, and after completion of the project should it move forward.

As you are aware, the National Oceanic and Atmospheric Administration regulations (15 CFR 930) require that this project be consistent with the Delaware Coastal Management Program (DCMP) policies. That program issued a conditional Federal Consistency determination to the Corps on 1 May 1997. The extensive scope of this project necessitated that DCMP review the project in phases. Now that the final design and specification phase is underway, it is an appropriate time to address remaining issues regarding the project. The conditional approvals did not obviate the need to meet the substantive requirements of other state permits.

The outstanding issues include construction of material placement facilities, placement of sandy dredged material on beaches, the wetland creation project at Kelly Island, various monitoring and reporting requirements, fisheries concerns, and future maintenance burdens for the project.

I. CONSTRUCTION OF CONFINED DISPOSAL FACILITIES

Prior to any construction, it will be necessary to identify and describe in detail the functions of all confined disposal facilities (CDFs) to be used for the project—whether located within the land area of the State of Delaware or discharging into Delaware waters. It is our understanding that the only Delaware-land sites slated for use are Reedy Point North and South, both currently in existence. This list identifying the disposal sites must include a description of the current status of each site, expected future capacity, amount of material to be deposited during the initial dredging cycle, and ability to accept material for future maintenance cycles. Additionally, there must be reasonable assurance that the site is designed and operated in a manner which can ensure compliance with Delaware State Water Quality Standards. The rationale and justification supporting this assurance must be provided in detail.

In addition, an Erosion and Sediment Control plan is required from the Division of

Soil & Water for any landward disturbance of 5000 square feet or more. Several of the principles regarding erosion and sediment control are included for general reference:

An approved erosion and sediment control plan must be followed. Any modifications to the plan must be approved as revisions to the approved plan.

Any site or portion thereof on which a land-disturbing activity is completed or stopped for a period of fourteen days must be stabilized either permanently or temporarily following the specifications and standards in the Erosion and Sediment Control Handbook.

Unless an exception is approved, not more than 20 acres may be cleared at any one time in order to minimize areas of exposed ground cover and reduce erosion rates.

A land-disturbing activity shall not cause increased sedimentation or accelerated erosion off-site. Off-site means neighboring properties, drainageways, public facilities, public rights-of-ways or streets, and water courses including streams, lakes, wetlands, etc.

More specific criteria for vegetation and berm stabilization can be found in the Delaware Erosion and Sediment Control Handbook for Development.

The Corps must also comply with any additional requirements of the State NPDES program. A permit regulating the discharge of effluent from the CDFs is likely. Additional NPDES Storm Water Regulations apply, since a NPDES certification is required for land disturbing activities. The "Regulations Governing Storm Water Discharges Associated with Industrial Activity, Part 2—Special Conditions for Storm Water Associated with Land Disturbing Activities" (1998) states that "Land disturbing activities shall not commence and coverage under this Part shall not apply until the Sediment and Stormwater Management Plan for a site has been approved, stamped, signed and dated . . .".

2. PLACEMENT OF SANDY DREDGED MATERIAL ON BEACHES

To date, DNREC has not received official word of which beaches have been chosen to receive sand from the southern portion of the project. This information should be made available as soon as it is determined so that we can evaluate the permits and requirements needed. Please be advised that DNREC expects that consideration be given to a number of shoreline locations previously unnourished. A Section 401 Water Quality Certification and State Subaqueous Lands permit will be necessary for beach nourishment activities. Our intent is to ensure that state Water Quality Standards are met. DNREC also wants to ensure that beach replenishment activities will not take place during critical horseshoe crab spawning periods (April 15-June 30). Also, sand placement activities should not use barriers (i.e. silt fences, bulkheads, rocks, etc.) that would interfere with spawning.

3. WETLAND CREATION/ENHANCEMENT PROJECT AT KELLY ISLAND

DNREC anticipates coordinating with the Corps on the final design and monitoring plan for Kelly Island at a meeting on 5 April 2000. However, the following describes general principles which would be applicable regardless of the specific design criteria.

An Erosion and Sediment Control plan is required from the Division of Soil & Water Conservation. The general requirements are listed above under item 1.

The Corps must also comply with any additional requirements of the State NPDES program. This includes the NPDES Storm Water Regulations as well as the State Sediment and Stormwater Regulations, since a NPDES certification is required for land disturbing activities.

Because the beneficial use project at Kelly Island will take place in an existing wetland area, a Wetlands Permit will be required from the Division of Water Resources. In addition, a Subaqueous Lands Lease will also be necessary. There are several standard conditions for mitigation projects which should apply to the wetland creation/enhancement taking place at that site. For example, standard mitigation projects must demonstrate 85% survival of the planted vegetation after the second growing season. If 85% is not achieved then a report outlining corrective action must be submitted. Other parameters for stabilization and flow should be developed by Corps engineers and submitted to DNREC for final review and approval.

The Corps must also commit to maintaining the integrity of the created site at Kelly Island and to do what is necessary to evaluate and ensure the function of the new/enhanced wetland area. In addition, the beach constructed at the perimeter must be able to withstand a significant storm event. The project should be examined and monitored annually in order to ensure berm stability, vegetation viability, flushing, and general "success" of revitalizing the wetland habitat at that site. A monitoring report to this effect will be required annually.

The DNREC, Division of Fish and Wildlife, has concerns about increased silt load and sedimentation of adjacent oyster habitat during construction of the perimeter sand sill at Kelly Island and while the confined disposal area is being filled. Seed beds of concern include "Drum Bed," "Silver Bed," and "Pleasanton's Rock," as these are the closest seed beds to Kelly Island. Should an impact be noted on these beds, it would indicate a need to monitor "Ridge Bed" which is farther from the project area but has historically been very productive.

Monitoring of oyster population conditions and habitat quality should begin prior to construction and continue throughout. Checking for changes in sedimentation patterns should be extensive and focused at broad areas of each bed rather than be limited to discrete sections. In addition, it may be necessary to monitor oyster habitat on leased grounds south of the Mahon River mouth as they may be impacted by sediments moved south by ebb tide currents.

4. MONITORING AND REPORTING

Monitoring at confined disposal facilities

Monitoring of confined disposal facilities (CDFs) must be performed to determine whether return flows from the CDFs cause or contribute to violations of Delaware Surface Water Quality Standards. This is an issue of concern for the Department because CDFs often discharge return flows into ecologically sensitive, shallow water habitats which have limited dilution and dispersion capacity. To evaluate whether return flows are causing or contributing to violations of the Standards, the Corps will need to collect data on flow rate, duration, concentration, and toxicity of CDF discharges and then determine the resulting concentration and toxicity in the receiving water through a combination of fate and transport modeling and in-stream sampling. Both near-field (i.e., mixing zone) and far-field (i.e., complete mix) concentrations and toxicity resulting from the discharges must be determined and compared to applicable Standards.

Sampling and analysis for the CDF should follow the general approach taken by the Corps in evaluating the Pedricktown CDF (i.e., "Pedricktown Confined Disposal Facility Contaminant Loading and Water Quality Analysis," June 1999). The Corps will need to submit a sampling plan/scope of work to the Department for review and approval prior to proceeding with this work and prior to discharging from the CDFs. Close out reports detailing the findings of the sampling and analysis will also need to be submitted to the Department for review and approval. If violations of applicable Standards are identified, then the close out report should identify the steps the Corps intends to take in order to eliminate future violations. Based upon the findings of the initial studies, the Department will determine the nature and extent of subsequent testing that will need to be performed at the CDFs in order to assess compliance with Delaware Surface Water Quality Standards.

In addition to the testing described above, the Corps will also need to collect contaminant data for surface sediments in the CDFs and assess potential impacts to terrestrial and avian species that may use the disposal areas. A plan to accomplish this work should be submitted to the Department for review and approval, as should a close out report. If unacceptable risks are identified as a result of this assessment, then the Corps will need to develop a plan to limit access to the site.

Finally, the Corps will need to submit an annual letter to the Department which summarizes the operational history and structural integrity of any CDF used over the previous year. The letter should address the following factors:

Condition of containment berms, dewatering and stormwater weirs, and other structures.

Summary of disposal operations at the CDF over the past year, including volumes of material placed into the CDF, as well as volumes, mass loading, duration, and timing of return flows.

Summary of maintenance and management activities conducted at the CDF.

Summary of any material removed from the site.

Analysis of available remaining disposal capacity at the site.

Summary of surface and groundwater monitoring programs not otherwise covered in the study identified above.

Monitoring during dredging operation

It will be necessary to monitor during dredging operations in order to ensure that the predictions of "no significant impacts" are fulfilled. Therefore, the Corps should submit a sampling plan to the Department for review and approval.

Measuring the exact position of the dredge at all times is essential to ensuring that the channel and bends are deepened based upon the footprint of the original project. Sampling in the water column surrounding the excavation will require, at a minimum, collection of data on total suspended solids concentrations, dissolved oxygen, ammonia, and any contaminants of concern identified in the pre-dredge evaluation. Suspended solids must be maintained between 25 and 250 mg/l at the edge of a two-hundred foot regulatory mixing zone in order to meet water quality standards, according to the report Metal Contamination of Sediments in the Delaware River Navigation Channel (Greene, 1999). The results from all sampling data must be compared to applicable Delaware Surface Water Quality Standards, and any exceedances must be reported immediately.

The Corps must also work with DNREC to develop a protocol that will come into effect if water quality violations are identified. This would include events where total suspended solids are higher than those determined to be sustainable around the point of excavation.

Additionally, the Corps must follow established protocol if turtles, sturgeon, or other species of concern are identified in the dredge slurry or if there is indication that these species are excessively impacted.

Standard best management practices should be used to the extent practicable during the dredging operation in order to minimize sediment suspension, impacts to aquatic organisms, and water quality exceedances.

If the Corps intends to use the practice of economic loading during the Main Channel Deepening project, this must be discussed with the DNREC. Permission must be granted for economic loading and will be limited by geographical location and material characteristics. Additional monitoring will also be required.

Bi-Annual Reporting

In addition to the annual reporting information stated above, I request that the Secretary of DNREC receive a bi-annual report detailing the progress of the Main Channel Deepening project, including the locations dredged in the previous twelve months, the status and capacity of CDFs, and any unforeseen consequences and their remedies. I would expect members of my staff to be in regular contact with their peers at the Corps in order to ensure that the project satisfies the requirements of the State of Delaware's laws, regulations, and standards.

5. FISHERIES AND LIVING RESOURCE CONCERNS

Aquatic species of concern include sea turtles, several species of whales, and shortnose and Atlantic sturgeon, along with several others. The Corps must follow the recommended dredging windows as established by the Delaware River Basin Fish and Wildlife Cooperative and as reported in the 1997 Supplemental Environmental Impact Statement.

In addition, the following concerns from the Division of Fish and Wildlife must be addressed:

Striped bass spawning is a concern from the Delaware Memorial Bridge to Philadelphia April 15 to June 15. The Delaware Basin Fish and Wildlife Cooperative May 1997 policy entitled "Seasonal restrictions for dredging, blasting and overboard disposal in the mainstream of the Delaware River" should be followed in order to protect anadromous spawners such as striped bass.

Atlantic sturgeon spawning sites are located over rocky bottom in the deepest portion of the river. Spawning season is April 15 to June 15. Because the eggs adhere to the hard surfaces, rock should not be blasted or removed from the river through the end of June to protect sturgeon eggs and larvae.

Atlantic sturgeon wintering areas are located from Artificial Island to Chester, Pennsylvania.

An observer should be placed on hopper dredges to monitor for sturgeon impacts on overwintering fish in the wintering areas.

The Corps will need an "incidental take statement" from NMFS as required under the Endangered Species Act for sea turtles and shortnose sturgeon. The Corps should ensure that their agreement with NMFS reflects the most up-to-date requirements. A copy of this statement should be provided to the Division of Fish and Wildlife.

In addition, a turtle observer should be on board the dredge during the period of the year when sea turtles are known to be present in our area. The report from this observer, as well as any identified turtle parts, should be forwarded to the Division of Fish and Wildlife as well.

6. FUTURE MAINTENANCE

If the Main Channel is deepened, there will be increased volumes of material removed during each maintenance cycle in order to achieve the project depth. This material will place additional burden on existing disposal areas, causing them to fill at a more rapid rate than with the forty-foot project depth. As a result, new disposal facilities must be sited or beneficial uses must be developed for the material currently contained in the facilities. The Corps must be prepared to address dredged material placement needs in the context of future maintenance related to the proposed deepening.

We look forward to continuing our dialogue and working to resolve the above issues before any plans for actual construction take place. As the Department of Natural Resources and Environmental Control, it is our mission to ensure that projects are designed to avoid or minimize adverse impacts on air and water quality, habitat, and living resources. The above requests and requirements are in keeping with this charge as it applies to the proposed deepening of the Delaware River Main Channel.

Sincerely,

NICHOLAS A. DIPASQUALE,
Secretary.

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL,
Dover, DE, July 14, 2000.

LTC DEBRA M. LEWIS,
U.S. Army Corps of Engineers, Wanamaker Building, Philadelphia, PA.

Re: Delaware River Main Channel Deepening Project

DEAR LIEUTENANT COLONEL LEWIS: The Department of Natural Resources and Environmental Control (DNREC) has reviewed your letter of June 9, 2000 and the updated matrix entitled "Assessment of Environmental Issues" that you provided in response to my March 31, 2000 letter regarding the deepening of the Delaware River Main Channel. This letter also addresses issues raised in your most recent correspondence to me of July 9, 2000. Let me begin by thanking you and your staff for meeting with me and members of my staff, discussing our concerns and providing the organized response. Overall, we appear to be in agreement on the means to resolve many issues. Clarifications of DNREC requirements for specific issues are outlined below. We still have several remaining concerns.

The following are comments from the Department regarding the matrix "Assessment of Environmental Issues." Comments are organized by section.

1.0 CONFINED DISPOSAL FACILITIES

1.1 & 1.2 The Corps will need to follow the requirements for Delaware permit processing, regardless of the eventual enforcement mechanism. DNREC uses EPA Application Form 1—General Information; EPA Application Form 2D—New Sources and New Discharges and EPA Application Form 2E—Facilities Which Do Not Discharge Process Wastewater to collect information to control discharges such as those from CDFs. These forms must be filled out and submitted to the Division of Water Resources for all discharges that could impact Delaware waters. Copies are attached.

1.3 Procedures for effluent monitoring must be submitted to DNREC for review and comment. This should be sent along with the information required for permit processing (above). State of Delaware water quality standards attached.

1.4 It appears that DNREC's concern for contaminants might be deferred until post project. DNREC's original comment reflected two concerns: potential contaminant discharge during de-watering and potential longer term impacts after de-watering. These concerns need by addressed by the Corps before the project commences.

2.0 SAND PLACEMENT ON DELAWARE BEACHES

2.1 See Attachment A for a list of Delaware's preferred locations for sand placement.

The FEIS does not address the impacts of placing material on Delaware beaches. The EIS will not be complete until it is amended to address this issue.

2.2 It is unclear from your response whether you intend to apply for Subaqueous Lands permits. Does your acknowledgement of 401 Water Quality Certification requirements include agreement on Subaqueous Lands permits? A Subaqueous Lands permit or its enforceable equivalent is needed.

2.3 DNREC is satisfied with the agreement regarding horseshoe crab protection measures.

3.0 WETLAND CREATION/ENHANCEMENT

3.1 If tidal wetlands are to be impacted during the construction of Kelly Island, the substantive requirements of a State of Delaware wetlands permit must be obtained before any work can commence.

If the de-watering of Kelly Island necessitates a discharge into surface waters, the Crops will be required to complete the same application forms required for CDFs.

3.2 DNREC will continue working with the Corps until a final wetland design plan can be approved. Work cannot commence until this plan is finalized. Regardless of what the Kelly Island project is referred to, we are targeting the survival rates outlined in the March 31, 2000 letter as measures of success.

3.3 A post-construction monitoring plan to ensure protection of water quality standards must be developed by the Corps and submitted to DNREC for review and approval before the project can commence. In addition, the Corps must clarify how long it intends to maintain the beach constructed in front of the wetland area.

3.4 A Subaqueous Lands permit or its enforceable equivalent is required.

4.0 OYSTER HABITAT MONITORING

DNREC is awaiting the final oyster-monitoring plan from the Corps for review and comment. The monitoring plan should include widespread measures of sediment coverage.

5.0 WATER QUALITY MONITORING

DNREC requires that a sampling plan at the point of dredging be submitted for review and comment. This plan is to include steps to be taken if TSS exceeds 250 mg/l.

Corps regulations require that an EIS address water quality impacts in states adjoining areas where side channels and berthing areas are to be dredged. The Corps is to assist the states where this dredging is to occur in obtaining Section 401 Water Quality Certification from the State where there could be adverse impacts on water quality. The Corps has not done this for the dredging that will occur at Marcus Hook.

6.0 ENDANGERED SPECIES

6.1 DNREC requires the submission of protocols for monitoring potential impacts to sea turtles and short-nose sturgeon for review and comment before the project commences.

6.2 DNREC is satisfied with agreements regarding protections of sea turtles.

7.0 DREDGING

7.1 DNREC is satisfied regarding adherence to dredging windows.

7.2 DNREC is satisfied regarding adherence to dredging windows for striped bass.

7.3 DNREC is satisfied regarding adherence to dredging windows for Atlantic sturgeon.

7.4 DNREC is satisfied regarding adherence to dredging windows for Atlantic sturgeon.

7.5 DNREC is satisfied regarding Atlantic sturgeon overwintering monitoring for hopper dredge activities.

7.6 The extent of economic loading needs to be finalized and approved by DNREC before the project can commence.

*Please note final comments regarding female overwintering blue crabs.

8.0 REPORTING

8.1. An outline for the CDF Annual Operational Report must be submitted to DNREC for review and comment before the project may commence.

A description of current CDF site conditions must also be submitted.

8.2 DNREC is satisfied with agreements for bi-annual progress reporting.

8.3 DNREC is satisfied with agreements for CDF capacity for maintenance.

ing windows as established

Please share with us as soon as possible the Corps' proposed dredging schedule and dredging techniques. Over the past years, we have discussed many dredging closure windows and investigated the impacts of economic loading. If the Corps plans to dredge the lower Delaware Bay during the winter, we need to know what measures will be put in place to avoid and reduce impacts to overwintering female blue crabs. During cold winters female blue crabs hibernate in the channel, particularly on the channel sides. They may be torpid and unable to move away from the dredge as stated in the Supplemental EIS. This, combined with the possibility of economic loading depositing a burdensome amount of sediment on top of them, should be accounted for and avoided. This most important fishery must be protected.

Also, we have gotten conflicting information regarding the final quality of rock available after blasting. As you may be aware, our conditional consistency determination required the Corps to make this rock available to Delaware for habitat improvement. This rock is a resource that belongs to Delaware. Placement of rock in Delaware's eleven permitted reef sites could serve as partial mitigation for unavoidable fisheries impacts sustained during the dredging process.

Additionally, a preliminary DNREC review of berthing area sediment toxicity data has shown contamination levels of concern. We are just now bringing this issue up because of the length of time it took the Corps to provide the requested data and the time it took our staff to convert the raw data to an electronic format to facilitate analysis. I trust you have shared this information with the state environmental agencies of Pennsylvania and New Jersey. It is our understanding that Corps regulations and Section 401 of the Clean Water Act require that an EIS address water quality impacts in states adjoining areas where side channel berthing areas are to be dredged and that the Corps is to assist states to obtain Section 401 Water Quality Certification from the affected state. DNREC requests that you document potential effects to waters of the State of Delaware from dredging activities in side channel/berthing areas in adjoining states.

Finally, as previously discussed on numerous occasions and as we have maintained over the past decade, the State of Delaware continues to assert that the Corps is subject to state permitting requirements for this project. We have provided your legal and technical staff with appropriate statutory and regulatory requirements and permit application forms. Before we will entertain any further discussion about alternative mechanisms for satisfying these remaining environmental and regulatory requirements, the U.S. Army Corps of Engineers must provide to the Delaware Department of Natural Resources and Environmental Control a written legal justification that articulates why the Corps should be exempt from applying for required State of Delaware permits.

Sincerely,

NICHOLAS A. DIPASQUALE,
Secretary.

SOLAR AND RENEWABLE ENERGY ACTIVITIES

Mr. DORGAN. Mr. President, I would like to commend the chairman and ranking minority member of the Energy and Water Development Appropriations Subcommittee for including $43.617 million for Solar and Renewable Energy activities, and to discuss briefly a renewable energy project in my home state of North Dakota.

One of the most abundant sources of energy in the Upper Great Plains region is wind. My State of North Dakota ranks first in wind power production potential, and the Department of Energy has said that North Dakota alone could capture enough wind energy to supply 36 percent of the power needs of the lower 48 States. Not only does wind offer a clean and inexpensive form of energy, it also could provide our rural residents with an important source of income. DOE estimates that a 1,000-acre farm could earn as much as $80,000 per year in wind royalties.

One wind energy initiative of particular interest to me is being conducted on the Turtle Mountain Chippewa Reservation by the Center for New Growth and Economic Development at the Turtle Mountain Community College. I had hoped that the Committee would have designated $1 million for this project, but the Subcommittee's current allocation was not at a level to accommodate funding for new start-up projects in the renewable energy accounts.

I recognize that it is difficult to speculate about what the final budget allocation for this bill might allow, but I would ask the chairman and the ranking minority member to consider designating $1 million for this project in conference should additional funds for the programs under the Subcommittee's jurisdiction become available.

Mr. REID. I recognize the importance of wind energy development not only for North Dakota but also for the other states that might benefit from North Dakota's ability to harness this great resource. This project discussed by the Senator from North Dakota is particularly unique since it is being conducted by Native Americans in an effort to reduce their dependence on fossil fuels and to become more financially self-sufficient. Although we do not know, as the Senator points out, what our final allocation may be, the Senator can be assured that I will do my best to see that this initiative is funded, should the Subcommittee's allocation allow additional projects.

Mr. DOMENICI. It is my understanding that the funds being requested by the Senator would be used for a wind turbine and for educational purposes such as teaching others on the reservation and in the region how to establish and maintain "wind farms".

Mr. DORGAN. Yes, the Senator's understanding is correct. The Center for New Growth and Economic Development will work with Turtle Mountain Community College to develop a curriculum on "windsmithing" so that others can learn the trade of wind energy. The Turtle Mountain Chippewa Reservation is located in the middle of a natural wind tunnel so this is a natural place to develop expertise relating to wind energy.

Mr. DOMENICI. I thank the Senator from North Dakota for this explanation, and agree that this Center has potential to provide an innovative approach to an old technology—the windmill.

ADVANCED TECHNOLOGIES INSTITUTE, UNIVERSITY OF CONNECTICUT

Mr. DODD. Mr. President, I would like to engage in a colloquy with Senator REID, the ranking member of the Senate Energy and Water Appropriations Committee.

I want to raise an issue and briefly discuss an amendment that I filed regarding the University of Connecticut. The amendment requests that the Department of Energy release $7.9 million that was originally appropriated in 1993 for the construction of an Advanced Technologies Institute at the University of Connecticut. Because of initial problems with the siting of the facility, the University was granted no-cost extensions for the award. The problems have since been resolved and the University is ready to break ground. I believe that the University of Connecticut, like other institutions, may, without Congressional action, lose out on the receipt of money that was already set aside for them. It is my understanding that the Senate, in its wisdom, has resolved similar situations in recent months. I would ask the chairman and ranking member to continue to work with me to try and rectify the situation with the University of Connecticut.

Mr. REID. Mr. President, I appreciate what the Senator from Connecticut has said. I would like to work with him on this issue as we move to Conference on this bill. Several of our colleagues have had similar problems with other projects and I will continue to work with the Senator from Connecticut as we move to Conference.

GREAT LAKES SEDIMENT TRIBUTARY TRANSPORT MODELS

Mr. DEWINE. Mr. President, as cochairs of the Senate Great Lakes Task Force, the distinguished Senator from Michigan and myself want to take this opportunity to reiterate our support for a program of great interest to our colleagues from the Great Lakes states.

Section 516(c) of the Water Resources Development Act of 1996 authorizes the Army Corps of Engineers to construct sediment transport models for major tributaries of the Great Lakes. This is a project aimed at the prevention end of a complex of sediment-related problems in the Great Lakes region—problems which are costing this country millions of dollars each year to remediate. The potential benefits of these models are such that they will pay for themselves in terms of reduced dredging and disposal costs. The benefits of the program are well-recognized nationally; the program is being used as a template for a similar authorization for the Upper Mississippi river system. In addition to their uses to the Corps of Engineers in planning for dredging needs of the region and development of cost-effective alternatives to dredging, the tributary transport models are made available to local, state and federal partners involved in nonpoint source pollution control to help target their efforts to prevent erosion which results in sedimentation of harbors and channels. A total of approximately sixty Great Lakes tributaries qualify under the authorization guidelines, 25 of which are considered high priority based on their current dredging needs.

Mr. LEVIN. Mr. President, in each of fiscal 1998 and fiscal 1999 the Congress was able to provide $500,000 for this project—funds which were spent to begin construction of models for six priority tributaries. Models of the Nemadji River, and Saginaw River have been completed, but lack of funding in fiscal 2000 has delayed completion of models of the Maumee River, Menominee River, Buffalo River, and Grand Calumet River. Plans to begin development of additional models for priority tributaries in Mill & Cascade Creeks, PA and Grand River, MI have also been delayed. With the first models just finishing completion, we are already seeing the benefits of the program. In the case of the Nemadji River model, the county government is starting to use the model to explore potential effects of changes to forestry practices in the Nemadji River watershed to reduce bank erosion and soil loss to Lake Superior. Preliminary analysis carried out on the Maumee model indicate that soil conservation can reduce future dredging and disposal costs.

We note that the House Committee has provided $500,000 in fiscal 2001 funding for the modeling program and ask the distinguished ranking member to make funding for this program a high priority in conference with the House.

Mr. DOMENICI. Mr. President, I want to thank our colleagues from the Great Lakes states for highlighting the importance of this program and its potential for long-term cost. And to the extent that resources are available, I will do my best to address the funding needs of this program in Conference.

Mr. DEWINE. I thank the chairman for his consideration and congratulate the chairman and ranking member of the Appropriations Committee for presenting the Senate with an Energy and Water Development appropriations bill which addresses so many of this nation's water resources infrastructure needs.

LOW LAKE LEVELS

Mr. DEWINE. Mr. President, I would like to ask my distinguished colleague from New Mexico and Chairman of the Energy and Water Appropriations Subcommittee, Mr. DOMENICI, if he is aware of a serious problem facing Ohio and the entire Great Lakes region. For the last 2 years, water levels in the Great Lakes have been declining rapidly. This year, the water level fell below low water datum for the first time in nearly 35 years.

Mr. DOMENICI. Mr. President, I am aware of the extreme low water level problem and understand the difficulties that the Great Lakes region is facing as a result.

Mr. DEWINE. Mr. President, dredging in Great Lakes harbors and navigation channels is authorized by reference to low water datum. During periods of extremely low water, like those today, lake levels drop below low water datum. These low water levels not only threaten to cripple Great Lakes industries that depend on waterborne transportation, but they also create a serious threat to the safety of the thousands of recreational and commercial boaters on the Lakes. Would my colleague from New Mexico agree that the Corps should ensure minimal operation depths consistent with the original authorized depths and current use of the channels and harbors when Great Lakes water levels are below the International Great Lakes Datum of 1985?

Mr. DOMENICI. Mr. President, I believe that the corps should work toward this goal recognizing the constrained nature of the operation and maintenance budget recommended for fiscal year 2001 and existing traffic using the system.

GREAT LAKES REMEDIAL ACTION PLANNING ASSISTANCE AND SEDIMENT REMEDIATION TECHNOLOGY DEMONSTRATIONS

Mr. LEVIN. Mr. President, as the Senate considers the Fiscal Year 2001 Energy and Water Development Appropriations, we would like to bring to the attention of the distinguished chairman and ranking member the critical problem which the Great Lakes region faces in dealing with a legacy of sediment contamination.

In 1987, the International Joint Commission designated 43 Areas of Concern on the Great Lakes where human use of the aquatic resources is severely impaired. Of the 31 U.S. sites, none have been cleaned up to the point of de-listing in the 13 years which have passed since listing. In most cases, the remaining recalcitrant problem is sediments which are contaminated with persistent toxic substances.

Mr. DEWINE. Mr. President, the Army Corps of Engineers plays a key role in addressing the contaminated sediments problem in the Great Lakes region. Section 401 of the Water Resources Development Act of 1990 authorized the Corps of Engineers to provide technical assistance to the Remedial Action Planning Committees for each of the Areas of Concern. This technical assistance is critical to developing a cost-effective and scientifically sound approach to cleanup. One of the largest obstacles to cleanup of contaminated sediments in the Great Lakes region is the lack of availability of alternative technologies for remediation of contaminated sediments. The Water Resources Development Act of 1996 amended Section 401 allowing technical assistance funds to be used for the development and demonstration of promising new remediation technologies.

Since 1990, Congress has provided a total of just $3.25 million for the Section 401 program. Funding has never exceeded $500,000 in any fiscal year, a level far too low to support even a single technology demonstration while maintaining key technical assistance capabilities.

We note that the House Committee has provided $600,000 in fiscal 2001 funding for the Section 401 Program. While we welcome the prospect of this increase, even at this level funding remains woefully short of the amount needed for this key component of our regional battle to address the problem of sediment contamination in the Great Lakes. We ask the distinguished chairman and ranking member to make funding for this program a high priority in conference with the House and within any additional funding which may become available.

Mr. DOMENICI. Mr. President, I want to thank our colleagues from the Great Lakes States for highlighting the importance of this program. To the extent that resources are available, I will do my best to address the funding needs of this program in conference.

HOUGHTON LAKE IN MICHIGAN

Mr. LEVIN. Mr. President, as the Senate considers the Fiscal Year 2001 Appropriations Act for Energy and Water Development, I wonder if the Senator from Nevada would answer a question about funding for a serious problem with Houghton Lake in Michigan.

Mr. REID. Mr. President, I would be pleased to offer any information about this bill to my friend from Michigan.

Mr. LEVIN. I thank the Senator. Is it correct that the Committee has provided $6,700,000 for the Corps of Engineers' planning assistance to States program and that only $200,000 of this funding is currently obligated to a specific project?

Mr. REID. The Senator from Michigan is correct.

Mr. LEVIN. I would ask if the Senator would be willing to consider in conference a request of $75,000 to conduct a comprehensive water management study for Houghton Lake, MI. The Eurasian milfoil is a non-indigenous water plant that floats on the water's surface and forms large mats of plants, which lower the oxygen levels in the water below them, killing fish and making passage by boat very difficult. A large amount of the lake's surface has been infested by the milfoil.

Mr. REID. I understand that this matter is of great importance to the Senator from Michigan and the people he represents. I can assure my friend that I will attempt to provide that funding in Conference.

Mr. LEVIN. Mr. President, as always, I appreciate the courtesy of the distinguished Senator from Nevada.

NATIONAL SYNCHROTRON LIGHT SOURCE

Mr. SCHUMER. I would first like to thank Senator REID and Senator DOMENICI for their leadership and continued funding of science and research facilities.

I would like to take a moment to engage my colleague in a colloquy.

Mr. REID. I thank the Senator for his kind words and would be happy to engage in a colloquy with him.

Mr. SCHUMER. Mr. President, due to severe budget constraints in the Fiscal Year 2001 Energy and Water Appropriations, additional funding has not been made available for the National Synchrotron Light Source at Brookhaven National Laboratory. The President's FY2001 Budget included $3 million for upgrades and enhancements to the NSLS at Brookhaven National Laboratory under the Basic Energy Science (BES) account. The NSLS facility at Brookhaven, bringing 2,300 scientists annually is used for a whole host of issues, ranging from the first images of the AIDS virus attaching itself to a human cell; landmark progress in understanding the structure of the ribosome, the most complex component in each living cell; pivotal work on the Lyme disease bacterium, leading to a vaccine; and pioneering studies on hepatitis. These additional funds will allow Brookhaven to begin construction of two experimental stations and to hire additional staff members, which are essential in handling the growing demand of this facility.

I ask the Senator from Nevada that if additional funds are made available for the Energy and Water Appropriations Bill, that the enhancements to the NSLS be added to the current funding for Brookhaven.

Mr. REID. I agree with the Senator from New York that the additional funding for the NSLS is a high priority and the enhancements will allow more people to research and develop experiments that will effect the future of our world. Unfortunately funding constraints have prohibited the Committee from including these essential funds. When additional resources become available, we will give the NSLS priority consideration under additional science funding.

Mr. SCHUMER. I thank the Senator from Nevada for helping with this priority issue.

THE CLINTON RIVER SPILLWAY

Mr. LEVIN. Mr. President, we have before the Senate the Fiscal Year 2001 Appropriations Act for Energy and Water Development.

I thank the Committee for including an $100,000 appropriation for the Clinton River Spillway for an evaluation to determine whether the Clinton River Spillway in Michigan has a design deficiency requiring remediation.

During the 1950's, the United States Army Corps of Engineers constructed a dam on the Clinton River and a spillway to alleviate flooding. Since the completion of the project, debris has built up at the confluence of the Clinton River and spillway.

I agree with the Committee that a study must be conducted, however I ask that the study include an analysis of the cause of the debris build up as well as a determination as to whether or not there is a design deficiency. This is a continuing problem in this river basin and the Corps needs to examine the cause of the problem in order to devise a long term solution.

Mr. REID. The Senator from Michigan is correct. The cause of this problem needs to be determined and the Corps needs to include causation as a part of this study. I assure the Senator that we will interpret the study to include a causation analysis.

Mr. LEVIN. I thank the Senator from Nevada.

THE ROUGE RIVER IN SOUTHFIELD MICHIGAN

Mr. LEVIN. Mr. President, as the Senate considers the Fiscal Year 2001 Appropriations Act for Energy and Water Development, I wonder if the distinguished Senator from Nevada would answer a question regarding Emergency streambank and shoreline protection—sec. 14—funds?

Mr. REID. Mr. President, I would be pleased to offer any information about this bill to my friend from Michigan.

Mr. LEVIN. I thank the Senator. Is it correct that the Committee has included $8,000,000 for section 14, Emergency streambank and shoreline erosion protection?

Mr. REID. The Senator from Michigan is correct.

Mr. LEVIN. I thank the Senator from Nevada. I would also ask if the Senator would be willing to consider in conference a request of $40,000 for the Rouge River in Southfield, Michigan. A large slope area on the banks of the Rouge River has collapsed and is currently threatening public infrastructure. This area must be stabilized and restored before winter sets in to prevent damage to the sanitary sewer and to eliminate the threat of pollution to the Rouge River. This is a very urgent project.

Mr. REID. I understand that this matter is of great importance to the Senator from Michigan and the people he represents. I can assure my friend that I will carefully consider his request in Conference.

Mr. LEVIN. As always, I appreciate the courtesy of the distinguished Senator from Nevada.

THE BRUNSWICK HARBOR DEEPENING PROJECT IN BRUNSWICK, GEORGIA

Mr. CLELAND. Thank you, Mr. President. I rise today to discuss the current situation of Brunswick Harbor, an issue which is very important to me. I hope that I can engage the Chairman and the Ranking Member of the Senate Energy and Water Subcommittee in a floor discussion of this key matter.

The Brunswick Harbor deepening project, which was authorized in the 1999 Water Resources Develop Act, has received a favorable report from the U.S. Army Corps of Engineers and has met all required cost-benefit and environmental reviews. Preconstruction engineering and design are in the final stages. In order to keep this project on schedule, it is necessary to complete several administrative requirements before the deepening project begins. Namely, the Corps of Engineers and the Non-Federal sponsor must initiate

Project Cooperation Agreement discussions, complete the final project design, and develop contract award documents. I have requested a modest funding level of $255,000 to carry out these tasks. Unfortunately, no funds were provided in the House or Senate bills.

I believe it is important to take action on this issue immediately. Navigation channel restrictions in Brunswick have cost shippers and consumers a significant amount in lost revenue. The current controlled depth of 30 feet subjects 57 percent of the vessels to tidal delays, sub-optimal loading and inefficient port rotations. In fact, it is estimated that these delays result in an annual loss of $6.65 million in revenue. We can avoid incurring these losses another year by providing nominal funding to complete the required administrative processes.

I would echo the remarks of the Committee's report language which notes the importance of our waterways and harbors to our national transportation system. The Port of Brunswick plays an integral role in supporting the maritime transportation arm of our national infrastructure. Additionally, I would say that the Port of Brunswick is very much an intermodal facility. Brunswick is well-connected to our nation's system of highways and railroads, providing increased opportunities for commercial transportation.

I will go one step further in stating that the Port of Brunswick is not only important to our national transportation system, but it is important to our national defense. Located between Savannah and Jacksonville, Brunswick is readily accessible to the numerous military installations in the region. As a member of the Senate Armed Services Committee, and as a former Army Officer, I know very well the need to move troops, tanks, and supplies as rapidly as possible. During a war, more than 95 percent of all the equipment and supplies needed to sustain the U.S. military are carried by sea. The potential for the Port of Brunswick to play a major role in the movement of military cargo must not be overlooked, nor must it be hindered by administrative delays.

I understand the tight budget restraints the Subcommittee faces this year, and I respect the fact that there will be no "new start" projects appropriated. However, we are not attempting to start dredging in Brunswick. We are simply trying to complete the administrative requirements which are necessary prior to such action. I appeal to my colleagues to help me keep the Brunswick Harbor deepening project on schedule through the inclusion of funds in Conference with the House. In fact, I believe we can proceed with the Project Cooperation Agreement, the final project design, and the development of contract awards if the Conference Committee were to simply include favorable report language to this effect. I thank my distinguished colleagues, and I yield the floor.

Mr. MILLER. I, too, would like to offer a few comments relative to the Brunswick Harbor deepening project. Although I have been a member of the Senate for only a short while, I certainly understand the importance of this project and I fully support the inclusion of funds to keep it on schedule. Brunswick handles cargoes important to the region such as grain, gypsum, limestone, perlite, potash, oats, wood pulp, and motor vehicles. As the region has grown, so has the size of the vessels calling on the Port. I am very concerned that if we further delay the deepening project, we run the risk of hindering economic growth. This concern is underscored by the fact that the number of operational delays has increased by 36 percent since 1984. I believe that it is essential to stay the course and keep the project on schedule, and I join my colleague in urging the inclusion of $255,000 to support the administrative tasks which must be completed this year.

Mr. REID. I thank the Senators from Georgia. I share your concern for the funding of this important project, and I assure you that I will give this project due consideration in conference with the House. Should additional funds become available, as I hope they will, the Brunswick Harbor Deepening Project will be one of my chief priorities, and I will support the inclusion of the report language sought by the Georgia Senators.

BONNEVILLE POWER ADMINISTRATION

Mr. DOMENICI. Mr. President, I see the senior Senator from Washington, Senator GORTON, on the floor. Our committee report on this bill includes language he recommended relative to the particular challenges the Bonneville Power Administration status as a Federal agency presents to the BPA in its possible participation in a regional transmission organization. Our report acknowledges that certain steps may need to be taken to mitigate impacts on BPA employees, and that legislation may be necessary. I understand that the Senator from Washington would like to comment further on this issue.

Mr. GORTON. Mr. President, I thank the chairman. I appreciate his interest in this matter and his willingness to consider legislative remedies, should they become necessary. I only want to make clear for the record that if administrative remedies are insufficient to protect the rights and benefits of BPA employees should they move into a new regional transmission organization, then any legislative remedy that might be proposed will be developed in full consultation with other stakeholders in the region and other participants in the RTO. Since any legislation that may be developed may very well be carried as an administrative provision in this bill, I wanted to be sure the manager knew that this is my intent.

Mr. DOMENICI. I appreciate that elaboration, Mr. President, and look forward to working with Senator GORTON on this issue of great interest to his constituents.

FERNALD ENVIRONMENTAL MANAGEMENT PROJECT

Mr. DEWINE. Mr. President, I would like to engage the distinguished Senator from New Mexico, and floor manager of the pending bill, Senator DOMENICI in a colloquy.

Mr. DOMENICI. I would be pleased to respond to the distinguished Senator from Ohio, Senator DEWINE.

Mr. DEWINE. I thank the Senator. Senator, last year we discussed the tremendous progress being made at the Fernald Site in my home state of Ohio. It is in many ways a model of what can be done to safely and effectively clean-up a former weapons production site left from the cold war. The Fernald site is poised to be the first major DOE site to be cleaned-up and in effect 'taken off the books.' Wouldn't the Senator agree that this effort deserves both our appreciation and support?

Mr. DOMENICI. Absolutely, I concur with the Senator.

Mr. DEWINE. I thank the Chairman. In the event that additional resources become available, I ask the chairman to help secure additional resources for the Fernald project to ensure that the pace of closing the site by 2006 is assured. I further ask the Chairman if he would support my call to the DOE to make an expeditious decision concerning the site contractor. There is no competition—the site is running smoothly—let's give them the resources they need and demonstrate that at least one project can be completed on budget and on schedule without any further delays.

Mr. DOMENICI. The Committee once again recognizes the outstanding contributions of the entire effort at the Fernald site-workers, community leaders, and regulators. We will try to support the Senators request and encourage the DOE to make an expeditious decision concerning the pending contract.

Mr. ALLARD. Mr. President, I would like to briefly engage Senator DOMENICI, Chairman of the Energy and Water Appropriations Subcommittee on an important energy issue.

Mr. DOMENICI. I would be happy to oblige the Senator from Colorado.

Mr. ALLARD. Thank you Mr. Chairman. Mr. President, I would like to thank Senator DOMENICI for his hard work on this important bill. In particular I would like to thank him for his actions in response to requests by many, including this Senator, on behalf of renewable energy. These funds will go far to help in many areas of science, the environment, national security and the economy. On a related topic. I wonder if I could briefly discuss the Consortium for Plant Biotechnology Research (CPBR) with the Chairman.

Mr. DOMENICI. I would inform the Senator from Colorado that I am aware of CPBR's work and would be happy to address the Senator on this topic.

Mr. ALLARD. As I'm sure the Chairman knows, research that has been undertaken by CPBR's member universities, including the University of Colorado, in conjunction with the Department of Energy has led to improved biomass energy technologies that help develop a competitive biomass-based energy industry and a safer, cleaner environment.

Mr. DOMENICI. I appreciate the words of the Senator from Colorado and would note that New Mexico State University is an important partner in the consortium. Unfortunately, due to our subcommittee allocation, there was not enough room in the Senate mark to cover many good programs and projects.

Mr. ALLARD. Mr. President, I thank the Chairman for his time and would encourage him to consider the important work of CPBR when this bill moves to conference with the other body.

GENERAL INVESTIGATIONS ACTIVITIES OF THE CORPS OF ENGINEERS

Mr. WARNER. Mr. President, I would like to engage in a colloquy with the Chairman of the Energy and Water Development Appropriations Subcommittee regarding the General Investigations Activities of the Corps of Engineers.

The Corps of Engineers is authorized to repair the Goshen Dam/Spillway system on Lake Merriweather in Rockbridge, Virginia. This dam is classified as a "high hazard" dam according to the Federal Dam Safety Guidelines because its failure threatens the downstream community of Wilson Springs. The Corps has completed a Technical Report on the engineering and design specifications for the project's repairs and upgrades.

The House passed bill includes $150,000 for further planning and design activities for this important project. I call this situation to the attention of the Chairman and respectfully request that he give favorable consideration to this matter in conference.

Mr. DOMENICI. I thank Senator WARNER for bringing this matter to may attention. I am aware that this facility is utilized by the National Capital Area Boy Scouts organization. It is important that the non-federal sponsor finance their share of the costs of these safety repairs and I am aware that the Commonwealth of Virginia may become the non-federal sponsor.

I know how important this project is to the Senator and I will give it full consideration during Conference.

DELTA REGIONAL AUTHORITY

Mr. COCHRAN. Mr. President, the Mississippi River Delta possesses many common characteristics and unique problems throughout the 7-state alluvial floodplain which it encompasses. The subcommittee report includes funding for a new Delta Regional Authority, an economic development effort aimed at extending special help to an area of the country that I have long considered to be a special part of my state and this nation.

I am concerned that many of the real needs in the region never feel the full impact of federal assistance efforts because of the centrally-planned and bureaucratic delivery systems which accompanied some of these initiatives. Because of this history, the people of the region have become skeptical about new election year promises of federal assistance.

I would like to ask the distinguished chairman of the subcommittee for clarification of the intent and purpose of this funding. First, how is the Delta defined for purpose of extending this proposed federal assistance?

Mr. DOMENICI. The provisions included in the bill do not specifically define the Delta.

Mr. COCHRAN. The historical Delta area is the Mississippi Alluvial Valley, which includes only small portions of Tennessee and Kentucky, the typically flat and gently-sloping land of eastern Louisiana and Arkansas, Northwest Mississippi, the boot-heel of Missouri, and the Cache River lowlands of Illinois. Is it the Committee's intent that the Delta, for purposes of the federal assistance in this appropriation measure, be defined as that land which underlies those communities, counties, parishes and part-counties, which are geographically delineated by the topography commonly recognized as the Delta alluvial floodplain?

Mr. DOMENICI. Yes. It is my understanding that this is the area suffering most in terms of economic distress.

Mr. COCHRAN. As the distinguished chairman knows, the Delta suffers from an acute need for infrastructure development that inhibits economic growth.

In the Report to Congress by the Lower Mississippi Delta Development Commission, which was co-chaired by then-Governor Bill Clinton of Arkansas, the Commission stressed that the ten-year goal of any plan to assist the Delta should emphasize, and I quote from page 92 of this report, "every Delta resident will have access to adequate water and sewer, fire protection, flood control, roads, streets, and bridges, to improve the quality of life and provide for economic growth and development."

Although there are many very important needs in the Mississippi River Delta region which are unique to that area, better roads, educational enhancements, protection from floods, natural resource conservation and equipment and instruction support for workforce training ought to be the primary focus of this funding.

There are existing and proven delivery systems for these purpose which have the benefit of local planning and priority-setting by the people who reside in the Delta.

Is it the intent of this committee that this founding be utilized in this way for these purposes?

Mr. DOMENICI. Yes, Senator. In fact, it is the interest of the subcommittee to bring this federal support to the Mississippi River Delta region in the most timely and cost-efficient manner. It is my understanding that much like in your own State of Mississippi, the other six states have similar delivery systems in place through their local community colleges, universities, departments of transportation, and water resource agencies that should be used as the primary vehicles through which these funds are properly administered to provide the greatest regional impact.

Mr. COCHRAN. I appreciate the Chairman's response. Delta communities in my state have been unable to provide their local cost-share for rural water and sewer projects, road and railroad improvement projects, drainage and flood protection projects, and other developments that are fundamental to a viable, local economy because they simply cannot afford the match. Unlike more affluent areas which can take full advantage of the federal cost-sharing programs such as this, the Delta typically lags behind even further. Is it the Chairman's view that these funds could be used as a local match for other federal programs?

Mr. DOMENICI. I agree with your view that these funds could utilized for the type of infrastructure support you have described. If distressed communities in the Mississippi River Delta region are struggling to qualify for federal assistance due to their inability to provide the local match for infrastructure improvements, I think it should be one of the highest priorities for these funds to be applied in this way.

Mr. COCHRAN. I thank my friend from New Mexico and I appreciate your support for the use of this funding through existing delivery systems to provide needed assistance to the Delta.

FEDERAL POWER MARKETING ADMINISTRATIONS AND REGIONAL TRANSMISSION ORGANIZATIONS

Mr. CRAIG. Mr. President, I would like to engage in a colloquy with the Chairman of the Energy and Water Development Appropriations Subcommittee and the senior Senator from Washington to clarify the intent of legislative language in Section 319 of H.R. 4733.

Mr. DOMENICI. Mr. President, I would be pleased to discuss this provision with my friend, the Senator from Idaho.

Mr. GORTON. As would I, Mr. President.

Mr. CRAIG. Mr. President, one of the Power Marketing Administrations, the Bonneville Power Administration (BPA) is working with other transmission-owning electric utilities to file a document with the Federal Energy Regulatory Commission in October evidencing an intent to form a regional transmission organization in the Northwest. It is my understanding that this language would give BPA the authority to engage in the activities necessary to making that filing. Is that correct?

Mr. DOMENICI. Mr. President, the Senator from Idaho is correct.

Mr. GORTON. I concur, Mr. President.

Mr. CRAIG. It is also my understanding that the Department of Energy is currently of the opinion that no further legislation would be needed in order for BPA to actually participate in a Northwest regional transmission organization. However, issues may arise as a result of the October filing, or otherwise, that would necessitate further legislation before BPA participates in the Northwest regional transmission organization. If such legislation is necessary, would the Chairman and the Senator from Washington be willing to work with me to enact it expeditiously, so as to not delay the actual operation of the Northwest regional transmission organization?

Mr. DOMENICI. I would be pleased to work with the Senator from Idaho, the Senator from Washington, and other members of the Northwest delegation to assure expeditious enactment of any such necessary legislation.

Mr. GORTON. I too, am committed to prompt enactment of such legislation, if needed. I think it is crucial that Congress facilitate, rather than impede or delay, the formation of a regional transmission organization for the Northwest.

Mr. CRAIG. I thank the Senators.

CHANNEL DEEPENING

Mr. SCHUMER. Mr. President, I have an amendment to the Fiscal Year 2001 Energy and Water Appropriations bill prepared on behalf of myself, Senator MOYNIHAN, Senator LAUTENBERG, and Senator TORRICELLI, that would dedicate $53 million and $5 million, respectively, for the Kill van Kull and Arthur Kill channel deepening projects in the Port of New York and New Jersey. These are the amounts that the President's Budget requests for the vital navigation projects. I will withhold from offering the amendment at this time.

I would just like to ask the Chairman and ranking Member, who are working hard to stay within their allocations, if they agree that the redevelopment of the Port of New York and New Jersey to accommodate modern container vessels is in the national interest. I would also like to inquire whether they will grant both of these projects priority consideration in the event that additional funds become available under the Army Corps accounts.

Mr. REID. I would agree with the Senator from New York that the authorized Federal navigation projects for the Port of New York and New Jersey are in the national interest, and that both the Kill van Kull and Arthur Kill projects should receive priority consideration if additional general construction funding for the Army Corps of Engineers becomes available.

IMPROVEMENTS ON THE MISSISSIPPI

Mr. GRAMS. Mr. President. I would like to engage the distinguished Chairman of the Subcommittee in a brief colloquy on an extremely important public safety project in St. Paul, Minnesota. As the Chairman may recall, I have been a strong proponent of $3,000,000 in Federal funding for the Mississippi Place project in downtown St. Paul. Not surprisingly, I am quite disappointed that the Committee was unable to accommodate requests to initiate work on recently authorized projects.

This project, authorized in the Water Resources Development Act of 1999, entails much needed improvements to the Mississippi River shoreline. For the past 100 years, this shoreline was virtually inaccessible to residents of St. Paul, cut off by a major parkway, industrial property and a main rail line. However, much has changed in the last five years, and the community now finds itself with an unprecedented opportunity to re-establish a physical connection to the Mississippi River. The industrial property has been converted into a new Science Museum and parkland, the parkway has been realigned and the rail lines have been regraded.

As envisioned by the Corps, the project will consist of a series of improvements to a section of river which contains some of the strongest currents on the Upper Mississippi. The need to initiate prompt work on the project led the Minnesota State Legislature to allocate $3,000,000 in state matching funds to the 2000 Bonding Bill signed by the Governor. An additional $3,000,000 in funding from local and other sources will be made available for parklands, trails and other amenities. All told, the community has pledged two thirds of the funding required for the project, far in excess of what is required by law.

But the most important work of all is the Corps portion along the shoreline, work which is critical to keeping the public (including 1.5 million annual visitors at the new Science Museum of Minnesota) away from the fast moving current. Without the funding I have requested from the Committee, this project will not be initiated.

Mr. President, could the distinguished Chairman provide me with his views on the upcoming conference with the House on this legislation, with particular emphasis on the funding which I am seeking for this project?

Mr. DOMENICI. Mr. President, I would be pleased to respond to the Senator's question. As my good friend pointed out, the funding allocation for the Energy and Water Subcommittee for fiscal year 2001 did not afford us the luxury of initiating new construction projects. However, I am aware of the Senator's strong support and interest in this project and, should the subcommittee receive sufficient additional budgetary resources, I will assure my colleague that the project outlined by the Senator would certainly be considered along with numerous other projects which have been brought to the subcommittee's attention.

OBJECTIONABLE PROVISIONS

Mr. MCCAIN. Mr. President, the energy and water appropriations bill is fundamental to our nation's energy and defense related activities, and takes care of vitally important water resources infrastructure needs. My colleagues are aware that I am a strong defender of our national security which is, in part, funded through this bill. Taking care of our national energy needs is also high in priority to our taxpaying constituents who are concerned about ever-increasing gas and energy prices.

That is why I am disappointed to report that this year's bill once again fails to fulfill our responsibility to American taxpayers to expend their tax dollars in a wise and prudent fashion that addresses the nation's most critical needs. Instead, included in this year's bill and its accompanying Senate report is $508 million in unrequested and low-priority earmarks. A number of legislative riders are also added which will effectively prevent a fair and deliberative consideration of certain issues that should be determined in a legislative review through the appropriate Congressional committees.

I recognize the hard work that the managers of this bill have put into moving this measure through the Senate. I thank them for their tireless efforts and appreciate that their jobs have not been easy. However, I must repeat a criticism I have made many times during consideration of appropriations bills and will continue to make as long as the practice of earmarking continues—this bill inappropriately singles out projects for funding based on criteria other than need and national priority.

This year, earmarks account for more than $508 million in funding for local projects contained in the bill and the committee report. Yet, we have no way of knowing whether, at best, all or part of this $508 million should have been spent on different projects with greater national need or, at worst, should not have been spent at all.

Various projects are provided with additional funding at levels higher than requested by the administration. The stated reasons include the desire to finish some projects in a reasonable time-frame. Unfortunately, other projects are put on hold or on a slower track. The inconsistency between the administration's request, which is responsible for carrying out these projects, and the views of the appropriators on just how much funding should be dedicated to a project, is troubling. As a result, various other projects that may be equally deserving or higher in priority do not receive an appropriate amount of funding, or none at all. Many of my objections are based on these types of inconsistencies and nebulous spending practices.

Our current system of earmarking in order to fund national projects is fundamentally flawed. I hope that we will soon develop a better system, one which allows the projects with the greatest national needs to be funded first.

I remind my colleagues that I object to these earmarks on the basis of their circumvention of our established process, which is to properly consider, authorize and fund projects based on merit and need.

Although I was not present to vote on final passage of this bill, I wish to state for the record that I would have voted against this bill because this is not the honorable way to carry out our fiscal responsibilities.

I reviewed this bill and report very closely and compiled a list of objectionable provisions in H.R. 4733 and its accompanying Senate report. This list is too lengthy to be included in the RECORD, but it will be available from my Senate office.

RENEWABLE ENERGY

Ms. COLLINS. Mr. President, earlier this year I joined many of my colleagues in signing a letter supporting increased funding for renewable energy. I am pleased today to see that the subcommittee on Energy and Water Appropriations has honored our request with an $82 million increase in renewable energy funding, raising the total from $362 million to $444 million. That this substantial 23 percent increase occurred under severe budgetary pressures makes it all the more commendable. I thank Chairman DOMENICI and Senator REID for their efforts in producing this bill.

At no time has investment in renewable energy research and development been more important. As we have seen over and over again, even a slight imbalance between supply and demand can lead to rapidly escalating energy prices. Last winter, disruptions in oil supply caused great hardship to Mainers who depend on home heating oil. Mainers are also suffering at the pumps from gasoline and diesel prices that hit their highest levels in decades. People across the nation are further suffering from more and more frequent spikes in the price of natural gas and electricity.

Unless we act to diversify our energy supply, this volatility is only likely to grow worse. For example, United States currently imports slightly over half of its oil. In less than 20 years, this number is expected to grow to 70 percent. Unless we are content to live under the perpetual threat of energy disruptions from Middle East energy barons or other forces beyond our control, we must diversify our energy supply. While renewable energy will not provide the whole answer, it holds the potential to help stabilize energy prices and to provide us with an increased level of energy security. By investing in renewable energy research and development, we enhance fuel and technology diversity and help provide the United States with insulation from future energy shocks.

Investments in renewable energy have many other benefits as well. These investments increase the U.S. market share of the growing domestic and international markets for energy-supply products and permit the expansion of high technology jobs within the U.S. economy. Research in biomass and biofuels helps farmers and foresters by creating valuable new uses for agricultural products. Renewable energy has important military applications and is currently used on many remote military bases. The funds contained in this bill will also lead to improvements in distributed generation, energy storage, and reliability of the electric grid. Finally, renewable are bringing extra income to many farmers and local communities across the Nation.

My home State of Maine is a leader in renewable energy production and technology. In fact nearly 30 percent of our electricity comes from renewable energy generated in Maine. Central Maine Power is selling renewable energy from biomass to green markets in other states. And just next month, Endless Energy will be putting in a brand new wind turbine at a blueberry farm in Orland. This turbine was made possible in part by the renewable energy investments that I supported last year.

I again thank Senators DOMENICI and REID for providing the increase in renewable energy investments that I and many of my colleagues in the U.S. Senate had asked for. This is a down-payment on future energy diversity and a sound economy.

RED LAKE RIVER FLOOD CONTROL

Mr. GRAMS. Mr. President, I had intended to offer an amendment that would have provided $1 million in funding for the Red Lake River Flood Control Project at Crookston, Minnesota. This is a high priority of mine, and I regret the Committee's inability to fund new start construction projects. I understand there may be more flexibility to fund new starts in conference, and I want to continue to work with Chairman DOMENICI at that time to ensure funds are available to begin construction of this important project.

Communities in the Red River Valley in Northwestern Minnesota have suffered some of the worst flooding in our nation's history during 1997. Many Americans watched the television coverage of Grand Forks, North Dakota and saw the burning buildings which destroyed a city block, all in a sea of water. But just across the Red River, on the Minnesota side, is East Grand Forks, a town of nearly 10,000 people that had no water, no electricity, and no sewer system.

This disastrous flooding has severely disrupted the lives of many, many Minnesotans. Dreams of enjoying warm, spring weather after a brutally long Minnesota winter were replaced with efforts to ensure families and communities were safe, and that adequate food, water, and shelter was available.

Just 22 short miles east of East Grand Forks is the community of Crookston. Fortunately, through hard work and some luck, Crookston escaped major flooding in 1997. But Crookston's luck may not hold. The Red Lake River has flooded Crookston in the past, and without improved flood protection, it will flood the city again. The city has experienced severe flooding as a result of the topography of the land, as well as agriculture drainage, loss of wetlands, and the construction of county ditch systems. In fact, all of which have altered the flow of water adding to the risk of flooding. The threat to life and property in Crookston has increased since the 1950 flood when many homes were destroyed. The city has constructed levees between 1950 and 1965, but these levees are seriously deteriorating.

Mr. President, there is a plan for flood protection in Crookston. City planners have suggested a combination of channel cuts and dikes. The channel cuts would allow water to flow more quickly through town. The dikes would hold back flood water.

The city needs federal funding for this project. Already, the State of Minnesota has appropriated $3.3 million for Crookston for the dual purpose of providing funds to match the pending federal money, and to buy out homes in preparation for construction of the project. Local contributions, thus far, have exceeded $1.5 million, a third of which was used to meet the 50% federal requirement for the feasibility study, and the remainder is to be used as a part of the local match for the construction of the project that was authorized in the Water Resources Development Act of 1999. The cost benefit ratio for the project was determined in the Corps' feasibility study to be 1.6, far exceeding the federal requirement of a 1:1 cost benefit ratio for flood prevention projects.

It is my understanding that the city has met every requirement, cooperated with the Corps, and done everything asked of them to ensure the federal funding they expected after the authorization.

I want to commend the leadership of Mayor Don Osborne, members of the city council and city engineers in working on this important flood control project for their community. It is my hope that federal funding for this project be achieved so that work can begin to provide essential flood protection for the people of Crookston.

I urge the support of conferees for this amendment.

Thank you, Mr. President.

Mr. STEVENS. Mr. President, I am joined by my colleague from Alaska, Senator MURKOWSKI, in thanking the managers of this bill for accepting an amendment important to the residents of Kake, Alaska.

The city of Kake is a predominantly Tlingit Indian community of 850 located on Kupreanof Island in a remote section of southeast Alaska.

Since the recent collapse of the timber industry in southeast Alaska, Kake's economy has been almost entirely reliant on a local salmon hatchery and a seafood processing plant.

The city water was supplied by the Gunnuk Creek Dam, a wooden dam built in 1946 by the Civilian Conservation Corps (CCC) at a cost of approximately $1.5 million.

In late July, after three days of severe storms dumped approximately 24 inches of rain, several logs swept across Kake's water reservoir and gouged an 18-foot by 12-foot hole in the 54 year old dam. The reservoir emptied and within minutes Kake's residents, hatchery, fish processing plant, general store, city offices, school, and fire department were without water. For the next 10 days, residents were forced to boil water before they could drink it. On August 10, the governor of Alaska issued a disaster declaration for Kake.

As an interim measure, small pumps have been installed in Gunnuk Creek to pump water to the filtration plant. Those pumps are highly susceptible to storms, and must be monitored 24 hours per day for debris and wear. The city purchased the small pumps with borrowed money, which must be repaid. Because of lack of water, the salmon hatchery has lost $2 million to date, primarily in loss of fish and egg harvests for next year's run. Also because of a lack of water, the cold storage plant—the major employer in Kake—laid off its 70 workers and has lost $500,000 in business.

Engineers from the Indian Health Service and a private consulting firm have declared the dam a total loss and estimate that $7 million is needed for a replacement.

The amendment included in this bill would provide the needed funding to replace the dam and I thank my colleagues for their support.

RIO GRANDE

Mr. DOMENICI. Mr. President, my amendment to strike the language in section 204 results from an agreement reached between myself and Interior Secretary Bruce Babbitt to delay implementation of a solicitor's opinion concerning the ownership of water facilities and related use of Rio Grande water, and to work toward a long-term solution to these water issues.

At issue is the relationship between ownership of water facilities and the desire to maintain flows in the Rio Grande.

Secretary Babbitt agreed to refrain from implementing a June 19 Solicitor's opinion, unless agreed to by the parties in litigation and the state engineer, or as permitted by court order.

I committed to work with him to achieve a long-term solution to these complicated water issues, and we agreed the current allocation, ownership and use of water in New Mexico have raised some issues of the greatest magnitude and at this time the most appropriate forum for their resolution is Federal court.

I have moved to strike this language based on the good faith of Secretary Babbitt, and I also note that he agreed to continue to resolve water issues related to the Fort Sumner Irrigation District (FSID) and the Pecos River, recognizing that the FSID and MRGCD facilities have different status.

However, based on our good faith discussions, I will continue to work with him on the Pecos issue, and expect that the Department will not take adverse action against that irrigation district in the meantime.

THE HARDING LAKE WATERSHED STUDY

Mr. STEVENS. Mr. President, I want to thank the managers of the bill for accepting the amendment on behalf of Senator MURKOWSKI and myself to help find a solution to the problem plaguing Harding Lake.

Harding Lake is the largest road accessible lake in the interior of Alaska. It holds significant recreation, fishery, natural resources and economic value for interior Alaska.

In a recent Fairbanks Daily News-Miner article, state officials closed Harding Lake to pike fishing due to dried up spawning grounds.

Harding Lake is suffering from a dramatic drop in water levels.

This drop in water level has impacted the shoreline—in some areas causing a recession of as much as 700 feet.

This loss of water could cause problems with water quality, land use, and fishery harvests.

Residents of Harding Lake, have asked for help in identifying the source of the water loss problem at the lake.

After discussions with the Corps of Engineers and officials at the soil and conservation district, it appears a watershed study and plan is needed to protect the lake from further degradation.

My amendment would provide the necessary funding to begin the watershed study and to develop a comprehensive plan to address the problem.

I thank the managers of the bill for their understanding and for accepting this provision.

Mr. STEVENS. Mr. President, Research into the molecular basis of disease using mouse models of human disease and a miniaturized version of PET (positron emission tomography) called MicroPET currently being conducted at the University of California Los Angeles School of Medicine's Division of Nuclear Medicine offers exciting new possibilities for development of treatments for human disease based on the molecular disorders that cause it.

Among the diseases for which mouse models have already been developed are breast, prostate, lung and colorectal cancers, Parkinson's disease and diabetes. New funding will allow for development of mouse models for lymphoma cancers and dementia/Alzheimer's disease and will allow development of extremely precise molecular diagnostics and molecular therapies.

Added funding will allow development for the next generation of MicroPET imaging technology.

The new technology will combine MicroPET, which measures the biological processes of a body, and MicroCT, which measures a body's anatomical structure into a single device for simultaneous and precise imaging of both biology and structure and will allow for the differential screening of biological, genetic and structural changes caused by disease in living mice.

This will allow researchers to see precisely the effect of new molecular, targeted treatments including gene therapies for a wide range of diseases using human disease genes inserted into mouse models.

Because the mouse models are developed using human disease genes, the added funding for these new technologies and procedures will lead to new means of treating and tracking human disease using clinical PET technology.

The research will lead to the ability to both diagnose disease and track the effect of targeted molecular/genetic therapies on a broad range of serious human diseases.

Mr. BINGAMAN. Mr. President, I would like to address briefly the issue of funding for the fundamental science and engineering research supported by the Department of Energy.

The DOE is the leading source of federal support for the physical sciences in the nation. Not many people know that, but it is true. DOE and its predecessor agencies developed this broad portfolio of physical sciences research in pursuit of the agency's statutory missions. To understand energy and its myriad transformations, you have to know a lot about the properties of matter, and of energy flows in matter, at a very fundamental level. In order to conserve energy by, for example, running industrial processes at higher temperatures that have greater thermodynamic efficiencies, you have to know a lot about basic materials science. These are research needs that other science agencies, such as the NSF, cannot meet within their missions and funding levels. It's an important reason why we have a Department of Energy, to begin with.

DOE is also a crucial supporter of scientific research in the life sciences. In the life sciences, the DOE initiated the Human Genome Program and comanges this enormously important and promising effort with the NIH.

DOE also plays a leading role in supporting other biological sciences, environmental sciences, mathematics, computing, and engineering. In all these areas, its basic research contributions relate to DOE's energy missions.

As a consequence of these research investments, the DOE is responsible for a significant portion of federal R&D funding to scientists and students at our colleges and universities.

In addition to the overall size of DOE's basic science funding, the type of activities that DOE funds has a special character among the federal science agencies. One of the primary responsibilities of DOE's Office of Science is to support large-scale specialized user facilities focussed on national scientific priorities. This particular mission makes the Office of Science unique among, and complementary to, the scientific programs for other federal science agencies, including the NIH and NSF. Each year over 15,000 sponsored scientists and students from academe, industry, and government—many funded by agencies other than the DOE—conduct cutting-edge experiments at the Department's research facilities. Every State in the country has scientists and engineers with a stake in DOE's user facilities.

One of the challenges the Office of Science has faced during the past decade is that its funding has been reduced by approximately 13 percent in constant dollars. Other science agencies, such as NIH, have been growing strongly, while the DOE Office of Science has significantly less funding today, in constant dollars, than 10 years ago.

These reductions have prevented the Office of Science from fully participating in new initiatives in exciting technical areas important to DOE's statutory missions such as high performance computing and nanotechnology. More troublesome, the declining funding for the Office of Science has reduced the number of scientists and students able to conduct research suing DOE's national user facilities. In fact, DOE's national and university-based laboratories are currently operating well below their optimum levels, especially in light of growing demand from the scientific community.

DOE's scientific user communities and DOE's own scientific advisory committees have completed a number of reports over the past year to two to put a number on what DOE's science budget should look like, in order to fully take advantage of the scientific opportunities that are out there. They estimated that in FY 2001 alone a funding level of over $3.3 billion can easily be justified in order to support research and to fully utilize and modernize DOE facilities.

I am mindful that both the Chairman and the Ranking member of this appropriations subcommittee would like to make more money available for DOE's science programs. They have made statements yesterday that they will seek additional funds for the non-defense side of this bill as it moves forward. As they know, Senator FRANK MURKOWSKI, and I are circulating a letter in the Senate for signature by Senators to indicate their support for this goal. It's a letter that I hope strengthens their hand in getting a better allocation as we move forward. The letter is addressed to the bipartisan leadership of the Senate, and is already attracting strong bipartisan support.

I hope that when the Conference Report on this bill is finally written, the FY 2001 funding level for the DOE Office of Science will be no less than the President's request level of $3.16 billion. I hope that the funding level can be higher, in some areas, if at all possible. And I hope that both the President and Congress will provide significant increases in funding for the DOE Office of Science in future years in order to sustain the Office's steady growth. Such funding increases are merited by the important and unique work being conducted by the DOE Office of Science. The funding increases would also be consistent with the Senate's passage of a bill that both Senator DOMENICI and I were original cosponsors of the Federal Research Investment Act (S. 296) which calls for doubling investment in civilian research and development efforts.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read the third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) and the Senator from Alaska (Mr. MURKOWSKI) are necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from California (Mrs. BOXER), the Senator from California (Mrs. FEINSTEIN), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The result was announced—yeas 39, nays 1, as follows:

[Rollcall Vote No. 237 Leg.]

YEAS—93

Abraham
Allard
Ashcroft
Bayh
Bennett
Biden
Bingaman
Bond
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee L.
Cleland
Cochran
Collins
Conrad
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
Mack
McConnell
Mikulski
Miller
Moynihan
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—1

Baucus

NOT VOTING—6

Akaka
Boxer
Feinstein
Lieberman
McCain
Murkowski

The bill (H.R. 4733), as amended, was passed.

Mr. GORTON. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senate insists upon its amendments, requests a conference with the House, and the Chair appoints Mr. DOMENICI, Mr. COCHRAN, Mr. GORTON, Mr. MCCONNELL, Mr. BENNETT, Mr. BURNS, Mr. CRAIG, Mr. STEVENS, Mr. REID, Mr. BYRD, Mr. HOLLINGS, Mrs. MURRAY, Mr. KOHL, Mr. DORGAN, and Mr. INOUYE conferees on the part of the Senate.

MORNING BUSINESS

Mr. GORTON. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEROISM OF HERBERT A. LITTLETON

Mr. DASCHLE. Mr. President, today the citizens of South Dakota are honoring the heroism of Herbert A. Littleton, a 20-year-old Marine Corps private who died while performing acts of gallantry that earned him the Congressional Medal of Honor.

Private First Class Littleton enlisted in Black Hawk, South Dakota, and served as a radio operator during the Korean War with the U.S. Marine Corps Reserve, Company C, 1st Battalion, 7th Marines, 1st Marine Division (Reinforced). This is the same Marine division that turned the course of the Korean War with its successful landing behind enemy lines at Inchon, Korea, 50 years ago this month.

Seven months after the Inchon landing, Private First Class Littleton's unit was in Chungchon, Korea. On the night of April 22, 1951, Private Littleton, a radio operator with an artillery forward observation team, was standing watch. Suddenly Company C's position came under attack from a well concealed and numerically superior enemy force. Private First Class Littleton quickly alerted his team and moved into position to begin calling down artillery fire on the hostile force. But as his comrades arrived to assist, an enemy hand grenade was thrown into their midst. Private First Class Littleton unhesitatingly hurled himself on the grenade, absorbing its full, shattering impact with his own body and saving the other members of his team from serious injury or death.

Following Private First Class Littleton's heroic death, the President of the United States awarded him our nation's highest military award for bravery. The official citation says: "His indomitable valor in the face of almost certain death reflects the highest credit upon Pfc. Littleton and the U.S. Naval Service. He gallantly gave his life for his country."

Mr. President, today Governor Bill Janklow dedicated a granite memorial to Private First Class Littleton in Spearfish, South Dakota, near the town where this young man signed up to serve his country. This is a dignified and fitting tribute. But there is another memorial to Private First Class Littleton on the other side of the Pacific Ocean, where a small, impoverished colony has blossomed into the Republic of Korea: a peaceful, democratic society that ranks as one of the great economic success stories of the 20th Century. His sacrifice helped make all this possible.

With this statement before the United States Senate, I join in saluting Private First Class Littleton. As we conduct the nation's affairs in this chamber of the United States Capitol, we would do well to remember Private First Class Littleton. In our every deed, let the members of this body bear in mind the lesson of courage, honor, and personal sacrifice offered to us by a 20-year-old man fighting for his country in the darkness, far from home.

FIRESTONE-FORD INVESTIGATION

Mr. SPECTER. Mr. President, I have sought recognition to deal with very serious problems disclosed in hearings yesterday in the Transportation Appropriations Subcommittee. The hearing involved 88 deaths that have resulted from Firestone tires shredding, and a great many Ford vehicles—mostly Ford Explorers—rolling over and resulting in those 88 deaths.

The hearing yesterday produced substantial evidence that ranking officials at Firestone and Ford knew about this problem, but subjected the owners of Ford Explorer vehicles riding on Firestone tires to the risk of death, which did eventuate for 88 people, and to very serious bodily injury formany more. These risks were foisted upon the American traveling public at a time when both Ford and Firestone knew what the problems were, at a time when, in October of 1998, customers in Venezuela had found the problem, and Ford and Firestone were alerted to it, with officials in Venezuela now talking about criminal prosecutions. In August of 1999, the Saudis had their tires replaced, so the people in Saudi Arabia were being protected while U.S. consumers were not being protected.

An internal Ford memorandum on March 12, 1999, considered whether Governmental officials in the United States ought to be notified, and a decision was made not to notify Federal officials. The matter then came into sharp focus in late July of this year, with the Ford executive witness testifying that Ford did not know about the problem in its full import until July 27 when Firestone turned over the information to Federal authorities. There was a representation by the Ford witness—which candidly strains credulity—and Firestone made representations that they did not find out about this problem until they had conducted some extraordinary tests—tests which obviously should have been conducted at a much earlier stage.

Yesterday, I questioned the Ford and Firestone officials on their willingness to turn over all of the records to the Transportation Appropriations Subcommittee, and they said they would; although, as I had said at the time, I thought there ought to be a subpoena issued which made it an obligation. Failure to perform would subject anybody who did not comply with the subpoena to charges of obstruction of justice. When cases of this sort have arisen in the past, there is a tremendous amount of experience that there is reluctance on the part of companies to turn over their documents, and they are found only after the most detailed and excruciating discovery in litigation. So this is a matter where the documents will be the best evidence as to who knew what, when that was known, and what action, if any, was taken.

The tragedy with the Firestone tires and the Ford Explorer rollovers is a matter that is going to have to be determined after very substantial investigation. The witnesses who testified yesterday were Joan Claybrook, President of the Public Citizen Organization, and R. David Pittle, Senior Vice President and Technical Director, Consumers Union. Both of them felt that criminal prosecutions were appropriate, perhaps rising to the level of second degree murder because of a willful disregard or reckless disregard of the safety of others, resulting in death, which is the legal equivalent of malice and which is the basis for a charge as serious as murder in the second degree.

Whether that is applicable to Firestone and Ford remains to be seen. However, we find a situation where the laws of the United States are inadequate to deal with this kind of situation. There is no legislation on the books which establishes a prosecution in these terms.

Back in 1966, the House of Representatives considered similar legislation. I have considered it for some time and have deferred introducing such legislation because it seemed to me that perhaps it was just a little harsh. But with the experience of Ford and Firestone, I do think it is appropriate for the Congress of the United States to consider such legislation.

That is why today I am introducing a bill which would establish criminal sanctions for any person who, in gross deviation from a reasonable standard of care, introduces into interstate commerce a product known by that person to be defective which causes the death or serious bodily injury of any individual, calling for penalties up to 15 years where the requisite malice is shown resulting in death, and up to 5 years where the requisite malice is shown for serious bodily injury.

This is a matter I have studied in considerable detail over many years, having represented defendants in personal injury cases—some plaintiffs in personal injury cases—but, more specifically, as district attorney of Philadelphia seeing the impact and the effect of criminal prosecutions and seeing to it that people pay attention.

When there are similar monetary awards, it costs the company and it costs the shareholders, but it doesn't do anything to the individuals who make these decisions. Before an individual could be held responsible under my proposed legislation, there would have to be a showing that the person knew there was a defect and that defect subjected a person to death or serious bodily injury.

That kind of knowledge and putting the instrumentality into commerce does constitute gross disregard for the safety or the life of another, which is the equivalent of malice and justifies this kind of a prosecution.

As I noted, this is a subject I have studied for some time. Although the Firestone-Ford issue came up only yesterday, the studies I have undertaken have shown me the desirability of this kind of legislation.

Last year, in Anderson v. General Motors Company, 1999 WL 1466627, a Los Angeles Superior Court jury ordered General Motors to pay a record $4.8 billion in punitive damages when six people were trapped and burned when their Chevrolet Malibu exploded after its fuel tank was ruptured in a rear-end crash. General Motors had made a calculation that it would cost in damages $2.40 per automobile if they left the defect in existence, but to correct and redesign the fuel system to reduce the fire cost would have been $8.59 a car. So that cost analysis did constitute actual malice.

That kind of an analysis was very similar to the punitive damages which were awarded in the famous case involving the Ford Pinto, which goes back to a 1981 decision in Grimshaw v. Ford Motor Company, 119 Cal. App. 3d 757, where an analysis was made that it would cost some $49.5 million to pay damages resulting from deaths and injuries contrasted with $137 million to pay for correcting the automobile.

In this particular case, the punitive damage award was $125 million, but it was subsequently reduced to $3.5 million, which frequently happens in punitive damage awards.

In a similar case, Ginny V. White and Jimmy D. White v. Ford Motor Company, CV-N-95-279-DWH (PHA), a 3-year-old child was crushed to death under the rear dual wheels of a Ford truck after it rolled suddenly down a grade. Here, Ford had known of the defect and knew how to correct it easily but did not do so. Punitive damages in that case were awarded at $150 million but have since been reduced to $69 million.

These cases are illustrative of the kind of headlines punitive damage awards make in the newspapers but how they are very frequently reduced. But again, the punitive damages do not really deal with the executives who make these decisions.

In the case of Fair v. Ford Motor Company, Civil Action 88-CI-101, 27 people were killed when a school bus in which they were riding burned after being struck by another vehicle. Punitive damages were upheld in this case where the facts showed that the fuel tank failure was preventable and that Ford had the capacity and the opportunity to prevent it and failed to do so.

In another similar case, Toyota Motor Company v. Moll, 438 So. 2d 192 (Fla. App. 1983), a Toyota Corona was struck in the rear, causing its fuel system to rupture and three women were burned to death. The court found malice on the part of Toyota because Toyota knew of the defective design of the fuel system and, in wanton disregard of the safety of the purchasing public, continued to market their 1973 Toyota Corona.

In Ford Motor Company v. Ammerman, 705 N.E. 2d 539 (Ind. App. 1999), the Court of Appeals for the Fifth Circuit of Indiana imposed punitive damages, finding malice on the part of Ford, when a Bronco slid sideways and rolled over causing very serious injuries, with the court saying:

"It is apparent to this court that Ford was motivated by profits rather than safety when it put into the stream of commerce a vehicle which it knew was dangerous and defective. Ignoring its own data and advice of its engineers, Ford manufactured a vehicle prone to roll-over accidents in spite of being aware that such accidents result in more serious injuries than any other." 705 N.E. 2d at 562.

There are similar findings in the famous breast implant case, Hopkins v. Dow Corning, 33 F.3d 1116 (9th Cir. 1994), where they knew that long studies of implants were needed before the product could be marketed but concealed the information.

Similarly, in the Dalkon Shield case, Tetuan v. A.H. Robins Co., 738 P.2d 1210 (Kan. 1987), thousands of women were presented with life-threatening and even fatal illnesses with the Kansas Supreme Court noting that the company deliberately and actively concealed the potential dangers of the product, thereby violating their duty to the public.

In the interest of time, I will summarize very briefly Batteast v. Wyeth Laboratories, Inc., 526 N.E. 2d 428 (Ill. App. 1 Dist. 1988), where punitive damages were awarded where drugs were given to individuals knowing of their dangerous propensity.

Similarly, in the case of Proctor v. Davis, 682 N.E. 2d 1203 (Ill. App. 1997), a patient had a retina detachment and blindness following the adverse effects of a drug which were known to the manufacturer but not disclosed.

In the brief time available this afternoon, I have summarized a series of cases which are only representative—where products have been put in interstate commerce, where there was knowledge on the part of individuals who put those products on the market that they would subject the individuals to risk of serious bodily injury or death, and, when death resulted, they were held liable, with the courts concluding that malice was established by the reckless disregard of the life of another.

When we have such a long sequence of cases, when we have the occasional imposition of punitive damages which are characteristically reduced and not really determinative or therapeutic anyway because it goes only after the shareholders as opposed to the individuals who have the ability to eliminate the problem, it is time there was adequate legislation on the Federal books to deal with this sort of problem.

I repeat, the culpability of Firestone or Ford has not yet been established, but it strains credulity that the key officials, based on what we heard yesterday in the hearing, did not know of these defects, and with the documents already at hand failed to take action to correct them. That is a matter to be determined.

But this legislation, if enacted, will certainly put the officials on notice that they cannot recklessly disregard human life for profits.

I yield the floor.

VICTIMS OF GUN VIOLENCE

Mr. KENNEDY. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read the names of some of those who have lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today. September 7, 1999: Ignacio Barba, 25, Oakland, CA; Ernest Bolton, 48, Dallas, TX; Steven Celestine, 5, Miami, FL; Fareed J. Chapman, 19, Chicago, IL; Selester Edward, 21, Louisville, KY; Samuel Girouard, 18, Bellingham, WA; Allen Howe, 32, New Orleans, LA; Robert Jenkins, 29, Charlotte, NC; Leo Kidd, 28, Detroit, MI; Alvin Marshall, 45, Pittsburgh, PA; Stacy Stewart, 28, St. Louis, MO; William Thornes, 23, Washington, DC; Darrly Towns, 15, Detroit, MI; Dao Vo, 19, Seattle, WA; Bathsheba Woodall, 23, Philadelphia, PA.

One of the gun violence victims I mentioned was only five years old. Steven Celestine, a little boy from Miami, was shot and killed one year ago today by his own father, as his mother tried to protect him in her arms during an argument between the parents.

We cannot sit back and allow such senseless gun violence to continue. The deaths of this small child and the others I named are a reminder to all of us that we need to enact sensible gun legislation now.

HIGH ENERGY COSTS

Mr. GRASSLEY. Mr. President, I don't know whether other colleagues of mine have spoken today on this issue, but I would be surprised if some have not. I have not had an opportunity to hear what anybody else has said. It is with some dismay that we are, once again, faced this year with very high energy costs. The headline that I have in front of me from the Washington Post for today says, "Oil Prices Hit a Ten-Year High; As Americans Face Costly Winter, U.S. Pressures OPEC on Output."

In that headline, several things are considered: First of all, we have the highest worldwide energy prices since the gulf war, and the war was responsible for the high oil prices at that particular time—not OPEC cutting back oil, not bad U.S. domestic energy policy. The other thing that hits us is that the consumer is going to end up paying for this. Both points highlight that this administration has been promising us an energy plan to deal with this crisis situation. Let me be clear on that—an energy plan not for the future but to deal with the immediate crisis.

I had an opportunity to write a letter to the administration earlier this summer asking them to put forth a plan to meet potential shortages of fuel oil, propane gas, and natural gas—all used in home heating—so the health of our seniors is not threatened when we get cold weather. I have not had a response to that letter. Nothing of substance has come from my request.

I had a chance during the month of July, when Senator LUGAR had a hearing before the Agriculture Committee with Secretary of Energy Richardson, to ask questions of Secretary Richardson, and put forth the necessity of his coming forward with just such a plan. Yet nothing has been forthcoming. I should say nothing but what the story in the Post reminds us of—that this Administration's energy policy seems to consist of either the President of the United States or the Energy Secretary getting down on hands and knees to OPEC countries—and they tend to emphasize dealing with the Arab nations on this issue—to please pump more oil, produce more oil, send more oil to the industrialized parts of the world, particularly the United States. That is all we are seeing at this point. That is all we saw last spring from this administration to get the price of energy down—begging the OPEC nations, and particularly the Arab oil-producing nations, to send more oil. That is their response to the crisis.

This prompts me to tell my colleagues what I hope I will be able to do tonight as we discuss the energy and water bill. Since I have not had a response to my request to the Energy Secretary when he was before the Senate Agriculture Committee, and since I have not had a response to my letter to the President, as well as a letter to the Energy Secretary, I will be offering an amendment that will ask the administration to get this plan that we have been promised on the table. We need this plan so we can assure the consumers of America, particularly our more vulnerable consumers, the senior citizens, and particularly the most vulnerable senior citizens, those who are living alone, that we have a supply of energy for purchase at any cost. Hopefully the administration will come up with a plan that has a supply of energy that they can afford to pay for, and particularly a plan that doesn't require our senior citizens to choose between energy and food.

Also, I think it begs discussion of a bigger issue; that is, where has this administration been for the last 7 years on developing energy? For the most part, we have had a badly damaged oil exploration industry, and we have had workers who work in that industry finding jobs elsewhere. So even if that industry were to perk up and find places to drill and an incentive to drill, there are not enough workers to man the rigs because this administration has had a policy of deemphasizing domestic production.

So much of the land in the United States and our continental shelf, has been taken out of bounds for drilling, and in the case of natural gas, where two-thirds of the known supplies are available, there is no drilling where we know it is available under public lands.

I know of the concern for the environment. It seems to me we can have a balance between environmental policy and the domestic production of energy. We can have that because it is possible. We can have that because it is a necessity. It is a necessity because we cannot be held hostage by OPEC nations, and we can't be held hostage by Arab oil-producing nations and their leaders who want to put political pressure on the United States when it comes to a peace agreement involving Palestine and Israel, and all those issues that are acquainted with it.

We do not have to have military action in the Middle East now as we did at the time of the Persian Gulf war. But if we need to protect our oil, the flow of oil from the Middle East to the United States, we would not be able to put together that armada that we had 9 years ago to stop Saddam Hussein, what he was doing there, and what that caused in the energy situations in this country. That was the last time the energy prices went so high.

So we need from this administration a plan of what they are going to do to make sure there are not shortages in this country, what we can do to get the price down. We need that very soon. That is what my amendment will call for that I will offer this evening. We also need a policy of this administration to encourage the domestic production of oil and natural gas that we have available here so we aren't dependent upon OPEC for our sources of oil and natural gas.

I hope some of these issues will be discussed in the coming political campaign. I think on our side of the aisle, the Republican Party has a candidate who is well aware of the shortcomings of this administration on energy policy and will take steps, including fossil fuel availability, as well as renewable fuel availability to accomplish those goals.

While Governor Bush was campaigning in my State of Iowa during the first-in-the-nation caucuses that we had, I had the opportunity to travel throughout Iowa over the course of 4 or 5 days that I was helping him with his campaign. I had an opportunity to discuss some of these very tough issues and the direction that a new administration could take on renewable fuels such as ethanol, for example, renewable fuel incentives such as wind energy and biomass and tax incentives that are necessary for them to get rapidly started and a balance between renewable fuels and nonrenewable fuels.

I am satisfied that not only does the Governor of Texas come from a State where there is an understanding of the importance of fossil fuels—petroleum, natural gas, et cetera—but there is also an understanding that renewable sources of energy are very much an important part of the equation to make sure that the United States is not held hostage to OPEC nations as we see the President of the United States and the Energy Secretary begging OPEC to pump more oil.

I think with a new voice for energy independence in the White House, we will not have this very embarrassing situation that we find ourselves in, not just for the first time, but we found ourselves in this position in March, we found ourselves in this position in June when the leaders of this administration were hat in hand dealing with an OPEC organization controlling prices and controlling production, but if they were CEOs of oil companies in this country, doing the same sort of price fixing, they would be in prison.

What a spectacle of the President of the United States and the Energy Secretary dealing with these OPEC nations. That is an embarrassing situation. More important than just being embarrassing, it signals a national defense weakness of our country which must be based upon having certain access to energy. If we are going to be strong militarily, we won't have this embarrassment when a new face gets in the White House, if that new face is a person that is committed to the domestic production of energy and committed to renewable sources of energy, and committed to making a point with OPEC that we don't intend to be dependent upon these nations holding us up, particularly after the American taxpayer gave $415 million of foreign aid to OPEC nations for them to use to buy the rope to strangle the American consumer economically and hurt our whole economy in the process. That is exactly what OPEC is doing when the price of our energy, the price of our fuel oil, goes up 30 percent.

I hope we have a new day. I want to have a new day. I hope for a new day. A lot of that is what the people decide in the coming election.

I yield the floor.

SENIOR SAFETY ACT

Mr. LEAHY. Mr. President, I rise today to encourage passage of the Seniors Safety Act, legislation I introduced along with Senators DASCHLE, KENNEDY, and TORRICELLI in March 1999. Eight additional Senators have signed on as cosponsors since then. Despite this broad support, however, the majority has declined even to hold hearings on this bill to fight crime against America's senior citizens. As Grandparents' Day approaches this Sunday, and as this Congress comes to a close, I urge the majority to join with us in our efforts to improve the safety and security of older Americans.

During the 1990s, while overall crime rates dropped throughout the nation, the rate of crime against seniors remained constant. In addition to the increased vulnerability of some seniors to violent crime, older Americans are increasingly targeted by swindlers looking to take advantage of them through telemarketing schemes, pension fraud, and health care fraud. We must strengthen the hand of law enforcement to combat those criminals who plunder the savings that older Americans have worked their lifetimes to earn. The Seniors Safety Act tries to do exactly that, through a comprehensive package of proposals to establish new protections and increase penalties for a wide variety of crimes against seniors.

First, this bill provides additional protections to nursing home residents. Nursing homes provide an important service for our seniors—indeed, more than 40 percent of Americans turning 65 this year will need nursing home care at some point in their lives. Many nursing homes do a wonderful job with a very difficult task—this legislation simply looks to protect seniors and their families by isolating the bad providers in operation. It does this by giving Federal law enforcement the authority to investigate and prosecute operators of those nursing homes that engage in a pattern of health and safety violations. This authority is all the more important given the study prepared by the Department of Health and Human Services and reported this summer in the New York Times showing that 54 percent of American nursing homes fail to meet the Department's "proposed minimum standard" for patient care. The study also showed that 92 percent of nursing homes have less staff than necessary to provide optimal care.

Second, the Seniors Safety Act helps protect seniors from telemarketing fraud, which costs billions of dollars every year. My bill would give the Attorney General the authority to block or terminate telephone service where that service is being used to defraud seniors. If someone takes your money at gunpoint, the law says we can take away their gun. If someone uses their phone to take away your money, the law should allow us to protect other victims by taking their phone away. In addition, my proposal would establish a Better Business Bureau-style clearinghouse that would keep track of complaints made about telemarketing companies. With a simple phone call, seniors could find out whether the company trying to sell to them over the phone or over the Internet has been the subject of complaints or been convicted of fraud.

Third, the Seniors Safety Act punishes pension fraud. Seniors who have worked hard for years should not have to worry that their hard-earned retirement savings will not be there when they need them. My bill would create new criminal and civil penalties for those who defraud pension plans, and increase the penalties for bribery and graft in connection with employee benefit plans.

Fourth and finally, the Seniors Safety Act strengthens law enforcement's ability to fight health care fraud. A recent study by the National Institute for Justice reports that many health care fraud schemes "deliberately target vulnerable populations, such as the elderly or Alzheimer's patients, who are less willing or able to complain or alert law enforcement." This legislation gives law enforcement the additional investigatory tools it needs to uncover, investigate, and prosecute health care offense in both criminal and civil proceedings. It also protests whistle-blowers who alert law enforcement officers to examples of health care fraud.

This legislation is intended to focus attention on the particular criminal activities that victimize seniors the most. Congress should act on this bill now—when it comes to protecting our seniors, we have no time to waste. I am eager to work with the majority on this bill, and would be happy to consider any constructive improvements. Protecting seniors should be a bipartisan cause, and I want to pursue it in a bipartisan way. So I urge my colleagues on the other side of the aisle to look at this bill and work with us to improve the security of our seniors.

MISSILE DEFENSE

Mr. KYL. Mr. President, as you know, President Clinton recently announced that he would further delay deployment of a national missile defense system to protect the United States. Regrettably, although the President's decision was disappointing, it was not surprising given the track record of the Clinton-Gore administration. In fact, when one looks back over the past 8 years it is clear that this latest decision is merely the capstone to a string of poor decisions by this administration that have left us defenseless against a growing threat to America's security.

Time after time, the administration has taken steps to delay development of a system to defend against a missile threat that the Rumsfeld Commission, our intelligence agencies, and the Defense Department have said is increasingly serious. The administration has failed to pursue development of promising missile defense technologies, such as sea- and space-based defenses, has underfunded the limited programs it has authorized, and has pursued misguided arms control policies.

This week, Senator THAD COCHRAN released a report entitled "Stubborn Things" that chronicles the record of neglect by this administration toward missile defense. The report contains ten chapters, corresponding to each year over the past decade. Each chapter includes a chronological recitation of events relevant to ballistic missile defense, including the progression of the missile threat facing the United States, developments in arms control negotiations, as well as data on the level of funding devoted to these vital programs.

Senator COCHRAN named the report after a quote from John Adams, who said in 1770:

> Facts are stubborn things; and whatever may be our wishes, our inclinations, or the dictates of our passions, they cannot alter the state of facts and evidence.

True to the spirit of John Adams' admonition, Senator COCHRAN's report simply lays out fact after fact about what has transpired in the area of missile defense over the past decade. It is an excellent compilation of the events and decisions that have led us to our current situation.

For example, after the President announced that he would not authorize deployment of a national missile defense system, administration officials said the President had reached this decision in part because development of a booster for the ground-based system has lagged. But as Senator COCHRAN's report points out, this is a legacy of one of his administration's first decisions after taking office. In February 1993, the administration returned unopened proposals by three teams of companies that had bid, at the request of the Defense Department, to develop a ground-based national missile defense interceptor.

The track record of the Clinton-Gore administration on missile defense is clear: they were slow to recognize the threat, failed to pursue the most promising forms of defense, underfunded the limited programs they half-heartedly pursued, and have failed to exercise leadership in addressing the concerns of our allies and other nations like Russia.

Senator COCHRAN and his able staff, Mitch Kugler, Dennis Ward, Dennis McDowell, Michael Loesch, Eric Desautels, Brad Sweet, and Julie Sander, are to be commended for producing this excellent report. By presenting the facts without rhetoric or spin they have significantly advanced the national debate on this important issue. I highly commend the report to my colleagues and to members of the public interested in this subject.

CELEBRATING CALIFORNIA'S DIVERSITY

Mrs. BOXER. Mr. President, this Saturday will mark the 150th anniversary of California's admission to the Union. As the people of our State prepare for this Sesquicentennial celebration, I want to celebrate California's most distinctive characteristic: its tremendous diversity.

California is "a nation unto itself" with great mountains and forests, vast deserts and fertile valleys, rolling hills and rugged coastlines. Within its borders can be found virtually every climate, every crop, every landform on earth.

But our greatest diversity—and our greatest asset—is the people of California.

California's diversity was apparent from the beginning. When the first Spanish pioneers crossed the Great Desert, they met Native Americans from more than 300 tribal and language groups. By the time Mexico and California gained independence from Spain, Alta California was home to many Europeans, Asians, and Pacific Islanders as well as Hispanics, North Americans, and Native Americans.

In 1849, when California held its constitutional convention, its 48 delegates included men from England, Scotland, Ireland, France, Switzerland, Mexico, and Spain. Thirteen of the delegates had been in California for less than a year; and William M. Gwin, who later became one of our first two U.S. Senators, had been here less than three months. Seven delegates had been born in California: their names were Vallejo, Carrillo, Pico, Dominguez, Rodriguez, Covarrubias, another Pico, and de la Guerra.

The Gold Rush brought new waves of pioneers from all over the globe. In their wake came workers from China, who built the great railroads, and Japanese farmers who fed the fortune hunters and made fortunes of their own.

During the Great Depression, thousands of internal immigrants fled the Dust Bowls of Texas and Oklahoma for greener pastures in California.

During World War II, thousands of African Americans migrated from the rural South to work in California's shipyards and other defense-related industries.

At the war's end, California had a wave of settlers from the U.S. Armed Forces: men and women who had shipped out of our beautiful ports and returned to stay when the war was over.

In recent years, new immigrants from Asia and Latin America have added to California's rich cultural mix, making our state the crossroads of the Pacific Rim and the new economy.

Today California's great diversity is reflected in our Congressional delegation, where our state is represented by people named BECERRA, and ROYBAL-ALLARD; FEINSTEIN, WAXMAN, and BERMAN; DIXON, WATERS, and LEE; PELOSI, GALLEGLY, and RADANOVICH; and FARR and MCKEON.

On Wednesday, September 13th, Representatives FARR and MCKEON will host a Sesquicentennial reception for Members of both Houses and both parties. I look forward to joining my California colleagues in celebrating our great state's proud history and bright future.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, September 6, 2000, the Federal debt stood at $5,681,881,776,256.37, five trillion, six hundred eighty-one billion, eight hundred eighty-one million, seven hundred seventy-six thousand, two hundred fifty-six dollars and thirty-seven cents.

Five years ago, September 6, 1995, the Federal debt stood at $4,969,749,000,000, four trillion, nine hundred sixty-nine billion, seven hundred forty-nine million.

Ten years ago, September 6, 1990, the Federal debt stood at $3,243,845,000,000, three trillion, two hundred forty-three billion, eight hundred forty-five million.

Fifteen years ago, September 6, 1985, the Federal debt stood at $1,823,101,000,000, one trillion, eight hundred twenty-three billion, one hundred one million, which reflects a debt increase of almost $4 trillion—$3,858,780,776,256.37, three trillion, eight hundred fifty-eight billion, seven hundred eighty million, seven hundred seventy-six thousand, two hundred fifty-six dollars and thirty-seven cents, during the past 15 years.

ADDITIONAL STATEMENTS

THE NEW ECONOMY

• Mr. HOLLINGS. Mr. President, Ken Lipper, the CEO of Lipper & Company investment firm, is a man of many talents. Ken is a novelist, a film producer and one of the most profound thinkers with respect to the new economy. In a February speech at the University of California Technology Conference, he outlined the strategies we must employ to address today's economic problems. Although he delivered the speech seven months ago, it is still valid. I ask that the text of the speech be printed in the RECORD.

The text of the speech follows.

REMARKS OF KEN LIPPER

As of February 2000, the United States is in the 107th month of an economic boom, the longest in history. Even as this economic expansion continues, observers have been amazed that inflation remains a low 2.5 percent. Ordinarily, at the stage of "full employment" we are now enjoying—unemployment is at 4 percent, and is projected at 3.8 percent for the year 2000, with nearly 90 percent capacity utilization—there would be serious labor shortages and rising prices. As a result, the Federal Reserve would intervene to raise interest rates and tighten the money supply, causing the expansion to fizzle.

Why is this boom different? Currently there is an excess world capacity in basic manufacturing of goods and commodities, due in part to the Asian collapse combined with high unemployment and relatively slow growth in Europe. More important is the unprecedented and uninterrupted level of U.S. capital investment. Productivity has been increasing at historically high levels, an average of 2.5 percent each year, so that with a 3.2 percent annual wage increase, there is a real standard of living increase for workers without significantly increasing unit labor costs.

In addition, the amount and efficiency of capital behind each worker has increased. For example, in 2000, manufacturers expect to increase revenues 7.7 percent with only a 0.5 percent increase in their labor force; non-manufacturing sectors will increase revenues 6.9 percent with only a 1.4 percent labor force increase. These gains are possible thanks to a high level of investment in plant and equipment, which was up 21 percent in 1999 and is expected to rise another 15 percent in 2000. In non-manufacturing sectors, investment was up 4.7 percent in 1999 and expected to rise 8.7 percent in 2000. And this increased investment continues because a high consumer confidence level—now at an index of 144, compared to an average of 115—encourages corporations to expect growth in consumption.

Another factor keeping inflation low is heightened competition, both domestic and, thanks to free trade, foreign. The strong dollar magnifies the effect of this competition, translating into cheaper prices for imported goods. And buyers can also now compare prices by B-B commerce. As a result, 81 percent of manufacturers and 67 percent of non-manufacturers report that they cannot pass along price increases to consumers. At the same time, low interest rates worldwide and the buoyant U.S. stock market have made for cheap capital availability, enabling the investments in productivity. The strong dollar and stock market have made up for the low U.S. savings rate—among the lowest in the world—by encouraging record levels of foreign investment, year in, year out.

Finally, the cost of investment capital has been held down because the U.S. government budget surplus takes the U.S. out of the bond market as an issuer competitive with businesses; indeed, the U.S. is now buying back old bonds and liquefying the market. U.S. and European municipalities are also borrowing much less worldwide. These trends force investment funds to be reallocated to the private sector, lowering the cost of capital.

These are the reasons why some people feel that the old economic paradigm the boom-to-bust cycle, is outmoded. But we have not repealed the business cycle; we have only added significant time to the boom equation. Ultimately, the laws of supply and demand will still have their impact.

The risks to our economy are apparent, and rising. The Asian economies are recovering. In Europe, unemployment is falling and the pace of economic growth is rising, while the Euro is beginning to take hold and compete for funds. This means that over time there could be no cheap imports to hold down inflation. These factors have expressed themselves already, in conjunction with rocketing U.S. consumption, huge oil price increases, an end to the decline in raw materials prices, and rising intermediate-product prices. And these pressures occur as a dwindling supply of new entrants to the U.S. labor force will begin to push up wages.

Aggregate U.S. profit margins decreased in 1999, because companies lacked pricing power. But as Asian and European economic recoveries absorb excess worldwide capacity, corporations will regain their pricing power to restore profit margins and pass on increasing costs.

The Federal Reserve is already intervening, and will continue to raise interest rates. Many have asked why these interventions are necessary when there is no current sign of rising inflation. One reason is that the Fed's actions generally take about 18 months to filter through the economy. But there are other justifications.

The first is labor. We have seen how labor has been able to get real standard of living increases without large wage increases, due to low inflation. But if labor anticipates inflation from the causes discussed above, it will build protective wage increases into multi-year settlements, in order to hedge its potential loss of buying power. This would accelerate the wage-price spiral that itself fuels further inflation. Thus the Federal Reserve is signaling labor of its determination to fight inflation.

Second, the Fed is also signaling Congress not to cut taxes or increase programs using the budget surplus, thus putting further pressure on available resources. The Fed's moves seem to indicate that it wants the national debt repaid and Social Security and Medicare funded.

Third, the Fed wants to dampen consumption due to the "wealth effect," the stock market gains which are responsible for about 25 percent of the growth in U.S. GDP. Currently, over 50 percent of American households own stocks, with increasing numbers borrowing to carry them. People are spending based on presumed wealth from the stock market, a major difference from the time when consumption was directly linked to more predictable earned income.

Nobody knows how fast or how steep a fall in the stock market might be, given high debt levels, but consumption would certainly be affected. When the Japanese bubble burst, the stock market never recovered from its 50 percent loss, and no government program has succeeded in reviving the shocked Japanese consumer.

Fourth is the housing market. I expect housing starts to decline by 6 to 8 percent in the second half of 2000 due to rising mortgage rates, which will also affect existing housing prices. At a time of historically minuscule savings rates, how will the stock market investor and consumer react when both his storehouses of wealth—stock and homes—start to fall?

I expect that stock prices will recover during the first quarter and perhaps the first half of 2000, as profits reflect the high productivity investments already made and consumption continues unabated. But the risks touched on above will become increasingly evident, and the second half should begin to anticipate and express them in declining stock prices in the U.S. And the Federal Reserve will continue to increase interest rates.

Nobody can reliably predict when a stock boom will end. But this one seems to operate in an atmosphere of growing threat, and from lofty heights. NASDAQ has an unprecedented 178X multiple, which might be justified for a few companies but cannot be sustained for an aggregate, 4,700 entities. So how will it end?

Probably very suddenly, as other bubbles have burst; and they often take years to recover. On May 4, 1990, Christie's Evening Auction failed to attract bids; art prices tumbled 50 percent and the market evaporated. The price of gold reached a peak of 665 in September 1980; in January 1981 it was at 505; in March 1982 it had fallen to 320. The stock market plunged from a peak of 2650 in October 1987 to 1770 two months later. In Japan, the stockmarket collapsed from a peak of 39,000 in December 1989 to 21,000 in September 1990. And Russia defaulted on $2.5 billion of debt in August 1998, just two months after borrowing it.

What does this mean as a practical matter? Anyone who anticipates needing refinancing should do it sooner rather than later. Those who wish to liquidate some of their concentrated stock holdings should act now, to protect their future lifestyles. Corporate strategies that are based on a fast burn rate of cash, and that plan to get new money to reliquefy, should modify these plans to slow the burn rate in case refinancing is not easily available. And those who need refinancing should cultivate venture capital sources in Europe, where economic growth and an appetite for U.S. venture opportunities should provide a fertile alternative to a more subdued U.S. market.

Now I would like to turn from these dry ruminations on the economy to more value-oriented thoughts on building a business, based on my personal experiences as an entrepreneur. Creating an enterprise for nothing should be a reflection of your own values, fears, experiences, intellectual insights, and sense of what is important—becasue you, as the entrepreneur, must feel comfortable with running it. There is no single formula, but certain observations might prove applicable to your own situation.

Professor Bhide wrote in Harvard Business Review: "Several principles are basic for successful start-ups: get operational fast * * * [and] don't try to hire the crack team. * * *" These precepts are not supported by my own experience. The professor's recommendations place a huge premium on the exclusivity and value of an idea, and the notion that others could beat you out if you delay. These beliefs are responsible for a large number of helter-skelter business-launches-as-preemptive-strikes, premature introductions that fail due to poor product quality, weak delivery systems, inadequate customer support, or inadequate internal financial controls.

Every shoe-shine man will freely share his ideas with you. However, what counts is the implementation of an idea by a quality team of people. My products were carefully crafted and tested over two years, altered and risk-adjusted through examining results. A crack team was put together, with the first hire being Salomon's top accountant—because I wanted to know the limits of my dream before I acted beyond my resources, capacity, or risk profile.

Simply to the point: was it Prodigy's innovations, or Lotus's being first in the market, that won the software battle? Or was it Microsoft's better preparation for meeting and servicing customers' needs that won the day? You generally have one shot at the marketplace. And credibility depends on predictability. Make sure everything is carefully prepared in depth, no matter how long it takes, so that the product and its supports work as promised. Getting started is not the goal; permanency is!

Building many products and applications can be exciting in concept, but it is difficult in terms of financial and physical resources. I build my products narrowly and very deeply, so that we could equal any competitor in a specialty area. Editing out the many other opportunities is vital for concentrating resources and talent on the very few things that you can do best. Choose your product, refine it, and continuously monitor it based on experience. I chose specialty products that did not require muscularity of distribution, capital, and related support inputs, all of which favor existing large corporations. By developing a few intellectually rich products at the beginning, we weren't forced to compete head-on with the big boys, and therefore we could get profit margins and cash flow that provided fuel for further expansion.

I believe that many Internet retailers go into commodity-oriented businesses in which price is the key determinant, only to find that success means bigger losses and that old, dominant players can enter internet distribution at will and grab market share. Time is the most precious capital, so a business should only enter growing markets with a superior service or product, where decent profit margins are available over a long period of time.

It was my experience that becoming a brand name quickly is extraordinarily difficult. It requires a long period of exposure and in-depth, sustained advertising. Few newcomers have the necessary financial staying-power, so avoid spending money on ineffectual ads. If your business strategy requires you to promote the product enormously, then maybe it is the wrong product choice. Remember that it is easier for GM or Toys R Us to learn how to use the Internet than for you to gain their brand images. And, conversely, once the speculative fever recedes, why would anyone pay 9 times earnings for Macy's and 1,000 times revenues for a wannabe whose aspiration is to maybe become the Macy's of the Web?

It is also important not to gild the lily technologically. Think of the customer's technical competence and how he will actually use your product. My biggest recent error was listening to a tech analyst who told me not to buy AOL at $26 a pre-split share, because there were technically superior products. The mix between technology and user friendliness is vital. After all, do you use Betamax or VHS?

In building a business, it is crucial to put emphasis on becoming an institution. I found that it takes two years for a person to feel comfortable in a corporate culture, so it is better to build a team in anticipation of growth than in response to it. Invest early and heavily in support systems, in the areas of client service, electronic information, and financial controls. Let everyone know what is expected of him or her through clear communication, so that employees are moving in the direction of corporate goals. My company has never been star-oriented, in a star-studded industry. Good organization creates a whole that is more than the sum of its parts.

Relationships are key to success, and that means knowing the people in your arena. Biotech executives should know the important people in the FDA, the universities, and the pharmaceutical companies. And relationships should be maintained for the long term. Remember, credibility equals predictability; long relationships allow people to judge you based on past interactions. It's too late if you only meet people when you need them.

Personnel turnover is a significant problem today. The mantra everywhere is stock options, the chance to get rich quick. This leads to high turnover if a company has actual or perceived problems, or, on the other hand, if it is too successful and young people get rich quick. In my company, which is family owned, we have low turnover. We build loyalty in three important ways. First, all employees share in profits; we have a flatter compensation scheme than many technology companies. Second, there is justice in allocating rewards over long periods of time. Our people know that we have permanency; we give them a long-term horizon, with expectation of growing rewards over time.

Third, our people feel safe. There are no politics, few layoffs, and no acting out; people check their egos at the door. We breed loyalty through civility. People are trained and moved around the company to keep the interest level high, and promotions are made internally. The culture is kept strong by outsourcing and a small number of hires. And finally, there is a single decision-maker; everyone has input, but I make the final decision based on careful research and many individual inputs. There is no ranting or screaming by anyone; instead, there is a free flow of ideas, tentative acceptance, and thorough investigations, so that all communication moves back and forth.

A great business idea, or a great scientific idea, does not just come about through hard work and incremental advances. It is more like poetry. It is about having the imagination and heart to strike out on a path that others didn't dare to follow, or didn't see in its entirety. Implementation, management skills, and the ability to anticipate customer needs are built on a knowledge of how human beings react. These types of imagination and understanding are more likely to come from wellness than from frenzy. I don't subscribe to the continuous-all-nighters, no-personal-life recipe for success. For a successful entrepreneur, having broad horizon—through reading fiction and biography, appreciating art, and interacting socially with a variety of people—is more important than working yet another Sunday.

But there is more at stake than business success. You want to be a happy person, a good father, a community builder. I find that I can only eat one tuna-fish sandwich at lunch, no matter how many millions I have earned. Money can give you time, and how you spend that time is key. And wise expenditure of personal time on human development can also help you make money, because knowledge, experience, and wisdom are usually the key to the "poetic" business idea.

Young people are leaving college to make quick money, like a gold rush. But life is about more than money or success or technical achievement. It is critical that people see the world in vibrant colors and in multiple shades. To raise children, face the death of parents, appreciate beauty, even make love well, people need emotional and intellectual depth. These come from being exposed to the collective experience of civilization, which is transmitted through books and a liberal education.

In the scheme of your success, it will not make a difference if you leave school two years early; but it could alter your life greatly. Absorb the intangibles, not just because they will give you the imagination to come up with "poetic" business ideas to help you deal with customers, but also because they will give meaning to the life you lead, whether you succeed materially or not. After all, living life well, in all its dimensions, is what it's all about.•

IN APPRECIATION OF GENERAL TERRENCE DAKE'S SERVICE

• Mr. BOND. Mr. President, it is my great honor to rise today to pay tribute to a fellow Missourian who has served our Nation honorably for more then three decades in war and peace. In October, General Terrence Dake, Assistant Commandant of the Marine Corps, will retire after more then 34 years of service as a Marine.

A native of Rocky Comfort in the Missouri Ozarks, General Dake earned undergraduate degrees from the College of the Ozarks and the University of Arkansas. From there he proceeded to Marine Corps Officer Candidate School in Quantico, VA. He was commissioned a Second Lieutenant upon graduation from OCS in October 1966. With the echoes of conflict in South East Asia sounding here at home, Second Lieutenant Dake reported directly to aviator training in Pensacola, Florida. He received his wings designating him a Naval Aviator on the 25th of January, 1968. He was tested in combat when he reported to South East Asia and piloted CH-53A Sea Stallion helicopters in Vietnam. Lieutenant Dake earned numerous awards while accumulating over 6,000 flight hours in military aircraft. Highlights of his extensive aviation experience include service as the President's helicopter pilot and as the Commanding Officer of Marine Helicopter Squadron One.

General Dake's distinguished career has been accompanied with a rise through the ranks, including service as the Director of Training and Doctrine with the Commander-in-Chief of the U.S. Atlantic Command and as Assistant Chief of Staff of Operations for the 3rd Marine Aircraft Wing during Operation Desert Shield/Storm. It is significant to note that this was the largest aircraft wing ever fielded in combat by the Marine Corps.

General Dake was promoted to Brigadier General in March, 1992. His assignments as a General Officer included service as Assistant Deputy Chief of Staff of Aviation; Inspector General of the Marine Corps; Deputy Commanding General, Marine Corps Combat Development Command; Commanding General, 3rd Marine Aircraft Wing; and Deputy Chief of Staff for Aviation. During his time as Deputy Chief of Staff for Aviation the Marine Corps embarked on its historic aviation campaign plan which has manifested itself in the development of the V-22 Osprey and the Joint Strike Fighter.

General Dake assumed his present position as the Assistant Commandant of the Marine Corps on September 5, 1998. For his service as the Assistant Commandant, General Dake was awarded the Distinguished Service Medal. General Dake also earned the "Silver Hawk Award." Presented by the Marine Corps Aviation Association, the Silver Hawk Award is given to the active-duty Marine Aviator with the most senior date of designation.

Not all of General Dake's achievements took place in aircraft or in command of major units. General Dake's commitment to his troops was evidenced in his efforts in tackling two of the most difficult issues facing the Department of Defense today: health care and readiness. As a member of the Defense Medical and Senior Readiness Oversight Committees, General Dake worked to improve readiness and ensure that the entire military family—active, reserve, and retiree—were provided quality health care.

Any tribute to General Dake would be inadequate without recognizing the contributions of his wife and family. As with so many of our fine members of the Armed Services, his career would not be what it is today were it not for their steadfast support throughout the years. Mrs. Dake is a recipient of the Distinguished Public Service Award, presented for her superior public service in support of uniformed personnel and their families. As we pay tribute to him today we also commend and honor her for her commitment and perseverance on behalf of Marines "in every place and clime."

I also recognize the other members of General Dake's family. The Dakes have two children, a daughter, Jana, and son, Joshua. Jana is married to Captain Ken Karika, USMC, and is the mother of the Dake's grandchild, Jack. They too have taken part in the sacrifice required to be a military family and deserve our gratitude.

The Marine Corps often states that there are no ex-Marines, only Marines who are no longer actively serving. It is comforting to know that General Dake will continue to serve our nation and set an example for others to follow long into the future.

As General and Mrs. Dake move from the active duty community to the retired community, it is appropriate that this body stop and honor a man and his family who made countless sacrifices for duty, honor, country.•

IN MEMORY OF MONSIGNOR HENRY J. DZIADOSZ

• Mr. DODD. Mr. President, I rise today to pay tribute to the late Monsignor Henry J. Dziadosz, J.C.D., a beloved friend and respected clergyman. Monsignor Henry was a priest for fifty-one years, including twenty-nine years as pastor at St. Bridget of Kildare Parish, my home church in Moodus, Connecticut. He made numerous sacrifices for his community and strove throughout his clerical live to instill a spirit of caring in the lives of his parishioners. At Monsignor Henry's retirement party several years ago, he stated, "When I first came here, I told them that the family spirit was my goal. No one should have to cry alone and no one should ever laugh alone. In all the accomplishments, it is the creation of this spirit that I am most proud of." Everyone who know this remarkable man would agree that his devotion to his parishioners has made a lasting impact on the lives he has touched.

Monsignor Henry was destined to the priesthood from his early years. He attended St. Stanislaus School as a young boy, graduated from Meriden High School, and enrolled in the St. Thomas Seminary, where he earned his associate's degree in philosophy. He continued his theological studies at Catholic University of America in Washington, D.C., and was awarded the Basselin Scholarship. On May 26, 1949, then Father-Henry was ordained to the Priesthood in St. Joseph Cathedral in Hartford and accepted an assignment as Assistant Pastor of the St. Joseph Parish in Norwich. Father Henry then moved to New London's Our Lady of Perpetual Help Parish before returning to continue his studies at the Catholic University of America. It was his profoundly inquisitive nature and genuine thirst for knowledge that caused Father Henry to pursue a doctoral degree in 1955. He earned his degree in Canon Law, and was subsequently assigned to the Diocesan Chancery in Norwich, where he served as assistant to the chief judge of the Diocesan Tribunal and as the assistant chancellor. Always a bright student and quick study, Father Henry was soon appointed Officialis, or Chief Judge, of the tribunal, and administrator of St. John's Mission in Fitchville. Father's Henry energy, compassion and achievement drew notice from the highest levels of the Church and in 1965 Pope Paul VI named him a prelate of honor and awarded him the title of Monsignor.

Monsignor Henry first arrived at St. Bridget in 1969, and dedicated the next twenty-nine years of his life to the service of the parish. St. Bridget's landscape bears witness to the many tangible accomplishments Monsignor Henry has achieved, including the Lady of Lourdes Grotto, the Religious Education Center, the Bicentennial Pavilion, the Stained Glass Doors, the Skylights, the beautification of the church grounds, and numerous other improvements. In honor of his dedication and commitment to St. Bridget, the education center, which he was instrumental in founding, will henceforth be called the Monsignor Henry J. Dziadosz Religious Education Center.

At the Parish Mass for Monsignor Henry, Father Marek Masnicki described a priest's duties, and expressed how Monsignor Henry was the epitome of what every priest strives to be. "A priest is called to respond to the poor and the broken and in this he touches the face of Jesus Christ. We expect a great deal from our priests, and priests expect a great deal from themselves. The priest makes sacrifices on behalf of the community. He offers his humanity and that of the community to Christ until he comes again. Priests take their cue from Jesus Christ each day. All this can apply to the fifty-one years of the priestly ministry of Monsignor Dziadosz."

Monsignor Henry was my pastor for a number of years. And while he was an accomplished man, a man whose priestly accomplishments were recognized by the Pope, it was his compassion and humanity that made him a truly remarkable shepherd for his flock, a flock of which I feel deeply fortunate to have been a part.

There isn't a doctorate for ministering day in and day out to the spiritual needs of a community. There isn't a grand award for caring deeply about one's neighbors. But you will find that we often have a name for people who conduct themselves in these ways: priest, rabbi, sheik or monk. These people dedicate themselves to the service of God, and in doing so provide an example for the rest of us to follow. Monsignor Henry was a wonderful priest and he took joy in the simple daily rituals of that life. He was dearly loved by the people of his parish and he will be deeply missed.•

RECOGNITION OF LANNY FRATTARE FOR HIS 25 YEARS OF SERVICE TO THE PITTSBURGH PIRATES

• Mr. SANTORUM. Mr. President, I would like to take a few minutes of Senate business to recognize a man who I hold in the highest regard, Mr. Lanny Frattare. Mr. Frattare has been a tremendous figure and icon to the people of Pittsburgh, Pennsylvania. He has contributed energy and timeless hours to the Pittsburgh community through his involvement with the Pirates, the Parent and Child Guidance Center, the Cystic Fibrosis Foundation, Goodwill Industries, and Bob Prince Charities.

Lanny Frattare is celebrating his twenty-fifth year as "The Voice of the Pirates," announcing more than 3,500 games. Only Bob Prince has described the action of Pirate baseball longer, 28 years. Mr. Frattare was even gracious enough to let me join him in the announcer's box for several games over the years, which was definitely one of my greatest thrills as a Pittsburgher.

A native of Rochester, New York, Frattare received has bachelor's degree in communications from Ithaca College in 1970. His baseball broadcasting career began in 1968 with the Geneva Senators, a Class A team in New York. Frattare's association with the Pirates organization began in 1974 and 1975 when he broadcast games for the Triple-A West Virginia team, the Charleston Charlies. He was also a radio DJ and Sports Director at WBBF in Rochester before joining the Pirates in 1976.

"There was no doubt about it"—Lanny Frattare continues to make significant impact on his listeners and on the history of the Pittsburgh Pirates. I feel privileged to know him and see the contributions he's made to the Pittsburgh community.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 12:00 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2302. An act to designate the building of the United States Postal Service located at 307 Main Street in Johnson City, New York, as the "James W. McCabe, Sr. Post Office Building."

H.R. 3454. An act to designate the United States Post Office located at 451 College Street in Macon, Georgia, as the "Henry McNeal Turner Post Office."

H.R. 4448. An act to designate the facility of the United States Postal Service located at 3500 Dolfield Avenue in Baltimore, Maryland, as the "Judge Robert Bernard Watts, Sr. Post Office Building."

H.R. 4449. An act to designate the facility of the United States Postal Service located at 1908 North Ellamont Street in Baltimore, Maryland, as the "Dr. Flossie McClain Dedmond Post Office Building."

H.R. 4484. An act to designate the facility of the United States Postal Service located at 500 North Washington Street in Rockville, Maryland, as the "Everett Alvarez, Jr. Post Office Building."

H.R. 4534. An act to redesignate the facility of the United States Postal Services located at 114 Ridge Street, N.W. in Lenoir, North Carolina, as the "James T. Broyhill Post Office Building."

H.R. 4615. An act to redesignate the facility of the United States Postal Service located at 3030 Meredith Avenue in Omaha, Nebraska, as the "Reverend J.C. Wade Post Office."

H.R. 4884. An act to redesignate the facility of the United States Postal Service located at 200 West 2nd Street in Royal Oak, Michigan, as the "William S. Broomfield Post Office Building."

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 2302. An act to designate the building of the United States Postal Service located at 307 Main Street in Johnson City, New York, as the "James W. McCabe, Sr. Post Office Building"; to the Committee on Governmental Affairs.

H.R. 3454. An act to designate the United States post office located at 451 College Street in Macon, Georgia, as the "Henry McNeal Turner Post Office"; to the Committee on Governmental Affairs.

H.R. 4448. An act to designate the facility of the United States Postal Service located at 3500 Dolfield Avenue in Baltimore, Maryland, as the "Judge Robert Bernard Watts, Sr. Post Office Building"; to the Committee on Governmental Affairs.

H.R. 4449. An act to designate the facility of the United States Postal Service located at 1908 North Ellamont Street in Baltimore, Maryland, as the "Dr. Flossie McClain Dedmond Post Office Building"; to the Committee on Governmental Affairs.

H.R. 4484. An act to designate the facility of the United States Postal Service located at 500 North Washington Street in Rockville, Maryland, as the "Everett Alvarez, Jr. Post Office Building"; to the Committee on Governmental Affairs.

H.R. 4534. An act to redesignate the facility of the United States Postal Service located at 114 Ridge Street, N.W. in Lenoir, North Carolina, as the "James T. Broyhill Post Office Building"; to the Committee on Governmental Affairs.

H.R. 4615. An act to redesignate the facility of the United States Postal Service located at 3030 Meredith Avenue in Omaha, Nebraska, as the "Reverend J.C. Wade Post Office"; to the Committee on Governmental Affairs.

H.R. 4884. An act to redesignate the facility of the United States Postal Service located at 200 West 2nd Street in Royal Oak, Michigan, as the "William S. Broomfield Post Office Building"; to the Committee on Governmental Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–10580. A communication from the Congressional Budget Office, transmitting, pursuant to law, the Sequestration Update Report for Fiscal Year 2001; referred jointly, pursuant to the order of January 30, 1975 as modified by the order of April 11, 1986, to the Committees on Agriculture, Nutrition, and Forestry; Armed Services; Banking, Housing, and Urban Affairs; Commerce, Science, and Transportation; Energy and Natural Resources; Environment and Public Works; Finance; Foreign Relations; Governmental Affairs; Health, Education, Labor, and Pensions; the Judiciary; Small Business; Veterans' Affairs; Indian Affairs; Intelligence; Appropriations; and the Budget.

EC–10581. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to recessions and deferrals; referred jointly, pursuant to the order of January 30, 1975 as modified by the order of April 11, 1986, to the Committees on Appropriations; the Budget; Armed Services; Banking, Housing, and Urban Affairs; Energy and Natural Resources; Environment and Public Works; and Foreign Relations.

EC–10582. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the notification of the President's intent to exempt all military personnel accounts from sequester for fiscal year 2001, if a sequester is necessary; referred jointly, pursuant to the order of January 30, 1975 as modified by the order of April 11, 1986, to the Committees on Appropriations; the Budget; and Armed Services.

EC–10583. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the cumulative report on rescissions and deferrals; referred jointly, pursuant to the order of January 30, 1975 as modified by the order of April 11, 1986, to the Committees on Appropriations; the Budget; Banking, Housing, and Urban Affairs; Energy and Natural Resources; and Foreign Relations.

EC–10584. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting: Early Seasons and Bag and Possession Limits for Certain Migratory Game Birds in the Contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands" (RIN1018–AG08) received on August 29, 2000; to the Committee on Environment and Public Works.

EC–10585. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting: Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2000–01 Early Season" (RIN1018–AG08) received on August 29, 2000; to the Committee on Environment and Public Works.

EC–10586. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of five rules entitled "Approval and Promulgation of Implementation Plans; New Jersey; Nitrogen Oxides Budget and Allowance Trading Program" (FRL #6860–1), "Approval and Promulgation of Implementation Plans; Control of Air Pollution from Volatile Organic Compounds, Transfer Operations, Loading and Unloading of Volatile Organic Compounds" (FRL #6862–5), "Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Maryland, Control of Emissions from Existing Hospital/Medical/Infectious Waste Incinerators" (FRL #6862–4), "Use of Alternative Analytical Test Methods in the Reformulated Gasoline Program" (FRL #6855–8) received on August 29, 2000; to the Committee on Environment and Public Works.

EC–10587. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of two rules entitled "Considering Ecological Processes in Environmental Impact Assessment" and "EPA Guidance for Consideration of Environmental Justice in Clean Air Act Section 309 Review" received on August 29, 2000; to the Committee on Environment and Public Works.

EC–10588. A communication from the Acting Assistant Secretary for Fish and Wildlife Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting; Approval of tungsten-matrix shot as nontoxic for hunting waterfowl and coots" (RIN1018–AG22) received on August 31, 2000; to the Committee on Environment and Public Works.

EC–10589. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, a report on four items; to the Committee on Environment and Public Works.

EC–10590. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of two rules entitled "National Emission Standards for Halogenated Solvent Cleansing" (FRL #6866–3) and "Request for Statement of Qualifications (RFQ) for Administrative, Technical and Scientific Support to the Chesapeake Bay Program; Fiscal Years 2001-2006" received on September 5, 2000; to the Committee on Environment and Public Works.

EC–10591. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of three rules entitled "Establishment of Alternative Compliance Periods under the Anti-Dumping Program" (FRL #6864–8), "Hazardous Air Pollutants: Amendments to the Approval of State Programs and Delegation of Federal Authorities" (FRL #6864–6), and "Revisions to the California State Implementation Plan, Sacramento Metropolitant Air Quality Management District" (FRL #6853–7) received on August 31, 2000; to the Committee on Environment and Public Works.

EC–10592. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Determination of Threatened Status for one Steelhead Evolutionarily Significant Unit (ESU) in California" (RIN1018–AN58) received on August 31, 2000; to the Committee on Environment and Public Works.

EC–10593. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Import/Export User Fees" (Docket #97–058–2) received on August 29, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10594. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Plum Pox" (Docket #00–034–2) received on August 30, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10595. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Citrus Canker; Addition to Quarantines Areas" (Docket #00–036–1) received on August 30, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10596. A communication from the Administrator of the Food and Nutrition Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Food Stamp Program: Electronic Benefit Transfer (EBT) Systems Interoperability and Portability" (RIN0584–AC91) received on August 30, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10597. A communication from the Acting Executive Director of the Commodity Futures Trading Commission, transmitting pursuant to law, the report of a rule entitled "Minimum Financial Requirements for Futures Commission Merchants and Introducing Brokers: Amendments to the Provisions Governing Subordination Agreements Included in the Net Capital of a Futures Commission Merchant or Independent Introducing Broker" (RIN3038–AB54) received on August 30, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10598. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Pink Bollworm Regulated Areas" (Docket #00–009–2) received on September 5, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10599. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to religious freedom; to the Committee on Foreign Relations.

EC–10600. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC–10601. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report relative to juvenile justice and delinquency prevention; to the Committee on the Judiciary.

EC–10602. A communication from the Acting General Counsel, Office of Size Standards, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Small Business Size Standards; Arrangement of Transportation of Freight and Cargo" (RIN3245–AE27) received on August 30, 2000; to the Committee on Small Business.

EC–10603. A communication from the Chairman of the International Trade Commission, transmitting, pursuant to law, a report on the operation of the United States trade agreements program, calendar year 1999; to the Committee on Finance.

EC–10604. A communication from the President of the United States, transmitting, pursuant to law, the intent to add Nigeria to the list of beneficiary developing countries under the Generalized System of Preferences; to the Committee on Finance.

EC–10605. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, the report of a rule entitled "Continuity of Interest" (RIN1545–AV81) received on August 30, 2000; to the Committee on Finance.

EC–10606. A communication from the Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, transmitting, pursuant to law, the report of a rule entitled "Delegation of Authority (99R–282P)" (RIN1512–AC01) received on August 30; 2000; to the Committee on Finance.

EC–10607. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, the report of a rule entitled "Comprehensive Case Resolution Pilot Notice" (Notice 2000–53, 2000–38 I.R.B.) received on August 31, 2000; to the Committee on Finance.

EC–10608. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, the report of a rule entitled "Qualified Lessee Construction Allowances for Short-Term Leases" (RIN1545–AW16) received on September 5, 2000; to the Committee on Finance.

EC–10609. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Facsimile Transmission of Prescriptions for Patients Enrolled in Hospice Programs" (RIN1117–AA54) received on July 24, 2000; to the Committee on the Judiciary.

EC–10610. A communication from the Acting Director of the Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Kentucky Regulatory Program" (RINKY–226–FOR) received on August 31, 2000; to the Committee on Energy and Natural Resources.

EC–10611. A communication from the Assistant Director, Communications, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Interim Final Supplementary Rules on Public Land in Utah within Grand Staircase Escalante National Monument and at associated facilities" (RIN1004–AD40) received on August 31, 2000; to the Committee on Energy and Natural Resources.

EC–10612. A communication from the Director of the Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Control of Communicable Diseases; Apprehension and Detention of Persons With Specific Diseases; Transfer of Regulations" received on August 30, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–10613. A communication from the General Counsel of the Corporation for National Community Service, transmitting, pursuant to law, the report of a rule entitled "Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance" received on September 5, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–10614. A communication from the Acting Assistant General Counsel for Regulations, Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Notice of Final Competitive Preference for Fiscal Year 2001 for the Rehabilitation Long-Term Training and Rehabilitation Continuing Education Programs" (RIN89.129L and 84.264B) received on August 29, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–10615. A communication from the Deputy Secretary of the Division of Market Regulation, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment to Rule 12f–2 under the Securities Exchange Act of 1934, 17 CFR 240.12f–2, 'Extending Unlisted Trading Privileges to a Security that is the Subject of an Initial Public Offering'" received on August 30, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–10616. A communication from the Assistant General Counsel for Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance" (RIN2501–AC42 (FR–4301–F–02)) received on August 30, 2000; to the Committee on Banking, Housing, and Urban Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–613. A resolution adopted by the Council of the Borough of Surf City, New Jersey relative to the dumping of dredged material; to the Committee on Environment and Public Works.

POM–614. A resolution adopted by the Township of Manchester, New Jersey relative to the "Mud Dump Site"; to the Committee on Environment and Public Works.

POM–615. A resolution adopted by the City Council of Portsmouth, Ohio relative to the Uranium Enrichment Plant; to the Committee on Energy and Natural Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JEFFORDS, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 1536: A bill to amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act, to modernize programs and services for older individuals, and for other purposes (Rept. No. 106–399).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1925: A bill to promote environmental restoration around the Lake Tahoe basin (Rept. No. 106–400).

S. 2048: A bill to establish the San Rafal Western Legacy District in the State of Utah, and for other purposes (Rept. No. 106–401).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 2069: A bill to permit the conveyance of certain land in Powell, Wyoming (Rept. No. 106–402).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment:

S. 2239: A bill to authorize the Bureau of Reclamation to provide cost sharing for the endangered fish recovery implementation programs for the Upper Colorado River and San Juan River basins (Rept. No. 106–403).

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted:

By Mr. BYRD, for Mr. Warner, from the Committee on Armed Services:

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Charles R. Holland, 4055

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Glen W. Moorhead III, 6124

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Norton A. Schwartz, 7542

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Daniel J. Petrosky, 1004

The following named officer for appointment as The Surgeon General, United States Army, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 3036:

To be lieutenant general

Maj. Gen. James B. Peake, 1525

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601, and as a Senior Member of the Military Staff Committee:

To be lieutenant general

Maj. Gen. John P. Abizaid, 6229

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Edward G. Anderson III, 2536

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Bryan D. Brown, 2565

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. William P. Tangney, 4937

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. Walter F. Doran, 4942

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Michael P. Delong, 5191

By Mr. INHOFE, for Mr. Warner, from the Committee on Armed Services:

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Peter Pace, 7426

(The above nominations were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. INHOFE:

S. 3013. To make technical amendments concerning contracts affecting certain Indian tribes in Oklahoma, and for other purposes; to the Committee on Indian Affairs.

By Mr. SPECTER:

S. 3014. A bill to amend title 18 of the US Code to penalize the knowing and reckless introduction of a defective product into interstate commerce; to the Committee on the Judiciary.

By Mr. ASHCROFT:

S. 3015. A bill to grant the consent of Congress to the Kansas and Missouri Metropolitan Culture District Compact; to the Committee on the Judiciary.

By Mr. ROTH (for himself, Mr. Jeffords, Mr. Gramm, Mr. Murkowski, Mr. Campbell, Mr. Nickles, Mr. Lott, Mr. Stevens, Mr. Frist, Mr. Domenici, Mr. Craig, and Mr. Grams):

S. 3016. To amend the Social Security Act to establish an outpatient prescription drug assistance program for low-income medicare beneficiaries and medicare beneficiaries with high drug costs; to the Committee on Finance.

By Mr. ROTH (for himself, Mr. Jeffords, Mr. Murkowski, Mr. Campbell, Mr. Stevens, and Mr. Frist):

S. 3017. A bill to amend the Social Security Act to establish an outpatient prescription drug assistance program for low-income medicare beneficiaries and medicare beneficiaries with high drug costs; to the Committee on Finance.

By Mr. TORRICELLI (for himself and Mr. Johnson):

S. 3018. A bill to amend the Federal Deposit Insurance Act with respect to municipal deposits; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. INHOFE:

S. 3019. A bill to clarify the Federal relationship to the Shawnee Tribe as a distinct Indian tribe, to clarify the status of the members of the Shawnee Tribe, and for other purposes; to the Committee on Indian Affairs.

By Mr. GRAMS (for himself, Mr. Baucus, Mr. Inhofe, Mr. Gregg, and Mrs. Hutchison):

S. 3020. A bill to require the Federal Communications Commission to revise its regulations authorizing the operation of new, low-power FM radio stations; to the Committee on Commerce, Science, and Transportation.

By Mrs. HUTCHISON (for herself, Mr. Domenici, Mr. Dodd, and Mrs. Feinstein):

S. 3021. A bill to provide that a certification of the cooperation of Mexico with United States counterdrug efforts not be required in fiscal year 2001 for the limitation on assistance for Mexico under section 490 of the Foreign Assistance Act of 1961 not to go into effect in that fiscal year; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HUTCHINSON:

S. Res. 349. A resolution to designate September 7, 2000 as "National Safe Television for All-Ages Day"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mr. INHOFE:

S. 3013. To make technical amendments concerning contracts affecting certain Indian tribes in Oklahoma, and for other purposes; to the Committee on Indian Affairs.

LEGISLATION CONCERNING CONTRACTS AFFECTING CERTAIN INDIAN TRIBES IN OKLAHOMA

Mr. INHOFE. Mr. President, today I am pleased to introduce legislation which will remedy a long outdated statute which impedes economic development for the Five Civilized Tribes of Oklahoma. For years tribes have been required to seek approval by the Secretary of the Interior before they may engage in contracts. Section 81, as it is known, provides that a contract 'relating to Indian lands' is not valid unless it is approved by the Secretary. This statute was enacted with good intentions but unfortunately has outgrown its usefulness. Today this provision constitutes a confusing legal obstacle for tribal development.

Early last year, Senator BEN NIGHTHORSE CAMPBELL introduced comprehensive legislation to address the current problems associated with this statute. That legislation has passed the Senate and now awaits action before the House. However, the Five Tribes have often been treated with separate statutes unique to eastern Oklahoma. The legislation I propose simply corrects a technical oversight which affects only the Five Civilized Tribes of Oklahoma which is commonly referred to as Section 82a. Without this correction, the Five Civilized Tribes of Oklahoma would be the only tribes in the nation which may still be required to seek Secretarial approval for these contracts. I urge my colleagues to join me in correcting this oversight.

Mr. ASHCROFT:

S. 3015. A bill to grant the consent of Congress to the Kansas and Missouri Metropolitan Culture District Compact; to the Committee on the Judiciary.

THE KANSAS AND MISSOURI METROPOLITAN CULTURAL DISTRICT COMPACT ACT OF 2000

Mr. ASHCROFT. Mr. President, today I rise to introduce a bill to grant the consent of Congress to the Kansas and Missouri Metropolitan Cultural District Compact.

This bill would allow the people in 2002, or after, to consider additional projects which contribute or enhance the aesthetic, artistic, historical, intellectual of social development or appreciation of members of the general public. This definition has been expanded to include sports facilities. This compact has made the restoration of Kansas City's Union Station possible.

The original enabling legislation, which passed in 1994 established a bi-state cultural district for the Kansas City metropolitan area of five counties in Western Missouri and Eastern Kansas. This provides a secure source of local funding for metropolitan cooperation across state lines to restore historic structures and cultural facilities. The Federal authority for this bi-state compact expires at the end of 2001. We must see to it that a new compact is approved to continue this successful venture.

Mr. President, this legislation does not cost the Federal government any money. It is funded through a ⅛ sales tax, passed by the voters of Jackson, Johnson, Clay and Platte counties, and merely needs Federal approval. This measure is a perfect example of the appropriate relationship between the Federal government and the states. This approval would allow these local communities to make decisions on how—and whether—their tax dollars are to be spent on cultural activities.

This bill has bipartisan support in the House of Representatives. The companion legislation, HR 4700, passed the House Judiciary Committee by voice vote and the full House also by voice vote. It is supported by the Greater Kansas City Chamber of Commerce, the Mid-American Regional Council, the Overland Park Chamber of Commerce, Kansas City Area Development Council, Johnson County President's Council, Labor-Management Council of Greater Kansas City, Jackson County Executive, Kansas Governor Bill Graves, and Missouri Governor Mel Carnahan.

Mr. ROTH (for himself, Mr. JEFFORDS, Mr. GRAMM, Mr. MURKOWSKI, Mr. CAMPBELL, Mr. NICKLES, Mr. LOTT, Mr. STEVENS, Mr. FRIST, Mr. DOMENICI, Mr. CRAIG, and Mr. GRAMS):

S. 3016. To amend the Social Security Act to establish an outpatient prescription drug assistance program for low-income medicare beneficiaries and medicare beneficiaries with high drug costs; to the Committee on Finance.

MEDICARE TEMPORARY DRUG ASSISTANCE ACT

Mr. ROTH. Mr. President, for the past two years, the Finance Committee has been working on comprehensive Medicare reform—reform intended both to modernize the Medicare benefit package, which would include the creation of an outpatient prescription drug benefit, and to protect the long-term solvency of the program. The Committee has held 15 hearings on many different aspects of Medicare reform. We have listened to testimony from scores of witnesses.

And we appreciate how important, but also how complex an undertaking Medicare reform is, as what we do will affect 40 million Americans who rely on the program.

Working closely with colleagues on both sides of the aisle, this July I introduced an ambitious Medicare plan that took the best ideas from Republicans and Democrats—a plan that would achieve the modern reforms we all seek. I am committed to adding a comprehensive prescription drug benefit to the Medicare program, coupled with other major reforms that are badly needed.

The plan that I have been working on includes not only comprehensive drug coverage added to the basic Medicare benefit package, but improvements to hospital and other benefits, low-income beneficiary protections, access to medical technologies, private sector drug benefit management, improvements to Medicare's long-term solvency and a strengthened Medicare+Choice Program.

I have been working for several months to refine my bill and to get the finalized estimates from the Congressional Budget Office that are necessary to advance any major piece of legislation in the Congress. These steps are also essential to make sure that the program is kept affordable for beneficiaries and taxpayers alike. I intend shortly to share the latest information with my colleagues on the Finance Committee.

It is my intention to continue to work aggressively with my colleagues on the Finance Committee—as well as with all members of this body—to build on my initiative introduced in July and to move ahead with successful bipartisan reform. I appreciate the strong interest and support our agenda for reform is receiving from both sides of the aisle.

However, there are real reasons why we don't yet have agreement on Medicare. Program reform efforts are enormously complex. In no small part because Medicare is such an important part of our social fabric. We must work through extraordinarily diverse views on the proper role of government, how best to achieve affordability for beneficiaries and taxpayers—all while ensuring stability and continuity in the program.

In view of the fact that at this time there is no clear consensus on comprehensive reform, and that even if there were, such reform would take two or three years to implement, I am today introducing legislation that will help us see that low-income beneficiaries are not denied prescription drug coverage while we continue to move forward with long-term reform.

I call this legislation the Medicare Temporary Drug Assistance Act, and it actually includes two versions—one that meets current budget guidelines and will only require a simple majority for passage, and a second version that is larger, covers more beneficiaries, but exceeds budget guidelines and will thus require a sixty-vote majority.

I call this initiative the Medicare Temporary Drug Assistance Act, because that's exactly what it is. This effort is not to be mistaken with the lasting, comprehensive Medicare reform that we will continue to aggressively pursue—a reform effort that will build on our more comprehensive plan offered in July. What this temporary legislation offers is an assurance to low-income seniors that they will be able to receive the help they need while Congress completes the larger task of overhauling the Medicare program.

It's an assurance that their immediate needs will not be put on hold as we deliberate and debate the complex intricacies of long-term Medicare reform.

In testimony before our committee, the AARP repeatedly reminded us how important it is that we proceed carefully with long-term reform. AARP also told our Committee that a program aiding low-income beneficiaries could be achieved in a shorter time frame. I agree with their assessment and support the goal of providing immediate help to low-income beneficiaries.

And this is what my legislation will do—it allows us to continue the intricate work of long-term reform without forcing Americans to dilute their prescription dosages or to choose between prescription drugs and food.

It is my hope—as I believe there is sufficient bipartisan consensus on the subject of prescription drug coverage—that we can come together to pass this legislation. Like I've said, the first version of this bill requires only a simple majority. It has been designed to fit within current budget restrictions.

Having my preference, Mr. President, I would like to see us pass the broader version that will require sixty votes, as it will offer more extensive coverage. But either way, these bills—once enacted—will implement a temporary, state-based, program to provide low-income Medicare beneficiaries with prescription drug coverage outside the Medicare program.

Now, Mr. President, let me clear up a couple of misunderstandings that appear to surround this. First of all, I have heard concerns raised that this legislation depends on the appropriations process for funding. This is wrong; they do not. Just like the State Children Health Insurance Program, funding is mandatory under the Social Security Act.

Second, I know that some have tried to attach a welfare stigma to the new program. Let me be clear: prescription drug coverage is not welfare, it is common sense. Frankly, I am surprised that there are those who would imply otherwise, because for years, we have worked to de-stigmatize important programs such as Medicaid and the State Children's Health Insurance Program.

The legislation I'm introducing is modeled on the State Children's Health Insurance Program—a solution designed to extend drug coverage to lower-income Medicare beneficiaries—beneficiaries with incomes below 150 percent of the poverty, and those with the highest out-of-pocket drug costs. If we have sufficient support to pass the more generous measure, we can cover beneficiaries up to 175 percent of the poverty level.

State participation in the new program would be optional, as it is under SCHIP. According to the National Conference of State Legislatures, 22 states have passed some type of pharmacy assistance law. Senior Pharmacy Assistance Programs currently are in place in 16 states, and another five states have passed laws to create such programs. Many of these states will likely opt to immediately participate in the new program—receiving federal funds to allow them to quickly expand their programs to provide drug benefits to even more Medicare beneficiaries.

Eligible beneficiaries living in states that choose not to participate in the new program would receive coverage through a fall-back option administered by the Health Care Financing Administration. HCFA would contract with a pharmacy benefit manager to provide these beneficiaries with a drug benefit comparable to that offered to all Federal employees through the Blue Cross Standard Option plan.

Under either scenario, beneficiaries will receive immediate assistance. They will not have to wait, they will not have to wonder, and most importantly they will not have to worry about what happens in Washington.

Again, Mr. President, this effort is not to be mistaken with the lasting, comprehensive Medicare reform that we must continue to pursue. It is best seen as a bridge—a bridge that will provide a low-income Medicare beneficiaries with prescription drugs—a bridge that the Washington Post acknowledged just today would be of material value to lower-income individuals while we continue our work on long-term, bipartisan reform.

I will continue to work in the Finance Committee toward long-term Medicare reform—reform which will include a comprehensive outpatient prescription drug benefit. If we can't pass such a package this year, we will resume our efforts on the first day of the next session, and we will not stop until we get the job done. But low-income Medicare beneficiaries should not have to wait for comprehensive reform to be enacted in order to receive prescription drug benefits.

This legislation will provide prescription drug coverage and peace of mind while Congress continues to work on the larger reform package. Passing it will certainly not obviate the need, nor diminish the pressing objective that we will have to achieve Medicare reform. There is no argument on either side of the aisle that long-term reform is not necessary. But in the interim, we should also take this step.

Then when we get the long-term reform initiative passed—when comprehensive reform is enacted—this interim step will automatically be repealed. In that way, it will not replace or compete with reform. But it will provide valuable protection for many. Full enactment of this legislation will ensure that 82 percent of all Medicare beneficiaries will have prescription drug coverage, through the new program and through other sources of coverage. If Congress votes for increased coverage, 85 percent of all Medicare beneficiaries would have prescription drug coverage.

Mr. President, I urge my colleagues to join me on this important issue. Our many successes in advancing the Medicare program these last three years have been achieved through cooperation from both sides of the aisle. We have seen what we can do when we move forward on those issues where we have a consensus. Now, let's join together to take this step, as well. Let's implement a principle on which I believe we all agree—helping our neediest Medicare beneficiaries pay for their prescription drugs. Toward achieving this important objective, there is no legitimate reason to delay.

Mr. President, I ask unanimous consent that the bill I am introducing be printed in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3016

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Temporary Drug Assistance Act".

SEC. 2. OUTPATIENT PRESCRIPTION DRUG ASSISTANCE PROGRAM.

(a) ESTABLISHMENT.—The Social Security Act (42 U.S.C. 301 et seq.) is amended by adding at the end the following new title:

"TITLE XXII—OUTPATIENT PRESCRIPTION DRUG ASSISTANCE PROGRAM

"SEC. 2201. PURPOSE; OUTPATIENT PRESCRIPTION DRUG ASSISTANCE PLANS.

"(a) PURPOSE.—The purpose of this title is to provide funds to States to enable States, individually or in a group, to establish a program, separate from the medicaid program under title XIX, to provide assistance to low-income medicare beneficiaries (as defined in section 2202(b)) and, at State option, medicare beneficiaries with high drug costs (as defined in section 2202(c)) to obtain coverage for outpatient prescription drugs.

"(b) OUTPATIENT PRESCRIPTION DRUG ASSISTANCE PLAN REQUIRED.—A State may not receive payments under section 2205 unless the State, individually or as part of a group of States, submits in writing to the Secretary an outpatient prescription drug assistance plan under section 2206(a)(1) that—

"(1) describes how the State or group of States intends to use the funds provided under this title to provide outpatient prescription drug assistance to low-income medicare beneficiaries and, if applicable, medicare beneficiaries with high drug costs consistent with the provisions of this title;

"(2) includes a description of the budget for the plan (updated periodically as necessary) and details on the planned use of funds, the sources of the non-Federal share of plan expenditures, and any requirements for cost-sharing by beneficiaries;

"(3) describes the procedures to be used to ensure that the outpatient prescription drug assistance provided to low-income medicare beneficiaries and, if applicable, medicare beneficiaries with high drug costs under the plan does not supplant coverage for outpatient prescription drugs available to such beneficiaries under group health plans; and

"(4) has been approved by the Secretary under section 2206(a)(2).

"(c) ENTITLEMENT.—Subject to subsection (d)(2), this title constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment to States, groups of States, and contractors described in section 2209(a)(2)(A), of amounts provided under section 2204.

"(d) PERIOD OF APPLICABILITY.—

"(1) IN GENERAL.—No State, group of States, or contractor described in section 2209(a)(2)(A), may receive payments under section 2205 for outpatient prescription drug assistance provided for periods beginning before October 1, 2000, or after December 31, 2003.

“(2) Medicare reform.—If medicare reform legislation that includes coverage for outpatient prescription drugs is enacted during the period that begins on October 1, 2000, and ends on December 31, 2003, this title shall be repealed upon the effective date of such legislation, and no State, group of States, or contractor described in section 2209(a)(2)(A) shall be entitled to receive payments for any outpatient prescription drug assistance provided on or after such date.

“SEC. 2202. BENEFICIARY ELIGIBILITY.

“(a) Eligibility.—

“(1) In general.—In order for a State (individually or as part of a group of States) to receive payments under section 2205 with respect to an outpatient prescription drug assistance program, the program must provide, subject to the availability of funds, outpatient prescription drug assistance to each individual who—

“(A) resides in the State;

“(B) applies for such assistance; and

“(C) establishes that the individual is—

“(i) a low-income medicare beneficiary (as defined in subsection (b)); or

“(ii) at the option of the State, a medicare beneficiary with high drug costs (as defined in subsection (c)).

“(2) Residency rules.—In applying paragraph (1), residency rules similar to the residency rules applicable to the State plan under title XIX shall apply.

“(b) Low-Income Medicare Beneficiary Defined.—

“(1) In general.—In this title, except as provided in section 2209(a)(2)(B), the term ‘low-income medicare beneficiary’ means an individual who—

“(A) is entitled to benefits under part A of title XVIII or enrolled under part B of such title, including an individual enrolled in a Medicare+Choice plan under part C of such title;

“(B) subject to subsection (d), is not entitled to medical assistance with respect to prescribed drugs under title XIX or under a waiver under section 1115 of the requirements of such title;

“(C) is determined to have family income that does not exceed a percentage of the poverty line for a family of the size involved specified by the State that, subject to paragraph (2), may not exceed 150 percent; and

“(D) at the option of the State, is determined to have resources that do not exceed a level specified by the State.

“(2) State-only drug assistance programs.—In the case of a State that has a State-based drug assistance program described in section 2203(e) that provides outpatient prescription drug coverage for individuals described in paragraph (1)(A) who have family income up to or exceeding 150 percent of the poverty line, the State may specify a percentage of the poverty line under paragraph (1)(C) that exceeds the income eligibility level specified by the State for such program but does not exceed 50 percentage points above such income eligibility level.

“(c) Medicare Beneficiary With High Drug Costs Defined.—

“(1) In general.—In this title, except as provided in section 2209(a)(2)(C), the term ‘medicare beneficiary with high drug costs’ means an individual—

“(A) who satisfies the requirements of subparagraphs (A) and (B) of subsection (b)(1);

“(B) whose family income exceeds the percentage of the poverty line specified by the State in accordance with subsection (b)(1)(C);

“(C) at the option of the State, whose resources exceed a level (if any) specified by the State in accordance with subsection (b)(1)(D); and

“(D) who has out-of-pocket expenses for outpatient prescription drugs and biologicals (including insulin and insulin supplies) for which outpatient prescription drug assistance is available under this title that exceed such amount as the State specifies in accordance with paragraph (2).

“(2) Determination of out-of-pocket expenses.—A State that elects to provide outpatient prescription drug assistance to an individual described in paragraph (1) shall provide the Secretary with the methodology and standards used to determine the individual's eligibility under subparagraph (D) of such paragraph.

“(d) Access for Medicaid Expansion States.—

“(1) In general.—Notwithstanding any other provision of this title, with respect to any State that, as of the date of enactment of this title, has made outpatient prescription drug coverage for individuals described in paragraph (2) available through the State medicaid program under title XIX under a section 1115 waiver, the Secretary, in consultation with such State, shall establish procedures under which the State shall be able to receive payments from the allotment made available under section 2204 for such State for a fiscal year for purposes of offsetting the costs of making such coverage available to such individuals.

“(2) Individuals described.—Individuals described in this paragraph are individuals who are—

“(A) entitled to benefits under part A of title XVIII or enrolled under part B of such title, including an individual enrolled in a Medicare+Choice plan under part C of such title; and

“(B) eligible for outpatient prescription drug coverage only, under a State medicaid program under title XIX as a result of a section 1115 waiver.

“(e) Individual Nonentitlement.—Nothing in this title shall be construed as providing an individual with an entitlement to outpatient prescription drug assistance provided under this title.

“SEC. 2203. COVERAGE REQUIREMENTS.

“(a) Required Scope of Coverage.—

“(1) In general.—The outpatient prescription drug assistance provided under the plan may consist of any of the following:

“(A) Benchmark coverage.—Outpatient prescription drug coverage that is equivalent to the outpatient prescription drug coverage in a benchmark benefit package described in subsection (b).

“(B) Aggregate actuarial value equivalent to benchmark package.—Outpatient prescription drug coverage that has an aggregate actuarial value that is at least equivalent to one of the benchmark benefit packages.

“(C) Existing comprehensive state-based coverage.—Outpatient prescription drug coverage under an existing State-based program, described in subsection (e).

“(D) Secretary-approved coverage.—Any other outpatient prescription drug coverage that the Secretary determines, upon application by a State or group of States, provides appropriate outpatient prescription drug coverage for the population of medicare beneficiaries proposed to be provided such coverage.

“(2) Consistent design.—A State or group of States may only select one of the options described in paragraph (1) (and, if the State or group chooses to provide outpatient prescription drug coverage that is equivalent to the outpatient prescription drug coverage in a benchmark benefit package, only one of the benchmark benefit package options described in subsection (b)) in order to provide outpatient prescription drug assistance in a uniform manner for the population of medicare beneficiaries provided such coverage.

“(b) Benchmark Benefit Packages.—The benchmark benefit packages are as follows:

“(1) Medicaid outpatient prescription drug coverage.—In the case of—

“(A) a State, the outpatient prescription drug coverage provided under the State medicaid plan under title XIX; or

“(B) a group of States, the outpatient prescription drug coverage provided under the State medicaid plan under such title of one of the States in the group, as identified in the outpatient prescription drug assistance plan.

“(2) FEHBP-equivalent outpatient prescription drug coverage.—The outpatient prescription drug coverage provided under the Standard Option Blue Cross and Blue Shield Service Benefit Plan described in and offered under section 8903(1) of title 5, United States Code.

“(3) State employee outpatient prescription drug coverage.—In the case of—

“(A) a State, the outpatient prescription drug coverage provided under a health benefits coverage plan that is offered and generally available to State employees in the State involved; or

“(B) a group of States, the outpatient prescription drug coverage provided under a health benefits coverage plan that is offered and generally available to State employees in one of the States in the group, as identified in the outpatient prescription drug assistance plan.

“(4) Outpatient prescription drug coverage offered through largest HMO.—In the case of—

“(A) a State, the outpatient prescription drug coverage provided under a health insurance coverage plan that is offered by a health maintenance organization (as defined in section 2791(b)(3) of the Public Health Service Act) and has the largest insured commercial, nonmedicaid enrollment of covered lives of such coverage plans offered by such a health maintenance organization in the State involved; or

“(B) a group of States, the outpatient prescription drug coverage provided under a health insurance coverage plan that is offered by a health maintenance organization (as defined in section 2791(b)(3) of the Public Health Service Act) and has the largest insured commercial, nonmedicaid enrollment of covered lives of such coverage plans offered by such a health maintenance organization in one of the States involved.

“(c) Determination of Actuarial Value of Coverage.—

“(1) In general.—The actuarial value of outpatient prescription drug coverage offered under benchmark benefit packages and the outpatient prescription drug assistance plan shall be set forth in an opinion in a report that has been prepared—

“(A) by an individual who is a member of the American Academy of Actuaries;

“(B) using generally accepted actuarial principles and methodologies;

“(C) using a standardized set of utilization and price factors;

“(D) using a standardized population that is representative of the population to be covered under the outpatient prescription drug assistance plan;

“(E) applying the same principles and factors in comparing the value of different coverage;

“(F) without taking into account any differences in coverage based on the method of delivery or means of cost control or utilization used; and

“(G) taking into account the ability of a State or group of States to reduce benefits by taking into account the increase in actuarial value of benefits coverage offered under the outpatient prescription drug assistance plan that results from the limitations on cost-sharing under such coverage.

“(2) REQUIREMENT.—The actuary preparing the opinion shall select and specify in the report the standardized set and population to be used under subparagraphs (C) and (D) of paragraph (1).

“(d) PROHIBITED COVERAGE.—Nothing in this section shall be construed as requiring any outpatient prescription drug coverage offered under the plan to provide coverage for an outpatient prescription drug for which payment is prohibited under this title, notwithstanding that any benchmark benefit package includes coverage for such an outpatient prescription drug.

“(e) DESCRIPTION OF EXISTING COMPREHENSIVE STATE-BASED COVERAGE.—

“(1) IN GENERAL.—A program described in this paragraph is an outpatient prescription drug coverage program for individuals who are entitled to benefits under part A of title XVIII or enrolled under part B of such title, including an individual enrolled in a Medicare+Choice plan under part C of such title, that—

“(A) is administered or overseen by the State and receives funds from the State;

“(B) was offered as of the date of the enactment of this title;

“(C) does not receive or use any Federal funds; and

“(D) is certified by the Secretary as providing outpatient prescription drug coverage that satisfies the scope of coverage required under subparagraph (A), (B), or (D) of subsection (a)(1).

“(2) MODIFICATIONS.—A State may modify a program described in paragraph (1) from time to time so long as it does not reduce the actuarial value (evaluated as of the time of the modification) of the outpatient prescription drug coverage under the program below the lower of—

“(A) the actuarial value of the coverage under the program as of the date of enactment of this title; or

“(B) the actuarial value described in subsection (a)(1)(B).

“(f) BENEFICIARY PREMIUMS AND COST-SHARING.—

“(1) DESCRIPTION; GENERAL CONDITIONS.—

“(A) DESCRIPTION.—

“(i) IN GENERAL.—An outpatient prescription drug assistance plan shall include a description, consistent with this subsection, of the amount of any premiums or cost-sharing imposed under the plan.

“(ii) PUBLIC SCHEDULE OF CHARGES.—Any premium or cost-sharing described under clause (i) shall be imposed under the plan pursuant to a public schedule.

“(B) PROTECTION FOR BENEFICIARIES.—The outpatient prescription drug assistance plan may only vary premiums and cost-sharing based on the family income of low-income medicare beneficiaries and, if applicable, medicare beneficiaries with high drug costs, in a manner that does not favor such beneficiaries with higher income over beneficiaries with low-income.

“(2) LIMITATIONS ON PREMIUMS AND COST-SHARING.—

“(A) NO PREMIUMS OR COST-SHARING FOR BENEFICIARIES WITH INCOME BELOW 100 PERCENT OF POVERTY LINE.—In the case of a low-income medicare beneficiary whose family income does not exceed 100 percent of the poverty line, the outpatient prescription drug assistance plan may not impose any premium or cost-sharing.

“(B) OTHER BENEFICIARIES.—For low-income medicare beneficiaries not described in subparagraph (A) and, if applicable, medicare beneficiaries with high drug costs, any premiums or cost-sharing imposed under the outpatient prescription drug assistance plan may be imposed, subject to paragraph (1)(B), on a sliding scale related to income, except that the total annual aggregate of such premiums and cost-sharing with respect to all such beneficiaries in a family under this title may not exceed 5 percent of such family's income for the year involved.

“(g) RESTRICTION ON APPLICATION OF PRE-EXISTING CONDITION EXCLUSIONS.—The outpatient prescription drug assistance plan shall not permit the imposition of any preexisting condition exclusion for covered benefits under the plan and may not discriminate in the pricing of premiums under such plan because of health status, claims experience, receipt of health care, or medical condition.

“SEC. 2204. ALLOTMENTS.

“(a) APPROPRIATION.—

“(1) IN GENERAL.—For the purpose of providing allotments under this section to States, there is appropriated, out of any money in the Treasury not otherwise appropriated—

“(A) for fiscal year 2001, $1,200,000,000;

“(B) for fiscal year 2002, $4,200,000,000;

“(C) for fiscal year 2003, $9,000,000,000; and

“(D) for fiscal year 2004, $3,000,000,000.

“(2) AVAILABILITY.—Amounts appropriated under paragraph (1) shall only be available for providing the allotments described in such paragraph during the fiscal year for which such amounts are appropriated. Any amounts that have not been obligated by the Secretary for the purposes of making payments from such allotments under section 2205, or under contracts entered into under section 2209(b)(2)(B), on or before September 30 of fiscal year 2001, 2002, or 2003 (as applicable) or, with respect to fiscal year 2004, December 31, 2003, shall be returned to the Treasury.

“(b) ALLOTMENTS TO 50 STATES AND DISTRICT OF COLUMBIA.—

“(1) IN GENERAL.—Subject to paragraph (3), of the amount available for allotment under subsection (a) for a fiscal year, reduced by the amount of allotments made under subsection (c) for the fiscal year, the Secretary shall allot to each State (other than a State described in such subsection) with an outpatient prescription drug assistance plan approved under this title the same proportion as the ratio of—

“(A) the number of medicare beneficiaries with family income that does not exceed 150 percent of the poverty line residing in the State for the fiscal year; to

“(B) the total number of such beneficiaries residing in all such States.

“(2) DETERMINATION OF NUMBER OF MEDICARE BENEFICIARIES WITH INCOME THAT DOES NOT EXCEED 150 PERCENT OF POVERTY.—For purposes of paragraph (1), a determination of the number of medicare beneficiaries with family income that does not exceed 150 percent of the poverty line residing in a State for the calendar year in which such fiscal year begins shall be made on the basis of the arithmetic average of the number of such medicare beneficiaries, as reported and defined in the 5 most recent March supplements to the Current Population Survey of the Bureau of the Census before the beginning of the fiscal year.

“(3) MINIMUM ALLOTMENT.—In no case shall the amount of the allotment under this subsection for one of the 50 States or the District of Columbia for a fiscal year be less than an amount equal to 0.5 percent of the amount provided for allotments under subsection (a) for that fiscal year (reduced by the amount of allotments made under subsection (c) for the fiscal year). To the extent that the application of the previous sentence results in an increase in the allotment to a State or the District of Columbia above the amount otherwise provided, the allotments for the other States and the District of Columbia under this subsection shall be reduced in a pro rata manner (but not below the minimum allotment described in such preceding sentence) so that the total of such allotments in a fiscal year does not exceed the amount otherwise provided for allotment under subsection (a) for that fiscal year (as so reduced).

“(c) ALLOTMENTS TO TERRITORIES.—

“(1) IN GENERAL.—Of the amount available for allotment under subsection (a) for a fiscal year, the Secretary shall allot 0.25 percent among each of the commonwealths and territories described in paragraph (3) in the same proportion as the percentage specified in paragraph (2) for such commonwealth or territory bears to the sum of such percentages for all such commonwealths or territories so described.

“(2) PERCENTAGE.—The percentage specified in this paragraph for—

“(A) Puerto Rico is 91.6 percent;

“(B) Guam is 3.5 percent;

“(C) the United States Virgin Islands is 2.6 percent;

“(D) American Samoa is 1.2 percent; and

“(E) the Northern Mariana Islands is 1.1 percent.

“(3) COMMONWEALTHS AND TERRITORIES.—A commonwealth or territory described in this paragraph is any of the following if it has an outpatient prescription drug assistance plan approved under this title:

“(A) Puerto Rico.

“(B) Guam.

“(C) The United States Virgin Islands.

“(D) American Samoa.

“(E) The Northern Mariana Islands.

“(d) TRANSFER OF CERTAIN ALLOTMENTS AND PORTIONS OF ALLOTMENTS.—

“(1) TRANSFER AND REDISTRIBUTION.—

“(A) IN GENERAL.—Subject to subparagraph (B), not later than 30 days after the date described in paragraph (2)—

“(i) 90 percent of the allotment determined for a fiscal year under subsection (b) or (c) for a State shall be transferred and made available in such fiscal year to the Secretary, acting through the Administrator of the Health Care Financing Administration, for purposes of carrying out the default program established under section 2209; and

“(ii) 10 percent of such allotment shall be redistributed in accordance with subsection (e).

“(B) APPLICABILITY.—Subparagraph (A) shall not apply if, not later than the date described in paragraph (2) for such fiscal year, a State submits a plan or is part of a group of States that submits a plan to the Secretary that the Secretary finds meets the requirements of section 2201(b).

“(2) DATE DESCRIBED.—The date described in this paragraph is—

“(A) in the case of fiscal year 2001, December 31, 2000; and

"(B) in the case of fiscal year 2002, 2003, or 2004, September 1 of the fiscal year preceding such fiscal year.

"(e) REDISTRIBUTION OF PORTION OF ALLOTMENTS.—With respect to a fiscal year, not later than 30 days after the date described in subsection (d)(2) for such fiscal year, the Secretary shall redistribute the total amount made available for redistribution for such fiscal year under subsection (d)(1)(A)(ii) to each State that submits a plan or is part of a group of States that submits a plan to the Secretary that the Secretary finds meets the requirements of this title. Such amount shall be redistributed in the same manner as allotments are determined under subsections (b) and (c) and shall be available only to the extent consistent with subsection (a)(2).

"SEC. 2205. PAYMENTS TO STATES.

"(a) IN GENERAL.—Subject to the succeeding provisions of this section, the Secretary shall pay to each State with a plan approved under section 2206(a)(2) (individually or as part of a group of States) from the State's allotment under section 2204, an amount for each quarter equal to the applicable percentage of expenditures in the quarter—

"(1) for outpatient prescription drug assistance under the plan for low-income medicare beneficiaries and, if applicable, medicare beneficiaries with high drug costs in the form of providing coverage for outpatient prescription drugs that meets the requirements of section 2203; and

"(2) only to the extent permitted consistent with subsection (c), for reasonable costs incurred to administer the plan.

"(b) APPLICABLE PERCENTAGE.—For purposes of subsection (a), the applicable percentage is—

"(1) for low-income medicare beneficiaries with family incomes that do not exceed 135 percent of the poverty line, 100 percent; and

"(2) for all other low-income medicare beneficiaries and for medicare beneficiaries with high drug costs, the enhanced FMAP (as defined in section 2105(b)).

"(c) LIMITATION ON PAYMENTS FOR CERTAIN EXPENDITURES.—

"(1) GENERAL LIMITATIONS.—Funds provided to a State or group of States under this title shall only be used to carry out the purposes of this title.

"(2) ADMINISTRATIVE EXPENDITURES.—

"(A) IN GENERAL.—Subject to subparagraph (B), payment shall not be made under subsection (a) for expenditures described in subsection (a)(2) for a fiscal year to the extent the total of such expenditures (for which payment is made under such subsection) exceeds 10 percent of the total expenditures described in subsection (a)(1) made by—

"(i) in the case of a State that is not part of a group of States, the State for such fiscal year; and

"(ii) in the case of a group of States, the group for such fiscal year.

"(B) SPECIAL RULE.—With respect to the first fiscal year that a State or group of States provides outpatient prescription drug assistance under a plan approved under this title, the 10 percent limitation described in subparagraph (A) shall be applied—

"(i) in the case of a State that is not part of a group of States, to the allotment available for such State for such fiscal year; and

"(ii) in the case of a group of States, to the aggregate of the State allotments available for all the States in such group for such fiscal year.

"(3) USE OF NON-FEDERAL FUNDS FOR STATE MATCHING REQUIREMENT.—Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of the non-Federal share of plan expenditures required under the plan.

"(4) OFFSET OF RECEIPTS ATTRIBUTABLE TO PREMIUMS OR COST-SHARING.—For purposes of subsection (a), the amount of the expenditures under the plan shall be reduced by the amount of any premiums or cost-sharing received by a State.

"(5) PREVENTION OF DUPLICATIVE PAYMENTS.—

"(A) OTHER HEALTH PLANS.—No payment shall be made under this section for expenditures for outpatient prescription drug assistance provided under an outpatient prescription drug assistance plan to the extent that a private insurer (as defined by the Secretary by regulation and including a group health plan, a service benefit plan, and a health maintenance organization) would have been obligated to provide such assistance but for a provision of its insurance contract which has the effect of limiting or excluding such obligation because the beneficiary is eligible for or is provided outpatient prescription drug assistance under the plan.

"(B) OTHER FEDERAL GOVERNMENTAL PROGRAMS.—Except as otherwise provided by law, no payment shall be made under this section for expenditures for outpatient prescription drug assistance provided under an outpatient prescription drug assistance plan to the extent that payment has been made or can reasonably be expected to be made promptly (as determined in accordance with regulations) under any other federally operated or financed health care insurance program identified by the Secretary. For purposes of this paragraph, rules similar to the rules for overpayments under section 1903(d)(2) shall apply.

"(d) ADVANCE PAYMENT; RETROSPECTIVE ADJUSTMENT.—The Secretary may make payments under this section for each quarter on the basis of advance estimates of expenditures submitted by a State or group of States and such other investigation as the Secretary may find necessary, and may reduce or increase the payments as necessary to adjust for any overpayment or underpayment for prior quarters.

"(e) FLEXIBILITY IN SUBMITTAL OF CLAIMS.—Nothing in this section shall be construed as preventing a State or group of States from claiming as expenditures in any quarter of a fiscal year expenditures that were incurred in a previous quarter of such fiscal year.

"SEC. 2206. PROCESS FOR SUBMISSION, APPROVAL, AND AMENDMENT OF OUTPATIENT PRESCRIPTION DRUG ASSISTANCE PLANS.

"(a) INITIAL PLAN.—

"(1) SUBMISSION.—A State may receive payments under section 2205 with respect to a fiscal year if the State, individually or as part of a group of States, has submitted to the Secretary, not later than the date described in section 2204(d)(2), an outpatient prescription drug assistance plan that the Secretary has found meets the applicable requirements of this title.

"(2) APPROVAL.—Except as the Secretary may provide under subsection (e), a plan submitted under paragraph (1)—

"(A) shall be approved for purposes of this title; and

"(B) shall be effective beginning with a calendar quarter that is specified in the plan, but in no case earlier than October 1, 2000.

"(b) PLAN AMENDMENTS.—Within 30 days after a State or group of States amends an outpatient prescription drug assistance plan submitted pursuant to subsection (a), the State or group shall notify the Secretary of the amendment.

"(c) DISAPPROVAL OF PLANS AND PLAN AMENDMENTS.—

"(1) PROMPT REVIEW OF PLAN SUBMITTALS.—The Secretary shall promptly review plans and plan amendments submitted under this section to determine if they substantially comply with the requirements of this title.

"(2) 45-DAY APPROVAL DEADLINES.—A plan or plan amendment is considered approved unless the Secretary notifies the State or group of States in writing, within 45 days after receipt of the plan or amendment, that the plan or amendment is disapproved (and the reasons for the disapproval) or that specified additional information is needed.

"(3) CORRECTION.—In the case of a disapproval of a plan or plan amendment, the Secretary shall provide a State or group of States with a reasonable opportunity for correction before taking financial sanctions against the State or group on the basis of such disapproval.

"(d) PROGRAM OPERATION.—

"(1) IN GENERAL.—A State or group of States shall conduct the program in accordance with the plan (and any amendments) approved under this section and with the requirements of this title.

"(2) VIOLATIONS.—The Secretary shall establish a process for enforcing requirements under this title. Such process shall provide for the withholding of funds in the case of substantial noncompliance with such requirements. In the case of an enforcement action against a State or group of States under this paragraph, the Secretary shall provide a State or group of States with a reasonable opportunity for correction and for administrative and judicial appeal of the Secretary's action before taking financial sanctions against the State or group of States on the basis of such an action.

"(e) CONTINUED APPROVAL.—Subject to section 2201(d), an approved outpatient prescription drug assistance plan shall continue in effect unless and until the State or group of States amends the plan under subsection (b) or the Secretary finds, under subsection (d), substantial noncompliance of the plan with the requirements of this title.

"SEC. 2207. PLAN ADMINISTRATION; APPLICATION OF CERTAIN GENERAL PROVISIONS.

"(a) PLAN ADMINISTRATION.—An outpatient prescription drug assistance plan shall include an assurance that the State or group of States administering the plan will collect the data, maintain the records, afford the Secretary access to any records or information relating to the plan for the purposes of review or audit, and furnish reports to the Secretary, at the times and in the standardized format the Secretary may require in order to enable the Secretary to monitor program administration and compliance and to evaluate and compare the effectiveness of plans under this title.

"(b) APPLICATION OF CERTAIN GENERAL PROVISIONS.—The following sections of this Act shall apply to the program established under this title in the same manner as they apply to a State under title XIX:

"(1) TITLE XIX PROVISIONS.—

"(A) Section 1902(a)(4)(C) (relating to conflict of interest standards).

"(B) Paragraphs (2), (16), and (17) of section 1903(i) (relating to limitations on payment).

"(C) Section 1903(w) (relating to limitations on provider taxes and donations).

"(2) TITLE XI PROVISIONS.—

"(A) Section 1115 (relating to waiver authority).

"(B) Section 1116 (relating to administrative and judicial review), but only insofar as consistent with this title.

"(C) Section 1124 (relating to disclosure of ownership and related information).

"(D) Section 1126 (relating to disclosure of information about certain convicted individuals).

"(E) Section 1128A (relating to civil monetary penalties).

"(F) Section 1128B(d) (relating to criminal penalties for certain additional charges).

"SEC. 2208. REPORTS.

"(a) In General.—Each State or group of States administering a plan under this title shall annually—

"(1) assess the operation of the outpatient prescription drug assistance plan under this title in each fiscal year; and

"(2) report to the Secretary on the result of the assessment.

"(b) Required Information.—The annual report required under subsection (a) shall include the following:

"(1) An assessment of the effectiveness of the plan in providing outpatient prescription drug assistance to low-income medicare beneficiaries and, if applicable, medicare beneficiaries with high drug costs.

"(2) A description and analysis of the effectiveness of elements of the plan, including—

"(A) the characteristics of the low-income medicare beneficiaries and, if applicable, medicare beneficiaries with high drug costs assisted under the plan, including family income and access to, or coverage by, other health insurance prior to the plan and after eligibility for the plan ends;

"(B) the amount and level of assistance provided under the plan; and

"(C) the sources of the non-Federal share of plan expenditures.

"(c) Annual Report of the Secretary.—The Secretary shall submit to Congress and make available to the public an annual report based on the reports required under subsection (a) and section 2209(b)(5), containing any conclusions and recommendations the Secretary considers appropriate.

"SEC. 2209. ESTABLISHMENT OF DEFAULT PROGRAM.

"(a) Program Authority.—

"(1) In general.—With respect to a fiscal year, in the case of a State that fails to submit (individually or as part of a group of States) an approved outpatient prescription drug assistance plan to the Secretary by the date described in section 2204(d)(2) for such fiscal year, outpatient prescription drug assistance to low-income medicare beneficiaries and, subject to the availability of funds, medicare beneficiaries with high drug costs, who reside in such State shall be provided during such fiscal year by the Secretary, through the Administrator of the Health Care Financing Administration, in accordance with this section.

"(2) Definitions.—In this section:

"(A) Contractor.—The term 'contractor' means a pharmaceutical benefit manager or other entity that meets standards established by the Administrator of the Health Care Financing Administration for the provision of outpatient prescription drug assistance under a contract entered into under this section.

"(B) Low-income medicare beneficiary.—The term 'low-income medicare beneficiary' means an individual who—

"(i) satisfies the requirements of subparagraphs (A) and (B) of section 2202(b)(1);

"(ii) is determined to have family income that does not exceed a percentage of the poverty line for a family of the size involved specified by the Administrator of the Health Care Financing Administration that may not exceed 135 percent; and

"(iii) at the option of the Administrator of the Health Care Financing Administration, is determined to have resources that do not exceed a level specified by such Administrator.

"(C) Medicare beneficiary with high drug costs.—The term 'medicare beneficiary with high drug costs' means an individual—

"(i) who satisfies the requirements of subparagraphs (A) and (B) of section 2202(b)(1);

"(ii) whose family income exceeds the percentage of the poverty line specified by the Administrator of the Health Care Financing Administration under subparagraph (B)(ii) for a low-income medicare beneficiary residing in the same State;

"(iii) whose resources exceed a level (if any) specified by the Administrator of the Health Care Financing Administration under subparagraph (B)(iii) for a low-income medicare beneficiary residing in the same State; and

"(iv) with respect to any 3-month period, who has out-of-pocket expenses for outpatient prescription drugs and biologicals (including insulin and insulin supplies) for which outpatient prescription drug assistance is available under this title that exceed a level specified by such Administrator (consistent with the availability of funds for the operation of the program established under this section in the State where the beneficiary resides).

"(b) Administration.—In administering the default program established under this section, the Administrator of the Health Care Financing Administration shall—

"(1) establish procedures to determine the eligibility of the low-income medicare beneficiaries and medicare beneficiaries with high drug costs described in subsection (a) for outpatient prescription drug assistance;

"(2) establish a process for accepting bids to provide outpatient prescription drug assistance to such beneficiaries, awarding contracts under such bids, and making payments under such contracts;

"(3) establish policies and procedures for overseeing the provision of outpatient prescription drug assistance under such contracts;

"(4) develop and implement quality and service assessment measures that include beneficiary quality surveys and annual quality and service rankings for contractors awarded a contract under this section;

"(5) annually assess the program established under this section and submit a report to the Secretary containing the information required under section 2208(b); and

"(6) carry out such other responsibilities as are necessary for the administration of the provision of outpatient prescription drug assistance under this section.

"(c) Contract Requirements.—

"(1) Authority; term.—

"(A) Use of competitive procedures.—

"(i) Fiscal year 2001.—With respect to fiscal year 2001, the Administrator of the Health Care Financing Administration may enter into contracts under this section without using competitive procedures, as defined in section 4(5) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(5)), or any other provision of law requiring competitive bidding.

"(ii) Fiscal years 2002, 2003, and 2004.—With respect to fiscal years 2002, 2003, and 2004, the Administrator of the Health Care Financing Administration shall award contracts under this section using competitive procedures (as so defined).

"(B) Term.—Each contract shall be for a uniform term of at least 1 year, but may be made automatically renewable from term to term in the absence of notice of termination by either party.

"(2) Benefit.—The contract shall require the contractor to provide a low-income medicare beneficiary and, if applicable, a medicare beneficiary with high drug costs, outpatient prescription drug assistance that is equivalent to the FEHBP-equivalent benchmark benefit package described in section 2203(b)(2) in a manner that is consistent with the provisions of this title as such provisions apply to a State that provides such assistance.

"(3) Quality and service assessment.—The contract shall require the contractor to cooperate with the quality and service assessment measures implemented in accordance with subsection (b)(4).

"(4) Payments.—The contract shall specify the amount and manner by which payments (including any administrative fees) shall be made to the contractor for the provision of outpatient prescription drug assistance to low-income medicare beneficiaries and, if applicable, medicare beneficiaries with high drug costs.

"(d) Funding.—

"(1) Aggregate of transferred amounts.—The Secretary, through the Administrator of the Health Care Financing Administration, shall use the aggregate of the amounts transferred and made available under section 2204(d)(1)(A)(i) for purposes of carrying out the default program established under this section. Such aggregate may be used to provide outpatient prescription drug assistance to any low-income medicare beneficiary, and, subject to the availability of funds, medicare beneficiary with high drug costs, who resides in a State described in subsection (a)(1).

"(2) Limitation on administrative costs.—Administrative expenditures incurred by the Secretary or the Administrator of the Health Care Financing Administration for a fiscal year to carry out this section (other than administrative fees paid to a contractor under a contract meeting the requirements of subsection (c))—

"(A) shall be paid out of the aggregate amounts described in paragraph (1); and

"(B) may not exceed an amount equal to 1 percent of all premiums imposed for such fiscal year to provide outpatient prescription drug assistance to low-income medicare beneficiaries and medicare beneficiaries with high drug costs under this section.

"(e) Termination.—Except as provided in section 2201(d)(2), the program established under this section shall terminate on December 31, 2003.

"SEC. 2210. DEFINITIONS.

"In this title:

"(1) Cost-sharing.—The term 'cost-sharing' means a deductible, coinsurance, copayment, or similar charge, and includes an enrollment fee.

"(2) Outpatient prescription drug assistance.—

"(A) In general.—The term 'outpatient prescription drug assistance' means, subject to subparagraph (B), payment for part or all of the cost of coverage of self-administered outpatient prescription drugs and biologicals (including insulin and insulin supplies) for low-income medicare beneficiaries and, if applicable, medicare beneficiaries with high drug costs.

"(B) Exclusions.—Such term does not include payment or coverage with respect to—

"(i) items covered under title XVIII; or

"(ii) items for which coverage is not available under a State plan under title XIX.

"(3) OUTPATIENT PRESCRIPTION DRUG ASSISTANCE PLAN; PLAN.—Unless the context otherwise requires, the terms 'outpatient prescription drug assistance plan' and 'plan' mean an outpatient prescription drug assistance plan approved under section 2206.

"(4) GROUP HEALTH PLAN; GROUP HEALTH INSURANCE COVERAGE; ETC.—The terms 'group health plan', 'group health insurance coverage', and 'health insurance coverage' have the meanings given such terms in section 2791 of the Public Health Service Act (42 U.S.C. 300gg–91).

"(5) POVERTY LINE.—The term 'poverty line' has the meaning given such term in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by such section.

"(6) PREEXISTING CONDITION EXCLUSION.—The term 'preexisting condition exclusion' has the meaning given such term in section 2701(b)(1)(A) of the Public Health Service Act (42 U.S.C. 300gg(b)(1)(A)).

"(7) STATE.—The term 'State' has the meaning given such term for purposes of title XIX.".

(b) CONFORMING AMENDMENTS.—

(1) DEFINITION OF STATE.—Section 1101(a)(1) of the Social Security Act (42 U.S.C. 1301(a)(1)) is amended in the first and fourth sentences, by striking "and XXI" each place it appears and inserting "XXI, and XXII".

(2) TREATMENT AS STATE HEALTH CARE PROGRAM.—Section 1128(h) of such Act (42 U.S.C. 1320a–7(h)) is amended—

(A) in paragraph (3), by striking "or" at the end;

(B) in paragraph (4), by striking the period at the end and inserting ", or"; and

(C) by adding at the end the following new paragraph:

"(5) an outpatient prescription drug assistance plan approved under title XXII.".

SEC. 3. ELECTION BY LOW-INCOME MEDICARE BENEFICIARIES AND MEDICARE BENEFICIARIES WITH HIGH DRUG COSTS TO SUSPEND MEDIGAP INSURANCE.

Section 1882(q) of the Social Security Act (42 U.S.C. 1395ss(q)) is amended—

(1) in paragraph (5)(C), by striking "this paragraph or paragraph (6)" and inserting "this paragraph, or paragraph (6) or (7)"; and

(2) by adding at the end the following new paragraph:

"(7) Each medicare supplemental policy shall provide that benefits and premiums under the policy shall be suspended at the request of the policyholder if the policyholder is entitled to benefits under section 226 and is covered under an outpatient prescription drug assistance plan (as defined in section 2210(3)) or provided outpatient prescription drug assistance under the program established under section 2209. If such suspension occurs and if the policyholder or certificate holder loses coverage under such plan or program, such policy shall be automatically reinstituted (effective as of the date of such loss of coverage) under terms described in subsection (n)(6)(A)(ii) as of the loss of such coverage if the policyholder provides notice of loss of such coverage within 90 days after the date of such loss.".

Mr. JEFFORDS. Mr. President, today I am announcing my support for the Medicare Temporary Drug Assistance Act, introduced by Senator ROTH. The Act will immediately provide funding for prescription drugs for Medicare beneficiaries who are having difficulty paying for the medicines that they need to live longer, happier lives.

Mr. President, we all know that as the baby boomers become eligible for Medicare the program needs to be reformed due to the increased population. As a part of Medicare reform, we must have a broad prescription drug benefit that ensures that all Medicare beneficiaries have access to affordable medications. It doesn't make any sense for Medicare to pay for the cost of hospital stays, but not cover the drugs that can keep patients out of the hospital. The best medicines in the world will not help a patient who can't afford to take them. That is why I will continue to do all that I can, as the Chairman of the Committee on Health, Education, Labor and Pensions and member of the Finance Committee, to assure that Medicare beneficiaries have access to affordable prescription drugs this year.

Today Chairman ROTH has introduced two bills—one version that stays within the Budget Resolution, and one that exceeds our budget restraints—and I am proud to be an original cosponsor of this legislation, because I am convinced that it will immediately help millions of Americans who need but can't afford their medications. My own state of Vermont, which has already acted responsibly by extending prescription drug coverage to many low-income seniors through the Vermont Health Access Plan and the Vscript pharmacy program, will be rewarded with millions of federal dollars to extend its coverage to even larger numbers of Medicare beneficiaries. Under this bill, federal dollars will begin paying for prescription drugs for Vermonters on October 1 of this year—that's only about three weeks from now.

Mr. President, I commend Chairman ROTH for his outstanding leadership on this issue. Chairman ROTH has worked tirelessly with me and the other members of the Finance Committee, clearly demonstrating that he supports Medicare reform, including coverage of prescription drugs, and that he believes that this can only be achieved through a bipartisan process. I have strongly supported his efforts to build a bipartisan consensus on this issue through the Committee process.

Several weeks ago, Chairman ROTH acknowledged the difficulty in finding a bipartisan consensus during this election year, and announced that if the Finance Committee is unable to report out a bipartisan Medicare reform bill, he would propose a plan to cover prescription drugs for the most needy Medicare beneficiaries, through grants to the states, as a stop-gap measure until Congress is able to pass larger-scale Medicare reform. He also acknowledged that even if we were able to enact a prescription drug benefit this year, it would be almost impossible to implement such a plan for at least two years. The bill he has introduced today addresses both of these problems.

Mr. President, let me be clear. This proposal is a stop-gap measure that will be put into place only until we are able to achieve broad Medicare reform, including prescription drug coverage that benefits all Medicare beneficiaries. This is not a substitute for Medicare reform, and it does not mean that we have given up on enacting Medicare reform this year. We must also attack the problem of affordability by passing my bill, the Medicine Equity and Drug Safety Act (S. 2520), which already passed the Senate by a vote of 74–21 as a part of the Agriculture Appropriations bill. These efforts will be undertaken simultaneously. I consider this bill to be emergency aid for prescription drugs that will be the bridge to a comprehensive plan. It is a very important down payment that will benefit Vermonters and all Americans immediately. That is why I am an original cosponsor of Chairman ROTH's proposal. I urge my colleagues support.

Thank you, Mr. President. I yield the floor.

By Mr. ROTH (for himself, Mr. JEFFORDS, Mr. MURKOWSKI, Mr. CAMPBELL, Mr. STEVENS, and Mr. FRIST):

S. 3017. A bill to amend the Social Security Act to establish an outpatient prescription drug assistance program for low-income Medicare beneficiaries and Medicare beneficiaries with high drug costs; to the Committee on Finance.

MEDICARE TEMPORARY DRUG ASSISTANCE ACT

Mr. ROTH. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3017

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Temporary Drug Assistance Act".

SEC. 2. OUTPATIENT PRESCRIPTION DRUG ASSISTANCE PROGRAM.

(a) ESTABLISHMENT.—The Social Security Act (42 U.S.C. 301 et seq.) is amended by adding at the end the following new title:

"TITLE XXII—OUTPATIENT PRESCRIPTION DRUG ASSISTANCE PROGRAM

"SEC. 2201. PURPOSE; OUTPATIENT PRESCRIPTION DRUG ASSISTANCE PLANS.

"(a) PURPOSE.—The purpose of this title is to provide funds to States to enable States, individually or in a group, to establish a program, separate from the medicaid program under title XIX, to provide assistance to low-income medicare beneficiaries (as defined in section 2202(b)) and, at State option, medicare beneficiaries with high drug costs (as defined in section 2202(c)) to obtain coverage for outpatient prescription drugs.

"(b) Outpatient Prescription Drug Assistance Plan Required.—A State may not receive payments under section 2205 unless the State, individually or as part of a group of States, submits in writing to the Secretary an outpatient prescription drug assistance plan under section 2206(a)(1) that—

"(1) describes how the State or group of States intends to use the funds provided under this title to provide outpatient prescription drug assistance to low-income medicare beneficiaries and, if applicable, medicare beneficiaries with high drug costs consistent with the provisions of this title;

"(2) includes a description of the budget for the plan (updated periodically as necessary) and details on the planned use of funds, the sources of the non-Federal share of plan expenditures, and any requirements for cost-sharing by beneficiaries;

"(3) describes the procedures to be used to ensure that the outpatient prescription drug assistance provided to low-income medicare beneficiaries and, if applicable, medicare beneficiaries with high drug costs under the plan does not supplant coverage for outpatient prescription drugs available to such beneficiaries under group health plans; and

"(4) has been approved by the Secretary under section 2206(a)(2).

"(c) Entitlement.—Subject to subsection (d)(2), this title constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment to States, groups of States, and contractors described in section 2209(a)(2)(A), of amounts provided under section 2204.

"(d) Period of Applicability.—

"(1) In general.—No State, group of States, or contractor described in section 2209(a)(2)(A), may receive payments under section 2205 for outpatient prescription drug assistance provided for periods beginning before October 1, 2000, or after September 30, 2004.

"(2) Medicare reform.—If medicare reform legislation that includes coverage for outpatient prescription drugs is enacted during the period that begins on October 1, 2000, and ends on September 30, 2004, this title shall be repealed upon the effective date of such legislation, and no State, group of States, or contractor described in section 2209(a)(2)(A) shall be entitled to receive payments for any outpatient prescription drug assistance provided on or after such date.

"SEC. 2202. BENEFICIARY ELIGIBILITY.

"(a) Eligibility.—

"(1) In general.—In order for a State (individually or as part of a group of States) to receive payments under section 2205 with respect to an outpatient prescription drug assistance program, the program must provide, subject to the availability of funds, outpatient prescription drug assistance to each individual who—

"(A) resides in the State;

"(B) applies for such assistance; and

"(C) establishes that the individual is—

"(i) a low-income medicare beneficiary (as defined in subsection (b)); or

"(ii) at the option of the State, a medicare beneficiary with high drug costs (as defined in subsection (c)).

"(2) Residency rules.—In applying paragraph (1), residency rules similar to the residency rules applicable to the State plan under title XIX shall apply.

"(b) Low-Income Medicare Beneficiary Defined.—

"(1) In general.—In this title, except as provided in section 2209(a)(2)(B), the term 'low-income medicare beneficiary' means an individual who—

"(A) is entitled to benefits under part A of title XVIII or enrolled under part B of such title, including an individual enrolled in a Medicare+Choice plan under part C of such title;

"(B) subject to subsection (d), is not entitled to medical assistance with respect to prescribed drugs under title XIX or under a waiver under section 1115 of the requirements of such title;

"(C) is determined to have family income that does not exceed a percentage of the poverty line for a family of the size involved specified by the State that, subject to paragraph (2), may not exceed 175 percent; and

"(D) at the option of the State, is determined to have resources that do not exceed a level specified by the State.

"(2) State-only drug assistance programs.—In the case of a State that has a State-based drug assistance program described in section 2203(e) that provides outpatient prescription drug coverage for individuals described in paragraph (1)(A) who have family income up to or exceeding 175 percent of the poverty line, the State may specify a percentage of the poverty line under paragraph (1)(C) that exceeds the income eligibility level specified by the State for such program but does not exceed 50 percentage points above such income eligibility level.

"(c) Medicare Beneficiary With High Drug Costs Defined.—

"(1) In general.—In this title, except as provided in section 2209(a)(2)(C), the term 'medicare beneficiary with high drug costs' means an individual—

"(A) who satisfies the requirements of subparagraphs (A) and (B) of subsection (b)(1);

"(B) whose family income exceeds the percentage of the poverty line specified by the State in accordance with subsection (b)(1)(C);

"(C) at the option of the State, whose resources exceed a level (if any) specified by the State in accordance with subsection (b)(1)(D); and

"(D) who has out-of-pocket expenses for outpatient prescription drugs and biologicals (including insulin and insulin supplies) for which outpatient prescription drug assistance is available under this title that exceed such amount as the State specifies in accordance with paragraph (2).

"(2) Determination of out-of-pocket expenses.—A State that elects to provide outpatient prescription drug assistance to an individual described in paragraph (1) shall provide the Secretary with the methodology and standards used to determine the individual's eligibility under subparagraph (D) of such paragraph.

"(d) Access for Medicaid Expansion States.—

"(1) In general.—Notwithstanding any other provision of this title, with respect to any State that, as of the date of enactment of this title, has made outpatient prescription drug coverage for individuals described in paragraph (2) available through the State medicaid program under title XIX under a section 1115 waiver, the Secretary, in consultation with such State, shall establish procedures under which the State shall be able to receive payments from the allotment made available under section 2204 for such State for a fiscal year for purposes of offsetting the costs of making such coverage available to such individuals.

"(2) Individuals described.—Individuals described in this paragraph are individuals who are—

"(A) entitled to benefits under part A of title XVIII or enrolled under part B of such title, including an individual enrolled in a Medicare+Choice plan under part C of such title; and

"(B) eligible for outpatient prescription drug coverage only, under a State medicaid program under title XIX as a result of a section 1115 waiver.

"(e) Individual Nonentitlement.—Nothing in this title shall be construed as providing an individual with an entitlement to outpatient prescription drug assistance provided under this title.

"SEC. 2203. COVERAGE REQUIREMENTS.

"(a) Required Scope of Coverage.—

"(1) In general.—The outpatient prescription drug assistance provided under the plan may consist of any of the following:

"(A) Benchmark coverage.—Outpatient prescription drug coverage that is equivalent to the outpatient prescription drug coverage in a benchmark benefit package described in subsection (b).

"(B) Aggregate actuarial value equivalent to benchmark package.—Outpatient prescription drug coverage that has an aggregate actuarial value that is at least equivalent to one of the benchmark benefit packages.

"(C) Existing comprehensive State-based coverage.—Outpatient prescription drug coverage under an existing State-based program, described in subsection (e).

"(D) Secretary-approved coverage.—Any other outpatient prescription drug coverage that the Secretary determines, upon application by a State or group of States, provides appropriate outpatient prescription drug coverage for the population of medicare beneficiaries proposed to be provided such coverage.

"(2) Consistent design.—A State or group of States may only select one of the options described in paragraph (1) (and, if the State or group chooses to provide outpatient prescription drug coverage that is equivalent to the outpatient prescription drug coverage in a benchmark benefit package, only one of the benchmark benefit package options described in subsection (b)) in order to provide outpatient prescription drug assistance in a uniform manner for the population of medicare beneficiaries provided such coverage.

"(b) Benchmark Benefit Packages.—The benchmark benefit packages are as follows:

"(1) Medicaid outpatient prescription drug coverage.—In the case of—

"(A) a State, the outpatient prescription drug coverage provided under the State medicaid plan under title XIX; or

"(B) a group of States, the outpatient prescription drug coverage provided under the State medicaid plan under such title of one of the States in the group, as identified in the outpatient prescription drug assistance plan.

"(2) FEHBP-equivalent outpatient prescription drug coverage.—The outpatient prescription drug coverage provided under the Standard Option Blue Cross and Blue Shield Service Benefit Plan described in and offered under section 8903(1) of title 5, United States Code.

"(3) State employee outpatient prescription drug coverage.—In the case of—

"(A) a State, the outpatient prescription drug coverage provided under a health benefits coverage plan that is offered and generally available to State employees in the State involved; or

"(B) a group of States, the outpatient prescription drug coverage provided under a health benefits coverage plan that is offered and generally available to State employees in one of the States in the group, as identified in the outpatient prescription drug assistance plan.

“(4) Outpatient prescription drug coverage offered through largest HMO.—In the case of—

“(A) a State, the outpatient prescription drug coverage provided under a health insurance coverage plan that is offered by a health maintenance organization (as defined in section 2791(b)(3) of the Public Health Service Act) and has the largest insured commercial, nonmedicaid enrollment of covered lives of such coverage plans offered by such a health maintenance organization in the State involved; or

“(B) a group of States, the outpatient prescription drug coverage provided under a health insurance coverage plan that is offered by a health maintenance organization (as defined in section 2791(b)(3) of the Public Health Service Act) and has the largest insured commercial, nonmedicaid enrollment of covered lives of such coverage plans offered by such a health maintenance organization in one of the States involved.

“(c) Determination of Actuarial Value of Coverage.—

“(1) In general.—The actuarial value of outpatient prescription drug coverage offered under benchmark benefit packages and the outpatient prescription drug assistance plan shall be set forth in an opinion in a report that has been prepared—

“(A) by an individual who is a member of the American Academy of Actuaries;

“(B) using generally accepted actuarial principles and methodologies;

“(C) using a standardized set of utilization and price factors;

“(D) using a standardized population that is representative of the population to be covered under the outpatient prescription drug assistance plan;

“(E) applying the same principles and factors in comparing the value of different coverage;

“(F) without taking into account any differences in coverage based on the method of delivery or means of cost control or utilization used; and

“(G) taking into account the ability of a State or group of States to reduce benefits by taking into account the increase in actuarial value of benefits coverage offered under the outpatient prescription drug assistance plan that results from the limitations on cost-sharing under such coverage.

“(2) Requirement.—The actuary preparing the opinion shall select and specify in the report the standardized set and population to be used under subparagraphs (C) and (D) of paragraph (1).

“(d) Prohibited Coverage.—Nothing in this section shall be construed as requiring any outpatient prescription drug coverage offered under the plan to provide coverage for an outpatient prescription drug for which payment is prohibited under this title, notwithstanding that any benchmark benefit package includes coverage for such an outpatient prescription drug.

“(e) Description of Existing Comprehensive State-Based Coverage.—

“(1) In general.—A program described in this paragraph is an outpatient prescription drug coverage program for individuals who are entitled to benefits under part A of title XVIII or enrolled under part B of such title, including an individual enrolled in a Medicare+Choice plan under part C of such title, that—

“(A) is administered or overseen by the State and receives funds from the State;

“(B) was offered as of the date of the enactment of this title;

“(C) does not receive or use any Federal funds; and

“(D) is certified by the Secretary as providing outpatient prescription drug coverage that satisfies the scope of coverage required under subparagraph (A), (B), or (D) of subsection (a)(1).

“(2) Modifications.—A State may modify a program described in paragraph (1) from time to time so long as it does not reduce the actuarial value (evaluated as of the time of the modification) of the outpatient prescription drug coverage under the program below the lower of—

“(A) the actuarial value of the coverage under the program as of the date of enactment of this title; or

“(B) the actuarial value described in subsection (a)(1)(B).

“(f) Beneficiary Premiums and Cost-Sharing.—

“(1) Description; general conditions.—

“(A) Description.—

“(i) In general.—An outpatient prescription drug assistance plan shall include a description, consistent with this subsection, of the amount of any premiums or cost-sharing imposed under the plan.

“(ii) Public schedule of charges.—Any premium or cost-sharing described under clause (i) shall be imposed under the plan pursuant to a public schedule.

“(B) Protection for beneficiaries.—The outpatient prescription drug assistance plan may only vary premiums and cost-sharing based on the family income of low-income medicare beneficiaries and, if applicable, medicare beneficiaries with high drug costs, in a manner that does not favor such beneficiaries with higher income over beneficiaries with low-income.

“(2) Limitations on premiums and cost-sharing.—

“(A) No premiums or cost-sharing for beneficiaries with income below 100 percent of poverty line.—In the case of a low-income medicare beneficiary whose family income does not exceed 100 percent of the poverty line, the outpatient prescription drug assistance plan may not impose any premium or cost-sharing.

“(B) Other beneficiaries.—For low-income medicare beneficiaries not described in subparagraph (A) and, if applicable, medicare beneficiaries with high drug costs, any premiums or cost-sharing imposed under the outpatient prescription drug assistance plan may be imposed, subject to paragraph (1)(B), on a sliding scale related to income, except that the total annual aggregate of such premiums and cost-sharing with respect to all such beneficiaries in a family under this title may not exceed 5 percent of such family's income for the year involved.

“(g) Restriction on Application of Preexisting Condition Exclusions.—The outpatient prescription drug assistance plan shall not permit the imposition of any preexisting condition exclusion for covered benefits under the plan and may not discriminate in the pricing of premiums under such plan because of health status, claims experience, receipt of health care, or medical condition.

“SEC. 2204. ALLOTMENTS.

“(a) Appropriation.—

“(1) In general.—For the purpose of providing allotments under this section to States, there is appropriated, out of any money in the Treasury not otherwise appropriated—

“(A) for fiscal year 2001, $1,300,000,000;

“(B) for fiscal year 2002, $4,600,000,000;

“(C) for fiscal year 2003, $9,700,000,000; and

“(D) for fiscal year 2004, $13,000,000,000.

“(2) Availability.—Amounts appropriated under paragraph (1) shall only be available for providing the allotments described in such paragraph during the fiscal year for which such amounts are appropriated. Any amounts that have not been obligated by the Secretary for the purposes of making payments from such allotments under section 2205, or under contracts entered into under section 2209(b)(2)(B), on or before September 30 of fiscal year 2001, 2002, 2003, or 2004 (as applicable), shall be returned to the Treasury.

“(b) Allotments to 50 States and District of Columbia.—

“(1) In general.—Subject to paragraph (3), of the amount available for allotment under subsection (a) for a fiscal year, reduced by the amount of allotments made under subsection (c) for the fiscal year, the Secretary shall allot to each State (other than a State described in such subsection) with an outpatient prescription drug assistance plan approved under this title the same proportion as the ratio of—

“(A) the number of medicare beneficiaries with family income that does not exceed 175 percent of the poverty line residing in the State for the fiscal year; to

“(B) the total number of such beneficiaries residing in all such States.

“(2) Determination of number of medicare beneficiaries with income that does not exceed 175 percent of poverty.—For purposes of paragraph (1), a determination of the number of medicare beneficiaries with family income that does not exceed 175 percent of the poverty line residing in a State for the calendar year in which such fiscal year begins shall be made on the basis of the arithmetic average of the number of such medicare beneficiaries, as reported and defined in the 5 most recent March supplements to the Current Population Survey of the Bureau of the Census before the beginning of the fiscal year.

“(3) Minimum allotment.—In no case shall the amount of the allotment under this subsection for one of the 50 States or the District of Columbia for a fiscal year be less than an amount equal to 0.5 percent of the amount provided for allotments under subsection (a) for that fiscal year (reduced by the amount of allotments made under subsection (c) for the fiscal year). To the extent that the application of the previous sentence results in an increase in the allotment to a State or the District of Columbia above the amount otherwise provided, the allotments for the other States and the District of Columbia under this subsection shall be reduced in a pro rata manner (but not below the minimum allotment described in such preceding sentence) so that the total of such allotments in a fiscal year does not exceed the amount otherwise provided for allotment under subsection (a) for that fiscal year (as so reduced).

“(c) Allotments to Territories.—

“(1) In general.—Of the amount available for allotment under subsection (a) for a fiscal year, the Secretary shall allot 0.25 percent among each of the commonwealths and territories described in paragraph (3) in the same proportion as the percentage specified in paragraph (2) for such commonwealth or territory bears to the sum of such percentages for all such commonwealths or territories so described.

“(2) Percentage.—The percentage specified in this paragraph for—

“(A) Puerto Rico is 91.6 percent;

“(B) Guam is 3.5 percent;

“(C) the United States Virgin Islands is 2.6 percent;

“(D) American Samoa is 1.2 percent; and

“(E) the Northern Mariana Islands is 1.1 percent.

“(3) Commonwealths and territories.—A commonwealth or territory described in this paragraph is any of the following if it has an outpatient prescription drug assistance plan approved under this title:

“(A) Puerto Rico.

“(B) Guam.

“(C) The United States Virgin Islands.

“(D) American Samoa.

“(E) The Northern Mariana Islands.

“(d) Transfer of Certain Allotments and Portions of Allotments.—

“(1) Transfer and redistribution.—

“(A) In general.—Subject to subparagraph (B), not later than 30 days after the date described in paragraph (2)—

“(i) 90 percent of the allotment determined for a fiscal year under subsection (b) or (c) for a State shall be transferred and made available in such fiscal year to the Secretary, acting through the Administrator of the Health Care Financing Administration, for purposes of carrying out the default program established under section 2209; and

“(ii) 10 percent of such allotment shall be redistributed in accordance with subsection (e).

“(B) Applicability.—Subparagraph (A) shall not apply if, not later than the date described in paragraph (2) for such fiscal year, a State submits a plan or is part of a group of States that submits a plan to the Secretary that the Secretary finds meets the requirements of section 2201(b).

“(2) Date described.—The date described in this paragraph is—

“(A) in the case of fiscal year 2001, December 31, 2000; and

“(B) in the case of fiscal year 2002, 2003, or 2004, September 1 of the fiscal year preceding such fiscal year.

“(e) Redistribution of Portion of Allotments.—With respect to a fiscal year, not later than 30 days after the date described in subsection (d)(2) for such fiscal year, the Secretary shall redistribute the total amount made available for redistribution for such fiscal year under subsection (d)(1)(A)(ii) to each State that submits a plan or is part of a group of States that submits a plan to the Secretary that the Secretary finds meets the requirements of this title. Such amount shall be redistributed in the same manner as allotments are determined under subsections (b) and (c) and shall be available only to the extent consistent with subsection (a)(2).

“SEC. 2205. PAYMENTS TO STATES.

“(a) In General.—Subject to the succeeding provisions of this section, the Secretary shall pay to each State with a plan approved under section 2206(a)(2) (individually or as part of a group of States) from the State's allotment under section 2204, an amount for each quarter equal to the applicable percentage of expenditures in the quarter—

“(1) for outpatient prescription drug assistance under the plan for low-income medicare beneficiaries and, if applicable, medicare beneficiaries with high drug costs in the form of providing coverage for outpatient prescription drugs that meets the requirements of section 2203; and

“(2) only to the extent permitted consistent with subsection (c), for reasonable costs incurred to administer the plan.

“(b) Applicable Percentage.—For purposes of subsection (a), the applicable percentage is—

“(1) for low-income medicare beneficiaries with family incomes that do not exceed 135 percent of the poverty line, 100 percent; and

“(2) for all other low-income medicare beneficiaries and for medicare beneficiaries with high drug costs, the enhanced FMAP (as defined in section 2105(b)).

“(c) Limitation on Payments for Certain Expenditures.—

“(1) General limitations.—Funds provided to a State or group of States under this title shall only be used to carry out the purposes of this title.

“(2) Administrative expenditures.—

“(A) In general.—Subject to subparagraph (B), payment shall not be made under subsection (a) for expenditures described in subsection (a)(2) for a fiscal year to the extent the total of such expenditures (for which payment is made under such subsection) exceeds 10 percent of the total expenditures described in subsection (a)(1) made by—

“(i) in the case of a State that is not part of a group of States, the State for such fiscal year; and

“(ii) in the case of a group of States, the group for such fiscal year.

“(B) Special rule.—With respect to the first fiscal year that a State or group of States provides outpatient prescription drug assistance under a plan approved under this title, the 10 percent limitation described in subparagraph (A) shall be applied—

“(i) in the case of a State that is not part of a group of States, to the allotment available for such State for such fiscal year; and

“(ii) in the case of a group of States, to the aggregate of the State allotments available for all the States in such group for such fiscal year.

“(3) Use of non-Federal funds for State matching requirement.—Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of the non-Federal share of plan expenditures required under the plan.

“(4) Offset of receipts attributable to premiums or cost-sharing.—For purposes of subsection (a), the amount of the expenditures under the plan shall be reduced by the amount of any premiums or cost-sharing received by a State.

“(5) Prevention of duplicative payments.—

“(A) Other health plans.—No payment shall be made under this section for expenditures for outpatient prescription drug assistance provided under an outpatient prescription drug assistance plan to the extent that a private insurer (as defined by the Secretary by regulation and including a group health plan, a service benefit plan, and a health maintenance organization) would have been obligated to provide such assistance but for a provision of its insurance contract which has the effect of limiting or excluding such obligation because the beneficiary is eligible for or is provided outpatient prescription drug assistance under the plan.

“(B) Other Federal governmental programs.—Except as otherwise provided by law, no payment shall be made under this section for expenditures for outpatient prescription drug assistance provided under an outpatient prescription drug assistance plan to the extent that payment has been made or can reasonably be expected to be made promptly (as determined in accordance with regulations) under any other federally operated or financed health care insurance program identified by the Secretary. For purposes of this paragraph, rules similar to the rules for overpayments under section 1903(d)(2) shall apply.

“(d) Advance Payment; Retrospective Adjustment.—The Secretary may make payments under this section for each quarter on the basis of advance estimates of expenditures submitted by a State or group of States and such other investigation as the Secretary may find necessary, and may reduce or increase the payments as necessary to adjust for any overpayment or underpayment for prior quarters.

“(e) Flexibility in Submittal of Claims.—Nothing in this section shall be construed as preventing a State or group of States from claiming as expenditures in any quarter of a fiscal year expenditures that were incurred in a previous quarter of such fiscal year.

“SEC. 2206. PROCESS FOR SUBMISSION, APPROVAL, AND AMENDMENT OF OUTPATIENT PRESCRIPTION DRUG ASSISTANCE PLANS.

“(a) Initial Plan.—

“(1) Submission.—A State may receive payments under section 2205 with respect to a fiscal year if the State, individually or as part of a group of States, has submitted to the Secretary, not later than the date described in section 2204(d)(2), an outpatient prescription drug assistance plan that the Secretary has found meets the applicable requirements of this title.

“(2) Approval.—Except as the Secretary may provide under subsection (e), a plan submitted under paragraph (1)—

“(A) shall be approved for purposes of this title; and

“(B) shall be effective beginning with a calendar quarter that is specified in the plan, but in no case earlier than October 1, 2000.

“(b) Plan Amendments.—Within 30 days after a State or group of States amends an outpatient prescription drug assistance plan submitted pursuant to subsection (a), the State or group shall notify the Secretary of the amendment.

“(c) Disapproval of Plans and Plan Amendments.—

“(1) Prompt review of plan submittals.—The Secretary shall promptly review plans and plan amendments submitted under this section to determine if they substantially comply with the requirements of this title.

“(2) 45-day approval deadlines.—A plan or plan amendment is considered approved unless the Secretary notifies the State or group of States in writing, within 45 days after receipt of the plan or amendment, that the plan or amendment is disapproved (and the reasons for the disapproval) or that specified additional information is needed.

“(3) Correction.—In the case of a disapproval of a plan or plan amendment, the Secretary shall provide a State or group of States with a reasonable opportunity for correction before taking financial sanctions against the State or group on the basis of such disapproval.

“(d) Program Operation.—

“(1) In general.—A State or group of States shall conduct the program in accordance with the plan (and any amendments) approved under this section and with the requirements of this title.

“(2) Violations.—The Secretary shall establish a process for enforcing requirements under this title. Such process shall provide for the withholding of funds in the case of substantial noncompliance with such requirements. In the case of an enforcement action against a State or group of States under this paragraph, the Secretary shall provide a State or group of States with a reasonable opportunity for correction and for administrative and judicial appeal of the Secretary's action before taking financial sanctions against the State or group of States on the basis of such an action.

"(e) Continued Approval.—Subject to section 2201(d), an approved outpatient prescription drug assistance plan shall continue in effect unless and until the State or group of States amends the plan under subsection (b) or the Secretary finds, under subsection (d), substantial noncompliance of the plan with the requirements of this title.

"SEC. 2207. PLAN ADMINISTRATION; APPLICATION OF CERTAIN GENERAL PROVISIONS.

"(a) Plan Administration.—An outpatient prescription drug assistance plan shall include an assurance that the State or group of States administering the plan will collect the data, maintain the records, afford the Secretary access to any records or information relating to the plan for the purposes of review or audit, and furnish reports to the Secretary, at the times and in the standardized format the Secretary may require in order to enable the Secretary to monitor program administration and compliance and to evaluate and compare the effectiveness of plans under this title.

"(b) Application of Certain General Provisions.—The following sections of this Act shall apply to the program established under this title in the same manner as they apply to a State under title XIX:

"(1) Title XIX provisions.—

"(A) Section 1902(a)(4)(C) (relating to conflict of interest standards).

"(B) Paragraphs (2), (16), and (17) of section 1903(i) (relating to limitations on payment).

"(C) Section 1903(w) (relating to limitations on provider taxes and donations).

"(2) Title XI provisions.—

"(A) Section 1115 (relating to waiver authority).

"(B) Section 1116 (relating to administrative and judicial review), but only insofar as consistent with this title.

"(C) Section 1124 (relating to disclosure of ownership and related information).

"(D) Section 1126 (relating to disclosure of information about certain convicted individuals).

"(E) Section 1128A (relating to civil monetary penalties).

"(F) Section 1128B(d) (relating to criminal penalties for certain additional charges).

"SEC. 2208. REPORTS.

"(a) In General.—Each State or group of States administering a plan under this title shall annually—

"(1) assess the operation of the outpatient prescription drug assistance plan under this title in each fiscal year; and

"(2) report to the Secretary on the result of the assessment.

"(b) Required Information.—The annual report required under subsection (a) shall include the following:

"(1) An assessment of the effectiveness of the plan in providing outpatient prescription drug assistance to low-income medicare beneficiaries and, if applicable, medicare beneficiaries with high drug costs.

"(2) A description and analysis of the effectiveness of elements of the plan, including—

"(A) the characteristics of the low-income medicare beneficiaries and, if applicable, medicare beneficiaries with high drug costs assisted under the plan, including family income and access to, or coverage by, other health insurance prior to the plan and after eligibility for the plan ends;

"(B) the amount and level of assistance provided under the plan; and

"(C) the sources of the non-Federal share of plan expenditures.

"(c) Annual Report of the Secretary.—The Secretary shall submit to Congress and make available to the public an annual report based on the reports required under subsection (a) and section 2209(b)(5), containing any conclusions and recommendations the Secretary considers appropriate.

"SEC. 2209. ESTABLISHMENT OF DEFAULT PROGRAM.

"(a) Program Authority.—

"(1) In general.—With respect to a fiscal year, in the case of a State that fails to submit (individually or as part of a group of States) an approved outpatient prescription drug assistance plan to the Secretary by the date described in section 2204(d)(2) for such fiscal year, outpatient prescription drug assistance to low-income medicare beneficiaries and, subject to the availability of funds, medicare beneficiaries with high drug costs, who reside in such State shall be provided during such fiscal year by the Secretary, through the Administrator of the Health Care Financing Administration, in accordance with this section.

"(2) Definitions.—In this section:

"(A) Contractor.—The term 'contractor' means a pharmaceutical benefit manager or other entity that meets standards established by the Administrator of the Health Care Financing Administration for the provision of outpatient prescription drug assistance under a contract entered into under this section.

"(B) Low-income medicare beneficiary.—The term 'low-income medicare beneficiary' means an individual who—

"(i) satisfies the requirements of subparagraphs (A) and (B) of section 2202(b)(1);

"(ii) is determined to have family income that does not exceed a percentage of the poverty line for a family of the size involved specified by the Administrator of the Health Care Financing Administration that may not exceed 135 percent; and

"(iii) at the option of the Administrator of the Health Care Financing Administration, is determined to have resources that do not exceed a level specified by such Administrator.

"(C) Medicare beneficiary with high drug costs.—The term 'medicare beneficiary with high drug costs' means an individual—

"(i) who satisfies the requirements of subparagraphs (A) and (B) of section 2202(b)(1);

"(ii) whose family income exceeds the percentage of the poverty line specified by the Administrator of the Health Care Financing Administration under subparagraph (B)(ii) for a low-income medicare beneficiary residing in the same State;

"(iii) whose resources exceed a level (if any) specified by the Administrator of the Health Care Financing Administration under subparagraph (B)(iii) for a low-income medicare beneficiary residing in the same State; and

"(iv) with respect to any 3-month period, who has out-of-pocket expenses for outpatient prescription drugs and biologicals (including insulin and insulin supplies) for which outpatient prescription drug assistance is available under this title that exceed a level specified by such Administrator (consistent with the availability of funds for the operation of the program established under this section in the State where the beneficiary resides).

"(b) Administration.—In administering the default program established under this section, the Administrator of the Health Care Financing Administration shall—

"(1) establish procedures to determine the eligibility of the low-income medicare beneficiaries and medicare beneficiaries with high drug costs described in subsection (a) for outpatient prescription drug assistance;

"(2) establish a process for accepting bids to provide outpatient prescription drug assistance to such beneficiaries, awarding contracts under such bids, and making payments under such contracts;

"(3) establish policies and procedures for overseeing the provision of outpatient prescription drug assistance under such contracts;

"(4) develop and implement quality and service assessment measures that include beneficiary quality surveys and annual quality and service rankings for contractors awarded a contract under this section;

"(5) annually assess the program established under this section and submit a report to the Secretary containing the information required under section 2208(b); and

"(6) carry out such other responsibilities as are necessary for the administration of the provision of outpatient prescription drug assistance under this section.

"(c) Contract Requirements.—

"(1) Authority; term.—

"(A) Use of competitive procedures.—

"(i) Fiscal year 2001.—With respect to fiscal year 2001, the Administrator of the Health Care Financing Administration may enter into contracts under this section without using competitive procedures, as defined in section 4(5) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(5)), or any other provision of law requiring competitive bidding.

"(ii) Fiscal years 2002, 2003, and 2004.—With respect to fiscal years 2002, 2003, and 2004, the Administrator of the Health Care Financing Administration shall award contracts under this section using competitive procedures (as so defined).

"(B) Term.—Each contract shall be for a uniform term of at least 1 year, but may be made automatically renewable from term to term in the absence of notice of termination by either party.

"(2) Benefit.—The contract shall require the contractor to provide a low-income medicare beneficiary and, if applicable, a medicare beneficiary with high drug costs, outpatient prescription drug assistance that is equivalent to the FEHBP-equivalent benchmark benefit package described in section 2203(b)(2) in a manner that is consistent with the provisions of this title as such provisions apply to a State that provides such assistance.

"(3) Quality and service assessment.—The contract shall require the contractor to cooperate with the quality and service assessment measures implemented in accordance with subsection (b)(4).

"(4) Payments.—The contract shall specify the amount and manner by which payments (including any administrative fees) shall be made to the contractor for the provision of outpatient prescription drug assistance to low-income medicare beneficiaries and, if applicable, medicare beneficiaries with high drug costs.

"(d) Funding.—

"(1) Aggregate of transferred amounts.—The Secretary, through the Administrator of the Health Care Financing Administration, shall use the aggregate of the amounts transferred and made available under section 2204(d)(1)(A)(i) for purposes of carrying out the default program established under this section. Such aggregate may be used to provide outpatient prescription drug assistance to any low-income medicare beneficiary, and, subject to the availability of funds, medicare beneficiary with high drug costs, who resides in a State described in subsection (a)(1).

"(2) LIMITATION ON ADMINISTRATIVE COSTS.—Administrative expenditures incurred by the Secretary or the Administrator of the Health Care Financing Administration for a fiscal year to carry out this section (other than administrative fees paid to a contractor under a contract meeting the requirements of subsection (c))—

"(A) shall be paid out of the aggregate amounts described in paragraph (1); and

"(B) may not exceed an amount equal to 1 percent of all premiums imposed for such fiscal year to provide outpatient prescription drug assistance to low-income medicare beneficiaries and medicare beneficiaries with high drug costs under this section.

"(e) TERMINATION.—Except as provided in section 2201(d)(2), the program established under this section shall terminate on September 30, 2004.

"SEC. 2210. DEFINITIONS.

"In this title:

"(1) COST-SHARING.—The term 'cost-sharing' means a deductible, coinsurance, copayment, or similar charge, and includes an enrollment fee.

"(2) OUTPATIENT PRESCRIPTION DRUG ASSISTANCE.—

"(A) IN GENERAL.—The term 'outpatient prescription drug assistance' means, subject to subparagraph (B), payment for part or all of the cost of coverage of self-administered outpatient prescription drugs and biologicals (including insulin and insulin supplies) for low-income medicare beneficiaries and, if applicable, medicare beneficiaries with high drug costs.

"(B) EXCLUSIONS.—Such term does not include payment or coverage with respect to—

"(i) items covered under title XVIII; or

"(ii) items for which coverage is not available under a State plan under title XIX.

"(3) OUTPATIENT PRESCRIPTION DRUG ASSISTANCE PLAN; PLAN.—Unless the context otherwise requires, the terms 'outpatient prescription drug assistance plan' and 'plan' mean an outpatient prescription drug assistance plan approved under section 2206.

"(4) GROUP HEALTH PLAN; GROUP HEALTH INSURANCE COVERAGE; ETC.—The terms 'group health plan', 'group health insurance coverage', and 'health insurance coverage' have the meanings given such terms in section 2791 of the Public Health Service Act (42 U.S.C. 300gg-91).

"(5) POVERTY LINE.—The term 'poverty line' has the meaning given such term in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by such section.

"(6) PREEXISTING CONDITION EXCLUSION.—The term 'preexisting condition exclusion' has the meaning given such term in section 2701(b)(1)(A) of the Public Health Service Act (42 U.S.C. 300gg(b)(1)(A)).

"(7) STATE.—The term 'State' has the meaning given such term for purposes of title XIX.".

(b) CONFORMING AMENDMENTS.—

(1) DEFINITION OF STATE.—Section 1101(a)(1) of the Social Security Act (42 U.S.C. 1301(a)(1)) is amended in the first and fourth sentences, by striking "and XXI" each place it appears and inserting "XXI, and XXII".

(2) TREATMENT AS STATE HEALTH CARE PROGRAM.—Section 1128(h) of such Act (42 U.S.C. 1320a-7(h)) is amended—

(A) in paragraph (3), by striking "or" at the end;

(B) in paragraph (4), by striking the period at the end and inserting ", or"; and

(C) by adding at the end the following new paragraph:

"(5) an outpatient prescription drug assistance plan approved under title XXII.".

SEC. 3. ELECTION BY LOW-INCOME MEDICARE BENEFICIARIES AND MEDICARE BENEFICIARIES WITH HIGH DRUG COSTS TO SUSPEND MEDIGAP INSURANCE.

Section 1882(q) of the Social Security Act (42 U.S.C. 1395ss(q)) is amended—

(1) in paragraph (5)(C), by striking "this paragraph or paragraph (6)" and inserting "this paragraph, or paragraph (6) or (7)"; and

(2) by adding at the end the following new paragraph:

"(7) Each medicare supplemental policy shall provide that benefits and premiums under the policy shall be suspended at the request of the policyholder if the policyholder is entitled to benefits under section 226 and is covered under an outpatient prescription drug assistance plan (as defined in section 2210(3)) or provided outpatient prescription drug assistance under the program established under section 2209. If such suspension occurs and if the policyholder or certificate holder loses coverage under such plan or program, such policy shall be automatically reinstituted (effective as of the date of such loss of coverage) under terms described in subsection (n)(6)(A)(ii) as of the loss of such coverage if the policyholder provides notice of loss of such coverage within 90 days after the date of such loss.".

Mr. TORRICELLI (for himself and Mr. JOHNSON):

S. 3018. A bill to amend the Federal Deposit Insurance Act with respect to municipal deposits.

MUNICIPAL DEPOSIT INSURANCE PROTECTION ACT OF 2000

Mr. TORRICELLI. Mr. President, I rise with my colleague Senator JOHNSON to introduce "The Municipal Deposit Insurance Protection Act of 2000." This legislation provides municipal deposits with one-hundred percent federal deposit insurance coverage by the Federal Deposit Insurance Corporation (FDIC). The lack of one-hundred percent coverage for municipal deposits has stifled the ability of community banks to invest in local families and businesses. By providing this much-needed coverage, this legislation ensures that local banks have the resources they need to grow their communities.

Municipal deposits are taxpayer funds deposited by state and local governments, school districts, water authorities and other public entities. Due to the fact that the FDIC does not provide insurance coverage to municipal deposits, many states require banks to provide collateral for municipal deposits. Full deposit insurance coverage of municipal deposits could free up bank resources currently used for collateral. These resources could be used to keep local public funds at work in the communities in which they are generated.

Moreover, FDIC coverage helps build consumer confidence in their bank and helps attract the core deposits that are needed for community lending and a bank's survival. Without FDIC coverage, many independent, local banks are losing substantial deposits to large, corporate banks because of the perception that larger banks are safer. Providing municipal deposits with complete insurance coverage will strengthen community banks by placing these banks in a more competitive position to attract municipal deposits. Our nation's independently-operated banks are a valued part of our communities. It is important that these banks are able to maintain their competitiveness and continue providing their communities with their characteristic attention to customer service and investments in local farms and small businesses.

Finally, numerous taxpayers may be at risk municipal funds are placed in a failed bank. Recently, a bank failure in Carlisle, Iowa resulted in the loss of nearly $12 million in uninsured municipal deposits. Even though the state of Iowa has a fund that guarantees the deposits of state and local governments, there was an $8.4 billion shortfall in the fund. Consequently, this shortfall in funds will have to be made up by other Iowa banks.

This is why Senator's JOHNSON and I are introducing "The Municipal Deposit Insurance Protection Act of 2000." The legislation will provide one-hundred percent coverage for municipal deposits will free up bank resources currently used as collateral, enable local, independent banks to attract municipal deposits, and will protect municipal taxpayers from losing uninsured public money. Senator JOHNSON and I look forward to working with our colleagues on this much-need legislation.

By Mr. INHOFE:

S. 3019. A bill to clarify the Federal relationship to the Shawnee Tribe as a distinct Indian tribe, to clarify the status of the members of the Shawnee Tribe, and for other purposes; to the Committee on Indian Affairs.

SHAWNEE TRIBE STATUS ACT OF 2000

Mr. INHOFE. Mr. President, today I introduce a bill that will modify the relationship between the Cherokee Nation in Oklahoma and the Shawnee Tribe in Oklahoma. These two tribes were joined together by an Agreement entered into between them on June 7, 1869. This bill will allow the Shawnee Tribe to have an independent government, elect its own officials and do those things it believes necessary to protect its language, culture and traditions. Since the two tribes will continue to operate in the same territory, the bill sets forth the conditions which shall govern those operations.

This legislation will have the effect of modifying the Cherokee-Shawnee agreement by allowing the Shawnee tribe to operate independently of the Cherokee Nation. The Shawnee Tribe will be governed by a separate constitution currently in existence. Membership of Shawnee Indians will continue to be permitted within the Cherokee Nation, although Shawnee Indians who so elect will become members of the Shawnee Tribe exclusively.

The bill also sets forth the manner in which the Shawnee Tribe will conduct its business within the Cherokee Nation and both Tribes have concurred in this legislation through tribal resolutions of their respective governing bodies. Although the Shawnee Tribe will be operating within the jurisdictional territory of the Cherokee Nation, the Shawnee people believe it is in their best interest to have a separate tribal governance to protect and enhance their culture, language and history and to pursue the goal of self-sufficiency for their own Tribe.

It is important to note that in changing the agreement between these two tribes there is no new tribal territory created nor is it proposed that any additional land be taken into trust for either Tribe as a result of the changes. The jurisdictional area of the tribes remains as before so that there are no impacts on communities within the Cherokee Nation. The proposal is also revenue neutral as to the United States. Tribal members of either tribe now receiving services will continue to receive those services as they have in the past.

The Shawnee Tribe was never terminated nor can the Bureau of Indian Affairs cause the Tribes to be separated through the Federal Acknowledgment Process. The Agreement of 1869 between the two tribes was ratified by the President and can only be amended by this proposed action of Congress.

In summary, this bill would recognize the long standing policy of the United States to respect the sovereignty of every tribe and to respect the desire of the Shawnee people to be governed independently of the Cherokee Nation so that Shawnee people can identify with their own Tribe and work to maintain their culture, language, heritage and traditions.

By Mr. GRAMS (for himself, Mr. BAUCUS, Mr. INHOFE, Mr. GREGG, and Mrs. HUTCHISON):

S. 3020. A bill to require the Federal Communications Commission to revise its regulations authorizing the operation of new, low-power FM radio stations; to the Committee on Commerce, Science, and Transportation.

RADIO BROADCASTING PRESERVATION ACT OF 2000

Mr. GRAMS. Mr. President, I rise today to introduce legislation to address the ongoing dispute between advocates of low power FM radio and full power FM radio broadcasters. I am pleased to be joined in this bipartisan effort by Senators BAUCUS, INHOFE, GREGG, and HUTCHISON. Our legislation, the "Radio Broadcasting Preservation Act of 2000," was overwhelmingly passed by the House of Representatives on April 13th by a vote of 274–110.

On January 20th, the Federal Communications Commission narrowly adopted a proposal that would establish a new radio service known as low power FM radio (LPFM). Under this program, the Commission would license hundreds of new low power FM radio stations in two classes. The new service would license stations with a maximum power level of 10 watts that would reach an area with a radius of between 1 and 2 miles, and a second class of stations with a maximum power level of 100 watts that would reach an area with a radius of three and a half miles. Although the commission adopted first- and second-adjacent channel interference protections as part of its rulemaking, it chose to allow LPFM stations to be licensed on third-adjacent channels. The FCC began accepting applications for this new service on May 30th.

Over the last several months, I have carefully listened to Minnesotans who care deeply about the issues involved in the debate over LPFM. In the absence of third-adjacent channel protection, incumbent FM broadcasters believe that low power FM radio stations would cause interference to existing radio services. LPFM advocates argue that the Federal Communications Commission has conducted adequate testing for interference and that requiring third adjacent channel protections would unnecessarily limit the number of licensed low power FM radio stations. Further, they suggest that the 1996 Telecommunications Act has resulted in unprecedented concentration within the telecommunications industry.

Although I have many concerns about the impact of LPFM service upon current FM radio broadcasting, I share the commission's stated goal of increasing diversity in radio and television broadcasting. Earlier this Congress, I supported the enactment of the Community Broadcasters Act, which preserves the unique community television broadcasting provided by low power television stations that are operated by diverse groups such as high schools, churches, local government and individual citizens. I also look forward to reviewing the findings and recommendations from the ongoing survey of minority broadcast owners being conducted by the National Telecommunications and Information Administration that will be used to analyze the impact of the 1996 Telecommunications Act upon minority broadcast ownership in the United States.

Mr. President, I am also very mindful of the concerns about LPFM raised by radio reading service programs. In my home state, the State Services for the Blind sponsors the "Radio Talking Book" program. Radio Talking Book is a closed-circuit broadcast system which uses FM subcarrier frequencies from radio stations in Minnesota and South Dakota to deliver readings from newspapers, magazines and books on a daily basis to more than 10,000 blind and visually impaired persons. Sub-carrier signals are the most vulnerable to low power FM radio interference because they are located at the outer edge of the frequency space.

I am troubled by the Federal Communications Commission's decision to adopt LPFM without conducting field testing of subcarrier receivers. Nearly eight months after the Commission approved LPFM, engineering studies and field testing of these receivers have not yet been completed by the Commission, and it remains unclear as to how the FCC intends to address interference that may be caused to radio reading services. The agency's inaction underscores the haste in which the LPFM plan was developed and gives credence to the view that the adoption of the FCC rules was a rush to judgment. I ask unanimous consent that letters from Minnesota Public Radio, the Minnesota State Services for the Blind and the International Association of Audio Information Services be inserted into the RECORD at this time.

For these reasons, I am pleased to introduce the "Radio Broadcasting Preservation Act of 2000." I believe this legislation represents the interests of LPFM advocates, full power FM broadcasters, and most importantly—radio listeners. This compromise bill will allow the Federal Communications Commission to license lower power FM radio stations while requiring additional third adjacent channel protections for full power FM broadcasters.

Among its other provisions, the Radio Broadcasting Preservation Act of 2000 would require that an independent party conduct testing in nine FM radio markets to determine whether LPFM without third adjacent channel protections would cause harmful interference to existing FM radio services. The legislation would require the FCC to submit a report to Congress which analyzes the experimental test program results; and evaluates the impact of LPFM on listening audiences, incumbent FM radio broadcasters, minority and small market broadcasters, and radio stations that provide radio reading services to the blind.

Mr. President, some advocates of the low power FM plan adopted by the Commission argue that the Congress should simply allow the agency to move forward on LPFM without any input or modifications from Congress. Those individuals apparently favor granting legislative authority to federal regulatory agencies. Since the establishment of the Federal Communications Commission through an Act of Congress in 1934, members of the House and Senate have consistently exercised appropriate oversight of FCC rules and proposals.

As a member of the Senate, I have carefully monitored the Commission's activities to ensure responsible public policy and the wisest use of taxpayer dollars. Over the last few years, I have expressed my concern over a number of issues considered by the Commission, including satellite television, rights-of-way management, universal service, the impact of digital television rules upon low power television and translator stations, and most recently low power FM radio. Congress should not abdicate its oversight responsibilities when considering the LPFM issue.

Mr. President, I firmly believe that the "Radio Broadcasting Preservation Act of 2000" will strengthen community broadcasting without sacrificing existing radio services. I ask unanimous consent that the full text of this bill and additional material be printed in the Record and I yield the floor.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 3020

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Radio Broadcasting Preservation Act of 2000".

SEC. 2. MODIFICATIONS TO LOW-POWER FM REGULATIONS REQUIRED.

(a) Third-Adjacent Channel Protections Required.—

(1) Modifications required.—The Federal Communications Commission shall modify the rules authorizing the operation of low-power FM radio stations, as proposed in MM Docket No. 99-25, to—

(A) prescribe minimum distance separations for third-adjacent channels (as well as for co-channels and first- and second-adjacent channels); and

(B) prohibit any applicant from obtaining a low-power FM license if the applicant has engaged in any manner in the unlicensed operation of any station in violation of section 301 of the Communications Act of 1934 (47 U.S.C. 301).

(2) Congressional authority required for further changes.—The Federal Communications Commission may not—

(A) eliminate or reduce the minimum distance separations for third-adjacent channels required by paragraph (1)(A); or

(B) extend the eligibility for application for low-power FM stations beyond the organizations and entities as proposed in MM Docket No. 99-25 (47 CFR 73.853),

except as expressly authorized by Act of Congress enacted after the date of the enactment of this Act.

(3) Validity of prior actions.—Any license that was issued by the Commission to a low-power FM station prior to the date on which the Commission modify its rules as required by paragraph (1) and that does not comply with such modifications shall be invalid.

(b) Further Evaluation of Need for Third-Adjacent Channel Protections.—

(1) Pilot program required.—The Federal Communications Commission shall conduct an experimental program to test whether low-power FM radio stations will result in harmful interference to existing FM radio stations if such stations are not subject to the minimum distance separations for third-adjacent channels required by subsection (a). The Commission shall conduct such test in no more than nine FM radio markets, including urban, suburban, and rural markets, by waiving the minimum distance separations for third-adjacent channels for the stations that are the subject of the experimental program. At least one of the stations shall be selected for the purpose of evaluating whether minimum distance separations for third-adjacent channels are needed for FM translator stations. The Commission may, consistent with the public interest, continue after the conclusion of the experimental program to waive the minimum distance separations for third-adjacent channels for the stations that are the subject of the experimental program.

(2) Conduct of testing.—The Commission shall select an independent testing entity to conduct field tests in the markets of the stations in the experimental program under paragraph (1). Such field tests shall include—

(A) an opportunity for the public to comment on interference; and

(B) independent audience listening tests to determine what is objectionable and harmful interference to the average radio listener.

(3) Report to congress.—The Commission shall publish the results of the experimental program and field tests and afford an opportunity for the public to comment on such results. The Federal Communications Commission shall submit a report on the experimental program and field tests to the Committee on Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than February 1, 2001. Such report shall include—

(A) an analysis of the experimental program and field tests and of the public comment received by the Commission;

(B) an evaluation of the impact of the modification or elimination of minimum distance separations for third-adjacent channels on—

(i) listening audiences;

(ii) incumbent FM radio broadcasters in general, and on minority and small market broadcasters in particular, including an analysis of the economic impact on such broadcasters;

(iii) the transition to digital radio for terrestrial radio broadcasters;

(iv) stations that provide a reading service for the blind to the public; and

(v) FM radio translator stations;

(C) the Commission's recommendations to the Congress to reduce or eliminate the minimum distance separations for third-adjacent channels required by subsection (a); and

(D) such other information and recommendations as the Commission considers appropriate.

Communication Center,
State Services for the Blind,
St. Paul, MN, February 11, 2000.

To Whom It May Concern: The Communication Center of Minnesota State Services for the Blind, SSB, has provided blind and visually impaired persons with access to the printed word since 1953. The most popular and well-known way we provide our customers with this access is via the Radio Talking Book, RTB. The RTB is a closed-circuit broadcast system which uses FM subcarriers, or SCA's, to bring people readings from newspapers, magazines and books, 24 hours a day, seven days a week. We loan our customers special SCA receivers, which only pick up the RTB signal.

The RTB, this nation's oldest and largest radio reading service for the blind, was founded in 1969 and has over 10,000 users in Minnesota alone. It is also picked up by other radio reading services around the country, for rebroadcast, via satellite.

We rely on the SCA frequencies of approximately 40 radio stations in Minnesota and South Dakota, to distribute our programming to local listeners. Approximately 20 stations used by us are operated by Minnesota Public Radio, MPR. Further, the MPR stations we use are our main outlets. The other stations we use are smaller and/or cover sparsely populated areas. Consequently, the Radio Talking Book lives and dies via the technical integrity and success of MPR.

While we support the principles of diversity and community access for all, we cannot support these goals at the expense of existing services. As you know, the Federal Communications Commission, FCC, intends to create at least 1000 low-power FM stations across the country. However, it is my understanding that they have not tested the effects and implications of these new services on existing FM SCA signals. This does not seem right to us. Prior to authorizing a new set of services, it seems to us, that you should know all the implications to existing services.

Since the sub-carrier signal of an FM station is located on the outside edge of its frequency space, it seems logical to us that these are the signals which will receive the first, and most harmful interference from new, untested signals. We strongly urge the FCC to do more testing prior to proceeding with the creation of new low-power FM services. Further, it seems even more advisable to use to not create such a new service at all prior to making long-term decisions about digital broadcasting. The FCC may be creating a new service that will be obsolete in a few years.

While we understand that the FCC must respond to a variety of constituencies, their decision which doesn't adequately consider the needs of SCA users, the majority of whom are users of radio reading services, seems to be highly disrespectful to blind and visually impaired persons. We urge the FCC to reconsider its low-power FM policy. Thank you very much for your consideration of our concerns.

Respectfully yours,
David Andrews,
Director, Communication Center.

Minnesota Public Radio,
St. Paul, MN, September 6, 2000.

Senator Rod Grams,
Dirksen Senate Office Building,
Washington, DC.

Dear Senator Grams: Minnesota Public Radio supports your efforts to protect high quality signal integrity for America's radio listening public. Recent action by the Federal Communications Commission will cause harm to the broadcast signal of existing stations and interfere with their ability to serve their listeners. Your legislation, a bipartisan compromise, will protect the rights of the listening public to receive the highest quality signal available.

In addition to protecting the general listening public, your legislation will protect a particularly vulnerable segment of the radio listening public, the blind and visually impaired.

More than 1 million blind and visually impaired people in the United States are served by the joint efforts of radio reading services and public radio stations. This service is now threatened by a well meaning but highly politicized action of the FCC.

Started in Minnesota in 1969 as Radio Talking Book (RTB) by the joint effort of Minnesota Public Radio and the Minnesota Services for the Blind, radio reading services have grown to more than 100 locally controlled and operated reading services around the country. They bring newspapers, magazines and books into the lives of those who can't see by the use of an FM radio subcarrier, or SCA. The SCA uses a sliver of the FM signal, and basically "piggybacks" onto the regular FM frequency. Reading service customers receive a special radio receiver, which picks up only the SCA broadcast.

The FCC in January approved rules to add more local public service broadcasting to America's airwaves. Unfortunately, it rescinded decades-old protections given existing broadcasters and the listening public. The removal of those protections will, most certainly, cause interference to the broadcast signal that are currently being delivered by the nation's radio reading services.

Many in this country, including Minnesota Public Radio, support the goal of licensing more locally owned low-power FM stations. They would be a welcome addition to the voices and opinions heard on the air. However, when government deals with trying to solve problems, it should learn from the medical profession's Hippocratic Oath: First do no harm. Your legislation helps solve the problem of additional voices and does no harm to America's general listening public and specifically the services of Radio Reading Services.

Attached is an Opinion piece from the Fergus Falls Daily Journal as well as a letter in opposition to the FCC decision by the Minnesota Services for the Blind.

Congratulations to taking on this important issue for the benefit of the people of Minnesota.

Sincerely yours,

WILL HADDELAND,
Senior Vice President.

INTERNATIONAL ASSOCIATION OF
AUDIO INFORMATION SERVICES,
Pittsburgh, PA, May 20, 2000.

Senator ROD GRAMS,
Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR GRAMS: We are writing to ask for your help in the urgent matter of Low Power FM service that is being rushed into place by the FCC. There are millions of Americans that may be dramatically and negatively impacted by these new stations. They are blind, visually impaired, or have a disability that prevents them from reading. Our association members serve them with reading services on the radio, and other print-to-audio services.

A reading service on the radio is the daily newspaper for these men and women. It's where they learn what is on sale at the local grocery store, what bus stops have changed in their town, and who passed away. Without this valuable link to their community, they are at grave risk of being isolated and become very dependent.

Our association of these reading services, IAAIS, has asked the FCC to ensure that reading services for the blind not suffer interference from the coming new Low Power FM stations. IAAIS is very concerned that the fragile sub-carrier services will not be heard clearly when a low power FM station is allowed in the 2nd adjacent space on the FM dial. The radios we have to use to give blind listeners access to the signals have very fragile reception characteristics. The FCC's plan for low power stations brings a potential of interference that never existed before.

We've taken radios from our members and supplied them to the FCC for testing. These are the same special radios blind listeners must use to hear the services. This entire class of radio was not tested before the FCC authorized LPFM—so no one knows if an LPFM station will impair the blind listeners ability to hear their reading service. That's what really concerns us.

The FCC does not know if Low Power stations will harm our services, yet it is proceeding with the plans for implementation. We think that's wrong and have asked them to wait until the tests are done. In spite of our request and others' at the end of this month, the FCC plans to begin the application process to create Low Power stations. There need be no rush. We think the FCC should at least wait for the results of receiver tests before starting something that might have devastating consequences.

We've also asked the FCC for a description of the procedure they will use to resolve interference that occurs after Low Power FM is implemented. They have given no indication that they have such a procedure. We find this alarming to say the least.

For all these reasons, we've endorsed the measures outlined in the compromise legislation passed by the House in April, HR3439. With the slow down in implementation and test roll-out of low power sites that the bill affords, we feel there will be a better chance that Low Power FM can be implemented without damage to reading services for the blind.

We hope you'll help by supporting a Senate measure that will echo the intentions of House Bill 3439. The Bill will buy time while tests are completed. These test results, and the procedure for resolving problems must be published before adding new radio stations. It would help to ensure that the listeners to reading services do not suffer the loss of their ability to read a newspaper . . . for the second time.

Sincerely,

DAVID W. NOBLE,
President.

By Mrs. HUTCHISON (for herself, Mr. DOMENICI, Mr. DODD, and Mrs. FEINSTEIN):

S. 3021. A bill to provide that a certification of the cooperation of Mexico with United States counterdrug efforts not be required in fiscal year 2001 for the limitation on assistance for Mexico under section 490 of the Foreign Assistance Act of 1961 not to go into effect in that fiscal year.

MEXICAN DECERTIFICATION MORATORIUM

Mrs. HUTCHISON. Mr. President, I send a bill to the desk. I submit this bill on behalf of myself, Senator DOMENICI, Senator DODD, and Senator FEINSTEIN.

The purpose of the bill is to put a 1-year moratorium on the decertification process for Mexico as it relates to the illegal drug trafficking issue that we have been dealing with for so long. The reason we are introducing this bill and hope for expedited procedures is that we have just seen a huge election in Mexico in which, for the first time in 71 years, there is a president from the opposition party, from the PRI, which has been the ruling party in Mexico all this time.

Democracy is beginning to be real in Mexico, and we want to do everything we can to encourage this democracy. We want to do everything we can to have good relations, better relations, with our sister country to the south, Mexico.

Vicente Fox has visited the United States. He has opened the door for better relations. I know our next President, whoever he may be, will also want to do the same thing.

It is a very simple bill. It is a bill that says for 1 year we are not going to go through the certification-decertification process, and hopefully our two new Presidents will begin a new era of cooperation in this very tough issue that plagues both of our countries. Having a criminal element in Mexico and a criminal element in the United States certainly is a cancer on both of our countries, and we want to do everything we can to improve the cooperation in combating this issue.

The inauguration of Vicente Fox as President of Mexico on December 1st should usher in a sea change in Mexican politics as well as the U.S.-Mexico relationship. Not only will 71 years of rule by the Institutional Revolutionary Party (PRI) come to an end, but hopefully so too will come an end to the flood of illegal drugs from Mexico into the U.S.

Despite the promise of a new day in our relationship with Mexico, a dark cloud looms on the horizon—the annual drug certification ritual in which Congress requires the President to "grade" drug-producing and drug-transit countries each March 1 on their progress in the war on drugs.

The facts have remained essentially unchanged over the past several years. Mexico is the source of about 20–30% of the heroin, up to 70% of the foreign grown marijuana, and the transit point for 50–60% of the cocaine shipped into the United States.

Mexico has never been decertified, but the thought of being in the company of Iran, Iraq, and Afghanistan on this list, has done little except to antagonize their political leadership and thwart expanded cooperation. There is no reason to go through this exercise next March and grade President Fox after fewer than 120 days in office. Further, with a new U.S. President taking office on January 20, there is no reason to set up a major confrontation between the two before they have even had an opportunity to work together cooperatively.

I am proud to introduce legislation with Senators PETE DOMENICI, CHRISTOPHER DODD, and DIANNE FEINSTEIN which will grant Mexico a 1-year waiver from the annual certification process. I hope the Congress will pass this waiver legislation before we adjourn.

This 1-year waiver will give President Fox the time he needs to develop and implement a new drug-fighting strategy in Mexico. And it will give the United States the time we need to work with President Fox in the creation of this new strategy, and to finally put in place the law enforcement needed to stop the flow of drugs across our 2000-mile shared border.

The United States has enjoyed a long-term partnership with Mexico that has grown closer and more cooperative over time. The North American Free Trade Agreement cemented and strengthened our relationship—and our interdependence. Just last year, Mexico surged past Japan as our nation's second largest trade partner.

But partnership is a two-way exchange, and in recent years we have drifted into tolerance of unacceptable conditions in the arena of drug trafficking and the endemic corruption it causes in communities on both sides of the border. The border has been a sieve for drugs, and it has resulted in a degree of lawlessness in Texas and along the U.S.-Mexico border that we have not seen since the days of the frontier. Even worse, the war on drugs plays out daily on nearly every schoolyard across our nation.

I am more optimistic than ever, though, by the election of Vicente Fox, that Mexico is prepared to make the sacrifices necessary to contain the drug threat. And as he seeks to make progress on this almost overwhelming issue, we do not need to poison the spirit of early cooperation by injecting drug certification.

Specifically, this bill waives for one-year only the requirement that the President certify Mexico's cooperation with the United States in the war on drugs. This waiver does not exempt Mexico from any of the reports or other activities associated with the certification process. It simply says the President does not need to "grade" Mexico by choosing between certification, decertification, or decertification with a national interest waiver.

This 1-year drug certification waiver will give both the United States and Mexico time to develop a process that will make us partners rather than adversaries in addressing the one issue that can make moot all of the promising opportunities between our two nations.

Still, President-elect Fox and the Government of Mexico should make no mistake about the priority the United States places on winning the war on drugs. We will expect this to be a top priority of our new President, and we hope that this will be a priority of President Fox.

The Mexican government must take effective, good-faith steps to stop the narco-corruption that infects and demoralizes both of our countries. We ask them to take effective action to destroy the major drug cartels and imprison their kingpins, implement laws to curtail money laundering, comply with U.S. extradition requests, increase interdiction efforts and cooperate with U.S. law enforcement agencies.

President-elect Fox has shown every willingness to work with the United States in developing these objectives. He knows the challenges ahead, and especially the ones that will come as Mexico's democracy continues to evolve and be tested. The United States should not add the pressures of the certification process next year to a situation so full of risks and opportunities.

Mr. DOMENICI. Mr. President, I commend Senator HUTCHISON, along with Senators DODD and FEINSTEIN for introducing this bill today. I am pleased to join in this effort.

The election of Vicente Fox as President of Mexico is a remarkable event in the history of our neighbor to the south.

After 71 years of rule by the Institutional Revolutionary Party, Mexico is about to embark on an important test of its new democracy.

Mr. Fox has spoken very eloquently and persuasively in recent weeks and he has offered some interesting new ideas on critical issues which affect both of our countries, like immigration, trade and controlling illegal drugs.

Some of his ideas are quite impressive, and they certainly will spur debate both in the United States and in Mexico.

I think it is important for our leaders in the United States, particularly those in the border region, to engage Mr. Fox, talk with him, listen to his ideas and offer our own thoughts to him.

In this spirit of cooperation and acceptance, I think it is critical for the United States to suspend the drug certification process for Mexico this coming year.

Mr. Fox needs time to build his administration, and to develop his own plan for dealing with the drug cartels.

As we all know, the history of drug cooperation between the United States and Mexico has not been great.

Mexico remains the source of 70 percent of the foreign grown marijuana in the U.S., 50–60 percent of the cocaine and 25–30 percent of the heroin.

In recent months, our federal law enforcement authorities have dismantled a major heroin ring operating out of Nayarit, Mexico, which was responsible for much of the black tar heroin in the Southwest.

It is this heroin which has torn apart the northern New Mexico county of Rio Arriba, which has the highest per capita heroin overdose rate in the Nation.

President-elect Fox has said that he will redouble his country's efforts to fight the drug cartels, and will increase the number of criminals extradited to the United States to stand trial.

I have fought for years for more extraditions, and I am pleased that President Fox shares my goal.

I want to give Mr. Fox time to prove that he means what he says. Engaging in the certification process in March of 2001, within only 120 days of Mr. Fox's first day in office, will only serve as a hindrance to developing mutual cooperation between the two new administrations.

The bill we have introduced today merely waives for one year the requirement that the President make a certification decision about Mexico.

This waiver would not exempt Mexico from any of the annual reports or other activities associated with the certification process, including review by the State Department in its annual report to Congress.

It simply says that the next United States President need not grade Mexico and its new President in his first four months in office by choosing between certification, decertification or certification through a national interest waiver.

Mr. Fox should make no mistake—Senators from the Southwest care deeply about the drug problem, which affects our communities, courts, jails, hospitals and border region like no other issue.

We expect Mr. Fox to set concrete, measurable goals and timetables for crippling the drug cartels and ending narco-corruption.

This is a fair bill, one that respects the new democracy in Mexico, and recognizes that the new administration needs time to set its own agenda.

I look forward to working with my colleagues in the Senate and the new President of Mexico on this and other important issues of mutual interest between our two countries.

Mr. DODD. Mr. President, I commend my friend from Texas for this proposal. I am pleased to be a cosponsor of it, along with the Senator from New Mexico, Senator DOMENICI, and Senator FEINSTEIN from California. We hope others will join us and will soon be circulating a dear colleague letter inviting them to do so.

We believe that this is a very sensible and timely proposal in light of the dramatic changes that have occurred this past July 2 with the election of Vincente Fox, candidate for the National Action Party, as the next President of Mexico. His inauguration later this year will bring to an end 71 years of the office of the Mexican President being held by a representative of the Institutional Revolutionary Party. Clearly President-elect Fox has an enormous task before him to put in place his new administration and to formulate policies and programs that he believes are consistent with his campaign promises and priorities. Among the many issues that he has suggested will be priorities of his administration is enhanced counter narcotics cooperation with the United States.

I have made no secret of the fact that I believe that the annual unilateral drug certification procedures have been an obstacle to furthering cooperation between U.S. and Mexican law enforcement authorities. Rather than encouraging them to work closely together to thwart the corrupting impact of the drug kingpins in the United States and Mexico, the certification process degenerates annually to a shouting match across our southern border with respect to whether the Mexican government has done enough to warrant a passing grade from us on the counter narcotics front. Needless to say, Mexican officials resent the fact the they are being unilaterally graded on their performance by us while U.S. policies and programs are never subject to similar review or criticism.

Frankly, Mr. President, this year elections on both sides of the border give us an opportunity to start afresh with respect to counter narcotics cooperation next year. By suspending the certification process for FY 2001, the climate for working more closely on these important programs will not be soured right off the bat by the March 1 grading of Mexico. It is my hope that the new U.S. and Mexican administrations will make it a high priority in the early days of their administrations to put forward a joint plan for ensuring enhanced cooperation on counter narcotics issues that will replace the existing and counterproductive unilateral annual certification process with a multilateral mechanism to monitor progress in combating drug trafficking and related crimes in all affected countries. I would certainly be prepared to support an additional suspension of the certification process for a second year if additional time is needed to put in place a multilateral mechanism to ensure that international cooperation on such matters is working.

Mr President, this is an extremely important issue for not only Mexico and the United States both for countries throughout this hemisphere. Certainly we need to address the problem of consumption here at home. Our neighbors in this hemisphere, that are either involved in the production, in the chemical transformation of these products, or the transportation or the money laundering have a different set of issues to address in our joint efforts to reduce both production and consumption of illicit drugs. It is vital that there be a high level of cooperation if we are going to be successful in stemming the tide and flow of narcotics that pour into this country, that result in the deaths of 50,000 Americans every year in drug-related deaths in this country. I believe that the certification procedures are impeding that kind of cooperation. We believe that the legislation we have introduced this evening will improve the prospects that this will be done. I would hope that all of our colleagues will join us in endorsing this approach.

Mrs. FEINSTEIN. Mr. President, I rise today to offer my support to the legislation introduced by my distinguished colleague from Texas, Senator HUTCHISON.

Essentially, this bill would—for 1 year only—suspend the certification process with respect to Mexico.

It is my hope that this one-year hiatus will be viewed as a sign of good faith between our nations, and that our two countries will dramatically increase the level of our cooperation in the coming year. The problem of drugs is as serious as any we face, and only with a true partnership with Mexico and other source countries can we hope to succeed in the battle against illegal narcotics.

Mr. President, let me be very clear—my support for this legislation this year should not be taken as a sign that I am any less concerned with the rampant corruption and increasingly serious problem of illegal narcotics flowing from Mexico into the United States. I sincerely hope that President-elect Fox and the government of Mexico will with innovation and commitment launch a new and effective war against the cartels that are currently of unparalleled strength and viciousness.

The Zedillo administration has made some progress in cooperating with the United States in this fight.

For instance, the Zedillo administration:

Allowed, for the first time, the extradition of two Mexican Nationals on drug charges—although these were lower level participants in the drug trade. This is a beginning, but just that—there is still a long way to go.

Fired more than 1400 of 3500 federal police officers for corruption; and so far, more than 350 officers have been prosecuted.

Cooperated with the FBI late last year in an investigation on Mexican soil.

And greatly increased seizures of illegal narcotics.

On the other hand, not nearly enough has been done:

Mexico is still the conduit to as much as 70% of the cocaine consumed in the United States (much of it originating in Colombia);

Mexico supplies the majority of marijuana to the U.S., and, according to the United States Forest Service, Mexican cartels are now sending people across the border to grow marijuana in our national forests and on other federal lands;

Despite recent successes in disrupting methamphetamine production in Mexico, the meth cartels are now increasingly setting up meth labs in the United States;

To date, not one major drug kingpin of Mexican nationality has yet been extradited to this country, nor has a major kingpin even been arrested, with the exception of the Amezcua brothers, currently in jail, while the Mexican government decides whether to extradite. Until the cartel leaders are arrested, tried, convicted and imprisoned, there can be no real improvement.

In the meantime, Mexican drug cartels are becoming ever more vicious. Tijuana, for instance recently saw its second police chief gunned down in less than 6 years, as dozens of judges, prosecutors and drug agents have been killed in Tijuana alone in recent years.

Last April, the bodies of two Mexican drug agents and a special prosecutor for the Mexican Attorney General's anti-narcotics unit were found in such a mangled state that identification—even by the spouse of one of the agents—was impossible. According to press accounts, one investigator who saw the photographs of the crime scene said "They told me it was a body. I've never seen anything like that."

The Arellano Felix organization is responsible for many of these crimes. They hold such a strong grip over their community that former DEA Administrator Thomas Constantine recently said that "in Tijuana and Baja, they have become more powerful than the instruments of government in Mexico."

The Arellano Felix cartel operates with an estimated one million dollars in bribe money every day. With that money they pay law enforcement to look the other way, prosecutors to leave them alone, judges to let them go free, and for information about their enemies.

This leads to the largest single threat in this war against drugs—the level of corruption within Mexican law enforcement and even extending into this country. Honest law enforcement officers cannot know who to trust. Anyone who gets too close to capturing cartel members is subject to exposure and assassination. And the cycle of corruption and failure continues.

The corruption is evident at all levels of Mexican law enforcement, and this is a problem that can only be solved through a concerted, comprehensive effort on the part of the Fox administration.

Until the history of corruption is reversed and the drug cartels are brought to justice, this nation will have no respite from the scourge of drugs flowing across our borders.

I cosponsor this legislation today as an experiment to see that, if by putting aside the contentiousness of a certification debate next March, there can be a new, more productive process. I will follow this closely. If reports do not reflect substantial, positive change, we will know clearly that decertification may be the only course.

I thank the Chair, and I yield the floor.

Mrs. HUTCHISON. Mr. President, if Senator DOMENICI would yield for 1 more minute, I would like to, first of all, thank him for allowing us the time to introduce this bill. If we are going to be able to pass this by the end of the session, it is imperative that we get the bill into the process. I also thank the Senator from New Mexico, the Senator from Connecticut, and the Senator from California for being prime cosponsors because this will show the Mexican people and the new President-elect of Mexico that we do want cooperation.

I believe it is in our long-term best interests that we develop trade relationships with our neighbor to the south, that we work with them on investments because as we increase the standard of living in Mexico, I think many of the immigration problems and the problems dealing with illegal drugs will also be wiped away.

So this is a new era. I think this bill will signal that we do want cooperation and friendship. I have high hopes for President-elect Vincente Fox. I have high hopes that our new President will focus on this issue as well, to try to come up with a whole new process beyond certification and decertification, which certainly has not worked very well in the past.

I yield the floor.

ADDITIONAL COSPONSORS

S. 385

At the request of Mr. ENZI, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 385, a bill to amend the Occupational Safety and Health Act of 1970 to further improve the safety and health of working environments, and for other purposes.

S. 741

At the request of Mr. GRAHAM, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 741, a bill to provide for pension reform, and for other purposes.

S. 1805

At the request of Mr. KENNEDY, the names of the Senator from California (Mrs. BOXER) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 1805, a bill to restore food stamp benefits for aliens, to provide States with flexibility in administering the food stamp vehicle allowance, to index the excess shelter expense deduction to inflation, to authorize additional appropriations to purchase and make available additional commodities under the emergency food assistance program, and for other purposes.

S. 2029

At the request of Mr. FRIST, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 2029, a bill to amend the Communications Act of 1934 to prohibit telemarketers from interfering with the caller identification service of any person to whom a telephone solicitation is made, and for other purposes.

S. 2061

At the request of Mr. BIDEN, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 2061, a bill to establish a crime prevention and computer education initiative.

S. 2272

At the request of Mr. DEWINE, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2272, a bill to improve the administrative efficiency and effectiveness of the Nation's abuse and neglect courts and for other purposes consistent with the Adoption and Safe Families Act of 1997.

S. 2274

At the request of Mr. GRASSLEY, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2274, a bill to amend title XIX of the Social Security Act to provide families and disabled children with the opportunity to purchase coverage under the medicaid program for such children.

S. 2438

At the request of Mr. MCCAIN, the names of the Senator from New Mexico (Mr. DOMENICI) and the Senator from Virginia (Mr. ROBB) were added as cosponsors of S. 2438, a bill to provide for enhanced safety, public awareness, and environmental protection in pipeline transportation, and for other purposes.

S. 2572

At the request of Mr. HAGEL, his name was added as a cosponsor of S. 2572, a bill to amend the Communications Act of 1934 to promote deployment of advanced services and foster the development of competition for the benefit of consumers in all regions of the Nation by relieving unnecessary burdens on the Nation's two percent local exchange telecommunications carriers, and for other purposes.

S. 2580

At the request of Mr. JOHNSON, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 2580, a bill to provide for the issuance of bonds to provide funding for the construction of schools of the Bureau of Indian Affairs of the Department of the Interior, and for other purposes.

S. 2641

At the request of Mr. CLELAND, the names of the Senator from Iowa (Mr. HARKIN), the Senator from Washington (Mrs. MURRAY) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 2641, a bill to authorize the President to present a gold medal on behalf of Congress to former President Jimmy Carter and his wife Rosalynn Carter in recognition of their service to the Nation.

S. 2689

At the request of Ms. LANDRIEU, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Nebraska (Mr. KERREY) were added as cosponsors of S. 2689, a bill to authorize the President to award a gold medal on behalf of Congress to Andrew Jackson Higgins (posthumously), and to the D-day Museum in recognition of the contributions of Higgins Industries and the more than 30,000 employees of Higgins Industries to the Nation and to world peace during World War II.

S. 2733

At the request of Mr. SANTORUM, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 2733, a bill to provide for the preservation of assisted housing for low income elderly persons, disabled persons, and other families.

S. 2735

At the request of Mr. CONRAD, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 2735, a bill to promote access to health care services in rural areas.

S. 2787

At the request of Mr. DOMENICI, his name was added as a cosponsor of S. 2787, a bill to reauthorize the Federal programs to prevent violence against women, and for other purposes.

S. 2837

At the request of Mr. CRAIG, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2837, a bill to amend the Fair Debt Collection Practices Act to reduce the cost of credit, and for other purposes.

S. 2841

At the request of Mr. ROBB, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 2841, a bill to ensure that the business of the Federal Government is conducted in the public interest and in a manner that provides for public accountability, efficient delivery of services, reasonable cost savings, and prevention of unwarranted Government expenses, and for other purposes.

S. 2858

At the request of Mr. GRAMS, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 2858, a bill to amend title XVIII of the Social Security Act to ensure adequate payment rates for ambulance services, to apply a prudent layperson standard to the determination of medical necessity for emergency ambulance services, and to recognize the additional costs of providing ambulance services in rural areas.

S. 2868

At the request of Mr. KENNEDY, the name of the Senator from New Mexico

(Mr. BINGAMAN) was added as a cosponsor of S. 2868, a bill to amend the Public Health Service Act with respect to children's health.

S. 2931

At the request of Mr. MURKOWSKI, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 2931, a bill to make improvements to the Arctic Research and Policy Act of 1984.

S. 2938

At the request of Mr. BROWNBACK, the names of the Senator from Idaho (Mr. CRAPO), the Senator from Missouri (Mr. ASHCROFT), the Senator from Kentucky (Mr. BUNNING), and the Senator from Ohio (Mr. VOINOVICH) were added as cosponsors of S. 2938, a bill to prohibit United States assistance to the Palestinian Authority if a Palestinian state is declared unilaterally, and for other purposes.

S. 2977

At the request of Mrs. FEINSTEIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2977, a bill to assist in the establishment of an interpretive center and museum in the vicinity of the Diamond Valley Lake in southern California to ensure the protection and interpretation of the paleontology discoveries made at the lake and to develop a trail system for the lake for use by pedestrians and nonmotorized vehicles.

S. 3009

At the request of Mr. HUTCHINSON, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 3009, a bill to provide funds to the National Center for Rural Law Enforcement.

S.J. RES. 50

At the request of Mr. CRAPO, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S.J. Res. 50, a joint resolution to disapprove a final rule promulgated by the Environmental Protection Agency concerning water pollution.

S. RES. 339

At the request of Mr. REID, the names of the Senator from Virginia (Mr. WARNER), the Senator from Nevada (Mr. BRYAN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Illinois (Mr. DURBIN), and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of S. Res. 339, a resolution designating November 18, 2000, as "National Survivors of Suicide Day."

S. RES. 340

At the request of Mr. REID, the names of the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Delaware (Mr. BIDEN), and the Senator from Delaware (Mr. ROTH) were added as cosponsors of S. Res. 340, a resolution designating December 10, 2000, as "National Children's Memorial Day."

S. RES. 342

At the request of Mr. THURMOND, the names of the Senator from Michigan (Mr. ABRAHAM), the Senator from Missouri (Mr. ASHCROFT), the Senator from Indiana (Mr. BAYH), the Senator from Missouri (Mr. BOND), the Senator from Kansas (Mr. BROWNBACK), the Senator from Montana (Mr. BURNS), the Senator from Rhode Island (Mr. L. CHAFEE), the Senator from Georgia (Mr. CLELAND), the Senator from Mississippi (Mr. COCHRAN), the Senator from North Dakota (Mr. CONRAD), the Senator from Connecticut (Mr. DODD), the Senator from New Mexico (Mr. DOMENICI), the Senator from Illinois (Mr. DURBIN), the Senator from North Carolina (Mr. EDWARDS), the Senator from Illinois (Mr. FITZGERALD), the Senator from Florida (Mr. GRAHAM), the Senator from Texas (Mr. GRAMM), the Senator from Minnesota (Mr. GRAMS), the Senator from Iowa (Mr. GRASSLEY), the Senator from Utah (Mr. HATCH), the Senator from North Carolina (Mr. HELMS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Florida (Mr. MACK), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Kansas (Mr. ROBERTS), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Alabama (Mr. SHELBY), the Senator from New Hampshire (Mr. SMITH), the Senator from Tennessee (Mr. THOMPSON), the Senator from Virginia (Mr. WARNER), and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. Res. 342, a resolution designating the week beginning September 17, 2000, as "National Historically Black Colleges and Universities Week."

S. RES. 343

At the request of Mr. FITZGERALD, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. Res. 343, a resolution expressing the sense of the Senate that the International Red Cross and Red Crescent Movement should recognize and admit to full membership Israel's Magen David Adom Society with its emblem, the Red Shield of David.

AMENDMENT NO. 4024

At the request of Mr. DOMENICI, his name was added as a cosponsor of Amendment No. 4024 proposed to H.R. 4733, a bill making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 4047

At the request of Mr. GRASSLEY, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of amendment No. 4047 proposed to H.R. 4733, a bill making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes.

At the request of Mr. GRAMM, the names of the Senator from Ohio (Mr. DEWINE), the Senator from Indiana (Mr. LUGAR), and the Senator from Nebraska (Mr. KERREY) were added as cosponsors of amendment No. 4047 proposed to H.R. 4733, supra.

AMENDMENT NO. 4070

At the request of Mr. DOMENICI, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of amendment No. 4070 proposed to H.R. 4733, a bill making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 4071

At the request of Mr. DOMENICI, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of amendment No. 4071 proposed to H.R. 4733, a bill making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 4072

At the request of Mr. STEVENS, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of amendment No. 4072 proposed to H.R. 4733, a bill making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 4073

At the request of Mr. STEVENS, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of amendment No. 4073 proposed to H.R. 4733, a bill making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 4076

At the request of Mr. DOMENICI, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of amendment No. 4076 proposed to H.R. 4733, a bill making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 4078

At the request of Mr. DOMENICI, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of amendment No. 4078 proposed to H.R. 4733, a bill making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 4085

At the request of Mr. REID, his name was added as a cosponsor of amendment No. 4085 proposed to H.R. 4733, a bill making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 4088

At the request of Mr. SMITH of Oregon, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of amendment No. 4088 proposed to H.R. 4733, a bill making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes.

SENATE RESOLUTION 349—TO DESIGNATE SEPTEMBER 7, 2000, AS "NATIONAL SAFE TELEVISION FOR ALL-AGES DAY"

Mr. HUTCHINSON submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 349

Whereas modern communication has made television a central reality in the lives of most Americans and one of the most pervasive socializing instruments in American culture;

Whereas family members and American citizens of all ages view an average of 17 hours of television per week;

Whereas there is a general consensus among researchers and the American public that violence on television correlates to violent and aggressive behavior in children and teenagers;

Whereas violent and antisocial behavior in American culture have increased as television depictions of violent actions and destructive attitudes have become more elaborate and more common place in television programming;

Whereas television programming portraying responsible conflict resolution and positive, meaningful role models have a profound impact on the values that influence American culture;

Whereas family oriented programming reinforces positive attitudes and sound cultural values in our homes, schools, and communities; and

Whereas the values and attributes, portrayed in family oriented programming promote positive social change and movement away from the social apathy and moral deterioration which are currently promoted by a wide variety of media sources: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 7, 2000, as "National Safe Television for All-Ages Day"; and

(2) urges all citizens to observe "National Safe Television for All-Ages Day" by encouraging family and community members to advocate for socially responsible television and area broadcasting that offers such programming.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that I be recognized to speak for 5 minutes as if in Morning Business. Mr. President, I rise to introduce a resolution which designates September 7th of each year as "National Safe TV for All-Ages Day." On September 7, 1927, Philo Farnsworth, a young 21-year-old inventor in San Francisco, transmitted the first all-electronic television picture. By the time he died in 1971, Philo Farnsworth's invention had become one of the greatest innovations of the 20th Century.

Today, the modern television plays a central role in entertaining untold millions world-wide, and no where has it made more of an impact on society than in the United States. Television has become a fixture in almost every home. Americans view an average of 17 hours of television per week. This medium enjoys unprecedented access into the American home. Sadly, this access to the family has been abused as scenes of overtly violent and sexual acts on television have been on the rise for decades. As a result, there is a general consensus among researchers and the American public that violence on television correlates to violent and aggressive behavior in children and teenagers.

Given the continued rise of this negative behavior in American society—especially among young people—parents, teachers, law enforcement officials, sociologists, and politicians are looking for ways to fight back. That is why I have publicly encouraged television executives and movie makers to take responsibility for the impact their programming and movies are having on viewers, regardless of age. While the entertainment industry continues to market violence, families must decide how to protect against a barrage of negative images.

My resolution encourages families and viewers of all-ages to turn off the overtly violent and sexual programming and turn to safe, family oriented programming which reinforces positive attitudes and sound cultural values in our homes, schools, and communities. Television programming which portrays responsible conflict resolution and positive, meaningful role models has a profound impact on the values that influence American culture.

It is my hope that parents take matters into their own hands by making September 7th the day families use the remote control to send a message to the television executives that violent programming is not wanted in our homes. It is my sincere hope that more Americans consider what kind of cumulative affect negative television programming has on families. I encourage my colleagues to cosponsor this measure and support safe TV for all ages. Mr. President, I yield the floor.

AMENDMENTS SUBMITTED

U.S.-CHINA RELATIONS ACT OF 2000

WELLSTONE (AND OTHERS) AMENDMENT NO. 4114

Mr. WELLSTONE (for himself Mr. HELMS, and Mr. FEINGOLD) proposed an amendment to the bill (H.R. 4444) to authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China, and to establish a framwork for relations between the United States and the People's Republic of China; as follows:

On page 4, line 22, beginning with "Prior", strike all through page 5, line 6, and insert the following:

Prior to making the determination provided for in subsection (a)(1), the President shall transmit a report to Congress certifying that—

(1) pursuant to the provisions of section 122 of the Uruguay Round Agreements Act (19 U.S.C. 3532), the terms and conditions for the accession of the People's Republic of China to the World Trade Organization are at least equivalent to those agreed between the United States and the People's Republic of China on November 15, 1999; and

(2) following the recommendations of the United States Commission on International Religious Freedom, the People's Republic of China has made substantial improvements in respect for religious freedom, as measured by the fact that—

(A) the People's Republic of China has agreed to open a high-level and continuing dialogue with the United States on religious-freedom issues;

(B) the People's Republic of China has ratified the International Convention on Civil and Political Rights, which it has signed;

(C) the People's Republic of China has agreed to permit the United States Commission on International Religious Freedom and international human rights organizations unhindered access to religious leaders, including those imprisoned, detained, or under house arrest;

(D) the People's Republic of China has responded to inquiries regarding persons who are imprisoned, detained, or under house arrest for reasons of religion or belief, or whose whereabouts are not known, although they were last seen in the custody of Chinese authorities; and

(E) the People's Republic of China has released from prison all persons incarcerated because of their religion or beliefs.

On page 5, line 10, strike "section 101(a)" and insert "section 101".

BYRD (AND FEINGOLD) AMENDMENT NO. 4115

(Ordered to lie on the table.)

Mr. BYRD (for himself, and Mr. FEINGOLD) submitted an amendment intended to be proposed by them to the bill, H.R. 4444, supra; as follows:

On page 69, after line 16, insert the following:

SEC. 702. UNITED STATES SUPPORT FOR THE TRANSFER OF CLEAN ENERGY TECHNOLOGY AS PART OF ASSISTANCE PROGRAMS WITH RESPECT TO CHINA'S ENERGY SECTOR.

(a)(1) the People's Republic of China faces significant environmental and energy infrastructure development challenges in the coming century;

(2) economic growth and environmental protection should be fostered simultaneously;

(3) China has been recently attempting to strengthen public health standards, protect natural resources, improve water and air quality, and reduce greenhouse gas emissions levels while striving to expand its economy;

(4) the United States is a leader in a range of clean energy technologies; and

(5) the environment and energy infrastructure development are issues that are equally important to both nations, and therefore, the United States should work with China to encourage the use of American-made clean energy technologies.

(b) SUPPORT FOR CLEAN ENERGY TECHNOLOGY.—Notwithstanding any other provision of law, each department, agency, or other entity of the United States carrying out an assistance program in support of the activities of United States persons in the environment and energy sector of the People's Republic of China shall support, to the maximum extent practicable, the transfer of United States clean energy technology as part of that program.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the departments, agencies, and entities of the United States described in subsection (b) such sums as may be necessary to support the transfer of clean energy technology, consistent with the subsidy codes of the World Trade Organization, as part of assistance programs carried out by those departments, agencies, and entities in support of activities of United States persons in the energy sector of the People's Republic of China.

BYRD AMENDMENTS NOS. 4116-4117

(Ordered to lie on the table.)

Mr. BYRD submitted two amendments intended to be proposed by him to the bill, H.R. 4444, supra; as follows:

AMENDMENT NO. 4116

Beginning on page 16, strike line 11 and all that follows through line 2 on page 17 and insert the following:

"(k) STANDARD FOR PRESIDENTIAL ACTION.—

"(1) FINDINGS.—Congress finds that—

"(A) market disruption causes serious harm to the United States industrial and agricultural sectors which has grave economic consequences;

"(B) product-specific safeguard provisions are a critical component of the United States-China Bilateral Agreement to remedy market disruptions; and

"(C) where market disruption occurs it is essential for the Commission and the President to comply with the timeframe stipulated under this Act.

"(2) TIMEFRAME FOR ACTION.—Not later than 15 days after receipt of a recommendation from the Trade Representative under subsection (h) regarding the appropriate action to take to prevent or remedy a market disruption, the President shall provide import relief for the affected industry pursuant to subsection (a), unless the President determines and certifies to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate that provision of such relief is not in the national economic interest of the United States or, in extraordinary cases, that taking action pursuant to subsection (a) would cause serious harm to the national security of the United States.

"(3) BASIS FOR PRESIDENTIAL CERTIFICATION.—The President may determine and certify under paragraph (2) that providing import relief is not in the national economic interest of the United States only if the President finds that taking such action would have an adverse impact on the United States economy clearly greater than the benefits of such action.

"(4) AUTOMATIC RELIEF.—

"(A) IN GENERAL.—If, within 70 days after receipt of the Commission's report described in subsection (g), the President and the United States Trade Representative have not taken action with respect to denying or granting the relief recommended by the Commission, the relief shall automatically take effect.

"(B) PERIOD RELIEF IN EFFECT.—The relief provided for under subparagraph (A) shall remain in effect without regard to any other provision of this section.

AMENDMENT NO. 4117

On page 53, between lines 3 and 4, insert the following:

SEC. 402. PRC COMPLIANCE WITH WTO SUBSIDY OBLIGATIONS.

(a) FINDINGS.—Congress makes the following findings:

(1) A significant portion of the economy of the People's Republic of China consists of state-owned enterprises.

(2) Chinese state-owned enterprises receive significant subsidies from the Government of the People's Republic of China.

(3) These Chinese state-owned enterprises account for a significant portion of exports from the People's Republic of China.

(4) United States manufacturers and farmers should not be expected to compete with these subsidized state-owned enterprises.

(b) COMMITMENT TO DISCLOSE CERTAIN INFORMATION.—The United States Trade Representative—

(1) acting through the Working Party on the Accession of China to the World Trade Organization, shall obtain a commitment by the People's Republic of China to disclose information—

(A) identifying current state-owned enterprises engaged in export activities;

(B) describing state support for those enterprises; and

(C) setting forth a time table for compliance by the People's Republic of China with the subsidy obligations of the World Trade Organization; and

(2) shall vote against accession by the People's Republic of China to the World Trade Organization without such a commitment.

(c) STATE-OWNED ENTERPRISE.—The term "state-owned enterprise" means a person who is affiliated with, or wholly owned or controlled by, the Government of the People's Republic of China and whose means of production, products, and revenues are owned or controlled by a central or provincial government authority. A person shall be considered to be state-owned if—

(1) the person's assets are primarily owned by a central or provincial government authority;

(2) in whole or in part, the person's profits are required to be submitted to a central or provincial government authority;

(3) the person's production, purchases of inputs, and sales of output, in whole or in part, are subject to state, sectoral, or regional plans; or

(4) a license issued by a government authority classifies the person as state-owned.

WELLSTONE AMENDMENTS NOS. 4118-4121

Mr. WELLSTONE proposed four amendments to the bill, H.R. 4444, supra; as follows:

AMENDMENT NO. 4118

On page 4, line 22, beginning with "Prior" strike all through page 5, line 12, and insert the following:

Prior to making the determination provided for in subsection (a)(1), the President shall transmit a report to Congress certifying that—

(1) pursuant to the provisions of section 122 of the Uruguay Round Agreements Act (19 U.S.C. 3532), the terms and conditions for the accession of the People's Republic of China to the World Trade Organization are at least equivalent to those agreed between the United States and the People's Republic of China on November 15, 1999;

(2) the People's Republic of China has ratified the International Covenant on Civil and Political Rights, signed in October 1998, and that the Covenant has entered into force and effect with respect to the People's Republic of China;

(3) the People's Republic of China has begun to dismantle its system of reeducation through labor, which allows officials of the People's Republic of China to sentence thousands of citizens to labor camps each year without judicial review;

(4) the People's Republic of China has opened up Tibet and Xinjiang to regular, unhindered access by United Nations human rights and humanitarian agencies, foreign journalists, diplomats, and independent human rights monitors;

(5) the People's Republic of China has reviewed the sentences of those people it has incarcerated as counterrevolutionaries under the provisions of a law that was repealed in March 1997 and the People's Republic of China intends to release those people;

(6) the People's Republic of China has agreed to establish a high-level and ongoing dialogue with the United States on religious freedom; and

(7) the leadership of the People's Republic of China has entered into a meaningful dialogue with the Dalai Lama or his representatives.

SEC. 102. EFFECTIVE DATE.

(a) EFFECTIVE DATE OF NONDISCRIMINATORY TREATMENT.—The extension of nondiscriminatory treatment pursuant to section 101 shall be effective no earlier than the effective date of the accession of the People's Republic of China to the World Trade Organization.

AMENDMENT NO. 4119

On page 4, line 22, beginning with "Prior", strike all through page 5, line 12, and insert the following:

Prior to making the determination provided for in subsection (a)(1), the President shall transmit a report to Congress certifying that—

(1) pursuant to the provisions of section 122 of the Uruguay Round Agreements Act (19 U.S.C. 3532), the terms and conditions for the accession of the People's Republic of China to the World Trade Organization are at least equivalent to those agreed between the United States and the People's Republic of China on November 15, 1999;

(2) the People's Republic of China is complying with the Memorandum of Understanding Between the United States and the People's Republic of China on Prohibiting Import and Export Trade in Prison Labor Products, signed on August 7, 1992;

(3) the People's Republic of China is complying with the Statement of Cooperation on the Memorandum of Understanding Between the United States and the People's Republic of China on Prohibiting Import and Export Trade in Prison Labor Products, signed on March 14, 1994; and

(4) the People's Republic of China is fully cooperating with all outstanding requests made by the United States for visitation or investigation pursuant to the Memorandum referred to in paragraph (2) and the Statement of Cooperation referred to in paragraph (3), including requests for visitations or investigation of facilities considered "reeducation through labor" facilities.

SEC. 102. EFFECTIVE DATE.

(a) EFFECTIVE DATE OF NONDISCRIMINATORY TREATMENT.—The extension of nondiscriminatory treatment pursuant to section 101 shall be effective no earlier than the effective date of the accession of the People's Republic of China to the World Trade Organization.

AMENDMENT NO. 4120

On page 4, line 22, beginning with "Prior", strike all through page 5, line 12, and insert the following:

Prior to making the determination provided for in subsection (a)(1), the President shall transmit a report to Congress certifying that—

(1) pursuant to the provisions of section 122 of the Uruguay Round Agreements Act (19 U.S.C. 3532), the terms and conditions for the accession of the People's Republic of China to the World Trade Organization are at least equivalent to those agreed between the United States and the People's Republic of China on November 15, 1999;

(2) the People's Republic of China has provided a detailed response to inquiries regarding the number of persons who are imprisoned, detained, or under house arrest because of union organizing; and

(3) the People's Republic of China has made substantial progress in releasing from prison all persons incarcerated for organizing independent trade unions.

SEC. 102. EFFECTIVE DATE.

(a) EFFECTIVE DATE OF NONDISCRIMINATORY TREATMENT.—The extension of nondiscriminatory treatment pursuant to section 101 shall be effective no earlier than the effective date of the accession of the People's Republic of China to the World Trade Organization.

AMENDMENT NO. 4121

At the end of the bill, add the following:

TITLE VIII—WORKER RIGHTS

SEC. 801. SHORT TITLE.

This title may be cited as the "Right to Organize Act of 2000".

SEC. 802. EMPLOYER AND LABOR ORGANIZATIONS PRESENTATIONS.

Section 8(c) of the National Labor Relations Act (29 U.S.C. 158(c)) is amended—

(1) by inserting "(1)" after the subsection designation; and

(2) by adding at the end the following new paragraphs:

"(2) If an employer or employer representative addresses the employees on the employer's premises or during work hours on issues relating to representation by a labor organization, the employees shall be assured, without loss of time or pay, an equal opportunity to obtain, in an equivalent manner, information concerning such issues from such labor organization.

"(3) Subject to reasonable regulation by the Board, labor organizations shall have—

"(A) access to areas in which employees work;

"(B) the right to use the employer's bulletin boards, mailboxes, and other communication media; and

"(C) the right to use the employer's facilities for the purpose of meetings with respect to the exercise of the rights guaranteed by this Act.".

SEC. 803. LABOR RELATIONS REMEDIES.

(a) BOARD REMEDIES.—Section 10(c) of the National Labor Relations Act (29 U.S.C. 160(c)) is amended by inserting after the fourth sentence the following new sentence: "If the Board finds that an employee was discharged as a result of an unfair labor practice, the Board in such order shall (1) award back pay in an amount equal to 3 times the employee's wage rate at the time of the unfair labor practice and (2) notify such employee of such employee's right to sue for punitive damages and damages with respect to a wrongful discharge under section 303 of the Labor Management Relations Act, 1947 (29 U.S.C. 187), as amended by the Fair Labor Organizing Act.".

(b) COURT REMEDIES.—Section 303 of the Labor Management Relations Act, 1947 (29 U.S.C. 187) is amended by adding at the end the following new subsections:

"(c) It shall be unlawful, for purposes of this section, for any employer to discharge an employee for exercising rights protected under the National Labor Relations Act.

"(d) An employee whose discharge is determined by the National Labor Relations Board under section 10(c) of the National Labor Relations Act to be as a result of an unfair labor practice under section 8 of such Act may file a civil action in any district court of the United States, without respect to the amount in controversy, to recover punitive damages or if actionable, in any State court to recover damages based on a wrongful discharge.".

SEC. 804. INITIAL CONTRACT DISPUTES.

Section 8 of the National Labor Relations Act (29 U.S.C. 158) is amended by adding at the end the following new subsection:

"(h)(1) If, not later than 60 days after the certification of a new representative of employees for the purpose of collective bargaining, the employer of the employees and the representative have not reached a collective bargaining agreement with respect to the terms and conditions of employment, the employer and the representative shall jointly select a mediator to mediate those issues on which the employer and the representative cannot agree.

"(2) If the employer and the representative are unable to agree upon a mediator, either party may request the Federal Mediation and Conciliation Service to select a mediator and the Federal Mediation and Conciliation Service shall upon the request select a person to serve as mediator.

"(3) If, not later than 30 days after the date of the selection of a mediator under paragraph (1) or (2), the employer and the representative have not reached an agreement, the employer or the representative may transfer the matters remaining in controversy to the Federal Mediation and Conciliation Service for binding arbitration.".

HOLLINGS AMENDMENT NO. 4122

Mr. HOLLINGS proposed an amendment to the bill, H.R. 4444, supra; as follows:

On page 4, beginning with line 4, strike through line 18 on page 5 and insert the following:

SEC. 101. ACCESSION OF THE PEOPLE'S REPUBLIC OF CHINA TO THE WORLD TRADE ORGANIZATION.

Pursuant to the provisions of section 122 of the Uruguay Round Agreements Act (19 U.S.C. 3532), the President shall transmit a report to Congress certifying that the terms and conditions for the accession of the People's Republic of China to the World Trade Organization are at least equivalent to those agreed between the United States and the People's Republic of China on November 15, 1999.

On page 5, line 19, strike "SEC. 103." and insert "SEC. 102."

HELMS AMENDMENTS NOS. 4123–4124

(Ordered to lie on the table.)

Mr. HELMS submitted two amendment intended to be proposed by him to the bill, H.R. 4444, supra; as follows:

AMENDMENT NO. 4123

At the end of the bill, insert the following:

SEC. . CODE OF CONDUCT FOR BUSINESSES.

(a) FINDINGS.—Congress makes the following findings:

(1) The Chief Executive of Viacom media corporation told the Fortune Global Forum, a gathering of hundreds of corporate leaders in Shanghai to celebrate the 50th anniversary of communism in China in September 1999, that Western media groups "should avoid being unnecessarily offensive to the Chinese government. We want to do business. We cannot succeed in China without being a friend of the Chinese people and the Chinese government.".

(2) The owner of Fox and Star TV networks has gained favor with the Chinese leadership in part by dropping programming and publishing deals that offend the Communist Government of China, including the book by the last British Governor of Hong Kong.

(3) The Chief Executive of Time Warner, which owns the Fortune company that organized the Global Forum, called Jiang Zemin his "good friend" as he introduced Jiang to make the keynote speech at the conference. Jiang went on to threaten force against Taiwan and to warn that comments by the West on China's abysmal human rights record were not welcome.

(4) The Chief Executive of American International Group was reported to be so effusive in his praise of China's economic progress at the Global Forum that one Chinese official described his remarks as "not realistic".

(5) The founder of Cable News Network, one of the world's richest men, told the Global Forum that "I am a socialist at heart.".

(6) During the Global Forum, Chinese leaders banned an issue of Time magazine (owned by Time-Warner, the host of the Global Forum) marking the 50th anniversary of communism in China, because the issue included commentaries by dissidents Wei Jingsheng, Wang Dan, and the Dalai Lama. China also blocked the web sites of Time Warner's Fortune magazine and CNN.

(7) Chinese officials denied Fortune the right to invite Chinese participants to the Global Forum and instead padded the guest list with managers of state-run firms.

(8) At the forum banquet, Chinese Premier Zhu Rongji lashed out at the United States for defending Taiwan.

(9) On June 5, 2000, China's number two phone company, Unicom, broke an agreement with the Qualcomm Corporation by confirming that it will not use mobile-phone technology designed by Qualcomm for at least 3 years, causing a sharp sell off of the United States company's stock.

(10) When the Taiwanese pop singer Ah-mei, who appeared in advertisements for Sprite in China, agreed to sing Taiwan's national anthem at Taiwan's May 20, 2000, presidential inauguration, Chinese authorities immediately notified the Coca-Cola company that its Ah-mei Sprite ads would be banned.

(11) The company's director of media relations said that the Coca-Cola Company was "unhappy" about the ban, but "as a local business, would respect the authority of local regulators and we will abide by their decisions".

(12) In 1998, Apple Computer voluntarily removed images of the Dalai Lama from its "Think Different" ads in Hong Kong, stating at the time that "where there are political sensitivities, we did not want to offend anyone".

(13) In 1997, the Massachusetts-based Internet firm, Prodigy, landed an investment contract in China by agreeing to comply with

China's Internet rules which provide for censoring any political information deemed unacceptable to the Communist government.

(b) Sense of Senate.—It is the sense of Senate that in order for the presence of United States businesses to truly foster political liberalization in China, those businesses must conduct themselves in a manner that reflects basic American values of democracy, individual liberty, and justice.

(c) Consultation Required.—Not later than 90 days after the date of enactment of this Act, the Secretary of Commerce shall consult with American businesses that do business in, have significant trade with, or invest in the People's Republic of China, to encourage the businesses to adopt a voluntary code of conduct that—

(1) follows internationally recognized human rights principles, including freedom of expression and democratic governance;

(2) ensures that the employment of Chinese citizens is not discriminatory in terms of sex, ethnic origin, or political belief;

(3) ensures that no convict, forced, or indentured labor is knowingly used;

(4) supports the principle of a free market economy and ownership of private property;

(5) recognizes the rights of workers to freely organize and bargain collectively; and

(6) discourages mandatory political indoctrination on business premises.

Amendment No. 4124

On page 5, between lines 18 and 19, insert the following new section and redesignate the remaining sections and cross references thereto:

SEC. 103. ADDITIONAL CONDITION.

(a) Findings.—Congress makes the following findings:

(1) Permanent normal trade relations treatment would ostensibly be granted to the People's Republic of China in large part to promote political liberalization through free trade and to open the exchange of ideas.

(2) The Broadcasting Board of Governors testified before the Senate Foreign Relations Committee on April 26, 2000, that the Government of the People's Republic of China jams 242 hours a day of Radio Free Asia and Voice of America programs, which includes 100 hours of Mandarin language transmissions, 34 hours of Tibetan language transmissions, and 3 hours of Uyghur language transmissions.

(3) The Broadcasting Board of Governors testified before the Senate Foreign Relations Committee on April 26, 2000, that the Government of the People's Republic of China spends at least $5,400,000 a year to jam Radio Free Asia and Voice of America Mandarin language programs.

(4) The fact that the Government of the People's Republic of China spends at least as much to jam Radio Free Asia and Voice of America broadcasts as the United States spends to transmit broadcasts to China indicates an intense commitment on the part of the People's Republic of China to block the free flow of ideas and news in China.

(b) Additional Certification.—Notwithstanding any other provision of this Act, the extension of nondiscriminatory trade treatment (normal trade relations treatment) to the People's Republic of China shall not take effect until the President certifies to Congress that the People's Republic of China is no longer jamming or otherwise interfering with broadcasts of Radio Free Asia or the Voice of America.

HELMS (AND WELLSTONE) AMENDMENT NO. 4125

(Ordered to lie on the table.)

Mr. HELMS (for himself and Mr. Wellstone) submitted an amendment intended to be proposed by them to the bill, H.R. 4444, supra; as follows:

On page 2, line 4, before the end period, insert the following: "; **FINDINGS**".

On page 4, before line 1, insert the following:

(c) Findings.—Congress makes the following findings:

(1) The People's Republic of China has not yet ratified the United Nations Covenant on Civil and Political Rights, which it signed in October of 1998.

(2) The 1999 State Department Country Reports on Human Rights Practices found that—

(A) the Government of the People's Republic of China continues to commit widespread and well-documented human rights abuses in violation of internationally accepted norms;

(B) the Government of the People's Republic of China's poor human rights record deteriorated markedly throughout the year, as the Government intensified efforts to suppress dissent;

(C) abuses by Chinese authorities exist, including instances of extrajudicial killings, torture and mistreatment of prisoners, forced confessions, arbitrary arrests and detentions, lengthy incommunicado detentions, and denial of due process;

(D) violence against women exists in the People's Republic of China, including coercive family planning practices such as forced abortion and forced sterilization, prostitution, discrimination against women, trafficking in women and children, abuse of children, and discrimination against the disabled and minorities; and

(E) tens of thousands of members of the Falun Gong spiritual movement were detained after the movement was banned in July 1999, several leaders of the movement were sentenced to long prison terms in late December, hundreds were sentenced administratively to reeducation through labor, and according to some reports, the Government of the People's Republic of China started confining some Falun Gong adherents to psychiatric hospitals.

(3) The Department of State's 2000 Annual Report on International Religious Freedom states that during 1999 and 2000—

(A) "the Chinese government's respect for religious freedom deteriorated markedly";

(B) the Chinese police closed many "underground" mosques, temples, seminaries, Catholic churches, and Protestant "house churches";

(C) leaders of unauthorized groups are often the targets of harassment, interrogations, detention, and physical abuse in the People's Republic of China;

(D) in some areas, Chinese security authorities used threats, demolition of unregistered property, extortion of "fines", interrogation, detention, and at times physical abuse to harass religious figures and followers; and

(E) the Government of the People's Republic of China continued its "patriotic education" campaign aimed at enforcing compliance with government regulations and either cowing or weeding out monks and nuns who refuse to adopt the Party line and remain sympathetic to the Dalai Lama.

(4) The report of the United States Commission on International Religious Freedom—

(A) found that the Government of the People's Republic of China and the Communist Party of China discriminates, harasses, incarcerates, and tortures people on the basis of their religion and beliefs, and that Chinese law criminalizes collective religious activity by members of religious groups that are not registered with the State;

(B) noted that the Chinese authorities exercise tight control over Tibetan Buddhist monasteries, select and train important religious figures, and wage an invasive ideological campaign both in religious institutions and among the Tibetan people generally;

(C) documented the tight control exercised over the Uighur Muslims in Xinjiang in northwest China, and cited credible reports of thousands of arbitrary arrests, the widespread use of torture, and extrajudicial executions; and

(D) stated that the Commission believes that Congress should not approve permanent normal trade relations treatment for China until China makes substantial improvements with respect to religious freedom, as measured by certain objective standards.

(5) On March 4, 2000, four days before the President forwarded to Congress legislation to grant permanent normal trade relations treatment to the People's Republic of China, the Government of the People's Republic of China arrested four American citizens for practicing Falun Gong in Beijing.

On page 4, line 22, beginning with "Prior", strike all through page 5, line 6, and insert the following:

Prior to making the determination provided for in subsection (a)(1), the President shall transmit a report to Congress certifying that—

(1) pursuant to the provisions of section 122 of the Uruguay Round Agreements Act (19 U.S.C. 3532), the terms and conditions for the accession of the People's Republic of China to the World Trade Organization are at least equivalent to those agreed between the United States and the People's Republic of China on November 15, 1999;

(2) the People's Republic of China has ratified the International Covenant on Civil and Political Rights, and that the Covenant has entered into force and effect with respect to the People's Republic of China;

(3) the People's Republic of China has begun to dismantle its system of reeducation through labor, which allows officials of the People's Republic of China to sentence thousands of citizens to labor camps each year without judicial review;

(4) the People's Republic of China has opened up Tibet and Xinjiang to regular, unhindered access by United Nations human rights and humanitarian agencies;

(5) the People's Republic of China has reviewed the sentences of those people it has incarcerated as counterrevolutionaries under the provisions of a law that was repealed in March 1997 and the People's Republic of China intends to release those people;

(6) the People's Republic of China has agreed to establish a high-level and on-going dialogue with the United States on religious freedom;

(7) the People's Republic of China has agreed to permit unhindered access to religious leaders by the United States Commission on International Religious Freedom and recognized international human rights organizations, including access to religious leaders who are imprisoned, detained, or under house arrest;

(8) the People's Republic of China has provided a detailed response to inquiries regarding the number of persons who are imprisoned, detained, or under house arrest because of religious beliefs or whose whereabouts are not known but who were seen in the custody of officials of the People's Republic of China;

(9) the People's Republic of China intends to release from prison all persons incarcerated because of their religious beliefs;

(10) the People's Republic of China has provided a detailed response to inquiries regarding the number of persons who are imprisoned, detained, or under house arrest for reasons of union organizing; and

(11) the People's Republic of China intends to release from prison all persons incarcerated for organizing independent trade unions.

On page 5, line 10, strike "section 101(a)" and insert "section 101".

HELMS AMENDMENTS NOS. 4126–4128

(Ordered to lie on the table.)

Mr. HELMS submitted three amendments intended to be proposed by him to the bill, H.R. 4444, supra; as follows:

AMENDMENT NO. 4126

At the end of the bill, insert the following:

SEC.   . REPORTS BY UNITED STATES TRADE REPRESENTATIVE.

(a) IN GENERAL.—Not later than 1 year after the People's Republic of China accedes to the World Trade Organization, the United States Trade Representative shall submit a report to the appropriate congressional committees regarding the compliance of the People's Republic of China with the concessions made in the bilateral agreement entered into with the United States.

(b) CONTENTS OF THE REPORT.—The report required by subsection (a) shall include the following:

(1) The status of the People's Republic of China's compliance with its agreement to reduce tariffs on United States agricultural products, including priority agricultural products, beef, poultry, cheese, and other commodities.

(2) The status of the People's Republic of China's compliance with its agreement to expand market access for United States corn, cotton, wheat, rice, barley, soybeans, meats, and other agricultural products.

(3) The status of the People's Republic of China's compliance with its agreement to eliminate trade-distorting export subsidies.

(4) The status of the People's Republic of China's compliance with its agreement to give full trading rights to United States businesses, including full right to import, export, own and operate distributions networks inside the People's Republic of China, and the elimination of state-owned middlemen.

(5) The status of the People's Republic of China's compliance with its agreement to open markets for telecommunications, insurance, banking, securities, audio visual, and professional services.

(6) The status of the People's Republic of China's compliance with its agreement to open its markets for foreign investment in information technology.

(7) The status of the People's Republic of China's compliance with its agreement to expand significantly the number of foreign movies shown in the People's Republic of China.

(8) The status of the People's Republic of China's agreement to reduce tariffs on automobiles.

(9) The status and effectiveness of the special safeguard provisions of the United States-China bilateral agreement.

(c) OTHER REPORTS.—In addition to the report required by subsection (a), the United States Trade Representative shall submit to the appropriate congressional committees the following reports.

(1) REPORT DUE IN 2003.—Not later than March 1, 2003, the United States Trade Representative shall report on the status of the People's Republic of China's compliance with its agreement to reduce tariffs on United States goods identified in subsection (b) (1), (2), and (8) and other United States priority goods.

(2) REPORT DUE IN 2005.—Not later than March 1, 2005, the United States Trade Representative shall report on the status of the People's Republic of China's compliance with its agreement—

(A) to reduce average overall tariffs on United States industrial goods from 24.6 percent to 9.4 percent or less; and

(B) to eliminate tariffs on United States high-technology goods.

(d) NEGATIVE DETERMINATIONS.—

(1) IN GENERAL.—If the United States Trade Representative in any of the reports described in subsection (c) (1) or (2) finds that the People's Republic of China is not complying with its commitments to reduce or eliminate the tariffs described in such subsection (c), and a joint resolution described in paragraph (2) is enacted into law pursuant to the provisions of paragraph (3), the President shall suspend, withdraw, or prevent the application of benefits of the bilateral trade agreement between the United States and the People's Republic of China including the extension of nondiscriminatory treatment (normal trade relations treatment) and may impose duties or other import restrictions on the goods of, and, notwithstanding any other provision of law, fees or restrictions on the services of, the People's Republic of China for such time as the President determines appropriate.

(2) JOINT RESOLUTION DESCRIBED.—For purposes of paragraph (1), a joint resolution is described in this paragraph if it is a joint resolution of the 2 Houses of Congress and the matter after the resolving clause of such joint resolution is as follows: "That the Congress finds that the People's Republic of China has failed to comply with its commitments to reduce or eliminate tariffs and the Congress withdraws its approval of the extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China and the President may impose duties or other import restrictions on the goods of, and, notwithstanding any other provision of law, fees or restrictions on the services of, the People's Republic of China for such time as the President determines appropriate.".

(3) PROCEDURAL PROVISIONS.—

(A) IN GENERAL.—The requirements of this paragraph are met if the joint resolution is enacted in accordance with this subsection, and Congress adopts and transmits the joint resolution to the President before the end of the 90-day period (excluding any day described in section 154(b) of the Trade Act of 1974) beginning on the date on which Congress receives a negative report from the United States Trade Representative pursuant to subsection (c) (1) or (2).

(B) PRESIDENTIAL VETO.—In any case in which the President vetoes the joint resolution, the requirements of this paragraph are met if each House of Congress votes to override that veto on or before the later of the last day of the 90-day period referred to in subparagraph (A), or the last day of the 15-day period (excluding any day described in section 154(b) of the Trade Act of 1974) beginning on the date on which Congress receives the veto message from the President.

(C) INTRODUCTION.—

(i) TIME.—A joint resolution to which this subsection applies may be introduced at any time on or after the date on which the United States Trade Representative transmits to Congress a negative report pursuant to subsection (c) (1) or (2), and before the end of the 90-day period referred to in subparagraph (A).

(ii) ANY MEMBER MAY INTRODUCE.—A joint resolution described in paragraph (2) may be introduced in either House of Congress by any Member of such House.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Finance of the Senate and the Committee on International Relations and the Committee on Ways and Means of the House of Representatives.

AMENDMENT NO. 4127

At the end of the bill, insert the following:

SEC. 702. REPORTING REQUIREMENTS REGARDING AGRICULTURAL TRADE DEFICIT WITH CHINA.

(a) IN GENERAL.—The United States-China bilateral agreement on agriculture is designed to substantially lower tariffs, eliminate export subsidies, end discriminatory licensing and import bans, and eliminate unjustified restrictions on agricultural products. The reports described in subsection (b) shall be submitted to Congress in order to evaluate the progress being made in carrying out the agreement.

(b) REPORT.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the United States Trade Representative shall report to Congress on the existing United States agricultural trade deficit with the People's Republic of China.

(2) SUBSEQUENT REPORT.—Not later than 3 years after the report described in the paragraph (1), the United States Trade Representative shall report to Congress regarding the size and status of the agricultural trade deficit with the People's Republic of China and whether the People's Republic of China has taken steps to eliminate all barriers to trade in the agricultural sector.

(c) SENSE OF CONGRESS.—If the report described in subsection (b)(2) indicates that 3 years after the date nondiscriminatory treatment is permanently extended to the People's Republic of China, the agricultural trade deficit has not been reduced to one-third or less of the deficit reported under subsection (b)(1), it is the sense of Congress that the extension of nondiscriminatory trade treatment has not produced adequate benefits for United States farmers and the People's Republic of China is manifestly not implementing its bilateral agreement with the United States.

AMENDMENT NO. 4128

At the end of the bill, insert the following:

SEC. 702. SENSE OF CONGRESS REGARDING FORCED ABORTIONS IN CHINA.

(a) FINDINGS.—Congress makes the following findings:

(1) Forced abortion was rightly denounced as a crime against humanity by the Nuremberg War Crimes Tribunal.

(2) For more than 18 years there have been frequent, consistent, and credible reports of

forced abortion and forced sterilization in the People's Republic of China. These reports indicate the following:

(A) Although it is the stated position of the politburo of the Chinese Communist Party that forced abortion has no role in the population control program, in fact the Communist Chinese Government encourages forced abortion and forced sterilization through a combination of strictly enforced birth quotas, rewards for informants, and impunity for local population control officials who engage in coercion.

(B) A recent defector from the population control program, testifying at a congressional hearing on June 10, 1998, made clear that central government policy in China strongly encourages local officials to use coercive methods.

(C) Population control officials of the People's Republic of China, in cooperation with employers and works unit officials, routinely monitor women's menstrual cycles and subject women who conceive without government authorization to extreme psychological pressure, to harsh economic sanctions, including unpayable fines and loss of employment, and often to physical punishment.

(D) Especially harsh punishments have been inflicted on those whose resistance is motivated by religion. According to a 1995 Amnesty International report, the Catholic inhabitants of 2 villages in Hebei Province were subjected to enforcement measures including torture, sexual abuse, and the detention of resisters' relatives as hostages.

(E) Forced abortions in Communist China often have taken place in the very late stages of pregnancy, including numerous examples of actual infanticide.

(F) Since 1994 forced abortion has been used in Communist China not only to regulate the number of children, but also to destroy those who are regarded as defective because of physical or mental disabilities in accordance with the official eugenic policy known as the "Natal and Health Care Law".

(3) According to every annual State Department Country Report on Human Rights Practices for the People's Republic of China since 1983, Chinese officials have used coercive measures such as forced abortion, forced sterilization, and detention of resisters.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the President should urge the People's Republic of China to cease its forced abortion and forced sterilization policies and practices; and

(2) the President should urge the People's Republic of China to cease its detention of those who resist abortion or sterilization.

SMITH OF NEW HAMPSHIRE AMENDMENT NO. 4129

Mr. SMITH of New Hampshire proposed an amendment to the bill, H.R. 4444, supra; as follows:

DIVISION I

On page 46, between lines 3 and 4, insert the following:

SEC. 302A. MONITORING COOPERATION ON POW/MIA ISSUES.

(a) IN GENERAL.—The Commission shall monitor and encourage the cooperation of the People's Republic of China in accounting for United States personnel who are unaccounted for as a result of service in Asia during the Korean War, the Vietnam era, or the Cold War, including, but not limited to—

(1) providing access by Commission members and other representatives of the United States Government to reported sites of prisoner of war camps of the Korean War era in the People's Republic of China, and to archives, museums, and other holdings of the People's Republic of China, that are believed by the Commission to contain documents and other materials relevant to the accounting for such personnel; and

(2) providing access by Commission members and other representatives of the United States Government to military and civilian officials of the Government of the People's Republic of China, and facilitating access to private individuals in the People's Republic of China, who are determined by the Commission potentially to have information regarding the fate of such personnel.

(b) SPECIFIC INFORMATION IN ANNUAL REPORTS.—The Commission's report under section 302(g) shall also include the following:

(1) An assessment of the contribution to the accounting for missing United States personnel covered by subsection (a) of the information obtained by the Commission and other United States Government agencies under that subsection during the period covered by the report.

(2) A description and assessment of the cooperation of the People's Republic of China in accounting for United States personnel covered by subsection (a) during the period covered by the report.

(3) A list of the archives, museums, and holdings in the People's Republic of China, and of the reported sites of prisoner of war camps of the Korean War era in the People's Republic of China, proposed to be visited by the Commission, and by other representatives of the United States Government, during the 12-month period beginning on the date of the report.

(4) A list of the military and civilian officials of the Government of the People's Republic of China, and of the private individuals in the People's Republic of China, proposed to be interviewed by the Commission, and by other representatives of the United States Government, during the 12-month period beginning on the date of the report.

DIVISION II

SEC. 302B. MONITORING AND REPORTING ON COMMERCIAL ACTIVITIES BETWEEN UNITED STATES COMPANIES AND PEOPLE'S LIBERATION ARMY COMPANIES.

(a) MONITORING OF COMMERCIAL ACTIVITIES BETWEEN UNITED STATES COMPANIES AND PLA COMPANIES.—

(1) REQUIREMENT.—Beginning not later than 90 days after the date of enactment of this Act, the Commission, in cooperation with the Director of the Federal Bureau of Investigation, shall provide for the on-going monitoring of commercial activities, whether direct or indirect, between People's Liberation Army companies and United States companies.

(2) COORDINATION WITH OTHER FEDERAL AGENCIES.—

(A) IN GENERAL.—The monitoring required under paragraph (1) shall be carried out using the information, services, and assistance of any department or agency of the Federal Government, whether civilian or military, that the Director considers appropriate, including the Defense Intelligence Agency, the Central Intelligence Agency, and the United States Customs Service.

(B) COOPERATION.—The head of any department or agency of the Federal Government shall, upon request of the Director, provide the Federal Bureau of Investigation with such information, services, and other assistance in the monitoring required under paragraph (1) as the Director and the head of such department or agency jointly consider appropriate.

(b) ANNUAL REPORTS ON MONITORING.—

(1) REQUIREMENT.—Not later than six months after the date of enactment of this Act, and annually thereafter, the Commission, in cooperation with the Director of the Federal Bureau of Investigation, shall submit to Congress a report on the results of the monitoring activities carried out under subsection (a) during the one-year period ending on the date of the report.

(2) REPORT ELEMENTS.—Each report under this subsection shall set forth, for the one-year period covered by such report, the following:

(A) Information on the People's Liberation Army companies engaged in commercial activities with United States companies during such period, including—

(i) a list setting forth each People's Liberation Army company conducting business in the United States;

(ii) a list setting forth all People's Liberation Army products sold by United States companies to other United States companies or United States nationals;

(iii) a statement of the profits realized by the People's Liberation Army from the sale of products set forth in clause (ii) and on products sold directly to United States companies and United States nationals; and

(iv) a statement of the dollar amount spent for the purchase of the products covered by clause (iii).

(B) An assessment of the consequences for United States national security of the sale of People's Liberation Army products to United States companies and United States nationals, including—

(i) an assessment of the relationships between People's Liberation Army companies and United States companies;

(ii) an assessment of the use of the profits of such sales by the People's Liberation Army; and

(iii) a description and assessment of any technology transfers between United States companies and People's Liberation Army companies.

(3) FORM OF REPORT.—Each report under this subsection shall be submitted in unclassified form, but may contain a classified annex.

(c) DEFINITIONS.—In this section:

(1) PEOPLE'S LIBERATION ARMY COMPANY.—The term "People's Liberation Army company" means any commercial person or entity that is owned by, associated with, or an auxiliary to the People's Liberation Army, including any armed force of the People's Liberation Army, any intelligence service of the People's Republic of China, or the People's Armed Police.

(2) ORGANIZED UNDER THE LAWS OF THE UNITED STATES.—The term "organized under the laws of the United States" means organized under the laws of the United States, any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, or any other territory or possession of the United States.

(3) UNITED STATES COMPANY.—The term "United States company" means a corporation, partnership, or other business association organized under the laws of the United States.

DIVISION III

SEC. 302C. MONITORING AND REPORTING ON DEVELOPMENT OF SPACE CAPABILITIES.

(a) IN GENERAL.—The Commission shall, with the support of other United States Government agencies, monitor the development of military space capabilities in the People's Republic of China, including—

(1) the extent to which the membership of the People's Republic of China in the World Trade Organization facilitates its acquisition of space and space-applicable technologies;

(2) the extent to which commercial space revenues in the People's Republic of China support and enhance space activities in the People's Republic of China;

(3) the extent to which Federal subsidies for United States companies doing business in the People's Republic of China enhances space activities in the People's Republic of China;

(4) the extent to which the People's Republic of China proliferates space technology to other Nations; and

(5) the extent to which both manned and unmanned space activities in the People's Republic of China—

(A) support land, sea, and air forces of the People's Republic of China;

(B) threaten the United States and its allies' land, sea, and air forces and

(C) threaten the United States and its allies' military, civil, and commercial space assets.

(b) SPECIFIC INFORMATION IN ANNUAL REPORTS.—The Commission's report under section 302(g) shall include specific information on the nature of the technologies and programs relating to military space development by the Peoples Republic of China described in subsection (a). The report may contain separate classified annexes if necessary.

DIVISION IV

SEC. 302D. MONITORING AND REPORTING ON COOPERATION ON ENVIRONMENTAL PROTECTION.

(a) IN GENERAL.—The Commission shall monitor and encourage the cooperation of the People's Republic of China in—

(1) the implementation and enforcement of laws for the protection of human health and the protection, restoration, and preservation of the environment that are at least as comprehensive and effective as comparable laws of the United States, including—

(A) the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.);

(B) the Toxic Substances Control Act (15 U.S.C. 2601 et seq.);

(C) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(D) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(E) the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1401 et seq.);

(F) the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.);

(G) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(H) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(I) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);

(J) the Clean Air Act (42 U.S.C. 7401 et seq.);

(K) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);

(L) the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11001 et seq.); and

(M) the Pollution Prevention Act of 1990 (42 U.S.C. 13101 et seq.); and

(2) the allocation, for assisting and ensuring compliance with the laws specified in paragraph (1), of sufficient resources, including funds, to achieve material and measurable progress on a permanent basis in the protection of human health and the protection, restoration, and preservation of the environment.

(b) SPECIFIC INFORMATION IN ANNUAL REPORTS.—The Commission's report under section 302(g) shall also include, for the period for which the report is submitted, a description of the results of the monitoring required under subsection (a), including an analysis of any progress of the People's Republic of China in implementing and enforcing environmental laws as described in that subsection.

DIVISION V

SEC. 302F. MONITORING AND REPORTING ON CONDITIONS RELATING TO ORPHANS AND ORPHANAGES.

(a) MONITORING.—The Commission shall monitor the actions of the People's Republic of China, and particularly the Ministry of Civil Affairs, to determine if the People's Republic of China has demonstrated that—

(1) the quality of care of orphans in the People's Republic of China has improved by providing specific data such as survival rates of orphans and the ratio of workers-to-orphans in orphanages;

(2) orphans are receiving proper medical care and nutrition;

(3) there is increased accountability of how public and private funds are spent with respect to the care of orphans;

(4) international adoption and Chinese adoptions are being encouraged; and

(5) efforts are being made to help children (and particularly children with special needs) get adopted.

(b) SPECIFIC INFORMATION IN ANNUAL REPORTS.—The Commission's report under section 302(g) shall also include a description of the results of the monitoring required under subsection (a), including what actions have been taken by the People's Republic of China with respect to improving the quality of care of orphans and encouraging international and Chinese adoptions.

DIVISION VI

SEC. 302H. MONITORING AND REPORTING ON ORGAN HARVESTING AND TRANSPLANTING IN THE PEOPLE'S REPUBLIC OF CHINA.

(a) MONITORING.—The Commission shall monitor the actions of the Government of the People's Republic of China with respect to its practice of harvesting and transplanting organs for profit from prisoners that it executes.

(b) SPECIFIC INFORMATION IN ANNUAL REPORTS.—The Commission's report under section 302(g) shall also include a description of the results of the monitoring required under subsection (a), including what actions have been taken by the People's Republic of China with respect to eliminating the practice of harvesting and transplanting organs for profit.

KING AND TSIORVAS PIPELINE SAFETY IMPROVEMENT ACT OF 2000

McCAIN (AND OTHERS) AMENDMENT NO. 4130

Mr. GORTON (for Mr. McCAIN (for himself, Mr. GORTON, Mrs. MURRAY, Mr. BINGAMAN, Mr. DOMENICI, and Mr. ROBB)) proposed an amendment to the bill (S. 2438) to provide for enhanced safety, public awareness, and environmental protection in pipeline transportation, and for other purposes; as follows:

On page 18, strike lines 22 through 25 and insert the following:

"(A) periodic assessment of the integrity of the pipeline through methods including internal inspection, pressure testing, direct assessment, or other effective methods;".

On page 19, line 2, strike "inspection or testing done" and insert "periodic assessment methods carried out".

On page 19, line 4, insert "and" after the semicolon.

On page 19, line 8, strike "measures; and" and insert "measures.".

On page 19, strike lines 9 through 13.

On page 19, beginning in line 15, strike "inspections or testing" and insert "assessment methods carried out".

On page 21, line 2, strike the closing quotation marks and the second period.

On page 21, between lines 2 and 3, insert the following:

"(6) OPPORTUNITY FOR LOCAL INPUT ON INTEGRITY MANAGEMENT.—Within 18 months after the date of enactment of the Pipeline Safety Improvement Act of 2000, the Secretary shall, by regulation, establish a process for raising and addressing local safety concerns about pipeline integrity and the operator's pipeline integrity plan. The process shall include—

"(A) a requirement that an operator of a hazardous liquid or natural gas transmission pipeline facility provide information about the risk analysis and integrity management plan required under this section to local officials in a State in which the facility is located;

"(B) a description of the local officials required to be informed, the information that is to be provided to them and the manner, which may include traditional or electronic means, in which it is provided;

"(C) the means for receiving input from the local officials that may include a public forum sponsored by the Secretary or by the State, or the submission of written comments through traditional or electronic means;

"(D) the extent to which an operator of a pipeline facility must participate in a public forum sponsored by the Secretary or in another means for receiving input from the local officials or in the evaluation of that input; and

"(E) the manner in which the Secretary will notify the local officials about how their concerns are being addressed.".

On page 21, line 14, strike "of" the first place it appears and insert "or".

On page 21, line 17, insert "and" after the semicolon.

On page 21, line 19, strike "hazardous;' and" and insert "hazardous,'."

On page 21, beginning with line 20, strike through line 13 on page 22.

On page 24, line 16, strike "any" and insert "the operator's".

On page 24, line 23, insert a comma after "facility".

On page 27, between lines 3 and 4, insert the following:

(b) SAFETY CONDITION REPORTS.—Section 60102(h)(2) is amended by striking "authorities." and inserting "officials, including the local emergency responders.".

On page 27, line 4, strike "(b)" and insert "(c)".

On page 30, line 8, after the period insert: "Nothing in this section modifies section 60104(c) or authorizes the Secretary to delegate the enforcement of safety standards prescribed under this chapter to a State authority.".

On page 31, strike lines 7 through 13 and insert the following:

"(3) EXISTING AGREEMENTS.—If requested by the State Authority, the Secretary shall authorize a State Authority which had an interstate agreement in effect after January, 1999, to oversee interstate pipeline transportation pursuant to the terms of that agreement until the Secretary determines that the State meets the requirements of paragraph (2) and executes a new agreement, or until December 31, 2001, whichever is sooner. Nothing in this paragraph shall prevent the Secretary, after affording the State notice, hearing, and an opportunity to correct any alleged deficiencies, from terminating an agreement that was in effect before enactment of the Pipeline Safety Improvement Act of 2000 if—

"(A) the State Authority fails to comply with the terms of the agreement;

"(B) implementation of the agreement has resulted in a gap in the oversight responsibilities of intrastate pipeline transportation by the State Authority; or

"(C) continued participation by the State Authority in the oversight of interstate pipeline transportation has had an adverse impact on pipeline safety.".

On page 32, line 10, strike "is not promoting" and insert "would not promote".

On page 32, beginning with line 22, strike through line 4 on page 34.

On page 36, beginning with line 12, strike through line 9 on page 37 and insert the following:

SEC. 11. RESEARCH AND DEVELOPMENT.

(a) INNOVATIVE TECHNOLOGY DEVELOPMENT.—

(1) IN GENERAL.—As part of the Department of Transportation's research and development program, the Secretary of Transportation shall direct research attention to the development of alternative technologies—

(A) to expand the capabilities of internal inspection devices to identify and accurately measure defects and anomalies;

(B) to inspect pipelines that cannot accommodate internal inspection devices available on the date of enactment;

(C) to develop innovative techniques measuring the structural integrity of pipelines;

(D) to improve the capability, reliability, and practicality of external leak detection devices; and

(E) to develop and improve alternative technologies to identify and monitor outside force damage to pipelines.

(2) COOPERATIVE.—The Secretary may participate in additional technological development through cooperative agreements with trade associations, academic institutions, or other qualified organizations.

(b) PIPELINE SAFETY AND RELIABILITY, RESEARCH AND DEVELOPMENT.—

(1) IN GENERAL.—The Secretary of Transportation, in coordination with the Secretary of Energy, shall develop and implement an accelerated cooperative program of research and development to ensure the integrity of natural gas and hazardous liquid pipelines. This research and development program—

(A) shall include materials inspection techniques, risk assessment methodology, and information systems surety; and

(B) shall complement, and not replace, the research program of the Department of Energy addressing natural gas pipeline issues existing on the date of enactment of this Act.

(2) PURPOSE.—The purpose of the cooperative research program shall be to promote pipeline safety research and development to—

(A) ensure long-term safety, reliability and service life for existing pipelines;

(B) expand capabilities of internal inspection devices to identify and accurately measure defects and anomalies;

(C) develop inspection techniques for pipelines that cannot accommodate the internal inspection devices available on the date of enactment;

(D) develop innovative techniques to measure the structural integrity of pipelines to prevent pipeline failures;

(E) develop improved materials and coatings for use in pipelines;

(F) improve the capability, reliability, and practicality of external leak detection devices;

(G) identify underground environments that might lead to shortened service life;

(H) enhance safety in pipeline siting and land use;

(I) minimize the environmental impact of pipelines;

(J) demonstrate technologies that improve pipeline safety, reliability, and integrity;

(K) provide risk assessment tools for optimizing risk mitigation strategies; and

(L) provide highly secure information systems for controlling the operation of pipelines.

(3) AREAS.—In carrying out this subsection, the Secretary of Transportation, in coordination with the Secretary of Energy, shall consider research and development on natural gas, crude oil and petroleum product pipelines for—

(A) early crack, defect, and damage detection, including real-time damage monitoring;

(B) automated internal pipeline inspection sensor systems;

(C) land use guidance and set back management along pipeline rights-of-way for communities;

(D) internal corrosion control;

(E) corrosion-resistant coatings;

(F) improved cathodic protection;

(G) inspection techniques where internal inspection is not feasible, including measurement of structural integrity;

(H) external leak detection, including portable real-time video imaging technology, and the advancement of computerized control center leak detection systems utilizing real-time remote field data input;

(I) longer life, high strength, non-corrosive pipeline materials;

(J) assessing the remaining strength of existing pipes;

(K) risk and reliability analysis models, to be used to identify safety improvements that could be realized in the near term resulting from analysis of data obtained from a pipeline performance tracking initiative;

(L) identification, monitoring, and prevention of outside force damage, including satellite surveillance; and

(M) any other areas necessary to ensuring the public safety and protecting the environment.

(4) POINTS OF CONTACT.—

(A) IN GENERAL.—To coordinate and implement the research and development programs and activities authorized under this subsection—

(i) the Secretary of Transportation shall designate, as the point of contact for the Department of Transportation, an officer of the Department of Transportation who has been appointed by the President and confirmed by the Senate; and

(ii) the Secretary of Energy shall designate, as the point of contact for the Department of Energy, an officer of the Department of Energy who has been appointed by the President and confirmed by the Senate.

(B) DUTIES.—

(i) The point of contact for the Department of Transportation shall have the primary responsibility for coordinating and overseeing the implementation of the research, development, and demonstration program plan under paragraphs (5) and (6).

(ii) The points of contact shall jointly assist in arranging cooperative agreements for research, development and demonstration involving their respective Departments, national laboratories, universities, and industry research organizations.

(5) RESEARCH AND DEVELOPMENT PROGRAM PLAN.—Within 240 days after the date of enactment of this Act, the Secretary of Transportation, in coordination with the Secretary of Energy and the Pipeline Integrity Technical Advisory Committee, shall prepare and submit to the Congress a 5-year program plan to guide activities under this subsection. In preparing the program plan, the Secretary shall consult with appropriate representatives of the natural gas, crude oil, and petroleum product pipeline industries to select and prioritize appropriate project proposals. The Secretary may also seek the advice of utilities, manufacturers, institutions of higher learning, Federal agencies, the pipeline research institutions, national laboratories, State pipeline safety officials, environmental organizations, pipeline safety advocates, and professional and technical societies.

(6) IMPLEMENTATION.—The Secretary of Transportation shall have primary responsibility for ensuring the 5-year plan provided for in paragraph (5) is implemented as intended. In carrying out the research, development, and demonstration activities under this paragraph, the Secretary of Transportation and the Secretary of Energy may use, to the extent authorized under applicable provisions of law, contracts, cooperative agreements, cooperative research and development agreements under the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.), grants, joint ventures, other transactions, and any other form of agreement available to the Secretary consistent with the recommendations of the Advisory Committee.

(7) REPORTS TO CONGRESS.—The Secretary of Transportation shall report to the Congress annually as to the status and results to date of the implementation of the research and development program plan. The report shall include the activities of the Departments of Transportation and Energy, the national laboratories, universities, and any other research organizations, including industry research organizations.

SEC. 12. PIPELINE INTEGRITY TECHNICAL ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Secretary of Transportation shall enter into appropriate arrangements with the National Academy of Sciences to establish and manage the Pipeline Integrity Technical Advisory Committee for the purpose of advising the Secretary of Transportation and the Secretary of Energy on the development and implementation of the 5-year research, development, and demonstration program plan under section 11(b)(5). The Advisory Committee shall have an ongoing role in evaluating the progress and results of the research, development, and demonstration carried out under that section.

(b) MEMBERSHIP.—The National Academy of Sciences shall appoint the members of the Pipeline Integrity Technical Advisory Committee after consultation with the Secretary of Transportation and the Secretary of Energy. Members appointed to the Advisory Committee should have the necessary qualifications to provide technical contributions to the purposes of the Advisory Committee.

On page 37, line 10, strike "**SEC. 12.**" and insert "**SEC. 13.**".

On page 38, between lines 21 and 22, insert the following:

(d) PIPELINE INTEGRITY PROGRAM.—

(1) There are authorized to be appropriated to the Secretary of Transportation for carrying out sections 11(b) and 12 of this Act $3,000,000, to be derived from user fees under section 60125 of title 49, United States Code, for each of the fiscal years 2001 through 2005.

(2) Of the amounts available in the Oil Spill Liability Trust Fund established by section 9509 of the Internal Revenue Code of 1986 (26 U.S.C. 9509), $3,000,000 shall be transferred to the Secretary of Transportation to carry out programs for detection, prevention and mitigation of oil spills under sections 11(b) and 12 of this Act for each of the fiscal years 2001 through 2005.

(3) There are authorized to be appropriated to the Secretary of Energy for carrying out sections 11(b) and 12 of this Act such sums as may be necessary for each of the fiscal years 2001 through 2005.

On page 38, line 22, strike "**SEC. 13.**" and insert "**SEC. 14.**".

On page 39, strike lines 6 through 14 and insert the following:

(b) CORRECTIVE ACTION ORDERS.—Section 60112(d) is amended—

(1) by inserting "(1)" after "CORRECTIVE ACTION ORDERS.—"; and

(2) by adding at the end the following:

"(2) If, in the case of a corrective action order issued following an accident, the Secretary determines that the actions of an employee carrying out an activity regulated under this chapter, including duties under section 60102(a), may have contributed substantially to the cause of the accident, the Secretary shall direct the operator to relieve the employee from performing those activities, reassign the employee, or place the employee on leave until—

"(A) the Secretary determines that the employee's performance of duty in carrying out the activity did not contribute substantially to the cause of the accident; or

"(B) the Secretary determines the employee has been re-qualified or re-trained as provided for in section 4 of the Pipeline Safety Improvement Act of 2000 and can safely perform those activities.

"(3) Disciplinary action taken by an operator under paragraph (2) shall be in accordance with the terms and conditions of any applicable collective bargaining agreement to the extent it is not inconsistent with the requirements of this section.".

On page 39, line 15, strike "**SEC. 14.**" and insert "**SEC. 15.**".

On page 49, beginning with line 4, strike through line 16 on page 52 and insert the following:

SEC. 16. STATE PIPELINE SAFETY ADVISORY COMMITTEES.

Within 90 days after receiving recommendations for improvements to pipeline safety from an advisory committee appointed by the governor of any State, the Secretary of Transportation shall respond in writing to the committee setting forth what action, if any, the Secretary will take on those recommendations and the Secretary's reasons for acting or not acting upon any of the recommendations.

On page 52, line 17, strike "**SEC. 16.**" and insert "**SEC. 17.**".

On page 53, line 5, strike "**SEC. 17.**" and insert "**SEC. 18.**".

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources.

The hearing will take place on Friday, September 15, 2000 at 10:00 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to conduct oversight on Federal agency preparedness for the Summer 2000 wildfires.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Mark Rey at (202) 224-6170.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. HAGEL. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, September 7, 2000, at 9:00 a.m. to conduct a business meeting to consider S. 2962, a bill to amend the Clean Air Act to address problems concerning methyl tertiary butyl ether, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. HAGEL. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, September 7, 2000 to mark up a reconciliation bill on the subject of retirement security.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. HAGEL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 7, 2000, at 9:30 am to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL SECURITY, PROLIFERATION AND FEDERAL SERVICES

Mr. HAGEL. Mr. President, I ask unanimous consent that the Governmental Affairs Subcommittee on International Security, Proliferation, and Federal Services be authorized to meet during the session of the Senate on Thursday, September 7, 2000, at 10:00 a.m. for a hearing on the E-Commerce Activities of the United States Postal Service.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. HAGEL. Mr. President, I ask unanimous consent that David Dorman, a fellow in my office, be granted floor privileges during the course of today's proceedings.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following report(s) of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

ADDENDUM TO FIRST QUARTER OF 2000 CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Richard Shelby			3,994.00		165.00				4,159.00

ADDENDUM TO FIRST QUARTER OF 2000 CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2000—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
William Duhnke			3,016.00		165.00				3,181.00
Kathy Casey			3,644.00		2,355.00				5,999.00
Andrea Andrews			3,994.00						3,994.00
Total			14,648.00		2,685.00				17,333.00

RICHARD SHELBY,
Chairman, Committee on Intelligence, July 24, 2000.

ADDENDUM TO FIRST QUARTER OF 2000 CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM APR. 1 TO JUNE 30, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Richard Shelby			2,933.00		4,557.90				7,490.90
Peter Dorn			2,930.00		5,352.00				8,282.00
Senator Richard Shelby			3,419.00						3,419.00
Senator Richard Bryan			2,928.00						2,928.00
Alfred Cumming			2,619.00						2,619.00
Senator Frank Lautenberg			504.00		2,073.80				2,577.80
Vicki Divoll			485.00		1,827.80				2,312.80
Anne Caldwell			2,919.00						2,919.00
William Duhnke			2,582.00						2,582.00
Total			21,319.00		13,811.50				35,130.50

RICHARD SHELBY,
Chairman, Committee on Intelligence, July 24, 2000.

ADDENDUM TO FIRST QUARTER OF 2000 CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM APR. 1 TO JUNE 30, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Jay Kimmitt:									
Bosnia	Dollar		351.00						351.00
Croatia	Dollar		274.00						274.00
Macedonia	Dollar		225.00						225.00
Turkey	Dollar		1,138.00						1,138.00
Italy	Dollar		945.00						945.00
John Young:									
Russia	Dollar		1,350.00						1,350.00
Ukraine	Dollar		763.00						763.00
Turkey	Dollar		918.00						918.00
Bulgaria	Dollar		388.00						388.00
Senator Kay Bailey Hutchison:									
Croatia	Dollar		207.00				557.00		764.00
Dave Davis:									
Croatia	Dollar		207.00				557.00		764.00
Larry DiRita:									
Croatia	Dollar		207.00				557.00		764.00
Senator Daniel K. Inouye:									
Israel	Dollar		578.00						578.00
Tim Rieser:									
United States	Dollar				2,505.23				2,505.23
Singapore	Dollar		168.00						168.00
Cambodia	Dollar		710.40						710.40
Hong Kong	Dollar		180.00						180.00
Kevin Linskey:									
Turkey	Lire		634.00		3,774.80				4,408.80
Lila Helms:									
Turkey	Lire		634.00		3,774.80				4,408.80
John Young:									
Russia	Dollar		1,350.00						1,350.00
Ikraine	Dollar		763.00						763.00
Turkey	Dollar		918.00						918.00
Bulgaria	Dollar		388.00						388.00
Total			13,296.40		10,054.83		1,671.00		24,896.23

TED STEVENS,
Chairman, Committee on Appropriations, July 25, 2000.

PIPELINE SAFETY IMPROVEMENT ACT OF 2000

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 763, S. 2438.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read, as follows:

A bill (S. 2438) to provide for enhanced safety, public awareness, and environmental protection in pipeline transportation, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science, and Transportation with an amendment as follows:

[Strike out all after the enacting clause and insert the part printed in italic.]

SECTION 1. SHORT TITLE; AMENDMENT OF TITLE 49, UNITED STATES CODE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Pipeline Safety Improvement Act of 2000".

(b) Amendment of Title 49, United States Code.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 2. IMPLEMENTATION OF INSPECTOR GENERAL RECOMMENDATIONS.

(a) In General.—Except as otherwise required by this Act, the Secretary shall implement the safety improvement recommendations provided for in the Department of Transportation Inspector General's Report (RT-2000-069).

(b) Reports by the Secretary.—Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter until each of the recommendations referred to in subsection (a) has been implemented, the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the specific actions taken to implement such recommendations.

(c) Reports by the Inspector General.—The Inspector General shall periodically transmit to the Committees referred to in subsection (b) a report assessing the Secretary's progress in implementing the recommendations referred to in subsection (a) and identifying options for the Secretary to consider in accelerating recommendation implementation.

SEC. 3. NTSB SAFETY RECOMMENDATIONS.

(a) In General.—The Secretary of Transportation, the Administrator of Research and Special Program Administration, and the Director of the Office of Pipeline Safety shall fully comply with section 1135 of title 49, United States Code, to ensure timely responsiveness to National Transportation Safety Board recommendations about pipeline safety.

(b) Public Availability.—The Secretary, Administrator, or Director, respectively, shall make a copy of each recommendation on pipeline safety and response, as described in sections 1135 (a) and (b) of title 49, United States Code, available to the public at reasonable cost.

(c) Reports to Congress.—The Secretary, Administrator, or Director, respectively, shall submit to the Congress by January 1 of each year a report containing each recommendation on pipeline safety made by the Board during the prior year and a copy of the response to each such recommendation.

SEC. 4. QUALIFICATIONS OF PIPELINE PERSONNEL.

(a) Qualification Plan.—Each pipeline operator shall make available to the Secretary of Transportation, or, in the case of an intrastate pipeline facility operator, the appropriate State regulatory agency, a plan that is designed to enhance the qualifications of pipeline personnel and to reduce the likelihood of accidents and injuries. The plan shall be made available not more than 6 months after the date of enactment of this Act, and the operator shall revise or update the plan as appropriate.

(b) Requirements.—The enhanced qualification plan shall include, at a minimum, criteria to demonstrate the ability of an individual to safely and properly perform tasks identified under section 60102 of title 49, United States Code. The plan shall also provide for training and periodic reexamination of pipeline personnel qualifications and provide for requalification as appropriate. The Secretary, or, in the case of an intrastate pipeline facility operator, the appropriate State regulatory agency, may review and certify the plans to determine if they are sufficient to provide a safe operating environment and shall periodically review the plans to ensure the continuation of a safe operation. The Secretary may establish minimum standards for pipeline personnel training and evaluation, which may include written examination, oral examination, work performance history review, observation during performance on the job, on the job training, simulations, or other forms of assessment.

(c) Report to Congress.—

(1) In general.—The Secretary shall submit a report to the Congress evaluating the effectiveness of operator qualification and training efforts, including—

(A) actions taken by inspectors;

(B) recommendations made by inspectors for changes to operator qualification and training programs; and

(C) industry responses to those actions and recommendations.

(2) Criteria.—The Secretary may establish criteria for use in evaluating and reporting on operator qualification and training for purposes of this subsection.

(3) Due date.—The Secretary shall submit the report required by paragraph (1) to the Congress 3 years after the date of enactment of this Act.

SEC. 5. PIPELINE INTEGRITY INSPECTION PROGRAM.

Section 60109 is amended by adding at the end the following:

"(c) Integrity Management.—

"(1) General requirement.—The Secretary shall promulgate regulations requiring operators of hazardous liquid pipelines and natural gas transmission pipelines to evaluate the risks to the operator's pipeline facilities in areas identified pursuant to subsection (a)(1), and to adopt and implement a program for integrity management that reduces the risk of an incident in those areas. The regulations shall be issued no later than one year after the Secretary has issued standards pursuant to subsections (a) and (b) of this section or by December 31, 2001, whichever is sooner.

"(2) Standards for program.—In promulgating regulations under this section, the Secretary shall require an operator's integrity management plan to be based on risk analysis and each plan shall include, at a minimum—

"(A) internal inspection or pressure testing, or another equally protective method, where these techniques are not feasible, that periodically assesses the integrity of the pipeline;

"(B) clearly defined criteria for evaluating the results of the inspection or testing done under subparagraph (A) and procedures to ensure identified problems are corrected in a timely manner;

"(C) measures, as appropriate, that prevent and mitigate unintended releases, such as leak detection, integrity evaluation, restrictive flow devices, or other measures; and

"(D) a description of the operators' consultation with State and local officials during development of the integrity management plan and actions taken by the operator to address safety concerns raised by such officials.

"(3) Criteria for program standards.—In deciding how frequently the integrity inspections or testing under paragraph (2)(A) must be conducted, an operator shall take into account the potential for new defects developing or previously identified structural defects caused by construction or installation, the operational characteristics of the pipeline, and leak history. In addition, the Secretary may establish a minimum testing requirement for operators of pipelines to conduct internal inspections.

"(4) State role.—A State authority that has an agreement in effect with the Secretary under section 60106 is authorized to review and assess an operator's risk analyses and integrity management plans required under this section for interstate pipelines located in that State. The reviewing State authority shall provide the Secretary with a written assessment of the plans, make recommendations, as appropriate, to address safety concerns not adequately addressed in the operator's plans, and submit documentation explaining the State-proposed plan revisions. The Secretary shall carefully consider the State's proposals and work in consultation with the States and operators to address safety concerns.

"(5) Monitoring implementation.—The Secretary of Transportation shall review the risk analysis and program for integrity management required under this section and provide for continued monitoring of such plans. Not later than 2 years after the implementation of integrity management plans under this section, the Secretary shall complete an assessment and evaluation of the effects on safety and the environment of extending all of the requirements mandated by the regulations described in paragraph (1) to additional areas. The Secretary shall submit the assessment and evaluation to Congress along with any recommendations to improve and expand the utilization of integrity management plans.".

SEC. 6. ENFORCEMENT.

(a) In General.—Section 60112 is amended—

(1) by striking subsection (a) and inserting the following:

"(a) General Authority.—After notice and an opportunity for a hearing, the Secretary of Transportation may decide a pipeline facility is hazardous if the Secretary decides that—

"(1) operation of the facility is or would be hazardous to life, property, or the environment; or

"(2) the facility is, or would be, constructed or operated, of a component of the facility is, or would be, constructed or operated with equipment, material, or a technique that the Secretary decides is hazardous to life, property, or the environment.";

(2) by striking "is hazardous," in subsection (d) and inserting "is, or would be, hazardous'; and

(3) by adding at the end thereof the following:

"(f) Shutdown Authority.—

"(1) In general.—If the Secretary, or, in the case of an intrastate pipeline facility operator, the appropriate State regulatory agency, determines that allowing the continued operation of a hazardous liquid or natural gas pipeline creates an imminent hazard (as defined in section 5102(5)), the Secretary or the agency shall take such action as may be necessary to prevent or restrict the operation of that system for 30 days.

"(2) Subsequent extension after notice and hearing.—After taking action under paragraph (1), the Secretary or the agency may extend the period that action is in effect if the Secretary or the agency determines, after notice and an opportunity for a hearing, that allowing the operation of the pipeline to resume would create an imminent hazard (as defined in section 5102).".

SEC. 7. PUBLIC EDUCATION, EMERGENCY PREPAREDNESS, AND COMMUNITY RIGHT TO KNOW.

(a) Section 60116 is amended to read as follows:

"§ 60116. Public education, emergency preparedness, and community right to know

"(a) Public Education Programs.—

"(1) Each owner or operator of a gas or hazardous liquid pipeline facility shall carry out a continuing program to educate the public on the

use of a one-call notification system prior to excavation and other damage prevention activities, the possible hazards associated with unintended releases from the pipeline facility, the physical indications that such a release may have occurred, what steps should be taken for public safety in the event of a pipeline release, and how to report such an event.

"(2) Within 12 months after the date of enactment of the Pipeline Safety Improvement Act of 2000, each owner or operator of a gas or hazardous liquid pipeline facility shall review its existing public education program for effectiveness and modify the program as necessary. The completed program shall include activities to advise affected municipalities, school districts, businesses, and residents of pipeline facility locations. The completed program shall be submitted to the Secretary or, in the case of an intrastate pipeline facility operator, the appropriate State agency and shall be periodically reviewed by the Secretary or, in the case of an intrastate pipeline facility operator, the appropriate State agency.

"(3) The Secretary may issue standards prescribing the elements of an effective public education program. The Secretary may also develop material for use in the program.

"(b) Emergency Preparedness.—

"(1) Operator liaison.—Within 12 months after the date of enactment of the Pipeline Safety Improvement Act of 2000, an operator of a gas transmission or hazardous liquid pipeline facility shall initiate and maintain liaison with the State emergency response commissions, and local emergency planning committees in the areas of pipeline right-of-way, established under section 301 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11001) in each State in which it operates.

"(2) Information.—An operator shall, upon request, make available to the State emergency response commissions and local emergency planning committees, and shall make available to the Office of Pipeline Safety in a standardized form for the purpose of providing the information to the public, the information described in section 60102(d), any program for integrity management, and information about implementation of that program. The information about the facility shall also include, at a minimum—

"(A) the business name, address, telephone number of the operator, including a 24-hour emergency contact number;

"(B) a description of the facility including pipe diameter, the product or products carried, and the operating pressure;

"(C) with respect to transmission pipeline facilities, maps showing the location of the facility and, when available, any high consequence areas which the pipeline facility traverses or adjoins and abuts;

"(D) a summary description of the integrity measures the operator uses to assure safety and protection for the environment; and

"(E) a point of contact to respond to questions from emergency response representative.

"(3) Smaller communities.—In a community without a local emergency planning committee, the operator shall maintain liaison with the local fire, police, and other emergency response agencies.

"(4) Public access.—The Secretary shall prescribe requirements for public access, as appropriate, to this information, including a requirement that the information be made available to the public by widely accessible computerized database.

"(c) Community Right To Know.—Not later than 12 months after the date of enactment of the Pipeline Safety Improvement Act of 2000, and annually thereafter, the owner or operator of each gas transmission or hazardous liquid pipeline facility shall provide to the governing body of each municipality in which the pipeline facility is located, a map identifying the location of such facility. The map may be provided in electronic form. The Secretary may provide technical assistance to the pipeline industry on developing public safety and public education program content and best practices for program delivery, and on evaluating the effectiveness of the programs. The Secretary may also provide technical assistance to State and local officials in applying practices developed in these programs to their activities to promote pipeline safety.

"(d) Public Availability of Reports.—The Secretary shall—

"(1) make available to the public—

"(A) a safety-related condition report filed by an operator under section 60102(h);

"(B) a report of a pipeline incident filed by an operator;

"(C) the results of any inspection by the Office of Pipeline Safety or a State regulatory official; and

"(D) a description of any corrective action taken in response to a safety-related condition reported under subparagraph (A), (B), or (C); and

"(2) prescribe requirements for public access, as appropriate, to integrity management program information prepared under this chapter, including requirements that will ensure data accessibility to the greatest extent feasible.".

(b) Conforming Amendment.—The chapter analysis for chapter 601 is amended by striking the item relating to section 60116 and inserting the following:

"60116. Public education, emergency preparedness, community right to know".

SEC. 8. PENALTIES.

(a) Civil Penalties.—Section 60122 is amended—

(1) by striking "$25,000" in subsection (a)(1) and inserting "$500,000";

(2) by striking "$500,000" in subsection (a)(1) and inserting "$1,000,000";

(3) by adding at the end of subsection (a)(1) the following: "The preceding sentence does not apply to judicial enforcement action under section 60120 or 60121."; and

(4) by striking subsection (b) and inserting the following:

"(b) Penalty Considerations.—In determining the amount of a civil penalty under this section—

"(1) the Secretary shall consider—

"(A) the nature, circumstances, and gravity of the violation, including adverse impact on the environment;

"(B) with respect to the violator, the degree of culpability, any history of prior violations, the ability to pay, any effect on ability to continue doing business; and

"(C) good faith in attempting to comply; and

"(2) the Secretary may consider—

"(A) the economic benefit gained from the violation without any discount because of subsequent damages; and

"(B) other matters that justice requires.".

(b) Excavator Damage.—Section 60123(d) is amended—

(1) by striking "knowingly and willfully";

(2) by inserting "knowingly and willfully" before "engages" in paragraph (1); and

(3) striking paragraph (2)(B) and inserting the following:

"(B) a pipeline facility, is aware of damage, and does not report the damage promptly to the operator of the pipeline facility and to other appropriate authorities; or".

(c) Civil Actions.—Section 60120(a)(1) is amended to read as follows:

"(1) On the request of the Secretary of Transportation, the Attorney General may bring a civil action in an appropriate district court of the United States to enforce this chapter, including section 60112 of this chapter, or a regulation prescribed or order issued under this chapter. The court may award appropriate relief, including a temporary or permanent injunction, punitive damages, and assessment of civil penalties considering the same factors as prescribed for the Secretary in an administrative case under section 60122.".

SEC. 9. STATE OVERSIGHT ROLE.

(a) State Agreements With Certification.—Section 60106 is amended—

(1) by striking "General Authority.—" in subsection (a) and inserting "Agreements Without Certification.—";

(2) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e); and

(3) by inserting after subsection (a) the following:

"(b) Agreements With Certification.—

"(1) In general.—If the Secretary accepts a certification under section 60105 of this title and makes the determination required under this subsection, the Secretary may make an agreement with a State authority authorizing it to participate in the oversight of interstate pipeline transportation. Each such agreement shall include a plan for the State authority to participate in special investigations involving incidents or new construction and allow the State authority to participate in other activities overseeing interstate pipeline transportation or to assume additional inspection or investigatory duties.

"(2) Determinations required.—The Secretary may not enter into an agreement under this subsection, unless the Secretary determines that—

"(A) the agreement allowing participation of the State authority is consistent with the Secretary's program for inspection and consistent with the safety policies and provisions provided under this chapter;

"(B) the interstate participation agreement would not adversely affect the oversight responsibilities of intrastate pipeline transportation by the State authority;

"(C) the State is carrying out a program demonstrated to promote preparedness and risk prevention activities that enable communities to live safely with pipelines;

"(D) the State meets the minimum standards for State one-call notification set forth in chapter 61; and

"(E) the actions planned under the agreement would not impede interstate commerce or jeopardize public safety.

"(3) Existing agreements.—Except as provided in subsection (e), an agreement between the Secretary and a State authority that is in effect on the date of enactment of the Pipeline Safety Improvement Act of 2000 shall remain in effect until the Secretary determines that the State meets the requirements for a determination under paragraph (2).".

(b) Ending Agreements.—Subsection (e) of section 60106, as redesignated by subsection (a), is amended to read as follows:

"(e) Ending Agreements.—

"(1) Permissive termination.—The Secretary may end an agreement under this section when the Secretary finds that the State authority has not complied with any provision of the agreement.

"(2) Mandatory termination of agreement.—The Secretary shall end an agreement for the oversight of interstate pipeline transportation if the Secretary finds that—

"(A) implementation of such agreement has resulted in a gap in the oversight responsibilities of intrastate pipeline transportation by the State authority;

"(B) the State actions under the agreement have failed to meet the requirements under subsection (b); or

"(C) continued participation by the State authority in the oversight of interstate pipeline transportation is not promoting pipeline safety.

"(3) PROCEDURAL REQUIREMENTS.—The Secretary shall give the notice and an opportunity for a hearing to a State authority before ending an agreement under this section. The Secretary may provide a State an opportunity to correct any deficiencies before ending an agreement. The finding and decision to end the agreement shall be published in the Federal Register and may not become effective for at least 15 days after the date of publication unless the Secretary finds that continuation of an agreement poses an imminent hazard.".

(c) CONTINUATION OF INTERSTATE AGENT AGREEMENT AUTHORITY.—

(1) IN GENERAL.—If an agreement was in effect in 1999 between the Secretary of Transportation or one of its agencies and a State to permit that State to oversee interstate pipeline transportation, the Secretary shall continue to permit that State to carry out activities under the agreement, including inspection responsibilities and other actions to ensure compliance with Federal pipeline safety regulations.

(2) TERMINATION.—Notwithstanding paragraph (1), the Secretary may terminate an agreement described in that paragraph if—

(A) the State wishes to withdraw from the agreement;

(B) implementation of the agreement has resulted in gaps in the oversight responsibilities of intrastate pipeline transportation by the State; or

(C) the State's oversight actions under the agreement have had an adverse impact on pipeline safety or impeded interstate commerce.

(3) PROCEDURAL REQUIREMENTS FOR TERMINATION.—Before terminating an agreement described in paragraph (1), the Secretary shall give notice and an opportunity for a hearing to the State, and provide an opportunity for the State to correct any deficiencies. The Secretary shall publish the decision to terminate such an agreement and the reasons therefore in the Federal Register not less than 15 days before the termination is effective, unless the Secretary finds that continuation of an agreement poses an imminent hazard.

SEC. 10. IMPROVED DATA AND DATA AVAILABILITY.

(a) IN GENERAL.—Within 12 months after the date of enactment of this Act, the Secretary shall develop and implement a comprehensive plan for the collection and use of gas and hazardous liquid pipeline data to revise the causal categories on the incident report forms to eliminate overlapping and confusing categories and include subcategories. The plan shall include components to provide the capability to perform sound incident trend analysis and evaluations of pipeline operator performance using normalized accident data.

(b) REPORT OF RELEASES EXCEEDING 5 GALLONS.—Section 60117(b) is amended—

(1) by inserting "(1)" before "To";

(2) redesignating paragraphs (1) and (2) as subparagraphs (A) and (B);

(3) inserting before the last sentence the following:

"(2) A person owning or operating a hazardous liquid pipeline facility shall report to the Secretary each release to the environment greater than five gallons of the hazardous liquid or carbon dioxide transported. This section applies to releases from pipeline facilities regulated under this chapter. A report must include the location of the release, fatalities and personal injuries, type of product, amount of product release, cause or causes of the release, extent of damage to property and the environment, and the response undertaken to clean up the release.

"(3) During the course of an incident investigation, a person owning or operating a pipeline facility shall make records, reports, and information required under subsection (a) of this section or other reasonably described records, reports, and information relevant to the incident investigation, available to the Secretary within the time limits prescribed in a written request."; and

(4) indenting the first word of the last sentence and inserting "(4)" before "The Secretary" in that sentence.

(c) PENALTY AUTHORITIES.—

(1) Section 60122(a) is amended by striking "60114(c)" and inserting "60117(b)(3)".

(2) Section 60123(a) is amended by striking "60114(c)," and inserting "60117(b)(3),".

(d) ESTABLISHMENT OF NATIONAL DEPOSITORY.—Section 60117 is amended by adding at the end the following:

"(l) NATIONAL DEPOSITORY.—The Secretary shall establish a national depository of data on events and conditions, including spill histories and corrective actions for specific incidents, that can be used to evaluate the risk of, and to prevent, pipeline failures and releases. The Secretary shall administer the program through the Bureau of Transportation Statistics, in cooperation with the Research and Special Programs Administration, and shall make such information available for use by State and local planning and emergency response authorities and the public.".

SEC. 11. INNOVATIVE TECHNOLOGY DEVELOPMENT.

(a) IN GENERAL.—As part of the Department of Transportation's research and development program, the Secretary of Transportation shall direct research attention to the development of alternative technologies—

(1) to expand the capabilities of internal inspection devices to identify and accurately measure defects and anomalies;

(2) to inspect pipelines that cannot accommodate internal inspection devices available on the date of enactment;

(3) to develop innovative techniques measuring the structural integrity of pipelines;

(4) to improve the capability, reliability, and practicality of external leak detection devices; and

(5) to develop and improve alternative technologies to identify and monitor outside force damage to pipelines.

(b) COOPERATIVE.—The Secretary may participate in additional technological development through cooperative agreements with trade associations, academic institutions, or other qualified organizations.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

(a) GAS AND HAZARDOUS LIQUIDS.—Section 60125(a) is amended to read as follows:

"(a) GAS AND HAZARDOUS LIQUID.—To carry out this chapter and other pipeline-related damage prevention activities of this title (except for section 60107), there are authorized to be appropriated to the Department of Transportation—

"(1) $26,000,000 for fiscal year 2001, of which $20,000,000 is to be derived from user fees for fiscal year 2001 collected under section 60301 of this title; and

"(2) $30,000,000 for each of the fiscal years 2002 and 2003 of which $23,000,000 is to be derived from user fees for fiscal year 2002 and fiscal year 2003 collected under section 60301 of this title.".

(b) GRANTS TO STATES.—Section 60125(c) is amended to read as follows:

"(c) STATE GRANTS.—Not more than the following amounts may be appropriated to the Secretary to carry out section 60107—

"(1) $17,000,000 for fiscal year 2001, of which $15,000,000 is to be derived from user fees for fiscal year 2001 collected under section 60301 of this title; and

"(2) $20,000,000 for the fiscal years 2002 and 2003 of which $18,000,000 is to be derived from user fees for fiscal year 2002 and fiscal year 2003 collected under section 60301 of this title.".

(c) OIL SPILLS.—Sections 60525 is amended by redesignating subsections (d), (e), and (f) as subsections (e), (f), (g) and inserting after subsection (c) the following:

"(d) OIL SPILL LIABILITY TRUST FUND.—Of the amounts available in the Oil Spill Liability Trust Fund, $8,000,000 shall be transferred to carry out programs authorized in this Act for fiscal year 2001, fiscal year 2002, and fiscal year 2003.".

SEC. 13. OPERATOR ASSISTANCE IN INVESTIGATIONS.

(a) IN GENERAL.—If the Department of Transportation or the National Transportation Safety Board investigate an accident, the operator involved shall make available to the representative of the Department or the Board all records and information that in any way pertain to the accident (including integrity management plans and test results), and shall afford all reasonable assistance in the investigation of the accident.

(b) HAZARDOUS FACILITY DESIGNATION.—A facility operated by an operator that fails to take prompt action to relieve, reassign, or place on leave (with or without compensation) any employee whose duties affect public safety and whose performance of those duties is a subject of such an accident investigation until the conclusion of the investigation is deemed to be hazardous under section 60112. The Secretary shall take action under section 60112(d) against that facility.

SEC. 14. PROTECTION OF EMPLOYEES PROVIDING PIPELINE SAFETY INFORMATION.

(a) IN GENERAL.—Chapter 601 is amended by adding at the end the following:

"§ 60129. Protection of employees providing pipeline safety information

"(a) DISCRIMINATION AGAINST PIPELINE EMPLOYEES.—No pipeline operator or contractor or subcontractor of a pipeline may discharge an employee or otherwise discriminate against an employee with respect to compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to a request of the employee)—

"(1) provided, caused to be provided, or is about to provide (with any knowledge of the employer) or cause to be provided to the employer or Federal Government information relating to any violation or alleged violation of any order, regulation, or standard of the Research and Special Programs Administration or any other provision of Federal law relating to pipeline safety under this chapter or any other law of the United States;

"(2) has filed, caused to be filed, or is about to file (with any knowledge of the employer) or cause to be filed a proceeding relating to any violation or alleged violation of any order, regulation, or standard of the Administration or any other provision of Federal law relating to pipeline safety under this chapter or any other law of the United States;

"(3) testified or is about to testify in such a proceeding; or

"(4) assisted or participated or is about to assist or participate in such a proceeding.

"(b) DEPARTMENT OF LABOR COMPLAINT PROCEDURE.—

"(1) FILING AND NOTIFICATION.—A person who believes that he or she has been discharged or otherwise discriminated against by any person in violation of subsection (a) may, not later than 90 days after the date on which such violation occurs, file (or have any person file on his or her behalf) a complaint with the Secretary of Labor alleging such discharge or discrimination. Upon receipt of such a complaint, the Secretary of Labor shall notify, in writing, the person named in the complaint and the Administrator *of the Research and Special Programs Administration of the filing of the complaint, of the allegations contained in the complaint, of the substance of evidence supporting the complaint, and of the opportunities that will be afforded to such person under paragraph (2).*

"(2) INVESTIGATION; PRELIMINARY ORDER.—

"(A) IN GENERAL.—Not later than 60 days after the date of receipt of a complaint filed under paragraph (1) and after affording the person named in the complaint an opportunity to submit to the Secretary of Labor a written response to the complaint and an opportunity to meet with a representative of the Secretary to present statements from witnesses, the Secretary of Labor shall conduct an investigation and determine whether there is reasonable cause to believe that the complaint has merit and notify in writing the complainant and the person alleged to have committed a violation of subsection (a) of the Secretary's findings. If the Secretary of Labor concludes that there is reasonable cause to believe that a violation of subsection (a) has occurred, the Secretary shall accompany the Secretary's findings with a preliminary order providing the relief prescribed by paragraph (3)(B). Not later than 30 days after the date of notification of findings under this paragraph, either the person alleged to have committed the violation or the complainant may file objections to the findings or preliminary order, or both, and request a hearing on the record. The filing of such objections shall not operate to stay any reinstatement remedy contained in the preliminary order. Such hearings shall be conducted expeditiously. If a hearing is not requested in such 30-day period, the preliminary order shall be deemed a final order that is not subject to judicial review.

"(B) REQUIREMENTS.—

"(i) REQUIRED SHOWING BY COMPLAINANT.—The Secretary of Labor shall dismiss a complaint filed under this subsection and shall not conduct an investigation otherwise required under subparagraph (A) unless the complainant makes a prima facie showing that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

"(ii) SHOWING BY EMPLOYER.—Notwithstanding a finding by the Secretary that the complainant has made the showing required under clause (i), no investigation otherwise required under subparagraph (A) shall be conducted if the employer demonstrates, by clear and convincing evidence, that the employer would have taken the same unfavorable personnel action in the absence of that behavior..

"(iii) CRITERIA FOR DETERMINATION BY SECRETARY.—The Secretary may determine that a violation of subsection (a) has occurred only if the complainant demonstrates that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

"(iv) PROHIBITION.—Relief may not be ordered under subparagraph (A) if the employer demonstrates by clear and convincing evidence that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

"(3) FINAL ORDER.—

"(A) DEADLINE FOR ISSUANCE; SETTLEMENT AGREEMENTS.—Not later than 120 days after the date of conclusion of a hearing under paragraph (2), the Secretary of Labor shall issue a final order providing the relief prescribed by this paragraph or denying the complaint. At any time before issuance of a final order, a proceeding under this subsection may be terminated on the basis of a settlement agreement entered into by the Secretary of Labor, the complainant, and the person alleged to have committed the violation.

"(B) REMEDY.—If, in response to a complaint filed under paragraph (1), the Secretary of Labor determines that a violation of subsection (a) has occurred, the Secretary of Labor shall order the person who committed such violation to—

"(i) take affirmative action to abate the violation;

"(ii) reinstate the complainant to his or her former position together with the compensation (including back pay) and restore the terms, conditions, and privileges associated with his or her employment; and

"(iii) provide compensatory damages to the complainant.

If such an order is issued under this paragraph, the Secretary of Labor, at the request of the complainant, shall assess against the person whom the order is issued a sum equal to the aggregate amount of all costs and expenses (including attorney's and expert witness fees) reasonably incurred, as determined by the Secretary of Labor, by the complainant for, or in connection with, the bringing the complaint upon which the order was issued.

"(C) FRIVOLOUS COMPLAINTS.—If the Secretary of Labor finds that a complaint under paragraph (1) is frivolous or has been brought in bad faith, the Secretary of Labor may award to the prevailing employer a reasonable attorney's fee not exceeding $1,000.

"(4) REVIEW.—

"(A) APPEAL TO COURT OF APPEALS.—Any person adversely affected or aggrieved by an order issued under paragraph (3) may obtain review of the order in the United States Court of Appeals for the circuit in which the violation, with respect to which the order was issued, allegedly occurred or the circuit in which the complainant resided on the date of such violation. The petition for review must be filed not later than 60 days after the date of issuance of the final order of the Secretary of Labor. Review shall conform to chapter 7 of title 5, United States Code. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the order.

"(B) LIMITATION ON COLLATERAL ATTACK.—An order of the Secretary of Labor with respect to which review could have been obtained under subparagraph (A) shall not be subject to judicial review in any criminal or other civil proceeding.

"(5) ENFORCEMENT OF ORDER BY SECRETARY OF LABOR.—Whenever any person has failed to comply with an order issued under paragraph (3), the Secretary of Labor may file a civil action in the United States district court for the district in which the violation was found to occur to enforce such order. In actions brought under this paragraph, the district courts shall have jurisdiction to grant all appropriate relief, including, but not to be limited to, injunctive relief and compensatory damages.

"(6) ENFORCEMENT OF ORDER BY PARTIES.—

"(A) COMMENCEMENT OF ACTION.—A person on whose behalf an order was issued under paragraph (3) may commence a civil action against the person to whom such order was issued to require compliance with such order. The appropriate United States district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such order.

"(B) ATTORNEY FEES.—The court, in issuing any final order under this paragraph, may award costs of litigation (including reasonable attorney and expert witness fees) to any party whenever the court determines such award costs is appropriate.

"(c) MANDAMUS.—Any nondiscretionary duty imposed by this section shall be enforceable in a mandamus proceeding brought under section 1361 of title 28, United States Code.

"(d) NONAPPLICABILITY TO DELIBERATE VIOLATIONS.—Subsection (a) shall not apply with respect to an employee of a pipeline, contractor or subcontractor who, acting without direction from the pipeline contractor or subcontractor (or such person's agent), deliberately causes a violation of any requirement relating to pipeline safety under this chapter or any other law of the United States.

"(e) CONTRACTOR DEFINED.—In this section, the term 'contractor' means a company that performs safety-sensitive functions by contract for a pipeline.".

(b) CIVIL PENALTY.—Section 60122(a) is amended by adding at the end the following:

"(3) A person violating section 60129, or an order issued thereunder, is liable to the Government for a civil penalty of not more than $1,000 for each violation. The penalties provided by paragraph (1) do not apply to a violation of section 60129 or an order issued thereunder.".

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 601 is amended by adding at the end the following:

"60129. Protection of employees providing pipeline safety information.".

SEC. 15. PIPELINE SAFETY ADVISORY COUNCIL PILOT PROGRAM.

(a) PILOT PROGRAM.—Within 120 days after the date of enactment of this Act, the Secretary of Transportation shall create a Pipeline Safety Advisory Council pilot program. Under the pilot program, the Secretary shall establish one or more Pipeline Safety Advisory Councils to provide advice and recommendations to the Secretary on a range of hazardous liquid or natural gas transmission pipeline safety issues affecting pipelines operated in the State in which the Council is established.

(b) ESTABLISHMENT AND COMPOSITION.—A Council shall be comprised of 11 members, appointed by the Secretary as follows:

(1) All members shall be residents of the State in which the pipelines are located the safety of which that Council is to review and monitor.

(2) The membership shall include representatives of—

(A) the general public (who are not representatives of any other category under this paragraph);

(B) pipeline right-of-way property owners (who are not representatives of any other category under this paragraph);

(C) local governments;

(D) emergency responders;

(E) environmental organizations; and

(F) State officials with jurisdiction over pipeline safety.

(c) FUNCTIONS.—Each Advisory Council shall provide advice to the Secretary on pipeline safety regulations and other matters relating to activities and functions of the Department of Transportation's Office of Pipeline Safety. Each meeting shall be open to the public and the Council shall maintain minutes of each meeting. Any recommendations made by a Council shall be available upon request to other interested parties. In carrying out its advisory duties, each Council shall—

(1) provide advice and recommendations on policies, permits, and regulations relating to the operation and maintenance of pipeline facilities which affect the State to the Secretary and the Governor of the State;

(2) review and comment on proposals for new pipeline facilities in the State, including issues of public safety and environmental impact;

(3) submit advice to the Secretary on permits and standards that would affect the environment and safety of a pipeline operating in that State;

(4) submit recommendations to the Secretary and appropriate authorities of the State on standards to improve pipeline safety, accidental

release responses, emergency preparedness, and efforts to help the public live safely with pipelines; and

(5) provide an annual report to the Secretary on its activities and the steps taken in the State to address its advice and safety recommendations.

(d) FUNDING.—

(1) FUNDING REQUEST BY COUNCIL.—Each Council shall submit an application for a funding request to the Secretary, at such time, in such form, and containing such information as the Secretary may require, outlining the Council's budget.

(2) SECRETARY TO APPROVE BUDGET AND PROVIDE FUNDS.—After receiving a request under paragraph (1) from a Council, the Secretary shall determine the level of Council funding and may—

(A) utilize funds obtained from fines and penalties to finance the Council; or

(B) make appropriated funds available to the Council.

(e) PILOT PROGRAM ASSESSMENT.—A Council established under this section shall submit an annual report to the Secretary. The annual report shall list all activities undertaken by the Council to improve the safety of pipelines located within its State and what action taken was by the State and Department of Transportation to address pipeline operation safety as a result of the Council's activities. Based on the submitted annual reports, and any other material a Council may submit, the Secretary shall determine the need for continuing and, if appropriate, expanding the pilot program. The Secretary shall report that determination, together with any recommendations concerning the program, to the House of Representatives Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation by December 31, 2004.

SEC. 16. FINES AND PENALTIES.

The Inspector General of the Department of Transportation shall conduct an analysis of the Department's assessment of fines and penalties on gas transmission and hazardous liquid pipelines, including the cost of corrective actions required by the Department in lieu of fines, and, no later than 6 months after the date of enactment of this Act, shall provide a report to the Senate Committee on Commerce, Science, and Transportation and the House Committee on Transportation and Infrastructure on any findings and recommendations for actions by the Secretary or Congress to ensure the fines assessed are an effective deterrent for reducing safety risks.

SEC. 17. STUDY OF RIGHTS-OF-WAY.

The Secretary of Transportation is authorized to conduct a study on how best to preserve environmental resources in conjunction with maintaining pipeline rights-of-way. The study shall recognize pipeline operators' regulatory obligations to maintain rights-of-way and to protect public safety.

Mr. MCCAIN. Mr. President, today the Senate is considering S. 2438, the Pipeline Safety Improvement Act of 2000. This legislation is the product of many months of work by the members of the Senate Committee on Commerce, Science, and Transportation, as well as other members of the Senate. Sadly, this legislation is in large part in response to two devastating pipeline accidents that have occurred in the States of Washington and New Mexico during the past 15 months.

A total of 15 lives have been lost in these most recent accidents. Three young men endured fatal injuries last June 1999 in Bellingham, Washington, when 227,000 gallons of gasoline leaked from an underground pipeline and were accidentally ignited. Last month, twelve members of two families camping in Carlsbad, New Mexico, lost their lives when a natural gas transmission line ruptured. We simply must act now to remedy identified safety problems and improve pipeline safety. To do less is a risk to public safety and will perhaps result in more needless deaths. I ask unanimous consent a recent editorial from the Washington Post calling for Congressional action be printed in the RECORD immediately following my remarks.

The PRESIDING .OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. MCCAIN. Mr. President, it is my hope that passage of comprehensive pipeline safety legislation can give the family members associated with these tragedies at least a small bit of comfort that their losses have spurred Congressional action to strengthen pipeline safety laws and help prevent future tragic accidents. I am aware this bill may not go as far as some would like, and also know it goes further than others can support. However, this legislation is a fair and balanced compromise and is a pro-safety measure that will result in pipeline safety improvements. Its enactment is critical to public safety and must be a top priority during the remainder of this Congress.

I extend my sincere appreciation to Senator GORTON for his help in developing the bill before us. His tireless efforts to ensuring that the Senate consider and pass comprehensive pipeline safety legislation is commendable. I also want to thank Senators HOLLINGS, LOTT, HUTCHISON, BREAUX, and BROWNBACK of the Committee for their strong interest in this legislation. Further, I want to recognize the dedication and hard work of Senator MURRAY throughout this process. She has been a tenacious advocate for pipeline safety improvements. I also want to recognize Senator BINGAMAN for his contributions to strengthening the research and development provisions of this legislation, and also Senator DOMENICI for his work. Finally, the input we received from citizens, State pipeline inspectors, the National Transportation Safety Board, the Department of Transportation and its Inspector General, industry and others interested in promoting pipeline safety has been essential to our efforts to craft comprehensive pipeline safety improvement legislation.

Significant attention has been directed toward pipeline safety issues by the Senate during this past year. In March, the Senate Commerce Committee held a field hearing, chaired by Senator GORTON, in Bellingham, Washington, during which 18 witnesses provided information and expressed views on the Bellingham accident. In May, the full committee held a hearing on a broad range of pipeline safety issues, including the three pipeline safety bills that have been introduced in the Senate. We reported out a comprehensive bill in June and since then have developed a manager's amendment to provide further clarification of the bill as well as additional provisions to advance pipeline safety.

I will highlight some of the major provisions of the legislation before us. The bill would require the implementation of pipeline safety recommendations recently issued by the DOT-IG to the Research and Special Programs Administration, RSPA. The legislation would statutorily require the Secretary of Transportation, the RSPA Administrator and the Director of the Office of Pipeline Safety to respond to NTSB pipeline safety recommendations within 90 days of receipt. The bill would require pipeline operators to submit to the Secretary of Transportation a plan designed to improve the qualifications for pipeline personnel. At a minimum, the qualification plan would have to demonstrate that pipeline employees have the necessary knowledge to safely and properly perform their assigned duties and would require testing and periodic reexamination of the employees' qualifications.

The legislation would require DOT to issue regulations mandating pipeline operators to periodically determine the adequacy of their pipelines to safely operate and to adopt and implement integrity management programs to reduce those identified risks. The regulations would, at a minimum, require operators to: base their integrity management plans on risk assessments that they conduct; periodically assess the integrity of their pipelines; and, take steps to prevent and mitigate unintended releases, such as improving leak detection capabilities or installing restrictive flow devices.

S. 2438 also would require an operator of a gas transmission or hazardous liquid pipeline facility to carry out a continuing public education program that would include activities to advise municipalities, school districts, businesses, and residents of pipeline facility locations on a variety of pipeline safety-related matters. It would also direct pipeline operators to initiate and maintain communication with State emergency response commissions and local emergency planning committees and to share with these entities information critical to addressing pipeline safety issues, including information on the types of product transported and efforts by the operator to mitigate safety risks. The Secretary would be directed to prescribe regulations to make certain emergency information publicly available as well as direct operators to provide mapping information to municipalities in which the pipeline facility is located.

The bill would increase the level of maximum civil penalties for violations as requested in the Administration's submission. It would also provide for an enhanced state oversight role in pipeline safety whereby States that have authority over intrastate lines could enter into agreements with the Secretary to participate in the oversight of interstate lines. The manager's amendment clarifies that the state oversight be consistent with the Secretary's federal safety and inspection policies. The legislation further includes language to ensure that the enhanced agreements will not adversely affect the State's responsibilities over intrastate safety and, in the event there is a negative impact, the Secretary is authorized to cancel the enhanced state agreements.

The legislation directs the Secretary to develop and implement a comprehensive plan for the collection and use of pipeline data in a manner that would enable incident trend analysis and evaluations of operator performance. Operators would be required to report incident releases greater than five gallons, compared to the current reporting requirement of 42 gallons. In addition, the Secretary is directed to establish a national depository of data to be administered by the Bureau of Transportation Statistics in cooperation with RSPA.

Given the critical importance of technology applications in promoting transportation safety across all modes of transportation, the legislation directs the Secretary to include as part of the Department's research and development (R&D) efforts a focus on technologies to improve pipeline safety, such as through internal inspection devices and leak detection. Further, the accompanying amendment includes provisions from S. 3002, the Pipeline Integrity, Safety and Reliability Research and Development Act of 2000, introduced by Senator BINGAMAN, myself, and others earlier this week. This provision provides for a collaborative R&D effort directed by the Department of Transportation with the assistance of the Department of Energy and the National Academy of Sciences.

In regard to funding for pipeline safety, the bill provides for a three year authorization, authorizing $26 million for FY2001, $30 million for FY2002; and $30 million in FY2003 for federal pipeline safety activities. It would further authorize the pipeline state grant program at the following levels: $17 million for FY2001; $20 million for FY2002; and $20 million for FY2003. Efforts to provide further increases in funding are under discussion and will be given careful consideration as the legislation moves through the legislative process and on to a conference with the House.

In an effort to enhance the ability of the NTSB and DOT to complete pipeline accident investigations in a timely and comprehensive manner, the substitute amendment includes a provision requiring operators to make available to the DOT or NTSB all records and information pertaining to the accident, including integrity management plans and test results, and to assist in the investigation to the extent reasonable.

Further, the legislation attempts to address the situation when pipeline personnel involved in accidents continue to carry out the same functions as they did prior to an accident even though their job performance may be at question during an investigation. Under the manager's amendment, if the Secretary determines that the actions of an employee may have contributed substantially to the cause of an accident, the Secretary must direct the operator to relieve or reassign the employee, or place the employee on leave until the Secretary determines that the employee's performance did not contribute to the cause of the accident or until the Secretary determines the employee can safely perform his or her duties.

To ensure pipeline employees are afforded the same whistle-blower protections as are provided to employees in other modes, the legislation includes whistle-blower protections for pipeline personnel. The provisions are identical to those recently enacted in the Wendell H. Ford Aviation and Investment Reform Act for the 21st Century, P.L. 106–181, with the exception of changing the words air carrier to pipeline.

Mr. President, the time has come for the full Senate to take action and pass legislation to strengthen and improve pipeline safety. We simple cannot risk the loss of any more lives by lack of needed attention on our part. I urge my colleagues to support passage of this important safety legislation.

EXHIBIT 1

[From the Washington Post, Sept. 4, 2000]

A BLAST IN THE NIGHT

Residents of Carlsbad, N.M., are mourning the 11 family members killed when a natural gas pipeline exploded near their campsite in New Mexico. Investigators still are trying to determine exactly what caused the blast. While they work, there is a job to be done here as well: Put more muscle into federal regulation of pipeline safety.

Nearly all the nation's natural gas and about 65 percent of crude and refined oil travel through a network of nearly 2.2 million miles of pipes. Although pipelines remain statistically safer—in some cases much safer—than other means of transporting freight, the number of accidents reported has been gradually growing during the past decade, according to a General Accounting Office report prepared this spring. In many places the infrastructure is aging; sprawling development now encroaches on many of the remote rural areas where pipes were installed decades ago. The federal agency charged with policing the pipelines is tiny, underfunded and possessed of a record that is not reassuring. The GAO found that the Office of Pipeline Safety is years behind in implementing some congressional mandates and safety recommendations from the National Transportation Safety Board. Things have improved in the last year but the NTSB, the GAO report says, still is watching to see whether promised actions will be carried out.

Bills are now pending in Congress that would address at least some safety issues. Most important, legislation would require periodic pipeline inspections. The NTSB has been asking for that since 1987, and it hasn't happened yet. The bills also would provide more information for the public, would give state inspectors a bigger role in helping monitor interstate pipelines and would require more rigorous reporting of pipeline spills, which could help identify possible trouble spots and help mitigate environmental damage. Congress should pass a strong pipeline-safety bill before this session ends. Along with it should come adequate funding to carry out its mandates. And then members should keep the heat on until it is clear the safety measures have been carried out. There's no need to wait for another blast in the night.

Mr. HOLLINGS. Mr. President, I rise today in support of S. 2438, the Pipeline Safety Improvement Act of 2000, and to support the amendment to the bill. I urge my fellow Senators to adopt the amendment and to support passage of this bill. It, indeed, will make our Nation's pipeline system safer.

The purpose of the bill is to ensure the safety of natural gas and hazardous liquid pipelines. I appreciate the considerable number of hours that went into creating this bill by all of the parties. I also am satisfied by the spirit of compromise that infused the parties' diligent efforts. As a result of their admirable and cooperative work we have a bill that reaffirms our efforts to regulate gas and hazardous liquid pipelines safely and effectively without interfering with the pipeline operators and owners ability to provide service to our Nation.

With respect to concerns regarding the existing pipeline safety program, I want to share my concerns about the delays in issuing Congressional mandates. Some may find it hard to believe that the Office of Pipeline Safety, OPS, has failed to issue final rules on measures that required rulemakings under its 1992 and 1996 reauthorizations. Unquestionably, the rules on environmentally sensitive and high density areas should have been completed by now. I have been advised that a final rule is expected this year. But even if this is the case, the fact remains that the final promulgation is still significantly behind schedule. The rules on operator qualification and periodic inspections are not final either. One of the goals of this legislation is to stimulate the finalization of these rules.

Over the past few years, we have experienced two major pipeline accidents.

one in Bellingham, WA, and the other near Carlsbad, NM. While accidents happen, we need to take all necessary steps to ensure that accidents are not waiting to happen. I think that this legislation will increase the arsenal of tools available to OPS to ensure that our pipeline system is as safe as possible. I ask that OPS use the tools that we provide to ensure the aggressive oversight of pipeline safety practices.

While there were many who worked arduously to ensure passage of legislation in this area, I would like to recognize, in particular, the efforts of Senators MURRAY and BINGAMAN. Senator MURRAY doggedly pursued changes to increase the level of safety and public participation in pipeline safety, and she worked closely with other Commerce Committee members to ensure a reasonable and fair compromise. Senator BINGAMAN was instrumental in helping bolster the bills provisions on research and development. We also were able to add provisions he authored to focus our research on progressive areas that will help us develop better systems of early detection, and to ensure that we can avoid accidents such as those that occurred in Bellingham, WA, and near Carlsbad, NM.

This bill is good legislation. It will require our regulators to finalize a number of overdue regulations. The bill also allows for a greater degree of public participation in the process of pipeline safety, updates the penalties that would be levied for misconduct and provides whistle blower protection for employees who reveal misconduct. The bill also helps us focus on long-term needs so as to make our future pipeline system even safer. I urge my colleagues to support this measure.

AMENDMENT NO. 4130

(Purpose: To incorporate additional provisions in, and make minor modifications to, the bill as reported by the committee)

Mr. GORTON. Mr. President, there is an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. MCCAIN, for himself, Mr. GORTON, Mrs. MURRAY, Mr. BINGAMAN, and Mr. DOMENICI, proposes an amendment numbered 4130.

Mr. GORTON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. DOMENICI. Mr. President, I am pleased to support the managers' amendment to S. 2438, the bill before the Senate, to modernize our Nation's pipeline safety programs. The issue of our country's pipeline safety regime came to the forefront again last year after the death of three teenagers in a pipeline explosion near Bellingham, WA.

Since that accident in 1999, the Senators from Washington State have worked tirelessly to bring this bill to the Senate floor for a vote. I want to commend Senator GORTON, Senator MURRAY, and the chairman of the Commerce Committee, Senator MCCAIN, for their efforts on this legislation. Without their work, patience and persistence, this bill would not be ready for passage in the Senate.

As my colleagues know, in August of this year, New Mexico experienced its own tragic pipeline explosion. Just after midnight on August 19, an El Paso Natural Gas pipeline exploded on the Pecos River near Carlsbad, NM. Twelve members of an extended family were camping near the explosion, which sent a 350-foot high ball of flame into the air. Six of the campers were killed instantly, and the remaining six have since died from their injuries. The horrific accident is the largest pipeline disaster in the State's history and one of the worst in the United States. While the NTSB is still investigating the cause of the explosion, preliminary analyses indicate that the pipeline was highly corroded, and that half of the internal wall of the pipe had been eaten away in places, apparently causing a prolonged natural gas leak.

Sadly, this accident has again placed the spotlight on the need for Congress to update our pipeline safety standards. The bill before the Senate represents a marked improvement in our existing pipeline safety program. The bill requires companies to conduct periodic internal inspections of their lines; authorizes and provides resources to allow the States to exercise a greater role in pipeline inspections and oversight; increases civil penalties against companies who violate pipeline safety laws; and provides resources for greater research and development into pipeline safety technologies, including new internal inspection mechanisms, as well as enhanced leak detection technologies.

There are over 1.8 million miles of liquid and natural gas pipelines in the United States, including 7,000 miles in New Mexico. The Federal Office of Pipeline Safety is responsible for 5,000 miles of pipeline in New Mexico and the State must inspect the remaining 1,800 miles. Yet, the New Mexico State budget for pipeline safety allows for only four inspectors, who can cover only a few miles of pipeline per day. Because of this resource shortage, hundreds of miles of underground oil and gas pipelines go uninspected each year in my state.

The bill before the Senate authorizes more funding for State inspection activities, and provides the States with greater oversight authority to inspect both intra- and interstate pipelines. States are an important partner in the regulation of oil and gas pipelines. With this bill, Congress is stepping up to the plate to help reimburse states for undertaking a greater responsibility for pipeline safety.

As my colleagues know, the bulk of the responsibility for pipeline inspection falls on the oil and gas companies themselves. In fact, the liquid and natural gas industries spend nearly $4 billion annually on pipeline safety activities. Pipeline transportation is perhaps the safest way available to move liquid and natural gas across the country. Among all the methods of transport, including pipeline, highway, rail, aviation, and marine, pipeline accident fatalities represent less than 1/333rd of one percent of the total number of annual deaths related to the industry.

Yet despite this safety record, tragic accidents do occur. I think the industry, in partnership with federal and State regulators, can do more to better protect our citizens from these kinds of accidents. This bill represents an extension of that partnership, and I believe that industry should be commended for coming to the table and helping us reach this agreement.

This bill requires companies to file "Integrity Management Plans" with the United States Department of Transportation. These plans will outline how the company will periodically assess the safety of their pipelines, including the use of internal inspections, pressure tests, direct assessments and any other available methods of identifying weaknesses in the pipeline and detecting leaks. In short, this provision means that for the first time, companies will be required to conduct regular pipeline inspections, and to provide information on those inspections to federal and State regulators.

Finally, Mr. President, this bill authorizes additional resources for research and development of new pipeline safety technologies through the Department of Transportation and Department of Energy. It is clear that we need to develop some new technologies to better assess the integrity of pipelines and detect leaks before they cause disaster. One of the problems with the line which exploded in Carlsbad was that conventional "pig" devices, which detect corrosion and leaks, could not be used to inspect that particular pipeline. We have tremendous scientific capabilities in our universities, national laboratories and in the private sector which could be tapped to help develop new and better technologies.

While everyone recognizes that Sandia and Los Alamos National Laboratories in New Mexico have great scientific capabilities which could be brought to bear on this problem, a private sector resource also exists in my home state. La-Sen Corporation in Las

Cruces, NM has developed an airborne laser mapping system which can inspect hundreds of miles of oil and gas pipeline per day. I know that some of the major oil and gas companies, including El Paso Natural Gas, have seen the technology and have indicated that they would use it if it were commercially available.

I plan to work in the next several weeks to help this company find federal resources to complete development of this technology and make it commercially available as soon as possible. This is the kind of research and development that the federal government ought to encourage.

I am pleased to support passage of this bill. Even though the bill imposes new requirements on industry and provides for tougher penalties for violating the law, there are some who will say that it does not do enough to get tough on pipeline companies. In my view, the Chairman of the Commerce Committee, the Senators from Washington and other members who have worked on this bill have done an excellent job crafting a bill which will receive the unanimous support of this Senate. I hope the House will take this bill up at the earliest possible date and pass it quickly so that we can send pipeline safety legislation to the President for his signature prior to the end of the session. I yield the floor.

Mr. GORTON. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4130) was agreed to.

Mr. GORTON. Mr. President, I ask unanimous consent that the committee amendment in the nature of a substitute be agreed to, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

Mr. GORTON. Impelled by an explosion last year in Bellingham, WA, that took three young lives and shook that community to its core, and given force by another recent tragedy in New Mexico, the Senate today is adopting the Pipeline Safety Improvement Act of 2000. The bill brings much-needed reforms to the regulation and oversight of the pipelines that wind invisibly beneath our homes, parks, and schools, most notably by providing more information to local governments and to the public about the location and condition of pipelines and pipeline accidents; by requiring more accountability from the Federal Office of Pipeline Safety and by authorizing more funding for that Office and for States willing to assume additional oversight responsibility; by requiring operators to assess the risks to their lines and develop plans to address threats to their integrity; by giving willing States a clearer and larger role in the oversight of interstate pipelines; by directing additional attention and resources to research and development programs to improve pipeline integrity; by increasing civil penalties for violations of pipeline safety standards; and by requiring Federal attention to recommendations for improvements to pipeline safety by state citizen advisory committees.

The issue of citizens advisory committees has, to my surprise, been one of the most contentious. The idea of creating an independent oversight body that is not controlled by industry, and that can objectively assess the state of pipeline safety and make recommendations for improvements to Federal and State regulators, is to me perfectly sensible. The passion with which industry has opposed even a pilot program for Federal citizen advisory committees has, I confess, disturbed me and strengthened my determination to see that citizen advisory committees are established and adequately funded.

While it has become clear to me that a Federal advisory committee will not be part of any legislation that can be enacted this year—and I am absolutely determined to see that legislation is enacted—I am committed to seeing that Washington State receives adequate funding for its own Citizens Committee on Pipeline Safety, whose members were recently appointed, but which I understand has been allocated only enough funds to pay for a meeting room four times a year, hardly the resources needed to meet the responsibility this committee has been assigned.

I will work through the appropriations process this year to see that not only is funding increased for all Federal and State pipeline safety activities, but that in addition to the $800,000 I am trying to direct for Washington State's new responsibilities in overseeing pipeline safety, Washington obtains sufficient funding to staff and pay for the activities of the Citizens Committee on Pipeline Safety.

The issue of citizen advisory committees has not been the only contentious issue in this bill. Getting here has not been easy, and were it not for the efforts and dogged perseverance of Members of both sides of the aisle, most notably Senator McCAIN, and my colleague from Washington, Senator MURRAY, we would not be here today. I am deeply grateful for their work.

Another person who has made this happen, and for whom I have developed a true respect, is Mark Asmundson, the Mayor of Bellingham, WA. Following the explosion on June 10, 1999, and with a commitment born, I believe, of justifiable anger, Mark has devoted himself to improving pipeline safety at the local, State, and Federal levels. It is people like Mark, who is committed to public welfare, passionate, practical, and resolutely good humored, and the many others who responded to the tragedy in Bellingham by taking action not only to improve their own safety, but the safety of people throughout this country, who constantly remind me how privileged I am to represent the people of Washington State.

Since the Commerce Committee passed S. 2438 in June of this year, following a factfinding hearing in Bellingham in March, I have been working to secure passage of this bill by unanimous consent as an extended debate this late in the year is impossible. The manager's amendment that was adopted today resolves concerns raised by some of my colleagues in a way that I think is fair, and, unlike some of the amendments offered and defeated in committee in a way that does not undermine the benefits of this bill.

S. 2438, as amended, is a marked improvement to the status quo. it requires the Office of Pipeline Safety to implement the recommendations of the Inspector General of the Department of Transportation by completing rulemakings that are long overdue, collecting better information to determine the causes of pipeline accidents, and providing better training to OPS inspectors. S. 2438 accelerates the deadline for operators to prepare plans for training and qualifying their employees.

The bill imposes on operators of pipelines of any length, not just longer pipelines as suggested by the administration, an obligation to conduct risk analyses and adopt integrity management plans for high consequence areas—plans that provide for periodic inspections of pipelines. It requires that information about pipeline incidents and safety-related conditions be made available to the public and lowers the threshold for reporting spills from the current 2100 gallons, to 5 gallons.

To give local officials a greater role in protecting their communities, the bill requires operators to work with local communities to educate them about the location and risks of pipelines and what to do in case of an accident. The bill increases fines for violations and protection for whistleblowers who report unsafe conditions. S. 2438 explicitly provides a role for States in the oversight of interstate pipelines and gives the Federal Office of Pipeline Safety the authority it needs to carry out the recent agreement with Washington State which will enable Washington to hire more investigators and take an active role in the oversight of interstate pipelines.

The bill provides not only more funding for the Office of Pipeline Safety and direction on areas of research and development to focus on improved safety, but also incorporates the recommendation of Senators BINGAMAN and DOMENICI to create a new cooperative research and development program for pipeline integrity that combines the resources of the Departments of Transportation and Energy under the auspices of the National Science Foundation.

The bill, in sum, while not all that I would have wished, is a vast improvement over the status quo. I am grateful to my colleagues for passing this very critical piece of legislation. And I am determined to see that it is enacted into law before the end of this Congress.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I commend my colleagues this evening for passing the much-needed pipeline safety bill.

For too long, communities across the country—in tragedy after tragedy—have felt the impact of our Nation's inadequate pipeline safety standards.

Today, the Senate has responded with a strong bill that will help make our pipelines safer.

As pleased as I am today, I am reminded of another much darker day—June 10, 1999.

On that day, a gasoline pipeline exploded in Bellingham, WA, killing three young people, shattering a community's faith, and setting us on the road of safety reform.

I know that we can't undo what happened in Bellingham. We can't restore the loss of those families. But with this bill, we are putting the lessons we learned in Bellingham into law—and taking a first step toward ensuring America's pipelines are safe.

Unfortunately, it has taken another fatal pipeline explosion to reach this day. But it is clear that the tragedy in New Mexico raised public awareness and increased the pressure on Congress to pass this bill.

This bill will go a long way toward improving pipeline safety. Back in January—when I introduced my own pipeline safety bill—I outlined the areas that needed reform. I am proud that this bill embodies the principles I have been working for.

First, this bill will improve the qualifications and training of pipeline personnel. It requires employees to demonstrate an ability to do their job. And it requires periodic reexamination of pipeline personnel. Second, this bill improves pipeline inspections and prevention practices. It requires operators to submit pipeline integrity management plans, which State and local officials can evaluate and recommend changes to.

These plans will include: internal inspections, evaluation criteria, measures to prevent and mitigate unintended releases, and other safety activities.

Third, and importantly, this bill expands the public's right-to-know about problems with pipelines. It requires operators to make information about the pipelines and their safety practices available to local officials, emergency responders, and the public—including posting information on the Internet. It also requires more pipeline accidents to be reported to the Office of Pipeline Safety, by lowering the reporting threshold from 200 gallons to 5 gallons.

Fourth, this bill raises the penalties for safety violators. It doubles the current civil penalties for noncompliance, and it lifts the caps on maximum penalties.

Fifth, this bill enables States to expand their safety efforts. This bill allows the Secretary of Transportation to enter into agreements that will allow States to: "participate in special investigations involving incidents or new construction" and to "assume additional inspection or investigatory duties."

Sixth, this bill invests in new technology to improve safety. It recognizes the need for R&D for new inspection devices and practices, and it authorizes a coordinated research program.

Seventh, this bill provides protections for those who blow the whistle on unsafe practices.

Eighth, this bill increases funding for safety efforts. It authorizes spending $13 million more on pipeline safety than we spend today.

Finally, this bill recognizes State citizen advisory committees and allows for their funding. These State citizen advisory committees would make recommendations to the Secretary of Transportation. The Secretary will be required to respond—in writing—to those recommendations. And, the Secretary would have to detail what actions, if any, will be taken to implement those recommendations.

Further, the bill would allow appropriations for these State advisory committees.

This is a sound bill. Under this bill, pipelines will be inspected. Operators will be qualified. Whistleblowers will be protected, and violators will be penalized. Pipeline companies will have to develop comprehensive safety and inspection plans, and States will get new authority. Citizen groups will have a role, and the public will have a right to know about the pipelines in their own communities.

This bill does not only raise pipeline safety standards. It gives us the tools, the enforcements, and the funding to ensure that pipeline companies reach those standards.

I want my constituents and my colleagues to know that I plan on remaining vigilant on this issue and ensuring that future administrations carry out the congressional mandate.

I do want to recognize tonight a few people who have helped make this day possible. First are the families of the victims of the Bellingham explosion, Frank and Mary King, Katherine Dalen and Stephen Tsiorvas, Marlene Robinson and Bruce Brabec. They have testified and worked hard. They have been courageous, and they were constant reminders of what has been lost and what this legislation will help protect.

Second, I thank the people of Bellingham, especially Mayor Mark Asmundson, who has done more than anyone I know to raise awareness about pipeline hazards.

I recognize the work of our great Governor Gary Locke. And third, I thank those in the administration who have supported our efforts; in particular, Vice President GORE, who learned about this issue during a visit to my State and who got the administration's proposal to Congress.

I also thank Transportation Secretary Rodney Slater. At my request, he promptly stationed a pipeline inspector in my State after the Bellingham explosion, and he has worked with us on this issue for more than a year. His leadership has been critical to our efforts. I thank him this evening.

I also thank DOT's Inspector General Kenneth Mead, Kelly Coyner, who is the administrator of DOT's Office of Research and Special Programs Administration, and the director of the Office of Pipeline Safety, Stacey Gerard, and her predecessor, Richard Felder.

I thank Jim Hall, Chairman of the National Transportation Safety Board.

Many groups played a role in moving this process forward. I thank the National Pipeline Reform Coalition, SAFE Bellingham, and the Cascade Columbia Alliance. I also thank everyone who testified at the numerous hearings, and the many Federal and State officials who have worked on this issue.

Finally, I thank my colleagues in the Senate, especially Commerce Committee Chairman JOHN MCCAIN, who has been stalwart in his support and has been working with us every step of the way. I thank my colleague Senator GORTON and his staff who have worked with us diligently on this issue; Senator HOLLINGS; Senator INOUYE, all the members of the Commerce Committee and their staffs, and Dale Learn from my office.

Senator BINGAMAN should also be thanked for his leadership. He made the bill stronger by adding a needed research and development amendment, which I am pleased to cosponsor.

I thank the many reporters and editorial writers who helped raise public awareness about the need to improve pipeline safety.

While we have cleared a major hurdle, our work is not finished. This bill must now pass the House of Representatives and be signed by the President. We don't have much time. Let's use today's passage to energize the efforts of the House so we can improve pipeline safety in communities across America this year.

Mr. KERRY. Mr. President, I rise to make a short statement about the Pipeline Safety Improvement Act of 2000, which the Senate will pass tonight through unanimous consent.

Mr. President, to understand this legislation, you must understand the situation from which we started. The federal government, through the Department of Transportation, regulates more than 2,000 gas pipeline operators with more than 1.3 million miles of pipe and more than 200 hazardous liquid pipeline operators with more than 156,000 miles of pipe. To protect the public safety, the environment and maintain reliability in the energy system over that massive system is an enormous challenge. I don't doubt that. The responsibility for meeting that challenge, no matter how great it is, falls upon the industry and federal government, specifically, DOT's Office of Pipeline Safety. It is clear that both OPS and the industry have failed to raise to that challenge, and we have paid a high price.

According to the OPS, since 1984, there have been approximately 5,700 natural gas and oil pipeline accidents nationwide, 54 of them in my home state of Massachusetts. In the 1990s, nearly 4,000 natural gas and oil pipeline ruptures—more than one each day—caused the deaths of 201 people, injuries to another 2,829 people, cost at least $780 million in property damages, and resulted in enormous environmental contamination and ecological damages. Two accidents in particular show us the tragic consequences of pipeline accidents. On June 10, 1999, a leaking gasoline pipeline erupted into a fireball in Bellingham, Washington. The fire extended more than one and half miles, killing two 10-year-old boys and a young man. The second accident took place in August in Carlsbad, New Mexico. A leaking natural gas pipeline erupted killing 12 members of an extended family on a camping trip. My sympathies go out to all those involved in these incidents. They are truly tragic.

The Senate Commerce Committee and others have investigated the cause of this tragic record. What we found, sadly, is that OPS was simply failing to do its job. The head of the National Transportation Safety Board, Jim Hall, gave the OPS "a big fat F" for its work. And as we considered the legislation in the Commerce Committee, I found that OPS had fallen short in the area of enforcement, in particular. Enforcement is the backbone of any system of safeguards designed to protect the public and the environment. Without the threat of tough enforcement, companies, the unfortunate record shows, do not consistently comply with safeguards. The resulting harm to people and places is predictable. I will not outline all of the details here today, but I recommend to anyone interested that they read the General Accounting Office's investigation into OPS dated May 2000.

The Pipeline Safety Improvement Act of 2000 includes enforcement reforms and enhances the role of OPS and the Department of Justice in enforcement. These provisions, which I proposed in the Commerce Committee, will, I believe, put some teeth into our pipeline safety laws. They include raising the maximum fines that OPS can assess a company from $100,000 to $1,000,000; ensuring that companies cannot profit from noncompliance; clarifying the law regarding one-call services; and allowing DOJ, at the request of DOT, to seek civil penalties in court to ensure that serious violators can be punished to the fullest extent of the law.

The bill makes other significant improvements to existing law. My colleagues from Washington, Mr. GORTON and Mrs. MURRAY have outlined many of these improvements and how they will improve pipeline safety. However, Mr. President, S. 2438, despite significant improvements, also falls short in some areas. This is, in part, a reflection of inadequacy of current protections. It is my hope that further improvements can be made in conference with House and in discussions with the Clinton Administration. These improvements include allowing OPS to delegate enforcement to states as we do with the Clean Air Act and other laws; establishing federal standards for testing, re-testing, and repairs, leak detection, emergency shut-off valves, and failsafe mechanisms to prevent over pressurization; establishing federal standards to improve corrosion prevention; and removing the cost-benefit provisions incorporated into the law during the 1996 reauthorization, which may limit development of pipeline safety standards by requiring any new standards to meet economic and judicial tests that no other federal agency's regulations must meet.

I do not mean to detract from the hard work of Mr. MCCAIN, Mr. HOLLINGS, Mr. GORTON, Mrs. MURRAY, Mr. BINGAMAN and Mr. DOMENICI with my remarks. They have done great work crafting this bill and bringing it before the Senate for passage tonight. The public and the environment will be better protected thanks to their work.

SECTION 10(B)

Mr. HOLLINGS. Mr. President, I rise along with my colleagues Mr. BROWNBACK and Mr. KERRY to make clear the intent of certain provisions in the Pipeline Safety Improvement Act of 2000. It has come to my attention that there may be some ambiguities contained in the language of Section 10(b) of the proposed legislation (S. 2438). As you are aware, Section 10(b) of the bill adds a new provision—Section 60117(b)(3)—to the Revised Pipeline Safety Act. This provision requires that, during the course of an incident investigation, a pipeline owner or operator make records, reports, and information relevant to the incident investigation available to the Secretary upon request within the time limits prescribed in a written request. The bill incorporates by reference this new section into both the civil and criminal penalties sections of the Act, Sections 60122(a) and 60123(a), respectively. Under the current proposal, failure to comply with this reporting provision can result in civil penalties of up to $100,000 for each violation and $1,000,000 for a related series of violations. And, a separate violation occurs for each day the violation continues.

Civil penalties are capped at a maximum of $100,000 per day and $1,000,000 for a "related series of violations." The information required to be produced during an investigation pursuant to Section 60117(b)(3) is limited to information "relevant to [a particular] incident investigation." I am seeking clarification that all information requests issued by the Secretary pursuant to a single incident investigation are considered "related" for purposes of calculating the $1,000,000 civil penalty cap for a "related series of violations" under Section 60122(a). In other words, the provision would not treat each written information request as a separate and unrelated event for purposes of applying the $1,000,000 cap so long as all of the requests concern the same incident. Were that not the case, a pipeline owner or operator that receives numerous document requests relating to an incident, but is unable to assemble and provide all of the information in time to meet the Secretary's deadline, could face fines far exceeding the $1,000,000 contemplated by this legislation.

Mr. KERRY. I thank my friend, Mr. HOLLINGS, for his question. It is the intention of this legislation to treat all information requests pursuant to a single incident investigation as "related" for purposes of applying the civil penalty cap under Section 60122(a). To increase the incentive for pipeline companies to cooperate during an agency investigation, the cap has been increased to $1,000,000 for a related series of violations. That $1,000,000 cap is not intended to separately apply to each and every information request—of which there could be many—but rather serves as a restriction on the total amount of civil penalties applicable to a particular incident for failure to comply with the reporting requirement of Section 60117(b)(3).

Mr. BROWNBACK. Mr. President, I would like to clarify an additional provision of the legislation. It is my understanding that Section 60117(b)(3) is aimed at penalizing pipeline companies that either refuse to turn over records, reports, or information concerning an incident that is identified in a written request from the Secretary or refuse to produce the records, reports or information in a timely fashion. While it is critically important to ensure that companies actively aid the agency's investigative process by promptly providing information related to an incident, there may be situations where a company goes to great lengths to cooperate with an investigation, but for a variety of reasons falls short of fully satisfying the requirements of Section 60117(b)(3). For example, the information solicited in a written request may be unclear or otherwise subject to multiple interpretations. A company may promptly provide the information that it believes to be fully responsive to the request only to find out later that the information is somehow deficient either because it is incomplete, in a different form, or of a different character than that contemplated by the agency. In these situations, despite the best of intentions, a company may find out many days or weeks later that it is nonetheless subject to cumulative daily civil penalties. I am seeking clarification that Section 60117(b)(3) is intended only to cover those situations where the information that the Secretary seeks is clear, but the company refuses to provide the information at all or within the time prescribed in the written request—not situations where a company makes a good faith effort to meet the requirement but is deemed to have failed because of a written request for information this is subject to interpretation or ambiguously written.

Mr. KERRY. Mr, President, my friend, Mr. BROWNBACK, is correct that it is the intention of Section 60117(b)(3) to reach those companies that don't comply with a clearly written request for documents and information from the agency, but thwart the investigative process either by refusing to turn over relevant information or by dragging their feet in providing it. The bill does not contemplate that this penalty provision will be applied to a company that actively cooperates in an investigation and makes a good faith effort to provide all of the information requested only to find out later that, because of an ambiguously or poorly written request, the company technically failed to meet the requirements of Section 60117(b)(3).

Mr. BINGAMAN. I commend Chairman McCAIN, Senator HOLLINGS and the members of the Commerce Committee for moving expeditiously to pass this Pipeline Safety Reauthorization bill. The bill includes requirements for each pipeline to develop an integrity management plan to address the specific circumstances of each individual pipeline. There is reference in the Pipeline Safety Act, and the amendments, to circumstances such as pipelines in environmentally sensitive and densely populated areas warranting special attention, but no reference to pipelines that are attached to bridges at such places as river crossings or in other exposed circumstances. The tragic accident in my State of New Mexico was adjacent to a river crossing. The rupture occurred along a buried section of the pipe just before the pipe emerged and was attached to the bridge. I am very concerned that these pipelines are vulnerable to many different types of damage, including even that from a hunter's stray bullet or an auto accident. I would like to ask the chairman and members of the committee whether these exposed pipes on bridges are a category given special attention?

Mr. GORTON. Unlike inspections conducted on overland sections of pipeline, the inspector would need specialized knowledge to properly determine the structural integrity and soundness of, say, a cable suspension bridge, in addition to that of the pipeline. This would probably include an understanding of and training in: steel fabrication, structural engineering fundamentals, pipeline behavior under operating pressure, the characteristics of all cable types used in suspension bridges, and the characteristics of reinforced concrete foundation structures.

Mr. McCAIN. The committee has worked to ensure all pipelines are covered under the provisions of this legislation, including the more uniquely located pipelines mentioned by my colleagues. The bill requires the agency's technical experts, in conjunction with the industry, to develop specific plans to ensure the integrity of all pipelines. In addition, it requires that operators and inspectors are properly trained to be aware of, and proactively assess, the vulnerabilities of such pipelines in different circumstances, including exposed pipelines.

Mr. GORTON. Regardless of location, type of pipeline, size or terrain, a program to maintain and inspect the integrity of all pipelines is required to ensure the public safety, environmental protection and reliability of the infrastructure. In fact, the agency should be consulting with the bridge inspection specialists in the various other Federal and State agencies.

Mr. BINGAMAN. I thank the Senators for that clarification.

Mr. GORTON. Mr. President, I ask unanimous consent that the bill be read a third time and passed, as amended, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2438), as amended, was read the third time and passed, as follows:

S. 2438

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF TITLE 49, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the "Pipeline Safety Improvement Act of 2000".

(b) AMENDMENT OF TITLE 49, UNITED STATES CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 2. IMPLEMENTATION OF INSPECTOR GENERAL RECOMMENDATIONS.

(a) IN GENERAL.—Except as otherwise required by this Act, the Secretary shall implement the safety improvement recommendations provided for in the Department of Transportation Inspector General's Report (RT-2000-069).

(b) REPORTS BY THE SECRETARY.—Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter until each of the recommendations referred to in subsection (a) has been implemented, the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the specific actions taken to implement such recommendations.

(c) REPORTS BY THE INSPECTOR GENERAL.—The Inspector General shall periodically transmit to the Committees referred to in subsection (b) a report assessing the Secretary's progress in implementing the recommendations referred to in subsection (a) and identifying options for the Secretary to consider in accelerating recommendation implementation.

SEC. 3. NTSB SAFETY RECOMMENDATIONS.

(a) IN GENERAL.—The Secretary of Transportation, the Administrator of Research and Special Program Administration, and the Director of the Office of Pipeline Safety shall fully comply with section 1135 of title 49, United States Code, to ensure timely responsiveness to National Transportation Safety Board recommendations about pipeline safety.

(b) PUBLIC AVAILABILITY.—The Secretary, Administrator, or Director, respectively, shall make a copy of each recommendation on pipeline safety and response, as described in sections 1135 (a) and (b) of title 49, United States Code, available to the public at reasonable cost.

(c) REPORTS TO CONGRESS.—The Secretary, Administrator, or Director, respectively, shall submit to the Congress by January 1 of each year a report containing each recommendation on pipeline safety made by the Board during the prior year and a copy of the response to each such recommendation.

SEC. 4. QUALIFICATIONS OF PIPELINE PERSONNEL.

(a) QUALIFICATION PLAN.—Each pipeline operator shall make available to the Secretary of Transportation, or, in the case of an intrastate pipeline facility operator, the appropriate State regulatory agency, a plan that is designed to enhance the qualifications of pipeline personnel and to reduce the likelihood of accidents and injuries. The plan shall be made available not more than 6 months after the date of enactment of this Act, and the operator shall revise or update the plan as appropriate.

(b) REQUIREMENTS.—The enhanced qualification plan shall include, at a minimum, criteria to demonstrate the ability of an individual to safely and properly perform tasks identified under section 60102 of title 49, United States Code. The plan shall also provide for training and periodic reexamination of pipeline personnel qualifications and provide for requalification as appropriate. The Secretary, or, in the case of an intrastate pipeline facility operator, the appropriate State regulatory agency, may review and certify the plans to determine if they are sufficient to provide a safe operating environment and shall periodically review the plans to ensure the continuation of a safe operation. The Secretary may establish minimum standards for pipeline personnel training and evaluation, which may include written examination, oral examination, work performance history review, observation during performance on the job, on the job training, simulations, or other forms of assessment.

(c) Report to Congress.—

(1) In general.—The Secretary shall submit a report to the Congress evaluating the effectiveness of operator qualification and training efforts, including—

(A) actions taken by inspectors;

(B) recommendations made by inspectors for changes to operator qualification and training programs; and

(C) industry responses to those actions and recommendations.

(2) Criteria.—The Secretary may establish criteria for use in evaluating and reporting on operator qualification and training for purposes of this subsection.

(3) Due date.—The Secretary shall submit the report required by paragraph (1) to the Congress 3 years after the date of enactment of this Act.

SEC. 5. PIPELINE INTEGRITY INSPECTION PROGRAM.

Section 60109 is amended by adding at the end the following:

"(c) Integrity Management.—

"(1) General requirement.—The Secretary shall promulgate regulations requiring operators of hazardous liquid pipelines and natural gas transmission pipelines to evaluate the risks to the operator's pipeline facilities in areas identified pursuant to subsection (a)(1), and to adopt and implement a program for integrity management that reduces the risk of an incident in those areas. The regulations shall be issued no later than one year after the Secretary has issued standards pursuant to subsections (a) and (b) of this section or by December 31, 2001, whichever is sooner.

"(2) Standards for program.—In promulgating regulations under this section, the Secretary shall require an operator's integrity management plan to be based on risk analysis and each plan shall include, at a minimum—

"(A) periodic assessment of the integrity of the pipeline through methods including internal inspection, pressure testing, direct assessment, or other effective methods;

"(B) clearly defined criteria for evaluating the results of the periodic assessment methods carried out under subparagraph (A) and procedures to ensure identified problems are corrected in a timely manner; and

"(C) measures, as appropriate, that prevent and mitigate unintended releases, such as leak detection, integrity evaluation, restrictive flow devices, or other measures.

"(3) Criteria for program standards.—In deciding how frequently the integrity assessment methods carried out under paragraph (2)(A) must be conducted, an operator shall take into account the potential for new defects developing or previously identified structural defects caused by construction or installation, the operational characteristics of the pipeline, and leak history. In addition, the Secretary may establish a minimum testing requirement for operators of pipelines to conduct internal inspections.

"(4) State role.—A State authority that has an agreement in effect with the Secretary under section 60106 is authorized to review and assess an operator's risk analyses and integrity management plans required under this section for interstate pipelines located in that State. The reviewing State authority shall provide the Secretary with a written assessment of the plans, make recommendations, as appropriate, to address safety concerns not adequately addressed in the operator's plans, and submit documentation explaining the State-proposed plan revisions. The Secretary shall carefully consider the State's proposals and work in consultation with the States and operators to address safety concerns.

"(5) Monitoring implementation.—The Secretary of Transportation shall review the risk analysis and program for integrity management required under this section and provide for continued monitoring of such plans. Not later than 2 years after the implementation of integrity management plans under this section, the Secretary shall complete an assessment and evaluation of the effects on safety and the environment of extending all of the requirements mandated by the regulations described in paragraph (1) to additional areas. The Secretary shall submit the assessment and evaluation to Congress along with any recommendations to improve and expand the utilization of integrity management plans.

"(6) Opportunity for local input on integrity management.—Within 18 months after the date of enactment of the Pipeline Safety Improvement Act of 2000, the Secretary shall, by regulation, establish a process for raising and addressing local safety concerns about pipeline integrity and the operator's pipeline integrity plan. The process shall include—

"(A) a requirement that an operator of a hazardous liquid or natural gas transmission pipeline facility provide information about the risk analysis and integrity management plan required under this section to local officials in a State in which the facility is located;

"(B) a description of the local officials required to be informed, the information that is to be provided to them and the manner, which may include traditional or electronic means, in which it is provided;

"(C) the means for receiving input from the local officials that may include a public forum sponsored by the Secretary or by the State, or the submission of written comments through traditional or electronic means;

"(D) the extent to which an operator of a pipeline facility must participate in a public forum sponsored by the Secretary or in another means for receiving input from the local officials or in the evaluation of that input; and

"(E) the manner in which the Secretary will notify the local officials about how their concerns are being addressed.".

SEC. 6. ENFORCEMENT.

(a) In General.—Section 60112 is amended—

(1) by striking subsection (a) and inserting the following:

"(a) General Authority.—After notice and an opportunity for a hearing, the Secretary of Transportation may decide a pipeline facility is hazardous if the Secretary decides that—

"(1) operation of the facility is or would be hazardous to life, property, or the environment; or

"(2) the facility is, or would be, constructed or operated, or a component of the facility is, or would be, constructed or operated with equipment, material, or a technique that the Secretary decides is hazardous to life, property, or the environment."; and

(2) by striking "is hazardous," in subsection (d) and inserting "is, or would be, hazardous,".

SEC. 7. PUBLIC EDUCATION, EMERGENCY PREPAREDNESS, AND COMMUNITY RIGHT TO KNOW.

(a) Section 60116 is amended to read as follows:

"§ 60116. Public education, emergency preparedness, and community right to know

"(a) Public Education Programs.—

"(1) Each owner or operator of a gas or hazardous liquid pipeline facility shall carry out a continuing program to educate the public on the use of a one-call notification system prior to excavation and other damage prevention activities, the possible hazards associated with unintended releases from the pipeline facility, the physical indications that such a release may have occurred, what steps should be taken for public safety in the event of a pipeline release, and how to report such an event.

"(2) Within 12 months after the date of enactment of the Pipeline Safety Improvement Act of 2000, each owner or operator of a gas or hazardous liquid pipeline facility shall review its existing public education program for effectiveness and modify the program as necessary. The completed program shall include activities to advise affected municipalities, school districts, businesses, and residents of pipeline facility locations. The completed program shall be submitted to the Secretary or, in the case of an intrastate pipeline facility operator, the appropriate State agency and shall be periodically reviewed by the Secretary or, in the case of an intrastate pipeline facility operator, the appropriate State agency.

"(3) The Secretary may issue standards prescribing the elements of an effective public education program. The Secretary may also develop material for use in the program.

"(b) Emergency Preparedness.—

"(1) Operator liaison.—Within 12 months after the date of enactment of the Pipeline Safety Improvement Act of 2000, an operator of a gas transmission or hazardous liquid pipeline facility shall initiate and maintain liaison with the State emergency response commissions, and local emergency planning committees in the areas of pipeline right-of-way, established under section 301 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11001) in each State in which it operates.

"(2) Information.—An operator shall, upon request, make available to the State emergency response commissions and local emergency planning committees, and shall make available to the Office of Pipeline Safety in a standardized form for the purpose of providing the information to the public, the information described in section 60102(d), the operator's program for integrity management, and information about implementation of that program. The information about the facility shall also include, at a minimum—

"(A) the business name, address, telephone number of the operator, including a 24-hour emergency contact number;

"(B) a description of the facility, including pipe diameter, the product or products carried, and the operating pressure;

"(C) with respect to transmission pipeline facilities, maps showing the location of the facility and, when available, any high consequence areas which the pipeline facility traverses or adjoins and abuts;

"(D) a summary description of the integrity measures the operator uses to assure safety and protection for the environment; and

"(E) a point of contact to respond to questions from emergency response representative.

"(3) SMALLER COMMUNITIES.—In a community without a local emergency planning committee, the operator shall maintain liaison with the local fire, police, and other emergency response agencies.

"(4) PUBLIC ACCESS.—The Secretary shall prescribe requirements for public access, as appropriate, to this information, including a requirement that the information be made available to the public by widely accessible computerized database.

"(c) COMMUNITY RIGHT TO KNOW.—Not later than 12 months after the date of enactment of the Pipeline Safety Improvement Act of 2000, and annually thereafter, the owner or operator of each gas transmission or hazardous liquid pipeline facility shall provide to the governing body of each municipality in which the pipeline facility is located, a map identifying the location of such facility. The map may be provided in electronic form. The Secretary may provide technical assistance to the pipeline industry on developing public safety and public education program content and best practices for program delivery, and on evaluating the effectiveness of the programs. The Secretary may also provide technical assistance to State and local officials in applying practices developed in these programs to their activities to promote pipeline safety.

"(d) PUBLIC AVAILABILITY OF REPORTS.—The Secretary shall—

"(1) make available to the public—

"(A) a safety-related condition report filed by an operator under section 60102(h);

"(B) a report of a pipeline incident filed by an operator;

"(C) the results of any inspection by the Office of Pipeline Safety or a State regulatory official; and

"(D) a description of any corrective action taken in response to a safety-related condition reported under subparagraph (A), (B), or (C); and

"(2) prescribe requirements for public access, as appropriate, to integrity management program information prepared under this chapter, including requirements that will ensure data accessibility to the greatest extent feasible.".

(b) SAFETY CONDITION REPORTS.—Section 60102(h)(2) is amended by striking "authorities." and inserting "officials, including the local emergency responders.".

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 601 is amended by striking the item relating to section 60116 and inserting the following:

"60116. Public education, emergency preparedness, community right to know.".

SEC. 8. PENALTIES.

(a) CIVIL PENALTIES.—Section 60122 is amended—

(1) by striking "$25,000" in subsection (a)(1) and inserting "$500,000";

(2) by striking "$500,000" in subsection (a)(1) and inserting "$1,000,000";

(3) by adding at the end of subsection (a)(1) the following: "The preceding sentence does not apply to judicial enforcement action under section 60120 or 60121."; and

(4) by striking subsection (b) and inserting the following:

"(b) PENALTY CONSIDERATIONS.—In determining the amount of a civil penalty under this section—

"(1) the Secretary shall consider—

"(A) the nature, circumstances, and gravity of the violation, including adverse impact on the environment;

"(B) with respect to the violator, the degree of culpability, any history of prior violations, the ability to pay, any effect on ability to continue doing business; and

"(C) good faith in attempting to comply; and

"(2) the Secretary may consider—

"(A) the economic benefit gained from the violation without any discount because of subsequent damages; and

"(B) other matters that justice requires.".

(b) EXCAVATOR DAMAGE.—Section 60123(d) is amended—

(1) by striking "knowingly and willfully";

(2) by inserting "knowingly and willfully" before "engages" in paragraph (1); and

(3) striking paragraph (2)(B) and inserting the following:

"(B) a pipeline facility, is aware of damage, and does not report the damage promptly to the operator of the pipeline facility and to other appropriate authorities; or".

(c) CIVIL ACTIONS.—Section 60120(a)(1) is amended to read as follows:

"(1) On the request of the Secretary of Transportation, the Attorney General may bring a civil action in an appropriate district court of the United States to enforce this chapter, including section 60112 of this chapter, or a regulation prescribed or order issued under this chapter. The court may award appropriate relief, including a temporary or permanent injunction, punitive damages, and assessment of civil penalties considering the same factors as prescribed for the Secretary in an administrative case under section 60122.".

SEC. 9. STATE OVERSIGHT ROLE.

(a) STATE AGREEMENTS WITH CERTIFICATION.—Section 60106 is amended—

(1) by striking "GENERAL AUTHORITY.—" in subsection (a) and inserting "AGREEMENTS WITHOUT CERTIFICATION.—";

(2) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e); and

(3) by inserting after subsection (a) the following:

"(b) AGREEMENTS WITH CERTIFICATION.—

"(1) IN GENERAL.—If the Secretary accepts a certification under section 60105 of this title and makes the determination required under this subsection, the Secretary may make an agreement with a State authority authorizing it to participate in the oversight of interstate pipeline transportation. Each such agreement shall include a plan for the State authority to participate in special investigations involving incidents or new construction and allow the State authority to participate in other activities overseeing interstate pipeline transportation or to assume additional inspection or investigatory duties. Nothing in this section modifies section 60104(c) or authorizes the Secretary to delegate the enforcement of safety standards prescribed under this chapter to a State authority.

"(2) DETERMINATIONS REQUIRED.—The Secretary may not enter into an agreement under this subsection, unless the Secretary determines that—

"(A) the agreement allowing participation of the State authority is consistent with the Secretary's program for inspection and consistent with the safety policies and provisions provided under this chapter;

"(B) the interstate participation agreement would not adversely affect the oversight responsibilities of intrastate pipeline transportation by the State authority;

"(C) the State is carrying out a program demonstrated to promote preparedness and risk prevention activities that enable communities to live safely with pipelines;

"(D) the State meets the minimum standards for State one-call notification set forth in chapter 61; and

"(E) the actions planned under the agreement would not impede interstate commerce or jeopardize public safety.

"(3) EXISTING AGREEMENTS.—If requested by the State Authority, the Secretary shall authorize a State Authority which had an interstate agreement in effect after January, 1999, to oversee interstate pipeline transportation pursuant to the terms of that agreement until the Secretary determines that the State meets the requirements of paragraph (2) and executes a new agreement, or until December 31, 2001, whichever is sooner. Nothing in this paragraph shall prevent the Secretary, after affording the State notice, hearing, and an opportunity to correct any alleged deficiencies, from terminating an agreement that was in effect before enactment of the Pipeline Safety Improvement Act of 2000 if—

"(A) the State Authority fails to comply with the terms of the agreement;

"(B) implementation of the agreement has resulted in a gap in the oversight responsibilities of intrastate pipeline transportation by the State Authority; or

"(C) continued participation by the State Authority in the oversight of interstate pipeline transportation has had an adverse impact on pipeline safety.".

(b) ENDING AGREEMENTS.—Subsection (e) of section 60106, as redesignated by subsection (a), is amended to read as follows:

"(e) ENDING AGREEMENTS.—

"(1) PERMISSIVE TERMINATION.—The Secretary may end an agreement under this section when the Secretary finds that the State authority has not complied with any provision of the agreement.

"(2) MANDATORY TERMINATION OF AGREEMENT.—The Secretary shall end an agreement for the oversight of interstate pipeline transportation if the Secretary finds that—

"(A) implementation of such agreement has resulted in a gap in the oversight responsibilities of intrastate pipeline transportation by the State authority;

"(B) the State actions under the agreement have failed to meet the requirements under subsection (b); or

"(C) continued participation by the State authority in the oversight of interstate pipeline transportation would not promote pipeline safety.

"(3) PROCEDURAL REQUIREMENTS.—The Secretary shall give the notice and an opportunity for a hearing to a State authority before ending an agreement under this section. The Secretary may provide a State an opportunity to correct any deficiencies before ending an agreement. The finding and decision to end the agreement shall be published in the Federal Register and may not become effective for at least 15 days after the date of publication unless the Secretary finds that continuation of an agreement poses an imminent hazard.".

SEC. 10. IMPROVED DATA AND DATA AVAILABILITY.

(a) In General.—Within 12 months after the date of enactment of this Act, the Secretary shall develop and implement a comprehensive plan for the collection and use of gas and hazardous liquid pipeline data to revise the causal categories on the incident report forms to eliminate overlapping and confusing categories and include subcategories. The plan shall include components to provide the capability to perform sound incident trend analysis and evaluations of pipeline operator performance using normalized accident data.

(b) Report of Releases Exceeding 5 Gallons.—Section 60117(b) is amended—

(1) by inserting "(1)" before "To";

(2) redesignating paragraphs (1) and (2) as subparagraphs (A) and (B);

(3) inserting before the last sentence the following:

"(2) A person owning or operating a hazardous liquid pipeline facility shall report to the Secretary each release to the environment greater than five gallons of the hazardous liquid or carbon dioxide transported. This section applies to releases from pipeline facilities regulated under this chapter. A report must include the location of the release, fatalities and personal injuries, type of product, amount of product release, cause or causes of the release, extent of damage to property and the environment, and the response undertaken to clean up the release.

"(3) During the course of an incident investigation, a person owning or operating a pipeline facility shall make records, reports, and information required under subsection (a) of this section or other reasonably described records, reports, and information relevant to the incident investigation, available to the Secretary within the time limits prescribed in a written request."; and

(4) indenting the first word of the last sentence and inserting "(4)" before "The Secretary" in that sentence.

(c) Penalty Authorities.—(1) Section 60122(a) is amended by striking "60114(c)" and inserting "60117(b)(3)".

(2) Section 60123(a) is amended by striking "60114(c)," and inserting "60117(b)(3),".

(d) Establishment of National Depository.—Section 60117 is amended by adding at the end the following:

"(l) National Depository.—The Secretary shall establish a national depository of data on events and conditions, including spill histories and corrective actions for specific incidents, that can be used to evaluate the risk of, and to prevent, pipeline failures and releases. The Secretary shall administer the program through the Bureau of Transportation Statistics, in cooperation with the Research and Special Programs Administration, and shall make such information available for use by State and local planning and emergency response authorities and the public.".

SEC. 11. RESEARCH AND DEVELOPMENT.

(a) Innovative Technology Development.—

(1) In general.—As part of the Department of Transportation's research and development program, the Secretary of Transportation shall direct research attention to the development of alternative technologies—

(A) to expand the capabilities of internal inspection devices to identify and accurately measure defects and anomalies;

(B) to inspect pipelines that cannot accommodate internal inspection devices available on the date of enactment;

(C) to develop innovative techniques measuring the structural integrity of pipelines;

(D) to improve the capability, reliability, and practicality of external leak detection devices; and

(E) to develop and improve alternative technologies to identify and monitor outside force damage to pipelines.

(2) Cooperative.—The Secretary may participate in additional technological development through cooperative agreements with trade associations, academic institutions, or other qualified organizations.

(b) Pipeline Safety and Reliability Research and Development.—

(1) In General.—The Secretary of Transportation, in coordination with the Secretary of Energy, shall develop and implement an accelerated cooperative program of research and development to ensure the integrity of natural gas and hazardous liquid pipelines. This research and development program—

(A) shall include materials inspection techniques, risk assessment methodology, and information systems surety; and

(B) shall complement, and not replace, the research program of the Department of Energy addressing natural gas pipeline issues existing on the date of enactment of this Act.

(2) Purpose.—The purpose of the cooperative research program shall be to promote pipeline safety research and development to—

(A) ensure long-term safety, reliability and service life for existing pipelines;

(B) expand capabilities of internal inspection devices to identify and accurately measure defects and anomalies;

(C) develop inspection techniques for pipelines that cannot accommodate the internal inspection devices available on the date of enactment;

(D) develop innovative techniques to measure the structural integrity of pipelines to prevent pipeline failures;

(E) develop improved materials and coatings for use in pipelines;

(F) improve the capability, reliability, and practicality of external leak detection devices;

(G) identify underground environments that might lead to shortened service life;

(H) enhance safety in pipeline siting and land use;

(I) minimize the environmental impact of pipelines;

(J) demonstrate technologies that improve pipeline safety, reliability, and integrity;

(K) provide risk assessment tools for optimizing risk mitigation strategies; and

(L) provide highly secure information systems for controlling the operation of pipelines.

(3) Areas.—In carrying out this subsection, the Secretary of Transportation, in coordination with the Secretary of Energy, shall consider research and development on natural gas, crude oil and petroleum product pipelines for—

(A) early crack, defect, and damage detection, including real-time damage monitoring;

(B) automated internal pipeline inspection sensor systems;

(C) land use guidance and set back management along pipeline rights-of-way for communities;

(D) internal corrosion control;

(E) corrosion-resistant coatings;

(F) improved cathodic protection;

(G) inspection techniques where internal inspection is not feasible, including measurement of structural integrity;

(H) external leak detection, including portable real-time video imaging technology, and the advancement of computerized control center leak detection systems utilizing real-time remote field data input;

(I) longer life, high strength, non-corrosive pipeline materials;

(J) assessing the remaining strength of existing pipes;

(K) risk and reliability analysis models, to be used to identify safety improvements that could be realized in the near term resulting from analysis of data obtained from a pipeline performance tracking initiative;

(L) identification, monitoring, and prevention of outside force damage, including satellite surveillance; and

(M) any other areas necessary to ensuring the public safety and protecting the environment.

(4) Points of contact.—

(A) In general.—To coordinate and implement the research and development programs and activities authorized under this subsection—

(i) the Secretary of Transportation shall designate, as the point of contact for the Department of Transportation, an officer of the Department of Transportation who has been appointed by the President and confirmed by the Senate; and

(ii) the Secretary of Energy shall designate, as the point of contact for the Department of Energy, an officer of the Department of Energy who has been appointed by the President and confirmed by the Senate.

(B) Duties.—

(i) The point of contact for the Department of Transportation shall have the primary responsibility for coordinating and overseeing the implementation of the research, development, and demonstration program plan under paragraphs (5) and (6).

(ii) The points of contact shall jointly assist in arranging cooperative agreements for research, development and demonstration involving their respective Departments, national laboratories, universities, and industry research organizations.

(5) Research and development program plan.—Within 240 days after the date of enactment of this Act, the Secretary of Transportation, in coordination with the Secretary of Energy and the Pipeline Integrity Technical Advisory Committee, shall prepare and submit to the Congress a 5-year program plan to guide activities under this subsection. In preparing the program plan, the Secretary shall consult with appropriate representatives of the natural gas, crude oil, and petroleum product pipeline industries to select and prioritize appropriate project proposals. The Secretary may also seek the advice of utilities, manufacturers, institutions of higher learning, Federal agencies, the pipeline research institutions, national laboratories, State pipeline safety officials, environmental organizations, pipeline safety advocates, and professional and technical societies.

(6) Implementation.—The Secretary of Transportation shall have primary responsibility for ensuring the 5-year plan provided for in paragraph (5) is implemented as intended. In carrying out the research, development, and demonstration activities under this paragraph, the Secretary of Transportation and the Secretary of Energy may use, to the extent authorized under applicable provisions of law, contracts, cooperative agreements, cooperative research and development agreements under the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.), grants, joint ventures, other transactions, and any other form of

agreement available to the Secretary consistent with the recommendations of the Advisory Committee.

(7) Reports to congress.—The Secretary of Transportation shall report to the Congress annually as to the status and results to date of the implementation of the research and development program plan. The report shall include the activities of the Departments of Transportation and Energy, the national laboratories, universities, and any other research organizations, including industry research organizations.

SEC. 12. PIPELINE INTEGRITY TECHNICAL ADVISORY COMMITTEE.

(a) Establishment.—The Secretary of Transportation shall enter into appropriate arrangements with the National Academy of Sciences to establish and manage the Pipeline Integrity Technical Advisory Committee for the purpose of advising the Secretary of Transportation and the Secretary of Energy on the development and implementation of the 5-year research, development, and demonstration program plan under section 11(b)(5). The Advisory Committee shall have an ongoing role in evaluating the progress and results of the research, development, and demonstration carried out under that section.

(b) Membership.—The National Academy of Sciences shall appoint the members of the Pipeline Integrity Technical Advisory Committee after consultation with the Secretary of Transportation and the Secretary of Energy. Members appointed to the Advisory Committee should have the necessary qualifications to provide technical contributions to the purposes of the Advisory Committee.

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

(a) Gas and Hazardous Liquids.—Section 60125(a) is amended to read as follows:

"(a) Gas and Hazardous Liquid.—To carry out this chapter and other pipeline-related damage prevention activities of this title (except for section 60107), there are authorized to be appropriated to the Department of Transportation—

"(1) $26,000,000 for fiscal year 2001, of which $20,000,000 is to be derived from user fees for fiscal year 2001 collected under section 60301 of this title; and

"(2) $30,000,000 for each of the fiscal years 2002 and 2003 of which $23,000,000 is to be derived from user fees for fiscal year 2002 and fiscal year 2003 collected under section 60301 of this title.".

(b) Grants to States.—Section 60125(c) is amended to read as follows:

"(c) State Grants.—Not more than the following amounts may be appropriated to the Secretary to carry out section 60107—

"(1) $17,000,000 for fiscal year 2001, of which $15,000,000 is to be derived from user fees for fiscal year 2001 collected under section 60301 of this title; and

"(2) $20,000,000 for the fiscal years 2002 and 2003 of which $18,000,000 is to be derived from user fees for fiscal year 2002 and fiscal year 2003 collected under section 60301 of this title.".

(c) Oil Spills.—Sections 60525 is amended by redesignating subsections (d), (e), and (f) as subsections (e), (f), (g) and inserting after subsection (c) the following:

"(d) Oil Spill Liability Trust Fund.—Of the amounts available in the Oil Spill Liability Trust Fund, $8,000,000 shall be transferred to carry out programs authorized in this Act for fiscal year 2001, fiscal year 2002, and fiscal year 2003.".

(e) Pipeline Integrity Program.—(1) There are authorized to be appropriated to the Secretary of Transportation for carrying out sections 11(b) and 12 of this Act $3,000,000, to be derived from user fees under section 60125 of title 49, United States Code, for each of the fiscal years 2001 through 2005.

(2) Of the amounts available in the Oil Spill Liability Trust Fund established by section 9509 of the Internal Revenue Code of 1986 (26 U.S.C. 9509), $3,000,000 shall be transferred to the Secretary of Transportation to carry out programs for detection, prevention and mitigation of oil spills under sections 11(b) and 12 of this Act for each of the fiscal years 2001 through 2005.

(3) There are authorized to be appropriated to the Secretary of Energy for carrying out sections 11(b) and 12 of this Act such sums as may be necessary for each of the fiscal years 2001 through 2005.

SEC. 14. OPERATOR ASSISTANCE IN INVESTIGATIONS.

(a) In General.—If the Department of Transportation or the National Transportation Safety Board investigate an accident, the operator involved shall make available to the representative of the Department or the Board all records and information that in any way pertain to the accident (including integrity management plans and test results), and shall afford all reasonable assistance in the investigation of the accident.

(b) Corrective Action Orders.—Section 60112(d) is amended—

(1) by inserting "(1)" after "Corrective Action Orders.—"; and

(2) by adding at the end the following:

"(2) If, in the case of a corrective action order issued following an accident, the Secretary determines that the actions of an employee carrying out an activity regulated under this chapter, including duties under section 60102(a), may have contributed substantially to the cause of the accident, the Secretary shall direct the operator to relieve the employee from performing those activities, reassign the employee, or place the employee on leave until—

"(A) the Secretary determines that the employee's performance of duty in carrying out the activity did not contribute substantially to the cause of the accident; or

"(B) the Secretary determines the employee has been re-qualified or re-trained as provided for in section 4 of the Pipeline Safety Improvement Act of 2000 and can safely perform those activities.

"(3) Disciplinary action taken by an operator under paragraph (2) shall be in accordance with the terms and conditions of any applicable collective bargaining agreement to the extent it is not inconsistent with the requirements of this section.".

SEC. 15. PROTECTION OF EMPLOYEES PROVIDING PIPELINE SAFETY INFORMATION.

(a) In General.—Chapter 601 is amended by adding at the end the following:

"§ 60129. Protection of employees providing pipeline safety information

"(a) Discrimination Against Pipeline Employees.—No pipeline operator or contractor or subcontractor of a pipeline may discharge an employee or otherwise discriminate against an employee with respect to compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to a request of the employee)—

"(1) provided, caused to be provided, or is about to provide (with any knowledge of the employer) or cause to be provided to the employer or Federal Government information relating to any violation or alleged violation of any order, regulation, or standard of the Research and Special Programs Administration or any other provision of Federal law relating to pipeline safety under this chapter or any other law of the United States;

"(2) has filed, caused to be filed, or is about to file (with any knowledge of the employer) or cause to be filed a proceeding relating to any violation or alleged violation of any order, regulation, or standard of the Administration or any other provision of Federal law relating to pipeline safety under this chapter or any other law of the United States;

"(3) testified or is about to testify in such a proceeding; or

"(4) assisted or participated or is about to assist or participate in such a proceeding.

"(b) Department of Labor Complaint Procedure.—

"(1) Filing and notification.—A person who believes that he or she has been discharged or otherwise discriminated against by any person in violation of subsection (a) may, not later than 90 days after the date on which such violation occurs, file (or have any person file on his or her behalf) a complaint with the Secretary of Labor alleging such discharge or discrimination. Upon receipt of such a complaint, the Secretary of Labor shall notify, in writing, the person named in the complaint and the Administrator of the Research and Special Programs Administration of the filing of the complaint, of the allegations contained in the complaint, of the substance of evidence supporting the complaint, and of the opportunities that will be afforded to such person under paragraph (2).

"(2) Investigation; preliminary order.—

"(A) In general.—Not later than 60 days after the date of receipt of a complaint filed under paragraph (1) and after affording the person named in the complaint an opportunity to submit to the Secretary of Labor a written response to the complaint and an opportunity to meet with a representative of the Secretary to present statements from witnesses, the Secretary of Labor shall conduct an investigation and determine whether there is reasonable cause to believe that the complaint has merit and notify in writing the complainant and the person alleged to have committed a violation of subsection (a) of the Secretary's findings. If the Secretary of Labor concludes that there is reasonable cause to believe that a violation of subsection (a) has occurred, the Secretary shall accompany the Secretary's findings with a preliminary order providing the relief prescribed by paragraph (3)(B). Not later than 30 days after the date of notification of findings under this paragraph, either the person alleged to have committed the violation or the complainant may file objections to the findings or preliminary order, or both, and request a hearing on the record. The filing of such objections shall not operate to stay any reinstatement remedy contained in the preliminary order. Such hearings shall be conducted expeditiously. If a hearing is not requested in such 30-day period, the preliminary order shall be deemed a final order that is not subject to judicial review.

"(B) Requirements.—

"(i) Required showing by complainant.—The Secretary of Labor shall dismiss a complaint filed under this subsection and shall not conduct an investigation otherwise required under subparagraph (A) unless the complainant makes a prima facie showing that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

"(ii) Showing by employer.—Notwithstanding a finding by the Secretary that the complainant has made the showing required under clause (i), no investigation otherwise required under subparagraph (A) shall be conducted if the employer demonstrates, by clear and convincing evidence, that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

``(iii) CRITERIA FOR DETERMINATION BY SECRETARY.—The Secretary may determine that a violation of subsection (a) has occurred only if the complainant demonstrates that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

``(iv) PROHIBITION.—Relief may not be ordered under subparagraph (A) if the employer demonstrates by clear and convincing evidence that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

``(3) FINAL ORDER.—

``(A) DEADLINE FOR ISSUANCE; SETTLEMENT AGREEMENTS.—Not later than 120 days after the date of conclusion of a hearing under paragraph (2), the Secretary of Labor shall issue a final order providing the relief prescribed by this paragraph or denying the complaint. At any time before issuance of a final order, a proceeding under this subsection may be terminated on the basis of a settlement agreement entered into by the Secretary of Labor, the complainant, and the person alleged to have committed the violation.

``(B) REMEDY.—If, in response to a complaint filed under paragraph (1), the Secretary of Labor determines that a violation of subsection (a) has occurred, the Secretary of Labor shall order the person who committed such violation to—

``(i) take affirmative action to abate the violation;

``(ii) reinstate the complainant to his or her former position together with the compensation (including back pay) and restore the terms, conditions, and privileges associated with his or her employment; and

``(iii) provide compensatory damages to the complainant.

If such an order is issued under this paragraph, the Secretary of Labor, at the request of the complainant, shall assess against the person whom the order is issued a sum equal to the aggregate amount of all costs and expenses (including attorney's and expert witness fees) reasonably incurred, as determined by the Secretary of Labor, by the complainant for, or in connection with, the bringing the complaint upon which the order was issued.

``(C) FRIVOLOUS COMPLAINTS.—If the Secretary of Labor finds that a complaint under paragraph (1) is frivolous or has been brought in bad faith, the Secretary of Labor may award to the prevailing employer a reasonable attorney's fee not exceeding $1,000.

``(4) REVIEW.—

``(A) APPEAL TO COURT OF APPEALS.—Any person adversely affected or aggrieved by an order issued under paragraph (3) may obtain review of the order in the United States Court of Appeals for the circuit in which the violation, with respect to which the order was issued, allegedly occurred or the circuit in which the complainant resided on the date of such violation. The petition for review must be filed not later than 60 days after the date of issuance of the final order of the Secretary of Labor. Review shall conform to chapter 7 of title 5, United States Code. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the order.

``(B) LIMITATION ON COLLATERAL ATTACK.—An order of the Secretary of Labor with respect to which review could have been obtained under subparagraph (A) shall not be subject to judicial review in any criminal or other civil proceeding.

``(5) ENFORCEMENT OF ORDER BY SECRETARY OF LABOR.—Whenever any person has failed to comply with an order issued under paragraph (3), the Secretary of Labor may file a civil action in the United States district court for the district in which the violation was found to occur to enforce such order. In actions brought under this paragraph, the district courts shall have jurisdiction to grant all appropriate relief, including, but not to be limited to, injunctive relief and compensatory damages.

``(6) ENFORCEMENT OF ORDER BY PARTIES.—

``(A) COMMENCEMENT OF ACTION.—A person on whose behalf an order was issued under paragraph (3) may commence a civil action against the person to whom such order was issued to require compliance with such order. The appropriate United States district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such order.

``(B) ATTORNEY FEES.—The court, in issuing any final order under this paragraph, may award costs of litigation (including reasonable attorney and expert witness fees) to any party whenever the court determines such award costs is appropriate.

``(c) MANDAMUS.—Any nondiscretionary duty imposed by this section shall be enforceable in a mandamus proceeding brought under section 1361 of title 28, United States Code.

``(d) NONAPPLICABILITY TO DELIBERATE VIOLATIONS.—Subsection (a) shall not apply with respect to an employee of a pipeline, contractor or subcontractor who, acting without direction from the pipeline contractor or subcontractor (or such person's agent), deliberately causes a violation of any requirement relating to pipeline safety under this chapter or any other law of the United States.

``(e) CONTRACTOR DEFINED.—In this section, the term `contractor' means a company that performs safety-sensitive functions by contract for a pipeline.''.

(b) CIVIL PENALTY.—Section 60122(a) is amended by adding at the end the following:

``(3) A person violating section 60129, or an order issued thereunder, is liable to the Government for a civil penalty of not more than $1,000 for each violation. The penalties provided by paragraph (1) do not apply to a violation of section 60129 or an order issued thereunder.''.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 601 is amended by adding at the end the following:

``60129. Protection of employees providing pipeline safety information.''.

SEC. 16. STATE PIPELINE SAFETY ADVISORY COMMITTEES.

Within 90 days after receiving recommendations for improvements to pipeline safety from an advisory committee appointed by the Governor of any State, the Secretary of Transportation shall respond in writing to the committee setting forth what action, if any, the Secretary will take on those recommendations and the Secretary's reasons for acting or not acting upon any of the recommendations.

SEC. 17. FINES AND PENALTIES.

The Inspector General of the Department of Transportation shall conduct an analysis of the Department's assessment of fines and penalties on gas transmission and hazardous liquid pipelines, including the cost of corrective actions required by the Department in lieu of fines, and, no later than 6 months after the date of enactment of this Act, shall provide a report to the Senate Committee on Commerce, Science, and Transportation and the House Committee on Transportation and Infrastructure on any findings and recommendations for actions by the Secretary or Congress to ensure the fines assessed are an effective deterrent for reducing safety risks.

SEC. 18. STUDY OF RIGHTS-OF-WAY.

The Secretary of Transportation is authorized to conduct a study on how best to preserve environmental resources in conjunction with maintaining pipeline rights-of-way. The study shall recognize pipeline operators' regulatory obligations to maintain rights-of-way and to protect public safety.

SECURITY ASSISTANCE ACT OF 2000

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 696, S. 2901.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2901) to authorize appropriations to carry out security assistance for fiscal year 2001, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. GORTON. Mr. President, I ask unanimous consent that the bill be read the third time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2901) was read the third time.

Mr. GORTON. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of H.R. 4919. I further ask consent that the Senate proceed to its consideration, all after the enacting clause be stricken, and the text of S. 2901 be inserted in lieu thereof. I ask that the bill then be read the third time and passed, as amended, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

Further, I ask unanimous consent that the Senate then insist on its amendments, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate and, finally, that S. 2901 be placed back on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4919), as amended, was read the third time and passed.

The PRESIDING OFFICER (Mr. ROBERTS) appointed Mr. HELMS, Mr. LUGAR, Mr. HAGEL, Mr. BIDEN, and Mr. SARBANES conferees on the part of the Senate.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the nominations reported by the Armed Services Committee during today's session.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed, as follows:

AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Charles R. Holland, 4055

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Glen W. Moorhead, III, 6124

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Norton A. Schwartz, 7542

ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Daniel J. Petrosky, 1004

The following named officer for appointment as The Surgeon General, United States Army, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 3036:

To be lieutenant general

Maj. Gen. James B. Peake, 1525

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601, and as a Senior Member of the Military Staff Committee of the United Nations under title 10, U.S.C., Section 711:

To be lieutenant general

Maj. Gen. John P. Abizaid, 6229

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Edward G. Anderson, III, 2536

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Bryan D. Brown, 2565

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. William P. Tangney, 4937

MARINE CORPS

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Peter Pace, 7426

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Michael P. Delong, 5191

NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. Walter F. Doran, 4942

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

MEASURE READ THE FIRST TIME—S. 3021

Mr. GORTON. Mr. President, I understand that S. 3021 is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3021) to provide that a certification of the cooperation of Mexico with United States counter-drug efforts not be required in fiscal year 2001 for the limitation on assistance for Mexico under section 490 of the Foreign Assistance Act of 1961 not to go into effect in that fiscal year.

Mr. GORTON. I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will remain at the desk until its second reading.

NOMINATIONS PLACED ON THE CALENDAR

Mr. GORTON. Mr. President, as in executive session, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of the nominations of Senator BIDEN and Senator GRAMS to be representatives to the General Assembly of the United Nations and, further, that the nominations be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR FRIDAY, SEPTEMBER 8, 2000

Mr. GORTON. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m. on Friday, September 8. I further ask that on Friday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume debate on H.R. 4444, the China PNTR legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. GORTON. Mr. President, at 10 a.m., the Senate will resume debate on the China trade bill. Amendments are expected to be offered and debated throughout the day. As previously announced, there will be no votes during tomorrow's session of the Senate. Therefore, any votes ordered with respect to the China PNTR bill will be scheduled to occur on Monday or Tuesday of next week. If significant progress can be made during tomorrow's session, votes may be delayed until Tuesday morning, September 12. Therefore, those Senators who have amendments to H.R. 4444 are encouraged to come to the floor during Friday's session.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. GORTON. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:59 p.m., adjourned until Friday, September 8, 2000, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate September 7, 2000:

DEPARTMENT OF DEFENSE

ROBERT B. PIRIE, JR., OF MARYLAND, TO BE UNDER SECRETARY OF THE NAVY, VICE JERRY MACARTHUR HULTIN, RESIGNED.

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

FREDERICK G. SLABACH, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2005, VICE NORMAN I. MALDONADO, TERM EXPIRED.

THE JUDICIARY

VALERIE K. COUCH, OF OKLAHOMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF OKLAHOMA, VICE WAYNE E. ALLEY, RETIRED.

MARIAN MCCLURE JOHNSTON, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF CALIFORNIA, VICE LAWRENCE K. KARLTON, RETIRED.

STATE JUSTICE INSTITUTE

DAVID A. NASATIR, OF PENNSYLVANIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 2003, VICE TERRENCE B. ADAMSON, TERM EXPIRED.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS OF THE UNITED STATES COAST GUARD TO BE MEMBERS OF THE PERMANENT COMMISSIONED TEACHING STAFF OF THE COAST GUARD ACADEMY IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 188.

To be lieutenant

MICHAEL J. CORL, 7557
GREGORY J. HALL, 7048

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSON OF THE AGENCY INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF THE CLASS STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS ONE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

GUY EDGAR OLSON, OF ILLINOIS
LOUIS M. POSSANZA, OF VIRGINIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF AGRICULTURE

JOSEPH LOPEZ, OF FLORIDA
KURT F. SEIFARTH, OF MARYLAND

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

KEREM SERDAR BILGE, OF CALIFORNIA
WILLIAM JOSEPH BISTRANSKY, OF VIRGINIA
MATTHEW DAVID CHRIST, OF NEW HAMPSHIRE
MARC ADRIAN COLLINS, OF NEW JERSEY
MARK W. CULLINANE, OF TEXAS
GREGORY S. D'ELIA, OF NEW YORK
STEVEN H. FAGIN, OF NEW JERSEY
CARL BENJAMIN FOX, OF CALIFORNIA
GRAHAM D. MAYER, OF VIRGINIA
VICTOR MYEV, OF CALIFORNIA
DWIGHT D. NYSTROM, OF ALABAMA
A. JAMES PANOS, OF CALIFORNIA
SHANNON M. ROSS, OF WASHINGTON
LESLIE C. SCHAAR, OF TEXAS
STEPHEN FLETCHER STEGER, OF MISSOURI
MICHAEL SULLIVAN, OF VIRGINIA
WILLIAM D. SWANEY, OF VERMONT
INGER ANN TANGBORN, OF WASHINGTON
SONYA M. TSIROS, OF FLORIDA
JENNIFER DE WITT WALSH, OF WYOMING
TAMIR GLENN WASER, OF VIRGINIA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE AND STATE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED: CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

ELIZA FERGUSON AL-LAHAM, OF MARYLAND
JACK R. ANDERSON, OF MINNESOTA
MATTHEW C. AUSTIN, OF WASHINGTON
MARK D. BARON, OF CALIFORNIA
STACY MARIE BARRIOS, OF LOUISIANA
JULIA LOUISE BATE, OF OHIO
CHAD JONATHAN BERBERT, OF UTAH
BRADLY S. BISHOP, OF VIRGINIA
ANDREW GOSS BOYD, OF THE DISTRICT OF COLUMBIA
MATTHEW MARTIN BOYNTON, OF VIRGINIA
MATTHEW T. BRADLEY, OF VIRGINIA
ROBIN A. BRADLEY, OF MARYLAND
CLINTON STEWART BROWN, OF NEW YORK
ROB L. BUCKLEY, OF FLORIDA
MICHAEL PATRICK CRAGUN, OF OREGON
TERENCE DARNELL CURRY, OF THE DISTRICT OF COLUMBIA
KERRY L. DEMUSZ, OF PENNSYLVANIA
MICHAEL JOHN DOLLAR, OF VIRGINIA
CATHLEEN L. DUNFORD, OF THE DISTRICT OF COLUMBIA
POLLY ANN EMERICK, OF WASHINGTON
JOHN M. ENT, OF VIRGINIA
ROBERT A. FENSTERMACHER, OF MARYLAND
YARYNA N. FERENCEVYCH, OF NEW JERSEY
JOHN M. FLEMING, OF MARYLAND
JAMES H. FLOWERS, OF TEXAS
NINI J. FORINO, OF NEW YORK
GREGORY GAINES, OF VIRGINIA
CHRISTOPHER A. GOW, OF VIRGINIA
RICHARD GRAY, OF CALIFORNIA
LANCE K. HEGERLE, OF CALIFORNIA
JUSTIN HIGGINS, OF THE DISTRICT OF COLUMBIA
CHRISTOPHER W. HODGES, OF GEORGIA
ROBERT M. HOLLISTER JR., OF TENNESSEE
KENNETH HOLTZMAN, OF VIRGINIA
ABU JAFAR, OF VIRGINIA
AARON WAYNE JENSEN, OF OREGON
MICHELLE L. JONES, OF OHIO
KIT ALLISON JUNGE, OF WASHINGTON
PENELOPE M. KALOGEROPOULOS, OF VIRGINIA
GABRIEL M. KAYPAGHIAN, OF CALIFORNIA
ELIZABETH A. KESSLER, OF THE DISTRICT OF COLUMBIA
BRENTON E. KIDD, OF VIRGINIA
HAKYUNG KIM, OF VIRGINIA
JOHN OLIVER KINDER, OF VIRGINIA
MICHAEL B. KOLODNER, OF PENNSYLVANIA
ALEXEI THOMAS KRAL, OF NEW YORK
MATTHEW W. KURLINSKI, OF VIRGINIA
WANDA M. LANE, OF VIRGINIA
W. STANLEY LANGSTON, OF VIRGINIA
LINDA BERYL LEE, OF WASHINGTON
DUNJA LEPUSIC, OF VIRGINIA
J. AUSTIN LYBRAND IV, OF NORTH CAROLINA
KRISTOPHER W. MCCAHON, OF VIRGINIA
JO L. MCWHORTER, OF VIRGINIA
LAURIE J. MEININGER, OF CALIFORNIA
MARK MERRITT, OF VIRGINIA
JOSEPH L. MONTIE, OF VIRGINIA
MARK R. NACHTRIEB, OF MARYLAND
TREVOR WARREN NELSON, OF VIRGINIA
DONALD J. NERKOSWKI, OF NORTH CAROLINA
MARIA CRISTINA NOVO, OF FLORIDA
VINCENT J. O'BRIEN, OF FLORIDA
JAMES M. PERIARD, OF CALIFORNIA
MARISA L. PLOWDEN, OF NEVADA
MICHAEL RADT, OF VIRGINIA
DOUGLAS EUGENE SONNEK, OF CALIFORNIA
CAROL MILLARD STONE, OF VIRGINIA
JEFFREY H. STONER, OF VIRGINIA
NINA C. SUGHRUE, OF THE DISTRICT OF COLUMBIA
ELIA ENITH TELLO, OF NORTH DAKOTA
BARBARA M. THOMAS, OF MINNESOTA
JOHN KOKE WATSON, OF VIRGINIA
STEPHANIE A. WICKES, OF VIRGINIA
L. KIRK WOLCOTT, OF WASHINGTON
HENRY THOMAS WOOSTER, OF VIRGINIA

SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

ROBERTA ANN JACOBSON, OF MARYLAND

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE AS INDICATED, EFFECTIVE NOVEMBER 21, 1999.

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

DEPARTMENT OF STATE

JAMES WEBB SWIGERT, OF VERMONT

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE AS INDICATED, EFFECTIVE OCTOBER 10, 1999:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR.

DEPARTMENT OF STATE

RICHARD T. MILLER, OF TEXAS

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE AS INDICATED, EFFECTIVE NOVEMBER 8, 1998:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

DEBORAH ANNE BOLTON, OF PENNSYLVANIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

JAMES A. HRADSKY, OF FLORIDA
TOBY L. JARMAN, OF VIRGINIA
KAREN D. TURNER, OF THE DISTRICT OF COLUMBIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

JAMES F. BEDNAR, OF NEW HAMPSHIRE
BETSY H. BROWN, OF NEW YORK
JOHN JULIUS CLOUTIER, OF OREGON
SHARON LEE CROMER, OF THE DISTRICT OF COLUMBIA
JOSEPH FARINELLA, OF VIRGINIA
RODGER D. GARNER, OF OREGON
THOMAS D. HOBGOOD, OF MARYLAND
LAWRENCE J. KLASSEN, OF CALIFORNIA
ROBERTA MAHONEY, OF WISCONSIN
VICKI LYNN MOORE, OF VIRGINIA
PATRICIA RAMSEY, OF VIRGINIA
DENNY F. ROBERTSON, OF THE DISTRICT OF COLUMBIA
HOWARD J. SUMKA, OF MARYLAND
MOHAMED TANAMLY, OF FLORIDA
DIANE C. TSITSOS, OF MARYLAND
PAUL CHRISTIAN TUEBNER, OF VIRGINIA
MICHAEL J. WILLIAMS, OF CALIFORNIA

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

ALBERT L. LEWIS, 9612

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

PHILIP C. CACCESE, 6019
DONALD E. MCLEAN, 5226

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

RICHARD W.J. CACINI, 3133
SAMUEL H. JONES, 4613
CARLOS A. TREJO, 3382

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

MELVIN LAWRENCE KAPLAN, 5719
MICHAEL EARLE FREVILLE, 0551
DONALD F. KOCHERSBERGER, 4700
GEORGE RAYMOND RIPPLINGER, 3792

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS AND REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 531, 624, AND 3064:

To be major

MICHAEL* WALKER, 2492 SP

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR ORIGINAL APPOINTMENT AS PERMANENT LIMITED DUTY OFFICER TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 5589:

To be captain

GERALD A. CUMMINGS, 1323

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

ROBERT G. BUTLER, 3153

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

VITO W. JIMENEZ, 9743

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To Be Captain

MICHAEL P. TILLOTSON, 7164

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5589:

To be lieutenant

MICHAEL W. ALTISER, 7544

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 5582:

To be lieutenant

MELVIN J. HENDRICKS, 4805

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5589:

To be lieutenant

GLENN A. JETT, 1764

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5589:

To be lieutenant

JOSEPH T. MAHACHEK, 6397

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 5582:

To be lieutenant

ROBERT J. WERNER, 9272

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be commander

MARIAN L. CELLI, 3723

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

STEPHEN M. TRAFTON, 2900

CONFIRMATIONS

Executive Nominations Confirmed by the Senate September 7, 2000:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. CHARLES R. HOLLAND, 4055

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. GLEN W. MOORHEAD III, 6124

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. NORTON A. SCHWARTZ, 7542

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. DANIEL J. PETROSKY, 1004

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE SURGEON GENERAL, UNITED STATES ARMY, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 3036:

To be lieutenant general

MAJ. GEN. JAMES B. PEAKE, 1525

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601, AND AS A SENIOR MEMBER OF THE MILITARY STAFF COMMITTEE OF THE UNITED NATIONS UNDER TITLE 10, U.S.C., SECTION 711:

To be lieutenant general

MAJ. GEN. JOHN P. ABIZAID, 6229

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. EDWARD G. ANDERSON III, 2536

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. BRYAN D. BROWN, 2565

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. WILLIAM P. TANGNEY, 4937

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. PETER PACE, 7426

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL P. DELONG, 5191

NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. WALTER F. DORAN, 4942

EXTENSIONS OF REMARKS

HONORING CECIL J. DeLANGE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to commend the honorable Park County Commissioner, Cecil J. DeLange, on a job well done. Mr. DeLange has been the Park County Commissioner since 1998. He was concerned with issues such as finance and personnel within the local government. In December, Mr. DeLange will conclude his service as a County Commissioner.

Mr. DeLange, before becoming commissioner, spent three decades with the John Deere Corp. in Illinois and Iowa. Upon moving to Colorado, he started a consulting business and was quite active in the Home Owners Association. Mr. DeLange's knowledge of business and agriculture has helped him guide Park County.

Mr. DeLange, through his public service, has made Park County a better place to live and for that Colorado is thankful.

Thanks for your hard work, Cecil. I wish you all the best in your future endeavors.

TRIBUTE TO VERONICA BARELA

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Ms. DEGETTE. Mr. Speaker, I would like to recognize the splendid efforts and notable accomplishments of an extraordinary woman in the 1st Congressional District of Colorado. It is both fitting and proper that we recognize this community leader for her exceptional record of civic leadership and invaluable service. It is to commend this outstanding citizen that I rise to honor Veronica Barela.

Veronica Barela has made a tremendous impact on our community and has an impressive record of civic involvement. Ms. Barela has served as the Director of the NEWSED Community Development Corporation, since 1978. She is recognized for her skills in community based economic development, community organizing, housing development, civic event management, development of successful arts and culture initiatives, and civic rights work. Her leadership has been the catalyst for the revitalization of Santa Fe Drive in Denver. Her efforts through NEWSED have attracted one hundred and eighty new businesses to Santa Fe Drive and near Westside Neighborhood and, in addition, she has developed two shopping plazas and one mini center for the community. These business development successes have generated over 3,000 jobs for the immediate community. Ms. Barela's efforts have been nationally recognized and NEWSED has developed national standing as a model Community Development Corporation.

Veronica Barela has also made great contributions to the cultural life of our community. Through her leadership, the annual Cinco de Mayo celebration in Denver has grown to be the largest outdoor Cinco de Mayo celebration in the United States. Her broad range of activities and interests has been a great service to our city as well. She has served as the Chairperson of the Colorado Housing and Finance Authority Board and served as Co-Chair of the Human Service and Education Committee for Denver's Comprehensive Plan 2000. She was President of Hispanics of Colorado and co-chaired the People of Color Coalition. Ms. Barela was appointed to the Consumer Advisory Council for the Federal Reserve Board in Washington DC and served in various capacities on the National Community Reinvestment Coalition Board. Other board memberships include Servicios de La Raza, the American Civil Liberties Union, Denver's Urban Economic Development Corporation and the Hispanic Advisory Council for both Mayors Pena and Webb.

Her commitment and service has earned her several awards in including the Outstanding Women's Award from Metorpolitan State College. Mayor Wellington Webb declared June 26, 1992, "Veronica Barela Day" in the City and County of Denver for her long standing work in civil rights, economic development and community organizing.

Please join me in commending Veronica Barela. It is the strong leadership she exhibits on a daily basis that continually enhances our lives and builds a better future for all Americans. Her life serves as an example to which we should all aspire.

IN MEMORY OF JOSEPH HENRY SKILES

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. HALL of Texas. Mr. Speaker, I rise today to honor an outstanding citizen and community leader from the Fourth District of Texas—the late Joseph Henry Skiles, Jr., of Sanger, TX, who passed away earlier this year at the young age of 56.

Mr. Skiles was president of Tenstrike Oil and Gas and advisory director of Guaranty National Bank of Sanger. He was a member of the Sanger Lions Club and the Public Library Board and was a lifetime member of the First United Methodist Church in Denton.

Mr. Skiles was born on November 4, 1943, in Lincoln, Nebraska, to Joseph Henry Skiles, Sr., and Kathleen Clayton Skiles. A graduate of Denton High School, he earned a bachelor's degree in economics in 1965 from Southern Methodist University and a jurisprudence degree in 1968 from Harvard University School of Law. He served in the U.S. Air Force and was a Vietnam veteran.

Mr. Skiles is preceded in death by his wife Kathleen Dolan Skiles. He is survived by his son, Clayton Dolan Skiles and daughter, Claire Elizabeth Blanche Skiles, and many other family members and friends. He was an integral part of his community and will be sorely missed. So as we adjourn today, let us do so in memory of Joseph Henry Skiles, Jr.

HONORING MYRON MYLES KRONKRIGHT

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. McINNIS. Mr. Speaker, it is with great sadness that I take this moment to recognize the accomplished life of Myron Myles Kronkright. Mike, as he was known, recently passed on at age 77. Mike was a cherished person among the Grand Junction community and he will be greatly missed.

Mike committed nearly half of his adult life helping the children of Grand Junction, Colorado. For over four decades he officiated football, basketball, baseball and softball throughout the valley. He helped to establish the Football and Basketball Officials Association for Colorado as well as served on the Grand Junction Park and Recreation Advisory Board. His commitment to helping children and the sports community was recognized when he was presented the Lloyd McMillian Award and when a softball complex was named in his honor.

Mike went to great lengths to help others, donating a great deal of time and effort to help the children of his community understand the importance of team sports. He helped Colorado by giving them an association where other individuals could learn the importance of helping children appreciate fair play in athletics. He may be gone, but memories like these will live on in the hearts of all that knew him.

Mike Kronkright was a truly great Coloradan that was extremely committed not only to bettering children's lives through team sports, but also giving back to his community. He had an immense impact upon the community of Grand Junction that will not soon be forgotten.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

TRIBUTE TO LORRAINE GRANADO

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Ms. DEGETTE. Mr. Speaker, I would like to recognize the splendid efforts and notable accomplishments of an extraordinary woman in the 1st Congressional District of Colorado. It is both fitting and proper that we recognize this community leader for her exceptional record of civic leadership and invaluable service. It is to commend this outstanding citizen that I rise to honor Lorraine Granado.

Lorraine Granado has been on the frontlines of progress in Denver for decades. She has been an organizer and powerful advocate in work she describes as "real life stuff." Throughout her life, Ms. Granado has promoted the well being of all people, including Latinos. As an organizer, she describes herself as "a person who works with people who have a real need, a willingness to do something about it, and a passion for social justice."

Presently, she is the Executive Director of the Cross-Community Coalition in the Globeville, Swansea and Elyria neighborhoods in Denver. People in these communities have weathered tremendous change over the years and through Ms. Granado's efforts, they are able to better address issues related to economic empowerment and environmental justice because of her common sense approach to problem solving. Through her leadership, the Cross Community Coalition continues to bring tangible benefits to disadvantaged people through their Family Resource Center which offers job training and placement, various social services, and after school programs.

Lorraine Granado has helped build a number of organizations through her work in board development, non-profit management, media relations, leadership development, advocacy, teaching organizing techniques, and public policy participation. She has served as an organizing member of various organizations including: the Colorado Women's Lobby; the Elyria/Swansea Economic Development Corporation; Hispanics of Colorado; the National Nuclear Weapons Freeze Campaign; the Better Jobs for Women Project; the Colorado People's Environmental and Economic Network; People of Color Consortium Against AIDS; and the Colorado Coalition for Full Employment Project. Her accomplishments include: helping to re-write Denver's Industrial Zoning Code to include residential buffer zones; working with members of the National Chemical Manufacturers Association to develop guidance for community outreach; helping stop the placement of a regional medical waste incinerator in the community; developing a conference with the Environmental Protection Agency to address Brownfields issues and explore ways in which community members, developers and government can work together to redevelop communities.

It comes as no surprise that Lorraine Granado received the Dr. Martin Luther King, Jr. Humanitarian Award because of her beliefs, values, philosophy and determination to forward non-violence as a means of achieving peace and justice.

Please join me in commending Lorraine Granado. It is the strong leadership that she exhibits on a daily basis that continually enhances our lives and builds a better future for all Americans. Her life serves as an example to which we should all aspire.

CELEBRATING THE 93D BIRTHDAY OF DON LEGG

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. HALL of Texas. Mr. Speaker, I rise today in honor of an exemplary citizen of the Fourth District of Texas, Don Legg of Mabank, TX, who celebrated his ninety-third birthday this year. Retirement seems never to have been an option for Don, as he continues to serve as the "glue" that holds together the staff of The Monitor, the local Mabank newspaper. The staff of the newspaper wrote a moving tribute to Don on the occasion of his birthday, some of which I would like to recount for the CONGRESSIONAL RECORD.

No one seems to know exactly how many years Don has worked for the newspaper, but each Wednesday and Friday he still reports to work for a final proofing of the newspaper and continues to hold his title as primary reporter for the Kemp community and its schools. He is an avid fan of the Kemp Yellow Jackets and reports on any and all sporting events in which the school competes.

Two years ago Don suffered a stroke. While in the hospital, recuperating from the stroke which left his speech impaired but his mind still sharp and his desire for writing intact, he continued to work on stories and to cover events and meetings with the help of his wife, Mary, and a number of devoted friends.

According to the newspaper tribute, Don always has a smile and a joke to share with coworkers. He has taught young reporters the art of "reporting," and they have learned from his extensive knowledge and experience. As the staff said, "The office just wouldn't be the same without him." And the same could be said of his beloved community. "It just wouldn't be the same without him."

So, Mr. Speaker, as we adjourn today, let us do so in honor of Don Legg, who at the age of 93 may be a "senior citizen"—but also is still an "active citizen." Happy Birthday, Don!

HONORING JULIUS DAMMANN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. MCINNIS. Mr. Speaker, I would like moment to celebrate the life of Julius "Bud" Dammann of Pueblo, Colorado. Sadly, Bud died earlier this month. While friends and family mourn his passing, I would like to take this opportunity to remember Mr. Dammann's distinguished life.

Mr. Dammann was a caring person who constantly did what he could to improve his community, whether that was supporting the local 4–H Club or ensuring his employees were being treated as well as they should be. Mr. Dammann owned and operated Industrial Gas Products and Supply in Pueblo for over five decades. His commitment to ensuring a quality-working environment earned him a distinguished reputation as a businessman.

Being from a small town, Bud used sports as a way to further his education. His athletic ability enabled him to enroll in Colorado Agricultural College where he received honorable mention All-American honors for football. After receiving his education, he returned to Pueblo where he was drafted into World War II. After returning a proud war veteran, he began his successful local business for which he is widely known.

His desire to help his community started when he took over his family's grocery business. A native of Pueblo, Bud understood the area and realized the importance of education and giving back to his community. This desire to better his community was eminently apparent in his involvement in the Masonic Lodge, the Al Kaly Shriners, the Elks Club and as an original member of the 30 Club, an organization that raises charity money for other Pueblo charities. Bud's desire to help young people was evident in his involvement on the University of Southern Colorado Foundation Board and the Pueblo Community College vocational board.

Julius "Bud" Dammann cared a great deal about his community and his fellow man. He did everything in his power to ensure Pueblo was a better community for all its citizens, both young and old. Bud was truly a great Coloradan and he will greatly missed.

TRIBUTE TO WANDA PADILLA

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Ms. DEGETTE. Mr. Speaker, I would like to recognize the splendid efforts and notable accomplishments of an extraordinary woman in the 1st Congressional District of Colorado. It is both fitting and proper that we recognize this community leader for her exceptional record of civic leadership and invaluable service. It is to commend this outstanding citizen that I rise to honor Wanda Padilla.

Wanda Padilla has best been described as a "dynamo" and she has had a tremendous impact on our community. Ms. Padilla is the woman behind the scenes at La Voz de Colorado, one of our state's most influential Hispanic bilingual newspapers. Known as the Hispanic Voice of Colorado, this Spanish-English newspaper has been published continuously since 1974, and under her leadership, it has matured into a solid weekly newspaper in the Denver area.

Ms. Padilla, who is an Illinois native and graduate of Northwestern University, has been a trailblazer and has built this newspaper business from the ground up. In the beginning, she sold ads, wrote copy, did layouts and billing and distributed the newspaper, all while raising her son Ramon.

La Voz de Colorado fills a real need and it has given the Hispanic Community in the 1st Congressional District a strong political and economic voice. Under Ms. Padilla's leadership as Publisher, the newspaper has experienced tremendous growth and she intends to further expand the newspaper to meet the needs of the growing Hispanic marketplace. The tradition excellence and solid commitment to speaking for Colorado's Hispanics has made La Voz de Colorado a standard bearer for journalistic excellence in the Denver Metro area.

In addition to her work at La Voz de Colorado, Wanda Padilla is active in the oldest Catholic congregation in Denver, Sacred Heart Church. Ms Padilla also serves as a foster mom for her godchild and his sister. While she admits these duties interrupt her tough schedule, her work with children is a labor "from the heart."

Please join me in commending Wanda Padilla. It is the strong leadership that she exhibits on a daily basis that continually enhances our lives and builds a better future for all Americans. Her life serves as an example to which we should all aspire.

IN CELEBRATION OF CELESTE, TEXAS

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. HALL of Texas. Mr. Speaker, it is my privilege to pay tribute to the citizens and former residents of Celeste, Texas, who are celebrating the rich heritage of their hometown with a community celebration on September 3, 2000. Founded more than 100 years ago, the town of Celeste has endured and thrived due to the hard work, devotion, and community spirit of those who have chosen to live and work and raise their families there. From the early settlers to today's citizens, Celeste has been blessed with honest, hard-working families who take pride in their community and work hard to preserve the wonderful town that I am honored to represent in the Fourth Congressional District of Texas.

The town of Celeste was born when Santa Fe Railroad officials purchased land situated in Hunt County, 50 miles from Dallas, on high rolling prairie between the north fork of the Sabine River and the south fork of the Red River and at the junction of the Missouri Pacific, Gulf Colorado and Santa Fe Railways. The engineers divided the town site into blocks and streets, and a public sale of town lots was held on April 19, 1887. The settlement was named Celeste in honor of one of the railroad official's daughters. On February 11, 1898, more than 20 residents and qualified voters met in the office of the Hunt County Judge for the purpose of incorporating Celeste, and an election was held on March 5, 1898, officially incorporating the town.

In the early years, and even before the railroad began to purchase land or lay tracks, numerous small settlements were established around what is now known as Celeste. Some families still reside in these communities; other settlements are marked by graveyards and other markers, and their history is kept alive through the memories shared by those who once lived there. White Rock, Kingston, Prosperity, Alliance, Dulaney, Hackberry, Goosneck, Orange Grove, Hickory Creek, Hogeye (where Audie Murphy once lived), Nicholson, Midway, Bradburn, and Lane are some of the beloved settlements that were part of Celeste's early history.

Those were the days when small (sometimes one-room) schools were commonplace. Most of these communities established their own schools, and other beloved schools in the area included Antioch School, Crescent School, Davenport School, Sam Houston School, Prairie Hill School, Enterprise School, and Rainbow School. These eventually consolidated and most became part of the Celeste school system.

Churches also were vital to these communities, providing spiritual and moral guidance, as well as a "meeting place" for social gatherings. Some of these churches remain active in their respective communities.

Records indicate that Celeste received its first postmaster in 1886. The post office was housed in several buildings until 1962, when a new building was dedicated by Congressman Ray Roberts, who traced its legacy to his predecessor, the Representative from the Fourth Congressional District and the great former Speaker of the House, Sam Rayburn.

For many years the Celeste Courier chronicled the events of this community. Births and deaths, school and church activities, commerce and crime, politics and social events, sports and other interests were reported for area residents. But of course much of the news also was shared in person by this close-knit community, most of whom know each other well.

Mr. Speaker, it is an honor to recognize this outstanding city in the Fourth Congressional District and to pay tribute to the citizens of Celeste, Texas, as they honor their hometown on the occasion of this wonderful celebration. Let us join today in celebrating the rich history of Celeste and wishing this community much happiness and prosperity for another hundred years.

HONORING THE CEDAREDGE POLICE DEPARTMENT

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize the Cedaredge Police Department for receiving the Colorado Association of Chief of Police Accreditation Award. This award is given to Departments that meet lofty and highly selective standards. This fitting award was accepted by Marshall Tom Early and Officers Archibeque and Beach of the Cedaredge Police Department.

According to the Chief of Police of Montrose, Colorado, Gary Meechem, in a recent article by Leeanna Mewhinney, "Many people do not know what it takes in order to get this honorable award. Over 160 standards must be met and out of 300 agencies (police departments) in Colorado, only 3 departments on the Western Slope have received this, Cedaredge being one of them." This statement shows the dedication and hard work that is required to receive this distinguished recognition.

Police officers work very hard and often do not receive the recognition they truly deserve. It is with great honor that I congratulate the officers of Cedaredge Colorado for not only their recent award, but also their continued efforts to keep Western Colorado a safe environment for all its citizens.

As a former police officer, I am grateful for their service to our community, state and nation.

Congratulations!

TRIBUTE TO OPHELIA MEJIA

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Ms. DEGETTE. Mr. Speaker, I would like to recognize the splendid efforts and notable accomplishments of an extraordinary woman in the 1st Congressional District of Colorado. It is both fitting and proper that we recognize this community leader for her exceptional record of civic leadership and invaluable service. It is to commend this outstanding citizen that I rise to honor Ophelia Mejia.

Ophelia Mejia has devoted a lifetime to improving the condition of children and families in the Denver area. Ophelia was born to parents who emigrated from Mexico and following her father's death at an early age, she graduated from Greeley High School and was employed at the Greeley Tribune while attending the University of Northern Colorado on a scholarship. There, she met her husband and subsequently, they had thirteen children.

Ms. Mejia began her distinguished career in early childhood care and development in the Park Hill area where she opened a family childcare home. She then taught preschool, became a director, and began to teach at the Community College of Aurora where she ultimately became department chair for the Early Childhood Education Department. In that capacity, she was able to access many grants in order that students who had difficulty paying tuition could still attend classes. She is now a specialist with the Community Development Institute, a Head Start Quality Improvement Center for Region VIII, where she provides training and technical assistance to sixteen Head Start Programs.

Ophelia has an impressive history of civic leadership. She is president of the Colorado Child Care Workforce, a board member of the Colorado Association for the Education of Young Children, and a member of the Colorado Child Care Commission. She also serves on the Professional Development and Distance Learning Committees of the Colorado Early Childhood Summit. She conducts bilingual and monolingual Spanish assessments of candidates for the Colorado Child Care Development Associate credential and has been on the advisory boards for the early childhood departments of Metropolitan State College, Emily

Griffith Opportunity School, First Start, Including Children with Disabilities, and Healthy Start Initiatives. Additionally, she has been a member of the Colorado Child Care Coalition, the early Childhood Educators' Network, the Colorado Community College Faculty Coalition and the Latin Council of Aurora.

It comes as no surprise that Ophelia Mejia's devotion and service to our community has been honored and she received the first Outstanding Leaders Award from the Denver Metro Association for the Education of Young Children.

Please join me in commending Ophelia Mejia. It is the strong leadership that she exhibits on a daily basis that continually enhances our lives and builds a better future for all Americans. Her life serves as an example to which we should all aspire.

COMMENDING ARTHUR AND IDA ANDER FRIEDMAN

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to commend two of Northwest Indiana's most distinguished citizens, Arthur and Ida Ander Friedman. On Sunday, September 10, 2000, Art and Ida will be honored for their exemplary and dedicated service to Northwest Indiana and to the State of Israel. Their praiseworthy efforts will be recognized at the annual Northwest Indiana-Israel Dinner of State, as they receive the Jerusalem-City of Peace Award. The State of Israel Bond presents the City of Peace Award to worthy recipients who demonstrate their dedication and outstanding service to Israel and their community.

This year's recipients, Mr. and Mrs. Arthur Ander Friedman, are two of the most caring, dedicated, and selfless citizens of Indiana's First Congressional District. Art and Ida hail from Hammond, Indiana and Davenport, Iowa, respectively. Art is a World War II Veteran, and proudly served under General Patton in the European Theater. He is actively involved in several organizations, including B'nai B'rith, his Synagogue's Men's Club, and the Marcus-Wallack Heart Fund. Ida shares Art's dedication to Northwest Indiana and the Jewish community there, and invests extraordinary time and energy in important community and national groups. She has been active in Jewish Women International, the Synagogue's Sisterhood, Hadassah, and the Marcus-Wallack Heart Fund.

While serving the greater community has always been an extremely important part of the Friedmans' lives, their dedication to their family is unparalleled. Art and Ida have three wonderful, grown children, Gary, Richard, and Steven. Their four grandchildren are constant sources of pride and happiness.

The special guest at this gala event will be Mr. Morton Klein. Mr. Klein is the National President of the Zionist Organization of America. He is a strong defender of Israel and a respected leader in the American Jewish community.

Mr. Speaker., I ask you and my other distinguished colleagues to join me in commending Art and Ida Friedman for their lifetime of service, success, and dedication to Indiana's First Congressional District and the State of Israel.

HONORING COSME SANCHEZ JR.

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. McINNIS. Mr. Speaker, I would like to commend the Honorable Cosme Sanchez, Jr. on his outstanding commitment to public service. Mr. Sanchez has spent over three decades serving his community, most recently as Costilla County Treasurer. Mr. Sanchez has also served as County Appraiser and Town Clerk and Municipal Judge for the town of San Luis.

The Honorable Mr. Sanchez has served the citizens of Costilla County exceptionally well in his roles as a public servant. Citizens such as Mr. Sanchez, that are willing to spend so much of their lives serving the public, are the reason that the state of Colorado is the great state that it is. Costilla County is privileged to have had such an upstanding public servant as Mr. Sanchez.

I would like to congratulate Mr. Sanchez on his commitment to bettering his community through public service. I wish him the best in his future endeavors.

TRIBUTE TO POLLY BACA

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Ms. DEGETTE. Mr. Speaker, I would like to recognize the splendid efforts and notable accomplishments of an extraordinary woman in the 1st Congressional District of Colorado. It is both fitting and proper that we recognize this community leader for her exceptional record of civic leadership and invaluable service. It is to commend this outstanding citizen that I rise to honor Polly Baca.

Polly Baca has amassed a distinguished record of leadership in our community and service to our nation. Ms. Baca grew up in Greeley Colorado and where she attended high school. After graduating from Colorado State University with a degree in political science, she began her professional career as an editorial assistant for a labor union in Washington, DC. During the Johnson Administration, she served as a Public Information Officer for a key White House Agency and after serving on the campaign staff for the late Senator Robert F. Kennedy, she served as the Director of Research and Information for the National Council of La Raza.

Poly Baca has always been a trailblazer and upon returning to Colorado, she was elected to the Colorado House of Representatives and was the first woman elected to chair the House Democratic Caucus. She was subsequently elected to the Colorado Senate and became the first minority woman and the first and only Hispanic woman to serve in this body and the first Hispanic woman to serve in leadership in a State Senate in the U.S.

Prior to joining the Clinton Administration, Ms. Baca was the Executive Director of the Colorado Hispanic Institute, a non-profit entity dedicated to developing cultural competence and multicultural leadership. She went on to serve as the Director of the U.S. Office of Consumer Affairs and in that capacity, she chaired the Consumer Affairs Council and the U.S. delegation to the Organization for Economic Cooperation and Development's Committee on Consumer Policy. Subsequently, Ms. Baca was appointed Regional Administrator of the General Services Administration in the six-state Rocky Mountain Region and is the first minority woman and the first Hispanic woman to be appointed to this position.

Ms. Baca is nationally known for her leadership skill and has extensive experience in foreign affairs and is a noted international speaker as well. She has lectured in Japan and the Philippines on the American political system and the role of racial and ethnic Americans and women in the American socio-political and economic systems. Currently, Ms. Baca is the CEO of Sierra Baca Services which is a firm specializing in multicultural leadership development and diversity training.

Her commitment and service has earned her several awards including being inducted into the Colorado Women's Hall of Fame and into the National Hispanic Hall of Fame as an original member. She received the Small Business Administrator's Advocate of the Year Award for Colorado and the Leadership Award from the U.S. Hispanic Chamber of Commerce.

Please join me in commending Polly Baca. It is the strong leadership she exhibits on a daily basis that continually enhances our lives and builds a better future for all Americans. Her life serves as an example to which we should all aspire.

HONORING BISHOP RICARDO HENRY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. TOWNS. Mr. Speaker, I rise today to honor Bishop Ricardo Henry, Pastor of the True Vine Glorious Church of God in Christ. I honor Bishop Henry today to celebrate with him his 67th birthday, which occurred last week, on September 2, 2000. Mr. Speaker, Bishop Henry is deserving of our praise on his birthday because he has served as a pillar of our community, having devoted his life to serving the needs of others.

Born on September 2, 1933 on the island of Old Providence, Colombia, Bishop Henry was blessed with excellence, greatness, the favor of God, love and honor, the law of kindness in tongue, morality and character. All of these amazing attributes are the result of a God-centered life.

At the age of 7 months, he migrated to the Republic of Panama, where he received his elementary education at the Escuela Pablo Arosemena. He obtained his high school education at Colegio Abel Bravo and, upon graduation, he pursued his formal Christian training at Bible School in Panama from 1957 to 1958.

In 1963, he immigrated to the United States and became a member of the Evergreen Baptist Church. In 1965, he moved his membership to the Sacred Heart Christian Church, where he was ordained as a minister of the gospel by Bishop Roden James. He was later consecrated as a Bishop by Bishop Charles DeGilio and Bishop Trevlen Williams. In 1986 he became a member of the Glorious Church of God in Christ, and served as an Associate Minister to Bishop Perry Lindsay, Sr. Appointed by Bishop Perry Lindsay, Sr., in 1997 he became Pastor of the True Vine Glorious Church of God in Christ.

Mr. Speaker, Bishop Ricardo Henry is more than worthy of receiving our birthday wishes, and I hope that all of my colleagues will join me today in honoring this truly remarkable man.

HONORING CLEO DAY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. McINNIS. Mr. Speaker, I would like to take this moment to commend the Honorable Cleo Day on her distinguished service as Custer County Commissioner in Colorado. Serving as County Commissioner since 1992, Ms. Day has focused on a whole array of important issues, including efforts to protect property rights and helping improve the Emergency 911 service in Custer County.

Before becoming County Commissioner, Ms. Day ran a number of small grocery stores throughout Colorado that were committed to the service of the local citizens. After leaving the grocery store business, Ms. Day ran for County Commissioner to give back to the community that had given so much to her. Her commitment to the wellbeing of the citizens of Custer County is honest and sincere and was ever present in her everyday actions. Cleo has served Custer County, her state and nation admirably and she will be missed.

It is with this, Mr. Speaker, that I say thank you and congratulations to this public servant and wish her all the best in her future endeavors.

ON THE INTRODUCTION OF A BILL TO REMOVE THE CAP ON MEDICAID FOR THE U.S. TERRITORIES

HON. DONNA MC CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mrs. CHRISTENSEN. Mr. Speaker, I rise today to introduce a bill, along with my colleagues from Guam, American Samoa and Puerto Rico, to remove the cap on Medicaid payments to the Territories and to increase the Medicaid statutory matching rate. Providing indigent U.S. citizens in the Territories with the dollars necessary to adequately meet their health care needs is not just a necessity, but I believe is a Civil Right.

Since 1997, eliminating the disparities in health care between the majority and minority populations in the mainland U.S. has been a major focus of the Clinton Administration. While this is an important goal and one which I wholeheartedly support, because of the cap on Federal Medicaid assistance to the Territories, my constituents and those of my fellow Congressional Delegates unfortunately do not benefit very much from this effort.

The lack of adequate health care for the over 4 million residents of the territories in both the Pacific and the Caribbean is largely due to the cap on federal funding in the Medicaid. Additionally, this fact is sadly compounded because the Territories, in large measure have not enjoyed the economic success that the mainland U.S. is enjoying. With reports every day of record federal budget surpluses, the time is right for the Federal government to fulfill its commitment to the health care needs of the people of the offshore areas.

I urge my colleagues to join us in this effort to address this most basic and fundamental need of our fellow citizens.

DOMESTIC SPIRITS TAX EQUITY ACT

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. COLLINS. Mr. Speaker, today I am introducing a bill, along with my colleague, Representative RICHARD NEAL, to end the unequal tax treatment imposed on U.S. produced distilled spirits. At a time when other countries adopt tax laws to favor their own domestic industries, it is ironic that current U.S. tax law favors foreign products at the expense of U.S.-made products. Regrettably, that is the case with respect to distilled spirits. As members of the Committee on Ways & Means, both Mr. NEAL and I have worked for sometime to correct this inequitable situation.

Current law allows wholesalers of imported spirits to defer the federal excise tax ("FET") on such products until they are removed from a custom bonded warehouse for sale to a retailer. In contrast, the FET on U.S. produced spirits must be paid "up front" when the wholesaler purchases the product from a distiller; custom bonded warehouses cannot be used for domestic distilled products. This means that the FET on U.S. produced spirits must be prepaid by the wholesaler, and carried as a part of his inventory cost for as long as it takes to sell that product out of his warehouse.

Couple this disparity in time of payment with the fact that distilled spirits are the most highly taxed of all products, and you begin to understand the seriousness of the problem. At $13.50 per proof gallon, the FET represents virtually 40 percent of the average wholesaler's inventory cost. To make matters worse, that wholesaler will generally carry that inventory for an average of 60 days before it is sold to a retailer. The bottom line is that U.S. tax policy favors the sale of imported spirits and creates a significant financial burden for wholesalers of domestic spirits—most of which are small, family-owned businesses operating within a single state.

For the past ten years, the wholesale tier of this industry has advocated a tax law policy change referred to as "All-in-Bond." Mr. NEAL and I sponsored the "Distilled Spirits Tax Simplification Act" at the beginning of the 106th Congress to effectuate this policy change. Simply put, it would have permitted wholesalers of domestic spirits to become bonded dealers, effectively deferring payment of the tax until sale to a retailer—as is already the case with imported spirits.

Given the obvious inequity of current law, the bill attracted the co-sponsorship of 75 of our colleagues from both sides of the aisle. As a consequence, Mr. Neal and I were successful in attaching the bill to a major tax reduction measure coming out of the Committee on Ways & Means last summer, which was subsequently approved by this body.

However, Treasury/BATF had unwarranted concerns about noncompliance and suppliers objected to a proposed fee that was required to offset any revenue costs to the federal coffers. As a result of these objections, we agreed to drop the provision in conference and go back to the drawing board to develop a better solution to the problem.

The "Domestic Spirits Tax Equity Act" is that better solution.

The purpose of this legislation is to compensate wholesalers for the unequal burden imposed on U.S. produced distilled spirits under current law. We do so by allowing qualified wholesalers of domestic spirits a prepaid tax adjustment tax, or PTA, which is a credit against their annual federal income tax.

The PTA is determined through a simple formula. It is equal to 40 percent of the amount paid for domestically produced spirits, times the IRS' applicable federal rate over a 60-day period. The PTA was crafted with simplicity in mind. The elements of the formula are easily verifiable and understandable by the wholesaler and the IRS, and the formula results in an accurate overall measure of the unequal float costs. In addition, unlike the All-in-Bond proposal, this bill does not change the current FET collection system.

Mr. Speaker, I urge my colleagues to join me in this effort to eliminate the unequal tax treatment imposed on U.S. produced distilled spirits. The PTA is a simple and targeted solution, which addresses the problem, and I look forward to passing this measure into law.

HONORING HAROLD WESTESEN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to honor a remarkable gentleman, Harold Westesen, of Olathe, Colorado. Mr. Westesen was recently honored by Mayor

Bill Patterson of the Montrose Rotary Club who declared an official "Harold Westesen Day" in Olathe. Mr. Westesen's contributions to the citizens of western Colorado are great in number and deserve the recognition of Congress.

Mr. Westesen came from a family where education and hard work were part of everyday life. Throughout his life, he has exemplified these characteristics, earning two degrees from major institutions: a Physics and an Electrical Engineering degree from Colorado College and Purdue University, respectively. After finding competition in these fields unseemly, Harold moved to farming in the 1930's where he remained for the next 40 years.

Mr. Westesen always worked hard to make a living, but he also found time to give back to his community. Such public works as the Ridgeway Dam would not have been possible if it hadn't been for his participation. What's more, he spent over 25 years on the Montrose Memorial Hospital Board improving the health services of his community. He also spent nearly ten years as president of the Tri-County Water Conservancy District Board, making sure that farmers of western Colorado received the much needed water they deserved.

Mr. Westesen has worked hard not only for his family but also his community. His efforts to improve the health care and water issues have made western Colorado a better place to live. Mr. Westesen has gone out of his way to make where he lives a better place for all. It is with this, Mr. Speaker, that I say thank you to Harold Westesen and congratulate him on having a day named in his honor.

FIRST LIEUTENANT JOHN ARTHUR KEEPNEWS, UNITED STATES MARINE, MANHASSET, NEW YORK

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. KING. Mr. Speaker, this year marks the 25th Anniversary of the end of the Vietnam War. We remember the brave and gallant service and the great sacrifice made by the sons and daughters of our great nation who served in that war. Even more important, we remember the great sacrifice made by the parents, spouses and families of those sons and daughters.

The Vietnam War has left an indelible mark on all parts of this nation of ours, including my own district in New York. St. Mary's High School, which lies within the town of Manhasset, in my district in New York, was also affected by the Vietnam War. It sent many of its sons to fight in the Vietnam War, some paying the Supreme Sacrifice in the service of our country.

During the latter part of this year, St. Mary's High School will be holding its First Annual Hall of Fame Induction Ceremony. Nominated for induction is United States Marine First Lieutenant John Arthur Keepnews of Manhasset.

John Arthur Keepnews was born in Bayside, Queens and moved with his parents and younger brother Robert to the suburban community of Manhasset in 1958. His parents bought a home at 443 Hunt Lane, nestled in the heart of beautiful Munsey Park. During that same year, he entered St. Mary's High School in Manhasset and his parents became devout St. Mary's Parishioners.

John Keepnews was your typical student at St. Mary's High School. He was a young man with a great deal of heart and potential. He was an honor student and a top runner on the St. Mary's High School Cross Country and Track Teams and on Long Island. He worked very hard at his running and as one of his former coaches put it, "John did not have a lot of talent, but he had the tenacity of a bulldog." He trained in innovative ways which included running on beaches and interval, hill and weight training, at a time when distance runners merely did distance running to train. John Keepnews trained in a manner that was ahead of its time. (Today, these training methods are common to runners of all categories, as these methods provide more power and help to prevent injury.)

At St. Mary's, he was coached by Brother Thomas Joseph. In cross country, John ran in the low 14's on the legendary Cross Country course at Van Courtlandt Park in Bronx, New York. In track, John ran a 4:50 mile and a 9:52 two mile, his best event. He medaled frequently in races and enjoyed some heated rivalries. During his senior year at St. Mary's, John co-captained the track team and placed 4th in the two mile in both the indoor and outdoor Eastern States Championships. He received a track scholarship to Iona College in New York and the promise of a scholarship at Mount St. Mary's College in Maryland. John became an exceptional runner at St. Mary's and was one of the top distance runners of his time, if not in the history of St. Mary's High School.

Outside of St. Mary's he was a regular guy, who would often find his way to the field at

After graduating from St. Mary's High School in 1962, John decided to attend Mount St. Mary's College. The "Mount" was part of the Mason-Dixon (Athletic) Conference of the National College Athletic Association (NCAA). Pursuing his running career here, John placed second in the two mile during the 1963 Outdoor Mason-Dixon Conference Championships and helped to contribute to the first ever Mount St. Mary's College track title. John was also instrumental in helping the team win the 1964 cross-country conference crown and the track title. He ran 4:37 for the mile, placed 4th in the 1962 Loyola Cross-Country Invitational, placed 5th in the 1963 Outdoor Track NCAA Atlantic Coast Regional 2 mile race and won the mile and two mile on numerous occasions. He was named All-Conference on several occasions and may have held at one point both the cross country and two mile records.

Graduating from Mount St. Mary's College in 1966, John entered the Marine Corps Officer Candidate School (OCS) and was commissioned a Second Lieutenant. He graduated from The Basic School in Quantico, Virginia as an infantry officer and waived his overseas control date and requested orders to Vietnam. In early 1968 (just in time for the Tet Offensive), John was a Platoon Commander and Executive Officer of F Company, 2nd Battalion, 9th Marines, 3rd Marine Division. His unit spent all of its time just below the Demilitarized Zone (DMZ), near places that are now legend in the Marine Corps: Khe Sanh, Con Thien, Camp Carroll, Quang Tri and the Rockpile. As were all the Marines in I Corps (the northernmost provinces of Vietnam), John's unit was in almost constant contact with North Vietnamese Army regulars. On a daily basis, John and his unit sought out, closed with and destroyed the best trained, best equipped and best led units of the North Vietnamese Army.

Tragically, we lost this Great American and outstanding Marine from Manhasset on June 7, 1968. It was at the time of his death that his brother Robert was commissioned a Second Lieutenant in the United States Marine Corps. First Lieutenant John Arthur Keepnews was killed as a result of multiple shrapnel wounds received near Landing Zone Stud (later renamed the Vandergrift Combat Base) in Quang Tri Province, South Vietnam. His death coincided with the 170th Anniversary of the formal establishment of the Marine Corps by the United States Government. It was in June of 1798 that Congress legally established the Marine Corps as a separate Department of the Navy.

As a result of his brave and gallant service and self sacrifice as a United States Marine during the Vietnam War, Lt. Keepnews was awarded a Purple Heart, Combat Action Ribbon, Meritorious Unit Commendation, National Defense Service Medal, Vietnam Service Medal with three bronze stars, Republic of Vietnam Meritorious Unit Commendation (Gallantry Cross Color) and Republic of Vietnam Campaign Medal.

At the time of his death in June of 1968, Lt. Keepnews was survived by his parents Arthur J. and Mary E. Keepnews, his younger brother Robert, his wife Patricia and his 5 month old daughter he had never seen, Margaret Ann.

We have much to be thankful for First Lieutenant John Arthur Keepnews and extend appreciation not just for his supreme sacrifice in the service of our country, but also the great sacrifice made by his family. We will forever remember John Keepnews, his humor, wit, hard work, perseverance, athleticism and bravery. I am proud to know that John Keepnews was a resident of my district, the 3rd Congressional District of New York. I know full well that when a young person joins the St. Mary's High School Cross Country and Track teams, John Keepnews will be with them placing hope and encouragement in them with each stride they take, in each race they compete in.

First Lieutenant John Arthur Keepnews is a true representative of St. Mary's, of Manhasset, his country and his family. He represents the highest character of morals and bravery and embodies the spirit and principles of what it means to be a Great American. He is a person we are and will always be extremely proud of.

In closing, I would like the members of this chamber to join me in remembering a true American Patriot and support his nomination for Induction into the St. Mary's High School Hall of Fame.

HONORING STUART SCHNEIDER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to congratulate Stuart Schneider on an award he recently received from the National Park Service. Stuart is the Chief of Visitor and Resource Protection at Great Sand Dunes National Monument in Colorado—a treasure that shares a special place in my heart. Recently he received the Harry Yount National Park Ranger Award, honoring him for his outstanding excellence in his field. Clearly, Stuart is eminently deserving of this high honor.

For years, Stuart has been highly respected in the land management community for his commitment to preserving and protecting our public lands, particularly the Great Sand Dunes. He has played an instrumental role in the creation and maintenance of the Backcountry Management Plan, the Wildland Fire Management Plan, as well as the Safety and Risk Management Plan. His efforts to preserve the integrity of this natural treasure has earned him not only respect from his peers, but also this distinguished award.

Stuart's professional excellence is perhaps best summarized by comments made by National Park Director Robert Stanton in a recent news release announcing that Stuart had won this award: "Ranger Schneider has demonstrated a genuine commitment to the field of rangering. He has a tremendous passion and respect for the National Park Service along with a strong command of traditional ranger skills."

Ranger Schneider's commitment to preserving and protecting America's natural heritage is remarkable. He has helped to make America's national treasures safer for the millions of tourists that visit them each year. His efforts are well deserving of the distinguished award and the praise of the U.S. Congress.

Mr. Speaker, at this time I would ask that we all extend our sincerest congratulations to a well deserving Ranger, Stuart Schneider.

DEVELOPMENTAL DISABILITIES ASSISTANCE AND BILL OF RIGHTS ACT OF 2000

SPEECH OF

HON. TOM BLILEY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Mr. BLILEY. Mr. Speaker, I rise today in support of H.R. 4920, the Developmental Disabilities Assistance and Bill of Rights Act of 2000. Congressmen LAZIO and HOYER are to be saluted for their hard work in ensuring that the Developmental Disabilities Act (DD Act) will be reauthorized this year. The bill before the House is very similar to the DD Act reauthorization which passed the other chamber by a vote of 99–0. It is bipartisan in nature, and I urge that the House pass this legislation today.

It is estimated that there are more than 4 million individuals living with developmental disabilities in our nation today. To ensure that these individuals have access to programs which allow them to live life to their fullest potential, this reauthorization continues funding for programs which have proven effective over the past decades.

There are four major, historic components of the DD Act. These are: (1) State Developmental Disability Councils, which advise governors and state agencies about the best ways to meet the needs of individuals with developmental disabilities; (2) protection and advocacy systems, which ensure that individuals living with developmental disabilities are protected from neglect, abuse, exploitation, and the violation of their legal and human rights; (3) University Affiliated Programs, much like the one at the Medical College of Virginia, which train the professionals of tomorrow who will treat individuals with developmental disabilities; and (4) projects of national significance.

Beyond providing DD Councils, P & A systems and University Affiliated Programs with greater flexibility, the bill also includes a Title which creates the Reaching Up Scholarship Program to provide vouchers for individuals who provide direct support to individuals with developmental disabilities.

Importantly, the bill contains language which ensures that individuals with developmental disabilities, along with their families, are the primary decisionmakers regarding the services and supports such individuals and their families receive, including the choice of where the individuals should live. We have heard from one group, the Voice of the Retarded, who is concerned that this language does not go far enough in protecting residential choice for individuals with developmental disabilities. So I want to make it clear that the Act before us in no way is meant to preclude residential choice. It is not intended to send a signal that the Federal government supports closing certain facilities, or that the Federal government opposes such actions. Instead, these decisions are to be left to the individual States. Because I believe the concerns of the Voice of the Retarded are heartfelt and legitimate, I pledge to work with them in the implementation of this Act, and to ask the General Accounting Office to investigate whether individuals with developmental disabilities are precluded from choosing the residential option of their preference.

As a last note, I want to stress the importance of family support programs. The other body included in their reauthorization a Title which would allow States to compete for family support grants, intended to help families raising children with developmental disabilities. While the bill before us does not contain such a Title, I want to assure the disability community that I will do all in my power to fight for this Title in Conference.

INTRODUCTION OF MEDICARE INTERNET SITE FOR THE SAFE PURCHASE OF PRESCRIPTION DRUGS AT THE BEST DOMESTIC AND INTERNATIONAL PRICE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. STARK. Mr. Speaker, I rise today to introduce the Medicare Prescription Drug Internet Access Act of 2000. This bill will allow Medicare beneficiaries to purchase safe, FDA-approved medication through a Med ica re-ap proved internet site from US and international suppliers at the lowest possible prices.

Prescription drug costs are the highest they have ever been. The cost of prescription medicine increased between 15 and 25 percent over the past year. As a result, many of our nation's seniors either resort to reducing their dosage to stretch their supply or simply go without their needed medication.

Residents of other countries pay less for the same prescription medicine that our seniors get in the US. Much of the extra cost is related to marketing and advertising of drugs. Twenty to thirty cents of every dollar spent on a prescription drug goes to the advertising and marketing of the product.

Why should Medicare beneficiaries in the United States have to pay more than residents of other countries for the same medication?

Under the bill I am introducing today, Medicare beneficiaries would have access to those lower prices from a safe, certified-reliable source. All a beneficiary, doctor, or a pharmacy serving a beneficiary has to do is click on the Medicare home page, type in their prescription, and up pops the five lowest prices for their medicine, available from domestic and international suppliers. The beneficiary submits their prescription to the internet pharmacy, and gets their medicine at the price he or she selects, through the mail, by express delivery, or at their local retail pharmacy. There is no lag time in pricing because these prices will be available on a "real time" basis. Existing domestic internet pharmacies are eligible to compete for business on this official Medicare website.

The only medicine that contracting internet pharmacies would be able to sell is FDA-approved medicine manufactured in FDA-approved facilities. We have the best drug approval process in the world. The federal Food and Drug Administration sends inspectors to other countries to examine the quality of the medicine, storage conditions and facilities, distribution of the medicine, and manufacturing facilities of foreign companies before they can import drugs into the United States. Internet pharmacies, under this bill, would only be able to import prescription medicine from approved companies that have been inspected by the FDA.

There are problems that exist today with phony websites pawning counterfeit medicine to unsuspecting people. This bill addresses the issue of so-called "rogue" websites. It establishes a uniform set of criteria to which contracting internet pharmacies must adhere or face criminal and financial consequences.

Among other criteria, internet pharmacies would have to be licensed in all 50 states as a pharmacy, fully comply with State and Federal laws, and only dispense medicine with a valid prescription through a licensed practitioner.

As an added precaution, internet pharmacies would be required to display a Medicare Seal of Approval which serves to authenticate the website. The seal would directly link to a secure webpage operated by the Medicare contractor which verifies the internet pharmacy's legitimacy.

I am proud to introduce the Medicare Prescription Drug Internet Access Act of 2000. It is unfair that seniors in the US are forced to shoulder a greater burden in higher drug costs. I urge your support of this bill which would allow Medicare beneficiaries access to safe, FDA-approved prescription medicines at lower prices.

AUGUST CITIZEN OF THE MONTH

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mrs. McCARTHY of New York. Mr. Speaker, I rise today to name Garden City resident Indu Jaiswal, the Director of Nutrition Services for the Promenade Rehabilitation and Health Care Center in Rockaway Park, as the Citizen of the Month in the Fourth Congressional District for August 2000.

Indu is a prominent leader in both the Indian Community on Long Island and in her nutritional profession. As a nurse, I know how nutrition is directly related to the good health and extended lives of people.

Indu also works as a Clinical Nutritionist for the Western Queens Health Associates and represents the Dietary Department at Administrative and Medical Board Meetings. She organizes treatment programs for patient education as well as for diabetic teams. She is involved in the planning, directing, implementing, and evaluating of all activities of the Food Service Department.

Indu is a health care professional who is also interested in the health of her community. She actively participates in many community activities. She served as President of the India Association of Long Island, Secretary of the Federation of the Indian Association in New York, New Jersey, and Connecticut, and the Vice President of the India Study Center at Stony Brook University. She also serves as a Board member of the Youth Council of Nassau County.

Along with caring for her Long Island patients in an office setting, Indu cares for all Long Islanders by sending out her good health messages on radio and television airways.

The contributions that Indu has made to our community are astounding.

Indu is a graduate of the University of Delhi in New Delhi, India. She completed her post graduate requirements at Long Island University, C.W. Post Campus. Before working for the Promenade Rehabilitation and Health Care Center, Indu worked for the Central Island Nursing Home in Plainview, The Health Related Nutrition Services, The Dialysis Clearing Center of Long Island, and Winthrop University Hospital. She is a resident of Garden City.

The Citizen of the Month program is aimed at highlighting the work of community activists. Each month, I will recognize a different person or group that has contributed to the betterment of our Long Island community.

HONORING JOE R. JANOSEC

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. McINNIS. Mr. Speaker, I would like to take this moment to recognize the outstanding service of the Honorable Joe R. Janosec, of Moffat County, Colorado. Mr. Janosec is retiring as Moffat County Commissioner after nearly a decade of service to his community. Joe's commitment to public service is obvious to all those around him and his contributions to his community have been many.

Mr. Janosec began working in Colorado as an educator in 1962. His desire to educate America's youth led him to a career in education that spanned almost three decades. After serving as principal of Moffat County High School, he turned to elected office where his involvement was immense and his service admirable. In addition, Joe brought strong leadership abilities to a vast array of groups and organizations serving as a member of the Executive Board of the Colorado High School Activities Board, president of Western District CCI, Chair of the AGNC Coal Issues Committee and the Regional Transportation Committee.

Mr. Janosec's natural ability to lead and desire to serve his fellow man will be greatly missed. He had donated nearly a decade to serving his community and has ensured that it is a better place in which to live.

A TRIBUTE TO JOHN SPODOFORA

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. SAXTON. Mr. Speaker, today I rise to pay tribute to a great environmentalist, a dedicated citizen, and a good friend.

John Spodofora has been a member of the Stafford Township Council since 1988, serving as the esteemed Chairman of the Environmental Commission. Under his leadership, Stafford Township has become the most recognized areas in our country for its environmental efforts. No doubt this is due in great part to the tremendous contributions John has made to help ensure Stafford Township is kept environmentally sound.

On many occasions, John's efforts have resulted in prestigious awards for his community. For eleven consecutive years, Stafford Township has received the "National Tree City USA Award" from the National Arbor Day Foundation. In fact, Stafford County also received the "National Arbor Day Foundation Growth Award", which is the highest designation a Tree City can achieve. The Township was a recipient of this award for nine consecutive years. No other community in the United States has won this award more than Stafford Township,

Other awards Stafford Township has received under John Spodofora's leadership include the "Association of New Jersey Environmental Commission's First Place Enviromnental Achievement Award" (1987–1991), the "National Groundwater Guardian Award" (1994–2000), the "New Jersey Department of Environmental Protection Conservation Award" (1993–1994), the "National Arbor Day Foundation Special Merit Award" (2000), the "National Renew America Conservation Award" (1991–1995), First Place "Quality New Jersey Award" for improvements to beach and water quality (1992), NJDEP First Place "Green Community Achievement Award" (1994), National "Take Pride in America Aware" (1994), Environmental Protection Agency's "First Place National Award of Excellence" (1994), and the NJDEP "New Jersey Environmental Excellence Award" for clean and plentiful water (2000).

On many occasions, John has been personally recognized for his environmental innovations and efforts towards making the Stafford community a better one. In fact, one of my proudest moments was nominating John for the "National Theodore Roosevelt Conservation Award" back in 1990. President George Bush presented this award to John during a special ceremony at the White House.

Throughout my time in public office, few people have impressed me more than John. His dedication to the preservation of our natural habitat is unmatched. In many ways, John's efforts have made Stafford Township a better place to live today.

Even more importantly, his environmental contributions will have a lasting impact on this community for years to come. Future generations will be surrounded by a beautiful and bountiful natural habitat thanks to John. He has blessed us with the gift of a healthy and safe environment that our children and grandchildren will enjoy for many, many years.

I strongly commend John for all he has done for Stafford Township and am honored to pay him tribute.

PERSONAL EXPLANATION

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. SMITH of Washington. Mr. Speaker, due to family reasons, I was granted a leave of absence and missed votes during the month of July, I would now like to enter into the RECORD how I would have voted had I been present.

I was unable to vote on Rollcall No. 373: H. Amdt. 962 to H.R. 4461. Had I been present, I would have voted "no."

I was unable to vote on Rollcall No. 374: H. Amdt. 963 to H.R. 4461. Had I been present, I would have voted "no."

I was unable to vote on Rollcall No. 375: H. Amdt. 964 to H.R. 4461. Had I been present, I would have voted "yes."

I was unable to vote on Rollcall No. 376: H. Amdt. 966 to H.R. 4461. Had I been present, I would have voted "no."

I was unable to vote on Rollcall No. 377: H. Amdt. 967 to H.R. 4461. Had I been present I would have voted "yes."

I was unable to vote on Rollcall No. 378: H. Amdt. 971 to H.R. 4461. Had I been present, I would have voted "no."

I was unable to vote on Rollcall 379: H. Con Res. 253. Had I been present, I would have voted "yes."

I was unable to vote on Rollcall No. 380: H.R. 4442. Had I been present, I would have voted "yes."

I was unable to vote on Rollcall No. 381: H. Res. 415. Had I been present, I would have voted "yes."

I was unable to vote on Rollcall No. 382: H. Amdt. 973 to H.R. 4461. Had I been present, I would have voted "yes."

I was unable to vote on Rollcall No. 383: H. Amdt. 976, to H.R. 4461. Had I been present, I would have voted "yes."

I was unable to vote on Rollcall No. 384: H. Amdt. 977 to H.R. 4461. Had I been present, I would have voted "no."

I was unable to vote on Rollcall No. 385: H.R. 4461. Had I been present, I would have voted "yes."

I was unable to vote on Rollcall No. 386, approval of the journal. Had I been present, I would have voted "yes."

I was unable to vote on Rollcall No. 387 H. Res. 545 to H.R. 4810. Had I been present, I would have voted "yes."

I was unable to vote on Rollcall No. 388: H.R. 3298 Had I been present, I would have voted "yes."

I was unable to vote on Rollcall No. 389: H.R. 4169. Had I been present, I would have voted "yes."

I was unable to vote on Rollcall No. 390: H. Amdt. 979 to H.R. 4810. Had I been present, I would have voted "yes."

I was unable to vote on Rollcall No. 391: to H.R. 4810. Had I been present, I would have voted "no."

I was unable to vote on Rollcall No. 392: H.R. 4810. Had I been present, I would have voted "yes."

I was unable to vote on Rollcall No. 393: H.R. 4447. Had I been present, I would have voted "yes."

I was unable to vote on Rollcall No. 394: On Agreeing to the Resolution related to consideration of H.R. 4811. Had I been present, I would have voted "no," I was unable to vote on Rollcall No. 395: On closing portions of the conference related to H.R. 4576, the Department of Defense Appropriations Act for FY 2001. Had I been present, I would have voted "yes."

I was unable to vote on Rollcall No. 396: H. Amdt. 997 to H.R. 4811. Had I been present, I would have voted "yes."

I was unable to vote on Rollcall No. 397: H. Amdt. 982 to H.R. 4811. Had I been present, I would have voted "yes."

I was unable to vote on Rollcall No. 398: H. Amdt. 983 to H.R. 4811. Had I been present, I would have voted "yes."

I was unable to vote on Rollcall No. 399: H. Amdt. 1001 to H.R. 4811. Had I been present, I would have voted "no."

I was unable to vote on Rollcall No. 400: passage of H.R. 4811. Had I been present, I would have voted "no."

I was unable to vote on Rollcall No. 401: H. Res. 534. Had I been present, I would have voted "yes."

I was unable to vote on Rollcall No. 402: H. Res. 319. Had I been present, I would have voted "yes."

I was unable to vote on Rollcall No. 403: H. Res. 531. Had I been present, I would have voted "yes."

I was unable to vote on Rollcall No. 404: H.R. 3125. Had I been present, I would have voted "no."

I was unable to vote on Rollcall No. 405. Had I been present, I would have voted "no."

I was unable to vote on Rollcall No. 406: passage of H.R. 3113. Had I been present, I would have voted "yes."

I was unable to vote on Rollcall vote No. 411: H.R. 4517. If I had been present I would have voted "yes."

I was unable to vote on Rollcall vote No. 408: Motion to Instruct to H.R. 4810. If I had been present I would have voted "yes."

I was unable to vote on Rollcall No. 409. Had I been present, I would have voted "yes."

I was unable to vote on Rollcall No. 410: H. Amdt. 1010 to H.R. 1102. Had I been present, I would have voted "yes."

I was unable to vote on Rollcall No. 411: Recommit to H. R. 1102. Had I been present, I would have voted "no."

I was unable to vote on Rollcall No. 412: H.R. 1102. Had I been present, I would have voted "yes."

I was unable to vote on Rollcall No. 413: on passage of H.R. 4576. Had I been present, I would have voted "yes."

I was unable to vote on Rollcall No. 414: on passage of H.R. 4118. Had I been present, I would have voted "no."

I was unable to vote on Rollcall vote No. 415: Motion to instruct conferees on H.R. 4577. Had I been present, I would have voted "yes."

I was unable to vote on Rollcall vote No. 416: H.R. 2634. Had I been present, I would have voted "yes."

I was unable to vote on Rollcall No. 417: H. Res. 559 to H.R. 4810. Had I been present I would have voted "yes."

I was unable to vote on Rollcall No. 418: H.R. 4810. Had I been present I would have voted "yes."

I was unable to vote on Rollcall No. 419: H. Res. 4871. Had I been present, I would have voted "no."

I was unable to vote on Rollcall No. 420: H.R. 4871 If I had been present, I would have voted "no."

I was unable to vote on Rollcall No. 421: H. Amdt. 1013 to H.R. 4871. Had I been present, I would have voted "yes."

I was unable to vote on Rollcall No. 422: H. Amdt. 1017 to H.R. 4871. Had I been present, I would have voted "yes."

I was unable to vote on Rollcall No. 423: H. Amdt. 1021 to H.R. 4871. Had I been present, I would have voted "yes."

I was unable to vote on Rollcall No. 424. H. Amdt. 1023 to H.R. 4871. Had I been present, I would have voted "yes."

I was unable to vote on Rollcall No. 425: on passage of H.R. 4871. Had I been present, I would have voted "yes."

I was unable to vote on Rollcall No. 426: H. Amdt. 1031 to H.R. 4871. Had I been present, I would have voted "yes."

I was unable to vote on Rollcall No. 427 H. Amdt. 1032 to H.R. 4871. Had I been present, I would have voted "no."

I was unable to vote on Rollcall No. 428: Passage of H.R. 4871. Had I been present, I would have voted "no."

I was unable to vote on Rollcall No. 429, H.R. 4700. Had I been present, I would have voted "yes."

I was unable to vote on Rollcall No. 430: H.R. 4923. Had I been available, I would have voted "yes."

I was unable to vote on Rollcall No. 431: H.R. 4888. Had I been present, I would have voted "yes."

I was unable to vote on Rollcall No. 432: passage of H.R. 4864. Had I been present, I would have voted "yes."

I was unable to vote on Rollcall No. 433: H.R. 1651. Had I been present, I would have voted "no."

I was unable to vote on Rollcall No. 434: H.R. 2919. Had I been present, I would have voted "yes."

I was unable to vote on Rollcall No. 435: S. 1910. Had I been present, I would have voted "yes."

I was unable to vote on Rollcall No. 436. H.R. 4806. Had I been present I would have voted "yes."

I was unable to vote on Rollcall No. 437: Passage of H. Con. Res. 372. Had I been present, I would have voted "yes."

I was unable to vote on Rollcall No. 438: H.R. 4868, If I had been present I would have voted "yes."

I was unable to vote on Rollcall No. 439: H.R. 4033. If I had been present I would have voted "yes."

I was unable to vote on Rollcall No. 440; H.R. 4710, If I had been present, I would have voted "yes."

I was unable to vote on Rollcall No. 441: H.J. Res. 99. If I had been present, I would have voted "no."

I was unable to vote on Rollcall No. 442: H. Res. 563 to H.R. 4942. If I had been present I would have voted "no."

I was unable to vote on Rollcall No. 443; Journal vote. If I had been present, I would have voted "yes."

I was unable to vote on Rollcall No. 445: on closing portions of the conference to H.R. 4205, Had I been present, I would have voted "yes."

I was unable to vote on Rollcall No. 446; H. Res. 568 to H.R. 4516. If I had been present, I would have voted "no."

I was unable to vote on Rollcall No. 446; H. Res. 568 to H.R. 4516. If I had been present, I would have voted "no."

I was unable to vote on Rollcall No. 447. H. Res. 564 to H.R. 4865. If I had been present, I would have voted "no."

I was unable to vote on Rollcall No. 448. H. Res. 565 to H.R. 4516. If I had been present, I would have voted "no."

I was unable to vote on Rollcall No. 449; H. Amdt. 1041 to H.R. 4865. If I had been present, I would have voted "yes."

I was unable to vote on Rollcall No. 450; Passage of H.R. 4865. If I had been present, I would have voted "yes."

HONORING THE LATE REVEREND MONSIGNOR OSCAR LUJAN CALVO

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. UNDERWOOD. Mr. Speaker, the island of Guam recently lost a well-loved and respected religious leader. The Very Reverend Monsignor Oscar Lujan Calvo, a peacemaker, historian, and teacher, was called to his eternal rest on July 28, 2000, a few days shy of his 85th birthday. The third Chamorro to be ordained as a Roman Catholic priest, Monsignor Calvo tended to the island's faithful during the dark days of Japanese occupation during World War II. He later chose to work towards healing the wounds caused by the war and towards the preservation of Chamorro history and culture.

Known more commonly as Pale' 'Oscat, and more affectionately as "Pale' Scot," Monsignor Oscar Lujan Calvo was a renowned figure in the Roman Catholic Church hierarchy as well as in the history of Guam. Born in the city of Hagatna on August 2, 1915, Monsignor Calvo received primary instruction on Guam. At the age of thirteen, he went to the Philippines to attend the San Jose Preparatory Seminary. He returned home thirteen years later and was ordained on April 5, 1941, joining Father Jose Palomo and Father Jesus Duenas, as the only other Chamorros in the Catholic priesthood of that era. He celebrated his first Mass on Easter Sunday, April 13, 1941. Eight months later, on December 8, Japanese Imperial Forces attacked Guam.

During the occupation, Monsignor Calvo conducted secret Masses in direct defiance of regulations forbidding him and Guam's two other men of the cloth, Father Jesus Baza Duenas and Baptist minister, Reverend Joaquin Sablan, from practicing their faiths. Upon the execution of Father Duenas at the hands of the Japanese occupiers, the burden of tending to the island's faithful, roughly 20,000 Roman Catholics, rested solely upon the monsignor. This difficult task was gladly accepted by the monsignor. He performed with grace and distinction. During this period, the monsignor also made an attempt to preserve valuable church records and artifacts by secretly removing the church valuables to a safer location. Unfortunately, these items were not spared from the intense American bombardment during the liberation of Guam. Records of births, deaths and marriages dating back to the 1700s were destroyed. It was this immense loss that inspired Pale' 'Scot to become such an avid collector of artifacts and written materials about Guam and its people.

After having undergone the trials and tribulations brought about by the war, the good monsignor worked hard to heal the wounds it had caused. He played a major role in the establishment of the Guam Peace Memorial Park. This park, funded entirely by private Japanese donations, was dedicated as a tribute in memory of the Japanese and Chamorros who died during the war. In recognition of his efforts to promote peace, friendship and goodwill, the Japanese Government conferred upon him its distinguished Order of the Rising Sun with gold and silver rays. He was the first American to receive this prestigious award.

Monsignor Calvo was awarded the title of Honorary Papal Chamberlain in 1947. A charter member of the Fr. San Vitores Council of the Knights of Columbus, he was elevated to the order of 4th degree knight in 1968. The monsignor was inducted a knight in the Sovereign Military Hospitaller Order of St. John of Jerusalem, of Rhodes, and of Malta, with the title of Magistral Chaplain in 1977. During Pope John Paul II's visit to Guam in 1981, the monsignor received the "Kiss of Peace" from the pontiff.

A lifetime spent serving the Church and the people of Guam culminated last year with the dedication of the Monsignor Oscar Lujan Calvo Gallery at the Dulce Nombre de Maria Cathedral-Basilica in Hagatna in December. The museum is a fitting tribute to a man who has been a spiritual advisor, a civic leader, a historian and teacher. It houses a vast number of the historic documents, books, publications, photographs, and artifacts the monsignor has carefully collected and lovingly preserved over many years. With the dedication of the Monsignor Oscar Lujan Calvo Gallery, we were granted the opportunity to benefit from the monsignor's diligent efforts to preserve, protect, and promote Chamorro culture and history.

It is an impossible task to give an exact accounting of the monsignor's laudable accomplishments and vast contributions to the island of Guam. The legacy he leaves behind is unequaled. I join his family and the people of Guam in celebrating his life and accomplishments and mourning the loss of a truly great man. Adios Pale' Scot.

TRIBUTE TO SPECIAL AGENT STANLEY J. "CHIP" AMROZOWICZ

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. QUINN. Mr. Speaker, I am honored today to pay tribute and officially recognize the retirement of my good friend, Special Agent Stanley "Chip" Amrozowicz.

Known by many as "Chip A-to-Z," Special Agent Amrozowicz has distinguished himself as a proud example of service, leadership, and professionalism in law enforcement. His excellent career with the Federal Bureau of Investigation is one of dedication and achievement.

Throughout his service with the Federal Bureau of Investigation, Chip has been assigned to the Organized Crime/Narcotics Squad, the White Collar Crime Squad, the Foreign Counter-Intelligence Squad and the Reactive Squad. In 1988, he formed the Special Operations Group within the Buffalo Division that oversees all undercover activities.

Prior to his appointment as Special Agent, Chip served the Nation as an Officer in the United States Army. He was an Infantry Platoon Leader and Infantry Company Commander with the Army during the war in Vietnam. That bravery, patriotism, and valor would serve him well when he returned and began service with the Federal Bureau of Investigation.

His current duties with the Bureau highlight his extensive experience and ability to lead. As the Police Training Coordinator, FBI National Academy Coordinator, Employee Assistance Program Coordinator and Police Instructor, Chip has helped ensure that the next generation of Agents working with the FBI in Buffalo will be as skilled as those in the past. In addition to those important duties, Chip also serves as Special Weapons and Tactics Reserve Commander and the Canadian Liaison Agent. It is plain to see that Chip's service to the FBI has been outstanding, and will undoubtedly be missed.

Mr. Speaker, today I am proud to join with the Amrozowicz family in commending Chip on a job well done. With retirement comes many new opportunities, both personal and professional. May Chip meet each of these opportunities with the same vigor and commitment as he did throughout his brilliant career, and may those opportunities be as fruitful as those in his past.

INTRODUCTION OF LEGISLATION NAMING THE "GARDNER C. GRANT POST OFFICE BUILDING"

HON. JOHN ELIAS BALDACCI

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. BALDACCI. Mr. Speaker, I rise today to introduce legislation to rename the Post Office in Cherryfield, Maine after the town's long-time Postmaster, Gardner C. Grant.

In rural Maine, as in rural areas all across the country, the Post Office is more than just a place to get your mail, and the Postmaster is more than just an employee. The Post Office is a gathering place, where neighbors catch up and exchange information. The Postmaster is part of the community, sharing news and helping everyone.

Gardner Grant served as Postmaster in Cherryfield for a remarkable 27 years. He also has been an active part of the community, serving as a Selectman, Academy Trustee, Planning Board member and an assessor. Gardner and his family—his wife Virginia and their two sons—are part of the very fabric of this Down East Maine town.

Gardner's service has earned him the admiration and respect of the people of Cherryfield. To honor him, I have been asked to submit this legislation to designate the Gardner C. Grant Post Office Building. I am proud to do so. Gardner Grant has served Cherryfield with distinction, and I agree that naming the Post Office in his honor would be a fitting tribute. I look forward to working with my colleagues to pass this legislation into law.

TRIBUTE TO MR. RAY G. SMITH, AMERICAN LEGION NATIONAL COMMANDER

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. ETHERIDGE. Mr. Speaker, I rise today to honor my friend, Ray G. Smith.

Ray will be sworn in as the National Commander of the American Legion at their annual convention today. No one is more deserving of this honor than Ray G. Smith. As a 45-year member of the American Legion, he has steadily gained the respect of Legionnaires all across the country.

Like me, Ray grew up in Johnston County, North Carolina. He joined the Air Force in 1951 and saw active duty during the Korean War. He served in the 20th Air Force, 19th Bomb Wing at Anderson Air Force Base in Guam, where his specialized training in engineering required him to spend much of his time during the war traveling throughout the Pacific and Southeast Asia.

Ray's military service did not end when he left active duty in 1955. He spent four years in the active Air Force Reserves and was honorably discharged in 1959. On September 7, 1955, the day after he was discharged from the Air Force, Ray became a member of the American Legion. Since then, he has risen steadily through the ranks. Ray has held numerous offices at the post, district, department and national levels, including North Carolina Department Commander in 1979 and National Vice Commander in 1988.

Ray's campaign for National Commander has taken the better part of two years and sent him all over the country. Being named National Commander of the American Legion is an enormous responsibility, but Ray's dedication and years of loyal service have proven that no one is more capable or worthy of this high honor. Only the second North Carolinian to serve as national commander, Ray will oversee an organization that has grown to 2.8 million strong since it was created by Congress in 1919. As National Commander, one of Ray's main duties will involve working with us here in Congress to ensure that those who have sacrificed so much for our country receive the benefits they have earned.

As a veteran of the United States Army myself, I look forward to working with Ray and all members of the American Legion on issues that are important to veterans. As we celebrate Ray's swearing in today, let us each take a moment to honor our veterans. For each of us, freedom is a way of life, a legacy left to us by our nation's founders. This freedom is costly. America owes veterans a debt of gratitude for their sacrifices. It is the service of these genuine American heroes that has helped make this country great.

Mr. Speaker, no one is more qualified to represent and lead these heroes than my friend Ray G. Smith.

HONORING THE "YES WEEK" SUMMER CAMP FOR DETERRING YOUNG PEOPLE FROM DRUG AND ALCOHOL USE

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. GEKAS. Mr. Speaker, today I honor and draw attention to the YES Week Summer Camp which was sponsored by High on Kids. High on Kids is a wonderful program started by the Lower Dauphin School District's community advisory committee on drug and alcohol abuse prevention.

YES Week was held at Camp Sertoma in Linglestown and Memorial Lake in Lebanon. Almost forty children took part in this exciting program. The YES Week camp teaches young people that life is worth living through adventurous activities without drugs and alcohol.

The fine students who attended this camp climbed and rappelled walls, negotiated high-wires and canoed down the mighty Susquehanna River. They learned through team-building exercises that much can be accomplished if they work together. Our young people need to learn that life is full of amazing and exhilarating adventures. When they learn that there is so much to live for, drugs and alcohol lose their power.

On Thursday, August 10, I had the pleasure of seeing this camp first hand and meeting with the young people who made a choice. They made a life-saving choice not to do drugs and to join with fellow students in something much greater. These young folks should be very proud of themselves for their determination to succeed and not to give into the temptations that lead to poisoned bodies and ruined lives.

America needs more programs like this. Programs where adults demonstrate leadership by doing. This is a vivid example of how children can learn life-lessons by adults guiding them and shaping their lives. Many volunteers made this camp possible. Our thanks go out to them for their service to the community.

I would like to recognize these young people for their determination to achieve success and to refuse drugs and alcohol. They are Juan Alejando, Jose Aleman, Thomas Barger, Jeremiah Bechtel, Kaleo Billet, Tyler Boehmer, Kaitlyn Brown, Eric Buck, Maggie Boyd, Lindsay Cale, Sara Cale, Brian Davis, Michael Day, Joseph Decembrino, Amanda Ebersole, Amanda Fahnestock, Laura Fahnestock, Dierra Fahnestock, Abby Fosnot, Jenna Gerhardt, Jamie Hall, Alex Hannold, Samuel Hansen, Matthew Hoerner, Lawrence Jack, Dominique Krow, Andrew Mattei, Matthew Mattei, Adam McClucas, Daniel Mullarkey, Ashley Oswald, Brian Pagano, Kelsey Roth, Adam Thomas, Joshua Thomas, Meredith Thomas, Nicholas Vickroy, Richie Vickroy, Jennifer Winters, and Bobbie Wreski.

I am very proud of you all. I know the entire House of Representatives joins me in congratulating this outstanding group of young people from Harrisburg for saying no to drugs and YES to life.

A TRIBUTE TO SHERIFF RONALD E. HEWETT

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. MCINTYRE. Mr. Speaker, I rise today to pay tribute to Sheriff Ronald E. Hewett of Brunswick County in the great state of North Carolina. Sheriff Hewett was recently named Sheriff of the Year for eastern North Carolina. This award was given to him in recognition of his outstanding service to the North Carolina Sheriff's Association on behalf of the citizens of Brunswick County.

Beginning on his twentieth birthday in 1983 when he became the youngest certified Law Enforcement Officer in North Carolina, Sheriff Hewett has dedicated his entire career to protecting and promoting the rights of others. While continuing to work full-time as a law enforcement officer in Brunswick County, Sheriff Hewett completed his education at the University of North Carolina at Wilmington and graduated in 1985 with a degree in criminal justice. Not long afterwards, he was promoted to uniform Patrol Sergeant in 1987 and rose in the ranks to become a lieutenant in 1990. He was then placed in charge of establishing the Drug Abuse Resistance Education (DARE) program for Brunswick County and was named United States DARE officer of the Year in 1993 for his outstanding leadership.

Since his election as Sheriff in 1994, Sheriff Hewett has fought hard to make Brunswick County a safer place to live and work for those who call it home. He has made combating illegal drugs and domestic violence two of his top priorities. Under his leadership, the Brunswick County Sheriff's Office has arrested over twelve hundred individuals for 2,300 narcotics charges and established the county's first Domestic Violence Unit.

In addition, Sheriff Hewett has also been recognized for his selfless service to the community with the establishment of a volunteer Buddy Program at the Bolivia Elementary School. As a result, the Brunswick County Sheriff's Office was named by Governor Hunt as one of the most outstanding volunteer agencies in the state in 1998.

President John F. Kennedy once said, "For those to whom much is given, much is required. And when at some future date when history judges us, recording whether in our brief span of service we fulfilled our responsibilities to the state, our success or failure, in whatever office we hold, will be measured by the answers to four questions: First, were we truly men of courage . . . Second, were we truly men of judgment . . . Third, were we truly men of integrity . . . Finally, were we truly men of dedication?"

Brunswick County Sheriff Ronald Hewett will truthfully be able to answer each of these questions in the affirmative! He is indeed a man of courage, judgment, integrity, and dedication. Sheriff Hewett, may God's strength, joy, and peace be with you and your family as you continue your service and commitment to your fellow citizens.

TRIBUTE TO CAROLYN L. WILBERDING

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. CAMP. Mr. Speaker, I rise today to pay tribute to Carolyn L. Wilberding, who has recently retired as an elementary school teacher from the 4th Congressional District of Michigan.

It has been said that a teacher effects eternity, she can never tell where her influence ends. These words certainly apply to Carolyn L. Wilberding. For over three decades, Carolyn educated hundreds of Mid-Michigan's elementary school children. Not only was she seen as a leader by her peers but an educator by her students. Her positive impact on her students and their families is truly incalculable.

Mrs. Wilberding retires knowing she achieved that intangible, often elusive goal that haunts the careers of many, she made a difference.

I would like to commend Mrs. Wilberding for her service to her students and congratulate her on her retirement.

Mrs. Wilberding's contribution to education and the community make her an outstanding role model and a respected professional in her field. On behalf of the residents of the 4th Congressional District of Michigan, I am honored to recognize Mrs. Wilberding and her accomplishments.

TRIBUTE TO OLYMPIC ATHLETES

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. FARR of California. Mr. Speaker, It is with great excitement that I rise today to honor four outstanding athletes from California's 17th District, Alvin and Calvin Harrison, Ramiro Corrales, and Ellen Wilson. These young Americans will be representing the United States of America in the Olympic Games in Sydney, Australia this September, and I am proud to congratulate them on their achievements.

Seated twelfth and fifteenth when the trials began, twins Alvin and Calvin Harrison beat the odds on Sunday, July 16, 2000, in Sacramento, and came in second and fifth place in the 400 meters, becoming the first twins to reach the Olympics in the same event. Further, it is likely that they will become the first set of twins to run together in the 1600 meter relay. I am pleased that the Harrisons achieved this historic victory on their own, opting not to train with a track club in favor of training together in Salinas, California.

Likewise, another Salinas native, Ramiro Corrales will be representing the United States as a defensive specialist on the United States' Olympic soccer team. Corrales is already extremely accomplished in major league soccer, having played for the San Jose Earthquakes, the Miami Fusion, and the New York Metro Stars. He is also well known in his league for his defensive prowess and talent.

And finally, Ellen Wilson, a three-time medalist at the Pan American Judo Championships and Salinas resident, will compete in Sydney as a member of the United States judo team. Wilson is ranked number one in judo in the United States and was a member of the World Team in judo in 1997 and 1999. She has won 1,500 judo matches in her career, and we anticipate that she will come out victorious in Sydney.

California's 17th District is proud to have these four young athletes representing the United States in this summer's Olympic Games. Salinas is delighted to be one of the only cities of its size to send so many wonderful athletes to the Games. It is truly a tribute to the community and to the families, coaches, and friends, that have supported these athletes to see them competing in such a renowned arena.

Mr. Speaker, I am pleased to wish these outstanding athletes good luck this September, and I am honored to congratulate them on their outstanding achievements.

IN HONOR OF JIM PETRO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to honor Mr. Jim Petro, Ohio Auditor of State, chief inspector and supervisor of public offices in the State of Ohio.

Mr. Petro has served Ohio in both the public and the private sector. His legal experience spans more than 25 years as a practicing attorney, law partner, city law director and criminal prosecutor. He served eight years in the Ohio House of Representatives and was a ranking member of the House Ethics Committee. He also served as a Cuyahoga County Commissioner for four years, including one as President of the Commission.

Mr. Petro is currently serving his second term as Ohio Auditor of State, responsible for overseeing the financial condition and legal compliance of all 4,500 units of government in Ohio. He has served that challenging role with professionalism and integrity. He has advocated accountability with tax dollars and worked to uncover instances of fraud, waste and abuse in government. He has saved taxpayers millions of dollars. Under his leadership the Audit office has contributed to the improvement of public services. Mr. Petro has been awarded the Mercedes Cotner Scholarship in recognition of his public service.

I ask my colleagues in the House of Representatives to join me today in honoring Ohio's Auditor, Jim Petro.

AMBUSH MARKETING

HON. JIM RYUN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. RYUN of Kansas. Mr. Speaker, with the Olympic Games scheduled to begin shortly in Sydney, Australia, now is an exciting time for all Americans, and we all have high hopes for our U.S. Olympic team. As I can attest through personal experience, these athletes have been working for many years to arrive at this point in their careers and we certainly wish all of them the best of luck.

As these talented and dedicated men and women travel across the world to Sydney they should be reassured by the recognition that they have the complete support of all of us back here in the United States, including a number of major U.S. companies. These companies are the official Olympic sponsors who have invested millions of dollars to ensure that the United States can fully participate in the Olympic Games. However, these companies have been plagued in the past by a problem that is expected to rear its ugly head again in Sydney. The problem is "ambush marketing," a practice in which companies with no relationship to the Olympic Movement nevertheless deceptively portray themselves as being associated with it, thus diminishing the value of an authorized sponsorship, and ultimately depriving American athletes of the necessary funds to prepare for Olympic competition.

The Ted Stevens Olympic and Amateur Sports Act places with the United States Olympic Committee the responsibility for providing the financial support for American athletes, and for developing all athletic activity in the U.S. related to international competition. All funds for the training and preparation of our athletes for competition in the Olympic, Pan American, and Paralympic Games are generated through private sources, such as Olympic sponsorships, rather than from a government appropriation. Indeed, the USOC is the only National Olympic Committee from throughout the world that receives no government funding, and it is for this reason that the USOC declares with a degree of pride that "America does not send its athletes to the Olympic Games, Americans do."

Apparently the act that gave the USOC the tools to fund its athlete programs privately needs strengthening to ensure that they are not devalued through deceptive practices of ambush advertisers. Congress should consider improvements to the Ted Stevens Olympic and Amateur Sports Act to prevent harm to the Olympic movement, legitimate official sponsors, and, most important, America's Olympic athletes. I look forward to monitoring the activities surrounding the Summer Games and exploring ways in which we can ensure that the intent and spirit of the Ted Stevens Olympic and Amateur Sports Act are followed.

A SALUTE TO JON HENDRICKS

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. CONYERS. Mr. Speaker, I honor on behalf of the Congressional Black Caucus and salute the lifetime achievements of one of the most important artists in American music history. Jazz vocalist and lyricist extraordinary, Jon Hendricks is widely regarded as the "Father of Vocalese," a unique singing style characterized by the addition of lyrics to complex jazz arrangements. Hendricks' impressive body of work has influenced jazz vocalists for decades. He is an "American original," deserving of recognition by the Congress of the United States.

Born in Newark, OH, in 1921, Jon Hendricks began his career as an entertainer singing in the choir of the church where his father served as pastor. He later began singing professionally in nightclubs around Toledo, OH, where his family moved and he grew up. His accompanist for two years was pianist Art Tatum, who, himself, went on to achieve great renown.

After service in the Army, Jon Hendricks returned home and studied law at the University of Toledo. One night, Hendricks was sitting in with legendary saxophonist Charlie Parker. Parker told him to give up law, come to New York City, and pursue work as a jazz singer. Two years later, Jon Hendricks did just that. He found Parker playing at an engagement in Harlem, and almost fainted when Parker invited him up on the bandstand to sing.

In addition to singing, Hendricks sought work in New York as a songwriter. His first chance to record his own material came when King Pleasure invited Hendricks to write lyrics to his version of "Little Boy, Don't Get Scared." Hendricks subsequently developed into one of the greatest jazz lyricists, having authored the words to such jazz standards as "Doodlin," "Tickle Toe," "Cloudburst," and "Yeh Yeh." During the course of his career, he has composed lyrics for music written by such jazz giants as Duke Ellington, Miles Davis, Thelonius Monk, Sonny Rollins, and many others.

In the late 50s, Jon Hendricks joined Annie Ross and Dave Lambert to form the groundbreaking jazz vocal trio known as Lambert, Hendricks, and Ross. The group quickly gained fame, winning an award in Down Beat's 1959 Poll. Hendricks wrote lyrics to many of the jazz standards that were performed by the group. A trademark of his work is that each song's lyrics constitute a fully realized story. For this, he earned the nickname "the James Joyce of Jive."

Jon Hendricks has recorded numerous albums during his career, the latest being "Boppin' at the Blue Note," released in 1995. On that particular recording, he is accompanied by a vocal ensemble that includes his wife, Judith, their daughters Michele and Aria, and Kevin Burke.

At 79, Hendricks continues to actively pursue his recording and performing career. He has been called "The Poet Laureate of Jazz" and "The James Joyce of Jive." Among his honors are the Grammy Award, as well as Emmy and Peabody Awards for his work on the CBS–TV documentary, "Somewhere to Lay My Weary Head." Congressman CONYERS, along with ASCAP, will bestow special awards upon Mr. Hendricks during a brief ceremony during the concert.

Last year, Hendricks received an honorary Doctor of Performing Arts degree from the University of Toledo. He was also named Distinguished Professor of Jazz Studies and has just begun teaching classes at the university.

Mr. Speaker, I am honored to present to this body the accomplishments of Jon Hendricks, a musical genius whose songs we all have come to enjoy.

TRIBUTE TO COACH ROBERT LONEY

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. GARY MILLER of California. Mr. Speaker, it is with great pleasure that I rise to honor Coach Robert Loney. For 42 years, Coach Loney has inspired students and athletes to strive for their personal best.

A native Californian, Coach Loney was born in Riverside and grew up in the City of Pomona. He received his undergraduate degree at Anderson College in Indiana and completed the coursework for his masters degree at Claremont Graduate School in California.

In the fall of 1958, Coach Loney began his career at Upland High School where he taught mathematics and coached the cross country and track teams. In addition, he found time to advise several YMCA clubs. During the course of his career, Coach Loney impacted the lives of well over 1,600 student athletes.

Coach Loney's leadership resulted in 34 League Cross-Country/Track Team Championships, four California Interscholastic Federation Cross-Country/Track Team Championships, and eight California Interscholastic Federation Titles. He has coached two Olympic athletes and launched the collegiate athletic careers of hundreds of students.

While many accolades have been bestowed on Coach Loney, few can compare to the praise his former students continue to express. Years later, his former students attest that he changed their lives by offering the motivation and inspiration they needed to succeed. Coach Loney believed in his athletes, even when they did not believe in themselves.

On Saturday, September 9, 2000 hundreds of former students will return to Upland High School to celebrate Coach Loney's recent retirement. As these individuals pay tribute to a great American by running one final lap for their devoted coach, I ask that this House please join me in recognizing, honoring and commending Coach Robert Loney as an American Hero.

INTRODUCTION OF THE COMPREHENSIVE HEPATITIS C HEALTH CARE ACT

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to introduce the Comprehensive Hepatitis C Health Care Act. This bill would fundamentally change the way the Department of Veterans Affairs is addressing the growing Hepatitis C epidemic, and would create a national standard for testing and treating veterans for the virus.

For several years, I and other members of this chamber from across the country have been asking the VA to look at the growing problem of Hepatitis C among the veterans population, and to dedicate the necessary resources to fighting this disease. According to the Centers for Disease Control and Prevention (CDC), Hepatitis C is a disease of the liver caused by contact with the Hepatitis C virus. It is primarily spread by contact with infected blood. The CDC estimates that an estimated 1.8 percent of the population is infected with the Hepatitis C virus, although that number is much higher among veterans. Vietnam-era veterans are considered to be at greatest risk, since many may have been exposed to Hepatitis C-infected blood as a result of combat-related surgical care during the Vietnam War.

Despite all the attention to Hepatitis C, and all that we are learning about this disease, the VA still lacks a comprehensive, consistent, uniform approach to testing and treating veterans for the virus.

We know this because the VA's handling of Hepatitis C has been raised in hearings in the House, both in the VA/HUD Appropriations subcommittee, of which I am a member, as well as the House Government Reform Subcommittee on National Security, Veterans Affairs and International Relations and the Veterans Affairs Subcommittee on Benefits.

In fact, in the VA/HUD Appropriations subcommittee hearing held on March 22, 2000, former VA Secretary Togo West claimed that the VA was unable to spend all of the Fiscal Year 2000 Hepatitis C funding of $195 million because the demand was not there. He said, "if you are hearing that we are not using all of say the $199 million that was appropriated in 2000 for hepatitis C, it would be because we are not seeing that incidence of patients that add up to that much money, essentially."

Unfortunately, we are seeing that incidence of patients, most acutely in New Jersey and New York, but across the country as well. If the VA had properly spent the $195 million allocated in FY2000 on Hepatitis C testing and treatment, then there would have been little reason for the VA to release $20 million from the National Reserve Account on June 28, 2000. Based on the VA's own figures, the $20 million allocation was half of what the 22 Veterans Integrated Service Networks, or VISNs, had spent on Hepatitis C in just the first two quarters of FY2000 alone! This money was not even a downpayment toward the Hepatitis C costs being incurred by all 22 VISNs.

Further, only a fraction of the 3.5 million veterans enrolled nationally with the VA Health Care System have been tested to date. Part of the problem stems from a lack of qualified, full-time medical personnel to administer and analyze the tests. Most of the 172 VA hospitals in this country have only one doctor, working a half day a week, to conduct and analyze all the tests. At this rate, it will take years to test the entire enrolled population—years that many of these veterans do not have.

As a result of the VA's inaction, I am introducing the Comprehensive Hepatitis C Health Care Act.

This bill would improve access to Hepatitis C testing and treatment for all veterans, ensure that the VA spends all allocated Hepatitis C funds on testing and treatment, and set new, national policies for Hepatitis C care.

First, the bill would improve testing and treatment for veterans by requiring annual screening tests for Vietnam-era veterans enrolled in the VA system, and provide annual tests, upon request, to other veterans enrolled in the VA system. Further, it would require the VA to treat any enrolled veteran who tests positive for the Hepatitis C virus, regardless of service-connected disability status or priority group categorization. The VA would be required to provide at least one dedicated health care professional—a doctor and a nurse—at each VA Hospital for testing and treatment of this disease.

Veterans who request a liver biopsy or Hepatitis C genotype from VA would be able to receive those tests under this bill. Under the VA's current policy, veterans in some areas of the country have been denied access to these critical tests. And, VA staff would be provided with increased training options intended to improve the quality of care for veterans with Hepatitis C. Finally, the VA is encouraged to provide each VA hospital with one staff member, preferably trained in psychiatry, psychology or social work, to coordinate treatment options and other information with patients.

This bill would increase the amount of money dedicated to Hepatitis C testing and treatment, and would make sure these funds are spent where they are needed most. Beginning in FY01, the $340 million in Hepatitis C funding would be shifted to the Specific Purpose account under the Veterans Health Administration, and will be dedicated solely for the purpose of paying for the costs associated with treating veterans with the Hepatitis C virus. The bill would allocate these funds to the 22 VISNs based on each VISN's Hepatitis C incidence rate, or the number of veterans infected with the virus. The VISNs will be allowed to use other funds to pay for the costs associated with Hepatitis C testing and treatment, but the $340 million in the Specific Purpose account could be used to pay for the costs related to Hepatitis C care.

Finally, this bill will end the confusing patchwork of policies governing the care of veterans with Hepatitis C in each of the 22 VISNs. This legislation directs the VA to develop and implement a standardized, national Hepatitis C policy for its testing protocol, treatment options and education and notification efforts. The bill further directs the VA to develop a standard, specific Hepatitis C diagnosis code for measurement and treatment purposes. Finally, the VA must develop a national "reminder system" to alert untested veterans to the need and availability of Hepatitis C testing.

Mr. Speaker, many veterans do not even realize that they may be infected with the Hepatitis C virus, and the VA is doing little to encourage them to get the critical testing they need. The VA currently lacks a comprehensive national strategy for combating this deadly disease. With the passage of the Comprehensive Hepatitis C Health Care Act, veterans will finally be provided with access to testing and treatment that they have more than earned and deserve.

The VA has known about the problem of Hepatitis C since 1992. They have not acted, and they must not be allowed to continue to push this disease under the rug. I urge my colleagues to join me in supporting this legislation.

TEN YEARS AFTER, U.S. POLICY TOWARD KUWAIT STANDS THE TEST OF TIME

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. BEREUTER. Mr. Speaker, it was 10 years ago that the tiny Persian Gulf nation of Kuwait was invaded by Saddam Hussein's ruthless regime in Iraq. As a result of the exceptional leadership of President George Bush, the United States led a coalition of forces that soundly defeated the aggressor, and restored legitimate rule to Kuwait. At the time, the President's decision was heavily criticized by some; but the intervening decade has demonstrated that the decision to oppose Saddam Hussein was correct.

Mr. Speaker, it is appropriate for Members of this body to reflect on the risks that were involved in Operation Desert Storm. It was a remarkable achievement, made possible by the professionalism and dedication of our armed forces and those of our allies. In an era when politicians motives are cynically dissected by self-appointed pundits, we should be grateful that 10 years ago America stood against tyranny and barbarism.

Mr. Speaker, this Member would commend to his colleagues an editorial in the August 12, 2000, edition of the Omaha World-Herald. As this editorial correctly notes; "Operation Desert Storm prevented Iraq's dictator from spreading instability throughout the Middle East. Stopping that threat was an honorable cause of which Americans can be proud."

[From the Omaha World-Herald, Aug. 12, 2000]

GULF WAR STANDS THE TEST

This month marks the 10-year anniversary of the Iraqi invasion of Kuwait, which set the stage for the Persian Gulf War. That war has been dismissed in some circles as either a selfish and misguided attempt by the United States to maintain its dependence on foreign oil or, more cynically, as a chance for then-President George Bush to prove he was a tough guy. It was neither.

In the first place, maintaining access to gulf oil is a perfectly justifiable goal. Maintaining international access to any fundamental economic resource, and ensuring that the sea lanes remain open in one of the world's busiest maritime corridors, are legitimate security interests for the United States.

What many discussions of the Gulf War ignore is that by conquering Kuwait, Iraqi leader Saddam Hussein was working toward dominating the entire Middle East. His next step would probably have been to threaten war against Israel or Saudi Arabia. The outcome of such a regional war could have been catastrophic.

Has Saddam been allowed to retain control of Kuwait—which was a sovereign country, after all—he would have reaped an enormous financial windfall by expropriating that nation's oil. With those funds, he could have strengthened his army, which was already the fourth-largest in the world, as well as his offensive missile program, which we now know included ambitious efforts to produce chemical and biological weapons.

Even before Iraq's invasion of Kuwait, Saddam made clear in a speech that he intended to rain down "fire" on Israel—a reference widely interpreted at the time as a threat to bombard Israel with missiles. That threat became reality, of course, during the Gulf War.

The abuses perpetrated by Iraqi forces in Kuwait also demonstrated the ruthlessness of Saddam's regime. Iraqi soldiers killed at least 1,000 Kuwaiti civilians and operated at least two dozen torture sites in Kuwait City, David Scheffer, U.S. ambassador-at-large for war crimes issues, said this week. The Iraqis took thousands of hostages and used many of them as human shields. Saddam's forces, in other words, routinely and openly violated the Geneva Convention.

Additional evidence of Saddam's recklessness came in the final stages of the war, when he ordered his troops to set more than 500 Kuwait well heads on fire and open dozens of others so that more than 7 million gallons of oil spilled into the Persian Gulf.

It's true that, a decade later, Saddam's power is greatly reduced and it's increasingly hard to ignore the suffering of Iraqi civilians due to Saddam's manipulation of the international embargo.

But when it comes to the allies' action against Saddam during 1990-91, the expulsion of his forces from Kuwait was fully justified. Operation Desert Storm prevented Iraq's dictator from spreading instability throughout the Middle East. Stopping that threat was an honorable cause of which Americans can be proud.

HONORING PAULETTA SMITH

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Ms. ROYBAL-ALLARD. Mr. Speaker, I commemorate the dedicated public service that Pauletta Smith has given the City of Los Angeles.

Ms. Smith started her career with the City of Los Angeles on November 27, 1962 as a Clerk Typist with the Los Angeles Police Department. Two years later, she moved to the Bureau of Street Lighting and was promoted to Senior Clerk Typist. In 1975, Ms. Smith returned to the Police Department with the promotion to Personnel Aide and soon thereafter was again promoted, this time to the position of Exam Assistant. Due to her excellent work ethic and can-do attitude, Ms. Smith was again promoted to Administrative Aide in 1981 and, after only two short years, promoted to Administrative Assistant in 1983. Subsequently, her career carried her to the City's Department of Public Works, Department of Transportation, the Department of Telecommunications and the Department of General Services.

Pauletta Smith's diligent work was noticed in every assignment and in 1996 she transferred to the Office of the City Administrative Officer Emergency Preparedness Division as a Management Analyst II. She became an Emergency Preparedness Coordinator in October 1998 to oversee Citywide contingency planning for Year 2000 from which she is now retiring.

Ms. Smith has been an asset to her community, and I wish both her and her family as she joins others an active and enriching retirement.

A TRIBUTE TO WDAS RADIO

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor WDAS FM and AM Radio, one of Philadelphia's most significant cultural institutions, on its 50th anniversary.

Many of my colleagues recognize that Philadelphia is America's premier music cities. Philadelphia has a history of producing America's music. And since 1950, WDAS has been the sound of Philadelphia.

But this jewel of the airways has been more than entertainment for my neighbors and I. WDAS has also been the soul and the conscience of our city. The FM station is one of the few music outlets that has consistently maintained a commitment to producing hard news for its audience. It has always maintained an unbiased editorial department, and would class news bureau, which has produced journalistic giants like CBS' Ed Bradley or talk radio's Karen Warrington. Whether the story is an election campaign, a major fire or a local tragedy, if it happened in the past 50 years, WDAS covered it.

Mr. Speaker, WDAS AM also serves a major role in the lives of my constituents. It provides in-depth discussion of current events through magazine shows and talk programs. And worship is not left off that station's menu. My dear friend and Pennsylvania State Representative Louise Bishop hosts one of the nation's premier gospel and worship shows on that station. She brings light to the lives of so many people who are shut in and cannot get to services or who attend at a different time.

Most importantly, this station proves that music without questionable lyrics, faith based broadcasting, news and information do not have to serve as loss leaders on a station's play list. After 50 years of quality broadcasting, WDAS continues to dominate the ratings.

Mr. Speaker, I am proud of this station and all my friends who have made its success possible over the years. I know that all my colleagues will join me in honoring this monument to Philadelphia culture.

IN TRIBUTE TO ESTER GORDY EDWARDS, FOUNDER/CEO MOTOWN HISTORICAL MUSEUM

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. CONYERS. Mr. Speaker, I rise on behalf of the Congressional Black Caucus and the Congressional Black Caucus Foundation to celebrate the cultural achievements and monumental contributions to music in both America and around the world as a result of the creative genius and work of Ester Gordy Edwards. On this special occasion, I am honored to present to the 106th Congress, a national treasure who has been one of the most important and influential historical figures of the 20th century in the development of music—Ester Gordy Edwards.

As one of the chief executives and administrators during Motown's first decade, Ester Gordy Edwards, in collaboration with her legendary brother Barry Gordy, was instrumental in the success of Motown through her administrative and talent development skills. She was one of the key architects of marketing the Motown Sound overseas, and helped to bring rhythm and blues, in particular, rhythms and harmonies from gospel music, to millions of listeners in America and around the world.

The "Motown Sound" has brought joy and delight to countless fans, and is a uniquely American art form that will endure the test of time. It is my heart felt belief that because of the work of Ester Gordy Edwards, the music and spirit of Motown will always be with us; because it is music from the heart, it is about love, peace and harmony, it is brilliant, sophisticated, dynamic, and soulful beyond description. Motown music transcends race, class, and culture. This is one of Motown's most profound and powerful historical legacies—promoting brotherhood, humanity, and love through music.

During Motown's first decade, Mrs. Edwards was head of the Artists Personal Management Division of Motown. From her director's position, she guided the career and development of world-famous recording artists, including: Diana Ross, The Supremes, Smokey Robinson, The Miracles, The Temptations, The Four Tops, Marvin Gaye, Stevie Wonder, Mary Wells, Martha Reeves, and many other outstanding artists and musicians. Simultaneously, Mrs. Edwards directed Motown's International Operations, setting up foreign licensees, and sub-publishers, worldwide. Mrs. Edwards' outstanding administration of these areas greatly enhanced Motown's phenomenal growth into the world's largest independent record manufacturer.

In 1972, when Motown Record Corporation moved its headquarters from downtown Detroit to Los Angeles, California, Mrs. Edwards remained in Detroit as head of Motown's Public Affairs Division, and CEO of Detroit operations. Ongoing public visits and public demand resulted in the official founding of the Motown Historical Museum, Inc. in 1985.

Ester Gordy Edwards is also Vice Chair of the African American Heritage Association (AAHA) which provided the African American Room in the Ethnic Heritage Center at Wayne State University. She is a former member of the National Board of Directors of the Martin Luther King, Jr. Center for Non-Violent Social Change and a former Trustee of the Founders Society of the Detroit Institute of Arts.

Mrs. Edwards is a member of Bethel A.M.E. Church, Alpha Kappa Alpha and Gamma Phi Delta sororities. She is listed in "Who's Who in America" and "Who's Who in the World." One of her cherished honors is being selected in 1994 "Distinguished Warrior" by the Detroit Urban League, for her notable leadership in the community and lifetime devotion to improving conditions in society. Esther Gordy Edwards is the daughter of the late Bertha and Berry Gordy Sr., widow of the late Michigan State Representative George H. Edwards, and mother of one son, Robert B. Bullock by a previous marriage. She is stepmother to the Honorable Harry T. Edwards, Judge, U.S. Court of Appeals, District of Columbia; Verne Edwards DeBorge and Pamela Edwards Matthews.

I am proud to honor my close friend Ester Gordy Edwards today, and am one of many admirers of her dedication to excellence and her desire to enrich and strengthen the African American community. Ester Gordy Edwards is a pioneer of African American music, and will forever be remembered as a distinguished woman who has served as a positive role model for African American youth. She gave hope to millions of African Americans by showing that hard work, dedication to your career, and the quest for excellence can translate into dreams fulfilled and lives enriched.

HISPANIC HERITAGE MONTH

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. BEREUTER. Mr. Speaker, this Member would ask his colleagues to note that Hispanic Heritage Month begins next week on September 15th. Hispanic Heritage Month is celebrated nationally and in this Member's home state of Nebraska from September 15th to October 15th. For Nebraskans, this is a time for us to learn more about an ethnic group which currently comprises 4 percent of our state's population. In fact, the U.S. Census Bureau has noted that Hispanics are the largest minority group in Nebraska.

As this member's colleagues know, individuals throughout this country were involved in the celebration of the Library of Congress Bicentennial and America's richly diverse culture through the Local Legacies Project. One of the projects selected in Nebraska as a "local legacy" was Nuestros Tesoros, translated as Our Treasures: A Celebration of Nebraska's Mexican Heritage. This project resulted in a softcover book that was the culmination of a partnership between the Nebraska Mexican American Commission and the Nebraska State Historical Society. The goal of this was to explore and document the traditional arts, beliefs, and histories of Mexican Americans of Omaha, Lincoln, Grand Island, and Scottsbluff. As a result of this project, it was discovered that Hispanics now live in each of Nebraska's 93 counties. It was also noted that while many are recent immigrants working in many of Nebraska's food processing plants, still others are third- and fourth-generation Nebraskans—descendants of those who came to work on the railroads throughout Nebraska or in the sugar beet fields in western Nebraska.

We celebrate each and every one of these individuals who sought the "good life" that Nebraska offers its residents. Therefore, while many events are planned throughout the nation to celebrate Hispanic heritage, this Member would like to note that the following events are a few of those scheduled in Nebraska:

—September 14th, fundraiser in Omaha at El Museo Latino, featuring speaker Jose Cuevas, Counsel-General of the new Mexican consulate in Omaha;

—September 16th, celebration in Omaha sponsored by the City of Omaha;

—September 16th, festival in Scottsbluff sponsored by the Our Lady Of Guadalupe Church;

—September 29th to 30th, festival in Lincoln sponsored by the Hispanic Center; and

—throughout the month, performances by a dance group from Mexico that will tour various communities in Nebraska.

Again, this Member urges his colleagues to join the celebration of Hispanic Heritage Month by recognizing and participating in the events that are taking place in their congressional districts and states in honor of those Americans of Hispanic descent.

HONORING JAMES T. SOBJECT

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Ms. ROYBAL-ALLARD. Mr. Speaker, today I congratulate James T. Sobject for his 28 years of exemplary service with the city of Los Angeles.

Prior to beginning his career with the City of Los Angeles in 1972, Mr. Sobject served two years in the U.S. Army, attaining the rank of Military Police Sergeant with security assignments in West Germany and at the Military Academy at West Point. He was then assigned to the City as a Junior Administrative Assistant in the Elections Division of the City Clerk's Office, where he was soon after promoted to the Assistant Elections Supervisor. In 1975, Mr. Sobject was promoted to Senior Administrative Assistant in the Bureau of Sanitation, of the Public Works Department, where he supervised the Administrative Services Section of the Sewage Treatment Division. Two years later he joined the Office of the City Administrative Officer as an Administrative Analyst, and was assigned as liaison analyst with responsibilities for the Harbor Department and the Department of Water and Power.

In 1978, Mr. Sobject was promoted to Senior Administrative Analyst and for eight years he was the lead analyst on the Police Department budget. Subsequently, he was assigned to the Municipal Facilities Construction Program and the City Hall Seismic Rehabilitation Project. Mr. Sobject was next promoted to Chief Administrative Analyst in 1997 with the responsibility of supervising the Public Safety Budget Group that which includes Police, Fire, Animal Services, and Building and Safety Department budget liaison assignments. Not long afterwards, Mr. Sobject was assigned to supervise the CAO's Finance Group which is responsible for citywide revenue forecasting, budget coordination and administering the City's automated budget system.

For his work in the CAO's Finance Group, Mr. Sobject received special recognition from Mayor Richard J. Riordan for his "hard work, dedication, and extraordinary professionalism," with respect to the annual budget process. James T. Sobject has been a valuable member of our community and praiseworthy civil servant. Mr. Sobject deserves our thanks for his dedicated service to the City of Los Angeles. I wish him and his family the best and I hope that he enjoys the active retirement which he so richly deserves.

A TRIBUTE TO ANN B. HAGELE

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor a great Philadelphian, Ann Hagele. For a decade, Ann served older Philadelphians as Executive Director of the Philadelphia Senior Center.

That 50 year old institution is one of this nation's premier service providers for the elderly. Philadelphians are living longer and are more active than ever. Under Ms. Hagele's leadership, the agency expanded it's services to meet the needs of today's senior. She instituted financial management and housing counseling, community dining, and programs to help seniors live independently and in good health. She launched a wheel chair-accessible mini-bus service to help clients stay mobile, a fitness-for-life center and a learning center, to improve their physical and mental conditions. And when heat waves threatened seniors' lives, Ann started a fan distribution program that gave out almost 6,000 fans to poor Philadelphians.

Mr. Speaker, Ann Hagele has decided to retire from the Philadelphia Senior Center. Her leadership will be missed, but her legacy will live on. I know my colleagues will join me in honoring her today.

PERSONAL EXPLANATION

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. WALDEN of Oregon. Mr. Speaker, due to my presence at a funeral of a close family friend on Wednesday, September 6, I was not able to participate in any rollcall votes that took place on that day. If I had been present, I would have voted yes on rollcall votes #451, #452 and #453.

HONORING THE LIFE OF MR. JERRY RAYMOND

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Ms. STABENOW. Mr. Speaker, I rise today to recognize the lifetime achievements of Mr. Jerry Raymond who passed away in January, 2000 and offer my sincere condolences to his family.

Jerry Raymond was a remarkable man whose many contributions to Wayne County, the labor movement and the City of Livonia will be long remembered. He was a 49 year resident of Livonia and served on the City Council from 1966 to 1980. Always cognizant of the needs of others, his favorite saying was "People come first." He advocated for housing for seniors before it was the popular thing to do. His sensitivity to others is undoubtedly why he was re-elected to office so many times.

There are many other fascinating things that are important to know about this special man. He quit high school after his mother died and his father lost his job. As he moved around the country looking for a job, he started getting involved in strikes and joined the cause of working men and women. He became a union activist and his leadership in the labor movement brought him national recognition. Despite his many achievements, Jerry felt something was missing as he watched other family members pursue a higher education. Although he did not have a high school diploma, he enrolled in law school. He graduated Cum Laude and was honored by being elected President of his class. He opened a law practice called Jerry Raymond and Associates in Livonia and practiced law until shortly before his death.

Jerry was a special friend, role-model and mentor to many including myself. He was very involved in his community and in democratic politics. He is missed by everyone whose life he touched, but his spirit lives on in our memories and in the legacy he left behind.

VOCATIONAL REHABILITATION IS AN ANSWER TO LABOR SHORTAGES

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. FRANK of Massachusetts. Mr. Speaker, one of the outstanding public servants with whom I have worked, and from whom I have learned a great deal, is Elmer C. Bartels, the Commissioner of the Massachusetts Rehabilitation Commission. Elmer Bartels has an extraordinary record of effective advocacy on behalf of people with disabilities, and has done a great deal to educate the rest of us as to the terrible error we have made in failing to help them work to their full potential. Recently Elmer Bartels wrote an excellent article on this subject, drawing on his own expertise in the field, and because it is so relevant to the public policy considerations we will be dealing with as we reconvene, I submit Elmer Bartels' article on the importance of workers with disabilities in the American economy.

EMPLOYERS WITH LABOR SHORTAGES SHOULD LOOK TO VOCATIONAL REHABILITATION

(By Elmer C. Bartels)

It is a fact that today more individuals with disabilities are in the workplace earning real wages than ever before. Certainly the booming economy has a lot to do with it, but there is much more to the story than just that.

The unsung hero in the struggle to enhance employment opportunities for people with disabilities is the Federal/State Public Vocational Rehabilitation Program, authorized and funded under the Rehabilitation Act of 1973.

For nearly 80 years, and against great odds and prejudices, the State Public Vocational Rehabilitation Program has helped people with disabilities prepare to enter the workplace. Every state has a vocational rehabilitation agency whose sole purpose is to assist people with disabilities obtain the skills, training and confidence necessary to enable them to take their rightful place in the economy.

However, until the passage of Sec. 504 of the Rehabilitation Act in 1975 and later the passage of the Americans with Disabilities Act, opportunities in the workplace were limited and often resulted in placement in sheltered workshops.

MAINSTREAM OPPORTUNITIES

However, with advances in technology and the shortage of qualified workers, new mainstream work opportunities are becoming more available for persons with disabilities.

When the Work Incentives Improvement Act (WIIA) was signed into law on Dec. 17, another impediment was removed in addressing the nation's efforts to encourage people with severe disabilities to go to work.

Nationally, there are, according to the General Accounting Office, about 2.5 million people with disabilities receiving Social Security benefits under both Supplemental Security Income (SSI) and Social Security Disability Insurance (SSDI) who could possibly benefit from WIIA. (This population represents about 27 percent of the total number of individuals who are eligible to access the Public Vocational Rehabilitation Program.)

WIIA's assurance of the continued availability of health insurance, under both Medicaid and Medicare, for SSI and SSDI recipients, will remove a formidable barrier to their employment. Public vocational rehabilitation counselors assess the skills and interests of people with disabilities, help them develop individualized plans for employment, and purchase or arrange for the services or training they need to become qualified for jobs.

225,000 PEOPLE HELPED

This program can provide any reasonable and necessary services to help individuals with disabilities get ready for real work. Last year, the Public Vocational Rehabilitation Program helped 225,000 people with disabilities across America enter the work force.

In Massachusetts, the Public Vocational Rehabilitation Program, through the Massachusetts Rehabilitation Commission, helped 4,800 individuals with disabilities go to work in 1999. Federal funding for vocational rehabilitation was $2.4 billion in 1999. The states matched those federal funds with $600 million of their own, resulting in a $3 billion national Public Vocational Rehabilitation Program. The distribution formula of federal funds to the states is based upon the population and per capita income of each state.

The $3 billion spent nationally on vocational rehabilitation services produces $2.6 billion in employee earnings and $850 million in state and federal revenues during a single year of employment alone. This is an incredible return-on-investment in light of the fact that those earnings continue for years without the expenditure of additional vocational rehabilitation dollars.

A 5-TO-1 RETURN ON THE DOLLAR

The Social Security Administration reports that each dollar spent for the vocational rehabilitation of SSA recipients results in $5 in savings to the Trust Fund and treasury. The 225,000 individuals with disabilities employed last year will continue to earn real wages and pay state and federal taxes far in excess of the investment made in their employment future by the Public Vocational Rehabilitation Program.

Despite the extraordinary success of the Public Vocational Rehabilitation Program, half of the states restrict the number of people with disabilities served due to a lack of funds. It is estimated that an additional $600 million in federal monies, plus the state match of $120 million, would eliminate waiting lists in every state and help another 54,000 people with disabilities go to work.

Additional public vocational rehabilitation services and the guarantee of medical coverage under the WIIA would significantly reduce the unacceptably high rate of unemployment among people with disabilities.

According to statistics compiled by the GAO, it is estimated that between 15 million and 20 million Americans have health-related work limitations. Each year the Public Vocational Rehabilitation Program serves 1.2 million people with disabilities who want to work.

HIGH UNEMPLOYMENT RATE

A recent Harris survey indicates that 71 percent of working-age Americans with disabilities are unemployed and of that number, 72 percent want to work.

However, 42 percent of working-age Americans with disabilities believe that they are too disabled to work. The highly qualified, professional vocational rehabilitation counselors of the Public Vocational Rehabilitation Program work with individuals with significant disabilities to help them recognize that it is possible for even the most significantly disabled individuals to increase their economic and personal independence through work.

The passage of WIIA and the guarantee of continued health insurance coverage for Social Security recipients makes work a realistic goal for many more people with significant disabilities.

A recently completed seven-year study by the Research Triangle Institute, confirmed once again the success of the Public Vocational Rehabilitation Program by showing that it is highly effective in placing people with disabilities into productive jobs. No other federal or state program has received this type of scrutiny and measured up to such a high level of successful outcomes.

INDEPENDENT LIVES

It proved once again that the federal/state effort to improve the lives of persons with disabilities by allowing them to live independent and productive lives is on the right track.

In particular, the study shows that:

- Graduates of Public VR worked an average of 35 hours per week and earned an average of $7.35 per hour;
- 37.5 percent of the graduates earned more than $7 per hour;
- 78.4 percent of graduates work in professional, managerial, technical, clerical, sales or service jobs;
- 85 percent of graduates were working in the same or other job one year after graduation;
- 67.6 percent of graduates were satisfied or very satisfied with their jobs;
- 67.1 percent of graduates were satisfied or very satisfied the opportunity for advancement with their jobs;
- 61.5 percent of graduates were satisfied with fringe benefits with their jobs.

The number of hours worked by consumers, the wages they earned, and their satisfaction with jobs and working conditions are all strong endorsements of the efficacy of the Public Vocational Rehabilitation Program.

Clearly, the Rehabilitation Act, and the ADA have helped to create a societal expectation that people with disabilities can and should have the opportunity to work. Now, WIIA provides for the health care supports essential to individuals with disabilities who want to work. Adequate funding of the public vocational Rehabilitation Program will help thousands more people with disabilities obtain good jobs.

The administration and Congress will demonstrate fiscal responsibility and a wise investment in the human resources of our nation by adequately funding Public Vocational Rehabilitation in the federal year 2001.

The American economy needs workers, people with disabilities need work opportunities, and the federal treasury needs more taxpayers. The Public Vocational Rehabilitation Program pays for itself many times over in taxes and human potential realized.

RECOGNIZING THE INTERNATIONAL EXHIBITION "A MESSAGE OF PEACE"

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mrs. CAPP. Mr. Speaker, today I rise to celebrate and to call my colleagues' attention to an important exhibition that is taking place this week and month in Santa Barbara, California—the "Message of Peace" Hiroshima/Nagasaki International Exhibition.

I want to warmly welcome and recognize the distinguished Japanese Delegation that has traveled to our Country to officially open the exhibition. I believe that the presence of this Delegation and the wisdom that their experience provides will foster many meaningful dialogues.

Due to the generous support of community organizations, this exhibit has been sponsored by the Santa Barbara Nuclear Age Peace Foundation. The exhibition seeks to preserve the memory of the tragic consequences of the atomic bombings of Hiroshima and Nagasaki in the hope of strengthening our commitment to a more peaceful world. In addition to the artifacts and photos of the exhibit, the Foundation and other community groups have organized a series of events and exhibits that will reach countless people—young and old—with the Message of Peace.

Mr. Speaker, I would like to close by thanking the Nuclear Age Peace Foundation for its ceaseless commitment to peace. I am honored to represent the Foundation and the ideals its members stand for in Washington.

CHARLES SPITALE HONORED FOR 40 YEARS OF SERVICE

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to Charles J. Spitale, who is retiring this month as the vice president and chief executive officer of AAA-Mid Atlantic.

Charlie has served the members of the AAA for 40 years., He began as a service counselor in 1960, worked his way up to the position of office manager, and eventually was promoted to the position of executive vice president with the former Valley Auto Club. Upon the merger with AAA Mid-Atlantic in 1996, he was appointed vice president and CEO.

He has also served for many years on the AAA Board of Directors and the Finance Committee of the AAA Federation. Charlie has also received numerous awards as a member of several Pennsylvania AAA Federation committees, and he has received national recognition from AAA in the area of sales production and promotion. He was also instrumental in facilitating the merger of the Tourist Promotion Agencies of Luzerne and Lackawanna Counties.

Mr. Speaker, in addition to his accomplishments on the job, Charlie has a long and distinguished history with the Kiwanis Club of Wilkes-Barre, Pennsylvania. He joined the club in 1966, serving as its 56th president from 1974 to 1975 and its secretary from 1987 to 1988. During his year as president, the club completed several outstanding community service projects as well as a variety of activities for Kiwanians and their families.

Under his leadership, the club's primary fundraising project during that year was a performance by the world-famous Yugoslavian dance ensemble, the Frula, which means "flute" in Slovenian. This and other fundraising allowed the club to assist not only the Kiwanis Charitable Foundation, but also for the Kingston Senior Citizens' Center, Camp Acahela of the Penns Mountains Boy Scout Council and the Wyoming Valley Cerebral Palsy Association.

Last but certainly not least, Charlie also founded the club's High-Rise Tree Trim Project in 1972 and chaired it for 26 years.

Mr. Speaker, I am pleased to call to the attention of the House of Representatives the numerous accomplishments and good deeds of Charles Spitale, and I wish him the best in his retirement.

UNESCO'S NEW SECRETARY GENERAL VISITS CONGRESS—NOW IS THE TIME FOR THE UNITED STATES TO REJOIN

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. LANTOS. Mr. Speaker, I want to invite my colleagues in the Congress to join me in welcoming to Capitol Hill today His Excellency Koichiro Matsuura, Director General of the United Nations Educational, Scientific and Cultural Organization (UNESCO). Mr. Matsuura—a distinguished Japanese diplomat who formerly served as Deputy Foreign Minister of Japan, who is a graduate of Haverford College in Pennsylvania, and who served for a time at the Japanese Embassy here in Washington—assumed the leadership of UNESCO last fall. Under his leadership the organization has made remarkable progress in dealing with many of the criticisms that have been leveled at UNESCO in the past.

UNESCO was established in 1945, at the same time the United Nations itself was created. Under terms of its charter, the organization is "to contribute to peace and security by promoting collaboration among the nations through education, science and culture in order to further universal respect for justice, for the rule of law and for the human rights and fundamental freedoms which are affirmed for the peoples of the world, without distinction of race, sex, language or religion, by the Charter of the United Nations."

For valid and sound reasons the United States withdrew from membership in UNESCO in 1984, along with the United Kingdom and Singapore. At that time the organization suffered from mismanagement at the highest levels, and some of its leadership urged a poorly-conceived scheme to establish a "new international information order" which appeared to many to be no more than an attempt to regulate the press. I supported the decision of our government to withdraw from membership.

Since 1984, UNESCO has made important changes to address the criticisms leveled by the United States and other nations. Under the leadership of Director General Federico Mayor Zaragoza of Spain a number of essential changes were made. In 1993 the General Accounting Office conducted an extensive review of UNESCO's efforts to implement changes to solve the problems cited by the United States in our decision to withdraw from the organization. That report concluded that the leadership of UNESCO has demonstrated a commitment to management reform. Britain rejoined UNESCO in 1997. Now under the leadership of Mr. Matsuura, further fundamental management reforms are being made.

Mr. Speaker, in recognition of the transformation of UNESCO, I introduced legislation earlier in this Congress directing the President to develop a strategy to bring the United States back into full and active participation in UNESCO. My legislation, H.R. 1974, recognizes the important contribution which the organization can make in constructing "the defenses of peace" against intolerance and incitements to war.

It is important for the United States to participate in UNESCO. We can make significant contributions in shaping and implementing the worthy goals of this organization. The legislation I have introduced, Mr. Speaker, recognizes the cost implications of our participation in UNESCO and that is why it directs the President and Secretary of State to develop a strategy for our returning to full membership.

Mr. Speaker, it is unfortunate that we are not now active members of this organization. I invite my colleagues to join me—not only in welcoming His Excellency Director General Koichiro Matsuura here to Capitol Hill—but in cosponsoring H.R. 1974 to bring the United States back into full participation in UNESCO.

PERSONAL EXPLANATION

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. OWENS. Mr. Speaker, yesterday I was unavoidably absent on a matter of critical importance and missed the following votes:

On H.R. 4884 (rollcall No. 451), to redesignate the facility of the United States Postal Service located at 200 West 2nd Street in Royal Oak, Michigan as the "William S. Broomfield Post Office Building," introduced by the gentleman from Michigan, Mr. KNOLLENBERG, I would have voted "yea."

On H.R. 4484 (roll No. 452), to designate the facility of the United States Postal Service located at 500 North Washington Street in Rockville, Maryland, as the "Everett Alvarez, Jr. Post Office Building," introduced by the gentlelady from Maryland, Mrs. MORELLA, I would have voted "yea."

On H.R. 4448 (roll No. 453), to designate the facility of the United States Postal Service located at 3500 Dolfield Avenue in Baltimore, Maryland, as the "Judge Robert Bernard Watts, Sr. Post Office Building," introduced by the gentleman from Maryland, Mr. CUMMINGS, I would have voted "yea."

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mrs. MYRICK. Mr. Speaker, due to other commitments, I was unable to participate in the following votes. If I had been present, I would have voted as follows: On July 27, 2000, Rollcall vote No. 450, on the Social Security Benefits Tax Relief, I would have voted "yea." Rollcall vote No. 449, on Agreeing to the Pomeroy Amendment, I would have voted "nay."

AMERICANS WITH DISABILITIES ACT

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. DELAHUNT. Mr. Speaker, last month marked the 10th anniversary of the signing of the Americans with Disabilities Act. The federal government commemorated this historic milestone through many activities—from President Clinton announcing new proposals to make it easier for Social Security disability beneficiaries to contribute to the workforce without losing their benefits, to the House approving the Developmental Disabilities Assistance and Bill of Rights Act of 2000, to the opening of a new exhibit that examines the history of the disability rights movement at the Smithsonian's National Museum of American History.

These activities are a long overdue symbol of federal commitment to individuals with disabilities. And to build on this momentum I would like to submit the eloquent testimony of Mr. Elmer Bartels, Commissioner of the Massachusetts Rehabilitation Commission, regarding employment opportunities for individuals with disabilities.

[From the Cape Cod Times, June 4, 2000]

EMPLOYERS WITH LABOR SHORTAGES SHOULD LOOK TO VOCATIONAL REHABILITATION

(By Elmer C. Bartels)

It is a fact that today more individuals with disabilities are in the workplace earning real wages than ever before. Certainly the booming economy has a lot to do with it, but there is much more to the story than just that.

The unsung hero in the struggle to enhance employment opportunities for people with disabilities is the Federal/State Public Vocational Rehabilitation Program, authorized and funded under the Rehabilitation Act of 1973.

For nearly 80 years, and against great odds and prejudices, the State Public Vocational Rehabilitation Program has helped people with disabilities prepare to enter the workplace. Every state has a vocational rehabilitation agency whose sole purpose is to assist people with disabilities obtain the skills, training and confidence necessary to enable them to take their rightful place in the economy.

However, until the passage of Sec. 504 of the Rehabilitation Act in 1975 and later the passage of the Americans with Disabilities Act, opportunities in the workplace were limited and often resulted in placement in sheltered workshops.

MAINSTREAM OPPORTUNITIES

However, with advances in technology and the shortage of qualified workers, new mainstream work opportunities are becoming more available for persons with disabilities.

When the Work Incentives Improvement Act (WIIA) was signed into law on Dec. 17, another impediment was removed in addressing the nation's efforts to encourage people with severe disabilities to go to work.

Nationally, there are, according to the General Accounting Office, about 2.5 million people with disabilities receiving Social Security benefits under both Supplemental Security Income (SSI) and Social Security Disability Insurance (SSDI) who could possibly benefit from WIIA. (This population represents about 27 percent of the total number of individuals who are eligible to access the Public Vocational Rehabilitation Program.)

WIIA's assurance of the continued availability of health insurance, under both Medicaid and Medicare, for SSI and SSDI recipients, will remove a formidable barrier to their employment. Public vocational rehabilitation counselors assess the skills and interests of people with disabilities, help them development individualized plans for employment, and purchase or arrange for the services or training they need to become qualified for jobs.

225,000 PEOPLE HELPED

This program can provide any reasonable and necessary services to help individuals with disabilities get ready for real work. Last year, the Public Vocational Rehabilitation Program helped 225,000 people with disabilities across America enter the work force.

In Massachusetts, the Public Vocational Rehabilitation Program, through the Massachusetts Rehabilitation Commission, helped 4,800 individuals with disabilities go to work in 1999.

Federal funding for vocational rehabilitation was $2.4 billion in 1999. The states matched those federal funds with $600 million of their own, resulting in a $3 billion national Public Vocational Rehabilitation Program. The distribution formula of federal funds to the states is based upon the population and per capita income of each state.

The $3 billion spent nationally on vocational rehabilitation services produces $2.6 billion in employee earnings and $850 million in state and federal revenues during a single year of employment alone. this is an incredible return-on-investment in light of the fact that those earnings continue for years without the expenditure of additional vocational rehabilitation dollars.

A 5–TO–1 RETURN ON THE DOLLAR

The Social Security Administration reports that each dollar spent for the vocational rehabilitation of SSA recipients results in $5 in savings to the Trust Fund and treasury. The 225,000 individuals with disabilities employed last year will continue to earn real wages and pay state and federal taxes far in excess of the investment made in their employment future by the Public Vocational Rehabilitation Program.

Despite the extraordinary success of the Public Vocational Rehabilitation Program, half of the states restrict the number of people with disabilities served due to a lack of funds. It is estimated that an additional $600 million in federal monies, plus the state match of $120 million, would eliminate waiting lists in every state and help another 54,000 people with disabilities go to work.

Additional public vocational rehabilitation services and the guarantee of medical coverage under the WIIA would significantly reduce the unacceptably high rate of unemployment among people with disabilities.

According to statistics compiled by the GAO, it is estimated that between 15 million and 20 million Americans have health-related work limitations. Each year the Public Vocational Rehabilitation Program serves 1.2 million people with disabilities who want to work.

HIGH UNEMPLOYMENT RATE

A recent Harris survey indicates that 71 percent of working-age Americans with disabilities are unemployed and of that number, 72 percent want to work.

However, 42 percent of working-age Americans with disabilities believe that they are too disabled to work. The highly qualified, professional vocational rehabilitation counselors of the Public Vocational Rehabilitation Program work with individuals with significant disabilities to help them recognize that it is possible for even the most significantly disabled individuals to increase their economic and personal independence through work.

The passage of WIIA and the guarantee of continued health insurance coverage for Social Security recipients makes work a realistic goal for many more people with significant disabilities.

A recently completed seven-year study by the Research Triangle Institute, confirmed once again the success of the Public Vocational Rehabilitation Program by showing that it is highly effective in placing people with disabilities into productive jobs. No other federal or state program has received this type of scrutiny and measured up to such a high level of successful outcomes.

INDEPENDENT LIVES

It proved once again that the federal/state effort to improve the lives of persons with disabilities by allowing them to live independent and productive lives is on the right track.

In particular, the study shows that:

Graduates of Public VR worked an average of 35 hours per week and earned an average of $7.35 per hour;

37.5 percent of the graduates earned more than $7 per hour;

78.4 percent of graduates work in professional, managerial, technical, clerical, sales or service jobs;

85 percent of graduates were working in the same or other job one year after graduation;

67.6 percent of graduates were satisfied or very satisfied with their jobs;

67.1 percent of graduates were satisfied or very satisfied the opportunity for advancement with their jobs;

61.5 percent of graduates were satisfied with fringe benefits with their jobs.

The number of hours worked by consumers, the wages they earned, and their satisfaction with jobs and working conditions are all strong endorsements of the efficacy of the Public Vocational Rehabilitation Program.

Clearly, the Rehabilitation Act, and the ADA have helped to create a societal expectation that people with disabilities can and should have the opportunity to work. Now, WIIA provides for the health care supports essential to individuals with disabilities who want to work. Adequate funding of the Public Vocational Rehabilitation Program will help thousands more people with disabilities obtain good jobs.

The administration and Congress will demonstrate fiscal responsibility and a wise investment in the human resources of our nation by adequately funding Public Vocational Rehabilitation in the federal year 2001.

The American economy needs workers, people with disabilities need work opportunities, and the federal treasury needs more taxpayers. The Public Vocational Rehabilitation Program pays for itself many times over in taxes and human potential realized.

BENEFITS OF VOCATIONAL REHABILITATION PROGRAMS

HON. JOHN F. TIERNEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. TIERNEY. Mr. Speaker, in recent years the passage of the Workforce Investment Act and the Ticket to Work and Work Incentives Improvement Act have meant a great deal to individuals with disabilities who are working to gain greater social and economic independence. In Massachusetts the Commissioner of the Massachusetts Rehabilitation Commission, Mr. Elmer C. Bartels, has carried this message across the Commonwealth. In order to bring his message of employment opportunity for people with disabilities to our national constituency, I submit his editorial, which was printed in the June 4, 2000 edition of the Cape Cod Times, for insertion into the CONGRESSIONAL RECORD.

EMPLOYERS WITH LABOR SHORTAGES SHOULD LOOK TO VOCATIONAL REHABILITATION

(By Elmer C. Bartels)

It is a fact that today more individuals with disabilities are in the workplace earning real wages than ever before. Certainly the booming economy has a lot to do with it, but there is much more to the story than just that.

The unsung hero in the struggle to enhance employment opportunities for people with disabilities is the Federal/State Public Vocational Rehabilitation Program, authorized

and funded under the Rehabilitation Act of 1973.

For nearly 80 years, and against great odds and prejudices, the State Public Vocational Rehabilitation Program has helped people with disabilities prepare to enter the workplace. Every state has a vocational rehabilitation agency whose sole purpose is to assist people with disabilities obtain the skills, training and confidence necessary to enable them to take their rightful place in the economy.

However, until the passage of Sec. 504 of the Rehabilitation Act in 1975 and later the passage of the Americans with Disabilities Act, opportunities in the workplace were limited and often resulted in placement in sheltered workshops.

MAINSTREAM OPPORTUNITIES

However, with advances in technology and the shortage of qualified workers, new mainstream work opportunities are becoming more available for persons with disabilities.

When the Work Incentives Improvement Act (WIIA) was signed into law on Dec. 17, another impediment was removed in addressing the nation's efforts to encourage people with severe disabilities to go to work.

Nationally, there are, according to the General Accounting Office, about 2.5 million people with disabilities receiving Social Security benefits under both Supplemental Security Income (SSI) and Social Security Disability Insurance (SSDI) who could possibly benefit from WIIA. (This population represents about 27 percent of the total number of individuals who are eligible to access the Public Vocational Rehabilitation Program.)

WIIA's assurance of the continued availability of health insurance, under both Medicaid and Medicare, for SSI and SSDI recipients, will remove a formidable barrier to their employment. Public vocational rehabilitation counselors assess the skills and interests of people with disabilities, help them develop individualized plans for employment, and purchase or arrange for the services or training they need to become qualified for jobs.

225,000 PEOPLE HELPED

This program can provide any reasonable and necessary services to help individuals with disabilities get ready for real work. Last year, the Public Vocational Rehabilitation Program helped 225,000 people with disabilities across America enter the work force.

In Massachusetts, the Public Vocational Rehabilitation Program, through the Massachusetts Rehabilitation Commission, helped 4,800 individuals with disabilities go to work in 1999.

Federal funding for vocational rehabilitation was $2.4 billion in 1999. The states matched those federal funds with $600 million of their own, resulting in a $3 billion national Public Vocational Rehabilitation Program. The distribution formula of federal funds to the states is based upon the population and per capita income of each state.

The $3 billion spent nationally on vocational rehabilitation services produces $2.6 billion in employee earnings and $850 million in state and federal revenues during a single year of employment alone. This is an incredible return-on-investment in light of the fact that those earnings continue for years without the expenditure of additional vocational rehabilitation dollars.

A 5-TO-1 RETURN ON THE DOLLAR

The Social Security Administration reports that each dollar spent for the vocational rehabilitation of SSA recipients results in $5 in savings to the Trust Fund and treasury. The 225,000 individuals with disabilities employed last year will continue to earn real wages and pay state and federal taxes far in excess of the investment made in their employment future by the Public Vocational Rehabilitation Program.

Despite the extraordinary success of the Public Vocational Rehabilitation Program, half of the states restrict the number of people with disabilities served due to a lack of funds. It is estimated that an additional $600 million in federal monies, plus the state match of $120 million, would eliminate waiting lists in every state and help another 54,000 people with disabilities go to work.

Additional public vocational rehabilitation services and the guarantee of medical coverage under the WIIA would significantly reduce the unacceptably high rate of unemployment among people with disabilities.

According to statistics compiled by the GAO, it is estimated that between 15 million and 20 million Americans have health-related work limitations. Each year the Public Vocational Rehabilitation Program serves 1.2 million people with disabilities who want to work.

HIGH UNEMPLOYMENT RATE

A recent Harris survey indicates that 71 percent of working-age Americans with disabilities are unemployed and of that number, 72 percent want to work.

However, 42 percent of working-age Americans with disabilities believe that they are too disabled to work. The highly qualified, professional vocational rehabilitation counselors of the Public Vocational Rehabilitation Program work with individuals with significant disabilities to help them recognize that it is possible for even the most significantly disabled individuals to increase their economic and personal independence through work.

The passage of WIIA and the guarantee of continued health insurance coverage for Social Security recipients makes work a realistic goal for many more people with significant disabilities.

A recently completed seven-year study by the Research Triangle Institute, confirmed once again the success of the Public Vocational Rehabilitation Program by showing that it is highly effective in placing people with disabilities into productive jobs. No other federal or state program has received this type of scrutiny and measured up to such a high level of successful outcomes.

INDEPENDENT LIVES

It proved once again that the federal/state effort to improve the lives of persons with disabilities by allowing them to live independent and productive lives is on the right track.

In particular, the study shows that:

Graduates of Public VR worked an average of 35 hours per week and earned an average of $7.35 per hour;

37.5 percent of the graduates earned more than $7 per hour;

78.4 percent of graduates work in professional, managerial, technical, clerical, sales or service jobs;

85 percent of graduates were working in the same or other job one year after graduation;

67.6 percent of graduates were satisfied or very satisfied with their jobs;

67.1 percent of graduates were satisfied or very satisfied the opportunity for advancement with their jobs;

61.5 percent of graduates were satisfied with fringe benefits with their jobs.

The number of hours worked by consumers, the wages they earned, and their satisfaction with jobs and working conditions are all strong endorsements of the efficacy of the Public Vocational Rehabilitation Program.

Clearly, the Rehabilitation Act, and the ADA have helped to create a societal expectation that people with disabilities can and should have the opportunity to work. Now, WIIA provides for the health care supports essential to individuals with disabilities who want to work. Adequate funding of the Public Vocational Rehabilitation Program will help thousands more people with disabilities obtain good jobs.

The administration and Congress will demonstrate fiscal responsibility and a wise investment in the human resources of our national by adequately funding Public Vocational Rehabilitation in the federal year 2001.

The American economy needs workers, people with disabilities need work opportunities, and the federal treasury needs more taxpayers. The Public Vocational Rehabilitation Program pays for itself many times over in taxes and human potential realized.

SENATE—*Friday, September 8, 2000*

The Senate met at 10 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father, in whose presence the dark night of the soul of worry is dispelled by the dawn of Your love, we thank You for helping us overcome our worries. You have taught us that worry is like interest paid on difficulties before it comes due. It's rust on the blade that dulls our capacity to cut through trouble and lance the infection of anxiety. Your Word is true: Worry changes nothing but the worrier and that change is never positive. Worry is impotent to change tomorrow or redo the past. All it does is tap our strength. We confess that we fear the problems and perplexities that we may have to face alone. Our worry is really loneliness for You, Dear God. In this moment of prayer we surrender all our worries to You and thank You for Your triumphant promise: "Do not be afraid—I will help you. I have called you by name—you are Mine. When you pass through the deep waters, I will be with you; your troubles will not overwhelm you."—Isaiah 43:1–2 Contemporary translation. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JUDD GREGG, a Senator from the State of New Hampshire, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Senator from New Hampshire is recognized.

SCHEDULE

Mr. GREGG. Mr. President, today the Senate will resume debate on the China PNTR legislation. Amendments are expected to be offered throughout the day. Any votes ordered with respect to those amendments will be scheduled to occur on Monday or Tuesday of next week.

If significant progress can be made during today's session, votes will be postponed to occur on Tuesday morning. Therefore, those Senators who have amendments are encouraged to come to the floor during today's session. It is hoped the Senate can complete action on this important trade bill as early as Wednesday of next week.

On behalf of the leader, I thank my colleagues for their attention.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Massachusetts is recognized.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

MEDICARE PRESCRIPTION DRUG COVERAGE

Mr. KENNEDY. Mr. President, senior citizens need a drug benefit under Medicare. They've earned it by a lifetime of hard work, and they deserve it. It is time for Congress to enact it. The clock is running out on this Congress, but it is not too late for the House and Senate to act.

AL GORE and George Bush have proposed vastly different responses to this challenge. The Gore plan provides a solid benefit under existing Medicare. The Bush plan, by contrast, cannot pass the truth in labeling test. His plan is not Medicare—and it is not adequate. It is too little, too late. It puts senior citizens needing prescription drug coverage at the mercy of unreliable HMOs.

And it is part of a proposal to privatize Medicare that will raise premiums and force the most vulnerable elderly to give up their family physician and join HMOs.

Senior citizens need help now. AL GORE'S PLAN PROVIDES PRESCRIPTION DRUG COVERAGE UNDER MEDICARE FOR EVERY SENIOR CITIZEN IN 2002—THE EARLIEST DATE SUCH A PROGRAM COULD REALISTICALLY BE IMPLEMENTED.

Under the Bush plan, there is no Medicare coverage of prescription drugs for four years. Instead, Governor Bush proposes a block grant to states for low-income seniors only. Less than one-third of seniors would even be eligible. Only a minority of those who are eligible would participate. Senior citizens want Medicare, not welfare. AL GORE's plan recognizes that. George Bush's plan does not.

On this chart, we see the differences between the two programs. This effectively, in under Vice President GORE, would go to the year 2002—a little over a year from where we are now. Under the Bush program, effectively it will go in 4 years after enactment. It would be a block grant that would go to the States to deal with those neediest among our poor. But it would effectively leave out 29 million Medicare recipients.

Under the Gore program, you have guaranteed benefits. What does "guaranteed benefits" mean? That means a senior goes into a doctor's office. The doctor says that you need XYZ drug. They could prescribe it, and the individual patient is going to be assured of it.

Under the Bush program, under the HMO, which particular prescription drugs are going to be included? Just like it is under the HMO, to make a decision on what the premium is going to be, what the copayment is going to be, and what the deductible is going to be. There isn't a person today, including Governor Bush, who can tell what the benefit package would be for a senior under his program. They couldn't tell what the deductible, what the premium or what the copay would be. Under the Gore program, they could; and it is basically under the Medicare system.

When Governor Bush says it is an "immediate helping hand," that really can't pass the truth-in-labeling test. The claim is that it would help. The truth is, it is too little for too few.

Seventy percent of the Medicare beneficiaries—more than 27 million—would not be eligible for the block grant program.

Effectively what we are saying is that under the program, 27 million will not be eligible under the block grant program. Even fewer would participate. Less than 20 percent of the eligible low-income seniors currently participate in the State-run Medicare premium assistance program, which is known as SLMB. That is where the States are basically helping and assisting through Medicare to offset the premiums for the lowest income. The States have shown a remarkable lack of interest in protecting the low-income seniors, and it is very little too late. They will do much better with regard to this program. This is a matter of very considerable concern.

Again, the challenge is this "immediate helping hand." We also say this can't pass the truth-in-labeling test. All 50 States must pass enabling or modifying legislation. We are going to have a different benefit package in each of the States under this particular program. Only 16 States currently have any drug insurance program at the existing time.

If you look at the CHIP experience, which was enacted in August of 1997, when the funding was already available to any of the States that went ahead and passed the law, it still took over 2 years for Texas to implement the CHIP program. We haven't even gotten the block grant money. It will have to be approved by the Congress in the future.

As Governor Bush has pointed out, many States don't have the legislation. They meet biannually, and this will require enabling legislation in the States. Beyond that, the Governors have already rejected the block grant program. The Governors rejected the State block grant program. They did so in February of this year.

> If Congress decides to expand the prescription drug coverage for seniors, it should not shift that responsibility, or its costs, to the States.

That is exactly what this program does. Here are the Governors, in a bipartisan way, indicating that they didn't want to take the new administration on and the bureaucracy of trying to administer this program. They didn't want the responsibility, and they didn't want to have to put out any of the costs as well. It is a very clear indication that the Governors are not interested in this program, to have it implemented with regard to the States. The Gore plan provides the guaranteed benefits. The Bush plan leaves the benefits and premiums up to the HMOs.

We are out on the floor of the Senate trying to get a Patients' Bill of Rights up to try to make sure the HMOs are going to be responsive to the health care needs of our people in this country and do what is necessary for them as identified by the doctors and trained professionals. Here we are having a whole new program that is going to be effectively administered by the HMOs.

Under the Gore plan, there is no deductible. The Government pays for 50 percent, up to $2,000, and rising to $5,000. Premiums are limited to the cost of the services—not the profits of the HMOs. The Government and beneficiaries each pay half of the premium. There is a $4,000 limit on the out-of-pocket costs.

It seems to me we have this dramatic difference in these approaches between the two programs. Under the Gore proposal, this will be a prompt help for senior citizens, just 1 year after enactment; under Governor Bush's proposal, it will take 4 years after enactment to be put in place in the 50 different States, it will rely upon the HMOs, and it will take care of less than a third of the needs of our senior citizens.

We have a guaranteed benefit program. They have no guaranteed benefit program. We will not hear any Republican able to identify what prescription drugs are going to be guaranteed to the seniors of this country. Under the Gore proposal, whatever the doctor says is going to be necessary will be guaranteed. We have guaranteed access to the needed drugs. The doctor decides.

Mr. President, I think there is a dramatic contrast and difference.

Look at the cost under the different proposals. We find with a 25-percent premium payment under the Medicare actuaries, they have indicated there will be a rise in the premiums anywhere from 35 to 45 percent. It was because of those findings, which have been substantiated by the Senate Finance Committee, that the basic Gore program has indicated there has to be a support of at least 50 percent of the premium in order to make sure it will be universal. It is voluntary. But with this kind of a 50-percent premium offset, the best estimate is, according to the Senate Finance Committee hearings, there will be virtually a universal appeal for that. With 25 percent of premium, according to the Finance Committee hearings, they believe the increase in the cost of the premiums will rise from 35 to 45 percent.

In conclusion, we have the Federal budget commitment of $253 billion under Vice President GORE; it is $158 billion under Governor Bush. The Federal contribution to beneficiary premiums is 50 percent under Vice President GORE; under Bush, it is 25 percent.

I say to the editorial writers, read the Senate Finance Committee and the House Ways and Means Committee. Find out, in the questions and answers at those hearings, whether anyone believes with a 25-percent offset in premium—without knowing what the premium is going to be, because the premium is going to be established by the HMO—whether the overall costs in terms of prescription drugs is not going to increase anywhere from 35 to 42 percent. The proportion of our seniors participating in the drug coverage is virtually 100 percent; in the Bush program, less than half.

I think it is important to have an understanding of what is before the Congress in the Senate. We still have time to take action. We are interested in taking action. We ought to be able to develop a bipartisan effort to try to deal with the principal concerns of our senior citizens. We all know that if Medicare were being passed today rather than in 1965, a prescription drug benefit would be included. The guarantee in 1965 to our senior citizens was: Work hard, contribute into the Medicare system, and your health care needs will be attended to. We are not attending to the needs of our senior citizens. Every day that goes by without a prescription drug benefit, we are violating that commitment to our senior citizens, and that is wrong.

We have in the last 4½ weeks the opportunity to take meaningful steps to address that critical need for our senior citizens. We should not fail them. That is what I think is a fundamental responsibility we have in the Senate.

More than 900,000 senior citizens lost their Medicare under HMOs this year. Yes, 900,000 senior citizen lost their Medicare HMO coverage this year. Yet that is going to be the pillars on which this program is going to be built after 4 years; 934,000 Medicare beneficiaries lost their HMO coverage this year. Approximately 30 percent of beneficiaries live in areas with no HMOs.

In vast areas of the country, there are virtually no HMOs at all. We have seen them leaving in droves, including the States of Connecticut and my own State of Massachusetts. It has been true in the State of Maryland. There is one HMO left in the State of Maryland. Now we have 30 percent of all beneficiaries living in areas with no HMOs.

Private insurance premiums will increase 10 to 30 percent this year. This is the principal concern. In the first 4 years, 29 million senior citizen otherwise eligible under Medicare will not be able to participate in the Bush program. After that, it will be built upon the HMOs without a defined benefit package, without any indication of what the premiums, copays, or deductibles are going to be.

The alternative is a very impressive and significant downpayment in the commitment of this country to building on Medicare. I know there are many—and probably most—who are opposed to building on Medicare, who are against the Medicare system in any event. One doesn't have to be a rocket scientist to understand that. But we believe the Medicare system has worked and is working. It has to be strengthened, it has to be improved. There are many features in terms of health care that it doesn't cover. It don't cover the eye care, dental care, or foot care that it should. It doesn't do the prescription drug coverage, which is life and death. That is the major opening.

We find under the Bush plan the benefits provided are guaranteed to not be adequate. The Bush program allocates $100 billion less to prescription drug coverage than the Gore plan over 10 years. The reason for this large gap is obvious. The Bush approach allocates too much of the surplus to tax breaks for the wealthy, and too little is left to help our senior citizens.

Under the Bush plan, the Government contributes 25 percent of the cost of prescription drug premiums—half as much as under the Gore program. In the entire history of Medicare, citizens have never been asked to pay such a high proportion of the cost of any benefit. They have never been asked to pay such a high proportion of the cost of any benefit. The nonpartisan Congressional Budget Office has estimated under the similar Republican plan passed by the House of Representatives, benefits would be so inadequate, costs so high, that more than half of the senior citizens who need help the most will not be able to participate. Any prescription drug benefit that leaves out more than 6 million of our senior citizens who need the protection the most is not a serious plan to help senior citizens.

Perhaps the worst aspect of the Bush plan is that it makes prescription drugs available to senior citizens only if they also accept the extreme changes in Medicare that would dramatically raise premiums for their doctors and hospital bills and coerce the most vulnerable seniors to join HMOs. That is not the kind of Medicare coverage and it is not the kind of prescription drug benefit the American people want.

Under Bush's vision of Medicare reform, the premiums paid by senior citizens for conventional Medicare could increase by as much as 47 percent in the first year and continue to grow over time, according to the nonpartisan Medicare actuaries. The elderly would face an unacceptable choice between premiums they can afford and giving up their family doctor by joining an HMO.

Senior citizens already have the right to choose between conventional Medicare and private insurance that offers additional benefits. The difference between what seniors have today and what George W. Bush is proposing is not the difference between choice and bureaucracy, it is the difference between choice and coercion, driven by the right-wing Republican agenda to undermine Medicare by privatizing it. On this ground alone it deserves rejection. We don't have to destroy Medicare in order to save it.

There is still time this year for Congress to enact a genuine prescription drug benefit under Medicare. AL GORE and the administration have presented a strong proposal. Let's work together to enact it. The American people are waiting for our answer.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

MEASURE PLACED ON THE CALENDAR—S. 3021

Mr. GREGG. Mr. President, let me begin by stating I understand there is a bill at the desk due for its second reading.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill to provide that a certification of the cooperation of Mexico with United States counterdrug efforts not be required for fiscal year 2001 for the limitation on assistance for Mexico under section 490 of the Foreign Assistance Act of 1961 not to go into effect in that fiscal year.

Mr. GREGG. I object to further proceedings on this bill at this time.

The PRESIDING OFFICER. The bill will be placed on the calendar.

HEALTH CARE

Mr. GREGG. Mr. President, ironically, I came to the floor to talk about some of Vice President GORE's proposals, specifically in the areas he is spending money. The fact he has created this Pyrhhic lockbox—not Pyrhhic, this mystical lockbox he is claiming for the extra surplus which has been identified under the new budget estimates, which is mystical because he has already spent the entire surplus plus whatever would occur as a result of the increased estimates on the surplus. In fact, according to the Budget Committee, he spent under the high estimate almost $1 trillion more than the surplus. As a result, he is significantly invading the Social Security accounts.

But having listened to the Senator from Massachusetts, I do not believe his words can go unanswered because he has, first, made a number of statements which are inaccurate about Governor Bush's proposals on the drug plans for seniors and, second, I think he has put forward the basic premise of the debate between the two parties on the issues that should be answered. Let's begin there before I go to the specifics of the areas of his presentation, which were unfortunately numerous as they related to Governor Bush's positions. The difference here is fairly simple between the two approaches.

What was very distinctly stated by the Senator from Massachusetts is that they want to create—they use the term "universal," but a 100-percent program in the drug benefit area, which is totally managed by the Federal Government—100 percent. Vice President GORE wants to do for prescription drugs what Hillary Clinton wanted to do for health care generally. He wants to take "Hillary Care," which is essentially a nationalization of health care, and apply it to the prescription drug program.

There are a lot of problems with nationalizing the prescription drug program, with having the Federal Government take over the senior citizens' ability to buy drugs. I think most seniors understand that having the Federal Government tell them what they are going to be able to buy in drugs, exactly what type of drug program they are going to have—and it will be one size fits all for this entire country—I think most seniors have an inherent understanding, as most Americans have an inherent understanding, that that program has some significant flaws.

One of the reasons this Congress and the American people so enthusiastically rejected "Hillary Care" is that people intuitively understand that taking a program and turning it over to the Federal Government to operate, specifically when that program is critical to one's well-being, as is health care, is putting at risk one's health care, by definition.

So the Gore plan is essentially a nationalization plan. The term is used "universal, 100 percent." That means the Government runs it all. Well, 68 percent of the seniors in this country today already have a drug benefit. Many of them are fairly happy that they are able to go out and purchase a drug benefit that is tailored to what they need. There are, obviously, a lot of seniors in this country who need assistance in purchasing that drug benefit. There are a lot of seniors in this country today who do not have adequate coverage in drug benefits. The concerns of those seniors need to be addressed. But we don't address them by taking all the other senior citizens of this country who have set up their own systems—and most of them come as a result of their employer continuing to cover their drug benefit as a result of their retirement—and saying to them: No longer can you participate in your employer plan, no longer can you participate in a plan which you chose which covers the needs which you and your family have. No. Now you must participate in a plan designed by Vice President GORE and a group of bureaucrats here in Washington under the guidance of the Senator from Massachusetts, and you either participate in that plan or you get nothing. When you participate in that plan, you don't get options. You have to do exactly what the Federal Government says. That can be a nightmare. That can be a nightmare, as we all know.

That is the fundamental difference. What Governor Bush has put forth is a proposal which will address the needs of seniors who do not presently have adequate prescription drug coverage and will address it in a way that allows seniors to have choices. It allows them to tailor their health care plans to what they need, not to what somebody here in Washington thinks they need. That is the difference of opinion here. There is the Washington mindset which says we in Washington actually know better than you do, John Jones out in Iowa, what you need to buy for your prescription drug benefits. It is this arrogance, this elitism that just permeates Washington and which was so precisely stated in the "Hillary Care" package and which is now just being repackaged with new words—"universal, 100 percent"—under the Gore drug plan.

Governor Bush has put forward a very thoughtful, very aggressive proposal in the area of prescription drugs that does address the needs of seniors who cannot afford those programs and seniors who need assistance in those programs. It was, regrettably, misinterpreted by the Senator from Massachusetts. To begin with, it doesn't start 4 years from now. It actually begins much sooner and potentially 2 years sooner than the Gore plan. The Gore plan does not go into effect until 1 year after the date of enactment, which means we are probably looking—should we have the fate of having the

Vice President become President, we are probably looking at somewhere around the year 2002 before it even gets operating.

That is a pretty optimistic viewpoint. The Senator from Massachusetts said Texas took a long time to participate in the CHIPS program and all the other States took a long time to participate in the CHIPS program. What was that? That was an attempt by the Federal Government to make sure all the kids who are low income, who need insurance in this country, get health insurance. It was passed by the Congress.

Do you know how long it took this administration to put in place the regulations to manage the health care plan for children, CHIPS? They have not done it yet. They are still working on those regulations. Why have States not been able to put their CHIPS program into place quickly? Because the regulations have taken so long to get in place. They have a majority of them in place now, but it literally took years to get the regulations in place so the States could comply with them.

So the idea that the Vice President, should he be fortunate enough to be elected President, is going to put in place a drug program that is going to be managed by the same agencies that manage the present systems, that manage the health care system we have—and they couldn't even do that—is going to set up a program for the country in a prompt way is, on its face, not believable.

The fact is his plan, if he is lucky, assuming he was able to pass the nationalization of the prescription drug programs in this country, assuming he was able to inflict "Hillary Care," relative to drugs, on our people, assuming he was able to get that through the Congress, there is no way that plan would be in place and operating even by the year 2002, which he claims it could be. Maybe 2003; maybe 2004.

This timeframe thing the Senator from Massachusetts talked about is just a lot of mush. The fact is, the Gore plan, by definition, cannot start until 2002, and we know, as a practical matter, the way the Federal Government operates, and especially the way HCFA operates, there is no way it will be operating until probably sometime in 2005, whereas Governor Bush has proposed a unique and creative idea. He recognizes that what we need is fundamental Medicare reform. We need to bring all the parties to the table and reach a Medicare package that will reform the whole system to get efficiencies into the system, to reduce the costs of the operation of the system, to make it work more like a system for the 21st century rather than a system designed in the sixties, which is the way it works today.

He said it is going to take time to develop that package, it is going to take time to develop that comprehensive agreement, bipartisan in nature, so let's have a bridging program and let's begin the bridging program immediately. He said one of his first pieces of legislation will be a bridging program in the area of drugs which will allow the States, during the period when the Federal Government is working out major Medicare reform, to address not only drug benefits but everything else that deals with Medicare. During the period when the Federal Government is working on that, he said let's set up a specific program that will benefit seniors who need prescription drugs as a bridging program. That program can be in place—if the Congress actually wants to get to work, that program can be in place by March of next year.

There is a distinct difference in timeframe, yes. The difference is, under the Gore proposal, which is nationalization of the prescription drug program, which is "Hillary Care" for the prescription drug program, it puts all seniors in America under one system managed by the Federal Government. We know it is going to be a bureaucratic disaster and there are going to be a lot of delays. By definition, his plan does not start for 2 years, whereas what Governor Bush suggested is that he understands Government takes time to address major issues such as this, so let's put in a bridging program and start the program early. There is a time difference. The difference is Governor Bush's plan starts a heck of a lot earlier than the Vice President's plan. The Senator from Massachusetts was wrong in that assessment.

Secondly, the Senator from Massachusetts—there are a whole series of points, and I am not going to be able to cover them all—the Governor's plan only covers 25 percent of the cost and we cover 50 percent of the cost. I remember a story told by an attorney in New Hampshire who represented the northern part of New Hampshire. He said he was once working for a logging company and sent back a report. There were five loggers at this base camp, three men and two women. One of the women married one of the men, and a report said that 50 percent of the women had married 33 percent of the men. This statistic is one of those types of statistics. It is a nice statistic. It may make sense, but if you look behind it, it makes absolutely no sense because the statistic is based on two different programs.

The Gore plan, yes, covers 50 percent of the cost, but what it says is every American must use the federalized system of drug care. As I mentioned earlier, 68 percent of senior citizens already have a drug program. Many of them do not need a new drug program. Some may want to opt into a new drug program if it is available, but many of them do not. They are quite happy with what they have from their company which continued to cover them after they retired. If they have to pay 50 percent now under a Federal program, it actually works out for many seniors that the premium costs of the Gore plan will be higher than the premium costs which they have for their present drug program.

If one looks behind this 50-percent number, it becomes very clear that it is not a positive number for seniors, it is very negative for a lot of seniors who will end up paying more for their drug benefit than they pay today because they are going to be put in a Federal plan where the premium costs more than the premium they have today, and they do not have any choice, they have to go into the Fed plan. Why? Because AL GORE knows better; because the Members on the other side of the aisle know better; they are smarter than the rest of Americans; they should design the plan for the rest of Americans, and it should be run out of Washington. It is called elitism and, as I said, it permeates this city. Whereas under Governor Bush's plan, yes, 25 percent of the premium will be picked up by the Federal Government, but he also said this is an option, this is not a requirement. In other words, a senior will take that option if it is a better deal than what they already have.

He has also said that for low-income seniors, people at 175 percent of poverty, his plan covers all the premium. So let's not have any of this class warfare jargon we have been hearing from the other side of the aisle through their convention and since then. Actually, Governor Bush said he will cover all the premium for people up to 175 percent of poverty; the Vice President said he is only going to cover all the premium up to 150 percent of poverty. Governor Bush has exceeded, for low-income seniors, the assistance that will be given.

This 25–50 percent is a nice number, but it has no relevance to reality because they are two different plans which have two huge, different impacts on the flow of events around how this is covered.

Then the Senator from Massachusetts went on to say that block grants are a terrible idea generally, which has always been the theory coming from the other side of the aisle because they do not like to give States any authority, and especially in this instance it is a bad idea because of, as I mentioned earlier, the time lag between when the block grant is created and when the States will be able to operate under it.

The point is, once again, that is a Democratic approach to a block grant. A Democratic approach to a block grant is: We will give you the money, but we will set up a whole bunch of strings in Washington which you have to comply with before you get the money. Governor Bush's proposal is a real block grant. "Block grant" has become a pejorative. It should not be a pejorative. It is a return of funds to the States, and it says to the States: Manage these funds for low- and moderate-income seniors so they have a drug program.

I happen to think States are going to do that more effectively than HCFA has done their job in a variety of different areas, or the other Medicare activities that have occurred. I am willing to put the State of New Hampshire up against the Federal bureaucracy in health care any day of the week, and I can absolutely assure you that New Hampshire citizens are going to get a lot better care when the State of New Hampshire is making the decisions than when some bureaucrat in some building in Washington is making decisions under the guidance of Hillary Clinton or under the guidance, in this case, of Vice President GORE. Why can I say that? Because it is a fact. It is the way it works today. We have seen it time and time again.

This proves the point of what I am saying: that HMOs have been dropping their participation like flies, radically. The Senator from Massachusetts pointed out that HMOs have been moving out of States, as they have in New Hampshire—senior HMOs, Medicare HMOs. That is absolutely right. Why? Because the Federal Government under this administration shortchanged the reimbursement to HMOs. HCFA specifically undercut the ability of Medicare HMOs to function because they would not reimburse Medicare HMOs at a reasonable rate.

It has become such a crisis that before this Senate adjourns and before this Congress adjourns, we are going to adjust that. Unfortunately, so much of the damage has been done by this administration's Health and Human Services Department that I am not sure we are going to recover the HMOs. He is proving my point by saying the HMOs are falling out of business. It is another classic example of a statement which, on its face, may make sense, but if you look behind it, just the opposite is the fact.

It is like another story in New Hampshire, another legal story, which is the guy who shoots his parents and then goes to the court and claims he is an orphan and throws himself on the mercy of the court. The administration is shooting the Medicare HMOs, left and right, because they will not reimburse them. Then they come here and say: Oh, the Medicare HMOs are falling off; therefore, plans can't work because they might use Medicare HMOs. It is a little hard to accept that logic. And it is especially inappropriate for that argument to be made, in my opinion, from people in this administration.

So beyond the specific errors of the statement, which I think were considerable as they related to Governor Bush's proposal, and which I have tried to outline—I am sure I have not hit them all because I am not that intimately familiar with the entire package; but even with general familiarity, I noticed a number of mistakes—beyond that, it really does come back to this basic philosophical difference: Do we want to give our senior citizens in this country the opportunity to have quality prescription drug coverage, which they get to choose, and have some part in the participation, in making decisions as to what it will be, what type of coverage they want, and how much it will benefit their families, or do we want to nationalize the prescription drug care process in this country, and have what is essentially another slice of "Hillary Care" put upon the Nation?

That is the difference. That is the difference between these two approaches. Both approaches try to address the needs of the low- and moderate-income seniors and give them adequate health care and drug coverage. Governor Bush's proposal does a little better job because he takes 175 percent of poverty and covers all the premiums up to that, and Vice President Gore's proposal only goes to 150 percent of poverty.

So we are not talking anymore about whether or not low-income seniors are going to have adequate drug care. We are talking about timing. Governor Bush's proposal moves a lot quicker than Vice President GORE'S in getting the money out and getting support to seniors.

But what we are really talking about is the ability of seniors to play a role and have participation in the choice of the drug care they get as versus having the Federal Government doing it all.

So that is a response to Senator KENNEDY's comments on drugs, which I guess we are going to hear a lot more about, and which I am sure the Senator will have a response to my response, if he decides he deems it worthwhile.

I was going to discuss this other issue, so let me quickly discuss it. I know the Senator from Idaho has been very patient.

I do have to make this one point that this chart illustrates which is that the Senate Budget Committee took a look at the Vice President's proposals. Anybody who has been listening to the Vice President wandering around the country knows he has gone to just about every interest group in this country and has suggested money he will spend to assist them in some program, which is his right and, obviously, his philosophical viewpoint. But at some point you have to pay the piper. You have to add those numbers up.

So the Senate Budget Committee added those numbers up. When you get to the bottom line, which is shown on this chart, the surplus, over the next 10 years, which is $4.5 trillion, is entirely spent.

We have heard a lot from the Vice President about how Governor Bush's proposal of the $1.3 trillion tax cut, which is about a quarter of the entire surplus, is going to eat up the surplus and, therefore, not leave anything for anybody else. But what we do not hear about, because maybe the press has not focused on it because it is a lot of numbers—but they can now go to the Senate Budget Committee numbers and focus on it fairly easily—is that Vice President GORE has already spent the surplus. He has spent the entire surplus.

If you use the low range, he has overspent the surplus by $27 billion. That is the low range. That is if you give him every benefit of the doubt. If you use the high range, which is not an outrageous high range—if it were my high range, it would be a lot higher than this is from the Budget Committee; and they tend to be fairly conservative number crunchers up there—it comes up to $900 billion, almost $1 trillion, that he has spent that exceeds the surplus. From where does that come? That comes from Social Security. That is what you end up hitting.

There are a couple numbers on this chart that stand out like sore thumbs that I want to mention quickly, and then I will stop.

First, the tax cut relief. In the entire Gore package—we have a $4.5 trillion surplus—do you know how much tax cut relief there really is? The Vice President says he has $500 billion, but that is, once again, one of these numbers which, if you look behind it, is not really there. The net tax cut relief in his package is $147 billion out of a $4.5 trillion surplus.

The American people are paying $4.5 trillion more to the Federal Government than the Federal Government needs to operate. That is what the surplus is. Everyone in this room, everyone in America who pays taxes is paying taxes which the Federal Government does not need to operate. It adds up to $4.5 trillion. And all that the Vice President can agree to give back in the way of a tax cut—and it is not really a tax cut, returning taxes that do not need to be paid—is $147 billion out of $4.5 trillion. It is incredible.

That number distinctly reflects the view that any money that comes to Washington is not the money of the taxpayers; it is the money of the people who live in Washington. It is the Vice President's money; therefore, he does not have to give it back. It is the Government's money. They don't have to give it back. Not in my view. Not in Governor Bush's view, which is that it is the taxpayers' money. It comes out of your pocket. It is your taxes. It is your money. If the Government has too much of it, let's give it back.

The second item that I want to highlight is this retirement savings plus plan, which is a brand new major entitlement of huge proportions and a massive increase on the next generation. This is only a 10-year number shown on the chart. That number explodes, as you move into the outyears, into trillions. It is the most significant major entitlement ever put on the books of the American Government, in my opinion—if it were to pass. It will exceed Medicare by a huge function in the outyears, as we head toward the year 2030, I believe. But it will at least be competitive with Medicare as a massive new entitlement program.

Who is going to pay it? The next generation. Our kids. My daughter who just got her first job. She is out of college, which we are very happy about because we don't have to pay tuition. She got a job, which we are even more happy about. Unfortunately, around about 10 or 15 years from now, assuming she keeps her job, she is going to be paying taxes at an outrageous rate in order to support a brand new entitlement put on the books by Vice President GORE, if he should become President. That, to me, is a little number in there that seems little in this package, although it is huge—obviously, even in this package: $750 billion on the upper side. That is not talked about much but should be looked at by the American people as they consider who they are going to vote for in this coming election.

Mr. President, I appreciate the courtesy of the Senator from Idaho in allowing me to proceed for a little extra time.

I yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, may I ask where we currently are in the order?

The PRESIDING OFFICER. We should be proceeding to H.R. 4444, but if the Senator wishes to speak on a different subject, he certainly can ask unanimous consent to do so.

Mr. CRAIG. Mr. President, I ask unanimous consent to speak as in morning business for as much time as I consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I thank the Senator from New Hampshire, first of all, for being on the floor this morning to discuss what I think is a very important issue. For any of us who were listening to the Senator from New Hampshire and the Senator from Massachusetts, let me see if I can get this together.

If you are for the Gore prescription drug health plan, then you are going to have a major premium increase, and you may get the plan in 8 years. It will be a Government plan, and it will be a major Government takeover of health care for the seniors in this country. And it will be limited to no choice.

If you accept what Governor Bush is proposing, then you have a substantially greater choice. The plan is back to the States, where doctors and nurses and local health care delivery systems deliver it, and you do not move toward a major federalization of health care.

We had this debate in 1992 and 1993. About 70 percent of the citizens of the country said: We don't want the Federal Government as the deliverer of health care and health care components, including prescription drugs.

Is there a difference in the debate today? Not at all. Do the seniors of America want the Federal Government to control their health care or do they want to control it themselves with optimum choices, similar to what we as employees of the Federal Government have today? The Federal Government doesn't control our health care. We choose. We pay some premium, obviously, to offset the costs, and we have choice in the marketplace.

I think as the debate goes on through September and October, the clear differences will come out, and they will be very simple. I think it is important that we think of it that way. It is called "Gore and the Federal Government and health care," or "George W. Bush and you and your choice at the local level delivering health care for yourselves with optimum choices and flexibility."

THE DEMOCRATS' STRATEGY

Mr. CRAIG. Mr. President, I have to respond to something that was in today's USA Today paper, September 8. I know the Presiding Officer is a member of our leadership. Let me, for a few moments, tell you what he and I are going to expect in the final month of this Congress. I am quoting now an article about Senate minority leader TOM DASCHLE. It is reported here that they have a simple strategy; the Democrats have a simple strategy for winning the final negotiations over spending.

In other words, they want to spend more of your money than we are proposing to be spent by some billions of dollars. Here is their strategy, and he admitted it: Stall until the Republicans have to cave in because they can't wait any longer to recess. That means shut the Congress down and get out on the campaign trail. Why? Well, because 18 of the 29 Senators seeking reelection are Republicans this year and 11 are Democrats, and there are a lot of vulnerable Republicans, according to Senator DASCHLE. He says, "We only have one vulnerable Democrat, and he happens to be just across the river." I think he was probably referring to Senator CHUCK ROBB.

Well, if that is the strategy of the Democrats, let me repeat it because that is what they have been doing for 3 long months: Stall, stall, stall. Yet they turn around and tell our friends in the press it is a "do-nothing Congress." I don't see how the press can mix that one up as much as they have. You have the minority leader of the Senate admitting that their strategy for the balance of September will be to stall until the Republicans cave.

Thank you, Mr. DASCHLE, for telling us your plan. We will attempt to offset those by working as hard as we can. It probably means we will be working late into the night so that we can get the work of the Congress done, get our appropriations bills finished, deal with the most important trade issue that is on the floor—PNTR—and that is, of course, permanent normal trade relation status for China.

THE PRESIDENT IS BEGGING FOR OIL

Mr. CRAIG. Mr. President, for a few moments this morning, before we get on with the debate on PNTR, I want to deal with an issue happening in New York City right now. Our President is up there at the United Nations Millennium Summit. Mr. President, there is something going on on the side. In a back room, the President of the United States has been sitting down with a Saudi Arabian sheik. Here is why: He is begging. The President of the United States is begging a Saudi sheik to reach over and turn their oil spigot on a little more and increase their output of oil by about 700,000 barrels a day. Why? Because in the last few days, crude prices have spiked to an all-time high of $35.39 a barrel.

Why has that happened? Because the market has analyzed that there isn't enough oil and the demand is ever increasing, and there is no strategy in this country to solve it. In May and June of this year, the President tried to cover his tracks by sending the Secretary of Energy to Saudi Arabia to beg, tin cup in hand. At that time, I think the press called it the "tin cup energy policy" of this administration. Well, today in New York City, behind closed doors, the President of the United States—this great and all-powerful country—is begging a small country in the Middle East for just a little more oil.

Here is what the market analysts are saying. They have said that they fear that even the 700,000-barrel increase will not be enough to curb the jump in prices for crude oil contracts in the futures market. I mentioned yesterday they jumped to $35.39 a barrel. That is a phenomenal spike. This price is the highest since, of course, the battles of the Persian Gulf war of 1990. Why is this happening? Well, many of us stood on the floor in May and June and July and discussed the energy of our country and our energy needs. We were very frustrated at that time because we had 8 years of no energy policy. You know, AL GORE has been OPEC's best friend.

There is no question about that. This administration and Vice President GORE, during their tenure in office, have allowed domestic oil production to drop by 17 percent and oil imports to go up by at least 14, and maybe as high as 20 percent. Oil imports averaged about 56 percent of all of our consumption, and now they are predicted to be well over 64 percent in the year 2020.

Of course, there is a simple reason for that: For 8 long years, this administration has had no policy. Let me tell you what Vice President AL GORE has said. He says he wants to increase the use of natural gas, although it has nearly quadrupled in price. Yet he wants to cancel existing leases. Here is his quote:

> I will do everything in my power to make sure there is no new drilling, even in areas already leased by previous administrations.

Here is a man asking to be President of the United States; yet he is out in the field today campaigning and saying: I guarantee you there will be no more increased production in this country, while his President, behind closed doors in New York, is begging a foreign nation to open its valves and increase production. Does it make any sense for this great Nation to be on its knees begging Arab sheiks of the OPEC nations to increase production while we go around saying we are going to decrease production?

During the Clinton-Gore administration, there has been no energy policy, no domestic oil or gas exploration or production—in 8 long years. No new oil refineries. In fact, because of a lack of policy and compliance with the Clean Air Act in this country, in the last 8 years, we have closed 36 oil refineries. That is a staggering amount. We have closed 36 oil refineries in the past 8 years. There is no new use of coal. EPA has tried to shut down coal fired plants and are now suing some in the East because they don't think they are in compliance with certain standards. There is no new nuclear power. In fact, quite the opposite has happened. We have tried here to solve the gridlock over the production of energy and electricity by nuclear power, only to have items vetoed time and again by the President.

Now, yesterday, the President said oil prices are too high. Gee whiz, Bill, where have you been all summer? You're darn right they are too high. You have done nothing about it nor has your Vice President, except to say we will shut down production. He even went on to say that it will impact not just America but it could result in a world impact, and it could result in the specter of a recession here or abroad if oil-producing countries do not raise production to bring down soaring crude prices.

Well, what about production in our country? What are you doing here, Vice President GORE? I will tell you what you are doing here. You are saying: I am not going to allow new drilling; I am going to shut off the areas where you can drill. I don't want to see more production in this country.

That doesn't make a lot of sense.

Here is GORE's new energy plan:

Don't develop proven domestic energy;

Give $75 billion in new subsidies for new renewables and new technology.

OK. Homeowner in the Northeast: You are just about to see your costs for heat this winter go up 35, or 40, or 50 percent. The message to you, homeowner, in the Northeast is: Vice President GORE is going to invest $75 billion in subsidies and in new renewables, and in 10 or 15 years you can put a solar cell up or we can put a wind machine out on the Adirondacks, and somehow we will generate this new abundance of energy.

That is the answer for the problem today. That is the answer you are being given. That will not work tomorrow. It will not work a week from now.

I support renewables. We ought to clearly drive ourselves in that direction as best we can. But my guess is when what is going on today translates into the price of gas at the pump, and when the oil truck backs up to your home in New York or Connecticut this winter and sticks the hose in the oil barrel and starts cranking in the fuel oil that will heat your home, and it is going to double or triple your fuel oil costs, if it is available, who are you going to blame? Who are you going to blame because of this dramatic increase?

My suggestion is that fingers deserve to be pointed to an administration that has had no energy policy, has worked to shut down all increased production, and, in fact, in a rather swaggering way has suggested we will not drill anymore. We will not produce anymore. It is somehow environmentally wrong to produce oil and energy in this country. That is a fundamentally critical thing with which we have to deal.

We have attempted to deal with it in the Senate. We have dealt with these issues on a regular basis. We have introduced legislation to bring about that increased production. We have suggested that these great oil reserves we still have remaining in our country be allowed to be drilled, and in an environmentally safe and sound way, that we bring our production back on line.

In the nonlarge oil producing segment of our country, a segment called stripper wells, oftentimes owned by farmers and ranchers through the Southeast, the South, and the upper Midwest—if we, by tax incentives alone, would guarantee them a margin, we could see a million barrels a day come back on line—our oil; money that stays in our country and doesn't go to Saudi Arabia to buy the limousines or the G-4 jet airplanes of the OPEC sheiks.

What is wrong with that policy, Mr. President? What is wrong with that policy, Mr. GORE? Is it wrong to support domestic production at home? I think not.

This is an issue we will spend a good deal more time with in the coming days. But I thought with this press release coming out of New York today, and we know the President has been talking with the Arab sheiks yesterday, Mr. President, Mr. Bill Clinton, quit begging. Don't beg these nations to produce. Turn our producers loose. Let us produce. Let us become the great producing country again. Let us be the masters of our own destiny. Don't apologize. And don't suggest to somebody this winter when their heating bill goes up that it is some Arab sheik's problem, that they shut the oil off. No. In the last 8 years, you have shut the oil off, Mr. GORE. You have shut the oil off, Mr. Clinton, because your policies have denied production and brought production down at a time when we were increasing consumption and were the beneficiaries of that consumption by an ever increased standard of living in our country.

I am not ashamed, nor will I apologize for the citizens of my State because they want to be consumers. But I will be angry about a government that denies the kind of production that keeps the strong economy. And that is exactly what is going on. In our great country today, the only energy policy that exists in the Clinton/Gore administration is a policy of begging, begging the producing nations of this world to please turn on the valves and give us a few more barrels of oil in hopes that it will drive the price down. The analysts say it won't.

This winter, as we grow increasingly cold, I am very fearful the citizens of the Northeast and in other cold areas, especially those who still use heating oil for their space heat, will find the price tag getting even higher, and my colleagues will be on the floor asking that we offset that with Federal tax dollars. I will not blame them for asking that.

But once again I will ask: Where was Mr. GORE? Where was Mr. Clinton for these 8 long years when they knew the day would come that there would be no oil to burn and we would have to beg to get oil?

I yield the floor. I see the principals are on the floor to continue the debate on PNTR with China. I hope we can move that expeditiously today. Thank you.

TO AUTHORIZE EXTENSION OF NONDISCRIMINATORY TREATMENT TO THE PEOPLE'S REPUBLIC OF CHINA

The PRESIDING OFFICER. (Mr. CHAFEE). Under the previous order, the Senate will resume the consideration of H.R. 4444, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4444) to authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China, and to establish a framework for relations between the United States and the People's Republic of China.

The Senate resumed consideration of the bill.

Pending:

Wellstone amendment No. 4118, to require that the President certify to Congress that the People's Republic of China has taken certain actions with respect to ensuring human rights protection.

Wellstone amendment No. 4119, to require that the President certify to Congress that the People's Republic of China is in compliance with certain Memoranda of Understanding regarding prohibition on import and export of prison labor products.

Wellstone amendment No. 4120, to require that the President certify to Congress that the People's Republic of China has responded to inquiries regarding certain people who have been detained or imprisoned and has made substantial progress in releasing from prison people incarcerated for organizing independent trade unions.

Wellstone amendment No. 4121, to strengthen the rights of workers to associate, organize and strike.

Smith (of N.H.) amendment No. 4129, to require that the Congressional-Executive Commission monitor the cooperation of the People's Republic of China with respect to POW/MIA issues, improvement in the areas of forced abortions, slave labor, and organ harvesting.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, the distinguished ranking member of the Senate Finance Committee, Senator MOYNIHAN, and myself have been here for several hours for the purpose of making progress on the consideration of the permanent normal trade relations with China. We both agreed that this is the most important vote we will face this year. In fact, it may be the most important vote we have had this decade. But I am deeply concerned that we are not having any of our colleagues making themselves available to come down to bring up the amendments that they say they want to offer.

Time is running out. This is the third day we have been on this bill. I thought we made some very good progress yesterday. We considered a number of amendments. But it is absolutely critically important that we continue to make that kind of progress today and next week.

I point out that the regular order of business is that if there are no amendments we ought to proceed to the vote on the legislation itself.

I want every Senator to have the opportunity to offer any amendments they may care to offer because there is no question about the importance of this legislation. But we cannot wait indefinitely. I ask my friends on both sides—on the Republican side and on the Democratic side—who have amendments that they want to offer on this critically important piece of legislation to please come down now. Time is running out.

Would the Senator from New York not agree with that?

Mr. MOYNIHAN. Mr. President, I wholly agree with the statement by our revered chairman of the Finance Committee. The operative part of this measure is two pages. It is a simple statement. It came out from the Finance Committee almost unanimously.

Mr. ROTH. That is correct.

Mr. MOYNIHAN. That would be four months ago, in mid-May. There has been plenty of time to examine it. The House bill has a few additional features we find attractive and which we think we could adopt and send right to the President who would sign it. It is a bipartisan measure.

There are those who do not want this legislation.

It has been avowedly, unashamedly, and legitimately their desire to prolong the debate until time runs out. If they could just add one amendment, the measure would have to go back to the House, then to conference, then to the floor. Time would run out.

We have passed two appropriations bills. We are in a Presidential election year. That election is less than 60 days away. The desire to get back to our constituencies is legitimate and proper. Therefore, the device of delay is a legitimate, recognized, and familiar strategy.

However, this is not a matter on which to delay. The Chairman was absolutely right, this may be the most important vote we take this decade. In my opening statement, I referred to the testimony of Ira Shapiro, our former Chief Negotiator for Japan and Canada at the Office of the U.S. Trade Representative. He, just by chance, concluded his testimony, in the last testimony we heard, as it happened:

> . . . [this vote] is one of an historic handful of Congressional votes since the end of World War II. Nothing that Members of Congress do this year—or any other year—could be more important.

Well, let us be about it. We look around and we are happy to see our friend from South Dakota, Senator JOHNSON, who wishes to speak on behalf of the measure. We welcome any other Member who wishes to speak. We have heard many. The real matter before the Senate is those who wish to offer amendments. A good friend, a distinguished Senator, the chairman of the Committee on Environment and Public Works, laid down a measure last evening. We had to juggle our schedule to go to the water appropriations measure. But he is not here this morning. He claimed a place—which is fine, legitimately—but the place is empty. When I arrived, as when the Chairman arrived, looking to start the amendment process, no one was here.

Now, sir, there can be only one response, and the Chairman has stated it. On Tuesday, I hope the Majority Leader will move to close debate by invoking cloture. It is a process with which we are familiar. We are not cutting off amendments; amendments will be in order afterwards. But we are sitting here asking for amendments, and none comes forward. This matter is of the utmost gravity, urgency, the issues that are in balance, and not just economic issues but political, military issues of the most important level. That is what is at stake. If nobody wishes to debate it, let's proceed to a final vote.

Mr. ROTH. Mr. President, let me say to my distinguished colleague, I could not agree more with his statement as to the importance of offering any amendments Members desire to offer. I am told we have actually been on this bill 4 days this week.

Mr. MOYNIHAN. And before we had the August recess.

Mr. ROTH. And before we had the August recess, we had discussion; that is correct.

I say to Senator MOYNIHAN, I think it is important we take some time today. I am delighted our friend from South Dakota is here. We will call upon him to make his remarks. I think it is important that the American people fully understand why this legislation is of such critical importance. It is important to our economy and to our growth. It is particularly important to provide better and more jobs to the working people of America. I can't stress how much I think it is important to agriculture in my little State of Delaware.

Mr. MOYNIHAN. Did you say the "little State of Delaware"? Do you mean the first State to ratify the Constitution of the United States?

Mr. ROTH. You are absolutely right. I stand corrected.

In my State of Delaware, the people are waiting to see action on this.

For farmers, take poultry. It is critically important to the economy of my State. China is the second largest importer of poultry and has offered to cut the tariff in half. This makes a tremendous opportunity.

The same thing with automobiles. I bet the Senator didn't know this.

Mr. MOYNIHAN. I bet I did, sir, because I heard it from your very self several times. I believe you are the second largest producer of automobiles in the Nation.

Mr. ROTH. We have more workers, percentage-wise, than any other State, including Michigan. There are significant concessions made with respect to automobiles.

Chemicals, likewise, are critically important to my State.

After my distinguished friend from South Dakota finishes, it might be worthwhile to spell out to the American people why this legislation is of such critical importance.

Perhaps we ought to recognize Senator JOHNSON.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON. Mr. President, I thank the distinguished Senators from Delaware and New York.

Mr. President, my purpose today is to share some thoughts about the critical importance of PNTR legislation. Because my good friend and colleague from Idaho, just prior to my opportunity this morning, discussed the role of my good colleague from South Dakota, Senator DASCHLE, relative to the timing of legislation, I do feel compelled to make a remark or two in that regard.

No one in this body has done more than Senator DASCHLE of South Dakota to move legislation forward in an expeditious and well-timed manner. Whether it is PNTR, where Senator DASCHLE has for months been trying to bring this bill to the floor, or the Patients' Bill of Rights, prescription drugs, school construction, minimum wage, and down the entire list of legislative agenda items before this body, Senator DASCHLE has been tireless in his efforts to bring them to the floor, to have consideration in a full manner. For anyone to suggest that somehow our good colleague from South Dakota would be playing some role in slowing down progress on these or other matters, I think, is a point simply not correct.

I comment as well that while the President of the United States is seeking additional fuel from Saudi Arabia, it strikes me, and strikes others who are not concerned about the partisan politics of this, that is what we would expect the President of the United States to be doing at this summit conference in New York—trying to address the various components of energy policy necessary to reduce costs and increase the availability of fuel for American consumers. If the President were not doing that, there is no doubt there would be criticism leveled at him for doing nothing to negotiate and use American leverage with our OPEC neighbors and the world.

I think some of this discussion earlier this morning has to be seen and evaluated in light of the fact that we are in this last month or two before a Presidential election. The partisan swords clearly have been drawn this morning. I should never be shocked at that, I suppose, particularly in an election year at this time of the year. But it is my hope that through all of this partisan political rhetoric, the American public will see through that. I think it is transparent.

We need to work together in a bipartisan fashion. One of the things I am pleased about this morning is the bipartisan nature of our support for permanent normal trade relations with the People's Republic of China. Our distinguished colleague, Senator MOYNIHAN, who, among his other talents, is perhaps the finest scholar in this body—for many years, many generations—has observed that this may be one of the half dozen most critically important votes that we as Senators will take since the end of World War II.

Obviously, this issue is of enormous import in terms of economic policy, economic strategy for the United States. It is a win situation for us. It is one sided. They give up limitations against the export of Americans goods. We give up nothing. But even if economic issues were a wash, even if there were not these kinds of obvious economic benefits for the United States, the geopolitical consequences of integrating the People's Republic of China's 1.3 billion people into the world rule of law, into the international community of nations to help stabilize the ongoing process of democratization and the free flow of ideas and scholars and business leaders is, in itself, reason enough for support for permanent normal trade relations with the People's Republic of China.

So I rise to express my strong support for H.R. 4444, legislation which would grant PNTR to the People's Republic of China. In the past, Congress has had to pass legislation each and every year to ensure mutually beneficial relations between our two nations. Now we have reached the point where permanent normal trade relations with the People's Republic of China is appropriate and will help pave the way for the World Trade Organization, WTO, membership for the PRC, and will strike a blow for the rule of law throughout the world.

I am joining the leadership of both parties to oppose all amendments to PNTR, due to the very late stage of the congressional session in which we are taking up this bill. Many Senators will offer important amendments to H.R. 4444 concerning worker's rights, religious freedom, and human rights in the PRC. I support efforts to improve China's human rights record, the right of workers to organize, and religious freedom in China. But, I believe that jeopardizing H.R. 4444 is exactly the wrong approach. As a nation, we have attempted to promote global human rights, democracy, freedom of speech, and freedom of religion. While each nation ultimately determines for itself whether to pursue democracy and other American-supported values, I support efforts to open China to trade with democratic cultures. I am also opposed, obviously, to religious persecution and will support efforts to discourage it in China. However, there are other pieces of legislation that can be used to achieve these goals. The PNTR bill must be adopted in an amendment-free fashion if we are to avoid its ultimate defeat. With few days remaining in Congress, a PNTR bill adopted by the Senate that differs from the clean bill passed in the House of Representatives would force us to convene a conference committee to iron out the bill's differences. The result—significant delay which would be compounded by the margin in which the House adopted H.R. 4444 in May. Sending PNTR back to the House for another vote very likely means its ultimate defeat for this year. At this late stage in Congress, that is not an acceptable strategy for any of us to endorse.

It is true this vote is of significant importance to family farmers, ranchers, and independent businesses in South Dakota and the entire country. However, this vote means much, much more—I believe this vote signifies one of the most critical geo-political votes the U.S. Senate will take since World War II.

China, with its 1.2 billion people and one of the fastest growing economies in the world, needs to be required to live by the discipline of international law. That is what World Trade Organization—[WTO] membership would mean. China would have to open up its agricultural and other markets to the world, and it would not be permitted to violate international rules on copyright or patents. As a result of PNTR, I believe the presence of western consumer products, the exchange of democratic principles, and the free flow of ideas via technology and internet communication will do more to undermine authoritarian aspects of China's government than any kind of isolation could possibly accomplish—particularly unilateral isolation on the part of the United States. I feel very strongly that we need to build more bridges of understanding and cooperation between western democracies and the PRC, rather than work for the contrary. In the meantime, the biggest winners of all in establishing the same normalized trading relationships with China that we have with almost every other nation on the planet will be American farmers and ranchers and small businesses.

The bilateral deal struck between the United States and China on November 15, 1999 is a completely one-sided trade agreement. China will be required to allow more of our goods into their country, while the United States will not be required to change a thing. Frankly, a failure to enact PNTR will simply mean that every other country in the world would have open access to Chinese markets, but the United States would have virtually none. Since the United States has few barriers to trade, and current trade restrictions are almost exclusively on the part of China and other nations, WTO agreements in general are overwhelmingly to the benefit of the United States.

I have been to China and witnessed first-hand the opportunities for greater market access there. Since 1998, I have facilitated a series of trade missions to improve relations with China. The relationships we have built in this course of time may open markets for the farmers and ranchers of South Dakota and the United States.

In March of 1998, my office hosted senior trade and agriculture officials from the Chinese Embassy on a trade mission to South Dakota. The officials toured the John Morrell meatpacking plant in Sioux Falls, the South Dakota Wheat Growers Cooperative in Aberdeen, and the Harvest States Feed Mill in Sioux Falls. During their visit, the Chinese trade officials also witnessed the ingenuity of South Dakota businesses like Gateway of North Sioux City, Daktronics of Brookings, and Wildcat Manufacturing of Freeman. The officials were impressed with our diversified economy and the quality and pride in our products.

In a follow-up mission, in December of 1998, I led a delegation of South Dakota farmers to the PRC. We met with trade officials and scholars at the Ministry of Agriculture, Beijing University, and Ministry of Foreign Trade and Economic Cooperation.

Finally, in May of 1999, a 29-member delegation of Chinese trade officials traveled to South Dakota at my request to further explore agricultural trade opportunities. These Chinese officials met with farm group leaders, toured farming and ranching operations, and visited the South Dakota Soybean Processors plant near Volga.

My visit to China, and discussions with Chinese trade officials, indicate that family farmers and ranchers in South Dakota are ideally situated to help satisfy the needs of China's 1.2 billion residents, who exhibit a growing appetite for a more sophisticated diet. China's agricultural production capabilities just cannot satisfy their people's needs right now, especially considering the country represents a mere 7 percent of the world's arable land.

South Dakota agricultural exports in 1998 reached $1.1 billion and supported nearly 17,000 jobs. While Congress needs to place a much greater emphasis on improving domestic policies—like reforming the 1996 farm bill—greater access to closed-off markets will provide a boost to our agricultural economy too. Two-thirds of the prosperity or decline in South Dakota agriculture still depends upon a fair marketplace price here at home. I believe Congress has failed to make common sense reforms to the farm bill which may allow farmers to take advantage of a fair market. Nonetheless, one-third of our agricultural economy requires trade with other nations. Under the agreement we struck with China, South Dakota farmers and ranchers will no longer have to compete with unfair tariffs, unscientific bans, and export subsidies on China's agricultural goods.

Beef cattle receipts represent the largest share of South Dakota's agricultural economy. China currently imports very little beef, but a growing middle class and rising demand from urban areas are expected to result in significantly increased demand for beef imports. China has agreed to lower tariffs on beef meat products from 45 to 12 percent, which may mean better returns for independent cattle ranchers in South Dakota. In addition, tariffs on pork imports into China will decline from 20 to 12 percent, aiding South Dakota's pork products as well.

Wheat farmers in South Dakota desire greater access to the Chinese marketplace. As a result of our agreement with China, they will eliminate their unscientific ban on Pacific Northwest wheat imports from the United States. They will also agree to a substantial increase in the amount of wheat they purchase under their tariff rate quota. In 1998 China imported a mere 2 million metric tons of wheat. Our agreement will allow China to purchase up to 9.6 million tons of wheat below tariff rate quotas. In fact, in February of this year, China bought nearly 800,000 bushels of hard red winter and spring wheat from South Dakota and several other wheat growing states. While a relatively small transaction, their commitment to more open trade with the U.S. is exhibited with this purchase.

Furthermore, as a large soybean producer, South Dakota's soybean farmers and farmer-owned processors of soybeans will benefit from a tariff cut China agreed to make on United States soybean exports. South Dakota farmers also produce substantial bushels of feed grain and corn. China agreed to make market-oriented changes to their tariff rate quota system on corn, nearly doubling the amount of corn they import under their tariff quota rate.

While South Dakota agriculture is poised to benefit from greater trade with China, other businesses in our state are set to become major exporters under a more market-oriented trading system granted by PNTR for China as well. In fact, electronics and electronic equipment today comprise 78 percent of total South Dakota exports to China. More than half of the South Dakota firms, 58 percent, that export to China are small and mid-sized enterprises—with fewer than 500 employees—and several are family owned. China will liberalize quotas on manufacturing equipment, information technology products, and electronic goods produced right in South Dakota. This means our computer manufacturers like Gateway and equipment firms like Wildcat Manufacturing will find greater access to that nation.

From 1993 to 1998, South Dakota's exports to China nearly doubled—increasing by over 91 percent. I believe that if the Senate adopts H.R. 4444, South Dakota farmers, ranchers, and businesses will see tremendous new trade opportunities.

Now is the time for the Senate to take advantage of this historic opportunity before us. I strongly urge my colleagues to join me in supporting passage of a clean PNTR bill so that it can be sent to the President and signed into law in a proper fashion.

Mr. President, I yield the floor.

Mr. MOYNIHAN. Mr. President, if the Senator from Kentucky will indulge me for a 90-second comment, I thank my friend from South Dakota for that superb address of the importance of a mixed economy and the contacts they already have. I ask to be indulged a moment from an academic past.

I was once a colleague and remained a good friend of Raymond Vernon, an economist who developed the theory of the product cycle: How a product begins to be produced in one nation, then will be exported, consumed abroad, then produced abroad and exported back. This goes on.

The soybean—I now have to invoke my age in this regard. I remember as a boy in the 1930s reading in the Reader's Digest about this magic little bean that was grown in China and contained proteins of unimaginable consequence and would some day come to our country and be grown, and we would all be so much healthier and happier.

That happened, and now those very Chinese are coming to South Dakota negotiating the sale of soybeans back to China. This is Vernon's product cycle, part of the dynamism of trade. It is never one way. It goes back and forth, not to be feared, not by us. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. BUNNING. Mr. President, I rise in opposition to granting permanent normal trade relations to China, and in support of Senator THOMPSON's China Non-proliferation Act.

It is a sad time in the Senate. Soon we are going to vote on extending permanent normal trade relations—PNTR—to China. And it looks like it is going to pass.

If we grant PNTR and give our seal of approval to China's application to join the World Trade Organization, Congress will not only relinquish its best chance to scrutinize China's behavior on a regular basis, but it will also give away what little leverage we have to bring about real, true change in China. I think that is a serious and dangerous mistake.

For years, we have been able to annually debate trade with China in Congress, and to use the debate to discuss the wisdom of granting broad trade privileges to Communist China.

When the Chinese troops massacred the students in Tiananmen Square, or when the Chinese military threatened democracy on neighboring Taiwan, or when revelations came to light about China spreading weapons of mass destruction to terrorist nations, we had a chance in the House and Senate to shine the spotlight on Communist China.

I served on the House Ways and Means Committee for 8 years, and every year we debated most-favored nation trade—so-called MFN status—for China. Supporters of MFN always had the votes to pass it, but it was still an important opportunity to focus attention on China's misdeeds and to make sure the American public knew about China's dirty little secrets. Now we are going to lose that ability.

I would like to take some time today to talk about why we should not grant PNTR to China and explain my reasons for opposing it. While I know that the votes are probably there to pass PNTR, I want to lay out for the record what is at stake and also to argue that we should at a minimum take the step of also passing Senator THOMPSON's bill to maintain some semblance of accountability for Communist China.

First, let's look at China's record when it comes to arms control and the spread of weapons of mass destruction.

There is no doubt that China's practice of making weapons of mass destruction available to rogue states like North Korea, Iran, and Libya has made the world a more dangerous place.

The commission led by Former Defense Secretary Donald Rumsfeld that recently examined this problem pointed out in its final report that China is "a significant proliferator of ballistic missiles, weapons of mass destruction and enabling technologies."

We know Communist China has sold nuclear components and missiles to Pakistan, missile parts to Libya, cruise missiles to Iran, and that it shared sensitive technologies with North Korea.

In the last few months it has even been reported in the press that China is building another missile plant in Pakistan, and is illegally using American supercomputers to improve its nuclear weapon technology.

Many of these technologies are being used by enemies of America to develop weapons of mass destruction and the means to deliver them.

In short, Beijing is guilty of spreading the most dangerous weapons imaginable to some of the most treacherous and threatening states on the globe.

That is about as bad as it gets.

From experience, we know that China doesn't change its policies just because we ask them to. China only makes serious non-proliferation commitments under the threat of the actual imposition of sanctions.

We have to hold their feet to the fire. A memorandum from the assistant director at the Arms Control and Disarmament Agency to the Clinton White House in 1996 makes the case:

> The history of U.S.-China relations shows that China has made specific non-proliferation commitments only under the threat or imposition of sanctions. Beijing made commitments [to limit missile technology exports] in 1992 and 1994, in exchange for our lifting of sanctions.

Over the years, it is only when the United States has clearly brought economic pressure to bear on China that we have seen real, hard results from Beijing.

For instance, economic pressure in the late 1980s and early 1990s led to China's agreement to sign the nuclear non-proliferation treaty in 1992.

In 1991, the Bush administration applied sanctions against China after Beijing transferred missile technology to Pakistan. Five months later, China made the commitment to abide by the missile technology control regime.

In 1993, the Clinton administration imposed sanctions on Beijing for the sale of M–11 missile equipment to Pakistan in violation of international arms control agreements. Over a year later, Beijing backed down by agreeing not to export ground-to-ground missiles in exchange for our lifting of sanctions.

Time and time again we have seen that Chinese respond to the stick, and not the carrot. And this experience certainly points to the fact that the threat of sanctions like those in the Thompson bill, and not the olive branch of greater trade, is what the Chinese will respect.

Beijing's behavior has not been much better when it comes to democratic Taiwan.

I have been to Taiwan, and seen how its commitment to democracy and the free market has enabled that country to build one of the most vibrant economies in the world.

Taiwan is a friend of the United States and a good ally.

But time and time again Communist China has rattled its saber and threatened the very existence of free Taiwan. Less than 5 years ago, China actually fired missiles over Taiwan.

Since then China has conducted a massive military buildup across the Taiwan strait.

Last year, CIA Director Tenet reported to Congress that while China claims it doesn't want conflict with Taiwan, "It refuses to renounce the use of force as an option and continues to place its best new military equipment across from the island."

This belligerent attitude threatens not only Taiwan, but more ominously relations throughout East Asia.

The Pentagon's 1998 East Asian strategy report notes that many of "China's neighbors are closely monitoring China's growing defense expenditures and modernization of the People's Liberation Army, including development and acquisition of advanced fighter aircraft; programs to develop mobile ballistic systems, land-attack and anti-ship cruise missiles, and advanced surface-to-air missiles; and a range of power projection platforms."

Recently there seems to have been a thaw in relations between China and Taiwan. This is a hopeful sign. But who knows when Beijing will change course and revert to its belligerent ways. We need to help keep the pressure on.

Eliminating the annual debate on China trade in Congress will remove one of our most effective and high-profile options in pressuring the Chinese. In dealing with an adversary as tenacious and patient as China, this is exactly the wrong philosophy to adopt.

Even more ominous than threats to Taiwan have been recent signs of increased Chinese belligerence toward the United States.

In February, 1999, the CIA reported to Congress that China is developing air and naval systems "intended to deter the United States from involvement in Taiwan and to extend China's fighting capabilities beyond its coastline."

And we should not forget the recent threat from a Chinese general to fire a nuclear weapon at Los Angeles if the United States were to interfere in Taiwan-China relations.

There are even indications that China's military could be anticipating a confrontation with the United States.

In January, 1999, the Washington Times reported that for the first time, China's army conducted mock attacks on United States troops stationed in the Asia-Pacific region.

Intelligence also reported that United States troops in South Korea and Japan were envisioned as potential targets of these practice attacks.

President Reagan used to talk about adopting a policy of peace through strength in approaching the Russians during the cold war. That policy worked then, and it should be the policy we follow in confronting the Chinese.

All of the experts tell us that China potentially poses the strongest military and economic threat to America in the 21st century.

Passing PNTR sends the signal to China that we want trade more than we want peace.

Instead, we should heed the lessons we learned in winning the cold war and understand that the Communist Chinese are more likely to respect our strength than to fear our weakness.

Finally, the strongest case against PNTR can be made based on China's pathetic, indefensible human rights record.

Let me quote from the very first paragraph of our own State Department's most recent report on human rights in China:

> The People's Republic of China is an authoritarian state in which the Chinese Communist Party is the paramount source of all power. At the national and regional levels, party members hold almost all top government, police and military positions. Ultimate authority rests with members of the Politburo. Leaders stress the need to maintain stability and social order and are committed to perpetuating the rule of the Communist Party and its hierarchy. Citizens

> lack both the freedom peacefully to express opposition to the party-led political system and the right to change their national leaders or form of government.

The report goes on to note that in 1999:

> The government's poor human rights record deteriorated markedly throughout the year, as the government intensified efforts to suppress dissent, particularly organized dissent.

That is our own State Department saying that. It doesn't sound like a nation that we want to encourage with expanded trade privileges.

Many of my friends in this body argue that China is making progress on human rights, and that expanded trade and western influence will help turn the tide. They tell me that in China things have improved dramatically in recent years.

I say, tell that to the tens of thousands of members of the Fulan Gong who have been hunted down and punished by Beijing over the past 2 years.

Tell that to the prisoners in China's Gulags who continue to suffer under conditions that, in our own State Department's words, are "harsh" and "degrading".

Tell that to the political dissents who are jailed out without charge only because they threaten the communist party's political dominance.

Tell that to the children who were murdered because of China's brutal one child per family policy.

Tell that to the people of Tibet.

Mr. President, all those who say that things are getting better in China and that PNTR will help improve conditions in China are wrong.

It's been 11 years since the Tiananmen Square Massacre, and the Chinese Government still carries out the same brutal, repressive tactics.

Things aren't getting any better in China. They're only getting worse.

The supporters of PNTR made the same argument year after year during the annual debates on most-favored-nation status for China. And year and year, Beijing showed no sign of changing its ways. None.

In one way, this is a hard vote for me, Mr. President. Many of my friends support expanded trade privileges for China, and they make an enthusiastic argument for expanding access to Chinese markets in order to help American business compete with their overseas competitors.

My gut reaction is to vote for free and expanded trade. In my mind, there isn't any doubt that the world is really drawing closer and closer together, and that it will be through trade that the United States can take advantage of its economic and technological advantages to maintain our dominant position in the world.

But in other, more important, ways this vote is easy is for me—because the issues are so clear when it comes to China, and because China's behavior has made it so undeserving of improved trade ties with the United States.

Mr. President, I've tried to simplify this issue in my mind and I've boiled it down to a single question that I've asked of everyone I have talked to about China trade:

Why should we give the best trade privileges possible under our law to a communist nation that so clearly threatens us and our values?

We didn't grant most-favored-nation status to Russia during the cold war. But now we are on the verge of passing the most privileged trade status we can give to the communist nation that is bent not only on supplanting America as the dominant economic power in the world, but is also actively supporting dangerous, rogue nations that threaten our citizens and our way of life.

It just doesn't make sense.

In conclusion, I urge a "no" vote on the China PNTR bill, and a "yes" vote on the Thompson bill. The Chinese have not earned the right to trade with us, and they have show no inclination to change their ways.

Senator THOMPSON's proposal is at least a modest attempt to preserve our options and to keep closer tabs on Communist China in case things take a turn for the worse.

For years, the pro-China trade forces have argued that expanding trade with China is the carrot we can use to bring about democratic change in that country. The evidence has proven them wrong time and time again.

Years of continuing MFN, or NTR, or whatever you want to call it haven't changed things in China. When it comes to China, the old saying still holds true: the more things change, the more they stay the same.

Trade has not worked before as a carrot, and it certainly won't work in the future if we remove the stick of annual reviews and possible sanctions. That's why it's so crucial that we pass the China Non-Proliferation Act.

Mr. President, when President Reagan negotiated arms control with the Russians, he used an old Russian phrase to sum up his approach—trust but verify. That strategy worked.

But by granting PNTR we are trusting, but failing to verify. In fact, we are even giving up what little ability we even have to verify. The Chinese certainly haven't given us any reason to take them at their word.

We need to verify and the Thompson bill is our best hope of insuring that China will live up to its word. Otherwise, why should we blindly trust a country that has proven time and time again that it doesn't live or play by the rules.

I yield the floor.

EXTENSION OF VITIATION ORDER

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. ROTH. Mr. President, I ask unanimous consent that the vitiation order with respect to S. 1608 be extended until 2 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACTION, 2001

Mr. ROTH. Mr. President, with respect to the energy and water appropriations bill, I ask unanimous consent that two previously submitted amendments, Nos. 4053 and 4054, be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 4053 and 4054) were agreed to, as follows:

AMENDMENT NO. 4053

(Purpose: To revise planning requirements to make them consistent with sections 3264 and 3291 of the National Nuclear Security Administration Act)

On page 83, strike line 20 and all that follows down to the end of page 84, line 23 and insert the following:

"SEC. 309. (a) None of the funds for the National Nuclear Security Administration in this Act or any future Energy and Water Development Appropriations Act may be expended after December 31 of each year under a covered contract unless the funds are expended in accordance with a Laboratory Funding Plan for Nuclear Security that has been approved by the Administrator of the National Nuclear Security Administration as part of the overall Laboratory Funding Plan required by section 310(a) of Public Law 106–60. At the beginning of each fiscal year, the Administrator shall issue directions to laboratories under a covered contract for the programs, projects, and activities of the National Nuclear Security Administration to be conducted at such laboratories in that fiscal year. The Administrator and the laboratories under a covered contract shall devise a Laboratory Funding Plan for Nuclear Security that identifies the resources needed to carry out these programs, projects, and activities. Funds shall be released to the Laboratories only after the Secretary has approved the overall Laboratory Funding Plan containing the Laboratory Funding Plan for Nuclear Security. The Secretary shall consult with the Administrator on the overall Laboratory Funding Plans for Los Alamos National Laboratory, Lawrence Livermore National Laboratory, and Sandia National Laboratories prior to approving them. The Administrator may provide exceptions to requirements pertaining to a Laboratory Funding Plan for Nuclear Security as the Administrator considers appropriate.

"(b) For purposes of this section, 'covered contract' means a contract for the management and operation of the following laboratories: Argonne National Laboratory, Brookhaven National Laboratory, Idaho National Engineering and Environmental Laboratory, Lawrence Berkeley National Laboratory, Lawrence Livermore National Laboratory, Los Alamos National Laboratory, Oak Ridge National Laboratory, Pacific Northwest National Laboratory, and Sandia National Laboratories."

AMENDMENT NO. 4054

At the appropriate place in the bill, insert the following new section:

"SEC. . Within available funds under Title I, the Secretary of the Army, acting through the Chief of Engineers, shall provide up to $7,000,000 to replace and upgrade the dam in Kake, Alaska which collapsed July, 2000 to provide drinking water and hydroelectricity."

TO AUTHORIZE EXTENSION OF NONDISCRIMINATORY TREATMENT OF THE PEOPLE'S REPUBLIC OF CHINA—Continued

Mr. ROTH. Mr. President, I want to take a few minutes to discuss why permanent normal trade relations with China are of such critical importance to the United States.

One of the most remarkable strengths of the economy has been its ability to deliver a rising standard of living and the creation of high-paying jobs. Trade plays a very critical role in achieving both goals. In that respect, normalizing our trade relations with China represents a positive step forward for American business, American farmers, American workers, and American consumers.

Just let me speak very briefly about security because we will discuss that in greater detail at a later time. Moving ahead with trading relations with China will help promote the rule of law and the acceptance of the way we do business in the international market. This will help strengthen the hands of those who are most interested in promoting the rule of law. Security-wise, if we reject PNTR, there is no question but what we play into the hands of the militants, the Communists, who want no change, the Communists who oppose promoting a market economy.

So I just want to say, as we discuss the economics of this agreement, that it is also critically important from the standpoint of strengthening those who want to bring China into the international community. What international trade does is let us focus on what we do best.

Our exports are an indicator of where we have a strong comparative advantage because we are more efficient in producing those goods than we are at producing others. Those industries where we are most efficient represent our economic future. Over the past 20 years, trade as a percentage of the U.S. gross domestic product has increased by more than 50 percent. Exports of goods and services this past year was close to $1 trillion. It is no surprise that the export sectors of our economy have grown faster than the economy as a whole. Nor is it any surprise that export-based jobs pay on average of 15 percent more than the prevailing wage. According to recent reports by Standard & Poor's economic consulting arm, DRI, the benefits are 32.5 percent higher overall than with jobs in nonexport industries.

Those figures reflect the fact that an increase in our exports translate into new opportunities for workers and industries with a greater number of higher paying jobs.

Since 1992, the strong U.S. economy has created more than 11 million jobs, of which 1.5 million—or more than 10 percent—have been high-wage export-related jobs.

The significance of PNTR to that overall picture is obvious. According to estimates by Goldman, Sachs, normalizing our trade relations with China and opening China's market through the WTO will result in an increase in our exports of $13 billion annually; thus China's accession to the WTO will enhance the economic prospects for U.S. export-led industries, and employment opportunities for U.S. workers in higher paying export-related jobs.

Exports, however, are only half of the trade picture and only half of the story of normalizing our trade relations with China. We benefit from imports as well. Being able to trade for goods that we are relatively less efficient in producing means that investments in our own economy are channeled to more productive use. That enhances our ability to maintain higher than expected economic growth.

Imports also enhance the competitiveness of American firms regardless of whether they participate in international markets. The ability to buy at the lowest price and for the highest quality component allows American firms to deliver their goods and services to both U.S. markets and markets overseas at competitive prices.

International trade also has a broader microeconomic benefit of keeping inflation low. International competition yields more efficient producers who are under constant pressure to deliver goods and services at the lowest price possible. The United States benefits from increases in productivity that allow us to make more from less from the competition, and that yields lower prices for goods and services across the board.

To the extent that international competition helps keep inflation in check, it also allows the Fed to keep interest rates low. There is no doubt that keeping interest rates low not only helps consumers when buying a home or a car but deepens the pool of low-cost capital available to American firms to invest in productive enterprises.

Normalizing our trade relations with China is not a panacea, but it will have a positive impact on the economy by reducing the uncertainty and risk that our producers and farmers currently face in gaining accession to the Chinese markets and ensuring continued competition with its benefits for American companies and American consumers.

In other words, a vote in support of PNTR is a vote for a stronger economic future here in the United States.

I ask my distinguished colleague from New York, because I think it is important that the American people basically understand what this legislation does and does not do—I don't think people understand this legislation will not determine whether or not China will become a member of WTO. Isn't that correct?

Mr. MOYNIHAN. Mr. President, if I may, the chairman is absolutely correct. I believe it to be the case. You can't obviously say this with complete confidence, but China will become a member of the WTO with us or without us. They have completed their negotiations with the great majority of the 137 members of the WTO. They will be admitted. However, having been admitted, the privileges of the relationship the WTO establishes includes being subject to the rule of law. Panels say what the trade law means. What have you done? What are the facts? Here is the judgment handed down, which can be appealed. It is a rule of law process. That is only available to countries that have met the WTO standard enunciated in Article 1, which says you must have given unconditional normal trade relations. If you have done that with another country, then you can non-apply the WTO to that country (and not gain any of the benefits the other country's concessions) or that country can take you into court—if you would like to put it that way—and you can answer the decisions and so forth.

This is everything you would hope for in a relationship where, up until now, we have had no recourse to binding dispute settlement. When faced with the unwillingness of the Chinese government from time to time to comply with trade agreements, we could do nothing, excepting to complain to them and say: We very much regret you did that. We don't want you to do it again. Once China joins the WTO and we extend PNTR, we will have a different answer: If you do it again, we will do this instead of saying you have broken a rule, as we judge it, and we will go to court.

Going to court is so much better than going to war or otherwise.

Mr. ROTH. Absolutely. One of the things that bothered me is that the United States, under three Presidents, has negotiated for something like 13 years on this agreement. The fact is, some very major concessions are made that benefit agriculture, that benefit industry, and benefit the workers.

The Senator was saying they are going to become a member of WTO. That means those concessions they made in negotiations with our USTR will become available to the other members of WTO but not ourselves if we don't grant them permanent normal trade relations; isn't that correct?

Mr. MOYNIHAN. The Chairman is absolutely correct.

If I could make a point here—it is a personal one, but so be it—I first visited the People's Republic of China in 1975. I had been Ambassador to India, and, for reasons that were undiscernible at the time, the Foreign Minister of China wished to talk to me as I was on my way home. I received this message from George Bush, who represented our interests there. He was not ambassador. And, oh gosh, he was kept to the end of every line, and he had the smallest compound, and all the help went home at 7 o'clock. But he and Barbara were in good spirits.

I made my way up to Tiananmen Square, to two enormous flagpoles. One of them had vast portraits of 19th century German gentlemen: Marx and Engels; the other, a rather Mongol-looking Stalin. They were the vanguard of revolution.

At that point, one of the big issues was, When would the fourth Communist Party take place—the fourth in their history? The French Ambassador thought in the spring; the British Ambassador thought June; some said maybe it had been canceled. We were on Tiananmen Square. There was a Great Hall of the People. It had the look of a post office on a Sunday morning. The very week I was there and everyone was thinking about when it would happen, it was happening. That is how secret that world was. Four thousand delegates made their way in and out and voted unanimously. The Foreign Minister succeeded Mao.

This was a Communist country. Everybody wore Mao jackets. The people were color-coded. The army was green; the civil service was blue; the workers were gray. We were taken to see the model apartments and so forth. The children would sing about growing up with industrial hands: We will settle the western regions; we will smash the imperialists.

It is over. First they rejected Stalin. In the 1960s, the Soviet Union and the People's Republic were, at times, in a shooting war—which never sank in across the river, but all right. Then Mao disappeared. Go there now, and there is a little portrait of Mao above an entrance to the Forbidden City—this nice portrait, nothing domineering.

Had anyone noticed in the photographs of the leaders of the United Nations, the head of the Chinese Government wears a blue suit, a white shirt, and a tie such as the distinguished Chairman?

We just heard an hour ago from our Senator from South Dakota, last year there were 29 Chinese agronomists in South Dakota discussing the purchase of soybeans. They wouldn't come near us 30 years ago. They are here now.

Can't we grasp this? Is there something missing?

Mr. ROTH. Let me say to the distinguished Senator, I had a very similar experience. Back in the 1970s when Carter became President, he was kind enough to invite me to go with a delegation he was sending to China.

The Senator's description of China in those days is right on the mark. It was truly a Communist country; everything we saw, ate, where we stayed, was controlled by the Government. One could not read anything unless it was published by the Communist Party. It was unbelievable depression.

I saw those same portraits. I was dumbfounded to see this portrait of Lenin and Stalin. It was 20 years before I went back. The difference is unbelievable. The Chinese will talk to you; they are not afraid; they don't just say the party line.

Mr. MOYNIHAN. Did the Senator have the experience that they talked in pairs the first time the Senator was there?

Mr. ROTH. Absolutely. Visitors heard nothing but the party line. We talked to one person, met somebody else, and we heard exactly the same thing.

Now make no mistake, we all understand it is no democracy.

Mr. MOYNIHAN. No.

Mr. ROTH. It is outrageous what they do in the area of human rights.

Mr. MOYNIHAN. It is.

Mr. ROTH. We have serious problems with respect to proliferation of weapons.

Mr. MOYNIHAN. We do.

Mr. ROTH. But aren't we better off and don't we have a better chance of bringing more responsible leaders to the front if we work with them and do not alienate them?

Mr. MOYNIHAN. It is the best hope of mankind at this moment, sir, because the age of nuclear warfare is not over. If we think we have proliferation today, wait until we see. We won't, but if we were to announce that we want the Chinese on hold, I cannot imagine what the next 30 years would be like.

Mr. ROTH. My own personal experience is that significant progress is being made.

Let me give one illustration. When I was there the first time, an individual could not move from Beijing to another region.

Mr. MOYNIHAN. Internal passports.

Mr. ROTH. Yes, internal passports. You had to get approval of the Government. If you wanted to move from A to B, not only did you have to get the approval of the Government but you had to get somebody who was willing to move from B to A. Unbelievable. At least that is what we were told. Now these things are changing. Progress is being made, and it is critically important we encourage that.

I go back to what I was saying before. It is important to understand that with permanent normal trade relations, we are not yielding access to our markets. They already have these markets; isn't that correct?

Mr. MOYNIHAN. So states the balance of payments, sir.

They come in under our tariffs, which are already nonexistent. We can't get in under theirs. Under this agreement, they have agreed to bring them down to a reasonably low level and to wipe them out in some cases where they have decided they need American technology and business. They are not doing us any favors.

Mr. ROTH. In a very real way, isn't this agreement all about whether America, the United States, our workers, our farmers, our businessmen, are going to have access to the Chinese markets? Isn't that what we are talking about?

Mr. MOYNIHAN. That is what we are talking about. We are talking about those most elemental rule principles that Adam Smith laid down so many years ago: Comparative advantage.

Remember, he used the image, he said: You could make port wine in Scotland and you could grow wool in Portugal. But on the whole, it is to our comparative advantage if Scotland made the wool cloth and sold it to the Portuguese who made the port wine and sent it to Scotland.

I hope it is not indiscrete—I am sure it isn't because it came up in the Finance Committee—there is a wonderful compatibility between the poultry industry in Delaware and the Chinese trading system. The Chinese cuisine, Chinese tastes, happen to be for parts of the chicken which are least liked, in least demand among Americans. By contrast, the portions of the chicken which are most demanded among American consumers are least demanded among Chinese. What a happy arrangement to just trade. We keep what we would most desire, they take what they most desire, and we are better off.

The Chinese importing animal protein? When we were there first, a Chinese family might see such a meal once a year. Hey, Americans, loosen up. Something good is happening. And be careful lest we miss an opportunity and something bad happens.

I will say one more thing. I am sure he won't mind. After Senator ROBERTS of Kansas spoke yesterday, I happened to say to him on the floor what a fine statement he made.

He said: You know, I am glad you mentioned that century and a half of the Chinese exclusion law—century. He said: My father was on the *Panai*. Like the father of our distinguished Presiding Officer, he showed great heroism, and was awarded the Navy Cross. He came back to Kansas and he said he never stopped talking about the way we treated the Chinese.

You might start by saying what is that gunboat doing up the—was it the Yangtze?

Mr. ROTH. I think it was.

Mr. MOYNIHAN. If we found a Chinese gunboat on the Missouri, we might say: I think you got your charts wrong here. This is U.S. waters, not yours.

It is easy for us to forget because there was no indignity done us. It is not easy for them. I am not asking any sympathy for them, I am just giving a fact. If we suddenly break into that appearing hostile mode of wanting hegemony and all that, I shall be happy to have been out of this by then because we will be asking for terrible events: Korea, Japan, Taiwan, India—let's not do this. Let's do the sensible thing we have been trying to do since the day we began the Reciprocal Trade Agreements program in 1934.

My colleague is bringing it to a culmination. I hope he is proud.

Mr. ROTH. I appreciate that. But let me add, you have been there, not from the beginning but you have played a major role in bringing about this world trade situation. I congratulate you and thank you for your leadership.

Time is running out.

Mr. MOYNIHAN. Mr. President, I look about. I was told the Senator from West Virginia might want to speak but he is not here. I think we have done our duty, I say to the Chairman.

Mr. ROTH. I think I would agree. I say to our friends and colleagues that Monday will be here soon. It is important that those who have amendments they want to offer take advantage of that situation. Time is running out. For the reason the distinguished Senator from New York has spelled out, we absolutely must proceed as expeditiously as possible.

Mr. MOYNIHAN. Mr. President, may I simply say we have been here all morning. We would be here all afternoon and into the evening if there were occasion—demand for it. We expected a measure to be brought up that was laid down last evening. It was not. We would be here all Monday. But when, on Tuesday, we move to close debate and the final 30 hours during which amendments will be offered, that is only appropriate. It is fair play by the rules and we will get to some conclusion. It will be a very fine conclusion. We began it yesterday morning when the motion to proceed was adopted, 92–5.

Mr. ROTH. I thank the distinguished Senator for his leadership. I have confidence that this legislation will be enacted. It will be a great step for America.

Mr. President, I make a point of order a quorum is not present.

The PRESIDING OFFICER (Mr. COCHRAN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I have returned to keep the vigil on my attempt, in concert with other Senators, to have a debate on permanent normal trade relations, PNTR, with the People's Republic of China. I shall once again implore my fellow colleagues to consider reason, to listen to our case as we discuss these amendments, and to consider them carefully; let your conscience be your guide, as the old saying goes. I hope that all Senators will look carefully at the merits of these amendments. Should we not crack this big fortune cookie? Just imagine the PNTR as a large fortune cookie. Should we not crack it and fully realize what lies inside PNTR before we rush to pass this legislation? What is the rush? Fortune cookies look sweet and tempting on the outside, but they can hold a less than appetizing message inside. Should we not look, should we not peer, lift the covers and see what is inside? Should we not look before we leap?

So far, this debate reminds me of a greasy pig contest at a county fair. The distinguished senior Senator from Mississippi, who presides over the Senate today—and, of course, I would not expect a response from the Chair, but I daresay that the Senator from Mississippi has made his presence known at many a county fair in the great State of Mississippi. At those county fairs, I am sure he is acquainted with the greasy pig contest. We talk about the greasy pole, and now we refer to the greasy pig—the greasy pig contest at a county fair. Everyone tries to slow down that pig, everybody tries to catch that pig, but the hands just slip away. That pig is greased and nobody can catch hold of the pig. Everyone is trying to slow down the greasy pig, but the pig is greased and just keeps on running.

I feel like one of those poor rubes out here chasing the greasy pig. By the way, one of the best pigs of all is the Poland-China hog. My dad used to buy 10 or 12 of those Poland-China pigs every year, and I would go around the community and gather up the leftovers from the tables of coal miners' wives. They would save these scraps of food for me and I would go around after school and pick up those scraps. I would take the scraps and feed them to the Poland-China pigs. Well, it just happens that today I am talking about the greased China PNTR pig.

I am trying my best to slow it down. Here the crowd is standing on their feet, and they are shouting. They are saying: ROBERT C. BYRD tried to get his hand on that greasy pig and tried to hold that pig. But the pig gets away. He can't hold that pig. Here we are—a few Senators—trying to slow down this greasy China PNTR pig so that we can get some amendments added or, perhaps by display of our judgment on this legislation, cause some of our fellow Members to say: Whoa, whoa, here; let's wait a minute. What are we doing? Why are we in such a hurry?

May I ask, do we have a copy of the bill that came out of the Senate committee? All right. I will have it in a moment. But that is not the legislation the Senate is talking about. That is not the bill that came out of the Senate committee. While I am securing that bill, I shall submit to the chairman of the Finance Committee a copy of the amendment I am about to call up. If he will take a look at it, we may want to discuss a time limit on it.

Back to this greasy pig, other Senators and I are trying simply to get the Senate to stop, look, and listen before it rushes pellmell into a vote on this legislation.

Here it is. This is S. 2277, a bill to terminate the application of title IV of the Trade Act of 1974 with respect to the People's Republic of China.

It is a very short bill. As all Senators may see, it is two full pages. Of course, it really is not two full pages. The first page simply states the number of the bill, the title of the bill, and the Senators' names who are supporting it. There it is. Page 1, page 2, page 3; and page 3 consists only of four lines. There are three and a half lines, as a matter of fact, on page 3. There it is. This is what the Senate Finance Committee reported to this body, reported to the Calendar. This is it. This is the product of the work of the Senate Finance Committee on the subject of trading with China. But this bill is not what we are talking about. This is not what we are debating. This is not what we are attempting to amend. The bill is not before the Senate, it is at the desk. But this is not the bill we are attempting to amend.

What we are doing here in the Senate is this. We have taken the House bill.

May I ask the chairman, has the House bill ever had consideration by the Senate Finance Committee?

(Mr. SESSIONS assumed the chair.)

Mr. ROTH. Yes. I say to my distinguished colleague that it was considered in executive session by the Finance Committee.

Mr. BYRD. So the House bill was considered in executive session by the Senate Finance Committee. That was at the time of markup, I suppose.

Mr. ROTH. Yes.

Mr. BYRD. Very well. But that bill came over from the House to the Senate. Unfortunately for those of us who would like to see the bill slowed down and perhaps amended to make it a better bill, we find there has been kind of a contract entered into, if I may put it that way. It was not a written contract. Perhaps I should say it is an understanding rather than a contract.

There seems to be an understanding among some Senators that perhaps with the House—I don't know how far this understanding goes, but Senators who have entered into this understanding will vote against any amendment—any amendment, any amendment—to the House bill. We are not going to debate the Senate bill. We are not going to act upon the Senate bill. We have taken up the House bill, and no amendments shall pass. That is it. No amendments shall pass.

I want to say to the Chair, to the distinguished Senator from Alabama who presides over the Senate, that I have been in legislative bodies now 54 years. I have been in this Congress 48 years. I have been in this body 42 years. This is something that is absolutely new to me, this method of legislating where Senators and the administration—I am talking about Senators on both sides—enter into an understanding somehow. I don't know whether they met and had a show of hands or had a debate about it. But anyway, we have been told by Senators on this floor that they will vote against any amendment, no matter what its merits. It doesn't matter who offers the amendment. It doesn't matter how good an amendment it may be. The decision has been made to reject every amendment—reject all amendments. Why? Why the hurry?

The powers that be—whoever they are—don't want an amendment because they say that would mean the bill would have to go back to the House. And they say that would cause a conference between the two Houses and that would mean a conference report. That would mean each House would have to vote on that conference report. As I gather from my grapevine information, these Senators are concerned that if the House were to vote again on this measure, it might not pass. There are some who think it would not pass the House if the House voted on it again. I think we have come to a pretty poor pass when we won't consider amendments seriously and judge them on their merits and vote accordingly. But that is apparently what is happening here.

I feel like one of those poor rubes out there chasing the greasy China PNTR pig, trying my best to slow it down with some good amendments. But that pig is well greased, as you can understand by now. It is flying through the Senate, flying through the Senate. This pig is tearing along and Members have made a blood vow to keep hands off and just let "old porky" run; let "old porky" run.

I will, however, continue to pursue some debate on this bill and to offer at least two amendments that I believe will improve the legislation. I shall offer an amendment momentarily that is straightforward. It would require the U.S. Trade Representative to obtain a commitment by the People's Republic of China to disclose information relating to China's plans to comply with the World Trade Organization, WTO, subsidy obligations.

This is an important issue aimed at ensuring that the American people and their representatives here and in the other branches of the government truly realize what is inside the big Chinese trade fortune cookie. State-owned enterprises continue to be the most significant source of employment in most areas in China, and some reports suggest these subsidized enterprises accounted for as much as 65 percent of the jobs in many areas of China in 1995. That is two-thirds of the jobs. The most recent data that the Library of Congress could provide on this matter indicate those figures. Let me state them again: The subsidized enterprises in China accounted for as much as 65 percent of the jobs in many areas of China in 1995.

Members of Congress need to remember that we are here to defend the people of the United States, to use our best judgment at all times, to exercise our very best talents in behalf of the people who send us here. I am here to represent the people of West Virginia, Democrats and Republicans, old and young, black and white, rich and poor. I am here to represent them. Other Members are likewise here to represent the people of their respective States. We are here to represent them. This includes, may I say, the average American worker.

There are grave implications to Sino-American relations as a result of granting PNTR to China. I believe that the Chinese have developed a keen understanding of the American political system. I have no doubt that many Senators and U.S. businesses are naive about the increased workings of the Chinese Government and its agenda. China is not a free market economy. It is not on the verge of becoming a free market economy. It is a Communist, centrally controlled economy. The Chinese Government oversees the top-to-bottom operations of many industries such as iron and steel, coal mining, petroleum extraction and refining, as well as the electric power utilities, banking, and transportation sectors. The whole thing, one might say.

Government control reigns from top to bottom, supreme in China. Government control.

I was in China in 1975 along with our former colleague, Sam Nunn, and our former colleague, Jim Pearson, from the Republican side. At that time I was told that no individual in China owned an automobile. There were no privately owned automobiles. Oceans of bicycles but no privately owned automobile.

There is some limited private enterprise in China. But private investment is heavily monitored and restricted by the Government. In fact, it has been suggested that the Chinese Government only sell minority shares, such as 25 percent of an enterprise, for the sole purpose of making money while still containing effective control over the operations of that enterprise.

These conditions are serious impediments to fair trade and to free trade. Yet we really do not have much detailed information about China's state-owned enterprises and the type or amount of the benefits that those enterprises receive from the Chinese Government. It is almost impossible to measure accurately the extent of subsidized operations or the touted move to privatization in China, due to the lack of reliable Chinese statistics.

My amendment today that I will shortly send to the desk would help to secure this information. What is wrong with that? This is information that is vital to many U.S. businesses and vital to American workers. My amendment is an effort to help secure that. What is wrong with that?

I hope the American people are following this debate—I am pretty sure they are not; they are not following it. No, the American people are not watching. If they were watching it, there would be more Senators here in the Chamber today. How many Senators are there here today? One, two, three—that is the whole kit and kaboodle—three Senators. So the American people are not watching it. They don't know what is happening.

My amendment would help to secure statistics that are vital to U.S. businesses and American workers.

One of the basic principles of liberalized trade is to obtain obligations to restrict Government interference, which provides an unfair advantage to national commerce. The WTO agreement on subsidies and countervailing measures restricts the use of subsidies and establishes a three-class framework on subsidies consisting of red light, yellow light, dark amber, and green light. The SCM prohibits subsidies contingent upon export performance and subsidies contingent upon the use of domestic over imported goods.

We know that a significant portion of the economy of the People's Republic of China consists of state-owned enterprises. We know that Chinese enterprises receive significant subsidies from the Chinese Government. We know that Chinese state-owned enterprises account for a significant portion of exports from the Chinese Government. We also know that U.S. manufacturers and farmers can not compete fairly with these subsidized state-owned enterprises. So, once again, the question remains: how can the United States ensure that Chinese subsidies do not undermine U.S. commerce and threaten American jobs? That is what we are trying to find out by way of my amendment.

The U.S.-China bilateral agreement contains report language on the commercial operations of Chinese state-owned and state-invested enterprises. That language says that China, with respect to those enterprises, must follow private market export rules; China must base decisions on commercial considerations as provided in the WTO; China cannot influence, directly or indirectly, commercial decisions; China must follow WTO government procurement procedures; and China cannot condition investment approval upon technology transfer. That is a fairly comprehensive set of guidelines. If followed, these guidelines ought to level the playing field for competitive U.S. firms. That is, of course, a very big "if." The Chinese government is pretty good at applying guidelines like these very selectively or not at all.

The United States Trade Representative states that the U.S.-China bilateral agreements meet significant benchmarks, but acknowledges that work on the subsidy protocols is not complete. I understand that the USTR has stressed that the WTO basic rule is clear—namely, China must eliminate all red light subsidies or prohibited subsidies upon entry into the WTO. Nevertheless, the USTR is wary enough to continue negotiations on subsidy agreements particular to the agricultural and industrial sectors.

In addition to the vague language in the protocol, another problem arises with regard to subsidies and the Chinese Government. The SCM agreement provides principles whereby the specificity of a subsidy can be determined, but it does so in the context of a market economy with private ownership of enterprises. The SCM Agreement does not have a specific reference to economies in which a significant share of economic activity and foreign trade is carried out by state-owned enterprises—which is the case with China. I understand that the USTR's protocol language attempts to address this in their bilateral language, but it seems to me that this is leaving U.S. businesses to the whims of an uncertain turn of fortune's wheel. In fact, China has expressed a view that it should be included in the grouping of the poorest countries in the WTO—effectively exempting China from the disciplines of the WTO subsidy codes altogether. This does not, it seems to me, presage good compliance on the part of China with regard to the subsidy restrictions outlined in the U.S.-China bilateral agreement report language. The Chinese already say they are exempt.

I just got a note from our mutual good friend, DAVE OBEY, a Member of the House. I think I should make it known to my colleague on the floor, Senator DODD—he happens to be the only colleague I have on the floor, not counting my colleague in the chair—but, I say to my colleague on the floor, DAVE OBEY called: He simply wanted to tell you—meaning me—tell you that he is watching this debate and he hopes that you—meaning ROBERT BYRD—"will snare that pig," that greasy pig I was talking about.

So what can U.S. businesses really expect from the protocol language in the U.S. China bilateral agreement? I have a gold watch and chain, and I'll bet my gold watch and chain that they can likely expect little to nothing with regard to potential benefits. I believe that U.S. businesses should expect to see continuing illegal subsidy programs by the Chinese to state-owned enterprises.

I also hope I shall be proven wrong in the long run.

Without doubt, subsidies have been a very difficult issue to resolve. In fact, with years of trade relations and negotiations, the U.S. has yet to reach a subsidy understanding with the European Union on agriculture or on some industrial sectors such as aeronautics.

But the United States should not leave this matter—or U.S. firms and workers—hanging, and U.S. businesses should not be expected to pay millions in litigation fees to resolve subsidy disputes.

My amendment will help address the vital issue of prohibited subsidies. It would improve the transparency of the subsidies provided by the Chinese to state-owned enterprises. It would facilitate U.S. Government and private efforts to monitor Chinese compliance by providing both an essential baseline of current subsidies and an explicit schedule for their removal. Finally, it would help provide information that strengthens the evidentiary basis for grievances by U.S. industries regarding continued subsidies and it would help spur China to reduce or eliminate subsidies to state-owned enterprises.

Should we not better understand the level of control that the Chinese government exerts over their businesses? Again, my amendment simply requires the USTR to obtain a commitment by the People's Republic of China to identify state-owned enterprises engaged in export activities; describe state support for those enterprises; and to set forth a time table for compliance by China with the subsidy obligations of the WTO. This is basic information all members of the Senate and the Administration should be eager to have.

Unfair subsidies hurt the working men and women of the United States every day. Unfair subsidies hurt scores, hundreds of Americans working in U.S. industrial and agricultural sectors such as steel, the apple industry and beef. It cuts across all of the vital products. I hope all Members will stand up for vital American interests by voting in support of my amendment.

My amendment addresses the extensive control over the economy still exercised by the Chinese government, despite some window dressing of privatization. It might be looked upon as a reality check. The same kind of very heavy-handed government control is exerted over virtually every aspect of Chinese life. Heavy-handedness is evident all over China. Take a look at religious freedom for example, and I would like to touch briefly on that subject because it is an important barometer of the way the Chinese Government controls their society and their people.

Freedom of religion is near and dear to hearts of Americans. That freedom is at the core of our Nation's being, and we do well to cherish it. Early settlers dared much to come to these shores so that they could freely practice their religious beliefs. They left everything they knew, every comfort of home, to escape the sometimes oppressive hand the heavy hand of governments that discriminated against them. The Pilgrims, the Puritans, the Quakers—all came to the New World seeking religious freedom. Even 171 years after the Pilgrim's Plymouth colony was established in 1620, that fire for religious freedom was codified in the Bill of Rights which were ratified by the necessary number of States on December 15, 1791. The first right—the first precious right—outlined in the First Amendment to the Constitution could not be clearer:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; * * *

The proliferation of churches in the United States of all stripes, from the Roman Catholic cathedral to the independent Baptist church, the Muslim Mosque to the Mormon Tabernacle, the Shinto Shrine to the Jewish Temple—all of these are a living testament to our commitment to religious freedom.

That same freedom is repressed in China. It is not that the Chinese people are opposed to free practice of religion, so far as I can tell. According to a recent article, in fact, the decay of communism, coupled with rising unemployment and a desire for the trappings of affluent society, has sparked a religious revival in China. Twenty years ago, only 2 million Chinese identified themselves as Christian. Today, the number is estimated at 60 million—60 million—according to overseas Christian groups. But, as an atheistic Communist state, China has long feared religion as a threat to the government's monopoly over its subjects. The People's Republic of China has a long and sorry history in this century of repressing religion and religious practice. The antireligious fervor of the Cultural Revolution is but one example. Its subjugation of Tibet and the destruction of many of the Buddhist lamaseries there is another example. The meditative group called Falun Gong, which mobilized more than 10,000 people for a mass protest in Beijing last year, has been outlawed.

In the Washington Times on Wednesday of this week, September 6, the front page headline reads: "Chinese religious rights 'deteriorated' ". The article concerns a State Department report released yesterday, on the eve of the United Nations Millennium Summit, a gathering of religious leaders from around the world in support of peace. I would observe, and not as an aside, that the exiled Dalai Lama, religious leader of Tibetan Buddhists and other Buddhists, was not invited, out of deference to China. In this, the second annual congressionally ordered report on religious freedom around the world, respect for religious freedom in China "deteriorated markedly" during the second half of 1999 and was marked by the brutal suppression of minority religious faiths. Members of such groups have been subjected to "harassment, extortion, prolonged detention, physical abuse and incarceration." Those words are lifted out of the text.

Though the Chinese government sanctions five carefully monitored religious organizations, including a state-supported Christian church, the government has shown no hesitation in outlawing any religious sect or church that has shown any sign of gaining support among the Chinese people. Missionaries are not welcome; nor are Bibles. In the past year, raids on worship groups meeting in private homes have increased from twice a month to once a week, according to human rights groups in Hong Kong. Yet Beijing's state-appointed bishop recently stated: "There is no religious persecution in China."

Just last month, on August 23, Chinese authorities raided a meeting of the Fangcheng Church in Henan Province, arresting three American citizens and over 100 Chinese church members. The Americans, Henry Chu and his wife Sandy Lin, and Patricia Lan, were visiting the church when it was raided. The Taiwanese-born American citizens were released after a protest from the U.S. embassy. They are luckier than Zhang Rongliang, the Fangcheng Church leader, who was arrested on August 23, 1999, and sentenced to 3 years in a labor camp under an anticult ordinance. It has been a long time, indeed, since a Christian church in the United States was described as a cult. And, of course, no single church or religion, or circumscribed list of churches, is officially sanctioned by the American Government.

We do not have that in this country. That is why many of our forbearers came to these shores. The Government of the United States does not sanction any particular church.

Again, in the Congress' annual renewal of China's NTR status, conditions favoring religious freedom or protesting Chinese actions against worshippers could be debated and voted upon. The United States could go on record, at least, in support of the principle of religious freedom. This annual debate on must-pass legislation, on legislation that does mean something to the Chinese Government, may well have moderated Chinese behavior. Who knows? It certainly did not fundamentally change that behavior, as proponents of PNTR have observed. But it likely did moderate Chinese actions, if only to reduce the embarrassment factor they may have faced during the annual debate. So it served a useful function, one that we will now consign to the dustheap of history. When next year's congressionally mandated report on religious freedom is issued, I for one will not be surprised to read about further deterioration in religious freedom in China, once PNTR is assured.

Mr. President, I still read the Constitution and the Bill of Rights. Even though I have it—or once had it in my lifetime—just about memorized, seeing the words themselves reinforces the beauty, the power, and the simplicity of that magnificent document for me. The Bill of Rights was added to the Constitution in order to ensure the ratification of the Constitution itself, even though the framers did not believe that those rights needed to be spelled out. For them, those rights were so fundamental that they did not need to be spelled out. Others, less intimately involved in creating the Constitution, needed the reassurance of the written word. The words are powerful: "Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof. . . ." I still respect those words, and I still cherish those principles. I hope that others around the world may eventually share in this great freedom. Until they do, I continue to think it is appropriate that we, our country, as a leader in supporting religious freedom, should take opportunities to urge other governments to allow unfettered worship of their Creator.

Mr. President, I am sorry that Senator WELLSTONE's amendment in support of international religious freedom was not adopted. It was a message worth sending to the Chinese people—a message that the United States still places its principles and its values above mere avarice, above mere greed for maximizing profits through increased trade. I hope that my colleagues will support my amendment, which would provide needed and difficult-to-obtain information about Chinese Government subsidies to state-owned enterprises. This information is needed by the U.S. firms and U.S. workers who will be competing against those subsidized producers. If our trade provisions in support of fair trade are to have any chance, we must have this information. I hope that we will not put greed ahead of American jobs and interests. I urge my colleagues to support this amendment. Let us at least put up a fence before the ambulance careens over the hill, which reminds me of a poem, which I think would be nice to have in the RECORD right here.

Before I attempt to recall it, let me ask my friend from Connecticut—he has been sitting here—does he wish the floor now? I can postpone this for some other time.

Mr. DODD. Mr. President, I thank my colleague for posing the question, but I always love to hear my colleague quote poetry, under any set of circumstances.

I have some remarks to share regarding the pending matter, but there is no great hurry. I would not want to interrupt the flow of my good friend and seatmate's remarks. So I am very patient to listen to his comments.

I, too, voted for the Wellstone amendment yesterday on religious freedom. I would like to associate myself with my colleague's remarks. My remarks touch on the agreement but not as extensively as the comments of my ,colleague from West Virginia on the subject of religious freedom. I commend him for his comments. I would like to be associated with those thoughts.

So I am very content to listen to the poetry. I think America is enlightened. I think there are a lot more people listening to this debate, I say to my colleague from West Virginia, than would be reflected by the participation of our fellow colleagues on a Friday afternoon.

But the comments of the distinguished senior Senator from West Virginia are always profound, always thoughtful, always meaningful. His colleagues appreciate them, and the American public do as well. So I am very delighted to sit here and be enlightened further. Poetry is always something that enriches the soul.

Mr. BYRD. Mr. President, I am flattered by the comments of my colleague, my seatmate who sits right here. I appreciate his friendship, and I appreciate his many, many words of advice, our many conversations we have had together about the Senate, about our country, and about the Constitution.

So if we can just think, as we do this poem—I always run the risk, of course, of having a lapse of memory. But after 50 years of quoting poetry, although I have had a few lapses of memory, I always take them as they come. It is something that is natural, nothing to be embarrassed about. Sometimes I start over and get the poem right.

But I am thinking of this legislation that is before us, and I am thinking of what is going on here. I have referred to a cabal. It isn't that, of course, but there certainly is an understanding abroad here, among Senators on both sides—certain Senators I think are probably working with the administration—that there will be no amendments, no amendments will pass, they will vote down every amendment.

Well, a few of my colleagues and I are trying to improve this legislation. We are not offering any killer amendments. But we are offering them because we think the bill would be improved.

This action on my part, and on the part of my colleagues who are attempting to improve the bill, might be likened to putting a fence around the edge of a cliff while an ambulance runs in the valley. The ambulance represents this legislation, which, if passed, in the long run, I fear, will result in increased unfair trade and constitute an injury to the American worker and to the American businesspeople.

'Twas a dangerous cliff, as they freely confessed,
Though to walk near its crest was so pleasant;
But over its terrible edge there had slipped A duke and full many a peasant.
So the people said something would have to be done,
But their projects did not at all tally;
Some said, "Put a fence around the edge of the cliff,"
Some, "An ambulance down in the valley."
But the cry for the ambulance carried the day,
As it spread through the neighboring city;
A fence may be useful or not, it is true,
But each heart became brimful of pity
For those who slipped over that dangerous cliff;
And the dwellers in highway and alley
Gave pounds or gave pence, not to put up a fence,
But an ambulance down in the valley.
"For the cliff is all right, if you're careful," they said,
"And, if folks even slip and are dropping,
It isn't the slipping that hurts them so much,
As the shock down below when they're stopping."
So day after day, as these mishaps occurred,
Quick forth would these rescuers sally
To pick up the victims who fell off the cliff,
With their ambulance down in the valley.
Then an old sage remarked: "It's a marvel to me
That people give far more attention
To repairing results than to stopping the cause,
When they'd much better aim at prevention.
Let us stop at its source all this mischief," cried he.
"Come, neighbors and friends, let us rally;
If the cliff we will fence we might almost dispense
With the ambulance down in the valley."
"Oh, he's a fanatic," the others rejoined,
"Dispense with the ambulance? Never!
He'd dispense with all charities, too, if he could;
No! No! We'll support them forever.
Aren't we picking up folks just as fast as they fall?
Shall this man dictate to us? Shall he?
Why should people of sense stop to put up a fence,
While the ambulance works down in the valley?"
But a sensible few, who are practical too,
Will not bear with such nonsense much longer;
They believe that prevention is better than cure,
And their party will soon be the stronger.
Encourage them then, with your purse, voice, and pen,
And while other philanthropists dally,
They will scorn all pretense and put up a stout fence
Round the cliff that hangs over the valley.
Better guide well the young than reclaim them when old,
For the voice of true wisdom is calling,
"To rescue the fallen is good, but 'tis better
To prevent other people from falling."
Better close up the source of temptation and crime
Than to deliver from dungeon or galley;
Better put a strong fence round the top of the cliff
Than an ambulance down in the valley."

Mr. President, I yield the floor.

Mr. DODD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, the Chamber is not packed this afternoon, but I hope our colleagues who are back in their offices on Capitol Hill, and maybe our good friend DAVID OBEY from the House, were enlightened by the poetry of warning by our senior colleague from West Virginia, about putting a fence at the top of the cliff rather than the ambulance down in the valley.

I am always impressed and I never cease to be amazed by my seatmate from West Virginia. I have been here for 20 years and not a day goes by that I don't learn something new from and benefit immensely by my friendship with the Senator from West Virginia. Today is no exception. That was a tour de force. He recited from memory at least 10, 12, maybe 14 stanzas. I thank him immensely for his comments regarding the pending matter, the granting of permanent normal trade relations status with the People's Republic of China.

I begin these brief remarks, if I may, by commending the two senior members of the Finance Committee who have jurisdiction over the pending matter, Senator ROTH of Delaware and Senator MOYNIHAN of New York. Both of these gentlemen have made significant contributions to the wealth and strength of our Nation. This will probably be the last piece of business the Senator from New York will be directly involved in before his retirement from the Senate. It is appropriate that his closing efforts, legislatively, should involve a piece of legislation as monumental and important as the pending matter.

Senator MOYNIHAN has made unique and valued contributions to our Nation's wealth during his years of public service. As a member of the executive branch—as a staff member there, a servant of various administrations and, most recently, of course, during his tenure in this wonderful body. So I wish him well and commend him once again for his latest endeavor. I commend Senator ROTH as well who has worked on this legislation.

I rise to share a few thoughts about this bill, a bill that will confer, as we all know now, permanent normal trading relations with the People's Republic of China. In so doing, this bill would also trigger the implementation of the bilateral trade agreement entered into between the United States and China last November related to China's accession to the World Trade Organization. After many months of delay, I am very pleased that the Senate finally has arrived at this discussion that we have conducted over the past several days and will continue next week. I regret it has taken this long. I think the matter should have come up earlier. But I am pleased we are finally getting a chance to debate the merits and consider amendments on this very important piece of legislation.

PNTR, as it is called, and China's entry into the WTO are extremely important milestones, in my view, toward the full assimilation of the world's most populous nation into the global economic system. China's membership in the World Trade Organization, will also serve, in my view, as an important cornerstone of U.S.-China relations in the 21st century.

The requirement that China adhere to the World Trade Organization's global trading rules and standards should have and will have profound and long-lasting implications not only for China, but for the United States and the world community. Not only will this agreement alter the landscape of U.S.-Chinese trade relations and produce, I hope, a fairer and more competitive global trading environment, over time, I think this agreement and this entry by China into the WTO will also have a most profound impact on China's social, economic, and political systems.

Over the last three decades, successive American Presidents, from Richard Nixon to the present occupant of the White House, Bill Clinton, have worked hard to fashion a constructive relationship with the People's Republic of China. As we all know, this has proved more difficult at some times than others because the Chinese have made it so—too often because of their unilateral decisions and actions. The goal has always remained the same however—to move China toward a more open and prosperous system, to enter the family of democracies and freedom that are emerging throughout the world, and to become a society built on a foundation consistent with the international community's norms and values. The Clinton administration's proposal to grant PNTR status to China and support its membership in the World Trade Organization are very much in keeping with the longstanding tradition that has gone back over several decades.

Historically, the trade relationship between China and the United States has been disproportionately tilted in China's favor due to its mercantilist trading policies. Granting PNTR and allowing China to enter the World

Trade Organization, I hope, will restore the competitive balance in that relationship and generate what could be enormous opportunities for American exports, job creation, and investments in the world's third largest economy.

The commercial benefits to the United States from World Trade Organization accession are clear, compelling and very wide-ranging.

American farmers, American workers, American businesses, both large and small, will benefit from China's new status.

In order for the United States to agree to support China's membership in the WTO, Chinese authorities were required to make across-the-board unilateral trade concessions to the United States to bring our trading relationship into better balance.

Among other things, the Chinese have agreed to slash tariffs on U.S. agricultural and industrial imports, expand the rights of U.S. companies to distribute American products throughout China, and grant U.S. companies broad access to China's banking, telecommunications, and insurance sectors.

The bilateral agreement which codifies these concessions includes as well important safeguards against unfair competition by China that will allow U.S. authorities to respond quickly to products and specific import surges that may threaten the viability of certain vulnerable import-sensitive domestic industries.

The U.S. technology industry also stands to gain, in my view, from this agreement as China begins participation in the information technology agreement. Under this ITA agreement, all tariffs on computers, telecommunications equipment, semiconductors, and other high-tech products will be totally eliminated.

U.S. high-technology companies have emerged as one of the driving forces of our recent economic boom. With China's participation in the information technology agreement, these companies may continue a trend of expansion and success on the international scale that will result in more domestic jobs in the industry.

China has made important concessions on trading and distribution rights as well. Manufacturers in the United States have been severely hampered over the past number of years by China's restrictions on the right of foreign firms and U.S. firms to import and export and to own wholesaling outlets or warehouses in China. For the very first time, under this agreement, these rights will be granted to U.S. firms.

Further distribution rights are being provided for some of China's most restricted sectors, including transportation, maintenance, and repair. As a result, American firms operating in China will not only be able to import a greater number of goods, but they will also be allowed to establish their own distribution networks.

While it is not easy to put an exact dollar figure on these concessions, experts estimate that the annual U.S. exports will increase by as much as $14 billion a year—nearly double the current value of our exports. And more than 400,000 high-paying export-related American jobs will be sustained by expanded exports to the People's Republic of China.

These are important benefits and serve to highlight the wide-ranging impact that China's changed trading status will have on the American economy as a whole.

At this juncture, I also want to briefly mention how granting the PNTR to China would affect my own State of Connecticut.

In 1998, Connecticut's merchandise exports to China totaled $302 million, making it one of the most trade-dependent States in the United States. Nearly two-thirds of all firms exporting to China from Connecticut in 1997 were small- and medium-sized companies—not the large corporations in my State. Clearly, an open China will provide a venue for increased sales of Connecticut-made products and an increase in jobs available to Connecticut workers in companies both large and small.

Connecticut's burgeoning high-tech industry, for example, will be able to take advantage of China's participation in the information technology agreement and the elimination of tariffs on these goods which is, in effect, a tax. Chemical products, which are one of Connecticut's largest exports to China, will enjoy reduced tariffs, and quotas will be totally eliminated by the year 2002. Insurance companies, which have long ties in Connecticut, will benefit from greater geographic mobility within China, and an expanded scope of admitted business activities. And lifesaving medical equipment made in my home State may begin entering the Chinese market at reduced tariff levels. Those tariffs will be phased out entirely over the next several years.

The enthusiasm for the benefits that will flow from our bilateral WTO accession agreement with China must, however, be tempered by the fact that there are a number of non-trade issues with respect to China that are deeply worrisome and need the attention of this body, of the legislative branch, of the executive branch, and the American people.

I support the pending legislation. But I also want to make it very clear that I side with the critics of China who believe there is a great deal more that the Chinese Government needs to undertake in order to reach the standards of behavior expected of civilized nations and countries.

If you wish to be a part of the World Trade Organization, implicit in that request is that you are willing and anxious to also become a member nation of civilized society recognizing the diversity of your people and the basic fundamental freedoms that are guaranteed—not by a document, a constitution, or a declaration of independence but those guaranteed by the creator of all of us.

As China seeks to become a part of the family of civilized society, then it must also begin to act accordingly with respect to the treatment of its own people.

First and foremost, China must improve upon its human rights performance, especially with regard to its citizens and religious freedoms. This point was extremely well articulated by my colleague from West Virginia. He went on at some length in describing how valuable and important religious freedom has been as a free people, citing the very first amendment to our Constitution which guaranteed people this right. I will not go on at length about this point, except to say, once again, that I wish to be associated with the comments of the Senator from West Virginia in his earlier discussion on religious freedom and the absence of it, or almost a complete absence of it, in the People's Republic of China.

In my view, China must also address the pervasive corruption that exists at all levels of Government—corruption that is damaging the country economically and politically and could jeopardize its membership in the WTO if they persist in these practices.

China must also begin to act responsibly in its relationships with other nations if it is to become the world leader that it aspires to be.

China must cease its threatening stance towards Taiwan and agree to enter into a productive dialog to resolve this question in a manner that is consistent with the wishes of the people on Taiwan and mainland China. They must try to resolve their dispute in the manner of a civilized society.

Particularly worrisome is China's aggressive buildup of nuclear arms and its willingness to assist other nations to acquire a nuclear capability that they don't currently possess.

In response to this concern, it is my understanding that Senators THOMPSON and TORRICELLI may offer the China Non-proliferation Act as an amendment to this bill. I think that it is important to let the Chinese authorities know that in no uncertain terms that we object strongly to their continued proliferation of weapons of mass destruction, and believe that such behavior poses a direct and immediate threat to U.S. national security interests as well as international peace and stability.

Having said that, I am also convinced that an amendment on the pending legislation is not the right vehicle for attempting to accomplish that objective. In my view, the political realities are that an amendment such as this would not carry. That would be a much worse message in many ways. My belief is that the overwhelming majority of my colleagues, regardless of party or ideology, believe that the proliferation practices of China must stop. But a vote by this body that would come up short or be so narrowly decided could be a confusing message to China that we may not care about this issue as much as I think most Members do.

Such a misinterpreted message would probably do more harm than good. Therefore, I urge my colleagues who are considering such an amendment to seek another, more appropriate, vehicle to which the amendment could be offered. That is the time when I think this body can speak with a more singular voice on an issue with far greater unanimity than might be reflected in an amendment on this particular trade proposal.

I know that not everyone supports this legislation or China's entry into the World Trade Organization. They bring up good arguments and I have mentioned some of them—religious freedom, workers rights, human rights, corruption, and nonproliferation issues.

I ask myself a question—Are we more likely to achieve the desired goals of moving the Government of the People's Republic of China closer to the kind of social, economic, and political behavior that we seek by adopting this legislation and including China in the WTO? Or by not doing that and allowing the status quo to persist? Is that going to create a greater deterioration in those very values that we seek? I come to the conclusion that we are more likely to achieve those desired goals by adopting this legislation than by not doing so. Some are opposed to it because they believe that it will unfairly enhance China's ability to attract foreign investment and manufacturing facilities to the detriment of the U.S. economy and the American workers. Others would link U.S. support for China's WTO membership to improvements in China's respect for human rights, religious tolerance, nuclear non-proliferation, as I mentioned.

There is no doubt that certain sectors of American industry have fared less well than others under the increased competition brought on by international trade. That will continue to be the case irrespective of whether China gains admission to the World Trade Organization or whether the United States makes permanent the trade status China has already had for more than two decades.

On the other hand, WTO membership would require that China operate under the jurisdiction of international trade standards and agreements as dictated by that organization. China's non-compliance with those standards would subject its government to an international arbitration and dispute settlement mechanism—a profound change in the treatment of Chinese trade violations. For the first time China would be held accountable to all WTO members. This I think, provides the U.S. with stronger safeguards to protect their workers.

Furthermore, membership in the WTO would compel the Chinese government to comply with international labor regulations, thus increasing opportunities for American workers by eliminating many of the incentives that currently induce firms to move production and jobs to China.

What about using PNTR status and WTO membership to pressure Chinese authorities into making significant improvements in other nontrade related policy areas? As I said earlier, while I have already registered my concerns about China's record in these areas, I am doubtful that directly linking PNTR status to changes in China's policies in these areas will produce overnight positive changes. I think all of us seek.

There is sufficient historical experience to suggest that linkage will not cause Chinese authorities to improve their behavior in these areas one iota. Quite the opposite seems to be the case. Over the last quarter of a century, Chinese authorities have responded very consistently and negatively to attempts by others to unilaterally dictate to them how they should govern their citizens. At such times, the very issues we have cared about most—human rights, religious freedom, Taiwan's security—have suffered. Rather, it has been during periods of U.S. engagement with Chinese authorities, when we have carried out a respectful dialogue between our two governments, that we have seen demonstrable improvements in China's policies in these areas.

More recently, U.S. engagement has resulted in China joining a number of major multilateral arms control regimes, in assisting us to defuse a nuclear crisis on the Korean Peninsula, and in participating constructively in international efforts to contain the escalating arms race between India and Pakistan.

I am not one who believes that China's accession to the WTO is going to convert the state-controlled Chinese society into a Jeffersonian democracy overnight. However, I would argue that China's adherence to the discipline of WTO's rules and standards have a greater likelihood to accelerate the pace of market economic reforms that are already underway in China. And, as a by-product of those reforms, the grip of the Chinese state on the day to day lives of the Chinese people will become weaker and weaker. Individual freedom may gradually fill the vacuum created by the withdrawal of state control. Whether that process will ultimately transform China's political system is impossible to predict with any certainty. Certainly isolating China isn't going to facilitate such a transformation.

I am not the only one who holds that view. A number of prominent human rights activists in China have spoken out publicly in support of the pending legislation and in favor of China's admission to the WTO. I am thinking of such individuals as Martin Lee, the internationally known leader of Hong Kong's Democratic party, His Excellency the Dalai Lama, Dai Qing, a leading political dissident and environmentalist who was imprisoned for ten months following the 1989 Tiananmen Square Massacre, and Bao Tong, a senior advisor to ousted President Zhao Zyiang—both of whom were imprisoned for their opposition to the Tiananmen crackdown. None of these individuals have suggested that we deny China admission to the WTO until it becomes a democracy.

In fact, if we refuse to grant PNTR status to China or oppose its admission to the WTO, we will have delivered an enormous setback to the Chinese reformers and entrepreneurs who have been the driving force for the positive political and economic changes that have occurred in China over the last twenty years. We will also have given an enormous gift to our economic competitors in Europe and Asia by giving them a foothold in perhaps the most important emerging market in the global economy of the 21st century—a foothold that will be difficult for our own Nation to regain. American jobs would be the ones that suffer and American workers the ones who pay the price.

Denying China PNTR would also only exacerbate an alarmingly high existing trade deficit with the United States, in my view. In 1997, the U.S. trade deficit with China soared to nearly $50 billion, making it second only to Japan as a trading deficit partner. Sadly, that number has only increased over time. By 1999, it had climbed almost $20 billion more, to $69 billion, and it continues to grow.

In closing, I believe the legislation we are considering today is in our national economic interest because it will enhance international growth and competition. It will strengthen the global trading system and foster adherence to rules and standards under which we want all nations to operate.

I also believe it is in our foreign policy interests, as well. China's obligation to open its markets and to abide by internationally prescribed trade rules is an important step toward Chinese adherence to other important international norms and standards which must, over time, lead to democratic transformation of that society, as I have seen occur in nearly every other corner of the globe in the past decade and a half.

No one in this body is naive enough to believe this is going to happen overnight, that these changes we talk about are necessarily going to occur at the pace we would like to see. But, at the very least, we must begin making strides in that direction.

For those reasons, while I will support various amendments that I think are an important expression of how my constituents feel in Connecticut and how the American public feels on a number of very important non trade-related issues, when this debate is concluded, I happen to believe it would be in the best interests of my Nation that we grant this status to China in the hopes that the improvements we all seek in this land of more than 1 billion people will occur sooner rather than later.

I yield the floor.

Mr. ROTH. Mr. President, I ask unanimous consent that at 12 noon on Monday, September 11, the Senate resume consideration of Senator BYRD's amendment regarding subsidies. Further, I ask unanimous consent that there be 60 minutes of debate equally divided in the usual form with no amendments in order to the amendment. Finally, I ask unanimous consent that following the debate time, the amendment be set aside, with a vote to occur on the amendment at a time determined by the majority leader after consultation with the Democratic leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. Mr. President, I also ask unanimous consent that when Senator BYRD offers an amendment relating to safeguards, there be 3 hours for debate equally divided in the usual form, with no amendments in order to the amendment. Further, I ask consent, following that debate time, the vote occur on the amendment at a time to be determined by the majority leader after consultation with the Democratic leader.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Delaware.

THE DEMOCRATS ARE NOT STALLING

Mr. DASCHLE. Mr. President, earlier today the distinguished Senator from Idaho, Senator CRAIG, came to the floor to respond to an article that appeared in the newspaper, USA Today. I want to take just a moment to respond to the article, as well as to some of his comments. He responded, I think, as I would if I had read the article. It is entitled, "Senate Democratic Leader Plans Stalling Tactics," and makes reference to the fact that we are running out of time at the end of the year and it claims to know that I have a simple strategy for winning the final negotiations over spending bills—and I am now reading from the article: "Stall until the Republicans have to cave in because they can't wait any longer to recess," and noted there are a lot more vulnerable Republican Senators than there are Democratic Senators.

As often is the case—I don't blame this reporter, and I am not sure I know who the reporter is—I think that was taken from a comment that I made in my daily press conference, where I simply noted that those who were in the majority oftentimes are the ones who pay a higher price the longer we are in session, the closer we get to the election, noting that we have experienced that rude realization ourselves on at least two occasions, in 1980 and 1994, and that the longer one goes into the campaign season while we are still in session, the more it requires that Senators remain present here in Washington and not available for the demands of a rigorous campaign.

That was all I said. I made no reference to our desire to stall anything. In fact, it is not. The reason I have come to the floor is to emphasize our strong hope that we do not see any stalling whatsoever; that we move on with the remaining appropriations bills. Eleven of them have yet to be signed into law. I note for the record that two have not even left subcommittee. The District of Columbia appropriations bill and the HUD-VA bill are still pending in the subcommittee.

We finished our work on the energy and water appropriations bill this week. It would be my hope that we could go to the only other pending appropriations bill on the calendar, which is the Commerce-State-Justice bill, next week. I do not know that is the intention of the majority leader, but clearly it is a bill that must be considered and completed at the earliest possible date.

Our hope is that as we work through these appropriations bills, we will have the opportunity to work through other pieces of unfinished business. We are hopeful we can make real progress, maybe as early as next week, on the minimum wage bill. Our hope is that we can finish our work next week on the legislation granting permanent normal trade relations to China. Our hope is that we can actually finish a Patients' Bill of Rights bill and maybe gun safety legislation. Our hope is that we can deal with the prescription drug benefit bill. There is an array of pieces of the unfinished agenda that we would love to be able to address—education issues having to do with reducing the number of students in every class, hiring teachers, afterschool programs, school construction. Those issues have to be addressed at some point.

Whether it is authorizing or appropriating, we remain ready and willing to work with our colleagues to accomplish as much as possible. I do not know whether or not it is conducive to that goal not to have votes on Fridays or Mondays. It seems to me, with all the work that remains, Senators should be here casting their votes and participating fully in debates that will be required ultimately if we are going to complete our work on time.

I come to the floor this afternoon only to clarify the record and ensure that if anybody has any doubt, let me address that doubt forthrightly. We want to finish our work. We want to work with our Republican colleagues. We have no desire to stall anything. Our hope is that we can finish on time and complete all 13 appropriations bills no later than the first of October. There is no need for a continuing resolution. We can complete our work in the next 3 weeks. That is our desire, and that certainly will be our intent as we make decisions with regard to what agreements we can reach on schedule, as well as on substance, in the coming days.

I yield the floor.

The PRESIDING OFFICER (Mr. FRIST). The Senator from Vermont.

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. Under consideration is H.R. 4444 and the Smith amendment No. 4129.

Mr. LEAHY. I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

BULLETPROOF VEST PARTNERSHIP GRANT ACT OF 2000

Mr. LEAHY. Mr. President, I again ask why the Bulletproof Vest Partnership Grant Act of 2000 is being held up. Senator CAMPBELL and I, and others, both Republicans and Democrats, introduced this bulletproof vest bill to help our police officers. We introduced it last April. It was stuck in the Judiciary Committee for a time despite my requests that it be brought forth. It finally was allowed on the agenda and was passed out of there unanimously in June.

I find it hard to think that anybody who would be opposed to using some of our Federal crime-fighting money for bulletproof vests for our police officers. In fact, most Senators with whom I have talked, Republican and Democrat, tell me they are very much in favor of it. They saw how this worked in its first 2 years of operation. The Bulletproof Vest Partnership Grant Program under the original Campbell-Leahy bill funded more than 180,000 new bulletproof vests for police officers across the Nation.

We have a bill, though, that has been stalled, unfortunately, by an anonymous hold on the Republican side. This is a bipartisan bill that is being held up in a partisan fashion.

I am continually being asked by police officers who know how well the original Campbell-Leahy bill worked on bulletproof vests why we cannot pass this continuation of it. It is strongly supported by police officers all over the country. The President has made it very clear he would sign such a bill into law, as he did the last one. It is something that, if it were brought to a rollcall vote in the Senate, I am willing to guess 98, maybe all 100 Senators, would vote for it. Certainly no fewer than 95 Senators would vote for it.

When we could not pass it by unanimous consent before our summer recess because there was a hold, I wanted to make sure I could tell these police officers that there was no hold on this side. We actually checked with all 46 Democratic Senators. All 46 told us they would support it. All 46 said they would consent to having it passed anytime we want to bring it up by a voice vote.

I have told these police officers that while a significant number of both Republicans and Democrats support it or have cosponsored it, and while every single Democrat has said they support having it passed today, there is an anonymous hold on the Republican side. I hope that hold will go away. I urge these same police departments that have contacted me to contact the Republican leadership and say: Please ask whoever your anonymous Senator is to take the hold away and let the Campbell-Leahy bill pass.

That it has still not passed the full Senate is very disappointing to me, as I am sure that it is to our nation's law enforcement officers, who need life-saving bulletproof vests to protect themselves. Protecting and supporting our law enforcement community should not be a partisan issue.

Senator CAMPBELL and I worked together closely and successfully in the last Congress to pass the Bulletproof Vest Partnership Grant Act of 1998 into law. This year's bill reauthorizes and extends the successful program that we helped create and that the Department of Justice has done such a good job implementing.

We have 19 cosponsors on the new bill, including a number of Democrats and some Republicans. This is a bipartisan bill that is not being treated in a bipartisan way. For some unknown reason a Republican Senator has a hold on this bill and has chosen to exercise that right anonymously.

According to the Federal Bureau of Investigation, more than 40 percent of the 1,182 officers killed by a firearm in the line of duty since 1980 could have been saved if they had been wearing body armor. Indeed, the FBI estimates that the risk of fatality to officers while not wearing body armor is 14 times higher than for officers wearing it.

To better protect our Nation's law enforcement officers, Senator CAMPBELL and I introduced the Bulletproof Vest Partnership Grant Act of 1998. President Clinton signed our legislation into law on June 16, 1998. Our law created a $25 million, 50 percent matching grant program within the Department of Justice to help state and local law enforcement agencies purchase body armor for fiscal years 1999–2001.

In its first two years of operation, the Bulletproof Vest Partnership Grant Program has funded more than 180,000 new bulletproof vests for police officers across the country.

The Bulletproof Vest Partnership Grant Act of 2000 builds on the success of this program by doubling its annual funding to $50 million for fiscal years 2002–2004. It also improves the program by guaranteeing jurisdictions with fewer than 100,000 residents receive the full 50–50 matching funds because of the tight budgets of these smaller communities and by making the purchase of stab-proof vests eligible for grant awards to protect corrections officers in close quarters in local and county jails.

More than ever before, police officers in Vermont and around the country face deadly threats that can strike at any time, even during routine traffic stops. Bulletproof vests save lives. It is essential the we update this law so that many more of our officers who are risking their lives everyday are able to protect themselves.

I hope that the mysterious "hold" on the bill from the other side of the aisle will disappear. The Senate should pass without delay the Bulletproof Vest Partnership Grant Act of 2000 and send it to the President for his signature.

Before we recessed last July, I informed the Republican leadership that the House of Representatives had passed the companion bill, H.R. 4033, by an overwhelming vote of 413–3. I expressed my hope that the Senate would quickly follow suit and pass the House-passed bill and send it to the President. President Clinton has already endorsed this legislation to support our Nation's law enforcement officers and is eager to sign it into law.

Several more weeks have come and gone. Unfortunately, nothing has changed. Not knowing what the misunderstanding of our bill is. I find it is impossible to overcome an anonymous, unstated objection. I, again, ask whoever it is on the Republican side who has a concern about this program to please come talk to me and Senator CAMPBELL. I hope the Senate will do the right thing and pass this important legislation without further unnecessary delay.

JUVENILE JUSTICE CONFERENCE

Mr. LEAHY. Mr. President, talking about things that are being held up, I want to talk about the juvenile justice conference. Last year, in response to the terrible tragedy at Columbine, we passed a bipartisan juvenile justice bill through the Senate. Something like 73 Senators of both parties voted for this bill. We had weeks of debate. We had a number of amendments that improved it and a number of amendments that were rejected, but we had a full and open debate and a number of rollcall votes. As I said, it passed with 73 Senators voting for it.

That was last year. I urged before school started last year that we have a conference and work out the differences, if there are differences, between the House and the Senate; that we vote up or down. The conference is chaired by a Republican Senator, and we have not had anything other than a formal meeting to start the conference the day before the August recess in 1999. We have not met since then. We went off to our summer vacation and came back to schools starting all across the country. We just returned this week from this year's summer recess and we still have not had a meeting of the conferees.

I have been willing to accept votes up or down on matters of difference. I point out there are more Republicans on the conference than there are Democrats. Republicans chair both delegations from both Houses, so Republicans control the conference. If they do not like something that is in the conference, they can vote it down, they can vote it out. I know the we are in the minority. What I want to do is get this juvenile justice bill through so we can make the school year better, more productive, more educational, and a safer one.

The President of the United States was concerned enough about this that he invited the Republican leadership and Democratic leadership to meet with him at the White House. I recall that he spent nearly 2 hours with us going over the bill. He indicated that he wanted to work with us to get a good law enacted. All he wanted to do was to get us to at least meet on the Hatch-Leahy juvenile crime bill that passed the Senate by a 3-to-1 bipartisan majority vote back on May 20, 1999. This is the Hatch-Leahy bill. Even with the two chief sponsors, you span the political spectrum.

I urge again that the Congress not continue to stall this major piece of legislation. I remind Republicans, if they do not like anything Democrats have put in the bill, they can vote us down. There are more Republican Senate conferees than there are Democratic conferees. There are more Republican House conferees than there are Democratic conferees. If the Republicans do not like something in it, they can just vote to remove it. There is nothing we can do to stop that. But at least take what is a good piece of legislation that will protect our children in school and let it go forward.

It has been 17 months since the tragedy at Columbine High School. Fourteen students and a teacher lost their lives there. Surely we could do better than to just stall this bill and hold this bill up.

Every parent, every teacher, every student in this country is concerned about the school violence over the last few years. It does not make any difference which political affiliation it is. If you are a parent, you are worried about the safety of your children going to school. If you are a teacher, you are worried about your workplace. If you are a student, you worry when you go to school.

Now, many fear that there will be more tragedies. The list of places suffering incidents of school violence continues to grow to include Arkansas, Washington, Oregon, Tennessee, California, Pennsylvania, Kentucky, Mississippi, Colorado, Georgia, Michigan, and Florida.

We all know there is no single cause. There is no single legislative solution to cure the ill of youth violence in our schools or on our streets. But we have had an opportunity for us to do our part. Frankly, I am disappointed in the Republican majority because they are squandering this opportunity.

We passed this bill, with 73 Senators—Republicans and Democrats alike joining to pass this bill—by an overwhelming margin. The least we could do is not allow it to then languish without ever being brought up for final action so the President can either sign it or veto it.

We should have seized this opportunity to act on balanced, effective juvenile justice legislation. Instead, the Senate has been in recess more than in session since the single ceremonial meeting of the juvenile crime conference. Just think of that. That is wrong. Let us go forward and pass this.

In fact, the Republican chairman of the House-Senate conference, at our one and only conference meeting in August 1999, said:

> Our Nation has been riveted by a series of horrific school shootings in recent years, which culminated this spring—

Remember, this was said last year—

> with the tragic death of 12 students and one teacher at Columbine High School in Colorado. Sadly, the killings at Columbine High School are not an isolated event. In 1997, juveniles accounted for nearly one-fifth of all criminal arrests in the United States. Juveniles committed 13.5 percent of all murders, more than 17 percent of all rapes, nearly 30 percent of all robberies, 50 percent of all arsons. While juvenile crime has dipped slightly in the last 2 years, it remains at historically unprecedented levels. Such violence makes this legislation necessary.

I agree with the Republican chairman of that conference that such violence makes this legislation necessary. I absolutely agree with him. But I do not agree with him then leaving that conference well over a year ago and never coming back and never completing the work.

We have to finish this. We have to finish this bill. All we have to do is bring the conference together. Ninety-eight percent of the bill would be agreed to very quickly. If there is 2 percent remaining, then vote it up or vote on it.

During the course of Senate debate on the bill in May 1999 we were able to make to the bill better, stronger and better balanced. It became more comprehensive and more respectful of the core protections in federal juvenile justice legislation that have served us so well over the last three decades. At the same time we made it more respectful of the primary role of the States in prosecuting criminal matters.

I recognize, as we all do, that no legislation is perfect and that legislation alone is not enough to stop youth violence. We can pass an assortment of new laws and still turn on the news to find out that some child somewhere in the country has turned violent and turned on other children and teachers, with terrible results.

All of us—whether we are parents, grandparents, teachers, psychologists, or policy-makers—puzzle over the causes of kids turning violent in our country. The root causes are likely multi-faceted. We can all point to inadequate parental involvement or supervision, over-crowded classrooms and over-sized schools that add to students' alienation, the easy accessibility of lethal weapons, the violence depicted on television, in movies and video games, or inappropriate content available on the Internet. There is no single cause and no single legislative solution that will cure the ill of youth violence in our schools or in our streets. Nevertheless, our legislation would have been a significant step in the right direction. As the FBI Report released on September 6, 2000 entitled "The School Shooter" points out, there are a number of factors that make a child turn violent.

The Senate bill, S. 254, started out as a much-improved bill from the one reported by the Judiciary Committee in the last Congress. In fact, a number of proposals that the Republicans on the Judiciary Committee specifically voted down in 1997 were incorporated at the outset into this bill. These are changes that I and other Democrats have been urging on our Republican colleagues for the past few years, and that they have resisted until quietly incorporated into this bill.

I tried in July 1997 to amend the earlier bill to protect the State's traditional prerogative in handling juvenile offenders and avoid the unnecessary federalization of juvenile crime that so concerns the Chief Justice and the Federal judiciary. Specifically, my 1997 amendment would have limited the federal trial as an adult of juveniles charged with nonviolent felonies to circumstances when the State is unwilling or unable to exercise jurisdiction. This amendment was defeated, with all the Republicans voting against it.

The Senate bill last year contained a new provision designed to address these federalism concerns that would direct federal prosecutors to "exercise a presumption in favor of referral" of juvenile cases to the appropriate State or tribal authorities, where there is "concurrent jurisdiction," unless the State declines jurisdiction and there is a substantial federal interest in the case.

Yet, concerns remained that the bill would undermine a State's traditionally prerogative to handle juvenile offenders.

The changes we made to the underlying bill in the Hatch-Leahy managers' amendment went a long way to satisfy my concerns. For example, S. 254 as introduced would have repealed the very first section of the Federal Criminal Code dealing with "Correction of Youthful Offenders." This is the section that establishes a clear presumption that the States—not the federal government—should handle most juvenile offenders [18 U.S.C. section 5001]. While the original S. 254 would have repealed that provision, the Managers' amendment retained it in slightly modified form.

In addition, the original S. 254 would have required federal prosecutors to refer most juvenile cases to the State in cases of "concurrent jurisdiction . . . over both the offense and the juvenile." This language created a recipe for sharp lawyering. Federal prosecutors could avoid referral by simply claiming there was no "concurrent" jurisdiction over the "offense" due to linguistic or other differences between the federal and state crimes. Even if the juvenile's conduct violated both Federal and State law, any difference in how those criminal laws were written could be used to argue they were different offenses altogether. This was a huge loophole that could have allowed federal prosecutors to end-run the presumption of referral to the State.

We fixed this in the Managers' Amendment, and clarified that whenever the federal government or the State have criminal laws that punish the same conduct and both have jurisdiction over the juvenile, federal prosecutors should refer the juvenile to the State in most instances.

Finally, I was concerned that, contrary to current law, a federal prosecutor's decision to proceed against a juvenile in federal court would not be subject to any judicial review. The Managers' Amendment permitted such judicial review, except in cases involving serious violent or serious drug offenses.

Federal Trial of Juveniles as Adults. Another area of concern had been the ease with which the original S. 254 would have allowed federal prosecutors to prosecute juveniles 14 years and older as adults for any felony.

While I have long favored simplifying and streamlining current federal procedures for trying juveniles, I believe that judicial review is an important check in the system, particularly when you are dealing with children.

This bill, S. 254, included a "reverse waiver" proposal allowing for judicial review of most cases in which a juvenile is charged as an adult in federal court. I had suggested a similar proposal in July 1997, when I tried to amend the earlier bill before the Judiciary Committee to permit limited judicial review of a federal prosecutor's decision to try certain juveniles as adults. That prior bill granted sole, non-reviewable authority to federal prosecutors to try juveniles as adults for any federal felony, removing federal judges from that decision altogether. My 1997 amendment would have granted federal judges authority in appropriate cases to review a prosecutor's decision and to handle the juvenile case in a delinquency proceeding rather than try the juvenile as an adult.

Only three States in the country granted prosecutors the extraordinary authority over juvenile cases that the earlier bill had proposed. We saw the consequences of that kind of authority, when a local prosecutor in Florida charged as an adult a 15-year-old mildly retarded boy with no prior record who stole $2 from a school classmate to buy lunch. The local prosecutor charged him as an adult and locked him up in an adult jail for weeks before national press coverage forced a review of the charging decision in the case.

This was not the kind of incident I wanted happening on the federal level. Unfortunately, my proposal for a "reverse waiver" procedure providing judicial review of a prosecutor's decision was voted down in Committee in 1997, with no Republican on the Committee voting for it.

I was pleased that S. 254 contained a "reverse waiver" provision, despite the Committee's rejection of this proposal three years ago. Though made belated, this was a welcome change in the bill. The Managers' amendment made important improvements to that provision, as well.

First, S. 254 gave a juvenile defendant only 20 days to file a reverse waiver motion after the date of the juvenile's first appearance. This time was too short, and could have lapsed before the juvenile was indicted and was aware of the actual charges. The Managers' amendment extended the time to make a reverse waiver motion to 30 days, which begins at the time the juvenile defendant appears to answer an indictment.

Second, S. 254 required the juvenile defendant to show by "clear and convincing" evidence that he or she should be tried as a juvenile rather than an adult. This is a very difficult standard to meet, particularly under strict time limits. Thus, the Managers' amendment changed this standard to a "preponderance" of the evidence. These are all significant improvements over the version of this bill considered originally in the 105th Congress.

Juvenile Records. As initially introduced, S. 254 would have required juvenile criminal records for any federal offense, no matter how petty, to be sent to the FBI. This criminal record would haunt the juvenile as he grew into an adult, with no possibility of expungement from the FBI's database.

The Managers' amendment made important changes to this record requirement. The juvenile records sent to the FBI would be limited to acts that would be felonies if committed by an adult. In addition, under the Managers' amendment, a juvenile would be able after 5 years to petition the court to have the criminal record removed from the FBI database, if the juvenile showed by clear and convincing evidence that he or she is no longer a danger to the community. Expungement of records from the FBI's database would not apply to juveniles convicted of rape, murder or certain other serious felonies.

Increasing Witness Tampering Penalties. This bill, S. 254, also contained a provision to increase penalties for witness tampering that I first suggested and included in the "Youth Violence, Crime and Drug Abuse Control Act of 1997," S. 15, which was introduced in the first weeks of the 105th Congress, at the end of the last Congress in the "Safe Schools, Safe Streets and Secure Borders Act of 1998," S. 2484, and again in S. 9, the comprehensive package of crime proposals introduced with Senator DASCHLE at the beginning of this Congress. This provision would increase the penalty for using or threatening physical force against any person with intent to tamper with a witness, victim or informant from a maximum of ten to twenty years' imprisonment. In addition, the provision adds a conspiracy penalty for obstruction of justice offenses involving witnesses, victims and informants.

I have long been concerned about the undermining of our criminal justice system by criminal efforts to threaten or harm witnesses, victims and informants, to stop them from cooperating with and providing assistance to law enforcement. I tried to include this provision, along with several other law enforcement initiatives, by amendment to the earlier bill during Committee mark-up on July 11, 1997, but this amendment was voted down by all the Republicans on the Committee. At the end of the mark-up, however, this witness tampering provision was quietly accepted and I am pleased that it is included in S. 254.

Eligibility Requirements for Accountability Block Grant. This bill, S. 254, substantially relaxes the eligibility requirements for the new juvenile accountability block grant. By contrast, the bill in the last Congress would have required States to comply with a host of new federal mandates to qualify for the first cent of grant money, such as permitting juveniles 14 years and older to be prosecuted as adults for violent felonies, establishing graduated sanctions for juvenile offenders, implementing drug testing programs for juveniles upon arrest, and nine new juvenile record-keeping requirements. These record-keeping mandates would have required, for example, that States fingerprint and photograph juveniles arrested for any felony act and send those records to the FBI, plus make all juvenile delinquency records available to law enforcement agencies and to schools, including colleges and universities. We could find no State that would have qualified for this grant money without agreeing to change their laws in some fashion to satisfy the twelve new mandates.

In 1997, I tried to get the Judiciary Committee to relax the new juvenile record-keeping mandates under the accountability grant program during the mark-up of the earlier bill. My 1997 amendment would have limited the record-keeping requirements to crimes of violence or felony acts committed by juveniles, rather than to all juvenile offenses no matter how petty. But my amendment was voted down on July 23, 1997, by the Republicans on the Committee. Finally, two years later, S. 254 reflects the criticism I and other Democrats on the Judiciary Committee leveled at the strict eligibility and record-keeping requirements.

Indeed, the Senate decisively rejected this approach when it defeated an amendment by a Republican Senator that would have revived those straight-jacket eligibility requirements. Specifically, his amendment would have required States to try as adults juveniles 14 years or older who committed certain crimes. As I pointed out during floor debate on this amendment, only two States would have qualified for grant funds unless they agreed to change their laws.

Moreover, the current bill removes the record-keeping requirements altogether from the Juvenile Accountability Block Grant. Instead, S. 254 sets up an entirely new Juvenile Criminal History Block Grant, funded at $75 million per year. To qualify for a criminal history grant, States would have to promise within three years to keep fingerprint supported records of delinquency adjudications of juveniles who committed a felony act. No more photographs required. No more records of mere arrests required. No more dissemination of petty juvenile offense records to schools required. Instead, only juvenile delinquency adjudications for murder, armed robbery, rape or sexual molestation must be disseminated in the same manner as adult records; other juvenile delinquency adjudications records may only be used for criminal justice purposes. These limitations are welcome changes to the burdensome, over-broad record-keeping requirements in the prior version of the Republican juvenile crime bill.

The eligibility requirements for the Juvenile Accountability Block Grant now number only three, including that the State have in place a policy of drug testing for appropriate categories of juveniles upon arrest.

Core Protections for Children. Much of the debate over reforming our juvenile justice system has focused on how we treat juvenile offenders who are held in State custody. Republican efforts to roll back protections for children in custody failed in the last Congress. These protections were originally put in place when Congress enacted the Juvenile Justice and Delinquency Prevention Act of 1974 (JJDPA) to create a formula grant program for States to improve their juvenile justice systems. This Act addressed the horrific conditions in which children were being detained by State authorities in close proximity to adult inmates—conditions that too often resulted in tragic assaults, rapes and suicides of children.

As the JJDPA has evolved, four core protections have been adopted—and are working—to protect children from adult inmates and to ensure development of alternative placements to adult jails. These four core protections for juvenile delinquents are: Separation of juvenile offenders from adult inmates in custody (known as sight and sound separation); Removal of juveniles from adult jails or lockups, with a 24-hour exception in rural areas and other exceptions for travel and weather related conditions; Deinstitutionalizaton of status offenders; and to study and direct prevention efforts toward reducing the disproportionate confinement of minority youth in the juvenile justice system.

Over strong objection by most of the Democrats on the Judiciary Committee in the last Congress, the earlier bill would have eliminated three of the four core protections and substantially weakened the "sight and sound" separation standard for juveniles in State custody. At the same time the Committee appeared to acknowledge the wisdom and necessity of such requirements when it adopted an amendment requiring separation of juveniles and adult inmates in Federal custody.

This bill, S. 254, was an improvement in its retention of modified versions of three out of the four core protections. Specifically, S. 254 included the sight and sound standard for juveniles in Federal custody. The same standard is used to apply to juveniles delinquents in State custody.

Legitimate concerns were raised that the prohibition on physical contact in S. 254 would still allow supervised proximity between juveniles and adult inmates that is "brief and incidental or accidental," since this could be interpreted to allow routine and regular—though brief—exposure of children to adult inmates. For example, guards could routinely escort children past open adult cells multiple times a day on their way to a dining area.

The Hatch-Leahy managers' amendment made significant progress on the "sight and sound separation" protection and the "jail removal" protection. Specifically, our amendment made clear that when parents in rural areas give their consent to have their children detained in adult jails after an arrest, the parents may revoke their consent at any time. In addition, the judge who approves the juvenile's detention must determine it is in the best interests of the juvenile, and may review that detention—as the judge must periodically—in the presence of the juvenile.

The managers' amendment also clarified that juvenile offenders in rural areas may be detained in an adult jail for up to 48 hours while awaiting a court appearance, but only when no alternative facilities are available and appropriate juvenile facilities are too far away to make the court appearance or travel is unsafe to undertake.

The Hatch-Leahy managers' amendment also significantly improved the sight and sound separation requirement for juvenile offenders in both Federal and State custody. The amendment incorporated the guidance in current regulations for keeping juveniles separated from adult prisoners. Specifically, the Managers' amendment would require separation of juveniles and adult inmates and excuse only "brief and inadvertent or accidental" proximity in non-residential areas, which may include dining, recreational, educational, vocational, health care, entry areas, and passageways.

I was pleased we were able to make this progress. I appreciate that a number of Members remain seriously concerned, as do I, about how S. 254 would change the disproportionate minority confinement protection in current law. This bill, S. 254, removes any reference to minorities and requires only that efforts be made to reduce over-representation of any segment of the population. I was disappointed that Senators WELLSTONE and KENNEDY's amendment to restore this protection did not succeed during Senate consideration of the bill and looked forward to continued discussion and progress on this issue in the conference.

Prevention. The bill included a $200 million per year Juvenile Delinquency Prevention Challenge Grant to fund both primary prevention and intervention uses after juveniles have had contact with the juvenile justice system. I and a number of other members were concerned that in the competition for grant dollars, the primary prevention uses would lose out to intervention uses in crucial decisions on how this grant money would be spent. With the help of Senator KOHL, we included in the Hatch-Leahy managers' amendment a clear earmark that eighty percent of the money, or $160 million per year if the program is fully funded, is to be used for primary prevention uses and the other twenty percent is to be used, for intervention uses. Together with the 25 percent earmark, or about $112 million per year if that program is fully funded, for primary prevention in the Juvenile Accountability Block Grant that was passed by the Senate in the Hatch-Biden-Sessions amendment, this bill now reflects a substantial amount of solid funding for primary prevention uses.

Prosecutors' Grants. I expressed some concern when the Senate passed the Hatch-Biden-Sessions amendment authorizing $50 million per year for prosecutors and different kinds of assistance to prosecutors to speed up prosecution of juvenile offenders. I pointed out that this amendment did not authorize any additional money for judges, public defenders, counselors, or corrections officers. The consequence would be to exacerbate the backlog in juvenile justice systems rather than helping it.

The managers' amendment fixed that problem by authorizing $50 million per year in grants to State juvenile court systems to be used for increased resources to State juvenile court judges, juvenile prosecutors, juvenile public defenders, and other juvenile court system personnel.

State Advisory Groups. The Senate bill incorporates changes I recommended to the earlier version of the bill in the last Congress. I have been working to ensure the continued existence and role of State Advisory Groups, or SAGs, in the development of State plans for addressing juvenile crime and delinquency, and the use of grant funds under the JJDPA. The Judiciary Committee in 1997 adopted my amendment to preserve SAGs and require representation from a broad range of juvenile justice experts from both the public and private sectors.

While, as introduced, S. 254 preserved SAGs, it eliminated the requirement in current law that gives SAGs the opportunity to review and comment on a grant award to allow these experts to provide input on how best to spend the money. In addition, while the bill authorizes the use of grant funds to support the SAG, the bill does require States to commit any funds to ensure these groups can function effectively. I am pleased that we were able to accept an amendment sponsored by Senators KERREY, ROBERTS, and others, to ensure appropriate funding of SAGs at the State level and to support their annual meetings.

Protecting Children from Harmful Internet Content. Over the past decade, the Internet has grown from relative obscurity to an essential commercial and educational tool. This rapid expansion has brought with it remarkable gains, but has also created new dangers for our children, prompting Congress to struggle with legislation that protects the free flow of information, as required by the First Amendment, while at the same time shields our children from inappropriate material accessible on the Internet.

I share the concern of many of my colleagues that much of the material available on the Internet may not be appropriate for children and have joined in the search to find a solution that does not impinge on any important constitutional rights or the free flow of information on the Internet and avoids the pitfalls inherent in proposals such as the Communications Decency Act and other pending proposals. Specifically, Senators HATCH and I offered an amendment to S. 254, the juvenile justice bill, that was agreed to on May 13, 1999, by a vote of 100 to 0. Our Internet filtering proposal would leave the solution to protecting children in school and libraries from inappropriate online materials to local school boards and communities. The Hatch-Leahy amendment would require Internet Service Providers (ISPs) with more than 50,000 subscribers to provide residential customers, free or at cost, with software or other filtering system that prevents minors from accessing inappropriate material on the Internet. A survey would be conducted at set intervals after enactment to determine whether ISPs are complying with this requirement. The requirement that ISPs provide blocking software would become effective only if the majority of residential ISP subscribers lack the necessary software within set time periods.

Unfortunately, progress on this Internet filtering proposal has been stalled as the majority in Congress has refused to conclude the juvenile justice conference. This is just one of the many legislative proposals contained in the Hatch-Leahy juvenile justice bill, S. 254, designed to help and safeguard our children— which is why that bill passed the Senate by an overwhelming majority over a year ago.

I commend Senator MCCAIN for his leadership and dedication to this subject. I hope that we can work together on this issue since we share an appreciation of the Internet as an educational tool and venue for free speech, as well as concerns about protecting our children from inappropriate material whether they are at home, at school or in a library.

Protecting Children From Guns. Significantly, the Senate amended this bill with important gun control measures that we all hope will help make this country safer for our children. The bill, as now amended: bans the transfer to and possession by juveniles of assault weapons and high capacity ammunition clips; increases criminal penalties for transfers of handguns, assault weapons, and high capacity ammunition clips to juveniles; bans prospective gun sales to juveniles with violent crime records; expands the youth crime gun interdiction initiative to up to 250 cities by 2003 for tracing of guns used in youth crime; and increases federal resources dedicated to enforcement of firearms laws by $50 million a year. These common-sense initiatives were first included in the comprehensive Leahy law enforcement amendment that was tabled by the majority, but were later included in successful amendments sponsored by Republican Senators. No matter how these provisions were finally included in the bill, they will help keep guns out of hands of children and criminals, while protecting the rights of law abiding adults to use firearms.

In addition, through the efforts of Senators LAUTENBERG, SCHUMER, KERREY and others, we were able to require background checks for all firearm purchases at all gun shows. After three Republican amendments failed to close the gun show loophole in the Brady law, and, in fact, created many new loopholes in the law, with the help of Vice President GORE's tie-breaking vote, a majority in the U.S. Senate voted to close the gun show loophole.

Our country's law enforcement officers have urged Congress for more than a year to pass a strong and effective juvenile justice conference report. The following law enforcement organizations, representing thousands of law enforcement officers, have endorsed the Senate-passed gun safety amendments:

International Association of Chiefs of Police;

International Brotherhood of Police Officers;

Police Executive Research Forum;

Police Foundation;

Major City Chiefs;

Federal Law Enforcement Officers Association;

National Sheriffs Association;

National Association of School Resource Officers;

National Organization of Black Law Enforcement Executives;

Hispanic American Police Command Officers Association,

Our law enforcement officers deserve Congress' help, not the abject inaction that has ensued over that last two years.

I recount a few of the aspects of the Hatch-Leahy juvenile crime bill to indicate that it was comprehensive and that it was the result of years of work and weeks of Senate debate and amendment. I said at the outset of the debate last May 1999 that I would like nothing better than to pass responsible and effective juvenile justice legislation. I wanted to pass juvenile justice legislation that would be helpful to the youngest citizens in this country—not harm them. I wanted to pass juvenile justice legislation that assists States and local governments in handling juvenile offenders—not impose a "one-size-fits-all" Washington solution on them. I wanted to prevent juveniles from committing crimes, and not just narrowly focus on punishing children. I wanted to keep children who may harm others away from guns. This bill would have made important contributions in each of these areas.

At the time the bill was considered by the Senate, in May 1999, the Republican Manager of the bill, declared his support for the Senate bill and said:

> Littleton was different. The need to do something about the serious problem of youth violence has always been apparent. The tragedy of a month ago gave us the ingenuity and dedication to follow through. . . . I believe that the Senate has crafted a consensus product and one which I intend to support.

He called the Senate bill "a testament to those who worked on it and a product which, on the whole, will help our young people and do something significant about the problems of juvenile crime." He observed:

> People believe we are powerless to deal with violent juvenile crime and that we are powerless to change our culture. It is this feeling of powerlessness which threatened our collective ambition for meaningful, penetrating solutions in the wake of the Littleton tragedy. I believe the Senate has taken a meaningful step towards shedding this defeatism.

* * * * *

> Given the seriousness of our youth violence problem—and the number of warning signs that tragedies will continue unless all of us come together—we must move forward. We should join together and pass this bill.

I deeply regret that the Republican leadership of this Congress will not complete our work by holding the conference, meeting, voting, and reporting a final bill to the House and Senate and sending to the President a bill that would improve juvenile justice and school safety.

I commend the Administration for the numerous efforts it has made within the limitations of current law. Most recently, the Department of Justice has made available a Threat Assessment Perspective on school violence developed by the Critical Incident Response Group and National Center for the Analysis of Violent Crime of the FBI. This follows upon the joint Justice and Education Department publication "Early Warning, Timely Response: A Guide to Safe Schools," which was made available nationwide in 1998. In addition, the Department of Justice has provided important resources through the COPS in Schools Grant Program.

In closing, I thank our schools, teachers, parents, and children for all they have done in the past 2 years, without the Congress' help, to lower the level of violence in our schools. But I regret that this Congress has failed to do its work to provide the additional resources and reforms that would have been helpful and reassuring to our children, parents, grandparents, and teachers at schools. It can be better. It is unconscionable if we do not do better.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE RURAL SATELLITE TELEVISION BILL

Mr. LEAHY. Mr. President, I understand that my friend from Mississippi, the distinguished majority leader, may propose a unanimous consent request regarding the rural television loan guarantee bill which I have been working to get passed for many months. If the consent request actually offered is the one I have seen, I will have to object when that happens. I will explain why now so I don't hold up the distinguished leader when he comes to the floor.

As a conferee last year on a major satellite television bill—the Satellite Home Viewer Improvement Act—I worked hard to include, along with other Senators, a provision that would have assured that rural Americans were not left out of the benefits of that Act. I teamed up with other Senators to include a title that would have allowed USDA to provide loan guarantees to companies that wished to offer local-into-local television to rural Americans. We wanted to do this so that rural families would be able to receive their local network television stations over satellite, or other service, along with the full range of other programming. We wanted rural families to be able to get local news, local weather warnings and local programming but recognized that without a loan guarantee program that might never happen.

In other words, we wanted to share the benefits of that bill that would go to urban areas to rural Americans also through a loan guarantee program. I know many parts of rural America would not have the benefits of it without a loan guarantee program. It is similar to what we did in my grandparents' time to bring telephone service and electricity to rural areas.

As a Conferee, I originated the rural satellite guarantee program to be administered by USDA when I was a conferee on the satellite TV bill. Unfortunately, one of the Senate committee chairmen objected to that provision and insisted that it be pulled from the Conference Report. To date, we have been unable to resolve this matter and regain the ground we lost last year. I know the distinguished junior Senator from Montana, Senator BURNS, took an early leadership role in this matter. His colleague, the distinguished senior Senator from Montana, Senator BAUCUS, introduced legislation with me last year also on this issue. We did this to show bipartisan support.

I want to work with all Members on this. The reason I would make such an objection, if it were done the way I have been told, is that to do otherwise I would have to abandon rural America, and I don't intend to do that. As a product of rural America, I feel my roots there very deeply. Ironically enough, this could have already been law by today. There is a simple solution. A lot of Republicans and Democrats agree on this. We can send a great rural satellite loan guarantee bill to the House by working together. I think that could be passed by unanimous consent. Or, we could enact a final bill by a Senate amendment to the House-passed bill. We could do that in the time it would take to get the conferees together to meet.

I am concerned that a conference would delay this process until the end of the year and result in denying rural Americans local-into-local television—the same kind of satellite local-into-local television urban residents now enjoy. I use as an example the electronic signature conference. That showed how difficult a conference can be and it shows how long a conference can take. That conference took way more time to finish than we have left to devote to any rural satellite conference. In addition, the Congress has to pass at least ten major appropriations bills or else there could be another government shutdown. In this case, the proposal would leave two key committees off the conference.

Regarding the e-signature conference, when we finally got the right mix of conferees and followed proper procedures, we still had many struggles before we finished a strong e-signature bill that has been applauded by both businesses and consumers. However, this time around we do not have time because the Congress is going out of session soon.

But we clearly have time to enact this rural satellite bill. My staff provided draft language to many of the Republican and Democratic offices months ago in order to help resolve this matter. I urge the majority leader and the Democratic leader to call a meeting so we can resolve this important issue and send a clean bill over to the House without wasting time. I suspect it would be passed very quickly, with very strong support from the rural areas of our country.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SESSIONS). Without objection, it is so ordered.

MEDICARE

Mr. FRIST. Mr. President, I want to very briefly continue a discussion that was held earlier on the floor today addressing an issue that means not only a great deal to me but also to about 35 million seniors in this country as well as 5 million individuals with disabilities. That is the issue of Medicare.

Our obligation, I believe, is to modernize Medicare and give those seniors and those individuals with disabilities what they deserve; that is, health care security as we know it is or should be in the year 2000, not the sort of health care security that was appropriate for 1956, back when Medicare began.

The challenge before us today as a body and the challenge before the American people is really pretty clear; that is, how to best implement a real plan for real people, those seniors and those individuals with disabilities—not just a piece of legislation but a real plan that will modernize Medicare in a way that will give them real health care security.

A lot of individuals with disabilities and a lot of seniors out there don't really realize how antiquated and out of date the current Medicare system is. I would like to make several points.

First of all, I believe modernization of Medicare today where it can truly offer health care security is really a moral obligation that we have to our seniors.

Second, under the leadership of Clinton/Gore, we have had really 8 years where a lot of opportunities have been squandered, and they simply have not led, if we look at this field of Medicare modernization.

Third, we have to ask ourselves in terms of how best to modernize. If we have an old jalopy that still is running along and still gets us from point to point, do we just want to put new gas in that car—we know it is going to eventually fail—or do we want to go ahead and modernize that car so that it will still get us from point to point but it will do so more efficiently and effectively in a way that will give us security and not just get us there but get us there with the very best quality?

First of all, modernization of health care is a moral obligation. Why do I say that?

If we look back to 1965 when Medicare began, Medicare was constructed to give health care security—inpatient care and some outpatient care—in a very effective way. For acute-care models, if you had a heart attack, you were taken care of essentially in the hospital. Prescription drugs were important but not nearly so important as they are today. We simply didn't know very much about preventive medicine in 1965 and 1970. But all of that has changed. Now we know prescription drugs are critically important to health care security. We know issues such as preventive health care can not only save money but, most importantly, improve the quality of life—not just longer lives but a higher quality of life.

The sad thing is that people don't know Medicare today has very little preventive care in it. I talk to seniors all over the State of Tennessee in town meeting after town meeting. I say it has a little preventive care. They say: We didn't know that. When I talk about prescription drugs, it is surprising to many people today; not only seniors but others do not know that Medicare does not include prescription drugs.

I ask an audience of seniors or individuals with disabilities: How much do you think the Federal Government is helping you with your health care in terms of costs? If you are paying several thousand dollars a year for your health care, how much does the Government actually pay? They say 80 percent, initially, or they say 70 percent, or 60 percent. But in truth, on average, for seniors' health care costs, only about 53 cents on the dollar is paid for by the money they have paid in—by the Government and by the taxpayer. They are responsible and end up paying about 47 cents on the dollar in spite of the fact they paid into this Medicare trust fund over their lives.

Thus, I think we have a moral obligation if we are committed to health care security and to modernization of a system that we know will be modern, that will include preventive care and prescription drugs.

That leads me to the second point. If that is the case and the facts—and it is—where has our leadership been? Where has Vice President GORE been? Where has President Clinton been? They squandered an opportunity over the 6 years I have been in this body, and over the last 8 years, to modernize that system; that is, that Medicare is built on a 1965 model, 35 years ago. It is outdated; it is antiquated; it is a car that is still moving and getting the care but not nearly as efficiently or as comprehensively as our seniors deserve.

The squandering of the opportunity is a pretty tough term to use, saying that our leadership, through President Clinton and Vice President GORE, squandered this opportunity. Run down the list. We had a National Bipartisan Medicare Commission that I had the opportunity to serve on with JOHN BREAUX, a Democrat, BILL FRIST, Republican. We were pretty evenly split between Democrats and Republicans. We had the private sector and public sector involved. In essence, the administration, under President Clinton and Vice President GORE, walked away from the Commission's recommendations that were built on over 40 open hearings with access to the very best experts in the United States of America. At the last minute, they walked away from the proposals which had bipartisan support. A majority of the Members supported it. An opportunity squandered. The purpose of that Commission was to modernize Medicare, to bring it up to date, to give our seniors the health care they deserve.

As to the Balanced Budget Act of 2 years ago, the Budget Committee in this body, the U.S. Congress, said: Yes, we need to slow Medicare down, make it fiscally responsible, make sure it is around 20 and 30 years from now. The way it was implemented under President Clinton and Vice President GORE, $37 billion less than we budgeted was spent—$37 billion less.

What has that resulted in? It has resulted in facilities closing down, over 200 hospitals—some urban hospitals serving the poor, some rural hospitals in Tennessee, and around the country—have closed.

As many as 20 percent of all Medicare-providing nursing homes are either at risk for bankruptcy or already have gone bankrupt because of this excessive cut in spending—not intended by the U.S. Congress—carried out by this administration.

We hear today there are hundreds of thousands of seniors who are losing access today to prescription drug coverage because they were in a plan called Medicare+Choice plans. Why are they leaving? Why are the plans not able to stay in business today? Because this administration, through the bureaucratic administrative load burden that sits on the shoulders of these plans—when placing the burden on the plans, it falls down to the doctors. Basically, they cannot participate any longer. Those are plans that are giving prescription drugs, making them available. Another squandered opportunity by this administration.

On top of all of that, we had this demographic shift because of the baby boom that we talk about. Yet because of a lack of leadership at the Presidential level and the Vice Presidential level, we squandered another opportunity. The demographic shift is the following: Over the next 30 years, the number of seniors will double compared to what it is today. The number of people paying into this trust fund will continue to go down. That demographic shift results in catastrophe if we don't make the system more efficient.

Modernization is a moral obligation, No. 1.

No. 2, our leadership in the executive branch has squandered the opportunity over the last 8 years to do something about it.

No. 3—and this is the fundamental question—do we want new gas poured into an old car, an old jalopy percolating along, or do we want to have a modern car that can operate efficiently, in a way that guarantees that health care security, that would have different options, and the option might be preventive health care; it might be prescription drug coverage.

That is what we are faced with today. That is what we talked about a little bit on the floor today, and that is what the Presidential election is all about.

With a little more gas, a broken down jalopy is going to fail. Everybody agrees because of the demographic shift there is no way to continue.

We have the various options out there that we know our seniors deserve, thus the moral obligations that our individuals with disabilities deserve.

Having blocked fundamental reform on this jalopy out there, Vice President GORE and President Clinton now, in terms of prescription drugs, simply want to take off benefits and add them on to the system, without changing the system whatever. Using the old bureaucracy, the old broken down car, the Gore plan wants to take 8 years to pour the gas into that car. It will take 8 years before that prescription drug plan that the Vice President wants to add on to this antiquated, out-of-date Medicare system, to be fully implemented. Or do we want the new car, want Medicare modernized to include prescription drug coverage, to include a modern choice of plans.

I think we have a unique opportunity. Today, workers really can say, under a modern program, that every senior will be able to keep exactly the same benefits they have today. Under a modern program, every senior will be offered a choice of benefits that includes prescription drugs for the first time, that will include preventive care for the first time, and that every senior will be covered for catastrophic Medicare costs.

I do urge my colleagues in this body and all Americans to recognize and to call for real health care security, a real plan for real people.

Mr. LOTT. Mr. President, I ask Senator FRIST if he would yield to me before he yields the floor.

Mr. FRIST. I yield.

Mr. LOTT. Mr. President, I thank Senator FRIST for the good work that he does on behalf of his constituents but also the entire Senate. He is the only doctor we have in the Senate, a very outstanding heart surgeon. He did quite an outstanding number of things before he ran for the Senate, the first time he had ever run for office, and he has become a very valuable Member of this body. When he talks about health care, health care delivery, he has seen it as a doctor; he has seen it from the standpoint of the patients with whom he has had to deal. He has seen it from the standpoint of what hospitals do or can't do. He has seen unbelievably magnificent technological medical advances that have allowed our people to live longer and have a better quality of life. He knows about heart, lung, and liver transplants. It is a miracle.

We want to continue to improve health care in America. I think we have to recognize that it is changing so fast, we have so many people living so much longer with different kinds of needs, we have to be flexible and we have to make changes. He also understands that we could kill the goose that laid the golden egg. We still are blessed in this country to have the best health care, the most sophisticated, technologically advanced health care the minds of men have ever conceived in the history of the world. And we want to make sure that we protect that, preserve it, and make it better.

A good way to begin to kill it is to turn it over to the Federal Government. The Government can kill the goose that laid the golden egg; it can take it down. That is why the American people and the Congress didn't go along with the Government takeover of health care that was advocated in 1993.

Senator FRIST, as a doctor, has come in and has gotten involved. He is working on these issues. He has been involved in our debate on health issues. That is why I asked him to serve also on our Medicare Bipartisan Commission. We had five or six Senators on that Commission: Senator GRAMM of Texas, Senator FRIST, Senator ROCKEFELLER, Senator KERREY, and Senator BREAUX of Louisiana was the chairman, the Democrat chairman of this Bipartisan Commission. I also was very pleased to have a lady in her seventies from my State of Mississippi as one of the commissioners. She was the only one with gray hair on the whole Commission. She was the only one not only eligible for Medicare, she was the one person who dealt every day with Medicare, where the rubber hits the road, dealing with Medicare cases in my State office in Jackson, MI—Eileen Gordon. Dr. FRIST will tell you she was an outstanding member of the Commission, but she used to say during the meeting: Let me tell you how this really works. Among all these experts, all those theoreticians, there was one person dealing with it on an individual basis who did a magnificent job.

That Commission did a good job. They came up with Medicare reforms which would preserve and improve the system, and it included a prescription drug component, with choice, with the private sector involved but prescription drug benefits for those with incomes up to 135 percent of poverty. It was a good plan and a bipartisan plan.

I thought we should have moved it forward. I called and talked to President Clinton on Monday, I believe it was, of the week that they were supposed to report, pleaded with him to take another look at it; not shoot it down, in effect. He said he had a problem with this or that.

I said: Mr. President, that has been changed. Please talk to JOHN BREAUX, the chairman of the Commission. Get the latest proposal. Let's keep the process going. Let's let it come on up to the Finance Committee. The Finance Committee can have hearings and look at it. Let's get this thing going. We can get some reforms; we can get prescription drug benefits.

As a matter of fact, he did call Chairman BREAUX and he did take a look at it. But he did walk out into the Rose Garden a day or two after that and said: This is no good. We are not going to do it.

That was a magic moment missed. That was in the spring of 1999.

But they got it started in the right direction. Really, that is still where we should go. We should have prescription drug benefits available to those, the low-income elderly, who really need help who can't afford it, can't get it now, but not subsidize it for everybody. We don't need prescription drug benefit assistance for Donald Trump or Bill Gates or BILL FRIST. We need it for low-income elderly people such as my mother, who has to live on $859 a month and pay her bills in an assisted care facility, and pay her drug bills. She needs help. A lot of people like her need help. But they don't need it 15 months from now or 8 years from now. They need it now.

That is why I am pleased that Chairman ROTH has come up with a package that will do that. It doesn't have the Medicare reforms we ought to have.

Senator FRIST is right; if we just put more passengers on this ship that is sinking, it is going to sink even faster. So we need to preserve Medicare. We need some improvements and reforms. We need to make sure none of this money is used for anything but Medicare. Then we need to have a very sensible prescription drug component aimed at the elderly poor who really need it.

I appreciate the time he spent in the Medicare commission. I think we ought to reconstitute the Medicare commission. I hope the next President will reconstitute that group and say: You have 120 days.I want to hear from you then. We are going to act on what you recommend; up or down, but we are going to act on it.

I hope Senator FRIST will be willing to serve. But have I given an accurate assessment of what happened with the Medicare commission? Is that a correct description of the prescription drug component of that bill?

Mr. FRIST. Mr. President, in response, the description is very accurate. When I say that opportunities have been squandered, I put that first and foremost because it very much demonstrates the bipartisanship, working together, not having roadblock after roadblock after roadblock placed in front of good ideas; working together. That serves real people, those seniors who are out there today.

Let me close and say the one other thing the leader mentioned, which is critically important—there can be all sorts of solutions proposed, whether for prescription drugs or to save Medicare long term. The one answer that was clear after a year of work on this bipartisan Medicare commission, one idea that repeatedly came forward from the experts all over the United States of America, and even people coming in from other countries, was that a one-size-fits-all system, dictated by Washington, DC, the beltway mentality, is the one thing that will be destructive to me delivering health care; whether it is BILL FRIST as a heart transplant surgeon or my father who practiced for 55 years, initially down in Mississippi and then back up in Tennessee. The one thing that will destroy quality is one-size-fits-all, which inevitably results in price controls, which destroy creativity, research, innovation, the hope for cures for Alzheimer's, for stroke, for heart disease.

One last component. There are things we can do now, now in the next 6 months, on prescription drugs. We don't have to wait forever. We don't have to wait for 8 years to have a program. The Gore proposal or Clinton proposal takes 8 years to phase in. We can act now and get prescription drugs to the people who need it most within 6 months, 8 months, or 9 months.

Mr. LOTT. I thank the Senator for his work. He is right. What we need is reform that provides results now, prescription drugs now for those who really need it. We don't need more roadblocks. We are going to work together to see if we can make that happen.

I thank him for yielding.

Now, I believe, Mr. President, I ask for the floor on my own time.

The PRESIDING OFFICER. The majority leader.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask consent that there now be a period for the transaction of routine morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

GENE C. "PETE" O'BRIEN RETIRES

Mr. LOTT. Mr. President, Pete O'Brien, who has served the Senate community for 32 years, plans to retire. This loss will be felt by all offices of the Senate and the Sergeant at Arms as he completes his final day as Manager of Parking, I.D., and Fleet Operations on September 11, 2000.

Pete started his career with the U.S. Capitol Police in 1968 and worked his way up to Sergeant in the Patrol Division. During his training at the Federal Law Enforcement Training Center he was nicknamed "100%" after earning the first perfect score in the class on an examination.

In 1980 he moved to the Senate Sergeant at Arms office as Supervisor of Administrative Operations. In 1985 he became Manager of Senate Parking. The challenge of managing limited parking with ever increasing needs has been skillfully maintained during the years under his watch. His institutional knowledge of the Senate's history and operations will be surely missed in this great institution.

Both Pete and his wife Jeanie are native Washingtonians. Pete attended P.G. Community College and the University of Maryland where he studied Political Science. Pete and Jeanie recently moved to Springfield, Virginia, after 20 years in Clinton, Maryland. He plans to spend his retirement enjoying his hobbies of photography, downhill skiing and electronics. His elder daughter Kelly and her husband Colman Andrews have brought something new to Pete's life, grandson Connor Shawn Andrews, born in April. Pete is also looking forward to the upcoming marriage of his younger daughter Erin.

So on behalf of the Senate, I want to thank Pete for his dedicated, selfless service and wish him many years of happiness with the new joy of his life, Connor, and with all of his family.

INDEPENDENT COUNSEL ROBERT RAY'S INTENTION TO RELEASE HIS CONCLUSIONS IN THE WHITEWATER MATTER

Mr. LEVIN. Mr. President, I come to the floor today to express my shock at the recent statement of independent counsel Robert Ray in last week's New York Times that he will shortly be releasing findings and conclusions in the Whitewater matter. Only the special court has the authority to release the final report of an independent counsel or any portion of a final report, and the only authority the law gives an independent counsel is to prepare a final report and file it with the special court. Mr. Ray has no legal authority to unilaterally release results of his investigation, and if he does so, he is defying the law.

Section 594 of the independent counsel law lists the authority and duties of an independent counsel. And, although this law has expired with respect to the appointment of new independent counsels, it is still the applicable law with respect to already existing independent counsels like Mr. Ray. And here's what the law says with respect to reports by independent counsels.

> (h)(1) An independent counsel shall—
>
> (A) [file 6 month expense reports with the special court] and
>
> (B) before the termination of the independent counsel's office under section 596(b), file a final report with the division of the court, setting forth fully and completely a description of the work of the independent counsel, including the disposition of all cases brought.

That section of the law then goes on to prescribe the process for disclosing information in the final report, and here's what it says:

> (h)(2) The division of the court may release to the Congress, the public, or any appropriate person, such portions of a report made under this subsection as the division of the court considers appropriate. The division of the court shall make such orders as are appropriate to protect the rights of any individual named in such report and to prevent undue interference with any pending prosecution. The division of the court may make any portion of a final report filed under paragraph (1)(B) available to any individual named in such report for the purposes of receiving within a time limit set by the division of the court any comments or factual information that such individual may submit. Such comments and factual information, in whole or in part, may, in the discretion of the division of the court, be included as an appendix to such final report.

As anyone can see from the plain language of the statute, we placed the full responsibility for disclosure of the final report —or any portion of a final report—exclusively in the hands of the special court. We did this, in significant part, out of the concerns we had that individuals named in the report be given an opportunity, out of a sense of fairness, to provide their comments to the public at the time the report is released. That's why we gave the special court the authority to make "any portion of the final report . . . available to any individual named in" the report prior to any release to the public — so such individual could file comments or factual information for the court to consider in deciding whether to make such report or portion of the report public and if so, to append such comments or factual information to the report for distribution. Any public release of findings and conclusions would deny individuals named in the report the opportunity to comment on the report prior to release as expressly intended by Congress.

Mr. Ray's statement that he intends to release findings and conclusions of his investigation into the Whitewater matter when he sends his final report to the special court is contrary to the requirements of the law. Mr. Ray should reverse his stated course and comply with the law. I have written to Mr. Ray to urge him to withhold releasing findings and conclusions about the Whitewater matter until permitted to do so by the special court. I have also notified the Attorney General of my concerns and urged her, as the only one with supervisory authority over independent counsels, to take the appropriate action to keep Mr. Ray's conduct within the parameters of the independent counsel law. And finally, I have written to the special court to bring this to the court's attention and to urge the special court to enforce the law and their exclusive prerogative under the law to control any public release of the independent counsel's findings and conclusions.

I ask unanimous consent that the New York Times article of August 29, 2000, appear in the RECORD immediately following my remarks as well as copies of my letters to the Attorney General, the special court and Mr. Ray.

There being no objection, the material was ordered to be printed in the RECORD as follows:

U.S. SENATE,
COMMITTEE ON GOVERNMENTAL AFFAIRS,
Washington, DC, September 7, 2000.

Hon. DAVID B. SENTELLE,
United States Circuit Judge, United States Court of Appeals for the District of Columbia Circuit, Special Division, Washington, DC.

DEAR JUDGE SENTELLE: The New York Times published an article on August 29, 2000, (copy enclosed) which reported that independent counsel Robert Ray is planning to release to the public the findings and conclusions of his investigation into the Whitewater matter at the same time he files the final report on the Whitewater matter with the special court. Such action would, in my opinion, be in violation of the independent counsel law, and I urge you and your colleagues on the court to take whatever action may be appropriate.

Only the special court has the authority to release the final report or any portion of a final report of an independent counsel, and the only authority the law gives an independent counsel is to prepare a final report and file it with the special court. Section 594(h)(2) of the law provides:

"The division of the court may release to the Congress, the public, or any appropriate person, such portions of a report made under this subsection as the division of the court considers appropriate. The division of the court shall make such orders as are appropriate to protect the rights of any individual named in such report and to prevent undue interference with any pending prosecution. The division of the court may make any portion of a final report filed under paragraph (1)(B) available to any individual named in such report for purposes of receiving within a time limit set by the division of the court any comments or factual information that such individual may submit. Such comments and factual information, in whole or in part, may, in the discretion of the division of the court, be included as an appendix to such final report."

The law places the full responsibility for disclosure of the final report—or any portion of a final report—in the hands of the court.

I have enclosed a copy of the statement I delivered to the Senate on this matter as well as copies of the letters I sent to the Attorney General and to Mr. Ray.

I hope you will respond promptly to this matter, since Mr. Ray apparently plans to be releasing his findings and conclusions in the next few weeks. Thank you for your attention to my concerns.

Sincerely,

CARL LEVIN.

U.S. SENATE,
COMMITTEE ON GOVERNMENTAL AFFAIRS,
Washington, DC, September 7, 2000.
ROBERT RAY, Esquire,
Office of Independent Counsel, Washington, DC.

DEAR MR. RAY: The New York Times published an article on August 29, 2000, (copy enclosed) which reported that you are planning "to issue [the] findings and conclusions" of your investigation into the Whitewater matter to the public at the same time you file your final report on that matter with the special court. If that is true, it would, in my opinion, violate the requirements of the independent counsel law. I urge you, therefore, to comply with the law and keep your findings and conclusions nonpublic until, as the law requires, the special court decides whether and, if so, when to make the final report or any portion thereof available to the public.

I write this letter to you for several reasons. First, as one of the senators involved in the oversight and reauthorization of the independent counsel law for these past 20 years I have a strong and longstanding interest in making sure that the law is followed. The requirement for a final report has been a controversial one, since federal prosecutors do not prepare such reports and keep the results of their investigations confidential, unless they proceed with indictments or informations. But the law is clear on an independent counsel's responsibility with respect to the final report. Only the special court has the authority to release the final report of an independent counsel or any portion of a final report, and the only authority the law gives an independent counsel is to prepare a final report and file it with the special court. Section 594 (h)(2) of the independent counsel law provides:

"The division of the court may release to the Congress, the public, or any appropriate person, such portions of a report made under this subsection as the division of the court considers appropriate. The division of the court shall make such orders as are appropriate to protect the rights of any individual named in such report and to prevent undue interference with any pending prosecution. The division of the court may make any portion of a final report filed under paragraph (1)(B) available to any individual named in such report for the purposes of receiving within a time limit set by the division of the court any comments or factual information that such individual may submit. Such comments and factual information, in whole or in part, may, in the discretion of the division of the court, be included as an appendix to such final report."

Second, one of our major concerns about making the report public was that individuals named in the report be given an opportunity, out of sense of fairness, to provide their comments to the public at the time the report is released. That's why we gave the special court the authority to make "any portion of the final report . . . available to any individual named in" the report prior to any release to the public so such individual could file comments or factual information for the court to consider in deciding whether to make such report or portion of the report public and if so, to append such comments or factual information to the report for distribution. Any public release of your findings and conclusions would deny individuals named in the report the opportunity to comment on the report prior to release as expressly intended by Congress.

As an independent counsel you have been given a tremendous amount of discretion and power. The appropriate exercise of the independent counsel law relies on your ability to exercise such discretion and power in a fair, just and lawful manner. I know of no one who worked on the independent counsel law these past 20 years who contemplated an independent counsel issuing the findings and conclusions of a final report before the special court had reviewed such report, had the opportunity to permit comment by persons named in such report, and released such report to the public on the court's order. I urge you to act in this matter in accordance with both the law and Congressional intent.

On a related matter, during the Senate's consideration of the 1994 reauthorization of the independent counsel law, the Senate adopted an amendment by Senator Robert Dole to limit the scope of the final report required of independent counsels. Senator Dole offered his amendment to remove any requirement that an independent counsel explain in the final report the reasons for not prosecuting any matter within his or her prosecutorial jurisdiction. While the provision not prosecuting any matter within her prosecutorial jurisdiction. While the provision requiring the final report was retained to provide an accounting of the work of the independent counsel, the amendment by Senator Dole was intended to prohibit the expression of opinions in the final report regarding the culpability of people not indicted.

The legislative history on this amendment by Senator Dole, which was enacted into law, is instructive. Senator William Cohen, who floor-managed the reauthorization bill with me, explained the Dole amendment as follows: (November 17, 1993, Congressional Record, page 29618):

"Both Senator Levin and I feel that Senator Dole has raised a valid point. We believe that that final report should be a simple declaration of the work of the independent counsel, obviously pertaining to those cases in which he or she has sought indictments but with respect to cases in which the independent counsel had determined that no such indictment should be brought, to preclude that independent counsel from expressing an opinion or conclusion as to the culpability of any of the individuals involved. * * * So the purpose of the amendment is quite clear, to restrict the nature of the report to the facts without engaging in either speculation or expressions of opinion as to the culpability of individuals unless that culpability or those activities rise to a level of an indictable offense, in which case the independent counsel would be duty bound to seek an indictment."

The Conference Report for the 1994 reauthorization summarized the purpose and scope of the amendment (Conference Report, may 19, 1994, HR 103-511, page 19):

"The power to damage reputations in the final report is significant, and the conferees want to make it clear that the final report requirement is not intended in any way to authorize independent counsels to make public findings or conclusions that violate normal standards of due process, privacy or simple fairness."

As you work on the final report, I hope you will pay close attention to the change we made to the law in 1994 with respect to the content of the final report as a result of the Dole amendment.

I am also enclosing for your information copies of the letters I have sent to the special court and the Attorney General concerning the matters I have raised in this letter as well as a copy of the statement I made to the Senate.

Sincerely,

CARL LEVIN.

U.S. SENATE,
COMMITTEE ON GOVERNMENTAL AFFAIRS,
Washington, DC, September 7, 2000.
Hon. JANET RENO,
Attorney General,
U.S. Department of Justice, Washington, DC.

DEAR MADAM ATTORNEY GENERAL: The New York Times published an article on August 29, 2000 (copy enclosed) which reported that independent counsel Robert Ray is planning to release to the public the findings and conclusions of his investigations into the Whitewater matter at the same time he files the final report on the Whitewater matter with the special court. Such action would, in my opinion, be in violation of the independent counsel law, and I urge you to take the appropriate action.

Only the special court has the authority to release the final report or any portion of a final report of an independent counsel, and the only authority the law gives an independent counsel is to prepare a final report and file it with the special court. Section 594(h)(2) of the law provides:

"The division of the court may release to the Congress, the public, or any appropriate person, such portions of a report made under this subsection as the division of the court considers appropriate. The division of the court shall make such orders as are appropriate to protect the rights of any individual named in such report and to prevent undue interference with any pending prosecution. The division of the court may make any portion of a final report filed under paragraph (1)(B) available to any individual named in such report for the purposes of receiving within a time limit set by the division of the court any comments or factual information that such individual may submit. Such comments and factual information, in whole or in part, may, in the discretion of the division of the court, be included as an appendix to such final report."

The law clearly places the full responsibility for disclosure of the final report—or any portion of a final report—in the hands of the court.

Moreover, one of our major concerns about making the report public was that individuals named in the report be given an opportunity, out of a sense of fairness, to provide their comments to the public at the time the report is released. That's why we gave the special court the authority to make "any portion of the final report . . . available to any individual named in" the report prior to any release to the public so such individual could file comments or factual information for the court to consider in deciding whether to make such report or portion of the report public and if so, to append such comments or factual information to the report for distribution. Any public release of Mr. Ray's findings and conclusions before release by the special court would deny individuals named in the report the opportunity to comment on the report prior to release as expressly intended by Congress.

The independent counsel law also clearly gives you as Attorney General, and you alone, the supervisory responsibility to ensure that the law is faithfully executed. The Supreme Court relied on this authority in upholding the constitutionality of the statute. In *Morrison* versus *Olson* the Court said:

"(B)ecause the independent counsel may be terminated for 'good cause,' the Executive, through the Attorney General, retains ample authority to assure that the counsel is competently performing his or her statutory responsibilities in a manner that comports with the provisions of the Act." (At 692)

Later or in the opinion the Court reiterated this view when it said:

"(T)he Act does give the Attorney General several means of supervising or controlling the prosecutorial powers that may be wielded by an independent counsel. Most importantly, the Attorney General retains the power to remove the counsel for 'good cause,' a power that we have already concluded provides the Executive with substantial ability to ensure that the laws are 'faithfully executed' by an independent counsel." (At 696)

Mr. Ray's announced release to the public of his findings and conclusions in the Whitewater case before the special court has ordered such release defies the requirements of the independent counsel law and merits action on your part to stop it. Since Mr. Ray apparently plans to release his findings and conclusions in the next few weeks, I urge your immediate attention to this matter.

I have enclosed a copy of the letters on this matter that I sent to the special court and Mr. Ray as well as a copy of a statement I made to the Senate. Thank you for your attention to my concerns.

Sincerely,

CARL LEVIN.

[From the New York Times, Aug. 29, 2000]

COUNSEL REPORT ON WHITEWATER EXPECTED SOON

(By Neil A. Lewis)

WASHINGTON, AUG. 28.—Robert W. Ray, the Independent counsel, said he expected to issue a statement of his findings and conclusions about the Whitewater investigation a few weeks before New York voters go to the polls to choose between Hillary Rodham Clinton and Representative Rick A. Lazio, her Republican opponent for the United States Senate.

Mr. Ray, whose office has investigated President and Mrs. Clinton on a range of issues for more than four years, also said in an interview that he would announce his decision on whether he would seek an indictment of Mr. Clinton in connection with his affair with a White House intern shortly after the President left office. The prosecutor suggested that the announcement about the possible indictment of Mr. Clinton would come within weeks after a new president is inaugurated on Jan. 20. Mr. Ray has already issued two reports, one essentially clearing the Clintons in the collection of confidential F.B.I. files about Republicans and another critical of Mrs. Clinton's role in the dismissal of longtime employees in the White House travel office.

Setting out for the first time an explicit timetable on those two matters in an interview on Friday and in comments through a spokesman today, Mr. Ray also discussed some considerations about the timing. Any criticism of Mrs. Clinton from Mr. Ray in the final weeks of her campaign could turn into a political issue. But Howard Wolfson, Mrs. Clinton's campaign spokesman, said today in response to Mr. Ray's plans: "New Yorkers have already made up their minds about this. They know there is nothing here."

Mr. Ray refused to discuss what the Whitewater report might contain. While it has long been known there will be no recommendation of any criminal indictment, the statement is almost certain to discuss how his findings compare with Mrs. Clinton's assertions to investigators and to the public about her role as a lawyer in connection with several real estate dealings in Arkansas. "It's my intention to issue those findings and conclusions prior to the election," he said. "Right now I'm trying for mid-September." Mr. Ray said he would issue his Whitewater conclusions the moment they are ready and "not a second later." He said it would be wrong to delay disclosing them. "Even withholding them could have political repercussions," he said, "and that could be viewed as being manipulative." Mr. Ray said he believed that issuing his statement a few weeks before the election would provide enough time for anyone to respond to it and for the public to fully absorb both his views and those of anyone who disputed his findings.

He said that the one situation that might change his plans would be if the statement was not ready until just a few days before the election. If that were the case, he said, he would consider withholding it. With regard to his decision about Mr. Clinton and the possibility of bringing an indictment after he leaves office, Mr. Ray said he had an obligation to conclude the matter as soon as possible. "It's time this matter was brought to closure," he said. "And it is coming to closure." He added: "I know the country is weary of this. The country needs to get past this." Mr. Ray impaneled a new grand jury on July 11 to consider whether Mr. Clinton should be indicted in connection with his denials under oath about whether he had a sexual relationship with Monica Lewinsky, a onetime White House intern. He described the decision-making process as largely "a deliberative one now, not an investigative one." Because the sole issue is whether to charge the president after he leaves office, Mr. Ray said he intended to take full advantage of the time until Mr. Clinton left office to make up his mind. He said his deliberations would require a few months. Mr. Ray also said there were other factors to consider but declined to elaborate.

One possible factor is whether Mr. Clinton is disbarred. A state judge in Arkansas is considering a recommendation from a special bar committee that Mr. Clinton be stripped of his law license because of his denials under oath of a relationship with Ms. Lewinsky. A trial on the matter is likely to be held this fall. Though Mr. Ray is an independent counsel, he is obliged to follow Justice Department guidelines that allow for prosecutors to show discretion and decline to prosecute a case if the subject has already paid a penalty—like disbarment or even suspension from the practice of law. The Whitewater report that Mr. Ray is expected to file with a special three-judge panel at the same time he issues his statement of findings and conclusions will probably be his last investigative report. He has already filed two reports with the panel, one in March on allegations that the White House, and particularly Mrs. Clinton, collected hundreds of confidential F.B.I. files, many of them of prominent Republicans, as part of a political intelligence-gathering scheme. Mr. Ray concluded that the improper acquisition was a bureaucratic foul-up involving midlevel White House officials and that Mrs. Clinton had no involvement, as she had asserted.

But in his second statement of findings and conclusions, issued in June, about whether Mrs. Clinton played a role in the firing of seven longtime White House travel office employees, Mr. Ray was far more critical of her sworn statements. He made a point of saying that despite Mrs. Clinton's strong denials, he concluded that she had played a substantial role in causing the employees to be dismissed. The Whitewater report may well follow that model as it is expected to explore what Mrs. Clinton did as a lawyer for various Arkansas clients, and contentions that she tried to conceal or minimize her role.

For example, one issue is a 1985 telephone call Mrs. Clinton made on behalf of a client, Madison Guaranty and Trust, to a senior Arkansas official who worked for her husband, then the governor. She telephoned Beverly Bassett, the state securities commissioner in Mr. Clinton's administration, to discuss a proposal for Madison to float preferred stock. Mrs. Clinton told investigators that she did not remember whom she spoke with at the agency. She also said she had only been trying to find out the appropriate official for an associate at her firm, Richard Massey, to contact and that she had not discussed the issue.

But the regulator recalled the conversation in detail when she testified before the Senate Whitewater committee. She said that Mrs. Clinton had spoken with her and discussed the substance of the proposal. And Mr. Massey testified he had already known whom to contact.

GLOBAL AIDS AND TUBERCULOSIS RELIEF ACT OF 2000

Mr. MOYNIHAN. On August 19, 2000, President Clinton signed into law bipartisan legislation that pledges more than $400 million to fight AIDS and other infectious diseases in Africa and around the world.

There are few greater crises that face us today than the AIDS pandemic. Alarming statistics are reported from around the globe. In Africa, more than 13 million people have died from AIDS, and an estimated 24.5 million are infected with the human immunodeficiency virus HIV. More than 1 in 3 adults in Botswana are HIV-positive. Burma and Cambodia have recently had the sharpest increases in the rate of infection. In Haiti, more than 1 in 20 adults are infected.

The XIII International AIDS Conference in South Africa was defined by the fact that 90 percent of those infected with HIV do not have the means to pay for the drugs to treat it. The epidemic is fueled by poverty, poor health, illiteracy, malnutrition, and gender bias. These are the same problems that developing nations have struggled with for many years. But even more urgency becomes warranted as these factors contribute to the exponential growth of an epidemic.

According to AIDS expert Peter Godwin, an epidemic requires specific responses in three areas: long-term protection of vulnerable populations; short-term relief and rehabilitation of those in crisis; and the strengthening of basic institutions against future shocks to come. Each of these responses comprises an infinite number of sub-components.

The Senate's passage of this bill is remarkable. But our work has just begun. According to the Joint United Nations Program on HIV/AIDS, Asia has reached a critical point in the development of the AIDS epidemic. Though India has a relatively low infection rate, it has more than four million cases and is now the nation with the largest number of HIV cases in the world. In Africa, the U.N. has predicted that half of all 15-year-olds in the African countries worst affected by AIDS will eventually die of the disease, even if the rates of infection drop substantially in the next few years. Sandra Thurman, the director of the Clinton administration's anti-AIDS effort, put it best: "We are at the beginning of a pandemic, not the middle, not the end."

On February 3, Mr. FEINGOLD and I introduced S. 2032, the Mother-to-Child HIV Prevention Act of 2000. This bill has been included in this assistance package and will authorize $25 million to bolster intervention programs, which include voluntary counseling and testing, antiretroviral drugs, replacement feeding, and other strategies.

At the beginning of this year, a score of bills were introduced by my colleagues in this body. Some proposals were more ambitious than others. No single proposal would have been a complete solution. Neither is the relief package before us. But each was an approach that did not require waiting for a cure. And each could make a difference. I hope this momentum will not face—but instead, grow internationally and exponentially—and that we will not become fatigued by this most formidable challenge.

IN MEMORY OF SENATOR PAUL COVERDELL

Mr. CRAPO. Mr. President, I rise to pay tribute to my esteemed colleague, Paul Coverdell. I join with my colleagues in expressing sadness at his passing. He was a tremendous leader in the Senate and an asset for Georgians and the rest of the country. His years of exemplary public service have included the military, the Peace Corps, the Georgia statehouse, and finally the U.S. Senate. Senator Coverdell was an effective leader and demonstrated many times his unifying influence in the Senate.

On a personal level, he was an unpretentious man who had a quiet sense of humor and good mind for details. He was instrumental in helping me make the transition from the U.S. House to the Senate a couple of years ago, and provided insight and advice in everything from how to set up a Senate office to how to make time for my family. There is not a day that goes by that his influence in my Senate career has not been felt.

Paul was a friend and a model statesman. He spent a lifetime of service to his country. I will miss him dearly. I extend my prayers to his wife, Nancy, and the rest of his family.

CONGRESSIONAL BUDGET OFFICE REPORT

SENATE REPORT NO. 106–373

Mr. MURKOWSKI. Mr. President, at the time Senate Report No. 106-373 was filed, the Congressional Budget Office report was not available. I ask unanimous consent that the report which is now available be printed in the CONGRESSIONAL RECORD for the information of the Senate.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE—SEPTEMBER 1, 2000

S. 1612—Missouri River Basin, Middle Loup Division Facilities Conveyance Act

As reported by the Senate Committee on Energy and Natural Resources on August 25, 2000

SUMMARY

S. 1612 would direct the Secretary of the Interior to convey certain facilities, lands, and rights to the Farwell Irrigation District, the Sargent Irrigation District, and the Loup Basin Reclamation District, in the state of Nebraska. Under the bill, these districts would pay the federal government about $2.8 million for the Sherman Reservoir, Milburn Diversion Dam, Arcadia Diversion Dam, related canals and lands, and other associated rights and interests currently owned by the United States.

Based on information from the Bureau of Reclamation, CBO estimates that enacting S. 1612 would result in net receipts of about $1.3 million over 2001–2005 period; $2.8 million in asset sale receipts, offset by $1.5 million of forgone offsetting receipts over that period.

Because enacting S. 1612 would affect direct spending, pay-as-you-go procedures would apply. CBO estimates a net pay-as-you-go cost of $1.5 million over the 2001–2005 period, reflecting the forgone offsetting receipts. The asset sale receipts would not count for pay-as-you-go purposes because the sales of assets under S. 1612 would result in a net financial cost (on a present value basis) to the federal government.

CBO estimates that implementing this bill would have no net effect on discretionary spending in 2001, but would result in a very small decrease in discretionary spending each year thereafter.

S. 1612 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). The conveyance provided for in this bill would be voluntary on the part of the districts, and all costs incurred by them as a result of the conveyance also would be voluntary.

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of S. 1612 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars				
	2001	2002	2003	2004	2005
CHANGES IN DIRECT SPENDING					
Asset Sale Receipts:					
Estimated Budget Authority	−2.8	0	0	0	0
Estimated Outlays	−2.8	0	0	0	0
Forgone Offsetting Receipts:					
Estimated Budget Authority	0.3	0.3	0.3	0.3	0.3
Estimated Outlays	0.3	0.3	0.3	0.3	0.3
Net Changes:					
Estimated Budget Authority	−2.5	0.3	0.3	0.3	0.3
Estimated Outlays	−2.5	0.3	0.3	0.3	0.3

BASIS OF ESTIMATE

For the estimate, CBO assumes that S. 1612 will be enacted near the start of fiscal year 2001. We expect that the project would be conveyed to the districts in fiscal year 2001. The bill would require the water districts to pay about $2.8 million for the facilities that would be conveyed.

Currently, those districts have fixed repayment and water service contracts with the Bureau. Those contracts result in payments of about $300,000 a year through 2016 and about $130,000 a year over the remaining life of the contract (through 2042). Once the assets are conveyed to the districts, those repayments would no longer occur, and would result in a loss of offsetting receipts to the federal government. In addition, customers of the Western Area Power Administration (WAPA) are scheduled to pay a total of $29 million to the government over the 2036–2042 period to assist with the repayment of the cost of these facilities. Enactment of S. 1612 would lead to a loss of these receipts as well.

S. 1612 would direct the Western Area Power Administration (WAPA) to transfer $2.6 million of receipts from the sale of electricity at the Pick-Sloan Missouri River Basin project to the reclamation fund at the time of the transfer or as soon as certain conditions are met. That intergovernmental payment would represent the net present value of $29 million in payments that WAPA customers owe to the government under current law over the 2036–2042 period. The bill specifies that WAPA shall not increase the electricity rates to offset this payment; consequently, this provision would have no budgetary effect.

Based on information from the Bureau of Reclamation, CBO estimates that the agency currently spends less than $60,000 each year for expenses related to the projects to be conveyed under S. 1612. After the projects are conveyed, these expenses would no longer be incurred, resulting in a small savings to the government. However, in the year of the conveyance, CBO expects that the bureau would spend about the same amount to administer the conveyance, rsulting in not change in discretionary spending in 2001.

PAY-AS-YOU-GO CONSIDERATIONS

The Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. Enactment of S. 1612 would result in the loss of offsetting receipts of $0.3 million annually over the 2001–2010 period, and additional amounts later. For the purposes of enforcing pay-as-you-go procedures, only the effects in the current year, the budget year, and the succeeding four years are counted.

	By fiscal year, in millions of dollars										
	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	010
Changes in outlays	0	0.3	0.3	0.3	0.3	0.3	0.3	0.3	0.3	0.3	0.3
Changes in receipts						Not applicable					

Under the Balanced Budget Act (BBA), proceeds from nonroutine asset sales (sales that are not authorized under current law) may be counted for pay-as-you-go purposes only if the sale would entail no financial cost to the government. Under BBA, "financial cost to the government" is defined in terms of the present value of all cash flows associated with an asset sale. CBO estimates that the sale of the Sherman Reservoir, Milburn Diversion Dam, Arcadia Diversion Dam, and all other associated rights and interests as specified in S. 1612 would result in a net cost to the federal government of about $0.4 million. Therefore, the proceeds of this sale would not be counted for pay-as-you-go purposes. The forgone offsetting receipts resulting from this asset sale—less than $500,000 annually—would be counted for purposes of enforcing pay-as-you-go procedures.

ESTIMATED IMPACT ON STATE, LOCAL, AND TRIBAL GOVERNMENTS

S. 1612 contains no intergovernmental mandates as defined in UMRA. The bill would require the districts to pay approximately $2.8 million to receive title to federal facilities, and would impose a number of other conditions. The conveyance would be voluntary on the part of the districts, however, and all costs incurred by them as a result would be voluntary. The bill would impose no costs on any other state, local, or tribal governments.

ESTIMATED IMPACT ON THE PRIVATE SECTOR

This bill contains no new private-sector mandates as defined in UMRA.

PREVIOUS CBO ESTIMATE

On September 1, 2000, CBO transmitted a cost estimate for H.R. 2984, a bill to direct the Secretary of the Interior, through the Bureau of Reclamation, to convey to the Loup Basin Reclamation District, the Sargent River Irrigation District, and the Farwell Irrigation District, Nebraska, property comprising the assets of the Middle Loup Division of the Missouri River Basin Project, Nebraska, as ordered reported by the House Committee on Resources on June 21, 2000. These two pieces of legislation are similar and our costs estimates are the same.

Estimate Prepared by: Federal Costs: Lisa Cash Driskill (226-2860); Impact on State, Local, and Tribal Governments: Marjorie Miller (225-3220); and Impact on the Private Sector: Sarah Sitarek (226-2940).

Estimate Approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

Mr. MURKOWSKI. Mr. President, at the time Senate Report No. 106-324 was filed, the Congressional Budget Office report was not available. I ask unanimous consent that the report which is now available be printed in the CONGRESSIONAL RECORD for the information of the Senate.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE, JULY 24, 2000

S. 2071—Electric Reliability 2000 Act

As passed by the Senate on June 30, 2000

SUMMARY

S. 2071 would establish new standards and procedures for regulating the reliability of the nation's electricity transmission system. It would authorize the Federal Energy Regulatory Commission (FERC) to adopt and enforce reliability standards that would apply to all users of bulk power, including federal agencies. The bill also would establish the terms and conditions under which those regulatory functions would be delegated to a private electric reliability organization (ERO) and its regional affiliates. Rule adopted by the ERO regarding reliability, governance, and funding would be subject to FERC approval, and would be enforceable by both the ERO and FERC.

S. 2071 would require membership in the ERO and the appropriate regional affiliate for any company that operates any part of the bulk power system in the United States. Finally, costs incurred by the ERO and its regional affiliates would have to be recovered by assessments that CBO assumes would ultimately be paid by electricity consumers.

In CBO's view, the cash flows of the ERO and its regional affiliates should appear in the federal budget because their regulatory, enforcement, and assessment authorities would stem from the exercise of the sovereign power of the federal government. We expect that it would take about one year for those cash flows to begin. Under S. 2071, CBO estimates that over the 2002-2005 period, direct spending would total $420 million and governmental receipts (revenues) would total $309 million, net of income and payroll tax offsets. Because the bill would affect direct spending and receipts, pay-as-you-go procedures would apply.

In addition, we estimate that implementing this bill would cost $2 million annually, starting in 2002, subject to the availability of appropriated funds. Those costs would be incurred by the government's three power marketing administrations (PMAs) that are funded by annual appropriations.

S. 2071 contains three mandates that would affect both intergovernmental and private-sector entities and an additional intergovernmental mandate as defined in the Unfunded Mandates Reform Act (UMRA). While there is some uncertainty about how fees will be assessed, CBO estimates that the costs of those mandates would begin in 2002 but would not exceed the thresholds established in UMRA. (The thresholds are $55 million for intergovernmental mandates and $109 million for private-sector mandates in 2000, and are adjusted annually for inflation).

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of S. 2071 is shown in the following table. The costs of this legislation fall within budget function 270 (energy).

	By Fiscal Year, in Millions of Dollars					
	2000	2001	2002	2003	2004	2005
CHANGES IN DIRECT SPENDING						
Estimated Budget Authority	0	0	102	104	106	108
Estimated Outlays	0	0	102	104	106	108
CHANGES IN REVENUES						
Estimated Revenues	0	0	75	77	78	79

	By Fiscal Year, in Millions of Dollars					
	2000	2001	2002	2003	2004	2005
SPENDING SUBJECT TO APPROPRIATION						
PMA Spending Under Current Law:						
Estimated Authorization Level [1]	187	193	198	204	209	213
Estimated Outlays	214	206	198	201	206	210
Proposed Changes:[2]						
Estimated Authorization Level	0	0	2	2	2	2
Estimated Outlays	0	0	2	2	2	2
PMA Spending Under S. 2071:						
Estimated Authorization Level	187	193	200	206	211	215
Estimated Outlays	214	206	200	203	208	212

[1] The 2000 level is the amount appropriated for that year. The 2001–2005 levels reflect anticipated inflation.

[2] The increase in PMA spending would be offset by increased collections, following PMA rate increases.

BASIS OF THE ESTIMATE

For this estimate, CBO assumes that S. 2071 will be enacted by the beginning of fiscal year 2001 and that a private organization will be designated as the ERO by the beginning of fiscal year 2002. We also assume that the cash flows of the ERO and it's regional affiliates would appear on the federal budget because of the governmental nature of its activities and the degree of governmental control over the ERO.

Direct spending

CBO estimates that implementing S. 2071 would result in new direct spending by the ERO and its affiliates, and also would affect the net outlays and receipts of the Tennessee Valley Authority (TVA) and the Bonneville Power Administration (BPA).

Electric Reliability Organization. S. 2071 would direct the ERO and its affiliates to levy assessments to cover the cost of their activities. Such assessments would be classified as revenues (as explained below). Funds collected through such assessments could be spent without further appropriation. Hence, such outlays would be classified as direct spending.

Based on information from the North American Electric Reliability Council (NERC), CBO estimates that the newly formed ERO and its regional affiliates would spend between $75 million and $150 million a year. For this estimate, CBO assumes that spending by the ERO and its regional affiliates would start at $100 million a year and increase by the rate of anticipated inflation. NERC and its regional councils currently spend about $45 million annually for voluntary measures related to reliability in the United States, all of which is covered by fees paid by most users of the bulk power system. According to NERC, spending by the new ERO and its affiliates would more than double because of the additional workload associated with implementing mandatory reliability standards, such as developing software, monitoring the transmission grid, auditing companies, and writing and enforcing standards. Costs also are expected to increase because of the additional building space needed to accommodate increases in staff.

Annual spending could exceed the $100-million level assumed in this estimate, especially if the regional affiliates used assessments to facilitate investments in facilities needed to implement the reliability standards. For this estimate, however, CBO assumes that infrastructure investments would made by the private sector without the involvement of the ERO or its affiliates.

Federal Power Agencies. CBO estimates that S. 2071 would increase direct spending by TVA and BPA by $2 million a year over the 2002–2005 period, but would eventually result in higher offsetting receipts once those federal agencies adjust their electricity prices to reflect any increase in fees charged by an ERO or its affiliates.

Requiring TVA and BPA to pay higher assessments should have no net effect on direct spending over time, but is likely to increase spending in the near term because of the timing of planned rate adjustments. Together, these two agencies currently pay a total of about $1 million to NERC and its regional affiliates. CBO assumes that, under this bill, the agencies would pay fees to the ERO and its affiliates instead of NERC and that the net increase in assessments would be about $2 million a year, starting in 2002. Based on the agencies' current plans, we expect that these added expenses would not be reflected in TVA's or BPA's electricity prices until the next cycle of rate adjustments, which are expected to occur after 2005.

Repayments of amounts appropriated for ERO fees paid by the Western, Southwestern, and Southeastern PMAs should increase offsetting receipts relative to current law, but those changes are not included in this estimate because they would be contingent upon an increase in discretionary spending.

Revenues

The bill would affect revenues by authorizing the ERO to collect mandatory assessments from the electricity industry to pay for activities related to the bill and by authorizing the ERO and FERC to collect penalties for noncompliance with reliability standards.

Mandatory Assessments. S. 2071 would require the ERO and its regional affiliates to fund reasonable costs related to implementation or enforcement of reliability standards through assessments. CBO estimates that these organizations would collect about $100 million in 2002, and similar inflation-adjusted amounts in subsequent years. FERC would be required to review the costs and allocation of such assessments.

The amount of the assessments, however, do not represent the total change to government receipts that would occur as a result of the legislation. The assessments add to the costs of the electricity industry, which is expected to pass them forward to consumers in prices. But as long as the nation's total output (gross domestic product, or GDP) remains at the levels assumed in the budget resolution, consumers would have to absorb the additional costs by spending less on other goods and services in the economy. As less in spent in other sectors of the economy, the overall effect would be a reduction in the level of profits and wages paid relative to total GDP. Corporate and individual income taxes and payroll taxes would shrink accordingly. CBO estimates that the decline in income and payroll tax receipts would equal 25 percent of the total amount of the ERO assessments. Hence, the net impact on receipts to the government from this change would only be 75 percent of the amount.

Penalties. The bill would allow both the electric reliability organization and FERC to charge civil penalties for noncompliance with the new reliability standards. CBO expects that the ERO and its regional affiliates would retain and spend any penalties it collects and that any amounts collected would be classified as government receipts. CBO estimates that any increase in revenues resulting from these civil penalties would not be significant.

Spending subject to appropriation

The bill would impose new discretionary costs on FERC and three of the Department of Energy's power marketing administrations. The impact on FERC, however, would have no budgetary impact because it collects fees to offset its costs. CBO estimates that implementing S. 2071 would cost $2 million a year, starting in 2002, for payments by the PMAs to the ERO.

FERC. CBO expects that S. 2071 would increase FERC's workload because of the additional regulatory and oversight activities required by the bill. We also expect that FERC would adopt and enforce interim reliability standards before the ERO is established. Once the ERO is established, FERC would have to review all proposed rules and changes to the entity's governance and budget, and help enforce its actions on users of the bulk power system. Based on information from FERC, CBO estimates these new responsibilities would cost about $5 million per year. Because FERC recovers 100 percent of its costs through user fees, any change in its administrative costs would be offset by an equal change in the fees that the commission charges. Hence, we estimate that the provisions affecting FERC's workload would have no net budgetary impact. Because FERC's administrative costs are limited in annual appropriations, changes to FERC's budget under S. 2071 would not affect direct spending or receipts.

Federal Power Marketing Administrations. CBO expects that all of the federal power agencies would pay assessments levied by the ERO and its affiliates. For three of the PMAs—Western, Southwestern, and Southeastern—such payments would be funded by appropriations, but under current law those costs would have to be repaid by the PMAs' proceeds from the sale of electricity. Hence, such discretionary expenditures would be offset, over time, by an increase in offsetting receipts, which are classified as direct spending. Currently, the three PMAs are members of NERC, the industry organization that sets voluntary standards for reliability of the bulk power system, and its regional councils. Fees paid by the three PMAs to NERC and its regional councils currently total about $1 million a year. CBO expects that, under this bill, the PMAs would no longer pay those fees to NERC, but instead would pay new higher fees to the ERO and its regional affiliates. CBO estimates that implementing S. 2071 would increase the net cost of those fees by about $2 million a year, starting in 2002.

PAY-AS-YOU-GO CONSIDERATIONS

The Balance Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. CBO estimates that S. 2071 would affect both direct spending and receipts; therefore, pay-as-you-go procedures would apply. The estimated changes in outlays and governmental receipts that are subject to pay-as-you-go procedures are shown in the following table. For the purposes of enforcing pay-as-you-go procedures, only the effects in the current year, the budget year, and the succeeding four years are counted.

	By fiscal year, in millions of dollars										
	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Changes in outlays	0	0	102	104	106	108	110	110	114	116	118
Changes in receipts	0	0	75	77	78	79	81	82	84	85	87

INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT

S. 2071 contains three mandates that affect both intergovernmental and private-sector entities and an additional intergovernmental mandate as defined in UMRA. CBO estimates that the costs of those mandates would be incurred beginning in 2002 but would not exceed the thresholds established in UMRA. (The thresholds are $55 million for intergovernmental mandates and $109 million for private-sector mandates in 2000, and are adjusted annually for inflation).

First, the bill would require all users of the bulk power system to abide by standards set by the ERO, or until the ERO is designated, by standards approved by FERC. The bill defines 'bulk power system user' as an entity that sells, purchases, or transmits electric energy over the bulk power system (i.e., the electric transmission grid); that owns, operates, or maintains facilities or control systems within that bulk power system; or that is a system operator. Users of the bulk power system include intergovernmental entities such as municipally owned utilities as well as private-sector entities such as utilities, nonutility generators, and marketers. Users who violate ERO standards would be subject to financial penalties.

Currently, reliability is promoted through NERC, a voluntary organization. According to the American Public Power Association (APA), Edison Electric Institute, and the Electric Power Supply Association, virtually all state and local government entities and private-sector users of the bulk power system included under the bill's definition of 'bulk power system user' voluntarily comply with NERC standards. For those entities, the mandate to comply with FERC or ERO standards would impose no significant additional costs in the short term relative to current practice because neither FERC nor the ERO is expected to significantly change current standards. In the future, market conditions may prompt the ERO to impose stricter standards to maintain reliability. In that case, costs for entities that could otherwise elect to disregard NERC standards could increase. CBO cannot predict how or when the ERO might change its standards.

Second, the bill would require each system operator (which NERC interprets to be a transmission owner or an independent controller of transmission) to become a member of the ERO and any regional affiliate to which the ERO delegates its authority. The mandate on the system operators to become a member of the ERO and its regional affiliate would impose no significant costs.

Third, the bill would direct the ERO and each regional affiliate to assess fees sufficient to cover the costs of implementing and enforcing ERO standards. Those fees would be considered a mandate under UMRA. According to NERC and the 10 current regional reliability councils, NERC and the regional councils collected approximately $45 million in 2000 from U.S. entities for reliability. (Their current budget, including Canadian utilities, is $48 million.) Based on information from NERC, CBO estimates that the newly formed ERO and its regional affiliates would spend anywhere from $75 million to $150 million a year. CBO estimates that the combined annual budget for the ERO and the new regional affiliates would be about $100 million in 2002 (and would grow with inflation), to cover the additional responsibilities created by the bill for compliance, monitoring, and enforcement. However, the bill does not specify who would pay these fees, only that the fees should take into account the relationship of costs to each region and reflect an equitable sharing of those costs among all electric energy consumers.

While there is some uncertainty about how fees would be assessed, the most likely scenario is that the ERO and its regional affiliates would assess fees only on its members. This is the current practice of NERC and the regional councils, and NERC expects that ERO would assess fees only on members under S. 2071. In that case, depending on how fees are allocated among members, CBO estimates that of the additional costs of the ERO and regional affiliates ($55 million each year), roughly 80 percent to 85 percent would be paid by entities in the private sector and another 10 percent to 14 percent would be paid by state and local government entities. (The remainder would be paid by federally owned entities.)

Finally, the bill would preempt the authority of any state to take action to ensue the safety, adequacy, and reliability of electric service if NERC determines that action to be inconsistent with ERO standards. To the extent that states currently have jurisdiction to regulate electric service, the preemption in S. 2071 would be a mandate under UMRA. Based on information from APA and the National Association of Regulatory Utility Commissioners, CBO estimates that this preemption would impose no significant costs on state, local, or tribal governments.

Estimate Prepared by: Federal Costs: Lisa Cash Driskill and Kathleen Gramp; Federal Revenues: Mark Booth; Impact on State, Local, and Tribal Governments: Victoria Heid Hall; and Impact on the Private Sector: Gail Cohen.

Estimate Approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis and G. Thomas Woodward, Assistant Director for Tax Analysis.

Mr. MURKOWSKI. Mr. President, at the time Senate Report No. 106–173 was filed, the Congressional Budget Office report was not available. I ask unanimous consent that the report which is now available be printed in the CONGRESSIONAL RECORD for the information of the Senate.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL BUDGET OFFICE, PAY-AS-YOU-GO ESTIMATE, JULY 14, 2000

S. 986—Griffith Project Prepayment and Conveyance Act

As cleared by the Congress on July 10, 2000

S. 986 would direct the Secretary of the Interior, acting through the Bureau of Reclamation (Bureau), to convey the Robert B. Griffith Water Project to the Southern Nevada Water Authority (SNWA). The transfer would occur after the SNWA pays about $112 million to the Bureau to meet its outstanding obligations under an existing repayment contract with the federal government.

CBO estimates that enacting S. 986 would yield a net increase in asset sale receipts of $103 million in 2001, but that this near-term cash savings would be offset by the loss of other offsetting receipts over the 2002–2033 period.

CBO's estimate of the impact of S. 986 on direct spending is shown in the following table. The change in outlays resulting from this legislation would fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars										
	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Changes in outlays	0	−103	9	9	9	9	9	9	9	9	9
Changes in receipts											
Not applicable											

Based on information from the SNWA and the Bureau, CBO expects that the authority will make the prepayment during fiscal year 2001, and that the formal project conveyance will be completed during fiscal year 2002.

S. 986 would direct the Secretary of the Interior to sell the Griffith Project to the SNWA for a one-time payment of about $121 million. The legislation would allow the sales price to be adjusted for any payments made after September 15, 1999, and before the project transfer is completed. According to the Bureau, the SNWA has made a payment of about $9 million during fiscal year 2000. Thus, CBO expects a payment of about $112 million to occur during fiscal year 2001 and estimates that those receipts would be offset by the loss of currently scheduled repayments of about $9 million a year between 2001 and 2022 and $6 million a year between 2023 and 2033.

Under the Balanced Budget Act, proceeds from nonroutine asset sales (sales that are not authorized under current law) may be counted for pay-as-you-go purposes only if the sale would entail no financial cost to the government. Based on information from the Bureau, CBO estimates that the sale proceeds would exceed the present value of the repayment stream currently projected to accrue from the Griffith Project; therefore, selling the project would result in a net savings for pay-as-you-go purposes.

The CBO staff contact for this estimate is Megan Carroll. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

VICTIMS OF GUN VIOLENCE

Mr. GRAHAM. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read the names of some of those who have lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

September 8, 1999:

Frederick Boone, 37, Baltimore, MD; Franklin Brown, 41, Seattle, WA; Rico Brown, 25, Baltimore, MD; Antonio Daniely, 24, Atlanta, GA; Anthony Harris, 17, Cincinnati, OH; Bruce A. Howard, 35, Madison, WI; Fred Miller, 76, St. Louis, MO; Victor Manuel Rios-Baheva, 35, Salt Lake City, UT; Robert Somerville, 21, Baltimore, MD; Robert Winder, Jr., 23, Baltimore, MD; Unidentified Male, 19, Norfolk, VA.

One of the gun violence victims I mentioned, 41-year-old Franklin Brown of Seattle, was shot and killed by a stranger who approached him in the street and started an argument. Franklin died from several gunshot wounds to his back.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, September 7, 2000, the Federal debt stood at $5,680,707,239,455.93. Five trillion, six hundred eighty billion, seven hundred seven million, two hundred thirty-nine thousand, four hundred fifty-five dollars and ninety-three cents.

One year ago, September 7, 1999, the Federal debt stood at $5,654,527,000,000. Five trillion, six hundred fifty-four billion, five hundred twenty-seven million.

Five years ago, September 7, 1995, the Federal debt stood at $4,968,652,000,000. Four trillion, nine hundred sixty-eight billion, six hundred fifty-two million.

Ten years ago, September 7, 1990, the Federal debt stood at $3,236,567,000,000. Three trillion, two hundred thirty-six billion, five hundred sixty-seven million, which reflects an increase of almost $2.5 trillion—$2,444,140,239,455.93. Two trillion, four hundred forty-four billion, one hundred forty million, two hundred thirty-nine thousand, four hundred fifty-five dollars and ninety-three cents, during the past 10 years.

ADDITIONAL STATEMENTS

BACK TO SCHOOL

• Mr. LEVIN. Mr. President, all over America, young people are back in schools. A record 53 million students are in our classrooms and teachers across the country are gearing up to prepare them for the new millennium. In many ways, teachers are doing what they always have at the start of a new school year—they are learning names, starting curriculums, passing out text books and coaching athletic teams. There is nothing highly unusual about recent new school years except that teachers are more concerned for their safety than they were in the past.

Over the last few years, the number of high profile school shootings—in Jonesboro, Arkansas, Littleton, Colorado, and Mt. Morris Township, Michigan—have changed Americans' perception of safety in school. On the last day of school in Lake Worth, Florida, a 13 year old boy allegedly shot and killed his language arts teacher with a .25-caliber handgun he brought to school.

Teachers in this country fear what may happen to them in the classroom and for good reason. Listen to this middle school teacher in Michigan, who participated in a study conducted by Dr. Ron Astor, an assistant professor of social work and education at the University of Michigan in Ann Arbor. The teacher said:

"A lot of us are afraid. You come in the morning and you're just afraid to even go to work. You're just so stressed out, because you're all tensed up, you can't feel happy and teach like you want to because you've got to spend all of your time trying to discipline. You're scared somebody's going to walk in. We keep our doors locked. We have to keep our doors locked." Middle school teacher. (Meyer, Astor & Behre, 2000).

Teachers, students, and staff are fearful of the presence of firearms in school and those of us who feel strongly about education and school safety feel we must do something to ease their fears. During the last few years, we have continually tried to close the loopholes in our laws that give young people access to firearms. In May of 1999, the Senate passed the juvenile justice bill with common sense amendments that would have strengthened our gun laws. After the House passed its version of the bill, the legislation went to a conference committee where Senators and Representatives were supposed to work out the differences between their two versions of the bill. Unfortunately, that conference committee has met only once and that was more than a year ago.

In the United States, another ten young people are killed by firearms each day. Congress must pass sensible gun laws and help keep our schools safe.●

DUQUESNE UNIVERSITY SCHOOL OF PHARMACY

● Mr. SANTORUM. Mr. President, I rise today to congratulate the Duquesne University School of Pharmacy on its 75th anniversary. Since September 21, 1925, the school has made valuable contributions to our nation by training thousands of pharmacists who serve the healthcare needs of our communities.

The mission of the School of Pharmacy, Mr. President, is to prepare students for life-long learning and careers in the profession of pharmacy. The school accomplishes this through outcome competency-based programs with an emphasis on appreciation for ethical and spiritual values. Moreover, the school conveys to students a foundation in the pharmaceutical, administrative, social and clinical sciences which are the bases for pharmaceutical care and research. Students, furthermore, acquire the ability to think critically and communicate effectively; and to understand personal, professional and social responsibilities.

Mr. President, it is with these ideas in mind that I ask my colleagues to join with me in congratulating the Duquesne University School of Pharmacy for its invaluable service to our nation. The health of our friends, families and neighbors is dependent on the diligent work of schools such as this.●

A TRIBUTE TO MICHIGAN'S OLYMPIANS

● Mr. ABRAHAM. Mr. President, I rise today to recognize the 28 individuals with connections to the State of Michigan who will be representing our Nation at the XXVII Olympic Summer Games in Sydney, Australia. While I know that this is a very proud time for them and for their families, it is also a proud time for all Michiganians, and, on behalf of my constituents, I congratulate these 28 men and women on having been selected to coach or to compete as part of the United States Olympic Team.

I have many hopes for these individuals, Mr. President. My first hope is that while in Sydney they will do their best not only to bring home a medal, but also to enjoy their experience as Olympians. It goes without saying that it is an incredible honor to be an Olympian, and that these men and women have dedicated a great portion of their lives to attaining this goal, and also to winning a medal. I hope they will remember, however, that a medal is only one of many things they can take away from their time in Australia.

Secondly, Mr. President, I hope that as they compete they do not forget the millions and millions of Americans who are offering their support from the other side of the world. More importantly, I hope they do not forget the nearly 10 million Michiganians, myself included, who will be cheering just a little bit harder than the rest of them.

My final hope, Mr. President, is that these 28 Olympians achieve above and beyond the goals they have set for themselves and for their teams, whatever these goals might be, and I wish them the best of luck in doing so. With that having been said, I ask to print their names, hometowns, and the sports they will compete in or coach, in the RECORD:

Dave Simon, West Bloomfield, Rowing; Todd Martin, Lansing, Tennis; Steven Smith, Detroit, Basketball; Kate Sobrero, Bloomfield Hills, Soccer; Ann Marsh, Royal Oak, Fencing; Shelia Taormina, Livonia, Triathlon; Nick Radkewich, Royal Oak, Triathlon; Teodor Gheorge, Davison, Table Tennis; Jasna Reed, Davison, Table Tennis.

Margo Jonker, Mt. Pleasant, Softball; Shane Hearns, Lambertville, Baseball; Jon Urbaneck, Ann Arbor, Swimming; Karen Dennis, East Lansing, Track & Field; Steven Mays, Kalamazoo, Wrestling; Daryl Szarenski, Saginaw, Shooting; Mike Kinkade, Livonia, Baseball; Phil Regan, Byron Center, Baseball.

Rudy Tomjanovich, Hamtramack, Basketball; Serena Williams, Saginaw, Tennis; David Jackson, Marquette, Boxing; Jermain Taylor, Marquette, Boxing; Brian Viloria, Marquette, Boxing; Clarence Vinson, Marquette, Boxing; Ann Trombley, Saginaw, Cycling; Jame Carney, Detroit, Cycling; Jonas Carney, Detroit, Cycling; Martin Boonzaayer, Kalamazoo, Judo; Torrey Folk, Ann Arbor, Rowing.●

MESSAGE FROM THE HOUSE

At 11:51 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House having proceeded to reconsider the bill (H.R. 8) to amend the Internal Revenue Code of 1986 to phase out the estate and gift taxes over a 10-year period, returned by the President of the United States with his objections, to the House of Representatives, in which it originated, that the said bill do not pass, two-thirds of the House of Representatives not agreeing to pass the same.

The message also announced that the House passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4115. An act to authorize appropriations for the United States Holocaust Memorial Museum, and for other purposes.

H.R. 4678. An act to provide more child support money to families leaving welfare, to simplify the rules governing the assignment and distribution of child support collected by States on behalf of children, to improve the collection of child support, to promote marriage, and for other purposes.

H.R. 4844. An act to modernize the financing of the railroad retirement system and to provide enhanced benefits to employees and beneficiaries.

The message further announced that pursuant to section 710(a)(2) of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1709) and the order of the House of Thursday, July 27, 2000, the Speaker on Tuesday, August 15, 2000 has appointed the following members from the private sector to the Parents Advisory Council on Youth Drug Abuse on the part of the House: Ms. Judith Kreamer of Naperville, Illinois, to a 3-year term, Ms. Modesta Martinez of Bensenville, Illinois to a 2-year term, and Mr. Richard F. James of Columbus, Ohio, to a 1-year term.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 4115. An act to authorize appropriations for the United States Holocaust Memorial Museum, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 4678. An act to provide more child support money to families leaving welfare, to simplify the rules governing the assignment and distribution of child support collected by States on behalf of children, to improve the collection of child support, to promote marriage, and for other purposes; to the Committee on Finance.

H.R. 4844. An act to modernize the financing of the railroad retirement system and to provide enhanced benefits to employees and beneficiaries; to the Committee on Finance.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time and placed on the calendar:

S. 3021. A bill to provide that a certification of the cooperation of Mexico with United States counterdrug efforts not be required in fiscal year 2001 for the limitation on assistance for Mexico under section 490 of the Foreign Assistance Act of 1961 not to go into effect in that fiscal year.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-10617. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13-384, "Andrew J. Allen Way, N.E. Designation Act of 2000" adopted by the Council on July 11, 2000; to the Committee on Governmental Affairs.

EC-10618. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13-385, "Steve Sellow Way, N.E. Designation Act of 2000" adopted by the Council on July 11, 2000; to the Committee on Governmental Affairs.

EC-10619. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13-386, "Diabetes Health Insurance Coverage Expansion Act of 2000" adopted by the Council on July 11, 2000; to the Committee on Governmental Affairs.

EC-10620. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13-387, "State Education Office Establishment Act of 2000" adopted by the Council on July 11, 2000; to the Committee on Governmental Affairs.

EC-10621. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13-388, "Mail Ballot Feasibility Study Amendment Act of 2000" adopted by the Council on July 11, 2000; to the Committee on Governmental Affairs.

EC-10622. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13-389, "Drug Abuse, Alcohol Abuse, and Mental Illness Insurance Coverage Amendment Act of 2000" adopted by the Council on July 11, 2000; to the Committee on Governmental Affairs.

EC-10623. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13-390, "Mayor's Official Residence Commission Establishment Act of 2000" adopted by the Council on July 11, 2000; to the Committee on Governmental Affairs.

EC-10624. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13-391, "Closing of 13th and N Streets, S.E., S.O. 98-271, Act of 2000" adopted by the Council on July 11, 2000; to the Committee on Governmental Affairs.

EC-10625. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13-392, "Extension of the Nominating Petition Time Temporary Amendment Act of 2000" adopted by the Council on July 11, 2000; to the Committee on Governmental Affairs.

EC-10626. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13-395, "Distribution of Marijuana Amendment Act of 2000" adopted by the Council on July 11, 2000; to the Committee on Governmental Affairs.

EC-10627. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13-396, "Seniors Protection Amendment Act of 2000" adopted by the Council on July 11, 2000; to the Committee on Governmental Affairs.

EC-10628. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13-397, "Environmental License Tag Amendment Act of 2000" adopted by the Council on July 11, 2000; to the Committee on Governmental Affairs.

EC-10629. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13-399, "Water and Sewer Authority Collection Enhancement Amendment Act of 2000" adopted by the Council on July 11, 2000; to the Committee on Governmental Affairs.

EC-10630. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13-400, "Conflict of Interest Amendment Act of 2000" adopted by the Council on July 11, 2000; to the Committee on Governmental Affairs.

EC-10631. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13-401, "Reinsurance Credit and Recovery Act of 2000" adopted by the Council on July 11, 2000; to the Committee on Governmental Affairs.

EC-10632. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13-402, "Closing of a Portion of a Public Alley in Square 4337, S.O. 95-94, Act of 2000" adopted by the Council on July 11, 2000; to the Committee on Governmental Affairs.

EC-10633. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13-403, "Metrobus Ticket Transfer Amendment Act of 2000" adopted by the Council on July 11, 2000; to the Committee on Governmental Affairs.

EC-10634. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13-404, "Insurance Agents and Brokers Licensing Revision Amendment Act of 2000" adopted by the Council on July 11, 2000; to the Committee on Governmental Affairs.

EC-10635. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13-405, "Surplus Note Amendment Act of 2000" adopted by the Council on July 11, 2000; to the Committee on Governmental Affairs.

EC-10636. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13-406, "Sentencing Reform Amendment Act of 2000" adopted by the Council on July 11, 2000; to the Committee on Governmental Affairs.

EC-10637. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13-407, "Insurer and Health Maintenance Organization Self-Certification Act of 2000" adopted by the Council on July 11, 2000; to the Committee on Governmental Affairs.

EC-10638. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13-418, "Freedom From Cruelty to Animal Protection Amendment Act of 2000" adopted by the Council on July 11, 2000; to the Committee on Governmental Affairs.

EC-10639. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13-419, "Insurer Confidentiality and Information Sharing Amendment Act of 2000" adopted by the Council on July 11, 2000; to the Committee on Governmental Affairs.

EC-10640. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13-420, "Captive Insurance Company Act of 2000" adopted by the Council on July 11, 2000; to the Committee on Governmental Affairs.

EC-10641. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13-421, "Adoption and Safe Families Compliance Temporary Amendment Act of 2000" adopted by the Council on July 11, 2000; to the Committee on Governmental Affairs.

EC-10642. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13-422, "United States Branch Domestication Act of 2000" adopted by the Council on July 11, 2000; to the Committee on Governmental Affairs.

EC-10643. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13-423, "Fort Stanton Civic Association Real Property Tax Exemption and Equitable Real Property Tax Relief Temporary Act of 2000" adopted by the Council on July 11, 2000; to the Committee on Governmental Affairs.

EC-10644. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13-424, "Real Property Equitable Tax Relief Temporary Act of 2000" adopted by the Council on July 11, 2000; to the Committee on Governmental Affairs.

EC-10645. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13-425, "Fiscal Year 2001 Budget Support Temporary Amendment Act of 2000" adopted by the Council on July 11, 2000; to the Committee on Governmental Affairs.

EC-10646. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13-426, "Driving Under the Influence Repeat Offenders Temporary Amendment Act of 2000" adopted by the Council on July 11, 2000; to the Committee on Governmental Affairs.

EC-10647. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13-427, "Public School Enrollment Integrity Temporary Amendment Act of 2000" adopted by the Council on July 11, 2000; to the Committee on Governmental Affairs.

EC-10648. A communication from the Chairman of the Commission For the Preservation of America's Heritage Abroad, transmitting, pursuant to law, the report of the transmittal of the Inspector General and the annual report on the system of internal accounting and financial controls in effect during fiscal year 2000; to the Committee on Governmental Affairs.

EC-10649. A communication from the Under Secretary of Commerce for Intellectual Property and Director of the Patent and Trademark Office, transmitting, pursuant to law, the report of a rule entitled "Changes to Implement Patent Term Adjustment under Twenty-Year Patent Term" (RIN0651-AB06) received on September 6, 2000; to the Committee on the Judiciary.

EC-10650. A communication from the Deputy Secretary of the Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Amendments to the Freedom of Information Act, Privacy Act, and Confidential Treatment Rules" (RIN3235-AH71) received on September 7, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-10651. A communication from the Manager, Supplier and Diverse Business Relations, Tennessee Valley Authority, transmitting, pursuant to law, the report of a rule entitled "Nondiscrimination on the Basis of Sex in Education Program or Activities Receiving Federal Financial Assistance" (RIN3316-AA20) received on September 6, 2000; to the Committee on Environment and Public Works.

EC-10652. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Revised Format for Materials Being Incorporated by Reference for Vermont" (FRL #6854-8) received on September 6, 2000; to the Committee on Environment and Public Works.

EC-10653. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of two rules entitled "Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District" (FRL #6865-9) and "Revision to the California State Implementation Plan, South Coast Air Quality Management District, Bay Area Air Quality Management District" (FRL #6851-8) received on September 7, 2000; to the Committee on Environment and Public Works.

EC-10654. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, the report of four items received on September 7, 2000; to the Committee on Environment and Public Works.

EC-10655. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Bullhead City, Dolan Springs, Kingman, Lake Havasu City, Mohave Valley, AZ, Ludlow, CA, Boulder City, NV)" (MM Docket No. 99-271, RM-9696, RM-9800) received on September 5 , 2000; to the Committee on Commerce, Science, and Transportation.

EC-10656. A communication from the Assistant Chief Counsel of the Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Fitness Procedures" (RIN2126-AA42) received on September 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10657. A communication from the Associate Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Part 1 of the Commission's Rules—Competitive Bidding Procedures" (WT Doc. 97-82, FCC 00-274) received on September 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10658. A communication from the Associate Chief, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of the Commission's Rules Regarding Installment Payment Financing for Personal Communications Services (PCS) Licensees" (WT Doc. 97-82, FCC 00-313) received on September 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10659. A communication from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Winter Pears Grown in Oregon and Washington; Establishment of Quality Requirements for the Beurre D'Anjou Variety of Pears, Correction" (Docket Number: FV00-927-1 FRC) received on September 5, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-10660. A communication from the Administrator of the Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Streamlining of the Emergency Farm Loan Program Loan Regulations" (RIN0560-AF72) received on September 6, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-10661. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Mediterranean Fruit Fly; Quarantined Areas, Regulated Articles, Treatments" (Docket #97-056-18) received on September 6, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-10662. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Asian Longhorned Beetle Regulations; Addition to Regulated Area" (Docket #00-077-1) received on September 7, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-10663. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, several documents related to regulatory programs; to the Committee on Agriculture, Nutrition, and Forestry.

EC-10664. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "GREAT and NOTES" (RIN1545 AW25, TD 8899, REG-108287-98) received on September 5, 2000; to the Committee on Finance.

EC-10665. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Special Rules Regarding Optional Forms of Benefit Under Qualified Retirement Plans" (RIN-1545-AW27) received on September 5, 2000; to the Committee on Finance.

EC-10666. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Fourth Quarter Quarterly Interest Rates 10/1/2000" (Revenue Ruling 2000-42) received on September 6, 2000; to the Committee on Finance.

EC-10667. A communication from the Chief of the Programs and Legislative Division, Office of the Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, a report relative to the cost of Air Force Research Laboratory Support Services; to the Committee on Armed Services.

EC-10668. A communication from the Director of Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Pollution Control and Clean Air and Water" (DFARS Case 2000-D004) received on September 5, 2000; to the Committee on Armed Services.

EC-10669. A communication from the Acting Director of the Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "New Mexico Regulatory Program" (RINNM-039-FOR) received on September 6, 2000; to the Committee on Energy and Natural Resources.

EC-10670. A communication from the Director of the Civil Rights Center, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Nondiscrimination on the Basis of Sex in Education Programs or Activities Federal Financial Assistance" (RIN1190-AA28) received on September 5, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-10671. A communication from the General Counsel, Office of Financial Assistance, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Business Loan Program; Modification to CDC Areas of Operations" (RIN3245-AE39) received on August 17, 2000; to the Committee on Small Business.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-620. A petition from a citizen of the State of Texas relative to immigrant workers; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted on September 7, 2000:

By Mr. JEFFORDS, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 1536: A bill to amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act, to modernize programs and services for older individuals, and for other purposes (Rept. No. 106–399).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with amendment in the nature of a substitute:

S. 1925: A bill to promote environmental restoration around the Lake Tahoe basin (Rept. No. 106–400).

S. 2048: A bill to establish the San Rafael Western Legacy District in the State of Utah, and for other purposes: (Rept. No. 106–401).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 2069: A bill to permit the conveyance of certain land in Powell, Wyoming (Rept. No. 106–402).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment:

S. 2239: A bill to authorize the Bureau of Reclamation to provide cost sharing for the endangered fish recovery implementation programs for the Upper Colorado River and San Juan River basins (Rept. No. 106–403).

The following reports of committees were submitted today:

By Mr. GREGG, from the Committee on Appropriations:

Report to accompany H.R. 4690, a bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2001, and for other purposes (Rept. No. 106–404).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CRAIG (for himself and Mr. CRAPO):

S. 3022. A bill to direct the Secretary of the Interior to convey certain irrigation facilities to the Nampa and Meridian Irrigation District; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. THOMAS (for himself and Mr. ENZI):

S. Res. 350. A resolution expressing the sense of the Senate regarding the Republic of India's closed market to United States soda ash exports; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CRAIG (for himself and Mr. CRAPO):

S. 3022. A bill to direct the Secretary of the Interior to convey certain irrigation facilities to the Nampa and Meridian Irrigation District; to the Committee on Energy and Natural Resources.

NAMPA MERIDIAN IRRIGATION DISTRICT TRANSFER ACT

Mr. CRAIG. Mr. President, I am today introducing, along with my colleague, Senator CRAPO a bill to authorize the Secretary of the Interior to transfer the Bureau of Reclamation's interests in portions of the Ridenbaugh Canal system of the Boise River to the Nampa Meridian Irrigation District. The public comment period for the National Environmental Policy Act process has not been completed, and it is my intent to request a Committee hearing to discuss any issues concerning this transfer. Thus, any parties interested in this matter will have ample opportunity to express their concerns related to title transfer.

The transfer of title is not a new idea. Authority to transfer title to the All American Canal is contained in section 7 of the Boulder Canyon Project Act of 1928. General authority is contained in the 1955 Distribution Systems Loan Act. Recently, Congress passed legislation dealing with a transfer to the Minidoka Irrigation Project and the Burley Irrigation District.

The Nampa Meridian Irrigation District diverts water from the Boise River into a system of canals and laterals known as the Ridenbaugh Canal system for delivery to lands in the district and provides drainage for district lands. Since 1878 when the Ridenbaugh Canal was first constructed, Nampa Meridian Irrigation District has been responsible for operating and maintaining the delivery and drainage system, and all project costs have been paid to the federal government.

Reclamation's interests consist of only five percent (5%) of the canals, laterals and drains and associated fee title and easements in their delivery and drainage systems. These segments were constructed for the delivery and drainage of irrigation water. The purposes and uses of Reclamation's interests in these segments are to access, operate, maintain, and repair Nampa Meridian Irrigation District's irrigation and drainage systems. Reclamation has never operated or maintained any portion of the Nampa Meridian Irrigation District's delivery or drainage systems.

This project is a perfect example of the federal government maintaining only a bare title, and that title should now be transferred to the project recipients who have paid for the facilities and interests of the Nampa Meridian Irrigation District.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3022

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nampa and Meridian Conveyance Act".

SEC. 2. CONVEYANCE.

(a) DEFINITIONS.—In this section:

(1) DISTRICT.—The term "District" means the Nampa and Meridian Irrigation District, Idaho.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(b) CONVEYANCE OF FACILITIES.—As soon as practicable after the date of enactment of this Act, the Secretary shall convey to the District, in accordance with the memorandum of agreement between the Secretary and the District, dated July 7, 1999 (contract No. 1425-99MA102500), and all applicable law, all right, title, and interest of the United States in and to any portion of the canals, laterals, drains, and any other portion of the water distribution and drainage system that is operated or maintained by the District for delivery of water to and drainage of water from land within the boundaries of the District.

(c) LIABILITY.—Effective on the date of the conveyance of facilities under this Act, the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence based on prior ownership or operation of the conveyed facilities by the United States.

(d) EXISTING RIGHTS NOT AFFECTED.—

(1) NO EFFECT ON WATER RIGHTS.—No water rights shall be transferred, modified, or otherwise affected by the conveyance of facilities to the District under this Act.

(2) NO EFFECT ON CONTRACTUAL OR STATE LAW.—The conveyance of facilities and interests to the District under this Act shall not affect or abrogate any provision of a contract executed by the United States, or any State law, regarding any right of an irrigation district to use water developed in the facilities conveyed.

ADDITIONAL COSPONSORS

S. 1159

At the request of Mr. STEVENS, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 1159, a bill to provide grants and contracts to local educational agencies to initiate, expand, and improve physical education programs for all kindergarten through 12th grade students.

S. 1399

At the request of Mr. DEWINE, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1399, a bill to amend title 38, United States Code, to provide that pay adjustments for nurses and certain other health-care professionals employed by the Department of Veterans Affairs shall be made in the manner applicable to Federal employees generally and to revise the authority for the Secretary of Veterans Affairs to make further locality pay adjustments for those professionals.

S. 1438

At the request of Mr. CAMPBELL, the name of the Senator from Rhode Island (Mr. L. CHAFEE) was added as a cosponsor of S. 1438, a bill to establish the National Law Enforcement Museum on Federal land in the District of Columbia.

S. 1446

At the request of Mr. LOTT, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1446, a bill to amend the Internal Revenue Code of 1986 to allow an additional advance refunding of bonds originally issued to finance governmental facilities used for essential governmental functions.

S. 1783

At the request of Mr. COCHRAN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1783, a bill to amend title XVIII of the Social Security Act to provide for a prospective payment system for inpatient longstay hospital services under the medicare program.

S. 1974

At the request of Mr. SCHUMER, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1974, a bill to amend the Internal Revenue Code of 1986 to make higher education more affordable by providing a full tax deduction for higher education expenses and a tax credit for student education loans.

S. 2084

At the request of Mr. LUGAR, the names of the Senator from Minnesota (Mr. GRAMS) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 2084, a bill to amend the Internal Revenue Code of 1986 to increase the amount of the charitable deduction allowable for contributions of food inventory, and for other purposes.

S. 2307

At the request of Mr. DORGAN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2307, a bill to amend the Communications Act of 1934 to encourage broadband deployment to rural America, and for other purposes.

S. 2308

At the request of Mr. MOYNIHAN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 2308, a bill to amend title XIX of the Social Security Act to assure preservation of safety net hospitals through maintenance of the Medicaid disproportionate share hospital program.

S. 2580

At the request of Mr. BAUCUS, his name was added as a cosponsor of S. 2580, a bill to provide for the issuance of bonds to provide funding for the construction of schools of the Bureau of Indian Affairs of the Department of the Interior, and for other purposes.

S. 2686

At the request of Mr. COCHRAN, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 2686, a bill to amend chapter 36 of title 39, United States Code, to modify rates relating to reduced rate mail matter, and for other purposes.

S. 2700

At the request of Mr. L. CHAFEE, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2700, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to promote the cleanup and reuse of brownfields, to provide financial assistance for brownfields revitalization, to enhance State response programs, and for other purposes.

S. 2764

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 2764, a bill to amend the National and Community Service Act of 1990 and the Domestic Volunteer Service Act of 1973 to extend the authorizations of appropriations for the programs carried out under such Acts, and for other purposes.

S. 2868

At the request of Mrs. LINCOLN, her name was added as a cosponsor of S. 2868, a bill to amend the Public Health Service Act with respect to children's health.

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 2868, supra.

S. 2884

At the request of Mr. GRAMS, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2884, a bill to amend the Internal Revenue Code of 1986 to allow allocation of small ethanol producer credit to patrons of cooperative, and for other purposes.

S. 3016

At the request of Mr. ROTH, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 3016, to amend the Social Security Act to establish an outpatient prescription drug assistance program for low-income medicare beneficiaries and medicare beneficiaries with high drug costs.

S. 3020

At the request of Mr. GRAMS, the names of the Senator from Michigan (Mr. ABRAHAM) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 3020, a bill to require the Federal Communications Commission to revise its regulations authorizing the operation of new, low-power FM radio stations.

S. CON. RES. 60

At the request of Mr. FEINGOLD, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Vermont (Mr. LEAHY), and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. Con. Res. 60, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. *Wisconsin* and all those who served aboard her.

S. CON. RES. 106

At the request of Mr. GRAMS, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. Con. Res. 106, a concurrent resolution recognizing the Hermann Monument and Hermann Heights Park in New Ulm, Minnesota, as a national symbol of the contributions of Americans of German heritage.

S. CON. RES. 122

At the request of Mr. DURBIN, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. Con. Res. 122, concurrent resolution recognizing the 60th anniversary of the United States nonrecognition policy of the Soviet takeover of Estonia, Latvia, and Lithuania, and calling for positive steps to promote a peaceful and democratic future for the Baltic region.

S. RES. 304

At the request of Mr. BIDEN, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. Res. 304, a resolution expressing the sense of the Senate regarding the development of educational programs on veterans' contributions to the country and the designation of the week that includes Veterans Day as "National Veterans Awareness Week" for the presentation of such educational programs.

SENATE RESOLUTION 350—EXPRESSING THE SENSE OF THE SENATE REGARDING THE REPUBLIC OF INDIA'S CLOSED MARKET TO UNITED STATES SODA ASH EXPORTS

Mr. THOMAS (for himself and Mr. ENZI) submitted the following resolution; which was referred to the Committee on Finance.

S. RES. 350

Whereas the United States had a $5.4 billion trade deficit with India in 1999, due in part to India's restrictive trade practices which keep otherwise competitive foreign goods from entering the Indian market;

Whereas United States soda ash, a chemical used predominantly in making glass, is one of the products being kept from entering the Indian market by those restrictive trade practices;

Whereas India's barriers to United States soda ash imports include a tariff which in 1997 was 35 percent, putting it among the highest in the world;

Whereas India's tariff barriers have steadily increased since 1997 by, inter alia—

(1) a 4 percent special additional tariff introduced in 1998 on nearly all imports;

(2) an additional 10 percent surcharge added to the applied existing tariff rates in 1999 on nearly all imports; and

(3) a "customs simplification" in 1999 which increased by 5 percent tariffs previously set at 0 percent, 10 percent, 20 percent and 30 percent rates;

Whereas India's 1999/2000 Budget has further increased the tariff on soda ash to 38.5 percent, making it the highest in the world and creating an impossible trade barrier for individual United States soda ash exporters to overcome in order to remain competitive;

Whereas India has erected further barriers to United States soda ash through the imposition of a "temporary" order by India's Monopolies and Restrictive Trade Practices Commission ("MRTPC"), which precludes United States producers from exporting to India through the American Natural Soda Ash Corporation ("ANSAC"), an export trading joint venture which operates in strict accordance with the provisions of the Export Trade Promotion Act of 1917 (15 U.S. Code Sec. 61 et seq.) and the Export Trading Company Act of 1982 (15 U.S. Code Sec. 4001 et seq.);

Whereas this MRTPC order effectively maintains a complete and total de facto embargo on United States soda ash exports to India;

Whereas it appears that the MRTPC order was issued at the behest of Indian soda ash producers solely to protect their local market monopoly, rather than for legitimate reasons;

Whereas, since 1995 the United States Trade Representative's ("USTR") National Trade Estimate Report to Congress has identified India's denial of United States access to its soda ash market as a high priority;

Whereas, in January 1999, in response to an ANSAC petition, the USTR initiated a "country practice" petition to suspend India's duty-free benefits under the Generalized System of Preferences ("GSP") program on the grounds that India, by virtue of the foregoing tariffs and orders, fails to provide the United States equitable and reasonable access to its soda ash market;

Whereas, on February 14, 2000, U.S. Trade Representative Barshefsky and Secretary of Commerce Daley issued a joint press release concluding that "U.S. soda ash is being shut out of the Indian market;" .

Whereas, in March 2000, in apparent response to ANSAC's efforts to open India's soda ash market, the MRTPC issued a "show cause" order why ANSAC representatives should not be held in criminal contempt;

Whereas the basis for that show cause order were statements made by ANSAC representatives during testimony before the USTR's GSP Subcommittee at a hearing in Washington in March 1999, which statements characterized the Indian soda ash market as closed and the actions of the MRTPC as unfair;

Whereas, the actions of the MRTPC appear to be designed to ensure that India's market remains closed to United States exports; and

Whereas the unfair closure of India's market to United States soda ash exports runs counter to the concepts of fair and free trade and to the interests of India's soda ash consumers: Now, therefore, be it

Resolved, That—

(1) it is the sense of the Senate that India's tariffs on United States soda ash exports are excessive and are designed solely to exclude unfairly United States producers from the Indian market;

(2) the Senate strongly urges President Clinton, the USTR and the Government of India to use the mid-September visit to Washington of India's Prime Minister Vajpayee as an opportunity to address and settle the soda ash dispute by allowing United States soda ash equitable and reasonable access to the Indian market through the ANSAC joint venture at tariff reduced rates consistent with WTO normalization levels; and

(3) the Senate calls on the President and the USTR, in the absence of such a settlement, promptly to begin the process of suspending India's GSP benefits.

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will meet on September 12, 2000 in SR–328A at 9:00 a.m. The purpose of this hearing will be to review the operation of the Office of Civil Rights, USDA, and the role of the Office of General Counsel, USDA.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, September 13, 2000 at 2:30 p.m. in room 485 of the Russell Senate Building for a hearing on S. 2899, a bill to express the policy of the United States regarding the United States' relationship with Native Hawaiians.

PRIVILEGE OF THE FLOOR

Mr. JOHNSON. Mr. President, I ask unanimous consent that Holly Vineyard of the Finance Committee, a fellow from the Department of Commerce, be granted privilege of the floor during the remainder of the debate on H.R. 4444.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—H.R. 1776

Mr. LOTT. Mr. President, I ask unanimous consent the Banking Committee be discharged from further consideration of H.R. 1776 and the Senate then proceed to its immediate consideration.

I ask unanimous consent that all after the enacting clause be stricken and the text of S. 1452, which is a bill to modernize the requirements for the National Manufactured Housing Construction and Safety Standards Act of 1994, as passed, be inserted in lieu thereof. I further ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, the Senate insist upon its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, we have this afternoon received the response from one of our Senators who believes this bill is very close, but that he has some problems with it. We would, therefore, on behalf of this unnamed Senator, object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, let me urge Senator REID and the leadership to work with us, if he would talk with that Senator and identify what the problem might be. I know this bill has broad, I think almost unanimous, support.

I read what the bill does in its title. It would modernize the requirements for manufactured housing construction. This is in the interest of consumers. It will help the industry because it will clarify what the standards should be.

It is about safety; it is about manufactured housing construction. I have a feeling the problem is not with this bill, that it is an unrelated issue. But I hope we can work through the objection and we will come back on Monday or Tuesday of next week, I might say to Senator REID, and see if we cannot get that worked out.

Mr. REID. I say to my friend, I think it is an important piece of legislation. In Nevada, we depend very heavily on manufactured housing. We will do everything we can to see if we can get this worked out.

UNANIMOUS CONSENT REQUEST—H.R. 3615

Mr. LOTT. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of Calendar No. 525, H.R. 3615, the Rural Local Broadcast Signal Act and the Senate then proceed to its immediate consideration.

I further ask consent that all after the enacting clause be stricken and the text of S. 2097 as passed be inserted in lieu thereof. I further ask consent that the bill then be read the third time and passed, the motion to reconsider be laid upon the table, the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate on this legislation.

Just so everybody in the Senate will understand, this is the rural local satellite bill. Most of us refer to it as the satellite bill. It is the bill that was developed as a result of an agreement last year to make sure that there was some way for these loans to be available so satellites could be put up in space, where those of us in rural States, smaller communities, would have access to these satellites with dishes, just like the cities have. This is an effort to keep that commitment.

I know Senator BURNS has worked very hard on this matter. I think Senator BAUCUS had a part in it. A number of Senators have worked on it. I thought this morning at 11:30 we had it cleared. I understand there was some concern that maybe we would use this bill as a vehicle for some other specific bill or bills. This is too urgent. It is too important to my State and other States such as mine to not get it done. So there will not be any extraneous matter added to this bill. This bill will come out of conference clean. If any Senator has any reservations about that, if that is why there is an objection, if there is one, I assure the Senators and the leadership that that is not going to be the way it works.

I ask unanimous consent that we be able to take that legislation up under the request I made.

The PRESIDING OFFICER. Is there objection?

Mr. REID. On behalf of Senator LEAHY, I object.

The PRESIDING OFFICER. Objection is heard.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations on the Executive Calendar: No. 426 through 432, 550, 598, 599, 600 through 610, 619, 620, 621, 622, 623, 625, 626 through 630, 632, 633, 657, 658, 684, and 685. I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

Mr. REID. Mr. President, I say to my friend, the majority leader, he failed to read No. 644 and No. 645.

Mr. LOTT. I did skip over those: Nos. 640, 644, 645, and 653 should also be included in that list.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

DEPARTMENT OF THE TREASURY

Larry L. Levitan, of Maryland, to be a Member of the Internal Revenue Service Oversight Board for a term of five years.

Steven H. Nickles, of North Carolina, to be a Member of the Internal Revenue Service Oversight Board for a term of four years.

Robert M. Tobias, of Maryland, to be a Member of the Internal Revenue Service Oversight Board for a term of five years.

Karen Hastie Williams, of the District of Columbia, to be a Member of the Internal Revenue Service Oversight Board for a term of three years.

George L. Farr, of Connecticut, to be a Member of the Internal Revenue Service Oversight Board for a term of four years.

Charles L. Kolbe, of Iowa, to be a Member of the Internal Revenue Service Oversight Board for a term of three years.

Nancy Killefer, of the District of Columbia, to be a Member of the Internal Revenue Service Oversight Board for a term of five years.

FEDERAL MARITIME COMMISSION

Delmond J.H. Won, of Hawaii, to be a Federal Maritime Commissioner for the term expiring June 30, 2002.

DEPARTMENT OF STATE

Ross L. Wilson, of Maryland, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Azerbaijan.

Karl William Hofmann, of Maryland, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Togolese Republic.

Janet A. Sanderson, of Arizona, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic and Popular Republic of Algeria.

Donald Y. Yamamoto, of New York, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Djibouti.

John W. Limbert, of Vermont, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Islamic Republic of Mauritania.

Roger A. Meece, of Washington, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Malawi.

Mary Ann Peters, of California, a Creer Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of Bangladesh.

John Edward Herbst, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Uzbekistan.

E. Ashley Wills, of Georgia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Socialist Republic of Sri Lanka, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Maldives.

Carlos Pascual, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ukraine.

Sharon P. Wilkinson, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mozambique.

Owen James Sheaks, of Virginia, a Career Member of the Senior Executive Service, to be an Assistant Secretary of State (Verification and Compliance).

Pamela E. Bridgewater, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Benin.

DEPARTMENT OF TRANSPORTATION

Debbie D. Branson, of Texas, to be a Member of the Federal Aviation Management Advisory Council for a term of three years.

CORPORATION FOR PUBLIC BROADCASTING

Frank Henry Cruz, of California, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2006.

Ernest J. Wilson III, of Maryland, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2004.

Katherine Milner Anderson, of Virginia, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2006.

Kenneth Y. Tomlinson, of Virginia, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2006.

NATIONAL MEDIATION BOARD

Francis J. Duggan, of Virginia, to be a Member of the National Mediation Board for a term expiring July 1, 2003.

NATIONAL SCIENCE FOUNDATION

Nina V. Fedoroff, of Pennsylvania, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2006.

Diana S. Natalicio, of Texas, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2006.

John A. White, Jr., of Arkansas, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2006.

Jane Lubchenco, of Oregon, to be a Member of the National Science Board, National Science Foundation for a term expiring May 10, 2006.

Warren M. Washington, of Colorado, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2006.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Robert B. Rogers, of Missouri, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2001.

Carol W. Kinsley, of Massachusetts, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term of one year.

DEPARTMENT OF STATE

Michael G. Kozak, of Virginia, a Career Member of the Senior Executive Service, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Belarus.

DEPARTMENT OF VETERANS AFFAIRS

Robert M. Walker, of West Virginia, to be Under Secretary of Veterans Affairs for Memorial Affairs. (New Position)

Thomas L. Garthwaite, of Pennsylvania, to be Under Secretary for Health of the Department of Veterans Affairs for a term of four years.

DEPARTMENT OF JUSTICE

Norman C. Bay, of New Mexico, to be United States Attorney for the District of New Mexico for the term of four years.

DEPARTMENT OF DEFENSE

Roger W. Kallock, of Ohio, to be Deputy Under Secretary of Defense for Logistics and Material Readiness. (New Position)

DEPARTMENT OF STATE

Joseph R. Biden, Jr., of Delaware, to be a Representative of the United States of America to the Fifty-fifth Session of the General Assembly of the United Nations.

Rod Grams, of Minnesota, to be a Representative of the United States of America to the Fifty-fifth Session of the General Assembly of the United Nations.

Mr. LOTT. Mr. President, I appreciate that we were able to get these cleared. Most of these are career service people at the State Department and finally the approval of the IRS oversight board. We are really about 9 months late on that. It is important. We have this board in place. It is bipartisan, and I am glad we have gotten it cleared. There are other positions included here where we have Republicans and Democrats, both being cleared.

I hope we will use this effort to look at the Executive Calendar and see if there are not other nominations that can be cleared, are noncontroversial or can be matched in terms of partisan divide and maybe even other nominations. I hope we do not just refuse to move any nomination at this point. There are people who need to be considered, and we will try to work on that. This was a good-faith effort on my part and Senator DASCHLE's part. It is the right thing to do with these nominations.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDERS FOR MONDAY, SEPTEMBER 11, 2000

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 12 noon on Monday, September 11. I further ask unanimous consent that immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume debate on H.R. 4444, the China PNTR bill, with the Byrd amendment regarding subsidies pending to be debated under a previous order.

Mr. REID. Reserving the right to object, I ask the majority leader, are we going to try to do an appropriations bill next week?

Mr. LOTT. Mr. President, if I can respond, we will be working with the chairman and the ranking member on that. Thank goodness, we were able to get the energy and water appropriations bill completed. I believe the DC appropriations bill will not be ready until the week after next. We still have the Commerce-State-Justice and the HUD-VA appropriations bills on which we have to make a decision as to which one will go first. There is a problem with the level of funding, the cap on funding. We are going to have to work that out.

We are looking next week at, once again, possibly dual tracking with the China PNTR during the day and an appropriations bill at night. The principal focus next week, I believe, has to be on completing work on the China PNTR bill. We are about halfway there, but we still have, I believe, about 11 or 12 amendments that have been identified that may very well require votes.

It appears I will still have to file cloture on Tuesday. I want to do whatever is necessary to try to complete that bill by Friday of next week. It may not be possible, but if it means staying on that bill during the day and night, we will look at that option, and I will consult with the leadership on the other side for the need to do that if it appears it is necessary.

Mr. REID. I also say to my friend, we keep hearing that 11 appropriations bills have not been passed. That is true. But the fact is, we have completed action on more than the three bills. Just because we did one last night does not mean we have only done three.

Mr. LOTT. Yes.

Mr. REID. I say to my friend, the majority leader, while we are working on PNTR, I would hope that there is a concerted effort to get more money to solve the funding cap. We could work out a lot of these in conference. That is what we are waiting to do.

Mr. LOTT. Right.

Mr. REID. I think the sooner we do that the better off we will be.

Mr. LOTT. As the Senator knows, we are hoping that early next week the House will take up the legislative appropriations bill coupled with the Treasury-Postal Department appropriations bill. It would be done in such a way that both sides find it acceptable. It is my understanding that the administration would sign it. So that would move two bills to the President. We hope to have that acted on in the Senate next week, hopefully by Thursday. So if that is done, that would put us then at 10 appropriations bills having been acted on by the Senate, leaving only three.

I will be working, again, as I said, with the chairman, about which we would do next week, the HUD bill or CJS. And I don't know whether the HUD bill has come out of committee yet. So we are still working on that. We are still committed to getting through these appropriations bills, hopefully getting them all done through the Congress, going into conference, and hopefully down to the President before the end of the fiscal year.

Mr. REID. Mr. President, I have a couple more housekeeping matters.

I say to the majority leader, are we going to have any votes Monday?

Mr. LOTT. It is possible that we would have votes on Monday. But if we are making good progress—like this week, we didn't force votes on I guess it was Tuesday or Wednesday because we had debate, and we were able to get on the bill. We were able to get amendments done. But I would say this: If there are votes Monday, it will depend on—we were not able to get work done on amendments to the point where they could get a vote today. Votes will not occur before 5:30 or 6 o'clock. We will consult on the time. But it could be that the next votes will not occur until Tuesday morning. It just depends on whether we can get one racked up and in order.

Mr. REID. Finally, Mr. President, I say through you to the majority leader, I also hope, in the limited things that you have to do next week, that you would give some consideration to the problems that Senator LEVIN and Senator HARKIN have regarding judges. Both of these Senators have talked to Senator DASCHLE and me and are very concerned.

I know they have been in conversation with you and Senator HATCH. We hope that there can be some progress made on the requests of these two fine Senators.

Mr. LOTT. Mr. President, I just spent the last few minutes with Senator LEVIN. I understand his interest. The problem they are both interested in is in the Judiciary Committee. We will be working to see if anything could be done. It will be very hard at this point. I understand their interest. I know there is no desire to block the action of the Senate at this time. It is going to be difficult, but I certainly am going to listen to them and see what might be done. If we could keep working on it, maybe something can be worked out.

The PRESIDING OFFICER. Is there objection to the majority leader's request?

Without objection, it is so ordered.

Mr. LOTT. I further ask unanimous consent that at 1 p.m. on Monday, Senator THOMPSON be recognized to offer an amendment to H.R. 4444, and that Senator HELMS be recognized at 2:15 p.m. on Tuesday to offer an amendment to the same.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I really had hoped that we could find a way to consider Senator THOMPSON's amendment, or bill, as a separate issue. I worked throughout the month of July to do that. I even tried as late as yesterday to have it considered separately. But I was told that there would be an objection to taking it up. Then we would have to file cloture under a motion to proceed, and it would take days. If it took all that time, it actually could have displaced the China PNTR bill.

So I think that Senator THOMPSON has no option but to offer his amendment on China PNTR. It is a very serious matter. Chinese nuclear weapon proliferation is something about which we have to be concerned. And I am convinced it continues to this day. We need a way to monitor it. And there should be a way to impose sanctions if that continues.

So that issue will come up on this bill and we will have to see how it works out. I think this is going to be the toughest issue we have to face on China PNTR. There is opposition by some for other reasons, but this is one that will test the will of the Senate, I believe, in getting the work completed.

Mr. REID. Mr. Leader, having looked at the votes on this issue, the Thompson amendment, I think it would be in everyone's interest if this could be worked out so there is a separate vote on this issue, separate from this legislation. Senator THOMPSON should know that there are a number of people who have a basic support for his legislation but would vote against it because it is on this legislation. He has worked so hard on this, so I hope he can have a separate up-or-down vote on the merits, not complicated by the PNTR issue.

Mr. LOTT. I have spent a lot of time trying to find a way to do that.

PROGRAM

Mr. LOTT. Mr. President, at 12 noon the Senate will resume debate on the China trade bill, with a Byrd amendment to be debated until 1 p.m. At 1 p.m., Senator THOMPSON will be recognized to offer his amendment regarding the China nonproliferation issue. Debate on that amendment is expected to consume most of the day; however, other amendments may be offered during Monday's session.

Those Senators who have amendments are encouraged to work with the bill managers on a time to offer the amendments. Also, it is hoped that the Senate can complete action on this important trade legislation by early next week, or certainly by the end of next week. Then we will be able to move on to other issues.

ADJOURNMENT UNTIL MONDAY, SEPTEMBER 11, 2000

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 3:43 p.m., adjourned until Monday, September 11, 2000, at 12 noon.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 8, 2000:

DEPARTMENT OF THE TREASURY

LARRY L. LEVITAN, OF MARYLAND, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR A TERM OF FIVE YEARS.

STEVE H. NICKLES, OF NORTH CAROLINA, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR A TERM OF FOUR YEARS.

ROBERT M. TOBIAS, OF MARYLAND, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR A TERM OF FIVE YEARS.

KAREN HASTIE WILLIAMS, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR A TERM OF THREE YEARS.

GEORGE L. FARR, OF CONNECTICUT, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR A TERM OF FOUR YEARS.

CHARLES L. KOLBE, OF IOWA, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR A TERM OF THREE YEARS.

NANCY KILLEFER, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR A TERM OF FIVE YEARS.

FEDERAL MARITIME COMMISSION

DELMOND J.H. WON, OF HAWAII, TO BE A FEDERAL MARITIME COMMISSIONER FOR THE TERM EXPIRING JUNE 30, 2002.

DEPARTMENT OF STATE

ROSS L. WILSON, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF AZERBAIJAN.

KARL WILLIAM HOFMANN, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE TOGOLESE REPUBLIC.

JANET A. SANDERSON, OF ARIZONA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC AND POPULAR REPUBLIC OF ALGERIA.

DONALD Y. YAMAMOTO, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF DJIBOUTI.

JOHN W. LIMBERT, OF VERMONT, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ISLAMIC REPUBLIC OF MAURITANIA.

ROGER A. MEECE, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALAWI.

MARY ANN PETERS, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PEOPLE'S REPUBLIC OF BANGLADESH.

JOHN EDWARD HERBST, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF UZBEKISTAN.

E. ASHLEY WILLS, OF GEORGIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALDIVES.

CARLOS PASCUAL, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO UKRAINE.

SHARON P. WILKINSON, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MOZAMBIQUE.

OWEN JAMES SHEAKS, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR EXECUTIVE SERVICE, TO BE AN ASSISTANT SECRETARY OF STATE (VERIFICATION AND COMPLIANCE).

PAMELA E. BRIDGEWATER, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BENIN.

DEPARTMENT OF TRANSPORTATION

DEBBIE D. BRANSON, OF TEXAS, TO BE A MEMBER OF THE FEDERAL AVIATION MANAGEMENT ADVISORY COUNCIL FOR A TERM OF THREE YEARS.

CORPORATION FOR PUBLIC BROADCASTING

FRANK HENRY CRUZ, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2006.

ERNEST J. WILSON III, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2004.

KATHERINE MILNER ANDERSON, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2006.

KENNETH Y. TOMLINSON, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2006.

NATIONAL MEDIATION BOARD

FRANCIS J. DUGGAN, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 2003.

NATIONAL SCIENCE FOUNDATION

NINA V. FEDOROFF, OF PENNSYLVANIA TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2006.

DIANA S. NATALICIO, OF TEXAS, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2006.

JOHN A. WHITE, JR., OF ARKANSAS, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2006.

JANE LUBCHENCO, OF OREGON, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION FOR A TERM EXPIRING MAY 10, 2006.

WARREN M. WASHINGTON, OF COLORADO, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2006.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

ROBERT B. ROGERS, OF MISSOURI, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2001.

CAROL W. KINSLEY, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM OF ONE YEAR.

DEPARTMENT OF STATE

MICHAEL G. KOZAK, OF VIRGINIA, A CAREER MEMBER OF THIS SENIOR EXECUTIVE SERVICE, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BELARUS.

DEPARTMENT OF VETERANS AFFAIRS

ROBERT M. WALKER, OF WEST VIRGINIA, TO BE UNDER SECRETARY OF VETERANS AFFAIRS FOR MEMORIAL AFFAIRS.

THOMAS L. GARTHWAITE, OF PENNSYLVANIA, TO BE UNDER SECRETARY OF HEALTH OF THE DEPARTMENT OF VETERANS AFFAIRS FOR A TERM OF FOUR YEARS.

THE JUDICIARY

JAMES EDGAR BAKER, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES FOR THE TERM OF FIFTEEN YEARS TO EXPIRE ON THE DATE PRESCRIBED BY LAW.

DEPARTMENT OF DEFENSE

ROGER W. KALLOCK, OF OHIO, TO BE DEPUTY UNDER SECRETARY OF DEFENSE FOR LOGISTICS AND MATERIAL READINESS.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF JUSTICE

NORMAN C. BAY, OF NEW MEXICO, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF NEW MEXICO FOR THE TERM OF FOUR YEARS.

DEPARTMENT OF STATE

JOSEPH R. BIDEN, JR., OF DELAWARE, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-FIFTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

ROD GRAMS, OF MINNESOTA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-FIFTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

HOUSE OF REPRESENTATIVES—*Monday, September 11, 2000*

The House met at noon and was called to order by the Speaker pro tempore (Mr. BALLENGER).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 11, 2000.

I hereby appoint the Honorable CASS BALLENGER to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Almighty and faithful Creator, all things of Your making, all people are redeemed in Your love and shaped in Your image.

Today we entrust the soul of Representative HERBERT BATEMAN of Virginia to your goodness.

In Your infinite wisdom and power, You have worked in him to achieve Your purpose.

He is known to You alone from the beginning of time.

Known to this assembly for his personal friendliness, we ask You to reward him for his labors. Grant consolation and peace to his staff and his family.

May we persevere in the tasks You set before us that we may receive the reward of the just, now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Florida (Mr. STEARNS) come forward and lead the House in the Pledge of Allegiance.

Mr. Stearns led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Cheek, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 4733. An act making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes.

H.R. 4919. An act to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to make improvements to certain defense and security assistance provisions under those Acts, to authorize the transfer of naval vessels to certain foreign countries, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 4733) "An Act making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. DOMENICI, Mr. COCHRAN, Mr. GORTON, Mr. MCCONNELL, Mr. BENNETT, Mr. BURNS, Mr. CRAIG, Mr. STEVENS, Mr. REID, Mr. BYRD, Mr. HOLLINGS, Mrs. MURRAY, Mr. KOHL, Mr. DORGAN, and Mr. INOUYE, to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 4919) "An Act to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to make improvements to certain defense and security assistance provisions under those Acts, to authorize the transfer of naval vessels to certain foreign countries, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HELMS, Mr. LUGAR, Mr. HAGEL, Mr. BIDEN, and Mr. SARBANES, to be the conferees on the part of the Senate.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 2438. An act to provide for enhanced safety, public awareness, and environmental protection in pipeline transportation, and for other purposes.

ON THE PASSING OF THE HON. HERBERT H. BATEMAN, MEMBER OF CONGRESS

(Mr. FRANK of Massachusetts asked and was given permission to address the House for 1 minute.)

Mr. FRANK of Massachusetts. Mr. Speaker, I was shocked today to come in and hear about the death of our colleague, the gentleman from Virginia (Mr. BATEMAN).

He was for many years my colleague, for the last 2 years my office mate and neighbor; and I spent many times walking to and from this Chamber with him. He was a gentle and kind man, and all of us are diminished by his death.

I want to express my deep sense of grief and extend my sympathies to his family and those who have worked with him.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 4205, FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

Mr. FRANK of Massachusetts. Mr. Speaker, pursuant to clause 7(c) of rule XX, I announce my intention to offer a motion to instruct conferees on H.R. 4205.

I do this, I should say, in consultation with the Democratic leader, the gentleman from Missouri (Mr. GEPHARDT), and the ranking Democratic member of the Committee on the Judiciary, the gentleman from Michigan (Mr. BONIOR).

The motion is as follows: I move that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4205 be instructed to agree to the provisions contained in title XV of the Senate amendment.

If I might briefly, Mr. Speaker, explain. That is the defense bill and this is an instruction dealing with the Hate Crimes section, which was adopted in the other body to that bill. This would have the House concur with the Senate's adoption of the Hate Crimes section.

IN REMEMBRANCE OF HON. HERBERT H. BATEMAN, MEMBER OF CONGRESS

(Mr. STEARNS asked and was given permission to address the House for 1 minute.)

Mr. STEARNS. Mr. Speaker, let me share with my colleague from Massachusetts my sentiments and my concern and surprise about our colleague, the gentleman from Virginia (Mr. BATEMAN), who evidently collapsed and is now deceased. I think all of us in the House are totally shocked.

We have had lunch with him. We have walked the halls of Congress. We recently have heard his wisdom. And all of us will agree his personality has uplifted us all. He will be sadly missed. And I know all of us will be speaking more about his death, but I share with my colleague from Massachusetts what an extraordinarily likeable, friendly, and uplifting individual this was. I give my best sentiments to his family and his friends.

ON THE PASSING OF THE HON. HERBERT H. BATEMAN, MEMBER OF CONGRESS

(Mr. HORN asked and was given permission to address the House for 1 minute.)

Mr. HORN. Mr. Speaker, the gentleman from Virginia (Mr. BATEMAN) was a beloved person in this Chamber; and the tragedy, as he is retiring, we all felt that way, that it would be a real loss. Now it is a real loss generally to humanity.

But the gentleman from Virginia (Mr. BATEMAN) was, without question, the most ethical Member of Congress one could ever find. He also was one who, when he got up to speak, people listened because they knew he had given great depth of thought to the matter at hand and they knew that he was generally doing the right thing. It is a real loss to the colleagues that he could not finish out this Congress.

Wherever he is; and I suspect he is in the right place up above, and if he is there, he will probably share the parliamentarian's role, also the role of being very thorough about whatever he does.

DEMAND ACCOUNTABILITY ON FIRESTONE/FORD TIRE RECALL

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, last week we had a hearing in Congress into the recent recall by Ford and Firestone of over 6 million tires. These tires have been attributed to hundreds of vehicle crashes and at least 88 fatalities.

Florida, my home State, is fourth in the number of crashes yet has the highest number of these fatalities, at 21.

Just recently, I received a letter from a constituent whose son and his fiance were killed when their Ford Explorer crashed as a result of the rear tire tread separation. This is what the constituent wrote to me.

"Their deaths could have been prevented had Ford and Firestone taken action when they knew the potential for injury."

That is the purpose of our investigations here in Congress. When exactly did these companies know there was a problem, and why did they wait until this summer to initiate a recall?

My constituents demand accountability.

So, my colleagues, it is time to have additional hearings and to find out why these companies should stop the finger pointing at each other and give us the tough answers.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

PROPOSED LEGISLATION TO CREATE OFFICE OF MANAGEMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from California (Mr. HORN) is recognized for 60 minutes as the designee of the majority leader.

Mr. HORN. Mr. Speaker, next week I will be introducing legislation to create an Office of Management within the Executive Office of the President. This proposal complements and extends the efforts of recent Congresses to focus on one of the greatest challenges facing the Federal Government: finding an effective way to manage the complex collection of Government cabinet departments, independent agencies, and laws and regulations that exist to serve the public and provide for our national security.

Some might argue that this proposal is unnecessary or unimportant. Those arguments are profoundly misguided. The challenge of effectively managing our government is, in fact, one of the most vital issues before us.

If we hope to solve the long-term problems that threaten Social Security and Medicare, if we hope to strengthen our social safety net for children and other vulnerable members of our society, if we want to reduce the tax burden on American families, then we must start with a well-managed Federal Government.

As most Members of Congress know, each year we receive reports that billions of taxpayers dollars are lost to waste, fraud, or misuse.

A January 26, 1999, report by the General Accounting Office stated: "We have identified several Government programs that are not managed effectively or that experience chronic waste and inefficiency."

In fact, the General Accounting Office report identified 29 large programs and agencies that were at high risk of waste, fraud, abuse, and mismanagement.

Among the most significant problems, the report cited the inability of the Department of Defense to produce financial statements that could be audited.

Despite the General Accounting Office's recognition of this serious financial management program, which dates back to 1995, little has changed.

In May of this year, the Subcommittee on Government Management, Information and Technology, which I chair, again examined the Defense Department's financial management. We found that the Department still cannot produce auditable and accurate financial statements.

In fact, the Department's inspector general reported that in 1999 the Defense Department had to make bookkeeping adjustments that totaled $7.6 trillion. Think of it, $7.6 trillion. Not millions, not billions, trillions. That is about what the national debt was. But they had to use that $7.6 billion to reconcile its books with the United States Treasury and other sources of financial records.

The General Accounting Office's examination of those adjustments found that at least $2.3 trillion of the adjustments were not supported by documentation, reliable information, or audit trails.

The Defense Department is not the only agency with such problems. It is just the biggest.

The subcommittee's examination of the 1999 financial audit of the Health Care Financing Administration found that the agency had paid out an estimated $13.5 billion in improper payments for its Medicare fee-for-service program, something that is very important to the constituents of every Member of this House. That is roughly 8 percent of the fee-for-service program's $170 billion budget.

As the General Accounting Office testified at a subcommittee hearing earlier this year, the Health Care Financing Administration accounting procedures are so inadequate that no one can estimate how much of this money was lost to fraud.

These are just two examples of the enormous cost of the Government's poor management, outmoded business practices, and insufficient financial controls.

At a subcommittee hearing on the government-wide consolidated financial statement that was held this year, the Comptroller General of the United States, David M. Walker, testified that serious financial management weaknesses also exist at the Internal Revenue Service, the Forest Service, and the Federal Aviation Administration.

These weaknesses, he said, place billions of dollars of the taxpayers' money at high risk of being lost to waste, fraud, and misuse.

There is only one way to find these abuses, and that is to ferret out each wasted dollar agency by agency, program by program, and line by line. To accomplish this goal, we must make management a clear and unequivocal priority across the entire executive branch of the Federal Government.

General Accounting Office investigators came to the same conclusion in a

January 2000 report: "Fixing the underlying weaknesses in high-risk program management areas can significantly reduce Government costs and improve services."

Congress must create a core of management experts who will not only have the ability and skill to address wasteful administration and program failures but who also have the power and mandate to force action and produce results.

□ 1215

The Office of Management and Budget in the Executive Office of the President was created in the 1970s for the very purposes I have just outlined. I supported its creation and the belief that the power of the budget process would strengthen support for stronger management practices.

I was wrong.

For years, management experts, whom I respect within and outside the government, have said to me that the "M" in OMB is not management. It is a mirage.

The unpleasant reality is that tying management to the power of the budget process was an excellent theory but one that never worked. The pressures and dynamics of the annual budget process have simply overwhelmed nearly every initiative aimed at improving management. In effect, the fledgling management trees could not survive among the tangled and gnarled limbs of the budgetary forest.

Since serving as chairman of the Subcommittee on Government Management, Information and Technology for the last 6 years, it has become very clear to me that the executive branch could no longer continue on the present course of muddling along, then papering over the fundamental management deficiencies with more tax dollars. This course has left us vulnerable to monetary waste and threatens to disrupt vital government programs that serve millions of Americans.

This very real problem seized my attention in April of 1996 when I learned that the Federal Government's computers were not prepared to deal with the year 2000 date change, or the so-called Y2K or millennium bug. In one case after another, we had evidence that the government was simply not up to meeting it. Overall, however, the government and the private sector did meet it after this committee asked the President to put somebody in charge in the executive branch. When the president did make an appointment, it was not to OMB. It was as Assistant to the President. He had the President's ear, and that is what is important if you are going to get something done in the executive branch of the Federal Government.

After our Subcommittee on Government Management, Information and Technology began examining the year 2000 problem in 1996, we surveyed cabinet officers about their knowledge of the problem. The survey revealed that two cabinet officers had never heard of the Y2K or year 2000 problem, even though the Social Security Administration was doing it on their own with no guidance from any administration, be it Republican or Democratic, and a lot of the cabinet had done exactly nothing. So it was clear that the executive branch was not providing leadership. It was providing procrastination. When the executive branch finally awakened, it put the portfolio to handle Y2K on a desk occupied by an already overworked individual 16 hours a day, 7 days a week. In brief, the Office of Management and Budget provided no leadership.

One Federal agency was the exception to this serious lack of management foresight. The Social Security Administration recognized the year 2000 problem in 1989. That agency was steadfast in its commitment to solve this technological challenge, and it was one of the first agencies to announce in 1999 that its computer systems were Y2K compliant. It should be noted, however, that the agency had been working on the problem for a decade. So should the rest of the executive branch have been working on the problem.

The Federal Highway Administration had been alerted to the computer problem as early as 1987. That was even earlier than Social Security. The problem was, however, that nobody would listen to those who warned them about Y2K in the Department of Transportation. The Federal Highway Administration did not care. So the issue was never brought to the attention of the Secretary of Transportation. If it had been, one would hope that the Secretary would have been especially concerned about one of the Department's most critical agencies, the Federal Aviation Administration. Worse yet, the issue was never submitted to the President.

That would never have happened under President Eisenhower.

He had a cabinet who brought the issues up the system. He made a decision, initialed it 30 days later, said "six months from now I want to see you before the cabinet again." But in 1987 that was not the kind of government we had at that time.

In July of 1997, the gentlewoman from New York (Mrs. MALONEY), my ranking minority member on the subcommittee, and I wrote the President stating that there was an urgent need for him to designate a senior administration official to oversee the Federal Y2K effort and to encourage private sector initiatives to fix the problem.

The President did not act until February 1998 and then instead of relying on a budget-dominated OMB, the President brought out of retirement and appointed John Koskinen as an Assistant to the President. As I noted earlier, the President gave the authority to Mr. Koskinen to pull together the relevant officials who were responsible for computing systems in the various Federal agencies.

Mr. Koskinen had served the President as deputy director of OMB for management from 1993 to 1997. He retired in 1997. Yet, despite Mr. Koskinen's able leadership at some management matters at OMB, very few steps had been taken to address the year 2000 problem during the years when he was in charge of management.

Because of this stunning and inexcusable management failure, executive branch agencies were forced into a belated and unnecessary state of emergency action that added billions of dollars to the total cost of fixing government computers.

The year 2000 crisis provides powerful evidence of the need for an Office of Management with a Director reporting to the President. Our government must have one office that is focused solely on finding, deciphering, and solving this kind of problem before it occurs, not afterwards. We need one group of management-oriented professionals who are available to monitor and to help find solutions to management problems before they become costly burdens to the taxpayers.

President Franklin Roosevelt had professionals who were capable of sorting out common problems, whether it was the Tennessee Valley Authority, or the beginning of the Marshall Plan.

President Truman used the management experts to develop the Marshall Plan, which would rebuild the war-torn countries in Europe.

President Eisenhower, as I noted, had also a similar group of about 15 to 20 management personnel in the then Bureau of the Budget. Those professionals did not change when Presidents changed. They served the Presidency. After the Eisenhower administration, the then Bureau of the Budget became more and more politicized.

Unfortunately, Y2K is only a small piece of the larger management problem as the Federal Government attempts to update its information technology. We have asked the Comptroller General of the United States to have the General Accounting Office survey the adequacy of hardware and software in the executive branch.

In recent years, five major Federal agencies have launched computer modernization efforts that sunk from very lofty goals to abject failures. These efforts, by the Internal Revenue Service, the Federal Aviation Administration, the Department of Defense, the National Weather Service, and the Medicare program can best be summed up as an ongoing series of repetitive disasters that at the highest possible cost failed to produce useful computer systems needed to serve the public.

The Internal Revenue Service finally realized that its project had failed when it hit the $4 billion mark. The Federal Aviation Administration, which as a freshman member I was taken out to look at that project, along with the gentleman from Florida (Mr. MICA), and when we walked into the room and knew something was wrong. What was wrong? The place was not being managed.

The FAA had a similar disaster and that was it, and it cost over $3 billion when somebody finally pulled the plug. Both were costly examples of abysmal management.

The American taxpayer deserves a lot more from the executive branch than it has received. Three years ago, the General Accounting Office reported that, quote, "these efforts are having serious trouble meeting cost, schedule and/or performance goals. Such problems are all too common in Federal automation projects," unquote.

In short, good management could have saved the taxpayers billions of dollars and given the government and its citizens modern, efficient, productive, and effective technology.

What is needed is not just to strengthen the President's staff in the area of information technology, but to have an integrated approach to management improvement.

The desperate need for improvement in financial management systems, to which I have already referred, can be pursued only in concert with information technology. Moreover, many of the failures in upgrading these computer systems can be traced to inadequacies in the procurement process.

At present, these three specialized areas of management which are in three separate statutory offices within the Office of Management and Budget essentially involve procurement and the review of regulations, all of which is very important, and it can be tools to move an agency into being much more effective than without that kind of leadership. We must remove all of the people that are in OMB from the shackles of the budget process and insist that they work together to eliminate the further loss of billions of dollars in wasteful and unsuccessful systems development. Those offices should be part of the Office of Management.

Many other management challenges lie ahead. We need an organized and comprehensive government-wide plan to protect government computers from invasion, such as the Melissa and "I love you" viruses. Over the next few years, the Federal workforce will suffer massive attrition. We need an executive branch agency-wide strategy to train new workers and to retain veteran employees.

An Office of Management would produce enormous dividends in these areas simply by the early identification of problems such as these and pointing the way toward the most effective solutions. Presidents need help. An Office of Management would provide that help.

Mr. Speaker, there are other vital areas that need the same kind of scrutiny and guidance that I believe would flow from an Office of Management. Beginning with the Debt Collection Improvement Act, which became law in 1996, Congress has attempted to provide Federal departments and agencies with the tools they need to collect the billions in dollars in debts that are owed to the government. Whose money is it? It is the taxpayers' money. Yet so far, their collection efforts have been sluggish and ineffective.

Good financial management practices and systems should be in place throughout the Federal Government. However, recent subcommittee hearings have again shown that too many agencies have neither financial managements and up-to-date systems. Property management, procurement and personnel policies continue, on and on.

Most White House staffers are interested in policy development, not managing policy implementation, and that is true of most administrations. They come out of the very best colleges and universities of America and they want to make policy. Most of these policies fail because nobody has an understanding of management and the implementation of policies, and the cooperative needs between the various executive branch agencies if you are going to be truly effective.

Policy involves hope, excitement, and media coverage. Management, on the other hand, appears dull and dreary, whether it is program management or financial management. Yet good policies that are not translated through management into action have no value and those policies will never go anywhere.

Removing the management problems from the current Office of Management and Budget would provide the President with a rational division of labor that would place a new and necessary emphasis on managing what is currently unmanageable. Those now engaged in budget analysis fulfill different roles than those who work in financial and program management. Both management and budget staffs would participate in annual budget reviews of executive branch departments and agencies. We do not need to create a new bureaucracy, or require a major reorganization of the Executive Office of the President.

We do, however, need to create a separate Office of Management whose director has clear and direct access to the President, similar to the relationship of the director of an Office of the Budget. If we are to create government-wide accountability, the President needs an Office of Management. It is essential, it is long overdue reform that taxpayers deserve and that good government demands.

An Office of Management could work with departments and agencies in measuring the value of program effectiveness. There is very little evaluation of program effectiveness.

In a bipartisan basis, in the first few years I was a member of Congress, the performance and results law of 1994 has worked and is starting to work more effectively. In the beginning, it was setting goals. Those achievements have seldom been reached. The agencies need to look at how efficient and how effective they are? And if they are not effective or efficient, then change it or get rid of it.

The cities and counties of America have had great improvements in the delivery of these programs over the last few years.

□ 1230

If Oregon can do it, why cannot the Executive Branch of the Federal Government?

If New Zealand can do it, why cannot the Executive Branch of the Federal Government?

If Australia can do it, why cannot the Executive Branch of the Federal Government?

In August 1910, former President Theodore Roosevelt spoke to this very issue: "No matter how honest and decent we are in our private lives, if we do not have the right kind of law and the right kind of administration of the law, we cannot go forward as a Nation."

Mr. Speaker, I think it is time to move forward and to create an Office of Management.

Mr. Speaker, for the RECORD I include the text of a draft bill to establish an Office of Management as follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ESTABLISHMENT OF OFFICE OF MANAGEMENT.

(a) ESTABLISHMENT.—There is hereby established in the Executive Office of the President the Office of Management, the purpose of which shall be to improve Federal management and organization and to promote efficiency and effectiveness in the operation of the Federal Government.

(b) DIRECTOR; DEPUTY DIRECTOR.—(1) There shall be at the head of the Office of Management a Director, who shall be appointed by the President by and with the advice and consent of the Senate. The Director shall be compensated at the annual rate of basic pay for Executive level I as provided in section 5312 of title 5, United States Code.

(2) There shall be a Deputy Director of the Office of Management, who shall be appointed by the President by and with the advice and consent of the Senate. The Deputy Director shall be compensated at the annual rate of basic pay for Executive level II as provided in section 5313 of title 5, United States Code.

(c) TRANSFER OF AUTHORITY AND FUNCTIONS.—(1) The following offices in the Office of Management and Budget are abolished; and the functions and authorities of the heads of such offices are hereby transferred to the Director of the Office of Management:

(1) The Office of Federal Procurement Policy.

(2) The Office of Information and Regulatory Affairs.

(3) The Office of Federal Financial Management.

(4) The Office of the Deputy Director for Management.

(5) The Office of the Chief Financial Officer.

SEC. 2. REDESIGNATION OF OFFICE OF MANAGEMENT AND BUDGET.

The Office of Management and Budget is hereby redesignated as the Office of the Budget. Any authorities of, and functions performed by, the Director and other officers and appointees of the Office of Management and Budget before the date of the enactment of this Act and not transferred under section 1 shall remain the authorities and functions of the Director as the head of the Office of the Budget and such other officers and appointees as appropriate.

SEC. 3. CONFORMING AMENDMENTS TO OTHER LAWS.

Not later than 90 days after the date of the enactment of this Act, the President shall submit to Congress recommendations for conforming amendments necessary to carry out the purposes of this Act.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. VENTO (at the request of Mr. GEPHARDT) for today and the balance of the week on account of health reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. STEARNS) to revise and extend their remarks and include extraneous material:)

Mr. WOLF, for 5 minutes, today and September 12.

Mr. THUNE, for 5 minutes, September 13.

ADJOURNMENT

Mr. HORN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 30 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, September 12, 2000, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9909. A letter from the Congressional Review Coordinator, Animal Plant Health Inspection Service, Deaprtment of Agriculture, transmitting the Department's final rule—Mediterranean Fruit Fly; Quarantined Areas, Regulated Articles, Treatments [Docket No. 97-056-18] received September 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9910. A letter from the Administrator, Farm Service Agency, Department of Agriculture, transmitting the Department's final rule—Streamling of the Emergency Farm Loan Program Loan Regulations (RIN:0560–AF72) received September 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9911. A letter from the Under Secretary, Acquisition and Technology, Department of Defense, transmitting the Selected Acquisition Reports (SARS) for the quarter ending June 30, 2000, pursuant to 10 U.S.C. 2432; to the Committee on Armed Services.

9912. A letter from the Secretary, Department of Defense, transmitting the approved retirement and advancement to the grade of Vice Admiral on the retired list of Vice Admiral CONRAD C. Lautenbacher, Jr., United States Navy; to the Committee on Armed Services.

9913. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Revision of Requirements Applicable to Albumin (Human), Plasma Protein Fraction (Human), and Immune Globulin (Human) [Docket No. 98N–0608] received September 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9914. A letter from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting the Department's final rule—Agency Policy and Public Participation in the Implementation of the 1998 Agreement on Global Technical Regulations: Statement of Policy [Docket No. NHTSA–00–7817] (RIN: 2127–AH29) received August 25, 2000; to the Committee on Commerce.

9915. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Revised Format for Materials Being Incorporated by Reference for Vermont [VT–19–1222a; A–1–FRL–6854–8] received September 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9916. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, South Coast Air Quality Management District, Bay Area Air Quality Management District [CA 238–0246a; FRL–6851–8] received September 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9917. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District [CA 217–0258; FRL–6865–9] received September 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9918. A letter from the Lieutenant General, USAF, Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Finland for defense articles and services (Transmittal No. 00–65), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9919. A letter from the Lieutenant General, USAF, Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to Saudi Arabia for defense articles and services (Transmittal No. 00–62), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9920. A letter from the Lieutenant General, USAF, Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to Saudi Arabia for defense articles and services (Transmittal No. 00–63), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9921. A letter from the Lieutenant General, USAF, Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to Singapore for defense articles and services (Transmittal No. 00–64), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9922. A letter from the Lieutenant General, USAF, Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Saudi Arabia for defense articles and services (Transmittal No. 00–66), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9923. A letter from the Lieutenant General, USAF, Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Egypt for defense articles and services (Transmittal No. 00–67), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9924. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report to Congress on the People's Republic of China's status as an adherent to the Missile Technology Control Regime (MTCR), pursuant to 22 U.S.C. 2797e—2; to the Committee on International Relations.

9925. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting copies of the certification and justification of reports pursuant to the Cooperative Threat Reduction Act of 1993, Section 1412 (d) of the Soviet Union Demilitarization Act of 1992 and Section 502 of the Freedom Suport Act; to the Committee on International Relations.

9926. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on military expenditures for countries receiving U.S. assistance; to the Committee on International Relations.

9927. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–405, "Surplus Note Amendment Act of 2000" received September 07, 2000, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

9928. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–426, "Driving Under the Influence Repeat Offenders Temporary Amendment Act of 2000" received September 07, 2000, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

9929. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13-419, "Insurer Confidentiality and Information Sharing Amendment Act of 2000" received September 07, 2000, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

9930. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13-421, "Adoption and Safe Families Compliance Temporary Amendment Act of 2000" received September 07, 2000, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

9931. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13-388, "Mail Ballot Feasibility Study Amendment Act of 2000" received September 07, 2000, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

9932. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13-424, "Real Property Equitable Tax Relief Temporary Act of 2000" received September 07, 2000, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

9933. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13-391, "Closing of 13th and N Streets, S.E., S.O. 98-271, Act of 2000" received September 07, 2000, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

9934. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13-392, "Extension of the Nominating Petition Time Temporary Amendment Act of 2000" received September 07, 2000, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

9935. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13-395, "Distribution of Marijuana Amendment Act of 2000" received September 07, 2000, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

9936. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13-423, "Fort Stanton Civic Association Real Property Tax Exemption and Equitable Real Property Tax Relief Temporary Act of 2000 received September 7, 2000, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

9937. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13-422, "United States Branch Domestication Act of 2000" received September 7, 2000, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

9938. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13-390, "Mayor's Official Residence Commission Establishment Act of 2000" received September 7, 2000, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

9939. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13-425, "Fiscal Year 2001 Budget Support Temporary Amendment Act of 2000" received September 7, 2000, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

9940. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13-427, "Public School Enrollment Intergrity Temporary Amendment Act of 2000" received September 7, 2000, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

9941. A letter from the Comptroller General, General Accounting Office, transmitting List of all reports issued or released by the GAO in July 2000, pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform.

9942. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13-420, "Captive Insurance Company Act of 2000" received September 07, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9943. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—New Mexico Regulatory Program [SPATS No. NM-039-FOR] received September 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9944. A letter from the Assistant Secretary, Land and Minerals Management, Assistant Director, Communications, Department of the Interior, transmitting the Department's final rule—Financial Assistance, Local Governments [WO-880-9500-PF-24-1A] (RIN: 1004-AD23) received August 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9945. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, U.S. and Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Migratory Bird Hunting; Approval of Tungsten-Matrix Shot as Nontoxic for Hunting Waterfowl and Coots (RIN: 1018-AG22) received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9946. A letter from the Director, Administrative Office of the U.S. Courts, transmitting a report covering the twelve-month period ended June 30, 2000, pursuant to Title I of the Antiterrorism and Effective Death Penalty Act of 1996, pursuant to 28 U.S.C. 604(a)(4), (h)(2), and 2412(d)(5); to the Committee on the Judiciary.

9947. A letter from the Supervisor, Accounting Administration, Daughters of the American Revolution, transmitting the report of the audit of the Society for the fiscal year ended February 29, 2000, pursuant to 36 U.S.C. 1101(20) and 1103; to the Committee on the Judiciary.

9948. A letter from the Under Secretary, Commerce for Intellectual Property, Department of Commerce, U.S. Patent and Trademark Office, transmitting the Department's final rule—Changes to Implement Patent Adjustment under Twenty-Year Patent Term (RIN:0651-AB06) received September 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

9949. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Lockheed Model L-1011-385 Series Airplanes [Docket No. 99-NM-233-AD; Amendment 39-11863; AD 2000-16-08] (RIN: 2120-AA64) received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9950. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB 340B and SAAB 2000 Series Airplanes [Docket No. 99-NM-354-AD; Amendment 39-11864; AD 2000-16-09] (RIN: 2120-AA64) received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9951. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; CFM International CFM56-2, -2A, -2B, -3, -3B, -3C, -5, -5A, -5B, -5C Series Turbofan Engines [Docket No. 99-NE-40-AD; Amendment 39-11830; AD 2000-15-01] (RIN: 2120-AA64) received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9952. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 98-NM-285-AD; AD 2000-15-08] (RIN: 2120-AA64) received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9953. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747-200 and -300 Series Airplanes Equipped with General Electric CF6-80C2 Series Engines [Docket No. 99-NM-79-AD; Amendment 39-11833; AD 2000-15-04] (RIN: 2120-AA64) received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9954. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events: Fireworks Display, Patapsco River, Inner Harbor, Baltimore, Maryland [CGD05-00-033] (RIN: 2115-AE56) received August 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9955. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: T.E.L. Enterprises, Great South Bay, Davis Park, Sayville, NY [CGD01-00-195] (RIN: 2115-AA97) received August 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9956. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: Fireworks Display, Western Long Island Sound, Larchmont, NY [CGD01-00-192] (RIN: 2115-AA97) received August 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9957. A letter from the Secretary of Transportation, transmitting a report entitled, "National Intelligent Transportation Systems Program Plan Five-Year Horizon"; to the Committee on Transportation and Infrastructure.

9958. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Interest Rate [Revenue Ruling 2000-42] received September 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9959. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Continuity of Interest [TD 8898] (RIN: 1545-AV81) received August 30, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9960. A communication from the President of the United States, transmitting notification of His decision to take no action to suspend or prohibit the proposed acquisition of Verio, Inc. by NTT Communications Corporation, pursuant to 50 U.S.C. app. 2170; jointly to the Committees on Appropriations, Banking and Financial Services, International Relations, and the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HYDE: Committee on the Judiciary. H.R. 4292. A bill to protect infants who are born alive (Rept. 106-835). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII,

Mr. MANZULLO (for himself and Mr. MICA) introduced a bill (H.R. 5145) to amend the Trade Act of 1974 to provide for the position of Assistant United States Trade Representative for Small Business; which was referred to the Committee on Ways and Means.

MEMORIALS

Under clause 3 of rule XII:

471. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to Resolution memorializing the Massachusetts Congressional Delegation to expand partnerships and support from New England federal partners for natural resources to the Franklin regional council of Governments pioneer valley commission and Connecticut River watershed Council carrying out the recommendations of the Connecticut River strategic plan and the 29 projects proposed under the Connecticut's designation as an American heritage river; to the Committee on Resources.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 730: Mr. LEVIN.

H.R. 860: Mr. GEORGE MILLER of California.

H.R. 960: Mr. LOBIONDO.

H.R. 1248: Mr. GALLEGLY, Mr. GORDON, Mr. ROGAN, Mr. SIMPSON, Mr. ROYCE, Mr. OXLEY, and Mr. GONZALEZ.

H.R. 1926: Mr. SANDERS.

H.R. 2382: Mr. FLETCHER and Mr. HILLEARY.

H.R. 2710: Mr. LAFALCE, Mr. BLUNT, Mr. PETRI, Mr. MORAN of Virginia, Ms. CARSON, Mr. CANADY of Florida, Mr. SPRATT, and Mr. HILLEARY.

H.R. 3003: Mr. LATOURETTE and Mrs. JONES of Ohio.

H.R. 3193: Mrs. MINK of Hawaii.

H.R. 3677: Mr. SCHAFFER and Mr. FRANK of Massachusetts.

H.R. 3825: Ms. SLAUGHTER, Mrs. MINK of Hawaii, and Ms. VELAQUEZ.

H.R. 3981: Mr. MCGOVERN.

H.R. 3983: Mr. BASS and Mr. POMEROY.

H.R. 4006: Mr. THORNBERRY.

H.R. 4213: Mr. DEAL of Georgia.

H.R. 4467: Ms. BALDWIN.

H.R. 4483: Mr. WAXMAN and Ms. SCHAKOWSKY.

H.R. 4659: Mr. CAMP.

H.R. 4723: Mr. ANDREWS.

H.R. 4977: Mr. BONIOR, Mr. NEAL of Massachusetts, and Mr. KUCINICH.

H.J. Res. 48: Mr. DEFAZIO.

H. Con. Res. 383: Mr. ANDREWS and Mr. SHIMKUS.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

109. The SPEAKER presented a petition of the Legislature of Rockland County, New York, relative to Resolution No. 500 petitioning the United States Congress calling for the immediate release of ten Iranian Jews falsely convicted of espionage and requesting congress to impose economic santions on Iran until the release of these prisoners; to the Committee on International Relations.

110. Also,a petition of Board of County Commissioners, Broward County, Florida, relative to a resolution petitioning the United States Congress to support the restoration of "The Everglades, an American Legacy Act"; to the Committee on Transportation and Infrastructure.

111. Also, a petition of the Township of Pequannock, Pompton Plans, NJ, relative to Resolution petitioning the United States Senate and the President to work with the House of Representatives to enact the prescription drug benefit enhancement under Medicare before the end of the year; jointly to the Committees on Ways and Means and Commerce.

SENATE—*Monday, September 11, 2000*

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Lord God, source of righteousness, You are always on the side of what is right. We confess that there are times we assume we know what is right without seeking Your guidance.

Lord, give us the humility to be more concerned about being on Your side than recruiting You to be on our side. Clear our minds so that we can think Your thoughts. Help us to wait on You, to listen patiently for Your voice, to seek Your will through concentrated study and reflection. May discussion move us deeper into truth and debate be the blending of varied aspects of Your revelations communicated through others. Free us from the assumption that we have an exclusive on Your guidance and that those who disagree with us must also be against You.

Above all else, we commit this week to seek what is best for our beloved Nation. Grant the Senators the greatness of being on Your side and the delight of being there together. In the name of Christ, Your righteousness name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable PAT ROBERTS, a Senator from the State of Kansas, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Senator from Kansas.

SCHEDULE

Mr. ROBERTS. Mr. President, today the Senate will resume debate on the China PNTR legislation. Under the order, Senator BYRD will debate his amendment in regard to subsidies for 1 hour. Following the debate on the BYRD amendment, Senator THOMPSON will be recognized to offer his China nonproliferation amendment. Further amendments may be offered during today's session, however, any votes during today's session ordered with respect to those amendments will be scheduled to occur at 9:30 in the morning on Tuesday. It is hoped that the Senate can complete action on this important trade bill as early as possible so that the Senate may begin consideration of those appropriations bills still available for action.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. ROBERTS). Under the previous order, leadership time is reserved.

TO AUTHORIZE EXTENSION OF NONDISCRIMINATORY TREATMENT TO THE PEOPLE'S REPUBLIC OF CHINA

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 4444, which the clerk will report.

The bill clerk read as follows:

> A bill (H.R. 4444) to authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China, and to establish a framework for relations between the United States and the People's Republic of China.

Pending:

Wellstone amendment No. 4118, to require that the President certify to Congress that the People's Republic of China has taken certain actions with respect to ensuring human rights protection.

Wellstone amendment No. 4119, to require that the President certify to Congress that the People's Republic of China is in compliance with certain Memoranda of Understanding regarding prohibition on import and export of prison labor products.

Wellstone amendment No. 4120, to require that the President certify to Congress that the People's Republic of China has responded to inquiries regarding certain people who have been detained or imprisoned and has made substantial progress in releasing from prison people incarcerated for organizing independent trade unions.

Wellstone amendment No. 4121, to strengthen the rights of workers to associate, organize and strike.

Smith (of New Hampshire) amendment No. 4129, to require that the Congressional-Executive Commission monitor the cooperation of the People's Republic of China with respect to POW/MIA issues, improvement in the areas of forced abortions, slave labor, and organ harvesting.

The PRESIDING OFFICER. The distinguished Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank the Chair.

I believe there is a 1-hour time agreement on this amendment, in accordance with the usual form.

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. That allows me 30 minutes. I may not require all of that time today, Mr. President. I do have a second amendment on which there was an agreement, I believe last week, Thursday or Friday, which would limit the time to 3 hours to be equally divided in accordance with the usual form.

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. I thank the Chair.

Mr. President, I wonder if I might offer that amendment today but take no time on it but just to be sure that it is offered and before the Senate? I would prefer that the final action be taken on that amendment following action on this first amendment on which I will be talking today. Final action at such time as the two leaders may agree.

The PRESIDING OFFICER. Does the Senator propound that as a unanimous consent request?

Mr. BYRD. Mr. President, I ask unanimous consent that I may offer, before I yield the floor, that I may offer a second amendment on which there is already a time agreement of 3 hours in accordance with the usual form. I have no desire to debate that amendment today or to have a vote on it, but I simply want to get it into the mix, and at such time as the Senate would vote on the first amendment concerning which I would refer to as the subsidy amendment, then once time has run on that and we have a vote, I would be happy if we could take up the second amendment and have the debate on it and vote on it. If this causes any problem with respect to the Thompson amendment, I would be agreeable to reducing the time on my second amendment.

The PRESIDING OFFICER. Is there an objection to the Senator's request? The Chair hears none and it is so ordered.

Mr. BYRD. I thank the Chair.

Mr. President, the Senate will soon consider the subsidy disclosure amendment that I offered last Friday. And I say soon. I do not mean to imply that it will be today but it could be. I simply state that within the next day or so there will be a vote on that amendment. I urge my colleagues to vote in support of my amendment.

AMENDMENT NO. 4117

(Purpose: To require disclosure by the People's Republic of China of certain information relating to future compliance with World Trade Organization subsidy obligations)

Mr. President, I am informed that the amendment has not been called up. I ask that the amendment be called up and stated by the clerk.

The PRESIDING OFFICER. The clerk will report the amendment. The bill clerk read as follows:

On page 53, between lines 3 and 4, insert the following:

SEC. 402. PRC COMPLIANCE WITH WTO SUBSIDY OBLIGATIONS.

(a) FINDINGS.—Congress makes the following findings:

(1) A significant portion of the economy of the People's Republic of China consists of state-owned enterprises.

(2) Chinese state-owned enterprises receive significant subsidies from the Government of the People's Republic of China.

(3) These Chinese state-owned enterprises account for a significant portion of exports from the People's Republic of China.

(4) United States manufacturers and farmers should not be expected to compete with these subsidized state-owned enterprises.

(b) COMMITMENT TO DISCLOSE CERTAIN INFORMATION.—The United States Trade Representative—

(1) acting through the Working Party on the Accession of China to the World Trade Organization, shall obtain a commitment by the People's Republic of China to disclose information—

(A) identifying current state-owned enterprises engaged in export activities;

(B) describing state support for those enterprises; and

(C) setting forth a time table for compliance by the People's Republic of China with the subsidy obligations of the World Trade Organization; and

(2) shall vote against accession by the People's Republic of China to the World Trade Organization without such a commitment.

(c) STATE-OWNED ENTERPRISE.—The term "state-owned enterprise" means a person who is affiliated with, or wholly owned or controlled by, the Government of the People's Republic of China and whose means of production, products, and revenues are owned or controlled by a central or provincial government authority. A person shall be considered to be state-owned if—

(1) the person's assets are primarily owned by a central or provincial government authority;

(2) in whole or in part, the person's profits are required to be submitted to a central or provincial government authority;

(3) the person's production, purchases of inputs, and sales of output, in whole or in part, are subject to state, sectoral, or regional plans; or

(4) a license issued by a government authority classifies the person as state-owned.

Mr. BYRD. Parliamentary inquiry: The time utilized by the clerk in reading the amendment is not to be charged against my time, is it?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. I thank the Chair.

Mr. President, I yield myself such time as I may require.

Voting in support of this amendment sends a message that the U.S. Senate seeks transparency to China's likely accession to the World Trade Organization (WTO). It sends a message that the Senate is prepared to "stand up" for U.S. industries, such as iron and steel, coal mining, and petroleum, as well as U.S. agriculture producers, such as the apple industry, and the beef industry. A vote in support of this amendment places members on record that they demand China's compliance with the promises that China has made under the bilateral trade agreement that it signed with the United States.

This amendment is simple and straightforward. There is no hidden poison pill! There is no trick procedure! There is no so-called catch twenty-two to this amendment! It does not impede the possible benefits of China's accession to the WTO that many of my colleagues are hoping for.

My amendment would require the United States Trade Representative (USTR) to obtain a commitment by the People's Republic of China to disclose information relating to China's plans to comply with the World Trade Organization (WTO) subsidy obligations. The amendment requires the USTR to obtain a commitment by China to disclose essential subsidy information unique to China's communist market. Specifically, the amendment would require China to identify, up front, current state-owned enterprises engaged in export activities; describe state support for those enterprises: set forth a time table for compliance by China with the subsidy obligations of the WTO, and the amendment provides the USTR with authority to vote against China's WTO accession without such a commitment.

This amendment only seeks to disclose information that confirms China's promised compliance with the WTO subsidy rules! It simply seeks that China disclose essential subsidy information forthright, openly, in the bright light of sunshine on a cloudless day. If China is serious about the promises that it has made to the United States on subsidies, this information should easily be provided. This amendment also helps with the many questions that have surrounded the transparency of the WTO rules, in general.

Let us not place U.S. industries in the position of being unfairly injured by Chinese imports illegally subsidized. Without his information, U.S. industries will be required to pay the huge fees associated with filing antidumping and countervailing duty cases in order to pursue data on illegal subsidy behavior in China.

We know that a significant portion of the economy of the People's Republic of China consists of state-owned enterprises! We know that Chinese enterprises receive significant subsidies from the Chinese government! We know that Chinese state-owned enterprises account for a significant portion of exports from the Chinese government!

This is a matter of fact. So I say to my friends here in the Senate, do not fool yourselves! State-owned enterprises continue to be the most significant source of employment in most areas in China, and some reports suggest that these subsidized enterprises accounted for as much as 65 percent of the jobs in many areas of China in 1995—the most recent data that the Library of Congress could provide on this matter. That's right. State-owned enterprises likely account for 65 percent of the jobs in most areas of China. What kind of funds and other assistance do state-owned enterprises in China receive from their government? We should know. Help me find out by voting in support of this amendment!

We should know. We ought to know. I ask that other Senators help us to know by helping us to find out this information. They can do that by voting in support of this amendment.

I understand that China has stepped up to the plate and signed a bilateral agreement with the United States that proclaims that China will cease the use of subsidies prohibited under the WTO Agreement on Subsidies and Countervailing Measures (SCM Agreement), including those subsidies contingent upon export performance and subsidies contingent upon the use of domestic over imported goods, which are strictly prohibited under the SCM. But, guess what? On July 21, 2000—just a few weeks ago—the President of the Export-Import Bank of China, Yan Zilin, was quoted in the China Daily as saying that China's state-backed financing played a strong role in boosting China's exports in the first half of this year! China is subsidizing its products to ensure that they can be exported into foreign markets—including our market. U.S. companies cannot compete with such subsidies. Are Senators aware that China's machinery and electronic exports grew by 42.1 percent in the first half of 2000 reaching $47.1 billion and accounting for 41.1 percent of total exports?

Moreover, since having signed the bilateral agreement with the U.S., China has expressed a view that it should be included in the grouping of the poorest countries in the WTO—thus exempting China from the disciplines of the WTO subsidy codes altogether. We need to send the Chinese a strong message about the use of subsidies. We need to put in place some disclosure procedures that improve transparency about the use of such subsidies to Chinese industries.

My colleagues who are dead set against any amendments to this bill are bound to reflect back to the U.S.-China bilateral agreement and argue that the USTR has already secured an agreement from China to eliminate all WTO illegal subsidies, and that the WTO requires certain compliance procedures already.

However, the Chinese government oversees the top-to-bottom operations of many industries such as iron and steel, coal mining, petroleum extraction and refining, as well as the electric power utilities, banking, and transportation sectors. The staunchest supporters of passing PNTR to China acknowledge that the trade rules that the Chinese have agreed to will likely in the short term cause widespread employment. If the past is an accurate indicator, the Chinese government will be very tempted to simply ignore the rules that they agreed to and to use their domestic state-owned enterprises as a jobs program.

Former Secretary of Commerce William Daley stated that "I do not pretend to think that this implementation of this agreement by the Chinese will be easy for them (the Chinese), and I would assume that we will have to, in the next administration, have to be very aggressive in their enforcement of the commitments that have been made."

Let me remind you that, without doubt, subsidies with all of our trading partners have been very difficult issues to resolve, and not all subsidies are actionable. In fact, with years of trade relations and negotiations, the U.S. has yet to reach a subsidy understanding with the European Union on agriculture or on some industrial sectors such as aeronautics.

There is no harm in the extra measure of protection that is provided by my subsidy disclosure amendment. It provides transparency and will help many U.S. industries make improved, more educated decisions. So I urge members to support U.S. steelworkers, apple growers, electronic producers and vote for this amendment.

How much time remains, Mr. President?

The PRESIDING OFFICER. The Senator has 15 minutes remaining.

Mr. BYRD. I yield the floor and I reserve the balance of the time on my amendment.

The PRESIDING OFFICER. The distinguished Senator from Delaware is recognized.

Mr. ROTH. Mr. President, I rise in opposition to the amendment of my good friend from West Virginia. I do so because of my concern about the impact that amendments could have on this legislation, but also because of substantive concerns I have about his proposal.

Before I address the merits of his amendment, I wanted to take a few minutes to respond to the comments he made last week regarding the manner in which this legislation is being considered.

He very colorfully described this legislation as a "greased pig" and protested that the Senate had not had adequate time to consider its merits.

I am sorry that he feels this way, because with all the time I've spent on this legislation and with all the time I've waited for PNTR to be brought to the floor, I can say that this is no greased pig.

This legislation has been given a full and adequate hearing. The Finance Committee, which I chair, held three hearings on PNTR this year alone. At these hearings we heard from a full range of witnesses, pro and con, who discussed the significance of this agreement, not just from the perspective of trade, but also from the perspectives of foreign policy, human rights, religious freedom, labor rights, and others.

We have also benefited from the careful reviews by the Congressional Research Service, the International Trade Commission and the General Accounting Office, which has a team of analysts who have been following the China negotiations closely for several years now.

My committee also held an open markup, where the committee approved PNTR all but unanimously, by a vote of 19 to 1. My committee also considered the House-passed legislation in executive session, where my colleagues agreed with me and the distinguished ranking member, Senator MOYNIHAN, that we should support the legislation as passed.

Those actions, together with the hearings on PNTR that have been conducted by the Foreign Relations Committee, the Commerce Committee, and others hardly constitute rushed consideration of this important legislation.

Let us not forget that this legislation has been on the floor for consideration by the full Senate for 6 days, and will likely be here for another week. During this time we have been in regular order, and have welcomed all amendments. I would be hard pressed to think of another piece of recent legislation that has received more time and scrutiny that this has.

All of us who support PNTR understand well that amending this bill will threaten its passage. Our opponents, I think, understand this even better.

In the end, it is an exercise of our prerogatives to vote against amendments, given the threat they pose to the legislation. It is entirely appropriate for us to do so.

After all, there is nothing that can be added or subtracted from the legislation that will enhance our access to the Chinese market. There is also nothing that can be added or subtracted that will strengthen the unequivocal support contained in this legislation for human rights, labor rights, and the rule of law.

With that said, let me take a few minutes to discuss my colleague's amendment regarding subsidies. Although I unequivocally share Senator BYRD's views regarding the importance of compliance and regarding the significance of China's subsidies commitments, I must still oppose his proposal. I do so, not just because of my already stated concern about amendments, but also because of the substance of this amendment, which, in my view, is both redundant and flawed.

I would point my good friend to section 1106 of the Trade Act of 1988. The provision already conditions the President's extension of PNTR to China on a finding that China's state-owned enterprises are not disruptive to our trading interests. While I know that my colleague's amendment is crafted somewhat differently, the fundamental purpose of his amendment is already contained in section 1106. As such, it is redundant, and not necessary.

Moreover, this amendment overlooks the fact that we already have a specific time table for China to come into compliance with its commitments in this area—and that is the date of accession.

The amendment directs that China identify every entity receiving state support, yet the key feature of WTO disciplines is that they apply to the subsidy programs themselves. The Chinese have already agreed to end all prohibited subsidies, which is far more important that asking for a detailed company-by-company accounting of who gets what prior to China's entry into the WTO. Such an accounting, ironically, would delay accession, undermining the goal of achieving the subsidy disciplines in the first place.

All this is not to say that I, as chairman of the Finance Committee, believe that China's integration into the WTO system will be without complications. Setbacks and conflicts are inevitable. Anyone who thinks otherwise misunderstands the magnitude of the task that lays ahead for the Chinese.

That is why H.R. 4444 already directs USTR to provide a detailed annual report on China's compliance with its WTO commitments. That is also why the legislation authorizes the funds necessary to allow USTR, the Department of Commerce and other agencies to have the personnel necessary to monitor China's compliance and to take whatever actions necessary to enforce our rights.

The WTO process also takes full account of the imperative of monitoring China's compliance. That is why the WTO will establish a transitional review mechanism, through which WTO members will conduct regular reviews of all aspects of China's compliance. These reviews will be conducted as a matter of course and will avoid the need to resort to dispute settlement each time a conflict arises.

The Chinese have already agreed to such a review, though the specifics are still being worked out. That is why H.R. 4444 contains an unequivocal statement of Congress's support for such a review. I will take this opportunity to restate to both the administration and to the Chinese that it is imperative that the PRC be subjected to as rigorous a review as possible. This is essential not just for the United States, but also for the viability of the WTO.

In the end, I say to my good friend from West Virginia that we share a common objective, to end and I emphasize end—China's prohibited subsidies.

At best, however, this amendment simply delays that goal.

None of the benefits of China's compliance will become available to us unless we pass PNTR. As I have said many times, any amendment added to this bill will likely kill this legislation, and kill the benefits of China's WTO commitments for our farmers and our workers. That is why I must oppose the amendment of my good friend.

Mr. BYRD. Mr. President, what is the number attached to the pending amendment?

The PRESIDING OFFICER. The number attached to the amendment is amendment No. 4117. The distinguished Senator is recognized.

AMENDMENT NO. 4131

(Purpose: To improve the certainty of the implementation of import relief in cases of affirmative determinations by the International Trade Commission with respect to market disruption to domestic producers of like or directly competitive products)

Mr. BYRD. Mr. President, earlier I received the permission of the Senate to offer a second amendment, not to have it debated but to have it in line for debate. I send that amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 4131.

Beginning on page 16, strike line 11 and all that follows through line 2 on page 17 and insert the following:

"(k) STANDARD FOR PRESIDENTIAL ACTION.—

"(1) FINDINGS.—Congress finds that—

"(A) market disruption causes serious harm to the United States industrial and agricultural sectors which has grave economic consequences;

"(B) product-specific safeguard provisions are a critical component of the United States-China Bilateral Agreement to remedy market disruptions; and

"(C) where market disruption occurs it is essential for the Commission and the President to comply with the timeframe stipulated under this Act.

"(2) TIMEFRAME FOR ACTION.—Not later than 15 days after receipt of a recommendation from the Trade Representative under subsection (h) regarding the appropriate action to take to prevent or remedy a market disruption, the President shall provide import relief for the affected industry pursuant to subsection (a), unless the President determines and certifies to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate that provision of such relief is not in the national economic interest of the United States or, in extraordinary cases, that taking action pursuant to subsection (a) would cause serious harm to the national security of the United States.

"(3) BASIS FOR PRESIDENTIAL CERTIFICATION.—The President may determine and certify under paragraph (2) that providing import relief is not in the national economic interest of the United States only if the President finds that taking such action would have an adverse impact on the United States economy clearly greater than the benefits of such action.

"(4) AUTOMATIC RELIEF.—

"(A) IN GENERAL.—If, within 70 days after receipt of the Commission's report described in subsection (g), the President and the United States Trade Representative have not taken action with respect to denying or granting the relief recommended by the Commission, the relief shall automatically take effect.

"(B) PERIOD RELIEF IN EFFECT.—The relief provided for under subparagraph (A) shall remain in effect without regard to any other provision of this section.

Mr. BYRD. Mr. President, I thank the clerk. I thank the Chair. As I understand it, the number on the amendment which was pending is No. 4117?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. May I inquire of the Chair, what will be the designation of the new amendment?

The PRESIDING OFFICER. Senate amendment No. 4131.

Mr. BYRD. I thank the Chair.

Mr. President, I ask unanimous consent that amendment No. 4117 be set aside temporarily and that amendment No. 4131 may be the pending amendment, with the understanding that it will be temporarily set aside also for the rest of the day.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BYRD. I thank the Chair.

As I understand it, there are 3 hours on the now-pending amendment, to be equally divided in accordance with the usual form.

How much time is there remaining on No. 4117?

The PRESIDING OFFICER. There are 12 minutes 41 seconds.

Mr. BYRD. For my side?

The PRESIDING OFFICER. That is correct.

Mr. BYRD. How much is there for the other side?

The PRESIDING OFFICER. There are 19 minutes 3 seconds.

Mr. BYRD. I thank the Chair.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, I suggest the absence of a quorum without the time being charged against anybody.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THOMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KYL). Without objection, it is so ordered.

Under the previous order, the hour of 1 p.m. having arrived, the Senator from Tennessee, Mr. THOMPSON, is recognized to offer an amendment.

AMENDMENT NO. 4132

(Purpose: To provide for the application of certain measures to covered countries in response to the contribution to the design, production, development, or acquisition of nuclear, chemical, or biological weapons or ballistic or cruise missiles)

Mr. THOMPSON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. THOMPSON] proposes an amendment numbered 4132.

Mr. THOMPSON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. THOMPSON. Mr. President, it has been said that the vote on permanent normal trade relations with China is one of the most significant pieces of legislation this body will have voted on in a long time. That very well may be true.

For a number of reasons, I think most of the Members of this body are firmly committed to the concept of free trade. It has done the United States very well. We all know we are in the midst of a technological revolution that is increasing our productivity in this country and is giving us advantages we have never known before in the international marketplace. But it is not a zero sum game either; it has been beneficial for the whole world.

I sign on to the concept that free trade leads to free markets and that free markets can lead to freer societies. The new trade arrangement we will be entering into with the People's Republic of China is also unique in many respects. As we know, they have 1.2 billion-plus people in China. It is a tremendous market upon which everyone now is focused. While our trade with China only constitutes about 2 percent of our international trade at this point, there are those who believe that can be increased substantially.

Usually we are trading with people who share our ideals and who share our values. This is not always true as far as the People's Republic of China is concerned. We have just been reminded again by our own State Department that the religious persecution that has been going on in China for some time actually is not only not showing any improvement; it seems to be deteriorating. Yet there are many here who argue—most of the people in this Chamber, I assume—that PNTR represents something so attractive to this country that we must adopt it; that it is a good deal.

That argument is powerfully set forth, even though the PRC has not kept agreements in times past. Even its foremost advocates would have to acknowledge that its record on compliance with agreements in times past has been spotty at best. When it comes to intellectual property, for example, it has been a haven of piracy. They have been major exporters of pirated goods from this country.

One must also wonder whether or not the Chinese can really comply with the commitments they have made in light of the economic conditions in their country. They are experiencing slower growth rates. They are experiencing greater unemployment. We are seeing indications of rioting in various parts of China because of unemployment and because of some of the things we have seen happen in Russia and other countries. When they begin to privatize a little bit, some of the governmental officials seem to wind up with the goods and the property, and the average people see that and don't like it. It causes instability and in some cases rioting. That is prevalent in China right now. If they lower the barriers in ways they are talking about, it will only increase that instability. Obviously, it will have to be done gradually and over a very long period of time.

That is why it is wise for us not to overhype the benefits we may get out of this action. We do about 2 percent of our trade with China now. Most people think the maximum probably is going to be up to 2.5 percent of our trade. So it is important to our country, but it is not of monumental importance, in my opinion, especially in the short run, in light of all these immediate difficulties they are going to have in implementing what they say they are going to implement.

We should be realistic, too, especially in light of the fact that we are going to be giving up many of the unilateral actions we could take under present circumstances. When we go into a WTO context, we will be having to depend upon that body, that organization, and the international community, as it were, in order to seek compliance. Many writers have pointed out this is going to be very difficult because China is not a transparent society. How do we prove unfair trade practices or violations of WTO if there are no records that are decipherable with which to prove it?

So there are many difficulties with the implementation of this agreement which might result in greater riches to this country and doing something about the \$68, \$69 million trade imbalance we have with China right now.

So it is a gamble. It is a gamble on our part that by gradually lowering these barriers to trade, by gradually opening up society, this trade will lead to a gradual opening up of society with the Internet and what not, additional travel and additional exchange programs and additional trade; that we will wake up one day and China will be a democratic society. And in the meantime, we will maintain their friendship so that the world will not be a more dangerous place but a less dangerous place.

That is the gamble we are making because clearly if this is carried out the way that people on both sides hope it will be, China will become even more powerful economically with all those great numbers of people, and therefore they will become much more powerful militarily. You only have to read a little bit of what is coming out of China these days by their intelligentsia concerning military plans and their view of the United States and the fact that many in their country see conflict as inevitable, and that they are laying the firm economic groundwork so that they can have a growing and more powerful military in the future. That should be of great concern to us. We are limited as to what we can do about that.

So we take this gamble, before that comes into fruition—if that is their path—that they can open up that society somewhat and lead to a more open society, a democratic society. On the other hand, the Chinese are taking a gamble in that they can open up economic trade somewhat, and they can adopt a more capitalistic society and still maintain dictatorial control from the top, and that it will not get away from them. Our people say that once that starts happening, once we get in there, there will be no stopping it; democracy is right down the road.

The Chinese don't see it that way. They are gambling. I think it is a gamble worth taking. I think it is a gamble worth taking because of our leadership and free markets and free economies and democratic society in this country. I think we should go down that road and we should take that chance. And I am not sure we have much of an option in that regard. But while we take that chance, we should be very mindful of the dangers that are presented to this country down the road from China and others. And we should be especially mindful of one particular category of Chinese conduct right now of all the categories that concern us, including human rights, religious freedom, and all the rest.

The one particular category that poses a mortal threat to the welfare of this Nation has to do with the proliferation of weapons of mass destruction. The fact is that while we are willing to take this chance and we go down the road to trade with China, they are engaging in activities that pose a mortal danger to the welfare of this country. That is the subject of the amendment that I have just offered.

The China nonproliferation amendment seeks to do something about this. I have sought to have a separate vote on this amendment because I don't consider it to be a trade-related amendment. I have sought, for about a month now, to have a debate in the context of our relationship with China but not to have it as an amendment to PNTR. I have been thwarted in that effort. I only have two choices—either relenting altogether or doing what I said I would do; that is, filing it as an amendment to PNTR. Well, that choice is obvious. I have made that choice today because of the importance that I attach to it.

Mr. President, the world is a more dangerous place today because of a growing number of so-called rogue nations such as North Korea, Iran, and Libya, who have obtained and are in the process of obtaining additional weapons of mass destruction and the missile means by which to deliver them. Now, Congress has been informed of this on numerous occasions. It doesn't get a lot of attention but the information has been consistent. Two years ago, the bipartisan Rumsfeld Commission concluded that rogue states such as North Korea and Iran could develop an intercontinental ballistic missile within 5 years of deciding to do so. It is pretty clear that they have decided to do so.

Shortly thereafter, North Korea surprised our intelligence agencies by successfully launching a three-stage rocket over Japan, essentially confirming what the Rumsfeld Commission had told us. Last September, the National Intelligence Estimate, released a report that "During the next 15 years, the United States most likely will face ICBM threats from Russia, China, and North Korea, probably from Iran, and possibly from Iraq." It went ahead to point out that as soon as economic sanctions were lifted against Iraq, they will probably be back in business. Saddam will be reinstituting his ability to wreak havoc in various parts of the world along with the rest. We have received other intelligence reports. Much of it is classified, so I invite my colleagues to avail themselves of these reports, which are even more troubling than what has been made public.

Earlier this year, Robert Walpole, National Intelligence Officer for Strategic and Nuclear Programs, testified that the threats to our Nation's security are real and increasing. Mr. President, it is clear that these rogue nations may have ICBMs much sooner than previously thought, and that they will be more sophisticated and dangerous. And we have taken note in this Congress—finally, last year—by passing the National Missile Defense Act. That is the primary reason that we need a national missile defense system in this country. We belatedly recognized that because of this threat I speak of from the rogue nations.

But that is only half of the story. Equally alarming is the fact that Congress has also been repeatedly informed that these rogue nations are being supplied by major nations with whom the United States is entering into increased cooperative arrangements. Last month, the Director of the CIA provided to Congress the intelligence community's biannual report on the proliferation of weapons of mass destruction. We get these reports sent to Congress twice a year.

Basically, they have always been in recent history, the same. This report identified China, Russia, and North Korea as key players in nuclear, biological, and chemical weapons technology. According to this report, the Chinese activity has actually increased in support of Pakistan's activities. And China has also "provided missile-related items, raw materials, and/or assistance to several countries of proliferation concern—such as Iran, North Korea, Libya." China, of course, has a long history of proliferating chemical weapons technologies to Iran—nuclear, chemical, and biological.

The DCI's report also describes Russia's efforts to proliferate ballistic missile-related goods and technical know-how to countries such as Iran, India, and Libya. Russia is also identified as a key supplier of nuclear technology to Iran and to India. They also have provided a considerable biological and chemical expertise and technology to Iran.

North Korea, of course, was identified as a key supplier. This is an interesting country because they have a nation full of people who are apparently starving to death. Yet they not only have managed to become a threat themselves, they have become the clearinghouse for that part of the world. They have become a vendor of weapons of mass destruction. They get help from the big powers, and then with regard to the other smaller powers in that part of the world they begin to assist them. The report identified North Korea as a supplier of ballistic missile equipment, missile components, and material expertise to countries in the Middle East, south Asia, and North Africa, just as North Korea is doing.

This latest CIA report is consistent with past reports. We have seen it throughout the 1990s. China is supplying Pakistan with everything from soup to nuts for their mass destruction capabilities, and assistance to North Korea's weapons of mass destruction and missile programs. Just this summer, it was reported that China was helping Pakistan build a second missile factory, transferring missile equipment to Libya, assisted Iran with its missile program, and diverted a U.S. supercomputer for use to its own nuclear programs. All of this occurred in violation of a variety of international treaties, agreements, and U.S. laws.

The bottom line is that these activities by China, Russia, and North Korea pose a serious threat to the United States. That threat is growing. This is at a time when we are granting permanent normal trade relations to China. This is at a time when we are sending over $1 billion a year to Russia and providing other assistance to North Korea.

It is inconceivable to me that while we discuss trade issues and a new relationship with China, we will not address what China is doing to endanger our country. It is just that simple. That is what this amendment does.

I know people in this body want to pass PNTR. They do not want any complications. They want to get it done, wrapped up; the President wants his legacy, and we want to please our friends in the business community; and we all know trade is a good thing, and so forth. But it is inconceivable to me that we can address these trade-related issues and embrace our new trading partner—China—in a new regime without also addressing and doing something about the fact that they are making this world, and particularly the United States, a more dangerous place to live. The Federal Government's first responsibility is national security.

In July of 1999, the bipartisan Commission to Assess the Organization of the Federal Government to Combat the Proliferation of Weapons of Mass Destruction—commonly known as the Deutch Commission—concluded that "the U.S. Government is not effectively organized to combat proliferation," despite the fact that "Weapons of mass destruction pose a grave threat to United States citizens and military forces, to our allies, and to our vital interests in many regions of the world."

It couldn't be any plainer than that, from one of our bipartisan commissions of experts that look at this and try to come to us and warn of what is happening.

Therefore, Senator TORRICELLI and I have introduced the China Nonproliferation Act. Now we have introduced it as an amendment to PNTR. This amendment provides for an annual report to Congress and to the American people as to the proliferation activities of these three nations because they are the ones on which the CIA is required to report now anyway because they have already been identified as key suppliers—the three nations I have mentioned: China, Russia, and North Korea.

It authorizes the President, if he makes the determination based on the credible evidence he has before him, to impose some non-trade-related sanctions on these Chinese companies that are selling these weapons of mass destruction. It authorizes the President to take various actions. There is a list of them.

One of the things it authorizes him to do is to cut these companies out of our capital markets in this Nation. China raises billions of dollars in our capital markets on the New York Stock Exchange to go back and spend on its own military. Most people do not know that, I assume. I am not here suggesting we stop that, unless the President determines that they or their companies are engaging in activities, which are controlled by them, that are dangerous to this Nation.

Is this not the minimum we can do in this legislation? There is other legislation on the books, certainly. But this legislation, by a more extensive report, requires the President to come to Congress, basically—it does not force the President to take any action, but if he doesn't take action against these companies that are found to be proliferating, he has to tell Congress why.

In this legislation, if 20 percent in Congress decide they don't accept the President's conclusion, they can introduce a resolution of disapproval and get a vote on certain sanctions against these proliferating entities. The President, of course, can veto that. It would be tremendously difficult for Congress to force anything through. But it would be a very good debate, and in egregious circumstances that we have seen in times past, I think Congress actually could get some responses through.

The legislation also provides for increased transparency. When the President determines that these companies are proliferating and selling weapons of mass destruction, the legislation provides that the President has to inform Wall Street, and the Securities and Exchange Commission has to come up with rules and regulations that will inform investors they are investing with a company that our country and our President has determined to be a seller of mass destruction. They can still do that, if they want to. But they ought to know about it. It is amazing that this law is not already on the books.

Lastly, it provides for a Presidential waiver based on national security if the President decides; for his good reasons, that is appropriate. The bottom line is that with all of this concern, talk, and hullabaloo about what this legislation does and doesn't do, until the President makes a determination that these companies are engaging in activities that are a threat to this Nation, if our President does that, do we not want to take action?

We made changes to this legislation. The critics came out of the woodwork. No one wants anything that will complicate our trade bill with China these days, it seems. I am afraid some of the pro-trade people have their blinders on. I agree with them on how important free trade is and how important this bill is, and so forth. But we have an additional obligation which I tried to suggest to my friends. We have an additional obligation not just to put money in our pockets in trade today but to look down the road for our kids and grandkids to see if our trading partners are doing something that will endanger their welfare.

We have listened to our critics. We have made changes. We have tried to make sure our response was reasonable and measured.

Instead of singling out China, we added the other two countries.

Instead of having mandatory sanctions tying the President's hands, we gave the President additional flexibility where he must find that there is cause for a determination to be made against these companies.

The bill now contains a blanket provision that protects the agricultural community from adverse impact.

The bill's penalties only apply to key supplier countries and not to U.S. companies and will not affect U.S. workers.

We made changes in the congressional review procedure so one person couldn't tie up the whole body. It has to be one-fifth of the Members of either House to sign a joint resolution of disapproval. It is a measured response to a very serious problem.

Our critics have been numerous, persistent, and vociferous. They claim that the world will come to an end basically if, while we are passing PNTR, we irritate the Chinese by informing them there will be consequences to their irresponsible behavior. I don't think the world will come to an end if we do that. I think the world will be a more dangerous place if we don't do that.

Let's take a look at some of the things that have been said: Existing laws are sufficient, that we already have the authority on the book. If that is true, why do we see an increasing problem? All we need to do is look at the latest report from the Director of the Central Intelligence. Behavior has worsened in the past year. On the eve of considering PNTR, the behavior has worsened. What will it be after we approve PNTR?

On the eve of the Senate's consideration of PNTR for China, and after the House had already voted, it was revealed that China was assisting Libyan experts with that country's missile program, illegally diverting U.S. supercomputers for the use of the PRC's nuclear weapons program, and helping to build a second M-11 missile plant in Pakistan. And Iran test fired a Shahab-3 missile capable of striking Israel, capable of striking American troops, capable of striking Saudi Arabia or American bases located within the border of our NATO ally, Turkey. This missile was developed and built with significant assistance from the People's Republic of China, and the classified reports of Chinese proliferation are even more disturbing.

If everything is so hunky-dory, why is this happening? Why does this continue to happen? I don't think the critics are that concerned that we are duplicating existing law or it might be useless. I think they are concerned that it might be useful and that it will substantially get the attention of the Chinese. That is exactly what I intend to do.

Some say: We don't want to upset them while we are entering into this new trade relationship. I say that is exactly the time when we should upset them, if, in fact, they are making this a more dangerous world and posing a threat to the United States of America.

Some say: Let us continue with our diplomacy; we can talk to them and we can work things out. Where is the evidence of this? All I see is evidence of three delegations of senior administration officials going to Beijing, hat in hand, asking them to stop the proliferation activities, and each was sent back to Washington emptyhanded and told pointblank, according to the newspaper accounts and according to the quotation of those who were on the delegation, that as long as we persisted in a national missile defense system and as long as we persisted in supporting Taiwan, they were going to persist in their proliferation activities.

Basically, we can like it or lump it. Last Friday, I was interested to see three different delegations, including our Secretary of Defense, our Secretary of State—not minor; first in the administration—perceive this problem. They just don't want to do anything to acknowledge the shortcomings of this administration in having dealt with this problem or failing to deal with it.

Last Friday, the President got a face-to-face meeting with Jiang Zemin. I was interested in the subject of proliferation, and their activities with Pakistan, totally throwing that place out of balance. It is a tinderbox waiting to explode. Most accounts have Pakistan far and away leading India now in terms of their abilities. That is a dangerous situation.

According to the New York Times International on Saturday, September 9, "President Clinton yesterday urged Jiang Zemin to put a stop to China's missile exports to Pakistan." Well, better late than never. "But in what had already been a week of diplomatic frustration for Mr. Clinton, Mr. Jiang offered little more than good wishes for the President's retirement in 4 months and thanks for supporting China's bid to join the World Trade Organization."

The article went on to say: "Mr. Clinton's aides had played down the prospects of any major progress on Chinese missile exports, Tibet or Taiwan, during Mr. Clinton's last months in office. But they had hoped that the expected Senate approval this month of permanent normal trade relations with China—which the United States promised as part of its accord with China that ushers it into the World Trade Organization—would be rewarded." We were hoping that by doing all this the Chinese would reward us for this. "They hoped to claim political progress on issues that have bedeviled Washington's relations with Beijing since the two first met in 1993.

"In a measure of the two leaders' continuing communications problems after seven years of interchanges, a senior administration official said yesterday the meeting was designed to get these two men on the same wavelength. . . .

"The conversation on China's missile exports to Pakistan came after Mr. Clinton, earlier this summer, sent a delegation to China to try to cut off the supply. The administration worries that any new missile technology would heighten Pakistan's ability to strike India.

"But Mr. Jiang, by all accounts, has paid little attention to the issue."

I can't be bothered with you, son. We will continue our activities while we expect you to approve PNTR—no questions asked and no amendments added.

We, in the United States, ought to be embarrassed and ashamed at that turn of events.

Some say the unilateral sanctions can never be effected. I prefer bilateral sanctions, but we have apparently lost the ability to do much bilaterally these days. We can't even get a resolution through the United Nations condemning China for its obvious human rights violations. Our bill recognizes the value of this multilateral approach. It would be preferable. But over the years we have seen, though, that sometimes we need to act ourselves.

The major threat to these missiles and weapons of mass destruction is not Belgium, or any of our allies; it is the United States of America. We can't wait until we get everybody together on the same page which, as I said, is more and more difficult to act. In times past, we have seen that U.S. economic pressure in the late 1980s and early 1990s led China's accession to the Nuclear Non-Proliferation Treaty in 1992. In 1991, the Bush administration applied sanctions against the PRC for missile technology transfers to Pakistan. And on and on. Even the Clinton administration took measures that led to the imposition of sanctions on the PRC for M-11 missiles on one occasion. M-11 missile equipment to Pakistan in violation of the Missile Technology Control Regime.

Anyway, they backed down and Mr. Berger acknowledged that sometimes these unilateral actions can be beneficial. Some say the dialog will assist, and perhaps it will, but only in conjunction with firm action.

The leaders of PRC are not irrational people. They only can go as far as they can. We have, obviously, allowed them to do what they are doing. When we take actions detrimental to them, they will respond to that, as they have in times past.

We need this amendment more than we did even a few days ago. The President recently decided not to move forward on a national missile defense. As I said earlier, national missile defense, of course, is in primary response to these threats of rogue nations. According to our estimates, they will have the ability to be a threat to us in 2005. By the President's actions, now we will be unguarded for at least a year, and maybe 2 or 3.

Doesn't it make sense to take this opportunity to at least have the threat of some sanctions for their activities during that period of time? Of course, China and Russia are vociferously opposing a national missile defense. I find that ironic: The same countries supplying these rogue nations with technology and missile equipment to build missiles of mass destruction are the ones that are doing the complaining.

I talked about the provision concerning transparency and giving the President, if he finds that it is justified, the authority to do something about their access to our capital markets. To date, over a dozen Chinese firms have raised billions of dollars in the U.S. capital markets.

The Deutch Commission again stated:

> The Commission is concerned that known proliferators may be raising funds in the United States capital markets.

The Cox Commission review of the U.S. national security concerns with China also conclude:

> [I]ncreasingly, the PRC is using U.S. capital markets as a source of central government funding for military and commercial development and as a means of cloaking technology acquisition by its front companies.

As we stand idly by.

In conclusion, I understand there are many who are saying: THOMPSON, we think you are trying to do a good thing here. Yes, we really do need to address this. Yes, we let it go unattended for too long. But, as an amendment to PNTR, if you add it to PNTR it will have to go back to the House and, goodness, we don't know what will happen over there if it goes back to the House.

The idea is that, I guess, what, 40 people would change their votes? With the Democratic Party thinking that they are very close to taking over the House of Representatives, and with the labor organizations having lined up support for Vice President Gore for President, the thinking is going to be that the labor unions are going to press 40 Members to change their votes so going into the election they will have a vote on each side of this issue? I think that is absurd on its face. If we agree to this amendment, the House will ratify it within 24 hours.

Besides, doesn't that beg the question? Should our primary question be whether or not the House would ratify what we do? Since when does the Senate vote on an item simply because they are afraid of what the House of Representatives might or might not do?

House Members included provisions in their bill regarding prison labor, import surges, religious freedom, increases in funding for Radio Free Asia. All of that was in their bill. And we are saying we can't add nuclear proliferation to that list of items? Are we going to tell the world that nuclear proliferation is not as much a concern as is funding for Radio Free Asia?

I think we should ask what we would be signaling to the world if, at a time when we say we need a national missile defense system, we act as though we are not concerned about nuclear proliferation at all. What signals are we sending to our allies, such as those in Taiwan? If we don't have the wherewithal to defend ourselves, how can they ever depend upon us to have the fortitude to defend them, if it really comes down to it?

What does it say about ourselves in dealing with a country that threatens Los Angeles? Since the last MFN vote—even besides and in addition to the increasing religious clampdown that we are seeing over there—they have sent missiles across the Taiwan Strait and they have unashamedly stolen nuclear secrets. They continue their proliferation activities. They tell our delegations, and even our President, that they are not going to be responsive at all to our concerns. They are not going to deny at all what they are doing. They are just going to tell us they are going to keep on doing it.

And sending major delegations to Belgrade and praising Milosevic and saying the United States of America is making the world a more dangerous place because of what we did in Yugoslavia? All of that has happened since the last time we approved PNTR.

What have we done in return? The President goes over and chastises our allies in Taiwan. He adopts the four "noes" the Chinese wanted him to. We grant concessions on WTO: We grant concessions on export control; We give China and Russia a veto on our national missile defense system: and we turn a blind eye to the proliferation activities they continue.

We must ask ourselves, Is this the road to peace? Is this the road to peace? The strategic ambiguity may have worked for a little while in an isolated place, but it is getting to a place now where the Chinese do not know where we are coming from, where we will draw the line, or if we will not draw the line. I don't know, and I daresay the American citizens don't know. But there have been a couple of other wars that some historians say, because of this ambiguous kind of posture, became more likely. It has been more likely to get us into wars than to keep us out of wars. Leaving the impression that we will not act when, in fact, we might is just the kind of thing that is going to cause us to get into trouble.

I finish by saying I support PNTR. There is no reason why we cannot trade, even with those who are engaging in some of the activities I have described. But we cannot do so while turning a blind eye to all of these reports of all of this dangerous activity, all of this continued activity by these countries. Because if we ever signal to the world that we are more concerned with the trade dollar than we are with our own national security, we will not remain a superpower for very long. Therefore I urge adoption of this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I rise to oppose the amendment of my distinguished colleagues from Tennessee and New Jersey. While my friends have in good faith tried to address a critical issue—the serious national security threat posed by the proliferation of weapons of mass destruction and their means of delivery—I believe the approach they take in this legislation is flawed.

I say this as a former chairman of the Senate Governmental Affairs Committee—the committee with jurisdiction over nuclear export policy. Indeed, it was during my tenure in that position that the Nuclear Non-Proliferation Treaty came up for extension. I spent a good deal of my time in 1995 working to build congressional support for the NPT's permanent and unconditional extension.

Without the backing of Congress, the U.S. would not have been able to exercise the strong leadership essential to overcoming opposition from an assortment of countries. Fortunately, on May 11, 1995, the more than 170 countries party to the NPT agreed to extend the treaty without condition or qualification.

That was a proud day for me and a truly historic day in our ongoing efforts to make ours a safer and more peaceful world. The amendment before us today reflects similar admirable intentions.

However, there is a gap in this legislation between intention and result. In particular, this legislation relies on sanctions that are too widely drawn and too loosely conceived to prove effective in countering proliferation.

In addition, this amendment will harm our workers and businesses, our key alliances, and the multilateral non-proliferation regime that is essential to stemming proliferation in a global economy.

Finally, I believe this legislation will significantly compromise our ability to address the two most important foreign policy challenges this country faces—China's rise and Russia's potential slide into instability.

I will discuss each of these problems in turn, beginning with sanctions.

This amendment uses as its principal tool unilateral sanctions. Indeed, this amendment represents the single largest expansion in our reliance on unilateral sanctions since the end of the cold war.

And if there is one thing Congress should recognize after so many attempts at using such methods to force other countries to change their behavior, it is that, as Brent Scowcroft put it:

> . . . the record of U.S. unilateral sanctions is one of unblemished failure.

In a global economy, shutting off Chinese and Russian access to American goods and capital markets will not change Chinese or Russian behavior. Indeed, as Frank Carlucci noted in a letter he recently sent me, such actions

> . . . would likely isolate the United States, not China, giving our European and Asian competitors an open field in providing goods, services and financing to the most populous nation in the world.

The fact is that telling China or Russia to buy machinery, aircraft and agricultural products from our competitors in Europe, Canada and Japan, instead of from the United States, does not provide us any leverage. That is because American workers and companies will be punished rather than Chinese or Russian proliferators.

Moreover, for the first time, U.S. securities markets will be used as a sanctioning tool. This is a particularly troubling aspect of this amendment because our capital markets have played such an enormously important role in fueling America's record-breaking economic expansion, and the strength of our capital markets is based on a degree of predictability and political certainty that this amendment would undermine.

That is one of the reasons why Alan Greenspan opposes this legislation.

But there are other reasons he took this position. Let me quote what he said in testifying before the Senate Banking Committee a couple of months ago. I will do so at some length because I think his views—especially when expressed in such strong and unusually unambiguous terms—are worth heeding:

> In addition to questioning the value of this amendment, there's a very serious question as to whether it will produce indeed what is suggested it will produce.
>
> First let me just say that the remarkable evolution of the American financial system, especially in recent years, had undoubtedly been a major factor in the extraordinary economy we've experienced, and it's the openness and the lack of political pressures within the system which has made it such an effective component of our economy and indeed has drawn foreigners generally to the American markets for financing as being the most efficient place where they can, in many cases, raise funds.
>
> But it is a mistake to believe that the rest of the world is without similar resources. Indeed, there's huge dollar markets all over the world to lend dollars.
>
> Because of the arbitrage that exists on a very sophisticated level throughout the world, the interest rates and the availability of funds are not materially different abroad than here. We do have certain advantages, certain techniques, which probably give us a competitive advantage, but they are relatively minor.
>
> But most importantly, to the extent that we block foreigners from investing or raising funds in the United States, we probably undercut the viability of our own system.
>
> But far more important is I'm not even sure how such a law could be effectively implemented because there is a huge amount of transfer of funds around the world.
>
> For example, if we were to block China or anybody else from borrowing in the United States, they could very readily borrow in London and be financed by American investors. Or, if not in London, if London were financed by American investors, London could be financed, for example, by Paris investors, and we finance the Paris investors.
>
> In other words, there are all sorts of mechanisms that are involved here. So the presumption that somehow we block the capability of China or anybody else borrowing in essentially identical terms abroad as here in my judgment is a mistake.
>
> So a most fundamental concern about this particular amendment is it doesn't have any capacity of which I'm aware to work. And by being put in effect, the only thing that strikes me is a reasonable expectation that it would harm us more than it would harm others.

The sanctions in this amendment are not only unilateral and uniquely encompass our securities markets; they are also indiscriminate in their application. Sanctions in the amendment would apply to "persons" defined as "any individual, or partnership, business association, society, trust, organization, or any other group created or organized under the laws of a country; and any government entity."

The problem with mandatory sanctions is that they force a rigid response, one as likely to exacerbate a problem as solve it. At a minimum, they do not permit the discretion necessary to determine whether or not the sanctions provide the best approach to achieving the non-proliferation goals we all share.

Let us not forget that the mandatory sanctions of the Glenn amendment did not deter India or Pakistan from testing nuclear weapons. Those sanctions, however, did have an impact. Unfortunately, the impact was a negative one, causing harm to our farmers grievous enough for Congress to provide relief by passing the Brownback amendment.

Now even though the President is theoretically able to waive sanctions, Congress gains the power to overturn the President's decision through a procedure similar to and as cumbersome, disruptive and counterproductive to American interests as, the one we currently use in annually renewing normal trade relations with China.

For example, the amendment provides fast-track procedures for automatic consideration of joint resolutions, automatic referral of joint resolutions to the Senate Foreign Relations Committee and the House International Relations Committee, automatic discharge from committee, and privileged status on the floor of both the House and Senate for the resolutions.

In other words, this amendment provides for procedures virtually identical to those specified in the Jackson-Vanik amendment, which has forced Congress to engage in it annual—and notably sterile—debates on China's trade status.

PNTR would end this counterproductive process, unless of course this amendment were to pass. If it did, annual votes would resume on sanctions, and not only on China, but also on Russia, North Korea, and undoubtedly other countries as well.

In fact, the amendment defines a "covered country" to include any country that was previously listed in the Director of Central Intelligence's Section 721 report and identified as a "source or supply of dual-use and other technology," unless that country has not been identified by the DCI for 5 consecutive years.

In 1997, the section 721 report listed some of our closest allies, such as Germany, the United Kingdom, Italy, and France, as targets of acquisition for WMD programs.

The amendment thus could force us to sanction some of our closest allies, including those who work most closely with us in the fight against proliferation of weapons of mass destruction.

I cannot believe that sanctioning allies who have actively worked with the United States to enforce international nonproliferation agreements will help us in furthering mutual nonproliferation efforts. Surely such actions will make future multilateral cooperation—which is absolutely essential to solving proliferation problems—far more difficult.

In fact, that point was made by the Ambassadors of Sweden and France and the Chargé of the European Commission in a joint letter they sent me. Here is a part of what they said:

> We would like to emphasize the member states of the EU are strictly adhering to and enforcing the provisions of the multilateral export control regimes (Nuclear Suppliers' Group, Missile Technology Control Regime, Australia Group, Wassenar Arrangement) and are parties to all the relevant Non-Proliferation and Disarmament Treaties, including the Chemical Weapons Convention. The EU works closely with the US in stemming the proliferation of weapons of mass destruction. We have worked jointly to strengthen the non-proliferation regimes and to address specific cases.
>
> Against this background, we are concerned that [the Thompson amendment] could potentially be used to threaten EU entities with US sanctions. These EU entities are

> fully subject to EU member states' controls in compliance with all non-proliferation and export control regimes. We are also highly concerned by attempts to broaden the scope of export controls beyond those agreed at the multilateral level.
>
> Let us reiterate that the EU and its Member States fully share the United States' determination to effectively combat the proliferation of weapons of mass destruction, as we express it in the Joint Statement on Non-Proliferation, which was issued at the May 1998 US-EU Summit . . . However, we urge you to clearly target these pieces of legislation and thus to avoid the surely unintended consequence of undermining US-EU cooperation on non-proliferation matters.
>
> We would also like to remind you that any legislation of this type undermines the credibility of multilateral efforts in the field of non-proliferation.

This last point the Europeans make—about how this legislation may undermine multilateral nonproliferation efforts is one shared by American proliferation experts such as Frank Carlucci. As he said in his letter to me:

> The important and serious issue of Chinese arms transfers requires a concerted and effective multilateral—

I emphasize the word "multilateral"—

> response, not the imposition of unilateral sanctions which would have no effect on the sources of the transfers. The United States must provide leadership to the international community on this issue, not isolate itself from our allies by pursuing a course of action that no other nation will follow.

Just as troubling as the sanctions themselves are the evidentiary standards used to trigger the sanctions. The measure of proof for violation of U.S. nonproliferation and export control policies, and thus the threshold for invoking sanctions contemplated by this amendment, is one of "credible information." When this term has been used in the past, it has been defined as "information which produces a firm suspicion, but by itself, may not be sufficient to persuade a reasonable person with confidence" that the sanctionable activity took place.

Surely, critical national security actions should be based on a higher standard, especially when they are being applied to our closest allies.

There is one other aspect of this amendment that concerns me. Indeed, it is the one I find most troubling of all. This amendment will severely constrain the next administration in developing the sort of coherent, consistent, and comprehensive policies toward China and Russia that the United States has so sorely lacked for 8 years.

As important as curbing Chinese and Russian proliferation activities is, we must deal with the whole broad range of challenges these two countries present to U.S. interests.

In the case of China, for example, we have an interest in peacefully resolving the cross-straits issue as well as the potentially incendiary problems afflicting the Korean Peninsula, South Asia, and the South China Sea. We have an interest in encouraging China's transition to capitalism and the attendant political reform I believe that transition will help foster. And we have an interest in continuing to press China to provide its citizens basic human rights and religious freedoms.

In the case of Russia, we have an interest in fostering the evolution of true democracy, capitalism, and the rule of law; in curbing corruption and in resolving the deadly conflict in Chechnya and the continuing instability in the Balkans.

Given these and other critical foreign policy challenges posed by China's rise and Russia's potential slide into instability, we will not hold our policies hostage to individual issues, as important as those issues may be.

Stemming proliferation by China, Russia, and other countries will only be possible if we get our overall policies toward those countries right. Let me read something from a report on China put out recently by the Carnegie Non-Proliferation Project which I think is instructive. Here is what it says:

> Encouraging Chinese acceptance of global non-proliferation norms has been a long-term process, concurrent with the larger effort to normalize relations with China . . . During the years of isolation from the West, China's posture rhetorically favored nuclear weapons proliferation, particularly in the Third World, as a rallying point for anti-imperialism. Through the 1970s, China's policy was not to oppose nuclear proliferation, which it still saw as limiting U.S. and Soviet power. After China began to open to the West in the 1970s, its rhetorical position gradually shifted to one of opposing nuclear proliferation, explicitly so after 1983.
>
> China's nuclear and arms trade practices did not, however, conform to international non-proliferation regime standards, and major efforts over two decades were required to persuade China to bring its nuclear trade practices into closer alignment with the policies of the other nuclear supplier states. [Yet] there is still a gap that needs to be closed . . .
>
> China is still on a learning curve, and endemic problems of a political, cultural and organizational nature exist in China's decision-making apparatus . . . Thus, continued vigilance and diplomatic interchange with China will certainly be necessary on nuclear matters.
>
> The missile, chemical and biological areas will also require diligent attention. Up to 1994, China made progress on MTCR requirements. But it is still not clear that its professed restraint applies, as the MTCR requires, to missile components and technology—nor, indeed, that the restraint applies to more than complete 'ground-to-ground' missiles. Compliance in this area, which is not defined by treaty, is harder to nail down with standards that China can accept politically—and also entails more scope for ambiguities. The chemical area is defined by treaty, provides for declarations, and lists restricted items, but it covers a very large industrial domain.

In short, Mr. President, stemming proliferation by China—or by Russia, for that matter—is a complicated matter that cuts across our broader bilateral relationship.

To achieve the goals we all share of ending proliferation, sustained examination, discussion and debate by the Congress and the next Administration is essential. And negotiation and diplomatic interchange with the Chinese and the Russians must not be constrained by unilateral sanctions, as frustrating as those negotiations have been and will continue to be.

Proliferation is a matter of vital national interest. In voting against this amendment, I will vote against its flaws but not its intent. In fact, I applaud my friend from Tennessee for raising this issue, and I hope he will continue his work in this critical area next year, when we will have the time to examine the issue thoroughly, and I hope come to agreement on a measure that will gain the support of an overwhelming majority of this Chamber.

Only then can we send the Chinese and other proliferators the right message about the urgency with which we view stemming the proliferation of weapons of mass destruction and missile technology.

Mr. President, I ask unanimous consent that at 10 a.m. on Tuesday, September 12, the Senate proceed to a vote on amendment No. 4117, with time tomorrow morning before 10 o'clock equally divided in the usual form for closing remarks.

The PRESIDING OFFICER (Mr. BUNNING). Without objection, it is so ordered.

The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I compliment my distinguished colleague from Tennessee for offering this amendment. I do support it. I think it is a significant step forward. As I listened to the Senator from Tennessee speak, I was persuaded, however, that the consequence or the conclusion of his eloquence was that the entire bill for permanent normal trade relations with China should be defeated.

I thought the Senator from Tennessee made a very strong case that it is necessary for the United States to be wary of where the People's Republic of China is heading. It is my hope—and I know it is the hope of the Senator from Tennessee—that we will have good relations with China and that we will have a peaceful world.

As the Senator from Tennessee enumerated the problems with nuclear proliferation and the potential difficulties from the People's Republic of China, it underscored in my own mind the grave concerns about making a concession at this stage to permanent normal trade relations with China instead of advancing that economic benefit to China on a year-by-year basis so that the United States would retain some leverage as to the conduct of China. It is important to have the kind of an annual report about which the Senator from Tennessee talks. I think it is a good idea to have it as to Russia and North Korea as well as to China.

The reality is, as documented substantially by the Senator from Tennessee, there are real potential problems on the horizon.

At the outset, I wish to make it clear that I support the concept of free trade. I believe history is on the side of free trade. I voted in favor of the North America Free Trade Agreement, in the face of considerable opposition from my constituency in Pennsylvania. Similarly, I voted for the African Growth and Opportunity/United States-Caribbean Basin Trade Enhancement Act. Although not without some qualms, I have supported most-favored-nation status for China. That was a hot concern on this floor and in the House of Representatives for some time because of China's violations of human rights. It was my judgment that we should have given China most-favored-nation status to try to build their country in the hope that it would move toward democracy and that it would move toward a greater recognition of human rights. In one fell swoop, to grant permanent normal trade relations with China seems to me to be a mistake.

I spoke on this subject at some length back on May 17 of this year. I know there are others who wish to speak. I will not repeat what I said at that time but would incorporate my comments at that time by reference.

On the issue of proliferation, there is very substantial evidence that the People's Republic of China is harming the interests of world peace. When they sold the M-11 missiles to Pakistan, they put Pakistan in a position to move forward on a potential nuclear confrontation with India, putting that area of the world at risk. When the People's Republic of China has assisted North Korea's missile program in providing special accelerometers, again, there is a country, a rogue country where the People's Republic of China threatens the interests of world peace. And when they have provided assistance to Libya's long-range missile program by assisting in the building of a hypersonic wind tunnel, there again, they assist a rogue nation which really has the potential of threatening world peace.

There has been a very elaborate chart prepared by the distinguished Senator from North Carolina, Mr. HELMS, which is on every desk in the room. I know Senator HELMS came to the floor a few moments ago and will doubtless speak about it. It particularizes the problem we face on nuclear proliferation by the Chinese, which raises the question: Why give away our bargaining power? The People's Republic of China is vitally interested in normal trade relations with the United States. Why not grant it to them this year but reserve judgment next year as to what happens?

The record of the People's Republic of China on human rights is dreadful. The massacres at Tiananmen Square constitute only one issue in a long line of flagrant violations of human rights. These are detailed in a statement which is a part of the RECORD of my speech from May 17. I shall not detail them again, except to refer to the case of the Dickinson College librarian, Mr. Yongyi Song, a constituent of mine from Pennsylvania.

Mr. Song went to China in August of 1999 to study the Cultural Revolution. While in China, he was unceremoniously arrested without cause, without any justification, and kept in jail for months. When I found out about the case and consulted with Mr. Song's family and with Dickinson College, I sponsored a resolution, cosponsored by many of my colleagues, and I spoke on the floor of the Senate. I said if the People's Republic of China wanted to be accorded a seat with the nations of the world on matters such as trade, or on matters generally, they would have to have a decent legal system and they would have to not arrest people without any cause. Shortly thereafter, I sought a meeting with the Chinese Ambassador to the United States. The morning of our meeting, I heard a rumor that Yongyi Song was going to be released, and in late January, he was in fact released.

I had a very interesting discussion with the PRC Ambassador to the United States. He admonished me about meddling in internal PRC affairs. I had a few responses about the PRC record on human rights, especially as they related to the detention of my constituent for many months without any justification. Then I said that I personally was concerned about having good relations between the United States and the People's Republic of China, a nation of 1.2 billion people. The PRC Ambassador quickly corrected me, saying it is not 1.2 billion people, it is 1.250 billion people.

There is no doubt about the PRC's recognition of the PRC's power. They are emerging as the second major superpower in the world. That is fine so long as they comply with the norms of a civilized world. That requires nonproliferation, and that requires respect for human rights.

We have two other matters that have come to the fore recently—both issues where the Senator from Tennessee and I have been involved collaboratively. One is on the issue of the efforts by the People's Republic of China to influence U.S. elections, and the second is the effort of the People's Republic of China on espionage. China has portrayed a very aggressive posture, in my judgment. China has moved ahead with many people who have made contributions in the political arena in flat violation of U.S. law, and there are cases—now documented—of the aggressive efforts of the People's Republic of China on espionage.

The Judiciary subcommittee that I chair on the Department of Justice oversight has prepared a very lengthy report on Dr. Peter Hoong-Yee Lee. Dr. Peter Lee on October 7 and 8, 1997, confessed to the FBI that he had provided classified nuclear weapons design and testing information to scientists of the People's Republic of China on two occasions in 1985 and had given classified anti-submarine-warfare information to the Chinese in May of 1997.

Now it is true that espionage is not limited to the People's Republic of China. But when they recruit a scientist in the United States and acquire information about our classified nuclear weapons design and information on our anti-submarine-warfare procedures, that is a matter of considerable importance.

There is another major case which is very much in the forefront today and has been for some considerable period of time, and that is the case involving Dr. Wen Ho Lee, where this morning's media accounts disclose that later today, within a few hours, the Department of Justice has agreed to a plea negotiation for 1 count of a 59-count indictment concerning taking classified material and not maintaining the appropriate classification. This is a case that was under investigation by the Department of Justice Oversight Subcommittee, which I chair, and we had looked into it from October of last year until December 14 when the FBI asked that we cease our oversight inquiries because Dr. Wen Ho Lee was being indicted. We complied with that request so there would be no question at all about any interference in the prosecution of Dr. Wen Ho Lee. Now that the matter is finished, we will move ahead very promptly on that oversight investigation.

But the case against Dr. Wen Ho Lee is an extraordinary one which raised very serious questions about whether Dr. Wen Ho Lee provided the People's Republic of China highly classified information.

The investigation as to Dr. Lee proceeded from 1982, was accelerated in 1993 and 1994, 1995, 1996, and 1997. Then there was a request by the FBI, which was a personal request from FBI Director Louis Freeh, transmitted by Assistant Director John Lewis, who went personally to Attorney General Reno. Attorney General Reno assigned the matter to a man named Daniel Seikaly who had never had any experience with an application for a warrant under the Foreign Intelligence Surveillance Act. In a context that was reasonably clear that the warrant should have been granted, Attorney General Reno rejected that application.

Then, inexplicably, from August of 1998 until December of 1999, the FBI did not act to further investigate Dr. Wen Ho Lee. Then, when the Cox Commission was about to publish a report in January of 1999, suddenly the Department of Justice and the FBI sprang into action, but did not take any steps to terminate Dr. Lee until March, and no steps to get a search warrant until April.

Now there is no doubt that Dr. Wen Ho Lee is entitled to the presumption of innocence as to passing any matters to the People's Republic of China, which was the essence of the FBI investigation. Equally, there is no doubt that the Department of Justice has been convicted of extraordinary incompetence in the way this case has been handled, and the questions as to whether the People's Republic of China gathered key information remain unanswered and perhaps will be illuminated by oversight by our Judiciary Subcommittee. But it is hard to understand how the Department of Justice could maintain last week that Dr. Wen Ho Lee had information at his disposal that would "change the global strategic balance" or could "result in the military defeat of America's conventional forces," posing the "gravest possible security risk to the supreme national interests" of the United States.

So when the matter is concluded—as we have every reason to suspect it will be—with the plea bargain, the Department of Justice is going to have a great many questions to answer in terms of why they permitted Dr. Wen Ho Lee to have access to classified information for such a protracted period of time when they had very substantial probable cause, as shown in the application for the warrant under the Foreign Intelligence Surveillance Act, that there were connections with the People's Republic of China, which might have access to very important nuclear secrets.

I mention that case because here is another illustration like the Dr. Peter Lee case where there were questions in the Dr. Peter Lee case, and he confessed and was convicted of passing secrets to the People's Republic of China. But in the long investigation on Dr. Wen Ho Lee, the Department of Justice is going to have some very important questions to answer about why Dr. Wen Ho Lee was enabled to have access to this classified information for such a long period of time, and why they kept him in detention with arguments which they have made. They argued even that on his release he should not have contact with his wife on their assertion that she might pass this highly classified information on, and fought it even to the Court of Appeals. Now, suddenly, in a day of reversal of position, which by the accounts will result in Dr. Wen Ho Lee's release later today, is really very extraordinary.

The incompetence of the Department of Justice is obvious. The Department of Justice owes an explanation perhaps to Dr. Wen Ho Lee and to the people of the United States for their bungling of that case. But the point of the matter is, and it is sufficient really for Dr. Peter Lee's case, that you have an aggressive People's Republic of China which is after U.S. military secrets.

Then there is the issue of the efforts by the People's Republic of China to influence our elections. That, too, has been documented in great length. I shall not speak about it at any length this afternoon except to comment about the conviction of Maria Hsia linking the People's Republic of China and the plea bargain with John Huang, Charlie Trie, Johnny Chung, and many, many others where there is documentation that the People's Republic of China had transferred funds to people in the United States to make campaign contributions, which were flatly illegal under U.S. laws, in the interests of the People's Republic of China in influencing our elections. .

While it is not unusual for one country to engage in espionage against another country, I believe it is quite unusual for a country to seek to influence U.S. elections. Those are matters which weigh in the balance.

In essence, what we have before us at the moment is the amendment of the distinguished Senator from Tennessee who seeks to have a report from the President on the question of nuclear proliferation involving the People's Republic of China, and with all due respect, it is subject to being avoided by waivers which the President can exercise. But at least it is a step in the right direction.

But when we take a hard look at what China has been doing in international affairs with Taiwan, with their threats and blackmail, having missile tests off the coast of Taiwan, what they have done with human rights, what they have done with proliferation, and what they have done in so many of the activities, there is very strong reason to conclude that the United States should not grant permanent normal trade relations to the People's Republic of China.

Let's trade with them on a year-by-year basis. It is an insufficient answer to say that if we don't trade with the People's Republic of China, other nations will. The United States ought to assert U.S. leadership in trying to lead our allies not to trade with China to the benefit of China, if China is to maintain its current course of proliferation, of violating human rights, of espionage activities, and trying to influence the internal elections of a country such as the United States.

At a minimum, in conclusion—the two most popular words of any speech—I urge my colleagues to support the amendment of the Senator from Tennessee. I urge my colleagues to accept the strong persuasion of the Senator from Tennessee to vote no on the entire bill.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I understand that the distinguished Senator from North Carolina earlier indicated that he wished to speak at about 2:30. I ask unanimous consent that after the Senator from North Carolina finishes, I be recognized to make a statement.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SARBANES. I thank the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I thank the Chair for recognizing me. I ask unanimous consent that it be in order for me to deliver my remarks at my desk from my seat.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I thank the Chair.

Mr. President, for the past two months there has been a deluge of claims regarding the Thompson-Torricelli amendment. While Mr. THOMPSON, the able Senator from Tennessee, has leaned over backward to accommodate all concerns raised in good faith, there is clearly no satisfying that particular crowd of "beltway lobbyists" who will stop at nothing to secure corporate profits. It is just as simple as that.

Virtually every argument the pro-Communist China industrial lobby makes regarding this amendment misses one crucial point: Chinese proliferation of weapons of mass annihilation poses a grave threat to U.S. national security.

If there cannot be agreement on this basic premise, then there is no common ground to be found on the Thompson-Torricelli amendment.

But I, for one, find China's trade in those commodities abhorrent and intolerable.

It is especially unconscionable for China to continue supplying the Islamic radicals in Iran with chemical weapons precursors and missile technology. Lest we forget, Iran's interests are antithetical to the United States. For the past twenty years the fanatics in Teheran have poured money, weaponry, and technology into terrorist groups worldwide. The mullahs have orchestrated dozens of bombings and the cold-blooded murder of hundreds of U.S. servicemen and citizens, including the bombing of Khobar Towers, in Saudi Arabia—killing 19 U.S. troops and wounding 240 others—and the Hizbollah bombing of the U.S. Marine barracks in Lebanon, which killed 241 Americans.

So all this clap trap about reformists in Iran is hogwash—pure and simple.

As the saying once went: "Read my lips"—read mine—Iran is ruled by an Islamic fundamentalist regime that calls the United States the "Great Satan" and continues to spew anti-Semitic, anti-Israeli venom between each and every flight test of its new "Shahab" medium-range missiles, supplied, by the way, by Russia and China.

Iran is the last country on Earth that the United States should want to possess deadly chemical nerve agents, nuclear weapons, or medium-range ballistic missiles.

Why on Earth would the United States not do everything possible to stop China's supply of nerve agent precursors and specialized glass-lined production equipment to Iran?

Why on Earth would the Senate look the other way as China continues to build a research reactor and other nuclear facilities in Iran, and to supply missile testing equipment, guiding systems, technology, and specialized material to Iran's missile program? Why, Mr. President, why? Surely Iran is the last country on Earth that the United States would ever want to gain possession of advanced cruise missiles capable of sinking warships from the United States of America.

According to the Secretary of State, Madeleine Albright, China's C-802 missile is "roughly the equivalent of the French EXOCET missile that Iraq used in 1987 to attack the frigate U.S.S. *Stark* in the Gulf, killing 37 Americans."

Why, Mr. President, would the United States not do everything in its power, including the imposition of sanctions, to prevent China from supplying hundreds of these missiles to the Iranian military?

Iran is by no means the only dangerous country to which Communist China continues to ship deadly weaponry. There is that little regime in Libya which today is on trial in The Hague for the cowardly terrorist bombing of a plane over Lockerbie, Scotland. Do you remember that, Mr. President? That cruel, beastly attack killed 270 people; 189 of whom were Americans.

Libya is getting from the Chinese all sorts of missile testing equipment and training. Just bear in mind, for example, this is a regime that once drew a "line of death" across the Gulf of Sidra and launched war planes to attack the U.S. Navy. Under no circumstances would the United States want Libya to possess a ballistic missile capable of dropping chemical or biological weapons on the U.S. troops stationed in Italy. But that is precisely the capability that the PRC—the People's Republic of China—is supplying to Libya to date.

Then there is North Korea. We must not leave out North Korea, that Communist dictatorship that engaged in a massive surprise attack against the United States and South Korea in 1950 which ultimately killed more than 35,000 Americans. North Korea is acting today as if it is going to make amends, and we will see about that. I think it is about time. The point remains that North Korea still maintains a million-man army with thousands of tanks and artillery pieces deployed within a few miles of Seoul. North Korea is a country which recently launched that ballistic missile over Japan—do you remember that?—a missile capable of reaching the United States of America with a small chemical or biological warhead.

North Korean boats periodically engage in shooting matches with South Korean ships. North Korea has deployed assassination squads on minisubmarines to infiltrate its neighbors to the south, and they continue to harbor vicious terrorists wanted in Japan for a variety of murders, and they are working overtime on the development of nuclear, chemical, and biological weapons. This is not a country that the United States wants to possess long-range ICBMs—but Communists insist on supplying Pyongyang with missile technology and specialized steel.

I haven't even touched on the subject of Chinese missile and nuclear assistance to Pakistan or its supply relationship with the dictatorship in Syria or the help it was giving to Saddam Hussein's horrible programs.

The world today is a very dangerous place, populated with tyrants and despots hostile to the United States. These are countries which have killed Americans by the hundreds. At every turn in the road we discover that Communist China is supplying all of these countries with technology which ultimately can be used in the future to kill Americans again.

No matter how many times the United States raises the matter of China's military exports, the Communist leadership in Beijing refuses to cease and desist. They change the subject. Indeed, the history of U.S.-Chinese relations on nonproliferation matters is one littered with broken promises. It is a tale of deceit and trickery by Communist China.

I call attention to this chart, which the distinguished Senator from Pennsylvania referred to earlier, which shows China has made at least 14 major nonproliferation commitments since 1984, 7 relating to the proliferation of nuclear technology. The People's Republic of China has made five—count them, five—separate pledges regarding the transfer of missile technology and two pledges on chemical and biological transfers. During the past 20 years, the PRC has violated every one of those promises.

Immediately following Communist China's 1984 pledge not to help other countries develop nuclear weapons, what do you think happened? Yes, that is right. China signs a little "secret" protocol with Iran to supply nuclear materials. Beginning in the early 1980s, China helped Pakistan get the bomb, sharing weapons design information. In 1996, China was caught having to shift a large number of specialized ring magnets for weapons-grade enrichment of uranium to Pakistan.

In 1998, at the very time China was telling Congress that China had quit assisting Pakistan—in order to secure congressional support for commercial nuclear cooperation—the Clinton administration knew for a fact about ongoing PRC contacts with Pakistan's nuclear weapons program. It is abundantly clear, 2 years later, that China has never adhered even once to its nuclear nonproliferation pledges. In fact, according to the latest unclassified intelligence assessment of a month ago:

> Chinese entities have provided extensive support in the past to Pakistan's nuclear programs. In May 1996, Beijing promised to stop assistance to unsafeguarded nuclear facilities, but we cannot preclude ongoing contacts.

That is a nice way of saying it is still going on. It is the same old song: second verse same as the first, in the case of missile transfers. Again, China has repeatedly broken its pledges.

A claim in 1989 that it had no "plans" to sell medium-range missiles to the Middle East was almost immediately contravened by several transactions. A subsequent pledge, in early 1991, to refrain from medium-range sales to the Middle East—also rubbish.

So we come to 1992, when China made yet another promise—written down this time—that it would not transfer any category I or category II missile items to Syria, Pakistan, or Iran. A lot of good people just said, OK, that is great; peace, peace, peace is right around the corner. The Chinese pledge specifically covered M-9 and M-11 missiles, and extended to existing contracts.

But this, of course, did not stop China from selling M-1 or M-11 missiles to Pakistan or from selling missile technology to Iran and Syria—no siree. So what happened? The Clinton administration extracted a further pledge, don't you know, in 1994—from whom? That's right, China—that it really did intend to abide by the MTCR. China said: Oh, yes, yes, sir; we are going to abide by it.

But that Chinese commitment to observe the MTCR guidelines—which, by the way, explicitly, clearly prohibit the transfer of missile production equipment—was observed no better than the earlier pledges. Not only did M-11 sales continue but Communist China was discovered supplying a production facility for such missiles to Pakistan. According to various press accounts, China recently completed work on this facility for Pakistan.

Oh, boy, you can trust these Chinese, can't you? "I think we ought to sign this thing and go ahead and trust them and be done with it." If you believe that, you will believe anything because there are a lot of facts regarding the current exports of China's military that I have uncovered.

The point is, and I say this reluctantly because these are my friends, too—or they have been—as much as various business lobbyists may wish to portray the Communist leadership in Beijing as being trustworthy and responsible, the truth is that the Chinese regime is neither trustworthy nor responsible. It has never been responsible. It has given terrorist regimes deadly chemical capabilities and nuclear technology to vaporize entire cities and missiles capable of raining terror on innocent people from above. Nor has Beijing proven trustworthy. They have broken pledge after pledge and pledge.

I have to say this for the Clinton-Gore administration. It was not the first to allow itself to be duped by the PRC in order to pursue this commercial objective. But the current administration has coupled its willingness to subordinate nonproliferation concerns to trade with an alarming disregard for the law, in my judgment.

I deeply regret the appalling legal hijinks of the administration in trying to avoid sanctioning Communist China for its military trade. Maybe somebody else will remember, as I do, that New York Times quote that President Clinton was declared to have made, that U.S. sanctions laws put—as the President put it:

> . . . enormous pressure on whoever is in the Executive Branch to fudge an evaluation of the facts of what is really going on.

The fact that the President would say such a thing, I have to admit, doesn't come as too much of a surprise. The Senate Foreign Relations Committee—of which I happen to be chairman—has in particular been on the receiving end of this sort of business of "fudging the facts" for the past 8 years. Time and time again it has happened. I am sick of it. While no administration has ever voluntarily imposed sanctions that it believed would be counterproductive, the Clinton-Gore administration's callous disregard of U.S. law is bouncing around at a new low.

Because the administration has no stomach for nonproliferation sanctions, and because the Chinese obviously know it, the United States nonproliferation dialog with China has become nothing more than an opportunity for Beijing to uncover how the U.S. intelligence community knows things about China's weapons trade. At this point, I think it must be patently obvious to Communist China that this administration does not have—what? The right stuff, I guess is the right way to put it—the right stuff to impose missile sanctions and make them stick.

The exponential growth in China's deadly exports, clearly shown on this chart, is occurring in the face of weakening U.S. resolve.

In the name of my children and grandchildren, your children and grandchildren, Mr. President and all other Senators, that is such a dangerous, dangerous combination.

As I see it, the obvious benefit of the Thompson-Torricelli amendment now pending is twofold. First and foremost, the amendment underscores the Senate's concern about Red China's ongoing trade in the deadliest types of weapons technology with terrorist nations. Under no circumstance should the Senate let this moment pass without deploring—without deploring it loudly—China's behavior and raising the stakes for China's continued assistance to the likes of North Korea and Iran and Libya. It is impossible to overstate how critical this is at a time when the commercial interests of the United States clearly predominate over national security concerns, and that is exactly what is happening.

Second, it also raises the ante on an executive branch which has come to think of mandatory sanctions as optional things. You don't have to do them. I recognize that it is clearly impossible to compel this administration to adhere to the supreme law of the land. But surely the Senate can make flagrant disregard for the law a little more uncomfortable for some in the administration by requiring expanded reporting on China's proliferation behavior based on a reasonable evidentiary standard.

Mr. President, for all of these reasons I strongly support the Thompson-Torricelli amendment. I not only hope, I pray that other Senators will join in sending a strong message to Beijing that its dangerous exports must stop forthwith.

I yield the floor.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Maryland.

Mr. SARBANES. Madam President, I rise in opposition to H.R. 4444, which would provide for the extension of Permanent Normal Trade Relations, PNTR, to the People's Republic of China.

The proponents of this measure would have us believe that the decision to support PNTR is completely one-sided, with all the benefits going to the United States and none to the Chinese. If that analysis were correct, one would have to believe that the Chinese are either naive or simply being charitable to the United States. I don't think either of those propositions is true.

In my view, it would not only be counter to the trade interests of the United States to grant PNTR to China, but it would undermine other important bilateral U.S. interests with that country, including national security, foreign policy, human rights, religious freedom, labor rights, and environmental protection. We should be seeking permanent normal relations with China which would link all of our diverse interests with China into an integrated policy, but I do not support Permanent Normal Trade Relations with China in the absence of achieving permanent normal relations. In other words, we should not separate out the trade relationship alone without addressing these other important matters that are at issue between us.

Let me address then why I do not think it is in the U.S. national interest to grant Permanent Normal Trade Relations to China at this time.

The decision to grant PNTR to China is linked to China becoming a member of the WTO, the World Trade Organization. Under the rules of the WTO, member countries are obliged to grant unqualified most-favored-nation treatment to each other. In the view of the supporters of PNTR, the United States must grant Permanent Normal Trade Relations to China so the United States will be able to utilize the dispute resolution mechanism of the WTO to enforce compliance by China with trade agreements. In fact, the WTO agreement has been characterized as being completely one-sided in favor of the United States. A summary of the arguments in favor of the agreement prepared by the Administration stated:

> This is not a trade agreement in the traditional sense. This is a one-way deal. We would simply maintain the market access policies that we already apply to China.

I believe this assertion overlooks some very important considerations. Until now, the United States has been free to link trade to any of our other concerns with China—national security, foreign policy, human rights, religious freedom, labor rights, environmental protection. With the exception of national security, granting PNTR to China would effectively end the ability of the United States to link trade with any of our other concerns with China because it would violate WTO rules. Even national security, for which the WTO has an exemption, would be subject to challenge and review within the WTO. Further, within the trade area itself, the United States would not be able to use U.S. trade laws to enforce compliance by China with its trade commitments.

If one stops and thinks about this for a moment, it seems clear that China is achieving a fundamental strategic objective which, from its point of view, is enormously in its self-interest. The proponents of granting PNTR to China want the decision to be viewed through the narrow prism of trade relations because on that basis they believe the agreement is defensible. Even on those terms, I believe extending PNTR to China is an unwise decision, but it completely ignores the broader and more fundamental interests the United States is abandoning by granting PNTR to China.

I will review the U.S. trade relationship with China and why, even from the narrow perspective of trade, granting PNTR to China is not in the U.S. national interest. I will then review the broader interests the United States has at stake in this decision, some of which are underscored by the amendment that is now pending.

Let me turn first to the bilateral trade relationship. Our bilateral trade relationship with China is our most one-sided significant bilateral trade relationship. We have been running a steadily increasing trade deficit with China for nearly two decades. In 1985, we had a trade deficit of $9 million. Since then, it has set a new record every year, rising from $1.6 billion in 1986 to $10.4 billion in 1990, to $29.4 billion in 1994, and $56.8 billion in 1998. In 1999, the Commerce Department reported that the U.S. trade deficit with China reached a record $69 billion. This chart shows very clearly this incredible deterioration in the trade relationship as it takes a downward plunge in terms of our trade balance.

The trade balance has continued to deteriorate in 2000. The Commerce Department reports that the U.S. trade deficit with China for the first 6 months of this year is over 23 percent higher than over the first 6 months of last year. In fact, it is very close to becoming the largest single bilateral trade deficit of the United States. At the moment, it is surpassed only by Japan.

This chart traces back to 1975. These are U.S. exports to China which have risen a bit, but not very much, and these are U.S. imports from China which, of course, are ascending at a very steep pace, and the difference gives us, of course, the trade balance which was shown in the previous chart. On this very small amount of trade, $95 billion—there is $13 billion in exports from the United States to China and $82 billion in imports from China—we now are on our way, I think, to where we will shortly have our largest trade deficit with China.

It is important to appreciate this point because it underscores how important our trade relationship is with China and, in my judgment, therefore, underscores the necessity of not putting this trade relationship to one side, which would prevent us from trying to solve the other problems in our relationship.

What is not fully appreciated, however, is that relative to the size of the overall volume of trade with China, the U.S. trade relationship with China is far more one-sided than with any other country in the world. For example, in 1999 we had a trade deficit with Japan of $74 billion. That was based on a total volume of trade with Japan of $189 billion. In contrast, the $69 billion U.S. trade deficit with China was based on a total volume of trade of $95 billion. With Japan, we have twice as much trade and almost the same deficit, a little more than we have with China. With China, the trade relationship is virtually a one-way street, and we need to understand and appreciate that.

This pattern is repeated to an even greater extreme with other large U.S. trading partners—Canada, the European Union, and Mexico. This chart shows U.S. exports as a percent of bilateral trade with China, with Japan, with Canada, with the E.U., and with Mexico. As one can see, even with Japan, exports make 30 percent of the total volume of trade—a little above 30 percent. With Canada and Europe and Mexico, it is in the mid-40 percent. With China, it is at 14 percent. The trade relationship with China is virtually a one-way street. It is Chinese exports coming to this country; it is not American exports going to China.

Even if one compares it with the Asian countries, we find the same situation. U.S. exports to China as a percent of bilateral trade is, again, at about 14 percent. As you can see with Taiwan, Korea, and Singapore, it ranges anywhere from under 40 percent to almost 50 percent.

One may say: Well, maybe China has this kind of trade relationship with everybody. So let's briefly examine its trade relationship with Japan and the European Union as compared with the United States.

China's total trade volume in 1999 with the United States, $95 billion; with the European Union, $73 billion; with Japan, $69 billion. Yet the surpluses that China ran with us were by far the largest relative to the overall amount of trade with these countries. So you can see that once again the trade relationship with the United States is extremely one sided.

(Mr. THOMPSON assumed the chair.)

Some argue that most exports from China to the United States are not made in the United States and, therefore, do not compete with U.S. products. Some advance that argument. As a result, it is argued that some increase in Chinese exports to the United States comes at the expense of exporters in third countries, such as Mexico, South Korea, and Taiwan, and not at the expense of U.S. manufacturers.

It is worth noting that although these other countries run trade surpluses with the U.S., the U.S. balance of trade with these countries is not nearly as one sided as with China. In fact, I think it is reasonable to suppose that if we were taking goods from these other countries instead of China, those countries would be more willing to take our goods because that is the nature of the relationship that we have with Mexico, or South Korea, or Taiwan. It is much closer towards balance, although not in full balance. But with China, it is a terribly one-sided relationship.

Furthermore, the Congressional Research Service, in its analysis, has said the nature of Chinese exports into the United States is shifting and moving towards high-technology sectors—office and data processing machines, electrical machinery and appliances, and telecommunications and sound equipment. So the character of imports from China is shifting to increasingly sophisticated categories of products which compete very directly with goods made in the United States.

Proponents of Permanent Normal Trade Relations with China assert that the WTO agreement with China will open China's market to U.S. exports and, thereby, reduce the one-sided nature of the U.S. trade relationship. Well now, this is a plausible-sounding argument. They say this will create an opening in the relationship and, therefore, these balances that you are pointing to will begin to change and there will be an improvement.

The U.S. International Trade Commission was asked to conduct a study on the economic effects on the United States with China's accession to the WTO; in other words, to project out what the consequences would be.

The ITC study assessed the impact the tariff cuts provided in the China WTO agreement would have on the U.S. balance of trade with China. They concluded that there would be an increase in the U.S. trade deficit with China. Let me repeat that. The ITC study, which was conducted at the request of the U.S. Trade Representative, found that the China WTO agreement would actually increase the U.S. bilateral trade deficit with China.

So it is obviously important to understand that while these extraordinary claims have been made for the supposed benefits of the China WTO agreement for the United States, the reality is that it would not address the extraordinarily unbalanced trade relationship of the U.S. with China.

A closer examination of the specifics of the China WTO accession agreement with the United States may help explain these results of the ITC study. Under the China WTO agreement, average tariff rates will fall from 16.9 percent to 10.2 percent—a drop of 6.7 percentage points. However, average applied tariff rates already fell from 42.8 percent in 1992 to the 16.9 percent in 1998 under the previous trade agreements that we have negotiated.

During that period when these tariffs came down, the U.S. trade deficit with China increased from $20 billion to $61 billion. Of course, that simply underscores a very common sense point, if you stop and think about it. One must recognize that, while tariffs may be cut, the remaining tariffs may still be sufficiently high to block out imports.

In other words, we are constantly being told these tariffs are coming down. Even assuming that is the case, as long as they remain at a sufficient level to block out imports, they, in effect, are accomplishing their results.

For example, under this agreement, tariffs on automobiles are scheduled to fall from 100 percent to 25 percent. This is obviously a substantial reduction, but it still leaves in place a 25-percent tariff—a very significant tariff that may be highly effective as a deterrent to auto imports.

Under the agreement, nontariff barriers, such as quotas, licensing, and tendering procedures, will be liberalized for some 360 product categories; however, the product categories for which this is taking place account for only 8.5 percent of our exports to China. Their total value in 1998 was only $1.2 billion.

Furthermore, China is still in the process of negotiating its multilateral accession protocol with the 44-member WTO working party. According to a GAO report on the status of the negotiations, differences remain between China and the working party in three areas: China's trade-distorting industrial policies, including subsidies and price controls; foreign currency reserve-related restraints on trade, including foreign exchange controls; and a miscellaneous category of other issues, including Government procurement, civil aircraft, and taxes.

In fact, currency manipulation, subsidies, and licensing by China have been significant factors in its trade relationship with the United States and have, of course, an impact on this trade deficit.

There is a final point I want to make with regard to the U.S. trade relationship with China before I turn to the broader considerations and the impact of PNTR.

Observers have pointed out that China is much more open to foreign investment than other Asian countries were—Japan and Korea, for example—and that this may set the basis for an improvement in the trade relationship. In fact, China has actively sought foreign direct investment as sources of Western capital and technology. It is a key item in their development strategy.

But China's receptiveness to foreign investment does not necessarily mean an openness to imports.

In fact, trade barriers in sectors such as automobiles have been part of China's strategy to encourage foreign investment. Since the Chinese market could not be accessed easily through exports because of the various restrictions, Western automakers who want a portion of the Chinese market were being forced to invest in China. Once inside the market, many Western companies took a different view of Chinese trade barriers because they now also are protected from competition from outside China.

The unstated premise of those supporting PNTR on this issue is that openness to foreign investment will eventually lead to openness to foreign trade. However, it is not at all clear that changes undertaken to encourage foreign investment will inevitably lead to lower trade barriers and more imports. In fact, the Chinese insistence upon domestic production and transfer of technology suggests that the opposite may be the case.

An article in the Wall Street Journal of May 25, the day after the House voted on PNTR, focused on the investment aspects of the China WTO agreement and stated:

> Even before the first vote was cast yesterday in Congress's decision to permanently normalize U.S. trade with China, Corporate America was making plans to revolutionize the way it does business on the mainland. And while the debate in Washington focused mainly on the probable lift for U.S. exports to China, many U.S. multinationals have something different in mind. "This deal is about investment, not exports," says Joseph Quinlan, an economist with Morgan Stanley Dean Witter & Co. U.S. foreign investment is about to overtake U.S. exports as the primary means by which U.S. companies deliver goods to China."

If we look at the increase in investment over the recent decade, it is highly instructive. It has risen at an incredibly steep rate. U.S. investment in China has gone from just over $300 million in 1991 to $4.5 billion in 1999. Whereas the United States ranked behind Japan, behind Europe, behind Taiwan as a source of exports to China, it ranked ahead of all of them as a source of foreign direct investment. Rather than expanding exports and reducing the U.S. trade deficit with China, the extension of Permanent Normal Trade Relations and WTO membership for China may simply be a way for China to secure expanded foreign direct investment from the United States. This may serve China's development strategy and please U.S. companies seeking to invest in China. However, it is not clear that it will be the great benefit to U.S. exports and jobs that those who support PNTR claim.

Indeed, in my view, a principal motivation for China's support for PNTR and WTO membership is to separate its trade and investment relationship with the United States from its other relationships with the United States and to separate it from the enforcement of U.S. trade laws, thereby securing an unimpeded flow of investment from the United States. Once they can lock this into place, they can put trade and investment off the radar screen, as we look at other outstanding issues between our two countries.

A major argument made by proponents of PNTR for China is that if the United States does not grant it, the United States will not be able to utilize the WTO dispute resolution mechanism to enforce compliance by China with trade agreements.

What they fail to mention is that if the United States grants PNTR to China, we will no longer be able to utilize directly U.S. trade laws, such as 301 of the Trade Act of 1974, and other provisions in our law to enforce compliance by China with trade agreements. The question is, then, what may better serve U.S. national interests, enforcement through the WTO dispute resolution mechanism or enforcement through U.S. trade laws? In my view, on balance, at this time the United States will be better off relying on U.S. trade laws.

Let me give a few reasons. It is often noted that China has a weak rule of law, even assuming the central government wants to comply with the trade agreement, which in itself may be a very large assumption. This means there is no reliable domestic mechanism to keep various ministries, state-owned businesses, and provincial governments from ignoring the legal requirements of trade agreements.

The WTO is a rules-based institution, and it is poorly equipped to enforce its rules in China. Given the lack of a clear paper trail, in many cases it could be impossible even to establish the existence of the trade barriers at issue, much less win a dispute settlement panel ruling.

The reality is that enforcement of compliance by China with trade agreements would be a problem whether or not PNTR applies. Although the U.S. experience with bilateral trade agreements with China has been frustrating, at least the utilization of U.S. trade laws to enforce them remains under the control of the United States. Aggressive and persistent use of bilateral trade pressure has resulted at least in some compliance by the Chinese with these agreements. It is not at all clear that the highly legalistic WTO dispute resolution mechanism, under which adjudication of trade disputes would be given over to an international body, will produce better results. The difficulties in U.S. experience when it attempted to bring a WTO case against Japan over photographic film suggests the limitations of the WTO in addressing problems when the nature of the underlying government practice is uncertain. It is not difficult to imagine similar disputes with China in which the existence of the questionable policy is in dispute.

In the remaining portion of my remarks, I will return to the point I raised at the beginning; that is, that in my view it is critical for the United States to pursue a policy toward China which integrates its trade and economic policy concerns with the range of other concerns, including national security, foreign policy, human rights, religious freedom, labor rights, and environmental protection.

In other words, our objective should be to try to get permanent normal relations across the board in an integrated fashion and not to hand off, right in the beginning, the trade relation dimension which is obviously of such importance to the PRC given the one-sided character of our trade relationship.

This is an enormously important economic benefit to China and, surely, in the course of considering the trade relationship, we should be seeking to use it as leverage to obtain an improvement in the relationships in the other areas that I want to discuss.

Of all of its relationships with the United States, China derives by far the most benefit from its trade relationship, which is heavily skewed in its favor. Approval by the Congress of PNTR would make it difficult, if not impossible, to use the leverage of this heavily skewed trade relationship to influence our relationships in other critical areas. It is my view, as I have asserted, that we need to use it to improve the trade relationship itself. But over and above that, we need to look at influencing other critical areas.

This, of course, is a critical strategic objective of China, which is why it is so eager for approval of PNTR. The China WTO agreement makes no provision for addressing labor rights, human rights, and environmental protection. We know—I think with reasonable assurance—that if China joins the WTO, it will be a vigorous opponent of U.S. efforts to have labor rights, human rights, and environmental protection become a part of the WTO agreements.

People say: Let's move ahead on WTO, and then we will include these things in the WTO agreements. I can, with almost complete assurance, say to you that if this moves forward, China will be one of those within the WTO opposing such inclusion.

Let me review some of these other important policy concerns for China to underscore the importance of pursuing an integrated policy approach.

First of all, human rights, labor rights and religious freedom. The State Department's 1999 Country Reports on Human Rights Practices summarizes in a single page the depth of the problems posed by China, and I would like to read that into the RECORD. This is our own State Department's human rights report about China. It is the last published report:

> The government's poor human rights record deteriorated markedly throughout the year, as the government intensified efforts to suppress dissent, particularly organized dissent. A crackdown against a fledgling opposition party, which began in the fall of 1998, broadened and intensified during the year. By year's end, almost all of the key leaders of the China Democracy Party (CDP) were serving long prison terms or were in custody without formal charges, and only a handful of dissidents nationwide dared to remain active publically.
>
> Tens of thousands of members of the Falun Gong spiritual movement were detained after the movement was banned in July; several leaders of the movement were sentenced to long prison terms in late December and hundreds of others were sentenced administratively to reeducation through labor in the fall. Late in the year, according to some reports, the government started confining some Falun Gong adherents to psychiatric hospitals.
>
> The government continued to commit widespread and well-documented human rights abuses, in violation of internationally accepted norms. These abuses stemmed from the authorities' extremely limited tolerance of public dissent aimed at the government, fear of unrest, and the limited scope of inadequate implementation of laws protecting basic freedoms. The Constitution and laws provide for fundamental human rights; however, these protections often are ignored in practice. Abuses included instances of extrajudicial killings, torture and mistreatment of prisoners, forced confessions, arbitrary arrest and detention, lengthy incommunicado detention, and denial of due process. Prison conditions at most facilities remained harsh. In many cases, particularly in sensitive political cases, the judicial system denies criminal defendants basic legal safeguards and due process because authorities attach higher priority to maintaining public order and suppressing political opposition than to enforcing legal norms.
>
> The government infringed on citizens' privacy rights. The government tightened restriction on freedom of speech and of the press, and increased controls on the Internet; self-censorship by journalists also increased. The government severely restricted freedom of assembly, and continued to restrict freedom of association. The government continued to restrict freedom of religion, and intensified controls of some unregistered churches. The government continued to restrict freedom of movement. The government does not permit independent domestic non-governmental organizations (NGOs) to monitor publicly human rights conditions.
>
> Violence against women, including coercive family planning practices—which sometimes include forced abortion and forced sterilization; prostitution; discrimination against women; trafficking in women and children; abuse of children; and discrimination against the disabled and minorities are all problems. The government continued to restrict tightly worker rights, and forced labor in prison facilities remains a serious problem. Child labor persists. Particularly serious human rights abuses persisted in some minority areas, especially in Tibet and Xinjiang, where restrictions on religion and other fundamental freedoms intensified.

That is the U.S. State Department talking in its 1999 human rights report. Listen to what the United States Commission on International Religious Freedom, a commission established by this Congress just a couple of years ago, said with respect to the People's Republic of China. It said the following:

> The government of China and the Communist Party of China (CPC) discriminate, harass, incarcerate, and torture people on the basis of their religion and beliefs. Chinese law criminalizes collective religious activity by members of religious groups that are not registered with the state. It registers only those groups that submit to membership in one of the government-controlled associations affiliated with the five officially recognized religions. Members of registered religious groups can only engage in a limited range of what the state deems "normal" religious activities.
>
> The religious and belief communities that resist registration or that have been denied permission to register, including Catholics loyal to the Pope and Protestants who worship in "house churches," have no legal standing in China. Adherents are often harassed, detained and fined. Meetings are broken up, unauthorized buildings are destroyed, and leaders are arrested and frequently imprisoned.
>
> Over the past several years, Chinese officials have been employing increasingly strict laws and regulations as instruments to harass religious groups and maintain control over religious activities. Officials responsible for enforcing the strict laws continue to be guided by CPC policy directives on religion. Furthermore, the Chinese legal system does not protect human rights from state interference, nor does it provide effective remedies for those who claim that their rights have been violated.

The Commission then went on to say this. Listen carefully to this recommendation. This is the recommendation the Commission which the Congress established on international religious freedom made with respect to extending PNTR to China, which is the issue before this body:

> Given the sharp deterioration in freedom of religion in China during the last year, the Commission believes that an unconditional grant of PNTR at this moment may be taken as a signal of American indifference to religious freedom. The government of China attaches great symbolic importance to steps such as the grant of PNTR, and presents them to the Chinese people as proof of international acceptance and approval. A grant of PNTR at this juncture could be seen by Chinese people struggling for religious freedom as an abandonment of their cause at a moment of great difficulty. The Commission therefore believes that Congress should not approve PNTR for China until China makes substantial improvements in respect for religious freedom.

Turning briefly to the environment, I simply want to observe that a coalition of environmental groups, including the Sierra Club and Friends of the Earth, have argued strongly that the U.S.-China WTO agreement ignores critical environmental concerns regarding China and that PNTR should not be granted to China. They outline the incredibly severe pollution situation which now exists in China. Five of the world's 10 most polluted cities are in China. An estimated 2 million people die each year in China from air and water pollution.

Let me turn for a moment to the national security and foreign policy field. The United States has, of course, fundamental national security and foreign policy concerns with regard to China which remain unresolved.

It is, of course, well known that China has undertaken a very substantial buildup of its military over the past decade designed to undergird China's ability to confront Taiwan. In fact, we have seen instances of such confrontation. This includes, among other things, a missile buildup across the Taiwan Strait that has greatly increased tensions between China and Taiwan. This military buildup also raises significant foreign policy and national security concerns for the United States in regard to Japan, South Korea, India, and indeed the rest of Asia.

China has been the subject of longstanding concern about transfers of technology that contribute to the proliferation of weapons of mass destruction or of missiles that could deliver them. Of course, this is the subject area that is the direct focus of the amendment pending before this body.

The Director of Central Intelligence, the DCI, submitted a report to Congress in June of 1997 stating that during July–December 1996 "China was the most significant supplier of weapons of mass destruction technology to foreign countries." The DCI's latest report, which was delivered in August 2000, named China, Russia, and North Korea as key suppliers of such technology.

In July of 1998, the Commission to Assess the Ballistic Missile Threat to the United States concluded:

> China poses a threat as a significant proliferator of ballistic missiles, weapons of mass destruction, and enabling technology. It has carried out extensive transfers to Iran's solid fuel ballistic missile program and has supplied Pakistan with a design for nuclear weapons and additional nuclear weapons assistance. It has even transferred complete ballistic missile systems to Saudi Arabia and Pakistan. China's behavior thus far makes it appear unlikely it will soon effectively reduce its country's sizable transfers of critical technologies, experts, or expertise, to the emerging missile powers.

As recently as this July, U.S. intelligence agencies disclosed that China has continued to aid Pakistan's efforts to build long-range missiles that could carry nuclear weapons.

In addition, China has been a strong opponent of a number of major U.S. foreign policy and military undertakings. In June, Li Peng, chairman of the Chinese National People's Congress, visited Yugoslavia to express China's support for President Slobodan Milosevic and to condemn NATO and U.S. intervention in Kosovo.

In conclusion, I oppose this proposed extension of PNTR to China.

From the narrow perspective of trade policy, the United States would have to give up its ability to utilize U.S. trade laws to enforce compliance by China with its trade commitments. Aggressive and persistent use of U.S. trade laws to enforce compliance are more likely to produce results with China than the legalistic dispute resolution mechanism of the WTO.

More broadly and more fundamentally, extending PNTR would separate U.S. trade policy interests with China from the range of our other critical interests, including national security, foreign policy, human rights, religious freedom, labor rights, and environmental protection.

The United States would be severing its relationship of greatest leverage with China, the trade relationship which is so heavily skewed in China's favor, far exceeding China's relationship with any of its other major trading partners. But we, in effect, would be taking that relationship and severing it from all of these other important issues.

This may be in China's interest. But I do not perceive it to be in the interest of the United States. And, in fact, it is my view that it will become more difficult to achieve permanent normal relations with China—that is, across the breadth of these important issues at stake between us—more difficult if, in fact, we have put to one side and severed any connection with the trade relationship.

My view is that we should be seeking to achieve a permanent normal relationship with China, in all of these areas, including the trade relationship. But given the significance of the trade relationship, to sever that, as the measure before us would do, it seems to me will undercut or make more difficult our ability to achieve normal relationships in these other critical areas which I have enumerated.

I can understand China's strategic interest here. I think those who have come out on the floor and said this agreement is all in our favor, there is nothing in it for China, as I said at the outset, to think that the Chinese would agree to such an arrangement is to think they are either naive or being very charitable. I certainly don't think they are naive, and I certainly don't think they are going to be very charitable. I think that is a very important strategic objective they are out to accomplish. I think it is a very significant matter for them. As I say, it is clear to me that it serves China's interests, but I do not see it at this time as serving the interests of the United States.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. THOMPSON). The Senator from Maine.

Ms. COLLINS. Mr. President, I ask unanimous consent that following the conclusion of my remarks Senator ENZI be recognized, and following the conclusion of Senator ENZI's remarks, Senator KYL be recognized.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Mr. President, reserving the right to object, I note that would be three Republicans in a row. I don't see Senator KYL on the floor. I am wondering if that could be modified so I could speak following Senator ENZI.

Ms. COLLINS. Mr. President, it is my understanding that Senator ENZI is speaking in favor of PNTR. I just agreed to have Senator SARBANES precede my speaking on PNTR despite the fact that it was a far more lengthy statement, although a very well-reasoned one, and Senator KYL has been waiting for several hours to speak.

I renew my unanimous-consent request.

Mr. BAUCUS. Further reserving the right to object, this is one of the strange situations where nobody is in charge and it is very disorganized. I came to the floor and I have been prepared to speak on this issue since the Senate came in session today. I was told there was no set order for speakers, and I talked to the staff on the committee that has jurisdiction over this bill. I am here and I don't see Senator KYL.

I again ask my good friend from Maine if she would revise her unanimous consent request so I could speak after Senator ENZI.

Ms. COLLINS. Mr. President, I inquire of the Senator from Montana how much time he desires.

Mr. BAUCUS. About 15 minutes.

Ms. COLLINS. Mr. President, to try to move things forward, I modify my unanimous-consent request. Following the conclusion of my remarks, the Senator from Wyoming, Mr. ENZI, would be recognized; and the Senator from Montana, Mr. BAUCUS, would be recognized; to be followed by Mr. KYL, the Senator from Arizona.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. I thank the Senator from Maine for her generosity.

Ms. COLLINS. Mr. President, I come to the floor this afternoon to join the Presiding Officer and several of my colleagues in discussing an issue of critical importance to our national security. That issue is the continued proliferation of weapons of mass destruction and whether we are willing to take action, at this time, to stem this dangerous trend. I rise today in enthusiastic support of the amendment offered by the Presiding Officer, the Senator from Tennessee, Mr. THOMPSON, who has worked so hard to present a reasoned and reasonable response to this threat to world peace. Senator THOMPSON's amendment imposes sanctions on key suppliers of weapons of mass destruction.

Let me start by stating that while this is not a new problem, it does represent a growing threat. The United States has long been concerned about transfers of technology by the People's Republic of China that contribute to the proliferation of weapons of mass destruction. In the past few years, however, some of our worst fears have been realized. Let's just look at China's record: In June of 1997, the Director of Central Intelligence submitted a report to Congress stating that from July through December of 1996, "China was the most significant supplier of weapons of mass destruction and technology to foreign countries."

In July of 1998, the Rumsfeld Commission reported: "China poses a threat to the United States as a significant proliferator of ballistic missiles, weapons of mass destruction, and enabling technologies."

In January 1998, the bipartisan Cox report stated bluntly: "China stole and used classified design information on the neutron bomb, and concluded that China stole design information on our most advanced nuclear weapons, including every nuclear warhead the United States currently has deployed."

In July of 1999, yet another year goes by, but the same problem persists. The Deutch Commission concluded that "weapons of mass destruction pose a grave threat to U.S. citizens and our military forces, to our allies, and to our vital interests in many regions of the world."

Once again, in January of this year, the Director of Central Intelligence named China, Russia, and North Korea as "key suppliers" of such technology. And just last month, the CIA's latest report again lists China as the key supplier of weapons of mass destruction and missile technologies to rogue states.

We need no further proof. The record is crystal clear. The time has come to act. We should not continue to turn a blind eye to this grave threat to our national security and to world peace. The fact is, we know China is selling missile and chemical technology to Pakistan. We know China has also assisted Syria, Iran, North Korea, and Libya by transferring critical technology. In fact, the CIA's January 2000 report states that China is perhaps the most significant supplier of weapons of mass destruction and missile technology in the world. Let me repeat that: China is the worst proliferator of weapons of mass destruction and related technologies in the world.

We all know there is no easy panacea to this problem, no single answer. Senator THOMPSON's amendment provides reasonable and effective responses to proliferation of weapons of mass destruction, missile technologies, and advanced conventional weapons. This legislation is a step in the right direction to ensure that the United States no longer tolerates China's role in continuing to be the world's No. 1 proliferator of weapons of mass destruction.

This legislation has been revised to address legitimate concerns raised by the business community, our farmers, and the Administration. The amendment has been broadened to apply not only to China, but to other countries identified by the Director of Central Intelligence as other key suppliers of weapons—that list currently includes Russia and North Korea. This legislation ensures that appropriate action will finally be taken against these proliferators, that we will no longer ignore these serious transgressions, that we will no longer turn a blind eye to what is happening.

This amendment is well crafted. It provides for discretionary, not mandatory, sanctions against countries that supply proliferating technologies. Frankly, I think a case could be made for mandatory sanctions. But the author of this amendment has bent over backwards to make sure it is a reasonable, well-crafted response.

Another change was in the evidentiary standard. It has been raised for imposing mandatory sanctions for companies identified as proliferators to give the President more discretion.

My hope is we will pass this amendment by a strong vote tomorrow, that we will send a strong signal to China and to other countries engaged in proliferation of weapons of mass destruction, that we will tell them there will be consequences, there will be penalties in response to spreading weapons of mass destruction.

Now is the time for us to act. Let us enact these reasonable, well-crafted changes to our foreign and national security policies.

I thank the Presiding Officer for his leadership on this very important issue, and I also thank him for taking the chair so I could deliver my statement.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I have been listening to this debate since it began 3 hours ago. I am afraid colleagues and their staff and people watching this debate might be under the impression we are debating whether to limit Chinese imports. That isn't going to happen. That isn't part of this bill at all. This isn't about limiting what China is sending here, although maybe it would be a good idea. This is talking about the limitations placed on our trade in their country.

It has also been mentioned a number of times that the Chinese do not keep agreements. It is a great chart. We have a copy of it on every desk. It has been mentioned that they are stealing our secrets. I do not think that is a secret to anybody but the Justice Department. This bill is not about stopping them from stealing our secrets. This bill is about sending our goods to China. I will go into that in a little bit more depth.

I do rise in strong opposition to the amendment offered by the Senator from Tennessee. It is not the goal of the amendment—reducing proliferation—that I oppose; I do not want proliferation. I want the Chinese under control. We all want to see the elimination of the proliferation of weapons of mass destruction and the means to deliver them. But I think the amendment takes a flawed approach toward solving the problems. Contrary to what the sponsors of this amendment indicate, this is a trade and economic sanctions bill. The amendment remains a counterproductive unilateral sanctions amendment that would impose trade and economic sanctions.

I appreciate the author changing it so that it is not mandatory. Under the only version I had seen before this amendment was submitted, it was to be a mandatory 5-year penalty, regardless of what was done and regardless of the size of the offense. So some flexibility is appreciated. The countless revisions made to the legislation further underscore why it would greatly benefit from committee input and consideration. This is sweeping legislation, and it has had no committee hearings and no committee consideration—at least I am not aware of a single vote or a single amendment proposed to this bill in a committee meeting. It is a little different from when we do major legislation.

Sponsors of the amendment are clearly frustrated at a perceived lack of enforcing sanctions contained in the nonproliferation laws that are now on the books. It is reasonable to conclude that the President should have imposed some very targeted sanctions as a result of certain missile-related transfers to Pakistan. However, I do not advocate, nor does this justify, making sweeping changes to our nonproliferation policy, which is what this bill will do. It singles out countries. It used to single out just one. It has been expanded a little bit. It still singles out specific countries—and they do need more scrutiny. We said these people steal, perhaps do not abide by agreements.

I am reminded of a quote by my grandpa. When he was talking about people he didn't trust, he said:

> I don't trust them as far as I can spit. And my chin is always wet.

You don't have to trust them to work with them, but you have to watch them.

I remind my colleagues, this bill will not have an effect on this President, but it will certainly have a tremendous impact on the President's ability to conduct foreign policy. It is not in our security interests to tie the hands of the President.

I have had a little experience with an industry in my State on this sanctions stuff. We have been working for years to be able to send soda ash to India. Soda ash—we call it trona in Wyoming—is used in making soda, but you also use it in glass manufacture and hundreds of other products. It is something needed in every single country. Southern Wyoming happens to have the largest single natural deposit of it in the world. We export that to most places around the world. Some places make it synthetically, and they put high tariffs on it or completely ban it from their country to give their country a better trade situation.

We had already gotten trona into India. We had everything moving, in place, to get it into India. And they had to touch off one of those nuclear bombs. They had to prove they had nuclear proliferation. Do you know what we did? We imposed immediate sanctions on them. Now we need to tell the countries what the problem is and what we are going to do, and I agree with that. But here is the effect it had on India.

They said: Oh, Wyoming, you know that product we did not want anyway? You are not going to let us have it, and we are glad. Now we are back to square one, trying to get trona into their country. It did not affect their economy, it did not stop their proliferation, it has not had any effect on them, but it has had a huge effect on us.

Trade is out of balance with China, but it is not proliferation that is doing it; it is people in the United States buying products from China. This bill and the proliferation amendment do not stop that. There are reductions in tariffs they will have to follow if they become a part of the World Trade Organization. They have already signed some agreements that say they will do that. That is our hope so we will be able to get a more competitive situation. Of course, we are also hoping to open up some new markets over there, and there are some other things that Wyoming and the United States will benefit from selling over there. We have to be careful not to spite ourselves while we teach China a lesson they will not hear.

Many in this body think the President currently has more than adequate authority to respond to proliferation undertaken by China or any other country. Some of the statutory examples are the Arms Control and Disarmament Act, the Export-Import Bank Act, the Arms Export Control Act, the Iran-Iraq Arms Nonproliferation Act of 1992, the Nuclear Proliferation Prevention Act of 1994, and the Export Administration Act, which at the present time is implemented by Executive order under the authority of the International Emergency Economic Powers Act, IEEPA.

If there is something that needs to be strengthened, that last item is the one where it needs to be done. A lot of the things we talk about to be able to control what China is able to use are embodied in that act. Right now, we encourage people to violate that law. We do not have sufficient penalties in that law. As I mentioned, it is operating under Executive order, and that takes away a lot of the capability of the United States to control what China has from us. It is important that that be done. But there are people in this body who evidently think we have enough of that because the ability to bring up the Export Administration Act has been thwarted.

This amendment we are debating, the nonproliferation amendment—great title—also authorizes a new and, in my view, a very harmful tool for conducting foreign policy; that is, restricting the access of capital markets in the United States. Just sending the signal to the rest of the world that we are willing use our capital markets for the conduct of foreign policy would have a chilling effect on the competitiveness of our markets.

Alan Greenspan, Chairman of the Federal Reserve Board, testified before the Senate Banking Committee on July 20. There he issued a pronouncement of his concern about any proposal which could restrict or deny access to our capital markets. Besides the harm this would certainly cause to our own markets, Chairman Greenspan questioned whether this provision would be an effective tool. After all, the United States is not the only source of capital in the world.

I will read just a portion of Chairman Greenspan's response to a question about using our capital markets as a foreign policy tool, specifically as provided for in this amendment. He said:

> But most importantly, to the extent that we block foreigners from investing or raising funds in the United States, we probably undercut the viability of our own system.
>
> But far more important is I'm not even sure how such a law could be effectively implemented because there is a huge amount of transfer of funds around the world. For example, if we were to block China or anybody else from borrowing in the United States, they could very readily borrow in London and be financed by American investors. Or, if not in London, if London were financed by American investors, London could be financed by Paris investors, and we finance the Paris investors.

So you can move it down the road as many steps as are needed in order to make the same transfer of dollars.

> In other words, there are all sorts of mechanisms that are involved here. So the presumption that somehow we block the capability of China or anybody else borrowing in essentially identical terms abroad as here in my judgment is a mistake.

Claims have been made by sponsors of the China Nonproliferation Act suggesting that all of the major concerns about the bill have been addressed. Let's take a little closer look at these claims.

The first claim is the bill has been broadened to include countries in addition to China, so as not to single out China.

However, while the bill expands the list of potential sanctioned countries, the bill title and focus remains the same: the China Nonproliferation Act. This clearly infers that the singular political target of the bill is China. Regardless, expanding the bill to include more potentially sanctioned countries does not correct the flawed unilateral approach of the legislation. Since the bill would use the past five Director of Central Intelligence proliferation report country lists, those countries which could be subject to unilateral sanctions include—these are ones that could be included under these sanctions because we are going back 5 years and using the Director of Central Intelligence proliferation reports. You will find Germany, the United Kingdom, which includes Great Britain, Italy, France, and other more likely suspects. These countries were listed in the 1997 DCI proliferation report. This means this amendment could sanction some of our allies for 5 consecutive years.

The second claim by the sponsor of the China Nonproliferation Act is that the sanctions against supplier countries has been made discretionary, as opposed to the mandatory sanctions contained in the original bill. This is correct, but there is more than meets the eye. The sponsors of the bill leave out a crucial fact. If the President determines proliferation has occurred, he is required to apply all five of the sanctions provided for in section 4 of the bill. This is the mandatory, all-or-nothing aspect of the bill.

The third claim is that the revised bill raises the evidentiary standard from credible information to a Presidential determination, giving the President complete discretion in making a sanction determination. Once again, the sponsors leave out crucial facts. Unlike other nonproliferation laws, the revised bill does not give the President any discretion over the types of sanctions that should be imposed on proliferating entities or the length of time those sanctions should remain. It requires the sanctions to be in place for a minimum of 1 year regardless of the circumstances. It also does not give discretion to the President regarding the SEC disclosure required in the bill if an entity is included in the President's proliferation report. Remember, no conclusive proof is necessary for an entity to be included in the report.

It is also important to point out the dichotomy between the threshold level for the President's report—credible information—and that for triggering the mandatory sanctions—Presidential determination. This puts the President in the impossible position of labeling a certain activity, whether it occurred or not, as a concern sufficient to justify inclusion in the report to Congress but insufficient to justify action against the proliferator.

The bill's authors' next claim is that it would not affect Wyoming farmers and ranchers, but they fail to recognize that regardless of who is sanctioned by the bill, it would still punish American agricultural producers. That is because foreign countries sanctioned as a result of the bill may retaliate by not buying U.S. farm and industrial products.

Most of the agricultural groups recognize this and, as a result, remain opposed to this legislation.

The last claim of the sponsors is that the latest charges of the bill make it "consistent with current law and similar to the Iran Nonproliferation Act of 2000." The reality is this bill does not track the Iran Nonproliferation Act of 2000 at all, except for the credible information standard for the President's proliferation report to Congress. This amendment would only add another layer onto the 11 or more statutes available for the President to presently use against proliferators.

I will mention just a few of the differences. I could have some of them wrong because the bill we have may not be the same as the one we were able to look at yesterday.

I have mentioned a few of the differences in the amendment. As I mentioned before, there are mandated five different types of sanctions if the President determines proliferation occurred. In contrast, the INA allows for optional sanctions. The amendment before us requires sanctions for at least 1 year, whereas the INA does not require a specified period of time for sanctions to remain intact. If this is to track the Iran Nonproliferation Act, then I question the need for it, too.

This amendment provides for an expedited legislative procedure for Congress to use if it disagrees with the President's determination, whereas the INA does not. These facts clearly demonstrate that the China Nonproliferation Act contains significant and substantive differences from the recently passed Iran Nonproliferation Act of 2000.

I would be remiss not to mention the significant impact this amendment would have on the operation of our export control system. It would add an additional layer to the current patchwork of dual-use export control law. Instead, the focus should be on a complete reform and reauthorization of the Export Administration Act to address proliferation of the dual-use items.

Last year, the Banking Committee, as I mentioned, unanimously reported S. 1712, the Export Administration Act. This bill, the EAA, recognizes that the current system is broken and needs a complete modernization and overhaul to be fixed. The committee's EAA would create a country tiering system to take into account the risks of diversion and misuse of sensitive items if exported to any given country.

Among the other nonproliferation enhancements, it would require the denial of licensed exports to entities that do not cooperate with U.S. postshipment verifications, with the possibility of license denial to the affiliate or parent company. It keeps us from shipping items that would help them. It also allows controls to be imposed based upon the end use or end user on the export of any item that contributes to the proliferation of weapons of mass destruction or the means to deliver them.

In conclusion, I remind my colleagues that the amendment we are considering is a unilateral sanctions bill. It could easily replace the current China NTR votes with annual proliferation votes on China and on other countries, including our allies.

These are serious issues at stake, so it is not to the benefit of this body or to the people of the United States to hastily consider this legislation without the benefit of committee consideration. I share the concerns about proliferation, but this counterproductive amendment takes the wrong approach and would have harmful consequences on the U.S. national security and economy. I encourage my colleagues to take a careful look at it, to defeat the amendment, and to pass NTR.

I yield the floor.

The PRESIDING OFFICER (Ms. COLLINS). Under the previous order, the Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I rise in opposition to the Thompson-Torricelli Amendment.

I am very concerned, along with all of my colleagues, about missile proliferation and the development of weapons of mass destruction. However, this particular amendment does not enhance our ability to prevent dangerous proliferation. Just the reverse. The amendment will make it even harder for the United States to contain proliferation. It will seriously damage important American economic interests. And, if added to H.R. 4444, it will kill PNTR.

Let me outline some of the principal problems I see in this proposal.

First, we already have a broad body of law covering proliferation of missiles, weapons of mass destruction, and the inputs to those weapons. Those laws provide sufficient authority to the President to take action. Some may argue that there are cases where the President has not acted in a timely fashion or in the appropriate way. But he does have the proper authority and needs no more.

Second, the proposal effectively ties the hands of the next President and all future Presidents. The proposal reduces a President's flexibility in using the threat of sanctions as leverage to force a change in behavior by a proliferating state. In recent months, we have seen, for the first time in 50 years, that reconciliation between South Korea and North Korea seems possible. We have been able to resume discussions with the North on missiles. What a tragedy it would be if we were required to impose sanctions against North Korea just at the moment when significant progress is possible in that potential tinderbox!

Third, the scope of this proposal is so broad that sanctions would hurt innocent people and innocent entities. It could restrict purely commercial transactions. Stop scientific and academic exchanges that are important to our nation. And reduce military-to-military discussions that provide our own military forces with the information and insight necessary for them to do their job.

Fourth, these sanctions are unilateral. We have seen, repeatedly over the last two decades, that unilateral sanctions don't work. Multilateral sanctions do work. Enactment of this legislation would antagonize some of our closest allies, with the result that they may not cooperate with us in the future on multilateral non-proliferation regimes. It may feel good to take a unilateral sanction, but any effective program to stop proliferation must involve all of our allies.

Unilateral sanctions also hurt American farmers, workers, and businesses. While we are taking these unilateral measures and reducing the ability of Americans to pursue commercial activities with China, our Japanese and European competitors will be very happy to take our place in that growing market. Little harm to China. Great economic harm to America. A real boon for Japan and Europe. And once markets are lost, getting them back at some later time will be very, very hard.

The impact of this proposal on our agricultural sector could be very serious. It would prevent the use of various commodity credit programs for sales to China. Our European, Canadian, and Australian competitors would happily step in. Also, our farmers would be the likely first target of Chinese counter-retaliation. For these reasons, almost every major agricultural organization involved in trade opposes this legislation.

Finally, possible sanctions in this amendment include being barred from access to U.S. capital markets. Alan Greenspan, Chairman of the Federal Reserve Bank, testified on July 20 at the Senate Banking Committee. He said:

> Most importantly, to the extent we block foreigners from investing or raising funds in the United States, we probably undercut the viability of our own system. . . . The only thing that strikes me as a reasonable expectation is it can harm us more than it would harm others.

This would be the first time America's capital markets have been used as a unilateral foreign policy sanction. This idea is plain nutty. Why would we want to damage the capital markets that have contributed so much to our current prosperity?

As we vote on granting China permanent Normal Trade Relations status, this amendment would effectively nullify much of the progress we have made in our economic negotiations with China.

We need to integrate China into the international community. Chinese participation in the World Trade Organization and our granting them PNTR is a critically important first step. We also need to work closely with our allies to bring China into the Missile Technology Control Regime and to ensure Chinese compliance with it and other weapons control agreements. We need to work with our allies to address Chinese human rights abuses forcefully at the United Nations Commission on Human rights and elsewhere. We need to work with the international community to help ensure peace and stability across the Taiwan Strait.

I support strong action against proliferation of missiles or weapons of mass destruction by China or any other country. But the Thompson-Torricelli amendment moves us backwards in these efforts.

In addition to these very important substantive reasons to vote against this amendment, there is another reason—the very survival of the underlying PNTR legislation. This amendment, like all amendments, is a killer. An amendment to H.R. 4444 means a conference will be required. At this stage of the Congressional session in this Presidential election year, there can be no conference. There will be no conference. A positive vote on this amendment is a vote to kill PNTR. Every Senator must understand this and decide whether you want to kill PNTR, with all the negative ramifications for our economy and our ability to influence China in the future.

If this, or any, amendment passes, it will be a sign that the Senate has voted to kill PNTR. I will not be complicit in that effort. Therefore, if there is a successful amendment, I will vote against invoking cloture, and I will encourage all my colleagues to join me.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Madam President, I ask unanimous consent that I be allowed to speak briefly in response to one point my colleague made before Senator KYL begins.

The PRESIDING OFFICER. Is there objection?

Mr. THOMAS. Reserving the right to object, it was my understanding there was agreement that Senator KYL would be the next speaker.

The PRESIDING OFFICER. The Senator is correct. The Senator is seeking to modify that.

Mr. THOMAS. How much time?

Mr. THOMPSON. I will take about 5 minutes.

Mr. THOMAS. I will not object.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Tennessee.

Mr. THOMPSON. Madam President, we have had a good discussion of the issues today, but recently the Senator from Montana has taken to the road of describing one of the ideas in the amendment as "nutty." It doesn't really bother me if the Senator from Montana calls an idea of mine nutty. I assume that Senator TORRICELLI from New Jersey doesn't mind, either. But he is wondering where this nutty idea comes from. I will address that.

The Deutch Commission stated that:

> The commission is concerned that known proliferators may be raising funds in the U.S. capital markets.

They concluded:

> It is clear that the United States is not making optimal use of its economic leverage in combating proliferators. Access to capital markets is among a wide range of economic levers that could be used as carrots or sticks as part of an overall strategy to combat proliferation. Given the increasing tendency to turn to economic sanctions rather than military action in response to proliferation activities, it is essential that we begin to treat this economic warfare with the same level of sophistication and planning we devote to military options.

That is the source of that idea. The Deutch Commission, of course, is comprised of several distinguished U.S. citizens who gave up substantial portions of their time to serve on this Commission: Mr. John Deutch; Senator ARLEN SPECTER; Anthony Beilenson of California, served 20 years in the House; Stephen A. Cambone, director of research at the Institute of National Strategic Studies of the National Defense University; M.D.B. Carlisle, who was chief of staff to Senator COCHRAN; Henry Cooper, who is chairman of Applied Research Associates, Inc., a private consultant; Mr. James Exon, Nebraska, former Senator of the United States; Robert Gallucci, currently dean of the School of Foreign Service at Georgetown; David McCurdy of Oklahoma, former Member of the House of Representatives; Janne Nolan, professor of national security studies at Georgetown and director of the Ethics and National Security Project at the Century Foundation; Daniel Poneman, attorney at law, Hogan & Hartson; William Schneider, who is a former member of the recent Commission to Assess the Ballistic Missile Threat to the United States and was Under Secretary of State for Security Assistance, Science and Technology from 1982 to 1986; Henry Sokolski, executive director of the Nonproliferation Policy Education Center, a Washington-based nonprofit organization.

These are the people who came up with this nutty idea. I am proud to associate myself with them.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. I thank the Chair.

Madam President, I will be supporting the Thompson amendment and will explain why in a moment. But before the Senator from Montana leaves the floor, let me say that I am astonished that the Senator from Montana and others in his position have so little confidence in the underlying provision here that their view is that any amendment—the words of the Senator from Montana, "any amendment"—would have to be opposed because it would jeopardize the passage of PNTR for China. I find that to be astounding.

This passed the House of Representatives by an overwhelming vote, by over 40 votes. It is supported very strongly by the Clinton-Gore administration. It is supported by the leadership, the minority and majority in both Houses. I am certain it will pass the Senate when it comes to a vote.

Given that, it seems to me quite strange, indeed, that any amendment that the Senate puts on this legislation will doom it to failure. Even amendments that arise from circumstances which occur after the House acted, I ask? For example, the representatives of the People's Republic of China, in their twice weekly briefings, have recently begun to insist on a condition to China's support for Taiwan's entry into the WTO. Taiwan, they say, must be admitted as a province of China rather than a separate customs territory, which is the way it has been negotiated among all of the countries involved. The wording is to the effect "separate customs territory, China, Taipai" I believe is the way it reads. Then there is the separate customs territory, Matsu, and I think two others.

Why is this important? It is a fact that has arisen after the House of Representatives acted. I am certain that everybody who voted for PNTR for China in the House of Representatives and everyone who supports it in the Senate, and I know the Clinton-Gore administration, all support the entry of Taiwan into the WTO as a separate customs territory. We do not support—President Clinton has sent me a letter confirming that he does not support—China's effort to redefine the circumstances under which Taiwan will enter into the WTO as the definition that China wants to make the political point that it believes Taiwan is strictly a province of China.

So this is a new fact. Now, are we to ignore this? Here China is asking us to grant them entry into WTO, and we are willing to do that. And China is saying: By the way, you are only going to get Taiwan's entry into WTO as we will define it, not as you all have already negotiated it.

The President of the United States and his Trade Representative, Ms. Barshefsky, have said no to the representatives of China, that is not correct. We will not go along with Taiwan's entry in that way. The Chinese continue to insist upon it.

Are we, the Senate, to ignore that development? Are we nothing but ciphers here to simply rubber stamp whatever the House of Representatives does? I don't think so. We have a constitutional responsibility, and to absolutely ignore it—in fact, to reject that responsibility, as Members of this body are apparently willing to do all in the name of getting this passed exactly as the House of Representatives did it, is to abdicate our responsibility. I think that is wrong.

As my colleagues know, the bill we are debating would grant permanent trade status to China. It is eventually going to pass and become law. Trade with China is an important issue, primarily due to the expansive nature of that country's economy and the desire of U.S. firms to participate in that economy. Trade alone doesn't define our relationship with China, as the present Presiding Officer made clear earlier, and as Senator THOMPSON made crystal clear in presenting his amendment. There are other troubling aspects to this, such as China's transfer of technology used to make ballistic missiles and weapons of mass destruction that I don't think can be ignored.

I am very pleased, therefore, that Senator THOMPSON has brought this amendment to the floor and that we are now debating it. I, too, would have preferred that it come up in a different context so that we could not have the argument raised against it—not on the merits, but for political reasons you don't dare support the Thompson amendment; otherwise, the bill will have to go back to the House of Representatives, and who knows what will happen. It might not pass. We would not be subjected to that argument if he could have raised the amendment as a freestanding bill. The supporters of PNTR would not permit him to bring it up as a freestanding bill. They knew they would have a better chance to defeat this if he had to propose it as an amendment to PNTR. But then they complain he is presenting it as an amendment to PNTR.

That is not an appropriate substantive position, it seems to me. It is clever from a parliamentary point of view, but I don't think it allows Senator THOMPSON to present the issue in the most dispassionate, objective, and appropriate way. We are now being relegated to the position that if this amendment passes, then PNTR is in jeopardy. Nobody wants that argument to be raised against them.

Let me make arguments which I think are on the merits. The Thompson amendment is meant to combat China's irresponsible trade in the sensitive technologies that I mentioned. In response to concerns expressed by the administration, the amendment has been revised to also cover the proliferation behavior of other countries, such as Russia, North Korea, and any other country that engages in this irresponsible behavior.

As a cosponsor, as I said, even though my comments will focus on cases of Chinese proliferation, as Senator THOMPSON has done, I also note that the administration's track record in responding to Russia and North Korea and their proliferation is, frankly, similar to the response with respect to China. I will comment about the proliferation. Senator THOMPSON made this point earlier, and I will raise a couple of new points.

It is very clear that over the past decade China has been the world's worst proliferator of the technology used to develop and produce nuclear, chemical, and ballistic missiles, narrowly edging Russia and North Korea for this dubious distinction. Beijing has sold ballistic missile technology to Iran, North Korea, Syria, Libya, and Pakistan, at least. It has sold nuclear technology to Iran and Pakistan. It has aided Iran's chemical weapons program and sold that nation advanced cruise missiles. China's assistance has been vital to the weapons of mass destruction program in these countries. It is not a trivial matter. Because of that assistance, the American people, our forces, and our friends abroad face a much greater threat.

That is what this boils down to. We want trade with China, but we also want to ensure that China doesn't endanger the American people and our allies and forces deployed abroad by their proliferation of these weapons of mass destruction. Sadly, the efforts of the Clinton administration to end Beijing's proliferation have not succeeded. Since taking office in 1993, the administration has engaged in numerous discussions with Chinese officials concerning their failure to live up to international nonproliferation norms. But it has failed to impose sanctions on Chinese organizations and Government entities, as required by several U.S. laws. Time and time again, the Clinton administration has either refused to follow the laws requiring sanctions, or has done so in a way deliberately calculated to undermine the intent of the sanctions.

To understand the need for the Thompson amendment, it is instructive to examine a few of the cases of Chinese proliferation and the administration's response.

First, the transfer of the M-11 missiles to Pakistan. Since taking office, the Clinton administration has been faced with the issue of China's transfer of M-11 missiles and production technology to Pakistan. The M-11 is a modern, solid-fuel surface-to-surface missile that is more accurate, mobile, and easier to fire than the Scuds that were used in Iraq during the gulf war. For the past 7 years, the administration has ignored mounting evidence in this case and has either failed to impose sanctions altogether or has taken steps to limit their effect. One month prior to President Clinton's inauguration, the Los Angeles Times reported that China had delivered about two dozen M-11s to Pakistan, breaking its pledge to the United States to abide by the Missile Technology Control Regime, the MTCR.

The MTCR is a voluntary arrangement under which the 32 member nations agree to restrict exports of ballistic missiles capable of carrying a payload of at least 500 kilograms to a range of 300 kilometers, as well as key missile components and technology to nonmembers of the regime. While the MTCR does not have an enforcement provision, U.S. law requires sanctions to be imposed on nations that transfer technology regulated by this agreement. There are two categories. Category I of the MTCR covers transfers of complete missile systems, such as missile stages and some production equipment. Category II regulates transfers of specific missile components and dual-use goods used to produce missiles.

In August of 1993, the Clinton administration imposed sanctions on Pakistan's Ministry of Defense and 11 Chinese defense and aerospace entities for violations of category II of the MTCR. Shortly after the imposition of the sanctions, the Washington Times quoted State Department and intelligence sources as saying that despite ". . . overwhelming intelligence evidence that China in November of 1992 shipped Pakistan key components of its M-11 missile"—an MTCR category I violation—Secretary of State Warren Christopher decided China had only committed a category II violation and imposed the mildest form of sanctions possible. Under Secretary of State Lynn Davis defended the decision, saying the U.S. did not have conclusive evidence Pakistan had received complete M-11s.

In October 1994, the Clinton administration waived these sanctions in return for another Chinese promise not to export "ground-to-ground missiles" covered by the MTCR, and for China's reaffirmation to the "guidelines and parameters" of the MTCR.

Since the waiver, despite a steady stream of press reports, congressional testimony, and unclassified reports by the intelligence community that have described China's continued missile assistance to Pakistan, the Clinton administration has not imposed sanctions as required by law.

For example, in 1995, the Washington Post reported that satellite reconnaissance photos, intercepted communications, and human intelligence reports indicated Pakistan had indeed acquired M-11s. The M-11s were reportedly stored at Pakistan's Sargodha Air Force Base where the Pakistani military has constructed storage facilities for the missiles and mobile launchers, as well as related maintenance facilities and housing for the launch crews. Soldiers have reportedly been sighted practicing launches with advice from visiting Chinese experts.

The Washington Post also reported in June of 1996 that all U.S. intelligence agencies believe with "high confidence" that Pakistan has obtained M–11 missiles and that Islamabad had probably finished developing nuclear warheads for them. An August 1996 article in that newspaper further disclosed that a national intelligence estimate, which represents the consensus judgments of U.S. intelligence agencies, concluded Pakistan was capable of an M–11 launch within 48 hours. It also confirmed Pakistan was constructing a factory to produce M–11s from Chinese-supplied blueprints and equipment.

In addition, an unclassified National Intelligence Estimate titled Foreign Missile Developments and the Ballistic Missile Threat to the United States Through 2015 published in September 1999, states, "Pakistan has Chinese-supplied M–11 short-range ballistic missiles." And lest anyone believe Chinese missile assistance to Pakistan has ceased, on July 2nd of this year, the New York Times reported that "China [has] stepped up the shipment of specialty steels, guidance systems and technical expertise to Pakistan * * * Chinese experts have also been sighted around Pakistan's newest missile factory, which appears to be partly based on a Chinese design, and shipments to Pakistan have been continued over the past 8 to 18 months. * * *"

According to the Washington Times, evidence of the M–11 sale also includes photographs of missile canisters in Pakistan and electronic intercepts regarding payments by Pakistan to China for the missiles. Yet despite this evidence, the administration has not imposed the sanctions required under U.S. law.

As Assistant Secretary of State for Nonproliferation Robert Einhorn said in Senate testimony in 1997, sanctions have not been invoked on China for the sale of M–11's to Pakistan "* * * because our level of confidence is not sufficient to take a decision that has very far-reaching consequences." But the administration appears to have purposely set a standard of evidence so high that it is unattainable. As Gary Milhollin, Director of the Wisconsin Project on Nuclear Arms Control, testified to the Senate in 1997, "I think the State Department just continues to raise the level over which you have to jump higher and higher as the evidence comes in so that sanctions will never have to be applied and the engagement policy can simply be continued. The effect is to really nullify the act of Congress that imposes sanctions, because unless the State Department is willing to go forward in good faith and complete the administrative process, then the law cannot take any effect."

Another area where the administration has not lived up to its legal obligations concerns the sale of advanced Chinese C–802 anti-ship cruise missiles to Iran. These missiles pose a grave threat to U.S. forces operating in the crowded Persian Gulf. I would remind my colleagues of one example of this danger; in 1987, a similar Exocet cruise missile killed 37 sailors on the U.S.S. *Stark*.

Of course, parenthetically, when these events occur, everyone in the Congress and all of the pundits and a lot of American people say: Who are the people in charge? What are they doing? When did they know? What did they know? Why aren't they doing something to protect our soldiers and sailors and our folks deployed abroad? Why aren't they doing something?

The next time Americans are killed by a missile, the technology for which came from China, I am going to answer that question. I am going to say I stood on the floor of the Senate when we were debating PNTR and begged all of you to support an amendment which would at least allow us to impose sanctions on China when it engages in proliferation, and you wouldn't. No, no. PNTR with China is far more important than protecting American sailors or American soldiers or American citizens abroad. God forbid that time should come. I will be here again reminding my colleagues of what they are failing to do today to protect against the threat which probably will have an adverse impact on America in the future.

Continuing on about the Iranian issue, it is very interesting.

Iran's possession of this missile was first disclosed in January 1996 by Vice Admiral Scott Redd, then-commander of the U.S. Fifth Fleet. Admiral Redd said the C–802 gave the Iranian military increased firepower and represented a new dimension to the threat faced by the U.S. Navy, stating, "It used to be we just had to worry about land-based cruise missiles. Now they have the potential to have that throughout the Gulf mounted on ships." In addition, Secretary of Defense Cohen has said that Iran has tested an air-launched version of the anti-ship cruise missile.

According to the Washington Times, in 1995, Defense Department officials recommended declaring that China had violated the Gore-McCain Iran-Iraq Arms Nonproliferation Act of 1992, which requires sanctions for the transfer to either country of ". . . destabilizing numbers and types of advanced conventional weapons. . . ." Yet State Department officials opposed invoking sanctions to avoid damaging relations with China.

In his Senate testimony in 1997, Assistant Secretary of State Einhorn acknowledged the transaction, stating, ". . . the question of whether China transferred the C–802 anti-ship cruise missiles to Iran is not in doubt." He noted that "Such missiles increase China's maritime advantage over other Gulf states, they put commercial shipping at risk, and they pose a new threat to U.S. forces operating in the region." But Mr. Einhorn maintained that the transfer was not "destabilizing" and thus did not meet the legal requirement for sanctions to be imposed.

Such thinking illustrates how the Clinton administration has refused to implement nonproliferation laws. If the arrival of weapons which directly threaten the U.S. Navy is not "destabilizing," it is hard to imagine what the administration might find sufficiently destabilizing for sanctions under the Gore-McCain Iran-Iraq Arms Nonproliferation Act.

The Senate has specifically addressed the issue of Chinese cruise missile sales. In June 1997, we passed an amendment offered by Senator BENNETT by a vote of 96 to 0, stating: "The delivery of cruise missiles to Iran is a violation of the Iran-Iraq Arms Nonproliferation Act of 1992. It is the sense of the Senate to urge the Clinton administration to enforce the provisions of the [Act] with respect to the acquisition by Iran of C–802 model cruise missiles." Despite this unanimous expression by the Senate of the need to enforce the law, the administration has refused to take action in this case.

I note, parenthetically, that is the reason Senator THOMPSON is forced to come to the floor and offer this amendment. Time after time after time, we have said to the administration: Enforce the law that exists—the act I just spoke of, and others—and it won't be necessary to take action such as this. But when, time after time, existing laws are ignored or are enforced in ways that undercut their intent, eventually, if you are serious about the defense of the United States, you have to take action.

That is what has forced Senator THOMPSON to bring this issue to a head now at the moment when we are considering PNTR for China.

There have been several instances of Chinese proliferation where the administration has not invoked sanctions as required by law.

According to press reports, China has sold Iran ballistic missile guidance components, test equipment, computerized machine tools used to manufacture missiles, and telemetry equipment which sends and collects missile guidance data during flight tests.

Earlier this year, the Washington Times disclosed that China is assisting Libya's missile program. According to the Times, China's premier training center for missile scientists and technicians is training Libyan missile specialists; the director of Libya's Al-Fatah missile program was planning to visit China; and Beijing is building a hypersonic wind tunnel in Libya used to design rockets and simulate missile flight.

China has reportedly supplied missile guidance components and specialty steel to North Korea. This January, the CIA's semi-annual report to Congress on the proliferation of ballistic missiles and weapons of mass destruction indicated that China has aided Syria's liquid-fuel ballistic missile program.

And yet despite this evidence, the Clinton administration has not completed the necessary findings and imposed sanctions as required by law in any of these cases.

On rare occasions, the Clinton administration has obeyed sanctions requirements in laws, but only symbolically, thereby undermining the effectiveness of the action. For example, in May 1997, it sanctioned two Chinese companies, five Chinese executives, and a Hong Kong firm for knowingly assisting Iran's chemical weapons program. The companies and executives were banned from trading with the United States for one year, pursuant to the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991.

Because the sanctions were not applied to the Chinese government, but only to a handful of Chinese individuals and companies, while they met the bare requirements of the law their impact was minimal. As the Washington Post reported, "The sanctions announced yesterday will have minimal economic effect on China, officials said, because they are aimed at individuals and companies that do little business with this country."

Secretary of State Albright defended the administration's decision not to sanction the Chinese government, stating that the United States had ". . . no evidence that the Chinese government was involved" in the chemical sales to Iran. But other administration officials acknowledge that the U.S. has raised concerns about chemical weapons-related sales to Iran with Beijing on numerous occasions. China's government may or may not have approved the sales, but government officials in Beijing clearly knew of the transfers, if only because of the concerns expressed by U.S. officials. We should not allow China's Government to take a "see no evil, hear no evil" approach to proliferation.

Finally, let me point out when the Clinton administration has levied modest sanctions, they have had some success in curbing Chinese proliferation. While the China's nuclear proliferation behavior seems to have improved in response to U.S. sanctions, it has not been trouble free. Some nuclear assistance to Pakistan may be continuing.

The CIA report from January 21 also states that our intelligence agencies cannot preclude ongoing contacts between Chinese and Pakistani nuclear organizations. In addition, in May of this year, the Washington Times disclosed that sales of U.S. nuclear reactors to China have been held up because China has refused to provide the necessary assurances that it will not re-export U.S. nuclear technology to other countries. The administration has correctly refused to approve 16 export licenses from American firms until China provides these assurances. My point in discussing China's response to even mild sanctions imposed by the U.S. in these particular cases is to illustrate that economic sanctions have altered China's proliferation behavior in the past. They can do so in the future, if we are serious.

I am not satisfied that even in this particular area the Clinton administration has lived up to the requirements of the law. The 1994 Nuclear Non-Proliferation Act requires additional sanctions beyond the suspension of Export-Import Bank loans by the Clinton administration in the ring magnet case. I referred to Assistant Secretary of State for Nonproliferation Robert Einhorn, who explained in Senate testimony that the administration avoided this legal requirement by claiming that it lacked proof that China's senior most leaders had approved the ring magnet sale and that the transaction, therefore, did not constitute "a willful aiding or abetting of Pakistan's unsafeguarded nuclear program by the Government of China."

This is a flawed argument, of course, because the Chinese company involved, the China Nuclear Energy Industry Corporation, is owned by the Chinese Government. Most companies owned by the Chinese Government can't act in China without the knowledge of the Government. In fact, most people in China can't act without the knowledge of the Chinese Government.

As Professor Gary Milhollin, Director of the Wisconsin Project on Nuclear Arms Control explained,

> These [ring magnets] are specialized items. We are not talking about dual-use equipment. We are talking about magnets that are made specifically to go into centrifuges that make enriched uranium for bombs. Those were sold by an arm of the China National Nuclear Corporation, which is an arm of the Chinese government. This was a sale by a Chinese government organization directly to a secret nuclear weapon-making facility in Pakistan of items that were specifically designed to help make nuclear weapon material. In my opinion, it violated China's pledge under the Nuclear Nonproliferation Treaty, which China signed in 1992. The treaty says if you export something like that, you have to export it with international inspection. China did not.

Under Secretary of State Lynn Davis made a similar assessment in testimony to the House International Relations Committee in 1996, saying China's ring magnet sale was ". . . not consistent with their obligations as a party to the Nonproliferation Treaty."

It is clear that time and time again the Clinton administration has not lived up to its legal obligations under several U.S. laws requiring sanctions to combat the proliferation of ballistic missiles and weapons of mass destruction. In some very revealing remarks in 1998, President Clinton explained his administration's record in this area. In what it described as ". . . unusually frank remarks during an appearance before a group of 60 evangelical Christian leaders at the White House," the New York Times reported on April 28, 1998 that "President Clinton criticized laws today that automatically impose sanctions on countries for behavior that Americans find unacceptable. He said such legislation put pressure on the executive branch to 'fudge,' or overlook, violations so that it would not have to carry out the sanctions."

What the President acknowledged is only what many, many people in the know have been saying for a long time; namely, that the relationship with China has gotten to be so important to this administration that it is willing to "fudge" the requirements of U.S. law to impose sanctions because they would get in the way of this budding relationship between President Clinton and the People's Republic of China.

According to the New York Times, in response to criticism that his administration has "ignor[ed] or excus[ed] obvious violations of United States sanction laws to justify continuing to do business with certain countries," President Clinton said, "What happens if you have automatic sanctions legislation is it puts enormous pressure on whoever is in the executive branch to fudge an evaluation of the facts of what is going on."

It might put enormous pressure on the President of the United States to follow the law. When repeatedly he hasn't done so, a Senate that is worth its salt will stand up and finally do what Senator THOMPSON has done and say: Enough of this. The U.S. Government has got to see to it that our national security needs are protected, at least if we are going now to grant PNTR, permanent trading relations with China, and grant its admission to the World Trade Organization, thus precluding us from a whole series of unilateral actions that otherwise we could have taken. When you are in the WTO, you abide by its rules. You can't just willy-nilly be imposing sanctions on countries; otherwise, you will be held accountable under the WTO.

Fortunately, the way Senator THOMPSON has drafted his amendment, the President of the United States would be able, under limited circumstances, to impose sanctions based upon national security requirements, and he would also incidentally have the ability to waive those requirements in the national security interest. He is not bound to do anything that he shouldn't do.

One wonders, however, if a President is suggesting that he needs to "fudge" the requirements of the law in order to maintain this great relationship with China, what even the requirements of the Thompson amendment would do. Fortunately, he has accounted for that possibility by also requiring a report of the President to the Congress of why he didn't impose sanctions, if he didn't, and requiring some specificity so we will at least understand what is at stake and whether or not the President should have imposed sanctions so that we might at least take some other steps.

Senator LEVIN, incidentally, summarized the view of many when he said the examination of China's proliferation record at a 1997 Senate hearing had shed light on "an area where I think we have not lived up fully to our own domestic requirements in terms of the imposition of sanctions where evidence is plenty clear, or clear enough for me, at least."

Senator STEVENS made a similar point during the same Senate hearing in 1997, stating, "I am coming to the conclusion that maybe the administration is so narrowly interpreting our laws that we would have the situation that if a country moved a missile or a poison gas or bacterial warfare system piece by piece, grain by grain, you could not do anything about it until all the grains were there and then it would be a fait accompli."

The Thompson amendment would significantly improve the current situation. It would require an annual report to Congress on the people, organizations, and countries on which our government has credible information indicating they have been engaged in the proliferation of nuclear, biological, or chemical weapons or ballistic or cruise missiles. This requirement for full disclosure should eliminate the ability of the Clinton administration or those of future administration's to "fudge" the facts. They use the President's words. It should greatly improve the ability of the Congress to exercise effective oversight over this and future administrations.

Second, it will send a clear signal to organizations in China and other nations, such as Russia and North Korea, that if they engage in proliferation, sanctions will surely follow. As I mentioned earlier, sanctions have been one of the foreign policy tools that have moderated China's behavior. When our Government has been serious about effective change in China and has been willing to use sanctions, we have seen results. Perhaps had the administration been more willing to implement the laws in this area and used sanctions more frequently, we would have seen less proliferation of these extraordinarily lethal technologies to rogue nations.

Finally, I point out the amendment contains a waiver provision, as I said before, which allows the President to waive the requirement for sanctions under the legislation if it is important to the national security of the United States not to apply these provisions.

So there is no reason for anyone to suggest that this amendment is a poison pill; that it would somehow tie the President's hands; or that it should not be adopted because it would jeopardize the passage of PNTR or the future security of the United States.

Madam President, sanctions should not be the first or only tool used in the fight against proliferation. But this tool should not grow rusty from disuse either. As the Washington Post noted in an editorial as recently as July 14 of this year:

> . . . China's continuing assistance to Pakistan's weapons program in the face of so many U.S. efforts to talk Beijing out of it shows the limits of a nonconfrontational approach.

The United States must back our frequent expressions of concern with actions if our words are to be perceived by China and other proliferators as credible. We must enforce our own laws if we are to be successful in persuading other nations to live up to their international commitments in treaties and other international agreements. And we need to be realistic in our dealings with nations such as China, Russia, and North Korea.

I urge my colleagues to support the Thompson amendment. It is an amendment which will help to guarantee the national security interests of the United States. It will do nothing to impede trade or otherwise interfere with the operation of the WTO or the passage of the PNTR.

Therefore, Madam President, as I said, I urge my colleagues to support the Thompson amendment.

Mr. THOMAS. Madam President, I ask unanimous consent that now, following the conclusion of the statement by Senator KYL, the following Senators be recognized: Senator KERRY, Senator INHOFE, Senator GRAHAM of Florida, and Senator SMITH of New Hampshire, in that order.

The PRESIDING OFFICER (Mrs. HUTCHISON). Without objection, it is so ordered.

The Senator from Massachusetts.

Mr. KERRY. Madam President, I rise to oppose the Thompson amendment. I want to talk a little bit about the reasons I oppose it, and perhaps respond a little bit to some of the comments that have been made in the course of the afternoon.

Having been part of these debates now for some period of time, I have begun to notice the ebb and flow on how we approach these issues of concern about foreign countries, about issues of national security and how they do and do not impact us. It is interesting because we tend to go to the extremes. That is perhaps part of the nature of the Senate. It is part of the nature of the political process. But what is clear to me, after observing this over a long period of time, is that it is not always beneficial to furthering the larger national security concerns of the country.

I approached this issue originally with much the same concern as the Senator from Tennessee. I think all of us are deeply concerned about the degree to which certain countries seem to be contributing to the potential of instability in the world. Obviously, there is nothing more destabilizing or threatening than weapons of mass destruction. We have spent an enormous amount of time and energy focused on Iraq, on Iran, on Russia, on loose nukes, on nuclear materials, and of course on China and on the issue of the transfer of technology to Pakistan.

So I took the time to go to the Intelligence Committee briefing on this subject, to really get a handle and try to get a sense of how concerned should I be about this: Are we really at a point where this is so clear-cut and such an egregious violation of Presidential discretion that the Congress of the United States ought to step in and, in a sense, take away from the President whatever flexibility he has been left with to date?

May I say I went into that briefing with a sense of: Boy, these guys have really screwed up and now is the time to bring the hammer down. I came out of it, however, with a much different sense of the road that has been traveled and of the choices we ought to be making and we face in the Senate today.

The fact is, on nuclear issues—separate from missile technology transfers—we have made rather remarkable progress in the last 8 years, with a country that very recently accepted no norms of international proliferation behavior.

On March 9, 1992—let's recollect here, this is only 8 years ago, a very short span of time in terms of the evolutionary process occurring in China, and particularly a short span of time in terms of our period of real engagement with China.

On March 9, 1992, China acceded to the Nuclear Nonproliferation Treaty.

Later in 1992, China agreed not to export complete missile systems which fall within the payload and range parameters governed by the Missile Technology Control Regime.

On January 13, 1993, China signed the Chemical Weapons Convention.

In May of 1996, China agreed not to provide any assistance to nuclear facilities not under the International Atomic Energy Agency safeguards.

In September of 1996, China signed the Comprehensive Test Ban Treaty.

In September of 1997, China promulgated new export controls, and that control list is substantively identical to the dual-use list used by the Nuclear Suppliers Group.

On October 16, 1997, China joined the Zangger Committee which coordinates nuclear export policies among NPT members.

On April 25, 1997, China ratified the Chemical Weapons Convention and began to enforce export controls on the dual-use chemical technology.

In June of 1998, China published a detailed export control regulation governing dual-use nuclear items.

In 1998, China agreed to phase out all support for Iran's nuclear energy program, even support to safeguarded facilities, which was not prohibited by the Nuclear Non-Proliferation Treaty.

So that is a rather remarkable series of progressive movements towards the community of nations whereby China not only signed agreements but began to lay down a substantive record of making choices to enforce and to adhere to those standards.

With respect to missiles and missile control technology, I am not going to stand here in front of the Senator from Tennessee or my other colleagues and suggest there are not some concerns. I am not going to suggest that, with respect to the 1994 agreement under the Missile Technology Control Regime, that with respect to the complete production facility there is not a question about Pakistan being in violation. That is what, in fact, prompted me to suggest perhaps the administration had erred and we ought to be doing more.

After 1997, that progress clearly tapers off. But I ask my colleagues to think hard about this—how do you best build a relationship with a nation that is neither friend nor enemy but a nation with which you have a developing relationship? How do you best build the capacity to achieve the kind of national security standards you want adhered to.

I suggest very respectfully that this unilateral, rather draconian, inflexible approach that is being offered in the Thompson amendment is precisely not the kind of step we should be taking.

Some colleagues of mine will focus on the PNTR components of this, the clean PNTR component. I am not going to focus on that now. That is a pretty simple argument, and they have done their part in articulating it.

I know the Senator from Tennessee did not intend to wind up in this predicament, offering his amendment to PNTR. In fairness to the Senator, there are colleagues in the Senate who saw political advantage in guaranteeing we come to the floor in the particular parliamentary knot we are in. He would have preferred an alternative venue for considering his amendment. That does not mean the argument can be ignored. I want my colleagues to vote against the Thompson amendment not only to preserve a "clean" PNTR, but because there are substantive reasons that thoughtful foreign policy and thoughtful relationships between the Senate and the executive branch mandate we refuse to accept this amendment in its current form. Specifically, let me talk about that for a minute.

There are a number of questions the Thompson amendment in its current form presents the Senate with. One, and the most evident of all, is will this amendment cause China to clean up its act on the issue of proliferation?

I say to my colleagues, if you look at the record of China's statements with respect to the annex of the missile technology and control regime, and if you measure where China has traveled in these past years, I think this act could have the opposite effect. It could drive China away from this slow process of understanding we have been working toward on proliferation.

I ask my colleagues to remember that as recently as only 1997, China did not even have an office that dealt with the issues of missile technology exports. In the last 5 or 6 years, China had no record whatsoever of restraining its companies from making any sales whatsoever. Yet already, because the United States of America has raised this issue again and again in a diplomatic context, we now are at a point where companies in China are being refused export rights for certain kinds of technology that are deemed to be dual use. In other words, China is moving towards the international community in its efforts to enforce the spirit—not the letter because they have not signed on to the law yet—but to enforce the spirit of the law.

I say to my colleagues, if you want China to sign on to the letter of the law and to sit down and negotiate with you a realistic regime by which we can lay out a mutual agreement on these issues, I guarantee that adopting this amendment will end those discussions and push us in the opposite direction from the direction in which we are trying to move.

We should also ask ourselves the question: Will this legislation force the President to sanction China for a proliferation violation? Does this legislation accomplish the goal which it sets out to accomplish? For all of the talk on the floor of the Senate and for all of the rhetoric about we have to send China a signal and we have to make certain that China toes the line, the bottom line is that even if this were passed and signed into law, it simply will not force the President to do what it sets out to do, because it offers the opportunity for the President to define a waiver in national security terms that can not be overridden by the Congress, under the procedures outline in this bill.

I will set out a series of reasons why I believe colleagues should oppose this amendment, strictly on substantive grounds.

No. 1, this amendment takes a piecemeal approach to the global problem of proliferation by focusing on just a few countries. Originally, it was focused on China. Russia and North Korea are add-ons, afterthoughts, if you will, to try to make it more palatable and to somehow suggest there is a rationale for doing what we are doing. But the fact is, if the rationale is proliferation, it ought to apply to every country. There is no reason to have a specific China-centric effort when, in fact, there are many other countries about which we are equally concerned.

No. 2, it uses the blunt instrument of mandatory, unilateral sanctions to respond to any violation of the law no matter how inconsequential or unintentional.

No. 3, it bases those sanctions on unreasonably low standards of evidence.

No. 4, it imposes a burdensome reporting requirement on agencies whose time is arguably better spent stopping proliferation rather than simply collating thousands of pieces of information, some of which is based on such a low standard with respect to "credible information" that it could literally tie you up forever, and I will show evidence of that a little later.

No. 5, it introduces the U.S. capital markets for the first time in history into proliferation policy, a concept that Federal Reserve Chairman Alan Greenspan has strongly questioned.

In short, in my judgment, this legislation as currently drafted, would hinder rather than help U.S. efforts to address the problem of proliferation in China or particularly elsewhere in the world.

I think the problems with this amendment start at the very beginning. The legislation is titled "The China Nonproliferation Act." While Senator THOMPSON has, as I said, included a couple of other countries as targets, China remains singled out in the title and China remains the focus, as everybody understands.

Whether or not he intends it, that will certainly be the way it is read by the Chinese, and I know no observer, neutral or biased, who would not agree that would, in fact, be the result of this legislation.

So rather than heeding the next President and his advisers when they tell China its proliferation of WMD and ballistic missile technology has to end, China's leadership is going to point to this legislation as evidence that the United States is simply using the proliferation as an excuse to single them out.

Again, I repeat, we have spent decades working to pull China into a serious dialog about serious issues. China has come to acknowledge that it is important to embrace some of these international norms. And we should not force the next administration, whoever it is, to waste valuable diplomatic energy persuading China that we take proliferation seriously, whatever the source, even though the Senate in the context of this particular treaty is singling them out.

I do not believe we should set aside U.S. national interests simply to avoid angering the nations targeted by this amendment. That is not what I am suggesting. But I do think it is foolish of us to ignore real sensitivities and real reactions that occur and which we have especially seen historically with China.

This amendment essentially sends a signal to the world that we are less bothered by proliferation that does not come from the three states named in this legislation: If you are not China, if you are not North Korea, and if you are not Russia, somehow there we care less about your proliferation activities. I think that is a mistake in terms of any messages sent by the Senate.

The second major flaw in the amendment is its reliance on mandatory unilateral sanctions. We have had a number of debates on the floor of the Senate in the last couple of years about the negative impact of mandatory sanctions. It has almost, I think, become a consensus in the Senate that we want to move away from mandatory unilateral sanctions.

The sanctions that have been proven to work globally are the sanctions that are applied multilaterally. That is what happened in South Africa with apartheid. We have a long list of sanctions unilaterally applied by the United States of America which simply open up opportunities to other countries to fill the vacuum created we are unilaterally taken off the playing field. The question is whether or not that really helps us in terms of our nonproliferation objectives.

There is, in effect in this legislation a sledge-hammer approach; there is no subtlety. There is no ability to provide a President with flexibility. There is no ability even to allow a sufficient amount of time for the diplomatic process to work.

Because the requirement of this legislation is that the President has to impose all of the sanctions simultaneously in response to one proliferation violation. This is a heavyhanded, one-size-fits-all approach that destroys some of the flexibility to calibrate appropriate responses to inappropriate proliferation behavior. It destroys any potential that we might be able to change China's behavior as we go down the road.

I know it is not easy to argue for that sort of approach. It is always easier to come to the floor and talk tough or pass a tough kind of signal. But every time we have done that in the Senate, we have come back later questioning why it is that other countries are not following us, questioning why it is that other countries are, in fact, engaged in an overt effort to circumvent what the United States is doing, questioning how, in fact, we could have had a more effective policy in the first place.

I will fault this administration on its lack of focus and energy on the proliferation issue as a whole. They will not like to hear that. Nevertheless, I am convinced that unless you have a more visible, multilateral effort, then you are simply opening a Pandora's box of opportunity for the competitive marketplace to undermine what you are trying to achieve and, in the process, making it far more difficult to achieve a larger set of goals which require a more sophisticated approach.

The Thompson amendment also does not allow the United States to coordinate its proliferation response in China, North Korea, or Russia with our allies. By forcing the President to impose sweeping unilateral sanctions within 30 days of submitting a report to Congress on proliferation it severely limits the President's ability to consult with either the government of the covered country or with U.S. allies in order to develop the most effective response.

This amendment ensures that the United States will therefore come into conflict with key allies in Europe and in Asia over how to best manage important relationships with China, Russia, and North Korea. I think that is of enormous concern. It is also, I may say, almost guaranteed to fail in changing the proliferation activity of a particular country.

Let's say China were caught in some particular effort, and we were unsuccessful, and you wind up unilaterally imposing the sanction. Do you really believe that at that point you have made it more likely they are going to acknowledge it, at least in the near term, by suddenly putting up their hands and saying, OK, you caught us red-handed? No pun intended.

The fact is, you have a much greater opportunity of holding people accountable if you use diplomacy to allow people sufficient opportunity to back down or to find alternative forms of behavior.

The third major failing of this amendment is that it creates an unreasonable standard for imposing sanctions, targeting even inadvertent and immaterial transfers of technology. All of the power the President needs to be able to hold a country accountable for proliferation violations already exists in the law today. You do not have to do what the Senator from Tennessee is seeking to do in order to hold these countries accountable.

I understand why he is doing it. He is doing it because the administration does not seem to want to do it.

So supporters of this amendment are trying to legislate the political will for a President to do something that, for whatever reasons, the current President has decided not to do. They have every right in the world to try to do that. But I ask my colleagues if we ought to take the permanent normal trade relations and put that on the table with respect to achieving something that is already in the law?

We have the Arms Export Control Act, section 3(f). We have the Arms Export Control Act, section 101, 102. We have section 129 of the Atomic Energy Act. We have section 821 of the Nuclear Proliferation Prevention Act of 1994. We have section 824 of the Nuclear Proliferation Prevention Act of 1994. We have section 2(b)(4) of the Export-Import Bank Act. We have sections 72 and 73 of the Arms Export Control Act; section 11(b) of the Export Administration Act. We have section 498(a)(b) of the Foreign Assistance Act. We have section 81 of the Arms Export Control Act; section 11(c) of the Export Administration Act with respect to chemical and biological weapons proliferation. We have Executive Order No. 12938 with respect to all weapons of mass destruction technology and delivery systems. We have the Iran-Iraq Arms Nonproliferation Act of 1992 and the Iran Nonproliferation Act of the year 2000.

In fact, missile technology transfers are already subject to U.S. law, and the President has the authority to sanction those violations.

Senator THOMPSON will argue: Well, we are going to make the Administration do it because they haven't done it.

That is the whole purpose of being here. I understand that argument. But in fact he won't necessarily make them do it because, of course, there is the waiver.

Well, then they have a redress. They can have one-fifth of the Congress, either House, which is 20 Senators who don't particularly like trade with China, they can come back and tell the President: Well, we don't like the fact that you haven't applied sanctions. So they can try to go around that decision, which means we could be tied up on a standard that simply doesn't make sense for the Congress of the United States to be tied up on with respect to the potential of some kind of "credible information" suggesting some dual-use technology transfer that might contribute to the creation of a missile or some kind of missile capacity. That is the standard in here. Those U.S. sanctions laws I cited—with only one or two exceptions—includes the standard that a violation must be a knowing transfer of sensitive technology that makes a material contribution to a weapon of mass destruction program. A knowing transfer with a material contribution. The standard in this legislation requires any kind of contribution made with no deliberate knowing whatsoever.

So you have all five mandatory sanctions that could be put in place absent, obviously, the waiver I described, or if the Congress wanted to fight over it, which we can all find 100,000 reasons why it might choose to do so, given the nature of this institution in the last years. I don't think we should open ourselves up to that situation.

The new standard under this is any transfer that "contributes to" instead of the "materially contributes to," the design, development, production, or acquisition of weapons of mass destruction. That could mean that the President could be required to impose sanctions on a company that makes legal and legitimate sales to a person or a government engaged in WMD development.

Fourth, the Thompson amendment requires a rather remarkably burdensome report identifying every person in China, Russia, and North Korea for whom there is "credible information indicating that that person is engaged in proliferation activity." The flood of information guaranteed by this amendment will tie up already limited resources in the executive branch that could, in fact, be doing a far more serious job of working on proliferation itself.

The low credible information standard, I know, is derived from the Iran Nonproliferation Act of 2000, but that doesn't make it an advisable standard. No. 1, and, No. 2, under that standard, any piece of information from a source deemed to be credible has to be reported without discretion, even if the information later proves to be false.

Now, Congress has yet to receive the first report that was required under the INA, in part because the intelligence community has so far generated 8,000 pages of information that is deemed credible just on chemical and biological weapons and missile proliferation alone. Analyzing that mountain of data to determine what should be included in a report to Congress requires obviously countless man-hours. And as burdensome as the reporting requirement for INA is proving to be, believe me, that law, since it focuses only on one country with a far more identifiable set of sources because of the limits of commerce, trade, presents us with a gargantuan task. The Thompson amendment applies the same reporting requirement to possible proliferation from three nations: Russia, a gigantic task; China, a gigantic task; and North Korea, a far more limited task but nevertheless real.

It will also require reporting on all dual-use exports by the United States and key allies. The amendment's reporting requirement is tied to a report by the Director of Central Intelligence on suppliers of dual use and other technology. And because that report covers global exports of these technologies, the 1997 DCI report included information about legal and legitimate exports by the United States, Italy, Germany, France, and the United Kingdom.

According to the DCI, these nations were "favorite targets of acquisition for foreign WMD programs." So the report required under section 3 of the Thompson amendment will likely include information on Western countries just so long as the information is credible. Firms in these countries can probably avoid the mandatory sanctions because those countries qualify for exemption for membership in multilateral nonproliferation regimes. It doesn't mean you won't report; it simply means you won't have the sanctions. But you still have to go through the convoluted process of providing the reports themselves and analyzing the information.

Finally, the Thompson amendment introduces U.S. capital markets for the first time in history into proliferation policy. It will impose indirect sanctions against those entities included in the President's report that are publicly traded on stock markets regulated by the U.S. Securities and Exchange Commission.

Companies named in the President's report will have to so inform investors, according to the requirements of this legislation. Supporters of the amendment argue that those provisions are simply to provide transparency for American investors in entities that are active in U.S. capital markets and involved in proliferation activities.

In fact, because the reporting standard is so low, it is likely that many of the entities implicated in the report will, with further investigation, be proven innocent of engaging in proscribed proliferation activities. In short, the President must shoot first, and ask questions later—after the financial damage has been done to firms that are innocent.

I don't want to step over the line as to what was classified and what is not classified with respect to the briefings. I think it is fair to say that the intelligence community will tell you that this is not a clear cut and dry process by which there is a clear understanding at every level of government in China as to who is doing what. There are many people in the intelligence community who have a sense that because of the orders given to the military a number of years ago with respect to their dependency on revenue in order to survive, that there are certain military entities that weren't necessarily under direct orders to effect something.

There are certain companies that weren't under central control, and the process of education with respect to America's concern and their own interests in adhering to these standards has been an ongoing process, which has brought a greater level of understanding and a greater level of commitment.

Now, I would personally prefer that China formally adopt and embrace the full measure of the Missile Technology Control Regime. That should be the immediate and first priority of our diplomacy. That should be the immediate and first effort of our country and of the multilateral efforts of our allies to guarantee that we are all on the same page, that we are all operating from the same level of understanding.

But the intelligence community acknowledges that there is a difference of opinion as to precisely what the understandings were or what was agreed to with respect to certain kinds of transfers, and that there is clearly progress being made with respect to the development of that understanding. And while it is difficult sometimes to take this position in the Senate, I argue that we have a much greater opportunity of reaching a fuller understanding and of guaranteeing that we move down a road of multilateral understanding and interest if we do not pass the Thompson amendment at this particular point in time.

The truth is that the United States-China relationship is our most complex and difficult bilateral relationship. It is one of the most important that we have. It is yet to be fully defined. As I said earlier, China cannot be considered a friend; but China cannot yet—and should not, we hope—ultimately be considered an enemy. There are many adversarial aspects of our relationship. There is much we wish would change more rapidly in China. Thirty years of engagement with China has taught us that you can't necessarily advance one issue at the expense of another.

While I am under no illusions that supporting PNTR is going to produce overnight changes in other aspects of China's policy that we care about, I am absolutely confident that singling China out with this amendment will make it more difficult to draw China into an international nonproliferation regime, and it will undermine the limited success that we have achieved in the arms control arena over the last 10 years. I am absolutely convinced that in the near term it will make progress more difficult without bringing us closer to the goal that we may well be able to achieve in the near term through other approaches.

I believe Senator THOMPSON has done the Senate and the country a service by raising this issue. It is important for us in the Senate to talk about the degrees to which there are currently misunderstandings, or the degrees to which we believe there are just overt violations by China of understandings. It is important for China to understand the full measure of our concern and determination to hold them and other countries accountable to the international norms with respect to proliferation issues.

But I believe that will best be done not by singling out three countries, but rather by continuing in the Senate to push all nations toward a stronger regime and a better understanding. I think this amendment is flawed, therefore, in its current definition, for the reasons I have stated. It is not the right response. It is not the right forum for addressing this issue that does deserve thoughtful and full consideration. I urge my colleagues, therefore, to oppose the Thompson amendment.

I ask unanimous consent that a letter from the president of the New York Stock Exchange regarding the stock exchange components of this and the opposition of the SEC to it be printed in the RECORD.

Thre being no objection, the letter was ordered to be printed in the RECORD, as follows:

Hon. TRENT LOTT,
Majority Leader,
The Capitol, Washington, DC.

DEAR MR. MAJORITY LEADER: I am writing to express the strong opposition of the New York Stock Exchange, Inc. (NYSE) to the provisions of S. 2654, the China Nonproliferation Act, pertaining to access to U.S. capital markets. The NYSE is the world's largest equities marketplace and is home to more than 3,000 companies with more than $17 trillion in global market capitalization. Non-U.S. issuers play an increasingly important role on the NYSE. The NYSE list more than 380 non-U.S. companies—more than triple the number listed five years ago.

While the NYSE does not in any way condone the proliferation activities that S. 2654 attempts to address, the NYSE believes that one of the bill's sanctions—denial of access to the U.S. capital markets—will hurt U.S. investors while failing to deter these activities. Under S. 2654, the NYSE could be prohibited from listing additional Chinese companies or be required to delist Chinese companies trading on the Exchange. The reach of these expansive provisions is not limited to companies involved in proliferation activities but could extend to any company owned or controlled by nationals of the PRC, including those in Hong Kong.

If the NYSE is required to de-list a company as a result of S. 2654, U.S. investors in the company will be harmed. However, companies denied access to the U.S. capital markets by S. 2654 sanctions would not be deprived of the ability to raise capital. Non-U.S. exchanges actively compete with the NYSE for non-U.S. listings. These exchange would be happy to list the stock of any company denied access to the U.S. capital markets by S. 2654. As Federal Reserve Chairman Alan Greenspan stated in response to a question about S. 2654 at a July 20 Senate Banking Committee hearing "a most fundamental concern about this particular amendment is it doesn't have any capacity of which I'm aware to work. And by being put in effect, the only thing that strikes me is a reasonable expectation that it would harm us more than it would harm others."

We appreciate your consideration of our views on this matter.

Sincerely,

RICHARD A. GRASSO,
President, NYSE.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Madam President, national security must take precedence over trade. Granting permanent trade favors to China in the face of its openly threatening actions of recent years is unconscionable.

We cannot allow the pursuit of dollars to blind us to certain realities about the ruling communist regime in China, including: repeated threats against the United States and Taiwan; massive military modernization and buildup; its proliferation of dangerous weapons to rogue states; theft of U.S. nuclear secrets; demonstrated strategy to exploit commercial relationships to acquire advanced military technology; attempts to corrupt the U.S. political system; violation of international agreements; and brutal repression of dissidents.

To ignore these actions in the belief they can be separated from what we do in our trading relationship is dangerously misguided. China's trade surpluses are helping to finance the regime's military buildup and aggressive foreign policy, while strengthening its hold on economic and political power.

Similarly, to suggest that increased trade is by itself going to reverse China's negative behavior is belied by recent history. Trade with China has been steadily increasing for the past decade while its behavior in these security areas has grown substantially worse.

America should require from China some measure of permanent normalized international behavior as a prerequisite to permanent normalized trade relations. Otherwise, it is predictable that the favors we grant to China will be exploited to enhance its military buildup, while the market-opening favors and prosperity we expect from China will be much less than many in our country anticipate.

I want to emphasize that I am not philosophically opposed to free trade. I voted for the recent Africa-Caribbean trade bill and I am a strong supporter of a measure to end the use of agricultural trade sanctions as a means to achieve policy goals.

I am very skeptical about the extent to which China will actually open its markets to U.S. products. Despite tariff-lowering measures in trade agreements, China has—in the past—sought to erect other complicated trade barriers to block imports. Especially with regard to agricultural products, China is unlikely to offer the wide-open market some in the U.S. are anticipating. China will go to great lengths to protect its own huge labor-intensive agricultural sector, because of the difficulty of absorbing displaced agriculture workers in scarcer city jobs.

Permanently opening the U.S. market to China now—in the face of its bullying at home and abroad—would be viewed by Chinese leaders less as an act of friendship than as an act of weakness. It would signal to them that there is going to be no meaningful consequence to their bad behavior and that America is content to put the pursuit of dollars ahead of any obligation to protect its own values and security.

The following are examples of the major national security issues that must be considered in the debate over PNTR for China:

Threats to the United States: In recent years, China has issued direct military threats against the United States of a kind that even the Soviet Union largely avoided in the darkest days of the Cold War. These included a threat to destroy Los Angeles with nuclear weapons; other threats to launch missile strikes on the United States and neutron bomb strikes on U.S. aircraft carriers if we should intervene to defend Taiwan. In 1998, the CIA confirmed that at least 13 of China's 18 land-based ICBMs were targeted on American cities. In Dec. 1999, China's defense minister, reflecting well-documented military thinking in China, stated, "War (with the U.S.) is inevitable. We cannot avoid it."

Threats to Taiwan: China has openly threatened military action against democratic Taiwan. In 1996, China fired M–9 missiles off the coasts of Taiwan in an attempt to intimidate voters during its presidential election. In Feb. 2000, it issued a "white paper" openly threatening "all drastic measures, including the use of force" if Taiwan delayed reunification talks, a threat previously reserved only for a Taiwanese declaration of independence. In 1995, China had 40 M–9 missiles targeted on Taiwan. By 1999, it had deployed at least 200 such missiles and the number is increasing at a rate of 50 per year. The Pentagon estimates that by 2005, China could have 800 missiles targeted on Taiwan.

Military buildup: China is engaged in a massive long-term military modernization largely designed to counter U.S. power projection capabilities. In March 2000, China announced a 13 percent increase in military spending, which U.S. analysts believe is probably a lot less than the true number. China's new JL–2 submarine-launched ICBM will be able to hit the United States from Chinese territorial waters. China's new DF–31 truck-mounted mobile ICBM was test-fired in August 1999 and described by U.S. Air Force analysts as "a significant threat not only to U.S. forces . . . in the Pacific theater, but to the continental U.S. and many of our allies." In January 2000, China signed a multibillion dollar deal to purchase weapons from Russia, adding to what it has already purchased, including: 4 heavy destroyers armed with SS–N–22 "Sunburn" nuclear-capable cruise missiles designed specifically to attack U.S. aircraft carriers; 200 SU–27 jet fighters, which are more capable than the U.S. F–15; 40 SU–30 jet fighters with precision guided weapons; 4 Kilo-class (quiet) attack submarines; 24 Mi–17 assault helicopters; and 50 T–72 tanks. China is also purchasing up to 4 Airborne Warning and Control System—AWACS—aircraft. In addition, China is employing all means—legal and illegal—to purchase improvements in a whole range of advanced military technologies, including: computers; lasers; space launch and space control systems; cyber-warfare; stealth; and chemical, biological and nuclear weapons.

Proliferation: China is doing more than any other country to spread dangerous weapons and military technology to rogue states around the world. In recent years, China has transferred technology on such items as missiles, nuclear weapons, and chemical and biological weapons to North Korea, Iran, Pakistan, Libya, Iraq, and Syria, among others—often in direct violation of commitments to refrain from such behavior.

Thefts and compromises of nuclear secrets: In 1999, the Cox Report revealed that China had stolen or otherwise acquired advanced U.S. technology on ballistic missiles, nuclear weapons, reentry vehicles, high performance computers, anti-submarine warfare techniques and much more. It confirmed that China had acquired information on our most advanced miniaturized nuclear warhead, the W-88, helping to give China MIRV capability—multiple warheads on a single rocket.

As I reported in a major speech on the Senate floor on June 23, 1999, what we learned is that 16 of the 17 most significant major technology breaches to China revealed in the Cox Report were first discovered after 1994—during the Clinton-Gore administration. And that at least 8 of these actually occurred during the Clinton-Gore administration.

I have compiled this important information in a chart that clearly illustrates what the Clinton-Gore administration has been trying to cover up for over 5 years.

It helps reveal the fact that Clinton and Gore have not protected national security in our relations with China; that their appeasement of China has extended to selling, transferring, and overlooking the theft of some of our most sensitive nuclear and missile-related secrets. Coupled with their receipt—in the 1996 campaign—of hundreds of thousands of dollars in illegal campaign contributions from China, this is a scandal of huge proportions.

The American people need to know the truth, but they are not going to get it by listening to the self-serving spin being spewed by this President and his equally culpable and subservient Vice President.

Exploitation of commercial arrangements to acquire technology: The Cox Report also revealed the massive efforts China is making to acquire advanced military technology through its dealings with U.S. companies in the commercial sphere. For example, it confirmed that through its arrangements to launch satellites for U.S. companies such as Loral and Hughes, China acquired technology which improved the accuracy and reliability of its long-range military rockets which are targeted at the United States.

Attempts to corrupt U.S. political process: During the 1996 election cycle, people with close ties to the Chinese government funneled hundreds of thousands of dollars in illegal campaign contributions in an attempt to influence U.S. elections. The full extent of this scandal is not yet known. But we do know that the FBI director, Louis Freeh, and the hand-picked Justice Department investigator, Charles LaBella, believed it was serious enough to require the appointment of an independent counsel to fully investigate. Serious questions remain about the activities of John Huang, Charlie Trie, James Riady and a host of others who were involved. One of the important critical questions is whether national security was compromised in return for campaign cash. Neither China not the Clinton Administration has cooperated in these investigations.

Violations of agreements: China has failed to abide by international agreements it has made in the past. For example, despite promises to abide by the norms of the multilateral Missile Technology Control Regime, China has repeatedly engaged in weapons proliferation activities.

Human rights—repression of dissidents: The U.S. State Department confirms that China's record on human rights has deteriorated in recent years, that it has engaged in such activities as arrests and repression of political dissidents, persecution of religious expression, exploitation of slave labor, and forced abortions. China has never repudiated its actions in brutally crushing China's democracy movement at Tiananmen Square in 1989 or its ethnic cleansing in Tibet.

These issues cannot be ignored or swept under the rug in an exclusive pursuit of trade. Our first obligation is protecting national security. We will not do it by evading the truth. Granting China permanent normal trade status without any progress on these issues is appeasement. Granting it in the naive hope that it is going to bring about such progress is a delusion.

Madam President, once again, I support the Thompson amendment. I think most of the people who are supporting it also support PNTR. I am going to be opposing PNTR. However, I think he is addressing one of the many areas where we have a problem with proliferation.

As I have said, I think national security must take precedence over trade. Granting permanent normal trade status to China in the face of its openly threatened action in recent years is, I believe, unconscionable.

While Senator THOMPSON is correct when he talks about the problems with proliferation, there are many other problems, too, which include China's repeated threats against the United States and Taiwan; China's massive military modernization buildup; China's proliferation of dangerous weapons to rogue states; China's theft of U.S. nuclear secrets; China's demonstrated strategy to exploit commercial relationships to acquire advanced military technology; China's attempts to corrupt the U.S. political system; China's violation of international agreements, and China's brutal repression of dissidents.

I think to ignore these actions in the belief that they can be separated from what we do in our trade relationship is dangerously misguided. China's trade surpluses are helping finance the regime's military buildup, while strengthening its hold on economic and political power. Similarly, to suggest that increased trade by itself is going to reverse China's negative behavior is belied by recent history. Trade with China has been on the upswing. We are trading more with them: Yet their behavior in security areas has grown substantially worse.

I believe America should require from China some measure of permanent normalized international behavior as a prerequisite to permanent normalized trade relations. Otherwise, it is predictable that the favors we grant to China will be exploited to enhance its military buildup, while the market-opening favors and prosperity we expect from China will be much less than many in our country anticipate.

I emphasize that I am not philosophically opposed to free trade. I did oppose NAFTA in 1994. In fact, I did it for two reasons. One was that I knew what was going to happen to our infrastructure as a result of allowing trucks from Mexico to go through our corridors—being from Oklahoma, we are pretty close to it, and the occupant of the Chair being from Texas, she understands this—without having to comply with our environmental standards, wage and hour standards, and safety standards. The competition isn't open. It is not a level playing field. We know that. The other reason is, it seemed to me it would damage our trade deficit. If you will remember, in 1994, we had a trade surplus with Mexico of $1.3 billion. It is now a $22 billion trade deficit.

On the other hand, I voted for the recent Africa-Caribbean trade bill. I am a strong supporter, along with Senator ASHCROFT, of exempting agricultural products from the sanctions. I am very skeptical about the extent to which China will actually open its markets to U.S. products. Despite tariff-lowering measures in trade agreements, China has in the past sought to erect other complicated trade barriers to block imports—especially with regard to agricultural products.

I think it is very unlikely that China is going to go to great lengths to protect its own huge labor-intensive agricultural sector because of the difficulty of absorbing displaced agricultural workers in scarcer city jobs. I had a chance to visit the other day with Wei Jing Sheng. He was a dissident who was imprisoned for some period of time in China. He is exiled now; he is here. He said it made perfectly good sense. Why would we expect China to import wheat grown in Oklahoma or someplace in the United States, when all that would do would be to take the very labor-intensive, antiquated technology that they use in their agricultural programs in China and then move those people to the cities where they can't absorb it? This individual was absolutely convinced that would be the end result.

Permanently opening the U.S market to China now—in the face of its bullying at home and abroad—would be viewed by Chinese leaders less as an act of friendship than as an act of weakness. It would signal to them that there is going to be no meaningful consequence to their bad behavior and that America is content to put the pursuit of dollars ahead of any obligation to protect its own values and security.

The following are some examples of the major national security issues that I think should be considered in the debate over PNTR to China. Of course, this amendment only deals with one of them.

First of all, the threats to the United States.

In recent years, China has issued direct military threats against the United States of a kind that even the Soviet Union in the midst of the cold war would never have made. These include a threat to destroy Los Angeles with nuclear weapons. Another threat was to launch missile strikes on the United States; neutron bomb strikes on U.S. aircraft carriers if we should intervene to defend Taiwan.

In 1998, the CIA confirmed that at least 13 of China's 18 land-based ICBMs were targeted on American cities. We knew it a long time before that. But somehow there was a leak, and I believe the Washington Times was able to disclose that.

In December of 1999, China's Defense Minister said war with America was inevitable.

I hesitate to say this, but I remember so well when we were warned by Senator BOB KERREY, a Democrat Senator from Nebraska. Some of you may not know it. In 1992, before the election of Bill Clinton to the White House, he said Bill Clinton is an awfully good liar. He was very prophetic.

I think of all of the things this President has said that are untrue, probably the one that inflicted the most damage on the United States is the one he repeated 133 times. Keep in mind that at the time he said this, he knew the Chinese were targeting American cities. He said: For the first time in the history of the nuclear age, there is not one—I repeat, not one—missile aimed at an American child tonight. Everybody cheered. Yet we knew at that time that missiles from China were aimed at American cities. They still are today. We know that. It is not even classified.

China is engaged in a massive, long-term military modernization largely designed to counter U.S. power projection capabilities. In March 2000, China announced it was going to have a 13-percent increase in military spending. Most of our U.S. analysts believe that is far from the true figure; it is really far greater than that. China's new JL-2 submarine-launched ICBM will be able to hit the United States from Chinese territorial waters. China's new DF-31 truck-mounted mobile ICBM was test-fired in August of 1999 and described by U.S. Air Force analysts as "a significant threat not only to U.S. . . . forces in the Pacific theater, but to the continental United States and many of our allies."

In January of 2000, China signed a multibillion-dollar deal to purchase weapons from Russia adding to what it already had purchased, including four heavy destroyers armed with SS-N-22 "Sunburn" nuclear-capable cruise missiles designed specifically to attack U.S. aircraft carriers; 200 SU-27 jet fighters—this is a jet fighter that we know now is better than any air-to-air combat vehicle we have, including the F-15—40 SU-30 jet fighters with precision-guided missiles; 4 Kilo class, quiet class, attack submarines; 24 MI-17 assault helicopters; and 50 T-72 tanks. China is also purchasing up to four airborne warning and control systems—AWACS systems—that they are purchasing from Israel. In addition, China is employing all means legal and illegal to pursue improvements in a whole range of advanced military technologies, including computers, lasers, space launch and space control systems; cyberwarfare; stealth, chemical, biological, and nuclear weapons.

Let me repeat: On the SU-27 and SU-30, I was very proud of Gen. John Jumper a few months ago when he had the courage to stand up and tell the American people the truth.

There is this myth floating around, particularly among people who are anti-defense to start with, that there is no threat out there—that America has the best of everything. We don't have the best of everything. Gen. John Jumper, the air commander at that time, made the statement that Russia, in the position of manufacturing their SU-27s, SU-30s, and SU-35s and selling them on the open market to countries such as Iran, Iraq, Syria, Pakistan, and North Korea—this is something they have. The proliferation is going on and on. They already have more modern equipment and better equipment in some areas of combat than the United States has.

China is doing more than any other country to spread dangerous weapons and military technology to rogue states around the world. In recent years, China has transferred technology and such items as missiles, nuclear weapons, and chemical and biological weapons to all the countries I just mentioned—North Korea, Pakistan, Libya, Iraq, Iran, Syria, and other countries, which is a direct violation of commitments to refrain from such behavior.

I guess what I am saying is China has been working. It is not a matter of what they have and how you trust China. It is the same with Russia. They are trading technologies and trading systems with these other countries. That is compromising nuclear secrets.

The 1999 Cox report revealed that China had stolen or otherwise acquired advanced U.S. technology on ballistic missiles, nuclear weapons reentry vehicles, high-performance computers, anti-submarine-warfare systems, and much more. It confirmed that China had acquired information on our most advanced miniaturized nuclear warhead, the W-88, helping to give China a MIRV capability—a multiple warhead on one single rocket.

In fairness to China, I have to say that they have had a lot of help. The administration has been very helpful to China.

By the way, I have frequently said things about the President that other people do not say. I would suggest to you, Mr. President, that Teddy Roosevelt said "patriotism means to stand by your country." It doesn't mean to stand by the President or any other elected officials to the exact degree that he himself stands by his country. It is unpatriotic not to oppose a President to the same degree that he, by inefficiency or otherwise, fails to stand by his country. I believe President Clinton has failed to stand by his country.

As reported in a major speech on the Senate floor in March and again on June 23rd, what we learned, as revealed in the Cox report, is that if you take away these other 17 compromises of our nuclear secrets—the first one, the W-70 warhead, you can forget about that. It happened in the Carter administration. It is obsolete. So it doesn't matter. These 16 do—at least 16, including the W-88 warhead I just referred to, which is our crown jewel. The first of these happened perhaps in a previous administration. The second eight all happened during the Clinton administration. These happened on Bill Clinton's watch. As far the first ones are concerned, the W-88 warhead technology, W-87 warhead, W-78 warhead, W-76 and W-62 warheads—all of these happened perhaps in a previous administration.

But we found out in the Cox report that there was a Chinese "walk" into a CIA office where they said that in 1994 they informed the administration the Chinese had all of these secrets. These are from perhaps other administrations. But the President knew about it. The President covered it up. Berger and the rest of them covered it up until the Cox report, through their investigation in January of 1999, discovered that in fact these were discovered 5 years before. It was a coverup until 1999.

I think it is an appropriate place to bring this up again just for the purpose of discussing this because we have got to remind the American people exactly what happened. All of this talk about what has happened in our energy lab, all the talk about passing laws that something such as this cannot happen again—I can tell you right now, if you have a President of the United States such as President Clinton who willfully goes out and stops the security at these laboratories—one of his first acts after becoming President—of course there is going to be a problem. This is what this President did. In 1993, when he first got into office, he removed the color-coded security badges that had been used for years by the Department of Energy's weapons labs. They were removed as being discriminatory. We don't want to hurt anyone's feelings, so we can't have color-coded badges.

Second, he stopped the FBI background checks. In 1993, the FBI background checks for workers and visitors of the weapons labs were put on hold, dramatically increasing the number of people going into the labs who had previously not had access.

Third, he overturned the DOE's security decision. In 1995, the Department of Energy personnel action revoking the security clearance of an employee found to have compromised classified information was overturned, giving him back his classification after it was proven he compromised secrets.

No. 5, he rejected the FBI request for wiretaps. Since 1996, four requests for wiretaps on the prime suspect in the investigation of the loss of information on the W-88 warhead technology were rejected. The suspect was allowed to keep his job before being fired in the wake of news reports in 1999, the Cox report.

No. 6, he leaked classified information to the media. In 1995, a classified design drawing of the W-87 nuclear warhead was leaked to and represented in the U.S. News and World Report magazine. The leak investigation was stopped when it pointed directly to the Secretary of Energy and this administration.

No. 7, President Clinton or the Clinton-Gore administration thwarted whistleblowers. Career Government employees, such as the Energy Department's former Director of Intelligence, Notra Trulock, and its former security and safeguards Chief, Ed McCollum, who tried to warn of security concerns, were thwarted for years by political appointees. We had hearings in the Intelligence Committee on this, and the Readiness Subcommittee, which I chair, of the Senate Armed Services Committee.

No. 8, the administration switched export license authority. They did this in 1996, from the State Department to the Commerce Department. This was over the objection of both the State and the Defense Departments.

No. 9, he granted waivers allowing missile technology transfers. You may remember the most notorious. President Clinton took a signed waiver to allow the Chinese to buy the guidance technology to put on their missiles that was made by the Loral Corporation; their CEO was the single largest contributor to the Clinton-Gore campaigns.

No. 10, he ended COCOM. In 1994, the Coordinating Committee on Multinational Export Controls, called COCOM, the multinational agreement among U.S. allies to restrict technology sales to China, he dissolved that.

The list goes on and on. China had a lot of help in getting virtually everything that we had.

Exploitation of commerce, commercial arrangements to acquire technology. The Cox report revealed engagement of a massive effort by China in acquiring advanced military technology through its dealings with U.S. companies. We have talked about that.

China has it all. In the first chart, there were 16 compromises. We don't know what they have done with this information. I don't think our intelligence knows. We now know that all 16 compromises took place and China has the technology. What they have built with this technology, we don't really know for sure.

In the attempt to corrupt the 1996 election cycle, people with close ties to the Chinese Government funneled hundreds of thousands into illegal campaign contributions in an attempt to influence U.S. elections.

Remember the pictures of AL GORE at the temple? This full extent of the scandal is not yet known, but Louis Freeh, the Director of the FBI, as well as the hand-picked Justice Department investigator, Charles LaBella, believed it was serious enough to require the appointment of an independent counsel to fully investigate the Clinton-Gore scandal. Serious questions remain about the activities of John Huang, Charlie Trie, James Riady, and the list goes on and on. Of course, Janet Reno has refused to appoint counsel. I don't think we will hear more from this administration.

China has failed to abide by international agreements it has made in the past. For example, despite promises to abide by the norms of the multinational missile technology control regime, China has engaged in weapons proliferation. The distinguished Senator from Arizona, Mr. KYL, was talking about this a few minutes ago.

Lastly, the U.S. State Department confirms that China's record on human rights has deteriorated in recent years. It has deteriorated, not gotten better. Trade has increased but the relationships have deteriorated. They have engaged in such activities as arrests, repression of political dissidents, persecution of religious expression, exploitation of slave labor, and forced abortions in China, and have never repudiated its actions in brutality curbing China's democracy movement in Tiananmen Square in 1989.

These issues cannot be ignored or swept under the rug exclusively, pursuant of trade. Our first obligation is to protect our national security. We will not try to do it by evading the truth. Granting China permanent normal trade status without any progress in these areas is appeasement. An appeaser is a guy who feeds his friends to the alligators hoping they will eat him last.

No man survives when freedom fails, the best men rot in filthy jails, and those who cry "appease" are hanged by those they try to appease.

In October of 1995, when we were preparing to intervene when they were doing the missile tests to try to influence the elections in Taiwan, China's top official said: We are not concerned about the United States coming to the defense of Taiwan because they would rather defend Los Angeles than defend Taipei.

That is, at the very least, an indirect threat at a missile coming to the United States of America.

Just a few weeks ago, the Defense Minister of China said war with America is inevitable.

When we are talking about giving a country such as this preferred status, we will not be doing it with my vote.

Mr. GRAHAM. Mr. President, in March of 1999, I traveled, for the first time, to the People's Republic of China with a number of our colleagues. At the end of a long flight from Detroit to Beijing, I looked out the window as we were on the final approach to the airport. I was struck by the mass of humanity, from horizon to horizon, that lay before me. That scene underscored one of the greatest challenges in the 21st century, and it will be that we and China together take all necessary steps to work to assure and maintain peaceful relations between our peoples.

With almost one-quarter of the world's population within its borders, China could represent the greatest threat to our Nation's national security. However, if we maintain a sense of respect and strive for peace between the United States and China, and if that remains among the highest priorities of U.S. diplomacy, we can continue to build the permanent institutional relationships that will give us the greatest assurance of peace in the years to come.

As we enter the new millennium, I can think of no better way to demonstrate America's leadership than by advancing and expanding our trade and investment policy with the world's most populous nation. Before we discuss the details of this vote, I would like to take this opportunity to recognize the enormous cooperative effort of the President, the leadership of the Congress, the agricultural communities of the United States, and many other citizens in support of this measure.

Today we are debating an amendment offered by Senator THOMPSON of Tennessee. I wish to commend Senator THOMPSON for calling the attention of the Nation and of this body to the proliferation of weapons of mass destruction and their delivery systems. I agree that this is an issue that is vital to our national security and merits the closest attention. This is an issue which I have personally followed through my work on the Senate Select Committee on Intelligence.

Unfortunately, the amendment that is before us, an amendment which has been entitled "The China Nonproliferation Act," does not give the issue of proliferation the comprehensive and serious treatment which I believe it deserves. We need to do more than send a message to the Chinese. We need to develop a comprehensive program that will effectively deal with the proliferation problem on a global basis. If our goal is to deter proliferation, it must be a global effort at deterrence. Although I will oppose the Thompson amendment when we vote on it tomorrow, I do hope we will be able to work together to develop legislation that will effectively and comprehensively deal with proliferation.

As we commence this stage of the debate, it is important that each of us completely understand the specific issue which we are debating, the details of what the Senate is being asked to vote upon, and the likely consequences of this vote.

Let me first describe in very simple terms the substance of the vote to grant permanent normal trade relations to China. In order to clarify the fact that this status is not a unique or a special status, Congress, in 1998, passed legislation to redefine the designation, to redefine from the phrase "most favored nation" to the more appropriate phrase "normal trade relations."

China has had most favored nation and now normal trade relations status each year since 1979, when the United States first established diplomatic relations with the People's Republic of China. This status has been subject to annual review and annual renewal. It is worth mentioning that not once in the past 21 years has China been denied normal trade status.

Currently, the United States denies normal trade relations status to Cuba and North Korea. That denial is required by the Jackson-Vanik amendment to the Trade Act of 1974 because those nations deny, seriously restrict, or burden their citizens' right to emigrate.

The United States also denies normal trade relations status to Afghanistan, Laos, Serbia, and Montenegro, as directed by more recent legislative or Presidential action.

It is important to note that, although economic sanctions have been levied against Iran, Iraq, and Libya, these nations still legally retain their normal trade relations status with the United States.

By granting China permanent normal trade relations status, we will fulfill our commitments under the World Trade Organization and will then be able to take advantage of the special concessions which were obtained from China in bilateral agreements negotiated by this administration. However, if we fail to grant China permanent normal trade relations status and China is granted membership in the World Trade Organization, every other WTO member country in the world will be able to take advantage of the range of benefits that we, the United States, negotiated for ourselves, except the United States of America.

With that brief description in mind, it is important to clearly outline the issues that will not be affected by this vote.

First, we are not voting on whether or not we agree with, like, or trust the Chinese Communist Government. We are simply voting on a change and, in my view, an enhancement, in our 21-year economic relations with China.

Second, we are not voting on whether or not to allow China to enter the World Trade Organization. This will take place regardless of what actions the Senate takes on permanent NTR status.

Third, we are not voting on the bilateral WTO accession agreement between China and the United States. That agreement has been signed and will not be changed or renegotiated.

Fourth, we are not voting on a trade agreement with multilateral concessions like the North American Free Trade Agreement. The bilateral agreement this administration has already negotiated is a one-way agreement in which China agrees to eliminate or reduce tariffs and makes other concessions to WTO members. All WTO members, including the United States, have made no concessions to China. Granting permanent normal trade relations status to China does not require us to give the Chinese any additional access to our markets. They have made all of the concessions.

Fifth, we are not voting on any of the issues surrounding the relationship between mainland China and Taiwan. In fact, the Taiwanese position on this vote could not have been more clearly stated than by the Taiwanese President, Chen Shui-bian, in a March 22, 2000, interview with the Los Angeles Times. In that interview, the President stated:

> We would welcome the normalization of U.S.-China trade relations, just like we hope the cross strait relations [between Taiwan and China] also can be normalized. We look forward to both the People's Republic of China and Taiwan's accession to the WTO.

If the United States continues to be concerned about protecting Taiwanese security and other interests, then should we not pay close attention to the strong support of the President of Taiwan for granting PNTR to China?

I ask unanimous consent to print the full text of this March 22, 2000, Los Angeles Times interview in the RECORD immediately following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. GRAHAM. I thank the Chair.

Finally, we will not prevent the continued importation of Chinese products to the United States by voting against this legislation. For example, under the WTO agreement on textiles and clothing, U.S. import quotas on Asian textiles will be phased out in 2005. China is currently scheduled to benefit by that 2005 phaseout of Asian quotas. It is anticipated that this phaseout of Asian quotas will result in significant increases in imports of textiles and garments that have been manufactured and assembled generally from Asian raw materials and textiles into the United States.

However, under the bilateral accession agreement, the United States negotiated a special textile-specific import safeguard which will remain in place until the end of 2008. Therefore, by defeating this underlying legislation to grant permanent normal trade relations to China, we will actually be doing harm to the U.S. textile and apparel industry.

We will not, by failure to pass this legislation, affirmatively address any of the genuine concerns which have been expressed about our relations with China. None of those concerns will be affirmatively addressed by voting against this bill. In fact, a "no" vote will result in both tangible losses, such as the loss of the special textile safeguard, as well as some important intangible losses. Killing this legislation now may create the illusion that we are making a strong, positive statement about our relationship with

China when, in fact, the failure to engage China now may have much more serious negative effects into the future.

What have we accomplished thus far? In considering this modification of our trade relationship with China, it is helpful to examine the substance and scope of our most recent bilateral trade negotiations.

First, in April of 1999, the United States and China signed a bilateral agricultural cooperation agreement which removed unfair trade barriers to U.S. wheat, meat, citrus, and poultry products. The agreement signified a new era in our bilateral agricultural relationship, an era based on sound science and the mutual benefits of open markets.

When the agreement was signed, Agriculture Secretary Dan Glickman stated it was a fundamental breakthrough for American agriculture. He estimated that Chinese trade restrictions had cost America's competitive producers billions of dollars in sales. This agreement to lift longstanding and contentious barriers to our grain, citrus, and meat would have significant benefits in terms of greatly expanded exports of these products to the vast Chinese market.

Second, it is important to note the critical provisions of the bilateral WTO accession agreement signed by the United States and China in November of 1999. These provisions include:

First, on U.S. priority agricultural products, tariffs will drop from an average of 31 percent today to 14 percent by January of 2004, with even sharper declines for beef, poultry, pork, cheese, and other commodities. China will significantly expand export opportunities for bulk commodities, such as wheat, corn, and rice, and it will eliminate trade-distorting export subsidies. These are all goals that have been long sought by the United States.

Second, the industrial tariffs on U.S. products will fall from today's average of 24.6 percent—that was the average in 1997—to an average of 9.4 percent by 2005.

Third, China will participate in the information technology agreement and will eliminate tariffs on products such as computers, semiconductors, and related products by 2005.

Fourth, under the agreement, China will phase in trading rights and distribution services over 3 years and also will open up sectors related to distribution services, such as repair and maintenance, warehousing, trucking, and air courier services.

Presently, China severely restricts trading rights and the ability to own and operate distribution networks, both of which are essential to move goods and compete effectively in any market.

Fifth, the agreement opens China's market for services. For the first time, China will open its telecommunications sector and significantly expand investment and other activities for financial services firms.

It will greatly increase the opportunities open to professional services, such as law firms, management consulting, accountants, and environmental services.

Finally, with regard to safeguards, no agreement on WTO accession has ever contained stronger measures to strengthen guarantees of free trade and to address practices that distort trade and investment. For example, for the first 12 years of its WTO membership, China has agreed to a country-specific safeguard that is stronger and more targeted relief than that provided under our own current section 201 law. This safeguard applies to all industries, permits us to act based on a lower showing of injury, and permits the United States to act specifically against imports from China.

The agreement includes a provision recognizing that the United States may employ special methods designed for nonmarket economies to counteract dumping for 15 years after China's accession to the World Trade Organization.

For the first time, Americans will have a means to combat such measures as forced technology transfer, mandated offsets, local content requirements, and other practices intended to drain jobs and technology away from the United States.

However, if we fail to pass this legislation, all of these benefits—all of the benefits which I have just enumerated—will be lost.

So what is at stake? With the passage of this legislation, and China's accession to the WTO, the United States stands to reap enormous benefits.

My home State of Florida provides many excellent examples of this potential windfall.

In 1998, China was Florida's 11th largest export market. Under this negotiated accession agreement, China will reduce tariffs on fresh citrus by 70 percent, on vegetables by up to 60 percent, and on poultry by 50 percent.

In addition, China will substantially reduce tariffs on value-added wood products and will eliminate tariffs on a wide variety of information technology products and civil aircraft materials, all of which are important export industries for Florida.

We must accept the fact that China is going to be a member of the World Trade Organization. One obligation of the World Trade Organization is to provide every other member with unconditional normal trade relations status. In order for the United States to fulfill our WTO commitments, we must grant China permanent normal trade relations status.

By refusing to grant China permanent normal trade relations status, we only deny benefits to ourselves. In fact, if we fail to give them permanent normal trade relations status, every other WTO member country—every other country in the world—will be able to take advantage of the benefits that we negotiated except ourselves. Voting no on this measure does not deny anything to China, but it will put all U.S. industry and agriculture at a severe disadvantage in relation to our competitors around the world.

Furthermore, China will enjoy all the benefits of WTO membership, and it will still have the same access to the U.S. market that they have had for 21 years.

As many Americans, I have been concerned about China's compliance with trade agreements. In the past, it has taken intensive work to assure that the Chinese fully comply with the provisions of trade agreements that we have negotiated with them.

I am certain that compliance will continue to be an issue that will require close monitoring. It will require considerable and sustained effort. It is important to note that thus far, China has lived up to the concessions the U.S. gained as a result of the April 1999 agricultural cooperation agreement.

For the first time in over two decades, the Chinese have opened their market to wheat from the Pacific Northwest. They have already purchased 50,000 metric tons of wheat. In an important breakthrough for the Florida citrus industry, the first shipment of fresh citrus from Florida left for China during the last week of March of this year.

In his May 3, 2000, testimony before the House Ways and Means Committee, former Commerce Secretary William Daley stated that the administration intends to vigorously monitor and aggressively enforce the terms of this agreement. To that end, the administration has requested a $22 million budget increase to fund new compliance and enforcement resources for Commerce, the U.S. Trade Representative's Office, the U.S. Department of Agriculture, and the State Department.

He also outlined the administration's five-point plan for monitoring China's compliance with its commitments and ensuring that we will get the full benefits of the WTO from our bilateral agreement.

The plan includes: One, a rapid response compliance team, led by a new Deputy Assistant Secretary for China within the Commerce Department; two, prompt redress of market access problems with tight deadlines for investigating market access and commercial problems inside China; three, statistical monitoring of Chinese trade flows and a special trade law enforcement program modeled on the import surge monitoring program established for the steel industry; four, a comparative law dialog and technical assistance to closely monitor China as it amends its laws and regulations; and fifth and finally, a China-specific WTO training and export promotion program to assure that our exporters take advantage of all the opportunities presented by China's new commitments.

Those were the commitments made on behalf of the President and the administration by the former Secretary of Commerce, William Daley. The new Secretary of Commerce, Norman Mineta, restated the Department's commitment to implementing such enhancements in a July 27, 2000, speech at the Washington International Trade Association.

I have asked myself this question: Is compliance better served by granting or denying China permanent normal trade relations status?

By denying them permanent normal trade relations status, we will be prevented from using the dispute settlement tools that exist within the WTO system, tools such as the bilateral dispute mechanism, where the United States has won 23 of the 23 cases that we have pressed before that panel.

It seems clear to me, then, that U.S. trade with China under the auspices of a multinational body such as the World Trade Organization can be more easily monitored, with fewer political obstacles, than can trade on a strictly bilateral basis.

In summary, the U.S. goal of an open Chinese market is more likely to be achieved through the WTO discipline than by unilateral actions. Denying China permanent normal trade relations status gives us no additional leverage with the Chinese Government. In fact, it serves exactly the opposite purpose.

Denying China PNTR status does not in any way constrain China. They receive all the benefits of any WTO member. Denying them PNTR status will only hurt us, the United States of America, by preventing our workers and our companies from taking advantage of the benefits that we have for so long negotiated and now have achieved. This will actually help China keep our goods out of its market and make it easier for them to ignore compliance with the bilateral agreement. More importantly, we will also deny ourselves the special surge protections that were negotiated in the bilateral agreement. These surge protections are particularly critical for industries such as steel.

Again, it seems clear we will be more likely to get compliance to the agreement from China by using these special surge protections and the WTO dispute settlement mechanism than we would without them.

To me, the implications of a denial of permanent normal trade relations to China are clear, ominous, and negative.

The historical importance and gravity of this vote cannot be overstated. Given the current state of the world and the almost universal recognition of the United States as the lone remaining global superpower, economically, militarily, politically, culturally, the next President of the United States may well represent the most powerful concentration of power in one human being in the history of this planet. How he exercises such enormous power in foreign affairs will be critical in shaping the future of this planet. Granting permanent normal trade relations to China, working to strengthen ties between our two nations, further developing a relationship of mutual respect and peace are all critically important challenges which we, the world's superpower, must be ready to meet.

We stand on the threshold of a new and substantially improved economic relationship with the People's Republic of China. By voting yes, we will reaffirm the leadership of the United States in matters of trade and global economic expansion.

I ask my colleagues to oppose the Thompson amendment, reserving the complex issues of global proliferation to a more comprehensive measure, avoiding the likely consequence that by the passage of the Thompson amendment, we will kill permanent normal trade relations with China. Rather, I urge our colleagues to vote in favor of permanent normal trade relations with the People's Republic of China and, by so doing, vote in favor of a policy of constructive engagement, mutual respect, and peace among our peoples.

EXHIBIT 1

[From the Los Angeles Times, March 22, 2000]

TAIWAN'S NEW PRESIDENT BACKS SINO-AMERICAN TRADE

(By Jim Mann)

TAIPEI, TAIWAN.—In a gesture to Beijing and the Clinton administration, Taiwanese President-elect Chen Shui-bian said Tuesday that he hopes to see China enter the World Trade Organization and have normal trade relations with the United States.

"We would welcome the normalization of U.S.-China trade relations, just like we hope the cross-strait relations [between Taiwan and China] can also be normalized," Chen said. "We look forward to both the People's Republic of China's and Taiwan's accession to the WTO."

Chen made these remarks during an hour-long exclusive interview with the Times, the first he has granted since his election Saturday as Taiwan's next president. He will be the first leader from the Democratic Progressive Party, which has in the past advocated independence for the island. Beijing claims sovereignty over Taiwan.

Chen's support for Sino-American trade is certain to be welcomed and distributed widely by supporters of the pending legislation to grant China normal trade benefits in the United States on a permanent basis. The bill—strongly supported by the White House and the business community, but opposed by organized labor—faces what could be a close vote later this year in the House of Representatives.

Despite the friction between Taipei and Beijing on other issues, Taiwan has a strong but little-recognized economic interest in making sure that China has normal trade relations with the United States. Many Taiwanese companies manufacture on the Chinese mainland and export their products from China to the U.S. market.

Nevertheless, over the past decade while Hong Kong leaders repeatedly campaigned in Washington on behalf of unrestricted U.S. trade with China, Taiwan stayed in the background. Chen's praise for Sino-American trade thus represents a departure from the approach of the outgoing Nationalist Party government.

During the wide-ranging interview at his office, Chen looking relaxed and speaking in Mandarin Chinese through a translator, made these other points:

He doesn't believe that last week's bellicose attack on his candidacy by Chinese Premier Zhu Rongji had any impact on the Taiwanese election. "The effects were not significant," Chen said, neither scaring voters away from him nor pushing undecided Taiwanese to vote for him.

Despite some divisions within his own party, there is a "mainstream consensus" in favor of Chen's own pragmatic approach toward dealing with China. For example, Chen said, the Democratic Progressive Party's mainstream agrees that Taiwan should be willing to discuss with Beijing the idea that Taiwan and the People's Republic are both part of "one China."

Peace and coexistence across the Taiwan Strait will be his "top priority" as president—more important that domestic concerns such as the economy or fighting corruption. "Only with peace in the strait" can his other goals be achieved, Chen asserted.

Chen repeatedly came back to the theme that he is eager to improve Taiwan's relations with China. He said he is trying to be especially cautious as he prepares to take office.

"Not only are people of Taiwan watching us," Chen said, "China is watching us. The whole world is watching us. And history is also watching us."

Yet while proclaiming his desire for peace, Chen also made it plain that he doesn't think Taiwan should be intimidated by China.

"What we mean by peace is a very firm and free, autonomous peace," he said. "We don't want the peace that is weak or peace that comes under pressure."

Chen repeated an assurance made during this campaign that, as president, he won't hold a popular referendum on whether Taiwan should be independent or reunified with China. The idea of such a referendum had often been proposed by leaders of his party, but China vehemently opposes it.

Furthermore, Chen promised that, despite his party's past support for independence, as president he will not declare Taiwan to be independent "unless Taiwan faces a military attack or invasion from China."

Asked whether he felt prepared to deal with any military action or threats from China, the president-elect replied:

"I believe that across the strait, leaders of both sides want peace. . . . The Chinese leaders have said repeatedly that 'Chinese do not fight Chinese.' But if they use threats or force against us, then wouldn't that phrase be meaningless?"

Chen asserted that when leaders in Beijing threaten force against Taiwan while at the same time proclaiming that "Chinese do not fight Chinese," their words could be interpreted to mean that "they don't see us [Taiwanese] as Chinese."

Although Chen said he would be willing to discuss with Beijing the idea of "one China," he rejected Chinese President Jiang Zemin's assertion this week that Taiwan should embrace "one China" as a precondition for talks.

If Taiwan accepted Jiang's idea, he said, "it would be very difficult actually to enter into discussions [with China] on an equal basis."

Instead, Chen suggested, perhaps the two governments could reach agreement on other, smaller issues that do not define Taiwan's relationship to China.

"We feel that we can first put aside the differences and discuss areas of agreement and cooperation," He said, "And maybe once these other areas of agreement are resolved or improved, then we would in the process gradually overcome the differences that we have and build more trust."

Chen went out of his way to court the goodwill of the Clinton administration. Chen praised President Clinton for "his very strong and firm rejection of [China's] threat to use force" against Taiwan.

He also quoted with approval Clinton's recent statement that any settlement of Taiwan's future should have the consent of the people of Taiwan.

Chen insisted that he has a sufficient mandate to govern in Taiwan, even though he won the presidency with only 39% of the vote. His closest rival, independent candidate James Soong, won 37%, while Vice President Lien Chan of the Nationalist Party, which has ruled Taiwan for 51 years, garnered 23%.

"In many countries, the presidents are elected with only 20% or 30% of the vote," Chen said. "[Former President Fidel] Ramos of the Philippines had 20-something percent. Former South Korean President Roh Tae Woo only had 30-something percent, and President Kim Dae Jung had roughly 40%. But this did not affect their ability to govern.

"In the same way, President Kennedy defeated his opponent by only 0.1% of the vote, and that was 110,000 votes, which is a very small number compared to the population of the U.S. But this did not affect his ability to govern effectively."

Chen is clearly hoping to broaden his political appeal beyond his party base.

"Although I am a very proud member of the Democratic Progressive Party, and I hope to continue to contribute to this party and the democratic values it represents, as president of Taiwan or as the national leader, I am the leader not just of the DPP but of the entire nation," he said.

"And therefore, the national interest must come before partisan interests or individual interests. When there is a conflict of interest between the national interest and party interests, I must consider first the national interest."

At the end of the interview, Chen—the son of an impoverished family in rural Taiwan who entered politics as a lawyer for imprisoned Taiwanese dissidents—said he never imagined he would become president.

"I didn't even dream of it," he said. "Growing up, when I was small, I was so poor, and we were under such hardship, that my first dream was to become an elementary school teacher."

Moreover, he continued, "after I started taking part in politics, I did not imagine that one day, the president of Taiwan would be directly elected. [And] two years ago, when I lost the reelection bid for Taipei mayor, I did not know if I could stand up again.

"The spirit of Taiwan is going from having nothing to creating, and from the bottom to the top."

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I compliment the occupant of the chair for being so patient at this late hour.

I rise to speak on behalf of permanent trade relations with China and in support of H.R. 4444, which is PNTR for China. I come to this body, after some 20 years, no stranger to China, having traveled there on numerous occasions, more recently a journey down the Yangtze River to observe the controversial construction of the building of the Three Gorges Dam. It has been a great concern by America's environmental community as to the legitimacy of this project. It will be one of the largest construction projects in the world.

But looking back at what we did in the United States in the 1930s with the TVA project, the flood control, the power generation, what we have done in the Columbia River system, it is very much in parallel to what China is attempting to do: flood control, power generation, and cleaning up their air.

It is interesting to reflect on the experience of U.S. participation in this project. The Eximbank believed that the project did not meet its environmental examination sufficiently so it exempted any U.S. firms from participating in the sense of funding two Chinese contractors to buy American equipment. As a result of the inability of the Eximbank to get a clearance on the environmental consequences and adequacy, there was no U.S. construction material that went into this. As a consequence, Caterpillar alone lost over $1 billion in sales.

I point this out to reflect on the merits of the current debate on certain restrictions that we should or should not have in association with PNTR for China. I know there is a great deal of interest in the business community. Some see it as a great opportunity. I see it as incremental gains for American businesses in the near term. But unlike many in the business lobby, my own feeling is that it is going to take a period of time. In my own State of Alaska, we may see some gains in agricultural and seafood exports, but for the most part, it is going to take a number of years to build up this trade. The question comes to mind: Are the gains worth the hew and cry this bill is bringing about and the extensive debate?

I have a little different view. Why, if I am not necessarily swayed by the arguments of the business community, do I rise in support of PNTR? As with most of my colleagues, I spent a good deal of time considering the merits of the debate. I have heard the arguments on both sides. I continue to listen carefully to the amendments proposed and the considered opinions of my colleagues, which I respect. Furthermore, as a member of the Finance Committee, I have discussed the subject. We have had debates as it played out over the course of the past weeks. I noticed throughout this time a reoccurring theme from both opponents and supporters of the bill.

We have tended throughout the course of these many months and whenever we have discussed China, either on the floor or in the committee, to refer to China as some sort of a monolith. We say China brutalizes her people. We say China represses religious freedom. We say China is the world's greatest proliferator of weapons of mass destruction, or we say we should not reward China for her misconduct by passing PNTR.

Occasionally, we are guilty in this body of painting in broad brush strokes. We have a tendency to generalize. We use verbal shortcuts. We say "China" when we mean China's Government or even certain members of China's Government.

In this instance, however, our reference to a monolithic China is not only misplaced, it goes to the heart of the fundamental misunderstanding regarding this bill. PNTR does not reward the Chinese Government. PNTR does not help the Chinese Government maintain repressive control. Passage of this bill, as has been pointed out, will not mean that China gets into WTO. They will get into WTO whether we vote for PNTR or not.

We are voting instead on a basic question of U.S.-China policy, whether trade with China is in America's national interest.

We talk a lot about the messages this vote will send to the Chinese Government. The message we should send is that we believe trade between American and the Chinese people should be fostered and should be strengthened. As I said at the outset, I do not believe American business interests are our primary concern in this matter. American foreign policy interests trump business interests in this matter.

So what is our primary foreign policy interest in China? Our primary foreign policy interest in China is to see the democratization of China. At the heart of this bill is nothing more than the formal recognition of the profound economic effect and shift in China which has occurred since 1979, when we first began the annual debate over our trade relationship with China.

In 1979, China's economy was dominated by Government-owned, Government-managed companies. This is the point that justifies my position on supporting PNTR, because we have seen a change since 1979, when the economy was dominated by Government-owned, Government-managed companies. Virtually 100 percent of China's gross national product at that time was derived from the industrial and commercial activities of not private enterprise but of Government. Private enterprise simply didn't exist at that time. That is not the case anymore.

Twenty years after we began normal trade relations with China, private enterprise not only exists today in China but now it dominates the Chinese economy. The private sector accounts for nearly 70 percent of China's economic output, compared with just 30 percent for the Government-owned sector.

Normal trade relations with China are not the same as they were in 1979—again, that is my point—when all trade flowed through the Chinese Government. At that time, if we had said "PNTR for China," we would have meant PNTR for the Chinese Government. Now the vast majority of trade with China is between private enterprise here and private enterprise there. PNTR means normal trade relations between American and Chinese peoples.

Now, an ever-increasing number of Chinese do not depend on the Chinese Government for their livelihoods, as they did back in 1979. By joining the World Trade Organization, China's reformers are attempting to add to the ranks of the private sector and deal a final blow to the bloated, anticompetitive, and inefficient state-owned enterprises.

The overwhelming consensus of experts on China's political economy is that China's attempt to join the WTO is a tactic to pressure the remaining state-owned enterprises to either privatize or fail. As such, the Chinese Communist Party is, in effect, making the ultimate admission that communism, for its practical purposes, is dead. Voting for PNTR is, in effect, recognition that the China of the year 2000 is a China of unprecedented economic self-determination—economic freedom for individual Chinese people.

Well, some of the skeptics say, big deal; Chinese citizens may have greater economic freedom, but they lack political freedom. That is true; I concede that. They say the Chinese lack religious freedom. True enough. They say the Chinese are unable to freely organize labor unions. True again. But to say that PNTR will only strengthen the hand of China's Government I don't think is a credible argument.

The Chinese Communist Party is betting China can have a modern, efficient, capitalist economy, one that generates significant tax revenue, without giving up any political control. They are gambling that Chinese citizens will be happy to earn a better living and will be happy to pay taxes unquestioningly to their Government. That is the difference. This is a profound shift in a country in which the Government was responsible to support its citizens, rather than the citizens responsible to support the Government. That is a big change, Mr. President.

For years, China's governmental revenues have come directly from state-owned companies. That is where the revenue has come from. The profits of these enterprises go directly to the Government to fund its activities. But state-owned enterprises, as I have said, are inherently inefficient and are failing badly—more than 50 percent of them are de facto insolvent; they are broke; they cannot now provide the Chinese Government with the funds it needs.

For this reason, China's reformers have been pushing for a market economy led by a robust private sector—the private sector which will not deliver its profits directly to the Government but will, through its companies and employees, pay taxes to that Government. These days, entrepreneurs are not paid by the Government; they pay to the Government. For the first time in the history of the People's Republic of China, the Government relies more on its citizens than its citizens rely on their Government.

Is taxation without representation a good bet for the Chinese Government? It seems to me we know a little about that here. We have had a few lessons from our own history that would be instructive to the Chinese Government. My own bet is that there is no better catalyst for democracy than a group of irate taxpayers.

Does supporting PNTR suggest that the Senate approves of the Chinese Government's actions to suppress freedom, organized labor, bully democratic Taiwan, or engage in missile proliferation? Not one bit. PNTR is nothing more than a recognition of the strides toward economic freedom the Chinese people have made. PNTR supports the Chinese people in their quest to break free of the yoke of communism.

What happens if we don't grant PNTR? Will the Chinese people applaud us for standing up for their rights? Will the Chinese people recognize that we believe our refusal to grant PNTR strikes a blow for political or religious freedoms?

No. The Chinese people will take it as a slight, a sense that we do not somehow want them to develop the economic freedoms that we in the United States enjoy today, a sense that the United States is the enemy of China's development. The Chinese Government, which has no longer any ideological claim to power, will employ this sense of U.S. antagonism to fuel the fires of Chinese nationalism. In our rush to help save the Chinese people from their Government, we will ourselves be the instrument of their further repression.

Let us not choose that course. Let us recognize that this bill encourages the growth of relations between Chinese and American citizens and vote to support PNTR.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. THOMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMPSON. Mr. President, I understand my colleague from Minnesota shortly will be wanting to take the floor. When he is ready, I will accede to him. In the meantime, I thought I would make a couple of observations.

As the Chair knows, I have introduced this amendment on behalf of Senator TORRICELLI and myself because of our concern of what is happening in the world, especially with regard to China, at a time when we are entering into a new trade relationship with them. Our strong belief is that we cannot ignore the one thing they do that poses a direct threat to this Nation, and that is a continued pattern of proliferation of weapons of mass destruction, and selling those items to rogue nations which, in turn, pose a threat to us—the very reason we say we need a missile defense system.

So we have put down the amendment, and there is strong opposition against it by some in the business community—frankly, some who really don't have any dogs in this fight, but who have been told they do, or think they do, and therefore they oppose it. There will be a handful of people who would even theoretically be affected by this legislation. It is not a broad parade-dampening situation. It is WTO-compliant. The only ones affected would be the ones selling armaments and munitions and dual-use items. Even then, the President has discretion to cut those items off if he wants. That is the limited focus, despite what you might hear all day. That is the limited focus of this legislation.

I have sat here and listened to my colleagues who have problems with this legislation, and they say it will kill PNTR, which it will not. It is an insult to this body to say we have to adopt the House bill exactly the way the House did it—a House bill that addressed things such as labor concerns, Radio Free Asia, and others. They sent it over here, and now we are told we can't address proliferation which, with all due respect, I think should have somewhat of a more elevated status than the things the House addressed. I can't think of anything more important than the safety and welfare of this Nation.

I have been listening to the concerns expressed, and it is quite clear that the opponents have not gotten together and plotted any strategy on this because some of them say our amendment is too broad and some say our amendment is not broad enough—if we focused in on three countries. And we should be focusing in on more.

Some say that if we pass this unilateral legislation with unilateral sanctions there will be terrible ramifications; that it will have ramifications with regard to our foreign policy and with regard to our allies; that we will set back the cause of freedom and set back the cause of peace.

Others point out that we already have numerous unilateral sanctions and laws on the books; that they work; and that they have been somewhat successful depending on which ones you are talking about. Even Sandy Berger said that.

Some opponents have said that our legislation ties the President's hands. But other opponents say that the amendment is defective because you can't force the President to do anything under this bill because he has a Presidential waiver. Of course, they are correct.

Some say that it makes our allies angry while others say our allies will be more than willing to be there to sell what we refuse to sell. Some say we have real proliferation problems, and yet they can see nothing that has worked so far. Others claim all we need to do is engage in diplomacy, and that will work. We have a myriad of contradictions.

I think the bottom line is that there is opposition in search for a rationale because a lot of people do not want to do anything that they think might irritate the leaders in the Chinese Government at this particular point because they in some way, without being able to put their finger on it—even though it is very limited and even though it gives the President discretion, nothing can happen until he makes a finding and even then he has a waiver. The rest of it is totally discretionary. Even under those circumstances, nothing happens until a company has been found to be a proliferator and a threat to our Nation, in effect. Even in light of all of that, there is a vague feeling that this in some way may complicate the trade deal. That is why I said I hope we never get into the position in this country where our friends and allies and enemies perceive us to be more interested in trade than in our own national security.

There have been several inaccurate representations with regard to what to do with us. I mention the discretion the President has. Some say we have to take people out of our capital markets and close our capital markets down to them. It is one of a list of things the President has the discretion to do. He probably has the discretion to do it now anyway.

The Deutch Commission of distinguished Americans—Democrats and Republicans, former Members of this body, the House and others, including scientists—points out that we really ought to look at our capital market situation and the fact that known proliferators are raising billions of dollars in our capital markets from Chinese companies; billions of dollars in our capital markets to, in some cases, go back and use those funds to enhance their own military. That is the Deutch Commission. So we said this should be, if it is not already, something that the Chinese know about. Put it down in black and white. They should know that the President specifically has that authority. If he determines a particular company, after it has been found to have been selling weapons of mass destruction to our enemies and people who pose a threat to us—after that finding has been made, and after the decision has been made by the President not to exercise a waiver, if then the President chooses to tell that company it can't raise money in our capital markets, he ought to have the discretion to do that. Some will say: Well, they can go elsewhere. Maybe they will.

But if it was that easy you would not be seeing the kind of resistance and commotion now, even because of the potential threat that the President might exercise that kind of waiver.

We saw the China petro offer not too long ago. It was a precursor. They are looking. There are other major Chinese entities looking at our capital markets and ready to come forth with offerings that will raise billions of dollars. It is important to them. There are other markets, but there are not other markets such as the ones we have. And American investors, American investors could go abroad. But it is important to them.

That is the point. There is no inherent right of the People's Republic of China or companies related to them or controlled by them to have access to our capital markets.

One item, one potential, so as not to be trade related—it is not a trade sanction bill the way some people have thought in times past—is the low standard of evidence. Some of my colleagues, I don't think, have read the bill quite as carefully as they might. I think the implication has been that based upon credible evidence the President could impose sanctions. That is not accurate. Based upon credible evidence, if a company is found to have been proliferating, they must report. Then the President can look at that report and make his determination, and Congress will have access to that report, too.

They talk about mandatory sanctions. There is nothing mandatory about them in the strict sense of the word. When it comes to countries and it is only strictly discretionary when it has to do with a company, the President has to make a determination. Then, as I say, he has a waiver on the back end.

They are still talking about another misapprehension. As articulated today, they are still talking about agriculture and small business. There are no agricultural concerns anymore in this legislation. We removed any concern. However, my friend from Wyoming today said that some of his people in the farm community were concerned that if we did anything to irritate the Chinese they might retaliate against us and they might do it with regard to farm items.

I can't help my friend there. I don't think that is a farmer's concern. The farmers I know would be primarily concerned about China and Russia and North Korea selling weapons of mass destruction to these rogue nations. If we did something to stop that, and that in some indirect way caused China to turn its back on the $69 billion a year trade surplus advantage they have which is highly unlikely, I don't think they would think that was a bad thing.

I think my colleague from Minnesota is prepared now. If that be the case, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Mr. President, I rise in strong opposition to the Thompson-Torricelli amendment, both in principle and, as all amendments to PNTR, this one is a killer that will delay PNTR until another Congress. I appreciate what they are trying to accomplish but disagree with the direction.

Despite what you have heard, this is a very controversial amendment that carries more of a political message than is a legislative proposal that would accomplish its purpose. This legislation has not gone through the committee process, nor has it been thoroughly analyzed by many Members of this body. I urge my colleagues to read the latest version carefully before we vote—there have been four versions of this legislation, the last one presented this morning.

I agree we should work with China to reduce its proliferation, just as we should work with all countries which proliferate. And I believe the President should exercise his authority under the 11 statutes we have now to sanction when that is necessary. I am not ready to give up on bilateral efforts and existing laws, especially as we are close to a new administration. This legislation is simply not appropriate since we don't know how the new administration will address nonproliferation.

Recently Alan Greenspan commented at a hearing I attended that he opposes this legislation. Chairman Greenspan noted ". . . there is a very serious question as to whether it will produce indeed what is suggested it will produce." He went on, "But most importantly, to the extent that we block foreigners from investing or raising funds in the United States, we probably undercut the viability of our own system. But far more important is I'm not even sure how such a law would be effectively implemented because there is a huge amount of transfer of funds around the world." He says, "the only thing that strikes me as a reasonable expectation is it can harm us more than it would harm others."

This again begs the question of an amendment that could actually be counterproductive to our efforts to curb Chinese proliferation?

Before I discuss my concerns about this amendment more specifically, I want to address charges I have heard against those of us who oppose this legislation. We are accused of being pawns of the business and agriculture communities. We are accused of not caring about nuclear proliferation. Some of us are accused of opposing the Thompson-Torricelli legislation because Senator THOMPSON has blocked some legislation we strongly supported. We have been accused of misrepresenting the amendment. The Senator has the right to question legislation or oppose it; so do I and others who oppose the approach of this amendment. I will state as firmly as I can—every position I take in the Senate is based on policy—not on politics, not on contributions, not on retribution—not on anything but whether the legislation is good policy and whether it can accomplish its purpose. This fails on both counts.

At the same time, I respect my colleagues' belief that this legislation can accomplish its purpose. They firmly believe it takes a "club 'em over the head" approach to achieve any progress with China. I respect their right to that analysis, but very strongly disagree. And I strongly urge all of you to look at this legislation from a policy perspective, and nothing more. This is why we were sent here—not to punish a country which has leaders we don't agree with; not to vote for something that balances our PNTR vote; not to send a message to an outgoing administration.

I share some of the concerns you will hear today about this administration's China policy. If there was evidence of proliferation that violated international agreements, it should be pursued under existing laws. But to pass new, tougher laws because one administration may not have been tough enough—particularly at the end of the administration—is surely ill-advised and inappropriate. We have no reason to believe that either Presidential candidate would not use existing laws to their full intent. I am especially concerned about this because of my own optimism that the Presidency will change parties, and I don't want the new administration's hands to be tied so severely in this way. Some have termed the broad congressional authority under this legislation as contrary to the President's authority as Commander in Chief under the Constitution.

Many of you are aspiring Presidential candidates in the future. I ask you. Would you want this severe limitation on your authority as President?

Mr. President, many of us sat down and tried to come up with a way to achieve a compromise with the sponsors when they tried to bring this amendment up before. This is now the fourth draft of the original Thompson-Torricelli legislation, and you have heard earlier today that it answers all of our concerns. There were some improvements, but many new issues of concern have been added, and the core problems remain. Clearly, proponents and opponents are still very far apart on this issue, and I do not believe it should be considered here today without committee hearings and action.

Let's take a look at where we are with China on proliferation. We have a long way to go, but we shouldn't leave the impression that there has been no progress. We have just started talks again on nonproliferation after the Chinese called off our dialogue due to their concerns about the bombing of their embassy in Belgrade. Before that time, we had made some progress with China on sales to Iran. China has also followed up on various intelligence reports of proliferation. They have worked with U.S. officials to develop an export control system, and have admitted they need help administering an effective system as a developing nation with many people, many companies and many opportunities for proliferation that may or not be intended. We can hold their feet to the fire by providing support to help them improve—or by enforcing existing laws if necessary.

China has signed the Nuclear Non-Proliferation Treaty, the Chemical Weapons Convention, the Zangger Committee and has committed to adhere to the Missile Technology Control Regime guidelines. I believe it has the will to improve. I also believe it has security concerns of its own that must be factored in. It has an alliance with Pakistan and it has concerns about how our missile defense system might affect their own security interests. Whether we agree with those positions or not, we cannot expect other countries not to be concerned when we improve our own security—or when other nations do so. I still believe engagement between two countries that have differences works better when both countries act out of respect for each other. When we work with others rather than dictating what the results should be and when. To threaten a country's sovereignty rights by imposing sanctions for proliferation we may not even be able to prove only promotes an adversarial relationship that will achieve no progress.

Will an adversarial relationship continually worsened by an annual proliferation report which includes "credible information" of proliferation with an automatic expedited congressional review overturning a President's decisions not to sanction have any impact whatsoever on China's will to improve? Especially after China thought PNTR would bring an end to the annual review? Thompson-Torricelli continues the annual review and will make it easier for the Congress to sanction.

Before the embassy bombing, we saw some good signs China did want to improve. That can start again, but not if this legislation represents the terms under which we will request improvement. This approach would threaten any country's sovereignty—and China has just as many of those concerns as we do. In fact, its long history probably makes them more concerned about how to respond to world powers wielding huge clubs.

Further, U.S. leadership is jeopardized since no other country is likely to follow our lead, and I believe the U.S. should be a leader on proliferation issues. Other countries will also strongly object to the extraterritorial reach in the Thompson amendment. The amendment covers commercial items not controlled under existing multilateral arrangements. Therefore, the U.S. alone will decide whether these agreements have been violated by both adversaries and allies.

My concerns about this legislation are many—and most of them would continue no matter how many concessions are made by the authors.

First—unilateral sanctions do not work. Each year the President would submit a report to Congress detailing proliferation by companies and governments. His standard for identifying proliferation is "credible information." By no means can this be defined as proof of proliferation. The President then would either impose the mandatory sanctions on the persons, companies, or government entities or indicate why he has not done so. The report also includes sales to Chinese companies which "contributed to the design, development, production" of nuclear, chemical or biological weapons. That could draw in a lot of companies—contributed is a very broad term. A "contribution" could be unknowing and it may not even be material to developing a weapon or missile. Also in the report, the President would list noncompliance with international agreements, with export control laws by covered countries, which, if not sanctioned through a national security waiver, could result in a congressional sanction of the entire country—whether or not that country was attempting to help improve its nonproliferation record, laws and enforcement of its laws. It would also include a report on the Commerce Department's role in exporting licensing and post-shipment verifications—inferring Congress could also quickly reverse some of these decisions. To make matters worse, the report would include technology transfers the CIA determines would have "a significant potential to make a contribution to the development" of nuclear, biological or chemical weapons.

Now the CIA is making policy under a fairly low evidentiary standard that could result in congressional action overturning any Presidential decision not to sanction, other than a national security waiver.

This report, what is included in it, what is sanctioned under what evidentiary standard and what is not, opens up a can of worms we should not be considering here today in a floor amendment. To say trade sanctions are not included is simply inaccurate.

Second—if the President chooses not to sanction, determining the low evidentiary standard of "credible information" cannot prove a national security risk in certain instances, there is an automatic congressional review, if 20 Senators agree, which would provide expedited congressional procedures that would allow Congress to quickly overturn any alleged proliferation in the report that is not sanctioned, thus putting Congress in the business of routinely sanctioning persons, companies or the government of China, Russia, or North Korea. This raises serious constitutional concerns and would allow Congress to politicize these decisions. This revised Thompson-Torricelli amendment exempts congressional review of alleged proliferation exempted from sanctions under the President's national security waiver authority which is an improvement.

Congress cannot take the time to fully analyze these matters, no matter how much we would like that to happen. And since most of our personal staff doesn't have access to the highest clearance, we would rely on the advice of a very few staffers to make these very sensitive foreign policy decisions normally made by the President.

At a recent Foreign Relation Committee hearing, even Elliott Abrams, an opponent of PNTR, indicated it was bad policy to have this kind of legislative review. He also opposed the insufficient waiver authority and thought the legislation should be broadened to more countries.

Next—this amendment started out focusing just on China—even though there are other proliferators. Senator THOMPSON, after reviewing this criticism, broadened it to include North Korea and Russia, but still titles the bill the "China Nonproliferation Act". He claims after the third draft that his bill covers all countries, but it only covers "key" countries as determined by the CIA—once again we are letting the CIA dictate policy. I recall some of the past mistakes when CIA had too great a role in policy decisions.

This legislation should include all countries, not just a couple, and not just "key" countries. No country should be exempt if there are proliferation concerns.

It is only after I concluded this legislation would not accomplish its purpose of curbing proliferation that I object to the way unilateral sanctions would harm American workers and farmers. The actual sanctions under this legislation harm our workers despite what the authors claim. China would buy from other countries, not us, and the U.S.-China WTO agreement would be ignored. There are plenty of other countries willing to step in and take our share of this market from us. The claims that agriculture is exempted from the sanctions is meaningless, as agriculture exports from the U.S. would be the first point of retaliation by China if we impose sanctions.

The author claims there are no mandatory trade sanctions. However, I believe my constituents who produce dual-use items and sell under Ex-Im Bank programs would strongly differ with that statement.

While the latest draft claims that sanctions against countries are discretionary, the ability of the Congress to impose sanctions on countries listed in the reporting requirements as violators definitely could result in countries being sanctioned, if not by the President, by the Congress under the congressional review. Further, the definition of "persons" subject to mandatory sanctions still includes government entities, so it seems clear to me that countries still are covered.

Mandatory sanctions would prohibit the sales of dual-use exports and U.S. assistance, including Ex-Im Bank programs. The discretionary sanctions against countries include scientific and academic exchanges as well as rule of law and human rights programs—programs that help us achieve progress with China in many areas of difference. Access to U.S. financial markets, all of which will seriously harm U.S. exporters, and, again serve no purpose since those sanctions will just force China to trade with other nations, risking the jobs of many American workers.

As noted earlier, the President would also include on his annual list those who "contribute to" proliferation which could easily catch U.S. companies, as well as those in other countries, which export commercial items that are not controlled under multilateral agreements yet many end up being used in the design or production of nuclear weapons without the exporter's knowledge. The standard used under existing nonproliferation laws for sanctions is there would be a "knowing" transfer of technology that makes a "direct and material contribution" to weapons of mass destruction development, production or use. This is a major weakening of our current standard that could sanction many companies in the U.S. by cutting off their exports of dual-use items, some of which may have been diverted to an illegal end user without knowledge of the U.S. seller. Also, U.S. exports of nearly anything could be determined as "contributing to the design, development, production," etc. of nuclear weapons. While the legislation claims to only cut off our exports to companies in China engaging in proliferation, the "contribution to" standard is very broad indeed, and at the very least could sanction companies engaging in joint ventures in China and Russia. And of course the Congress, in its expedited review, could well choose to cut off all exports of certain items without much debate or consideration.

While the authors claim to only sanction under existing multilateral export control arrangements, the "contribute to" standard could reach far beyond these agreements, as discussed previously.

The revised version claims to only enforce China's international nonproliferation commitments, but it lists the Missile Technology Control Regime annex which China has not agreed to implement. There are bilateral discussions addressing this matter which I hope will result in China agreeing to abide by the MTCR annex but the claim made by the authors is not accurate.

Again, the President has sanctions authority under the Arms Export Control Act, Chemical and Biological Weapons Control and Warfare Elimination Act, IEEPA which currently covers our dual use export control laws, Export-Import Bank Act, Arms Control and Disarmament Act, Iran-Iraq Arms Nonproliferation Act, Nuclear Proliferation Prevention Act, 1997 Intelligence Authorization Act, Defense Authorization Act for Fiscal 2000, and the Iran Nonproliferation Act of 2000. China was sanctioned by President Bush in 1991 and by President Clinton in 1993 and 1997. I agree with Senator THOMPSON that these laws should be used to address proliferation by all countries.

This legislation, for the first time, draws the SEC into nonproliferation policy by requiring it to come up with guidelines and regulations regarding notification of investors of any company listed in the report which have securities that are either listed or authorized for listing on one of our exchanges. Notice of listing would have to be included in all filings or statements submitted to the SEC. This would include companies the President has chosen not to sanction because progress is being made, or when he has exercised his national security waiver. This, too, is an extremely controversial new government mandate that brings the SEC into an area it knows nothing about and is an expansion of its authority that would be opposed by many of us.

The revised version would also tie the President's hands on Russian and North Korean foreign policy matters.

This legislation would involve the jurisdictions of four different committees, yet it also has many references to dual-use exports, which is the jurisdiction of the Banking Committee. There is no reference to the Banking Committee in this legislation, yet supporters of the bill claim Banking Committee members are opposing this legislation due to differences with the authors of this bill. By refusing to involve Senators with committee jurisdiction in consideration of this legislation, or by reference in this amendment, I believe it is clear the problem is in the other direction.

There are, I believe, inconsistencies in the way this bill is drafted. There are too many to justify considering this amendment without ample hearings and committee markup. The second, third and fourth drafts of the bill do not solve concerns raised in the original S. 2645. In fact, they have raised even more concerns and new issues.

Because of these concerns, I urge a "no" vote on this amendment.

Again, I want to say I appreciate the Senator's intent, but I just disagree with the direction of this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Let me address a couple of points my colleague has made. In terms of the numerous references to second, third, and fourth drafts, these, of course, were attempts to address some of the concerns that opponents of the amendment were raising; the implication being, if we could and would be willing to address those concerns, that we might enjoy some support for the amendment.

Of course, as we addressed those concerns, the goalposts kept being moved, and we soon realized that even after all these things that were originally addressed when raised, it was impossible to satisfy the critics of the amendment because basically they did not want to do anything to irritate the leadership of the People's Republic of China at this delicate moment when we are about to give them permanent normal trade relations.

As to the hearings, there have been about 60 hours of hearings with regard to proliferation issues. There have been 30 hours in the committee I chair, the Governmental Affairs Committee. I point out the chairman of the Foreign Relations Committee spoke on this legislation today and strongly endorses this legislation.

I thought at least we could agree on the nature of the problem persistently and consistently without apology presented by the leadership in the People's Republic of China, but now it seems that some think the PRC leadership just needs help in order to be better people; that we are impinging upon the PRC's authority; that we might be doing something that might in some way be interpreted as being unfair to the leadership of the PRC; that we are requiring too much in a report; that we might identify some Chinese company that might in some way later on be determined, even though there is credible evidence, to be innocent, even though we broadened it at the request of the detractors of the amendment to include other countries.

There is still concern that the word "China" appears in the title and that the leadership in the Chinese Government presumably are going to be upset because of that and, therefore, we should not do anything about it.

My colleague from Minnesota takes the Chinese position with regard to whether or not they agreed to the annex to the Missile Technology Control Regime. My understanding is that our Government and the best evidence is that they agreed to the MTCR. They are coming back and saying they did not agree to the annex. That is not a position I thought we were taking in this Nation.

There is concern there might be a requirement to report these proliferating companies to the SEC; the SEC does not know anything about giving information to investors, which, of course, is not the case.

I guess we have greater problems than even I thought because I thought that while certainly we can have disagreements on the best way to approach this, now I find that some of us apparently do not even have any problems with the activities from the People's Republic of China over these last few years.

I wonder where my colleagues were when the Rumsfeld Commission came out 2 years ago and talked about this threat. Where was everybody when the Deutch Commission, the bipartisan group of former Members of this body and former Members of the House, scientists, and experts in the area, talked about this threat and talked about the fact that, as late as 1996, China was leading the pack in the entire world in terms of proliferators?

Now they are just identified as one of the top three of nations that are doing things to serve as threats to this country, and the information in the intelligence reports we continue to see is that with regard to part of their activities anyway, it is increasing as we speak; let's not do anything to upset the leadership of the People's Republic of China.

I wish we were dealing with the people of China. We would not have this problem. But the leadership over there, counting on having this trade and keeping dictatorial control, too, is an entity whose attention we need to get. Diplomacy has not worked.

It is true; we have numerous laws on the books. I said earlier that some of my colleagues were arguing that this would be catastrophic, on the one hand, and yet we have similar laws already on the books, we do not need them, on the other. I did not expect to hear that in the same argument, but I think I just heard it. We have numerous laws on the books that are unilateral sanctions with regard to countries that proliferate weapons of mass destruction. That is nothing new. We pass those bills unanimously usually.

What is new about this legislation is the fact that a detailed report is required; the President has to give a reason for not exercising sanctions when a determination is made that companies are proliferating; and Congress has a voice. If 20 Members of Congress decide to file a petition, then we can address it ourselves. The President, of course, still has to sign the bill. The President, of course, can still veto legislation, but it does give Congress some additional voice, a voice that is needed.

If this had worked out all right, if we did not have this continuous pattern of behavior and continuous pattern by this administration in not requiring the Chinese to clean up their act, we would not be here tonight and we would not need this kind of legislation.

I make no apologies for this amendment. It is needed. It is something that is not going to go away. The People's Republic of China has made it clear they do not intend to amend their activities. It is not as if we are making progress. They told us and our delegations we sent over there in June and July of this year, and with the President of the United States and the head of the Chinese Government as late as last Friday, they continue to tell us that as long as we try to get a missile defense system through here and as long as we befriend Taiwan, they are going to continue their activities and we can take it or leave it.

Obviously, many of my colleagues think we ought to take it because of the enormous benefits we are going to get from this trade deal; surely we can move forward and be optimistic and be hopeful in terms of what trade might bring because free trade leads to free markets and free markets can lead to more open societies in the long run.

In the meantime, in addition to that, can we afford to blind ourselves to the only activity engaged in by this country or any other country—I am talking about the Chinese Government—that poses a direct and mortal threat, as we are continually told by our own commissions and intelligence community to this country? I think not, and I look forward to a resuming of the debate tomorrow.

I yield the floor.

MORNING BUSINESS

Mr. THOMPSON. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEDICAL NUTRITION THERAPY

Mr. CRAIG. Mr. President, I rise this afternoon to call attention to some unfinished business from the Balanced Budget Act of 1997. In this landmark legislation, Congress directed the Secretary of Health and Human Services to work with the National Academy of Sciences Institute of Medicine to study medical nutrition therapy as a potential benefit to the Medicare program.

In December of last year, the Institute of Medicine released their study. They found that nutrition therapy has been shown to be effective in the management and the treatment of many chronic conditions which affect Medicare beneficiaries, including high cholesterol, high blood pressure, heart failure, diabetes, and kidney disease. They also found that Medicare beneficiaries undergoing cancer treatment may benefit from nutrition therapy aimed at controlling side effects or improving food intake. They recommended that medical nutrition therapy—with physician referral—be covered as a benefit under the Medicare program.

I have been working with my friend and colleague from New Mexico, Senator BINGAMAN, for the last several years on medical nutrition therapy legislation. The bill we introduced establishes a new Medicare outpatient benefit that would allow our senior citizens to work with a registered dietitian or nutrition professional to learn how to manage chronic diseases such as diabetes, cardiovascular disease, and kidney disease.

This legislation, S. 660, has been cosponsored by 35 of our colleagues. Its House companion, sponsored by Representative NANCY JOHNSON, has been supported by two-thirds of the House Members.

As Congress considers additional refinements to the Balanced Budget Act, we must be certain that we keep our focus on the beneficiary. In addition to providing health care providers with needed relief, we must seize the opportunity to give our Nation's seniors access to medical nutrition therapy.

I urge my colleagues to join with Senator BINGAMAN and I to take care of this unfinished business before this Congress ends. We must make certain that action on medical nutrition therapy coverage occurs this year.

I hope my colleagues will join with me on this issue.

Mr. President, I yield the floor.

RECESS APPOINTMENTS

Mr. INHOFE. Mr. President, in 1985, when we had a conservative Republican in the White House by the name of Ronald Reagan, we had a Senate that was dominated by the Democrats. At that time, the Senate majority leader was a very distinguished Senator from West Virginia, Senator BOB BYRD.

We found Ronald Reagan was violating the Constitution with recess appointments. Let me go back and give a little background of this. In the history of this country, back when we were in session for a few weeks and then they got on their horse and buggy and went for several days back to wherever they came from, if some opening occurred during the course of a recess, such as the Secretary of State dying, the Constitution provides that a President can go ahead and make a recess appointment and not rely on the prerogative of the Senate to confirm, for confirmation purposes. This is understandable at that time.

Since then, Republicans and Democrats in the White House have, when they were philosophically opposed to the philosophy of the prevailing philosophy in the Senate, made recess appointments.

Ronald Reagan was doing this. I loved him, but he was violating the Constitution.

Senator BYRD read and studied the Constitution. He sent a letter to the White House that said: If you continue to do this, then I can assure you we will put holds on all of your nominations. It wasn't just judicial nominations but all of them. I read from Senator BYRD:

> In the future, prior to any recess breaks, the White House will inform the majority leader and (the minority leader) of any recess appointments which might be contemplated in the recess. They would do so in such advance time to sufficiently allow the leadership on both sides to perhaps take action to fill whatever vacancies might take place during such a break.

Those were for anticipated vacancies.

President Reagan agreed with this and sent a letter back to Senator BYRD saying he would do it.

In June of 1999, the President made a recess appointment of someone who had not even gone through the committee process, had not given all their information to the appropriate committee in order to become an ambassador. He went in and appointed him anyway. I felt that was a violation every bit as egregious as anything Ronald Reagan had done.

I took the same letter that Senator BYRD had sent to Ronald Reagan, and I sent it to President Clinton.

I got no response until finally he realized I was putting holds on all these nominations. On June 15, 1999, President Clinton wrote a letter saying:

> I share your opinion that the understanding reached in 1985 between President Reagan and Senator Byrd cited in your letter remains a fair and constructive framework which my administration will follow.

I wrote a letter back thanking him and was very complimentary to him for taking this action.

A short while later—we were going into recess—along with 16 other Senators, I sent a letter to the President because we had heard rumors he was going to make several appointments, recess appointments. In fact, that is exactly what happened.

I ask unanimous consent to have printed in the RECORD all this in more detail.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RECESS APPOINTMENTS—CHRONOLOGY

1985 Byrd-Reagan Agreement: "In the future, *prior to any recess breaks*, the White House would inform the majority leader and (the minority leader) of any recess appointment which might be contemplated during such recess. They would do so in advance sufficiently to allow the leadership on both sides to perhaps take action to fill whatever vacancies that might be imperative during such a break." (Emphasis added)—Sen. Robert Byrd (D-W.V.), 10/18/85.

June 4, 1999 Recess Appointment: Without sufficient notice in *advance of the recess*, President Clinton, on the last day of the brief 5-day Memorial Day recess, granted a recess appointment to controversial political and social activist James Hormel to be U.S. Ambassador to Luxembourg.

June 7, 1999 Inhofe Places Holds: Sen. Jim Inhofe (R-Okla.) announced "holds" on all non-military nominees, demanding Clinton's promise to abide by the Byrd-Reagan agreement on all *future* recess appointments.

June 15, 1999 Clinton Letter to Lott: "I share your opinion that the understanding reached in 1985 between President Reagan and Senator Byrd cited in your letter remains a fair and constructive framework, which my administration will follow."

June 16, 1999 Inhofe Lifts Holds: Inhofe lifted his holds on nominees, praising the President for agreeing to abide by the Byrd-Reagan agreement in the future.

Nov. 10, 1999 Senators' Letter to Clinton: "If you do make recess appointments during the upcoming recess which violate the spirit of our agreement, then we will respond by placing holds on all judicial nominees. The result would be a complete breakdown in cooperation between our two branches of government on this issue which could prevent the confirmation of any such nominees next year. We do not want this to happen. We urge you to cooperate in good faith with the Majority Leader concerning all contemplated recess appointments."—Inhofe and 16 senators.

Nov. 17, 1999 Inhofe Floor Speech: "I want to make sure there is no misunderstanding and that we don't go into a recess with the President not understanding that we are very serious . . . It is not just me putting a hold on all judicial nominees for the remaining year of his term, but 16 other senators have agreed to do that . . . I want to make sure it is abundantly clear without any doubt in anyone's mind in the White House—I will refer back to this document I am talking about right now—that in the event the President makes recess appointments, we will put holds on all judicial nominations for the remainder of his term. It is very fair for me to sand here and eliminate any doubt in the President's mind of what we will do."

Nov. 19, 1999 Clinton Notifies Senate of Contemplated Recess Appointments: In compliance with the Byrd-Reagan agreement, Clinton provides a list—prior to the recess—

of 13 possible recess appointments under consideration for the Nov. 20–Jan. 24 intersession recess. Inhofe and others object to five on the list who have holds or prospective holds on their nominations. Eight are considered acceptable.

Nov. 19, 1999 Inhofe Floor Speech 10 Minutes Before Adjournment: "If anyone other than these eight individuals is recess appointed, we will put a hold on every single judicial nonimee of this President for the remainder of his term in office . . . I reemphasize, if there is some other interpretation as to the meaning of the (Nov. 10) letter, it does not make any difference, we are still going to put holds on them. I want to make sure there is a very clear understanding: If these nominees come in, if he does violate the intent (of the agreement) as we interpret it, then we will have holds on these nominees."

Nov. 23, 1999 Inhofe Letter to Clinton: In a spirit of cooperation, Inhofe acknowledges one additional acceptable appointment has been added to the list. "I hope this makes our position clear. Any recess appointment other than the nine listed above would constitute a violation of the spirit of our agreement and trigger multiple holds on judicial nominees."

Dec. 7, 1999 Inhofe Privately Urges White House Not to Violate Agreement: Notified by the Majority Leader's office that the President was contemplating at least two recess appointments (Weisberg and Fox) which were not included on the list submitted in advance of the recess, Inhofe reiterated that making these appointments would trigger a hold on all judicial nominees.

Dec. 9, 1999 Clinton Violates Agreement—Appoints Stuart Weisberg to OSHA Review Commission: Name was not included on list submitted in advance of the recess. Weisberg appointment was strongly opposed by the U.S. Chamber of Commerce and the National Association of Manufacturers. Weisberg is a liberal advocate of expanded regulatory authority who had compiled a controversial record of decisions consistently unfavorable to employers.

Dec. 17, 1999 Clinton Violates Agreement—Appoints Sarah Fox to NLRB: Name was not included on list submitted in advance of the recess. Fox is a stridently pro-labor former Ted Kennedy staffer whose policy decisions were consistently pro-union on such key issues as striker replacements, Davis-Bacon wage laws and the Beck decision of compulsory union dues.

Dec. 20, 1999 Inhofe Responds by Announcing Effort to Block Judges: "I am announcing today that I will do exactly what I said I would do if the President deliberately violated our agreement."

Jan. 25, 2000 Inhofe Places Hold on All Judicial Nominees: "It is in anticipation of just such defiance that I and my colleagues warned the President on at least five separate occasions exactly what our response would be if he violated the agreement. We would put on hold on all judicial nominees. So today it will come as no surprise to the President that we are putting a hold on all judicial nominees. We are simply doing what we said we would do to uphold Constitutional respect for the Senate's proper role in the confirmation process."

Feb. 10, 2000 Inhofe Hold is Overruled by Majority Leader Trent Lott: Inhofe thanked the 19 Republican senators who, in a key procedural vote, supported his effort to demand presidential accountability. Those Senators were: Shelby (Ala.), Murkowski (Alaska), Allard (Colo.), Craig (Idaho), Crapo (Idaho), Grassley (Iowa), McConnell (Ky.), Bunning (Ky), Grams (Minn.), Burns (Mont.), Smith (N.H.), Gregg, (N.H.), Domenici (N.M.), Helms (N.C.), Ihofe (Okla.), Thurmond (S.C.), Gramm (Texas), Thomas (Wy.), and Enzi (Wy.).

August 3-31, 2000 Clinton Grants 17 Recess Appointments in Defiance of the Senate: Rejecting his commitment to cooperate with the Senate, Clinton grants appointments to Bill Lann Lee and other whom the Senate specifically said were unacceptable as recess appointments. Clinton's action was a deliberate affront to the Senate, a violation of the spirit of the Byrd-Reagan agreement and an abuse of power undermining the "advice and consent" clause of the Constitution.

Mr. INHOFE. I would like to say we made it very clear to this President on two of the recesses since that time, that if he did not live up to the standards as were put in the letter by Ronald Reagan and to which he agreed, that we would put holds on all these nominations.

Obviously, I had holds on these nominations. I have to admit it was not the Democrats; Republicans were not a lot of help to me at that time. They voted and overruled the hold that I had.

I would say the Senators who voted with me at that time to uphold the Constitution were Senators SHELBY, MURKOWSKI, ALLARD, CRAIG, CRAPO, GRASSLEY, MCCONNELL, BUNNING, GRAMS of Minnesota, BURNS, SMITH of New Hampshire, GREGG, DOMENICI, HELMS—as I said, INHOFE—THURMOND, GRAMM of Texas, THOMAS, and ENZI.

In spite of the fact that that happened, they went ahead, the President went ahead and has continued to make recess appointments. The last time he did was during our August recess between the 3rd and 31st. He granted 17 recess appointments in just an arrogant defiance of the Senate's prerogative of advice and consent for confirmation purposes.

Even though it is kind of an empty threat now, I will do it —I am announcing tonight I am going to put a hold on all judicial nominations for the rest of his term, not that there are that many, because if we stopped right now, there would still be fewer vacancies than were there at the end of the Bush administration. But when we took office, we swore to uphold the Constitution and the Constitution is very specific. Today I am making this announcement that we are going to hold up all judicial nominations. I am doing exactly what Senator BYRD would do under the same circumstances. I yield the floor.

JUDICIAL NOMINATIONS

Mr. HARKIN. Mr. President, I would like to talk today about the need to move through a number of important judicial nominations. This process has been dragging on for too long.

Pending before the Judiciary Committee are dozens of federal appeals court nominations, including that of my Iowa constituent, Bonnie J. Campbell for the Eighth Circuit U.S. Court of Appeals.

There are 22 vacancies in our federal appeals courts. With the growing number of vacancies in the federal courts, these positions should be filled with qualified individuals as soon as possible. And so I urge the Republican leadership to take the steps necessary to allow the full Senate to vote up or down on these important nominations.

Ms. Campbell, who received a hearing by the Judiciary Committee in June, would serve on the 8th Circuit with honor, fairness, and distinction.

Bonnie Campbell has a long and distinguished history in the field of law. She began her career as a private practice lawyer in Des Moines in 1984. She worked on cases involving medical malpractice, employment discrimination, personal injury, real estate, and family law.

She was elected as Iowa's Attorney General in 1990—the first woman ever to hold that office in Iowa. During her tenure, she received high praise from both ends of the political spectrum for her outstanding work enforcing the law, reducing crime, and protecting consumers.

In 1995, she was appointed as the Director of the Violence Against Women Office in the Department of Justice. In that position, she played a critical role in implementing the Violence Against Women provisions of the 1994 Crime Act.

Again, she won the respect of individuals with a wide range of views on this issue. She has been, and still remains, responsible for the overall coordination and agenda of the Department of Justice's efforts to combat violence against women.

Mr. President, I've known Bonnie Campbell for many years. She is a person of unparalleled integrity, keen intellect, and outstanding judgment. She is fair, level-headed, and even-handed.

These qualities, and her significant experience, make her an ideal candidate for this important position.

Her nomination has been strongly supported by many of her colleagues, including the current Iowa Attorney General and the President of the Iowa State Police Association. Her nomination has also been approved by the American Bar Association. And Bonnie Campbell has the solid support of both myself and my Iowa colleague, Senator GRASSLEY.

Mr. President, I view the Senate's "advise and consent" responsibility on judicial nominations in the Senate to be on par with our annual responsibility to move appropriations bills. And, as such, the Senate's schedule between now and adjournment should be adjusted to assure adequate time for their consideration.

We have the time if we have the will.

Again, Mr. President, we have a backlog of judicial vacancies, and it is only fair to push them through as soon as possible. I urge the leadership and the Committee to move them, including Bonnie Campbell, with all due speed. The American people and the people of Iowa's Eighth Circuit are ill-served by these vacancies.

VICTIMS OF GUN VIOLENCE

Mr. DORGAN. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read the names of some of those who have lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

September 11, 1999:
Terry Baines, 21, Houston, TX;
Rodrigo Barrera, 23, Chicago, IL;
Armida Enriquez-Sotelo, 30, Denver, CO;
Kris Frazier, 26, Oakland, CA;
Jose Frezzia, 44, Miami, FL;
Anthony Harris, 25, Chicago, IL;
Camiela Hinds, 36, Nashville, TN;
Rendell Hamilton, 23, Detroit, MI;
Jose McDuffie, 34, Philadelphia, PA;
Joseph Mendoza, 17, Houston, TX;
Mickey Peace, Dallas, TX;
Maurice Jackson, 24, Oklahoma City, OK;
Jose Monge-Rodriguez, 31, Denver, CO;
James K. Nelson, 56, Seattle, WA;
Hugh Rollins, San Francisco, CA;
James Thorne, 46, Philadelphia, PA;
Unidentified Male, 25, Newark, NJ;
Unidentified Male, Newark, NJ;
Unidentified Male, San Francisco, CA;
Unidentified Male, 45, York, PA.

One of the gun violence victims I mentioned. 56-year-old James Nelson of Seattle, was shot in the chest and killed one year ago today when he went into his kitchen to investigate a noise he heard outside. James was shot through his kitchen window and died on the floor while trying to call for help.

Another victim, 30-year-old Armida Enriquez-Sotelo of Denver, was shot and killed one year ago today by her estranged husband during an argument before he turned the gun on himself.

Following are other victims of gun violence who died one year ago this weekend.

September 9, 2000:
Carlos Amador, 33, Dallas, TX;
Lionel Glover, 23, Chicago, IL;
Annie Goodman, 73, Miami, FL;
Marlys Harper, 28, Elkhart, IN;
Michael Hooten, 34, Atlanta, GA;
Michael L. Murphy, Jr., 19, Chicago, IL;
Courtney Smith, 45, Houston, TX;
Harold Waytus, 79, St. Louis, MO;
Richard Williams, 43, Chicago, IL;
Robert Young, 32, Baltimore, MD;
Unidentified Male, 16, San Jose, CA.
September 10, 2000:
Donald Burford, 51, Dallas, TX;
Daniel Delarge, 21, Philadelphia, PA;
Curly Faulkner, 22, Memphis, TN;
Mardio House, 26, Baltimore, MD;
Evon Morgan, 48, Dallas, TX;
Brian Robinson, 32, New Orleans, LA;
Anthony Sanders, 24, Chicago, IL;
Gholam Sohelinia, 48, Nashville, TN;
Frank Walsh, 41, Philadelphia, PA;
Cory L. Ward, 23, Gary, IN;
Tavaris Williams, 22, Baltimore, MD;
Unidentified Male, 42, Nashville, TN.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, September 8, 2000, the Federal debt stood at $5.680.083.623.060.12, Five trillion, six hundred eighty billion, eighty-three million, six hundred twenty-three thousand, sixty dollars and twelve cents.

One year ago, September 8, 1999, the Federal debt stood at $5,656,210,000,000, Five trillion, six hundred fifty-six billion, two hundred ten million.

Five years ago, September 8, 1995, the Federal debt stood at $4,962,704,000,000, Four trillion, nine hundred sixty-two billion, seven hundred four million.

Twenty-five years ago, September 8, 1975, the Federal debt stood at $546,875,000,000, Five hundred forty-six billion, eight hundred seventy-five million, which reflects a debt increase of more than $5 trillion—$5,133,208,623,060.12, Five trillion, one hundred thirty-three billion, two hundred eight million, six hundred twenty-three thousand, sixty dollars and twelve cents, during the past 25 years.

ADDITIONAL STATEMENTS

EMPIRE AIR FORCE STATION REUNION 2000

• Mr. ABRAHAM. Mr. President, from 1950–80, a large part of the Empire, Michigan community revolved around its Air Force Base, and the men and women who not only worked there, but also lived and raised families together in the surrounding community. To commemorate the 50th Anniversary of the opening of the base, as well as the relationships that developed between the families, several former Air Force Airmen have coordinated a reunion for everyone who served during the 30 years the facility was open. The event will occur in Traverse City from September 20–23, and I rise today to recognize the Empire Air Force Station Reunion 2000.

Empire Air Force 752 Aircraft Control and Warning Squadron opened in 1950, having become necessary as an outgrowth of the Cold War. The primary mission of the base was to protect nearby metropolitan areas, including Detroit and Chicago, from enemy bombers, as well as to provide assistance to commercial aviation.

When the station opened, it was a completely manual operation and thus had over 300 personnel assigned. The first personnel assigned to the base were housed in the Village of Empire. Eventually, in 1956, nine family housing units were completed, and soon thereafter servicemen and their families moved into these units.

As the Air Force Base expanded in size, so too did the residential area. Between 1960–62, recreational facilities, including a two-lane bowling center, two recreation courts and a softball field, were completed. These did not serve just to provide the feel of a community, they truly created a community, providing children with places to play together and families with places to congregate with one another.

In 1965, the Federal Aviation Administration assumed the maintenance of much of the radar equipment, and with the steady advancement of technology, the FAA ultimately took control of the Air Force Station in 1980. During the many years that the FAA and the Air Force shared the station, the relations between the two groups were congenial, which was a tribute to both parties.

The reunion includes many outstanding events. There is a banquet Friday evening at the Park Place Hotel in Traverse City, as well as a hospitality suite at the hotel that will be open from noon on Wednesday, September 20th until noon on Saturday, September 23rd. There is also an open house at the Air Force Base on Saturday, hosted by the FAA.

Mr. President, as I extend greetings to all those gathered for the Empire Air Force Reunion, I also congratulate Mr. Don Ostendorf and Mr. Lowell Woodworth, the Reunion Coordinators, on the job they have done putting this reunion together. Their hard work and dedication have surely paid off. On behalf of the entire United States, I hope that everyone enjoys a wonderful four days, and I welcome all those individuals who have left the Wolverine State back home.•

NATIONAL ASSISTED LIVING WEEK

• Mr. WYDEN. Mr. President, I wish today to draw the Senate's attention to National Assisted Living Week. The National Center for Assisted Living is sponsoring National Assisted Living Week this week to highlight the significance and the hope that this type of service can provide seniors.

Assisted living is a long term care alternative for seniors who need more assistance than is available in retirement communities, but do not require the heavy medical and nursing care provided by nursing facilities. Approximately one million of our nation's seniors have chosen the option of assisted living in this country. This demonstrates a tremendous desire by seniors and their families to have the kind of assistance that they need in bathing, taking medications or other activities of daily living in a setting that truly becomes their home.

This year's theme of National Assisted Living Week is "The Art of Life" and it is intended as recognition of the value of creative expression. I think that it is appropriate because it shows that assisted living is a real option for seniors to continue experiencing "the art of life" in living arrangements tailored to meet their needs for socialization, independence and services.

Oregon has led our nation in the concept of assisted living. My state spends more state health dollars to provide assisted living services than any other in our nation. Assisted living has taken different directions in different states, and I believe offering these choices for consumers is important to provide security, dignity and independence for seniors.

Assisted living will become even more important as an option of seniors and their families as our nation experiences the demographic tsunami of aging baby boomers. It is important for us to continue to support options that allow seniors and their families a choice of settings in order to assure that they get the level of care that they need.●

TRIBUTE TO ROBERT F. AND MIRIAM SMITH

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Bob and Miriam Smith upon the recent dedication of the Norman S. and Lida M. Smith Academic Technology Center at Bentley College in Massachusetts.

Bob and Miriam have a long history of philanthropy to the college. They have established numerous scholarship programs, many for deserving students from disadvantaged communities. Bob and Miriam's financial donation will give Bentley College the chance to enhance its business education program. As the retired chief executive officer of American Express Bank, Bob understands the value of a superior business education. Named in memory of Bob's parents, Norman and Lida Smith, the Center will give students the advantage of a business education enhanced by the most advanced technology available today.

Bob's dedication to his alma mater is a testament to his integrity, hard work, and impressive business skills. In addition to the outpouring of generous financial donations, Bob's strategic guidance plan has supported the college through tough economic times and demographic changes, and continues to do so today.

Without the support of generous citizens such as Bob and Miriam, our nation's colleges and universities would not have attained the leadership status in the world of academia that they currently enjoy. Bob and Miriam's donation gives Bentley College the competitive edge. It is an honor to serve them both in the United States Senate.●

ADAM CLYMER

● Mr. MOYNIHAN. Mr. President, a goodly number of Senators know Adam Clymer of The New York Times as a cheerful, even avuncular, reporter affably working the corridors here in the Capitol carefully chronicling our not always cheerful proceedings. He was prominent in the pages of the Times, but was not much in evidence in the electronic media. Alas, all that changed in an instant last week. This paragon of journalistic self-effacement had celebrity thrust upon him by an open microphone. With characteristic detachment, he related this not altogether welcome experience in an article, "My Media Moment," which appeared in this Sunday's Times. May an admirer and friend wish that it last more than the allotted fifteen minutes.

I ask that the article be printed in the CONGRESSIONAL RECORD.

The article follows:

[From the New York Times, Sunday, Sept. 10, 2000]

A BUSH-LEAGUE ASIDE VAULTS AN ONLOOKER INTO THE CAMPAIGN'S GLARE

(By Adam Clymer)

I have been writing newspaper articles for four decades. Broadcasting has never tempted me, except for bit parts on such sober outlets as C-SPAN and WQXR-FM. So what was I doing with an invitation to appear on the "Late Show With David Letterman"? And seriously thinking about doing it, before saying, no thanks?

I am used to being around big news. Checking out the posters in Red Square when Nikita S. Khrushchev was ousted. Sitting with Lyndon B. Johnson (and his dogs) when he congratulated Mike Mansfield on the 1965 Voting Rights Act. Standing on the White House lawn when Richard M. Nixon quit. Elections, trials, Supreme Court confirmations.

But being the story is different from observing it. And last week, I seemed to be the story.

On Monday, Gov. George W. Bush spotted me at a rally in Naperville, Ill. Not realizing the microphones were working, he told his running mate, Dick Cheney, that I was a "major-league [expletive]."

This was hardly the first time I have been attacked, though it was the first time the attack accorded me "major league" status.

It is true that I never made the Nixon enemies list; a deputy press secretary to whom I complained said all that proved was that he had nothing to do with compiling it.

But after Vietnamese and Chinese students beat me up in Moscow to cap a demonstration against the United States bombing of Vietnam, the Soviet government expelled me as a "hooligan." A deputy of Sheriff Jim Clark in Selma, Ala., once slugged me (because of an embarrassing article Jack Nelson of The Los Angeles Times had written; I hardly resemble Mr. Nelson, but maybe all newspaper reporters look alike to racists). The Washington Times has called me unpatriotic, and some people at The Weekly Standard have attacked me in print, too.

But those attacks all came from the ideological fringes, and nobody took them seriously. Maybe Mr. Bush is entitled to more credence. After all, I sometimes vote for his party's candidates, as I sometimes vote for Democrats. He cares about education and wants his party to attract African-Americans and Hispanics. Sure, he is not as centrist as he tries to portray himself, but then what politician is? (The pre-nomination Joseph I. Lieberman, maybe.) In any case, Mr. Bush is no right-wing nut, so shrugging his remark off as the sound of an extremist was hardly the proper response.

Initially, there was only a moment to think of a response when a pack of reporters descended. One smart-aleck answer occurred to me. Since we were not too far from Wrigley Field, I thought of saying something like, "At least I didn't trade Sammy Sosa," a riposte that would have dealt with Mr. Bush's own major-league experience as boss of the Texas Rangers. But I rejected that and said simply, "I was disappointed with the governor's language."

When reporters asked what he had against me, I suggested they ask him. He was not saying anything, except, "I regret that a private comment I made to the vice-presidential candidate made it to the public airwaves."

After that, I tried to fade into the background, which is how newspaper reporters try to work, as much as you can around a presidential campaign that has dozens of photographers and television cameramen following every move. I was in Illinois to cover Mr. Cheney, and when we walked to an El entrance where he would be photographed taking a train, the lenses were on me, not him.

Suddenly my voice mail at the office was full. It was Labor Day, and I seemed to be the news flavor of the day. Radio stations in Phoenix and Scotland, Seattle and Australia, the BBC and a sports network said they needed me to fulfill their commitments to informing their listeners and viewers. Among those calling were "Good Morning America," CBS's "Early Show" and CNN's "Larry King Live."

I had plenty of time to listen to the messages because Mr. Cheney, anxious to avoid the storm Mr. Bush had stirred up, did not want to talk on the record to the reporters traveling with him. So I could not ask the question I had traveled to ask, about why he gave only 1 percent of his income to charity.

Almost all the phone calls were either invitations to speak, which I ducked, or encouraging, even envious, messages from friends. "Can I have your autograph?" asked one New York Times Colleague. "We're so proud of you," said a Democratic friend in Austin, Tex. Republican friends chimed in, too, to insist that their party was no monolith on the subject of Adam Clymer. But e-mail was a different matter. A right-wing Web site posted my e-mail address and urged its army to charge, so about 300 hostile messages flooded in and choked the system.

The next day I went back out with Mr. Cheney, and he discussed and defended his contributions. On a flight to Allentown, PA., he said he should be given credit not just for direct donations but also for corporate matching grants and speaking without charge to nonprofit groups. Television viewers might have expected glares, and at least some reference to the events they were being shown over and over, which includes his loyal agreement with Mr. Bush. Instead I asked questions, some of which he seemed to dislike, and he answered them as he chose. Not buddy-buddy, but strictly professional.

The Cheney entourage caught up with Mr. Bush, so his vice-presidential candidate could introduce him in Allentown, Bethlehem and Scranton. Every time we stopped near a television set, some cable channel was showing the clip of Mr. Bush muttering about me to Mr. Cheney and then pondering its impact on his campaign and the future of Western civilization.

By Wednesday the e-mail flood was drying up, although I was asked to endorse a T-shirt memorializing his comment, and someone else sent a message saying that an Internet site for my fans was being created.

I was back in the office, and colleagues asked if Mr. Bush had apologized to me. I had not heard from him, or from his aides, who were busy telling reporters I had been mean to him when I reported in April that "Texas has had one of the nation's worst public health records for decades," and that Mr. Bush had not made much of an effort to fix things.

I was actually proud of that article—which got immensely renewed readership last week as people tried to figure out what exactly was bugging the governor. But if Mr. Bush did not like it, hey, it's free country. After all, if newspaper reporters wanted to be loved by their customers, we could drive Good Humor trucks.

Newspapers reporters aren't immune from talking into an open mike either. About 18 months ago, I was editing an article describing how hard Mr. Bush was working to study national issues. With feeble gallows humor, I suggested that perhaps he needed the tutorials more than others. But while my comparable slurs of President Clinton, to cite one prominent example, stayed private, a spectacular typesetting blunder got my wisecrack printed. Through an Editors' Note, the Times apologized, sort of.

Now maybe Vice President Al Gore, whose aides seem delighted by this business, could do me a favor and make some comparable stumble. Then I could get back to covering the campaign instead of being part of it.●

A TRIBUTE TO SPECIAL AGENT GEOFF YEOWELL

● Mr. SPECTER. Mr. President, I would like to take a moment to recognize my Legislative Fellow, Geoff Yeowell, who will be leaving my office at the end of the month to assume the duties of supervisory special agent for the Naval Criminal Investigative Service Office in Rota, Spain.

Geoff has been on loan to my office from the Naval Criminal Investigative Service where he has worked since 1987. Over the past 11 months, Geoff has become an indispensable part of my legislative shop. He has worked hard on a broad range of issues—each time jumping in feet first, soaking up knowledge, and moving legislation forward in this often complicated process. From his first assignment, he earned the respect of my staff, as well as mine.

Geoff's primary duty consisted of working as my legislative assistant for Military Construction. He quickly realized the Milcon appropriations priorities for my home state of Pennsylvania and was helpful in making sure these items were given the time and attention they deserve.

Geoff also provided a tremendous service to the people of Pennsylvania in working with those in need of assistance. He demonstrated a remarkable amount of patience and courtesy with each constituent requiring special assistance and worked countless hours to help them in the best way possible.

Finally, Geoff was instrumental in working on the Counterintelligence Reform Act of 2000 (S. 2089) which I introduced on February 24, 2000. His skills and judgement in this arena are exceptional. My staff and I were constantly impressed with the wealth of knowledge he demonstrated.

His dedication to each project was remarkable, and the assistance he provided to my office will not be easily matched. However, I am informed that for Geoff this level of dedication is par for the course. In 1999 he was selected as a Naval Investigative Criminal Service agent of the year and received the Navy Meritorious Civilian Service Award for his work on a major espionage investigation. He also received the 1999 Department of Defense Counterintelligence Award for Investigations.

Mr. President, I urge my colleagues to join me today in commending Special Agent Geoff Yeowell for his service as a Legislative Fellow and for his dedication and leadership to our country.●

MS. BOBBIE DAVIDSON NAMED ACHIEVER OF THE MONTH

● Mr. ABRAHAM. Mr. President, in October of 1993, the State of Michigan Family Independence Agency commemorated the first anniversary of its landmark welfare reform initiative, To Strengthen Michigan Families, by naming its first Achiever of the Month. In each month since, the award has been given to an individual who participates in the initiative and has shown outstanding progress toward self-sufficiency and self-improvement. I rise today to recognize Ms. Bobbie Davidson, the recipient of the award for the month of August, 2000.

Ms. Davidson is the single mother of two children, ages 8 and 11. She is dyslexic, and because of this feared she was unable to work. Having received ADC/FIP and Medicaid since 1993, in 1999 she applied for SSI. Though she was ultimately denied, while her application was pending Ms. Davidson was referred to Michigan Rehabilitation Services. That agency helped her to enroll in West Shore Community College in order to improve her math and reading skills.

With assistance from the Work First and the Project Zero coordinators, Ms. Davidson obtained a job at Burger King in Ludington, Michigan, in March of this year. She continues to be employed there, which has resulted in the closure of her FIP case.

As a result of her determination to improve her life, not only for herself but also for her children, Ms. Davidson has become independent of the welfare system. Eventually, she would like to attend culinary school and become a chef.

Mr. President, I applaud Ms. Bobbie Davidson on being named Achiever of the Month for August of 2000. It is an honor for which she has worked very hard and that she truly deserves. On behalf of the entire United States Senate, I congratulate Ms. Davidson, and wish her continued success in the future.●

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 2439: A bill to authorize the appropriation of funds for the construction of the Southeastern Alaska Intertie system, and for other purposes (Rept. No. 106-405).

By Mr. CAMPBELL, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 2283: A bill to amend the Transportation Equity Act for the 21st Century to make certain amendments with respect to Indian tribes (Rept. No. 106–406).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. SNOWE:

S. 3023. A bill to amend the Civil Rights Act of 1964 to protect breastfeeding by new mothers; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROBB (for himself, Mr. L. CHAFEE, and Mr. MOYNIHAN):

S. 3024. A bill to amend title XVIII of the Social Security Act to provide for coverage of glaucoma detection services under part B of the medicare program; to the Committee on Finance.

By Mr. BAYH:

S. 3025. A bill to combat telemarketing and mass marketing fraud; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WELLSTONE:

S. Res. 351. A resolution to designate the month of September of 2000, as "National Alcohol and Drug Addiction Recovery Month"; to the Committee on the Judiciary.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 352. A resolution relative to the death of Representative Herbert H. Bateman, of Virginia; considered and agreed to.

STATEMENT ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Ms. SNOWE:

S. 3023. A bill to amend the Civil Rights Act of 1964 to protect breastfeeding by new mothers; to the Committee on Health, Education, Labor, and Pensions

PREGNANCY DISCRIMINATION ACT AMENDMENTS OF 2000

Ms. SNOWE. Mr. President, I rise today to introduce the Pregnancy Discrimination Act Amendments of 2000. This bill would clarify that the Pregnancy Discrimination Act protects breastfeeding under civil rights law, requiring that a woman cannot be fired or discriminated against in the workplace for expressing breast milk during her own lunch time or break time.

When Congress passed the Pregnancy Discrimination Act in 1978, I wonder if any of my colleagues considered the definition of "pregnancy, childbirth, and related medical conditions" delineated in this law would not include breastfeeding. But unfortunately, courts across the country have not interpreted the Pregnancy Discrimination Act to include breastfeeding.

According to the U.S. Department of Labor, women with infants and toddlers are the fastest growing segment of today's labor force. At least 50 percent of women who are employed when they become pregnant return to the labor force by the time their children are three months old. Although the Pregnancy Discrimination Act was enacted in 1978 and prohibits workplace discrimination on the basis of pregnancy, childbirth, or related medical conditions, courts have not interpreted the Act to include breastfeeding.

Some employers deny women the opportunity to express milk; some women have been discharged for requesting to express milk during lunch and other regular breaks; some women have been harassed or discriminated against; some women have had their pay withheld or been taken off of shift work for saying that they wanted to pump milk.

On the other hand, many employers have seen positive results from facilitating lactation programs in the workplace, including low absenteeism, high productivity, improved company loyalty, high employee morale, and lower health care costs. Parental absenteeism due to infant illness is three times greater among the parents of formula-fed children than those that are breastfed. Worksite programs that aim to improve infant health may also bring about a reduction in parental absenteeism and health insurance costs.

There is no doubt as to the health benefit breastfeeding brings to both mothers and children. Breastmilk is easily digested and assimilated, and contains all the vitamins, minerals, and nutrients they require in their first five to six months of life. Furthermore, important antibodies, proteins, immune cells, and growth factors that can only be found in breast milk. Breastmilk is the first line of immunization defense and enhances the effectiveness of vaccines given to infants.

Research studies show that children who are not breastfed have higher rates of mortality, meningitis, some types of cancers, asthma and other respiratory illnesses, bacterial and viral infections, diarrhoeal diseases, ear infections, allergies, and obesity. Other research studies have shown that breastmilk and breastfeeding have protective effects against the development of a number of chronic diseases, including juvenile diabetes, lymphomas, Crohn's disease, celiac disease, some chronic liver diseases, and ulcerative colitis. A number of studies have shown that breastfed children have higher IQs at all ages.

Mr. President, this is a simple bill—it simply inserts the word "breastfeeding" in the Pregnancy Discrimination Act. It will change the law to read that employment discrimination "because of or on the basis of pregnancy, childbirth, breastfeeding, or related medication conditions" is not permitted.

I believe that it is absolutely critical to support mothers across the country—they are, of course, raising the very future of our country. And we should ensure that the Pregnancy Discrimination Act covers this basic fundamental part of mothering.

I urge my colleagues to join me in sponsoring this bill.

Mr. ROBB (for himself, Mr. L. CHAFEE, and Mr. MOYNIHAN):

S. 3024. A bill to amend title XVIII of the Social Security Act to provide for coverage of glaucoma detection services under part B of the Medicare Program; to the Committee on Finance.

THE MEDICARE GLAUCOMA DETECTION ACT OF 2000

Mr. ROBB. Mr. President, I rise today to introduce the Medicare Glaucoma Detection Act of 2000. I'm pleased to be joined in its introduction by my colleagues Senator CHAFEE and Senator MOYNIHAN.

Mr. President, the Medicare Glaucoma Detection Act follows suit in a series of preventive health proposals I've cosponsored to help Medicare beneficiaries take a more active role in their health care. Reforming Medicare by adding preventive benefits recognizes that it is much more cost effective to prevent illness than to treat it. Over the past several years, Congress has expanded Medicare's preventive benefits, adding screening and detection services like mammography, bone mass measurements and screening for prostate and colorectal cancer to help Medicare beneficiaries. It is now time to add another important prevention benefit to Medicare: screening for glaucoma.

The Medicare Glaucoma Detection Act of 2000 will give seniors access to the best defense against glaucoma—complete eye examinations on a regular basis. Glaucoma is a significant cause of legal blindness in this country and is the single most common cause of irreversible blindness among African-Americans. In fact, the prevalence of glaucoma is an astounding four to six times higher in African-Americans that the rest of the population.

Glaucoma is often called "the silent thief of sight" because the afflicted person has no warning sign, no hint that anything is wrong. Over the years, the increased buildup of pressure causes damage to the optic nerve in the back of the eyes. Because the disease does not show any symptoms until considerable damage has been done, coverage of regularly scheduled exams is a critical step in controlling the disease. If detected in the early stages, glaucoma can be effectively treated to prevent loss of vision.

The bill I am introducing today will establish a Medicare glaucoma detection benefit that follows the guidelines set forth by the American Academy of Ophthalmology, which recommend that individuals 60 years of age or older with a family history of glaucoma receive a glaucoma screening once every two years. Too many of America's seniors are in danger of losing their vision—an estimated 120,000 persons are legally blind due to glaucoma. This bill is the first step toward reversing that trend.

Mr. President, it's important to note that blindness is not simply a medical problem—the costs of glaucoma are both the personal loss of sight and the economic costs to the individual and society associated with blindness. Annual costs to the government associated with blindness are estimated at more than four billion dollars. Moreover, eyesight is a gift that allows seniors to maintain their independence. By helping preserve the ability of seniors to cook, to shop, to drive, to care for themselves and to recognize family and friends, the Medicare Glaucoma Detection Act of 2000 will allow seniors to stay independent longer.

We do not yet have a cure for glaucoma, but blindness from glaucoma can be prevented through early detection and treatment. I urge each of my colleagues to support this bill's passage.

ADDITIONAL COSPONSORS

S. 482

At the request of Mr. ABRAHAM, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 482, a bill to amend the Internal Revenue Code of 1986 to repeal the increase in the tax on the social security benefits.

S. 721

At the request of Mr. GRASSLEY, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 721, a bill to allow media coverage of court proceedings.

S. 779

At the request of Mr. ABRAHAM, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 779, a bill to provide that no Federal income tax shall be imposed on amounts received by Holocaust victims or their heirs.

S. 1020

At the request of Mr. GRASSLEY, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 1020, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1805

At the request of Mr. KENNEDY, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1805, a bill to restore food stamp benefits for aliens, to provide States with flexibility in administering the food stamp vehicle allowance, to index the excess shelter expense deduction to inflation, to authorize additional appropriations to purchase and make available additional commodities under the emergency food assistance program, and for other purposes.

S. 1810

At the request of Mrs. MURRAY, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1810, a bill to amend title 38, United States Code, to clarify and improve veterans' claims and appellate procedures.

S. 1900

At the request of Mr. LAUTENBERG, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1900, a bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued by Amtrak, and for other purposes.

S. 2299

At the request of Mr. L. CHAFEE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2299, a bill to amend title XIX of the Social Security Act to continue State Medicaid disproportionate share hospital (DSH) allotments for fiscal year 2001 at the levels for fiscal year 2000.

S. 2334

At the request of Mr. L. CHAFEE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2334, a bill to amend the Internal Revenue Code of 1986 to extend expensing of environmental remediation costs for an additional 6 years and to include sites in metropolitan statistical areas.

S. 2335

At the request of Mr. L. CHAFEE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2335, a bill to authorize the Secretary of the Army to carry out a program to provide assistance in the remediation and restoration of brownfields, and for other purposes.

S. 2365

At the request of Ms. COLLINS, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 2365, a bill to amend title XVIII of the Social Security Act to eliminate the 15 percent reduction in payment rates under the prospective payment system for home health services.

S. 2434

At the request of Mr. L. CHAFEE, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Minnesota (Mr. GRAMS), the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 2434, a bill to provide that amounts allotted to a State under section 2401 of the Social Security Act for each of fiscal years 1998 and 1999 shall remain available through fiscal year 2002.

S. 2600

At the request of Ms. SNOWE, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 2600, a bill to amend title XVIII of the Social Security Act to make enhancements to the critical access hospital program under the medicare program.

S. 2644

At the request of Mr. GORTON, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 2644, a bill to amend title XVIII of the Social Security Act to expand medicare coverage of certain self-injected biologicals.

S. 2703

At the request of Mr. AKAKA, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2703, a bill to amend the provisions of title 39, United States Code, relating to the manner in which pay policies and schedules and fringe benefit programs for postmasters are established.

S. 2733

At the request of Mr. KERRY, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2733, a bill to provide for the preservation of assisted housing for low income elderly persons, disabled persons, and other families.

S. 2735

At the request of Mr. CONRAD, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 2735, a bill to promote access to health care services in rural areas.

S. 2787

At the request of Mr. BIDEN, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S. 2787, a bill to reauthorize the Federal programs to prevent violence against women, and for other purposes.

S. 2806

At the request of Mr. SARBANES, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2806, a bill to amend the National Housing Act to clarify the authority of the Secretary of Housing and Urban Development to terminate mortgagee origination approval for poorly performing mortgagees.

S. 2879

At the request of Ms. COLLINS, the name of the Senator from Rhode Island (Mr. L. CHAFEE) was added as a cosponsor of S. 2879, a bill to amend the Public Health Service Act to establish programs and activities to address diabetes in children and youth, and for other purposes.

S. 2887

At the request of Mr. GRASSLEY, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2887, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 2967

At the request of Mr. MURKOWSKI, the names of the Senator from Louisiana (Mr. BREAUX) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 2967, a bill to amend the Internal Revenue Code of 1986 to facilitate competition in the electric power industry.

S. 3009

At the request of Mr. HUTCHINSON, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 3009, a bill to provide funds to the National Center for Rural Law Enforcement.

S. 3017

At the request of Mr. ROTH, the name of the Senator from New Mexico (Mr.

DOMENICI) was added as a cosponsor of S. 3017, a bill to amend the Social Security Act to establish an outpatient prescription drug assistance program for low-income medicare beneficiaries and medicare beneficiaries with high drug costs.

S.J. RES. 30

At the request of Mr. LOTT, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S.J. Res. 30, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for women and men.

S. RES. 343

At the request of Mr. FITZGERALD, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. Res. 343, a resolution expressing the sense of the Senate that the International Red Cross and Red Crescent Movement should recognize and admit to full membership Israel's Magen David Adom Society with its emblem, the Red Shield of David.

SENATE RESOLUTION 351—TO DESIGNATE THE MONTH OF SEPTEMBER OF 2000, AS "NATIONAL ALCOHOL AND DRUG ADDICTION RECOVERY MONTH"

Mr. WELLSTONE submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 351

Whereas alcohol and drug addiction is a devastating disease that can destroy lives, families, and communities;

Whereas the direct and indirect costs of alcohol and drug addiction cost the United States more than $246,000,000,000 each year;

Whereas scientific evidence demonstrates the crucial role that treatment plays in restoring those suffering from alcohol and drug addiction to more productive lives;

Whereas in 1999, research at the National Institute on Drug Abuse at the National Institutes of Health showed that although there were improvements in some areas, the use of certain illicit drugs among our 13–18 year old children has increased significantly, particularly in the use of alcohol, Ecstasy, anabolic-androgenic steroids, and heroin;

Whereas the Director of the Office of National Drug Control Policy has recognized that the number 1 priority for the Nation's National Drug Control Strategy is to educate and enable America's youth to reject illegal drugs as well as alcohol and tobacco;

Whereas the severe lack of availability and coverage for addiction treatment is evidenced by the Hay Group Report showing that the value of substance abuse treatment benefits decreased by 74.5 percent from 1988 through 1998;

Whereas the Office of National Drug Control Policy recognizes that 80 percent of adolescents needing treatment are not able to access services either through lack of insurance coverage, or the unavailability of addiction treatment programs or trained providers in their community;

Whereas the lives of children and families are severely affected by alcohol and drug addiction, through the effects of the disease, and through the neglect, broken relationships, and violence that are so often a part of the disease of addiction;

Whereas a number of organizations and individuals dedicated to fighting addiction and promoting treatment and recovery will recognize the month of September of 2000 as National Alcohol and Drug Addiction Recovery Month;

Whereas National Alcohol and Drug Addiction Recovery Month celebrates the tremendous strides taken by individuals who have undergone successful treatment and recognizes those in the treatment field who have dedicated their lives to helping our young people recover from addiction;

Whereas the 2000 national campaign focuses on supporting adolescents in addiction treatment and recovery, embraces the theme of "Recovering Our Future: One Youth at a Time", and seeks to increase awareness about alcohol and drug addiction and to promote treatment and recovery for adolescents and adults; and

Whereas the countless numbers of those who have successfully recovered from addiction are living proof that people of all races, genders, and ages recover every day from the disease of alcohol and drug addiction, and now make positive contributions to their families, workplaces, communities, State, and Nation: Now, therefore, be it

Resolved, That the Senate does hereby designates the month of September of 2000 as "National Alcohol and Drug Addiction Recover Month".

Mr. WELLSTONE. Mr. President, I rise today to introduce a resolution that I will soon send to the desk to proclaim September, 2000, as "National Alcohol and Drug Addiction Recovery Month," and to recognize the Administration, government agencies, and the many groups supporting this effort highlighting the critical need to support our children and adolescents in addiction treatment and recovery. The Year 2000 Recovery Month theme is "Recovering Our Future: One Youth at a Time," with a clear message that we need to increase awareness about alcohol and drug addiction and to promote treatment and recovery for our youth.

Addiction to alcohol and drugs is a disease that many individuals face as a painful, private struggle, often without access to treatment or medical care. But this disease also has staggering public costs. A 1998 report prepared by The Lewin Group for the National Institute on Drug Abuse and the National Institute on Alcohol Abuse and Alcoholism, estimated the total economic cost of alcohol and drug abuse to be approximately $264 billion for 1992. Of this cost, an estimated $98 billion was due to addiction to illicit drugs and other drugs taken for non-medical purposes. This estimate includes addiction treatment and prevention costs, as well as costs associated with related illnesses, reduced job productivity or lost earnings, and other costs to society such as crime and social welfare programs.

Adults and children who have the disease of addiction can be found throughout our society. We know from the outstanding research done at the National Institute on Drug Abuse at the National Institutes of Health that although there were improvements in 1999 in some areas of drug use, the use of illicit drugs among our 13–18 year old children has increased significantly, particularly in the use of alcohol, Ecstasy, anabolic-androgenic steroids, and heroin. More than half of our nation's 12th graders reported that they have tried an illicit drug, and more than one-quarter have tried a drug other than marijuana. And, although the consumption of alcohol is illegal for those under 21 years of age, more than 10 million current drinkers are age 12 to 20.

The Director of the Office of National Drug Control Policy (ONDCP) has recognized that the number one priority for the nation's National Drug Control Strategy is to educate and enable America's youth to reject illegal drugs as well as alcohol and tobacco. And yet, 80% of adolescents needing treatment are unable to access services because of the severe lack of coverage for addiction treatment or the unavailability of treatment programs or trained health care providers in their community. The 1998 Hay Group Report revealed that the overall value of substance abuse treatment benefits has decreased by 74.5% from 1988 through 1998, leaving our youth without sufficient medical care for this disease when they are most vulnerable.

We know that addiction to alcohol and other drugs contribute to other problems as well. Addictive substances have the potential for destroying the person who is addicted, as well as his or her family. We know, for example, that fetal alcohol syndrome is the leading known cause of mental retardation. If a woman who was addicted to alcohol could receive proper treatment, fetal alcohol syndrome for her baby would be 100 percent preventable, and more than 12,000 infants born in the U.S. each year would not suffer from fetal alcohol syndrome, with its irreversible physical and mental damage.

We know too of the devastation caused by addiction when violence between people is one of the consequences. A 1998 SAMHSA report outlined the links between domestic violence and substance abuse. We know from clinical reports that 25–50% of men who commit acts of domestic violence also have substance abuse problems. The report recognized the link between the victim of abuse and use of alcohol and drugs, and recommended that after the woman's safety has been addressed, the next step would be to help with providing treatment for her addiction as a step toward independence and health, and toward the prevention of the consequences for the children who suffer the same abuse either directly, or indirectly by witnessing spousal violence.

The physical, emotional, and social harm caused by this disease is both preventable and treatable. We know from the outstanding research conducted at NIH, through the National

Institute on Drug Abuse and the National Institute on Alcoholism, that treatment for drug and alcohol addiction can be effective. The effectiveness of treatment is the major finding from a NIDA-sponsored nationwide study of drug abuse treatment outcomes. The Drug Abuse Treatment Outcome Study (DATOS) tracked 10,000 people in nearly 100 treatment programs in 11 cities who entered treatment for addiction between 1991 and 1993. Results showed that for all four treatment types studied, there were significant reductions in drug use after treatment. Moreover, treatment resulted in other positive changes in behavior, such as fewer psychological symptoms and increased work productivity.

Addiction to alcohol and drugs is a disease that affects the brain, the body, and the spirit. We must provide adequate opportunities for the treatment of addiction in order to help those who are suffering and to prevent the health and social problems that it causes, and we know that the costs to do so are very low. A 1999 study by the Rand Corporation found that the cost to managed care health plans is now only about $5 per person per year for unlimited substance abuse treatment benefits to employees of big companies. A 1997 Milliman and Robertson study found that complete substance abuse treatment parity would increase per capita health insurance premiums by only one half of one percent, or less than $1 per member per month—without even considering any of the obvious savings that will result from treatment. Several studies have shown that for every $1 spent on treatment, more than $7 is saved in other health care expenses. These savings are in addition to the financial and other benefits of increased productivity, as well as participation in family and community life. Providing treatment for addiction also saves millions of dollars in the criminal justice system. But for treatment to be effective and helpful throughout our society all systems of care—including private insurance plans—must share this responsibility.

The National Alcohol and Drug Addiction Recovery Month in the year 2000 celebrates the tremendous strides taken by individuals who have undergone successful treatment and recognizes those in the treatment field who have dedicated their lives to helping our young people recover from addiction. Many individuals, families, organizations, and communities give generously of their time and expertise to help those suffering from addiction and to help them to achieve recovery and productive, healthy lives. The Recovery Month events being planned throughout our nation, including one in St. Paul, Minnesota, on September 18, will recognize the countless numbers of those who have successfully recovered from addiction and who are living proof that people of all races, genders, and ages recover every day from the disease of alcohol and drug addiction, and now make positive contributions to their families, workplaces, communities, state, and nation.

I urge the Senate to adopt this resolution designating the month of September, 2000, as Recover Month, and to take part in the many local and national activities and events recognizing this effort.

SENATE RESOLUTIONS 352—RELATIVE TO THE DEATH OF REPRESENTATIVE HERBERT H. BATEMAN, OF VIRGINIA

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 352

Resolved, That the Seante has heard with profound sorrow and deep regret the announcement of the death of the Honorable Herbert H. Bateman, late a Representative from the Commonwealth of Virginia.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the deceased Representative.

AMENDMENTS SUBMITTED

U.S.-CHINA RELATIONS ACT OF 2000

BYRD AMENDMENT NO. 4131

Mr. BYRD proposed an amendment to the bill (H.R. 4444) to authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China, and to establish a framework for relations between the United States and the People's Republic of China; as follows:

Beginning on page 16, strike line 11 and all that follows through line 2 on page 17 and insert the following:

"(k) STANDARD FOR PRESIDENTIAL ACTION.—

"(1) FINDINGS.—Congress finds that—

"(A) market disruption causes serious harm to the United States industrial and agricultural sectors which has grave economic consequences;

"(B) product-specific safeguard provisions are a critical component of the United States-China Bilateral Agreement to remedy market disruptions; and

"(C) where market disruption occurs it is essential for the Commission and the President to comply with the timeframe stipulated under this Act.

"(2) TIMEFRAME FOR ACTION.—Not later than 15 days after receipt of a recommendation from the Trade Representative under subsection (h) regarding the appropriate action to take to prevent or remedy a market disruption, the President shall provide import relief for the affected industry pursuant to subsection (a), unless the President determines and certifies to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate that provision of such relief is not in the national economic interest of the United States or, in extraordinary cases, that taking action pursuant to subsection (a) would cause serious harm to the national security of the United States.

"(3) BASIS FOR PRESIDENTIAL CERTIFICATION.—The President may determine and certify under paragraph (2) that providing import relief is not in the national economic interest of the United States only if the President finds that taking such action would have an adverse impact on the United States economy clearly greater than the benefits of such action.

"(4) AUTOMATIC RELIEF.—

"(A) IN GENERAL.—If, within 70 days after receipt of the Commission's report described in subsection (g), the President and the United States Trade Representative have not taken action with respect to denying or granting the relief recommended by the Commission, the relief shall automatically take effect.

"(B) PERIOD RELIEF IN EFFECT.—The relief provided for under subparagraph (A) shall remain in effect without regard to any other provision of this section.

THOMPSON AMENDMENT NO. 4132

Mr. THOMPSON proposed an amendment to the bill; H.R. 4444, supra; as follows:

At the end of the bill, insert the following new title:

TITLE—CHINA NONPROLIFERATION

SEC. 01. SHORT TITLE.

This title may be cited as the "China Nonproliferation Act".

SEC. 02. DEFINITIONS.

In this title:

(1) COVERED COUNTRY.—The term "covered country" means the following:

(A) RELATIONSHIP TO MOST CURRENT REPORT.—Any country identified by the Director of Central Intelligence as a source or supply of dual-use and other technology in the most current report required pursuant to section 721 of the Intelligence Authorization Act for Fiscal Year 1997 (or any successor report on the acquisition by foreign countries of dual use and other technology useful for the development or production of weapons of mass destruction).

(B) COUNTRIES PREVIOUSLY INCLUDED.—Any country that was previously included in a report described in subparagraph (A), but that subsequently is not included in such report. A country described in the preceding sentence shall continue to be considered a covered country for purposes of this title unless and until such country has not been identified by the Director of Central Intelligence in the report described in subparagraph (A) for 5 consecutive years.

(C) INITIAL COUNTRIES.—On the date of enactment of this Act, China, Russia, and North Korea shall be considered covered countries for purposes of this Act and shall continue to be considered covered countries pursuant to subparagraph (B).

(2) CRUISE MISSILE.—The term "cruise missile" means any cruise missile with 300 or more kilometers of range capability or 500 or more kilograms of payload capability.

(3) GOODS, SERVICES, OR TECHNOLOGY.—The term "goods, services, or technology" means any goods, services, or technology—

(A) listed on—

(i) the Nuclear Suppliers Group Guidelines for the Export of Nuclear Material, Equipment and Technology (published by the International Atomic Energy Agency as Information Circular INFCIRC/254/Rev. 3/Part 1, and subsequent revisions) and Guidelines for Transfers of Nuclear-Related Dual-Use Equipment, Material, and Related Technology (published by the International Atomic Energy Agency as Information Circular INFCIRC/254/Rev. 3/Part 2, and subsequent revisions);

(ii) the Missile Technology Control Regime Equipment and Technology Annex of June 11, 1996, and subsequent revisions;

(iii) the Schedules of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, including chemicals, precursors, and other substances;

(iv) the lists of items and substances relating to biological and chemical weapons the export of which is controlled by the Australia Group; or

(v) the Wassenaar Arrangement list of Dual Use Goods and Technologies and Munitions list of July 12, 1996, and subsequent revisions; or

(B) prohibited or controlled for export to any covered country under this title; and

includes any information and know-how (whether in tangible or intangible form) that can be used to design, produce, manufacture, utilize, improve, or reconstruct the goods, services, or technology identified in this section.

(4) PERSON.—The term "person" includes—

(A) any individual, or partnership, corporation, business association, society, trust, organization, or any other group created or organized under the laws of a country; and

(B) any governmental entity.

(5) PROLIFERATION ACTIVITY.—The term "proliferation activity" means the activity described in section 03(a)(1).

(6) UNITED STATES ASSISTANCE.—The term "United States assistance" means—

(A) any assistance under the Foreign Assistance Act of 1961, other than urgent humanitarian assistance or medicine;

(B) sales and assistance under the Arms Export Control Act; and

(C) financing under the Export-Import Bank Act.

SEC. 03. REPORTS ON PROLIFERATION TO ENHANCE CONGRESSIONAL OVERSIGHT.

(a) REPORTS.—

(1) IN GENERAL.—The President shall, at the times specified in subsection (b), submit to the Committee on International Relations of the House of Representatives, the Committee on Foreign Relations of the Senate, the Committee on Armed Services of the Senate, the Select Committee on Intelligence of the Senate, and the Committee on Governmental Affairs of the Senate, a report identifying every person of a covered country for whom there is credible information indicating that such person, on or after January 1, 2000—

(A) contributed to the design, development, production, or acquisition of nuclear, chemical, or biological weapons or ballistic or cruise missiles by a foreign person who is not a national of the covered country, or otherwise engaged in any activity prohibited under—

(i) Article I, paragraph 1, of the Chemical Weapons Convention;

(ii) Articles I and III of the Biological Weapons Convention; or

(iii) Articles I and III of the Treaty on the Nonproliferation of Nuclear Weapons; or

(B) contributed to the design, development, production, or acquisition of nuclear, chemical, or biological weapons or ballistic or cruise missiles through the diversion of United States goods, services, or technology.

(2) ACTION BY PERSONS IDENTIFIED.—The President shall include in the report the activities by reported persons that warranted inclusion in the report, and information on any action taken by a person identified in a prior annual report under this subsection that establishes that the person has discontinued, rectified, or mitigated a prior proliferation activity identified under this title.

(3) ACTION BY PRESIDENT.—The President shall include in the report information on actions taken by the President under sections 04 and 05, and the reasons therefore, in response to proliferation activities conducted by persons identified in this section. The President shall include in the report information on any determinations made under section 07. If the President fails to exercise the authority under sections 04 and 05, or if the President makes a determination under section 07, with respect to a person identified in a report submitted pursuant to this section, the President shall include that information and the reasons therefore in the report required under this section.

(4) OTHER INFORMATION.—In addition to the information required by paragraphs (1) through (3), the President shall include in the report information on—

(A) noncompliance with any international arms control, disarmament or nonproliferation treaties, agreements, arrangements, or commitments (verbal, written, or otherwise) by covered countries;

(B) noncompliance with United States export control laws, Executive orders, regulations, or export license conditions by covered countries;

(C) the performance of the Department of Commerce in licensing, regulating, and controlling the export of dual-use technology to covered countries, including the number and type of post-shipment verifications conducted and enforcement actions taken;

(D) the threats to the national security interests of the United States, or the security interests of its allies resulting from—

(i) proliferation activities on the part of covered countries or persons identified in reports submitted under this section;

(ii) the transfer or sale to the government of, or persons within, a covered country of dual-use technologies and goods listed on the Commerce Control List;

(iii) the misuse or diversion by the government of a covered country of dual-use technology; or

(iv) the transfer or sale of goods, services, or technology identified by the Director of Central Intelligence as having a significant potential to make a contribution to the development, improvement, or production of nuclear, biological, or chemical weapons, or of ballistic or cruise missile systems; and

(E) transfers to the government of, or persons within, a covered country under arms control, disarmament, or nonproliferation agreements and any indication that a covered country has engaged in a proliferation activity under the auspices of such agreements.

(b) TIMING OF REPORTS.—The reports required under subsection (a) shall be submitted no later than 90 days after the date of enactment of this Act, and on June 1 of each year thereafter.

(c) EXCEPTION.—Any person that has engaged in proliferation activities on behalf of, or in concert with, the Government of the United States is not required to be identified on account of that violation in any report submitted under this section.

(d) SUBMISSION IN CLASSIFIED FORM.—The reports required by this section shall be submitted in unclassified form, with classified annexes as necessary. The President shall ensure that appropriate procedures are in place for the protection of sensitive intelligence sources and methods in both the reports and the annexes.

SEC. 04. APPLICATION OF MEASURES TO CERTAIN PERSONS.

(a) APPLICATION OF MEASURES.—Subject to section 07, if the President determines that a person identified in a report submitted pursuant to section 03(a) has engaged in an activity described under section 03(a)(1) the President shall apply to such person, for such period of time as the President may determine but not less than 1 year, all of the measures described in subsection (b).

(b) DESCRIPTION OF MEASURES.—The measures referred to in subsection (a) are the following:

(1) EXECUTIVE ORDER NO. 12938 PROHIBITIONS.—Imposition of the measures set forth in subsections (b) and (c) of section 4 of Executive Order No. 12938 (as in effect on July 29, 1998).

(2) ARMS EXPORT PROHIBITION.—Prohibition on United States Government transfers or sales to such person of any item on the United States Munitions List as in effect on August 8, 1995, and termination of all sales and after-sale servicing to such person of any defense articles, defense services, or design and construction services under the Arms Export Control Act.

(3) DUAL-USE EXPORT PROHIBITION.—Denial of licenses, suspension of existing licenses, and termination of all transfers or sales and after-sale servicing to such person of any item the export of which is controlled under the Export Administration Act of 1979 (as extended pursuant to the International Emergency Economic Powers Act) or the Export Administration regulations.

(4) UNITED STATES ASSISTANCE PROHIBITION.—Prohibition on the provision of United States assistance in the form of grants, loans, credits, guarantees, or otherwise, to such person.

(5) SUSPENSION OF AGREEMENTS.—Immediate suspension of any agreements or efforts for the co-development or co-production with such person of any item on the United States Munitions List.

(c) EFFECTIVE DATE OF MEASURES.—Each measure imposed pursuant to subsection (a) shall take effect with respect to such person 30 days after the date that the report identifying the person is submitted to Congress.

(d) PUBLICATION IN FEDERAL REGISTER.—Notice of the imposition of the measures described in subsection (b) to a person identified pursuant to section 03(a) shall be published in the Federal Register, unless the President determines that such publication would threaten the national security or intelligence interests of the United States.

(e) DURATION OF MEASURES.—Each measure imposed under this section shall apply for a period of at least 12 months following the imposition of the measure and shall cease to apply only if the President determines and certifies to Congress that—

(1) the person with respect to whom the determination was made under section 03(a) has ceased the activities for which the measure was imposed;

(2) the person has taken reasonable steps to rectify the violation; and

(3) the President has received reasonable assurances from the person that such person will not engage in similar activities in the future.

SEC. 05. APPLICATION OF ADDITIONAL MEASURES DIRECTED AT GOVERNMENTS OF COVERED COUNTRIES.

(a) In addition to the measures described in section 04 applied against persons identified pursuant to section 03(a), the President is authorized to apply additional measures as follows against any or all of the covered countries:

(1) Suspension of all military-to-military contacts and exchanges between the covered country and the United States.

(2) Suspension of all United States assistance to the covered country by the United States Government.

(3) Prohibition on United States bank loans or bond offerings in United States markets on the part of any national of a covered country.

(4) Prohibition on the transfer or sale or after-sale servicing, including the provision of replacement parts, to the covered country or any national of the covered country of any item on the United States Munitions List and suspension of any agreement with the covered country or any national of the covered country for the co-development or co-production of any item on the United States Munitions List.

(5) Suspension of all scientific, academic, and technical exchanges between the covered country and the United States.

(6) Direction of the Export-Import Bank of the United States not to approve the issuance of any guarantees, insurance, extension of credit, or participation on the extension of credit to the covered country, except for the purchase of agricultural commodities, medicine, medical supplies, or humanitarian assistance.

(7) Denial of access to the capital markets of the United States by all state-owned enterprises of the covered country.

(8) Prohibition on the transfer or sale to the covered country or any national of the covered country of any item on the Commerce Control List that is controlled for national security purposes and prohibition of after-sale servicing, including the provision of replacement parts for such items.

(9) Prohibition on procurement by the United States Government or entering into any contract for the procurement of, any goods or services from the covered country or any national of the covered country.

(10) Designation of the covered country in a country tier under the Export Administration Regulations that is higher than the country tier in effect.

(11) Denial of access to the capital markets of the United States by any company owned or controlled by nationals of the covered country.

(12) Prohibition on the transfer or sale to the covered country or any national of the covered country of any item on the Commerce Control List and prohibition of after-sale servicing, including the provision of replacement parts for such items.

SEC. 06. PROCEDURES FOR CONGRESSIONAL REVIEW.

(a) Written Justification.—Any notification submitted by the President under section 03 indicating that the President is not imposing a measure or exercising authority under section 04 or 05 or that the President is making a determination under section 07(a) (1) or (2) shall include a written justification describing in detail the facts and circumstances relating specifically to the person identified in a report submitted pursuant to section 03(a) that supports the President's decision not to exercise the authority of section 04 or 05 or the President's decision to make a determination under section 07(a) (1) or (2) with respect to that person.

(b) Congressional Action.—If Congress receives a notification described in section 03 and does not agree with the justification described in subsection (a), the appropriate measure shall be imposed with respect to the person identified in the notification if a joint resolution described in this section is enacted into law.

(c) Joint Resolution.—

(1) Definition.—For purposes of this section, a joint resolution means a resolution introduction by one-fifth of the Members of either House of Congress within 90 days after the date the notification described in section 03 is received, the resolving clause of which contains only the following: "That Congress does not agree with the justification with respect to contained in the notification submitted by the President pursuant to the China Nonproliferation Act on and that the President shall exercise the mandatory measures under section 04 of the Act with respect to ."; or "That Congress does not agree with the justification with respect to contained in the notification submitted by the President pursuant to the China Nonproliferation Act on and that the President shall exercise the mandatory measures under section 04 of the Act with respect to and 1 or more measures under section 05 of the Act."; with the first and third blank spaces being filled with the appropriate person identified under section 03(a) and with the second blank being filled with the appropriate date.

(2) Referral to committee.—

(A) Senate.—A joint resolution introduced in the Senate shall be referred to the Committee on Foreign Relations of the Senate.

(B) House of representatives.—A joint resolution introduced in the House of Representatives shall be referred to the Committee on International Relations of the House of Representatives.

(C) Reporting.—A joint resolution may not be reported before the 8th day after the date on which the joint resolution is introduced.

(3) Discharge of committee.—If the committee to which the joint resolution is referred in either House has not reported the joint resolution (or an identical joint resolution) at the end of 15 calendar days during which that House is in session after the date on which the joint resolution is introduced—

(A) the committee shall be deemed to be discharged from further consideration of the joint resolution; and

(B) the joint resolution shall be placed on the appropriate calendar of that House.

(4) Floor consideration.—

(A) In general.—

(i) Motion to proceed to consideration.—When the committee to which a joint resolution is referred in either House has reported, or has been deemed to be discharged (under paragraph (3)) from further consideration of, a joint resolution—

(I) it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any Member of that House to move to proceed to the consideration of the joint resolution; and

(II) all points of order against the joint resolution (and against consideration of the joint resolution) are waived.

(ii) Treatment of motion.—A motion under clause (i)—

(I) is privileged in the Senate and is highly privileged in the House of Representatives;

(II) is not debatable; and

(III) is not subject to amendment, a motion to postpone, or a motion to proceed to the consideration of other business.

(iii) No motion to reconsider.—A motion to reconsider the vote by which a motion under clause (i) is agreed to or disagreed to shall not be in order.

(iv) Agreement to motion.—If a motion under clause (i) is agreed to, the joint resolution shall remain the unfinished business of the House until the House disposes of the joint resolution.

(B) Debate.—

(i) Time.—Debate on a joint resolution, and on all debatable motions and appeals in connection with consideration of a joint resolution, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion further to limit debate is in order and not debatable.

(ii) Amendments and motions out of order.—An amendment to a joint resolution, a motion to postpone, to proceed to the consideration of other business, or to recommit such a joint resolution, or a motion to reconsider the vote by which such a joint resolution is agreed to or disagreed is not in order.

(C) Vote on final passage.—A vote on final passage of the joint resolution shall be taken in each House on or before the close of the 15th calendar day during which that House is in session after the resolution is reported by the committee of that House to which it was referred, or after the committee has been discharged from further consideration of the resolution.

(D) Rulings of the chair on procedure.—Appeals from the decisions of the Chair relating to the application of the rules of either House to the procedure relating to a joint resolution shall be decided without debate.

(5) Coordination with action by other house.—

(A) In general.—If, before the passage by 1 House of a joint resolution of that House, that House receives from the other House a joint resolution, the procedures stated in this paragraph shall apply.

(B) No referral.—The joint resolution of the other House shall not be referred to a committee.

(C) Procedure.—With respect to a joint resolution of the House receiving the joint resolution—

(i) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

(ii) the vote on final passage shall be on the joint resolution of the other House.

(6) Rules of the senate and the house of representatives.—This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively and—

(i) is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution; and

(ii) supersedes other rules only to the extent that the subsection is inconsistent with those rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as the rules relate to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

SEC. 07. DETERMINATION EXEMPTING PERSON OR COVERED COUNTRY FROM SECTIONS 04, 05, AND 08.

(a) IN GENERAL.—Sections 04, 05, and 08, shall not apply to a person or to a covered country 15 days after the President reports to the Committee on International Relations of the House of Representatives, the Committee on Foreign Relations of the Senate, the Committee on Armed Services of the Senate, the Select Committee on Intelligence of the Senate, and the Committee on Governmental Affairs of the Senate, that the President has determined, on the basis of information provided by that person or covered country, or otherwise obtained by the President, that—

(1) the person did not, on or after January 1, 2000, engage in proliferation activities, the apparent engagement in which caused the person to be identified in a report submitted pursuant to section 03(a);

(2) the person is subject to the primary jurisdiction of a government that is an adherent to 1 or more relevant nonproliferation regimes, the person was identified in a report submitted pursuant to section 03(a) with respect to a transfer of goods, services, or technology described in section 03(a)(1), and such transfer was made consistent with the guidelines and parameters of all such relevant regimes of which such government is an adherent; or

(3) it is important to the national security of the United States not to apply the provisions of section 04 or 05.

(b) WAIVER FOR ACTION BY COVERED COUNTRY.—Section 05 shall not apply to a covered country 15 days after the President reports to the Committee on International Relations of the House of Representatives, the Committee on Foreign Relations of the Senate, the Committee on Armed Services of the Senate, the Select Committee on Intelligence of the Senate, and the Committee on Governmental Affairs of the Senate, that the President has determined, on the basis of information provided by the covered country, or otherwise obtained by the President, that—

(1) the covered country did not support or participate in the proliferation activities identified pursuant to section 03(a); and

(2) the covered country is taking reasonable steps to penalize persons identified pursuant to section 03(a) for their proliferation activities and to deter and prevent future proliferation activities.

(c) OPPORTUNITY TO PROVIDE INFORMATION.—Congress urges the President—

(1) in every appropriate case, to contact in a timely fashion each person identified in each report submitted pursuant to section 03(a) or the covered country, in order to afford such person or covered country the opportunity to provide explanatory, exculpatory, or other additional information with respect to the proliferation activities that caused such person to be identified in a report submitted pursuant to section 03(a); and

(2) to exercise the authority in subsection (a) in all cases where information obtained from a person identified in a report submitted pursuant to section 03(a), or from the covered country, establishes that the exercise of such authority is warranted.

(d) EFFECT ON CERTAIN EXPORTS.—Nothing in this title shall prohibit or limit the overseas market development activities by the United States Department of Agriculture or the export of agricultural commodities, medicine, medical supplies, or humanitarian assistance.

SEC. 08. NOTIFICATION TO SECURITIES COMMISSION OF INCLUSION IN REPORT.

(a) DEFINITIONS.—In this section, the following definitions shall apply:

(1) COMMISSION.—The term "Commission" means the Securities and Exchange Commission.

(2) REGISTERED NATIONAL SECURITIES ASSOCIATION.—The term "registered national securities association" means an association registered under section 15A(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-3(b)).

(3) REGISTERED NATIONAL SECURITIES EXCHANGE.—The term "registered national securities exchange" means a national securities exchange registered under section 6 of the Securities Exchange Act of 1934 (15 U.S.C. 78f).

(4) REGISTRATION STATEMENT.—The term "registration statement" has the same meaning as in section 2 of the Securities Act of 1933 (15 U.S.C. 77b).

(5) SECURITIES LAWS.—The term "securities laws" and "security" have the same meanings as in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c).

(b) NOTIFICATION TO THE COMMISSION.—Each report prepared by the President under section 03 shall be transmitted to the Commission at the times specified in section 03(b).

(c) REGULATIONS.—Not later than 6 months after the date of enactment of this Act, the Commission shall promulgate regulations—

(1) to ensure that securities investors are notified of the identity of any person included in a report prepared by the President under section 03, the securities of which are listed, or authorized for listing, on a registered national securities exchange (or tier or segment thereof) or by a registered national securities association; and

(2) to require each person included in a report of the President under section 03 to provide notice of such inclusion in each written report, statement, or other filing or notice required from that person under the securities laws, including—

(A) any registration statement;

(B) any annual or quarterly report, statement, or other filing or notice;

(C) any proxy, consent, authorization, information statement, or other notice required to be sent to shareholders with respect to any security registered pursuant to the securities laws;

(D) any report, statement, or other filing or notice required in connection with an initial public offering; and

(E) any report, statement, or other filing required in connection with a merger, acquisition, tender offer, or similar transaction.

SEC. 09. NATIONAL SECURITY ASSESSMENT.

In order to ensure that the threat posed by proliferation activity to United States national security and to American Armed Forces deployed abroad is given adequate consideration, the Secretary of Defense shall include as part of the Department of Defense's Quadrennial Defense Review—

(1) an assessment of the effect on the national security of the United States and its Armed Forces of transactions by countries determined to be key suppliers of weapons of mass destruction and the means to deliver those weapons;

(2) recommendations for changes in United States defense strategy that could effectively deal with the threats posed by the proliferation of weapons of mass destruction and the means to deliver those weapons; and

(3) an assessment of the cost to the United States of developing systems to address the security challenges posed by the proliferation of weapons of mass destruction and the means to deliver those weapons.

SEC. 10. SENSE OF CONGRESS; POLICY.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the proliferation of weapons of mass destruction, ballistic and cruise missiles, and enabling technologies represents a clear and serious threat to the security of the United States, its friends and allies, and to regional and global stability;

(2) all nations engaged in the design, development, or production of goods, services, or technology that contribute, or could contribute, to such proliferation, should join the United States in eliminating proliferation by strengthening and broadening existing multilateral nonproliferation and export control regimes, and by strengthening their own domestic nonproliferation and export control regimes;

(3) the President should continue to seek agreement with countries that are considered to be significant proliferators, to adhere to the provisions and guidelines of existing multilateral nonproliferation and export control regimes as responsible members of the world community, and to strengthen their own national controls over sensitive items and technologies;

(4) the President should fully and vigorously enforce current United States nonproliferation and export control laws and regulations, including the Arms Export Control Act, the Export Administration Act, and the Iran Nonproliferation Act; and

(5) additional budgetary and other resources should be provided to the United States intelligence agencies charged with detecting, assessing, and reporting incidents of proliferation activity and technology diversion, so that the agencies can focus greater attention and resources on countries identified as key suppliers of sensitive technologies.

(b) MULTILATERAL CONTROL REGIMES.—

(1) POLICY.—It is the policy of the United States to seek multilateral nonproliferation and export control arrangements that support the national security objectives of the United States.

(2) PARTICIPATION IN EXISTING REGIMES.—Congress encourages the United States to continue its active participation in existing multilateral nonproliferation and export control regimes.

(3) STRENGTHENING EXISTING REGIMES.—Congress urges the President to strengthen existing multilateral nonproliferation and export control regimes in order to confront countries and entities engaged in a pattern or practice of proliferation, by—

(A) harmonizing national laws and regulations with regard to enforcing the provisions and guidelines of existing multilateral nonproliferation and export control regimes;

(B) harmonizing export license approval procedures and practices, and eliminating the practice of undercutting;

(C) periodically reviewing and updating multilateral regime nonproliferation and export control lists with other members of the multilateral regime, taking into account first and foremost, national security concerns; and

(D) encouraging countries that are not members of existing multilateral nonproliferation and export control regimes to strengthen their national export control regimes, improve enforcement, and adhere to the provisions and guidelines of existing regimes, and not to undermine existing multilateral nonproliferation and export control regimes by transferring or exporting controlled items in a manner inconsistent with the guidelines of the regimes.

(4) PARTICIPATION IN NEW REGIMES.—It is the policy of the United States to participate in additional multilateral export control regimes if such participation would serve the national security interests of the United States.

(5) ENHANCED COOPERATION WITH REGIME NONMEMBERS.—Congress urges the President to seek agreement among the members of existing multilateral nonproliferation and export control regimes to—

(A) seek the membership of nonmember countries, as practicable, if doing so will strengthen existing regimes;

(B) seek cooperation with governments outside the regime to abide by the provisions and guidelines established by those regimes; and

(C) establish mechanisms in the regime to coordinate planning and implementation of nonproliferation and export control measures related to such cooperation.

(6) ENFORCEMENT OF INTERNATIONAL NORMS AND PRACTICES.—Congress encourages the President to seek agreement among the members of existing multilateral nonproliferation and export control regimes to—

(A) pursue measures and sanctions on a multilateral basis with respect to countries or persons found in violation of existing multilateral nonproliferation and export control regimes, and international norms; and

(B) prevent undercutting by foreign firms when the United States takes unilateral action against countries or entities found to be in violation of existing international agreements or United States law whether or not other members of the regimes choose to take action against those violators.

SEC. 11. ARMS EXPORT CONTROL ACT.

Nothing in this Act shall be construed to alter or modify the Arms Export Control Act.

KYL AMENDMENT NO. 4133

(Ordered to lie on the table.)

Mr. KYL submitted an amendment intended to be proposed by him to the bill, H.R. 4444, Supra; as follows:

On page 5, line 12, after "China", insert "and Taiwan as separate customs territories".

Mr. KYL. Mr. President, in recent days, there have been some disturbing moves by China to block Taiwan's entry into the World Trade Organization (WTO), despite China's previous assurances to the United States that it would not do so. As recently as Thursday, September 7, Chinese Foreign Ministry spokesman Sun Yuxi said that China wanted its claim to sovereignty over Taiwan written into the terms of the WTO's rules, stating "The Chinese side has a consistent and clear position: Taiwan can join WTO as a separate customs territory of China."

This statement by China's Foreign Ministry spokesman comes on the heels of earlier efforts by China to block Taiwan's WTO entry. As the Wall Street Journal reported in July:

> ". . . as WTO staff members draw up the so-called protocol agreements—the reams of paper that define exactly what concessions China will make in order to gain entry into the organization—China is insisting that its claim over Taiwan be recognized in the legal language . . . chief Chinese negotiator Long Yongtu said . . . such a stand "is a matter of principle for us" . . . That would upset a consensus within the WTO that Taiwan should be allowed to enter the club as a separate economic area—that is, not an independent country, but also not as an explicit part of China. Some WTO members have argued that Taiwan has long since fulfilled its requirements to join the club and its application has been held up only to satisfy China's demand that Taiwan shouldn't win entry to the organization first.

In order to help ensure that China lives up to its promises to the United States, and that Taiwan's entry to the WTO is not unnecessarily impeded, today I am filing an amendment to H.R. 4444, the bill to provide permanent normal trade status to China. The current text of H.R. 4444 states that the extension of permanent normal trade relations to China "shall become effective no earlier than the effective date of the accession of the People's Republic of China to the World Trade Organization." My amendment would add one additional condition, stating that permanent normal trade relations with China "shall become effective no earlier than the effective date of the accession of the People's Republic of China and Taiwan as separate customs territories to the World Trade Organization."

My amendment reinforces the message the Clinton administration has sent to China on previous occasions, and it is my hope that this amendment will remove any ambiguity about America's resolve to support Taiwan's WTO admission. Earlier this week, I received a letter from President Clinton that responded to a letter I sent him in July along with 30 other Senators, that sought assurances that his administration remained committed to Taiwan's entry to the WTO. In the letter the President stated that, "My administration remains firmly committed to the goal of WTO General Council approval of the accession packages for China and Taiwan at the same session." The President's letter went on to say that "China has made clear on many occasions, and at high levels, that it will not oppose Taiwan's accession to the WTO. Nevertheless, China did submit proposed language to their working party stating that Taiwan is a separate customs territory of China. We have advised the Chinese that such language is inappropriate and irrelevant to the work of the working party and that we will not accept it."

As the President acknowledged in the letter, despite previous assurances by China and the administration that Taiwan will be admitted to the WTO without opposition, under the surface there is a problem. As it always does, China is using yet another diplomatic opportunity to assert its view that Taiwan is nothing more than a province of China.

It is important for the Congress and the administration to work together to support Taiwan's entry into the World Trade Organization (WTO). First because of the economic benefits that its entry would bring. Secondly, because of the need to meet our commitments to our close and longstanding ally. And third, due to our desire to defend and promote democratic governments, with free markets, that respect the rule of law and the human rights of their people.

Based on its importance to the world economy, Taiwan should be admitted to the WTO. It has the 19th largest economy and is the 14th largest trading nation in the world. Taiwan's economy is also closely linked to the U.S. It is America's 8th largest trading partner and purchases more American goods than many of our other major trading partners, like mainland China, Australia, and Italy. U.S. trade with Taiwan should continue to grow. Over two years ago, we signed a bilateral WTO agreement with Taiwan that included significant reduction in tariffs and other barriers for exports of a variety of U.S. goods and services, including agriculture goods, automotive products, and pharmaceuticals. The admission of Taiwan to the WTO ensures that market barriers to U.S. products will remain low and American companies will have a means to solve disputes over intellectual property and other matters.

Taiwan has been negotiating to become a member of the WTO since 1990 and has met the substantive conditions for membership. According to the Congressional Research Service, it has completed agreements with each of the 26 WTO members that requested bilateral negotiations, and has held 10 meetings with the WTO Working Party in Geneva, resolving all substantive issues surrounding its admission.

China has insisted that Taiwan can get into the WTO only after it does, and has lobbied other countries to support this position. In the past, Clinton administration officials have assured us that Taiwan's accession would closely follow China's. In February, U.S. Trade Representative Charlene Barshefsky testified to the House of Representatives that ". . . the only issue with respect to Taiwan's accession . . . pertains to timing . . . there is a tacit understanding . . . among WTO members in general—but also, frankly, between China and Taiwan—that China would enter first and China would not block in any way Taiwan's accession thereafter, and that might be immediately thereafter or within days or hours or seconds or weeks. . . ." Later that same month, in response to a statement by Senator ROTH that ". . . there's a great deal of concern that Taiwan might be blocked [from entering the WTO] once China secures such membership," Ambassador

Barshefsky testified that ". . . the United States would do everything in our power to ensure that that does not happen in any respect because Taiwan's entry is also critical."

The WTO plays an important role in promoting free and fair trade. Under the WTO, member countries agree on a set of rules and principles for trade, which in turn creates a stable and predictable trade environment. Secondly, the WTO provides a mechanism to enforce these rules, including a procedure for countries to resolve trade disputes. And finally, the WTO provides a forum for negotiations to reduce trade barriers worldwide.

Since the founding of its predecessor GATT in 1984, membership in the organization has grown from 23 countries to 136 today. The general view among economist is that a more predictable trade environment, and a reduction of trade barriers, has contributed to the unprecedented economic prosperity that most countries currently enjoy. Statistics support this view: In 1998, world exports were 18 times larger than in 1950, and world GDP was 6 times greater in 1998 than 1950, according to the Congressional Research Service.

As I mentioned earlier, the United States should support Taiwan's admission to the WTO, not merely for economic reasons, but also to honor our commitments to a close, long-standing ally, and to demonstrate our intention to support democracies that respect the rule of law.

When our Nation switched diplomatic recognition to mainland China, we also enacted the 1979 Taiwan Relations Act to state our continued commitment to the security of Taiwan. This law states, ". . . the United States decision to establish diplomatic relations with the People's Republic of China rests upon the expectation that the future of Taiwan will be determined by peaceful means." It goes on to say the U.S. would ". . . consider any effort to determine the future of Taiwan by other than peaceful means, including by boycotts or embargoes, a threat to the peace and security of the Western Pacific area and of grave concern to the United States." And finally, it says the U.S. will sell ". . . defense articles and defense services in such quantity as many be necessary to enable Taiwan to maintain a sufficient self-defense capability."

China's leaders have steadfastly refused to renounce the use of force in retaking Taiwan, and have issued thinly veiled threats to use nuclear weapons should the U.S. intervene. For example, in March, the main newspaper of China's military said, "China is neither Iraq nor Yugoslavia, but a very special country . . . it is a country that has certain abilities of launching a strategic counterattack and the capacity of launching a long-distance strike. Probably it is not a wise move to be at war with a country like China, a point which U.S. policymakers know fairly well." Another article in a Chinese military-owned newspaper went further, saying; "The United States will not sacrifice 200 million Americans for 20 million Taiwanese. They will finally acknowledge the difficulty and withdraw."

In outlining what became known as the "Truman Doctrine," President Harry Truman said:

> At the present moment in world history nearly every nation must choose between alternative ways of life. The choice is too often not a free one. One way of life is based upon the will of the majority, and is distinguished by free institutions, representative government, free elections, guarantees of individual liberty, freedom of speech and religion, and freedom from political oppression. The second way of life is based upon the will of a minority forcibly imposed upon the majority. It relies upon terror and oppression, a controlled press and radio, fixed elections, and the suppression of personal freedoms. I believe that is must be the policy of the United States to support free peoples who are resisting attempted subjugation by armed minorities or outside pressures. I believe that we must assist free peoples to work out their own destinies in their own way.

Harry Truman spoke these words in 1947, at a time when it was very difficult to stand up to communism on the march from the Soviet Union. The challenge we face today in dealing with China and Taiwan should not be as great as the courageous struggle for the cold war. The United States cannot support China's entry into the WTO without equally supporting Taiwan's entry into the WTO. This is but one of many signals we should be sending to the communist regime in Beijing, about America's determination to meet our commitments and our resolve to support Taiwan.

NOTICE OF HEARING

SUBCOMMITTEE ON ENERGY RESEARCH, DEVELOPMENT, PRODUCTION AND REGULATION

Mr. NICKLES. Mr. President, I would like to announce for the information of the Senate and the public that a legislative hearing has been scheduled before the Subcommittee on Energy Research, Development, Production and Regulation.

The hearing will take place on, Wednesday, September 20, 2000, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 2933, a bill to amend provisions of the Energy Policy Act of 1992 relating to remedial action of uranium and thorium processing sites.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Energy Research, Development, Production and Regulation, Committee on Energy and Natural Resources, U.S. Senate, 364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please call Trici Heninger at (202) 224–7875.

PRIVILEGES OF THE FLOOR

Mr. THOMPSON. Mr. President, I ask unanimous consent that Martha McSally, a fellow in Senator KYL's office, be granted the privilege of the floor for the duration of H.R. 4444.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. Mr. President, I ask unanimous consent that an intern, Leslie Smith be granted the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, I ask unanimous consent that Mr. Jason McNamara, a fellow in my office, be granted the privilege of the floor during the remainder of the debate on this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I ask unanimous consent that a fellow from my office, Kristin Fauser, be permitted to have floor privileges during the remainder of the debate on H.R. 4444, the PNTR legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. Madam President, I ask unanimous consent that Steven Theriault be granted the privilege of the floor during the debate on H.R. 4444.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEATH OF REPRESENTATIVE HERBERT H. BATEMAN, OF VIRGINIA

Mr. THOMPSON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 352, submitted earlier by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

> A resolution (S. Res. 352) relative to the death of Representative Herbert H. Bateman, of Virginia.

There being no objection, the Senate proceeded to consider the resolution.

Mr. THOMPSON. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 352) was agreed to, as follows:

S. RES. 352

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Herbert H. Bateman, late Representative from the Commonwealth of Virginia.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the deceased Representative.

ORDERS FOR TUESDAY, SEPTEMBER 12, 2000

Mr. THOMPSON. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Tuesday, September 12. I further ask unanimous consent that on Tuesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of H.R. 4444, the China PNTR bill, as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMPSON. Mr. President, I ask unanimous consent that the Senate stand in recess from the hours of 12:30 p.m. to 2:15 p.m. for the weekly policy conferences to meet and that Senator GRAMM and Senator DURBIN be recognized as in morning business for up to 20 minutes each at a time to be determined during tomorrow's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. THOMPSON. Mr. President, for the information of all Senators, at 9:30 a.m. tomorrow, the Senate will begin closing remarks on the Byrd amendment regarding subsidies, with a vote scheduled to occur at 10 a.m. Following the vote, the Senate is expected to continue debate on the Thompson amendment No. 4132. The Senate will recess at 12:30 p.m. for the weekly party conferences, and upon reconvening at 2:15 p.m., Senator HELMS will be recognized to offer an amendment. Further amendments are expected to be offered and debated. Therefore, Senators can expect votes throughout the day.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. THOMPSON. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the provisions of S. Res. 352 in further remembrance of the late Congressman HERBERT BATEMAN.

There being no objection, the Senate, at 7:52 p.m., adjourned until Tuesday, September 12, 2000, at 9:30 a.m.

EXTENSIONS OF REMARKS

HONORING KESSAI NOTE'S FIRST VISIT TO THE UNITED STATES AS PRESIDENT OF THE REPUBLIC OF MARSHALL ISLANDS

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 11, 2000

Mr. DEUTSCH. Mr. Speaker, today I join with many of my colleagues in offering a heartfelt welcome to the new President of the Republic of Marshall Islands (RMI)—Kessai Note. It is his first visit to our country since becoming President and it represents an affirmation of the strong ties between our two countries.

President Note was at the forefront of the movement to establish the Marshall Islands as a self-governing democracy. However, he has also always been a strong supporter of RMI's uniquely close and mutually beneficial bilateral relationship with the United States. Our long-term military alliance and permanent strategic partnership allows for a U.S. presence on Kwajalein Atoll, the site of a vital U.S. Army ballistic missile systems command.

In addition to recognizing the partnership between the U.S. and RMI, I would also like to commend the long-standing friendship between Israel and the RMI. Israel was one of the first countries to support the RMI's entry into the United Nations. Since it became a member, the RMI, along with the United States, has been one of Israel's staunchest supporters in the United Nations. Israel has further befriended the RMI by providing technical assistance and educational grants to the Republic's people.

Having experienced their own acute suffering and pain as a result of nuclear tests conducted in the Marshall Islands, the people of RMI have reached out to their Jewish neighbors, committing themselves to "putting faces on human tragedies while holding parties responsible for their actions."

Mr. Speaker, President Note's presence here today in our nation's Capitol attests to the longstanding friendship between the United States and the Republic of Marshall Islands. I hope my colleagues will join with me in commending both the nation and its President.

TRIBUTE TO FATHER LLOYD SPRINGER

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 11, 2000

Mr. SERRANO. Mr. Speaker, today I pay tribute to Father Lloyd Springer, who has retired after 27 years of ministry to the South Bronx. He was honored on August 25, 2000, by members of the community.

Father Springer came as priest in charge to St. Edmunds Episcopal Church, located at 177th Street and Morris Avenue, in 1973, with a vision and commitment. As a hands-on clergy, he at once began to enhance services to the congregation and to build coalitions with and feelings of empowerment in neighborhood residents. However, as soon as the church began to grow in membership, a devastating fire consumed the parish hall. While this could have been an excuse to flee the South Bronx, instead Fr. Springer worked with the Episcopal Diocese to secure a loan for renovation. Further, he looked to the needs of the neighborhood beginning with Trabajamos Head Start.

Blueprints for the renovation of four abandoned buildings across from the church were gathering dust when Brien O'Toole, a community organizer from the North West Bronx Community and Clergy Coalition, came to the Mt. Hope neighborhood. Fr. Springer agreed to provide space in the church office and the Mt. Hope Organization was born. A coalition of tenants, churchgoers, homeowners and community leaders met regularly in St. Edmunds' undercroft to address and plan how they would solve the growing problems of abandoned housing stock, drugs, and poor services. The priority for St. Edmunds was the four abandoned buildings across from the church, because drug dealing there posed a danger to all the community, and especially to the community's children. On the site, St. Edmund's Court, with 110 housing units for both community residents and the City's homeless, was opened in 1989 with the Honorable Edward I. Koch presiding.

Mr. Speaker, after this success, the Mt. Hope Organization formed a management company and began working with the City to reclaim other abandoned buildings. Father Springer led marches and meetings with elected officials, and the result was 1,200 more units of housing renovated for low- and moderate-income families.

Father Springer became the first president of the Board of the Mt. Hope Housing Company, a new Community Development Corporation providing housing, social services, jobs, and job training for residents of the community. During the six years under Fr. Springer's leadership, the Mt. Hope Housing Company did as much work as many larger and longer established Community Development Corporations.

Under Fr. Springer's leadership, and in partnership with the Episcopal Diocese and, later, with Episcopal Charities, an After School and Food Bank Program was established. Leaders of the Mt. Hope/St. Edmunds community petitioned the Bronx Borough President for a decent playground, and in 1993 a major capital improvement grant of $870,000 for construction of the St. Edmunds/Mt. Hope Playground was announced at the corner of 177th and Walton Avenue. Parishioners also began to serve an Annual Thanksgiving Dinner for the homeless.

These accomplishments energized the community, and Fr. Springer and members launched a search for an organization that would address the inadequate health services available at that time. The Institute for Urban Family Health and the Primary Care Development Corporation became partners with St. Edmunds and Walton Family Health Center opened its doors. This health facility now serves about 900 families yearly. St. Edmunds is also a partner in a new Reach 2010 project, which is looking at the disparities in health care in urban settings, and in particularly the high incidence of diabetes and hypertension among Blacks and Hispanics in the South Bronx.

Father Springer's commitment not only to his parish, St. Edmunds, but also to the Mt. Hope Community as a whole, including the homeless, has not gone unrecognized. As Mt. Hope Housing Company rightly stated during its 1993 award, "Father Springer's presence and wisdom, broad vision and imperturbable temperament, through trials and successes has held the neighborhood to its mission. These qualities and a passion for justice and opportunity, and an ethic of stewardship and duty have contributed mightily to making the Mt. Hope area a community equal to the dignity of its residents."

Mr. Speaker, I ask my colleagues to join me in recognizing Father Lloyd Springer for his remarkable career of serving the community and bringing hope to the many individuals he has touched.

SMALL BUSINESS EXPORT ENHANCEMENT ACT OF 2000

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 11, 2000

Mr. MANZULLO. Mr. Speaker, last year, U.S. Government statistics revealed the largest U.S. trade deficit figure ever, reaching $271 billion, a 65-percent increase over last year. This year's monthly trade numbers reveal that the United States will experience an even higher trade deficit than last year. What steps can be taken to reverse this trend?

An overlooked issue in the trade deficit debate is the role that small business exporters play in our economy. According to the Commerce Department, between 1987 and 1997, the number of small business exporters tripled, going from 66,000 to 202,000. Small businesses now account for 31 percent of total merchandise export sales spread throughout every industrial classification. What is more surprising is that the fastest growth among small business exporters has been with companies employing fewer than 20 employees.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

These very small businesses represented 65 percent of all exporting companies in 1997.

Despite these encouraging statistics, there is still more work that needs to be done. Even though the number of small business exporters tripled, they form less than one percent of all small businesses in the United States. Even among these cutting-edge firms, nearly two-thirds of small business exporters sold to just one foreign market in 1997. In fact, 76 percent of small business exporters sold less than $250,000 worth of goods abroad. In other words, these are "casual" exporters. The key is to encourage more small businesses to enter the trade arena and then to prod "casual" small business exporters into becoming more active. If we were able to move in this direction, it could boost our exports by several billion dollars.

With the growth of the Internet economy, I am optimistic that we can move in this direction. However, we need to insure that all our government agencies are up to the challenge so they can help increase exports from the small business community.

While most of the trade focus in the Federal Government for small business is on export promotion, the office of the U.S. Trade Representative (USTR) can continue to play a vital role in formulating trade policy beneficial to small business. I saw this during the hearing my Small Business Exports Subcommittee held last May examining how Permanent Normal Trade Relations (PNTR) would help small business exporters. I heard first-hand from small business exporters how different aspects of the United States-China World Trade Organization (WTO) Accession Agreement, which was negotiated by USTR, would specifically benefit their company's prospects for growth.

The next "round" of global trade talks could even have more positive benefits for small business exporters, primarily in the areas of trade facilitation. Topics of discussion under this umbrella are streamlining trade dispute resolution procedures; reforming the documentation and filing procedures for patent and trademark protection; opening the public procurement process by foreign governments to small businesses; enhancing transparency in international tax, finance, customs procedures, and trade rules; and exploring means to internationalize the recognition of technical certification of professionals. How these issues get resolved will be of key interest to small business exporters.

In addition, this Assistant USTR for small business can play an outreach and advocacy role throughout the United States to solicit input from the small business community. Many small business exporters find our government bureaucracy very mystifying and complicated. Many times, small business exporters do not know who to ask a trade policy question. They get bounced or referred to one person after another. Having one person in charge who is empowered to go beyond the Washington Beltway to listen to small business may help alleviate this problem.

Mr. Speaker, I urge my colleagues to support the Small Business Export Enhancement Act of 2000.

TRIBUTE TO MARSHALL SPACE FLIGHT CENTER IN HUNTSVILLE, ALABAMA

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 11, 2000

Mr. CRAMER. Mr. Speaker, I rise today to recognize tomorrow's 40th anniversary of the dedication by president Dwight Eisenhower of the George C. Marshall Space Flight Center.

Since the Marshall Center opened its doors for business under the direction of Dr. Wernher von Braun on July 1, 1960, it has played a pivotal role in our Nation's space program. Led by the von Braun Rocket Team, the Marshall Center developed the Mercury-Redstone vehicle that put America's first astronaut, Alan B. Shepard, into sub-orbital space in 1961. Building upon this firm foundation, Marshall and its partners boldly responded to President Kennedy's challenge to land a man on the Moon by pioneering the development of the colossal Saturn V rocket. The Marshall Center also designed and developed the Lunar Roving Vehicle, used to carry our Apollo astronauts on their journey around the then-unknown surface of our Moon. These and other pioneering accomplishments make up a strong heritage that has made Marshall world-renowned for transportation to, from, and in space.

At a time, Mr. Speaker, when the International Space Station is being constructed 250 miles overhead, it is proper to remember that the first American manned space station, Skylab, was managed at the Marshall Center. Lessons learned from Skylab about long-term human presence in space prove today to be invaluable as we enter an era of unprecedented discovery onboard the ISS. Continuing this tradition of excellence, Marshall and its industry partners have successfully designed, developed, assembled, integrated, tested, and delivered a number of critical U.S. pressurized ISS elements such as Unity, Destiny, and the Habitation and Node 2 modules.

In 1972, following the announcement by President Nixon of plans to develop America's reusable space shuttle, Marshall again accepted its Nation's challenge by designing the shuttle's main engines, solid rocket boosters and external tank. Today, Marshall is responsible for the management of these critical shuttle systems, and is committed to continually improving their reliability, safety, and performance.

Before becoming a reality, Marshall was visualized as "the only self-contained organization in the nation, which was capable of conducting the development of a space vehicle from the conception of the idea, through production of hardware, testing and launching operations." They have exceeded these expectations by not only seeing vehicles through all stages of development, but also by broadening their activities through the scientific success of the Hubble Space Telescope, the Compton Gamma-Ray Observatory, and the Chandra X-ray Observatory three of NASA's great space observatories. The landmark discoveries made by their state-of-the-art scientific instruments have rewritten the science text-books that our children will use for years to come.

In addition to the many world-class facilities at Marshall that contribute to its dynamic engineering test environment, the Marshall Space Flight Center has the distinction of hosting five National Historic Landmarks as designated by the U.S. Department of the Interior. These Historic Landmarks serve as monuments to our cornerstone role in America's space program, and include the Redstone Test Stand, the Propulsion and Structural Test Facility, the Saturn V Dynamic Test Stand, the Neutral Buoyancy Simulator, and one of one three surviving Saturn V rockets.

Mr. Speaker, while I stand here today to commemorate the legacy of Marshall's historic past, I also stand to celebrate the promise of its bright future. As NASA's Center of Excellence for Space Propulsion, Marshall serves as a national resource for research and development of advanced, revolutionary propulsion technologies. Marshall has been tasked to develop propulsion systems that will lower the costs of access to space, opening the doors of space to our entire Nation. The Marshall Center's future vision includes propulsion technologies that will lead to rapid travel throughout and even beyond our solar system. And as NASA's lead center for the development of our nation's future space transportation systems, Marshall will vigorously pursue the research, technological innovations, design and integration of tomorrow's space transportation systems necessary to maintain the United States as a space, military, and economic superpower for generations to come.

Mr. Speaker, it is important to recognize the source of Marshall's success. It is the talented and highly motivated Marshall workforce, and its industry and academic partners spread across this nation, who have taken us down this path of exceptional achievement. And I believe that our nation's space program will enjoy many more successful missions of discovery while guided by the dedication, creativity, and professionalism of the Marshall's employees and partners.

So today, with enormous pride, I extend my sincerest congratulations to the George C. Marshall Space Flight Center, its employees, and its partners on an exceptional 40-year legacy that occupies a unique position in the history of our space program—a program that has profoundly positioned America first among nations as we begin this 21st century, and promises to enhance the quality of life for ourselves and those who follow us.

CHILD SUPPORT DISTRIBUTION ACT OF 2000

SPEECH OF

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Ms. MILLENDER-McDONALD. Mr. Speaker, I stand today in support of H.R. 4678, the Child Support Distribution Act. This bill would help poor children escape poverty, strengthen families, and enhance welfare reform by making improvements to the child support system.

These improvements would allow more of the child-support collected from noncustodial parents to reach the children on whose behalf these payments are made. When fully implemented, this bill would increase income to children and their custodial parents by over $1 billion a year. In addition the bill simplifies child support distribution rules, and promotes responsible fatherhood. Passage of this bill will result in several important benefits to families by distributing more support to families to help them maintain employment and reduce welfare receipt, simplifying state child support systems and providing needed services to low-income parents to help them support and raise their children.

The bill ensures that once a family has left welfare, that family has the first claim on all child support paid by the father. Under current law, child support collected is first applied to taxes owed to the state. Child support payments begin to repay debts owed to custodial families only after the debt to the state has been completely repaid. The changes proposed in the Child Support Distribution Act would help families that have left welfare to stay off welfare by providing additional resources to them at a time when they are likely to be vulnerable to economic hardship. Child support is an important income supplement for low-income working families. According to the Center for Law and Social Policy, when single-mother families receive child support, their poverty rate drops from 33 to 22 percent.

The Child Support Distribution Act would also dramatically simplify rules governing the assignment and distribution of child support payments. According to the National Governors' Association, "The complexity of current child support distribution rules creates a costly administrative burden for both states and the Federal Government." The current rules are expensive to administer, and difficult for child support staff to explain and for parents to understand. The Child Support Distribution Act addresses these issues and provides funding to community-based and state programs working directly with low-income custodial parents to help them support their children financially and emotionally. This legislation gives funding preferences to community programs that partner with domestic violence programs and child support agencies.

This bill includes a number of complementary provisions that are beneficial to low-income children and families. Several provisions in the bill are intended to help low-income fathers improve their capacity to support their children financially and emotionally. The changes the bill makes in the child support system would allow a larger portion of the child support that low-income fathers pay to benefit their children. These provisions represent an investment in stronger families that should reduce poverty among these children, help low-income parents receive services they need, and strengthen children's ties with their fathers, who will be better able to see the result of their hard-earned contributions when they pay child support. These changes should make child support easier to administer and empower states to integrate the collection and distribution of child support with their own welfare reform strategies.

I strongly support H.R. 4678, the Child Support Distribution Act and urge my colleagues to do the same.

IN HONOR OF ARMANDO TALAVERA, WADO RADIO SPORTS COMMENTATOR

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 11, 2000

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Armando Talavera for his career as a sports commentator, covering Major League Baseball for Spanish language radio.

Mr. Talavera was born in Caracas, Venezuela. He currently lives in Queens, New York, with his wife, Linda, and his two children, Carlos and Adrianne.

He began his career as a sports commentator in 1972, and has covered the All Star Game and World Series since 1975. He has also covered New York Mets and Yankees baseball, the NBA finals, the past 11 Super Bowls, Major League Soccer, the World Cup, and the Caribbean World Series.

Because of his exceptional abilities, Mr. Talavera was hired by WADO Radio (1280 AM) in 1993, and has been an integral part of the station ever since. He covered sporting events initially, and later was the host of a four-hour talk show called "WADO Deportivo."

For his contributions to journalism, and for his service to Hispanic Americans, I commend Mr. Talavera. I ask that my colleagues join me in honoring him today.

CELEBRATING THE 35TH YEAR OF THE JERRY LEWIS MUSCULAR DYSTROPHY TELETHON

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 11, 2000

Mr. LEWIS of California. Mr. Speaker, I would like to offer praise today for a man with whom I am proud to share a name, a man who has shown the world for 35 years that Americans will rally in huge numbers to help those in need. I am speaking, of course, of my friend Jerry Lewis, the consummate entertainer, and his world-renowned telethon for the Muscular Dystrophy Association.

Since 1965, Jerry Lewis has taken to the airwaves to raise funds to fight neuromuscular disease, setting a standard for fund-raising that has become a part of our culture. In the 2000 version of the event on September 3–4, Lewis and his "Jerry's Kids" and a multitude of entertainers raised a record $54.1 million in pledges. The MDA will operate 183 offices and research centers nationwide with these and other private donations—the organization does not request or receive government funding.

The diseases combated by Jerry Lewis and MDA—40 of them, including "Lou Gehrig's disease" and myasthenia gravis—affect tens of thousands of people throughout the United States. The MDA efforts can be found nationwide as well. I am proud to say the Loma Linda University Medical Center in my district has one of two Southern California clinics that serve 1,500 adults and children.

The donations raised by Jerry Lewis for the MDA go much further than treating these diseases. Researchers funded by MDA have discovered a gene that controls one form of neuromuscular illness, and are now conducting tests on what forms of gene therapy might be possible.

It is also through these donations that thousands of children each year can get out of their treatment rooms and go to summer camp, where they enjoy horse-back riding, canoeing and other activities. At one of those camps, in Big Bear Lake in the San Bernardino Mountains in my district, children who spend nearly all of their energy fighting neuromuscular disease can enjoy the great outdoors because MDA is able to pay for a counselor for every camper.

Because he has been a sentimental success for three decades, and because he is very open with his thoughts and emotions, my good friend Jerry Lewis has often not been given the respect he deserves by the national media. But in cities and towns across the country young people, civic groups and many volunteers worked hard to help him make this year's telethon a great success. They know that he is a hero who is dedicated to saving millions of lives.

Mr. Speaker, it is always a delight when I pick up the telephone and hear a buoyant voice say "This is Jerry Lewis, how are you doing?" I enjoy telling tourists who peer into my office: "Of course, I'm the real Jerry Lewis." Sharing a name with someone who gives so much to help millions overcome disease is indeed an honor, and I urge my colleagues to honor this American institution by expressing our gratitude for his efforts.

75TH ANNIVERSARY OF AMERICAN LEGION AUXILIARY UNIT 57

HON. DAVID MINGE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 11, 2000

Mr. MINGE. Mr. Speaker, today I wish to recognize the 75th anniversary of the American Legion Auxiliary Unit 57 of Chaska, MN, and its remarkable contribution to supporting our Nation's veterans.

This distinguished unit was chartered in 1925 with 40 charter members. It has since grown to 225 members in 2000, including one Gold Star Mother. What is most amazing about this organization is that they have 13 members who each have over 50 years of service. This totals to over 650 years of membership and dedication.

The unit provides outstanding service to area veterans through several fund-raising events and social activities. They host porkchop dinners for the Carver County Veterans' Van Fund and participate in the Poppy Program which benefits veterans locally and nationally. They also hold bingo socials for residents of the Hastings Minnesota Veterans Home.

I would like to take this opportunity to thank the American Legion Auxiliary Unit 57 for their extraordinary patriotism and exceptional dedication to service for our country.

IN SUPPORT OF THE NATIONAL HISTORY DAY PROGRAM

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Monday, September 11, 2000

Mr. SANDERS. Mr. Speaker, I rise in support of the National History Day program. A basic knowledge of history is essential for our Nation's children to become informed participants in our democracy, and the National History Day program is promoting history education in Vermont and throughout our Nation.

National History Day is a yearlong not-for-profit program in which students in grades 6–12 research and create historical projects related to a broad annual theme, culminating in an annual contest. It provides students the critical thinking and research skills used in all subject areas.

I had the opportunity to meet with Vermont students who came to Washington for National History Day. This program encourages students to draw attention to important historical events that shaped their own hometowns as well as our Nation, and in the process it improves their writing, reading, and critical thinking skills. It gets students excited about learning, while teaching them skills that will help them throughout their lives.

For its efforts to promote the National History Day program, I would like to commend the Vermont Historical Society. National History Day has had a significant impact in history and social studies classrooms in Vermont and across the country. But there is still much to be done. Many teachers are unable to take advantage of the National History Day program because of a lack of funding.

I urge my colleagues to support funding for the National History Day program in the Fiscal Year 2000 Labor, Health and Human Services, and Education Appropriations legislation.

A TRIBUTE TO PETER B. LEWIS AND DANIEL R. LEWIS

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 11, 2000

Mrs. JONES of Ohio. Mr. Speaker, there is a growing concern in the global community that the United States may be drifting into increasing isolationism and that the American people are largely disinterested in what happens outside the borders of their own country. I am very proud to highlight two individuals, brothers named Peter B. Lewis and Daniel R. Lewis, who are shining examples of individual American's interest and concern for people in need in other countries and their willingness to stand up and make a difference.

Peter B. Lewis, a resident of Cleveland and one of my constituents, and his brother Daniel R. Lewis have dedicated a great deal of their own time and resources to promoting peace in the Middle East. They have worked hard to lay the groundwork for peaceful coexistence among the national, religious and ethnic groups in the Greater Cleveland Area.

The Lewis brothers have worked in conjunction with Interns for Peace to develop and implement innovative community development projects that bring together Israelis and Palestinians to work on issues of common concern.

To date, the largest project initiated by the Lewis brothers is the Rabbi Albert Manilla Lewis Saving Human Life Project, which has empowered and united thousands of Palestinians and Israelis in public safety issues. The program has identified road safety as an area of common concern among all sectors of society in Israel and Palestinian areas. Using this common ground, the Rabbi Lewis Program has brought together individuals from different communities to work toward the common goal of reducing traffic injuries and fatalities. Perhaps most impressive, this program works across the complete spectrum of society in the region with a heavy emphasis on individuals from Palestinian refugee camps and in Orthodox Jewish communities in Israel.

The Lewis brothers' choice of mechanisms for engendering cooperation and understanding is no accident. They know a thing or two about automobile safety. The Lewises founded one of the largest insurance companies in the United States, Progressive Insurance, which is based in northern Ohio and provides automobile insurance to millions of Americans.

The work of Peter Lewis and Daniel Lewis is making a difference in the Middle East at a critical time. The program they have created works to promote peaceful co-existence and mutual respect, despite the cultural and historic differences of the communities involved. This is a parallel and complimentary track to the formal peace negotiations underway and important groundwork for any peace agreement that may be reached.

I commend Peter Lewis and Daniel Lewis for their insight, compassion, and creativity in seeking to make the world a better and safer place for people today and for future generations. It is through people like the Lewises—ordinary Americans doing extraordinary things—that our country has prospered and become a global leader and a beacon of hope for people across the globe.

Thank you for your commitment and dedication to others, and good luck in your future efforts to promote peace and understanding in the Middle East.

AN APPRECIATION AND TRIBUTE TO CURTIS MAYFIELD

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 11, 2000

Mr. LEWIS of Georgia. Mr. Speaker, I join my fellow colleagues in the Congressional Black Caucus to salute and pay tribute to Curtis Mayfield, a great American songwriter, singer, guitarist, producer, and film composer. He was indeed a poet who wrote lyrics of hope and profound optimism. He was a philosopher and balladeer of the people seeking social action and commitment to the civil rights struggle of the 1960's.

Curtis Mayfield stood on the mountaintop of American music. As a native of Chicago, he was the architect and builder of what has become known as "Chicago Soul." His roots were purely American—originating in the gospel music of his boyhood church. But the heart and soul of his music reached around the world. At the age of 57, after years of fragile health from a near tragic accident, he died on December 26, 1999, during the waning days of the 20th century. Yet, he gave us four decades of song beginning with the formation of The Impressions in the late 1950's, writing soul hits in the 1960's, composing a provocative and memorable soundtrack for the film "Superfly" in the 1970's and recording the Grammy-nominated album "New World Order" in the 1990's.

During the 1960's, his music tapped into the consciousness of a generation. With songs like "It's All Right," "People Get Ready," and "Keep on Pushin'," his call to social action was undeniably clear: he urged us to care about a nation whose great promise was so dear yet woefully denied to people of color and the poor. Wherever people were, wherever they lived, whatever they did, Curtis Mayfield made people think. You could not listen to his songs without being stirred to tears of hope. It was like he knew the soul of America because his music changed us in some way. He lifted our spirits and opened our minds with a sharp-edged social commentary on America in the 1960's.

Whether you listened to his powerful songs in a beauty shop in Harlem or on a sunny afternoon at a midwestern university, without his music, the civil rights movement would have been like a bird without song. Simply, Curtis Mayfield wrote the soundtrack to the civil rights movement. With his songs, he demanded and we accepted his challenge to not rest until we build a new America based on peace and justice.

We are lucky. We are more than lucky to have been touched by the creative genius of Curtis Mayfield. He has fed our hearts and minds with spiritual food. He has moved the feet of a nation toward a better society. He has never left us in spirit because his music still inspires us to remember his optimism, his hope, his sense of righteous indignation, and his abiding faith in a better America.

Another great songwriter and musician, Stevie Wonder, once said of Curtis Mayfield:

> For as long as there is romance in love, the joy of pride, the power of words, the teaching of right, and songs with haunting melodies there will always be a need for the music of Mayfield.

As we honor this great American, the legacy of his music is still alive. A new generation of musicians are writing and performing new songs, but they stand on the shoulders of Curtis Mayfield, who created a powerful vision of America through word and song.

Like the men and women before him, who shed blood and tears for a better America, Curtis Mayfield was, above all else, a founder of the New America. His music was inspiring, profoundly creative and courageous. And as a civil rights activist, his contribution to the cause in music will never be forgotten.

TRIBUTE TO THE ROLANDO PAULINO ALL-STARS

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 11, 2000

Mr. SERRANO. Mr. Speaker, today I pay tribute and to congratulate the Rolando Paulino All-Stars team for a very successful year. This group of young South Bronx little leaguers finished their season one game shy of making it to the Little League World Series on August 17, 2000.

They have demonstrated that they have the ability and the desire to be assets and role models in our community. We are proud of their accomplishments and I hope they will continue to be successful both on and off the diamond. They are terrific examples for young men throughout our communities.

Mr. Speaker, about 150 family members and friends of the Bronx players, almost all of them wearing the team's cardinal red colors and some of them with their faces painted red, sat behind the team's dugout that night to cheer on these Little Bombers.

This year, in repeating as the New York State champion, the Bronx team won 10 consecutive games to qualify for the Eastern regional. It defeated four teams from its district in New York City, three teams in the sectional tournament, including South Shore, and three more teams in the State tournament, including Colonie in the final.

Mr. Speaker, what made the overall performance of the Bronx team even more remarkable was that it has no home field; players used diamonds in both the south and east Bronx, especially at Claremont and Crotona Parks, and a field at the intersection of LaFontaine Avenue and 181st Street.

Again, I congratulate and I wish them the best of luck in their future enterprises. They are our Champions!

Mr. Speaker, I ask my colleagues to join me in paying tribute to and congratulating the Rolando Paulino All-Stars Team.

VIOLENCE AGAINST WOMEN

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 11, 2000

Mr. CONYERS. Mr. Speaker, I submit the following for the CONGRESSIONAL RECORD and recommend that all members read and consider it when looking at the issue of Violence Against Women. I hope members find it helpful when considering reauthorization of the Violence Against Women Act.

[From the Washington Post, Sept. 8, 2000]

BATTERED GIRLFRIENDS NEED PROTECTION, TOO

(By Judy Mann)

Barbara Dehl, a 44-year-old mother of four girls, lives a lot of her life in hindsight. Every day, she wonders why she didn't get "Cassie's Law" passed before her 17-year-old daughter, Cassandra, ended up dead—the victim, her mother has testified, of an abusive relationship with a boyfriend.

After Cassie's parents divorced and her mother moved near Boise, Idaho, Cassie chose to remain with her father, Curtis Dehl, in Soda Springs and finish school there. When she was 14, she met Justin Neuendorf, a former altar boy at her church, who was three years older than she was. For the next year, she went out with him off and on.

Her parents didn't realize that their daughter was undergoing verbal and mental abuse. In testimony before a state legislative committee, Barbara said she found out later, from Cassie, that Neuendorf would tell her such things as she wasn't pretty enough for anybody else to love. "Once a wedge had been inserted between Cassie and her family and friends, the physical abuse began," Barbara testified.

In the spring of 1998, Barbara testified, he choked Cassie hard enough to make her bleed from her nose and ears and ruin a white coat. Cassie had been staying with a girlfriend while her father was out of town. About six weeks after the incident, the girlfriend told Cassie's father about it, and he confronted his daughter. Cassie denied it. He intercepted a letter in which Neuendorf said he was "sorry for almost killing you" and explained that he had been on drugs. Curtis intercepted another letter in which the boyfriend mentioned slitting Cassie's throat.

"We gave these letters to the local police, the prosecutor, the probation officer and to his parents," Barbara says in an interview. "Nobody believed a teenage girl living in her parents' home could be abused by her boyfriend. They just said, 'Why doesn't she walk away?' Nobody believed abuse could happen to a young girl who wasn't married to the abuser. . . . He had her so manipulated that in her mind she thought she was in love with this guy, and she was as helpless to leave him as a victim of battered-wife syndrome.

"When she was 16, she said, 'If I was only better, he wouldn't have to hit me.' When I would confront her, she would tell me it was her fault."

It's a 350-mile trip, each way, between Boise and Soda Springs, and Barbara says she drove it weekly, trying to get help for Cassie. "We put Cassie into domestic-abuse counseling twice, but they didn't have training in dealing with young girls and dating violence," Barbara says. "We never allowed him to see Cassie. He'd take her out of school, out of work, out of state.

"Idaho did not have a domestic-violence order to cover girls her age. I filed for one, anyway. We went before the judge, and he said we had all the evidence in the world, but there were no domestic-violence laws to protect Cassie."

On the night of Dec. 3, 1999, Neuendorf picked Cassie up from a girlfriend's house and did not allow her to get her coat, according to Barbara Dehl. It was below zero. "After midnight," Barbara says, "the truck crashed down an embankment. He was not in the truck. She was. We don't know how he got out. He was slightly injured, with a broken wrist.

"The accident was not reported for more than 15 hours," she says. "The fact that she was in the accident and left at the scene was not reported for 18 hours. When the sheriff's deputy arrived on the scene, she was dead and her body frozen solid. That's how they found my baby."

Neuendorf has been charged with vehicular manslaughter.

"Her sisters and father and I decided we had to make sure no parent ever had to walk in our shoes," Barbara says.

The Idaho legislature started in January. Barbara wrote what became known as "Cassie's Law," which allows judges to issue a domestic-violence protection order for people in an abusive dating relationship. It allows parents to secure this restraint even without a child's help. Barbara quit work, cashed in her retirement and used her savings to lobby the legislature. The bill passed, was signed into law by the governor on April 3 and went into effect July 1.

Barbara Dehl is now helping the National Task force to end Sexual and Domestic Violence Against Women lobby for the reauthorization of the Violence Against Women Act. The act, passed in 1994, expires in October, and unless Congress reauthorizes it during what remains of this session, the agencies that help victims of domestic violence will be greatly weakened.

Over the past six years, $1.6 billion has gone to states and communities to train law enforcement officials and counselors on how to deal with domestic violence. "A lot of it is going to police and prosecutors and shelters and community education," says Pat Reuss, chair of the coalition. "It's been a very good bill."

In 1993, women experienced an estimated 1.1 million violent offenses at the hands of an intimate partner, according to the Bureau of Justice Statistics. By 1998, the estimate had declined 21 percent, to 876,340 offenses, even though women have become more likely to report crimes of domestic violence. And the number of women killed by an intimate partner declined 23 percent between 1993 and 1997.

The Violence Against Women Act is every bit as important as some other political hot topics, such as prescription drug coverage and hate crimes. It is saving lives. The House version covers women in dating relationships; the Senate version does not.

What happened to Cassie Dehl should persuade the Senate to go along with the more inclusive House provisions. If anything, teenage girls are more susceptible to abusive relationships than mature women.

The bills have strong bipartisan support, and they should be passed promptly. They are too important to be caught up in the last-minute rush of election year politics.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, September 12, 2000 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 13

9 a.m.

Governmental Affairs

To hold hearings on the nomination of John Ramsey Johnson, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia; and the nomination of Gerald Fisher, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia.

SD–342

Banking, Housing, and Urban Affairs

To hold hearings to examine circulating coin designs.

SD–538

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine marketing violence to children issues.

SR–253

Environment and Public Works

Fisheries, Wildlife, and Drinking Water Subcommittee

To hold hearings on the Draft Biological Opinions by the National Marine Fisheries Service ane U.S. Fish and Wildlife Service on the operation of the Federal Columbia River Power System and the Federal Caucus draft Basinwide Salmon Recovery Strategy.

SD–406

Energy and Natural Resources

Business meeting to consider pending calendar business.

SD–366

10 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

Business meeting to markup H.R. 4635, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001.

SD–138

10:30 a.m.

Aging

To hold hearings to examine long-term care insurance, focusing on protecting consumers from hidden rate hikes.

SD–608

2 p.m.

Foreign Relations

To hold hearings on pending calendar business.

SD–419

Intelligence

To hold closed hearings on intelligence matters.

SH–219

2:15 p.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold hearings on S. 2873, to provide for all right, title, and interest in and to certain property in Washington County, Utah, to be vested in the United States; H.R. 3676, to establish the Santa Rosa and San Jacinto Mountains National Monument in the State of California; S. 2784, entitled "Santa Rosa and San Jacinto Mountains National Monument Act of 2000"; S. 2865, to designate certain land of the National Forest System located in the State of Virginia as wilderness; S. 2956, to establish the Colorado Canyons National Conservation Area and the Black Ridge Canyons Wilderness; H.R. 4275, to establish the Colorado Canyons National Conservation Area and the Black Ridge Canyons Wilderness; and S. 2977, to assist in the establishment of an interpretive center and museum in the vicinity of the Diamond Valley Lake in southern California to ensure the protection and interpretation of the paleontology discoveries made at the lake and to develop a trail system for the lake for use by pedestrians and nonmotorized vehicles.

SD–366

2:30 p.m.

Indian Affairs

To hold hearings on S. 2899, to express the policy of the United States regarding the United States' relationship with Native Hawaiians.

SR–485

Appropriations

Business meeting to markup H.R. 4635, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001; and proposed legislation making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending

SD–134

SEPTEMBER 14

9 a.m.

Foreign Relations

International Operations Subcommittee

To hold hearings on exchange programs and the national interest.

SD–419

9:30 a.m.

Energy and Natural Resources

To hold oversight hearings on the transportation of Alaska North Slope natural gas market and to investigate the cost, environmental aspects and energy security implications to Alaska and the rest of the nation for alternative routes and projects.

SD–366

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings to examine stem cell research.

SH–216

Commerce, Science, and Transportation

To hold hearings on air traffic control issues.

SR–253

Environment and Public Works

To hold hearings on the nomination of the following named officer for appointment as the Chief of Engineers, United States Army, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601 and 3036: Maj. Gen. Robert B. Flowers, to be Lieutenant General.

SD–406

10 a.m.

Judiciary

Business meeting to consider pending calendar business.

SD–226

Budget

To hold hearings on budgeting for defense, focusing on maintaining today's forces.

SD–608

11 a.m.

Governmental Affairs

International Security, Proliferation and Federal Services Subcommittee

To hold hearings on the state of foreign language capabilities in national security and the Federal Government.

SD–342

1 p.m.

Small Business

To hold hearings to examine slotting fees, and the battle family farmers are having to stay on the farm and in the grocery store.

SD–628

Environment and Public Works

Fisheries, Wildlife, and Drinking Water Subcommittee

To continue hearings on the Draft Biological Opinions by the National Marine Fisheries Service and U.S. Fish and Wildlife Service on the operation of the Federal Columbia River Power System and the Federal Caucus draft Basinwide Salmon Recovery Strategy.

SD–406

2:30 p.m.

Energy and Natural Resources

National Parks, Historic Preservation, and Recreation Subcommittee

To hold hearings on S. 2749, to establish the California Trail Interpretive Center in Elko, Nevada, to facilitate the interpretation of the history of development and use of trails in the setting of the western portion of the United States; S. 2885, to establish the Jamestown 400th Commemoration Commission; S. 2950, to authorize the Secretary of the Interior to establish the Sand Creek Massacre Historic Site in the State of Colorado; S. 2959, to amend the Dayton Aviation Heritage Preservation Act of 1992; and S. 3000, to authorize the exchange of land between the Secretary of the Interior and the Director of the Central Intelligence Agency at the George Washington Memorial Parkway in McLean, Virginia.

SD–366

SEPTEMBER 15

10 a.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold oversight hearings to examine Federal agency preparedness for the Summer 2000 wildfires.

SD–366

SEPTEMBER 19

9:30 a.m.

Armed Services

To hold hearings on United States policy towards Iraq.

SH–216

SEPTEMBER 20

2:30 p.m.

Energy and Natural Resources

Energy Research, Development, Production and Regulation Subcommittee

To hold hearings on S. 2933, to amend provisions of the Energy Policy Act of 1992 relating to remedial action of uranium and thorium processing sites.

SD–366

SEPTEMBER 26

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs on the Legislative recommendation of the American Legion.

345 Cannon Building

SEPTEMBER 28

9:30 a.m.

Armed Services

To resume hearings on United States policy towards Iraq.

SH–216

POSTPONEMENTS

SEPTEMBER 20

9:30 a.m.

Small Business

To hold hearings on the United States Forest Service compliance with the Regulatory Flexibility Act.

SR–428A

SENATE—*Tuesday, September 12, 2000*

The Senate met at 9:31 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, Sovereign of this Nation, as You guided our Founding Fathers to establish the separation of church and state to protect the church from the intrusion of government, rather than the intrusion of the church into government, we praise You that in Your providential plan for this Nation there is to be no separation of God and state. With gratitude we declare our motto: "In God We Trust." It is with reverence that, in a moment, we will repeat the words of commitment as part of our Pledge of Allegiance to our flag: "One nation under God, indivisible."

May these words never become so familiar by repetition that we lose our profound sense of awe and wonder, or our feeling of accountability and responsibility to place our trust in You, to seek Your guidance in all decisions, and make patriotism an essential expression of our relationship with You. We praise You for Your truth spelled out in our Bill of Rights and our Constitution. Help us not to take for granted the freedom we enjoy, nor the call You sound in our souls for righteousness in every aspect of our Nation. We repent for any moral decay in our culture, any contradiction of Your commandments in our society, and any reluctance to be faithful to You in our personal lives.

Wake us up and then stir us up with a fresh realization of the unique role You have given this Nation to exemplify what it means to be a blessed nation because we humble ourselves before You and exalt You as our only Sovereign. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CHUCK HAGEL, a Senator from the State of Nebraska, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. VOINOVICH). The acting majority leader.

SCHEDULE

Mr. HAGEL. Mr. President, today the Senate will resume debate on the China PNTR legislation. Under the order, the time until 10 a.m. will be equally divided for closing remarks on the Byrd amendment regarding subsidies. Therefore, the first vote of the day will occur at 10 a.m. I understand there may be a possibility that Senator BYRD will request a voice vote rather than a rollcall vote. But depending on that request, following the vote, debate will resume on the Thompson amendment No. 4132. The Senate will recess for the weekly party conferences from 12:30 p.m. to 2:15 p.m. At 2:15, Senator HELMS will be recognized to offer an amendment which will be debated at that time. Further amendments are anticipated; therefore, Senators can expect votes throughout the day and into the evening.

I thank my colleagues for their attention.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I say, through the Chair to my friend from Nebraska, we were also informed that Senator BYRD would agree to a voice vote on this. So I think it would be to everyone's best interests that those who have amendments to offer would offer the amendments as quickly as possible.

When Senator BYRD gets here, it is my understanding he wants to say a few words prior to the voice vote on his amendment. But I think it would be appropriate that the Senate be advised that there likely will not be a recorded vote at 10 o'clock this morning, so Senators should be about their other business.

I also say to the acting leader, we hope those who are managing the various appropriations bills that have passed the Senate and have passed the House would do whatever they can to get the conference process underway. We have a tremendous amount of work to do. And while we are not debating appropriations bills in the evening, as we were last week, there is still a lot of work to be done on those. We hope the conferences, including engaging the administration, would be ongoing at this time so we can have an end game around here to complete those bills.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

TO AUTHORIZE EXTENSION OF NONDISCRIMINATORY TREATMENT TO THE PEOPLE'S REPUBLIC OF CHINA

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 4444, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4444) to authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China, and to establish a framework for relations between the United States and the People's Republic of China.

Pending:

Wellstone amendment No. 4118, to require that the President certify to Congress that the People's Republic of China has taken certain actions with respect to ensuring human rights protection.

Wellstone amendment No. 4119, to require that the President certify to Congress that the People's Republic of China is in compliance with certain Memoranda of Understanding regarding prohibition on import and export of prison labor products.

Wellstone amendment No. 4120, to require that the President certify to Congress that the People's Republic of China has responded to inquiries regarding certain people who have been detained or imprisoned and has made substantial progress in releasing from prison people incarcerated for organizing independent trade unions.

Wellstone amendment No. 4121, to strengthen the rights of workers to associate, organize and strike.

Smith (of New Hampshire) amendment No. 4129, to require that the Congressional-Executive Commission monitor the cooperation of the People's Republic of China with respect to POW/MIA issues, improvement in the areas of forced abortions, slave labor, and organ harvesting.

Byrd amendment No. 4117, to require disclosure by the People's Republic of China of certain information relating to future compliance with World Trade Organization subsidy obligations.

Byrd amendment No. 4131, to improve the certainty of the implementation of import relief in cases of affirmative determinations by the International Trade Commission with respect to market disruption to domestic producers of like or directly competitive products.

Thompson amendment No. 4132, to provide for the application of certain measures to covered countries in response to the contribution to the design, production, development, or acquisition of nuclear, chemical, or biological weapons or ballistic or cruise missiles.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Does my friend from Nebraska have a statement?

Mr. HAGEL. No, I do not.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4117

Mr. BYRD. Mr. President, what is the question before the Senate?

The PRESIDING OFFICER. It is the amendment offered by the Senator from West Virginia, No. 4117.

Mr. BYRD. I thank the Chair. I will be direct and to the point. This amendment requires the U.S. Trade Representative, acting through the Working Party on the Accession of China to the World Trade Organization, to obtain a commitment from China to disclose information about state-owned enterprises that export products and government assistance given to those state-owned enterprises. My amendment also requests a timetable for China's compliance with WTO subsidy obligations.

Even the staunchest supporters of permanent normal trade relations with China recognize that U.S. trade with China will continue to be an uphill battle insofar as fairness is concerned. The administration acknowledges this fact, and my good friend Senator ROTH stated the same only yesterday.

There are profound implications to Sino-American relations as a result of granting PNTR to China. State-owned enterprises continue to be the most significant source of employment in most areas in China, and some reports suggest that these subsidized enterprises account for as much as 65 percent of the jobs in many areas of China.

Government control reigns supreme in China. My amendment sends a message that the U.S. Senate seeks transparency in China's likely accession to the World Trade Organization, WTO. My amendment places Members on record as demanding China's compliance with the promises that China has made under the bilateral trade agreement that it signed with the United States.

Opponents of my amendment state that the amendment is redundant and flawed on two bases. First, it was argued that the administration is already required to condition the extension of permanent normal trade relations with the People's Republic of China on a finding that China's state-owned enterprises are not disruptive to our trading interests.

With all due respect to my colleagues, with this bit of news that the subsidy issue rests on some administrative conclusion, I began immediately working double time to get this amendment passed. This news sounded the alarm. I think it would be better to have the information direct, and to make our own conclusions. The Senate has that latitude!

In addition, if the President already has information to certify that China's state-owned enterprises are not disruptive to our trading interests, my amendment should present no problem. Let Members see the raw statistics. Let Members of Congress make up their own minds.

What is the Administration trying to hide? I will have more confidence in what the administration says if I can review the material myself, and if Congress can review it.

I have the same limited confidence in the proposed administrative review team that is supposed to keep an eye on China, which, as opponents of my amendment mentioned, the specifics on how this review team will operate has not yet been determined. Are Senators willing to leave this matter to fate?

The opponents of my amendment also mentioned, and it is true, that China signed a bilateral agreement with the United States that proclaims that China will cease the use of subsidies prohibited under the WTO Agreement on Subsidies and Countervailing Measures (SCM Agreement), including those subsidies contingent upon export performance and subsidies contingent upon the use of domestic over imported goods, which are strictly prohibited under the SCM agreement. The WTO subsidy agreements do, indeed, state that many subsidies are prohibited and shall not be allowed. I'm all for that!

Why should we not know this information? Help me find out by voting in support of this amendment! Help me provide the U.S. steel industry, and other industries, with an assurance—based on more than a nod from the administration—that there are no illegal Chinese subsidies.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from West Virginia.

Mr. BYRD. Mr. President, I yield the remainder of my time.

Mr. HAGEL. Mr. President, this side yields back all time as well.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from West Virginia.

The amendment (No. 4117) was rejected.

Mr. HAGEL. Mr. President, I move to reconsider the vote.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. Mr. President, I am prepared to make a statement relating to Senator THOMPSON's amendment. However, I understand my colleague from Iowa has a scheduling conflict and therefore needs to complete a statement by 10:10. I therefore ask unanimous consent that Senator GRASSLEY be recognized for up to 8 minutes and that I be recognized following his statement.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Mr. President, reserving the right to object—I don't intend to object if I have an opportunity to follow—I ask that I may be recognized following Senator HAGEL.

Mr. HAGEL. Mr. President, I revise my unanimous consent.

Mr. WELLSTONE. Mr. President, reserving the right to object, I ask unanimous consent that after Senator KENNEDY speaks, it be in order for me to bring my amendment to the floor.

Mr. HAGEL. Mr. President, I further revise my unanimous consent request to include Senator WELLSTONE's request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that upon the disposition of the amendment by Mr. HELMS, my amendment at the desk be made the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENT NO. 4132

Mr. GRASSLEY. Mr. President, as a co-sponsor of Senator THOMPSON's legislation on weapons proliferation, I want to tell my colleagues why I will not support this, or any other effort, to amend H.R. 4444, the legislation to authorize the permanent extension of nondiscriminatory trade treatment to the People's Republic of China.

First, I want to say that I fully agree with Senator THOMPSON's goals. He wants to reduce the threat posed to the United States by the proliferation of weapons of mass destruction.

So do I.

He wants to curb the transfer of technologies to rogue nations that might destabilize regional security, threaten our allies, or endanger United States forces.

And so do I.

In my view, this Administration has not done nearly enough to safeguard the United States from the growing threat of nuclear proliferation.

You don't have to take my word for it.

For anyone who thinks that the weapons anti-proliferation efforts of this administration have been adequate, and that the world is a safer place under the Clinton-Gore team, just take a look at the Cox Commission Report.

Or the report of the Rumsfeld Commission.

Both of these reports are compelling, and highly disturbing.

But, this is neither the time nor the place to deal with these issues.

The real issue today is whether we will approve this measure to extend permanent normal trade relations with China, and thereby allow the United States to take advantage of a market-opening trade agreement we helped negotiate.

An agreement that will mean new sales, more jobs, and increased prosperity for America's farmers, ranchers, and agricultural producers, our service providers, and our manufacturing sector.

I want to make this very clear:

A vote to amend PNTR, at this late stage, is a vote against PNTR.

If we change so much as one word of this PNTR legislation, it will not be consistent with the legislation passed by the House of Representatives, and will be sent back to that chamber.

With less than 20 legislative days to go in this session of Congress, that would kill the PNTR bill for this year.

And if PNTR is defeated, China will not suffer.

China will still enter the WTO, whether we normalize our trade relations with them or not.

If China enters the WTO, and we have not approved permanent normal trade relations status, our farmers, our service providers, our manufacturers will be forced to sit on the sidelines. Our competitors from Europe, Asia, and Canada will have China's market all to themselves. They will win a competitive advantage over us. Perhaps a permanent one.

The only ones who would suffer would be our farmers, and our workers.

Putting ourselves at this sort of disadvantage will hurt our economy.

And it will not help our national security one bit.

The problem I have with linking trade with national security, or with human rights, or with any other worthy cause, is that this sort of linkage assumes that we can only do one thing, but not the other.

We can either have human rights in China, or we can have free trade.

We can either protect our national security, or we can trade with China and jeopardize our security.

I believe these assumptions are false.

Our relationship with China is complex. It has more than one dimension.

And I believe the United States is big enough, smart enough, tough enough, and sophisticated enough to have more than a one-dimensional China policy.

We can have an effective human rights policy with China.

We can have a tough and effective national security policy.

And we can have a trade policy that serves our vital national interests.

We can do all of this at the same time, and do it well.

But not if we amend this bill and send it back to the House.

One last thing.

I read this morning that thousands of anti-globalization protesters rioted today at the meeting of the World Economic Forum in Melbourne, Australia. Scores of people were hurt. Almost one quarter of the delegates were locked out of the summit by the rioters.

One Australian official was trapped for almost an hour in his vandalized car.

Leaders of the riot claimed they were successful in blockading the conference.

"I think we can claim victory tonight", one of the protest leaders said.

The Melbourne riots come right on the heels of similar anti-globalization riots in Davos, Switzerland, Washington, DC, and last December in Seattle.

These riots are profoundly disturbing. They appear to be growing in intensity and frequency around the world. And they are terribly misguided.

Since the United States helped create the global trading system in 1947, free trade has lifted millions of people out of poverty.

As poor nations have gained new prosperity, they have improved the health and education of their citizens.

They have invested in new technologies to clean up the environment.

And all the nations of the world's trade community have helped keep the peace, even during the bleak days of the Cold War.

Today, China is on the verge of rejoining the world trade community it abandoned in 1950.

A vote for normalizing China's trade relations with the United States on a permanent basis will reaffirm our support for a member-driven, rules-based trading system.

It will highlight the importance of trade as a way to achieve prosperity for all, including the world's poorest nations.

And it will repudiate those who would tear down the most successful multilateral trade forum the world has ever known.

I urge my colleagues to support a clean PNTR bill, with no amendments.

The PRESIDING OFFICER (Mr. DEWINE). The Senator from Nebraska is recognized.

Mr. HAGEL. Mr. President, I rise this morning to urge my colleagues to oppose the Thompson amendment.

First, this is not a debate about whether national security or trade is the highest responsibility and priority of our Government. Of course, America's national security takes precedence over all other priorities. It is not helpful when we in this Chamber hear references to putting "trade dollars and business interests ahead of national security." There is not one Member in this body who does not put America's national security interests ahead of all other interests, including trade interests. The national security interests of this country come first for all of us.

That is not the issue. We need to understand very clearly the underlying bill granting China permanent normal trade relations. In granting PNTR to China, we allow our businesses and farmers the opportunity to take advantage of all the far reaching market-opening concessions China made to the United States when it signed the bilateral trade agreement with America last November. PNTR does not change or does not enhance China's access to America's markets. China has had access to our markets for years. It changes America's access to China's markets, which we have not had. There are no American trade concessions to China in PNTR. Our markets have long been open to China.

Voting down PNTR means throwing away what the Chinese have finally agreed to do—give to our businesses and farmers a fair shot at their markets. We must be perfectly clear on this point as we continue this debate on PNTR. That is the issue.

I urge my colleagues to oppose the Thompson amendment, not because I think Senator THOMPSON is wrong about proliferation; quite the opposite. The proliferation of missile technology and weapons of mass destruction clearly represents one of the most serious threats to the security of the United States. It is precisely because it is such a serious problem, with real implications for all Americans—by the way, implications for the world—that it needs to be treated seriously and responsibly.

Tacking this amendment to PNTR without any consideration in any committee of jurisdiction, without one hearing from proliferation experts, without understanding the national security, geopolitical, and economic consequences for America, would be irresponsible.

Every Senator in this body agrees with Senator THOMPSON about the importance of stemming the proliferation of weapons of mass destruction technology. I strongly disagree with his approach. His amendment would be bad for American nonproliferation efforts, bad for America's economic and trade interests, and bad for American national security. Proliferation is a global problem with implications for the security of the United States and all of our allies and friends across the world.

We cannot deal effectively with proliferation on a unilateral basis. That approach will be ineffective and will only diminish our ability to influence the proliferator. We must have the help of our allies and our friends. It is folly to believe that unilateral sanctions by one nation will stop any nation from its proliferation activities, if that is the intent. It isn't that simple. History has shown clearly that unilateral sanctions are unworkable tools of foreign policy. They end up injuring the interests of the sanctioning nation. The only time a unilateral sanction may be effective is when it covers a unique American product or technology for which there is no foreign availability. Most of all, the items and technologies covered by the Thompson amendment do not fit this category. If we prohibit the sale of these items and technologies without ensuring that our allies and friends are on board, we simply diminish our influence over the target country. At the heart of the debate is how best to influence the behavior of proliferating nations.

Unilateral sanctions will not encourage more responsible behavior on the part of China or any other country. This amendment might terminate a number of assistance programs that are clearly in America's interests to continue. For example, one of the sanctions in the Thompson amendment calls for a cutoff in Export-Import Bank financing for exports to the target country. Now, Export-Import Bank financing is designed to assist American exporters in their efforts to compete in foreign markets for business. It does not and has never been designed to assist foreigners. Cutting off Export-Import Bank financing hurts American exports. It is hard to imagine how this could have a positive effect on the target country's proliferation behavior.

The American people are going to elect a new American President in 2 short months. Proliferation will be a major issue for the new President. The new President and his team must come up with a comprehensive strategy for dealing with it. It is not in the best interests of our national security to handicap our new President by tying his hands with the provisions in this amendment. I believe that China's entry into the WTO, the World Trade Organization, and our granting of PNTR to China, is of enormous strategic importance to the United States. It is not only a matter of trade. It is not only about leveling the playing field for American businesses and farmers who have never had a fair shot at China's markets. At its core, it is about helping to set China on the road to becoming a responsible member of the global community. It is about taking advantage of an unprecedented opportunity to help the Chinese people gain more control over their own destinies.

We have heard, over the last few days, about human rights, religious rights, freedoms. All encompass this dynamic. Do we believe that we influence the behavior of a totalitarian nation to be better to its people and give its people more opportunities and enhance their lives, give them more control over their own destinies, by walking away from such a relationship? I do not think so. It has never been proven to be the case in history, and I do not think it will be proven to be the case this time.

WTO membership does not permit the Chinese Government to exercise the kind of control over people's lives as it has over the past 50 years. Membership in the WTO requires the Chinese Government to undertake painful economic and legal reforms and to open its markets, open its society. Is this perfect? Of course not. Are there flaws? Of course there are. Are there imperfections? Of course there are. Will there be problems implementing it? Of course there will be. All of these things are in America's strategic interest, however. We need to support China's accession to the WTO and grant them PNTR.

But if we attach this amendment, then we will not pass PNTR this year. As my friend from Iowa so succinctly put it: It will go down. And in whose best interest is that? Let us not forget that trade and prosperity encourage and enhance freedom, peace, and stability in the world.

This amendment would also have a negative impact on our ability to gather intelligence on proliferators. The amendment requires the President to report to the Congress the names of every suspected proliferator in an unclassified report. Although this amendment urges the President to do this in a way that protects sensitive intelligence sources, it is unclear, of course, how that will happen. How will sources be protected if Congress follows the expedited voting procedures in this amendment for overturning a Presidential determination that sanctions should not be imposed for national security reasons? How will we debate the correctness of the President's decision without talking about the intelligence information that led to the President's decision in the first place? It is impossible. Do we believe that by exposing our intelligence sources, by telling the world what we suspect or know, we can have a positive effect on proliferation?

We invest millions and millions of dollars and engage in multiyear projects to gain intelligence on proliferation activities around the world. We should not jeopardize that effort by having the President issue an unclassified report to Congress that lays out exactly what we know and how we were able to determine what we know.

The amendment also seeks to involve our capital markets in foreign policy issues. I do not think—and this is as kindly as I can say it—that this is a wise course of action under any circumstances. America is stronger because the world regards our markets, our capital markets, our financial markets, as the most trustworthy, honest, stable, and most fairly regulated in the world. In no place in our present system are America's capital markets used as a device of foreign policy. This would be dangerously irresponsible and unprecedented, and this would be done without one congressional hearing to examine the consequences of such action.

America is the preeminent capital market in the world, but that position is under constant challenge. International investors can move their money, issue their stocks, access capital anywhere in the world, with the click of a mouse. Why would we want to inject new political redtape and risks and uncertainty into a system that hangs on such a precarious balance? For what? Federal Reserve Chairman Alan Greenspan has been quoted on numerous occasions in the last few days on this issue. I remind my colleagues what Chairman Greenspan said about the Thompson proposal:

> So a most fundamental concern about this particular amendment is, it doesn't have any capacity of which I am aware to work. And by being put in effect, the only thing that strikes me as a reasonable expectation is it can harm us more than it would harm others.

This amendment would cast a long shadow of doubt over the American financial market system. This is not in the best interests of America.

I oppose this amendment because it has never received any consideration in any committee of jurisdiction. We have not heard from proliferation experts as to how this amendment would affect our national security. Proliferation is too serious, much too serious to deal with it in this manner. How much time have all our colleagues had to understand this, to develop an appreciation for the consequences of this action? How much time have we put into this? We know there have been four versions. The first I believe that any of us had a chance to look at this was yesterday. That is not responsible legislation.

I oppose this amendment because it employs unilateral sanctions which history has proven are an ineffective way to achieve foreign policy goals. The amendment would tie the hands of the next President before he has had a chance to develop a comprehensive global nonproliferation policy. It would jeopardize intelligence sources and would cut off programs that are designed to benefit American exporters such as the Export-Import Bank. None of this makes any sense. These consequences would be very harmful to America's interests. I oppose this amendment because it injects foreign policy considerations into our financial regulatory and market systems. This would start us down a very dangerous and unprecedented path that would ultimately weaken our markets and consequently weaken this country.

The underlying bill, PNTR, is of strategic significance to the United States. Passage of this bill, coupled with China's entering into the WTO, will help set China on the path toward economic and political reform, which is clearly in our national interest. It is clearly in the interests of the world. If we attach the Thompson amendment or any amendment to PNTR, we effectively kill PNTR this year and maybe for some time to come.

For all these reasons, I urge my colleagues to oppose this amendment, all amendments to PNTR, and strongly support PNTR.

I yield the floor.

I believe we have a unanimous consent agreement?

The PRESIDING OFFICER. That is correct. The Senator from Massachusetts is recognized.

EDUCATION

Mr. KENNEDY. Mr. President, I know we are very much involved in this extremely important decision on the question of trade with China, but I do want to take a few moments this morning to address another issue which I think is of central concern to families across this country.

I think it is particularly appropriate that we give additional focus and attention to the priority of education policy as we are coming into the final days of this session of Congress. I think there is a heightened interest in this issue as some 53 million children are going back to school. They have started going back to school in the last 10 days and are going back to school this week. And, fifteen million children are going to colleges, going back to school now, this week and next.

Parents are wondering what the circumstances will be for their children this school year and in the future, and who is going to ensure their children are going to get an adequate education and will move ahead. Parents understand full well that education is key to the future for their children and, obviously, education is key to our country's future as we are moving more and more into a new information-age and technologically-advanced global economy. This is a matter of enormous urgency.

We understand that there is a fundamental responsibility for the education of children in the elementary and secondary high schools of this country at the local and State level and that the role of the Federal Government is much more limited. Approximately 7 cents out of every dollar that is spent locally actually comes from the Federal Government.

In my travels around my State of Massachusetts, in talking to parents, they are interested in a partnership. They are interested in their children doing well. They want support for programs that work, and they are less interested in the division of authority between local and State governments and the participation of Congress in assisting academic achievement.

The backbone of congressional participation in the education of children is the Elementary and Secondary Education Act. That is an act of enormous importance. It is not only myself who is saying this, but we have the statements of the majority leader, Senator LOTT, who in January 1999 indicated:

> Education is going to be a central issue this year. . . . For starters, we must reauthorize the Elementary and Secondary Education Act. That is important.

Remarks to the Conference of Mayors on January 29, 1999:

> But education is going to have a lot of attention, and it's not just going to be words. . . .

Press conference, June 22, 1999:

> Education is number one on the agenda for Republicans in the Congress this year.

Remarks to the U.S. Chamber of Commerce, February 1, 2000:

> We're going to work very hard on education. I have emphasized that every year I've been majority leader. . . . And Republicans are committed to doing that.

A speech to the National Conference of State Legislatures, February 3, 2000:

> We must reauthorize the Elementary and Secondary Education Act. . . . Education will be a high priority in this Congress.

Congress Daily, April 20, 2000:

> . . . Lott said last week his top priorities in May include agriculture sanctions bill, Elementary and Secondary Education Act reauthorization, and passage of four appropriations bills.

Senate, May 1:

> This is very important legislation. I hope we can debate it seriously and have amendments in the education area. Let's talk education.

Press Stakeout, May 2.

> Question: Senator, on ESEA, have you scheduled a cloture vote on that?
>
> Senator LOTT: No, I haven't scheduled a cloture vote. . . . But education is number one in the minds of the American people all across the country and every State, including my own State. For us to have a good, healthy, and even a protracted debate and amendments on education I think is the way to go.

Those are the assurances we have been given by the majority leader, and we have had 6 days of discussion about elementary education. Two of those days were discussion only. We had a total of eight amendments, seven rollcalls, one voice vote, and three of those seven were virtually unanimous. So we have not had this debate which not only the majority leader has said is important, but which families believe is important. The reason they believe it is important is because of the substance of education policy that will be included in that debate. I remind the Senate where we are on the expansion of the number of children enrolled in school. In K-12 enrollment, it is at an all-time high. In 1990, 46 million K-12 children were enrolled, and by the year 2000, 53 million children. There are increasing pressures on local communities across the country.

This chart shows that student enrollment will continue to rise over the next century. There are 53 million students enrolled in the year 2000, but if you look at the projections, 94 million are estimated to be enrolled by the year 2100—41 million more students over the next century, virtually doubling the Nation's population in education which will require building schools and hiring more qualified teachers all across this country.

This is a matter of enormous importance to national policy and family policy. We believe we should not give short shrift to debating what our policies may be. We may have some differences on different sides of the aisle, but we should be debating these policy issues.

On the issue of priorities this year, such as bankruptcy—which we debated for 16 days, we had 55 amendments; 16 days on bankruptcy, 55 amendments. As I mentioned, we had eight amendments on elementary and secondary education. Three were unanimous and one vote was by a voice vote. So we really have not met our responsibilities, I do not believe, on debating education policy.

> I strongly favor Federal commitment and investment in programs that have been tried, tested, and proven to be effective and that can be implemented at the local level and have a positive impact on the children.

I want to take a moment to bring the Senate up to speed about what is happening in schools across the country. More students are taking the SAT test: In 1980, 33 percent; 1985, 36 percent; 40 percent in 1990; 42 percent in 1995; 44 percent in 2000. More and more of the children in this country are recognizing the importance of taking the scholastic aptitude test. Children are aware they have to apply themselves, as reflected in the number of students taking the test, and that college education is the key to success in America. Also, the results have been positive. Even though more students are taking the SAT, and the students are more diverse, math scores are the highest in 30 years. But, in order to sustain the gains made, children need to continue to have well-qualified teachers, they need an investment in preschool programs, they need afterschool programs, they have to have available to them the latest technologies so they can move ahead in their academic work.

This is another chart showing more students are taking advanced math and science classes. This reflects 1990 to 2000: Precalculus, in 1990, was 31 percent. It is now 44 percent. Calculus, 19 percent in 1990; 24 percent in 2000. In physics, 44 percent in 1990 to 49 percent in 2000.

We are finding more students are taking college level courses, advanced placement courses, the more challenging courses, and they are doing better and better in these undertakings.

However, our work is far from over. We cannot get away from the fact that there are many others in our country, in urban areas and rural areas, who are facing extraordinary challenges. Those disadvantaged children are really the ones on which we are focused in terms of the Federal elementary and secondary education programs.

Basically, there are important ways in which we can give some help and assistance to these children. We believe in smaller class sizes, with well-trained teachers, and afterschool programs. We believe in making sure the children are going to be ready to learn, either through the Head Start Program or through helping and assisting local groups to try to give help and assistance to those children as they are preparing, even for Head Start, the ready-to-learn program, which basically was a goal we agreed to—Democrats and Republicans alike—in their conference in Charlottesville about 10 years ago. That is an area in which we have not been able to gain support, although we have a bipartisan proposal that is actually currently pending—would be pending were we to get back to the elementary and secondary education bill.

We believe the success of the STAR Program in Tennessee and also in the State of Wisconsin demonstrates the importance of smaller classrooms. Also, all of the various studies have shown quite clearly the importance of having well-trained teachers.

We can learn from States that have moved ahead in providing adequate compensation of teachers, such as Connecticut, North Carolina, and other States, and that have shown that when you have teachers who are well trained and well paid, you get an enhanced academic achievement for these students.

We support afterschool programs—they have a tremendous impact on helping children to enhance their academic achievement.

We should also make college more accessible to every qualified student through GEAR UP and college tuition help, the excellent proposal that has been advanced by Vice President Gore to provide a tax deduction for tuition for children, for parents whose children are going on to college.

Also, in the area of skills training, we tried to address that in an amendment. We actually were able to get a majority in the Senate to support the restoring of a training program, but we have been unable to get that implemented because there was a point of order made against it. We had to amend a bill which did not make it possible for us to carry that forward into a conference.

All of these are matters of enormous importance. We have been impressed—I have—by the debate and discussion at the national level about the Vice President's proposal to understand that learning has to be a continuum and that skills training has to be a continuum.

I often am reminded of the fact that when I first was elected to the Senate, we had a very efficient shipyard down in Fall River, MA. The workers who worked there, their fathers worked there, their grandfathers worked there. More often than not, the sons wanted to work there. But there has been a change. That yard has been closed. Now what we find out is—not only there but across my own State of Massachusetts and across the country—everyone who enters the job market is going to have, on average, seven different jobs over the course of their lifetime.

We have to be able to have continuing education and training programs accessible and available to young and old alike, so that people are going to be able to upgrade their skills. That is enormously important. It is enormously important not only to the young, but it is enormously important to communities such as mine, Massachusetts, where we have an older workforce—we have a transition from a lot of the older industries into newer kinds of industries—and where the real difference is in the development of skills.

We would have the opportunity to address many of those issues I have very briefly mentioned in the Elementary and Secondary Education Act. We certainly would be able to address universal preschool, the issues of qualified teachers, and the importance of skills training that is going to be school based. We could address modern and safe schools. We would be able to address afterschool opportunities, smaller class sizes, and the higher education issues.

Lifelong training would perhaps not be exactly targeted in those programs, but we will have an opportunity to address that, I believe, in the final budget negotiations that are going to be taking place between the two Houses, and with the appropriations. Being able to have a clear indication about where we in the Congress stand on these issues could be enormously instructive in terms of allocating scarce resources.

I just want to say, we are continually frustrated that we have not been able to get this matter back up in the Senate for debate. We note that we were on a two-track agenda just last week, where we did the trade issues during the day and the appropriations in the evening. We would like to suggest that we could do the trade issues, as they are going along, but we are prepared to move ahead to consider the Elementary and Secondary Education Act in the evenings. We could consider it this week, next week, until we have reached a conclusion to it. We recognize the importance of it.

If we are looking around for priorities—we heard last week about the importance of a lockbox; and we ought to certainly address that issue before we adjourn—but I daresay for most families, this week is education week as their children go back to school. They want to know what they might be able to expect from the Congress, what kind of partnership should they be able to expect, and we should not just give them silence, which we effectively are giving them.

I welcome the fact that this week we are having Vice President Gore speak on the various aspects of education for a series of days in different parts of the country. I would like to see a national debate on education. I would like to see him out there speaking about it. I would like to have seen Governor Bush speaking about it. I would like to see the engagement of their ideas in the forums of their debates. But we ought to be discussing these issues here on the floor of the Senate. That is something I think is of importance.

Every day we let this go by, every day that we refuse to bring this up, I think we are denying the American people the kind of debate on an issue they care about, which they deserve. We hear both of the candidates talk about education. Let the record just demonstrate that we, on our side, want to get back and debate this issue. We want to take action on it. We are prepared to go forward on it. We do not need phone calls from the Vice President on this. We are prepared to go ahead—and go ahead today, tonight, any other time, on it.

We wish the Governor would call the Republican leadership and say: Look, I am interested in the education issues as well. Why don't you go ahead and have a good debate on that issue and in the Senate. Let me tell you what my positions are. Let's have a debate. Let's let the American people understand. Let's give them a window into this discussion, which is so important for families in this country. Let's not exclude them.

I can imagine, as the Vice President is going around talking about education, there are going to be people saying: What is happening in the Congress? I hope he understands that we, on this side, are prepared to have these matters debated, discussed, and resolved. We wish we could join with our colleagues on the other side to do so.

Historically, the issues on education have never been really partisan. We have some differences in terms of accountability, which the Vice President strongly supports. But we believe we ought to be able to have a debate and discussion in the Senate on this issue. We think we are denying the American people the opportunity.

So I would invite the Governor to contact the Republican leadership here and say: If you are really interested in education, let's bring the elementary and secondary education bill back to the floor. Let's debate it.

We are glad to consider it in the evening time. We have now just about a month left in this session of the Senate. We ought to be resolving the issues on education, on the Patients' Bill of Rights, on prescription drugs, and on the increase in the minimum wage. If we did those four, if we took care of those four issues, I think we could say that this was a Congress of considerable achievement and considerable accomplishment.

Those are central, focused issues about which both of the candidates are talking. But they are speaking all over the country; they are not speaking to us here in the Senate. We have no debate on minimum wage. We are not getting back to the minimum wage or prescription drugs. We aren't getting back to education.

Since we are not going to be able to do that and have it rescheduled, we are going to have to take whatever steps we possibly can on whatever bills that are going to come up in the remaining days. We want to do this well. We want to do it with the understanding of the leadership on both sides. But if we are not going to be able to get focus and attention on these issues, then we are going to have to take whatever opportunity we have, on any of the measures that are coming down the line, in trying to press the people's business in the form of education. And that I commit we will do.

I thank the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I know my colleague from Maine wants 5 minutes to respond. I ask unanimous consent that after my colleague from Maine speaks, my colleague from California have 5 minutes as in morning business, and that I then be able to introduce the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maine.

Ms. COLLINS. Mr. President, first, I thank my friend and colleague from Minnesota for his usual graciousness in allowing me to respond to the comments made by my friend from Massachusetts, Senator KENNEDY.

Let's look at the facts. My colleagues on this side of the aisle have repeatedly said that the reauthorization of the Elementary and Secondary Education Act is our top priority. We produced a very good bill from the HELP Committee on which the Presiding Officer serves so ably. We produced a bill that provides a substantial increase in Federal funding for education to help improve education and the lives of children all over this Nation.

We also adopted an important, innovative, new approach, one that recognizes that Washington is not the fount of all wisdom when it comes to educational policy. We recognize that schools have different needs, that some need new computers. Others need to hire new math teachers. Still others need to concentrate on providing more programs for gifted and talented students. Schools have different needs. They want to tailor their policies to the needs of the local community.

That is what our bill would do. It would give schools more flexibility in spending Federal dollars while holding them accountable for what counts; that is, results, improved student achievement. We want to get away from the Washington-knows-best approach and let local school boards, teachers, and parents make the decisions about what their children best need.

Unfortunately, our efforts were derailed by our colleagues on the other side of the aisle who insisted on weighing down the education bill with issues completely unrelated to education. The majority leader, Senator LOTT, has tried repeatedly to get a unanimous consent agreement that would allow us to return to the education bill that both sides agree is so important. Unfortunately, the latest effort was once again met with demands for unrelated, nongermane amendments that would sink our ability to produce this important legislation this year.

Those are the facts. Our side stands ready to return to the ESEA bill. We believe that is an extremely important priority. We are very proud of the bill we have produced. We believe it would make a real difference in the lives of American children. We would like to go forward. Unfortunately, we have been met with obstacle after obstacle from our colleagues on Senator KENNEDY's side of the aisle.

That is unfortunate. But the American people deserve to know why we have been unable to complete our work in this very important arena.

I yield the floor and again thank my colleague from Minnesota for his graciousness.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. I thank the Chair.

Mr. President, I add my thanks to my fine colleague for allowing me to have this 5 minutes.

I say to my dear friend from Maine that we all seem to be saying we want to bring up the ESEA so we can debate education. Yet the format under which we would be going back to this bill would be a closed format. Those of us who think it is important, for example, that there be school safety, that we be allowed to offer sensible gun laws so we can, in fact, keep these guns away from these kids wouldn't be able to do it. We could not offer an amendment on school modernization. We could not offer an amendment to expand afterschool opportunities, smaller class sizes, more qualified teachers, and accountability for results.

When you say you want to discuss education, yet you shut out the ability for those of us on this side to offer these amendments that, by the way, many people in the country support by majorities of 80 percent, it seems to me you are not offering anything at all.

The interesting point is that my friends on the other side say: Well, you are just trying to delay things. Nothing could be further from the truth. In 1994, PHIL GRAMM on your side offered a gun amendment on the ESEA. All we are asking for is the opportunity to debate this and debate it so that it is relevant to the American people.

THE CLINTON BUDGET

Mrs. BOXER. Mr. President, I asked for the 5 minutes because I want to discuss a timely matter in response to my good friend, Senator JOHN MCCAIN, who made a national radio address of 5 minutes to the Nation in which he criticized the President very strongly for the President's budget plans.

It is wonderful to see that JOHN is back and strong, healthy and feisty, and I am looking forward to testifying before his committee on the issue of violence among children. But I have to say, although I completely respect his opinion, I think his analysis of where we are in the budget debate is so upside down and inside out, I felt compelled to take to the floor today to respond.

Senator MCCAIN said in his radio address:

> Our President supports excessive spending that most Americans oppose.

That is a direct quote. He said the President would:

> . . . wreck the economic progress we have made during these good years.

That is very strong language.

I must say respectfully to my friend from Arizona, why have we had "these good years" about which he talks? Clearly, it is because this administration has given us policies that work. We only need to look back to 1992, the Bush-Quayle years. We had the worst recession since the Great Depression. I remember it so well because it is when I ran for the Senate. We had horrific deficits as far as the eye could see, almost $300 billion. We had crime rising; we had hope falling. We had unemployment skyrocketing, and there was malaise in the country.

The Clinton-Gore budget in 1993 changed all of that by ushering in a new era of economic growth. It was a combination of discipline on the deficit and policies that would invest in our people—economic discipline on the one hand, saying to the people in the very high brackets: You have to pay your fair share, and investing in our people, in education, in the environment, and in infrastructure.

It does not mean everything is perfect, as AL GORE is saying. He is not satisfied. None of us should be satisfied. There is more work to do, and we need to do better.

But let's look at the record since AL GORE has been Vice President: Average economic growth, 3.8 percent a year under Clinton-Gore, compared to 1.7 percent under Bush-Quayle; unemployment in 1992, a staggering 7.5 percent. In my home State, it was double digits. I will never forget the fear among the people. Today the unemployment rate is 4 percent.

The PRESIDING OFFICER. The Chair advises the Senator that her time has expired.

Mrs. BOXER. Mr. President, I ask unanimous consent for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Home ownership is the highest ever. The $290 billion deficit has turned into a $232 billion surplus. Poverty is the lowest in 20 years. Real wage growth is up 6.5 percent. Under the Reagan-Bush years, there was a decline in the real wage growth of 4.3 percent. There are 22 million new jobs, the most jobs created in history under a single administration.

Now we have the other party saying the President is wrong on his budget ideas. It is their right to say that. But the American people are wise. When you oppose every policy that led to this economic growth, they are going to question you at this particular point in the debate.

Instead of having a radio address where you slam this administration after these great years of growth, why not hold out your hand? Why not hold out your hand to the other side? People are tired of this partisanship.

Let's keep these successful policies going. As Vice President GORE has said, let us do even better. Let's not be satisfied; let's make those deep investments in education and the environment. Let's do even better on paying down the debt. Let us give middle-class tax cuts, not tax cuts to the superwealthy that are going to wreck this economic recovery. Let us save Social Security and Medicare. The other side wants to do it. Let's join hands.

Let's join hands on a real Patients' Bill of Rights and on a real prescription drug benefit as part of Medicare—and not send our seniors off to the HMOs which really do not have the patients' benefits at heart. Let's do it together before the end of this session. Let's do it now. Let's join hands now rather than throw insults over the radio.

My friends, we have a golden opportunity. I think we have shown we can work together. Let's stop the partisanship. Let's join hands. Let's finish this year on a high note, go home, and feel good that we have done these things. Let's keep up the policies of the past 8 years because they have worked. But let's do even better.

I thank my friend for giving me this time. I thank the Presiding Officer for his indulgence.

I yield the floor.

TO AUTHORIZE EXTENSION OF NONDISCRIMINATORY TREATMENT TO THE PEOPLE'S REPUBLIC OF CHINA—Continued

AMENDMENT NO. 4119

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Thank you, Mr. President.

Mr. President, amendment No. 4119 deals with the human rights question; it deals with the trade question; it deals with the issue of Chinese exports to the United States of goods made by prison labor.

To curb such exports, this amendment is about existing agreements that we already have with China. This amendment just says we want China to live up to the existing agreements. The United States and China first signed a memorandum of understanding in 1992, which I will refer to as MOU throughout the debate. Then we signed a statement of cooperation in 1994. This amendment would require that the President certify that China is fully compliant with the two trade agreements that China has already made with us before extending PNTR to China.

Let me provide some background on U.S.-China agreements on trade in prison labor products and discuss China's deplorable record in complying with these agreements. Actually, they haven't complied with these agreements. The MOU was intended to end the export to the United States of goods produced by prison labor in China. China agreed to the United States' request back in 1992 that it would promptly investigate any companies that were involved in using prison labor to export products back to our country. But basically the Ministry of Justice in China completely ignored the agreement.

In 1994, therefore, we signed another statement of cooperation with them in which China said: We will agree and we will set some time limits so that within 60 days of the United States' request to visit such a facility we will make that happen. We will be expeditious in making sure we follow through on this agreement.

For the last 3 years, they have not followed through on any of these agreements.

Because of the good work of my colleagues, Senator HARKIN from Iowa and Senator LAUTENBERG from New Jersey—both of whom are going to speak on the floor of the Senate—for the first time in 3 years we had Customs able to visit one of these factories. But this really was the first time that China has budged at all. Other than that, we have seen no agreement, or no follow-through on these agreements.

When I became a member of the Foreign Relations Committee 3 years ago, I remember the first hearing we held had to do with prison labor conditions in China and this whole problem of trade with China. Basically the consensus of all of the witnesses who testified, including administration witnesses, was that the Chinese compliance with our trade agreements was pitifully inadequate. There has been virtually no compliance with these agreements.

The State Department issued a country-by-country report in 1999 and also in the year 2000. I will summarize. I could quote extensively. Both of these reports make it clear that during the last 2 years, China has not complied with these existing agreements.

Let me simply raise a question with my colleagues. Here we have two trade agreements with China—two understandings. We have basically said to the Chinese Government that people in the United States of America would be outraged if they knew that part of what they were doing was exporting products to our country produced by prison labor. This is a human rights issue. It is a labor issue. And it is also a trade issue.

It is interesting. I talked about a memorandum of understanding. In 1994, the administration used as evidence the fact that China had signed the statement of cooperation. For the first time, the President said: I am going to switch my position and I am going to delink human rights from trade because it is a great step forward that China has signed this statement of cooperation. That judgment turned out to be premature. China's Ministry of Justice ignored seven U.S. Customs' requests for investigation submitted in March of 1994, the same month that the agreement was passed.

China, for years, has refused to allow U.S. officials access to its reeducation through labor facilities—let me repeat that—reeducation through labor facilities, arguing that these are not prisons.

China, in spite of these agreements, has said: We will not allow the United States access to our reeducation through labor facilities because these are not prisons. Beijing would have us believe that these are merely educational institutions. And nothing, if we are at all concerned about human rights in the Senate, could be further from the truth.

Reeducation through labor—known as "laojiao" in Chinese—is a system of administrative detention and punishment without trial. That is what it is. The U.S. Embassy in Beijing insists that reeducation through labor camps are covered by our trade agreements, the MOU. And this is confirmed by the MOU record. Beijing disagrees and continues to claim that these reeducation through labor facilities are not prisons. For over 5 years, China has repeatedly denied or ignored all U.S. requests to visit one of these facilities. We haven't been able to visit even one of these facilities.

What has been this administration's reaction to China's refusal to allow a visit? It has been the same as for all denied visits. We renew our request every 3 months, and the Chinese totally ignore us. This charade ought to stop. It ought to stop now. That is why I hope there will be strong bipartisan support for this amendment.

What does "reeducation through labor" mean? Let me read some excerpts from Human Rights Watch reports on this subject:

> The usual procedure is for the police acting on their own to determine a re-education term. Sentences run from one to three years' confinement in a camp or farm, often longer than for similar criminal offenses. A term can be extended for a fourth year if, in the prison authorities' judgment, the recipient has not been sufficiently re-educated, fails to admit guilt, or violates camp discipline. The recipient of a re-education through labor sentence has no right to a hearing, no right to counsel, and no right to any kind of judicial determination of his case.

That is a quote from a Human Rights Watch report on this subject.

Human Rights Watch also points out that inmates may have their reeducation sentence extended indefinitely, and concludes that reeducation through labor violates many of the provisions of international law, including the International Covenant on Civil and Political Rights, which China signed in 1998. The covenant states:

> Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court in order that the court may decide without delay on the lawfulness of his detention.

Among other things, reeducation through labor bars the presumption of innocence, involves no judicial officer, provides for no public trial or defense against the charges.

Amnesty International has concluded that it is impossible for China to claim a commitment to the rule of law while maintaining a system that sentences hundreds of thousands of people without due process. I couldn't agree more.

According to the 1999 State Department report on human rights, there are 230.000 people in reeducation through labor camps. Conditions in these camps are similar to those in prisons. What does the report say about these conditions in prisons? It describes them as "harsh, and frequently degrading for both political criminals and common criminals." The report says it is common for political prisoners to be segregated from each other and placed with common criminals. There are credible reports that common criminals have physically beaten up political prisoners at the instigation of the guards.

I am sure my colleagues will agree that reeducation through labor doesn't qualify as an institution whose sole aim is education and rehabilitation, as China claims.

Before certifying that China is in compliance with the MOU and SOC under this agreement, the President must affirm that China is permitting investigation and U.S. inspection of reeducation through labor facilities under the terms of both the memorandum of understanding and the statement of cooperation, two agreements that we have signed with China in 1992 and 1994.

I am offering this amendment because I think it addresses concerns that many Members have in the Senate about PNTR, concerns about China's appalling and worsening human rights record.

I heard my colleague from Nebraska say that the evidence is clear that opening up trade leads to more respect for human rights. The evidence is not clear on that. We have been doing record trade with China. We have a record trade imbalance. They export much more to the United States than vice versa. They export products made by forced prison labor in China. Over the last 10 years, we haven't seen more respect for human rights. Our own State Department reports that all of the human rights organizations reports point to harsh—and in some cases, worsening—conditions.

How can Senators reviewing our trade relations with China give up this little leverage that we have and think somehow it will promote human rights when, as a matter of fact, we have seen no evidence whatever that the Government is moving in that direction. We will give up what little leverage we have.

This amendment is about human rights. It is an amendment that speaks to whether or not we can depend upon China to honor trade agreements. It is an amendment that speaks to the concerns of working people, that they can't possibly compete with prison labor in China.

Senators, I offer this amendment and I call for support on this amendment for three reasons: (A) out of respect for human rights; (B) because we already have these trade agreements with China. This is the most directly relevant amendment to PNTR awaiting action. We already have trade agreements with China and they have not abided by these agreements. Tomorrow they could. In this amendment, we call upon China to live up to these agreements before we automatically extend normal trade relations. What is unreasonable about that?

Finally, I say to Democrats first, and Republicans second—Democrats first, because we are supposed to be more the party of the "people"—in all due respect, a lot of our constituents, a lot of working people, a lot of labor people, have every reason in the world to be a bit skeptical about this new trade agreement and the new global economics when we have China exporting to our country products produced by prison labor.

I think this amendment is all about on whose side are we. Are we on the side of a repressive government that basically pays no attention to anything we say because the message we communicate is: We will, for the sake of commerce, sign any agreement; we are not concerned about these harsh conditions. But are we on the side of human rights? Are we on the side of the idea that China ought to live up to these trade agreements? Are we on the side of working people, laboring people in our own country who, by the way, will say to each one of you back in your States: Senator, we do not want to be put in a position of losing our jobs because this repressive government can export products made by forced prison labor in China and has not been willing to live up to any of the agreements they have signed with our country.

I ask my colleagues to carefully consider the following questions:

(A) How can we expect China to honor trade agreements with us when it systematically violates the two agreements we signed committing China and the United States to cooperate in curbing trade in prison labor products? They are in noncompliance with two agreements.

(B) How can we do nothing, year after year, to bar imports of Chinese forced labor products when we know that China operates the world's largest forced labor system estimated to encompass over 1,100 camps and as many as 8 million Chinese prisoners? This is the Chinese version of the Soviet gulag. It encompasses a massive complex of prisons, labor camps, and labor farms for those sentenced judicially. Do we want to turn our gaze away from this, Senators? Do we want to pretend we didn't sign these agreements? Do we want to pretend China is complying with these agreements? Do we want to pretend that it is not an important human rights question? Do we want to pretend that this is not important to working people in our country? Do we want to pretend that citizens in our country would not have real indignation if they realized that we weren't willing to at least insist China live up to these trade agreements? And we are not going to if we do not pass this amendment.

(C) How can the administration allow China to ignore agreements to halt forced labor exports, thereby abetting a dehumanizing system that imprisons and persecutes Chinese democrats—Republicans, I use democrats with a small "d"—for peacefully advocating human rights, while enabling Beijing to profit from exports of prison products?

Finally, how can the administration risk the displacement of U.S. workers while we turn a blind eye and China does nothing to bar exports to the United States of products made by prison labor. U.S. citizens are losing jobs.

Colleagues, I look forward to hearing from the other side. H.R. 4444 proposes a toothless remedy. I do not want to let anyone in this debate get away with saying we are very concerned about this question. H.R. 4444 mandates the establishment of an interagency task force on prohibiting importation of products of forced or prison labor. This task force is to make recommendations to the Customs Service on seeking new agreements.

Another task force. In all due respect, this toothless remedy has a made-for-Congress look to it. We do not want to bite the bullet, we do not want to do something substantive and important, so we do something that is symbolic—at best. Do we need another task force? We do not need another task force. We do not need an interagency task force. We already have two agreements with China—1992 and 1994. Another task force is meaningless.

Let me just point out some of the more pointed Chinese proposals which were conveyed in a message sent in May from China's Ministry of Justice to the U.S. Customs attaché in Beijing. The message admonishes the U.S. Embassy to abide by certain principles, which include:

> . . . the rule that Chinese officials conduct investigations first, then if necessary arrange visits for American counterparts.

I quote again:

> Unnecessary visits will not be arranged if we can clarify and answer questions through the investigations.

Really what the message from the Chinese Government is, is we conduct the investigations first and only afterwards permit the United States to visit suspected sites. This is in total opposition to the memorandum of understanding and the statement of cooperation. We already have the agreements. They are not in compliance with these agreements. And we want to set up a task force?

Let me simply say the view of the Chinese Ministry of Justice that we should trust China's sincerity and therefore reduce the necessity of U.S. on-site visits is nothing short of ridiculous. This is pretty incredible.

The other thing is, H.R. 4444 stipulates that the task force is to:

> . . . work with the Customs Service to assist the People's Republic of China in monitoring the sale of goods mined, produced or manufactured by convict labor, forced labor, or indentured labor under penal sanctions to ensure that such goods are not exported to the United States.

The Chinese Government controls prison labor in China. It can curb the export of forced prison labor products anytime it chooses. It certainly does not need the assistance of the United States. This is, frankly, ludicrous. It is just ludicrous.

The State Department, in 1997, affirmed both the memorandum of understanding and the statement of cooperation, of 1992 and 1994, to be binding international agreements. The trouble is that China does not. It continues to get away with this because we impose no penalties for these egregious and continuing Chinese violations. In contrast to the provision now in H.R. 4444, which is toothless, my amendment for the first time will provide China with a strong incentive to comply with the MOE and SOC, for, if it fails to do so, then it will put PNTR at risk. An added benefit is that it would help restore U.S. credibility by holding China accountable for violating trade agreements with the United States.

We are just insisting that China stop treating the bilateral agreements it has signed with us concerning prison labor exports as mere scraps of paper. What does this amendment ask for? It asks simply that PNTR be denied until the President can certify that China is honoring agreements it has repeatedly violated in the past. Is that too much to ask? Is that too much to ask?

Mr. President, I have a document dated May 8, 2000, from the Deputy Director General of the Prison Administration Bureau, PRC, to David Benner, U.S. Customs Attaché. I ask unanimous consent that it be printed in the RECORD, and I reserve the remainder of my time.

There being no objection, the material was ordered to be printed in the RECORD as follows:

PRISON ADMINISTRATION BUREAU,
MINISTRY OF JUSTICE,
PRC, May 8, 2000.

DAVID BENNER,
U.S. Customs Attache, American Embassy Beijing.

Mr. BENNER: It was a pleasure to meet you on April 20, 2000 and the meeting was successful. As a follow-up, this letter presents the concerned principles and suggestions we mentioned at the meeting. We hope that your government can give us a clear reply as soon as possible.

I. BRIEF SUMMARY OF OUR COOPERATION IN THE PAST

The signing of MEMO and COOPERATION AGREEMENT shows our principles and sincerity of cooperation. In the past seven years since the signing of MEMO, we have made great efforts to arrange eight visits to eleven places for American officials. We also conducted investigations into over fifty places and provided the results to American counterpart. We have noticed that American officials have closed most of the cases related to the above places. Among these visits and investigations, no evidence at all has been found to prove the allegation of prison products exportation to the U.S. These facts well show our serious attitude and cooperation sincerity.

II. ADDITIONAL EXPLANATION AND EMPHASIS ON SOME COOPERATION PRINCIPLES

1. The objects that will be investigated are prison products being exported to the U.S. No third country should be involved.

2. Abide by the principle that Chinese authorities should hold the sovereign right to conduct investigations.

3. Abide by the rule that Chinese officials conduct investigations first, then if necessary arrange visits for American counterparts. Unnecessary visits will not be arranged if we can clarify and answer questions through the investigations.

4. So-called "PENDING" or unresolved cases should be agreed to both sides.

5. All American visitors have to be diplomats.

6. Any visits and investigations in China have to abide by concerned Chinese laws and regulations.

7. The time limit of sixty days is valid to both sides.

8. The results of the visits and investigations made by American officials have to be formally submitted to Chinese government by American government.

9. American counterparts should provide sufficient information and evidence to support the allegations and to warrant the investigations and arrangement of visits.

10. The investigation of one case must be completed and case closed before starting another or second case.

I. SOME SUGGESTIONS

1. In the past seven years, both sides have made great efforts to do tremendous work, no prison products exportation to the U.S. has been found so far. Therefore, a summary is very necessary.

2. American counterpart must trust our sincerity and investigation results, which is the most important basis upon which we cooperate with each other. Site visits are not necessary if we can clarify the allegation by our investigations. Reduction of site visits can result in higher efficiency and avoid unnecessary troubles and unexpected snags.

3. American officials should standardize the ways and norms when close cases regarding the suspected units.

4. American counterpart should be cautious and prudent towards the sources of information and its authenticity. As a matter of fact, a lot of information obtained by American officials was not accurate, some even groundless. This creates unnecessary troubles for both of us. Pertaining to the practice these years, we think it is very necessary for both sides, especially our side to verify the information and evidence obtained by American counterpart.

5. Abide by the regulation in COOPERATION AGREEMENT to conduct investigation one case by one case. This is a serious and responsible attitude and standardized and effective method.

WANG SHU-SHENG,
Deputy Director General.

The PRESIDING OFFICER. The Chair recognizes the Senator from Delaware.

Mr. ROTH. Mr. President, I make a point of order a quorum is not present.

Mr. WELLSTONE. Mr. President, I ask consent this not be charged against my side.

The PRESIDING OFFICER. The quorum call is charged to the side that suggests it.

Mr. WELLSTONE. I thank the Chair.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. I say to my colleagues, Senator LAUTENBERG will be speaking in just a moment, but until he comes out, I yield the floor.

The PRESIDING OFFICER. Who yields time? If no Senator yields time, time will be charged equally to both sides.

The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, until my colleague from New Jersey is ready, I want to again summarize this amendment for other Senators. This is the issue of Chinese exports to the United States of goods made by prison labor. This is an issue of the memorandum signed in 1992, I say to my colleague from Delaware, to deal with this problem. The Chinese Government agreed: Yes, we are going to stop this.

Then we signed another agreement, a statement of cooperation, in 1994. I have been on the floor citing State Department reports and other evidence—no question about it—that the Chinese have refused to comply with these agreements. It has been blatant. People in our country would be outraged to know this.

I say to Senators, this is a three-pronged issue. I have talked about these reeducation labor camps. I have talked about the deplorable conditions. It is a human rights issue. I have cited human rights reports. I have said this is a trade issue. They have signed these agreements and have not lived up to them. I have said this is a labor issue. It permits ordinary people—which I mean in a positive way—in the States to be a little suspicious that they could lose their jobs as a result of this.

I hope my colleagues will support this. It is an eminently reasonable amendment. It simply says the President needs to certify that China is fully compliant with these two agreements, which they have already made with us, before extending PNTR to China.

I yield 12 minutes to my colleague from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank my friend and colleague from Minnesota for offering this amendment. I ask unanimous consent to be added as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I rise today in support of the Wellstone amendment on prison labor.

China has an extensive prison labor system, and many people are in China's prisons for expressing their opinions, practicing their religion, or engaging in other activities we would regard as the exercise of their fundamental human rights.

Many of these political prisoners have been sentenced to what the Chinese call "re-education through labor" without even being accused of a crime, much less having a fair trial.

In the early 1990s, the U.S. had reason to believe China was using prison labor to produce goods for export, including goods intended for the U.S. market. China's government denied this until we found a document directing the use of prison labor to produce goods for export.

China had long agreed not to use prison labor to make items destined for the U.S. market. In August 1992, after protracted negotiations, the United States and China signed a memorandum of understanding on prohibiting import and export trade in prison labor products. This was followed by a statement of cooperation in 1994.

For several years, the system put in place by these agreements allowed U.S. Customs to investigate when we suspected that prison labor was being used to make goods for sale in the U.S.

Under the agreements, U.S. Customs officers—working with their Chinese counterparts—investigated suspicious sites. Cooperation under the MOU included visits to 11 sites over several years.

In 1997—this is 4 years after the agreement was signed—China stopped allowing U.S. Customs to conduct these inspections. Apparently, the Chinese felt that the U.S. should give them a clean bill of health and accept their assurances on prison labor without further inspections. They went so far as to seek a renegotiation of the memorandum of understanding.

For me, China's compliance with its freely accepted international obligations on prison labor is a critical issue in considering PNTR. China's willingness to suspend implementation of the memorandum of understanding is very troubling.

For China's accession to the World Trade Organization and the 1999 bilateral market access agreement to be meaningful, we need to have confidence that China will fulfill the letter and spirit of its international obligations.

Senator HARKIN and I recently traveled to China, and China's failure to fulfill its commitments on prison labor was a major focus of our visit. Before we left, we worked with the U.S. Embassy in Beijing and the Chinese Embassy in Washington to arrange to accompany U.S. Customs on a long-overdue prison labor site inspection visit.

When we arrived in Beijing, we were told that the Chinese authorities did not understand our request, and then we were told such a visit would not be possible. But we did not give up.

We pressed the point in our first formal meeting in Beijing, with Vice Foreign Minister Yang. We did not make any progress on the issue, but I think the Chinese Government got the message that we were serious.

Later the same day, we met with Vice Premier Qian Qichen. We again pressed the point that China must fulfill its obligations to allow U.S. Customs to inspect suspected prison labor sites, and we asked that we be permitted to join an inspection.

Vice Premier Qian agreed that the time had come to resume implementation of the MOU on prison labor. He agreed that the first inspection would take place in September.

We had a debate about the interpretation of understanding. We wanted to go with Customs. At first, they said we could go to a prison, but that was not our mission. I was distressed by the fact that they chose to interpret what the understanding was after having worked on it for a month before we left the United States for China.

We saw Premier Zhu Rongji and he reaffirmed China's readiness to resume full implementation of the prison labor agreement. We urged that U.S. Customs be allowed to conduct inspections sooner than they planned.

While this trade-related agreement should have been implemented all along, without need for our intervention, I am glad our visit produced progress.

The first long-overdue prison labor site inspection by U.S. Customs took place last Friday, September 8. According to a preliminary report from our Embassy in Beijing, Chinese authorities cooperated well with U.S. Customs and other personnel inspecting a factory in Shandong Province.

I hope the implementation of the agreement will now resume in full, including rapid completion of other outstanding inspection requests.

The amendment before us would make China's implementation of the prison labor memorandum of understanding and statement of cooperation a condition for granting PNTR. In my view, this is a reasonable condition that Premier Zhu has already assured me China will fulfill and that appears to be back on track.

If the Chinese follow through, the President should have no problem reporting to Congress that China is complying with its international obligations under the prison labor agreement by the time China enters the WTO.

I believe this issue of prison labor is critical to our consideration of PNTR for China.

I urge my colleagues to support the Wellstone amendment so that we can be assured China understands that when we have an agreement, we want it complied with.

That is one of the questions that loomed large in our visit. We had an opportunity to meet some of the distinguished leadership of the Chinese Government. We met with the mayor of

Shanghai. We met with people who had an influence in provincial policy. More than anything else, I wanted to know that when we had an agreement, when we had an understanding, it was going to be followed through and it was not sufficient to produce excuses such as: Well, we didn't understand what was meant and that wasn't our interpretation: or, we are sorry we can't quite do that now.

That is not sufficient. This is an important agreement we are facing overall—this amendment first and then the overall decision on PNTR.

We need, in my view, to have a positive relationship with the Chinese Republic. It is such an enormous country with so much potential that it would be a positive step for the United States and China to work together for us to have access, not just to their marketplace. The marketplace is important, but there is something more. One billion two hundred million people reside in China, and we do not want to have an area of constant instability. We want to let them know that democracy works. What they have in place now just does not cut the mustard, as we say. So we want to have this understanding.

But in order to move ahead with it, we have to have a clear view that promises made—especially those that are so clear as to have been signed on a document—we want upheld; we do not want them skirted with purported misunderstandings.

So I congratulate my friend from Minnesota for having, as he usually does, a look at the side of the issue that says: This is what is fair and equitable. That is what counts. And when we look at the marketplace, that is important. But in order to have the kind of wholesome relationship I would like to see us have with China, I think we have to deal with this issue of prison labor right now. I hope our colleagues will support it.

I thank the Chair.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank my colleague from New Jersey. Before he came to the floor, I mentioned a report that he and Senator HARKIN had done. I really appreciate their strong voices as Senators for human rights.

Mr. President, I reserve the remainder of my time.

I will wait to respond to arguments from the other side.

Mr. HARKIN. Mr. President, this is an important amendment and one that deserves careful consideration and debate by the Senate.

Senator LAUTENBERG and I just returned from China last weekend. I'll have a great deal more to say about our trip and its impact on my thoughts about our relationships with China later. But I do want to speak briefly to our efforts in China as they related to prison labor and directly to this amendment.

As my friend and colleague from Minnesota has pointed out, the U.S. and China entered into an official agreement on prison labor in 1992. Its intent is to prevent the importation of goods into our country made by prison labor in China—a practice made illegal here under Section 1307 of the Tariff Act of 1930.

The agreement is officially titled the "Memorandum of Understanding Between the United States of America and the People's Republic of China on Prohibiting Import and Export Trade in Prison Labor Products." It was signed on August 7, 1992.

Let me read some of the key components. Under the terms of the agreement the United States and China agree to:

> Promptly investigate companies, enterprises or units suspected of violating relevant regulations and will immediately report results.
>
> Upon the request of one Party, meet to exchange information on the enforcement of relevant laws.
>
> Will furnish the other Party available evidence and information regarding suspected violations.
>
> Promptly arrange and facilitate visits by responsible officials to its respective enterprises or units.

In March of 1994 we entered into an accompanying statement of cooperation on the implementation of the MOU. This statement fleshes out the details of how our two governments were to carry out the agreement.

This is an important agreement. It aims to assure that U.S. workers aren't forced to compete with hundreds of prison labor factories in China. Factories that are filled at least partially with prisoners whose only crime is seeking democracy or formation of a true labor union. Prisoners who are held in so-called "re-education facilities" for up to 3 years without trials.

Unfortunateley, China's compliance with this agreement has been dismal. From 1992 to 1997 there were joint inspections, but usually only after great effort on our part and often only after long delays—not within 60 days of request as required under the MOU.

But since 1997 China has stopped all compliance with the agreement. They have denied all requests by our U.S. Customs to inspect prison labor facilities suspected of exporting products to the United States.

Let me read a portion of one of the recent letters sent by U.S. Customs to Chinese officials.

So when Senator LAUTENBERG and I went to China, we asked to accompany Chinese officials and our U.S. Customs officials on a visit to one of these 8 sites previously requested by Customs.

We raised this at every level. We first raised it prior to our visit with the Chinese Embassy here in Washington. Then we raised it with the Deputy Foreign Minister Yang Jiechi, then we raised it with Vice Premier Quian QiChen.

We raised our concerns about the failure to abide by the MOU and asked that we be allowed to go along on a visit to see for ourselves that the Tariff Act of 1930 is not being violated.

At first we ran into a brick wall. We were simply told "no." Then we were told they misunderstood our request.

Then they said it was very complicated and would take more time.

Then we had a breakthrough.

They refused to let Senator LAUTENBERG and I go on a visit to one of these facilities, but they have agreed to renew their compliance with the MOU. We got that assurance personally from Premier Zhu Ronji.

We got word last Friday—inspections resumed at one site.

So the first renewed inspection was completed Friday. Now we all see if the Chinese are serious about complying with this agreement. Their track record clearly does not inspire confidence. That is why I am supporting the Wellstone amendment. It would add to our leverage to ensure long-term compliance with this important agreement.

So I urge a vote for this amendment and commend Senator WELLSTONE for bringing it forward.

As I mentioned earlier, I will have a good deal more to say about my trip to China and on the underling PNTR legislation as the debate continues.

Mr. President, I ask unanimous consent to print the memoranda of understanding and a letter to Wang Lixian in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

MEMORANDUM OF UNDERSTANDING BETWEEN THE UNITED STATES OF AMERICA AND THE PEOPLE'S REPUBLIC OF CHINA ON PROHIBITING IMPORT AND EXPORT TRADE IN PRISON LABOR PRODUCTS

The Government of the United States of America and the Government of the People's Republic of China (hereinafter referred to as the Parties),

Considering that the Chinese Government has noted and respects United States laws and regulations that prohibit the import of prison labor products, has consistently paid great attention to the question of prohibition of the export of prison labor products, has explained to the United States its policy on this question, and on October 10, 1991, reiterated its regulations regarding prohibition of the export of prison labor products;

Considering that the Government of the United States has explained to the Chinese Government U.S. laws and regulations prohibiting the import of prison labor products and the policy of the United States on this issue; and

Noting that both Governments express appreciation for each other's concerns and previous efforts to resolve this issue,

Have reached the following understanding on the question of prohibiting import and export trade between the two countries that violates the relevant laws and regulations of either the United States or China concerning products produced by prison or penal labor (herein referred to as prison labor products).

The Parties agree:

1. Upon the request of one Party, and based on specific information provided by that Party, the other Party will promptly investigate companies, enterprises or units suspected of violating relevant regulations and laws, and will immediately report the results of such investigations to the other.

2. Upon the request of one Party, responsible officials or experts of relevant departments of both Parties will meet under mutually convenient circumstances to exchange information on the enforcement of relevant laws and regulations and to examine and report on compliance with relevant regulations and laws by their respective companies, enterprises, or units.

3. Upon request, each Party will furnish to the other Party available evidence and information regarding suspected violations of relevant laws and regulations in a form admissible in judicial or administrative proceedings of the other Party. Moreover, at the request of one Party, the other Party will preserve the confidentiality of the furnished evidence, except when used in judicial or administrative proceedings.

4. In order to resolve specific outstanding cases related to the subject matter of this Memorandum of Understanding, each Party will, upon request of the other Party, promptly arrange and facilitate visits by responsible officials of the other Party's diplomatic mission to its respective companies, enterprises or units.

This Memorandum of Understanding will enter into force upon signature.

Done at Washington, in duplicate, this seventh day of August, 1992, in the English and the Chinese languages, both texts being equally authentic.

For the Government of the United States of America:

ARNOLD KANTER,
Under Secretary of State for Political Affairs.

For the Government of the People's Republic of China:

LIU HUOQIU,
Vice Foreign Minister, PRC.

STATEMENT OF COOPERATION ON THE IMPLEMENTATION OF THE MEMORANDUM OF UNDERSTANDING BETWEEN THE UNITED STATES OF AMERICA AND THE PEOPLE'S REPUBLIC OF CHINA ON PROHIBITING IMPORT AND EXPORT TRADE IN PRISON LABOR PRODUCTS

As the Chinese government acknowledges and respects United States laws concerning the prohibition of the import of prison labor products, and the United States government recognizes and respects Chinese legal regulations concerning the prohibition of the export of prison labor products;

As China and the United States take note and appreciate the good intentions and efforts made by both sides in implementing the "Memorandum of Understanding" signed in August 1992;

The Chinese government and the United States government agree that conducting investigations of suspected exports of prison labor products destined for the United States requires cooperation between both sides in order to assure the enforcement of the relevant laws of both countries. Both sides agree that they should stipulate clear guidelines and procedures for the conduct of these investigations. Therefore, both sides agree to the establishment of specialized procedures and guidelines according to the following provisions:

First, when one side provides the other side a request, based on specific information, to conduct investigations of suspected exports of prison labor products destined for the United States, the receiving side will provide the requesting side a comprehensive investigative report within 60 days of the receipt of said written request. At the same time, the requesting side will provide a concluding evaluation of the receiving side's investigative report within 60 days of receipt of the report.

Second, if the United States government, in order to resolve specific outstanding cases, requests a visit to a suspected facility, the Chinese government will, in conformity with Chinese laws and regulations and in accordance with the MOU, arrange for responsible United States diplomatic mission officials to visit the suspected facility within 60 days of the receipt of a written request.

Third, the United States government will submit a report indicating the results of the visit to the Chinese government within 60 days of a visit by diplomatic officials to a suspected facility.

Fourth, in cases where the U.S. government presents new or previously unknown information on suspected exports of prison labor products destined for the U.S. regarding a suspected facility that was already visited, the Chinese government will organize new investigations and notify the U.S. side. If necessary, it can also be arranged for the U.S. side to again visit that suspected facility.

Fifth, when the Chinese government organizes the investigation of a suspected facility and the U.S. side is allowed to visit the suspected facility, the U.S. side will provide related information conducive to the investigation. In order to accomplish the purpose of the visit, the Chinese side will, in accordance with its laws and regulations, provide an opportunity to consult relevant records and materials on-site and arrange visits to necessary areas of the facility. The U.S. side agrees to protect relevant proprietary information of customers of the facility consistent with the relevant terms of the Prison Labor MOU.

Sixth, both sides agree that arrangements for U.S. diplomats to visit suspected facilities, in principle, will proceed after the visit to a previous suspected facility is completely ended and a report indicating the results of the visit is submitted.

Both sides further agree to continue to strengthen already established effective contacts between the concerned ministries of the Chinese government and the U.S. Embassy in Beijing and to arrange meetings to discuss specific details when necessary to further the implementation of the MOU in accordance with the points noted above.

Done at Beijing, in duplicate, this fourteenth day of March, 1994, in the English and the Chinese languages, both texts being equally authentic.

EMBASSY OF THE
UNITED STATES OF AMERICA,
February 22, 2000.

Mr. WANG LIXIAN,
Director for Foreign Affairs, Ministry of Justice, Beijing, 100020, China.

DEAR MR. WANG: In accordance with the provisions of the Memorandum of Understanding prohibiting Import and Export of Prison Labor Products and the Statement of Cooperation, the U.S. Embassy renews our request for investigation of the following factories for evidence of prison labor exports. The request to investigate these facilities was first made February 28, 1994 and was again made on February 24, 1998, March 8, 1999 and July 7, 1999.

The below listed investigations were requested five years ago and again last year. The Ministry of Justice has not responded with information on these cases. Therefore, we would like to renew our request that your ministry investigate the following facilities to determine if these sites are involved in prison labor exports:

Nanchong Laodong Factory, Sichuan.

Fuyang General Machinery Factory, Anhui.

Dingxi Crane Works, Gansu.

Jilin forging and Pressing Equipment Plant, Jilin.

Jingzhou Xinsheng Dyeing and Weaving Mill, Hubei.

Lanzhou Valve Plant.

Shaoguan Xinsheng Industrial General Plant.

In my letter of February 24, 1998 I enclosed background information which should assist in identifying these facilities. I have maintained copies of identifying information if this would be of assistance to your office. I feel that we have made significant progress in clearing up some of these old prison labor investigations and I look forward to continued cooperation.

I would also like to call to your attention my letters of April 24, 1998 and October 7, 1998, which requested investigation of the Zhengzhou Detention Center which was alleged to be manufacturing Christmas lights for export to the US and the Dafeng County Reform Through Labor Camp and the Tilanqiao Prison Labor Facility which were alleged to have manufactured ADIDAS soccer balls which were exported to the United States and other countries. The Ministry of Justice has not responded to these investigative requests within the sixty day time limit as agreed upon in the Statement of Cooperation. Please inform us of the status of these investigations.

If you have any questions or need further clarification please do not hesitate to contact me. Thank you.

Sincerely yours,

DAVID J. BENNER,
Attache.

The PRESIDING OFFICER. Who yields time?

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I am opposed to the use of forced prison labor in the manufacture of goods for sale in international markets. And, I firmly believe that any allegation, whether with respect to China or any other nation, regarding the use of prison labor ought to be vigorously investigated under section 307 of the Tariff Act of 1930, which bars imports of prison-made goods into the United States.

That said, I nonetheless rise in opposition to the proposed amendment. I do so for three reasons.

First, the amendment is unnecessary. Under section 307 of the 1930 act, the Secretary of the Treasury and the Commissioner of Customs already have ample authority to investigate allegations that Chinese enterprises are using prison labor. No new authority is needed, and no new certification is necessary.

Second, there is nothing about China's accession to the WTO or the passage of PNTR that limits in any way the ability of the United States to investigate allegations of the use of prison labor in the manufacture of goods destined for the U.S. market and to bar imports of such goods if the allegations prove true.

The WTO contains a provision that expressly permits the United States, as well as other WTO members, to bar entry of goods made with prison labor from their markets. Just to be entirely clear about what the WTO allows, let me quote from the relevant title of the WTO agreement. It states that:

> nothing in this Agreement shall be construed to prevent the adoption or enforcement by any contracting party of measures . . . relating to the products of prison labor.

In other words, we will retain the leverage we need following China's accession to the WTO to encourage China's compliance with its international commitments in respect of prison labor, particularly the 1994 bilateral agreement it signed with the United States.

Third, the House bill before us, H.R. 4444, already addresses the issue of prison labor and does so more constructively. The bill creates an executive branch task force to assist the U.S. Customs Service in the effective enforcement of our laws barring imports of goods made with prison labor.

As I said at the outset of my remarks, I join those who have been very critical of the Chinese Government for its failure to be more cooperative—on a more consistent basis—in rooting out and ending these practices. But, the proposed amendment would not advance our argument with the Chinese; it would, instead, prove counterproductive, by killing the chances of the passage of PNTR.

In light of that fact, I ask my colleagues to join me in opposing this amendment.

Again, let me reiterate, it is my deep concern that any amendment would kill this legislation, would kill PNTR. For that reason, I oppose the amendment, and urge my colleagues to do the same.

Mr. President, I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I reserve a little bit of time for my colleague, Senator HARKIN. But let me just say to my colleague from Delaware, as to the argument that it is not necessary to have any new agreements, there is nothing new here. We have existing trade agreements. We signed an agreement in 1992 and in 1994. The Chinese Government agreed not to export products to our country made by prison labor.

They have not lived up to those agreements. This amendment just says we call on them to live up to the existing trade agreements before we go forward with PNTR. It is really that simple.

The bitter irony is they are in violation of one law; they are not supposed to be exporting products made by prison labor. And we are in violation of another law: We are not supposed to be importing those products.

My second point is, my colleague cites H.R. 4444. It is just a toothless remedy. This has a "made-for-Congress" look. We are going to set up a task force, and we are going to assist the Chinese Government in living up to these trade agreements. The Chinese Government does not need any assistance. They control the prison labor camps. They can live up to the agreements today. They can live up to the agreements tomorrow. They do not need a task force set up. So I cannot let my good friend from Delaware get away with this.

I just think it boils down to this: They have the largest forced prison labor system in the world; these are the functional equivalent of gulags. I could use, frankly, stronger terms, I say to my colleague from Delaware, to describe them.

Do we really want to be implicated in this? Do we want to be beneficiaries of these gulags? Do the citizens of our country—we are now speaking and voting in their name—want to be beneficiaries of this forced prison labor system, the largest in the world, these gulags, where we get products at a lower price because it is on the backs of people who are political prisoners, who have done nothing more than speak out for their freedom? I think not.

If we are concerned about it, we will support this amendment. There is no way around that. I say to my colleagues. This is a straight up-or-down vote on whether or not this is a concern to us.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

If no one yields time, the time will be divided equally.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 9 minutes.

Mr. WELLSTONE. Mr. President, I informed the distinguished chair of the Finance Committee that I would be ready to yield back time. I wonder if I could take 2 minutes and then I will yield back.

We will have a vote on the Thompson-Torricelli amendment, and there are going to be Senators who will come out and say: This is not about trying to scuttle this overall trade agreement. We will go to conference committee. We will get this worked out. And there is such strong sentiment for this overall agreement, this is a good thing to do.

I want to say to Senators, I hope when we vote on the amendment I have offered with Senator LAUTENBERG—and I believe Senator HARKIN will want to be an original cosponsor—there will be the same sentiment. If you think it is the right thing to do to vote for this amendment, if you think it is the right thing to do to say to China: We already have these trade agreements with you in regard to prison labor conditions and we are just asking you to live up to those agreements before, in fact, we finally go forward with PNTR—if you think this is an important human rights issue, if you think we should not be implicated in any way, shape, or form in the functional equivalent of these gulags, if you think this is a labor issue, if you think this is a trade issue—it is a very compelling issue—then please don't vote against what you think is right.

We can't have Senators being selective on this and voting one way on one amendment. Senators can say: We will not vote for any amendments, period. I have heard that. But now different people are voting for some amendments and not others.

I say to my colleagues: Vote for what you think is right. If you think this amendment I have offered is wrong, it is not the right thing to do based upon your sense of justice or right or anything else, then vote against it. Otherwise, please vote for this amendment. Don't make the argument that I am voting against all amendments when, in fact, Senators are obviously going to be voting for some amendments.

I yield the remainder of my time.

Mr. ROTH. Mr. President, I yield the remainder of my time, and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment of the Senator from Minnesota. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Vermont (Mr. JEFFORDS) is necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?—

The result was announced—yeas 29, nays 68, as follows:

[Rollcall Vote No. 238 Leg.]

YEAS—29

Ashcroft
Bayh
Boxer
Bunning
Byrd
Campbell
Collins
Dorgan
Edwards
Feingold
Gregg
Harkin

Helms
Hollings
Hutchinson
Inhofe
Kennedy
Lautenberg
Leahy
Mikulski
Reed
Santorum
Sarbanes
Sessions
Smith (NH)
Snowe
Specter
Torricelli
Wellstone

NAYS—68

Abraham
Allard
Baucus
Bennett
Biden
Bingaman
Bond
Breaux
Brownback
Bryan
Burns
Chafee, L.
Cleland
Cochran
Conrad
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Durbin
Enzi
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Hagel
Hatch
Hutchison
Inouye
Johnson
Kerrey
Kerry
Kohl
Kyl
Landrieu
Levin
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Miller
Moynihan
Murkowski
Murray
Nickles
Reid
Robb
Roberts
Rockefeller
Roth
Schumer
Shelby
Smith (OR)
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner
Wyden

NOT VOTING—3

Akaka
Jeffords
Lieberman

The amendment (No. 4119) was rejected.

Mr. ROTH. Mr. President, I move to reconsider the vote.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4132

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I rise in support of the Thompson amendment.

I have been listening to the debate on the THOMPSON amendment for the last day or so. I am very concerned that his amendment has been portrayed as a bill killer.

I support PNTR. I want to open trade with China. This is very important for the future of both of our countries. But I am also very concerned about the proliferation of weapons of mass destruction. I cannot see any situation in which the security of the United States of America would take second place to a trade issue, even a most important trade issue. Nevertheless, I would never, ever I put the security of our country in a secondary position.

To say that we cannot go back to the House and resolve our differences because we would vote on a responsible amendment that would require a reporting of the proliferation of weapons of mass destruction is just beyond my comprehension. This is the United States Senate. To say we cannot amend a bill that has been passed by the House would be the height of irresponsibility.

I am also speaking today in favor of normal trade relations with China because I want our countries to have a mutually good relationship. The idea that we would have a good relationship on trade but one that gives a wink and a nod to proliferation of weapons of mass destruction to people intent on hurting the United States of America is not a fair trade. I couldn't possibly exercise my responsibility as a Senator and vote against the Thompson amendment.

In early 1969, newly elected President Richard Nixon asserted:

> One-fourth of the world's people live in Communist China. Today they are not a significant power, but 25 years from now they could be decisive. For the United States not to do what it can at this time, when it can, would lead to a situation of great danger. We could have total detente with the Soviet Union, but that would mean nothing if the Chinese are outside the international community.

Today, President Nixon's words sound remarkably prescient. China is undeniably a major world power, thanks in large part to leaders such as Presidents Nixon and Bush and Reagan, Secretary Jim Baker, Secretary Henry Kissinger. China is not outside the international community but neither is China fully a member in good standing of the family of responsible nations.

The major issues our two nations must confront are difficult and complex: China's military buildup, arms sales and proliferation, the future of Taiwan, bilateral trade, and human rights. All of the previous Presidents in my lifetime have recognized the unfolding importance of China, and they have all pursued policies aimed at constructive engagement with the Chinese Government.

The question at issue with our vote on PNTR and our vote on the amendments that condition the Senate's approval of PNTR must be, what are the underlying goals of our relationship with China and what are the primary issues that should guide American policymaking and actions.

My answer is, our policies should be focused on cultivating a stable and peaceful Asia. We should look to economic competition and mutual prosperity to bring this about, and we must at all times consider the security interests of the United States.

As the distinguished chairman of the Foreign Relations Committee, JESSE HELMS, pointed out yesterday, the Chinese proliferation of weapons of mass destruction poses a direct threat to the national security of the United States. I share his view that it would be irresponsible for us not to address that threat.

The Federal Government has no greater responsibility nor higher duty to the people of our country and to our allies than to provide for the common defense of the United States of America.

The bipartisan amendment offered by Senators THOMPSON and TORRICELLI is a responsible vote. It does not scuttle PNTR, as some have warned. This is the responsible action of the Senate. It would be my fervent wish that we could vote our conscience on this very important issue, and not in any way respond to the scare tactics that have been put forth that this will kill the bill, but instead do what is right for both of our countries; that is, open, normal trade relations, and secure the United States from weapons proliferation by China or any other country or rogue nation that would seek to harm our people or our allies anywhere in the world.

Mr. ROTH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. THOMPSON). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TORRICELLI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TORRICELLI. Mr. President, it has been obvious for some time now that when permanent normal trade relations for China comes to a vote in the Senate, it will, indeed, pass overwhelmingly. My colleagues proceeding with this debate in recent days have detailed at length the enormous potential economic benefits to the U.S. economy. Other colleagues have appropriately discussed the human rights record in China, problems with religious freedom, and the rights of workers in China. They are all legitimate points and each belongs in a debate on PNTR with China, but the debate is not complete.

The relationship of the United States with the People's Republic of China is not only about economics; it must include human rights, religious rights, and workers rights. But it is not just about those rights; it is also ultimately about the security of the United States.

Our relationship with the People's Republic of China, a nation of 1.3 billion people, an immense land of economic, geopolitical significance, goes beyond that, perhaps, of any other trading partner of our country. Indeed, how we define this relationship in this vote and in this debate has enormous ramifications in the next generation.

Indeed, just as the debate in those first few months and years after the Second World War changed permanently the security and economic relationship between the United States and Western Europe and the remainder of the world, this debate will permanently alter our relationship with the People's Republic of China, and it is not right and it is not appropriate that it be done on a single plane. Economics is important, but it is not everything. That is why Senator THOMPSON and I have offered our amendment to address the continuing problem of the proliferation of weapons and technology from the People's Republic of China.

It was, of course, our hope that this vote could have been taken independently of PNTR. It was our desire not to complicate PNTR but to have a separate debate and separate vote. Regrettably, that proved not to be possible. So we return today with this amendment actually on the bill.

As I understand the arguments now for the bill, the most compelling is that PNTR will integrate China into the international economy, that it will encourage China to follow international trading rules. It is a strong argument, but even with passage of PNTR, even if the proponents are correct that China will then adhere to international trading rules, that does not automatically make China a member in good standing of the global community. Trading rules do not govern all international conduct. A nation is not a nation in good standing in the world simply because it trades according to these rules; it is by all the rules by which it chooses to live.

Truly to participate in the global community, China will, as has been argued on this floor, have to reform its human rights practices, the way it treats its workers, the way it relates to Taiwan, and how it deals with sensitive military technology that threatens all peoples everywhere.

Despite many assurances that it will reform its behavior, China has continued to be one of the most persistent and serious violators of international nonproliferation agreements. Ultimately, that is the question every Senator must ask themselves: If, indeed, PNTR is passed and China continues to violate trade agreements, you can go to your local townhall meeting and complain to the autoworkers and you can explain it to the Chamber of Commerce, but if China continues to violate proliferation agreements which leads to the spread of nuclear technology and missiles to a variety of dangerous neighbors that one day leads to warfare involving our Nation or others, to whom will you apologize then? Where will the explanations lie? That is the question before the Senate.

Last month, the Director of Central Intelligence delivered to the Congress the intelligence community's biannual "Unclassified Report on the Acquisition of Technology Relating to Weapons of Mass Destruction."

The DCI report clearly states that China has increased its missile-related assistance to Pakistan, and it continues to provide missile-related assistance to countries such as Iran, North Korea, and Libya. What is especially troubling about China's activities is that this sensitive assistance is going to the most dangerous nations in the most volatile areas of the world, with the greatest potential to do harm.

Indeed, looking at this map I have here—from Algeria to Libya to Syria to Iran—what is it that China could do more? What would be worse? What other nation would have to receive nuclear or missile technology before it would offend Members of the Senate? In the entire list of rogue nations, almost no one is absent.

Just a couple of months ago, Chinese sales to Iran led to the test by Iran of a Shahab-3 medium-range ballistic missile. It is believed that components of Iran's missile program are from Beijing.

The People's Republic of China companies were sanctioned in 1997 for transfers to Iran, contributing to chemical weapons proliferation. Yet the DCI's August 2000 report said Iran continues to seek production technology, expertise, and chemicals for its chemical weapons program.

So it is missiles and chemicals.

Pakistan is a country located, perhaps, in the most volatile region of the world, which in recent years exploded a nuclear device and has come to the brink of war with India on several occasions since its new nuclear status.

The DCI reported last month that the PRC provided "extensive support" to Pakistan's weapons of mass destruction program, and in the second half of 1999 Iran had "ongoing contacts" that could not be ruled out, despite a 1996 promise by the PRC to stop assistance to unsafeguarded nuclear facilities.

In unpublished press accounts, U.S. intelligence agencies have reportedly concluded that China has stepped up its shipment of specialty steels, guidance systems, and technical expertise to Pakistan. Chinese experts have also been sighted around Pakistan's newest missile factory, which appears to be partly based on Chinese design.

Libya is a country with a history of promoting regional instability, sponsoring state terrorism, including the destruction of our own aircraft and our own citizens.

The August 2000 DCI report publicly confirmed the PRC's assistance to Libya for the first time. The Defense Department reportedly discovered in December 1999 that the PRC plans to build a hypersonic wind tunnel in Libya for missile designs for the Al-Fatah missile program.

According to reports in the Washington Times, the director of Libya's Al-Fatah missile program is planning to travel to China to attend China's premier training center for missile scientists and technicians.

North Korea's missile program is now believed to be achieving the potential to reach the United States with a ballistic missile, potentially by the year 2005—a direct security concern of the United States, leading this Congress to authorize and appropriate billions of dollars for missile defense, leading all of us to a sense of new vulnerability.

The DCI first publicly confirmed in 1999 that the PRC is supplying components to North Korea. The August 2000 report states that North Korea acquired missile-related raw materials and components "especially through firms in China" in the second half of 1999.

These countries—Iran, Pakistan, Libya, and North Korea—are just the countries China has proliferated to in recent years. In the past, proliferation by the People's Republic of China has also included sending weapons technology to Iraq, Syria, and Algeria.

I cannot imagine any accusation against a foreign government that could or should raise more serious concerns in this body. How, indeed, could any Member of this Senate ever explain to the American people granting the greatest economic gift in the world, a normalized trade relationship with the United States, the greatest economy in the world, without at least, at a minimum, seeking enforcement of previous agreements for arms control and nonproliferation?

Until China ceases to allow this type of sensitive equipment, technology, and expertise to flow through its borders, it must understand that it can never have normalized political and economic relationships with the United States or, indeed, be accepted into the family of nations on an equal status with all other nations.

Opponents of our amendment contend that the current nonproliferation laws are effective; that Chinese proliferation is under control; that unilateral sanctions never work. They could not be more wrong.

As the reports I have just cited demonstrate, Chinese proliferation behavior is not improving. It is not getting better. And the DCI's report delivered to this Congress proves it. Existing nonproliferation laws are simply not working. This provides a real incentive, in actual quantifiable costs, for sharing technology with dangerous nations.

Our nonproliferation laws must be strengthened. This amendment—and only the Thompson-Torricelli amendment—offers that opportunity. Under this amendment, the President of the United States would submit a report to Congress by June 1st of each year identifying entities in key proliferating nations that have contributed to the development or acquisition of nuclear, chemical, or biological weapons, or ballistic or cruise missiles by foreign countries—every year a report identifying the entities.

The President would be required to impose measures against companies in key supplier nations that have been identified as proliferators, and the President would also be authorized to impose measures against any supplier countries as he sees fit. The President is given the discretion, but he is also given the responsibility. And this Congress is given the information that it needs to know whether or not the Nation is being safeguarded.

Over the past several months, we have substantially revised this legislation to address a number of concerns by the administration and by our colleagues. This amendment was not drafted by Senator THOMPSON or by myself alone. The administration raised legitimate concerns that it dealt only with specific technologies, only with the nations about which we should be concerned. It has been redrafted to deal specifically with those concerns.

The revised bill now applies to all countries identified by the Director of Central Intelligence as key suppliers of weapons of mass destruction. The list currently includes China, Russia, and North Korea. Countries could be added or removed from the list over time based on the DCI's guidelines. So there are no unintended consequences of other states.

There were objections originally that the President did not have enough discretion in applying the sanctions; that the sanctions in the bill were too broad; and that they were applied with a standard of evidence that was too low. Every one of those problems was changed to meet the administration's objectives.

The bill is now drafted so that any sanctions against supplier countries are totally within the discretion of the President. The list of measures available to the President are the same as in the original bill. But now the President is authorized—not mandated—to apply these sanctions.

So those within the Senate who had concerns that we were taking away Presidential discretion, forcing him to act when the facts may not warrant it, prohibiting him from negotiating by not having this discretion, have had their concerns addressed. The President is given authorization. He is not mandated.

The only mandatory measures remaining in the bill would be applied against specific entities or countries that are determined by the President to be proliferators. Only if the President determines they are a proliferator will any entity be sanctioned.

If a company is determined to be a proliferator, the President must deny all pending licenses and suspend all existing licenses for the transfer to that company that are controlled for export under the Arms Export Control Act, the Export Administration Act of 1979, or the Export Administration Regulations. Isn't that how the Senate would have it? If a company has been identified, if they have been multiple violators, if they have been cited by the President, shouldn't that company then be denied the benefits of these various export acts?

There is also an across-the-board prohibition on any U.S. Government purchase of goods or services from, and U.S. Government assistance or credits to, the proliferator. Would any Member of the Senate argue with this? To use the taxpayers' money, U.S. Government resources to buy from a company that has been repeatedly cited as a proliferator by the U.S. Government? Certainly they should not be entitled to the benefits of trade with the Government itself.

Is it too much to ask that we impose the sanctions on companies that are already identified, already established as having been engaged in this conduct? But for some Members of the Senate, this was not enough. So we gave the President one further set of powers, waiver authority, which allows the President to waive the imposition of measures required under this legislation if he determines that the supplier country was taking appropriate actions to penalize the entity for such acts of proliferation and to deter future proliferation. The President also can waive the sanctions if he determines that such a waiver is important to the national security of the United States.

How little would be enough? It isn't mandatory. It is optional. It requires multiple instances. It must be an entity already identified by the President. It must be a technology already identified by the Government. It isn't mandatory. The President can waive it. He can cite larger national interests.

I believe there is a positive impact with the passage of this amendment.

Now I ask the Senate another question: What is the impact of failing to enact it? Who could ever believe that this Senate considers proliferation issues to be serious, that we are concerned that there is a price to selling these weapons of mass destruction or these technologies to other nations, if we cannot at a minimum pass this authorizing sanction on an optional basis, to be used if the President wants to use it?

Imagine the message in Beijing or North Korea or Iran or Iraq. Are we so desperate for trade, is this economy so desperate for that one more dollar immediately, not to offend a potential investor or buyer, that we would compromise our own good judgment?

I don't believe we would lose a dollar of trade with this amendment. I don't believe we lose a product, a job. But even if we did, even if I were wrong and we did, is the price too high to send a message that in our proliferation policy there is more than words?

Words will not defend us. It is not at all clear that our missile defense shield will ever protect us. This might. It can't hurt. It at least can set a serious tone that we will not be dealt with with impunity. Trade with us; get the benefits of our market. But we will look the other way while you send dangerous technologies to nations that kill our people or threaten the peace.

In a recent editorial, the Washington Post noted:

> China's continuing assistance to Pakistan's weapons program in the face of so many U.S. efforts to talk Beijing out of it shows the limits of a nonconfrontational approach.

The Post went on to say:

> The United States should make clear that . . . Chinese missile-making is incompatible with business as usual.

A Wall Street Journal editorial stated:

> If there is an assumption in Beijing that it can be less observant to U.S. concerns now that its WTO membership seems assured, the Chinese leadership is making a serious mistake.

Are they? The Wall Street Journal was too optimistic. Whether they are making a serious mistake will be judged by the vote on this bill, win or lose. How many Senators consider proliferation issues and national security to be more than words but a policy with strength, with cost, with sanction, if our security is violated?

If we pass PNTR alone and do not pass legislation addressing these important national security concerns, I fear for the message that is sent and the priorities of this Senate. This Senate will always be sensitive to business investment, trading opportunities, and economic growth. It is our responsibility to assure that America is prosperous and strong and growing. We will meet that responsibility.

But it is the essence of leadership to understand that no one responsibility stands alone. As we govern the national economy, we possess responsibility for the national security. No economy can be so big, no economy can grow so swiftly, there can be no number of jobs with national income that can reach no level that makes for a secure American future if missile technology spreads to Iraq and Iran, if nuclear weapons begin to circle the globe and unstable regimes.

Where, my colleagues, will your economy take you then? Balance, my friends. The Thompson-Torricelli amendment offers balance. We are pleased by our prosperity, but we are not blinded by it. We are blessed to live in a time of peace, but we understand how we earned it—by strong policies of national security. That is what the Thompson-Torricelli amendment offers today.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:49 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

TO AUTHORIZE EXTENSION OF NONDISCRIMINATORY TREATMENT TO THE PEOPLE'S REPUBLIC OF CHINA—Continued

The PRESIDING OFFICER. Under a previous order, the Senator from North Carolina, Mr. HELMS, is recognized to offer an amendment.

Mr. HELMS. Mr. President, I ask that it be in order to deliver my remarks seated at my desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4125

Mr. HELMS. Mr. President, I call up amendment No. 4125.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 4125.

Mr. HELMS. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(To require the President certify to Congress that the People's Republic of China has taken certain actions with respect to ensuring human rights protection)

On page 2, line 4, before the end period, insert the following: "; **FINDINGS**".

On page 4, before line 1, insert the following:

(c) FINDINGS.—Congress makes the following findings:

(1) The People's Republic of China has not yet ratified the United Nations Covenant on Civil and Political Rights, which it signed in October of 1998.

(2) The 1999 State Department Country Reports on Human Rights Practices found that—

(A) the Government of the People's Republic of China continues to commit widespread and well-documented human rights abuses in violation of internationally accepted norms;

(B) the Government of the People's Republic of China's poor human rights record deteriorated markedly throughout the year, as the Government intensified efforts to suppress dissent;

(C) abuses by Chinese authorities exist, including instances of extrajudicial killings, torture and mistreatment of prisoners, forced confessions, arbitrary arrests and detentions, lengthy incommunicado detentions, and denial of due process;

(D) violence against women exists in the People's Republic of China, including coercive family planning practices such as forced abortion and forced sterilization, prostitution, discrimination against women, trafficking in women and children, abuse of children, and discrimination against the disabled and minorities; and

(E) tens of thousands of members of the Falun Gong spiritual movement were detained after the movement was banned in July 1999, several leaders of the movement were sentenced to long prison terms in late December, hundreds were sentenced administratively to reeducation through labor, and according to some reports, the Government of the People's Republic of China started confining some Falun Gong adherents to psychiatric hospitals.

(3) The Department of State's 2000 Annual Report on International Religious Freedom states that during 1999 and 2000—

(A) "the Chinese government's respect for religious freedom deteriorated markedly";

(B) the Chinese police closed many "underground" mosques, temples, seminaries, Catholic churches, and Protestant "house churches";

(C) leaders of unauthorized groups are often the targets of harassment, interrogations, detention, and physical abuse in the People's Republic of China;

(D) in some areas, Chinese security authorities used threats, demolition of unregistered property, extortion of "fines", interrogation, detention, and at times physical abuse to harass religious figures and followers; and

(E) the Government of the People's Republic of China continued its "patriotic education" campaign aimed at enforcing compliance with government regulations and either cowing or weeding out monks and nuns who refuse to adopt the Party line and remain sympathetic to the Dalai Lama.

(4) The report of the United States Commission on International Religious Freedom—

(A) found that the Government of the People's Republic of China and the Communist Party of China discriminates, harasses, incarcerates, and tortures people on the basis of their religion and beliefs, and that Chinese law criminalizes collective religious activity by members of religious groups that are not registered with the State;

(B) noted that the Chinese authorities exercise tight control over Tibetan Buddhist monasteries, select and train important religious figures, and wage an invasive ideological campaign both in religious institutions and among the Tibetan people generally;

(C) documented the tight control exercised over the Uighur Muslims in Xinjiang in northwest China, and cited credible reports of thousands of arbitrary arrests, the widespread use of torture, and extrajudicial executions; and

(D) stated that the Commission believes that Congress should not approve permanent normal trade relations treatment for China until China makes substantial improvements with respect to religious freedom, as measured by certain objective standards.

(5) On March 4, 2000, four days before the President forwarded to Congress legislation to grant permanent normal trade relations treatment to the People's Republic of China, the Government of the People's Republic of China arrested four American citizens for practicing Falun Gong in Beijing.

On page 4, line 22, beginning with "Prior", strike all through page 5, line 6, and insert the following:

Prior to making the determination provided for in subsection (a)(1), the President shall transmit a report to Congress certifying that—

(1) pursuant to the provisions of section 122 of the Uruguay Round Agreements Act (19 U.S.C. 3532), the terms and conditions for the accession of the People's Republic of China to the World Trade Organization are at least equivalent to those agreed between the United States and the People's Republic of China on November 15, 1999;

(2) the People's Republic of China has ratified the International Covenant on Civil and Political Rights, and that the Covenant has entered into force and effect with respect to the People's Republic of China;

(3) the People's Republic of China has begun to dismantle its system of reeducation through labor, which allows officials of the People's Republic of China to sentence thousands of citizens to labor camps each year without judicial review;

(4) the People's Republic of China has opened up Tibet and Xinjiang to regular, unhindered access by United Nations human rights and humanitarian agencies;

(5) the People's Republic of China has reviewed the sentences of those people it has incarcerated as counterrevolutionaries under the provisions of a law that was repealed in March 1997 and the People's Republic of China intends to release those people;

(6) the People's Republic of China has agreed to establish a high-level and on-going dialogue with the United States on religious freedom;

(7) the People's Republic of China has agreed to permit unhindered access to religious leaders by the United States Commission on International Religious Freedom and recognized international human rights organizations, including access to religious leaders who are imprisoned, detained, or under house arrest;

(8) the People's Republic of China has provided a detailed response to inquiries regarding the number of persons who are imprisoned, detained, or under house arrest because of religious beliefs or whose whereabouts are not known but who were seen in the custody of officials of the People's Republic of China;

(9) the People's Republic of China intends to release from prison all persons incarcerated because of their religious beliefs;

(10) the People's Republic of China has provided a detailed response to inquiries regarding the number of persons who are imprisoned, detained, or under house arrest for reasons of union organizing; and

(11) the People's Republic of China intends to release from prison all persons incarcerated for organizing independent trade unions.

On page 5, line 10, strike "section 101(a)" and insert "section 101".

Mr. HELMS. Mr. President, I ask it be in order that I yield several minutes to the distinguished Senator from Iowa, Mr. GRASSLEY. Following that period, I will take the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Iowa.

MESS AT THE JUSTICE DEPARTMENT

Mr. GRASSLEY. Mr. President, I rise today to talk again about the mess at the Department of Justice. As we all know, this Justice Department has been subjected to criticism from Democrats and Republicans alike for mishandling cases. Yesterday, the Justice Department's own Inspector General completed a lengthy report which points to "egregious misconduct" by senior officials in the Justice Department. That phrase "egregious misconduct" is not my phrase. That's the conclusion of the IG.

This is a sordid story which began in 1997, when I wrote to Attorney General Reno asking her not to fire a whistle blower who had alleged misconduct in two components of DOJ's Criminal Division—The International Criminal Investigative Training Assistance Program, also known as "ICITAP", and the Overseas Prosecutorial Development, Assistance and Training, also known as "OPDAT". These offices train prosecutors and police in other countries to enforce laws in a way that respects the rule of law and human rights. As such, these offices are heavy consumers of intelligence from various intelligence gathering agencies that monitor human rights abuses. The IG concluded that some Senior DOJ Officials in these offices intentionally refused to follow Government Regulations regarding the handling of classified information and recommended discipline for three DOJ officials.

The allegations I received in 1997 related to serious security breaches as well as the misuse of Government authority for the personal and financial benefit of top DOJ Officials. I was shocked to hear allegations that Bob Bratt, the Executive Officer of the Criminal Division, who had supervisory control over these offices, and Joe Lake who was an assistant to Mr. Bratt, used their Government positions to get visas for Russian women that Brat met through a "match making service." I was shocked to hear allegations that a Senior Justice Official was allowed to retire early with an early retirement bonus, and then be re-hired at DOJ as an outside contractor just a few months later in clear violation of Federal law.

But, these all proved to be accurate. To quote the Inspector General's report "We concluded that Bratt and Lake committed egregious misconduct" in obtaining visas for Russian women to enter the country under false pretenses. These women had been denied visas in the past and were only given visas when Bratt assured Embassy Officials in Moscow that these women would be working for DOJ in the future. The IG concluded that this was a false statement. The IG concluded that Bratt and Lake offered explanations for their conduct and denials regarding the visas for the Russian women which were "not credible." The IG also concluded that Bratt's "intimate involvement" with these Russian women left him vulnerable to blackmail and presented a security concern. The IG report indicates that Bratt may have pressured other DOJ employees to mislead the IG inspectors. And the IG found that Bratt had DOJ computers sent to a school in Virginia where a girlfriend works.

Clearly, this is the kind of misconduct which should be exposed and corrected. This is why I work so hard to support whistle blowers when they ask for my help.

But it doesn't end there. The IG also concluded that Joe Lake violated Federal Law when he took an early retirement bonus of $ 25,000. One provision of the early retirement program prohibited lake from working for DOJ for 5 years after his retirement. Yet, two months after he retired, Lake was hired as a consultant at DOJ reporting to his old friend Bob Bratt. This was patently illegal, and the IG recommends that DOJ seek the return of lake's $ 25,000 retirement bonus.

The IG also noted many of the hiring practices at issue were—to use the IG's own words—"questionable." For instance, the IG report described the hiring of a bartender at a local restaurant frequented by the Associate Director of ICITAP. The bartender was originally hired to work at DOJ on a temporary basis. After this bartender-turned-Government lawyer began a personal relationship with Bratt, Bratt hired her on a permanent basis at DOJ. Another example cited by the IG involved an ICITAP official hiring the father of an ex-spouse's step-children even though he had very little experience. Again, the American people deserve better from their Government.

The IG report also indicates that Senior Justice officials improperly used frequent flier miles. The IG recommends that security clearances be granted to ICITAP officials only after evaluating their poor record of complying with security regulations.

I wrote to the Attorney General on this matter in 1997. It's taken until September of 2000 for DOJ to finish its report. Just last month, Mr. Bratt was allowed to retire from Government service. The IG report indicates that the IG would have recommended that Bratt be fired from the Justice Department if he were still working for DOJ. It seems to me that Senior Justice officials may need to be held accountable for letting Bratt retire rather than face the music for his misdeeds. As Chairman of the Administrative Oversight Subcommittee on the Judiciary Committee, I intend to keep a close eye on the Criminal Division, in light of this sorry Record.

Mr. President, this is merely the latest example of how Justice Department is a real mess. We all know that. For the benefit of my colleagues, I ask unanimous consent to have printed in the RECORD at the cost of $1,300 an executive summary of the report.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXECUTIVE SUMMARY

Te International Criminal Investigative Training Assistance Program (ICITAP) is an office within the Criminal Division of the Department of Justice that provides training for foreign police agencies in new and emerging democracies and assists in the development of police forces relating to international peacekeeping operations. The Criminal Division's Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT) trains prosecutors and judges in foreign countries in coordination with United States Embassies and other government agencies. The Criminal Division's Office of Administration serves the Criminal Division's administrative needs. This report details the results of an investigation by the Office of the Inspector General (OIG) into allegations that managers in ICITAP, OPDAT, and the Office of Administration committed misconduct or other improprieties.

The allegations raised a wide variety of issues including managers' improper use of their government positions to obtain visas for foreign citizens, widespread violations of the rules governing the handling and storage of classified documents, managers' use of business class travel without authorization, managers' use of frequent flyer miles earned on government travel for personal use, violations of contractual rules and regulations, failure to supervise contracts leading to substantial cost overruns and overcharges by contractors, and favoritism in the hiring and promotion of certain employees. Many of the allegations concerned the actions of Robert K. "Bob" Bratt, a senior Department official who became the Criminal Division Executive Officer in charge of the Office of Administration in 1992. At varying times during the years 1995–1997, Bratt also was the Acting Director of ICITAP and the Coordinator of both ICITAP and OPDAT.

We substantiated many of the allegations and found that individual managers, including Bratt, committed serious misconduct. We also concluded that managers in ICITAP, OPDAT, and the Office of Administration failed to follow or enforce government regulations regarding ethics, security, travel, and contracts. As a result of our investigation, we recommended discipline for three employees. We would have recommended significant disciple for Bratt, including possible termination, but for Bratt's retirement effective August 1, 2000. We also found that some of the problems revealed by this investigation go beyond holding individual managers accountable for their actions and that the Department can make changes to enhance the performance of other managers, employees, and offices. Therefore, we made nine recommendations concerning systemic improvements for the Department to consider.

The report is divided into chapters addressing the major allegations. In this Executive Summary, we summarize the background of the investigation and the allegations, the investigative findings, and the OIG conclusions with respect to each chapter.

I. BACKGROUND OF THE INVESTIGATION

ICITAP was created in 1986 and although it is part of the Department of Justice, its programs are funded by the Department of State. OPDAT, created in 1991, is similarly funded. Both ICITAP and OPDAT are headed by Directors, with a Coordinator responsible for overseeing the management of both organizations. The Office of Administration handles the administrative functions for the Criminal Division, including personnel, budget, information technology, and procurement matters. The Executive Officer heads the Office of Administration.

Bratt became the Executive Officer for the Criminal Division in 1992. He was appointed the Acting Director of ICITAP in March 1995 following the dismissal of the previous Director. After Janice Stromsem was selected as ICITAP Director and assumed the post in August 1995, Bratt resumed his duties as Executive Officer. Bratt was appointed to the newly created post of Coordinator in September 1996 where he remained until being detailed to the Immigration and Naturalization Service (INS) in April 1997 at the request of the Attorney General.

ICITAP has had a long history of turmoil. Between 1994 and 1997, four different individuals assumed the responsibility of Director or Acting Director. During that period, here were two different investigations into allegations of misconduct as well as reviews of ICITAP's organizationals structure and financial systems. In 1994, at the request of the Criminal Division Assistant Attorney General, the OIG completed two investigations of ICITAP that examined allegations of favoritism in selecting consultants, misconduct in travel reimbursements, poor quality of ICITAP's work products, waste and inefficiency in program and contract expenditures, and management of foreign programs. The OIG did not substantiate the allegations of misconduct but did find that ICITAP did not plan its programs carefully. The OIG also made recommendations to improve ICITAP's financial management. In January 1995, Bratt examined a proposed ICITAP reorganization plan and conducted an investigation following additional allegations of misconduct that were made to the Criminal Division, allegations that Bratt substantiated.

This OIG investigation began in April 1997 when an ICITAP employee reported to the Department's security staff that an ICITAP senior manager had provided classified documents to persons who did not have a security clearance. The Department's security staff and the OIG investigated the allegation and confirmed it. The OIG continued the investigation to determine the extent of security problems at ICITAP. While this investigation was ongoing, the OIG received numerous allegations of misconduct and mismanagement at ICITAP and OPDAT, and we broadened our investigation to encompass these new allegations.

II. INVESTIGATION OF ALLEGATIONS

A. Issuance of visas to Russian women

Bratt made four trips to Russia in late 1996 and 1997 in conjunction with his duties as ICITAP and OPDAT Coordinator. We received several allegations of impropriety relating to these trips. The most serious allegation was that Bratt and Criminal Division Associate Executive Officer Joseph R. Lake, Jr. improperly used Bratt's government position to obtain visas for two Russian women, one or both of whom it was alleged were Bratt's "Russian girlfriends."

Our review determined that in 1997 Russians seeking to visit the United States had two methods of obtaining visas from the American Embassy in Moscow: the standard process and the "referral" process. The standard process could be used by any Russian seeking to visit the United States. Russians applying through the standard process were required to wait in long lines at the American Embassy in Moscow to submit their applications, and the process included an interview by an American Embassy official. The Embassy official could deny the application if, among other reasons, the official did not believe the applicant had established that he or she would return to Russia. The "referral" process could be used in much more limited circumstances. The referral process required that United States government interests be supported by the applicant's visit to the United States or that a humanitarian basis existed for the visit. In the referral process, the visa application was submitted by an Embassy official who completed a form approved by an Embassy Section Chief setting forth the United States government interest in or the humanitarian basis for the applicant's visit. No interview was required, and the use of the referral process generally ensured that the applicant would receive a visa.

Two Russian citizens, Yelena Koreneva and Ludmilla Bolgak, received on April 7, 1997, visas to visit the United States. They received the visas because Lake submitted their applications using the referral process and purported that a government interest existed for their visit to the United States. On the referral form Lake wrote that "[a]pplicants have worked with the Executive Officer (EO) Criminal Division in support of administrative functions, Moscow Office." He signed it "Joe Lake for BB." In addition to being the ICITAP and OPDAT Coordinator, Bratt retained the title and many of the responsibilities of the Executive Officer.

We determined that neither woman had ever worked for Bratt or the Criminal Division. Both women socialized extensively with Bratt during his visits to Moscow, but Bratt did not have a professional relationship with them. We concluded that the statement written on the referral form was false.

We found that Bratt first visited Moscow in November 1996 during which he received a tour of various tourist sites from a Russian interpreter. According to the interpreter, during the tour she told Bratt that she also worked for a Russian "match-making" agency. She said that in response, Bratt told her he would like to meet a single Russian woman. The interpreter contacted a business associate, Bolgak, who had a friend who was single, Koreneva. Bratt met Koreneva and Bolgak on his next trip to Moscow, in January 1997. On this trip, as well as his later trips to Moscow, Bratt socialized extensively with Koreneva and Bolgak, usually meeting them for dinner or drinks.

During the January trip, Bratt invited the women to come to the United States to visit him. Koreneva told Bratt that she had previously been denied a visa to visit the United States. Between the January trip and his next trip to Moscow in March 1997, Bratt investigated how Russians could obtain visas to visit the United States. He made inquiries of a personal friend who worked for the State Department and also of Cary Hoover, the Special Assistant to the ICITAP Director. Bratt learned that Russians applied for visas at the American Embassy in Moscow, that they were interviewed by Embassy officials, and that the Embassy made a determination as to whether the applicant would return to Russia. Bratt also asked Hoover specifically for information about the referral process.

In March 1997 Bratt and Hoover returned to Moscow on business. During this trip Bratt and Hoover met with an unidentified Embassy official to learn more about the visa process. The evidence showed that Bratt, Hoover, and the Embassy official discussed the likelihood of Koreneva being denied a visa. During the meeting Bratt told the official that one or both of the women might work for the Department of Justice in the future. We concluded that Bratt learned through these various inquiries that Koreneva would likely be denied a visa again if she used the standard application process.

Although Bratt and Lake deny it, the evidence showed that Bratt returned to the Embassy again during this March trip, this time accompanied by Lake who was also in Moscow, and met with Donald Wells, the head of the Embassy office responsible for issuing visas through the referral process. Bratt and Lake told Wells that they wished to bring two women with whom they had a professional relationship to the United States for consultations. Wells told the men that the referral process could only be used if there was a government interest in the women's visit to the United States.

We also learned that within a few days of the meeting with Wells, Lake obtained a visa referral form from the Embassy. The evidence showed that Lake called Bratt, who had returned to the United States, to discuss the form. Lake submitted the women's applications and the visa referral form containing the false statement about the women having worked for the Executive Officer to the Embassy. The visas were issued shortly thereafter although they were never used by the women. Although he initially falsely claimed to the OIG that he was just friends with Koreneva, Bratt later admitted to the OIG that he had an intimate relationship with her.

We concluded that Bratt and Lake knowingly used the referral process even though they were aware that it required a government interest in the women's visit and that no such government interest existed. We also found that Bratt's and Lake's explanations of their conduct, as well as their denials that certain events happened, were not credible. We concluded that Bratt and Lake committed egregious misconduct.

B. Security failures at ICITAP

In April 1997 the Department of Justice Security and Emergency Planning Staff (SEPS) received an allegation from an OPDAT employee that Special Assistant to the ICITAP Director Hoover had improperly given classified documents to individuals who worked at ICITAP and who did not have security clearances. SEPS and the OIG confirmed the allegation. SEPS then conducted an unannounced, after-hours sweep of the ICITAP offices on April 14, 1997, to further assess ICITAP's compliance with security rules and regulations. During that sweep and a follow-up review conducted by the Criminal Division Security Staff, 156 classified documents were found unsecured in the office of Joseph Trincellito, ICITAP Associate Director. The OIG and SEPS conducted further investigation to determine the extent of ICITAP's security problems and ICITAP management's responsibility for the failures.

The OIG found that the problems discovered in the 1997 security reviews had existed for many years. Evidence showed that senior managers provided or attempted to provide classified documents to uncleared consultants or other staff. Staff, including senior managers, routinely left classified documents unsecured on desks, including when individuals were away from their offices on travel. Stromsem, Hoover, and Trincellito improperly took classified documents home. Highly classified documents containing Sensitive Compartmented Information (SCI), or "codeword" information, were brought to the ICITAP offices even though ICITAP did not have the type of secure facility (a Sensitive Compartmented Information Facility or "SCIF") required to store SCI. The evidence showed that ICITAP inaccurately certified to United States Embassies that individuals had security clearances when they did not. We also found one instance where classified information was sent over an unsecure e-mail system.

As an example of the inattention ICITAP managers gave to security, we set forth the troubling history of ICITAP Associate Director Trincellito's handling of classified information. From 1995 through early 1997, ICITAP's security officers repeatedly found classified documents left unattended in Trincellito's office. The security officers warned Trincellito that he was violating security rules, and they also notified other

ICITAP managers about the problem. One security officer, after becoming aware of repeated violations, documented the violations in writing and recommended discipline for Trincellito. ICITAP Director Stromsem on occasion spoke to Trincellito about his violations and attempted to make it easier for him to comply with rules by putting a safe in his office. However, in the face of repeated violations indicating that Trincellito refused to comply with security regulations, Stromsem and other senior ICITAP managers failed to take sufficient action, such as initiating discipline, to ensure that Trincellito complied with security regulations.

We found that ICITAP managers' own violations of the security rules, their tolerance of Trincellito's known violations, and the removal of the security officers who attempted to enforce the rules sent a message that security was not important at ICITAP. We also found that the Criminal Division did not adequately supervise ICITAP's security program even though security reviews conducted by both SEPS and the Criminal Division beginning in 1994 showed a pattern of security violations.

In this chapter we also discuss the security implications raised by Bratt's involvement with Koreneva. Bratt held a high-level security clearance and had access to highly classified documents. We concluded that Bratt's intimate involvement with a Russian citizen about whom he knew very little, has invitation to her to visit the United States and his office, his improper use of his government position to obtain a visa for Koreneva and Bolgak, and his attempt to conceal the true nature of the relationship left him vulnerable to blackmail and represented a security concern.

We found that the actions of another ICITAP employee who was intimately involved with a Russian national also represented a security concern.

C. Business class travel

We found that Bratt and other ICITAP and OPDAT manager improperly flew business class when traveling to and from Moscow in 1996 and 1997. Government and Department Travel Regulations restrict the use of business class by government travelers. Even in circumstances when business class may be used, it must be authorized by the traveler's supervisor. We found that Bratt instigated and approved a scheme to improperly manipulate his flight schedules in order to qualify for business class travel. We concluded that Bratt's and the other managers' use of business class was not authorized and violated the rules limiting the use of business class travel.

On one trip, in November 1996 Bratt, Lake, and Thomas Snow, the Acting Director of OPDAT, traveled to Moscow and several other European cities using business class on at least one leg of the trip. Business class was arranged by the Department's travel agency because the method used by the airlines to calculate the cost of trips with several stops made the use of business class less expensive than coach class. However, we found that a weekend stop in Frankfurt, Germany, violated the Travel Regulations and that the stop should not have been used as a basis to obtain business class accommodations. We also found that the Department's travel agency had suggested an alternative itinerary for this trip that would have saved the government substantial money but that the itinerary was improperly rejected by Lake.

On a second trip, in January 1997 Bratt and Hoover flew business class to Moscow purportedly pursuant to the "14-hour" rule. If authorized by a supervisor, government regulations permit travelers to fly business class when a flight, including layovers to catch a connecting flight, is longer than 14 hours. For this trip, Bratt requested that his Executive Assistant determine whether the flight proposed by the travel agency qualified for business class under the 14-hour rule. His Executive Assistant checked with three different individuals and based on the information she received, she told Bratt that he did not qualify for business class because both legs of the flight took less than the requisite time.

Nonetheless, according to Bratt's Executive Assistant, Bratt told her to "do what you can to get me on business class." As a result, Bratt's Executive Assistant arranged with the Department's travel agency to lengthen Bratt's flight for the purpose of obtaining a flight long enough to qualify for business class travel. Even with the manipulations, however, the flight from the United States to Moscow was still less than 14 hours. We concluded that Bratt and Hoover did not qualify for the use of business class and that they were not authorized to use that class of service.

In March 1997, on a third trip, Bratt, Hoover, and Stromsem flew business class from Moscow to the United States even though there were economy flights available that would have fit the business needs of the travelers. Although Hoover and Stromsem were originally scheduled to fly on an economy class flight, Bratt directed that their flights be changed to avoid the disparity between his subordinates traveling economy while he traveled on business class. We held Bratt accountable for all the excess costs of the March trip. On his fourth trip, in June 1997 Bratt flew business class on both legs of his trip to and from Moscow. Contemporaneous documents show that the choice of flights for both of these trips was dictated by Bratt's desire to use business class rather than for business reasons. In one facsimile to the travel agency concerning the June 1997 trip, Bratt's Executive Assistant asked, "Can you rebook him [Bratt] with a slightly longer layover in Amsterdam. . . . So that at least two extra hours is added onto the trip? . . . " In addition, the travelers were not authorized to travel on business class for either the March or June trip.

In sum, we found that Bratt pressured his staff to obtain business class travel and approved a scheme to lengthen his travel time solely for the purpose of obtaining flights that would qualify for business class travel under the 14-hour rule. We concluded that Bratt's manipulation of flight schedules to qualify for business class travel violated the Travel Regulations and was improper. The government spent at least $13,459.56 more than it should have for these four trips.

We also found that the Justice Management Division (JMD), which is responsible for auditing foreign travel vouchers, did not question the use of business class travel by Bratt or the other managers who accompanied him even when the lack of authorization was apparent on the face of the travel documents that the travelers submitted to be reimbursed for their expenses.

In this chapter we also detail a conversation between Bratt and his Executive Assistant that led her to believe that Bratt was coaching her how to answer OIG questions. Through a series of rhetorical questions that falsely suggested that Bratt was not involved in making decisions regarding his use of business class, Bratt tried to shift to his Executive Assistant the responsibility for the decisions leading to Bratt's business class travel. Bratt also told her that she should not report their conversation to anyone. For some time after that conversation, Bratt continued to contact her asking whether she had been interviewed by the OIG and what she had said. Despite OIG requests to Bratt that he not discuss the subject of our interviews with individuals other than his attorney, we found that Bratt discussed topics that were the subject of the investigation with individuals who would be interviewed by the OIG. Bratt also called individuals, such as the two Russian women for whom he had improperly obtained visas, to alert them that the OIG would be seeking to interview them.

D. Failure to follow Travel Regulations

During the course of the investigation, we found that ICITAP, OPDAT, and Office of Administration managers violated government Travel Regulations with respect to the use of frequent flyer benefits. Government regulations state that all frequent flyer miles accrued on government travel belong to the government. Because airlines generally do not permit government travelers to keep separate accounts for business and personal travel, travelers may "commingle" miles earned from business and personal travel in one account. However, the Travel Regulations are explicit that it is the responsibility of the traveler to keep records adequate to verify that any benefits the traveler uses for personal travel were accrued from personal travel.

We found that between 1989 and 1998 Bratt used 380,000 miles for personal travel. Bratt told the OIG that while he had no records to verify how many miles he had accrued from his personal travel, he believed that he had collected at least 150,000 miles from personal travel as well as miles from the use of a personal credit card. Even giving Bratt the benefit of his recollection, we concluded that Bratt improperly used between 156,000 and 230,000 miles earned from government travel for his personal benefit.

We found that Hoover also used frequent flyer miles accrued from government travel to purchase airline tickets and other benefits for personal travel for himself and a family member. Stromsem used miles accrued on government travel to upgrade her class of travel in violation of government rules.

The investigation revealed that managers violated other Travel Regulations as well. Lake was inappropriately reimbursed by the government for some of the travel expenses associated with weekends that he spent in Frankfurt, Germany, when he was on personal travel. In violation of the regulations requiring a traveler's supervisor to authorize travel and approve travel expenses, Bratt repeatedly either authorized his own travel or had subordinates sign his travel requests. Both Bratt and Stromsem routinely had subordinates approve their travel expenses.

We received an allegation that Stromsem took a business trip to Lyons, France, as a pretext that allowed her to visit her daughter who was in Tours, France. Although Stromsem did not list a business purpose on her travel paperwork for her stop in Lyons, we did not conclude that her trip to Lyons was pretextual.

We also received an allegation that Bratt's trips to Moscow in 1997 were for the purpose of furthering his romantic relationship with a Russian woman. We found that the lack of advance planning for the trips, the fact that most of his meetings in Moscow were with his own staff rather than Russians, and his romantic relationship with a Russian woman strongly suggested that the trips to Moscow were not necessary or were unnecessarily extended for personal rather than government reasons.

E. Lake buyout

On March 31, 1997, Lake retired from the federal government after receiving $25,000 as part of a government-wide buyout program (the Buyout Program) to encourage eligible federal employees to retire. The following day Lake began working for OPDAT as a consultant. Lake worked as a subcontractor to a company that had been awarded a contract to provide various support services to ICITAP. In May 1997 at Bratt's request, Lake worked as a consultant to the Immigration and Naturalization Service (INS) after Bratt was detailed there.

The Buyout Program prohibited former federal employees from returning to government service as either employees or as contractors working under a “personal services” contract for five years after their retirement. A personal services contract is defined by federal regulations as “a contract that, by its express terms or as administered, makes the contractor personnel appear, in effect, [to be] Government employees.” Violation of the prohibition requires repayment of the incentive bonus.

We found that while at OPDAT and INS after his retirement Lake reported to and was supervised by Bratt, that Lake supervised and gave directions to federal employees or other contractors that he used government equipment, and that other staff were often unaware that Lake was not a federal employee. The evidence showed that Lake essentially did the same job as an OPDAT consultant that he had performed while a government employee. We concluded that Lake worked at OPDAT and the INS under a personal services contract in violation of the Buyout Program requirements.

The evidence showed that Lake planned for several months to return to work for the Department as a consultant. Both Bratt and Lake were warned by officials in JMD and the Criminal Division Office of Administration that Lake's return as a consultant could constitute a personal services contract. We concluded that Bratt and Lake improperly failed to ensure that Lake's work met the requirements of the Buyout Program.

After allegations were raised in the media that Lake had received Buyout money and then improperly returned to work for the Department, Bratt asked JMD for an opinion as to whether Lake should repay the Buyout bonus. A JMD official concluded that Lake was not obligated to pay back the money based upon a “good faith” exception to the rule requiring repayment. We determined that there is no “good faith” exception to the requirement that a person who violates the Buyout Program prohibition against performing personal services must repay the bonus. We also concluded that even if a good faith exception existed in the law it would not apply in this case as Lake was aware of the prohibition against personal services and was warned that his return as a consultant might constitute the performance of personal services.

We also found that JMD permitted Lake to work at INS without a contract for several months. In addition, while JMD issued a purchase order for Lake's INS work in July 1997, senior JMD procurement officials later expressed concerns that the purchase order that had been issued by their office was a personal services contract. We also found that hiring Lake as a subcontractor to a third party contractor added unnecessary costs to the contract.

F. Harris contract

Jo Ann Harris was the Assistant Attorney General for the Criminal Division from November 1993 until August 1995, when she left the federal government. Under federal regulations, Harris was barred from contracting with the government for one year after her government service. In December 1996 Harris agreed to become an OPDAT consultant to organize, moderate, and evaluate three conferences that OPDAT was planning to hold at the International Law Enforcement Academy (ILEA) in Budapest, Hungary, and to assist OPDAT in developing curriculum for other OPDAT training programs. The OIG investigated allegations that the award of this contract to Harris violated ethical rules that prohibit contracting with former government officials on a preferential basis. We found that OPDAT's award of a contract to Harris to develop curriculum for OPDAT programs and the processes used to develop the contract, to determine Harris' fee, and to modify her contract raised the appearance of favoritism.

In September 1996 Harris had discussions with Criminal Division managers, including Bratt, about the possibility of her assisting OPDAT as a consultant. In November 1996 Harris discussed on the phone with Bratt specific projects that she could work on such as the ILEA conferences and curriculum development. At Bratt's direction, an OPDAT official called Harris in early December 1996 and had a similar conversation with Harris during which she reiterated her interest in working on OPDAT projects. On December 12, 1996, Bratt, Harris, and Lake met in Harris' former office at the Department of Justice, and Harris agreed to Bratt's proposal that she work as a consultant on OPDAT projects. The Statement of Work, a contract document that set out the tasks that OPDAT was seeking from a consultant, was issued on January 23, 1997. The tasks included preparing for the ILEA conferences, acting as the conference moderator, and developing curricula for other OPDAT programs.

Because no competition was involved in awarding Harris' contract, we evaluated the propriety of OPDAT's award of her contract under the rules pertaining to the award of sole-source contracts. Sole-source contracts, which do not require the solicitation of competing bids, may be awarded when the exigencies of time or the consultant's expertise justify the waiver of the competitive process. We concluded that OPDAT could have awarded a sole-source contract for her work on the ILEA conference given her extensive experience and the short time frame that existed to prepare for the conference. However, we concluded that Bratt's decision to hire Harris to develop curricula for OPDAT projects other than the ILEA conferences created the appearance of favoritism. We also found that Bratt discussed with Harris what projects she could perform and the Statement of Work was written to fit those projects. We concluded that the process OPDAT used to develop Harris' contract violated the principle that the task to be accomplished should drive the development of a contract rather than the desire to hire a particular consultant.

We disproved the allegation that Harris was paid $65,000 for eight days work. She was paid approximately $27,000 for 42 days work on two ILEA conferences. However, we found that Harris' rate of pay was not the result of an “arms length” negotiation. Harris told Bratt, her former subordinate, to set the fee and to “scrub it” because she did not want to read about the fee in the newspaper. She agreed to accept $650 per day although her contract was later modified to permit her to be paid based on an hourly rather than a daily rate. We were unable to determine the basis for the $650 per day fee or find any evidence that Bratt and Lake used any comparable consultant fee arrangement as the basis for setting Harris' rate. Evidence showed that the Department of State, ICITAP, and OPDAT generally set the fees for their consultants at a lower rate. We concluded that the lack of a clear record setting forth the basis for the fee raised the appearance that Harris was given preferential treatment by her former subordinates.

We also found that OPDAT hired Harris to perform work outside the scope of the contract, which only authorized services to ICITAP not OPDAT.

G. Improper personnel practices

The OIG received various allegations relating to ICITAP's and OPDAT's hiring and management of personnel. The evidence showed that ICIPAT and OPDAT managers misused contractor personnel. Federal regulations prohibit contractor personnel from directing federal employees or exercising managerial oversight. Yet, ICITAP and OPDAT managers did not distinguish between employees and contractor personnel and often failed to identify personnel working for contractors as such. As a result, ICITAP and OPDAT staff were often confused about consultant's roles and the scope of their authority.

We found that contractor personnel were used as managers. For example, one of ICITAP's Deputy Directors was a subcontractor employed by a contractor that provided a variety of services to ICITAP. After ICITAP Director Stromsem was advised by an administrative official that there were limits to the authority of personnel employed by contractors, Stromsem cautioned the Deputy Director about the limitations. However, Stromsem did not notify other staff about the Deputy Director's status as a subcontractor, and he remained in the position of Deputy Director until he became a federal employee six months later.

We found other problems with the use of contractor personnel including ICITAP's selection of particular consultants to be hired by its service contractors. This left ICITAP vulnerable to claims that it was violating the rules restricting personal services contracts. The practice of directing the hiring of consultants wasted money because ICITAP was performing the administrative work associated with hiring consultants at the same time that it was paying its service contractors administrative fees. In addition, consultants often began work before the Statement of Work was issued to the prime contractor. This practice required the paperwork to be backdated or ratified in order for the consultant to be paid. We also found that consultants were hired as federal employees and then made decisions affecting their former contractor employer in violation of ethical regulations. This practice was stopped by Mary Ellen Warlow, who became the Coordinator for ICITAP and OPDAT in 1997 after Bratt left for the INS.

We investigated allegations that ICITAP managers engaged in favoritism in the hiring of staff. Federal employees are hired after a competitive process that begins with the public issuance of a vacancy announcement that describes the application process and sets forth the responsibilities and other particulars of the position. Managers were alleged to have engaged in “preselection,” that is, they decided whom to hire before beginning the competitive selection process required by federal regulations.

The hiring of Jill Hogarty in particular raised complaints. Hogarty was an attorney who worked as a bartender at Lulu's New Orleans Cafe, an establishment located near the ICITAP offices which was visited regularly by ICITAP Associate Director Trincellito and other ICITAP staff. While visiting Lulu's, Trincellito discussed ICITAP's work with Hogarty, and eventually Trincellito invited Hogarty to consider working as a consultant to ICITAP. Hogarty gave Trincellito her resume, and Trincellito wrote the paperwork that resulted in her being hired as an ICITAP consultant in September 1994. According to Hogarty, while she was a consultant to ICITAP, she dated Bratt for several months, from September 1995 to December 1995. At that time Bratt had resumed his position as Executive Officer but he retained authority to approve personnel decisions at ICITAP. In November 1995, during the time that Hogarty and Bratt were dating, Hogarty applied to become a temporary federal employee at ICITAP. She was selected by Trincellito for this position in December 1995.

On January 5, 1997, Hogarty's employment status changed once again, and she became a permanent federal employee. It was this selection that raised the complaint about preselection. The vacancy announcement of the position that Hogarty obtained opened on November 1, 1996. An ICITAP employee who held a term position told the OIG that while the position was still open for applications, he was discussing the announcement for the position with another employee when Hogarty told them it was her position and that she had been selected for it. The employee told the OIG that even though he was interested in the position himself, he did not apply for it because he believed Hogarty's statement that she had already been selected.

To investigate the allegation of preselection, we attempted to determine which manager had selected Hogarty for the position and the reason for the selection. The paperwork listed Stromsem as the official requesting the recruitment. The paperwork did not show who had made the selection, however. All of ICITAP's top managers—Director Stromsem, Associate Director Trincellito (who was also Hogarty's direct supervisor), the ICITAP Deputy Directors, and Special Assistant to the Director Hoover—denied having selected Hogarty for the permanent position. Bratt also denied selecting Hogarty.

We found strong evidence that Bratt and Stromsem preselected Hogarty. An e-mail from Bratt on October 8, 1996, showed that Bratt authorized hiring Hogarty before the vacancy announcement that opened the position for competition was issued. We also learned from an ICITAP administrative official that in October or November 1996, Stromsem asked the official to determine how they could get Hogarty health benefits, which Hogarty did not have at that time. The administrative official said that he and Stromsem agreed to create a "term" position vacancy for Hogarty, but that instructions came back from Bratt through Stromsem to make the position permanent. We concluded that Bratt and Stromsem engaged in preselection in violation of federal regulations governing personnel hiring.

We investigated other allegations of favoritism, including the hiring of a consultant who was the father of Stromem's former husband's stepchildren. He was subsequently selected by Stromsem to become an ICITAP term employee although his qualifications for the position were questionable. He was ultimately not hired for the term position because of the intervention of Warlow when she became Coordinator. We concluded that Stromsem's involvement with this hire gave rise to the appearance of favoritism.

The OIG also received numerous allegations that Bratt gave favored treatment to a select group of Office of Administration and ICITAP staff and that he dated subordinates. Although we only conducted a limited investigation into these allegations, we found that some of the employees who socialized with Bratt received rapid career advancement and that Bratt was often involved in the promotions. We saw evidence that he dated staff in the Office of Administration and ICITAP and that in one instance he intervened to protect the salary of a subcontractor with whom he had a social interest but who have been found unqualified by Office of Administration staff for the position she held. We concluded that Bratt's actions gave right to an appearance of favoritism.

H. Financial management

In response to allegations that ICITAP's finances were mismanaged, the OIG examined ICITAP's financial management system. We found that until 1997 ICITAP could not account for its expenditures. ICITAP did not receive sufficient information from its contractors to permit it to track whether it received the goods and services for which it had paid. This led to significant problems in 1997 when the State Department, which was funding ICITAP's programs, asked for detailed information on how the money for programs in the Newly Independent States had been spent. ICITAP spent several months trying to provide an acceptable answer to the State Department's request and only succeeded by the use of estimates and extrapolations from the financial information ICITAP did collect. Although the OIG had advised ICITAP in its 1994 report following an earlier investigation into ICITAP's financial management system that ICITAP needed to collect more detailed information from its contractors, the problem was not remedied until after the State Department requested detailed financial information in 1997.

We found that ICITAP did not pay sufficient attention to the services its contractors provided and left itself vulnerable to overcharges. In one instance, a contractor notified ICITAP that it was unilaterally raising one of its fees, an action not permitted by the contract. Despite this notice, ICITAP did nothing for two years until a JMD contracting officer noticed the overcharge. Subsequent negotiations with the contractor resulted in reimbursement to ICITAP of some of the money.

Office of Administration managers hired staff for the Criminal Division by using contractor personnel for jobs that were outside the scope of the contract under which they worked. In 1991 the Criminal Division awarded a contract to provide computer support services and in 1996 the Criminal Division awarded the same contractor a second contract for computer support services. The contractor provided employees to work in Criminal Division's correspondence units performing tasks such as reading and responding to correspondence. This work was outside the scope of the first contract, which only authorized computer support services. The contractor also provided employees who worked as writers, planned conferences, published reports, and organized parties. The services of these personnel were outside the scope of both contracts.

We also found that Criminal Division managers failed to adequately supervise the contract and the contractor charged the government for the services of personnel who were unqualified under the terms of the contract. The contract set out very specific labor categories, such as Senior Programmer Analyst, and set forth the tasks to be accomplished and the qualifications for each labor category. We found problems with 25 of 56 of the contractor's personnel under the first contract and problems with 19 of 54 of the contractor's personnel under the second contract. We concluded that the minimum the contractor overcharged the government was $1,164,702.01.

The OIG received an allegation that ICITAP had spent substantial sums of money on an automated management information system (IMIS) that did not function properly. Our investigation showed that the development of IMIS was difficult, that users were unhappy with the product, and that a system designed to replace IMIS could not be completed by the contractor. We concluded that managers did not adequately analyze ICITAP's needs in the initial stages of development, and consequently IMIS was constantly being upgraded and modified leading to new problems. Also, the decision to use floppy disks to transfer information from the field to headquarters rather than develop a network capacity that could be utilized by all users led to significant problems, such as that the data from floppy disks was often out of date or could not be accessed once it was received at headquarters. IMIS and the attempt to develop the replacement system ultimately cost more than one million dollars. We did not investigate to determine how much money might have been saved had IMIS been better planned.

ICITAP's lack of planning also led to a substantial cost overrun of the translation budget for the first ILEA conference. A hypothetical transnational crime and the statutes of various countries were translated for the conference. The budget for translations was $16,000; the ultimate cost was $128,258. Lake delegated much of the responsibility for coordinating the ILEA conference to his assistant, who worked for a contractor. Lake's assistant ordered large amounts of material to be translated on an expedited basis without adequately determining the cost of the translations. The assistant failed to research whether some of the material was already translated and ordered some of the material on a costly expedited basis when it was unnecessary to do so. We concluded that Lake delegated responsibility to someone who was not qualified to manage the task and then failed to adequately supervise her.

We examined whether ICITAP could account for the goods it ordered for use in Haiti by selecting 131 expensive items to track. The investigation showed that the contractor responsible for providing goods and services to ICITAP in Haiti had in place an effective inventory control system and that ICITAP could account for all but one of the selected items.

I. Miscellaneous allegations

In this chapter we summarize the results of our investigation of additional allegations, most of which we did not substantiate.

We found that Bratt directed that Criminal Division excess computers be sent to a school associated with a girlfriend, and Deputy Executive Officer Sandra Bright initiated and pursued the donation of computers to a school associated with her husband. In 1996 Bratt directed that 35 computers be sent to an elementary school in Virginia where his then girlfriend was employed as a teacher. On one occasion in 1996 Bright directed that 25 computers be sent to the school district in Virginia where her husband was employed as a principal and on another occasion in 1996 Bright directed that 30 computers be sent to the school at which her husband was employed. We concluded that Bratt's and Bright's actions created the appearance of favoritism.

We did not substantiate an allegation that Robert Lockwood was awarded an OPDAT grant because of his alleged association with Attorney General Janet Reno. The American-Israeli Russian Committee that Lockwood directed received a $17,000 grant from OPDAT in 1997. At the time, Lockwood was the Clerk of Courts of Broward County, Florida, and was acquainted with the Attorney General, although not closely so. We determined that the Attorney General received a phone call from Lockwood in 1997 but that they only discussed Lockwood's organization and its mission; he did not seek any funding from her. Lockwood became involved with OPDAT through the OPDAT Resident Legal Advisor in Moscow. We did not find evidence that the Attorney General encouraged anyone to award a grant to Lockwood's Committee or that she knew that an award had been made. We also did not find any evidence that the Attorney General or anyone from her office took any action after Lockwood's grant was not renewed the following year.

The remainder of the chapter discusses allegations that we failed to substantiate concerning personnel issues, financial matters, allegations of retaliation, and other issues.

III. RECOMMENDATIONS AND CONCLUSIONS

In this chapter of the report, we offer a series of recommendations to the Department, including that certain employees receive discipline and that the Department seek compensation from employees who improperly received money or benefits from the Department. We also made nine recommendations concerning systemic improvements in the areas of travel, ethics, and training.

Bratt retired from the Department effective August 1, 2000, and is not subject to discipline. We recommended that the Department recover the costs of his improper use of business class travel and his improper use of frequent flyer miles.

Lake is also not employed by the Department any longer and is not subject to discipline. We recommended that the Department recover the $25,000 Buyout bonus and the cost of travel expenses that Lake improperly charged the government, including costs associated with the November 1996 trip to Moscow.

We found that Stromsem violated security regulations, improperly used frequent flyer miles accrued on government travel for personal benefit, and was involved in the preselection of Hogarty in violation of personnel regulations. We concluded that Stromsem's conduct warrants the imposition of discipline. We also recommended that the Department recover the costs of Stromsem's improper use of frequent flyer miles.

We found that Hoover violated security regulations by disclosing classified information to uncleared parties and by removing classified documents to his home. We also found that he improperly traveled on business class on a flight to Moscow in January 1997 and that he improperly used frequent flyer miles accrued on government travel for his personal benefit. We concluded that Hoover's conduct warrants the imposition of discipline. We also recommended that the Department recover the costs of Hoover's improper use of business class travel and frequent flyer miles.

We concluded that Trincellito's repeated failure to observe fundamental security practices and his continued resistance to the advice and warnings of ICITAP's security officers warrants the imposition of discipline.

We also recommended that SEPS and other agencies responsible for issuing security clearances carefully consider the findings and conclusions set forth in this report before issuing a security clearance to the individuals most involved in the security breaches. In addition, we made non-disciplinary recommendations with respect to two other individuals.

During the course of the investigation, we observed various systemic issues, and we suggested improvements for the Department to consider relating to oversight of ICITAP and OPDAT, security, investigative follow-up, travel, training, performance evaluations, and early retirement programs. For example, we recommended that the Department monitor ICITAP's compliance with security regulations by continuing to perform periodic unannounced security reviews.

Because many of the travel violations that we found were apparent on the face of the travel forms, we recommended that the Department review the process JMD uses to audit travel vouchers. We believe the Department should offer increased training on travel regulations to employees and secretarial or clerical staff who process travel-related paperwork. And we offered suggestions designed to increase Department employees' use of frequent flyer miles for government travel and to decrease the incidents of improper use.

We recommended that increased attention be given to the recommendations and lessons learned from investigations. We found that despite numerous investigations of ICITAP, the same problems continued to surface and that managers failed to act on investigative recommendations. Management must take increased responsibility for ensuring that the results of investigations are appropriately considered and addressed.

TO AUTHORIZE EXTENSION OF NONDISCRIMINATORY TREATMENT TO THE PEOPLE'S REPUBLIC OF CHINA—Continued

AMENDMENT NO. 4125

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, may I ask the situation on the time limitation on this amendment?

The PRESIDING OFFICER. There is no time limitation.

Mr. HELMS. Mr. President, around this place I have learned, in 28 years, that you are fortunate in many instances to be able to work with people with whom you have not earlier worked, and you learn of their interest and their dedication. Such is the case with the distinguished Senator from Minnesota, Mr. WELLSTONE, with whom I have worked in the preparation of this amendment. He is a principal cosponsor of it.

The pending amendment, simply said, directs the President to certify that China has met a series of human rights conditions prior to granting PNTR to Communist China. The conditions set forth in this amendment are straightforward. The President would be required to certify formally and officially that China has, among other items:

No. 1, dismantled its system of reeducation through labor;

No. 2, has opened up all areas of China for U.N. human rights agencies;

No. 3, has accounted for and released political and religious prisoners; and,

No. 4, has provided human rights groups with unhindered access to religious leaders.

So what this amendment really does is to remind Communist China, and all the rest of the world, that we Americans stand for something—something other than for profits, for example. In this case, what this amendment makes clear is that we believe China should not be welcomed into international organizations such as the WTO just so long as the Chinese Government continues to repress, to jail, to murder, to torture, its own citizens for their having opposed the Beijing dictatorship.

It seems to me, to fail to take this stand would be a double whammy against even the possibility of freedom for the people of China. First, the Senate will be sending a signal to Beijing that the Government of the United States will turn a blind eye to Communist China's grave abuses against humanity if this amendment is not approved, if only China will just let U.S. businesses make a profit in dealing with China.

Second, it will send a message to those miserable souls who languish in China's gulags that the United States is willing to ignore their misery just so some in America can profit from it. If we do not send the signal that this amendment proposes to send, that will happen.

I realize the WTO is not, itself, a paragon of virtue, let alone a democracy, given the membership already held by thuggish regimes such as Cuba and Burma and a host of African dictatorships. But that does not justify further sullying the WTO by adding Communist China to its membership. Rather, it is a reminder of the absurd notion that this so-called rules-based WTO will somehow help transform China into a democracy.

As does Cuba and Burma, the Chinese Government continues to have one of the worst human rights records in the world, despite two decades, 20 years of having received so-called most-favored-nation status from the U.S. Government. The findings in the pending amendment, mostly verbatim quotes from the U.S. State Department's own annual reports, provide a sketch of the disgraceful conduct, the disgraceful situation in China. For example, this is a quote from the U.S. State Department's 1999 human rights report shown on this chart. The chart shows:

> The Government of the People's Republic of China's poor human rights record deteriorated markedly throughout the year, as the Government intensified efforts to suppress dissent.

Note two key words in that passage, "deteriorated" and "intensified," because these words describe a trend, a trend for the worse as reported by the U.S. State Department. That is not JESSE HELMS talking. That is the State Department's official report to this Senate.

I doubt that even the most enthusiastic supporter of Communist China's admission to the WTO will claim that China's human rights record is good. I don't know how they could do it, but some will do it. But year after year, we have become accustomed to hearing that China's human rights record is improving, don't you see. The trouble is, the State Department's own report, as I have indicated, emphasizes over and over again that this simply is not true and never has been true.

Consider, if you will, this passage from the U.S. State Department, reproduced on this chart:

> Abuses by Chinese authorities included instances of extrajudicial killings, torture and mistreatment of prisoners, forced confessions, arbitrary arrest and detention, lengthy incommunicado detentions, and denial of due process.

That is in the U.S. State Department's annual report, delivered to the Senate Foreign Relations Committee of which I am chairman.

What is that report, when you get down to the nitty-gritty? The official report of our State Department, which advocates giving away the store to Communist China, is telling the truth on one hand and asks to reward China on the other.

Are we to dismiss China's vicious crackdown on the Falun Gong movement? The bloody numbers are staggering: More than 35,000 people detained, more than 5,000 people sentenced without trial, and more than 300 put on makeshift trials and sentenced to prison terms of up to 18 years.

I have some photographs I want the Chair to see. The first one is how the Chinese Government treats its own people whose worst offense has been their daring to meditate in public, to sit alone and think.

At least 37 of these people died of mistreatment while they were in custody. According to human rights groups, one Falun Gong practitioner who had been confined in a psychiatric hospital by the Chinese Government died of heart failure 2 weeks after being forcibly injected with nerve agents. Another died after being force-fed by authorities. These reports are reminiscent of those worst days long ago in the Soviet Union and in Germany under Adolf Hitler.

But there is more. The merciless extinction of Tibet continues. In this past year, China has perpetuated its so-called reeducation campaign aimed, in fact, at destroying Tibetan culture, border patrols have been tightened, and the arrests of Tibetans have increased greatly.

There is a fine lady named Dr. Elizabeth Napper who works with escaped Tibetan nuns in India. She testified before the Foreign Relations Committee that if a nun peacefully demonstrates saying, for example, "Free Tibet," she is immediately arrested and taken into custody for saying, "Free Tibet."

Basing her testimony on accounts by victims of China's cruelty, Dr. Napper added:

> The beatings start in the vehicle on the way to the police station and continue through an interrogation that can take place over several days. Various instruments of torture are routinely used, such as electric cattle prods inserted in the orifices of the body and electric shocks that knock a person across the room.

These victims, mind you, are nuns. They are defenseless women.

The Chinese Government refuses even to talk with the Dalai Lama. Why should they? Nobody in the U.S. Government ever does anything tangible to help the Dalai Lama. Some of us who know him and are his friends do our best to help him. I have taken him to North Carolina to meet with a group there, specifically to Wingate University. It was announced he was coming, and there was standing room only on the campus of that university. People came from everywhere just to see him. They did not have a chance to meet him; they just had a chance to see him.

Permanent normal trade relations with China is not merely a routine foreign policy matter. As chairman of the Foreign Relations Committee, I have never viewed it as such. The future direction of Chinese foreign policy will depend upon whether the rulers of China agree to democratize its Government and begin to treat its own citizens with some respect, which they are not doing now.

It will be a tragic mistake to pass this legislation now precisely at the time the Chinese Government has succeeded in almost emasculating all opposition to its tyrannical rule.

Without requiring some kind of improvement in China's terrible human rights situation before bringing China into the WTO and granting China permanent normal trade relations will be welcoming China into the club of supposedly civilized nations. It seems to me this would throw away the most effective leverage we could ever have with China and would deal a terribly severe blow to the millions of Chinese people who oppose their regime and are totally incapable by circumstances of doing anything to improve it.

Question, Mr. President: Would that not be profoundly immoral on the part of the Senate in consideration of this measure? I know the words have been passed: Don't let any amendment be adopted; don't let any amendment be approved; don't let anything happen to derail or to delay the enactment of this piece of legislation.

The answer is, yes, it would be immoral; it is going to be immoral. I do not hold my distinguished colleagues accountable on this, but I think it is a strategic mistake on their part, a mistake of historic proportions, that the American people will one of these days profoundly regret the move the Senate is about to take.

Mr. President, this unanimous consent request has been approved on both sides. I therefore ask unanimous consent that prior to a vote on or in relation to the Helms amendment No. 4125, there be 90 minutes of debate on the amendment, with 60 minutes for the proponents and 30 minutes for the opponents, with no second-degree amendment in order, and that the vote occur by 3:30 p.m. or at a time to be determined by the two leaders. I further ask unanimous consent that the time consumed thus far on the amendment be deducted from the above limitation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I see other colleagues on the floor. I shall not take up all of our time. I am certainly interested in what the Senator from Wyoming and the Senator from New York have to say in this debate.

First, I thank my colleague, Senator HELMS from North Carolina, for offering this amendment. Also, there are probably not too many times I can remember over my 9½ years in the Senate that I have been a cosponsor of a Helms amendment, but I am very proud to support this amendment and to speak, debate, and advocate with him on this question.

I say to my colleague from North Carolina and other Senators as well, I want to guard against appearing to be self-righteous about this, but I feel strongly about the question before us. I feel strongly about this amendment which says that China ought to abide by basic human rights standards. We ought to insist on that before we automatically extend normal trade relations with China, before we give up our right to annually review normal trade relations with China.

Before I speak in giving this some context and talking about why, let me, one more time—I have heard some discussion on the floor and also seen in the press discussion about this debate—try to correct the record.

No one is arguing that we should now have an embargo on trade with China.

Nobody is arguing for a boycott. Nobody is saying that we should not have trade with China. We do; we will. It is a record trade deficit, as a matter of fact. That is not the issue. Nobody is arguing that we should have no economic ties with China at all. We do; we will.

The question is whether or not we give up our annual right to review trade relations with China, which is what little leverage we have as a nation, as a country, to speak up about the violations of human rights, to speak up for religious freedom in China. That is the question before us.

I have always been intensely interested in human rights questions, whether it is as to China or whether it is as to any other country. I am sorry to say on the floor of the Senate that there are some 70 governments in the world today that are engaged in the systematic torture of their citizens.

I think it is important for the Senate, I think it is important for our Government, I think it is important for the American people, to speak up about these kinds of basic violations of people's human rights.

I say it for two reasons. First of all, I come from a family where my father was born in the Ukraine; then lived in the Far East; then lived in China before coming to the United States of America at age 17 in 1914, 3 years before the revolution in Russia. He thought he could go back, and then the Bolsheviks took over. His parents told him: Don't go back. And all his family, from all I can gather, were probably murdered by Stalin. All contact was broken off. No longer did my father receive any letters from his family. He never saw them again.

I say to my colleague from North Carolina—I am getting a little personal before getting into the arguments—at the end of my dad's life we were trying to take care of him so we would go over and spend the night with him. He had lived in this country for, oh, almost 70 years. He spoke fluent English. I don't know that I detected even any accent. But it was amazing; all of his dreams—they were nightmares; there was shouting and screaming—were in Russian. None of it was in English. He lived in this country all of those years; I only heard him speak English—talk about the child being father of man or mother of woman—and I think that is what happens when you are separated from your family at such a young age; your family is probably murdered. You never can go back to see them. You can never see your family again.

I believe strongly in human rights. I thank the Senator from North Carolina for his leadership on this question.

Then I had a chance to meet Wei Jingsheng. I say to my colleague, you know Wei very well. Here is a man who spent, I think, about 17 years in prison, several years in solitary confinement. What was the crime that he committed? The crime he committed was to continue to write and speak out for democracy and freedom in his country. That was the crime he committed.

I say to my colleagues that I really believe the rush for the money and the focus on the money to be made by our trade policy with China within the new global economics that we talk about—this kind of rush for money, this focus on commercial ties on the money to be made has trumped our concerns about human rights, trumped our concerns, whether it is a Buddhist or a Christian or a Jew, you name it—it makes no difference—about whether people can even practice their religion without winding up in prison, trumped our concerns about whether or not we have a relationship with a country that has broken the 1992 and 1994 agreements where they said they would not export products to our country made by prison labor in the so-called reeducation labor camps, trumped our concerns about all of the women and men who were imprisoned because of the practice of their religion or because they spoke out for democracy, trumped our concerns about women and men who tried to improve their working conditions and found themselves serving 3 years, 8 years, 14 years, 15 years, trumped our concerns about a country that has more prison labor camps—it is like the equivalent of the gulags in Russia, in the former Soviet Union. And we do not want to speak out on this?

We don't want to at least say: wait a minute, we reserve our right, when it comes to normal trade relations, to insist that you live up to just basic standards of decency? We reserve our right to speak up for human rights. We reserve our right to speak up for religious freedom. We reserve our right to speak up against products that are exported to our country made by prison labor. We reserve our right to speak up for the right of people in China—and people all over the world—to bargain collectively to try to improve their standard of living. We do not want to consider any of that? We do not consider any of that?

I think we diminish ourselves, I say to Senator HELMS, when we do not support the kind of amendment the Senator has brought to the floor. I say to my colleagues, I hope there will be strong support for this amendment.

I have heard a number of Senators—all of whom I like, all of whom I like a lot—who have said, first of all: We cannot isolate ourselves.

We are not isolating ourselves. All we are saying is, don't we want to at least keep our leverage, so that we continue to have what little leverage we have to annually review our trade relations to make sure China lives up to the trade agreements, lives up to the human rights standards?

Then the other argument is: We have had all this trade with China, and it is so important, that, actually, when you automatically have trade relations with China, you promote human rights. I have heard that said at least 10, 15 times. But I say to Senators, where is your evidence?

I will tell you, if you look at the State Department reports of this year and last year, they talk about an absolutely brutal atmosphere in China. Your evidence certainly is not our own State Department report about human rights. Is your evidence the commission that we appointed, the Commission on International Religious Freedom, chaired by Rabbi Saperstein? They said, on the basis of their careful examination, we should not automatically renew trade relations with China because of the brutality, the denial to people of their right to practice their religion.

I say to Senators, where is your evidence that we have had this trade with China and it has led to more freedom and less violation of human rights? Where is your evidence for that? You do not have any evidence. I have not heard one Senator come out here with any evidence.

My evidence, on behalf of this amendment, is that according to the State Department—this is last year's report—

> The Government's poor human rights record deteriorated markedly throughout the year, as the Government intensified efforts to suppress dissent, particularly organized dissent. Abuses included instances of extrajudicial killings, torture, mistreatment of prisoners, and denial of due process.

That is the evidence.

Hundreds of thousands of people languish in jails and prison camps merely because, I say to my colleague from North Carolina, they dare to practice their Christian, Buddhist, or Islamic faith. Respected international human rights organizations have documented hundreds of thousands of cases—hundreds of thousands of cases—of arbitrary imprisonment; torture, house arrest, or death at the hands of the Government.

That is the record. I welcome any Senator to come out here and present other evidence to the contrary.

In recent months, we have witnessed—and I heard my colleague from North Carolina talk about this—a brutal crackdown against the Falun Gong, a harmless Buddhist sect. According to international news media reports, at least 50,000 Falun Gong practitioners have been arrested and detained, more than 5,000 have been sentenced to labor camps without trial, and over 500 have received prison sentences in show trials. Detainees are often tortured, and at least 33 practitioners of this religion have died in Government custody. Senators, we are silent about this.

Chinese courts recently sentenced three leading members of the Chinese Democracy Party, an open opposition party. That is what we believe in. We believe in our country people should have the right to join parties. They should have a right to speak out. They should have the right to run for office, and they certainly should not wind up in prison. Three leading members of the Chinese Democracy Party, an open opposition party, were sentenced to terms of 11, 12, and 13 years. Their crime was "for conspiring to subvert state power."

Charges against these three political activists included helping to organize the party, receiving funds from abroad, promoting independent trade unions, using e-mail to distribute materials abroad, and giving interviews to foreign reporters. That is their crime. They have been tried in closed trials with no procedural safeguards. The Government has crushed the party by doling out huge prison sentences to any man or woman who should dare to form their own political party.

I would think if there was any example that would resonate with every single Senator here, regardless of party, it would be this.

My colleague from North Carolina already talked about Ms. Kadeer's case. I will not go over that.

I will just say to Senators, I hope that on this amendment we will get your support. With all due respect, I hope that you do not make the following argument because I don't think it works. I hope you do not make the argument: No, I am going to turn my gaze away from all of these human rights abuses. I am going to turn my gaze away from supporting religious freedom. I am going to turn my gaze away from this record of brutality. I am going to turn my gaze away from the extrajudicial killings and torture. I am going to turn my gaze away from human rights because if an amendment passes, this will go to conference committee.

We have conference committees all the time. That is the way we operate. That is our legislative process. We have a conference committee and then it reports back.

With all the support for this overall bill, the conference committee would meet, the bill would come back, and then we would have a vote. But to say to people in our States, we couldn't vote for what was right, we couldn't vote for this amendment which was all about human rights, which is what our country is about, because, you see, it might go to conference committee and we have to have a bill with the exact same language between the House and the Senate, people will look at you and say: Senator, just vote for what is right.

I say to my colleagues, vote for what is right. Vote for this amendment.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, noting the presence of the distinguished managers of the bill, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I thank the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I rise to speak briefly to the important issues my friend, the Senator from North Carolina, has raised and to suggest that we have the necessary international agreements already in place to address the more fundamental issues with which he is concerned, as is my friend from Minnesota.

It happens I have spent a fair amount of my early years as a student of the International Labor Organization which was created as part of the Versailles Peace Treaty of 1918. Samuel Gompers of the AFL-CIO was chairman of the commission in Paris that put it together. A very major matter in the mind of President Wilson as he campaigned for the treaty, he talked about the ILO as much as any other thing.

The first international labor conference met here in Washington, just down Constitution Avenue at the building of the Organization of American States. It was a dramatic time.

President Wilson had been struck down by a stroke. The Congress, the Senate was tied up with the question of ratifying the treaty. But the treaty provided that this meeting should take place in Washington, and it did. It did so with great success. International labor standards were set forth, and China was one of the nations present at the international labor conference. The person who provided most of the facilities for it was the young Assistant Secretary of the Navy, a man named Franklin D. Roosevelt, who later became involved. One of the first things he did when he became President was move to join the ILO.

Now, over the years the United States has been an active member of the ILO. We had the Secretary General at one point, Mr. Morris, a former Under Secretary of Labor.

We have not ratified many conventions. I have come to the floor at least four times in the last 24 years and moved a convention. Once it was done by our revered Claiborne Pell, who then turned the matter over to me. We think of there being eight core conventions. The simple fact is that the United States has only ratified one of them, in a membership that goes back to 1934.

However, it is not necessarily the case that if you have ratified a lot of conventions, you are very much in compliance with the principles there involved. I once suggested, not entirely facetiously, that there was an inverse relationship between the number of ILO labor conventions that had been signed by a country and the actual condition of labor relations in that country. But no matter.

In 1998, at the 86th session of the International Labor Organization, the oldest international organization in the world of this nature—the postal union is the oldest—adopted an ILO declaration on fundamental principles and rights at work and its followup. I will read this provision:

The international labor conference declares that all members, even if they have not ratified the conventions in question, have an obligation, arising from the very fact of membership in the organization, to respect, to promote, and to realize, in good faith and in accordance with the Constitution, the principles concerning the fundamental rights which are the subject of those conventions; namely:(a), freedom of association and the effective recognition of the right of collective bargaining;(b) the elimination of all forms of forced or compulsory labor;(c) the effective abolition of child labor; and (d) the elimination of discrimination in respect of employment and occupation.

These are international obligations. They obligate the People's Republic of China, and they obligate the United States. The provision for bringing the issues to the International Labor Conference which meets every year in June in Geneva are well established.

I find it very curious, almost at times sinister, that just at the point the ILO has said these are the world's standards, international standards, binding legal commitments, and here we are to do something with them, suddenly people are saying, no, these matters should be dealt with in the World Trade Organization, which can't deal with them.

It is interesting that the WTO now occupies the original buildings on Lake Leman in Geneva of the ILO. But why not stay with the ILO and work with this history and hold China to its commitment as China can hold us? It is something we have believed in and worked with from 1918 on.

The issue of trade and its effect on the internal behavior of government is an elusive one. But, if I may say, I was in China during the regime of Mao Zedong. I stood there in Tiananmen Square and looked up at these two enormous flagpoles. On one pole were two 19th century German gentlemen, Mr. Marx and Mr. Engels. What they were doing in the center of the Middle Kingdom, I don't know. Over on the next pole was the rather Mongol-looking Stalin, and Mao.

That is gone.

At one of the entrances to the Forbidden City there is a sort of smallish portrait of Mao. That is all. That world is behind us. The world is looking forward from the 1960s.

The Cultural Revolution, which Mao declared because there had always been revolutions, may have resulted—I don't think anybody knows, and I don't think we will ever know—in somewhere between 20 million and 40 million persons murdered, starved, dead. It is beyond our reach of our imagination. It happened. That doesn't happen anymore. Do disagreeable things happen? Do illegal things happen? Do bad things happen? Yes. But a certain sense of proportion, I thought, that was very much in evidence in testimony that our revered chairman will perhaps recall, I am sure he will.

Before the Finance Committee on March 23 of this year, Professor Merle Goldman, who is at the Fairbank Center at Harvard University—a name for a great Chinese scholar and very fine group of people—said:

> . . . the linkage of economic sanctions to human rights is counter-productive. As Wang Juntao [a Tiananmen Square coordinator who was sentenced to 13 years of prison] says, it arouses the antagonism of ordinary Chinese people toward the U.S. and fuels increasing nationalism in China, which ultimately hurts the cause of human rights in China. Even when the threat of economic sanctions in the past led to China's release of a small number of famous political prisoners, it did not in anyway [sic] change or end the Chinese government's abuse of human rights.
>
> Nevertheless, China's views on human rights have been changing ever so slowly in the post Mao Zedong era primarily because of China's move to the market and participation in the international community. During the Mao era (1949–1976) when China was isolated from the rest of the world, China's government did not care about human rights and international pressure. But as China opened up to the outside world politically as well as economically during the Deng Xiaoping period (1978–1997) and during that of his successor Jiang Zemin (1989–), China began to care about how it was viewed. It wants to be considered a respected, responsible member of the world community. . . .
>
> Human rights abuses continue and in fact, increased in 1999, but compared with the Mao era when millions were imprisoned and silenced, the numbers in the post-Mao era are in the thousands.

That was from Professor Merle Goldman.

I say in conclusion of these small remarks that the head of the Chinese Government, Jiang Zemin, last week was in New York City talking to a luncheon of business executives. That is a world that would have been inconceivable when I visited George Bush in Peking, as it then was in 1975. A quarter century has gone by, and there is the President of China in a blue suit and a white shirt with the correct tie at the Waldorf Astoria or somewhere talking to a luncheon of businessmen interested in trade and development and such matters. That is another world. Let's not put that in jeopardy by losing this extraordinary important trading agreement.

Mr. President, I yield the floor. I thank the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, how much time do we have left?

The PRESIDING OFFICER. The proponents have 29½ minutes.

Mr. WELLSTONE. I will take a couple of minutes to respond.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. First of all, let me say to the Senator from New York that there is a bit of irony in his remarks because I had intended in this debate to also quote the Declaration of Fundamental Principles and Rights of the ILO which states:

> All members, even if they have not ratified the convention in question, have an obligation arising from the very fact of membership in the International Labor Organization to respect, promote, and to realize in good faith, in accordance with the ILO Constitution, the principles concerning the fundamental rights which are the subject of those conventions; namely freedom of association and effective recognition of the right to collective bargaining.

I could not agree more with my colleague from New York. It is very relevant language.

Here is the problem: the ILO has no enforcement problem.

Here is the problem: China has belonged to the ILO since 1918. How much longer are we supposed to wait for the Chinese Government to live up to this? This has been a pretty long time now.

My colleague raises a very fair question. Why is this amendment necessary? Given this declaration of principles, and given the establishment of the ILO, my point is: (a) no enforcement power; (b) we have seen no evidence that the Chinese Government has lived up to it.

I quote from our own State Department's human rights report of the past year which confirms the Chinese Government has been persecuting and incarcerating labor activists. According to our State Department:

> Independent trade unions are illegal. Following the signing of the International Covenant on Economic, Social and Culture Rights in 1997, a number of labor activists petitioned the Government, the Chinese Government to establish free trade unions as allowed under the covenant. The Government has not approved the establishment of any independent unions to date.

The State Department then goes on. My colleague says: Why is this needed? I will take a couple of minutes to list what has happened to a number of these different citizen activists. This is directly from our State Department report.

The Senator from New York is the intellectual force of the Senate. He makes the point that the harsh repression during Mao's years has improved. I have no doubt that the situation has improved. But I would just have to say, look, go to our State Department report. I can only go from the empirical evidence over the last number of years and looking at our own Commission on International Freedom and their recommendations. They did a very careful study. We commissioned them to do the study of what the situation is on religious freedom. It is a picture of repression. It is not a picture of the ILO having enforcement power making any difference. It is not a picture of a country that has a respect for human rights. It is not a picture of a country respecting people who practice their religion.

From our own State Department report: Two labor activists were sentenced in January to reeducation through labor—and the Chinese Government insists their reeducation through labor camps are not prisons. They give no human rights organizations any access. They say they are not prisons. Where have we heard this before on reeducation through labor—for 18 months and 12 months, respectively. The two were arrested in 1998 after leading steelworkers in a protest because they had not been paid wages.

Another example: In January, the founder of a short-lived association to protect the rights and interests of laid off workers unsuccessfully appealed a 10-year prison sentence he received. He had been convicted of "illegally providing intelligence to foreign organizations," after informing a Radio Free Asia reporter about worker protests in the Hunan province.

I could go on and on. In August, in our own State Department report, another activist was sentenced to 10 years for subversion. They were arrested in January after establishing the China Workers Watch, an organization to defend workers rights. The family of one of these activist alleges that the police hung him by his hands in order to extract information on a fellow dissident. That is from a State Department report this year that I am now using as my evidence.

In August, another labor activist was given a 10-year prison sentence for illegal union activities in the 1980s, and more recently because he organized demonstrations in Hunan. This time he was convicted for providing human rights organizations overseas with information on the protests.

I have about 30 examples from this 1 report.

I say to the Senator from New York, I understand the ILO, its mission, its history—not as well as the Senator. I understand it does not have enforcement power and that China has belonged to it since 1918. I understand that China is not abiding by or bound by this. I also understand that all the reports we have over the last several years do not paint a picture of improvement. We do not have an amendment that says we don't have trade with China; we do not have an amendment that says we should boycott China or we should have an embargo of trade with China. We have an amendment that just says that before automatically extending trade relations every year or before automatically extending PNTR, our Government should insist that the Chinese live up to basic human rights standards.

My colleague from New York cited one of the great heroines of Tiananmen Square. I take what these brave people say very seriously. But it is also true that others, including Harry Woo and other men and woman who were at Tiananmen Square who are now in our country leading the human rights organizations, say the opposite. We know there are two different views.

I think we should not be silent on these basic human rights questions. We should not be silent when it comes to repression against people. We should not be silent about the prison labor conditions.

In 1992, the memorandum of understanding, and in 1994, we had another agreement with China where they agreed they would not export products to our country made by prison labor. They haven't complied with any of these agreements.

I think this amendment is timely. I think there is plenty of evidence that speaks for this.

Mr. MOYNIHAN. Since the 1930s, section 307 of the Tariff Act of 1930, and the Smoot-Hawley tariff, has made it illegal to send prison labor products to this country. If it still continues to be done, doesn't that problem involve our vigilance? Shouldn't we focus our attention on our own Customs Service, the law is ours to be enforced.

Mr. WELLSTONE. The Senator is right, but the irony is that by this law the Chinese shouldn't be exporting and we shouldn't be importing. The problem is, because of the good work of Senator LAUTENBERG and Senator HARKIN, for the first time in 3 or 4 years we were finally able to go to one of these factories and do an on-site investigation.

The problem has been not that we haven't tried; it is that every 3 months we make a request and every 3 months we have been turned down. This has been going on for years now. It is hard to argue that this amendment is not timely, relevant, and important in terms of whether or not we go on record for human rights.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I am as concerned about China's repression of its citizens as anyone in this Chamber. But I believe that in passing PNTR, Congress will actually take its most important step by far in fostering democracy and improving human rights in China.

That's because by enacting H.R. 4444, we will permit Americans to fully participate in China's economic development, thereby opening China to freer flows of goods, services, and information. Ultimately, that opening will change China's economy from one based on central planning to one based on free markets and capitalism. Moreover, H.R. 4444 will create a special human rights commission that will expose, and suggest remedies for, China's abusive human rights practices.

The forces unleashed by American and other foreign participation in China's market opening will help sow the seeds of democracy and human rights.

As Ren Wanding, the brave leader of the 1978 Democracy Wall Movement said recently, "A free and private economy forms the base for a democratic system. So [the WTO] will make China's government programs and legal system evolve toward democracy."

We should remember that in East Asia, the flowering of democracy in such former authoritarian countries as South Korea, Taiwan, and Thailand did not occur until economic growth in each had produced a substantial middle class.

American trade and investment, which will be fostered by PNTR, will help create just such a middle class in China, a group who will wield influence, and whose interests will inevitably diverge from the interests of the Communist Party.

But American companies will do more than simply assist in the development of a middle class. These firms will also bring with them business practices which coincide with traits best suited to democracies.

As Michael A. Santoro, a professor at Rutgers University who has studied the impact of foreign corporations on human rights conditions and democratization in China for over a decade, said in testimony before the Finance Committee, "When Chinese workers learn the lessons of the free market they are also learning an important lesson about human rights and democracy."

Unlike workers in state-owned enterprises whose advancement often depends on fealty to the Communist Party, workers in American firms advance based on merit.

Such workers, who acquire wealth, status, and power through their own hard work instead of connections to the Communist Party are far less likely to respect the party or its functionaries. And make no mistake, today's best and the brightest in China all want to work for foreign businesses rather than in stifling state-owned enterprises, let alone for the government itself. Moreover, American firms are almost uniformly considered the most desirable because of the opportunities they offer.

Now, to compete in the global market place, foreign firms doing business in China must permit free flows of information. And such flows of information, of course, are the lifeblood of democratic government.

Professor Santoro stated the case well before the Finance Committee: "In the same way that information sharing is essential to good decision-making and operational effectiveness in a corporation, free speech is essential to good decision-making in a democracy. It is hard to imagine that ideas about the importance of information flow can be confined to corporate life. Inevitably, those who work in foreign corporations and have gotten used to the free flow of economic information will wonder why their government restricts the flow of political information."

In addition to introducing ideas about information flow within their organizations, foreign corporations are at the leading edge in terms of pressing the Chinese government toward greater legal reform and regulatory transparency. Indeed, if China is to realize the full benefits of trade with the rest of the world and comply with its WTO obligations, it has no other choice than to institute the rule of law.

In fact, China is readying itself for this transformation by engaging, among others, Temple University in providing training in the development of China's business law system with a special emphasis on WTO compliance. Temple Law School has been asked by senior officials of the Chinese government to educate more judges and government officials and to establish a business law center.

This endeavor will enable American and Chinese legal scholars to do joint research on issues related to business law and WTO compliance in China. It will also enable American legal scholars, attorneys, judges and government officials to meet with their Chinese counterparts on a regular, organized basis to provide input into proposed or needed legislation and enforcement in an emerging Chinese legal system that will regulate aspects of a market economy.

Mr. President, foreign firms, in a very real sense, constitute the vanguard of social change in the PRC. As Professor Santoro said, "Ultimately these social changes will pose a formidable challenge to China's government, as profound contradictions emerge between the Communist Party's authoritarian rule and China's increasingly free economy and society being created by private enterprise and the free market."

Meanwhile, the United States and other countries must continue to press China on its human rights abuses. Such public condemnation complements the special changes that will accelerate with China's accession to the WTO.

That's why the Congressional-Executive Commission on human rights in

China that is created by H.R. 4444 is so important and potentially so effective. Among the tasks of that commission will be monitoring China's compliance with the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights. Specifically, the Commission will monitor: the right of Chinese citizens to engage in free expression without fear of prior restraint; the right to peaceful assembly without restriction; religious freedom, including the right to worship free of interference by the government; the right to liberty of movement and freedom to choose a residence within China and the right to leave from and return to China; the right of a criminal defendant to a fair trail and to proper legal assistance; the right to freedom from torture and other forms of cruel or unusual punishment; protection of internationally-recognized worker rights; freedom from incarceration for political opposition to the government or for advocating human rights; freedom from arbitrary arrest, detention, or exile; the right to fair and public hearings by an independent tribunal for the determination of a citizen's rights and obligations; and free choice of employment.

In addition, the Commission will compile and maintain lists of persons believed to be persecuted by the Government of China for pursuing their rights. It will monitor the development of the rule of law, including the development of institutions of democratic governance.

And the Commission will give special emphasis to Tibet by cooperating with the Special Coordinator for Tibetan Issues in the Department of State.

Finally, the Commission will submit to Congress and to the President an annual report of its findings including, as appropriate, recommentdations for legislative and/or executive action.

Given the breadth of the Commission's work and the impact of foreign firms in China, it should come as no surprise that so many of China's most prominent dissidents and human rights advocates support the United States providng permanent normalized trade relations to China.

Wang Juntao who was arrested after June 4, 1989, and was sentenced in 1991 to thirteen years in prison as one of the "black hands" behind the Tiananmen demonstrations provided the Finance Committee with the following statement, and I quote, ". . . if one needs to choose between whether or not China should be admitted [to the WTO], I prefer to choose 'Yes' . . . In an international environment, independent forces will be more competitive than the state-owned enterprises. Such independent forces will eventually push China toward democracy . . . An overemphasis on economic sanctions will contribute to the growth of nationalism and anti-westernism in China. This will limit both the influence of the U.S. as well as that of the democracy movement in China."

Wang Dan, who was one of the principal organizers of the 1989 democracy movement; and who during the crackdown that followed, was listed as number one on the Chinese government's black-list of student counter-revolutionaries provided the Finance Committee with a similar statement. "I support China's entry into the WTO," he said, because "I feel this this will be beneficial for the long-term future of China because China will thus be required to abide by rules and regulations of the international community."

Martin Lee, the brave and outspoken leader of the pro-democracy Democratic Party of Hong Kong, which yesterday took the largest share of seats in Hong Kong's elections, said that the "participation of China in WTO would not only have economic and political benefits, but would also bolster those in China who understand that the country must embrace the rule of law. . . ."

Mr. President, it was when China was most isolated in the 1950s through the early 1970s that the Chinese people suffered the most severe depredations. The so-called Great leap Forward and the Cultural Revolution led to tens of millions dying from starvation and untold millions more suffering social dislocation and the worst forms of human rights abuses.

Mr. President, at a very minimum, China's opening to the world through its accession to the WTO will make a repeat of atrocities on such an unthinkably vast scale far, far less likely.

But I am convinced, Mr. President, that in passing PNTR we will do more. I believe that in passing PNTR we will have taken our most important step in advancing human rights and democratic values in China.

I'd like to close with another quote from Ren Wanding, the leader of China's Democracy Wall Movement. Here's what he said: "Before the sky was black. Now there is light . . . [China's WTO accession] can be a new beginning."

Mr. President, I ask my colleagues to join me in opposing this amendment.

I yield back all the time on both sides.

Mr. MOYNIHAN. Yes, Mr. President. I believe the yeas and nays have been ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to amendment No. 4125. The yeas and nays have been ordered. The clerk will call the roll.

Mr. NICKLES. I announce that the Senator from Minnesota (Mr. GRAMS) and the Senator from Vermont (Mr. JEFFORDS) are necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER (Mr. ROBERTS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 32, nays 63, as follows:

[Rollcall Vote No. 239 Leg.]

YEAS—32

Ashcroft
Boxer
Bunning
Burns
Byrd
Campbell
Collins
Craig
DeWine
Dodd
Feingold
Gregg
Harkin
Helms
Hollings
Hutchinson
Inhofe
Kennedy
Kyl
Leahy
Lott
Mikulski
Reed
Sarbanes
Sessions
Smith (NH)
Snowe
Specter
Thompson
Thurmond
Torricelli
Wellstone

NAYS—63

Abraham
Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Breaux
Brownback
Bryan
Chafee, L.
Cleland
Cochran
Conrad
Crapo
Daschle
Domenici
Dorgan
Durbin
Edwards
Enzi
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grassley
Hagel
Hatch
Hutchison
Inouye
Johnson
Kerrey
Kerry
Kohl
Landrieu
Levin
Lincoln
Lugar
Mack
McCain
McConnell
Miller
Moynihan
Murkowski
Murray
Nickles
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Schumer
Shelby
Smith (OR)
Stevens
Thomas
Voinovich
Warner
Wyden

NOT VOTING—5

Akaka
Grams
Jeffords
Lautenberg
Lieberman

The amendment (No. 4125) was rejected.

Mr. ROTH. Mr. President, I move to reconsider the vote.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4131

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the Byrd amendment No. 4131.

The time period is 3 hours equally divided.

The distinguished Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank the Chair. I don't think it is necessary to spend 3 hours on this amendment. I would like to have a vote on the amendment tomorrow morning.

Mr. ROTH. The Senator probably could have the vote tonight, if he wanted to.

Mr. BYRD. If I had my druthers, as they say back in the hill country—all right.

Mr. President, I yield such time as I may require.

The PRESIDING OFFICER. The Senator is recognized.

Mr. BYRD. Mr. President, this amendment seeks to improve the certainty of the implementation of import relief in cases of affirmative determinations by the International Trade Commission with respect to market disruption to domestic producers of like or directly competitive products. The amendment is simple and straightforward and it may be vital to many U.S. industries, such as steel, footwear, and apples. It certainly causes no harm.

U.S. trade law provides for import relief authorities under sections 201, 202, 203, and 204 of the Trade Act of 1974, and relief from market disruption by imports from Communist countries, such as China, under section 406 of the Trade Act of 1974, as amended. These safeguard actions are intended to provide temporary import relief from serious injury to domestic producers. These provisions are essential in order to provide U.S. manufacturers or farmers with an opportunity to address sudden waves of imports—such as those brought on by economic crises in foreign markets, and under other unexpected conditions beyond domestic control.

Regrettably, however, the import relief procedures are widely recognized as overly complicated and generally ineffective. Import relief authorities require exhaustive investigations and must meet tough litmus tests. Remedies granted under these authorities are so difficult to achieve that only a handful of the most egregious cases ever receive an affirmative verdict. The number of cases that have received relief under the import relief provisions speak for themselves: In the last five years, only six Section 201 cases resulted in some form of remedy out of 21 cases filed.

Market disruption caused by imports from a communist country, such as China, is even more complicated. Traditional remedies for import surges and unfair trade practices, such as Section 201 and the antidumping and countervailing duty laws, are inadequate to deal with a sudden and massive influx of imports that can be manipulated by government control of state-owned enterprises, including pricing and distribution schemes. The Trade Act of 1974 attempted to address these complications through the establishment of Section 406. Although similar to Sections 201, 202, 203, and Section 406 was intended to provide a lower standard of injury and a faster relief procedure, and requires the investigation to focus on imports from a specific country. Given the difficulty of proving Section 406, however, only 13 cases have received remedy under the laws since the provisions were enacted in 1974.

In other words, in 26 years only 13 cases have received remedies under the law. It is not a very good batting average.

The United States Trade Representative acknowledged that the import relief authorities provided under current law are flawed, and, thus, to her credit, the Product-Specific Safeguard protocol language in the U.S.-China bilateral agreement was negotiated to enhance the ability of the U.S. to respond more genuinely and immediately to market disruptions caused by Chinese products entering the United States.

Nevertheless, the House of Representative recognized that the protocol language could not provide real relief to U.S. industries that might be threatened by a surge of imports from China, and, therefore, the House-passed PNTR measure includes the Levin-Bereuter language on import surges. This language is a significant improvement over current law and the language included in the protocol to the U.S.-China bilateral agreement.

However, the House import surge safeguard provisions continue to lack an essential element. They continue to fall short on a point of utmost importance. While very, very close to providing meaningful benefits, the Levin-Bereuter import surge safeguard language does not provide a reasonable assurance to U.S. industry or workers that remedies against harmful import surges will be taken in a timely manner.

One of the most serious problems encountered with the use of import surge safeguards is the delays in taking action. Whether required by law or not, the administration can never seem to meet specific dates, and days turn into weeks and weeks turn into months. Meanwhile, U.S. industries and workers must sit by, unable to respond, as they watch their market share, their profits and their jobs dwindle away.

My amendment finally adds a certainty to the import surge safeguards. It is simple and to the point. My amendment would put into effect the relief recommended by the International Trade Commission (ITC) in the case of an affirmative determination of market disruption in the event that no action is taken by the President or the U.S. Trade Representatives, seventy days after the ITC report is submitted. Again, my amendment assures U.S. manufacturers and farmers and workers that action will occur on an ITC affirmative determination that a market disruption has occurred, and under the exact time frame as provided under the LEVIN-Bereuter provisions.

The Levin-Bereuter provisions provide legislative time frames on market disruption investigations. First, the Levin-Bereuter provisions require an ITC determination within 60 days of the initiation of an investigation, or 90 days in the investigation of confidential business information. Following the ITC action, the U.S. Trade Representative has 55 days to make a recommendation to the President regarding the case. Within 15 days after receipt of a recommendation from the U.S. Trade Representative, the President is directed to take action. Thus, the Levin-Bereuter provisions were intended to initiate action within 70 days following the ITC affirmative determination.

In real life, however, Section 401 cases have not existed for years, and many of the six Section 201 decisions that received some remedy over the last five years were delayed by weeks and even months beyond the current statutory deadline! U.S. firms have lost confidence in these provisions, and they cannot afford to pay legal expenses for decisions that might never be.

I have been particularly concerned about the U.S. steel wire-rod case. Wire-rod producers had to wait almost five months beyond the statutory deadline to receive a decision by the President that remedies would be put into place! The U.S. steel wire rod industry filed for relief under Section 201 of the trade law on December 30, 1998, and followed lengthy, costly procedures consistent with the statute. The domestic wire rod industry was encouraged after a recommendation for relief was provided by the International Trade Commission, and the industry looked eagerly to the President's decision, which was required under statute within 60 days, or by September 27, 1999. The U.S. steel wire rod company officials, workers and their families and communities waited, and waited, and waited. However, September 1999 came and went, the fall foliage dropped from the trees, leaving them bare to the north, south, east and west, the Thanksgiving feast was held and the family gathered round and sang songs, and the Christmas season came and the Christmas season went—there was no Santa Claus, Virginia—New Year's Day was celebrated—and yet, no action. As the days slipped from the calendar, imports rose! In fact, imports rose 12 percent from November to December 1999 and were up 15 percent over 1998.

The real story is that, with each passing day, production was lost and American jobs were sacrificed. Lost income to the company became lost income to the bankers, to the company suppliers, to the tax base that supports local schools and roads. Worse, there was lost income to American families. Who pays for the Christmas presents that every little child dreams of?

Time is money. That is what they say.

In February 2000, the President announced that relief would be granted to the U.S. steel wire rod industry. This was very happy news and received joyfully in the steel community. But, the fact remains that the money lost in the wait for a decision was lost forever.

China's trade with the U.S. continues to skyrocket. Imports of consumers goods, agricultural goods, and manufactured products from China are currently entering the U.S. market at an unprecedented rates! The United States has it largest bilateral deficit with China, which grew $910 million to a record $7.22 billion in June 2000 alone.

Why is my amendment necessary? Because when we are successful in plugging one hole in the Chinese dike, thousands more seem to spring through, gushing imports. According to official Department of Commerce import statistics, low-priced Chinese imports of steel rail joints have increased approximately 788 percent from 1997 to 2000. As in the steel wire rod situation, these Chinese imports have resulted in lost sales and depressed prices for the American industry. I have a manufacturer of steel rail joints in Huntington, West Virginia, the Portec Rail Products, Inc.

Speaking of Huntington, my recollection reminds me that there was a congressman from West Virginia who resided in Huntington, WV, around the turn of the century. His name was Hughes. He had a daughter on the *Titanic* when that great ship went down and carried with it his daughter along with more than 1,500 other victims. Only 713 persons were rescued off that *Titanic* that went to its watery grave on the morning of April 15, 1912.

I care about the future of this manufacturer of steel rail joints in Huntington, WV. I care about its future, and I care about the future of the people who work there. There are thousands and thousands of small manufacturers that have a critical need for strong trade laws and a critical need to have an assurance that the laws will work as intended. Portec Rail Products, Inc., is a small business. It makes steel rail joints that hold rail sections together and allow the construction of the many miles of railroad that provide smooth transit in this country for both commercial and passenger trains.

Portec has provided solid, semi-skilled manufacturing jobs for many hard-working West Virginians. It also supports the State's economy by purchasing high quality steel bars from other West Virginia steel producers. This company has added to the prosperity of my State of West Virginia and to the Nation. This company is facing a flood of Chinese imports, however. During the first quarter of 2000, for example, Chinese imports were at a record pace of 175,000 pounds, a figure which, if annualized, would amount to a 788-percent increase since 1997. The situation facing Portec is an authentic, true-life example of why this Senate should adopt the Byrd amendment. The workers of Portec are being bled dry under this hail of imports. I urge the Senate to help these workers to ensure that they are not subject to the ugly situation that the U.S. steel wire rod workers endured. Let us not sit by idly, twiddling our thumbs and biting our fingernails and watching our toenails grow, by watching also these workers' savings, so painfully secured, become washed away, and watch the slow erosion of morale and confidence. This amendment would help Portec to fight back.

I say to my colleagues, help me to help Portec and other U.S. manufacturers and farmers.

Chinese state-owned enterprise continues to remain a major source of jobs in China. Many of these state-owned enterprises are directly controlled by, the Chinese Government and they play a central role in China's monetary scheme. In fact, the Bureau of National Affairs reported on July 21 of this year that the China Daily quoted Yang Zilin, President of the Export-Import Bank of China, as saying that China's state-backed financing played a strong role in boosting China's exports in the first half of this year. That's right, a Chinese official readily acknowledges the systematic use of export subsidies to help boost China's skyrocketing exports. In case anyone is wondering, export subsidies directly impede the ability of American firms to compete with the Chinese.

My amendment is consistent with the goals of the House-passed China PNTR bill. It improves the certainty of the implementation of import relief in cases of affirmative determinations by the International Trade Commission of market disruption to domestic producers of like or directly like products. It has been widely proclaimed by the White House and many in Congress supporting the China PNTR legislation that the product-specific safeguard provisions are a critical component of the U.S.-China bilateral agreement. My amendment ensures compliance to the timeframe that Congress intends. More importantly, it provides a standard upon which American workers and American businesses can rely.

Mr. President, I yield the floor, and I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The distinguished Senator from Delaware is recognized.

Mr. ROTH. Mr. President, I rise in opposition to the amendment of my good friend.

I do so with some reluctance because I am actually quite supportive of taking whatever action necessary to ensure that the President takes seriously the deadlines set forth in our trade remedy statutes.

In fact, I would like to take a few minutes now to express my mounting concern about the White House's actions—or should I say, inaction?—in administering our trade laws. Frankly, I am very unhappy about the President's failure to issue decisions in sensitive trade matters by the deadlines set forth in the statutes.

There are many examples. The most notable may be two recent section 201 cases, the first involving lamb meat and the second relating to steel wire rod.

Both these decisions languished somewhere at the other end of Pennsylvania Avenue for weeks—in direct violation of the law—before the President finally issued his decision. We are seeing the same thing now in the context of the President's decision on modifying the retaliation list in the bananas dispute.

I may agree or disagree with whatever decision the President ultimately chooses to make in each of these cases. But the credibility of the trade laws rests on the process being handled with a great deal more respect and seriousness than it has been thus far.

With that said, I must still oppose this amendment.

As a practical matter, there are many instances in which the process established in the proposal will simply be unworkable. For example, it is not unusual for the ITC to be divided on its recommendation of relief in a particular case. Because the Commission often speaks with many voices, it is unclear which of the Commissioner's recommendations would take effect under my colleague's amendment.

This problem may be remedied easily, but it clearly underscores the importance of allowing my committee the time to consider the proposal of Senator BYRD to ensure that we have considered its full implications. At least some of the problems that will arise if this amendment were to become law are already apparent to me, so I must oppose this amendment for the time being.

I am also concerned that we are isolating the Chinese for differential treatment in how a trade remedy is applied.

While this provision may not be inconsistent with the United States-China bilateral agreement, applying different rule to China in how we administer our trade laws could well jeopardize our ability to secure the benefits of the underlying trade agreement.

I must also oppose the amendment for the reasons that I have stated many times during these deliberations, and that is because of the potential impact that amendments will have on the passage of this legislation. In my view, a vote for any amendment, including this one, is a vote to kill PNTR.

The stakes are too high for our workers and farmers to allow this legislation to die. That is why I urge my colleagues to vote against the amendment of my good friend.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Tennessee.

Mr. THOMPSON. Mr. President, I was wondering if I can take some time, if the distinguished chairman has finished.

Mr. ROTH. I ask the distinguished Senator how much time would he like.

Mr. THOMPSON. Mr. President, it depends on what his plans are. If I can have 20 minutes, it will be greatly appreciated. I understand we have 3 hours on this amendment.

Mr. ROTH. I yield 20 minutes to the Senator from Tennessee.

Mr. THOMPSON. I thank the Senator.

The PRESIDING OFFICER. The distinguished Senator from Tennessee is recognized for 20 minutes.

AMENDMENT NO. 4132

Mr. THOMPSON. I thank the Chair, and I thank Senator ROTH for his generosity.

Mr. President, I want to speak for a moment to a couple of things that have come up in the debate today with regard to the amendment on China proliferation offered by myself and Senator TORRICELLI. Of course, once again, our reason for offering this amendment is because we have been told time and time again by various bipartisan commissions that we are facing an imminent threat; that China, Russia, and North Korea—but historically as of 1996, for example, China—have led the way in selling weapons of mass destruction to rogue nations. We are told that these rogue nations pose a threat to our country.

The question now is whether or not we intend to do anything about it. Some say diplomacy should work. Perhaps it should. However, we see that diplomacy has not worked. The problem is getting worse. Our intelligence estimates, which have been made public, have shown that the problem is getting worse with regard to missile technology, especially with Pakistan, instead of getting better.

A couple of my colleagues, speaking on behalf of PNTR, have pointed out that the Chinese have signed several nonproliferation-type agreements that should give us some cause for optimism, and that is true. The problem is that they have repeatedly violated every agreement they have ever made. I emphasize that. At this time, when we are getting ready to engage in a new trading relationship, hoping for the best, we should acknowledge that China has violated every understanding, agreement, and treaty they have ever made.

My concern is proliferation, although human rights is very important and religious freedom is very important. There is only one activity of the Chinese Government that poses a mortal threat to this Nation, and that is the one of proliferation, spreading weapons of mass destruction around the globe. How in the world can we claim we need a missile defense system because of the threat of rogue nations and the nuclear missiles they are developing that will have the capability of hitting us, when we will not address the folks such as the Chinese who are supplying these rogue nations? It is all carrot and no stick. They cannot take us seriously when we express concern about proliferation.

Let's talk about the proliferation agreements they have signed. In March of 1992, China ratified the Nuclear Non-Proliferation Treaty. However, in 1994, China sold to Pakistan 5,000 unsafeguarded ring magnets which can be used in gas centrifuges to enrich uranium.

In 1995, China built in Iran a separation system for enriching uranium.

As we know, China has outfitted Pakistan from soup to nuts. Under our watchful eye, they have made it so that Pakistan can now build their own missiles. We have watched them do this over the last few years in total violation of the Nuclear Non-Proliferation Treaty, which some of my colleagues so optimistically claim they signed; therefore, they must be abiding by it. They are not.

In May of 1996, China reaffirmed its commitment to nuclear nonproliferation. Again, however, in 1996, China sold a special industrial furnace and high-tech diagnostic equipment to unsafeguarded nuclear facilities in Pakistan.

In 1997, China was the principal supplier of Pakistan's nuclear weapons program.

In 1997, China transferred to Iran a uranium conversion facility blueprint.

In 1997, China promised not to begin a new nuclear cooperation agreement with Iran after completing a small nuclear reactor and a factory for building nuclear fuel rod encasements.

In 2000, U.S. intelligence reports state that ongoing contact between PRC entities and Pakistan's nuclear weapons program cannot be ruled out.

China is a member of the Zangger Committee which considers procedures for the export of nuclear material and equipment under the NPT but is the only major nuclear supplier of the 35-nation nuclear suppliers group whose nations agreed to guidelines covering exports for peaceful purposes to any non-nuclear weapon state and requires full-scope safeguards. The Chinese Government has agreed to a list of nonproliferation treaties and agreements and then violated them, but with regard to those treaties that require safeguards, where someone can come in and inspect whether or not they are doing it, they will not agree to those, and that has been the history.

Are we so eager for trade that we accept this kind of behavior as in some way acceptable to us?

In February of 1992, China pledged to abide by the missile technology control regime and renewed this commitment in 1994. However, I have an entire list which I will not read, but in 1993 they transferred M–11 short-range missile equipment to Pakistan. In 1996, China helped Pakistan build an M–11 missile factory. In 1997, telemetry equipment to Iran.

In 1999, China supplied specialty steel, accelerometers, gyroscopes, and precision-grinding machinery to North Korea; a wind tunnel to Libya—on and on and on—the roughest nations on the face of the Earth in terms of their proliferation and dangerous activities. China consistently supplies them in violation of their own agreement.

In 1997, China ratified the Chemical Weapons Convention; however, they have violated it on numerous occasions.

In 1997, the PRC transferred chemical weapons technology and equipment to Iran.

In 1998, the PRC entities sold 500 tons of phosphorus materials, which is controlled by the Australia Group, to Iran—and on and on and on and on.

We cannot turn a blind eye to this. We can trade even with people with whom we have strong disagreements. We can trade with China. But can we really address a trade issue with them and envelop them into a new understanding with trade, from which we believe we will get some economic benefit, without telling them that they cannot continue to make this world a dangerous place? And it is the United States of America that is going to be most vulnerable to this; Belgium and France, with all due respect, are not going to be the primary targets of these rogue nations if and when they get the ability to hit foreign nations. It is going to be the blackmail that they will try against us.

What if Saddam Hussein had this capability in the gulf war? Do we really think it would have turned out the way it did? How much activity will breach the tolerance level of the Senate when it comes to the Chinese? We do not have to jeopardize trade with China. We must have some measures to get their attention.

What our bill does, when all is said and done, is provide a report on those proliferation activities and provide the President the opportunity to do something about it. It makes it a little more difficult for him to turn a blind eye to these proliferation activities because if he does not do something about it, he has to tell Congress why.

It also provides that if Congress feels strongly enough about it—if enough people sign up—we can actually take a vote on the President's decision.

That is what it boils down to. We have had people come to this floor and say: If we pass this amendment, these unilateral mandatory sanctions, the sky will absolutely fall. It will mess up everything. It will make the Chinese mad. We might lose trade.

No. 1, even if all those things happened, I ask, what is the primary obligation of this body? To protect ourselves from these problems and trying to address them or not? But these things are not going to happen because we already have laws on the books that are unilateral sanctions that this body has voted for oftentimes without a dissenting vote, time and time again, to impose sanctions on various entities for various reasons. Perhaps we have done too much in some respects. Perhaps we have not done enough in others. But there are numerous laws on the books.

What our amendment does is provide for a more extensive report and provide for congressional input, as I have said. But in terms of sanctions, it is right along the lines of what we have done on numerous occasions. It is only when it comes to China, it is only when we identify China that everyone comes rushing to the floor saying: My goodness, we can't do this; Our allies will be against us; China will be against us; It will upset Russia; It will be a bad example to the world, and all of that. It is only when someone thinks that we are complicating the China trade deal that all of these concerns come to the fore. We can do better than that.

People say we need hearings, that no committee of jurisdiction has had hearings. My committee, the committee I chair, is a committee of jurisdiction. We have had 30 hearings on the issue of proliferation. There have been 60-some-odd hearings on the issue of proliferation.

Some people say: THOMPSON's committee has had several drafts. They keep coming up with different drafts. That is true because we keep trying to satisfy the critics who do not want to do anything to irritate the Chinese Government.

They have said: You identified China specifically. We broadened it to include Russia and North Korea because they are also major suppliers.

They say: You do not give the President enough discretion. Now we give him almost total discretion. He has to make a determination before anything happens.

They say: You are going to hurt farmers or small businessmen. We specifically eliminated any potential involvement of farmers or small businesses.

Some people say: Farmers still don't like it because if we are mean to the Chinese Government, they might retaliate, and it might be against farmers. Not my farmers in Tennessee. I think if my farmers in Tennessee had a choice between us responding responsibly to this irresponsible behavior on the part of the Chinese Government and risking their getting mad, and in some way affecting them in some export that they might have, they would be willing to take that chance. The farmers are not involved in this.

Some said that any Member of Congress could force a vote to override the President. So we made it so it had to be 20 Members of Congress.

Yes, there have been several reiterations of this bill because we have been trying to answer the reasonable complaints.

What it boils down to is that not all of these various complaints are the reason for the opposition. My opinion is that the root of it is a genuine desire not to irritate the Chinese Government at a time we are trying to enter into a new trading relationship with them.

Generally speaking, I think that is a laudatory idea. I cannot complain about that as a general rule. But these are not times to apply the general rules. These are extraordinary circumstances. We have been getting reports on what they have been doing for years now and have not done anything about it.

Now we are about to enter into a new trade relationship which they want desperately. They have a favorable trade balance with this Nation of $69 billion. They are not going to turn their back on that. They want this.

If we do not have the wherewithal to raise the issue of the fact that they are making this a more dangerous world and threatening our country now, when are we going to do it?

A Senator actually said yesterday that one of the problems he had with this bill, in light of the nuclear proliferation that we are dealing with, is that this report will be too onerous, this report which we are requiring on these activities will be too voluminous for our intelligence. Why would it be so voluminous? I agree with him. It would be. Why? Because of all of the proliferation that is going on. Do we not want to know about it because it is too voluminous?

I suggest that we get serious about this. Some complained that we might catch up some innocent Chinese company, where there is credible evidence that they are selling these dangerous weapons, but they may later prove to be innocent. That is not a major problem is all I have to say.

If I have to come down on the side of doing something to address this problem or running the risk that we may for a period of time unjustly accuse a Chinese company and, therefore, cut off military exports to them, I am willing to run that risk.

Others say we have to give engagement a chance. One of the most distinguished Senators ever to serve in this body spoke a little while ago, someone I respect tremendously, the senior Senator from New York. He talked about the fact that Jiang Zemin met with our President last Friday at the Waldorf-Astoria in New York. He also mentioned the fact that he met with American businessmen, and it was a good thing for the leader of the Chinese Government to be meeting and talking with American businessmen. I think, generally speaking, that is true. But we have to consider the context in which this happened.

According to the New York Times story the next day, that luncheon meeting with America's top business executives was to declare that China was plugging into the New World. Jiang Zemin said: We have over 18 million citizens, more than 27,000 World Wide Web sites, over 70,000 Chinese domain names, and 61 million mobile phones in China.

It goes on to say what he did not mention: China's recent efforts to crack down on the use of the Internet for the spread of dissenting opinions in China. Mr. Clinton said that he never broached the subject.

It went on to say that President Clinton brought up the proliferation which we all know, and they admit that we know, they were doing and asked him to do something about it.

He smiled and wished the President well in his retirement and thanked the President for his assistance with regard to getting China into WTO—smiled and went on, knowing there would be no repercussions.

We have sent three delegations to China this year beseeching them, on the eve of this PNTR vote, to stop some of their activities. According to our own people who were there in the meetings, they were told by the Chinese Government officials that they intended to continue their policies with regard to weapons of mass destruction unless we backed off on our missile defense system and our positions on Taiwan.

You have to give the leadership of the Communist Chinese Government credit for being up front about it. They are doing it and telling us they are going to continue to do it. We are over here worried about whether or not to upset them because it might cost us some trade or it might in some way be counterproductive and we need to exercise diplomacy.

What has diplomacy gotten us so far? They say: Unilateral sanctions never work; we need to get our allies together. What have we been able to get our allies together on in the last several years? When you can't get multilateral action on something that is dangerous to your country, what do you do, go home? We can't get a U.N. resolution to criticize China's behavior with regard to human rights. We can't get our European friends to let us send them bananas. Yet we are supposed to sit back, in light of this nuclear and biological and chemical threat to our Nation, until we can get all of our allies together to do it at once. Otherwise, it would be ineffective and somebody might be critical of us?

Some say Chairman Greenspan thinks our provision that allows the President to cut some of these companies out of our capital markets is a bad idea. What we did is list one option. The President has this authority anyway, but I think it has a salutary effect to have it listed up front, telling the world this is what we intend on doing as a possibility. One of the options the President has, when he catches these folks doing this and he makes a determination—or when it comes to a country, in his complete discretion, one of the options he has is to tell the companies that are in our capital markets in the New York Stock Exchange that they can't be raising any more money.

The Deutch Commission, comprised of distinguished Americans, told us one of the things that is happening to us—and the American people ought to know about it—is that proliferating companies under the control of the Chinese Government are raising billions of dollars on the New York Stock Exchange from American citizens who don't know what they are doing. The Deutch Commission suggested the capital markets are among a wide range of economic levers we could use as carrots or sticks as part of an overall strategy to combat proliferation. That is from this thoughtful commission of experts in this area. How many Americans know that these companies are raising billions of dollars on the New York Stock Exchange? That is an option the President could or could not use as he sees fit.

Some of my colleagues—in fact, all of my colleagues—who oppose this amendment have quoted Mr. Greenspan, Chairman of the Federal Reserve. He was in the Banking Committee. I am not sure what the subject was. I can assure you it was not nuclear proliferation. Opponents of my amendment asked him this specific question: Basically, do you oppose the idea of cutting people out of our capital markets? He said, no, he thought that was not a good idea generally, and went on to explain why.

I have a couple of comments about that. This is not a capital market issue, this is a proliferation issue. I have extreme respect for Chairman Greenspan, but I would not ask a proliferation expert whether or not he thought interest rates ought to be raised. I don't think Chairman Greenspan would claim to be an expert on the nature of the problem this country faces and what we should do about it.

As a general proposition, I agree with him. I think we ought to be expanding all of our markets, including our capital markets. But on an occasion, if we catch a company and our intelligence agencies come forth and say there is credible evidence that this company just sold missile capabilities to Libya, and we have caught them, we have the intelligence on it, the President looks at it, makes his own evaluation and says, yes, I believe it is true. I hereby make that determination, and this same company is listed on the New York Stock Exchange, should we not do something about that, raising money from the very American citizens who would be targeted potentially by a Libya?

The PRESIDING OFFICER. The time requested by the distinguished Senator has expired.

Mr. THOMPSON. I urge adoption of the amendment, Mr. President. I thank the Chair and my chairman, Senator ROTH, for their indulgence.

I yield the floor.

Mr. ROTH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROTH assumed the Chair.

Mr. ROBERTS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTS. Mr. President, I am going to be speaking on the PNTR issue. From the time allotted, I yield myself 15 minutes.

The pending business is the Byrd amendment, but I was intensely interested in the comments and remarks by my good friend and colleague, Senator THOMPSON.

I thought now would be an appropriate time to urge my colleagues to oppose the China nonproliferation act—that is how the act is described—offered as an amendment to the legislation. But, again, I want to point out to my good friend and distinguished colleague from Tennessee that as a member of the Senate Intelligence Committee, and as chairman of the Armed Services Subcommittee on Emerging Threats, I speak with at least some understanding on this very serious subject of the proliferation of weapons of mass destruction. The fact is the distinguished majority leader has appointed Senator BOB BENNETT to be on the task force, as well as Senator THOMPSON, myself, Senator KYL, and Senator GREGG on this very issue.

More especially, in regard to the threat of terrorism, which is a very serious threat, among its many duties the Emerging Threat Subcommittee is responsible for congressional oversight of programs called the Nunn-Lugar cooperative threat reduction programs. They annually authorize the use of Defense Department funds—the fact is we are right in the middle of the defense authorization bill—to assist with the safe and secure transportation, storage, and dismantlement of nuclear, chemical, and other weapons of the former Soviet Union. We would hope we could do similar activities with the other nations concerned more specifically mentioned by my distinguished colleague.

In that enterprise, I have spent countless hours in committee methodically and hopefully meticulously debating these issues. This is a very important issue to me.

As the Senator pointed out, our first obligation is our national security. Our first obligation as Senators is to do what we can to safeguard our national security. There is no question about that.

As the distinguished Senator and, I guess, all of my colleagues, I have very serious concerns about China. I have no illusions about China. They are spreading, as he has indicated, weapons of mass destruction technology all around the world, more specifically to nations of concern. But I don't think this is the reason to erect what we call trade barriers, which is exactly what I think this amendment will do. Quite the opposite. It seems to me we should really reject this amendment because trade, on the other hand, has a stabilizing effect on international relations. The more that two nations trade and invest in regard to the economics of both countries and each other, the less likely it is that they will engage in any kind of military conflict.

Let me spend a few moments explaining to my colleagues why I think this amendment, which requires the President to once again impose sanctions on China, would be counterproductive.

First, again, I don't know how many times we have to say this on the floor. I have had the privilege of being in public service in the other body since 1980, and, as a matter of fact, I was working as a staff member 10 or 12 years prior to that time. In speech after speech, primarily involved with agriculture, we have tried to point out that unilateral sanctions simply don't work as a foreign policy tool. Study after study by respected foreign policy experts and economists, academics, not to mention the farmer who has gone through this I don't know how many times, all agree that unilateral sanctions are overused; that they are ineffective and counterproductive. I know that they send a message.

I know from the intervention standpoint the sanctions we have on approximately 71 countries around the world send a very strong perception. We have them on almost virtually everything that we are worried about. But unilateral sanctions do little to change the behavior of the offending country. Yet they put American businesses and American workers and farmers at a huge competitive disadvantage.

I remember so well the 1980 embargo by President Carter. The Russians had invaded Afghanistan—something we all disagreed with without question and viewed as a great tragedy. I remember that the United States canceled the Olympics. At that time, President Carter said no more grain sales to Russia. Not one Russian troop left Afghanistan. And, yet, in terms of contract sanctity and our trade policy, our export policy was like shattered glass. I tell you who paid the price. It wasn't Russia. The fact is they were becoming more dependent on our food supply, and the Russian people were demanding more in that regard because of a higher protein diet.

It was the Kansas wheat farmer and farmers all over this country. Our export policy suffered for years afterwards. It took us 2 years after that to get any contract sanctity. The price of wheat at the country elevator in Dodge City, KS, went from $5 down to about $2. Boy, did we feel good, except that Vietnam veteran who went out there to harvest his field and who had a good crop all of a sudden found it diminished in value and price. He was wondering and scratching his head: Wait a minute, these sanctions are not helping quite the way I thought they would.

I am saying again that sanctions simply don't work as a foreign policy tool. Unilateral sanctions are often used as an easy substitute for the harder work of finding more effective and long-term responses to foreign policy problems. They create the false impression that these problems have been solved. We need to take, it seems to me, a harder look at alternatives such as multilateral pressure and more effective U.S. diplomacy.

The Senator from Tennessee indicated what time we had in regard to multilateral pressure in regard to China. He makes one excellent point: We have not been successful to the degree that we should have been.

More effective U.S. diplomacy. Let's see, 18 months ago, or 2 years ago, we were going ahead with this trade agreement. We worked on it for years. All of a sudden, it was pulled back. Then we got into a conflict in regard to Kosovo. We had the unfortunate incident of the Belgrade bombing. I am going to be very frank. This is after about six times of drawing lines in the sand in regard to Bosnia and Kosovo, the Balkans, and the former Yugoslavia.

It seems to me that our word in regard to standing firm with what we would do in reference to foreign policy objectives would go a long way in convincing the Chinese, more especially the hard liners and the Communists in that country, that we mean what we say. It seems to me that a clear and rational and defined foreign policy of the United States where we define precisely what our U.S. vital national security interests are and make that very clear to the Chinese would go a long way to helping this matter rather than sanctions.

Let me point out that unilateral economic sanctions almost never help the people we want to help and almost always fail to bring about the actions that we seek to promote. By acting alone, America only ensures that its responses are ineffective since the target country can always circumvent a U.S. unilateral sanction by working with one of our competitors. That certainly will be the case and would be the case with regard to China. Unilateral sanctions should be one of the last tools out of America's foreign policy toolbox—not the first.

Second, the China nonproliferation act requires the mandatory—I have it in caps, in a higher type case here, to underline it—imposition of sanctions rather than allowing the President the discretion in determining whether sanctions or some other response will promote our U.S. goal.

The measure requires the imposition of the full complement of U.S. sanctions for even minor infractions instead of mandating a predetermined one-size-fits-all response. It seems to me that history and prudence tells us that the President's hands should not be tied. Flexibility is a must when dealing with sensitive foreign policy issues.

The thought occurs to me that if we are unhappy about the President not using all the venues, all of the opportunities, and all of the various means at his disposal to send strong messages to China in regard to this specific issue, we might want to quarrel with the policies and the recommendations and the actions of the President—not impose more unilateral mandatory sanctions that, quite frankly, might be followed up by more wrong-headed policy decisions, say, by the Executive.

First, this amendment is redundant. A substantial body of law already exists in regard to governing the real proliferation of weapons. The President already has authority to adequately respond and report to the Congress on this issue, on this concern, which is real, about China and other nations. Examples include the Arms Export Control Act. I know the criticism will be: we haven't done that. Let's get back to the people who are implementing the policy. It is certainly not the alternative that is there.

Second, the International Emergency Economic Powers Act.

Third, the Nuclear Proliferation Prevention Act. All those are on the books.

Fourth, the Export Administration Act.

Fifth, the Export-Import Bank Act.

And many others too numerous to list. You can go on and on.

Let's utilize and enforce the laws already on the books instead of hastily creating new statutes without properly studying the issue in the committee process, although, the Senator from Tennessee has spent many long hours on this subject area. I truly appreciate that.

Finally, it seems to me we must defeat this amendment because of the obvious: Its success will kill the effort to achieve trade concessions with China. It will kill the PNTR. My former House colleagues have assured me. I know it is easy to say let's pass it and see. In my view, in talking with people on both sides of the aisle on this issue, from the Speaker to the rank-and-file Members of the House, this is a killer amendment.

I also know the Senator from Tennessee has tried for a free-standing amendment. I understand that. That is a different matter. But tied to this particular effort, it represents the death of I don't know how many years of work in regard to PNTR. I think Senators must understand a vote for this amendment, or any amendment, serves ultimately as a vote against PNTR.

It will be a tough vote for many of my colleagues simply because, as the Senator has pointed out, that is our first obligation. That is why we are here. It is such a serious issue.

I am much more discouraged by the thought of explaining to the American people why we failed to rise to the occasion and remain economically and diplomatically engaged with one-fifth of the world's population. I think that course of action would help us in regard to our national security.

I took some notes while I had the privilege of being the acting Presiding Officer, and perhaps this will be a little redundant. Hopefully, it will be helpful. Senator THOMPSON said the reason he has introduced the amendment, he has told all of us—especially those privileged to serve on the Senate Intelligence Committee, Senate Armed Services Committee, bipartisan commission, and virtually all Members of the intelligence community—that we have a problem here in regard to the real, certain spread of weapons of mass destruction and selling these weapons to rogue nations. We don't call them rogue nations anymore; we call them nations of concern. I am not too sure what the difference is. We all know who they are.

The Senator from Tennessee is exactly right. He says the problem is getting worse. He refers to Pakistan and says, What do we do about it? Then he says the Chinese have violated virtually all the agreements we have entered into with them prior to this date. I am not sure they have violated each and every one, but obviously we have not reached the progress we would like to reach with the Chinese.

He says, How on Earth can we claim the need for a national missile defense when these adversaries are causing the proliferation of weapons of mass destruction?

Excellent point.

Then he indicated that he could read a considerable amount of the intelligence reports—the itemized situation there in regard to the nations of concern and the spread of weapons of mass destruction.

That is true. But my question is, How can killing trade answer that challenge? How can killing this bill answer that challenge from a practical standpoint? With our competitors all over the world and the concessions we have arranged for in this trade bill, how can taking those sales away from American businesses, American farmers, and American ranchers help this situation? I don't understand that. I understand the means, but I don't understand the end.

If nothing else happens, China will become a member of the WTO and one-fifth of the world's population will be a market to all the rest of the population, except the United States, and our competitors will take those markets. Kansas sales will not go to China; they will go to our competitors. I don't understand how that affects the Chinese decision in regard to these matters of grave national concern.

Will the Chinese change their military policy? I doubt it. I have no illusions. I share the Senator's concerns about Taiwan. I have been to Taiwan several times. I share the concern in regard to human rights. I share the concern, as I have indicated, about the spread of weapons of mass destruction. I sit on those subcommittees. I am worried about the espionage.

I worried a great deal 2 years ago when the distinguished Senator from Tennessee led the effort to have a little transparency, to shine the light of truth into darkness in regard to the campaign contribution violations involving China. He was stymied in that effort—we won't go into that—and tried very hard to reach a logical conclusion.

The Senator mentioned it is our primary obligation in regard to national security. I agree. But it seems to me, again, a partial answer is a clear foreign policy.

I am very hopeful with a change of administration we can achieve that, so that the Chinese fully understand what is acceptable and what isn't in regard to our national interests. It is not only China; it is all nations of concern. As a matter of fact, this administration has already announced we have exempted food and medicine sanctions in reference to all these nations of concern. They have not gone ahead and said that we can compete with our competitors and use our export credit programs, which is another step. Right now, with Iran we are trying to work this out as best we can. Obviously, we have a lot of concerns about the nation of Iran.

So it involves all of the nations. The same thing with Cuba. You can make the same argument with Cuba, except obviously Cuba today does not pose a national security threat. We hear the same arguments with regard to sanctions.

Trade is not a productive way to achieve foreign and military policy goals. I mentioned the Carter embargo. I will not go back over that. The issue is in regard to all of the reports. Send strong signals. We should be willing to take a strong stand. We should be able to draw a line in the sand and have reasonable policy discussions with the Chinese.

If we don't have that kind of engagement with the current leadership in regard to trade, to whom does it turn over the decisionmaking? Who gains ascendancy if we kill PNTR? I will tell you who it is: It is the two generals who wrote the book on how they can gain supremacy with the United States by the year 2020. I haven't read all the book, but I read a portion of it. It is a chilling book. Equal superpower status with the United States. I think they probably wrote the last chapter after we were involved in the bombing of the embassy in Belgrade because they worry about NATO going outside of its boundaries and taking action like this. I think that crosses the T's and dots the I's. I am not saying that was a one-for-one cause, but I think that certainly was the case. If we don't remain engaged with trade, it will turn that decisionmaking over to those very people.

Let's say we pass the Thompson amendment, the House doesn't take the bill up, and PNTR is dead. We sure showed them. We showed them. Basically, the Chinese hardliners will gain ascendancy, the Chinese will buy some Ericsson cell phones, and the Chinese will buy French wheat and the Airbus aircraft. The President will still have the options he should be using right now to convince the Chinese we ought to be making progress on this, but we won't be trading with Chinese. It seems to me that is the question.

I thank Senator THOMPSON for making this such an issue of concern and having what I think has been excellent dialog and debate. I share his concern about the national security risk this poses. I do think this is the wrong way to get it done. I think this is a killer amendment. It is as simple as that. We have come far too far in our efforts to engage the Chinese with trade and, yes, with a serious national policy dialog with regard to our national security, to go down this road.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. I ask unanimous consent I may have 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMPSON. Mr. President, I thank my colleague from Kansas for the level of his debate. This is a good discussion. This is what we ought to be doing. This is what we should have been doing for some time now. These are legitimate problems and legitimate disagreements.

But let me disagree with my good friend on a couple of very important points. The trade we talk about here, the only trade that would be stopped by my amendment, is trade that is already prohibited in other legislation. It is trade that is basically on the munitions list; that is, armaments and things of that nature, munitions and dual-use items. Under the Export Administration Act, if these entities are caught proliferating, it is already required that we stop that. We are certainly not arguing, are we, that the President should not enforce that law? It is already on the books. The worst that can be said about ours is that it is duplicative.

I have had a lot worse things said about things that I have done than that I have been duplicative. I hardly think that is a major problem, in light of the fact there are additional items in our bill which help which are not on the books now.

But in terms of the trade that we would be losing, if that is the case, we would be losing it now if the President was applying the law the way he is supposed to apply the law. It is already on the books. Suppose it was not. Do we really want to be sending munitions list items and dual-use items to companies we find are proliferating? Can't we stand to lose that trade? We are not talking about Kansas farmers. We are not talking about Tennessee farmers. We are talking about those folks in this country—if you are in the business that would be affected by the munitions or the dual-use items that have either domestic or military capability, you would be affected if the President decided he wanted to go that route. That is the limitation. I think it is over $1 billion a year in exports that we have in a $9 trillion economy. Can't we afford that in light of this threat? Can't we afford that?

My friends on the other side say this is a killer amendment. Let's analyze that for a minute. I submit to you that is not the case. It is being used, but it is not the case.

The House of Representatives passed PNTR by about a 40-vote margin—more than anybody thought. All of us in this body have had a chance to express ourselves, and the votes are overwhelming here. The support and the leadership in the House is solid. You cannot stir with a stick the lobbyists in support of it around this town. The fight is over. We are going to have PNTR. The idea that we would send it back to the House with a proliferation amendment on it and people will say, "My goodness, we are trying to do something about Chinese proliferation. We can't have that. I voted for it before but I am going to change my vote now and vote against it," is ludicrous.

People say: Who is going to change their vote? With that 40-vote margin, who is going to change? Is it going to be the Republicans because we added a proliferation amendment? Of course not. Is it going to be the Democrats because the labor unions are pressuring them? When the Democrats are so close to taking back control of the House? When the labor unions have already lost this PNTR battle, and they know it, they are going to put their members in that kind of position so they can go into the election with a vote for it and a vote against?

With all due respect, that is not going to happen. If we add a proliferation amendment and do what we should have been doing a long time ago—and say we are just going to ask for a report, and if we catch you, we are going to give our President the clear option to do something about it or, if he does not, he is going to have to tell us why—if it went back to the House, it would be ratified within 24 hours and that would be the end of it.

We are not going to know until it happens. If we are so intent on avoiding what I consider to be a minute risk that we will turn a blind eye to what is going on because we are so intent on this trade agreement that we cannot even do the minimal of requiring an additional report, requiring some additional congressional involvement and making it a little tougher for the President to game the system—the way, quite frankly, this President has—then we have bigger troubles than I think we have.

How can this help? My friends ask: How can this help? I will ask a question. Why is the PRC so against this amendment? Is it because it is ineffective or duplicative? They are against this amendment because they don't want the additional attention on their activities. They don't want the President to have it highlighted that he has this discretion and has to give a reason why he does not take action. They think it will be effective. I think it will be effective. I think it will have an effect on them where they will think at least one more time before they do something that they know is going to be another major debate on this floor. That is my belief.

My friend makes a good point with regard to the issue of sanctions in general. That has been the source of a great debate for a long time. He makes some good points. But I reiterate: Sanctions are not sanctions are not sanctions. There are different kinds of sanctions. We can't lump all sanctions in one group. There are sanctions that differ in terms of the targeted country. There are sanctions that differ in terms of the activity that is going to be addressed. There are sanctions that are different in terms of the commodities or goods on which you are placing some limitation. We have had sanctions that have dealt with agriculture, as he points out. They have dealt with goods in general in times past. What we are dealing with here basically is munitions and dual-use items. Should we not stop that, if we catch these companies proliferating weapons of mass destruction?

Over the years when the U.S. has been serious about implementing measures to signal our displeasure with a foreign government's actions, these measures have had an effect. For example, U.S. economic pressure in the late 1980s and early 1990 led to China's accession to the Nuclear Non-Proliferation Treaty in 1992. In June of 1991, the Bush administration applied sanctions against the PRC for missile technology transfers to Pakistan.

They have been doing this for a long time, folks. These measures led to China's commitment 5 months later to abide by the Missile Technology Control Regime. They systematically violate it, but perhaps, hopefully, not as much as if they had not even agreed to abide by it.

In August of 1993, the Clinton administration imposed sanctions on the PRC for the sale of M-11 missile equipment to Pakistan in violation of the Missile Technology Control Regime. Over a year later, Beijing backed down by agreeing not to export ground-to-ground missiles if sanctions were lifted. They entered into this agreement in order to get sanctions lifted. I wonder why they wanted those sanctions lifted—because they were having no effect? And that occurred in 1994.

Some of these examples were provided to me by Sandy Berger, the National Security Adviser, to illustrate how unilateral sanctions and/or the threat of sanctions have been effective when dealing with the PRC in the past.

The President's security adviser opposes my amendment because he doesn't want any complications to PNTR. We respectfully disagree with that. We certainly disagree over the extent to which they have attempted to do something about China's activities, but they have, on occasion, taken some action. He cites these particular instances when they have taken action, and he acknowledged they had some effect.

So we cannot have it both ways. We cannot lump all this together and say sanctions are bad, period, forever, regardless. We can't say, "Let's not tie the President's hands," when all of this is discretionary. He has to make a determination. I do not know how many times I have to repeat this. We are not tying the President's hands. He can do it if he wants to and he doesn't have to do it if he doesn't want to. That is not tying the President's hands. We are not talking about agriculture or any other general goods. We are talking about dual-use items.

So we have a legitimate debate here. Some think we should go ahead and pass PNTR and have no amendment strategy.

The PRESIDING OFFICER (Mr. ROBERTS). The time requested by the distinguished and articulate Senator from Tennessee has expired.

Mr. THOMPSON. I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Is there objection? The chair hears none. The distinguished Senator is recognized.

Mr. THOMPSON. Legitimate debate. Some think we ought to pass this: No complications, no amendments, no muss, no fuss; worry about this later.

If not now, when? I thank the Chair and relinquish the floor.

The PRESIDING OFFICER. The distinguished Senator from Wyoming is recognized.

Mr. THOMAS. Mr. President, I want to take a couple of moments. I already mentioned my concerns about the Thompson amendment, but I have to say it is interesting that the Senator is curious as to why there are objections to this amendment. He ought to recall that the Senate has already rejected three or four amendments for the same reason, and that is, we want to send a clean bill to the President.

The idea that his is being rejected because of certain things is just not the case. There is a notion here that this bill ought to be sent, right or wrong. I happen to think that he is exactly right. There is also the implication that if you do not agree with this amendment, you do not care about these things. That is not true, either. We do separate things. There are seven or eight bills now in place.

The Senator says we are not going to tie the President's hands and then on the other hand says this is going to force the President to do something. We need to get it clear.

I wanted to make the point that there is no evidence that people do not care about these things. They do, indeed. There is a belief that these issues ought to be separated and we ought to deal with PNTR and then deal with the other issue. We should not think this is going to cause the President to do a number of things when we already have in place at least seven laws that are not being adhered to.

Those are the things on which I wanted to be clear. I yield to the Senator from New Hampshire.

The PRESIDING OFFICER. The distinguished Senator from New Hampshire is recognized.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent to speak on the underlying bill as in morning business so as not to take time away from the Byrd amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of New Hampshire. Mr. President, yesterday and today we heard my distinguished colleague, Senator THOMPSON, speak eloquently on the whole issue of the Chinese nonproliferation amendment. It is interesting that no one in the Senate wants to give us the opportunity to amend the legislation for fear somehow it might mess it up. On the other hand, it did not bother the House. They amended HR 4444 and sent it over here, and I believe the Senate has a responsibility to do likewise. Frankly, I believe we have that right to offer amendments, such as the Thompson amendment, whether I agree or disagree with it. I believe people ought to vote on those amendments based on how they feel about it.

This is a very important issue. Permanent meant permanent when I went to school. When you say "permanent normal trade relations with China," permanent means permanent. I am going to touch on a number of issues, including the subject Senator THOMPSON has spoken so eloquently on over the past couple of days, but there are many other issues one might want to stop and have serious reflections on whether or not this is really what we want to do.

To the leader's credit, he has given us ample opportunity to have these debates. As Senator THOMPSON just said, one gets the feeling that it is a foregone conclusion; that we are wasting our time; we are basically taking the Senate's time for no apparent reason; that it is already in the cards; that everybody is for permanent normal trade relations; we do not have to worry; we are just wasting time.

We waste a lot of time around here. I suppose we can say some of the greatest debates of all time have taken place in this Chamber. If it is a waste of time, so be it, but I believe these comments should be made, and I believe they ought to be considered. If people want to vote against the Thompson amendment, a Smith amendment, or other amendments, they have every right to do so. If they want to say proliferation matters, then they have a right to do so, and they will have a right to vote.

I applaud Senator THOMPSON for adding this amendment to the PNTR debate. He has been involved in the committee investigating some of these matters. He is able. He knows about these issues. It would be a shame if the Senate did not heed what he has advised them to consider.

I believe one of the greatest threats to the U.S. today is China's proliferation of weapons of mass destruction—nuclear, chemical, and biological, all three—and the means to deploy them; not just produce them, but have the mechanism to deploy them. We do not know whether they have the will or the desire. We do not deal with will and desire. What we deal with is capability.

This is a fact. This is not opinion, as Senator THOMPSON has pointed out. It is a fact that the proliferation of weapons of mass destruction—biological, chemical and nuclear—are occurring today by the Chinese. It is a fact. Despite words to the contrary, China continues to transfer technology to Pakistan, Iran, North Korea, and Libya. One can say: Fine, I do not care; it is more important to sell my agricultural products to China than it is to worry about proliferation of nuclear and missile technology.

That is fine if that is your opinion, but do not come to the floor and say that it is not happening because it is happening. This technology is being transferred to North Korea, to Libya, to Iran, and to Pakistan. It is happening, and that is a fact. One can say: Fine, I don't care about that; we will go ahead and feed the people who are doing it, but it is a fact that this technology is being transferred.

The Director of Central Intelligence reported on August 9 that China remains a "key supplier," his words, of these technologies, particularly missile or chemical technology transfers. Some of these transfers have raised questions about violations of the Non-Proliferation Treaty which China signed and contradictions to the Missile Technology Control Regime which China promised to abide by, and U.S. laws, violations which may require sanctions.

China has not joined some of the international nonproliferation groups. The Clinton-Gore administration policy of "comprehensive engagement" with Beijing seeking to improve bilateral relations has failed. It is time for a tougher approach to advance U.S. nonproliferation interests.

This is not about coming out here and beating up on a country. The facts are the facts. They threatened Taiwan. They have threatened us if we interfere with them threatening Taiwan. They have actively engaged in seeking to control the Long Beach naval shipyard, the Panama Canal, and other regions in the Caribbean, and yet we are supposed to stand by and ignore this threat, all of it in the name of free trade.

Not only are we supposed to ignore it, we are not even supposed to have a vote on it; we are just wasting the Senate's time to point out that this is happening in the world today.

Maybe Senators have made up their minds, but I want to speak to the American people because, frankly, I am not sure the American people have made up their minds on this issue. Maybe they need to know.

I ask you: If you are a parent with a 17- 18- 19-year-old son or daughter—I have one 21 and one 18—whether or not you feel safe in providing this country of China with permanent normal trade relations; that is, giving them the best opportunities we can to trade with them and you are not worried about the fact that they are spreading weapons of mass destruction all over the world. If you are not, then I think you should sit silently and say to yourself: I am going to get my way; the Senators are going to vote the way I want them to vote. But if you are not satisfied, then you ought to let your Senators know because we are going to have a vote on this in the very near future.

Many in this body are adamantly opposed to amending this trade legislation. They argue that trade and national security concerns are not connected. We should go ahead and trade with China. We open up our country. We open up the dialog. We open up debate and just ignore all the other issues. Proliferation, human rights abuses, religious persecution, and all the other issues I plan to speak about will take care of itself. Don't worry about China. They will not hurt us. Don't worry about it. Just keep trading with them and provide more assistance.

No one is talking about ignoring 1 billion-plus people in the world. That is not what this debate is about. No one proposes to ignore them. I do not propose to ignore them. No one proposes to not talk with them or not to have relations with them. That is not what we are talking about.

What we are talking about is permanently establishing these normal trade relations, which gives them benefits that American companies do not even have and American citizens do not have. So if you want people who are trying to spread weapons of mass destruction all over the world—chemical, biological, and nuclear—to have better situations—their companies don't have to abide by environmental standards; they put people in slave labor in the textile mills, or whatever, for 50 cents a day—if that does not bother you, then fine, don't call your Senators and tell them. Leave it alone. They are going to vote your way. But if it does bother you, you may want to speak up.

This amendment, the Thompson amendment, is very relevant. People should be heard on it. Every Senator should be heard on it.

The Chinese Government realizes we are willing to abdicate our national security concerns to gain access to their meager markets at all costs. You think the Chinese are not watching this debate? You think they don't know what is going on? Here is what they are hearing: You know what. These guys will do anything to get our business. They will do anything to get our business. They will let us go ahead and spread weapons of mass destruction all over the world. They don't care about that. The United States will let us move into Panama and threaten the people of Taiwan as long as we can buy their corn and their wheat. Man, that is a good deal for us.

Boy, I will bet they are laughing in Beijing right now at this debate. But I will tell you what. If it ever comes, God forbid, to a conflict in the future, if you have a son or a daughter in that conflict, you are not going to be laughing. That is the reality. That is the way life is.

Ronald Reagan stood firm against the Soviet Union; and it worked. When President Reagan told Gorbachev to tear the Berlin Wall down, he tore it down. We won the Cold War because we stood firm. We did not kowtow to the threats and the intimidation to sell products. Some wanted us to, but we didn't.

Leaders in China believe the actions of this body are a foregone conclusion—over and done. The Chinese have acted accordingly by continuing to proliferate nuclear and missile technology during this whole process. It is still going on, as is evident by the latest report from the Director of the CIA. They are still doing it. And we are still going to give them permanent normal trade relations.

Sometimes—and I have been on both sides of many issues; I have lost debates and I have won debates—sometimes you have to have the debate. You know what. I want history to judge me on what my position is on this issue. I hope to God that I never ever have to come back to the Senate floor and say: See, I told you so.

I hope tomorrow the Chinese all become democrats—little "d"—and we become one big, happy world family between the Chinese and the Americans. I hope that happens.

You know what, folks. Are you sure that is going to happen? Do you feel real good about that happening based on what is occurring right now as we speak? Spies spying, stealing our secrets, stealing the whole arsenal of our weapons, and we are about to let the person who stole that—he is going to go free very shortly. We are the laughingstock of the world. Unbelievable. Yet we sit here—so many of us—without even uttering a whimper and criticize those of us who speak up and talk about it, criticize us for even offering amendments to try to stop it.

I commend Senator THOMPSON. I admire him. I respect him. I served with him on that committee when he did this investigation. I respect what he has done. He is right. History will judge him right. Those of us who stood up and spoke out, history will judge us right as well.

That is all that matters because when you stand up here, you can speak and you can vote. That is about it on the Senate floor. And sometimes you lose. But it doesn't mean you shouldn't be heard. It doesn't mean you are always wrong when you lose. It doesn't mean you are always right, either.

The recent release of the State Department's annual human rights report states that China's human rights record has worsened, not improved. Are these the actions of a country that we believe are going to curb their dismal record of missile and weapons of mass destruction proliferation, atrocious human rights violations, or honor their trade agreements signed with the United States?

Quite frankly, actions speak louder than words—a trite expression. China has not even attempted to clean up its act. As Congress has debated this issue this year, they have not even attempted to clean it up because they know what the result will be. They have known all along: Free and open trade, and reduced vigilance. Free trade will facilitate the proliferation of technologies and systems for weapons of mass destruction and the means to deploy them. Make no mistake about it. Free and open trade, permanent normal trade relations with the Chinese, will foster the ability of this nation, China, to send weapons of mass destruction around the world, and the means to deploy them. We should speak up on the Senate floor about it. Frankly, we should adopt the Thompson amendment. If that means it defeats PNTR, good.

The same technologies that create Chinese space threats to the U.S. also enhance Chinese capabilities. We in Congress should not stand by passively and watch that happen, either.

Voting against the Thompson amendment will send a green light to Red China to continue to destabilize regions already mired in centuries-old conflicts. China's proliferation activities have sparked a nuclear arms race on the Indian subcontinent and have assisted Iran's nuclear missile programs, not to mention Libya's desire to become a nuclear power—a very comforting thought. The Chinese are helping Libya, Mr. Qadhafi, to become a nuclear power. I am sure that will comfort everyone. Why not? Let's help them. Let's feed them. Let's trade with them. Let's treat them as if they are a nice nation that does not do any of this; ignore it all, and let Libya be a nuclear power. That will be nice.

It is time that this body takes action. I urge Members to reconsider. Those of you who believe that THOMPSON is wrong, I urge you to reconsider that in the face of this debate.

It would seem that the main argument against these and every other amendment that is being offered is that since it was not in the House bill, as I said before, then we can't have it in the Senate bill. That, frankly, is an insult to all of us in the Senate. We have an obligation, as I said, to amend if we want to.

The proponents argue there can be no conference; that is, don't have the House and Senate sit down to work out any deal. That takes too much time. That is too much trouble. We just want to pass what the House sent over, even though they amended it.

Are the proponents suggesting that the Senate will not ask for any more conferences between now and the end of the session on any bill? Are we going to conference appropriations bills?

We do 13 conferences usually on appropriations bills. But we can't do a conference on permanent normal trade relations with China? That is the process. The process calls for conferences between the House and the Senates. Even if we conceded that it was too late for a conference, the suggestion that a conference is needed is totally inconsistent with our framework of government.

When we pass a bill, it does not go to conference. It goes to the House. We all know that. If the Senate—given the overwhelming support for PNTR in this body—approves some commonsense modifications, then those amendments would eagerly be accepted by the House. It would not be a big deal. If there is an argument over it, fine. We settle the argument, as we do in every conference.

So if we amend the bill, it goes to the House. It takes no time. The clerk engrosses the amendments and sends it over. We can pass an amended bill at lunchtime, have it passed in the House in time for the Members to be home for dinner; President Clinton wakes up in the morning, has a little breakfast, and signs the bill. Over and done with.

What is the big deal? We make things too complicated around here. Frankly, they are phony arguments, as if this conference is going to take decades to finish. We are going to finish the conference. The fact that we might add a couple of amendments, whether it is proliferation or anything else, to this bill and that it is going to delay the conference and somehow mess up PNTR is nonsense, total nonsense.

I taught history. I taught civics. I taught how a bill becomes law. I have been on conferences. I am on two right now, the Department of Defense and the Water Resources Development Act. I can assure you, those bills are much larger and have many more time-consuming issues than this one. But I might ask you, are those bills any more important than this one? I don't think so. So why, then, are we conferencing them and not wanting to conference here?

Some have argued that the annual debate over whether to renew this was counterproductive. I would argue that it served as one of the few constraints on Chinese behavior. The fact that we had this debate in the Senate is good. At least China knows there are some of us who are concerned about it.

If we yield permanent MFN on PNTR to China, then we forever relinquish one of the few tools we have to foster change in China, which is our agricultural leverage. Unfortunately, since 1989, when MFN was once again renewed despite the carnage at Tiananmen Square witnessed by the rest of the world, the Chinese came quickly to understand that the U.S. Government valued its trading relationship with China above all else. It is a fact; that is how they view it.

What is of greatest concern is that a majority in Congress, like the CEOs of many major companies, appear to be mesmerized by this mythical Chinese market and are willing to ignore the egregious conduct. China's conduct should have, at a minimum, postponed China's admittance in the WTO. It is the kind of conduct you cannot ignore. You cannot ignore the atrocities that are occurring in this country. We don't have to ignore it. We can pass amendments to PNTR that highlight those atrocities in an effort to leverage the Chinese to stop it. I will get into some of those in a moment.

We are familiar with the 1996 campaign finance scandal where millions of dollars were delivered from China through conduits in an attempt to buy the White House. It was a big embarrassment for our country. We know that China plundered nuclear secrets from our national labs and that in fact, according to our own intelligence agencies, Chinese agents continued to steal that technology in the United States, including from DOE labs. This is happening. Countless news articles have underscored China's dangerous proliferation of missile technology and weapons of mass destruction to rogue regimes all over the world. As I said, two Sovremenny-class destroyers equipped with Sunburn missiles, these missiles were specifically designed to defeat our Aegis system and our carrier battle groups. That is the specific purpose of this class of destroyers. This represents a great leap forward on the part of the Chinese Navy and a serious threat to the 7th fleet and our allies in the Pacific. Are we so blinded by trade and the lure of profits that we can't recognize the danger to our strategic vital interests? Are we that blind?

In Hong Kong, only recently turned over to the Chinese Government, news reports over the weekend indicated that pollsters are being discouraged from reviewing information which shows the declining popularity of Hong Kong's Chief Executive. The Chinese Government has warned businessmen on Taiwan they cannot be pro-independence if they expect to do business with Beijing. The Chinese military on a regular basis truly speaks of invading Taiwan, and the proliferation of missiles aimed at Taiwan lends credibility to this threat. While the Clinton administration rewards Beijing with support for MFN and PNTR and has supported military-to-military exchanges with the People's Liberation Army, it has opposed the Taiwan Security Enhancement Act which seeks to bolster the capabilities of the degraded Taiwanese military and upgrade United States-Taiwan military relations.

Most recently and, frankly, most shamefully, the Clinton administration discouraged members of both parties of Congress from even meeting with the democratically elected leader of Taiwan. What an insult. I just don't understand it. We are going to give permanent normal trade relations to China, sell them our products and feed them, and we are not going to offend them by talking to the leader of Taiwan. We are the world's greatest superpower. The rest of the world, I hope, still views us as the land of liberty and the beacon of freedom. And we are afraid to offend China by talking to the leader of Taiwan? What must they think when the administration denies the freedom of assembly, that all Americans enjoy, to a visiting democratically elected dignitary? Think about that. What signal are we sending? Are we not rewarding the intelligence of the regime in Beijing by snubbing the duly elected leader of the Chinese democracy? It is un-American and it is inexplicable. It just can't be about money because, in fact, we sell more goods to Taiwan than we do to China.

So why are we doing it? If we sell more goods to China than we do to the People's Republic, why are we snubbing the leader of Taiwan? We won't even talk with him. What is it about this administration that makes it so eager to kowtow to Communist leaders?

It may not be an accident. I ask unanimous consent that this be submitted as part of the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES.

VOTE WITH AMERICA'S VETERANS ON MEMORIAL DAY—VOTE "NO" ON PNTR FOR CHINA

DEAR COLLEAGUE: This week the VFW, the Military Order of the Purple Heart and AMVETS, joined the American Legion, and several other veterans organizations in opposition to PNTR for China.

VETERANS ORGANIZATIONS OPPOSED TO PNTR FOR CHINA

Veterans of Foreign Wars, Military Order of the Purple Heart, AMVETS, The American Legion, United States Army Warrant Officers Association, Reserve Officers Association, Naval Reserve, and Fleet Reserve.

This vote is scheduled just a few days before Memorial Day, a day which honors our armed forces personnel who have given their lives for our freedom. We should heed the voices of our men and women in uniform and America's veterans who are asking us to vote no on PNTR for China.

Sincerely,

FRANK WOLF,
Member of Congress.

Mr. SMITH of New Hampshire. This is from Congressman FRANK WOLF, which is a listing of the organizations opposed to PNTR. It is not an accident that most of the veterans organizations are opposed. They are the folks who have sacrificed. The Legion, Veterans of Foreign Wars, Naval Reserve, Fleet Reserve, Amvets, Order of the Purple Hearts; these are the guys who paid the price. They are not for PNTR. They have a right to talk. They have a right to be heard. They have a right to this debate occurring. They have a right to say to those folks who say let's not debate this, let's just pass it: Sorry, we paid the price; we paid the price to have this debate, and we should have this debate.

I am standing up for the American Legion and the Veterans of Foreign Wars and the Military Order of the Purple Heart and others. I am proud to do it. They are right. They have been right before. They have been right in the past and they are right now.

I conclude on six very brief amendments I have already offered but didn't get an opportunity to speak on the other day because of time constraints.

There is a commission that is created under this permanent normal trade relations bill to monitor certain levels of Chinese cooperation. One of the amendments I introduced last week was called the POW-MIA amendment. The purpose is to monitor the level of Chinese cooperation on the POW-MIA issue and to pass this information on to the American people as part of an annual report the commission will issue. All I am asking is that this be part of the commission's report, that we do a study on this, put it into the report. That is all the amendment is.

I have been a longtime advocate of the POW issue. I believe the U.S. Government should make every effort to account for its missing servicemen in our Nation's conflicts, all of them. I am sure my colleagues would agree that we have a solemn obligation to these brave men and women and their families. There are over 10,000 accounted for American soldiers, airmen, and marines from the North Korean, Vietnam, and cold wars. The fate of many of these Americans, especially from the Korean war, could be easily clarified and determined by the People's Republic of China.

I have written to the People's Republic of China. They have basically ignored my letters. They are not willfully coming forth with information. This is a humanitarian issue. What is wrong with having an amendment that says the Chinese should cooperate and help us account for our missing? Yet the sponsors of this bill are saying don't vote for the Smith amendment—it is being put around here on all the desks—don't vote for the Smith amendment because it will cause a problem. If we sent it over to the House, the House would have to agree that we should account for our missing POWs, that we ought to ask the Chinese to help us. Don't complicate things, don't put that amendment on.

I hope the American people are listening. Don't complicate PNTR by having China help us find our missing. Really. Unbelievable.

Let me share a small fraction of information that leads me to believe China knows a lot more than they are telling us. It is precisely this type of information that makes it all the more important for the Chinese to cooperate. I know some people say that is just a bunch of baloney, the Chinese don't have any information on POWs and MIAs. There are numerous declassified CIA intelligence reports from the 1950s that indicate Chinese knowledge about American POWs from the Korean war. I will enter all of these in the RECORD, but let me cite a couple of them.

Central Intelligence Agency, May of 1951, subject: American prisoners of war in Canton, China. It goes on to describe the sighting. June 1951, subject: American prisoners of war in South China. It goes on to talk about it. Fifty-two American prisoners were incarcerated in a Baptist church in Canton, on and on. A staff member of the state security bureau in Seoul on 12 February stated—this is 1951—that all American prisoners of war were sent to camps in China, Manchuria, where they were put to hard labor in mines and factories. Documented, and yet they don't give us any answers.

Prisoners of war in Communist China is another subject. In 1961, another report; another report in September 1951. American prisoners of war in Communist China; Chinese student had a sighting.

Whether these are true or not—I make no representation whether or not they are, but they have been brought to our attention. We know the Chinese have information as to what happened to those people. Yet, I repeat: We are told not even to amend PNTR because it is going to cause a couple of minutes of delay over on the House side to conference this and get it in there.

That is a real fine "how do you do" for the people who served our Nation and are now missing Americans. That is a fine "how do you do."

I hope Senators who oppose this amendment can look into the eyes of the families of those prisoners and say: I had to do this because I wanted China's permanent status so badly, I couldn't care less whether I got any information on POWs and MIAs; I am going to be able to look in the mirror quite fine.

I could go on and on through 100 more. I have them. But I am not going to do that.

Secretary Cohen, to his credit, raised this issue with the Chinese during his visit to China last summer at my request. He raised it very forcefully. Once again, the Chinese simply said: We don't have any information on your POWs. And under their breath, as they walked out of the room, they said: What the heck, we have going to get PNTR anyway. Why bother? It is a foregone conclusion.

They make billions and billions of dollars in trade with the United States. Shame on us if we fail to demand that they provide answers on our missing servicemen. Shame on us for the sake of a few minutes in a conference with the House of Representatives—shame, shame, shame, shame.

Three-hundred and twenty-thousand Chinese military personnel served in Vietnam from 1965 to 1970. It seems to me pretty likely that some of those troops could tell us something about what they saw in Vietnam that may account for 1, 2, 3, 10, or 100 of our missing. We need the Chinese to tell us what they know.

Although I am opposed to permanent normal trade relations with China, this amendment would address these concerns. And at least, if it passes, it would be in there so that we would be saying to the Chinese: Here is your PNTR, but at least we care about our missing; help us. No. It might take a few minutes in conference. We can't do that.

The second amendment I offered deals with Chinese companies.

According to the proponents of PNTR, surrendering America's only real leverage to Communist China's actions on a myriad of national security and human rights issues is being heralded as a win-win scenario for the American people and the oppressed Chinese. This not only false, but it is detrimental to the American people and U.S. national security.

In the zeal to gain potential profits in China, we will be surrendering our most useful leverage tool that can be used to redirect China's atrocious human rights, religious persecution, and increasingly belligerent military. The proponents of PNTR have claimed that the Chinese citizens will enjoy economic prosperity and eventually democratic freedoms.

Both of these assumptions are uncertain. However, what is certain and can be tangibly observed right now is that the PLA and their companies—many of them increasingly high-tech in scope—are eagerly anticipating the benefits and profits of increased exposure to American consumers in the United States. It is almost "laugh-out-loud funny" to hear people say those companies in China don't have anything to do with the Government, that they are private companies. Hello. Private companies in China? Maybe you ought to look at the Lippo flow chart, and how all of that works, and find out where it leads. Where does the trail lead to all of these companies? It leads directly to the People's Liberation Army. That is where it leads—to the Chinese Communist leaders.

Without a doubt, PNTR will facilitate and improve the People's Liberation Army's military capabilities. The profit they will make and the money we are going to provide them in these sales is going to go directly into the technology spread of weapons of mass destruction and improve their military capabilities, which—may God forbid and I hope not—may be used against us in the future.

Experts have concluded that the U.S. trade deficit with China is expected to grow if China wins PNTR. Our deficit will grow. That means more capital for China to modernize its military. That is what it means. Let's face it. Fine. OK. We sell wheat. Great. Sell corn. Great. Enjoy your profits, because let me tell you where it is going: More capital to China to modernize its military.

As PLA companies gain increased access to U.S. high-tech, dual-use technology, they will be able to buy increasingly advanced weapons from Russia and other nations. What they can't build they can buy.

To illustrate, the PLA navy has been aggressively improving its surface fleet by purchasing, as I said earlier, state-of-the-art Sovremenny-class destroyers from Russia. The Chinese military's ability to purchase these types of weapon platforms poses a direct threat to U.S. Navy aircraft carrier battle groups in the Pacific and our friends in Taiwan.

Is there anyone out there listening with a son or a daughter on a military or Navy ship in the South Pacific? You ought to be worried. You ought to be thinking about what your Senators are going to shortly do here. They are going to provide the capability of the Chinese military to knock those carriers and those destroyers right out of the water with the most sophisticated technology known to mankind. We are going to help them do it. We are going to help them do it.

If somebody wants to come down here and debate that and tell me that is not the case, come on down.

Currently the U.S. Navy has no defense—none—against the Sunburn missile which the Sovremenny destroyers of the Chinese military could use against U.S. aircraft carriers with 3,000 or 4,000 people, and some have as many as 6,000 people. It is a vulnerable city out there with your sons and daughters on it, and we are helping them to have the capacity to knock it out.

While many have opted to dismiss the national security risks that will accompany China PNTR, our own intelligence apparatus—that is the worst part of this for me to deal with. Our own intelligence has identified the threat the United States faces from trade. They have told us. It is not an opinion. They have directly told us trading with China threatens our national security. It threatens our national security, and we still ignore it. Not only do we ignore it, but we are being told not to debate it.

According to the U.S. Defense Intelligence Agency, the PLA has established "sixteen character" policy guiding the mission and profits as companies realize from the sale to U.S. consumers. Specifically, these companies wish to profit from the manufacture of ordinary consumer goods to pay for the development and production of weapons; subsidize and profit from these industries in times when the PLA does not need to use their manufacturing infrastructure to produce defense-related weapons and goods; and to seek foreign trade and investment to modernize its defense infrastructure.

According to reports in the South China Post, the PLA has kept 1,346 companies, dumping thousands that were not profitable for the Chinese military.

Think about that—dumping companies that were not profitable to their own military.

These military-owned companies produce and ship a wide variety of goods to the United States for sale to unknowing American consumers.

What do we do? We say to them: As long as we can sell our corn and our wheat, we don't care. No problem here.

Regrettably, these same U.S. consumers were unaware that the People's Liberation Army goods they purchased in 1989—do you want to know what happened when American consumers purchased goods in 1989? They helped to fund the Chinese Communist Party's brutal crackdown and massacre of the countless pro-democracy demonstrators in Tiananmen Square. That is where the money went.

Currently, President Clinton and his administration have impeded the process by which the United States monitors and keeps track of PLA businesses allowing American citizens to fill the PLA coffers unchecked. The increased trade embodied in PNTR may only contribute to a future of more brutal crackdowns by the PLA and Chinese security forces funded by unknowing American citizens.

I am trying to help American citizens know: Don't do it. Urge your Senators to vote against this.

I propose at the very least that the Senate consider and accept a simple commonsense amendment, which I am offering, which would allow the Defense Intelligence Agency of the United States and the FBI to monitor and report to Congress on the activities and national security assessments and implications where U.S.-consumer-generated money is being directed within the PLA. That is all my amendment asks.

I believe the American people would be aghast if they knew that their hard-earned money was greasing Communist China's brutal crackdowns, dangerous saber-rattling toward the democratic island of Taiwan, and increasing the credibility of the Chinese Communist Army's weapons of mass destruction as top generals in Beijing threaten to vaporize cities on the American west coast should the U.S. come to the defense of our democratic friends in Taiwan.

That is an eye-opener. Not a comforting thought if you live on the west coast.

As this Nation's top decisionmakers, I believe the American people deserve to have a Congress that watches out for their best interests. Sometimes in the short run what one thinks is in the best interests are not the best interests in the long run; it is nice to make a little profit on the sale of food, but look at the long run.

I know I am not supposed to be up here taking all this time to talk about this. "Permanent" is a long time after this debate—a long, long time. Once the damage is done, recovery is going to be difficult.

I have an amendment regarding space and the implication of the Chinese and what PNTR will do to that. Space is of huge importance. Whoever controls the skies in the future, I believe, is the winner in the next war. The U.S. is becoming ever more reliant on space capability, especially in the areas of command and control. While we are ahead of any potential rival in exploiting space, we are not unchallenged, and our future dominance is by no means assured. We have already observed major national efforts to conceal the Indian and Pakistan nuclear tests and the North Korean space launch capability from U.S. space assets. It would be naive to think our adversaries are not considering and capable of a wide range of methods to counter U.S. military muscle in general, and our current space advantage, in particular.

A 1998 report said, one, China is constructing electronic jammers that can be used against our GPS receivers; two, China's manned space program will contribute to an improved military space system.

We hear the argument in the United States, let's not put weapons in space. That is exactly what the Chinese are doing. That is their goal. We will help them do it. We will help them out. Feed them, trade with them, have them make some money, and help them to move right on and get their technology into space while we sit back and argue whether or not we should militarize space.

I will not go into all of the arguments on that other than to simply say this amendment directs the Congressional Executive Commission on the People's Republic of China, which was created in the House language, to monitor—that is all I am asking—a number of important issues so that we can report annually on Chinese space capabilities and the activities that affect the development. All we are asking in this amendment is it be monitored as part of this Commission.

Again, same argument; same old story: Don't waste the Senate's time, don't amend it. If we amend that we have to confer with the House—it might take a couple of hours, who knows—to come to a conclusion. No amendments. We don't want to delay this. But look at the long-term implications.

Another amendment that I have offered, No. 4, is in the area of environment. I serve as the chairman of the Environment and Public Works Committee in the Senate. I will briefly explain this. In America, if you run a business, there are environmental regulations; strict, EPA-regulated laws that you have to abide by. It costs money. I am not complaining. I think some of the environmental regulations are good. Some have been a little bit too harsh. On the whole, the Clean Water Act, Safe Drinking Water Act, the Clean Air Act, all the bills and laws we have passed through the years have been effective in cleaning our air, lands, and water. I think companies now realize that.

However, it has cost a lot of money. We have accepted it. Why do we want to allow the Nation of China, which we are now giving permanent normal trade relations to, to not enforce any environmental laws? Why do we want to say to China, you can produce a product, dump it on America's market to one-third or one-fourth, or one-tenth of what we can sell it for, and not have to abide by any of the environmental regulations?

China is part of the world. America is part of the world. The atmosphere and the oceans and the land are all part of the globe. Why do we let them off the hook? Why do we punish our people and not even ask that the Chinese be forced to somehow abide with basic environmental laws? That is why we need this amendment. It simply says that the Commission will monitor the lack of environmental regulations and use that as leverage for when we trade with them.

Here again, the same old argument: Let's not debate it. Let's not add it on. Don't vote for the Smith amendment on environmental regulations because we may have to go to conference and it might slow the bill down.

Why is the environment such a disaster in China today? The answer is simple: Because the people in China don't enjoy political and economic freedom. They don't have any choice. They have no choice but to breathe that filthy air. Per capita emissions in China are 75 percent higher than in Brazil which has an economy of similar size. The difference is, communism doesn't work. A prosperous economy and healthy environment can go together. A free people wouldn't consent to this type of environmental disaster. We shouldn't consent to it, either. But we are. We are saying: No problem, don't want to have a conference, don't want to waste any time, don't want to take an extra day or two to add an amendment here that says we will monitor China's lack of environmental standards and regulations. No problem. We don't want to slow it down.

That is what my amendment does. If you feel it is fine that China continues to pollute at a 75-percent higher rate than any other country in the world, for the most part you don't care, you want to keep right on trading with them and keep on making profits, keep on feeding them, fine.

Former U.N. Ambassador Jeane Kirkpatrick once criticized my colleagues across the aisle on the Democrat side for their tendency to "blame America first," for their belief that there must be something wrong with this great Nation that causes the world's ills.

Keep that in mind when you consider my amendment. If laws such as the Clean Air Act and the Clean Water Act are necessary for the environmental health of this Nation, shouldn't they be beneficial to China as well? Do we really want to make a profit so badly that we are willing to say let those people live in that filth, in that dirty air; let that dirty air move out of China and across the ocean and into other parts of the world? Do we really want to make a profit that badly? If we do, shame on us.

I have two more amendments.

No. 5, one of the most shameful experiences regarding human rights violations in the country of China. I have already heard the argument and been told by colleagues, don't offer this amendment because we don't want to delay the process again. I think the picture that I am showing is not pleasant to look at. I don't like to look at it. But the American people need to see this picture. My colleagues need to see it. This amendment that I am offering seeks to improve the quality of life for orphans such as this little girl who are currently waiting to be adopted out of Chinese orphanages. What a horrible experience, to be a child in a Chinese orphanage.

What are we saying? No problem, no problem, that is China. We need to sell our wheat, man. We need to sell our corn. We need to make a profit. We will just ignore that. That will take care of itself. Don't worry.

What would happen if that was an orphanage in the United States? We all know what would happen, and justifiably so; it would be shut down. The Government would be in there like hornets, as well they should be.

But we are not going to worry about it, it is China, it is not our country.

We can't shut their orphanages down. I am not proposing to do that. But we can monitor it and we can say to the Chinese if PNTR passes, you keep this up and we are not going to trade with you.

But, oh no, that might mess up the deal. This amendment would encourage the Chinese Government to provide specific data such as the survival rates of orphans—like this young lady, certify that orphans are receiving proper medical and nutritional care, and show that all efforts are being made to help the children—particularly those with special needs, who are the ones who are the most punished in these orphanages—to be adopted into loving homes by way of Chinese international or U.S. adoption agencies.

How can we ignore this? How can anybody in good conscience say: Senator SMITH, you are right, this is a terrible atrocity but we are not going to put this on the bill because it might delay the bill and it might cause a problem with the Chinese and we might not get PNTR passed. How can you say that?

The conditions of millions of orphans in China are deplorable, just like this. Many Chinese people want—and frankly feel they need—to have a baby boy with the expectations that a son will take care of them when they are old. A son carries the family name. It is considered honorable to have a son. Not so with a girl. A girl is expected to grow up and leave the family with her husband and will not care for her parents when they are old. If a Chinese woman bears a baby girl, many times they will drop her off anonymously at an orphanage, abandon her, kill her outright, or throw her into the garbage. Or even worse, as I think Senator HELMS is going to talk about shortly—abort the child without the consent of the mother.

It is unbelievable what these little children suffer. Some are lucky and they get adopted, but believe me, not many. Americans have adopted 20,000 Chinese baby girls. Some babies leave China for America every month. However some of these little girls and baby boys with special needs are left to languish and die in dark rotting rooms in state-run orphanages in China.

How can you ignore it? How can you come down here and say we are going to ignore all this and give them permanent normal trade relations?

One of my constituents, a young couple, came to me a few months ago. They were here on a green card. They said: Senator, if I go back, I am pregnant, they have told me they are going to abort my child. I want my child.

One of the greatest experiences I have ever had was crying with them when we got their deportation blocked and she had that baby right here in America. You cannot ignore this kind of horrible atrocity.

Many of these babies were not even fed or given water. Some are starved to death. Why is it so bad? Why is it so harmful. I plead with my colleagues, to say let's ask the Commission to report on this in PNTR? It is not so bad. Is that so terrible that maybe the House has to agree with me and the conferees have to agree and send it back over for another 5 minutes of debate? Really?

This baby girl is Mei-Ming. Do you know what Mei-Ming means in China? "No name." She was discovered in one of these orphanages in 1995 and, according to the orphanage staff, Mei-Ming became sick. They had no medication for her—none. So they put her in a back room under a pile of clothes and they shut the door.

This is a picture of her at 10 days without food or water—in an orphanage. She lived another 4 days just like this and then she died. The orphanage denied that she even existed. They said she was never there, this Chinese Government that allows this, the Government that allows this to take place.

The only remaining memory of Mei-Ming—let's hold it up here—the only remaining memory of Mei-Ming is this photograph right here. I say to my colleagues, in the name of Mei-Ming: Please, agree to this amendment; agree to this amendment. Let the House take a few minutes to add language in there that the Commission, in the name of Mei-Ming, could report on this kind of atrocity as you reap your profits. Is that asking too much?

Some orphanages in the 1990s had death rates estimated as high as 90 percent. I have heard reports that, since the public scrutiny of the last decade, the conditions in the Chinese orphanages have improved. I would like to thank the Chinese Government if that is, indeed, true. But it would be nice to have this as part of the language, to find out.

The last amendment and then I will not delay the Senate any longer. Senator BOB SMITH will no longer hold up the Senate business, you will be able to pass PNTR, ignore all these things, ignore all the amendments and we will be able to move on and make our profits. Just a few more minutes.

Organ harvesting in the People's Republic of China. You think that's bad? It is bad. Let me tell you about organ harvesting.

In America what organ harvesting means is in America you are willing to donate your kidney to your sister or brother or mother or dad; or your heart when you die in an accident you give so someone else may have life. That is organ donors.

Organ harvesting in the Peoples Republic of China, sponsored by this Chinese Government that we are so hellbent to help—let me tell you what they do. They take prisoners—we are not talking about murderers here, we are talking about prisoners who have, for the most part sometimes minor crimes—and they take their organs so they can place them in the military officers or other high, important people in the Communist hierarchy.

In 1997, ABC News televised a very shocking documentary on the practice of organ harvesting in Communist China. The documentary—this is ABC, now, not BOB SMITH talking—depicted prisoners who were videotaped lined up, executed by a bullet to the head—a technique of execution which unlike lethal injection preserves the organs for harvesting.

Don't tell me it doesn't go on and don't tell me you are going to ignore it, because it goes on, it happens. Probably right now as we speak. This documentary claimed that prisoners are executed routinely and their organs are sold to people willing to pay as much as $30,000 for a kidney. Human rights organizations estimated at the time the ABC documentary aired, that more than 10,000 kidneys alone—not to mention other organs—from Chinese prisoners had been sold, potentially bringing in tens of millions of dollars. Guess where those dollars went? To the Chinese military. That is where the money went.

The Chinese Government, as it does with most human rights abuses, denies that this happens. My amendment simply requires the commission, under permanent normal trade relations, to monitor this, to try to secure as much information as they can so they can report on it annually as we continue the process under PNTR.

It is important to keep in mind that China has no rule of law, therefore prisoners are subject to arbitrary arrest and punishment without any due process. Can you imagine a young man or woman being arrested, not told what they are charged with, because there is a need for an organ, to be shot in the head, executed with no due process, no trial, and then their organs are donated to somebody who is willing to pay $30,000 to the Communist Chinese Government.

Pretty bad. After the Tiananmen Square massacre in 1989, when peaceful student protesters, including the sons and daughters of the Communist Party's elite, were mowed over by PLA tanks, there are far fewer dissidents in China than there were 11 years ago. It is pretty tough to speak up against China. Do you want to go to jail for publicly speaking out against the Government? That is the good news. The bad news is you will be shot in the head and your kidneys, your heart, and other organs will be donated to somebody in the Chinese military.

ABC's report also found that Chinese nationals living on student visas were harvesting these organs to Americans. Hello? That is right, harvesting these organs to Americans and other foreigners who have the funds to make a $5,000 deposit, who then travel to China to the PLA, People's Liberation Army, hospital where they receive the kidney transplant. The kidneys are tissue typed, and the prisoners are also tissue typed in order to achieve an ideal match.

Can you imagine the horror of being thrown in jail for a political crime—speaking out against the Government, perhaps—and having your tissue samples taken, knowing full well what it is for, then to be summarily shot and your kidneys sold perhaps to an American? There is no way anyone in the Senate or the House would not recognize the name of Harry Wu, the renowned human rights activist and Chinese dissident who was arrested in China, detained, and finally released. Thanks to the work of the Laogai Research Foundation, we are aware of ongoing Chinese engagement in organ harvesting of executed prisoners. I will not go into any more detail on this.

In conclusion, we are talking about the most unbelievable and atrocious violation of human rights. I have just identified six. There are dozens more. I did not want to come down and offer 40 amendments. I believe I made my point. I had about 20 of them identified, and we were looking at another 20 more, but I said I am going to take some of the worst. I do not support PNTR, but all I am asking is for those of who do, allow these amendments—the proliferation amendment of Senator THOMPSON and the other six amendments I have outlined, and maybe others as well. Allow them to pass. What harm does it do? Take a few minutes and go to conference for the sake of people such as this little girl or somebody right now who may be fattened up for execution for kidneys.

It is time that America wakes up and understands what is happening in the world. I know some are going to say this is Smith again beating on China. It is not a matter of beating on China. These are facts. These are not opinions. These are facts. These are documented. Every single thing I read to you, every single thing I said to you is documented from proliferation to organ harvesting. It is documented.

The issue before the Senate when we vote on PNTR and on these amendments is very simply this: I am against PNTR and not going to vote for any of it, which is fine, that is my position. Or I am for PNTR and I am willing to pass these amendments to at least monitor these kinds of atrocities in an effort to stop them.

I yield the floor, Mr. President.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside so the Senator from South Carolina can call up four amendments. They are short. I thank the distinguished Senator from Tennessee and the distinguished Senator from New York, the manager of the bill. It is not my purpose to debate these amendments but to call them up so they can be printed in the RECORD. I will not consume over 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is laid aside.

AMENDMENTS NOS. 4134 THROUGH 4137, EN BLOC

Mr. HOLLINGS. Mr. President, I call up four amendments which are at the desk, and I ask the clerk to report them.

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:.

The Senator from South Carolina [Mr. HOLLINGS] proposes amendments numbered 4134 through 4137, en bloc.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 4134

(Purpose: To direct the Securities and Exchange Commission to require corporations to disclose foreign investment-related information in 10–K reports)

At the appropriate place, insert the following:

SEC. . FOREIGN INVESTMENT INFORMATION TO BE INCLUDED IN 10–K REPORTS.

The Securities and Exchange Commission shall amend its regulations to require the inclusion of the following information in 10–K reports required to be filed with the Commission:

(1) The number of employees employed by the reporting entity outside the United States directly, indirectly, or through a joint venture or other business arrangement, listed by country in which employed.

(2) The annual dollar volume of exports of goods manufactured or produced in the United States by the reporting entity to each country to which it exports such goods.

(3) The annual dollar volume of imports of goods manufactured or produced outside the United States by the reporting entity from each country from which it imports such goods.

AMENDMENTS NO. 4135

(Purpose: To authorize and request the President to report to the Congress annually beginning in January, 2001, on the balance of trade with China for cereals (wheat, corn, and rice) and soybeans, and to direct the President to eliminate any deficit)

At the appropriate place, insert the following:

SEC. . BALANCE OF TRADE WITH CHINA IN CEREALS AND SOYBEANS.

(a) IN GENERAL.—Beginning with the first business day in January of the year 2001 and on the first business day in January of each year thereafter, (or as soon thereafter as the data become available) the President shall report to the Congress on the balance of trade between the United States and the People's Republic of China in cereals (wheat, corn, and rice) and on the balance of trade between the United States and the People's Republic of China in soybeans for the previous year.

(b) Commitments From China to Reduce Deficit.—If the President reports a trade deficit in favor of the People's Republic of China under subsection (a) for cereals or for soybeans, then the President is authorized and requested to initiate negotiations to obtain additional commitments from the People's Republic of China to reduce or eliminate the imbalance.

(c) 6-Month Follow-Up.—The President shall report to the Congress the results of those negotiations, and any additional steps taken by the President to eliminate that trade deficit, within 6 months after submitting the report under subsection (a).

AMENDMENT NO. 4136

(Purpose: To authorize and request the President to report to the Congress annually, beginning in January, 2001, on the balance of trade with China for advanced technology products, and direct the President to eliminate any deficit)

At the appropriate place, insert the following:

SEC. . BALANCE OF TRADE WITH CHINA IN ADVANCED TECHNOLOGY PRODUCTS.

(a) Findings.—The Congress makes the following findings:

(1) The trade deficit with the People's Republic of China in advance technology products for 1999 was approximately $3.2 billion.

(2) The trade deficit with the People's Republic of China in advance technology products for 2000 is projected to be approximately $5 billion.

(b) Report.—Beginning with the first business day in January of the year 2001 and on the first business day in January of each year thereafter, (or as soon thereafter as the data becomes available) the President shall report to the Congress on the balance of trade between the United States and the People's Republic of China in advanced technology products for the previous year.

(c) Commitments From China to Reduce Deficit.—If the President reports a trade deficit in favor of the People's Republic of China under subsection (b) in excess of $5 billion for any year, the President is authorized and requested to initiate negotiations to obtain additional commitments from the People's Republic of China to reduce or eliminate the imbalance.

(d) 6-Month Follow-Up.—The President shall report to the Congress the results of those negotiations, and any additional steps taken by the President to eliminate that trade deficit, within 6 months after submitting the report under subsection (b).

AMENDMENT NO. 4137

(Purpose: To condition eligibility for risk insurance provided by the Export-Import Bank or the Overseas Private Investment Corporation on certain certifications)

At the appropriate place, insert the following:

SEC. . RISK INSURANCE CERTIFICATIONS.

Notwithstanding any other provision of law to the contrary, and in addition to any requirements imposed by law, regulation, or rule, neither the Export-Import Bank of the United States nor the Overseas Private Investment Corporation may provide risk insurance after December 31, 2000, to an applicant unless that applicant certifies that it—

(1) has not transferred advanced technology after January 1, 2001, to the People's Republic of China; and

(2) has not moved any production facilities after January 1, 2001, from the United States to the People's Republic of China.

Mr. HOLLINGS. Mr. President, the first amendment to H.R. 4444, No. 4134, has to do with jobs and the trade deficit. It says:

> The Securities and Exchange Commission shall amend its regulations to require the inclusion of the following information and 10-K reports required to be filed with the Commission:
>
> (1) The number of employees employed by the reporting entity outside the United States directly, indirectly, or through a joint venture, or other business arrangement, listed by country in which employed.
>
> (2) The annual dollar volume of exports of goods manufactured or produced in the United States by the reporting entity to each country to which it exports such goods.
>
> (3) The annual dollar volume of imports of goods manufactured or produced outside the United States by the reporting entity from each country from which it imports such goods.

It is not a burdensome amendment. They report where they are working and the number of employees in those countries. I was intrigued by the report from the National Association of Manufacturers that came out today. I quote from it:

> Of the total $228 billion U.S. merchandise trade deficit so far this year, 77 percent has been in manufacturing.

We are losing our manufacturing capacity, and as Akio Morita, the former head of Sony, said some years back, the world power that loses its manufacturing capacity will cease to be a world power.

The second amendment has to do with technology and the export of technology. Our distinguished Ambassador engaged in the conduct of trade, Ambassador Barshefsky, said before the press and the Finance Committee:

> The rules put an absolute end to forced technology transfers.

This particular amendment is to then monitor that statement:

> The Congress makes the following findings:
>
> (1) The trade deficit with the People's Republic of China for . . . 1999 was approximately $3.2 billion.

It is estimated that it will be $5 billion this year. So beginning with the first business day of January 2001 and thereafter, "the President shall report to the Congress on the balance of trade between the United States and the People's Republic of China in advanced technology products . . . ."

> If the President reports a trade deficit in favor of the People's Republic of China . . . in excess of $5 billion—

I want to be realistic; it probably will get to that $5 billion this year—

> the President is authorized and requested to initiate negotiations to obtain additional commitments from the People's Republic of China to reduce or eliminate that imbalance.

And, of course, report.

I ask unanimous consent to print in the Record an article entitled "Raising the Technology Curtain."

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Financial Times (London), August 16, 2000

Raising the Technology Curtain: China's Burgeoning High-Tech Sector Is Squeezing Out US Imports

(By Ernest Hollings and Charles McMillion)

The US faces sharply worsening deficits with China in the trade of crucial advanced technology products. Moreover, these losses are accelerating and spreading to new products even after China's tariff cuts and official promises regarding the protection of intellectual property and an end to technology transfer requirements.

Although high-tech companies are enthusiastically lobbying to end the annual negotiation and review of China's trade status—a vote in the US Senate is expected in September—they could be big losers if US trade law and commercial leverage is permanently forsaken in dealings with China's unelected rulers.

Advanced technology products have represented a rare, consistent source of earnings for the US: during the last decade alone the surplus in global sales is Dollars 278bn.

During the same period, US trade deficits with China totaled Dollars 342bn, and have worsened sharply each year. That has occurred in spite of numerous agreements with China to end the obligatory transfer of technology from US companies to their Chinese counterparts, to protect intellectual property and to assure regulatory transparency and the "rule of law". Failure to implement these agreements goes a long way in explaining why the total US deficit with China has doubled from Dollars 33.8bn in 1995 to Dollars 68.7bn in 1999.

The US also lost its technology trade surplus with China in 1995 and has suffered deficits in this area every year since then. Last year, US technology exports to China fell by 17 percent while imports soared by 34 percent. The record Dollars 3.2bn technology trade deficit in 1999 may reach Dollars 5bn this year as technology imports now cost twice as much as US falling exports.

Quite simply, China is developing its own export driven high-tech industry with US assistance.

A recent Department of Commerce study found that transferring important technologies and next-generation scientific research to Chinese companies is required for any access to China's cheap labor force or market. Three of the most critical technology areas are computers, telecommunications and aerospace.

The US lost its surplus in computers and components to China in 1990 and now pays seven times as much for imports as it earns from exports.

Compaq and other foreign computer brands dominated the Chinese market a decade ago but now are displaced by local companies such as Legend, Tontru and Great Wall that are also beginning to export.

After 20 years of "normal" trade relations with China, no mobile phones are exported from the US to China. Indeed, US trade with China in mobile phones involves only the payment for rapidly rising imports that now cost Dollars 100m a year.

China has total control of its telephone networks, recently abrogating a big contract with Qualcomm. Motorola, Ericsson and Nokia sold 85 percent of China's mobile phone handsets until recently. But last November China's Ministry of Information and Industry imposed import and production quotas on mobile phone producers and substantial support for nine Chinese companies. The MII expects the nine to raise their market share from the current 5 percent to 50 percent within five years.

The US now has a large and rapidly growing deficit with China in advanced radar and navigational devices. Nearly half of all US technology exports to China during the 1990s were Boeing aircraft and 59 percent were in aerospace. But according to filings by the Securities and Exchange Commission, Boeing's gross sales to—and in—China have generally fallen since 1993. The first Chinese-made Boeing MD90-30 was certified by the US Federal Aviation Administration last November with Chinese companies providing 70 percent local content.

More troubling, with the help of Boeing, Airbus and others, China has developed its own increasingly competitive civilian and military aerospace production within 10 massive, state-owned conglomerates and recently announced a moratorium on the import of large passenger jets.

China is a valuable US partner on many matters but it is also a significant commercial competitor. Experience in the US with deficits worsening after tariff cuts and other agreements shows this is not the time to abandon strong US trade laws but rather to begin to apply them, fairly but firmly. Since 42 percent of China's worldwide exports go to the US—and their value is equal to China's total net foreign currency earnings—the US certainly has the commercial means to enforce fair trade laws.

That is the type of real world engagement that can help to assure both peace and prosperity for the two countries in the future.

Mr. HOLLINGS. Mr. President, the next amendment is the Export-Import Bank:

> Notwithstanding any other provision of law to the contrary, and in addition to any requirements imposed by . . . the Export-Import Bank . . . or the Overseas Private Investment corporation . . . .

The applicant, in making those applications before those entities, will certify that they have not transferred advanced technology after January 1, 2001, to the People's Republic of China, and, two, have not moved any production facilities after January 1, 2001, from the United States to the People's Republic of China.

With more time, I can go into the reason for it. I only want to substantiate what the distinguished Ambassador said.

Finally, the fourth amendment has to do with agriculture. I ask unanimous consent to print in the RECORD a schedule of commodity groupings of the trade balances with the People's Republic of China in the years 1996, 1997, 1998, and 1999.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNITED STATES AGRICULTURAL TRADE BALANCE WITH CHINA

HS Community groupings	In millions of dollars each year—			
	1996	1997	1998	1999
Total Agricultural Trade Balance	$1,512	$937	$615	-$218
01 Live Animals	6.2	6.1	4.3	3.9
02 Meat And Edible Meat Offal	64.2	61.8	53.4	58.3
03 Fish And Crustaceans, Molluscs, Other Aquatic	-179.5	-181.2	-228.9	-266.6
04 Dairy Produce; Birds' Eggs; Honey; Edible	-28.2	-16.8	-11.6	-14.8
05 Products Of Animal Origin, Nesoi	-65.2	-77.3	-96.2	-93.7
06 Live Trees And Other Plants; Bulbs, Roots	-6.2	-2.7	-2.5	-3.7
07 Edible Vegetables And Certain Roots, Tubers	-34.5	-36.8	-48.9	-55.8
08 Edible Fruit And Nuts; Peel Of Citrus Fruit	-20.1	-20.5	-13.3	-30.6
09 Coffee, Tea, Mate And Spices	-35.6	-38.8	-45.9	-43.1
10 Cereals (Wheat, Corn, Rice)		43.4	90.1	39.6
11 Milling Industry Products; Malt; Starches; Inulin;	-2.8	-3.3	-1.4	-1.2
12 Oil Seeds, Oleaginous Fruits; Misc Grain (Soybeans)	366.7	355.1	224.6	288.1
13 Lac; Gums; Resins And Other Vegetable Saps	-33.3	-49.4	-70.3	-44.9
14 Vegetable Plaiting Materials And Products	-4.4	-1.2	0.2	0.5
15 Animal Or Vegetable Fats And Oils (Soy Oil)	106.1	160.1	310.3	67.9
16 Edible Preparations Of Meat, Fish, Crustaceans	-23.6	-24.4	-22.6	-69.9
17 Sugars And Sugars Confectionary	-4.8	-7.9	-8.1	-7.8
18 Cocoa And Cocoa Preparations	-32.4	-42.4	-29.2	-15.2
19 Preparations Of Cereals, Flour, Starch Or Milk	-17.7	-16.1	-20.7	-23.1
20 Preparations Of Vegetables, Fruit, Nuts	-133.6	-146.2	-136.6	-118.9
21 Miscellaneous Edible Preparations	-9.1	-10.3	-8.4	-17.1
22 Beverages, Spirits And Vinegar	-6.1	-6.5	-6.4	-6.6
23 Residues And Waste From Food (Soy Residues)	131.2	103.4	187.1	25.7
24 Tobacco And Tobacco Substitutes	-7.4	-4.2	-4.3	-2.7
41 Raw Hides And Skins	115.6	134.5	157.4	126.3
520 Cotton: Not Carded/Combed	728.3	575.9	118.4	-12.3

Source: U.S. Department of Commerce, Bureau of the Census and MBG Information Services.

Mr. HOLLINGS. Mr. President, amongst all articles, you can see, generally speaking, China has a glut in agriculture. Their problem, of course, is transportation and distribution. But there is no question that once that problem is solved, that 7800 million farmers can certainly outproduce, if you please, the 3.5 million farmers in the United States.

All of the farm vote is in strong support of PNTR because they think, of course, it is going to enhance their agricultural trade. The fact is there are only a few here—the significant ones—and I have picked those out; cereals—wheat, corn, rice—and soybeans. Yes, there is a plus balance of trade in the cereals—wheat, corn, and rice—but it has gone from 440 million bushels down to 39 million bushels. With soybeans, it has gone from 366 million bushels, in the 4-year period, down to 288 million bushels.

So this particular amendment states that beginning on the first day of next year:

> [T]he President shall report to the Congress on the balance of trade between the United States and the People's Republic of China in cereals (wheat, corn, and rice) and on the balance of trade between the United States and the People's Republic of China in soybeans for the previous year.
>
> If the President reports a trade deficit in favor of the People's Republic of China . . . for cereals or for soybeans, then the President is authorized and requested to initiate negotiations to obtain additional commitments from the People's Republic of China to reduce or eliminate the imbalance.
>
> The President shall [also] report to the Congress the results of those negotiations . . . .

In a line last week, I saw the Prime Minister of Great Britain at the conference in New York. He was all stirred and upset with respect to 1,000 cashmere jobs in the United Kingdom. He was really going to bat for them. The story had his picture politicking, trying to convince the United States in particular not to take retaliatory action against his 1,000 cashmere jobs.

Here I stand, having lost 38,700 textile jobs in the State of South Carolina since NAFTA—over 400,000 nationally. According to the National Association of Manufacturers, we are going out of business. And I can't get the attention of the White House and I can't get the attention of Congress.

I thank the distinguished Senator from New York for permitting me to have these amendments called up and printed, and then, of course, obviously set aside. Let me take my turn in behind the distinguished Senator from Tennessee and the Senator from West Virginia. The Byrd amendment is up, and I think several others. I will take my turn.

But I want my colleagues to look at these reasonable, sensible, pleading kind of amendments so that we can fulfill, as a Congress, under the Constitution, article 1, section 8: The Congress of the United States shall regulate foreign commerce.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLARD). Without objection, it is so ordered.

Mr. LOTT. Mr. President, let me say again that I think we have made good progress. We have had good debate on both sides of the underlying China PNTR bill, and also on the amendments. But we are reaching the point where we really need to pick that speed up. We need to get an agreement on what amendments will be offered, time agreements for them to be debated, and votes. And we ought to do it tomorrow. Without that, certainly we will have to file cloture; and I may have to anyway. But I think the fair thing to do is give everybody who is serious a chance to offer amendments, have a time for debate on both sides, and then have votes.

I am going to try to get that started with this request. And we may have other requests. We are working on both sides of the aisle to identify amendments that really must be moved.

I just want to say to one and all that in the end we are going to get the bill to a conclusion. It is going to pass. We have been fair to everybody. But it is time now we begin to get to the closing. With a little help, we can finish this bill Thursday, or Friday, or, if not, early next week. I just have to begin to take action to make that happen so we can consider other issues.

I ask unanimous consent that a vote occur on or in relation to the pending Thompson amendment at 11 a.m. on Wednesday, and the time between 9:30 and 10:30 be equally divided in the usual form, and that no second-degree amendments be in order prior to the vote in relation to the amendment.

I further ask unanimous consent that a vote occur on the pending Byrd amendment immediately following the 11 a.m. vote and there be time between 10:30 and 11 a.m. for closing remarks on that amendment to be equally divided in the usual form.

Before the Chair rules, I want to say that if any objection is heard to this agreement, we will attempt to set two votes tomorrow on these or other issues beginning at 11 a.m.

Therefore, there will be no further votes this evening, and votes will occur at 11 a.m.—hopefully including the Thompson amendment in those 11 o'clock votes. But if there is a problem with that, then we will ask consent to put in place two of the other amendments.

With that, I ask the Chair to put the request to the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. Mr. President, reserving the right to object, I have a great deal of respect for Senator THOMPSON and the issues he has raised. The problem is these issues fit more closely on the Export Administration Act. They have not been considered in committee. I think they represent a very real problem in this bill. I think it is important that if we are going to debate issues such as this, they be not just fully debated but they be subject to amendment.

On that basis, let me yield. Senator ENZI wants to be recognized.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, reserving the right to object, there isn't just an amendment that is being put on. It is an entire bill—33 pages—of very important information that has been changed each and every time we have seen a copy. My staff and I on the International Trade Subcommittee of the Finance Committee have been working on these issues for a long time. We have tried to take this moving target and worked on some amendments that could be put on it. It would need to be extensively amended to keep both national security and industry moving forward in the United States.

On that basis, I have to object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, I believe there will be another consent request propounded later so that we can have two—the Byrd amendment and another—considered and voted on at 11 o'clock.

I note that the Senator from Tennessee will want to respond to the objection just heard.

Let me say on that issue that I have been supportive of the Export Administration Act and tried several different ways earlier to get that to the floor. There were problems raised by a number of our committee chairmen. We were not able to get that done. I think the Thompson amendment is a very serious and legitimate amendment that has been considered, and it should be voted on. I think we should go ahead and vote on it tomorrow. I think people know where we are. We ought to go ahead and have that vote and move on.

I also must say I am trying to get these votes done so that the largest number of Senators can be accommodated and be here for the vote.

I also want to say I don't know exactly what the Senator from Tennessee is going to do. But I predict right now that if we don't get this agreement to vote on the Thompson amendment tomorrow, we are going to vote on it at some point—I believe probably on or in relation to this bill.

I don't think it serves anybody's purpose to try to put this off or to object to it. In fact, it may make the situation worse, not better. I think we are ready to go. I think everybody knows how they are going to vote. I think while it may be a close vote, everybody pretty much is reconciled to getting it done tomorrow.

I regret that there was objection. I hope we can still find a way to get a vote on it in the next sequence that we will try to put together.

By the way, on the Export Administration Act, I believe we are prepared to try to find a way to consider that because I think we need to act on it, making sure that we consider national security interests. That, obviously, is an underlying factor on the Export Administration Act. I have no doubt that the Senator from Wyoming wouldn't be for it if he had any doubts in that area himself because he has worked so extensively on it.

The same thing applies on this amendment. Senator THOMPSON is trying to raise a general concern about national security interests. The Chinese are not complying with the nuclear proliferation regimes to which they have committed.

What worries me is we are going to have this vote, we are going to pass this bill, and in a month or 6 months we may have a lot of explaining to do. I spent 2 months trying to get a way to have this issue considered separately. That is the way it should have been considered. But it will be considered, I predict, before we get out of here.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. First, I thank the majority leader and agree with him completely on the proposition that we will have a vote on this issue. It might not be the exact wording of this bill, but we will have a vote on this issue.

We introduced this bill last May because, as chairman of the Governmental Affairs Committee, the committee that has jurisdiction on proliferation matters under the statute, we receive briefings, as a few committees do, on proliferation developments, for example. In that position, we have had numerous hearings and have been told there is a longstanding and growing threat because of proliferation of China, primarily, and Russia and North Korea.

We haven't had a lot of attention with regard to that, or a whole lot of interest, until we started discussing it in the context of trade. Trade interests everybody because there is money to be made. That is understandable. I am all for it.

We introduced this bill because we were told by our intelligence people that there was a threat to this country. I can't think of anything more serious that we could possibly be dealing with than a nuclear, biological, or chemical threat, and the fact that rogue nations are rapidly developing the capability to hit this country with all three of those. Let that sink in for a little bit.

All the time that we spend around here in budget and other votes that take up most of our time, trying to divide up the money, we are being told by our experts—whether it is the Rumsfeld Commission, the Deutch Commission, the Cox Commission, or the biennial intelligence assessment—there is a present danger and it is growing, and the Chinese are actually increasing their activities as far as missiles are concerned.

That is why we introduced the bill. People raise various objections. Last night some were saying the report that we want to have produced is too extensive and we might catch up some innocent Chinese companies that might later prove to be innocent when we accuse them of proliferating. Frankly, I am willing to take that risk.

We tried to get a separate vote. We said: Let's not put it on PNTR. Our amendment shouldn't be considered a trade measure. The bipartisan bill shouldn't be considered a trade bill. It is a proliferation bill. So let's discuss it in the context of our overall relationship with China, but don't force us to put it on the China trade bill.

No, you wouldn't have that. We couldn't have that. You wouldn't give me a separate vote on that because it might complicate things.

So I said OK, if you don't do that, I will put it on the bill. So I put it on bill. Senator TORRICELLI and I did. And now it is an amendment to the China trade bill.

They said: My goodness, we wish you wouldn't have done that. We wish it was a freestanding bill now that we see you are serious, but we can't possibly vote on it as an amendment to the trade bill because it might complicate the trade bill.

So we have gone through all of that.

Frankly, we were told from the minority side that our Democratic colleagues were the ones who sunk—a few over there were the ones who had a problem with this. We have discussed this since May and there have been some changes. Anybody who wanted to discuss this bill—and there were staffers from many, many Senators, Democrats and Republicans, who have worked with Senator TORRICELLI and my staff—anyone who wanted some input certainly had the opportunity to do that for months. There have been changes because we have been trying to accommodate the concerns: It is too tough; we didn't give the President enough discretion. We made changes because of that. We have been discussing this since May, with all of the foot-dragging that we have seen along the way.

We had a good debate last night, and we had a good debate today. We debated over sanctions and whether or not they were effective—things that we ought to be debating. Good things, good substance, important subjects that we ought to be debating, and raising the issue now. When we are obviously getting ready to engage in this new trade relationship with China, what better time to address the fact that they are the world's worst in selling weapons of mass destruction to these rogue nations.

We claim we need a national defense system because of the threat of these rogue nations. How can we talk to the Chinese Government without addressing it? That is what the debate has been about. It has been good.

Now it is time for a vote. I have been around here a few years. I don't remember another occasion where a colleague has objected to a vote under these circumstances. My Democratic colleagues have raised no objection, but my two good friends on this side of the aisle raise objections. I am sad to say that it appears the real objection all comes down to one of jurisdiction. My friend from Wyoming apparently believes this should be a part of his bill if it is going to be anything, the Export Administration Act; and that this should be presumably under the purview of the Banking Committee if it is going to be considered. He will have the opportunity to correct me if I am wrong, but I thought that is what I heard.

I think that is a sad set of circumstances, if after all of that we finally flush out the real reasons for the objection to even having a vote. Oppose it if you will, but the objection to even having a vote is because somebody got somebody else's jurisdiction.

All my colleagues should know that according to the Parliamentarian, this bill, if it were referred to committee, would be referred to the Foreign Relations Committee.

Let's look at some of the hearings we have had in the Governmental Affairs Committee. The Banking Committee has some jurisdiction with regard to export administration. The Governmental Affairs Committee has some jurisdiction with regard to proliferation. I can't believe we are even talking about this, but here goes. It is like kids squabbling in the back of the schoolbus.

If the issue is that nobody has paid any attention to this and nobody has had any hearings, this committee of jurisdiction, the Governmental Affairs Committee, in May of 2000, had a full committee hearing on export control implementation issues with respect to high-performance computers.

In April of 2000: Full committee hearing on the Wassenaar Arrangement and the future of the multilateral export controls;

February of 2000: Subcommittee on Internet Security, Proliferation and Federal Services hearing on National Intelligence Estimate on the Ballistic Missile Threat to the United States;

June of 1999: Full committee hearing on Interagency Inspector General's Report on the Export-Control Process for Dual-Use and Munitions List Commodities;

June of 1999: Full committee hearing on Dual-Use and Munitions List Export Control Processes and Implementation at the Department of Energy;

May of 1999: Subcommittee on International Security, Proliferation and Federal Services—that is Senator COCHRAN's subcommittee. He had a hearing on the Report of the House Select Committee on U.S. National Security and Military/Commercial Concerns with the People's Republic of China.

Senator COCHRAN's subcommittee, of course, has been in this area, the proliferation area, the missile area, the whole problem with China and Russia in particular, the problem with the rogue nations—Senator COCHRAN has been dealing with this for years and has put out published reports. The last one was within the last couple of weeks, for anybody who is interested.

September of 1998: Subcommittee on International Security, Proliferation and Federal Services hearing on GAO Reports on High Performance Computers;

June of 1998: Subcommittee on International Security, Proliferation and Federal Services hearing on the Adequacy of Commerce Department Satellite Export Controls;

March of 1998: Subcommittee on International Security, Proliferation and Federal Services hearing on the Comprehensive Test Ban Treaty and Nuclear Proliferation;

October of 1997: Subcommittee on International Security, Proliferation and Federal Services hearing on North Korean Missile Proliferation—again Senator COCHRAN's subcommittee. Once again, in September of 1997, his Subcommittee on International Security Proliferation and Federal Services had a hearing on Missile Proliferation in the Information Age.

In June of 1997, his subcommittee had a hearing on Proliferation and U.S. Export Controls.

In May of 1997, his subcommittee had a hearing on National Missile Defense and the ABM Treaty. Senator COCHRAN, of course, is chairman of this subcommittee. He is the leader on the national missile defense issue and has been for some time. Of course, again, it is directly relevant because the reason we are claiming we need a national missile defense is the very issue our amendment brings up.

April of 1997: Subcommittee on International Security—again, Senator

COCHRAN's subcommittee—hearing on Chinese Proliferation—Part II;

April of 1997: His subcommittee, Chinese Proliferation hearing, Part I.

So, for the uninformed, we have various committees here with various jurisdictions. Sometimes jurisdiction overlaps, where more than one committee has jurisdiction in the subject area. This is one of those cases.

Over the past 4 years, the Governmental Affairs Committee alone has held 15 hearings on proliferation; over 30 hearings have been held by my committee, the Armed Services Committee, and in the Foreign Relations Committee. Furthermore, this legislation has the full support of the chairman of jurisdiction, Senator HELMS, chairman of the Foreign Relations Committee. The issue of proliferation, of course, has had a full, full consideration for some time now.

So we will have an opportunity to discuss this further, including further tonight. I don't know if anyone wants to speak to this. I will give them the opportunity, give my colleague from Wyoming an opportunity to further address it. But it is a sad situation, when our country faces this kind of threat, that we cannot even get a vote on an amendment that would address that threat.

Vote it down if you must. Oppose it if you will. But the very idea of us not having a vote because it has not been considered enough by the right committee or that it is more properly a part of somebody else's bill instead of our bill? Surely it has not come to that.

I will yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I thank the Senator from Tennessee for his comments. I want to assure him I am not doing this on a jurisdictional basis. I am a little incensed at the implication of that accusation, and, in the objection I raised, I did not mention anything about jurisdiction. In the speech I gave yesterday, I didn't mention anything about jurisdiction. I mentioned the concerns about items that are in this bill and there are amendments that would need to be made to this bill. I am sure, if it went through the normal process—and one of the things I am learning about here is process. I learned a lot about process as I did the bill my colleague mentioned, the Export Administration Act. I took it through a process. I got a 20-0 vote on it. I brought it to the floor. I learned a little bit about process that sometimes, even when you think you have the right to bring it up on the floor, people can object after that point and you can have it taken down. But it went through a process there. That process has undoubtedly been effectively stopped for this year. I have not been whining about that.

But I did learn a lot of things through that process because it involved going into a number of the reports the Senator from Tennessee has mentioned. I did not just go through the public part of those reports. I took the time to go over to the Intelligence Committee and have the special briefings and read the documents from a number of the things that have been cited, and particularly the Cox report. So I learned a lot of things about these areas of problems.

There are some problems there, and they need to be solved, but they ought to be solved through the regular process so we do not wind up with some things we are going to be embarrassed by, or believe are lacking, or have pointed out to us later that just a little bit more deliberation would have changed.

We have been suggesting changes. We can make some amendments. It is very difficult to go into another person's bill and make extensive amendments, but we have mentioned the need for some pretty extensive amendments. I am certain if this would have gone through the process of going through the Foreign Relations Committee first—not just hearings. Hearings are valuable. They build some basis for building things. I know these extensive hearings that have been done are where this bill came from. But it goes through another step in that process called a markup. That is where very detailed amendments are made to a bill by people who have a wide knowledge of the items that are included. It is kind of a free-for-all, putting on amendments. A number of them do not make it and should not make it. But it gives a more thorough review than if one of us drafts a bill, or two of us get together and draft a bill, and then occasionally talk to other people and occasionally listen to part of their criticisms but discard large parts of their criticism.

I know this bill was originally drafted in May and we have been registering objections to things that are in it since May. They have been tweaked a little bit, and part of the process is, if you are not going to make the changes, then you have to go through this process here on the floor, which the Senate designs to be an extremely excruciating one—as I learned on my EAA bill.

It is a part of the process. There needs to be additional work on it. There needs to be additional amendments.

As I mentioned yesterday, if one listens to the debate, it sounds as if we can solve the export-import imbalance by doing PNTR, and that is not going to happen. The way that imbalance gets solved is if U.S. folks stop buying Chinese products or we get extensive sales over there. Extensive sales over there probably is not going to happen because the people over there on an average wage do not make much, so they cannot buy much. We do have a hope of getting in the door with some of the bigger equipment items. To listen to the debate, everything will be solved by PNTR, and that is not going to happen.

I have to congratulate the Senator from Tennessee for the title he put on the bill. I noticed when he expanded the bill to include a couple of other countries in light of our objection, that it was aimed solely at China and they are not the only proliferators. A couple of others were stuck in there. But the title was not changed because the title is so great. One of the things I learned a long time ago in legislation is one does not vote on a bill because of a good title. One votes on it because it is good through and through.

Those have been the reasons for my objections. I am sorry if the Senator from Tennessee put in all of that work. This delays his plan for a vote, but it does not stop it.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Mr. President, first, I am sorry if I drew the wrong conclusion this might be jurisdictional. When the Senator mentioned this would be a better part of the Export Administration Act legislation, which happens to be his legislation, and it was not referred to the right committee, I just thought that might be jurisdictional. That is where I got that idea. If he resents that implication, I am sorry, but that is the source of that idea.

I think back to a time not too long ago when the Senator from Wyoming and the Senator from Texas worked long and hard on a bill called the Export Administration Act. Several of us who are committee chairmen had problems with that because of some of the same things we are talking about.

In my view, and I think my colleagues' view, it liberalized our export rules at a time when we should have been tightening them up. The chairman of the Armed Services Committee, the chairman of the Intelligence Committee, the chairman of the Foreign Relations Committee, and myself as chairman of the Governmental Affairs Committee, looked at this and said that it had some major problems. The statement was made by the sponsors of the bill that they would not bring it up, as I recall, without our signing off on it, and we never signed off on it.

If the hangup here is the fact my colleagues have not gotten a vote on their Export Administration Act, I suggest they offer it as an amendment to my amendment. Let's have a second-degree amendment. If that is the problem, then let's have a vote on both of them.

Let's be frank with each other. The Senator's opposition is the same opposition and arguments in many respects that we have heard from four other amendments that have been considered. The only difference is we have had votes on those four other amendments. The Senator was not over here complaining that we had not had sufficient process, I guess, with regard to the Wellstone amendment or the Byrd amendment or the Hollings amendment or the Helms amendment. The process was OK with regard to those, but now we have an amendment, the only amendment that deals with a direct threat to this Nation, and we are talking about process.

One of the big complaints of the opponents of the Thompson-Torricelli amendment has been that we have changed it so much they hardly know what is going on here anymore. The reason we changed it is we kept responding to the complaints. Staffs met numerous times. Everybody knew these meetings were going on. It was not an open forum for somebody to come down and lay down a bunch of requirements if they did not get what they wanted the first day, leave, and not show up again. It was an open, rolling forum with various staff members.

I sat in on an occasion or two. It was very open since May that we were talking about trying to come together because we all appreciate the proliferation problem and we need to do something.

While we are talking about trade with China, we ought to be talking with them also about the fact they are endangering this country by arming these rogue nations, and we tried to work it out. Some Members objected. We had mandatory sanctions and they said we did not give the President enough discretion. We gave him more discretion. Some people claimed we are singling out the Chinese; it will make them angry; and it will be counterproductive. We broadened it. Some people claimed we were giving Congress too much authority; that any Member of Congress could come in and have a vote to override a Presidential decision in this regard, so we raised the requirement to 20 Members. There have to be 20 Members who have to have that concern. We made all of these changes.

Now I understand the complaint is that we did not change it enough, or is it the process? Is that process? Is that a process issue? There are still problems with it. Everybody who has spoken against this bill has raised problems with it, but none of them have raised an objection to taking a vote.

I just received the latest in a series of fliers I have been graced with over the last several days; this one from an industry coalition. The first thing we got today was a report from the president of the Chamber of Commerce who came out against our bill. Somebody told me they were at a Chamber of Commerce meeting not long ago and they mentioned my bill, and most of the people there broke into applause. I ought to be careful talking about the Chamber of Commerce.

This is coming from the president of the Chamber of Commerce, who I do not think speaks for the average business person in America on this issue. Let's get that straight. First of all, he complains that it is limited to one country—obviously, he has not read the bill—that if we do this, it will effectively kill the bill, not that we have this serious problem and we should do something about it, but effectively it will kill the bill.

Then he says he is getting ready to leave for a tour of Asia and going to wind up in Beijing, but before he leaves, he delivers his last salvo against my amendment, purporting to speak for all the members, I suppose, of the Chamber of Commerce. I hope while he is in Beijing, he will ask them to quit selling weapons of mass destruction to our enemies. I hope that is on his agenda while he is talking about his trade.

The latest has been a sheet put out by the High-Tech Industry Coalition on China, the American Electronics Association, Business Software Alliance, Computer Systems Policy Project, Computer Technology Industry Association, Consumer Electronics Association, Electronic Industry Alliance, Information Technology Industry Council, National Venture Capital Association, Semiconductor Industry Association, Semiconductor Equipment Materials International, Software and Information Industry Association, Telecommunications Industry Association, and United States Information Technology Offices.

All of them have joined together to put out this opposition sheet to this bill. Some people have been so crass as to imply that maybe it was this feverish lobbying that is going on from exporters that might have something to do with the opposition to this bill.

But I have the greatest respect, from what I know, about this entire group here. Our high-tech industry has done phenomenally well. They are creative. They have contributed mightily to our economy. They want to export; I understand that. They want to make more money; I understand that. God bless them. More power to them. But I do not see any association listed on here that has any responsibility for the protection of this country.

We can vote on human rights, religious freedom, and all the other important things, but the only thing that poses a danger to this country we can't get a vote on because we didn't go through the "process" because it needs to go back to a committee. The chairman of that committee gave the most eloquent statement that has been given on behalf of my amendment. One Senator just said he wants to send it to a committee that does not want it, whose chairman, Senator HELMS, says we do not need it; that we have had enough hearings; that we know what the problem is.

Give me a break. There will be a vote on this issue. But let's get back to the latest salvo, which may or may not have something to do with what we are dealing with tonight. The information they are putting out says this undercuts China PNTR; that it will undo PNTR; that it will return us to inflammatory annual votes on China.

I have been involved in a few annual votes on China. I do not remember the flames, but be that as it may, this will not kill PNTR. The die is cast on PNTR. The House has passed PNTR. We are going to pass PNTR. The only issue is whether or not in doing so, we raise the issue with our new "strategic trading partners," the issue that we are making this world a more dangerous one.

The House passed it by a 40-vote margin. Are you here to tell me that if we passed it and added on a nuclear proliferation component, that it would make it more difficult for the House to pass it again? It would have to go back to the House if we add anything new. So for the folks who might be listening and watching, the deal is, they say: You can't pass the Thompson amendment because it is different from what the House passed. If you make any changes, it has to go back to the House for another vote, and they might not vote for it again. That is the bottom-line argument for those who oppose this amendment.

My first response is, so what. If we have a serious national security problem and issue that is paramount, it begs the question: Is this problem serious enough for us to address? I can join issue on that argument and respect my friends who disagree with it. But don't tell me that even though it may be that serious, we can't add it on over here because the House might have to take another vote. That is an insult to this body. Since when did we stop being the world's greatest deliberative body and become a rubber stamp for the House of Representatives?

The practical answer to this particular accusation is that it will not kill PNTR. Before the sun sets, they will have it back over there, and they will revote on it. Nobody is going to go into an election just having cast a vote for it and then a vote against it, and the vote against it has a proliferation tag-on. That is going to make it more difficult to vote for it? Give me a break.

Please, be serious in your arguments, I say to my friends. There are some serious arguments to be had around here. I had a good discussion with the Senator from Kansas today on sanctions in general—a good discussion. But don't tell me, as a Senator, I have to rubber stamp something, when the House of Representatives identifies problems—

religious persecution, slave labor, Radio Free Asia—and then it comes over here, and we can't identify the only thing that is a threat to this Nation.

All those things are things that ought to be identified. They were correct in doing that. But to tell us that we have to rubber stamp it, that the benefits of PNTR to this country are so great, and so obvious, and so overwhelming, and so clear, that we are afraid to risk letting the House, with a 40-vote margin, with a nuclear proliferation add-on, have another shot at it because it is going to cost us a few more days—while the Chinese Government, as we speak, is trying to undercut the WTO agreement. That is just kind of a sideline. We see this in the paper now. We understand. They are trying to mess with Taiwan coming into the WTO later. They are trying to renege on some of the agreements that they have previously made in their bilateral agreement with us. They must not have any respect at all for us right now. We have danced to their tune now for a few years. We do not make any big fuss about the theft of nuclear secrets. We say: Boys will be boys. Everybody does that.

The Chinese military puts money into our campaigns, and they say, again: Maybe the higher-ups didn't know about it. We give them WTO. We give them a veto on a national missile defense system. That is the reason the President put off that decision, because the Russians and the Chinese objected to it.

We send delegations over there asking them to please stop their proliferation activities. They give us the back of their hand and say: We're going to continue our activities as long as you continue with the missile defense system and your friendship with Taiwan.

Then the President meets Jiang Zemin at the Waldorf in New York on Friday. According to the New York Times, the President once again raised the issue of what they were doing with regard to Pakistan. They have outfitted Pakistan. They took a nation, a small nation with no nuclear capability, and have outfitted Pakistan, soup to nuts. Not only do they have missiles, M-11 missiles, goodness knows what else, but they now have, apparently, missile plants where they can make their own.

The Chinese are probably ready to sign a new agreement now not to ship any more in there. They do not need to. They have equipped Pakistan so they can do it themselves. They have made that place a tinderbox. So the President rightfully brings this up, according to the New York Times.

Jiang Zemin's response, apparently, according to the New York Times, was to smile, wish the President well on his pending retirement, and to thank him for his assistance in getting them into the WTO. They must not have much respect for us anymore.

And we are over here saying we are afraid to give our House of Representatives another vote on this, regardless of the merits of the case. It would kill, as they say, the PNTR. They are incorrect. They are wrong. They are brilliant people. They have contributed mightily to our economy. I am talking about all these high-tech people. I want to help them in every way I can. I am with them on most things. But they do not know this subject. We are supposed to know it. We are given access to classified information. We are paid the big bucks to spend long hours poring over these documents that the intelligence people bring to us—and the Rumsfeld Commission and the Deutch Commission and the Cox Commission, and all the rest. It is not their responsibility.

But they are papering this town. I said today, you can't stir the lobbyists with a stick. Everybody is petrified of this amendment. I think the reason is because they fear it will irritate the Chinese and maybe cause us some problems, trade retaliation, or something like that. But the Chinese want this mightily. They want this PNTR badly. They have a $69 billion trade surplus with us.

There will be no killing of that golden goose. They are not foolish people.

They also said that it is ineffective because it is a unilateral sanction. Unilateral sanctions rarely achieve the intended results of the targeted country, but they penalize American companies, workers, and investments. Let me tell you when an American company or worker would be penalized. If we catch the Chinese entities selling missile parts or the ability to make bombs, nuclear weapons, to Libya, let's say, then we are going to cut off military and dual use that can be used for military purposes, we are going to cut those sales off. So if you make those items, you are going to be affected. The President has the discretion—let me add that—and it does not happen automatically.

The process, under our bill, is that we have a report. Our intelligence agencies give a report. It identifies these entities, companies that are doing these things. Then our President has the discretion or he has to make a determination, depending on the category, but it is within his power to exercise the appropriate remedy. We are not talking about cutting off sales of wheat or food or shoes—we would not be selling them shoes—or any other commodity. We are talking about munitions and dual-use items.

If you are affected by that, you will be affected by this bill. I don't know about the company president, but I will bet you, if you said to the average worker—that is 2 percent, by the way, of our dual use and munitions; our entire trade with China is 2 percent of our exports; 2 percent is what we are so afraid of here—if you said to the average worker: we are going to impose these restrictions or these sanctions on China for a year to try to get them to clean up their act because we have caught these Chinese companies doing these things. Obviously, it is going to make it a more dangerous place for your kids if we keep on down this road. We need to get their attention. It is going to mean some loss of sales for the company you work for. Do you think we ought to do it?

I don't think there is any question about that. I have more faith and confidence in the American worker and the American farmer.

They talk about farmers being concerned. Well, agriculture is not directly affected, but what if the Chinese get mad at us and decide to cut off some of our agricultural exports?

I think my Tennessee farmers are willing to take that chance. If that is the price we have to pay to sell corn, then that is too high a price to pay. I am like all these other agriculture Senators here. I have agriculture. I have farmers. They are concerned about these issues. But they are also very patriotic. When you come right down to it, there are a lot of organizations running around using the names of various people, but when you come right down to the workers of America and the farmers of America, you are not cutting off exports of goods across the spectrum, and you are certainly not cutting off agricultural exports. They would see through that. They would say, well, yes, there is an indirect possibility, if I am in a certain area, that there might be some ramifications down the road. But if that possibility were to occur, if that is what I have to do to help make this place a little bit safer and get their attention because, goodness knows, if we can't get their attention while we are about to give them this trade bill, we are never going to get their attention. I think they would be willing to go along with that.

What else do they say? It duplicates current U.S. proliferation laws. The last point was the unilateral sanction. Of course, this was drafted by some lobbyists downtown. We all know that that works for these folks. All the points are always the same. They hand them around town. Everybody uses them. Do you really think their real concern is that these sanctions won't work or that we are duplicating current laws? Is that what is stirring up all this activity, that we are being inefficient in some way? Please.

Unilateral sanctions don't work. Well, some don't. And there is a chance these might not. But there is a good chance they might.

Why is the Chinese Government so upset? If you read the French newspapers—and I assure you, they are translated in English before I read them—or the Chinese, you will see that there is tremendous consternation over the Thompson-Torricelli amendment. Why do you think that is, if we are only duplicating what is already on the books and unilateral sanctions don't work? Do you think they are concerned because we are about to do something that doesn't work, or do you think they are going to maybe think twice before they continue their activity because they know that at least the Congress is serious about this? They are going to continue to get highlighted and embarrassed in the world community for making this a more dangerous world. I think it is the latter.

I have had Mr. Berger, the President's national security adviser, tell me that on occasions when they have actually used or threatened unilateral action in times past, that it has had an effect. I don't think they have done it nearly enough, and we have strong disagreements about that. That is part of the problem we have had. They have gone around the barn to apologize for 95 percent of what the Chinese Government has done here. That is the reason we are here tonight. But when they have on occasion done this, he has told me it has had effect.

You can't have it both ways. Unilateral sanctions sometimes do work. We are not talking about these blanket agricultural sanctions or going towards some particular country. We are going to the supplier and saying that we are going to cut off the relevant goods and items if we continue to catch you doing these things that you are flaunting disrespectfully.

Unilateral sanctions undercut PNTR, will kill PNTR, and duplicates current laws. To a certain extent that is right. There are laws on the books now that require sanctions, just as we are proposing, or close to it.

So you say, THOMPSON, why are you doing this? Well, because we have other provisions, such as a little more congressional oversight, such as a more extensive report where it would make it more difficult for a President to game the system and do what President Clinton said he had to do on occasion—that is, to fudge the facts—because if he made a finding against a company that he didn't want to move against for diplomatic reasons, the law would require him to do that. He didn't want to do that.

What this does is make it more transparent. The President can still do it, but he has to give Congress a reason why he is not imposing sanctions on an entity that has been found to have been selling weapons of mass destruction.

While it duplicates current law in many respects, which is a point in our favor because we are not doing something new and dangerous and onerous and burdensome, the President should already be doing some of these things. What we are doing is saying, yes, that, but also in addition to that, a mechanism whereby we can have some enforcement to it, have some congressional oversight and highlight the fact that the President has some options here.

The President can address the capital markets issue. One of the things the opponents have complained about is the fact that our bill actually gives the President the authority to say to a particular Chinese company or, for that matter, a Russian or a North Korean company, but the big players right now, such as Petro China or the Chinese companies, raising billions of dollars in our stock markets, in the New York Stock Exchange, going back, in some cases, to enhance the Chinese military—and in many cases, according to the Deutch Commission and according to the Cox committee, these are proliferators of weapons of mass destruction, raising all this money in our capital markets. How many people know about that? You know, we don't want to close our capital markets. We can't do that without thought. But, for goodness' sake, that is a privilege; that is not a right for them to come in and raise money from our people who do not know who they are dealing with—raise billions of dollars, while at the same time selling stuff that is making the world more dangerous for that investor's kids. Do we really want to keep financing these people that way? I don't think so.

According to this latest leaflet, it is inconsistent with current nonproliferation regimes. It would be activated by a hair-trigger mechanism—a hair-trigger mechanism—based on credible information. Well, that just comes from a misunderstanding of the law and what the bill says.

What the bill says is that if you get credible information that they are doing these things, you have to put it in the report. That is the only thing it activates. That is the hair-trigger they are talking about. If our intelligence people find that you are selling these things to these rogue nations, you have to put it in the report.

Now, the President takes a look at that. If it has to do with a country, he has total discretion as to what to do. If it has to do with a company, an entity, say a state-owned company in China, as so many of them are, the President has to make a determination that in fact the credible evidence is true. Then the President has an option to have a waiver. Even after he makes a determination that the allegations are true, he still has a waiver that he can exercise before all of this happens, before any sanctions are levied. That is the hair-trigger they are talking about.

They are just misinforming folks. I think it comes from a lack of understanding of what is in the bill. Somebody downtown, hopefully, will read it more carefully. You can have a lot of complaints about it, and so be it, but let's not misrepresent what it does. There is no hair-trigger, there is no automatic sanction, no automatic anything; it is discretionary with the President. If it is credible evidence, it goes into the report.

Some people say: Well, it might be credible evidence, but it might not be proof beyond a reasonable doubt; we might catch up some innocent Chinese company. We are not trying a criminal lawsuit here. We are talking about information to go into a report for the American people to see and for Congress to see. If it turns out we are incorrect, we can correct that when the time comes.

I don't want to be callous about this just because they are Chinese companies and maybe had proliferation problems in the past. I don't want to accuse anybody of anything of which they are not guilty. My guess is, if our intelligence community takes the time and effort and concludes that this information is credible enough to go into the report, they probably did it. Considering the fact that they are the world's leading proliferators of weapons of mass destruction, somebody over there is doing it—not proof beyond a reasonable doubt, but, then again, we are not putting anybody in the penitentiary. We are trying to protect the American people.

> Contains automatic overbroad sanctions. The bill mandates automatic U.S. sanctions against any private or governmental entity, even for acquisition of commodity level products.

Somebody is not paying attention, are they? "Mandates automatic U.S. sanctions." It is just not true. The bill doesn't do that. There is nothing automatic about it. It is within the power and determination of the President if he chooses to do that. Then he has a waiver if he wants to use that. It is a modest step.

I think this report is the most important part of this legislation. It is a more extensive report. We get these halfway jobs, summaries, but this is a more extensive report. The President will know we are getting it, and we will have a dialog about who is on it and why and to the extent the President is doing anything about it. The report requires the President to tell us what he intends to do about it. He doesn't have to do anything. But there is the pressure, I would think, for most Presidents, to want to have a pretty good reason if they didn't choose to do anything about it once that credible evidence was there.

So, my friends who may be listening to this, there is an awful lot of false information going around. I know these people didn't intend to do this. They are in the business of advancing technology. They are the world's best, and

God bless them. But they are not in this business. Somebody downtown is doing this who wants to win too badly. There are no automatic sanctions.

> Underwent an inadequate public process.

Well, we are getting back to my friends from Wyoming and Texas.

> Deserves a full vetting by the Senate, not the hurried and nonpublic process that has characterized the consideration of this bill. Subsequent drafts and basic proposals have not addressed the bill's deficiencies. Should not be substituted for critical processes, such as public hearings.

In other words, we haven't had any public hearings. Somebody is not paying attention. I just read off two pages of the public hearings that we have had on this general subject matter. Nobody paid attention then because trade was not involved; it was only national security. Now they are shocked to find out that all this time we have been having public hearings, and we have been getting the reports from bipartisan commissions all this time warning us, warning Congress, warning the American citizens, that it is becoming more dangerous. Countries such as North Korea will have the capability of hitting us within 5 years of their decision to do so. We know that some time ago they decided to have that capability. We know that some years ago they already decided to have the capability.

Shortly after we got the report, they fired a two-stage rocket over the country of Japan—another one of our allies. I guess, now that I think about it, that delivered more than one message, didn't it? It told the good old USA: Yes, we have that capability that you are debating over there. This is what we have. It shocked our intelligence community and surprised us. The Rumsfeld Commission told us they feared that was the case, and then they showed us the capability. Of course, Japan is one of our closest allies. So I suppose that accentuated it.

So we have gone through all that. How much does it take? And now my friends from Texas and Wyoming say we can't have a vote. We can't even have a vote on an issue that poses a direct threat to the security of this Nation because it hasn't sufficiently gone through the process.

Then we had the Deutch Commission telling us some of the same things. And then the Cox Commission told us that, relevant to our export laws, the Chinese Government was using our technology and the supercomputers we were sending to them to perfect and enhance their nuclear capability.

Was it Lenin who said, "The U.S. would sell the rope with which to hang itself"?

That is what that issue is all about. That is serious business. That opens another whole question about our export laws. That is why we have this debate and concern. My friends from Wyoming and Texas and I disagreed. So did these other Senators from various other committees, chairmen of these committees. It wasn't just me. At this particular time, while we can't put the genie back in the bottle, we can't keep technology from circling the globe eventually. But there is great dispute among experts as to what people can get their hands on and how long it will take other countries to get their hands on our technology. We shouldn't ship it out willy-nilly and let the Commerce Department decide. Some of our friends would let the Commerce Department decide whether or not these things ought to be sent around. The Commerce Department is in the business of business. Again, more power to them. But this is not a commerce issue. This is a national security issue. We should not be blind to our commercial interests, and we should not be unreasonable about that.

But there are more important things than whether we should be loosening our export laws and saying, well, if we can make it, everybody is going to have it eventually. So we might as well give it to them tomorrow. Even if we are able to slow them down somewhat, this is a dangerous world. I am looking to the day we find out the direct proof that one of these rogue nations has what we shipped to China and China just passed it along. I assume it has already happened, but we don't have any proof of that. That is what all of this is really about, in my opinion.

It goes on to say here—this is the last objection—it provides for dangerous procedures and fast-track procedures would inevitably lead to highly politicized annual votes.

Our bill, of course, says the President's actions have been, frankly, inadequate. I think some of President Clinton's actions have been totally inadequate with regard to some of these decisions.

Our intelligence has proof that the Chinese Government sent M–11 missiles to Pakistan, and the response from the State Department is: No. We are not going to impose sanctions there because we cannot prove it. We only see canisters on the ground that we know were put there by the Chinese on Pakistani docks. But we do not really know that there are missiles inside the canisters.

What can you say to that?

Then there was another occasion where we proved that they sent ring magnets to the Pakistanis, and those go to enhance the uranium enrichment process that goes into these nuclear weapons. The answer there was that we did not have sufficient proof that those high up enough in the Chinese Government really signed off on that.

We are requiring courtroom-level proof. Instead of requiring them to bear the burden, you had better prove to us that you didn't do it because it sure looks as if you did it. No, we are putting the burden on ourselves to have a level of proof that no one can ever reach because our diplomats and some of our administration officials are living in another world. They think if they can continue to dialog with the leadership of the Communist Chinese Government that things are going to magically fall into place.

In this bill we said if we run into one of those situations Congress ought to have some input. Congress hasn't done enough in this regard. We can't sit back and say that we can't mess with the President's authority. We have done that too much—go into wars, and everything else—partially under the jurisdiction of this body. And we really do not want to take the political heat for making the decisions.

Our tendency, it seems to me nowadays, is to sit back and let the President do the tough stuff and make those decisions. We will criticize him every once in a while. We don't want to be involved. That exposes us to criticism if we make a mistake.

If you look at the national political polls, national security and foreign affairs ranks, only 2 percent of the people in this country would put it at the top of their area of concern—2 percent. That doesn't get the attention of a lot of people around here. So we sit back. We have done it too long. The problem is that this administration has sat back right along with us. The result of that has been a more dangerous world.

We signal to our allies that we claim we need a national missile defense system because of rogue nations. But the signal is we are really not that worried about it; Trade is more important. We are signaling to the leadership of the Chinese Government that we may or may not be concerned about this. We may issue a sanction in one out of every five times we catch it.

That is still going to lead to a more dangerous world because they somewhere along the line are going to misjudge how far we will go in response to some action.

What we need to do is have something right now that is measured, that is reasonable, and that is not extreme to put in place to simply send a signal that while we are approving the trade bill, that trade is not the only thing that is important to us and that we are going to blow the whistle on them and maybe cut off some of their dual-use technology. Yes—perhaps even with hardship on one or more of those conferences. That is the signal we need to send.

So we fashioned the provision in this bill that said if 20 Senators agree that we should disagree with the President's action—that we think it is clear and he is doing nothing, or that we think it is not so clear and he is doing something and we believe we should become involved—if 20 of us think that way, we can become involved in a variety of actions. He can veto that. Or it would take a tremendously unusual situation for us to actually get anything done, quite frankly. Everybody knows that. I know that. Overriding the President's veto on something like that would be tremendous. It would have to be an egregious situation. That is the kind of thing we need to signal to the world that we are willing to do, at least in an egregious situation.

They say that it is dangerous. I say to them that we already have 60 laws on the books that in one form or another have this general procedure I just described. They are making it look as if it is a dangerous, unusual thing. We have at least 60 laws on the books which provide for expedited procedure in one way or another.

We will have an opportunity to discuss this further. As I say, I particularly want to get a vote on this. I guess. I am having a hard time absorbing what has happened here. After all of this debate, all of this discussion, this clearly would not cause any harm and would not cause any problem, except some people think it would complicate the trade bill. It is not as if we are about to do something dangerous or we are about to do something where some of our critics say the law is already on the books and you don't need to do it. That is the level of danger we are talking about.

Our colleagues are keeping us from even having a vote. And we let all of these other things go? The Senator from Wyoming and the Senator from Texas say we haven't gone through the process enough. It has nothing to do with the fact that we couldn't get our Export Administration Act up for a vote, or chose not to. Frankly, I don't know which. If that is the case, that is the case. I take them at their word. I don't want to accuse them of having jurisdictional concerns. I say when it is in the wrong committee and it is on the wrong bill, to me that is a jurisdictional problem. If I am using the wrong word, I apologize. But the very idea that in light of this threat and in light of the good debate that we have had—and we have pros and cons on the Republican side and pros and cons on the Democratic side as to whether or not we ought to pass this. We have had a good debate. We are talking about one of the few things that really matter around here.

Our first obligation in the preamble of our Constitution is the reason for the creation of this Government, the kind of matters we are considering here tonight.

To come down to this, after all these hearings and all this time, with no one denying the nature of the threat, saying it needs to be sent to the committee of jurisdiction—they know by now, of course, that the Parliamentarian has said it would go to the Foreign Relations Committee; it would not even go to their Banking Committee. The only problem they have with that is Senator HELMS is chairman of the Foreign Relations Committee and says he doesn't want that to happen. He wants my amendment to pass.

I don't understand. It has nothing to do with anything other than some jurisdiction. We need to go back and massage this a little bit more, send it back to a committee that doesn't want it. Maybe we can offer some amendments. Why not offer it now, I ask my friends from Wyoming and Texas. If you want to offer amendments, offer them now. I don't understand the nature of the problem. I cannot for the life of me understand the nature of the problem.

But we will have a chance, perhaps, to explore that further.

I yield the floor.

Mr. BAUCUS. Mr. President, we have heard a lot on the Senate floor the last few days about the advantages to the United States of granting PNTR to China. In commercial terms, PNTR means that American farmers, ranchers, workers, manufacturers, and service providers can take advantage of what will be an unprecedented liberalization in the world's most populous market, and an economy that has grown almost ten percent annually for two decades. PNTR and China's accession to the WTO means that China will enter the global trade community, liberalize and open up much of its economy, and be subject to the operating rules and regulations of the WTO.

I would like to focus my remarks on the effect of PNTR on one very important sector of America's economy—agriculture.

We are in the third year of a severe agricultural crisis in the United States. Our farmers are suffering terribly from drought, record low prices, increased costs, and now damage due to unprecedented forest fires this summer. At the same time, the American food market is a mature one with almost no room for growth for our farmers and ranchers. Therefore, one part of the solution to the agricultural crisis lies in increasing the quantity and value of our agricultural exports, bringing the products of the world's most efficient farming to the people of the world.

That means ensuring that our producers are not besieged by dumped imports. That means our producers need time to adjust to surges in imports. That means working to dismantle the European Union's system of massive trade-distorting export subsidies to its farmers. That means reversing the trends that have reduced our agricultural exports by ten billion dollars since 1996. And that means bringing China into the WTO and granting them PNTR so that our farmers and ranchers can benefit from the significant liberalization commitments that China is making.

Let me review those changes that China has agreed to make as part of its WTO accession commitments. And remember, if we don't grant China PNTR, our competitors can take advantage of this new liberalization in China, while our ranchers and farmers will lose out.

First, the US-China Agricultural Cooperation Agreement. Although this was technically separate from China's negotiations for WTO accession, it was an integral part of our bilateral negotiations. This agricultural agreement provides three specific benefits to American producers.

On wheat, China agreed to end a thirty year ban on Pacific Northwest wheat. This ban was based on spurious sanitary and phyto-sanitary standards. We completed the first shipment of Pacific Northwest wheat to China earlier this year.

On beef, under the agricultural agreement, China will accept meat and poultry from all USDA Food Safety Inspection Service-approved plants, honoring USDA inspection certificates.

On citrus, the agreement provided for a series of measures that would approve citrus for export to China. Chinese officials made several inspection trips to the United States, and the first shipment occurred earlier this year.

Second, China made significant trade concessions on bulk commodities. For example, China agreed to a tariff rate quota on wheat of 7.3 million metric tons for its first year of membership in the WTO, increasing to 9.6 million tons in 2004. This contrasts with recent annual import of wheat at around two million tons. Ten percent of the tariff rate quota will be allocated to non-state trading entities. If state trading entities do not use their portion of the quota, the unused part will be given to non-state entities. Tariff rate quotas at similarly high levels will also be in effect for other commodities such as corn, cotton, rice, and soybean oil.

Third, tariffs themselves will be cut significantly. By January, 2004, the overall average for agricultural products of importance to the United States will drop from 31 percent to 14 percent. Beef goes down from 45 percent to 12 percent for frozen and to 25 percent for fresh. Pork drops from 20 percent to 12 percent. Poultry goes from 20 percent to 10 percent.

Fourth, foreigners will have the right to distribute imported products without going through a state-trading enterprise or middleman.

Fifth, China has committed not to use export subsidies for agricultural products. They have also committed to cap, and then reduce, trade-distorting domestic subsidies.

Sixth, there are several provisions that most people think apply only to manufactured goods, but, in fact, apply to agriculture as well. The United States can continue to use our nonmarket economy methodology in antidumping cases for 15 years, an important protection against dumped Chinese products. Also, for the next 12 years, we can take safeguard measures against specific products from China that cause, or threaten to cause, disruption in our market.

In short, once we grant China PNTR and the WTO accession process concludes, our farmers, ranchers, and food processors can begin to take advantage of vast new opportunities in China. Americans need to move aggressively to follow-up on these Chinese commitments. And we in the Congress and in the Executive Branch must put resources into monitoring closely Chinese compliance with those commitments.

Following my own advice about follow up, I will lead a delegation of Montana ranchers, farmers, and business people to China in December. I encourage all my Congressional colleagues to do likewise. I have also sent a letter to Chinese Premier Zhu Rongji insisting that China fully comply with its agriculture commitments.

We have a lot to do in the Congress this year and next to help our farm economy. Approving PNTR is one important part of that agenda.

Mrs. FEINSTEIN. Mr. President, I would like to explain why I oppose all amendments offered to H.R. 4444, a bill to establish Permanent Normal Trade Relations (PNTR) with China.

Much is at stake here: the effects of this vote may be felt for years to come. I am convinced that amendments at this stage create a procedural problem that could derail passage of this important bill. Adopting any amendments would mean sending this bill to conference, where it could become mired in wrangling over differences of language and content. It is clear to me that we do not have time remaining in this Congress to resolve a bicameral conflict over this bill. We can allow nothing to interfere with what may be this Congress's most important decision concerning China.

I am convinced we must not let our focus be drawn away from the real point in question: pure and simple, this vote is about deciding whether or not the United States wishes to join with the world community in having normal trade relations with China, and whether we are prepared to conduct our dealings with China according to the terms and conditions established by that community under the World Trade Organization framework (WTO).

This vote is about protecting U.S. interests in an increasingly competitive global marketplace and about ensuring that American workers, managers, entrepreneurs, and investors do not miss out on the opportunities that are bound to grow as China brings itself further into the modern world.

I do not think we further U.S. interests by undermining this nation's ability to function effectively in the world's most important multinational trade organization, or by cutting Americans off from the full benefits of WTO membership.

This is what will happen if we pass a bill that does not conform to WTO requirements, or if we are forced to send the bill to conference, and fail to pass a bill, at all. I believe it is in America's best interests that this body pass a clean, focused bill establishing permanent normal trade relations with China that is the same as the House bill and does not need conferencing.

Mr. THOMPSON. Mr. President, I ask unanimous consent that at 10 a.m. on Wednesday there be 60 minutes for closing remarks for two amendments, with the following Senators in control of time: Senator ROTH, 15 minutes; Senator MOYNIHAN, 15 minutes; Senator BYRD, 15 minutes, Senator Bob SMITH, 15 minutes. I further ask consent that the vote on the pending Byrd amendment occur immediately at 11 a.m., to be followed by a vote in relation to division 6 of Senator SMITH's amendment, No. 4129.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. THOMPSON. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR SLADE GORTON'S 100TH PRESIDING HOUR

Mr. LOTT. Mr. President, it is a longstanding tradition in the Senate to recognize and honor those Senators that serve as presiding officers of the Senate for 100 hours in a single session of Congress. Today, I have the pleasure to announce that Senator SLADE GORTON is the latest recipient of the Senate's coveted Golden Gavel Award.

This Golden Gavel Award is not the first or even the second for Senator GORTON but is the sixth. Senator GORTON is the first Senator in the history of the Golden Gavel Award to attain the six gavel mark. This is a great achievement.

On behalf of the Senate, I extend our sincere appreciation to Senator GORTON and his staff for their efforts and commitment to presiding duties during the 106th Congress.

SENATOR WAYNE ALLARD'S 100TH PRESIDING HOUR

Mr. LOTT. Mr. President, today, I have the pleasure to announce that Senator WAYNE ALLARD has achieved the 100 hour mark as presiding officer. In doing so, Senator ALLARD has earned his second Golden Gavel Award.

Since the 1960's, the Senate has recognized those dedicated Members who preside over the Senate for 100 hours with the Golden Gavel. This award continues to represent our appreciation for the time these dedicated Senators contribute to presiding over the U.S. Senate—a privileged and important duty.

On behalf of the Senate, I extend our sincere appreciation to Senator ALLARD and his staff for their efforts and commitment to presiding duties during the 106th Congress.

VICTIMS OF GUN VIOLENCE

Mr. ROBB. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read the names of some of those who have lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

September 12, 1999:

Arthur Adams, 41, Philadelphia, PA; Anita Arrington, 36, Charlotte, NC; Robert Bason, 21, Detroit, MI; Keith Brisco, 23, Chicago, IL; Shiesha Davis, 19, Detroit, MI; Clinton Dias, 24, Baltimore, MD; Steve Esparza, 15, San Antonio, TX; Friday D. Gardner, 21, Chicago, IL; Tony M. Gill, 28, Gary, IN; Elaine Howard, 47, Detroit, MI; Greta L. Johnson, 33, Memphis, TN; Rickey D. Johnson, 36, Memphis, TN; Willie Johnson, 20, Miami, FL; Roberto E. Moody, 30, Seattle, WA; Donald Morrison, 20, San Antonio, TX; Deric Parks, 23, Washington, DC; Harry R. Penninger, 69, Memphis, TN; Albert Perry, 31, Detroit, MI; Artemio Raygoza, 22, San Antonio, TX; Douglas M. Stanton, 33, Chicago, IL; Rodrick Swain, 24, Houston, TX; Ramon Vasquez-Ponti, 56, Miami, FL; Damon Williams, 21, Kansas City, MO; Derrion Wilson, 19, Memphis, TN; Margaret Wilson, 52, Dallas, TX; Dwayne Wright, 28, Detroit, MI; Unidentified Male, 18, Norfolk, VA.

One of the gun violence victims I mentioned, 20-year-old Donald Morrison of San Antonio, was shot and killed one year ago today when an irritated driver followed Donald into a convenience store parking lot and shot him in the head.

Another victim, 33-year-old Greta Johnson of Memphis, was shot and killed one year ago today by her husband before he turned the gun on himself.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

HEALTH CARE SAFETY NET OVERSIGHT ACT OF 2000

Mr. HATCH. Mr. President, I am pleased to cosponsor the Health Care Safety Net Oversight Act of 2000, which is an important step toward addressing a critical issue facing our country: the fact that over 40 million Americans lack health insurance.

While it is natural to question the need for any new commission, I believe this legislation is more than warranted given the fact that there is such a substantial number of Americans who are uninsured and there is to date no comprehensive solution to this problem.

Despite the hard work of Community Health Centers in Utah and throughout the Nation, and despite the many, many efforts of others who are working to improve health care delivery in hospitals, emergency rooms and clinics, two facts remain. First, it is deplorable that in a Nation as great as the United States, we still have so many people who lack basic health care services. And second, there is no national consensus on how this problem should be addressed by the public and private sectors.

It is obvious that we need to begin the process toward developing that necessary consensus, and I believe the Health Care Safety Net Oversight Commission's work will help us meet that goal.

I commend Senator BAUCUS and my colleagues for their work which has led to introduction of our bipartisan bill tonight. As the legislation progresses, I do want to work with them to improve a limited number of provisions in the bill, including the funding source for the Commission.

THE MEDICARE BENEFICIARIES' CHOICE STABILIZATION ACT

Mr. SANTORUM. Mr. President, I rise today to address a matter of critical importance to our Nation's 39 million Medicare beneficiaries, 2 million of whom live in Pennsylvania alone. I speak of the current erosion of the Medicare+Choice program, a situation which demands attention by Congress and this administration.

Currently, more than 6.2 million Medicare beneficiaries are enrolled in the Medicare+Choice program, receiving high quality, affordable health care services through HMOs and other private sector health plans. Beneficiaries are choosing these plans because they typically provide a more comprehensive package of benefits (including coverage of prescription drugs), lower out-of-pocket costs, and a stronger emphasis on preventive health care services than the old Medicare fee-for-service system.

As my colleagues well know, for more than ten years Medicare beneficiaries have had access to this array of enhanced health benefits and options through the Medicare's risk contract program, and the success of this program was evidenced by the fact that beneficiaries signed up for Medicare HMO coverage in large numbers. From December 1993 through December 1997, enrollment in Medicare HMOs increased at an average annual rate of 30 percent. In states such as Louisiana, Pennsylvania, Ohio, and Texas, enrollment in Medicare HMOs increased even more rapidly. In December 1997, shortly after the enactment of the BBA, Medicare HMO enrollment stood at 5.2 million, accounting for 14 percent of the total Medicare population—up from just 1.3 million enrollees and 3 percent of the Medicare population in December 1990.

The success of the Medicare HMO program inspired Congress to establish the Medicare+Choice program in 1997 through the enactment of the Balanced Budget Act (BBA). In establishing the Medicare+Choice program, Congress had three goals in mind: (1) to build on the success of the Medicare HMO program; (2) to give seniors and persons with disabilities the same health care choices available to Americans who obtain their health coverage through the private sector; and (3) to further expand beneficiaries' health care choices by establishing an even wider range of health plan options and by making such options available in areas where Medicare HMOs were not yet available. Three years later, however, the Medicare+Choice program has not fulfilled its promise of expanding health care choices for Medicare beneficiaries. Instead, a large number of beneficiaries have lost their Medicare+Choice plans or experienced an increase in out-of-pocket costs or a reduction in benefits.

This disturbing trend is especially harmful to low-income beneficiaries, who are almost twice as likely to enroll in Medicare HMOs as are other Medicare beneficiaries. For many seniors and persons with disabilities who live on fixed incomes, having access to a Medicare HMO means that they can spend their limited resources on groceries and other daily essentials. Beneficiaries also like Medicare HMOs because they provide coordinated care and place a strong emphasis on preventive services that help them to stay healthy and avoid preventable diseases.

Mr. President, when Congress enacted BBA in 1997, plans were still joining the Medicare+Choice program and 74 percent of beneficiaries had access to at least one plan. But today, access dropped to 69 percent, with 2 million fewer beneficiaries having access to a plan. Next year, 711,000 Medicare beneficiaries will lose access to health benefits and choices as a result of Congressional underpayment and burdensome HCFA regulations.

In addition, many Medicare HMOs have curtailed benefits, increased cost-sharing and raised premiums. Average premiums have increased $11 per month in 2000.

Two major problems are responsible for this outcome: (1) the Medicare+Choice program is significantly underfunded; and (2) the Health Care Financing Administration (HCFA) has imposed excessive regulatory burdens on health plans participating in the program. The funding problem has been caused by the unintended consequences of the Medicare+Choice payment formula that was established by the BBA, as well as the Administration's decision to implement risk adjustment of Medicare+Choice payments on a non-budget neutral basis. Under this formula, the vast majority of health plans have been receiving annual payment updates of only 2 percent in recent years—while the cost of caring for Medicare beneficiaries has been increasing at a much higher rate.

When plans withdraw from communities, beneficiaries are forced to switch plans, or in some cases revert back to the traditional Medicare program, which does not cover additional benefits like eye and dental care, or, more importantly, prescription drugs.

It is in response to this crisis in the Medicare+Choice program that I am pleased to be introducing The Medicare Beneficiaries' Choice Stabilization Act. This legislation will make numerous changes to the way Medicare+Choice rates are calculated and will seek to sensitize the funding mechanisms in the current Medicare system to the difficulties of health care delivery in all communities, and particularly in rural areas.

As the costs of providing care in some areas can be higher than the payments from Medicare, The Medicare Beneficiaries' Choice Stabilization Act will also give plans the opportunity to negotiate for higher payment rates based on local costs.

Realizing the importance of assuring that the benefits of programmatic regulations outweigh their costs, my legislation will also provide Medicare+Choice providers regulatory relief from overreaching HCFA dictates. Rather than devoting substantial human and financial resources toward compliance activities, which leaves fewer resources available for paying for health care services provided to beneficiaries, Medicare+Choice plans ought to be left to the fullest extent possible to the business they know best: providing high quality and cost effective health care to our Medicare beneficiaries.

Congress must devote more adequate funding to the Medicare+Choice program, and work to ensure that resources are allocated in such a way as to assure that the Medicare+Choice program is viable in areas where beneficiaries have already selected health plan options and that the program can expand in areas where such options are not yet widely available. I am sponsoring Beneficiaries' Choice Stabilization Act with just these goals in mind, and I hope my colleagues will join me in a bipartisan effort to save and strengthen the Medicare+Choice program and the valuable health benefits it provides for our Medicare population which relies on them.

DEPARTMENT OF JUSTICE REPORT OF RACE AND GEOGRAPHIC DISPARITIES IN FEDERAL CAPITAL PROSECUTIONS

Mr. FEINGOLD. Mr. President, in recent months, our Nation has begun to question the fairness of the death penalty with greater urgency. Now, with details of the Justice Department report being released, we have learned that just as we feared, the same serious flaws in the administration of the death penalty that have plagued the states also afflict the federal death penalty. The report documents apparent racial and regional disparities in the administration of the federal death penalty. All Americans agree that whether you die for committing a federal crime should not depend arbitrarily on the color of your skin or randomly on where you live. When 5 of our 93 United States Attorneys account for 40 percent of the cases where the death penalty is sought; when 75 percent of federal death penalty cases involve a minority defendant, something may be awry and it's time to stop and take a sober look at the system that imposes the ultimate punishment in our names.

I first urged the President to suspend federal executions to allow time for a thorough review of the death penalty on February 2 of this year. I repeat that request today, more strongly than ever. While I understand the Attorney General plans further studies of some of the issues raised by the report, additional internal reviews alone will not satisfy public concern about our system. With the solemn responsibility that our government has to the American people to ensure the utmost fairness and justice in the administration of the ultimate punishment, and with the first federal execution since 1963 scheduled to take place before the end of the year, a credible, comprehensive review can be conducted only by an independent commission.

This is what Governor Ryan decided in Illinois. He created an independent, blue ribbon commission to review the criminal justice system in his state, while suspending executions. The wisdom of that bold stroke by Governor Ryan is clear, both to supporters and opponents of capital punishment. The federal government must do the same. The President should appoint a blue ribbon federal commission of prosecutors, judges, law enforcement officials, and other distinguished Americans to address the questions that are raised by the Justice Department report and propose solutions that will ensure fairness in the administration of the federal death penalty.

I urge the President to suspend all federal executions while an independent commission undertakes a thorough review. That is the right thing to do, given the troubling racial and regional disparities in the administration of the federal death penalty. Indeed, it is the only fair and rational response to these disturbing questions. Let's take the time to be sure we are being fair. Let's temporarily suspend federal executions and let a thoughtfully chosen commission examine the system. American ideals of justice demand that much.

CABIN USER FEE FAIRNESS ACT OF 1999

Mr. CRAIG. Mr. President, soon the Senate will take up S. 1938, the Cabin User Fee Fairness Act of 1999. It is designed to set a new course for the Forest Service in determining fees for forest lots on which families and individuals have been authorized to build cabins for seasonal recreation since the early part of this century.

In 1915, under the Term Permit Act, Congress set up a program to give families the opportunity to recreate on our public lands through the so-called recreation residence program. Today, 15,000 of these forest cabins remain, providing generation after generation of families and their friends a respite from urban living and an opportunity to use our public lands.

These cabins stand in sharp contrast to many aspects of modern outdoor recreation, yet are an important aspect of the mix of recreation opportunities for the American public. While many of us enjoy fast, off-road machines and watercraft or hiking to the backcountry with high-tech gear, others enjoy a relaxing weekend at their cabin in the woods with their family and friends.

The recreation residence programs allows families all across the country an opportunity to use our national forests. This quiet, somewhat uneventful program continues to produce close bonds and remarkable memories for hundreds of thousands of Americans, but in order to secure the future of the cabin program, this Congress needs to reexamine the basis on which fees are now being determined.

Roughly twenty years ago, the Forest Service saw the need to modernize the regulations under which the cabin program is administered. Acknowledging that the competition for access and use of forest resources has increased dramatically since 1915, both the cabin owners and the agency wanted a formal understanding about the rights and obligations of using and maintaining these structures.

New rules that resulted nearly a decade later reaffirmed the cabins as a valid recreational use of forest land. At the same time, the new policy reflected numerous limitations on use that are felt to be appropriate in order keep areas of the forest where cabins are located open for recreational use by other forest visitors. Commercial use of the cabins is prohibited, as is yearround occupancy by the owner. Owners are restricted in the size, shape, paint color and presence of other structures or installations on the cabin lot. The only portion of a lot that is controlled by the cabin owner is that portion of the lot that directly underlies the footprint of the cabin itself.

At some locations, the agency has determined a need to remove cabins for a variety of reasons related to "higher public purposes," and cabin owners wanted to be certain in the writing of new regulations that a fair process would guide any future decisions about cabin removal. At other locations, some cabins have been destroyed by fire, avalanche or falling trees, and a more reliable process of determining whether such cabins might be rebuilt or relocated was needed. It was determined, therefore, that this recreational program would be tied more closely to the forest planning process.

The question of an appropriate fee to be paid for the opportunity of constructing and maintaining a cabin in the woods was also addressed at that time. Although the agency's policies for administration of the cabin program have, overall, held up well over time, the portion dealing with periodic redetermination of fees proved in the last few years to be a failure.

A base fee was determined twenty years ago by an appraisal of sales of "comparable" undeveloped lots in the real estate market adjacent to the national forest where a cabin was located. The new policy called for reappraisal of the value of the lot twenty years later—a trigger that led to initiation of the reappraisal process in 1995.

In the meantime, according to the policy, annual adjustments to the base fee would be tracked by the Implicit Price Deflator (IPD), which proved to be a faulty mechanism for this purpose. Annual adjustments to the fee based on movements of the IPD failed entirely to keep track of the booming land values associated with recreation development.

As the results of actual reappraisals on the ground began reaching my office in 1997, it became clear that far more than the inoperative IPD was out of alignment in determining fees for the cabin owners.

At the Pettit Lake tract in Idaho's Sawtooth National Recreation Area, the new base fees skyrocketed into alarming five-digit amounts—so high that a single annual fee was nearly enough money to buy raw land outside the forest and construct a cabin. Meanwhile, the agency's appraisal methodology was resulting in new base fees in South Dakota, in Florida, and in some locations in Colorado that were actually lower than the previous fee.

At the request of the chairman of the House Committee on Agriculture in 1998, the cabin owners named a coalition of leaders of their various national and state cabin owner associations to examine the methodology being used by the Forest Service to determine fees. It became obvious to these laymen that analysis of appraisal methodology and the determination of fees was beyond their grasp, and a respected consulting appraiser was retained to guide the cabin owners through their task. The report and recommendations of the coalition's consulting appraiser is available from my office for those who might wish to examine the details. This legislation reflects the coalition's consulting appraiser's report and comments from the Administration and the appraiser they hired to review their appraisal process.

This is highly technical legislation. Its purpose is to send a clear set of instructions to appraisers in the field and a clear set of instructions to forest managers to respect the results of appraisals undertaken to place value on the raw land being offered cabin owners. Additionally, the purpose of this legislation is to ensure that the cabin program continues long into the future, that it provides a fair return to the taxpayers, and continues to generate a profit for the Treasury.

I ask unanimous consent that the section-by-section analysis for S. 1938 be entered into the Record following this statement.

There being no objection, the material was ordered to be printed in the Record, as follows:

Section-by-Section Analysis

SEC. 1 TITLE

This Act may be cited as the "Cabin User Fee Fairness Act of 2000"

SEC. 2 FINDINGS

Current appraisal procedures for determining recreation residence user fees have, in certain circumstances, been inconsistently applied in determining fair market values for cabin lots demonstrating the need for clarification of these provisions.

SEC. 3 PURPOSES

The purposes of the Act are 1) to ensure that the National Forest System recreation residence program is managed to preserve the opportunity for individual and family-oriented recreation and 2) to develop a more consistent procedure for determining cabin user fees, taking into consideration the limitations of an authorization and other relevant market factors.

SEC. 4 DEFINITIONS

This section defines the terms "agency" "authorization" "base cabin user fee" "cabin" "cabin owner" "cabin user fee" "caretaker cabin" "current cabin user fee" "lot" "natural, native state" "program" "Secretary" "tract" "tract association" and "typical lot"

SEC. 5 ADMINISTRATION OF RECREATION RESIDENCE PROGRAM

To the maximum extent practicable, the Secretary will determine a cabin user fee for owners of privately owned cabins, authorized to be built on National Forest land, that reflects the market value of the cabin lot and regional and local economic influences.

SEC. 6 APPRAISALS

The Secretary will establish an appraisal process to determine the market value of a typical lot or lots at a cabin tract. Section 6 describes the unique characteristics of the lots authorized for use under the Forest Service recreation residence program, and the characteristics of parcels of land sold in the private sector that might appropriately provide comparable market information for purposes of determining market value.

As a first step, the Secretary will complete an inventory of existing improvements to the cabin lots in the program to determine whether these improvements were paid for by the agency, by third parties, or by the cabin owner. Improvements paid for by the cabin owner (or his predecessor) are not included in the market value. There is a rebuttable presumption that improvements were paid for by the cabin owner or his predecessor.

The Secretary will contract with an appropriate appraisal organization to manage the development of specific appraisal guidelines. An appraisal shall be performed by a State-certified general real estate appraiser in compliance with Uniform Standards of Professional Appraisal Practice, Uniform Appraisal Standards for Federal Land Acquisitions, and specific appraisal guidelines developed in accordance with this Act.

Reappraisal for the purpose of recalculation of the base cabin user fee shall occur not less often than once every 10 years.

SEC. 7 CABIN USER FEES

To determine the annual base cabin user fee, the Secretary shall multiply the market value of the cabin lot by 5 percent. This calculation reflects restrictions imposed by the permit, including the limited term, absence of significant property rights, and the public's right of access to, and use of, any open portion of the forest lot upon which the cabin is located.

If the Secretary decides to discontinue use of a lot as a cabin site, payment of the full base cabin user fee will be phased out in equal increments over the final 10 years of the existing authorization. If the decision to eliminate the authorization for use as a cabin lot is reversed, the cabin owner may be required to pay any portion of fees that were forgone as a result of the expectation of termination.

The cabin owner's fee obligation terminates if an act of God or catastrophic event makes it unsafe to continue occupying a cabin lot.

SEC. 8 ANNUAL ADJUSTMENT OF CABIN USER FEE

The Secretary shall adjust the cabin user fee annually, using a rolling 5-year average of a published price index that reports changes in rural or similar land values in the State, county, or market area in which the lot is located. An adjustment to the fee may not exceed 5 percent per year, but the amount of adjustment exceeding 5 percent shall be carried forward for application in the following year or years.

At the end of the initial 10-year period, the Secretary has the option to choose a different index if it is determined that this index better reflects change in the value of a cabin lot over time.

SEC. 9 PAYMENT OF CABIN USER FEES

A cabin user fee shall be prepaid annually by the cabin owner. If the increase over the current base cabin user fee exceeds 100 percent, payment of the increased amount shall be phased in over three years.

SEC. 10 RIGHT OF SECOND APPRAISAL

On receipt of notice from the Secretary of the determination of a new base cabin user fee, the cabin owner may obtain a second appraisal at the cabin owner's expense. The Secretary shall determine a new base cabin user fee that is equal to the base cabin user fee determined by the initial appraisal or the second appraisal, or within that range of values.

SEC. 11 RIGHT OF APPEAL AND JUDICIAL REVIEW

The Secretary shall grant the cabin owner the right to an administrative appeal of the determination of a new base cabin user fee. A cabin owner that is adversely affected by a final decision of the Secretary may bring a civil action in United States district court.

SEC. 12 CONSISTENCY WITH OTHER LAW AND RIGHTS

Nothing in this Act limits or restricts any right, title, or interest of the United States in or to any land or resource. The Secretary shall not establish a cabin user fee or a condition affecting a cabin user fee that is inconsistent with the Alaska National Interest Lands Conservation Act (16 U.S.C. 3193(d)).

SEC. 13 REGULATIONS

The Secretary shall promulgate regulations to carry out this Act within 2 years of the date of enactment.

SEC. 14 TRANSITION PROVISIONS

The Secretary may complete the current appraisal process in accordance with the policy in effect prior to enactment of this Act.

For annual cabin fees conducted on or after September 30, 1995 but prior to promulgation of regulations required under this Act, the Secretary shall temporarily charge an annual cabin user fee as determined by appraisals occurring since September 30, 1995, provided that the amount charged shall not be more than $3,000 greater than the cabin user fee in effect on October 1, 1996, as adjusted for inflation.

In the absence of an appraisal conducted on or after September 30, 1995, the Secretary shall continue to charge the annual cabin user fee in effect on the date of enactment of this Act until a new fee is determined under the new regulations and the right of the cabin owner to a second appraisal is exhausted.

Not later than 2 years after promulgation of final regulations, cabin owners who received a new appraisal after September 30, 1995, but prior to promulgation of new regulations under this Act, may request a new appraisal or peer review of the existing appraisal. Such request must be made by a majority of the cabin owners in a group of cabins represented in the appraisal process by a typical lot.

Peer review will be conducted by an independent professional appraisal organization.

If peer review determines that the earlier appraisal was conducted in a manner inconsistent with this Act, such appraisal may be revised accordingly, or subject to an agreement with the cabin owners, a new appraisal and fee determination may be conducted.

Cabin owners and the Secretary shall share, in equal proportion, the payment of all reasonable costs of any new appraisal or peer review.

For annual cabin user fees capped by an increase of $3,000, if the new appraisal or peer review resulted in a cabin fee that is 90% or more of the appraisal conducted on or after September 30, 1995 but prior to the promulgation of regulations under this Act, the Secretary shall charge the cabin owner the unpaid difference between those two appraised cabin fees in three annual equal installments.

In the absence of a request for a new appraisal or peer review, the Secretary may consider the base cabin user fee resulting from the appraisal conducted after September 30, 1995, to be the base cabin user fee in accordance with this Act.

WILDFIRES

Mr. CRAPO. Mr. President, I rise to acknowledge the efforts of the tens of thousands of brave men and women who have fought this year's rash of wildfires throughout the West. These firefighters have weakened the menacing flames that have burned millions of acres of western states, taking lives and devouring farmland, forests and homes. More than six and a half million acres have been destroyed this year. My home state of Idaho, with one and a quarter million acres lost to the flames, has been one of the most harmed.

This fire season is the worst we have faced in fifty years. It is clear that without the help of the many people who are fighting these fires, many inhabited areas of the West could become smoldering expanses of charred remains. I offer my sincerest gratitude to everyone participating in the effort to combat the devastating fires. Their work protecting lives, property and the environment is appreciated by all westerners and is crucial to the western economy.

Firefighters and fire support teams have been deployed from a range of federal and municipal agencies including county sheriffs departments, local volunteer fire departments, tribes and other local crews throughout the West and the Forest Service, the Bureau of Land Management, the Bureau of Indian Affairs, the National Park Service, the U.S. Fish and Wildlife Service, and the National Oceanic and Atmospheric Administration. Help has also been enlisted from the National Guard and battalions from the U.S. Army and the U.S. Marine Corps as well as from trained individuals from Canada, Mexico, Australia and New Zealand. Most of these efforts have been coordinated out of the National Interagency Fire Center, located in Boise, Idaho.

Battling fires is dangerous and exhausting work. The air is warm, smoke-filled and flecked with ash. Most of the firefighter's time is spent building firelines, burning out areas, moping up after fires and directly attacking fires. These tasks often entail miles of walking, and hours of tough manual labor, like scraping the ground, chopping and digging, all while wearing uncomfortable protective equipment.

The work is so demanding that some firefighters still lose weight even though they have consumed five or six thousand calories a day. Sleep is often inadequate and infrequent. Some teams along the fire line have been known to work 48-hour shifts before calling it a day. Firefighters can almost count on receiving blistered feet and bloodshot eyes. Serious injuries and even death are ever-present risks. This year, sixteen people have suffered fire-related fatalities.

Fire support teams also have been working overtime as drivers, equipment operators, paramedics, medical staff, and trouble shooters. It is an enormous management task just to make sure that all of the firefighters are fed and that they receive the equipment, medical attention, and time to sleep.

I commend all of the firefighters and support teams for meeting the physical and mental challenges with bravery and steadfast determination. I know I speak for all when I say that our thoughts and prayers are for their safety and we are eager for them to return to their normal lives.

The fire season is not yet over as hundreds of fires blaze and threats of more lightening storms that could bring new fires loom. This is indeed a difficult time, although we can take peace of mind from the fact that steady, well-trained hands are working on our behalf to keep the towering flames at bay. Right now, it is important to be grateful for the hard work that has been done to protect us and hopeful for an end to the destruction.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, September 11, 2000, the Federal debt stood at $5,680,975,300,511.24, five trillion, six hundred eighty billion, nine hundred seventy-five million, three hundred thousand, five hundred eleven dollars and twenty-four cents.

Five years ago, September 11, 1995, the Federal debt stood at $4,962,944,000,000, four trillion, nine hundred sixty-two billion, nine hundred forty-four million.

Ten years ago, September 11, 1990, the Federal debt stood at $3,231,889,000,000, three trillion, two hundred thirty-one billion, eight hundred eighty-nine million.

Fifteen years ago, September 11, 1985, the Federal debt stood at $1,823,101,000,000, one trillion, eight hundred twenty-three billion, one hundred one million.

Twenty-five years ago, September 11, 1975, the Federal debt stood at $548,918,000,000, five hundred forty-eight billion, nine hundred eighteen million, which reflects a debt increase of more than $5 trillion—$5,132,057,300,511.24, five trillion, one hundred thirty-two billion, fifty-seven million, three hundred thousand, five hundred eleven dollars and twenty-four cents, during the past 25 years.

ADDITIONAL STATEMENTS

COMMENDING RUTHIE MATTHES AND STACY DRAGILA

• Mr. CRAPO. Mr. President, I rise today to commend the remarkable accomplishments of Ruthie Matthes, an Idaho native and a cross-country cyclist, and Stacy Dragila, an Idaho constituent and pole vaulter.

At the United States Olympic Track and Field trials in July, Stacy cleared fifteen feet, two and a quarter inches, which broke her personal record by a half-inch and further solidified her qualification to represent the United States at the Sydney 2000 Olympic Games.

Stacy, a native of Auburn, California, graduated from Idaho State University and currently resides in Pocatello in my home state of Idaho. It is an honor that she has chosen to live in Idaho and continues to do a lot of her training in Idaho.

Stacy has won three of four national championships since the pole vault became an official event in 1997. She currently ranks as the defending world champion and has broken her indoor and outdoor world records a combined eight times since August. All of her competitions have been approached with maximum effort and dedicated preparation.

At the U.S. Track and Field Trials, Stacy tried to break her record again, attempting fifteen feet, five inches, three times. She missed each of her three tries, but ended the competition encouraged and gratified nonetheless. "It helps me to know that I can jump under pressure," she said. "And it's nice to know that I'm attempting 15-5 and I still have things to work on."

Ruthie Matthes was born in Sun Valley, ID, and lived in neighboring Ketchum throughout most of her formative years. She began cycling as part of her training for alpine hill ski racing. Her decision to cycle full-time was followed by great success.

Between 1990 and 1996, Ruthie took home two bronze, two silver, and one gold medal at the World Mountain Bike Championships. She was also the National Cross-Country champion from 1996–1998. Her off-road career now includes three consecutive national cross-country titles.

Ruthie deserves as much praise for her athletic prowess as she does for her positive sports ethic. "You have to stay true to your heart," says Matthes. "Do your very best and enjoy it. Whether you finish first, tenth or last, all of it is an opportunity to learn about yourself."

These two women, and other devoted athletes, serve as reminders that, through healthy competition, our challengers can inspire us to excel. They unify those of us who watch them through shared pride and passion. Their victories leave our souls soaring high and our feet feeling light. In times of defeat, we are humbled by the fact that there is more work to be done to reach our team's victory.

The Olympic ideal is perhaps the best evidence that endurance, the desire to challenge oneself, and the pursuit of achieving top physical form are age-long endeavors. The events demonstrate that the will to compete in the athletic arena is nearly universal, crossing boundaries of culture and geography to bring together most of the world's nations. It is one of the great celebrations of the human spirit and one of the finest examples of our time of peaceful multi-national competition.

I am very proud of Ruthie and Stacy's accomplishments and the role that they will play in this international competition. I wish Ruthie, Stacy, and all the other athletes who are participating in the Olympics this year, the challenge of vigorous competition. May they again know the exaltation of pushing themselves to their limits and the roar of a crowd that lives vicariously through their triumph.●

NATIONAL ASSISTED LIVING WEEK

● Mr. GRAMS. Mr. President, today I rise to draw attention to a vital service upon which many older Americans depend: assisted living. I also want to pay tribute to those who work in this nation's assisted living facilities and dedicate their lives to making someone else's life a little easier.

Grandparents Day—Sunday, September 10—marks the beginning of the sixth annual National Assisted Living Week (September 10–16), sponsored by the National Center for Assisted Living. This year's theme is "The Art of Life," highlighting the creative new ways in which seniors are expressing themselves as they strive to maintain their independence and autonomy.

In the U.S., nearly 28,000 assisted living facilities accommodate more than 1.15 million people by providing supervision, assistance, and health care services. The need for assisted living services is growing with the rapidly increasing elderly population in America. Advances in medicine and technology have dramatically extended the ability of seniors to live independent lives without the need for assistance with daily functions. However, as seniors live longer, more of them eventually discover they need a helping hand in order to maintain the lifestyle to which they have become accustomed—a lifestyle they should not have to give up simply because they are growing older.

Just as we are full of excitement from new challenges in our adolescence, in our later years, after retirement, we recognize that we cannot do it all ourselves. The difficult task is understanding when, after many years of easy mobility in life, an individual needs assistance. National Assisted Living Week promotes not only an increased quality of life for the elderly, but builds a team and network to accomplish this added quality of life by opening our eyes to the obstacles we can conquer if we only ask for a little assistance.

National Assisted Living Week provides an environment which brings together friends and family with the staff and volunteers of assisted living programs to discover and explore the contributions and services these facilities offer to their communities. These centers will hold many events this week to spotlight their activities and help educate the communities they serve. National Assisted Living Week works as a catalyst, by helping to create strong relationships involving all facets of the community, including places of worship, health care facilities, schools, and businesses.

During this National Assisted Living Week, I recognize the selfless efforts of those Minnesotans and many other caring Americans who help make dignity in retirement a reality, and I offer them my thanks as they promote assisted living as a quality way of life for America's elderly.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting two treaties and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 6:47 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 1027. An act to reauthorize the participation of the Bureau of Reclamation in the Deschutes Resources Conservancy, and for other purposes.

S. 1117. An act to establish the Corinth Unit of Shiloh National Military Park, in the vicinity of the city of Corinth, Mississippi, and in the State of Tennessee, and for other purposes.

S. 1937. An act to amend the Pacific Northwest Electric Power Planning and Conservation Act to provide for sales of electricity by the Bonneville Power Administration to joint operating entities.

The message also announced that the House has heard with profound sorrow of the death of the Honorable Herbert H. Bateman, a Representative from the Commonwealth of Virginia. That a committee of such Members of the House as the Speaker may designate, together with such Members of the Senate as may be joined, be appointed to attend the funeral. That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of applicable accounts of the House. That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased. That when the House adjourns today, it adjourn as a further mark of respect to the memory of the deceased.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–10672. A communication from the President of the United States, transmitting, pursuant to law, a proclamation relative to Nigeria; to the Committee on Finance.

EC–10673. A communication from the Social Security Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Supplemental Security Income; Determining Disability for a Child Under Age 18" (RIN0960–AF40) received on September 8, 2000; to the Committee on Finance.

EC–10674. A communication from the Chief, Regulations Unit, Internal Revenue Agency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2000 National Pool" (Rev. Proc. 2000–36) received on September 11, 2000; to the Committee on Finance.

EC–10675. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Other Red Rockfish in the Bering Sea Subarea of the Bering Sea and Aleutian Islands Management Area" received on September 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10676. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Species in the Rock sole/Flathead sole/"Other flatfish" Fishery Category by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area" received on September 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10677. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for Massachusetts" received on September 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10678. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States: Atlantic Mackerel, Squid, and Butterfish Fisheries; Closure of Fishery for Loligo Squid" received on September 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10679. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska: Pollock in Statistical Area 630 of the Gulf of Alaska" received on September 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10680. A communication from the Trial Attorney of the National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "List of nonconforming vehicles determined to be eligible for importation" (RIN2127-AI17) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10681. A communication from the Trial Attorney of the National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Schedule of Fees authorized by. 49 U.S.C. 30141" (RIN2127-AI11) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10682. A communication from the Attorney of the Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials: Advisory Notice; Transportation of Lithium Batteries" (RIN2137-AD48) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10683. A communication from the Deputy Chief Counsel of the Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Pipeline Safety: Internal Corrosion in Gas Transmission Pipelines; Notice; issuance of advisory bulletin" (RIN2137-AD52) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10684. A communication from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Compressed Natural Gas Fuel Container Integrity" (RIN2127-AH72) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10685. A communication from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Property Reporting Requirements" received on September 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10686. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 777-200 Series Airplanes; docket no. 97-NM-260 [8-21/8-31]" (RIN2120-AA64) (2000-0416) received on September 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10687. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: General Electric Co. CF6-45, -50, 80A, 80C2, and 80E1 Turbofan Engines; docket no. 2000-NE-31 [8-21/9-7]" (RIN2120-AA64) (2000-0435) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10688. A communication from the Program Assistant of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Fairchild Aircraft, Inc. Models SA226-T, SA226-AT, SA226-TC, SA227-AT, SA-227-TT, and SA-227-AC Airplanes; docket no. 99-CE-62-AD [8-22/9-7]" (RIN2120-AA64) (2000-0442) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10689. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Rolls Royce plc. RB211 Trent 768-60, Trent 772-60 and Trent 772B 60 Turbofan Engines; corrections; docket no. 2000-NE-05 [8-23/9-7]" (RIN2120-AA64) (2000-0451) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10690. A communication from the Program Assistant of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Allison Engine Company Model AE 3007C Series Turbofan Engines; Docket No. 2000-NE-33-AD [9-11-00]" (RIN2120-AA64) (2000-0452) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10691. A communication from the Program Assistant of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Final Rule; request for comments, Raytheon Aircraft Company Models A65, A65-8200, 65-B80, 70, 95-B55, 95-C55, D55, E55, 56TC, A56TC, 58, 58P, 58TC, and 95-B55B (T42A) Airplanes; Docket No. 2000-CE-53-AD [9-22-9-11]" (RIN2120-AA64) (2000-0453) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10692. A communication from the Program Assistant of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Rolls-Royce plc RB211-524D4 Series Turbofan Engines Docket No. 2000-NE-23-AD [9-22-9-11]" (RIN2120-AA64) (2000-0454) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10693. A communication from the Program Assistant of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Aerospatiale Model ATR42-300, -300, and -320 Series Airplane Docket No. 97-NM-270-AD [10-11-9-11-00]" (RIN2120-AA64) (2000-0455) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10694. A communication from the Program Assistant of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Kaman Model K-1200 Helicopters Docket No. 2000-SW-32-AD [9-26-9-11-00]" (RIN2120-AA64) (2000-0456) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10695. A communication from the Program Assistant of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Aerospatiale Model ATR42 and ATR72 Series Airplanes; Docket No. 99-NM-183-AD [10-13-9-11-00]" (RIN2120-AA64) (2000-0458) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10696. A communication from the Program Assistant of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A300, A300-600, and A310 Series Airplanes Docket No. 2000-NM-54-AD [10-13-9-11-00]" (RIN2120-AA64) (2000-0459) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10697. A communication from the Program Assistant of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 727 Series Airplanes Docket No. 99-NM-75-AD [8-17-9-11-00]" (RIN2120-AA64) (2000-0462) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10698. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to importing noncomplying motor vehicles; to the Committee on Commerce, Science, and Transportation.

EC-10699. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to insulin-treated diabetes mellitus; to the Committee on Commerce, Science, and Transportation.

EC-10700. A communication from the Secretary of Transportation, transmitting, pursuant to law, the National Bicycle Safety Education Curriculum; to the Committee on Commerce, Science, and Transportation.

EC-10701. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to the transportation's research and development plan; to the Committee on Commerce, Science, and Transportation.

EC-10702. A communication from the Assistant Secretary (Legislative Affairs), Department of State, transmitting, pursuant to law, the report of the transmittal of the certification of the proposed issuance of an export license relative to Singapore and Germany; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LUGAR, from the Committee on Agriculture, Nutrition, and Forestry, with an amendment to the nature of a substitute:

S. 1066: A bill to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to encourage the use of and research into agricultural best practices to improve the environment, and for other purposes (Rept. No. 106-407).

By Mr. LUGAR, from the Committee on Agriculture, Nutrition, and Forestry, without amendment:

S. 1762: A bill to amend the Watershed Protection and Flood Prevention Act to authorize the Secretary of Agriculture to provide cost share assistance for the rehabilitation of structural measures constructed as part of water resources projects previously funded by the Secretary under such Act or related laws (Rept. No. 106-408).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. WYDEN:

S. 3026. A bill to establish a hospice demonstration and grant program for beneficiaries under the Medicare program under title XVIII of the Social Security Act, and for other purposes; to the Committee on Finance.

By Mr. THURMOND (for himself and Mr. Hollings):

S. 3027. A bill to authorize the Secretary of Agriculture to purchase and transfer certain land; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ABRAHAM (for himself, Mr. Bingaman, Mr. Jeffords, and Mr. Levin):

S. 3028. A bill to amend title XVIII of the Social Security Act to provide a transitional adjustment for certain sole community hospitals in order to limit any decline in payment under the prospective payment system for hospital outpatient department services; to the Committee on Finance.

By Mr. SANTORUM:

S. 3029. A bill to amend part C of title XVIII to stabilize the Medicare+Choice program by improving the methodology for the calculation of Medicare+Choice payment rates, and for other purposes; to the Committee on Finance.

By Mr. THOMPSON:

S. 3030. A bill to amend title 31, United States Code, to provide for executive agencies to conduct annual recovery audits and recovery activities, and for other purposes; to the Committee on Governmental Affairs.

By Mr. CAMPBELL:

S. 3031. A bill to make certain technical corrections in laws relating to Native Americans, and for other purposes; to the Committee on Indian Affairs.

By Mr. SMITH of New Hampshire (for himself, Mr. Warner, and Mr. L. Chafee):

S. 3032. A bill to reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1994, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BOND:

S. 3033. A bill to delegate the Primary Responsibility for the Preservation and Expansion of Affordable Low-Income Housing to States and Localities; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KERRY:

S. 3034. A bill to amend title XVIII of the Social Security Act with respect to payments made under the prospective payment system for home health services furnished under the Medicare program; to the Committee on Finance.

By Mr. BAUCUS (for himself, Mr. Grassley, Mr. Jeffords, Mr. Rockefeller, and Mr. Hatch):

S. 3035. A bill to amend title XI of the Social Security Act to create an independent and nonpartisan commission to assess the health care needs of the uninsured and to monitor the financial stability of the Nation's health care safety net; to the Committee on Finance.

By Mr. TORRICELLI:

S. 3036. A bill to assure that recreation and other economic benefits are accorded the same weight as hurricane and storm damage reduction benefits as well as environmental restoration benefits; to the Committee on Environment and Public Works.

By Mr. SANTORUM:

S. 3037. A bill to amend title XVIII of the Social Security Act to increase payments under the Medicare program to Puerto Rico hospitals; to the Committee on Finance.

By Mr. CONRAD (for himself, Mr. Frist, Mr. DeWine, Mr. Bryan, and Mr. Thompson):

S. 3038. A bill to amend title XVIII of the Social Security Act to update the renal dialysis composite rate; to the Committee on Finance.

By Mr. CRAIG:

S. 3039. To authorize the Secretary of Agriculture to sell a Forest Service administrative site occupied by the Rocky Mountain Research Station located in Boise, Idaho, and use the proceeds derived from the sale to purchase interests in a multiagency research and education facility to be constructed by the University of Idaho, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BIDEN (for himself, Mr. Abraham, Mr. Akaka, Mr. Ashcroft, Mr. Bayh, Mr. Bingaman, Mrs. Boxer, Mr. Breaux, Mr. Bryan, Mr. Byrd, Mr. Cleland, Mr. Conrad, Mr. DeWine, Mr. Domenici, Mr. Dorgan, Mr. Durbin, Mrs. Feinstein, Mr. Fitzgerald, Mr. Frist, Mr. Gorton, Mr. Graham, Mr. Gramm, Mr. Hagel, Mr. Helms, Mrs. Hutchison, Mr. Inouye, Mr. Jeffords, Mr. Johnson, Mr. Kennedy, Mr. Kerrey, Mr. Kerry, Mr. Hollings, Ms. Landrieu, Mr. Lautenberg, Mr. Leahy, Mr. Levin, Mr. Lieberman, Mrs. Lincoln, Mr. Lugar, Mr. Mack, Ms. Mikulski, Mr. Miller, Mr. Murkowski, Mrs. Murray, Mr. Reid, Mr. Robb, Mr. Roth, Mr. Sarbanes, Mr. Schumer, Mr. Smith of Oregon, Ms. Snowe, Mr. Specter, Mr. Voinovich, Mr. Warner, and Mr. Wellstone):

S. Res. 353. A resolution designating October 20, 2000, as "National Mammography Day"; to the Committee on the Judiciary.

By Mr. LOTT (for himself and Mr. Daschle):

S. Res. 354. A resolution amending paragraphs 2 and 3(a) of Rule XXV and providing for certain appointments to the Agriculture, Nutrition, and Forestry Committee, the Banking, Housing, and Urban Affairs Committee, the Finance Committee, the Small Business Committee, and the Veterans' Affairs Committee; considered and agreed to.

By Mr. LEAHY (for himself and Mr. Jeffords):

S. Res. 355. A resolution commending and congratulating Middlebury College; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN:

S. 3026. A bill to establish a hospice demonstration and grant program for beneficiaries under the Medicare Program under title XVIII of the Social Security Act, and for other purposes; to the Committee on Finance.

HOSPICE DEMONSTRATION AND GRANT PROGRAM

Mr. WYDEN. Mr. President, today, I am introducing groundbreaking legislation to make a difference in the way in which dying patients and their families can access hospice care. Ninety percent of Americans do not realize that there is a hospice benefit provided under the Medicare program. Over time, the length of stay in a hospice is decreasing so that patients do not get the full benefit of services that could make them more comfortable at a crucial time in their lives.

The issues related to how we die are too important to permit the Medicare Hospice benefit to remain fixed in time. Now is the time to begin to test new ways to design the benefit so that the benefit can remain truly patient-centered at one of the most crucial times in patients' and their families' lives.

Just as we push our health care system for medical breakthroughs that will allow more of us to live healthier and longer, we need to drive our health care system to create accessible, positive care for those facing the end of life.

My legislation, the Hospice Improvement Act of 2000, would require the Secretary to establish a demonstration program to increase access and use of hospice care for patients at the end-of-life, and to increase the knowledge of hospice among the medical, mental health and patient communities. My legislation stresses the following:

Supportive and Comfort Care: To assist families and patients in getting the benefit of hospice care, the Demonstration program will allow for a new supportive and comfort care benefit. This benefit, elected at the option of the patient, will not require the terminally ill to elect hospice care instead of other medical treatment, but will permit a patient to have supportive and comfort care in place while the patient still seeks "curative treatment." This will permit patients and families to learn about hospice without forcing them to make a choice between hospice and other care. Case management would be provided through a hospice provider reimbursed on a fee-for-service basis.

Severity Index Instead of a Six-Month Prognosis: To determine whether or not a patient is eligible for the supportive and comfort care option, a severity index will be used instead of the current hospice requirement of a 6 month prognosis. This will permit patients to have access to support services, as needed, instead of relying on an often inaccurate time-related prognosis.

Increase Rural Hospice Access: Permit nurse practitioners and physician assistants to admit patients to hospice if this is within their authority under state practice law. In communities without a qualified social worker, other professionals with skills, knowledge and ability may provide medical social services such as counseling on the effects of illness on the family.

Respite Care: Nursing facilities used for respite care would not be required to have skilled nurses on the premises 24 hours a day (because hospice will be caring for the patient) or respite could be provided in the patient's home.

Payment Issues: Permit reimbursement for consultations, preadmission informational visits, even if the patient does not elect hospice/supportive care and provide minimum payment for Medicare hospice services provided under the demonstration program based on the provision of services for a period of 14 days, regardless of length of stay.

In addition, the demonstration project could address other payment issues such as offsetting changes in services and oversight and the increased cost of providing services in rural areas and creating a per diem rate of payment for respite care that reflects the range of care needs.

In addition to the Demonstration program, the Secretary would be required to establish an education grant program for the purpose of providing information about the Medicare hospice benefit, and the benefits available under the demonstration program. Education grants could be used to provide individual or group education to patients and their families and to the medical and mental health community, and to test messages to improve public knowledge about the Medicare hospice benefit.

Let me conclude by saying that in the time left for this Congress, we have a unique opportunity to truly begin to improve care for the dying. There are fewer who are more vulnerable than someone who is dying and having to cope with the physical breakdown of their body and the emotional turmoil that imminent death brings to a family. This legislation provides us an opportunity to begin to remove the barriers to care for those who facing death.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3026

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hospice Improvement Program Act of 2000".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Each year more than ⅓ of the people who die suffer from a chronic illness.

(2) Approximately ⅓ of Americans are unsure about whom to contact to get the best care during life's last stages.

(3) Americans want a team of professionals to care for the patient at the end of life.

(4) Americans want emotional and spiritual support for the patient and family.

(5) Ninety percent of Americans do not realize that hospice care is a benefit provided under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(6) Health Care Financing Administration data show that beneficiaries were enrolled in hospice for an average of less than 7 weeks in 1998, far less than the full 6-month benefit under the medicare program.

(7) According to the most recent data available, although the average hospice enrollment is longer, half of the enrollees live only 30 days after admission and almost 20 percent die within 1 week of enrollment.

(8) Use of hospice among medicare beneficiaries has been decreasing, from a high of 59 days in 1995 to less than 48 days in 1998.

SEC. 3. HOSPICE DEMONSTRATION PROGRAM AND HOSPICE EDUCATION GRANTS.

(a) DEFINITIONS.—In this section:

(1) DEMONSTRATION PROGRAM.—The term "demonstration program" means the Hospice Demonstration Program established by the Secretary under subsection (b)(1).

(2) MEDICARE BENEFICIARY.—The term "medicare beneficiary" means any individual who is entitled to benefits under part A or enrolled under part B of the medicare program, including any individual enrolled in a Medicare+Choice plan offered by a Medicare+Choice organization under part C of such program.

(3) MEDICARE HOSPICE SERVICES.—The term "medicare hospice services" means the items and services for which payment may be made under section 1814(i) of the Social Security Act (42 U.S.C. 1395f(i)).

(4) MEDICARE PROGRAM.—The term "medicare program" means the health benefits program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(5) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services, acting through the Administrator of the Health Care Financing Administration.

(b) HOSPICE DEMONSTRATION PROGRAM.—

(1) ESTABLISHMENT.—The Secretary shall establish a Hospice Demonstration Program in accordance with the provisions of this subsection to increase the utility of the medicare hospice services for medicare beneficiaries.

(2) SERVICES UNDER DEMONSTRATION PROGRAM.—The provisions of section 1814(i) of the Social Security Act (42 U.S.C. 1395f(i)) shall apply to the payment for items and services provided under the demonstration program, except that—

(A) notwithstanding section 1862(a)(1)(C) of such Act (42 U.S.C. 1395y(a)(1)(C)), the Secretary shall provide for reimbursement for items and services provided under the supportive and comfort care benefit established under paragraph (3);

(B) any licensed nurse practitioner or physician assistant may certify a medicare beneficiary as the primary care provider when necessary and within the scope of practice of such practitioner or assistant under State law;

(C) if a community does not have a qualified social worker, any professional who has the necessary knowledge, skills, and ability (other than social workers) to provide medical social services shall provide such services;

(D) the Secretary shall waive any requirement that nursing facilities used for respite care have skilled nurses on the premises 24 hours per day;

(E) the Secretary shall permit respite care to be provided to the medicare beneficiary at home; and

(F) the Secretary shall waive reimbursement regulations to provide—

(i) reimbursement for consultations and preadmission informational visits, even if the medicare beneficiary does not choose hospice care (including the supportive and comfort care benefit under paragraph (3)) at that time;

(ii) a minimum payment for medicare hospice services provided under the demonstration program based on the provision of medicare hospice services to a medicare beneficiary for a period of 14 days, that the Secretary shall pay to any hospice provider participating in the demonstration program and providing such services (regardless of the length of stay of the medicare beneficiary);

(iii) an increase in the reimbursement rates for hospice services to offset—

(I) changes in medicare hospice services and oversight under the demonstration program;

(II) the higher costs of providing medicare hospice services in rural areas due to lack of economies of scale or large geographic areas; and

(III) the higher costs of providing medicare hospice services in urban underserved areas due to unique costs specifically associated with people living in those areas, including providing security;

(iv) direct payment of any nurse practitioner or physician assistant practicing within the scope of State law in relation to medicare hospice services provided by such practitioner or assistant; and

(v) a per diem rate of payment for in-home care under subparagraph (E) that reflects the range of care needs of the medicare beneficiary and that—

(I) in the case of a medicare beneficiary that needs routine care, is not less than 150 percent, and not more than 200 percent, of the routine home care rate for medicare hospice services; and

(II) in the case of a medicare beneficiary that needs acute care, is equal to the continuous home care day rate for medicare hospice services.

(3) SUPPORTIVE AND COMFORT CARE BENEFIT.—

(A) IN GENERAL.—For purposes of the demonstration program, the Secretary shall establish a supportive and comfort care benefit for any eligible medicare beneficiary (as defined in subparagraph (C)).

(B) BENEFIT.—Under the supportive and comfort care benefit established under subparagraph (A), any eligible medicare beneficiary may—

(i) continue to receive benefits for disease and symptom modifying treatment under the medicare program (and the Secretary may not require or prohibit any specific treatment or decision);

(ii) receive case management and medicare hospice services through a hospice provider, which the Secretary shall reimburse on a fee-for-service basis; and

(iii) receive information and experience in order to better understand the utility of medicare hospice services.

(C) ELIGIBLE MEDICARE BENEFICIARY DEFINED.—

(i) IN GENERAL.—In this paragraph, the term "eligible medicare beneficiary" means any medicare beneficiary with a serious illness that has been documented by a physician to be at a level of severity determined by the Secretary to meet the criteria developed under clause (ii).

(ii) DEVELOPMENT OF CRITERIA.—

(I) IN GENERAL.—The Secretary, in consultation with hospice providers and experts in end-of-life care, shall develop criteria for determining the level of severity of an established serious illness taking into account the factors described in subclause (II).

(II) FACTORS.—The factors described in this clause include the level of function of the medicare beneficiary, any coexisting illnesses of the beneficiary, and the severity of any chronic condition that will lead to the death of the beneficiary.

(III) PROGNOSIS NOT A BASIS FOR CRITERIA.—The Secretary may not base the criteria developed under this subparagraph on the prognosis of a medicare beneficiary.

(4) CONDUCT OF PROGRAM.—Under the demonstration program, the Secretary shall—

(A) accept proposals submitted by any State hospice association;

(B)(i) except as provided in clause (ii), conduct the program in at least 3, but not more than 6, geographic areas (which may be statewide) that include both urban and rural hospice providers; and

(ii) if a geographic area does not have any rural hospice provider available to participate in the demonstration program, such area may substitute an underserved urban area, but the Secretary shall give priority to those proposals that include a rural hospice provider;

(C)(i) except for the geographic area designated under clause (ii), select such geographic areas so that such areas are geographically diverse and readily accessible to a significant number of medicare beneficiaries; and

(ii) designate as such an area 1 State in which the largest metropolitan area of such State had the lowest percentage of medicare beneficiary deaths in a hospital compared to the largest metropolitan area of each other State according to the Hospital Referral Region of Residence, 1994–1995, as listed in the Dartmouth Atlas of Health Care 1998;

(D) provide for the participation of medicare beneficiaries in such program on a voluntary basis;

(E) permit research designs that use time series, sequential implementation of the intervention, randomization by wait list, and other designs that allow the strongest possible implementation of the demonstration program, while still allowing strong evaluation about the merits of the demonstration program; and

(F) design the program to facilitate the evaluation conducted under paragraph (6).

(5) DURATION.—The Secretary shall complete the demonstration program within a period of 6½ years that includes a period of 18 months during which the Secretary shall complete the evaluation under paragraph (6).

(6) EVALUATION.—During the 18-month period following the first 5 years of the demonstration program, the Secretary shall complete an evaluation of the demonstration program in order to determine—

(A) the short-term and long-term costs and benefits of changing medicare hospice services to include the items, services, and reimbursement options provided under the demonstration program;

(B) whether increases in payments for the medicare hospice benefit are offset by savings in other parts of the medicare program;

(C) the projected cost of implementing the demonstration program on a national basis; and

(D) in consultation with hospice organizations and hospice providers (including organizations and providers that represent rural areas), whether a payment system based on diagnosis-related groups is useful for administering the medicare hospice benefit.

(7) REPORTS TO CONGRESS.—

(A) PRELIMINARY REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit a preliminary report to the Committee on Ways and Means of the House of Representatives and to the Committee on Finance of the Senate on the progress made in the demonstration program.

(B) INTERIM REPORT.—Not later than 30 months after the implementation of the demonstration program, the Secretary, in consultation with participants in the program, shall submit an interim report on the demonstration program to the committees described in subparagraph (A).

(C) FINAL REPORT.—Not later than the date on which the demonstration program ends, the Secretary shall submit a final report to the committees described in subparagraph (A) on the demonstration program that includes the results of the evaluation conducted under paragraph (6) and recommendations for appropriate legislative changes.

(8) WAIVER OF MEDICARE REQUIREMENTS.—The Secretary shall waive compliance with such requirements of the medicare program to the extent and for the period the Secretary finds necessary for the conduct of the demonstration program.

(9) SPECIAL RULES FOR PAYMENT OF MEDICARE+CHOICE ORGANIZATIONS.—The Secretary shall establish procedures under which the Secretary provides for an appropriate adjustment in the monthly payments made under section 1853 of the Social Security Act (42 U.S.C. 1395w–23) to any Medicare+Choice organization offering a Medicare+Choice plan in which a medicare beneficiary that participates in the demonstration program is enrolled to reflect such participation.

(c) HOSPICE EDUCATION GRANTS.—

(1) IN GENERAL.—The Secretary shall establish a Hospice Education Grant program under which the Secretary awards education grants to entities participating in the demonstration program for the purpose of providing information about—

(A) the medicare hospice benefit; and

(B) the benefits available to medicare beneficiaries under the demonstration program.

(2) USE OF FUNDS.—Grants awarded pursuant to paragraph (1) shall be used—

(A) to provide—

(i) individual or group education to medicare beneficiaries and their families; and

(ii) individual or group education of the medical and mental health community caring for medicare beneficiaries; and

(B) to test strategies to improve the general public knowledge about the medicare hospice benefit and the benefits available to medicare beneficiaries under the demonstration program.

(d) FUNDING.—

(1) HOSPICE DEMONSTRATION PROGRAM.—

(A) IN GENERAL.—Except as provided in subparagraph (B), expenditures made for the demonstration program shall be in lieu of the funds that would have been provided to participating hospices under section 1814(i) of the Social Security Act (42 U.S.C. 1395f(i)).

(B) SUPPORTIVE AND COMFORT CARE BENEFIT.—The Secretary shall pay any expenses for the supportive and comfort care benefit established under subsection (a)(3) from the Federal Hospital Insurance Trust Fund established under section 1817 of the Social Security Act (42 U.S.C. 1395i) and the Federal Supplementary Medical Insurance Trust Fund established under section 1841 of such Act (42 U.S.C. 1395t), in such proportion as the Secretary determines is appropriate.

(2) HOSPICE EDUCATION GRANTS.—The Secretary is authorized to expend such sums as may be necessary for the purposes of carrying out the Hospice Education Grant program established under subsection (c)(1) from the Research and Demonstration Budget of the Health Care Financing Administration.

By Mr. THURMOND (for himself and Mr. HOLLINGS):

S. 3027. A bill to authorize the Secretary of Agriculture to purchase and transfer certain land; to the Committee on Agriculture, Nutrition, and Forestry.

A BILL TO AUTHORIZE THE SECRETARY OF AGRICULTURE TO PURCHASE LAND ADJACENT TO THE COASTAL PLAINS SOIL, AND PLANT RESEARCH CENTER IN FLORENCE, SOUTH CAROLINA

Mr. THURMOND. Mr. President, I rise today, along with Senator HOLLINGS, to introduce legislation that will enable the Secretary of Agriculture to purchase up to ten acres of land for the U.S. Department of Agriculture's Coastal Plains Soil, Water, and Plant Research Center in Florence, South Carolina. This land is located within 150 feet of the Center's administrative offices. Part of it has been leased and used for agricultural research for almost 25 years. If these ten acres were to be developed commercially the Center's operations would be impaired substantially. This land will be used for agricultural research.

The Coastal Plains Soil, Water, and Plant Research Center focuses its research on the agricultural needs of farmers in both North and South Carolina. However, much of the work done by its staff benefits all U.S. agriculture. The Center undertakes basic and applied research with an emphasis toward total resource management. I would like to highlight just a few of its research programs in soil, water, and plant management. The Center's staff investigates the effects of soil erosion, non-point-source pollution, and animal waste disposal. Further, they work to develop better cropping systems for major field crops including cotton, corn, soybeans, and small grains; to identify high-value horticultural crops suitable for production on the soils of the coastal plains; and to improve cotton germ plasm.

Mr. President, the Coastal Plains Soil, Water, and Plant Research Center does outstanding work that is not only very important to the farmers of the Carolinas but to all our Nation's farmers. This land purchase is important to the efficient continued operation of the Florence Center, and I urge my colleagues to support the legislation.

I ask unanimous consent that the bill be printed in the RECORD following my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3027

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

ASECTION 1. AUTHORIZATION FOR SECRETARY OF AGRICULTURE TO PURCHASE AND TRANSFER LAND.

Subject to the availability of funds appropriated to the Agricultural Research Service, the Secretary of Agriculture may—

(1) purchase a tract of land in the State of South Carolina that is contiguous to land owned on the date of enactment of this Act by the Department of Agriculture, acting through the Coastal Plains Soil, Water, and Plant Research Center of the Agriculture Research Service; and

(2) transfer land owned by the Department of Agriculture to the Florence Darlington Technical College, South Carolina, in exchange for land owned by the College.

By Mr. THOMPSON:

S. 3030. A bill to amend title 31, United States Code, to provide for executive agencies to conduct annual recovery audits and recovery activities, and for other purposes; to the Committee on Governmental Affairs.

A BILL TO PROVIDE FOR ANNUAL RECOVERY AUDITS

Mr. THOMPSON. Mr. President, I rise today to introduce a bill which begins to address the issue of improper payments in Federal programs.

Each year, the Federal government spends hundreds of billions of dollars for a variety of grants, transfer payments, and the procurement of goods and services. The Federal government must be accountable for how it spends these funds and for safeguarding against improper payments. Unfortunately, the problem of improper payments by Federal agencies and departments is immense. Today, I released a GAO report which I requested which identifies $20.7 billion in improper payments in just 20 major programs administered by 12 Federal agencies in Fiscal Year 1999 alone. And this represents an increase of more than $1.5 billion from the previous year's estimate. In its report, GAO writes that its "audits and those of agency inspectors general continue to demonstrate that improper payments are much more widespread than agency financial statement reports have disclosed thus far."

Legislative efforts have focused on improving the Federal government's control processes. Recently-enacted laws, such as the Chief Financial Officers Act, the Government Management Reform Act, and the Government Performance and Results Act, have provided an impetus for agencies to systematically measure and reduce the extent of improper payments.

However, the risk of improper payments and the government's ability to prevent them continue to be a significant problem. While we continue to work to improve the government's widespread financial management weaknesses, we also can attempt to recover the tens of billions of dollars in improper payments. And that's what the legislation I am introducing today will do.

The legislation is modeled on H.R. 1827, a bill sponsored by House Committee on Government Reform Chairman DAN BURTON, to require the use of a management technique called "recovery auditing" which would be applied to a Federal agency's records to identify improper payments or payment errors made by the agency.

Recovery auditing is used extensively by private sector businesses, including a majority of Fortune 500 companies. These businesses typically contract with specialized recovery auditing firms that are paid a contingent fee based on the amounts recovered from overpayments they identify. Recovery auditing is not "auditing" in the usual sense. Recovery auditing firms do not examine the records of vendors doing business with their client companies or assess the vendors' performance. Instead, these firms develop and use computer software programs that are capable of analyzing their clients' own contract and payment records in order to identify discrepancies in those records between what was owed and what was paid. They focus on obvious but inadvertent errors, such as duplicate payments or failure to get credit for applicable discounts and allowances.

The bill I am introducing today would require Federal agencies to perform recovery audits in order to identify discrepancies between what was actually paid by the agency and what should have been paid. This bill seeks to address concerns with H.R. 1827 which were raised after its passage by the House. For example, this bill would make clear that the relationship established by this bill is one between the agency and the recovery audit contractor, and all communications and interaction on the part of the recovery audit contractor is with the agency. Further, this bill includes exemptions for contracts which, under current law, already are subject to extensive audit scrutiny and oversight. Also, this bill includes Federal agency authority for recovery audit pilot programs for contracts, grants or other arrangements other than those covered by this bill.

I appreciate all the work done by Chairman BURTON on H.R. 1827. I believe my legislation appropriately addresses concerns raised with that bill and goes a long way in addressing the wasted taxpayer dollars and government inefficiencies resulting from Federal agency payment errors which are made each year.

Mr. CAMPBELL:

S. 3031. A bill to make certain technical corrections in laws relating to Native Americans, and for other purposes; to the Committee on Indian Affairs.

TECHNICAL AMENDMENTS TO LAWS RELATING TO NATIVE AMERICANS

Mr. CAMPBELL. Mr. President, today I introduce a bill making certain technical amendments to laws relating to Native Americans. As my colleagues know, Congress typically considers legislation like this every year or so. This bill provides an opportunity to address a series of corrections to the law or other non-controversial, minor amendments to Indian laws in one broad stroke, rather than having to introduce several separate bills.

This bill includes amendments regarding issues of importance to a number of my colleagues that have been brought to my attention over recent months. The amendments include, for instance, one-year reauthorizations of the Indian Health Care Improvement Act and the Indian Alcohol and Substance Abuse Prevention and Treatment Act, as well as a clarification of a bill signed into law earlier this year relating to the status of certain lands held in trust by the Mississippi Band of Choctaw Indians.

All amendments included in this bill will serve to promote the original intent of the affected laws, and do not alter the meaning or substance of the laws they amend. I urge my colleagues to join me in supporting this bill, the sole purpose of which is to ensure that the laws this body has already passed are carried forward in the way we originally intended.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD. I thank the Chair and yield the floor.

There being no objection, the bill was order to be printed in the RECORD, as follows:

S. 3031

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TECHNICAL CORRECTION TO AN ACT AFFECTING THE STATUS OF MISSISSIPPI CHOCTAW LANDS AND ADDING SUCH LANDS TO THE CHOCTAW RESERVATION.

Section 1(a)(2) of Public Law 106-228 (an Act to make technical corrections to the status of certain land held in trust for the Mississippi Band of Choctaw Indians, to take certain land into trust for that Band, and for other purposes) is amended by striking "September 28, 1999" and inserting "February 7, 2000".

SEC. 2. TECHNICAL CORRECTIONS CONCERNING THE FIVE CIVILIZED TRIBES OF OKLAHOMA.

(a) INDIAN SELF-DETERMINATION ACT.—Section 1(b)(15)(A) of the model agreement set forth in section 108(c) of the Indian Self-Determination Act (25 U.S.C. 450l(c)) is amended—

(1) by striking "and section 16" and inserting ", section 16"; and

(2) by striking "shall not" and inserting "and the Act of July 3, 1952 (25 U.S.C. 82a), shall not".

(b) INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT.—Section 403(h)(2) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458cc(h)(2)) is amended—

(1) by striking "and section" and inserting "section"; and

(2) by striking "shall not" and inserting "and the Act of July 3, 1952 (25 U.S.C. 82a), shall not".

(c) REPEALS.—The following provisions of law are repealed:

(1) Section 2106 of the Revised Statutes (25 U.S.C. 84).

(2) Sections 438 and 439 of title 18, United States Code.

SEC. 3. WAIVER OF REPAYMENT OF EXPERT ASSISTANCE LOANS TO THE RED LAKE BAND OF CHIPPEWA INDIANS AND THE MINNESOTA CHIPPEWA TRIBES.

(a) RED LAKE BAND OF CHIPPEWA INDIANS.—Notwithstanding any other provision of law, the balances of all expert assistance loans made to the Red Lake Band of Chippewa Indians under the authority of Public Law 88-168 (77 Stat. 301), and relating to Red Lake Band v. United States (United States Court of Federal Claims Docket Nos. 189 A, B, C), are canceled and the Secretary of the Interior shall take such action as may be necessary to document such cancellation and to release the Red Lake Band of Chippewa Indians from any liability associated with such loans.

(b) MINNESOTA CHIPPEWA TRIBE.—Notwithstanding any other provision of law, the balances of all expert assistance loans made to the Minnesota Chippewa Tribe under the authority of Public Law 88-168 (77 Stat. 301), and relating to Minnesota Chippewa Tribe v. United States (United States Court of Federal Claims Docket Nos. 19 and 188), are canceled and the Secretary of the Interior shall take such action as may be necessary to document such cancellation and to release the Minnesota Chippewa Tribe from any liability associated with such loans.

SEC. 4. TECHNICAL AMENDMENT TO THE INDIAN CHILD PROTECTION AND FAMILY VIOLENCE PROTECTION ACT.

Section 408(b) of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3207(b)) is amended—

(1) by striking "any offense" and inserting "any felonious offense, or any of 2 of more misdemeanor offenses,"; and

(2) by striking "or crimes against persons" and inserting "crimes against persons; or offenses committed against children".

SEC. 5. TECHNICAL AMENDMENT REGARDING THE TREATMENT OF CERTAIN INCOME FOR PURPOSES OF FEDERAL ASSISTANCE.

Notwithstanding any other provision of law, none of the funds paid by the State of Minnesota to the Bois Forte Band of Chippewa Indians and the Grand Portage Band of Chippewa Indians pursuant to the agreement of such Bands' to voluntarily restrict tribal rights to hunt and fish in territory ceded under the Treaty of September 30, 1854 (10 Stat. 1109), including all interest accrued on such funds during any period in which such funds are held in a minor's trust, shall be considered as income or resources, or otherwise be used as the basis for denying or reducing the financial assistance or other benefits to which a household or member of such Bands would be entitled to under the Social Security Act (42 U.S.C. 301 et seq.), the Personal Responsibility and Work Opportunity Reconciliation Act of 1966 (Public Law 104-193; 110 Stat. 2105) and the amendments made by such Act, or any Federal or Federally assisted program.

SEC. 6. TECHNICAL AMENDMENT TO EXTEND THE AUTHORIZATION PERIOD UNDER THE INDIAN HEALTH CARE IMPROVEMENT ACT.

The authorization of appropriations for, and the duration of, each program or activity under the Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.) is extended through fiscal year 2001.

SEC. 7. TECHNICAL AMENDMENT TO EXTEND THE AUTHORIZATION PERIOD UNDER THE INDIAN ALCOHOL AND SUBSTANCE ABUSE PREVENTION AND TREATMENT ACT OF 1986.

The authorization of appropriations for, and the duration of, each program or activity under the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2401 et seq.) is extended through fiscal year 2001.

By Mr. SMITH of New Hampshire (for himself, Mr. WARNER, and Mr. L. CHAFEE):

S. 3032. A bill to reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1994, and for other purposes; to the Committee on Environment and Public Works.

JUNIOR DUCK STAMP REAUTHORIZATION ACT OF 2000

Mr. SMITH of New Hampshire. Mr. President, I would like to introduce the Junior Duck Stamp Reauthorization Act of 2000.

The Junior Duck Stamp Program is a wonderful program that allows children from kindergarten through twelfth grade to participate in an integrated art and science curriculum that is designed to teach environmental science and habitat conservation. It also raises awareness for wetlands and waterfowl conservation. Students and teachers work together through a set curriculum that incorporates ecological and wildlife management principles, allowing students to learn about conserving wildlife habitat while they explore the esthetic qualities of wildlife and nature.

As part of the curriculum, each student is encouraged to focus his or her efforts on a particular waterfowl species. The culmination of the curriculum is an artistic depiction of that species. Each state selects a Best-of-Show winner and that piece of artwork competes to become the national winner of the Junior Duck Stamp contest. The winning depiction is chosen as the Federal Junior Duck Stamp, and the student receives $2,500. Revenues from selling the stamp are used for conservation awards and scholarships to the participants.

By all accounts the Junior Duck Stamp Program has been extremely successful. Last year alone more than 44,000 students entered the state competitions. The Fish and Wildlife Service and educators estimate that for every child who enters the state program, ten others are exposed to the curriculum. The program has also been very successful in introducing urban children to nature, allows all children to develop an important connection to the environment, and motivates students to take an active role in conservation of waterfowl species.

This legislation is a simple reauthorization of the program through 2005. The U.S. Fish and wildlife Service would be authorized to receive $250,000 a year for the administration of the Junior Duck Stamp Program. In addition, the Junior Duck Stamp Conservation and Design Program Act of 1994 would be amended to allow schools in the District of Columbia and the U.S. territories to participate in the program.

Mr. President, I strongly urge the passage of this legislation. The Junior Duck Stamp Program has played an important role in the education of children and the conservation of our natural resources, and it should continue to do so. I ask that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3032

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Junior Duck Stamp Reauthorization Act of 2000".

SEC. 2. REAUTHORIZATION OF JUNIOR DUCK STAMP CONSERVATION AND DESIGN PROGRAM ACT OF 1994.

Section 5 of the Junior Duck Stamp Conservation and Design Program Act of 1994 (16 U.S.C. 719c) is amended by striking "for each of the fiscal years 1995 through 2000" and inserting "for each of fiscal years 2001 through 2005".

SEC. 3. EXPANSION OF PROGRAM TO INSULAR AREAS.

The Junior Duck Stamp Conservation and Design Program Act of 1994 is amended—

(1) by redesignating sections 2 through 6 (16 U.S.C. 719 through 719c; 16 U.S.C. 668dd note) as sections 3 through 7, respectively;

(2) by inserting after section 1 (16 U.S.C. 719 note) the following:

“SEC. 2. DEFINITION OF STATE.

“In this Act, the term ‘State’ means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Virgin Islands, and any other territory or possession of the United States.”;

(3) in section 3(c) (16 U.S.C. 719(c)) (as redesignated by paragraph (1)), by striking “50 States” each place it appears and inserting “States”; and

(4) in section 5 (16 U.S.C. 719b) (as redesignated by paragraph (1)), by striking “section 3(c)(1) (A) and (B)” and inserting “subparagraphs (A) and (B) of section 4(c)(1)”.

By Mr. BOND:

S. 3033. A bill to delegate the Primary Responsibility for the Preservation and Expansion of Affordable Low-Income Housing to States and Localities; to the Committee on Banking, Housing, and Urban Affairs.

HOUSING NEEDS ACT OF 2000

Mr. BOND. Mr. President. I rise today to introduce an important piece of housing legislation that addresses the affordable-housing needs of needy Americans. The Housing Needs Act of 2000 is a direct response to the affordable housing crisis being experienced by millions of Americans today. By working with State and localities, this legislation will produce thousands of affordable housing units and ensure that existing federally-assisted housing properties are maintained for lower income families.

As Chairman of the Appropriations Subcommittee on VA, HUD, and Independent Agencies, I have become increasingly alarmed by the news reports and housing studies that have shown that lower income Americans are having a difficult time finding decent, safe, and affordable housing. The Administration's response to this problem has been to provide section 8 tenant-based assistance or vouchers. However, I have heard from communities in Missouri to here in the Washington, D.C. area that it is becoming increasingly difficult to use vouchers to find affordable housing. It has also come to my attention that despite the resources given to the Department of Housing and Urban Development (HUD), the Federal government has lost thousands of scarce affordable housing that were once subsidized by the Federal government. Instead of preserving these scarce and valuable housing resources, the Department has replaced these units with vouchers. While some families have been able to locate replacement housing, many have experienced displacement and hardship, resulting in returning the voucher unused or becoming homeless.

Due to these well-publicized problems, I instructed my subcommittee staff to conduct a review of the section 8 program and to provide recommendations on how to meet better the housing needs of lower income Americans. The recommendations of the report are captured in the Housing Needs Act of 2000, which I am introducing today.

Before I discuss the contents of the bill, I summarize the key findings of the Subcommittee Staff report entitled “Empty Promises—Subcommittee Staff Report on HUD's Failing Grade on the Utilization of Section 8 Vouchers.” The key findings of the report are (1) housing units for low-income families are disappearing; (2) worse case housing needs are worsening; and (3) section 8 vouchers are proving to be less and less effective in meeting the housing needs of low-income families.

Specifically, the staff reported that over the past 4 years, nearly 125,000 housing units have been lost to the national inventory of affordable housing. These units have been lost due to the decision of landlords to leave or opt-out of the section 8 program, HUD's policy to voucher out properties that they have acquired title to and those that the Department actually owns.

The staff also found that a record high of 5.4 million households have major housing needs. Based on HUD's Worst Case Housing Needs study, many of these households are our most vulnerable individuals such as the elderly, disabled, and children.

Lastly, the staff reported that about 1 out of every 5 families that received a voucher are unable to find housing and thus, the voucher remains unused. The report also found not enough landlords were participating in the voucher program, the payment standard of the vouchers were too low for the market area, and voucher holders had personal problems which affected the utilization of vouchers.

Mr. President, the staffs' findings were disturbing to me. As a result, I am here today to introduce the Housing Needs Act of 2000 to address the report's findings.

Briefly, the legislation creates a new affordable housing block grant production program that would allocate funds to state housing agencies. States currently administer other federal programs such as the Low-Income Housing Tax Credit program, HOME block grant program, and the Community Development Block Grant program, which have expanded and increased the capacity of states to create affordable housing units. Thus, state housing finance agencies have the tools to make this program work effectively. I am a big believer in local decision-making. States and localities know and understand their housing problems and needs and are in the best position to make decisions on their housing needs.

The legislation would also create a new section 8 success program that would allow public housing agencies (PHA) to raise the payment standard for vouchers up to 150 percent of the fair market rent. This will greatly improve the ability of voucher holders to use the vouchers in economically strong markets. As the Subcommittee Staff report found, 19 percent or one in five families that receive a voucher cannot use it. I believe that this new success program will improve greatly the number of voucher holders actually to use the voucher.

Lastly, the bill includes a number of smaller provisions that would enhance the ability of state and local housing entities to produce low-income housing and ensure that HUD maintains section 8 assistance on properties that it has acquired through foreclosure.

I urge my colleagues to support this critical piece of legislation. Families all over the country are experiencing hardships never before seen. It is clear that vouchers alone do not adequately address the housing needs of our vulnerable populations. I believe strongly that the Housing Needs Act of 2000 provides a much-needed, flexible, balanced approach to ensure that the affordable-housing problems can be solved.

By Mr. KERRY:

S. 3034. A bill to amend title XVIII of the Social Security Act with respect to payments made under the prospective payment system for home health services furnished under the Medicare Program; to the Committee on Finance.

HOME HEALTH REFINEMENT AMENDMENTS OF 2000

Mr. KERRY. Mr. President, I am pleased to introduce the Home Health Refinement Amendments of 2000. This legislation will protect patient access to home health care under Medicare, and ensure that providers are able to continue serving seniors who reside in medically underserved areas, have medically complex conditions, or require non-routine medical supplies.

Medicare was enacted in 1965, under the leadership of President Lyndon Johnson, as a promise to the American people that, in exchange for their years of hard work and service to our country, their health care would be protected in their golden years. Today, over 30 million seniors rely on the Medicare home health benefit to receive the care they need to maintain their independence and remain in their own homes, and to avoid the need for more costly hospital or nursing home care. Home health care is critical. It is a benefit to which all eligible Medicare beneficiaries should be entitled. But, this benefit is being seriously undermined. Since enactment of the Balanced Budget Act, BBA, of 1997, federal funding for home health care has plummeted. According to the Congressional Budget Office, CBO, Medicare spending on home health care dropped 48 percent in the last two fiscal years—from $17.5 billion in 1998 to $9.7 billion in 1999—far beyond the original amount of savings sought by the BBA. Across the country, these cuts have forced over 2,500 home health agencies to close and over 900,000 patients to lose their services.

In my own State of Massachusetts—a state that, because of economic efficiency, sustained a disproportionate share of the BBA cuts in Medicare home health funding—28 home health agencies have closed, 6 more have turned in their Medicare provider numbers and chosen to opt out of the Medicare program, and 12 more have been forced to merge in order to consolidate their limited resources. The home health agencies that have continued to serve patients despite the deep cuts in Medicare funding reported net operating losses of $164 million in 1998. The loss of home health care providers in Massachusetts has cost 10,000 patients access to home health services. Consequently, many of the most vulnerable residents in my state are being forced to enter hospitals and nursing homes, or going without any help at all.

To compound the problem, without Congressional action, Medicare payments for home health care will be automatically cut by an additional 15 percent next year. It is critical that we defend America's seniors against future cuts in home health services, and this bill will eliminate the additional 15 percent cut in Medicare home health payments mandated by the BBA. However, we must do more than attempt to stop future cuts. Indeed, it is equally as important that we begin to provide relief to home health providers who are already struggling to care for patients.

During the first year of implementation of the Interim Payment System, IPS, agencies were placed on precarious financial footing because of insufficient payments, particularly for high-cost and long-term patients. Accordingly, it is critical that we bolster the efforts of home health care providers to transcend their current operating deficits, especially as they transition from the Interim Payment System to the Prospective Payment System, PPS.

The Home Health Refinement Amendments of 2000 would ensure that providers are able to treat the sickest, most expensive patients who rely on home health care. Independent studies indicate that, under IPS, thousands of patients have been denied home health care benefits—while "outlier" patients (those who require the most intensive services) have been most at risk of losing access to care. To address the costs of treating the sickest homebound patients, this legislation provides additional funding for outliers under PPS. Specifically, this bill would set the funding level for outliers at 10 percent of the total payments projected or estimated to be made under PPS each year. This would double the current 5 percent allocation without reducing the PPS base payment.

In addition, the Home Health Refinement Amendments of 2000 would remove the costs of non-routine medical supplies from the PPS base payment and, instead, arrange for Medicare reimbursement for these supplies on the basis of a fee schedule. PPS rates include average medical supply costs, but some agencies' patient populations have greater or lesser supply needs than the average. Thus, current rates would underpay agencies that treat patients with high medical supply needs and overpay agencies that treat patients with low medical supply needs. Agencies that treat our most ill, frail, and vulnerable should not be punished with low payment rates.

Agencies that treat patients in medically underserved communities also deserve equitable reimbursement for the services they provide. In order to address the unique costs of treating patients in underserved areas, the Home Health Refinement Amendments of 2000 would establish a 10 percent add-on to the episodic base payment for patients in rural areas, to reflect the increasing costs of travel, and a "reasonable cost" add-on for security services utilized by providers in our urban areas. These add-ons ensure that patients in all types of communities across the country continue to receive the home care they need and deserve.

Finally, this legislation would encourage the incorporation of telehealth technology in home care plans by allowing cost reporting of the telemedicine services utilized by agencies. Telemedicine has demonstrated tremendous potential in bringing modern health care services to patients who reside in areas where providers and technology are scarce. Cost reporting will provide the data necessary to develop a fair and reasonable Medicare reimbursement policy for telehomecare and bring the benefits of modern science and technology to our nation's underserved.

Unless we increase the federal commitment to the Medicare home health care benefit, we can only expect to continue to imperil the health of an entire generation. We must act to deliver on that promise that President Johnson made 25 years ago—our nation's seniors deserve no less.

Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. JEFFORDS, Mr. ROCKEFELLER, and Mr. HATCH):

S. 3035. A bill to amend title XI of the Social Security Act to create an independent and nonpartisan commission to assess the health care needs of the uninsured and to monitor the financial stability of the Nation's health care safety net; to the Committee on Finance.

HEALTH CARE SAFETY NET OVERSIGHT ACT OF 2000

Mr. BAUCUS. Mr. President, it is often said that, "Good health and good sense are two of life's greatest blessings." Senators GRASSLEY, JEFFORDS, and I hope to further the cause of good health and good sense today, through introduction of the Health Care Safety Net Oversight Act of 2000.

Mr. President, currently no entity oversees America's health care safety net. This means that all safety net providers—including rural health clinics, community heath centers and emergency rooms—are laboring on their own. They are like master musicians performing without a conductor. Each is trying their hardest and performing their part—but no one is coordinating their efforts. No one is able to tell an actor when his services will be needed, or when he can take a break.

This act changes that, by creating the Safety Net Organizations and Patient Advisory Commission, an independent and nonpartisan commission to monitor the stability of the health care safety net.

What does this mean?

The Safety Net is made up of providers that deliver health services to the uninsured and vulnerable populations across America. These providers are often a last resort for patients who are unable to afford the health care they need and have nowhere else to turn. In my state, we have about 30 community health centers and rural health clinics, serving an estimated 80,000 persons per year. That translates into about one in ten Montanans. Were it not for these clinics and health centers, many of these folks—the uninsured and underinsured—would have no place to turn.

According to the U.S. Census Bureau, nearly one in five Montanans were uninsured in 1998. This number has risen by 36 percent over the last ten years, and there are now only five states with a higher percentage of uninsured residents. When these uninsured seek medical treatment they are often not able to pay. Last year, Montana hospitals reported over $67 million in charity care and bad debt. And the problem is not going away. At current growth rates for the uninsured, as many as one in four Montanans will be uninsured by the year 2007.

But Mr. President, these people are not uninsured of their own volition. Eighty three percent of uninsured Montanans are in working families. And self-employed workers—including owners of small businesses—and their dependents account for one-fifth of the uninsured in our state. In fact, Montana ranks last in the nation with only 40 percent of firms offering a health insurance benefit.

So what do we do about this problem? How do we ensure that all Americans, irrespective of color, creed gender or geography, have access to quality health care?

Six or seven years ago, Congress and the administration worked on the problem of the uninsured. A tremendous amount of time and effort went into the Health Security Act, on both sides of the issue. As we know, passage of that bill failed. Since then, Congress has taken a more incremental approach to health care. Congress passed legislation in 1996 to ensure portability of health insurance. A year later, the CHIP program was signed into law, bipartisan legislation to cover children of working families. And last year, Congress passed the Work Incentives Improvement Act to allow disabled folks to continue working and not lose health care benefits.

But while these legislative actions are extremely important, they affect relatively few Americans. The fact remains, for most uninsured and underinsured Americans, the safety net is still the only place to turn.

Yet the safety net has been seriously damaged in recent years. According to a recent report by the Institute of Medicine, the health care safety net is "intact but endangered."

For instance, the 1997 Balanced Budget Act cut payments to Disproportionate Share Hospitals and Community health centers. It also cut reimbursement to rural health clinics, so critical to providing coverage to rural uninsured individuals. At the same time, Congress mandates that emergency departments care for anyone and everyone that darkens their door. Though not a reimbursement issue per se, the EMTALA dictates that all ER's care for all individuals, regardless of ability to pay.

Despite all these developments, there is no entity responsible for making changes to the safety net. And though SNOPAC will not solve the problem of America's uninsured, it will work to ensure that no holes develop in the Safety Net. An independent, non-partisan commission, modeled on the Medicare Payment Advisory Commission (MedPAC), SNOPAC will include professionals from across the policy and practical spectrum of health care. And like MedPAC, SNOPAC will report to the relevant committees of Congress on the status of its mission: tracking the well-being of the health care safety net.

Though it's not a panacea, SNOPAC is a positive step toward a coordinated approach in caring for the uninsured. Absent large-scale improvements in the number of insured Americans, we should at least work to monitor and care for what we already have—an intact, but endangered, health care safety net.

I urge all my colleagues to join me in this effort towards good health and good sense.

By Mr. TORRICELLI:

S. 3036. A bill to assure that recreation and other economic benefits are accorded the same weight as hurricane and storm damage reduction benefits as well as environmental restoration benefits; to the Committee on Environment and Public Works.

NATIONAL BEACH ENHANCEMENT ACT

Mr. TORRICELLI. Mr. President, I rise today to introduce legislation which will ensure the preservation of our nation's coastal areas. Protection of our beaches is paramount; they are not only where we go to enjoy the sand and surf, but they also generate a significant portion of our nation's revenue.

Tourism and recreational activity are extremely important to New Jersey, especially to our small businesses and shore communities. New Jersey's $17 billion a year tourism industry is supported by the 160 million people who visit our 127 miles of beaches each year. This spending by tourists totaled $26.1 billion in New Jersey in 1998, a 2 percent increase from $25.6 billion in 1997.

My state is a microcosm of coastal tourism throughout the United States. Travel and tourism is our Nation's largest industry, employer, and foreign-revenue earner, and U.S. beaches are its leading tourist destination. In 1997, total tourism expenditures in U.S. coastal areas was over $185 billion, generating over 2.7 million jobs with a payroll of nearly $50 million.

Americans are not the only ones eager to enjoy our beaches and coastal regions. They are also the top destination for foreign tourists. Each year, the U.S. takes in $4 billion in taxes from foreign tourists, while state and local governments receive another $3.5 million.

In Florida alone, foreign tourists spent over $11 billion in 1992, $2 billion of that amount in the Miami Beach area. This Florida spending generated over $750 million in Federal tax revenues. A recent article by Dr. James R. Houston, published in the American Shore and Beach Preservation Journal, shows that annual tax revenues from foreign tourists in Miami Beach are 17 times more than the Federal government spent on the entire Federal Shore Protection program from 1950 to 1993. If the Federal share of beach nourishment averages about $10 million a year, the Federal government collects about 75 times more in taxes from foreign tourists in Florida than it spends restoring that State's beaches.

Delaware, one of the smallest states in the Union, is visited by over 5 million people each year. This, in a state where just over 21,000 people actually live in beach communities and another 373,000 live within a several hours drive. Beach tourism generates over $173 million in expenditures each year for "The First State."

Equally significant, however, beach erosion results in an estimated loss of over 471,000 visitor days a year, a figure which is estimated to increase to over 516,000 after five years. A 1998 study by Jack Faucett Associates (Bethesda, MD) in cooperation with independent consultants for the Delaware Department of Natural Resources and Environmental Control shows that during this five-year period, beach erosion will cost an estimated $30.2 million in consumer expenditures, the loss of 625 beach area jobs, and the reduction of wages and salaries by $11.5 million. Business profits will drop by $1.6 million and State and local tax revenues will decrease by $2.3 million. Finally, beach erosion will reduce beach area property values by nearly $43 million. The situation in Delaware is indicative of beach erosion problems throughout the coastlines of our nation. Unless we increase our efforts to protect and renourish our coastline, we jeopardize a significant portion of our country's revenue.

The Federal government spends $100 million a year for the Federal Shore Protection program. While the U.S. Army Corps of Engineers does a benefit-cost analysis in connection with every shore protection project, that analysis suffers from its own myopia. It places its greatest emphasis on the value of the private property that is immediately adjacent to the coastline. It is not reasonable to assume that a healthy beach with natural dunes and vegetation will benefit only that first row of homes and businesses. Homeowners spend money in the region; hotels attract tourists, who also spend money; local residents who live inland come to the beach to recreate. They too, spend money. Countless businesses, from t-shirt vendors to restaurants, all depend on these expenditures.

Prior to the 1986 Water Resources Development Act, the Army Corps of Engineers viewed recreation as an equally important component of its cost-benefits analysis. However, the 1986 bill omitted recreation as benefit to be considered, and our coastal communities have suffered. Indeed, the economy of our nation has suffered. My legislation would make it clear that recreational benefits will be given the same budgetary priority as storm damage reduction and environmental restoration. Companion legislation has been introduced in the House of Representatives, by Congressmen LAMPSON and LOBIONDO, and enjoys bipartisan support.

Beach replenishment efforts ensure that our beaches are protected, property is not damaged, dunes are not washed away, and the resource that coastal towns rely on for their lifeblood, is preserved. It is imperative that federal policy base beach nourishment assistance on the entirety of the economic benefits it provides. To limit benefits to hurricane or storm damage reduction ignores the equally important economic impact of tourism.

By Mr. CONRAD (for himself, Mr. FRIST, Mr. DEWINE, Mr. BRYAN, and Mr. THOMPSON):

S. 2038. A bill to amend title XVIII of the Social Security Act to update the renal dialysis composite rate; to the Committee on Finance.

THE MEDICARE RENAL DIALYSIS PAYMENT FAIRNESS ACT OF 2000

Mr. CONRAD. Mr. President, today I am pleased to be joined by Senator FRIST and Representatives CAMP and THURMAN in introducing the Medicare Renal Dialysis Payment Fairness Act of 2000. This legislation takes important steps to help sustain and improve the quality of care for Medicare beneficiaries suffering from kidney failure.

Nationwide, more than 280,000 Americans live with end-stage renal disease (ESRD). In my State of North Dakota, the number of patients living with ESRD is relatively small, just over 600. However, for these patients and others across the country, access to dialysis treatments means the difference between life and death.

In 1972, the Congress took important steps to ensure that elderly and disabled individuals with kidney failure receive appropriate dialysis care. At that time, Medicare coverage was extended to include dialysis treatments for beneficiaries with ESRD.

Over the last three decades, dialysis facilities have provided services to increasing numbers of kidney failure patients under increasingly strict quality standards; however, during this same time frame reimbursement for kidney services has not kept pace with the increasing demands of providing dialysis care.

Last year, Senator FRIST and I introduced legislation to ensure dialysis facilities could continue providing quality dialysis services to Medicare beneficiaries. I am happy to say that, based on these efforts, dialysis providers received increased Medicare reimbursement in fiscal years 2000 and 2001 as part of the Medicare, Medicaid, and S-CHIP Refinement Act of 1999.

While these efforts were a step in the right direction, a recent Medicare Payment Advisory Commission (MedPAC) report suggests that we must take further action to sustain patients' access to dialysis services. In particular, MedPAC recommends a 1.2 percent payment adjustment for Medicare-covered dialysis services in the next fiscal year. In addition, MedPAC recommends that the Health Care Financing Administration provide an annual review of the dialysis payment rate—a review that most other Medicare-covered services receive each year.

I believe these recommendations represent critical adjustments that must be addressed this year. For this reason, I have worked with Senator FRIST, Representative CAMP and Representative THURMAN to develop the Medicare Renal Dialysis Payment Fairness Act of 2000. This legislation would provide the payment rate improvements recommended by MedPAC and would establish an annual payment review process for dialysis services. This proposal would help ensure all dialysis providers receive reimbursement that is in line with increasing patient load and quality requirements. This is particularly important for our Nation's smaller, rural dialysis providers that on average receive Medicare payments to do not adequately reflect costs.

As the Congress considers further improvements to the Medicare Program, I urge my colleagues to support this important effort to ensure patients with kidney failure continue to have access to quality dialysis services. I thank my colleagues for working together on this bipartisan and bicameral proposal.

Mr. FRIST. Mr. President, I am pleased to join Senators CONRAD, THOMPSON, BRYAN, and DEWINE this afternoon to introduce the Medicare Renal Dialysis Payment Fairness Act of 2000. This bipartisan legislation takes important steps to assure both the quality and availability of outpatient dialysis services for Medicare patients with end-stage renal disease (ESRD).

Almost 30 years ago, Congress recognized the pain and suffering patients with end-stage renal disease face, and thus moved to provide coverage for dialysis treatment to this population under the Medicare Program. Today, approximately 300,000 patients nationwide live with this disease and receive services through Medicare. Presently, there are 3,423 dialysis facilities throughout the Nation that serve the Medicare population, 93 of which are in my home State of Tennessee.

However, I fear that a lack of proper reimbursement may adversely impact the quality and availability of dialysis care for Medicare beneficiaries. As the Medicare Payment Advisory Commission (MedPAC) noted, the payment rate for the critical dialysis services received by Medicare beneficiaries was established in 1983, and had never been updated.

Last year, Senator CONRAD and I sought to remedy this situation by introducing S. 1449, the Medicare Renal Dialysis Fair Payment Act of 1999, which provided an update to the Medicare reimbursement rate for dialysis services for Fiscal Year 2000. Thus, I was pleased to see the Balanced Budget Refinement Act of 1999 (BBRA) include a provision increasing the payment rate by 1.2 percent for Fiscal Year 2000 and 1.2 percent for Fiscal Year 2001.

However, the BBRA represented only the first step toward securing access to dialysis services for Medicare patients and ensuring they receive the highest quality of care. The legislation we are introducing today takes the necessary additional steps, as recommended by MedPAC this year, to assure proper reimbursement levels for dialysis services.

Specifically, the "Medicare Renal Dialysis Payment Fairness Act of 2000" provides a 1.2 percent increase in the payment rate for FY 2001, in addition to the 1.2 percent update included in the BBRA, providing a 2.4 percent total increase. This follows MedPAC's analysis of dialysis center costs that concluded that prices paid by dialysis centers would rise by 2.4 percent between Fiscal Year 2000 and 2001.

Second, the legislation ensure proper reimbursement in future years by requiring the Health Care Financing Administration (HCFA) to develop a market basket index for dialysis centers that measures input prices and other relevant factors and to annually review and update the payment rate based upon this index.

Overall, the Medicare Renal Dialysis Payment Fairness Act of 2000 will ensure that dialysis facilities receive the proper Medicare reimbursement to continue to provide high quality dialysis services to the ESRD population.

I am grateful to the National Kidney Foundation, the American Nephrology Nurses Association, the Renal Physicians Association, the National Renal Administrators Association, and the Renal Leadership Council for their support of the Medicare Renal Dialysis Payment Fairness Act of 2000, and I urge my colleagues to support this critical measure.

ADDITIONAL COSPONSORS

S. 577

At the request of Mr. HATCH, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 577, a bill to provide for injunctive relief in Federal district court to enforce State laws relating to the interstate transportation of intoxicating liquor.

S. 642

At the request of Mr. GRASSLEY, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 642, a bill to amend the Internal Revenue Code of 1986 to provide for Farm and Ranch Risk Management Accounts, and for other purposes.

S. 681

At the request of Mr. DASCHLE, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 681, a bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for a minimum hospital stay for mastectomies and lymph node dissections performed for the treatment of breast cancer.

S. 805

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 805, a bill to amend title V of the Social Security Act to provide for the establishment and operation of asthma treatment services for children, and for other purposes.

S. 1020

At the request of Mr. GRASSLEY, the names of the Senator from New Mexico (Mr. DOMENICI), the Senator from Mississippi (Mr. LOTT), and the Senator from Rhode Island (Mr. L. CHAFEE) were added as cosponsors of S. 1020, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

At the request of Mr. FEINGOLD, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1020, supra.

S. 1391

At the request of Mr. INOUYE, the names of the Senator from California (Mrs. BOXER) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 1391, a bill to amend title 38, United States Code, to improve benefits for Filipino veterans of World War II, and for other purposes.

S. 1510

At the request of Mr. MCCAIN, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1510, a bill to revise the laws of the United States appertaining to United States cruise vessels, and for other purposes.

S. 1810

At the request of Mrs. MURRAY, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1810, a bill to amend title 38, United States Code, to clarify and improve veterans' claims and appellate procedures.

S. 1900

At the request of Mr. LAUTENBERG, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1900, a bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued by Amtrak, and for other purposes.

S. 1974

At the request of Mr. SCHUMER, the names of the Senator from Wisconsin (Mr. KOHL), the Senator from Illinois (Mr. DURBIN), and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 1974, a bill to amend the Internal Revenue Code of 1986 to make higher education more affordable by providing a full tax deduction for higher education expenses and a tax credit for student education loans.

S. 1987

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 1987, a bill to amend the Violence Against Women Act of 1994, the Family Violence Prevention and Services Act, the Older Americans Act of 1965, and the Public Health Service Act to ensure that older women are protected from institutional, community, and domestic violence and sexual assault and to improve outreach efforts and other services available to older women victimized by such violence, and for other purposes.

S. 2003

At the request of Mr. JOHNSON, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 2003, a bill to restore health care coverage to retired members of the uniformed services.

S. 2264

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 2264, a bill to amend title 38, United States Code, to establish within the Veterans Health Administration the position of Advisor on Physician Assistants, and for other purposes.

S. 2274

At the request of Mr. GRASSLEY, the names of the Senator from Wisconsin (Mr. KOHL) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 2274, a bill to amend title XIX of the Social Security Act to provide families and disabled children with the opportunity to purchase coverage under the medicaid program for such children.

S. 2308

At the request of Mr. MOYNIHAN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2308, a bill to amend title XIX of the Social Security Act to assure preservation of safety net hospitals through maintenance of the Medicaid disproportionate share hospital program.

S. 2399

At the request of Mr. DURBIN, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from California (Mrs. BOXER), and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 2399, a bill to amend title XVIII of the Social Security Act to revise the coverage of immunosuppressive drugs under the medicare program.

S. 2612

At the request of Mr. GRAHAM, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 2612, a bill to combat Ecstasy trafficking, distribution, and abuse in the United States, and for other purposes.

S. 2698

At the request of Mr. MOYNIHAN, the names of the Senator from Washington (Mrs. MURRAY), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from North Carolina (Mr. HELMS), and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 2698, a bill to amend the Internal Revenue Code of 1986 to provide an incentive to ensure that all Americans gain timely and equitable access to the Internet over current and future generations of broadband capability.

S. 2787

At the request of Mr. HATCH, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 2787, a bill to reauthorize the Federal programs to prevent violence against women, and for other purposes.

S. 2828

At the request of Mr. GRASSLEY, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2828, a bill to amend title XVIII of the Social Security Act to require that the Secretary of Health and Human Services wage adjust the actual, rather than the estimated, proportion of a hospital's costs that are attributable to wages and wage-related costs.

S. 2841

At the request of Mr. ROBB, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 2841, a bill to ensure that the business of the Federal Government is conducted in the public interest and in a manner that provides for public accountability, efficient delivery of services, reasonable cost savings, and prevention of unwarranted Government expenses, and for other purposes.

S. 2938

At the request of Mr. SANTORUM, his name was added as a cosponsor of S. 2938, a bill to prohibit United States assistance to the Palestinian Authority if a Palestinian state is declared unilaterally, and for other purposes.

At the request of Mr. BROWNBACK, the names of the Senator from Oregon (Mr. SMITH), the Senator from Delaware (Mr. ROTH), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from New Hampshire (Mr. SMITH) were added as cosponsors of S. 2938, supra.

S. 3007

At the request of Mr. LUGAR, the name of the Senator from Delaware (Mr. ROTH) was added as a cosponsor of S. 3007, a bill to provide for measures in response to a unilateral declaration of the existence of a Palestinian state.

S. 3016

At the request of Mr. ROTH, the names of the Senator from Virginia (Mr. WARNER) and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of S. 3016, to amend the Social Security Act to establish an outpatient prescription drug assistance program for low-income medicare beneficiaries and medicare beneficiaries with high drug costs.

S. 3017

At the request of Mr. ROTH, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 3017, a bill to amend the Social Security Act to establish an outpatient prescription drug assistance program for low-income medicare beneficiaries and medicare beneficiaries with high drug costs.

S. 3020

At the request of Mr. GRAMS, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 3020, a bill to require the Federal Communications Commission to revise its regulations authorizing the operation of new, low-power FM radio stations.

S. 3021

At the request of Mrs. HUTCHISON, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 3021, a bill to provide that a certification of the cooperation of Mexico with United States counterdrug efforts not be required in fiscal year 2001 for the limitation on assistance for Mexico under section 490 of the Foreign Assistance Act of 1961 not to go into effect in that fiscal year.

S. CON. RES. 102

At the request of Mrs. FEINSTEIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. Con. Res. 102, a concurrent resolution to commend the bravery and honor of the citizens of Remy, France, for their actions with respect to Lieutenant Houston Braly and to recognize the efforts of the 364th Fighter Group to raise funds to restore the stained glass windows of a church in Remy.

S. RES. 304

At the request of Mr. BIDEN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. Res. 304, a resolution expressing the sense of the Senate regarding the development of educational programs on veterans' contributions to the country and the designation of the week that includes Veterans Day as "National Veterans Awareness Week" for the presentation of such educational programs.

S. RES. 347

At the request of Mr. HATCH, his name was added as a cosponsor of S. Res. 347, a resolution designating the week of September 17, 2000, through September 23, 2000, as National Ovarian Cancer Awareness Week.

AMENDMENT NO. 4119

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of Amendment No. 4119 proposed to H.R. 4444, a bill to authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China.

SENATE RESOLUTION 353—DESIGNATING OCTOBER 20, 2000, AS "NATIONAL MAMMOGRAPHY DAY"

Mr. BIDEN (for himself, Mr. ABRAHAM, Mr. AKAKA, Mr. ASHCROFT, Mr. BAYH, Mr. BINGAMAN, Mrs. BOXER, Mr. BREAUX, Mr. BRYAN, Mr. BYRD, Mr. CLELAND, Mr. CONRAD, Mr. DEWINE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. FRIST, Mr. GORTON, Mr. GRAHAM, Mr. GRAMM, Mr. HAGEL, Mr. HELMS, Mrs. HUTCHISON, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Mr. HOLLINGS, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MACK, Ms. MIKULSKI, Mr. MILLER, Mr. MURKOWSKI, Mrs. MURRAY, Mr. REID, Mr. ROBB, Mr. ROTH, Mr. SARBANES, Mr. SCHUMER, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Mr. VOINOVICH, Mr. WARNER, and Mr. WELLSTONE) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 353

Whereas according to the American Cancer Society, in 2000, 182,800 women will be diagnosed with breast cancer and 40,800 women will die from this disease;

Whereas in the decade of the 1990's, it is estimated that about 2,000,000 women were diagnosed with breast cancer, resulting in nearly 500,000 deaths;

Whereas the risk of breast cancer increases with age, with a woman at age 70 years having twice as much of a chance of developing the disease as a woman at age 50 years;

Whereas at least 80 percent of the women who get breast cancer have no family history of the disease;

Whereas mammograms, when operated professionally at a certified facility, can provide safe screening and early detection of breast cancer in many women;

Whereas experts agree that mammography is the best method of early detection of breast cancer, and early detection is the key to saving lives;

Whereas mammograms can reveal the presence of small cancers up to 2 years or more before a regular clinical breast examination or breast self-examination, reducing mortality by more than 30 percent; and

Whereas the 5-year survival rate for localized breast cancer is over 96 percent: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 20, 2000, as "National Mammography Day"; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe such day with appropriate programs and activities.

Mr. BIDEN. Mr. President, today I am introducing a resolution designating October 20, 2000, as "National Mammography Day". I am pleased that 54 of my colleagues have endorsed this proposal by agreeing to be original cosponsors. I might note that I have introduced a similar resolution each year since 1993, and on each occasion the Senate has shown its support for the fight against breast cancer by approving the resolution.

Each year, as I prepare to introduce this resolution, I review the latest information from the American Cancer Society about breast cancer. For the year 2000, it is estimated that nearly 183,000 women will be diagnosed with breast cancer and slightly fewer than 41,000 women will die of this disease.

In past years, I have often commented on how gloomy these statistics were. But as I review how these numbers are changing over time, I have come to the realization that it is really more appropriate to be upbeat about this situation. The number of deaths from breast cancer is falling from year to year. Early detection of breast cancer continues to result in extremely favorable outcomes: 96 percent of women with localized breast cancer will survive 5 years or longer. New digital techniques make the process of mammography much more rapid and precise than before. Government programs will provide free mammograms to those who can't afford them. Information about treatment of breast cancer with surgery, chemotherapy, and radiation therapy has exploded, reflecting enormous research advances in this disease.

So I am feeling quite positive about breast cancer. A diagnosis of breast cancer is not a death sentence, and I encounter long-term survivors of breast cancer so frequently now on a daily basis that I scarcely give it a second thought. And the key to this success is early diagnosis and treatment, with routine periodic mammography being the linchpin of the entire process. Routine mammography can locate a breast cancer as much as 2 years before it would be detectable by self-examination. The statistics tell the story: the number of breast cancer deaths is declining despite an increase in the number of breast cancer cases diagnosed. More women are getting mammograms, more breast cancer is being diagnosed, and more of these breast cancers are discovered at an early and highly curable stage.

So my message to women is: have a periodic mammogram. Early diagnosis saves lives. But I know many women don't have annual mammograms, usually because of either fear or forgetfulness. Some women avoid mammograms because they are afraid of what they will find. To these women, I would say that if you have periodic routine mammograms, and the latest one comes out positive, even before you have any symptoms or have found a lump on self-examination, you have reason to be optimistic, not pessimistic. Such early-detected breast cancers are highly treatable.

Let me consider an analogous situation. We know that high blood pressure is a killer, and we are all advised to get our blood pressure checked from time to time. Are we afraid to do this? No. Why not? Because we know that even if high blood pressure is detected on a screening examination, it can be readily and successfully treated. We also know that high blood pressure is not going to go away by itself, so if we have it, we should find out about it, get it treated, and move ahead with our lives.

The argument for having periodic routine mammograms to detect breast cancer is similar. Most of the time, the examination is reassuringly negative. But if it is positive, and your previous routine mammograms were negative, it means that this cancer has been detected early on, when it has a high chance of being cured.

And then there is forgetfulness. I certainly understand how difficult it is to remember to do something that only comes around once each year. I would suggest that this is where "National Mammography Day" comes in. This year, National Mammography Day falls on Friday, October 20, right in the middle of National Breast Cancer Awareness Month. On that day, let's make sure that each woman we know picks a specific date on which to get a mammogram each year, a date that she won't forget: a child's birthday, an anniversary, perhaps even the day her taxes are due. On National Mammography Day, let's ask our loved ones: pick one of these dates, fix it in your mind along with a picture of your child, your wedding, or another symbol of that date, and promise yourself to get a mammogram on that date every year. Do it for yourself and for the others that love you and want you to be part of their lives for as long as possible.

Mr. President, I urge my colleagues to join me in the ongoing fight against breast cancer by cosponsoring and voting for this resolution to designate October 20, 2000, as National Mammography Day.

SENATE RESOLUTION 354—AMENDING PARAGRAPHS 2 AND 3(A) OF RULE XXV AND PROVIDING FOR CERTAIN APPOINTMENTS TO THE AGRICULTURE, NUTRITION, AND FORESTRY COMMITTEE, THE BANKING, HOUSING, AND URBAN AFFAIRS COMMITTEE, THE FINANCE COMMITTEE, THE SMALL BUSINESS COMMITTEE, AND THE VETERANS' AFFAIRS COMMITTEE

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 354

Resolved, That notwithstanding any other provision of Rule XXV, paragraph 2 of Rule XXV of the Standing Rules of the Senate is amended as follows:

Strike the figure after "Agriculture, Nutrition, and Forestry" and insert in lieu thereof "20".

Strike the figure after "Banking, Housing, and Urban Affairs" and insert in lieu thereof "22".

SEC. 2. That Rule XXV, paragraph 3(a) of the Standing Rules of the Senate is amended as follows:

Strike the figure after "Veterans' Affairs" and insert in lieu thereof "14".

SEC. 3. That on the Committee on Agriculture, Nutrition, and Forestry, the Senator from Oregon (Mr. SMITH) is hereby appointed to serve as a majority member; that the Senator from Georgia (Mr. MILLER) is hereby appointed to serve as a minority member; and that the Majority Leader is hereby authorized to appoint one majority member to that committee.

SEC. 4. That on the Committee on Banking, Housing, and Urban Affairs, the Senator from Georgia (Mr. MILLER) is hereby appointed to serve as a minority member, and that the Majority Leader is hereby authorized to appoint one majority member to that committee.

SEC. 5. That on the Committee on Finance, the Senator from Idaho (Mr. CRAIG) is hereby appointed to serve as a majority member.

SEC. 6. That on the Committee on Small Business, the Majority Leader is hereby authorized to appoint one majority member to that committee.

SEC. 7. That on the Committee on Veterans' Affairs, the Senator form Georgia (Mr. MILLER) is hereby appointed to serve as a minority member, and that the Majority Leader is hereby authorized to appoint a majority member to that committee.

SENATE RESOLUTION 355—COMMENDING AND CONGRATULATING MIDDLEBURY COLLEGE

Mr. LEAHY (for himself and Mr. JEFFORDS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 355

Whereas in the fall of 1800, a group of distinguished Vermonters, including Jeremiah Atwater, Nathaniel Chipman, Herman Ball, Elijah Paine, Gamaliel Painter, Israel Smith, Stephen R. Bradley, Seth Storrs, Stephen Jacob, Daniel Chipman, Lot Hall, Aaron Leeland, Gershom C. Lyman, Samuel Miller, Jedediah P. Buckingham, and Darius Matthews, petitioned the Vermont General Assembly for the establishment of a new institution of higher education in the town of Middlebury, Vermont;

Whereas on November 1, 1800, the Vermont General Assembly adopted a law to establish a college in Middlebury and named this group of distinguished Vermonters to be known as "the President and fellows of Middlebury college", and designated Jeremiah Atwater as the new college's first President;

Whereas on November 5, 1800, less than 1 week after receiving its Charter, Middlebury College opened its doors to 7 students and 1 professor using space at the local grammar school for instruction;

Whereas by 1810, the college had grown to 110 students and needed space of its own, and the campus of Middlebury College was built, and on May 19, 2000, the United States Postal Service issued postcards to commemorate the Old Stone Row and the first 3 buildings of the Middlebury College campus;

Whereas over the last 2 centuries, Middlebury College has evolved from 1 of the first colleges in the United States into 1 of the most respected liberal arts colleges in the Nation, with more than 2,000 students, almost 200 professors, and a main campus of over 250 acres;

Whereas the Middlebury College Bicentennial Planning Commission has designed Celebration 2000 to commemorate this milestone in Vermont's and the Nation's educational history;

Whereas this bicentennial is a celebration honoring the people and events that have made and continue to make Middlebury College a leader in higher education;

Whereas Celebration 2000 features concerts, plays, and symposia, both on campus and at additional locations such as the New York Public Library, and the dedication of a new science building, Bicentennial Hall, with an exterior that resembles the Old Stone Row and the early architectural history of this 200-year-old school; and

Whereas the year-long celebration of 2 centuries of quality higher education will culminate during Founders' Week, November 1st through 5th, 2000, when a variety of events will occur in honor of Middlebury, the college, and Middlebury, the college's town: Now, therefore, be it

Resolved, That—

(1) the Senate commends and congratulates Middlebury College on the completion of its first 200 years of educational excellence and wishes the college continued success as it commences a third century of educational opportunity and leadership; and

(2) the Secretary of the Senate shall send a copy of this resolution to the Middlebury College President, John M. McCardell, Jr.

Mr. LEAHY. Mr. President, today I rise to introduce a resolution on behalf of myself and Senator JEFFORDS to commemorate 200 years of quality higher education at nationally acclaimed Middlebury College located in Middlebury, Vermont.

In the fall of 1800, a group of distinguished Vermonters petitioned the Vermont General Assembly for the establishment of a new institution of higher education in the small agricultural town of Middlebury. On November 1, 1800 these efforts proved successful when the Vermont General Assembly adopted a law to establish a college in Middlebury. Less than one week after receiving its charter, Middlebury College opened its doors to seven students and one professor in space at the local grammar school.

Over the last two centuries, Middlebury College has evolved from one of the first colleges in Vermont into one of the most respected liberal arts colleges in the Nation. Today, Middlebury has more than two thousand students, almost two hundred professors, and a main campus of over 250 acres. The campus of was first built beginning in 1810 with three larger stone buildings, each sharing a unique architectural style. On May 19, 2000, the United States Postal Service issued postcards to commemorate the Old Stone Row and the first buildings of the Middlebury College campus.

In recognition of 200 years of educating students from across this country and the world, the Middlebury College Bicentennial Planning Commission has designed Celebration 2000 to commemorate this milestone in Vermont's and the Nation's educational history. The year-long bicentennial celebration honors the people and events that have made and continue to make Middlebury College a leader in higher education. Celebration 2000 features concerts, plays, and symposia, both on campus and at additional locations such as the New York Public Library, and the dedication of a new science building, Bicentennial Hall, with an exterior that resembles the Old Stone row and the school's early architectural history. This year-long celebration will culminate later this fall during Founders' Week, a series of events on campus during the first week of November.

Mr. President, I am pleased to offer this resolution to commend and congratulate Middlebury College on the completion of its first two hundred years of educational excellence. I hope my colleagues will join Senator JEFFORDS and me in honoring the contributions of the school, its students and its alumni.

Mr. JEFFORDS. Mr President, I rise today to join my good friend and colleague from Vermont in introducing a Resolution commending and congratulating Middlebury College on 200 years of providing quality higher education in Vermont. It gives me great pleasure in wishing this prestigious institution a very happy anniversary.

When Middlebury College first opened, seven students and one professor made up the entire faculty and student body. Two hundred years later, this institution has grown to include over 2000 and nearly 200 professors, and continues to remain a top rated liberal arts school.

As Middlebury College nears the culmination of their year-long celebration of their bicentennial, it is only fitting that we take this opportunity to recognize the accomplishments and achievements of Middlebury College and the many graduates thereof.

Therefore it gives me great pleasure in joining Senator LEAHY in introducing this resolution and I urge my colleagues to support its adoption.

AMENDMENTS SUBMITTED

HOLLINGS AMENDMENTS NOS. 4134–4137

Mr. HOLLINGS proposed four amendments to the bill, H.R. 4444, supra; as follows:

AMENDMENT NO. 4134

At the appropriate place, insert the following:

SEC. . FOREIGN INVESTMENT INFORMATION TO BE INCLUDED IN 10-K REPORTS.

The Securities and Exchange Commission shall amend its regulations to require the inclusion of the following information in 10-K reports required to be filed with the Commission:

(1) The number of employees employed by the reporting entity outside the United States directly, indirectly, or through a joint venture or other business arrangement, listed by country in which employed.

(2) The annual dollar volume of exports of goods manufactured or produced in the United States by the reporting entity to each country to which it exports such goods.

(3) The annual dollar volume of imports of goods manufactured or produced outside the United States by the reporting entity from each country from which it imports such goods.

AMENDMENT NO. 4135

At the appropriate place, insert the following:

SEC. . BALANCE OF TRADE WITH CHINA IN CEREALS AND SOYBEANS.

(a) IN GENERAL.—Beginning with the first business day in January of the year 2001 and on the first business day in January of each year thereafter, (or as soon thereafter as the data become available) the President shall report to the Congress on the balance of trade between the United States and the People's Republic of China in cereals (wheat, corn, and rice) and on the balance of trade between the United States and the People's Republic of China in soybeans for the previous year.

(b) COMMITMENTS FROM CHINA TO REDUCE DEFICIT.—If the President reports a trade deficit in favor of the People's Republic of China under subsection (a) for cereals or for soybeans, then the President is authorized and requested to initiate negotiations to obtain additional commitments from the People's Republic of China to reduce or eliminate the imbalance.

(c) 6-MONTH FOLLOW-UP.—The President shall report to the Congress the results of those negotiations, and any additional steps taken by the President to eliminate that trade deficit, within 6 months after submitting the report under subsection (a).

AMENDMENT NO. 4136

At the appropriate place, inset the following:

SEC. . BALANCE OF TRADE WITH CHINA IN ADVANCED TECHNOLOGY PRODUCTS.

(a) FINDINGS.—The Congress makes the following findings:

(1) The trade deficit with the People's Republic of China in advance technology products for 1999 was approximately $3.2 billion.

(2) The trade deficit with the People's Republic of China in advance technology products for 2000 is projected to be approximately $5 billion.

(b) REPORT.—Beginning with the first business day in January of the year 2001 and on the first business day in January of each year thereafter, (or as soon thereafter as the data become available) the President shall report to the Congress on the balance of trade between the United States and the People's Republic of China in advanced technology products for this previous year.

(c) COMMITMENTS FROM CHINA TO REDUCE DEFICIT.—If the President reports a trade deficit in favor of the People's Republic of China under subsection (b) excess of $5 billion for any year, the President is authorized and requested to initiate negotiations to obtain additional commitments from the People's Republic of China to reduce or eliminate the imbalance.

(d) 6-MONTH FOLLOW-UP.—The President shall report to the Congress the result of those negotiations, and any additional steps taken by the President to eliminate that trade deficit, within 6 months after submitting the report under subsection (b).

AMENDMENT NO. 4137

At the appropriate place, insert the following:

SEC. . RISK INSURANCE CERTIFICATIONS.

Notwithstanding any other provision of law to the contrary, and in addition to any requirements imposed by law, regulation, or rule, neither the Export-Import Bank of the United States nor the Overseas Private Investment Corporation may provide risk insurance after December 31, 2000, to an applicant unless that applicant certifies that it—

(1) has not transferred advanced technology after January 1, 2001, to the People Republic of China; and

(2) has not moved any production facilities after January 1, 2001, from the United States to the People's Republic of China.

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs is re-scheduling their September 13, 2000 hearing to September 14, 2000, in the Russell Senate Office Building room number 485, at 3:30 p.m. on S. 2899, a bill to express the policy of the United States regarding the United States' relationship with Native Hawaiians. Immediately following the hearing will be a business meeting where S. 2920, a bill to amend the Indian Gaming Regulatory Act, S. 2688, a bill to amend the Native American Languages Act, and S. 2899, a bill to express the policy of the United States regarding the United States' relationship with Native Hawaiians, will be considered.

SUBCOMMITTEE ON WATER AND POWER

Mr. SMITH. Mr. President, I would like to announce for the information of the Senate and the public that a legislative hearing has been scheduled before the Subcommittee on Water and Power.

The hearing will take place on Tuesday, September 19, 2000 at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on the following bills: H.R. 3577, To increase the amount authorized to be appropriated for the north side pumping division of the Minidoka reclamation project, Idaho; S. 2906, To authorize the Secretary of the Interior to enter into contracts with the city of Loveland, Colorado to use Colorado-Big Thompson Project facilities for the impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes; S. 2942, To extend the deadline for commencement of construction of certain hydroelectric projects in the State of West Virginia; S. 2951, To authorize the Commission of Reclamation to conduct a study to investigate opportunities to better manage the water resources in the Salmon Creek watershed of the Upper Columbia River; and S. 3022, To direct the Secretary of the Interior to convey certain irrigation facilities to the Nampa and Meridian Irrigation District.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Water and Power, Committee on Energy and Natural Resources, United States Senate, 364

Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please call Trici Heninger, Staff Assistant, or Colleen Deegan, Counsel, at (202) 224-8115.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY

Mr. ROTH. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Tuesday, September 12, 2000. The purpose of this hearing will be to review the operation of the Office of Civil Rights, USDA, and the role of the Office of General Counsel, USDA.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. ROTH. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, September 12, 2000, at 9:30 a.m. on Firestone tire recall.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. ROTH. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, September 12, at 9:30 a.m. to conduct a hearing on proposed U.S. Department of Transportation regulations on planning and environment.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. ROTH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, September 12, 2000 at 9:30 a.m. to hold a hearing (agenda attached).

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HOUSING AND TRANSPORTATION

Mr. ROTH. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Transportation of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, September 12, 2000, to conduct a hearing on "congressional proposals impacting F.H.A. reserves."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND POWER

Mr. ROTH. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, September 12 at 2:30 p.m. to conduct an oversight hearing. The subcommittee will receive testimony on the status of the Biological Opinions of the National Marine Fisheries Service and the U.S. Fish and Wildlife Service on the operations of the Federal hydropower system of the Columbia River.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Marty Gensler, who is a fellow in my office, have floor privileges during the rest of the debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE APPOINTMENTS

Mr. THOMPSON. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 354 submitted earlier by Senator LOTT and Senator DASCHLE.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 354) amending paragraphs 2 and 3(a) of Rule XXV and providing for Senator appointments to the Agriculture, Nutrition, and Forestry Committee, the Banking, Housing, and Urban Affairs Committee, the Finance Committee, the Small Business Committee, and the Veterans' Affairs Committee.

There being no objection, the Senate proceeded to the immediate consideration of the resolution.

Mr. THOMPSON. I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 354) was agreed to, as follows:

S. RES. 354

Resolved, That notwithstanding any other provision of Rule XXV, paragraph 2 of Rule XXV of the Standing Rules of the Senate is amended as follows:

Strike the figure after "Agriculture, Nutrition, and Forestry" and insert in lieu thereof "20".

Strike the figure after "Banking, Housing, and Urban Affairs" and insert in lieu thereof "22".

SEC. 2. That Rule XVV, paragraph 3(a) of the Standing Rules of the Senate is amended as follows:

Strike the figure after "Veterans' Affairs" and insert in lieu thereof "14".

SEC. 3. That on the Committee on Agriculture, Nutrition, and Forestry, the Senator from Oregon (Mr. SMITH) is hereby appointed to serve as a majority member; that the Senator from Georgia (Mr. MILLER) is hereby appointed to serve as a minority member; and that the Majority Leader is hereby authorized to appoint one majority member to that committee.

SEC. 4. That on the Committee on Banking, Housing, and Urban Affairs, the Senator from Georgia (Mr. MILLER) is hereby appointed to serve as a minority member, and that the Majority Leader is hereby authorized to appoint one majority member to that committee.

SEC. 5. That on the Committee on Finance, the Senator from Idaho (Mr. CRAIG) is hereby appointed to serve as a majority member.

SEC. 6. That on the Committee on Small Business, the Majority Leader is hereby authorized to appoint one majority member to that committee.

SEC. 7. That on the Committee on Veterans' Affairs, the Senator from Georgia (Mr. MILLER) is hereby appointed to serve as a minority member, and that the Majority Leader is hereby authorized to appoint a majority member to that committee.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENTS NOS. 106-46 AND 106-47

Mr. THOMPSON. I ask unanimous consent that the Injunction of Secrecy be removed from the following treaties transmitted to the Senate on September 12, 2000, by the President of the United States: Protocol Amending Investment Treaty with Panama (Treaty Document 106-46); and Investment Treaty with Azerbaijan (Treaty Document 106-47).

I further ask that the treaties be considered as having been read the first time, that they be referred with accompanying papers to the Committee on Foreign Relations in order to be printed, and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The messages of the President are as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Protocol Between the Government of the United States of America and the Government of the Republic of Panama Amending the Treaty Concerning the Treatment and Protection of Investments of October 17, 1982. This Protocol was signed at Panama City, on June 1, 2000. I transmit also, for the information of the Senate, the report of the Department of State with respect to this Protocol.

The 1982 bilateral investment treaty with Panama (the "1982 Treaty") was the second treaty to be signed under the U.S. bilateral investment treaty (BIT) program. The 1982 Treaty protects U.S. investment and assists Panama in its efforts to develop its economy by creating conditions more favorable for U.S. private investment and thereby strengthening the development of its private sector.

As explained in the Department of State's report, the Protocol is needed in order to ensure that investors continue to have access to binding international arbitration following Panama's 1996 accession to the Convention on the Settlement of Investment Disputes Between States and Nationals of Other States, done at Washington, March 18, 1965 (the "ICSID Convention"). The Protocol provides each Party's consent to international arbitration of investment disputes under the 1982 Treaty before the International Centre for the Settlement of Investment Disputes, established under the ICSID Convention. The Protocol also provides for arbitration in accordance with the Arbitration Rules of the United Nations Commission on International Trade Law. The Protocol thus facilitates the use of such procedures by investors of the Parties to resolve investment disputes under the 1982 Treaty. The Protocol also sets forth each Party's consent to ICSID Additional Facility arbitration, if Convention Arbitration is not available. Convention Arbitration would not be available, for example, if either Party subsequently ceased to be a party to the ICSID Convention.

I recommend that the Senate consider this Protocol as soon as possible, and give its advice and consent to ratification of the Protocol at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 12, 2000.*

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the Government of the United States of America and the Government of the Republic of Azerbaijan Concerning the Encouragement and Reciprocal Protection of Investment, with Annex, signed at Washington on August 1, 1997, together with an amendment to the Treaty set forth in an exchange of diplomatic notes dated August 8, 2000, and August 25, 2000. I transmit also, for the information of the Senate, the report of the Department of State with respect to this Treaty.

The Bilateral Investment Treaty (BIT) with Azerbaijan is the fourth such treaty signed between the United States and a Transcaucasian or Central Asian country. The Treaty will protect U.S. investment and assist Azerbaijan in its efforts to develop its economy by creating conditions more favorable for U.S. private investment and thereby strengthening the development of its private sector.

The Treaty furthers the objectives of U.S. policy toward international and domestic investment. A specific tenet of U.S. policy, reflected in this Treaty, is that U.S. investment abroad and foreign investment in the United States should receive national treatment. Under this Treaty, the Parties also agree to customary international law standards for expropriation. The Treaty includes detailed provisions regarding the computation and payment of prompt, adequate, and effective compensation for expropriation; free transfer of funds related to investments; freedom of investments from specified performance requirements; fair, equitable, and most-favored-nation treatment; and the investor's freedom to choose to resolve disputes with the host government through international arbitration.

I recommend that the Senate consider this Treaty as soon as possible, and give its advice and consent to ratification of the Treaty at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 12, 2000.*

APPOINTMENT

The **PRESIDING OFFICER**. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276h–276k, as amended, appoints the Senator from Texas (Mrs. HUTCHISON) as Chair of the Senate Delegation to the Mexico-U.S. Interparliamentary Union during the 106th Congress.

ORDERS FOR WEDNESDAY, SEPTEMBER 13, 2000

Mr. **THOMPSON**. I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Wednesday, September 13. I further ask consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until 10 a.m., with the time equally divided between Senator THOMAS and Senator DURBIN.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

PROGRAM

Mr. **THOMPSON**. For the information of all Senators, at 9:30 a.m. tomorrow the Senate will be in a period of morning business until 10 a.m. Following morning business, there will be 60 minutes for closing remarks on two amendments: The Byrd amendment, regarding safeguards; and division 6 of the Smith amendment, No. 4129. Votes on those two amendments will be back to back at 11 a.m.

Senators should be aware that there are amendments currently pending to the PNTR bill and further amendments are expected to be offered. Therefore, votes are expected throughout the remainder of the week.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. **THOMPSON**. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:28 p.m., adjourned until Wednesday, September 13, 2000, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 12, 2000:

THE JUDICIARY

JOEL GERBER, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS AFTER HE TAKES OFFICE. (REAPPOINTMENT)

STEPHEN J. SWIFT, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS AFTER HE TAKES OFFICE. (REAPPOINTMENT)

STEVEN E. ACHELPOHL, OF NEBRASKA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEBRASKA VICE WILLIAM G. CAMBRIDGE, RETIRED.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR PROMOTION TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271:

To be captain

MARK B. CASE, 5529
ROBERT C. AYER, 1953

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271:

To be captain

KEVIN G. ROSS, 3469
EDDIE V. MACK, 5696
JOSEPH R. CASTILLO, 1734
JOHN W. YOST, 7764
ANDREW G. GIVENS, 9521
PAUL A. PREUSSE, 3697
MICHAEL J. LAPINSKI, 2794
RONALD J. RABAGO, 7643
MARK E. ASHLEY, 8502
ROBERT E. REININGER, 5175
AUBREY W. BOGLE, 1624
LANCE W. CARPENTER, 8281
STEVEN H. RATTI, 1946
WAYNE C. PARENT, 2039
MICHAEL J. MANGAN, 7357
PATRICIA F. BRUCK, 3688
ROBERT V. PALOMBO, 8317
BRIAN R. CONAWAY, 5545
STEPHEN T. DELIKAT, 2168
ROBERT L. HURST, 1365
JAMES M. FARLEY, 9870
THOMAS R. CAHILL, 6019
JAMES X. MONAGHAN, 0367
STEPHEN P. GARRITY, 1889
DUANE M. SMITH, 5770
DARRELL C. FOLSOM, 0935
DANIEL A. NEPTUN, 7569
CHRISTOPHER C. COLVIN, 7119
DOUGLAS J. WISNIEWSKI, 7975
ROBERT W. NUTTING, 7055
BRADLEY M. JACOBS, 8618
DAVID B. MC LEISH, 3734
FRANCIS J. STURM, 7209
DAVID C. SPILLMAN, 8988
CHRISTOPHER J. CONKLIN, 1475
KEVIN S. COOK, 2744
JEFFREY D. STIEB, 6199
WILLIAM J. BELMONDO, 8420
KENNETH L. KING, 2703
CURTIS L. DUBAY, 7132
BRUCE M. ROSS, 9451
MICHAEL L. BLAIR, 8054
CHARLES S. JOHNSON, 0116
DANA E. WARE, 1638
RICHARD J. PRESTON, 0772
FRANCIS A. DUTCH, 3210
DANIEL K. OLIVER, 8417
KENNETH L. SAVOIE, 5248
PETER J. BOYNTON, 8935
NEIL O. BUSCHMAN, 4894
DANIEL R. MAY, 2373
WILLIAM J. SEMRAU, 2678
JAMES K. LOUTTIT, 7210
SUSAN D. BIBEAU, 0224
DAVID B. HILL, 7486
JEFFREY R. PETTITT, 8636
RICHARD W. HATTON, 7106
ROY A. NASH, 8320
JOHN E. LONG, 5993
BRUCE D. BRANHAM, 9393
SCOTT H. EVANS, 9096
MARK P. BLACE, 9670
JOHN H. KORN, 8176
CHARLES W. RAY, 0458

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

JAMES C. SEAMAN, 7897

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

EDDIE L. COLE, 8645
JOE B. LAMB, JR., 3480
ANDREW B. LEIDER, 8526
OLIVER L. MARIANETTI, 1165
JOHN M. MENTER, 6673
ROBERT W. MITCHELL, 7852
ANNE C. MOEN, 4935
CHARLOTTE M. MORGAN, 4831
EDDIE W. MORTON, 6705
DANNY D. SCOTT SR., 4688
NED I. SHULMAN, 1461
JAMES W. SMITH, 9149
CHRISTOPHER A. WHITE, 8245

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JEANNE J. BLAES, 5525
DALE W. CLELLAND, 5368
BRARRY A. COX, 1480
SHIRLEY J. FONG, 5255
HARRIETT A. FRAME, 9844
GERY W. KOSEL, 2635
LENWOOD A. LANDRUM, 6758
JEFF W. MATHIS III, 4869
MICHAEL P. MC GOWEN, 2876
MICHAEL W. MC HENRY, 0437
RICHARD L. PALMATIER JR., 1715
TOMMY W. PAULK, 2671
TIMOTHY W. PAYNE, 6427
CHARLES A. RAGUCCI, 3309
RAFAEL H. RAMIREZ, 3146
DELORAS J. RUSSO, 0925
KEVIN L. SAMPLES, 3147
THOMAS E. TROXELL, 1792
JANELLE S. WEYN, 7011

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT AS CHAPLAIN (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

To be major

*PATRICK N. BAILEY, 2709 CH
*DAVID S. BAUM, 6600 CH
JAMES L. BRISSON, JR., 2790 CH
*DAVID C. CAUSEY, 5336 CH
*CLAUDE A. CRISP, 2169 CH
*JUAN M. CROCKETT, 9076 CH
*JAMES L. DRAKE, 1246 CH
*THOMAS R. EDWARDS, 1399 CH
*MARK E. FAIRBROTHER, 2163 CH
*STEVEN R. GEORGE, 6261 CH
*SAMUEL K. GODFREY, 0803 CH
*KEITH N. GOODE, 2282 CH
*WILLIAM GREEN, JR., 7494 CH
*JEFFREY D. HAWKINS, 2517 CH
*JON N. HOLLENBECK, 6850 CH
*MICKEY D. JETT, 3646 CH
*MARK A. JOHNSON, 5143 CH
*STEVEN M. JONES, 2994 CH
*EDWARD J. KELLEY, 3559 CH
*ROBERT W. LEATHERS, 0356 CH
*SUK J. LEE, 4547 CH
*JOSEPH H. MELVIN, 0148 CH
*DAVID P. MIKKELSON, 3860 CH
*KELLY J. MOORE, 6630 CH
*CHARLES R. OWEN III, 5758 CH
*JAMES PALMER, JR., 4833 CH
*KWON PYO, JR., 4654 CH
*ROGER W. RAHILL, 4596 CH
*PABLO J. RIVERAMADERA, 2006 CH
*RAYMOND A. ROBINSON, JR., 4229 CH
*JOHN A. ROUTZAHN, JR., 2913 CH
*WILLIAM A. SAGER, 2217 CH
*JAMES E. SCHAEFER, 1522 CH
*ALVIN G. SHRUM, 7761 CH
*EUGENE G. SLADE, 6763 CH
*BLAINE E. SMREKAR, 3391 CH
*SCOTT A. STERLING, 3166 CH
*MARK E. THOMPSON, 5609 CH
*JEFFREY L. VOYLES, 7642 CH
*WILLIAM S. WEICHL, 5601 CH
*KENNETH R. WILLIAMS, JR., 8791 CH
*ROBINSON P. WILSON, 0140 CH
*JEFFREY L. ZUST, 6667 CH

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be major

TIMOTHY F. ABBOTT, 0952
EDMUND M. ACKERMAN, 2184
*ANTHONY L. ADAMS, 3524
JAMES H. ADAMS III, 5571
LARRY K. ADAMS, 9938
*DENNIS P. ADOMATIS, 7221
BRYAN F. AGENA, 7415
DARRYL K. AHNER, 1298
DEXTER A. ALEXANDER, 8268
*LESLIE A. ALFORD, 3357
DAVID K. ALLEN, 8374
KRISTIN E. ALLEN, 2252
*TERANCE J. ALLEN, 6771
MICHAEL C. ALLISON, 5751
*MICHAEL S. ALLMOND, 9028
JAYSON A. ALTIERI, 2486
HEATHER B. AMSTUTZ, 4253
REIK C. ANDERSEN, 3614
DOUGLAS A. ANDERSON, 5331
JAMES C. ANDERSON, 4992
*JOSEPH S. ANDERSON, 7816
*LARRY S. ANDERSON, 5821
*MARVIN W. ANDERSON, 0993
SAMUEL GRADY ANDERSON III, 9589
FRANCIS L. ANDREWS, 6531
PETER B. ANDRYSIAK, JR., 6220
*OSADEBE M. ANENE II, 2861
RICHARD E. ANGLE, 2491
KEITH W. ANTHONY, 7937
NICHOLAS M. ANTHONY, JR., 0026
*GREGORY S. APPLEGATE, 1461
*JEFFREY L. APPLEGATE, 7601
*RUDOLFO AQUINO, JR., 7932
*THOMAS L. ARMBRUSTER, 9234
ERIC D. ARNOLD, 6835
*ERIC A. ARRINGTON, 8586
THOMAS L. ARRINGTON, 1773
*VANCE R. ARRINGTON, 7684
*LINDA J. ARTHUR, 9279
*THOMAS F. ARTIS, 5298
*MARIO A. ARZENO, 7273
PAUL V. ASHCRAFT, 1320
JAMES M. ASHFORD, 6761
*DAVID G. ATHEY, 7270
*LAURI J. ATKINS, 0693
*CHARLES A. ATTALES, 3581
*ANTHONY J. AUDREY, 0598
ROBERT T. AULT, 6893
*PHILIP D. AYER, 5660
*ROTHA R. AYERS JR., 0938
*WILLIAM L. AYERS, 9405
JESSE BABAUTA, 8228
MICHAEL J. BACKUS, 2480
BRODRICK J. BAILEY, 7148
PAUL F. BAILEY, 9887
BRUCE A. BAIN, 5076
GREGORY E. BAK, 1079
*DONALD R. BAKER, 1551
*GREGORY A. BAKER, 5787
*JAMES W. BAKER, 0709
KRISTIN M. BAKER, 8883
PAUL M. BAKER, 7876
*JOHN D. BALLARD, 2765
GEOFFREY T. BALLOU, 1936
*DAVID W. BANIAN, 3037
TEENA M. BARBER, 3326
*SCOTT W. BARHAM, 3999
JEFFREY M. BARLUP, 6459
DAVID M. BARNES, 7476
LEE BARNES, 0891
STEPHEN WAYNE BARONE, 3084
MARCO J. BARRERA, 3416
EDMUND J. BARRETT, 6562
FREDERICK S. BARRETT, 7877
*WELDON A: BARRETT III, 3776
*KEITH A. BARSHINGER, 4203
*BRIAN A. BARTO, 0836
*PAUL R. BARTZ, 4408
TIMOTHY A. BASHAM, 0848
JOHN C. BASKERVILLE, 9659
*JAMES E. BASS III, 8182
SAMUEL C. BASS, 0263
JOHN A. BASSO, 5629
JAMES D. BATES, 0115
*THOMAS J. BATTLES, 4106
*JAMES P. BAUMGART, 9056
*ROBERT J. BAYHAM, 9531
*DAVID C. BEACHMAN, 3344
MILFORD H. BEAGLE JR., 9000
DANIEL GARTH BEATTY JR., 7390
KEATON L. BEAUMONT, 9246
*JOSEPH B. BECKER, 9330
IVAN P. BECKMAN, 7039
*MATTHEW C. BECKMANN, 5324
*DALE A. BEDSOLE, 4376
*DAVID T. BELL SR., 2022
REGINALD J. BELTON, 7958
PHILLIP D. BENEFIELD JR., 1606
*RAUL C. BENITEZ, 4732
*SYLVIA A. BENNETT, 0702
*CHRISTOPHER M. BENSON, 9803
WILLIAM E. BENSON, 7910
ERSKINE R. BENTLEY II, 6319
*DAVID B. BEOUGHER, 5710
*KAREN A. BERGER, 8949
*GLENN J. BERGERON, 8356
*STEVEN A. BERGOSH, 9495
JOSE R. BERRIOS, 3774
HODNE S. BERRY, 8592
KEVIN L. BERRY, 2396
CARTER J. BERTONE, 7318
JULIAN S. BETHUNEBROWN, 6136
JOSEPH S. BIANCHI, 2382
MARIA A. BIANK, 6916
MARK D. BIEGER, 7032
JAMES P. BIENLIEN, 2820
BENJAMIN J. BIGELOW, 2014
MICHAEL L. BINEHAM, 3514
*ANN L. BING, 8438
*BRIAN R. BISACRE, 5890
*BARRY L. BISHOP, 0758
*GREGORY W. BISHOP, 9719
*EARL S. BITTNER II, 3773
ANTHONY V. BLACK, 4395
*MICHELLE A. BLACK, 4538
WILLIAM R. BLACK, 4669
WILLIAM W. BLACKWELL, 4967
*SAMUEL C. BLANTON III, 0173
MICHAEL A. BLAS, 7142
*JAMES J. BLAYLOCK, 7573
JOSHUA D. BLOCKBURGER, 0707
CHRIS A. BLOMBACH, 3694
CHRISTOPHER T. BLUME, 7120
*THOMAS D. BOCCARDI, 5690
*MORRIS L. BODRICK, 1265
MATTHEW A. BOEHNKE, 3985
*JOHN V. BOGDAN, 6911
*JAMES E. BOGLE, 4713
*ANTHONY P. BOHN, 9321
*KENNETH A. BOHON, 9398
GARY BOLOS, 5239
BRYON L. BONNELL, 3274
MARK E. BOROWSKI, 4073
DAVID W. BOTTCHER, 0230
JAMES B. BOTTERS, 6045
MICHAEL A. BOTTIGLIERI, 1985
JOHN ANTHONY BOUCHER, 6722
*HORACE W. BOWDEN III, 5923
*JOHN E. BOX, 3613
EARNEST E. BOYD, 6566
GREGORY G. BOYD, 8887
*JOHN M. BOYD, 8620
*RAYMOND E. BOYD JR., 6281
THOMAS A. BOYD, 1684
CHRISTOPHER BOYLE, 3784
*JIMMY M. BRADFORD, 3452
*ROBERT D. BRADFORD III, 8507
*ROBERT W. BRADFORD, 1220
GREGORY J BRADY, 5238
*MICHAEL D. BRADY, 9558
*EVA T. BRANHAM, 6195
*MICHAEL D. BRANTLEY, 5879
*JOHN R. BRAY, 2904
MICHELE H. BREDENKAMP, 0082
KENT A. BREEDLOVE, 5709
DAVID D. BRENNER, 7828
CHRISTOPHER J. BREWER, 3934
MELVIN C. BRICKER JR., 9645
*DONALD E. BRISENDINE, 9208
JEFFERY D. BROADWATER, 7552
*JEFFREY B. BROADWELL, 7501
*DIRK K. BROCK, 7869
HAROLD D. BROEK JR., 9838
*ANDRAE E. BROOKS, 5279
*MARTHA K. BROOKS, 0080
*NICHOEL E. BROOKS, 7057
*JOHNNY R. BROUGHTON, 5573
THOMAS V. BROUNS, 3806
CHARLES H. BROWN, 9864
*CHARLES T. BROWN, 7407
*JAMES D. BROWN, 0512
JAMES E. BROWN III, 8777
*JEFFREY E. BROWN, 2300
JOHN M. BROWN, JR., 4766
MATTHEW J. BROWN, 7738
MICHAEL L. BROWN, 4535
*ROBERT B. BROWN, 4432
*ROSS A. BROWN JR., 1100
*SHARON L. BROWN, 6868
WILLIAM E. BROWN III, 3388
*ANITA S. BROWNGREENLEE, 5337
*JEFFREY A. BRUCE, 8358
*JEFFREY A. BRYAN, 8535
*SUSAN F. BRYANT, 5478
DALE R. BUCKNER, 7770
JENNIFER G. BUCKNER, 4390
*RICARDO C. BULLOCK, 0767
*JOHN S. BULMER, 2781
DOUGLAS S. BUNNER, 4303
*DEAN A. BURBRIDGE, 1597
*BRIAN D. BURCHETTE, 1120
*KIM A. BURDESHAW, 2359
ERIC C. BURGER, 4549
JOHN E. BURGER, 4988
CLIFFORD T. BURGESS III, 2546
*HILDA D. BURGOS, 6899
EDWARD J. BURKE IV, 0840
*RONALD W. BURKETT, 2389
JAMES M. BURNS, 2565
BLAKE L. BURSLIE, 3373
*LANCE J. BURTON, JR., 1572
*GARRY B. BUSH, 3111
DWAYNE M. BUTLER, 7935
WILLIAM J. BUTLER, 2822
STEVEN T. BUTTERFIELD, 5723
*PETER W. BUTTS, 3841
WILLIAM M. BYARS, 5158
*KEITH A. BYNUM, 0867
*RICHARD T. BYRD JR., 6750
*JOHN E. BYRN, 7398
*MICHAEL F. CABAJ, 6102
JOHN E. CALAHAN, 7980
SCOTT P. CALDWELL, 8641
*STEPHON CALHOUN, 1020
CHRISTOPHER D. CALL, 6009
CERVANTES E. CAMACHO, 2174
MARK J. CAMARENA, 2326
GREGORY D. CAMERON, 2827
ERIC M. CAMPANY, 8375
*CARLA J. CAMPBELL, 4173
*ROBERT C. CAMPBELL, 1802

*DAVID S. CANNON, 7665
*SUERO J. CANO, 7789
BRYAN E. CANTER, 2247
CHRISTOPHER A. CANTRELL, 9455
*ROSE K. CARD, 6428
*CASIMIR C. CAREY III, 7266
*FREDERICK R. CARLSON, 7463
MICHAEL A. CARLSON, 8871
THOMAS C. CARNELL, 2997
EDWIN J. CARNS, 5945
*RICHARD D. CARPENTER, 0638
*PRESSLEY R. CARR, JR., 6741
CLAUDIA J. CARRIZALES, 9758
*JOSEPH P. CARROLL, 1853
*BRYAN S. CARTER, 6745
*GARY J. CARTER, 5518
*JERRY W. CARTER, 7026
*STEVEN A. CARTER, 1954
*JEFFREY T. CARTWRIGHT, 9004
KENNETH C. CARY, 8538
*ROMEO J. CASCHERA, JR., 1380
*KEITH A. CASEY, 7522
JOHN H. CASPER, 7099
*WILLIAM J. CATER, 3892
TIMOTHY M. CAULEY, 2269
ROBERT R. CAVAGNA, 8082
JOHN R. CAVEDO, JR., 1119
*ROBERT N. CAVINESS, 6374
RICHARD A. CAYA, 3514
MARTIN W. CHADZYNSKI, 9275
MICHAEL P. CHAKERIS, 0477
PHILLIP A. CHAMBERS, 4756
*JAIME S. CHANEZ, 6421
JAY K. CHAPMAN, 2992
*KATHLEEN M. CHAPMAN, 6699
*MATTHEW A. CHAPMAN, 7721
JOHN S. CHAPUT, 9195
*DAVID L. CHASE, 7098
KENNETH D. CHASE, 0024
*WANDA A. CHATMAN, 6765
CHARLES S. CHENOWETH, 1565
JACQUELINE O. CHENOWETH, 1644
ROBERT C. CHERIPKA, 1397
*MARK L. CHILDERS, 1848
ROBERT T. CHILDRESS, 4884
*MARK W. CHILDS, 5649
GEORGE A. CHIZMAR, 5300
WILLIAM CHLEBOWSKI, 3661
*TONY K. CHO, 7593
STEVEN B. CHOI, 9470
*DAVID A. CHRISTENSEN, 6979
CRAIG A. CHUBA, 0592
*JOHN A. CHVERCHKO, 6636
JON J. CHYTKA, 4792
*PATRICK W. CIHAK, 3697
*ELIZABETH M. CISNE, 3563
TOM L. CLADY, 2717
ANDREW B. CLANTON, 5095
FRANK S. CLARK III, 4905
*GERALD L. CLAUDE, 3304
*JOHN M. CLEARWATER, 4311
JOHN G. CLEMENT, 0165
*TIMOTHY K. CLEMENT, 2650
DAVID L. CLEVENGER, 3538
JEFFREY T. CLIFTON, 8172
TRACEY CLYDE, 4904
*LARRY G. COBLENTZ, JR., 1300
ROBERT L. CODY II, 7856
LAUREL J. COESENS, 5382
*RICHARD R. COFFMAN, 3890
GARY S. COHN, 7470
*ANDREW COLE, JR., 5955
*ANTHONY S. COLE, 1511
WILLIE D. COLEMAN, 7138
*JEFFREY C. COLLINS, 4896
MARK D. COLLINS, 1011
DANIEL T. CONKLIN, 7296
THOMAS H. CONLON, 3624
*GENE Y. CONNOR, 9753
GERALD A. CONWAY, 9925
ALEXANDER CONYERS, 1159
BRIAN C. COOK, 5442
PAUL B. COOKE, 7147
*ANDREW C. COOPER, 6553
*CECIL COPELAND III, 1497
*FREDERICK B. CORBIN, 9577
*JOHN T. CORLEY, 5462
*DANIEL J. CORMIER, 9966
MIGUEL A. CORREA, 5704
MICHAEL I. CORSON, 5450
*NORMAN V. COSBY, 4761
CHARLES D. COSTANZA, 2916
ANTHONY M. COSTON, 8058
*JOHN A. COTTEN, 0542
*MATTHEW J. COULSON, 7527
*CHRISTOHER J. COURTNEY, 2594
*FRANK J. COVINGTON, 6740
*KIMBERLY A. COWEN, 4143
SHAWN W. COWLEY, 5142
DARREL G. COX, 4013
*DAVID W. COX, 5644
SHANNON C. COX, 1617
*PATRICK D. CRABB, 0964
DOUGLAS W. CRADDOCK, 3923
*JASON T. CRAFT, 5707
YOLANDA Y. CREAL, 6030
JERRY C. CREWS, 6100
MICHAEL D. CRICK, 8061
WILLIAM R. CRISTY, 3846
*DAVID M. CROCKER, 6476
*RODERICK R. CROMWELL, 9044
*PATRICK N. CROSBY, 1393
*ROBERT G. CROSS, 0149
STEVEN W. CRUSINBERRY, 3741
JUAN C. CRUZ, 3693
*ARNOLD CSAN, JR., 4526
*STEVE R. CULLINGFORD, 5379
*PAUL J. CUPPETT, 6058
*LEW E. CURETON, 9490
CARL A. CURRIERA, 8241
*KENNETH J. CURRY, 2651
TONY B. CURTIS, 3000
MATTHEW W. CUSTER, 2294
JAMES J. CUTTING, 7046
*KENNETH L. CYPHER, 1889
*CRAIG J. CZAK, 7206
*KEITH B. CZELUSNIAK, 1203
CHARLES J. DALCOURT, JR., 6041
GURA A. DALLAM III, 2563
*JAMES W. DANIELS, 8796
MARK R. DANIELS, 7244
NEAL DANIELS, 5388
*ANDREW M. DANWIN, 2797
KIMBERLY L. DARBY, 8593
*BILLY J. DAVIS, 6715
HOWARD A. DAVIS, 6201
*JAMES E. DAVIS, 8208
*JON C. DAVIS, 8503
LAURA L. DAVIS, 3682
MARK G. DAVIS, 0262
RICHARD A. DAVIS, 8485
*ROBERT W. DAVIS, 9383
RODNEY A. DAVIS, 9817
AUGUSTUS R. DAWSON III, 7547
CHRISTOPHER L. DAY, 3828
PATRICK B. DAY, 9485
*DANIEL D. DEADRICH, 8534
*STEVEN S. DEBUSK, 3558
*FRANCISCO DECARVALHO, 3318
SHARON E. DECRANE, 5665
*GREGORY S. DEFORE, 6079
CHRISTOPHER J. DEGARAY, 9501
*MICHAEL W. DEJARNETTE, 1921
*ROBERT A. DELACY, 6866
ANNEMARIE E. DELGADO, 5710
TODD A. DELLERT, 6817
JAMES T. DELLOLIO, 1518
TODD A. DELONG, 3396
LILIBETH T. DELROSARIO, 0677
STEVEN L. DELVAUX, 3791
CHARLES DEMERY, 3809
*DANITA L. DEMPSEY, 0979
*JAMES D. DENARDO, 5155
*CLARK R. DENMAN, 3428
CHAD D. DENNIS, 5687
*BRYAN E. DENNY, 4618
*ALAN J. DEOGRACIAS II, 2194
*MATTHEW R. DEPIRRO, 8708
GARNET R. DERBY, 4608
DAVID A. DESANTIS, 5370
EDWARD JOHN DESANTIS, 2624
*MARK J. DESCHENES, 2857
*LEE R. DESJARDINS, 8309
JOHN J. DEVILLEZ, 1768
*KATHLEEN P. DEVINE, 7607
WARREN W. DEWEY, 8202
*DAVID J. DEYAK, 8399
MARIO A. DIAZ, 1262
MICHAEL W. DILLINGHAM, 4428
*BRIAN E. DILLON, 9448
DANIEL L. DIPIRO, 9815
THMAS ROBERT DITOMASSO, 1446
CHRISTOPHER C. DIXON, 9736
*ROBERT J. DIXON, JR., 1478
ROBERT M. DIXON, 5848
*ROBERT S. DIXON, 9557
KENNETH W. DOBBERTIN, 7049
*PAUL T. DOLAN, 6574
*WILLIAM J. DOMON, 0934
*SEAN D. DONNELLY, 0405
*THOMAS P. DONOVAN, 6709
*CHRISTOPHER F. DOOLEY, 3275
CLYDE A. DOPHEIDE, 8583
*KIRK C. DORR, 0537
BRAD C. DOSTAL, 7953
ANTHONY G. DOTSON, 2377
*JIMMY T. DOUGLAS, 4347
*TROY L. DOUGLAS, 4666
*SCOTT A. DOWNEY, 3855
*MARTIN DOWNIE, 7074
JEB S. DOWNING, 3882
WALTER R. DRAEGER III, 2118
*ERIC W. DRAKE, 0043
*KIRK T. DRENNAN, 4836
*THOMAS R. DREW, 9997
*ROBERT T. DREYER, 8706
JEROME J. DRISCOLL, 5671
*KATHRYN S. DUCCESCHI, 6504
*CARTER N. DUCKETT, 6115
*RONALD D. DUDLEY, 0476
*JOHN L. DUER, 9981
PATRICK S. DUFFY, 4929
MICHAEL B. DUGAN, 0289
MARK R. DUKE, 9170
SUSAN M. DUKE, 5809
KERRY P. DULL, 5561
*SCOTT C. DULLEA, 6862
FREDRICK C. DUMMAR, 2172
RODNEY DUNCAN, 9053
*FARRELL J. DUNCOMBE, 2182
PATRICK B. DUNDON, 7628
MARK ALLEN DUNHAM, 5203
THOMAS J. DUNLAY, 1208
PHILIP A. DUPONT, 4324
DAVE PAUL DURDEN, 0735
RICHARD S. DUROST, 7563
*TODD L. DUSO, 3715
ANDREW J. DUSZYNSKI, 9607
*ERIC H. DYER, 7671
JAMES B. DYKES IV, 6872
PETER DYKMAN IV, 1371
MICHAEL R. EASTMAN, 6222
JANIE M. EDDINS, 5973
*BRIAN M. EDMONDS, 8760
*YANCY D. EDMONDS, 8799
JONATHAN M. EDWARDS, 2559
JOHN M. EGGERT, 5829
JANELL E. EICKHOFF, 5108
*BRIAN S. EIFLER, 0568
JOHN W. EISENHAUER, 1622
*DAVID J. ELL, 2180
STEPHEN A. ELLE, 9667
CHARLES B. ELLIOTT IV, 6174
JOHN A. ELLIOTT IV, 3096
THOMAS C. ELLIS, 1937
*GREGORY A. ELLSWORTH, 7564
NORMAN E. EMERY, 4259
*MARK D. EMMER, 6563
*TRACY L. EMOND, 6040
JAMES L. ENICKS, 9158
*MARIA P. EOFF, 5093
JAMES G. ERBACH, 9174
*THOMAS L. ERICKSON, 2401
FRANCISCO J. ESCALERA, 9978
*MICHAEL E. EVANCHO, 3450
*MICHAEL D. EVANS, 2839
THOMAS L. EVANS, JR., 0108
WILLIE L. EVANS, 8358
*SUSANNE E. EVERS, 6451
*PAUL L. EWING, JR., 9413
*JENNIFER C. EXPOSEFRANCISCO, 1455
*FRANCIS J. EXPOSITO, 2165
*DANIEL E. EYRE, 6152
MARK A. FABER, 6303
MICHAEL J. FADDEN, 6389
*ROBERT J. FAMILETTI, JR., 8106
MICHAEL P. FARMER, 0047
*LAURENCE M. FARRELL, 5867
*MICHAEL J. FARRELL, 9517
*WILLIAM J. FEDAK, 5684
WILLIAM K. FEGLER, 1733
*EDWARD P. FEIGENBAUM II, 6006
CURTIS D. FEISTNER, 1919
PAUL W. FELLINGER, 2555
*CHERYL A. FENSOM, 0031
*DIEGO J. FERNANDEZ, 4789
JOHNNY R. FIGUEROAMERCADO, 1486
MAYA M. FILBERT, 6608
SONYA L. FINLEY, 9948
*DENNIS P. FINN, 7113
*SALVATORE A. FIORELLA, 1756
PAUL A. FISCHER, 8733
*TIMOTHY P. FISCHER, 2696
*WILLIAM D. FISCHER, 9662
*DOLORES FISHER, 9765
*ROBERT W. FISHER, 1752
TYLER F. FITZGERALD, 4561
DAVID S. FLECKENSTEIN, 3573
*ERIC B. FLEMING, 2526
*STEVEN W. FLETCHER, JR., 9629
*STEVEN J. FLETT, 0738
*THOMAS R. FLOWERS, 7131
BRIAN P. FOLEY, 2694
KYLE J. FOLEY, 8391
*WENDY L. FOLEY, 0696
*TONY D. FORBES, JR., 7704
COLLIN J. FORTIER, 7652
DARYL D. FOSS, 6234
*BRIAN R. FOSTER, 2008
MICHAEL L. FOSTER, 1153
*SUSAN M. FOSTER, 8139
GREGORY J. FOX, 5817
JONATHAN W. FOX, 2831
BRIAN D. FRALEY, 4326
DAVID J. FRANCIS, 8849
*JOHN W. FRANCIS, 3490
*MARC C. FRANDSEN, 9249
BRYAN S. FRANKLIN, 7704
ANDREW D. FRANZ, 2606
MICHAEL D. FREGO, 2248
MICHAEL P. FRIEND, 4835
*JOHN P. FRISBIE, 5709
*DIANA L. FRITZ, 1074
*DEBORAH M. FROST, 1868
KENNETH S. FU, 4985
JAY B. FULLERTON, 5272
*THOMAS L. FULTON, 4767
WILLIAM A. FUNDERBURK, 5629
*DAVID B. FUNK, 9322
*WILLIAM T. FURGALA, 2235
DENNIS GAARE, 4851
MICHAEL P. GABEL, 4321
*JOSEPH E. GADEA, 3029
MARK C. GAGNON, 9020
ROGER A. GAINES, 2635
SEAN A. GAINEY, 0015
DANIEL R. GALARZA, 9090
*KEVIN T. GALE, 3009
JASON L. GALINDO, 3608
KIMO C. GALLAHUE, 5478
DAVID A. GALLES, 3986
MICHAEL R. GALOPE, 1481
VICTOR G. GARCIA JR., 0013
*ORVILLE E. GARDNER, 7639
*TERESA M. GARDNER, 4724
GWENDOLYN GARFIELD, 7282

RODNEY E. GARFIELD, 0636
MATTHEW L. GARNER, 0052
CHRISTOPHER B. GARRETT, 5231
*JONATHAN O. GASS, 4222
GEORGE C. GATLING, 1159
*HOLLY A. GAY, 9842
*MARK L. GAYLO, 5274
*IRAJ GHARAGOUZLOO, 7249
KIMBERLY L. GILBERT, 7991
STEVEN W. GILLAND, 2806
*ANTHONY A. GILLIAM, 3409
*DONALD J. GILLICH, 6257
DAVID V. GILLUM, 5344
*JOHN H. GINGRICH, 8847
KARL H. GINGRICH, 0247
*GERRY B. GIPSON, 6799
JOSEPH P. GLEICHENHAUS, 3987
ERIC S. GLENN, 3912
ROBERT GLENN III, 3408
EDWARD C. GLIOT, 3317
MARK G. GLOWACKI, 2908
DAVID O. GLUTH JR., 2289
*TODD T. GOEHLER, 2792
*RUSSELL D. GOEMAERE, 2509
DANIEL E. GOLAND, 5660
*EDWARD P. GOLDEN, 8729
DANIEL J. GOLL, 5898
*ANTHONY V. GONZALES, 6788
LUIS A. GONZALEZOCASIO, 9089
KIMNGAN J. GOODWIN, 1370
LEWIS P. GOODWIN IV, 0409
DEREESE F. GOSHORN, 7614
CHRISTOPHER R. GOSSELIN, 3662
JON E. GOTT, 6043
*ROBERT G. GOTZMANN, 4079
JAMIE GOUGH IV, 5903
*MICHAEL A. GOUGH, 3227
ROBERT J. GOULD, 2491
*KENNETH M. GOVENETTIO, 2576
*JEFFREY E. GRABLE, 8593
MARTHA G. GRANGER, 0407
ODELL A. GRAVES, 3167
*JAMES L. GRAY, 8071
TAYLOR L. GRAY, 5105
ANDREW I. GREEN, 7418
BRYAN S. GREEN, 2436
DANIEL R. GREEN, 8229
GREGORY S. GREEN, 3496
*KENNETH P. GREEN, 1307
MATTHEW K. GREEN, 0804
*TIMOTHY T. GREEN, 0679
*VERONICA D. GREEN, 9097
*CHRISTOPHER K. GREENE, 2009
*JAMES T. GREENE, 6078
ROBERT C. GREENWAY, 7187
THOMAS HARTER GREER, 2401
ALAN L. GREISZ, 1083
*JOHN L. GREWELLE, 3511
CHRISTOPHER M. GRIEG, 9020
ALFRED W. GRIESHABER, 4735
*DENNIS E. GRIFFIN, 3491
JAMES A. GRIGG, 4579
CHRISTOPHER L. GRIMM, 0521
ALLAN G. GRINES, 9128
ANDREW L. GROEGER, 8856
MICHAEL W. GROJEAN, 3112
CRAIG L. GROSENHEIDER, 7010
JEFFREY C. GROVER, 3607
LEE K. GRUBBS, 1234
*MARK J. GRUBER, 7723
*KEVIN T. GRZELKA, 0103
*JOHN M. GUARNIERI, 6358
KEITH L. GUDEHUS, 2444
ROBERT A. GUERRIERO JR., 6958
*STEVEN GUITRON JR., 8989
DAVID P. GUNN, 2432
DONALD H. GUNN JR., 4739
*KAM S. GUNTHER, 3243
GARY M. GURAK, 0543
TRITRON R. GURGANUS, 9056
MOISES M. GUTIERREZ, 3325
*KARL E. HAAS, 1388
PETER M. HAAS, 1129
*THOMAS A. HABSTRITT, 9751
MATTHEW J. HAIGHT, 6983
PAUL T. HALDEMAN, 4266
MICHAEL J. HALE, 3622
*JOSEPH A. HALL, 4974
EDWARD S. HALLAS III, 9392
ANDREW B. HAMILTON, 1327
JOEL D. HAMILTON, 5531
*TERANCE J. HANNIGAN, 9213
ERIC C. HANSEN, 4876
JON P. HANSEN, 6942
RICHARD L. HANSEN, 9493
*KIRBY A. HANSON, 1868
MATTHEW F. HANSON, 2805
*CHRISTOPHER D. HARDIN, 0101
SUSAN L. HARDWICK, 4018
*DARYL P. HARGER, 8097
*MICHAEL J. HARLAN, 1010
MARC R. HARRELSON, 7716
*KEITH R. HARRIS, 8726
*DENNIS P. HARRISON, 7973
*WILLIAM K. HARRISON, 1007
*RAYMOND E. HART, 0657
CHRISTOPHER L. HARTLEY, 9035
TINA R. HARTLEY, 0983
*WILLIAM J. HARTMAN, 1251
*CHRISTINE L. HARVEY, 1680
DAVID W. HARVEY, 3330
*KENNETH J. HARVEY, 9040
PATRICK L. HARVEY, 2203
*KEVIN G. HARVILL, 1837
MARK A. HASEMAN, 7100
BRENT H. HASHIMOTO, 9074
*MORRIS J. HATCHER, 0176
KEITH A. HATTES, 2281
*JOHN A. HAUCK, 1166
*PAULINE A. HAUGHTON, 4637
WILLIAM A. HAUSCHILD, 7531
*PAUL E. HAUSER, 9228
*THOMAS W. HAUSER, 0510
*LUKE P. HAVERLAK, 8378
KENNETH A. HAWLEY, 3592
*KENNETH M. HAYASHIDA, 4465
*DERRICK G. HAYES, 1065
*JAMES W. HAYHURST, 9308
THOMAS A. HAYS, 3073
*DAVID E. HEATH, 9326
GARRETT D. HEATH, 8424
TAMMY A. HEATH, 9578
RONALD E. HEATHERLY, 0277
KEVIN G. HEBL, 0135
*MERCER M. HEDGEMAN III, 7790
*DANIEL R. HEINZELMAN, 3574
SCOTT A. HEISE, 4448
*RICHARD J. HEITKAMP, 5020
ROBERT J. HELLER JR., 6856
ERIC G. HELM, 7463
*JOHN D. HENDERSON, 1643
*KEVIN C. HENDERSON, 0358
*KEVIN T. HENDERSON, 7441
*SCOTTY E. HENDERSON, 3785
*WALTER L. HENRY, 3290
MICHAEL C. HENSHAW, 2039
*ANDREW M. HERBST, 6443
BRANDON K. HERL, 6431
BRYAN P. HERNANDEZ, 7546
*RODRIGUEZ M. HERNANDEZ, 5261
*ALEX J. HERRERA, 2747
MARK M. HERRIN, 3875
MICHAEL J. HERTZENDORF, 5608
*MICHAEL J. HESTER, 0468
*RICHARD D. HEYWARD, 7282
*WILLIAM J. HIBBARD, 6769
TIMOTHY J. HIGGINS, 4964
CHRISTOPHER L. HILDEBRANT, 8292
*CHETWOOD R. HILL, 9134
DONN H. HILL, 2604
*NATHAN E. HINES III, 7744
*ALLEN A. HING, 0337
*ANDRE L. HINSON, 0706
*BRADFORD L. HOBSON, 7970
DAVID M. HODNE, 6590
*SAMSON H. HOECKER, 7211
MARY B. HOFER, 2349
MARIO J. HOFFMANN, 4488
*EDWIN L. HOGAN, 8492
*WILLIAM R. HOGANS IV, 1767
*GREGORY A. HOLIFIELD, 4393
DIANA M. HOLLAND, 7857
GREGORY R. HOLMES, 6474
*KEVIN A. HOLT, 9251
*PAMELA S. HOLWERDA, 2400
SCOTT G. HOOPER, 7196
*PAUL D. HORLACHER, 5661
KENNAN D. HORN, 3510
CHRISTOPHER E. HORNBARGER, 9239
RICHARD J. HORNSTEIN, 7037
KELSO W. HORST JR., 8752
JAMES C. HORTON JR., 5593
*TIMOTHY C. HOSSACK, 6584
JAMES M. HOULAHAN, 6645
MATTHEW FRANKLIN HOUSER, 6507
CLAUDE E. HOUSE, 9811
DAVID N. HOUSH, 7464
*EDWARD B. HOUSTON, 6745
JODI L. HOVATTER, 5852
*MARK J. HOVATTER, 4099
CHRISTOPHER D. HOWARD, 2504
GEORGE W. HOWARD III, 4771
PAUL D. HOWARD, 5579
*REGINALD D. HOWARD, 1328
RICHARD P. HOWARD, 7416
*EDWARD C. HOWELL, 5745
JONATHAN E. HOWERTON, 6742
*WILLIAM B. HOWERTON II, 9879
DAVID K. HSU, 7188
CURTIS W. HUBBARD, 1801
RALPH M. HUDNALL JR., 4571
*CURTIS B. HUDSON JR., 1364
MICHAIL S. HUERTER, 4186
PHILIP C. HUGHES II, 0144
BEAVER L. HUH, 3114
HANS F. HUNT, 9645
*THOMAS D. HUNTER, 9717
*DANIEL S. HURLBUT, 4524
DAVID E. HURLEY JR., 7000
*THOMAS D. HUSE, 0472
*MICHAEL C. HUSTON, 2168
PAUL HUSZAR, 6436
KEVIN S. HUTCHISON, 1457
ROBERT W. HUTSON, 3834
*IAN G. HYSLOP, 1772
DAVID C. ICE, 5854
*PAUL R. ILIFF, 1003
*DAVID C. INDERMUEHLE, 6495
*GLOVER INGRAM, 2526
JOHN F. INGRAM, 7391
JOHN M. INGRAM, 2563
*KATHERINE W. IRELAND, 5335
*ALFRED E. JACKSON, 0854
DAVID L. JACKSON, 9740
DONNA H. JACKSON, 7919
HARRIET A. JACKSON, 8657
*HOPE M. JACKSON, 6452
JEROME W. JACKSON III, 0138
MICHAEL S. JACKSON, 6407
*SCOTT A. JACKSON, 9350
*MICHAEL J. JAKUBIAK, 5951
*DANNIE E. JAMES SR., 2212
*VAN D. JAMIESON, 3184
VAN D. JARRELL, 5010
*KELLY A. JASPER, 4639
HOWARD R. JAYNES JR., 4277
WANDA L. JENKINS, 6420
DAVID P. JENSEN, 7509
*DAVID P. JEWELL, 7491
MARC A. JIMERSON, 3959
ANDREW M. JOHNSON, 4597
*CHAFFEY H. JOHNSON, 7048
*DALE L. JOHNSON, 5653
*EDDIE A. JOHNSON, 1077
JAMESON R. JOHNSON, 8160
MICHAEL BRUCE JOHNSON, 8438
*RANDY L. JOHNSON, 4013
THEODORE J. JOHNSON, 7753
BARRY ALLAN JOHNSTON, 1974
*JAMES A. JOHNSTON, 8602
*BARRY G. JONES, 4506
CHRISTOPHER M. JONES, 7478
*DANIEL M. JONES, 9124
*EDWARD O. JONES, JR., 3075
*LIECHESTER D. JONES, 4799
*MONROE C. JONES, 4645
QUAY B. JONES, 8725
*ZANE H. JONES, 2287
SOMPORT JONGWATANA, 1109
*DOUGLAS E. JORDAN, 7325
*GLEN A. JORDAN, 3284
NICHOLAS D. JORDAN, 5873
CRAIG W. JORGENSON, 7020
*MELISSA R. JOSEPH, 9879
*MARK A. JOYNER, 5672
RANDOLPH F. JUDD, 4044
*DAVID A. JUNIOR, 5536
JOEL L. KAIN II, 8507
AARON E. KALLOCH, 0730
TIMOTHY M. KARCHER, 9735
COURTNEY K. KARRES, 3285
ALAN D. KATZ, 6629
*MATTHEW L. KAUFMAN, 8187
*JAMES E. KAZMIERCZAK, 3399
KEVIN L. KEARN, 5767
DOUGLAS E. KEATING, 3911
VALERY C. KEAVENY, JR., 0660
*HAROLD D. KECK, 0659
MARK A. KECK, 0570
KEVIN J. KEIPP, 3769
*STEVEN J. KELLER, 3702
*MARK C. KELLY, 3659
*DONALD C. KEMP, 2149
*TODD A. KEMPTON, 6142
*CHRISTOPHER K. KENNEDY, 4542
JOHN W. KENNEDY III, 2405
STEVEN C. KENNEDY, 9638
*WILLIAM P. KENNEDY, 1472
*GARY G. KENT, 2080
STEPHEN E. KENT, 6584
MATTHEW J. KEPHART, 3068
JOHN F. KERISH, 5669
*HAZEL E. KILLEBREW, 4535
PETER G. KILNER, 4040
DAVID J. KING, JR., 5154
DAVID LAURENCE KING JR., 5551
*NICHOLAS E. KINKEAD, 9773
*PAUL M. KIPP, 8539
*CHRISTOPHER W. KIRKMAN, 7852
*MARK E. KJORNESS, 5834
SHAWN E. KLAWUNDER, 1870
*BRYAN E. KLEESE, 9996
JEFFREY A. KLEIN, 9335
*ROBERT M. KLEIN, 1610
*THOMAS J. KLEIS, 9997
*IAN B. KLINKHAMMER, 2400
*JOHN V. KLOEKER, 9480
MARK J. KNEIS II, 7954
KELLY T. KNITTER, 5061
*KEVIN R. KNITTER, 4068
MICHAEL E. KNOX, 9697
JENNIE M. KOCH, 1806
*WILLIAM L. KOESTER, 1073
JOY N. KOLLHOFF, 1183
KEVIN J. KOLOZSY, 3940
KYLE K. KOLTHOFF, 3582
*CHRISTOPHER J. KONICKI, 2087
*DANIEL C. KOPROWSKI, 8725
*WILLIAM L. KORSEN, 3965
DAVID J. KOSINSKI, 8616
VICTORIA A. KOST, 7103
*LINDA A. KOTULAN, 1260
*CHRISTOPHER E. KRAMER, 5576
ERIK C. KRAMER, 0851
PAUL K. KREIS, 0242
*DAVID J. KREJCI, 6013
*STEPHEN P. KREKELBERG, 1443
RICHARD F. KREUSCHER, 0073
*SCOTT G. KRIPOWICZ, 8038
TODD C. KROS, 2367
MICHAEL L. KUBALA, 8372
FRANK G. KUBISTA, 3736
WILLIAM R. KUNDINGER, 1227
STEVEN F. KUNI, 5582
BENJAMIN H. LACY III, 3960
TIMOTHY C. LADOUCEUR, 8709

*DAVID W. LAFLAM, 4592
*MICHAEL P. LAFOREST, 6367
*CRAIG F. LAMARCHE, 6719
*MARTIN M. LAMBERT, 4789
LANDES LAU, 8428
MARK H. LANDES, 6164
*JEFFREY D. LANE, 5044
PETER J. LANE, 9615
CHRISTOPHER C. LANEVE, 4668
*DARRYL LANGFORD, 2461
FREDERICK JESS LANPHAR, 7052
ANTHONY W. LAPOINT, 7519
*DEAN E. LARKINS, 5093
CHRISTIAN R. LARLEE, 8484
SCOTT D. LATHROP, 4118
*MICHAEL E. LATZKE, 1991
*STEPHEN A. LAURANCE III, 7080
LEONARD J. LAW, 1058
*ROBERT A. LAW III, 0289
MICHAEL T. LAWHORN, 1544
*DAVID F. LAWRENCE, 6[illegible]51
*FITZGERALD A. LAWRENCE, 7009
*LONNIE D. LAWRENCE, 8967
*MICHAEL J. LAWSON, 5387
*RICHARD P. LAWSON, 0347
BRIAN M. LAYTON, 6054
*MARK D. LEBEAU, 0921
*BRYAN L. LEE, 1178
JOHN C. LEE, 5745
SEUNG J. LEE, 9569
JOHN W. LEFFERS, 4190
*CHRISTOPHER S. LEGRAND, 7919
CHRISTOPHER LEHNER, 4257
CAMERON A. LEIKER, 7916
CHAD N. LEMOND, 1265
HUGO F. LENTZE, 4699
*TRUDY K. LEONARD, 8601
*STEPHEN A. LETCHER, 1749
*JOHN K. LETHERMAN, JR., 3066
DARIN C. LEWIS, 2358
*DENNIS F. LEWIS, 9455
FELISA S. LEWIS, 5269
LESLIE L. LEWIS, 2307
MATTHEW R. LEWIS, 6165
RICHARD A. LEWIS, 1520
LEONARD W. LIBBEY, JR., 2105
RODNEY L. LIGHTFOOT, 6749
SUSAN M. LIND, 3872
*CHRISTOPHER R. LINDBERG, 6132
*BERNARD R. LINDSTROM, 7666
RALPH J. LITSCHER, 7934
*MATTHEW R. LITTLEJOHN, 5301
*CHRISTOPHER A. LIVINGSTONE, 7994
WILLIAM M. LOCKARD, 1679
*STEPHEN B. LOCKRIDGE, 0449
*STEPHEN R. LOFTIS, 1757
PETER A. LOFY, 3128
*JON S. LOGEL, 1440
*RICHARD J. LONARDO, 6547
*ROBERT D. LONG, 0663
STEPHEN V. LONG, 4599
*GILBERT J. LOPEZ, 2691
*CHRISTOPHER J. LOREI, 2522
*TERRY L. LOVE, 8046
JAMES C. LOVER, 9799
JAMES P. LOWE, 8978
*TODD H. LOWELL, 2303
*LYNN A. LUBIAK, 1935
*JERRY W. LUCAS, 2503
*CLARENCE LUCKETT, JR., 8432
*FREDRICK C. LUDDEN, 4903
CHRIS L. LUKASEVICH, 4588
PETER C. LYDON, 4227
IAN B. LYLES, 9065
ROBERT W. LYONS, 2173
CLARK R. LYSTRA, 4913
*CHARLES R. MACDONALD, 3635
*PETER A. MACK, 2220
TODD D. MACKERT, 3077
THOMAS H. MACKEY, 6171
SEAN E. MACKINTOSH, 3640
*DUNCAN MACMULLEN, 7695
ROBERT M. MACMULLEN, 8926
JEFFREY ALLEN MADISON, 0590
MARCOS A. MADRID, 4174
KRISTA M. MAGRAS, 7790
*RAY MALAVE, 5463
PATRICK W. MALONEY, 8798
*WILLIAM J. MANGAN, 6152
PATRICK E. MANGIN, 4787
TERRENCE T. MANNS, 7815
DALE R. MANRY, 1408
*ANDREW D. MARBLE, 7655
*EDWIN J. MARCELINO, 6495
NORA R. MARCOS, 9774
GEORGE C. MARKOS, JR., 8115
KRISTIAN M. MARKS, 0448
*WILLIAM L. MARKS II, 6974
PATRICK D. MARQUES, 8256
CHARLES A. MARR, 7444
*MICHAEL A. MARTI, 5819
DOUGLAS C. MARTIN, 6549
EDWARD S. MARTIN, 2004
*ERIC D. MARTIN, 6112
*JEFFREY L. MARTIN, 1486
RONALD E. MARTIN, 3735
*JAIME E. MARTINEZ, 6233
*SONJA R. MARTINEZ, 2817
*WILLIAM MARTINEZ, 6254
MICHELLE C. MASON, 1657
JACK H. MAST, JR., 7054
FRANK J. MATA, 3491
*MARIO D. MATOS, 0299
RUBEN R. MATOS, 9204
JOHN W. MATTHEWS III, 2222
DOUGLAS M. MATTY, 8780
*NORMAN K. MATZKE, 2835
*DAVID P. MAUSER, 9062
DAVID W. MAY, 9386
DONALD M. MAYER, 7124
*ISABEL MAYO, 2706
SAM R. MC ADOO, 6832
*JAMES D. MC CALLISTER, 3663
DENNIS C. MC CALLUM, JR., 8554
DANIEL J. MC CARTHY, 8654
ROBERT H. MC CARTHY III, 9505
*MICHELLE M. MC CASSEY, 5410
*ROY A. MC CLELLAN, 8754
*RICHARD P. MC CLINTOCK, 6312
*MICHAEL D. MC COLGAN, 4133
RICHARD A. MC CONNELL, 9880
*FRANK A. MC CORMICK III, 3699
JOHN V. MC COY, 4744
PHILIP D. MC CUTCHEON, 4666
*JAMES J. MC DONNELL, 7643
JEFFREY A. MC DOUGALL, 0765
*PATRICK E. MC DURMON, 5853
CHRISTOPHER J. MC ELVEEN, 7218
*TROY D. MC FARLAND, 1877
*DANIEL J. MC GREAL, 0131
STEVEN T. MC GUGAN, 6795
*MICHAEL J. MC GUIRE, 3236
*BRIAN J. MC HUGH, 2045
*DANNY L. MC INTOSH, 7137
*ERNEST A. MC INTYRE, 1425
NEAL F. MC INTYRE, 4058
TIMOTHY M. MC KEAN, 7924
KEVIN M. MC KENNA, 2498
SEAN P. MC KENNEY, 0188
*PATRICK J. MC KEVITT, 6612
JAMES V. MC KINNEY, 7358
MICHAEL W. MC KINNEY, 6755
*WILLIAM M. MC LAGAN, 3143
*BRIAN K. MC MULLEN, 5363
*RYAN P. MC MULLEN, 4241
*BRIAN M. MC MURRY, 0448
MICHAEL F. MC NALLY, 5415
PAUL A. MC NAMARA, 9855
JAMES F. MC NULTY JR., 2015
DALE E. MC PHERSON, 9671
EULALIO MEDINA, 8925
WILLIAM A. MEDINA, 8907
LEE E. MEDLEY, 3638
ARA A. MEGERDICHIAN, 5715
*ANN M. MEJASICH, 2450
PAUL ANTHONY MELE, 4144
ROBERT L. MENIST JR., 2660
THERESIA A. MERCHANT, 7899
*JEFFREY M. METZGER, 8178
PAUL W. METZLOFF, 8490
*GREGORY C. MEYER JR., 3888
STUART L. MEYER, 0050
*JEROME A. MEYERS, 3787
NATHAN P. MICHAELS, 1716
JOHN MIGONE, 4745
RONALD D. MILAM, 1517
*VERNON H. MILES JR., 6707
CHARLES R. MILLER, 2893
DOUGLAS S. MILLER, 5741
DWIGHT D. MILLER, 6766
JAMES D. MILLER, 3719
*JAMES E. MILLER, 6060
JEFFREY S. MILLER, 3806
*MARIA R. MILLER, 4218
*MICHAEL D. MILLER, 9667
*SUSAN C. MILLER, 1452
PACKARD J. MILLS, 2536
ALEKSANDAR MILUTINOVIC, 3028
*PETER G. MINALGA, 0430
*JAMES M. MINNICH, 5908
VICTORIA L. MIRALDA, 6207
BRADLEY K. MITCHELL, 9345
MICHELLE D. MITCHELL, 2014
SCOTT MITCHELL, 4450
*SCOTT J. MITCHELL, 2876
*TORREY S. MITCHELL, 4657
CHRISTOPHER O. MOHAN, 0031
*ANDRES MOLINA, 3988
DANIEL CHARLES MOLL, 3798
BRYAN S. MONTEITH, 4086
JUAN MONTOYA, 1844
*RICHARD D. MOON, 3841
*CHRISTOPHER S. MOORE, 8826
ERIC T. MOORE, 8732
*PATRICK T. MOORE, 1700
*THOMAS G. MOORE, 5480
*KENT G. MOORHOUSE, 6056
*CAMERON F. MOOSE, 9652
CARLOS H. MORALES, 5122
*HECTOR R. MORALESNEGRON, 9230
DEWEY A. MORGAN, 0719
*DWIGHT R. MORGAN, 1051
*JOHN P. MORGAN JR., 7723
*JOHNNY A. MORITZ, 0431
STEVEN L. MORRIS, 8673
ROBERT F. MORTLOCK, 5944
MICHAEL C. MORTON, 7861
*MARK B. MOSS, 2621
*STANLEY B. MOSS, 1627
JOHN C. MOYSE JR., 0040
SANDRA S. MUCHOW, 9179
KARL E. MUEHLHEUSER, 7165
*HUGH J. MULLALY, 1293
*DONALD G. MUNDY JR., 3383
*JOSE L. MUNIZ, 8408
BRIAN P. MURPHY, 5381
KEVIN P. MURPHY, 4032
PUL MICHAEL MURPHY, 4763
RANDY MURRAY, 0320
*TERRENCE L. MURRILL, 4562
MICHAEL J. MUSIOL, 4352
*MICHAEL S. MUSSO, 6435
*ANDREW C. MUTTER, 0735
MARK T. NAKAGAWA, 5497
EARL S. NAKATA, 6801
*CARL J. NASATKA JR., 2142
KENDALL H. NASH, 2159
*MARK A. NEAL, 9716
DIANE L. NELSON, 0645
*MARK D. NELSON, 2683
RANDAL W. NELSON, 4600
*SCOTT T. NESTLER, 6293
COREY A. NEW, 1027
NANCY J. NEWELL, 1407
WALTER G. NICHOLS JR., 6632
*CHRISTOPHER D. NIEDERHAUSER, 2887
*RUMI NIELSONGREEN, 0786
VAN A. NINE, 3227
*DAVID E. NORTON, 0662
ROBERT M. NOTCH, 8379
JOSEPH RONALD NOVACK JR., 4920
ANDREW W. OAKES, 4884
*CATHY R. OATES, 8731
DEWEY K. OCHOA, 3737
DAVID I. OCLANDER, 1572
JEFFREY C. ODEGAARD, 1605
*MARK G. ODONNELL, 7657
JOHN A. OGRADY, 7066
*DEWANDER L. OKEEFE, 6269
SUZANNE M. OLDENBURG, 3213
STEPHEN N. OLEJASZ, 8345
ANDREW A. OLSON, 1406
BRAD J. OLSON, 8533
JEFFREY T. ONEAL, 0203
EDWARD J. ONEILL IV, 7098
*MICHAEL J. ONEILL, 0799
TERRY M. ORANGE, 1821
*MATTHEW S. ORENSTEIN, 3715
MICHAEL A. ORTELLI, 7803
*ROBERT J. ORTIZ, 1996
*JOHN H. OSBORN, 2092
THOMAS W. OSTEEN, 0221
MICHAEL G. OSTERHOUDT, 8127
JOSE A. OTERO, 5908
*KARI K. OTTO, 9727
RICHARD H. OUTZEN, 5146
JOHN D. OVEREND, 8092
*JEFFREY D. OWENS, 2706
*ROBERT E. PADDOCK JR., 4896
MARK A. PAGET, 7880
MICHAEL P. PANCIERA, 8167
MICHAEL H. PARK, 8966
*BRENT M. PARKER, 0333
*RICKY L. PARKER, 7625
*ROBERT L. PARKER, 7053
*SABRINA PARKERCOOPER, 2231
*JAMES C. PARKS III, 0677
MICHAEL L. PARR, 0682
BRYAN E. PATRIDGE, 9225
*SEAN M. PATTEN, 4198
*JAMES D. PATTERSON, 1397
JOSEPH G. PATTERSON, 1542
LANCE C. PATTERSON, 6939
*ROBERT E. PATTERSON, 0495
*TRINA C. PATTERSON, 2859
*GREGORY J. PAUL, 3366
BRIAN K. PAXTON, 1587
DONALD E. PAYNE, 5584
JAMES P. PAYNE, 1235
*KEVIN M. PAYNE, 4335
BRIAN L. PEARL, 6648
*ROBERT A. PEDEN, 4325
KELLY J. PEITZ, 6200
KEITH ALBINO PELLEGRINI, 8303
MICHAEL D. PELOQUIN, 0149
*LEON E. PENNINGTON, 6610
LARRY D. PERINO, 9935
CHRISTOPHER L. PERRON, 0733
MICHAEL P. PERRY, 8363
THEODORE M. PERRYMAN, 8493
JEFFREY LELAND PETERS, 7822
BYRON D. PETERSON II, 7789
*GREGORY D. PETERSON, 8886
KEVIN W. PETERSON, 9109
MONICA L. PETERSON, 5919
RICHARD V. PETITT, 4470
MICHAEL C. PETTY, 4954
LAROY PEYTON, 6876
*JIMMY M. PHILLIPS, 1274
JOEL R. PHILLIPS, 0297
ROBERT J. PHILLIPS, 0135
*TIMOTHY U. PHILLIPS, 0797
*NIKOS R. PHIPPS, 5074
EMORY E. PHLEGAR JR., 2129
BRIAN J. PIERCE, 8544
JAY G. PITZ, 2231
*ROBERT C. PIZZITOLA, 8458
*JOSE PLAZACOLON, 9897
*BOYD R. PLESSL, 1692
BRIAN J. POE, 9204
BILLINGSLEY G. POGUE III, 0960
*GREGORY POLIZZI III, 0207
KENDAL V. POLK, 8615
DAVID E. PONSELL III, 8753
*CHARLES R. POOLE, 4486
SCOTT C. POOLE, 5958

MICHAEL D. POPOVICH, 2080
*CHRISTOPHER J. PORTER, 7425
*JEFFREY A. POSHARD, 3972
*MICHAEL A. POUND, 0150
*DOUGLAS E. POWELL, 1641
*GREGG A. POWELL, 3192
*MARVIN E. POWELL, 8164
HAROLD J POWER, 7638
*KEVIN M. POWERS, 1023
*CHRISTOPHER C. PRATHER, 4637
RICHARD A. PRATT, 3378
WILLIAM J. PREISTER, 9455
*PAUL E. PREVOST, 1676
DONALD R. PRICE, 6092
JENNIFER R. PRICE, 6334
*PARKER C. PRITCHARD, 9275
RICHARD D. PROCELL, 6062
*CURTIS K. PROFFITT, 7074
DAVID N. PROPES, 1841
JAMES E. PUGH, 7403
JOHN J. PUGLIESE, 5026
JAMES M. PURRENHAGE, 7909
NIKLAS H. * PUTNAM, 5235
MATTHEW D. QUINN, 5881
RONALD L. QUINTER, 5143
BRYAN P. RADLIFF, 5376
ERIC F. RAFOTH, 8660
*JASON G. RAKOCY, 0524
*CARLOS M. RAMOS, 1101
CHRISTOPHER R. RAMSEY, 2336
*DESMOND T. RAPHAEL, 2613
MARK D. RASCHKE, 4028
*DENNIS C. RASDALL, 2577
MATTHEW F. RASMUSSEN, 9084
ROBERT L. RASMUSSEN JR., 2203
*GREGORY E. RAWLINGS, 2468
*DANIEL P. RAY, 5017
DARREN J. RAY, 1190
*BRIAN W. REARDON, 3708
JAMES F. RECKARD III, 4697
*DANIEL R. REDDEN, 8970
*JEFFREY E. REDDICK, 7193
MATTHEW D. REDDING, 6766
DANIEL WOOD REDFIELD JR., 4498
*ANTHONY G. REED, 8413
*ROBERT A. REED, 3235
PAUL P. REESE, 6939
*DEREK K. REEVE, 3486
FRED L. REEVES JR., 7590
WALTER G. REEVES, 6591
*GEORGE L. REGESTER, 3318
STEVEN T. REHERMANN, 4246
THEODORE H. REICH, 8438
TODD M. REICHERT, 9327
JOHN T. REIM JR., 5253
*RANSFORD A. REINHARD II, 7356
WILLIAM H. REINHART, 5097
NICHOLAS R. REISDORFF, 8793
STEPHEN C. RENSHAW, 2548
EDWARD J. REPETSKI, 2566
*KARL D. RESTALL, 2459
*ENRIK M. REYES, 6591
*ROBERT A. REYNOLDS, 3997
DEAN M. RHINE, 5695
*GREGORY L. RHODEN, 5741
*JOHN E. RHODES IV, 4538
GORDON A. RICHARDSON, 7238
JOHN B. RICHARDSON IV, 2942
LANCE E. RICHARDSON, 7183
*MICHAEL RICHARDSON, 2336
*DANIEL A. RICHETTS, 8367
LEONARD D. RICKERMAN, 5579
DANE D. RIDEOUT, 9601
WAYNE S. RIDER, 2691
KYLE M. RIEDEL, 1479
ROBERT H. RIEDEL, 8755
*JOEL B. RIEMAN, 1520
*JULIUS A. RIGOLE, 5285
*DAVID C. RILEY, 0044
PAUL B. RILEY, 9436
*PAUL W. RILEY, 7896
*JOEL C. RINDAL, 9194
*JON A. RING, 8586
*WILLIE RIOS III, 3144
EDWARD J. RIPP, 7854
*RICHARD A. RIVERA, 2922
FRANCISCO J. RIVERACOLON, 6855
*KEITH M. RIVERS, 2544
ROY A. ROBBINGS, 4651
PATRICK B. ROBERSON, 6778
*GARY W. ROBERTSON, 3521
*RONALD L. ROBERTSON, 1639
*DWIGHT E. ROBINSON, 5354
JESSIE L. ROBINSON, 5159
*MATTHEW E. ROBINSON, 3336
ADAM L. ROCKE, 9177
ARIEL R. RODRIGUEZCOLON, 9525
*JORGE L. RODRIGUEZJUSTINIANO, 1182
DAVID G. ROGERS, 7789
HUGH K. ROGERS III, 1850
DELBERT A. ROLL, 1430
*GEORGE M. ROLLINS II, 8538
ALEX V. ROMERO, 2381
*DANIEL R. ROOSE, 2033
RICHARD R. ROOT, 2264
*THOMAS E. ROOT JR., 6825
TRACY L. ROOU, 5460
ANTHONY T. ROPER, 0533
HEATH C. ROSCOE, 1404
*GARY R. ROSE, 7134
*RODNEY P. ROSE, 3953
DEAN T. ROSS, 2822
JAMES P. ROSS, 6151
*STEVEN D. ROSSON, 3652
*RODNEY R. ROW, 8777
TOD A. ROWLEY, 7391
JOHN K. RUDOLPH, 8583
JOHN P. RUEDISUELI, 4766
*DEVIN E. RUHL, 8584
CHARLES L. RUMRILL, 2880
*KYLE F. RUNTE, 6957
*ANTHONY J. RUZICKA, 8933
RYAN B. RYDALCH, 6862
*MARK J. RYDZYNSKI, 9363
*ROBERT M. SALVATORE, 0041
*EUGENE A. SAMPLE III, 7653
*ANTHONY J. SANCHEZ, 2982
ROBERT L. SANCHEZ, 6705
*SCOTT A. SANDBACK, 4553
DAVID M. SANDERS, 0357
*GREGORY SANDERS, 7636
HERBERT SANDERS JR., 1637
TERRANCE J. SANDERS, 6425
*WAYNE A. SANDOLPH, 3077
GREGORY R. SARAFIAN, 7203
*RYAN E. SAW, 0938
GEORGE J. SAWYER IV, 7789
*SAMUEL A. SBLENDORIO, 1049
*MICHAEL P. SCHAEFER, 8136
*DALLAN J. SCHERER II, 2023
MICHAEL D. SCHIELE, 3281
ROBERT L. SCHILLER JR., 8657
*MARK R. SCHMIDT, 6618
ROBERT R. SCHMIDT JR., 0625
PAUL J. SCHMITT, 6815
*KREG E. SCHNELL, 2218
MATHEW E. SCHRAM, 2565
*LOREN P. SCHRINER, 5970
*GEORGE S. SCHURR, 3621
WILLIAM C. SCHUSTROM, 6035
*CRAIG R. SCHWARTZ, 4282
STEVEN J. SCHWEITZER, 5248
*BRIAN C. SCOTT, 8527
*CHARLES SCOTT, 4928
*SWILLING W. SCOTT JR., 7002
*JEFFREY S. SEARS, 3005
*RUSSELL K. SEARS, 2741
STEPHEN C. SEARS, 0029
GEORGE H. SEAWARD, 4536
ARNOLD SEAY, 1069
ANTHONY SEBO, 3127
*DAVID J. SEGALLA JR., 9789
*ROY M. SEIDMEYER, 7032
*MICHAEL B. SEITZ, 5499
BRIAN K. SEROTA, 0618
CLIFFORD M. SERWE, 9207
*ANDREW D. SEXTON, 3161
*CONNIE R. SHANK, 5089
JANICE L. SHARKEY, 5972
*DARRYL W. SHARP SR., 7907
*LEROY SHARPE JR., 5179
MATTHEW P. SHATZKIN, 8045
*JOHN W. SHAWKINS, 7905
*KATHY A. SHEAR, 9672
*EUGENE SHEARER, 2275
ROBERT L. SHEARER, 4535
MICHAEL R. SHEEHY, 5774
*PATRICK O. SHEFFIELD, 7857
*ROBERT W. SHELTON, 4417
ADAM B. SHEPHERD, 9935
WILLIAM L. SHEPHERD III, 9710
RICHARD V. SHERIDAN II, 6553
MICHAEL V. SHOAFF, 2560
THOMAS A. SHOFFNER, 8111
ROBERT T. SHOLA, 7489
DANIEL R. SHORT, 2941
ALLEN D. SHREFFLER, 6861
ALAN J. SHUMATE, 3379
GEORGE B. SIERETZKI, 5102
GREGORY F. SIERRA, 0602
*DAVID C. SIGMUND, 8997
*ERIC A. SIMMONS, 4066
*RODNEY D. SIMMONS, 2592
RODNEY M. SIMMONS, 0298
ERIK J. SIMONSON, 5803
*GLENN T. SIMPKINS, 0974
*BYRON R. SIMS, 8978
MICKEY L. SIZEMORE, 4193
DOUGLAS C. SKAGGS, 2119
*STEPHEN B. SKINNER, 9574
*BURT W. SLEDGE, 3048
MICHAEL J. SLOCUM, 7466
*SCOTT D. SLYTER, 9316
*LARRY SMALL, 4381
THOMAS J. SMEDLEY, 9110
WILLIAM S. SMEDLEY, 9119
DAVID A. SMITH, 0319
DAVID J. SMITH, 0888
ERIC S. SMITH, 0174
FELITA W. SMITH, 5115
*JEFFREY A. SMITH, 0748
*JENNIFER R. SMITH, 4105
*JULIAN C. SMITH III, 3182
*MARK A. SMITH, 6663
MARK R. SMITH, 0460
*REGINALD E. SMITH, 1600
*SCOTT A. SMITH, 4853
*SPENCER L. SMITH, 6297
*STEPHEN A. SMITH, 0845
*STEPHEN G. SMITH, 6655
*STEPHEN L. SMITH, 3674
THERESE J. SMITH, 7895
WILLIAM J. SMITH JR., 1906
DANIEL B. SNEAD, 6956
*MICHAEL J. SNIPES, 7078
*ROSS D. SNOW, 9548
*THOMAS M. SNOW, 3371
LOUIS J. SNOWDEN II, 7531
JON E. SOLEM, 0136
BRIAN M. SOLES, 9340
DARRYL T. SOLI, 8539
DANIEL E. SOLLER, 6630
*MARK E. SOLOMONS, 4798
RICHARD B. SOMERS, 3774
*WIRIYA SOMNUK, 7600
WILLIAM R. SOUTHARD, 6019
*STEPHANIE A. SPANO, 1243
DOMINIC J. SPARACIO, 0825
*MICHAEL A. SPARKS, 6019
WILLIAM A. SPEIER III, 5269
*DERWOOD L. SPENCER, 2123
GARY T. SPENCER, 5997
*OTIS SPENCER JR., 4894
*KELLY C. SPILLANE, 4807
*CHRISTOPHER J. SPLINTER, 8915
*BRUCE S. STABLES, 2408
RICHARD J. STAFFORD, 9544
*JEFFREY W. STANDLEY, 8539
GRANT V. STANFIELD, 2922
STEVEN DAVID STANLEY, 1413
*CRYSTAL R. STAPLES, 8801
STACY R. STARBUCK, 9576
JAMES L. STARKEY IV, 0844
*TIMOTHY A. STAROSTANKO, 9342
*SCOTT C. STEARNS, 3549
CHARLES M. STEIN, 7019
*CYNTHIA H. STEIN, 1667
*LORI J. STENDER, 4430
*JEFFREY M. STENFORS, 5595
VICKIE D. STENFORS, 0132
CHRISTOPHER C. STENMAN, 9388
KATHLEEN K. STEPANCHUK, 3492
VINCENT N. STEPHAN, 6884
*HARRIET S. STEPHENS, 6594
*MARY M. STEPHENS, 0015
GEORGE W. STERLING JR., 3562
KENNETH A. STEVENS, 8777
KIMBERLY E. STEVENSON, 6922
DAVID F. STEWART, 1285
*HERMAN STEWART JR., 8175
*ROBERT L. STEWART III, 0789
ERIC J. STIERNA, 4434
*ALBERT H. STILLER, 0056
*JEFFREY M. STOLZ, 7018
JOHN D. STORER, 8843
CHADWICK W. STORLIE, 0479
BRIAN M. STOUT, 5954
KENNETH W. STRAYER, 7017
*MARK T. STREHLE, 0147
*JEFFREY C. STROH, 2808
RIEKA M. STROH, 5495
DAVID J. STROMBECK, 5923
RICHARD J. STROYAN, 0843
MICHAEL ALLEN STUART, 8346
RAYMOND STUHN, 4467
*BRADLEY S. STUMPF, 1017
*THOMAS STYNER, 0788
MICHAEL D. SUFNARSKI, 8674
CHAD M. SULLIVAN, 1516
TIMOTHY P. SULLIVAN, 4613
*CRAIG E. SUMNERS, 1523
HUGH R. SUTHERLAND, 3022
SHIRLEY D. SUTTON, 5225
*PATRICK T. SWEENEY, 4817
PAUL J. SWIERGOSZ, 6683
KENT L. SYLVESTER, 5388
DARREL S. TACKETT, 6330
*CHRISTOPHER P. TALCOTT, 3223
MARK B. TANNER, 3723
*CHRISTOPHER J. TATARKA, 9555
EDWARD J. TAYLOR, 0685
*JEFFREY K. TAYLOR, 0155
*KHRIS Y. TAYLOR, 3526
*LAWRENCE M. TAYLOR, 6344
CHRISTINE J. TEBBE, 1574
*CYNTHIA F. TERAMAE, 9928
*VANEADA S. TERRELLSIMMONS, 5501
*JOSEPH A. TERRY, 3720
BRIAN L. TESSMAN, 8601
JOHN D. THEE, 9622
*WILLIE L. THEMES, 0332
TERENCE B. THIBODEAUX, 0113
GEORGE K. THIEBES, 8963
KARL R. THOMAS, 2589
DANIEL L. THOMPSON, 9282
GARRY L. THOMPSON, 0935
JOHN R. THOMPSON, 2891
JOHNNY W. THOMPSON, 3812
JOSE M. THOMPSON, 6731
*MICHELE N. THOMPSONSHOATS, 5127
*MARC D. THORESON, 1114
MICHAEL J. TICE, 8767
*THOMAS J. TICKNER, 7255
RILEY O. TISDALE, 7025
*PAUL J. TOMAKA, 6315
*TUAN T. TON, 9546
KENNETH W. TONEY, 5477
SHAUN E. TOOKE, 1141
*TERRY TORRACA, 8259
ROBERT P. TORRES, 2673
VINCENT H. TORZA, 1938
JOHN R. TOTH, 2845
*ROBERT N. TRABUCCHI JR., 5910
PETER J. TRAGAKIS, 5229
MICHAEL F. TRAVER, 8931
*GREGORY R. TRNKA, 2716

*MICHAEL F. TRONOLONE JR., 0192
TIMOTHY C. TROUTMAN, 3736
TERRY L. TRUETT, 0323
DEAN H. TRULOCK, 1365
*SEENA C. TUCKER, 6766
RONALD M. TUCZAK, 7581
SCOTT K. TUFTS, 7291
WILLIAM TURMEL JR., 0475
*DOUGLAS J. TWYMAN, 3374
*JOSEPH D. TYRON, 0066
JUAN K. ULLOA, 9899
*KATHY A. UNDERWOOD, 4069
ROBERT E. UNGER, 0478
*KEVIN K. UPSON, 3605
*CHARLES L. VANAUKEN, 1718
MARVIN G. VANNATTER JR., 3482
*JOHN M. VANNOY, 1272
PETER R. VANPROOYEN, 8656
CHRISTOPHER H. VARHOLA, 0516
MICHAEL L. VARUOLO, 9873
DAVID I. VASQUEZ, 9717
*JUAN M. VAZQUEZQUINTANA, 7633
*RODRIGUEZ F. VENTURA, 5418
KENNETH G. VERBONCOEUR, 6942
*LEONARD E. VERHAEG, 6608
JOHN A. VERMEESCH, 5055
*JULIE A. VESEL, 0202
*BRADFORD M. VESSELS, 7633
*PAUL M. VIDO, 3001
TIMOTHY J. VINSON, 6798
*SCOTT A. VOELKEL, 6067
JESSICA R. VOSS, 9341
KURT O. WADZINSKI, 7410
ROBERT A. WAGNER, 7702
DAVID J. WALDMAN, 9956
*DAVID S. WALKER, 7596
DIANNE M. WALKER, 3743
MARLENA O. WALKER, 7943
*LEONARD W. WALLACE JR., 6972
MICHAEL S. WALLACE, 0552
*ROBERT D. WALLACE, 9529
*SAMUEL J. WALLER, 5015
*GLENN A. WALSH, 8098
PATRICK M. WALSH, 2911
TODD E. WALSH, 1446
*WILLIAM A. WALTERS, 3628
CHRISTOPHER S. WALTON, 1748
*STEPHEN J. WARD, 2219
KURTIS L. WARNER, 8672
KYLE W. WARREN, 2161
*TONY W. WARREN, 5409
*DAVID B. WASHINGTON, 4066
GREGORY G. WASHINGTON, 3280
*JULIUS WASHINGTON, 2675
BRIAN K. WATKINS, 2644
*CHRISTOPHER P. WATKINS, 9144
*CHRISTOPHER J. WATSON, 8815
ELIZABETH W. WATSON, 5275
JEFFREY L. WATSON, 3686
RICHARD G. WATSON, 0473
SCOTT R. WATSON, 0055
ROBERT K. WATWOOD, 5666
MICKEY E. WEAVER, 1192
*ERIK C. WEBB, 0163
DAVID J. WEBER, 0505
*TAMARA S. WEESE, 4216
AUGUST M. WEGNER IV, 8762
*ROBERT G. WEGNER, 6008
ROY R. WEIDANZ, 1006
*DAVID J. WEIS, 8613
MICHAEL D. WEISZ, 6911
HIELKE WELLING, 0380
SHELLY D. WELLS, 0147
VERONICA J. WENDT, 1304
*CHARLES W. WERNER, 1791
MICHAEL E. WERTZ, 8851
STEPHEN A. WERTZ, 4674
NEAL A. WEST, 5443
MATTHEW A. WHALLEY, 5003
*JAMES A. WHATLEY, 9106
JOHN WHITLEY WHEELER, 6103
BRADLEY A. WHITE, 2862
*GREGORY D. WHITE, 1708
*PATRICK M. WHITE, 4192
*ROBERT L. WHITE, 6514
*CHRISTOPHER J. WHITTAKER, 5297
ROBERT F. WHITTLE JR., 0922
*ANTHONY R. WIGGINS, 6952
*CHRISTOPHER W. WILBECK, 7176
*JAMES L. WILKINS, 9290
KENNETH M. WILKINSON, 6340
*KEVIN R. WILKINSON, 5546
ANDREA R. WILLIAMS, 1592
*ANGELO N. WILLIAMS, 6956
*BRIGITTE L. WILLIAMS, 2149
BRUCE H. WILLIAMS, 0578
*CALVIN E. WILLIAMS, 0518
*CEDRIC B. WILLIAMS, 9496
LEMUEL K. WILLIAMS, 4896
MICHAEL T. WILLIAMS, 3607
*RALPH E. WILLIAMS, 0796
*ROBIN D. WILLIAMS, 0734
*SAMUEL E. WILLIAMS, 2569
*STANLEY T. WILLIAMS, 9350
THOMAS M. WILLIAMS, 3971
*RONNIE J. WILLIAMSON, 6058
*ROBERT A. WILLIS, 4216
*RICHARD E. WILLS, 5055
JAMES L. WILMETH IV, 9082
CHARLES V. WILSON, 0129
*EDDIE D. WILSON, 1638
*JAMES D. WILSON, 8150
LAWRENCE D. WILSON, 5648
*LISA M. WILSON, 3638
*LITONYA J. WILSON, 4741
ROBERT E. WILSON, 6272
*STEPHEN W. WILSON, 0461
TERRY M. WILSON JR., 4146
TODD P. WILSON, 3426
*LARRY D. WINCHEL, 8276
DIANE E. WINEINGER, 9890
DOUGLAS W. WINTON, 7536
*CHARLES E. WITTGES, 5767
*MARK P. WITTIG, 7408
RAY P. WOJCIK, 9070
*ERIC S. WOLF, 9603
DONALD C. WOLFE JR., 0382
*DWANA L. WOLFE, 6520
*CHRISTOPHER A. WOLNEY, 0526
DAVID S. WOLONS, 7955
JOHN W. WOLTZ, 3271
DAVID R. WOMACK, 1379
DAVID L. WOOD, 2288
HELY D. WOOD, 0759
HARRY T. WOODMANSEE III, 8100
*ROBERTA J. WOODS, 1968
*JEFFREY F. WOODWARD, 1165
*GORDON J. WORRALL, 0068
*JOHN J. WOTRING IV, 6545
JON A. WOZNIAK, 6264
*WILLIAM S. WOZNIAK, 7735
*MARK E. WRIGHT, 6571
*JOHN A. WYRWAS, 3298
RICHARD S. YADA, 6448
*GE YANG, 2041
NEWMAN YANG, 9866
DAVID J. YEBRA, 5894
DAVID GENE YONKOVICH, 0314
*MARK A. YOUMANS, 9505
*CHAD D. YOUNG, 5345
*JOEL W. YOUNG, 8382
*KEITH L. YOUNG, 8745
PATRICK M. YOUNG, 1760
STEVEN D. YOUNG, 7974
GUY C. YOUNGER, 2622
MATTHEW W. ZAJAC, 2227
ERIC W. ZEEMAN, 5916
LOUIS A. ZEISMAN, 7100
CRAIG S. ZEITLER, 1628
*DARRELL H. ZEMITIS, 3587
*SIDNEY C. ZEMP IV, 4268
ANTHONY E. ZERUTO, 6054
*ERIK D. ZETTERSTROM, 2177
*CHRIS E. ZIMMERMAN, 1174
FRANK H. ZIMMERMAN, 3135
DENNIS M. ZINK, 5093
KEVIN K. ZURMUEHLEN, 8053
*MICHAEL J. ZUVANICH, 8554
*X2014
X3257
*X2770
*X4076

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

ERIC M. AABY, 6771
CHARLES V. ACKLEY, 0940
EROL AGI, 3537
SYED N. AHMAD, 8182
JAMES T. ALBRITTON, 1979
JESSE P. ALDRIDGE, 0437
DOUGLAS E. ALEXANDER, 8711
GWENDOLYN A. ALLANSON, 9071
JOSEPH F. ALLING, 1963
STEPHEN L. ALM, 9046
MOHAMAD ALSAWAF, 6560
JULIANN M. ALTHOFF, 6984
ROGELIO E. ALVAREZ, 0664
FREDRIC N. AMIDON, 9542
PAUL A. AMODIO, 2214
JENNIFER ANDERS, 6743
JEFFREY ANDERSON, 7150
KAMI ANDERSON, 8256
KEVIN L. ANDERSON JR., 1246
TERRY M. ANDERSON, 9479
JOHN S. ANTHONY, 9476
FILOMENO J. ARENAS JR., 2667
MICHAEL W. ARMES, 7990
STEPHEN E. ARMSTRONG, 2685
SARAH J. ARNOLD, 7877
STEPHEN ARNTZ, 6058
SCOTT ASHBY, 0200
DENIS E. ASHLEY, 8291
DIXIE L. AUNE, 4167
KEITH E. AUTRY, 3561
CHAD M. BAASEN, 8727
ETHAN A. BACHRACH, 7479
FLAURYSE M. BAGUIDY, 1409
JASON T. BALTIMORE, 6305
JEFF BARNES, 4886
MARIO L. BARNES, 4899
JOHN T. BARNETT, 7653
CHRISTOPHER R. BARNEY, 6614
JOSEPH P. BARRION, 4202
TIMOTHY S. BARTLETT, 0423
LAWRENCE M. BATEMAN, 5344
REBECCA L. BATES, 6214
SAM G. BATTAGLIA, 8490
ELIZABETH A. BEATY, 0352
AMY L. BECKER, 1268
TODD D. BELL, 8170
PATRICK M. BELSON, 5762
JOHN F. BENNETT, 5978
JACQUELINE M. BERNARD, 7798
LEAH A. BERSAMIN, 7747
CHRISTOPHER J. BERSANI, 3112
SUSAN M. BESSING, 1452
ROBERT J. BETTENDORF, 4860
AVERY A. BEVIN, 0832
DONALD E. BEYERS, 8412
MICHAEL M. BEZOUSKA, 9564
FRANK M. BISHOP, 3855
JEFFREY W. BITTERMAN, 1818
DUANE L. BIZET, 5109
PATRICK J. BLAIR, 2110
GINA K. BLAKEMAN, 0381
K. J. BLASINGAME, 0921
DAVID L. BLAZES, 0011
LYNELLE M. BOAMAH, 7890
MAJOR K. BOATENG, 8215
JOHN F. BOGARD, 2826
EDWIN F. BOGDANOWICZ, 4623
WILLIAM M. BOLAND, 1765
MICHAEL C. BOND, 6603
TROY F. BOREMA, 3560
LISA A. BOSIES, 8582
ADRIENNE E. BOSSIO, 6144
MICHAEL BOTTICELLI, 6158
RONALD J. BOUCHER, 3530
JAMES J. BOUDO, 6925
ROGER L. BOUMA, 7021
MICHAEL J. BOWERS, 7803
FRANK G. BOWMAN, 7056
WILLIAM BOYAN, 7770
MICHAELA S. BRADLEY, 5837
PAUL J. BRADY, 7438
WALTER D. BRAFFORD, 4120
BRIAN M. BRAITHWAITE, 9405
JAMES E. BREAY, 5260
DAVID N. BREIER, 0352
ERIC K. BRESSMAN, 6123
BRADLEY A. BRISCOE, 3163
PAUL J. BROCHU, 5576
DARWIN M. BROOKS, 7269
ROBERT A. BROOKS, JR., 8692
JEFFREY L. BROWDER, 3065
AVEMARIA R. BROWN, 9257
MARGARET A. BROWN, 2414
WENDY M. BROWN, 4648
PIERRE A. BRUNEAU, 8641
GARY W. BRUTON, 8095
KYLE A. BRYAN, 7778
WILLIAM D. BRYAN, 8205
PAUL D. BUNGE, 2634
BRADLEY L. BUNTEN, 2843
ANTHONY BUONCRISTIANI, 6713
THERESE J. BURATYNSKI, 5094
DIANE T. BURNELL, 6228
LARRY C. BURTON, 6221
EDWARD T. BUTZIRUS, 6938
DAVID A. BYMAN, 3921
GREGORY R. CADLE, 4733
ANN M. CAMPBELL, 8032
KAREN M. CARLSON, 3875
SAMUEL R. CARLTON, 8880
GREGORY R. CARON, 4805
JOHN W. CARSON III, 5466
MICHAEL M. CARSON, 8808
RONALD CARSON, 2861
DIANA J. CARSTEN, 0320
LISA M. CARTWRIGHT, 2489
SHELBY J. CASH, 8849
JEFFREY C. CASLER, 8865
JOHN D. CASSANI, 1296
JAMES R. CASSATA, 2661
DIANE CASSIN, 1171
ALDO J. CATTOI, 2357
LORIS F. CEDENO, 4892
ALEXANDER B. CHAO, 7755
CHESTER E. CHAPMAN, 0579
PATRICIA G. CHAPPLE, 8431
ANTHONY S. CHAVEZ, 4796
JAMES T. CHAVIS, 4958
PENGTA A. CHIANG, 5214
LAMAR A. CHILDS, 2310
ANTHONY CHILLURA, 4764
SHING K. CHIOU, 3195
KURT M. CHIVERS, 5862
ARRON A. CHO, 2269
CIA CIANCI, 5931
GORDON E. CLARK, JR., 8960
LINDA CLARK, 1942
MATTHEW T. CLARK, 4167
PHILLIP E. CLARK, 8478
KRISTIN N. CLEAVES, 5840
TIMOTHY A. COAKLEY, 4676
BARBARA A. COLEMAN, 0313
JOSEPH D. COLEMAN, 2105
CHRISTOFER M. COLLINS, 6622
FRANK A. COLON, 4359
LAURA K. COMSTOCK, 4516
ALFONSO J. CONCHA, 3935
DAVID R. CONGDON, 3027
KATRINA L. CONRAD, 5352
CHRISTOPHER J. COOK, 7360
SCOT A. CORDRAY, 7334
WANDA A. CORNELIUS, 5994
WILLIAM D. COSGROVE, 7699
EDWARD G. COVERT, 1409
KIP L. COWELL, 9847
DONALD E. COWLES, 1986
JOHN A. CRADDOCK, 8815

TED L. CRANDALL, 0709
PAMELA M. CREIGHTON, 5298
NANCY F. CRUM, 6568
ROBERT CSORBA, 0813
SHAWN T. CULLEN, 4967
VALENTINE W. CURRAN, 9430
MARTHA A. CUTSHALL, 0727
THOMAS M. DAILEY, 1293
JAMES J. DALEY, 6308
TIMOTHY L. DANIELS, 9725
CHRISTOPHER A. DAVIS, 0387
DONNA L. DAVIS, 0289
FREDERICK C. DAVIS, 5455
ROBERT C. DAVIS, JR., 2240
THOMAS S. DAVIS, 8540
TOMMIE E. DAVIS, JR., 7488
GEORGE O. DECKER, 2672
CHARLES G. DECLERCK, 8176
PAULA K. DEKEYSER, 3560
N. F. DELACRUZ, 8390
MARC R. DELAO, 9217
VICTOR D. DELAOSSA, 5412
ALAIN DELGADO, 5533
DONALD R. DELOREY, 6703
SUSAN M. DEMCHAK, 7325
MARYANN C. DESPOSITO, 3842
DAVID L DEVLIN, 7556
LINO S. DIAL, 6569
RICHARD F. DIBUCCI, 7639
JOHN V. DICKENS III, 4521
KURT A. DIEBOLD, 0396
ROSEMARIE DIEFFENBACH, 9894
DAVID A. DISANTO, 1384
STANLEY DOBBS, 9233
RAMONA M. DOMENHERBERT, 3535
TIMOTHY F. DONAHUE, 9873
STEPHEN J. DONLEY, 0165
CATHLEEN M. DONOHUE, 6293
THOMAS L. DORWIN, 2782
JOAN K. DOUGHTY, 3978
TRENT D. DOUGLAS, 7253
DAVID E. DOW, 2252
RITA W. DRIGGERS, 1233
MAURICIO G. DRUMMOND, 5115
RUTH H. DUDA, 7550
WILLIAM C. DUERDEN, 9943
JOSEPH E. DUFOUR, 3601
DAVID P. DULA, 0449
MARK R. DUNCAN, 4650
FRANKLIN T. DUVALL, 0866
EILEEN M. DWYER, 6505
GEORGE L. DYER III, 4511
ANGELA S. EARLEY, 5482
JOHN A. EASTONE, 5693
SONYA I. EBRIGHT, 4051
DENNIS E. EDWARDS, 9515
TROY EHRHART, 4081
JENNIFER L. EICHENMULLER, 7411
DEAN S. ELATTRACHE, 2910
DANIEL E. ELDREDGE, 6664
DEBRA J. ELLIOTT, 0525
JAMES W. ELLIOTT, 4389
ERIC A. ELSTER, 5731
MARK D. ERHARDT, 2980
RICHARD P. ERICKSON, 6513
SUSAN D. ERMISH, 1505
MICHAEL S. EUWEMA, 2451
SHARON D. EVANS, 6326
KREG R. EVERLETH, 4972
DANIEL M. EVES, 3398
KRISTEN B. FABRY, 2038
ROLAND L. S. FAHIE, 0713
JASON B. FAUNCE, 0269
CLARE E. FEIGL, 2303
RENA K. FERGUSON, 9127
KIMBERLY A. FERLAND, 5832
ELEANOR M. FERNANDEZ, 6889
ELIZABETH FERRARA, 4796
STEPHEN L. FERRARA, 5141
DAMON S. FETTERS, 3070
MARTIN W. FIELDER, 0596
JAYSON FIELDS, 5879
JEFFREY K. FILBECK, 1405
WILLIAM S. FINLAYSON, 0874
JOSEPH C. FINLEY, 9297
CAMERON H. FISH, 2138
CARY N. D. FISHBURNE, 8157
ELIZABETH A. FITZPATRICK, 7795
ETHAN A. FLYNN, 7729
MARC H. FOGELSON, 8523
FRANCIS P. FOLEY, 7127
SHAWN A. FOLLUM, 5823
JERRY R. FOLTZ, 0472
STEPHANIE L. FORD, 7138
CHRISTOPHER A. FOSTER, 1407
JANETTE D. FOSTER, 4297
TIMOTHY T. FOSTER, 0073
WILLIAM L. FOSTER, 4131
WILLIAM E. FRANKLIN, 7394
DEREK P. FRASZ, 4380
CHRISTOPHER C. FRENCH, 7345
KAREN K. FREY, 7398
THOMAS G. FRIEDRICH, 1849
MARK A. FRIERMOOD, 7002
ROBERT S. FRY, 9462
ORLANDO J. FUGARO, 3532
EFRAM R. FULLER, 3375
FRANK W. FUTCHER, 3782
STUART J. GALL, 9185
ROBERT W. GANOWSKI, 3161
MICHAEL C. GARBACCIO, 9392
ANGELA B. GARDNER, 7253
PATRICK A. GARIN, 1904
JAMES C. GAY, 8885
MARK T. GERONIME, 6849
SAMAN GHARAI, 6218
DEAN T. GIACOBBE, 6766
HEATHER K. GILCHRIST, 2803
JOHN E. GILLILAND, 4001
DAVID S. GILMORE, 5282
TYRONE E. GILMORE, 8220
RONALD W. GIMBEL, 9123
STANLEY C. GIUDICI, 7793
RONALDO D. GIVENS, 0620
KATHRYN GLASS, 7060
DEXTER K. GLOSTER, 5502
JOSE R. GONZALEZ, 6400
GEORGE J. GOODREAU II, 3725
MARK R. GOODRICH, 1532
TERRY C. GORDON, 0117
STEPHEN E. GOTTLIEB, 5810
DIMITRY B. GOUFMAN, 8091
MARK T. GOULD, 5300
JOHN R. GOULDMAN JR., 9496
THOMAS E. GRAEBNER, 2478
RICHARD A. GRAHAM, 7758
PHILIPPE J. GRANDJEAN, 1584
TATIA R. GRANTLEVY, 3693
FRANKLIN C. GREEN, 0616
DIANE M. GRIGG, 0276
JAMES M. GRIMSON, 1331
WILLIAM GROFF, 6931
PATRICK N. GROVER, 7027
ULFUR T. GUDJONSSON, 2893
RICHARD A. GUSTAFSON, 5125
THINH V. HA, 0228
DONALD C. HAAS, 8219
WADE A. HACHINSKY, 5774
RICHARD A. HACKIM, 6588
RICHARD G. HAGERTY, 5835
RONALD D. HAGGERTY, 1943
AMY L. HALL, 4081
KAREN I. HALL, 1837
MICHAEL E. HALL, 9579
SIDNEY E. HALL, 3030
STEVEN D. HALL, 8821
DAVID HALLEY, 9143
JOHN F. HALPIN, 5826
BRENDA R. HAMILTON, 8342
LAURA E. HAMILTON, 7206
BRADLEY S. HANCOCK, 5986
JAMES L. HANCOCK, 5079
DAVID J. HANLEY, 3687
PETER E. HANLON, 6057
MATTHEW P. HANNON, 4928
CHERYL M. HANSEN, 7567
ELIZABETH HARBISON, 9795
MICHAEL C. HARDACRE, 8619
DIANE P. HARPER, 0931
NANCY S. HARPER, 4046
PAUL F. HARPER, 1336
JAMES M. HARRIS, 8735
DANA M. HARRISECHOLS, 2125
PAMELA C. HARVEY, 6217
THOMAS W. HASH, 3000
JENNIFER L. HAYASHI, 3865
ANTHONY B. HEADRICK, 6275
JASON O. HEATON, 3280
MATTHEW W. HEBERT, 5949
ERICH R. HEINZ, 9111
ANDREW H. HENDERSON, 6066
JULIE A.W. HENDRICKSON, 4467
ELIZABETH HENGSTEBECK, 9921
LEONARD R. HENRY, 7414
RICHARD HESBY, 9832
COLETTE M. HESS, 1435
CHRISTINE D. HIGGINS, 2183
KURT H. HILDEBRANDT, 5311
ANDREA M. HILES, 9030
DAVID J. HINCKLEY, 0631
JEROME A. HINSON, 1716
SHELBY L. HLADON, 9467
PATRICK A. HOCHSTEIN, 5105
DAVID A. HOCK, 0606
DANIEL B. HODGSON, 7239
ERIC R. HOFFMAN, 9066
BERNARD H. HOFMANN, 5711
KATHLEEN M. HOGANBENTZ, 7071
DANIEL J. HOHMAN, 3067
ANDREW J. HOLLAND, 3054
RAYMOND J. HOUK, 1204
GARY B. HOYT, 5099
GLENN W. HUBBARD, 8580
MICHELE C. HUDDLESTON, 1855
LESLIE T. HUFFMAN, 2033
SALLY A. HUGHES, 4699
JOHN E. HUMISTON, 9907
ERIC HUNKELE, 3389
KENDRA W. HUSEMAN, 6390
DANIEL G. HUTCHINS, 6012
KEVIN L. HUTSELL, 8450
INZUNE K. HWANG, 8534
CONSTANCE E. HYMAS, 0624
ROMEO C. IGNACIO, 2401
CHRISTOPHER J. IRWIN, 8118
HAYDEN O. JACK, 0814
RONNY L. JACKSON, 7335
THOMAS J. JAGLOWSKI, 9094
KIMBERLY L. JAMES, 3342
DAVID A. JANCO, 4432
ALBERT S. JANIN IV, 0485
DONNA M. JEFCOAT, 8563
STEPHEN L. JENDRYSIK, 3350
DEBBIE R. JENKINS, 0028
BRIAN T. JENSEN, 4097
DALE A. JENSEN, 7249
TIMOTHY R. JETT, 1123
BRENT D. JOHNSON, 0889
JON D. JOHNSON, 1068
KENNETH D. JOHNSON, 5521
RAYMOND W. JOHNSON, 3146
SCOTT A. JOHNSON, 6670
VIVIANA V. JOHNSON, 9893
JEFFREY JONES, 5888
SHARI F. JONES, 9187
STACEY L. JONES, 6797
TIMOTHY R. JONES, 8674
KIMBERLY A. JORDAN, 9376
JAMES W. KAEHR, 3994
SHERNAAZ B. KAPADIA, 4569
STEPHANIE A. KAPFER, 5551
FRANK T. KATZ, 9435
KURTIS V. KAUFMAN, 7342
DOUGLAS M. KEEL, 9880
KRISTIN E. KEIDEL, 7223
RICHARD J. KEITER, 6748
BRENT M. KELLN, 5090
JULIAN T. KELLY, 0337
TONJIA L.H. KELSCH, 8662
BRYCE D. KIM, 5896
ANTHONY L. KINGSBERRY, 9260
SHARON W. KINGSBERRY, 2107
DANIEL P. KINSTLER, 0427
DANIEL E. KIRKWOOD, 1085
REX A. KITELEY, 8982
KEVIN KLEIN, 4767
MELISSA D. KLEIN, 1016
JOHN A. KLIEM, 6268
JON R. KNAPP, 4851
JAY L. KNIGHT, 9575
BERNARD D. KNOX, 1495
CHRISTOPHER M. KNUDSEN, 3815
DAVID R. KOCH, 6770
CHRISTOPHER KOCHER, 8295
MICHELLE M. KOELLERMEIER, 5006
MICHAEL F. KOZMA, 7401
RONALD F. KRAMPS, 7467
JAMES C. KRASKA, 0972
BARBARA M. KRAUZ, 9093
KEVIN M. KREIDE, 6543
SHYAM KRISHNAN, 9155
SUSAN M. KRIZEK, 2182
STEPHEN J. KRUSZKA, 6532
CYNTHIA A. KUEHNER, 6731
HEIDI A. KULBERG, 2797
PAMELA L. KULICH, 1114
ELLEN K. KUMLER, 4402
CHRISTOPHER M. KURGAN, 8599
JAYDE E. KURLAND, 9407
RICHARD A. LAING, 6469
LINDA M. LAKE, 1781
KENNETH S. LANE, 1285
JAMES A. LAPOINTE, 6896
ELIZABETH D. LASSEK, 4785
DONOVAN R. LAWRENCE, 4039
STACEY L. LAYLE, 3731
JONNA L. LEADFORD, 6288
JONATHAN W. LEBARON, 5081
CHAD A. LEE, 8743
CHAD H. LEE, 8356
GABRIEL LEE, 3429
JOHN T. LEE, 2359
NICHOL M. LEE, 6352
ROBERT K. LEE, 4518
JORGE P. LEGUIZAMO, 2878
ANDREA L. LEMON, 5598
WILLIAM D. LEONARD, 9046
DAVID P. LEVAN, 6190
ANDREW D. LEVITZ, 5754
FRED W. LINDSAY, 8572
DWAYNE LINDSEY, 3260
RANDEL E. LIVINGOOD, 2333
STEVEN L. LOBERG, 0882
KELLY J. LOOMIS, 7599
CHRISTOPHER C. LUCAS, 5243
BRUCE B. LUDWIG JR., 8182
MELINDA M. LUKEHART, 7034
KYLE P. LUKSOVSKY, 1053
CHRISTOPHER V. LUTMAN, 4268
JAMES R. MACARANAS, 6027
WAYNE A. MACRAE, 2662
KEVIN A. MAGIERA, 8066
KIMBERLY L. MAINO, 4103
THOMAS J. MAINO, 0168
CHRISTINE W. MANKOWSKI, 5482
GRETA C. MANNING, 6689
KENDRA A.T. MANNING, 4551
JESSICA L. MANSFIELD, 8448
JOHN R. MANSUETI, 5153
MARK G. MARINO, 5483
BRIAN W. MARSHALL, 8916
KIMBERLEY A. MARSHALL, 2033
ROBERT MARTINAZZI II, 2436
LORI J. MARTINELLI, 7693
JEFFERY J. MASON, 0092
JOHN M. MATHIAS, 4341
STEVEN A. MATIS, 8023
MICHAEL J. MATTEUCCI, 9614
ANDREW M. MATTHEWS, 8844
KARLWIN J. MATTHEWS, 6545
CAREY L. MAY, 2590
GEORGE L. MAYO, 5297
AMY MC BRIDE, 5491
SCOTT T. MCCAIN, 8807
BILLY J. MCCARTY, 3168
WHITNEY P. MCCLINCY, 7786

COLLEEN L. MC CORQUODALE, 3048
WILLIAM P. MC CULLOUGH, 3118
CAREN L. MC CURDY, 1757
KIMBERLY W. MC DONALD, 0628
EDWARD S. MC GINLEY, 5586
CHRISTOPHER MC GINN, 6003
JANET L. MC GLOIN, 4163
MEGGAN C. MC GRAW, 7277
FREDERICK A. MC GUFFIN, 7070
GARY A. MC INTOSH, 6617
STEPHEN E. MC INTYRE, 1788
PATRICK J. MC LAUGHLIN, 5226
MARTIN W. MC MICHAEL, 7918
HUGH K. MC SWAIN IV, 0150
JOSEPH P. MC VICKER, 1986
MAURICE F. MEAGHER, 7199
MICHAEL J. MEIER, 4689
CARMELO MELENDEZ, 8999
GABRIEL MENSAH, 4225
KYLE A. MENZEL, 9048
DAVID G. MERRITT, 0793
NICHOLAS L. MERRY, 5135
LAURA M. MEYER, 6587
DANIEL L. MEYERS, 3438
PHILIP A. MICELI, 4037
COLETTE A. MICHALETZ, 3371
GEORGE W. MIDDLETON, 1720
JULIE D. MILBURN, 8189
ANGELA S. MILLER, 7059
BRUCE M. MILLER, 8948
JULIE K. MILLER, 8342
MARK W. MILLER, 6258
STEVEN R. MILLER, 4553
SUE MILLER, 6283
LEONARD A. MILLIGAN, 5462
TIMOTHY L. MILLNER, 7464
MICHELE M. MINGRONE, 0504
THOMAS J. MITORAJ, 2153
VALERIE A. MOLINA, 3842
JOSEPH D. MOLINARO, 3790
THOMAS J. MOREAU, 3014
LISA M. MORRIS, 9450
JILLIAN L. MORRISON, 0734
PAMELA L. MORRISON, 1340
DEBRA A. MORTLAND, 3779
DARREN C. MORTON, 9711
STEPHANIE J. MOSER, 4591
GEORGE T. MOSES, 4770
DAVID A. MOSMAN, 2884
MARY E.B. MOSS, 0916
TIMOTHY F. MOTT, 1528
TERRYE A. MOWATT, 5874
WILLIAM J. MUHM, 4908
SANJOYDEB MUKHERJEE, 6216
FRANCIS S. MULCAHY, 5694
SHELTON MURPHY, 5141
PHILIP A. MURPHYSWEET, 9718
ANN L. MURRAY, 1170
JASON P. MYERS, 2430
MICHAEL T. MYERS, 6030
SYLVIA I. NAGY, 7719
DONALD D. NAISER JR., 7960
EDWARD J. NASH, 6257
CHERYL A. NAVARRO, 3826
JOSE A. NEGRON, 5326
BRENDA L. NELSON, 9890
THOMAS J. NELSON, 7527
TIFFANY S. NELSON, 1168
STEVEN R. NESS, 4154
JOSEPH H. NEUHEISEL, 3030
GREGORY G. NEZAT, 1275
MINDA G. NIEBLAS, 0294
RACHAEL J. NIKKOLA, 3338
ALAN F. NORDHOLM, 7600
JOSEPH G. OBRIEN, 3767
ELOY OCHOA, 0703
PATRICK J. OCONNOR, 4516
JEFFREY D. ODELL, 2358
MICHAEL P. OESTEREICHER, 4862
STEVEN T. OLIVE, 4554
DAVID M. OLIVER, 0816
MARK D. OLSZYK, 4745
LYNN G. O NEIL, 7085
ROBERT E. O NEIL III, 9989
ROBERT J. O NEILL, 8560
MATTHEW M. ORME, 3110
MARIO J. ORSINI, 0842
LISA A. OSBORNE, 0845
LAURA E. OSTHAUS, 9584
SHAUGN E. OSTROWSKI, 5390
MICHAEL J. OTT, 6658
RICHARD OTT, 0156
WENDY K. OTTE, 7369
TRENT L. OUTHOUSE, 4974
KRISTEN A. OVERSTREET, 7260
TIMOTHY P. PADELFORD, 6035
KENNETH A. PAGE, 0104
JACQUELINE R. PALAISA, 0910
CHRISTOPHER D. PARKER, 7946
CHRISTOPHER L. PARMAN, 9855
MENA N. PARRILLA, 1474
TIMOTHY D. PARTRIDGE, 2177
JAMES L. PATTERSON, III, 1975
PATRICK W. PAUL, 9918
KERRY L. PEARSON, 4017
EDWARD S. PEASE, 8230
JAMES PECOS, 2918
RENARD PEEPLES, 8195
PHILIP J. PELIKAN, 6025
PIERRE A. PELLETIER, 2726
JAMES R. PELTIER, 0086
MARY E. PENA, 4698
ORLANDO PEREZ, 1458
LEONARD F. PERUSKI, 8811
LYNN E. PETERSON, 6082
GINGER K. PETERSONMITCHELL, 2827
SETH D. PHILLIPS, 2961
DAVID J. PICKEN, 9923
PERRY J. PICKHARDT, 7359
JAMES C. PIERCE, 0160
STEVEN D. PIGMAN, 3110
JONATHAN C. POPA, 2359
TIMOTHY J. POWER, 1563
WILLIAM K. PREVO, 9611
CURTIS PRICE, 2445
BERNARD R. PROUTY, 1778
DAVID PRUETT, 8981
SCOTT J. PUSATERI, 8932
EVELYN M. QUATTRONE, 8041
PAUL P. RABANAL, 5808
GERALD P. RAIA, 6266
CHERYL E. RAY, 2971
PRASHANT M. REDDY, 2571
AMY L. REDMER, 8745
STEPHEN S. REDMOND, 0207
DAVID P. REGIS, 8162
CARYL S. REINSCH, 4001
MARK C. RESCHKE, 5128
DONALD R. RHODES, 8754
PAUL W. RICHTER, 0131
NEAL P. RIDGE, 4881
REBECCA A. RIGNEY, 2156
WESLEY RIGOT, 8829
RONALD R. RINGO, JR., 0463
DANIEL RIPLEY, 4562
GORDON D. RITCHIE, 9073
TIMOTHY A. ROBERTS, 8690
MARGARET A. ROBERTSON, 4546
TED E. ROBERTSON, 4525
TIMOTHY J. ROGERS, 6682
CHARLES E. ROLLINSON, 6304
SHAY D. ROSECRANS, 4798
DOUGLAS J. ROWLES, 3635
RICHARD C. RUCK, 5565
JOEL T. RUFF, 0636
ALBERTO A. RULLAN, 4558
BRIAN E. RUSAK, 6086
DONALD H. RUTH II, 9576
KIMBERLY J. SALENE, 0408
EDILBERTO M. SALENGA, 1672
EDWARD J. SALOPEK, 4443
RICHARD SAMS, 4622
TODD C. SANDER, 2738
COLLEEN L. SANDIE, 0961
ERIC S. SAWYERS, 4958
COLETTE K. SCHEURER, 7199
JEFFREY A. SCHMIDT, 0122
LAWRENCE E. SCHMITZ, 6091
ERIC J. SCHOCH, 3284
SCOTT O. SCHULZ, 3186
CHRISTOPHER D. SCIBELLI, 5183
RICHARD N. SCINICO, 9463
CALVIN D. SCOTT, 2316
HUGH B. SCOTT, 5759
WILLIAM W. SCOTT JR., 5252
WILLIAM T. SCOUTEN, 5310
MERYL A. SEVERSON, III, 0266
MARY S. SEYMOUR, 3958
PAUL J. SHAUGHNESSY, 2034
ALAN G. SHELHAMER, 5437
DELARUE S. SHELTON, 8469
DAVID A. SHEPPARD, 9750
RYAN J. SHERER, 3779
ERIC S. SHERMAN, 9803
JOHN M. SHIMOTSU, 1395
DARCY M. SHIRLEY, 0192
GINA M. SIEGWORTH, 6052
ADRIENNE J. SIMMONS, 7293
CANDY M. SIMMONS, 3710
VICKI L. SIMMONS, 8050
GARRY H. SIMONS, 9326
DAVID D. SIMPKINS, 7862
EDWARD E. SIMPSON, 5924
DERIC J. SIMS, 1389
BILLY W. SLOAN, 5601
SHELDON K. SLOAN, 8992
BLAIR M. SMITH, 0417
BRADFORD L. SMITH, 4356
DAVID E. SMITH, 4013
SCOTT C. SMITH, 7792
BRIAN A. SMOLEY, 9902
FAWN R. SNOW, 8264
SUNG W. SONG, 0459
WILLIAM R. SORENSEN, II, 0088
CATHERINE E. SOUTH, 3582
MATTHEW W. SOUTHWICK, 7690
JEFFREY L. SPERRING, 6015
GREGORY R. SPURLING, 9881
BRETT T. STADLER, 3748
SARAH S. STADLER, 2415
MARK A. STAUDACHER, 4407
JULIE B. STEELE, 7758
ALEXANDER E. STEWART, 9276
CHRISTOPHER M. STILLE, 6161
ALEX D. STITES, 6892
GEORGE A. STOEBER, 5645
CHARLES B. STONE, 8622
JEFFERY A. STONE, 5307
TIMOTHY D. STONE, 1261
WANDA J. STONE, 1229
JAMES A. STUDEBAKER, 4761
ROBERT A. STUDEBAKER, 6732
ERIC S. STUMP, 8896
PATRICK M. STURM, 4689
CALVIN B. SUFFRIDGE, 4909
STACEY A. SULLIVAN, 4535
GARRY M. SUMMER, 9838
ALVIN L. SWAIN, JR., 2721
DEBORAH M. SWEETMAN, 1766
CHARLES D. SWIFT, 0711
DANIEL E. SZUMLAS, 1979
JANOS TALLER, 2739
JOHN E. TALLMAN, 4723
EDWARD L. TANNER, 0217
AARON M. TAYLOR, 2416
EDWIN E. TAYLOR, 7817
KIM M. TAYLOR, 0930
RUBY M. TENNYSON, 2065
SANDOR R. TERNER, 7299
DEBORAH M. TERRIS, 2355
MESFIN TESFAYE, 8311
JEFFREY M. TESSIER, 0893
JOHN B. THERIAULT, 4177
JOHN THOMAS, 5744
SCOTT F. THOMPSON, 0087
SHAWN L. THOMPSON, 6559
STEVEN H. THOMPSON, 6211
SUSAN M. THUL, 3606
WILLIAM T. TIMBERLAKE, 7477
SUZANNE J. TIMMER, 8061
VU H. TINH, 8102
GLEN L. TODD, 6205
LUTHER K. TOWNSEND, JR., 7354
GINA F. TROTTER, 8798
SCOTT L. TRULOVE, 8462
WILLIAM P. TURNER, 2854
SUSAN R. TUSSEY, 0068
EUGENE G. TUTKO, 9685
SUSAN E. ULLOA, 1310
PHILIP S. VALENT, 5727
STEVEN J. VANDENBOOGARD, 3747
DEAN A. VANDERLEY, 0020
ALAN J. VANDERWEELE, JR., 4364
DARREL G. VAUGHN, 9415
FRANCISCO X. VERAY, 5281
JAMES F. VERREES, 0791
THOMAS J. VERRY, 0123
JAMES C. VESTEVICH, 1761
JOSEPH VICE, 1293
ANNETTE M. VONTHUN, 0574
AMY E. WAGAR, 4123
ROGER F. WAKEMAN, 7274
RUSSELL L. WALES, JR., 5034
JEFFREY B. WALKER, 3732
SCOTTY W. WALTERMIRE, 5286
MICHAEL D. WALTZ, 0767
JAMES T. WARMOWSKI, 9582
DONALD O. WATSON, 7324
THOMAS B. WEBBER, 9703
CARL G. WEBER, 9622
DWIGHT WEBSTER, 5570
LLOYD D. WEDDINGTON, 0089
JEFFREY S. WEISS, 6871
BRIAN P. WELLS, 9473
THOMAS J. WELSH, 4372
KURT J. WENDELKEN, 0179
SAM J. WESTOCK, 9130
CHRISTOPHER WHERTHEY, 6529
JOHN J. WHITCOMB, 5834
MARY P. WHITE, 8304
RICHARD D. WHITE, 8902
YOLANDA M. WHITFIELD, 1341
CLAYTON B. WHITING, 0406
KENNETH J. WHITWELL, 2598
BRUCE E. WIETHARN, 0159
STANLEY L. WIGGINS, 1851
JONATHAN P. WILCOX, 9285
JULIE M. WILCOX, 2914
STANLEY W. WILES, 0846
BARNEY S. WILLIAMS, 9560
DAN A. WILLIAMS, 2988
FRANCIS T. WILLIAMS, 1116
MARTY T. WILLIAMS, 5925
NECIA L. WILLIAMS, 8737
ROBERT L. WILLIAMS, JR., 0690
YVONNE R. WILLIAMS, 6439
CHARLES S. WILLMORE, 3819
ROLAND C. WILLOCK, 3368
ALAN K. WILMOT, 5450
RAYMOND P. WILSON, 7955
NOEL WISCOVITCH, 5782
MICHAEL D. WITTENBERGER, 4886
ALBERT Y. WONG, 3587
JASON D. WONG, 6272
ERNEST W. WORMAN, III, 2940
GEOFFREY A. WRIGHT, 1936
KENNETH J. WYDAJEWSKI, 7937
JOHN WYLAND, 9075
THOMAS D. YANCOSKIE, 4532
CATHERINE M. YATES, 1450
MICHAEL R. YOCHELSON, 2516
HENRY X. YOUNG, 2199
MARIA A. YOUNG, 2075
SCOT A. YOUNGBLOOD, 8638
YOUNG H. YU, 2492
BARBARA H. ZELIFF, 4101
BRACKEN M. A. ZEPEDA, 0738
ANTHONY E. ZERANGUE, 4856

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

WILLIAM S. ABRAMS II, 9913
JOHN C. ABSETZ, 8698
SINTHI H. ACEY, 4482

LYNN ACHESON, 6495
ROBERT A. ADAMCIK, 7799
DARRYL C. ADAMS, 6310
DAVID A. ADAMS, 0261
GLENN C. AJERO, 2112
JOSEPH M. ALDRIDGE, 9862
ANTHONY J. ALLEMAN II, 9378
ERIC N. ALLEN, 7508
GEORGE A. ALLMON, 0528
CHRISTOPHER D. AMADEN, 0504
MICHAEL R. AMIS, 1504
ONOFRIO A. ANASTASIO, 5383
ALFRED D. ANDERSON, 6534
CLIFFORD A. ANDERSON, 9278
ERIC J. ANDERSON, 0883
JEFFREY T. ANDERSON, 3776
JONATHAN D. ANDERSON, 8978
RANDALL E. ANDERSON, 6925
THOMAS J. ANDERSON, 0058
WILLIAM S. ANDERSON, 2575
KARL A. ANDINA, 8639
DARREN E. ANDING, 9667
MICHAEL J. ANGELOPOULOS, 1850
TODD E. ANGERHOFER, 0641
GEORGE A. APOLLONIO, 3226
DAVID J. APPEZZATO, 9840
RICARDO ARIAS, 9735
ROBERT M. ARIS, 0188
SCOTT M. ARMANDO, 1972
ALAN D. ARMSTRONG, 0759
ERRIN P. ARMSTRONG, 3864
KEVIN F. ARNETT, 2536
ROBERT C. ARNETT, 1470
JESS W. ARRINGTON, 7416
STEPHEN E. ARRIOLA, 5595
CLINTON P. ASHBY, 7015
MARK G. ASTRELLA, 6046
JOHN A. ATELA, 0707
RICHARD B. AUGENSTEIN, 2205
STEVEN J. AVERETT, 2803
JAMES B. BACA, 4721
PAUL E. BACHMANN, 4831
TODD A. BAHLAU, 8284
PAUL J. BAHRS, 6164
SEAN R. BAILEY, 9470
EDWARD P. BALATON, 6188
DOUGLAS E. BALDWIN, 7111
STERLING D. BALDWIN, 3697
MATTHEW H. BANKS, 7685
CARROLL W. BANNISTER, 9203
STEPHEN E. BANTA, 7826
HARRY C. BARBER, 2290
MICHAEL J. BARETELA, 0286
CHRISTOPHER C. BARNETT, 4969
ROBERT S. BARON, 7940
BRADY J. BARTOSH, 1366
RUTH A. BATES, 9628
DAVID L. BAUDOIN, 6570
ROBERT A. BAUGHMAN, 0316
JUDITH M. BAUMGARTNER, 2545
CHRISTOPHER J. BAUMSTARK, 4427
CHARLES E. BAXTER III, 1960
MICHAEL W. BAZE, 6085
CLIFFORD W. BEAN III, 2281
WILLIAM E. BEARD, JR., 5492
CAROLYN M. BEATTY, 1469
DUANE A. BEAUDOIN, 3106
JAMES S. BEAUDRY, 6411
DOUGLAS J. BEAVER, 6153
RAUL BECERRA, 3167
PAUL A. BECKLEY, 4550
ROY G. BEJSOVEC, 7345
JOHN T. BELL, 1366
CHARLES T. BENFIELD, 2983
CRAIG M. BENNETT, 8557
RANDAL D. BENNETT, 8567
ROBERT C. BENNETT, 1625
HEIDI K BERG, 5382
DAVID A. BERMINGHAM, 2538
PETER M. BERNSTEIN, 0037
ERIC R. BERNTSON, 5443
NICHOLAS C. BERRA, 5625
CHARLES S. BEST, 8530
ERIC P. BETHKE, 1721
SCOTT A. BEWLEY, 9025
MICHAEL K. BICE, 4571
STEVEN A. BIENKOWSKI, 6305
KELLY W. BIGGS, 8876
RANDALL J. BIGGS, 1408
JERRY W. BILLINGS, 1743
WILLIAM E. BINDEL, 3496
THOMAS B. BINNER, 3786
TERRY D. BISARD, 2291
RONALD M. BISHOP, JR., 5293
BRADFORD P. BITTLE, 7301
BRUCE J. BLACK, 1262
DANIEL S. BLACKBURN, 0076
WILLIAM L. BLACKER, 0206
CARLA C. BLAIR, 5547
MARY D. BLANKENSHIP, 1224
STEPHEN R. BLASCH, 0179
KEVIN P. BLENKHORN, 4813
MICHAEL H. BLUM, 6403
DANIEL L. BLUMENSCHEIN, 8737
JAMES H. BOGUE, 7832
STEPHEN J. BOHN, 8840
SAMUEL H. BOIT, 5397
JENNIFER A. BOLIN, 4154
CHRISTIAN M. BONAT, 1002
JOSEPH D. BOOGREN, 1129
MATTHEW I. BORBASH, 8719
JEFFREY L. BOSCHERT, 7332
JERRY R. BOSTER, 5363
GARY E. BOSTRON, 2738
BARTON J. BOTT, 8775
CRAIG T. BOWDEN, 1808
BRIAN E. BOWLES, 5984
MARK E. BOYDELL, 7953
THOMAS A. BRADEN, 5323
ALAN R. BRADFORD, JR., 4145
CARL M. BRADLEY, 8651
DAVID R. BRADLEY, 3905
FRANK M. BRADLEY, 8298
HOWARD S. BRANDON, 4651
LISA C. BRAUN, 2524
BOBBY J. BRAY, JR., 4145
MARK D. BRAZELTON, 1595
MICHAEL S. BREARLEY, 3090
STEVEN A. BRICK, 4219
MICHAEL P. BRICKER, 3909
JODY G. BRIDGES, 7306
SCOTT H. BRIGHAM, 7377
DANIEL A. BRITTON, 9374
HILLARY A. BROOKS, 2215
ROBERT L. BROOKSHIER, 7284
RICHARD T. BROPHY, JR., 0398
DARIN J. BROWN, 7416
DAVID B. BROWN, 9202
ERIC BROWN, 6956
GLENN A. BROWN, JR., 0472
LEKEEN BROWN, 4431
MICHAEL J. BROWN, 0197
SCOTT A. BROWN, 2333
JOHN F. BROWNE III, 5930
LIAM M. BRUEN, 8823
CORY E. BRUMFIELD, 2834
CLIFFORD D. BRUNER, 5941
MICHAEL O. BRUNNER, 5917
DANIEL H. BRYAN, 6645
DAVID R. BUCHHOLZ, 8077
MARK C. BUCKMASTER, 9154
DANIEL K. BUCKON, 1715
RAYMOND R. BUETTNER, 5722
WILLIAM A. BULLARD III, 5557
WARREN R. BULLER II, 2164
SCOTT A. BUNNAY, 2297
DAVID BUONERBA, JR., 0904
BARBARA A. BURFEIND, 6135
JUDE T. BURKE, 4776
WILLARD C. BURNEY, 6344
QUENTIN W. BURNS, 4275
STEVIE L. BURNS, 2226
PAUL S. BURROWES, 2538
KARLIS I. BURTON, 0994
DANNY K. BUSCH, 7217
JACQUELINE R. BUTLER, 0704
GEORGE J. BYFORD, 0167
KEVIN A. BYRNE, 6403
CRISTAL B. CALER, 1963
MICHAEL D. CALLAHAN, 6991
RICHARD O. CALLESEN, 7177
DANA A. CALVIN, 6842
JOHN R. CAMP, 6125
HANNELORE CAMPBELL, 9833
KENNETH B. CANETE, 3041
PAUL A. CANNON, 8174
TEDDY D. CANTERBURY, 3735
EDWARD CARDEN, 3554
MICHAEL J. CARLAN, 3892
IVAN G. CARLSON, 1540
JAMES R. CARLSON II, 4902
HERBERT E. CÁRMEN, 7638
JOHN L. CAROZZA, 6339
DOUGLAS W. CARPENTER, 8198
ALEXANDER E. CARR, 6369
MAURICE H. CARR, 1885
MORRIS D. CARR, 5424
JON R. CARRIGLITTO, 5640
THOMAS W. CARROLL, 8801
DANIEL L. CARSCALLEN, 5166
CHRISTOPHER J. CARTER, 6140
JASON W. CARTER, 2951
JAMES P. CARTWRIGHT II, 4172
ARTHUR D. CASTLEBERRY, 3912
JEFFREY V. CAULK, 0896
TIMOTHY A. CAUTHEN, 3794
PATRICK J. CAVANAGH, 8377
CHRISTIAN G. CENICEROS, 2957
ALAN J. CHACE, 9722
ROBERT B. CHADWICK II, 1227
PAUL A. CHAN, 7210
FRANK L. CHANDLER, 3316
JEFFREY L. CHANEY, 7124
DAVID S. CHAPMAN, 1479
ROBERT L. CHATHAM, 3900
TERYL E. CHAUNCEY, 8419
ROSS B. CHEAIRS III, 0085
DON E. CHERAMIE, 8724
SCOTT V. CHESBROUGH, 0617
WYATT N. CHIDESTER, 6501
STANFIELD L. CHIEN, 1466
JOHN A. CHILSON, 8986
JOHN A. CHRISTENSEN, 6459
BEVERLY R. CILIA, 7750
GREGORY CLAIBOURN, 6804
VINCENT T. CLARK, 5708
JAMES P. CLINTON, 5645
MEGAN E. CLOSE, 3935
TODD J. CLOUTIER, 2361
ROBERT E. CLUKEY III, 5578
RICHARD J. COBB, 2354
WILLIAM E. COBB, 0488
PATRICK B. COCHRAN, 8564
WILLIAM F. CODY, 0387
MARK D. COFFMAN, 5581
JEFFREY S. COLE, 7739
KENNETH M. COLEMAN, 3694
GREGORY R. COLLINS, 0965
MICHAEL C. COLLINS, 4816
MARK J. COLOMBO, 4627
STEPHEN J. COMSTOCK, 4895
ROBERT A. CONAWAY, 9093
LORELEI A. CONRAD, 8088
WILLIAM T. CONWAY, 7507
JAMES J. V. COOGAN, 4301
ROBERT N. COOPER II, 0243
STEVEN J. COOPER, 1756
BERNETTE A. CORBIN, 8548
JAMES M. COREY, 3227
CHARLES W. CORIELL, 9513
JERRY D. CORNETT JR., 2806
CHERYL J. COTTON, 5463
SHANNON E. COULTER, 0340
DEBORAH W. COURTNEY, 3076
WILLIAM D. COUSINS, 8178
ERIC W. COVINGTON, 6543
ANTHONY W. COX, 3890
AMY D. COXE, 7603
KEVIN L. CRABBE, 4084
CARL E. CRABTREE III, 2125
LINDA E. CRAUGH, 7081
JAMES H. CRAWFORD, 2897
JOHN S. CRAWMER, 5489
ANTHONY R. CREED, 7962
BETH A. CREIGHTON, 3734
MICHAEL L. CRISS, 4697
JESSIE D. CROCKETT, 2704
JEFFREY R. CRONIN, 2685
JAMES E. CROSLEY, 2164
GORDON A. CROSS, 6945
JOSHUA A. CROWDER, 1191
ANDREW D. CROWE, 8395
JON D. CROWE, 3015
PAUL R. CROWLEY, 0836
FRANK CRUMP III, 8110
CHRISTOPHER A. CRUZ, 7116
DARIN C. CURTIS, 6731
BARNEY B. DAILEY, 0897
PAUL C. DALLEMAGNE, 6397
JOE W. DALTON, 1209
KENNETH W. DALTON, 4643
MARK J. DAMBRA, 6375
LESLIE A. DANIEL, 5143
JAMES H. DARENKAMP, 5049
KERSAS J. DASTUR, 3789
BRIAN T. DAU, 7352
BRIAN L. DAVIES, 1635
DALE L. DAVIS, 4239
GEORGE A. DAVIS III, 4461
JAMES A. DAVIS, 3061
JEFF A. DAVIS, 4335
RICHARD J. DAVIS, 4938
SCOTT A. DAVIS, 0457
STEPHEN P. DAVIS, 1735
THOMAS J. DAVIS, 1392
STERLING W. DAWLEY, 6866
JOHN M. DAZIENS, 6938
JOHN J. DEBELLIS, 9127
MICHAEL R. DEBENEDETTI, 8172
CHRISTOPHER D. DECLERCQ, 8346
MICHAEL P. DEGANUTTI, 5686
JAMES G. DEGRUCCIO, 4199
ROSA C.N. DELA, 0786
ARTHUR M. DELACRUZ, 3431
JOHN R. DELAERE, 3743
ERNESTO DELARIVAHERRERA, 4432
GARY L. DELONG, 3306
JAMES R. DEMERS, 9270
DAVID DEMILLE, 9241
TRENT R. DEMOSS, 8961
MICHAEL R. DERESPINIS, 3767
FRED A. DEROSA, 9256
BRIAN K. DEVANY, 0326
ELIZABETH L. DEVANY, 4553
CHRISTOPHER R. DEWILDE, 9748
ERIC T. DEWITT, 8804
MARY L. DIAZ, 4996
BRYAN J. DIDIER, 4232
MARK DIETTER, 8853
JAMES C. DIFFELL, 2255
ANTHONY R. DILL, 1443
WILLIAM S. DILLON, 1060
ROBERT G. DILLOW JR., 9186
JOSEPH W. DIVAR, 3019
BRETT A. DIXON, 5072
JAMES R. DIXON, 3152
TRACY A. DOBEL, 0835
JEFFREY S. DODGE, 4700
ORIE R. DOFFIN, 2456
HOPE E. DOLAN, 1446
LISA H. DOLAN, 7150
ANTHONY R. DOMINO, 5260
ROBIN E. DONALDSON, 2231
BENJAMIN R. DORMAN, 6150
CRAIG M. DORRANS, 7525
MARK W. DOVER, 3846
MICHAEL G. DOWLING, 3816
TIMOTHY A. DOWNING, 1861
SHANNON D. DOYLE, 7940
DAN B. DRAKE, 1621
GEORGE J.E. DRAKE JR., 2517
JOSEPH A. DRAKE, 7152
CRAIG W. DRESCHER, 6854
MICHAEL J. DUFEK, 6260
TIMOTHY W. DUFFY, 0149
CONRADO G. DUNGCA JR., 9653

CURTIS R. DUNN. 2189
DAVID L. DUNN. 2111
ROBERT C. DUNN. 1340
ALAN R. DUNSTON. 0391
PHILLIP E. DURBIN. 8408
THEODORE DUTCHER. 5242
MARK DWINELLS. 5290
KIMBERLY A. DYSON. 0913
JAMES T.S. EARL. 2285
CLEVELAND O. EASON. 2492
MARC C. ECKARDT. 7495
WILLIAM B. ECKERDT. 6578
REGINALD D. EDGE. 5018
ALLEN L. EDMISTON. 2818
JAMES K. EDWARDS. 7036
JEFFREY S. EINSEL. 6804
CHARLES H. ELLIS. 4903
MITZI A. ELLIS. 3503
WILLIAM J. ELLIS. 6324
JOHN L. ENFIELD. 0360
CHRISTOPHER M. ENGDAHL. 0360
SOTERO ENRIQUEZ. 2870
SEAN H. ENSIGN. 8333
DANIEL J. ENSMINGER. 8006
RANDAL L. ERICKSON. 8745
CHRISTOPHER J. ERICSON. 5460
MICHAEL L. ERNST. 4732
ERIK E. ERWIN. 0827
RICHARD J. ESSENMACHER. 5610
LANCE C. ESSWEIN. 8231
ANDREW C. EST. 6573
BETH A. EVANS. 9313
JOHN D. EVANS. 2222
SPENCER L. EVANS. 9152
JOHN C. EVARTS. 9549
HUGH P. EVERLY. 8904
DALE A. EYMANN. 1239
JOHN P. EZELLE. 0055
CHRISTOPHER P. FAILLA. 2799
RANDALL S. FAIRMAN. 7192
DILLARD H. FAMBRO. 0299
JOHN W. FANCHER. 8318
ROBERT B. FARMER. 6921
EDWARD D. FAY III. 8396
DANIEL J. FEE. 9751
MATTHEW J. FEEHAN. 4835
GLENN D. FELDHUHN. 6240
PATRICK W. FERINDEN. 0584
EDUARDO R. FERNANDEZ. 9498
DAVID FERREIRA. 5001
RICHARD D. FEUSTEL. 6900
DARRYL D. FIELDER. 2956
DAVID P. FIELDS. 8237
PAUL A. FIELDS. 0594
RICHARD L. FIELDS JR., 1357
WILLIAM E. FIERY. 6608
BRETT E. FILLMORE. 7672
JOSEPH F. FINN. 5882
SHAREE E. FISH. 2171
KENNETH O. FISHER. 0339
MICHAEL A. FISHER. 8273
MICHAEL D. FISHER. 5031
DOUGLAS J. FITZGERALD. 7993
ERIC L. FITZPATRICK. 9310
SEAN M. FITZPATRICK. 2157
SHAWN D. FITZPATRICK. 9190
TIMOTHY F. FITZPATRICK. 0153
WILLIAM J. FLAGGE. 3163
PETER G. FLECK. 6008
QUINCY A. FLEMING. 7916
DOMINIC A. FLIS. 6854
ROGER D. FLODIN II. 8114
REUBEN M. FLOYD. 7938
JOHN M. FLYNN III. 9162
DAVID R. FOSTER. 5038
JOHN B. FOY. 0832
TIMOTHY M. FRANCIS. 0106
COREY B. FRANKLIN. 9188
ERIK L. FRANZEN. 0500
WILLIAM G. FREDERICK. 9075
JOHN P. FREDERIKSEN. 6766
WILLIAM G. FREEHAFER. 1874
JOHN D. FREEMAN. 6446
THOMAS L. FRERICHS. 2677
WILLIAM H. FREY III. 7904
DAVID R. FRITZ. 2690
DANIEL L. FROST. 2011
MATHEW R. FROST. 2248
JEFFREY W. FUJISAKA. 9687
JOSEPH R. GADWILL. 9578
MICHAEL B. GAGE. 3028
JOHN B. GAILEY. 3768
GIL D. GAJARDO JR., 9558
BRIAN P. GALLAGHER. 5766
WILLIAM M. GALLAGHER. 0080
JULIANE J. GALLINA. 7873
JAMES T. GANCAYCO. 2795
RAUL O. GANDARA. 7425
GREGORY A. GARCIA. 6124
JOANA C. GARCIA. 5903
JAMES R. GARNER. 3339
WILLIAM A. GARREN. 9932
JANET S. GARRINGTON. 9273
ROBERT M. GAUCHER. 3998
STEPHEN L. GAZE. 0726
JOSEPH A. GENTILE. 7609
TEDMAN E. GETSCHMAN. 0616
BRIDGET A. GIES. 2313
ANTHONY L. GILBERT. 4454
TIMOTHY L. GILBRETH. 7399
JERRY A. GILLEY. 5531
BERT A. GILLMAN. 5138
DENNIS G. GILMAN. 6036
CHARLES A. GILMORE. 3852
DAVID A. GLEESON. 7655
ROBERT O. GLENN III. 1237
THOMAS J. GLENN JR., 1213
JANET F. GLOVER. 9952
MARK V. GLOVER. 4461
STEVEN A. GLOVER. 7275
EMIL A. GOCONG. 7312
STEFANNIE L. GODFREY. 8731
JAMES O. GODWIN. 6549
GREGORY W. GOMBERT. 5016
DAVID GOMEZ. 1837
JOHN P. GOMINIAK. 8607
MORRIS G. GONZALES. 3178
JEFFREY D. GORDON. 4296
MARIE T. GORDON. 4309
TIMOTHY GOURDINE. 0035
MICHAEL C. GRABAN. 9603
DEREK B. GRANGER. 1357
RONALD C. GRANT. 3794
DARLENE K. GRASDOCK. 3697
TIFFANY M. GRAVEDEPERALTA. 3046
JOHN R. GRAY. 7553
DALE F. GREEN. 3786
MICHAEL K. GREENE. 2045
ROBERT L. GREESON. 4861
ANTHONY J. GREGG. 1801
CHARLES D. GRIFFIN III. 8820
ALLEN M. GRIFFITH. 7085
GREGORY L. GRIFFITT. 5359
BONNIE R. GRIGGS. 5876
MICHAEL J. GRIMM. 8807
BRUCE W. GRISSOM. 9402
SUSAN E. GROENING. 6066
SCOTT E. GROESCHNER. 2986
BRIAN A. GROFF. 0182
WILLIAM R. GROTEWOLD. 1183
LINDLEY W. GRUBBS. 2217
PATRICK W. GRZELAK. 2515
MARKUS J. GUDMUNDSSON. 5494
JEFFRY D. GUERRERO. 6647
DARRIN S. GUILLORY. 2078
MARK A. GUILLORY JR., 3030
DAVID K. GULUZIAN. 4970
SCOTT C. GUSTAFSON. 4807
JASON R. HAEN. 3910
GILBERT L. HAGEMAN. 7946
RICHARD S. HAGER. 1284
CHRISTOPHER D. HAGOOD. 2693
DANIEL A. HAIGHT JR., 4882
WILLIAM S. HALL JR., 1231
MATTHEW N. HAMMOND. 6083
THOMAS A. HAMRICK. 6320
SAM R. HANCOCK JR., 0450
PATRICK J. HANNIFIN. 2082
CAM R. HANSEN. 6237
SCOTT A. HANSON. 8986
PHILLIP W. HARDEN. 3595
SEAN O. HARDING. 4953
MARTIN H. HARDY. 7010
MICHAEL J. HARMAN. 4319
CHRISTOPHER L. HARMER. 9951
M. K. HARPER. 9207
NICHOLAS P. HARRIGAN. 4118
THOMAS V. HARRILL. 1374
DENNIS R. HARRINGTON. 2124
KEITH G. HARRIS. 0556
ROBERT B. HARRIS. 1954
SAMUEL W. HARRIS. 5754
STEVEN M. HARRISON. 5136
TIMOTHY L. HARRISON. 9672
ANTON J. HARTMAN. 7029
FREDERICK B. HARTZELL. 8948
JAMES D. HARVEY. 4599
LAURA R. HATCHER. 8752
RICHARD W. HAUPT. 3812
DAVID J. HAUTH. 2994
ANITA M. HAWKINS. 3861
JAMES D. HAWKINS. 9407
NATHAN J. HAWKINS. 2941
RICHARD F. HAYES. 2440
DEMETRIUS J. HAYNIE. 0574
EDWARD G. HAZLETT. 6760
RAYMOND D. HEAD. 8283
CHRISTOPHER H. HEANEY. 6753
RODNEY HEARNS. 1173
DAVID A. HEATHORN. 2003
LEE A. HEATON. 0771
MATTHEW D. HECK. 5933
DOUGLAS H. HEDRICK. 2737
JEFFREY G. HEIGES. 5880
SCOTT A. HELBERG. 4836
ROBERT E. HELMS JR., 3656
SCOTT W. HEMELSTRAND. 4381
RICHARD B. HENCKE. 8237
THOMAS M. HENDERSCHEDT. 6190
GEOFFREY M. HENDRICK. 4640
KEITH M. HENRY. 5942
GEOFFREY G. HERB. 1507
SEAN R. HERITAGE. 6151
GERALD D. HERMAN. 6000
DANIEL J. HERNANDEZ. 3480
DIEGO HERNANDEZ. 8665
WILLIS E. HERWEYER. 9390
RAYMOND J. HESSER. 4677
RANDY F. HETH. 0669
CHRIS A. HIGGINBOTHAM. 5475
KYLE P. HIGGINS. 4006
CHARLES A. HILL. 8111
MATTHEW T. HILL. 6686
MICHELLE R. HILLMEYER. 1846
THOMAS G. HIMSTREET. 4913
KEVIN S. HINTON. 6688
WILLIAM H. HOBBS. 2888
TERENCE A. HOEFT. 5663
STEPHEN L. HOFFMAN. 9715
EDWARD F. HOGAN. 9006
MONA E. HOGAN. 3744
PAUL H. HOGUE JR., 0387
WALTER A. HOKETT. 9113
MICHAEL J. HOLDER. 0299
TIMOTHY M. HOLLIDAY. 7814
THOMAS P. HOLLINGSHEAD. 9911
CREIGHTON D. HOLT. 3519
NICHOLAS M. HOMAN. 9298
WILLIAM K. HOMMERBOCKER. 3394
MARC A. HONE. 9951
GARY HOOYMAN. 9354
ERIC R. HORNING. 7317
DANNIE J. HOSTETTER. 7177
BRIAN A. HOUSER. 5074
JAMES R. HOUSTON. 5957
BRETT E. HOWE. 0130
DOUGLAS P. HOWELL. 7071
HEATH M. HOWELL. 6161
MICHAEL W. HOWELL. 2913
SCOTT B. HOWELL. 3901
JEFFREY T. HUBERT. 4085
HUGH J. HUCK III. 2395
MICHAEL P. HUCK. 9551
STEPHEN R. HUDGINS. 5585
JAMES W. HUDSON. 6298
STEVEN T. HUDSON. 2499
CHARLES K. HUENEFELD. 7528
STEPHEN C. HUGGS. 3748
TIMOTHY A. HUGHES. 9155
JEFFREY D. HUTCHINSON. 4634
JOE W. HYDE. 0872
VICTOR D. HYDER. 2012
JEFFREY F. HYINK. 5887
ROLANDO C. IMPERIAL. 6265
RANDALL W. INGELS. 6721
DANIEL E. INMAN. 3291
STACY K. IRWIN. 7826
HARUNA R. ISA. 8477
STEVEN T. IVORY. 9210
RUSSELL J. JACK. 8318
BURCHARD C. JACKSON. 6417
JANET L. JACKSON. 2573
MARION W. D. JACOBS. 8658
CHRISTOPHER J. JACOBSEN. 7291
KRISTIN E. JACOBSEN. 8906
ROBERT C. JAGUSCH. 3502
GLENN R. JAMISON. 7288
JOSEPH H. JAMISON JR., 2921
CHRIS D. JANKE. 0188
JEFFREY T. JATCZAK. 3163
THOMAS E. JEAN. 4928
DANNY J. JENSEN. 9066
PAUL C. JENSEN. 2165
AARON L. JOHNSON. 9410
ALFRED D. JOHNSON. 6798
ANDREW D. JOHNSON. 3036
BRIAN L. JOHNSON. 0398
CHARLES A. JOHNSON. 2987
DERRICK S. JOHNSON. 3417
JAMIE L. JOHNSON. 8102
JEFFREY L. JOHNSON. 1802
JOEY J. JOHNSON. 5577
RONI S. JOHNSON. 6233
SCOTT E. JOHNSON. 1107
SLATE L. JOHNSON. 3306
TED C. JOHNSON. 5321
THOMAS E JOHNSON. 2750
TROY M. JOHNSON. 6499
JAMES M. JOLLY. 0368
CHARLES D. JONES. 9777
CRAIG A. JONES. 0558
HAROLD W. JONES JR., 6969
JUSTIN A. JONES. 8788
STEPHEN P. JONES. 2956
WILLIAM JONES. 8204
KARL J. JORDAN. 0636
JASON T. JORGENSEN. 8356
CHAD M. JUNGBLUTH. 0903
ROBERT E. KALIN JR., 5390
TIMOTHY E. KALLEY. 2604
JAMES K. KALOWSKY. 5399
KEITH W. KANE. 7688
JOHN J. KAPP III. 9727
ANTHONY S. KAPUSCHANSKY. 7001
THOMAS C. KARNEY. 4583
MICHAEL I. KATAHARA. 2278
DANIEL C. KAUFFMAN. 0041
TIMOTHY R. KAUNIKE. 6417
STEPHEN M. KAY. 1991
PATRICK E. KEATING. 9210
HALSEY D. KEATS. 2732
SEAN P. KELLEY. 1930
BRIAN G. KELLY. 9130
DAVID J. KELLY. 7964
JOHN L. KELSEY. 3941
CHRISTOPHER K. KENEFICK. 9045
VINCENT J. KENNEDY. 8953
BRENNAN C. KESSNER. 0283
WILLIAM A. KETCHAM. 9615
JEFFREY J. KIM. 7602
JOHANN S. KIM. 1229
PETER J. KIMBALL. 6691
PATRICK J. KIMERLE. 3324
WILLIAM K. KIMMEL II. 0195
DAVID D. KINDLEY. 1235
BOBBY A. KING. 4123

JOHN S. KING III, 5904
ROBERT T. KING, 8359
TERRY L. KING, 4990
ANDREW M. KIRKLAND, 8243
SHERRY L. KIRSCHE, 0680
BRIAN R. KLEVEN, 4225
GARY M. KLUTTZ, 7386
SCOTT L. KNAPP, 4585
MARK J. KNOLLMUELLER, 1968
BRYANT W. KNOX, 3311
ANTHONY S. KOLLMANSBERGER, 8087
PAUL A. KOPPLIN, 3131
DAVID E. KOSS, 0748
TIMOTHY J. KOTT, 6856
ANDREW I. KRASNY, 7964
ANA I. KREIENSIECK, 8187
FRANK E. KREVETSKI JR., 4322
MICHAEL P. KRIEGER, 3874
ROBERT A. KRIVACS, 2768
GLENN T. LABARGE, 1673
PATRICK A. LACORE, 6904
DOUGLAS R. LAMB, 8816
VIRGINIA T. LAMB, 9580
FREDERICK W. LANDAU, 3780
DANIEL R. LANE, 9921
MATTHEW R. LANE, 0108
JAMES P. LANGHAM, 4835
DANIEL J. LANGLAIS, 3151
SHIRLEYANN D. S. LAROCHE, 2460
PAUL A. LARSON, 9463
TIMOTHY J. LARSON, 4861
DAVID A. LATOSKY, 7707
JAMES M. LATSKO, 2080
PAUL A. LAUBE, 2147
DAVID P. LAUDERBAUGH, 8576
JAMES R. LAVIN, 8776
CALVIN C. LAW, 6863
BRIAN K. LAX, 6605
KEVIN D. LAYE, 2206
MATTHEW L. LEAHEY, 8757
MARK A. LEARY, 3150
EZRA J. LEDBETTER, 1594
CRAIG E. LEE, 2726
LEMUEL D. LEE, 6274
THOMAS B. LEE JR., 4603
ALLAN F. LEEDY, 4054
RUSSELL E. LEGEAR, 4960
KRISTY D. LEGOFF, 2952
LAWRENCE F. LEGREE, 1897
KEITH W. LEHNHARDT, 9560
KEVIN M. LEMIRE, 9762
TRENTON S. LENNARD, 1609
PAUL M. LENTS, 3549
BRIAN M. LEPINE, 0612
ANTHONY J. LESPERANCE, 8162
BRYAN J. LETHCOE, 3268
JOHN J. LEWIN, 5312
OLIVER T. LEWIS, 7331
CURTIS R. LEYSHON, 0173
SEAN R. LIEDMAN, 6080
ANNA LIM, 2935
DAVID M. LINCH, 2091
WILLIAM A. LIND, 9391
ROBERT F. LINDLEY III, 0654
WILLIAM A. LINTZ, 8920
DARIN M. LISTON, 0190
DAVID P. LITTLE, 3366
JEFFREY B. LITTLE, 7298
JOHN A. LOBUONO, 6729
JOSEPH W. LOCKWOOD, 0950
MICHAEL R. LOCKWOOD, 2362
JAMES C. LOGSDON, 2163
KENNETH R. LOKER, 9349
ERIC L. LONBORG, 4819
BRYAN S. LOPEZ, 8379
JASON K. LOPEZ, 2515
VICTOR J. LOSCHINKOHL, 7202
DAVID A. LOTT, 4060
ADRIAN R. LOZANO, 2513
STEVEN M. LUBBERSTEDT, 3319
CORD H. LUBY, 7886
JEFFREY N. LUCAS, 2898
MARXIMILLIAN J. LUCAS, 6110
MICHELLE E. LUCERO, 5030
BRIAN L. LUKE, 4149
JOHN J. LUND, 8266
MINH T. LY, 6618
MATTHEW V. LYDICK, 0013
MICHAEL P. LYNCH, 4086
ROBERT J. LYNCH, 9880
ROBERT W. LYONNAIS, 0146
STEPHEN A. MACAULAY, 8998
DAVID J. MACDONALD, 4300
MICHAEL F. MACDONALD, 6751
DEREK L. MACINNIS, 0939
GERALD W. MACKAMAN, 8580
ALEXANDER R. MACKENZIE, 4268
WILLIAM C. MACKIN, 9841
LYNN T. MACKOVICK, 3875
PATRICK E. MACLEAN, 8254
SCOTT M. MACPHERSON, 0285
TODD D. MADDOX, 5880
DOUGLAS M. MAGEDMAN, 9161
MAUREEN M. MAGNANSMITH, 5376
ROBERT E. MAGUIRE, 7616
BRENDA K. MALONE, 4433
EUGENE J. MALVEAUX JR., 6226
STEVEN MANCINI, 7672
JOHN J. MANN IV, 7826
ERIC F. MANNING, 7917
STEPHEN J. MANNING, 6591
CARLIUS A. MAPP, 9852
ALAN M. MARBLESTONE, 1034
STEPHEN A. MARINO, 3484
DAVID B. MARQUAND, 1170
PAUL W. MARQUIS, 3085
ALPHONSE MARSH JR., 6760
MARGARET L. MARSHALL, 5521
BRETT S. MARTIN, 9665
JEFFREY A. MARTIN, 3881
SHERYL G. MARTIN, 1759
EMILIO MARTINEZ, 0344
CHRISTOPHER R. MASON, 5645
KEVIN B. MASON, 4509
NIELS F. MATEO, 4805
JEFFREY G. MATHES, 0310
DENNIS R. MATHEWS, 6600
CHRISTOPHER J. MATUSZEK, 9967
KEVIN A. MAUNE, 8122
JOHN M. MAXWELL, 2392
CHRISTINA M. MAY, 8364
TIMOTHY M. MAY, 7599
THOMAS B. MAYNE, 6130
CLYDE F. MAYS JR., 9971
MICHAEL C. MC ANENY JR., 9322
WILLIAM S. MC CAIN, 4577
WESLEY R. MC CALL, 2103
THOMAS F. MC CANN JR., 1263
DARYL J. MC CLELLAND, 7870
MICHAEL J. MC CLINTOCK, 7743
MICHAEL G. MC CLOSKEY, 9283
PAUL D. MC CLURE, 2136
WILLIAM A. MC CONVEY, 7554
BRIAN J. MC CORMICK, 5608
MAX G. MC COY JR., 6216
KELLY M. MC DERMOTT, 3013
ROBERT G. S. MC DONALD, 4226
CATHERINE MC DOUGALL, 5553
MATTHEW K. MC GEE, 1244
DOUGLAS A. MC GOFF, 4786
RICHARD G. MC GRATH JR., 7606
KAREN B. MC GRAW, 2785
ROB R. MC GREGOR, 0517
CHARLES H. MC GUIRE IV, 2421
JEFFREY S. MC IRVIN, 8489
STEPHEN D. MC KONE, 4179
BRENDAN R. MC LANE, 1029
PATRICK S. MC LAY, 1157
BERNARD F. MC MAHON, 9742
BRENT R. MC MURRY, 6696
WILLIAM B. MC NEAL, 8249
CHRISTOPHER L. MC NEARNEY, 1768
CLYDE D. MEADE, 7969
RICHARD J. MEADOWS, 0024
WALTER L. MEARES, 9914
ALBERT R. MEDFORD, 5036
ROBERT S. MEHAL, 7808
TERRY W. MEIER, 9950
SEAN P. MEMMEN, 3599
FERNANDO MERCADO, 0753
DAVID J. MERON, 1389
SCOTT A. MERRITT, 2129
MICHAEL G. METZGER, 3940
NORMAN A. METZGER, 4195
CARL W. MEUSER, 3866
DANIEL R. MEYER, 5854
PAUL D. MICOU, 6520
HUGH L. MIDDLETON, 6829
JAMES R. MIDKIFF, 9800
ARTHUR F. MILLER, 5589
EDWARD C. MILLER, 7658
MICHAEL L. MILLER, 6861
BRYAN L. MILLS, 0026
CHRISTOPHER M. MILLS, 3437
JAMES H. MILLS, 5852
JAMES D. MINYARD, 7489
GERALD N. MIRANDA JR., 0619
KEVIN K. MISSEL, 8000
DENNIS W. MITCHELL, 1494
LACY K. MITCHELL, 3418
TODD J. MITCHELL, 5206
KYLE Y. MITSUMORI, 8563
WILLIAM R. MITTS, 1100
KRISTINE M. MODLISH, 7710
DAVID S. MOENTER, 7099
GEOFFREY C. MONES, 4667
TROY E. MONG, 1697
VAUGHN V. MONROE, 4768
DAVID P. MONTAGUE, 5961
DANIEL W. MONTGOMERY, 4031
KEVIN S. MOONEY, 1494
BILLY W. MOORE, 9581
JONATHAN E. MOORE, 4487
LINDA K. MOORE, 0135
THERESE C. MOORE, 0568
ANGELA MORALES, 3070
MICHAEL P. MORAN, 5721
SEAN D. MORDHORST, 6088
DONALD R. MORDUS, 1419
JAMES A. MORETZ, 3931
JEROME T. MORICK, 8252
CHRISTOPHER A. MORIN, 3214
CRAIG A. MORINGIELLO, 7621
DANIEL B. MORIO, 2967
LANCE R. MORITZ, 1892
GARRON S. MORRIS, 5114
ALLEN J. MORRISON, 0165
ROBERT E. MOSELEY, 1761
JASON A. MOSER, 3375
ROBERT B. MOSS, 9358
MARA A. MOTHERWAY, 6636
CASEY J. MOTON, 5981
WILLIAM A. MOTSKO JR., 8513
JESSE R. MOYE IV, 7165
JAMES J. MUCCIARONE, 9659
ANGELA C. MUHAMMAD, 7990
KEVIN J. MUIR, 7892
THOMAS C. MULDOON, 6410
JEFFREY S. MULLEN, 8564
MICHAEL E. MULLINS, 9466
SCOTT W. MURDOCK, 6868
DANIEL E. MURPHY, 4081
DEREK J. MURPHY, 7249
JOHN E. MURPHY, 6717
JOSEPH C. MURPHY, 7036
SEAN D. MURPHY, 2984
SHAWN P. MURPHY, 7708
STEPHEN F. MURPHY, 0704
TIMOTHY F. MURPHY JR., 1493
MARK T. MURRAY, 3363
MICHAEL A. MUSEGADES, 0393
ALBERT M. MUSSELWHITE, 6652
JOHN M. MYERS, 8431
ROMUEL B. NAFARRETE, 1807
EDOARDO R. NAGGIAR, 2409
SANDRA L. NAGY, 9161
JAMES R. NASH, 1766
GEORGE NAUMOVSKI, 4735
FRANK W. NAYLOR III, 4387
MICHAEL D. NEAS, 4296
THOMAS M. NEILL, 1849
CHRISTIAN A. NELSON, 4359
VERNON E. NEUENSCHWANDER, 3460
MICHAEL D. NEUSER, 6487
SCOTT D. NEWMAN, 0131
JOHN P. NEWTON JR., 6882
JENNIFER L. NICHOLLS, 2329
SCOTT W. NICKELL, 0002
CHRISTOPHER M. NICKELS, 0120
DONALD A. NISBETT JR., 3106
SHAWN T. NISBETT, 2127
CHARLES K. NIXON, 7750
WILLIAM E. NOEL, 0619
JEFFREY S. NOORDYK, 9365
JOHN A. NORFOLK, 1656
CRAIG A. NORHEIM, 1773
BILLY W. NORTON JR., 0266
TIMOTHY W. NORTON, 3649
NEAL M. NOTTROTT, 9873
MICHAEL S. NUSBAUM, 6890
PAUL C. NYLUND, 2997
MICHAEL G. OBRIST, 3822
KEVIN J. OCONNOR, 5293
KEVIN M. OCONNOR, 7185
WILLIAM S. OCONNOR, 7362
MICHAEL J. ODOCHARTY, 6562
MARK H. OESTERREICH, 8551
DOUGLAS B. OGLESBY, 0541
KENT S. OGLESBY, 0302
RAYMOND E. OHARE, 7073
PAUL S. OLIN, 8728
JACK P. OLIVE, 3166
SANDRA D. OLIVER, 1744
WILLIAM W. OLMSTEAD, 4320
DANIEL F. OLSON, 0334
JOSEPH R. OLSON, 6655
MATTHEW F. OLSON, 0781
JULIE J. ONEAL, 9599
ALBERT G. ONLEY JR., 2432
JUAN J. OROZCO, 7374
ROBERTO S. ORTIZ, 3351
ROBERT R. OSTERHOUDT, 5263
STEVEN D. OSTOIN, 8909
ERIC E. OTTEN, 4890
MATTHEW D. OVIOS, 9851
RICHARD J. PAFFRATH, 0955
MAUREEN PALMERINO, 0668
ENRIQUE N. PANLILIO, 9002
BRIAN K. PARKER, 8000
ELTON C. PARKER III, 4122
MICHAEL B. PARKER, 8983
SEAN E. PARKER, 3129
SUZANNE N. PARKER, 6722
CLAIRE M. PARSONS, 7940
PHILIP A. PASCOE, 4381
ERIC W. PATCHES, 3002
GARY J. PATENAUDE, 2008
OSCAR J. PATINO, 9246
JOHN J. PATTERSON VI, 5849
LARRY O. PAUL, 2787
ROBERT E. PAULEY, 4879
MICHAEL H. PAWLOWSKI, 4045
ANDREW R. PAYNE, 0482
JOHN C. PAYNE JR., 4081
KEITH L. PAYNE, 8138
CLIFF P. PEARCE, 7488
JEFFREY S. PEARSON, 0911
RANDALL W. PECK, 9058
MIGUEL L. PEKO, 0428
STEPHEN G. PEPPLER, 2846
KAREN L. PEREZ, 6486
DANA W. PERKINS, 3054
DAVID A. PERRIZO, 9240
CHRISTIAN T. PERRY, 1251
MARK C. PERSUTTI, 2314
WILLIAM B. PETERS, 1704
DAVID L. PETERSON, 5598
DAVID T. PETERSON, 6686
ERIC V. PETERSON, 2758
KEITH A. PETERSON, 0608
ROBERT S. PETERSON, 7015
EFFIE R. PETRIE, 0182
STEVEN PETROFF, 9153
DENISE M. PETRUSIC, 5247
MATTHEW R. PETTINGER, 4205
WILLIAM D. PFEIFLE, 5454

ERIC N. PFISTER, 7006
STEVEN L. PHARES, 0057
ROBERT D. PHILLIPS, 7155
WILLIAM B. PHILLIPS, 2561
LEONARD J. PICK II, 3727
MANUEL A. PICON, 8543
DAVID W. PIEMONTESI, 7914
GARY W. PINKERTON, 6820
SCOTT A. PITCOCK, 9037
ALICIA H. PLEVELL, 9430
ALVIN A. PLEXICO JR., 1761
THEODORE R. POLACH, 3681
JOSEPH POLANIN, 6730
CHRISTOPHER X. POLK, 6945
DANIEL T. POLLARD, 2227
WANDA G. POMPEY, 8927
RODNEY C. POOLE, 5109
THOMAS C. POORE, 0595
WILLIE G. POSADAS, 3065
JANIE M. POWELL, 9632
CRAIG A. PRESTON JR., 2154
DAVID J. PRICE, 3650
THEODORE A. PRINCE, 5272
LARRY W. PROCTOR, 1060
MARSHALL R. PROUTY, 1609
JAMES E. PUCKETT II, 3635
FRED I. PYLE, 1668
JAMES E. QUADE, 3384
BRIAN J. QUIN, 1292
KEITH E. QUINCY, 9759
JOHN B. QUINLAN, 1858
ROBERT J. QUINN III, 4211
FRANCES M. QUINONES, 3935
NAVED A. QURESHI, 4376
WILLIAM RABCHENIA, 1995
RICHARD A. RADICE, 4829
JOHN P. RAFFIER, 3936
ALISON K. RAINAIRD, 4555
DONALD L. RAINES JR., 1173
JOSE R. RAMOS, 7617
JOHN H. RAMSEY, 9453
JAMES E. RANDLE, 9299
MARK D. RANDOLPH, 0038
EDWARD M. G. RANKIN, 5117
ROY A. RAPHAEL, 3298
MICHAEL D. RAPP, 3671
VICTOR G. RASPA, 5754
BRIAN A. RAYMOND, 4860
KEITH P. REAMS, 7642
MATTHEW G. REARDON, 7204
EDUARDO M. RECAVARREN, 3259
ALAN A. RECHEL, 9449
VINCENT P. RECKER, 5339
TIMOTHY C. RECKERS, 6994
LOWELL P. REDD, 7444
BRIAN W. REED, 5847
CAESAR S. REGALA, 8941
AMELIA M. REGUERA, 3169
JOSEPH G. REHAK, 8655
FERDINAND A. REID, 3247
DREW J. REINER, 2787
PAUL M. REINHART, 8697
SCOTT J. REINHOLD, 4662
LUIS E. REINOSO, 8773
DAVID F. REISCHE, 8364
MICHAEL J. L. RENO, 1042
JEFFREY D. RENWICK, 0728
CHARLES R. REUER, 4060
JOHN W. REXRODE, 9550
TIMOTHY A. REXRODE, 2655
FARLEY K. REYNOLDS, 3446
ROBERT T. REZENDES, 7479
EVERETT G. S. RHOADES, 2411
WISTAR L. RHODES, 5595
JERRY L. RICE JR., 9475
GARY J. RICHARD, 1561
JAMES F. RICHARDS, 5696
JOEL B. RICHARDS, 5041
GREGORY J. RIDOLFI, 9971
DANNY M. RIEKEN, 4890
JENNIFER C. RIGDON, 1869
MICHAEL J. RIGO, 4580
MICHAEL B. RILEY, 4763
MARY J. RIMMEL, 4192
RICHARD W. RING, 2236
GILBERT D. RIVERA JR., 9120
DANIEL J. ROBERTS, 4194
DANIEL G. ROBERTSON, 4944
WILLIAM J. ROBINETTE III, 1913
KEVIN M. ROBINSON, 4349
JAMES D. ROCHA, 4152
JOSE J. RODRIGUEZ, 4050
ROLAND C. ROEDER, 5756
GARY A. ROGENESS, 2833
WALTER E. ROGERS II, 3871
JAMES S. ROSE, 4419
MATTHEW D. ROSENBLOOM, 0943
MATTHEW A. ROSS, 1675
RICHARD H. ROSS, 2132
VICTOR B. ROSS III, 2703
CHRISTOPHER L. ROSSING, 3985
MICHAEL J. ROTH, 2963
JAMES H. ROWLAND III, 9558
THOMAS M. ROWLEY, 7766
DARRELL G. RUBY, 1855
PAUL RUCHLIN, 5963
VALERIE E. RUD, 3027
MARK B. RUDESILL, 6820
KEITH L. RUEGGER, 4343
JOHN M. RUHSENBERGER, 8236
STEPHEN J. RUSCHEINSKI, 6398
MICHAEL S. RUTH, 9589
LOUIS F. RUTLEDGE, 1110
JAMES B. RYAN, 7021
PETER J. RYAN JR., 9508
ROMELDA C. SADIARIN, 5941
DANELLE T. SADOSKI, 6091
BENJAMIN C. SALAZAR, 1814
KEITH M. SALISBURY, 6488
EDWARD J. SALLEE, 8114
DAVID W. SAMARA, 7816
DANIEL J. SANDER, 4178
WILLIAM M. SANDS, 8202
LYNN T. SANFORD, 4089
GERALDA T. SARGENT, 3886
STUART C. SATTERWHITE, 0400
PAUL A. SAUER, 7458
MICHAEL K. SAVAGEAUX, 3240
MATTHEW P. SCHAEFER, 0403
MICHAEL D. SCHAEFFER, 3659
DAVID A. SCHALM, 5631
JEFFREY S. SCHEIDT, 4217
RICHARD J. SCHGALLIS, 7713
WILLIAM T. SCHILD, 6180
WALLACE E. SCHLAUDER, 9953
MARK J. SCHMITT, 9007
CHRISTOPHER S. SCHNABEL, 1128
ROBERT G. SCHNABEL, 1520
DAVID C. SCHNEEBERGER, 3975
ROBERT D. SCHNEIDER, 2694
JULIE A. SCHROEDER, 2088
THEODORE H. SCHROEDER, 7687
DONALD A. SCHUESSLER, 9334
JANNELL G. SCHULTE, 7853
SCOT A. SCHULTE, 6016
KIMBERLY J. SCHULZ, 5301
MICHAEL A. SCHUMANN, 4939
MARC C. SCHWEIGHOFER, 0239
JOHN P. SCUDI, 8058
SHANNON E. SEAY, 2051
VINCENT W. SEGARS, 0910
GERROD G. SEIFERT, 8436
GARY R. SEITZ, 7223
CHARLES L. SELLERS, 9530
DANIEL J. SENESKY, 9383
DEBORAH R. SENN, 9060
NICOLE M. SENNER, 3702
MARK F. SHAFFER, 2570
JULIE H. SHANK, 5546
KELLOG C. SHARP, 8027
LONNIE J. SHARP, 1546
DANIEL M. SHAW, 1683
GREGORY M. SHEAHAN, 6827
WILLIAM H. SHEEHAN, 5758
JEFFREY L. SHEETS, 8245
DANIEL M. SHELLEY, 3955
DENNIS P. SHELTON, 9457
SCOTT J. SHEPARD, 1627
SCOTT C. SHERMAN, 6704
JUSTIN M. SHINEMAN, 9863
PETER S. SHIRLEY, 6284
JONATHAN B. SHOEMAKER, 8860
JOHN D. SHORTER, 8009
DONALD C. SHORTRIDGE, 2412
KEVIN R. SIDENSTRICKER, 6456
DAVID M. SIEROTA, 0554
CHARLES R. SIKES JR., 0496
FRANCISCO H. SILEBI, 2645
JEFFREY M. SILVAS, 1094
ANTHONY L. SIMMONS, 5078
MELVIN J. SIMON JR., 4334
JEFFREY W. SINCLAIR, 3942
JAMES F. SKARBEK III, 8135
DANIEL T. SKARDA, 9830
PETER W. SKELTON, 3389
DAVID W. SKIPWORTH, 0893
CHARLES P. SKODA, 2136
CHARLES L. SLOAN, 3412
KEITH A. SLOAN, 4739
BRENT W. SMITH, 7439
CHARLES S. SMITH, 5406
CHRISTOPHER E. SMITH, 0845
COURTNEY B. SMITH, 9212
DAVID P. SMITH, 2877
DONALD A. SMITH, 4598
ERIC L. SMITH, 6330
JAMES R. SMITH, 0801
JOHNNYE L. SMITH, 3402
MARCIA J. SMITH, 8297
MATTHEW G. SMITH, 2443
RALPH R. SMITH III, 9288
SCOTT M. SMITH, 7080
STEPHEN H. SMITH, 3663
TRAVIS R. SMITH, 9200
ANGELO R. L. SMITHA, 6311
RICHARD E. SMOAK, 9425
SCOTT R. SNOW, 1216
AUDREY M. SNYDER, 8318
PHILIP E. SOBECK, 3821
JOHN C. SOMA, 7876
JENSIN W. SOMMER, 8745
WILLIAM L. SOMMER, 4940
BRIAN K. SORENSON, 5420
ROBERT V. SORUKAS, 7295
GREGORY A. SPANGLER, 5858
LESLIE L. SPANHEIMER, 9204
DAVID W. SPANKA, 0740
TIMOTHY F. SPARKS, 8906
TIMOTHY G. SPARKS, 7189
JOHN D. SPENCER, 6419
ERIK A. SPITZER, 2658
JOHN W. SPRAGUE, 1598
ERNEST B. STACY, 4068
DEAN A. STAPLETON, 5064
TAD F. STAPLETON, 2708
DANIEL D. STARK, 9631
JACK A. STARR, 0170
TIMOTHY S. STEADMAN, 1681
RANDY C. STEARNS, 5251
FRANK R. STEINBACH, 8730
JAN S. STEINWINDER, 2760
ROBERT T. STENGEL, 2031
MICHAEL S. STEPHENS, 3874
ROBERT E. STEPHENSON, 6219
STEVEN STEPURA, 7933
MATTHEW P. STEVENS, 5373
RICHARD D. STEVENS, 4707
MATTHEW P. STEVENSON, 0077
ANDREW D. STEWART, 8194
DIANE K. STEWART, 7757
SANDRA D. L. STEWART, 5287
DAVID L. STOKES, 0506
ROBERT J. STOWE, 3394
DOMINICK J. STRADA, 8168
DOUGLAS G. STRAIN, 3376
VERONIQUE L. STREETER, 6543
JACK W. STRICKLAND, 7901
STEVEN R. STROBERGER, 2438
LORETTA L. STROTH, 4089
CHARLES M. STUART, 1351
CHRISTOPHER P. STUART, 3222
KURT F. STUDT, 7661
JOHN F. STUHLFIRE, 8365
JOHN A. SUAZO, 1910
JUNG Y. SUH, 6546
SCOTT P. SULA, 7224
MARK E. SULLIVAN, 4807
MARK S. SUMILE, 7163
RAY A. SWANSON, 6235
TIMOTHY B. SWAYNE, 7901
MARK C. SWEDENBORG, 0575
CHRISTOPHER J. SWEENEY, 2159
JOHN J. SZATKOWSKI, 6204
JESSICA A. SZEMKOW, 3219
LARA E. TANAKA, 7987
RANDY S. TANNER, 8235
SHARON L. TATE, 9386
ANDREW M. TAYLOR, 0633
JULIUS M. TAYLOR III, 6188
RUBYMICHELE TAYLORGAY, 2270
THOMAS W. TEDESSO, 7712
STEPHEN R. TEDFORD, 0777
JEANIE M. TERRY, 8710
JACK S. THOMAS, 4854
JON D. THOMAS, 3406
LORAN D. THOMAS, 4451
DARRON D. THOMPSON, 4721
DOUGLAS R. THOMPSON, 1103
FORREST G. THOMPSON JR., 0678
GEORGE A. THOMPSON III, 0790
GEORGE N. THOMPSON, 0185
MARVIN E. THOMPSON, 2760
MARY L. THOMPSON, 1071
ROLLINS G. THOMPSON JR., 2941
TERESA A. TIERNEY, 7040
NORMAN M. TOBLER II, 7662
KAI O. TORKELSON, 3434
MARC E. TOUCHTON, 0219
JOHN M. TRACEY, 9005
CHRISTOPHER C. TRAGNA, 6729
QUOC B. TRAN, 0268
BRIAN P. TRAVERS, 6229
FREDERICK J. TRAYERS III, 0745
BRIAN A. TREAT, 6092
DANIEL T. TREM, 9190
DENIS G. TRI, 0991
STEPHEN J. TRIPP, 0986
CHRISTOPHER J. TRIPPEL, 7292
ROSS C. TROIKE, 7155
BRIAN N. TROTTER, 1912
ANTHONY W. TROXELL, 7730
LISA M. TRUESDALE, 0208
CAROL M. TRUJILLO, 8453
DANNY E. TURNER, 4940
FREDERICK W. TURNER, 1275
ROBERT J. TURNER, 9884
TYLER R. TURVOLD, 9016
CRAIG W. TWIGG, 6944
PETER H. TYSON, 9734
JEFFREY W. UHDE, 4061
CYNTHIA A. UTTERBACK, 1001
XAVIER F. VALVERDE, 1775
KENNETH R. VANBUREN, 5873
DARRELL G. VANCE, 3710
SCOTT M. VANDENBERG, 1369
THOMAS D. VANDERMOLEN, 2569
RICHARD A. VANDEROSTYNE, 5213
MATTHEW R. VANDERSLUIS, 5921
SCOTT P. VANFLEET, 7002
JOHN L. VANKAMPEN, 9220
PETER C. VANKUREN, 1859
LOUIS VANLEER, 6317
MARK D. VANWINKLE, 0343
EFREM P. VENTERS, 0608
ERIC H. VERHAGE, 4400
KARIN A. VERNAZZA, 3046
JOHN W. VERNIEST, 9797
DAVID M. VIGER, 2504
BRYAN K. VINCENT, 2400
ROY J. VIRDEN, 8722
JOHN J. VITALICH, 5350
CARLA L. VIVAR, 7967
ANTHONY S. VIVONA, 3529
JOHN VLATTAS, 8216
JOHN B. VLIET, 0593
STEPHEN J. VOGEL JR., 1364

JAMES M. VOGT, 6142
JASON A. VOGT, 4599
JOHN J. VOURLIOTIS, 5881
TIMOTHY P. WACHENDORFER, 3844
ARTHUR R. WAGNER, 7053
RUSSELL H. WAGNER, 6179
TONYA H. WAKEFIELD, 7641
FRANK G. WAKEHAM, 7373
DAVID A. WALCH, 1391
WILLIE A. WALDEN, 6450
DARRYL L. WALKER, 3457
JOANN L. WALKER, 1442
RICHARD S. WALKER, 3971
ROBERT G. WALKER, 0081
SEAN S. WALL, 5997
BRUCE J. WALLACE, 6021
WILLIAM C. WALSH, 4834
WILLIAM S. WALSH, 7052
ALLAN R. WALTERS, 2896
HOWARD WANAMAKER, 3434
KENNY WANG, 1756
JEAN M. WARBURTON, 6052
BRUCE G. WARD, 1880
HARRY J. WARD, 5954
RODNEY C. WARD, 9803
JOHN R. WARGI, 8453
CARDEN F. WARNER, 4631
JAMES C. WASHINGTON, 2480
JOHN A. WATKINS, 5517
CAROL E. WATTS, 7719
MELISSA D. WATTS, 8131
DANIEL W. WAY, 6918
TIMOTHY S. WEBER, 0696
JULIE R. WELCH, 6898
DAVID L. WENDER, 7675
DAMON L. WENGER, 9406
ANDREW N. WESTERKOM, 4273
TOM P. WESTON, 3906
EDWARD C. WHITE III, 8380
JAMES C. WHITE, 2239
JOHN J. WHITE, 4345
RONALD L. WHITE JR., 3214
SHAWN E. WHITE, 9433
THOMAS R. WHITE, 6756
TRACY D. WHITELEY, 3032
MARTIN L. WHITFIELD, 1775
DOUGLAS B. WHITNEY, 2816
RICHARD A. WILEY, 4679
ALEXANDER M. WILHELM, 5578
PAUL F. WILLEY, 2542
CHARLESWORTH C. WILLIAMS, 8437
DAVID L. WILLIAMS, 5010
GLENN D. WILLIAMS, 5669
KEITH E. WILLIAMS, 5449
ROBERT K. WILLIAMS, 9037
ROBERT R. WILLIAMS IV, 7189
ROBERT W. WILLIAMS, 9370
SEAN L. WILLIAMS, 0384
THOMAS L. WILLIAMS, 3254
CHRISTOPHER L. WILLIAMSON, 5160
JOHN D. WILSHUSEN, 8335
CHRISTOPHER T. J. WILSON, 3321
GORDON S. WILSON, 0999
KEVIN R. WILSON, 3496
LAWRENCE R. WILSON, 6878
MICHAEL J. WILSON, 0283
SCOT M. WILSON, 7108
NILS E. WIRSTROM, 6355
CHRISTOPHER S. WIRTH, 2680
FRANCES K. WITT, 1020
ROBERT W. WITZLEB, 9497
TODD C. WOBIG, 2555
ERIC P. WOELPER, 2467
JEFFREY C. WOERTZ, 2901
JOHN W. WOOD, 3442
DEAN M. WOODARD, 7129
JOSEPH E. WOODFORD, 7856
ANTHONY R. WOODLEY, 1076
WILLIAM O. WOODWARD, 1683
GREGORY K. WORLEY, 9213
TIMOTHY R. WORTHY, 8177
KEITH F. WOZNIAK, 9737
ANTHONY W. WRIGHT, 3944
RUSSELL A. WRIGHT, 8118
WILLIAM D. WRIGHT, 6496
FRANK E. WUCO, 8711
WILLIAM S. YATES, 3975
PAUL A. YETMAR, 0736
MICHAEL R. YOHNKE, 6772
GERALD N. YOUNG, 3736
PETER A. YOUNG, 6761
STEPHEN G. YOUNG, 4459
GREGORY J. ZACHARSKI, 3133
CHRISTOPHER J. ZALLER, 9437
ELIZABETH F. ZARDESKASASHBY, 8337
CHRISTOPHER J. ZAYATZ, 9367
SCOTT A. ZELLEM, 5149
JOHN J. ZERR II, 5541
MICHAEL ZIV, 7880

HOUSE OF REPRESENTATIVES—*Tuesday, September 12, 2000*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. ISAKSON).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 12, 2000.

I hereby appoint the Honorable JOHNNY ISAKSON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agreed to the following resolution:

S. RES. 352

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Herbert H. Bateman, late a Representative from the Commonwealth of Virginia.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the deceased Representative.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

LIVABLE COMMUNITIES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, as the American public weighs the personalities, the politics, the policies, and the passions of this election year, there is one area where their differences could not be more clear, the commitment to livable communities and a cleaner environment. In the long run, there may be no area where the decisions are more significant.

The forces of environmental degradation will not be easy to reverse. Cleaning up our waterways and dealing with the consequences of unplanned growth and sprawl may take decades. Reversing global warming may take thousands of years. We have no time to waste.

Luckily for the American public, AL GORE and JOE LIEBERMAN have the very highest rating from the people whose job it is to advocate for and monitor congressional performance on the environment.

One does not have to be merely concerned about the stated environmental policies and positions of a Bush/Cheney administration, like drilling in the Arctic Wilderness Reserve or reversing monument status protections for some of our national treasures.

The Republican ticket also has an environmental record. Dick Cheney, in his 12 years in this Chamber, compiled one of the worst environmental voting records. Governor Bush, after two terms leading the State of Texas, has failed to lead his State from the bottom ranks in air and water quality. His voluntary approach for polluting industries out of compliance with air quality standards has resulted in only 30 of 461 companies stepping forward, raising questions about both his judgment and his commitment to the environment.

Indeed, sad as his performance has been, it is the lack of perception and passion that I find most disturbing. He seems unaware of the Texas environmental problems. Where is his outrage and his concern that, under his leadership, Houston has become the city in the country with the worst air quality? This environmental indifference, if combined with that of the Republican leadership in this Congress, could be disastrous.

The Clinton/Gore administration has been perhaps the most environmentally sensitive in history, but progress has been slowed not just by the complexity of today's environmental problems but by highly organized special interests and, sadly, by a Republican-controlled Congress that has been one of the least sensitive in history.

For example, since the Gingrich revolution, the EPA has been under continuous assault and a series of destructive riders have made the budget process an ordeal every single year for the environment.

Bipartisan alliances to protect the environment should be the rule, and we have seen them on this floor. I salute the work of the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) with TEA-21, keeping the framework in place, of the gentleman from Alaska] (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) on CARA, with the gentleman from Nebraska (Mr. BEREUTER) working with me on flood insurance reform. But these, sadly, have been the rare exception.

The leader of the other body not only proclaims brownfields reform to be off-limits but actually puts this incredible pledge in writing. In the House, the majority leader and the majority whip have an environmental voting record of zero from the League of Conservation Voters.

We should also consider the hidden environmental issue of this election, that of judicial appointments. The third branch of government, the judiciary, has at times played a key role in protecting the environment by requiring the enforcement of environmental laws, preventing overreaching by public and private parties. Governor Bush has voiced enthusiasm for judges in the mold of Scalia and Thomas. Judicial appointments along these lines could not only hamstring an administration for years but could cripple environmental enforcement for a generation.

There are some who suggest there is no difference between the Republicans and the Democrats in this election. When it comes to the environment, the reality is stark. The Democrats have a positive record of support and accomplishment, of sympathy and passion for the environment. The Republican ticket offers indifferent voting record, cursory performance in office, and advocacy of dangerous, even reckless, environmental policies.

Our air, the water, the landscape, our precious natural resources do not have the time to survive benign neglect, malicious indifference, let alone active assault.

There is a huge difference, perhaps more than any other issue, that of the environment. The stakes for the environment could not be higher, and the public should give it the attention that it deserves.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

DEPARTMENT OF VETERANS AFFAIRS HEALTH CARE PERSONNEL ACT OF 2000

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, in all deference to my colleague from Oregon, the zero rating that he cited for Secretary Cheney in his voting while in Congress was from a group that is really very socialistic and makes its decisions based upon emotion and not upon science. Governor Bush is dedicated to making decisions on the basis of science and economics and not just emotions when it comes to our environment.

So I ask my colleague to review the record of Governor Bush and look carefully at the votes of Secretary Cheney with that in mind.

Mr. Speaker, I came down here this afternoon to speak about a bill, H.R. 5109, which is a bipartisan bill. It is called the Veterans' Affairs Health Care Personnel Act of 2000.

I chair the Subcommittee on Health and Veterans' Affairs, and we passed this bill. Tomorrow we are going to have a full markup. I want to bring this bill to the attention of my colleagues because I think all of them will want to cosponsor this.

About 10 years ago, the professional nursing corps at the Department of Veterans Affairs' was in a crisis. VA was losing critical, even irreplaceable, assets from its clinical base. The Nation's hospitals in general were suffering acute shortages of trained nurses, and indeed the VA itself was viewed as a major recruitment source by these hospitals. Because of the nature of the payroll system for Federal employees, it is sort of a ponderous civil service system. VA was powerless to react in a highly competitive, volatile arena. The quality of care was in danger.

In the 101st Congress, we went ahead and tried to correct that, but we did not quite complete the job. So we had a hearing in the subcommittee earlier this year on the status of VA's work with special focus on the pay situation of VA nurses.

Mr. Speaker, what we found was very disappointing. In fact, we learned that many VA nurses had not received any increases in pay since our 1990 legislation 10 years ago. While those initial pay increases were in many cases substantial, in the course of time, other VA employee groups had caught up because of the annual comparability raises available to every Federal employee. So the nurses of the VA found themselves in a situation that they were not competitive, they were at a disadvantage, and some were leaving to go to the private sector. And this is again creating a crisis.

We in the Veterans' Affairs cannot afford to lose these specialized individuals. Therefore, in addition to the guaranteed national pay raises for nurses that was put in our bill, the subcommittee has crafted necessary adjustments to the locality survey mechanism, which is a special formula that is set up to take care of nurses and their pay increases to ensure that data are available when needed and to specify that certain steps be taken when they were necessary that lead to these appropriate salary increases for their nurses.

Mr. Speaker, this bill also addresses recommendations of the VA's Quadrennial Pay Report concerning VA dentists. Now, this is another area where we are losing specialized people. We want to bring their pay up to contemporary balance with compensation of hospital-based dentists in the private sector, or we are going to lose all the dentists in the VA system. This is the first change in 10 years in VA dentists special pay.

Our bill also addresses a very important area dealing with Vietnam veterans. At the instigation of the gentleman from Illinois (Mr. EVANS), who is the ranking minority member of the full committee, he brought up the idea of reauthorizing the landmark 1988 study of posttraumatic stress disorder in Vietnam veterans. Our bill would reauthorize this study. I look forward to working with the gentleman from Illinois (Mr. EVANS) on passage of this bill.

The bill also requires the VA to record military service history when VA veterans come in to talk to physicians about their health care history. This will aid any veteran who subsequently files a claim of disability, especially given our newfound acquisition of knowledge with the Gulf War Syndrome, and that military combat causes stress, exposures may be associated with pesticides and other things, and all this might lead to disease later in life.

So I want to commend the Vietnam Veterans of America for bringing this proposal to me. It is a valuable contribution to this bill.

Finally, I want to talk about another very innovative idea that is crafted in this bill with the help of the gentleman from Florida (Mr. WELDON). His proposal will set up a pilot program involving not more than four VA clinic service areas. Within these areas, enrolled veterans in need of uncomplicated hospital admissions would be referred to community hospitals rather than being sent to VA Hospitals.

So if there are far distances from these hospitals, they will be able to go to a local hospital. We found out that this saves 15 percent in cost savings.

So, Mr. Speaker, I urge all of my colleagues to support my bill, and I look forward to its passage on the House floor.

Our bill is bipartisan and major provisions of it are already endorsed by several organizations, including Vietnam Veterans of America, the Nursing Organization of Veterans Affairs and the American Dental Association, and the largest federal union, the American Federation of Government Employees (AFGE), among others.

IN RECOGNITION OF DR. DIANA S. NATALICIO, PRESIDENT OF UNIVERSITY OF TEXAS AT EL PASO

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Texas (Mr. REYES) is recognized during morning hour debates for 5 minutes.

Mr. REYES. Mr. Speaker, I rise today to recognize Dr. Diana S. Natalicio, an outstanding individual and role model in both the Hispanic and academic community.

Dr. Natalicio is currently president of the University of Texas at El Paso, otherwise known as UTEP, a position that she has held since 1988. She received her bachelor's degree in Spanish from St. Louis University; her master's degree in Portuguese; and a doctorate in linguistics was awarded by the University of Texas at Austin.

In 1961, she was a Fulbright Scholar in Rio de Janeiro, Brazil; and in 1964, she was a visiting scholar in Lisbon, Portugal. After serving as a research associate at the Center for Communication Research at the University of Texas at Austin, Dr. Natalicio joined the faculty of UTEP in 1971 as a part-time assistant professor. She quickly rose to the rank of associate professor and then professor.

In addition to her teaching responsibilities in the Department of Linguistics and Modern Languages, she has served UTEP in numerous administrative capacities, including chairman of Modern Languages, associate dean and dean of Liberal Arts, vice-president for Academic Affairs, interim president, and finally as president in today's capacity.

Dr. Natalicio has served on numerous boards and commissions, appointed to those boards and commissions by President Clinton, former President Bush, and Governor Bush as well. Some of them are the National Science Board, NASA Advisory Council, the Fund for the Improvement of Postsecondary Education, the "America Reads Challenge" Steering Committee, the Advisory Commission on Educational Excellence and many, many others that are important in her role as president of a dynamic university.

Dr. Natalicio has received countless awards and honors, which include the Harold W. McGraw, Jr. Prize in Education, the Outstanding Contribution to Education Award by the Hispanic and Business Alliance for Education, the Humanitarian Award from the

League of United Latin American Citizens, and the distinguished Professional Women's Award.

□ 1245

In 1999, Mr. Speaker, Dr. Natalicio was inducted into the Texas Women's Hall of Fame. She has also written numerous books, articles and reviews in the field of applied linguistics.

Under Dr. Natalicio's leadership, UTEP has become the largest Hispanic majority university in the Nation. Its budget has increased from $64 million in 1988 to over $146 million today, and its doctoral programs have grown from 1 to 8 programs and it is still growing.

In the last decade, Dr. Natalicio has been an effective and increasingly influential individual in raising the visibility and the funding of the University of Texas at El Paso.

Dr. Natalicio began visiting Washington, D.C. some 10 years ago in an attempt to solicit Federal research dollars. At the time, Dr. Natalicio today reflects, they did not even know who UTEP was. I had to go and create an identity for the institution in Washington, D.C.

UTEP's Federal research grants have increased to $53 million last year from $3.5 million in 1987. The university spent some $27.8 million in 1999 moving up to fifth place among the State's 35 public academic universities in actual expenditures for Federal money.

Dr. Natalicio has constantly pushed UTEP towards becoming a Tier 1 research university. In May of 1997, under the leadership of Dr. Natalicio, UTEP embarked on an unprecedented fundraising effort called the Legacy Campaign, an initiative which, to date, has raised some $50 million in new endowments, tripling the university's total endowment from $25 million to over $75 million today.

Within one year, Dr. Natalicio has announced that the university's Legacy Campaign has raised $45 million, 95 percent of its goal. This generous financial commitment has resulted in the creation of more than 200 new endowments, including 80 newly endowed scholarships; 26 new professorships and chairs; and 48 new departmental excellence funds.

Dr. Natalicio's efforts to expand UTEP's Development and Alumni Affairs office has resulted in a steady increase in annual giving to the university. Dr. Natalicio further is proud of the accomplishments and can be traced to the courageous decisions and an appreciation for the contributions of others. She has been an instrumental force in transforming UTEP from a regional institution to an international university whose vision is outward and whose growth and phenomenal success in garnering additional funds for new programs are the envy of other universities. She is responsible for developing, during radically changing times, an atmosphere in which students, faculty, and staff are stimulated, inspired, and challenged.

VOTE AGAINST WELFARE FOR LARGE MULTINATIONAL CORPORATIONS

The SPEAKER pro tempore (Mr. ISAKSON). Under the Speaker's announced policy of January 19, 1999, the gentleman from California (Mr. STARK) is recognized during morning hour debates for 5 minutes.

Mr. STARK. Mr. Speaker, later today we will have an opportunity to vote on H.R. 4986, the FSC replacement bill. That is a foreign sales tax credit that was inaugurated by President Nixon in which the Washington Times recently, in an editorial, referred to it as one of the largest bipartisan and unanimous blunders passed by the House of Representatives.

In the early seventies, I opposed the FSC bill, or the foreign sales tax credit, and was successful at least in denying that tax credit to weapons manufacturers, on the theory that all weapons sold to foreign countries had to be approved by the Defense Department and the Secretary of State and basically were sold by our government to other governments, and there was no reason to give a subsidy, which is what this FSC thing is, to weapons manufacturers in the United States.

The Senate saw fit to reduce that to a 50 percent limitation and that has been the law for some 20 years. Recently, without any hearings and without any discussion, almost in the dead of night, the 50 percent limitation to defense contractors was removed. The World Trade Organization has filed a lawsuit against the United States saying that this foreign sales tax credit is a hidden subsidy, and they are right. It is a subsidy. It is being changed now in language in this bill that will come up under suspension, but the old saying, it is a duck if it quacks like a duck and it waddles like a duck. In this case, it quacks like a subsidy and it gives money back to companies out of the taxpayers' pocket to subsidize sales overseas.

What is perhaps most egregious at this time is that we are now cutting taxes to and for U.S. pharmaceutical companies to get the U.S. pharmaceutical companies to sell cheaper drugs to foreigners while at the same time selling them at higher prices here at home to our seniors. That is what will be done if my colleagues vote for 4986, and they should vote no.

The pharmaceutical industry does not need another corporate subsidy at the expense of the American taxpayer. Why give an incentive for the pharmaceutical companies when they sell their products to other developed nations for less than we can buy them here? I offered an amendment to say that pharmaceutical companies could not have this subsidy if they were selling their drugs for 5 percent more in this country than they sell in Canada and Mexico. That, unfortunately, was defeated.

We have shown, or studies have shown, that the American seniors are without drug coverage, pay almost twice as much for their pharmaceutical drugs as do our neighbors in Canada and Mexico. Why on Earth we should be giving companies like Merck, already one of the most profitable drug companies in the world, with more than twice the profits of, say, engineering and the construction industry, why we should give them an additional subsidy to continue to sell drugs for less money in Canada and Mexico and Germany and Japan than they do to the seniors in my district in Fremont, California, escapes me.

I hope that my colleagues will see the nonsense in this bill. It is being run through. We will not even see a report. They have held the report up so nobody can read that. There were a few of us on the committee who signed dissenting views. It is a bad bill. It does nothing but take money from the average senior, the average purchaser of pharmaceutical drugs, and give it to the richest companies in this country.

Mr. DOGGETT. Mr. Speaker, will the gentleman yield?

Mr. STARK. I yield to the gentleman from Texas.

Mr. DOGGETT. Mr. Speaker, if I understand what the gentleman is saying, we, of course, are well aware that America's seniors, indeed uninsured people in America of all ages, a young family that has a sick child that does not have insurance, these individuals across America, millions of them, are paying the highest price for drugs of anyplace in the entire world, and an American pharmaceutical company under this bill can continue to do that, to charge them the highest prices in the world and export the same drug to another country, whether it is Canada, Europe, wherever.

Mr. STARK. Precisely. My Zucor, which got my cholesterol down from 220 to 160, great stuff, 1,200 bucks a year for Zucor. Fortunately, Blue Cross pays some of that for me. I could buy the same drug in Canada for $600. And I am giving this company a subsidy so they can sell it for less in Canada and I have to pay more for it here? I cannot figure that out.

Mr. DOGGETT. That is the vote we will be taking today, whether to reward these companies that charge Americans more money than anywhere else in the world, reward them by giving them a tax subsidy?

Mr. STARK. That is what it seems to me, and that seems like a dumb idea, and I hope the gentleman and my colleagues will vote no.

WE SHOULD NOT SUBSIDIZE AN INDUSTRY THAT OVERCHARGES AMERICAN CONSUMERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Texas (Mr. DOGGETT) is recognized during morning hour debates for 5 minutes.

Mr. DOGGETT. Mr. Speaker, because of my commitment to expanding international trade, I voted in favor of H.R. 4986 in committee. I must say that I was forced to cast that vote under very strange circumstances, with very limited information about the full content of this bill because of the way it was brought up. Because of the secrecy surrounding this bill and the deceit surrounding it, I am reconsidering that vote and will expand on the concerns that I just expressed in the discussion with my colleague, the gentleman from California (Mr. STARK). On pharmaceuticals, I question why it could possibly be right to subsidize an industry that overcharges American customers and sells the very same product made in America in other parts of the world for less. Why should there be a subsidy designed to encourage lower prices for seniors in other parts of the world for American pharmaceuticals than right here at home? The high cost of prescription drugs represents an injury to American consumers, but it really does add insult to injury to reward pharmaceutical companies with a tax break with reference to those foreign sales in addition to the gouging of the American consumer.

It is very important for our colleagues to understand that H.R. 4986, which will be coming up for a vote later today, was considered under the most extraordinary and unusual circumstances before the Committee on Ways and Means. There was no public hearing. There was no report that has yet been published. There was even an attempt to limit the ability of the members of the committee to ask questions to any resource witnesses about the nature of this bill. The lead official for the administration on this, Secretary Eizenstat, was rushed out of the committee before he could answer a single question about the bill. Highly unusual that an administration official would be unwilling to publicly answer questions about a bill that will cost American taxpayers $4 billion to $6 billion each year. Apparently the entire process for putting this bill together was to gather in a room outside of public purview those people who would benefit, like the pharmaceutical industry, from the tax break and work with them to figure out how they could get the most tax break without any input from anyone other than those who stood to gain from the tax subsidy.

It is particularly ironic that we would be taking this bill up today, because we have just had released this morning a new study concerning the very highly addictive quality of nicotine; that it takes a child a very short period of time of being exposed to a cigarette before they become addicted to nicotine. Yet one of the principal beneficiaries of this piece of legislation are the giant tobacco companies. They are involved in a worldwide effort to spread the plague of death and disease associated with tobacco use. We have learned today that tobacco is even more addictive than previously known for children.

Phillip Morris, for example, runs these ads all the time, they are spending millions of dollars to tell us how they do not put their logos on clothing; they do not sponsor youth-oriented activities; they do not try to attract children to smoke in the United States. While such claims are very questionable even here at home, none of them apply abroad. Phillip Morris is directly targeting the world's children, as are other tobacco companies.

Under this piece of legislation, the American taxpayer will be an unwilling accomplice of this attempt to addict children around the world. The tobacco industry, if this bill is passed, will get at least $100 million every year in special tax breaks for the purpose of allowing it to go around and do the same thing to children in other parts of the world, particularly in the developing countries, that it has done to our children. Nor does the American tobacco industry need a special tax break in order to enjoy a competitive advantage. Big tobacco companies have already gained extensive experience as they abused American children, as they successfully addicted millions of American children who grew up to die of emphysema and lung cancer and heart problems as a result of their exposure to tobacco.

Big tobacco has the tremendous marketing expertise, paid for with millions of lives in this country, to apply to Eastern Europe, to Asia, to Africa, to South America, to addict the children in that part of the world. And, as I indicated, they have specifically refused to apply any of the very modest limitations on marketing to children that they now apply in this country to their efforts to addict children around the world.

Why should we reward this malicious industry with $100 million a year tax cut? That is what the members of this Congress will have to answer this afternoon when this bill comes up.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 59 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. QUINN) at 2 p.m.

PRAYER

Sister Catherine Moran, O.P., New Community Corporation, Newark, New Jersey, offered the following prayer:

Lord God,

As Members of the House of Representatives meet today, give this Nation the strength and wisdom to follow Your way.

By Your gentle prodding, Lord, help those elected to public office to act on the promises made to those who rely on them.

By loosening the bonds that have held Your people in the past, may this body give service to all.

In deliberating and making decisions, may the poor and the oppressed never be forgotten.

With Your guidance, Lord, may Your servants be instrumental in fashioning a better tomorrow for all.

We ask Your blessing on the work of this Congress and we thank You for Your presence among us.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New Jersey (Mr. PAYNE) come forward and lead the House in the Pledge of Allegiance.

Mr. PAYNE led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOME AND CONGRATULATIONS TO SISTER CATHERINE MORAN

(Mr. PAYNE asked and was given permission to address the House for 1 minute.)

Mr. PAYNE. Mr. Speaker, on this historic occasion it is with great pride that I welcome the guest chaplain to the United States House of Representatives, the first Roman Catholic nun, and the first nonordained woman to offer the opening prayer, Sister Catherine Moran. Sister Catherine Moran is well known and widely admired in my hometown of Newark, New Jersey, where she lives and has made a great difference in our community with her over-15 years of service to the New Community Corporation and earlier as an assistant superintendent for secondary schools in the Newark Archdiocese.

A dynamic and forward-thinking leader with a passion for social justice, Sister Catherine works diligently to improve the quality of life in our community for all people. The New Community Corporation, which was founded by my good friend, Monsignor William Linder, has a tremendous record of success in restoring vibrancy to the city of Newark through a number of innovative economic development projects and community-based programs. I am pleased to have the opportunity to offer our heart-felt thanks to Sister Catherine for bringing such energy, creativity, and resourcefulness to our community.

Mr. Speaker, as a graduate of Seton Hall University in South Orange, New Jersey, I think it should be noted that Sister Catherine Moran is carrying on a legacy of another strong woman of faith whom my alma mater is named after, Mother Elizabeth Ann Seton, the first saint who was born in the United States of America. I know my colleagues here in the United States House of Representatives join me in honoring Sister Catherine and congratulating her on this very special day.

The SPEAKER pro tempore. The Chair and the House joins the gentleman from New Jersey (Mr. PAYNE) in welcoming Sister Catherine to this historic event today. Sister, thank you.

BIBLE OF THE REVOLUTION

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, on this day in history, September 12, 1782, 218 years ago, Congress made a significant decision reported in the records of Congress. The American Revolution had just concluded, and America was no longer bound by the British law making it illegal to print a Bible in the English language.

A plan was therefore presented for Congress to approve the printing of a Bible that would be "a neat edition of the Holy Scriptures for the use of schools." Congress approved the plan and on this day in 1782 our Founding Fathers issued the endorsement printed in the front of the "Bible of the Revolution," now considered one of the rarest books in the world, and I saw one recently.

That endorsement declares: "The United States in Congress assembled recommend this edition of the Bible to the inhabitants of the United States." One historian observed that "this Congress of the States assumed all the rights and performed all the duties of a Bible Society long before such an institution existed."

This act by Congress on this day in 1782 shows that our Founding Fathers believed that it was appropriate for Congress to encourage religion and even the use of a Bible, a lesson many today would like us to forget.

INVESTIGATE THE CHINESE FIASCO

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute.)

Mr. TRAFICANT. Mr. Speaker, Charles LaBella, Louis Freeh, David Shippers, even Justice Department officials who wish to remain anonymous all recommended an independent counsel investigation into this Chinese fiasco: the buying and spying of our secrets and literally making illegal campaign contributions to the Democrat National Committee, possibly threatening our national security.

Poll after poll shows that Americans overwhelmingly want an investigation; and on every occasion, Janet Reno said no. Janet Reno said no five times. In fact, Janet Reno said no every single time.

Mr. Speaker, Janet Reno has betrayed America and Congress has allowed it. Beam me up. I yield back the fact that Congress should demand through legislation an independent investigation of this Attorney General and this Chinese fiasco.

NO CONTROLLING LEGAL AUTHORITY

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, Vice President GORE made a promise to the AFL–CIO that he would keep Federal contracts, from companies the unions did not like. This "blacklist" would be created under the proposed rules the administration released late last month and would allow unions to punish companies by holding hostage the yearly pool of $200 billion in Federal contracts.

Mr. GORE's "blacklisting" regulations kick in far too easily. Under the proposed rule, all it takes for a contractor to be denied a contract is one adverse decision by an administrative law judge.

Mr. Speaker, when the Vice President got caught making questionable phone calls for campaign cash, his defense was that there was not any controlling legal authority. Well, Mr. Vice President, administrative law judges' decisions are not "controlling legal authority" either. Their decisions are often overturned by agencies and by the Federal courts. In fact, a court recently overruled an ALJ and the board held that a company could lawfully fire a worker who sabotaged a company's repair work.

If Mr. GORE is going to try to punish honest companies and their hard-working employees, let him at least do it upon "controlling legal authority."

TAX BREAK FOR MULTINATIONAL CORPORATIONS

(Mr. DeFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DeFAZIO. Mr. Speaker, finally, today, Congress is going to push through a tax break that the President will rush to sign, not veto. Is it education credits, child care credits? No. A compromise on the marriage penalty or estate tax relief? No. How about how the other side loves to talk about tax breaks for small business. Will it go to small business? No. It is a tax break designed only for the largest multinational corporations operating in the United States. It will not produce a single American job, but it will cost American taxpayers $5 billion to $6 billion.

Over the next decade, $750 million to GE, $686 million to Boeing. It will double the tax break for arms exporters. It will give a generous tax break to tobacco exporters, and it will give a tax break to the pharmaceutical companies to sell even more of their drugs at prices lower than that that they offer to U.S. citizens subsidized by the U.S. taxpayers.

Mr. Speaker, this is outrageous. It will also go to foreign companies operating in the U.S.: BP, BASF, Daimler-Benz. Why are we rushing a $5 billion tax break to these companies when Americans are still waiting?

RIGHTING A WRONG AND HELPING OUR FAMILIES

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, this week Congress will have a unique opportunity of righting a wrong and helping American families, all with just one vote. This week, we will vote to override President Clinton's veto of the Marriage Penalty Relief Act.

In an era of unprecedented tax surpluses, our Federal Government continues to force married couples to pay, on average, $1,400 more in taxes than two single people earning the same salaries. It seems obvious to me and to the people of the State of Nevada that this tax discrimination is simply wrong and must be corrected, and now we will have the opportunity to correct this wrong.

Eliminating the marriage penalty will also help lessen the biggest concern facing American families today, and that is financial security. I want to give the working families of Nevada the opportunity to save more of their hard-earned money for their retirement, their children's education, and their families' future. I urge my colleagues to join me in supporting the hard-working American family and eliminate the unfair marriage penalty. It is time to give our families a break.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate is concluded on all motions to suspend the rules, but not before 6 p.m. today.

SCHOOL SAFETY HOTLINE ACT OF 2000

Mr. TANCREDO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5123) to require the Secretary of Education to provide notification to States and State educational agencies regarding the availability of certain administrative funds to establish school safety hotlines.

The Clerk read as follows:

H.R. 5123

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds that—

(1) an estimated 255,000 violent incidents occurred in 1999 on school property, at an official school function, or while traveling to and from school;

(2) for the complete school year July 1, 1997, through June 30, 1998, there were 58 school-associated violent deaths that resulted from 46 incidents; 46 of these violent deaths were homicides, 11 were suicides; and 1 teenager was killed by a law enforcement officer in the course of duty;

(3) although fewer school-associated violent deaths have occurred in recent years, the total number of multiple victim homicide events has increased;

(4) in 1997, 5 percent of all 12th graders reported that they had been purposefully injured, while they were at school, with a weapon such as a knife, gun, or club during the prior 12 months, and 14 percent reported that they had been injured on purpose without a weapon;

(5) on average, each year from 1993 to 1997, there were 131,400 violent crimes against teachers at schools, as reported by teachers from both public and private schools, which translates into a rate of 31 violent crimes for every 1,000 teachers;

(6) tools should be created for, and provided to, students, teachers, parents, and administrators across the country so that they have the ability to provide the information necessary to law enforcement authorities to take action before other tragedies occur; and

(7) school safety hotlines allow students, parents, and school personnel the opportunity to report threats of school violence to law enforcement authorities, thus reducing incidents of youth violence.

SEC. 2. NOTIFICATION.

Not later than 1 year after the date of the enactment of this Act, the Secretary of Education shall provide written notification to the States and State educational agencies of the ability of States or State educational agencies, as appropriate, to use State administrative funds provided under title IV and title VI of the Elementary and Secondary Education Act of 1965 to implement programs related to the establishment and operation of a toll-free telephone hotline that students, parents, and school personnel use to report suspicious, violent, or threatening behavior related to schools or school functions to law enforcement authorities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. TANCREDO) and the gentlewoman from New York (Mrs. McCARTHY) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. TANCREDO).

GENERAL LEAVE

Mr. TANCREDO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5123.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. TANCREDO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5123, the School Safety Hotline Act of 2000, which would require the Secretary of Education to notify State education agencies so that they can use funding under the Elementary and Secondary Education Act to establish school safety hotlines.

One of the effects of the recent rash of violence in our Nation's schools is that many of our students no longer feel safe. Recent studies and polls have confirmed this, showing that the number of students who fear violence in their school is at a record level. We cannot expect the educational process to continue unencumbered when teachers and students are as concerned with their safety as they are with teaching and learning.

School safety hotlines allow students, teachers, parents, and school personnel the opportunity to report threats or acts of violence to authorities. They give everyone back some of the security that they deserve, allowing them to concentrate on teaching and learning, the very reasons for which they are in school.

□ 1415

According to the report "The School Shooter: A Threat Assessment Perspective" released by the Federal Bureau of Investigation last week, one of the most important aspects of identifying potential violent adolescents is detecting that point at which they begin to talk about the event they are planning, when a student intentionally or unintentionally reveals clues to feelings, thoughts, fantasies, attitudes, or intentions that may signal an impending violent act.

Not too long ago we had the opportunity to hear from members of the Secret Service who came into our office and made us aware of the fact that they had been working on a profile similar to this, or a document similar to this, and looking at the number of people who have been involved with either threats against personnel, or threats against elected officials or people who have carried out those threats, and then looking at what they found were similar characteristics among the people who had been involved with school shootings and school violence.

One of the things they told us, there were several common elements, but the one that struck my attention at the time was the fact that all of these people tell somebody; that none of them have acted alone, in a vacuum, without ever letting anyone know of their intentions.

If that is the case, if in fact that happens and these people are inclined toward that and do in fact tell others, then something like the school safety hotline, the need for it is quite evident.

In the aftermath of the tragedies around the country, I worked in coöperation with the Colorado Bureau of Investigation, the Colorado Department of Education, U.S. West, now Qwest, AT&T, and local sheriffs departments throughout the State to establish the Colorado school safety hotline. We were able to pool the resources of State agencies and private companies to provide this needed resource for the State which provides parents, students, and teachers with a valuable tool in our efforts to make schools safe.

We were able to come together as elected leaders, administrators, neighbors, friends, and families to search for ways to restore that sense of safety and security to our schools. Now if someone learns of a potential threat to a fellow student, a teacher, or a school facility, they have an opportunity to provide this information to law enforcement and school authorities who will follow up on their tip, and they can do so anonymously.

All reports to the hotline are kept strictly confidential. Here is how it works, and here is how it has worked in Colorado. The Colorado Bureau of Investigation answers the school safety hotline 24 hours a day, 7 days a week. This is enormously important. We have talked to other people and other school districts that have implemented these, but they are not really always available and accessible to a live person on the other end. Sometimes they go into a recording. That leaves a great deal of liability for the agency involved.

This hotline, the one we have in Colorado, operates, as I say, 24 hours a day, 7 days a week. It goes to a live person. Then the sheriff's department in the county where the school is located is identified and is provided with the information, if that is necessary.

The local sheriff's department then works with local law enforcement agencies to take appropriate action and follow up on tips phoned into the hotline.

Of course, one of the most important aspects of the hotline is getting the word out to everyone in our schools and communities. To this end, the Colorado Department of Education provides each school with posters and makes sure all students and parents are aware of the hotline. AT&T-Qwest provides the public service announcements to highlight the school safety hotline to students, and they do so through the cooperation of TCI cable.

On the hardware side, Qwest has provided the telephone service for the hotline, including the telephones, the phone service, and installation, and provides the maintenance. As of September 5, the Colorado school safety hotline has taken over 600 calls, including 80 that were in the nature of a threat.

Establishing hotlines will hopefully help prevent future tragedy, and are just one of the many actions we can take to help make our schools safer. This will not be a cure, but it is another tool for all of us to use. We all know that the roots of school violence lie much deeper, but we should do everything at our disposal to prevent individual acts from happening.

The Colorado school safety hotline has been a success, and we need to make sure that every school district in America knows they already have some of the resources they need to start their own hotline.

H.R. 5123, the School Safety Hotline Act of 2000, was devised to help States throughout the nation do just that. While I wholeheartedly advocate the public-private partnerships in developing the hotline, which has been extremely successful in my district, with the passage of this legislation, funding will not be an issue whether to take steps to help protect our schools and communities.

It is my hope that tools like the school safety hotline will help restore a sense of security to students, teachers, and their families who undertake this learning mission each day. Once again, I thank the Speaker and the gentleman from Pennsylvania (Mr. GOODLING) for moving this bill. I urge my colleagues to support H.R. 5123.

Mr. Speaker, I reserve the balance of my time.

Mrs. McCARTHY of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today the House considers legislation that will direct the Secretary of Education to notify the States that Federal money is available to set up school safety hotlines so teachers, students, and parents will be able to report threats of school violence to law enforcement.

Many States already know these funds are available for school hotlines. Some House Members may question whether or not this legislation is really necessary.

As a member of the Committee on Education and the Workforce with my colleague, the gentleman from Colorado, I am committed to reducing classroom sizes, ensuring after-school programs, and increasing student achievement and test scores. We can accomplish none of these things unless we have safe schools first.

Had the 106th Congress really addressed school violence, then this legislation would be an appropriate amendment in major gun safety legislation. I regret that Congress has accomplished next to nothing to enact commonsense gun safety legislation.

Have we closed the gun show loophole that permits criminals to get guns easily? No. Have we required gun manufacturers to install safety locks on all new guns? No. Have we banned high-capacity ammunition clips on assault weapons? No. Do we even allow the Department of Education to collect specific information on gun violence in our schools? No.

In my home State of New York, I have worked closely with Governor George Pataki and our State lawmakers so we were able to enact strong, commonsense gun safety legislation this summer. I am proud our State now has a law that closes the gun show loophole and requires child safety locks on guns.

We need national commonsense gun legislation. This way we know all our schools will certainly be as safe as they can be.

The House leadership and the gun lobby have maintained their ironclad alliance to block the consideration of this commonsense gun legislation. I urge the American people to send a message to the House leadership to reject the gun lobby and enact real gun safety legislation before we adjourn for the year.

Mr. Speaker, the new school year has just begun. We need to give parents greater assurance that their children will be safe while they are attending school. I will support H.R. 5123, but the truth is, the Congress must do more. We can close the gun show loophole. We can require child safety locks. We can ban high-capacity ammunition clips. We can collect information on gun violence in our schools.

Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I thank the gentlewoman for yielding time to me on this important issue, and I commend her for her continued fight on this most critical problem.

We all remember with horror the tragedy that occurred in April of 1999 at Littleton, Colorado. It left a country speechless, parents childless, and Congress clueless. We will likely never know the motivations behind these two young killers.

One fact remains glaringly clear, Mr. Speaker: They were able to obtain the firearms they needed without any questions asked. A friend of the two purchased the guns from a gun show the previous autumn. Days after the killing she said, "I wish it had been more difficult. I wouldn't have helped them buy the guns if I had faced a background check."

In the days, months, and now a year following Columbine, I have joined my colleagues in the Congress from both sides of the aisle to put an end to the gun show loophole. While successful to that end, the majority leadership still refuses to address other proposed legislation dealing with gun safety issues, so I am pleased and I am honored to stand with the gentleman from Colorado (Mr. TANCREDO) and his legislation. It is on the suspension calendar today, and I salute the gentleman from Colorado. It is timely, in fact, because millions of children and teenagers are returning to classrooms across the Nation to go back to school this month.

As stated in H.R. 5123, an estimated 225,000 violent incidents occurred in 1999 on school property, at an official school function, or while traveling to and from school. That is not acceptable and it should not be to anybody, regardless of which side of the aisle they sit on. Students and teachers ought not to leave their houses in the morning worried about whether or not they will make it home that evening.

H.R. 5123 adds one more safety measure to ensuring that school violence is stopped. To those who say there are enough laws on the books already, I say, they are misinformed. It requires the Secretary of Education to notify States that administrative funds may be used to establish the tollfree hotline in schools, as the good gentleman from Colorado pointed out. Parents, students, and school personnel wanting to report suspicious or violent acts could use this hotline.

I applaud the author of this commonsense legislation. It does not take one gun away from one person in the United States of America. It is common sense, and I applaud the gentleman for that. This is a step in the right direction.

I am encouraged that we are debating this today, because it gives me hope. Remember the song, Core Ingrata. Give me the slightest sign of hope. That is what they are doing today. This measure requires, as a measure that I had introduced not too long ago concerning smart guns, that every handgun manufactured and sold in America must incorporate technology to allow operation only by its owner. What in God's name is so demonic about that?

I urge the majority leadership to consider bringing up reasonable gun legislation: a 3-day waiting period for gun show purchases, the elimination of high-capacity ammunition clips, and requiring child safety locks on every handgun. We have Federal law on aspirins, child seats, cigarette lighters. We are afraid to do it with weapons.

Mr. TANCREDO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I recognized when I brought this measure forward that would provide an opportunity for our friends on the other side to discuss a variety of other issues not really attendant to this particular problem, not attendant to this particular bill.

We can spend all of our time, and I know that, in debate on the myriad of issues that have been hashed and rehashed on this floor, debated, discussed, or raked over, but in fact we are talking about something here that is a very practical step that can be taken tomorrow.

It does not need the overwhelming support of the Congress from a financial standpoint, it just simply needs to be passed into law and allowed to be implemented by the Secretary of Education, and we will have done something significant. It is meaningful. These are not just whimsical attempts to try to deal with this problem. Over 600 calls have come in in 1 year, a little over 1 year. Eighty of those calls were of a threatening nature.

□ 1430

We do not know, because the system does not require a feedback, as to what kind of action was finally taken after the CBA sends the information to the local agency. But, anecdotally, we have heard that there have been three to four arrests that have been made as a result of the hotline; and, therefore, we can only speculate as to the possibility as to the number of people whose lives have either been saved or at least kept out of harm's way as a result of this. So we can do this. We should think positively about the steps we can take in this regard.

I urge us to focus our attention on this issue and not on the many other things that I know are deep and deeply felt. I totally understand my colleagues who do get emotional about this issue. It is definitely an emotional issue. Perhaps the gentleman from New Jersey (Mr. PASCRELL) and I share more than just an inclination of that because, being both Italians here, one can understand how we can both get emotional about this.

Mr. Speaker, I reserve the balance of my time.

Mrs. McCARTHY of New York. Mr. Speaker, I yield 4 minutes to the gentleman from Indiana (Mr. ROEMER), my colleague on the Committee on Education and the Workforce.

Mr. ROEMER. Mr. Speaker, I would, first of all, like to thank the gentlewoman from New York for the time that she has given me to speak on such an important topic and commend her for her strong leadership on the committee that we serve on together.

I would like to extend a bipartisan hand to my colleague on the other side of the aisle who also serves on the Committee on Education and the Workforce for his common sense, his bipartisanship, and his responsiveness to a need in America, which is important to establish a safety hotline for our parents and our schools.

But just as we need this safety hotline because of violence programs in our schools, we also need more. We need a lifeline to many of our students in our schools across this great country who do not have a chance to get a good education.

Just as we have brought this bipartisan and responsive and common sense legislation to the floor tonight, it is a very small step, a drop in the bucket towards solving some of the education problems in America, we need to do more.

The gentleman from Florida (Mr. DAVIS) and I have a bill to try innovative and bold and new ways to respond to the need in this country to bring more teachers into the teaching profession. Where is that bill today? This would bring people into the teaching profession at 40 or 50 years old in technology and math and science areas when too many of our teachers are overwhelmed with problems in the schools; and they are teaching, with a physical education degree, physics. They are not certified in the area. So we need to do more.

We need to do more in Head Start, making our Head Start programs more responsive to the needs of learning children earlier and at earlier ages. We need more resources for those children. Where is that bill today?

We need to do more to help some of our working families in the middle class and low income to afford the cost of college or community school. But we do not have that bill today.

We do not have the Elementary and Secondary Education Act on the floor today, although that will probably expire soon. We need more charter schools and public choice in America today. Where is that bill today?

Now, I am all for establishing a hotline to help our parents and our children and help establish safer schools, but what about the lifeline? In America today, across the country, from Colorado to Indiana to New York, education is the most important and pressing concern on the minds of our parents. Yet, oftentimes we cannot muster the needed, the required bipartisanship and common sense and responsiveness to bring some of these other bills to the floor.

I hope we do it before this session ends. I hope we can work on charter schools and public choice. I hope we can work on new ideas to bring new teachers into the profession. I hope we can work on better quality ideas for our parents to be involved in our schools and for local control. I hope that we can work on the ideas of, sometimes in our cities, schools that are literally falling down on the heads of our children.

Let us work together in this Congress on these ideas and not just on the idea, although it is a good one, of outlines for our parents, for safe schools.

Mr. TANCREDO. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, if we are going to get into all of the things that have not been on the floor that are not on the floor, it is, I guess, important for us to talk about what has happened so far.

April 29, 1999, the Educational Flexibility Act, H.R. 800, was signed into law; May 4, 1999, IDEA Full Funding resolution passed the House; July 10, the Teacher Empowerment Act. October 12, Dollars to the Classroom resolution passed the House; October 21, Student's Results Act. October 21, the Academic Achievement Act (Straight A's) passed the House. February 29, Literacy Involves Families Together Act passed the committee. April 13, the committee completed consideration of Education Options Act. May 3, IDEA Full Funding bill passed the House.

There have been actions taken. Again, speaking about these things in a vacuum makes it appear as though this is the only thing that we are doing. It is certainly not the case with education.

Mrs. McCARTHY of New York. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Speaker, I thank the gentlewoman from New York once again for her kindness and generosity. I just respond to the gentleman from Colorado (Mr. TANCREDO) by saying this: The first bill that he mentioned, the Education Flexibility Act, was a bill that I authored with the gentleman from Delaware (Mr. CASTLE), a Republican; and we worked across the aisle to pass that bill. It was signed into law by the President. It was one of the few that the gentleman from Colorado mentioned that has been signed into law.

It is one thing to be able to say we passed this in this body, it is another thing to be able to say we mustered the bipartisanship in the Senate or we were able to persuade or convince the President to be with us on the issue; and generally he is with us on many of these education issues.

The gentleman from Colorado mentioned a host of resolutions that do not have the force of law. The gentleman mentioned the TEA act, the Teacher Empowerment Act, that tries to provide more opportunities for our teachers to get into the teaching profession in new ways. I supported that piece of legislation. That is not law. ESCA, no where to be found today. Elementary and Secondary Education Act that is so vital where, we worked very well together for about a third of that act in a bipartisan way, and then bipartisanship somehow mysteriously fell apart.

So we have a long way to go. My point to the gentleman from Colorado (Mr. TANCREDO) is, one, to congratulate him for a bipartisan piece of legislation today, and, secondly, and I think he would admit, we need to do more.

The challenges in America today were succinctly put forward by Thomas Jefferson a long time ago when he said "I like the dreams of the future better than the history of the past." The dreams for the future for our children are a great education and not leaving children behind. Too many of these children are being left behind.

We need local control of our schools. We need more public school choice and more charter schools. We need more new and innovative ways to bring teachers into the profession and give them the resources to have great schools.

Mr. TANCREDO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Indiana (Mr. ROEMER) for his comments, his very, I think, observant comments. I believe that much of what he brings to our attention is worthy of our attention. There is so much that we can do here and so much for which we have responsibility.

There is this other body, the other body we all know, we all have concerns and complaints about how it operates, or sometimes it apparently does not, but the fact is that is where most of this legislation resides. We can take, I think, pride in what we have done here. There is only so much we can do until the other body makes their decisions and moves along.

Mr. Speaker, I reserve the balance of my time.

Mrs. McCARTHY of New York. Mr. Speaker, I yield 7½ minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentlewoman from New York (Mrs. McCARTHY) for yielding me this time. I especially want to thank her for her consistent and dedicated leadership on gun safety; leadership that has not faltered, as I am sad to say this Congress has.

I want to congratulate the gentleman from Colorado (Mr. TANCREDO), who knows firsthand what gun violence can mean to a State and to a jurisdiction, for the bipartisan leadership he has given on the bill that is before us today.

It is a useful bill. It is useful if nothing more as an advertisement for districts to know that this money exists. It is useful as a reminder to the Department of Education, if the Secretary has not already done it, to send out notices that these funds are available. It is useful to help prevent further gun violence.

But if I may say so, if we are truly serious about preventing gun violence, we will look at more than threats for gun violence. There would be fewer threats if there were fewer guns.

The gentleman from Colorado (Mr. TANCREDO) mentioned the kind of emotion that he knew his bill would call forth on the floor. Well, particularly for those of us from high gun violence jurisdictions, what kind of Members would we be this late in the session if we had no passion for this issue?

I can tell my colleagues this, the representatives of the Million Moms came to see me recently. Last week they went to the press in desperation. The mothers who appeared with pictures of their dead children. Yes, we are angry, Mr. Speaker. They were angry, many of them, to the point of tears. School was opening throughout the region and throughout the country. They could not believe that the 106th Congress had made no progress on gun safety since the Columbine youth massacre more than a year ago. They were incredulous, and they mean for us to be incredulous.

They were dismayed that the leadership could be sitting on gun safety legislation as their children were about to go back to school. They could not believe that we would consider going home without taking this bill out of conference and passing it now. That is what they wanted me to come to the floor to say this afternoon. I would be here in a 5-minute speech if not for this legislation.

My colleagues are going to hear, not only from me and the gentlewoman from New York (Mrs. McCARTHY), they are going to hear from many of us until this bill is passed and especially during this session.

The moms cannot believe that, after families pulled off the largest gun safety demonstration in American history, this House, this Senate has not yet heard them. I can tell my colleagues this, they have not gone away. They have not only not gone away, look in the districts of my colleagues. They are in their district now organizing.

They are making gun safety a potent election issue, which it did not have to be, because there is bipartisan support for the minimum gun safety legislation that is locked up in a self-imposed moratorium in conference committee as I speak.

I can tell my colleagues one thing. It is dangerous to treat moms like children with short attention spans. They are in for the long haul. They are not going to forget. They did not forget when they came, and they are not going to forget in November.

As Congress came back, the families felt no safer, even though it was reported during that very week that crime was down 10 percent in the country over last year. We hear one hand clapping. I do not hear the moms clapping. We are down 34 percent since 1993. Do my colleagues know why they do not hear them clapping is because they do not feel any safer.

Now, I do not know if passing the gun legislation locked up by the majority will make them be any safer, I know they will feel safer. It is the shadow of Columbine, I will say to the gentleman from Colorado (Mr. TANCREDO), that is hanging over the heads of parents and children in every State of the Union, in the District of Columbia, and the insular areas.

Imagine waking up just before Congress reconvenes and reading in the Washington Post that the FBI was preparing a guidebook on how to detect children who might go on a shooting spree.

□ 1445

I want to know how to detect the guns and get the guns out of the hands of children who might be inclined to go on a shooting spree.

Congress better watch out, we are way behind the moms. We are still at the level of high-capacity ammunition, safety locks on guns, and the gun show loophole. They have sailed ahead to licensing and registration one gun a month. But if we were to do just what is before us now, I think they would feel that they and we had accomplished much.

I know this much: they have got long memories and their memories are not sustained by the statistics that show about 80,000 children killed in gun violence since 1979. They are not sustained by the statistics from the District of Columbia that show that there were 700 children killed by gun violence in my district.

Do my colleagues know why I am emotional? Seven hundred children in this city of half a million.

I know some of my colleagues will say, Yeah, you have got legislation that bans guns, Eleanor, so what good is it? I will tell them what good it is. Not one of those guns came from the District of Columbia. Every one of them was brought in from jurisdictions that allow guns to be sold with loopholes and without safety locks.

This is one country. This is all of our country. Guns travel across borders the same way that children do. And until there is a national gun law, there is no gun law and there is no safety for any child anywhere in America.

We do not measure them by statistics. We measure them by the way I do, by Harris "Pappy" Bates, who went on

Easter Monday to the National Zoo, set up by this body, and got shot in the head. I am pleased to report that somehow he has survived.

We measure it by Andre Watts and Natasha Marsh of Wilson High School, who were buried in their graduation gowns.

Many of us stand with Mothers Across America. I say to my colleagues, I come to my colleagues with their message: we go home without gun safety legislation at our peril.

Mr. TANCREDO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it was inevitable, I am sure, regardless of how many attempts to try and focus on this particular piece of legislation, a positive step that we are taking, it was inevitable that we would begin to once again hear the kind of rhetoric just propounded on the floor of the House. It is inevitable but disconcerting.

Certainly those of us from my State, certainly I need no one to remind me what happened, where it happened, and how it happened. And I will tell my colleagues this also: we can talk forever about gun violence, and there are absolutely legitimate issues for us to debate on this floor and through legislative bodies throughout the United States, but to tie every single issue every single time they have an opportunity to tie Columbine to it, to use that name over and over again, they do so and they do so, I believe, in a way that is not respectful of the event and of the feelings and emotions of the people in my community because it is exploiting that horrific event.

The gun show, let us talk about exactly what did happen. And I do hope that, in fact, the people of this Nation do have long memories. I will be more than willing to help them remember exactly what happened on this floor when we debated the part of the bill dealing with gun safety that we call the juvenile justice bill and we, in fact, included a provision to close the gun show loophole; and we included a ban on importation of high-capacity clips, and we included a juvenile Brady bill saying that if any juvenile gets convicted of a violent crime that they can never own a gun, and we included a mandatory sale of gun locks; and we included making it illegal for a juvenile to possess an assault weapon.

Those were there. The bill went down, and it went down with 191 Democrat noes and about 81 or 82 Republican noes, and it went down because there was a desire to have rhetoric for the rest of this session about guns as opposed to a solution.

This that I propose today is part of a solution. It is not the cure. It is not the silver lining that we can look for in this ominous picture. But it does give us hope, and it is designed to give children and parents hope.

There is nothing more discouraging in the last several months than having to recognize the fact that there were kids all over this country actually afraid to go to school. Even if nothing had happened in their particular school, nothing of a violent nature, they were still afraid because of everything they had seen on the television, everything they had heard from the media about the potential for violence.

I kept thinking to myself, what can I do, what is one thing I can do about this; and it was this hotline, the school safety hotline. It is not everything we should do. I agree with my colleagues, there is more. But, please, let us at least be positive enough to move in the direction that we know we all want to move here; and that is to provide a safe learning environment for every single child in America and to do so without the sort of incredibly divisive and, I think, inappropriate rhetoric, especially in reference to Columbine.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. QUINN). The question is on the motion offered by the gentleman from Colorado (Mr. TANCREDO) that the House suspend the rules and pass the bill, H.R. 5123.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ATLANTIC COASTAL FISHERIES ACT OF 2000

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4840) to reauthorize the Atlantic Coastal Fisheries Cooperative Management Act, as amended.

The Clerk read as follows:

H.R. 4840

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Atlantic Coastal Fisheries Act of 2000".

SEC. 2. REAUTHORIZATION OF ATLANTIC COASTAL FISHERIES COOPERATIVE MANAGEMENT ACT.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 811 of the Atlantic Coastal Fisheries Cooperative Management Act (16 U.S.C. 5108) is amended to read as follows:

"SEC. 811. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—To carry out this title, there are authorized to be appropriated $10,000,000 for each of fiscal years 2001 through 2005.

"(b) COOPERATIVE STATISTICS PROGRAM.—Amounts authorized under subsection (a) may be used by the Secretary to support the Commission's cooperative statistics program.

"(c) REPORTS.—

"(1) ANNUAL REPORT TO THE SECRETARY.—The Secretary shall require, as a condition of providing financial assistance under this title, that the Commission and each State receiving such assistance submit to the Secretary an annual report that provides a detailed accounting of the use of the assistance.

"(2) BIENNIAL REPORTS TO THE CONGRESS.—The Secretary shall submit biennial reports to the Committee on Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the use of Federal assistance provided to the Commission and the States under this title. Each biennial report shall evaluate the success of such assistance in implementing this title.".

(b) TECHNICAL CORRECTIONS.—

(1) IN GENERAL.—Such Act is amended—

(A) in section 802(3) (16 U.S.C. 5101(3)) by striking "such resources in" and inserting "such resources is"; and

(B) by striking section 812 and the second section 811.

(2) AMENDMENTS TO REPEAL NOT AFFECTED.—The amendments made by paragraph (1)(B) shall not affect any amendment or repeal made by the sections struck by that paragraph.

(3) SHORT TITLE REFERENCES.—Such Act is further amended by striking "Magnuson Fishery" each place it appears and inserting "Magnuson-Stevens Fishery".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 4840.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4840 reauthorizes the Atlantic Coastal Fisheries Management Act through fiscal year 2005. This bill will extend the successful Federal-State fishery management partnership with the Atlantic States Marine Fisheries Commission.

The commission, Mr. Speaker, is made up of representatives from each of the Atlantic coastal States. Under the Act, the Federal Government can implement a moratorium on fishing in State waters if States do not comply with the plans written by the commission.

The commission's greatest success is notable in the recovery of the Atlantic striped bass, Mr. Speaker. The striped bass suffered a population crash in the late 1970s for a number of reasons, including over-fishing. Today, for fishermen in the mid-Atlantic region, including those in Ocean County, New Jersey, which is part of the district I am privileged to represent and all along Long Beach Island, this comeback has resulted in the greatest fishing on the East Coast.

Mr. Speaker, as a matter of fact, just a short time ago, last week, I had a nice group of folks join me on a 10-mile beach walk; and as we walked up the beach on Long Beach Island, there were surf fishermen after surf fishermen in quest of the Atlantic striped bass and, I might add, with some success.

This legislation simply authorizes $10 million a year to carry out the Atlantic coastal fisheries program to enable this striped bass program and others to move forward.

The bill also allows appropriated funds to be used to carry out a fisheries statistics program which supports Atlantic coastal States fishery management plans.

I believe this legislation is noncontroversial, and I would urge everyone to vote aye.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I certainly want to compliment my good friend, the gentleman from New Jersey (Mr. SAXTON), the chairman of the Subcommittee on Fisheries, for his authorship of this legislation. I also want to thank the full committee chairman and the gentleman from California (Mr. MILLER) for their support of this important legislation.

Mr. Speaker, Atlantic coastal fishery resources that migrate or are widely distributed among the coast are of substantial commercial, recreational, environment importance and economic benefit to the Atlantic States and our Nation.

Unfortunately, proper management of these species is often hampered by the fact that no single government entity has exclusive authority over them. Because of this, harvest and management of the Atlantic coastal resources has historically been subject to disparate, inconsistent, and intermittent State and Federal regulations.

To help address this complication, Congress passed the Atlantic Coastal Fisheries Cooperative Management Act since 1993.

Since its inception, Mr. Speaker, this law has been an effective mechanism for supporting and encouraging the development, implementation, and enforcement of effective interstate conservation and management measures for the Atlantic coastal fishery resources.

I fully support the reauthorization of the Atlantic Coastal Fisheries Cooperative Management Act. I urge my colleagues to support this important legislation.

Mr. Speaker, I thank the gentleman for his authorship of this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have no further speakers; but I would just like to say in conclusion, I would like to thank the gentleman from American Samoa (Mr. FALEOMAVAEGA) for his cooperation. It makes one feel very good to have the kind of bipartisan cooperation that we have had on this and many other bills in our subcommittee. So I thank the gentleman for his cooperation.

Mr. Speaker, I yield back the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in my capacity as the ranking Democrat of the Subcommittee on Fisheries and Oceans and Wildlife and Refuge, I also want to certainly compliment my good friend, the chairman of our subcommittee, for his leadership and for the cooperative way that we have worked closely for the past 2 years since my membership in that capacity in this subcommittee. Again, I thank my good friend for working together and cooperatively on this legislation.

Mr. Speaker, I have no further speaker, and I yield back the balance of my time.

Mr. SAXTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and pass the bill, H.R. 4840, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

EXPLORATION OF THE SEAS ACT

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2090) to direct the Secretary of Commerce to contract with the National Academy of Sciences to establish the Coordinated Oceanographic Program Advisory Panel to report to the Congress on the feasibility and social value of a coordinated oceanography program, as amended.

The Clerk read as follows:

H.R. 2090

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Exploration of the Seas Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) During the past 100 years, scientists working with marine fossils, both underwater and high in the mountains, have traced the origins of life on Earth to the sea, beginning approximately 3 billion years ago. Today, life on our planet remains dependent on the vitality of the sea.

(2) More than two-thirds of the Earth's surface is covered by water, with oceans and inland seas accounting for almost 140 million square miles.

(3) The United Nations forecasts a worldwide population of 8.9 billion by the year 2050, a 50 percent increase from 5.9 billion in 1999. As this trend in population growth continues, increasing demands will be placed on ocean and coastal resources, not only as a result of population growth in coastal regions, but also from the need to harvest increasing amounts of marine life as a source of food to satisfy world protein requirements, and from the mining of energy-producing materials from offshore resource deposits.

(4) The ocean remains one of the Earth's last unexplored frontiers. It has stirred our imaginations over the millennia, led to the discovery of new lands, immense mineral deposits, and reservoirs of other resources, and produced startling scientific findings. Recognizing the importance of the marine environment, the need for scientific exploration to expand our knowledge of the world's oceans is crucial if we are to ensure that the marine environment will be managed sustainably.

(5) The seas possess enormous economic and environmental importance. Some ocean resources, such as fisheries and minerals, are well recognized. Oil use has increased dramatically in recent times, and the sea bed holds large deposits of largely undiscovered reserves. Other ocean resources offer promise for the future. In addition to fossil fuels, the ocean floor contains deposits of gravel, sand, manganese crusts and nodules, tin, gold, and diamonds. Marine mineral resources are extensive, yet poorly understood.

(6) The oceans also offer rich untapped potential for medications. Marine plants and animals possess inestimable potential in the treatment of human illnesses. Coral reefs, sometimes described as the rain forests of the sea, contain uncommon chemicals that may be used to fight diseases for which scientists have not yet found a cure, such as cancer, acquired immunodeficiency syndrome (AIDS), and diabetes. While the number of new chemical compounds that can be derived from land based plants and microbial fermentation is limited, scientists have only just begun to explore the sea's vast molecular potential.

(7) In spite of the development of new technologies, comparatively little of the ocean has been studied. The leadership role of the United States has been eroded by a gradual decrease in funding support, even while public opinion surveys indicate that ocean exploration is at least as important as space exploration.

(8) The National Academy of Sciences has the means by which to study and make determinations regarding the adoption and establishment of a coordinated oceanography program for the exploration of the seas, in which the National Oceanic and Atmospheric Administration could participate in a role similar to that of the National Aeronautics and Space Administration with regard to the International Space Station.

SEC. 3. COORDINATED OCEANOGRAPHIC PROGRAM ADVISORY PANEL.

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act and subject to the availability of appropriations, the Secretary of Commerce shall contract with the National Academy of Sciences to establish the Coordinated Oceanography Program Advisory Panel (in this Act referred to as the "Panel"), comprised of experts in ocean studies, including individuals with academic experience in oceanography, marine biology, marine geology, ichthyology, and ocean related economics.

(b) CHAIRPERSON AND VICE CHAIRPERSON.—The Panel shall elect a chairperson and a vice-chairperson.

(c) TERMINATION.—The Panel shall cease to exist 30 days after submitting its final report and recommendations pursuant to section 4.

SEC. 4. REPORT AND RECOMMENDATIONS.

(a) IN GENERAL.—No later than 18 months after its establishment, the Panel shall report to

the Committee on Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the feasibility and social value of a coordinated oceanography program. In preparing its report, the Panel shall examine existing oceanographic efforts and the level of coordination or cooperation between and among participating countries and institutions.

(b) INTERNATIONAL WORKSHOP.—To assist in making its feasibility determination under subsection (a), the Panel shall convene an international workshop with participation from interested nations and a broad range of persons representing scientists, engineers, policy makers, regulators, industry, and other interested parties.

(c) FINAL REPORT.—The Panel shall include in its final report recommendations for a national oceans exploration strategy, which will—

(1) define objectives and priorities, and note important scientific, historic, and cultural sites;

(2) promote collaboration among research organizations;

(3) examine the potential for new ocean exploration technologies;

(4) describe those areas of study in which national or international oceanographic cooperation is currently being undertaken;

(5) identify areas of study in which knowledge of the oceans is inadequate;

(6) ensure coordination with the National Oceanic and Atmospheric Administration's Marine Protected Area Center;

(7) ensure that newly discovered organisms with medicinal or commercial potential are identified for possible research and development; and

(8) identify countries and organizations that would be likely to participate in a coordinated oceanography program.

(d) IMPLEMENTATION.—If the Panel determines that a coordinated oceanography program is feasible and has significant value for advancing mankind's knowledge of the ocean, the Panel shall include in its final report recommendations for implementing such program, including recommendations regarding—

(1) the institutional arrangements, treaties, or laws necessary to implement a coordinated oceanography program;

(2) the methods and incentives needed to secure cooperation and commitments from participating nations to ensure that the benefit that each nation that is a party to any international agreement establishing a coordinated oceanography program receives is contingent upon meeting the nation's obligations (financial and otherwise) under such an agreement;

(3) the costs associated with establishing a coordinated oceanography program;

(4) the types of undersea vehicles, ships, observing systems, or other equipment that would be necessary to operate a coordinated oceanography program; and

(5) how utilization of aboriginal observational data and other historical information may be best incorporated into a coordinated oceanography program.

SEC. 5. OBTAINING DATA.

Subject to national security restrictions, the Panel may obtain from any department or agency of the United States information necessary to enable it to carry out this Act. Upon request of the chairperson of the Panel, the head of any department or agency shall furnish that information at no cost to the Panel.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for the purposes of carrying out this Act, and to remain available until expended, $1,500,000.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 2090.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2090 requires the Secretary of Commerce to contract with the National Academy of Sciences to establish a Coordinated Oceanographic Program Advisory Panel. The Panel will submit a report to Congress on the feasibility and social value of a coordinated international oceanography program.

Recent technical advances have given us the ability to fully explore the world's oceans.

□ 1500

As an example, in the district that I am privileged to represent, a project in Tuckerton, New Jersey, called the Long-term Ecological Observatory, better known to us at home as FEO–15, measures ocean processes along the New Jersey coast and in Little Egg Harbor and Barnegat Bay. This legislation will enhance programs just like FEO–15 for their success.

While there have been many tremendous advances in oceanography technology over the past 15 years, the United States does not have yet a comprehensive plan for determining what data needs to be collected or for integrating that data into a usable system.

This bill, H.R. 2090, is a positive step in moving this technology forward in an efficient way; and I urge support of the exploration. And I might say at this point, Mr. Speaker, that I congratulate the gentleman from Pennsylvania (Mr. GREENWOOD) for leading us to the floor with this very important piece of legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I again compliment and thank my good friend, the chairman of the Subcommittee on Fisheries Conservation, Wildlife and Oceans for his management of this legislation, and I do commend the gentleman from Pennsylvania (Mr. GREENWOOD) as the chief author of this legislation, H.R. 2090.

Mr. Speaker, the world's oceans are critical to human health, as well as the vitality of our entire planet. The establishment of an advisory panel to examine the feasibility and value of a coordinated domestic and international oceanography program makes good sense.

With this in mind, I do support the principles and the provisions behind the passage of the Exploration of the Seas Act. I just have a little concern about the relevance and the need of the legislation, given the fact that earlier this year we did pass the Oceans Act of 2000 which was passed by the Congress and subsequently signed by the President on August 7 of this year.

This law already establishes a commission to evaluate and make recommendations on oceans policy. And I just thought that maybe there may be a little duplication here, but on the other hand I think on anything relevant to the situation affecting the oceans policies, where over the years we really have not given really any real substantive examination of this very, very important issue, perhaps the gentleman's legislation will add on to what we are sincerely trying to bring about this real coordinated effort with all the agencies involved between the White House and especially with the Congress so we can really look at a national oceans policy having the participation and coordination of all relevant Federal agencies that should be a participant in this effort. I just wanted to express that concern.

I urge my colleagues to pass this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate very much the support of my friend from American Samoa (Mr. FALEOMAVAEGA). I would just like to comment, relative to his concerns on duplication, obviously the Oceans Act that we passed here a short time ago is a very important act because it essentially provides for an opportunity to take a look at how United States ocean policy is developed and carried out. Obviously, the Stratton Commission that was created in the late 1960s and reported to the Congress in 1969 provided an opportunity for us to make some changes and establish a great organization known as the National Oceanic and Atmospheric Administration.

This bill differs in two ways. Number one, it is international in scope, which gives us the opportunity to cooperate with, exchange information with, extract cooperative efforts from our friends around the world who are also engaged in various types of oceanography studies and the development of technology. I think that many of our friends around the world recognize, as we do, that there is a need for better ocean stewardship, and to the extent that we can cooperate with them through programs like the one that we are creating or moving to create here today will be, I think, a great advantage.

Secondly, the Oceans Act takes a broad look at United States ocean policy, domestic policy. This act is a very narrow focus on technology, and so I think that is an important distinction and one that mitigates for the important passage of this bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. GREENWOOD).

Mr. GREENWOOD. Mr. Speaker, I thank the gentleman from New Jersey (Mr. SAXTON) not only for yielding to me but for all of his help in moving this bill through the subcommittee, as well as the minority ranking member.

Mr. Speaker, today I rise in strong support of the Exploration of the Seas Act, H.R. 2090, which is a necessary step if mankind is ever to realize the untapped potential of the world's oceans.

The Exploration of the Seas Act accomplishes this goal by directing the Secretary of Commerce to contract with the National Academy of Sciences to establish a coordinated oceanographic program advisory panel comprised of experts in ocean studies, which will create a blueprint of how to implement an international undersea exploration effort.

A visitor to our solar system asked to name the third planet from the sun would most certainly not name it Earth as early land-bound humans did, but rather Oceania for the dominating character of its seas. Seventy-five percent of our planet's surface and 95 percent of its biosphere is ocean.

Life began in the sea, which is now the home of somewhere between 10 and 100 million spectacularly diverse species. Ninety-seven percent of the planet's water is in its oceans. The oceans are the engines for our terrestrial weather patterns, the highway for international trade. Fifteen percent of the protein consumed by humans comes from the sea.

Beneath the ocean floor lies unimaginable quantities of oil, gas, coal, and minerals. Marine plants and animals possess inestimable biotechnological potential in the treatment of human illness. Coral reefs, sometimes described as the rain forest of the sea, contain uncommon chemicals that may be used to fight diseases for which scientists have not yet found a cure, such as cancer, AIDS and diabetes.

While the number of new chemical compounds that can be derived from land-based plants and microbial fermentation is limited, scientists have only just begun to explore the sea's vast molecular potential.

The oceans are our source, our sustenance and the key to our future survival. But the capacity of the seas to absorb our waste and fulfill our desires is not without limit. Twenty percent of the world's coral reefs have been destroyed, 20 percent and counting. Oceans are the dumping grounds for municipal trash, sewage and even nuclear waste. More than two-thirds of the world's marine fish stocks have been fished beyond their maximum productivity.

If our children's children are to inherit the ocean's bounty, we must come to understand and manage it far better than we do today; and I am confident the Exploration of the Seas Act will assist in achieving that goal.

I urge support of H.R. 2090. Mr. Speaker, we spend billions of dollars in outer space and NASA programs. I support that. I think it is fascinating that the Russians and Americans have achieved such amazing goals in our space station, but by contrast we spend pennies on explorations of our oceans. And yet our survival as a species depends on our oceans. This legislation will begin the process by which I hope the nations of the world, the great nations of the world, can combine our efforts and begin to devote the kind of attention that we need to devote to our oceans for our own survival and for the betterment of our species.

I again thank the chairman of the subcommittee and the ranking member for all of their support.

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, while the gentleman was speaking, I thought back of all the efforts that we have been involved in together, Members of both parties, in trying to address one of the issues that the gentleman from Pennsylvania (Mr. GREENWOOD) just spoke of that namely the ocean is not the kind of expanse that can absorb our wastes for time unlimited. And during the time that we have been in the Congress, we have stopped ocean sludge dumping. We have been successful in passing the act to make sure that people do not dump medical waste in the ocean, which was so important to my district and the beaches that I know the gentleman visits in the summertime.

We have been successful in making sure that chemical dumping is taken care of in ways outside the ocean.

There is one burning issue off the coast of New Jersey that the gentleman and I love very much, that is the shore that we love very much, and that is that this administration is currently issuing permits to dump contaminated dredge spoils off Sandy Hook. And these are the kinds of nonthinking, bad ideas that we need to avoid. The dumping of dredge spoils with contaminants such as mercury and lead and PCBs and other things that are poisonous to the human body and to the creatures that live in the ocean is something that we need to pay a lot more of attention to.

So while we have had some successes, we have a long way to go. And this bill creating an awareness and a study, a further study of technologies about what we can do and what we should not do and what we cannot do to the ocean environment, is extremely important.

Mr. GREENWOOD. Mr. Speaker, will the gentleman yield?

Mr. SAXTON. I yield to the gentleman from Pennsylvania.

Mr. GREENWOOD. Mr. Speaker, once again, I appreciate that.

As the gentleman pointed out, the United States Congress has done a great deal, particularly with the leadership of the gentleman from New Jersey (Mr. SAXTON), in reducing the pollution that the United States adds to the oceans in reducing the over exploitation in which we engage. But the rest of the world continues in many parts, whether it is in India, or in China, in Asia. The Russians have a very long way to go, and that is why I think this international cooperation is what is really needed both to explore the oceans and to protect them for the future generations. And I thank the gentleman again for all of his support.

Mr. SAXTON. Mr. Speaker, I again commend the gentleman for bringing this very good and important legislation to the floor.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, again I want to compliment and thank my good friend, the gentleman from Pennsylvania (Mr. GREENWOOD), for his comments, especially as the author of this legislation, and thank also the chairman of our subcommittee for managing the bill now before the floor.

I want to note also so many things relative to oceans policy of our Nation. I think our Nation is one of the few nations, if we look at the geography alone, are from the Atlantic coastal States, the State of Florida in particular, the Gulf States and then the entire Pacific coast. Probably no other nation, in my opinion, has had this direct exposure to the problems, whether it be the Atlantic Ocean, the Gulf Stream, the areas relative to the Pacific area where ocean policy needs to be really firmly established as far as our Nation is concerned. And I thank the gentleman for bringing this legislation, hopefully, as a means of complementing what we are trying to do with other pieces of legislation.

I recall I recently attended a Conference on Marine Debris; the billions of dollars in costs for some of the things that I had listened to represented from some 20 nations in the Pacific region, and one of the things that I noticed quite well was their response in looking up to the leaders of our Nation to take the leadership in this effort because of the fact that we do have the resources and, hopefully, that we will commit such resources to assist in this effort.

I do not know if our colleagues are aware that every year we have to import over $9 billion worth of fish from other countries. My question is: Why are we not producing enough of our own domestic consumption demand of fish in the States and in our own domestic consumption needs?

The situation of ornamental fish, it is about a $6 billion industry. The point is that with the economics of all of this dealing with fisheries, I do think we do need to establish that policy. I thank the gentleman from Pennsylvania (Mr. GREENWOOD) for this legislation and my good friend, the gentleman from New Jersey (Mr. SAXTON). I do urge my colleagues to support this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing, let me just say that the gentleman's help is very much appreciated. We need to understand issues like ocean dumping and this bill provides the forum in which we can look at the technology so that we can better understand. I thought we understood because we stopped dumping ocean sludge, sewage sludge in the ocean. We stopped dumping chemicals in the ocean, but we still have this burning problem of dumping contaminated dredge spoils in the ocean. It is a practice which is unwarranted, and this bill, hopefully, will provide an opportunity for the administration to understand that this is bad policy.

Mr. FARR of California. Mr. Speaker, I am pleased to be a cosponsor of H.R. 2090, The Exploration of the Seas Act. This bill requires the Commerce Department to contract with the National Academy of Sciences (NAS) to establish an advisory panel to study the feasibility and social value of creating a coordinated international oceanographic exploration and study program.

For too long crucial policy decisions regarding the development and use of our oceans and coastal regions have been made with too little information. Two years ago, at my initiation, President Clinton convened the first ever National Ocean Conference in Monterey, California. The purpose of the White House conference was to bring national attention on the need to protect and preserve our oceans—which cover 71 percent of the Earth's surface and are key to the life support system for all creatures on our planet.

Following the National Ocean Conference, I introduced the Oceans Act with several of my colleagues. This bipartisan bill, which was signed into law by the President on August 8, 2000, will create a national Oceans Commission to bring together ocean and coastal experts, policy makers, environmental groups, and industry representatives to take a comprehensive look at our nation's ocean and coastal policies. In constant dollars, Federal expenditures for ocean activities are about one-third of what they were thirty years ago, when Congress convened a similar commission that led to the creation of the National Oceanic and Atmospheric Administration.

This summer I co-chaired the Oceans Policy Conference, to move beyond crisis management to a policy that balances conservation and development, with the guiding principles of sustainability. It is vital that the United States take the leadership in ensuring that the oceans are protected so that the ocean benefits we enjoy today will be available for future generations. Sound science and careful exploration will lay the groundwork for sustainable use of existing ocean resources and future untapped reserves.

The bill before us today, the Exploration of the Seas Act, builds on the foundation laid by my previous initiatives and those of other Members to raise global awareness of the importance of our oceans. For example, gas hydrates found in seabed floor deposits may be the energy source of the future to replace traditional fossil fuels. Half of the pharmaceuticals under development to treat cancer are derived from marine species. These two examples alone adequately illustrate that now is the time to explore the poorly understood resources of the oceans, so we may be prepared to wisely manage them in the future.

We know more about the surface of the moon than the bottom of the oceans. H.R. 2090 remedies this situation by making an important step towards discovering the unknown treasures hidden below the surface of the ocean.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. QUINN). The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and pass the bill, H.R. 2090, as amended.

The question was taken.

Mr. SAXTON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1515

RED RIVER NATIONAL WILDLIFE REFUGE ACT

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4318) to establish the Red River National Wildlife Refuge, as amended.

The Clerk read as follows:

H.R. 4318

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ``Red River National Wildlife Refuge Act''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The area of Louisiana known as the Red River Valley, located along the Red River Waterway in Caddo, Bossier, Red River, Natchitoches, and De Soto Parishes, is of critical importance to over 350 species of birds (including migratory and resident waterfowl, shore birds, and neotropical migratory birds), aquatic life, and a wide array of other species associated with river basin ecosystems.

(2) The bottomland hardwood forests of the Red River Valley have been almost totally cleared. Reforestation and restoration of native habitat will benefit a host of species.

(3) The Red River Valley is part of a major continental migration corridor for migratory birds funneling through the mid continent from as far north as the Arctic Circle and as far south as South America.

(4) There are no significant public sanctuaries for over 300 river miles on this important migration corridor, and no significant Federal, State, or private wildlife sanctuaries along the Red River north of Alexandria, Louisiana.

(5) Completion of the lock and dam system associated with the Red River Waterway project up to Shreveport, Louisiana, has enhanced opportunities for management of fish and wildlife.

(6) The Red River Valley offers extraordinary recreational, research, and educational opportunities for students, scientists, bird watchers, wildlife observers, hunters, anglers, trappers, hikers, and nature photographers.

(7) The Red River Valley is an internationally significant environmental resource that has been neglected and requires active restoration and management to protect and enhance the value of the region as a habitat for fish and wildlife.

SEC. 3. ESTABLISHMENT AND PURPOSES OF REFUGE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish the Red River National Wildlife Refuge, consisting of approximately 50,000 acres of Federal lands, waters, and interests therein within the boundaries depicted upon the map entitled ``Red River National Wildlife Refuge—Selection Area'', dated September 5, 2000.

(2) BOUNDARY REVISIONS.—The Secretary shall make such minor revisions of the boundaries of the Refuge as may be appropriate to carry out the purposes of the Refuge or to facilitate the acquisition of property within the Refuge.

(3) AVAILABILITY OF MAP.—The Secretary shall keep the map referred to in paragraph (1) available for inspection in appropriate offices of the United States Fish and Wildlife Service.

(b) PURPOSES.—The purposes of the Refuge are the following:

(1) To provide for the restoration and conservation of native plants and animal communities on suitable sites in the Red River basin, including restoration of extirpated species.

(2) To provide habitat for migratory birds.

(3) To provide technical assistance to private land owners in the restoration of their lands for the benefit of fish and wildlife.

(c) EFFECTIVE DATE.—The establishment of the Refuge under paragraph (1) of subsection (a) shall take effect on the date the Secretary publishes, in the Federal Register and publications of local circulation in the vicinity of the area within the boundaries referred to in that paragraph, a notice that sufficient property has been acquired by the United States within those boundaries to constitute an area that can be efficiently managed as a National Wildlife Refuge.

SEC. 4. ADMINISTRATION OF REFUGE.

(a) IN GENERAL.—The Secretary shall administer all lands, waters, and interests therein acquired under section 5 in accordance with—

(1) the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) and the Act of September 28, 1962 (76 Stat. 653; 16 U.S.C. 460k et seq.; commonly known as the Refuge Recreation Act);

(2) the purposes of the Refuge set forth in section 3(b); and

(3) the management plan issued under subsection (b).

(b) Management Plan.—

(1) In general.—Not later than 18 months after the date of the establishment of the Refuge, the Secretary shall issue a management plan for the Refuge.

(2) Contents.—The management plan shall include provisions that provide for the following:

(A) Planning and design of trails and access points.

(B) Planning of wildlife and habitat restoration, including reforestation.

(C) Permanent exhibits and facilities and regular educational programs throughout the Refuge.

(D) Ensuring that compatible hunting, fishing, wildlife observation and photography, and environmental education and interpretation are the priority general public uses of the Refuge, in accordance with section 4(a)(3) and (4) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668ee(a)(3), (4)).

(3) Public participation.—

(A) In general.—The Secretary shall provide an opportunity for public participation in developing the management plan.

(B) Local views.—The Secretary shall give special consideration to views by local public and private entities and individuals in developing the management plan.

(c) Wildlife Interpretation and Education Center.—

(1) In general.—The Secretary shall construct, administer, and maintain, at an appropriate site within the Refuge, a wildlife interpretation and education center.

(2) Purposes.—The center shall be designed and operated—

(A) to promote environmental education; and

(B) to provide an opportunity for the study and enjoyment of wildlife in its natural habitat.

(d) Assistance to Red River Waterway Commission.—The Secretary shall provide to the Red River Waterway Commission—

(1) technical assistance in monitoring water quality, noxious plants, and exotic organisms, and in preventing siltation of prime fisheries habitat; and

(2) where appropriate and available, fish for stocking.

SEC. 5. ACQUISITION OF LANDS, WATERS, AND INTERESTS THEREIN.

(a) In General.—The Secretary may acquire up to 50,000 acres of lands, waters, or interests therein within the boundaries of the Refuge described in section 3(a)(1).

(b) Inclusion in Refuge.—Any lands, waters, or interests acquired by the Secretary under this section shall be part of the Refuge.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this Act.

SEC. 7. DEFINITIONS.

For purposes of this Act:

(1) Refuge.—The term "Refuge" means the Red River National Wildlife Refuge established under section 3.

(2) Secretary.—The term "Secretary" means the Secretary of the Interior.

The SPEAKER pro tempore (Mr. Quinn). Pursuant to the rule, the gentleman from New Jersey (Mr. Saxton) and the gentleman from American Samoa (Mr. Faleomavaega) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. Saxton).

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to exclude extraneous material therein on H.R. 4318, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4318 was introduced by our colleague, the gentleman from Louisiana (Mr. McCrery). It will establish the Red River National Wildlife Refuge in Louisiana.

The Red River Valley is part of a historic migratory corridor that is used by over 350 different species of birds. These species include migratory waterfowl, shorebirds, and neotropical migratory songbirds.

It is part of the Mid-Continent Flyway region that stretches as far north as the Arctic Circle and as far south as Tierra del Fuego, South America.

Under the terms of the bill, the Secretary of Interior is provided with the authority to acquire up to 50,000 acres of land, water and other interests for inclusion in the refuge.

I fully expect that all private land acquired by the Red River Refuge will be purchased from willing sellers.

Mr. Speaker, I compliment the gentleman from Louisiana (Mr. McCrery) for his tireless leadership on behalf of this legislation. The gentleman has worked extremely closely with local, State, and Federal officials to make the Red River National Wildlife Refuge a reality. I obviously urge an aye vote on 4318.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to compliment and thank my good friend from New Jersey (Mr. Saxton) for his management of this legislation.

Mr. Speaker, I am pleased with the cooperation and progress that has been made to improve the provisions of H.R. 4318 since it was ordered reported favorably by the Committee on Resources in July of this year.

It is my understanding, Mr. Speaker, that the final maps depicting the proposed acquisition boundaries for this new refuge have been agreed to by the bill's sponsor, my good friend, the gentleman from Louisiana (Mr. McCrery), and by the Fish and Wildlife Service. I support these boundaries; and with this last remaining issue resolved, I am comfortable with moving this bill forward with passage today.

This legislation, Mr. Speaker, will help restore and protect in perpetuity, valuable wetlands and wildlife habitats along the Red River in northern Louisiana. This bill is supported by the administration and has strong bipartisan support on both sides of the aisle on the Committee on Resources.

Mr. Speaker, I urge my colleagues to support this legislation.

Mr. McCRERY. Mr. Speaker, I would like to express my strong support for H.R. 4318, the Red River National Wildlife Refuge Act. This measure, which I introduced, establishes the Red River National Wildlife Refuge in Caddo, Bossier, Red River, Natchitoches, and DeSoto Parishes in the Fourth Congressional District of Louisiana.

At present, there are 20 national wildlife refuges in the State of Louisiana which host over 1.4 million visitors annually. However, not a single national wildlife refuge exists in Northwest Louisiana to meet a demonstrated environmental need in the Red River Alluvial Valley.

The Red River Alluvial Valley is an internationally significant environmental resource that has been neglected and requires active restoration and management to protect and enhance the value of the region as habitat for fish and wildlife.

The Red River Valley is part of a major continental migration corridor for migratory birds funneling through North America from as far north as the Arctic Circle to as far south as Tierra del Fuego in South America. This valley is of critical environmental importance to over 350 species of birds (including migratory and resident waterfowl, shore birds, and neotropical migratory birds), aquatic life, and a wide array of other species associated with river basin ecosystems.

However, since the 1820s, the Red River Valley has been almost totally cleared of its forest cover, primarily due to agricultural production. The recent completion of the Red River Waterway project in Louisiana and the land-use changes away from agricultural production in the area have enhanced opportunities for environmental restoration and management of fish and wildlife in the Red River Valley.

H.R. 4318 authorizes the acquisition of up to 50,000 acres of land, waters, or interests therein in Caddo, Bossier, Red River, DeSoto, and Natchitoches Parishes for inclusion in the Red River National Wildlife Refuge. The refuge is envisioned to take the form of several large tracts of refuge lands comprising several thousand acres apiece, managed as a system to restore and preserve fish and wildlife habitat.

The Red River National Wildlife Refuge, authorized in this Act, represents the federal share of a unique federal, state, local and private partnership being proposed by local conservationists, including Paul and Skipper Dickson and other members of the Friends of the Red River Refuges, to restore and manage approximately ten percent of the 800,000-acre Red River Alluvial Valley in Louisiana. Funding for land acquisition would come from the Migratory Bird Fund and the Land and Water Conservation Fund.

H.R. 4318 calls for significant local public involvement in the delineation of refuge boundaries and the formulation of a refuge management plan. The bill also encourages public use of refuge lands and environmental outreach programs and facilities, including the authorization of wildlife interpretation and education center associated with the refuge.

I would like to thank House Resources Committee Chairman Don Young, Fisheries Conservation, Wildlife and Oceans Subcommittee Chairman Jim Saxton, and the other members of the Resources Committee for their support for this proposal. I urge members of the House to vote in favor of this legislation so we may undertake this important conservation and restoration project as soon as possible.

Mr. SAXTON. Mr. Speaker I yield back the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. Saxton) that the House suspend the rules and pass the bill, H.R. 4318, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill H.R. 4318, as amended, was passed.

A motion to reconsider was laid on the table.

CORINTH BATTLEFIELD PRESERVATION ACT OF 1999

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1117) to establish the Corinth Unit of Shiloh National Military Park, in the vicinity of the city of Corinth, Mississippi, and in the State of Tennessee, and for other purposes.

The Clerk read as follows:

S. 1117

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Corinth Battlefield Preservation Act of 1999".

SEC. 2. FINDINGS AND PURPOSES.

(a) Findings.—Congress finds that—

(1) in 1996, Congress authorized the establishment and construction of a center—

(A) to facilitate the interpretation of the Siege and Battle of Corinth and other Civil War actions in the area in and around the city of Corinth, Mississippi; and

(B) to enhance public understanding of the significance of the Corinth campaign and the Civil War relative to the western theater of operations, in cooperation with—

(i) State or local governmental entities;

(ii) private organizations; and

(iii) individuals;

(2) the Corinth Battlefield was ranked as a priority 1 battlefield having critical need for coordinated nationwide action by the year 2000 by the Civil War Sites Advisory Commission in its report on Civil War Battlefields of the United States;

(3) there is a national interest in protecting and preserving sites of historic significance associated with the Civil War; and

(4) the States of Mississippi and Tennessee and their respective local units of government—

(A) have the authority to prevent or minimize adverse uses of these historic resources; and

(B) can play a significant role in the protection of the historic resources related to the Civil War battles fought in the area in and around the city of Corinth.

(b) Purposes.—The purposes of this Act are—

(1) to establish the Corinth Unit of the Shiloh National Military Park—

(A) in the city of Corinth, Mississippi; and

(B) in the State of Tennessee;

(2) to direct the Secretary of the Interior to manage, protect, and interpret the resources associated with the Civil War Siege and the Battle of Corinth that occurred in and around the city of Corinth, in cooperation with—

(A) the State of Mississippi;

(B) the State of Tennessee;

(C) the city of Corinth, Mississippi;

(D) other public entities; and

(E) the private sector; and

(3) to authorize a special resource study to identify other Civil War sites area in and around the city of Corinth that—

(A) are consistent with the themes of the Siege and Battle of Corinth;

(B) meet the criteria for designation as a unit of the National Park System; and

(C) are considered appropriate for inclusion in the Unit.

SEC. 3. DEFINITIONS.

In this Act:

(1) Map.—The term "Map" means the map entitled "Park Boundary-Corinth Unit", numbered 304/80,007, and dated October 1998.

(2) Park.—The term "Park" means the Shiloh National Military Park.

(3) Secretary.—The term "Secretary" means the Secretary of the Interior.

(4) Unit.—The term "Unit" means the Corinth Unit of Shiloh National Military Park established under section 4.

SEC. 4. ESTABLISHMENT OF UNIT.

(a) In General.—There is established in the States of Mississippi and Tennessee the Corinth Unit of the Shiloh National Military Park.

(b) Composition of Unit.—The Unit shall be comprised of—

(1) the tract consisting of approximately 20 acres generally depicted as "Battery Robinett Boundary" on the Map; and

(2) any additional land that the Secretary determines to be suitable for inclusion in the Unit that—

(A) is under the ownership of a public entity or nonprofit organization; and

(B) has been identified by the Siege and Battle of Corinth National Historic Landmark Study, dated January 8, 1991.

(c) Availability of Map.—The Map shall be on file and available for public inspection in the office of the Director of the National Park Service.

SEC. 5. LAND ACQUISITION.

(a) In General.—The Secretary may acquire land and interests in land within the boundary of the Park as depicted on the Map, by—

(1) donation;

(2) purchase with donated or appropriated funds; or

(3) exchange.

(b) Exception.—Land may be acquired only by donation from—

(1) the State of Mississippi (including a political subdivision of the State);

(2) the State of Tennessee (including a political subdivision of the State); or

(3) the organization known as "Friends of the Siege and Battle of Corinth".

SEC. 6. PARK MANAGEMENT AND ADMINISTRATION.

(a) In General.—The Secretary shall administer the Unit in accordance with this Act and the laws generally applicable to units of the National Park System, including—

(1) the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (16 U.S.C. 1 et seq.); and

(2) the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes", approved August 21, 1935 (16 U.S.C. 461 et seq.).

(b) Duties.—In accordance with section 602 of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 430f-5), the Secretary shall—

(1) commemorate and interpret, for the benefit of visitors and the general public, the Siege and Battle of Corinth and other Civil War actions in the area in and around the city of Corinth within the larger context of the Civil War and American history, including the significance of the Civil War Siege and Battle of Corinth in 1862 in relation to other operations in the western theater of the Civil War; and

(2) identify and preserve surviving features from the Civil War era in the area in and around the city of Corinth, including both military and civilian themes that include—

(A) the role of railroads in the Civil War;

(B) the story of the Corinth contraband camp; and

(C) the development of field fortifications as a tactic of war.

(c) Cooperative Agreements.—

(1) In general.—To carry this Act, the Secretary may enter into cooperative agreements with entities in the public and private sectors, including—

(A) colleges and universities;

(B) historical societies;

(C) State and local agencies; and

(D) nonprofit organizations.

(2) Technical assistance.—To develop cooperative land use strategies and conduct activities that facilitate the conservation of the historic, cultural, natural, and scenic resources of the Unit, the Secretary may provide technical assistance, to the extent that a recipient of technical assistance is engaged in the protection, interpretation, or commemoration of historically significant Civil War resources in the area in and around the city of Corinth, to—

(A) the State of Mississippi (including a political subdivision of the State);

(B) the State of Tennessee (including a political subdivision of the State);

(C) a governmental entity;

(D) a nonprofit organization; and

(E) a private property owner.

(d) Resources Outside the Unit.—Nothing in subsection (c)(2) authorizes the Secretary to own or manage any resource outside the Unit.

SEC. 7. AUTHORIZATION OF SPECIAL RESOURCE STUDY.

(a) In General.—To determine whether certain additional properties are appropriate for inclusion in the Unit, the Secretary shall conduct a special resource study of land in and around the city of Corinth, Mississippi, and nearby areas in the State of Tennessee that—

(1) have a relationship to the Civil War Siege and Battle of Corinth in 1862; and

(2) are under the ownership of—

(A) the State of Mississippi (including a political subdivision of the State);

(B) the State of Tennessee (including a political subdivision of the State);

(C) a nonprofit organization; or

(D) a private person.

(b) CONTENTS OF STUDY.—The study shall—

(1) identify the full range of resources and historic themes associated with the Civil War Siege and Battle of Corinth in 1862, including the relationship of the campaign to other operations in the western theater of the Civil War that occurred in—

(A) the area in and around the city of Corinth; and

(B) the State of Tennessee;

(2) identify alternatives for preserving features from the Civil War era in the area in and around the city of Corinth, including both military and civilian themes involving—

(A) the role of the railroad in the Civil War;

(B) the story of the Corinth contraband camp; and

(C) the development of field fortifications as a tactic of war;

(3) identify potential partners that might support efforts by the Secretary to carry out this Act, including—

(A) State entities and their political subdivisions;

(B) historical societies and commissions;

(C) civic groups; and

(D) nonprofit organizations;

(4) identify alternatives to avoid land use conflicts; and

(5) include cost estimates for any necessary activity associated with the alternatives identified under this subsection, including—

(A) acquisition;

(B) development;

(C) interpretation;

(D) operation; and

(E) maintenance.

(c) REPORT.—Not later than 1 year and 180 days after the date on which funds are made available to carry out this section, the Secretary shall submit a report describing the findings of the study under subsection (a) to—

(1) the Committee on Energy and Natural Resources of the Senate; and

(2) the Committee on Resources of the House of Representatives.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act, including **$3,000,000** for the construction of an interpretive center under section 602(d) of title VI of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 430f–5(d)).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1117 establishes the Corinth Unit of the Shiloh National Military Park in the vicinity of Corinth, Mississippi, in the State of Tennessee. Companion legislation, H.R. 2249, was introduced by the gentleman from Mississippi (Mr. WICKER). The purpose of S. 1117 is to protect and commemorate areas associated with the Civil War battle of Corinth. The Corinth Unit consists of approximately 20 acres of land and is the future site of an interpretive center.

The Battle of Shiloh took place in April of 1862 and is considered to be one of the most important battles of the Civil War. Thousands of men died in the 2-day battle with the Union forces; and as a result of the Battle of Shiloh, Confederate troops were forced to withdraw southward.

The Union armies remained intact enough and to continue their southward advancement, eventually taking Vicksburg and Port Hudson in 1863. The Union advance essentially cut the South in half and many knew at this point it was solely a matter of time before the Union would prevail.

The Battle of Corinth played a large part in the overall battle of Shiloh. Because of this, S. 1117 would direct the Secretary of the Interior to manage and protect the resources associated with the Battle of Corinth by establishing the Corinth Unit as part of the Shiloh National Military Park.

This bill also provides for a resource study to be conducted by the Secretary to determine whether certain other additional properties are appropriate for inclusion in the newly established unit.

Mr. Speaker, I urge my colleagues to support S. 1117.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my good friend, the gentleman from Utah (Mr. HANSEN), the chairman of the Subcommittee on National Parks and Public Lands. I know the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ), my colleague and good friend, is on his way.

Mr. Speaker, as the ranking member of the Subcommittee on National Parks and Public Lands, I am just pinch-hitting for the gentleman from Puerto Rico.

Mr. Speaker, the area in and around the city of Corinth, Mississippi, near the Mississippi-Tennessee border, played a significant role in several early chapters of the American Civil War. Corinth was the crossroads of two rail-lines vital to Confederate supply efforts, and the city served as the front line of the western theater of battle.

The battle of Shiloh in April 1862 was launched after 44,000 Confederate troops had withdrawn to Corinth to regroup and to resupply forces.

Several weeks later, Union forces briefly laid siege to the city, finally overtaking Corinth and holding it for the rest of the war. The site of the Battle of Shiloh is a national military park but does not include the city of Corinth. However, in 1996, Congress authorized the establishment of an interpretive center for the Corinth campaign.

Mr. Speaker, S. 1117 offered by the majority leader from the other body, the gentleman from Mississippi, would build on that effort by establishing Corinth as an official unit of the Shiloh National Military Park. The new unit would consist of the 21-acre site selected for that interpretive center, plus any additional land, owned by a public or a nonprofit entity, which the Secretary determines to be suitable.

The legislation contains provisions for management of the new unit, future land acquisition, a special resource study of the area and authorizes an additional $3 million for the construction of that interpretive center.

This legislation has the support of the administration and bipartisan support of both sides of the aisle in this committee.

Mr. Speaker, I urge my colleagues to support this bill.

Mr. WICKER. Mr. Speaker, I rise in support of the Corinth Battlefield Preservation Act. This legislation authorizes $3 million for the construction of the Corinth-Civil War Preservation and Interpretive Center and its inclusion into the Shiloh National Military Park. The bill gives Corinth its proper status as one of America's most pivotal and important Civil War sites. I would first like to thank my colleague from Utah, the distinguished Chairman of the Resources Subcommittee on National Parks and Public Lands, Mr. HANSEN, and the Ranking Member, Mr. ROMERO-BARCELÓ, for holding a hearing on this important legislation in April. The bill before us today is the companion to H.R. 2249, which I introduced.

As legendary Civil War historian Ed Bearss proclaimed, "The Battle of Corinth was the bloodiest battle in the State of Mississippi. Troops were brought from New Orleans, Mobile, Texas, and Arkansas because Corinth was such an important place. With the fall of Corinth, Perryville, Kentucky, and Antietam, Maryland, the Confederacy was lost." We owe it to our ancestors and to future generations to protect Corinth and the abundance of Civil War history in this small town.

Corinth, referred to as the "Vertebrae of the South," was the intersection of the Memphis & Charleston railroad and the Mobile & Ohio railroad which connected the Confederate States of America from the Mississippi River to the Atlantic Ocean and the Gulf of Mexico. Each side recognized its significance. In a telegram to Secretary of War Edwin Stanton in May of 1862, Union General W.H. Halleck expressed the importance of Corinth: "Richmond and Corinth are now the great strategical points of war, and our success at these points should be insured at all hazards," the telegram read.

Mr. Speaker, the Battle of Corinth also involved one of the first uses of "earthworks" as part of modern warfare. These trenches, which would later be used extensively in World Wars I and II, are considered to be among the largest and best-preserved fortification groups in the nation but are in danger of being lost forever.

Sites such as the Corinth battlefield are far too important to be known only through history books. We need places where Americans can come and see history right before their eyes. Although the Corinth Battlefield has been designated as a National Historic Landmark, it is still considered a "Civil War Landmark At Risk" by the Civil War Site Advisory Commission.

For over one hundred years, the United States Congress has advanced the idea that our national interest is best served by preserving America's historic treasures, not only by ensuring the proper interpretation of important historic events, but also the places and properties where important military milestones occurred.

Mr. Speaker, this outstanding preservation effort would not be possible without the hard work and dedication of Mrs. Rosemary Williams and the Siege and Battle of Corinth Commission, along with the people of Corinth, and Alcorn County, Mississippi. This bipartisan bill is widely supported by local, state, regional, and national preservation organizations. We must take this necessary step to protect our heritage so that generations to come can gain an understanding of the struggles of our great nation. Events such as the Siege and Battle of Corinth have helped shape our American democracy and have transformed our diverse states and citizens into a united and prosperous nation, better prepared to meet the challenges and opportunities of the future.

I urge my colleagues to support the Corinth Battlefield Preservation Act.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 1117.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

BLACK REVOLUTIONARY WAR PATRIOTS MEMORIAL

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4957) to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the legislative authority for the Black Patriots Foundation to establish a commemorative work.

The Clerk read as follows:

H.R. 4957

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BLACK REVOLUTIONARY WAR PATRIOTS MEMORIAL.

Section 506 of the Omnibus Parks and Public Lands Management Act of 1996 (40 U.S.C. 1003 note; 110 Stat. 4155) is amended by striking "2000" and inserting "2005".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4957 extends the legislative authority for the Black Patriots Foundation for another 5 years, to 2005, in order to establish a commemorative work on the Washington, D.C. mall. This commemorative work honors the black patriots who fought for American independence during the Revolutionary War.

In 1998, the Black Patriots Foundation was granted an extension for the authority to design and construct the memorial on the Washington D.C. Mall. When granted, the Black Patriots Foundation believed that the memorial would be finalized in just 2 years. Unfortunately, the foundation has not been successful in raising enough funds and has asked that it be granted an extension 5 more years until 2005.

Mr. Speaker, the Black Patriots Foundation has recently hired an exclusive director with extensive fundraising experience and has recommitted themselves to seeing this memorial to completion. Therefore, I believe it is the best course of action to reauthorize this foundation so that this very important part of our history can be experienced by all of those who will visit this deserving memorial.

Mr. Speaker, I urge my colleagues to support this.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Utah (Mr. HANSEN), my good friend, the chairman of the Subcommittee on National Parks and Public Lands for his management of this legislation. I want to personally commend the chief author of the sponsor of this legislation, the gentleman from New York, (Mr. RANGEL), my good friend.

Mr. Speaker, the 99th Congress approved legislation reauthorizing the Black Revolutionary War Patriots Foundation to establish a memorial on Federal land in Washington, D.C. The specific purpose of the proposed memorial is to honor the roughly 5,000 slaves and free men who fought against Britain during the American Revolution, although its broader theme is to honor all African Americans who have fought and died while serving in the U.S. military.

Mr. Speaker, the proposed site for the memorial is north of the Reflecting Pool on the Mall, between the Washington and Lincoln Memorials, an area where more than 100,000 people once gathered in that summer of 1963 to hear Dr. Martin Luther King's historic speech, "I have a Dream."

Mr. Speaker, from the outset, the project has complied with all aspects of Commemorative Works Act and has received all the approvals necessary to move forward. Unfortunately, the private efforts to raise an estimated $9 million needed for the construction of the memorial have yet to reach their goal, and without congressional action, authorization for the project will expire this month.

Mr. Speaker, H.R. 4957, as I said earlier, which was sponsored by the gentleman from New York (Mr. RANGEL), my good friend, will amend the existing law to extend an authorization for the foundation until the year 2005. While previous extensions have been for 2 years only, it is our hope that this 5-year extension will provide sufficient time for this project to raise the funds necessary to move this project forward.

Again, I urge my colleagues to approve this legislation; and I urge my friends to support this bill.

Mr. WATTS of Oklahoma. Mr. Speaker, I rise in support of H.R. 4957, legislation to extend the authority of the Black Patriots Foundation to establish a commemorative work on the national Mall.

I am delighted to be an original cosponsor of this legislation along with Mr. RANGEL, Mrs. JOHNSON and Mr. PAYNE, all of whom have worked so long and hard—and continue to do so—to make this memorial to the Black patriots of the Revolutionary War a reality.

My colleagues, this House has noticed an absence and therefore a very real need for commemoration in honor of people who helped to birth this Nation, people who actually gave the supreme sacrifice during this Nation's defining moment.

As Harriett Beecher Stowe wrote about the black men and women who served in the Revoluntioinary War, It was not for their own land they fought, nor even for the land which had adopted them, but for a land that had enslaved them and whose laws, even in freedom, more often oppressed than protected. Bravery under such circumstances has a peculiar beauty and merit.

The fact is, Mr. Speaker, men and women of all colors have been involved in every aspect of this country from its founding days. We are full partners in the history, bloodshed and tears that have made this Nation great.

Unfortunately, not all of us know our Nation's history, where we came from and what makes us who we are today. H.R. 4957 and the work of the Black Revoluntionary War Patriots Foundation will move us closer to that goal and to a lasting historical recognition on our national Mall of these brave men and women who fought for our freedoms. I am pleased to support this effort and encourage my colleagues to give this bill their strong support.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of H.R. 4957, the Black Patriots Foundation Extension, which would extend by five years, until 2005, the authority of the Black Revolutionary War Patriots Foundation to complete a memorial to the black men, women, and children who fought in the Revolutionary War.

It is fitting that the Black Patriots Foundation was created and charged with the responsibility of constructing a memorial on the National Mall to honor the approximately 5,000 known African Americans who fought for America's freedom during the Revolutionary War. Unfortunately, their important work will not have been completed by the expiration of the authority of the initiating legislation. Therefore, it is important that H.R. 4957 be passed by the 106th Congress and signed into law by the president because the original 1986 legislation will expire in October 2000.

Most American school children learn of the bravery of, Crispus Attucks, the first African American man to die in the cause of this country's independence. However, very few school age children or adults in this country know any other names of stories of the thousands of African Americans who fought for this nation's independence at a time when they themselves were slaves. It is reported that many African American soldiers in the Revolutionary Army did not enlist, but were offered for service by their masters so that they themselves would not be required to serve in the cause for their nation's freedom. During the War for Independence if a man was drafted, he was allowed to buy his way out of the army or to send someone in his place, a mercenary. For the wealthy property owner, the cheapest mercenary available to them was a slave.

By the time the first battles of the war occurred at Lexington and Concord, there were ten African American soldiers. One of these brave Americans was named Prince Easterbrooks, who was said to be "the first to get into the fight." Later at the battle of Bunker Hill, Salem Poor, another African American soldier acted with such valor, fourteen officers who observed his actions in battle wrote to the legislature requesting special recognition of Poor for his heroism.

At first Washington was hesitant about enlisting blacks. But when he heard they had fought well at Bunker Hill, he changed his mind. This allowed the creation of the first all-black First Rhode Island Regiment composed of 33 freedmen and 92 slaves who were promised freedom if they served until the end of the war—distinguished itself in the Battle of Newport. Later, most were killed during a British attack.

The heroic actions of African American free citizens and slaves during the American Revolutionary War extend beyond the battlefield. Such is the case of an unnamed African American spy who was a servant to the leader of the British Army, General Cornwallis. This patriot spy provided valuable information to General Marquis de Lafayette, who offered his services to the American Revolutionary Congress and fought with General George Washington at the Battle of Brandywine and at Valley Forge.

In the name of this American Revolutionary spy and the thousands of other unknown African American free persons and slaves who fought during our nation's war for freedom I urge my colleagues to support the passage of this legislation.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4957.

The question was taken.

Mr. HANSEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GOLDEN GATE NATIONAL RECREATION AREA BOUNDARY ADJUSTMENT ACT OF 2000

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3632) to revise the boundaries of the Golden Gate National Recreation Area, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3632

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Golden Gate National Recreation Area Boundary Adjustment Act of 2000".

SEC. 2. ADDITIONS TO THE GOLDEN GATE NATIONAL RECREATION AREA.

Section 2(a) of the Act entitled "An Act to establish the Golden Gate National Recreation Area in the State of California, and for other purposes" (16 U.S.C. 460bb–1(a)) is amended by adding at the end the following: "The recreation area shall also include the lands generally depicted on the map entitled 'Additions to Golden Gate National Recreation Area', numbered NPS–80,076, and dated July 2000/PWR–PLRPC.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3632 expands the boundaries of the Golden Gate National Recreation Area to include 12 parcels of additional land. Most of the parcels are south of San Francisco near the City of Pacifica, California, and total approximately 1,200 acres.

Mr. Speaker, although the introduced legislation included numerous other parcels of land to be included within the boundary expansion, I have worked with my friend, the gentleman from California (Mr. LANTOS) who introduced this measure and agreed that those private property owners who have expressed desire not to be in this legislation are now excluded.

This amended bill reflects this agreement, and we have only included those parcels which wish to be included within the expanded recreation area of the boundaries.

Mr. Speaker, I compliment the gentleman from California (Mr. LANTOS) for the good work he has done on this, and I urge all of my colleagues to support H.R. 3632, as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. ROMERO-BARCELÓ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3632 is a bill introduced by the gentleman from California (Mr. LANTOS). As introduced, it would have expanded the boundaries of the Golden Gate National Recreation Area in California by adding 20 parcels of land totalling approximately 1,216 acres.

The Golden Gate National Recreation Area is one of the largest urban parks in the world. The lands proposed for addition to the park have been reviewed through various National Park Service planning processes and have been found to be suitable and desirable additions to the park.

□ 1530

We, along with the administration and the gentleman from California (Mr. LANTOS) have supported H.R. 3632 as introduced.

However, the Committee on Resources adopted an amendment to insert a new boundary map that deletes from the original proposal any parcel where the landowner has not affirmatively agreed to be in the park boundary. We believe this change weakens the legislation. The change made by the committee will preclude the National Park Service from acquiring the deleted parcels, all of which have been found suitable and desirable additions to the park, from their owners if they wish to sell in future. Such a change will necessitate coming back and getting legislative authority in each instance where an affected landowner wishes to sell to the National Park Service. However, we also recognize the lands that would still be added to the park by the amended bill are extremely important addition, and, thus, while we would prefer passage of the bill as introduced, we support H.R. 3632, as amended.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. LANTOS).

Mr. LANTOS. Mr. Speaker, I am here briefly to rise and to thank my friend, the chairman of the Committee on Resources, the gentleman from Alaska (Mr. YOUNG); the ranking member, the gentleman from California (Mr. MILLER); the chairman of the Subcommittee on National Parks and Public Lands subcommittee, the gentleman from Utah (Mr. HANSEN), who have been so enormously helpful and supportive of my legislation; and the ranking member, the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ).

The legislation I am here to say a few words about is H.R. 3632, which expands GGNRA in three counties. It will add immeasurably to the value of this most important area, adding approximately 900 acres in San Mateo, San Francisco and Marin Counties to the existing GGNRA park land.

It is supported powerfully by local government. A significant portion of the lands are donated without any cost to the Federal Government. The Department of Interior and the National Park Service strongly support this legislation.

Mr. Speaker, I want to urge all of my colleagues to vote for this and thank them for approving this legislation.

In the interest of time, I ask that the full text of my statement be included in the RECORD at this point.

Mr. Speaker, I want to thank my colleagues on the Resources Committee who have been supportive of my legislation, H.R. 3632 the Golden Gate National Recreation Boundary Adjustment Act—Resources Committee Chairman Mr. YOUNG of Alaska and the Ranking Member of the Resources Committee, my fellow Californian, Mr. MILLER. I also want to thank the Chairman of the National Parks Subcommittee Mr. HANSEN of Utah who has been particularly cooperative in working with me on this legislation. The Ranking Member of the National Parks Subcommittee, Mr. ROMERO-BARCELÓ of Puerto Rico, has also been most supportive.

I also want to express my thanks to my neighbors and colleagues from California who have a particular interest in this legislation and who have worked closely with me for the passage of this legislation—Congresswoman NANCY PELOSI of San Francisco and Congresswoman LYNN WOOLSEY of Marin County. H.R. 3632 includes areas that are in their Congressional Districts, and I appreciate working together with them on this bill.

The entire bipartisan Bay Area congressional delegation are cosponsors of this legislation, and I thank them all for their support.

I also want to thank Chris Walker of my staff for his excellent efforts on this legislation.

Mr. Speaker, the Golden Gate National Recreation Area (GGNRA) was established in 1972 to protect important natural and cultural resources in the San Francisco Bay area. The park is located in the city of San Francisco and in Marin and San Mateo Counties, and it presently encompasses 76,000 acres of land and water.

The legislation we are considering today—H.R. 3632, the Golden Gate National Recreation Area Boundary Adjustment Act—revises the authorized boundaries of the GGNRA to include approximately 1,000 acres of land in San Mateo and Marin Counties and the City of San Francisco. The approximately 900 acres of lands in San Mateo County which will be added to the park are adjacent to existing GGNRA lands and will connect existing park lands to nearby headlands, beaches and trails along the Pacific Ocean.

Inclusion of these lands will improve public access to existing park areas, trails and beaches. It also will improve access to the historic Portola Expedition Discovery Site, the "Plymouth Rock of the West," which is the site from which San Francisco Bay was first seen by European explorers in the 18th century. H.R. 3632 also authorizes the inclusion of approximately 100 acres of land in Marin County known as "Marincrest," and approximately 2 acres of land in the City of San Francisco.

Mr. Speaker, this legislation has the strong and enthusiastic support of local government leaders in the Bay Area. The Pacifica City Council and the San Mateo County Board of Supervisors have adopted resolutions supporting inclusion of these lands to the GGNRA. The Main County Open Space District adopted a resolution supporting inclusion of Marincrest into the GGNRA. The San Francisco Board of Supervisors has also adopted a resolution supporting passage of the bill.

The U.S. Department of the Interior and the National Park Service have also expressed their strong support of H.R. 3632. In 1988, a congressionally-authorized boundary study by the National Park Service identified 15 tracts of land totaling 1,057 acres of lands in San Maeto County that would be logical additions to the park. The Park Service study concluded that these additional lands would preserve significant natural, scenic and recreational resources and would establish a park boundary that is more logical, recognizable and easier to manage. The Department of the Interior and the National Park Service officially expressed support for this legislation in a hearing before the National Parks Subcommittee of the Resources Committee.

Mr. Speaker, one element of this legislation that is particularly important is that a substantial portion of the lands to be included in the GGNRA will be donated without cost to the Federal Government by the local community and private land trusts and conservation groups. Major donated parcels in San Mateo County include Cattle Hill (261 acres), San Pedro Point (246 acres) and Milagra Ridge (30 acres). In Marin County, the Trust for Public Lands has agreed to donate half the value of the 96-acre Marincrest property. The two parcels in San Francisco will also be donated.

Mr. Speaker, this legislation will provide permanent protection for these stunning and critical natural areas. Adding this land to the GGNRA will preserve it for future generations and make existing areas of the park more accessible for all. I strongly urge my colleagues to join me in supporting the adoption of H.R. 3632.

Ms. PELOSI. Mr. Speaker, I rise in support of H.R. 3632 to expand the boundaries of the Golden Gate National Recreation Area. I would like to thank my colleagues, Chairman DON YOUNG, Subcommittee Chairman JIM HANSEN, and Ranking Member GEORGE MILLER, for their support of this bill and for ensuring its consideration on the floor today.

As a cosponsor with Representatives LANTOS and WOOLSEY, I would like my colleagues to know that the Golden Gate National Recreation Area is a vital part of the community and culture in the Bay Area. Not only is it the home of the Presidio, Muir Woods, the Marin Headlands and Alcatraz Island, the GGNRA is the largest urban national park in the world hosting over 19 million visitors a year, the largest visitation of any national park. The park offers visitors a variety of activities from hiking, camping, biking to educational and cultural programs.

H.R. 3632 is modeled after recommendations from a study by the National Park Service to evaluate the desirability of adding lands in Pacifica to the GGNRA. In addition, H.R. 3632 would expand the Golden Gate National Recreation Area to include 1,300 acres adjacent to the existing, including three areas in Marin County, one area in San Mateo County, and a coastline area in San Francisco. The boundary expansion will allow visitors better access to the existing areas of the park and will insure more efficient management of the natural resources in the park.

This legislation has gained large support from the local communities in the Bay Area, the State of California, the National Park Service and has the support of the entire Bay Area Congressional delegation.

I urge my colleagues to vote yes on H.R. 3632.

Mr. ROMERO-BARCELÓ. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. QUINN). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 3632, as amended.

The question was taken.

Mr. HANSEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

AIR FORCE MEMORIAL FOUNDATION AUTHORIZATION

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4583) to extend the authorization for the Air Force Memorial Foundation to establish a memorial in the District of Columbia or its environs.

The Clerk read as follows:

H.R. 4583

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO ESTABLISH MEMORIAL EXTENDED.

The Act entitled "An Act to authorize the Air Force Memorial Foundation to establish a memorial in the District of Columbia or its environs", approved December 2, 1993 (Public Law 103-163), is amended by adding at the end the following new section:

"SEC. 4. LEGISLATIVE AUTHORITY.

"Notwithstanding section 10(b) of the Commemorative Works Act (40 U.S.C. 1010(b)), the legislative authority for the Air Force Memorial Foundation to establish a memorial under this Act shall expire on December 2, 2005.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Utah (Mr. HANSEN) and the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4583 extends the authorization for the Air Force Memorial Foundation to establish a memorial in the District of Columbia or its environs.

In December of 1993, authorization was given for the Air Force Memorial Foundation to establish an Air Force memorial to honor the men and women who have served in the United States Air Force. The memorial was to comply with the provisions of the Commemorative Works Act.

Among other things, the Commemorate Works Acts provides that the legislative authority for the commemorative work will expire at the end of the 7-year period beginning on the date of the enactment of such authority, unless a construction permit has been issued. To date, no construction permit has been issued.

Furthermore, due to unforeseen and lengthy lawsuits, all work, including the fund-raising for the memorial, was put on hold for approximately 3 years. The lawsuits have been settled and work is ready to recommence regarding the memorial. However, due to the delay in the 7-year requirement of the Commemorative Works Act, the authorization for the foundation is about to expire. In fact, the authority will expire on December 2 of this year unless Congress passes a time extension.

With considerable work already accomplished and the lawsuit settled, the memorial needs now to be completed. Thus, the bill would extend authority to the Air Force Memorial Foundation to complete the well-deserved memorial. The authority would extend until 2005, giving the foundation the time to fulfill the final construction and dedication of the Air Force memorial.

Mr. Speaker, I urge my colleagues to support this very worthy piece of legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. ROMERO-BARCELÓ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4583 introduced by the gentleman from Utah (Mr. HANSEN) would extend the authorization of the Air Force Memorial Foundation to establish an Air Force memorial.

Public Law 103–163 authorized the Air Force Memorial Foundation to establish the Air Force memorial in the District of Columbia or its environs. The foundation has identified a site just across the Potomac River in Arlington, Virginia.

We understand that the Air Force Memorial Foundation has made great strides toward construction of a memorial but has not proceeded to the point of getting a construction permit. Without such a permit, the authority to construct a memorial will expire on December 2, 2000.

Except for its length of 5 years, the extension authorized by H.R. 4583 is consistent with that authorized for other memorials. We hope 5 years is not necessary.

We support passage of H.R. 4583 and look forward to the completion of the memorial.

Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, it is a privilege for me to yield such time as he may consume to the gentleman from Texas (Mr. SAM JOHNSON), a former Air Force officer and a distinguished man with a tremendous and enviable record in the United States Air Force.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I appreciate the comments of the gentleman from Utah.

Mr. Speaker, this bill does extend the authorization for the establishment of an Air Force memorial. It is the only service that does not have one, and I think it is long overdue.

The Air Force Memorial Foundation has worked tirelessly for over 7 years toward that goal, and historically all memorials authorized by Congress have required extensions to their legislation. In fact, this only authorizes 5 additional years for the Air Force memorial, which is going to be built without taxpayer dollars.

It does not reference a specific site, and construction is subject to final approval from the National Capital Planning Commission and the Commission on Fine Arts. I think it is time to properly honor our Air Force Members who fought to keep America free.

Do you remember World War II veterans? I do. Those guys were called America's greatest society, its greatest generation. It is the guys who flew those early airplanes, those P–40s in China, the P–51s in Europe, the B–17s, the B–24s, the B–25s, the B–26s, the Air Force that got us on track after World War II; and it is your Air Force today that did the things in the Middle East and in Kosovo that made America great and has kept it there throughout the years.

Mr. Speaker, I think it is only proper that we honor our Air Force members who fought and have fought and will continue to fight to keep America free. Please vote to give America's pilots the honor they so deserve.

Mr. HANSEN. Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Speaker, I rise in support of this legislation, and I commend the gentleman from Utah (Chairman HANSEN) for his leadership on this issue.

The bill, of course, as mentioned earlier, authorizes the Air Force Memorial Foundation for an additional 5 years to accomplish its mission. Frankly, it is a mission that is long overdue. I think it has been pointed out, the Air Force is the only branch of America's Armed Forces without a memorial in the Nation's Capital. Could this be? The time has come for this city to dedicate a memorial in honor of the commitment and sacrifice of the men and women of the United States Air Force, and I think it is long overdue.

It will not only honor the millions of patriotic men and women who have distinguished themselves in the United States Air Force, but its predecessors, such as the Army Air Corps, which we should also remember.

The memorial will also salute the vast technological achievements that have been made by the Air Force, which has made it the most formidable air power in the world. This has had a profound impact on the transformation of this entire world over the last century.

From biplanes to the B–2 Stealth Bomber, the Air Force has evolved from a fledgling aeronautical division of the United States Signal Corps to a powerful 21st century expeditionary aerospace force.

So we are beholden to honor the aviation pioneers of yesterday, the technological achievements of today, and the distinguished service of those men and women in blue.

Mr. Speaker, Americans deserve to learn about Captain Eddie Rickenbacker. I do not know if a lot of people know about him today, but he would be recognized, the first U.S. trained ace pilot; Colonel Billy Mitchell, who was posthumously awarded the Medal of Honor for his foresight in aviation; General Hap Arnold, the architect of U.S. air power; Captain Chuck Yeager, the first man to break the sound barrier; the Tuskegee Airmen, African American pilots and personnel of the 332nd Fighter Group, which earned a Distinguished Unit Citation for an escort mission to Berlin in 1945; the Women's Auxiliary Corps in World War II, which included women pilots; and the Air Force's first graduated female pilot class of 1977. These are the things that Americans should know about and that this memorial would point out.

As with other armed service memorials, the Air Force Memorial would not only honor those who have served and those who continue to serve, but I think in the end it would inspire future generations to serve this country with pride.

I urge the adoption of this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to announce my enthusiastic support for HR 4583, a measure that should have broad bipartisan support. This is one of many legislative initiatives that should be supported by those who honor those who sacrificed so much for their nation.

In December 1993, President Clinton signed legislation (PL 103–165) authorizing the Air Force Memorial to establish an Air Force Memorial in the District of Columbia or its environs. However, under the Commemorative Works Act, legislative authority for a commemorative work expires after seven years if no construction permits have been issued. Due to legal delays, no such permits have been issued, although all pending lawsuits have been resolved and work is ready to commence. We cannot allow this work to be left unfinished.

Mr. Speaker, this bill has a simple purpose. It extends to December 2, 2005, the authorization for the Air Force Memorial Foundation to establish a memorial in the District of Columbia. It simply authorizes the necessary funds to make the memorial a reality—a goal we all share. This is something that all Americans would benefit from as tourists or residents of the remarkable location known as the District of Columbia.

Like some of my colleagues, I have worked to ensure that our veterans are recognized and commended for their contributions. Our veterans deserve our strong support because they have shown honor, humility, and human decency that is unparalleled. That is why I was so honored and excited to sponsor legislation recognizing the efforts and sacrifices of those veterans who either served or fought during World War II.

The joint resolution (H.J. Resolution 98) designates May 25, 2000, as a national Day of Honor to honor minority veterans from World War II. An identical resolution—S.J. Resolution 44—as introduced by my colleague U.S. Senator EDWARD KENNEDY. It was wonderful to see the excitement shared by veterans around the nation when President Clinton signed the legislation into law in the Oval Office in May. The resolution calls upon communities across the nation to participate in celebrations to honor minority veterans on May 25, 2000, and throughout the year 2000.

I have learned that these celebrations have continued all over the country in several cities since the legislation became law. Over one hundred and twenty cities across America have held or are planning to hold a Day of Honor observance. The number increases weekly.

Because this recognition is long overdue, it is appropriate that we honor and celebrate the memories of the veterans who served or fought throughout the year. The Day of Honor celebrations are a part of a number of initiatives to honor our veterans. Today, we have an opportunity to extend our continued appreciation to a large segment of veterans from the Air Force that make us all so proud to be Americans.

Establishing an Air Force Memorial in the District of Columbia is entirely beneficial to the entire nation and needs our strong continued support to make sure that the job is well done. For these reasons, I urge my colleagues to vote for HR 4583. This is the very least we must do for our veterans.

Mr. ROMERO-BARCELÓ. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4583.

The question was taken.

Mr. HANSEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 1117, H.R. 4957, H.R. 3632, as amended, and H.R. 4583.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

JACKSON MULTI-AGENCY CAMPUS ACT OF 1999

Mr. WALDEN of Oregon. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1374) to authorize the development and maintenance of a multi-agency campus project in the town of Jackson, Wyoming.

The Clerk read as follows:

S. 1374

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Jackson Multi-Agency Campus Act of 1999".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the management of public land and natural resources and the service of the public in the area of Jackson, Wyoming, are responsibilities shared by—

(A) the Department of Agriculture;

(B) the Forest Service;

(C) the Department of the Interior, including—

(i) the National Park Service; and

(ii) the United States Fish and Wildlife Service;

(D) the Game and Fish Commission of the State of Wyoming;

(E) Teton County, Wyoming;

(F) the town of Jackson, Wyoming;

(G) the Jackson Chamber of Commerce; and

(H) the Jackson Hole Historical Society; and

(2) it is desirable to locate the administrative offices of several of the agencies and entities specified in paragraph (1) on 1 site to—

(A) facilitate communication between the agencies and entities;

(B) reduce costs to the Federal, State, and local governments; and

(C) better serve the public.

(b) PURPOSES.—The purposes of this Act are—

(1) to authorize the Federal agencies specified in subsection (a)—

(A) to develop and maintain the Project in Jackson, Wyoming, in cooperation with the other agencies and entities specified in subsection (a); and

(B) to provide resources and enter into such agreements as are necessary for the planning, design, construction, operation, maintenance, and fixture modifications of all elements of the Project;

(2) to direct the Secretary to convey to the town of Jackson, Wyoming, certain parcels of federally owned land located in Teton County, Wyoming, in exchange for construction of facilities for the Bridger-Teton National Forest by the town of Jackson;

(3) to direct the Secretary to convey to the Game and Fish Commission of the State of Wyoming certain parcels of federally owned land in the town of Jackson, Wyoming, in exchange for approximately 1.35 acres of land, also located in the town of Jackson, to be used in the construction of the Project; and

(4) to relinquish certain reversionary interests of the United States in order to facilitate the transactions described in paragraphs (1) through (3).

SEC. 3. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term "Commission" means the Game and Fish Commission of the State of Wyoming.

(2) CONSTRUCTION COST.—The term "construction cost" means any cost that is—

(A) associated with building improvements to Federal standards and guidelines; and

(B) open to a competitive bidding process approved by the Secretary.

(3) FEDERAL PARCEL.—The term "Federal parcel" means—

(A) the parcel of land, and all appurtenances to the land, comprising approximately 15.3 acres, depicted as "Bridger-Teton National Forest" on the Map; and

(B) the parcel comprising approximately 80 acres, known as the "Cache Creek Administrative Site", located adjacent to the town.

(4) MAP.—The term "Map" means the map entitled "Multi-Agency Campus Project Site", dated March 31, 1999, and on file in the offices of—

(A) the Bridger-Teton National Forest, in the State of Wyoming; and

(B) the Chief of the Forest Service.

(5) MASTER PLAN.—The term "master plan" means the document entitled "Conceptual Master Plan", dated July 14, 1998, and on file at the offices of—

(A) the Bridger-Teton National Forest, in the State of Wyoming; and

(B) the Chief of the Forest Service.

(6) PROJECT.—The term "Project" means the proposed project for construction of a multi-agency campus, to be carried out by the town of Jackson in cooperation with the other agencies and entities described in section 2(a)(1), to provide, in accordance with the master plan—

(A) administrative facilities for various agencies and entities; and

(B) interpretive, educational, and other facilities for visitors to the greater Yellowstone area.

(7) SECRETARY.—The term "Secretary" means the Secretary of Agriculture (including a designee of the Secretary).

(8) STATE PARCEL.—The term "State parcel" means the parcel of land comprising approximately 3 acres, depicted as "Wyoming Game and Fish" on the Map.

(9) TOWN.—The term "town" means the town of Jackson, Wyoming.

SEC. 4. MULTI-AGENCY CAMPUS PROJECT, JACKSON, WYOMING.

(a) CONSTRUCTION FOR EXCHANGE OF PROPERTY.—

(1) In general.—Not later than 5 years after the date of enactment of this Act, the town may construct, as part of the Project, an administrative facility to be owned and operated by the Bridger-Teton National Forest, if—

(A) an offer by the town to construct the administrative facility is accepted by the Secretary under paragraph (2);

(B) a memorandum of understanding between the town and the Secretary outlining the roles and responsibilities of each party involved in the land exchange and construction is executed;

(C) a final building design and construction cost estimate is approved by the Secretary; and

(D) the exchange described in subsection (b)(2) is completed in accordance with that subsection.

(2) Acceptance and authorization to construct.—The Secretary, on receipt of an acceptable offer from the town under paragraph (1), shall authorize the town to construct the administrative facility described in paragraph (1) in accordance with this Act.

(3) Conveyance.—

(A) Secretary.—The Secretary shall convey all right, title, and interest in and to the Federal land described in section 5(a)(1) to the town in simultaneous exchange for, and on satisfactory completion of, the administrative facility.

(B) Town.—The town shall convey all right, title, and interest in and to the administrative facility constructed under this section in exchange for the land described in 5(a)(1).

(b) Offer To Convey State Parcel.—

(1) In general.—The Commission may offer to convey a portion of the State parcel, depicted on the Map as "Parcel Three", to the United States to be used for construction of an administrative facility for the Bridger-Teton National Forest.

(2) Conveyance.—If the offer described in paragraph (1) is made not later than 5 years after the date of enactment of this Act, the Secretary shall convey the Federal land described in section 5(a)(2) to the Commission, in exchange for the portion of the State parcel described in paragraph (1), in accordance with this Act.

SEC. 5. CONVEYANCE OF FEDERAL LAND.

(a) In General.—In exchange for the consideration described in section 3, the Secretary shall convey—

(1) to the town, in a manner that equalizes values—

(A) the portion of the Federal parcel, comprising approximately 9.3 acres, depicted on the Map as "Parcel Two"; and

(B) if an additional conveyance of land is necessary to equalize the values of land exchanged after the conveyance of Parcel Two, an appropriate portion of the portion of the Federal parcel comprising approximately 80 acres, known as the "Cache Creek Administrative Site" and located adjacent to the town; and

(2) to the Commission, the portion of the Federal parcel, comprising approximately 3.2 acres, depicted on the Map as "Parcel One".

(b) Reversionary Interests.—As additional consideration for acceptance by the United States of any offer described in section 4, the United States shall relinquish all reversionary interests in the State parcel, as set forth in the deed between the United States and the State of Wyoming, dated February 19, 1957, and recorded on October 2, 1967, in Book 14 of Deeds, Page 382, in the records of Teton County, Wyoming.

SEC. 6. EQUAL VALUE OF INTERESTS EXCHANGED.

(a) Valuation of Land To Be Conveyed.—

(1) In general.—The fair market and improvement values of the land to be exchanged under this Act shall be determined—

(A) by appraisals acceptable to the Secretary, using nationally recognized appraisal standards; and

(B) in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(2) Appraisal report.—Each appraisal report shall be written to Federal standards, as defined in the Uniform Appraisal Standards for Federal Land Acquisitions developed by the Interagency Land Acquisition Conference.

(3) No effect on value of reversionary interests.—An appraisal of the State parcel shall not take into consideration any reversionary interest held by the United States in the State parcel as of the date on which the appraisal is conducted.

(b) Value of Federal Land Greater Than Construction Costs.—If the value of the Federal land to be conveyed to the town under section 5(a)(1) is greater than the construction costs to be paid by the town for the administrative facility described in section 4(a), the Secretary shall reduce the acreage of the Federal land conveyed so that the value of the Federal land conveyed to the town closely approximates the construction costs.

(c) Value of Federal Land Equal to Value of State Parcel.—

(1) In general.—The value of any Federal land conveyed to the Commission under section 5(a)(2) shall be equal to the value of the State parcel conveyed to the United States under section 4(b).

(2) Boundaries.—The boundaries of the Federal land and the State parcel may be adjusted to equalize values.

(d) Payment of Cash Equalization.—Notwithstanding subsections (b) and (c), the values of Federal land and the State parcel may be equalized by payment of cash to the Secretary, the Commission, or the town, as appropriate, in accordance with section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)), if the values cannot be equalized by adjusting the size of parcels to be conveyed or by conveying additional land, without compromising the design of the Project.

SEC. 7. ADDITIONAL PROVISIONS.

(a) Construction of Federal Facilities.—The construction of facilities on Federal land within the boundaries of the Project shall be—

(1) supervised and managed by the town in accordance with the memorandum of agreement referred to in section 4(a)(1)(A); and

(2) carried out to standards and specifications approved by the Secretary.

(b) Access.—The town (including contractors and subcontractors of the town) shall have access to the Federal land until completion of construction for all purposes related to construction of facilities under this Act.

(c) Administration of Land Acquired by United States.—Land acquired by the United States under this Act shall be governed by all laws applicable to the administration of national forest sites.

(d) Wetland.—

(1) In general.—There shall be no construction of any facility after the date of conveyance of Federal land under this Act within any portion of the Federal parcel delineated on the map as "wetlands".

(2) Deeds and conveyance documents.—A deed or other conveyance document executed by the Secretary in carrying out this Act shall contain such reservations as are necessary to preclude development of wetland on any portion of the Federal parcel.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WALDEN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon (Mr. WALDEN).

GENERAL LEAVE

Mr. WALDEN of Oregon. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 1374.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. WALDEN of Oregon. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1374, the Jackson Multi-Agency Campus Act of 1999, provides for an exchange of land for a building. The Forest Service will transfer approximately 12 acres of the Bridger-Teton National Forest to the State of Wyoming and to the town of Jackson, Wyoming in exchange for a building site and construction of a multi-agency office to house Forest Service and other Federal, State and local resource organizations.

S. 1374 provides for a fair market exchange among willing sellers. The agencies gain a modern office location where employees from different organizations will be able to work closely together in partnership, which should lead to better decisions being made on the ground. The public gains a convenient facility for one-stop shopping when doing business with natural resource agencies.

All parties to the agreement, Federal and local officials, as well as the public, are in favor of the bill, and I urge my colleagues to vote in favor of S. 1374.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my good friend, the gentleman from Oregon (Mr. WALDEN), for management of this legislation, and certainly want to commend the gentlewoman from Wyoming (Mrs. CUBIN), a member of the Committee on Resources, for her strong support of this legislation as introduced by the other body.

Mr. Speaker, Senate bill 1374 authorizes the Secretary of Agriculture to convey up to 90 acres of land in the Bridger-Teton National Forest in Teton County, Wyoming, to the town of Jackson. In exchange for the land, the town will construct an administrative facility for the Forest Service and other Federal, State and local agencies and organizations within 5 years of the exchange. The value of the facility is estimated to be around $7 million.

The bill also provides for the Game and Fish Commission of Wyoming to convey nearly 1.5 acres of land for the future site of the facility in exchange for 3.2 acres of a parcel of Federal land. The bill contains several other contingencies.

□ 1545

While this bill represents a creative public-private partnership, I have some concerns about the precedential and public interest value of relinquishing Federal land in exchange for the construction of an administrative facility. The need for such a facility has not been thoroughly examined in the context of existing maintenance costs. Nevertheless, despite these concerns, the administration does support this legislation, it has bipartisan support, and I thank the chairman of our committee, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. MILLER), the ranking member, for their support of this legislation.

Mr. Speaker, I urge my colleagues to support the bill.

Mr. Speaker, I yield back the balance of my time.

Mr. WALDEN of Oregon. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Wyoming (Mrs. CUBIN).

Mrs. CUBIN. Mr. Speaker, S. 1374, the Senate companion bill to H.R. 2577 which I introduced to establish a multiagency campus in Jackson, Wyoming, is widely supported by the Clinton administration and by the people of Jackson Hole, Wyoming.

The bill provides for a newly established campus which will afford much-needed office space for the town of Jackson, the Bridger-Teton National Forest employees, the National Elk Refuge employees, the Wyoming Game and Fish Commission, the Jackson Chamber of Commerce, and other State and local entities.

The multiagency campus will provide one-stop shopping, if you will, for those who want to visit Federal, State, and local land and wildlife management agencies, as well as to allow visitors to utilize a number of resources in one central location.

Specifically, the legislation before us today provides a land-for-land exchange between the Wyoming Game and Fish Department and the U.S. Forest Service, a land-for-building exchange between the United States Forest Service and the town of Jackson, which will provide the land for the Chamber of Commerce and historical society museum, as well as for additional parking spaces for the entire campus.

Due to the fact that there are a number of Federal, State, and local government agencies involved, straight land exchanges cannot take place interagency.

What that means is that Federal legislation must be introduced to make this project a reality. Additionally, in the interest of time, I have agreed to move the Senate bill instead of the bill which I introduced so that construction could take place sooner rather than later.

The hard work and the diligence of the people in Jackson who have made this project possible should be commended. A project like this is not easy. It is a private-public partnership. But I am pleased that I have been able to give some assistance in making it a reality.

Again, Mr. Speaker, I thank my colleagues for the this opportunity.

Mr. WALDEN of Oregon. Mr. Speaker, I have no other speakers on this matter, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. QUINN). The question is on the motion offered by the gentleman from Oregon (Mr. WALDEN) that the House suspend the rules and pass the Senate bill, S. 1374.

The question was taken.

Mr. WALDEN of Oregon. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

DIRECTING SECRETARY OF SENATE TO MAKE TECHNICAL CORRECTIONS IN ENROLLMENT OF S. 1374, JACKSON MULTI-AGENCY CAMPUS ACT OF 1999

Mr. WALDEN of Oregon. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 394) directing the Secretary of the Senate to make technical corrections in the enrollment of the Senate bill (S. 1327), and I ask unanimous consent for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there any objection to the request of the gentleman from Oregon?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 394

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (S. 1374) to authorize the development and maintenance of a multiagency campus project in the town of Jackson, Wyoming, the Secretary of the Senate shall make the following corrections:

(1) In section 1, strike "1999" and insert "2000".

(2) In section 5(a), strike "section 3" and insert "section 4".

(3) In section 7(a)(1), strike "memorandum of agreement referred to in section 4(a)(1)(A)" and insert "memorandum of understanding referred to in section 4(a)(1)(B)".

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR SALES OF ELECTRICITY BY THE BONNEVILLE POWER ADMINISTRATION

Mr. WALDEN of Oregon. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1937) to amend the Pacific Northwest Electric Power Planning and Conservation Act to provide for sales of electricity by the Bonneville Power Administration to joint operating entities.

The Clerk read as follows:

S. 1937

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 5(b) of the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839c(b)) is amended by adding at the end the following:

"(7) REQUIRED SALE.—

"(A) DEFINITION OF A JOINT OPERATING ENTITY.—In this section, the term 'joint operating entity' means an entity that is lawfully organized under State law as a public body or cooperative prior to the date of enactment of this paragraph, and is formed by and whose members or participants are two or more public bodies or cooperatives, each of which was a customer of the Bonneville Power Administration on or before January 1, 1999.

"(B) SALE.—Pursuant to paragraph (1), the Administrator shall sell, at wholesale to a joint operating entity, electric power solely for the purpose of meeting the regional firm power consumer loads of regional public bodies and cooperatives that are members of or participants in the joint operating entity.

"(C) NO RESALE.—A public body or cooperative to which a joint operating entity sells electric power under subparagraph (B) shall not resell that power except to retail customers of the public body or cooperative or to another regional member or participant of the same joint operating entity, or except as otherwise permitted by law.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WALDEN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon (Mr. WALDEN).

GENERAL LEAVE

Mr. WALDEN of Oregon. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 1937.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. WALDEN of Oregon. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1937 was introduced by Senator CRAIG from Idaho. A companion bill, H.R. 4437, was introduced by the gentleman from Washington (Mr. HASTINGS).

This legislation allows consumer-owned utility systems in the Pacific Northwest to aggregate their power contracts from the Bonneville Power Administration into a single contract. The purpose is to provide administrative and operational efficiencies for the power purchasers and for Bonneville.

The bill does not expand any such customers' rights to purchase requirements for power from Bonneville and does not allow resale by the joint operating entity of such power to customers that are not its members or participants.

Mr. Speaker, I include the following letters for the RECORD:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC, 24 July 2000.

Hon. TOM BLILEY,
Chairman, Committee on Commerce, Washington, DC.

DEAR MR. CHAIRMAN: On July 19, 2000, the Committee on Resources ordered favorably reported without amendment S. 1937, to amend the Pacific Northwest Electric Power Planning and Conservation Act to provide for sales of electricity by the Bonneville Power Administration to joint operating entities. This bill was referred to the Committee on Resources and additionally to the Committee on Commerce, where the Subcommittee on Energy and Power has marked up and forwarded the bill to the Full Commerce Committee.

Given the rapidly approaching adjournment date for the 106th Congress, and several of our Pacific Northwest Congressional Members' wish to move this bill as quickly as possible, I ask that you allow the Committee on Commerce to be discharged from further consideration of the bill. We can then schedule it for Floor consideration as soon as possible and send it onto the President.

Of course, by allowing this to occur, the Committee on Commerce does not waive its jurisdiction over S. 1937 or any other similar matter. Although I have no reason to believe that the bill would not be passed without amendment and signed into law by the President, if a conference on the bill became necessary, I would support the Committee on Commerce's request to be named to the conference. Finally, this action should not be seen as precedent for any other Senate bill which affects the Committee on Commerce's jurisdiction. I would be pleased to place this letter and your response in the Committee on Resources' report on the bill to document this agreement.

As always, I appreciate your cooperation and that of your staff in moving this bill.

Sincerely,

DON YOUNG,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON COMMERCE,
Washington, DC, July 24, 2000.

Hon. DON YOUNG,
Chairman, Committee on Resources, Washington, DC.

DEAR DON: Thank you for your recent letter regarding your committee's action on S. 1937, a bill to amend the Pacific Northwest Electric Power Planning and Conservation Act to provide for sales of electricity by the Bonneville Power Administration to joint operating entities. As you know, Rule X of the Rules of the House of Representatives grants the Committee on Commerce jurisdiction over the generation and marketing of power and the legislation was additionally referred to the Committee on Commerce. As you also noted, the Subcommittee on Energy and Power approved the bill for consideration by the Full Committee on May 16, 2000.

Because of the importance of this legislation, I recognize your desire to bring it before the House in an expeditious manner, and I will not exercise the Committee's right to further consideration of this legislation. By agreeing to waive its consideration of the bill, however, the Committee on Commerce does not waive its jurisdiction over S. 1937. In addition, the Commerce Committee reserves its authority to seek conferees on any provisions of the bill that are within its jurisdiction during any House-Senate conference that may be convened on this legislation. I appreciate your commitment to support any request by the Commerce Committee for conferees on S. 1937 or similar legislation.

I request that you include this letter and your response in your committee report on the bill and as part of the Record during consideration of the legislation on the House floor.

Thank you for your attention to these matters.

Sincerely,

TOM BLILEY,
Chairman.

Mr. Speaker, I urge passage of the bill, and I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Oregon for his management of this legislation.

Mr. Speaker, I wish that every bill could be passed in such a fashion and with such strong bipartisan support and the spirit of cooperation on both sides of the aisle.

This bill amends the Pacific Northwest Power Planning and Conservation Act to allow the administrator of Bonneville Power Administration to sell electricity at wholesale to Joint Operating Entities, the acronym JOEs. JOEs are comprised of public power bodies or cooperatives that aggregate their power contracts into a single contract for administrative and operational efficiencies. Under the bill, the power is sold solely for the purpose of meeting regional firm power consumer loads of regional public bodies and cooperatives that are members of the JOE. Other Federal power marketing agencies currently make similar aggregate sales. The Bonneville Power Administration, for example, also makes aggregated sales for transmission contracts and nonfirm and surplus power sales.

Mr. Speaker, the bill is narrowly drawn to allow only JOEs that were in existence as of the date of enactment to participate. It does not expand purchasers' rights or ability to resell power other than to their own retail customers or other JOE members, or as otherwise permitted by law.

Mr. Speaker, I urge my colleagues to support this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. WALDEN of Oregon. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. WALDEN) that the House suspend the rules and pass the Senate bill, S. 1937.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

DESCHUTES RESOURCES CONSERVANCY REAUTHORIZATION ACT OF 1999

Mr. WALDEN of Oregon. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1027) to reauthorize the participation of the Bureau of Reclamation in the Deschutes Resources Conservancy, and for other purposes.

The Clerk read as follows:

S. 1027

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Deschutes Resources Conservancy Reauthorization Act of 1999".

SEC. 2. EXTENSION OF PARTICIPATION OF BUREAU OF RECLAMATION IN DESCHUTES RESOURCES CONSERVANCY.

Section 301 of the Oregon Resource Conservation Act of 1996 (division B of Public Law 104-208; 110 Stat. 3009-534) is amended—

(1) in subsection (b)(3), by inserting before the period at the end the following: ", and up to a total amount of $2,000,000 during each of fiscal years 2002 through 2006"; and

(2) in subsection (h), by inserting before the period at the end the following: "and $2,000,000 for each of fiscal years 2002 through 2006".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WALDEN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon (Mr. WALDEN).

GENERAL LEAVE

Mr. WALDEN of Oregon. Mr. Speaker, I ask unanimous consent that all

Members may have 5 legislative days within which to revise and extend their remarks on S. 1027.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. WALDEN of Oregon. Mr. Speaker, I yield myself such time as I may consume.

The Deschutes Resources Conservancy was authorized in 1996 as a 5-year pilot project designed to achieve local consensus for projects to improve the ecosystem health in the Deschutes River Basin.

The existing authorization provides up to $1 million through the Bureau of Reclamation each year for projects. Projects funded through the Conservancy demonstration include: piping for irrigation district delivery systems to prevent water loss; securing water rights for instream flows to secure Squaw Creek habitat; providing fencing of riparian areas to project riverbanks; working with private timberland owners to restore riparian and wetland areas; and seeking donated water rights to enhance instream flows in the Deschutes River Basin.

Mr. Speaker, the bill would reauthorize the 5-year pilot project from 2002 to 2006 and increase the authorization ceiling to $2 million annually.

Mr. Speaker, this is an excellent piece of legislation. It is a great group that puts a lot of hard work into these projects, and I would encourage my colleagues to support its reauthorization.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my good friend, the gentleman from Oregon, for the management of this legislation. I thank the good Senator from Oregon, Senator GORDON SMITH, for his chief sponsorship of this bill. I thank also my good friend, the gentleman from Oregon, for his passage previously of similar legislation.

Mr. Speaker, Senate bill 1027 is to extend participation of the Bureau of Reclamation in the Deschutes Resources Conservancy.

The Deschutes Resources Conservancy was authorized in 1996 as a 5-year pilot project designed to achieve local consensus for projects to improve ecosystem health in the Deschutes River Basin. Mr. Speaker, S. 1027 will reauthorize funding of these activities for another 5 years and increase the authorization ceiling to $2 million annually.

This is a highly successful, inexpensive, and popular program involving the cooperation of irrigators, ranchers, environmentalists and State, local and Federal Government agencies. I urge my colleagues to support the bill.

Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

Mr. WALDEN of Oregon. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. WALDEN) that the House suspend the rules and pass the Senate bill, S. 1027.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

SAN BERNARDINO NATIONAL FOREST LAND CONVEYANCE

Mr. WALDEN of Oregon. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3657) to provide for the conveyance of a small parcel of public domain land in the San Bernardino National Forest in the State of California, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3657

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LAND CONVEYANCE AND SETTLEMENT, SAN BERNARDINO NATIONAL FOREST, CALIFORNIA.

(a) CONVEYANCE REQUIRED.—Subject to valid existing rights and settlement of claims as provided in this section, the Secretary of Agriculture shall convey to KATY 101.3 FM (in this section referred to as "KATY") all right, title and interest of the United States in and to a parcel of real property consisting of approximately 1.06 acres within the San Bernardino National Forest in Riverside County, California, generally located in the north ½ of section 23, township 5 south, range 2 east, San Bernardino meridian.

(b) LEGAL DESCRIPTION.—The Secretary and KATY shall, by mutual agreement, prepare the legal description of the parcel of real property to be conveyed under subsection (a), which is generally depicted as Exhibit A-2 in an appraisal report of the subject property dated August 26, 1999, by Paul H. Meiling.

(c) CONSIDERATION.—Consideration for the conveyance under subsection (a) shall be equal to the appraised fair market value of the parcel to be conveyed. Any appraisal to determine the fair market value of the parcel shall be prepared in conformity with the Uniform Appraisal Standards for Federal Land Acquisitions and approved by the Secretary.

(d) SETTLEMENT.—In addition to the consideration referred to in subsection (c), upon the receipt of $16,600 paid by KATY to the Secretary, the Secretary shall release KATY from any and all claims of the United States arising from the occupancy and use of the San Bernardino National Forest by KATY for communication site purposes.

(e) ACCESS REQUIREMENTS.—Notwithstanding section 1323(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3210(a)) or any other law, the Secretary is not required to provide access over National Forest System lands to the parcel of real property conveyed under subsection (a).

(f) ADMINISTRATIVE COSTS.—Any costs associated with the creation of a subdivided parcel, recordation of a survey, zoning, and planning approval, and similar expenses with respect to the conveyance under this section, shall be borne by KATY.

(g) ASSUMPTION OF LIABILITY.—By acceptance of the conveyance of the parcel referred to in subsection (a), KATY, and its successors and assigns, will indemnify and hold harmless the United States for any and all liability to General Telephone and Electronics Corporation (also known as "GTE"), KATY, and any third party that is associated with the parcel, including liability for any buildings or personal property on the parcel belonging to GTE and any other third parties.

(h) TREATMENT OF RECEIPTS.—All funds received pursuant to this section shall be deposited in the fund established under Public Law 90-171 (16 U.S.C. 484a; commonly known as the Sisk Act), and the funds shall remain available to the Secretary, until expended, for the acquisition of lands, waters, and interests in land for the inclusion in the San Bernardino National Forest.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WALDEN and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon (Mr. WALDEN).

GENERAL LEAVE

Mr. WALDEN of Oregon. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3657.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. WALDEN of Oregon. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3657 was introduced by the gentlewoman from California (Mrs. BONO). This legislation would convey a little over an acre of Forest Service land to a radio station located in the San Bernardino National Forest in California for fair market value.

During the subcommittee hearing on this bill, the administration requested that the bill be amended to include language that would require the radio station to prove that it had clear title to all existing structures on the site. During the markup, the legislation was amended to include that language. The bill is supported by the administration.

I would urge Members to suspend the rules and pass H.R. 3657, as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my good friend, the gentleman from Oregon, for management of this legislation. I thank our Chairman of the Committee on Resources, the gentleman from Alaska

(Mr. YOUNG), and our ranking member, the gentleman from California (Mr. MILLER), for their sponsorship and support of this bill as well.

Mr. Speaker, this bill resolves an ongoing dispute between the Forest Service and a radio station, KATY, regarding the station's unauthorized use of a Forest Service site. H.R. 3657 would require the Secretary of Agriculture to convey for fair market value 1.06 acres within the San Bernardino National Forest in Riverside County, California to KATY. The bill requires KATY to pay $16,600 (representing rent for 1996–99 without interest) to the Secretary. It also provides that the Forest Service is not required to provide access to the site as it would for an official communications site. I urge my colleagues to support it.

Mrs. BONO. Mr. Speaker, H.R. 3657 would provide for the conveyance at fair market value of a small tract of Forest Service land in the San Bernardino National Forest to a locally-owned radio station that serves mountain communities in my district. I would like to thank Chairman YOUNG and Chairman CHENOWETH-HAGE for their assistance in bringing this bill to the floor.

In 1988, Cliff and Katy Gill began a search for an antenna site that would allow them to obtain an FCC construction permit for a radio station to serve Idyllwild, California, a community of about 3000 residents located at 5200 feet elevation in the San Jacinto Mountains. The community is nestled in mountainous terrain and surrounded by the San Bernardino National Forest and other State and local park land. The Gills discovered that the rugged terrain sharply limited the sites that could host an antenna capable of reaching the residents of Idyllwild, the neighboring mountain communities, and the highway that connects them to the valley below. Wanting to start up their station, the Gills ultimately went on the air in December 1989 from a temporary antenna on a time-share private campground. Mr. Gill named this new radio station, KATY–FM, for his wife Katy.

However, because the original site for the antenna drastically limited KATY's coverage, the Gills kept looking. The Gills first searched for sites on private land. But with the private land constituting only a small island—only a few hundred acres—within the sea of public land, it soon became apparent that the only workable sites would be found on public land. Six years later, they thought they had found the perfect site. GTE had operated a small wooden communications tower in the San Bernardino National Forest for 30 years under a Forest Service special use permit. GTE offered to sublease to KATY space on their tower and in their small equipment shed. In 1995, after seven years of searching for an antenna site, the Gills moved onto the GTE tower and gained the coverage they had long sought for their station.

Unfortunately, they were soon informed by the District Ranger that they must strip their antenna from the GTE tower and vacate the site. Petitions signed by almost half the residents of Idyllwild, its Chamber of Commerce, and others did not budge the agency. The Forest Service maintained that subleasing of tower space could only occur on sites that had been formally designated as communications sites in the forest plans and that this site had not received such a designation in the San Bernardino plan. The agency argued that, even though it had allowed this site to be used as a communications site for three decades and was continuing to permit such use by GTE, KATY was in trespass and GTE had violated its special use authorization. The Forest Service continued to insist that KATY leave even as the station was proving how critically important it is to the communities it serves.

Because of their location in rugged country, Idyllwild and neighboring mountain communities are vulnerable to extreme weather and other adverse natural events. In recognition of this and in its effort to provide the best possible public service, KATY signed an agreement with the local 10-watt emergency broadcast station, WNKI, which has very limited coverage, to broadcast WNKI's emergency bulletins. Shortly thereafter, the Federal Communications Commission and the California State Office of Emergency Services selected KATY as the Local Primary Station to broadcast information in the event of disaster.

KATY's dedication to providing emergency service paid off for the mountain communities in 1996 when the Bee Canyon fire raged through 9000 acres in their vicinity. KATY broadcast the mandatory evacuation orders and the announcement that it was safe to return home. In all, KATY aired nearly 200 announcements that were closely monitored not only by the residents but also by the firefighters and other emergency service personnel. Again, in 1998 KATY broadcast the mandatory order to evacuate the community of Juniper Flats also threatened by fire during severe thunderstorms.

My late husband took up the cause of KATY. In August 1996, he and Chairman YOUNG wrote a letter to the Secretary of Agriculture requesting his assistance in permitting KATY to retain its antenna site. This was followed by letters from the chairman and ranking minority member of the Senate Energy and Natural Resources Committee and the chairman of the Interior subcommittee of the Senate Appropriations Committee. Finally, a House-Senate conference committee added to the Omnibus Parks and Public Lands Management Act of 1996 a provision requiring the Secretary of Agriculture to consider whether maintaining the KATY antenna site was in the public interest and to report his conclusions to Congress.

That report was never delivered to Congress. A draft of the report would have offered a new site for KATY's antenna on a neighboring mountain in the San Bernardino National Forest. When the Forest Service learned from KATY that placing the antenna on that site would be prohibited by three FCC regulations, the agency approached Cliff and Katy Gill and asked if they would entertain purchasing the antenna site. I am happy to say that H.R. 3657 is the product of subsequent amicable negotiations between the Gills and the agency.

I want to assure my colleagues that this purchase will have no discernible impact on the National Forest or the environment. The tract to be purchased is only approximately 1.06 acres in size. It is on the very edge of the National Forest, directly adjacent to a residential development. The station has purchased the neighboring residential lot to assure access to the antenna site. The tower and equipment shed are shielded by tall evergreen trees and large rocks and are not visible above Inspiration Point where the site is located.

The bill would require that KATY pay fair market value for the tract and an additional sum of $16,600 to settle any claims the government might have for the unauthorized occupation of national forest land. That sum represents the rent that the Gills should have paid to the Forest Service for use of the site. Although the Gills paid more than twice that amount in rent to GTE under the sublease, they believe this is a fair resolution. I appreciate the efforts of the Forest Service to design a good solution to a difficult problem.

Cliff Gill passed away last year before he saw enactment of this bill and fulfillment of his dream. We can ensure that his widow, Katy, will be able to continue KATY's service to the community by enacting H.R. 3657. I urge passage of this bill.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield back the balance of my time.

Mr. WALDEN of Oregon. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. WALDEN) that the House suspend the rules and pass the bill, H.R. 3657, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1600

FORT PECK RESERVATION RURAL WATER SYSTEM ACT OF 2000

Mr. WALDEN of Oregon. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 624) to authorize construction of the Fort Peck Reservation Rural Water System in the State of Montana, and for other purposes, as amended.

The Clerk read as follows:

S. 624

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fort Peck Reservation Rural Water System Act of 2000".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to ensure a safe and adequate municipal, rural, and industrial water supply for the residents of the Fort Peck Indian Reservation in the State of Montana; and

(2) to assist the citizens of Roosevelt, Sheridan, Daniels, and Valley Counties in the State, outside the Fort Peck Indian Reservation, in developing safe and adequate municipal, rural, and industrial water supplies.

SEC. 3. DEFINITIONS.

In this Act:

(1) ASSINIBOINE AND SIOUX RURAL WATER SYSTEM.—The term "Assiniboine and Sioux Rural Water System" means the rural water system

within the Fort Peck Indian Reservation authorized by section 4.

(2) DRY PRAIRIE RURAL WATER SYSTEM.—The term "Dry Prairie Rural Water System" means the rural water system authorized by section 5 in the Roosevelt, Sheridan, Daniels, and Valley Counties of the State.

(3) FORT PECK RESERVATION RURAL WATER SYSTEM.—The term "Fort Peck Reservation Rural Water System" means the Assiniboine and Sioux Rural Water System and the Dry Prairie Rural Water System.

(4) FORT PECK TRIBES.—The term "Fort Peck Tribes" means the Assiniboine and Sioux Indian Tribes within the Fort Peck Indian Reservation.

(5) PICK-SLOAN.—The term "Pick-Sloan" means the Pick-Sloan Missouri River Basin Program (authorized by section 9 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved December 22, 1944 (commonly known as the "Flood Control Act of 1944") (58 Stat. 891)).

(6) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(7) STATE.—The term "State" means the State of Montana.

SEC. 4. ASSINIBOINE AND SIOUX RURAL WATER SYSTEM.

(a) AUTHORIZATION.—The Secretary shall plan, design, construct, operate, maintain, and replace a municipal, rural, and industrial water system, to be known as the "Assiniboine and Sioux Rural Water System", as generally described in the report required by subsection (g)(2).

(b) COMPONENTS.—The Assiniboine and Sioux Rural Water System shall consist of—

(1) pumping and treatment facilities located along the Missouri River within the boundaries of the Fort Peck Indian Reservation;

(2) pipelines extending from the water treatment plant throughout the Fort Peck Indian Reservation;

(3) distribution and treatment facilities to serve the needs of the Fort Peck Indian Reservation, including—

(A) public water systems in existence on the date of enactment of this Act that may be purchased, improved, and repaired in accordance with the cooperative agreement entered into under subsection (c); and

(B) water systems owned by individual tribal members and other residents of the Fort Peck Indian Reservation;

(4) appurtenant buildings and access roads;

(5) all property and property rights necessary for the facilities described in this subsection;

(6) electrical power transmission and distribution facilities necessary for services to Fort Peck Reservation Rural Water System facilities; and

(7) such other pipelines, pumping plants, and facilities as the Secretary determines to be appropriate to meet the water supply, economic, public health, and environmental needs of the Fort Peck Indian Reservation, including water storage tanks, water lines, and other facilities for the Fort Peck Tribes and the villages, towns, and municipalities in the Fort Peck Indian Reservation.

(c) COOPERATIVE AGREEMENT.—

(1) IN GENERAL.—The Secretary shall enter into a cooperative agreement with the Fort Peck Tribal Executive Board for planning, designing, constructing, operating, maintaining, and replacing the Assiniboine and Sioux Rural Water System.

(2) MANDATORY PROVISIONS.—The cooperative agreement under paragraph (1) shall specify, in a manner that is acceptable to the Secretary and the Fort Peck Tribal Executive Board—

(A) the responsibilities of each party to the agreement for—

(i) needs assessment, feasibility, and environmental studies;

(ii) engineering and design;

(iii) construction;

(iv) water conservation measures; and

(v) administration of contracts relating to performance of the activities described in clauses (i) through (iv);

(B) the procedures and requirements for approval and acceptance of the design and construction and for carrying out other activities described in subparagraph (A); and

(C) the rights, responsibilities, and liabilities of each party to the agreement.

(3) OPTIONAL PROVISIONS.—The cooperative agreement under paragraph (1) may include provisions relating to the purchase, improvement, and repair of water systems in existence on the date of enactment of this Act, including systems owned by individual tribal members and other residents of the Fort Peck Indian Reservation.

(4) TERMINATION.—The Secretary may terminate a cooperative agreement under paragraph (1) if the Secretary determines that—

(A) the quality of construction does not meet all standards established for similar facilities constructed by the Secretary; or

(B) the operation and maintenance of the Assiniboine and Sioux Rural Water System does not meet conditions acceptable to the Secretary that are adequate to fulfill the obligations of the United States to the Fort Peck Tribes.

(5) TRANSFER.—On execution of a cooperative agreement under paragraph (1), in accordance with the cooperative agreement, the Secretary may transfer to the Fort Peck Tribes, on a nonreimbursable basis, funds made available for the Assiniboine and Sioux Rural Water System under section 9.

(d) SERVICE AREA.—The service area of the Assiniboine and Sioux Rural Water System shall be the area within the boundaries of the Fort Peck Indian Reservation.

(e) CONSTRUCTION REQUIREMENTS.—The components of the Assiniboine and Sioux Rural Water System shall be planned and constructed to a size that is sufficient to meet the municipal, rural, and industrial water supply requirements of the service area of the Fort Peck Reservation Rural Water System.

(f) TITLE TO ASSINIBOINE AND SIOUX RURAL WATER SYSTEM.—Title to the Assiniboine and Sioux Rural Water System shall be held in trust by the United States for the Fort Peck Tribes and shall not be transferred unless a transfer is authorized by an Act of Congress enacted after the date of enactment of this Act.

(g) LIMITATION ON AVAILABILITY OF CONSTRUCTION FUNDS.—The Secretary shall not obligate funds for construction of the Assiniboine and Sioux Rural Water System until—

(1) the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) are met with respect to the Assiniboine and Sioux Rural Water System;

(2) on or after the date that is 90 days after the date of submission to Congress of a final engineering report approved by the Secretary; and

(3) the Secretary publishes a written finding that the water conservation plan developed under section 7 includes prudent and reasonable water conservation measures for the operation of the Assiniboine and Sioux Rural Water System that have been shown to be economically and financially feasible:

(h) TECHNICAL ASSISTANCE.—The Secretary shall provide such technical assistance as is necessary to enable the Fort Peck Tribes to plan, design, construct, operate, maintain, and replace the Assiniboine and Sioux Rural Water System, including operation and management training.

(i) APPLICATION OF INDIAN SELF-DETERMINATION ACT.—Planning, design, construction, operation, maintenance, and replacement of the Assiniboine and Sioux Rural Water System within the Fort Peck Indian Reservation shall be subject to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

(j) COST SHARING.—

(1) CONSTRUCTION.—The Federal share of the cost of construction of the Assiniboine and Sioux Rural Water System shall be 100 percent, and shall be funded through annual appropriations to the Bureau of Reclamation.

(2) OPERATION AND MAINTENANCE.—The Federal share of the cost of operation and maintenance of the Assiniboine and Sioux Rural Water System shall be 100 percent, and shall be funded through annual appropriations to the Bureau of Indian Affairs.

SEC. 5. DRY PRAIRIE RURAL WATER SYSTEM.

(a) PLANNING AND CONSTRUCTION.—

(1) AUTHORIZATION.—The Secretary shall enter into a cooperative agreement with Dry Prairie Rural Water Association Incorporated (or any successor non-Federal entity) to provide Federal funds for the planning, design, and construction of the Dry Prairie Rural Water System in Roosevelt, Sheridan, Daniels, and Valley Counties, Montana, outside the Fort Peck Indian Reservation.

(2) USE OF FEDERAL FUNDS.—

(A) FEDERAL SHARE.—The Federal share of the cost of planning, design, and construction of the Dry Prairie Rural Water System shall be not more than 76 percent, and shall be funded with amounts appropriated from the reclamation fund. Such amounts shall not be returnable or reimbursable under the Federal reclamation laws.

(B) COOPERATIVE AGREEMENTS.—Federal funds made available to carry out this section may be obligated and expended only through a cooperative agreement entered into under subsection (c).

(b) COMPONENTS.—The components of the Dry Prairie Rural Water System facilities on which Federal funds may be obligated and expended under this section shall include—

(1) storage, pumping, interconnection, and pipeline facilities;

(2) appurtenant buildings and access roads;

(3) all property and property rights necessary for the facilities described in this subsection;

(4) electrical power transmission and distribution facilities necessary for service to Dry Prairie Rural Water System facilities; and

(5) other facilities customary to the development of rural water distribution systems in the State, including supplemental water intake, pumping, and treatment facilities.

(c) COOPERATIVE AGREEMENT.—

(1) IN GENERAL.—The Secretary, with the concurrence of the Assiniboine and Sioux Rural Water System Board, shall enter into a cooperative agreement with Dry Prairie Rural Water Association Incorporated to provide Federal assistance for the planning, design, and construction of the Dry Prairie Rural Water System.

(2) MANDATORY PROVISIONS.—The cooperative agreement under paragraph (1) shall specify, in a manner that is acceptable to the Secretary and Dry Prairie Rural Water Association Incorporated—

(A) the responsibilities of each party to the agreement for—

(i) needs assessment, feasibility, and environmental studies;

(ii) engineering and design;

(iii) construction;

(iv) water conservation measures; and

(v) administration of contracts relating to performance of the activities described in clauses (i) through (iv);

(B) the procedures and requirements for approval and acceptance of the design and construction and for carrying out other activities described in subparagraph (A); and

(C) the rights, responsibilities, and liabilities of each party to the agreement.

(d) SERVICE AREA.—

(1) IN GENERAL.—Except as provided in paragraph (2), the service area of the Dry Prairie Rural Water System shall be the area in the State—

(A) north of the Missouri River;

(B) south of the border between the United States and Canada;

(C) west of the border between the States of North Dakota and Montana; and

(D) east of the western line of range 39 east.

(2) FORT PECK INDIAN RESERVATION.—The service area shall not include the area inside the Fort Peck Indian Reservation.

(e) LIMITATION ON AVAILABILITY OF CONSTRUCTION FUNDS.—The Secretary shall not obligate funds for construction of the Dry Prairie Rural Water System until—

(1) the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) are met with respect to the Dry Prairie Rural Water System;

(2) on or after the date that is 90 days after the date of submission to Congress of a final engineering report approved by the Secretary; and

(3) the Secretary publishes a written finding that the water conservation plan developed under section 7 includes prudent and reasonable water conservation measures for the operation of the Dry Prairie Rural Water System that have been shown to be economically and financially feasible.

(f) INTERCONNECTION OF FACILITIES.—The Secretary shall—

(1) interconnect the Dry Prairie Rural Water System with the Assiniboine and Sioux Rural Water System; and

(2) provide for the delivery of water to the Dry Prairie Rural Water System from the Missouri River through the Assiniboine and Sioux Rural Water System.

(g) LIMITATION ON USE OF FEDERAL FUNDS.—

(1) IN GENERAL.—The operation, maintenance, and replacement expenses associated with water deliveries from the Assiniboine and Sioux Rural Water System to the Dry Prairie Rural Water System shall not be a Federal responsibility and shall be borne by the Dry Prairie Rural Water System.

(2) FEDERAL FUNDS.—The Secretary may not obligate or expend any Federal funds for the operation, maintenance, or replacement of the Dry Prairie Rural Water System.

(h) TITLE TO DRY PRAIRIE RURAL WATER SYSTEM.—Title to the Dry Prairie Rural Water System shall be held by Dry Prairie Rural Water Association, Incorporated.

SEC. 6. USE OF PICK-SLOAN POWER.

(a) IN GENERAL.—From power designated for future irrigation and drainage pumping for the Pick-Sloan Missouri Basin program, the Western Area Power Administration shall make available, at the firm power rate, the capacity and energy required to meet the pumping and incidental operational requirements of the Fort Peck Reservation Rural Water System.

(b) QUALIFICATION TO USE PICK-SLOAN POWER.—For as long as the Fort Peck Reservation rural water supply system operates on a not-for-profit basis, the portions of the water supply project constructed with assistance under this Act shall be eligible to receive firm power from the Pick-Sloan Missouri Basin program established by section 9 of the Act of December 22, 1944 (chapter 665; 58 Stat. 887), popularly known as the Flood Control Act of 1944.

(c) RECOVERY OF EXPENSES.—

(1) ASSINIBOINE AND SIOUX RURAL WATER SYSTEM.—In the case of the Assiniboine and Sioux Rural Water System, the Western Area Power Administration shall recover expenses associated with power purchases under subsection (a) through a separate power charge sufficient to cover such expenses. Such charge shall be paid fully through the annual appropriations to the Bureau of Indian Affairs.

(2) DRY PRAIRIE RURAL WATER SYSTEM.—In the case of the Dry Prairie Rural Water System, the Western Area Power Administration shall recover expenses associated with power purchases under subsection (a) through a separate power charge sufficient to cover expenses. Such charge shall be paid fully by the Dry Prairie Rural Water System.

(d) ADDITIONAL POWER.—If power in addition to that made available under subsection (a) is required to meet the pumping requirements of the Fort Peck Reservation Rural Water System, the Administrator of the Western Area Power Administration may purchase the necessary additional power at the best available rate. The costs of such purchases shall be reimbursed to the Administrator according to the terms identified in subsection (c).

SEC. 7. WATER CONSERVATION PLAN.

(a) IN GENERAL.—The Fort Peck Tribes and Dry Prairie Rural Water Association Incorporated shall develop a water conservation plan containing—

(1) a description of water conservation objectives;

(2) a description of appropriate water conservation measures; and

(3) a time schedule for implementing the measures and this Act to meet the water conservation objectives.

(b) PURPOSE.—The water conservation plan under subsection (a) shall be designed to ensure that users of water from the Assiniboine and Sioux Rural Water System and the Dry Prairie Rural Water System will use the best practicable technology and management techniques to conserve water.

(c) PUBLIC PARTICIPATION.—Section 210(c) of the Reclamation Reform Act of 1982 (43 U.S.C. 390jj(c)) shall apply to an activity authorized under this Act.

SEC. 8. WATER RIGHTS.

(a) IN GENERAL.—This Act does not—

(1) impair the validity of or preempt any provision of State water law or any interstate compact governing water;

(2) alter the right of any State to any appropriated share of the water of any body of surface or ground water, whether determined by any past or future interstate compact or by any past or future legislative or final judicial allocation;

(3) preempt or modify any Federal or State law or interstate compact concerning water quality or disposal;

(4) confer on any non-Federal entity the authority to exercise any Federal right to the water of any stream or to any ground water resource;

(5) affect any right of the Fort Peck Tribes to water, located within or outside the external boundaries of the Fort Peck Indian Reservation, based on a treaty, compact, executive order, agreement, Act of Congress, aboriginal title, the decision in Winters v. United States, 207 U.S. 564 (1908) (commonly known as the "Winters Doctrine"), or other law; or

(6) validate or invalidate any assertion of the existence, nonexistence, or extinguishment of any water right held or Indian water compact entered into by the Fort Peck Tribes or by any other Indian tribe or individual Indian under Federal or State law.

(b) OFFSET AGAINST CLAIMS.—Any funds received by the Fort Peck Tribes pursuant to this Act shall be used to offset any claims for money damages against the United States by the Fort Peck Tribes, existing on the date of the enactment of this Act, for water rights based on a treaty, compact, executive order, agreement, Act of Congress, aboriginal title, the decision in Winters v. United States, 207 U.S. 564 (1908), or other law.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) ASSINIBOINE AND SIOUX RURAL WATER SYSTEM.—There are authorized to be appropriated—

(1) to the Bureau of Reclamation over a period of 10 fiscal years, $124,000,000 for the planning, design, and construction of the Assiniboine and Sioux Rural Water System; and

(2) to the Bureau of Indian Affairs such sums as are necessary for the operation and maintenance of the Assiniboine and Sioux Rural Water System.

(b) DRY PRAIRIE RURAL WATER SYSTEM.—There is authorized to be appropriated, over a period of 10 fiscal years, $51,000,000 for the planning, design, and construction of the Dry Prairie Rural Water System.

(c) COST INDEXING.—The funds authorized to be appropriated may be increased or decreased by such amounts as are justified by reason of ordinary fluctuations in development costs incurred after October 1, 1998, as indicated by engineering cost indices applicable for the type of construction involved.

The SPEAKER pro tempore (Mr. QUINN). Pursuant to the rule, the gentleman from Oregon (Mr. WALDEN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon (Mr. WALDEN).

GENERAL LEAVE

Mr. WALDEN of Oregon. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 624, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. WALDEN of Oregon. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 624 was introduced by Senator BURNS and a companion bill, H.R. 1124, was introduced by the gentleman from Montana (Mr. HILL).

The Fort Peck Reservation is located in northeastern Montana, and suffers from the same problem of inadequate quantity and quality of water supplies as do most areas in the High Plains. The adjacent communities have the same problems, and this legislation contemplates that the reservation water system would be sized to connect to a distribution system for the surrounding communities.

All costs of the reservation system, including operations and maintenance, would be a Federal responsibility. The costs associated with the operation and maintenance of the system for the tribe shall be funded through annual appropriations to the Bureau of Indian Affairs.

Federal costs for the Dry Prairie system shall not exceed 76 percent, and the Federal government may not expend any Federal funds for operations, maintenance, or replacement costs for the Dry Prairie system.

Mr. Speaker, I urge passage of the Senate bill, S. 624, and I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my good friend, the gentleman from Oregon, for the management of this legislation. I do want to compliment and commend the gentleman from Montana, Senator CONRAD BURNS, for his sponsorship of Senate bill 624.

The bill directs the Secretary of the Interior to plan, design, construct, operate, maintain, and replace the Assiniboine and Sioux rural water systems within the Fort Peck Indian Reservation in Montana, and directs the Secretary to enter into a cooperative agreement with the tribe. All costs of the Indian system would be nonreimbursable.

The bill also authorizes the Dry Prairie Rural Water System, a project to serve non-Indian residents in the area, with the Federal Government paying 76 percent of those project costs. The Dry Prairie system would be interconnected with the Fort Peck Reservation system.

I note that S. 624 is opposed by the administration, primarily because the administration believes the costs of non-Indian water supply projects should be fully reimbursed by the project beneficiaries. While I agree we should make every attempt to comply with this policy goal, I believe that in this case some Federal cost-sharing is appropriate.

I urge my colleagues to support this legislation.

Mr. HILL of Montana. Mr. Speaker, I support and urge the passage of S. 624, The Fort Peck Rural Reservation Rural Water System Act. This bill authorizes the construction of a fresh water system for residents on and near the Fort Peck Indian Reservation in northeast Montana. I introduced companion legislation along with Senator BURNS, and a version of his bill has already passed the Senate.

The need for a safe and reliable water source is particularly acute on the Fort Peck Indian Reservation. In one community, sulfate levels in the water are four times the standard for safe drinking water, and in four communities, iron levels are five times the standard. The unemployment rate on the Fort Peck Reservation is near 75 percent, and the reservation has been plagued by health alerts for drinking water, despite the fact that the area is located near one of the largest manmade reservoirs in the United States. Health problems such as heart disease, high blood pressure and diabetes run rampant.

A safe and reliable source of water is necessary to both improve health and stimulate economic development on the reservation and in an area of Montana far remote from any major population centers. Those who live on the Fort Peck Reservation and in nearby communities deserve the peace of mind that comes with a safe supply of water. S. 624 will improve the water systems for at least 24,000 Montanans in this area, and will provide water not only for drinking, but also for agriculture.

I would like to take this opportunity to thank a few of the people without whom this bill would not have been possible. Former Montana Lieutenant Governor Dennis Rehberg brought this issue to the attention of House Leadership while Speaker HASTERT was visiting Montana. Without the renewed momentum due to Mr. Rehberg's efforts and the integrity of the House Leadership, the water safety issues at Fort Peck may have gone unaddressed. I would especially like to thank Chairman DOOLITTLE for his willingness not only to work with all those involved in the bill, but to spearhead efforts to find a solution to this problem.

And certainly not least of all, I would like to thank Senator CONRAD BURNS for being the champion of this project in the Senate. He has put an extraordinary amount of work and effort into improving the lives and health of the people in the Fort Peck area, and the residents there owe him a debt of gratitude for moving this dream to the brink of reality.

Mr. FALEOMAVAEGA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. WALDEN of Oregon. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. WALDEN) that the House suspend the rules and pass the Senate bill, S. 624, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

DETERMINING SIZE AND QUORUM OF LEGISLATURE BY LAWS OF THE VIRGIN ISLANDS

Mr. WALDEN of Oregon. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2296) to amend the Revised Organic Act of the Virgin Islands to provide that the number of members on the legislature of the Virgin Islands and the number of such members constituting a quorum shall be determined by the laws of the Virgin Islands, and for other purposes.

The Clerk read as follows:

H.R. 2296

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SIZE AND QUORUM OF LEGISLATURE DETERMINED BY LAWS OF THE VIRGIN ISLANDS.

(a) SIZE OF LEGISLATURE.—Section 5(b) of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1571(b)) is amended—

(1) by striking "fifteen"; and

(2) by inserting after the first sentence the following: "The number of such senators shall be determined by the laws of the Virgin Islands.".

(b) NUMBER CONSTITUTING QUORUM.—The first sentence of section 9(a) of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1575(a)) is amended to read as follows: "The number of members of the legislature needed to constitute a quorum shall be determined by the laws of the Virgin Islands.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WALDEN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon (Mr. WALDEN).

GENERAL LEAVE

Mr. WALDEN of Oregon. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2296.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. WALDEN of Oregon. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 2296, legislation which would amend the Revised Organic Act of the Virgin Islands to provide that the number of members of the legislature of the Virgin Islands and the number of such members constituting a quorum shall be determined by the laws of the Virgin Islands.

Mr. Speaker, I would ask support for passage of H.R. 2296, and I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, again I want to highly commend and compliment the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) for her sponsorship and authorship of this legislation. It certainly has the bipartisan support of both sides of the aisle on this committee.

Mr. Speaker, I find it interesting that the people of the U.S. Virgin Islands still have to come to Congress to reduce the size of their legislature. But that they must do so provides some insight into the structure of the relationships between the United States and its insular areas. For better or worse, each relationship is unique.

In the case of the Virgin Islands, Congress has given the authority to the Government of the Virgin Islands to establish a constitutional form of government under which the people of the Virgin Islands could control such things as the size of their government. This more localized form of government has not been established yet, and in an effort to make the government more efficient, the people of the Virgin Islands wish to reduce the size of their unicameral legislature from 15 members to 9.

This is a request being made by the people of the Virgin Islands, and it comes to Congress from a duly enacted resolution of the local legislature. As it is in keeping with the wishes of the people and their elected local representatives, and is consistent with sound management practices, I support this bill and ask my colleagues to do the same.

Mr. GEORGE MILLER of California. Mr. Speaker, the passage of H.R. 2296 is long overdue. This noncontroversial legislation allows the Virgin Islands Government to free up government revenue by reducing the size of their legislature and thereby redirecting the savings towards education, law enforcement, and other issues confronting their community.

H.R. 2296 was first introduced by our colleague, Ms. CHRISTIAN-CHRISTENSEN, during the 105th Congress and though it passed the Resources Committee unanimously, we were unable to get it scheduled for floor consideration. I am pleased that we are finally taking action on this legislation today and hope that it provides some relief of our fellow Americans in the Virgin Islands who have not experienced the same level of economic prosperity we have enjoyed on the mainland.

I commend the gentlewoman from the Virgin Islands for her work on this matter and urge full support of its passage.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 2 minutes to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Speaker, I rise in support of H.R. 2296, a bill I introduced earlier this year to give my constituents, the people of the U.S. Virgin Islands, a greater degree of self-government by allowing us and not Congress, to determine the size of our local legislature.

I must begin my remarks by also thanking the gentleman from Alaska (Mr. YOUNG), chairman of the Committee on Resources and the gentleman from California (Mr. GEORGE MILLER), ranking member, for their support and hard work in getting this bill to the floor today.

The gentleman from Alaska (Chairman YOUNG), the gentleman from California (Mr. GEORGE MILLER), Ranking Democrat, and I all recognize and acknowledge that H.R. 2296 is only necessary because the Virgin Islands have not yet adopted a local constitution after four attempts.

Although I believe our adopting a constitution would be the preferred process, a constitution convention and adoption of a Virgin Islands constitution may still be a long way off. Therefore, H.R. 2296 was introduced on June 22 of last year in response to a resolution that was passed by the 22nd Legislature of the Virgin Islands to petition Congress to reduce the size of the local legislature from its current 15 members to 9 as a means of saving our cash-starved government badly needed funds. A similar bill to H.R. 2296 was introduced in the 105th Congress and was reported out by the Committee on Resources in August 5 by a voice vote.

The Virgin Islands continues to struggle, Mr. Speaker, with a severe fiscal crisis, and H.R. 2296 is looked at by some Virgin Islanders as a means of saving scarce funds by reducing the size of our legislature. I drafted this bill to cede the authority to restructure the legislature to the Virgin Islands rather than have Congress prescribe a specific number of local senators because, in my estimation, all alternatives that can produce more accountability and reduce budgets ought to be considered, not just the reduction in numbers.

In closing, I want to thank Virgin Islands Senator Adlah Foncie Donastorg for his authorship of the resolution which led to the introduction of the bill before us today. I also want to thank the staff of the Committee on Resources for their work on the bill. I thank my colleagues for supporting it.

Mr. FALEOMAVAEGA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. WALDEN of Oregon. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. WALDEN) that the House suspend the rules and pass the bill, H.R. 2296.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 1654, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT OF 2000

Mr. SENSENBRENNER submitted the following conference and statement on the bill (H.R. 1654) to authorize appropriations for the National Aeronautics and Space Administration for the fiscal years 2000, 2001, and 2002.

CONFERENCE REPORT (H. REPT. 106–843)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1654), to authorize appropriations for the National Aeronautics and Space Administration for fiscal years 2000, 2001, and 2002, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Aeronautics and Space Administration Authorization Act of 2000".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2: Findings.
Sec. 3. Definitions.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

Subtitle A—Authorizations

Sec. 101. Human space flight.
Sec. 102. Science, aeronautics, and technology.
Sec. 103. Mission support.
Sec. 104. Inspector general.
Sec. 105. Total authorization.

Subtitle B—Limitations and Special Authority

Sec. 121. Use of funds for construction.
Sec. 122. Availability of appropriated amounts.
Sec. 123. Reprogramming for construction of facilities.
Sec. 124. Use of funds for scientific consultations or extraordinary expenses.
Sec. 125. Earth science limitation.
Sec. 126. Competitiveness and international cooperation.
Sec. 127. Trans-Hab.
Sec. 128. Consolidated space operations contract.

TITLE II—INTERNATIONAL SPACE STATION

Sec. 201. International Space Station contingency plan.
Sec. 202. Cost limitation for the International Space Station.
Sec. 203. Research on International Space Station.
Sec. 204. Space station commercial development demonstration program.
Sec. 205. Space station.

TITLE III—MISCELLANEOUS

Sec. 301. Requirement for independent cost analysis.
Sec. 302. National Aeronautics and Space Act of 1958 amendments.
Sec. 303. Commercial space goods and services.
Sec. 304. Cost effectiveness calculations.
Sec. 305. Foreign contract limitation.
Sec. 306. Authority to reduce or suspend contract payments based on substantial evidence of fraud.
Sec. 307. Space shuttle upgrade study.
Sec. 308. Aero-space transportation technology integration.
Sec. 309. Definitions of commercial space policy terms.
Sec. 310. External tank opportunities study.
Sec. 311. Notice.
Sec. 312. Unitary Wind Tunnel Plan Act of 1949 amendments.
Sec. 313. Innovative technologies for human space flight.
Sec. 314. Life in the universe.
Sec. 315. Carbon cycle remote sensing applications research.
Sec. 316. Remote sensing for agricultural and resource management.
Sec. 317. 100th Anniversary of Flight educational initiative.
Sec. 318. Internet availability of information.
Sec. 319. Sense of the Congress; requirement regarding notice.
Sec. 320. Anti-drug message on Internet sites.
Sec. 321. Enhancement of science and mathematics programs.
Sec. 322. Space advertising.
Sec. 323. Aeronautical research.
Sec. 324. Insurance, indemnification and cross-waivers.
Sec. 325. Use of abandoned, underutilized, and excess buildings, grounds, and facilities.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The National Aeronautics and Space Administration should continue to pursue actions and reforms directed at reducing institutional costs, including management restructuring, facility consolidation, procurement reform, and convergence with defense and commercial sector systems, while sustaining safety standards for personnel and hardware.

(2) The United States is on the verge of creating and using new technologies in microsatellites, information processing, and space transportation that could radically alter the manner in which the Federal Government approaches its space mission.

(3) The overwhelming preponderance of the Federal Government's requirements for routine, unmanned space transportation can be met most

effectively, efficiently, and economically by a free and competitive market in privately developed and operated space transportation services.

(4) In formulating a national space transportation service policy, the National Aeronautics and Space Administration should aggressively promote the pursuit by commercial providers of development of advanced space transportation technologies including reusable space vehicles and human space systems.

(5) The Federal Government should invest in the types of research and innovative technology in which United States commercial providers do not invest, while avoiding competition with the activities in which United States commercial providers do invest.

(6) International cooperation in space exploration and science activities most effectively serves the United States national interest—

(A) when it—

(i) reduces the cost of undertaking missions the United States Government would pursue unilaterally;

(ii) enables the United States to pursue missions that it could not otherwise afford to pursue unilaterally; or

(iii) enhances United States capabilities to use and develop space for the benefit of United States citizens; and

(B) when it—

(i) is undertaken in a manner that is sensitive to the desire of United States commercial providers to develop or explore space commercially;

(ii) is consistent with the need for Federal agencies to use space to complete their missions; and

(iii) is carried out in a manner consistent with United States export control laws.

(7) The National Aeronautics and Space Administration and the Department of Defense should cooperate more effectively in leveraging the mutual capabilities of these agencies to conduct joint aeronautics and space missions that not only improve United States aeronautics and space capabilities, but also reduce the cost of conducting those missions.

(8) The space shuttle will remain for the foreseeable future the Nation's only means of safe and reliable crewed access to space. As a result, the Congress is committed to funding upgrades designed to improve the shuttle's safety and reliability. The National Aeronautics and Space Administration should continue to provide appropriate levels of funding in its annual budget requests to meet the schedule for completing the high-priority upgrades in a timely manner.

(9) The Deep Space Network will continue to be a critically important part of the Nation's scientific and exploration infrastructure in the coming decades, and the National Aeronautics and Space Administration should ensure that the Network is adequately maintained and that upgrades required to support future missions are undertaken in a timely manner.

(10) The Hubble Space Telescope has proven to be an important national astronomical research facility that is revolutionizing our understanding of the universe and should be kept productive, and its capabilities should be maintained and enhanced as appropriate to serve as a scientific bridge to the next generation of space-based observatories.

(11) The National Aeronautics and Space Administration is to be commended for its successful efforts to transfer mobile robotics technologies to the United States industry through its existing 5-year commitment to the National Robotics Engineering Consortium (NREC). One of the attractive features of this activity has been NREC's ability to attract private sector matching funds for its government-sponsored projects. The National Aeronautics and Space Administration should give strong consideration to a continuation of its commitment to NREC after the current agreement expires.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the term "Administrator" means the Administrator of the National Aeronautics and Space Administration;

(2) the term "commercial provider" means any person providing space transportation services or other space-related activities, the primary control of which is held by persons other than a Federal, State, local, or foreign government;

(3) the term "critical path" means the sequence of events of a schedule of events under which a delay in any event causes a delay in the overall schedule;

(4) the term "grant agreement" has the meaning given that term in section 6302(2) of title 31, United States Code;

(5) the term "institution of higher education" has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001);

(6) the term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States; and

(7) the term "United States commercial provider" means a commercial provider, organized under the laws of the United States or of a State, which is—

(A) more than 50 percent owned by United States nationals; or

(B) a subsidiary of a foreign company and the Secretary of Commerce finds that—

(i) such subsidiary has in the past evidenced a substantial commitment to the United States market through—

(I) investments in the United States in long-term research, development, and manufacturing (including the manufacture of major components and subassemblies); and

(II) significant contributions to employment in the United States; and

(ii) the country or countries in which such foreign company is incorporated or organized, and, if appropriate, in which it principally conducts its business, affords reciprocal treatment to companies described in subparagraph (A) comparable to that afforded to such foreign company's subsidiary in the United States, as evidenced by—

(I) providing comparable opportunities for companies described in subparagraph (A) to participate in Government sponsored research and development similar to that authorized under this Act;

(II) providing no barriers to companies described in subparagraph (A) with respect to local investment opportunities that are not provided to foreign companies in the United States; and

(III) providing adequate and effective protection for the intellectual property rights of companies described in subparagraph (A).

TITLE I—AUTHORIZATION OF APPROPRIATIONS

Subtitle A—Authorizations

SEC. 101. HUMAN SPACE FLIGHT.

(a) Fiscal Year 2000.—There are authorized to be appropriated to the National Aeronautics and Space Administration for Human Space Flight for fiscal year 2000, $5,487,900,000.

(b) Fiscal Years 2001 and 2002.—There are authorized to be appropriated to the National Aeronautics and Space Administration for Human Space Flight for fiscal years 2001 and 2002 the following amounts:

(1) For International Space Station—

(A) for fiscal year 2001, $2,114,500,000 of which $455,400,000, notwithstanding section 121(a)—

(i) shall only be for Space Station research or for the purposes described in section 102(b)(2); and

(ii) shall be administered by the Office of Life and Microgravity Sciences and Applications; and

(B) for fiscal year 2002, $1,858,500,000, of which $451,600,000, notwithstanding section 121(a)—

(i) shall only be for Space Station research or for the purposes described in section 102(b)(2); and

(ii) shall be administered by the Office of Life and Microgravity Sciences and Applications.

(2) For Space Shuttle—

(A) for fiscal year 2001, $3,165,700,000, of which $492,900,000 shall be for Safety and Performance Upgrades; and

(B) for fiscal year 2002, $3,307,800,000.

(3) For Payload and ELV Support—

(A) for fiscal year 2001, $90,200,000; and

(B) for fiscal year 2002, $90,300,000.

(4) For Investments and Support—

(A) for fiscal year 2001, $129,500,000, of which $20,000,000 shall be for Technology and Commercialization; and

(B) for fiscal year 2002, $131,000,000, of which $20,000,000 shall be for Technology and Commercialization.

SEC. 102. SCIENCE, AERONAUTICS, AND TECHNOLOGY.

(a) Fiscal Year 2000.—There are authorized to be appropriated to the National Aeronautics and Space Administration for Science, Aeronautics, and Technology $5,580,900,000 for fiscal year 2000.

(b) Fiscal Years 2001 and 2002.—There are authorized to be appropriated to the National Aeronautics and Space Administration for Science, Aeronautics, and Technology for fiscal years 2001 and 2002 the following amounts:

(1) For Space Science—

(A) for fiscal year 2001, $2,417,800,000, of which—

(i) $10,500,000 shall be for the Near Earth Object Survey;

(ii) $523,601,000 shall be for the Research Program; and

(iii) $12,000,000 shall be for Space Solar Power technology; and

(B) for fiscal year 2002, $2,630,400,000, of which—

(i) $10,500,000 shall be for the Near Earth Object Survey;

(ii) $566,700,000 shall be for the Research Program;

(iii) $12,000,000 shall be for Space Solar Power technology; and

(iv) $5,000,000 shall be for Space Science Data Buy.

(2) For Life and Microgravity Sciences and Applications—

(A) for fiscal year 2001, $335,200,000, of which $2,000,000 shall be for research and early detection systems for breast and ovarian cancer and other women's health issues, $5,000,000 shall be for sounding rocket vouchers, $2,000,000 shall be made available for immediate clinical trials of islet transplantation in patients with Type I diabetes utilizing immunoisolation technologies derived from NASA space flights, and $70,000,000 may be used for activities associated with International Space Station research; and

(B) for fiscal year 2002, $344,000,000, of which $2,000,000 shall be for research and early detection systems for breast and ovarian cancer and other women's health issues, appropriate funding shall be made available for continuing clinical trials of islet transplantation in patients with Type I diabetes utilizing immunoisolation technologies derived from NASA space flights, and $80,800,000 may be used for activities associated with International Space Station research.

(3) For Earth Science, subject to the limitations set forth in section 125—

(A) for fiscal year 2001, $1,430,800,000; and

(B) for fiscal year 2002, $1,357,500,000.

(4) For Aero-Space Technology—

(A) for fiscal year 2001, $1,224,000,000, of which—

(i) at least $36,000,000 shall be for Quiet Aircraft Technology;

(ii) at least $70,000,000 shall be for the Aviation Safety program; and

(iii) $50,000,000 shall be for ultra-efficient engine technology; and

(iv) $290,000,000 shall be for Second Generation RLV Program; and

(B) for fiscal year 2002, $1,574,900,000, of which—

(i) at least $36,000,000 shall be for Quiet Aircraft Technology;

(ii) at least $70,000,000 shall be for the Aviation Safety program; and

(iii) $50,000,000 shall be for ultra-efficient engine technology; and

(iv) $610,000,000 shall be for Second Generation RLV Program.

(5) For Space Operations—

(A) for fiscal year 2001, $529,400,000; and

(B) for fiscal year 2002, $500,800,000.

(6) For Academic Programs—

(A) for fiscal year 2001, $141,300,000, of which—

(i) $11,800,000 shall be for the Teacher/Faculty Preparation and Enhancement Programs;

(ii) $11,800,000 shall be for the program known as the Experimental Program to Stimulate Competitive Research;

(iii) $54,000,000 shall be for minority university research and education (at institutions such as Hispanic-serving institutions, Alaska Native serving institutions, Native Hawaiian serving institutions, and tribally controlled colleges and universities), including $35,900,000 for Historically Black Colleges and Universities; and

(iv) $28,000,000 shall be for space grant colleges designated under section 208 of the National Space Grant College and Fellowship Act; and

(B) for fiscal year 2002, $141,300,000, of which—

(i) $12,500,000 shall be for the Teacher/Faculty Preparation and Enhancement Programs;

(ii) $12,500,000 shall be for the program known as the Experimental Program to Stimulate Competitive Research;

(iii) $54,000,000 shall be for minority university research and education (at institutions such as Hispanic-serving institutions, Alaska Native serving institutions, Native Hawaiian serving institutions, and tribally controlled colleges and universities), including $35,900,000 for Historically Black Colleges and Universities; and

(iv) $28,000,000 shall be for space grant colleges designated under section 208 of the National Space Grant College and Fellowship Act.

SEC. 103. MISSION SUPPORT.

(a) Fiscal Year 2000.—There are authorized to be appropriated to the National Aeronautics and Space Administration for Mission Support for fiscal year 2000 $2,512,000,000.

(b) Fiscal Years 2001 and 2002.—There are authorized to be appropriated to the National Aeronautics and Space Administration for Mission Support for fiscal years 2001 and 2002 the following amounts:

(1) For Safety, Mission Assurance, Engineering, and Advanced Concepts—

(A) for fiscal year 2001, $47,500,000; and

(B) for fiscal year 2002, $51,500,000.

(2) For Construction of Facilities, including land acquisition—

(A) for fiscal year 2001, $245,900,000; and

(B) for fiscal year 2002, $231,000,000.

(3) For Research and Program Management, including personnel and related costs, travel, and research operations support—

(A) for fiscal year 2001, $2,290,600,000; and

(B) for fiscal year 2002, $2,383,700,000.

SEC. 104. INSPECTOR GENERAL.

There are authorized to be appropriated to the National Aeronautics and Space Administration for Inspector General—

(1) for fiscal year 2000, $20,000,000;

(2) for fiscal year 2001, $22,000,000; and

(3) for fiscal year 2002, $22,700,000.

SEC. 105. TOTAL AUTHORIZATION.

Notwithstanding any other provision of this title, the total amount authorized to be appropriated to the National Aeronautics and Space Administration under this Act shall not exceed—

(1) for fiscal year 2001, $14,184,400,000; and

(2) for fiscal year 2002, $14,625,400,000.

Subtitle B—Limitations and Special Authority

SEC. 121. USE OF FUNDS FOR CONSTRUCTION.

(a) Authorized Uses.—Funds appropriated under sections 101, 102, and 103(b)(1) and funds appropriated for research operations support under section 103(b)(3) may, at any location in support of the purposes for which such funds are appropriated, be used for—

(1) the construction of new facilities; and

(2) additions to, repair of, rehabilitation of, or modification of existing facilities (in existence on the date on which such funds are made available by appropriation).

(b) Limitation.—

(1) In general.—Until the date specified in paragraph (2), no funds may be expended pursuant to subsection (a) for a project, with respect to which the estimated cost to the National Aeronautics and Space Administration, including collateral equipment, exceeds $1,000,000.

(2) Date.—The date specified in this paragraph is the date that is 30 days after the Administrator notifies the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives of the nature, location, and estimated cost to the National Aeronautics and Space Administration of the project referred to in paragraph (1).

(c) Title to Facilities.—

(1) In general.—If funds are used pursuant to subsection (a) for grants for the purchase or construction of additional research facilities to institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, title to these facilities shall be vested in the United States.

(2) Exception.—If the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title to a facility referred to in paragraph (1) in an institution or organization referred to in that paragraph, the title to that facility shall vest in that institution or organization.

(3) Condition.—Each grant referred to in paragraph (1) shall be made under such conditions as the Administrator determines to be necessary to ensure that the United States will receive benefits from the grant that are adequate to justify the making of the grant.

SEC. 122. AVAILABILITY OF APPROPRIATED AMOUNTS.

To the extent provided in appropriations Acts, appropriations authorized under subtitle A may remain available without fiscal year limitation.

SEC. 123. REPROGRAMMING FOR CONSTRUCTION OF FACILITIES.

(a) In General.—Appropriations authorized for construction of facilities under section 103(b)(2)—

(1) may be varied upward by 10 percent in the discretion of the Administrator; or

(2) may be varied upward by 25 percent, to meet unusual cost variations, after the expiration of 15 days following a report on the circumstances of such action by the Administrator to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

The aggregate amount authorized to be appropriated for construction of facilities under section 103(b)(2) shall not be increased as a result of actions authorized under paragraphs (1) and (2) of this subsection.

(b) Special Rule.—Where the Administrator determines that new developments in the national program of aeronautical and space activities have occurred; and that such developments require the use of additional funds for the purposes of construction, expansion, or modification of facilities at any location; and that deferral of such action until the enactment of the next National Aeronautics and Space Administration authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities, the Administrator may use up to $10,000,000 of the amounts authorized under section 103(b)(2) for each fiscal year for such purposes. No such funds may be obligated until a period of 30 days has passed after the Administrator has transmitted to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives a written report describing the nature of the construction, its costs, and the reasons therefor.

SEC. 124. USE OF FUNDS FOR SCIENTIFIC CONSULTATIONS OR EXTRAORDINARY EXPENSES.

Not more than $32,500 of the funds appropriated under section 102 may be used for scientific consultations or extraordinary expenses, upon the authority of the Administrator.

SEC. 125. EARTH SCIENCE LIMITATION.

Of the funds authorized to be appropriated for Earth Science under section 102(b)(3) for each of fiscal years 2001 and 2002, $25,000,000 shall be for the Commercial Remote Sensing Program for commercial data purchases, unless the National Aeronautics and Space Administration has integrated data purchases into the procurement process for Earth science research by obligating at least 5 percent of the aggregate amount appropriated for that fiscal year for Earth Observing System and Earth Probes for the purchase of Earth science data from the private sector.

SEC. 126. COMPETITIVENESS AND INTERNATIONAL COOPERATION.

(a) Limitation.—(1) As part of the evaluation of the costs and benefits of entering into an obligation to conduct a space mission in which a foreign entity will participate as a supplier of the spacecraft, spacecraft system, or launch system, the Administrator shall solicit comment on the potential impact of such participation through notice published in Commerce Business Daily at least 45 days before entering into such an obligation.

(2) The Administrator shall certify to the Congress at least 15 days in advance of any cooperative agreement with the People's Republic of China, or any company owned by the People's Republic of China or incorporated under the laws of the People's Republic of China, involving spacecraft, spacecraft systems, launch systems, or scientific or technical information that—

(A) the agreement is not detrimental to the United States space launch industry; and

(B) the agreement, including any indirect technical benefit that could be derived from the agreement, will not improve the missile or space launch capabilities of the People's Republic of China.

(3) The Inspector General of the National Aeronautics and Space Administration, in consultation with appropriate agencies, shall conduct an annual audit of the policies and procedures of the National Aeronautics and Space Administration with respect to the export of technologies and the transfer of scientific and technical information, to assess the extent to which the National Aeronautics and Space Administration is carrying out its activities in compliance with Federal export control laws and with paragraph (2).

(b) NATIONAL INTERESTS.—Before entering into an obligation described in subsection (a), the Administrator shall consider the national interests of the United States described in section 2(6).

SEC. 127. TRANS-HAB.

(a) REPLACEMENT STRUCTURE.—No funds authorized by this Act shall be obligated for the definition, design, procurement, or development of an inflatable space structure to replace any International Space Station components scheduled for launch in the Assembly Sequence adopted by the National Aeronautics and Space Administration in June 1999.

(b) EXCEPTION.—Notwithstanding subsection (a), nothing in this Act shall preclude the National Aeronautics and Space Administration from leasing or otherwise using a commercially provided inflatable habitation module, if such module would—

(1) cost the same or less, including any necessary modifications to other hardware or operating expenses, than the remaining cost of completing and attaching the baseline habitation module;

(2) impose no delays to the Space Station Assembly Sequence; and

(3) result in no increased safety risk.

(c) REPORT.—Notwithstanding subsection (a), the National Aeronautics and Space Administration shall report to the Congress by April 1, 2001, on its findings and recommendations on substituting any inflatable habitation module, or other inflatable structures, for one of the elements included in the Space Station Assembly Sequence adopted in June 1999.

SEC. 128. CONSOLIDATED SPACE OPERATIONS CONTRACT.

No funds authorized by this Act shall be used to create a Government-owned corporation to perform the functions that are the subject of the Consolidated Space Operations Contract.

TITLE II—INTERNATIONAL SPACE STATION

SEC. 201. INTERNATIONAL SPACE STATION CONTINGENCY PLAN.

(a) BIMONTHLY REPORTING ON RUSSIAN STATUS.—Not later than the first day of the first month beginning more than 60 days after the date of the enactment of this Act, and not later than the first day of every second month thereafter until October 1, 2006, the Administrator shall report to Congress whether or not the Russians have performed work expected of them and necessary to complete the International Space Station. Each such report shall also include a statement of the Administrator's judgment concerning Russia's ability to perform work anticipated and required to complete the International Space Station before the next report under this subsection.

(b) DECISION ON RUSSIAN CRITICAL PATH ITEMS.—The President shall notify Congress within 90 days after the date of the enactment of this Act of the decision on whether or not to proceed with permanent replacement of any Russian elements in the critical path of the International Space Station or any Russian launch services. Such notification shall include the reasons and justifications for the decision and the costs associated with the decision. Such decision shall include a judgment of when all elements identified in Revision E assembly sequence as of June 1999 will be in orbit and operational. If the President decides to proceed with a permanent replacement for any Russian element in the critical path or any Russian launch services, the President shall notify Congress of the reasons and the justification for the decision to proceed with the permanent replacement and the costs associated with the decision.

(c) ASSURANCES.—The United States shall seek assurances from the Russian Government that it places a higher priority on fulfilling its commitments to the International Space Station than it places on extending the life of the Mir Space Station, including assurances that Russia will not utilize assets allocated by Russia to the International Space Station for other purposes, including extending the life of Mir.

(d) EQUITABLE UTILIZATION.—In the event that any International Partner in the International Space Station Program willfully violates any of its commitments or agreements for the provision of agreed-upon Space Station-related hardware or related goods or services, the Administrator should, in a manner consistent with relevant international agreements, seek a commensurate reduction in the utilization rights of that Partner until such time as the violated commitments or agreements have been fulfilled.

(e) OPERATION COSTS.—The Administrator shall, in a manner consistent with relevant international agreements, seek to reduce the National Aeronautics and Space Administration's share of International Space Station common operating costs, based upon any additional capabilities provided to the International Space Station through the National Aeronautics and Space Administration's Russian Program Assurance activities.

SEC. 202. COST LIMITATION FOR THE INTERNATIONAL SPACE STATION.

(a) LIMITATION OF COSTS.—

(1) IN GENERAL.—Except as provided in subsections (c) and (d), the total amount obligated by the National Aeronautics and Space Administration for—

(A) costs of the International Space Station may not exceed $25,000,000,000; and

(B) space shuttle launch costs in connection with the assembly of the International Space Station may not exceed $17,700,000,000.

(2) CALCULATION OF LAUNCH COSTS.—For purposes of paragraph (1)(B)—

(A) not more than $380,000,000 in costs for any single space shuttle launch shall be taken into account; and

(B) if the space shuttle launch costs taken into account for any single space shuttle launch are less than $380,000,000, then the Administrator shall arrange for a verification, by the General Accounting Office, of the accounting used to determine those costs and shall submit that verification to the Congress within 60 days after the date on which the next budget request is transmitted to the Congress.

(b) COSTS TO WHICH LIMITATION APPLIES.—

(1) DEVELOPMENT COSTS.—The limitation imposed by subsection (a)(1)(A) does not apply to funding for operations, research, or crew return activities subsequent to substantial completion of the International Space Station.

(2) LAUNCH COSTS.—The limitation imposed by subsection (a)(1)(B) does not apply—

(A) to space shuttle launch costs in connection with operations, research, or crew return activities subsequent to substantial completion of the International Space Station;

(B) to space shuttle launch costs in connection with a launch for a mission on which at least 75 percent of the shuttle payload by mass is devoted to research; nor

(C) to any additional costs incurred in ensuring or enhancing the safety and reliability of the space shuttle.

(3) SUBSTANTIAL COMPLETION.—For purposes of this subsection, the International Space Station is considered to be substantially completed when the development costs comprise 5 percent or less of the total International Space Station costs for the fiscal year.

(c) NOTICE OF CHANGES TO SPACE STATION COSTS.—The Administrator shall provide with each annual budget request a written notice and analysis of any changes under subsection (d) to the amounts set forth in subsection (a) to the Senate Committees on Appropriations and on Commerce, Science, and Transportation and to the House of Representatives Committees on Appropriations and on Science. In addition, such notice may be provided at other times, as deemed necessary by the Administrator. The written notice shall include—

(1) an explanation of the basis for the change, including the costs associated with the change and the expected benefit to the program to be derived from the change;

(2) an analysis of the impact on the assembly schedule and annual funding estimates of not receiving the requested increases; and

(3) an explanation of the reasons that such a change was not anticipated in previous program budgets.

(d) FUNDING FOR CONTINGENCIES.—

(1) NOTICE REQUIRED.—If funding in excess of the limitation provided for in subsection (a) is required to address the contingencies described in paragraph (2), then the Administrator shall provide the written notice required by subsection (c). In the case of funding described in paragraph (3)(A), such notice shall be required prior to obligating any of the funding. In the case of funding described in paragraph (3)(B), such notice shall be required within 15 days after making a decision to implement a change that increases the space shuttle launch costs in connection with the assembly of the International Space Station.

(2) CONTINGENCIES.—The contingencies referred to in paragraph (1) are the following:

(A) The lack of performance or the termination of participation of any of the International countries party to the Intergovernmental Agreement.

(B) The loss or failure of a United States-provided element during launch or on-orbit.

(C) On-orbit assembly problems.

(D) New technologies or training to improve safety on the International Space Station.

(E) The need to launch a space shuttle to ensure the safety of the crew or to maintain the integrity of the station.

(3) AMOUNTS.—The total amount obligated by National Aeronautics and Space Administration to address the contingencies described in paragraph (2) is limited to—

(A) $5,000,000,000 for the International Space Station; and

(B) $3,540,000,000 for the space shuttle launch costs in connection with the assembly of the International Space Station.

(e) REPORTING AND REVIEW.—

(1) IDENTIFICATION OF COSTS.—

(A) SPACE SHUTTLE.—As part of the overall space shuttle program budget request for each fiscal year, the Administrator shall identify separately—

(i) the amounts of the requested funding that are to be used for completion of the assembly of the International Space Station; and

(ii) any shuttle research mission described in subsection (b)(2).

(B) INTERNATIONAL SPACE STATION.—As part of the overall International Space Station budget request for each fiscal year, the Administrator shall identify the amount to be used for development of the International Space Station.

(2) ACCOUNTING FOR COST LIMITATIONS.—As part of the annual budget request to the Congress, the Administrator shall account for the cost limitations imposed by subsection (a).

(3) VERIFICATION OF ACCOUNTING.—The Administrator shall arrange for a verification, by the General Accounting Office, of the accounting submitted to the Congress within 60 days after the date on which the budget request is transmitted to the Congress.

(4) INSPECTOR GENERAL.—Within 60 days after the Administrator provides a notice and analysis to the Congress under subsection (c), the Inspector General of the National Aeronautics

and Space Administration shall review the notice and analysis and report the results of the review to the committees to which the notice and analysis were provided.

SEC. 203. RESEARCH ON INTERNATIONAL SPACE STATION.

(a) STUDY.—The Administrator shall enter into a contract with the National Research Council and the National Academy of Public Administration to jointly conduct a study of the status of life and microgravity research as it relates to the International Space Station. The study shall include—

(1) an assessment of the United States scientific community's readiness to use the International Space Station for life and microgravity research;

(2) an assessment of the current and projected factors limiting the United States scientific community's ability to maximize the research potential of the International Space Station, including, but not limited to, the past and present availability of resources in the life and microgravity research accounts within the Office of Human Spaceflight and the Office of Life and Microgravity Sciences and Applications and the past, present, and projected access to space of the scientific community; and

(3) recommendations for improving the United States scientific community's ability to maximize the research potential of the International Space Station, including an assessment of the relative costs and benefits of—

(A) dedicating an annual mission of the Space Shuttle to life and microgravity research during assembly of the International Space Station; and

(B) maintaining the schedule for assembly in place at the time of the enactment.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study conducted under this section.

SEC. 204. SPACE STATION COMMERCIAL DEVELOPMENT DEMONSTRATION PROGRAM.

Section 434 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 is amended by striking "2001," each place it appears and inserting "2002,".

SEC. 205. SPACE STATION RESEARCH UTILIZATION AND COMMERCIALIZATION MANAGEMENT.

(a) RESEARCH UTILIZATION AND COMMERCIALIZATION MANAGEMENT ACTIVITIES.—The Administrator of the National Aeronautics and Space Administration shall enter into an agreement with a non-government organization to conduct research utilization and commercialization management activities of the International Space Station subsequent to substantial completion as defined in section 202(b)(3). The agreement may not take effect less than 120 days after the implementation plan for the agreement is submitted to the Congress under subsection (b).

(b) IMPLEMENTATION PLAN.—Not later than September 30, 2001, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives an implementation plan to incorporate the use of a non-government organization for the International Space Station. The implementation plan shall include—

(1) a description of the respective roles and responsibilities of the Administration and the non-government organization;

(2) a proposed structure for the non-government organization;

(3) a statement of the resources required;

(4) a schedule for the transition of responsibilities; and

(5) a statement of the duration of the agreement.

TITLE III—MISCELLANEOUS

SEC. 301. REQUIREMENT FOR INDEPENDENT COST ANALYSIS.

(a) REQUIREMENT.—Before any funds may be obligated for Phase B of a project that is projected to cost more than $150,000,000 in total project costs, the Chief Financial Officer for the National Aeronautics and Space Administration shall conduct an independent life-cycle cost analysis of such project and shall report the results to Congress. In developing cost accounting and reporting standards for carrying out this section, the Chief Financial Officer shall, to the extent practicable and consistent with other laws, solicit the advice of expertise outside of the National Aeronautics and Space Administration.

(b) DEFINITION.—For purposes of this section, the term "Phase B" means the latter stages of project formulation, during which the final definition of a project is carried out and before project implementation (which includes the Design, Development, and Operations Phases) begins.

SEC. 302. NATIONAL AERONAUTICS AND SPACE ACT OF 1958 AMENDMENTS.

(a) DECLARATION OF POLICY AND PURPOSE.—Section 102 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451) is amended—

(1) by striking subsection (f) and redesignating subsections (g) and (h) as subsections (f) and (g), respectively; and

(2) in subsection (g), as so redesignated by paragraph (1) of this subsection, by striking "(f), and (g)" and inserting in lieu thereof "and (f)".

(b) REPORTS TO THE CONGRESS.—Section 206(a) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2476(a)) is amended—

(1) by striking "January" and inserting in lieu thereof "May"; and

(2) by striking "calendar" and inserting in lieu thereof "fiscal".

SEC. 303. COMMERCIAL SPACE GOODS AND SERVICES.

It is the sense of Congress that the National Aeronautics and Space Administration shall purchase commercially available space goods and services to the fullest extent feasible and shall not conduct activities with commercial applications that preclude or deter commercial space activities except for reasons of national security or public safety. A space good or service shall be deemed commercially available if it is offered by a commercial provider, or if it could be supplied by a commercial provider in response to a Government procurement request. For purposes of this section, a purchase is feasible if it meets mission requirements in a cost-effective manner.

SEC. 304. COST EFFECTIVENESS CALCULATIONS.

Except as otherwise required by law, in calculating the cost effectiveness of the cost of the National Aeronautics and Space Administration engaging in an activity as compared to a commercial provider, the Administrator shall compare the cost of the National Aeronautics and Space Administration engaging in the activity using full cost accounting principles with the price the commercial provider will charge for such activity.

SEC. 305. FOREIGN CONTRACT LIMITATION.

The National Aeronautics and Space Administration shall not enter into any agreement or contract with a foreign government that grants the foreign government the right to recover profit in the event that the agreement or contract is terminated.

SEC. 306. AUTHORITY TO REDUCE OR SUSPEND CONTRACT PAYMENTS BASED ON SUBSTANTIAL EVIDENCE OF FRAUD.

Section 2307(i)(8) of title 10, United States Code, is amended by striking "and (4)" and inserting in lieu thereof "(4), and (6)".

SEC. 307. SPACE SHUTTLE UPGRADE STUDY.

(a) STUDY.—The Administrator shall enter into appropriate arrangements for the conduct of an independent study to reassess the priority of all Space Shuttle upgrades which are under consideration by the National Aeronautics and Space Administration but for which substantial development costs have not been incurred.

(b) PRIORITIES.—The study described in subsection (a) shall establish relative priorities of the upgrades within each of the following categories:

(1) Upgrades that are safety related.

(2) Upgrades that may have functional or technological applicability to reusable launch vehicles.

(3) Upgrades that have a payback period within the next 12 years.

(c) COMPLETION DATE.—The results of the study described in subsection (a) shall be transmitted to the Congress not later than 180 days after the date of the enactment of this Act.

SEC. 308. AERO-SPACE TRANSPORTATION TECHNOLOGY INTEGRATION.

(a) INTEGRATION PLAN.—The Administrator shall develop a plan for the integration of research, development, and experimental demonstration activities in the aeronautics transportation technology and space transportation technology areas where appropriate. The plan shall ensure that integration is accomplished without losing unique capabilities which support the National Aeronautics and Space Administration's defined missions. The plan shall also include appropriate strategies for using aeronautics centers in integration efforts.

(b) REPORTS TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act, the Administrator shall transmit to the Congress a report containing the plan developed under subsection (a). The Administrator shall transmit to the Congress annually thereafter for 5 years a report on progress in achieving such plan, to be transmitted with the annual budget request.

SEC. 309. DEFINITIONS OF COMMERCIAL SPACE POLICY TERMS.

It is the sense of the Congress that the Administrator should ensure, to the extent practicable, that the usage of terminology in National Aeronautics and Space Administration policies and programs with respect to space activities is consistent with the following definitions:

(1) The term "commercialization" means actions or policies which promote or facilitate the private creation or expansion of commercial markets for privately developed and privately provided space goods and services, including privatized space activities.

(2) The term "commercial purchase" means a purchase by the Federal Government of space goods and services at a market price from a private entity which has invested private resources to meet commercial requirements.

(3) The term "commercial use of Federal assets" means the use of Federal assets by a private entity to deliver services to commercial customers, with or without putting private capital at risk.

(4) The term "contract consolidation" means the combining of two or more Government service contracts for related space activities into one larger Government service contract.

(5) The term "privatization" means the process of transferring—

(A) control and ownership of Federal space-related assets, along with the responsibility for operating, maintaining, and upgrading those assets, to the private sector; or

(B) control and responsibility for space-related functions from the Federal Government to the private sector.

SEC. 310. EXTERNAL TANK OPPORTUNITIES STUDY.

(a) APPLICATIONS.—The Administrator shall enter into appropriate arrangements for an independent study to identify, and evaluate the potential benefits and costs of, the broadest possible range of commercial and scientific applications which are enabled by the launch of Space Shuttle external tanks into Earth orbit and retention in space, including—

(1) the use of privately owned external tanks as a venue for commercial advertising on the ground, during ascent, and in Earth orbit, except that such study shall not consider advertising that while in orbit is observable from the ground with the unaided human eye;

(2) the use of external tanks to achieve scientific or technology demonstration missions in Earth orbit, on the Moon, or elsewhere in space; and

(3) the use of external tanks as low-cost infrastructure in Earth orbit or on the Moon, including as an augmentation to the International Space Station.

A final report on the results of such study shall be delivered to the Congress not later than 90 days after the date of the enactment of this Act. Such report shall include recommendations as to Government and industry-funded improvements to the external tank which would maximize its cost-effectiveness for the scientific and commercial applications identified.

(b) REQUIRED IMPROVEMENTS.—The Administrator shall conduct an internal agency study, based on the conclusions of the study required by subsection (a), of what—

(1) improvements to the current Space Shuttle external tank; and

(2) other in-space transportation or infrastructure capability developments,

would be required for the safe and economical use of the Space Shuttle external tank for any or all of the applications identified by the study required by subsection (a), a report on which shall be delivered to Congress not later than 45 days after receipt of the final report required by subsection (a).

(c) CHANGES IN LAW OR POLICY.—Upon receipt of the final report required by subsection (a), the Administrator shall solicit comment from industry on what, if any, changes in law or policy would be required to achieve the applications identified in that final report. Not later than 90 days after receipt of such final report, the Administrator shall transmit to the Congress the comments received along with the recommendations of the Administrator as to changes in law or policy that may be required for those purposes.

SEC. 311. NOTICE.

(a) NOTICE OF REPROGRAMMING.—If any funds authorized by this Act are subject to a reprogramming action that requires notice to be provided to the Appropriations Committees of the House of Representatives and the Senate, notice of such action shall concurrently be provided to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(b) NOTICE OF REORGANIZATION.—The Administrator shall provide notice to the Committees on Science and Appropriations of the House of Representatives, and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate, not later than 30 days before any major reorganization of any program, project, or activity of the National Aeronautics and Space Administration.

SEC. 312. UNITARY WIND TUNNEL PLAN ACT OF 1949 AMENDMENTS.

The Unitary Wind Tunnel Plan Act of 1949 is amended—

(1) in section 101 (50 U.S.C. 511) by striking "transsonic and supersonic" and inserting "transsonic, supersonic, and hypersonic"; and

(2) in section 103 (50 U.S.C. 513)—

(A) by striking "laboratories" in subsection (a) and inserting "laboratories and centers";

(B) by striking "supersonic" in subsection (a) and inserting "transsonic, supersonic, and hypersonic"; and

(C) by striking "laboratory" in subsection (c) and inserting "facility".

SEC. 313. INNOVATIVE TECHNOLOGIES FOR HUMAN SPACE FLIGHT.

(a) ESTABLISHMENT OF PROGRAM.—In order to promote a "faster, cheaper, better" approach to the human exploration and development of space, the Administrator shall establish a Human Space Flight Innovative Technologies program of ground-based and space-based research and development in innovative technologies. The program shall be part of the Technology and Commercialization program.

(b) AWARDS.—At least 75 percent of the amount appropriated for Technology and Commercialization under section 101(b)(4) for any fiscal year shall be awarded through broadly distributed announcements of opportunity that solicit proposals from educational institutions, industry, nonprofit institutions, National Aeronautics and Space Administration Centers, the Jet Propulsion Laboratory, other Federal agencies, and other interested organizations, and that allow partnerships among any combination of those entities, with evaluation, prioritization, and recommendations made by external peer review panels.

(c) PLAN.—The Administrator shall provide to the Committee on Science of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate, not later than December 1, 2000, a plan to implement the program established under subsection (a).

SEC. 314. LIFE IN THE UNIVERSE.

(a) REVIEW.—The Administrator shall enter into appropriate arrangements with the National Academy of Sciences for the conduct of a review of—

(1) international efforts to determine the extent of life in the universe; and

(2) enhancements that can be made to the National Aeronautics and Space Administration's efforts to determine the extent of life in the universe.

(b) ELEMENTS.—The review required by subsection (a) shall include—

(1) an assessment of the direction of the National Aeronautics and Space Administration's astrobiology initiatives within the Origins program;

(2) an assessment of the direction of other initiatives carried out by entities other than the National Aeronautics and Space Administration to determine the extent of life in the universe, including other Federal agencies, foreign space agencies, and private groups such as the Search for Extraterrestrial Intelligence Institute;

(3) recommendations about scientific and technological enhancements that could be made to the National Aeronautics and Space Administration's astrobiology initiatives to effectively utilize the initiatives of the scientific and technical communities; and

(4) recommendations for possible coordination or integration of National Aeronautics and Space Administration initiatives with initiatives of other entities described in paragraph (2).

(c) REPORT TO CONGRESS.—Not later than 20 months after the date of the enactment of this Act, the Administrator shall transmit to the Congress a report on the results of the review carried out under this section.

SEC. 315. CARBON CYCLE REMOTE SENSING APPLICATIONS RESEARCH.

(a) CARBON CYCLE REMOTE SENSING APPLICATIONS RESEARCH PROGRAM.—

(1) IN GENERAL.—The Administrator shall develop a carbon cycle remote sensing applications research program—

(A) to provide a comprehensive view of vegetation conditions;

(B) to assess and model agricultural carbon sequestration; and

(C) to encourage the development of commercial products, as appropriate.

(2) USE OF CENTERS.—The Administrator of the National Aeronautics and Space Administration shall use regional earth science application centers to conduct applications research under this section.

(3) RESEARCHED AREAS.—The areas that shall be the subjects of research conducted under this section include—

(A) the mapping of carbon-sequestering land use and land cover;

(B) the monitoring of changes in land cover and management;

(C) new approaches for the remote sensing of soil carbon; and

(D) region-scale carbon sequestration estimation.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 of funds authorized by section 102 for fiscal years 2001 through 2002.

SEC. 316. REMOTE SENSING FOR AGRICULTURAL AND RESOURCE MANAGEMENT.

(a) INFORMATION DEVELOPMENT.—The Administrator shall—

(1) consult with the Secretary of Agriculture to determine data product types that are of use to farmers which can be remotely sensed from air or space;

(2) consider useful commercial data products related to agriculture as identified by the focused research program between the National Aeronautics and Space Administration's Stennis Space Center and the Department of Agriculture; and

(3) examine other data sources, including commercial sources, LightSAR, RADARSAT I, and RADARSAT II, which can provide domestic and international agricultural information relating to crop conditions, fertilization and irrigation needs, pest infiltration, soil conditions, projected food, feed, and fiber production, and other related subjects.

(b) PLAN.—After performing the activities described in subsection (a) the Administrator shall, in consultation with the Secretary of Agriculture, develop a plan to inform farmers and other prospective users about the use and availability of remote sensing products that may assist with agricultural and forestry applications identified in subsection (a). The Administrator shall transmit such plan to the Congress not later than 180 days after the date of the enactment of this Act.

(c) IMPLEMENTATION.—Not later than 90 days after the plan has been transmitted under subsection (b), the Administrator shall implement the plan.

SEC. 317. 100TH ANNIVERSARY OF FLIGHT EDUCATIONAL INITIATIVE.

(a) EDUCATIONAL INITIATIVE.—In recognition of the 100th anniversary of the first powered flight, the Administrator, in coordination with the Secretary of Education, shall develop and provide for the distribution, for use in the 2001–2002 academic year and thereafter, of age-appropriate educational materials, for use at the kindergarten, elementary, and secondary levels, on the history of flight, the contribution of flight to global development in the 20th century, the practical benefits of aeronautics and space flight to society, the scientific and mathematical

principles used in flight, and any other related topics the Administrator considers appropriate. The Administrator shall integrate into the educational materials plans for the development and flight of the Mars plane.

(b) REPORT TO CONGRESS.—Not later than December 1, 2000, the Administrator shall transmit a report to the Congress on activities undertaken pursuant to this section.

SEC. 318. INTERNET AVAILABILITY OF INFORMATION.

Upon the conclusion of the research under a research grant or award of $50,000 or more made with funds authorized by this Act, the Administrator shall make available through the Internet home page of the National Aeronautics and Space Administration a brief summary of the results and importance of such research grant or award. Nothing in this section shall be construed to require or permit the release of any information prohibited by law or regulation from being released to the public.

SEC. 319. SENSE OF THE CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Administrator shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 320. ANTI-DRUG MESSAGE ON INTERNET SITES.

Not later than 90 days after the date of the enactment of this Act, the Administrator, in consultation with the Director of the Office of National Drug Control Policy, shall place anti-drug messages on Internet sites controlled by the National Aeronautics and Space Administration.

SEC. 321. ENHANCEMENT OF SCIENCE AND MATHEMATICS PROGRAMS.

(a) DEFINITIONS.—In this section:

(1) EDUCATIONALLY USEFUL FEDERAL EQUIPMENT.—The term "educationally useful Federal equipment" means computers and related peripheral tools and research equipment that is appropriate for use in schools.

(2) SCHOOL.—The term "school" means a public or private educational institution that serves any of the grades of kindergarten through grade 12.

(b) SENSE OF CONGRESS.—

(1) IN GENERAL.—It is the sense of Congress that the Administrator should, to the greatest extent practicable and in a manner consistent with applicable Federal law (including Executive Order No. 12999), donate educationally useful Federal equipment to schools in order to enhance the science and mathematics programs of those schools.

(2) REPORTS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Administrator shall prepare and submit to Congress a report describing any donations of educationally useful Federal equipment to schools made during the period covered by the report.

SEC. 322. SPACE ADVERTISING.

(a) DEFINITION.—Section 70102 of title 49, United States Code, is amended—

(1) by redesignating paragraphs (8) through (16) as paragraphs (9) through (17), respectively; and

(2) by inserting after paragraph (7) the following:

"(8) 'obtrusive space advertising' means advertising in outer space that is capable of being recognized by a human being on the surface of the Earth without the aid of a telescope or other technological device.".

(b) PROHIBITION.—Chapter 701 of title 49, United States Code, is amended by inserting after section 70109 the following new section:

"§ 70109a. Space advertising

"(a) LICENSING.—Notwithstanding the provisions of this chapter or any other provision of law, the Secretary may not, for the launch of a payload containing any material to be used for the purposes of obtrusive space advertising—

"(1) issue or transfer a license under this chapter; or

"(2) waive the license requirements of this chapter.

"(b) LAUNCHING.—No holder of a license under this chapter may launch a payload containing any material to be used for purposes of obtrusive space advertising.

"(c) COMMERCIAL SPACE ADVERTISING.—Nothing in this section shall apply to nonobtrusive commercial space advertising, including advertising on—

"(1) commercial space transportation vehicles;

"(2) space infrastructure payloads;

"(3) space launch facilities; and

"(4) launch support facilities.".

(c) NEGOTIATION WITH FOREIGN LAUNCHING NATIONS.—(1) The President is requested to negotiate with foreign launching nations for the purpose of reaching 1 or more agreements that prohibit the use of outer space for obtrusive space advertising purposes.

(2) It is the sense of Congress that the President should take such action as is appropriate and feasible to enforce the terms of any agreement to prohibit the use of outer space for obtrusive space advertising purposes.

(3) As used in this subsection, the term "foreign launching nation" means a nation—

(A) that launches, or procures the launching of, a payload into outer space; or

(B) from the territory or facility of which a payload is launched into outer space.

(d) CLERICAL AMENDMENT.—The table of sections for chapter 701 is amended by inserting after the item relating to section 70109 the following:

"70109a. Space advertising.".

SEC. 323. AERONAUTICAL RESEARCH.

(a) FLIGHT RESEARCH STUDY.—

(1) IN GENERAL.—Within 6 months after the date of the enactment of this Act, the Administrator shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives the results of an engineering study of the modifications necessary for the more effective use of the WB–57 flight research plan.

(2) CONTENTS OF STUDY.—The engineering study provided by the Administrator under paragraph (1) shall address at least the following issues:

(A) Replacement of autopilot.

(B) Replacement of landing gear or improved brake system.

(C) Upgrade of avionics.

(D) Upgrade of engines for higher flight regimes.

(E) Installation of winglets on aircraft wings.

(F) Research benefits to be derived from modifications of plane.

(G) Associated costs of each of the modifications.

(b) AIRCRAFT ICING RESEARCH PLAN.—

(1) IN GENERAL.—Within 90 days after the date of the enactment of this Act, the Administrator shall submit a plan to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives for aircraft icing research to be conducted over the 5-year period commencing on October 1, 2000.

(2) CONTENTS OF THE PLAN.—The aircraft icing research plan submitted by the Administrator under paragraph (1) shall include at least the following items:

(A) Research goals and objectives.

(B) Funding levels for each of the 5 fiscal years.

(C) Anticipated extent and nature of involvement in the research program by agencies, organizations, and companies, both domestic and foreign, other than the National Aeronautics and Space Administration.

(D) Anticipated resource requirements and locations of aircraft icing tunnel research and flight research for each of the 5 fiscal years.

SEC. 324. INSURANCE, INDEMNIFICATION, AND CROSS-WAIVERS.

(a) TECHNICAL AMENDMENT.—Title III of the National Aeronautics and Space Act of 1958 is amended—

(1) by redesignating sections 309 through 311 as sections 310 through 312, respectively; and

(2) by inserting "SEC. 309." before "(a) IN GENERAL.—" in the undesignated section added by section 435 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000.

(b) AMENDMENTS.—Section 309 of the National Aeronautics and Space Act of 1958 (as so designated by subsection (a)(2) of this section) is amended—

(1) in subsection (c)(1), by striking "departments, agencies, and related entities" and inserting "departments, agencies, and instrumentalities";

(2) in subsection (c)(2), by adding at the end the following new subparagraph:

"(D) WILLFUL MISCONDUCT.—A reciprocal waiver under paragraph (1) may not relieve the United States, the developer, the cooperating party, or the related entities of the developer or cooperating party, of liability for damage or loss resulting from willful misconduct."; and

(3) by adding at the end the following new subsection:

"(f) TERMINATION.—

"(1) IN GENERAL.—The provisions of this section shall terminate on December 31, 2002, except that the Administrator may extend the termination date to a date not later than September 30, 2005, if the Administrator determines that such extension is in the interests of the United States.

"(2) EFFECT OF TERMINATION ON AGREEMENT.—The termination of this section shall not terminate or otherwise affect any cross-waiver agreement, insurance agreement, indemnification agreement, or other agreement entered into under this section, except as may be provided in that agreement.".

SEC. 325. USE OF ABANDONED, UNDERUTILIZED, AND EXCESS BUILDINGS, GROUNDS, AND FACILITIES.

(a) IN GENERAL.—In any case in which the Administrator considers the purchase, lease, or expansion of a facility to meet requirements of the National Aeronautics and Space Administration, the Administrator shall consider whether those requirements could be met by the use of one of the following:

(1) Abandoned or underutilized buildings, grounds, and facilities in depressed communities that can be converted to National Aeronautics and Space Administration usage at a reasonable cost, as determined by the Administrator.

(2) Any military installation that is closed or being closed, or any facility at such an installation.

(3) Any other facility or part of a facility that the Administrator determines to be—

(A) owned or leased by the United States for the use of another agency of the Federal Government; and

(B) considered by the head of the agency involved—

(i) to be excess to the needs of that agency; or

(ii) to be underutilized by that agency.

(b) DEFINITION.—*For the purposes of this section, the term "depressed communities" means rural and urban communities that are relatively depressed, in terms of age of housing, extent of poverty, growth of per capita income, extent of unemployment, job lag, or surplus labor.*

And the Senate agree to the same.

F. JAMES SENSENBRENNER, Jr.,
DANA ROHRABACHER,
DAVE WELDON,
RALPH M. HALL,
BART GORDON,
Managers on the Part of the House.

JOHN MCCAIN,
TED STEVENS,
BILL FRIST,
FRITZ HOLLINGS,
JOHN BREAUX,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1654), to authorize appropriations for the National Aeronautics and Space Administration for fiscal years 2000, 2001, and 2002, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

The House and Senate authorization bills were passed in 1999 and based on the fiscal year (FY) 2000 budget request. Both bills authorized funding for FY 2000 through FY 2002 based on the budget runouts provided with the President's FY 2000 request for NASA funding. However, conference discussions were still underway when the President unveiled his FY 2001 budget request. The FY 2001 budget request differed significantly from that projected in FY 2000. The FY 2001 budget contained significant increases in Space Science and Aerospace Technology and minor reductions in Human Spaceflight and Earth Science, reflecting that the International Space Station (ISS) and the first phase of the EOS program had passed the peak of their development costs. Consequently, the conferees adjusted the conference text to reflect the new information contained in the FY 2001 request.

TITLE I. AUTHORIZATION OF APPROPRIATIONS

(Subtitle A)

Human Spaceflight. The President requested $5,499,900,000 for Human Spaceflight in FY 2001. Conferees agreed to $5,499,900,000 for Human Spaceflight in FY 2001. The conferees provided funding for International Space Station, the Space Shuttle, Payload/ELV Support and Investments and Support at the level of the President's request. Concerned about past Administration cuts to the International Space Station research activities, the conferees adopted a House provision setting aside $455,400,000 of the amount authorized for Space Station research and assigning the Office of Life and Microgravity Sciences and Applications responsibility for administering those funds.

The Senate-passed authorization bill excluded $200 million in funding in the Space Station funding account for the Propulsion Module due to lack of specific plans. Conferees continue to be concerned given the recent significant cost increase of at least $150 million and schedule slippages of 18 months for the module. These cost increases and delays are even more alarming given the project is still in its early developmental stages. The conferees are also concerned about the lack of specific future plans for the Propulsion Module at this point.

The President requested $5,387,600,000 for Human Spaceflight in FY 2002. Conferees agreed to authorize $5,387,600,000 for Human Spaceflight in FY 2002. The conferees provided funding for International Space Station, the Space Shuttle, Payload/ELV Support and Investments and Support at the level of the President's request. Concerned about past Administration cuts to the International Space Station research activities, the conferees adopted a House provision setting aside $451,600,000 of the amount authorized for Space Station research and assigning the Office of Life and Microgravity Sciences and Applications responsibility for administering those funds. The conferees also agreed to authorize $20,000,000 for Technology and Commercialization in FY 2001 and FY 2002.

Science, Aeronautics, and Technology. The President requested $2,398,800,000 for space science in FY 2001. Conferees agreed to authorize $2,417,800,000 for Space Science in FY 2001, $19,000,000 more than the President requested and $225,015,000 more than the FY 2000 appropriated level. The President requested $2,606,400,000 for space science in FY 2002. Conferees agreed to authorize $2,630,400,000 in FY 2002, $24,000,000 more than the Presidential request. Conferees also agreed to: House language stating that of the total authorized for Space Science $10,500,000 shall be for the Near Earth Object Survey in FY 2001 and FY 2002; $523,601,000 shall be for the Research Program in FY 2001 and $566,700,000 shall be for the Research Program in FY 2002; $12,000,000 shall be for Space Solar Power technology in FY 2001 and FY 2002; and $5,000,000 shall be for Space Science Data Buys in FY 2002. Despite the loss of both Mars 1998 missions, the conferees remain committed to exploring Mars and support the President's decision to increase the Mars program's baseline funding by $347,400,000 over the period FY 2001 through FY 2005 in his FY 2001 budget request. Moreover, the conferees continue to endorse NASA's faster, better, cheaper concept and believe that a greater number of small missions will do more to advance certain scientific goals than large missions launched just once every decade. Nevertheless, better definition of the concept is needed for proper and effective implementation.

The President requested $302,400,000 for Life and Microgravity Science in FY 2001 and $300,300,000 for FY 2002. The conferees are concerned that past cuts to Life and Microgravity research are impeding scientific progress and undermining the future readiness of the scientific community to fully utilize the ISS. The conferees agreed to authorize $335,200,000 and $344,000,000 for Life and Microgravity research in FY 2001 and FY 2002, respectively. Together, these represent an increase of $76,500,000, nearly 13% over the President's request for both years. Given NASA's development of non-invasive diagnostic capabilities in the life sciences, conferees adopted House language setting aside $2,000,000 of the amount authorized for FY 2001 and FY 2002 for research and early detection systems for breast and ovarian cancer. Conferees also adopted Senate language setting aside $2,000,000 of the amount authorized for FY 2001 and FY 2002 for clinical trials of islet transplantation technology for Type I diabetes patients developed as a result of past space flight activities. Finally, conferees adopted House language signaling that $70,000,000 of funds authorized for FY 2001 and $80,800,000 of funds authorized for FY 2002 may be used for research associated with the ISS. These amounts signify continuing Congressional commitment to restoring past cuts to the Life and Microgravity research budget and a desire to improve the role of the Life and Microgravity research community in planning Space Station research activities.

For Earth Science, the President requested $1,405,800,000 in FY 2001 and $1,332,500,000 in FY 2002. The House authorized $1,413,300,000 and the Senate authorized $1,502,873,000 for Earth Science in FY 2001. The House authorized $1,365,300,000 and the Senate authorized $1,547,959,000 for Earth Science in FY 2002. Conferees agreed to authorize $1,430,800,000 and $1,357,500,000 for earth science in FY 2001 and FY 2002 respectively. The House-passed bill terminated the Triana spacecraft. The Senate did not eliminate the program; the House receded to the Senate.

In Aerospace Technology, the President requested $1,193,000,000 in FY 2001 and $1,548,900,000 in FY 2002. Conferees agreed to authorize $1,224,000,000 in FY 2001, $31,000,000 more than the President requested, and $1,574,900,000 in FY 2002, $26,000,000 more than the President requested. In aeronautics, the conferees are concerned about the continuing decline in funding for aeronautics research over the last several years and agreed to authorize funding of $36,000,000 in FY 2001 and FY 2002 for NASA's Quiet Aircraft Technology programs, $70,000,000 in FY 2001 and FY 2002 for its Aviation Safety programs, and $50,000,000 in FY 2001 and FY 2002 for its ultra-efficient engine technology program. The conferees reaffirm Congress' commitment to a strong NASA aeronautical R&D program, and believe that it will be necessary to make appropriate investments in the modernization of NASA'a aeronautical research facilities to keep pace with the full range of current and emerging aeronautical R&D challenges. Conferees provided full funding for the Space Launch Initiative, singling out the Second Generation RLV Program for funding. Moreover, the conferees endorse the general approach and plan to preserve competition among technological concepts within the SLI as laid out by NASA in briefings and presentations to the respective authorizing committees. The investigation of multiple technological concepts could include examination of such concepts as Two-Stage-to-Orbit; Single-Stage-to-Orbit, Vertical-Takeoff-Vertical-Landing (for which potential military applications are envisioned by some observers), and air-launched systems, among others. The conferees further note that NASA's plan for "Alternative Access" to the International Space Station is contained within the Space Launch Initiative budget profile and commend NASA for seeking means of reducing our dependence on the Space Shuttle and Russian Soyuz and Progress vehicles for access to ISS. The conferees believe it will be necessary to make appropriate investments in the modernization of NASA's rocket engine testing facilities to keep pace with the development of the Second Generation RLV program, particularly given NASA's plan to develop some air-breathing engine technologies.

The President requested $100,000,000 for Academic Programs in FY 2001 and FY 2002, a $41,300,000 reduction from the FY 2000 funding appropriated by Congress. The House passed bill provided $128,600,000 in FY 2001 and $130,600,000 in FY 2002. The Senate bill provided $133,900,000 and $137,917,000 in FY 2001 and FY 2002 respectively. Conferees recommended authorizing $141,300,000 for FY 2001 and $141,300,000 for FY 2002. Within those authorizations, $11,800,000 in FY 2001 shall be for Teacher/Faculty Preparation and Enhancement Programs and $11,800,000 in FY 2001 shall be for the Experimental Program to Stimulate Competitive Research. Conferees authorized both programs at the level of $12,500,000 in FY 2002. The conferees also agreed that $28,000,000 of the funds authorized shall be for Space Grant Colleges in both FY 2001 and FY 2002. Finally, the Conferees agreed that $54,000,000 in both FY 2001 and FY 2002 shall be for minority university research and education, including $35,900,000 for Historically Black Colleges and Universities.

Mission Support, NASA Inspector General, & Total Authorization. In Mission Support, the conferees recommended funding the President's request of $2,584,000,000 in FY 2001 and $2,666,200,000 in FY 2002. Conferees also agreed to authorize $20,000,000 for the NASA Inspector General in FY 2000, $22,000,000 in FY 2001 and $22,700,000 in FY 2002 as requested by the President.

The conferees authorized $13,600,800,000 for NASA in FY 2000, reflecting the FY 2000 appropriations and including $5,487,900,000 for Human Spaceflight, $5,580,900,000 for Science, Aeronautics and Technology, $2,512,000,000 for Mission Support, and $20,000,000 for the NASA Inspector General. The total amount of funding authorized for NASA is $14,184,400,000 in FY 2001, which is $149,100,000 more than the President requested. The total amount authorized for FY 2002 is $14,625,400,000, which is $160,000,000 more than the President's outyear budget projections.

The conferees have been concerned about the need to ensure that NASA's personnel and facilities will be able to support a robust and safe space and aeronautics program over the next decade and beyond. In particular, the conferees note the high portion of NASA personnel that are at, or near, the age for retirement eligibility. In addition, the conferees note the importance of ensuring the continued safety of workers and property at NASA's facilities. Therefore, the conferees expect the Administrator to report to Congress by April 1, 2001 on NASA's plans and anticipated resource requirements for (1) ensuring that critical technical and managerial skills are maintained throughout the space agency, including plans for hiring new personnel as appropriate; and (2) plans for investing in the maintenance and upgrading of facilities and equipment to ensure the safety of both workers and property.

Policy provisions (Subtitle B)

The House bill contained Section 125, authorizing $50,000,000 in FY 2001 and FY 2002 for Earth Science data purchases. The House sought to create a mechanism by which scientists could exploit for scientific purposes the hundreds of millions of dollars in private investment in remote sensing capabilities. Believing that a market is the most efficient way of allocating limited resources, the House sought to create competition among data providers to meet scientist's needs, thereby creating pressures that would result in falling prices and increased quality in the long term. Moreover, by directly authorizing scientists to procure data, the House intended to place greater decision-making authority directly in the hands of principal investigators studying the Earth system. The Senate bill contained no data purchase program, so the conferees agreed to split the difference by authorizing a $25 million program. In order to fund that activity in a manner that does not disrupt the ongoing Earth Science programs, the conferees have augmented the funding for Earth Science by an equivalent amount in both FY 2001 and FY 2002. The conferees expect the Administrator to report to the Congress by April 1, 2001 on NASA's long-term plan to promote scientific applications of U.S. commercial remote sensing capabilities through the purchase of data, development of applications, and collaboration with industry, research universities, and other government agencies.

Section 126 was modified during House consideration of H.R. 1654. The amendment, patterned after language adopted in the FY 2000 defense authorization bill, is intended to ensure that cooperative agreements between NASA and the People's Republic of China will not benefit, directly or indirectly, the People's Republic of China in its efforts to develop new space launch and ballistic missile capabilities. Subparagraph (a)(3) requires the NASA Inspector General to review NASA's compliance with existing export control obligations in consultation with the appropriate agencies of the federal government. For the purposes of this section, "appropriate agencies" refers generally to the U.S. national security, intelligence, export control, and counter-intelligence/law enforcement communities, including the Central Intelligence Agency, the Defense Intelligence Agency, and the Departments of State, Defense, Justice, and Commerce. The Senate bill contained no such provision. After adopting some clarifying language, the Senate receded to the House position.

Section 127 was contained in the House bill as introduced. The measure prohibits NASA from obligating funds to define, design, procure, or develop an inflatable space structure to replace any baseline ISS module. House conferees are particularly concerned about the potential for further perturbations to the baseline ISS design, which are likely to increase cost, technical risk, and schedule slips. Indeed, NASA was pursuing Transhab as an inflatable replacement for the already-built habitation module's pressure vessel at a time when early cost projections indicated Transhab would cost several tens of millions more to complete. The Senate bill contained no such provision. After some discussion, the conferees agreed to modify the language to enable NASA to lease a privately defined, designed, and developed Transhab, provided that such a structure would not expose the U.S. government or the International Space Station to greater cost or schedule risks. It should be noted that the leasing option still precludes NASA from obligating funds for NASA to design, define (beyond the specification of requirements to be met by the commercially provided structure), or develop an inflatable structure to replace any baselined ISS module and that any lease payments may not total more than the remaining cost of the habitation module. Conferees gave NASA until April 1, 2001 to assess its options and report its recommendations on Transhab to the Congress. Such a report should include a cost-benefit analysis of the fiscal, programmatic, schedule, and technical risks of three options: (1) sticking with the baseline ISS design; (2) replacing the baselined habitation module with a commercially-developed and owned inflatable structure; or (3) looking to inflatable structures as potential enhancements to the ISS after assembly complete. The April 1 report should contain NASA's recommendation on whether or not to pursue a Transhab option.

TITLE II. INTERNATIONAL SPACE STATION

The Senate-passed bill contained a Title regarding the ISS which included sections for dealing with Russian contingencies and a total program funding cap. The House receded to the Senate position. The Senate-passed language was modified where appropriate and adopted.

Section 201. International Space Station contingency plan

Section 201 seeks to address concerns over the International Space Station created by Russia's difficulties in meeting its commitments to the International Space Station (ISS) partnership. The section requires a bimonthly status report on Russia's progress in meeting its obligations and a notification requirement in the event of a decision to replace any Russian elements in the critical path of the International Space Station or Russian launch services.

Conferees also adopted language directing the United States government to seek assurances from the Russian government that the latter places a higher priority on ISS than on its aging Mir space station and that ISS-dedicated resources will not be used to extend further Mir's orbital life. The conferees are especially concerned that earlier this year Russia diverted a Soyuz vehicle and two Progress vehicles that were originally intended to support ISS to instead service the Mir. Although the conferees applaud the successful launching of the Russian Service Module and note Russia's assurances that the diverted vehicles will be replaced, they want to stress the importance that Congress attaches to the need for Russia to fulfill all of its remaining commitments to the ISS.

The Intergovernmental Agreement (IGA), voluntarily signed by each participating country, delineates the roles and responsibilities of all ISS partners. The conferees maintain that in the event that any International Partner willfully violates any of its commitments or agreements for the provision of agreed-upon Space Station hardware or related goods or services, the NASA Administrator should, in a manner consistent with relevant international agreements, seek a commensurate reduction in the utilization rights of that partner until such time as the violated commitments or agreements have been fulfilled. It is important to the conferees that the IGA remain equitable.

Finally, the conferees adopted language directing the Administrator to seek, in a manner consistent with relevant international agreements, to reduce NASA's share of ISS common operating costs as a result of any additional capabilities added to the ISS through NASA's Russian Program Assurance activities.

Section 202. Cost limitations for the International Space Station

Conferees have adopted language that would place a cost limitation on the International Space Station. The limitation would establish a limit of $25 billion for the development of ISS and $17.7 billion for the use of the Space Shuttle for the assembly of the Station until the point of substantial completion. Substantial completion has been defined as the point when development costs comprise 5 percent or less of the total ISS costs for the fiscal year. Conferees feel that at this point in the program, the majority of the activities are truly beyond the development phase of the project. The charge against the limitation of using the Shuttle shall not exceed $380 million per launch. If the actual costs are less, verification and reporting requirements have been established. The Administrator of NASA is required to provide written notice and analysis of any changes to the limitations set forth on the Station and the Shuttle program.

Furthermore, an additional 20 percent ($5 billion for ISS and $3.54 billion for the Shuttle program) has been authorized to address contingencies identified within the cost limitation. Within the contingencies, the conferees have given NASA additional flexibility to address, through additional shuttle launches, urgent threats to crew safety or the integrity of the ISS. It is expected that these contingencies would provide NASA the necessary resources to address any urgent situation on the Station. The conferees want to emphasize the importance they attach to the safety of the Space Shuttle and ISS programs. Annual reporting and review requirements have also been identified and are to be included as part of the budget request for each fiscal year.

Section 203. Research on International Space Station

The conferees note with growing concern that the gaps between space-based life and microgravity research opportunities are growing. Consequently, the scientific disciplines associated with this research risk stagnating, creating the possibility that the scientific community will not be prepared to fully exploit the scientific potential of the space stations. To address these concerns, Congress has, for several years, provided funding for a dedicated research flight aboard the Space Shuttle. As adopted in the House, H.R. 1654 contained language calling for a joint study by the National Research Council and the National Academy of Public Administration to review the readiness of the U.S. scientific community to use the space station, identify obstacles, and make recommendations to ensure that the U.S. scientific community is able to fully exploit the space station.

Section 205. Space Station Research utilization and commercialization management

The conferees further note that as the International Space Station approaches full assembly, NASA must begin to focus on establishing an organization infrastructure capable of ensuring that the International Space Station is fully and effectively utilized for scientific and engineering research. The conferees commend NASA for initiating a review of management structures by the National Research Council's Space Studies Board and Aeronautics and Space Engineering Board. The National Research Council recommended that "a consortium led by a research institution or group of institutions, governed by an independent board of directors, managed by a strong scientific director, and guided by an advisory process that is broadly representative of the research community" be charged with managing scientific activities aboard ISS. The conferees further note that NASA has had success with utilizing non-government organizations for the operation of major scientific research programs, such as the Hubble Space Telescope. Conferees are also concerned about commercialization opportunities aboard the Space Station. The non-government organization should ensure that equitable opportunities exist for industry to participate in activities. NASA should work with the Department of Commerce's Office of Space Commercialization to ensure that the selected non-government organization has adequate expertise in this area. The conferees therefore direct NASA to enter into an agreement with a non-government organization that will manage the research utilization and commercialization aspects of the International Space Station. The non-government organization should be selected competitively.

TITLE III. MISCELLANEOUS

The House-passed bill contained language that conferees adopted as Section 304. Cost Effectiveness Calculations. The provision is intended to improve the information available to policymakers by directing NASA to compare the price a private company would charge to provide a good or service with the total cost (using full-cost accounting principles) to NASA of performing the same function when performing cost-effectiveness calculations. The measure will help discourage the current practice of disguising a program's true cost to the American taxpayer by discounting the overhead and personnel costs associated with the program or mission and enable NASA to make rational decisions about out-sourcing certain activities. The conferees note that cost-effectiveness is not the only appropriate measure or factor to be considered when deciding whether to outsource certain activities. NASA's need to maintain a skilled workforce and its experience with certain kinds of technologies often will make it better-suited to perform a program or mission than a lower-cost contractor. In addition, the need to meet mission requirements and to avoid the assumption of unacceptable program risk also need to be weighed as part of the decision to outsource or not. Section 304 merely directs NASA to perform cost-effectiveness calculations in a certain way; it does not mandate that any decision be made based on that calculation.

Section 308 directs the Administrator to develop a plan for the integration of NASA's aeronautics and space transportation research and development activities. NASA has already administratively moved the two activities under one roof in reorganizing Code R. The conferees remain concerned that NASA's aeronautics activities have suffered from a lack of strategic direction and adequate funding in recent years. They note, however, that NASA's traditional aeronautics research activities have much to offer its space transportation activities and vice versa. NASA's Hyper-X vehicle, for example, has the potential to develop considerable information on high-speed flight through the atmosphere, while NASA's advanced cockpit development activities will have applications in the development of crewed space launch vehicles. It is hoped that the technology integration plan will lead NASA to determine the best means of fully exploiting the Space Launch Initiative funding wedge against those areas of research and development that will benefit both aeronautics and space transportation. Certainly, bringing the skills and knowledge resident in NASA's centers focused on aeronautics (Glenn Research Center, Langley Research Center, and the Dryden Flight Research Center) to bear on space transportation problems will benefit the Space Launch Initiative. As important, NASA will be better positioned to bring the lessons learned from the SLI investment into its aeronautics research programs. The conferees expect an integration plan to lay the groundwork for strengthening aeronautics research in the United States over the coming decade.

The Senate bill contained a section prohibiting obtrusive space advertising. The House bill contained no such provision and the House recedes to the Senate. In adopting this measure, which is section 322 in the conference report, the conferees are seeking to preserve a view of the sky that humanity has enjoyed since the beginning of human existence. Moreover, this section will help prevent new sources of interference with astronomy. The conferees note that obtrusive space advertising is defined as "advertising in outer space that is capable of being recognized by a human being on the surface of the Earth without the aid of a telescope or other technological device," i.e., that which is recognizable to the human eye. The provision does not apply to commercial space advertising practices that are common today, such as the placement of logos on commercial space launch vehicles and payloads, since these symbols are not visible to a terrestrial human eye without the aid of a camera or some other viewing mechanism once the vehicles or facilities are in orbit.

The Senate-passed bill included two provisions related to indemnification, insurance, and cross-waivers of liability. Senate Section 203 provided for cross-waivers of liability for U.S. ISS contractors, and Senate Section 313 expanded the experimental aerospace vehicle indemnification regime to include vehicles under development on or before July 31, 1999. Subsequent to Senate passage of H.R. 1654, the Congress combined these regimes under Section 431 of Public Law 106–74, which establishes broad authority for NASA to enter into cross-waivers of liability as part of a cooperative agreement and to indemnify the developers of experimental aerospace vehicles for catastrophic losses. This regime is similar to the liability regime established for operational commercial launch vehicles under Title 49. However, the authority for operational vehicles periodically expires. The conferees agreed to a provision (Section 324) which sunsets NASA's broad authority on December 31, 2002. The Administration is permitted to extend the termination date to September 30, 2005 if the Administrator determines that such an extension is in the national interest.

F. James Sensenbrenner,
Jr.,
Dana Rohrabacher,
Dave Weldon,
Ralph M. Hall,
Bart Gordon,
Managers on the Part of the House.

John McCain,
Ted Stevens,
Bill Frist,
Fritz Hollings,
John Breaux,
Managers on the Part of the Senate.

DECREASING REQUISITE BLOOD QUANTUM REQUIRED FOR MEMBERSHIP IN THE YSLETA DEL SUR PUEBLO TRIBE

Mr. WALDEN of Oregon. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1460) to amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to decrease the requisite blood quantum required for membership in the Ysleta del Sur Pueblo tribe.

The Clerk read as follows:

H.R. 1460

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BLOOD QUANTUM REQUIRED FOR TRIBAL MEMBERSHIP DECREASED.

Section 108(a)(2)(i) of the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act (25 U.S.C. 1300g–7) is amended by striking "1/8" and inserting "1/16".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WALDEN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon (Mr. WALDEN).

GENERAL LEAVE

Mr. WALDEN of Oregon. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1460.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. WALDEN of Oregon. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1460 would amend the Ysleta del Sur Pueblo and the Alabama and Coushatta Indian Tribes of Texas Restoration Act to decrease the requisite blood quantum required for the membership in the Ysleta del Sur Pueblo tribe.

The 1987 Act, which restored recognition to the Ysleta del Sur Pueblo tribe, requires that this tribe's members have a blood quantum of at least one-eighth in order to qualify for tribal membership.

H.R. 1460 would amend the Ysleta Tribe's blood quantum requirement from one-eighth to one-sixteenth at the request of the tribe. There are currently 1,252 members of the Ysleta del Sur Pueblo Tribe.

This is an important bill to the Ysleta Tribe and I ask Members for their support.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Oregon. I want to compliment the chief supporter of this legislation, the gentleman from Texas (Mr. REYES).

Mr. Speaker, H.R. 1460 is important legislation in that it provides assistance to the Ysleta del Sur Pueblo Tribe in Texas.

Mr. Speaker, I rise in support of H.R. 1460, which will reduce the blood quantum required for membership in the Ysleta del Sur Pueblo tribe from one-eight to one-sixteenth.

Congress has long recognized that inherent in the power of any tribal government is the power to set membership criteria and thereby determine who its members are. Absent some gross abuse of this power, I see no reason to interfere in this important area.

With regard to the Ysleta del Sur Pueblo tribe, as I understand it, the tribe has asked that the blood quantum requirement be set in public law. And while I personally am opposed to blood quantum requirements, and believe better criteria exist, this change is well within the tribe's authority, and I support their request.

It is my understanding that the tribe has about 1,200 members. Presumably with tribal members marrying non-tribal members, and the older tribal members passing away, the tribal council believes it won't be long before there won't be much of a tribe left. I am pleased to see that the tribal council is addressing this issue now rather than wait until there is a crisis, or run the risk of losing their identity as a tribe.

I support this bill and urge my colleagues to vote aye.

Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Speaker, I want to thank both gentlemen for helping with this very important bill for the Tiqua Tribe in El Paso. It is an issue of fairness. It is one that I would urge all my colleagues to support. It is vitally important to be able to sustain the tribe in the coming years.

Mr. Speaker, I rise in strong support of H.R. 1460. As I walked over from my office a few minutes ago, I thought of a number of things that I wanted to tell you about how important this bill is to the members of the Tiqua tribe. I thought that I might tell you about the proud tradition and the remarkable history of the Ysleta del Sur tribe that dates back to prehistoric times. I thought that I might tell you about a unique group of individuals that will be reduced to a mere handful of members within a few generations if we fail to pass this bill, and I thought I might tell you about the disappointment and sorrow that the parents and members of the tribe have when a child is born, and because of the current blood quantum requirements, that child is excluded from tribal membership. I thought about talking about all of these things to you but decided that I would instead talk about fairness, about doing what is right and doing what is honorable.

This bill is not about money or power or politics. Its about the long-term existence of the Ysleta del Sur Pueblo, commonly known as the Tiqua Indian Tribe. The current statute requires that a person have a blood quantum of at least 1/8th in order to qualify for tribal membership. This bill would reduce the blood quantum requirement to at least 1/16th. There are currently only 1,252 members with the requisite blood quantum of 1/8th or more. When we pass this bill, another 500 members will be included in the tribal membership. This increase in numbers under the lowered blood quantum requirements would help to ensure that the offspring of tribal members who fall within those requirements would also qualify for tribal membership.

This is not rocket science. I don't have any charts and pictures to show you. All I have to offer is a profound sense of how important it is for individuals born to this tribe to belong to a family a culture and a people with a distinct place and tradition in America.

I urge you to support this bill and vote to reduce the blood quantum requirement for the Tiqua Indian tribe.

Mr. FALEOMAVAEGA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. WALDEN of Oregon. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. WALDEN) that the House suspend the rules and pass the bill, H.R. 1460.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GUAM WAR RESTITUTION ACT

Mr. WALDEN of Oregon. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 755) to amend the Organic Act of Guam to provide restitution to the people of Guam who suffered atrocities such as personal injury, forced labor, forced marches, internment, and death during the occupation of Guam in World War II, and for other purposes, as amended.

The Clerk read as follows:

H.R. 755

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Guam War Claims Review Commission Act".

SEC. 2. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is hereby established a commission to be known as the "Guam War Claims Review Commission" (hereinafter referred to as the "Commission").

(b) MEMBERS.—The Commission shall be composed of 5 members who by virtue of their background and experience are particularly suited to contribute to the achievement of the purposes of the Commission. The members shall be appointed by the Secretary of the Interior not later than 60 days after funds are made available for this Act. Two of the members shall be selected as follows:

(1) One member appointed from a list of three names submitted by the Governor of Guam.

(2) One member appointed from a list of three names submitted by the Guam Delegate to the United States House of Representatives.

(c) CHAIRPERSON.—The Commission shall select a Chairman from among its members. The term of office shall be for the life of the Commission.

(d) COMPENSATION.—Members of the Commission shall not be paid for their service as members, but in the performance of their duties, shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(e) VACANCY.—Any vacancy in the Commission shall be filled in the same manner as the original appointment.

SEC. 3. STAFF.

The Commission may appoint and fix the pay of an executive director and other staff as it may require. The executive director and other staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter II of chapter 53 of such title, relating to the classification and General Schedule pay rates, except that the compensation of any employees of the Commission may not exceed a rate equivalent to the minimum rate of basic pay payable for GS-15 of the General Schedule under section 5332(a) of such title.

SEC. 4. ADMINISTRATIVE.

The Secretary of the Interior shall provide the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

SEC. 5. DUTIES OF COMMISSION.

The Commission shall—

(1) review the facts and circumstances surrounding the implementation and administration of the Guam Meritorious Claims Act and the effectiveness of such Act in addressing the war claims of American nationals residing on Guam between December 8, 1941, and July 21, 1944;

(2) review all relevant Federal and Guam territorial laws, records of oral testimony previously taken, and documents in Guam and the Archives of the Federal Government regarding Federal payments of war claims in Guam;

(3) receive oral testimony of persons who personally experienced the taking and occupation of Guam by Japanese military forces, noting especially the effects of infliction of death, personal injury, forced labor, forced march, and internment;

(4) determine whether there was parity of war claims paid to the residents of Guam under the Guam Meritorious Claims Act with war claims paid to United States citizens or nationals who lived in or had holdings in foreign countries and other possessions of the United States occupied by the Japanese during World War II;

(5) estimate the total amount necessary to compensate the people of Guam for death, personal injury, forced labor, forced march, and internment; and

(6) not later than 9 months after the Commission is established submit a report, including any comments or recommendations for action, to the Secretary of the Interior, the Committee on Resources and the Committee on the Judiciary of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on the Judiciary of the Senate.

SEC. 6. POWERS OF THE COMMISSION.

Subject to general policies that the Commission may adopt, the Chairman of the Commission—

(1) shall exercise the executive and administrative powers of the Commission; and

(2) may delegate such powers to the staff of the Commission.

SEC. 7. TERMINATION OF COMMISSION.

The Commission shall terminate 30 days after submission of its report.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated $500,000 to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WALDEN) and the gentleman from Guam (Mr. UNDERWOOD) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon (Mr. WALDEN).

GENERAL LEAVE

Mr. WALDEN of Oregon. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 755, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. WALDEN of Oregon. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 755, the Guam War Restitution Act.

H.R. 755 will establish a temporary commission to review an important matter for the people of Guam that has been unresolved since World War II. An American territory, Guam, was invaded and occupied by Japan during the Second World War, and the U.S. nationals of Guam suffered immensely because of their loyalty to the United States.

Although there was an intention to provide restitution to the people of Guam for loss of life and property due to the war, post-war restitution acts by Congress inadvertently excluded the U.S. nationals of Guam.

H.R. 755 would create a temporary Federal commission lasting no more than 10 months and costing no more than half a million dollars. The commission would estimate the amount appropriate to compensate the people of Guam for their deaths, permanent injury, forward labor, forced marches, and internment during World War II.

The administration supports H.R. 755, and I ask my colleagues to vote in support of this very important piece of legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. UNDERWOOD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today is a momentous occasion for the people of Guam. With the passage of this legislation, the Guam War Claims Review Commission, the people of Guam will move one step closer to being healed from the brutalities of enemy occupation during World War II.

For nearly 3 years the people of Guam were subjected to horrendous acts inflicted by an enemy occupier. Many were executed by firing squads or beheadings. The entire island was in fact an internment camp, and families whose lives were once consumed with farming and subsistence living were now forced to labor to the needs of its occupiers.

But the will of the people of Guam was much stronger than the infliction cast upon them by the Japanese. They concealed the presence of U.S. military men who remained on the island by moving them from house to house. They composed songs, such as "Uncle Sam, please come back to Guam," and made makeshift American flags from tattered rags as a reminder that America would soon return.

Some even organized small militia units, often only teenaged boys, to bedevil Japan soldiers, hoping to ease the matter for the return of U.S. military forces, and America did. In July of 1944, U.S. naval forces began the liberation of Guam. For days they bombarded the island to draw out the enemy, and paved the way for America's invasion. Marines stormed the beaches of Guam's capital, Hagatna, and the southern villages of Asan, Sumay, and Agat. The liberation of Guam was achieved on July 21, 1944.

Soon after, the acting Secretary of the Navy, H. Strive Hensel, recommended to Congress that legislation be enacted to provide relief to the people of Guam through the settlement of meritorious claims. Congress responded by enacting the 1945 Guam Meritorious Claims Act, and authorized the Navy to adjudicate claims for property resulting from Japanese occupation. Claims in excess of $5,000 or for personal injury or death were to be forwarded to Congress for settlement.

Several years later, there was a civilian commission appointed by the Secretary of the Navy, referred to as the Hopkins Commission, to study and make recommendations on the naval administration of Guam. The Commission reported that the settlements and payments for war damage claims on property, personal injury, and death had proceeded slowly, and that immediate steps should be taken to hasten this process and to resolve unfair and unsound distinctions in the allowance for claims.

It was clear at this time that the Guam Meritorious Claims Act, as acknowledged even in 1947, was falling short of what the original intent was.

The Commission went on to report that because claims exceeding $5,000 needed to be forwarded to Congress, locals were more inclined to reduce their claim in order to receive financial help immediately.

Their final recommendation was that review in Washington of claims between $5,000 and $10,000 did not seem to serve any useful purpose, and that sufficient reliance and trust should be placed with naval authorities in Guam to safeguard the national interests.

Congress failed to act on the Commission's recommendation, and that is why we are here today. H.R. 755 establishes a Federal Commission to review the historical records of claims made by the people of Guam in the wake of World War II. The Commission will make its recommendation to Congress as to how we can finally resolve the issue of war claims for Guam.

For more than two decades, this issue has been aggressively pursued by the leaders of Guam. Locally, a Commission had been established to establish a record of claims that merited awards.

On the Federal level, each one of my predecessors has introduced legislation to address this issue. Their combind efforts have helped bring us to the point we are at today, the closest we have been. I am hopeful that once the work of the Commission is completed, we can finally heal this very painful memory and bring justice to the World War II generation in Guam.

I want to especially thank the chairman of the Committee on Resources, the gentleman from Alaska (Mr. YOUNG), for his assistance in bringing this matter to the floor, and our senior Democrat, the gentleman from California (Mr. GEORGE MILLER), for his steadfast support and cosponsorship of this measure, as well as the chairman, the gentleman from Illinois (Mr. HYDE), who has been very supportive of this endeavor.

□ 1615

It has been with their help that we have been able to address past concerns on this issue and move forward legislation that brings us a step closer to justice.

Mr. Speaker, I yield 4 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. Mr. Speaker, I thank the gentleman from Guam (Mr. UNDERWOOD), the chief sponsor and author of this legislation for yielding me this time.

Mr. Speaker, as has been so eloquently stated by the gentleman from Guam (Mr. UNDERWOOD) and others before me, reparations to the people of Guam, who were subjected to death, personal injury, forced labor, forced march and internment during World War II is long, long overdue.

Mr. Speaker, before the military occupation of Guam, for some reason, it escapes me, at least this Member, the United States Territory of Guam was in existence. I have always asked the question why was it that these loyal Americans were not evacuated, properly evacuated before the occupation forces of Japan took over this island. Why was it that only U.S. citizens were evacuated? This bugs the heck out of me, Mr. Speaker.

As has been noted, Guam was the only land under the jurisdiction of the United States to be occupied by Japanese military forces during World War II. The people of Guam could have, I suppose, greeted this new force with open arms, and perhaps spared themselves some of the misery they suffered during 3 years of brutal occupation by military forces of the Japanese government. But these loyal Americans did not. They were proud Americans before the occupation, during the occupation, and after the occupation.

In response to their loyalty, Mr. Speaker, 55 years later, we are still debating whether we should establish a commission to study whether the people of Guam who suffered from such atrocities during this occupation period should receive proper reparations.

Mr. Speaker, it has been 55 years. Even the Navy supported reparations decades ago, and direct action on the part of this Congress is still long overdue.

Mr. Speaker, it is my understanding that legislation has been introduced for how many years now. I support this legislation but still feel compelled to speak out that we should be doing more. This bill was introduced 19 months ago. Today, with 19 legislative days left in the Congress, we are finally getting around to passing a bill which still has to go to the Senate.

Mr. Speaker, we can and we should do better than this. I urge my colleagues to support this bill.

Mr. UNDERWOOD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from American Samoa (Mr. FALEOMAVAEGA) for those very kind comments. Just on a personal note, I think this is a very emotional piece of legislation for the people of Guam in terms of my own family. My parents endured the occupation. I am the only member of my family that was born after World War II. I think the imprint of the war experience on our lives as a people and our lives as family members are very strong.

This will bring a justice and sense of fairness to a long struggle for the people of Guam and for all of the families of Guam.

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in support of H.R. 755—the Guam War Claims Review Commission Act. I thank Mr. UNDERWOOD for his work on this substitute version of H.R. 755 which addresses concerns that have been raised in previous Congresses. This legislation has been, in one form or another, offered by every delegate from Guam to Congress since the people of Guam began electing delegates to Congress in the 1970's.

In my years of service on the Resources Committee, I have had the privilege of meeting many from Guam who traveled a great distance to share their wartime memories of Japanese occupation. Their stories are compelling and regrettable. Their experiences often sounded unbelievable but they were very real. I recall an elder woman who came to testify before our Committee—Mrs. Beatrice Elmsley. She bore a scar along her neck. A permanent reminder of her attempted beheading at the hands of Japanese soldiers.

To the American public, Guam's story is not widely well-known. The island's loyalty to the United States before, during, and after World War II has never been questioned. Our fellow citizens are proud and patriotic Americans and if they were not fully made whole from the atrocities they faced from Japanese occupation, then we should make a good faith effort to correct those errors.

That we have been able to overcome concerns raised in the past over this legislation, while still recognizing the validity of reexamining war claim awards made to the people of Guam in the wake of World War II, is truly a milestone. We would not have reached this point if it weren't for the patience, diligence, and tenacity of Mr. UNDERWOOD. I congratulate him for his persistence and ask my colleagues to give this measure their full support.

Mr. UNDERWOOD. Mr. Speaker, I yield back the balance of my time.

Mr. WALDEN of Oregon. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentleman from Oregon (Mr. WALDEN) that the House suspend the rules and pass the bill, H.R. 755, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read:

A bill to establish the Guam War Claims Review Commission.

A motion to reconsider was laid on the table.

FSC REPEAL AND EXTRA-TERRITORIAL INCOME EXCLUSION ACT OF 2000

Mr. ARCHER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4986) to amend the Internal Revenue Code of 1986 to repeal the provisions relating to foreign sales corporations (FSCs) and to exclude extraterritorial income from gross income, as amended.

The Clerk read as follows:

H.R. 4986

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the "FSC Repeal and Extraterritorial Income Exclusion Act of 2000".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. REPEAL OF FOREIGN SALES CORPORATION RULES.

Subpart C of part III of subchapter N of chapter 1 (relating to taxation of foreign sales corporations) is hereby repealed.

SEC. 3. TREATMENT OF EXTRATERRITORIAL INCOME.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 (relating to items specifically excluded from gross income) is amended by inserting before section 115 the following new section:

"SEC. 114. EXTRATERRITORIAL INCOME.

"(a) EXCLUSION.—Gross income does not include extraterritorial income.

"(b) EXCEPTION.—Subsection (a) shall not apply to extraterritorial income which is not qualifying foreign trade income as determined under subpart E of part III of subchapter N.

"(c) DISALLOWANCE OF DEDUCTIONS.—

"(1) IN GENERAL.—Any deduction of a taxpayer allocated under paragraph (2) to extraterritorial income of the taxpayer excluded from gross income under subsection (a) shall not be allowed.

"(2) ALLOCATION.—Any deduction of the taxpayer properly apportioned and allocated to the extraterritorial income derived by the taxpayer from any transaction shall be allocated on a proportionate basis between—

"(A) the extraterritorial income derived from such transaction which is excluded from gross income under subsection (a), and

"(B) the extraterritorial income derived from such transaction which is not so excluded.

"(d) DENIAL OF CREDITS FOR CERTAIN FOREIGN TAXES.—Notwithstanding any other provision of this chapter, no credit shall be allowed under this chapter for any income, war profits, and excess profits taxes paid or accrued to any foreign country or possession of the United States with respect to extraterritorial income which is excluded from gross income under subsection (a).

"(e) EXTRATERRITORIAL INCOME.—For purposes of this section, the term 'extraterritorial income' means the gross income of the taxpayer attributable to foreign trading gross receipts (as defined in section 942) of the taxpayer."

(b) QUALIFYING FOREIGN TRADE INCOME.—Part III of subchapter N of chapter 1 is amended by inserting after subpart D the following new subpart:

"Subpart E—Qualifying Foreign Trade Income

"Sec. 941. Qualifying foreign trade income.

"Sec. 942. Foreign trading gross receipts.

"Sec. 943. Other definitions and special rules.

"SEC. 941. QUALIFYING FOREIGN TRADE INCOME.

"(a) QUALIFYING FOREIGN TRADE INCOME.—For purposes of this subpart and section 114—

"(1) IN GENERAL.—The term 'qualifying foreign trade income' means, with respect to any transaction, the amount of gross income which, if excluded, will result in a reduction of the taxable income of the taxpayer from such transaction equal to the greatest of—

"(A) 30 percent of the foreign sale and leasing income derived by the taxpayer from such transaction,

"(B) 1.2 percent of the foreign trading gross receipts derived by the taxpayer from the transaction, or

"(C) 15 percent of the foreign trade income derived by the taxpayer from the transaction.

In no event shall the amount determined under subparagraph (B) exceed 200 percent of the amount determined under subparagraph (C).

"(2) ALTERNATIVE COMPUTATION.—A taxpayer may compute its qualifying foreign trade income under a subparagraph of paragraph (1) other than the subparagraph which results in the greatest amount of such income.

"(3) LIMITATION ON USE OF FOREIGN TRADING GROSS RECEIPTS METHOD.—If any person computes its qualifying foreign trade income from any transaction with respect to any property under paragraph (1)(B), the qualifying foreign trade income of such person (or any related person) with respect to any other transaction involving such property shall be zero.

"(4) RULES FOR MARGINAL COSTING.—The Secretary shall prescribe regulations setting forth rules for the allocation of expenditures in computing foreign trade income under paragraph (1)(C) in those cases where a taxpayer is seeking to establish or maintain a market for qualifying foreign trade property.

"(5) PARTICIPATION IN INTERNATIONAL BOYCOTTS, ETC.—Under regulations prescribed by the Secretary, the qualifying foreign trade income of a taxpayer for any taxable year shall be reduced (but not below zero) by the sum of—

"(A) an amount equal to such income multiplied by the international boycott factor determined under section 999, and

"(B) any illegal bribe, kickback, or other payment (within the meaning of section 162(c)) paid by or on behalf of the taxpayer directly or indirectly to an official, employee, or agent in fact of a government.

"(b) FOREIGN TRADE INCOME.—For purposes of this subpart—

"(1) IN GENERAL.—The term 'foreign trade income' means the taxable income of the taxpayer attributable to foreign trading gross receipts of the taxpayer.

"(2) SPECIAL RULE FOR COOPERATIVES.—In any case in which an organization to which part I of subchapter T applies which is engaged in the marketing of agricultural or horticultural products sells qualifying foreign trade property, in computing the taxable income of such cooperative, there shall not be taken into account any deduction allowable under subsection (b) or (c) of section 1382 (relating to patronage dividends, per-unit retain allocations, and nonpatronage distributions).

"(c) FOREIGN SALE AND LEASING INCOME.—For purposes of this section—

"(1) IN GENERAL.—The term 'foreign sale and leasing income' means, with respect to any transaction—

"(A) foreign trade income properly allocable to activities which—

"(i) are described in paragraph (2)(A)(i) or (3) of section 942(b), and

"(ii) are performed by the taxpayer (or any person acting under a contract with such taxpayer) outside the United States, or

"(B) foreign trade income derived by the taxpayer in connection with the lease or rental of qualifying foreign trade property for use by the lessee outside the United States.

"(2) SPECIAL RULES FOR LEASED PROPERTY.—

"(A) SALES INCOME.—The term 'foreign sale and leasing income' includes any foreign trade income derived by the taxpayer from the sale of property described in paragraph (1)(B).

"(B) LIMITATION IN CERTAIN CASES.—Except as provided in regulations, in the case of property which—

"(i) was manufactured, produced, grown, or extracted by the taxpayer, or

"(ii) was acquired by the taxpayer from a related person for a price which was not determined in accordance with the rules of section 482,

the amount of foreign trade income which may be treated as foreign sale and leasing income under paragraph (1)(B) or subparagraph (A) of this paragraph with respect to any transaction involving such property shall not exceed the amount which would have been determined if the taxpayer had acquired such property for the price determined in accordance with the rules of section 482.

"(3) SPECIAL RULES.—

"(A) EXCLUDED PROPERTY.—Foreign sale and leasing income shall not include any income properly allocable to excluded property described in subparagraph (B) of section 943(a)(3) (relating to intangibles).

"(B) ONLY DIRECT EXPENSES TAKEN INTO ACCOUNT.—For purposes of this subsection, any expense other than a directly allocable expense shall not be taken into account in computing foreign trade income.

"SEC. 942. FOREIGN TRADING GROSS RECEIPTS.

"(a) FOREIGN TRADING GROSS RECEIPTS.—

"(1) IN GENERAL.—Except as otherwise provided in this section, for purposes of this subpart, the term 'foreign trading gross receipts' means the gross receipts of the taxpayer which are—

"(A) from the sale, exchange, or other disposition of qualifying foreign trade property,

"(B) from the lease or rental of qualifying foreign trade property for use by the lessee outside the United States,

"(C) for services which are related and subsidiary to—

"(i) any sale, exchange, or other disposition of qualifying foreign trade property by such taxpayer, or

"(ii) any lease or rental of qualifying foreign trade property described in subparagraph (B) by such taxpayer,

"(D) for engineering or architectural services for construction projects located (or proposed for location) outside the United States, or

"(E) for the performance of managerial services for a person other than a related person in furtherance of the production of foreign trading gross receipts described in subparagraph (A), (B), or (C).

Subparagraph (E) shall not apply to a taxpayer for any taxable year unless at least 50 percent of its foreign trading gross receipts (determined without regard to this sentence) for such taxable year is derived from activities described in subparagraph (A), (B), or (C).

"(2) CERTAIN RECEIPTS EXCLUDED ON BASIS OF USE; SUBSIDIZED RECEIPTS EXCLUDED.—The term 'foreign trading gross receipts' shall not include receipts of a taxpayer from a transaction if—

"(A) the qualifying foreign trade property or services—

"(i) are for ultimate use in the United States, or

"(ii) are for use by the United States or any instrumentality thereof and such use of qualifying foreign trade property or services is required by law or regulation, or

"(B) such transaction is accomplished by a subsidy granted by the government (or any instrumentality thereof) of the country or possession in which the property is manufactured, produced, grown, or extracted.

"(3) ELECTION TO EXCLUDE CERTAIN RECEIPTS.—The term 'foreign trading gross receipts' shall not include gross receipts of a taxpayer from a transaction if the taxpayer elects not to have such receipts taken into account for purposes of this subpart.

"(b) FOREIGN ECONOMIC PROCESS REQUIREMENTS.—

"(1) IN GENERAL.—Except as provided in subsection (c), a taxpayer shall be treated as having foreign trading gross receipts from any transaction only if economic processes with respect to such transaction take place outside the United States as required by paragraph (2).

"(2) REQUIREMENT.—

"(A) IN GENERAL.—The requirements of this paragraph are met with respect to the gross receipts of a taxpayer derived from any transaction if—

"(i) such taxpayer (or any person acting under a contract with such taxpayer) has participated outside the United States in the solicitation (other than advertising), the negotiation, or the making of the contract relating to such transaction, and

"(ii) the foreign direct costs incurred by the taxpayer attributable to the transaction equal or exceed 50 percent of the total direct costs attributable to the transaction.

"(B) ALTERNATIVE 85-PERCENT TEST.—A taxpayer shall be treated as satisfying the requirements of subparagraph (A)(ii) with respect to any transaction if, with respect to each of at least 2 subparagraphs of paragraph (3), the foreign direct costs incurred by such taxpayer attributable to activities described in such subparagraph equal or exceed 85 percent of the total direct costs attributable to activities described in such subparagraph.

"(C) DEFINITIONS.—For purposes of this paragraph—

"(i) TOTAL DIRECT COSTS.—The term 'total direct costs' means, with respect to any transaction, the total direct costs incurred by the taxpayer attributable to activities described in paragraph (3) performed at any location by the taxpayer or any person acting under a contract with such taxpayer.

"(ii) FOREIGN DIRECT COSTS.—The term 'foreign direct costs' means, with respect to any transaction, the portion of the total direct costs which are attributable to activities performed outside the United States.

"(3) ACTIVITIES RELATING TO QUALIFYING FOREIGN TRADE PROPERTY.—The activities described in this paragraph are any of the following with respect to qualifying foreign trade property—

"(A) advertising and sales promotion,

"(B) the processing of customer orders and the arranging for delivery,

"(C) transportation outside the United States in connection with delivery to the customer,

"(D) the determination and transmittal of a final invoice or statement of account or the receipt of payment, and

"(E) the assumption of credit risk.

"(4) ECONOMIC PROCESSES PERFORMED BY RELATED PERSONS.—A taxpayer shall be treated as meeting the requirements of this subsection with respect to any sales transaction involving any property if any related person has met such requirements in such transaction or any other sales transaction involving such property.

"(c) EXCEPTION FROM FOREIGN ECONOMIC PROCESS REQUIREMENT.—

"(1) IN GENERAL.—The requirements of subsection (b) shall be treated as met for any taxable year if the foreign trading gross receipts of the taxpayer for such year do not exceed $5,000,000.

"(2) RECEIPTS OF RELATED PERSONS AGGREGATED.—All related persons shall be treated as one person for purposes of paragraph (1), and the limitation under paragraph (1) shall be allocated among such persons in a manner provided in regulations prescribed by the Secretary.

"(3) SPECIAL RULE FOR PASS-THRU ENTITIES.—In the case of a partnership, S corporation, or other pass-thru entity, the limitation under paragraph (1) shall apply with respect to the partnership, S corporation, or entity and with respect to each partner, shareholder, or other owner.

"SEC. 943. OTHER DEFINITIONS AND SPECIAL RULES.

"(a) QUALIFYING FOREIGN TRADE PROPERTY.—For purposes of this subpart—

"(1) IN GENERAL.—The term 'qualifying foreign trade property' means property—

"(A) manufactured, produced, grown, or extracted within or outside the United States,

"(B) held primarily for sale, lease, or rental, in the ordinary course of trade or business for direct use, consumption, or disposition outside the United States, and

"(C) not more than 50 percent of the fair market value of which is attributable to—

"(i) articles manufactured, produced, grown, or extracted outside the United States, and

"(ii) direct costs for labor (determined under the principles of section 263A) performed outside the United States.

For purposes of subparagraph (C), the fair market value of any article imported into the United States shall be its appraised value, as determined by the Secretary under section 402 of the Tariff Act of 1930 (19 U.S.C. 1401a) in connection with its importation, and the direct costs for labor under clause (ii) do not include costs that would be treated under the principles of section 263A as direct labor costs attributable to articles described in clause (i).

"(2) U.S. TAXATION TO ENSURE CONSISTENT TREATMENT.—Property which (without regard to this paragraph) is qualifying foreign trade property and which is manufactured, produced, grown, or extracted outside the United States shall be treated as qualifying foreign trade property only if it is manufactured, produced, grown, or extracted by—

"(A) a domestic corporation,

"(B) an individual who is a citizen or resident of the United States,

"(C) a foreign corporation with respect to which an election under subsection (e) (relating to foreign corporations electing to be subject to United States taxation) is in effect, or

"(D) a partnership or other pass-thru entity all of the partners or owners of which are described in subparagraph (A), (B), or (C).

Except as otherwise provided by the Secretary, tiered partnerships or pass-thru entities shall be treated as described in subparagraph (D) if each of the partnerships or entities is directly or indirectly wholly owned by persons described in subparagraph (A), (B), or (C).

"(3) EXCLUDED PROPERTY.—The term 'qualifying foreign trade property' shall not include—

"(A) property leased or rented by the taxpayer for use by any related person,

"(B) patents, inventions, models, designs, formulas, or processes whether or not patented, copyrights (other than films, tapes, records, or similar reproductions, and other than computer software (whether or not patented), for commercial or home use), goodwill, trademarks, trade brands, franchises, or other like property,

"(C) oil or gas (or any primary product thereof),

"(D) products the transfer of which is prohibited or curtailed to effectuate the policy set forth in paragraph (2)(C) of section 3 of Public Law 96–72, or

"(E) any unprocessed timber which is a softwood.

For purposes of subparagraph (E), the term 'unprocessed timber' means any log, cant, or similar form of timber.

"(4) PROPERTY IN SHORT SUPPLY.—If the President determines that the supply of any property described in paragraph (1) is insufficient to meet the requirements of the domestic economy, the President may by Executive order designate the property as in short supply. Any property so designated shall not be treated as qualifying foreign trade property during the period beginning with the date specified in the Executive order and ending with the date specified in an Executive order setting forth the President's determination that the property is no longer in short supply.

"(b) OTHER DEFINITIONS AND RULES.—For purposes of this subpart—

"(1) TRANSACTION.—

"(A) IN GENERAL.—The term 'transaction' means—

"(i) any sale, exchange, or other disposition,

"(ii) any lease or rental, and

"(iii) any furnishing of services.

"(B) GROUPING OF TRANSACTIONS.—To the extent provided in regulations, any provision of this subpart which, but for this subparagraph, would be applied on a transaction-by-transaction basis may be applied by the taxpayer on the basis of groups of transactions based on product lines or recognized industry or trade usage. Such regulations may permit different groupings for different purposes.

"(2) UNITED STATES DEFINED.—The term 'United States' includes the Commonwealth of Puerto Rico. The preceding sentence shall not apply for purposes of determining whether a corporation is a domestic corporation.

"(3) RELATED PERSON.—A person shall be related to another person if such persons are treated as a single employer under subsection (a) or (b) of section 52 or subsection (m) or (o) of section 414, except that determinations under subsections (a) and (b) of section 52 shall be made without regard to section 1563(b).

"(4) GROSS AND TAXABLE INCOME.—Section 114 shall not be taken into account in determining the amount of gross income or foreign trade income from any transaction.

"(c) SOURCE RULE.—Under regulations, in the case of qualifying foreign trade property manufactured, produced, grown, or extracted within the United States, the amount of income of a taxpayer from any sales transaction with respect to such property which is treated as from sources without the United States shall not exceed—

"(1) in the case of a taxpayer computing its qualifying foreign trade income under section 941(a)(1)(B), the amount of the taxpayer's foreign trade income which would (but for this subsection) be treated as from sources without the United States if the foreign trade income were reduced by an amount equal to 4 percent of the foreign trading gross receipts with respect to the transaction, and

"(2) in the case of a taxpayer computing its qualifying foreign trade income under section 941(a)(1)(C), 50 percent of the amount of the taxpayer's foreign trade income which would (but for this subsection) be treated as from sources without the United States.

"(d) TREATMENT OF WITHHOLDING TAXES.—

"(1) IN GENERAL.—For purposes of section 114(d), any withholding tax shall not be treated as paid or accrued with respect to extraterritorial income which is excluded from gross income under section 114(a). For purposes of this paragraph, the term 'withholding tax' means any tax which is imposed on a basis other than residence and for which credit is allowable under section 901 or 903.

"(2) EXCEPTION.—Paragraph (1) shall not apply to any taxpayer with respect to extraterritorial income from any transaction if the taxpayer computes its qualifying foreign trade income with respect to the transaction under section 941(a)(1)(A).

"(e) Election To Be Treated as Domestic Corporation.—

"(1) In general.—An applicable foreign corporation may elect to be treated as a domestic corporation for all purposes of this title if such corporation waives all benefits to such corporation granted by the United States under any treaty. No election under section 1362(a) may be made with respect to such corporation.

"(2) Applicable foreign corporation.—For purposes of paragraph (1), the term 'applicable foreign corporation' means any foreign corporation if—

"(A) such corporation manufactures, produces, grows, or extracts property in the ordinary course of such corporation's trade or business, or

"(B) substantially all of the gross receipts of such corporation may reasonably be expected to be foreign trading gross receipts.

"(3) Period of election.—

"(A) In general.—Except as otherwise provided in this paragraph, an election under paragraph (1) shall apply to the taxable year for which made and all subsequent taxable years unless revoked by the taxpayer. Any revocation of such election shall apply to taxable years beginning after such revocation.

"(B) Termination.—If a corporation which made an election under paragraph (1) for any taxable year fails to meet the requirements of subparagraph (A) or (B) of paragraph (2) for any subsequent taxable year, such election shall not apply to any taxable year beginning after such subsequent taxable year.

"(C) Effect of revocation or termination.—If a corporation which made an election under paragraph (1) revokes such election or such election is terminated under subparagraph (B), such corporation (and any successor corporation) may not make such election for any of the 5 taxable years beginning with the first taxable year for which such election is not in effect as a result of such revocation or termination.

"(4) Special rules.—

"(A) Requirements.—This subsection shall not apply to an applicable foreign corporation if such corporation fails to meet the requirements (if any) which the Secretary may prescribe to ensure that the taxes imposed by this chapter on such corporation are paid.

"(B) Effect of election, revocation, and termination.—

"(i) Election.—For purposes of section 367, a foreign corporation making an election under this subsection shall be treated as transferring (as of the first day of the first taxable year to which the election applies) all of its assets to a domestic corporation in connection with an exchange to which section 354 applies.

"(ii) Revocation and termination.—For purposes of section 367, if—

"(I) an election is made by a corporation under paragraph (1) for any taxable year, and

"(II) such election ceases to apply for any subsequent taxable year,

such corporation shall be treated as a domestic corporation transferring (as of the 1st day of the first such subsequent taxable year to which such election ceases to apply) all of its property to a foreign corporation in connection with an exchange to which section 354 applies.

"(C) Eligibility for election.—The Secretary may by regulation designate one or more classes of corporations which may not make the election under this subsection.

"(f) Rules Relating to Allocations of Qualifying Foreign Trade Income From Shared Partnerships.—

"(1) In general.—If—

"(A) a partnership maintains a separate account for transactions (to which this subpart applies) with each partner,

"(B) distributions to each partner with respect to such transactions are based on the amounts in the separate account maintained with respect to such partner, and

"(C) such partnership meets such other requirements as the Secretary may by regulations prescribe,

then such partnership shall allocate to each partner items of income, gain, loss, and deduction (including qualifying foreign trade income) from any transaction to which this subpart applies on the basis of such separate account.

"(2) Special rules.—For purposes of this subpart, in the case of a partnership to which paragraph (1) applies—

"(A) any partner's interest in the partnership shall not be taken into account in determining whether such partner is a related person with respect to any other partner, and

"(B) the election under section 942(a)(3) shall be made separately by each partner with respect to any transaction for which the partnership maintains separate accounts for each partner.

"(g) Exclusion for Patrons of Agricultural and Horticultural Cooperatives.—Any amount described in paragraph (1) or (3) of section 1385(a)—

"(1) which is received by a person from an organization to which part I of subchapter T applies which is engaged in the marketing of agricultural or horticultural products, and

"(2) which is designated by the organization as allocable to qualifying foreign trade income in a written notice mailed to its patrons during the payment period described in section 1382(d),

shall be treated as qualifying foreign trade income of such person for purposes of section 114. The taxable income of the organization shall not be reduced under section 1382 by reason of any amount to which the preceding sentence applies."

SEC. 4. TECHNICAL AND CONFORMING AMENDMENTS.

(1) The second sentence of section 56(g)(4)(B)(i) is amended by inserting before the period "or under section 114".

(2) Section 245 is amended by adding at the end the following new subsection:

"(d) Certain Dividends Allocable to Qualifying Foreign Trade Income.—In the case of a domestic corporation which is a United States shareholder (as defined in section 951(b)) of a controlled foreign corporation (as defined in section 957), there shall be allowed as a deduction an amount equal to 100 percent of any dividend received from such controlled foreign corporation which is distributed out of earnings and profits attributable to qualifying foreign trade income (as defined in section 941(a))."

(3) Section 275(a) is amended—

(A) by striking "or" at the end of paragraph (4)(A), by striking the period at the end of paragraph (4)(B) and inserting ", or", and by adding at the end of paragraph (4) the following new subparagraph:

"(C) such taxes are paid or accrued with respect to qualifying foreign trade income (as defined in section 941).", and

(B) by adding at the end the following the following new sentence: "A rule similar to the rule of section 943(d) shall apply for purposes of paragraph (4)(C)."

(4) Paragraph (3) of section 864(e) is amended—

(A) by striking "For purposes of" and inserting:

"(A) In general.—For purposes of", and

(B) by adding at the end the following new subparagraph:

"(B) Assets producing exempt extraterritorial income.—For purposes of allocating and apportioning any interest expense, there shall not be taken into account any qualifying foreign trade property (as defined in section 943(a)) which is held by the taxpayer for lease or rental in the ordinary course of trade or business for use by the lessee outside the United States (as defined in section 943(b)(2))."

(5) Section 903 is amended by striking "164(a)" and inserting "114, 164(a),".

(6) Section 999(c)(1) is amended by inserting "941(a)(5)," after "908(a),".

(7) The table of sections for part III of subchapter B of chapter 1 is amended by inserting before the item relating to section 115 the following new item:

"Sec. 114. Extraterritorial income."

(8) The table of subparts for part III of subchapter N of chapter 1 is amended by striking the item relating to subpart E and inserting the following new item:

"Subpart E. Qualifying foreign trade income."

(9) The table of subparts for part III of subchapter N of chapter 1 is amended by striking the item relating to subpart C.

SEC. 5. EFFECTIVE DATE.

(a) In General.—The amendments made by this Act shall apply to transactions after September 30, 2000.

(b) No New FSCs; Termination of Inactive FSCs.—

(1) No new FSCs.—No corporation may elect after September 30, 2000, to be a FSC (as defined in section 922 of the Internal Revenue Code of 1986, as in effect before the amendments made by this Act).

(2) Termination of inactive FSCs.—If a FSC has no foreign trade income (as defined in section 923(b) of such Code, as so in effect) for any period of 5 consecutive taxable years beginning after December 31, 2001, such FSC shall cease to be treated as a FSC for purposes of such Code for any taxable year beginning after such period.

(c) Transition Period for Existing Foreign Sales Corporations.—

(1) In general.—In the case of a FSC (as so defined) in existence on September 30, 2000, and at all times thereafter, the amendments made by this Act shall not apply to any transaction in the ordinary course of trade or business involving a FSC which occurs—

(A) before January 1, 2002, or

(B) after December 31, 2001, pursuant to a binding contract—

(i) which is between the FSC (or any related person) and any person which is not a related person, and

(ii) which is in effect on September 30, 2000, and at all times thereafter.

For purposes of this paragraph, a binding contract shall include a purchase option, renewal option, or replacement option which is included in such contract and which is enforceable against the seller or lessor.

(2) Election to have amendments apply earlier.—A taxpayer may elect to have the amendments made by this Act apply to any transaction by a FSC or any related person to which such amendments would apply but for the application of paragraph (1). Such election shall be effective for the taxable year for which made and all subsequent taxable years, and, once made, may be revoked only with the consent of the Secretary of the Treasury.

(3) Related person.—For purposes of this subsection, the term "related person" has

the meaning given to such term by section 943(b)(3) of such Code, as added by this Act.

(d) SPECIAL RULES RELATING TO LEASING TRANSACTIONS.—

(1) SALES INCOME.—If foreign trade income in connection with the lease or rental of property described in section 927(a)(1)(B) of such Code (as in effect before the amendments made by this Act) is treated as exempt foreign trade income for purposes of section 921(a) of such Code (as so in effect), such property shall be treated as property described in section 941(c)(1)(B) of such Code (as added by this Act) for purposes of applying section 941(c)(2) of such Code (as so added) to any subsequent transaction involving such property to which the amendments made by this Act apply.

(2) LIMITATION ON USE OF GROSS RECEIPTS METHOD.—If any person computed its foreign trade income from any transaction with respect to any property on the basis of a transfer price determined under the method described in section 925(a)(1) of such Code (as in effect before the amendments made by this Act), then the qualifying foreign trade income (as defined in section 941(a) of such Code, as in effect after such amendments) of such person (or any related person) with respect to any other transaction involving such property (and to which the amendments made by this Act apply) shall be zero.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. ARCHER) and the gentleman from New York (Mr. RANGEL) each will control 20 minutes.

Mr. STARK. Mr. Speaker, I oppose the bill, and I would like to claim the time in opposition.

The SPEAKER pro tempore. Is the gentleman from New York (Mr. RANGEL) opposed to the motion?

Mr. RANGEL. No, I am not, Mr. Speaker. I support the bill.

The SPEAKER pro tempore. The gentleman from New York (Mr. RANGEL) is not opposed to the motion. Therefore, the gentleman from California (Mr. STARK) may claim the 20 minutes of debate reserved for opposition to the motion under clause 1(c) of Rule XV.

Mr. RANGEL. Mr. Speaker, I ask whether the gentleman from California (Mr. STARK) would yield 10 minutes of his time for those of us on the committee that support the motion.

Mr. STARK. I am not prepared at this point, Mr. Speaker, to yield any time.

The SPEAKER pro tempore. Under the rule, the gentleman from Texas (Mr. ARCHER) and the gentleman from California (Mr. STARK) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. ARCHER).

GENERAL LEAVE

Mr. ARCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4986.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ARCHER. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Speaker, I thank the gentleman from Texas (Chairman ARCHER) for yielding me this time and for this opportunity in working with him on this very important issue that has affected our Foreign Sale Corporation legislation.

As most everyone knows, the World Trade Organization has required the administration and, indeed, this Congress to work together to replace a tax treatment consistent with our trade agreements.

I would like to commend the Republicans and Democrats on this committee, the leadership, as well as the administration, to commend Treasury Undersecretary Stuart Eizenstat and Assistant Secretary John Talisman in the way they approached this very sensitive situation, which, of course, the World Trade Organization has made such an issue.

We in Congress could have ignored the WTO ruling down in April much as the European Union has ignored many of the issues and beef hormones and other disputes. But we have sought to work it out diplomatically. When that has failed, we have now come with a legislative resolution.

It is a very sensitive situation, and I thank the gentleman from Texas (Chairman ARCHER) so much for giving me the opportunity to support the overwhelming majority of the people on the committee as well as this leadership on this issue.

Mr. STARK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, whether or not one agrees that tobacco, pharmaceutical, and military industries should be exempt from receiving this subsidy, which is referred to as the foreign sales credit, everyone should be opposed to the bill before us today.

Whether or not one agrees that the new tax scheme is, in fact, an export subsidy, which most of us feel it is, as does the World Trade Organization, in a form of egregious corporate welfare, one should be opposed to the bill.

This bill spends $5 billion of taxpayers' money every year in perpetuity, and our leadership is allowing a mere 40 minutes of debate and not allowing amendments.

I can understand why the administration and my colleagues want to rush this legislation through, and I understand they want as little debate as possible to avoid public disclosure that will aid the European Union in their case before the World Trade Organization.

However, our commitment first and foremost should be to our constituents. Our first commitment should be to the health and welfare of our seniors and children. Does not every taxpayer have a right to know how their hard-earned taxpayer dollars are being spent? Of course they do.

The new FSC has a new name and a new face, but it is the same old subsidy. If it quacks like a subsidy and walks like a subsidy, it still is a subsidy. The new scheme essentially leaves the export benefit in place, but now the Treasury will forego an additional $300 million a year to subsidy our exporters. The Treasury will give more than $5 billion a year to help Boeing, R.J. Reynolds and Monsato peddle their products overseas. The exporters will receive lower tax rate on income from export sales than they do from domestic sales. Clearly this is prohibited under the WTO Agreement on Subsidies and Countervailing Measures.

Proponents of the FSC claim that it is needed to compete with Europe's value-added tax. That is simply nonsense.

International trade allows rebates on consumption taxes such as the VAP and U.S. excise and State sales tax. That is a level playing field.

Europe's corporate income tax is comparable to ours and in fact investors often criticize Europe for imposing too high a corporate income tax.

The FSC replacement is an export subsidy that will help industry such as the pharmaceutical, tobacco, and military weapons industries capitalize on the generosity of the Congress and on taxpayers.

Let us start, for example, with the pharmaceutical industry. Is there anyone who says that we should encourage the U.S. pharmaceutical companies to sell cheaper drugs to foreigners while selling them at higher prices here at home to our uninsured and our seniors? That is exactly what we will be doing if we vote for H.R. 4986.

□ 1630

The pharmaceutical company does not need another corporate subsidy at the expense of the American taxpayer. This offers incentives for the pharmaceutical companies to sell their products in other developed countries for less than they sell them here at home. Drug companies already reap huge tax benefits that lower their average effective rate 40 percent below other U.S. industries in America.

The richest drug company had greater profits than the entire airline industry and more than twice the profits of the entire engineering and construction industry. Yet, studies show that American seniors without drug coverage often pay twice as much as people in Canada and Mexico.

Last week, the Committee on Ways and Means rejected my amendment, which would have prohibited pharmaceutical companies from receiving this FSC subsidy if they charged American consumers 5 percent more than what they charge foreign consumers. That amendment made sense. Why should our seniors who go without their prescription drugs further have to subsidize the pharmaceutical companies who sell them abroad? It is an insult to American seniors and all taxpayers.

I urge my colleagues to vote to help the seniors obtain affordable prescription drugs and to do away with this egregious corporate welfare.

Without an option to offer or an amendment, no amendments are allowed under today's rules, the American public will be forced to help a pharmaceutical industry that cares nothing about the well-being of American citizens. The tobacco industry indeed will get subsidized exporting their poison to help kill and addict millions of children around the world.

The weapons industry, who does nothing to encourage the sale of their weapons of destruction because those sales are made for them by the Department of Defense and by the U.S. State Department, why should they get a subsidy to sell nuclear materials or tanks or weapons of destruction when that is arranged for them? Why should we subsidize this arms race?

The answer is we should not. We should not go through this, and when we want to promote world law, we should not be here with a second-rate subterfuge trying to call a subsidy something it is not. We should give up. We should recognize that the World Trade Organization is correct. We should allow our American industry to compete as they can on quality and on ingenuity and not have to subsidize these large manufacturers as a mere give-away just before election.

Mr. Speaker, as the only member of the Ways and Means to vote against H.R. 4986, the FSC Repeal and Extraterritorial Income Exclusion Act of 2000, I must explain the reasons for my vote.

I believe that this bill will not suffice under the scrutiny of the World Trade Organization. H.R. 4986 is as much of a subsidy as the current FSC. The entire process was undemocratic, constituting backroom consultations with private industry and select members of Congress. Finally, the bill is expanded and additional taxpayer dollars will be lost under the new scheme. It is not right that we ask U.S. taxpayers to pay for an export subsidy for large pharmaceutical corporations when the U.S. pharmaceutical industry is charging less in wealthy foreign markets for the same prescription drugs that our seniors are unable to afford here.

PROCESS

Select members of the House Ways and Means Committee and Senate Finance Committee were consulted on revising the Foreign Sales Corporation (FSC) prior to the World Trade Organization's October 2000 deadline. In addition, those who will benefit from the new subsidy were also consulted—private industry. However, there were many members of the Ways and Means Committee who were not consulted on the details of the new proposal. This hardly reflects the democratic process under which this legislative body is supposed to operate.

I was one of the members who was not consulted on repealing and replacing the current FSC for a new plan, yet I was one of the members who was here to vote in 1984 to repeal the Domestic International Sales Corporation and replace it with the Foreign Sales Corporation.

BENEFITS TO MILITARY WEAPONS EXPORTERS

In 1976, I led Congress in voting to decrease the benefit to weapons dealers. Therefore, I was dismayed to see that the new FSC benefit will actually be expanded to increase the benefit of the subsidy to military weapons exporters.

The U.S. already spends about $8 billion annually to subsidize U.S. weapons manufacturers. These subsidies include taxpayer-backed loans, grants, and government promotional activities that assist U.S. weapons makers to sell their products to foreign customers. Under the current Foreign Sales Corporation scheme, weapons exporters may qualify for up to 50 percent of the FSC benefit. Under the new scheme, arms dealers will be able to reap the full benefit of the subsidy. It is incomprehensible that we would allow an industry that already receives more than its fair share of pork barrel spending to receive increased subsidies through the new FSC plan.

BENEFITS TO PHARMACEUTICAL INDUSTRY

The pharmaceutical industry is another branch of corporate America that clearly does not need an export subsidy at the expense of the American taxpayer. H.R. 4986 offers export incentives to pharmaceutical companies who sell their products to other developed countries for less than the U.S. consumer can purchase the exact same drugs.

Drug companies already reap huge benefits that lowered their average effective tax rates nearly 40 percent relative to the other major U.S. industries from 1990 to 1996. Fortune magazine again rated the pharmaceutical industry the most profitable industry in 1999. Merck, the richest drug company, had greater profits than the entire airline industry and more than twice the profits of the engineering-construction industry. Drug spending increased more than 15 percent in 1998, 18 percent in 1999 and is expected to continue to increase at phenomenal rates in the future. Yet, studies have shown that American seniors without drug coverage often pay about twice as much as people in Canada and Mexico.

The Ways and Means Committee rejected my amendment which would have prohibited pharmaceutical companies from receiving the full FSC benefit if they discounted more than 5 percent to foreign consumers relative to U.S. consumers. This amendment simply makes sense. It is only fair to the millions of U.S. seniors who go without their much needed prescription drugs. Why subsidize an industry already receiving huge corporate tax credits? We should have exempted pharmaceutical companies. The members of the Ways and Means Committee chose otherwise. This is an insult not only to American seniors, but to all U.S. taxpayers.

EXPORT SUBSIDY

Finally, H.R. 4986 does not address the concerns of the WTO dispute panel. The new scheme attempts to allay the European Unions' concerns by allowing some foreign operations to also receive the subsidy. The new scheme eliminates the requirement on a firm to sell its exports through a separately chartered foreign corporation in order to receive the benefit. The only portion that is eliminated is the paper subsidiary. Instead of creating a tax haven, U.S. exporters will be able to receive the benefit outright. The new scheme doesn't prevent arms exporters or any other industry from receiving the entire benefit of the subsidy.

The new scheme essentially leaves the export benefit in place but now the U.S. Treasury will forego an additional $300 million per year to subsidize U.S. exporters. The U.S. Treasury will forego more than $3 billion per year to help companies like Boeing and R.J. Reynolds peddle their products: Exporters will continue to receive a lower tax rate on income from export sales than from domestic sales. This is clearly prohibited under the WTO Agreement on Subsidies and Countervailing Measures.

It is a sad commentary on the Ways and Means Committee that is willing to fight a WTO ruling all in the name of corporate profits but ignores environmental, human rights and labor interests.

Mr. Speaker, I reserve the balance of my time.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the one thing this bill is not is corporate welfare. The one thing this bill is not is a subsidy to corporations.

Almost every one of our foreign competitors singly taxes the earnings of their corporations overseas. We double tax in an ill-advised, antiquated system the earnings of our corporations overseas and place them at a gigantic disadvantage against their foreign competitors.

The FSC program simply mollifies to a small degree this giant disadvantage to our corporations, a disadvantage which is so great that it is causing one by one major corporations to move overseas instead of having their headquarters in the U.S., signified recently by Chrysler having to become a German corporation.

The gentleman from California (Mr. STARK) can speak his rhetoric, but he is ill-advised when he calls this a subsidy or corporate welfare.

This bill is critical for continued U.S. competitiveness in the global marketplace. It is critical for our economy. And most important, it is critical to preserve as many as five million jobs for American workers and their families. That is right, approximately 4.8 million American jobs are directly related to the manufacture of products benefiting from the Foreign Sales Corporation provisions in the Tax Code.

So while this is a complex issue, we must succeed for the most basic reasons.

This bill enables the U.S. to comply with a decision of the World Trade Organization, which last year held that our FSC provisions of the Internal Revenue Code violated certain provisions of the WTO rules which prohibit export subsidies. The Clinton administration and the Congress strongly disagreed with this decision and the case was appealed. Unfortunately, the appeal was not granted.

Unless Congress changes the law to comply with the decision, U.S. consumers and businesses face the possibility of retaliation by the European Union on or after October 1. This would negate the ability of our domestically produced goods to enter the European market in an amount of anywhere from 4 to $40 billion a year with devastation on the workers in those industries in this country.

I believe the approach in this legislation is the best way to comply with the decision, continue to honor our trade agreements consistent with the obligations they impart, and maintain our global competitiveness.

This legislation enjoys strong bipartisan support in both Houses of Congress and is strongly supported by the administration.

Deputy Treasury Secretary Eizenstat has been involved in the construction of this legislation from the very beginning, as well as Members and staff from both the majority and the minority.

I also mention the extraordinary work of the Joint Committee on Taxation to develop this product in a short period of time. This bill is the product of extensive deliberations of a bipartisan, bicameral, and administration working group which consulted with both tax and trade experts on how best to fashion a measure to allow the U.S. to comply with the WTO decision.

This bill is also supported by U.S. companies and their workers who would be most negatively impacted by the WTO ruling.

I also hope that this legislation ends the longstanding challenge by the EU to our tax system. It is an important step in making our tax system not only compliant with our obligations under the WTO rules but in also making our system relevant to the global marketplace in which our citizens and businesses must compete.

I look forward to continuing to work in a bipartisan fashion to see this bill signed into law to help preserve American jobs, businesses, and our economy in the next century.

Starting this week, America's Olympic athletes will compete against the world's best in Sydney, Australia, and all competitors will play by the rules.

In the far fiercer global economic competition of the 21st century, we must work hard to give U.S. workers and companies that same opportunity. That is exactly what this bill is designed to do.

I urge all Members to support this vital legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. STARK. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, I rise in opposition to H.R. 4986.

While I believe that we must promote U.S. competitiveness in global markets, I strongly object to forcing American taxpayers to support the export of tobacco and tobacco addiction.

The most recent IRS statistics reveal that tobacco companies have used the FSC for a tax break of more than $100 million a year. Under the new system unveiled in this bill, they will benefit even more. This is wrong.

The dangers of nicotine are well known, and these dangers do not stop at our borders. Smoking causes more than 3.5 million deaths each year throughout the world. That number is expected to rise to 10 million people within 20 years, with 70 percent of all smoking-related deaths projected to occur in developing countries that are the newest targets of the tobacco industry.

This Congress has done nothing to address the tobacco epidemic that rages both here and abroad. Tragically, this bill only helps big tobacco promote it. We could easily address this problem by allowing for consideration of the Doggett amendment to exempt manufacture of tobacco from the bill. Instead, the bill was added to the suspension calendar, which allows no amendments and very limited debate.

Mr. Speaker, we have FSC exemption for national security. We have exemptions to protect certain domestic industries. It is long overdue to have an exemption for public health.

The American taxpayers should not be a partner in the export of death and disease. We should not be enabling big tobacco to escape public health restrictions in our market by peddling cigarettes to children around the globe.

I urge my colleagues to oppose this bill because the procedure does not allow us to engage in a meaningful debate on this issue or to vote on the Doggett amendment.

Mr. ARCHER. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. THOMAS), a respected member of the Committee on Ways and Means.

Mr. THOMAS. Mr. Speaker, I thank the chairman very much for yielding me the time.

Mr. Speaker, first of all, I want to compliment the chairman and the ranking member. There has been an unprecedented degree of cooperation not only between the Democrats and the Republicans in the House, but between the House and the Senate and the administration in responding to what is clearly a crisis in our international responsibilities.

Very often adults are prone in dealing with children to in essence say, Do as I say, not as I do. And today we are seeing an example of this country telling the rest of the world, Do as we do, not as we say.

In stark contrast, for example, to the Europeans and their abject failure to respond to adverse decisions in the World Trade Organization, continuing to drag their feet when the international community says they are wrong, what we have here is an example of the United States moving with clear rapidity to make fundamental changes to bring us into compliance. Do not just take my word for it.

Mr. Speaker, I include for the RECORD the following text of a letter from Deputy Secretary Eizenstat to the European Union Commissioner for Trade:

DEP SEC. EIZENSTAT FSC LETTER,
DATE: AUGUST 11, 2000-INSIDE US TRADE,
July 28, 2000.

Mr. PASCAL LAMY,
Commissioner for Trade, Rue du la Loi 200, B-1049, Brussels, Belgium.

DEAR PASCAL: Following passage yesterday by the House Ways and Means Committee of legislation to repeal the FSC, I am writing to you to enclose a copy of the proposal and briefly explain the details of this new proposal.

The new proposal embodied in the Chairman's mark represents a major departure from the FSC and, furthermore, a significant evolution from the proposal I discussed with you in May. This proposal directly addresses the issues raised by the WTO Appellate Body. Further, it addresses additional concerns raised by the EU, as expressed in our meeting on May 2, in your letter to me of May 26, and in our telephone call of July 14.

In compliance with the Appellate Body decision, the FSC provisions are to be repealed from the Internal Revenue Code. The new tax provisions embodied in the Chairman's mark have the following key elements.

The Chairman's work provides an exclusion of tax on certain extraterritorial income. Because this would be our general rule, there is no foregone revenue that is otherwise due and thus no subsidy.

Further, because it treats foreign sales alike, whether the goods were manufactured in the U.S. or abroad, it is not export-contingent. Thus, a company would receive the same tax treatment on foreign sales regardless of whether it exports.

The Chairman's mark excludes qualifying foreign trade income directly at the level of the entity that produces the relevant good or produces the qualifying service. It does not require foreign sales transactions to be routed through separate offshore companies. Thus it eliminates the Administrative Pricing Rules for transfer pricing between affiliated companies, which the EU alleged violated the arms length provision of the Subsidies Agreement. Further, it eliminates the dividends received deduction.

Likewise, this approach address EU concerns about alleged incentives to use low or no-tax jurisdictions since a separated affiliate would not be necessary for this exclusion.

The Chairman's mark is the product of an unprecedented bipartisan effort in which Congress and the Administration worked together both to develop a proposal that is WTO compliant and to act quickly in an effort to comply with the October 1 deadline set by the WTO.

The House Ways and Means Committee voted 34-to-1 yesterday to support this legislation that meets our WTO obligations. Our key Congressional tax and trade committees understand that we have left the door open to further consultation with the EU as this legislation moves forward. We remain prepared to negotiate a solution on the basis of this proposal.

I hope that we can work together to avoid an escalation of this conflict. It would not be in the interest of either the U.S. or Europe to engage in a major trade war over this issue. Both U.S. and European businesses would needlessly suffer the consequences.

The legislation I am attaching herewith represents a serious effort on the part of the U.S. to comply with the Appellate Body's decision before its October 1st deadline. As we move to pass this legislation before that deadline, I hope that we can have a dialogue to resolve this conflict on the basis of this new proposal.

For your review I'm attaching three documents: (1) A copy of the statement I delivered at the Committee mark up, (2) the joint Tax Committee's description of the bill, and (3) the text of the legislation as reported by the Ways and Means Committee; please note that the formal bill is not yet available.

I look forward to talking with you again about these matters.

Yours Very Truly,

STEVE E. EIZENSTAT.

Mr. Speaker, a portion of that letter states: "The Chairman's mark is the product of an unprecedented bipartisan effort in which Congress and the administration worked together both to develop a proposal that is WTO compliant and to act quickly in an effort to comply with the October 1 deadline set by the WTO."

He goes on to quote, "The House Ways and Means Committee voted 34-1 to support this legislation."

I believe what we are seeing worked out on the floor is the result of that 34-1 vote.

Let me say also to everyone in this country that when we are dealing on an international basis, one of the things we need to do is to show bipartisanship.

I want to compliment the ranking member from New York who has done that. I want to compliment the chairman.

For those friends of ours who are listening and not part of our system, I do want to refer to a section of the Constitution. It is in Article I, section VI. To a degree, what is occurring here today is going to be covered, thankfully, for some of the participants by that portion of section VI, which says: "And for any speech or debate in either House, they shall not be questioned in any other place."

That is, on the floor of the House, we are allowed to say certain things for which we can never be questioned anywhere else.

As we discuss this bill and statements are made, keep in mind the speech-and-debate clause, which allows some folks to say what they are saying.

Mr. STARK. Mr. Speaker, I yield 4 minutes to the gentleman from Oregon (Mr. DEFAZIO).

□ 1645

Mr. DEFAZIO. Mr. Speaker, this is an extraordinary debate, a $5 billion per year perpetual tax break to the largest, most profitable corporations in the world; forty minutes of debate and that is it. No amendments are allowed.

This bill was secretly negotiated, this bipartisan group, very secret and small group, revealed to members of the committee on the same day that the secret negotiations were concluded; perfunctory markup was held and now it is being rushed through.

We cannot agree on marriage penalty relief. We cannot agree on small business relief. We cannot agree on inheritance tax relief but, by God, the administration, the Republican leadership, they can put this one together behind closed doors because it benefits the largest, most profitable corporations in this country.

Over the last decade, almost $2 billion of these proceeds went to two companies, Boeing and General Electric, mostly for arms manufacturers. Now, we need to help our arms manufacturers. They already dominate the world market, but we need to give them another leg up because not 100 percent of the arms being bought out there by our enemies and our allies are U.S. made yet. We have to give them a leg up.

The pharmaceutical manufacturers, well, they need an incentive to export because overseas they sell drugs cheaper than they sell them to the Americans who subsidize their manufacture here. So we have to give them a little tax break to export those cheap drugs to foreigners but not provide affordable drugs here at home.

The tobacco companies, of course we want to export tobacco. Maybe that will hurt the productivity of our competitors around the world as they become sick and die from this product that is being promoted through this tax break.

This is outrageous. We are taking $5 billion of hard-earned taxpayers' money and shifting it to some of the largest, most profitable corporations in this country under the dubious assumption that somehow this is countering unfair things the Europeans are doing. If they are doing unfair and illegal things, you people wanted this rules-based trade agreement, you wanted a WTO with a secret, deliberative body that would adjudicate these complaints. I did not. I voted against it.

Well then file a complaint against the Europeans. Do not extend an unfair subsidy that does not even meet the laugh test. This does not comply with the last ruling. The Europeans will still get to penalize U.S. industries if this goes into effect, and they may well not penalize with tariffs the industries that are getting the tax break. Other U.S. manufacturers might be hurt.

You are doing this country a double disservice today with this legislation. It is extraordinary that this would be rushed through in this manner while there is virtually nobody in this Chamber; virtually half the Members are probably not even in town yet. They are still enjoying the hospitality of some of our airlines.

If it is an Endangered Species Act provision, by God, we have to comply. If it is a Clean Air Act provision, by God, the U.S. has to comply. If we can make the Europeans eat beef that has been treated with bovine growth hormone, which they have protested against because of health concerns, by God, they have to comply. But when it comes to corporate tax breaks, we will not comply.

This is the highest and best use of trade policy. That is what it is all about. Trade policy was written for, by, and about the largest corporations in this country; and we will do anything behind closed doors or even here on the floor of the House under very restrictive conditions to defend those tax breaks in the name of free trade.

If you have a problem with the European tax system, file a complaint. Answer that one. Why not file a complaint against OPEC? They are violating the WTO. It is awfully strange that we will not use this rules-based organization. Well, we are told we had a gentleman's agreement on taxes, gentleman's agreement.

I voted against entering into the WTO. I never heard any discussion on the floor about gentleman's agreements that were binding as part of this that went to the Tax Code. Pretty strange way to have an enforceable rules-based trade agreement with gentlemen's agreements that no one knows about.

If you have a problem with the Europeans, file a complaint. Do not use the tax dollars of American taxpayers to continue this outrageous subsidy, double the subsidy to arms manufacturers, extend it to pharmaceuticals and tobacco. It is outrageous.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume to briefly respond to the gentleman from Oregon (Mr. DEFAZIO).

The gentleman speaks passionately but he does not speak the facts, and passion is no substitute for the facts. The facts are that the current law already gives incentives to overcome the double taxation that our corporations face competing overseas, and this replaces that in the code. It does not cost $5 billion. He knows that.

If there is such opposition to the existing incentives that are in the code or the reduction of the barriers that are in the code, why were they not out front a long time ago? Why are there not amendments offered over and over again in committee? And they were not.

Mr. DEFAZIO. Mr. Speaker, will the gentleman yield?

Mr. ARCHER. I do not have the time, as the gentleman knows.

Mr. DEFAZIO. I did introduce legislation to repeal these provisions of law.

The SPEAKER pro tempore (Mr. STEARNS). The gentleman is not recognized.

Mr. ARCHER. Mr. Speaker, they come forward now, claim secret clandestine negotiations, when we had a full, open markup in the Committee on Ways and Means, as a matter of public record. As my colleague from California said, the Constitution protects whatever one wants to say on the floor of the House.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. SAM JOHNSON), a respected colleague and member of the Committee on Ways and Means.

Mr. SAM JOHNSON of Texas. Mr. Speaker, listen, it is wrong, wrong, wrong to say secret or totally Republican. This was a measured response to an injustice by the WTO and it was a measured response from the President, from the Trade Commission, from the Democrats and from the Republicans.

This thing was not done in secret, and it is for all businesses in this country that are legal. We should not question that. It is for America.

Know what? This bill replaces the FSC in its entirety. It changes it. In its place, it adopts key features of the certain European tax systems moving the United States closer to a territorial system. It eliminates administrative pricing rules which the European Union objected to. Most importantly, this legislation is not export contingent.

I sincerely hope that this legislation will end our dispute with the European Union. They must understand they cannot use the WTO to impose a permanent tax advantage over United States companies. We are doing this for America, for the people of America, for the businesses in America. God bless America.

Mr. STARK. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. DOGGETT) to discuss a bill which is not yet complete and which nobody in this room has read.

Mr. DOGGETT. Mr. Speaker, God bless America and God bless the democracy that involves public participation—a concept at the core of what our American government is all about. Such public participation was not very evident in the process that produced this bill.

This bill was conceived behind closed doors with no public participation, no public hearings, no public involvement. It was designed to continue what is, in essence, a legal scheme of tax avoidance for the world's largest corporations by channeling some of their profits through foreign tax havens.

This bill is basically a product of meetings between the Treasury Department and those who benefit from the tax subsidy. The lobbyists have met with the Treasury Department, but the Treasury Department official responsible for the bill was unwilling to answer questions in public from even the members of the Committee on Ways and Means.

I voted for this bill in committee. I am committed to promoting international trade, but it was a very contrived circumstance that produced this bill, and the arrogance and the deception associated with this bill as well as the additional information that I now have about this bill cause me today to reconsider my position and to oppose strongly H.R. 4986.

This bill is not actually the bill that our committee considered. Rather this is a bill that the lobby has massaged for another few weeks after the initial bill was approved in the Committee on Ways and Means. This particular version has never had a hearing or a vote. There are not three Members on this floor today that can say they have even read the particular bill that is before us today.

The cost of this bill, however, is $4 million to $6 million, according to the best estimates we can get; every year that has to be made up by other American taxpayers. With this bill, the Congress would be saying basically that local stores that sell groceries or clothes to people on any Main Street or at any mall in America, those businesses would have to pay higher taxes so that multinational corporations that sell tobacco and cigarettes and machine guns abroad can pay lower taxes..

Even then, an independent analysis of this bill by the Congressional Research Service says that it has "a negligible effect on the trade balance." That its overall impact in creating trade is practically nil.

Now, it was suggested that only some ill-informed people here on the floor were condemning this bill as corporate welfare. Well, perhaps the gentleman is unfamiliar with the recommendation of his own Republican Congressional Budget Office, I think for about 3 years in a row, suggesting that the Foreign Sales Corporation Act be repealed just as the gentleman from Oregon (Mr. DEFAZIO) has proposed in his own separate legislation. Perhaps he did not listen to Senator JOHN MCCAIN on ABC's This Week when in February he said he was opposed to the Foreign Sales Corporation Act.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman from Texas (Mr. DOGGETT) will refrain from characterizing positions of individual Senators.

The gentleman may proceed.

Mr. DOGGETT. A distinguished Arizona citizen commenting on ABC's This Week program made very clear his opposition to foreign sales corporations, as did the Washington Times which referred to the bipartisan involvement, called it "an almost unanimous blunder." Let us be very clear about what this bill does.

An eligible product need have little or no U.S. manufactured content in order to qualify for this special new tax treatment. If one has a pair of Levis and it is made entirely outside the United States but one slaps on a label that says "Levis," under this bill's supporters are unable to say that this foreign manufactured product will not qualify for special tax relief.

If one has a Marlboro cigarette that does not have one percentage point of tobacco from American tobacco farmers in it but one slaps "Marlboro" on it, and that gives it more than 50 percent value, it qualifies for a tax break. If one has a zocor tablet that is manufactured outside the United States but one puts "zocor" on it and adds 50 percent of the value, it qualifies for a tax break.

Every one of those under this bill is going to receive a special tax subsidy, and that is not going to help American workers, and it certainly is unfair to American consumers who have to pay the highest pharmaceutical costs in the entire world; to pay a higher cost here and then to add insult to injury by being forced to provide a tax subsidy on top of that for the pharmaceutical company to sell it to someone else at a lesser price in another country.

It is particularly outrageous that this bill would be taken up on the floor of the Congress on the very day that a new study is announced showing that tobacco is even more addictive for children than we ever knew previously. Only a couple of weeks of contact with cigarettes can addict children to a life of nicotine, posing the resulting threat of death and disease, very painful disease.

This bill allows Phillip Morris to continue marketing to children around the world and addicting them as a part of what is becoming a pandemic that will kill 10 million people every year in this world as a result of our promotion of tobacco. Today the American people are asked to be an unwilling accomplice, to give $100 million a year to Phillip Morris and the other big tobacco companies that are in the addiction business to go around the world promoting their tobacco to other people's kids. Well, those other children of the world have value, too, and we ought to be concerned about their health and their lives. We certainly ought not to encourage these tobacco companies with $100 million per year in tax subsidy to cause death and disease for children around this world.

Mr. ARCHER. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. RANGEL), the minority leader of the Committee on Ways and Means, and I ask unanimous consent that he be able to yield the time as he sees fit.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

□ 1700

Mr. RANGEL. Mr. Speaker, I yield such time as she may consume to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Speaker, I rise to express my views on the adverse effect that the loss of FSC will have to my district, but I am in support of H.R. 4986.

Mr. RANGEL. Mr. Speaker, I yield 2½ minutes to the gentleman from Michigan (Mr. LEVIN), the ranking Democrat on the Subcommittee on Trade.

Mr. ARCHER. Mr. Speaker, I yield 30 seconds to the gentleman from Michigan.

Mr. LEVIN. Mr. Speaker, let me try quickly to put this in perspective. The U.S. has a worldwide taxation system; we tax income on earnings wherever earned. The Europeans have a territorial system, and I will not go into a lot of detail. In essence, what that does is to favor exports over other transactions, especially domestic transactions, so they have a system that nurtures exports.

We responded by creating a system, a DISC system that was an effort to put our producers of goods, manufacturing goods and agricultural goods, on a level playing field with Europe. It went into effect, and it lasted for a couple of decades; and then it was decided by the European community, I think, partly tactically to challenge it, and the WTO said it was an illegal subsidy. So what we are faced with is an October 1 deadline; and it is being faced by producers of goods, manufacturing goods and agricultural goods.

We have been striving to find a replacement, and now we have one here facing the October 1 deadline. I want to make it clear this bill does not provide an incentive for U.S. producers to move their operations overseas. No more, under this provision, than 50 percent of the fair market value of such property can consist of a non-U.S. component plus non-U.S. direct labor.

This provision has been carefully reviewed by Democrats, by Republicans, by the Treasury Department, and by outside groups. Let me be clear, if we fail to enact this bill by October 1, and that is the constraint we are under, there is a serious risk that the EU will go back to the WTO and seek authority to retaliate by raising tariffs on potentially billions of dollars of goods made in the U.S. and exported from the U.S., causing great harm to the U.S., both businesses, workers and farmers.

Look, there are other issues, tobacco issues, pharmaceutical issues. They cannot be considered within this context. If we need to amend U.S. laws, we can do so later on. We have a constraint, October 1; and if we fail to act by that date, we are going to hurt American businesses and the workers who work for them; and we are simply going to help European competitors, nothing to do with tobacco, nothing to do with pharmaceuticals, nothing at all.

If we want to help European producers, vote against this. If we want to help American workers, businesses, manufacturing goods, we are not talking about services, vote in favor of this bill; and then we will go on to these other issues at some other point.

Mr. RANGEL. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I think it is great that we in the Congress can take issue with our domestic policy, our foreign policy, our trade policy. That is what makes America such a great country, and we should always be able to challenge the procedure in which legislation is brought to the House, but I know that sometimes when I have series problems with my country's foreign policy, one place I do not have a problem with it, and that is in foreign countries. This is not a question of liberals against conservatives, Republicans against Democrats, or the Congress against the administration. It is the European Union that has challenged us, and we can bet our life, they are not concerned with our economic health.

They are not concerned with pharmaceuticals. They are not concerned with arms. They are concerned in having a better-than-an-equal chance to compete against the United States of America.

We had plenty of opportunity to work out our differences. We had approaches that we have taken to them, and this is one time that we came behind the administration and said try to work this out and avoid an economic crisis. And it has been rejected.

What the administration has asked those of us on the Committee on Ways and Means to do is to come together with a piece of legislation, to say that we stand behind the United States of America in trying to resolve the differences we have with the European Union and the World Trade Organization.

If we do nothing, if we debate among ourselves, if we say let us see what is going to happen, then sanctions come against us; and there is no other body for us to take this to. I think it is a great country. We have internal differences, political differences, and they should be worked out; but it just seems to me that when other countries are challenging our country, whether they are challenging our foreign policy or whether they are challenging our trade policy, when that flag goes up with the United States of America, that the President should be supported by the administration, and this Congress should support the administration.

We are a long way from resolving this issue; but if we do nothing and find that our corporations are unable to effectively compete, we will not have the opportunity to say but we had concerns about the policy. I hope nobody in this Chamber ever is completely satisfied with any policy of any administration, but there has to come a time when we do come together to say America first, America first with exports for the jobs that are provided and America when that flag goes up.

Mr. STARK. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Speaker, I thank the gentleman from California (Mr. STARK) for yielding time to me, and I want to say that today this is supposedly an effort on the part of the United States to comply with the ruling by the WTO in an effort to expedite this action is actually an effort that purports to repeal the corporate tax subsidy called the Foreign Sales Corporation.

Unfortunately, what happens when we turn around we are going to actually increase this subsidy. There has been little dispute and far-ranging agreement that existing FSCs have long been a tax windfall to companies like Boeing, General Motors, Big Tobacco, many in the pharmaceutical industry and other corporate giants. As they export, those companies need only set up offshore paper companies and subsidiaries, and they receive the benefit. And that has been a pretty substantial benefit, the single loophole that cost taxpayers more than $10 billion, with $8 billion of that flowing to the very largest corporations all for simply funneling it through an offshore office.

Adding insult to injury, the publication Inside U.S. Trade recently reported that supporters of this bill have admitted that companies could qualify for the tax preference now even if little or no physical production actually occurs outside the United States. For example, a bluejean company could relocate its operations and American jobs abroad, produce an entirely foreign-manufactured product and still receive this subsidy financed by American taxes simply by slapping its American brand name on the tag.

Since this tax break was originally written with the expressed purpose of keeping jobs here in the United States, such an expansion of the provision would appear to be the product of corporation pandering at its very worst.

Congress is proposing to expand it by another $1.5 billion over the next 5 years, on top of the $15.6 billion the loophole has already cost taxpayers. As the gentleman from Texas (Mr. DOGGETT), my colleague, pointed out, this bill amounts to a $100 million subsidy to the tobacco industry to market their products to children around the world, a practice that they are rightfully forbidden from doing here in the United States.

And as the gentleman from California (Mr. STARK), my colleague, argues correctly, this bill actually subsidizes pharmaceutical companies to charge less for prescription drugs.

With all due respect, this is not an argument about us against them, it is an argument about the workers in this country and setting things straight and not pandering to corporate interests.

Mr. STARK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I include for the RECORD my dissenting views on the bill.

Mr. Speaker, today, in an effort to comply—unsuccessfully, it appears—with a February ruling by the WTO, the majority is suspending its usual rules to expedite a vote on H.R. 4986, a bill that purports to repeal a corporate tax subsidy called the "Foreign Sales Corporation" (FSC).

Wide ranging agreement exists that FSCs have long been a tax windfall to companies like Boeing, GM, Big Tobacco, many in the pharmaceutical industry, and other corporate giants, as exporting companies need only set up an offshore paper subsidiary to receive the tax benefit. And what a benefit it is: in the 1990's alone, this single loophole cost taxpayers more than $10 billion, with $8 billion of that flowing to the very largest corporations, all for simply funneling sales through an offshore office.

In an effort to comply with the WTO ruling last February deeming FSCs to be an illegal export subsidy, H.R. 4986 would replace FSCs with an even worse tax boondoggle, this time without the paper subsidiary.

Adding insult to injury, the publication "Inside U.S. Trade" recently reported that supporters of the bill have admitted that companies could qualify for the tax preference even if little or no physical production actually occurs in the U.S. For example, a blue-jean company could relocate its operations—and American jobs—abroad, produce a entirely foreign-manufactured product, and still receive this subsidy financed by American taxpayers, simply by slapping its American brand-name on the tag. Since this tax break was originally written with the express purpose of keeping jobs here in the United States, such an expansion of the provision would appear to be the product of corporate pandering at its very worst.

Now Congress is proposing to expand it by another $1.5 billion over the next five years, on top of $15.6 billion the loophole already will cost taxpayers.

As my colleague from Texas, Mr. DOGGETT has argued, this bill also amounts to a $100 million subsidy to the Tobacco Industry to market their products to children around the world, a practice they are rightfully forbidden to do here in the U.S. And, as my colleague from California, Mr. STARK correctly argues, this bill actually subsidizes pharmaceutical companies to charge less for prescription drugs overseas than they do here in the U.S., where such drugs prices have skyrocketed out of the range of what many Americans seniors can afford.

As the EU rejected the terms of H.R. 4986 last month (with the WTO likely soon to follow), it sends the wrong message to WTO, implying that we do not wish to seriously negotiate terms of compliance. It subsidizes corporations that do not need subsidizing. It subsidizes corporations that should not be subsidized: And perhaps more importantly, were Congress to approve this bill, it would represent exactly the sort of behavior which so often leaves voters cynical with regard to political process, further giving evidence to the argument that it is corporations, not the people, whose interests Congress represents.

Second, while exports are, indeed, increased, such a subsidy actually triggers international exchange-rate adjustments, which has the effect of increasing U.S. imports as well, leaving the impact on the trade deficit negligible at best, as witnessed by the recent news that the trade deficit had hit an all-time high.

Lastly, the entire legislative process regarding H.R. 4986 has been the worst sort of backroom dealing with industry virtually writing the bill and many House Members of the committee of jurisdiction, Ways and Means, shut out of the process. Additionally, leadership in both parties, with the blessing of the Administration, hoped to expedite the process by shuttling the bill through Congress with limited debate and no amendments.

While the U.S. should conform to WTO guidelines by the October 2000 date the organization has set, this corporate welfare bill is certainly not the right approach, substantively or tactically.

Not only is the argument that FSCs are not a subsidy not credible, but the arguments that VATs are, verges on laughable. VATs are equivalent to an added sales tax that European countries rebate to companies when such goods are exported. Since the U.S. doesn't apply a sales tax to exports in the first place, the argument is effectively moot.

The rationale behind tax policy such as FSC is that it encourages other countries to buy our exports by bringing prices down (for foreigners) and thus reduces the trade deficit. But here, too, its defenders' argument is not supported by the facts. In the first place, to the extent that export prices actually fall, this is a transfer of benefits from U.S. taxpayers to foreign consumers.

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, I include for the RECORD additional views that I offered individually to the Committee on Ways and Means report on H.R. 4986 and the additional views that I offered on behalf of myself, the gentleman from Georgia (Mr. LEWIS), and the gentleman from California (Mr. STARK) to the same report.

Mr. Speaker, I also include for the RECORD a copy of the story in today's Washington Post entitled "Tobacco Exports Get Aid in Bill Set for House Vote."

Additional Views by Mr. Doggett

In what is hardly a model of the way the democratic process should operate, this legislation has involved no public participation, no hearings, and no involvement of any but a handful of Committee members. This bill is basically a product of meetings between the Treasury Department and groups that will benefit from preferential tax treatment. The Chairman even went so far as to attempt to preclude the Committee members from making comments or offering amendments. The members were even denied the right to question Secretary Eizenstat, the principal Administration official responsible for this bill.

The cost of this legislation to the Treasury, which must be paid for by American taxpayers, is between $4 billion and $6 billion per year, and growing. In response to the European community's criticism that tax advantages to American businesses are illegal, this legislation seeks to generously increase those advantages by $300 million a year.

With this legislation, the Committee has basically made a public policy statement that local stores, which sell groceries or clothing to customers within our country, should pay higher taxes than multinational corporations, which sell cigarettes or machine guns abroad. Contrary to proponents' arguments that small and medium sized businesses share significantly in this tax break, the Internal Revenue Service Statistics of Income Division reports that 78% of FSC tax benefits go to companies with assets exceeding $1 billion. Another study based on a sample of corporate financial statements published in Tax Notes, August 14, 2000, indicates that, "the top 20% of FSC beneficiaries (ranked by size of reported FSC benefit in 1998) obtained 87% of the FSC benefits."

Moreover, there is substantial question as to the benefits that Americans truly will receive from this legislation. The Congressional Research Service summarized the most recent Treasury analysis of the Foreign Sales Corporation tax benefit by concluding that "[r]epealing this provision would have a negligible effect on the trade balance." Treasury determined that such a repeal would reduce U.S. exports by $\frac{3}{10}$ of one percent and U.S. imports by $\frac{2}{10}$ of one percent.

ENCOURAGING FOREIGN ARMAMENTS SALES

Because the benefits to ordinary Americans of this costly tax advantage are at best remote, every aspect of this law deserves the type of scrutiny that was wholly lacking during committee consideration. One glaring example of both what is wrong with this legislation and what is wrong with the process that produced it is the generosity shown to arms manufacturers. Their tax savings are doubled by this bill. The supposed justification for such largesse to those who promote arms sales abroad was previously rejected by the Treasury Department in August 1999:

> We have seen no evidence that granting full FSC benefits would significantly affect the level of defense exports, and indeed, we are given to understand that other factors, such as the quality of the product and the quality and level of support services, tend to dominate a buyer's decision whether to buy a U.S. defense product.

Ironically, in 1997, the Congressional Budget Office, whose director was appointed by Republican leaders had reached a similar conclusion:

> U.S. defense industries have significant advantages over their foreign competitors and thus should not need additional subsidies to attract sales. Because the U.S. defense procurement budget is nearly twice that of all Western European countries combined, U.S. industries can realize economics of scale not available to other competitors. The U.S. defense research and development budget is five times that of all Western European countries combined, which ensures that U.S. weapon systems are and will remain technologically superior to those of other suppliers.

Even the Department of Defense conceded the same in 1994:

> The forecasts support a continuing strong defense trade performance for U.S. defense products through the end of the decade and beyond. In a large number of cases, the U.S. is clearly the preferred provider, and there is little meaningful competition with suppliers from other countries. An increase in the level of support the U.S. government currently supplies is unlikely to shift the U.S. export market share outside a range of 53 to 59 percent of worldwide arms trade.

In 1999, without the bonanza provided by this bill, US defense contractors sold almost $11.8 billion in weapons overseas—more than a third of the world's total and more than all European countries combined.

A paper prepared for the Cato Institute in August 1999 by William D. Hartung, President's Fellow at the World Policy Institute, highlights the bad judgment shown here: "If the government wanted to level the playing field between the weapons industry and other sectors, it would have to reduce weapons subsidies, not increase them." (These subsidies include thousands of federal employees at the Pentagon and other agencies whose very purpose is to increase arms sales.) He continued, "Considering those massive subsidies to weapon manufacturers, granting additional tax breaks to an industry that is being so pampered by the U.S. government makes no sense."

With no evidence to warrant its action, the Committee rejected fiscal responsibility in favor of wholly unjustified preferential tax treatment that means millions in savings to defense contractors. This costly decision is also bad for our country's true security interests. Instead of subsidizing arms promotion, our nation should be encouraging arms control. American armaments too often contribute to one arms race after another around the globe.

Doubling this subsidy only encourages the sales of more arms overseas and creates more challenges to the maintenance of our own "military superiority"—and, of course, more pressure for additional costly increases in the defense budget. As Lawrence Korb, President Reagan's Assistant Secretary for Defense for Manpower, Reserve Affairs, Installations and Logistics, has said:

> It has become a money game: an absurd spiral in which we export arms only to have to develop more sophisticated ones to counter those spread out all over the world . . . It is very hard for us to tell other people—the Russians, the Chinese, the French—not to sell arms, when we are out there peddling and fighting to control the market.

Former Costa Rican President and 1987 Nobel Peace Prize winner, Oscar Arias offers another reason for rejecting the Committee's decision to increase the arms subsidy:

> By selling advanced weaponry throughout the world, wealthy military contractors not only weaken national security and squeeze taxpayers at home but also strengthen dictators and human misery abroad.

Additional Views by Messrs. Doggett, Lewis and Stark

PROMOTING TOBACCO RELATED DISEASE AND DEATH

The way in which this legislation was rushed through the Committee avoided any explanation as to why American taxpayers should continue to subsidize the tobacco industry, whose product actually kills one-third of the people who use it. The Committee ignored the pleas of the American Medical Association, the American Cancer Society, the American Heart Association, Campaign for Tobacco-Free Kids, and other public health groups that tobacco should be denied a tax benefit. It also rejected the written request of 97 Members of Congress that tobacco be excluded.

Nicotine addiction represents a public health crisis. Within 20 years, almost 10 million people are expected to die annually from tobacco-related illnesses. Seventy percent of these deaths will occur in the developing countries that are being targeted by big tobacco's continued addiction to making money at the expense of human lives. In fact, tobacco will soon become the leading cause of disease and premature death worldwide—bypassing communicable diseases such as AIDS, malaria and tuberculosis.

Instead of being accountable for its deadly products, the tobacco industry has responded by conspiring to undermine the efforts of the World Health Organization to cope with this global pandemic. During recent litigation, Philip Morris was forced to produce documents, which can be found at the Minnesota Tobacco Document Depository, stating that the company sought to "discredit key individuals" and "allocate the resources to stop [WHO] in their tracks." An August 2000 WHO report entitled, Tobacco Company Strategies to Undermine Tobacco Control Activities at the World Health Organization states:

> The [industry] documents also show that tobacco company strategies to undermine WHO relied heavily on international and scientific experts with hidden financial ties to the industry. Perhaps most disturbing, the documents show that tobacco companies quietly influenced other U.N. agencies and representatives of developing countries to resist WHO's tobacco control initiatives.

Geoffrey C. Bible, Chairman of Philip Morris, a company that has often hidden its malicious tobacco influence through its holdings in Kraft Foods, even wrote in 1988 of the "need to think through how we can use our food companies [to help governments] with their food problems and give us a more balanced profile with the government than we now have against WHO's powerful influence."

The tobacco industry certainly cannot justify the public subsidy offered through this proposed legislation. Philip Morris, R.J. Reynolds, and Brown and Williamson have acquired tremendous marketing expertise from decades of success in targeting American children. This offers them tremendous advantage over foreign competitors in addicting children around the world: they hardly need help from the American taxpayer in order to spread death and disease to children in developing countries.

Philip Morris spends millions in American television advertising to contend that it no longer markets to youth. It finally claims to have abandoned tobacco company billboards, transit ads, cartoon characters, cigarette-branded apparel and merchandise, paid placement of its products in movies and television shows, and most brand sponsorship of team sports and entertainment events. But, it has steadfastly declined to apply these modest safeguards in its international operations; indeed, it relies heavily on these and other tactics to target the world's children.

Both petroleum and unprocessed timber are excluded from this legislation. Yet tobacco, the single largest public health menace, will continue to be subsidized at a cost to American taxpayers of about $100 million per year. This legislation constitutes just another way of forcing American taxpayers to be partners in this export of death and disease. Little wonder that there was so much eagerness to silence discussion of this disgrace.

[From the Washington Post, Sept. 12, 2000]

Tobacco Exports Get Aid in Bill Set for House Vote

(By Marc Kaufman)

The Clinton administration has never been shy about trying to cut smoking in the United States. But in a move that has confounded its usual allies, the administration is backing an export subsidy bill this year that would give American tobacco companies about $100 million in tax breaks yearly for tobacco products they sell abroad.

The bill, which is scheduled for a full House vote today, would continue subsidies for many American industries at a cost of between $4 and $6 billion annually. While these tax incentives have generally sparked little opposition in Congress, the willingness to continue export subsidies for tobacco has sparked criticism from public health advocates and other industry critics.

"I think it's a very difficult position for the administration to explain," said Rep. Lloyd Doggett (D-Tex.), who tried unsuccessfully to deny the subsidy to tobacco companies in the Ways and Means Committee. "What we're doing here is promoting and subsidizing the sale of cigarettes to people abroad, and I find it unacceptable for that to be American policy."

Doggett said that during the White House lobbying for the China trade bill earlier this year, President Clinton had told him that he generally supported the amendment to remove tobacco from the export subsidy list.

But a House Democratic aide familiar with the matter said White House officials did not attempt to dismantle the program's tobacco subsidy for fear of jeopardizing bipartisan accord on the legislation. "The administration is caught a little bit between a rock and a hard place," the aide said.

A senior administration official said yesterday that Doggett's amendment was "consistent with our tobacco policy" but said the administration went along with House Ways and Means Committee Chairman Bill Archer (R-Tex.) in the position "that no amendments be added to the legislation to ensure it be passed on a timely basis."

Trent Duffy, spokesman for Archer, said Democrats and Republicans alike agreed to preserve the general subsidy program to compensate for European countries' favorable tax treatment of their companies' activities abroad. Duffy said the provisions in the bill "are the only way we can stay competitive with our competitors overseas. . . . Once you start changing who receives the benefit of this regime, then you get into rewriting United States tax law, and that's not what this is about."

The export bill deals with a long-standing trade dispute with the European Union. The

Europeans have complained that the corporate tax breaks now offered to American exporters constitute an illegal export subsidy, and the World Trade Organization agreed with this position. The bill before the House today would address those concerns, though EU officials say little has changed.

When the bill came before the Ways and Means Committee in July, the American Medical Association, the Campaign for Tobacco-Free Kids and other public health organizations lobbied to remove tobacco from the subsidy list, but the bill passed unchanged with little public debate.

Democratic Ways and Means Committee members Doggett, John Lewis (Ga.) and Fortney "Pete" Stark (Calif.) published a sharp critique of the bill's handling as part of the committee report on the legislation. They pointed out that both petroleum and unprocessed timber do not qualify for the export tax incentives although tobacco does.

"This legislation constitutes just another way of forcing American taxpayers to be partners in this export of death and disease," they wrote. Critics of the subsidies said they would try to remove them when the bill comes up for consideration in the Senate.

Sales of cigarettes have been stable or declining in the U.S. market for some time, but rose dramatically abroad until last year. Tobacco is now a $6 billion export industry.

Today's administration support of the export bill with tobacco subsidies contrasts sharply with earlier efforts to reduce government support for tobacco sales abroad. The administration sent cables to all American embassies last year directing them not to promote cigarette sales because of public health concerns.

Doggett plans to denounce the tobacco subsidy in today's House debate, and said he may vote against the entire export subsidy bill because of its inclusion. His earlier amendment eliminating the tobacco subsidy had won the support of 96 other representatives, mostly Democrats.

But Democrats are unlikely to have a chance to change the bill once it reaches the House floor. It is slated to be brought up under suspension of the rules, which requires a two-thirds vote for approval with no amendments allowed.

Mr. STARK. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. DOGGETT), noting that it is now the 1-hour anniversary since this bill was printed, at 4:09 this afternoon, to celebrate that momentous occasion to close debate on this in opposition.

Mr. DOGGETT. Mr. Speaker, to those who say it is not significant, nor should it be debated today that the American taxpayers will be asked to be unwilling accomplices to the tobacco industry at a cost of $100 million per year; that the pharmaceutical industry will get about $123 million per year as a reward for selling pharmaceuticals at lower prices abroad than they do here at home; that military contractors will get a doubling of their tax subsidy under this bill as they sell machine guns and land mines and other armaments around the world to fuel the world's arms races; that all of these things should be ignored, because in order to protect American jobs, we have to beat the clock before October 1, one wonders why it is that we do not even have this bill presented until 4:09 in the afternoon on September 12, if we, indeed, face such a crisis. In fact, we do not face such a crisis.

The United States has never asked the Europeans for an extension of this deadline in order to explore other alternatives, and our country has every right to make that request. An opinion article in an authority no more extreme than Business Week on September 4 correctly said "it's time to call a halt to such waste by both sides . . . the administration should drop its plan to expand FSC, get back to the negotiating table, and start proposing some real solutions such as eliminating export subsidies."

Mr. ARCHER. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH. Mr. Speaker, I rise in strong support of this legislation.

Mr. Speaker, the international playing field is titled against our employers and their workers.

Without the Foreign Sales Corporation rule in our tax code, the situation will only be made worse—to the point of being intolerable.

With the World Trade Organization's ruling disallowing FSC, we face a double edge sword.

By refusing to repeal the FSC, the United States will be inviting massive retaliation against U.S. export trade but if we repeal FSC without adopting alternative legislation, our exporters and their employees will be left high and dry.

I urge my colleagues to support the Foreign Sales Corporations Extraterritorial Income Exclusion Act of 2000, which corrects the problems that the WTO had with FSC while protecting American workers.

This legislation grandfathers transactions begun prior to Oct. 1 and allows for manufacturing and/or a binding contract to continue under current FSC law until the end of next year.

FSC was made necessary only because the U.S. maintains an archaic worldwide tax system which taxes foreign-source income and because the U.S. taxes export income.

Allowing FSC to stand or abolishing it will make an already tough global market next to impossible to compete in for U.S. employers. We must act now to avoid putting American workers onto a playing field for which they are not equipped.

Mr. ARCHER. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, there has been a great deal of rhetoric today on the floor, but let us try to cut through all of it. If this bill does not pass, the FSC provisions that have been railed against by the opponents will continue to be in the law. None of that will change.

What they call a subsidy, which is actually a reduction of the impediment of double taxation on our companies, will still be in the law. Nothing will change. They act like suddenly everything will change, but what will happen is this: American products will have sanctions put against them between $4 billion and $40 billion a year by the Europeans, all justified by the WTO. And who will then be hit?

Will it be the big corporations? The first sanction will be on agriculture. Our farmers will be hit. Then they will put sanctions on man-made staple fibers. Our textile industry will be hit. Then they will put sanctions on cotton and yarns and woven fabrics. Then they will put sanctions on fruits and vegetables and likely our wine, which competes with the French wine.

They will pick the sensitive spots to apply these sanctions, but the FSC provisions that have been railed against will still be in the code. This is our only opportunity to protect American workers so that we can continue to export, even in those areas which do not currently get FSC treatment, the injury to the U.S. and the potential beginning of the mother of all trade wars is something to be avoided and avoided by this bill. It is the only option before us, vote yes.

Mrs. CHRISTENSEN, Mr. Speaker, I rise to speak on H.R. 4986, the Foreign Sales Corporation Repeal and Extraterritorial Income Act of 2000 because of the effect it will have on my district, the U.S. Virgin Islands.

Mr. Speaker, almost from the inception of the Foreign Sales Corporation Act of 1984, the U.S. Virgin Islands positioned itself to act as the premiere location where U.S. companies that were exporting U.S.-made goods could locate to reduce their tax liability. Approximately 3,900 of a total 7,000 FSC's are located in the U.S. Virgin Islands where they provide approximately 40 direct jobs to Virgin Islands residents and indirect employment in the thousands, through 12 law and management firms that serve them. They provide similar benefits on our sister territory of Guam—both of us being a part of this country.

FSC companies in the Virgin Islands generate about $7 to $10 million dollars annually and they have contributed almost $70 million to the cash-strapped treasury of the Government of the Virgin Islands since 1983. Through no fault of our own, and despite our working with the relevant agencies to mitigate the adverse effects, with passage of this bill, we will lose an important tool of our economy at a time when we can least afford it—when the government of the Virgin Islands is facing a severe financial crisis. Our accumulated budget deficit, as of January of last year was estimated to be in excess of $250 million and the Government's debt obligations has reached an unimaginable $1.12 billion.

While Virgin Islands Governor Turnbull has made strides in addressing this problem, the loss of revenues generated by FSC's to our Territory will be a major blow.

I am therefore looking forward to working with Chairman ARCHER and Ranking Member RANGEL to find a way to assist us in replacing the loss of revenue that this bill will mean to the Virgin Islands. I hope for the support of all my colleagues in this effort.

Mr. PAUL. Mr. Speaker, H.R. 4986, brought up under suspension, deserves serious consideration by all Members.

There are three reasons to consider voting against this bill. First, it perpetuates an international trade war. Second, this bill is brought to the floor as a consequence of a WTO ruling against the United States. Number three, this bill gives more authority to the President to issue Executive Orders.

Although this legislation deals with taxes and technically actually lower taxes, the reason the bill has been brought up has little to do with taxes per se. To the best of my knowledge there has been no American citizen making any request that this legislation be brought to the floor. It was requested by the President to keep us in good standing with the WTO.

We are now witnessing trade war protectionism being administered by the World (Government) Trade Organization—the WTO. For two years now we have been involved in an ongoing trade war with Europe and this is just one more step in that fight. With this legislation the U.S. Congress capitulates to the demands of the WTO. The actual reason for this legislation is to answer back to the retaliation of the Europeans for having had a ruling against them in favor of the United States on meat and banana products. The WTO obviously spends more time managing trade wars than it does promoting free trade. This type of legislation demonstrates clearly the WTO is in charge of our trade policy.

The Wall Street Journal reported on 9/5/00, "After a breakdown of talks last week, a multi billion-dollar trade war is now about certain to erupt between the European union and the U.S. over export tax breaks for U.S. companies, and the first shot will likely be fired just weeks before the U.S. election."

Already, the European Trade Commissioner, Pascal Lamy, has rejected what we're attempting to do here today. What is expected is that the Europeans will quickly file a new suit with the WTO as soon as this legislation is passed. They will seek to retaliate against United States companies and they have already started to draw up a list of those products on which they plan to place punitive tariffs.

The Europeans are expected to file suit against the United States in the WTO within 30 days of this legislation going in to effect.

This legislation will perpetuate the trade war and certainly support the policies that have created the chaos of the international trade negotiations as was witnessed in Seattle, Washington.

The trade war started two years ago when the United States obtained a favorable WTO ruling and complained that the Europeans refused to import American beef and bananas from American owned companies.

The WTO then, in its administration of the trade war, permitted the United States to put on punitive tariffs on over $300 million worth of products coming in to the United States from Europe. This only generated more European anger who then objected by filing against the United States claiming the Foreign Sales Corporation tax benefit of four billion dollars to our corporations was "a subsidy".

On this issue the WTO ruled against the United States both initially and on appeal. We have been given till October 1st to accommodate our laws to the demands of the WTO.

That's the sole reason by this legislation is on the floor today.

H.R. 4986 will only anger the European Union and accelerate the trade war. Most likely within two months the WTO will give permission for the Europeans to place punitive tariffs on hundreds of millions of dollars of U.S. exports. These trade problems will only worsen if the world slips into a recession when protectionist sentiments are strongest. Also, since currency fluctuations by their very nature stimulate trade wars, this problem will continue with the very significant weakness of the EURO.

The United States is now rotating the goods that are to receive the 100 to 200 percent tariff in order to spread the pain throughout the various corporations in Europe in an effort to get them to put pressure on their governments to capitulate to allow American beef and bananas to enter their markets. So far the products that we have placed high tariffs on have not caused Europeans to cave in. The threat of putting high tariffs on cashmere wool is something that the British now are certainly unhappy with.

The Europeans are already well on their way to getting their own list ready to "scare" the American exporters once they get their permission in November.

In addition to the danger of a recession and a continual problem with currency fluctuation, there are also other problems that will surely aggravate this growing trade war. The Europeans have already complained and have threatened to file suit in the WTO against the Americans for selling software products over the Internet. Europeans tax their Internet sales and are able to get their products much cheaper when bought from the United States thus penalizing European countries. Since the goal is to manage things in a so-called equitable manner the WTO very likely could rule against the United States and force a tax on our international Internet sales.

Congress has also been anxious to block the Voice Stream Communications planned purchase by Deutch Telekom, a German government-owned phone monopoly. We have not yet heard the last of this international trade fight.

The British also have refused to allow any additional American flights into London. In the old days the British decided these problems, under the WTO the United States will surely file suit and try to get a favorable ruling in this area thus ratchening up the trade war.

Americans are especially unhappy with the French who have refused to eliminate their farm subsidies—like we don't have any in this country.

The one group of Americans that seem to get little attention are those importers whose businesses depend on imports and thus get hit by huge tariffs. When 100 to 200 percent tariffs are placed on an imported product, this virtually puts these corporations out of business.

The one thing for certain is this process is not free trade; this is international managed trade by an international governmental body. The odds of coming up with fair trade or free trade under WTO are zero. Unfortunately, even in the language most commonly used in the Congress in promoting "free trade" it usually involves not only international government managed trade but subsidies as well, such as those obtained through the Import/Export Bank and the Overseas Private Investment Corporation and various other methods such as the Foreign Aid and our military budget.

Free trade should be our goal. We should trade with as many nations as possible. We should keep our tariffs as low as possible since tariffs are taxes and it is true that the people we trade with we are less likely to fight with. There are many good sound, economic and moral reasons why we should be engaged in free trade. But managed trade by the WTO does not qualify for that definition.

U.S., EU Risk Trade War Over Export Tax Shelters—Europe Is Likely To Seek the WTO's Permission To Levy Punitive Tariffs

(By Geoff Winestock of the Wall Street Journal)

BRUSSELS.—After a breakdown of talks last week, a multibillion-dollar trade war is now almost certain to erupt between the European Union and the U.S. over export tax breaks for U.S. companies, and the first shot will likely be fired just weeks before the U.S. elections.

European Trade Commissioner Pascal Lamy rejected on Thursday the latest U.S. proposal for resolving a dispute over a $4 billion-a-year tax shelter for U.S. exporters that the World Trade Organization ruled illegal in February.

With chances now slim for an agreement on how to bring the U.S. tax code into line with WTO rules, the EU will likely file a new suit with the WTO in October. And this time, the EU will seek permission to retaliate against U.S. companies with trade sanctions. At a minimum, EU officials say, they will ask for punitive tariffs on $4 billion of U.S. goods.

The U.S. Congress is considering a bill designed to bring U.S. tax law into line with WTO rules. But hopes that this would yield a quick solution disappeared last week when Mr. Lamy sent a letter criticizing the bill to Deputy Treasury Secretary Stuart Eizenstat. Mr. Lamy said the proposal for amending the U.S. tax code "failed to render it compatible with international trade rules," according to an EU briefing note. Indeed, EU officials say, the bill was marginally worse than a White House proposal that the EU rejected in May.

Describing the EU letter as "disappointing" and "unconstructive," a senior U.S. official says the EU's attitude could sour trans-Atlantic trade ties. "What we're trying to do is avert a trade war," the official says. "We're doing everything we can to avoid it. If there's to be one, it will be in their hands, not in ours."

The official says that the White House would continue to support the bill, which he says would be fully WTO-compliant. Unless the U.S. makes some change to the tax program by the WTO's Oct. 1 deadline, the official says, the U.S. will have no chance of avoiding a confrontation with the EU or winning its case in the WTO. The EU will have 30 days after Oct. 1 to lodge a complaint with the WTO, which will then take a few months to rule on what, if any, retaliation can be taken.

At the core of the dispute is a tax-law provision that allows U.S. companies to channel overseas sales of domestically produced goods through so-called foreign sales corporations—offshore subsidiaries, usually in tax havens, whose profits on those exports are subject to lower federal income taxes than are other profits. The FSC shelter saved U.S. companies about $4 billion last year. Boeing Corp., which used the shelter to save

$230 million last year, included a warning about the trade dispute in its annual financial reports.

The U.S. says the congressional bill would replace the WTO-illegal tax breaks with a much broader exemption for all foreign-source income, both from exports and from goods manufactured abroad. The U.S. official says this is comparable with tax exemptions offered by EU countries, including the Netherlands and France.

But EU officials and some U.S. analysts say the analogy is inaccurate and that the proposed revision simply repackages the FSC program, retaining its preference for exports over domestic sales. "U.S. industries which are benefiting from FSCs are being very stubborn," says Peter Morici, a senior fellow at the Economic Strategy Institute, a Washington, D.C. think tank. "They do not want to make a real fundamental change in the law."

Mr. DEFAZIO. Mr. Speaker, let's briefly review why we find ourselves here today to debate replacing a rather arcane section of the tax code that allows corporations to avoid a portion of their tax bill by establishing largely paper entities in a filing cabinet in a tax haven like Barbados with the equally arcane tax provisions of H.R. 4986, the FSC Repeal and Extraterritorial Income Exclusion Act of 2000.

Creating this new, expanded loophole to assist corporations in escaping their fair share of the tax burden in the U.S. makes a mockery of pleas by my colleagues to simplify the tax code and improve fairness.

For nearly two decades, beginning with the Revenue Act of 1971 (P.L. 92–178), the U.S. provided tax incentives for exports. However, our trading partners complained that these incentives violated our commitments under the General Agreement on Tariffs and Trade (GATT). While not conceding the violation, in 1984, Congress scrapped the Domestic International Sales Corporation (DISC) provisions and created the Foreign Sales Corporation (FSC) provisions. The differences are highly technical and probably only understood by international tax bureaucrats.

Under the FSC provision, corporations can exempt between 15 and 30 percent of their export income from taxation by routing a portion of their exports through a FSC. Our trading partners, specifically the European Union (EU), were not satisfied with the somewhat cosmetic changes made to the U.S. tax code.

Going back on a verbal gentleman's agreement not to challenge our respective tax codes under global trading rules, the EU filed a complaint with the World Trade Organization (WTO), successor to GATT, essentially arguing the same thing that was argued about DISCs. Namely that export subsidies were illegal under global trading rules by conferring an unfair advantage on recipient companies.

A secretive WTO tribunal ruled against the U.S. Dutifully, the U.S. appealed the decision. Earlier this year, the WTO appeals panel upheld the earlier decision and ordered the U.S. to repeal the FSC provision or risk substantial retaliatory measures.

Specifically, the WTO appeals panel wrote, "By entering into the WTO Agreement, each Member of the WTO has imposed on itself an obligation to comply with all terms of that Agreement. This is a ruling that the FSC measure does not comply with all those terms. The FSC measure creates a 'subsidy' because it creates a 'benefit' by means of a 'financial contribution', in that government revenue is foregone that is 'otherwise due.' This 'subsidy' is a 'prohibited export subsidy' under the SCM Agreement [Agreement on Subsidies and Countervailing Measures] because it is contingent on export performance. It is also an export subsidy that is inconsistent with the Agreement on Agriculture. Therefore, the FSC measure is not consistent with the WTO obligations of the United States."

In other words, it is unfair and illegal under global trade rules for the U.S. tax code to provide welfare for corporations by allowing them to escape taxes that would otherwise be due.

At this point, one would expect that my colleagues who, on most occasions eloquently defend the need for "rules based trade" and "free markets", to adhere to the WTO directive and repeal FSC. Because I assumed my colleagues would want to be intellectually consistent, I introduced legislation shortly after the WTO ruling to repeal FSC.

After all, precedent proved the U.S. was more than willing to bend to the will of the WTO. When the WTO ruled against a provision of the 1990 Clean Air Act, the Environmental Protection Agency gutted its clean air regulations in order to allow dirtier gasoline from Venezuela to be sold in the U.S.

Similarly, when Mexico threatened a WTO enforcement action on a 1991 GATT case it had won that eviscerated the Dolphin Protection Act, the U.S. went along to get along. In fact, the Clinton Administration sent a letter to Mexican President Ernesto Zedillo declaring that weakening the standard by which tuna must be caught in "dolphin-safe" nets "is a top priority for my administration and me personally."

The WTO also ruled against the Endangered Species Act provisions that required U.S. and foreign shrimpers to equip their nets with inexpensive turtle excluder devices if they wanted to sell shrimp in the U.S. market. The goal was to protect endangered sea turtles. The Clinton Administration agreed to comply with the ruling.

Given this record of acquiescing to the WTO, one could be forgiven for assuming the Clinton Administration and Congress would behave in a similar manner when losing a case on tax breaks for corporations.

Of course, sea turtles and dolphins don't make massive campaign contributions, or any campaign contributions for that matter. But, the large corporations who would be impacted by the WTO decision against FSCs do.

Apparently not bothered by the hypocrisy, immediately after the ruling by the WTO appeals panel, the Clinton Administration, a few Members of Congress, and the business community openly declared the need to maintain the subsidy in some form and began meeting in secret to work out the details on how to circumvent the WTO ruling and maintain these valuable, multi-billion dollar tax incentives.

Now, it is well-known that I am not a big fan of the WTO. It is an unaccountable, secretive, undemocratic bureaucracy that looks out solely for the interests of multinational corporations and investors at the expense of human rights, labor standards, national sovereignty, and the environment.

But, by pointing out that export subsidies like FSCs are corporate welfare, however, the WTO has done U.S. taxpayers a favor. Unfortunately, this legislation before us today only does wealthy corporations a favor.

I have several problems with H.R. 4986 besides the intellectual inconsistency. I will touch on each of these now.

First, and perhaps most importantly, there is little or no economic rationale for export subsidies like FSCs or the provisions of H.R. 4986. In its April 1999 Maintaining Budgetary Discipline report, the Congressional Budget Office (CBO) noted "Export subsidies, such as FSCs, reduce global economic welfare and may even reduce the welfare of the country granting the subsidy, even though domestic export-producing industries may benefit."

Similarly, in August 1996, CBO wrote "Export subsidies do not increase the overall level of domestic investment and domestic employment . . . In the long run, export subsidies increase imports as much as exports. As a result, investment and employment in import-competing industries in the United States would decline about as much as they increased in the export industries."

Need further evidence? The Congressional Research Service (CRS) has written "Economic analysis suggests that FSC does increase exports, but likely triggers exchange rate adjustments that also result in an increase in U.S. imports; the long run impact on the trade balance is probably nil. Economic theory also suggests that FSC probably reduces aggregate U.S. economic welfare."

Of course, protests will be heard from supporters of H.R. 4986 that it gets rid of the export requirement. In testimony before the Ways and Means Committee, Deputy Secretary Eizenstat said the Chairman's mark is "not export-contingent." Of course, that claim is absurd. If a company sells products solely in the U.S., they don't qualify for the tax subsidy. That is, by definition, an export subsidy. Therefore, the criticisms of export subsidies previously mentioned would apply to this new legislation as well.

President Nixon originally prosed export subsidies, which became the DISC and then FSC, because he was alarmed at the size of the U.S. trade deficit, which was $1.4 billion in 1971, a number that seems almost quaint by today's standards. As Paul Magnusson noted in the September 4, 2000, Business Week FSC "produced some hefty tax savings for big U.S. exporters, but it never did actually do much to narrow the trade deficit, which hit a record $339 billion last year." And which, I should add, has continued to set new records virtually every month this year.

I can't understand why it makes sense to subsidize U.S. exporters to the tune of $5 billion or more when the economic impact is "probably nil" or worse.

The economic rationale further deteriorates when one realizes, as the previous quotes suggest, that export subsidies discriminate against mom-and-pop stores who don't have the resources to export and against U.S. industries that must compete with imports. This means that export subsidies distort markets by pre-ordaining winners and losers. The winners? Large exporters and foreign consumers who get to enjoy lower priced U.S. products subsidized by U.S. taxpayers. The losers? Small businesses, U.S. taxpayers, and import-competing industries.

I find it interesting while Treasury has spent a great deal of time figuring out how to combat corporate tax shelters that have no economic rationale, as discussed in a July 1999 report, that they would push this corporate welfare, which also has no economic rationale.

So, who specifically benefits? The journal Tax Notes conducted a revealing study of FSCs in its August 14, 2000, edition. The article profiled the 250 companies that reported $1.2 billion in FSC tax savings in 1998. The top 20 percent of the companies in the sample claimed 87 percent of the benefits. The two largest FSC beneficiaries were the General Electric Company and Boeing, which saw their tax bills reduced by $750 million and $686 million, respectively from 1991–1998.

What are some of the other top FSC corporate welfare queens? Motorola, Caterpillar, Allied-Signal, Cisco Systems, Monsanto, Archer Daniels Midland, Oracle, Raytheon, RJR Nabisco, International Paper, and ConAgra. The list reads like a who's who of extraordinarily profitable multinational corporations. Hardly companies that should need to feed from the taxpayer trough.

Furthermore, American subsidiaries of European firms take advantage of U.S. taxpayers through export subsidies. British Petroleum, Unilever, BASF, Daimler Benz, Hoescht, and Rhone-Poulenc are all FSC beneficiaries. The fact that foreign companies can also claim export benefits pokes a large hole in the argument that these tax benefits are needed to ensure the competitiveness of U.S. businesses.

Simiarly, isn't it a bit odd that economist and U.S. policymakers like to lecture European nation's about their high tax burdens, but now, suddenly their tax burden is too low and, therefore, U.S. companies need subsidies in order to compete?

Let's be clear, this legislation is not about the competitiveness of large, wealthy, multinational corporations based in the United States. It is about wealthy campaign contributors wanting to keep and expand their $5 billion-plus tax subsidies and elected officials willing to do their bidding.

Not only does H.R. 4986 allow these companies to continue receiving billions in tax breaks, but it actually expands them. This legislation will cost U.S. taxpayers another $300 million a year or more.

It is also unfortunate that this legislation subsidizes a number of industries—such as defense contractors, tobacco companies, and pharmaceutical firms—that have no business receiving any more taxpayer hand-outs.

Take the defense industry, for example. Under the current FSC regime, defense contractors can only claim 50 percent of the tax available to other industries. The legislation before us today allows the defense industry to claim the full benefit available to others.

Leaving aside the fact that U.S. taxpayers are already overly generous to defense contractors, which no doubt they are, expanding this corporate welfare will have no discernible impact on overseas sales. The Treasury Department noted in August 1999, "We have seen no evidence that granting full FSC benefits would significantly affect the level of defense exports."

In 1997, the CBO made a similar point, "U.S. defense industries have significant advantages over their foreign competitors and thus should not need additional subsidies to attract sales."

Even the Pentagon has acknowledged this fact by concluding in 1994, "In a large number of cases, the U.S. is clearly the preferred provider, and there is little meaningful competition with suppliers from other countries. An increase in the level of support the U.S. government currently supplies is unlikely to shift the U.S. export market share outside a range of 53 to 59 percent of worldwide arms trade."

As Ways and Means Committee Member, Representative DOGGETT, noted in his dissenting views on H.R. 4986, "In 1999, without the bonanza provided by this bill, U.S. defense contractors sold almost $11.8 billion in weapons overseas—more than a third of the world's total and more than all European countries combined."

The U.S. should stop the proliferation of weapons and war, not expand it as this bill intends.

The pharmaceutical industry is another industry that does not need or deserve additional subsidies from U.S. taxpayers. The industry already receives substantial research and development tax credits as well as the benefits flowing from discoveries by government scientists. As Representative STARK noted in his dissenting views, drug companies lowered their effective tax rate by nearly 40 percent relative to other industries from 1990 to 1996 and were named the most profitable industry in 1999 by Fortune Magazine.

The industry sells prescription drugs at far cheaper prices abroad than here in the U.S. For example, seniors in the U.S. pay twice as much for prescriptions as those in Canada or Mexico. It is an affront to U.S. taxpayers to force them to further subsidize an industry that is already gouging them at the pharmacy as this bill would do.

In direct contradiction of various federal policies to combat tobacco related disease and death in the U.S., this legislation would force U.S. taxpayers to subsidize the spread of big tobacco's coffin nails to foreign countries. This violates the American taxpayers' sense of decency and respect. Their money should not be used to push a product onto foreign countries that kills one-third of the people who use it as intended.

By placing H.R. 4986 on the suspension calendar, debate is prematurely cut off and amendments to reduce support for drug companies, the defense industry or tobacco companies can not be considered. But, I guess that's just par for the course for a process that has taken place in relative secrecy between a few Members of Congress, the Administration, and the industries that stand to benefit from this legislation.

You may not hear this in the debate much, but it is important to point out that the EU has already put the U.S. on notice that H.R. 4986 does not satisfy its demands. According to the EU, H.R. 4986 still provides an export subsidy, maintains a requirement that a portion of a product contain U.S.-made components, and does not repeal FSCs by the October 1st deadline. Therefore, it is likely the EU will ask the WTO to rule on the legality of the U.S. reforms. Most independent analysts agree with the EU critique of H.R. 4986.

So, it is reasonable to assume the WTO will again rule against the U.S. and allow the EU to impose retaliatory sanctions against U.S. products. According to some press accounts, the EU would be able to impose 100 percent tariffs on around $4 billion worth of U.S. goods. These would be the largest sanctions ever imposed in a trade dispute. In other words, this inadequate reform of export subsidies will open up the U.S. to retaliatory action by the EU, which will harm exports as much or more than any perceived benefit that would be provided by H.R. 4986. Of course, the exporters that will be hurt by retaliatory sanctions probably won't be the same businesses that will enjoy the tax windfall provided by this legislation.

Mr. Speaker, ADM is not suffering. Cisco Systems is not suffering. Raytheon is not suffering. Microsoft is not struggling mightily to keep its head above water. But, the American people are. Schools are crumbling, 45 million Americans have no health insurance, individuals are working longer hours for less money with the predictable stress on families, millions of seniors do not have access to affordable prescription drugs, and poverty remains stubbornly high, particularly among children.

Rather than debating how to preserve billions in tax subsidies for some of our largest corporations, we should be figuring out how to address some of these issues. How many times over are we going to spend projected, and I stress projected, surpluses, if we want to pay down the national debt, provide prescription drugs, shore up Social Security and Medicare, and increase funding for education, Congress cannot keep showering wealthy corporations with unjustifiable tax subsidies.

I will end with a quote from a newspaper I'm not normally inclined to agree with editorially, the Washington Times. In an editorial on September 5, 2000, the Washington Times wrote, "The Ways and Means Committee boasts that support for its revised FSC bill was bipartisan and near unanimous. It remains a bipartisan and near unanimous blunder."

I urge my colleagues to vote against H.R. 4986.

Mr. UNDERWOOD. Mr. Speaker, I rise to express my concern about the impact of H.R. 4986, The FSC Repeal and Extraterritorial Income Exclusion Act of 2000, on the U.S. territories, particularly the U.S. Virgin Islands and Guam.

Since the WTO decision last fall on Foreign Sales Corporations (FSCs), I know that the Administration has worked closely with House Ways and Means Committee Chairman ARCHER and Representative RANGEL, the ranking member, to ensure that the United States passes legislation to meet the October 1, 2000, deadline set by the WTO to comply with its ruling.

As many of you know, the WTO panel issued a ruling last fall that subsidies for Foreign Sales Corporations under U.S. tax laws violated the WTO Subsidies Agreement. U.S. negotiators have since worked in good faith on a proposal to retain many of the tax benefits of the FSC structure, while establishing a new structure which would be responsive to the European Union's challenge.

However, I simply want to express my concern over the impact that H.R. 4986 would have on the U.S. territories. Under the current FSC system, U.S. territories have been able to benefit through tax exemptions for U.S. exporting industries. With the repeal of the FSC system, we will no longer be able to offer this incentive although I understand that current contracts will be honored.

In Guam, there are around 211 FSC licensees, generating around $170,000 to the Government of Guam. However, license fees are only some of the direct benefits from FSCs. Other direct benefits include compensation for Guam attorneys and other professionals, bank deposits, and funds generated through the hotel and restaurant industries that host FSC corporate meetings. Indirect benefits would be the cumulative effect that FSCs and other tax incentives have on attracting U.S. businesses to Guam.

Be it as it may, the writing is on the wall for FSCs as we now know it. Therefore, I am appealing to the Clinton Administration, particularly the Treasury Department, to offset the economic impact of today's legislation with the means necessary to allow the U.S. territories to promote economic self-sufficiency during any negotiations with the Congress on any final omnibus budget or tax package.

Apart from H.R. 3247, which would provide empowerment zones for the U.S. territories, I have worked closely with my colleagues to enact legislation that I authored which would level the playing field for foreign investors in Guam through the passage of the Guam Foreign Direct Investment Equity Act (H.R. 2462/S. 2983).

My legislation would provide Guam with the same tax rates as the fifty states under international tax treaties. Since the U.S. cannot unilaterally amend treaties to include Guam in its definition of united States, my bill amends Guam's Organic Act, which has an entire tax section that "mirrors" the U.S. Internal Revenue Code.

As background, under the U.S. Code, there is a 30% withholding tax rate for foreign investors in the United States. Since Guam's tax law "mirrors" the rate established under the U.S. Code, the standard rate for foreign investors in Guam is 30%.

The Guam Foreign Direct Investment Equity Act provides the Government of Guam with the authority to tax foreign investors at the same rates as states under U.S. tax treaties with foreign countries since Guam cannot change the withholding tax rate on its own under current law. Under U.S. tax treaties, it is a common feature for countries to negotiate lower withholding rates on investment returns. Unfortunately, while there are different definitions for the term "United States" under these treaties, Guam is not included. Such an omission has adversely impacted Guam since 75% of Guam's commercial development is funded by foreign investors. As an example, with Japan, the U.S. rate for foreign investors is 10%. That means while Japanese investors are taxed at a 10% withholding tax rate on their investments in the fifty states, those same investors are taxed at a 30% withholding rate on Guam.

While the long term solution is for U.S. negotiators to include Guam in the definition of the term "United States" for all future tax treaties, the immediate solution is to amend the Organic Act of Guam and authorize the Government of Guam to tax foreign investors at the same rates as the fifty states. Other territories under U.S. jurisdiction have already remedied this problem through delinkage, their unique covenant agreements with the federal government, or through federal statute. Guam, therefore, is the only state or territory in the United States which is unable to take advantage of this tax benefit.

Section 3 of H.R. 2462, which I introduced last year, and has bi-partisan support, passed the House on July 25, 2000. Senators AKAKA and INOUYE introduced a companion measure, S. 2983, on July 27, 2000.

As we consider today's measure on the repeal of FSCs, I simply ask that my colleagues support my legislation on equal tax treaty rates for Guam and I implore the Clinton Administration to also support such economic relief for the people of Guam. Please include equitable tax treatment for foreign investors in Guam during any final omnibus budget or tax package.

□ 1715

The SPEAKER pro tempore (Mr. STEARNS). All time has expired.

The question is on the motion offered by the gentleman from Texas (Mr. ARCHER) that the House suspend the rules and pass the bill, H.R. 4986, as amended.

The question was taken.

Mr. STARK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make a point of order that a quorum is not present.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed until tomorrow.

The point of a quorum is considered withdrawn.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE HERBERT H. BATEMAN, MEMBER OF CONGRESS FROM THE COMMONWEALTH OF VIRGINIA

Mr. BLILEY. Mr. Speaker, I offer a privileged resolution (H. Res. 573) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 573

Resolved, That the House has heard with profound sorrow of the death of the Honorable Herbert H. Bateman, a Representative from the Commonwealth of Virginia.

Resolved, That a committee of such Members of the House as the Speaker may designate, together with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of applicable accounts of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the deceased.

The SPEAKER pro tempore. The gentleman from Virginia (Mr. BLILEY) is recognized for 1 hour.

Mr. BLILEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is with great sadness we are here today to honor our late colleague, Representative Herb Bateman of Newport News, Virginia. Herb represented the First District of Virginia, better known, as he used to say, as "America's First District," because of the important role it has played in our Nation's history.

Herb lived to serve his country and fellow citizens. After receiving his bachelor of arts from the College of William and Mary in 1949, he taught at Hampton High School from 1949 to 1951.

Herb answered the call of duty by enlisting in the United States Air Force during the Korean War, eventually earning the rank of first lieutenant, and was discharged in 1953.

Herb attended law school and earned a law degree from Georgetown University Law Center in 1956. After a clerkship with the United States Court of Appeals in Washington, Herb joined a Newport News law firm, where he practiced for 25 years.

Prior to coming to Congress, Herb served 15 years in the Virginia Senate, where he gained a solid reputation for leadership and committee work on such diverse subjects as agriculture, energy, education, and the budget.

Herb will be remembered for the lifetime of service he gave to his country and his constituents. Herb dedicated his life in defense of our national security, because he realized America was the only true world superpower. He recognized America had global responsibilities, and he took America's responsibilities seriously because he worked tirelessly to ensure the naval superiority of the United States.

Herb's tireless efforts during his 18-year career in Congress helped preserve America's greatness, in which we all saw communism defeated and America stand as the last superpower. Herb's efforts behind the scenes helped to sustain his constituents working at Newport News Shipbuilding and the local military community.

Herb's long Congressional record included fighting for the authorization and construction of several aircraft carriers and submarines, including the U.S.S. *Ronald Reagan*, the U.S.S. *John C. Stennis*, the U.S.S. *Harry S. Truman*, and the Navy's next generation of aircraft carriers, 12 Los Angeles Class attack submarines and the new Virginia class submarines.

Herb's loss is truly a national loss. We mourn his loss as a House and as a Nation. I mourn his loss as a friend.

For Herb's family, we feel the loss his wife, Laura, and his two children, Bert and Laura, and his three grandchildren are enduring today.

A Nation is indebted to the unselfish work of Herb Bateman. You are in our prayers, and may God bless you and your family.

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentleman from the Fourth District of Virginia (Mr. SISISKY), a colleague of Herb's on the Committee on Armed Services.

Mr. SISISKY. Mr. Speaker, I have known Herb Bateman for many, many years. I served 9 years in the Virginia General Assembly with him, and, of course, 18 years in Congress. He was a great friend and a great leader for Virginia.

We will miss his leadership on the House Committee on Armed Services. He was a staunch advocate for the readiness of our Armed Forces, and he was a strong supporter of the shipbuilding industry, not only in Virginia, but throughout the United States.

One of the greatest reasons for his success and achievements was his bipartisanship. Make no mistake, Herb was a man of his party, but, even more than that, he was a great patriot, who first and foremost stood for this country.

He believed in a strong military and a strong Navy. He always understood the need for adequate training before sending our forces into harm's way. He was relentless in the pursuit of military excellence, and he could work with anybody on any side of an issue. He worked with the Depot Caucus and was fair and evenhanded with private and public employees. Most importantly, when meeting the challenges faced by this great country, party really made no difference.

So we, personally, and this country will miss Herb Bateman. He had such a precise and logical way of thinking that sometimes listening to him was like hearing someone dictate a legal brief. But, most important, his sense of humor and the warmth of his friendship are things for which I will always be grateful.

He was a close friend of mine and, of course, my wife; and we extend heartfelt condolences to Laura and their family.

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentleman from the Tenth District of Northern Virginia, (Mr. WOLF).

Mr. WOLF. Mr. Speaker, I join the fellow members of the Virginia delegation in remembering Herb Bateman, a true gentleman and a dedicated public servant.

I had been planning to come to the floor later this month to pay tribute to Herb, to talk about his long and distinguished record of service to Virginia and the Nation, and to wish him Godspeed as he retired from the Congress at the end of the session. His untimely passing yesterday reminds us all of our own mortality and how important it is to live our lives with honor and integrity and to make the most of every opportunity we have to serve our fellow men.

Herb Bateman lived his life that way. It was a privilege to serve with him the entire 18 years he was in Congress.

While we grieve today that Herb is no longer with us, we can find comfort in knowing that at the end of his days, he could hear the voice of God saying, "Well done, good and faithful servant."

Herb loved being a Member of Congress. He was a decent, hard-working, and likeable man who reached across the aisle to work together for the best interests of America. He loved representing the people of Virginia's First Congressional District, and beamed with pride in calling his district "America's First District."

He worked tirelessly for his district. As Chairman of the Committee on Armed Services Subcommittee on Military Readiness, he was a diligent champion for the defense interests, not only of the Tidewater area of Virginia, which he represented, but for a strong defense for our Nation.

He was a protector of our national defense, and he initiated the practice of listening to the field commanders of our Armed Forces, the captains, the colonels, the majors, and not solely relying on the Pentagon brass to get the real picture of the Nation's defense. He worked to protect the welfare of the men and women in uniform and their families, and those who have retired from the service and their country.

Herb was deeply concerned about the deterioration of our military readiness; and if we can do anything to honor his memory, it would be to heed the warnings he gave about the need to invest in improving and maintaining our nation's defense readiness.

Herb worked for the commuters in the First District. Through a seat on the Committee on Transportation and Infrastructure, he focused on improving highways and bridges in Tidewater and in protecting the Chesapeake Bay.

This Congress, the Commonwealth of Virginia, and this Nation have lost a faithful servant and wonderful man, but our lives are forever enriched for having had Herb Bateman as our friend and colleague.

In closing, our deepest sympathies are extended to Congressman Bateman's family: his wife, Laura Yacobi Bateman; his daughter, Laura Margaret Bateman; his son, Herbert H. "Bert" Bateman, Jr., and his wife, Mary, and their three children, Emmy, Hank, and Sam; and also to his Congressional family, his staff here on Capitol Hill and in his district offices. We all share in your loss.

Mr. BLILEY. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Newport News, Virginia (Mr. SCOTT), a member of the Virginia delegation who has had a long association with Congressman Bateman, who succeeded Congressman Bateman in the Virginia State Senate, and who now is with us in the House.

Mr. SCOTT. Mr. Speaker, I rise to join my colleagues in the Virginia delegation and the House in support of the resolution and to praise Herb Bateman for his hard work and dedication to the constituents of the First Congressional District of Virginia, which he always referred to as "America's First District."

Herb and I served neighboring districts in the House, and during my service in the Virginia Legislature, he was either my State senator or my congressman, so we had many opportunities to work together to represent the interests of the residents of the Hampton Roads, Virginia area.

Having worked side-by-side, I can tell you that Herb Bateman was a decent, hard-working, and effective legislator. During his many years of public service, he conscientiously promoted the needs of a district with a strong military and Federal presence.

As a Member of the Committee on Armed Services, he made military readiness and concerns of military families his highest priorities. Because of his total dedication, America enjoys a strong military, and school districts with a large military presence receive additional Federal funding through Impact Aid.

In the Hampton Roads area, we have been particularly grateful for Herb's leadership because we continue to build aircraft carriers and submarines. NASA budgets reflect a higher priority for the aeronautics research proudly done at NASA Langley Research Center, and the Thomas Jefferson National Accelerator Facility continues to excel.

The Virginia delegation is particularly saddened by Herb's passing. He was well thought of and highly respected by all of us. The delegation has always worked cooperatively and in a bipartisan fashion on issues affecting Virginia, and Herb steadfastly contributed to that spirit.

I want to extend my deepest sympathies to his wife Laura; his children, Laura and Bert; and his grandchildren, as well as to his staff in the Washington, D.C. and Newport News offices.

America's First District and the United States House of Representatives have lost a friend.

Mr. BLILEY. Mr. Speaker, I yield 1 minute to the gentleman from Rocky Mount, Virginia (Mr. GOODE).

Mr. GOODE. Mr. Speaker, I rise tonight to pay tribute to a valued friend, a patriot, a veteran Member of this body, a distinguished Virginian, and a devoted husband, father, and grandfather.

When someone dies, floods of thoughts and recollections about that individual come to mind. Such it was yesterday morning when I learned of Herb Bateman's passing. I remember vividly how Herb helped me over the years. When I was elected to the State Senate of Virginia, Herb gave me valuable insights into how the Senate worked and how I might work within the Senate to help my district. Four years ago when I came to this body, Herb was one of the first to extend his knowledge and guidance to help me on my way.

Herb Bateman loved this country. He enlisted in the Air Force during the Korean War and was discharged as a lieutenant. In the Senate of Virginia and the House of Representatives, Herb represented areas that have significant military installations. He worked tirelessly on behalf of a strong military and the needs of America's service men and women.

In the Senate of Virginia and in this the Congress of the United States, Herb always worked for fiscal restraint, making the best use of money available.

It was he who sponsored legislation in the Senate of Virginia to establish J–LARC—the Joint, Legislative, Audit and Review Commission. This commission has served over the years to eliminate waste and abuse in Virginia government and to uncover overlapping in the work of agencies. J–LARC is the model upon which other states have created their own similar commissions.

Throughout his years of public service, Herb has been supported faithfully by his wife, Laura, and their union was blessed by two children, both of whom are grown and leading successful lives. And, the children have given Herb and Laura three grandchildren, who were the apples of Herb's eyes.

Herb, we will miss you. I will miss you. Be assured that the light of your legacy will continue to shine through your family and the many people whose lives you touched and guided.

□ 1730

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, this is a sad moment for me. I know it is a sad moment for Virginians, and it is a sad moment for Americans who serve in the Armed Forces of our country. Herb Bateman was a friend. He was a colleague. We served on the Committee on Armed Services together, and I saw him through the years apply his considerable knowledge and his considerable efforts in the pursuit of maintaining a strong national security. He was the chairman of the Subcommittee on Military Readiness and took that position quite seriously. We have, as a result, considerably more readiness; and the men and women of our uniformed services are all the better for his work.

Herb was a man of integrity, a man of knowledge, a man of ability who gave his country his best. We have enjoyed serving with him here in the Congress of the United States. We have enjoyed being his friend. My wife, Suzie, and I join with Members today in extending our sincere sympathy to his wife, Laura, and to his family, and to that very, very fine staff that he has, especially those who are across the hall from my office in the Rayburn Building. Our sympathy and condolences go out to them.

Mr. BLILEY. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. Mr. Speaker, I thank the gentleman from Virginia, my friend, for yielding me this time.

Just last week, Mr. Speaker, back on the back rail, I said to Herb, you will be missed, in response to his announced intention to retire from this body. He said, oh, I will be back. This tells us, Mr. Speaker, how fragile, how indefinite, how uncertain life can be.

As has been said by other speakers, Herb's congressional legacy will be formidable and impressive. One of his most salient contributions was his steadfast advocacy for a strong national defense. His district, after all, is home to one of the nerve centers of our defense community. I say to the gentleman from Richmond, Virginia (Mr. BLILEY), my friend, I fondly recall an occasion when I delivered the OCS graduation address at the Coast Guard Reserve Training Center in Yorktown, which is in Herb's district. After the ceremony, Herb came to me and said, I so much enjoy coming to this place. It is beautifully located on the banks of the York River, and Herb expressed such pride in that Coast Guard installation; but he was equally proud of all of the military installations in his district; and as has been indicated by the other speakers, they are numerous.

Herb was, indeed, proud of our defense family. He was proud of his district. He was proud of his State. I am not sure the gentleman from Virginia (Mr. BLILEY) mentioned this, but he was, in fact, born in North Carolina. He may have said that early on. He was proud of this House, the people's House. Herb often referred to it in those words, the people's House, the Chamber closest to the people.

Finally, he was proud of his family. I know that my colleagues will join me in extending to Laura and Herb's children our expressions of sympathy during this time of their bereavement. I again thank the gentleman from Virginia (Mr. BLILEY) for having taken this time out in honor of Herb.

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentleman from Alexandria, Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I want to thank the very distinguished gentleman from Virginia (Mr. BLILEY) for bringing forth this resolution to pay tribute to our friend and colleague, Herb Bateman.

Mr. Speaker, Herb was a quintessential Virginia gentleman. He was unfailingly polite and gracious to the people around him. He always had a kind word for Members and staff, and he was easy to approach on any issue that one needed to speak with him about. Herb embodied the spirit of civility and bipartisanship that we strive for but too seldom achieve. These personal qualities help to explain why Herb Bateman was so well liked on both sides of the aisle.

Beyond his simple decency, Herb was a very effective Member of Congress. He was particularly a champion for the Navy, for its shipbuilding program, for the men and women who serve in all of our Armed Forces. As a ranking member of the old House Merchant Marine and Fisheries Committee, Herb was a forceful advocate for a strong U.S. merchant fleet and its role in our national security and economic livelihood. Generations of Virginians will long appreciate his work to promote economic development throughout our State, both as a Member of Congress and as a member of the Virginia State Senate.

I happened to host the congressional luncheon we had for the congressional delegation last week, last Thursday. Herb was the first one there. Every Member that came in, he greeted them warmly; he was fully cognizant of all of the issues that each of us was concerned about in our own districts. He was just a warm and terrific guy. He will be sorely missed, and we extend our condolences to Herb's wife, Laura, their children, and their many friends.

Mr. BLILEY. Mr. Speaker, I yield such time as he may consume to the gentleman from South Carolina (Mr. SPENCE), the chairman of the Committee on Armed Services, a committee on which Herb served so faithfully.

Mr. SPENCE. Mr. Speaker, it saddens me deeply to speak of the passing of our good friend and colleague, Herb Bateman. I have known him for a long time, he and his wife, Laura. We have traveled to many places together, experienced many things together. He meant a lot to me personally and to this Nation. Our Nation has lost a respected legislator and a stalwart defender of the men and women of our Armed Forces.

During Herb's time in the Congress, he devoted his full time and energy to addressing the needs of the United States military. Without exception, his actions always reflected his sense of duty to the United States and to our Armed Forces.

When I became Chairman of the Committee on Armed Services, one of the first acts on my part was to ask Herb to chair the Subcommittee on Military Readiness, and also a panel concerning our sea power. Under his leadership, the Subcommittee on Military Readiness has addressed countless difficult issues, including the declining state of the United States military readiness. One of his most enduring efforts as chairman of that subcommittee was a series of field hearings he held throughout the world on military readiness that he chaired in an effort to personally evaluate readiness problems throughout the force.

He went to the source of our problems and got it firsthand and brought it back to us and to our military and the Pentagon. Thanks largely to his efforts, the administration and the senior Pentagon leadership finally admitted to significant readiness problems in 1998. We owe a lot to Herb for doing that. As a Nation, we owe him thanks for his role in exposing the truth about our Nation's military.

As his friends and colleagues, we will miss him and mourn the passing of Herb Bateman. He touched the lives of thousands in his quest to improve our Nation's Armed Forces. Our country has lost a true patriot; our Congress and our committee will miss his counsel, and I have lost a good friend.

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentleman from Roanoke, Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I thank the chairman of our Virginia delegation for yielding me this time and for bringing forth this resolution to pay tribute to my friend, Herb Bateman, who I have known for 20 years.

I first met Herb when he was a member of the Virginia Senate and campaigned for the Office of Lieutenant Governor of our State, and I remember meeting him in Roanoke 20 years ago and being impressed then with the conviction of his beliefs and his dedication to public service. Herb did not win that nomination for lieutenant governor; but shortly thereafter, with the election of Paul Tribble to the U.S. Senate, Herb ran for and won the election to the first congressional district seat. He was so honored to represent the people of that district, which he called not Virginia's First Congressional District, but because it included Jamestown and Williamsburg and Yorktown, he called it America's First Congressional District.

He was a man of great courage and convictions. I serve on the whip team here in the House, and Herb was one of the individuals that I would go to before every major vote to find out how he planned to vote and Herb always had a well-founded reason why he was voting for whatever it was that he was going to vote on, and an independent spirit and streak that made him more than happy to stand up and disagree with the majority on an issue if he felt it was straying from the principle that he felt should be adhered to. He was one that I was proud to go to for advice on many occasions, and he always took a deep interest in whatever it was that I was doing or other Members of the House were doing, and always tried to be helpful.

So I am going to miss my good friend, and I know everyone else here will as well, someone who stood up for our Nation's defenses, was a strong supporter of our space program, and a good friend to all of us.

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. BURTON), the chairman of the Committee on Government Reform.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman from Virginia (Mr. BLILEY) for bringing forth this resolution for our good friend, Herb Bateman.

Herb and I were elected to the Congress together back in 1982, and I can remember right down the hall the night that we had dinner with the leadership, the candlelight dinner with the Marine Violin Corps playing for us, and all of us who were elected, 26 Republicans at that time, how touched we were by being Members of the United States Congress for the first time in our lives. I remember Herb and Laura were really touched by the way we were received by the leadership and what a thrill it was for all of us to be Members of the 98th Congress of the United States.

Herb was very well aware of history, as has been mentioned by my colleagues. He was so proud that he represented the "First District of America" where Washington and Monroe and others came from and who later became President of the United States. He was a man of integrity. He was a man who, if he gave his word on anything, you could take it to the bank. Herb was not one of those guys that played both sides of the fence. He was a man of integrity, impeccable integrity, and one that all of us respected. He really had a grasp for the law; and when he came down here to speak in the well, we knew that he knew what he was talking about because he researched it very, very well and spoke from the heart.

□ 1745

He spoke from the heart. He was always patriotic and concerned about what was best for America first.

One of the things about Herb that I liked was he loved the game of golf. He was not the best golfer in the world, but he sure did like it.

As a matter of fact, he and Laura and I were together the day before yesterday down at Leesburg playing golf, and we had a great time together and had dinner together. He was in good spirits. He went over to the hotel where we were going to stay for the night, and I can recall vividly as we checked in. I said, "Herb, we have to be up early tomorrow morning because the gentleman from California (Mr. PACKARD) is having an event and we have to be there at 8 o'clock." He said, "I will see you then. I will see you tomorrow." But unfortunately, he was not with us the next morning.

So all I can say in closing is that we have lost not only a great friend but a great American, a man who was above reproach, a man we all respected.

I would like to say to his wife and his family, to Laura and his family, we send our deepest sympathy to her, and we are going to miss Herb.

Mr. BLILEY. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from Virginia (Chairman BLILEY) for arranging this opportunity for us to pay our respects to our good friend, Herb Bateman.

It is with a great deal of sadness that I join my colleagues this evening in mourning the passing of a dear friend and a dedicated Member of the Congress, the gentleman from Virginia, Herb Bateman. Herb was first elected to Congress in 1982, but very quickly became known to all of us for his expertise in the field of military expenditures, and often reminded many of us of the need to do much more in that direction.

Representing the defense-dependent Tidewater region of Virginia, Herb's knowledge of the budgetary needs of the Pentagon made significant invaluable contributions as chairman of the Committee on Armed Services' Subcommittee on Military Readiness.

It was Herb Bateman who began the practice of having field commanders testify directly before House committees, in addition to their Pentagon superiors, which has had a direct and lasting impact on the manner in which this body conducts its business.

Herb Bateman was also a senior member of the Committee on Transportation and Infrastructure, where he accomplished a great deal to make certain that the future of our Nation's commercial waterways was going to be attended to. As an Air Force veteran of the Korean War, Herb was well positioned to assume a leadership role in the field of military preparedness.

As a graduate of William and Mary College in his own region in Virginia, and as a graduate of Georgetown University Law School, Herb brought with him an extensive, impressive background with which to grapple the issues facing the Congress and our Nation.

Upon his discharge from the Air Force at the conclusion of the Korean War, Herb worked both as a practicing attorney and as a teacher, instilling in him both a love for the legal traditions and an appreciation of the importance of a strong education for our young people.

Herb brought with him to the Congress 15 years of experience in the Virginia State Senate. Legislative experience is an important aspect of congressional life today, as we all know. We are fortunate that Herb Bateman brought with him that kind of an insight into the legislative process.

My spouse, Georgia, joins with me in extending our heartfelt condolences to Herb's widow, Laura, with whom we traveled, both Herb and Laura, on many trips; to their daughter, Laura; to their son, Herb, Junior; to their daughter-in-law, Mary; and to the grandchildren, Emmy, Hank, and Sam. The Bateman family can console itself with the knowledge that many of us here in the House share their sense of loss, and that Herb Bateman was a true gentleman, an outstanding public servant who is going to long be missed.

Mr. BLILEY. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Speaker, we rise here today to say good-bye to Congressman Herb Bateman, and to extend the depths of our condolences to Mrs. Bateman and to his family.

Mr. Bateman was known around here, the House floor, simply as Herb. He was a quiet statesman. I served on the Subcommittee on Water Resources and Environment with Herb, and also on the Committee on Transportation and Infrastructure, and I can tell the Members that Herb was very generous with his opinions. In fact, I can tell the Members that there are few people who are more pleasantly opinionated than Herb Bateman, and we endured and enjoyed each other's company through the legislative process.

But Herb was also generous with something else. This is what I will always remember him by. That is, his smile and his greeting on the House floor. When we came up to Herb, he would smile, put his hand on our shoulder, and say good morning, and then use our name. Then we would say good morning back.

Herb was, and will always be, a quiet statesman who has done great things for America.

Mr. BLILEY. Mr. Speaker, I yield 3 minutes to the gentleman from Fairfax County, Virginia (Mr. DAVIS).

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to pay tribute to a great friend, statesman, and colleague from Virginia, Herb Bateman, who served this body with dignity, honor, and dedication since his election in 1982.

I first met Herb Bateman in the 1970s when he was a Democratic State Senator from Newport News and I was a young legislative aide in Richmond. I met him at a meeting where I was on staff and we were revising the Juvenile Code of Virginia.

I will never forget the first meeting. He said, "I don't know anything about this subject. They put me on it." Everybody else was instant experts in the room. At the end of the study, Herb Bateman wrote most of the revisions of the Code. He was a doer. He was a detailed legislator. He wanted to understand all the ramifications of what happened.

Many times when we would have tough votes here on the floor and we would go to Herb, he would talk about how things were being implemented, how the bill would affect different people, how it would play out, how it would work. Never did I hear him say, what are the politics of this? This was a man who rose above the politics of the moment. This body could use a few more people like him, who never engaged in the harsh partisanship that sometimes characterizes this body, particularly now that it is so closely divided.

Herb was a gentleman always, a great patriot. I will never forget his kind and valuable tutelage when I first came here to the House, his leadership on the Committee on Transportation and Infrastructure, and of course, his leadership on military affairs, something many of my colleagues have spoken about here, and his undying support for the Newport News shipyard, where he was just a staunch defender here in the House of Representatives, and the teamwork with Senator WARNER I think has saved that institution and made it much of what it is today, through some very trying times.

On a political and ideological level there was much to learn from Herb: his fiscal conservatism, his commitment to restraining big government and protecting the taxpayers' interests. I will never forget, one year the national taxpayer groups came out with a rating of what Member of Congress, not just in their votes but in the bills that they cosponsored, what was the total cost, and Herb Bateman was the frugalest of all of the Members.

Never one for fanfare, to put his name on a bill to get him votes here and there, he was always conscious this was the people's money, not his own money to spend. His record bore that out. It did in subtle ways, never with a big press release, but the groups that came in and examined this could confirm Herb's commitment to the taxpayer.

His unwavering support of a strong military and the men and women who dedicate their lives to protecting our Nation seemed to be a part of everything he did here. He was very concerned about what has happened to our military over the last decade. Always first and foremost in his mind is what can we do for defense.

There was his dedication to cleaning up the Chesapeake Bay, his leadership on these issues, and so much more.

I mourn his loss as a friend and colleague, but in truth, the loss of Herb Bateman is a loss to the national landscape. This body could use more legislators like Herb Bateman. More than just a Member of Congress, he will be remembered as a father, a husband, a teacher, an attorney, an Air Force lieutenant, defender of freedom around the world.

I want to extend my deepest sympathies to his wife, Laura, and their children. One of his sons is a Newport News city councilman today. I cannot tell the Members how very much I will miss this great man.

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama (Mr. RILEY).

Mr. RILEY. Mr. Speaker, I thank the gentleman for yielding time to me, and for organizing this.

Mr. Speaker, when I first heard of Herb Bateman's death, it reminded me again never to put off things that we need to do today.

I have had the privilege of serving on Herb Bateman's subcommittee for the last 4 years. The one thing that I wanted to do before his retirement was have the opportunity to take Herb to lunch and thank him for all he has meant to me personally over the last 4 years.

Herb is one of those really unique people that I have met in life that I really think made me a better person, and I know made me a better Congressman. Herb had a way about him on our subcommittee. He had a way of working with new Members to make us feel comfortable, but to also teach us about dedication, teach us about patriotism.

Herb has been a great influence on my life and on the lives of so many other Congressmen here. I only wish that I had had the opportunity to take Herb and specifically tell him how much he has meant to me in my 4 years here.

I will miss Herb Bateman. Virginia has lost a great son. America has lost a great patriot. I have lost a great friend. I want to tell Laura and the children and all of his family that we will continue to remember them in our prayers, and we thank them for the opportunity of knowing him.

Mr. BLILEY. Mr. Speaker, I yield 3 minutes to the gentlewoman from Jacksonville, Florida (Mrs. FOWLER).

Mrs. FOWLER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise today with a heavy heart to join my colleagues in paying tribute to an accomplished legislator, a genuine patriot, a true gentleman, and a valued friend. Representative Herb Bateman of Virginia departed this world yesterday, but his legacy will endure for many years to come.

Herb's life was one of distinguished public service. Upon graduation from the College of William and Mary, he enlisted in the Air Force and served during the Korean War. He went on to receive a law degree from Georgetown University, and served as a clerk with the United States Court of Appeals.

After returning to his hometown of Newport News, Virginia, to practice law, he ran for and secured a seat in the Virginia Senate, where he served for 15 years, and subsequently he ran for this great U.S. House of Representatives, serving for 9 successive terms.

During that time, Herb emerged as a leading supporter of our men and women in uniform, and a staunch defender of America's national security interests. As chairman of the Subcommittee on Military Readiness of the Committee on Armed Services, on which I served, his judicious approach, his gentlemanly demeanor, his careful attention to detail, and his strong hand helped that subcommittee navigate often rocky shoals.

His chairmanship of the subcommittee in the Committee on Transportation and Infrastructure was marked by a similar focus and dedication. Herb's unshakable commitment to our Nation's servicemen and women, ensuring their readiness, enhancing their working conditions, and improving their quality of life, was a lodestar for our committee.

Much public discussion of late has focused on the readiness challenges facing our military personnel, and this Congress has been moved to augment the resources available to our military to address those woes. Much of the credit for that belongs to Herb Bateman.

As one who served with Herb on both the Committee on Armed Services and the Committee on Transportation and Infrastructure, and who was fortunate to get to travel with Herb and his wife, Laura, on several occasions and get to know them really well personally, I am truly going to miss him deeply.

Our Nation, the commonwealth of Virginia, and his constituents in the First District have lost a true statesman and a strong champion. I extend my most heartfelt sympathies to Laura, to his children, Herbert Junior, and to Laura, and his beloved grandchildren, whom I know he cherished most of all.

Herb, we will truly miss you.

□ 1800

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. PICKETT).

Mr. PICKETT. Mr. Speaker, it is with sadness and grief that I rise in this Chamber today. Herb Bateman was a long-time friend, and someone I enjoyed working with. We began working together when he was in the State Senate and I was in the House of Delegates in the General Assembly of Virginia. I also had the occasion to work with him in the practice of law.

Herb was a talented, thoughtful person who believed that the public's business should be conducted in an open and an objective forum with dignity and respect, both for the process and the individuals participating in it.

He was a thoughtful and articulate man who presented his views with eloquence in a logical, persuasive, and convincing way. But he was not only a knowledgeable and effective advocate, he loved his family and was generous and firm in his support.

He and his wife, Laura, were an entertaining and engaging couple. They were great companions and loved to travel and played golf. They were both genteel and understanding in their friendship and in their willingness to support and help others in times of adversity.

Herb Bateman was a man of character and stature who earned our respect and left a record of hard work and accomplishment. He will be missed by his friends, but he will also be missed by his community, his State, and his Nation.

Herb was a man of ideas and vision. For more than 25 years it was my pleasure to work with him on legislative issues in the General Assembly of Virginia and in the House of Representatives of the United States. I will miss his comfortable friendship, his wise counsel, and his dedicated leadership.

I extend my profound sympathies and condolences to his family with the knowledge that God's grace will see them through this difficult period.

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. BLUNT), the Chief Deputy Whip.

Mr. BLUNT. Mr. Speaker, I thank the gentleman from Virginia for yielding to me and for taking time to recognize the great service today of our friend, Herb Bateman. Herb, in so many ways, served our country so well, as a Member of the General Assembly, as a Member of the Congress, as a serviceman during the Korean War, and felt so strongly about our country and felt so strongly about his State and felt so strongly about our institutions.

When Herb Bateman talked about the First District, he did not like to talk about Virginia's First District, he liked to talk about America's First District, as he really enjoyed the tremendous heritage of Newport News and Williamsburg and the great foundation building of our country.

I was able to work with Herb as we worked hard to make some arrangements that helped preserve the original, the boyhood home of George Washington, Ferry Farm, in his district.

Recently we were talking about what we could do to more appropriately honor the memory of James Monroe whose law office was in Fredricksburg in his district.

I had a chance to be part of the delegation to the NATO Parliament with Herb Bateman, a group that is headed by the gentleman from Virginia (Chairman BLILEY) as the president of that group. Herb's support of our country was always so strong and so well presented in those forums where people from other countries came together. He was a man of gentle persuasion, but a man of strong feelings; and he was a man who enjoyed life.

As we talk at my house about our good friends, Herb Bateman and Laura Bateman, we always talk about the superlatives he was able to use to describe almost every event or every day or every happening or every friendship. I do not know that I was ever around anybody who would more frequently use words like magnificent and fantastic and splendid to describe what we have as Americans or to describe his opportunities.

I am glad to be able to join with those here today who remember him as we will continue to work for civil aviation and research and the military in his memory in the remainder of this Congress and the years ahead.

Mr. BLILEY. Mr. Speaker, I yield 1 minute to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I thank the gentleman from Virginia (Mr. BLILEY) for yielding me the time and for introducing a resolution on a very special man.

Herb Bateman represented the First District of Virginia. Well, he is first in the hearts of the people of this Congress and the people of his district and the people of his Nation.

Herb served for 30 years in elective office and then very reluctantly, because of his health, said this would be his last term. Little did he realize it would be his last opportunity to be with his family, with his wonderful wife, Laura, and all of his family and friends, to just relax and not worry about schedules.

He was, in the truest sense, a gentleman who was a patriot. He served in the military. He, in Congress, paid attention to those issues. He was also a gentleman in terms of how he treated others. He was always very fair and compassionate with a sense of humor, the kind of thing that we need, as Lincoln said, to bring out the better angels of our nature; and Herb Bateman did that.

We will all miss him. I hope that we will all look to him as a role model, particularly when we deliberate issues and recognize that there are issues that really require us to all come together.

So to Laura and to his family, he will live on in love. We will miss him.

Mr. BLILEY. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. PACKARD).

Mr. PACKARD. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I did not come here to the floor with the intention of speaking, but I could not help but participate in this discussion to honor Herb Bateman and his wife and family. They came to Congress with me. We were classmates together. We quickly became very close friends. My wife, Jean, and Laura Bateman became close friends quickly. I have been into his district many, many times, at least once a year, and saw the love and the appreciation that his constituency had for him and the work that he was doing.

But he was one of those who I would consider one of the real gentleman of the Congress. He got along with both sides of the aisle. He worked with all people. He was gentle in his approach. He was my kind of a gentleman in the Congress. He was a statesman. I learned to love him a great deal and appreciate the work he has done and his commitment and loyalty to America and the principles that we stand for. He will be sorely missed.

I was shocked yesterday to find that he was scheduled to be involved in an event that I was sponsoring only to find that he was taken to the hospital and later died. I want to pay tribute to him as a gentleman, a man of conviction, as a great American, and one that I love dearly.

Mr. BLILEY. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, while it deeply saddens me to stand in the well here to pay tribute to my dear friend and former colleague, Mr. Bateman, I can do so with fond memories, as I pass the love and thoughts and prayers from Joni and my family to Laura and Herb's family.

It is individuals like Herb Bateman that give the American system of government, indeed this legislative body, honor, dignity and respect. His character embodied by faith, hard work, discipline and commitment serve as an example to us all.

He distinguished himself with a sense of justice and sound judgment. He was known for his superior knowledge, ethics, and both physical and moral courage. Above else, he was a man of integrity.

As a Member of Congress, he possessed the political prowess and saviness that is necessary in the legislative process. But he did it to help ensure this Nation's military readiness was the best in the world.

As a young veteran in Korea, in the war, he demonstrated the unselfish commitment and sacrifice, like many of our great forefathers that have come before us.

As a colleague, he was a mentor and confidant and a true inspiration as I served with him, junior, on the Committee on Armed Services. Most importantly, though, he was a friend; and he will be missed.

Many of us shared Herb's values and beliefs of duty, honor, and courage; commitments to God, country, and family and our fellow man. He will be greatly missed but his legacy will live on.

Mr. BLILEY. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. ORTIZ).

Mr. ORTIZ. Mr. Speaker, with a heavy heart, I rise and support this resolution before the House today to commemorate the life and service of our colleague, Herb Bateman and, at this time, would like to offer my condolences to his lovely wife, Laura; his children; and his grandchildren.

I will never forget the special memories I made with Herb when we were in Europe just a few weeks ago. We were of the legislative delegation visiting our troops in Scotland, Italy, and Germany. As always, Herb was investigating whether the people in the field were getting the equipment which we had paid for.

In Herb's service, one of the things that always impressed me was the attitude towards the soldier in the field.

This institution can be rightly proud that the Chairman of our Committee on Armed Services Subcommittee on Military Readiness, of which I was his ranking man, was led by a man so completely immersed in the needs of the everyday soldier and sailor in the military.

He was an effective advocate for the interests of his district, to be sure, but that quiet advocacy was always applied to seeing to the basic needs of those who wear our military's uniform.

Herb was a real gentleman. Again, to his friends and family, Laura, I offer my condolences.

Herb was a real gentleman, and he treated people with great respect—from presidents to generals to Capitol Hill staffers to new recruits in the field.

While he was a Republican and I am a Democrat, our partisan affiliations never affected how we went about our work.

One of the things that I loved most about Herb was the way he conducted his business without partisan rife.

When the defense authorization bill was in conference, he was always careful to tend to the needs of individual members on the committee—which I appreciated very much.

We did business the same way that way—the national defense of the United States is not a partisan endeavor.

Neither of us are strident partisans, and working toward a larger purpose on our national defense was our common goal.

When we were in the field, he was dogged about seeing that the taxpayer's money was well spent.

Tonight, I am thinking about my friend, Herb Bateman, but my sympathies are with his beautiful family, particularly his lovely wife Laura.

Laura always traveled with Herb and I got to know them as a couple, away from the rigors of Capitol Hill and the legislative grind we face each day.

There will be one legacy that should be forever associated with Herb Bateman—his passion and his commitment to keeping the troops who wear the uniform of the United States ready for war.

Together, we tackled a host of issues that affected the readiness of the U.S. military.

I hope that in Herb's memory, this chamber can celebrate the non-partisan patriotism that his example brought to us.

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. BEREUTER) who leads our delegation to the North Atlantic Assembly, with whom Herb traveled frequently.

Mr. BEREUTER. Mr. Speaker, when the gentleman from Virginia (Mr. BLILEY) called my office yesterday to inform me of the passing from this life of our colleague Herbert Bateman, my wife Louise and I were shocked and profoundly saddened by his departure from this life, and we want to convey to Laura Bateman and to the family of the Batemans and their close friends our most sincere condolences.

Herbert Bateman is one of those colleagues that I had great pleasure to serve with. He was, in the modern sense of the word, a patriot. He took great pride in representing the people of the First Congressional District of Virginia. So much profound historical importance, so many important personalities came from that part of Virginia that our friend Herb never tired of citing the examples for us to live up to as a result of the heritage of the District that he represented.

It is true, as mentioned by the gentleman from Virginia (Mr. BLILEY) that, in fact, Herbert Bateman was a very active, a very involved Member of the delegation that met with the North Atlantic Assembly, now called the NATO Parliamentary Assembly. He represented the House very well in that capacity, as I am sure he did in all of his activities, especially the Committee on Armed Services, which was very important to Herb, very important to his District.

I admired Herb Bateman for many, many reasons, but among them is the fact that he would, after examining an issue, be true to his commitments. Herb could be the only person voting for an issue if he felt that was the right way to vote.

When one says integrity, when one says conviction, with respect to Herb Bateman, that is not an exaggeration. He provided great service to his District. He provided an example for all of us to live up to in the course of our service here in the U.S. House of Representatives.

We will miss greatly Herb Bateman. I wish he had had a chance to enjoy his retirement which was upcoming. I know he thought he spent his time well here, and so did all of us.

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS. Mr. Speaker, when they write the book on the model congressman, I think Herb Bateman should be chapter one. Here is a gentleman who, although soft spoken most of the time, when he saw a wrong-headed position being taken or he saw the Nation's interest being flaunted, there could be no more forceful speaker than Herb Bateman. We have all seen him in our caucus and on this very floor. He would take the floor infrequently, but when he did, we knew something was on his mind, and he spoke it very, very well; and he was forceful.

He was a man, a Representative who I think, in the truest sense of that word, represented his people extremely well here in this body. He paid attention to the needs of his people back home. He knew their problems. He worked their problems. He tended to his people's business here in a most efficient way. He truly was a representative of his people.

☐ 1815

Then on national issues, Herb was one of the House's experts on military matters, of course a very forceful advocate for a strong national defense in the Committee on Armed Services and on the floor of this body, and indeed, as the gentleman from Nebraska (Mr. BEREUTER) has said, in places like the NATO Council and the international bodies that he attended overseas, representing this House and representing our country in a most effective and heartfelt way.

There is no more reasonable person than Herb Bateman. There can also be a Herb Bateman that could let you know exactly how he felt from the tip of his toes all the way up. This body will miss this great statesman. We will miss this personal friend. We wish for Laura and the family all the very best.

Mr. BLILEY. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Speaker, I thank the chairman for yielding me the time.

Mr. Speaker, when I came to Congress in 1992, among the first committees that I had the pleasure of serving on was the Merchant Marine Committee: and at that time Herb Bateman was the ranking member.

I knew very little about the process, and it may come as a surprise to some that a person like Herb would take time to walk me through a number of the issues that were critical both to Virginia and the State of Florida.

I join our colleagues in offering condolences to his family. I got to know him in the way that he is, a quietly effective person who, obviously, is a tremendous patriot and statesman and will be missed by all of us here in this Congress.

I am grateful that I had the pleasure of getting to know such a distinguished gentleman as Herbert Bateman.

Mr. BLILEY. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Speaker, I thank the gentleman from Virginia for yielding me the time.

Mr. Speaker, during these difficult times where we truly understand the relationship that we have with each other, whether or not we agree politically, whether or not we sit on the same side of the aisle, I had the opportunity to learn from Herb Bateman, an individual who served this country in so many different ways.

Earlier when I found out that he was in fact going to be retiring at the end of this term, I asked him, I said, Herb, how do you know when it is time to retire? He said, "Every individual knows individually when it is time to go. For me, I want to go home and I want to spend time with my family and with Laura."

This evening, as we pay tribute to Herb, I want Laura and his two children and his grandchildren to know that Herb was a man that we all deeply respected, a man that we loved, and that, although at times we might have disagreed with him politically, we are truly all in this together, and we feel your loss every bit as much as you do.

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. WELDON), a member of the Committee on Armed Services.

Mr. WELDON of Pennsylvania. Mr. Speaker, I thank my colleague for yielding me the time.

Mr. Speaker, I rise in shock and disbelief. I never would have imagined last Wednesday and Thursday as we sat on the conference committee between the House and the Senate working out the differences between our two bills on defense sitting next to Herb Bateman, where Herb was aggressively vocal on issues that were important to our military personnel, important to the readiness of our troops, that we would be eulogizing today Herb on the floor.

Just 6 short weeks ago, Herb and Laura were guests of ours in Philadelphia at the convention where we entertained 100 Members of Congress for the entire week at our former military base. Herb was in great spirits and looking forward to his retirement so he could spend more time with his family. He was planning the kinds of things that he was going to do when he no longer had the pressures that are obvious here in this body.

Unfortunately, today we have to acknowledge Herb's leadership and his passing and he never got to enjoy that retirement with his wife and his family. But what a legacy Herb left for all of us.

He was the ultimate in terms of what a Member of Congress should be. He had integrity. He was hard working. There was not a dishonest bone in his body. He was dedicated both to his Virginia district, but he also was dedicated to the people of America who serve in uniform. He was always looking for the right way to make sure that our troops who were serving around the world were properly prepared and trained and protected to represent this great Nation.

Herb was the consummate Member of Congress. When he got into an issue, you knew that Herb would stay with that issue because he believed it to be the right issue and the right side of that position whether or not our party was for it or against it. Herb had conviction.

Herb was someone you could always count on to be presenting the right thing in terms of our military but for other groups. He was a strong supporter of our fire and EMS community, looking for ways to help support the volunteers and the paid firefighters down in Virginia and around the country. He was someone who all of us could use as a role model, as I did for the years that I have served in this body, having first met Herb as a junior member of both the Merchant Marine Committee and the Committee on Armed Services.

He will be sadly missed. And to Laura and his family, we say, Laura, our thoughts and our prayers are with you. Herb has done a great deed, and he truly is a statesman.

Mr. BLILEY. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. TANNER).

Mr. TANNER. Mr. Speaker, when Betty Ann and I came to Congress in 1989, Herb and Laura were some of the first people we met. I was on the Committee on Armed Services at the time. And he was a good and decent man. More than that, he was a gentleman and a friend to me, he and Laura to Betty Ann and I.

We traveled many times on CODELs to the NATO meetings with I see the gentleman from Nebraska (Chairman BEREUTER) over there and the gentleman from Virginia (Chairman BLILEY). And I could just simply go on and on.

I am going to say this about Herb Bateman: he looked for the best in others, and he gave us the best he had. He always put his constituents and his country first. And if there were more Members of Congress like Herb Bateman, this place would be a better place and our country would be the better for it.

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Speaker, it is an honor to speak about Herb Bateman, although, there is little I can add to all that has been said already.

I am a junior Member of this body and have not worked with him for long. But I have been with him on the Committee on Transportation and the Infrastructure and always appreciated his forthrightness, his capability, and the attitude with which he attacked the work, particularly that work dealing with the military.

But, in addition to that, I do have to say that Herb was the consummate Virginia gentleman. I always found him to be extremely gentlemanly, very helpful, very thoughtful, very thorough.

My best knowledge of him comes from the trips we have taken to Europe as part of the NATO parliamentary assembly that has been ably led by the gentleman from Nebraska (Mr. BEREUTER). Herb was a regular on those trips, along with his wife Laura; and he always had a major contribution to make.

He was much more diplomatic than I am, because I tend to ask very direct questions and hope for direct answers; but Herb was at his best in dealing with individuals from foreign countries. He would ask those same questions and, hidden underneath the way he asked it, it was still a very direct question; but asked in a very diplomatic and very statesman-like way. In his behavior, in his actions, and particularly in his interaction and questioning with leaders from foreign countries.

I will never forget the lessons that I have learned from him. I deeply appreciated Herb in all aspects of his life that I dealt with him. It is with great sorrow that I learned about his demise this past week.

I certainly wish his family, and especially Laura, God's blessings and comfort at this sad time; and I can only say that Herb was a wonderful man and you can be proud of him as a husband, father, and grandfather.

Mr. TRAFICANT. Mr. Speaker, the House of Representatives suffered an enormous loss yesterday with the death of our colleague Herb Bateman. Herb was the consummate gentleman and a fine American. I had the honor to serve with him for the past fifteen years and have never known a more caring and capable Member.

Herb's list of accomplishments is seemingly never ending. Here are just a few examples of Herb's contribution to this body and this country. As a member of the Military Readiness Subcommittee and the House Merchant Marine Panel, Herb was a leader in helping America make the right decisions in regard to commercial and defense related maritime issues. He was instrumental in the clean-up of the Chesapeake Bay, bringing more than $200 million from the federal government to preserve the Bay. Finally, Herb always held steadfast in his fiscal discipline and I have long admired his work on behalf of the nation's taxpayers.

America also lost one of its cherished veterans yesterday. Herb enlisted in the Air Force during the Korean War and for his service, we owe him a debt of gratitude.

My heart and my prayers go out today to Herb's wife Laura, his two children and his extended family. My thoughts also go out to the citizens of the First District of Virginia, to which Herb affectionately referred as "America's First District." They will sorely miss his outstanding leadership.

Mr. YOUNG of Alaska. Mr. Speaker, I was saddened yesterday to hear of the death of my longtime colleague, Herb Bateman. I had the pleasure of serving with Herb on the former Merchant Marine and Fisheries Committee from the beginning of his first term in Congress in 1983 until the Committee was dissolved in 1995, and since that time on the Transportation and Infrastructure Committee. Having seen his work firsthand on these Committees, I can tell you that the United States maritime and shipbuilding industries have had no greater friend. He not only received the Propeller Club of the United States Maritime Industry Salute to Congress Award in 1995, but after announcing his retirement earlier this year, he was awarded the first ever Herbert H. Bateman Award by the American Shipbuilding Association and the Helen Delich Bentley Award by the Propeller Club of the Port of Washington. In his own district, he worked hard to see that the port of Hampton Roads remained competitive, and introduced legislation, which ultimately became law, to deepen the channels there to 55 feet.

During his tenure on the Merchant Marine and Fisheries Committee, he served as the Ranking Member of the Oceanography and Merchant Marine Subcommittees. On the Oceanography Subcommittee, he successfully shepherded through legislation that created the National Oceanographic and Atmospheric Administration's (NOAA) Chesapeake Bay Office, and authorized the Sea Grant oyster disease research program. That research has led to the first small steps that are now being taken to restore oyster populations in the Chesapeake Bay. Much of that work is being done at the Virginia Institute of Marine Science at Gloucester Point. On the Merchant Marine Subcommittee, he authored legislation that established the National Shipbuilding Initiative.

During his freshman term, he served on the Science Committee where he worked to support the interests of the space and aeronautical programs at the National Aeronautics and Space Administration's Langley Research Center in Hampton, Virginia. His wife of 46 years, Laura Yacobi Bateman, worked at Langley before their marriage. He also used those two years to assure that the Department of Energy's Continuous Electron Beam Accelerator Facility would be located in Newport News, Virginia. He was successful in that effort, and the completed facility is now conducting cutting edge research that will help us understand the most basic structure of the physical world. He also led the efforts to rename the facility for his personal political hero, and it is now the Thomas Jefferson National Laboratory.

For the last 16 years, he served on the Armed Services Committee. On that Committee, he served as the ranking member of the Military Personnel Subcommittee for three terms, and later as the Chairman of the Military Readiness Subcommittee. He also chaired the Armed Services Committee panels on Morale, Welfare and Recreation and the Merchant Marine. In addition to working to assure that U.S. troops were treated fairly, and that the readiness of U.S. forces was maintained, Herb fought to secure construction of new nuclear aircraft carriers and new attack submarines. The construction of these vessels not only meant jobs for the largest employer in his district, Newport News Shipbuilding and Drydock Company, but more importantly assured our ability to project force throughout the world, when needed, and to protect our shores from attack.

While he served on the Committee, two attack submarines were named for the two largest cities in his district, Hampton and Newport News. He was very proud that Laura served as the sponsor of the U.S.S. *Hampton*, which was named for her hometown. In keeping with maritime tradition, she conferred luck on the vessel by christening it on the first swing of the champagne bottle. The U.S.S. *Newport News* was named after Herb's hometown, where he had moved to as a child.

Herb also worked to protect the numerous other military facilities in his district, and was proud that none were closed during the base closing process. The facilities in his district included the Army Training and Doctrine Command at Fort Monroe, the Army Transportation Command at Fort Eustis, the Naval Weapons Center at Dahlgren, the Aegis Training Center at Wallops Island, on Army training facility at Fort A.P. Hill, and Langley Air Force Base in Hampton. Not only did he support military facilities when in Congress, but he also served in the Armed Forces as an Air Force intelligence officer.

Herb was proud to represent Virginia's First Congressional District, which he liked to call "America's First District". The district included not only Jamestown, where American representative government was founded, but also Williamsburg where America's democratic tradition was nurtured and matured, and Yorktown where our country's freedom was finally won. During his first term, a resolution that he sponsored was adopted to commemorate the signing of the Treaty of Paris that formally ended the Revolutionary War. In fact, Herb was honored to represent the U.S. Congress when he joined the Speaker of the British House of Commons, the Honorable Betty Boothroyd, in 1994 to celebrate the 375th Aniversary of the first meeting of an elected representative body in North America, the Virginia House of Burgesses. The House of Burgesses was the predecessor of the Virginia State Senate where Herb served from 1968 until he came to Congress.

At different times, his district also included the James River plantations, the birthplaces of both George Washington and Robert E. Lee, and many Civil War battlefields. These include sites of the two Peninsula campaigns, Chancellorsville, the Wilderness, and the battle of Fredricksburg. He was successful in gaining Federal assistance for the privately-owned George Washington childhood home site, and funds to acquire additional historic property that was threatened by inappropriate development at the Fredricksburg and Spotsylvania National Battlefield Parks, and adjacent to the Colonial National Parkway.

In addition to the founding of Jamestown, and the defeat of Cornwallis at Yorktown, another major historic event occurred in the waters just off the Virginia Peninsula, the battle of the Monitor and Merrimac, or as the confederates called it, the Virginia. This one-day battle changed the course of Naval warfare forever. Unfortunately, the Monitor was lost soon afterward off the coast of North Carolina. The Monitor was located in 1972, and became the first United States National Marine Sanctuary. The Sanctuary headquarters is located at the Mariners' Museum only a few blocks from Herb and Laura's Newport News home. At Herb's request, Congress required the National Oceanic and Atmospheric Administration (NOAA) to prepare a report on the long-term conservation of the MONITOR. As a result of that study, a multi-year project is underway to stabilize the wreck, and recover, conserve, and display historically significant portions of the vessel. I am sure Herb will be pleased to know that these important historic artifacts will be protected and displayed so near his home.

Also near his home is the Monitor-Merrimac Memorial Bridge Tunnel. He helped secure the funds and permits for this important transportation project as well as the widening of the Coleman Bridge and I–95 improvements in the rapidly growing northern part of the district.

In addition to its military, historic and scientific research facilities, Herb's district includes important natural features. He represented most of Virginia adjacent to the Chesapeake Bay, including much of the James, York, Rappahannock and Potomac Rivers. His district also includes the last significant chain of underdeveloped barrier islands which run along the Atlantic Coast from Chincoteague to Cape Charles. These islands lie off the Eastern Shore of Virginia, a rural area of great natural beauty that Herb was particularly proud to serve. In addition to supporting funding for the federal Chesapeake Bay Program, he also authored legislation that was adopted by Congress to create the Eastern Shore of Virginia National Wildlife Refuge, supported the creation of the Rappahannock National Wildlife Refuge, and successfully sought funds to expand the Chincoteague National Wildlife Refuge. This year, Congress is expected to approve funds he sought to begin construction of a new education and administrative center on Chincoteague, one of the most frequently visited refuges in the country. Herb also authored legislation to ban the use of highly toxic tributyltin paints in shallow waters. That ban has now been in effect for over a decade.

Herb was educated and worked in the historic areas he was so proud to represent. After attending Newport News High School, he, like Thomas Jefferson, graduated from the College of William and Mary. While in the Air Force, he completed a law degree at Georgetown University Law School at night. After leaving the Service, he joined the Newport News, Virginia, law firm of Jones, Blechman, Woltz and Kelly. He retired from the firm as a partner when he was elected to Congress. After coming to Congress, he received an honorary doctorate from his alma mater in 1997. He also received an honorary degree from Christopher Newport College in 1992 and Mary Washington College in 1999.

This is not a comprehensive list of Herb's work and achievements during his time in Congress, but it shows you how his life and work were intertwined with the parts of tidewater Virginia that he so ably represented for 18 years. I know his constituents will miss him, and it saddens me to think that he will not be able to enjoy the retirement that he planned to begin in January. My sympathy goes out to Laura, his children Bert and Laura, Bert's wife Mary, and Herb's beloved grandchildren, Emmy, Hank and Sam.

Mr. SHUSTER. Mr. Speaker, Herb Bateman was more than an outstanding Congressman. He was an outstanding American and a fine gentleman. We contributed mightily to his District, his state and the nation. He served together on the Transportation and Infrastructure committee where his wise advice was sought and followed. We travelled together on several Delegation trips around the world, and he and his wife, Laura, were a delight to be with.

America is less bright today because of the passing of my friend and colleague, Herb Bateman. But America is better today because of his life. May he rest in peace.

Mr. JENKINS. Mr. Speaker, it is with great sadness and a heavy heart that I come to the floor to pay tribute to our colleague, Congressman Herb Bateman of Virginia.

Herb was a great gentleman and an excellent Congressman. Herb spent much of his life dedicated to the career of public service, serving his country in the United States Air Force during the Korean War, representing the people of Virginia in the Virginia State Senate for 15 years, and representing the First Congressional District of Virginia in the United States Congress for 18 years.

Herb was a man of honor and integrity who was respected by colleagues on both sides of the aisle. He fought for the principles of the people he represented, and he never wavered in those efforts. I am honored to have had the opportunity to work with Herb Bateman over the past four years. He was a good friend and a great Congressman. The United States House of Representatives was a better place with the service of Herb Bateman. I know that I share the entire sentiment of the Congress in offering the condolences of the Congress to Herb's family and friends. He will be sorely missed by all of us.

GENERAL LEAVE

Mr. BLILEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on House Resolution 573.

The SPEAKER pro tempore (Mr. SHAW). Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BLILEY. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to recommit was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 8, rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 2090, by the yeas and nays;

H.R. 4957, by the yeas and nays;

H.R. 3632, by the yeas and nays;

H.R. 4583, by the yeas and nays; and

S. 1374, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

EXPLORATION OF THE SEAS ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 2090, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and pass the bill, H.R. 2090, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 390, nays 8, not voting 35, as follows:

[Roll No. 460]

YEAS—390

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehner
Bonior
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chambliss
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary

Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Traficant
Turner
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—8

Barr
Chabot
Chenoweth-Hage
Hostettler
Paul
Royce
Sanford
Sensenbrenner

NOT VOTING—35

Ackerman
Becerra
Boehlert
Bonilla
Borski
Campbell
Clay
Conyers
Crowley
Engel
Eshoo
Filner
Franks (NJ)
Johnson, E.B.
Klink
Lazio
Lofgren
Maloney (CT)
McCollum
McIntosh
Meeks (NY)
Owens
Rothman
Schaffer
Serrano
Souder
Sweeney
Towns
Udall (CO)
Velazquez
Vento
Watkins
Weiner
Weygand
Wise

☐ 1848

Mr. RUSH changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHAW). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on the additional motions to suspend the rules on which the Chair has postponed further proceedings.

BLACK REVOLUTIONARY WAR PATRIOTS MEMORIAL

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4957.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4957, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 398, nays 0, not voting 35, as follows:

[Roll No. 461]

YEAS—398

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehner
Bonior
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Traficant
Turner
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker

Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—35

Ackerman
Becerra
Boehlert
Bonilla
Borski
Campbell
Chenoweth-Hage
Clay
Conyers
Crowley
Engel
Eshoo
Filner
Franks (NJ)
Johnson, E. B.
Klink
Lazio
Lofgren
Maloney (CT)
McCollum
McIntosh
Meeks (NY)
Owens
Schaffer
Serrano
Souder
Sweeney
Towns
Udall (CO)
Velazquez
Vento
Watkins
Weiner
Weygand
Wise

☐ 1857

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GOLDEN GATE NATIONAL RECREATION AREA BOUNDARY ADJUSTMENT ACT OF 2000

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3632, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 3632, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 333, nays 68, not voting 32, as follows:

[Roll No. 462]

YEAS—333

Abercrombie
Aderholt
Allen
Andrews
Archer
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Bonior
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Burr
Burton
Buyer
Callahan
Calvert
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chambliss
Clayton
Clement
Clyburn
Collins
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Edwards
Ehlers
English
Etheridge
Evans
Everett
Farr
Fattah
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodling
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Ney
Northup
Oberstar
Obey
Olver
Ortiz
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Traficant
Turner
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Waters
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—68

Armey
Barr
Bartlett
Blunt
Boehner
Bryant
Camp
Chabot
Chenoweth-Hage
Coble
Coburn
Combest
Crane
Cubin
DeLay
DeMint
Doolittle
Duncan
Dunn
Ehrlich
Emerson
Ewing
Fowler
Goode
Goodlatte
Graham
Gutknecht
Hayes
Herger
Hilleary
Hostettler
Jenkins
Kingston
Largent
Latham
Linder
Manzullo
Metcalf
Miller, Gary
Moran (KS)
Nethercutt
Norwood
Nussle
Ose
Paul
Pease
Petri
Pombo
Rohrabacher
Royce
Ryun (KS)
Sanford
Sensenbrenner
Sessions
Shadegg
Simpson
Smith (MI)
Stearns
Stump
Sununu
Tancredo
Taylor (NC)
Thornberry
Tiahrt
Toomey
Wamp
Watts (OK)
Wicker

NOT VOTING—32

Ackerman
Becerra
Boehlert
Bonilla
Borski
Campbell
Clay
Engel
Eshoo
Filner
Franks (NJ)
Johnson, E. B.
Klink
Lazio
Lofgren
Maloney (CT)
McCollum
McIntosh
Meeks (NY)
Owens
Schaffer
Serrano
Souder
Sweeney
Towns
Udall (CO)
Velazquez
Vento
Watkins
Weiner
Weygand
Wise

☐ 1906

Messrs. CAMP, SIMPSON and GRAHAM changed their vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. MALONEY of Connecticut. Mr. Speaker, I was unavoidably detained during rollcall vote No. 460. Had I been present I would have voted "yes."

Mr. Speaker, I was unavoidably detained during rollcall vote No. 461. Had I been present I would have voted "yes."

Mr. Speaker, I was unavoidably detained during rollcall vote No. 462. Had I been present I would have voted "yes."

AIR FORCE MEMORIAL FOUNDATION AUTHORIZATION

The SPEAKER pro tempore (Mr. SHAW). The pending business is the question of suspending the rules and passing the bill, H.R. 4583.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4583, on which the yeas and nays are ordered.

This will be a 5 minute vote.

The vote was taken by electronic device, and there were—yeas 398, nays 0, not voting 35, as follows:

[Roll No. 463]

YEAS—398

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bentsen
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehner
Bonior
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin

Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
English
Etheridge
Evans
Everett
Farr
Fattah
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NOT VOTING—35

Ackerman
Becerra
Bereuter
Boehlert
Bonilla
Borski
Campbell
Clay
Ehlers
Engel
Eshoo
Ewing
Filner
Franks (NJ)
Johnson, E. B.
Klink
Lazio
Lofgren
McCollum
McIntosh
Meeks (NY)
Owens
Roukema
Rush
Serrano
Souder
Sweeney
Towns
Velazquez
Vento
Watkins
Weiner
Weygand
Wise
Wynn

□ 1914

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. EHLERS. Mr. Speaker, on rollcall No. 463 I stepped out of the Chamber for a discussion and did not return in time to record my vote. Had I been present, I would have voted "yes."

JACKSON MULTI-AGENCY CAMPUS ACT OF 1999

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 1374.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. WALDEN) that the House suspend the rules and pass the Senate bill, S. 1374, on which the yeas and nays are ordered.

This will be a 5 minute vote.

The vote was taken by electronic device, and there were—yeas 400, nays 0, not voting 33, as follows:

[Roll No. 464]

YEAS—400

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehner
Bonior
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chenoweth-Hage
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer

Schakowsky
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—33

Ackerman
Becerra
Boehlert
Bonilla
Borski
Campbell
Chambliss
Clay
Engel
Eshoo
Filner
Franks (NJ)
Gutierrez
Johnson, E. B.
Klink
Lazio
Lofgren
McCollum
McIntosh
Meeks (NY)
Owens
Roukema
Serrano
Souder
Sweeney
Towns
Velazquez
Vento
Watkins
Weiner
Weldon (FL)
Weygand
Wise

□ 1921

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NOTICE OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 4205, FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

Mr. CONYERS. Mr. Speaker, pursuant to clause 7c of rule XXII, I hereby announce my intention to offer a motion to instruct conferees on H.R. 4205 tomorrow. The form of the motion is as follows:

I move that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4205 be instructed to agree to the provisions contained in title 15 of the Senate amendment.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ISAKSON). Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on the remaining motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken tomorrow.

RECOGNITION FOR SLAVE LABORERS WHO WORKED ON CONSTRUCTION OF UNITED STATES CAPITOL

Mr. THOMAS. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 368) establishing a special task force to recommend an appropriate recognition for the slave laborers who worked on the construction of the United States Capitol.

The Clerk read as follows:

H. CON. RES. 368

Whereas the United States Capitol stands as a symbol of democracy, equality, and freedom to the entire world;

Whereas the year 2000 marks the 200th anniversary of the opening of this historic structure for the first session of Congress to be held in the new Capital City;

Whereas slavery was not prohibited throughout the United States until the ratification of the 13th amendment to the Constitution in 1865;

Whereas previous to that date, African American slave labor was both legal and common in the District of Columbia and the adjoining States of Maryland and Virginia;

Whereas public records attest to the fact that African American slave labor was used in the construction of the United States Capitol;

Whereas public records further attest to the fact that the five-dollar-per-month payment for that African American slave labor was made directly to slave owners and not to the laborer; and

Whereas African Americans made significant contributions and fought bravely for freedom during the American Revolutionary War: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) the Speaker of the House of Representatives and the President pro tempore of the Senate shall establish a special task force to study the history and contributions of these slave laborers in the construction of the United States Capitol; and

(2) such special task force shall recommend to the Speaker of the House of Representatives and the President pro tempore of the Senate an appropriate recognition for these slave laborers which could be displayed in a prominent location in the United States Capitol.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. THOMAS) and the gentleman from Maryland (Mr. HOYER) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, I want to compliment and congratulate the gentleman from Oklahoma (Mr. WATTS), my friend and my conference chairman; and the gentleman from Georgia (Mr. LEWIS), my friend and colleague on the Committee on Ways and Means; one, for the way in which this legislation has been put together; and, two, the time in which we have moved.

It has now become better known that several months ago a local television reporter unearthed some United States Treasury Department pay slips that, strange as it may seem, allows us to have a better understanding of what went on in the early stages of the building of our Capitol. One would think that we would have as complete a documentation as any people could have.

And yet what we found out was that those pay slips showed that there were slave owners who were paid for work in the building of the United States Capitol. Pretty obviously, the labor was not done by the slave owners. In fact, it was slaves that did the work, more than 400, which gives us an even more appropriate reason for recognizing the importance of this particular building, and a continued understanding of the true and honest history of the United States.

The resolution would create a task force to study the history and contributions of those slave laborers. There has been some concern that the legislation is not real specific about the way in which this task force would be appointed, other than, according to the resolution, to have the Speaker of the House and the President pro tempore of the Senate make the appointments. I would hope everyone understands that this is not to be a political task force. It is not to be some kind of political endeavor to make sure one is politically correct.

The reason we wanted to have the task force was to reach out to those very appropriate professionals who would have knowledge and understanding to assist us in creating whatever the appropriate recognition might be, and we do not want to prejudge what will be presented to us, so that in a prominent location in the Capitol we can, one, give proper credit; two, recognize the fact that it occurred but, more importantly, understand better this particular building and the very human involvement in now yet another dimension not fully appreciated in the creation of our country.

Mr. Speaker, I reserve the balance of my time.

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume.

It is an appropriate and, at the same time, regrettable fact that I rise today in support of this resolution. It is appropriate because I am proud to join my colleagues in an attempt to recognize a terrible wrong, to shed light on a dark chapter in our Nation's history. Sad, because it is a shame that this resolution is even necessary. However, it is necessary; and I commend the gentleman from Georgia (Mr. LEWIS) and the gentleman from Oklahoma (Mr. WATTS), my colleagues, for their hard work in bringing this resolution to the floor.

This resolution, as the chairman has pointed out, will establish a task force to recommend an appropriate recognition of the slave laborers who built the

United States Capitol. Not all of the workers were slaves. There were free men that worked by their side; but there were slaves who, as the chairman has pointed out, were not paid for their work; their owners were paid for their work. And their work helped build this Capitol.

That sentence should shock all of our sensibilities. Yes, this temple of liberty was built, in part, on the backs of slave laborers.

☐ 1930

That is a tragedy, and was a denial of the statement we made to all the world that we believed that all men were created equal and endowed by their Creator with certain unalienable rights.

Notwithstanding the fact that we published that to the world, we continued slavery in America. Yes, we used slaves in part to build this Capitol. Those workers toiled in the hot D.C. summers to build this monument to freedom, the people's House, the freedom they did not have. Yet, they did not share in the promise of America. There was compensation, as has been pointed out: $5 a month to the owners.

This tragic piece of our Nation's history needs to be explored and exposed. We often forget the proud history of slaves in the United States. The government denied them their freedom, but nobody could take away their dignity. They fought bravely in the Revolutionary War to secure our Nation's freedom, yet they were not free. After that noble effort, they worked to build a tribute to this Nation's ideals, this Capitol building, but they were denied the very freedom it symbolized.

As a recent article in the Washington Post explains, little is known about the slaves. We know that for a time Phillip Reid, the only slave that we know the last name of, served as superintendent of the project, but the other slaves are known only by first names jotted in dusty ledgers.

I hope this task force is able to uncover more details about these men who did backbreaking work for a nation that denied them their fundamental rights. We need to know more about George, Thomas, Harry, and Jerry, and all the others who built this temple to democracy and freedom. Without knowing more about their history, Mr. Speaker, our collective history, our Nation's history, will be forever incomplete.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

My colleague, the gentleman from Maryland (Mr. HOYER), mentioned that we do know for sure one of the slave's names, a fellow by the name of Phillip Reed. Talk about irony upon irony, he, given his professional capabilities, helped cast the bronze statue atop our Capitol that was recently refurbished, and of course we know that as the Statue of Freedom.

Mr. Speaker, I ask unanimous consent that the rest of the time be controlled by my friend and colleague, the gentleman from Oklahoma (Mr. WATTS), chairman of the Republican Conference.

The SPEAKER pro tempore (Mr. ISAKSON). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WATTS of Oklahoma. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to support House Concurrent Resolution 368, legislation that I introduced earlier this year and that I believed to be long overdue in highlighting a disturbing but important fact about the history of this magnificent building and symbol of freedom, the United States Capitol.

I want to especially thank my distinguished colleague, the gentleman from Georgia (Mr. LEWIS), for joining in this effort as the bill's original cosponsor, and I want to thank the chairman of the committee on House Administration, the gentleman from California (Mr. THOMAS), and the ranking member, the gentleman from Maryland (Mr. HOYER), for their support of this critically important recognition of the slave laborers who built this extraordinary structure that houses the deliberations of the oldest democracy on Earth.

Mr. Speaker, every day we are here in session our debates and legislative activities underscore that this is a living building that embodies America's greatest principles of democracy and liberty. However, one significant historical fact about this building is often forgotten. That fact is that much of the construction of this Capitol in the 18th and 19th centuries was done by slave labor.

As we all know, slavery was not eliminated across the United States until the ratification of the Thirteenth Amendment in 1865. Before that date, slave labor was both legal and common throughout the South, including the District of Columbia, Maryland, and Virginia.

Public records attest to the historical fact that African-American slave labor was used in the construction of the United States Capitol, both here on this site and further south, in the Virginia quarries that provided the marble for this very building.

It is time we recognize the contributions of these slave laborers. I am proud we will have the opportunity today to do so by passing this resolution to establish a special congressional task force which will study the history of this period and recommend an appropriate memorial to the labors of these great Americans to be displayed prominently here in our Nation's Capitol.

Mr. Speaker, this year we celebrate the 200th anniversary of the first session of Congress to be held here in this historic building. I think that is a long enough time to go without a public and visible acknowledgment of the incongruous but important historical fact that the blood, sweat, and tears of African-American slave laborers built this House for us all.

Let us reach back today through the thin veil of time and unshackle their hands so we can shake them and say, thank you, ever so belatedly, to these great Americans who built this great monument to freedom.

Mr. HOYER. Mr. Speaker, it is my real honor to yield 3 minutes to the gentleman from Georgia (Mr. LEWIS), a distinguished civil rights leader, Member of Congress, humanitarian, and the cosponsor of this legislation. A gentleman who has been a giant in bringing the reality of the words that I intoned earlier that are included in our Declaration of Independence, and the promises incorporated in our Constitution, to reality for all Americans.

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank the gentleman from California (Chairman THOMAS) and the ranking member, the gentleman from Maryland (Mr. HOYER), for bringing this legislation before us today.

I want to thank my friend and my colleague, the gentleman from Oklahoma (Mr. WATTS), for being the chief sponsor of this legislation.

Mr. Speaker, when we walk through the halls of this building, we do not see anything that tells the story that African-American slaves helped build this magnificent building: no drawings, no murals, no paintings, no statues, nothing. Slavery is part of our Nation's history of which we are not proud. However, we should not run away or hide from it. The history of the Capitol, like the history of our Nation, should be complete.

As the gentleman from Oklahoma (Mr. WATTS) pointed out, it was not until this year, 200 years after the opening of the Capitol for the first session of Congress, that records were uncovered which prove what many of us have already known or maybe some of us assumed, that African-American slave labor was used in the building of the United States Capitol.

These men, these slaves, laid the very foundation of our democracy. Yet, they were denied the right to participate in our democracy. Indeed, generations of their offspring were denied the right to vote.

Mr. Speaker, with this resolution, H.R. 368, we will honor the slaves who helped build the Capitol. We will study the history and contributions of the African-Americans who helped construct one of the greatest symbols of democracy in the world, this building, the United States Capitol.

Mr. Speaker, we will have a fitting and lasting tribute to these men, black men, slaves, in a permanent place here in the United States Capitol.

I urge all of my colleagues to vote for the passage of House Concurrent Resolution 368.

Mr. WATTS of Oklahoma. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. OSE).

Mr. OSE. Mr. Speaker, I thank the gentleman from Oklahoma for yielding time to me.

Mr. Speaker, I rise today in support of this resolution. It is interesting, the first day I was here I stood over by the painting of Lafayette. This room was empty, and I was there with a radio reporter from my town. Unbeknownst to myself, I was violating the rules of the House when I conversed and they were recording the tape.

But the point of that conversation was that if one was quiet enough in this Chamber, one could hear the voices of the people who have come before us, and yes, those who built this place came before us, the slaves that the gentleman from Georgia (Mr. LEWIS) talked about, those who have built this country that we have not to date given satisfactory recognition to.

This resolution is a first step. I thank the gentleman for bringing it. I am grateful for the opportunity to support it.

Mr. HOYER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I also want to commend and congratulate the gentleman from Georgia (Mr. LEWIS) and the gentleman from Oklahoma (Mr. WATTS) for their introduction to a very important piece of legislation.

As a matter of fact, it is my hope and my understanding, as well as my desire, that passage of this legislation will help shed additional light on an extreme dark period in the history of this Nation, because as we look back to better understand where we came from, it helps us to recognize how we got to where we are, and then helps propel us into the future in relationship to where we need to be going.

Carter G. Woodson, the founder of Black History Month, African-American History Month, once said that while we should not underestimate the achievements of our Nation's greatest architects, builders, and industrialists, we should give credit to those slaves who so largely supplied the demand for labor.

This resolution will do just that, and I would hope that as historians write, that in the near future we will see in the history books in every classroom throughout this great Nation the contributions of those whose sweat, whose hard labor, whose intense drive helped to produce not only a magnificent edifice, but helped to provide an opportunity for democracy to grow and flourish.

Mr. WATTS of Oklahoma. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in strong support of this proposal. Americans understand that our black brothers and sisters in this country have been given a raw deal over our country's history, but most Americans do not know exactly what a raw deal it has been and was.

The fact is that black Americans and their achievements quite often have been written out of the history books. I love to read history, and I have seen that in so many cases where black Americans, they pop up here and there, but the average American has no idea that they have done such tremendous things. Just like today, we are giving credit for people who have built this altar of liberty, this altar of freedom for all America to see, and there were black Americans, and to this point very few people knew there were black Americans.

Let us remember that one of the first Americans to be killed during the American Revolution, a man killed during the Boston Massacre which sparked the whole American Revolution, was a black American.

In the last 4 or 5 years I fought a fight for patent reform here in the United States, and I had to study the issue of inventors and people who actually invented great things in our country.

Certainly every American knows about Booker T. Washington. But as I studied the history of our patent system and the inventors in our country, I was personally surprised to see how many great inventions were invented by black Americans, because patent rights as a property right, even during a time of great discrimination against our fellow Americans, the patent rights were actually provided to black Americans. They excelled in creativity, in creating new machines and new technologies throughout our history.

□ 1945

Not many people know that. Not many people know of the great many American heroes, not only during the Civil War, but other conflicts.

But today we have the opportunity to congratulate those Americans who, again, not many of us heard of before, but did a great service to their country and to the cause of freedom in building this great edifice. So I support the legislation and thank the gentleman from Oklahoma (Mr. WATTS) very much for letting me participate in this debate.

Mr. HOYER. Mr. Speaker, I yield 4 minutes to the gentlewoman from the District of Columbia (Ms. NORTON), the very distinguished Representative in which this Capitol is located. I am sure the irony is not lost on her that there are residents of this capital of freedom that do not have full voting participation in this Capitol.

Ms. NORTON. Mr. Speaker, I very much thank the gentleman from Maryland for yielding me this time.

Mr. Speaker, I appreciate enormously the work of the gentleman from California (Chairman THOMAS) and the gentleman from Maryland (Mr. HOYER), ranking member, in working together to bring this matter forward. I am enormously grateful, of course, to the gentleman from Oklahoma (Mr. WATTS) and the gentleman from Georgia (Mr. LEWIS), my long-time friend and colleague from the civil rights movement, for their leadership in bringing forward the bill that brings us to the floor today.

I want to recognize the work of a local reporter for Channel 4 News here, Edward Hotaling, who brought this matter to public attention and was responsible for our bringing it, therefore, today to public light, for what we are doing this evening is opening the eyes of America to an important discovery for most in American history.

We know the cliche because we have said it over and over, the slaves helped build America. But there are seldom any specifics to that. What slaves? What part of America? It turns out that the oldest and most treasured parts of America, the most hallowed places are what we are talking about: the White House, yes, and this very place where we meet.

What is true here is probably true for every historic public building south of the Mason-Dixon line. We celebrate the slaves who built the Capitol and the White House, but the same could be said throughout the American South and much of the American North if the building is old enough.

It is a matter of public record that slaves and free blacks built these two buildings. But it is also true that much of the District of Columbia was built by slaves and free blacks.

My own great grandfather, Richard Holmes, was one such slave. Richard Holmes walked away from slavery in Virginia, got hired before the Civil War to work in the streets of the District of Columbia, got discovered by his white owner who was refused ownership when my great grandfather did not answer to his name when he was discovered and the white foreman refused to allow his return to the owner who had discovered him. I have no information that Richard Holmes worked on the White House or the Capitol, but we do have information that has been lost to history that many black men and free blacks did, in fact, work on these and other places in the District of Columbia. We know them by their works.

We also know that slaves did every job imaginable, including the most highly skilled jobs. We know their owners were compensated. We know that neither they nor their descendants were.

Let me lay to rest whether anybody feels any confusion about whether to be proud or ashamed that our most revered structures were built by slave labor. Let us not be like the Soviets who revise or deny history. Let us, with this bill, put those questions for these purposes aside, put these emotions aside because on one question there can be no disagreement.

We often have recognized what the slaves achieved and the tributes over and over again to these great buildings, and to the 25 million visitors who come every year to the District of Columbia to see this building among others. It is time finally to recognize the men who helped achieve the place where we work, the place that we love.

I thank my colleagues very much for all they have done on this bill.

Mr. WATTS of Oklahoma. Mr. Speaker, I do not have any more speakers on my side, so I reserve the balance of my time.

Mr. HOYER. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. CONYERS), one of the most distinguished leaders in our House, one of the senior Members of the House and an American who perhaps was most responsible for ensuring that this Nation recognized the contribution of one of its greatest citizens of the world, Martin Luther King, Jr.

Mr. CONYERS. Mr. Speaker, I thank the gentleman from Maryland (Mr. HOYER) and the gentlemen who have participated in bringing this measure forward.

I was very moved by the remarks of the gentlewoman from the District of Columbia (Ms. NORTON). This plays right into the book recently written by Randall Robinson called The Debt in which he, touring the Capitol with his wife, found this tremendous sculpture about everybody that had contributed, but there were no depictions of slaves and their contribution.

So all of the dialogue tonight has been very, very important in beginning to recognize and bring forward, as scholars are, as forums are going on in our universities, in which we are bringing up the records of the slaves, of their travels across the waters, the insurance records, and a lot of other factual materials.

So it seems to me that we are moving inextricably into the question of how we recognize and study the question of reparations as may affect them. I could not imagine this conversation just going on tonight without us examining what we do in the preparation of a commission to study the history of slaves and their descendants in terms of their contributions and where we might fit into the picture presently.

So I see this as a tapestry, a very important part of it. I see the hate crimes bill shortly being very important in which we take the subject of the lynching, the hate crimes started back in the 1920s when the civil rights movement, the NAACP began the great rush to federalize the lynching of African Americans. Then, after Dr. King's assassination in 1968, we got the first hate crimes bill; and we have another pending in this body now.

So much of our legislation is moving together. This resolution giving recognition to the contribution of people of color, both free and enslaved, is a very important step forward. I commend all who have contributed toward it.

I thank the gentleman from Maryland (Mr. HOYER) for yielding me this time.

The SPEAKER pro tempore (Mr. ISAKSON). The gentleman from Oklahoma (Mr. WATTS) has reserved the balance of his time and has the right to close.

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have no additional requests for time. But I know that, on both sides of the aisle, if they were on the floor, all Members would want to rise in support of this resolution. Every Member would want to recognize the importance of the principle involved in the adoption of this resolution, the recognition of those who have been ignored, forgotten, hidden, in part, perhaps, because of the shame that a society shared for on the one hand saying it believed in freedom and on the other hand enslaving a people because of the color of their skin.

This resolution is important in my opinion, Mr. Speaker, not only to recognize those who participated and labored and who helped build this Capitol, but it is also important, it seems to me, because it reminds us of the contradictions between our principles and our performance.

It heightens our awareness, Mr. Speaker, of the gulf that sometimes exists between our promises and our practice. I introduced, Mr. Speaker, the gentleman from Michigan (Mr. CONYERS). I remember standing with him on the front of this Capitol and supporting him in his leadership of the necessity to recognize the contributions made by Martin Luther King, Jr. who, in 1963, stood just some thousands of yards from where we stand right now and reminded the Nation in a compelling address that we ought to live out the dream and make reality the promises that we had made.

Our Nation responded. This Congress responded. We passed legislation to try to make reality the promises of the 13th Amendment passed 100 years before. Whether it was in employment or housing or public accommodations, we said that America was not a land in which we ought to discriminate against individuals based upon such arbitrary distinction as color of skin or national origin or religion.

In fact, we are still arguing today about artificial distinctions we make between human beings and whether they ought to be discriminated against, not on what they do to us or laws that they break, but on what they may be that is different from us.

Mr. Speaker, that is why this resolution is important, not only as the gentleman from Oklahoma (Mr. WATTS) and the gentleman from Georgia (Mr. LEWIS) have so eloquently pointed out, to recognize the contribution of the individuals who helped build this Capitol and, as the gentlewoman from the District of Columbia (Ms. NORTON) has pointed out, built so many others, including the White House, Monticello, and Mount Vernon. I can go on in listing the dwellings that we know are dwellings in which democracy saw its genesis and its growth.

This resolution is significant because it also teaches us to be aware daily of the necessity of applying our principles in practice.

Mr. WATTS of Oklahoma. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing, again, this bill recognizes the long-ignored role of African American slaves in building the United States Capitol. Again, in closing, I thank the gentleman from Georgia (Mr. LEWIS), I thank the gentleman from California (Chairman THOMAS), the gentleman from Maryland (Mr. HOYER), ranking member, I thank them for their efforts on behalf of this resolution.

Again, this year we celebrate the bicentennial of the United States Government's arrival here in Washington. Proper recognition for these laborers is long past due.

□ 2000

We often, as Members of Congress, get to drive into the grounds or drive onto these grounds; and at night especially driving onto these grounds we see our Nation's dome, the Nation's Capitol and remind ourselves that this building that we stand in today is recognized as the symbol of freedom for all the world. This resolution today again recognizes the contribution that slave labor played in building the symbol of freedom.

Mr. Speaker, I remind us that, on the Senate side, the Senate version of this bill is sponsored by Senator ABRAHAM from Michigan and Senator LINCOLN from Arkansas. So, on the Senate side, this bill will be known as the Abraham/Lincoln bill. Very fitting.

Again, thanks to my colleagues for this bipartisan support that we have seen in bringing this effort forward and making it happen here this evening.

Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I just wanted to respond in part to my friend and colleague, the gentleman from Maryland (Mr. HOYER), in terms of his supposition that perhaps it was out of shame.

I think I will just tell the gentleman that it was far more fundamental than that, and it was that common physical labor is not a high achievement and that we never, even to this day, recognize the fact that without it we would not have what we have today.

The thing I like most about this, given the discussion, the participants, and the reflection on history, is that one of the fundamentals of democracy is in the inherent belief that an individual is worth something simply because they are alive and that what we are doing here is celebrating the obvious acknowledgment of our shared humanity in the best way we can in reaching back and telling those people, thank you, thank you very much for that basic physical labor that produced the opportunity, as Mr. DAVIS so eloquently indicated, the gentlewoman from the District of Columbia (Ms. HOLMES) indicated, we forget about.

So it is in the shared humanity of our recognition that I think we can all share and appreciate.

Mr. WATTS of Oklahoma. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ISAKSON). The question is on the motion offered by the gentleman from Oklahoma (Mr. WATTS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 368.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 368.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 1654, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT OF 2000

Mr. REYNOLDS (during debate on H. Con. Res. 368) from the Committee on Rules, submitted a privileged report (Rept. No. 106-844) on the resolution (H. Res. 574) waiving points of order against the conference report to accompany the bill (H.R. 1654) to authorize appropriations for the National Aeronautics and Space Administration for fiscal years 2000, 2001, and 2002, and for other purposes, which was referred to the House Calendar and ordered to be printed.

SCOUTING FOR ALL ACT

Mr. HUTCHINSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4892) to repeal the Federal charter of the Boy Scouts of America.

The Clerk read as follows:

H.R. 4892

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Scouting for All Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Federal charters are prestigious distinctions awarded to organizations with a patriotic, charitable, or educational purpose.

(2) Although intended as an honorific title, a Federal charter implies Government support for such organizations.

(3) In 1916, the Federal Government granted a Federal charter to the Boy Scouts of America.

(4) Although the Boy Scouts of America promotes the social and civic development of young boys through mentoring, it also sets an example of intolerance through its discriminatory policy regarding sexual orientation.

(5) Federal support for the Boy Scouts of America indirectly supports the organization's policy to exclude homosexuals.

(6) A policy of excluding homosexuals is contradictory to the Federal Government's support for diversity and tolerance and should not be condoned as patriotic, charitable, or educational.

SEC. 3. REPEAL OF FEDERAL CHARTER OF BOY SCOUTS OF AMERICA.

(a) REPEAL.—Chapter 309 of title 36, United States Code, which grants a Federal charter to the Boy Scouts of America, is repealed.

(b) CLERICAL AMENDMENT.—The analysis at the beginning of subtitle II of title 36, United States Code, is amended by striking the item relating to chapter 309.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arkansas (Mr. HUTCHINSON) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Arkansas (Mr. HUTCHINSON).

GENERAL LEAVE

Mr. HUTCHINSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4892.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. HUTCHINSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, while I do not support this bill, I do believe it is appropriate that it be brought up for consideration at this time. I rise in opposition to H.R. 4892.

This legislation that has been offered by the gentlewoman from California (Ms. WOOLSEY) is a bill to revoke the 80-year-old Federal charter of the Boy Scouts of America.

Tonight, scouts and scout leaders all across this great country are watching these proceedings. They are watching with amazement that the Congress of the United States is debating a bill to revoke their charter.

Now, why is this bill being offered? Why should it be considered to revoke the charter of the Boy Scouts? It is hard to figure.

First of all, there are no appropriated Federal funds that are used to support the Boy Scouts of America. It is simply a Federal charter that is granted to other patriotic-type organizations that allow them to protect the emblems and symbols that they have.

The Boy Scouts have worked for over 80 years with the youth of our Nation, building leadership and molding character. The charter of the Boy Scouts, granted by this Congress, states that they will promote patriotism, courage, self-reliance, and kindred virtues, virtues that we desperately need in this country.

Millions of scouts are trained under the leadership of this great organization. They provide over 3 million boys and young adults the opportunity to participate in educational programs. In 1998, the Boy Scouts contributed over 52 million community service hours to our Nation and is committed to providing an additional 1 million service hours to preserving the environment at our national parks.

Another reason that this bill is ill-advised is that the Supreme Court of the United States affirmed the first amendment freedom of the Boy Scouts to exclude scout masters who do not support the values of the Boy Scouts of America. We should adhere to the opinion of the United States Supreme Court.

Finally, the Attorney General of this country has given an opinion that the use by Federal lands of the Boy Scouts does not convene even in any executive order of this administration.

Mr. Speaker, the Boy Scouts of America today are under attack by this legislation and by others in America. I believe an organization that supports our values and our freedoms and builds leadership among young people should be supported and we should defend the Boy Scouts of America.

This legislation that is being offered is punitive in nature to revoke their charter, it is ill-advised, and should be defeated.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today under some very confusing circumstances. I would like to refer to the manager of the bill, the gentleman from Arkansas (Mr. HUTCHINSON). I thought I heard him say that he was moving to suspend the rules and pass a bill that he is now saying that he is opposed to.

I thought he was the one that caused this bill to be brought to the floor and that it was him that is urging its passage.

Did I hear him correctly?

Mr. HUTCHINSON. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Arkansas.

Mr. HUTCHINSON. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, this legislation being offered by Members on their side is being brought under the Suspension Calendar, and in order to debate it and provide the sponsors of the legislation an opportunity to explain their reasons why the Boy Scouts charter should be revoked, is being brought up. And so I procedurally asked that the rules be suspended for its consideration.

Mr. CONYERS. Mr. Speaker, reclaiming my time, I see. I thank the gentleman for that information.

Now, we are both on the Committee on the Judiciary. Did this bill go through the committee?

I continue to yield to the ranking member on the Republican side.

Mr. HUTCHINSON. Mr. Speaker, I thank the gentleman for yielding.

The legislation has not been reported by the Committee on the Judiciary.

Mr. CONYERS. Mr. Speaker, I thank you.

Mr. Speaker, I ask the gentleman, have there been any hearings in the Committee on the Judiciary?

Mr. HUTCHINSON. Mr. Speaker, as the ranking member, I think the gentleman is fully aware that we have not conducted any hearings on this legislation.

Mr. CONYERS. Mr. Speaker, I thank the gentleman again for his comments. And so you are against this bill, have not had any hearings, there have been no votes in committee, and you are urging that we rush it through this process when it has never been through the committee.

If that is the case, sir, then I would ask unanimous consent to have this suspension bill removed from the calendar.

The SPEAKER pro tempore. Does the gentleman from Arkansas (Mr. HUTCHINSON) yield for that request?

Mr. HUTCHINSON. Mr. Speaker, I certainly object to the request. I would ask the gentleman to yield for a response.

The SPEAKER pro tempore. The gentleman objects. The unanimous consent is not ordered.

Mr. CONYERS. Mr. Speaker, would the gentleman be willing to have hearings on the bill before the measure is passed which he is apparently very sincerely opposed to?

Mr. HUTCHINSON. Mr. Speaker, if the gentleman would continue to yield, I think the reason, and this is somewhat of an unusual circumstance, well, actually it is not unusual that it is being brought up on suspension. We do that all the time to bring up a bill on suspension without going through the committee. The gentleman well knows that. But I believe in this circumstance, when the administration has suggested that the Boy Scouts of America should not use Federal land under current executive order that they need a statement that their charter is in good standing. And I think that legislation revokes the charter.

We are saying, hopefully, by defeating that, that we stand with the Boy Scouts of America and we believe that their charter should not be revoked and that would put an end to the matter, I would hope.

Mr. CONYERS. Mr. Speaker, I thank the gentleman. He is not confusing me more, but we have increasing numbers of ambiguity.

Let me turn, then, to the offer of this proposal, the gentlewoman from California (Ms. WOOLSEY). And if I could ask her, and we have not talked about this, has she requested that this bill be placed on the floor for disposition?

Mr. Speaker, I yield to the gentlewoman.

Ms. WOOLSEY. Mr. Speaker, no, I have not made that request at this time. I was hoping for hearings and a markup and to bring this issue that is important to full light to this Congress with a full debate.

Mr. CONYERS. Mr. Speaker, I thank the gentlewoman for her comments.

I ask the gentlewoman, has she had any response from the Committee on the Judiciary about the disposition of the matter? She wanted hearings. She did not request that we come to the floor today.

Ms. WOOLSEY. Mr. Speaker, I did not. As a matter of fact, I was surprised. We heard about this suspension at 6 o'clock last night D.C. time when I was in California. And the idea that we would bring a controversial, important issue like this onto the Suspension Calendar was a total surprise to me, because I think of suspensions as noncontroversial issues, such as naming a post office.

Mr. CONYERS. Mr. Speaker, I want to ask the gentlewoman, the author of the amendment, would she find that hearings and markups in the regular process would be helpful in developing an understanding around her motive and purpose for introducing this bill?

Ms. WOOLSEY. Mr. Speaker, absolutely. A hearing was necessary. A markup is necessary to bring an issue of this importance to our Nation in the dark of night instead of in the light of day is a mistake.

To suggest that it is noncontroversial and could pass with a two-thirds vote is very short-sighted.

Mr. CONYERS. Well, that is the understanding I have heard from my good friend, the gentleman from Arkansas (Mr. HUTCHINSON), is that he considers this apparently a noncontroversial bill to which he is opposed to which hearings have never been heard.

Well, now, if there has ever been a parallel like this ever in the history of this Congress, it has not been since I have been here.

Mr. Speaker, I reserve the balance of my time.

Mr. HUTCHINSON. Mr. Speaker, I yield 2 minutes to the great gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I think what is obvious, if they know they are going to lose on the substance of a bill, then they argue process. If they are ashamed of having authored a particular bill, then do not submit it.

I have authored legislation. I would be eager as soon as I drop it for it to come to vote. I would be eager for that. I would be proud of the legislation that I actually drafted.

I rise in opposition to this legislation.

Mr. Speaker, I rise today in strong opposition to H.R. 4892, the Scouting for All Act. On June 28, the Supreme Court ruled in Dale vs. Boy Scouts of America, that private organizations have the right to set their own standards for membership and leadership. This allows the Scouts to continue developing young men of strong moral character without imposing standards on them that they find incompatible with their beliefs.

In response to the Supreme Court ruling, the Boy Scouts have faced an onslaught of criticism, intimidation and extortion from those who seek to inflict their beliefs on an organization that promotes moral character and personal responsibility.

Protests were organized in twenty-one states including my district in Indiana, urging businesses to revoke their sponsorship of the Scouts. Last month, the Interior Department attempted to bully and harass the Boy Scouts over access to public lands. In Los Angeles, some delegates to the Democratic national convention booed a group of Scouts as they stood on the stage of the Staples Center.

Now, in an attempt to punish the Boy Scouts for refusing to toe the line, proponents of H.R. 4892 seek to revoke the Boy Scouts' federal charter, originally granted by Congress in 1916.

This bill claims to be acting in the name of tolerance and inclusion. In reality, it is this bill, not the Boy Scouts, that promotes intolerance. The Boy Scouts respect others' rights to hold differing opinions than its own. All the Scouts ask is that others respect its beliefs. The sponsors of this bill believe just the opposite.

□ 2015

They believe if one does not subscribe to their view of the world then they must be humiliated, silenced, and reformed in the name of tolerance. They are in error, and I suppose now today ashamed of the bill that they have dropped. Tolerance does not require a moral equivalency. One can be tolerant of one's beliefs of others while being intolerant of their behavior and actions.

Today, millions of boys from every ethnic, religious, and economic background, including those with disabilities and special needs, participate in Scouting programs across America. The Boy Scouts are a model for inclusiveness. Our youth today face a daily onslaught from some parts of our culture that promote self-gratification and alternative lifestyles. As one of the few counters to this, the Boy Scouts keep such, I guess, out-of-fashion values as duty to God and country, honor, respect, self-sacrifice, and community service.

I believe we should commend, not punish, an organization that attempts to foster a sense of personal responsibility and strong character in our boys and young men. I urge all of my colleagues, 50 percent of whom were Boy Scouts, to side with the vast majority of Americans and vote no against this ill-advised bill.

Mr. HUTCHINSON. Mr. Speaker, I yield 2¼ minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, as the Republican co-chairman of the Congressional Scouting Caucus, as a proud Eagle Scout and as a supporter, an unapologetic supporter of Scouting in America, I stand here tonight to commend the Boy Scouts of America for what they have done over these last 90 years in strengthening the American character, developing good citizenship, and enhancing both the mental and physical fitness among America's youth.

Instead of attacking the Boy Scouts, we should be celebrating the fact that the Supreme Court has upheld the sanctity of our First Amendment; and we should applaud the Scouts for standing strong under pressure to compromise their own principles. H.R. 4892 proposes to revoke the Federal charter of the Boy Scouts of America because they have maintained a moral standard, rejected by America's liberal left. But the Scouts, like everyone else, have rights to set their own standards, and not to be targeted for doing so. That is what freedom of association is all about. That is what the Supreme Court confirmed in its decision.

In recent months, we have witnessed the despicable booing of Boy Scouts by Democrat delegates during their convention; a 55,000 signature petition delivered to the Boy Scouts headquarters demanding that they scrap requirements for Scout masters, and in my own county in Orange County, California, where the ACLU and others have tried to force the Scouts to take God out of their Scout oath; and we have also witnessed a malicious and reprehensible effort by the part of some corporations and even the United Way in some areas to choke off funding for the Scouts in an attempt to force them into submission.

Everyone is free to choose their own life-style and I would stand up for anyone's right to have their own privacy and their own life-style, as the Scouts stand up for that; but the Scouts, too, have their rights and we should be applauding them for standing up for their own principles and their own beliefs rather than trying to attack them now and to destroy the freedom of association guaranteed by our Constitution.

Mr. CONYERS. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, this is a Republican theme tonight, how dare we bring up this bill that they bring up. The gentleman from Arkansas (Mr. HUTCHINSON) has said that the bill has not been through committee, no hearings. The author of the bill was notified in California that it was coming up, and now everybody is saying that this is a bill that they object to for many reasons. Is this some kind of a cynical political stunt that we are playing here tonight? Nobody wants the bill, but the Republicans sponsor it on a suspension on which they say there is supposed to be very little dissension about the bill. So I am in some confusion of what we are trying to do.

I plan to vote present on this measure.

Mr. HUTCHINSON. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. BARR), a member of the Committee on the Judiciary.

Mr. BARR of Georgia. Mr. Speaker, I thank the distinguished gentleman from Arkansas (Mr. HUTCHINSON) for yielding me this time.

Mr. Speaker, one of the sorriest and most shameful exhibitions of a cynical political move, to use the word of the gentleman from Michigan (Mr. CONYERS), that our Nation has ever witnessed was a couple of weeks ago at the Democrat National Convention when a member of a Boy Scout troop, at the invitation of the Democrat National Convention, appeared before that body to lead that body in the pledge of allegiance, and for that show of patriotism that Scout was booed and hissed at by the party that sits on the other side in support of this resolution.

Not being content with booing and hissing a Boy Scout, they have now moved the forum for their denigration and assault on the Boy Scouts of America to this Chamber. They truly ought to be ashamed.

What is it, I ask my colleagues on the other side, that they find so reprehensible in the Scout oath, which includes words that Scouts are physically strong? Do they object to that? That Scouts shall be mentally awake, do they object to that? That Scouts may be morally straight, apparently there is the rub, that is what they find so reprehensible about Scouts that they would boo a Scout and hiss at a Scout for standing up and leading our Nation and their party in the pledge of allegiance, and why they now come before this body, before this flag, before this speaker, before the American people, and tell us that the Boy Scouts for being morally straight are so reprehensible in their eyes that they ought not to even have the historical charter granted by this body.

Have they no shame, Mr. Speaker? Have they no shame? And now we have the gentleman on the other side saying he does not even have the courage to stand up and vote for the resolution that they support. This resolution ought to be soundly defeated.

Mr. CONYERS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I rise today because I support H.R. 4892, the Scouting for All Act, an act to repeal the Boy Scouts of America's congressional charter. I urge all of my colleagues to join me in sending a clear message that the civil rights movement is alive and well in the United States of America, and that this Congress does not support discrimination in any form.

Contrary to what some of my colleagues on the other side are alluding to, we are not saying that the Boy Scouts are bad. We are saying that intolerance is bad. I was a Girl Scout. One of my sons was a Boy Scout. I know the value of Scouting, and that is why I believe that Scouting should be available to all boys, not just some boys.

I am not standing here today to override the Supreme Court. The unchangeable fact is that towards the end of June the Supreme Court upheld the Boy Scouts' discriminatory policy. So I stand here not to ask if the Boy Scouts have a right to a discriminatory policy but to ask if their discriminatory policy is right.

In 1939, Marian Anderson, an African American opera singer, was invited to perform at Constitutional Hall, then operated by the Daughters of the American Revolution, another chartered organization.

The DAR said that Marian Anderson could not perform at Constitution Hall because she was black. As a result, then First Lady Eleanor Roosevelt resigned her DAR membership and coordinated a concert for Marian Anderson at the Lincoln Memorial. 75,000 people attended and ultimately the DAR changed its policy of discrimination.

Simply because an esteemed organization holds a belief does not make that belief right. It was wrong for the Daughters of the American Revolution to discriminate against African Americans then and it is wrong for the Boy Scouts of America to discriminate against gays today.

My colleagues on the other side of the aisle suggest that they speak for the average American; that the vast majority of Americans support intolerance. They are wrong.

This poster alone will show the headlines from the newspapers across this Nation that are reporting the reaction to the Boy Scouts' position of intolerance. It is clear that opposition to the Boy Scouts' intolerant policy is not a fringe movement. It is part of the mainstream belief that intolerance in any form is un-American. From Fall River, Massachusetts, to Broward County, Florida, from Chicago to San Francisco, American cities, American private corporations, nonprofit organizations, schools, churches, families are saying no to intolerance.

In the city of Chicago, the Boy Scouts can no longer use city parks, schools or public sites because their policy, the Boy Scout policy of intolerance, conflicts with the city's existing nondiscrimination policy.

In Fall River, Massachusetts, the local United Way voted overwhelmingly to withdraw support from the Boy Scouts.

Private companies are also finding that the Boy Scouts' intolerance is unacceptable. Among other corporations, Textron, Inc., Knight Ridder and others have pulled their support from the Scouts. Because when people stand up and say intolerance is wrong, they do make a difference. One of those people is Steven Cozza, a teenager from Petaluma, California, where I live.

Steven, as a 12-year-old Boy Scout, working to earn his Eagle Scout badge, became aware of the intolerance policies against gays in Scouting. And as a Scout, he decided, he was 12 years old, he decided to do something about it. That was 3½ years ago. Since then, Steven and his dad, Scott Cozza, neither one of them is gay, they have nothing to gain except they know that intolerance is wrong, they started an organization called Scouting for All. Scouting for All is a campaign, a national campaign, encouraging the Boy Scouts to change their policy.

To date, they have gotten more than 53,000 signatures to support change of the policy. Steven Cozza supports abolition of the Scouts' prohibition on gays. He knows that it is wrong. It is wrong to exclude some boys based on sexual orientation, and it is wrong to teach other boys by example to be intolerant. Perhaps some of my colleagues believe that intolerance is okay. I do not, and neither do millions of people across the Nation who live in the cities that have stood against intolerance, or worked for the companies that have withdrawn their support or made contributions to the organizations that no longer support Scouting.

My colleagues would do well to get outside the Chambers and talk with parents in Montclair, New Jersey, who are circulating a petition opposing the Boy Scouts' policy. They should also talk with the elected officials of San Jose, California, who say that Boy Scout intolerance is incompatible with their city laws.

□ 2030

Repealing the Boy Scouts Federal charter is a sensible and reasonable way for this Congress to take a stand against intolerance and not have it look as if our Nation supported intolerance. A charter is an honorary title that Congress awards to organizations that serve a charitable, patriotic, and educational purpose. But to me, there is nothing charitable, there is nothing patriotic; and it certainly is not a value we want our children to learn.

Mr. Speaker, revoking the charter does not cut off Federal funding for the Boy Scouts. It does not change their tax status. Revoking the charter sends a clear message that Congress does not support intolerance.

Mr. Speaker, I call on my colleagues to join me in support of H.R. 4892. Together we can show the American people that like them, this Congress does not accept intolerance. As a representative of the people, let us make their message of support for tolerance heard throughout this House.

We are not saying that Boy Scouts are bad; we are saying that intolerance is bad.

Mr. HUTCHINSON. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I thank the gentlewoman from California (Ms. WOOLSEY) for her sincere comments, and I appreciate the fact that the gentlewoman is standing strong in support of her bill that would revoke the charter of the Boy Scouts of America; and she indicates that she is not saying that the Boy Scouts are bad; but, Mr. Speaker, I believe that all of America is seeing an attack on the Boy Scouts, and I think that our efforts today in Congress is simply to defend them.

The question is about tolerance. The Attorney General of the United States issued a statement in response to requests for an opinion that said that the Boy Scout jamborees are not federally conducted education or training programs. In other words, this is a private association. The Supreme Court has said they have a right to associate and to conduct themselves freely; that is what this country is about. They have African American Scouts, Asian American Scouts; and so they have a broad range, but they have some beliefs that they stand for and do not want to be compromised. I believe that is consistent with freedom.

The gentlewoman from California (Ms. WOOLSEY) referred to Boy Scouting for all. They have the freedom of association, but so does the Boy Scouts of America.

Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. Ballenger).

Mr. BALLENGER. Mr. Speaker, I speak as one of the proud 50 percent of this body that was a member of the Boy Scouts.

Mr. Speaker, the Boy Scouts are a private organization with a long-standing reputation protected by the first amendment. Now, despite the Supreme Court endorsement of its mission, we are engaged in a politically motivated attempt to attack a great organization. The Boy Scouts bylaws state that one of the purposes of the organization is to teach morals to young men and boys and to help develop a strong group of core values.

For years, this has been a great success. Now it seems that some in Congress want to legislate what these core values should be. Obviously, core values taught in Scouting today were seen to be fit when Boy Scouts were granted their first Federal charter and have remained the same unchanged since then. So why is this an attack?

The Boy Scouts engage in hundreds of projects of good works across the country, and I think we should leave the seal of approval on this organization as American as apple pie and baseball; and I recommend a vote against this bill.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I would like to respond to the comments of the gentleman from Arkansas (Mr. HUTCHINSON) that we are attacking the Boy Scouts. Indeed, the Boy Scouts do good work.

My point and our point is that all boys should be involved in Scouting, not just some boys; and it is perfectly all right as a private organization to do as you choose. It is not all right for the Federal Government to support intolerance.

Mr. HUTCHINSON. Mr. Speaker, I yield 1 minute to the gentleman from Utah (Mr. CANNON), who is a member of the Committee on the Judiciary.

Mr. CANNON. Mr. Speaker, I rise today in opposition to this dangerous bill that attacks a treasured American institution, the Boy Scouts of America.

A small group of extremists on the minority side is attempting to revoke the charter of an organization that has done much good. The attack today is because this private organization, the Boy Scouts, demands traditional moral rectitude from its members.

This attack on the Boy Scouts alone would be repugnant to most Americans. But today's attack goes beyond just the Boy Scouts. It is an attack upon the fundamental values of America.

Our debate on this bill is just one skirmish of a much larger cultural war for our Nation's heart and soul. The gentlewoman from California (Ms. WOOLSEY) has laid out the legal and governmental opposition to the Boy Scouts.

This war is a big deal, and it will affect us all. Mr. Speaker, perhaps no civic organization has done as much as the Boy Scouts to instill the core American values of faith, loyalty, duty, honor, patriotism, community service, and individual responsibility in the young men of this Nation.

We will prevail today in defeating this attack on the Scouts, but only because the spotlight of American's attention has been focused on our opponents. Some on this side disavowed this bill they once co-sponsored because the glare of attention has exposed the extremism of their views.

Mr. Speaker, I urge my colleagues and fellow citizens to oppose this bill.

Mr. CONYERS. Mr. Speaker, because we have 4 minutes left and my dear friend, the gentleman from Arkansas (Mr. HUTCHINSON) has 8 minutes left, I would ask him to go forward if he would.

Mr. HUTCHINSON. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, I rise in opposition to H.R. 4892. The other side acted as if voting on bills on suspension is unusual. This week the notice says we are voting on 27 bills on suspension. We just finished voting on 5 of them.

After booing the Boy Scouts at their national convention, after the Clinton-Gore administration contemplated barring them from national park programs, now the Democrats have introduced legislation to revoke the Boy Scouts charter.

In 1916, the U.S. Congress gave the Boy Scouts of American a national charter because we believed in what they were doing. We believed in the values that the Scouts stood for: the Boy Scout oath is an oath every Member of this body would do well to be familiar with. Evidently, the Democrats no longer believe in the values embodied in this oath. Evidently, they believe the Boy Scouts are dangerous. The Democrats believe times have changed, that the old rules of right and wrong no longer apply.

Evidently, the American people are wrong, but the Boy Scouts is not a hate organization. They are the premier youth organization of America, training young people in character, volunteerism and patriotism, self-reliance to believe in God and country.

Mr. Speaker, I urge that we defeat this outrageous bill.

Mr. HUTCHINSON. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT of Maryland. Mr. Speaker, I rise in strong opposition to this bill.

Mr. HUTCHINSON. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. HERGER).

Mr. HERGER. Mr. Speaker, I rise in strong opposition to this legislation.

Mr. HUTCHINSON. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. GOODE).

Mr. GOODE. Mr. Speaker, this bill would wreck 90 years of patronage of the Boy Scouts of America. I urge opposition.

Mr. HUTCHINSON. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. TOOMEY).

Mr. TOOMEY. Mr. Speaker, I rise in strong opposition to this bill, which is an insult to the millions of Americans who devote so much time and energy to the Boy Scouts of America.

Mr. HUTCHINSON. Mr. Speaker, I yield such time as he may consume to the gentleman from Alabama (Mr. RILEY).

Mr. RILEY. Mr. Speaker, I rise in strong opposition to this Democratic bill, which defies everything that is American.

I believe that this bill—this whole unbelievable argument—does nothing more than punish and browbeat one of the most respected organizations for young men in America today.

The name itself has become synonymous with being a good person in everyday conversation we even call trustworthy, noble hardworking people: "Boy Scouts."

Mr. Speaker, this bill is simply wrong.

Our government shouldn't fear the Boy Scouts.

The Boy Scouts shouldn't have to fear our government.

Mr. HUTCHINSON. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. SAM JOHNSON).

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise in strong opposition to this Democrat proposition, and I wonder why we are even doing it when America is such a great Nation.

Mr. HUTCHINSON. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Speaker, I rise to speak out in opposition to this Democratic initiative to ban the Boy Scouts from enjoying the rights that they have enjoyed since their existence.

Mr. HUTCHINSON. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Speaker.

I rise in opposition to this initiative to revoke the Federal Charter of the Boy Scouts of America.

Mr. Speaker, as a former Boy Scout who only attained the rank of second class, I nonetheless recognized early on the great contribution that this nation receives from the Boy Scouts.

We are a nation of great industrial production. No other nation manufactures the wide array of products that stream from our assembly lines.

But the greatest American product is character. It is the character of strength, compassion, integrity and courage that makes the last 100 years "the American century."

The Boy Scouts of America have been a primary factory of American character. Their ideals and values strengthen us. They also offer wholesome association for the boys of America, many from broken families.

In this world that has become increasingly dangerous for youngsters, the Boy Scouts is a safe haven for those who want their children to grow in an environment of traditional American values that has illuminated the world in the 20th century.

Support the Boy Scouts.

Mr. HUTCHINSON. Mr. Speaker, I yield such time as he may consume to the gentleman from Kansas (Mr. RYUN).

Mr. RYUN of Kansas. Mr. Speaker, I rise in strong opposition to this, and I am wondering why we are even dealing with this. I know the wonderful values that the Boy Scouts represent.

Mr. HUTCHINSON. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Speaker, I stand in strong opposition to H.R. 4892, and I wonder so many times the American people are wondering why America's in such moral decay, and then I look at this legislation, and then I ask myself how in the world can we in Congress even be debating such an outrageous bill such as H.R. 4892, because, Mr. Speaker, in the Scout oath the word "morally straight," what does morally straight mean to the other side that is supporting this legislation?

I realize the President of the United States does not understand what morally straight means, but there are many people throughout the district that I represent and throughout this country that understand that we need to be morally straight. We need to look to God, we need to look to the Ten Commandments. That is what the Boy Scouts help the youth of America do.

Mr. Speaker, I want to thank the gentleman from Arkansas (Mr. HUTCHINSON) for giving me this opportunity, and I want to say to the Democrats who booed the Scouts at the Democratic convention, you should be ashamed of yourselves. There should have been one leader at the Democratic convention to stand up to chastise those who booed the Boy Scouts. God bless America. God bless the Boy Scouts.

Mr. HUTCHINSON. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, I rise in opposition to the legislation of the gentlewoman from California (Ms. WOOLSEY) to revoke this charter. This type of Federal charter is issued to organizations with patriotic, charitable, and educational purposes.

There is no organization in this country that lives up to these principles more than the Boy Scouts. The motto of the Boy Scouts is "God, Country, Honor, Helping Others."

Boy Scouts confirm that character counts. These are values that are learned by young men and carried with them throughout their lives. Mr. Speaker, let us tell it like it really is. This ridiculous legislation is meant to shame an organization just because it does not conform to the extreme left wing's view of the world.

Over 3 million young men in the Boy Scouts nationwide are being taught values, values such as duty to God and country, honor, respect, honesty, community service. By revoking the charter of the Boy Scouts of America, the supporters of this legislation are saying that those values do not matter. They are saying that what is important is forcing the Boy Scouts to adopt their agenda, which is clearly wrong, counterproductive to community values and destructive to traditional families.

Mr. Speaker, I urge my fellow Members to vote against this scurrilous attack on American values.

Mr. HUTCHINSON. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, as an Eagle Scout, I rise in strong opposition to the so-called Scouting for All Act, because, Mr. Speaker, the so-called Scouting for All Act means constitutional rights for none. It is as if we tear freedom of association out of the document.

Another federally chartered organization, the Jewish War Veterans. We do not see the southern Baptists or the Buddhists demanding membership in the Jewish War Veterans. Jewish War Veterans as a federally chartered organization have the right of freedom of association based on their spiritual beliefs.

My suggestions to those who place such an emphasis on sexual identity is to have another freely formed association, the sexual identity seekers of America. If that predicates one's world views, that is the choice. The profound intolerance of those who claim to preach tolerance is incredible. Those who would boo the scouts, and the Vice President of the United States, the standard-bearer of his party not standing foursquare for this federally chartered organization. Shame on those who bring shame to this Nation by trying to profoundly alter the Scouts.

□ 2045

Mr. CONYERS. Mr. Speaker, I yield myself 15 seconds and caution the gentleman, my friend previously in the well. I thought I saw him ripping the Constitution. If that is the case, I would urge that he not do that publicly.

Mr. Speaker, I yield 1½ minutes to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I also want to rise in opposition to this effort by the gentlewoman from California (Ms. WOOLSEY). She is a Member of Congress, elected by the people of her Congressional District, and has every right, as has every Member, to introduce any piece of legislation that she wants. She has every right to demand a vote on it.

My colleagues have every right to speak. I think it is a bit unfair to say "every Democrat." I was not watching the convention. I was not there at the convention. I do not know what might or might not have happened. So the characterization of all Democrats as being against the Boy Scouts I do not think would hold water and is a cheap shot.

I will make this observation: I do not know how many cosponsors the gentlewoman from California (Ms. WOOLSEY) has on her bill. I do know my friend and colleague, the gentleman from Mississippi (Mr. SHOWS), has over 300 cosponsors, Republicans and Democrats, trying to restore the promise of health care for our Nation's military retirees. That bill has never had a hearing, it has never had an opportunity for one vote.

If you are going to find the time as the majority to bring a bill to the floor that will probably get less than 10 votes tomorrow, that is fine. It is great that you are giving every Member that opportunity. I would ask for that same opportunity for the 300 of us, and I bet you a bunch of people on this floor are cosponsors of the Shows bill, to demand the same opportunity and privileges as Members of the House if over 300 of us have sponsored that bill. If over 300 of us think restoring the promise of health care for our Nation's military retirees, regardless of the cost, is a priority, then over 300 of us ought to have a chance to vote on it.

Mr. HUTCHINSON. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in strong opposition to the Woolsey legislation. Let me first begin by simply addressing the former speaker's remarks. Let me make it clear that I have fought for health care reform on this floor vigorously and continue to fight for it. I have a bill with many cosponsors that I cannot get brought to the floor. It is a difficult process, but I would suggest that it is a fair process.

Let me talk about the Boy Scouts. I grew up in the Boy Scouts. I was an active Boy Scout and formed an Explorer post.

That organization does more to instill the proper values in young men than any organization I know of in this Nation, and what is at issue here is not sexual orientation. What is at issue here is the First Amendment to the United States Constitution, and, thankfully, the United States Supreme Court made it clear what that amendment says. What that amendment says is private organizations, even with those with a charter, and there are others with similar charters, they have the right to define and the right to decide who should associate with those organizations.

Now, here, because of that Supreme Court decision defending the First Amendment, we see legislation attacking the Boy Scouts. I think it is a tragedy that this issue should have come up. I think it is a tragedy that some want to destroy the Boy Scouts of America and want to go after them and assert upon them and enforce upon them their "politically correct" views.

Mr. Speaker, I urge my colleagues to vote against this legislation and defend the Boy Scouts of America.

Mr. CONYERS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the Scoutmaster's Handbook emphasizes these points about being morally straight, and I quote from the United States Supreme Court decision. "In any consideration of moral fitness, a key word has to be courage, a boy's courage to do what his head and his heart tell him is right, and the courage to refuse to do what his heart and his head say is wrong. Moral fitness, like emotional fitness, will clearly present opportunities for wise guidance by an alert scoutmaster."

Then the court goes on to say, "It is plain as the light of day that neither one of these principles, morally straight and clean, quote-unquote, says the slightest thing about homosexuality. Indeed, neither term in the Boy Scouts' law and oath expresses any position whatsoever on sexual matters."

So the process we have been in today, the most unusual one that I can remember being party to on the floor, we have had a bill brought before us that was not considered by the Committee on the Judiciary or the Subcommittee on Immigration and Claims and the sponsor of the bill did not request the bill be placed on the floor. So we can assume only that it has been placed on the floor as a political stunt. I, for one, will not be a part of this cynical game.

Republicans, most of them have no intention of voting for this bill. They have no intention of getting it through the Senate. They have no intention of doing anything to come to the aid of children who are discriminated against because of their sexual orientation.

They, the leadership, have bottled up hate crimes legislation because they do not care enough about the lives of children who are victimized or killed because of their sexual orientation. They will not stand up to gay bashing. They want to do nothing except play these kinds of games, which, to me, does a great disrespect to our legislative process.

I do not believe that revoking the Federal charter of the Boy Scouts is the proper remedy at this time. Revoking the Federal charter would not have any effect on the Boy Scouts.

I urge that those who support me vote present on this matter.

Mr. HUTCHINSON. Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Mr. Speaker, I stand as an Eagle Scout in opposition to this measure.

The SPEAKER pro tempore (Mr. ISAKSON). The gentleman from Arkansas (Mr. HUTCHINSON) has 3 minutes remaining and has the right to close. All time has expired for the gentleman from Michigan (Mr. CONYERS).

Mr. HUTCHINSON. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I want to express my compliments to the gentleman from Michigan (Mr. CONYERS) for the way he has conducted this debate and the gentlewoman from California (Ms. WOOLSEY) as well. We in this body are intense, we have strong beliefs about things, but we need to be collegiate in these debates. I want to congratulate Members for the way this debate was conducted.

There was a concern raised about we are saying this is a Democratic bill. I will acknowledge there are Democrats that oppose this bill as well that will not be voting for this. This is a bill being offered certainly by your side of the aisle, and there has been expressed a great deal of concern by this administration, so I think that was the underlying reason for that reference. But certainly there will be Members from your side that oppose it.

I want Members to know that we all want to be tolerant. I believe we should practice tolerance in our lives. But, at the same time you have to balance that desire for tolerance with an understanding about freedom. Here in this case we have the Boy Scouts of America, that have served this Nation under a Federal charter for more than 80 years. I believe they have done extraordinary work.

The issue is raised about, well, there are other bills that could be considered. Maybe we would be better off bringing the bills that are offered to this floor, and this bill was offered and "Dear Colleagues" letters were sent out asking support for this bill. I think it was something that people in America were concerned about.

I have gotten letters and calls into my office about what they are doing, the attacks on the Boy Scouts of America. I think America said, what is the Congress going to do? So we stand here and say we are going to defeat this bill.

I think that is a reasonable statement, a reasonable position, for this Congress to take. Yes, we are tolerant; but, yes, we also recognize the importance of freedom. I believe that is what the Supreme Court of the United States said whenever they affirmed in a 5-4 decision the actions of the Boy Scouts of America.

I believe that is what the Attorney General of the United States was saying when she rejected the request to kick the Boy Scouts of America off of the Federal land. She says it is not a Federal activity, so if it is not a Federal activity, they have a right to make decisions that govern themselves. That is the freedom in America, that is the right to association in America. And, yes, the Boy Scouts of America do good work. I believe they are under attack, and I believe it is right for this Congress to stand here today and say we are going to vote down this and make sure it is clear to everyone in America that the Federal charter is right, it should stay there, it should be sustained, it should not be revoked.

Mr. Speaker, I ask my colleagues to defeat this bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, first let me say that the Boy Scouts of America has made a valuable contribution to our society. The Boy Scouts of America have taught America's young men the values and ideals of responsibility, leadership, accountability, and civic duty. They are known for instilling high moral values in our young men, and for being inclusive. This is why many of us were shocked when the Boy Scouts refused to be inclusive of those with a different sexual orientation.

I believe that the Boy Scouts discriminatory policy against homosexuals falls far short of the ideals it has taught generations of young men. James Dale, an Eagle Scout, was kicked out of the Boy Scouts because he attended a seminar on the needs of gays and lesbian youth. He had attained the highest honor in scouting. But they kicked him out anyway. That was wrong. James Dale, and so many others are innocent young men who should not be punished due to their sexual orientation or because they are different.

Recently, the Supreme Court held that the Boy Scouts are a private organization and, therefore, have a right to free association that allows them to discriminate against whomever they choose. But just because it is allowed, does not make it right.

Nevertheless, I must oppose this bill for two reasons:

First, I must object to the process under which we are considering this bill. This bill was not considered by the Judiciary Committee or the Immigration and Claims Subcommittee. The procedure in this case was circumvented. If this Congress is serious about dealing with confronting intolerance, then why has Hate Crimes legislation been bottled up in the House?

Second, I do not believe that revoking the federal charter of the Boy Scouts is the proper remedy at this time. A Federal Charter is conferred upon an organization to give them a imprimatur designation to say that your organization is one that has a patriotic mission and significantly contributes to the benefit of our nation, and our society. Revoking the federal charter would not have any effect on the Boy Scouts and would not help to heal the wounds of intolerance in this country. Although the revocation of a Federal Charter is merely a symbolic gesture, this certainly sets a dangerous precedent where the Congress could be in the business of revolving Federal Charters to other organizations just because we disagree with their beliefs. I certainly think this type of action should only be done if there is a full hearing.

The Congress should stand for the right of all Americans to live free from fear of harassment or violence based upon hatred of who they are. We should pass hate crimes legislation immediately.

Mr. BARR of Georgia. Mr. Speaker, I rise today in opposition to the proposed repeal of the federal charter of the Boy Scouts of America. Since its founding in 1910, the Boy Scouts of America has promoted educational programs for young men that build character, patriotism, and to develop personal fitness. Ninety million young men from every ethnic, religious, and economic background in suburbs, farms, and cities have participated in this institution, and abided by the Scout Oath and Law by staying "physically strong, mentally awake, and morally straight."

Many now wish to infringe upon this private, charitable organization, and force upon it views that run directly contrary to the traditional values of the Boy Scouts of America. As a private organization, the Boy Scouts dismissed adoption of such views, stating that they have a constitutional right "to create and interpret its own moral code." I agree with the organization's stance, and on June 28th, of this year, so did the Supreme Court, when they ruled "the First Amendment protects the Boy Scouts' method of expression."

In response to this decision, many feel the Boy Scouts must now be punished for observing their First Amendment rights of free association and free speech; a repeal of their federal charter is one such punishment.

In recent years, we have seen that many American youth live in an unhappy world—violent video games have become the new outdoors; drugs, the new game on the playgrounds; and guns, the new books brought to class. Throughout this corruption of America's children, however, the Boy Scouts of America has stood steadfast—providing our youth with a foundation of character, and a sense of value for citizenship and morality through the continuance of the Scout Oath and Law.

In a time where our nation's youth is subjected to moral and character dissolution, and we on Capitol Hill search for solutions, I cannot fathom the reasoning behind why we would want to take away the imprimatur of support that a federal charter affords to an institution that provides our youth positive guidance in a misguided world.

Mr. DINGELL. Mr. Speaker, the Republican leadership of the 106th Congress has brought some asinine proposals to the floor. A trillion-dollar tax cut for the wealthiest Americans, a prescription drug proposal that subsidizes HMOs, not seniors, and a "managed care" bill that protects the insurance industry rather than patients.

However, today marks a new low-point, even for this Congress. Mr. Speaker, today we have a bill on the floor which would revoke the Federal Charter from the Boy Scouts of America.

Let me repeat myself. Today the Congress will vote to revoke the Boy Scouts of America's Federal Charter.

Mr. Speaker this is an outrage and it must be stopped.

The Boy Scouts are an American institution and one of America's most patriotic organizations, dedicated to serving God and country. Scouts are a shining example to the world of what is good about America.

In 1916, the United States Congress granted the Boy Scouts a Federal Charter, because it recognized the valuable contributions that Scouts make to America. The Scouts are one of the most important civic institutions we have in this great nation, devoted solely to building character in boys and young men.

The Scouts have led drives to increase blood, organ and tissue donation.

They have pioneered youth anti-drug efforts.

Scouts have fought against hunger, child abuse and illiteracy.

Scouts were there for America. Yet now, the sponsors of this legislation would turn their back on the Scouts. Mr. Speaker, that is wrong.

I am proud of my association with the Boy Scouts. The Scout Troops in Michigan's 16th District have a long and distinguished tradition of community service, from Dearborn to the fine young men in Monroe. I have joined with Scouts on many occasions during my service in Congress in community efforts, from river clean-ups to assistance for the needy and less fortunate. They represent the best of what America is and strives to be.

This effort, to revoke their Federal Charger is an insult to the Scouts. It is no small wonder that the public's confidence in this body plummets each year thanks to ridiculous, unnecessary and foolish legislative endeavors such as this, which helps no one and angers many.

The Boy Scouts develop and cultivate the best characteristics of American citizenship: self-reliance, leadership, and patriotism; love of the outdoors, pride in America, conservation and individualism; Americanism, dedication to the Constitution and to the Declaration of Independence.

These are good, meritorious ideals.

For the benefit of my colleagues supporting this legislation, let me recite the Scout Law, the principles upon which Boy Scouting is based: trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean and reverent.

These are the values that this Congress should be supporting, not discouraging.

Vote no on this preposterous idea.

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today in strong support of H.R. 4892, the Scouting for All Act and I commend my colleague, Congresswoman LYNN WOOLSEY, for authoring this bill and taking a strong stand against intolerance.

The Boy Scouts of America have a long history of promoting social and civic responsibility among our nation's youth and I commend them for this. However, I am extremely disappointed in their decision to exclude potential members solely on the basis of their sexual orientation.

I support the right of private groups to determine their membership. However, since Congress would neither endorse nor charter any group that discriminates against Latinos, African Americans, women or people with physical challenges, just to name a few, Congress cannot in good conscience continue to tacitly endorse the Scouts' discriminatory policy. We believe discrimination against any of these groups is wrong and most of us here would stand up and demand that discriminatory policies be ended. The Boy Scouts must be held to the same standard and therefore Congress has the moral responsibility to revoke the group's Congressional charter.

We must remember, that discrimination is always wrong, whatever form it takes. Whether it's the policies of the Boy Scouts, a corporate employer or a social club, Congress must not condone discrimination. We must lead by example and we must send the message that Congress will not tolerate nor endorse such policies targeted at any group.

I support this bill, and I urge each of my colleagues to do the same. Congress must not lend its seal of approval to any organization which discriminates.

Mr. DUNCAN. Mr. Speaker, I rise in opposition to this bill and to voice the strongest possible support for the Boy Scouts of America.

The Boy Scouts have always emphasized God and Family and Country.

We need more organizations like the Boy Scouts, and we should be doing everything we can to support and encourage them.

I was a Criminal Court Judge for 7½ years before coming to Congress.

I was told on my first day as a Judge that 98 percent of the defendants in felony cases came from broken homes.

I read thousands of reports going into the backgrounds of the people before me. I read over and over things like: "Defendant's father left home when Defendant was two and never returned." "Defendant's father left home to get pack of cigarettes and never came back."

Several years later I read in the Washington paper that two leading criminologists had studied 11,000 felony cases from around the country.

They said the biggest single factor in serious felony crimes was father absent households.

Everything else, like drugs and alcohol, was secondary to the absent father problem.

So many young boys are growing up today without good male role models.

We need the Boy Scouts today more than ever before.

This is a time when we should be doing more for the Boy Scouts, not trying to harass and intimidate them.

We definitely should not be taking the intolerant, bigoted, "politically-correct" position of this legislation.

If this is still a free country, then the Boy Scouts should be free to operate as it has without being discriminated against as this legislation would do.

I urge all my colleagues to oppose this bill and support the Boy Scouts.

Mr. PAUL. Mr. Speaker, today, we find ourselves debating an intolerance-laden bill advanced by those who will claim to be the "tolerant" ones. What the bill's proponents are really saying is that they are intolerant of an individual's freedom to associate with those whom they, as individuals, see fit. Two vital issues are raised by this bill's ascendancy to the House floor. The first is that of our constitutional right to freedom of association. The second being the notion of "federal charters."

On June 28, the U.S. Supreme Court ruled that the Boy Scouts of America was within its rights when the private organization expelled an adult scout leader because he was gay. In its five-to-four opinion, the court found that requiring the Boy Scouts to admit homosexuals violated the group's free association rights.

Nevertheless, this Congress has decided to bring to the floor a bill attempting to penalize this private group of citizens for exercising their first amendment "freedom of association" rights. This is very close to denying the very right itself. To the extent the Boy Scouts should be penalized for their exercise of free association (or exclusion in this case), that penalty should only manifest itself through other private citizens exercising their freedom not to associate with individuals or groups whose associations (or lack therof) they find offensive.

As to the "federal charter", where do we find authority for the federal government to charter organizations it deems "honorable"? To the extent the "charter" is an honorary title awarded by Congress to organizations which is then ultimately used to threaten exercise of the right to freedom of association, I suggest we repeal not only the Boy Scout's charter but all federal charters such that they won't be used as tools of federal meddling.

While I hesitate to further propagate this system of federal charters by which the federal government manipulates private groups, I despise more so this congressional attempt to penalize the Boy Scouts for merely exercising their constitutional rights—or as syndicated columnist Charley Reese recently put it in the Orlando Sentinel:

> I think that it's time for all patriotic organizations that have these federal charters to surrender those documents. It is impossible for a dishonorable organization to honor anyone. And these charters are, practically speaking, worthless. If the federal government believes that mindless non-discrimination trumps morality, then it's time to disassociate from such bad company.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arkansas (Mr. HUTCHINSON) that the House suspend the rules and pass the bill, H.R. 4892.

The question was taken.

Mr. HUTCHINSON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECOGNIZING CONTRIBUTIONS OF THE BIRMINGHAM PLEDGE

Mr. BACHUS. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 102) recognizing that the Birmingham Pledge has made a significant contribution in fostering racial harmony and reconciliation in the United States and around the world, and for other purposes.

The Clerk read as follows:

H.J. RES. 102

Whereas Birmingham, Alabama, is an international symbol of the racial strife in the United States in the 1950's and 1960's;

Whereas out of the crucible of Birmingham's role in the civil rights movement of the 1950's and 1960's, a present-day grassroots movement, embodied in the Birmingham Pledge, has arisen to continue the effort to eliminate racial and ethnic divisions in the United States and around the world;

Whereas the Birmingham Pledge, authored by Birmingham attorney James E. Rotch, sponsored by the Community Affairs Committee of Operation New Birmingham, and promoted by a broad cross-section of the community, increases racial harmony by helping individuals communicate in a positive way concerning the Nation's diversity and by encouraging people to make a commitment to racial harmony;

Whereas the Birmingham Pledge, signed by individuals as evidence of their commitment to its message, reads as follows:

"I believe that every person has worth as an individual.

"I believe that every person is entitled to dignity and respect, regardless of race or color.

"I believe that every thought and every act of racial prejudice is harmful; if it is in my thought or act, then it is harmful to me as well as to others.

"Therefore, from this day forward I will strive daily to eliminate racial prejudice from my thoughts and actions.

"I will discourage racial prejudice by others at every opportunity.

"I will treat all people with dignity and respect; and I will strive to honor this pledge, knowing that the world will be a better place because of my effort.";

Whereas more than 70,000 people have signed the Birmingham Pledge, including the President, Members of the Congress, State Governors, State legislators, mayors, county commissioners, city council members, and other people around the world;

Whereas the Birmingham Pledge has achieved national and international recognition;

Whereas efforts to obtain signatories to the Birmingham Pledge are being organized and conducted in communities around the world;

Whereas every Birmingham Pledge signed and returned to Birmingham is recorded at the Birmingham Civil Rights Institute as a permanent testament to racial reconciliation, peace, and harmony; and

Whereas the Birmingham Pledge, the motto for which is "Sign It, Live It", is a powerful tool to facilitate dialogue on the Nation's diversity and the need for people to take personal steps to achieve racial harmony and tolerance in communities: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) the Congress—

(A) recognizes that the pledge popularly known as the Birmingham Pledge has made a significant contribution in fostering racial harmony and reconciliation in the United States and around the world; and

(B) commends the people involved with the creation of the Birmingham Pledge and signatories to the pledge for the steps they are taking to make the Nation and the world a better place for all people; and

(2) it is the sense of the Congress that a National Birmingham Pledge Week should be established.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alabama (Mr. BACHUS) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Alabama (Mr. BACHUS).

GENERAL LEAVE

Mr. BACHUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.J. Res. 102.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BACHUS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this week Birmingham, Alabama, is hosting an MSNBC and Newsweek Magazine National Conference on Race Relations. One of the highlights of this conference is the Birmingham Pledge movement.

The Birmingham Pledge is a personal commitment to work to eliminate racial division in America and around the world. Those who sign the Pledge make a personal promise to treat all individuals with dignity and respect. More than 70,000 people from every inhabited continent on the globe have signed the Birmingham Pledge. Every signed Pledge is returned to Birmingham and recorded at the Civil Rights Institute as a permanent testament to racial reconciliation, peace and harmony.

Mr. Speaker, along with my colleague, the gentleman from Alabama (Mr. HILLIARD), both of us being natives of Birmingham, Alabama, we introduced this resolution on June 14, 2000. This resolution has the support of 107 cosponsors, a bipartisan group of Members of the House.

The resolution recognizes that personal efforts, the efforts of individuals, do matter, and do make a difference in addressing racial intolerance and do contribute significantly in fostering racial harmony.

☐ 2100

As we speak, MSNBC is conducting a televised live town hall meeting on race relations from the historic 16th Street Baptist Church in Birmingham. Newsweek Magazine this week printed a special issue on diversity in America to coincide with the Birmingham Summit.

The resolution before us recognizes that the Birmingham Pledge is making a significant contribution in fostering racial harmony. It commends those involved with the creation of the pledge, including Jim Rotch, who authored the pledge, and those who have signed it. It expresses the sense of Congress that a National Birmingham Pledge Week should be established.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, I think it is appropriate to commend the gentleman from Alabama (Mr. HILLIARD), with whom I have worked very closely in the Congressional Black Caucus, and the gentleman from Alabama (Mr. BACHUS), with whom I have worked very closely on the House Committee on the Judiciary on a number of measures.

This is a unique, ingenious way that continues the ability of America to help recognize that racial prejudice is something that we still can deal with in many creative, small ways. So House Joint Resolution 102 recognized that this ingenious notion, the Birmingham Pledge, can make an important contribution in fostering and promoting racial equality. It is a symbol of how far we have come and how far we have to go in the struggle for civil rights equality for all Americans.

Because Birmingham, Alabama, occupies a unique and important place in the history of civil rights in America, for these two Members from the State of Alabama to come forward where we have had in the past the images of police dogs, fire hoses, racial strife, Dr. King's letter from a Birmingham jail, all makes it so important that from Alabama and now from around the Nation, signatures are pouring in. I understand that more than 60,000 have taken place already, and that President Clinton and the First Lady have all been signatories.

So, Mr. Speaker, I think it is important as I conclude that if we pledge our belief today that every thought and every act of racial prejudice is harmful, then we should let our actions speak louder than our words and pass a hate crimes legislation bill that has come from the Committee on the Judiciary.

Mr. Speaker, I reserve the balance of my time, and I ask unanimous consent that the gentleman from Alabama (Mr. HILLIARD) be the manager of this bill from this point forward.

The SPEAKER pro tempore (Mr. ISAKSON). Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HILLIARD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to call upon Congress to pass this resolution recognizing the Birmingham Pledge. The Birmingham Pledge is an effort of the Birmingham community to recognize the dignity and worth of every individual and to share with the world our community's commitment to eliminate racial prejudice in the lives of all people. It is a personal daily commitment to remove prejudice from our own lives as well as the lives of others and to treat all persons with respect.

The gentleman from Alabama (Mr. BACHUS) and I proposed this resolution together, bringing to this Nation the rich heritage that we represent in Birmingham, Alabama. I would say it has been in the center of the struggle for American freedom. It was here that our citizens fought nonviolently the violent, racist, hate-mongering police commissioner Eugene "Bull" Connor and won. The remnants of that racism has impacted our society for far too long. Now is the time to change the social condition for all citizens and bring new life to the American dream.

It was here in Birmingham, Alabama, 16 years later that Birmingham elected its first black mayor who recently retired after 20 years of leading our city from hate, racism, poverty, and unemployment into becoming one of the leading citizens in America in human relations. Birmingham has developed and sustained an economy which includes many more people than ever before. We have one of the lowest unemployment rates in the Nation. But it also has changed in terms of its human relations factors, and it is a positive one. It is one that we wish to share with all Americans.

Even with our great history, people in Birmingham forget how we got where we are today; and because of that, the loss of our understanding of this exodus is destructive. We need to find out where we have been. We need to remember in order to realize where we must go.

This pledge can renew our memories and renew our commitment to a world without the kind of hate which has, for so long, ripped out the heart of our city and our Nation. I cannot tell my colleagues how strongly I recommend this resolution to all of us to sign, and I call upon all of us to support it today, by our votes; but I also ask each one of my colleagues to seek signatures from their constituents and, most importantly, to live the pledge.

Mr. Speaker, I reserve the balance of my time.

Mr. BACHUS. Mr. Speaker, I yield myself such time as I may consume.

In considering this resolution, we should all keep in mind one thing: we are not born with prejudice or bigotry. These are things that are learned. In fact, psychologists call it learned behavior. By word or by action, we teach our children daily. We teach them either to be tolerant or to be intolerant, to have prejudice or bias against people because of their race, or origin, or not to be. We teach them these things many times even before they are old enough to choose for themselves. We can teach our children to love, or we can teach our children to hate. Intolerance is learned. Therefore, it can be unlearned. The pledge can be a part of that process.

This is the message we will send to Americans today about race relations. Each of us needs to take personal responsibility to conduct ourselves in a way that will achieve greater racial harmony in our own communities. It has been said that events in Birmingham during the early 1960s, and my colleague referred to many of those, stirred the conscience of the Nation and influenced the course of civil rights around the world.

I know of no city that has worked harder to overcome its missteps and its mistakes than my native city, Birmingham. The Birmingham that has emerged is one built upon a foundation of racial sensitivity and strength and diversity. Today's Birmingham is dedicated not only to preserving the history of its struggle, but, more importantly, to ending racial intolerance, bigotry and prejudice, not only in Birmingham, but around the world.

Mr. Speaker, by passing House Resolution 102, the House will show its support for this commendable effort. In closing, I urge all of my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. HILLIARD. Mr. Speaker, I yield myself such time as I may consume.

I would like to recite the Birmingham Pledge:

> I believe that every person has worth as an individual.
>
> I believe that every person is entitled to dignity and our respect, regardless of race or color.
>
> I believe that every thought and every act of racial prejudice is harmful; if it is my thought or act, then it is harmful to me as well as to others.
>
> Therefore, from this day forward I will strive daily to eliminate racial prejudice from my thoughts and actions.
>
> I will discourage racial prejudice by others at every opportunity.
>
> I will treat all people with dignity and respect; and I will strive daily to honor this pledge, knowing that the world will be a better place because of my effort.

Mr. Speaker, this is the Birmingham Pledge. I urge my colleagues to sign it, to vote for it, and to live it.

Mr. Speaker, I yield back the balance of my time.

Mr. BACHUS. Mr. Speaker, I join my colleague from Birmingham in inviting all Members not only to support this resolution, but to support this pledge and to live this pledge on a daily basis.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alabama (Mr. BACHUS) that the House suspend the rules and pass the joint resolution, H.J. Res. 102.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

A motion to reconsider was laid on the table.

HONORING THE SERVICE AND SACRIFICE OF THE UNITED STATES MERCHANT MARINE

Mr. KUYKENDALL. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 327) honoring the service and sacrifice during periods of war by members of the United States merchant marine.

The Clerk read as follows:

H. CON. RES. 327

Whereas throughout the history of the United States, the United States merchant marine has served the Nation during periods of war;

Whereas vessels of the United States merchant marine fleet, such as the S.S. LANE VICTORY, provided critical logistical support to the Armed Forces by carrying equipment, supplies, and personnel necessary to maintain war efforts;

Whereas numerous members of the United States merchant marine have died to secure peace and freedom; and

Whereas at a time when the people of the United States are recognizing the contributions of the Armed Forces and civilian personnel to the national security, it is appropriate to recognize the service of the United States merchant marine: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) honors the service and sacrifice during periods of war by members of the United States merchant marine;

(2) recognizes the critical role played by vessels of the United States merchant marine fleet, such as the S.S. LANE VICTORY, in transporting equipment, supplies, and personnel necessary to support war efforts; and

(3) encourages—

(A) the American people, through appropriate ceremonies and activities, to recognize and commemorate the service and sacrifices of the United States merchant marine; and

(B) all government agencies to take appropriate steps to commemorate the United States merchant marine.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. KUYKENDALL) and the gentleman from Mississippi (Mr. TAYLOR) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. KUYKENDALL).

GENERAL LEAVE

Mr. KUYKENDALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. KUYKENDALL. Mr. Speaker, I yield myself such time as I may consume.

The merchant marines have served this country since the birth of our Nation. Many people do not think of that. They are most frequently remembered as the World War II veterans because of the great significance they played in that conflict. However, beginning as early as 1775, the merchant marine was actually the first military force we used to defeat the British Navy with. During that time period, they became our first Navy: merchant vessels with guns on them. They brought critical supplies to fight for our independence.

If we go on to the next century in the 1800s, between 1812, the War of 1812, and the first World War, they participated in not only that War of 1812, but also the Civil War, the Spanish American War, and delivered doughboys to Europe and their supplies to go with them.

In 1936, the Merchant Marine Act was passed by Congress which established the United States merchant marine "as a naval or military auxiliary in time of war or national emergency." From 1941 to 1946, during World War II, merchant marines took part in all invasions. Merchant marine casualties were the highest in any service: 1 in 29. One in 29 people that served became a casualty. Statistics were so important in keeping track of the losses that during World War II we kept secret merchant marine losses because in some weeks we were losing over 30 vessels a week being sunk, between ours and allied forces around the world, and we would never be able to report that and still have men sign up to be a merchant seaman. By 1946, allied leaders planning the invasions of Japan had the merchant marine assigned a critical role in order to move millions of men and their material.

Again, the merchant marine after the war, World War II, came out in the Korean War and they supported that operation. They supported the Vietnam War in 1961 to 1973; and today they serve, even today, supplying troops in Bosnia as well as our earlier conflicts in the 1990s, the Persian Gulf War.

Merchant marines provide a service which is critical to every war effort. To tell my colleagues how critical it is, in World War II, the average soldier, depending upon his job, required somewhere between seven and 15 tons of material to supply them for 1 year. One soldier for 1 year, seven to 15 tons. That does not get delivered by airplanes; it gets delivered by ships all over the world. In fact, on average, in 1945, every hour there were 17 million pounds of cargo being delivered by the merchant marine in support of our war effort.

In 1965, skipping ahead now to Vietnam, we had 300 freighters and tankers supplying the United States military efforts, and on average, on average, we had 75 ships and over 3,000 merchant mariners in Vietnamese ports at any given time. Da Nang Harbor was the home of the Marine Amphibious Force Logistic Command, and in support of 81,000 Marines in Vietnam, that command brought 96 percent of the war material needed for the Marine forces there.

□ 2115

That included everything from tanks to food.

Merchant marines have served as civilians, but routinely go in harm's way in the conduct of their service. Here I am going to quote from B.D. Hammer in an article he wrote in the New York Daily News on May 20, talking about war heroes in the merchant marines:

> All volunteers, these seafarers came from every vocation, level of education, ethnicity, and faith. Some were teens, and some were senior citizens. Many were deemed unfit for military service. Yet the merchant marine traveled across the oceans of the world, often without proper protection, to every battlefront, every invasion of a beachhead that this Nation called it to.

Again, one in 29 mariners who served aboard merchant ships in World War II died in the line of duty. Some of those casualties: There were 8,651 mariners killed in World War II, U.S. mariners. One hundred forty-two of those were cadets from the U.S. Merchant Marine Academy. They were college kids. We all nominate people to the U.S. Merchant Marine Academy, and that academy is the only service academy, of the five that we have, that is authorized to carry a battle standard. They sent cadets to go fight the war.

We had 11,000 wounded, 1,100 more died of wounds ashore, and 604 men and women were taken prisoner while serving as merchant marines. Sixty of them died in prison camp. We have about 500 more Americans who died in service while serving on allied vessels, 500 more. We had people die in the Vietnam War serving in the merchant marine, and many more injured due to actions around them.

As a nation, we must remain committed to maintaining a strong merchant marine. It is the greatest insurance we will have that we will always be able to deliver our men and materiel wherever in the world they are needed. We need a strong Merchant Marine Academy to train them, we need a strong shipbuilding industry to build their vessels, and we need to recognize the service of those who gave their lives in times of war.

The merchant marines have been part of America's history since we became a nation. They are most frequently remembered for World War II action because of the publicity of that event. Today, we have a few remaining even from that war, and we should seek even more recognition as they gradually pass on.

I urge the passage of this resolution, Mr. Speaker, and I reserve the balance of my time.

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am a fill-in tonight for our ranking member, the gentleman from Guam (Mr. UNDERWOOD), who was called away because of a family emergency, so the words I am going to read tonight are his, not mine.

Mr. Speaker, I rise today in strong support of House Concurrent Resolution 327, a resolution which would honor and recognize our merchant marines.

I would first like to thank the gentleman from California (Mr. KUYKENDALL) for introducing this important resolution. I am a proud cosponsor of this legislation, which seeks to ensure that our merchant marines receive the recognition that they long deserve.

The merchant marines, our first Navy, were instrumental in defeating the British Navy during the Revolutionary War. Highly outnumbered, these brave seamen contributed to the very birth and founding of our Republic by preying on the vast arsenal of British enemy ships and carrying critical supplies to assist in America's battle for independence.

Since 1775, the merchant marines have served our country in all wars up to the Persian Gulf War. Whether carrying imports or exports during peacetime, or serving as naval auxiliary during wartime delivering troops and war material, the merchant marine provides an essential service to the wellbeing of our Nation.

Long called our Nation's fourth arm of defense, the merchant marines have always answered the call to duty. During World War II, the merchant marine was responsible for delivering not only our troops, but 95 percent of the supplies that our military forces needed to defeat our enemies in both Europe and in the Pacific. These merchant seamen were at constant risk of having their ship sunk by enemy submarines.

As a result of their bravery, the merchant marines had higher casualty percentages than any branch of the Armed Forces. During World War II, one in every 29 mariners perished. Eight thousand, six hundred 51 mariners were killed at sea, and an additional 11,000 wounded.

Due to the security and intelligence concerns surrounding our war effort, merchant marine ship casualties were constantly underestimated. Unfortunately, this resulted in inadvertently denying the American people the knowledge of the sacrifices and accomplishments of the merchant marines. Unknown to many Americans, these courageous seamen suffered incredible losses in moving heavy equipment, troops, arms, ammunition, and fuel across thousands of miles of hostile seas.

Today, House Concurrent Resolution 327 will finally honor their dedication and sacrifice by recognizing their utter devotion to duty.

Congress has acted in the past regarding the merchant marine. The Merchant Marine Act of 1936 officially established the merchant marine as a naval or military auxiliary in time of war or national security. Furthermore, in 1988, merchant marines who sailed on ocean-going vessels from December 7, 1941, through August 15 of 1945 were granted veteran status.

Today the men and women of the merchant marine continue to serve with honor. As Members of Congress, we need to continue to educate the American people about the importance and the achievements of the merchant marine. House Concurrent Resolution 327 serves this purpose.

I urge all Members to support this important legislation in an effort to ensure that our merchant marines receive the recognition and honor they deserve for sacrificing so much to our Nation.

Mr. Speaker, having read the remarks of the gentleman from Guam (Mr. UNDERWOOD), I would also say that the best way we can honor our merchant marines is to continue to have a strong American merchant marine. The way we can do that is to continue to protect the Jones Act, continue to emphasize American shipbuilding, and to continue to, when possible, give priority to American-made products that help in our national defense.

I want to thank the gentleman from California (Mr. KUYKENDALL) for doing this. Again, I want to apologize for the absence of the gentleman from Guam (Mr. UNDERWOOD), but there was a family emergency.

Mr. Speaker, I yield back the balance of my time.

Mr. KUYKENDALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are entering an era of great peace which we have been in for the last few years, and we have a large contingent of our veterans, in this case merchant marines, who have never been properly recognized. Their job was secret, in many cases, particularly the loss of their lives and the ships they sailed in during World War II, so the important role they played was even more removed from the public.

Now, as they in great numbers begin to fade away, their importance has by no means faded. We still need that merchant fleet. We still need merchant seamen trained to run civilian ships to haul our materiel wherever it needs to be hauled in support of our Nation's activities.

Part of the greatness of a nation is how we recognize those who give of themselves in its defense and in its pursuits around the world. In this case, this group has been overlooked too long, and it should be recognized.

I urge my colleagues to vote yes to recognize the merchant marines for their actions from the inception of our Nation to today.

Mr. BUYER. Mr. Speaker, I rise today as a co-sponsor of H. Con. Res. 327 and as one who appreciates the vital contribution that merchant mariners have made to the security and well-being of our sea-faring nation.

Since 1775, the Merchant Marine has linked the United States in commerce with trading partners all over the world. In wartime, merchant seamen have served with valor and distinction. During World War II, 6,000 merchant mariners, including 142 Kings Point cadets, made the ultimate sacrifice. Despite this terrible cost, the Merchant Marine never faltered in its mission.

Today's merchant mariners continue their predecessors' legacy of dedication and patriotism. Many of these great Americans begin their careers at the U.S. Merchant Marine Academy in Kings Point, New York.

Since 1938, Kings Point has prepared cadets to serve as officers in the Merchant Marine. Recognized as leaders in the maritime industry, Kings Point graduates represent every state and territory in the union. Rear Admiral Joe Stewart and his staff are to be commended for continuing the tradition of excellence at Kings Point.

After World War II, President Franklin D. Roosevelt said, "Mariners have . . . delivered the goods when and where needed . . . across every ocean in the . . . most difficult and dangerous job ever undertaken." I urge my colleagues to honor the contribution of the Merchant Marine by voting "yes" on H. Con. Res. 327.

Mr. KUYKENDALL. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from California (Mr. KUYKENDALL) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 327.

The question was taken.

Mr. KUYKENDALL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

LITERACY INVOLVES FAMILIES TOGETHER ACT

Mr. GOODLING. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3222) to amend the Elementary and Secondary Education Act of 1965 to improve literacy through family literacy projects, as amended.

The Clerk read as follows:

H.R. 3222

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Literacy Involves Families Together Act".

TITLE I—FAMILY LITERACY

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Section 1002(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6302(b)) is amended by striking "$118,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years." and inserting "$250,000,000 for fiscal year 2001.".

SEC. 102. IMPROVING BASIC PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES.

Section 1111(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(c)) is amended—

(1) in paragraph (5), by striking "and" at the end;

(2) in paragraph (6), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(7) the State educational agency will encourage local educational agencies and individual schools participating in a program assisted under this part to offer family literacy services (using funds under this part), if the agency or school determines that a substantial number of students served under this part by the agency or school have parents who do not have a high school diploma or its recognized equivalent or who have low levels of literacy.".

SEC. 103. EVEN START FAMILY LITERACY PROGRAMS.

(a) PART HEADING.—The part heading for part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6361 et seq.) is amended to read as follows:

"PART B—WILLIAM F. GOODLING EVEN START FAMILY LITERACY PROGRAMS".

(b) STATEMENT OF PURPOSE.—Section 1201 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6361) is amended—

(1) in paragraph (1), by inserting "high quality" after "build on"; and

(2) by amending paragraph (2) to read as follows:

"(2) promote the academic achievement of children and adults;";

(3) by striking the period at the end of paragraph (3) and inserting "; and"; and

(4) by adding at the end the following:

"(4) use instructional programs based on scientifically based reading research (as defined in section 2252) and the prevention of reading difficulties for children and, to the extent such research is available, scientifically based reading research (as so defined) for adults.".

(c) PROGRAM AUTHORIZED.—

(1) RESERVATION FOR MIGRANT PROGRAMS, OUTLYING AREAS, AND INDIAN TRIBES.—Section 1202(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6362(a)) is amended—

(A) in paragraph (1), in the matter preceding subparagraph (A), by inserting "(or, if such appropriated amount exceeds $200,000,000, 6 percent of such amount)" after "1002(b)";

(B) in paragraph (2), by striking "If the amount of funds made available under this subsection exceeds $4,600,000." and inserting "After the date of the enactment of the Literacy Involves Families Together Act,"; and

(C) by adding at the end the following:

"(3) COORDINATION OF PROGRAMS FOR AMERICAN INDIANS.—The Secretary shall ensure that programs under paragraph (1)(C) are coordinated with family literacy programs operated by the Bureau of Indian Affairs in order to avoid duplication and to encourage the dissemination of information on high quality family literacy programs serving American Indians.".

(2) RESERVATION FOR FEDERAL ACTIVITIES.—Section 1202(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6362(b)) is amended to read as follows:

"(b) RESERVATION FOR FEDERAL ACTIVITIES.—

"(1) EVALUATION, TECHNICAL ASSISTANCE, PROGRAM IMPROVEMENT, AND REPLICATION ACTIVITIES.—From amounts appropriated under section 1002(b), the Secretary may reserve not more than 3 percent of such amounts for purposes of—

"(A) carrying out the evaluation required by section 1209; and

"(B) providing, through grants or contracts with eligible organizations, technical assistance, program improvement, and replication activities.

"(2) RESEARCH.—In the case of fiscal years 2001 through 2004, if the amounts appropriated under section 1002(b) for any of such years exceed such amounts appropriated for the preceding fiscal year, the Secretary shall reserve from such excess amount $2,000,000 or 50 percent, whichever is less, to carry out section 1211(b).".

(d) RESERVATION FOR GRANTS.—Section 1202(c)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6362(c)(1)) is amended—

(1) by striking "From funds reserved under section 2260(b)(3), the Secretary shall award grants,", and inserting "For any fiscal year for which at least one State applies and qualifies and for which the amount appropriated under section 1002(b) exceeds the amount appropriated under such section for the preceding fiscal year, the Secretary shall reserve, from the amount of such excess remaining after the application of subsection (b)(2), the amount of such remainder or $1,000,000, whichever is less, to award grants,"; and

(2) by adding at the end "No State may receive more than one grant under this subsection.".

(e) ALLOCATIONS.—Section 1202(d)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6362(d)(2)) is amended by striking "that section" and inserting "that part".

(f) DEFINITIONS.—Section 1202(e) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6362(e)) is amended—

(1) in paragraph (1)(B), by striking "or" after "higher education," and inserting "a religious organization, or"; and

(2) in paragraph (2), by striking "nonprofit organization" and inserting "nonprofit organization, including a religious organization,".

(g) SUBGRANTS FOR LOCAL PROGRAMS.—Section 1203(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6363(b)(2)) is amended to read as follows:

"(2) MINIMUM SUBGRANT AMOUNTS.—

"(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), no State shall award a subgrant under paragraph (1) in an amount less than $75,000.

"(B) SUBGRANTEES IN NINTH AND SUCCEEDING YEARS.—No State shall award a subgrant under paragraph (1) in an amount less than $52,500 to an eligible entity for a fiscal year to carry out an Even Start program that is receiving assistance under this part or its predecessor authority for the ninth (or any subsequent) fiscal year.

"(C) EXCEPTION FOR SINGLE SUBGRANT.—A State may award one subgrant in each fiscal year of sufficient size, scope, and quality to be effective in an amount less than $75,000 if, after awarding subgrants under paragraph (1) for such fiscal year in accordance with subparagraphs (A) and (B), less than $75,000 is available to the State to award such subgrants.".

(h) USES OF FUNDS.—Section 1204 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6364) is amended—

(1) in subsection (a), by striking "family-centered education programs" and inserting "family literacy services"; and

(2) by adding at the end the following:

"(c) USE OF FUNDS FOR FAMILY LITERACY SERVICES.—

"(1) IN GENERAL.—States may use a portion of funds received under this part to assist eligible entities receiving a subgrant under section 1203(b) in improving the quality of family literacy services provided under Even Start programs under this part, except that in no case may a State's use of funds for this purpose for a fiscal year result in a decrease from the level of activities and services provided to program participants in the preceding year.

"(2) PRIORITY.—In carrying out paragraph (1), a State shall give priority to programs that were of low quality, as evaluated based on the indicators of program quality developed by the State under section 1210.

"(3) TECHNICAL ASSISTANCE TO HELP LOCAL PROGRAMS RAISE ADDITIONAL FUNDS.—In carrying out paragraph (1), a State may use the funds referred to in such paragraph to provide technical assistance to help local programs of demonstrated effectiveness to access and leverage additional funds for the purpose of expanding services and reducing waiting lists.

"(4) TECHNICAL ASSISTANCE AND TRAINING.—Assistance under paragraph (1) shall be in the form of technical assistance and training, provided by a State through a grant, contract, or cooperative agreement with an entity that has experience in offering high quality training and technical assistance to family literacy providers.".

(i) PROGRAM ELEMENTS.—Section 1205 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6365) is amended—

(1) by redesignating paragraphs (9) and (10) as paragraphs (13) and (14), respectively;

(2) by redesignating paragraphs (5) through (8) as paragraphs (6) through (9), respectively;

(3) by inserting after paragraph (4) the following:

"(5) with respect to the qualifications of staff the cost of whose salaries are paid, in whole or in part, with Federal funds provided under this part, ensure that—

"(A) not later than 4 years after the date of the enactment of the Literacy Involves Families Together Act—

"(i) a majority of the individuals providing academic instruction—

"(I) shall have obtained an associate's, bachelor's, or graduate degree in a field related to early childhood education, elementary school education, or adult education; or

"(II) shall meet qualifications established by the State for early childhood education, elementary school education, or adult education provided as part of an Even Start program or another family literacy program;

"(ii) the individual responsible for administration of family literacy services under this part has received training in the operation of a family literacy program; and

"(iii) paraprofessionals who provide support for academic instruction have a high school diploma or its recognized equivalent; and

"(B) beginning on the date of the enactment of the Literacy Involves Families Together Act, all new personnel hired to provide academic instruction—

"(i) have obtained an associate's, bachelor's, or graduate degree in a field related to early childhood education, elementary school education, or adult education; or

"(ii) meet qualifications established by the State for early childhood education, elementary school education, or adult education provided as part of an Even Start program or another family literacy program;";

(4) by inserting after paragraph (9) (as so redesignated by paragraph (2)) the following:

"(10) use instructional programs based on scientifically based reading research (as defined in section 2252) for children and, to the extent such research is available, for adults;

"(11) encourage participating families to attend regularly and to remain in the program a sufficient time to meet their program goals;

"(12) include reading readiness activities for preschool children based on scientifically based reading research (as defined in section 2252) to ensure children enter school ready to learn to read;"; and

(5) in paragraph (14) (as so redesignated), by striking "program." and inserting "program to be used for program improvement.".

(j) ELIGIBLE PARTICIPANTS.—Section 1206 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6366) is amended—

(1) in subsection (a)(1)(B) by striking "part;" and inserting "part, or who are attending secondary school;"; and

(2) in subsection (b), by adding at the end the following:

"(3) CHILDREN 8 YEARS OF AGE OR OLDER.—If an Even Start program assisted under this part collaborates with a program under part A, and funds received under such part A program contribute to paying the cost of providing programs under this part to children 8 years of age or older, the Even Start program, notwithstanding subsection (a)(2), may permit the participation of children 8 years of age or older.".

(k) PLAN.—Section 1207(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6367(c)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by inserting "and continuous improvement" after "plan of operation";

(B) in subparagraph (A), by striking "goals;" and inserting "objectives, strategies to meet such objectives, and how they are consistent with the program indicators established by the State;";

(C) in subparagraph (E), by striking "and" at the end;

(D) in subparagraph (F)—

(i) by striking "Act, the Goals 2000: Educate America Act," and inserting "Act"; and

(ii) by striking the period at the end and inserting "; and"; and

(E) by adding at the end the following:

"(G) a description of how the plan provides for rigorous and objective evaluation of progress toward the program objectives described in subparagraph (A) and for continuing use of evaluation data for program improvement."; and

(2) in paragraph (2), in the matter preceding subparagraph (A), by striking "(1)(A)" and inserting "(1)".

(l) Award of Subgrants.—Section 1208 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6368) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(B)—

(i) by striking "including a high" and inserting "such as a high"; and

(ii) by striking "part A;" and inserting "part A, a high number or percentage of parents who have been victims of domestic violence, or a high number or percentage of parents who are receiving assistance under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.);";

(B) in paragraph (1)(F), by striking "Federal" and inserting "non-Federal";

(C) in paragraph (1)(H), by inserting "family literacy projects and other" before "local educational agencies"; and

(D) in paragraph (3), in the matter preceding subparagraph (A), by striking "one or more of the following individuals:" and inserting "one individual with expertise in family literacy programs, and may include other individuals, such as one or more of the following:"; and

(2) in subsection (b)—

(A) by striking paragraph (3) and inserting the following:

"(3) Continuing eligibility.—In awarding subgrant funds to continue a program under this part after the first year, the State educational agency shall review the progress of each eligible entity in meeting the objectives of the program referred to in section 1207(c)(1)(A) and shall evaluate the program based on the indicators of program quality developed by the State under section 1210."; and

(B) by amending paragraph (5)(B) to read as follows:

"(B) The Federal share of any subgrant renewed under subparagraph (A) shall be limited in accordance with section 1204(b).".

(m) Research.—Section 1211 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6369b) is amended—

(1) in subsection (b), by striking "subsection (a)" and inserting "subsections (a) and (b)";

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following:

"(b) Scientifically Based Research on Family Literacy.—

"(1) In general.—From amounts reserved under section 1202(b)(2), the National Institute for Literacy shall carry out research that—

"(A) is scientifically based reading research (as defined in section 2252); and

"(B) determines—

"(i) the most effective ways of improving the literacy skills of adults with reading difficulties; and

"(ii) how family literacy services can best provide parents with the knowledge and skills they need to support their children's literacy development.

"(2) Use of expert entity.—The National Institute for Literacy shall carry out the research under paragraph (1) through an entity, including a Federal agency, that has expertise in carrying out longitudinal studies of the development of literacy skills in children and has developed effective interventions to help children with reading difficulties.".

(n) Treatment of Religious Organizations.—Part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6361 et seq.) is amended by adding at the end the following:

"SEC. 1213. RELIGIOUS ORGANIZATIONS.

"(a) Religious Organizations Included as Partnership Participants.—In carrying out this part, the Secretary, and any grantee or subgrantee receiving assistance under this part, shall treat religious organizations the same as other nongovernmental organizations, so long as this part is implemented in a manner consistent with the Establishment Clause and the Free Exercise Clause of the first amendment to the Constitution. The Secretary, and any grantee or subgrantee receiving assistance under this part, shall not discriminate against an organization that participates in a partnership that is an eligible entity receiving assistance under this part, or an organization that participates in a partnership that is applying to receive such assistance, on the basis that the organization has a religious character.

"(b) Religious Character and Independence.—

"(1) In general.—A religious organization that participates in a partnership that is an eligible entity receiving assistance under this part, or that participates in a partnership that is applying to receive such assistance, shall retain its religious character and control over the definition, development, practice, and expression of its religious beliefs.

"(2) Additional safeguards.—Neither the Federal Government nor a State or local government shall require a religious organization—

"(A) to alter its form of internal governance; or

"(B) to remove religious art, icons, scripture, or other symbols;

in order to be eligible to participate in a partnership that is an eligible entity receiving assistance under this part or to participate in a partnership that is applying to receive such assistance.

"(3) Employment practices.—A religious organization's exemption provided under section 702 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-1) regarding employment practices shall not be affected by its participation in, or receipt of funds from, a program under this part.

"(c) Limitations on Use of Funds for Certain Purposes.—No funds provided to a religious organization under this part or section 1002(b) shall be expended for sectarian worship or instruction or proselytization.

"(d) Prohibition on Serving as Fiscal Agent.—A religious organization may not serve as a fiscal agent for a partnership that is an eligible entity receiving a subgrant under this part.

"(e) Nondiscrimination Against Beneficiaries.—A religious organization shall not discriminate against an individual, in regard to rendering services under this part, on the basis of religion, a religious belief, or refusal actively to participate in a religious practice.

"(f) Federal Financial Assistance.—For purposes of any Federal, State, or local law, receipt of financial assistance under this part or section 1002(b) shall constitute receipt of Federal financial assistance or aid.

"(g) Fiscal Accountability.—

"(1) In general.—Except as provided in paragraph (2), any religious organization providing services under this part shall be subject to the same regulations as other entities providing services under this part to account in accord with generally accepted auditing principles.

"(2) Limited audit.—If such organization segregates Federal funds provided under this part into a separate account or accounts, then only the Federal funds used to provide services shall be subject to audit.

"(h) Treatment of Program Participants.—

"(1) In general.—An eligible entity may not subject a participant in an Even Start program assisted under this part, during such program, to sectarian worship or instruction or proselytization.

"(2) Construction.—Paragraph (1) shall not be construed to affect any program that is not an Even Start program (regardless of whether it is carried out before, after, or at the same time as an Even Start program).

"SEC. 1214. PROHIBITION ON VOUCHERS OR CERTIFICATES.

"Notwithstanding any other provision of this Act, no services under this part may be provided through voucher or certificate.".

SEC. 104. EDUCATION OF MIGRATORY CHILDREN.

Section 1304(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6394(b)) is amended—

(1) in paragraph (5), by striking "and" at the end;

(2) in paragraph (6), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(7) a description of how the State will encourage programs and projects assisted under this part to offer family literacy services if the program or project serves a substantial number of migratory children who have parents who do not have a high school diploma or its recognized equivalent or who have low levels of literacy.".

SEC. 105. DEFINITIONS.

(a) In General.—Section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801) is amended—

(1) by redesignating paragraphs (15) through (29) as paragraphs (16) through (30), respectively; and

(2) by inserting after paragraph (14) the following:

"(15) Family literacy services.—The term 'family literacy services' means services provided to participants on a voluntary basis that are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in a family, and that integrate all of the following activities:

"(A) Interactive literacy activities between parents and their children.

"(B) Training for parents regarding how to be the primary teacher for their children and full partners in the education of their children.

"(C) Parent literacy training that leads to economic self-sufficiency.

"(D) An age-appropriate education to prepare children for success in school and life experiences.".

(b) Conforming Amendments.—

(1) Even start family literacy programs.—Section 1202(e) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6362(e)) is amended—

(A) by striking paragraph (3); and

(B) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(2) Reading and literacy grants.—Section 2252 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6661a) is amended—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively.

SEC. 106. INDIAN EDUCATION.

(a) Early Childhood Development Program.—Section 1143 of the Education

Amendments of 1978 (25 U.S.C. 2023) is amended—

(1) in subsection (b)(1), in the matter preceding subparagraph (A)—

(A) by striking "(f)" and inserting "(g)"; and

(B) by striking "(e))" and inserting "(f))";

(2) in subsection (d)(1)—

(A) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(B) by inserting after subparagraph (C) the following:

"(D) family literacy services,";

(3) in subsection (e), by striking "(f)," and inserting "(g),";

(4) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(5) by inserting after subsection (d) the following:

"(e) Family literacy programs operated under this section, and other family literacy programs operated by the Bureau of Indian Affairs, shall be coordinated with family literacy programs for American Indian children under part B of title I of the Elementary and Secondary Education Act of 1965 in order to avoid duplication and to encourage the dissemination of information on quality family literacy programs serving American Indians.".

(b) Definitions.—Section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026) is amended—

(1) by redesignating paragraphs (7) through (14) as paragraphs (8) through (15), respectively; and

(2) by inserting after paragraph (6) the following:

"(7) the term 'family literacy services' has the meaning given such term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801);".

TITLE II—INEXPENSIVE BOOK DISTRIBUTION PROGRAM

SEC. 201. INEXPENSIVE BOOK DISTRIBUTION PROGRAM FOR READING MOTIVATION.

(a) Authorization.—Section 10501(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8131(a)) is amended by striking "books to students, that motivate children to read." and inserting "books to young and school-aged children that motivate them to read.".

(b) Requirements of Contract.—Section 10501(b)(4) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8131(b)(4)) is amended by inserting "training and" before "technical assistance".

(c) Authorization of Appropriations.—Section 10501(e) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8131(e)) is amended—

(1) by striking "$10,300,000 for fiscal year 1995" and inserting "$20,000,000 for fiscal year 2000"; and

(2) by striking "four" and inserting "five".

(d) Statement of Purpose.—Section 10501 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8131) is amended—

(1) by redesignating subsections (d) and (e) as subsections (g) and (h), respectively;

(2) by redesignating subsections (a) through (c) as subsections (b) through (d), respectively; and

(3) by inserting after the section heading the following:

"(a) Purpose.—The purpose of this program is to establish and implement a model partnership between a governmental entity and a private entity, to help prepare young children for reading, and motivate older children to read, through the distribution of inexpensive books. Local reading motivation programs assisted under this section shall use such assistance to provide books, training for volunteers, motivational activities, and other essential literacy resources, and shall assign the highest priority to serving the youngest and neediest children in the United States.".

(e) New Provisions.—Section 10501 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8131) is amended by inserting before subsection (g) (as so redesignated by subsection (d)) the following:

"(e) Special Rules for Certain Subcontractors.—

"(1) Funds from other Federal sources.—Subcontractors operating programs under this section in low-income communities with a substantial number or percentage of children with special needs, as described in subsection (c)(3), may use funds from other Federal sources to pay the non-Federal share of the cost of the program, if those funds do not comprise more than 50 percent of the non-Federal share of the funds used for the cost of acquiring and distributing books.

"(2) Waiver authority.—Notwithstanding subsection (c), the contractor may waive, in whole or in part, the requirement in subsection (c)(1) for a subcontractor, if the subcontractor demonstrates that it would otherwise not be able to participate in the program, and enters into an agreement with the contractor with respect to the amount of the non-Federal share to which the waiver will apply. In a case in which such a waiver is granted, the requirement in subsection (c)(2) shall not apply.

"(f) Multi-Year Contracts.—The contractor may enter into a multi-year subcontract under this section, if—

"(1) the contractor believes that such subcontract will provide the subcontractor with additional leverage in seeking local commitments; and

"(2) the subcontract does not undermine the finances of the national program.".

SEC. 202. EFFECTIVE DATE.

The amendments made by section 201 shall take effect on October 1, 2000.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. Kuykendall) and the gentlewoman from New York (Mrs. McCarthy) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. Goodling).

GENERAL LEAVE

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3222.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the greatest problem facing the Nation, in my estimation and that of many, is the fact that we have close to 100 million people in the United States at the present time who are functioning on either Level I or Level II literacy skills. Level I literacy skill will ensure that they will never receive a piece of the American dream. With Level II, it will be very, very difficult in the 21st century, in the high-tech century, to ever be able to compete.

That is a real tragedy. That is a tragedy that in my estimation will destroy this Nation. All nations generally fall from within. There are many reasons why this one could fall from within, but none, in my estimation, more likely to cause that downfall than the fact that we do have close to 100 million people who are having a very difficult time surviving in this 21st century.

At the same time, of course, we are being asked to bring in hundreds of thousands of people from other countries in order to fill our $40,000, $50,000, and $60,000 jobs, and all of those we have, of course, cannot rise to any level where they would begin to think about $40,000, $50,000, $60,000 jobs.

So we have had Even Start working for quite a few years. It has been working well. The reason we are here tonight is because I do not want to wait, as we did with Head Start. In Head Start I tried to say for 10 or 12 years that the program, so well-intended, was not working, and all the studies would show that it was not working. It was not working because no one was paying any attention to whether there were quality programs or not, so it became a poverty jobs program, it became a baby-sitting program, but it was supposed to be a reading readiness program for preschoolers. It was supposed to be a program to make sure children were ready to learn by the time they came to first grade.

The reason we are here tonight is to make sure we do not fall into that trap, but that as a matter of fact we improve a piece of legislation that has been doing well.

These are just some of the results that we have from programs and evaluations, which are meaningful evaluations because they were done as technical evaluations by those who are qualified to do such.

A high percentage of adults get their GED or their high school certification. Sixty-two percent of those seeking certification from the program have received those certifications. A significant percentage obtain and keep employment, a 50 percent increase. Parents continue to seek employment and enroll in education and training programs. Families reduce their reliance on public assistance, and 45 percent reduced it dramatically or are completely off.

Even Start helps children. Eighty percent are rated at class average or above after they leave an Even Start program and go on to kindergarten. Children continue to perform average or better in their classes, as judged by their teachers. In third grade, 75 percent of children perform well on formal assessments, 60 percent at average or better in reading, 80 percent in language, and 73 percent in math.

What we have done in the Even Start program is something that we should have done years and years ago. If we are going to break the cycle of illiteracy, we do not just deal with children or adults, we have to deal with the family.

Of course, this was not a new idea of mine when I arrived here and introduced it. We began it in Spring Grove School District when I was superintendent there, when I asked our early childhood specialists, what is it we can do to break the cycle? We know every parent that did not graduate from high school that now has children in the school. We know every older brother and sister that did not graduate. Is there not some way to break the cycle?

She said, yes, we will go out into the homes with 3- and 4-year-olds and we will work with the parents and the 3- and 4-year-olds. We will show the parents what it is we can do to help children to become reading-ready and school ready. We will improve the literacy skills of the parent so they can become the child's first and most important teacher.

□ 2130

We will help prepare those 3- and 4-year olds so they do not have a failing experience when they arrive in first grade.

It has been a successful program but we want to make sure it is even more successful. So we strengthen the accountability in this reauthorization. States will review the progress of local programs to make sure that they are meeting the goals of helping parents to read, helping children to learn, and training parents on how to be good teachers for their children.

We have quality improvement so that the States use a portion of their Federal money to provide training and Federal assistance to Even Start instructors to make sure they are at the highest level. We have the scientific research standards, additional money in there, because we have a lot of research on how children learn to read. We have very little research on how adults learn to read.

We have family literacy in Title I and the migrant programs where it is most needed. And then we have qualifications for instructional personnel so that, as a matter of fact, they are of the highest caliber.

These are just some of the things that we have done. We have also included the Inexpensive Book Distribution Program, the RIF program, and we add a new title extending and amending the reauthorization for this program.

These are some of the things that we are trying to do to make sure that, as a matter of fact, we do not fail from within simply because we have a growing number of people who cannot compete in a 21st century high-tech society.

Mr. Speaker, I reserve the balance of my time.

Mrs. McCARTHY of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to begin by first thanking the gentleman from Pennsylvania (Chairman GOODLING) for his wisdom and guidance as the chairman of the Committee on Education and the Workforce. It has been a pleasure working with the gentleman from Pennsylvania. I know that I speak for the entire House of Representatives when I wish him all the happiness and health in his retirement. I use that word loosely because we have already had some conversation, so I do not really think he will be retiring, he will just be starting on a new journey. But he will be missed here in the House.

In addition, Mr. Speaker, I rise today in support of H.R. 3222 to express my support for the Literacy Involves Families Together Act. This bill strengthens Even Start in the focus of family literacy in Title I and our Native American Education Programs.

This legislation will also define staff qualifications, which we know is so important for programs using Federal funds to support instructional staff. The bill will require that academic instructors have a post-secondary degree or meet State qualifications. By requiring a higher level of qualifications, we are ensuring the highest returns for our Even Start children and families.

Mr. Speaker, this bill levels the playing field for our neediest families who often need special services to provide basic education to their children. Finally, this bill will strengthen the accountability of Even Start programs by ensuring that program performance is measured by local goals tied to State performance indicators.

While I do support this program, Mr. Speaker, I do have some concerns about two changes that have been made to this bill. Both the amount of money that we are authorizing and the length of time we are authorizing this program have been reduced significantly.

Mr. Speaker, just last year in Nassau County, part of my district, BOCES, which is as an educational school, served over 100 families. Can my colleagues imagine how many more families we could serve with the full reauthorization of this bill? I find in my district alone that more and more families are looking for services like this.

As the gentleman from Pennsylvania (Chairman GOODLING) has said, if we help educate the parent, certainly the children are only going to do better.

It is my sincere hope that we can work out these issues in conference. Until then, I urge all of my colleagues to support this important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield 4 minutes to the gentleman from South Carolina (Mr. GRAHAM), a member of the Committee on Education and the Workforce.

Mr. GRAHAM. Mr. Speaker, I will try to do this in 2 minutes, but I do not know if I will make it. We are here to talk about something that is probably worth more than 2 minutes to spend on, and that is the gentleman from Pennsylvania (Mr. GOODLING), the chairman himself.

Mr. Speaker, I rise in support of H.R. 3222, the Literacy Involves Families Together Act. This important legislation extends and improves the Even Start Family Literacy Program and the Inexpensive Book Distribution Program, better known as Reading is Fundamental.

Mr. Speaker, there is no one that deserves more credit for bringing the attention to the problem of illiteracy in this country than the gentleman from Pennsylvania (Mr. GOODLING), the chairman of the Committee on Education and the Workforce and author of the Even Start Family Literacy Program.

Since his election to the House of Representatives almost 26 years ago, and, yes, it has been that long, the gentleman from Pennsylvania (Mr. GOODLING) has fought to ensure that every child and adult has the literacy skills they need to succeed in school and the workplace and in their local communities.

The gentleman from Pennsylvania (Chairman GOODLING) has worked diligently to improve the quality of adult education programs. Through his efforts, those with the lowest levels of literacy have been able to overcome obstacles, obtain gainful employment, and share in the opportunities of this great Nation.

In 1991, the gentleman from Pennsylvania (Mr. GOODLING) was the driving force behind the enactment of the National Literacy Act which established the National Institute for Literacy. The Institute coordinates literacy efforts among the Departments of Education, Health and Human Services and Labor. In addition, the National Institute for Literacy works with States as well as local providers to provide them with the latest information on quality adult education and family literacy programs.

The gentleman from Pennsylvania (Mr. GOODLING) has also pioneered legislation to change the way children are taught to read. Through the development and enactment of the Reading Excellence Act of 1988, the gentleman from Pennsylvania helped ensure that teachers are taught to teach reading using instructional programs based on scientifically based reading research. This has marked a major change in the way reading is taught in schools. Instead of fly-by-night fad programs, this legislation helps ensure our Nation's children are receiving the best possible reading instruction.

However, the greatest contribution to combatting illiteracy of the gentleman from Pennsylvania (Chairman GOODLING) was the enactment of the Even Start Family Literacy Program. Back in 1988, at a time when Republicans were the minority party in the House, the gentleman from Pennsylvania (Mr. GOODLING) successfully pursued the enactment of this legislation.

Based on his experiences as an educator, he strongly believed that illiteracy can most successfully be eliminated by working with families. He knew that, unless we first empowered parents with poor reading skills to be their child's first and most important teacher, that their ability to help their children succeed in school would be greatly diminished.

Mr. Speaker, family illiteracy programs such as Even Start are one of the most effective methods of breaking the cycle of illiteracy in families, and we have the gentleman from Pennsylvania (Mr. GOODLING) to thank. I am, therefore, immensely pleased that the committee has included in H.R. 3222 my amendment to renaming the program the "William F. Goodling Even Start Family Literacy Program."

I am sure families and family literacy providers throughout the United States join me in thanking the gentleman from Pennsylvania (Mr. GOODLING) for all of his contributions to combatting illiteracy in this country. I encourage my colleagues to join me in commending the gentleman from Pennsylvania (Chairman GOODLING) for all of his contributions to creating a literate society. I also urge support of H.R. 3222, the Literacy Involves Families Together Act.

Mrs. MCCARTHY of New York. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Speaker, I thank the gentlewoman from New York for yielding me this time.

Mr. Speaker, today's floor action represents another portion of the work of the Committee on Education and the Workforce on the reauthorization of the Elementary and Secondary Education Act.

Even Start has been, as we all know here, the result of the love and the hard work of the gentleman from Pennsylvania (Mr. GOODLING), my chairman and my friend.

I have had the privilege of serving with my colleague for 24 years on the Committee on Education and the Workforce. He was here before I got here. He has been here 26 years, I believe, Mr. Speaker.

The work of the gentleman from Pennsylvania (Mr. GOODLING) has touched the lives of so many children during his career, providing many of them with the means to better themselves.

Indeed, I find myself a better person because of the gentleman from Pennsylvania (Mr. GOODLING). He is a great friend and a very, very helpful mentor. His retirement at the end of this Congress is a great loss to this institution and the children of our country.

He has always been dedicated to quality and results for our Nation's children and our families. That is one thing he has taught me over and over again, we have to look at results.

This reauthorization of Even Start very much reflects these principles, his principles. It is extremely fitting that we honor the gentleman from Pennsylvania (Chairman GOODLING) by renaming Even Start after him through this legislation.

The bill before us today strengthens Even Start in the focus of family literacy in Title I and Indian Education Programs. In addition, this substitute would increase the set-aside for migrant and Indian Even Start programs from 5 to 6 percent when the total appropriation reaches $200 million. I believe this provision is especially important in increasing funding to Native Americans, a population that can greatly benefit from family literacy services.

In closing, I want to thank the gentleman from Pennsylvania (Chairman GOODLING) for successfully getting this legislation to the floor despite the many roadblocks placed in his way. He was very, very persistent; and we owe him a deep debt of gratitude for that. His hard work on this program deserves the admiration of every Member of this House and the people of this country.

Mr. GOODLING. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. BALLENGER), a member of the Committee on Education and the Workforce.

Mr. BALLENGER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of H.R. 3222, the Literacy Involves Families Together Act. However, I would like to first say a couple things about the gentleman from Pennsylvania (Chairman GOODLING). In all my years in Congress, I sincerely believe that the gentleman from Pennsylvania (Mr. GOODLING) is the most knowledgeable person on the issue of education. Before coming to Congress, the gentleman from Pennsylvania was a teacher, a principal, and superintendent. The gentleman from Pennsylvania (Mr. GOODLING) knows education. We in Congress have been fortunate to have him.

It is safe to say that we will miss the leadership of the gentleman from Pennsylvania (Chairman GOODLING), his bipartisan spirit, and his passion for better education of all Americans. I think the respect for his leadership is shown by the number of the committee members that are here tonight at this late hour.

Back in 1988, when we served together on the Committee on Education and the Workforce as minority Members, the gentleman from Pennsylvania (Mr. GOODLING) worked tirelessly to enact the Even Start Family Literacy Program. Even Start is based on his experience as an educator and his belief that illiteracy can most successfully be eliminated by working with families.

Even Start works with the adults without a GED and high school diploma and their children to break the cycles of illiteracy. This program has been successful in motivating and providing parents with the skills they need to play an active role in their children's education.

Today we have an opportunity to enhance this act and substantially increase the funding authorization to $250 million for fiscal year 2001. This is a program that works. Not only does it increase literacy and active participation by parents in their children's education, but it provides enhanced opportunities for parents as well.

The bill epitomizes everything that the gentleman from Pennsylvania (Chairman GOODLING) has represented during his tenure in Congress. It increases charitable choice, strengthens accountability, ensures instruction is based on scientifically based research, it prevents waste, and actively increases parental involvement in education. This is a program that helps everyone who is involved.

I ask my colleagues to support H.R. 3222 and the gentleman from Pennsylvania (Chairman GOODLING) in his efforts on behalf of American families.

Mrs. MCCARTHY of New York. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. SCOTT), also from the Committee on Education and the Workforce.

Mr. SCOTT. Mr. Speaker, I rise in reluctant opposition to H.R. 3222, the Literacy Involves Families Together Act.

Before I go into the purpose of my opposition, I would like to take a moment to thank and honor the gentleman from Pennsylvania (Chairman GOODLING) for his service to the Committee on Education and the Workforce.

The gentleman from Pennsylvania (Chairman GOODLING) cares about education passionately, and many would say that he is an educator before he is a legislator. Today it is fitting that we honor the Even Start program, a program that he authored, with his name.

Mr. Speaker, I rise, however, in reluctant opposition to the bill because it contains a provision known as charitable choice. Charitable choice permits religious organizations to participate in various grant programs but allows them to discriminate on the basis of religion in their hiring with public funds.

☐ 2145

Even Start is an excellent program that attacks education problems at the most fundamental level: The family. Family literacy programs such as Even Start are particularly important for my own congressional district because adults in the Third Congressional District of Virginia have the lowest level of literacy skills in the State, but I will not support a program that turns the clock back on civil rights laws by allowing publicly funded employment discrimination as charitable choice does in this bill, and several other bills.

The majority accommodated several of my concerns about the original charitable choice provisions in order to provide better protection for beneficiaries and to ensure that no proselytization would occur during the federally funded program. However, the bill still affords religious organizations participating in the Even Start program the right to discriminate in their hiring with public funds.

Now let me make it clear that I am not suggesting that we take away a religious organization's ability to discriminate in their hiring with their private funds, as protected under Title VII of the Civil Rights Act and as protected by the First Amendment. Here we are talking about discriminating and hiring on the basis of religion when using public funds. That is wrong.

It is important to note that this marks the first time the charitable choice has been added to an elementary and secondary education program.

Mr. Speaker, public education programs ought to be the last place that we should tolerate religious discrimination. Even the original author of the charitable choice in his legislative proposals to expand charitable choice provisions to other programs specifically carved out education programs.

Mr. Speaker, a number of organizations have expressed opposition to discrimination based on religion with Federal funds, and I would like to read part of a letter which states the charitable choice provision also allows the government to give taxpayer money to religious institutions and then allows those religious institutions to refuse to hire certain taxpayers for taxpayer-funded positions because they are not of the right religion. While allowing religious institutions to discriminate on the basis of religion in their privately funded activities is quite appropriate, tax-funded employment discrimination is not.

Mr. Speaker, that letter is signed by the American Association of University Women; the American Federation of Teachers; the American Jewish Committee; the American Jewish Congress; the Americans United for Separation of Church and State; the Anti-Defamation League; the Baptist Joint Committee on Public Affairs; the Central Conference of American Rabbis; the Council of Chief State School Officers; Friends Committee of National Legislation; Hadassah, the Women's Zionist Organization of America; the National Alliance of Black School Educators; the National Council of Jewish Women; the National Education Association; the National Gay and Lesbian Task Force; the National PTA; the National School Boards Association; People for the American Way; School Social Work Association of America; the Service Employees International Union, AFL-CIO; the Union of American Hebrew Congresses; and the Women of Reform Judaism.

Mr. Speaker, I submit the complete text of the letter into the RECORD.

AMERICANS UNITED FOR
SEPARATION OF CHURCH AND STATE,
Washington, DC.

DEAR REPRESENTATIVE: We, the undersigned religious, civil rights, civil liberties, and education organizations, are writing to urge you to oppose the "charitable choice" section of H.R. 3222, the Literacy Involves Families Together, or "Even Start" bill. We urge you to oppose this section because charitable choice is a frontal assault on the First Amendments guarantee of the separation of church and state.

Attaching "charitable choice" to Even Start represents the first time this controversial proposal has been included in education legislation. Although "charitable choice" was never envisioned to govern education programs, Even Start opens the door to tax funding of religious schools in all education programs in the future.

The charitable choice provision also allows the government to give taxpayer money to religious institutions and then allows those religious institutions to refuse to hire certain taxpayers for tax-funded positions because they are not of the "right" religion. While allowing religious institutions to discriminate on the basis of religion in their privately funded activities is quite appropriate, tax-funded employment discrimination is not.

The charitable choice provision further threatens to excessively entangle the institutions of church and state. Despite the provisions in charitable choice that purport to protect the religious autonomy of institutions that receive tax money, the government will regulate what it funds. This will result in government oversight, accounting and monitoring of houses of worship and other religious institutions.

For these reasons, we strongly urge you to oppose the "charitable choice" section of the "Even Start" bill.

Sincerely,

American Association of University Women
American Federation of Teachers
American Jewish Committee
American Jewish Congress
Americans United for the Separation of Church and State
Anti-Defamation League
Baptist Joint Committee on Public Affairs
Central Conference of American Rabbis
Council of Chief State School Officers
Friends Committee on National Legislation
Hadassah, the Women's Zionist Organization of America
National Alliance of Black School Educators
National Council of Jewish Women
National Education Association
National Gay and Lesbian Taskforce
National PTA
National School Boards Association
People For the American Way
School Social Work Association of America
Service Employees International Union (SEIU), AFL-CIO
Union of American Hebrew Congregations
Women of Reform Judaism
Rachel Joseph, Legislative Associate

Mr. Speaker, family literacy programs are extremely important; and we should not be required to tolerate religious discrimination as a condition for the passage of this bill. Therefore, Mr. Speaker, I regret that I cannot support the bill and support the gentleman from Pennsylvania (Mr. GOODLING) in this worthwhile endeavor, although I appreciate his hard work and dedication to education.

Mr. GOODLING. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. McKEON), another subcommittee chair.

Mr. McKEON. Mr. Speaker, I thank the chairman, the gentleman from Pennsylvania (Mr. GOODLING) for yielding me this time.

Mr. Speaker, I rise today in strong support of the Literacy Involves Families Together bill. This legislation builds on a strong legacy of support for literacy programs by this Congress and in particular our Committee on Education and the Workforce chairman, the gentleman from Pennsylvania (Mr. GOODLING). We believe that if children learn to read early their chance for success in school is much greater. At the same time, if the entire family is part of the learning process, all members of the family have the opportunity to reach their full potential.

I have heard it said that the family that prays together stays together, and the family that plays together stays together. I would like to add that the family that reads together progresses together.

With this bill, we will help break the cycle of poverty, unemployment and welfare that is often a result of illiteracy. This legislation accomplishes these goals through strengthened services under the Even Start literacy program. Specifically, H.R. 3222 provides more resources to train Even Start instructors. The need for more training is acute. For example, last year during a hearing on teacher preparation, we heard from a young African American teacher who was given a third grade class and told to teach them how to read. He had never had any training on teaching how to read.

He was simply told, you know how to read; teach them how to read.

He was frustrated. His students were not learning; and he was ready to quit. It was not until he received some additional training that he was able to really connect with and teach the children in his class and reach his full potential as a teacher.

Passage of this bill will give reading instructors the additional help they need.

Finally, I would like to take this opportunity to share my gratitude, along with my other colleagues, for the work of the gentleman from Pennsylvania (Mr. GOODLING) on this important bill. As the author of several important literacy initiatives, including the Reading Excellence Act, the gentleman from Pennsylvania (Mr. GOODLING) recognized long ago the need for quality reading programs for the entire family. I have had the privilege of serving with the gentleman from Pennsylvania (Mr. GOODLING) on the Committee on Education and the Workforce since coming to Congress in 1993, and I have learned a lot from him on this and other education issues.

This legislation culminates the outstanding work that the chairman has done on literacy and will be a highlight of his legacy when he retires at the end of the 106th Congress. His dedication to the young people of this Nation is extraordinary and should be emulated by all Members of this body. I am sorry to see him go but wish him well in all that he does.

I urge all of my colleagues to support H.R. 3222.

Mrs. MCCARTHY of New York. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, a little over 24 hours ago, as a father, I was reading at home in Waco, Texas, my home, to our 3-year-old and 4-year-old sons. As a father who cares deeply about encouraging my children to learn how to read and to enjoy reading and learning, I appreciate deeply the chairman's leadership in literacy programs before this and previous Congresses, but I rise tonight to express the same reservation mentioned by my colleague from Virginia (Mr. SCOTT).

It seems to me to continue on a great program, and the program, the Even Start program is a great program, it is not necessary to use Federal tax dollars to allow organizations to discriminate against American citizens based simply on their own religious faith. It is not necessary to not only allow but to actually subsidize with Federal tax dollars religious discrimination in order to give children an even start in life.

Mr. Speaker, I would like to ask, perhaps with the agreement of the gentleman from Pennsylvania (Mr. GOODLING), if I could ask the chairman perhaps a question. With the chairman's indulgence, if I could just clarify a point by asking him a question, if I could, on page 20 of the bill it talks about treatment of program participants. In fact, if we go back to page 17 it talks about, under section 1213, religious organizations included and partnership participants.

Could I ask the gentleman from Pennsylvania (Mr. GOODLING), so we can be clear on the definition, when the term religious organizations is mentioned in this language does the chairman intend that that includes directly churches, synagogues and houses of worship or separate entities, perhaps secular separate entities set up by those churches, synagogues and houses of worship?

Mr. GOODLING. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Speaker, it could be either, because we do not express in the legislation one or the other.

Mr. EDWARDS. For clarification purposes, it would allow dollars to go either directly from the Secretary or from one of the partners directly not to Catholic charities but to St. Mary's Catholic Church and communities somewhere in our country. I appreciate that.

One of the concerns that I have had about charitable choice in so many other bills is that what that then does is either require the Federal Government to not be accountable for how those dollars are spent or to actually have the Federal Government go in and audit the books of churches and synagogues and houses of worship.

I see in the gentleman's bill actually language in there saying that if the church actually or house of worship separates the funds, then the Federal Government can only audit that particular account. Does that then mean if a church that gets this money directly under this program does not separate that, then the Federal Government will have to come in and perhaps audit all of the books of that church?

Mr. GOODLING. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. I would like to respond to the gentleman's inquiry. First of all, the church cannot be a fiscal agent. They cannot, in our legislation, be a fiscal agent.

Mr. EDWARDS. They can receive the funds from the fiscal agent?

Mr. GOODLING. Right. Secondly, only the partnership gets the money. The church itself cannot get the money. The partnership that the church is working with gets the money, not the church itself.

Mr. EDWARDS. The church decides who to hire; the church does not get the money directly?

Mr. GOODLING. They cannot get the money directly.

Mr. EDWARDS. In this bill, okay. But I guess the point I would raise is that if the church is involved in hiring people and being responsible for expenditures of Federal tax dollars, it opens up the possibility that in some way or another a church or a house of worship is going to have to be audited in order to ensure the taxpayers that their monies are being spent for the purpose for which this bill intended.

Mr. Speaker, clearly my greatest objection is not that this is good legislation. It has worked well and could continue to work well, but it is wrong even in the best of legislation to take our Federal tax dollars and give to any organization and say they can take those Federal tax dollars and put out a sign that says, such as a Bob Jones' related church they could say, no Catholic need apply here for a federally funded job.

I understand why the Civil Rights Act says the Methodist church can hire a Methodist pastor, a Jewish synagogue can hire a Jewish rabbi. That is why there was an exception in the Civil Rights Act for that kind of quote/unquote discrimination, but the Civil Rights Act passed in the 1960s never envisioned Federal dollars going directly to pervasively sectarian organizations.

In fact, I found it interesting in this bill it says it has to be consistent with the establishment/separation clause of the First Amendment of the Bill of Rights. The 1988 Kendrick case, Bowen versus Kendrick, basically said clearly one cannot send direct tax dollars to pervasively sectarian organizations.

Mr. GOODLING. Mr. Speaker, I yield myself 30 seconds just to indicate that, of course, as I have indicated on Ms. JOHNSON's bill, these organizations who should really be participating when one is dealing with families and are trying to improve family life, would not participate, of course, if they have to give up their Title VII protection. The President, the Vice President, have both indicated very clearly, the President said common sense says that faith and faith-based organizations from all religious backgrounds can play an important role in helping children to reach their fullest potential. I agree with that, and I believe that we have protected everybody in this legislation.

Mrs. MCCARTHY of New York. Mr. Speaker, I reserve the balance of my time.

Mr. GOODLING. Mr. Speaker, I ask unanimous consent to extend the time by 10 minutes, to be divided and controlled between the gentlewoman from New York (Mrs. MCCARTHY) and myself.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GOODLING. Mr. Speaker, I yield 2½ minutes to the gentleman from Delaware (Mr. CASTLE), our subcommittee chair.

Mr. CASTLE. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. GOODLING) for yielding.

Mr. Speaker, I rise in strong support of H.R. 3222, the Literacy Involves Families Together Act, legislation to ensure that every child and every adult has literacy skills they need to succeed. I also want to take a moment to commend the bill's sponsor, the gentleman from Pennsylvania (Mr. GOODLING).

As some of us may know, the gentleman from Pennsylvania (Mr. GOODLING) was the driving force behind the National Literacy Act and he changed the way children learn to read with the enactment of the Reading Excellence Act.

□ 2200

Mr. Speaker, once again the gentleman from Pennsylvania (Mr. GOODLING) is leading the charge to create a more literate society with the reauthorization of the Even Start Family Illiteracy Program, a bill he helped offer nearly 12 years ago.

Like the gentleman from Pennsylvania (Mr. GOODLING), I believe that the literacy skills of America's adults are simply not adequate to encourage individual opportunity, increase worker productivity, or strengthen our country's competitiveness around the world.

According to the National Center for Educational Statistics, approximately 21 percent of the adult population, more than 40 million Americans over the age of 16, has only rudimentary reading and writing skills. An additional 8 million adults were unable to perform the most basic literacy test and a smaller percentage had such limited skills that they were unable to even respond to the survey.

Sadly, studies show that illiteracy is an intergenerational problem, one that follows a parent-child pattern. Students who have not been exposed to reading before they enter school are at a significant disadvantage when compared with students whose parents read to them. In addition, students with illiterate parents are more likely to perform poorly in school, and they are more likely to drop out before graduation.

The bill before us today, the Literacy Involves Family Together Act seeks to remedy these problems by improving the quality of services provided under the Even Start Family Literacy Program.

Specifically, LIFT would require Even Start programs to base reading instruction on scientifically based research. As part of the National Reading Panel, the National Institute for Child Health and Human Development has conducted extensive research on the best way to teach children to read, and I believe it is of utmost importance for our literacy centers to make use of this data.

LIFT would also fund a research project to find the most effective way to improve literacy among parents and reading difficulties and to help parents use their new skills to support their children's redevelopment.

Finally, the LIFT act raises the quality of family literacy programs to allow States to use a portion of their Even Start dollars to provide expert training and technical assistance to Even Start providers and family literacy instructors.

We live in a Nation where both the volume and variety of written information are growing and where increasing numbers of citizens are expected to be able to read, understand, and use these materials.

Mr. Speaker, I commend the gentleman from Pennsylvania (Chairman GOODLING) for his leadership and wish him a long and enjoyable retirement.

Mrs. MCCARTHY of New York. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. PAYNE).

Mr. PAYNE. Mr. Speaker, let me commend the gentlewoman from New York (Mrs. MCCARTHY) for managing this bill and for the hard work that the gentlewoman has done on this legislation that is so important to us, in particular, gun violence. And I would like to say that I associate myself with her fight to control that.

As it relates to this bill, I would also like to pay my respects to the gentleman from Pennsylvania (Mr. GOODLING), a gentleman that I have had the opportunity for the past 12 years to work with on the committee that has changed its name several times, the former Education and Labor Committee, now Committee on Education and the Workforce, and I would like to wish him a healthy and a useful retirement.

Mr. Speaker, as a matter of fact, I had the privilege to chat with him on the elevator today and asked what is the gentleman going to do with all of his time. We know it is going to be used in a very positive way. And so I feel privileged to have served on the committee with the gentleman.

I do, as many may know, for a number of years from around 1990 until about 1995, I introduced a National Literacy Day bill, which at that time under the other rules of the House if we had 218 Members to sign the resolution, it would come to the floor, and for a number of years, we moved the National Literacy Day.

I do recall working very closely with the gentleman when we had White House conferences dealing with the question of literacy when the National Literacy headquarters was conceived and State literacy councils were formed.

Mr. Speaker, I feel very close to this question of literacy, and Literacy Involves Families Together Act is certainly in the right direction. As I have indicated, this has been really one of my pet projects that I have worked with in many years. However, as the gentleman from Virginia (Mr. SCOTT), as he raised in a bill last week, which was also a very good bill dealing with welfare reform, but also in that piece of legislation, there was this question about Charitable Choice.

It seems like every piece of legislation that we will see from now on will have this question about Charitable Choice. As we know, Charitable Choice provision allows the government to give taxpayer money to religious institutions and then allows those religious institutions to refuse to hire certain taxpayers for tax-funded positions, because they are not of the right religion. While allowing religious institutions to discriminate on the basis of religion in their privately funded activities is quite appropriate and no one opposes that, tax-funded employment discrimination is wrong.

And as we know, it permits religious institutions that receive Federal funds to discriminate in their employment based on religious. It opens the door to tax funding of religious schools in all educational programs in the future. It harms religion by transforming religious ministries into administrative agencies of government benefits and services requiring them to terminate certain benefits, report on individuals, and otherwise police the system. It undermines the traditional role of religion. For that purpose, too, a bill which I commend, a bill that I feel embodied in what it stands for, because of this provision, which I see raising its ugly head continuously and continuously and continuously, for that purpose, I must oppose the bill.

Mr. Speaker, I once again wish the gentleman from Pennsylvania (Mr. GOODLING), who has done an outstanding work, a good retirement and good health.

Mr. GOODLING. Mr. Speaker, I yield 1½ minutes to the gentleman from Georgia (Mr. ISAKSON), an important member of the Committee on Education and the Workforce.

Mr. ISAKSON. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. GOODLING) for yielding the time to me, and I associate myself with all the positive remarks that have been made about his service.

I would observe that in most cases in the twilight of a politician's career, they search desperately for a legacy that is a testimony to that which they have done. Some find it in an edifice or a building, some find it in a last minute grant.

But today we memorialize a legacy that walks all over America and is a tribute to the gentleman from Pennsylvania. It is young adults and children since 1988 who have learned together the fundamental key to success in life, which is the ability to read. This program supplies materials, sound fundamentals, and breaks the cycle and the stigma that is the biggest problem in adult literacy.

We have learned in education that an adult who otherwise would be stigmatized and not go to learn will relish the opportunity to learn with their child. That is the legacy of the gentleman from Pennsylvania (Mr. GOODLING) and today's increase in that legacy is a testimony to what he has done.

There are schools all over this country, but there is one in my State called Pitts Elementary, Mr. Chairman, 100 percent poverty, 100 percent free and reduced lunch in the middle of a public housing project. Because of Even Start and the materials, the techniques and using the resources of a community, in Pitts Elementary children without hope and hopeless parents learn to read.

The generational cycle of literacy can only be broken when the child and the parent learn together, thanks to the gentleman from Pennsylvania (Mr. GOODLING).

Mrs. MCCARTHY on New York. Mr. Speaker, I have no additional speakers, and I reserve the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. BILBRAY). He can tell us just how important the program is, as well as the organization that helps support the program.

Mr. BILBRAY. Mr. Speaker, I rise in support of the bill, and I would like to rise in respect to the chairman, the gentleman from Pennsylvania (Mr. GOODLING), for all the hard work he has done with this issue.

Mr. Speaker, I have had the privilege of cofounding the Literacy Council of San Diego County that serves over 3 million people in Southern California. And I must say sincerely that as we discussed opportunities and access for our citizens, there was an interesting term brought up called Charitable Choice. I would just ask all of us to remember what kind of choice this country is giving to the 20 percent of English-speaking learners who do not have a choice of being able to do what we ran into in San Diego County while I was chairman. They could not fill out an application for a job. They could not even find applications to be able to get government services to get training for the job.

A lot of people may think this is an issue of just a child learning to read or an adult learning to read, and that is somebody else's problem, because my family knows how to read. My children are going to good schools. My parents know how to read. My brothers and sisters are literate.

But let me tell my colleagues as someone who operated a system of criminal justice and social welfare that is larger than 32 States of the Union, that I found that 20 percent to 40 percent of the people that were in welfare and were in our criminal justice system were functionally illiterate. In fact, Mr. Speaker, I would just say if we want to fight crime, if we want to fight unemployment, we need to support bills like the gentleman's, and I thank him very much for his proactive stance on this project.

Mr. GOODLING. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. GOODLING) for yielding to me.

Mr. Speaker, I congratulate him not only on the bill but for his leadership on education issues over many years, both as Member of the minority and then as chairman of the Committee on Education and the Workforce. I also congratulate him on not only having passed the Even Start bill in 1988, but having overseen what has happened under that legislation and bringing us tonight this legislation that improves the effectiveness of the Even Start program and improves the quality of the teaching that will go on under Even Start.

Particularly, I want to commend the gentleman because he has never forgotten that children are the children of parents; that children grow up in families, and if children are not doing well, we need to look at both what the child needs and what their families need.

The holistic approach to learning to read embodied in this bill is the right answer, not just for children, but for families. Research has shown for decades that children do better in school if their parents are interested in their progress in school. Yet, if parents themselves have not felt the power of education in their lives, they cannot transmit to their children a love of learning, a respect for learning, or the excitement that is necessary to motivate children to learn when they are young and accomplish the goals so important in elementary school.

Mr. Speaker, I commend the gentleman for his leadership and thank him for his work over all of these decades here in the Congress.

Mr. GOODLING. Mr. Speaker, I yield 1½ minutes to the gentleman from Michigan (Mr. EHLERS), a very important member of the Committee on Education and the Workforce.

Mr. EHLERS. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. GOODLING) for yielding time to me.

Mr. Speaker, in the Congress all of us depend on each other in dealing with a multitude of issues that are before us. But without doubt, the gentleman from Pennsylvania (Chairman GOODLING) has been Mr. Education to this Congress for many years. All of us have upon one occasion or another gone to him for advice on how to deal with issues regarding education. And I appreciate his efforts here.

In regard to the bill, there are several points I wanted to mention that I think are outstanding. First of all, accountability. We have passed many, many different pieces of legislation dealing with education. Most of them have had very little accountability, most of them have not accomplished anything near what their potential was, and building accountability into this bill I think is essential.

The gentleman's step toward helping parents and children learn together is a stroke of genius, something we need very badly. But, again, it has to be accountable to make sure that it happens; but it can be a wonderful experience for both parents and child. The emphasis on research standards is important. Much of the research done in education today is superb; much of it, unfortunately, is not very good.

□ 2215

Particularly in the difficulties of reading, the study of dyslexia, there is a great deal of work that needs to be done. Many people, including one of my dear grandsons, suffer from that disease, and it is incredibly difficult.

The final point I would make is that science also can be important in teaching reading, and I have introduced a bill that the committee will shortly consider on that.

The SPEAKER pro tempore (Mr. PEASE). The gentlewoman from New York (Mrs. MCCARTHY) has 6 minutes remaining, and the gentleman from Pennsylvania (Mr. GOODLING) has 1½ minutes remaining.

Mrs. MCCARTHY of New York. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. GOODLING) and ask unanimous consent that he be allowed to control said time.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mr. GOODLING. Mr. Speaker, I yield 1½ minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Speaker, I thank the chairman, and also want to commend his leadership on the education issue. As I was a staffer here for 10 years, 6 on the House side and 4 on the Senate, I watched as he moved Even Start through. I watched as he has tried to change Head Start back into a literacy program, to try to reach out to those who are hurting and those who are behind and actually get them up to the academic level with which to compete and to advance in school so that they have the opportunities that the rest of America has.

I simply do not understand, in bill after bill after bill, why some Members on the minority side object to having an opportunity in this mix for faith-based organizations. The faith-based organizations that we are talking about are so narrowly defined by court decisions, they cannot spend taxpayers' dollars for any type of proselytization.

In this bill, because it goes through education, they have to be cleared through the education institutions. We agreed that they have to have a separation of anything else they do, including child care, from this program.

But many of the most innovative leaders in America, particularly in the black and Hispanic and other immigrant communities, are faith based. When they first come to America, in Fort Wayne, Indiana, not a hotbed of immigration, but we do have the largest Burmese immigration in the United States. We have, like many areas, a huge Hispanic immigration. We see areas of Fort Wayne, where the black churches have worked together and are now the agent for the Federal Government in housing partnerships, and as they try to redevelop the Hannah Creighton and work with Head Start and other programs, why if the school system decides they are not the best to do Even Start, what is this opposition so much to faith-based organizations?

It is a shame for the minority leadership in this country, because they need back up at the grassroots level.

Mr. GOODLING. Mr. Speaker, I yield myself 2 minutes.

Mrs. McCARTHY. Of New York. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. GOODLING).

The SPEAKER pro tempore. The gentleman from Pennsylvania is recognized for 4 minutes.

Mr. GOODLING. Mr. Speaker, I would like to thank all of those who, of course, paid tribute to me, but I must say that we have had a wonderful working relationship in areas of education on both sides of the aisle, and could have accomplished very little even as chairman of the committee without that kind of cooperation. The gentlewoman from New York has been a joy to work with.

My friend from Michigan and I have been battling for, he said 24 years. I have been battling for 26, and he has been battling with me for 24. Not battling for ourselves, as none of the committee has been doing that, but what we are trying to do is make sure that every child in this country has an equal opportunity to get a piece of the American dream.

As I indicated when we started, there is no way that can happen if they and their parents are illiterate, or even functionally illiterate in this 21st century. There was a time a parent could get a job, rear a family, and, of course, not let anyone know that he or she could not read, but that time has gone, and is gone forever.

I would hope as we continue, as I have told the committee many times, and as someone mentioned from the other side, I hope my portrait in the room, the lips will move every time they are deliberating, and the lips will say, We want to make sure that we have results, not process; we want to make sure that it is quality, not quantity, because that is the only way, in my estimation, we can be successful in preventing the fall of this great Nation, which I truly believe will happen if we cannot successfully deal with the literacy issue.

I want to thank the staffs. I have told the staffs over and over again what I will miss most of all when I leave this institution are the wonderful staffers that I have worked with for a long, long time.

Sitting next to me, I want to truly pay tribute to Lynn Selmser. She has had to put up with me for 19 years. I do not know of anybody that has probably put up with a Member of Congress for 19 years and survived. But when there were literacy issues, she was there; if there were nutrition issues, she was there; if there were Impact Aid issues, she was there helping.

So it has been a wonderful experience in the Congress of the United States. I am not going to say that I am going to miss the rigors of the job. I am surely not missing the campaign that all of you are involved in. In fact, I sit back and smile and say, go to it; I do not have to do that any longer.

But I will miss our efforts that we jointly embarked upon to try to make sure that we do have a literate workforce, that our workforce can perform, that we do not have to rely on other countries to supply our people to do the $40,000, $50,000 and $60,000 jobs.

We have lost a lot of time, because our whole effort from the very beginning was to try to make sure that we close that achievement gap, and we must close it, and I would hope that this legislation will go a long way to do that.

I just hope that, as I leave, I watch the committee still making sure that every parent and every child becomes literate, so that no child goes to the first grade without the ability to learn and without the ability to read, because they will fail, and that will be one more tragedy.

So, again I thank all the members of the committee, and thank all of the staff for the wonderful work that they have done over the years.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The gentlewoman from New York has 1 minute remaining.

Mrs. McCARTHY of New York. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I would like to close again saying there are many of us that support this amendment. I will also say that I have only been on the committee chaired by the gentleman from Pennsylvania (Chairman GOODLING) for 4 years.

Mr. Speaker, I have a great deal of respect for him, for the work he has done, and I know he has always put the children first. I support what he is trying to do with this amendment. The gentleman and I agree 100 percent that if our children and parents cannot read, then we cannot lift up everyone.

Again, it has been a pleasure working with the gentleman from Pennsylvania (Mr. GOODLING). I am sure when I first got there he had no idea what kind of person I was going to be, but he found out I was actually the strong, quiet type, and only spoke when I found it was extremely important. He appreciated that, because I saved him time. We will miss you, Chairman GOODLING, and it has been a pleasure being with you and learning from you over these 4 years.

Mr. PAUL. Mr. Speaker, I appreciate the opportunity to explain why Congress should reject the Literacy Involves Families Together (LIFT) Act (House Resolution 3222), which aims to increase "family literacy" by directing money from the American taxpayer to Washington and funneling a small percentage of it back to the states and localities to spend on education programs that meet the specifications of DC-based bureaucrats. While all support the goal of promoting adult literacy, especially among parents with young children, Congress should not endorse supporting the unconstitutional and ineffective means included in this bill. If Congress were serious about meaningful education reform, we would not even be debating bills like H.R. 3222. Rather, we would be discussing the best way to return control over the education dollar to the people so they can develop the education programs that best suit their needs.

Several of my colleagues on the Education and Workforce Committee have expressed opposition to the LIFT Act's dramatic increase in authorized expenditures for the Even Start family literacy programs. Of course, I share their opposition to the increased expenditure, however, my opposition to this bill is based not as much on the authorized amount but on the bill's underlaying premise: that the American people either cannot or will not provide educational services to those who need them unless they are forced to do so by the federal government.

In contrast to the drafters of the LIFT bill, I do not trust the Congress to develop an education program that can match the needs of every community in the United States. Instead, I trust the American people to provide the type of education system that best suits their needs, and the needs of their fellow citizens, provided Congress gives them back control over the education dollar.

The drafters of the United States Constitution understood that the federal government was incapable of effectively providing services such as education. This is why they carefully limited the federal government's powers to a few narrowly defined areas. This understanding of the proper role of the federal government was reinforced by the tenth amendment which forbids the Federal Government from controlling education, instead leaving authority over education in the hands of states, local communities and parents.

Reinforcing that the scariest words in the English language are "I'm from the federal government and I am here to help you," the American education system has deteriorated in the years since Congress disregarded the constitutional limitations on centralizing education in order to "improve the schools." One could argue that if the federally-controlled schools did a better job of educating children to read, perhaps there would not be a great demand for "adult literacy programs!"

Of course, family literacy programs do serve a vital purpose in society, but I would suggest that not only would family literacy programs exist, they would better serve those families in need of assistance if they were not controlled by the federal government. Because of the generosity of the American people, the issue is not whether family literacy programs will be funded but who should control the education dollars; the American people or the federal government?

Mr. Speaker, rather than give more control over education to the people, H.R. 3222 actually further centralizes education by attaching new requirements to those communities receiving taxpayer dollars for adult literacy programs. For example, under this bill, federally-funded Even Start programs must use instruction methods based on "scientific research." While none question the value of research into various educational methodologies, it is doubtful that the best way to teach reading can be totally determined through laboratory experiments. Learning to read is a complex process, involving many variables, not the least of which are the skills and abilities of the individual.

Many effective techniques may not be readily supported by "scientific research." Therefore, this program may end up preventing the use of many effective means of reading instruction. The requirement that recipients of federal funds use only those reading techniques based on "scientific research," (which in practice means those methods approved by the federally-funded "experts") ensures that a limited number of reading methodologies will, in essence, be "stamped with federal approval."

In addition to violating the United States Constitution, the LIFT bill raises some serious questions regarding the relationship between the state and the family. Promoting family literacy is a noble goal but programs such as these may promote undue governmental interference in family life. Many people around the country have expressed concern that "parenting improvement" programs have become excuses for the government bureaucrats to intimidate parents into ceding effective control over child-rearing to the government. While none of these complaints are directly related to the Even Start program Even Start does rest on the premise that it is legitimate for the federal government to interfere with the parent-child relationship to "improve" parenting. Once one accepts that premise, it is a short jump to interfering in all aspects of family life in order to promote the federal government's vision of "quality parenting."

In order to give control over education back to the American people, I have introduced several pieces of legislation that improve education by giving the American people control over their education dollar. For instance my Family Education Freedom Act (H.R. 935), provides parents with a $3,000 per child tax credit for K–12 education expenses incurred in sending their children to public, private, or home school. I have also introduced the Education Improvement Tax Cut Act (H.R. 936), which provides a tax donation of up to $3,000 for cash or in-kind donations to public or private schools as well as for donations to elementary and secondary scholarships. I am also cosponsoring legislation (H.R. 969) to increase the tax donations for charitable contributions, as well as several bills to provide tax credits for adult job training and education.

Unleashing the charitable impulses of the American people is the most effective means of ensuring that all Americans have access to the quality education programs they need, and to make sure that those programs are tailored to meet the particular needs of the local communities and the individuals they serve.

In conclusion, Mr. Speaker, I call on my colleagues to reject the LIFT Act and instead embrace a program of education and charitable tax credits that will give the American people the ability to provide for the education needs of their children and families in the way that best suits the unique circumstances of their own communities.

Mr. CUNNINGHAM. Mr. Speaker, as the former Chairman of the Elementary, Secondary, and Vocational Education Subcommittee, I was one of the original supporters of the Even Start program at its inception. I rise in strong support of H.R. 3222 The Literacy Involves Families Together Act, and commend the gentleman from Pennsylvania for his hard work and dedication to our children and their literacy. It is because of his efforts that we have been able to reduce the number of illiterate individuals in our communities, and I find it a fitting tribute that this program will be named after him.

We all realize that to succeed in today's society every person must be able to read and write. It is unacceptable that in a country as advanced as ours that we have millions of people who cannot read or write. H.R. 3222 helps to address this issue in several ways.

First, it would improve the quality of Even start and other family literacy programs in several areas. It would provide training and technical assistance to local providers while at the same time assuring that the level of assistance does not decrease. It also requires that instructional programs are based on scientifically researched methods of teaching reading, and provides funding for research on teaching of reading to adults in family literacy programs. Finally, it establishes qualifications for instructional staff in Even Start programs whose salaries are paid with Even Start dollars.

Additionally, H.R. 3222 provides for charitable choice by allowing government to consider religious organizations, as part of eligible partnerships on the same basis as other groups receiving funding. Our churches, Synagogues, Mosques, and other religious organizations have a long tradition of helping those in need in our country including helping those who cannot read. This legislation helps them to carry on with that tradition in ensuring every American can read.

Finally, this legislation will help communities implement the inexpensive book distribution program which helps local communities provide books for disadvantaged children.

Once again I urge passage of H.R. 3222, and yield back the balance of my time.

Mr. HORN. Mr. Speaker, I rise in support of a very important piece of legislation, H.R. 3222, The Literacy Involves Families Together Act.

Even Start, and other family literacy programs, serve the most vulnerable families in our Nation.

According to the Department of Education, twenty-three percent of American adults were functionally illiterate in 1993.

We cannot expect these adults, and their families to become self-sufficient without literacy skills.

By helping them to break the cycle of illiteracy, family literacy programs help families lift themselves out of poverty and dependency on government programs.

H.R. 3222 ensures that Even Start, and other literacy programs are administered in the most effective way.

This legislation provides technical assistance to local providers, establishes qualifications for teaching staff, and requires that instruction be based on scientifically proven methods.

At the same time, it empowers parents to become involved in their children's education.

As we all know, this is critical to a child's educational success.

Additionally, children whose parents read to them are much better prepared to start school. They perform significantly better than those who have not been exposed to reading at home.

Passing this legislation is the first step in opening up a world of opportunities, not only for children, but their families as well.

Mr. Speaker, I am proud to support this legislation.

I am encouraged by the bipartisan support for this bill, and I am hopeful that both sides of the aisle can work together for the sake of all of America's families.

Mrs. McCARTHY of New York. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. GOODLING) that the House suspend the rules and pass the bill, H.R. 3222, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to amend the Elementary and Secondary Education Act of 1965 to improve literacy through family literacy projects and to reauthorize the inexpensive book distribution program."

A motion to reconsider was laid on the table.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 4205, FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

Mr. GRAHAM. Mr. Speaker, pursuant to clause 7(c) of rule XXII, I announce my intention to offer a motion to instruct conferees on H.R. 4205.

The motion is as follows: I move that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4205 be instructed to agree to the provisions contained in section 1068 of the Senate amendment.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 4205, FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

Mr. GRAHAM. Mr. Speaker, pursuant to clause 7(c) of rule XXII, I announce my intention to offer a motion to instruct conferees on H.R. 4205.

The form of the motion is as follows: Mr. GRAHAM moves to instruct conferees on the part of the House that the conferees on the part of the House on the disagreeing votes of the two Houses on the bill H.R. 4205 be instructed not to agree to revisions which, (1) fail to recognize that the 14th Amendment to the Constitution guarantees all persons equal protection under the law; and, (2) deny equal protection under the law by conditioning prosecution of certain offenses on the basis of race, color, religion, national origin, gender, sexual orientation, or disability of the victim; and (3) preclude a person convicted of murder from being sentenced to death.

TIJUANA RIVER VALLEY ESTUARY AND BEACH SEWAGE CLEANUP ACT OF 2000

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3378) to authorize certain actions to address the comprehensive treatment of sewage emanating from the Tijuana River in order to substantially reduce river and ocean pollution in the San Diego border region, as amended.

The Clerk read as follows:

H.R. 3378

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Tijuana River Valley Estuary and Beach Sewage Cleanup Act of 2000".

SEC. 2. PURPOSE.

The purpose of this Act is to authorize the United States to take actions to address comprehensively the treatment of sewage emanating from the Tijuana River area, Mexico, that flows untreated or partially treated into the United States causing significant adverse public health and environmental impacts.

SEC. 3. DEFINITIONS.

In this Act, the following definitions apply:

(1) Administrator.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) Commission.—The term "Commission" means the United States section of the International Boundary and Water Commission, United States and Mexico.

(3) IWTP.—The term "IWTP" means the South Bay International Wastewater Treatment Plant constructed under the provisions of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), section 510 of the Water Quality Act of 1987 (101 Stat. 80–82), and Treaty Minutes to the Treaty for the Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande, dated February 3, 1944.

(4) Secondary treatment.—The term "secondary treatment" has the meaning such term has under the Federal Water Pollution Control Act and its implementing regulations.

(5) Secretary.—The term "Secretary" means the Secretary of State.

(6) Mexican facility.—The term "Mexican facility" means a proposed public-private wastewater treatment facility to be constructed and operated under this Act within Mexico for the purpose of treating sewage flows generated within Mexico, which flows impact the surface waters, health, and safety of the United States and Mexico.

(7) MGD.—The term "mgd" means million gallons per day.

SEC. 4. ACTIONS TO BE TAKEN BY THE COMMISSION AND THE ADMINISTRATOR.

(a) Secondary Treatment.—

(1) In general.—Subject to the negotiation and conclusion of a new Treaty Minute or the amendment of Treaty Minute 283 under section 5, and notwithstanding section 510(b)(2) of the Water Quality Act of 1987 (101 Stat. 81), the Commission is authorized and directed to provide for the secondary treatment of a total of not more than 50 mgd in Mexico—

(A) of effluent from the IWTP if such treatment is not provided for at a facility in the United States; and

(B) of additional sewage emanating from the Tijuana River area, Mexico.

(2) Additional authority.—Subject to the results of the comprehensive plan developed under subsection (b) revealing a need for additional secondary treatment capacity in the San Diego-Tijuana border region and recommending the provision of such capacity in Mexico, the Commission, may provide not more than an additional 25 mgd of secondary treatment capacity in Mexico for treatment described in paragraph (1).

(b) Comprehensive Plan.—Not later than 24 months after the date of enactment of this Act, the Administrator shall develop a comprehensive plan with stakeholder involvement to address the transborder sanitation problems in the San Diego-Tijuana border region. The plan shall include, at a minimum—

(1) an analysis of the long-term secondary treatment needs of the region;

(2) an analysis of upgrades in the sewage collection system serving the Tijuana area, Mexico; and

(3) an identification of options, and recommendations for preferred options, for additional sewage treatment capacity for future flows emanating from the Tijuana River area, Mexico.

(c) Contract.—

(1) In general.—Subject to the availability of appropriations to carry out this subsection and notwithstanding any provision of Federal procurement law, upon conclusion of a new Treaty Minute or the amendment of Treaty Minute 283 under section 5, the Commission may enter into a fee-for-services contract with the owner of a Mexican facility in order to carry out the secondary treatment requirements of subsection (a) and make payments under such contract.

(2) Terms.—Any contract under this subsection shall provide, at a minimum, for the following:

(A) Transportation of the advanced primary effluent from the IWTP to the Mexican facility for secondary treatment.

(B) Treatment of the advanced primary effluent from the IWTP to the secondary treatment level in compliance with water quality laws of the United States, California, and Mexico.

(C) Return conveyance from the Mexican facility of any such treated effluent that cannot be reused in either Mexico or the United States to the South Bay Ocean Outfall for discharge into the Pacific Ocean in compliance with water quality laws of the United States and California.

(D) Subject to the requirements of subsection (a), additional sewage treatment capacity that provides for advanced primary and secondary treatment of sewage described in subsection (a)(1)(B) in addition to the capacity required to treat the advanced primary effluent from the IWTP.

(E) A contract term of 30 years.

(F) Arrangements for monitoring, verification, and enforcement of compliance with United States, California, and Mexican water quality standards.

(G) Arrangements for the disposal and use of sludge, produced from the IWTP and the Mexican facility, at a location or locations in Mexico.

(H) Payment of fees by the Commission to the owner of the Mexican facility for sewage treatment services with the annual amount payable to reflect all agreed upon costs associated with the development, financing, construction, operation, and maintenance of the Mexican facility.

(I) Provision for the transfer of ownership of the Mexican facility to the United States, and provision for a cancellation fee by the United States to the owner of the Mexican facility, if the Commission fails to perform its obligations under the contract. The cancellation fee shall be in amounts declining over the term of the contract anticipated to be sufficient to repay construction debt and other amounts due to the owner that remain unamortized due to early termination of the contract.

(J) Provision for the transfer of ownership of the Mexican facility to the United States, without a cancellation fee, if the owner of the Mexican facility fails to perform the obligations of the owner under the contract.

(K) To the extent practicable, the use of competitive procedures by the owner of the Mexican facility in the procurement of property or services for the engineering, construction, and operation and maintenance of the Mexican facility.

(L) An opportunity for the Commission to review and approve the selection of contractors providing engineering, construction, and operation and maintenance for the Mexican facility.

(M) The maintenance by the owner of the Mexican facility of all records (including books, documents, papers, reports, and other materials) necessary to demonstrate compliance with the terms of this Act and the contract.

(N) Access by the Inspector General of the Department of State or the designee of the Inspector General for audit and examination of all records maintained pursuant to subparagraph (M) to facilitate the monitoring and evaluation required under subsection (d).

(3) LIMITATION.—The Contract Disputes Act of 1978 (41 U.S.C. 601–613) shall not apply to a contract executed under this section.

(d) IMPLEMENTATION.—

(1) IN GENERAL.—The Inspector General of the Department of State shall monitor the implementation of any contract entered into under this section and evaluate the extent to which the owner of the Mexican facility has met the terms of this section and fulfilled the terms of the contract.

(2) REPORT.—The Inspector General shall transmit to Congress a report containing the evaluation under paragraph (1) not later than 2 years after the execution of any contract with the owner of the Mexican facility under this section, 3 years thereafter, and periodically after the second report under this paragraph.

SEC. 5. NEGOTIATION OF NEW TREATY MINUTE.

(a) CONGRESSIONAL STATEMENT.—In light of the existing threat to the environment and to public health and safety within the United States as a result of the river and ocean pollution in the San Diego-Tijuana border region, the Secretary is requested to give the highest priority to the negotiation and execution of a new Treaty Minute, or a modification of Treaty Minute 283, consistent with the provisions of this Act, in order that the other provisions of this Act to address such pollution may be implemented as soon as possible.

(b) NEGOTIATION.—

(1) INITIATION.—The Secretary is requested to initiate negotiations with Mexico, within 60 days after the date of enactment of this Act, for a new Treaty Minute or a modification of Treaty Minute 283 consistent with the provisions of this Act.

(2) IMPLEMENTATION.—Implementation of a new Treaty Minute or of a modification of Treaty Minute 283 under this Act shall be subject to the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).'

(3) MATTERS TO BE ADDRESSED.—A new Treaty Minute or a modification of Treaty Minute 283 under paragraph (1) should address, at a minimum, the following:

(A) The siting of treatment facilities in Mexico and in the United States.

(B) Provision for the secondary treatment of effluent from the IWTP at a Mexican facility if such treatment is not provided for at a facility in the United States.

(C) Provision for additional capacity for advanced primary and secondary treatment of additional sewage emanating from the Tijuana River area, Mexico, in addition to the treatment capacity for the advanced primary effluent from the IWTP at the Mexican facility.

(D) Provision for any and all approvals from Mexican authorities necessary to facilitate water quality verification and enforcement at the Mexican facility.

(E) Any terms and conditions considered necessary to allow for use in the United States of treated effluent from the Mexican facility, if there is reclaimed water which is surplus to the needs of users in Mexico and such use is consistent with applicable United States and California law.

(F) Any other terms and conditions considered necessary by the Secretary in order to implement the provisions of this Act.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Mississippi (Mr. TAYLOR) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3378, the Tijuana River Valley Estuary and Beach Sewage Cleanup Act of 2000 will help solve sanitation problems in the San Diego and Tijuana border region.

San Diego is in a state of emergency. Raw or partially treated sewage flows from Mexico into the United States, creating significant health and safety risks. To comprehensively address the problem, H.R. 3378 encourages the United States to negotiate new international agreements with Mexico and provides the U.S. authority to enter into a public-private partnership with a private corporation to help meet the rapidly growing wastewater treatment needs in the area.

I encourage the United States to continue the current proposal involving a public-private partnership to address the treatment problems along the border as quickly as possible.

I want to commend two of our colleagues, Mr. Speaker, the gentleman from California (Mr. BILBRAY) and the gentleman from California (Mr. FILNER), who have been like bulldogs on this issue, and have consistently brought it before the committee and now the full House again for their leadership in helping to resolve this significant international health and environmental issue.

I urge my colleagues to support this bill as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the legislation under consideration today is an attempt to stem the ongoing flows of untreated and partially treated sewage that have impacted the communities and beaches of Southern California for almost 70 years.

The U.S.-Mexican border region has experienced rapid growth over the past few decades. The cities of San Diego and Tijuana, Mexico, though on opposite sides of the border, have grown closer together, both physically and economically, the fates of the two cities. What happens in one city has had an impact on the other. This is especially true in the case of sewage treatment needs in the border region.

Unfortunately, the wastewater treatment systems of the City of Tijuana, Mexico, have not kept pace with the city's growing population. Untreated sewage flowing from Mexico through the Tijuana River and into the Pacific Ocean has adversely impacted the South Bay communities of San Diego County, the river valley and estuary, and the coastal waters of the United States. These flows continue to pose serious threat to public health, economy and environment in the region.

For decades, the U.S. and Mexican governments have been working to develop a solution to the San Diego-Mexican sewage problem. Numerous alternatives have been considered and an international wastewater treatment plant located in the United States was selected as the best alternative. As a result the U.S. and Mexican governments formally agreed, in Treaty Minute 283, to construct the South Bay International Wastewater Treatment Plant, located in San Diego, to treat and dispose of the sewage flows.

In order to comply with international obligations and to achieve some level of treatment as quickly as possible, the South Bay treatment facility was constructed in stages. The first stage, which included the advanced primary treatment of sewage flows, became operational in 1998.

However, over the past few years, numerous significant circumstances have presented themselves, including predictions of future population growth in the region justifying a review of the best means of permanently addressing the sewage treatment needs in the border region.

In response to these needs, the gentleman from San Diego, California (Mr. FILNER), and the gentleman from San Diego, California (Mr. BILBRAY), introduced H.R. 3378, to expeditiously resolve the problem of migrating sewage. I commend these gentleman for their hard work and diligence to resolve this problem that has affected the health and safety of their constituents for decades.

H.R. 3378 would direct the Secretary of State to give the highest priority to initiate negotiations on a new or revised treaty with Mexico for the secondary treatment of sewage generated in the Tijuana River Valley region.

Subject to the negotiation and execution of a new treaty, and the availability of adequate appropriations, this legislation would authorize the United States, acting through the U.S. section of the International Boundary and Water Commission, to enter into a long-term contract with a private company for the construction and operation of a secondary treatment facility in Mexico.

The bill would authorize the construction of a facility with the capacity of treating 50 million gallons of sewage per day to secondary levels, with the possibility of expanding the facility by an additional 25 million gallons should such levels be found necessary for the long-term treatment needs of the region.

☐ 2230

In addition, to address the contracting concerns that have been raised with this bill, the legislation includes provisions requiring, to the extent practicable, the use of competitive procedures by the owner of the Mexican facility in the procurement of property or services for the engineering, construction and operation and maintenance of the facility, as well as the commission's review and approval of contractors selected to carry out these functions.

Also, the bill requires the Inspector General of the Department of State to monitor the implementation of the legislation, to evaluate the extent to which the owner has met the terms called for in the bill, and to report to Congress on its findings.

Mr. Speaker, another benefit of this legislation is that it provides for the reuse of treated waters in Mexico and, if available, in the United States. By authorizing the construction of facilities capable of treating waste waters to potable water, we will help alleviate some of the pressure in finding new sources of drinkable waters at a time when the communities in Mexico and Southwestern United States are facing serious water shortages.

Again, I commend the gentlemen from California (Mr. FILNER) and (Mr. BILBRAY) for their work on this bill. It is a good bill, and I urge my colleagues to support it.

Mr. LATOURETTE. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. BILBRAY), one of the authors of the bill and the gentleman who advises me he has been working on this problem for his constituents for a quarter of a century.

Mr. BILBRAY. Mr. Speaker, I want to thank the chairman of the Committee on Transportation and Infrastructure (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR), the ranking member, who I learned very early when I got to this floor is very concerned about the quality of the waters of this Nation and the surrounding area, someone who has spent a lot of time working on this issue and is very concerned about it.

I would also like to thank the gentleman from New York (Mr. GILMAN) and the ranking member of the Committee on International Relations. I would just like to say sincerely, I want to thank the gentleman from Waveland, Mississippi, home of Little Jays, for being able to give such a great background for this bill, articulating this piece of legislation. I appreciate the fact that he got into the details so that the rest of us do not have to restate them. I think that we can talk about the general issue.

The general issue, Mr. Speaker, is the fact that as we have set a policy in this country nationally, that the waters of the United States are, and should, remain clean, pure, and safe. Sadly, over the last 25, 30, 40 years, we have had places where there were major breakdowns. Frankly, they are not always places where we can blame our own industrial commercial or economic or political or public irresponsibility.

The Tijuana River happens to flow through a community of over 1 million people in the Republic of Mexico; and it flows north like the Nile, not south like the Mississippi. And, it flows towards the United States into an estuarian preserve that has been set aside as a critical habitat preservation by the United States, and then flows into the oceans of the United States and flows north through the communities of Imperial Beach and Coronado.

I, for one, happen to be an individual who was raised as a child in Imperial Beach and grew up with the hideous problem of pollution in our waters that did not come from our neighborhood, but came from our neighbors. I would just ask everyone to be very sensitive of the fact that when a young person is raised, it is bad enough for that person to go to their beaches and find out that they cannot go into the water, it is unsafe, it is polluted, it is a danger to their life and to the wildlife around them, but to then also be told in less than tactful ways that it is somebody else that did this to you, that a foreign government or foreign people imposed this on your life and your little part of paradise.

I think for too long we have allowed that to occur. As the Federal Government over the last 30 years has demanded and required local communities to come up and participate in the cleansing and the cleaning of the waters of the United States, sadly, the United States for too long has found reasons not to go to our neighbors to the north or the south and say look, neighbor, good neighbors do not pollute each other's backyard. Do not threaten the children of the person on the other side of the fence. Sadly, that has happened for all too long.

Mr. Speaker, today we are asking for support of a bill that will work with Mexico in addressing a Mexican problem that is being inflicted on American citizens. Today, we are asking for support of a bill that says, Mexico recognizes that it has created an environmental problem and is willing to work with us at treating their sewage in Mexico, not in the United States.

Now, my colleague, the gentleman from California (Mr. FILNER), joined with me and the gentleman from California (Mr. CUNNINGHAM) and with the gentleman from California (Mr. HUNTER) and with the gentleman from California (Mr. PACKARD). Every member of the delegation of San Diego County that represents over 3 million people finds that it is time that the Federal Government try to think outside the box, try to encourage innovative approaches without compromising environmental options.

Mr. Speaker, I am very proud to say as somebody who has worked on this issue for over a quarter of a century, that I really think that we have fallen on an idea that may set an example not just for our current relationships with Tijuana and Mexico. It may be something that our committees of international relations may want to look at, and work with committees like the Committee on Transportation and Infrastructure on an international-national policy, that we pay for outcome and treatment, not for projects that may, or hopefully will treat; that we pay for the actual protection of the environment rather than the promise of the protection of the environment.

Now, this bill does not get the job done all by itself, but it opens the door that allows us as a region and as a Nation to start cooperating with Mexico in a way that we will ask Mexico to meet us halfway, that we will participate in the creation of service and infrastructure capabilities to avoid the environmental damage that has happened in the past; to clean up a problem that has been ignored for all too long and to address the fact that Mexico not only has a challenge that we are willing to work with them on, but has an opportunity to take this problem and create it into an asset: reusable water.

Mr. Speaker, I think that we have to recognize that H.R. 3378 provides the means to implement a plan that the City of San Diego, the mayor of Tijuana, the Surfrider Foundation consistently has found is not only the right answer here, but may be the answer to many other places where we have problems like this. The citizens of the City of Imperial Beach and Coronado and San Diego have waited far too long for the United States Government to protect them in their environment, to hold our neighbors to the same standards that we require of our own citizens, and to do it in a manner that does not cause conflict, but creates consensus and cooperation.

This bill should be used as a blueprint as how we can work with foreign governments to be able to have an outcome-based environmental strategy. This bill will enable us to be able to show how governments and peoples can work together for not just the good of the environment, but for the community at large that shares the environment.

Mr. Speaker, I ask my colleagues who strongly express their care and need and their desire to protect the environment to support this bill, and support the concept that if we really care about the environment, then we will care about it in every square inch of this Nation, and we will do what we can, when we can, where we can.

The Tijuana sewage problem has gone on for too long. My children, Mr. Speaker, are second-generation sewage kids. They have grown up under the cloud that their beaches may be polluted at any moment. I want to make sure that my grandchildren do not have to be threatened with their beaches being closed, their environment being polluted.

I want to thank the ranking member who is here today for his very, very committed involvement in this, and I want to say clearly that I know the gentleman from California (Mr. FILNER); I have worked with him a long time. Bob would like to be here; we have very critical work he is doing in San Diego, and the gentleman from California (Mr. HUNTER) and the gentleman from California (Mr. CUNNINGHAM) and the gentleman from California (Mr. PACKARD) all join us in saying please join us in protecting our part of the United States, to treat our citizens with the equity that every other American has been guaranteed, and let us do it while we are working with a bright, new, cooperative future with the Republic of Mexico.

Mr. Speaker, I rise in strong support of H.R. 3378, and urge my colleagues to again cast the votes on behalf of the environment and public health of the San Diego-Tijuana border region.

Just over a year ago, Mr. Speaker, the House voted 427–0 in support of a Sense of Congress brought by myself and my colleague Mr. FILNER; this resolution expressed the Sense of Congress that the governments of the U.S. and Mexico should enter into negotiations of a new Treaty Minute, to allow for the siting of secondary sewage treatment infrastructure in Mexico, and the development of a privately funded Mexican facility to provide for the treatment to secondary levels of raw sewage originating in Mexico, which continues to present a public health threat to citizens and their environment on both sides of the border.

My colleagues, by supporting this amendment last July, you were recognizing the need to "think outside the box" in order to provide a comprehensive solution for one of the most vexing international environmental and public health challenges we face today. The overwhelming support for that resolution has paved the way for the bill we are considering today—H.R. 3378, the Tijuana River Valley Estuary and Beach Sewage Cleanup Act of 2000. My colleague Mr. FILNER and I introduced this bipartisan bill to fulfill the intent of that Sense of Congress, and after its consideration and approval by the Transportation and Infrastructure Committee, and the International Relations Committee, we stand here today at a historic point in U.S.-Mexico environmental cooperation, poised to move forward in a mutually beneficial manner.

Before proceeding any further, Mr. Speaker, I want to specifically thank Transportation Committee Chairman SHUSTER and International Relations Committee Chairman GILMAN, and their respective ranking members, Mr. OBERSTAR and Mr. GEJDENSON, for all their hard work in helping to bring this bill to the floor. It is a credit to the vision of these gentlemen that the San Diego-Tijuana border region now stands to benefit from the comprehensive solution that H.R. 3378 will provide, and I thank them for their ability to see what can be accomplished here, and their willingness to work with me and my colleagues in a bipartisan manner to do so.

Many of you are well aware of the ongoing health and environmental threats which have existed along this border region for decades, as a result of renegade flows of untreated sewage from Mexico. We have reached a critical point in the rapid growth of the San Diego-Tijuana border region; already, we are experiencing peak sewage flows into the U.S. from Mexico in excess of 75 million gallons per day (mgd), and it is essential that any treatment works that are built are able to respond to and address these ever-increasing flows. We are here today in support of a proposal which will help to meet and address this threat in a substantive manner. The facilities which would be constructed in Mexico under H.R. 3378 would allow for development of 50 mgd of treatment initially, with the ability to expand its capacity as needed to deal with future flows. Other alternatives would be inadequate to meet the region's needs, lack the ability to be expanded to treat increasing future flows, and provide no long term solution for the region.

An added and significant benefit of the facilities which will be developed in Mexico under this bill is their ability to reclaim and reuse treated wastewater (which would belong to Mexico) and make it available to the rapidly expanding business and industrial sectors of Tijuana. In this growing and arid border region, water is a particularly scare and valuable commodity, and water which can be reclaimed and reused from these treatment facilities can reduce the high demand for precious potable water supplies for drinking and other uses in Mexican households.

In addition to the strong bipartisan support which Congress has already demonstrated for this approach, there is significant support in the border region as well, ranging from the City of San Diego, Mayor of Tijuana, and the Surfrider Foundation, a conservation organization which is committed to healthy oceans. I have a brief statement from the Surfrider Foundation which I would ask to be entered into the record at this point, along with a letter of support from the Mayor of Tijuana, which I would also ask to be included. I would like to add, Mr. Speaker, that I am extremely encouraged by the responses to this proposal from both the Mayor of Tijuana, and from representatives of the incoming President of Mexico, Vicente Fox. Let me quote two excerpts from the Mayor's letter to me:

> . . . Bajagua represents the kind of entrepreneurial solution that will not only help comprehensively meet both of our constituents' sewage treatment needs, it will also provide a much needed source of water for the citizens and businesses of Tijuana.
>
> As you know, I am a member of the PAN. As such, I feel comfortable stating that the Bajagua project is representative of the type of private sector solution that President-elect Fox would like to use and extol as a model in Mexico during his administration.

Mr. Speaker, we ought not to underestimate the historic and precedent-setting potential of our vote here today. In addition to providing a comprehensive means by which to address this border sewage problem, we have the opportunity to establish a new relationship and way of doing business with our neighbor to the south. With this successful blueprint, going "outside the box" to develop solutions to longstanding problems will hopefully become the rule, rather than the exception. It is exciting to see the binational eagerness to move forward with this project, and that enthusiasm can be sustained and directed at other challenges as well.

Mr. Speaker, throughout my career in public service, I have wholeheartedly supported and fought for the appropriate treatment of these renegade flows in order to protect our beaches, estuaries, and the United States citizens who have had to live with this problem for far too long. I am more than willing to spend whatever time and money may be needed in order to deal with this problem comprehensively and conclusively, but both time and available dollars are extremely precious commodities, particularly when the public health continues to be at risk. Fortunately for these citizens and their impacted communities, such as my hometown of Imperial Beach, this opportunity has emerged to "think outside the box" and implement a progressive and comprehensive strategy that will benefit the entire region well into the future. There is tremendous and achievable potential in this approach which, once implemented, can provide a long-term and comprehensive solution to a chronic environmental program. It would be my hope that the success of this project will influence policy-makers in both Mexico and the United States, who will recognize the wisdom of moving away from the old method of doing business and in this new and innovative direction in order to better and more effectively address other environmental challenges faced by both nations.

If we are successful in implementing this process, the children of families in both San Diego and Tijuana will be able to go to their beaches, play in the estuaries, fish and swim in the oceans, and live their lives in their communities without the chronic stigma and health threat of the sewage pollution which has been an unfortunate fact of life in this region.

I want to again thank my colleagues for the support they've demonstrated for these goals, and again urge their support for H.R. 3378.

TIJUANA, BAJA CALIFORNIA,
September 6, 2000.

Hon. Brian Bilbray,
House of Representatives, Longworth House Office Building, Washington, DC.

DEAR CONGRESSMAN BILBRAY: On behalf of the City of Tijuana, I would like to extend and invitation on your next visit to the region to visit with me in Tijuana and discuss the issue of cross-border sewage flows. Specifically I would to discuss our support and encouragement for the Bajagua proposal, which I understand is currently undergoing review in the United States Congress.

Our reasons for support are various and we can discuss them in more detail at our meeting, but in short, Bajagua represents the kind of entrepreneurial solution that will not only help comprehensively meet both of our constituent's sewage treatment needs, it will also provide a much needed source of water for the citizens and businesses in Tijuana.

As you know, I am a member of the PAN. As such, I feel comfortable stating that Bajagua project is representative of the type of private sector solution that President-elect Fox would like to use and extol as a model in Mexico during his administration.

Please let me know of your availability to meet and discuss this and other issues of mutual concern. I look very much to your visit.

Sincerely,

FRANCISCO DE LAMADRID,
Mayor, City of Tijuana.

SURFRIDER FOUNDATION POLICY REGARDING DELAYS IN ACHIEVING SECONDARY TREATMENT AT THE U.S. MEXICAN BORDER

JULY 9, 1999

Currently, more than 50 million gallons per day (mgd) of raw, untreated sewage enters the Tijuana River and the Tijuana Municipal Wastewater System. Less than half of this, approximately 25 mgd, is treated to advanced primary standards at the International Wastewater Treatment Plant (ITPO and discharged into the ocean via the South Bay ocean outfall. A portion of the remaining untreated sewage, up to 71 mgd, receives some indeterminate level of treatment at the San Antonio de Los Buenos Treatment Plant in Mexico. The remainder of untreated sewage is discharged directly into the nearshore marine environment at the mount of the Tijuana river and at Punta Banderas, 5 miles south of the Border. Together with numerous other groups, the San Diego County Chapter of the Surfrider Foundation is concerned about the environmental impacts and human health risks of discharging any raw sewage into the ocean, as well as effluent that receives anything less than secondary treatment.

The Environmental Protection Agency (EPA) and International Boundary and Water Commission (IBWC) are required to achieve secondary standards of treatment for all sewage discharged from the ITP by December 2000. Several options for an appropriate treatment plant have been considered by EPA and the IBWC, however, no final preferred option has been chosen. The frontrunner to date is a 25 mgd secondary treatment plant using "Completely Mixed Aerated" pond technology at the "Hofer" site adjacent to the ITP. Because the deadline to begin construction of a secondary treatment plant which would be operational by the December date has passed, the agencies have sought more time to select a preferred alternative. Additionally, this added time has been sought to fully consider options not previously considered, which would provide for a comprehensive solution to the known and future anticipated volume of sewage.

The Surfrider Foundation agrees with many others that secondary treatment must be achieved as quickly as possible. The harmful effects to the deep ocean environment, the public, as well as to the beaches and beach communities of southern San Diego County must not continue. However, recognizing that a partial solution is not solution, the Surfrider Foundation is strongly in favor of a comprehensive solution, fully aware of the risk of slight delay. A comprehensive solution will offer the benefits of timeliness as well as the consideration of other priority issues such as the ability to treat all present and future flows, impact of the plant location upon the immediate environment and population, plant expansion capability, feasibility of beneficial water reuse, proper sludge handling, and the relationship and compatibility of the proposal within the existing system of wastewater treatment on both the U.S. and Mexico.

Therefore, the Surfrider Foundation will support the EPA and the IBWC in their efforts to provide comprehensive secondary treatment of all sewage flowing from the Tijuana River as quickly as possible.

Mr. TAYLOR of Mississippi. Mr. Speaker, I thank the ranking member for mentioning one of the many great restaurants in my district, but before the people of Bay St. Louis take offense, I better claim that as my hometown, although Waveland has always been very good to me.

Mr. BILBRAY. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR of Mississippi. I yield to the gentleman from California.

Mr. BILBRAY. Mr. Speaker, I know the gentleman is from the great community of Bay St. Louis. It is just that I always remember that one of the great landmarks of Bay St. Louis has to be in Waveland; and the gentleman's office, at least your campaign office, is obviously the greatest location for crawfish anywhere in the United States, and that is Little Jays.

Mr. TAYLOR of Mississippi. Mr. Speaker, I am sure every member of the Kidd family thanks the gentleman from California for that great commercial.

Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the full Committee on Transportation and Infrastructure.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to express my great appreciation to the gentleman from Pennsylvania (Mr. SHUSTER) for moving this legislation in such an expeditious fashion in bringing it to the House floor in order to address and, in the process of addressing, resolve a long-standing problem. I want to express my great appreciation and admiration to and for the gentleman from California (Mr. FILNER), who has been dogged and persistent in his determination to address this issue. To the gentleman from California (Mr. BILBRAY) who recently spoke, I would like to express my appreciation for his kind words, but also for his persistence, practically from the first day he arrived in this body, in literally descending upon me and other members of our committee in appealing for legislative action to address the problem of clean water, the quality of water of the beaches along San Diego, the use of which he is so well known, and for his partnership with the gentleman from California (Mr. FILNER) and the rest of the San Diego area delegation.

I would just like to address a couple of issues here that I think are very critical. The question has been raised, why should the United States be providing financial support for, in this case, in effect guaranteeing the financing of a project built in Mexico? Well, the first very simple fact is, as the gentleman from California (Mr. BILBRAY) well expressed, the Tijuana River flows into the United States, part of its course, and then out into the waters that both the United States and Mexico share. Furthermore, while there are 1 million-plus people in Tijuana and about 3 million in the U.S. San Diego side, this is 4 million headed for 6 million in a very few years. The growth is absolutely explosive, both population growth and economic growth in this very dynamic region of the North American continent. If we do not act now, the waters into which the Tijuana flows will be destroyed, perhaps for decades to come. Now is the time to act.

Secondly, this is not an issue without precedent. We have in the past provided authorization for and financing of works constructed in another country that benefit the United States. Specifically, Canada. The Red River on which Minnesota and North Dakota border flows north into Canada. The way weather works, it is a little bit warmer in Minnesota and North Dakota a little bit earlier than it is in Canada, so that by the time the ice breakup reaches Canada, it is still frozen in Canada, the water backs up and floods Minnesota and North Dakota.

So our Committee on Transportation and Infrastructure, then the Committee on Public Works, 4 decades ago authorized the construction by the Corps of Engineers, in cooperation with the Canadian authorities, of works in Canada to free up ice so the Red River of the north could flow freely without backing up and causing flooding in the United States, a benefit to U.S. citizens from work constructed in another country and paid for by the United States.

□ 2245

The same principle applies here. That is what is at stake. It is important that we undertake this work and that it go forward. Of course, it will require a further international agreement between the United States and Mexico, which I am confident will be forthcoming.

Again, in conclusion, I commend the gentlemen from California, Mr. FILNER and Mr. BILBRAY, for their farsightedness in addressing this issue and bringing this legislation to the floor, and I urge its overwhelming passage.

Mr. FILNER. Mr. Speaker I rise in support of H.R. 3378, a bill providing the best chance for a comprehensive solution to the problem of Mexican sewage flowing in to the U.S. and our waters.

I introduced H.R. 3378, the Tijuana River Valley Estuary and Beach Sewage Cleanup Act, along with my colleague, Mr. BILBRAY, to end a problem that has plagued the San Diego area for decades. No other district has endured raw sewage from Mexico flowing unabated in their riverbeds and beaches.

By treating Mexican sewage in Mexico, this bill advances a common-sense solution to the problem of international sewage along the border between the United States. This is a win-

win solution for both countries. The growing amount of sewage currently left untreated by Mexico and flowing into the U.S. would be treated—a win for both countries. And the treated sewage—which belongs to Mexico to begin with—could be reused in Mexican industrial and agricultural endeavors.

Current plans—those short-sighted plans supported by both the EPA and International Boundary Water Commission (IBWC)—call for treating less than half of the sewage that fouls our beaches and estuaries. It has taken these bureaucracies 10 years to prepare to build a secondary treatment arm of the International Wastewater Treatment (the IWTP). In that time, the sewage flows have more than doubled, yet they continue to fight for a plan that will not solve the problem. The problem in beach pollution now is not the quality of the outfall coming from the International Wastewater Treatment Plant, but a growing quantity of sewage that Tijuana can't handle.

The plan that Mr. Bilbray and I are advancing in H.R. 3378 would take care of the growing quantity of sewage as well as the sewage now being treated at the IWTP. Instead of spending money on an impartial solution, it would quickly provide a comprehensive solution to the problem.

This is an acute problem. An official of the Surfrider foundation said, "I'm surfing in sewage." He put it a little less delicately—and it is not a very genteel situation in my District when sewage washes up on the beach, flows down our rivers and canyons and fouls the water where our children should be able to swim worry-free.

A solution to not surfing in sewage? Build enough sewage treatment to handle the problem. That's what our bill would do. It says we will purşue a plan that can easily treat 50 million gallons of sewage each day—and perhaps even more.

The plan makes even more sense when you know that the Mexican sewage will be reclaimed and reused by industrial and agricultural users in Mexico to help cover the cost. That way, all the hazardous and unhealthy sewage that now flows into our ocean without proper treatment will be cleaned—and much of it reused so that it never gets to the ocean.

We may owe that to our surfers—but we definitely owe that to our children. I ask you to support this bill so that this innovative plan to protect the health and safety of San Diegans can move forward.

Mr. BOEHLERT. Mr. Speaker, I thank the chairman and ranking member of the Transportation and Infrastructure Committee for helping to bring H.R. 3378, the Tijuana River Valley Estuary and Beach Sewage Cleanup Act, to the House floor for action.

I also commend Representatives BILBRAY and FILNER of California, who introduced H.R. 3378, for their dedicated bi-partisan leadership in getting us to where we are today.

Their bill would authorize the United States to take actions to comprehensively address the treatment of sewage generated in the area of Tijuana, Mexico that flows untreated or partially treated into the San Diego, California area.

Thie pollution, occurring because the region's wastewater treatment capacity can not keep pace with its rapid growth, has created serious sanitation issues for decades in the U.S. In fact, the city of San Diego has declared a continued state of emergency since 1993 due to the threats to public health and the environment resulting from increasing sewage flows into the area.

To provide sufficient wastewater treatment capacity in the area, H.R. 3378 encourages the U.S. to negotiate new international agreements with Mexico. It also authorizes the United States to enter into an innovative public-private partnership to construct and operate a new wastewater treatment facility in Mexico.

It's time to resolve this serious sanitation issue that has plagued the San Diego border area for decades. I support passage of H.R. 3378, as amended, and urge my colleagues to do the same.

Mr. TAYLOR of Mississippi. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I urge passage of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 3378, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ESTUARY RESTORATION ACT OF 2000

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1775) to catalyze restoration of estuary habitat through more efficient financing of projects and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1775

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Estuary Restoration Act of 2000".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to promote the restoration of estuary habitat;

(2) to develop a national estuary habitat restoration strategy for creating and maintaining effective estuary habitat restoration partnerships among public agencies at all levels of government and to establish new partnerships between the public and private sectors;

(3) to provide Federal assistance for estuary habitat restoration projects and to promote efficient financing of such projects; and

(4) to develop and enhance monitoring and research capabilities to ensure that estuary habitat restoration efforts are based on sound scientific understanding and to create a national database of estuary habitat restoration information.

SEC. 3. DEFINITIONS.

In this Act, the following definitions apply:

(1) COUNCIL.—The term "Council" means the Estuary Habitat Restoration Council established by section 5.

(2) ESTUARY.—The term "estuary" means a part of a river or stream or other body of water that has an unimpaired connection with the open sea and where the sea water is measurably diluted with fresh water derived from land drainage. The term also includes near coastal waters and wetlands of the Great Lakes that are similar in form and function to estuaries.

(3) ESTUARY HABITAT.—The term "estuary habitat" means the physical, biological, and chemical elements associated with an estuary, including the complex of physical and hydrologic features and living organisms within the estuary and associated ecosystems.

(4) ESTUARY HABITAT RESTORATION ACTIVITY.—

(A) IN GENERAL.—The term "estuary habitat restoration activity" means an activity that results in improving degraded estuaries or estuary habitat or creating estuary habitat (including both physical and functional restoration), with the goal of attaining a self-sustaining system integrated into the surrounding landscape.

(B) INCLUDED ACTIVITIES.—The term "estuary habitat restoration activity" includes—

(i) the reestablishment of chemical, physical, hydrologic, and biological features and components associated with an estuary;

(ii) except as provided in subparagraph (C), the cleanup of pollution for the benefit of estuary habitat;

(iii) the control of nonnative and invasive species in the estuary;

(iv) the reintroduction of species native to the estuary, including through such means as planting or promoting natural succession;

(v) the construction of reefs to promote fish and shellfish production and to provide estuary habitat for living resources; and

(vi) other activities that improve estuary habitat.

(C) EXCLUDED ACTIVITIES.—The term "estuary habitat restoration activity" does not include an activity that—

(i) constitutes mitigation required under any Federal or State law for the adverse effects of an activity regulated or otherwise governed by Federal or State law; or

(ii) constitutes restoration for natural resource damages required under any Federal or State law.

(5) ESTUARY HABITAT RESTORATION PROJECT.—The term "estuary habitat restoration project" means a project to carry out an estuary habitat restoration activity.

(6) ESTUARY HABITAT RESTORATION PLAN.—

(A) IN GENERAL.—The term "estuary habitat restoration plan" means any Federal or State plan for restoration of degraded estuary habitat that was developed with the substantial participation of appropriate public and private stakeholders.

(B) INCLUDED PLANS AND PROGRAMS.—The term "estuary habitat restoration plan" includes estuary habitat restoration components of—

(i) a comprehensive conservation and management plan approved under section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330);

(ii) a lakewide management plan or remedial action plan developed under section 118 of the Federal Water Pollution Control Act (33 U.S.C. 1268);

(iii) a management plan approved under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.); and

(iv) the interstate management plan developed pursuant to the Chesapeake Bay program under section 117 of the Federal Water Pollution Control Act (33 U.S.C. 1267).

(8) Indian tribe.—The term "Indian tribe" has the meaning given such term by section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(9) Non-federal interest.—The term "non-federal interest" means a State, a political subdivision of a State, an Indian tribe, a regional or interstate agency, or, as provided in section 4(g)(2), a nongovernmental organization.

(10) Secretary.—The term "Secretary" means the Secretary of the Army.

(11) State.—The term "State" means the States of Alabama, Alaska, California, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Indiana, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Texas, Virginia, Washington, and Wisconsin, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, American Samoa, and Guam.

SEC. 4. ESTUARY HABITAT RESTORATION PROGRAM.

(a) Establishment.—There is established an estuary habitat restoration program under which the Secretary may carry out estuary habitat restoration projects and provide technical assistance in accordance with the requirements of this Act.

(b) Origin of Projects.—A proposed estuary habitat restoration project shall originate from a non-Federal interest consistent with State or local laws.

(c) Required Elements of Project Proposals.—To be eligible for the estuary habitat restoration program established under this Act, each proposed estuary habitat restoration project must—

(1) address restoration needs identified in an estuary habitat restoration plan;

(2) be consistent with the estuary habitat restoration strategy developed under section 7;

(3) be technically feasible;

(4) include a monitoring plan that is consistent with standards for monitoring developed under section 8 to ensure that short-term and long-term restoration goals are achieved; and

(5) include satisfactory assurance from the non-Federal interests proposing the project that the non-Federal interests will have adequate personnel, funding, and authority to carry out and properly maintain the project.

(d) Selection of Projects.—

(1) In general.—The Secretary, after considering the advice and recommendations of the Council, shall select estuary habitat restoration projects taking into account the following factors:

(A) The scientific merit of the project.

(B) Whether the project will encourage increased coordination and cooperation among Federal, State, and local government agencies.

(C) Whether the project fosters public-private partnerships and uses Federal resources to encourage increased private sector involvement, including consideration of the amount of private funds or in-kind contributions for an estuary habitat restoration activity.

(D) Whether the project is cost-effective.

(E) Whether the State in which the non-Federal interest is proposing the project has a dedicated source of funding to acquire or restore estuary habitat, natural areas, and open spaces for the benefit of estuary habitat restoration or protection.

(F) Other factors that the Secretary determines to be reasonable and necessary for consideration.

(2) Priority.—In selecting estuary habitat restoration projects to be carried out under this Act, the Secretary shall give priority consideration to a project if, in addition to meriting selection based on the factors under paragraph (1)—

(A) the project occurs within a watershed in which there is a program being carried out that addresses sources of pollution and other activities that otherwise would re-impair the restored habitat; or

(B) the project includes pilot testing or a demonstration of an innovative technology having the potential for improved cost-effectiveness in estuary habitat restoration.

(e) Cost Sharing.—

(1) Federal share.—The Federal share of the cost of an estuary habitat restoration project carried out under this Act shall not exceed 65 percent of such cost.

(2) Non-federal share.—The non-Federal share of the cost of an estuary habitat restoration project carried out under this Act shall include lands, easements, rights-of-way, and relocations and may include services, or any other form of in-kind contribution determined by the Secretary to be an appropriate contribution equivalent to the monetary amount required for the non-Federal share of the activity.

(f) Interim Actions.—

(1) In general.—Pending completion of the estuary habitat restoration strategy to be developed under section 7, the Secretary may take interim actions to carry out an estuary habitat restoration activity.

(2) Federal share.—The Federal share of the cost of an estuary habitat restoration activity before the completion of the estuary habitat restoration strategy shall not exceed 25 percent of such cost.

(g) Cooperation of Non-Federal Interests.—

(1) In general.—The Secretary shall not select an estuary habitat restoration project until a non-Federal interest has entered into a written agreement with the Secretary in which the non-Federal interest agrees to—

(A) provide all lands, easements, rights-of-way, and relocations and any other elements the Secretary determines appropriate under subsection (e)(2); and

(B) provide for maintenance and monitoring of the project to the extent the Secretary determines necessary.

(2) Nongovernmental organizations.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project undertaken under this Act, the Secretary, upon the recommendation of the Governor of the State in which the project is located and in consultation with appropriate officials of political subdivisions of such State, may allow a nongovernmental organization to serve as the non-Federal interest.

(h) Delegation of Project Implementation.—In carrying out this Act, the Secretary may delegate project implementation to another Federal department or agency on a reimbursable basis if the Secretary, after considering the advice and recommendations of the Council, determines such delegation is appropriate.

SEC. 5. ESTABLISHMENT OF ESTUARY HABITAT RESTORATION COUNCIL.

(a) Council.—There is established a council to be known as the "Estuary Habitat Restoration Council".

(b) Duties.—The Council shall be responsible for—

(1) soliciting, reviewing, and evaluating project proposals and making recommendations concerning such proposals based on the factors specified in section 4(d)(1), including recommendations as to a priority order for carrying out such projects and as to whether a project should be carried out by the Secretary or by another Federal department or agency under section 4(h);

(2) developing and transmitting to Congress a national strategy for restoration of estuary habitat;

(3) periodically reviewing the effectiveness of the national strategy in meeting the purposes of this Act and, as necessary, updating the national strategy; and

(4) providing advice on the development of the database, monitoring standards, and report required under sections 8 and 9.

(c) Membership.—The Council shall be composed of the following members:

(1) The Secretary (or the Secretary's designee).

(2) The Under Secretary for Oceans and Atmosphere of the Department of Commerce (or the Under Secretary's designee).

(3) The Administrator of the Environmental Protection Agency (or the Administrator's designee).

(4) The Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service (or such Secretary's designee).

(5) The Secretary of Agriculture (or such Secretary's designee).

(6) The head of any other Federal agency designated by the President to serve as an ex officio member of the Council.

(d) Prohibition of Compensation.—Members of the Council may not receive compensation for their service as members of the Council.

(e) Chairperson.—The chairperson shall be elected by the Council from among its members for a 3-year term, except that the first elected chairperson may serve a term of fewer than 3 years.

(f) Convening of Council.—

(1) First meeting.—The Secretary shall convene the first meeting of the Council not later than 60 days after the date of enactment of this Act for the purpose of electing a chairperson.

(2) Additional meetings.—The chairperson shall convene additional meetings of the Council as often as appropriate to ensure that this Act is fully carried out, but not less often than annually.

(g) Council Procedures.—The Council shall establish procedures for voting, the conduct of meetings, and other matters, as necessary.

(h) Public Participation.—Meetings of the Council shall be open to the public. The Council shall provide notice to the public of such meetings.

SEC. 6. ADVISORY BOARD.

(a) In General.—The Council shall establish an advisory board (in this subsection referred to as the "board").

(b) Duties.—The board shall provide advice and recommendations to the Council—

(1) on the strategy developed pursuant to section 7; and

(2) on the Council's consideration of proposed estuary habitat restoration projects and the Council's recommendations to the Secretary pursuant to section 5(b)(1), including advice on the scientific merit, technical merit, and feasibility of a project.

(c) Members.—The Council shall appoint members of the board representing diverse public and private interests. Members of the board shall be selected such that the board consists of—

(1) 3 members with recognized academic scientific expertise in estuary or estuary habitat restoration;

(2) 3 members representing State agencies with expertise in estuary or estuary habitat restoration;

(3) 2 members representing local or regional government agencies with expertise in estuary or estuary habitat restoration;

(4) 2 members representing nongovernmental organizations with expertise in estuary or estuary habitat restoration;

(5) 2 members representing fishing interests;

(6) 2 members representing estuary users other than fishing interests;

(7) 2 members representing agricultural interests; and

(8) 2 members representing Indian tribes.

(d) Terms.—

(1) In general.—Except as provided by subparagraph (B), members of the board shall be appointed for a term of 3 years.

(2) Initial members.—As designated by the chairperson of the Council at the time of appointment, of the members first appointed—

(A) 9 shall be appointed for a term of 1 year; and

(B) 9 shall be appointed for a term of 2 years.

(e) Vacancies.—Whenever a vacancy occurs among members of the board, the Council shall appoint an appropriate individual to fill that vacancy for the remainder of the applicable term.

(f) Board Leadership.—The board shall elect from among its members a chairperson of the board to represent the board in matters related to its duties under this Act.

(g) Compensation.—Members of the board shall not be considered to be employees of the United States and may not receive compensation for their service as members of the board, except that while engaged in the performance of their duties while away from their homes or regular place of business, members of the board may be allowed necessary travel expenses as authorized by section 5703 of title 5, United States Code.

(h) Technical Support.—Technical support may be provided to the board by regional and field staff of the Corps of Engineers, the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, the United States Fish and Wildlife Service, and the Department of Agriculture. The Secretary shall coordinate the provision of such assistance.

(i) Administrative Support Services.—Upon the request of the board, the Secretary may provide to the board the administrative support services necessary for the board to carry out its responsibilities under this Act.

(j) Funding.—From amounts appropriated for that purpose under section 10, the Secretary shall provide funding for the board to carry out its duties under this Act.

SEC. 7. ESTUARY HABITAT RESTORATION STRATEGY.

(a) In General.—Not later than 1 year after the date of enactment of this Act, the Council, in consultation with the advisory board established under section 6, shall develop an estuary habitat restoration strategy designed to ensure a comprehensive approach to maximize benefits derived from estuary habitat restoration projects and to foster the coordination of Federal and non-Federal activities related to restoration of estuary habitat.

(b) Goal.—The goal of the strategy shall be the restoration of 1,000,000 acres of estuary habitat by the year 2010.

(c) Integration of Estuary Habitat Restoration Plans, Programs, and Partnerships.—In developing the estuary habitat restoration strategy, the Council shall—

(1) conduct a review of estuary management or habitat restoration plans and Federal programs established under other laws that authorize funding for estuary habitat restoration activities; and

(2) ensure that the estuary habitat restoration strategy is developed in a manner that is consistent with the estuary management or habitat restoration plans.

(d) Elements of the Strategy.—The estuary habitat restoration strategy shall include proposals, methods, and guidance on—

(1) maximizing the incentives for the creation of new public-private partnerships to carry out estuary habitat restoration projects and the use Federal resources to encourage increased private sector involvement in estuary habitat restoration activities;

(2) ensuring that the estuary habitat restoration strategy will be implemented in a manner that is consistent with the estuary management or habitat restoration plans;

(3) promoting estuary habitat restoration projects to—

(A) provide healthy ecosystems in order to support—

(i) wildlife, including endangered and threatened species, migratory birds, and resident species of an estuary watershed; and

(ii) fish and shellfish, including commercial and recreational fisheries;

(B) improve surface and ground water quality and quantity, and flood control;

(C) provide outdoor recreation and other direct and indirect values; and

(D) address other areas of concern that the Council determines to be appropriate for consideration;

(4) addressing the estimated historic losses, estimated current rate of loss, and extent of the threat of future loss or degradation of each type of estuary habitat;

(5) measuring the rate of change for each type of estuary habitat;

(6) selecting a balance of smaller and larger estuary habitat restoration projects; and

(7) ensuring equitable geographic distribution of projects funded under this Act.

(e) Public Review and Comment.—Before the Council adopts a final or revised estuary habitat restoration strategy, the Secretary shall publish in the Federal Register a draft of the estuary habitat restoration strategy and provide an opportunity for public review and comment.

(f) Periodic Revision.—Using data and information developed through project monitoring and management, and other relevant information, the Council may periodically review and update, as necessary, the estuary habitat restoration strategy.

SEC. 8. MONITORING OF ESTUARY HABITAT RESTORATION PROJECTS.

(a) Under Secretary.—In this section, the term "Under Secretary" means the Under Secretary for Oceans and Atmosphere of the Department of Commerce.

(b) Database of Restoration Project Information.—The Under Secretary, in consultation with the Council, shall develop and maintain an appropriate database of information concerning estuary habitat restoration projects carried out under this Act, including information on project techniques, project completion, monitoring data, and other relevant information.

(c) Monitoring Data Standards.—The Under Secretary, in consultation with the Council, shall develop standard data formats for monitoring projects, along with requirements for types of data collected and frequency of monitoring.

(d) Coordination of Data.—The Under Secretary shall compile information that pertains to estuary habitat restoration projects from other Federal, State, and local sources and that meets the quality control requirements and data standards established under this section.

(e) Use of Existing Programs.—The Under Secretary shall use existing programs within the National Oceanic and Atmospheric Administration to create and maintain the database required under this section.

(f) Public Availability.—The Under Secretary shall make the information collected and maintained under this section available to the public.

SEC. 9. REPORTING.

(a) In General.—At the end of the third and fifth fiscal years following the date of enactment of this Act, the Secretary, after considering the advice and recommendations of the Council, shall transmit to Congress a report on the results of activities carried out under this Act.

(b) Contents of Report.—A report under subsection (a) shall include—

(1) data on the number of acres of estuary habitat restored under this Act, including descriptions of, and partners involved with, projects selected, in progress, and completed under this Act that comprise those acres;

(2) information from the database established under section 8(b) related to ongoing monitoring of projects to ensure that short-term and long-term restoration goals are achieved;

(3) an estimate of the long-term success of varying restoration techniques used in carrying out estuary habitat restoration projects;

(4) a review of how the information described in paragraphs (1) through (3) has been incorporated in the selection and implementation of estuary habitat restoration projects;

(5) a review of efforts made to maintain an appropriate database of restoration projects carried out under this Act; and

(6) a review of the measures taken to provide the information described in paragraphs (1) through (3) to persons with responsibility for assisting in the restoration of estuary habitat.

SEC. 10. FUNDING.

(a) Authorization of Appropriations.—

(1) Estuary habitat restoration projects.—There is authorized to be appropriated to the Secretary for carrying out and providing technical assistance for estuary habitat restoration projects—

(A) $30,000,000 for fiscal year 2001;

(B) $35,000,000 for fiscal year 2002; and

(C) $45,000,000 for each of fiscal years 2003 through 2005.

Such amounts shall remain available until expended.

(2) Monitoring.—There is authorized to be appropriated to the Under Secretary for Oceans and Atmosphere of the Department of Commerce for the acquisition, maintenance, and management of monitoring data on restoration projects carried out under this Act, $1,500,000 for each of fiscal years 2001 through 2005. Such amounts shall remain available until expended.

(b) Set-Aside for Administrative Expenses of the Council and Advisory Board.—Not to exceed 3 percent of the amounts appropriated for a fiscal year under subsection (a)(1) or $1,500,000, whichever is greater, may be used by the Secretary for administration and operation of the Council and the advisory board established under section 6.

SEC. 11. GENERAL PROVISIONS.

(a) AGENCY CONSULTATION AND COORDINATION.—In carrying out this Act, the Secretary shall, as necessary, consult with, cooperate with, and coordinate its activities with the activities of other Federal departments and agencies.

(b) COOPERATIVE AGREEMENTS; MEMORANDA OF UNDERSTANDING.—In carrying out this Act, the Secretary may—

(1) enter into cooperative agreements with Federal, State, and local government agencies and other entities; and

(2) execute such memoranda of understanding as are necessary to reflect the agreements.

(c) FEDERAL AGENCY FACILITIES AND PERSONNEL.—Federal agencies may cooperate in carrying out scientific and other programs necessary to carry out this Act, and may provide facilities and personnel, for the purpose of assisting the Council in carrying out its duties under this Act.

(d) IDENTIFICATION AND MAPPING OF DREDGED MATERIAL DISPOSAL SITES.—In consultation with appropriate Federal and non-Federal public entities, the Secretary shall undertake, and update as warranted by changed conditions, surveys to identify and map sites appropriate for beneficial uses of dredged material for the protection, restoration, and creation of aquatic and ecologically related habitats, including wetlands, in order to further the purposes of this Act.

(e) STUDY OF BIOREMEDIATION TECHNOLOGY.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency, with the full participation of the estuarine scientific community, shall begin a 2-year study on the efficacy of bioremediation products.

(2) REQUIREMENTS.—The study shall—

(A) evaluate and assess bioremediation technology—

(i) on low-level petroleum hydrocarbon contamination from recreational boat bilges;

(ii) on low-level petroleum hydrocarbon contamination from stormwater discharges;

(iii) on nonpoint petroleum hydrocarbon discharges; and

(iv) as a first response tool for petroleum hydrocarbon spills; and

(B) recommend management actions to optimize the return of a healthy and balanced ecosystem and make improvements in the quality and character of estuarine waters.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Mississippi (Mr. TAYLOR) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

H.R. 1775, the Estuary Restoration Act of 2000, authorizes estuary restoration projects and requires the development of a comprehensive strategy for estuary protection and restoration.

This bill, which was introduced by our colleague on the committee, the outstanding gentleman from Maryland (Mr. GILCHREST), will establish the public-private partnerships we need to help preserve and restore water quality, water supply, habitat, commercial fisheries, and many recreational opportunities in our Nation's estuaries.

The bill we bring to the floor today represents the combined efforts of the Committee on Transportation and Infrastructure and the Committee on Resources.

I want to extend my thanks to the chairman of the Committee on Resources, the gentleman from Alaska (Mr. YOUNG), and also the ranking member of that committee, the gentleman from California (Mr. GEORGE MILLER), for their cooperation.

In particular, I also want to give thanks to the chairman of our full committee, the gentleman from Pennsylvania (Mr. SHUSTER), and also to the ranking member of the full committee, the gentleman from Minnesota (Mr. OBERSTAR), the subcommittee chairman, the gentleman from New York (Mr. BOEHLERT), and the ranking member, the gentleman from Pennsylvania (Mr. BORSKI), on our committee.

I want to assure our colleagues that this bill does not create any new regulatory authorities, and that the restoration strategy is subject to adequate opportunities for public review and comment.

I also support the intent of the bill to ensure that projects and activities are based upon sound scientific understanding. I strongly support passage of H.R. 1775, and urge our colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 1775, the Estuary Restoration Act of 2000. Estuaries and coastal environments are precious natural resources that need to be restored and protected. They provide important habitat for numerous fish and wildlife, as well as recreational areas, transportation linkages, and sources of residential and industrial water supplies.

It has been estimated that coastal and estuarine waters are worth billions of dollars to this country. Yet, despite the inherent value of these areas, for too long we have viewed our Nation's oceans, bays, and rivers as convenient dumping grounds for waste associated with human life and development.

However, as we have fortunately learned, these earlier practices were a mistake, a mistake which we will correct. H.R. 1775 will further assist in this effort, providing assistance to restore habitat and biological health to the Nation's estuaries.

I want to commend the gentleman from Maryland (Mr. GILCHREST), from my family's ancestral home, for his efforts in sponsoring this legislation. I support its passage.

Mr. LATOURETTE. Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Maryland (Mr. GILCHREST), an outstanding representative and the author of the legislation.

Mr. GILCHREST. Mr. Speaker, I thank the gentleman for yielding time to me.

I would like to invite the gentleman from Mississippi (Mr. TAYLOR), as this bill passes and the restoration projects begin, to take a canoe trip down one of the more beautiful tidal estuaries of the Chesapeake Bay, the Pocomoke River, the ancestral homeland of the gentleman from Mississippi, in a canoe, and we will see what progress is being made.

I want to thank the staff on the Committee on Transportation and Infrastructure and the Committee on Resources for working together to blend our concepts and ideas in a unique fashion so that this bill can be signed into law and be successful.

We now have the capacity, I think, as human beings to begin the process of understanding the complexities of the dynamics of the mechanics of natural processes. The web of life that sustains all of us is now in the process by us at the beginning early stages of understanding.

An Indian philosopher said, I think his name was Chief Seattle, "Touch a flower, trouble a star." When human activity interferes in a dull way, not a natural, dynamic way, with the environment, it has a negative, degrading effect. Our estuaries have been degraded over the last especially 100 years.

The process of this bill is to make the correction so that we work with the natural processes by understanding their mechanics as to working against them. Habitats in many of America's estuaries have been degraded or destroyed over the last 100 years. Their many economic values and their quality have been either ignored or unknown.

Population growth in coastal watersheds, dredging, draining, bulldozing, paving, pollution, dams, sewage discharges, et cetera, et cetera, et cetera, have had their impacts. From these human activities, the loss that we now have seen of these estuary habitats is evident.

For example, in our coastal States alone, more than 55 million acres of wetlands have been destroyed in the last 100 years. In the Chesapeake Bay, 90 percent of the sea grasses that we know are homes to many of the marine ecosystem life is gone. Only 2 percent of the oyster harvest of 100 years ago is left. Thirty years ago we harvested 30 million pounds of oysters. Now it is less than 1 million.

In San Francisco Bay, 95 percent of its original wetlands have been destroyed, and only 300 of the original 6,000 miles of stream habitat in the Central Valley support spawning salmon.

Seventy percent of salt marshes along Narragansett Bay are being cut off from full tidal flow, and 50 percent, 50 percent have been filled and are virtually gone forever.

Louisiana estuaries continue to lose 25,000 acres annually of coastal marshes. An area roughly the size of Washington, D.C. is lost due to neglect or ignorance or some other human activity. For the most part, the loss of each estuary is an accumulation, a small accumulation of small development projects, almost unseen to the residents' naked eyes.

Other impacts have destroyed in a very small way one acre at a time, and this destruction alone cannot be blamed for the loss of our estuaries and their habitats and wetlands, but the cumulative effects of the destruction are surprising in their extent and severity. Those tiny little developments, another shopping plaza, another road, another acre filled in, another housing development, another building, another boat, the extent and severity has amounted to tens of millions of acres.

We can, I think, coordinate Federal, State and local management efforts to protect our estuaries. We must also provide sufficient resources for estuary restoration, without which all of our planning and coordination efforts are useless. Our estuaries are sick and dying, and planning without implementation is like a diagnosis without any follow-up treatment. If we want to bring estuaries back to health, we need to commit the time, money, and creativity necessary to restore the vital organs' that make estuaries live and breathe. We know how to do it. Now let us roll up our sleeves, put on our boots, and get to work.

The last comment on this bill, H.R. 1775, the National Estuary Habitat Restoration Partnership Act, is going to try to restore 1 million acres over 10 years. One national park in Alaska, one national park in Alaska, is 13 million acres, so it is a very humble beginning.

It is not about a new layer of Federal bureaucracy, however. It is about coordination of existing estuary restoration efforts. This bill will complement the efforts of programs like the National Estuary Program and the Coastal Wetlands Conservation Grants by providing direction to Federal agencies to work together with the States, with other governments, with the National Estuary Program, conservation groups, to get together to address the critical needs.

That means someone from the Corps of Engineers, someone from the Department of Agriculture, someone from a State agency, and someone from a nonprofit agency will all stand in the stream together, forget what their titles are, but they will roll up their sleeves with their boots, put the mud in the right place, and get the catfish back in the streams. We can do it.

I want to thank the gentleman from Minnesota (Mr. OBERSTAR) for all his work on this effort. Not only are the estuaries and coastal areas going to be included in this legislation, but also the Great Lakes, and they are great lakes.

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I commend my colleague, the gentleman from Maryland, for articulating so perfectly what needs to be done. I want to commend him for his efforts.

Mr. Speaker, I yield the remainder of my time to the gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the Committee on Transportation and Infrastructure.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding time to me. I want to compliment the gentleman on a very comprehensive statement of the issue at hand, and also express my appreciation to the chairman of the full committee, the gentleman from Pennsylvania (Mr. SHUSTER), the gentleman from Ohio (Mr. LATOURETTE), the gentleman from New York (Mr. BOEHLERT), and the gentleman from Maryland (Mr. GILCHREST), for their continuing surveillance and attention to detail and hard work on this critically important aspect of our environment.

Mr. Speaker, the gentleman from Maryland has been dogged in his persistence in his pursuit of protective legislation which he has so eloquently, very touchingly described tonight.

The disappearance of the Nation's wetlands is one of the greatest losses of this country. In the Central Mississippi Flyway, we have lost well over 50 percent of the wetlands that existed at the time of the formation of this Union. That is an irretrievable loss. No matter what we do, we cannot recreate those wetlands that have been lost.

What we can do, at least what this legislation gives us the opportunity to do, is to protect those wetlands and those estuaries that remain.

The great salt water estuaries of this world, of which the Chesapeake Bay is uncontestably the greatest, are the meeting places of salt and fresh water where new life forms take place, the creation of new life from the mixing of fresh and salt water. It is recognized as one of the extraordinary reserves of nature.

We must understand these estuaries better. We must work to protect their integrity.

As the gentleman from Maryland has so well said, while we have addressed the problems of point source discharge that have served to vastly clean up our lakes and rivers, we have not yet adequately, not in the least, adequately addressed the matter of nonpoint source runoff.

□ 2300

If we fail on the one hand to protect wetlands and fail on the other hand to prevent senseless runoff from open lands, whether urban and suburban, residential and shopping center construction, or agricultural land that is inadequately able to protect runoff, if we fail to protect the wetlands on the other hand that serve as a great filtering place, then we will destroy the estuaries of this country and the rest of the world.

This legislation moves us in the right direction. It does not deal with the fundamental problem of nonpoint source cleanup, which I hope we will be able to address in the forthcoming sessions of Congress.

As reported out of the Committee on Transportation and Infrastructure, this legislation would have prevented nonprofit entities to serve as local sponsor of estuary habitat restoration projects in coordination with the State and local appropriate officials.

However, during negotiations with the Committee on Resources, this provision was amended to require that nonprofit organizations obtain the recommendation of the governor before, before they, the nonprofits, would be eligible to serve as local sponsors.

I felt that this would be a very substantial burden for nonprofit in light of the fact that the legislation creates a multilayer competitive review process to ensure funding of only the most worthy restoration projects and requires local sponsors to provide 35 percent of the costs. I do not think we should be providing or saddling another restriction on who is eligible to be a local sponsor.

I have raised this with the gentleman from Pennsylvania (Mr. SHUSTER), the chairman of the full committee. He has given me his personal assurance that we will review this matter in further detail as the bill moves forward through this body and into conference with the Senate. I thank him for his commitment to work with me on this matter.

I also appreciate the remarks the gentleman from Maryland (Mr. GILCHREST) made about the Great Lakes being included in the auspices of this legislation. The Great Lakes represent one-fifth of all the fresh water on the face of the Earth. That resource, too, is vital as we consider this estuary legislation. We consider the unique resources. While the rivers that discharge into the Great Lakes are not the meeting of salt and fresh water, they are the meeting place of different aquatic species that, again, result in the creation of new life. It is important that these areas, these Great Lakes estuaries be considered in the ambit of this legislation.

I appreciate the gentleman's cooperation, his work with me to come to this legislation. I urge the passage of this legislation.

Mr. BOEHLERT. Mr. Speaker, I rise in strong support of H.R. 1775, the Estuary Restoration Act of 2000.

First, Let me thank Chairman BUD SHUSTER and Representatives JIM OBERSTAR and BOB BORSKI of the Transportation and Infrastructure Committee, as well as thank the chairman and ranking member of the Resources Committee, for their leadership and cooperation in moving this important legislation forward.

I also want to recognize the leadership of the bill's sponsor, Representative WAYNE GILCHREST.

Estuaries are places where fresh water meets the open sea, creating some of the most diverse and productive habitat in the country.

For example, 75 percent of the commercial fish and shellfish catch in the United States comes from estuaries. Without clean water, these fisheries can collapse, creating economic havoc and destroying a way of life. The recent crisis for lobstermen in Long Island Sound is vivid reminder of what can happen.

More than 70 percent of Americans visit coastal areas every year—including estuaries like the Chesapeake Bay that is so dear to Congressman GILCHREST. Fishing, boating, and tourism in these areas all depend on clean water.

More than 110 million people currently live in coastal regions. Estuaries provide critical water supply for these people.

Even Americans who never travel to coastal areas rely on clean estuary habitat. Migratory birds and anadromous fish spend part of their lives in estuaries and part of their lives inland. So duck hunters and fisherman in upstate New York need clean estuaries as much as duck hunters and fisherman in the Chesapeake Bay.

Given their important role, it is essential we increase our efforts to restore and protect our estuaries, which are at risk in many areas. Population growth, increased development, and other pressures have caused significant damage to, and loss of, our estuaries.

H.R. 1775 strengthens efforts across the United States, at the Federal, State and local levels, to restore our valuable estuary habitat:

H.R. 1775 authorizes $200 million for the Secretary of the Army to carry out estuary habitat restoration projects.

The Secretary will select these projects in consultation with a National Estuary Habitat Council that develops a long-term national estuary restoration strategy.

The bill also establishes an advisory board of experts to provide scientific and technical expertise to the National Council and the Secretary.

Finally, under H.R. 1775, restoration projects will be monitored and evaluated to help ensure their long-term success.

I urge all Members to support this bill, which takes an important step forward to comprehensively address restoration of our estuaries.

Mr. BENTSEN. Mr. Speaker, I rise in support of H.R. 1775, the Estuary Restoration Act of 2000. As an original cosponsor, I believe this bill will be tremendously instrumental for the restoration of our nation's major estuaries, including Galveston Bay which borders my district in Texas.

Estuaries act as nurseries for much of our marine life. These complex and productive areas urgently need recognition if estuaries are to continue supporting over 70 million jobs and countless millions of hours of recreation. Due to lack of recognition of their value, millions of acres of estuaries have been lost over the decades, losses which persist today. In my district, Galveston Bay is part of the national estuary program and has suffered troubling habitat loss. It would benefit tremendously under this bill.

Galveston Bay's watershed encompasses one of the most heavily industrialized and most heavily populated regions in the United States. Since the 1950's, 30,000 acres of wetlands have been lost in the estuary. Wastewater discharges from communities and industries into Galveston Bay account for half of Texas' total wastewater discharges every year. Like many of America's beloved bays and estuaries under these circumstances, the productivity of Galveston Bay has declined. In addition to the ecological loss, declining productivity is an alarming economic trend, because Galveston Bay produces two-thirds of Texas oyster harvest, one-third of Texas' bay shrimp catch, and one-quarter of Texas' blue crab catch. Declining productivity also means reduced recreation for a Bay that currently supports the third largest recreational boating fleet in the United States. In response, the local community has reacted, but recognition and support have been limited.

This act's defining principle is grassroots action. The bill authorizes $315 million over 5 years for matching grant funds to be used by nonprofit groups, State and local governments, neighborhood associations, schools, and concerned citizen organizations like the Galveston Bay Foundation. The goal of this $315 million is the restoration of 1 million acres of estuary over the next 10 years, so that our estuaries can continue producing food, flood mitigation, water quality employment, and recreational benefits along American coastlines. This bill provides a $315 million investment to ensure the sustainability of activities that contribute well over $100 billion to the U.S. economy. The matching grants will rehabilitate our Nation's estuaries by allowing local volunteer restoration activities to continue, strengthen, and take-off. Priority will be given to projects which build partnerships between public and private groups, relationships which can continue long after the period of this act. We in the Federal Government should make the prudent decision to invest in America's quality of life, environment, and economy by passing H.R. 1775.

As proof of the ability of local communities to take on estuary restoration, the Galveston Bay Foundation is exemplary of the type of organization that the Estuary Restoration Act will facilitate. The Galveston Bay Foundation began by restoring small areas measured in square feet, and now is pursuing the ambitious goal of restoring 24,000 of the 30,000 estuary acres lost in Galveston Bay. Assisted by the National Estuary Program, the Galveston Bay Foundation also monitors water quality by recruiting and training volunteers and by obtaining and distributing monitoring equipment. With the passage of the Estuary Restoration Act of 2000, organizations across the country including the Galveston Bay Foundation can leverage the investment efficiently and effectively on the local level.

I believe that H.R. 1775 is essential to implement longterm, local estuary conservation and management plans. Estuaries are integral parts of any nearby community and effect absolutely every community. I urge my colleagues to pass the Estuary Restoration Act and invest in the ecological and economic future of America's coastal areas by providing assistance to those who use it best—local communities.

Mr. SAXTON. Mr. Speaker, I strongly support H.R. 1775 and would like to thank the gentleman from Maryland for his tireless work on this legislation.

H.R. 1775 addresses the serious problem of declining estuary and coastal wetland habitat throughout the United States. Despite our best efforts, we are continuing to lose valuable coastal and estuary acreage to erosion, subsidence, water quality degradation, invasive species, contaminated sediments, and other impacts. These areas are biologically important for many commercial and recreational fish species, shellfish, migratory birds, and other wildlife. These areas are also among this nation's busiest ports, playing an important role in the national economy.

This legislation would provide much-needed assistance to halt the degradation of these areas while allowing continued economic uses. Restoration projects are expensive, and H.R. 1775 creates new Federal, State, and local partnerships to undertake these projects.

H.R. 1775 builds upon the existing authorities and expertise of the Army Corps of Engineers, with the help of Federal partners such as NOAA and the U.S. Fish and Wildlife Service. This bill requires that restoration projects include a monitoring component to ensure that we learn from these restoration projects and continue to find innovative solutions.

Mr. Speaker, H.R. 1775 represents the hard work of both the Transportation and Resources Committees, and it is an innovative approach to on-the ground projects. I urge an "aye" vote on this legislation.

Mr. LATOURETTE. Mr. Speaker, we have no additional requests for time. We will be prepared to yield back when the gentleman from Mississippi (Mr. TAYLOR) does the same.

Mr. TAYLOR of Mississippi. Mr. Speaker, I have no additional requests for time, and I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I urge passage of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 1775, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

MISSISSIPPI SOUND RESTORATION ACT OF 2000

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4104) to amend the Federal Water Pollution Control Act to authorize funding to carry out certain water quality and barrier island restoration projects for the Mississippi Sound, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4104

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mississippi Sound Restoration Act of 2000".

SEC. 2. NATIONAL ESTUARY PROGRAM.

(a) FINDING.—Congress finds that the Mississippi Sound is an estuary of national significance.

(b) ADDITION TO NATIONAL ESTUARY PROGRAM.—Section 320(a)(2)(B) of the Federal Water Pollution Control Act (33 U.S.C. 1330(a)(2)(B)) is amended by inserting "Mississippi Sound, Mississippi;" before "and Peconic Bay, New York.".

SEC. 3. MISSISSIPPI SOUND.

Title I of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is amended by adding at the end the following:

"SEC. 121. MISSISSIPPI SOUND.

"(a) ESTABLISHMENT OF RESTORATION PROGRAM.—The Administrator shall establish within the Environmental Protection Agency the Mississippi Sound Restoration Program.

"(b) PURPOSE.—The purpose of the program shall be to restore the ecological health of the Sound, including barrier islands, coastal wetlands, keys, and reefs, by developing and funding restoration projects and related scientific and public education projects and by coordinating efforts among Federal, State, and local governmental agencies and nonregulatory organizations.

"(c) DUTIES.—In carrying out the program, the Administrator shall—

"(1) provide administrative and technical assistance to a management conference convened for the Sound under section 320;

"(2) assist and support the activities of the management conference, including the implementation of recommendations of the management conference;

"(3) support environmental monitoring of the Sound and research to provide necessary technical and scientific information;

"(4) develop a comprehensive research plan to address the technical needs of the program;

"(5) coordinate the grant, research, and planning programs authorized under this section; and

"(6) collect and make available to the public publications, and other forms of information the management conference determines to be appropriate, relating to the environmental quality of the Sound.

"(d) GRANTS.—The Administrator may make grants—

"(1) for restoration projects and studies recommended by a management conference convened for the Sound under section 320; and

"(2) for public education projects recommended by the management conference.

"(e) DEFINITIONS.—In this section, the following definitions apply:

"(1) SOUND.—The term 'Sound' means the Mississippi Sound located on the Gulf Coast of the State of Mississippi.

"(2) PROGRAM.—The term 'program' means the Mississippi Sound Restoration Program established under subsection (a).

"(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $10,000,000 to carry out this section. Such sums shall remain available until expended.".

SEC. 4. SENSE OF THE CONGRESS.

It is the sense of the Congress that all recipients of grants under this Act (including amendments made by this Act) shall abide by the Buy American Act. The Administrator of the Environmental Protection Agency shall give notice of the Buy American Act requirements to grant applicants under this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Mississippi (Mr. TAYLOR) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of H.R. 4104, introduced by the gentleman from Mississippi (Mr. TAYLOR) is to authorize financial and technical assistance for water quality restoration activities in the Mississippi Sound.

H.R. 4104 provides a framework for voluntary and cooperative efforts to restore the Mississippi Sound by identifying the Mississippi Sound as an estuary of national significance recommended for inclusion in the National Estuary Program, and also creating a Mississippi Sound program within EPA to coordinate and provide assistance to State and local efforts, to reduce pollution and restore the ecological health of the Sound.

I want to commend the gentleman from Mississippi (Mr. TAYLOR) for moving this legislation to the floor so expeditiously, and I support the legislation, and I urge an aye vote.

Mr. Speaker, I reserve the balance of my time.

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Ohio (Mr. LATOURETTE) for his remarks.

Mr. Speaker, one of the best-kept secrets in America is no longer a well-kept secret. The Mississippi coast, with the advent of legalized gaming, has gone from a relatively quiet backwater community to one of the most popular destination resorts in the United States of America. The Gulfport airport that traditionally handled over 200,000 people will board over a million people this year.

All that being said, there are a heck of a lot more people using the Mississippi Sound than ever before, a heck of a lot more people living in the vicinity of it.

In all of the estuarine area in the Mississippi gulf coast, which is so similar to the Chesapeake Bay in characteristics with the bays and coastal marshes, is facing the same sort of stress that the Chesapeake Bay and other estuarine areas around the country have faced.

Although we still have record oyster harvest, we are having a phenomenal shrimp season this year, the bottom line is that, much as the gentleman from Maryland (Mr. GILCHREST) mentioned, our losses of coastal marshes are not taking place in hundreds of acres or thousands of acres, but truly an acre at a time, just as he mentioned it.

Although 1,200 acres were permitted to be filled by the Corps of Engineers last year, this is not a police state. I think it is fair to say, if 1,200 acres were permitted, probably 5,000 acres were truly lost.

What we are trying to do is restore some of the mistakes that man has made along the Mississippi Gulf Coast using the resources available.

We would like to be a pilot project in the United States of America for the beneficial use of dredge material when the Federal Government dredges and maintains its channels. Rather than taking that offshore and dumping it, we want to use that material to rebuild and restore our coastal marshes, to rebuild our barrier islands. We want to take the riprap that is created from Federal projects and start rebuilding some of the reefs that were unnecessarily destroyed in the 1950s and 1960s to provide aggregate material for building roads.

We have a lot of opportunities. What we need more than anything else is a game plan entailing the entire three coastal counties and our partners in Louisiana, since we were part of the Lake Pontchartrain Basin as well, to work together to take this jewel that God created and make it as pristine as possible.

I know the hour is late. I do not think it needs any further explanation. I want to thank the gentleman from Ohio (Mr. LATOURETTE) for his help. I want to thank the gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the Committee on Transportation and Infrastructure, for his great assistance in getting this on the calendar tonight.

Mr. Speaker, I reserve the balance of my time.

Mr. LATOURETTE. Mr. Speaker, we have no requests for time. I also urge passage of the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR), ranking member, one of the gentlemen who was so helpful in bringing this to the floor tonight.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding me this time. I want to, again, express my appreciation to the gentleman from Pennsylvania (Chairman SHUSTER) for bringing this legislation to the committee and to the floor so expeditiously, and to compliment the gentleman from Mississippi (Mr. TAYLOR) for his dogged pursuit of this legislation. He has been a relentless advocate for action on the Mississippi Sound. The restoration act that he brings to the floor tonight is one that he has championed for many years and advocated vigorously within the committee and is one that will stand as a crown jewel in his legislative achievement.

Much progress has been made under the Clean Water Act since 1972, but many bodies of water still require additional attention and resources to achieve the clean water goals that we set forth 28 years ago.

The unique ecosystem in southern Mississippi that covers 2,400 square miles with a drainage basin, as the gentleman from Mississippi (Mr. TAYLOR) said, that extends from Mississippi into Louisiana, is one of the great jewels of our natural resources in the United States. But much of the problem that this legislation will address bears a made-in-other-States label.

The runoff from 10 States all along the Mississippi drainage basin all the way to Canada wind up in this ecosystem. All the rest of us have a responsibility to help Mississippi and Louisiana and the Mississippi Sound area protect this diverse environment, this essential habitat for an extraordinary variety of species of fish, birds, mammals, and plants.

□ 2310

The legislation the gentleman has so thoughtfully crafted will move us along in that direction, and I greatly appreciate his leadership, that of our committee, the subcommittee chairman, the gentleman from New York (Mr. BOEHLERT); the gentleman tonight who presents the bill, the gentleman from Ohio (Mr. LATOURETTE), who has been such a strong voice for protection of the Great Lakes and the nonindigenous invasive species legislation that he championed and I have cosponsored with him.

His understanding there brings to bear a new dimension, an important dimension on this legislation being considered tonight. I urge its enactment.

Mr. BOEHLERT. Mr. Speaker, H.R. 4104, the Mississippi Sound Restoration Act of 2000, amends the Clean Water Act to require EPA to establish a Mississippi Sound Restoration Program, and to carry out water quality and environmental restoration projects for the Sound.

I commend Representative GENE TAYLOR for introducing H.R. 4104, a bill that will help restore and protect one more of our national treasures.

I also thank the chairman and ranking member of the Transportation and Infrastructure Committee for helping to bring this bill to the House floor for action.

I support passage of H.R. 4104, and urge my colleagues to do the same.

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 4104, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read:

"A bill to amend the Federal Water Pollution Control Act to authorize funding to carry out certain water quality and environmental restoration projects for the Mississippi Sound, Mississippi, and for other purposes.".

A motion to reconsider was laid on the table.

CLEAN WATERS AND BAYS ACT OF 2000

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 835) to encourage the restoration of estuary habitat through more efficient project financing and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes, as amended.

The Clerk read as follows:

S. 835

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Clean Waters and Bays Act of 2000".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

TITLE I—ESTUARY RESTORATION

Sec. 101. Short title.
Sec. 102. Purposes.
Sec. 103. Definitions.
Sec. 104. Estuary habitat restoration program.
Sec. 105. Establishment of Estuary Habitat Restoration Council.
Sec. 106. Advisory board.
Sec. 107. Estuary habitat restoration strategy.
Sec. 108. Monitoring of estuary habitat restoration projects.
Sec. 109. Reporting.
Sec. 110. Funding.
Sec. 111. General provisions.

TITLE II—CHESAPEAKE BAY RESTORATION

Sec. 201. Short title.
Sec. 202. Findings and purposes.
Sec. 203. Chesapeake Bay.
Sec. 204. Sense of Congress; requirement regarding notice.

TITLE III—NATIONAL ESTUARY PROGRAM

Sec. 301. Additions to national estuary program.
Sec. 302. Grants.
Sec. 303. Authorization of appropriations.

TITLE IV—FLORIDA KEYS WATER QUALITY

Sec. 401. Short title.
Sec. 402. Florida Keys water quality improvements.
Sec. 403. Sense of Congress; requirement regarding notice.

TITLE V—LONG ISLAND SOUND RESTORATION

Sec. 501. Short title.
Sec. 502. Nitrogen credit trading system and other measures.
Sec. 503. Assistance for distressed communities.
Sec. 504. Reauthorization of appropriations.

TITLE VI—LAKE PONTCHARTRAIN BASIN RESTORATION

Sec. 601. Short title.
Sec. 602. National estuary program.
Sec. 603. Lake Pontchartrain Basin.
Sec. 604. Sense of Congress.

TITLE VII—ALTERNATIVE WATER SOURCES

Sec. 701. Short title.
Sec. 702. Grants for alternative water source projects.
Sec. 703. Sense of Congress; requirement regarding notice.

TITLE VIII—CLEAN LAKES

Sec. 801. Grants to States.
Sec. 802. Demonstration program.
Sec. 803. Sense of Congress; requirement regarding notice.

TITLE IX—MISSISSIPPI SOUND RESTORATION

Sec. 901. Short title.
Sec. 902. National estuary program.
Sec. 903. Mississippi Sound.
Sec. 904. Sense of Congress.

TITLE X—TIJUANA RIVER VALLEY ESTUARY AND BEACH CLEANUP

Sec. 1001. Short title.
Sec. 1002. Purpose.
Sec. 1003. Definitions.
Sec. 1004. Actions to be taken by the Commission and the Administrator.
Sec. 1005. Negotiation of new treaty minute.
Sec. 1006. Authorization of appropriations.

TITLE I—ESTUARY RESTORATION

SEC. 101. SHORT TITLE.

This title may be cited as the "Estuary Restoration Act of 2000".

SEC. 102. PURPOSES.

The purposes of this title are—

(1) to promote the restoration of estuary habitat;

(2) to develop a national estuary habitat restoration strategy for creating and maintaining effective estuary habitat restoration partnerships among public agencies at all levels of government and to establish new partnerships between the public and private sectors;

(3) to provide Federal assistance for estuary habitat restoration projects and to promote efficient financing of such projects; and

(4) to develop and enhance monitoring and research capabilities to ensure that estuary habitat restoration efforts are based on sound scientific understanding and to create a national database of estuary habitat restoration information.

SEC. 103. DEFINITIONS.

In this title, the following definitions apply:

(1) COUNCIL.—The term "Council" means the Estuary Habitat Restoration Council established by section 105.

(2) ESTUARY.—The term "estuary" means a part of a river or stream or other body of water that has an unimpaired connection with the open sea and where the sea water is measurably diluted with fresh water derived from land drainage. The term also includes near coastal waters and wetlands of the

Great Lakes that are similar in form and function to estuaries.

(3) ESTUARY HABITAT.—The term "estuary habitat" means the physical, biological, and chemical elements associated with an estuary, including the complex of physical and hydrologic features and living organisms within the estuary and associated ecosystems.

(4) ESTUARY HABITAT RESTORATION ACTIVITY.—

(A) IN GENERAL.—The term "estuary habitat restoration activity" means an activity that results in improving degraded estuaries or estuary habitat or creating estuary habitat (including both physical and functional restoration), with the goal of attaining a self-sustaining system integrated into the surrounding landscape.

(B) INCLUDED ACTIVITIES.—The term "estuary habitat restoration activity" includes—

(i) the reestablishment of chemical, physical, hydrologic, and biological features and components associated with an estuary;

(ii) except as provided in subparagraph (C), the cleanup of pollution for the benefit of estuary habitat;

(iii) the control of nonnative and invasive species in the estuary;

(iv) the reintroduction of species native to the estuary, including through such means as planting or promoting natural succession;

(v) the construction of reefs to promote fish and shellfish production and to provide estuary habitat for living resources; and

(vi) other activities that improve estuary habitat.

(C) EXCLUDED ACTIVITIES.—The term "estuary habitat restoration activity" does not include an activity that—

(i) constitutes mitigation required under any Federal or State law for the adverse effects of an activity regulated or otherwise governed by Federal or State law; or

(ii) constitutes restoration for natural resource damages required under any Federal or State law.

(5) ESTUARY HABITAT RESTORATION PROJECT.—The term "estuary habitat restoration project" means a project to carry out an estuary habitat restoration activity.

(6) ESTUARY HABITAT RESTORATION PLAN.—

(A) IN GENERAL.—The term "estuary habitat restoration plan" means any Federal or State plan for restoration of degraded estuary habitat that was developed with the substantial participation of appropriate public and private stakeholders.

(B) INCLUDED PLANS AND PROGRAMS.—The term "estuary habitat restoration plan" includes estuary habitat restoration components of—

(i) a comprehensive conservation and management plan approved under section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330);

(ii) a lakewide management plan or remedial action plan developed under section 118 of the Federal Water Pollution Control Act (33 U.S.C. 1268);

(iii) a management plan approved under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.); and

(iv) the interstate management plan developed pursuant to the Chesapeake Bay program under section 117 of the Federal Water Pollution Control Act (33 U.S.C. 1267).

(8) INDIAN TRIBE.—The term "Indian tribe" has the meaning given such term by section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(9) NON-FEDERAL INTEREST.—The term "non-federal interest" means a State, a political subdivision of a State, an Indian tribe, a regional or interstate agency, or, as provided in section 104(g)(2), a nongovernmental organization.

(10) SECRETARY.—The term "Secretary" means the Secretary of the Army.

(11) STATE.—The term "State" means the States of Alabama, Alaska, California, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Indiana, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Texas, Virginia, Washington, and Wisconsin, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, American Samoa, and Guam.

SEC. 104. ESTUARY HABITAT RESTORATION PROGRAM.

(a) ESTABLISHMENT.—There is established an estuary habitat restoration program under which the Secretary may carry out estuary habitat restoration projects and provide technical assistance in accordance with the requirements of this title.

(b) ORIGIN OF PROJECTS.—A proposed estuary habitat restoration project shall originate from a non-Federal interest consistent with State or local laws.

(c) REQUIRED ELEMENTS OF PROJECT PROPOSALS.—To be eligible for the estuary habitat restoration program established under this title, each proposed estuary habitat restoration project must—

(1) address restoration needs identified in an estuary habitat restoration plan;

(2) be consistent with the estuary habitat restoration strategy developed under section 107;

(3) be technically feasible;

(4) include a monitoring plan that is consistent with standards for monitoring developed under section 108 to ensure that short-term and long-term restoration goals are achieved; and

(5) include satisfactory assurance from the non-Federal interests proposing the project that the non-Federal interests will have adequate personnel, funding, and authority to carry out and properly maintain the project.

(d) SELECTION OF PROJECTS.—

(1) IN GENERAL.—The Secretary, after considering the advice and recommendations of the Council, shall select estuary habitat restoration projects taking into account the following factors:

(A) The scientific merit of the project.

(B) Whether the project will encourage increased coordination and cooperation among Federal, State, and local government agencies.

(C) Whether the project fosters public-private partnerships and uses Federal resources to encourage increased private sector involvement, including consideration of the amount of private funds or in-kind contributions for an estuary habitat restoration activity.

(D) Whether the project is cost-effective.

(E) Whether the State in which the non-Federal interest is proposing the project has a dedicated source of funding to acquire or restore estuary habitat, natural areas, and open spaces for the benefit of estuary habitat restoration or protection.

(F) Other factors that the Secretary determines to be reasonable and necessary for consideration.

(2) PRIORITY.—In selecting estuary habitat restoration projects to be carried out under this title, the Secretary shall give priority consideration to a project if, in addition to meriting selection based on the factors under paragraph (1)—

(A) the project occurs within a watershed in which there is a program being carried out that addresses sources of pollution and other activities that otherwise would re-impair the restored habitat; or

(B) the project includes pilot testing or a demonstration of an innovative technology having the potential for improved cost-effectiveness in estuary habitat restoration.

(e) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of an estuary habitat restoration project carried out under this title shall not exceed 65 percent of such cost.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of an estuary habitat restoration project carried out under this title shall include lands, easements, rights-of-way, and relocations and may include services, or any other form of in-kind contribution determined by the Secretary to be an appropriate contribution equivalent to the monetary amount required for the non-Federal share of the activity.

(f) INTERIM ACTIONS.—

(1) IN GENERAL.—Pending completion of the estuary habitat restoration strategy to be developed under section 107, the Secretary may take interim actions to carry out an estuary habitat restoration activity.

(2) FEDERAL SHARE.—The Federal share of the cost of an estuary habitat restoration activity before the completion of the estuary habitat restoration strategy shall not exceed 25 percent of such cost.

(g) COOPERATION OF NON-FEDERAL INTERESTS.—

(1) IN GENERAL.—The Secretary shall not select an estuary habitat restoration project until a non-Federal interest has entered into a written agreement with the Secretary in which the non-Federal interest agrees to—

(A) provide all lands, easements, rights-of-way, and relocations and any other elements the Secretary determines appropriate under subsection (e)(2); and

(B) provide for maintenance and monitoring of the project to the extent the Secretary determines necessary.

(2) NONGOVERNMENTAL ORGANIZATIONS.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(b)), for any project undertaken under this title, the Secretary, upon the recommendation of the Governor of the State in which the project is located and in consultation with appropriate officials of political subdivisions of such State, may allow a nongovernmental organization to serve as the non-Federal interest.

(h) DELEGATION OF PROJECT IMPLEMENTATION.—In carrying out this title, the Secretary may delegate project implementation to another Federal department or agency on a reimbursable basis if the Secretary, after considering the advice and recommendations of the Council, determines such delegation is appropriate.

SEC. 105. ESTABLISHMENT OF ESTUARY HABITAT RESTORATION COUNCIL.

(a) COUNCIL.—There is established a council to be known as the "Estuary Habitat Restoration Council".

(b) DUTIES.—The Council shall be responsible for—

(1) soliciting, reviewing, and evaluating project proposals and making recommendations concerning such proposals based on the factors specified in section 104(d)(1), including recommendations as to a priority order for carrying out such projects and as to whether a project should be carried out by the Secretary or by another Federal department or agency under section 104(h);

(2) developing and transmitting to Congress a national strategy for restoration of estuary habitat;

(3) periodically reviewing the effectiveness of the national strategy in meeting the purposes of this title and, as necessary, updating the national strategy; and

(4) providing advice on the development of the database, monitoring standards, and report required under sections 108 and 109.

(c) MEMBERSHIP.—The Council shall be composed of the following members:

(1) The Secretary (or the Secretary's designee).

(2) The Under Secretary for Oceans and Atmosphere of the Department of Commerce (or the Under Secretary's designee).

(3) The Administrator of the Environmental Protection Agency (or the Administrator's designee).

(4) The Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service (or such Secretary's designee).

(5) The Secretary of Agriculture (or such Secretary's designee).

(6) The head of any other Federal agency designated by the President to serve as an ex officio member of the Council.

(d) PROHIBITION OF COMPENSATION.—Members of the Council may not receive compensation for their service as members of the Council.

(e) CHAIRPERSON.—The chairperson shall be elected by the Council from among its members for a 3-year term, except that the first elected chairperson may serve a term of fewer than 3 years.

(f) CONVENING OF COUNCIL.—

(1) FIRST MEETING.—The Secretary shall convene the first meeting of the Council not later than 60 days after the date of enactment of this Act for the purpose of electing a chairperson.

(2) ADDITIONAL MEETINGS.—The chairperson shall convene additional meetings of the Council as often as appropriate to ensure that this title is fully carried out, but not less often than annually.

(g) COUNCIL PROCEDURES.—The Council shall establish procedures for voting, the conduct of meetings, and other matters, as necessary.

(h) PUBLIC PARTICIPATION.—Meetings of the Council shall be open to the public. The Council shall provide notice to the public of such meetings.

SEC. 106. ADVISORY BOARD.

(a) IN GENERAL.—The Council shall establish an advisory board (in this section referred to as the "board").

(b) DUTIES.—The board shall provide advice and recommendations to the Council—

(1) on the strategy developed pursuant to section 107; and

(2) on the Council's consideration of proposed estuary habitat restoration projects and the Council's recommendations to the Secretary pursuant to section 105(b)(1), including advice on the scientific merit, technical merit, and feasibility of a project.

(c) MEMBERS.—The Council shall appoint members of the board representing diverse public and private interests. Members of the board shall be selected such that the board consists of—

(1) 3 members with recognized academic scientific expertise in estuary or estuary habitat restoration;

(2) 3 members representing State agencies with expertise in estuary or estuary habitat restoration;

(3) 2 members representing local or regional government agencies with expertise in estuary or estuary habitat restoration;

(4) 2 members representing nongovernmental organizations with expertise in estuary or estuary habitat restoration;

(5) 2 members representing fishing interests;

(6) 2 members representing estuary users other than fishing interests;

(7) 2 members representing agricultural interests; and

(8) 2 members representing Indian tribes.

(d) TERMS.—

(1) IN GENERAL.—Except as provided by subparagraph (B), members of the board shall be appointed for a term of 3 years.

(2) INITIAL MEMBERS.—As designated by the chairperson of the Council at the time of appointment, of the members first appointed—

(A) 9 shall be appointed for a term of 1 year; and

(B) 9 shall be appointed for a term of 2 years.

(e) VACANCIES.—Whenever a vacancy occurs among members of the board, the Council shall appoint an appropriate individual to fill that vacancy for the remainder of the applicable term.

(f) BOARD LEADERSHIP.—The board shall elect from among its members a chairperson of the board to represent the board in matters related to its duties under this title.

(g) COMPENSATION.—Members of the board shall not be considered to be employees of the United States and may not receive compensation for their service as members of the board, except that while engaged in the performance of their duties while away from their homes or regular place of business, members of the board may be allowed necessary travel expenses as authorized by section 5703 of title 5, United States Code.

(h) TECHNICAL SUPPORT.—Technical support may be provided to the board by regional and field staff of the Corps of Engineers, the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, the United States Fish and Wildlife Service, and the Department of Agriculture. The Secretary shall coordinate the provision of such assistance.

(i) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the board, the Secretary may provide to the board the administrative support services necessary for the board to carry out its responsibilities under this title.

(j) FUNDING.—From amounts appropriated for that purpose under section 110, the Secretary shall provide funding for the board to carry out its duties under this title.

SEC. 107. ESTUARY HABITAT RESTORATION STRATEGY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Council, in consultation with the advisory board established under section 106, shall develop an estuary habitat restoration strategy designed to ensure a comprehensive approach to maximize benefits derived from estuary habitat restoration projects and to foster the coordination of Federal and non-Federal activities related to restoration of estuary habitat.

(b) GOAL.—The goal of the strategy shall be the restoration of 1,000,000 acres of estuary habitat by the year 2010.

(c) INTEGRATION OF ESTUARY HABITAT RESTORATION PLANS, PROGRAMS, AND PARTNERSHIPS.—In developing the estuary habitat restoration strategy, the Council shall—

(1) conduct a review of estuary management or habitat restoration plans and Federal programs established under other laws that authorize funding for estuary habitat restoration activities; and

(2) ensure that the estuary habitat restoration strategy is developed in a manner that is consistent with the estuary management or habitat restoration plans.

(d) ELEMENTS OF THE STRATEGY.—The estuary habitat restoration strategy shall include proposals, methods, and guidance on—

(1) maximizing the incentives for the creation of new public-private partnerships to carry out estuary habitat restoration projects and the use of Federal resources to encourage increased private sector involvement in estuary habitat restoration activities;

(2) ensuring that the estuary habitat restoration strategy will be implemented in a manner that is consistent with the estuary management or habitat restoration plans;

(3) promoting estuary habitat restoration projects to—

(A) provide healthy ecosystems in order to support—

(i) wildlife, including endangered and threatened species, migratory birds, and resident species of an estuary watershed; and

(ii) fish and shellfish, including commercial and recreational fisheries;

(B) improve surface and ground water quality and quantity, and flood control;

(C) provide outdoor recreation and other direct and indirect values; and

(D) address other areas of concern that the Council determines to be appropriate for consideration;

(4) addressing the estimated historic losses, estimated current rate of loss, and extent of the threat of future loss or degradation of each type of estuary habitat;

(5) measuring the rate of change for each type of estuary habitat;

(6) selecting a balance of smaller and larger estuary habitat restoration projects; and

(7) ensuring equitable geographic distribution of projects funded under this title.

(e) PUBLIC REVIEW AND COMMENT.—Before the Council adopts a final or revised estuary habitat restoration strategy, the Secretary shall publish in the Federal Register a draft of the estuary habitat restoration strategy and provide an opportunity for public review and comment.

(f) PERIODIC REVISION.—Using data and information developed through project monitoring and management, and other relevant information, the Council may periodically review and update, as necessary, the estuary habitat restoration strategy.

SEC. 108. MONITORING OF ESTUARY HABITAT RESTORATION PROJECTS.

(a) UNDER SECRETARY.—In this section, the term "Under Secretary" means the Under Secretary for Oceans and Atmosphere of the Department of Commerce.

(b) DATABASE OF RESTORATION PROJECT INFORMATION.—The Under Secretary, in consultation with the Council, shall develop and maintain an appropriate database of information concerning estuary habitat restoration projects carried out under this title, including information on project techniques, project completion, monitoring data, and other relevant information.

(c) MONITORING DATA STANDARDS.—The Under Secretary, in consultation with the Council, shall develop standard data formats for monitoring projects, along with requirements for types of data collected and frequency of monitoring.

(d) COORDINATION OF DATA.—The Under Secretary shall compile information that pertains to estuary habitat restoration projects from other Federal, State, and local sources and that meets the quality control requirements and data standards established under this section.

(e) USE OF EXISTING PROGRAMS.—The Under Secretary shall use existing programs within the National Oceanic and Atmospheric Administration to create and maintain the database required under this section.

(f) Public Availability.—The Under Secretary shall make the information collected and maintained under this section available to the public.

SEC. 109. REPORTING.

(a) In General.—At the end of the third and fifth fiscal years following the date of enactment of this Act, the Secretary, after considering the advice and recommendations of the Council, shall transmit to Congress a report on the results of activities carried out under this title.

(b) Contents of Report.—A report under subsection (a) shall include—

(1) data on the number of acres of estuary habitat restored under this title, including descriptions of, and partners involved with, projects selected, in progress, and completed under this title that comprise those acres;

(2) information from the database established under section 108(b) related to ongoing monitoring of projects to ensure that short-term and long-term restoration goals are achieved;

(3) an estimate of the long-term success of varying restoration techniques used in carrying out estuary habitat restoration projects;

(4) a review of how the information described in paragraphs (1) through (3) has been incorporated in the selection and implementation of estuary habitat restoration projects;

(5) a review of efforts made to maintain an appropriate database of restoration projects carried out under this title; and

(6) a review of the measures taken to provide the information described in paragraphs (1) through (3) to persons with responsibility for assisting in the restoration of estuary habitat.

SEC. 110. FUNDING.

(a) Authorization of Appropriations.—

(1) Estuary habitat restoration projects.—There is authorized to be appropriated to the Secretary for carrying out and providing technical assistance for estuary habitat restoration projects—

(A) $30,000,000 for fiscal year 2001;

(B) $35,000,000 for fiscal year 2002; and

(C) $45,000,000 for each of fiscal years 2003 through 2005.

Such amounts shall remain available until expended.

(2) Monitoring.—There is authorized to be appropriated to the Under Secretary for Oceans and Atmosphere of the Department of Commerce for the acquisition, maintenance, and management of monitoring data on restoration projects carried out under this title, $1,500,000 for each of fiscal years 2001 through 2005. Such amounts shall remain available until expended.

(b) Set-Aside for Administrative Expenses of the Council and Advisory Board.—Not to exceed 3 percent of the amounts appropriated for a fiscal year under subsection (a)(1) or $1,500,000, whichever is greater, may be used by the Secretary for administration and operation of the Council and the advisory board established under section 106.

SEC. 111. GENERAL PROVISIONS.

(a) Agency Consultation and Coordination.—In carrying out this title, the Secretary shall, as necessary, consult with, cooperate with, and coordinate its activities with the activities of other Federal departments and agencies.

(b) Cooperative Agreements; Memoranda of Understanding.—In carrying out this title, the Secretary may—

(1) enter into cooperative agreements with Federal, State, and local government agencies and other entities; and

(2) execute such memoranda of understanding as are necessary to reflect the agreements.

(c) Federal Agency Facilities and Personnel.—Federal agencies may cooperate in carrying out scientific and other programs necessary to carry out this title, and may provide facilities and personnel, for the purpose of assisting the Council in carrying out its duties under this title.

(d) Identification and Mapping of Dredged Material Disposal Sites.—In consultation with appropriate Federal and non-Federal public entities, the Secretary shall undertake, and update as warranted by changed conditions, surveys to identify and map sites appropriate for beneficial uses of dredged material for the protection, restoration, and creation of aquatic and ecologically related habitats, including wetlands, in order to further the purposes of this title.

(e) Study of Bioremediation Technology.—

(1) In general.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency, with the participation of the estuarine scientific community, shall begin a 2-year study on the efficacy of bioremediation products.

(2) Requirements.—The study shall—

(A) evaluate and assess bioremediation technology—

(i) on low-level petroleum hydrocarbon contamination from recreational boat bilges;

(ii) on low-level petroleum hydrocarbon contamination from stormwater discharges;

(iii) on nonpoint petroleum hydrocarbon discharges; and

(iv) as a first response tool for petroleum hydrocarbon spills; and

(B) recommend management actions to optimize the return of a healthy and balanced ecosystem and make improvements in the quality and character of estuarine waters.

TITLE II—CHESAPEAKE BAY RESTORATION

SEC. 201. SHORT TITLE.

This title may be cited as the ``Chesapeake Bay Restoration Act of 2000''.

SEC. 202. FINDINGS AND PURPOSES.

(a) Findings.—Congress finds that—

(1) the Chesapeake Bay is a national treasure and a resource of worldwide significance;

(2) over many years, the productivity and water quality of the Chesapeake Bay and its watershed were diminished by pollution, excessive sedimentation, shoreline erosion, the impacts of population growth and development in the Chesapeake Bay watershed, and other factors;

(3) the Federal Government (acting through the Administrator of the Environmental Protection Agency), the Governor of the State of Maryland, the Governor of the Commonwealth of Virginia, the Governor of the Commonwealth of Pennsylvania, the Chairperson of the Chesapeake Bay Commission, and the Mayor of the District of Columbia, as Chesapeake Bay Agreement signatories, have committed to a comprehensive cooperative program to achieve improved water quality and improvements in the productivity of living resources of the Bay;

(4) the cooperative program described in paragraph (3) serves as a national and international model for the management of estuaries; and

(5) there is a need to expand Federal support for monitoring, management, and restoration activities in the Chesapeake Bay and the tributaries of the Bay in order to meet and further the original and subsequent goals and commitments of the Chesapeake Bay Program.

(b) Purposes.—The purposes of this title are—

(1) to expand and strengthen cooperative efforts to restore and protect the Chesapeake Bay; and

(2) to achieve the goals established in the Chesapeake Bay Agreement.

SEC. 203. CHESAPEAKE BAY.

Section 117 of the Federal Water Pollution Control Act (33 U.S.C. 1267) is amended to read as follows:

"SEC. 117. CHESAPEAKE BAY.

``(a) Definitions.—In this section, the following definitions apply:

``(1) Administrative cost.—The term `administrative cost' means the cost of salaries and fringe benefits incurred in administering a grant under this section.

``(2) Chesapeake bay agreement.—The term `Chesapeake Bay Agreement' means the formal, voluntary agreements executed to achieve the goal of restoring and protecting the Chesapeake Bay ecosystem and the living resources of the Chesapeake Bay ecosystem and signed by the Chesapeake Executive Council.

``(3) Chesapeake bay ecosystem.—The term `Chesapeake Bay ecosystem' means the ecosystem of the Chesapeake Bay and its watershed.

``(4) Chesapeake bay program.—The term `Chesapeake Bay Program' means the program directed by the Chesapeake Executive Council in accordance with the Chesapeake Bay Agreement.

``(5) Chesapeake executive council.—The term `Chesapeake Executive Council' means the signatories to the Chesapeake Bay Agreement.

``(6) Signatory jurisdiction.—The term `signatory jurisdiction' means a jurisdiction of a signatory to the Chesapeake Bay Agreement.

``(b) Continuation of Chesapeake Bay Program.—

``(1) In general.—In cooperation with the Chesapeake Executive Council (and as a member of the Council), the Administrator shall continue the Chesapeake Bay Program.

``(2) Program office.—

``(A) In general.—The Administrator shall maintain in the Environmental Protection Agency a Chesapeake Bay Program Office.

``(B) Function.—The Chesapeake Bay Program Office shall provide support to the Chesapeake Executive Council by—

``(i) implementing and coordinating science, research, modeling, support services, monitoring, data collection, and other activities that support the Chesapeake Bay Program;

``(ii) developing and making available, through publications, technical assistance, and other appropriate means, information pertaining to the environmental quality and living resources of the Chesapeake Bay ecosystem;

``(iii) in cooperation with appropriate Federal, State, and local authorities, assisting the signatories to the Chesapeake Bay Agreement in developing and implementing specific action plans to carry out the responsibilities of the signatories to the Chesapeake Bay Agreement;

``(iv) coordinating the actions of the Environmental Protection Agency with the actions of the appropriate officials of other Federal agencies and State and local authorities in developing strategies to—

“(I) improve the water quality and living resources in the Chesapeake Bay ecosystem; and

“(II) obtain the support of the appropriate officials of the agencies and authorities in achieving the objectives of the Chesapeake Bay Agreement; and

“(v) implementing outreach programs for public information, education, and participation to foster stewardship of the resources of the Chesapeake Bay.

“(c) Interagency Agreements.—The Administrator may enter into an interagency agreement with a Federal agency to carry out this section.

“(d) Technical Assistance and Assistance Grants.—

“(1) In general.—In cooperation with the Chesapeake Executive Council, the Administrator may provide technical assistance, and assistance grants, to nonprofit organizations, State and local governments, colleges, universities, and interstate agencies to achieve the goals and requirements contained in subsection (g)(1), subject to such terms and conditions as the Administrator considers appropriate.

“(2) Federal share.—

“(A) In general.—Except as provided in subparagraph (B), the Federal share of an assistance grant provided under paragraph (1) shall be determined by the Administrator in accordance with guidance issued by the Administrator.

“(B) Small watershed grants program.—The Federal share of an assistance grant provided under paragraph (1) to carry out an implementing activity under subsection (g)(2) shall not exceed 75 percent of eligible project costs, as determined by the Administrator.

“(3) Non-federal share.—An assistance grant under paragraph (1) shall be provided on the condition that non-Federal sources provide the remainder of eligible project costs, as determined by the Administrator.

“(4) Administrative costs.—Administrative costs shall not exceed 10 percent of the annual grant award.

“(e) Implementation and Monitoring Grants.—

“(1) In general.—If a signatory jurisdiction has approved and committed to implement all or substantially all aspects of the Chesapeake Bay Agreement, on the request of the chief executive of the jurisdiction, the Administrator—

“(A) shall make a grant to the jurisdiction for the purpose of implementing the management mechanisms established under the Chesapeake Bay Agreement, subject to such terms and conditions as the Administrator considers appropriate; and

“(B) may make a grant to a signatory jurisdiction for the purpose of monitoring the Chesapeake Bay ecosystem.

“(2) Proposals.—

“(A) In general.—A signatory jurisdiction described in paragraph (1) may apply for a grant under this subsection for a fiscal year by submitting to the Administrator a comprehensive proposal to implement management mechanisms established under the Chesapeake Bay Agreement.

“(B) Contents.—A proposal under subparagraph (A) shall include—

“(i) a description of proposed management mechanisms that the jurisdiction commits to take within a specified time period, such as reducing or preventing pollution in the Chesapeake Bay and its watershed or meeting applicable water quality standards or established goals and objectives under the Chesapeake Bay Agreement; and

“(ii) the estimated cost of the actions proposed to be taken during the fiscal year.

“(3) Approval.—If the Administrator finds that the proposal is consistent with the Chesapeake Bay Agreement and the national goals established under section 101(a), the Administrator may approve the proposal for an award.

“(4) Federal share.—The Federal share of an implementation grant under this subsection shall not exceed 50 percent of the cost of implementing the management mechanisms during the fiscal year.

“(5) Non-federal share.—An implementation grant under this subsection shall be made on the condition that non-Federal sources provide the remainder of the costs of implementing the management mechanisms during the fiscal year.

“(6) Administrative costs.—Administrative costs shall not exceed 10 percent of the annual grant award.

“(7) Reporting.—On or before October 1 of each fiscal year, the Administrator shall make available to the public a document that lists and describes, in the greatest practicable degree of detail—

“(A) all projects and activities funded for the fiscal year;

“(B) the goals and objectives of projects funded for the previous fiscal year; and

“(C) the net benefits of projects funded for previous fiscal years.

“(f) Federal Facilities and Budget Coordination.—

“(1) Subwatershed planning and restoration.—A Federal agency that owns or operates a facility (as defined by the Administrator) within the Chesapeake Bay watershed shall participate in regional and subwatershed planning and restoration programs.

“(2) Compliance with agreement.—The head of each Federal agency that owns or occupies real property in the Chesapeake Bay watershed shall ensure that the property, and actions taken by the agency with respect to the property, comply with the Chesapeake Bay Agreement, the Federal Agencies Chesapeake Ecosystem Unified Plan, and any subsequent agreements and plans.

“(3) Budget coordination.—

“(A) In general.—As part of the annual budget submission of each Federal agency with projects or grants related to restoration, planning, monitoring, or scientific investigation of the Chesapeake Bay ecosystem, the head of the agency shall submit to the President a report that describes plans for the expenditure of the funds under this section.

“(B) Disclosure to the council.—The head of each agency referred to in subparagraph (A) shall disclose the report under that subparagraph with the Chesapeake Executive Council as appropriate.

“(g) Chesapeake Bay Program.—

“(1) Management strategies.—The Administrator, in coordination with other members of the Chesapeake Executive Council, shall ensure that management plans are developed and implementation is begun by signatories to the Chesapeake Bay Agreement to achieve—

“(A) the nutrient goals of the Chesapeake Bay Agreement for the quantity of nitrogen and phosphorus entering the Chesapeake Bay and its watershed;

“(B) the water quality requirements necessary to restore living resources in the Chesapeake Bay ecosystem;

“(C) the Chesapeake Bay Basinwide Toxins Reduction and Prevention Strategy goal of reducing or eliminating the input of chemical contaminants from all controllable sources to levels that result in no toxic or bioaccumulative impact on the living resources of the Chesapeake Bay ecosystem or on human health;

“(D) habitat restoration, protection, creation, and enhancement goals established by Chesapeake Bay Agreement signatories for wetlands, riparian forests, and other types of habitat associated with the Chesapeake Bay ecosystem; and

“(E) the restoration, protection, creation, and enhancement goals established by the Chesapeake Bay Agreement signatories for living resources associated with the Chesapeake Bay ecosystem.

“(2) Small watershed grants program.—The Administrator, in cooperation with the Chesapeake Executive Council, shall—

“(A) establish a small watershed grants program as part of the Chesapeake Bay Program; and

“(B) offer technical assistance and assistance grants under subsection (d) to local governments and nonprofit organizations and individuals in the Chesapeake Bay region to implement—

“(i) cooperative tributary basin strategies that address the water quality and living resource needs in the Chesapeake Bay ecosystem; and

“(ii) locally based protection and restoration programs or projects within a watershed that complement the tributary basin strategies, including the creation, restoration, protection, or enhancement of habitat associated with the Chesapeake Bay ecosystem.

“(h) Study of Chesapeake Bay Program.—

“(1) In general.—Not later than April 22, 2000, and every 5 years thereafter, the Administrator, in coordination with the Chesapeake Executive Council, shall complete a study and submit to Congress a comprehensive report on the results of the study.

“(2) Requirements.—The study and report shall—

“(A) assess the state of the Chesapeake Bay ecosystem;

“(B) compare the current state of the Chesapeake Bay ecosystem with its state in 1975, 1985, and 1995;

“(C) assess the effectiveness of management strategies being implemented on the date of enactment of this section and the extent to which the priority needs are being met;

“(D) make recommendations for the improved management of the Chesapeake Bay Program either by strengthening strategies being implemented on the date of enactment of this section or by adopting new strategies; and

“(E) be presented in such a format as to be readily transferable to and usable by other watershed restoration programs.

“(i) Special Study of Living Resource Response.—

“(1) In general.—Not later than 180 days after the date of enactment of this section, the Administrator shall commence a 5-year special study with full participation of the scientific community of the Chesapeake Bay to establish and expand understanding of the response of the living resources of the Chesapeake Bay ecosystem to improvements in water quality that have resulted from investments made through the Chesapeake Bay Program.

“(2) Requirements.—The study shall—

“(A) determine the current status and trends of living resources, including grasses, benthos, phytoplankton, zooplankton, fish, and shellfish;

“(B) establish to the extent practicable the rates of recovery of the living resources in response to improved water quality condition;

"(C) evaluate and assess interactions of species, with particular attention to the impact of changes within and among trophic levels; and

"(D) recommend management actions to optimize the return of a healthy and balanced ecosystem in response to improvements in the quality and character of the waters of the Chesapeake Bay.

"(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000 for each of fiscal years 2000 through 2005.".

SEC. 204. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under section 117 of the Federal Water Pollution Control Act (33 U.S.C. 1267), it is the sense of Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under section 117 of the Federal Water Pollution Control Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by Congress.

(c) NOTICE OF REPORT.—Any entity which receives funds under section 117 of the Federal Water Pollution Control Act shall report any expenditures on foreign-made items to Congress within 180 days of the expenditure.

TITLE III—NATIONAL ESTUARY PROGRAM

SEC. 301. ADDITIONS TO NATIONAL ESTUARY PROGRAM.

Section 320(a)(2)(B) of the Federal Water Pollution Control Act (33 U.S.C. 1330(a)(2)(B)) is amended by inserting "Lake Ponchartrain Basin, Louisiana and Mississippi; Mississippi Sound, Mississippi;" before "and Peconic Bay, New York.".

SEC. 302. GRANTS.

Section 320(g) of the Federal Water Pollution Control Act (33 U.S.C. 1330(g)) is amended by striking paragraphs (2) and (3) and inserting the following:

"(2) PURPOSES.—Grants under this subsection shall be made to pay for activities necessary for the development and implementation of a comprehensive conservation and management plan under this section.

"(3) FEDERAL SHARE.—The Federal share of a grant to any person (including a State, interstate, or regional agency or entity) under this subsection for a fiscal year—

"(A) shall not exceed—

"(i) 75 percent of the annual aggregate costs of the development of a comprehensive conservation and management plan; and

"(ii) 50 percent of the annual aggregate costs of the implementation of the plan; and

"(B) shall be made on condition that the non-Federal share of the costs are provided from non-Federal sources.".

SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

Section 320(i) of the Federal Water Pollution Control Act (33 U.S.C. 1330(i)) is amended by striking "$12,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991" and inserting "$50,000,000 for each of fiscal years 2000 through 2004".

TITLE IV—FLORIDA KEYS WATER QUALITY

SEC. 401. SHORT TITLE.

This title may be cited as the "Florida Keys Water Quality Improvements Act of 2000".

SEC. 402. FLORIDA KEYS WATER QUALITY IMPROVEMENTS.

Title I of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is amended by adding at the end the following:

"SEC. 121. FLORIDA KEYS.

"(a) IN GENERAL.—Subject to the requirements of this section, the Administrator may make grants to the Florida Keys Aqueduct Authority, appropriate agencies of municipalities of Monroe County, Florida, and other appropriate public agencies of the State of Florida or Monroe County for the planning and construction of treatment works to improve water quality in the Florida Keys National Marine Sanctuary.

"(b) CRITERIA FOR PROJECTS.—In applying for a grant for a project under subsection (a), an applicant shall demonstrate that—

"(1) the applicant has completed adequate planning and design activities for the project;

"(2) the applicant has completed a financial plan identifying sources of non-Federal funding for the project;

"(3) the project complies with—

"(A) applicable growth management ordinances of Monroe County, Florida;

"(B) applicable agreements between Monroe County, Florida, and the State of Florida to manage growth in Monroe County, Florida; and

"(C) applicable water quality standards; and

"(4) the project is consistent with the master wastewater and stormwater plans for Monroe County, Florida.

"(c) CONSIDERATION.—In selecting projects to receive grants under subsection (a), the Administrator shall consider whether a project will have substantial water quality benefits relative to other projects under consideration.

"(d) CONSULTATION.—In carrying out this section, the Administrator shall consult with—

"(1) the Water Quality Steering Committee established under section 8(d)(2)(A) of the Florida Keys National Marine Sanctuary and Protection Act (106 Stat. 5054);

"(2) the South Florida Ecosystem Restoration Task Force established by section 528(f) of the Water Resources Development Act of 1996 (110 Stat. 3771-3773);

"(3) the Commission on the Everglades established by executive order of the Governor of the State of Florida; and

"(4) other appropriate State and local government officials.

"(e) NON-FEDERAL SHARE.—The non-Federal share of the cost of a project carried out using amounts from grants made under subsection (a) shall not be less than 25 percent.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this section—

"(1) $32,000,000 for fiscal year 2001;

"(2) $31,000,000 for fiscal year 2002; and

"(3) $50,000,000 for each of fiscal years 2003 through 2005.

Such sums shall remain available until expended.".

SEC. 403. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this title (including any amendment made by this title), it is the sense of Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this title (including any amendment made by this title), the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by Congress.

(c) NOTICE OF REPORT.—Any entity which receives funds under this title shall report any expenditures on foreign-made items to Congress within 180 days of the expenditure.

TITLE V—LONG ISLAND SOUND RESTORATION

SEC. 501. SHORT TITLE.

This title may be cited as the "Long Island Sound Restoration Act".

SEC. 502. NITROGEN CREDIT TRADING SYSTEM AND OTHER MEASURES.

Section 119(c)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1269(c)(1)) is amended by inserting ", including efforts to establish, within the process for granting watershed general permits, a system for trading nitrogen credits and any other measures that are cost-effective and consistent with the goals of the Plan" before the semicolon at the end.

SEC. 503. ASSISTANCE FOR DISTRESSED COMMUNITIES.

Section 119 of the Federal Water Pollution Control Act (33 U.S.C. 1269) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

"(e) ASSISTANCE TO DISTRESSED COMMUNITIES.—

"(1) ELIGIBLE COMMUNITIES.—

"(A) STATES TO DETERMINE CRITERIA.—For the purposes of this subsection, a distressed community is any community that meets affordability criteria established by the State in which the community is located, if such criteria are developed after public review and comment.

"(B) CONSIDERATION OF IMPACT ON WATER AND SEWER RATES.—In determining if a community is a distressed community for the purposes of this subsection, the State shall consider the extent to which the rate of growth of a community's tax base has been historically slow such that implementing the plan described in subsection (c)(1) would result in a significant increase in any water or sewer rate charged by the community's publicly-owned wastewater treatment facility.

"(C) INFORMATION TO ASSIST STATES.—The Administrator may publish information to assist States in establishing affordability criteria under subparagraph (A).

"(2) REVOLVING LOAN FUNDS.—

"(A) LOAN SUBSIDIES.—Subject to subparagraph (B), any State making a loan to a distressed community from a revolving fund under title VI for the purpose of assisting the implementation of the plan described in subsection (c)(1) may provide additional subsidization (including forgiveness of principal).

"(B) TOTAL AMOUNT OF SUBSIDIES.—For each fiscal year, the total amount of loan subsidies made by a State under subparagraph (A) may not exceed 30 percent of the amount of the capitalization grant received by the State for the year.

"(3) PRIORITY.—In making assistance available under this section for the upgrading of wastewater treatment facilities, a State may give priority to a distressed community.".

SEC. 504. REAUTHORIZATION OF APPROPRIATIONS.

Section 119(f) of the Federal Water Pollution Control Act (as redesignated by section 503 of this Act) is amended—

(1) in paragraph (1) by striking "1991 through 2001" and inserting "2000 through 2003"; and

(2) in paragraph (2) by striking "not to exceed $3,000,000 for each of the fiscal years 1991 through 2001" and inserting "not to exceed $80,000,000 for each of fiscal years 2000 through 2003".

TITLE VI—LAKE PONTCHARTRAIN BASIN RESTORATION

SEC. 601. SHORT TITLE.

This title may be cited as the "Lake Pontchartrain Basin Restoration Act of 2000".

SEC. 602. NATIONAL ESTUARY PROGRAM.

(a) Finding.—Congress finds that the Lake Ponchartrain Basin is an estuary of national significance.

(b) Addition to National Estuary Program.—Section 320(a)(2)(B) of the Federal Water Pollution Control Act (33 U.S.C. 1330(a)(2)(B)) is further amended by inserting "Lake Ponchartrain Basin, Louisiana and Mississippi;" before "and Peconic Bay, New York.".

SEC. 603. LAKE PONTCHARTRAIN BASIN.

Title I of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is further amended by adding at the end the following:

"SEC. 122. LAKE PONTCHARTRAIN BASIN.

"(a) Establishment of Restoration Program.—The Administrator shall establish within the Environmental Protection Agency the Lake Pontchartrain Basin Restoration Program.

"(b) Purpose.—The purpose of the program shall be to restore the ecological health of the Basin by developing and funding restoration projects and related scientific and public education projects.

"(c) Duties.—In carrying out the program, the Administrator shall—

"(1) provide administrative and technical assistance to a management conference convened for the Basin under section 320;

"(2) assist and support the activities of the management conference, including the implementation of recommendations of the management conference;

"(3) support environmental monitoring of the Basin and research to provide necessary technical and scientific information;

"(4) develop a comprehensive research plan to address the technical needs of the program;

"(5) coordinate the grant, research, and planning programs authorized under this section; and

"(6) collect and make available to the public publications, and other forms of information the management conference determines to be appropriate, relating to the environmental quality of the Basin.

"(d) Grants.—The Administrator may make grants—

"(1) for restoration projects and studies recommended by a management conference convened for the Basin under section 320;

"(2) for public education projects recommended by the management conference; and

"(3) for the inflow and infiltration project sponsored by the New Orleans Sewerage and Water Board and Jefferson Parish, Louisiana.

"(e) Definitions.—In this section, the following definitions apply:

"(1) Basin.—The term 'Basin' means the Lake Pontchartrain Basin, a 5,000 square mile watershed encompassing 16 parishes in the State of Louisiana and 4 counties in the State of Mississippi.

"(2) Program.—The term 'program' means the Lake Pontchartrain Basin Restoration Program established under subsection (a).

"(f) Authorization of Appropriations.—

"(1) In general.—There is authorized to be appropriated—

"(A) $100,000,000 for the inflow and infiltration project sponsored by the New Orleans Sewerage and Water Board and Jefferson Parish, Louisiana; and

"(B) $5,000,000 for each of fiscal years 2001 through 2005 to carry out this section.

Such sums shall remain available until expended.

"(2) Public education projects.—Not more that 15 percent of the amount appropriated pursuant to paragraph (1)(B) in a fiscal year may be expended on grants for public education projects under subsection (d)(2).".

SEC. 604. SENSE OF CONGRESS.

It is the sense of Congress that all recipients of grants pursuant to this title shall abide by the Buy American Act. The Administrator of the Environmental Protection Agency shall give notice of the Buy American Act requirements to grant applicants.

TITLE VII—ALTERNATIVE WATER SOURCES

SEC. 701. SHORT TITLE.

This title may be cited as the "Alternative Water Sources Act of 2000".

SEC. 702. GRANTS FOR ALTERNATIVE WATER SOURCE PROJECTS.

Title II of the Federal Water Pollution Control Act (33 U.S.C. 1281 et seq.) is amended by adding at the end the following:

"SEC. 220. GRANTS FOR ALTERNATIVE WATER SOURCE PROJECTS.

"(a) In General.—The Administrator may make grants to State, interstate, and intrastate water resource development agencies (including water management districts and water supply authorities), local government agencies, private utilities, and nonprofit entities for alternative water source projects to meet critical water supply needs.

"(b) Eligible Entity.—The Administrator may make grants under this section to an entity only if the entity has authority under State law to develop or provide water for municipal, industrial, and agricultural uses in an area of the State that is experiencing critical water supply needs.

"(c) Selection of Projects.—

"(1) Limitation.—A project that has received funds under the reclamation and reuse program conducted under the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. 390h et seq.) shall not be eligible for grant assistance under this section.

"(2) Additional consideration.—In making grants under this section, the Administrator shall consider whether the project is located within the boundaries of a State or area referred to in section 1 of the Reclamation Act of June 17, 1902 (32 Stat. 385), and within the geographic scope of the reclamation and reuse program conducted under the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. 390h et seq.).

"(d) Committee Resolution Procedure.—

"(1) In general.—No appropriation shall be made for any alternative water source project under this section, the total Federal cost of which exceeds $3,000,000, if such project has not been approved by a resolution adopted by the Committee on Transportation and Infrastructure of the House of Representatives or the Committee on Environment and Public Works of the Senate.

"(2) Requirements for securing consideration.—For purposes of securing consideration of approval under paragraph (1), the Administrator shall provide to a committee referred to in paragraph (1) such information as the committee requests and the non-Federal sponsor shall provide to the committee information on the costs and relative needs for the alternative water source project.

"(e) Uses of Grants.—Amounts from grants received under this section may be used for engineering, design, construction, and final testing of alternative water source projects designed to meet critical water supply needs. Such amounts may not be used for planning, feasibility studies or for operation, maintenance, replacement, repair, or rehabilitation.

"(f) Cost Sharing.—The Federal share of the eligible costs of an alternative water source project carried out using assistance made available under this section shall not exceed 50 percent.

"(g) Reports.—

"(1) Reports to administrator.—Each recipient of a grant under this section shall submit to the Administrator, not later than 18 months after the date of receipt of the grant and biennially thereafter until completion of the alternative water source project funded by the grant, a report on eligible activities carried out by the grant recipient using amounts from the grant.

"(2) Report to congress.—On or before September 30, 2005, the Administrator shall transmit to Congress a report on the progress made toward meeting the critical water supply needs of the grant recipients under this section.

"(h) Definitions.—In this section, the following definitions apply:

"(1) Alternative water source project.—The term 'alternative water source project' means a project designed to provide municipal, industrial, and agricultural water supplies in an environmentally sustainable manner by conserving, managing, reclaiming, or reusing water or wastewater or by treating wastewater.

"(2) Critical water supply needs.—The term 'critical water supply needs' means existing or reasonably anticipated future water supply needs that cannot be met by existing water supplies, as identified in a comprehensive statewide or regional water supply plan or assessment projected over a planning period of at least 20 years.

"(i) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $75,000,000 for each of fiscal years 2000 through 2004. Such sums shall remain available until expended.".

SEC. 703. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) Purchase of American-Made Equipment and Products.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this title (including any amendment made by this title), it is the sense of Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) Notice to Recipients of Assistance.—In providing financial assistance under this title (including any amendment made by this title), the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by Congress.

(c) Notice of Report.—Any entity which receives funds under this title shall report any expenditures on foreign-made items to Congress within 180 days of the expenditure.

TITLE VIII—CLEAN LAKES

SEC. 801. GRANTS TO STATES.

Section 314(c)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1324(c)(2)) is amended by striking "$50,000,000" the first place it appears and all that follows through "1990" and inserting "$50,000,000 for each of fiscal years 2001 through 2005".

SEC. 802. DEMONSTRATION PROGRAM.

Section 314(d) of the Federal Water Pollution Control Act (33 U.S.C. 1324(d)) is amended—

(1) in paragraph (2) by inserting "Otsego Lake, New York; Oneida Lake, New York; Raystown Lake, Pennsylvania; Swan Lake, Itasca County, Minnesota;" after "Sauk Lake, Minnesota;";

(2) in paragraph (3) by striking "By" and inserting "Notwithstanding section 3003 of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note; 109 Stat. 734–736), by"; and

(3) in paragraph (4)(B)(i) by striking "$15,000,000" and inserting "$25,000,000".

SEC. 803. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) Purchase of American-Made Equipment and Products.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this title (including any amendment made by this title), it is the sense of Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) Notice to Recipients of Assistance.—In providing financial assistance under this title (including any amendment made by this title), the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by Congress.

(c) Notice of Report.—Any entity which receives funds under this title shall report any expenditures on foreign-made items to Congress within 180 days of expenditure.

TITLE IX—MISSISSIPPI SOUND RESTORATION

SEC. 901. SHORT TITLE.

This title may be cited as the "Mississippi Sound Restoration Act of 2000".

SEC. 902. NATIONAL ESTUARY PROGRAM.

(a) Finding.—Congress finds that the Mississippi Sound is an estuary of national significance.

(b) Addition to National Estuary Program.—Section 320(a)(2)(B) of the Federal Water Pollution Control Act (33 U.S.C. 1330(a)(2)(B)) is further amended by inserting "Mississippi Sound, Mississippi;" before "and Peconic Bay, New York.".

SEC. 903. MISSISSIPPI SOUND.

Title I of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is further amended by adding at the end the following:

"SEC. 123. MISSISSIPPI SOUND.

"(a) Establishment of Restoration Program.—The Administrator shall establish within the Environmental Protection Agency the Mississippi Sound Restoration Program.

"(b) Purpose.—The purpose of the program shall be to restore the ecological health of the Sound, including barrier islands, coastal wetlands, keys, and reefs, by developing and funding restoration projects and related scientific and public education projects and by coordinating efforts among Federal, State, and local governmental agencies and nonregulatory organizations.

"(c) Duties.—In carrying out the program, the Administrator shall—

"(1) provide administrative and technical assistance to a management conference convened for the Sound under section 320;

"(2) assist and support the activities of the management conference, including the implementation of recommendations of the management conference;

"(3) support environmental monitoring of the Sound and research to provide necessary technical and scientific information;

"(4) develop a comprehensive research plan to address the technical needs of the program;

"(5) coordinate the grant, research, and planning programs authorized under this section; and

"(6) collect and make available to the public publications, and other forms of information the management conference determines to be appropriate, relating to the environmental quality of the Sound.

"(d) Grants.—The Administrator may make grants—

"(1) for restoration projects and studies recommended by a management conference convened for the Sound under section 320; and

"(2) for public education projects recommended by the management conference.

"(e) Definitions.—In this section, the following definitions apply:

"(1) Sound.—The term 'Sound' means the Mississippi Sound located on the Gulf Coast of the State of Mississippi.

"(2) Program.—The term 'program' means the Mississippi Sound Restoration Program established under subsection (a).

"(f) Authorization of Appropriations.—There is authorized to be appropriated $10,000,000 to carry out this section. Such sums shall remain available until expended.".

SEC. 904. SENSE OF CONGRESS.

It is the sense of Congress that all recipients of grants under this title (including amendments made by this title) shall abide by the Buy American Act. The Administrator of the Environmental Protection Agency shall give notice of the Buy American Act requirements to grant applicants under this title.

TITLE X—TIJUANA RIVER VALLEY ESTUARY AND BEACH CLEANUP

SEC. 1001. SHORT TITLE.

This title may be cited as the "Tijuana River Valley Estuary and Beach Sewage Cleanup Act of 2000".

SEC. 1002. PURPOSE.

The purpose of this title is to authorize the United States to take actions to address comprehensively the treatment of sewage emanating from the Tijuana River area, Mexico, that flows untreated or partially treated into the United States causing significant adverse public health and environmental impacts.

SEC. 1003. DEFINITIONS.

In this title, the following definitions apply:

(1) Administrator.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) Commission.—The term "Commission" means the United States section of the International Boundary and Water Commission, United States and Mexico.

(3) IWTP.—The term "IWTP" means the South Bay International Wastewater Treatment Plant constructed under the provisions of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), section 510 of the Water Quality Act of 1987 (101 Stat. 80–82), and Treaty Minutes to the Treaty for the Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande, dated February 3, 1944.

(4) Secondary treatment.—The term "secondary treatment" has the meaning such term has under the Federal Water Pollution Control Act and its implementing regulations.

(5) Secretary.—The term "Secretary" means the Secretary of State.

(6) Mexican facility.—The term "Mexican facility" means a proposed public-private wastewater treatment facility to be constructed and operated under this title within Mexico for the purpose of treating sewage flows generated within Mexico, which flows impact the surface waters, health, and safety of the United States and Mexico.

(7) MGD.—The term "mgd" means million gallons per day.

SEC. 1004. ACTIONS TO BE TAKEN BY THE COMMISSION AND THE ADMINISTRATOR.

(a) Secondary Treatment.—

(1) In general.—Subject to the negotiation and conclusion of a new Treaty Minute or the amendment of Treaty Minute 283 under section 1005 of this Act, and notwithstanding section 510(b)(2) of the Water Quality Act of 1987 (101 Stat. 81), the Commission is authorized and directed to provide for the secondary treatment of a total of not more than 50 mgd in Mexico—

(A) of effluent from the IWTP if such treatment is not provided for at a facility in the United States; and

(B) of additional sewage emanating from the Tijuana River area, Mexico.

(2) Additional authority.—Subject to the results of the comprehensive plan developed under subsection (b) revealing a need for additional secondary treatment capacity in the San Diego-Tijuana border region and recommending the provision of such capacity in Mexico, the Commission may provide not more than an additional 25 mgd of secondary treatment capacity in Mexico for treatment described in paragraph (1).

(b) Comprehensive Plan.—Not later than 24 months after the date of enactment of this Act, the Administrator shall develop a comprehensive plan with stakeholder involvement to address the transborder sanitation problems in the San Diego-Tijuana border region. The plan shall include, at a minimum—

(1) an analysis of the long-term secondary treatment needs of the region;

(2) an analysis of upgrades in the sewage collection system serving the Tijuana area, Mexico; and

(3) an identification of options, and recommendations for preferred options, for additional sewage treatment capacity for future flows emanating from the Tijuana River area, Mexico.

(c) Contract.—

(1) In general.—Subject to the availability of appropriations to carry out this subsection and notwithstanding any provision of Federal procurement law, upon conclusion of a new Treaty Minute or the amendment of Treaty Minute 283 under section 5, the Commission may enter into a fee-for-services contract with the owner of a Mexican facility in order to carry out the secondary treatment requirements of subsection (a) and make payments under such contract.

(2) Terms.—Any contract under this subsection shall provide, at a minimum, for the following:

(A) Transportation of the advanced primary effluent from the IWTP to the Mexican facility for secondary treatment.

(B) Treatment of the advanced primary effluent from the IWTP to the secondary treatment level in compliance with water quality laws of the United States, California, and Mexico.

(C) Return conveyance from the Mexican facility of any such treated effluent that cannot be reused in either Mexico or the United States to the South Bay Ocean Outfall for discharge into the Pacific Ocean in compliance with water quality laws of the United States and California.

(D) Subject to the requirements of subsection (a), additional sewage treatment capacity that provides for advanced primary and secondary treatment of sewage described in subsection (a)(1)(B) in addition to the capacity required to treat the advanced primary effluent from the IWTP.

(E) A contract term of 30 years.

(F) Arrangements for monitoring, verification, and enforcement of compliance with United States, California, and Mexican water quality standards.

(G) Arrangements for the disposal and use of sludge, produced from the IWTP and the Mexican facility, at a location or locations in Mexico.

(H) Payment of fees by the Commission to the owner of the Mexican facility for sewage treatment services with the annual amount payable to reflect all agreed upon costs associated with the development, financing, construction, operation, and maintenance of the Mexican facility.

(I) Provision for the transfer of ownership of the Mexican facility to the United States, and provision for a cancellation fee by the United States to the owner of the Mexican facility, if the Commission fails to perform its obligations under the contract. The cancellation fee shall be in amounts declining over the term of the contract anticipated to be sufficient to repay construction debt and other amounts due to the owner that remain unamortized due to early termination of the contract.

(J) Provision for the transfer of ownership of the Mexican facility to the United States, without a cancellation fee, if the owner of the Mexican facility fails to perform the obligations of the owner under the contract.

(K) To the extent practicable, the use of competitive procedures by the owner of the Mexican facility in the procurement of property or services for the engineering, construction, and operation and maintenance of the Mexican facility.

(L) An opportunity for the Commission to review and approve the selection of contractors providing engineering, construction, and operation and maintenance for the Mexican facility.

(M) The maintenance by the owner of the Mexican facility of all records (including books, documents, papers, reports, and other materials) necessary to demonstrate compliance with the terms of this Act and the contract.

(N) Access by the Inspector General of the Department of State or the designee of the Inspector General for audit and examination of all records maintained pursuant to subparagraph (M) to facilitate the monitoring and evaluation required under subsection (d).

(3) LIMITATION.—The Contract Disputes Act of 1978 (41 U.S.C. 601-613) shall not apply to a contract executed under this section.

(d) IMPLEMENTATION.—

(1) IN GENERAL.—The Inspector General of the Department of State shall monitor the implementation of any contract entered into under this section and evaluate the extent to which the owner of the Mexican facility has met the terms of this section and fulfilled the terms of the contract.

(2) REPORT.—The Inspector General shall transmit to Congress a report containing the evaluation under paragraph (1) not later than 2 years after the execution of any contract with the owner of the Mexican facility under this section, 3 years thereafter, and periodically after the second report under this paragraph.

SEC. 1005. NEGOTIATION OF NEW TREATY MINUTE.

(a) CONGRESSIONAL STATEMENT.—In light of the existing threat to the environment and to public health and safety within the United States as a result of the river and ocean pollution in the San Diego-Tijuana border region, the Secretary is requested to give the highest priority to the negotiation and execution of a new Treaty Minute, or a modification of Treaty Minute 283, consistent with the provisions of this title, in order that the other provisions of this title to address such pollution may be implemented as soon as possible.

(b) NEGOTIATION.—

(1) INITIATION.—The Secretary is requested to initiate negotiations with Mexico, within 60 days after the date of enactment of this Act, for a new Treaty Minute or a modification of Treaty Minute 283 consistent with the provisions of this title.

(2) IMPLEMENTATION.—Implementation of a new Treaty Minute or of a modification of Treaty Minute 283 under this title shall be subject to the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(3) MATTERS TO BE ADDRESSED.—A new Treaty Minute or a modification of Treaty Minute 283 under paragraph (1) should address, at a minimum, the following:

(A) The siting of treatment facilities in Mexico and in the United States.

(B) Provision for the secondary treatment of effluent from the IWTP at a Mexican facility if such treatment is not provided for at a facility in the United States.

(C) Provision for additional capacity for advanced primary and secondary treatment of additional sewage emanating from the Tijuana River area, Mexico, in addition to the treatment capacity for the advanced primary effluent from the IWTP at the Mexican facility.

(D) Provision for any and all approvals from Mexican authorities necessary to facilitate water quality verification and enforcement at the Mexican facility.

(E) Any terms and conditions considered necessary to allow for use in the United States of treated effluent from the Mexican facility, if there is reclaimed water which is surplus to the needs of users in Mexico and such use is consistent with applicable United States and California law.

(F) Any other terms and conditions considered necessary by the Secretary in order to implement the provisions of this title.

SEC. 1006. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this title.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Mississippi (Mr. TAYLOR) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 835 as amended is a package of 10 House-passed water quality bills. H.R. 3313 is the bill of the gentlewoman from Connecticut (Mrs. JOHNSON), the Long Island Sound Restoration Act which the House passed on May 9 of this year by a vote of 391-to-29. H.R. 3039 is a bill that was authored by our late colleague who was so well memorialized today, the gentleman from Virginia (Mr. BATEMAN), the Chesapeake Bay Restoration Act which passed the House on April 12 of this year by a vote of 418-to-7; H.R. 1775, offered by the gentleman from Maryland (Mr. GILCHREST), Estuary Restoration Act of 2000, which just passed the House by voice vote; H.R. 1237, the bill of the gentleman from New Jersey (Mr. SAXTON) to reauthorize the national estuary program which the House passed on May 8 by voice vote; H.R. 673, offered by the gentleman from Florida (Mr. DEUTSCH), Florida Keys Water Quality Improvement Act, which passed the House on May 3 of this year by a vote of 411-to-7; H.R. 2957, offered by the gentleman from Louisiana (Mr. VITTER), the Lake Pontchartrain Basin Restoration Act of 2000, which passed the House on May 3, 2000 by a vote of 418-to-6; H.R. 1106, offered by the gentlewoman from Florida (Mrs. THURMAN), Alternative Water Sources Act of 2000 which passed the House on May 3 by a vote of 416-to-5; H.R. 2328, offered by the gentleman from New York (Mr. SWEENEY), a bill to reauthorize the Clean Lakes program which passed the House on April 12, by a vote of 420-to-5; H.R. 4104, offered by the gentleman from Mississippi (Mr. TAYLOR), the Sound Restoration Act which just passed the House by voice vote; H.R. 3378, offered by the gentleman from California (Mr. BILBRAY), the Tijuana River Valley Estuary and Beach Sewage Clean Up Act of 2000 which just passed the House about half an hour ago.

This legislation addresses identified needs and will provide significant improvements to the quality of our Nation's waters. I want to thank all of the bill sponsors and all of the members of the Committee on Transportation and Infrastructure, in particular our chairman, the gentleman from Pennsylvania (Mr. SHUSTER), the outstanding representative, the gentleman from Minnesota (Mr. OBERSTAR), the chairman of our subcommittee, the gentleman from New York (Mr. BOEHLERT) and the ranking member, the gentleman from Pennsylvania (Mr. BORSKI) for their hard work in bringing this legislation to the floor.

I think that S. 835, which we now consider, again demonstrates the quality and quantity of work that is done in a bipartisan fashion by the Committee on Transportation and Infrastructure. The fact that there are 10 bills rolled into one Senate bill is a tribute to the outstanding leadership that we have on the committee from our chairman and also the ranking member and confirms, I think, the suspicion that in a time of partisanship these two outstanding bipartisan gentlemen are joined at the hip and they are more interested in getting things done to build America than they are in scoring political points.

The House has already expressed its overwhelming support for these individual bills. I urge all Members to support this omnibus legislation. We hope to work with the Senate expeditiously to send this legislation to the President's desk.

Mr. Speaker, I reserve the balance of my time.

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of the substitute amendment offered to S. 835. The Estuary Habitat and Chesapeake Bay Restoration Act amendment substitutes the text of S. 835, the Estuary Habitat and Chesapeake Bay Restoration Act that was approved by unanimous consent in the Senate in March with the text of the recently-passed estuary restoration program sponsored by our colleague, the gentleman from Maryland (Mr. GILCHREST). In addition, the substitute amendment includes a collection of other Clean Water Act related bills that have been approved by the House during the 106th Congress. These are H.R. 3039, the Chesapeake Bay Restoration Act, sponsored by our late colleague, the gentleman from Virginia (Mr. BATEMAN), and I thank the gentleman from Ohio (Mr. LATOURETTE) very much for mentioning the gentleman from Virginia (Mr. BATEMAN).

H.R. 1237, a bill to reauthorize the EPA's national estuary program sponsored by the gentleman from New Jersey (Mr. SAXTON); H.R. 673, the Florida Keys Water Quality Improvements Act sponsored by the gentleman from Florida (Mr. DEUTSCH); H.R. 3313, the Long Island Sound Restoration Act sponsored by the gentlewoman from Connecticut (Mrs. JOHNSON); H.R. 2957, the Lake Pontchartrain Basin Restoration Act sponsored by my neighbor and colleague, the gentleman from Louisiana (Mr. VITTER); H.R. 1106, the Alternative Sources Water Act, sponsored by the gentlewoman from Florida (Mrs. THURMAN); H.R. 2328, a bill to reauthorize EPA's Clean Lakes program; H.R. 4104 and H.R. 3378 which we just recently approved.

I support the substitute amendment and urge my colleagues to vote in favor of its passage.

Mr. Speaker, I yield the remainder of my time to the gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the full Committee on Transportation and Infrastructure.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman from Mississippi (Mr. TAYLOR) for yielding me this time, and I support the somewhat unusual process that we are using here to expedite the action of this body on very important legislation that our committee has already considered. I particularly appreciate that one of the bills included here is that authored by our late colleague on the committee and colleague in the House the gentleman from Virginia (Mr. BATEMAN).

I missed the opportunity earlier in the day to participate in the eulogies because I was committed to a number of meetings in my office with constituents, but I just want to say that we have lost one of the truly amiable, decent, distinguished, caring people ever to serve in this body. The gentleman from Virginia (Mr. BATEMAN) was one of the most gentle, thoughtful, considerate people I have ever known, and as a colleague one of the most thoughtful and sensitive people.

His legislative work was truly significant. He was an advocate for our Nation's defense establishment. He was, I think as one of his colleagues in the Virginia delegation said so well, the gentleman from Virginia (Mr. SISISKY), he knew about readiness. He knew there was a readiness problem in the military before the military knew it. That was the way of gentleman from Virginia (Mr. BATEMAN).

I greatly appreciated the companionship that with shared and the cooperation on a number of issues in our committee, and in his committee of previous service, the Committee on Armed Services on which he jointly served throughout this last term.

I extend to Laura, his dear, wonderful wife, very beautiful and treasured person, my deepest sympathies and those of my wife. I know this is a great loss. Herb was looking forward to retirement. One could just see the twinkle in his eye of the enjoyment that he was looking forward to, spending time with his family and time for himself to travel and to see more of America and to see more of the beloved area of Virginia that he served so well. My prayers are with the gentleman from Virginia (Mr. BATEMAN) and with his family in their hour of need.

Mr. BOEHLERT. Mr. Speaker, I am proud to be a strong supporter of the House Amendment to S. 835, the Clean Waters and Bays Act of 2000.

S. 835 was introduced by the late Senator John Chafee in April 1999 and passed the Senate by unanimous consent on March 30, 2000. Senator Chafee was a champion for the environment and S. 835 reflects his dedication to ensuring that all Americans have safe and clean water.

As passed by the Senate, S. 835 is a clean water omnibus bill that encourages estuary restoration through partnerships with the Corps of Engineers, and Reauthorizes the Clean Water Act's Chesapeake Bay Program, Long Island Sound Office, and National Estuary Program.

The House Amendment to S. 835 replaces the Senate text with the text from House-passed bills on estuary restoration, the Chesapeake Bay Program, the Long Island Sound, and the National Estuary Program. In addition, the House amendment adds House-passed bills to reauthorize the Clean Lakes Program, as well as bills to address other water infrastructure needs at both the national and regional levels.

Each bill in this package is non-controversial and has already passed the House with overwhelming support. The purpose of this omnibus package is to have a vehicle that we can work out with the Senate and send to the President's desk.

S. 835 will go a long way toward addressing the specific water quality needs that my subcommittee on water resources and environment identified through extensive hearings.

The solutions put forth by this bill are solutions that every Member of Congress should be proud to embrace. This legislation does not impose any new mandates. Instead, this legislation encourages cooperative efforts at the local, state and federal levels and fosters public-private partnerships to identify and address water quality problems.

I urge all Members to Support S. 835, as amended.

Mr. TAYLOR of Mississippi. Mr. Speaker, we have no additional requests for time, and I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the Senate bill, S. 835, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

REQUESTING CONFERENCE WITH THE SENATE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 835) to encourage the restoration of estuary habitat through more efficient project financing and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes, with a House amendment thereto, insist on the House amendment, and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

□ 2320

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3378, H.R. 1775, H.R. 4104 and S. 835.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Ohio?

There was no objection.

SENSE OF HOUSE REGARDING UNITED STATES-INDIA RELATIONS

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 572) expressing the sense of the House of Representatives that it is in the interest of both the United States and the Republic of India to expand and strengthen United States-India relations, intensify bilateral cooperation in the fight against terrorism, and broaden the ongoing dialogue between the United States and India, of which the upcoming visit to the United States of the Prime Minister of India, Atal Bihari Vajpayee, is a significant step.

The Clerk read as follows:

H. RES. 572

Whereas the United States and the Republic of India are two of the world's largest democracies that together represent one-fifth of the world's population and more than one-fourth of the world's economy;

Whereas the United States and India share common ideals and a vision for the 21st century, where freedom and democracy are the strongest foundations for peace and prosperity;

Whereas in keeping with this vision India has given refuge to His Holiness the Dalai Lama, Burmese refugees fleeing repression in Burma, and is a refuge for people in the region struggling for their basic human rights;

Whereas the United States and India are partners in peace with common interests in and complementary responsibility for ensuring international security and regional peace and stability;

Whereas the United States and India are allies in the cause of democracy, sharing our experience in nurturing and strengthening democratic institutions throughout the world and fighting the challenge to democratic order from forces such as terrorism;

Whereas the growing partnership between the United States and India is reinforced by the ties of scholarship, commerce, and increasingly of kinship among our people;

Whereas the industry, enterprise, and cultural contributions of Americans of Indian heritage have enriched and enlivened the societies of both the United States and India; and

Whereas the bonds of friendship between the United States and India can be deepened and strengthened through cooperative programs in areas such as education, science and technology, information technology, finance and investment, trade, agriculture, energy, the fight against poverty, improving the environment, infrastructure development, and the eradication of human suffering, disease, and poverty: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) the United States and the Republic of India should continue to expand and strengthen bilateral security, economic, and political ties for the mutual benefit of both countries, and for the maintenance of peace, stability, and prosperity in South Asia;

(2) the United States should consider removing existing unilateral legislative and administrative measures imposed against India, which prevent the normalization of United States-India bilateral economic and trade relations;

(3) established institutional and collaborative mechanisms between the United States and India should be maintained and enhanced to further a robust partnership between the two countries;

(4) it is vitally important that the United State and India continue to share information and intensify their cooperation in combating terrorism; and

(5) the upcoming visit of the Prime Minister of India, Atal Bihari Vajpayee, to the United States is a significant step toward broadening and deepening the friendship and cooperation between United States and India.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from Connecticut (Mr. GEJDENSON) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 572.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I introduced H. Res. 572, along with the gentleman from Connecticut (Mr. GEJDENSON), a resolution expressing the sense of the House of Representatives that it is in the interest of both our Nation and India to expand and strengthen U.S.-India relations. To intensify bilateral cooperation in our fight against terrorism and to broaden the ongoing dialogue between the United States and India, of which the upcoming visit to the United States of the Prime Minister of India Atal Bihari Vajpayee, is a significant step.

This coming Thursday, Indian Prime Minister Atal Vajpayee will address a joint session of the Congress. His historic visit comes at a precious moment in U.S.-Indian relations. The world's two largest and most vibrant democracies are in the process of creating a relationship that truly reflects our mutual interests.

Both of our governments are dedicated to the protection of the rule of law, to democracy, and to freedom of religion. Our citizens share a fervent faith in these core values. It is also why India and the United States see eye to eye on so many regional concerns.

China's hegemony, the spread of Islamic terrorism spilling out of Afghanistan and Pakistan, the narco-dictatorship in Burma, China's illegal occupation of Tibet, are serious concerns to both of our nations.

During this past summer, the world was horror stricken when Islamic terrorists gunned down some 101 Hindu pilgrims in Kashmir. The massacre came only 2 weeks after the largest militant Kashmiri group Hezb-ul Mujahadeen called for a cease-fire. The killings apparently were intended to sabotage any attempt to peacefully broker a settlement to the Kashmir crisis.

All of us were outraged by the brutal barbaric killings of innocent civilians. Such malicious extraordinary violence reinforces my conviction that India and the United States must develop a much closer military and intelligence relationship. A special relationship is needed so that we can share our knowledge and skills in order to successfully confront our mutual enemies who wish to destroy the basic principles of our societies.

Regrettably, the State Department has confused our friends and allies in Asia by promoting a strategic partnership with China and by ignoring the fact that Beijing, in violation of the Nuclear Nonproliferation Treaty, transfers and sells nuclear and ballistic weapons technology to Pakistan, a nation that has been spreading terrorism throughout South Asia by supporting the Taliban and other repressive forces.

China has also sold billions of dollars of arms to the narco-dictatorship in Burma that borders on India. We need to lift the remaining economic sanctions that were imposed on India for testing nuclear weapons. As long as the State Department permits China to go unchecked and it continues to stoke the fires in South Asia, India will need to be able to defend itself.

India's Prime Minister's address to Congress this week will afford all of us, all Members of the House and Senate, the opportunity to hear about the issues of importance and the U.S.-India bilateral relationship, including trade, energy, investment, science, information technology, as well as our cooperative efforts to combat terrorism and to achieve regional peace and security in South Asia, a region of prime importance to our national interests.

As the current Indian government works to ensure that India remains secure, our democracy should be marching shoulder to shoulder with her during this new century. So I look forward to meeting with the prime minister and working closely with him and his government on initiatives that bring peace and prosperity to India and to Asia and even stronger bonds of friendship between our two nations. Accordingly, I urge all of our colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. GEJDENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, while it is just morning in India, it is rather late in the evening here, so I will be brief. A few folks watching at home include my son, Ari, who stayed up to hear this debate. And I am sorry to see the chairman engage in some gratuitous assaults on the administration, because, indeed, it is President Clinton who lead the recent trip to India and really welding together these two great democracies.

And while Congress and many of the people in government, executive and legislative, had not recognized for a long time the important bond between India and the United States and Connecticut with the leadership of Chet Bowles, twice ambassador to India, the Congressman from my district, when I was a young man and a governor of the State of Connecticut, he understood even then how important this relationship between the United States and India was.

The present ambassador at work for Chester Bowles is doing a fine job there, as the gentleman from New York (Mr. GILMAN) pointed out. This Thursday we will have an address by the Prime Minister of India, an address that will be greeted in this House by near bipartisan support and approval.

As we have ended the confrontation with the old Soviet Union, the natural bonds between our two democracies continue to build a stronger and stronger relationship. The United States, is India's largest trading partner. The Americans in this country and Indians from abroad who have come here have built a stronger and stronger relationship, and as Indian-Americans have felt more a part of our society, they have helped build that bridge between the United States and India.

This visit by the Prime Minister is a visit that will take us to the next level, bringing America's attention squarely focused on India and the shared values we have in democracy fighting terrorism, confronting infectious diseases, and helping develop democracy around the globe. India truly is a marvelous example of people. Consider about a billion people, half of them very poor, still they sustain a civil society that most countries in the world have not yet attained.

Mr. Speaker, I join with the gentleman's statements, at least part of the gentleman's statement, and that is commending the President for having gone to India, commending the Prime Minister for coming here. And I can assure him and the Indian people that there will be no head of state that gets a warmer and friendlier greeting from the American people and from this Congress than the Prime Minister of India will get.

Mr. Speaker, I urge passage of this legislation.

Mr. Speaker, I rise in strong support of this resolution, and yield myself as much time as I may consume.

On Thursday, September 14th, the United States Congress will meet in a rare joint session to hear from the prime Minister of India. It is appropriate that Prime Minister Vajpayee should be accorded this honor.

After all, world's largest democracy and the world's oldest have much in common. India is one of our most important and strategic relationships.

The visit of Indian Prime Minister Atal Bihari Vajpayee to the U.S. provides an opportunity for a further broadening and deepening of the bilateral relationship.

With the end of the Cold War and the subsequent liberalization of the Indian economy, U.S.-India relations have steadily improved. President Clinton was enthusiastically received when he visited India in March, 2000. During that visit, the two leaders set forth the framework for a new partnership between our two countries in the Joint Vision Statement.

The Prime Minister's visit provides us with an important opportunity to further the goals of the Vision Statement.

The U.S. is India's largest trading partner and largest investor. Home to one-fifth of the world's population, India continues to reduce and eliminate barriers to trade, and U.S. investment has grown from $500 million per year in 1991 to over $15 billion in 1999.

The Asian Development Bank has forecast a 7 percent growth in GDP for India over the next two years in light of India's stable government, proposed structural reforms and proven ability to capitalize on the global technology revolution.

The Clinton administration has identified India as one of the world's 10 major emerging markets. The waiver of economic sanctions by the U.S. and the opening up of the insurance sector in India are likely to further increase foreign direct investment in India.

India is a vital U.S. ally in the fight against global terrorism. Because there are significant links between terrorists groups operating in India and those targeting the U.S., the U.S.-India Joint Working Group on Counter-Terrorism was recently founded to coordinate antiterrorism efforts and share intelligence information. In the same manner that the United States and India have forged strong economic and commercial links, so too must we strengthen our partnership for peace and build a comprehensive regime to counter terrorism.

The million-strong Indian-American community in the U.S. provides a strong bond between India and the U.S. Indian-Americans have made immeasurable contributions to our country and are a vital part of communities from San Francisco to Miami and every where in between—even, I am proud to note, in my home state of Connecticut.

Indian Americans, who have organized themselves into a large number of associations and organizations, are playing an important role in deepening and strengthening cooperation between India and the United States.

As the President stated in his March 22 address to the Parliament of India, "India and America are natural allies, two nations conceived in liberty, each finding strength in its diversity, each seeing in the other a reflection of its own aspiration for a more humane and just world."

It is essential for the United States and India—the world's two largest democracies—to strengthen our growing bonds of friendship.

I urge my colleagues to support the House Resolution to welcome Prime Minister Vajpayee to the United States and encourage a robust U.S.-India partnership.

Mr. ROYCE. Mr. Speaker, I rise in support of H.Res. 572, of which I am a cosponsor. Indian Prime Minister Vajpayee's state visit this week caps off a special year in U.S.-India relations that began with President Clinton's March visit to India. The Prime Minister's visit provides another excellent opportunity for the U.S. and India to advance further our rapidly improving and mutually beneficial relationship.

I want to commend Speaker HASTERT for inviting the Prime Minister to share his vision of India's relationship with the U.S. with members of the House and Senate. Thursday's speech will be the first congressional address by a foreign leader in over two years. This address will be an especially significant moment for the over 100 members of the Congressional Caucus on India and Indian Americans, who have worked hard on legislation affecting India.

I had the privilege of traveling to India with the President, and saw firsthand the country's vitality and the desire by the Indian people to develop a closer relationship with America. In New Delhi, President Clinton and Prime Minister Vajpayee signed a joint statement on "India-U.S. Relations: A Vision for the 21st Century." This is an important statement, coming after years of American indifference toward India. It is important that we treat this statement as a living document, working to ensure that its vision becomes reality.

The joint statement includes a pledge "to reduce impediments to bilateral trade and investment and to expand commerce" between our two countries. The U.S. is now not only the largest investor in India, it is also India's largest trading partner, with trade between the two countries totaling nearly $13 billion.

The Prime Minister's state visit will also be a larger opportunity to highlight the great economic and cultural contributions of all Indo-Americans, who act as a valuable bridge between our two countries. I join my colleagues in welcoming the Prime Minister and look forward to his speech before members of the House and the Senate.

Ms. SCHAKOWSKY. Mr. Speaker, I am so proud to join my colleagues, the Distinguished Chairman and the ranking Democratic member of the International Relations Committee in welcoming to the United States the Honorable Prime Minister of India, Atal Behari Vajpayee.

On behalf of Illinois' Indian American community and the people of Illinois in the 9th Congressional District, I want to express a most sincere welcome and best wishes for an enjoyable and meaningful visit to Prime Minister Vajpayee.

As my colleagues and the Prime Minister are aware, the Chicago Metropolitan area boasts one of our country's most diverse populations, including a thriving Indian-American community of over 100,000 that is growing every year. As a member of Congress who values the relationship between our two nations and recognizes the significance of Prime Minister Vajpayee's visit, I believe this is an opportunity to strengthen relations between India and our country even further. The Prime Minister's visit also gives the Indian American community a chance to showcase its contributions to American society and to the U.S.-India dialogue.

I was fortunate to be one of eight members of Congress privileged to join President Clinton on his historic trip to India earlier this year. That was such an incredible and valuable experience for me, one which I learned from and which has helped me to understand the rich history and cultural traditions of a great number of my constituents who are of Indian descent.

I was so touched and honored by the warm reception the President's delegation received. I know that we will all do our best to reciprocate so that Prime Minister Vajpayee's visit is greeted with the honor and respect it deserves.

On Thursday, Prime Minister Vajpayee will address a joint session of Congress. This will be the first address to a joint session of Congress by an Indian Prime Minister in six years and the only address by a world leader to the 106th Congress.

It is important that on this historic occasion, Congress sends a strong message on the importance of our relationship with India in such critical areas as trade, national security, health, science and technology and education. The friendship between our people has never been stronger and the relationship between our governments has reached a new height of cooperation. That is why I am a proud original cosponsor of H. Res. 572. The resolution expresses the Sense of the Congress that the United States and India should continue to work together.

I urge all members to vote in support of it, and on behalf of myself, my family and my constituents, I offer a wholehearted and gracious welcome to Prime Minister Vajpayee.

Mr. GEJDENSON. Mr. Speaker, I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the resolution, House Resolution 572.

The question was taken.

Mr. GILMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 2330

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

REMEMBERING THE SINKING OF THE HMT ROHNA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

Mr. METCALF. Mr. Speaker, the greatest naval disaster in the United States during World War II was the sinking of the USS *Arizona*. 1,177 were killed. The *Arizona* has been memorialized in the national consciousness.

On November 26, 1943, however, a loss of American military personnel of almost identical magnitude occurred when the British troop transport ship, the HMT *Rohna*, was sunk by a radio-controlled rocket-boosted bomb launched from a German bomber off the coast of North Africa. By the next day, 1,015 American troops and more than 100 British and Allied officers and crewmen had perished.

The U.S. troops aboard the *Rohna* have been largely forgotten by their country. I only learned of this disaster because a neighbor of mine on Whidbey Island had a brother who was lost when the *Rohna* was sunk. He made me aware of the issue and the book about the sinking of the *Rohna*.

It is a grim story. Hundreds died when the German missile struck. The majority, however, died from exposure and drowning when darkness and rough seas limited the rescue efforts. Less than half, over 900, survived, which was less than half.

American, British and French rescue workers worked valiantly to save those *Rohna* passengers and crew who made it off the ship and into the ocean. The USS *Pioneer* picked up two-thirds of all those that were saved, 606 GIs. Many of those in the water had to endure hours of chilling temperatures before being picked up. As the evening moved into the middle of the night and the early morning hours, some men were speechless with the cold. Many died deaths of unbelievable agony.

The United States Government had not properly acknowledged this event. Because inadequate records were kept, some survivors had to fight for years to prove that the *Rohna* even existed, let alone that survivors might be due some recognition.

Finally, at a 1996 memorial dedication honoring the Americans who died on the *Rohna*, survivor John Fievet spoke the following words:

> I dedicate this memorial to the memory of those who fell in the service of our country. I dedicate it in the names of those who offered their lives that justice, freedom and democracy might survive to be the victorious ideals of the world. The lives of those who made the supreme sacrifice are glorious before us. Their deeds are an inspiration. As they served America in the time of war, yielding their last full measure of devotion, may we serve America in time of peace. I dedicate this monument to them, and with it, I dedicate this society to the faithful service of our country and the preservation of the memory of those who died, that liberty might live.

The men who gave their lives for their country on board this ship were heroes who deserve to be recognized and not forgotten. Parents of virtually all of them died without learning how their sons had died, because this was something that was not made public. Their brothers and sisters, wives and children need to hear their story. All Americans need to learn of their bravery and sacrifice. Not only do the victims of the tragic sinking need to be honored, but also their comrades, who survived, to be sent on to the Burma-India-China theater of the war and there to serve valiantly.

On November 11, 1993, Charles Osgood featured the *Rohna* story on his widespread radio program. For the first time, in 1993, a broad cross-section of America got to hear the story of some of its unknown warriors. Osgood revisited the subject two weeks later. According to Osgood, "It is not that we forgot, it is just that we never knew."

Americans need to know about the *Rohna*. They need to know about the men who died on board, sacrificing their lives in the fight against tyranny. Americans need to know, and certainly must never forget.

REVISIONS OF APPROPRIATE LEVELS OF DEBT IN THE CONGRESSIONAL BUDGET RESOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. KASICH) is recognized for 5 minutes.

Mr. KASICH. Mr. Speaker, section 213(1) of the conference report on the Concurrent Resolution on the Budget for Fiscal Year 2001 (H. Con. Res. 290) permits certain adjustments if the Congressional Budget Office (CBO) increases its estimate of the surplus. CBO recently increased its estimate of the on-budget surplus for the current fiscal year by $57.2 billion. I submit for printing in the Congressional Record revisions to the levels of the public debt and the debt held by the public for fiscal years 2000–2005 based on that increase in the surplus.

REVISED APPROPRIATE LEVELS OF DEBT IN THE CONGRESSIONAL BUDGET RESOLUTION

(End of year in billions of dollars)

Fiscal year	Public debt	Debt held by the public
2000	5,583.0	3,413.0
2001	5,666.6	3,256.0
2002	5,757.5	3,077.9
2003	5,857.2	2,891.2
2004	5,951.6	2,689.8
2005	6,040.9	2,467.0

Questoins may be directed to Dan Kowalski at 67270.

STATUS REPORT ON CURRENT SPENDING LEVELS OF ON-BUDGET SPENDING AND REVENUES FOR FY 2000 AND THE 5-YEAR PERIOD FY 2000 THROUGH FY 2004

Mr. KASICH. Mr. Speaker, to facilitate application of sections 302 and 311 of the Congressional Budget Act, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 2000 and for the 5-year period of fiscal year 2000 through fiscal year 2004. This status report is current through September 6, 2000.

The term "current level" refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature.

The first table in the report compares the current level of total budget authority, outlays, and revenues with the aggregate levels set by H. Con. Res. 290. This comparison is needed to implement section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for years after fiscal year 2000.

The second table compares the current levels of budget authority and outlays of each authorizing committee with jurisdiction over direct spending programs with the "section 302(a)" allocations for discretionary action made under H. Con. Res. 290 for fiscal year 2000 and fiscal years 2000 through 2004. "Discretionary action" refers to legislation enacted after adoption of the budget resolution. This comparison is needed to enforce section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 302(a) discretionary action allocation of new budget authority for the committee that reported the measure. It is also needed to enforce section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a).

The third table compares the current levels of discretionary appropriations for fiscal year 2000 with the revised "section 302(b)" sub-allocations of discretionary budget authority and outlays among Appropriations subcommittees. This comparison is also needed to implement section 302(f) of the budget Act because the point of order under that section also applies to measures that would breach the applicable section 302(b) sub-allocation.

The fourth table compares discretionary appropriations to the levels provided by section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985. Section 251 requires that, if at the end of a session discretionary spending in any category exceeds the limits set forth in section 251(c) (as adjusted pursuant to provisions of section 251(b)), there shall be a sequestration of funds within that category to bring spending within the established limits. As determination of the need for a sequestration is based on the report of the President required by section 254, this table is provided for information purposes only.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET; STATUS OF THE FISCAL YEAR 2000 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 290

Reflecting Action Completed as of September 6, 2000 (On-budget amounts, in millions of dollars)

	Fiscal year 2000	Fiscal year 2000–2004
Appropriate Level (as amended):		
Budget authority[1]	1,484,852	NA
Outlays[2]	1,455,479	NA
Revenues[3]	1,465,500	7,768,100
Current Level:		
Budget authority	1,482,479	NA
Outlays	1,458,357	NA
Revenues	1,465,492	7,871,246
Current Level over (+)/under (−) Appropriate Level:		
Budget authority	−2,373	NA
Outlays	2,878	NA
Revenues	−8	103,146

NA—Not applicable because annual appropriations Acts for Fiscal Years 2002 through 2004 will not be considered until future sessions of Congress.

[1] Budget Authority—Enactment of any measure providing new budget authority in excess of $2,373,000,000 for FY 2000 (if not already included in the current level estimate) would cause FY 2000 budget authority to exceed the appropriate level set by H. Con. Res. 290.

[2] Outlays—Enactment of any measure providing new outlays for FY 2000 (if not already included in the current level estimate) would cause FY 2000 outlays to further exceed the appropriate level set by H. Con. Res. 290.

[3] Revenues—Enactment of any measure that would result in any revenue loss for FY 2000 (if not already included in the current level estimate) would cause revenues to fall further below the appropriate level set by H. Con. Res. 290. Enactment of any measure resulting in any revenue loss for FY 2000 through 2004 in excess of $103,146,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate levels set by H. Con. Res. 290.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 302(A) REFLECTING ACTION COMPLETED AS OF SEPT. 6, 2000

(Fiscal years in million of dollars)

	2000		2000–2004	
	BA	Outlays	BA	Outlays
HOUSE COMMITTEE				
Agriculture:				
Allocation	5,500	5,500	13,489	12,533
Current Level	5,500	5,500	13,485	12,562
Difference			(4)	29
Armed Services:				
Allocation				
Current Level				
Difference				
Banking and Financial Services:				
Allocation				(968)
Current Level				
Difference				968
Commerce:				
Allocation				
Current Level			10	10
Difference			10	10
Education & the Workforce:				
Allocatin				
Current Level				
Difference				
Government Reform & Oversight:				
Allocation				
Current Level			14	14
Difference			14	14
House Administratin:				
Allocation				
Current Level				
Difference				
International Relations:				
Allocation				
Current Level				
Difference				
Judiciary:				
Allocation				
Current Level			(456)	(410)
Difference			(456)	(410)
Resources:				
Allocation			121	6
Current Level	7	3	(65)	(65)
Difference	7	3	(186	(71)
Science:				
Allocation				
Current Level				
Difference				
Select Committee on Intelligence:				
Allocation				
Current				
Difference				
Small Business:				
Allocation				
Current Level				
Difference				
Transportation & Infrastructure:				
Allocation				
Current Level				
Difference				
Veterans' Affairs:				
Allocation			4,666	4,492
Current Level				
Difference			(4,666)	(4,492)
Ways and Means:				
Allocation	(50)		3,012	3,064
Current Level	53	52	21	20
Difference	103	52	(2,991)	(3,044)
Total Authorized:				
Allocation	5,450	5,500	21,288	19,127
Current Level	5,560	5,555	13,009	12,131
Difference	110	55	(8,279)	(6,996)

COMPARISON OF CURRENT LEVEL TO DISCRETIONARY SPENDING LEVELS SET FORTH IN SEC. 251(c) OF THE BALANCED BUDGET & EMERGENCY DEFICIT CONTROL ACT OF 1985

(Dollars in millions)

	Defense[1]		Nondefense[1]		General purpose		Violent crime trust fund		Highway category		Mass transit category	
	BA	O	BA	O	BA	O	BA	O	BA	O	BA	O
Statutory Caps[2]	NA	NA	NA	NA	580,289	569,224	4,500	6,344	NA	24,574	NA	4,117
Current Level[3]	298,744	289,521	282,210	291,370	580,954	580,891	4,486	6,999	NA	24,393	NA	4,569
Difference (Current level—Caps)	NA	NA	NA	NA	665	11,667	−14	655	NA	−181	NA	452

[1] Defense and nondefense categories are advisory rather than statutory.

[2] Established by OMB Sequestration Update Report for Fiscal Year 2001.

[3] Consistent with H. Con. Res. 290.

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2000—COMPARISON OF CURRENT LEVEL WITH SUBALLOCATIONS PURSUANT TO BUDGET ACT SECTION 302(b)

(In millions of dollars)

	302(b) suballocations last updated on October 12, 1999[1]		Current level reflecting action completed as of September 6, 2000		Difference	
	BA	O	BA	O	BA	O
Agriculture, Rural Development	13,882	14,346	14,825	14,994	943	648

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2000—COMPARISON OF CURRENT LEVEL WITH SUBALLOCATIONS PURSUANT TO BUDGET ACT SECTION 302(b)—Continued

(In millions of dollars)

	302(b) suballocations last updated on October 12, 1999[1]		Current level reflecting action completed as of September 6, 2000		Difference	
	BA	O	BA	O	BA	O
Commerce, Justice, State	35,774	34,907	38,461	38,429	2,687	3,522
National Defense	267,692	259,130	277,137	267,864	9,445	8,734
District of Columbia	453	448	434	505	(19)	57
Energy & Water Development	20,190	20,140	21,295	21,343	1,105	1,203
Foreign Operations	12,625	13,168	16,400	14,136	3,775	968
Interior	13,888	14,354	15,142	15,029	1,254	675
Labor, HHS & Education	75,763	77,063	89,504	90,539	13,741	13,476
Legislative Branch	2,478	2,484	2,466	2,450	(12)	(34)
Military Construction	8,374	8,775	8,489	8,598	115	(177)
Transportation[2]	12,400	43,445	13,256	43,739	856	294
Treasury-Postal Service	13,706	14,115	13,807	14,232	101	117
VA-HUD-Independent Agencies	68,633	82,045	74,502	85,267	5,869	3,222
Reserve/Offsets	0	0	0	0	0	0
Unassigned[3]	42,395	29,609	(278)	(273)	(42,673)	(29,882)
Grand total	588,253	614,029	585,440	616,852	(2,813)	2,823

[1] The Appropriations Committee did not revise the fiscal year 2000 302(b) suballocations after the passage of H. Con. Res. 290.

[2] Transportation does not include mass transit BA.

[3] Unassigned includes the allocation adjustments provided under Section 314, but not yet allocated under Section 302(b), and amounts included in H. Con. Res. 290 not allocated by the Appropriations Committee.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 8, 2000.
Hon. JOHN R. KASICH,
Chairman, Committee on the Budget,
U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN, the enclosed report shows the effects of Congressional action on the fiscal year 2000 budget and is current through September 6, 2000. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of H. Con. Res. 290, the Concurrent Resolution and the Budget for Fiscal Year 2001, which replace H. Con. Res. 68, the Concurrent Resolution on the Budget for Fiscal Year 2000.

Since my last letter, dated June 19, 2000, the Congress has cleared and the President has signed the Military Construction Appropriations Act, 2001 (Public Law 106-246) and the Department of Defense Appropriations Act, 2001 (Public Law 106-259). Those actions changed budget authority and outlays.

Sincerely,

Barry B. Anderson.
(for Dan L. Crippen).

Enclosure.

FISCAL YEAR 2000 HOUSE CURRENT LEVEL REPORT AS OF SEPT. 7, 2000

(In millions of dollars)

	Budget authority	Outlays	Revenues
Enacted in previous sessions:			
Revenues	0	0	1,465,500
Permanents and other spending legislation	876,422	836,631	0
Appropriation legislation[1]	869,318	889,756	0
Offseting receipts	−284,184	−284,184	0
Total, previously enacted	1,461,556	1,442,203	1,465,500
Enacted this session:			
Omnibus Parks Technical Corrections Act of 1999 (P.L. 106-176)	7	3	0
Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (P.L. 106-181)	2,805	0	0
Trade and Development Act of 2000 (P.L. 106-200)	53	52	−8
Agricultural Risk Protection Act of 2000 (P.L. 106-224)	5,500	5,500	0
Military Construction Appropriations Act, 2001 (P.L. 106-246)	15,173	13,799	0
Department of Defense Appropriations Act, 2001 (P.L. 106-259)	1,779	0	0
Total, enacted this session	25,317	19,354	−8
Entitlements and Mandatories:			
Adjustment to baseline estimates for payments to states for foster care and adoption assistance	−35	0	0
Less: Items Excluded for Comparability with Budget Resolution[1]	−4,359	−3,200	0
Total Current Level[1]	1,482,479	1,458,357	1,465,492
Total Budget Resolution[2]	1,484,852	1,455,479	1,465,500
Current Level Over Budget Resolution	0	2,878	0
Current Level Under Budget Resolution	−2,373	0	−8
Memorandum: Revenues, 2000-2004:			
House Current Level	0	0	7,871,246
House Budget Resolution	0	0	7,768,100
Amount Current Level Over Resolution	0	0	103,146

Source: Congressional Budget Office.

Note.—P.L. = Public Law.

[1] For purposes of enforcing section 311 of the Congressional Budget Act in the House, the budget resolution does not include budget authority or outlays for Social Security administrative expenses. As a result, current level excludes these items. In addition, for comparability purposes, current level budget authority excludes $1,159 million that was appropriated for mass transit.

[2] Section 314 of the Congressional Budget Act, as amended, requires that the House Budget Committee revise the budget resolution to reflect funding provided in bills reported by the House for emergency requirements, disability reviews, the Earned Income Tax Credit, and adoption assistance. Of these revisions, $510 million in budget authority and $301 million in outlays are included in the budget resolution but are not yet included in the current level.

STATUS REPORT ON CURRENT SPENDING LEVELS OF ON-BUDGET SPENDING AND REVENUES FOR FY 2001 AND THE 5-YEAR PERIOD FY 2001 THROUGH FY 2005

Mr. KASICH. Mr. Speaker, to facilitate the application of sections 302 and 311 of the Congressional Budget Act and sections 202 and 203 of the conference report accompanying H. Con. Res. 290, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 2001 and for the 5-year period of fiscal years 2001 through fiscal year 2005. This status report is current through September 6, 2000.

The term "current level" refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature.

The first table in the report compares the current levels of total budget authority, outlays, revenues, the surplus and advance appropriations with the aggregate levels set forth by H. Con. Res. 290. This comparison is needed to implement section 311(a) of the Budget Act and sections 202 and 203(b) of H. Con. Res. 290, which create points of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for years after fiscal year 2001 because appropriations for those years have not yet been considered.

The second table compares the current levels of budget authority and outlays of each authorizing committee with jurisdiction over direct spending programs with the "section 302(a)" allocations for discretionary action made under H. Con. Res. 290 for fiscal year 2001 and fiscal years 2001 through 2005. "Discretionary action" refers to legislation enacted after the adoption of the budget resolution. This comparison is needed to enforce section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 302(a) discretionary action allocation of new budget authority for the committee that reported the measure. It is also needed to enforce section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a).

The third table compares the current levels of discretionary appropriations for fiscal year 2001 with the revised "section 302(b)" sub-allocations of discretionary budget authority and outlays among Appropriations subcommittees. This comparison is also needed to implement section 302(f) of the Budget Act because the point of order under that section also applies to measures that would breach the applicable section 302(b) sub-allocation.

The fourth table compares discretionary appropriations to the levels provided by section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985. Section 251 requires that, if at the end of a session discretionary spending in any category exceeds the limits set forth in section 251(c) (as adjusted pursuant to section 251(b)), there shall be a sequestration of amounts within that category to bring spending within the established limits. As the determination of the need for a sequestration is based on the report of the President required by section 254, this table is provided for informational purposes only.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET

STATUS OF THE FISCAL YEAR 2001 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 290 REFLECTING ACTION COMPLETED AS OF SEPT. 6, 2000

[On-budget amounts, in millions of dollars]

	Fiscal Year	
	2001	2001–2005
Approriate Level (as amended):		
Budget Authority	1,529,558	NA
Outlays	1,501,656	NA
Revenues	1,503,200	8,022,400
Surplus	1,544	NA
Advance Appropriations	23,500	NA
Current Level:		
Budget Authority	1,245,386	NA
Outlays	1,334,025	NA
Revenues	1,514,241	8,169,171
Surplus	180,216	NA
Advance Appropriations	0	NA
Current Level over (+)/under(−) Appropriate Level:		
Budget Authority	−284,172	NA
Outlays	−167,631	NA
Revenues	11,041	146,771
Surplus	178,672	NA
Advance Appropriations	−23,500	NA

NA—Not applicable because annual appropriations Acts for Fiscal Years 2002 through 2005 will not be considered until future sessions of Congress.

BUDGET AUTHORITY

Enactment of any measure providing new budget authority for FY 2001 (if not already included in the current level estimate) in excess of $284,172,000,000 would cause FY 2001 budget authority to exceed the appropriate level set by H. Con. Res. 290.

OUTLAYS

Enactment of any measure providing new outlays for FY 2001 in excess of $167,631,000,000 (if not already included in the current level estimate) would cause FY 2001 outlays to exceed the appropriate level set by H. Con. Res. 290.

REVENUES

Enactment of any measure that would result in any revenue loss for FY 2001 in excess of $11,041,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate level set by H. Con. Res. 290.

Enactment of any measure resulting in any revenue loss for FY 2001 through 2005 in excess of $146,771,000,000 (if not already included in the current level) would cause revenues to fall below the appropriate levels set by H. Con. Res. 290.

SURPLUS

Enactment of any measure that reduces the surplus for FY 2001 by more than $178,672,000,000 (if not already included in the current level estimate) would cause FY 2001 surplus to fall below the appropriate level set by section 202 of H. Con. Res. 290.

ADVANCE APPROPRIATIONS

Enactment of any measure that would result in FY 2001 advance appropriations in excess of $23,500,000,000 (if not already included in the current level estimate) would cause the FY 2001 advance appropriations to exceed the appropriate level set by Section 203(b) of H. Con. Res. 290.

DIRECT SPENDING LEGISLATION: COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 302(a) REFLECTING ACTION COMPLETED AS OF SEPT. 6, 2000

[Fiscal years, in millions of dollars]

House committee	2001		2001–2005	Outlays
	BA	Outlays	BA	
Agriculture:				
Allocation	3,062	2,295	9,837	8,824
Current Level	3,061	2,166	9,787	8,837
Difference	(1)	(129)	(50)	13
Armed Services:				
Allocation				
Current Level				
Difference				
Banking and Financial Services:				
Allocation		(107)		(1,329)
Current Level				
Difference		107		1,329
Commerce:				
Allocation				
Current Level			15	15
Difference			15	15
Education & the Workforce:				
Allocation				
Current Level				
Difference				
Government Reform & Oversight:				
Allocation				
Current Level	1	1	20	20
Difference	1	1	20	20
House Administration:				
Allocation				
Current Level				
Difference				
International Relations:				
Allocation				
Current Level				
Difference				
Judiciary:				
Allocation				
Current Level	(114)	(75)	(570)	(524)
Difference	(114)	(75)	(570)	(524)
Resources:				
Allocation			162	44
Current Level	(96)	(98)	(62)	(58)
Difference	(96)	(98)	(224)	(102)
Science:				
Allocation				
Current Level				
Difference				
Select Committee on Intelligence:				
Allocation				
Current Level				
Difference				
Small Business:				
Allocation				
Current Level				
Difference				
Transportation & Infrastructure:				
Allocation				
Current Level				
Difference				
Veterans' Affairs:				
Allocation	510	479	7,280	7,037
Current Level				
Difference	(510)	(479)	(7,280)	(7,037)
Ways and Means:				
Allocation	55	25	3,035	3,038
Current Level	(47)	(47)	(29)	(28)
Difference	(102)	(72)	(3,064)	(3,066)
Total Authorized:				
Allocation	3,627	2,692	20,314	17,614
Current Level	2,805	1,947	9,161	8,262
Difference	(822)	(745)	(11,153)	(9,352)

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2001: COMPARISON OF CURRENT LEVEL WITH SUBALLOCATIONS PURSUANT TO BUDGET ACT SECTION 302(b)

[In millions of dollars]

	Revised 302(b) suballocations as of July 19, 2000 (H. Rpt. 106–761)		Current level reflecting action completed as of Sept. 6, 2000		Difference	
	BA	O	BA	O	BA	O
Agriculture, Rural Development	14,548	14,972	42	3,882	(14,506)	(11,090)
Commerce, Justice, State	34,904	35,778	283	12,279	(34,621)	(23,499)
National Defense	288,297	279,618	287,590	277,807	(707)	(1,811)
District of Columbia	414	414	0	36	(414)	(378)
Energy and Water Development	21,743	21,950	0	7,908	(21,743)	(14,042)
Foreign Operations	13,281	14,974	0	9,859	(13,281)	(5,115)
Interior	14,723	15,224	36	5,399	(14,687)	(9,825)
Labor, HHS and Education	99,547	95,075	18,954	64,188	(80,593)	(30,887)
Legislative Branch	2,468	2,480	0	352	(2,468)	(2,128)
Military Construction	4,932	2,119	4,932	2,119	(0)	(0)
Transportation [1]	13,735	48,255	20	28,651	(13,715)	(19,604)
Treasury-Postal Service	14,402	14,751	62	3,202	(14,340)	(11,549)
VA-HUD-Independent Agencies	78,317	85,840	3,561	47,808	(74,756)	(38,032)
Unassigned	42	985	0	768	(42)	(217)
Grand Total	601,353	632,435	315,480	464,258	(285,873)	(168,177)

[1] Transportation does not include mass transit BA.

COMPARISON OF CURRENT LEVEL TO DISCRETIONARY SPENDING LEVELS SET FORTH IN SEC. 251(c) OF THE BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985

[Dollars in millions]

	Defense [1]		Nondefense [1]		General purpose		Highway category		Mass transit category	
	BA	O	BA	O	BA	O	BA	O	BA	O
Statutory Caps [2]	NA	NA	NA	NA	541,095	554,133	0	26,920	NA	4,639
Current Level	296,407	289,819	19,073	150,928	315,480	440,747	0	18,968	0	4,543
Difference (Current Level—Caps)	NA	NA	NA	NA	−225,615	−113,386	NA	−7,952	NA	−96

[1] Defense and nondefense categories are advisory rather than statutory.
[2] Established by OMB Sequestration Update Report for Fiscal Year 2001

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 8, 2000.
Hon. JOHN R. KASICH,
Chairman, Committee on the Budget,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2001 budget and is current through September 6, 2000. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of H. Con. Res. 290, the Concurrent Resolution on the Budget for Fiscal Year 2001. The budget resolution figures incorporate revisions submitted to the House by the Committee on the Budget to reflect funding for emergency requirements, disability reviews, and adoption assistance. Those revisions are required by section 314 of the Congressional Budget Act, as amended.

Since my last letter dated June 19, 2000, the Congress has cleared and the President has signed the Military Construction Appropriations Act, 2001 (Public Law 106-246), the Valles Caldera Preservation Act (Public Law 106-248), the Griffith Project Prepayment and Conveyance Act (Public Law 106-249), the Semipostal Authorization Act (Public Law 106-253), and the Department of Defense Appropriations Act, 2001 (Public Law 106-259). In addition, the Congress cleared for the President's signature the Long-Term Care Security Act (H.R. 4040). Those actions changed budget authority and outlays.

Sincerely,
BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

FISCAL YEAR 2001 HOUSE CURRENT LEVEL REPORT AS OF SEPT. 7, 2000

[In millions of dollars]

	Budget Authority	Outlays	Revenues	Surplus
Enacted in previous sessions:				
Revenues	0	0	1,514,800	
Permanents and other spending legislation	961,064	916,715	0	
Appropriation legislation [1]	0	266,010	0	
Offsetting receipts	−297,807	−297,807	0	
Total, previously enacted	663,257	884,918	1,514,800	n/a
Enacted this session:				
The Electronic Benefit Transfer Interoperability and Portability Act of 1999 (P.L. 106–171)	1	1	0	
Omnibus Parks Technical Corrections Act of 1999 (P.L. 106–176)	8	6	0	
Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (P.L. 106–181)	3,200	0	−2	
Civil Asset Forfeiture Reform Act of 2000 (P.L. 106–185)	−114	−75	−115	
Trade and Development Act of 2000 (P.L. 106–200)	−47	−47	−442	
Agricultural Risk Protection Act of 2000 (P.L. 106–224)	3,060	2,165	0	
Military Construction Appropriations Act, 2001 (P.L. 106–246)	4,932	−3,982	0	
Valles Caldera Preservation Act (P.L. 106–248)	−1	−1	0	
Griffith Project Prepayment and Conveyance Act (P.L. 106–249)	−103	−103	0	
Semipostal Authorization Act (P.L. 106–253)	−2	−2	0	
Department of Defense Appropriations Act, 2001 (P.L. 106–259)	287,806	188,945	0	
Total, enacted this session	298,740	186,907	−559	n/a
Cleared pending signature:				
Long-Term Care Security Act (H.R. 4040)	3	3	0	n/a
Entitlements and Mandatories:				
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	283,386	262,562	0	n/a
Less: Items Excluded for Comparability with Budget Resolution [1]	0	−365	0	n/a
Total Current Level [1]	1,245,386	1,334,025	1,514,241	180,216
Total Budget Resolution [2]	1,529,558	1,501,656	1,503,200	1,544
Current Level Over Budget Resolution	0	0	11,041	178,672
Current Level Under Budget Resolution	−284,172	−167,631	0	0
Memorandum:				
Revenues, 2001–2005:				
House Current Level	0	0	8,169,171	n/a
House Budget Resolution	0	0	8,022,400	n/a
Current Level Over Budget Resolution	0	0	146,771	n/a
2001 Advances:				
FY 2002 House Current Level	0	0	0	n/a
FY 2001 House Budget Resolution	0	0	23,500	n/a
Current Level Under Budget Resolution	0	0	−23,500	n/a

[1] For purposes of enforcing section 311 of the Congressional Budget Act in the House, the budget resolution does not include budget authority or outlays for Social Security administrative expenses. As a result, current level excludes these items.

[2] Section 314 of the Congressional Budget Act, as amended, requires that the House Budget Committee revise the budget resolution to reflect funding provided in bills reported by the House for emergency requirements, disability reviews, the Earned Income Tax Credit, and adoption assistance. Of these revisions, $1,030 million in budget authority and $829 million in outlays are included in the budget resolution but are not yet included in the current level.

Source: Congressional Budget office.

Notes: P.L. = Public Law; n.a. = not applicable.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. EDDIE BERNICE JOHNSON of Texas (at the request of Mr. GEPHARDT) for today on account of official business.

Mr. BECERRA (at the request of Mr. GEPHARDT) for today on account of business in the district.

Mr. BONILLA (at the request of Mr. ARMEY) for today on account of travel delays.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GEJDENSON) to revise and extend their remarks and include extraneous material:)

Mrs. MINK of Hawaii, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Mrs. CHRISTENSEN, for 5 minutes, today.

(The following Members (at the request of Mr. METCALF) to revise and extend their remarks and include extraneous material:)

Mr. PAUL, for 5 minutes, today and September 18.

Mr. PITTS, for 5 minutes, today and September 18.

Mr. RAMSTAD, for 5 minutes, today.

Mr. BARTLETT of Maryland, for 5 minutes, September 18.

Mr. METCALF, for 5 minutes, today.

Mr. KASICH, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2386. an act to authorize the United States Postal Service to issue semipostals, and for other purposes; to the Committee on Government Reform, in addition to the Committee on Rules for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

HOUSE BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolutions of the following titles:

February 18, 2000:

H.R. 2130. An act to amend the Controlled Substances Act to direct the emergency scheduling of gamma hydroxybutyric acid, to provide for a national awareness campaign, and for other purposes.

February 25, 2000:

H.R. 1451. An act to establish the Abraham Lincoln Bicentennial Commission.

March 5, 2000:

H.R. 3557. An act to authorize the President to award a gold medal on behalf of the Congress to John Cardinal O'Connor, Archbishop of New York, in recognition of his accomplishments as a priest, a chaplain, and a humanitarian.

March 10, 2000:

H.R. 149. A act to make technical corrections to the Omnibus Parks and Public Lands Management Act of 1996 and to other laws related to parks and public lands.

H.R. 764. An act to reduce the incidence of child abuse and neglect, and for other purposes.

March 14, 2000:

H.R. 1883. An act to provide for the application of measures to foreign persons who transfer to Iran certain goods, services, or technology, and for other purposes.

April 5, 2000:

H.R. 1000. An act to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes.

April 7, 2000:

H.R. 5. An act to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

April 13, 2000:

H.R. 1374. An act to designate the United States Post Office building located at 680 U.S. Highway 130 in Hamilton, New Jersey, as the "John K. Rafferty Hamilton Post Office Building."

April 14, 2000:

H.R. 3189. An act to designate the United States post office located at 14071 Peyton Drive in Chino Hills, California, as the "Joseph Ileto Post Office."

April 25, 2000:

H.R. 1658. An act to provide a more just and uniform procedure for Federal civil forfeitures, and for other purposes.

April 28, 2000:

H.R. 1231. An act to direct the Secretary of Agriculture to convey certain National Forest lands to Elko County, Nevada, for continued use as a cemetery.

H.R. 2368. An act to assist in the resettlement and relocation of the people of Bikini Atoll by amending the terms of the trust fund established during the United States Administration of the Trust Territory of the Pacific Islands.

H.R. 2862. An act to direct the Secretary of the Interior to release reversionary interests held by the United States in certain parcels of land in Washington County, Utah, to facilitate an anticipated land exchange.

H.R. 2863. An act to clarify the legal effect on the United States of the acquisition of a parcel of land in the Red Cliffs Desert Reserve in the State of Utah.

H.R. 3063. An act to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for sodium that may be held by an entity in any one state, and for other purposes.

May 2, 2000:

H.J. Res. 86. Joint resolution recognizing the 50th anniversary of the Korean War and the service by members of the Armed Force during such war, and for other purposes.

H.R. 1615. An act to amend the Wild and Scenic Rivers Act to extend the designation of a portion of the Lamprey River in New Hampshire as a recreational river to include an additional river segment.

H.R. 1753. An act to promote the research, identification, assessment, exploration, and development of gas hydrate resources, and for other purposes.

H.R. 3090. An act to amend the Alaska Native Claims Settlement Act to restore certain lands to the Elim Native Corporation, and for other purposes.

May 18, 2000:

H.R. 434. An act to authorize a new trade and investment policy for sub-Saharan Africa, expand trade benefits to the countries in the Caribbean Basin, renew the generalized system of preferences, and reauthorize the trade adjustment assistance programs.

May 22, 2000:

H.R. 2412. An act to designate the Federal building and United States courthouse located at 1300 South Harrison Street in Fort Wayne, Indiana, as the "E. Ross Adair Federal Building and United States Courthouse."

May 25, 2000:

H.R. 154. An act to allow the Secretary of the Interior and the Secretary of Agriculture to establish a fee system for commercial filming activities on Federal land, and for other purposes.

H.R. 371. An act to facilitate the naturalization of aliens who served with special guerrilla units or irregular forces in Laos.

H.R. 834. An act to extend the authorization for the Historic Preservation Fund and the Advisory Council on Historic Preservation, and for other purposes.

H.R. 1377. An act to designate the facility of the United States Postal Service located at 9308 South Chicago Avenue, Chicago, Illinois, as the "John J. Buchanan Post Office Building."

H.R. 1832. An act to reform unfair and anticompetitive practices in the professional boxing industry.

H.R. 3629. An act to amend the Higher Education Act of 1965 to improve the program for American Indian Tribal Colleges and Universities under part A of title III.

H.R. 3707. An act to authorize funds for the construction of a facility in Taipei, Taiwan suitable for the mission of the American Institute in Taiwan.

June 15, 2000:

H.R. 3293. An act to amend the law that authorized the Vietnam Veterans Memorial to authorize the placement within the site of the memorial of a plaque to honor those Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service.

H.R. 4489. An act to amend section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, and for other purposes.

June 20, 2000:

H.R. 1953. An act to authorize leases for terms not exceed 99 years on land held in trust for the Torres Martinex Desert Cahuilla Indians and the Guidiville Band of Pomo Indians of the Guidiville Indian Rancheria.

H.R. 2484. An act to provide that land which is owned by the Lower Sioux Indian Community in the State of Minnesota but which is not held in trust by the United States for the Community may be leased or transferred by the Community without further approval by the United States.

H.R. 2559. An act to amend the Federal Crop Insurance Act to strengthen the safety net for agricultural producers by providing greater access to more affordable risk management tools and improved protection from production and income loss, to improve the efficiency and integrity of the Federal crop insurance program.

H.R. 3639. An act to designate the Federal building located at 2201 C Street, Northwest, in the District of Columbia, currently headquarters for the Department of State, as the "Harry S Truman Federal Building."

H.R. 3642. An act to authorize the President to award posthumously a gold medal on behalf of the Congress to Charles M. Schulz in recognition of his lasting artistic contribution to the Nation and the world, and for other purposes.

H.R. 4542. An act to designate the Washington Opera in Washington, D.C., as the National Opera.

June 27, 2000:

H.R. 4387. An act to provide that the School Governance Charter Amendment Act of 2000 shall take effect upon the date such Act is ratified by the voters of the District of Columbia.

June 28, 2000:

H.J. Res. 101. Joint resolution recognizing the 225th birthday of the United States Army.

July 1, 2000:

H.R. 4762. An act to amend the Internal Revenue Code of 1986 to require 527 organizations to disclose their political activities.

July 6, 2000:

H.R. 642. An act to redesignate the Federal building located at 701 South Santa Fe Avenue in Compton, California, and known as the Compton Main Post Office, as the "Mervyn Malcolm Dymally Post Office Building."

H.R. 643. An act to redesignate the Federal building located at 10301 South Compton Avenue, in Los Angeles, California, and know as the Watts Finance Office, as the "Augustus F. Hawkins Post Office Building."

H.R. 1666. An act to designate the facility of the United States Postal Service at 200 East Pinckney Street in Madison, Florida, as the "Captain Colin P. Kelly, Jr. Post Office."

H.R. 2307. An act to designate the building of the United States Postal Services located at 5 Cedar Street in Hopkinton, Massachusetts, as the "Thomas J. Brown Post Office Building."

H.R. 2357. An act to designate the United States Post Office located at 3675 Warrensville Center Road in Shaker Heights, Ohio, as the "Louise Stokes Post Office."

H.R. 2460. An act to designate the United States Post Office located at 125 Border Avenue West in Wiggins, Mississippi, as the "Jay Hanna 'Dizzy' Dean Post Office."

H.R. 2591. An act to designate the United States Post Office located at 713 Elm Street in Wakefield, Kansas, as the "William H. Avery Post Office."

H.R. 2952. An act to redesignate the facility of the United States Postal Service located at 100 Orchard Park Drive in Greenville, South Carolina, as the "Keith D. Oglesby Station."

H.R. 3018. An act to designate certain facilities of the United States Postal Service in South Carolina.

H.R. 3699. An act to designate the facility of the United States Postal Service located at 8409 Lee Highway in Merrifield, Virginia, as the "Joel T. Broyhill Postal Building."

H.R. 3701. An act to designate the facility of the United States Postal Service located at 3118 Washington Boulevard in Arlington, Virginia, as the "Joseph L. Fisher Post Office Building."

H.R. 3903. An act to deem the vessel M/V MIST COVE to be less than 100 gross tons, as measured under chapter 145 of title 46, United States Code.

H.R. 4241. An act to designate the facility of the United States Postal Service located at 1818 Milton Avenue in Janesville, Wisconsin, as the "Les Aspin Post Office Building."

July 10, 2000:

H.R. 3051. An act to direct the Secretary of the Interior, the Bureau of Reclamation, to conduct a feasibility study on the Jicarilla Apache Reservation in the State of New Mexico, and for other purposes.

July 13, 2000:

H.R. 4425. An act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

July 27, 2000:

H.R. 3544. An act to authorize a gold medal to be presented on behalf of the Congress to Pope John Paul II in recognition of his many and enduring contributions to peace and religious understanding, and for other purposes.

H.R. 3591. An act to provide for the award of a gold medal on behalf of the Congress to former President Ronald Reagan and his wife Nancy Reagan in recognition of their service to the Nation.

July 28, 2000:

H.R. 4391. An act to amend title 4 of the United States Code to establish sourcing requirements for State and local taxation of mobile telecommunication services.

H.R. 4437. An act to grant to the United States Postal Service the authority to issue semipostals, and for other purposes.

August 2, 2000:

H.R. 1791. An act to amend title 18, United States Code, to provide penalties for harming animals used in Federal Law enforcement.

H.R. 4249. An act to foster cross-border cooperation and environmental cleanup in Northern Europe.

August 9, 2000:

H.R. 4576. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

August 18, 2000:

H.R. 1167. An act to amend the Indian Self-Determination and Education Assistance Act to provide for further self-governance by Indian tribes, and for other purposes.

H.R. 1749. An act to designate Wilson Creek in Avery and Caldwell Counties, North Carolina, as a component of the National Wild and Scenic Rivers System.

H.R. 1982. An act to name the Department of Veterans Affairs outpatient clinic in Rome, New York, as the "Donald J. Mitchell Department of Veterans Affairs Outpatient Clinic."

H.R. 3291. An act to provide for the settlement of the water rights claims of the Shivwits Band of the Paiute Indian Tribal of Utah, and for other purposes.

August 19, 2000:

H.R. 3519. An act to provide for negotiations for the creation of a trust fund to be administered by the International Bank for Reconstruction and Development or the International Development Association to combat the AIDS epidemic.

SENATE BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolutions of the Senate of the following titles:

February 11, 2000:

S. 1733. An act to amend the Food Stamp Act of 1977 to provide for a national standard of interoperability and portability applicable to electronic food stamp benefit transactions.

February 25, 2000:

S. 632. An act to provide assistance for poison prevention and to stabilize the funding of regional poison control centers.

March 14, 2000:

S. 613. An act to encourage Indian economic development, to provide for the disclosure of Indian tribal sovereign immunity in contracts involving Indian tribes, and for other purposes.

March 17, 2000:

S. 376. An act to amend the Communications Satellite Act of 1962 to promote competition and privatization in satellite communications, and for other purposes.

April 25, 2000:

S.J. Res. 43. Joint resolution expressing the sense of Congress that the President of the United States should encourage free and fair elections and respect for democracy in Peru.

May 2, 2000:

S. 1567. An act to designate the United States courthouse located at 223 Broad Avenue in Albany, Georgia, as the "C.B. King United States Courthouse."

S. 1769. An act to exempt certain reports from automatic elimination and sunset pursuant to the Federal Reports Elimination and Sunset Act of 1995, and for other purposes.

May 5, 2000:

S.J. Res. 40. Providing for the appointment of Alan G. Spoon as a citizen regent of the Board of Regents of the Smithsonian Institution.

S.J. Res. 42. Providing for the reappointment of Manuel L. Ibanez as a citizen regent of the Board of Regents of the Smithsonian Institution.

May 15, 2000:

S. 452. An act for the relief of Belinda McGregor.

May 18, 2000:

S. 1744. An Act to amend the Endangered Species Act of 1973 to provide that certain species conservation reports shall continue to be required to be submitted.

S. 2323. An act to amend the Fair Labor Standards Act of 1938 to clarify the treatment of stock options under the Act.

May 23, 2000:

S. 2370. An act to designate the Federal building located at 500 Pearl Street in New York City, New York, as the "Daniel Patrick Moynihan United States Courthouse."

May 25, 2000:

S. 1836. An act to extend the deadline for commencement of construction of a hydroelectric project in the State of Alabama.

May 26, 2000:

S.J. Res. 44. Joint resolution supporting the Day of Honor 2000 to honor and recognize the service of minority veterans in the United States Armed Forces during World War II.

June 20, 2000:

S. 291. An act to convey certain real property within the Carlsbad Project in New Mexico to the Carlsbad Irrigation District.

S. 356. An act to authorize the Secretary of the Interior to convey certain works, facilities, and titles of the Gila Project, and designated lands within or adjacent to the Gila Project, to the Wellton-Mohawk Irrigation and Drainage District, and for other purposes.

S. 777. An act to require the Secretary of Agriculture to establish an electronic filing and retrieval system to enable farmers and other persons to file paperwork electronically with selected agencies of the Department of Agriculture and to access public information regarding the programs administered by these agencies.

S. 2722. An act to authorize the award of the Medal of Honor to Ed W. Freeman, James K. Okubo, and Andrew J. Smith.

June 29, 2000:

S. 1967. An act to make technical corrections to the status of certain land held in trust for the Mississippi Band of Choctaw Indians, to take certain land into trust for that Band, and for other purposes.

June 30, 2000:

S. 761. An act to facilitate the use of electronic records and signatures in interstate or foreign commerce.

July 10, 2000:

S. 1309. An act to amend title I of the Employee Retirement Income Security Act of 1974 to provide for the preemption of State law in certain cases relating to certain church plans.

S. 1515. An act to amend the Radiation Exposure Compensation Act, and for other purposes.

July 20, 2000:

S. 148. An act to require the Secretary of the Interior to establish a program to provide assistance in the conservation of neotropical migratory birds.

July 25, 2000:

S. 1892. An act to authorize the acquisition of the Valles Caldera, to provide for an effective land and wildlife management program for the resource within the Department of Agriculture, and for other purposes.

July 26, 2000:

S. 986. An act to direct the Secretary of the Interior to convey the Griffith Project to the Southern Nevada Water Authority.

August 7, 2000:

S. 2327. An act to establish a Commission on Ocean Policy, and for other purposes.

August 8, 2000:

S. 1629. An act to provide for the exchange of certain land in the State of Oregon.

S. 1910. An act to amend the Act establishing Women's Rights National Historical Park to permit the Secretary of the Interior to acquire title in fee simple to the Hunt House located in Waterloo, New York.

ADJOURNMENT

Mr. METCALF. Mr. Speaker, pursuant to House Resolution 573, I move that the House do now adjourn in the memory of the late Honorable Herbert H. Bateman.

The motion was agreed to; accordingly (at 11 o'clock and 37 minutes p.m.) pursuant to House Resolution 573, the House adjourned until tomorrow, Wednesday, September 13, 2000, at 10 a.m. in memory of the late Honorable Herbert H. Bateman of Virginia.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9961. A letter from the Under Secretary, Food Nutrition, and Consumer Services, Department of Agriculture, transmitting the Department's final rule —Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Requirements for and Evaluation of WIC Program Bid Solicitations for Infant Formula Rebate Contracts (RIN: 0584-AB52) received September 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9962. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Credit by Brokers and Dealers; List of Foreign Market Stocks [Regulation T] received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9963. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Substances Approved for Use in the Preparation of Meat and Poultry Products [Docket No. 95N-0220] (RIN: 0910-AA58) received September 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9964. A letter from the Chief, Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting the Commission's final rule—Establishment of an Improved Model for Predicting the Broadcast Television Field Strength received at Individual Locations [ET Docket No. 00-11] received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9965. A letter from the Chief, Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting the Commission's final rule—Amendments of Part 2 and 95 of the Commission's Rules to Create a Wireless Medical Telemetry Service [ET Docket No. 99-255; PR Docket No. 92-235] received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9966. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Las Vegas and Pecos, New Mexico) [MM Docket No. 00-5; RM-9752] received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9967. A letter from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations (Wamsutter and Bairoil, Wyoming) [MM Docket No. 98-86; RM-9284; RM-9671] received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9968. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Alva, Oklahoma) [MM Docket No. 00-7; RM-9799] received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9969. A letter from the Assoc. Bureau Chief Wireless Telecommunications, Federal Communications Commission, transmitting the Commission's final rule—Amendment to the Commission's Rules to Permit Flexible Service Offerings in the Commercial Mobile Radio Services [WT Docket No. 96-6] received September 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9970. A letter from the Director, Office of Congressional Affairs, Nuclear Material Safety and Safeguards, Nuclear Regulatory Commission, transmitting the Commission's final rule—Clarification and Addition of Flexibility (RIN: 3150-AG15) received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9971. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting the listing of all outstanding Letters of Offer to sell any major defense equipment for $1 million or more; the listing of all Letters of Offer that were accepted, as of June 30, 2000, pursuant to 22 U.S.C. 2776(a); to the Committee on International Relations.

9972. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13-435, "Approval of the Application for Transfer of Control District Cablevision Limited Partnership from Tele-Communications, Inc., to AT&T Corp. Act of 2000" received September 12, 2000, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

9973. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13-434, "Uniform Commercial Code Secured Transactions Revision Act of 2000" received September 12, 2000, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

9974. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13-398, "Sacred Heart Way, N.W., Designation Act of 2000" received September 12, 2000, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

9975. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13-436, "Securities Act of 2000" received September 12, 2000, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

9976. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Procurement List: Additions—received September 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9977. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants: Determination of Threatened Status for one Steelhead Evolutionary Unit (ESU) in California (RIN: 1018-AN58) received September 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9978. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Fire Protection Measures for Towing Vessels [USCG 1998-4445] (RIN: 2115-AF66) received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9979. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: Lake Erie, Maumee River, Ohio [CGD09-00-080] (RIN: 2115-AA97) received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9980. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: Lake Erie, Maumee River, Ohio [CGD09-00-079] (RIN: 2115-AA97) received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9981. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: Fireworks Display, Rockway Beach, NY [CGD01-00-206] (RIN: 2115-AA97) received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9982. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulation for San Juan Harbor, Puerto Rico [COTP San Juan 00-065] (RIN: 2115-AA97) received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9983. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Sharpstown Outboard Regatta, Nanticoke River, Sharpstown, Maryland [CGD05-00-03] (RIN: 2115-AE46) received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9984. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulation: Upper Mississippi River [CGD 08-00-014] (RIN: 2115-AE47) received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9985. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Tickfaw River, LA [CGD08-00-019] (RIN: 2115-AE47) received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9986. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation: Red River, LA [CGD08-00-020] (RIN: 2115-AE47) received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9987. A letter from the Regulations Officer, Social Security Administration, transmitting the Administration's "Major" rule—Supplemental Security Income: Determining Disability for a Child Under Age 18 [Regulations No. 4 and 16] (RIN: 0960-AF40) received September 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3595. A bill to increase the authorization of appropriations for the Reclamation Safety of Dams Act of 1978, and for other purposes; with an amendment (Rept. 106-836). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 4148. A bill to make technical amendments to the provisions of the Indian

Self-Determination and Education Assistance Act relating to contract support costs, and for other purposes; with an amendment (Rept. 106–837). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 4790. A bill to recognize hunting heritage and provide opportunities for continued hunting on public lands; with an amendment (Rept. 106–838). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. House Concurrent Resolution 345. Resolution expressing the sense of the Congress regarding the need for cataloging and maintaining public memorials commemorating military conflicts of the United States and the service of individuals in the Armed Forces (Rept. 106–839). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 4104. A bill to amend the Federal Water Pollution Control Act to authorize funding to carry out certain water quality and barrier island restoration projects for the Mississippi Sound, and for other purposes; with amendments (Rept. 106–840). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3661. A bill to help ensure general aviation aircraft access to Federal land and to the airspace over that land; with amendment (Rept. 106–841 Pt. 1). Ordered to be printed.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 3378. A bill to authorize certain actions to address the comprehensive treatment of sewage emanating from the Tijuana River in order to substantially reduce river and ocean pollution in the San Diego border region; with an amendment (Rept. 106–842 Pt. 1). Ordered to be printed.

Mr. SENSENBRENNER: Committee of Conference. Conference report on H.R. 1654. A bill to authorize appropriations for the National Aeronautics and Space Administration for fiscal years 2000, 2001, and 2002, and for other purposes (Rept. 106–843). Ordered to be printed.

Mr. REYNOLDS: Committee on Rules. House Resolution 574. Resolution waiving points of order against the conference report to accompany the bill (H.R. 1654) to authorize appropriations for the National Aeronautics and Space Administration for fiscal years 2000, 2001, and 2002, and for other purposes (Rept. 106–844). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committee on International Relations discharged. H.R. 3378 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

Pursuant to clause 5 of rule X the Committee on Agriculture and Transportation and Infrastructure discharged. H.R. 3661 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 3378. Referral to the Committee on International Relations extended for a period ending not later than September 12, 2000.

H.R. 3661. Referral to the Committees on Agriculture and Transportation and Infrastructure extended for a period ending not later than September 12, 2000.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CHABOT (for himself, Mr. Doolittle, Mr. DeLay, and Mr. Rogan):

H.R. 5146. A bill to amend the Internal Revenue Code of 1986 to prohibit the use of amounts in the Presidential Election Campaign Fund for presidential nominating conventions of political parties; to the Committee on House Administration.

By Mr. HALL of Ohio (for himself, Mr. Wolf, and Ms. McKinney):

H.R. 5147. A bill to prohibit the importation of diamonds mined in certain countries, and for other purposes; to the Committee on Ways and Means.

By Mr. ANDREWS (for himself and Mrs. McCarthy of New York):

H.R. 5148. A bill to provide for the establishment of a national database of ballistics information about firearms for use in fighting crime, and to require firearms manufacturers to provide ballistics information about new firearms to the national database; to the Committee on the Judiciary.

By Mr. BARTLETT of Maryland:

H.R. 5149. A bill to amend the Internal Revenue Code of 1986 to prohibit the use of public funds for political party conventions; to the Committee on House Administration.

By Mr. BLUMENAUER (for himself, Mr. DeFazio, Ms. Hooley of Oregon, and Mr. Wu):

H.R. 5150. A bill to direct the Secretary of the Army to conduct studies and ecosystem restoration projects within the Lower Columbia River and Tillamook Bay Estuaries, Oregon and Washington; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILIRAKIS (for himself and Mr. Peterson of Minnesota):

H.R. 5151. A bill to amend the Social Security Act to establish an outpatient presciption drug assistance program for low-income Medicare beneficiaries and Medicare beneficiaries with high drug costs; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CAMP (for himself, Mrs. Thurman, Mr. Sam Johnson of Texas, Mr. Lewis of Georgia, Mr. Upton, Ms. Rivers, Mr. Paul, Mr. Greenwood, Mr. Hayworth, Mr. McNulty, Mr. Kleczka, Mr. LaFalce, Mr. Canady of Florida, Mr. Bryant, Mr. Doyle, Mr. Skelton, and Mr. Rangel):

H.R. 5152. A bill to amend title XVIII of the Social Security Act to update the renal dialysis composite rate; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOUGHTON (for himself, Mr. Minge, Mr. Stupak, and Mrs. Kelly):

H.R. 5153. A bill to amend title XVIII of the Social Security Act to ensure adequate payment rates for ambulance services, to apply a prudent layperson standard to the determination of medical necessity for emergency ambulance services, and to recognize the additional costs of providing ambulance services in rural areas; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HUTCHINSON (for himself, Mr. Green of Texas, Mr. Rogan, and Mr. Bilbray):

H.R. 5154. A bill to amend title 18, United States Code, to impose criminal and civil penalties for false statements and failure to file reports concerning defects in foreign motor vehicle products, and to require the timely provision of notice of such defects, and for other purposes; to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KOLBE (for himself and Mr. Dreier):

H.R. 5155. A bill to provide that a certification of the cooperation of Mexico with United States counterdrug efforts not be required in fiscal year 2001 for the limitation on assistance for Mexico under section 490 of the Foreign Assistance Act of 1961 not to go into effect in that fiscal year; to the Committee on International Relations.

By Mrs. McCARTHY of New York:

H.R. 5156. A bill to amend title XVIII of the Social Security Act to establish standards for payment under the Medicare Program for certain orthotic, prosthetic, and pedorthic devices; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MILLENDER-McDONALD (for herself and Mr. Watts of Oklahoma):

H.R. 5157. A bill to amend title 44, United States Code, to ensure preservation of the records of the Freedmen's Bureau; to the Committee on Government Reform.

By Ms. MILLENDER-McDONALD:

H.R. 5158. A bill to secure the Federal voting rights of a person upon the unconditional release of that person from prison and the completion of sentence, including parole; to the Committee on the Judiciary.

By Mrs. MINK of Hawaii:

H.R. 5159. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for the conversion of cooperative housing corporations into condominiums; to the Committee on Ways and Means.

By Mr. POMEROY:

H.R. 5160. A bill to provide compensation to wheat producers and elevator operators who sold wheat between May 2, 1993, and January 24, 1994, when the Federal Grain Inspection Service maintained erroneous standards for official inspections of wheat protein content; to the Committee on the Judiciary.

By Mr. TRAFICANT:

H.R. 5161. A bill to provide the appointment of an independent counsel to investigate whether officials from the People's Republic of China tried to illegally influence the 1996 Presidential Election.; to the Committee on the Judiciary.

By Mrs. McCARTHY of New York (for herself and Mrs. MORELLA):

H.R. 5162. A bill to amend title XI of the Social Security Act to create an independent and nonpartisan commission to assess the health care needs of the uninsured and to monitor the financial stability of the Nation's health care safety net; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK (for himself and Mr. COYNE):

H.J. Res. 107. A joint resolution expressing the sense of Congress regarding the need for a White House Conference to discuss and develop national recommendations concerning quality of care in assisted living facilities in the United States; to the Committee on Commerce.

By Mr. YOUNG of Alaska:

H. Con. Res. 394. Concurrent resolution directing the Secretary of the Senate to make technical corrections in the enrollment of S. 1374; considered and agreed to

By Mr. SMITH of New Jersey (for himself, Mr. KENNEDY of Rhode Island, Mr. PORTER, Mr. McGOVERN, Mr. WOLF, Mr. HALL of Ohio, Mr. PITTS, Mr. KUCINICH, Ms. McKINNEY, Mrs. LOWEY, Ms. PELOSI, Mr. CROWLEY, and Mr. EVANS):

H. Con. Res. 395. Concurrent resolution expressing the sense of the Congress condemning the September 6, 2000, militia attack on United Nations refugee workers in West Timor and calling for an end to militia violence in East and West Timor; to the Committee on International Relations.

By Mr. BLILEY:

H. Con. Res. 396. Concurrent resolution celebrating the birth of James Madison and his contributions to the Nation; to the Committee on Government Reform.

By Mr. SMITH of New Jersey (for himself, Mr. BEREUTER, Mr. HOYER, and Mr. FORBES):

H. Con. Res. 397. Concurrent resolution voicing concern about serious violations of human rights and fundamental freedoms in most states of Central Asia, including substantial noncompliance with their Organization for Security and Cooperation in Europe (OSCE) commitments on democratization and the holding of free and fair elections; to the Committee on International Relations.

By Mr. GILMAN (for himself, Mr. GEJDENSON, Mr. HOLT, Mrs. MALONEY of New York, Mr. BLAGOJEVICH, Mrs. TAUSCHER, Mr. ACKERMAN, Mr. WEXLER, Mr. PALLONE, Mr. WEINER, Mr. MALONEY of Connecticut, Mr. FOLEY, Mr. TIERNEY, Mr. GEPHARDT, Mr. SHAYS, Mr. MINGE, Mr. BECERRA, Ms. SCHAKOWSKY, Mr. BROWN of Ohio, Mr. DOYLE, Mr. DEUTSCH, Mr. McINTYRE, Mr. SAXTON, Mr. HASTINGS of Florida, Mr. McDERMOTT, and Mr. KNOLLENBERG):

H. Res. 572. A resolution expressing the sense of the House of Representatives that it is in the interest of both the United States and the Republic of India to expand and strengthen United States-India relations, intensify bilateral cooperation in the fight against terrorism, and broaden the ongoing dialogue between the United States and India, of which the upcoming visit to the United States of the Prime Minister of India, Atal Bihari Vajpayee, is a significant step; to the Committee on International Relations.

By Mr. BLILEY:

H. Res. 573. A resolution expressing the condolences of the House of Representatives on the death of the Honorable Herbert H. Bateman, a Representative from the Commonwealth of Virginia; considered and agreed to

By Mr. GOODE (for himself and Mr. GOODLATTE):

H. Res. 575. A resolution supporting Internet safety awareness; to the Committee on Commerce.

By Ms. PRYCE of Ohio (for herself and Mr. HALL of Ohio):

H. Res. 576. A resolution supporting efforts to increase childhood cancer awareness, treatment, and research; to the Committee on Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 49: Mr. HALL of Texas and Mr. FRANKS of New Jersey.

H.R. 218: Mrs. WILSON and Mr. SHIMKUS.

H.R. 220: Mr. NEY.

H.R. 284: Mr. SMITH of New Jersey, Mr. BONIOR, Mr. CRANE, Mrs. MORELLA, Mr. GILLMOR, Mr. McINTOSH, Mr. EWING, Mr. WEYGAND, Mr. RAHALL, Mr. POMBO, Mr. McNULTY, Mr. GREEN of Texas, and Mr. SCOTT.

H.R. 360: Mr. McINTYRE.

H.R. 534: Mr. DIAZ-BALART, Mr. HILLEARY, Mr. McINTYRE, Mr. CALVERT, Mr. WICKER, Mrs. MALONEY of New York, and Mr. COOKSEY.

H.R. 742: Mr. DIAZ-BALART.

H.R. 842: Mr. FARR of California, Mr. GILLMOR, and Mr. SHERWOOD.

H.R. 937: Mr. RILEY.

H.R. 979: Mr. BACA.

H.R. 1046: Mr. KLINK.

H.R. 1107: Mrs. THURMAN.

H.R. 1216: Mrs. EMERSON, Ms. McCARTHY of Missouri, and Mrs. KELLY.

H.R. 1217: Mr. HYDE, Mr. BENTSEN, Mr. KUYKENDALL, Mr. PORTMAN, and Mr. CHABOT.

H.R. 1248: Mr. EHLERS and Mr. GREENWOOD.

H.R. 1317: Mr. MICA.

H.R. 1485: Mr. FATTAH and Mr. UDALL of Colorado.

H.R. 1512: Ms. McKINNEY.

H.R. 1603: Mr. BALDACCI.

H.R. 1622: Mr. OBERSTAR and Mr. CARDIN.

H.R. 1671: Mr. GREEN of Wisconsin, Mr. GOODE, Mrs. KELLY, Mr. MASCARA, Mr. BALDACCI and, Mr. LANTOS.

H.R. 1689: Mr. MICA.

H.R. 1885: Mr. WAXMAN.

H.R. 1954: Mr. WICKER.

H.R. 2341: Mr. GEORGE MILLER of California, Ms. WATERS, Ms. McCARTHY of Missouri, and Mr. RILEY.

H.R. 2544: Mr. COOK.

H.R. 2592: Mr. GILLMOR.

H.R. 2594: Mr. BERMAN.

H.R. 2620: Mr. BONIOR, Ms. STABENOW, Mr. LaFALCE, Mrs. THURMAN, Mr. ENGLISH, and Mr. SANDLIN.

H.R. 2710: Mr. ENGEL, Mr. CROWLEY, Mr. SISISKY, Mr. LATHAM, Mr. McINNIS, Mrs. KELLY, Mr. McINTYRE, Mr. LaTOURETTE, and Mr. BLILEY.

H.R. 2720: Mr. FLETCHER, Mr. WICKER, and Mr. LEWIS of Kentucky.

H.R. 2722: Mr. UDALL of Colorado.

H.R. 2733: Mrs. WILSON.

H.R. 2788: Mr. SOUDER and Mr. HAYES.

H.R. 2789: Ms. DANNER.

H.R. 2870: Ms. McCARTHY of Missouri.

H.R. 2883: Mr. DEAL of Georgia.

H.R. 2892: Mr. MOORE.

H.R. 2915: Mr. RODRIGUEZ.

H.R. 2953: Mr. SESSIONS.

H.R. 2969: Mr. BONIOR.

H.R. 3003: Mr. HILLIARD, Mr. HALL of Ohio, and Mr. BILBRAY.

H.R. 3082: Mr. ROYCE.

H.R. 3091: Mr. MARTINEZ, Mr. ROEMER, Mr. GILCHREST, Mr. BEREUTER, and Mr. REYES.

H.R. 3192: Mr. BAIRD, Mr. ROTHMAN, Mr. ROEMER, Mr. DOOLEY of California, Mr. HOLDEN, and Mr. BACA.

H.R. 3193: Mrs. LOWEY.

H.R. 3214: Mr. CRAMER, Mr. TIERNEY, and Mr. GREEN of Texas.

H.R. 3235: Mr. STRICKLAND.

H.R. 3308: Mr. MOORE.

H.R. 3463: Mr. FORBES and Ms. CARSON.

H.R. 3514: Mr. McGOVERN, Mr. COX, Mr. BRADY of Pennsylvania, Mr. GONZALEZ, Mr. LEACH, Mr. KILDEE, Mr. FARR of California, and Mr. MASCARA.

H.R. 3540: Mr. CHABOT, Mr. UDALL of New Mexico, Mr. JOHN, Mr. KUCINICH, Mr. STRICKLAND, Mr. CALLAHAN, Mr. INSLEE, and Ms. BROWN of Florida.

H.R. 3575: Mr. FRELINGHUYSEN.

H.R. 3580: Mr. RYUN of Kansas, Mr. YOUNG of Florida, Mr. ROGAN, and Mr. SALMON.

H.R. 3624: Mr. KUCINICH.

H.R. 3698: Mr. SOUDER, Mr. MALONEY of Connecticut, Mr. PORTMAN, Mr. MORAN of Virginia, and Mr. TAYLOR of North Carolina.

H.R. 3812: Mr. FALEOMAVAEGA, Mrs. CLAYTON, Ms. MILLENDER-McDONALD, Mr. CUMMINGS, and Ms. DUNN.

H.R. 3896: Mr. CLYBURN.

H.R. 3915: Mr. NORWOOD, Mr. CHABOT, Mr. ENGEL, Ms. LEE, Mr. OBERSTAR, Mr. FALEOMAVAEGA, Ms. DANNER, MR. DOYLE, and Mr. McINTYRE.

H.R. 4085: Mr. NEY.

H.R. 4094: Mr. ROGERS.

H.R. 4106: Mr. MALONEY of Connecticut, Mr. OLVER, Mr. McHUGH, and Mr. BARCIA.

H.R. 4143: Mr. LUCAS of Kentucky.

H.R. 4219: Mr. SAXTON, Mr. SHAW, and Mr. KING.

H.R. 4250: Mr. ENGEL.

H.R. 4259: Mrs. MINK, of Hawaii Ms. MILLENDER-McDONALD, Mr. JOHN, Ms. DANNER, Mrs. MYRICK, Mr. NEY, Mr. TURNER, Ms. PELOSI, Mr. GREENWOOD, Mr. BASS, Mr. BORSKI, Mr. SANDERS, Mr. ROMERO-BARCELO, Mrs. NAPOLITANO, Mr. HOUGHTON, Ms. KILPATRICK, Mr. LANTOS, Mr. MORAN of Virginia, Ms. HOOLEY of Oregon, Mr. SMITH of Washington, Mr. KOLBE, Mr. LaHOOD, Mr. McINNIS, Mr. HUNTER, and Mr. GUTIERREZ.

H.R. 4271: Mr. HORN and Mr. BASS.

H.R. 4272: Mr. HORN, Mr. BASS, and Mr. UDALL of Colorado.

H.R. 4273: Mr. HORN, Mr. BASS, and Mr. UDALL of Colorado.

H.R. 4274: Mr. FILNER and Mr. HOYER.

H.R. 4321: Mr. CONYERS.

H.R. 4328: Ms. DANNER, Mr. PASTOR, Mr. McINTYRE, and Mr. MOAKLEY.

H.R. 4380: Mr. EDWARDS.

H.R. 4395: Mr. MOAKLEY, Ms. SLAUGHTER, and Mr. NEAL of Massachusetts.

H.R. 4398: Mr. LaHOOD.

H.R. 4417: Mr. KENNEDY of Rhode Island and Ms. ESHOO.

H.R. 4471: Ms. BALDWIN.

H.R. 4481: Ms. BERKLEY, Ms. CARSON, Mr. McNULTY, and Mr. RANGEL.

H.R. 4502: Mr. PETERSON of Pennsylvania and Mr. GARY MILLER of California.

H.R. 4571: Ms. DANNER.

H.R. 4594: Mr. BACA, Mrs. MORELLA, Mr. WAMP, and Mr. BROWN of Ohio.

H.R. 4651: Ms. LEE.

H.R. 4659: Mr. FARR of California.

H.R. 4669: Mr. SMITH of New Jersey, Mr. NETHERCUTT, Mr. GREEN of Wisconsin, Mr. DEFAZIO, and Mr. STUMP.

H.R. 4701: Mrs. JONES of Ohio and Ms. BALDWIN.

H.R. 4723: Mr. ARMEY, Mr. DELAY, Mr. WELDON of Florida, Mr. SHAYS, Mr. BALLENGER, and Mr. NETHERCUTT.

H.R. 4728: Mr. WELDON of Pennsylvania, Mr. MCDERMOTT, Mr. POMBO, Mr. DOOLEY of California, Mr. FOLEY, Mr. THORNBERRY, Mr. RADANOVICH, Mr. WATTS of Oklahoma, Mr. TERRY, Mr. FORD, Mr. RILEY, Mr. SAXTON, Mr. DREIER, and Mr. DOOLITTLE.

H.R. 4735: Mr. MATSUI.

H.R. 4740: Mr. DAVIS of Florida, Mr. COYNE, Mr. NADLER, and Mr. MINGE.

H.R. 4760: Ms. LEE and Mr. PASCRELL.

H.R. 4770: Mr. GEJDENSON.

H.R. 4792: Mrs. MALONEY of New York.

H.R. 4799: Mr. RILEY.

H.R. 4800: Mr. GIBBONS.

H.R. 4825: Mrs. WILSON, Mr. POMEROY, Mr. DEAL of Georgia, Mr. STARK, Mr. WHITFIELD, Mr. NADLER, Mr. CLYBURN, Mr. LEACH, and Mr. PORTMAN.

H.R. 4838: Ms. LOFGREN.

H.R. 4841: Mr. HILLEARY and Ms. DANNER.

H.R. 4857: Mr. GEORGE MILLER of California, Mr. LARSON, Mr. KUCINICH, Mr. MCDERMOTT, Mr. HOLT, Mr. DEFAZIO, and Mr. KOLBE.

H.R. 4858: Mr. MCGOVERN and Mr. HINCHEY.

H.R. 4894: Mr. HILL of Indiana, Mr. BUYER, and Mr. HILLIARD.

H.R. 4921: Mr. FALEOMAVAEGA.

H.R. 4935: Mr. GUTIERREZ and Mr. BONIOR.

H.R. 4950: Mr. GILCHREST and Mr. LANTOS.

H.R. 4951: Mr. KOLBE.

H.R. 4954: Mr. RANGEL and Mrs. MYRICK.

H.R. 4964: Mr. RAHALL and Mr. HINCHEY.

H.R. 4966: Ms. CARSON and Mr. UDALL of Colorado.

H.R. 4971: Mr. ISAKSON, Mr. SHIMKUS, Mr. TERRY, and Mr. SMITH of Texas.

H.R. 4976: Mr. GREENWOOD, Mr. BLUMENAUER, Mr. COBLE, Mr. SIMPSON, Mr. ANDREWS, Mr. MALONEY of Connecticut, Mr. BAIRD, Mr. CARDIN, Mr. GEJDENSON, Mrs. THURMAN, Mr. ROGAN, Mr. BONILLA, Mr. SESSIONS, Mr. SHADEGG, and Mr. STUMP.

H.R. 4992: Ms. CARSON.

H.R. 5054: Mr. BLUMENAUER.

H.R. 5062: Mr. KENNEDY of Rhode Island and Mr. ANDREWS.

H.R. 5070: Mr. HOLDEN and Mr. BLUMENAUER.

H.R. 5089: Mrs. JOHNSON of Connecticut.

H.R. 5091: Ms. RIVERS and Mr. FILNER.

H.R. 5107: Mr. NADLER, Mr. ROHRABACHER, Mr. JENKINS, and Mr. GOODLATTE.

H.R. 5109: Mr. LATOURETTE, Mr. SNYDER, Mr. JENKINS, Mrs. CAPPS, Mr. WELDON of Florida, Mr. RUSH, Ms. CARSON, Mrs. EMERSON, Mr. SIMPSON, Mr. HANSEN, Mr. PETERSON of Minnesota, Mr. GIBBONS, Ms. BERKLEY, Mrs. JONES of Ohio, Ms. HOOLEY of Oregon, Mr. WHITFIELD, Mr. BILIRAKIS, Mr. COOKSEY, Mr. BUYER, Mr. HINOJOSA, and Mr. TIAHRT.

H.R. 5117: Mr. GREEN of Wisconsin, Mr. SHIMKUS, and Mr. GORDON.

H.R. 5123: Mr. KUYKENDALL.

H.R. 5143: Mr. FLETCHER, Mr. LEWIS of Kentucky, and Mr. ROGERS.

H.R. 5144: Mr. FLETCHER, Mr. LEWIS of Kentucky, and Mr. ROGERS.

H. Con. Res. 62: Mr. KLINK.

H. Con. Res. 209: Ms. MCCARTHY of Missouri, Mr. HALL of Texas, Mrs. CAPPS, Mr. MORAN of Virginia, and Mr. UDALL OF COLORADO.

H. Con. Res. 258: Mrs. BIGGERT.

H. Con. Res. 259: Mr. SMITH of Washington, Mr. CAPUANO, Mr. SABO, and Mr. DEUTSCH.

H. Con. Res. 273: Mr. FORBES and Mr. MEEHAN.

H. Con. Res. 308: Mr. MCINTOSH.

H. Con. Res. 327: Mr. MALONEY of Connecticut.

H. Con. Res. 328: Mr. GILLMOR.

H. Con. Res. 341: Mr. BILIRAKIS and Mr. HALL of Texas.

H. Con. Res. 363: Mr. EVANS.

H. Con. Res. 384: Mr. MCINTOSH, Mr. SHADEGG, Mr. JENKINS, Mr. HANSEN, Mr. ROHRABACHER, Mr. PITTS, Mr. GARY MILLER of California, Mr. ARCHER, Mr. OXLEY, Mr. TIAHRT, Mr. LIPINSKI, Mr. NORWOOD, Mr. DICKEY, Mr. MCINTYRE, Mr. SCHAFFER, Mr. BLILEY, Mr. MANZULLO, Mrs. MYRICK, Mr. DEAL of Georgia, Mr. COMBEST, Mr. SMITH of Texas, Mr. RILEY, Mr. WALDEN of Oregon, Mr. GOODE, Mr. BRADY of Texas, Mr. WAMP, Mr. POMBO, Mr. WELDON of Pennsylvania, Mr. LEWIS of Kentucky, Mrs. WILSON, Mr. WOLF, Mr. SOUDER, MR. GILLMOR, Mr. GOODLATTE, Mr. EVERETT, and Mr. DOOLITTLE.

H. Con. Res. 390: Mr. POMBO, Mr. DELAY, Mr. BUYER, Mr. EHRLICH, and Mr. DOYLE.

H. Res. 347: Ms. PELOSI, Ms. JACKSON-LEE of Texas, Mr. FORBES, Mr. MCNULTY, Mr. FATTAH, Mr. CASTLE, and Mr. MOAKLEY.

H. Res. 547: Mr. LUCAS of Kentucky and Mr. MEEHAN.

HOUSE OF REPRESENTATIVES—*Wednesday, September 13, 2000*

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Almighty God and Lord of our life, we seek Your guidance that we may live Your life to fullest measure.

Since the time of Sarah and Abraham, Your covenant with Your people has been the model of married life and civic order.

Enable husbands and wives to live in deeper understanding, honoring each other for their words and their goodness.

May all people, especially children, live without fear or intimidation.

Strengthen the bonds of intimacy in American family life that hearts will be converted to lasting values and find joy as they continually uncover love and faithfulness in themselves and in each other.

As the Government of this Nation, let us create an atmosphere of peace which helps family life flourish for generations to come.

You are our source and guide now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. FILNER. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. FILNER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from California (Mr. FILNER) come forward and lead the House in the Pledge of Allegiance.

Mr. FILNER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

LORAL CORPORATION

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, we all remember the fund-raising scandal that the President and the Democrats got themselves into in 1996, foreign money and money laundering. But perhaps the worst part was the apparent influence of the People's Republic of China.

We all remember that the Loral Corporation which leaked sensitive missile data to China was a major Democratic contributor that year.

In fact, Bernard Schwartz, the president and CEO of that company, the largest single contributor to the DNC, was recommended in 1998 as the focus of an independent counsel investigation to find out if there was a connection between donations and technology transfers.

Well, one would think they would learn their lesson. But we found out last week that Mr. Schwartz is again giving huge amounts of money to the Democrats.

FEC reports show that he has given an average of $40,000 a month to Democrats since January of 1999, most of it in unrestricted soft-money donations.

I call on the Democrats to return these donations until we determine once and for all what his role was in leaking sensitive missile data to the Chinese.

This is not just a matter of ethical conduct. It is a matter of national security.

NO SURPRISE BOB KNIGHT WAS FIRED

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, it is no surprise that Bob Knight was fired.

But think about it. Bob Knight's athletes did not rape women, did not commit murder, did not molest children, did not carry guns, and did not sell drugs.

In fact, Bob Knight's student athletes were most noted for graduating, winning championships, being gentlemen, and exhibiting discipline and respect.

Beam me up.

Bob Knight was a coach, not a guidance counselor or a spiritual leader.

I yield back all those zero-tolerant, overpaid, IUD administrators that Bob Knight should have kicked right in the crotch.

CHILDHOOD CANCER AWARENESS MONTH

(Ms. PRYCE of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PRYCE of Ohio. Mr. Speaker, I am wearing this gold ribbon today in support of Childhood Cancer Awareness Month and to honor young children like my own daughter, Caroline, who have lost their lives to this devastating disease and to show my support for those kids who have survived through their courageous, sometimes years long, submission to painful and isolating treatments.

Leukemia, chemotherapy, lymphoma, neuroblastoma, these are terms no small child should have to pronounce. And instead of the normal third-grade spelling words, my Caroline was proud that she could spell Diflucan and Ativan, just two of the many drugs she had to take every single day.

As millions of kids return to school this September, we put the spotlight on this deadly disease. Two classrooms full of our children every weekday are diagnosed with cancer.

Cancer strikes more children than asthma, diabetes, cystic fibrosis, and AIDS combined. And while the incidence is steadily rising, childhood cancer still remains an underrecognized and underserved disease.

This can change. This must change. This will change.

ELECTRICITY CRISIS IN SAN DIEGO

(Mr. FILNER asked and was given permission to address the House for 1 minute.)

Mr. FILNER. Mr. Speaker, I just returned from San Diego where earlier this week hearings were held by the Committee on Commerce Subcommittee on Power and Energy yesterday by the Federal Energy Regulatory Commission on the electricity crisis that is facing San Diego where, in the last 2 or 3 months, prices have doubled and tripled for the average consumer, people have gone out of business not able to pay their bills, a tremendous drain on our economy threatening recession for our whole area.

It became clear in those hearings that this crisis was not brought about by any problem with the supply and demand, as some people charged, but was pure manipulation of the market by a few profit hungry power merchants who provide and generate the electricity for the western market.

Three hundred fifty million dollars was sucked out of the San Diego economy in the last 3 months, $2 billion out of the California economy.

I have legislation, Mr. Speaker, to make sure that the victims of this incredible price gouging disaster are not the consumers and small business people of California but those who have made the ill-gotten gains.

Please pass H.R. 5131 to help San Diego.

DR. OSCAR ELIAS BISCET, CUBAN DISSIDENT

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, Dr. Oscar Elias Biscet, a Cuban dissident who, after more than 6 months of imprisonment in Castro's jail, clings to life in the hope that his situation will help galvanize the global community in support of Cuba's political prisoner and dissident movement.

Dr. Biscet, an Amnesty International prisoner of conscience, has suffered 46 days of torture for refusing to succumb to his oppressors. He has been denied medical attention and has even been denied a Bible and religious visits.

The doctor interpreted his duty under the Hippocratic Oath as an obligation to defend the lives of the Cuban people.

Dr. Biscet could not ignore the cries of anguish of all who have died at the hands of the Castro regime. His commitment is clearly stated in a letter that he gave to his wife during their last visit:

"The evil one, Castro, must acknowledge in me an eternal rival who will not lower his sword of justice, even if confronted by misery, pain, and death simultaneously."

The U.S. and the Congress have always stood for freedom and for the defense of the oppressed the world over.

I ask my colleagues to join me in calling for Dr. Biscet's immediate release so that he can continue his mission to try to free the Cuban people.

AN IMPERFECT MILITARY

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, the Cold War may be over but the weight of responsibility inherited by the United States is heavier than ever. Threats are no longer contained by bipolar ideologies. Threats come from every corner of the world. It is under these conditions where our military forces find themselves doing more with less.

Stretched to a point where spare parts become an oxymoron and retention and morale is critical, it is in this environment where I fail to understand the President's rationale in sending Congress defense budgets asking for fewer and fewer dollars.

In every budget year since Clinton and GORE took office, the administration has proposed a decrease in defense spending. As a matter of fact, the defense budget has been reduced by more than $10 billion in constant dollars since fiscal year 1993.

Fortunately, the Armed Forces have received better support from a Republican controlled Congress. Despite cuts proposed by the administration, Congress has funded above the President's request and has long recognized the importance of a prepared and well-funded military force.

Mr. Speaker, we should be proud of our men and women in uniform and should provide them what they need to do the job.

CONGRESSIONAL BASKETBALL TEAM DEFEATS AMERICAN LEAGUE OF LOBBYISTS

(Mr. QUINN asked and was given permission to address the House for 1 minute.)

Mr. QUINN. Mr. Speaker, I am here to announce that for the second year in a row now, the Congressional basketball team has defeated the team of lobbyists from the American League of Lobbyists here in Washington, D.C. Last night's game was a hard-earned victory of 70–67.

The Congressional team got together in a bipartisan way. I would like to mention that the gentleman from Wisconsin (Mr. BARRETT); the gentleman from New Jersey (Mr. LOBIONDO); the gentleman from Missouri (Mr. HULSHOF); the gentleman from Ohio (Mr. OXLEY), our general manager and commissioner; the gentleman from Indiana (Mr. BUYER); the gentleman from South Dakota (Mr. THUNE), our MVP last night; the gentleman from Wisconsin (Mr. KIND); the gentleman from Washington (Mr. INSLEE); the gentleman from New York (Mr. FOSSELLA); the gentleman from Illinois (Mr. SHIMKUS); and the gentleman from California (Mr. BACA) all got together in an effort to prove that we can get along here in Washington and that we can do better when the cause is right.

Last night the American League of Lobbyists organized a benefit for over $17,000 that will go to charity for the Hill staffers, for the hungry and homeless, for Horton's kids, and for Everybody Wins, a youth mentoring program here in the Washington, D.C. area.

We set a challenge for the lobbyists we can get along better, and we are going to make sure that some young people here in Washington, D.C., benefit from it.

CHILDHOOD CANCER AWARENESS

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, we are all aware of the impact that cancer has on the American public. Sadly, we often do not realize the severity of childhood cancer. Today alone, 46 children will be diagnosed with cancer. But even more disturbing is that only two-thirds of those with cancer will survive.

Childhood cancer was recently brought to my attention when Kimberly Davies, the daughter of a member of my Washington staff, was diagnosed with CML leukemia at the age of 7.

Kimberly is doing well and continues to fight this dreaded disease. Kimberly is lucky, she has a bone marrow match through her sisters. However, most children are forced to wait and look nationally for bone marrow donors. This process can be extremely long and terribly uncertain.

The prognosis for Kimberly is positive. However, without the constant research and new methods of treatment, Kimberly's outlook may not have been so good.

Cancer is not a disease which only affects adults. Cancer affects children, too. It is important that Americans are aware of this and work to prevent and cure all forms of cancer. In Congress, it is important that we continue to fund children's cancer research. Every day, science inches closer to finding a cure. Let us not hold back now.

I urge my colleagues to support the funding of child cancer research this year and in the years to come.

□ 1015

CHILDHOOD CANCER AWARENESS

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, last week, many parents throughout our districts sent their wide-eyed, youthful, energetic and anxious children off to their first day of school. What is disturbing to every one of us who may be a parent is that on any given school day, 46 children are diagnosed with cancer and two out of three will not survive.

September is Childhood Cancer Month, placing the spotlight on pediatric cancer, the number one disease killer of our children.

While these statistics may be depressing, the research and innovation into providing early diagnoses and finding a cure proved to be very hopeful for many of us parents.

Mr. Speaker, Congress must remain committed to funding cancer research programs, especially for pediatric cancer. As we participate in the Childhood Cancer Gold Ribbon Day, let us remember the youthful victims of cancer.

Congress must fully fund pediatric cancer research to ensure that they become youthful survivors instead of youthful victims.

IN MEMORY OF CARLOS CACERES COLLAZO, U.S. CITIZEN KILLED IN EAST TIMOR VIOLENCE

(Mr. ROMERO-BARCELÓ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROMERO-BARCELÓ. Mr. Speaker, the news last week of the brutal murder of the three United Nations workers in West Timor, Indonesia at the hands of an angry mob has faded to the back pages of the country's daily newspapers.

But for the family the only U.S. citizen killed in that attack, Carlos Caceres Collazo, a native of San Juan, Puerto Rico, the agony of the tragedy is still sinking in.

Carlos Caceres Collazo joined the United Nations High Commission on Refugees in 1995 and chose to work in the dangerous field of providing humanitarian aid to refugees in troubled spots such as East Timor.

The tragic death of this bright man, a graduate of Cornell University Law School and the University of Florida, underscores the frailty of human life, but it also highlights the strength and valor of answering the call to those who serve those in need.

Mr. Speaker, I never met Carlos Caceres, but it comes as no surprise to me to learn that he, like so many Puerto Ricans before him, gave his life to defend the rights of others continuing a tradition of public service.

TOP ISSUE FOR REPUBLICANS IS EDUCATION

(Mr. EHLERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EHLERS. Mr. Speaker, last evening we had a chance, once again, to demonstrate that one of the top issues, if not the top issue, of the Republicans is education. We were in this Chamber debating an excellent bill proposed by the gentleman from Pennsylvania (Chairman GOODLING) of the Committee on Education and the Workforce.

He served for many years as a teacher, then principal, then superintendent; and he has put his knowledge to good use in his work here as chairman of the Committee on Education and the Workforce.

This bill will improve reading training of children, but above all, through a stroke of genius, he has also included provisions that parents will receive training in reading if they are illiterate.

Mr. Speaker, in my years of education, I discovered that the single greatest factor in the success of the student is an interested and involved parent. But if the parent cannot read, how do we expect the child to learn how to read?

The bill of the gentleman from Pennsylvania (Mr. GOODLING) will ensure that both will happen, and it also builds into it accountability to make certain that the government's money is not wasted. This bill does much more than just that, but I wanted to highlight this issue. I encourage all of my colleagues to vote yes on this excellent piece of education legislation.

IMPROVEMENTS IN MILITARY RETIREE HEALTHCARE

(Ms. GRANGER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GRANGER. Mr. Speaker, I rise today in support of improvements in military retiree healthcare. While we can never adequately thank the millions of men and women who have proudly worn the uniform in defense of America, we must honor our commitments to them.

Several provisions of the fiscal year 2001 Defense authorization bill, which is currently in conference committee, are important steps in honoring that commitment.

Mr. Speaker, I am pleased to see that both Chambers passed proposals to provide a prescription drug benefit to Medicare eligible military retirees. Currently, military provided health benefits for beneficiaries over 65, fall far short of what larger employers, including the Federal Government, provide to their retired civilians.

Including a drug benefit for military retirees is a necessary step in keeping our promises to the men and women who risk their lives for our freedom. As I like to say, every day when I get up, I thank God for my life and I thank our Armed Forces for my way of life.

Mr. Speaker, I urge the conference committee to include these common sense proposals in the Defense authorization bill, and in doing so, we will honor the heroes who protected freedom in America and ensured democracy for the world.

MARRIAGE TAX PENALTY

(Mr. WELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELLER. Mr. Speaker, there is a fundamental question this House of Representatives has worked so hard to address, and that is, is it right, is it fair that under our Tax Code 25 million married working couples on average pay $1,400 more in higher taxes.

Let me give an example of a couple back in Joliette, Illinois, Shad and Michelle Hallihan. They have a combined income of about $65,000. They are public school teachers. They own a home. They have a little baby, Ben, a child.

They suffer the marriage tax penalty. In fact, their marriage tax penalty making $65,000 a year is about $1,400. Every House Republican, 51 Democrats joined with us, we voted to eliminate the marriage tax penalty. Unfortunately, Bill Clinton and AL GORE vetoed our effort to wipe out the marriage tax penalty for people like Shad and Michelle Hallihan. AL GORE says that people like Shad and Michelle who make $65,000 a year, own a home, have a child, suffer a marriage tax penalty of $1,400 a year are rich and should not be helped. That is wrong.

My hope is today, as we vote to attempt to override Bill Clinton's and AL GORE's veto, that our effort to eliminate the marriage tax penalty and that more Democrats will join with us on this fundamental issue of fairness.

We will work to help people like Shad and Michelle Hallihan, two public school teachers who pay higher taxes just because they are married.

URGING COLLEAGUES TO OVERRIDE VETO OF MARRIAGE PENALTY RELIEF

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, I join my colleague from Illinois (Mr. WELLER) in rising to urge my colleagues to override the President's recent veto of marriage penalty relief. The Marriage Penalty Relief Act passed by significant margins in both the House and the Senate. It is overdue for tax relief to our middle-income families, who are dependent on two-wage earners, who are hardest hit by this penalty. It is especially hard on that second wage, often the wife's salary, because their income is taxed at higher marginal rates, often from 15 percent to 28 percent. You can see how tough it is.

As the President makes up his long list of end-of-the-year spending priorities, let him remember and let us remember the 25 million married couples who are struggling to make ends meet. Instead of dedicating the surplus to more spending ideas and bigger government plans, we should return some of it to the American people who earned it, while continuing to pay down the debt.

Let the American people decide for themselves what is best and what is best for their families, not a politician in Washington.

VOTE TO OVERRIDE VETO ON MARRIAGE PENALTY RELIEF

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, I guess it should come as no surprise to the American people that the administration that attacks the Boy Scouts is now attacking the institution of marriage, and they are doing it from an insidious higher taxes on the couples who dare do the right thing and walk down the aisle.

Take the situation, a true story in Savannah, Georgia, woman's name is Ann and the husband's name is Steve. They were making $25,000 each; they got married last December. Now their combined family income is $50,000. Guess what? They went from 15 percent tax brackets to now 20 percent tax brackets. They are paying more simply because they got married. Nothing else changed.

This administration is going to look them in the eye and say no, you are wealthy, you do not deserve the tax, because guess what, some even wealthier person and, of course, that is evil in the minds of AL GORE, somebody might benefit from this, so we are not going to let you have your own money.

Mr. Speaker, I hope that a few brave Democrats will for once put their constituents first and vote to override this horrible veto and pass marriage tax penalty relief.

PASS HATE CRIMES PREVENTION ACT OF 1999

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, it is simply a matter of justice. Today the House of Representatives has an opportunity to fully legislate, and that is to support the motion to instruct to pass real hate crimes prevention legislation.

In the midst of all of this, Mr. Speaker, we will be having a number of frivolous motions, because our good friends on the other side are not serious about making a national statement against hate. They have fought us at every turn in not passing the Hate Crimes Prevention Act of 1999. James Byrd was not enough. Matthew Shepherd was not enough. I do not know who will be next. I call upon the goodwill of this Congress to pass this motion to instruct.

Finally, Mr. Speaker, it is a matter of justice. I asked the FBI to tell me whether or not the indictment or the trials and tribulations of Mr. Lee regarding the Los Alamos spy incident was a matter of racial profiling? Yes, it is a matter of justice. And I expect the FBI to respond to my inquiry as to whether or not because you are of a certain origin in this country, you are a spy or you are trying to undermine the United States of America.

THE JOURNAL

The SPEAKER pro tempore (Mr. OSE). Pursuant to clause 8, rule XX, the pending business is the question of the Chair's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FILNER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 337, nays 51, answered "present" 2, not voting 43, as follows:

[Roll No. 465]

YEAS—337

Abercrombie
Ackerman
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chenoweth-Hage
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cook
Cooksey
Cox
Coyne
Cramer
Cubin
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Etheridge
Evans
Everett
Ewing
Farr
Fletcher
Foley
Forbes
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Goode
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayworth
Herger
Hill (IN)
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Ose
Oxley
Packard
Pastor
Paul
Payne
Pease
Pelosi
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Turner
Udall (CO)
Upton
Velazquez
Vitter
Walsh
Wamp
Watkins
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—51

Aderholt
Baldacci
Bilbray
Borski
Brady (PA)
Capuano
Clay
Coburn
Costello
Crowley
Cummings
English
Filner
Ford
Green (TX)
Gutierrez
Gutknecht
Hastings (FL)
Hefley
Hill (MT)
Hilleary
Hilliard
Hulshof
Jackson-Lee (TX)
Kucinich
LaFalce
LoBiondo
Markey
McDermott
McGovern
McNulty
Moran (KS)
Oberstar
Pallone
Pascrell
Peterson (MN)
Phelps
Pickett
Ramstad
Rothman
Sabo
Slaughter
Stupak
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Udall (NM)
Visclosky
Waters
Weller

ANSWERED "PRESENT"—2

Carson
Tancredo

NOT VOTING—43

Bliley
Boucher
Chambliss
Conyers
Crane
DeFazio
DeLay
Dickey
Doolittle
Doyle
Engel
Eshoo

Fattah
Franks (NJ)
Gilchrest
Goodlatte
Hayes
Hinchey
Kasich
Klink
Lazio
Martinez
McCollum
McIntosh
Meeks (NY)
Miller, George
Murtha
Owens
Price (NC)
Ryun (KS)
Sanders
Schaffer
Serrano
Sherwood
Sununu
Sweeney
Towns
Vento
Walden
Watts (OK)
Weiner
Weygand
Young (AK)

□ 1049

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. LOFGREN. Mr. Speaker, I would note for the RECORD that yesterday I was unavoidably detained because I am a United Airlines customer. There were flights that were considerably delayed. Had I been present, I would have voted "yea" on all of the rollcall votes yesterday evening.

MARRIAGE TAX RELIEF RECONCILIATION ACT OF 2000—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

Mr. ARCHER. Mr. Speaker, I move that the Committee on Ways and Means be discharged from further consideration of the veto message on the bill (H.R. 4810), to provide for reconciliation pursuant to section 103(a)(1) of the concurrent resolution on the budget for fiscal year 2001.

The SPEAKER pro tempore (Mr. OSE). The Clerk will report the motion.

The Clerk read as follows:

Mr. ARCHER moves that the Committee on Ways and Means be discharged from further consideration of the veto message on the bill H.R. 4810, an act to provide for reconciliation pursuant to section 103(a)(1) of the concurrent resolution on the budget for fiscal year 2001.

(For veto message, see proceedings of the House of September 6, 2000 at page H7239.)

The SPEAKER pro tempore. The gentleman from Texas (Mr. ARCHER) is recognized for 1 hour on the motion.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

This is simply a procedural motion to move to consider the veto message which will be subject to debate.

Mr. Speaker, I yield back my time, and I move the previous question on the motion.

The previous question was ordered.

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The unfinished business is the further consideration of the veto message of the President on the bill (H.R. 4810) to provide for reconciliation pursuant to section 103(a)(1) of the concurrent resolution on the budget for fiscal year 2001.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is, will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

The gentleman from Texas (Mr. ARCHER) is recognized for 1 hour.

Mr. ARCHER. Mr. Speaker, I yield the customary 30 minutes to the gentleman from New York (Mr. RANGEL), pending which I yield myself such time as I may consume.

Mr. Speaker, today we make one last attempt to end the marriage tax penalty for 25 million married couples. Since 1995, a growing bipartisan majority in the Congress has tried time and time again to end this gross unfairness in the Tax Code. But each time, President Clinton and a majority of the Democrats in Congress have just said no. In the past 6 years, President Clinton has blocked marriage tax penalty relief more often than Tiger Woods has won golf's major championships.

President Clinton's latest veto leaves a Clinton-Gore legacy of denying 25 million married couples relief from the marriage tax penalty for 8 years. It means that married couples will have to wait longer for relief. It means that they will have to vote for new leadership in the White House if they want justice and fairness in the Tax Code.

This bill does bring fairness to the Tax Code. It gives the most help to those middle- and lower-income Americans who are hit hardest by the marriage tax penalty. By doubling the 15 percent bracket, and, Mr. Speaker, we all know that is the lowest income tax bracket that affects primarily lower- and middle-income people, and the earned income credit income threshold, which affects the very low-income people, we erase the marriage tax penalty for millions of lower- and middle-income workers. This is especially important to working women whose incomes are often taxed at extremely high marginal rates, some as high as 50 percent by this tax penalty.

Despite all of this unfairness, I expect we will still hear some excuses from the Democrats today why we cannot do this. They will say that stay-at-home moms and dads and people who own homes or donate to charitable organizations should not get relief, and this is their idea of targeting. Their plan actually denies relief to these important parents, and I accentuate those who itemize, who have home mortgages or pay taxes on their homes, who have itemized deductions get no relief. They do not want them to get any relief, but that is wrong. Raising a child is the single most important job in the world and we are right to provide these families with relief.

Another excuse we will hear is that our bipartisan plan is too expensive. Too expensive for whom? Too expensive for the U.S. Treasury, which is expected to vacuum in 4.5 trillion surplus dollars over the next 10 years from the American taxpayers, or too expensive for President Clinton who, just yesterday, said he needed to spend that money for more government programs.

Last week, Vice President GORE talked about a rainy day fund, but the President's deluge of spending will soak that up like a super sponge. I would note to my colleagues on the other side of the aisle who undoubtedly will call this bill fiscally irresponsible that the ranking Democrat of the Budget Committee, the gentleman from South Carolina, voted in July for this exact same package. No one can say that he is fiscally irresponsible.

In his January State of the Union, President Clinton stood in this exact Chamber and asked Congress to work with him to fix the marriage tax penalty. We have done that. He vetoed it. So here we are today making every effort to override that veto. When he spoke, there were no preconditions, there was no quid pro quo, no wink and a nod. In fact, there was only boisterous applause and cheers from both sides of the aisle. But 8 months later, when most American families were on vacation or getting their children ready to go back to school, he quietly vetoed the bill.

Now is our chance to right this wrong and finally put an end to the marriage tax penalty for 25 million married couples. We should all vote to override the President's veto.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I listened with great interest to the rhetoric of the distinguished Chairman of the Committee on Ways and Means as he would have us to believe that the Democrats do not want to give relief as relates to the marriage penalty. Now, he knows that I know that we Democrats have come forward with a bill that true, it does not cost the $300 billion over 10 years, as his does, but it takes care of the marriage penalty, the same way we tried to take care of the estate tax abuses that we found in the Tax Code.

The difference between the so-called Republican solution is that it is not concerning itself just with relief for those people who have an additional tax burden because they are married, it goes beyond that and it is a part of this tremendous, huge billion dollar, trillion dollar tax cut that they conceived in the last session which could not get off the ground. When it was vetoed, they did not even bother to override the veto. So if we were to take the cost of this bill far beyond that of marriage penalty, we will find plus $200 billion that does not even relate to the problem that we are addressing. The same thing was true when they tried to do something with the estate tax. No, my

Republican colleagues do not want to pass laws, they want to pass bills that are going to be vetoed.

□ 1100

They almost made certain that they have the veto before they bring it to the floor, because the President of the United States has already publicly said if they want to negotiate a solution to the tax penalty, sit down and talk.

But if it was not so close to the election, this thing would be hilarious, because the first time the Republican leadership has an opportunity to go to the White House and to talk about working out a solution to legislation so we can get out of here, do they talk about the marriage penalty? No. Do they talk about estate tax relief? No. Do they talk about a general tax cut for everybody so people can have their money? No.

What do they talk about? Well, listen. Stay tuned in. There is a new Republican plan, and the plan is to set aside a part of the surplus to pay down our national debt. And when does it come in? Three weeks before the conclusion of the legislative session.

So this is poppycock. They are holding the marriage penalty bill hostage because they want to vote on the President's veto. He had the courage to veto this bill because it is irresponsible. We have to sustain the President, and then find out what is the next rabbit they are going to pull out of the hat before we conclude.

Mr. Speaker, I reserve the balance of my time.

Mr. ARCHER. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. FOLEY), a respected gentleman from the Committee on Ways and Means.

Mr. FOLEY. Mr. Speaker, I thank the gentleman for yielding time to me. I thank the chairman for his leadership, and my colleague, the gentleman from Illinois (Mr. WELLER), for his strong leadership in enactment of this bill.

I urge every one of my colleagues to override this veto. At a time when every Member of Congress is going around the country, particularly the candidates for president, and saying they are family-friendly, it is unbelievable to me that any Member could turn around and vote against ending a tax penalizing married individuals.

Some Members here have already turned their backs on working families, small businesses, farmers. When we tried to protect their families from the legacy destroyed by death taxes, we were unsuccessful. We will debate and discuss that. But I urge them not to do that today to married individuals.

As a society and as a civilization, we cannot afford a government that punishes marriages. I ask every one of my colleagues to search their hearts and souls and think about this upcoming weekend as they return to their communities, their churches, and their friends by standing up for the institution of marriage, standing up for families, giving them the relief they deserve, and overriding the President's political veto of this bill.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from the sovereign State of Washington (Mr. McDERMOTT), a distinguished member of the Committee on Ways and Means.

Mr. McDERMOTT. Mr. Speaker, let me begin by saying that there is not anybody on this floor who does not want to help middle class families. When the Contract with America was brought out here with all the fanfare in 1995, the marriage tax penalty was in it. When the first tax bill came to the Committee on Ways and Means, I offered an amendment to remove the marriage tax penalty in the Committee on Ways and Means. Every single Republican on the committee voted against it.

The only reason we could say they did it, I suppose, was kind of "NIH," not invented here. They did not have their name on it. So they came back the next year after they had done the polling and realized they had made a mistake, and they have been trying ever since, but they always wrap it in a humongous tax cut.

Now, none of us believe that we will leave this session without a cut in the marriage tax penalty. I will be willing to bet anybody on this floor that when we sign off and leave here about October 1, we will have agreed with the President on a middle-class tax cut on the marriage penalty.

What is amazing is what the gentleman from New York (Mr. RANGEL) just talked about, the meeting that happened in the White House yesterday. The Speaker of the House came and said, "We have a plan: 90 percent goes for debt relief, and 10 percent goes for investment." If we take all the taxes that have been pushed by the Republicans and are pushed by Mr. Bush of $1.7 trillion, and we only have $5.5 trillion, if we have a calculator in our pockets, which the Speaker ought to have, we realize that that is 31 percent of the projected surplus that is going for tax cuts. We cannot do it in 10 percent. It is 3 times as much as we left on the table.

So either the Republicans on the floor are walking away from Mr. Bush and his tax cut, which I think most of them are, or they simply are trying to put a fraud out on the people that they can do 90 percent for bringing down the debt and 10 percent, and there is no money left for investment, no money for social security, no money for Medicare, no money for education, none of the issues that we ought to be doing with the surplus.

The American people are faced in this election with a choice: Will we have a big tax cut, or will we invest in the future? Most Americans are interested in protecting their retirement, their social security, their Medicare, which is really security in health areas. They are interested in educating their kids to deal with this economy so we do not have to bring in, under the H-1B visa, hundreds of thousands of people from around the world because we say our own kids are not qualified to take the jobs in this economy, we have to give the high-paying jobs to people outside the economy.

When we get down to this tax cut, it is part of an overall package. We are going to cut it and make a negotiation at the end.

Mr. ARCHER. Mr. Speaker, I would simply say, that is wishful thinking.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. Mr. Speaker, I thank my colleague for yielding time to me.

I rise to express my support for the 25 million married couples in the country who will be negatively affected by the President's veto, and strongly urge that we override that veto.

Mr. Speaker, Republicans and Democrats agree. Congress and the President agree. It is wrong to tax 25 million couples at a higher rate just because they are married. So why are we forced to override a veto to right this wrong? The answer is simple: partisan politics.

The President and the Democrats say they can't support the effort to resolve this injustice because it "doesn't help the right people." Here are the "wrong people" it would help:

Nearly a million low-income working families who would receive up to $421 more a year from raising the phase-out level of the Earned Income Credit.

25 million taxpayers at all levels who would save up to $1,450 in federal taxes because the standard deduction for married couples would be made equal to two individuals.

Millions more middle-income families who would save hundreds of dollars each year because the 15 percent tax bracket for couples filing jointly would be increased to twice that of single filers.

Millions of married taxpayers at all levels would be treated fairly for the first time in nearly 40 years. These couples have been paying extra taxes every year since their wedding.

The Democrats and the President have said they can't support this reform because it provides some relief to the taxpayers who pay 65 percent of the nation's taxes. These are the people who have funded the surplus that we are now blessed with. And when this fairness legislation is in place, they will still pay 65 percent of the nation's taxes.

The Democrats and the administration clearly believe the federal budget surplus is their money. They cannot conceive of allowing the people who have already provided this surplus to pay less in future years. Instead, they would spend it on mammoth new federal programs, run by Washington bureaucrats. Or they would tell taxpayers now to spend their own money in order to qualify for any reduction in the taxes they pay.

It's time for Congress to recognize that this money belongs to the taxpayers. At the very least, we should pass this legislation to provide tax justice to 25 million families.

Mr. ARCHER. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. WELLER), a respected member of the Committee on Ways and Means who has fought very hard for this legislation.

Mr. WELLER. Mr. Speaker, we are hearing a lot of rhetoric, particularly on the other side today, but what is the issue today? There is one issue: that is, do we override the President's veto of our effort to wipe out the marriage tax penalty that affects 25 million married working couples who suffer higher taxes just because they are married?

In fact, 25 million married working couples on average today pay higher taxes of almost $1,400 a year just because they are married under our Tax Code.

I have an example here, Shad and Michelle Hallihan, two public school teachers from Joliet, Illinois, who suffer the marriage tax penalty. They have an average income each year of about $65,000. That is their combined income. They are homeowners. They have a child, little Ben. They suffer the marriage tax penalty, about $1,400.

In the South suburbs of Chicago, $1,400 is real money. It is one year's tuition at Joliet Junior College; it is 3 months of day care; several months' worth of car payments; it is a home mortgage payment, a month or two for many, many families; but it is real money for real people.

That is what this is all about, is do we allow folks like Shad and Michelle to keep their money, or do we send it to Washington, particularly on this issue of tax fairness?

I was so proud. After several years of working, my chairman, the gentleman from Texas (Mr. ARCHER), has been concerned about this issue since he first came to this Congress. Many have been working on this issue for a long time. This House and Senate voted to wipe out the tax penalty for people like Shad and Michelle Hallihan this year, and we did it the year before. Unfortunately, the President vetoed it.

We want to help everyone who suffers the marriage tax penalty: those who itemize, those who do not.

I was proud to say that every House Republican voted to eliminate the marriage tax penalty. Fifty-one Democrats joined with us to eliminate the marriage tax penalty. We doubled the standard deduction for joint filers, for married couples, so they earn twice as much in the same tax bracket.

We also widen the 15 percent tax bracket. We help those who itemize, we help those who do not itemize. The bottom line is, we help 25 million married working couples.

As I mentioned earlier, Shad and Michelle make about $65,000 a year, their combined income. They are middle class public school teachers. They suffer the average marriage tax penalty. When AL GORE called for the veto of this legislation, he said that people who own a home, who make about $65,000 a year, who pay the average marriage tax penalty of $1,400, are rich, and that if people itemize their taxes, like Shad and Michelle Hallihan, because they are homeowners they do not deserve any marriage tax relief because they are rich.

So that definition of rich says if one pursues the American dream, gets married, has a family, buys a home, and then has to itemize their taxes, they are rich and they do not deserve marriage tax relief. They should still suffer the marriage tax penalty.

That is wrong. I believe, and I think the majority of this House believes, that if one really wants to be fair, we should help everyone. Couples making $65,000 a year like Shad and Michelle Hallihan, who happen to be homeowners and happen to itemize their taxes, deserve tax relief just as much as anyone else when it comes to the marriage tax penalty.

Let us override the President's veto. I invite more Democrats to join with us. Let us be fair to people like Shad and Michelle Hallihan. They are not rich, they are middle class.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. BONIOR), the distinguished minority whip.

Mr. BONIOR. Mr. Speaker, I thank my colleague for yielding time to me.

Mr. Speaker, a number of years ago there was a man from Michigan whose advice to elected leaders was, "Say what you mean and mean what you say." Of course, that man's name was Gerald Ford. He led this Republican House as a Republican leader, but it would not hurt if those who followed him heeded his words today, because yesterday, in a complete turnabout, a complete about face, the Republican leadership suddenly announced their hunger to join Democrats in working to pay down the national debt.

Of course, that was yesterday. Now, it is less than 24 hours later and we are back at it again. Here they go again, they are trying to pass another piece of their $1 trillion tax cut package, a $1 trillion tax cut package. It is the mother of all tax cuts, and it would rob America of its resources that we need not only to pay down the debt, but to strengthen social security and Medicare, as well.

Our message to Republicans is that it is time to mean what they say.

Should we do something about the marriage penalty? Of course we should do something, and the example that was just given, they are absolutely right, that couple should be given a marriage penalty tax relief act.

But the bill that we are now discussing would only give tax relief to couples who face a marriage penalty. Only about half of that goes to those people. The other half of that bill, which is a monstrous bill in terms of the dollar amount, would go to, Members guessed it, the wealthiest people in our country who have no marriage penalty problem.

That is why Democrats crafted a fiscally responsible marriage penalty relief plan. It is a plan that would help people in Macomb County, in St. Clair County, middle class families that I represent. I am talking about folks just like the couple that we have just seen up here who work hard for a living, pay their mortgage payment, pay their car payment, but do not have a lot left over or anything left over to save with at the end of the month.

We can give those people a hand, and we can do it without taking money out of Medicare and social security, and without risking the premise of reducing the national debt. But we cannot do it if we pass this Republican plan. That is why the President is standing so steadfast against it.

It is time that we focused our attention on helping middle-class families, not just those who are reaping enormous amounts of wealth in this country who have no marriage penalty problem, but who would get half of what this bill is all about.

I urge my colleagues to vote no on this proposal, and to sustain the President veto.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would briefly respond to a statement made by my friend, the gentleman from Michigan, which is not accurate. That is that the Democrats would take away the marriage penalty for those who itemize. Their plan does not, I repeat, does not provide any help for those people who have homes and mortgages and taxes and want to itemize rather than take the standard deduction.

Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Speaker, Shane and Penny Fox were married in 1997. Shane is a graphic designer for a charity, and Penny is a legal secretary.

In 1997, their taxable income was $47,000. When they went to file their joint income tax return as required by law, they paid $8,691 in income taxes. But if they had remained single, they would have paid $7,055, so these two people with a combined income of less than $50,000 a year paid $1,636 just because they were married.

I participated in that wedding ceremony. I read the Scripture where it says that God says that a marriage is a holy union. Yet, the official policy of the Federal government, of Congress and the administration, is to discourage marriage. It is to say, they should not get married. Marriage is not the right thing to do economically.

That does not make sense. That is public policy being made in Washington that discourages people from getting married. What type of government penalizes people because they say, "I do"?

□ 1115

Did they realize when they said for "better or worse" it meant the Federal Government would come along and penalize them $150 a month just because they got married?

The tax is immoral, and sometimes we have to eliminate taxes because they are immoral. Anytime we say marriage is wrong by the Federal Government, it is an immoral tax, and it has got to go.

Do my colleagues know what? Under the Gore-Clinton plan of so-called marriage tax relief, because they bought a home, they would not qualify for their plan. It discourages homeownership.

It is very, very simple. Marriage is good, it is a holy union, but not to the Federal Government, and certainly not to these two who have been penalized $1,607 just because they said "I do."

Mr. RANGEL. Mr. Speaker, I yield 3½ minutes to the gentleman from Maryland (Mr. HOYER), distinguished Member of the Congress.

Mr. HOYER. Mr. Speaker, today we waste more precious time on yet another bloated tax bill. This motion to override the President's veto, as the chairman has correctly pointed out, will fail. He knows that. The Republican leadership knows that as well. Yet we persist in this play-acting.

The Republican leadership must give the appearance of doing something, anything in this do-the-wrong-thing-for-special-interests 106th Congress. What do I mean by that? The reason we do not reach a compromise on this is not because of those who are penalized under the marriage penalty but those who are not penalized, the wealthiest in America. That is why we do not come to agreement with the President. That is why we do not come to agreement on both sides, not because of the couple discussed by the gentleman from Illinois (Mr. MANZULLO). We can all agree on that.

The Washington Post got it right recently when it said of these Republican tax bills, and I quote, "It is not clear which, if any, will be sent to the President. But that does not matter in a mock Congress. It is the show that counts."

Here we are at the show. Just like last week's debate on the estate tax where we could give millions of Americans relief, but the gentleman from Texas (Mr. ARCHER), my friend, the chairman for whom I have a great respect and affection, we are not doing it, because of the thousands that the President will not include in the bill and that we will not include in the bill.

We are being forced to participate in this show once again today. Meanwhile, the clock keeps running. There are less than 20 days left on the legislative calendar, and we still have not approved 11 of the annual spending bills that keep the Federal Government operating.

The prospects for a Patients' Bill of Rights, a meaningful prescription drug benefit for seniors, a minimum wage increase, a middle-class tax relief grow bleaker by the day.

We agree that the marriage penalty must be remedied. Our bill offers $95 billion in relief over 10 years. But instead of reaching compromise, the perfectionist caucus says do it my way or take the highway.

The leadership once again forced us to genuflect at the alter of Republican ideology, tax cuts for those who need them the least. That is where we differ, not on the couple that the gentleman from Illinois (Mr. MANZULLO) just referred to.

This bloated tax bill would cost an estimated $292 billion over the next decade. It would squander our surplus while not helping this couple who would pay higher interest rates because of the deficits that would result in the squandering of the resources. It would strip us of our ability to strengthen Social Security and Medicare and, as I said, a prescription drug benefit.

Pay down the debt and invest in our children's future. The Republicans' special-interest political agenda is preventing, not facilitating, tax relief for working families. Let us sustain the President's veto, and let us get down to meaningful compromise that will affect millions of Americans that need it most.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume again to respond to, I think, an unintended inaccuracy on the part of the gentleman from Maryland (Mr. HOYER). He said we are ready to fix the marriage penalty for those people who own their homes and itemize. They have never included that in one of their proposals. But they say they are ready to fix it for middle-income people. I would like to see that fleshed out in one of their proposals. They have resisted it over and over and over again. It is unfortunate that they want to cut out these people that the gentleman from Illinois (Mr. MANZULLO) just talked about. We will continue to pursue that.

I also want to say to the gentleman from Maryland I never said we were not going to override this veto. I am still hopeful that there will be 40 percent of the Democrats who will be enlightened enough and fair enough to do this.

Then, finally, I will say that Vice President GORE in his tax relief has said he wants to help stay-at-home moms and stay-at-home pops. Yes, we do that also while we fix the marriage penalty. What is wrong with doing it in the same bill? Why do the Democrats suppose what their own presidential candidate wants to do as a separate item?

This is a very good bill.

Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, I agree with the gentleman from Texas (Chairman ARCHER). This Tax Code is so perverse, it even taxes sex; marital sex, that is.

Now, let us put the hay where the goats can reach it. If one does not get married, one pays less taxes, one gets rewarded. If one gets married, one pays more taxes, one gets hit over the head. To me, that is unbelievable.

Is it any wonder, Mr. Speaker, we have so many unwed mothers in America, so many kids on the street, kids without guidance, kids without stability, kids without fathers, government paying the bills, and Congress expecting schools to straighten them out, to discipline them and to raise them? Beam me up.

Now, let us tell it like it is. I think there is too much partisan politics here today, and we should be dealing with the people's business.

Let us look at the facts. Our Tax Code subsidizes illegitimacy, but taxes the institution of marriage. Our Tax Code promotes sexual promiscuity, but taxes the institution of marriage. Beam me up.

One does not need to be a rocket scientist to see this is the right thing to do. I will vote to override this anti-family, anti-child, anti-mother, anti-wife presidential veto. We are relegating people to the bottom end of the ladder, and the only hope we are giving them is go to the next rung.

This is not the way to do it. The President is wrong. We should override this veto.

I proudly join forces with the gentleman from Texas (Chairman ARCHER). If the truth be known, there are more Democrats deep down in this election year that would like to vote with him, and they should.

I yield back all the broken homes in America and all the kids in jail that need not be there.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I was so moved by the gentleman from Ohio (Mr. TRAFICANT), the previous speaker. But just let me say this, it seems as though the gentleman from Texas (Mr. ARCHER), chairman of the Committee on Ways and Means, in his remarks to this august body, referred to the tax proposals of the Vice President of the United States. It may be parliamentarily proper to do that, but I do not think we want to hear anything about Vice President GORE's tax proposals on this floor because I will be tempted, tempted to bring up Governor George W.'s tax proposals. But because of my affection for my Republican friends, I would not want to offend or embarrass them and to have them to run away from them on the floor. So let us confine ourselves to our legislative responsibilities.

Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. LEVIN), a senior member of the Committee on Ways and Means.

Mr. LEVIN. Mr. Speaker, earlier, the gentleman from Illinois (Mr. WELLER), my colleague on the Committee on Ways and Means, said that the real issue is overriding the veto. He, I think, exposed what this is all about for the majority party. The real issue should be marriage penalty relief.

My suggestion is that, if people really want such relief, my Republican colleagues withdraw this effort that is doomed to failure and they do what we have never done on the Committee on Ways and Means, as the gentleman from New York (Mr. RANGEL) has said, sit down and work out a marriage penalty relief bill on a bipartisan basis. They never tried to do that.

The majority of us favor marriage penalty relief. We can do it on a bipartisan basis. But, instead, we have a bill here that goes way beyond that. It is too broad. It is part of a package that is much too large; and as a result, the package is weighted too much in favor of the very wealthy. No one on the majority side has ever answered this fact: according to CBO, almost half of the tax cut in this bill goes to couples that pay no marriage penalty at all.

So let us sit down and do what we should do and work out, if we are serious, a marriage penalty relief bill. My Republican colleagues do not have a political issue with this because the majority of the public understands what they are after, and that is a 30-second ad instead of a 5- and 10-year tax relief bill.

So I close by saying this, we are ready on the Democratic side to sit down with my colleagues, if they are serious about policy and do not want what they think is a good political move, and put together a marriage penalty relief bill. I hope they will do that after the veto is sustained.

Mr. ARCHER. Mr. Speaker I yield 1 minute to the gentleman from Arizona (Mr. HAYWORTH), another respected Member of the Committee on Ways and Means.

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Texas (Mr. ARCHER), the chairman of the committee, for yielding me this time.

Mr. Speaker, I say in response to the gentleman from Michigan (Mr. LEVIN), with all due respect, Mr. Speaker, this is a bipartisan way to fix a problem. The Constitution provides for veto override.

This need not be a partisan ballot. Indeed, when people get marriage licenses, they do not record political affiliations. But when they fill out their tax returns and they are penalized to the tune of $1,400 a year, that is a concern whether one is a Republican, Democrat, libertarian, vegetarian, independent.

It comes to this simple philosophy: let married couples and their families keep what they earn to save, spend, and invest. This need not be partisan.

We in the legislative branch have the constitutional ability to override the President of the United States. We invite our friends on the left, join with us, stand for families, not for disguising targeted tax cuts as spending programs, but straight up, allowing American families to keep more of what they earn. That is true compassion. That is why we must override this presidential veto.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. KLECZKA), a member of the committee.

Mr. KLECZKA. Mr. Speaker, I have two points I would like to share with the body today. The first is that I am somewhat confused. I read here in the Congress Daily that the Republican leaders went over to the White House yesterday, talked to the President, and they told the President that they are going to set aside their tax cuts in favor of debt reduction. Any surplus coming in would be used for debt reduction, a plan that the American public supports.

Well, that was yesterday. Now today they come back to the floor of the House and try to override this bill they call the marriage tax penalty.

□ 1130

Well, let me talk about that for a moment. If in fact we provide relief to those lovely couples that the Republican colleagues are bringing out on the posters, that would cost, over a 10-year period, $95 billion. In the whole scheme of things, that is affordable. The Democrats support that. Republicans support that. The President, in his State of the Union standing behind me, supports that.

Then, why are we not doing it?

Because the bill before us, Mr. Speaker, costs $290 billion. Well, wait. Marriage penalty is only $95 billion. Where is the other $200 billion going?

Seems as the bill made its way through the process, the Republicans added a little rider, they slipped in a little amendment. And that amendment expanded the tax income for the 15 percent bracket. The effect is that the bulk of the $200 billion added to the bill goes to the wealthy. But the Republicans still call it marriage penalty tax relief bill.

Well, my colleagues, that is a hoax. It is not marriage penalty tax relief. The bulk of the bill goes to people who do not even pay the marriage tax penalty. So what we have here is a sham, a hoax, a Trojan horse.

On one day, out of one side of their mouths, they go to the President and say, no more tax cuts, we were wrong, the American public does not buy it; they want debt relief. Then, they come before the House floor and cry alligator tears for these young, married couples when they know the bulk of the $290 billion goes to their rich friends. That is what is going on around here.

The American public has said, Congress, if in fact there is a surplus, and know full well this is all projections, it is a guess over the next 10 years, but if the guess is right, reduce the national debt on my kids and grand kids, which today is over $3 trillion.

That is where the emphasis should be, and that is what this Congress should be up to. But it is an election year, so what we have to do is try to sell a bill to married couples which really does something else to help in the election process.

I urge my colleagues to not override the veto. Let us get back to what they said yesterday. Let us pitch debt reduction relief.

Mr. ARCHER. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, maybe we can clarify this a little bit. What we are talking about in terms of the standard deduction, what our Democrat friends are saying is that they will support an adjustment in the standard deduction but they will not support what we do with the elimination of the marriage tax penalty, which is to say that we also take care of those who itemize.

Now, 40 percent of the taxpayers itemize; and that is because 40 percent or more have homes or have a condominium. And, as a consequence, all of the examples we have seen here today, the posters on the floor, are of those people who, frankly, itemize their deductions. And because they itemize, they will not get any relief unless we pass the Republican bill. Under the Democrat proposal, they do not get relief from the marriage tax penalty.

Now, on average, this is $1,400 per individual.

Now, the President says these are the rich. But it is just not the case that everybody that owns a home or everybody that owns a condominium and, therefore, itemizes is rich. That is not true. I wanted to point out that.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, I thank my colleague from New York and our ranking member for yielding me the time.

Mr. Speaker, I rise in opposition to the motion to override the President's veto of the marriage penalty tax relief.

I support real marriage tax relief, but this bill is fiscally irresponsible. This bill would cost $292 billion over 10 years, $110 billion more than our House version.

Despite its appealing name, more than half the tax cut would benefit couples who not only do not pay marriage penalty but actually get a marriage bonus. And we are not talking about the ones who may have a second home.

Now, having been married for over 30 years, as much as I would like to get a bonus for having been married that long, I would like to work our tax policy differently, Mr. Speaker, and just correct the problem of the marriage penalty and not the marriage bonus.

Let us deal with that marriage bonus. Let us reward people, stay-at-home moms or stay-at-home fathers, in a separate piece of legislation and not confuse the issues. We are talking about marriage penalty relief.

In addition, the Republican bill allows many couples are denied tax relief because of the interaction between the alternative minimum tax with the increase in the standard deduction in the bill. About half the total tax cuts in this bill would benefit only the top 10 percent couples who have incomes over $92,500.

We did have an alternative plan. A Democratic proposal gave $10 billion more in marriage penalty relief to couples and it was not burdened by all the other problems this bill has. But the Democratic bill also cost half as much as this bill even though it added $10 billion more to marriage penalty relief.

My Republican colleagues have designed a bill to give the tax breaks to the highest income couples even if they do not suffer from the marriage tax penalty.

Tax relief is important but so is protecting and strengthening Social Security, Medicare, investing in education, providing for a prescription drug benefit under Medicare, and also making sure our national defense is paid for, paying off the debt accumulated during the 1980s and early 1990s.

We have to balance it, and that is why we need to correct the marriage penalty. The Democratic alternative provides for a middle-class tax cut and still protects our vital national priorities.

The SPEAKER pro tempore (Mr. OSE). Without objection, the gentleman from Georgia (Mr. COLLINS) will control the time for the gentleman from Texas (Mr. ARCHER).

There was no objection.

Mr. COLLINS. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I rise in strong support of H.R. 4810, the Marriage Tax Elimination Act, and in opposition to the President's veto.

I became an early cosponsor of this legislation because I believe the marriage penalty is the most indefensible thing about our Nation's current Tax Code.

The current Tax Code punishes married couples where both partners work by driving them into a higher tax bracket. The marriage penalty taxes the income of the second wage earner at a much higher rate than if they were taxed as an individual. Since this second earner is usually the wife, the marriage penalty is unfairly biased against female taxpayers.

Moreover, by prohibiting married couples from filing combined returns whereby each spouse is taxed using the same rate applicable to an unmarried individual, the Tax Code penalizes marriage and encourages couples to live together without any formal legal commitment to each other.

The Congressional Budget Office has estimated that 42 percent of married couples incurred a marriage penalty in 1996, and that more than 21 million couples paid an average of $1,400 in additional taxes. The CBO further found that those most severely affected by the penalty were those couples with near equal salaries and those receiving the earned income tax credit.

This aspect of the Tax Code simply does not make sense. It discourages marriage, is unfair to female taxpayers, and disproportionately affects the working and middle class populations who are struggling to make ends meet. For all of these reasons, this tax needs to be repealed and I support the veto override.

Mr. COLLINS. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Speaker, earlier this year I sat in this Chamber with many of my colleagues listening to a very long State of the Union speech. It was long for a lot of reasons, but one of them was that there were a lot of applause lines. Many Republicans and Democrats, in fact, stood during one of those, as I did, when the President talked about ending the marriage penalty tax.

This is a bipartisan bill. It was a bipartisan bill in both the House and the Senate. It is not one side trying to jab the other. This is not a tax cut for the rich. It does not help any special interests except for working couples.

What is wrong with that?

Many of these couples, in fact, are struggling to try to make ends meet. They are living from paycheck to paycheck.

We need to override this veto. We need to override this veto for American families in all 50 States. I hope that my colleagues would join me in voting to override that veto later this morning.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank the very distinguished ranking member of the Committee on Ways and Means.

Mr. Speaker, about 9 years ago, a constituent alerted me to the fact that he was paying about $1,200 more in taxes for having gotten married than he and his spouse had been paying as singles. He understood the reason for it that, when two people get married, they oftentimes have only one mortgage or rent to pay and they can economize in other ways and when they have children they get a deduction for each child and that there is some rationality to the Tax Code. But it did not seem quite fair.

We introduced a bill and it did not get too far. The gentleman from Washington (Mr. MCDERMOTT) had another bill that he got through the Ways and Means Committee. Our bills cost only about $9 billion a year to fix the whole problem.

What this bill does though, under the guise of fixing the problem, is to put us further in debt to the tune of about $200 billion more over 10 years than is needed to fix the problem. Most of this bill just gives deep tax cuts that are not targeted and do not produce the desired effect.

The reality is that almost as many people get a marriage bonus as get a marriage penalty. Why do we need to give any further incentives to get married? This is not the way that we should be using scarce resources.

What we ought to be doing is paying down the debt. We, the baby boom generation, got the benefit of the debt. We should not be passing our bill on to our kids. We should put first things first, pay off our debts and put our money aside to pay for our retirement, so our kids don't have to.

Let us fix the marriage penalty but do it in a responsible manner. Let us not squander the surplus. Let us provide for the future.

Mr. COLLINS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I hear the word "target," let us "target."

The Tax Code targets everyone who works and earns a check or earns an income. So when we talk about relief, we should also look at everyone who works and earns an income, whether they be employed or self-employed.

The purpose of the marriage penalty relief bill is to try to establish some fairness in a Tax Code that many people feel is unfair, that many people and almost all of us know is very complex and is very costly to the individual to abide by.

So what we were trying to do here and we were successful in the bill but we were not successful with the President's signature was to establish a standard deduction that is equal and fair to each individual, whether they are single or whether they are married.

A single person has a $4,400 deduction. We were creating a $8,800 deduction for a married couple rather than current law that is about $7,300.

We were taking the approach that the first dollars earned as adjusted gross income, whether it be single or whether an individual or a couple be filing as a married couple, that the first dollars earned would be subject to the 15-percent tax rate. For a single individual, the first $26,000 would be subject to the 15-percent rate. And I am using round numbers. For a couple, the first $52,000 would be subject to the 15-percent bracket.

Equal. Fairness. There is nothing wrong with that. And why those who do not support that or why the President did not support that I do not know. I know the excuses, but I do not know the reasons. The excuses were that we are helping the rich, we are helping those no matter what their income level.

What we were doing was establishing fairness on the bottom rung of the ladder. And as they climb the ladder of income, they climb the ladder of progressive tax rates, marginal rates. We have five marginal rates, 15 percent being the lowest. Then it goes to 28 and to 31 and to 34 and to 39.6. And then, as they reach that plateau, they begin to itemize. They even lose their itemized deductions based on their income.

I regret that we have opposition to this bill that supports a measure that would actually prohibit the itemized deduction of homeownership. We should encourage homeownership. That is part of the American dream is to own a home.

We should encourage people to save. Part of these reductions and part of letting people keep more of their earned income could lead to the possibility that some of them would save. Some of them may even put it into a savings account for their children for education purposes.

Lastly, Mr. Speaker, we should encourage marriage. Marriage. When we have a tax code that discourages it, that is wrong.

So I ask my colleagues to swallow the pride of supporting a President who does not quite understand the measures of this bill and support the American people, whether they be single or whether they be married.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield 1½ minutes to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, through the first 11 months of this fiscal year, our Nation ran a $12 billion surplus. That is available for every American to read. It is a published report of the Bureau of Public Debt. So there is no surplus. The only surplus is in the trust funds.

□ 1145

For the past 4 years, for 3 of those 4 years, I have heard the same Congress that controls the purse strings tell our veterans, the very people who gave us the opportunity to even have this debate, that their budget is frozen, for 3 of the past 4 years. In 1994, the last year that the Democrats controlled Congress, there were 404 ships in the United States Navy. After 6 years of Republican control, we are down to 315. Why? Because there is no money. Well, if there is no money for the veterans, if there is no money for the survivors' benefit pension offset, if there is no money for dual compensation for people who are crippled while they become military retirees, why is it that we can afford to give away $200 billion to people who already get a tax benefit the day they get married?

The Democrat plan would free up those $200 billion to take care of our veterans, to take care of our military retirees, to build the United States Navy back up. It is now the smallest it has been since 1933, while the Republicans controlled both Houses of Congress.

Those are my priorities; and, quite frankly, I am not going to steal it from the Social Security trust fund. I am not going to steal it from the military retirees trust fund. I am not going to steal from it the Medicare trust fund, and I am not going to stick my children with my bills.

Mr. COLLINS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Mississippi (Mr. TAYLOR) makes some very well-phrased comments. Neither are we going to steal it from Social Security or from Medicare or from any trust fund; but what we have done, in the appropriation process, is to increase funding in all levels that he has spoken of so that we can honor the promises we made to our veterans and so that we can replenish the funding needed for our defense.

He mentioned there is no surplus. Mr. Speaker, we have a positive cash flow, though, and this positive cash flow is real.

I went into business at the age of 18, and at the age of 18 I went into debt. Mr. Speaker, I am still in debt; and I do not have enough funds in my account to pay all of my debt, but what do I have to do? I have a positive cash flow that allows me to meet my obligations, and through the years I have had positive cash flow in some years and not in others; but those years that I did, I was able to give myself a little bonus, and what we are talking about here with this positive cash flow is leaving some of it as a bonus for those who earned it and paid it into the Government, paid into the Treasury, a positive cash flow, one that can be used to meet our obligations and one that can be used also to give relief and a bonus to our people across this country.

Mr. Speaker, I yield 2 minutes to the gentleman from South Dakota (Mr. THUNE).

Mr. THUNE. Mr. Speaker, I thank the gentleman from Georgia (Mr. COLLINS) for yielding me this time.

Mr. Speaker, let me just say I agree with the gentleman from Mississippi (Mr. TAYLOR) about the priorities he noted, which is why we are increasing in record levels VA health care funding and we are increasing our spending on military readiness, which is something that is long overdue; but that is a debate for another day.

What we are here to talk about today is the marriage penalty, which I think is a no brainer. I cannot believe that we have to debate this thing. We have 75,000 married couples in South Dakota who pay higher taxes because they choose to say "I do." These are regular working people.

I will give an example of just what I am talking about. There is a young couple that came into my office. The husband makes $46,000 a year. The wife makes $21,000 a year. They are married. They are in their early thirties and they have two young children under the age of 4.

Last year, they paid $1,953 more for the price of being married. That is wrong, and anyone can see how unfair this is. These people are not rich. They do not drive fancy cars and take glamorous vacations. They have to make car payments and mortgage payments every month. They have to pay doctor bills when one of the kids has an earache and they have to pay for day care.

This is common sense tax relief for working South Dakotans and for working Americans, and I hope all Members of this House can see the value of this legislation and the message it sends to the American people and the people of this Nation that we value marriage, we encourage marriage, we do not want to penalize people because they choose to get married. We need to repeal this law and stop punishing married couples in this country for having made a commitment to each other. Overriding this veto and repealing the marriage penalty and the tax law is the right thing to do for this country.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, it is interesting how quickly we dismiss the statements of the gentleman from Mississippi (Mr. TAYLOR) regarding the trust funds and the desire of many of us to change the manner in which we have been addressing the trust funds. Today, again, we have a simple question; and I have a simple question to pose. If one believes that providing a tax cut as large as possible is more important than eliminating the national debt and protecting Social Security and Medicare, then vote to override the veto of this bill. However, if one agrees that eliminating the national debt and protecting Social Security and Medicare is more important than any new spending or tax cuts, then vote to sustain the veto.

I am for marriage penalty relief. We could come to this floor this afternoon and in very short order develop a fiscally responsible compromise which would bring meaningful support and tax equity to millions of Americans. Sadly, we choose this morning to continue a charade.

I continue to be amazed at the level of inconsistency in the leadership of this House reflected from one message of the day to the next. On one day this House loves to congratulate itself on its commitment to debt reduction. The next day it is tax relief for small businesses. Another day we swear our support for lockboxes for Social Security and Medicare and then we promise huge tax cuts not only for middle- and low-income married couples but we also sneak in wider tax brackets to benefit the higher-income folk.

Now, I think most of these are worthy and, in fact, should be among our highest priorities; but it is just not possible to have ten different number one priorities. It takes leadership. The Blue Dogs looked at the whole picture early this year and realistically balanced each concern with the other. We decided that our number one priority should be eliminating our national debt so that we can meet our commitments to Social Security and Medicare in the future. We should talk about tax cuts after we have agreed on a long-term plan to set aside enough of the surpluses over the next 10 years to eliminate the debt and deal with the challenges facing Social Security and Medicare.

I would congratulate my colleagues from the other side of the aisle for coming around to the Blue Dog position on debt reduction, at least in their rhetoric yesterday. Unfortunately, the leadership's conversion to the cause of debt reduction appears to have been a short-term plan of convenience and not a serious long-term commitment to paying off the debt. The fact that we are voting today on this fiscally inconsistent tax cut makes me seriously doubt the seriousness of the Republican leadership's rhetoric about debt reduction.

If the leadership of this House were serious about debt reduction yesterday, they would not be coming to the floor today with this override. We should be working on a fiscally responsible tax cut. I urge my colleagues to vote to sustain the veto so we can get to work on a fiscally responsible marriage tax penalty relief.

Mr. COLLINS. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. Mr. Speaker, there has been a lot of talk this fall about who is for the powerful and who is for the people, and I have a populist thread that runs deep to my core and most folks know I come right from the center of this floor, from this body to the microphone to speak from time to time; and I have to say that this is where the rubber meets the road because this is a people's issue. This is a populist issue. It is about average people, 110,000 of them in my district. They will pay $1,400 per couple less in taxes. Since they are married, they should not be taxed unfairly.

This is where the people are heard. This is an issue where the rubber meets the road. I clearly believe we are on the side of the people here on repealing the marriage tax penalty. Our Tax Code is too complicated. That debate is for another day, but we have to come back to that. It is also unfair. This tax is unfair. We need to eliminate it. This is where the rubber meets the road.

There was a comment about protecting Social Security. My side, for 2 years, has kept us out of Social Security. That is a success. We deserve the credit for that. There is no question that we pushed the envelope there and we stayed out of Social Security. We are now talking about what do we do about staying out of Social Security and giving the people some of their money back. We hear targeted tax cuts. This is targeted for couples who are married. What better way to target tax cuts than to people who are married? My goodness, my goodness, there should not be any question about this.

This is a people's issue, and on this one we are on their side. We are doing what the people need, married couples, low income, middle income, all folks, married couples. What better way to target tax relief. Vote to override the President's veto. Vote with the majority side here. Vote for the people and repeal and override the marriage tax veto.

Mr. RANGEL. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman from New York (Mr. RANGEL), the distinguished ranking member, for yielding me this time.

Mr. Speaker, as one who celebrated her 37th wedding anniversary last week, I certainly do not support marriage penalty, but I do support the Democratic alternative and urge my colleagues to sustain the veto and congratulate the distinguished ranking member for his extraordinary leadership on this.

Mr. Speaker, we all agree that couples should not be penalized by the tax code when they decide to marry. That is not the issue. The problem with the Republican marriage penalty bill is that its tax cuts go well beyond marriage penalty relief by widening the tax brackets of higher income tax payers. Half of the relief in the Republican proposal goes to people who do not pay any marriage penalty today. As a result, their proposal costs an astounding $182 billion over the next ten years, consuming nearly one-fourth of the surplus.

Such substantial costs will leave less money to strengthen Social Security and Medicare, provide a prescription drug benefit to seniors, pay down the national debt, and provide other essential government services. I support President Clinton's veto of this fiscally irresponsible Republican proposal because enacting a tax cut that reduces our ability to address these important priorities will harm families, businesses and communities across the country.

Democrats have a sensible alternative that costs almost half as much as the Republican bill, while still providing marriage penalty tax relief to a majority of Americans. The Administration has indicated that President Clinton would sign the Democratic alternative if it came to his desk. Marriage penalty relief could be signed into law right now if the Republican leadership would support this alternative.

Despite what Republicans claim, Democrats do not oppose tax cuts, and we have not opposed marriage penalty relief. However, we do emphasize the importance of both fairness and fiscal responsibility when providing tax relief. Fairness that ensures family security and fiscal responsibility that protects our nation's priorities. I urge my colleagues to vote no on the override of President Clinton's veto.

Mr. RANGEL. Mr. Speaker, I yield the balance of our time to the gentleman from Missouri (Mr. GEPHARDT), our distinguished minority leader.

Mr. GEPHARDT. Mr. Speaker, I rise to support the ending of the marriage penalty, to say that the Democratic alternative did that for people that actually have a marriage penalty, and our problem with this bill is that it extends about 60 percent of its benefits to people that earn above the middle class and have many more means than the middle class and, frankly, do not have a marriage penalty.

Our problem with the bill, and the President's problem with the bill, and the reason the bill was vetoed, is that it goes ahead and does a lot of things that have nothing to do with the marriage penalty.

We are all for getting rid of the marriage penalty. For about $100 billion over 10 years, we could do that for the people that have a problem. We could be carrying on a discussion today about a bill that the President would sign that would end the marriage penalty, but that is not what was chosen to do. So we are wasting time today, again, working on a bill that has been vetoed that will never see the light of day. I go door to door in my district; I went door to door last weekend and people talked to me about all kinds of issues, prescription medicine and Medicare, a Patients' Bill of Rights, helping public education and trying to get smaller classroom sizes.

And they talk about tax relief; but they want tax relief that is affordable, reasonable, feasible, and is targeted at the people that really need it. They do not think we need tax relief for people that earn $130,000, $150,000, $200,000 a year. They earn $30,000 a year or $40,000 a year; and they would like the tax relief limited and targeted at them. They also want us to save the vast majority of the surplus to pay down the debt and to take care of Social Security and Medicare.

Now yesterday in a meeting in the White House, the Speaker and other Members of the Republican leadership came in with a new budget, and the new budget is that we are going to save 90 percent of the unified surplus to pay down the debt. Now, there are two problems with this. One, we are back to the unified surplus. I thought we were putting Social Security in a lockbox. If we are exposing the unified surplus to some new goal setting, 90/10, it could mean that in some years we would enter the lockbox and start spending Social Security money.

□ 1200

I cannot imagine that we would want to do that.

The second thing is, here we are on the floor today spending an hour trying to override a veto on a $300 billion tax cut. If you add up all the tax cuts that the leadership has brought to the floor and passed, you are well above 10 percent of the surplus. So the action today is inconsistent with the theory that was propounded just yesterday. We want to do these bills.

I say to my friends on the other side, let us stop the posturing. Let us stop the putting out bills that are not going anywhere. People in your districts and in mine want us to do something now, this year, to end the marriage penalty. We can do the marriage penalty before these next 3 or 4 weeks are up, if we will only target it at the people that actually have a marriage penalty.

Mr. Speaker, I urge Members to vote to sustain this veto. Let us sit down in a spirit of bipartisanship and let us get the job done for the American people.

Mr. COLLINS. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. SAM JOHNSON).

Mr. SAM JOHNSON of Texas. Mr. Speaker, I want to assert that our families need some help in America, and this is the way to give it to them.

For a third time President Clinton and Vice President GORE have vetoed a bill to eliminate the marriage penalty tax because they say it is risky.

My question is: What is risky about helping married couples keep more of their own money.

Marriage is a cherished institution in America and we should promote it, not discourage it.

Right now, married couples pay more in taxes than two single people living together. That's just not right. Washington must stop penalizing the cornerstone of our society—the American family.

We should encourage marriage—not penalize it.

In my district alone, this bill would end the marriage penalty for over 150,000 Americans.

Mr. Clinton and Mr. GORE should stop playing election year politics. This bill is just too important.

A vote to override the President's veto is a vote for American families.

Mr. COLLINS. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. DELAY), the Majority Whip.

Mr. DELAY. Mr. Speaker, I thank the gentleman from Georgia (Mr. COLLINS) for yielding the time to me.

Mr. Speaker, it is really fascinating at times how short people's memories are or the lack of sense of history. When the Republicans became the majority in 1995, we had 40 years of the Democrats control of this body. For 40 years, they ran up the debt on this country.

For 40 years, they had budgets as far as the eye could see that were going to run deficits and increase the debt on our children and grandchildren. When we came in, we told the American people that we would balance the budget, that we would give some tax relief, and we would start paying down on the debt.

We were told by this side of the aisle and Washington pundits and Washington media that that is impossible, we cannot balance the budget and cut taxes and pay down on the debt. I am very proud to stand before my colleagues and tell my colleagues that the budget is balanced, and it has been for a couple of years, that we stopped the raid on Social Security that was going on for 40 years.

They were taking the Social Security surplus and spending it on government programs. We did that last year. And we will do it again this year.

We stopped the raid on Medicare surplus. They were using that for big government programs. We have a big surplus, and for the last couple of years, we have actually not talked about it, we actually paid down over $350 billion on the public debt.

We started this year with a budget that said that now that we have this surplus, we have got to keep it out of the hands of the Washington spenders, and we need to return it to the American people, because they are the people that paid it and it is their money and they are overtaxed. That is the definition of a surplus.

We said that we would take, and I remind the minority leader, at that time we would take 85 percent of the surplus and pay down on the debt, and take other 15 percent and give some of that tax money back to the American people, and we do it in many ways. Repeal the death tax, well, the President vetoed that.

One of the most important reasons is why we are here today is to give some relief to married people, and there is a surplus, there is a $70 billion surplus. Not counting the Social Security surplus, we have a surplus that does not count the Social Security surplus or the Medicare surplus, and we can take 90 percent of that and pay down the debt.

The institution of marriage is the foundation of our communities and our government. Marriage is something that we ought to be honoring and we ought to be respecting. It is time to repeal the destructive immoral tax currently imposed on married couples, a tax that this administration refuses to lift.

The President had the opportunity to end this unfair tax earlier this summer, and with the stroke of a pen, he could have extended fairness to the millions of American families who are burdened by this tax. Unfortunately, the President placed a higher value on retaining Washington spending than he did on extending relief for struggling young families during the last vote on this issue.

A very strong bipartisan majority of the House embraced the simple common sense of ending a tax that discriminates against people starting families. All of us understand that when we tax something we get less of it. Why in the world would the Clinton administration retain a policy that forces married couples to pay a financial penalty? How can they call a family that is making $43,000 a year rich? Their definition of middle class is anybody that does not pay taxes.

Why do Democrats offer an alternative that says it is fine, we can take advantage of the marriage penalty tax and repeal it, but if we have a home and pay a mortgage or we itemize deductions, we do not get the benefit of repealing the marriage penalty.

The support in this House for ending the marriage penalty clearly shows that the American people want and need relief from that tax. A country founded on freedom should not maintain a Tax Code that arbitrarily places an extra burden on husbands and wives.

Mr. Speaker, I urge my colleagues and the President to support this effort and to end the unfair tax on married couples.

Mr. BLUMENAUER. Mr. Speaker, today's debate is supposedly about the marriage penalty, but like last week's debate on the estate tax, it is really about priorities and fiscal discipline.

It will never be possible to design a tax system that is perfect. Often people of good will disagree about objectives and interpretations. Most of the people I represent, however, and a majority of Americans want us to do the job right. They know we can do better. The President is correct in resisting a series of tax cuts that favor those who need help the least until there is at least equal attention to the plight of those who need our help the most.

There are some serious marriage penalties in the tax code and in other areas of federal law, but this bill would not fix them. Lower-income workers, who benefit from the Earned Income Tax Credit, face a sharp reduction in benefits when they marry. This bill does not begin to address that problem. Nor does it try to distinguish between the slightly less than half of America's couples who are affected by the marriage penalty and the other half, who receive a marriage benefit. This bill lowers taxes for many, while overlooking those who need our help the most.

This bill does nothing to ease a difficulty that fully 50 percent of families will face by 2010—the risk that using the child care and education credits will force them into the Alternative Minimum Tax. This is a very real problem, especially for larger families who simply will not get the tax relief they were promised.

These problems can all be fixed, and the cost would be lower than the unfocused proposal the President rightly vetoed. We could have tax relief for those who face the biggest problems, while still reserving funds to provide health insurance to some of America's 11 million uninsured children; to offer prescription drug coverage to the one-third of older Americans who have no insurance for this expense; and to pay down the national debt.

Mrs. MINK of Hawaii. Mr. Speaker, I will vote to override the President's veto of H.R. 4810, the Marriage Tax Penalty Relief Act.

Elimination of the marriage tax penalty has long been my priority. Some argue it is overly generous because it widens the 15 percent tax bracket for all married couples. I see nothing wrong with increasing the 15 percent bracket for married couples from the current income level of $43,850 to a level of $52,500. No one can claim that those couples are rich. Because our tax structure is progressive, obviously widening the income covered by the 15 percent will impact on all the upper income levels. The issue is whether the lowest tax bracket group should be increased.

I want the Republican and Democratic leadership to get together and work out a marriage tax bill that will be signed by the President. I voted for the Democratic proposal in July. The differences between the two proposals are not so wide that they cannot be bridged. My vote is meant to send a message that repeal of the marriage tax penalty is due. Eliminating one of the most unfair provisions of the tax code is long overdue. If increasing the lowest tax bracket make it too expensive, then let's compromise that, so it costs less. But let's pass the repeal of the marriage penalty.

Mr. BEREUTER. Mr. Speaker, this Member rises today to express his support to override the President's veto of H.R. 4810, the Marriage Penalty Tax Elimination Reconciliation Act. This bill will have a positive effect, in particular, on middle and lower income married couples.

At the outset, this Member would like to thank the distinguished Chairman of the House Ways and Means Committee from Texas (Mr. ARCHER), for introducing this legislation.

It is important to note that H.R. 4810 passed the House on July 20, 2000, by a vote of 271 to 156, with this Member's support. The Senate also passed the same reconciliation measure. In turn, the President vetoed H.R. 4810 on August 5, 2000.

While there are many reasons to support overriding the President's veto of H.R. 4810, this Member will enumerate two specific reasons. First, H.R. 4810 takes a significant step toward eliminating the current marriage penalty in the Internal Revenue Code. Second, H.R. 4810 follows the principle that the Federal income tax code should be marriage-neutral.

First, this legislation, H.R. 4810, will help eliminate the marriage penalty in the Internal Revenue Code in the following significant ways:

STANDARD DEDUCTION

It will increase the standard deduction for married couples who file jointly to double the standard deduction for singles beginning in 2001. For example, in 2000, the standard deduction equals $4,400 for single taxpayers but $7,350 for married couples who file jointly. If this legislation was effective in 2000, the standard deduction for married couples who file jointly would be $8,800 which would be double the standard deduction for single taxpayers.

THE 15-PERCENT TAX BRACKET

It will increase the amount of married couples' income (who file jointly) subject to the lowest 15 percent marginal tax rate to twice that of single taxpayers beginning in 2003, phased in over six years. Under the current tax law, the 15 percent bracket covers taxpayers with income up to $26,250 for singles and $43,850 for married couples who file jointly. If this legislation was effective in 2000, married couples would pay the 15 percent tax rate on their first $52,500 of taxable income, which would be double the aforementioned current income amount for singles.

Second, H.R. 4810 will help the Internal Revenue Code become more marriage-neutral. Currently, many married couples who file jointly pay more Federal income tax than they would as two unmarried singles. The Internal Revenue Code should not be a consideration when individuals discuss their future marital status.

Therefore, for these reasons, and many others, this Member urges his colleagues to vote to override the President's veto of H.R. 4810, the Marriage Penalty Tax Elimination Reconciliation Act.

Mr. UDALL of Colorado. Mr. Speaker, when we considered this bill the first time, I voted for it—although I was very reluctant to do so—in the hope that the Senate would improve it sufficiently to make it acceptable.

However, that did not happen. So, I could not vote for the conference report on the bill and will not vote to override the President's veto.

I support ending the "marriage penalty," but my initial support for the Republican leadership's bill was reluctant because I though that bill was not the right way to achieve that goal. That was why I voted for the Democratic alternative, a measure that would not have been vetoed.

In some areas the Republican leadership's bill did too little, and in others it did too much. It did too little by not adjusting the Alternative Minimum Tax. That means it would have left many middle-income families unprotected from having most of the promised benefits of the bill taken away. The Democratic substitute would have adjusted the Alternative Minimum Tax. It did too much because it was not carefully targeted. It did not just apply to people who pay a penalty because they are married. Instead, a large part of the total benefits under the bill would have gone to married people whose taxes already are lower than they would be if they were single. In other words, a primary result would not be to lessen marriage "penalties" but to increase marriage "bonuses."

And, by going beyond what's needed to end marriage "penalties" the Republican leadership's bill as originally passed by the House would have gone too far in reducing the surplus funds that will be needed to bolster Social Security and Medicare.

Those were the reasons for my reluctance to vote for this bill. They were strong reasons. In fact, as I did then, if voting for the bill would have meant that it immediately would have become law, I would have voted against it. But I reluctantly voted for it because at that point the Senate still had a chance to improve it.

I was prepared to give the Republican leadership one last chance to correct the bill's deficiencies rather than simply to insist on sending it to the President for the promised veto. I hope that the Republican leadership would allow the bill to be improved to the point that it would merit becoming law—meaning that it would deserve the President's signature.

Unfortunately, they did not take advantage of that opportunity. Instead, they insisted on sending to the President a bill falling short of being appropriate for signature into law. I cannot support that approach.

The bill as sent to the President—the bill that is not before us again—is not identical to the original Republican bill as initially passed by the House. But it is still very poorly targeted. Half of this bill's tax relief would go to couples who are not affected by any marriage penalty at all—and overall the bill is still fatally flawed.

It seems clear that back in July the Republican leadership decided to insist on sending the President a bill he would veto, on a timetable based on their national nominating convention. If that was their desire, they have achieved it. I greatly regret that the Republican leaders decided to insist on confrontation with the President instead of seeking a workable compromise that would lead to a bill that the President could sign into law.

If the President's veto is upheld—and I think it will be—I hope that Members on both sides of the aisle will work to develop a bill that will appropriately address the real problem of the "marriage penalty" and that can be signed into law this year. Certainly, I am ready to join in their efforts.

Mr. BENTSEN. Mr. Speaker, I rise in opposition to the veto override of H.R. 4810. With just under fourteen legislative days remaining, we are poised to vote on a measure that will only provide tax relief to a small segment of Americans, at a cost of $292.5 billion over 10 years and at the expense of providing universal Medicare prescription drug benefits, strengthening Social Security and Medicare, and paying off the National debt during the 1980's and early 1990's. Mr. Speaker, this massive tax cut, like the Estate and Gift tax bill before it, puts our seniors and our fiscal security at risk.

H.R. 4810 is overly broad and benefits not only those subject to a penalty but also would confer tens of billions of dollars of "marriage penalty tax relief" on millions of married families that already receive marriage bonuses. Approximately half of the tax reductions from the bill's "marriage penalty relief provisions" would go to families that currently receive marriage bonuses. According to a recent Treasury Department study, roughly 48 percent of couples pay a marriage penalty and 42 percent get a marriage bonus under current tax law. Therefore, this bill, which will cost $292.5 billion over 10 years will provide a mere $149 in tax relief to the average family with income of less than $50,000. Further, once fully phased in, nearly 70 percent of the benefit will be enjoyed by couples earning more than $70,000 annually, even if they suffered no marriage penalty under existing law.

As I have said before, the most troubling aspect of H.R. 4810 might well be the plan's increase in the 15 percent bracket for married couples to twice the single level, phased in over six years. This one provision, which accounts for nearly 60 percent of the measure's cost, would provide no relief to the 61 percent of all married couples are already in the 15 percent bracket. Moreover, once H.R. 4810 is implemented, nearly half of American families with two or more children can expect to receive little, if any, tax relief because an increasing number of these families would be subject to new tax liability, under the Alternative Minimum Tax (AMT). As we all know, the AMT tax was designed to ensure that wealthy taxpayers could not avoid income taxes through excessive use of preferences such as credits and deductions. Mr. Speaker, surely the Republican Leadership does not see middle-class families with children as tax evaders.

Mr. Speaker, I urge my colleagues to abandon H.R. 4810 and join me in supporting the Rangel alternative. Offered during original consideration of this bill, the Rangel alternative would cost $89.1 billion over ten years and provides for real relief by increasing the standard deduction for married couples filing jointly to twice the level for single filers as well as an exemption from the AMT. The Rangel substitute adjusts the AMT in an attempt to ensure that the benefits of the standard deduction change would not be nullified. Further, it grants couples a $2,000 increase in the beginning and ending income phaseout levels for families claiming the Earned Income Tax Credit (EITC) in 2001 and a permanent $2,500 increase starting in 2002.

Unfortunately, with the House's rejection of the Rangel alternative, no legislation providing relief from the marriage penalty will be enacted this year. Moreover, the Republican Leadership, by scheduling this vote today, are telling us that they would rather have a political issue than working with Congressional Democrats to craft a bill that the President could sign to give an immediate targeted tax cut to middle-class American families. Mr. Speaker, let's not squander this opportunity to work together and act fast to bring about a targeted tax cut that relieves those who actually suffer a marriage penalty while maintaining our commitment to paying off the debt, providing a Medicare prescription drug benefit for seniors, and strengthening Social Security and Medicare.

Mr. POMEROY. Mr. Speaker, I rise in opposition to the motion to override the President's veto of H.R. 4810, a bill that purportedly addresses the marriage penalty but in fact misses the mark.

I strongly support marriage penalty relief. In my view, the tax code should not penalize couples because they choose to get married. That is why I have repeatedly voted for tax cuts to alleviate the marriage penalty for hard working families.

Unfortunately, the bill vetoed by the President was inflated to nearly $300 billion with about half the total tax benefit going to high income earners who do not even pay the penalty. As a consequence, the vetoed bill would crowd out our ability to enact other tax cuts for working families, to pay down the national debt, and to strengthen Social Security and Medicare. We can eliminate the marriage penalty without jeopardizing these other important priorities.

This override vote need not and should not be the last word on marriage penalty relief this Congress. Members of both parties have offered proposals to address the marriage penalty and there are clearly grounds for compromise. The Republican presidential candidate, for example, has offered a targeted marriage penalty proposal that would restore the 10 percent deduction for two-earner families—a far different approach from the vetoed bill. The distinguished ranking member of the Senate Finance Committee, Senator MOYNIHAN, sponsored legislation that provides more relief from the marriage penalty than any other proposal offered this year by allowing couples to choose whether to file jointly or as individuals.

In the spirit of compromise, today I am introducing the House companion to the Moynihan amendment. Under my bill, couples who currently pay more in taxes because they're married would have the choice to file as individuals, eliminating the marriage penalty. My bill is simpler, provides more marriage penalty relief, and is more fiscally responsible than the vetoed bill.

The one-half of all married couples in this country who pay the marriage penalty deserve our best efforts to reach a compromise. They gain nothing from political posturing and override motions that will inevitably fail. These couples deserve to have a bill enacted this year. We can deliver that tax relief, and I hope the legislation I introduce today can serve as a starting point for how we can address the marriage penalty and protect other key national priorities.

I urge my colleagues to oppose the motion.

Mr. SMITH of Texas. Mr. Speaker, I rise today to urge my colleagues to vote to override the President's marriage penalty veto.

Last February, this House passed the Marriage Tax Penalty Relief Act of 1999, with 51 Democrats crossing over to vote with the Republican majority.

In August, President Clinton vetoed the bill. Today, the House has the opportunity to vote to override the President's veto.

According to the Congressional Budget Office, 25 million couples every year pay an average of $1,400 in higher taxes simply because they are married. That's enough for their children's collect expenses or a down payment on a family car.

Here's how the discrimination works: A single taxpayer earning $30,000 annually pays $3,000 in federal taxes. But if two taxpayers earning $30,000 each marry, they owe $8,400 in federal taxes—40 percent more than the $6,000 they paid when they were single.

There is no justification for making families pay higher tax rates than single Americans. In my own district of Texas, about 66,000 married couples would benefit from the bill.

Raising a family is difficult enough. The federal government should not add to that burden with unfair taxes. That's why I support the House's override of the President's marriage penalty veto.

Mr. KIND. Mr. Speaker, I rise today in opposition to H.R. 4810, the Marriage Tax Penalty Relief Act.

Last year, leadership tried to enact a $792 billion tax cut bill that would have seriously endangered efforts to strengthen Social Security and Medicare, pay down the $5.7 trillion debt and invest in important priorities such as education and a prescription drug benefit for all seniors. The American people soundly rejected this fiscally irresponsible plan.

This year nothing has changed except House leadership has broken apart their big tax bill into smaller pieces. So far, the leadership tax agenda adds up to more than $748 billion over 10 years. This amount is nearly the same as the large irresponsible tax bill rejected last year. The Marriage Tax Penalty Relief bill passed by the House and the Senate and vetoed by the President is, once again, just another vehicle for leadership to push through their tax cuts, at the cost of $280 billion over ten years if its provisions remain permanent, while providing nothing for hard working families.

While I support tax relief for those couples who are penalized, I do not, however, support H.R. 4810. Most of the tax cut would go to couples that pay no marriage penalty at all, in fact they receive a marriage bonus. That is why I supported the substitute originally offered by Representative RANGEL, which was fairer and more fiscally responsible. In fact, two-thirds of America's couples would get the same tax cut under the alternative bill, as they would under H.R. 4810. It would have eliminated the marriage tax penalty by increasing the basic standard deduction for a married couple filing a joint income tax return to twice the basic standard deduction for an unmarried individual, but it would not have further exacerbated the current inequities in the Tax Code by providing a large tax act windfall to couples receiving a marriage bonus, that is, paying less in taxes because they are married than they would if they were single.

Although the President vetoed H.R. 4810 in August, leadership has insisted upon using the short period of time that remains in the 106th Congress to vote on this bill again, knowing that it will not be enacted into law as currently drafted. If leadership was serious about providing relief to married couples who incur a penalty, they would have worked for a truly bipartisan bill that all Members of Congress could have supported and the President would have signed into law. From the beginning leadership proved they were not serious about tax relief when they broke their own budget rules by first bringing up their bill in February, long before they passed a budget resolution. Their timing was purely for show, they wanted to provide tax cuts for married couples on Valentine's day. Further, they never bothered to schedule bipartisan meetings to discuss their bill, they never held a House-Senate Conference meeting, and leadership drafted the final bill behind closed doors.

Our current strong economy has begun producing surplus federal revenues, and, as you might imagine, there is no shortage of ideas for "using" the surplus. I am in favor of providing relief for those couples who are penalized by the marriage tax and I hope we can still reach a compromise on tax relief. Unfortunately, this tax relief would have made it more difficult to meet our nation's existing obligations; such as paying off our $5.7 trillion debt, protecting Social Security, modernizing Medicare by offering a prescription drug benefit, and investing in our children's education. Surplus funds allow us to pay down the principal on this burdensome debt, thus reducing the annual interest payments which amount to approximately $250 billion annually. In fact, Federal Reserve Chairman Alan Greenspan stated, that "ongoing progress to pay off the national debt is an extraordinarily effective force in this economy," and that our first priority should be to continue to rack up annual surpluses.

Mr. Speaker, we can have tax cuts this year, but they should be the right ones, targeted at those who are currently penalized by the marriage tax. I urge all my colleagues to oppose the Marriage Penalty Tax Relief bill and sustain the President's veto of the Marriage Penalty Tax Relief Act. Then let's get back together to pass a reasonable compromise that recognizes our obligations to pay off the national debt, strengthen Social Security, modernize Medicare and invest in our children.

VACATING THE ORDERING OF YEAS AND NAYS ON HOUSE RESOLUTION 572, SENSE OF HOUSE REGARDING UNITED STATES-INDIA RELATIONS

Mr. COLLINS. Mr. Speaker, I ask unanimous consent to vacate the ordering of the yeas and nays on the motion to suspend the rules and adopt H. Res. 572.

The SPEAKER pro tempore (Mr. OSE). Without objection, the order for the yeas and nays on the cited motion is vacated and, pursuant to the earlier vote by voice, the rules are suspended, the resolution is agreed to, and without objection, a motion to reconsider is laid on the table.

There was no objection.

PARLIAMENTARY INQUIRY

Mr. TAYLOR of Mississippi. Mr. Speaker, a preliminary inquiry. Mr. Speaker, my parliamentary inquiry is how would I have this document from the Bureau of Public Debt published on June 30, 2000, how would I have this document that shows the public debt increasing by $40 billion inserted at the RECORD at this appropriate time?

Mr. COLLINS. Mr. Speaker, regular order.

Mr. SAM JOHNSON of Texas. Mr. Speaker, regular order.

The SPEAKER pro tempore. The gentleman from Mississippi (Mr. TAYLOR) could ask for unanimous consent to submit the document for the RECORD.

Mr. TAYLOR of Mississippi. Mr. Speaker, I ask unanimous consent for a publication of the Treasury Department to be inserted in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

Mr. COLLINS. Mr. Speaker, will the gentleman repeat the unanimous consent request?

The SPEAKER pro tempore. The gentleman's unanimous consent needs to be repeated.

Mr. TAYLOR of Mississippi. Mr. Speaker, I ask unanimous consent that the Treasury report of June 30, 2000 that shows that the public debt has increased by $40 billion in the past 12 months be inserted at the RECORD at this point.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

Mr. COLLINS. Mr. Speaker, reserving the right to object, the documents that the gentleman referred to are already public records, so, therefore, I object.

The SPEAKER pro tempore. The gentleman from Georgia objects.

Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

Under the Constitution, this vote must be determined by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 270, nays 158, not voting 6, as follows:

[Roll No. 466]

YEAS—270

Aderholt
Archer
Armey
Bachus
Baird
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Berkley
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Castle
Chabot
Chambliss
Chenoweth-Hage
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
Martinez
Mascara
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Metcalf
Mica
Miller (FL)
Miller, Gary
Mink
Moore
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Pascrell
Paul
Pease
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Spratt
Stabenow
Stearns
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Young (AK)
Young (FL)

NAYS—158

Abercrombie
Ackerman
Allen
Andrews
Baca
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Blagojevich
Blumenauer
Bonior
Borski
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capuano
Cardin
Carson
Clay
Clayton
Clyburn
Conyers
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)

Rahall
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Scott
Serrano
Sherman
Slaughter
Snyder
Stark
Stenholm
Strickland
Tanner
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wynn

NOT VOTING—6

Engel
Eshoo
Gilchrest
Owens
Vento
Weygand

□ 1231

Mrs. JONES of Ohio, Mr. MENENDEZ and Mr. HINCHEY changed their vote from "yea" to "nay."

Mrs. EMERSON changed her vote from "nay" to "yea."

So, two-thirds not having voted in favor thereof, the veto of the President was sustained and the bill was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LAHOOD). The message is referred to the Committee on Ways and Means.

The Clerk will notify the Senate of the action of the House.

□ 1234

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed on Tuesday, September 12, 2000 in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 4986, de novo;

H.R. 4892, by the yeas and nays;

and H. Con. Res. 327, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

FSC REPEAL AND EXTRA-TERRITORIAL INCOME EXCLUSION ACT OF 2000

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 4986, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. ARCHER) that the House suspend the rules and pass the bill, H.R. 4986, as amended.

The question was taken.

RECORDED VOTE

Mr. STARK. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 315, noes 109, answered "present" 1, not voting 8, as follows:

[Roll No. 467]

AYES—315

Ackerman
Aderholt
Archer
Armey
Baca
Bachus
Baird
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capps
Cardin
Carson
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cooksey
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLauro
DeLay
DeMint
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Dunn
Ehrlich
English
Etheridge
Everett
Ewing
Fattah
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gillmor
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Horn
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inslee
Isakson
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kasich
Kelly
Kennedy
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Largent
Larson
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Manzullo
Martinez
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McDermott
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meeks (NY)
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Pastor
Pease
Pelosi
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rodriguez
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Scarborough
Schaffer
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Tiahrt
Toomey
Towns
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—109

Abercrombie
Allen
Andrews
Baldacci
Baldwin
Barcia
Barrett (WI)
Berry
Bilbray
Blagojevich
Bonior
Brown (FL)
Brown (OH)
Burton
Cannon
Capuano
Castle
Chabot
Chenoweth-Hage
Conyers
Cook
Costello
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
Deutsch
Doggett
Duncan
Edwards
Ehlers
Emerson
Evans
Farr
Filner
Ford
Frank (MA)
Ganske
Gilman
Green (TX)
Gutierrez
Hansen
Hastings (FL)
Hinchey
Holt
Hooley
Hostettler
Hunter
Jackson (IL)
Jackson-Lee (TX)
Kaptur
Kildee
Klink
Kucinich
Lantos
Lee
Lewis (GA)
Lipinski
LoBiondo
Luther
Maloney (CT)
Maloney (NY)
Markey
McCarthy (MO)
McGovern
McKinney
Meehan
Meek (FL)
Menendez
Miller, George
Mink
Moakley
Nadler
Oberstar
Obey
Olver
Pallone
Pascrell
Payne
Peterson (MN)
Phelps
Rahall
Rivers
Roemer
Rothman
Roybal-Allard
Rush
Sanders
Saxton
Schakowsky
Serrano
Shows
Slaughter
Stark
Strickland
Taylor (MS)
Thurman
Tierney
Traficant
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Woolsey

ANSWERED "PRESENT"—1

Paul

NOT VOTING—8

Engel
Eshoo
Gilchrest
Lazio
Owens
Vento
Weygand
Wise

□ 1253

Messrs. CUMMINGS, BLAGOJEVICH, and CONYERS, Mrs. MEEK of Florida, Mr. BURTON of Indiana, Ms. JACKSON-LEE of Texas, and Messrs. SERRANO, PASCRELL, GILMAN, WAXMAN, and BARCIA changed their vote from "aye" to "no".

Mrs. JONES of Ohio and Mr. ENGLISH changed their vote from "no" to "aye."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on each additional motion to suspend the rules on which the Chair has postponed further consideration.

SCOUTING FOR ALL ACT

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 4892.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arkansas (Mr. HUTCHINSON) that the House suspend the rules and pass the bill, H.R. 4892, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 12, nays 362, answered "present" 51, not voting 8, as follows:

[Roll No. 468]

YEAS—12

Ackerman
Davis (IL)
Deutsch
Greenwood
Hastings (FL)
Kennedy
Lee
McKinney
Roybal-Allard
Stark
Wexler
Woolsey

NAYS—362

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeLauro
DeLay
DeMint
Diaz-Balart
Dickey
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Etheridge
Evans
Everett
Ewing
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Largent
Larson
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Mollohan
Moore
Moran (KS)
Murtha
Myrick
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Paul
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wise
Wolf
Wynn
Young (AK)
Young (FL)

ANSWERED "PRESENT"—51

Baldwin
Barrett (WI)
Becerra
Capuano
Carson
Clay
Conyers
DeGette
Delahunt
Dixon
Farr
Frank (MA)
Gutierrez
Hilliard
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Lantos
Lofgren
Lowey
Maloney (NY)
Markey
Matsui
McDermott
McGovern
Meehan
Meeks (NY)
Miller, George
Moakley
Moran (VA)
Morella
Nadler
Neal
Olver
Pastor
Pelosi
Rangel
Rivers
Rush
Sabo
Sanchez
Schakowsky
Serrano
Sherman
Thompson (CA)
Tierney
Velazquez
Waters
Waxman
Weiner
Wu

NOT VOTING—8

Engel
Eshoo
Gilchrest
Hall (OH)
Lazlo
Owens
Vento
Weygand

□ 1305

Mr. SERRANO changed his vote from "yea" to "present".

Mr. DEUTSCH changed his vote from "nay" to "yea".

Messrs. WEXLER, ACKERMAN, HASTINGS of Florida and DAVIS of Illinois changed their vote from "present" to "yea".

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. GREENWOOD. Mr. Speaker, on rollcall No. 468 I inadvertently pressed the "yea" button. I meant to vote "nay."

HONORING THE SERVICE AND SACRIFICE OF THE UNITED STATES MERCHANT MARINE

The SPEAKER pro tempore (Mr. LAHOOD). The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 327.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. KUYKENDALL) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 327, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 0, not voting 15, as follows:

[Roll No. 469]

YEAS—418

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle

Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—15

Bilbray
Coburn
Doolittle
Engel
Eshoo
Gilchrest
Hutchinson
Lazio
Neal
Owens
Rush
Smith (MI)
Vento
Waters
Weygand

☐ 1313

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXPLANATION REGARDING ROLE IN BOY SCOUTS OF AMERICA

(Mr. PEASE asked and was given permission to address the House for 1 minute.)

Mr. PEASE. Mr. Speaker, since 1993, I have served as a member of the Advisory Council of the National Council of the Boy Scouts of America. In this role I am a volunteer advisor to the Boy Scouts and its national governing organization.

☐ 1315

I receive no compensation for my service in this role, and am not reimbursed for expenses incurred in fulfilling the duties of the position.

MOTION TO INSTRUCT CONFEREES ON H.R. 4205, FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

Mr. GRAHAM. Mr. Speaker, pursuant to clause 7 of rule XX, I offer a motion to instruct conferees.

The SPEAKER pro tempore (Mr. LAHOOD). The Clerk will report the motion.

The Clerk read as follows:

> Mr. GRAHAM moves to instruct conferees on the part of the House that the conferees on the part of the House on the disagreeing votes of the two Houses on the bill, H.R. 4205, be instructed not to agree to provisions which—
>
> (1) fail to recognize that the fourteenth amendment to the Constitution guarantees all persons equal protection under the law; and
>
> (2) deny equal protection under the law by conditioning prosecution of certain offenses on the race, color, religion, national origin, gender, sexual orientation, or disability of the victim; and
>
> (3) preclude a person convicted of murder from being sentenced to death.

The SPEAKER pro tempore. Under the rule, the gentleman from South Carolina (Mr. GRAHAM) and the gentleman from Michigan (Mr. CONYERS) each will be recognized for 30 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. GRAHAM).

Mr. GRAHAM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the topic that we are addressing today in the motion to instruct conferees on the DOD bill involves an effort made by Senator KENNEDY in the Senate to attach Federal hate crimes legislation to a bill in the Senate. This issue is now before the House. It is before America.

To Senator KENNEDY's credit and to the gentleman from Massachusetts (Mr. FRANK), I would think it is fair, I hope he does not take offense, Senator KENNEDY is one of the last liberal lions. He has roared loudly and he has fought for his position and he was successful in the Senate.

As to my motion to instruct conferees on this matter, I hope people who agree with my position will also raise their voice loudly because it is an honest debate long overdue about exactly what we need to be doing in America when it comes time to punish people and what role the Federal Government has.

There has been a huge departure in the law of the land to the Kennedy amendment. Federal jurisdiction is now available through the Attorney General of the United States in almost every act of criminal violence that may exist in the country if in the mind of the perpetrator and the status of the victim certain people are involved.

I hope we will reject this way of thinking. I hope we will, as a Nation, prosecute vigorously those who with intent, malice aforethought, through the violation of existing State law, hurt human beings in general and that there is no need, objectively speaking, politically speaking, to have a Federal crime that only applies based on the hate of the perpetrator and the status of the victim.

This legislation has a four-part test that would allow the Attorney General to invoke a Federal statute that does not exist today, and the last prong is the Federal interest and hate crime eradication is insufficiently served by a State prosecution. That is all encompassing. That means whatever the Attorney General wants it to mean.

I stand before the House and the country saying that we in America have laws at the State level that apply to everyone. I do not know of any law in this country by any State or any jurisdiction that says we can hurt certain people because of their race, religion, or sexual orientation. That is not a defense. That is not a problem that we are having to deal with in this country.

This is an effort, I believe, to give Federal jurisdiction to expand the role of the Federal Government in a way that will ultimately divide Americans.

The Columbine High School case is a case in point. Two obviously hateful, disturbed young men took it upon themselves to do tremendous violence and damage and murder. Their motives vary. They killed some people because they were jocks. They killed other people because they did not like them personally. They killed some people because of their race. They were twisted minds. They brought a lot of pain and heartache and suffering to many families.

My motion to instruct says simply this, prosecute people not for their motives but for their actions.

Motives are important. They have to intend to kill. If they tie someone to the back of a truck in Texas and they drag them to their death, I do not care why they did it, if they intended to do it, they deserve the fullest and swiftest punishment available.

The Kennedy amendment allows the Federal Government to pick and choose based on the status of the victim. In that case, an African American was dragged to his death because the people involved had hate in their heart. In the State of Texas, one is serving life and two of those folks involved are facing the death penalty. That to me is justice. And that can happen and has happened all over this country.

Using the model that Senator KENNEDY has put forward, eight murders would fall in the classification of hate crimes, nine of the thousand rapes. I would argue to the Members of this House that every rape is a hate crime.

Before I came to this body, I was a prosecutor in the civilian world in the Air Force; and I will assure my colleagues that every woman that has been violated and is forcibly raped, the man involved hated that woman, and I do not care to know any more other than, without their consent, they did a great violence to their body.

In the Texas case, here is what could happen if this law that Senator KENNEDY has proposed goes forward and if we agree to it today. There is an element of the Kennedy Federal legislation that is very curious and potentially very damaging. We are creating two statutes to deal with the same event. The Federal Government, under this legislation, because we are the Federal Government, would have the ability to prosecute the case first if it reached out and grabbed the case.

Let us use the case in Texas for instance. Under the legislation proposed by Senator KENNEDY and this House will be instructing conferees on, the death penalty is not authorized. That is a huge point. The basis of the Kennedy legislation deals with events that really are not real in substance. There are no mass ignoring bodily injure cases based on people's sexual orientation, race, gender, or religious background. That is not a problem in this country. And that is good news.

But here would be the problem if we adopted Senator KENNEDY's way of doing business. The Federal Government, by legal right, would have the ability to take that case over from the State courts, engage in the prosecution, spend the money, the time, and the effort, and the result would be in the Federal system that the two people facing Death Row punishment in Texas could not be sentenced to death under the Federal legislation. It changes the death penalty component of every murder statute in this country.

I want the Members to understand what they are voting on.

Let us talk about the politics for a moment. There are many people really worried about this vote. If I do not create a new Federal statute that would give the Attorney General the right to take over any case in the land when certain conditions are met based on the attitude and the motivation of the perpetrator, maybe people will think that I am a racist, that I am homophobic, that I have religious prejudice. Because that is the political dynamic going on here.

The question we need to ask as a Member of Congress is, do we trust our States to deal with situations where people are assaulted in general and specifically where race, religion, or sexual orientation is involved.

If we do, we do not need this legislation. The question we need to ask ourselves is, is there a legitimate reason other than the political dynamic being created for us to give the Federal Government power unknown in the history of our country to reach out and grab a case that could be prosecuted in the State court. I would argue not.

I would argue that what we need to do in this country is make sure that those people who hurt human beings, regardless of the motivation, receive the fullest punishment under the law, the full extent of punishment available.

The Kennedy proposal takes off the table the death penalty, and the chance of having two prosecutions is very remote because the Federal Government will go first and the only way the death penalty can be applied is to do a separate prosecution in State court. And if they have the desire and the willingness to do that to begin with, there is no need to remove it.

So I would argue very strongly to the Members of the House that this proposal does not address real problems in America that exist today, it is creating a whole new set of problems that this country cannot stand.

We are thinking of a million reasons to divide ourselves. We focus on our differences in this House in a political fashion that maybe goes overboard. But America needs to come together on the idea that we do not care why they engage in violence, we are going to punish them if they do. And every American should feel good about the idea that they are going to be judged based on their conduct and that their sexual orientation, their religious background, or their race is not going to create one statute for them and leave everybody else behind. That does not make a better America, and that does not address the problems of crimes.

Because the hate crime legislation that Senator KENNEDY proposed, the real area where the cases would be had is in the simple assault area, areas where people get in all kinds of conflicts and, under the theory of the statute, they could remove it. I would argue there is no need to do that.

The real danger here is that we are empowering the Federal Government to remove a case, whether it be the Columbine case or whether it be the Texas case with the gentleman behind the truck who was dragged to a violent death, and prosecute that case in a manner that would do great harm to serving ultimate justice within the jurisdiction where it happened.

Mr. Speaker, I hope that we will reject the political movement, the political cause of the day, and stand behind a simple concept that the Federal Government has a proper but limited role and that, when individual citizens choose to hurt their neighbors, hurt other citizens within their State, that the State has a chance to do swift and certain justice and that we not pass a Federal law that takes the death penalty in practicality off the table. This is not going to make America a better place.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am happy to join my distinguished colleague from the Committee on the Judiciary on this matter. He has three positions with which he asks that we be instructed not to agree. One and three are false, and two I disagree with.

First of all, it is not accurate to say in our bill that we preclude a person convicted of murder from being sentenced to death. While we do not have a death penalty, some States do. And so, wherever the State law applies, there would be a death penalty.

In our bill, we do not have one. And so, I do not see where that is very important.

He questions whether or not the Fourteenth Amendment, by guaranteeing all persons equal protection under the law, is a safeguard against the hate crimes bill. And that has no accuracy whatsoever.

And so, I am a little baffled by the motion to instruct because he seems to suggest that the bipartisan legislation that the Senate has passed somehow violates the equal protection of the laws and affects the Federal Government's administration of the death penalty. We do not appear to be discussing the same bill.

The Graham motion would instruct the conferees to reject provisions that fail to account for the fact that the Constitution guarantees all persons equal protection under the law. His motion is beside the point because his statement is, apparently, designed to create constitutional doubt where none exists.

The Congress' authority to create new penalties for violent crimes involving bodily injury if motivated because of race, color, religion, national origin, gender, sexual orientation, or even disability, does not depend on the equal protection clause of the Fourteenth Amendment.

☐ 1330

What it rests on is the undisputed authority of the 13th amendment and on the commerce clause itself. So my friend, the gentleman from South Carolina (Mr. GRAHAM), I guess is saying that by prohibiting hate crimes against individuals who have suffered historic discrimination on the basis of race and color or national origin or gender or sexual orientation or disability, that we are violating the constitutional rights of everyone else. Could that be what he is saying?

Well, if it is true, then I have to raise a question of whether he thinks that any statute that prohibits discrimination and violence on the basis of these categories also violate the 14th amendment. Should they be repealed? Should we repeal the existing Federal criminal hate crimes law already on the books since 1968, which prohibits the intentional interference, with the enjoyment of Federal rights and benefits on the basis of, again, the victim's race, religion, national origin, or color? Should we repeal the Church Arson Act which prohibits the intentional destruction of religious property because of race, color, or ethnic characteristics of individuals who worship there?

One cannot avoid race. These are the problems. One cannot avoid disability. One cannot avoid sexual orientation. Does the gentleman want to repeal the Civil Rights Act of 1964, which prohibits employment in public accommodations based on discrimination of race, color, religion, as usual? Do we want to repeal the Age Discrimination Employment Act of 1967? What about the Fair Housing Act of 1968, which prohibits housing discrimination on the basis, again, of the usual factors? Does he want to repeal the Americans with Disabilities Act of 1990? We just celebrated it for a decade of progress, which prohibits discrimination on the basis of disability; and the rest. It goes on and on and on.

So if this is a new historic challenge to raise a constitutional point that has never been thought of before, this is a great time to have that debate. If it turns out that the first instruction, part one, is not accurate, the second we disagree with, and the third is not accurate, then we should move quickly on to a motion to instruct the conferees on hate crimes that I have that will come up shortly.

Mr. Speaker, I reserve the balance of my time.

Mr. GRAHAM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to answer some of the questions asked. The answer is, no. I am not asking that this body or any body vote to repeal laws that make it unlawful to discriminate based on race, religion, the 14th amendment in general. What I am asking this body to do is not to create a Federal law that does that.

Here is the effect of it: if somebody kills me, that would bother my family. I do not know if it would bother a lot of other people, but it would bother my family. Somebody kills the gentleman from Michigan (Mr. CONYERS) and we let the motive of that person decide what to do, my family is out. That is the effect of this statute. The victims and the attitude of the perpetrator decide whether or not the Federal law applies.

Let me say what is going to happen throughout America if we pass this legislation as drafted. Criminal defense attorneys, pretty smart guys, pretty smart ladies. I have been one. I do not know if I was smart enough, but if I have somebody come in to my office and this statute exists that allows the Federal Government to engage in prosecution first, and I would argue exclusively because the effect of doing it twice is lost, that there is going to be a rise in hate crimes because the defendant is going to find the Federal niche that allows the case to go into the Federal system where there is no death penalty. That is what is going to happen here.

We are going to have people throughout the land manufacturing motives that give the benefit of a Federal statute that prohibits the death penalty because in the State where they live they could get the death penalty, and the chance of prosecuting these cases twice are almost zero from a practical point of view.

Mr. NADLER. Mr. Speaker, will the gentleman yield?

Mr. GRAHAM. I yield to the gentleman from New York.

Mr. NADLER. Mr. Speaker, I would say to the gentleman from South Carolina (Mr. GRAHAM), he just said that if we passed hate crimes legislation, defendants would opt for the Federal statute and so forth; but what the bill before the Senate that we are talking about, before the conference committee, I suppose, does is expand existing hate crimes legislation that has been on the books for 32 years three new categories: sexual orientation, gender, disability. It is already on the books. Has it had that effect?

Mr. GRAHAM. Reclaiming my time, the existing statute that deals with Federal prosecution of events like going to serve on a jury or going to vote is one thing where there is a clear Federal nexus. What this body needs to know that what has happened in the Senate is that the Federal nexus is nonexistent. It is every event in America now is subject to the Attorney General certifying under prong four that this is somehow a hate crime and the Federal Government preempts.

I am not asking that the statutes that exist be repealed that protect Americans at the Federal level from participating in guaranteed constitutional activities. I am saying that this allows the Federal Government, through prong four and through the whole intent of the legislation, to take any event, anywhere, any time, and make it a Federal case and the death penalty is taken off the table. That is not good for this country.

One, people are divided. I do not get the benefit of the statute in certain situations; some other person might. We are equally harmed. The State has the ability to take care of this.

If it is taken from the State and they are expected to prosecute the person for the death penalty later on, there was no need to take it from the State to begin with.

Mr. NADLER. Mr. Speaker, will the gentleman yield?

Mr. GRAHAM. I yield to the gentleman from New York.

Mr. NADLER. I would say to the gentleman from South Carolina (Mr. GRAHAM), the current statute is a hate crimes statute with respect to race, color, creed, national origin. That is the statute. The amendment would be sexual orientation, gender, disability.

Mr. GRAHAM. Reclaiming my time, the statute has a mechanism to create Federal jurisdiction, the current statute, that requires a Federal nexus.

The amendment has a four prong test and the final prong of that test is that Federal interest in hate crime eradication, according to the Attorney General, is insufficiently served by a State prosecution, which means there really is nothing more than the opinion of the Attorney General determining whether or not there is State or Federal jurisdiction.

This is the expansion that I am talking about, not that people are prosecuted based on the motive; that it is being expanded to an area where there is no Federal nexus required and this would allow the Federal Government, based on this four prong test, to take any case and every case.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. I begin, Mr. Speaker, by congratulating my friend, the gentleman from South Carolina (Mr. GRAHAM), from untrapping himself. He had originally filed two potential instructions. At some point, he must have figured out, with or without help, that they contradicted each other. So he dropped the one.

Mr. GRAHAM. They did.

Mr. FRANK of Massachusetts. Well, the gentleman acknowledges without my yielding to him, but I am a generous kind of guy so I will acknowledge his acknowledgment.

The gentleman acknowledges that he filed two instructions yesterday, on the spur of the moment, which contradicted each other, and then he prayed over it overnight and figured out that they contradicted each other. We were not told until shortly before we began which one he was going to do. So apparently the gentleman first figured out they contradicted each other and then decided which one.

Mr. GRAHAM. Mr. Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from South Carolina.

Mr. GRAHAM. Mr. Speaker, the two motions to instruct were filed last night. I have always intended to do the one I am talking about now. I had a colleague ask that they preserve the right to approach it from a different angle. That is up to them, but that is why I did it.

Mr. FRANK of Massachusetts. Well, the gentleman from South Carolina (Mr. GRAHAM) filed them both so apparently he tells us now that he filed one knowing that it contradicted the other.

I will say this, and let me point out that the contradiction is not simply a minor thing. The one he filed and decided not to offer deals with hate crimes of the sort that the second one says are unconstitutional. So the gentleman filed two instructions. One he was reserving the right to instruct the House to do something which he has now decided is unconstitutional. That is a reversal. I have seen the Supreme Court reverse itself on constitutional issues, but it usually takes them more than 12 hours.

Now, it is not simply the gentleman's first instruction that would be repudiated here. What it says, and this is particularly relevant to section 2, he says here that it is a denial of equal protection under the law if prosecution of certain offenses is conditioned on the race, color, religion, national origin, gender, sexual orientation, or disability of the victim.

First, let us be very clear. This does not say if one is black they are protected and if one is white they are not; if one is gay they are protected and if one is straight they are not; if one is disabled they are protected and if one is able-bodied they are not. What it says is that if someone goes after someone else on any of those grounds, if a racial minority attacks someone who is white for these hate crime reasons, that is protected. So it is not giving one set of groups protection against another.

It is saying, equally, anyone who is attacked because someone objects to his or her membership in a group that is defined by race, color, religion, national origin, that is the majority, the minority of religions, there is no one majority so it is any group, they are all protected. Christians are protected, Jews are protected, Hindus are protected, atheists are protected, if the motive is based on their religion.

Now we have had laws like this on the books for a very long time. We begin with the Civil Rights Act in the 1860s right after the Civil War. We had House-passed lynch laws, which Republicans used to be for, which dealt with this. We have on the books some hate crimes statutes. We have in some antidiscrimination statutes, I believe, some criminal provisions.

There was some anti-discrimination statutes which if they are violated blatantly one can have criminal provisions. According to this resolution, all of those would be wrong because there are a series of statutes on the book that trigger prosecution based on the race, color, religion, et cetera, of the victim.

Now, why did this all of a sudden become controversial? Why did the Civil Rights Act of 1868 and the Church Arson Act that my colleague from Michigan mentioned and others, why did they suddenly become controversial? I guess I ought to apologize. It is because of us. By us, I refer to those of us who are gay or lesbian or bisexual.

This whole notion of prosecuting people who singled out vulnerable minorities or who, as a member of a minority acted against the majority based on this, the Church Arson Act, the antilynch laws, et cetera, it was never all that controversial and then people said among the people who are often assaulted because of their identity are gay and lesbian and bisexual, particularly transgender people who have been the victims of a lot of violence, and all of a sudden it became controversial. That is why the gentleman first had an instruction and it is one that many in the other body on the Republican side were in favor of: it was one that said we will do hate crimes, but we will stick with good old-fashioned categories like race and religion; but let us not get into sexual orientation. So some inconsistencies have arisen because of sexual orientation.

Now among the inconsistencies is the notion that my friends on the other side are opposed to federalizing State crimes. I mean, they should write for some situation comedies with that kind of material. The House Committee on the Judiciary has consistently federalized crimes. Carjacking we federalized; in the abortion area, the late-term abortion bill. States had the same powers as the Federal Government, whether there is or is not a constitutional problem. It was a Nebraska statute that went to the Supreme Court.

We also passed a Federal statute. The House Committee on the Judiciary and the Congress, for the past 6 years, has federalized a number of crimes without any particular Federal nexus. Indeed, the Supreme Court struck down some of these because they said there was not enough of a Federal nexus, but our committee has gone forward with others.

So there has never previously been an objection to saying that we are going to punish someone in some cases if they have committed bad acts against people, not thoughts but if one has committed bad acts against other people because of their membership in a group, that was not until recently controversial. In fact, as I said, in the gentleman's first instruction it was not controversial at 6:00 last night. That one got a bad reputation very quickly.

It is when sexual orientation entered into it that all of these objections came up.

Now there is a red herring here and that is the death penalty issue. The fact is that, as the gentleman has acknowledged, if some Attorney General preempted a murder case under the hate crimes statute, it would still be prosecutable by the State. He says that is unlikely. What is even less likely is that the Attorney General, absent any real showing of a hate motive, would reach down and take it up.

It does say the Attorney General can do these in cases where the Federal interest in prosecuting was not being vindicated.

☐ 1345

Mr. Speaker, the notion that a State prosecutor was about to bring a capital charge against someone and threaten that person with a death penalty and the Attorney General would say, wait a minute, you are not vindicating the Federal interests, it is nonexistent. That is not really an argument that I think is a major part of this.

Mr. Speaker, I think what we have here is this resistance on the part of some people on the other side to anything that deals with sexual orientation.

We just voted on something with the Boy Scouts. I regretted that that came up. I thought that bill should not be filed. I thought it should not be brought up. I think the Boy Scouts do a lot of good work. I regret the fact that they discriminate. I do not think the appropriate way to try to deal with it was the way here.

Mr. GRAHAM. Mr. Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from South Carolina.

Mr. GRAHAM. Mr. Speaker, does the gentleman from Massachusetts believe there is a problem throughout the country that people based on the sexual orientation and who are hurt in a violent confrontation that people are letting the prosecution go because of the sexual orientation?

Mr. FRANK of Massachusetts. Reclaiming my time, Mr. Speaker, not throughout the country, but in some places in the country, in fact, I believe, just as there was strong support for lynch laws.

Mr. GRAHAM. How many cases?

Mr. FRANK of Massachusetts. When I yield to the gentleman that means the gentleman asks the question and I get to answer. Okay. I will yield again in a minute.

Mr. GRAHAM. Yes, sir.

Mr. FRANK of Massachusetts. I want to finish the answer. We had a hearing before the Committee on the Judiciary last year and several people came forward, including one particular case in Oklahoma where people were beaten and were not given any prosectorial defense.

Mr. GRAHAM. Would the gentleman yield?

Mr. FRANK of Massachusetts. Not until I finish. I urge the gentleman to have a little patience. He has asked the question; it is a little complicated. The answer will take awhile.

There was a situation in Pennsylvania, where a particular bar was the subject of a great deal of violence, and I believe there was initially an insufficient response.

The point is that this legislation is written to take into account the fact that most crimes of violence are, in fact, prosecuted at the State and local level. Part of what it does is to offer aid to people at the State level and that, by the way, we have had people, for instance, the local law enforcement officials in Wyoming who prosecuted the Matthew Shepherd murder, welcomed that, because they can be overburdened by it. They can have hate groups that show up; and they can overburden, in some areas, the local resources.

But we are saying there will be some cases in this vast country where a particular group will be subject to a particular prejudice, and in those exceptional cases the Federal Government can intervene. So I can think of a couple right recently that we have had. There was some others, I do not remember exactly which came up in the hearing. But, yes, there are cases where there are particular prejudices against particular groups. Transgendered people happen to be in many cases the objects of violence. And in many cases, they are protected; but in some cases, because of the prejudice that they face, they have not been protected. This is a standby authority for the Attorney General to step in, if she finds that there is this pattern of nonenforcement.

Mr. GRAHAM. Mr. Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from South Carolina.

Mr. GRAHAM. The gentleman talks about, not me directly, but what we are trying to do. I challenge the gentleman to prove to anybody in this body that I, as a person, former prosecutor, would give the gentleman a pass if the victim was homosexual and the perpetrator just did not like, and I will only use the terms that came up in the Air Force case, the faggot that lived down the hall. That guy got the full effect of the law.

I say to the gentleman from Massachusetts (Mr. FRANK), I do not believe that America is such today that the State court systems need to have the Attorney General under this legislation because of any reason they so choose to be able to take that case away.

Mr. FRANK of Massachusetts. Reclaiming my time, let me respond. I am going to respond, first of all, the gentleman asked me to prove that the gentleman is biased?

Mr. GRAHAM. No. I am asking the gentleman to tell me how many cases are we talking about the gentleman mentioned. Is it 100? Is it 200? Where are they?

Mr. FRANK of Massachusetts. I do not have the exact number, but I will respond to the gentleman's assertion. He says he cannot believe, apparently, that anywhere in this country there would be bias on the part of local law enforcement that would lead to unequal prosecution.

I wish we lived in that country. I believe most law enforcement people do the right thing. I gave them two specific cases, one in Oklahoma, where people were beaten and the district attorney did not intervene, and one in Pennsylvania where a bar was being terrorized and there was not local intervention.

I would say this, this concern about Federal intervention puzzles me coming from someone who has generally voted with the committee majority to federalize a number of crimes. Carjacking, is it that there are State prosecutors who somehow have a soft spot in their heart for carjackers? Why did the majority federalize carjacking? I do not think that they did that because there was some soft spot; they felt there was some particular pattern that had to be responded to.

There have been other cases, where we have in this body, I sometimes voted no, made Federal crimes out of things that were also State crimes. But the gentleman's point I want to focus on, this statute assumes that prosecution at the Federal level will be the exception.

In fact, much of the statute that we are asking people to vote for says let us help local people with the prosecution, let us help State prosecutors; but for him to argue that it is unthinkable that anywhere in the country members of a particular insular group might be the victims, people of an unpopular religion, transgendered people, people of a particular race, and they might be of the majority race in some parts, but the minority race in other parts.

The notion that American history yields us no pattern ever of local law enforcement people withholding equal treatment because of prejudice is very puzzling to me. We have not heard it before.

Church arson, is there some pattern? Maybe the gentleman wants to repeal the Church Arson Act, but the Church Arson Act does talk about going in there in these circumstances, and I did not previously hear these arguments.

Mr. GRAHAM. Mr. Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from South Carolina.

Mr. GRAHAM. By definition, every statute that the gentleman talked about has a clear Federal nexus; the existing hate crimes statute has a Federal nexus.

Mr. FRANK of Massachusetts. What about church arson? What is the Federal nexus in the Church Arson Act? What is the Federal nexus in church arson? There is not any. I thank the gentleman for his shrug. What is the Federal nexus for church arson?

Mr. GRAHAM. Is there none?

Mr. FRANK of Massachusetts. I asked the gentleman a question.

Mr. GRAHAM. Honestly, I do not know.

Mr. FRANK of Massachusetts. I did not yield to the gentleman. I am being asked to give back the time. I yielded to the gentleman to ask him a question. If he was going to ask me the same question back, I would not have taken other people's time.

Mr. GRAHAM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the point I am making and the point still stands, there are two very good points, every law we have on the books at the Federal level has a Federal nexus. But in the Senate, there has been a huge departure here. And part of it is politically motivated.

Let me tell my colleagues the effect of this statute again. If we go down this road, the Attorney General of the United States for the first time, that person, whoever he or she may be, has the ability under this legislation to take an event that has no Federal nexus at all, reach out and grab it based on the mentality of the perpetrator and the class of the victim.

Using an example, if someone in South Carolina or any other State engages in a violent offense against somebody based on the race, sex, religion, sexual orientation, under this statute, the Attorney General can take that case away and prosecute it at the Federal level and take the death penalty off the table. That should really send a chilling effect throughout this body. Not only have we done away with the Federal nexus, bias exists all over the world and will to the end of time. Is that the reason bias in general in theory to go out and destroy the ability of a State to prosecute vicious crimes in their backyard?

I would argue that this country is better off because the people in Texas sentenced two of the three people to death who drug the African American to his death behind a truck; that we are better off when local people will stand up and say, wrong, face the ultimate punishment, than we would ever be to have somebody in Washington for political reasons take the case away and get a headline and we can impose that penalty.

That is what this is about. This is an effort to empower the Federal Government in a manner never had, and the way you get there is you separate us. Because if I am attacked by the same person that the gentleman from Massachusetts (Mr. FRANK) may be attacked by, their motive determines what statute applies, and that is wrong.

Columbine, when they shoot the man, the young fellow because he is a jock, and killed the person beside him because of her religion, and the one next to the table because of the color of their skin, forget about those differences, prosecute that person based on what they did. And that is what you are trying to destroy here, and that is why I am here.

I want people to be responsible for their conduct to the fullest extent of law and let people where the event happens chart their destiny; and there is no reason to give the Attorney General of the United States this much power, because the abuses described do not exist. This is an effort to politicize and federalize where the country will be a great loser.

Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. SANFORD).

Mr. SANFORD. Mr. Speaker, I thank the gentleman for yielding the time to me.

Mr. Speaker, I hate following him. I just came to chime in for just a few moments because the gentleman asked me to and because I think this makes common sense. I think that the problem with the debate on the other side, and I would say to the gentleman from Massachusetts (Mr. FRANK), who I have the utmost respect for his intellect, the utmost respect for the way he has been a consistent advocate for things that he believes in, and the only reason I find myself in this case differing with him is based on, for instance, the statistics I have here.

For instance, last year, 23 children were murdered in America by their baby-sitters; 23 children were murdered in America by their baby-sitters. And the question I think goes back to the heart of what the gentleman from South Carolina (Mr. GRAHAM) was getting at. I am not a lawyer, I do not have a legal background, but just from the standpoint of common sense, let us say it was the most loving of baby-sitters, they took care of the child for years, but in the end they ended up murdering them, do we want to treat that person differently than somebody else simply because one hates the child more than the other?

But the bottom line is still the same, and that is those 23 children last year in America are just as dead. Whether they were loved prior to being killed or whether they were hated prior to being killed, they are both dead. The theme that I think the gentleman from South Carolina is getting at is the theme that has been the basis of our judicial system, which is equality under the law.

The other issue that I think he is getting at, and I think there is validity in this, and that is the idea of federalizing crime. There is disagreement within our conference on whether we should or should not do that. I found myself voting against the gentleman from Florida (Mr. MCCOLLUM) on any number of different things who takes a very different position on federalizing some of these crimes versus not.

Lastly, I would go to the point which the gentleman from South Carolina has raised a couple of times, and that is, this death penalty issue, which is a legitimate debate; but I do not know that we want to preemptively strike out death penalty with this kind of legislation.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, I thank the gentleman for yielding the time to me, and I rise in opposition to the motion of the gentleman from South Carolina (Mr. GRAHAM) and support the motion that will be offered by the gentleman from Massachusetts (Mr. FRANK).

If we walked down the National Mall along the Potomac River, we reach the newest memorial in our Nation's Capital. It honors Franklin Delano Roosevelt, the 33rd President of the United States. It was FDR who said "We must scrupulously guard the civil rights and civil liberties of all citizens, whatever their background. We must remember that any oppression, any injustice, any hatred is a wedge designed to attack our civilization."

This statement is no less true today than it was back then. I strongly support the Hate Crimes Prevention Act because this legislation respects the fundamental relationship between local law enforcement and the Federal Government.

Local law enforcement agencies will continue to have primary responsibility for investigating, prosecuting violent crimes based on hate. But when it comes to violations of civil rights, the Federal Government has historically played an important role in the prosecution and punishment of these violations. And when local authorities request assistance or are unable or unwilling to act, Federal law enforcement agencies must be able to come to their aid.

The hate crimes legislation authored by Senators GORDON SMITH, a Republican, and TED KENNEDY, a Democrat, creates an important safety net to ensure victims of hate crimes receive the justice to which they are entitled. It will permit the Department of Justice to provide technical, forensic, prosecutorial or any other form of assistance to State and local law enforcement officials in cases of felony crimes that constitute a crime of violence and are motivated by bias based on race, color, religion, national origin, gender, disability, or sexual orientation. Federal hate crimes, therefore, is not a new idea.

Mr. Speaker, for 32 years Federal law has covered certain forms of violence based on hate. Unfortunately, under current law, Federal prosecution of a hate crime is permitted only if the crime was motivated by bias based on race, religion, national origin, or color and the assailant intended to prevent the victim from exercising a federally protected right such as voting or attending school.

This dual requirement substantially limits the potential for Federal prosecution of hate crimes, even when the crime is particularly heinous. The Hate Crimes Prevention Act removes this restriction, enhancing the ability of Federal law enforcement agencies to assist State and local authorities and in investigating and prosecuting hate crimes of all kinds.

I believe violence based on prejudice is a matter of national concern, and I urge my colleagues to pass the Frank motion so we can enact this important legislation this year. I would say I have voted to federalize a number of crimes as have the opponents of this effort.

□ 1400

For me, there are times the Federal Government needs to step in.

Mr. GRAHAM. Mr. Speaker, to address the point of my colleague here, who I admire very much, this is not about adding into an existing statute sexual orientation and disability. This is about changing fundamentally to its core the way the Federal Government is able to interfere or take over a prosecution of an otherwise State case.

There has been a fundamental deviation here from the Senate. Senator KENNEDY was able to create an environment legally where the only thing stopping the Federal Government from reaching out and grabbing a case for the first time in the history of the country is the attitude of the Attorney General and put it in a venue where the death penalty does not apply. That is my point. The point is that this statute does so many bad things.

POINT OF ORDER

Mr. CONYERS. Mr. Speaker, I make a point of order.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman will state his point of order.

Mr. CONYERS. Mr. Speaker, the gentleman from South Carolina (Mr. GRAHAM) has not yielded himself time.

The SPEAKER pro tempore. Does the gentleman from South Carolina yield himself such time as he may consume?

Mr. GRAHAM. Yes.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. GRAHAM. Mr. Speaker, to get the statute to kick into effect, all you need is an Attorney General willing to do it. There is no Federal nexus in the traditional sense of what has been the law of this land since its inception.

Number two, to get this statute to kick into effect, you are treating Americans differently who may have suffered the same harm. The example I gave at Columbine, three dead kids, three different reasons in the mind of the perpetrator: one gets the statute, the other does not. That is not going to make this a better country.

Mr. Speaker, the State court systems have proven themselves to rise to the occasion in horrendous events of recent time. The Wyoming case, the person who was brutally murdered because of sexual orientation, those persons are serving life in jail. It was done by the people of Wyoming. Wyoming is a better place for having taken care of that problem and risen to the occasion. The recent case of the African American being dragged to his death in Texas, two of the three perpetrators are on death row, where they should be. This statute would not allow that to happen if they were tried in Federal Court, and there would not have been a second prosecution.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield 3½ minutes to the distinguished gentleman from New York (Mr. NADLER), a member of the Committee on the Judiciary.

Mr. NADLER. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I came here to rise in support of the motion to instruct offered by the gentleman from Michigan (Mr. CONYERS) and in opposition to the motion to instruct offered by the gentleman from South Carolina (Mr. GRAHAM), because I read the motion to instruct offered by the gentleman from South Carolina (Mr. GRAHAM); and I am not sure whether it is worth supporting or opposing, because it does not deal with anything in front of the conference.

The gentleman purports it to mean that this would oppose the hate crimes legislation, but we know that there is hate crimes legislation on the Federal books, and it has been there for 32 years. What the Senate proposes, and what I hope the House accedes to, is to increase the purview of that legislation from race, color, creed, and national origin, to include, which it does now, to include sexual orientation, gender, disability of the victim. And we certainly should, because an attack on someone based on those characteristics is an extra assault on society and ought to be punished in an extra way.

But look at the motion to instruct offered by the gentleman from South Carolina (Mr. GRAHAM). We should instruct the conferees not to agree to anything that fails to recognize that the 14th amendment guarantees all people equal protection under the law. Well, of course. And the Hate Crimes Protect Act does not deny anyone equal protection under the law. So I have no problem with that provision, because it does not refer to anything in front of the Senate or the House.

He instructs that we should not agree to provisions which deny equal protection under the law by conditioning prosecution of certain offenses under race, color, religion, national origin, gender, sexual orientation, or disability of the victim.

Well, the hate crimes legislation does not do that either. As was pointed out before, the hate crimes legislation does not say that if you attack a black person or a gay person only should you be prosecuted. It says if you attack someone because of their race, color, creed, of whatever variety, whatever race, whatever color or creed, whatever sexual orientation, whatever gender, because of that there is an extra viciousness and an extra protection, that does not deny equal protection under the law.

Everybody is subject to it; everybody can be helped by it. Whether you are attacked because you are a man or a woman, a gay person or a straight person, a Christian, a Jew or a Hindu, black, white or green, it does not matter. Everybody gets that equal protection. And it says that we should not agree to any provision that would preclude a person convicted of murder from being sentenced to death.

Well, that one, I do not agree with the death penalty, so I do not have a problem with that. But the fact is, it does not do that either. The gentleman from South Carolina (Mr. GRAHAM) said that by the Federal Government prosecuting on a statute that does not have the death penalty, that might preclude the State from prosecuting the same act on a statute that does have the death penalty.

But it is black-letter law. For the last 40 years it has been black-letter law, Black and Douglas dissenting only, 7 to 2 in the Supreme Court, that different sovereignties can prosecute the same acts under different statutes. That is why the State can prosecute for murder, and the Federal Government can prosecute for deprivation of civil rights. If the Federal Government prosecuted for deprivation of civil rights, the State can still prosecute for murder; and if the death penalty applies, apply it.

So the gentleman from South Carolina (Mr. GRAHAM) is giving us in a motion to instruct, which is entirely phoney, tries to imply that the hate crimes legislation would do these things, which it clearly would not do. It is entirely a phony instruction; and it ought to be defeated, not because it is bad, but because it is phony; and the Conyers instruction to say to broaden hate crimes legislation to cover what should be covered, should be agreed to.

Mr. GRAHAM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we can talk about this or you can read the law yourself. Here is what I am saying, unequivocally: this proposal in the Senate does not expand the list of categories from which a hate crime can be prosecuted to include sexual orientation and disability. It fundamentally changes and does away with the Federal nexus that exists in the existing statute to give the Attorney General of the United States, whoever that person might be, at whatever time in our history, the ability to reach out and take over a case based on the attitude and the motivations of the perpetrator and the class or category of the victim.

One thing is going to flow from this: because you cannot get the death penalty, there are people going to be manufacturing reasons, believe it or not, if you have ever been in criminal law, there are people who are mean and clever, and I have defended some and prosecuted a lot, who are going to say, well, this is a hate crime; this is a Federal hate crime. And they want to go to Federal Court because there is no death penalty, and it will be a headline.

There will be a tremendous amount of political pressure to grab this case, and to show you how much I care as the Attorney General, I am going to take this heinous situation and I am going to do it, because I want to get the political benefit and I am going to be the person in the headline. And America loses, because the Texas case, the Wyoming case, and the whole 21st century, I really believe, is going to be about people finally being held accountable for what they do.

When you go into the Columbine High School situation, you have got three grieving parents. We do not need to carve out one law against the other two. We need to come together as a people and punish to the full extent of the law those that want to harm human beings, end of story, and not create a Federal legislation that undermines the ultimate punishment, the death penalty.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. DELAHUNT), a member of the Committee on the Judiciary and a long-time State prosecutor.

Mr. DELAHUNT. Mr. Speaker, I thank the ranking member for yielding me time.

Mr. Speaker, I know it is not the intention of my friend and colleague to mislead, but I think it is very important to be clear here that those individuals that are presently incarcerated facing the death penalty in Texas would still be there facing that death penalty if the instructions that will be offered in the Conyers motion prevail. It is clear that there is nothing in the Conyers motion that would preclude a State prosecution, absolutely nothing whatsoever; and to suggest that is, I would submit, unintentionally misleading.

I also find it ironic that my colleague has concerns about the States' positions on these particular issues, as if the Attorney General will not work with the States to do what is right. The gentleman should be aware that the legislation is supported by the National Sheriffs Association and by the International Association of the Chiefs of Police.

Mr. CONYERS. Mr. Speaker, I yield the balance of my time to the gentlewoman from Texas (Ms. JACKSON-LEE), a Member of the Committee on the Judiciary.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the ranking member for yielding me time, and I thank him for his leadership on this motion.

I have come to the floor of this House to support the ranking member, the gentleman from Michigan (Mr. CONYERS), in his motion to instruct. Because I view this as a very solemn debate, I want to say to my good friend from South Carolina that it is important for people to realize that Members take to heart, take seriously, the positions that they argue for, and I do not question the integrity or the honesty and the well-meaning efforts behind my good friend's motion to instruct.

But I do want to raise some questions and concerns and offer my sincerity and my heartfelt expressions of opposition against this motion, and that is that although we have been calling the names of those who have tragically lost their life, some of the more well-known names, let me say to you that it is particularly a source of consternation and hurt in the State of Texas, from which I come, and that is to be known as the State who, in the 20th century, the latter part of the 20th century, had the dismemberment of a human being as a headline of a particular area in our State. The heinous act of hatred against Mr. James Barrett continues to ring loud and clear throughout this Nation, and, following that, the very tragic and violent and brutal death in Wyoming of Matthew Shepard.

But I would say to my friend from South Carolina, even now, just a few short months ago, three individuals saw fit to burn a cross in the front yard of an African American family that moved into a neighborhood that was predominantly white. This is in modern-day Texas. This is in an area not far from Houston, Texas. This is real.

So when we begin to talk about are we serious about a hate crimes initiative, let me say to the gentleman from South Carolina (Mr. GRAHAM), in opposing this motion to instruct, we already have and understand the value and importance of the 14th amendment, the guarantee of equal protection of the law. You already have the evidence that the Constitution has been preserved by 30 years of case law that already says that hate crimes legislation can pass constitutional muster.

In addition, I think it is important to note your provision number two suggests exclusion. There is no exclusion to addition. All we are doing in this Hate Crimes Act of 2000 is to ensure that in addition to all the other elements of this bill, gender and sexual orientation and disability are included. It is not exclusion; it is inclusion. It means that if an Anglo or a white or a Caucasian citizen of the United States or any other, was found to have been hatefully acted upon, they would be able to come under the hate crimes law. It is to be read broadly.

I agree with my good friend talking about the death penalty, because many of us fall on different positions on the death penalty.

□ 1415

I believe there should be a moratorium. I believe it is a tragedy that there are people who are on death row that we do not really know whether or not they, in fact, are guilty.

Mr. Speaker, what I would say in conclusion is that I will include for the RECORD at this time a letter from the Department of Justice. We have already answered the question as to whether this denies the equal protection of the law. It does not.

DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, September 13, 2000.
Hon. RICHARD GEPHARDT,
Minority Leader, U.S. House of Representatives, Washington, DC.

DEAR MR. LEADER: The Department of Justice has been asked for its view on a motion by Representative Graham that would instruct the House conferees on H.R. 4205. The motion appears to be directed at the hate crimes provisions contained in section 1507 of the Senate-enacted version of H.R. 4205. The motion would instruct the conferees not to agree to provisions in section 1507 that "(1) fail to recognize that the fourteenth amendment to the Constitution guarantees all persons equal protection under the law; an (2) deny equal protection under the law by conditioning prosecution of certain offenses on the race, color, religion, national origin, gender, sexual orientation, or disability of the victim; and (3) preclude a person convicted of murder from being sentenced to death."

With respect to the first two parts of the proposed instruction, we already have provided extensive analysis explaining the bases of Congress's constitutional authority to enact the hate crimes provisions in §1507 of the Senate-enacted version of H.R. 4025. Moreover, those provisions would not implicate the Equal Protection Clause of the Fourteenth Amendment, which applies only to the States. And, in our view, those provisions would be wholly consistent with the equal protection component of the due process clause of the Fifth Amendment. The protections afforded by the criminal provisions in section 1507 would not be limited to persons of certain races, colors, etc. Those provisions would, instead, protect all persons—regardless of their race, color, etc.—who are the victims of certain crimes of violence committed because of the victims' actual or perceived race, color, religion, national origin, gender, sexual orientation, or disability. In this regard, section 1507 would be analogous to numerous existing laws that protect all persons from certain harms perpetrated against them because of personal characteristics (such as race or gender). See e.g., 18 U.S.C. §245(b)(2) (prohibiting the willful injuring of a person "because of," inter alia, "his race, color, religion or national origin"); 42 U.S.C. 2002e–2 (prohibiting employment discrimination "because of [an] individual's race, color, religion, sex, or national origin").

With respect to the final part of the proposed instruction, the amendment instructs conferees not to agree to provisions that "preclude a person convicted of murder from being sentenced to death." This provision would have no bearing on Section 1507 of H.R. 4205. That provision does not address the death penalty or prosecutions for murder. Rather, it recognizes that States retain primary responsibility for enforcing criminal laws against violent conduct. The provision requires that federal authorities consult with state officials before initiating a federal prosecution and would not impose any restrictions on the ability of state authorities to pursue whatever sanctions are available pursuant to state law.

Thank you for the opportunity to present our views. The Office of Management and Budget has advised us that from the perspective of Administration's program, there is no objection to submission of this letter.

Sincerely,

ROBERT RABEN,
Assistant Attorney General.

Mr. Speaker, I support the motion of the gentleman from Michigan (Mr. CONYERS), and I oppose the motion of the gentleman from South Carolina (Mr. GRAHAM).

Mr. Speaker, I rise on the Conyers motion to instruct conferees on the Department of Defense Authorization bill. It is important that Congress adequately address hate crime violence in America.

Today, we have a unique opportunity to instruct conferees on H.R. 4205, the FY 2001

Department of Defense Authorization bill, to accept the bipartisan Senate-passed provision on hate crime.

In June, the Senate passed the hate crimes bill, introduced by Senators EDWARD KENNEDY and GORDON SMITH. The Kennedy-Smith amendment was adopted on a bipartisan vote of 57–42, with 13 Republicans voting in favor. This legislation would enhance the ability of the local, state and federal law enforcement officials to investigate and prosecute violent acts of hate crimes committed against persons because of their race, color, religion, national origin, gender, sexual orientation or disability.

Despite the fact that more than 190 Members of the House have cosponsored the similar House version of the hate crimes legislation, H.R. 1082, and despite repeated requests that Judiciary Committee Chairman HYDE and Speaker HASTERT allow consideration of this bipartisan legislation, they have refused. In fact, it is because the Republican Leadership has said no for the past several years that this important legislation has not yet to become law.

I remember the senseless killings of three African American children who were killed on Sunday morning by a bomb while they participated in services at the 16th Street Baptist Church. Only recently have individuals been indicted to face trial in the nearly 40 year old murders. This terrible act galvanized the civil rights movement and began a shout for justice, which may at last be answered in a court of law as two Ku Klux Klansmen in Alabama's Jefferson County are finally being brought to justice for the 196 bombing.

As the years passed from the time of the bombing, it was felt that America had made great strides until the night of June 7, 1998 when this Nation's deepest sin was revealed by the murder of James Byrd Jr.

There is no case, which more graphically reminds this Nation that the submerged intolerance caused by racism that steeps throughout the fabric of our society can erupt into gangrenous crimes of hate violence like the murder of James Byrd in Jasper, TX.

The lynching of James Byrd struck at the consciousness of our Nation, but we have let complacency take the place of unity in the face of unspeakable evil. It was difficult to imagine how in this day and age that two white supremacists beat Byrd senseless, chained him by the ankles to a pickup truck and then dragged him to his death over three miles of country back roads.

Since James Byrd Jr.'s death our Nation has experienced an alarming increase in hate violence directed at men, women and even children of all races, creeds and colors.

Ronald Taylor traveled to the eastside of Pittsburgh, in what has been characterized, as an act of hate violence to kill three and wound two in a fast food restaurant. Eight weeks later, in Pittsburgh Richard Baumhammers, armed with a .357-caliber pistol, traveled 20 miles across the west side of Pittsburgh which now leaves him charged with killing five. His shooting victims included a Jewish woman, an Indian, "Vietnamese," Chinese and several black men. Matthew Shepard also suffered a hateful and violent death. We need this legislation to further protect the people of America.

The decade of the 1990's saw an unprecedented rise in the number of hate groups preaching violence and intolerance, with more than 50,000 hate crimes reported during the years 1991 through 1997. The summer of 1999 was dubbed "the summer of hate" as each month brought forth another appalling incident, commencing with a three-day shooting spree aimed at minorities in the Midwest and culminating with an attack on mere children in California. From 1995 through 1999, there has been 206 different arson or bomb attacks on churches and synagogues throughout the United States—an average of one house of worship attacked every week.

Like the rest of the nation, some in Congress have been tempted to dismiss these atrocities as the anomalous acts of lunatics, but news accounts of this homicidal fringe are merely the tip of the iceberg. The beliefs they act on are held by a far larger, though less visible, segment of our society. These atrocities, like the wave of church burnings across the South, illustrate the need for continued vigilance and the passage of the Hate Crimes Prevention Act.

This legislation will make it easier for federal authorities to assist in the prosecution of racial, religious and ethnic violence, in the same way that the Church Arson Prevention Act of 1996 helped federal prosecutors combat church arson: by loosening the unduly rigid jurisdictional requirements under federal law. Current law (18 U.S.C.A. 245) only covers a situation where the victim is engaging in certain specified federally protected activities. The legislation will also help plug loopholes in state criminal law, as ten states have no hate crime laws on the books, and another 21 states fail to specify sexual orientation as a category for protection. This legislation currently has 191 co-sponsors, but has had no legislative activity in this House.

It is long past time that Congress passed a comprehensive law banning such atrocities. It is a federal crime to hijack an automobile or to possess cocaine, and it ought to be a federal crime to drag a man to death because of his race or to hang a person because of his or her sexual orientation. These are crimes that shock and shame our national conscience and they should be subject to federal law enforcement assistance and prosecution.

Mr. Speaker, the Conyers motion is truly the only chance for members of the House to vote on a hate crimes bill in the 106th Congress. Accordingly, I call upon my colleagues to seize this opportunity and vote in favor of the motion.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Guam (Mr. UNDERWOOD).

Mr. UNDERWOOD. Mr. Speaker, I rise in strong support of the motion to instruct of the gentleman from Michigan (Mr. CONYERS) in the name of justice and fairness.

I would like to thank the gentleman from Michigan, Mr. CONYERS, for offering this motion to instruct Committee Conferees. I strongly support this motion which is based upon the Senate Hate Crimes Amendment introduced by Senators EDWARD KENNEDY and GORDON SMITH. this amendment would:

Expand current hate crime laws to include discrimination based on gender, sexual orientation and disability;

Allow federal authorities more jurisdiction in investigating and persecuting hate crimes; and

Provide grants up to $100,000 to train local law enforcement officials in identifying, investigating, prosecuting and preventing hate crimes, including hate crimes committed by juveniles.

Such legislation is particularly important in light of the rash of hate crimes committed in recent months. Hate crimes, such as the events in Pittsburgh, Pennsylvania, where one African American, one Jewish woman, and three Asian American men were killed on April 28, 2000, highlights the critical need for hate crimes legislation, not only for the Asian Pacific American Community, but for all Americans.

This hate crimes amendment was patterned after the Hate Crimes Prevention Act of 1999 (H.R. 1082/S. 622). It enjoys the broad support of 175 civil rights, civic and law enforcement organizations, including the Organization of Chinese Americans, India Abroad Center for Political Awareness, International Association of Chiefs of Police, Federal Law Enforcement Officers Association and Police Foundation.

As Chairman of the Congressional Asian Pacific American Caucus, I speak on behalf of the national Asian Pacific American community in urging all members to support this motion. Strengthening Hate Crime laws is a common sense policy and step in the right direction for all Americans.

Again, I appreciate the opportunity to address the Committee and urge all Members to support this motion to instruct.

Mr. GRAHAM. Mr. Speaker, I yield myself such time as I may consume.

One thing will happen when this is over. There will not be hate between us. We will come together, and we will work together where we can, and we will disagree when we have to.

I want to clear up the RECORD the best I can and explain what my motion does what I think is very needed. One, there is no objective evidence that the Committee on the Judiciary or anyone else, as we see, that the States are ignoring violent assaults based on people's race, sex, gender, national origin, religion or disability. There is no State, there is no repeated pattern of where one gets to pound on a particular group and nobody does anything about it. That is a fallacy.

Let me tell my colleagues about the legal consequences of what we are about to do in my opinion, and my colleagues need to read the statute themselves. This allows the Federal Attorney General, unlike the current statute, it is not merely including sexual orientation and disability in a list of existing Federal hate crime legislation. It is changing fundamentally the way that the legislation operates to allow the Attorney General, whoever he or she might be, to reach out and preempt a State lawsuit.

There are definitely two sovereigns in play; but legally speaking, if the Attorney General, motivated by headlines or a disgust for the death penalty or whatever political reasons may exist in an emotional, high profile case, can stop that prosecution and do it in Federal court, leaving the State to have to clean up the mess later. And the expense goes through the roof and the likelihood of that happening is zero.

It allows too much authority in the hands of the Attorney General with no Federal nexus like all the other Federal statutes have. It does a terrible thing. It divides us based on the motivation of a perpetrator and the class of the victim, and the Columbine situation is the perfect situation, unfortunately, to talk about this. Disturbed, mean, hateful people who hated life, focused on jocks, focused on somebody who was African American, focused on a girl praying, killed them all. They deserve to be prosecuted by the people in the community where it happened, and the Federal Government has no reason to get involved unless one can show throughout the land that people such as that get away with it, and they do not.

Mr. Speaker, I will tell my colleagues, as someone was involved in the criminal law before I came to Congress, that if we create this system, if we create this dynamic, we are going to have a lot of mischievous behavior out there where people are manufacturing hate crimes because it is a better deal if they can get in the Federal system, because they will not face the death penalty, as the men who are in Texas are facing the death penalty for dragging the African American gentleman to his death.

Please, look at what we are doing here today. Do not divide America. Stand up for the 14th amendment the way it was written for all of us, and make sure the Federal Government, because of headline-grabbing Attorney Generals in the future, regardless of party, cannot come and destroy our communities' abilities to heal their wounds and to deal with their bad actors and to create justice the way it sees fit in its backyard.

The SPEAKER pro tempore (Mr. SIMPSON.) Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from South Carolina (Mr. GRAHAM).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FRANK of Massachusetts. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 196, nays 227, not voting 10, as follows:

[Roll No. 470]

YEAS—196

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Barton
Bereuter
Berry
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Cramer
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Fossella
Fowler
Ganske
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Jones (NC)
Kasich
King (NY)
Kingston
Knollenberg
LaHood
Largent
Latham
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lucas (KY)
Lucas (OK)
Manzullo
Martinez
McCrery
McHugh
McInnis
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Portman
Radanovich
Ramstad
Riley
Rogan
Rogers
Rohrabacher
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Vitter
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—227

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett (WI)
Bartlett
Bass
Becerra
Bentsen
Berkley
Berman
Biggert
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Bono
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Coyne
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
Etheridge
Evans
Farr
Fattah
Filner
Foley
Forbes
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gephardt
Gilman
Gonzalez
Gordon
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Houghton
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kolbe
Kucinich
Kuykendall
LaFalce
Lampson
Lantos
Larson
LaTourette
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Porter
Price (NC)
Pryce (OH)
Quinn
Rahall
Rangel
Regula
Reyes
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Serrano
Shaw
Shays
Sherman
Sherwood
Sisisky
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weiner
Weldon (PA)
Wexler
Wise
Woolsey
Wu
Wynn

NOT VOTING—10

Engel
Eshoo
Gilchrest
Johnson, Sam
Lazio
McIntosh
Owens
Reynolds
Vento
Weygand

□ 1443

Messrs. ANDREWS, MOORE, FRANKS of New Jersey, and REGULA, Ms. SLAUGHTER, Ms. RIVERS, and Ms. DANNER changed their vote from "yea" to "nay."

Mr. LEWIS of California and Mr. ARCHER changed their vote from "nay" to "yea."

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mrs. ROUKEMA. Mr. Speaker, on Rollcall No. 470 I inadvertently pressed the "yea" button. I intended to vote "nay."

PERSONAL EXPLANATION

Mr. OWENS. Mr. Speaker, this morning, I was unavoidably absent on a matter of critical importance and missed the following votes:

On the Journal (Rollcall No. 465), I would have voted "yea."

On H.R. 4810, (Rollcall No. 466), the veto override of the Marriage Penalty Act, introduced by the gentleman from Texas, Mr. ARCHER, I would have voted "nay."

On H.R. 4986 (Rollcall No. 467), Foreign Sales Corporation Repeal and Extraterritorial Income Exclusion Act of 2000, introduced by the gentleman from Texas, Mr. ARCHER, I would have voted "nay."

On H. Con. Res. 327 (Rollcall No. 469), honoring the service and sacrifice during periods of war by members of the U.S. Merchant Marine, introduced by the gentleman from California, Mr. KUYKENDALL, I would have voted "yea."

On H.R. 4205 (Rollcall No. 470), instructions to conferees on the Department of Defense authorization bill, offered by the gentleman from South Carolina, Mr. GRAHAM, I would have voted "nay."

MOTION TO INSTRUCT CONFEREES ON H.R. 4205, FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

Mr. CONYERS. Mr. Speaker, I offer a motion to instruct conferees on H.R. 4205.

The SPEAKER pro tempore (Mr. SIMPSON). The Clerk will report the motion.

The Clerk read as follows:

> Mr. CONYERS moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4205 be instructed to agree to the provisions contained in title XV of the Senate amendment.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Arkansas (Mr. HUTCHINSON) each will be recognized for 30 minutes.

The Chair recognizes the gentleman from Michigan (Mr. CONYERS).

□ 1445

Mr. CONYERS. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Missouri (Mr. GEPHARDT), the minority leader of the House, to begin the debate on the motion to instruct on this most important vote on civil rights in this session of Congress.

Mr. GEPHARDT. Mr. Speaker, I rise in strong support of the Conyers motion, a motion that is in keeping with the best of our national traditions.

First, let me say that I am very glad that we are finally at long last having this debate, a debate that allows us to express our feelings, our passion on one of our most important and greatest priorities.

Yesterday, I stood outside of this marvelous building on the lawn just a few feet from our rotunda, and I listened to Judy Shepherd talk about the murder of her son Matthew. Judy Shepherd talked about the pain of losing a child to senseless violence and about the ugly, horrible crimes that are committed against people simply because of who they are.

Matthew's mother called on our Congress to act. She called on all of us here to take a stand against hate, to renew a few simple principles into our laws, principles that say so much about who we are and what we believe.

This bill is critical in so many ways. It gives law enforcement officers at all levels of government the tools they need to deal with horrible acts of hate-based violence.

It sends a message to the world that crimes committed against people because of who they are, that these crimes are particularly evil, particularly offensive. It says that these crimes are committed, not just against individuals, not just against a single person, but against our very society, against America.

These crimes strike fear into the hearts of others because they are meant to intimidate, to harass, to menace. When an angry man, a troubled man shot up a Jewish community center in Los Angeles, wounding teachers and students in a place that was supposed to be a sanctuary of protection, the man said that he had shot at these children because he wanted to send a message. He wanted to send a wake-up call to America to kill Jews.

Today, with this bill, we reject that message in the most powerful, most forceful way that we can. Today, we as a society can say that we will do everything we can to protect people from these heinous acts, that we will not rest until America is free of this violence.

This bill honors the victims of hate crimes, and it recalls their memory. It honors the memory of James Byrd who was dragged to death behind the pickup truck because the killers did not like the color of his skin. It honors Matthew Shepherd who was beaten with the butt of a gun and tied to a fence post and left to die in freezing weather because he was gay. It honors Ricky Byrdsong, a former basketball coach at my alma mater, Northwestern, who was gunned down on the street because he was black. It honors not only those victims, not just the high profile crimes, it honors all the people whose lives have been scarred by these acts, the victims who do not always make the headlines.

The hate crimes that we do not hear about deserve our strong response today. So today, let us take a stand against violence. We are voting to dedicate our national resource, to bring the strongest laws that we have to bear against the most sinister thing that we know. The Conyers motion is the only motion that will strengthen our existing laws, that will strike a real blow against hate.

Let me say this is a bipartisan effort. There is nothing partisan in this effort today. Republicans and Democrats are joining together. This issue transcends politics. It challenges us to look into ourselves, to search our humanity and pass a law that I guarantee my colleagues will go down in the history books.

Virtually every major accomplishment that we pass ever in the history of this body has been bipartisan. This law, like the Civil Rights Act of 1965, will be a bipartisan blow against hate and violence.

This is a great country. We are so wealthy. But our greatest moments are not when we produce material wealth. Our greatest moments are when we as a people manage in the face of horrible tragedy to rise up to come together to take a simple stand for basic decency.

Give us this motion. Give us this law. Bring America up, rising up against hatred and against violence.

Mr. CONYERS. Mr. Speaker, it is my pleasure to yield 3 minutes to the gentleman from Michigan (Mr. BONIOR), the minority whip of the House.

Mr. BONIOR. Mr. Speaker, I thank the gentleman from Michigan (Mr. CONYERS) for his leadership and others for their leadership on this. I commend the gentleman from Missouri (Mr. GEPHARDT), our leader, for his statement.

This motion and this proposition received a strong bipartisan vote in the United States Senate. It is time that it received the same kind of bipartisan support in this House.

Now, we understand that no act of Congress can ever outlaw bigoted thoughts. But we also understand that, when hateful thoughts turn into hateful deeds, the Congress must act and act decisively. That is why this legislation is so necessary.

Today, even though the rate of most violent crimes is decreasing, the number of hate crimes is still alarmingly high. The FBI reported that, over the course of 1 year alone, in 1997, more than 8,000 hate crimes were reported in this country. We have just heard examples of them from our leader.

We have seen houses of worship burn, small children attacked, men and women murdered, murdered for their religion, murdered because of their ethnicity, murdered because of their gender, murdered for a whole host of reasons. For every act we hear about, every assault that is reported, there are many that pass unnoticed.

In fact, in my congressional district, just this last week, I learned of a man who was beaten so severely in an attack that he lost seven of his teeth and was hospitalized as a result of the beating. The reason was the fact that he was gay.

But despite their frequency and the fact that these crimes are intended to terrorize millions of Americans, too many in the law enforcement field lack the legal authority it takes to investigate and to prosecute them. That is why this legislation is important. That is what this legislation does. It corrects that inadequacy.

We cannot outlaw hatred, Mr. Speaker. We have a moral responsibility to stand up for those who could be its victims.

So I urge each and every one of my colleagues today to support the Conyers motion, and let us give this the bipartisan support that it deserves, the bipartisan support that it received in the other body.

Mr. HUTCHINSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in respectful opposition to the motion to instruct conferees. I think it is important to remember at this juncture that this provision is attached to the Defense authorization bill, and this is the Kennedy hate crimes legislation. It was not part of the House package. It was not considered in the House. I say that because I know that we do that in this body, where something is considered in the Senate, it is considered in the conference; but it certainly is something that has not been considered and debated in this body. I think that makes a difference as we consider this motion to instruct.

Let me first look at what this Kennedy amendment in the Defense authorization bill provides. It is the hate crimes amendment. It is what the motion to instruct binds this body to support in the conference. It, first of all, expands the protected groups to include gender, sexual orientation, or disability.

Now, what is important to remember is that we already have a Federal crime. There is a Federal crime to interfere with anyone's exercise of a federally protected activity. This could be voting, this could be traveling, interstate commerce, exercising any number of federally protected rights.

It is a Federal crime if those rights are interfered with because of race, because of color, because of religion or ethnicity. So that is the current state of the law. The Kennedy amendment would expand those protected rights to include other categories, as I mentioned, gender, sexual orientation, and disability.

The second point that needs to be made about the Kennedy amendment is that it makes it a Federal hate crime, and it creates the Federal hate crime and expands it without the requirement of a federally protected activity. This is a significant difference from the current law. What we need to remember is that this is a significant, substantial expansion of Federal jurisdiction over crime in our country.

It is not always wrong to expand Federal jurisdiction. As has been pointed out, we have done that from time to time in this body. But whenever we expand Federal jurisdiction, we should ask some basic questions. First of all, is this expansion constitutional? That is the responsibility we have. Secondly, if it is constitutional, is it necessary? Is there such a gap in the current law that this expansion is required? So we want to talk about those particular questions.

But before I do, I want to address what the minority leader spoke about, how this conduct of targeting minority groups or special groups because of a certain characteristic is intolerable in our society; and I agree with that completely.

In fact, when I was a United States Attorney, I had the responsibility that I did not ask for of prosecuting a hate group. That group was known as The Covenant, the Sword and the Arm of the Lord. It was in northern Arkansas. It was in my district.

That group, led by James Ellison, had targeted homosexuals. It had targeted minorities from Jewish Americans to African Americans. They had blown up a Jewish synagogue in Missouri. They had killed a pawnshop owner in Texarkana, Arkansas, because they perceived that he was Jewish. It was clearly a hate group. It was a hate group that had violated the law.

I prosecuted that group. At the same time I prosecuted them, they had targeted my family for assassination. So I know something about hate groups. I certainly have not been the victim of racial discrimination; I would never say that. But I know about hate groups.

From that experience, I see how wrong they are for society. I see the poison they are for the new generation coming up. We should do everything in our society that is appropriate, that we can stand against this. We should speak out against it. We should express outrage by it and prosecute them to the fullest extent of the law.

I would personally love to be a prosecutor that would go from jurisdiction to jurisdiction prosecuting hate groups and those that engage in hate crimes. I think we have to do that.

So with that background, I want to say that targeting any group because of race, gender, sexual orientation, religion, or disability should not be tolerated in any civilized society. But it should most certainly not be tolerated in the freest country in the world, the United States of America.

But then we come back to the first question, and that is, is this expansion of Federal jurisdiction constitutional?

□ 1500

We are all aware of the warnings that have been given by the United States Supreme Court. We recall the Lopez decision, which arose out of our expansion of Federal criminal jurisdiction to guns being found in school zones and we said that ought to be a Federal crime. The United States Supreme Court said, but even these modern-era precedents which have expanded Congressional power under the Commerce clause, confirm that that power is subject to outer limits.

The court has warned that the scope of the interstate commerce power must be considered in the light of our dual system of government and may not be extended so as to embrace effects upon interstate commerce, and they continue to warn the Congress of the United States to be careful that we do not effectually obliterate the distinction between what is national and what is local and create a completely centralized government. That is a warning by the United States Supreme Court.

They also said in another case, we are also familiar with, in United States v. Morrison, something I believe in, which is an expansion of the Violence Against Women Act, to create a civil cause of action for criminal conduct that was engaged in because of someone's gender, which allowed them to bring a civil lawsuit.

The court struck that law down, as well, and said, "The Constitution requires a distinction between what is truly national and what is truly local," obviously citing the Lopez case, "and recognizing this fact, we preserve one of the few principles that has been consistent since the clause was adopted, the regulation and punishment of intrastate violence that is not directed at the instrumentalities, channels, or goods involved in interstate commerce has always been the province of the States."

So clearly, we have some warnings from the Supreme Court. Is it constitutional? They have raised some questions about it.

The Washington Post, not exactly a conservative journal, editorialized and said, "rape, murder and assault, no matter what prejudice motivates the perpetrator, are presumptively local matters in which the Federal Government should intervene only when it has a pressing interest. The fact that hatred lurks behind a violent incident is not, in our view, an adequate Federal interest." A constitutional warning by the Washington Post.

So certainly there should be some questions about is this the right direction to go constitutionally. Secondly, even if we say that it is, is it necessary?

I would point out, and I am pleased with this, that our Federal sentencing guidelines, based upon the direction given by the United States Congress, they have enhanced the penalties for hate crimes, but they have done it after the conviction when it is appropriate to consider the targeting of a minority group as a factor in increasing penalties.

This is what the Federal sentencing guidelines says: "If the finder of fact at trial, the court at sentencing, determines beyond a reasonable doubt that the defendant intentionally selected any victim or any property as the object of the offense of conviction because of the actual or perceived race, color, religion, national origin, ethnicity, gender, disability, or sexual orientation of any person, the penalty should be increased by three levels." And, as we all know, that is a significant increase in the amount of time that they would be incarcerated.

So the current state of the law is that the targeting of these special groups is a significant Federal factor in enhancing punishment. That is right. That is appropriate. But that is a different scheme than making a special Federal statute that would give special protection to certain groups.

The second thing I would point out, is it necessary, is what are the States doing in the current prosecutorial scheme?

The minority leader mentioned the cries of the mother of Matthew Shepard, calling that this is not to be tolerated in our society and how we should honor the victims of violence. And we should honor them. But in Matthew Shepard's case, a homosexual college student, as my colleagues know, that was murdered in Laramie, Wyoming, it was a State court prosecution in which one the defendants pled guilty and got two consecutive life sentences. They might create a Federal hate crimes statute that they will not get any more than that. And the other could be facing the death penalty when it is tried in October.

Another one, the murder of James Byrd, a horrendous crime in Texas targeting an African American, it was a State prosecution in which the jury gave death by injection rather than life in prison. And so, it was the ultimate punishment that was meted out in this case under a State prosecution.

In Alabama there was a slaying of Billy Jack Gaither, who was beaten to death and then burned by kerosene-soaked tires. The men who murdered a homosexual over unwanted advances, that perpetrator will avoid the death penalty only because the family requested that the death penalty be waived. That was a State prosecution.

I could go on and on in which State prosecutions have been successful not in 40 years, not in 50 years, but in the maximum penalty in these particular cases.

True, and I am delighted, that in many of those instances Federal resources have been devoted to make sure that they were able to obtain the conviction of the perpetrator.

Finally, I would point out the testimony of a judge who testified in the Senate Committee on the Judiciary on this particular bill. In this case it was Judge Richard Arcara who testified in opposition to the hate crimes legislation; and he stated, "The issue is not whether we are for or against the prosecution of hate crimes. All decent, right-thinking people abhor hate crimes. The real issue before you is whether the acts of violence covered by the proposed statute, which are already criminal offenses under State law and which may already be Federal crimes as well, are not being adequately prosecuted and punished at the present time."

In other words, why is a new Federal statute needed?

And so again the question, is it constitutional; and secondly, if it is, is it necessary under the present circumstances?

The reason I bring these questions up is that my colleagues might conclude ultimately after we debate this that the answer is yes, yes and we need to do this, but is the appropriate time to consider it in a conference report which is not being considered by the House?

In fact, we are instructing the conferees to go to this particular Kennedy proposal when in fact there is also the Hatch proposal. Senator HATCH offered a proposal that was adopted as well and it addresses hate crimes, but it does it in this way: it creates more funding for the States and their prosecution of hate crimes, so it gives more resources and grants to the States.

The second thing it does, in a very thoughtful way, is that it creates a study to examine the efficacy of the current law. Do we really need it? Is it necessary? And this is another approach.

So I would say, let us do not bind our conferees that they have to go a particular direction. There are other options that should be considered.

So, my fellow colleagues, I believe that there are some important questions that say let us do not adopt this binding motion to instruct our conferees.

Finally, I think there is an issue of fairness that troubles some people. Should certain groups in America when it comes to crimes of violence be entitled to greater resources in investigation and different laws in the prosecution than other groups? This is fundamental. It is difficult because we all know that there is a problem in our society when we target minority groups or groups that are targeted because of disability or any other reason. They should be punished to the full extent of the law, and we need to send a signal to our society that it is not tolerable. But there are ways to send that signal rather than considering a massive expansion of Federal jurisdiction.

My colleagues, these are serious issues and I do not believe the right place to approach it would be in the conference. We need to come back and sort through each of these, as the Supreme Court has directed.

So I would ask my colleagues to oppose the motion to instruct.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, my friend from Arkansas (Mr. HUTCHINSON) mentioned the Laramie, Wyoming tragedy with Matthew Shepard.

Yesterday, here on the Hill, the police chief of Laramie, Wyoming, joined us in support of our hate crimes prevention act. He met with us yesterday.

I might point out that the National Sheriffs Association supports this motion to instruct and the International Association of Chiefs of Police supports this motion to instruct.

Mr. Speaker, I yield 1½ minutes to the gentleman form Missouri (Mr. Skelton), the ranking member from the Committee on Armed Services.

Mr. SKELTON. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in support of the Conyers motion.

Our Nation has seen far too many cases of violent criminal acts related to prejudice, bigotry, and intolerance. Recently, the Federal Bureau of Investigation has reported a significant number of cases involving violence directed against a member of a religious, ethnic, disabled, race-based, or gender-specific association. Statistics show that nearly 8,000 such acts of violence have occurred annually since 1994.

Society cannot and should not tolerate the cowardly, mean-spirited, and hateful acts that we call hate crimes. Indeed, such hate-based acts have a deeper impact on society other than crimes. They are injurious to the community and are often committed by offenders affiliated with large, extended groups operating across State lines.

From my own observation, having been with numerous people who have, unfortunately, sustained physical disability, I have witnessed the ugly face of discrimination. I personally know the pain resulting from malicious acts and bigotry as it relates to disabilities. I wish to stress this point.

As a former State prosecuting attorney, I do not view this proposal lightly. Although the ability to prosecute crimes against individuals exists today, the Senate bill would provide prosecutors with more tools with which to fight crimes in which bias, prejudice, and discrimination are motivating factors.

I urge my colleagues to support the Conyers motion to instruct.

Mr. HUTCHINSON. Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I am delighted now to yield 2½ minutes to the gentleman from Virginia (Mr. SCOTT), the ranking subcommittee member that has handled this subject matter.

Mr. SCOTT. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I will be voting in favor of the advisory motion to the conferees on the Defense authorization bill, but I do so with some reservations.

I am in full support of legislation to punish hate crimes. Those crimes terrorize our community and they are different from other crimes, and they should be prosecuted vigorously and punished more severely.

However, as we enact hate crime legislation, we have to be careful to do so without impugning First Amendment freedoms and at the risk of skewing ordinary criminal penalties.

Hate crime provisions adopted by the Senate in its Defense authorization bill appear to allow evidence of mere membership in an organization and mere beliefs to be introduced in prosecutions for activities described in those provisions. We should have an amendment to prohibit the use of such evidence because allowing introduction of mere membership in an organization may be highly prejudicial and inflammatory to the jury.

Recent reviews of death penalty cases have revealed that many defendants who are factually innocent are convicted anyway. Telling a jury that a defendant belongs to an unpopular organization only increases the chance that the jury will decide the case based on emotion rather than the evidence. Evidence of motivation behind the crime ought to include something in addition to mere membership in an organization or beliefs.

In addition to the constitutional, Mr. Speaker, the provisions of the bill apparently allow a person guilty of what would ordinarily be simple assault and battery to receive a 10-year sentence if they can prove the appropriate motivation.

Mr. Speaker, this motion to instruct conferees is aimed at a Defense authorization bill that will be considered not by the Committee on the Judiciary, which ordinarily considers constitutional and criminal law implications in a bill, if we had considered the provisions in the Committee on the Judiciary, we could have considered the appropriate amendments to deal with the admission of evidence and could have ensured that the provisions were more proportional for the crime committed.

To address these issues, I have sent a letter to the chairman of the Subcommittee on Crime asking that he immediately schedule a hearing on hate crime legislation so that we can consider these issues in an intelligent and thorough manner.

This is a very important piece of legislation. We need hate crime legislation, but it has to be done right.

I will be voting for the amendment, with those reservations.

☐ 1515

Mr. HUTCHINSON. Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Wisconsin (Ms. BALDWIN), a distinguished member of the Committee on the Judiciary.

Ms. BALDWIN. Mr. Speaker, I rise in strong support of this motion. This provision would strengthen a Federal hate crimes statute that has been on the books for over 30 years. The 1968 law already covers hate crimes committed on the basis of race, religion, color, or national origin. This provision would add coverage for victims targeted for violence by virtue of their sexual orientation, gender, or disability.

We hear from opponents that every crime is a hate crime; that every act of violence is an act of hate, but since the founding of our country our judiciary system has weighed the element of intent in evaluating the severity of crime.

The thing that distinguishes hate crimes from other crimes is that hate crimes are intended to terrorize both the crime victim and the entire community that each victim represents. Wyoming is a long way from Wisconsin. Yet in the days and months that followed the murder of Matthew Shepard, I looked into many fear-filled faces and tear-filled eyes in my own community. These crimes do strike terror throughout the Nation.

Yesterday, I met Commander David O'Malley. He was the investigator in Laramie, Wyoming, and he came to Washington to support our passage of this motion. He said two things: one is that in starting out the investigation he really did not believe that hate crimes existed but, boy, did he learn during the course of his investigation that these are specific crimes, and he urged us to pass this motion.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. MCCOLLUM), the chairman of the Subcommittee on Crime of the Committee on the Judiciary.

Mr. MCCOLLUM. Mr. Speaker, I thank the gentleman from Michigan (Mr. CONYERS) for yielding me this time.

Mr. Speaker, hate crimes are just plain wrong. They are crimes against an individual committed by somebody principally or solely because of race, religion, sexual orientation. They are committed not against the individual so much as against a class of people, and they tear at the very fabric of our society because they do that.

I cannot think of a more heinous crime that deserves any greater punishment than a crime committed for that reason. That is why for a long time I have been a supporter of hate crimes legislation that is now before us in this fashion today and why I strongly urge my colleagues to support this effort to instruct conferees in the only way that we can achieve this goal of putting into law a Federal provision that is overdue and needed in this case.

I can say not only about the Matthew Shepards of the world but I can say about cases in my own State, a young woman named Jody Bailey just last year, 20 years old, an African American shot to death simply because of her race, because she was dating a white person, bullets pumped into her car and she was killed for that reason alone. A young girl 6 years old, Ashley Mance, killed because a skinhead thought it was her race and it was not against her but against her race that he shot her.

We had another case in my home State involving several teenage men who killed a man brutally simply because he made a pass at them. That is wrong. That is not right, and the Federal law needs to be guaranteeing that somebody is prosecuted and given extra punishment on top of the underlying crime and the underlying punishment if one commits a crime principally for that reason; just as we have laws that say if someone commits a crime with a gun they get extra punishment on top of their underlying sentence for the underlying crime because it was committed with a gun.

I support both. I think they are reasonable messages and necessary messages to be sent out there. Unfortunately, even though most States have hate crimes laws there are a few that do not, and in those States that do not have hate crime laws that enhance these punishments for crimes solely or principally because of race or religion or sexual orientation or gender or disability, I believe in those States that do not have them or in those States where they are there and some law enforcement officer for whatever reason chooses not to prosecute, Federal prosecutors should have that authority; and that is what this provision gives them.

That is what the Kennedy provision, the Conyers provision gives them, one I support strongly.

It also is true that this legislation provides money, a grant program, to help assist those law enforcement communities that do have their own hate crimes laws to enforce them. There should be a clear and unequivocal message sent to anybody out there remotely contemplating a crime because they hate somebody because of their race, their religion, their sexual orientation. If they commit such a crime, they are going to get punished for a very, very long time; and there is a special place for them in the Federal prisons if the States do not do it.

Mr. Speaker, I strongly support the legislation before us and the motion to instruct conferees, and I encourage all of my colleagues to support it.

Mr. HUTCHINSON. Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield 1½ minutes to the gentleman from Massachusetts (Mr. DELAHUNT), himself a prosecutor and member of the Committee on the Judiciary.

Mr. DELAHUNT. Mr. Speaker, my friend, the gentleman from Arkansas

(Mr. HUTCHINSON), asked. Is this legislation necessary? And he points to the murder of Matthew Shepard in Wyoming who died for no other reason other than he was gay, and to James Byrd in Texas who died for no reason than because he was black, and I would add Joseph Ileto of California who died for no other than reason other than he was Asian. Is there a need? I submit there is a clear need.

When such actions take place in other countries, when individuals are persecuted because of their identity, whether it be racial or religious, our law, the United States law, recognizes this is no ordinary crime and grants them a remedy. We entitle them to petition for asylum. Why would we do less to protect our own citizens from the very same crimes?

Is there a need? Yes, there is a need. Some have said we should not pass this law because hate crimes are a local matter. Well, I agree, and I know that the authors of this legislation, this motion, also agree. The vast majority of those crimes are investigated and prosecuted at the State and local level. In this measure, if it is enacted, it will continue that same status quo. All this legislation will do is to ensure, when local authorities request assistance, or are unable or unwilling to act, Federal law enforcement agencies will have the ability to come to their aid. That is why the sheriffs of this country and the chiefs of police in this country support this legislation.

Support the motion.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentlewoman from Maryland (Mrs. MORELLA), a leader in the Violence Against Women Act.

Mrs. MORELLA. Mr. Speaker, I thank the gentleman from Michigan (Mr. CONYERS) for yielding. I thank him for offering what is an important motion to instruct the conferees in the DOD bill.

This, of course, was a separate bill to begin with. We do not have time to try to pass a separate bill. It is critically important that this Congress indicate their belief that hate crimes will not be tolerated and we will use all of the resources available to make sure that that is the case.

Hate crimes are different from other crimes. For example, just think of the situation of Matthew Shepard, Tony Orr, Timothy Beauchamp, James Byrd, the Jewish Day Care Center in Los Angeles. They affect not only the victim but an entire community.

The House Committee on the Judiciary held hearings back in August. The need has been there. We are all Americans. We cannot tolerate bigotry or hate in any way at all, and it is very important that we do pass this motion to instruct the conferees and show that we are Americans and we do care about each other.

So I ask this body to support it.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I rise in strong support of this motion. We have waited much too long to strengthen hate crime laws. This motion will expand the definition to include crimes motivated by gender, sexual orientation, and disability among the list of crimes considered as hate crimes. If criminals are motivated by bias, then prosecutors should have the ability to seek a higher penalty.

I feel strongly about this because earlier this year over 50 women were beaten, surrounded, robbed, stripped in Central Park in my district. There is one thing all these victims had in common. They were from different countries, different ages, different races and religions but all of them were women. The mob went after these victims simply because they were women.

Hate crimes create a climate of fear that keep a particular class of people from participating fully in society. As Americans, we cannot let this stand. This motion also includes my bill, the Hate Crimes Statistics Improvement Act, that requires the FBI to gather statistics about gender-based hate crimes as well.

This is an incredibly important motion. We must all support it. It is important.

Mr. HUTCHINSON. Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentlewoman from Indianapolis, Indiana (Ms. CARSON).

Ms. CARSON. Mr. Speaker, I thank the gentleman from Michigan (Mr. CONYERS) on his motion to instruct the conferees on H.R. 4205, urging us to adopt the Senate provisions on hate crimes, and I would certainly like to applaud those who have spoken in this effort prior to the time that I have been here.

Unfortunately, because leadership has had a strange hold on hate crimes legislation preventing its advancement in the House, I am questioning what it is that we are waiting for. I spoke at a vigil down the street at the Senate Park a couple of months ago on behalf of the family of Arthur Warren, AKA Jr., J.R., who was beaten by two 17-year-olds who had confessed to that first degree murder but a trial has not yet begun. Arthur was 26 years old. He was gay. He was beaten and ran over twice, several times, with an automobile and then taken across town and dumped out in the street.

This motion to instruct conferees is a vital effort, and if there is anything that this Congress should do prior to the adjournment, it would be to adopt the motion to instruct conferees of the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I yield 1½ minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, I rise in support of this motion to instruct conferees. The American people have waited far too long for the passage of comprehensive hate crimes legislation, and we have an important opportunity today to show our support for this initiative. Each day we hear stories of hate groups actively recruiting members in our communities, often masking their hatred with religion. These groups incite the enmity and violence which tear at the very fabric of our society. The good news is that some States, like New York, have finally responded decisively to the destructive forces of hate-based violence. The bad news is that Congress has consistently squandered the opportunities we have had to address this phenomenon, dragging our feet while senseless hatred destroys communities throughout the country.

It is past time to hear the cries and appeals of the victims of hate crimes and their families. We need to pass a Federal hate crimes law and give law enforcement officers the tools they need to fight these crimes. We need to pass comprehensive gun safety legislation, to keep dangerous firearms out of the hands of people who will perpetrate hate-based violence. We need to invest in the education of our children to teach them by example to embrace the diversity of our society. We need to find a way within constitutional bounds to diminish the damaging effects of hate speech in our communities; and we need to do it now, before one more person among us has to mourn the loss of a loved one to a senseless hate crime. Inaction in the face of this tragic, dangerous trend is indefensible.

Mr. HUTCHINSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just wanted to jump into this particular point in the debate. It is just amazing how much we agree upon. We are expressing outrage about hate crimes, and I tried to express that same outrage when I was a Federal prosecutor. I certainly have tried to express it in the United States Congress. I know that those in the State legislature and here in our national body we all are looking for ways to express our outrage of this. I think we are doing it fairly effectively. This debate is a means of doing that.

□ 1530

Mr. Speaker, there is really broad agreement, when we say it is intolerable in our society for someone just because they are African American or just because they are Jewish that they be targeted or just because of their sexual orientation. It is abhorrent in our society that they be targeted because of those characteristics, so we need to stand against this at every possible opportunity.

I think the debate, though, and really the sense of disagreement is whether we want to have a Federal concurrent jurisdiction for virtually all violent crime similar to the way we do it with our drug war.

Right now, if anyone has any drug offense, it can be brought into State court or Federal court, it is totally concurrent jurisdiction. And basically you are going to have a review of all violent crime to see if it was motivated by one of these biases that is referred to that covers a special category. If it was a perceived special category, and that is always going to be reviewed and as the gentleman from Virginia (Mr. SCOTT) appropriately made the expression of concern, that are we going to be examining everyone's thought. I think the gentleman says that we need to really look at this very carefully. He has some reservations about it.

The reservations that the gentleman raised are reservations that some on this side have as well. And as the minority leader said, it is not a partisan issue. It is really a question here of approach, and the direction that we are going to go in our Federal law enforcement.

And I just wanted to say that I agree with much of what is being said today, and the terribleness in our society of crimes against particular groups. I think it is just simply a matter of a different approach that I would take, and we need to look at this very, very carefully.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, I rise today in strong support of the Conyers motion to instruct conferees on the Defense Department authorization bill to recede to the Senate position and retain the inclusion on the Local Law Enforcement Enhancement Act, which is the Senate's version of H.R. 1028, the hate crimes legislation.

Now, I notice some people believe that hate is not an issue when prosecuting a crime. They say our laws already punish the criminal act and that our laws are strong enough. I answer with the most recent figures from 1998 when 7,755 hate crimes were reported in the United States.

According to the FBI, hate crimes are under reported, so the actual figure is much higher. And I say to my colleagues, penalties for committing a murder are increased if the murder happens during the commission of a crime. Murdering a police officer is considered first degree murder, even if there was not premeditation. Committing armed robbery carries a higher punishment than petty larceny.

There are degrees to crime and committing a crime against somebody because of their race, color, sex, sexual orientation, religion, and ethnicity or other groups should warrant a different penalty. These crimes are designed to send a message. We do not like your kind, and here is what we are going to do about it.

So why cannot we punish crimes motivated by hate differently than other crimes?

I believe we must stand up as a Congress and as a country to pass hate crimes legislation to make our laws tougher for the people who will carry out these heinous acts.

Mr. HUTCHINSON. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. HULSHOF), certainly his expertise as a State prosecutor is meaningful.

Mr. HULSHOF. Mr. Speaker, I thank the gentleman for yielding the time to me and certainly appreciate the tenor of the debate, especially hearing the experiences of my friend, the gentleman from Arkansas (Mr. HUTCHINSON) and his experiences as a Federal prosecutor.

Before coming to this body, I began my legal career as a court-appointed public defender, and one of the last cases I had the occasion to defend was a murder case. My client was an African American who was facing the death penalty. Shortly, thereafter I switched sides in a courtroom and began prosecuting criminal cases and handled some 16 death penalty cases throughout the State of Missouri.

I have heard these very powerful testimonials from all Members, including my colleague, the gentleman from Missouri, who spoke at the beginning in favor of Mr. CONYERS' motion. I, too, have held the hands of family members who have been murdered, the mothers and wives as we waited for juries to return with their verdicts, and wondering whether or not the State's cases prevail and often they did.

But I agree also with the gentlewoman from Wisconsin. My experience has shown that all murder cases are hate crimes, and what I think we are attempting to do today is really legislate by headline. The fact that the tragedy that occurred to the Matthew Shephard family, the killers of Matthew Shephard deserve, in my estimation, the death penalty not because of who he is or what sexual preference he had, but because the facts fit the case.

The murder of James Byrd down in Texas that has been referred to, his killers, in my estimation, deserve justice throughout the death penalty, not because of who he was or the color of his skin, but because the facts fit the case.

In the earlier debate, and I was listening to my colleague from Massachusetts (Mr. FRANK) in the debate with the gentleman from South Carolina (Mr. GRAHAM), if there are prosecutors or police across this Nation that are not aggressively enforcing existing law, then we should focus there, and yet I believe that as the gentleman from Arkansas (Mr. HUTCHINSON) mentioned, we are attempting in essence to criminalize abhorrent but lawful thought, and I think that is a step too far, especially having been one who served in State courts in Missouri.

I think, Mr. Speaker, when I reference the criminal justice system and conjure up the image of all of those cases that I had the opportunity to participate in, I think of the Goddess of Justice. There is a statue just across the street depicting the Goddess of Justice and she stands there with scales in one hand and blindfold across her eyes, and I think the thought and the symbolism is that decisions that are made in our courtroom should be made not based on prejudice or not elevating one group over another, but should be applied consistently, and because of that, then I ask for a no vote on Mr. Conyers' motion.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, first, I want to congratulate the gentleman from Arkansas (Mr. HULSHOF) and, finally, finding someone to come, give him a little relief. He was looking awfully lonely. The relief falls a little short.

First, the gentleman from Missouri said, we are criminalizing abhorrent thought, no not anything in here comes remotely close to criminalizing thought, nothing is criminal under this bill, unless you hit somebody, shot somebody, stabbed somebody, there is nothing in this bill that criminalizes thought, the right to burn crosses and engage in hate speech, first amendment protected, remains totally undiminished.

Secondly, the gentleman said, I mentioned places where there are prosecutors and police who are not fully enforcing the law, fortunately a small minority against particular groups, and he says focus on them. Kill this bill and you cannot focus on them. That is what the bill does.

This bill does not generalize a Federal criminal presence. It gives the Attorney General the right in a restricted set of circumstances to enter into prosecutions, and we envision the circumstance would be where a vulnerable group was being victimized and was not getting the protection. So without this legislation, we cannot do what the gentleman from Missouri says we should do, focus on those situations.

Mr. CONYERS. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman from Missouri (Mr. CONYERS) for yielding me the time and thank him for offering this motion to instruct conferees.

By doing so, under his leadership, he gives this body today a great opportunity, an opportunity to say that hate crimes have no place in our country. The gentleman from Missouri (Mr. HULSHOF) argued that there is no need for a Federal hate crimes legislation, because assault and murder are already crimes.

However, the brutality of these hate crimes speaks to the reality that whether a person is targeted for violence, because of his or her sexual orientation, race or other group membership, the assailant intends to send a message to all members of that community. The message is, you are not welcome.

The effort to create an atmosphere of fear and intimidation is a different type of crime, and it demands a different kind of response. All Americans, all Americans have a right to feel safe in their communities.

This bill counters this message of intimidation. This motion to instruct sends a strong statement that our society does not condone and will not tolerate hate-based crimes. Passage of this motion to instruct would not end hate-based violence, we know that, but it would allow the Federal Government to respond and take action.

Mr. Speaker, I urge my colleagues to vote yes on the motion to instruct. It is necessary, Mr. Speaker, because these tragic murders and the sufferings that were, for example, experienced by the Byrd family and the family of Matthew Shephard have experienced are not isolated incidences.

According to the FBI, 87 incidences of hate crimes based on race, religion, national origin or sexual orientation took place in 1996 alone. There is a need for this. I urge my colleagues to support the motion to instruct.

Mr. Speaker, in recent years we have mourned the deaths of Matthew Sheppard, a gay college student in Wyoming, and James Byrd, an African-American man in Texas. These brutal killings are reminders of the violence and harassment that millions of Americans are subjected to simply because of their sexual orientation, race, religion, or other group membership.

I had the privilege of introducing members of each of their families at the Democratic National Convention last month. There they spoke movingly of their slain loved ones and the impact that crimes motivated by hate have on families and communities.

These tragic murders and the suffering that these two families have experienced are, unfortunately, not isolated incidents. According to statistics kept by the National Coalition of Anti-Violence programs, 29 Americans were murdered in 1999 because they were gay or lesbian and there were more than 1,960 reports of anti-gay or lesbian incidents in the United States, including 704 assaults. And according to the Federal Bureau of Investigation, in 1966 there were over 8700 reported incidents of hate crimes based on race, religion, national origin, or sexual orientation. Crimes based on hate are an assault on all of us, and we must take stronger measures to prevent and punish these offenses.

Opponents of this measure have argued that this is an issue that should be left to the states. However, Congress has passed over 3000 criminal statutes addressing harmful behaviors that affect the Nation's interests, including organized crime, terrorism, and civil rights, violations. Thirty-Five of these laws have been passed since the Republicans took control of Congress in 1995.

Others have argued that there is no need for federal Hate Crimes legislation because assault and murder are already crimes. However, the brutality of these crimes speaks to the reality that when a person is targeted for violence because of their sexual orientation, race, or other group membership, the assailant intends to send a message to all members of that community. That message is you are not welcome.

The effort to create an atmosphere of fear and intimidation is a different type of crime, and it demands a different kind of response. All Americans have a right to feel safe in their community.

The Local Law Enforcement Enhancement Act of 2000 counters this message of intimidation with a strong statement that our society does not condone and will not tolerate hate-based violence. In addition, passage of this legislation will increase public education and awareness, increase the number of victims who come forward to report hate crimes, and increase reporting by local law enforcement to the FBI under the Hate Crimes Statistics Act.

In addition to a bipartisan group of 192 House sponsors, this bill is supported by 175 civil rights, religious, civic and law enforcement organizations, including the National Sheriff's Association, the Federal Law Enforcement Officers Association, the Hispanic National Law Enforcement Association, the National Center for Women and Policing, and the National Organization of Black Law Enforcement Executives.

Hate crimes take many forms and affect many different kinds of victims. As a Member of Congress who has the privilege of representing a district with a large number of gay and lesbian people, I find it interesting when I hear people talk about tolerance for gay and lesbian people because in our community the issue of tolerance was resolved long ago. We not only tolerate our gay and lesbian friends and neighbors, we take great pride in them and in the contribution that they make to our community in San Francisco, indeed to our great country.

Murders and assaults that target African-Americans, Jewish-Americans, Hispanics, Gays and Lesbians, or any other group are the manifestation of enduring bigotry that is still all too prevalent in our society. Passage of this bill would not end all violence against these communities. But it would allow the Federal Government to respond and take action by investigating and punishing the perpetrators of crimes motivated by hate. I urge my colleagues to vote yes on the motion to instruct.

Mr. CONYERS. Mr. Speaker, I yield 1½ minutes to the gentleman from Georgia (Mr. LEWIS), the deputy whip on the minority side.

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my friend and colleague, the gentleman from Missouri (Mr. CONYERS) for yielding the time to me.

Mr. Speaker, I rise in support of the motion to instruct conferees. Hate is hate. Hate is hate. It is based on race, on color, on religion, national origin or sexual orientation. No one, but no one is born hating. Little babies do not know hate.

They do not know sexism. They do not know racism, but our society will change the little babies before they become adults. We teach people how to hate, to hate someone because of their color, because of their race, because of their religion, because of their sex or sexual orientation.

As I said before, nobody, Mr. Speaker, is born hating, but too many people in our society grew up hating, and they get involved in hate crime against someone because of their religion, because of their color, because of their sex or sexual orientation. There is no room in our society to hate or be violent towards someone because of their race, their color, their national origin, their religion or sexual orientation.

With this legislation, Mr. Speaker, we will send a strong and powerful message that we are one family, one people, one Nation. I urge all of my colleagues to support the motion to instruct conferees.

Mr. CONYERS. Mr. Speaker, I yield 30 seconds to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I want to return to the allegation that this criminalizes thought. Here is the operative phrase which controls any new crime, whoever willfully causes bodily injury to any person or through the use of fire, a firearm or an explosive or incendiary device attempts to cause bodily injury to any person.

Absent that phrase, there is no crime committed, so this only applies by its explicit language to actual injury or attempts to injure with a fire or firearm or an explosive or incendiary device.

Mr. HUTCHINSON. Mr. Speaker, I yield 30 seconds to the gentleman from Missouri (Mr. HULSHOF).

Mr. HULSHOF. Mr. Speaker, my response to the gentleman from Massachusetts (Mr. FRANK) would be that if the bias of an accused defendant is made relevant then would not the gentleman agree that any statements, any writings, any thoughts, any spray painted slurs, any of these constitutionally protected, although abhorrent statements, would then be part of the criminalization of the act?

Mr. CONYERS. Mr. Speaker, I yield 15 seconds to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, there has to be a prior physical criminal assault on someone else.

Then when you get to the sentencing and you get to the decision about punishment, you can take into account motive. Yes, I would agree with the gentleman, you can take into account motive and motives that are sometimes constitutional when they are part of a crime can be punished.

□ 1545

Mr. HUTCHINSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, if the ranking member is prepared to close, I will go ahead and finish as our final speaker.

Mr. Speaker, I wanted to come back to this debate; and, again, in listening to some of the arguments that have been made, I noticed that the gentleman from Michigan (Mr. CONYERS) referred to the police chief in Laramie, Wyoming, who supports this legislation. In fact, the police chief of Laramie, Wyoming, was concerned about the burden on the State as to how much it costs in the prosecution. He needed financial help. It was not a matter that the case was not adequately investigated or prosecuted, because, again, a life sentence was meted out. It is the burden on the States because of these prosecutions in hate crimes.

Again, this is a Department of Defense authorization bill. This is in conference on a Kennedy amendment that has not been considered in this body. The question is, when there is the Senator Hatch proposal that would provide grants to the States that would address the concern of the police chief of Laramie, Wyoming, perhaps that is the best way to go.

What is missing in this debate is the answer to the two questions that I raised: Is it constitutional, and is it necessary? I listened to every speaker on this side, and I did not see a recitation of where the constitutional basis is and how we respond to the Supreme Court when they cautioned this body in saying that every crime cannot be a Federal crime. Again, quoting the Supreme Court: "Indeed, we can think of no better example of the police power which the Founders denied the national government and reposed in the states than the suppression of violent crime and vindication of its victims." So I do not believe that has been answered. Where is the constitutional basis?

The second question that I raised is, Is it necessary? Not one case has been cited by my friends from the other side of the aisle in which there was a hate crime in the States that was not investigated and not prosecuted. No case has been cited.

Now, the gentleman from Massachusetts (Mr. DELAHUNT) referred to a couple of cases in which there is a need because there was a hate crime. Well, the end of the story is that the States prosecuted, they got the life sentence, they got a death sentence. Every witness, every witness that was called in support of hate crimes legislation before the Senate committee or the House committee, were victims or family members of a victim of a hate crime. It has been vindicated with the maximum penalty of the prosecution under State law.

So for this massive expansion of Federal jurisdiction, is it a constitutional basis? Is it necessary? I appreciate the frankness of the gentleman from Virginia (Mr. SCOTT), the ranking member on the Subcommittee on Crime. I was aware of the letter that the gentleman wrote to the gentleman from Florida (Mr. MCCOLLUM), the chairman of the Subcommittee on Crime, in which he expressed concern from a constitutional standpoint about the issues that were debated by the gentleman from Missouri, about whether this is going to require evidence of membership, because you have to prove the motivation being a hate crime against a particular group. So the issue will be membership in organizations.

There is a question that has been raised by civil libertarians about that, and also some other questions raised, and ultimately they asked for more hearings. In other words, let us proceed through. Now that we have the support of the chairman of the Subcommittee on Crime, surely we can consider this legislation, consider the amendment, consider what is the best approach, rather than requiring our conferees on a defense authorization bill, where they do not have the expertise of the Committee on the Judiciary to debate this issue. That is simply what I am asking my colleagues.

We are in great agreement that this is intolerable, targeting particular groups in our society. We are in agreement on that. It is simply a question of what is the right approach. I believe the right approach is not directing our conferees to adopt a particular approach on the defense authorization bill. I ask my colleagues to oppose this motion to instruct.

Mr. Speaker, I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I want to thank all of the Members that have participated in this debate, and particularly the floor manager, the gentleman from Arkansas (Mr. HUTCHINSON). I think we have been exhaustive on this subject and have moved in a very important way.

The reason this debate has been as long as it has is because we have had one motion to instruct, the Graham motion, which was turned away, and now we have mine, which I hope will be accepted.

The reason is that it is unrefuted that many of the crimes with which we are concerned are never prosecuted. Sometimes it is because the State and local authorities do not have the resources, but other times it is because they do not have the will. But the bottom line is that these crimes often go unpunished. Today we are asking our colleagues to go on record as to whether or not they will support a Federal law to ensure that these crimes be prosecuted, but only when the State legal system breaks down. Many State officials have asked for Federal legislation so that they can get help from Federal authorities in handling these crimes because of the complexity of the cases and because many of the purveyors of hate operate across State lines.

Many of us in the House have already been on record supporting Federal criminal laws that are based on discriminatory acts. My earlier bill of several years ago, the Church Arson Act, is just the most recent instance of what Members in this House have already voted for. This measure soon to come up, the hate crimes bill from the Senate, follows that same pattern.

Mr. Speaker, with the equal protection promise of the reconstruction amendments in the 19th century, the Federal Government assumed the duty to ensure that all Americans are protected from violence aimed at them simply because of who they are or how they lead their lives. So this is not a usurpation of State authority. It is a backstop, and when the State system does not work, that is when this hate crimes law would kick in.

Mr. Speaker, it is consistent with the rich civil rights tradition that goes all the way back to the 1930s when the late Dr. W.E.B. duBois and Ida B. Wells, an African American civil rights fighter before her time, supported the NAACP anti-lynching laws, which have now been extended through the Hate Crimes Act. We studied the 1938 Senate filibuster on anti-lynch laws which went down. It was defeated in the face of many of the same arguments that are being made today by opponents of this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentlewoman from Texas.

POINT OF ORDER

Mr. HUTCHINSON. Mr. Speaker, I make a point of order.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman will state his point of order.

Mr. HUTCHINSON. Mr. Speaker, it was my understanding that we would close, so I closed. It was my understanding that the gentleman from Michigan (Mr. CONYERS) was going to close on behalf of his position.

Mr. CONYERS. Mr. Speaker, if the gentleman will yield, I was yielding pursuant to a request to yield. If it is the gentleman's insistence, though, that I do not do it, I withdraw it.

Mr. HUTCHINSON. Mr. Speaker, if it is for a unanimous consent request for submitting a statement, there is certainly no objection.

Ms. JACKSON-LEE of Texas. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for yielding.

First, the gentleman made a very important point, and I do have a unanimous consent request. I am sorry that the gentleman from Arkansas wants to narrow the debate and not allow us to yield. But I would ask unanimous consent for this Congress to do the right thing and to support the motion to instruct by the gentleman from Michigan (Mr. CONYERS) so that we can have a Federal backstop to stop the killing and to stop the hate.

Mr. CONYERS. Mr. Speaker, reclaiming my time, this measure continues the great struggle for equal justice of all Americans that started in the 1930s with the anti-lynch laws. It has been refined, it has been expanded, it has had a constitutional basis that has been very deeply rooted, and I urge and thank all of the Members who will support this motion to instruct.

Mr. POMEROY. Mr. Speaker, I rise in support of the Conyers motion to instruct conferees on the Defense Authorization bill. This motion would direct conferees to agree to the federal hate crimes provision contained in the Senate version of this bill. This provision preserves the principle of federalism while recognizing the national imperative to prevent violent crimes motivated by prejudice.

The Hate Crimes Prevention Act (HCPA) would provide new protections for individuals who are victims of violent crimes solely because of who they are. Specifically, it would strengthen the existing definition of a federal hate crime to include crimes motivated by the victim's gender, sexual orientation, or disability. I believe that this legislation would increase public education and awareness of these crimes, encourage more victims to come forward and seek justice, and perhaps most importantly, demonstrate the federal government's clear resolve to prosecute these crimes to the fullest extent of the law.

Some of my colleagues have argued that federal hate crimes legislation is unnecessary. In making this argument, they cite the case of Matthew Shepard, a college student brutally murdered in Laramie, Wyoming. They state that justice has already been served; Matthew Shepard's killer has already been sentenced to life in prison without parole. What they don't tell you is that because Matthew Shepard's murder is not considered a federal hate crime, Laramie law enforcement officials had to furlough five officials to help cover the cost of prosecuting this crime. Under HCPA, by contrast, Matthew Shepard's grieving family would have had the benefit of additional resources under federal law, easing the burden on local law enforcement officials.

Mr. Speaker, by voting in favor of this motion to instruct conferees, we have the opportunity to provide all Americans with additional protection from violent crimes. The vast majority of hate crimes will still be prosecuted in state court. The federal Hate Crimes Prevention Act provides important protections to victims of violence, protections that supplement, not supplant, those available to victims in state courts. I urge my colleagues to support the Conyers motion.

Ms. SCHAKOWSKY. Mr. Speaker, I am proud today to stand with so many of my colleagues to urge support for comprehensive hate crimes legislation. I would also like to thank Mr. CONYERS for his outstanding leadership in this area. His unwavering support and dedication to advancing civil rights has been a beacon for us all.

I hope my granddaughters Isabel and Eve never know of violence motivated by bigotry and hate. Today we have the opportunity to strengthen our hate crimes prevention law by expanding the definition of a "hate crime" to include sexual orientation, as well as gender and disability. These crimes tear at the fabric of our society and insidiously erode our principles of tolerance and diversity. Before this Congress adjourns for the year, we must send a loud message that the safety of all people is paramount and anyone who commits a crime based on bigotry and hate will be prosecuted to the fullest extent of the law.

I don't want to be the one to explain to Ricky Byrdsong's widow that he did not deserve protection because he was killed walking outside of his house rather than while he was engaged in a "federally protected activity." And I don't want to be the person who has to explain to the family of Matthew Shepard why this Congress was unable to pass tougher laws that punish people who commit crimes based on sexual orientation. The Byrdsong and Shepard families are not alone. For every high profile, heinous hate crime that makes it to the forefront of our national consciousness, hundreds and thousands of nameless victims and families have been targeted simply because of their gender, sexual orientation and disability.

Since 1991, 60,000 hate crimes have been reported to the FBI and in 1998 alone, there were close to 8,000 hate crimes reported, almost one every hour. Many argue that hate crimes cannot be separated from other crimes. This is just untrue. Hate crimes are violence targeted at individuals simply because of who they are. Perpetrators are motivated by hate and their actions are intended to strike fear into an entire group of people. We know that individuals are targeted because of their sexuality, disability, and gender just as often as because of their race, religion, and national origin, and our hate crimes prevention legislation must be expanded to protect them too.

What is the lesson we are teaching our children and what legacy will I leave my granddaughters if we don't pass laws that protect all of our citizens? If we fail, we will be turning our backs on our citizens. Should we succeed, we will be sending a clear message to all that we will not tolerate bigotry and hate. We have a choice. Let us choose wisely.

Mr. WEXLER. Mr. Speaker, we are committed to defending this country against all enemies, foreign and domestic. We must ask the question, who or what is our enemy? What is the greatest threat to our democracy? Mr. Speaker, our domestic enemies are hatred and intolerance. And hate manifests itself in many ways. Hate can provoke terrorists to commit unconscionable acts against innocent victims. Hate can provoke rogue leaders to persecute and intimidate members of an ethnic or religious group. And hate can provoke fearful and desperate people to terrorize whole communities by committing hate crimes.

We must take action. We must protect our country against terrorist acts, we must protect ethnicities from genocide, and we must protect vulnerable communities from hate crimes. When a person terrorizes another, that person is guilty of a crime. When a person terrorizes a community, that person is guilty of a hate crime. Whether the community is a religious one, an ethnic one, or one of sexual orientation, it deserves protection.

The nation was shocked at the murders of Matthew Shepard and James Byrd, Jr., as well as the vile and senseless nature of the attitudes which prompted these crimes. Many more hate crimes occur throughout the country that do not receive the level of publicity of the Shepard and Byrd murders. We must work together to eliminate the underlying prejudices which kindle the hatred inherent in these crimes. We must also give our prosecutors the laws and resources they need to properly bring justice to the victims. Let me say again, hate crimes do not just victimize a person, they also terrorize a community. That is why they deserve recognition in the law for what they are—crimes that victimize a community.

We must also be cognizant of protecting all vulnerable groups. Gender, sexual orientation, and disability should be included along with race, color, religion, and national origin as human characteristics which are subject to hate crimes and attacks and should receive the same federal protections.

I ask that you support Congressman CONYERS' motion to instruct conferees to include the Hate Crimes Act in the Defense Authorization bill.

Mr. BARR of Georgia. Mr. Speaker, I stand before you today to oppose Representative CONYERS' motion to instruct which purports to include the Kennedy hate crime language in H.R. 4205.

So-called "hate crimes" legislation is discriminatory on its face. In a nutshell, such legislation treats crimes against certain classes of persons more severely than those same crimes if they were committed against another class of persons. This is clearly not "equal justice under the law."

All crimes are crimes of hate. Whenever a person harms another, there is hate. Should we enact federal legislation to punish hate directed towards one person more severely than hate directed against another, merely because of the victim's classification? I do not believe so.

Under our present laws, the killers of James Byrd and Matthew Shepard (crimes which would have fallen under the Kennedy hate crimes provision) were severely punished for their illegal and gruesome crimes. James Byrd's killer was sentenced to death, and Matthew Shepard's killer was sentenced to two life sentences without the possibility of parole. These and other heinous crimes are prosecuted, and the perpetrators punished; under existing laws. People who commit such crimes are not going unpunished. Current federal and state laws are effective, and they are being used. There is no void here that new, "hate" legislation is needed to fill. Moreover, the effect of this legislation, were it to be enacted, might have the opposite effect to that intended by its proponents. By making the prosecutor's job more complex, and forcing prosecutors to prove additional elements of a "hate" offense, and not defining adequately the terms in these laws, such prosecutions would be rendered more difficult than prosecutions under current laws.

However, this deficiency apparently won't slow down the political agenda at work here.

Including this bill in the Defense Reauthorization bill would clearly be putting the value of one life over and above another. Let us not send that type of signal to our citizens. All life is valuable and should be protected, equally.

Vote no on Representative JOHN CONYERS' motion to instruct.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Michigan (Mr. CONYERS).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HUTCHINSON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 232, nays 192, not voting 9, as follows:

[Roll No. 471]

YEAS—232

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett (WI)
Bass
Becerra
Bentsen
Berkley
Berman
Biggert
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Bono
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
English
Etheridge
Evans
Farr
Fattah
Filner
Foley
Forbes
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Gordon
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
LaTourette
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Porter
Price (NC)
Quinn
Rahall
Rangel
Regula
Reyes
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Serrano
Shaw
Shays
Sherman
Shimkus
Sisisky
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weiner
Weller
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NAYS—192

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bereuter
Berry
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Everett
Ewing
Fletcher
Fossella
Fowler
Ganske
Gekas
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kasich
King (NY)
Kingston
Knollenberg
Largent
Latham
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lucas (KY)
Lucas (OK)
Manzullo
Martinez
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Ramstad
Riley
Rogan
Rogers
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Sherwood
Shows
Shuster
Simpson
Skeen
Smith (MI)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Vitter
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—9

Campbell
Engel
Eshoo
Franks (NJ)
Gilchrest
Klink
Lazio
Reynolds
Vento

☐ 1631

Mr. BLILEY changed his vote from "yea" to "nay."

Mr. CLYBURN changed his vote from "nay" to "yea."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. CAMPBELL. Mr. Speaker, I regret that I was not present for rollcall vote No. 471 because I was unavoidably detained. Had I been present, I would have voted "no."

COMMUNICATION FROM THE HONORABLE MATTHEW G. MARTINEZ, MEMBER OF CONGRESS

The SPEAKER pro tempore (Mr. SIMPSON) laid before the House the following communication from the Honorable MATTHEW G. MARTINEZ, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 27, 2000.

Hon. JEFF TRANDAHL,
Clerk, U.S. House of Representatives, H-154, Capitol, Washington, DC.

DEAR MR. TRANDAHL: Effective July 26, 2000, please change my party designation on your official records and databases to "REPUBLICAN."

Your assistance is appreciated.

Sincerely,

MATTHEW G. MARTINEZ,
Member of Congress.

COMMUNICATION FROM THE HONORABLE MARTIN FROST, CHAIRMAN, DEMOCRATIC CAUCUS

The SPEAKER pro tempore laid before the House the following communication from the Honorable MARTIN FROST, Chairman of the Democratic Caucus:

DEMOCRATIC CAUCUS,
HOUSE OF REPRESENTATIVES,
September 13, 2000.

Hon. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you that the Honorable Matthew Martinez of California has resigned as a Member of the Democratic Caucus.

Sincerely,

MARTIN FROST,
Chairman.

COMMUNICATION FROM THE SPEAKER

The SPEAKER pro tempore laid before the House the following communication from the Speaker of the House of Representatives:

OFFICE OF THE SPEAKER,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, September 13, 2000.

Hon. WILLIAM F. GOODLING,
Chairman, Committee on Education and the Workforce, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This is to advise you that Representative Matthew G. Martinez's election to the Committee on Education and the Workforce has been automatically vacated pursuant to clause 5(b) of rule X effective today.

Sincerely,
J. DENNIS HASTERT,
Speaker of the House.

COMMUNICATION FROM THE SPEAKER

The SPEAKER pro tempore laid before the House the following communication from the Speaker of the House of Representatives:

OFFICE OF THE SPEAKER,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, September 13, 2000.

Hon. BENJAMIN A. GILMAN,
Chairman, Committee on International Relations, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This is to advise you that Representative Matthew G. Martinez's election to the Committee on International Relations has been automatically vacated pursuant to clause 5(b) of rule X effective today.

Sincerely,
J. DENNIS HASTERT,
Speaker of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the foregoing communications, the party affiliation of Representative MARTINEZ has been switched for informational voting record purposes and his committee memberships have been vacated.

Had the foregoing communication of July 27, 2000, from Representative MARTINEZ to the Clerk been laid before the House at that time, the party affiliation for voting informational purposes would have been changed or, as has been the case in the past, the process would have been timely noticed in writing to the chairman of the Democratic Caucus who, in turn, would notify the Speaker by letter pursuant to clause 5(b) of rule X.

HONORABLE MATTHEW MARTINEZ JOINS REPUBLICAN CONFERENCE

(Mr. MARTINEZ asked and was given permission to address the House for 1 minute.)

Mr. MARTINEZ. Mr. Speaker, on July 26, 2000, I participated in the House Republican Conference as a Republican.

The next day I asked the Clerk of the House to change my party designation on his official records and database to Republican.

I have also notified the chairman of the Democratic Caucus of my resignation of the caucus and my desire to be a member of the Republican conference.

Mr. Speaker, I ask unanimous consent that all records of the House as of July 26, 2000, reflect my voting status as a Republican.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PRESIDENTIAL TRANSITION ACT OF 2000

Mr. HORN. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform be discharged from the further consideration of the bill (H.R. 4931) to provide for the training or orientation of individuals, during a Presidential transition, who the President intends to appoint to certain key positions, to provide for a study and report on improving the financial disclosure process for certain Presidential nominees, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. TURNER. Mr. Speaker, reserving the right to object, and I do not plan to object, but I yield to the gentleman from California (Mr. HORN) for a brief explanation of the bill.

Mr. HORN. Mr. Speaker, I thank the gentleman from Texas for yielding to me. Mr. Speaker, the ranking member has been just inestimable in terms of all the help he has provided us on this and other pieces of legislation.

Mr. Speaker, H.R. 4931, the Presidential Transition Act of 2000, represents a bipartisan effort to update the Presidential Transition Act of 1963. H.R. 4931 would allow transition funds to be used for a formal training and orientation process for incoming appointees to senior administration positions, including cabinet members.

On November 2, 1999, the House passed a bill with similar provisions, H.R. 3137, by a voice vote under suspension of the rules.

On June 8, 2000, Senator FRED THOMPSON from Tennessee introduced a companion bill, S. 2705, the Presidential Transition Act of 2000. The Senator added some well thought out provisions that call for study and proposals to improve the financial disclosure process for presidential nominees.

In addition, the changes made in the Senate bill would require the administer of the General Services Administration to develop a transition directory. This directory would be a compilation of Federal publications supplementary material that would provide a new presidential appointees with a manual of information about the organization, statutory and administrative authorities, functions and duties of each department and agency in the Executive Branch. H.R. 4931, which we are considering today, includes those Senate amendments.

Over the years, there have been many examples of missteps and outright mistakes made by newly appointed officials in the White House. Those errors could have been avoided if the officials had more fully understood the scope of their responsibilities.

H.R. 3137 would set a time frame and authorize the funds for that necessary training and orientation.

I urge my colleagues to support this bill just as they supported its predecessor, H.R. 4931. It is an important step toward ensuring that a new administration, regardless of party affiliation, starts off on the right foot.

Mr. TURNER. Mr. Speaker, further reserving the right to object, I want to rise and join with the gentleman from California (Mr. HORN) in strong support of this legislation, H.R. 4931, and urge its adoption.

I want to commend the gentleman from California (Chairman HORN) and the gentleman from Indiana (Mr. BURTON) and the gentleman from California (Mr. WAXMAN), ranking member, who have all focused on this bill and to be sure that it is brought before this House today and becomes law before a new administration occupies the White House.

The Presidential Transition Act would amend the Presidential Transition Act of 1963 to authorize the use of transition funds for the purpose of providing orientations for individuals that the President-elect plans to nominate to top White House positions, including cabinet positions.

The bill would probably affect 20 to maybe 40 political appointments in the White House. It is designed to give greater assurance that the orientation process would take place shortly after the incoming administration assumes office or preferably before they assume office.

This orientation will provide a smoother transition for a new administration, eliminating mistakes, and ensuring that the Federal Government will continue to function at a high level.

Our subcommittee heard testimony from distinguished witnesses who advocated the adoption of this new provision for orientation programs for incoming members of a new administration. Witnesses such as Elliot Richardson, former Attorney General to President Nixon; the Honorable Lee White, the former Assistant Counsel to President Kennedy and counsel to President Johnson, shared the unique perspective that they have regarding the critical nature of this transition period.

There is no question that whoever is elected as the next President of the United States must be ready and prepared to go to work on the morning of November 8. That period between November 8 and inauguration is, indeed, a very critical period of time, not only for the new administration, but for the country as a whole.

So I am pleased to join with the gentleman from California (Chairman HORN) today in urging that this bill be adopted. It is noncontroversial. It is bipartisan. We have introduced it today and move that it be adopted by unanimous consent.

Even though we passed the bill on the floor of this House, we have now incorporated changes suggested by our colleagues in the Senate. I urge that we adopt it today.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the bill, as follows:

H.R. 4931

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Presidential Transition Act of 2000".

SEC. 2. AMENDMENTS TO PRESIDENTIAL TRANSITION ACT OF 1963.

Section 3(a) of the Presidential Transition Act of 1963 (3 U.S.C. 102 note) is amended—

(1) in the matter preceding paragraph (1) by striking "including—" and inserting "including the following:";

(2) in each of paragraphs (1) through (6) by striking the semicolon at the end and inserting a period; and

(3) by adding at the end the following:

"(8)(A)(i) Not withstanding subsection (b), payment of expenses during the transition for briefings, workshops, or other activities to acquaint key prospective Presidential appointees with the types of problems and challenges that most typically confront new political appointees when they make the transition from campaign and other prior activities to assuming the responsibility for governance after inauguration.

"(ii) Activities under this paragraph may include interchange between such appointees and individuals who—

"(I) held similar leadership roles in prior administrations;

"(II) are department or agency experts from the Office of Management and Budget or an Office of Inspector General of a department or agency; or

"(III) are relevant staff from the General Accounting Office.

"(iii) Activities under this paragraph may include training or orientation in records management to comply with section 2203 of title 44, United States Code, including training on the separation of Presidential records and personal records to comply with subsection (b) of that section.

"(iv) Activities under this paragraph may include training or orientation in human resources management and performance-based management.

"(B) Activities under this paragraph shall be conducted primarily for individuals the President-elect intends to nominate as department heads or appoint to key positions in the Executive Office of the President.

"(9)(A) Notwithstanding subsection (b), development of a transition directory by the Administrator of General Services Administration, in consultation with the Archivist of the United States (head of the National Archives and Records Administration) for activities conducted under paragraph (8).

"(B) The transition directory shall be a compilation of Federal publications and materials with supplementary materials developed by the Administrator that provides information on the officers, organization, and statutory and administrative authorities, functions, duties, responsibilities, and mission of each department and agency.

"(10)(A) Notwithstanding subsection (b), consultation by the Administrator with any candidate for President or Vice President to develop a systems architecture plan for the computer and communications systems of the candidate to coordinate a transition to Federal systems, if the candidate is elected.

"(B) Consultations under this paragraph shall be conducted at the discretion of the Administrator.".

SEC. 3. REPORT ON IMPROVING THE FINANCIAL DISCLOSURE PROCESS FOR PRESIDENTIAL NOMINEES.

(a) In General.—Not later than 6 months after the date of enactment of this Act, the Office of Government Ethics shall conduct a study and submit a report on improvements to the financial disclosure process for Presidential nominees required to file reports under section 101(b) of the Ethics in Government Act of 1978 (5 U.S.C. App.) to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives.

(b) Content of Report.—

(1) In general.—The report under this section shall include recommendations and legislative proposals on—

(A) streamlining, standardizing, and coordinating the financial disclosure process and the requirements of financial disclosure reports under the Ethics in Government Act of 1978 (5 U.S.C. App.) for Presidential nominees;

(B) avoiding duplication of effort and reducing the burden of filing with respect to financial disclosure of information to the White House Office, the Office of Government Ethics, and the Senate; and

(C) any other relevant matter the Office of Government Ethics determines appropriate.

(2) Limitation relating to conflicts of interest.—The recommendations and proposals under this subsection shall not (if implemented) have the effect of lessening substantive compliance with any conflict of interest requirement.

(c) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. McNULTY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on and to include extraneous material on the special order of the gentleman from California (Mr. FARR) on the subject of the 150th anniversary of the State of California.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SHERWOOD). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

RURAL HEALTH CARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Dakota (Mr. THUNE) is recognized for 5 minutes.

Mr. THUNE. Mr. Speaker, when I was back in South Dakota over the August recess, I traveled around the State visiting rural hospitals, clinics and nursing homes. I wanted to get a first-hand look at some of the challenges that are being faced by rural health care providers. I also learned about some of the successes that we have been having.

I represent the entire State of South Dakota. That is 66 counties and 77,000 square miles made up primarily of farmland and grassland. When the citizens of South Dakota need access to a health care provider, it is not uncommon for them to drive 100 miles just to make a regular appointment.

Distance really affects how people get health care in South Dakota. If one's elderly mother needs to see the doctor, one may need to take off work and make sure the kids are taken care of while one spends all day traveling back and forth only to spend 20 minutes with a physician. That is when the weather is good. When the weather is bad with the snow and the wind, that trip is just not possible. One's mother would have to make another appointment several days later and wait to get the medical care she needs.

☐ 1645

But in times of tragedy or emergency, rural residents do not have that luxury. Take, for instance, the example of the farmer working in the field. Farm equipment accidents injure and kill rural residents every year. When the accident happens, the victims need medical attention and they need it quickly. If they can get the expert trauma care in their hometown clinic, there is a much better chance of survival. If they cannot get access to the appropriate professionals close by, they would have to drive several hours to get to a large medical center. Chances of a good outcome are much lower.

The health care professionals in my State of South Dakota have been coming up with some innovative ways to deal with the distance problem. They have been using technology to bring patients and doctors together. They call this breakthrough "telehealth."

Telehealth is a method of health care delivery that was at, one time, a new concept in health care, a theoretical way to connect people with providers. But telehealth is no longer an experiment. This is a service being used every day in rural areas across this country.

I saw some of the most amazing things our health care providers are doing with telehealth technology. Lung specialists in Sioux Falls are using electronic stethoscopes to treat patients with pneumonia who live in Flandreau. Flandreau is a town with just over 2,000 people. They cannot get to see a specialist like that unless they travel or the specialist travels to them. That is pretty expensive when they start adding up gasoline and loss of productivity due to time on the road.

They are also using telehealth to provide health care on American Indian reservations. The Pine Ridge Reservation, which sits in the Nation's poorest county per capita, is over 130 miles from the area's main medical center in Rapid City. Many residents of Pine Ridge deal with depression. They would like to see a mental health professional but have to wait 3 months to get an appointment. But using two-way interactive video cameras, they can now have access to these professionals and get timely and appropriate care.

Those are just some of the ways that patients are getting the care that they need. It is clear that telehealth services have become critical for these patients and the providers who care for them. But this kind of care is expensive.

Currently, hospitals are using grants to fund these services. Grants are limited and do not last forever. When the grants dry up, patients will have to go back to the old ways of doing things. What is needed is a more permanent method of paying for these services, and that is where Medicare comes in.

Back in 1997, Congress authorized several telehealth demonstration projects to study the impact of telehealth on health care access, quality, and cost. The projects have shown that telehealth promotes better access and quality and could be used to provide both primary and specialty care at a reasonable cost. Given the success of telehealth, it is now time for Medicare to begin paying for these services.

But Medicare has created reimbursement policies that have had the effect of excluding these services to those patients who would derive the most benefit from them, seniors who are often unable to travel long distances for direct health care.

I thought Medicare was put in place to help our senior citizens get the care they need. But that is not the case with telehealth services. Medicare covered only six percent of all telehealth visits in 1999 clearly when Congress intended that Medicare would pay a little bit more for these critical services.

With these facts in mind, I introduced H.R. 4841, the Medicare Access to Telehealth Services Act of 2000. This bill tries to eliminate some of the reimbursement barriers that prevent hospitals from providing these services and seniors from accessing them. It is no longer the case that where they live needs to determine what kind of care they receive.

Now, I realize that telehealth is just one piece of the health care puzzle. There are many other aspects of the Medicare law that need to be revisited. Rural hospitals, clinics, and nursing homes are reeling from the effects of the Balanced Budget Act.

Last year, Congress provided some initial relief with the Balanced Budget Refinement Act. That was the first step toward helping our rural health providers deliver the kind of care our citizens deserve.

Now we are poised to take another step. As my colleagues know, members of the Committee on Commerce and the Committee on Ways and Means are now considering a legislative package that would further refine the BBA. Part of that refinement needs to include telehealth services. Congress understood the potential of this technology 3 years ago. It is time to reduce those barriers that keep it from being used effectively.

I urge the members of the committee to include the provisions of my legislation in their add-back bill. Congress has made a commitment to modernize Medicare, and reimbursing for telehealth services is one way to do that.

MILLION MOM MARCH AND COMMON SENSE GUN SAFETY

The SPEAKER pro tempore (Mr. SHERWOOD). Under a previous order of the House, the gentleman from New Jersey (Mr. HOLT) is recognized for 5 minutes.

Mr. HOLT. Mr. Speaker, the clock is ticking. The clock is ticking and this Congress has yet to hear the message delivered by the one million mothers on May 14 of this year.

An extraordinary thing happened this past Mother's Day when so many New Jerseyans joined families from all over the United States in the "Million Mom March" here in Washington.

Now, all of us know it, Mr. Speaker. Over the last years, our Nation has been shaken deeply by incidents of gun violence. All of us were floored by the tragedy in a Michigan elementary school where a 6-year-old child, a child who had not yet learned to read, had learned how to kill with a handgun.

That was just the latest in a long line of gun-related tragedies. We know the litany. Columbine, West Paducah, Jonesboro, Conyers, and in too many other communities across America. These have been matched by countless other gun tragedies less public but no less tragic for their families and their communities all across the Nation.

In school yards, what would have a generation ago been a fist fight now becomes a blood bath. Since these tragedies, citizens all across my State of New Jersey have called louder than ever for passage of stricter gun safety laws. But despite the outcry, a few politicians in Congress here in Washington have stood in the doorway, have blocked reform, refusing to act on common sense gun safety proposals like those that the gentlewoman from New York (Mrs. McCARTHY) and I are sponsoring here in the House of Representatives.

On August 26, I was joined by my colleague and good friend, the gentlewoman from New York (Mrs. McCARTHY), for a public meeting in Plainsboro, New Jersey. The gentlewoman from New York (Mrs. McCARTHY) and I were joined at that event by 66 families who once again called on this body to act on sensible gun safety legislation.

Mr. Speaker, I would like to read into the RECORD a letter to the gentleman from Illinois (Mr. HASTERT), the Speaker of the House, signed by the gentlewoman from New York (Mrs. McCARTHY), myself, and 66 families who joined us in Plainsboro, which I will personally deliver to the Speaker this evening.

> MR. SPEAKER, as concerned citizens of the State of New Jersey, we are writing to request your immediate assistance in having Congress consider gun safety legislation before Congress adjourns for the year.
>
> As you know, in June of 1999, following the tragic murders at Columbine High School in Littleton, Colorado, Congress considered a package of juvenile justice proposals. When this legislation was considered in the Senate, an amendment by Senator FRANK LAUTENBERG was attached that would close the dangerous gun show loophole, ban the importation of high-capacity ammunition magazines, and mandate the use of child safety locks on firearms.
>
> These three proposals, which have been introduced in the House of Representatives, are mainstream, common sense measures that polls show are supported by a large bipartisan majority of the public. While we in New Jersey do not have gun shows, other States do. That undermines our gun safety laws because they allow criminals to buy dangerous firearms without background checks, waiting periods or identification at these shows. A law mandating child safety locks, if enacted, could save the lives of hundreds of young Americans.
>
> Many of us visited Washington, D.C., as part of the "Million Mom March" this Spring.

And, I might add, I made that trip by bus from New Jersey, too.

> In the many weeks since that watershed event, attended by thousands of Americans

from all parts of the Nation and all walks of life, no effort has been made to bring the Juvenile Justice legislation back before the House. In fact, these measures have remained bottled up with delay tactics and parliamentary maneuvering. Now, as less than 20 days remain in the scheduled legislative session, the need for leadership and action on this issue is greater than ever.

Stemming the tide of gun violence is an issue of deep importance to us and to our Nation. Now is the time for our leaders in Washington to roll up their sleeves, not sit on their hands. We urge you in the strongest possible terms to use your influence as the highest ranking Member of the House of Representatives to bring immediately these legislative proposals back before the Congress so that they can be sent to the President for his signature.

"Respectfully," and it is signed by 66 family members from central New Jersey.

Mr. Speaker, I include the letter for the RECORD:

August 26, 2000.

Hon. J. DENNIS HASTERT,
Speaker of the House,
U.S. Capitol, Washington, DC.

DEAR MR. SPEAKER: As concerned citizens of the State of New Jersey, we are writing to request your immediate assistance in having Congress consider gun safety legislation before it adjourns for the year.

As you know, in June of 1999, following the tragic murders at Columbine High School in Littleton, Colorado, Congress considered a package of Juvenile Justice proposals. When this legislation was considered in the Senate, an amendment by Senator Frank Lautenberg was attached that would close the dangerous gun show loophole, ban the importation of high-capacity ammunition magazines and mandate the use of child safety locks on firearms.

These three proposals, which have also been introduced in the House of Representatives, are mainstream, common sense measures that polls show are supported by a large, bipartisan majority of the public. While we in New Jersey don't have gun shows, other states do. That undermines our gun safety laws because they allow criminals to buy dangerous firearms without background checks, waiting periods or identification at these shows. A law mandating child safety locks, if enacted, could save the lives of hundreds of young Americans.

Many of us visited Washington D.C. as part of the "Million Mom March" this Spring. In the many weeks since that watershed event, attended by thousands of Americans from all parts of the nation and all walks of life, no effort has been made to bring the Juvenile Justice legislation back before Congress. In fact, these measures have remained bottled up with delay tactics and parliamentary maneuvering. Now, as less than twenty days remain in the scheduled legislative session, the need for leadership and action on this issue is greater than ever.

Stemming the tide of gun violence is an issue of deep importance to us, and to our nation. Now is the time for our leaders in Washington to roll up their sleeves, not sit on their hands. We urge you in the strongest possible terms to use your influence as the highest-ranking member of the House of Representatives to immediately bring these legislative proposals back before Congress, so that they can be sent to the President for his signature.

Respectfully,
Signed by 66 New Jersey citizens.

Mr. Speaker, every school I visit, every PTA meeting that I attend, every classroom that I teach in, kids, moms and dads, in fact nearly everyone I talk with in New Jersey, tells me it is high time that Congress take action to keep guns out of the hands of kids and criminals.

Mr. Speaker, the time has come for Republicans, Democrats, and Independents to join together to pass these common sense gun safety measures.

RACIAL PROFILING AND POLICE BRUTALITY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, there is an issue of great potency brewing in the African American community such that I feel compelled to bring it to the attention of this body.

Like other Americans, African Americans are animated by the same issues. Education is at the top of the list. And of course, there is a Patients' Bill of Rights and preserving Social Security and Medicare.

But what amazes me from the data and, anecdotally, when looking at black publications in my own district, is a surprising issue that has greater interest and intensity than others; and that issue is racial profiling and police brutality.

This is most interesting because the African American community has embraced police because there was such high crime, especially in the early 1990's. Crime is down 10 percent now from last year, 34 percent over the last few years; and yet there is this intense hostility based on what is happening particularly to black men but also to black women.

If one has raised a boy the way that I have so that he gets to go to college, graduates in 4 years, has a good job, it does not make a dime's worth of difference if he is driving down a road and there is a sense that who he ought to pull over are black people rather than others.

So that, if we look at Interstate 95, where 17 percent of the drivers are African-Americans, 56 percent of those searched are black; or let us look at California in a 1997 study that showed that only 2 percent of 3,400 drivers stopped yielded contraband; or a recent study of racial profiling on I–95 here in the East, about 17 percent of those who drive along I–95 are African Americans but they represented 60 percent of the drivers searched in 1999.

Something is wrong with those figures. And it has now penetrated deep in the African American community and it knows no class bounds. The richest and most middle-class African Americans know that there is no difference to a police officer who is looking for black people between a youngster that has done all he should do and somebody who may, in fact, be carrying drugs.

What amounts to a loss in the criminal justice system has occurred throughout the African American community where so many young African American men are caught up in the first place. We need to have that community where we had it when they began to embrace police in the 1980s, and we are losing them.

This body apparently had some recognition because under the present majority, H.R. 1443, which was a bill sponsored by the gentleman from Michigan (Mr. CONYERS) was indeed passed in 1998, which allows the collection of certain kinds of information about traffic stops. This body passed it. It was sent to the Senate. The Senate Committee on the Judiciary never acted on it.

We need to pass this bill again. It is now called H.R. 118. We need to pass it. Because about the worst thing that can happen in our society is that people believe that criminal justice does not have justice. And it is very hard for me to believe that there is justice in the system when the disparities are as huge as this.

□ 1700

Obviously, most African Americans play by the rules. So when you do not know whether playing by the rules will get you pulled over or not, particularly if you are a young black man, the stereotypic person to pull over, the rage of a loss of confidence that you are operating in a fair system becomes very great.

This is an issue for us all. This is an issue we can eliminate simply by first studying it and coming to understand what its causes are. H.R. 118 does not ask this body to take specific steps now. We need to know what is happening and why it is happening. If, in fact, black Americans see that we do not care enough even to find out why these disparities exist, I think we are sending a horrific message, especially now as people get ready to go to the polls. They want to see whether or not something can be done. I am not asking that something be done during this session. I do believe that during this session we have to start the ball rolling so that we can know what, if anything, we can do about these very telling statistics.

A TRADITIONAL EDUCATION IS THE BEST EDUCATION

The SPEAKER pro tempore (Mr. SHERWOOD). Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, I rise today to speak briefly on two or three important topics or issues in education. First, we have done a more than adequate job in bringing down class sizes in most places around the country. What we really need to work on now is bringing down the size of schools.

At very large schools, some young people feel like they are little more than numbers. Most kids can handle this all right, but some feel that they have to resort to extreme, kooky, weird or, unfortunately at times, even dangerous behavior to get noticed.

At small schools, young people have a better chance to make a sports team or serve on the student council or become a cheerleader or stand out in some way. Young people today would be better off going to a school in an older building, but in a school where they did not feel so anonymous.

I read a couple of years ago that the largest high school in New York City had 3,500 students; and then they made the wise decision to break it up into five separate schools and their drug and discipline problems went way down.

The gentleman from Indiana (Mr. HILL) and I, on a bipartisan basis, introduced a bill to set up a special program within the Department of Education to give incentive grants to school systems that would establish programs to decrease the number of students at any one school. We got $45 million for this in the last omnibus appropriations bill, but we need to pursue this much more aggressively. Small schools mean individual attention and individual opportunities. Gigantic schools, unfortunately, centralized schools unfortunately, breed weird behavior and even help lead to Columbine-type situations.

Secondly, Mr. Speaker, this so-called teacher shortage is one of the most artificial, contrived, and easily solvable problems that we have in the country today. There would be no teacher shortage if we removed the straightjacket of education courses and let school boards use intelligence and common sense to hire teachers. A school board should be allowed to consider an education degree as a real plus but not be restricted or harmed or hindered by it. Right now, in most places, if a person with a Ph.D. in chemistry and 30 years' experience in the field wanted to teach, he could not do so because he had not taken a few education courses. This is ridiculous. Right now, a person with a master's degree in English and who had been a successful writer, say, for a magazine or for newspapers for years could not be an English teacher in a public school because of not taking a few education courses. This is crazy.

Someone who had been a political science professor at a small college for several years and then had several years' experience on Capitol Hill, for example, could not teach American government in a public high school without a required education course. This is stupid and it is why we have this artificial government-induced teacher shortage that we are seeing this publicity about.

We could wipe out this teacher shortage overnight if we would allow school systems to hire well-qualified people even if they had not taken any education courses. I repeat, an education degree should be considered a plus. It should be considered a good thing when considering someone for a teaching job. School superintendents and principals have enough common sense intelligence and experience to hire some well-qualified person to teach who has degrees and experience but simply lacks an education course or two.

Thirdly, Mr. Speaker, David Gelernter, a professor of computer science at Yale, said we are headed for an educational catastrophe or education disaster, he used both terms, by placing computers in classrooms for small or very young children. He said some seemed to believe if we give children what he described as a glitzy toy with bigger and bigger databases, we have done all we need in regard to education. He said we need to get back to the basics, especially in elementary and middle school. He said we still need to teach reading and writing and arithmetic and history and science, and we need to teach these things before we give kids computers and then wonder why they cannot add or subtract or write a grammatically correct sentence or know even basic history about their own country. This was said by a man who is a professor of computer science.

Computers are not the end all of education. We need to get back to the basics before we end up in the educational catastrophe or disaster that Professor Gelernter predicted.

PRESCRIPTION DRUGS AND MEDICARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, the public learned something about presidential candidate George Bush last week. Actually, the word "important" is an understatement. We learned something crucial. We learned his plans for Medicare.

Every senior citizen, every person with a family member covered by Medicare, every taxpayer in this country needs to understand this. George W. Bush believes Medicare as we know it should be replaced by private insurance plans. That is not conjecture. It is fact. It is what he tells us.

It is clear as day if one looks at his prescription drug plan. The first part of his proposal features a transitional program designed to give a special commission time to come up with a private sector alternative to the Medicare program. Mr. Bush goes so far as to avoid the obvious. That is adding prescription drugs to the list of health care services and supplies that Medicare covers. He actually advocates a transitional prescription drug program feature with mini-bureaucracies in each State to administer temporary prescription drug welfare programs. If one is opposed to big government, this part of his proposal is their worst nightmare: 50 State bureaucracies.

His welfare-type program approach, which would cover the lowest-income seniors only, is also sorely inadequate. Nearly half of all seniors who lack prescription drug coverage would be left out in the cold. The first part of his proposal may simply be ill conceived. The second part is simply irresponsible.

Under that section, the Federal Government would begin to subsidize part of the cost of private prescription drug coverage, but only after the Medicare program as a whole undergoes a transformation. That transformation, not surprisingly, features private insurance-type HMO health plans. Privatization of Medicare is not a transformation. It is an oxymoron. Private insurance plans cannot replace Medicare. Private insurance plan HMOs, their loyalty is to the bottom line. How many times do we have to intervene when a managed care or other insurer plan messes? Up how many times do we have to intervene on behalf of our constituents before the industry's loyalties become clear to us?

The loyalty results in decisions that are not in the best interest of enrollees. That loyalty is what creates the need for a Patients' Bill of Rights, which this House of Representatives and the other body should pass and send to the President. That loyalty, the bottom line, explains why health insurers market to the healthiest individuals and do everything in their power to avoid the sick. That loyalty explains how private, managed care plans, how private insurance company HMOs, contracting with Medicare, could enroll seniors one year, promising them all kinds of benefits, and unceremoniously drop them the next year; promise supplemental benefits they cannot deliver and then blame the government for problems that they created.

The traditional Medicare program is different. It is universal. It is reliable. It is accountable to the public. It has 1 to 2 percent administrative costs. Medicare's loyalty is to beneficiaries and to taxpayers. It is an undiluted commitment. Medicare offers choice in ways that actually make a difference in terms of health care quality and patient satisfaction. It does not tell beneficiaries which providers they can see and which providers they cannot see, like Medicare HMOs do, or provide financial incentives to discourage proper care, again as Medicare HMOs do, or interfere with the doctor/patient relationship, as Medicare HMOs do.

Medicare does not tell beneficiaries any of those things.

Having your choice of private health plans under the Bush plan, under private managed care, does not mean much if those plans all restrict access to providers and erect barriers to medically-necessary care. Medicare offers reliable coverage that does not come and go with the stock market, that does not discriminate against beneficiaries based on health status or any other criteria.

So George W. Bush has decided to join his Republican colleagues to promote the privatization of Medicare, to end Medicare as we know it, and to provide a new market for private insurance plans. And when it comes down to it and prescription drugs, whom do you trust? Do you trust Medicare, traditional Medicare, that served the public well for 35 years? Do you trust Medicare to provide these benefits to the public with prescription drugs, or do you trust private insurance HMOs who have pulled out of county after county, made promises they have not kept? It is a question of trusting traditional Medicare or, again, do you trust private insurance HMOs?

THANKS TO THE MANY STAFFERS WHO HAVE ASSISTED IN THE FIFTH AND EIGHTH CONGRESSIONAL DISTRICTS OF FLORIDA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. McCOLLUM) is recognized for 5 minutes.

Mr. McCOLLUM. Mr. Speaker, I am here today because we are finishing this term of Congress, and while there may be other things for me, perhaps across in the other body, this is the last year that I will serve as a Member of the United States House of Representatives. I am very proud of the service that I have given, and I have enjoyed my service a great deal in this body.

I have enjoyed working with my colleagues on both sides of the aisle to accomplish many things over these years that I have served from 1981 to the present, but none of that would have been possible without a very strong group of men and women who served on my staff.

Now, we often talk about our committee staffs; but I am talking specifically about my personal staff; my staff both in my Orlando district office, and my staff here in my Washington office. There have been many, many people who have worked for me over those years; and in a moment I am going to enter into the RECORD some 99 of those staffers that I have at least documented, that I want to recognize because their hard work is what allowed me to provide this service first to the Fifth Congressional District of Florida and then to the Eighth Congressional District of Florida.

I want to single out some in particular, though, because even though I would like to be able to talk about all 99, I cannot do that. I do not have time to, and no one would want me to; but some have been with me a long time and some have done admirable service.

In my district office, Nancy Abernethy is a case worker who has been with me since the very beginning when I first began my service, the beginning of 1981; and throughout those years she has provided service to many constituents, particularly in immigration matters and about tax matters, that is above and beyond the call of duty in many cases.

There are literally hundreds of people in central Florida today who have had service provided by Ms. Abernethy in resolving matters regarding immigration rulings and immigration concerns that they would not have had resolved in the way they did if she had not been there to act on their behalf. She still does that today.

I have another lady who has been with me for many years, all but I think a couple of the years I have served, in that same district office, a case worker named Elaine Whipple. Elaine tirelessly served me for a long time working with senior citizens, particularly veterans, on issues concerning veterans affairs, but also on Social Security, giving service, finding answers to solutions to those Medicare problems for people with the various agencies of the government. These two women provided a perfect illustration of what can be done in the best of public service when you have people that are dedicated, who every day go to work regardless of whether I am sitting in the office or not, answering the phones, talking to people and providing them a conduit between the Federal Government and an agency that is far removed from them, and some real, everyday problems in their personal lives that need recognition and resolution.

I have also had several other people that have really served extraordinarily well that I want to mention. The chiefs of staff who have served me over the years, Vaughn Forrest for many years, my very first chief of staff, did admirable work. We provided together a program for relief for Salvadorans, the people who were displaced off the farms there during their civil war where we lifted medicines and medical supplies down there that were donated privately, not a legislative agenda but something privately done, that the office did, that I am prouder of than any other thing that I have worked on since I have been in Congress; and much of that work was a tribute to Vaughn Forrest's effort as he did in many other cases.

□ 1715

Mr. Speaker, more recently Doyle Bartlett has been my chief of staff who was an early aide who came to work for me in my district office and who worked on to be a legislative staffer up here, and then later my chief of staff. And most recently John Ariale, who currently is my chief of staff, but was my district aide for many years, working to serve the public in the central Florida region tirelessly for a good number of years on my staff.

Personal secretaries, personal assistants over the years both in Washington and in Orlando in the central Florida area have meant the difference in my life and in the ability for me to be able to serve. Fran Damron who came to Washington to start this process from Florida with me, but for unforeseen family circumstances might very well be in my employ today.

Mary Lee Reed who still works part time for me, for many years worked in this Washington office as my right arm. Today Sue Lancaster in my district office who has been with me for many years, I could not do without really in many ways. She has tirelessly put time in program after program serving our constituents and working to allow me to serve better. Lisa Smith, who recently left my office in Washington, served many years here doing that job. And more recently Jin Sikora.

I have had other staff assistants from Jane Hicks who served me a long time on the front desk here to Selma McKinzie, I should say the district desk in Florida to Selma McKinzie who served here and the list could go on and on. I cannot begin to name them all.

Leslie Woolley was my first legislative director, the legislative is a critical staff as well to provide services in a personal staff office that we do not get from the committee staff on legislative matters. Many, many issues that Members of Congress have to face every day and votes they have to take on the floor, they have to be prepared for that. They would not otherwise be able to do because that does not come within the purview of the committees they serve on, but they are expected, we all are expected to respond and respond intelligently to make votes for these issues.

I want to again thank these personal staff Members for all the work that they have done over the years. I do not think we pay enough tribute to our personal staffs.

Mr. Speaker, I include the following for the RECORD:

STAFF TRIBUTE (1981–2000)

PERSONAL OFFICE STAFF

Nancy Abernethy, Melissa Finn Aldrich, John Ariale, Marie Attaway, Michael Ballard, Doyle Bartlett, Paul Bernstein, Lynne Bigler, Julie Bordelon, Scott Brenner, Melissa Burns, Rachel Cacioppo, Sandra Carroll, Christina Cullinan, Fran Damron, James Derfler, Andi Dillin, Susan Dryden, Sarah Dumont, David Eisner, Debbie Feldman, Terri Finger, Vaughn Forrest, Kristen Foskett, and Teresa Fulton.

James Geoffrey, Elizabeth Gianini, Shannon Gravitte, James Griffin, Michael Hearn, Mark Heidelberger, Jane Hicks, Mary Carlson Higgins, Judi Holcomb, Barbie Howe, Dawn Igler, Joe Jacquot, Kirt Johnson, Dana Hargon Jones, Vincent Jones, Josh Kane, Dirk Karaman, Karl Kaufmann, Susan Kessel, Anne Kienlen, Janie Kong, Sue Lancaster, Carolyn Lindsey, Patti Lockrow, and Linda Lovell.

Gerry Lynam, Ellen Maracotta, Kevin McCourt, Selma McKinzie, Ferrall McMahon, Bob Meagher, Judy Merk, Dave Merkel, Helen Mitternight, Lisa Morin, Don Morrissey, Rufus Montgomery, Maureen Mulherin, Sophia Nash, Karen Nasrallah, Paula Nelson, Jaclyn Norris, Jennifer Paine, Clif Parker, Mari Parsons, Marissa Barnes Raflo, Mary Lee Reed, Therese Ridenour, Debby Roeder, and Tom Rosenkoetter.

Clif Rumbley, Christy Russell, Ann Scarborough, Eythan Schiller, Karen Schwartz, Jenn Hargon Sikora, Ginny Smith, Lisa Weigle Smith, Teresa Smith, Yvette Sommers, Phil Squair, Janet Sterns, Marise Stewart, Pam Tabor, Jay Therrell, Laurie Thompson, Carl Thorsen, Chuong Tran, Steve Van Slyke, Linda Vogt, Tyler Wesson, Tina Westby, Elaine Whipple, Susan Williams, and Leslie Woolley.

CALIFORNIA'S SESQUICENTENNIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FARR) is recognized for 5 minutes.

Mr. FARR of California. Mr. Speaker, on behalf of the California delegation, I submit the following statements relating to California's 150th anniversary of Statehood.

Mr. THOMPSON of California. Mr. Speaker, I rise today to celebrate California's 150th Anniversary. This is a momentous occasion as we recognize the most populace and one of the most diverse states in the Union. With 52 Congressional Districts, each brings its own culture, tradition, attitude and history to the state.

California's First Congressional District contains the finest wines, greatest fishing, and richest forests in our nation. From chardonnay to cabernet, the vineyards within the First District produce outstanding varietal wines. The 400 wineries use cutting-edge science with traditional techniques to provide wines of every type and vintage, for beginning tasters to advanced collectors.

The Napa Valley Wine Auction, held each June, has become the largest and most successful charity wine auction in the world since its beginning in 1981. Hundreds of wine enthusiasts and auction-goers from across the nation, as well as a growing number of international guests, travel to participate in a gala weekend of tastings, dining, art shows, and auctions. As the auction has grown, along with the wines it showcases, it has raised millions of dollars for local health care. Sponsored by the Napa Valley Vintners Association, the auction has donated over $16 million to local charities, raising a record-breaking $9.5 million this year alone.

North of the grapevines of Napa, Sonoma, Mendocino, Solano and Lake Counties, lie the magnificent Redwoods, which make their home in Del Norte, Humboldt and Mendocino counties. In the midst of large fishing and timber industries, these giant trees, some over 2,000 years of age and over 350 feet in height, annually attract over one million adults and children from around the world who stare in amazement at the enormity of the world's tallest trees. Redwood National Park, home to over 110,000 acres, was established in 1968 and expanded ten years later to protect the slow maturing redwoods.

Fort Bragg, California is the setting for the Annual World's Largest Salmon BBQ, which is held on the July 4th weekend. This year commemorated the 29th anniversary of the event that benefits the local Salmon Restoration Association (SRA). Its goal is to replenish the once great numbers of salmon in the Northern California waters. Members of the SRA are joined by volunteers from across the region and help serve 5,000 pounds of salmon, 5,000 ears of corn, 1,000 pounds of salad and 850 loaves of French bread.

The First Congressional District is also home to Solano County's Travis Air Force Base, which currently houses the largest airlift organization in the Air Force. Travis, established in 1942, is assigned to the 60th Air Mobility Wing, consisting of the 60th Operations, Logistics, Support, and Medical Groups. For 50 years, Travis has presented the Travis Air Expo, attracting more than 200,000 guests each year, who watch this two-day event featuring multiple performances by some of the world's top military, civilian and vintage aerial demonstrators. The Travis Air Expo has established itself as the premier military air show in Northern California.

Mr. Speaker, these are just a few of the important events held in the First Congressional District that reflect the strength, character and integrity of our residents who represent the diversity of the entire state. It is appropriate at this time, Mr. Speaker, that we recognize and celebrate the birth of the great state of California.

Mr. HERGER. Mr. Speaker, 150 years ago this past Saturday the state of California entered into the Union. I rise today to commemorate this anniversary, and to celebrate the resources and treasures of the 2nd congressional district.

Historically, the great state of California is most often associated with the Gold Rush. Northern California was the main destination of those in search of quick wealth. The banks of the Feather River yielded great riches to those who were in the right place at the right time, but the precious metal that caused a rush to the West was not the only treasure that California possessed.

Young settlers whose dreams had not materialized in the gold fields soon turned to the fertile Central Valley and envisioned golden acres of grain. Today those acres are covered with fruit trees, rice fields, and almond and walnut orchards, as the valley continues to yield its agricultural treasure, making California the leading agricultural economy in the world.

Others looked at the golden promise in the vast forests. Their labor provided the lumber for the growing towns and cities of Northern California. A tremendous renewable resource to the American people, our forests provide materials for homes and businesses, as well as endless recreational opportunities and habitat for unique plant and animal species.

Some entrepreneurs recognized that there were other ways to gather gold than simply panning in a streambed. They opened dry goods stores, banks and hotels. Women found that they could earn a living utilizing their household skills cooking and cleaning for miners who couldn't. California was born a land of golden opportunities and to this day she continues to call to those willing to take a risk in order to improve their own lives.

Many came to California for only a visit, but stayed a lifetime. The specious skies, majestic mountains, and rushing rivers of Northern California stirred their souls, while her fertile valleys, gentle climate, and endless opportunities captured their imagination. Yes, gold fever may have lured early settlers here, but even though the stores of that precious metal have mostly given out, people still flock to California today.

As a third generation Northern Californian, I am very proud of the beauty and resources of my native land. I am proud to celebrate the 150 years that this jewel has been an important part of our great nation.

Mr. OSE. Mr. Speaker, I rise today representing California's Third Congressional District in celebrating the Sesquicentennial of the great state of California's admittance to the Union.

California's Third District is one of the truly diverse regions of the country. The district stretches from Sacramento's urban, southwestern suburbs to the spacious northern country of Tehama, serving as a bridge between the flat agricultural lands of the upper Sacramento River Valley and the state's northern, timber-rich highlands. From East to West, the District lies between the majestic Sierra and Coastal Range.

The roots of the Third District can be traced parallel to those of the state. On January 24th, 1848, James Marshall reached into the icy waters of the American River near Sacramento and found the first gold nugget. People from around the globe came to California in search of their dreams. By August of 1849, the City of Sacramento was born and nearly a year later, in September of 1850, the State of California was made into the 31st State.

The Northern portion of the district is home to some of this country's most beautiful sites, including both the Lassen National Park and the Mendocino National Forest. The picturesque Sutter Buttes are considered the smallest mountain range in North America.

Today, the District is one of the leading producers of agricultural crops, including an abundant production of rice, tomatoes, peaches, pears, almonds, pistachios and avocados. The Third District is also the home of the University of California at Davis, one of the leading research universities in the country.

But most of all, what makes the Third District special are the people who reside in it. The tight-knit communities in counties like Butte, Colusa, Glenn, Sacramento, Solano, Sutter, Tehama and Yolo instill a strong sense of family values that will carry on through future generations.

I am extremely proud to reside in and represent the Third Congressional District of California. It is with honor that I rise today to recognize the 150th anniversary of this Great State and our wonderful district.

Mr. MATSUI. Mr. Speaker, I rise today to recognize California's State Capitol, the great city of Sacramento, in celebration of the 150th anniversary of California's admission to the Union.

Located in the heart of Northern California, the River City of Sacramento boasts a rich blending of art and culture offering the comforts of a small town and the amenities of a growing metropolitan area. As the capitol of the sixth largest economy in the world, California, Sacramento is home to the world's largest almond processing plant, Blue Diamond and continues to rank as a major agricultural producer year after year. But while Sacramento has a thriving business community, the state legislature also claims Sacramento as its home base. The magnificent State Capital building alone attracts scores of world leaders, businessmen and women, school children and tourists alike.

Helping to keep Sacramento's economy booming is its natural positioning as a gateway for industry. Located at the crossroads of the state's north-south and east-west trade routes, Sacramento is able to host a deepwater port and a major airport. The film industry is another enterprise attracted to Sacramento, but for different reasons. From goldrush era store fronts to picture perfect Victorian homes to modern office buildings, Sacramento has lent itself as an aesthetically pleasing backdrop to a long list of cinema classics, most recently, The General's Daughter and Oscar Winner, American Beauty.

Major league sports teams have also found a successful and welcoming home along the Delta. Two major league basketball teams, the Sacramento Kings and the Sacramento Monarchs play to sold out crowds in the Arco Arena. Most recently, Sacramento welcomed a new team, the Sacramento River Cats. A farm team for the Oakland A's, the River Cats play in a brand new stadium just 450 yards from Old Town Sacramento, bridging together Sacramento's colorful gold rush past with a new set of hometown heroes.

Over the years, Sacramento has seen some significant firsts. The initial transcontinental railroad meeting between the "Big Four", Leland Stanford, Charles Crocker, Collis P. Hunington, and Mark Hopkins was held above a downtown hardware store in 1860. Also in 1860, the Pony Express began its 1,980-mile ten-day delivery service between St. Joseph, Missouri and Sacramento. And Tower Records, America's second largest record retailer got its start selling used jukebox records for 10 cents each in a Sacramento drug store.

Known for its many acclaimed historical points of interest such as Sutter's Fort and the Delta King, Sacramento is also respected for being an environmentally conscious community. With all that goes on in and around this city, one would hardly guess that Sacramento could brag about having more park space per capital than any other city in the nation. But it is true; this city has many more trees than people. One of the greatest success stories is the American River Parkway. Designated a natural preserve in 1960, the 32-mile long parkway is the first, and one of the few, riparian river habitat preservations within a major urban center. Its 7,000-acres offer opportunities for fishing, rafting, kayaking, hiking, and nature study. Clearly, residents of Sacramento have a great city to be proud of.

With all that Sacramento has to offer, some like to think of Sacramento as California's best-kept secret. True, it is the ideal place to live and do business. But I like to think of it simply as home.

Ms. WOOLSEY. Mr. Speaker, I rise today to recognize California's Sesquicentennial. I am very proud to represent California's Sixth Congressional District. This district includes all of Marin and most of Sonoma County, the region north of the Golden Gate Bridge. The District, initially the home of Native American Tribes, has been under seven sovereign flags: England, Spain, Russia, Mexico, the Bear Flag Republic, California and the U.S.A.

The Sixth Congressional District has been home to a wide variety of businesses and agricultural endeavors. Sonoma County recently earned 3rd place in a nationwide Forbes magazine that ranked the best cities in which to do business. Since 1987, the area from Novato to Santa Rosa has earned the nickname "Telecom Valley," for the large number of telecommunications companies that the area has produced. Marin and Sonoma Counties are also home to many other high-tech firms. In the agricultural arena, Sonoma County contains dozens of vineyards, wineries, and apple orchards. Both counties have a long and proud history of dairy and poultry farming.

The Sixth Congressional District also has a rich musical and artistic history. From the Great Depression through the 1950s, the Russian River area of Sonoma County was the venue for Big Bands. The Kingston Trio began their career in Marin County in the 1950s. Their ownership of the Trident in Sausalito brought other famous and soon-to-be-famous to the country. In the 1960s, Marin resident Bill Graham's productions engendered poster art that defined much of the nation's art of that decade, just as his concerts defined the popular music and culture of the times. Today, Sonoma State University is building the Don and Maureen Green Music Center—a music, dance, and drama performance center on the level of Tanglewood, that will become an international destination for its summer festivals.

Film arts in the District are highlighted by the Mill Valley Film Festival, long known as the springboard for new talents. The District has often been chosen as a filming location for such movies as Alfred Hitchcock's The Birds and Vertigo, as well as Star Wars and others. Marin County is also home to George Lucas, a frequent Oscar winner over the last several years.

Sonoma and Marin counties' residents are notable for their environmental consciousness, and a look at the natural treasures of the District makes the reason obvious. The District is home to half of the Golden Gate National Recreation Area, the nation's most visited National Park; Point Reyes National Seashore; the breathtaking Russian River recreation area; plus several state and county parks; mountains and valleys; redwood groves and miles and miles of coastline. Truly, the Sixth Congressional District is a place we are all proud to call "home."

More information about California's Sixth Congressional District can be found in the Local Legacies collection at the American Folklife Center for the Library of Congress.

Mr. Speaker, it is my great pleasure to pay tribute to the Sixth Congressional District in honor of California's Sesquicentennial. I am very proud to be representing such an accomplished and beautiful area of California in Congress. Happy 150th Birthday, California!

Mr. GEORGE MILLER of California. Mr. Speaker, California's 7th congressional district includes portions of Contra Costa and Solano Counties and is situated astride San Francisco Bay and the Sacramento River. Its economic, demographic and political history is deeply linked to its geography. Industry ranging from oil refining to shipping, an extensive Navy presence, and deep concerns about water quality and the environment—especially the protection of the Bay and the Sacramento-San Joaquin Delta—have long been central features of the region. It is no accident that it was in Martinez, the Contra Costa County seat, Sierra Club founder John Muir resided and wrote his tracts that transformed our view of natural resource protection.

The 7th district is also the site of significant national historical events from the era of World War II. At the site of the former Port Chicago Naval Weapons Magazine (currently the Concord Naval Weapons Station), the largest domestic loss of life during World War II occurred on July 17, 1944 when over 320 men, most of whom were black, were killed in a cataclysmic explosion. The subsequent refusal of black sailors, who were the subject of discrimination, to resume the loading of munitions led to the largest court martial in Navy history and a landmark civil rights case that helped facilitate President Truman's decision to integrate the armed forces later in the decade. Congress designated the site of the explosion as the Port Chicago National Memorial in 1992. In December of 1999, after a long effort I led with other lawmakers, activists, and veterans, President Clinton issued a Presidential pardon to Mr. Freddie Meeks of Los Angeles, one of the last remaining men who was court-martialed more than half a century ago.

Richmond, California, on the 7th district's west side, was a small city when World War II began and the Kaiser Shipyards were created to build the Liberty and Victory ships that supported the war effort. Tens of thousands of new workers—including many minorities and women—ballooned the local population and created the legendary "Rosie the Riveter" image. Together with providing women previously unavailable jobs in industrial plants, Richmond served as the epicenter of dramatic changes in American life that were to affect generations including racial and gender integration of the workplace, group health services and expansive child care. Congress is now completing action on my legislation to create a National Historic Site to commemorate the rich history of Richmond's contributions to ending WWII and changing our society forever.

Those historic changes continue today with the conversion of the former century-old Mare Island Naval Shipyard in Vallejo to civilian uses including environmental protection and local economic development. The 7th district has an historic past and today is a critical part of the San Francisco Bay Area's economic, environmental, cultural and communications life.

Ms. PELOSI. Mr. Speaker, this past Saturday marked the 150th anniversary of the entry of the State of California into the United States. I rise today to recognize this important date and to bring to the attention of my colleagues the important contribution of the Presidio of San Francisco to the history of the Eighth Congressional District and to the State of California as a whole.

The Presidio has overlooked San Francisco Bay since the United States came into existence. Built in 1776 by the Spanish Empire in North America, the military outpost of the Presidio was created after the great inland harbor of San Francisco was discovered during colonizing expeditions. The Presidio was briefly under the control of the newly independent Republic of Mexico starting in 1821, but was finally transferred to American control by treaty in 1848.

In many ways, the history of the Presidio has mirrored the events that shaped our nation. During the 1870's and 1880's, the Presidio served as a frontier outpost, from which soldiers saw action in the Indian Wars. San Franciscans are proud of the service at the Presidio during this time of the Buffalo Soldiers, all Black-regiments established to help rebuild the country after the Civil War and to patrol the western frontier.

By the turn of the century, the Presidio shifted from an outpost to a major military installation and a base for American expansion into the Pacific. In 1898, tens of thousands of American soldiers camped at the Presidio in preparation for the invasion of the Philippines during the Spanish American War. In 1915, General John Pershing, later to become the commander of U.S. expeditionary forces in World War I, led the pursuit into Mexico of Pancho Villa from the Presidio. The Presidio became headquarters for the Western Defense Command during action in the Pacific in World War II, and soldiers began digging foxholes in local beaches in anticipation of a possible invasion.

Playing a significant role in the preservation of nature, the Presidio's role in the San Francisco Bay Area transcends its military roots. As far back as the 1880's, the first large-scale tree planting and post beautification projects were undertaken at the Presidio. The building of the Golden Gate Bridge from 1933 to 1937 increased the public use of the Presidio. The Presidio was designated a National Historic Landmark in 1962. From that time to its eventual closure as a military base in 1989, and its transfer in 1994, thanks to the visionary actions of Philip Burton, to the National Park Service, the significance of the Presidio has shifted from a strategically important military base to a gem in the National Park system and an integral part of California's landscape and history.

Today, the Presidio continues to reflect the changing priorities of our nation. In a change reflecting a swords-to-plowshares approach, the former military installation at the Presidio has become a national park like no other. Surrounded by dense neighborhood in San Francisco, the Presidio is now an urban oasis of open space that preserves a critical habitat for some rare and endangered species. The Presidio contains an incredible assortment of recreational, cultural, and natural resources that makes it a top destination for visitors to San Francisco and a well-loved and visited site for the City's residents. Fittingly, the Presidio has also become home to a Swords-to-Plowshares program which helps veterans re-assimilate into civilian society through job training, housing assistance, and counseling.

Mr. Speaker, the Presidio of San Francisco, with its proximity to the Golden Gate Bridge and the California Coastline, its beautiful forests and unique ecology, and especially its role in the development of California, deserves recognition for its place in the history of the Golden State. I am proud to recognize this contribution and to honor the Great State of California on its sesquicentennial anniversary.

Ms. LEE. Mr. Speaker, I am proud to rise today to commemorate the Sesquicentennial of California's statehood. One hundred and fifty years ago, California became the 31st state in the union. It is my great privilege to represent the Ninth District of California, which has played a vital role in the history, economy, and culture of this wonderful state.

The Ninth District has a rich history of its own in the last 150 years. Home to the City and Port of Oakland and the University of California at Berkeley, this East Bay area offers ethnic diversity, intellectual ferment, and economic vitality, and has made a wide array of contributions to science, technology, literature, the arts, and business.

Oakland emerged as a major commercial and transportation center in the heyday of the California Gold Rush of 1849. It became a crucial transit point from the San Francisco Bay to Sutter's Mill and the Sierra Nevada foothills. Oakland dramatically expanded after the tragic San Francisco earthquake of 1906 as Californians sought firmer ground. The city again ballooned upward in population during the Second World War, when thousands of Americans came to the District to work in the busy shipyards, the Oakland Army Base, and the Naval Air Station in Alameda.

As the city grew, so did its commitment to progressive activism. Individuals such as Cotrell Lawrence Dellums, a Pullman porter and a Bay area representative for the Brotherhood of Sleeping Car Porters, began organizing fellow African-Americans to join the union in 1925, when Oakland was still strongly linked to the passenger rails. As the head of the Alameda County NAACP, he helped the AFL–CIO consolidate its membership by delivering the support of Black railroad workers and members of the NAACP, and was among the first to organize voter registration campaigns in the district.

C.L. Dellums' spirit of activism has remained alive in California's District Nine throughout the years, demonstrated by minority groups organizing to demand equality, the student anti-war protests at the University of California, and working men and women joining together to demand better working conditions.

Two-time Socialist Party Candidate for Mayor and "Call of the Wild" author Jack London called Oakland his home for nearly thirty years. From that city, London wrote many of his vivid evocations of the Far North. The East Bay's sometimes chilly climate may have helped inspire some of his more picturesque depictions of life in the Yukon. Nor was London the only cultural icon to grace Oakland's streets: Robert Louis Stephenson, and Gertrude Stein both lived in Oakland, and all enriched our literary heritage. Today, Jack London Square bears Oakland's famous son's name, such an important part of the city that is standing at the waterfront.

As a sea, air and rail port, Oakland is at the hub of California trade. The maritime port stretches across nineteen miles of San Francisco Bay. One of the largest ports on the West Coast, the Port of Oakland is today second only to New York in terms of container terminal space. It is the primary sea terminal connecting the western United States of Asia, South America, and Europe. Like the seaport, the airport also represents a crucial link in the chain of intrastate, interstate, and international commerce. The Oakland Airport was also the starting point in 1937 for Amelia Earhart's ill-fated round-the-world flight.

In addition to its role in transportation, the Ninth District also plays a leading role in the nation's academic life. The University of California is one of the finest academic institutions in the country. It was born out of the heady spirit of California's 1849 gold rush. In that year, the authors of the State Constitution demanded that the legislature "encourage by all suitable means the promotion of intellectual, scientific, moral and agricultural improvement" of the people of California. The gold rush may have played out, but the university that was eventually created at Berkeley has uncovered a rich vein of ideas. Today, the University of California ranks among the top universities in the world.

The historic landmarks in this district include the Camron-Stanford House, Dunsmuir House, Mills Hall located on the Mills College campus, the Paramount Theatre, the U.S.S. *Hornet* (CV–12), the several buildings designed by architects Julia Morgan and Bernard Maybeck. Additional landmarks in the district include the C.L. Dellums Train Station, the just-opened Chabot Observatory and Science Center, Children's Fairyland (Walt Disney's blueprint for Disneyland), Jack London Square, Lake Merritt, Lawrence Hall of Science, Oakland's Chinatown, and the Ronald V. Dellums Federal Building.

In recent history, our district is experiencing increased growth of "dot coms," biotechnology research centers and hi-technology companies such as Bayer, Chiron, Sybase and Wind River.

Four of our annual events were recently placed as a "Local Legacy" as a centerpiece of the Library of Congress' Bicentennial celebration. These events are the Solano Stroll, Dia de los Muertos, the Black Cowboys Parade and the Festival of Greece. I am proud that these events are recognized by the Library of Congress as a local legacy.

With a century and a half of history behind it, California now stands at the brink of a new century and a new millennium. Its gold-rush inspired state motto is "Eureka," a Greek word proclaiming discovery. As we move forward into the future, we must continue to celebrate our diversity, remember our past, and refute

Gertrude Stein's famous Oakland lament that "there was no there there." There is a there, there, and for a hundred and fifty years there has been.

Mrs. TAUSCHER. Mr. Speaker, I rise today to celebrate the Sesquicentennial of California's admission into the Union as the nation's 31st state on September 9, 1850. California's 10th Congressional District has been instrumental in the state's history. In the 1800s, my district had a strong connection with the Old West, populated by Americans during California's Gold Rush and a center for miners. The 10th Congressional District became one of the main routes to the gold fields and quickly became a mercantile stopover for miners seeking their fortune in the Mother Lode.

Many of those miners purchased land in this beautiful area. In 1854 Daniel and Andrew Inman founded Danville when they bought 400 acres with their mining earnings. By 1858 the new Danville community grew and thrived, complete with a blacksmith, hotel, wheelwright, general store, and a post office.

The City of Lafayette was well known throughout California in the early 1860 as a stop for the Pony Express from April 3, 1860 to late October 1861. The 200-mile trail served as the fastest mail delivery between St. Joseph, Missouri and Sacramento, California.

The Town of Moraga was named for Joaquin Moraga, the grandson of Joseph Joaquin Moraga who was the second in command of the Anza Expedition of 1776, the founder of San Francisco, Mission Delores and the founder and first commandant of the Presidio. In 1835, he received a 13,316-acre land grant from the Mexican government, which included parts of Orinda and Lafayette. On a hill overlooking the Moraga Valley, Joaquin Moraga built an adobe home, thought to be the oldest building in Contra Costa County.

Today the 10th Congressional District maintains its historic roots combining clusters of narrow roads and early buildings with 21st Century high technology office parks. The citizens in the 10th Congressional District are among the highest skilled and educated workforce in the nation. While they are at the epicenter of the high-tech economy, they are also committed historic preservation and protecting the natural physical environment in one of the nation's more desirable places to live. The 10th Congressional District is committed to preserving its past and looking forward to the next one hundred-fifty years as a part of this great nation.

Mr. POMBO. Mr. Speaker, I rise today with my fellow delegates to celebrate and honor the 150th birthday of the great state of California.

I have the honor of representing the 11th district of California, which includes the San Joaquin County cities of Stockton and Lodi. Each has played a dynamic part in the historic and economic development of the Golden State.

The town of Lodi was settled by families of German descent from North Dakota. It first served as a railroad stop known as Mokelumne Station in 1869, which was renamed to Lodi three years later. Formally the "Watermelon Capital," Lodi today is known as the "Wine grape Capital" of the world. This booming town of over 50,000 residents is home to the Tokay Grape and over 40,000 acres of vineyards. Some of California's finest wineries are located in nearby Woodbridge and Acampo.

Stockton is the backbone of California's agricultural hub and home to nearly 250,000 residents. It is our state's largest inland shipping port, which sends the San Joaquin Valley's farm products to the open market. Thanks to its rich soil and temperate climate, Stockton is one of the most productive growing areas in California. Major crops include asparagus, cherries, tomatoes, walnuts and almonds. Stockton is also home to the University of the Pacific, a charming campus known for its programs in law and pharmacy. Stockton has historically been a multicultural city. Older generations of families from Europe and Mexico are being joined by new arrivals from South East Asia and Central America. In 1999, Stockton was awarded the "All American City" award by the National Civic League.

Mr. Speaker, it is indeed a great honor to be a life long native of the 11th district and to represent it today in the Congress. The 11th is one of the most diverse culturally and economically. But together, its people serve an important role in the economy of both California and America. I am pleased to join my delegates today in celebrating the Sesquicentennial of the Golden State.

Mr. LANTOS. Mr. Speaker, I join my colleagues from the golden State of California in marking the 150th anniversary of statehood.

It was 50 years ago—in the summer of 1950 when California celebrated the centennial of its admission to the Union—that my new bride and I moved to the San Francisco Bay Area. And it was half a century ago that Annette and I began our connection with the part of our state that is now the 12th Congressional District. In the fall of 1950, I began my studies as a graduate student in economics at the University of California, Berkeley, and at the same time I began teaching at San Francisco State University. When we arrived in California, it had a population of 10.6 million. Today, Mr. Speaker, our state's population has reached 33.1 million—1 out of every 8 Americans is a Californian.

As we mark 150 years of statehood, it is instructive to look both to our historic past, but at the same time to look to the future, and California and the 12th Congressional District was as important in shaping our nation's past as it is today in leading the way toward our nation's future.

Mr. Speaker, in the mid-19th century, the Bay Area was the principal gateway to the California gold rush. In 1847—with the Mexican War still underway, two years before of the influx of the gold miners of 1849, and three years before California's admission to the Union—San Francisco had a population of 459 people, half of whom were U.S. citizens. Three years later on July 1, 1850, the U.S. Census Bureau reported that the population of San Francisco was 94,766, and at that same time, 626 vessels were anchored in the San Francisco Bay.

When California became a State, the legislature established San Francisco County, but with the explosive growth of the area just six years later in 1856, it was necessary to create the new county of San Mateo from the southern part of San Francisco County. After the initial chaos of the early years of the gold rush, the growth of these two counties was more orderly but still robust.

San Mateo County was given a boost by the tragedy of the massive 1906 San Francisco earthquake, when thousands of displaced and terrified residents fled the city and encamped in what became Daly City. As the Bay Area developed, San Mateo County likewise grew as a cluster of communities—each filled with growing numbers of Irish, Italian, Greek, and Asian-Americans moved to the suburbs from "the City." Each of these cities developed its own unique character and flavor, and each has contributed to the diversity and cohesion of our area.

Today—a century and a half after California became our nation's 31st state—the 12th Congressional District continues to reflect the rich diversity of our past and the golden hope for our state and our nation's future. Two elements strike me as particularly significant in this regard, Mr. Speaker.

First, the 12th Congressional District reflects the ethnic complexity of California and of the nation. As The Los Angeles Times (September 8) noted, "The Gold Rush was a defining moment in the nation's history, a remarkable, virtually overnight influx of people from every quarter of the world." In many ways that influx of a diverse population a century and a half ago established the pattern of our state. Ethnic diversity is not just a concept in our area, it is a daily reality.

One quarter of our population in the 12th Congressional District are Asian—Chinese, Filipino, South Asian, Japanese, Southeast Asian and others. Over an eighth of our population is Hispanic with a smaller population of African Americans. A recent article in the San Francisco Examiner on Daly City referred to this diversity in praising the mixture of "Spanish, Tagalog and Hindi" heard in the city's markets, and noted that "ethnic diversity is a source of pride for the community as reflected in its integrated neighborhoods." As the State of California moves from a majority white to a "majority minority" population and as our nation's population becomes increasingly diverse, the 12th Congressional District is a harbinger of the benefits of a harmonious, ethnically diverse community.

Mr. Speaker, this is not to say that tolerance and multi-ethnic harmony has always been the case in our state. California, as the rest of the nation, has had its share of discrimination and racism. Chinese and other Asians suffered harassment and intimidation during the era of the Chinese Exclusion Act. During World War II, tens of thousands of American citizens of Japanese ancestry were sent to relocation camps. Hispanic-Americans have faced discrimination for using Spanish and maintaining their national cultures. But we have learned, we have made progress, and we continue to struggle with the complications of diversity.

Mr. Speaker, a second element is the importance of the Peninsula and of San Francisco in our state and our nation's economy. A century and a half ago, panning for gold made a few people rich quickly, but those who made the real contribution to our state and our nation's economy as well as real wealth for themselves were the individuals who brought the entrepreneurial spirit which gave rise to such legendary businesses as Levi Strauss, Ghiradelli chocolate, and the Wells Fargo Bank.

A century and a half ago, Gold was discovered at Sutter's fort on January 24, 1848, but the first newspaper story about the discovery to appear in a newspaper in the eastern United States was only published eight months later in the New York Herald on August 19. When California was formally admitted as a State to the Union on September 9, 1850, it required six weeks for the steamer bearing the banner "California is a State" to arrive in San Francisco. The celebration of statehood in California did not take place until October 29—a full 50 days after statehood was a reality. Today, California is in the forefront of the instantaneous communication revolution, as Internet communication and e-commerce led by firms in Silicon Valley and San Francisco revolutionize the way the entire world communicates.

Today, Mr. Speaker, we continue to have an ebullient economy in the Bay Area, and this is an important element of our state's contribution to the entire nation. As our distinguished Governor Gray Davis said recently: "We're experiencing a second Gold Rush. People came here 150 years ago to find their fortune, and the dot-com economy is bringing another generation of risk takers and entrepreneurs. All this energy and vitality helps drive our economy and makes for the robust society we currently enjoy" (San Jose Mercury News, September 9). Today legendary companies in the 12th Congressional District such as Oracle in the information technology sector and Genentech in the biotech sector are leading the nation in creativity and innovation.

Mr. Speaker, it is important today that we not only mark a century and a half of California's statehood with celebration and congratulation, but that we also use this opportunity to reflect upon how our past has shaped our present and how the decisions we take today will determine our future. If we commit ourselves to continue and strengthen the best of our state's traditions, we can assure that the future for our children and grandchildren will be even more golden than our past.

Mr. STARK. Mr. Speaker, I rise today to acknowledge California's historic 150th birthday celebration. California officially entered the United States on September 9, 1850 but the foundations for the development of California were in place well before this important date. Under the Spanish Empire, the colonization and eventual settlement of California was greatly influenced by the mission system. The missions were founded to secure Spain's claim to land and to teach the native people Christianity and the Spanish way of life. The placement of the missions had a direct impact on the development of California, as the missions fostered agriculture, vintnering, livestock raising, and trade as well as religion.

I am proud to recognize Mission San Jose, a historical mission in Fremont, California and part of the 13th Congressional District. Mission San Jose was founded on June 11, 1797, by Father Fermin Francisco de Lausen. The mission was the fourteenth of the twenty-one Spanish Missions in California and was one of the most prosperous of all the California missions. Mission San Jose was the center of industry and agriculture; its location was chosen for the abundance of natural resources in this region.

In 1868, a giant earthquake shattered the walls and roof the Mission San Jose church. The site was cleared and a wood Gothic-style church was erected directly over the original red tiled mission floor. In 1956, the town of Mission San Jose incorporated with four others to become the City of Fremont. Plans to reconstruct the church of Mission San Jose were begun in 1973. Mission San Jose stands today as a testament to California's history and the influence of the Spanish as part of California's rich heritage.

As we commemorate the Sesquicentennial anniversary of California, I am proud to recognize Mission San Jose and the part it has played in the history of California.

Ms. ESHOO. Mr. Speaker, I rise today to celebrate the 150th anniversary of the State of California and the innovations of its 14th Congressional District. California has numerous historical landmarks, but only one is a garage in Palo Alto where the technological revolution was born. A plaque proclaims this The Birthplace of Silicon Valley.

In 1938, William R. Hewlett and David Packard rented a garage to found a fledgling electronic business and it was here that they produced their first commercial audio oscillator, an instrument that generates audio frequencies used by the broadcast and entertainment industries to test sound quality. Orders soon began to pour in from companies such as Walt Disney, and the Hewlett-Packard Company was born.

By the end of 1939, sales had soared to almost $5,000 a year, and Hewlett-Packard was forced to abandon the garage for more spacious quarters to house their rapidly expanding company. Within 20 years Hewlett-Packard was manufacturing over 370 electronic products and in 1972, H–P introduced the first of its hand-held calculators which would cement the company's place in the forefront of the electronics industry. The company, of course, also manufactures computers and by 1994, H–P's sales in computer products, service, and support were almost $20 billion, or about 78% of its total business.

The garage where Hewlett-Packard began still remains and is a reminder of how great inventions and companies can spring from humble origins. The 14th Congressional District has become the heart of a booming technological revolution that continues to change the world in which we live and expand the boundaries of human and scientific accomplishment. I'm proud to represent this distinguished district and I ask my colleagues, Mr. Speaker, to join me in honoring the 150th anniversary of the State of California.

Mr. CAMPBELL. Mr. Speaker, a leader in the U.S. and global economy, California—in particular, Silicon Valley—is an economic powerhouse. From the quicksilver mercury mines to the high-tech computer industry, as is the case with California as a whole, Silicon Valley has a rich, diverse history. As we turn to celebrate the 150th anniversary of California's statehood, we are prompted to reflect upon our region's natural wealth and, most importantly, to reflect upon the spirit of its people. Mr. Speaker, as I rise to pay tribute to the Golden State's sesquicentennial, I wish to honor those Californians, past and present, whose dedication and ingenuity have made this state one of which I am proud to represent in Congress.

Silicon Valley's first inhabitants, the Ohlone Indians, discovered one of the original and richest mines in California. The discovery of the red ore of mercury (dubbed "mohetka" by the Ohlones), however, quickly changed the face of the region. It also impacted the rest of California, as the mercury discovery favorably contributed to the success of gold and silver mining. Andres Castillero, a Mexican cavalry officer, was the first to file a legal claim to the mineral deposit, and was granted title, during the mid-1800s. Following the Mexican-American war and California's entry into the United States, the Quicksilver Mining Company assumed management of the mines in 1864. Like his successors, Samuel Butterworth, first President of the Quicksilver Mining Company, did much to initiate early development of today's Silicon Valley. During his tenure at the Company, seven hundred buildings were constructed to support the quicksilver mining community including a company store, schoolhouse, boarding house, a community center, and church.

Although the bonanza days of quicksilver production are over, and only a few landmarks remain, the century of mercury production and the hard work of early miners have left an indelible mark on California. The same entrepreneurial spirit, which led to the early economic development of California, can still be found in Silicon Valley today. Two recent pioneers, Jack Kilby and Robert Noyce, paved the way for the region becoming a global leader in the high-tech computer industry by inventing the integrated circuit.

It seems that the integrated circuit was destined to be developed. Two inventors, unbeknownst to each other, both designed almost identical integrated circuits at roughly the same time. From 1958 to 1959, electrical engineers Robert Noyce, co-founder of the Fairchild Semiconductor Corporation, and Jack Kilby of Texas Instruments, were working on an answer to the same dilemma: how to make more of less. In designing a complex electronic machine like a computer, it was necessary to increase the number of components involved in order to make technical advances. The monolithic (i.e., formed from a single crystal) integrated circuit placed the previously separated transistors, resistors, capacitors and connecting wiring onto a single crystal (or "chip") made the semiconductor material. Kilby used germanium, while Noyce used silcon to create the semiconductor material.

As a result of their novel research, in 1959, U.S. patents were issued to Jack Kilby (awarded the 1970 National Medal of Science) and Texas Instruments for miniaturized electronic circuits and to Robert Noyce (the founder of Intel) and Fairchild Semiconductor Corporation for a silicon-based integrated circuit. After several years of legal battles, however, Texas Instruments and Fairchild Semiconductor Corporation wisely decided to crosslicence their technologies. The first commercially available integrated circuits were manufactured by Fairchild Semiconductor Corporation in 1961. In the same year, Texas Instruments used the "chip" technology in Air Force computers and later to produce the first electronic portable calculator. Since then, all computers have begun to employ "chips" instead of individual transistors and their accompanying parts.

Like Silicon Valley's economy, the development of the integrated circuit has undergone tremendous change. The original circuit had only one transistor, three resistors and one capacitor—it was the size of an adult's pinkie finger. Today's integrated circuit is smaller than a penny and holds 125 million transistors. The industry generates approximately $1 trillion annually, and "chip" technology is considered one of the most important innovations of humankind.

The one thing that has not changed in Silicon Valley: the independent, entrepreneurial spirit of its citizens. Mr. Speaker, as we recognize California on its 150th anniversary, I want to pay tribute to those Californians, especially the native Ohlone Indians, and to Mr. Butterworth, Mr. Kilby, and Mr. Noyce, who have made invaluable contributions to the prosperity of this state and to its people.

Ms. LOFGREN. Mr. Speaker, today I proudly pay tribute to California on its 150th birthday. I would like to congratulate the great state of California and to recognize the Sixteenth District for its contributions to California's rich history.

Mr. Speaker, the history of California begins long before the introduction of Europeans to our land. For centuries the Ohlone, locally the Muwekma, lived in peace and in tranquility along the banks of the Guadalupe River in what has since become the city of San Jose. But centuries of peaceful existence for the Muwekma came to an end when, on November 29, 1797, Spanish Lieutenant José Juaquin Moraga established the Pueblo de San Jose de Guadalupe. Created for the purpose of supplying the presidios of San Francisco and Monterey with food, the Pueblo became the first civil settlement in California.

The Pueblo was originally located one mile north of what is now downtown San Jose, but due to flooding by the Guadalupe River, the Pueblo was forced to move south. With its fertile soil, the new location quickly became a center for agriculture. The rich harvests of the fields attracted settlers, causing the population of the area to rise quickly and steadily.

The rapid growth and development of this area marked an important time in California's history. By 1798 the Pueblo was so widely populated that its inhabitants constructed a one story, adobe Town Hall to meet the citizens' needs. The Hall housed the jail, courtroom, council chamber, and the offices of various governing officials.

One such official—Luis Peralta, an Apache Indian from Tubac, Mexico, was particularly influential in California's development and growth. At the age of sixteen Peralta came to California with two hundred and forty other colonists on the Juan Bautista de Anza Expedition from Mexico. In 1807 the Spanish government appointed him to the position of Comisionado del Pueblo de San Jose, and during his tenure he helped to shape the growth of the Pueblo and the surrounding area. His endeavors in furnishing troop supplies, supervising public works, and keeping the peace earned him good favor in the eyes of the Spanish government. In 1820 Spain granted Peralta 44,000 acres of land, the largest land grant of the time. The grant included the present day cities of Albany, Berkeley, Emeryville, Oakland, Alameda, Piedmont, and parts of San Leandro. Peralta split the land between his four sons: Vincente, Doming, Antonio and Ignacio; they went on to develop and populate the land.

Thanks to the development of the Pueblo and the areas surrounding, this area has continued to grow and flourish through present times. It continues to contribute to California's economy as a center for high tech and manufacturing companies as the "Capitol of Silicon Valley,", and ranks second as a national leader in exports. Mr. Speaker, again I would like to congratulate the people of California's Sixteenth District for their influence on the history and prosperity of the state.

Mr. FARR of California. Mr. Speaker, it is with great pleasure that I rise to congratulate California on its 150th anniversary. I would like to take this opportunity to mark the contributions of California's 17th district to California's rich history.

As the site of the Constitutional Convention in 1849, the city of Monterey played a pivotal role in California's admittance to the Union as our 31st state. But, the Monterey region also has a rich history that extends back several millennia before people from around the globe landed on its shores in the 16th century. Native Americans enjoyed an abundance of natural resources as early as 500 BC.

Monterey was later discovered by Spain on November 17, 1542 when Juan Cabrillo spotted La Bahia de los Pinos (Bay of Pines). It wasn't until 60 years later, in 1602, that Sebastian Viscaino officially named the region "Monterey" to honor the Viceroy of New Spain who had authorized his expedition.

The Peninsula was first settled in 1770 when Gaspar de Portola and Father Junipero Serra arrived by land and sea to establish the City of Monterey itself. Monterey began its renown as the fiscal, military, and social center of Mexican California when Spain chose the city as the capital of Baja and Alta California in 1776. In the decades that followed, the settlers began to leave the Presidio and expand throughout Monterey.

After Mexico's secession from Spain in 1822, Monterey flourished as Mexico opened up the region to international trade never allowed under Spanish rule and designated Monterey as California's sole port of entry. This booming trade also attracted American settlers to the Peninsula, many of whom eventually became Mexican citizens.

However, on July 2, 1846, Commodore John D. Sloat arrived in Monterey Bay, raised the American flag and claimed California for the United States. The Commodore waited five days before, on July 7, 1846, he finally sent 250 soldiers to land and take possession of the city. Monterey was captured without a single shot being fired. The American occupation lasted until the signing of the Treaty of Guadalupe Hidalgo in 1848, thus making all of Alta California part of the United States.

As the most prominent city in the region, Monterey was the obvious selection as the site for California's Constitutional Convention in 1849. For six weeks 48 delegates of diverse backgrounds met in Colton Hall in downtown Monterey to debate and vote on the final text. The constitution was signed on October 13, 1849, and president Millard Filmore officially welcomed California as our 31st state in 1850.

As the birthplace of American California, the city of Monterey is proud of its contributions to California's statehood. Further, I am proud to congratulate California on its sesquicentennial anniversary.

Mr. CONDIT. Mr. Speaker, as the Great State of California celebrates its sequiscentennial, I would like to recognize the very fine people I have the privilege of representing in the 18th Congressional District.

Located in California's great Central Valley, it is recognized as one of the richest agricultural areas in the world and represents some of our nation's finest resources. Comprising all of Stanislaus and Merced Counties and portions of San Joaquin, Madera, and Fresno counties, the 18th District is within a few hours of all of California's riches, with Merced County being the "Gateway to Yosemite" National Park.

Many of the first settlers to the area attracted by gold. Today it is affordable housing, good jobs and the California climate that lure many of the newcomers. I am proud of report the first research university of the new millennium will be built by the University of California in Merced as we pave new paths and start new journeys into a golden tomorrow.

I would be remiss however if I didn't accurately point to the richest of our resources—the people who call the 18th Congressional District home. Within its boundaries are a people tightly woven together by a rich cultural tapestry. Our strength is found in the diversity of our poeple—proud, independent and full of character.

Like the pioneers who once settled our great state, these people embody the same spirit of adventure that will lead California into a prosperous future.

Mr. RADANOVICH. Mr. Speaker, I stand today with my fellow delegates in celebration of the Sesquicentennial of the State of California.

As you know, California was admitted into the union as the nation's 31st state 150 years ago. Since that time, our state has developed into a capital of the arts, a headquarters for business, and a distinguished marketplace for agriculture.

Mr. Speaker, I represent the 19th District of California, which spreads across the farm country below the Sierra foothills from Visalia, south of Fresno, to the mountainous Mariposa County. Most of the landmass I represent is part of the Sierra Nevada, and it contains most of three national parks: Yosemite, Kings Canyon, and Sequoia. I am truly honored and privileged to represent an area so rich in splendor and American history.

Fresno, for example, is a city of both agricultural and industrial importance in California. A creation of the industrial age, Fresno was founded by the Central Pacific Railroad. Its city fathers also bred the local wine grape, developed the raisin industry, and cultivated the

Smyrna fig. Now, Fresno County's crops also include cotton, citrus, tomatoes, cantaloupes, plums, peaches, and alfalfa. In fact, Mr. Speaker, Fresno County has grown to currently produce more farm products in dollar value than any other in the country.

My home of Mariposa County is also of great historical significance. At one time it occupied more than one-fifth of the state's 30,000 square miles and is currently home to the oldest working courthouse west of the Rocky Mountains. Made of hand-planed local lumber is 1854, the Mariposa County Courthouse remains the seat of government and justice to this day and is on the National Register of Historic Places.

The courthouse was accepted as a National Historic Landmark because some of the most celebrated and noted civil, mining, and water cases were held in its courtroom: the Fremont land grant title and Biddle Boggs v. Merced Mining Company are but two. During the 1953 centennial celebration of the courthouse, the State Bar recognized the building's significance by declaring it to be preserved as a "shrine to justice in California."

As you can see, Mr. Speaker, the 19th District of California has played a fundamental role in California's history. From developing the agriculture industry, to shaping our civil and natural resource laws, the 19th District's cities are models for emerging communities across the country. I am honored to represent this district and to have been a lifelong resident of Mariposa County. Mr. Speaker, please join me in celebrating the Sesquicentennial of the Golden State: California.

Mr. THOMAS. Mr. Speaker, I want to join in commemorating California's 150th year as a State. Our diversity and the pioneering spirit of our people should be clear to anyone who visits the communities in Kern and Tulare Counties in my Congressional District, the 21st.

While the image other Americans have of California is often that of beautiful beaches, high tech industries and outstanding sports teams, the real California stands out when anyone visits Kern and Tulare. These are rural counties where families have built some of the nation's best farm businesses—dairy, cotton, table grapes, oranges, almonds and pistachio nuts. The California oil industry is centered on this area—over half the oil production in California comes from Kern County. At the same time, national public lands, including wilderness areas, provide some of the finest opportunities for recreation anywhere in the United States.

If someone wants to see how Californians have continued to pursue new ideas, how they work and how they have built strong communities around the use of natural resources and high technology, they ought to come out and meet with my friends in Kern and Tulare Counties.

Mrs. CAPPS. Mr. Speaker, I am honored to represent the beautiful Central Coast of California and to celebrate the 150th anniversary of California's admission to the Union.

The 22nd Congressional District lies on California's Central Coast and is considered one of the most beautiful areas in the United States. The district includes Santa Barbara and San Luis Obispo counties and features a spectacular coastline and majestic mountains. It offers a unique mix of major cities and small towns, bountiful vineyards, farms and ranches, and five highly esteemed colleges and universities.

The Central Coast has a long history which embraces the experiences of Spanish explorers and missionaries, the Chumash Indians, a warm climate and a diverse blend of wildlife. One small town is named Los Osos, or the Valley of the Bears, for the grizzly bears that were once discovered by the explorers and missionaries.

In 1772, Father Junipero Serra, established one of the first missions in the state, the Mission San Luis Obispo de Tolosa because of the region's unmatched beauty and natural resources. Known as the "Jewel of the Central Coast," San Luis Obispo is host to a variety of natural wonders, including 80 miles of pristine Pacific Ocean coastline, rolling green hills, and fresh blue lakes.

Also known for its rich Spanish heritage, Santa Barbara is home to the "Queen of Missions," an 18th century Spanish-style mission, after which much of the city's architecture and style has been modeled. In fact, this cultural gift is celebrated each year with a week-long "Fiesta," or "Old Spanish Days," featuring authentic food, music, and dance.

People from around the world make the Central Coast, my District, their vacation destination. I am proud to call it my home.

Happy anniversary California!

Mr. GALLEGLY. Mr. Speaker, I rise to celebrate the sesquicentennial of California and the 23rd Congressional District of California's role in the Golden State's past, present and future.

Long before California was admitted as the 31st state of the Union, Ventura County was home to Native Americans and Europeans. Father Junipero Serra founded one of his missions in Ventura, an area already known to the Chumash for its great fishing and abundant flora.

As California progressed through the 1800s and early 20th Century, so did Ventura County. First the stage coaches and then the railroad connecting Los Angeles to San Francisco came over and through the Santa Susana Pass, snaking along the Simi Valley, and on out to the coast. Many who passed through Ventura County were captured by the golden hills and lush soil. They stayed and raised cattle, planted apricots and walnuts, citrus trees and avocados.

Or, they harvested the soil in other ways. Black gold is also among Ventura County's riches, and you can actually see oil seeping out of the soil today as you drive up Highway 150 between Santa Paula and Ojai, and in other parts of the county.

When Hollywood began to blossom in the Los Angeles hills, Ventura County became a prime film location. Fort Apache with John Wayne, Columbia's Jungle Jim series with Johnny Weissmuller, and TV shows such as The Adventures of Rin Tin Tin and Sky King were filmed at the Corriganville Movie Ranch.

Movie stars also made their home here, and many still do. Ojai is world-renowned for its arts community.

California's aerospace industry also found a home and a skilled labor force in the 23rd Congressional District. The space shuttle's main engines were designed by Rocketdyne and tested at its Santa Susana Field Laboratory, as were the engines for the Apollo and other space missions.

Much has changed in 150 years, but much remains the same. Agriculture is still Ventura County's number one industry, although it is now shipped throughout the world from Ventura County's very own port of entry, the Port of Hueneme. One of the country's two Seabee bases is in Ventura County, and the Navy's test firing range for the Pacific Fleet is here.

But Ventura County also is helping to lead California and the nation into a better future. Technological and biomedical firms, led by Amgen, have sprouted up along the 101 corridor. With the opening of California State University, Channel Islands, in 2002, high-tech firms will find yet another reason to locate here. And, the school's teaching college will help the nation fulfill its commitment to our children.

Mr. Speaker, California is a state compromised of visionary people with diverse backgrounds but with a common goal to succeed. Its future remains bright for another 150 years.

Mr. SHERMAN. Mr. Speaker, today I join my 51 colleagues from the Great State of California to pay tribute to its 150th Statehood Anniversary and to the 24th Congressional District, which I represent.

From East to West, the 24th runs from Sherman Oaks, America's best-named city, to Thousand Oaks, through the Las Virgenes area to Malibu. It includes thriving business centers in the western San Fernando Valley and one of California's and the nation's most treasured natural and recreational resources, the Santa Monica Mountains.

The Santa Monica Mountains National Recreation Area is the most-often visited unit of our National Park System. Some 33 million American's visit her trails and beaches, some of the most beautiful in the world, every year. Most impressive is its location. The Santa Monica Mountains National Recreation Area is just a few-minutes drive from the major population centers of Los Angeles—its is our nation's largest urban park.

The residents of the Malibu and Las Virgenes areas are neighbors to this extraordinary resource. It is truly a special place to live.

The San Fernando Valley, part of the City of Los Angeles, is itself a large-sized city, with 1.4 million residents. If it were a city of its own, the San Fernando Valley would be the 6th largest U.S. city. It is richly diverse and a great community to live and work in. Proudly, it would be by far the safest of America's 10 largest cities.

Thousand Oaks, a community of more than 100,000 people, is also a wonderful place to work and live. It is an impressive community and is also home to some of my district's most distinguished employers, including the biotechnology giant, Amgen.

As you can see, Mr. Speaker, I believe my district has the best of everything, and so does my state. I am proud to serve the residents of the 24th District of California.

Again, I wish California a happy 150th birthday.

Mr. McKEON. Mr. Speaker, I stand today with my fellow delegates in celebration of the Sesquicentennial of the State of California.

California was admitted to the Union 150 years ago as the Nation's 31st state. Since that time, California has grown dramatically. This state, once known as part of the "Wild West," has now become a vast metropolitan region of business, enterprise and entertainment.

I represent the 25th district of California, which consists of three major areas: the Antelope Valley, the northwest San Fernando Valley and the Santa Clarita Valley. Each of these areas has contributed a great deal to the heritage of our state.

The Antelope Valley was first settled in 1886 by 50 to 60 families of Swiss and German descent. Desiring to reside in California, these families were told to travel until they saw palm trees. Arriving in the Antelope Valley, they mistook the numerous Joshua trees for palm trees and settled, naming their new town Palmenthal. This name was eventually changed to that of the current city, Palmdale.

The Antelope Valley has often been referred to as the Aerospace Capital of the United States. U.S. Air Force Plant 42, in Palmdale, was the birthplace of the B–1 and B–2 Bombers, the SR–71 Blackbird, the space shuttle and the next generation space shuttle—the X–33. Also, the Boeing Co., Northrop-Grumman, and Lockheed-Martin maintain production facilities here. The Antelope Valley's largest city, Lancaster, is home to a first-class performing arts theater and a popular minor league baseball team, the Lancaster Jethawks.

In the 1930s and 1940s, the San Fernando Valley was known as the "Horse Capital of California" because many movie stars would come in from Hollywood to ride horses and enjoy the slower rural pace of life. Even today, in the smaller communities, such as Chatsworth, it is not unusual to see horses tied to the hitching post out back of the Los Toros Mexican Restaurant or the Cowboy Palace Saloon.

Since then the Valley has grown to become a major economic powerhouse in the Southern California area, home to more than 1 million people. Even the powerful Northridge Earthquake that hit on January 17, 1994, could not keep the Valley down. Residents of the Valley pulled together to rebuild their homes and the roads. It is now poised to become a city in and of itself.

The Santa Clarita Valley, located in between the San Fernando and Antelope Valleys, has made many contributions to the history of both California and the United States. For thousands of years, the Valley served as a major migration route for Native American groups as they traveled between the coast and the interior valleys and the great eastern deserts. This is the location of the first documented discovery of gold in California; the oldest existing oil refinery in the world; the first commercial oil field in California; the third-longest railroad tunnel in the world at its completion in 1876; and it is the location of one of the last "treat train robberies" in the United States.

In the 1920s, William S. Hart and Tom Mix used the Santa Clarita Valley to create the traditional Western film. The Western film industry continued growing through the decades with actors such as Gary Cooper, Roy Rogers, John Wayne and others. Our quaint little valley created the ideal background for great Westerns such as the "Lone Ranger," "Wyatt Earp," "Annie Oakly," "Gunsmoke" and many more.

As you can see, Mr. Speaker, the 25th district has played a vital role in California's livelihood. I am honored to represent this district and to have been a life-long resident of the Golden State. From the days of the Gold Rush, to the current times of the Silicon Valley, California has always had a major impact on U.S. history and the economy. Please join me today in celebrating the Sesquicentennial of this great state.

Mr. BERMAN. Mr. Speaker, I rise today to honor the 150th birthday of the Great State of California, and to pay tribute to California's 26th Congressional District, which I am honored to represent in Congress. The 26th District is located in the Northeast San Fernando Valley and consists of the Golden State and Hollywood Freeway corridors of the Valley, proceeding as far west as Van Nuys and the San Diego Freeway.

Its history was recounted, with some creative license, in the movie Chinatown. Civic leaders encouraged city engineer William Mulholland to build a huge aqueduct from the Owens Valley to give Los Angeles water, and, in 1915, got the city to annex most of the Valley, large tracts of which they had already purchased.

In addition to many neighborhoods of Los Angeles, the 26th District takes in the small independent city of San Fernando, which is home to the beautiful Missión San Fernando, Rey de España. This historic building was established by Frey Fermin Francisco De Lasuen on September 8, 1797 as one of a chain of missions built to convert the native peoples to Christianity and to consolidate Spanish power along the coast of California. The Mission Church is an exact replica of the original church, which was built between 1804 and 1806. The walls of the church are seven feet thick at the base and five feet thick at the top. The material used was adobe brick, and those who built it were primarily the native peoples, who were called the Gabrielinos or the Tongva.

During the 1950s and 1960s, the 26th District was home to Holiday Lake at Hansen Dam, one of the most popular spots in the entire San Fernando Valley for family outings. On weekends, the lake was filled with swimmers and boaters and the shores teemed with picnics and games. But in 1969 and again in 1980, floods brought in millions of tons of sand, gravel and silt to Hansen Dam, transforming the beautiful 130-acre lake into a swamp. With the demise of the lake, the other parts of the park fell into disrepair.

By the 1980's, the closing of the lake became a depressing symbol of overall neglect in this low- to middle-income area. From the day I came to Congress, its restoration was one of my highest priorities. In 1999, a fishing lake opened to paddle boats and rowboats and a swimming lake opened at Hansen Dam, making this area once again a central recreational area for Valley families.

The 26th District was hard hit by the recession of the early 1990s. Many workers employed at nearby defense plants lost their jobs in the post-Cold War downsizing, while others were laid off in August 1992 when the General Motors plant located in the heart of the District in Van Nuys shut its doors. The magnitude of unemployment was dramatically illustrated in 1993, when a job fair held at the vacant GM site drew thousands of people.

Today, the worst of that economic crisis seems to be over. Unemployment in the area is down, as it is throughout Los Angeles County, and a major commercial/manufacturing development is rising where the GM plant once stood. In addition, the 26th District continues to be home to a variety of manufacturing facilities.

The Northridge earthquake of January 17, 1994 had its epicenter just west of the 26th and destroyed or damaged many homes, stores, factories and office buildings. In fact, the building that housed the 26th District Office was among those that suffered damage so extensive that it had to be torn down following the quake. A section of Interstate 405 within the District collapsed, a gas leak started fires that consumed 70 homes in Sylmar and an oil line exploded in San Fernando (where the quake flattened 63 homes and damaged another 835.) After extensive rebuilding and retrofitting, however, virtually all vestiges of the damage have been repaired.

In the last 150 years, the San Fernando Valley has changed from an empty open stretch of land into a busy metropolis, filled with houses and businesses, office towers, shopping centers, subdivisions and warehouse buildings. The 26th District is home to the Academy of Television Arts and Sciences, which presents the annual Emmy Awards. Among the notable alumni of the District are actor Robert Redford, who attended Van Nuys High School, and rock 'n roll star Ritchie Valens, of Pacoima.

Mr. Speaker, California's 26th District is one of the fastest growing areas of Los Angeles. I am very proud to represent its citizens in the United States House of Representatives. I ask my colleagues to join the California Delegation today in celebrating the sesquicentennial of the Golden State—California.

Mr. ROGAN. Mr. Speaker, located just minutes from downtown Los Angeles, the 27th District of California has an identity as colorful as the roses that adorn the floats of the locally produced Tournament of Roses Parade. The district sits between the Verdugo and San Gabriel Mountains and encompasses the Foothill communities of Glendale, Burbank, Pasadena, South Pasadena, San Marino, Sunland, Tujunga, La Canada, La Cresenta, Altadena and a small portion of Los Angeles.

The district boasts distinctive neighborhoods, a rich history and a vibrant cultural scene. The ethnic diversity of the district is one of its greatest assets and includes long time White, African-American and Hispanic communities along side growing numbers of Koreans, Filipinos and the nation's largest Armenian community. Another distinction is the Spanish heritage reflected in the abundant mission-style architecture and landscaping that can be found throughout the district.

Every New Year's Day, millions of Americans tune in to see rose covered floats make their way down the streets of Pasadena in the Tournament of Roses Parade and to watch two of the nation's top college football teams compete in the Rose Bowl. Pasadena is also the home of Cal Tech, one of the nation's premier research institutions where the scientists and engineers work together with the Jet Propulsion Laboratory on behalf of NASA to devise the latest techniques in space exploration.

A few miles away, there is a different kind of creativity at work in the many studios that employee writers, set designers, actors and directors who create America's favorite movies and television shows. The 27th District is home to Warner Brothers Studios, Walt Disney Studios and numerous small entertainment companies. In fact even Jay Leno works on his "Tonight Show" from NBC Studios located in downtown Burbank.

It is an honor for me to represent the 27th District of California in Congress and to join with my colleagues in celebrating the Seisquintennial Anniversary of our great state.

Mr. DREIER. Mr. Speaker, the San Gabriel, Pomona and Walnut Valleys are home to 17 cities and other communities in northeastern Los Angeles County. It is home to the San Gabriel Mountains and the Angeles National Forest—the most visited part of our national forest system. It's one of the few places in America where you can stand in warm and comfortable 90-degree weather and look up at a beautiful, snowcapped mountain such as Mount Baldy.

Dating from the early days of Spanish settlement in California, my district was home to many ranchos and other agricultural settlements. The complexion of the region changed little over many decades. The completion of the railroad from Chicago late in the 19th century unleashed growth that would eventually remake the entire region. With the advent of access to the east, the San Gabriel Valley began to boom. People flocked to the area in search of better job prospects and a more comfortable climate, and many small towns began to grow along the rail lines. Many of the towns and cities in the San Gabriel Valley today trace their roots to midwesterners who settled in the area beginning in the late 1800's. The traditions and values of those early citizens can still be found today in the small-town atmosphere in cities from one end of the valley to the other—even though the area is part of the sprawling Los Angeles megalopolis.

About the same time as the railroad completion, it was discovered that citrus fruits grew well in the region's rich soil and warm climate. The Valleys became leading producers of oranges and lemons, as groves blanketed the area. The citrus industry brought people and a booming economy which lasted until the second World War. After the war, the citrus groves gave way to housing tracts and growing suburbs. The area remains a diverse mix of residential areas and businesses, small and large. At the same time it is undergoing rapid demographic shifts as the diversity of California continues with the arrival new immigrants from China, India, Mexico and a host of other countries in Asia and Latin America and elsewhere.

Today the area is a blend of old and new. The San Gabriel Valley is home to showcase events such as the annual Pasadena Tournament of Roses Parade and the Los Angeles County Fair. At the same time it is becoming a modern center for high technology. Firms headquartered in the region are at the cutting edge of engineering and construction, of internet commerce, of computer hardware and of communications technology. The area is also home to the world renowned City of Hope National Medical Center in Duarte and a number of outstanding institutions of higher learning, including the Claremont Colleges. The vibrant economy is increasingly centered around technology and trade and our unique location at the edge of the Pacific Rim.

Mr. WAXMAN. Mr. Speaker, it is a great honor for me to represent the 29th Congressional District, which is a mecca of creative genius and one of the most celebrated districts in the country.

Whether you are enjoying the dazzling beaches, the celebrated Walk of Fame, the shopping on Rodeo Drive, or the magnificent Santa Monica Mountains, the beauty and diversity of the 29th Congressional District captivate the imagination like no other place on earth.

The 29th Congressional District is the world's entertainment capital. From the time the first movie studio was created in 1911, creative visionaries and artisans have flocked to this magical place. Today, thanks to the talent and energy of the thousands of people in the district, the entertainment production industry is the nation's largest exporter. International sales of widely popular American copyrighted works brings tens of billions of additional dollars to our economy each year.

The vision and inventive genius are also on display in the myriad other businesses throughout the district, including high tech firms, e-businesses, unique retail businesses and restaurants, and entrepreneurial start-ups. Not surprisingly, this community contains some of the best informed, technologically savvy, culturally progressive, and politically active people in the country.

Every year people travel from around the world to experience the magic of the 29th Congressional District, a singular place where people's biggest dreams can come true.

Mr. BECERRA. Mr. Speaker, I stand before you proudly to congratulate California, the Golden State, on 150 trailblazing and industrious years. It is often said that "as California goes, so goes the nation," for we are a diverse and forward-looking lot. Well, it might also be said that as Los Angeles—and specifically, the 30th CD—goes, so goes the nation, because we are positively among the most richly multi-lingual and multi-cultural communities in the world. I am proud to represent a district steeped in tradition with landmark communities such as: Koreatown, Chinatown, Eagle Rock, Atwater Village, Cypress Park, Glassel Park, Highland Park, Montecito Heights, El Sereno, Echo Park, Silver Lake, Mount Washington, Monterey Hills, Elysian Valley, Lincoln Heights, Boyle Heights, Mid-Wilshire, and East Hollywood. My district surrounds downtown to the North, West, and East, and contains landmark institutions known to everyone such as the Southwest Museum, Los Angeles City College, Occidental College, Children's Hospital and the Los Angeles County-University of Southern California Medical Center.

Specifically, my district contains over 573,000 people which, much like the city of Los Angeles, is home to a multiplicity of languages spoken. Like California, my district is now a majority-minority region where the number of ethnic minorities, including significant numbers of Latino and Asian American residents, actually form the majority of the total population. In addition, there are large groups of Armenian, Jewish, Russian, and Egyptian Americans who have made their home in the 30th CD. More than half of my constituents were born in other countries, adding yet another dimension to this amazing mosaic of individuals.

Whether visiting Hollywood, attending a Dodger game, or enjoying the culture and cuisine of Koreatown and Chinatown, the 30th CD is a joy to represent. The 30th CD is a wonderful part of the great city of Los Angeles. Mr. Speaker, and my fellow colleagues, I enthusiastically applaud the hard work and contributions of my constituents in the 30th CD, along with those of the other 51 congressional districts who have helped make California what it was yesterday, what it is today, and what it will be in the future . . . a new frontier.

Mr. MARTINEZ. Mr. Speaker, it gives me great pride to rise tonight to celebrate the State of California's sesquicentennial anniversary.

For 150 years, California has been a vital part of the United States. From the gold rush to the high-tech rush, California has been a beacon for millions of our fellow countrymen who have staked a claim in the American dream. The Golden State is truly the enchanted State, home to the entrepreneurial spirit that has built our great Nation.

Mr. Speaker, the history of the 31st congressional district located in the San Gabriel Valley mirrors, in many ways, the history and growth of California. My district is one of the most interesting and culturally diverse in the State. It includes parts of East Los Angeles and extends west to the foothills of the San Gabriel mountains, encompassing the cities of Monterey Park, Alhambra, San Gabriel, South San Gabriel, Rosemead, El Monte, South El Monte, Baldwin Park, Irwindale and Azusa.

The city of San Gabriel is home to the historic San Gabriel Mission, which was founded in 1771 by Franciscan monks. The mission served as a major catalyst in the growth of southern California. It was from the San Gabriel Mission that 11 families left on September 4, 1881, to found El Pueblo De La Reina De Los Angeles. Today, the San Gabriel is a bustling city, rich in culture and history.

El Monte, known as the end of the Sante Fe Trail was the place where people traveling between San Bernardino and Los Angeles stopped. Gold prospectors heading for the gold fields in northern California stopped here before continuing on their trek. El Monte is today the largest city in my district. El Monte is home to hard working families who take pride in their community and heritage.

Mr. Speaker, the city of Monterey Park, which was originally inhabited by Shoshone Indians, is at the turn of the 21st century the home for one of the largest Asian-American communities in the country. Chinese, Taiwanese, and Vietnamese shops, restaurants, and import centers are present throughout the city.

Mr. Speaker, all the cities in my district have their own distinctive character and unique place in the history of southern California. During the past 150 years, the San Gabriel Valley has played an important role in the development of the region, and the valley is indeed extremely well-positioned to continued as vital player in the prosperity of Los Angeles County and southern California.

In closing, Mr. Speaker, I join my colleagues from the Golden State in celebrating California's 150 years of success and wishing my State continued prosperity.

Mr. DIXON. Mr. Speaker, my district lines run from the Harbor Freeway past Baldwin Hills to Culver City; my district includes USC; California Science Center, Natural History Museum of LA County; California African American Museum, Petersen Automotive Museum; and Sony Pictures Studio in Culver City.

Los Angeles was little more than a frontier town in the 1870s when members of the Methodist Episcopal Conference first sought to establish a university in the region. Today, the University of Southern California (USC), located in the culturally and ethnically diverse 32nd Congressional District, is, arguably, one of the country's most preeminent international centers of learning, enrolling more than 28,000 undergraduate, graduate, and professional students. It ranks in the top ten percent of major research universities in the United States.

The 32nd Congressional District is also home to Sony Pictures Studios in Culver City, a major employer in the district, and formerly the home of Metro-Goldwyn-Mayer (MGM), one of the cradles of the motion picture industry in the state. The 32nd also claims a great deal of movie history, including the little known fact that the much heralded 1939 blockbuster movie, "Gone With the Wind," was filmed at the historic David O. Selznick Studios, which was located in Culver City.

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise in honor of the 150th anniversary of the statehood of the great state of California.

On this historic occasion, is it fitting that we taking a moment to observe and celebrate the diverse and distinct cities and communities throughout our state.

The district that I am proud to represent and call home is the 33rd Congressional District of California.

The 33rd Congressional district is a vibrant, diverse area encompassing metropolitan downtown Los Angeles, including Boyle Heights, Little Tokyo, Pico Union, and portions of Chinatown, Filipinotown, Koreatown, and Westlake. The suburban portions of the district include the cities of Bell, Bell Gardens, Commerce, Cudahy, Huntington Park, Maywood, South Gate, and Vernon and parts of East Los Angeles, Walnut Park and Florence.

The 33rd Congressional district houses the civic center of Los Angeles, including the area's courthouses, Los Angeles City Hall, the offices of the Los Angeles County Board of Supervisors; Los Angeles Police Department, Los Angeles Unified School District, Metropolitan Transit Authority, and Immigration and Naturalization Service.

In addition, the 33rd Congressional district boasts a multitude of cultural attractions and resources. The Dorothy Chandler Pavilion, Shrine Auditorium, Latino Museum, Chinese American Museum, Japanese American National Museum, and the Museum of Contemporary Art are located in my congressional district. In addition, the new Our Lady of the Angeles Cathedral is being built in the center of downtown Los Angeles.

Our community also reflects the rich history of the state of California. The district is home to such historic sites such as Union Station, Olvera Street Plaza and the Broadway theater district. In fact, on September 4th of this year, the city of Los Angeles celebrated its 219th birthday.

The residents of 33rd Congressional district reflect the wonderful diversity of our State. There is a mixture of newly-arrived immigrants families and a strong, established Hispanic community. Ethnic enclaves, like Chinatown, Koreatown, and Japantown, house specialty stores and restaurants that cater to the area's thriving Asian community.

Recently, the 33rd Congressional district proudly hosted the Democratic National Convention. The convention gave Los Angeles and its residents an opportunity to showcase our city to the hundreds of thousands of visitors as well as the millions who watched the proceedings on television. The DNC took place at the recently-opened Staples Center, which also serves as the home for the Los Angeles Kings, Lakers and the Clippers.

I am extremely proud of all that the 33rd Congressional district has to offer and delighted to sing its praises on the 150th birthday of our great state, the State of California.

Mrs. NAPOLITANO. Mr. Speaker, on this Sesquicentennial Anniversary of California's admission to the Union, I am filled with tremendous pride and a deep sense of honor to represent the people of my Thirty-fourth Congressional District, composed of the cities and communities in the Southeast and San Gabriel Valley areas of Los Angeles County including the City of Industry, East Los Angeles, Hacienda Heights, La Puente, Montebello, Norwalk, Pico Rivera, Santa Fe Springs, and Whittier.

Our district is a part of Southern California that is rich in diversity and historical significance from the earliest days through the modern era. In the heart of the 34th district, is the home of Pio Pico, the last governor of Mexican California before the American takeover in 1846. One of California's most remarkable historical figures, he witnessed and helped shape nearly a century of California history. Governor Pico's ancestry includes a mixture of ethnicities, including Mexican, African, Indian and Italian. He built a mansion on what is now a three-acre state park located in Whittier, that was once the headquarters of his sprawling 8,891-acre ranch. Twice the governor of the Mexican State, his life spanned a remarkable era that saw the Spanish, Mexican and American flags fly over his native Alta California.

Early in the American era, Whittier also became the home to a vibrant community of Quakers. It was from this community in a later generation that our Thirty-seventh President of the United States, Richard M. Nixon, was educated at Whittier College. After service in the United States Navy during World War II, he returned to the area to begin his political career and was elected to Congress in 1946.

San Gabriel Mission founded by Blessed Junipero Serra, a Franciscan missionary from Mallorca, Spain, administered the vast lands composing what we know as the "Los Angeles basin," and which were later parceled out into sprawling ranchos to land-grantees during the Spanish and Mexican eras. Following the rancho era when cattle was the principal economic endeavor, these fabulously fertile lands brought forth rich agricultural commodities including citrus, avocado and walnut groves, bean fields and dairy land. Eventually major oil reserves were discovered in what is now Santa Fe Springs and Montebello, which continue producing to this day.

At the end of World War II the sudden demand in housing for returning veterans from throughout the country desiring to raise their young families and populate the massive economic engine of industrial Los Angeles attracted developers to these peaceful and pleasant locales. New homes, schools and churches were built and soon these local communities began to incorporate into new cities. All of these communities share a proud history of the development of the "Golden State" and each has a unique and special historical heritage.

California is indeed the greatest state, in population, economy, diversity and worldwide cultural influence. Its magnificent coastal areas, majestic mountain ranges, fabulously fertile agricultural valleys, vast pristine deserts, bespeak an unequaled wealth of environmental diversity. The Great Golden State was, is and will always be the treasure chest of the American experience renowned the world over. For every Californian, native and immigrant, our motto "Eureka" says it all "I have found it!"

Put another candle on our birthday cake, we are 150 years old today? God bless California. Felicidades California?

Mr. KUYKENDALL. Mr. Speaker, today I recognize the 150th anniversary of California's statehood. On September 9, 1850, California was admitted to the Union as the nation's 31st state. Much has changed over the last 150 years, but California still remains one of the world's natural treasures.

At the time of California's entry into the Union, the population for Los Angeles numbered 3,530. As Los Angeles developed and expanded, so did the South Bay. I am proud that the natural beauty of the South Bay remained unchanged over the last 150 years. The shoreline is our livelihood, as California is the gateway to the West.

We are rich in cultural diversity with a population of all races and creeds from throughout the world. California's natural resources are numerous, with some of the most breathtaking landscape in the world. From agriculture to e-commerce, we are a leader in all areas of business. California's 150 years as a state embody the American experience, one of the growth and vision.

I congratulate all Californians on this milestone. We have much to celebrate. The state of California is a model to the nation. I hope the next 150 years are as dynamic as the first 150.

Ms. MILLENDER-McDONALD. Mr. Speaker, I rise with great pride because September 9th marked the 150th anniversary of California's admission to the union. The United States Postal Service is reissuing its California Statehood stamp to honor this event. And all of the 52 members of the California delegation have come together to pay tribute to an important part of our history in the United States.

As the Representative of the 37th District of California and long time resident of this great state, I am happy to join this effort to pay homage to our historical leaders who had the wisdom to form one union of the United States.

My district in particular has made wonderful contributions to the state of California over the past 150 years. The South Bay area has a long and distinguished history that is unique and embraces the essence of Southern California.

The city of Carson has a strong Spanish presence and is home to Dominguez Rancho Adobe, built in 1826. The Goodyear blimp "Eagle" also calls Carson home. Goodyear's blimp logs over 400,000 air miles per year and have adorned the skies of Southern California as a very visible corporate symbol of the tire and rubber company.

The Los Angeles community of Watts is home to the Watts Towers. Created by Simon Rodia, the towers rise over one hundred feet tall. Composed of structural steel rods and circular hoops connected by spokes, the towers incorporate a sparkling mosaic of found materials including pottery, seashells, and glass. Rodia's house, destroyed by fire in 1957, resided within the complex.

Declared hazardous by the city of Los Angeles, the towers were threatened with demolition until an engineer's stress test proved them structurally sound. They have since been designated a cultural monument.

The city of Long Beach has a past deep in Spanish history. Created by a land grant given to soldier Manuel Nieto, the city was planned out in 1882 as Willmore City by developer Williman Willmore, and a new town began forming along the coast. Long Beach serves as home to the historic Queen Mary.

Partially adjacent to Long Beach is the community of Habor Gateway and serves as the entrance to the Los Angeles port area. People from around the world visit and call the South Bay area home. I am proud to call the 37th Congressional District home.

Happy Anniversary California!

Mr. HORN. Mr. Speaker, as we celebrate California's 150th anniversary of statehood, this is a good time to reflect on the vast change that has occurred in this former Spanish Colony. Since California was admitted into the Union as the nation's 31st state on September 9, 1850, the state has grown to become the world's fifth largest economy.

California's history before and after statehood includes vital contributions by Hispanics and Native Americans. One of the most important has been the system of 21 missions founded by Father Junipero Serra that began in San Diego and extended over 600 miles to the north. The contributions of the missions in education and in producing clothing and food were integral in California's early development.

California has often been referred to as a bellwether state—a place where people challenge the assumptions of the present to give America a glimpse of the future. This is fitting for a state settled by far-sighted, brave individuals willing to risk everything for a second chance. Americans and others from around the world have seen California as a place to seek a better life. When Los Angeles was founded in 1781, its residents included people of European, African, and Native American ethnic backgrounds. Chinese immigrants built railroads and agricultural infrastructure in the 19th Century. In the 1880's the first direct rail connection between Southern California and the East brought hundreds of thousands to the Southland.

In the 38th District, the historical attractions include Rancho Los Cerritos, an 1884 colonial style-adobe that was once a working cattle ranch, and Rancho Los Alamitos Historic Ranch and Gardens, which was built in 1806. The port of Long Beach is home to the historic *Queen Mary*, once called the Queen of the Atlantic and arguably the most famous ship in history. The *Queen Mary* began its maiden voyage in 1936, served as Winston Churchill's seaborne headquarters, and played a part in the major Allied campaign of the Second World War. Long Beach is also home to the Boeing C–17 military transport plant and the Sea Launch base that sends satellites into space. Additionally, the Apollo space capsules and the space shuttles were built at the NASA plant in the city of Downey.

This 150th anniversary celebration of California's statehood is as much an occasion to look forward to the future as to reflect on the past. If we live up to our state's long tradition of progress, diversity, and national and international leadership, California can look forward to another 150 years of success.

Mr. ROYCE. Mr. Speaker, I rise to pay tribute to the 150th anniversary of the founding of the golden State of California.

From the port of Long Beach to the North Orange County region, the 39th Congressional District is one of the many examples of the state's remarkable diversity. This area was once thriving farmland, rich in oranges, lemons, avocados, and walnuts. Agriculture was the first important industry. With orange groves being so abundant, Orange County was named after the fruit.

Many industrious individuals flocked to this area, like Walter Knott, who began the Knott legacy in Buena Park. He used to sell jams and jellies at a roadside stand. Mrs. Knott began serving up fried chicken dinners to those waiting in the lines, and they soon added a restaurant to accommodate more people.

Mr. Knott wanted to build something as a tribute to the Old West and the pioneers who paved the way. The idea of a ghost town was born, which eventually evolved into the Knott's Berry Farm amusement park. Its original purpose was to educate and entertain and it still does today.

The district has undergone tremendous growth since the days of the orange groves. The neighboring metropolis of Los Angeles burst at the seams and the population spilled across the rural valley. In its wake, the farmlands were replaced by an urban landscape of homes, shopping malls, and industrial parks.

Today, Orange County is home to a vast number of major industries, the most prominent being the high-tech, telecommunications, and entertainment industries.

Throughout its existence, this area has continued to thrive. No other environment is more conducive to innovation and creativity than this sun-blessed region of Southern California.

Mr. LEWIS of California. Mr. Speaker, as California celebrates the 150th anniversary of statehood, I would like to share with my colleagues a little of the history and special characteristics of the 40th Congressional District—the largest in the state—which I am proud to represent. That history stretches long before California became a state—and indeed long before the history of the West was recorded.

The 40th district stretches from the peaks of the Eastern Sierra Nevada to the fast-growing cities of the San Bernardino Valley, on the eastern edge of the Southern California urban area. The heart of the district is the Mojava Desert, which has long been known as a gateway to the Pacific Coast since the Mohava Indians forged a trail west from the Colorado River to trade with coastal tribes. The route eventually was followed by the Union Pacific and Santa Fe railroads, and then by Route 66, the Mother Road that is still celebrated by tens of thousands of people at events in Barstow and San Bernardino.

The 40th Congressional District today boasts the highest point and lowest point in the "lower 48" states. Mount Whitney, at 14,495 feet, is the highest peak along the towering mountain chain known as the Sierra Nevada. The lowest point at 282 feet below sea level, is the Badwater area of the desolately beautiful Death Valley National Park. The two points are among many that make the district an outdoor recreation paradise. Other desert parks include Joshua Tree National Park and Mojava National Preserve. The Owens Valley, where the mountains meet the desert, is the gateway to such nationally known treasures as Sequoia National Park and the Mammoth Lakes ski resorts.

Southern California residents known that they can find world-class skiing and summer hiking trails much closer to home, in the 40th District's San Bernardino Mountains, which provide a snow-capped backdrop to the sunny Southland. Tucked under those mountains are some of the nation's fastest growing communities.

Mr. Speaker, the 40th Congressional District makes a huge contribution to our nation's defense as the home of the Army's National Training Center at Fort Irwin, the Marine Corps Air-Command Combat Center at Twentynine Palms, Edwards Air Force Base and China Lake Naval Air Warfare Center. Two recently closed installations—George Air Force and Norton Air Force Bases—are being transformed into new commercial air hubs to handle the region's burgeoning air cargo and passenger needs.

The 40th Congressional District has a wealth of universities and colleges, including fast-growing California State University, San Bernardino, the prestigious University of Redlands, and Loma Linda University and Medical Center, known nationally for its infant heart transplant program and for the first proton beam accelerator used in ground-breaking cancer treatment.

Mr. Speaker, from the discovery and mining of gold and silver to the training ground for Gen. George S. Patton's World War II tank brigades, the 40th Congressional District's history is intertwined with California's and the nation's. It is an honor to represent a district that contains such a wealth of resources, and such hard-working, forward-looking constituents.

Mr. GARY MILLER of California. Mr. Speaker, I rise today to recognize the Sesquicentennial of the great State of California's admittance to the Union. This event took place on September 9, 1850 and made California the 31st State of the United States of America.

The 41st District, which I represent, is part of what makes California special. It is centered in the area that is known as the Inland Empire on the point where Los Angeles, San Bernardino and Orange Counties come together. Decades ago, it was home to mostly orange groves, farmers and dairymen. But during the 1980's, the Inland Empire developed into a booming economic region as a result of the expansion California experienced in that time.

This district is home to many terrific cities including Chino, Chino Hills, Upland Montclair, Walnut, Diamond Bar, Brea, Rowland Heights, Ontario, Pomona, Yorba Linda and Plancentia. The international airport in Ontario is quickly becoming a major airport hub for passengers and cargo heading overseas. Pomona is the host of the Los Angeles County Fair each year. Yorba Linda is the birthplace and resting place for former President, Richard Nixon, and home to the Nixon Presidential Library. The 41st District is also the home of California State Polytechnic University, Pomona. The Collins School of Hospitality Management at Cal Poly Pomona is considered to be among the top ten hospitality management schools in the United States.

I am very proud to be a resident and the Representative of the 41st District of California. It is with great pride that I recognize the Sesquicentennial of California, the greatest State in the Union.

Mr. BACA. Mr. Speaker, this year we celebrate California's 150th anniversary of the state's admission to the union. The 42nd Congressional district of California has undergone many changes over the years.

For many years San Bernardino was the gateway to the Los Angeles Basin, situated on flat land where the route through the twisting, windy Cajon Pass took passengers on the Santa Fe Railroad and motorists on U.S. 66 from the hot and dusty high desert to the greener, tree-lined basin.

There were orange groves around the little railroad towns and vineyards to the west; this was an agricultural zone until World War II, when Henry J. Kaiser built the West Coast's first major steel mill between the Santa Fe and Southern Pacific lines in Fontana, just west of San Bernardino.

In the 1950's Ray Kroc traveled to California upon hearing about the McDonald's hamburger stand in San Bernardino running eight Multimixers at a time. Kroc had never seen so many people served so fast. Kroc pitched the idea of opening up several restaurants to Dick and Mac McDonald. Today the restaurant is an international chain.

In the 1990's the region weathered military base closures and realignments, as well as aerospace firm downsizing. But we have rebuilt, and today the Inland Empire has a thriving economy and is projected to be one of the fastest-growing areas in the United States.

Today the region has great strengths—We have inexpensive land, extensive transportation systems, including trucking hubs, a large employment pool, low unemployment, strong growth in construction, distribution, and manufacturing industries, and 23 colleges and universities, which are engaged in cutting edge research, including CE–CERT at U.C. Riverside, which is doing research on automotive technologies of the future.

IVDA/San Bernardino International Airport is poised to turn Norton Air Force Base into a high-tech incubator, through legislation I authored to provide tax incentives to businesses (AB 3, 1998). We hope to create 15,000 high-tech jobs in our region through incentives as a result of that legislation, such as 15 year net operating loss carryover, sales and use tax credits, expedited permit processing, and the creation of local incentives for employers.

We are also working to create a regional partnership with Orange County to make San Bernardino International Airport viable for businesses.

California and the Inland Empire will be a hub for the commercial space business and industries of the future. High technology will be the key, in this decade and in the next 150 years of our state.

Scientists are working on advances that push the frontiers of science, such as new devices that can store the content of the Library of Congress on a computer the size of a sugar cube, and robots no bigger than a thumbnail. As a member of the Science Committee, I have been pleased to support these efforts.

This research will have very real benefits for California and the Inland Empire in terms of job creation and economic growth. If anyone has any doubts, look at the Internet. The Internet started as a federal research tool, and is responsible for one of the longest economic booms in history.

In addition to the above initiatives, we will continue to work on projects such as completing the Alameda Corridor, making it a route that ultimately could link us with Mexico; bringing high speed rail to the Inland Empire, and creating an Inland Empire distribution center. We are building Tech Park, a 120-acre business park to house high tech businesses.

We are also working to revitalize downtown San Bernardino with a new courthouse, through SB 35 (Baca), which provides local funding, and we have been working on federal funds.

In summary, it has been a long road from the hot and dusty origins of our area to the thriving high-tech future. But as our state celebrates its 150th anniversary, we have many changes to look back on. Our past achievements are filled with pride, our future promise is great.

Mr. CALVERT. Mr. Speaker, I rise today with the whole of my delegation to commemorate the 150th anniversary of the great state of California joining the United States of America. As the 31st state to join the union, nobody at the time could have predicted the incredible breadth of agriculture, business, military prowess or diversity that California would and continues to contribute to the nation.

My own small corner of California, anything but small really, encompasses western Riverside County, including the cities of Riverside, Corona, Norco, Lake Elsinore and Murrieta. In fact, Riverside County is the fourth largest county in the state, stretching nearly 200 miles across and comprising over 7,200 square miles of fertile river valleys, low deserts, mountains, foothills and rolling plains. Between 1980 and 1990, the number of residents grew by over 76%, making Riverside the fastest-growing County in California. By 1992, the County was "home" to over 1.3 million residents—more than the entire population of 13 states, among them Maine, Nevada, Hawaii and New Hampshire.

Of course I would be lax in my position as the Representative to the 43rd Congressional District if I did not add that it is also the most impressive district in California. Founded in 1870 by John W. North and the Southern California Colony Association, the City of Riverside took off and has never looked back. In its infancy Riverside became known for its many citrus groves, palm lined avenues and wide array of subtropical shade. The region became famous for its citrus and horticultural industries that over time gave way to military and industrial growth, and education.

In fact, in 1907, Riverside became the home to the University of California Citrus Experiment Station, sponsoring wide-ranging research that greatly benefited agriculture in the region. The site was established as a campus of the University of California fewer than 50 years later in 1954. Today, the University of California at Riverside has earned a reputation as one of the pre-eminent teaching and research institutes in the world.

Agriculture continues to be a cornerstone of UC Riverside as California continues as the nation's top agriculture state, a position it has held for more than 50 years. From Humboldt County in the north to Imperial County in the South, California agriculture is a blend of valleys, foothills, coastal areas and deserts where a bounty of superior agricultural products unmatched anywhere in the world grow.

My home district also offers up its beautiful architecture to those who visit. Its "Mediterranean image" derives from the many examples of fine architecture in the California Mission Revival and Spanish Colonial styles that grace its landscape. The best known example being the Historic Mission Inn, in the City of Riverside, which was built between 1902 and 1932 by Frank A. Miller and his partner Henry Huntington. Bette Davis and Humphrey Bogart were married there. Teddy Roosevelt was its first Presidential guest. Richard and Pat Nixon exchanged wedding vows at the Inn. Ronald and Nancy Reagan began their honeymoon in its Presidential Suite.

Mr. Speaker, the 43rd District has obviously seen rapid growth and change over the past 150 years. We are proud to join our other friends across California in celebrating our great fortune and success as a State. California is guaranteed to continue as cornerstone of agriculture, education and industry in the next 150 years to come. Happy Birthday California!

Mrs. BONO. Mr. Speaker, in many ways, California's 44th District represents the Golden State as a whole. Rich in its geographic, environmental and cultural diversity, this area within what is now known as the "Inland Empire," has a vibrant past and promising future. The district contains towering alpine peaks and forests, arid expanses of unforgiving desert, rich agricultural fields—even beaches at the great inland Salton Sea and on the banks of the mighty Colorado River. Today, this region has fulfilled the vision of early settlers and exceeded expectations of even the most optimistic boosters.

The 44th District was first home to the southern California's indigenous desert tribal people—the Cahuilla Indians. From the high mountain peaks of Mt. San Jacinto to the depths of the Salton Sink, these tribal bands lived in harmony with a sometimes harsh but amazingly rich environment. The Cahuilla culture is still a respected part of the current desert community, and their magnificent Indian Canyons stand as a testament to their sound stewardship of these native lands. The Cahuilla people welcomed the Spanish explorers who were the first westerners to travel deep into the southern deserts, sharing the trails and watering holes that meant the difference between life and death in the forbidding expanse.

Later, settlers from first Mexico and later the United States traveled to the region—most establishing rancheros and farms as the earliest economic enterprises. These hardy souls fought against unimaginable hardships to carve out a living in this arid and sometimes hostile environment. But, they persisted, and some thrived. When California was granted statehood in 1850, the residents became U.S. citizens. By the late 1800's the railroads had become part of the landscape, transporting new arrivals to the coastal regions of southern California. Some never got that far, instead making their home in what is now Riverside County.

From the beginning, the Cahuilla people had recognized the restorative powers and healing benefits of the agua caliente or "hot waters" of the desert springs. Soon, residents and visitors made the pilgrimage to Palm Springs to soak in the hot springs and find comfort in the dry desert climate. Enterprising farmers in the Coachella Valley began raising dates, grapes and other crops that could withstand the dry conditions and often searing desert heat.

During the same period, the Hemet and San Jacinto Valley attracted farmers and ranchers to its rich and productive lands. Cattle ranches, citrus groves, and a variety of different types of produce thrived in this fertile valley. But, as in all of southern California, the need for a steady supply of water limited the agricultural growth of the entire region.

Today, most Americans would have a difficult time imagining the southern California of our not so distant past. The miracle that changed the landscape was the introduction of a reliable source of water for irrigation and development. Shortly after the turn of the century, that need resulted in the creation of the Salton Sea when the Colorado River breached the holding dikes that had been constructed to route fresh water for irrigation to the eastern Coachella Valley. With the creation of the Sea and the establishment of efficient irrigation systems the unthinkable happened. A once hostile desert became a rich agricultural center. And with the new political clout enjoyed by the southern California water districts and departments, eastern Riverside County found a dependable source of water for its residents and agricultural concerns.

As the population grew in southern California, so did the reputation of the Hemet/San Jacinto and Coachella Valleys. Hemet became a favored destination for those seeking space, fresh air and community. The area around Palm Springs became a favorite vacation spot for luminaries as varied as Albert Einstein and Errol Flynn. Hollywood discovered the desert resort region and flocked to Palm Springs for sun, tennis, bathing, and later, golf. The region thrived and the population grew fast. By the middle of the last century, Palm Springs had become world renowned as a vacation haven.

Following WWII, the growth in southern California continued at an unprecedented pace. The Inland Empire had not yet received its status as one of the fastest growing regions in the country, but, it was enjoying steady and significant population increases. Improved water delivery systems and infrastructure enabled the eastern Riverside County region to handle the rapid expansion. From a few sleepy desert towns, the Coachella Valley transformed itself into nine separate municipalities with nearly a quarter million residents—seemingly overnight. The communities of Hemet and San Jacinto, along with many smaller cities in the valley and pass region between the city of Riverside and the southern deserts also grew. However, these communities had been established earlier as residential centers and their growth was not as dramatic. The city of Temecula and the surrounding countryside became a rich wine producing center, with several local wineries achieving international prominence.

As California celebrates its sesquicentennial, the Inland Empire and the 44th district have achieved an important place in the history and future of the Golden State. The growth continues, the economic expansion is strong, and the diversity of the people and the environment prevail. The history of this great state is made rich through the contributions of individuals too numerous to list here, but to the people who chose to make southeastern California home their stories and names are familiar. As the inscription on the Capitol Building in Sacramento, California, reads: Give me men to match my mountains; the people who built the communities of the 44th Congressional District reflect that greatness and grand vision. Today, as we honor the great state of California on the occasion of her 150th anniversary, we honor also the memory of all those who contributed to her story. I want to extend special recognition to the people of California's 44th district, past and present, who made their personal commitment to the Golden State.

Mr. ROHRABACHER. Mr. Speaker, when California was admitted as a state 150 years ago, Southern California paled in comparison to the northern part of the state, which was famous for the gold rush and the new City of San Francisco. The 45th Congressional District and surrounding areas hardly qualified even as a rural backwater, being made up primarily of swamps and cattle ranches. In the late 1800's farming gradually replaced ranching and spurred the conversion of coastal swamps and river flood plains into habitable land. Huntington Beach, which is today a booming city of over 200,000 people that forms the core of the 45th District, didn't even get its start until 1902, when a group of farmers and other investors decided to found "Pacific City" in an attempt to emulate the success of Atlantic City on the East Coast. This venture then got bought out by a group of Los Angeles businessmen headed by Henry Huntington, in whose honor the town was renamed when he brought his Pacific Electric Railway into town.

The area that became the 45th District gained in population as tourism, the oil industry, and world war each took their turn as a spur to local growth. Our area played a major role in winning World War II, serving as the site for both the Seal Beach Naval Weapons Station, which even today supplies a major portion of the Navy's firepower and the Santa Ana Army Airfield. This airfield was the staging ground for G.I.'s shipping to the war from around the country, and can be credited in and of itself as a major spur to Orange County's population growth as G.I.'s experienced the pleasant Southern California climate first hand and many moved their families there after the war. Although this huge airfield was decommissioned after the war, the land on which it sat was put to good use—it is now the site of John Wayne Airport, the Orange County Fairgrounds and Orange Coast College.

Huntington Beach has become known during the last half of the 20th Century as "Surf City," becoming the nation's prime area, hosting the first U.S. Surfing Championships in 1959 and major national and international surfing events since then.

Just as with World War II, the Huntington Beach area played a major role in winning the Cold War, providing the home for much of the nation's aerospace industry. Famous corporate names from the past: Douglas Aircraft (later McDonnell Douglas) and North American Rockwell have come under the umbrella of the Boeing Corporation, which today is by far the region's largest employer and still plays a major role in producing aircraft, satellites and rockets for both our both our military and our nation's space program.

It's appropriate that an area so closely identified with our nation's freedom became the final destination for a majority of Vietnamese refugees escaping communism after the Vietnam War. The 45th District is home to Little Saigon, the heart of the largest concentration of Vietnamese people in the world outside of Vietnam.

Mr. Speaker, I am proud to represent a district that represents our nation's finest traditions in not only serving our country in the cause of freedom, but also in knowing how to have a good time. The 45th District epitomizes my own personal motto—"Fighting for Freedom and Having Fun."

Mr. COX. Mr. Speaker, it is with great pride that I rise today to celebrate the sesquicentennial anniversary of statehood for the great state of California. For 12 years, I have had the privilege to represent the 47th Congressional district, which is nestled in the heart of Orange County. Our State was created out of territory ceded to the United States by Mexico in the Treaty of Guadalupe Hidalgo. It officially became the 31st State in 1850 with a population of 92,597.

Orange County was created in 1889, after residents of the southern part of then Los Angeles County felt they were not getting the attention they deserved from county officials and wanted a county seat nearer home. Santa Ana, which had grown recently due to the discovery of silver in the Santa Ana Mountains, was named the county seat.

Today, with a population of nearly 3 million people and an annual economic output of over $110 billion, Orange County is one of the most successful and diverse hi-tech centers of commerce in the world. Its economy is larger than all but 31 nations in the world—ranking ahead of Israel, Portugal, and Singapore. Orange County's diverse population is larger than 20 states, and its economy is bigger than 25 states. It is one of California's top exporting regions, behind only Silicon Valley and Los Angeles, and tied with San Francisco. Orange County exports more than $12 billion worth of goods each year, from computers to state-of-the-art medical equipment, biotechnology, and other ultra-sophisticated technological goods. In just the last three years, high-tech exports from Orange County companies have grown by 53 percent.

Orange County is home to some of the most beautiful beaches in the world, stretching for miles along the Pacific Ocean between Los Angeles and San Diego. The "Places Rated Almanac" has selected Orange County as the best place to live in the nation, ahead of more than 350 other metropolitan areas. Orange County is a national center for higher education. Universities and colleges in my district include the University of California, Irvine, where I serve on the Advisory Board of the world-class Brain Imaging Center, and Chapman University, on whose Board of Trustees I serve. Orange County has also been home to the world-famous Festival of the Arts and Pageant of the Masters for 68 years. In addition, Laguna Beach, the southernmost point in my district, is a year-round haven for artists and craftsmen, and its entire coastline has been declared a "Marine Life Refuge" to protect and preserve the rich variety of marine life forms for all to observe and enjoy.

The Anaheim Angels baseball team and the Anaheim Mighty Ducks hockey team make their homes in my district. The Anaheim Pond, home of the Ducks, is also the second most active concert venue in America, behind only Madison Square Garden. Finally, Orange County is home to the Ronald Reagan Federal Courthouse, authorized in legislation I wrote as a member of the House Public Works Committee in 1992. Once again, it is with great pride that I stand here today to mark 150 years of prosperity and leadership for the great state or California, and to recognize Orange County's important role in our state's history and future success.

Mr. PACKARD. Mr. Speaker, today I would like to take a moment to recognize the great State of California. One hundred and fifty years ago, California became a part of the United States of America. On September 9, 1850, President Millard Fillmore signed a bill admitting California as the 31st State in the Union.

In the early 1800's, settlers very slowly filtered into California until 1848, when gold was discovered at Sutter's Mill. Suddenly, people from all over the world looking to strike it rich flooded through San Francisco. They traveled up the Sacramento River to the gold fields. It was this discovery of gold that hastened California's statehood.

In September 1849 a convention met at Monterey and adopted a state constitution. The constitution was approved by popular vote on November 13, and on December 15 the first legislature met at San Jose to create an unofficial state government. The Compromise Measures of 1850, a series of congressional acts passed during August and September 1850, admitted California as a free, or nonslave, state. On September 9, 1850, California became the 31st state in the Union. The state capital was moved successively from San Jose to Monterey, Vallejo, and Benicia. In 1854 it was located permanently at Sacramento.

The 48th District of California, which I represent, was created in 1982 after the 1980 Census. It has been described as the most agreeable climate in the continental United States. This district has the beautiful scenery, which is typical of California. The location occupies the southernmost portion of Orange County, the North County part of San Diego County and a small slice of Riverside County, the instant town of Temecula. It includes the seaside communities of San Clemente and San Juan Capistrano, where the swallows famously return every year. The well-known Old Spanish Mission at San Juan Capistrano is located in the quaint little town located above the shores of the Pacific, halfway between San Diego and Los Angeles.

Inland, there are the newer communities of Mission Viejo and Laguna Niguel; just south of Pendleton in San Diego County are Oceanside and Vista. Farther inland amid the hills are Fallbrook and, in Riverside County, Temecula, in the mid-1980s a corner-grocery town serving a vineyard district, now the center of an area with 100,000 people, mostly commuters to Orange County and Riverside attracted by low-priced homes and traditional values. Growth has been and continues to be a factor in this area of southern California.

California has a rich history. It is the 3rd largest state in area and the largest state in population. California has the largest population of Native Americans, a continuing growing Hispanic population and a large Asian population, all of which help California to lead the nation in cultural diversity. I am proud not only to represent this area in Congress, but also to be a resident of the wonderful state of California. I would like to wish a Happy Anniversary to the 31st State of America.

Mr. BILBRAY. Mr. Speaker, this is a great time to reflect on the greatness of our country. With California celebrating it's 150th anniversary of the state's admission to the union, one automatically recalls that inspiring phrase, "Go West, young man!" and the beginning of our trail blazing history. As Californians, we can rejoice in the adventurous and rugged spirit of our forefathers and be grateful that these men and women were willing to risk life and limb for a new and unknown life in California. Just envisioning those covered wagons poised on the pinnacle of the Sierra Mountains and looking down on the promised land brings a shiver to my soul. Those were truly trying times and those first California settlers were truly brave people.

I am proud of my roots—my father is from the East, specifically Alabama, and my mother is from Northwest Australia. However, my family and I are grateful for those brave spirits who ventured from the East because we now have the opportunity to benefit from their risk and foresight.

San Diego is the jewel of California, and I have had the privilege of representing one of the most beautiful and inspiring districts in our nation. San Diego is the area where Father Junipero Serra set up one of the first missions in California. This early history can be explored in the preserve of Old Town San Diego.

Presently, the residents of San Diego relish in telling all of their friends and relatives outside of Southern California about the incredible weather they enjoy year round—70 degrees and no humidity! California's 49th congressional district boasts such natural wonders as the sensual coastline from its southernmost point in Imperial Beach to the rocky cliffs of Torrey Pines' nature preserve. The 49th also holds in its stead the tranquil, deep waters of the San Diego Bay, which is home to Sea World as well as large naval bases that rival the ports of Hawaii—North Island Naval Air Station and the 32nd Street Naval Station. With San Diego being blessed with both an awesome shoreline and an incredible bay, residents and tourists alike can enjoy surfing and sunning on the beach or sailing and kayaking on the bay all year round.

An event that I enjoy the most is Sand Castle Days held every August in my hometown of Imperial Beach. This is a world-renown event that gathers the best amateur and professional sand castle designers from around the country and the world in the tiny Southern California beach town. Every year, we are surprised by the intricate designs created by the simple substance of sand.

If cultural arts are on your agenda, San Diego has set the stage for such incredible Broadway productions as "Damn, Yankees" and a revision of "Hair" from creative playhouses like the La Jolla Playhouse and the Old Globe Theater in Balboa Park. Each September for a weekend, the streets of downtown San Diego come alive with the hip and grooving sounds of homegrown musical groups as well as famous, well-established rock bands during a phenomenal music festival known as "Street Scene." The 49th also has a diverse collection of famous art museums—from the modern art of the La Jolla Contemporary Museum of Art to world classics at the San Diego Museum of Art or American artists at the Timken Museum of Art or native pieces from around the world displayed at the Mingei International Museum.

Balboa Park is a cultural center located in the heart of the 49th District. It is a serene, green oasis situated in the middle of a bustling major metropolis. Not only is the San Diego Museum of Art located in this vast cultural enclave, but adults and children alike can learn about the wonders of science at the Reuben H. Fleet Science Center, delve into man's past at the Museum of Man, and be engulfed in the beauty surrounding us at the Natural History Museum.

The most popular world famous attraction in the area is the San Diego Zoo. Just this past summer, our zoo became one of the first in history to have a baby Giant Panda live past her first year after being born in captivity. Hua Mei has become the biggest celebrity in San Diego. Visitors from all over the world have made special trips to catch a glimpse of this giant bundle of joy. But long before Hau Mei's birth, the world famous San Diego Zoo has seen the births of many beautiful creatures, such as black rhinos, giraffes, and many endangered species.

Another famous site in San Diego is located on the island city of Coronado. Hollywood superstars have flocked to the legendary and historic Hotel Del Coronado. The "Hotel Del" built in 1888, as one of the oldest standing wood structures of Victorian architecture is a national historic landmark that has a rich and colorful heritage. Ten U.S. presidents have stayed in this extraordinary hotel, starting with Benjamin Harrison in 1891, and since Lyndon Johnson, every president since has visited the "the talk of the Western world." Charles Lindbergh was honored at the Hotel Del after his successful transatlantic flight. Subsequently, the international airport in downtown San Diego is named after this famous aviator—Lindbergh Field. In 1958, the outrageously funny movie "Some Like it Hot" with Marilyn Monroe, Jack Lemmon and Tony Curtis used the Hotel Del as a stage and backdrop.

Speaking of celebrities, San Diego has also been the home of such movie celebrities as Gregory Peck and Rachel Welch, who grew up on the beaches of La Jolla, and Eddie Vedder, lead singer for the popular rock group, Pearl Jam, spent much of his youth at the clubs and beaches of San Diego. Surfing sensation and Nobel Prize recipient Kary Mullis is a friend who continues his research at UCSD. Helen Copley is a powerful newspaper woman who still boasts the only major newspaper in the area, the San Diego Union Tribune. The famous scientist who discovered penicillin, Dr. Jonas Salk, called La Jolla home and also founded the internationally acclaimed Salk Institute, where scientists from around the world come to study and make scientific breakthroughs. Marine biologists enjoy the access to the sea from their perch in La Jolla and contribute to the Stephen Birch/Scripps Aquarium.

Dr. Roger Revelle established a name and reputation in the area, and is responsible for the academic achievements and popularity of the University of California at San Diego. Other major universities in the 49th District, include the private and catholic University of San Diego, San Diego State University, and Point Loma Nazarene College. Golf enthusiasts can enjoy the same course played by professionals of the PGA at the public Torrey Pines Golf Course, while watching hang gliders glide off the rocky cliffs or sunbathers at world famous Black's Beach.

Grabbing food in San Diego is a delicious and unique experience—from the quick service of authentic fish tacos at local sensation Rubio's Restaurants to the more formal and decadent dining at any of the restaurants located in the historical Gaslamp District in the heart of downtown San Diego. And no one can visit San Diego without sampling the delights of authentic Mexican fare while viewing the adobes and churches of the first San Diego settlers in historical Old Town. The activities, people and places in California's 49th Congressional District are as numerous and diverse as its residents. There is no other place like it in the world and it is an honor representing its interests and people in Congress.

Happy Birthday, California! And a big thank you to those brave men and women who risked their lives to conquer the unknown and establish such a wonderful place as San Diego and the State of California.

Mr. FILNER. Mr. Speaker, on the occasion of the 150th anniversary of California's admission to the Union, I rise to bring attention to the 50th Congressional District of California—an urban district in southern San Diego County and the southernmost district in California, bordering Mexico.

I am proud that it is one of the most ethnically diverse congressional districts in the nation. No racial or ethnic group is in the majority: we have 45 percent Latino residents, 25 percent Anglo, 15 percent African-American, and 15 percent Asian-American.

Our residents include veterans, seniors, and working families. We are concerned that our children receive a quality education, that all our families have access to high-quality, affordable health care, that we invest our budget surplus to strengthen Social Security and Medicare, and that we fight to keep the promises that were made to our veterans.

The southernmost neighborhood in my district, San Ysidro, California, is situated on the Mexican border and is the busiest border crossing between any two nations in the world! The proximity of Mexico provides both challenges and opportunities for my district—but we revel in the excitement of a truly binational community.

To the east is Otay Mesa, primarily an industrial area with an expanding large-scale manufacturing base. Farther north are the cities of Chula Vista and National City, home to many residential areas and hundreds and hundreds of small businesses. One of the county's largest developments, Eastlake, is rapidly growing to the east of Chula Vista—and Bonita, a neighborhood of middle-class homes in an unincorporated community of the county, is nearby.

At the northern border of the 50th district is the central portion of the city of San Diego, just south and east of downtown, with many neighborhoods that are experiencing gentrification by "urban pioneers" moving back from the suburbs.

All in all, the people of the 50th congressional district represent the best of America. Industrious and ambitious, striving for a good life for our children and grandchildren, we work and play together in a largely harmonious blend of race, ethnicity, and religion. We believe in the American dream.

I am proud to represent these fine men, women and children, and I am working hard in Congress to ensure the best for their future.

Mr. CUNNINGHAM. Mr. Speaker, on the 150th anniversary of California's entrance to the Union, it is with great pleasure that I introduce California's 51st district.

California's 51st district covers most of North County, only minutes from downtown San Diego. North County, well known for it's beautiful beaches, ideal weather, and quiet lifestyle has proven attractive to the growing 650,000 who inhabit this region and the many who visit "America's Finest City" and the surrounding area from all over the world.

The 51st district encompasses the coastal towns of Carlsbad, Encinitas, Solana Beach, and Del Mar. Carlsbad is best known for its majestic flower fields and is the predominate supplier of commercially grown flowers on the West Coast. The flower fields are easily seen from 1–5 as one makes their way down this coastal commute. Also, newly constructed Legoland® choose to call Carlsbad home. The amusement park opened in 1999.

Del Mar is where the "turf meets the surf" and is home to the Del Mar Racetrack. One can watch the thoroughbreds and still have a view of the ocean from the grandstand. During the off-season, the Racetrack becomes the Del Mar Fairgrounds. This two-week fair has been a North County tradition since 1936. The fair features rides, livestock shows, exhibitions, agriculture, and local art. Over 1 million people visited the Del Mar Fair last year.

Inland, the towns of San Marcos, Rancho Santa Fe, Escondido, and Poway lie among the rolling hills. Escondido is home to the world famous Wild Animal Park, established in 1969. This 1,800-acre wildlife preserve allows visitors to view herds of exotic animals as they might have been seen in their native Asia and Africa.

A portion of the city of San Diego makes up the remainder of the 51st district. This area includes the former Miramar Naval Air Station. The base, made famous by the 1986 movie Top Gun, was home to the elite naval fighter pilot school of the same name. This naval base was converted to the Miramar Marine Corp Air Station in 1996. North County is also home to many veterans and active military who choose to make San Diego their permanent home during and after their military service.

San Diego is also fast-becoming the center of the growing high-tech and bio-tech industries. Qualcomm, Cubic, Hewlett Packard, Sony, Nokia, Erickson, Titan, Ligand Pharmaceuticals, Pyxis, and the Immune Response Corporation all call San Diego home. These booming industries have brought San Diego to the forefront of these exciting new fields.

With its sunny weather and stretch of coastline, it is not surprising that North County is one of the fastest growing areas in California. Mr. Speaker, I consider it a privilege to live in North County and an honored to serve and represent the people of the 51st district.

Mr. HUNTER. Mr. Speaker, I rise today to celebrate the 150th anniversary of California's admission into the Union. I am fortunate to represent the 52nd Congressional District, a beautiful area along our international border with a rich history and culture. Home to the deserts and agriculture fields of Imperial County, as well as the mountains and urban areas of East San Diego County, the 52nd is as much diverse as it is unique.

As the winter home of the Navy's Blue Angels, and thousands of "snowbirds" from all over the country who come to enjoy the scenery and weather, Imperial County is known as the place "Where the Sun Spends the Winter." It is the home of the Glamis Sand Dunes, the Brawley Cattle Call, and the best farm land in the country, which provides delicious fruits and vegetables the entire country enjoys year-round. Imperial County is also home to the largest body of water in California, the Salton Sea, as well some of the best Mexican food a person can find.

San Diego County draws its name from San Diego de Alcala, a designation credited to Spaniard Don Sebastian Vizcaino, who sailed into what is now San Diego Bay on November 12, 1603, and renamed it in honor of his flagship and his favorite saint. The County of San Diego was established by the State Legislature on February 18, 1850, as one of the original 27 counties of California with an estimated population of at least 3,490.

Today, almost 100,000 people and 5,000 businesses reside in San Diego's East County alone. Places like El Cajon, which means "the box" in Spanish because the city is completely surrounded by mountains, provides the perfect recreation spot with horseback riding, golf courses, campgrounds, parks and easy access to the many attractions of Southern California.

Another city in East County, La Mesa, is known as the "Jewel of the Hills" to the 56,000 people who call this desirable city their home. La Mesa's location places it close to the cultural facilities, sports, recreation and water-related activities afforded by its proximity to the county's metropolitan center, beaches and bays.

The 52nd Congressional District is made up of communities in which the residents and business people take an active role in protecting and enhancing the quality of living. The number of service clubs and organizations, school and church related groups, and other civic and social organizations, give tangible evidence of the vitality of its citizenry and their active interest in the community. It is a commitment to "community" that gives the 52nd a special identity.

H.R. 1323

The SPEAKER pro tempore (Mr. SHERWOOD). Under a previous order of the House, the gentleman from Texas (Mr. GREEN) is recognized for 5 minutes.

Mr. GREEN of Texas. Mr. Speaker, today I want to talk about legislation that I have been working on. It is H.R. 1323. H.R. 1323 deals with breast implants, an issue that has been the subject of many court cases now for a number of years.

On Monday, the Food and Drug Administration, the FDA, hosted a meeting to discuss research on silicone gel-filled implants, and I am grateful for the FDA in their willingness not only to meet with my own constituents but also other people on my staff on this issue and hopefully will continue to dialogue with the FDA to ensure that women get the information they need on the safety of the implants.

However, the research indicates that platinum salts have been released by silicone gel-filled implants. This is significant information because the platinum salt in certain form is known to be toxic. New technology has allowed scientists to determine that the platinum used as a catalyst in making the gel and the shell of the gel-filled breast implant is being released into the body of women in a harmful toxic form.

Last week, the FDA released information on their web site citing breast implant complications. This is a victory for the consumer advocates who have been working to provide more information to women who are considering implants. However, the information provided in this web site does not include the recent findings on the toxicity of platinum salts found in gel-filled implants.

Women need to know how harmful the release of platinum in their body and to their children who may be nursing can do to them. It has come to my attention that children who breast-feed from mothers with silicon brevity implants may also experience harmful body excess from the toxicity symptoms of exposure of platinum salts.

Symptoms of exposure to platinum in a reactive form can also cause fatigue, dry eyes, dry mouth, joint inflammation, hair loss and also rashes.

As a sponsor of the Silicon Breast Implant Research and Information Act, I believe that the need for more research is especially compelling in light of the FDA's own study on the rupture of silicone breast implants.

On May 18 of this year, Dr. S. Lori Brown's research showed that 69 percent of the women with implants had at least one ruptured breast implant. The FDA concluded that the rupture of silicon breast implants is the primary concern although the relationship of the free silicon to the development or progression of the disease is unknown.

We do know there is a rupture of silicon into the body, but we do not know the impact. That is why we need more research by the FDA.

I heard from my own constituents over the last number of years and literally women across the country, Mr. Speaker, who have suffered from the long-term consequences of reconstruction and cosmetic surgery. They have experienced infections, chronic pain, deformity and implant rupture, inaccurate mammography readings due to the implant concealing breast tissue and difficulties in getting health insurance to pay for the high costs of repeated surgeries. The cost of faulty implants is paid by all of us in the system even if it is not covered by insurance.

The Institute of Medicine estimated that by 1997, 1.5 million to 1.8 million American women had breast implants with nearly one-third of these women being breast cancer survivors. The American Plastic and Reconstruction Surgeons cited breast augmentation as the most popular procedure for women ages 19 through 34. In 1998, nearly 80,000 women in this age bracket received breast implants for purely cosmetic reasons. By 1999, an additional 130,000 women received saline breast implants.

In spite of the escalating numbers, very little is known about the long-term effects of silicone or platinum in the body. Few patients understand that even when they opt for saline breast implants, the envelope of the implant is made of silicon.

Following the FDA's decision to approve saline breast implants, the agency did warn women of the potential risk. FDA officials called upon implant manufacturers and plastic surgeons to ensure that thorough patient information is provided to women before they undergo the surgery.

Mr. Speaker, with the FDA approval process behind us, the only course of action to safeguard the future of women is that of an informed consent document. Somehow, a piece of paper cannot make up for a manufacturer's insufficient data or the retrieval analysis. It cannot make up for inaccurate labeling and even risk estimates.

There is so much we do not know, and yet the one government agency mandated to safeguard the public's food, drug and medical devices is moving so slow on this issue that could jeopardize women with a medical device that has alarmingly high failure rates.

In spite of the agency's call for post-market studies, the FDA approval of saline breast implants provides no incentive for the manufacturers to make data better or a safer medical device.

Mr. Speaker, hopefully the FDA will continue their research.

REASONS FOR ECONOMIC PROSPERITY IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from California (Mr. CUNNINGHAM) is recognized for 60 minutes as the designee of the majority leader.

Mr. CUNNINGHAM. Mr. Speaker, before I get into my special order, I would like to address the remarks of one of my colleagues just previously on a 5-minute. He made a statement that Governor Bush would replace Medicare with insurance companies. I have never heard something so laughable. Are the Democrats so desperate that they have got to spin something that is absolutely not true?

Mr. Speaker, I have never heard something so ridiculous. The gentleman may speak of his own opinion, but I would say that the gentleman is factually challenged. First, 70 percent of Americans have insurance, both for healthcare or for prescription drugs, and they want to keep that. Unfortunately, there is a large portion of the American population that has neither healthcare nor prescription drugs.

Governor Bush wants to make sure that those people are taken care of.

But if the Democrats can demagog insurance companies or biotech companies, then what is left to pick up the void? Only big government, Hillary Clinton-type of healthcare and prescription drugs, and that is exactly what AL GORE does.

He has a one-size-fits-all, big government solution. Now, I have traveled all over the country with Governor Bush, and I know not only what he says, but I know what is in his heart. While the Democrats increased veterans healthcare by zero in the last budget, Republicans put in a $1.7 billion increase.

Governor Bush not only wants to keep the promises to our veterans for healthcare that has been given for many, many years, but he wants to also make sure that that percentage of Americans who do not have healthcare have supplement to their Medicare. What does the Federal employee have? And that is FEHBP, the Federal Employees Health Benefit Plan, which is a supplement to Medicare. That is what he has said, that is what he talks about in every speech, nothing about replacing Medicare with insurance companies, at least do not demagog, at least do not make up stories that are absolutely not true.

If my colleagues want to talk about facts in the Social Security Trust Fund and Medicare trust fund, do we remember the Clinton-Gore budget, they said well, we want to take 100 percent of the Social Security trust fund and put it for Social Security and all of the surplus.

Mr. Speaker, weeks later, they came back and said oh, not so fast we want to take 62 percent and put it into Social Security, we want to take 15 percent of the surplus and put it into Medicare. What they did not tell us is that the Clinton-Gore budget took every dime out of the Social Security trust fund, put it up here for new spending. They increased taxes $241 billion for new spending, to justify their budget and their balanced budget.

We said no, Mr. President, no, Mr. Vice President, that we are going to put the Social Security trust fund into a lockbox so that politicians cannot touch it, that you cannot keep increasing the debt and you cannot keep spending it. So if my colleagues want to talk about facts, that is a fact.

Another fact is that Republicans brought that budget to the floor to show what a sham it was. Mr. Speaker, do we know how many Democrats voted for that budget, because we wanted them to vote for it, to show that they supported increase in taxes, to show that they supported raiding the Social Security trust fund, to show what a sham that the budget was. Do we know how many Democrats supported it? Only four.

Yet, AL GORE uses that budget as the basis, and I quote AL GORE, I use this budget as the basis for my plan, which spends every cent and more of the surplus. It dips in and raids the Social Security trust fund. It increases the taxes on the American people. And when my colleagues want to talk about facts, that is a fact.

The reason that I stepped up from my special order was that I was in Los Angeles for the Democrat convention. I was on television. I was on radio to see the spin, and it is probably the reason why there is an article in the Washington Post, which is not exactly a conservative paper, about, it is still the economy stupid, by David Broder. And it says that during the past 8 years LIEBERMAN said in the convention, we have created more than 4 million new businesses, 22 million new jobs, the lowest inflation in a generation, the lowest African American, Hispanic unemployment rate in history, the strongest economy in a 224-year history of the United States of America. He could have added that real incomes for even the poorest Americans began to improve and poverty rate declined.

□ 1730

But what David Broder goes on to say is, "But it wasn't until the Republicans took over Congress in 1995 that the goal of a balanced budget came into view, that the economy increased at a much higher rate than under the 1993 tax increase."

The Democrats in their convention said, well, if you loved the last 8 years of the economy, you need to put us back. That is what I want to talk about, Mr. Speaker.

First of all, the Speaker of the House, the gentleman from Illinois (Mr. HASTERT), went to see the Vice President and the President last night. They asked if the President would set aside 90 percent of the surplus to reduce the debt. We pay nearly $1 billion a day on the national debt, Mr. Speaker. The President agreed.

They walked away saying, hey, we will take the other 10 percent, we will debate in Congress, we will work back and forth as to how the 10 percent of the surplus is spent, whether it is for tax relief or increased spending in other areas, like prescription drugs.

But when he got away, and I will quote here, now when Republicans say we want to lock away 90 percent of the next year's surplus, according to today's edition of the New York Times, "Mr. Clinton told Republicans he viewed paying down the debt as a priority, but said he was not sure it could be done in the 2001 fiscal year."

Does that sound like the balanced budget? It could be done in 12 years, it could be done in 2 years, it could be done in 4 years, it could be done in 8 years, and now already the White House is reneging on putting the money in to pay off the national debt. I think it is ridiculous.

The point is, when the Democrats claim that economic prosperity is due to their efforts, I reject that, Mr. Speaker; and I set out to show the reasons why from fact, from budget legislation, and the lack of budget legislation.

First of all, not a single White House or Democrat budget since the Republicans took over the majority in 1994 has ever passed either the House or the Senate. As a matter of fact, we brought the Democratic White House budgets to the floor just to embarrass the Democrats, to show what a sham the Clinton-Gore budget was.

In 1993, they did pass their budget, because they had control of the House, the Senate and the White House, and I will address that in just a minute. In 1994, the House voted 223 to 175 and the Senate 57 to 40 to pass their budget. But in 1995, Republicans took over and talked about balancing the budget for the first time.

In 1996, the budget from the White House failed 117 to 304. In 1997, in the Senate it failed 45 to 53. In 1998 there was no vote. There was a vote on the Democrat budget; and the Blue Dogs, and, by the way, I would say that the Blue Dogs, against the liberal leadership of the House, had some pretty good ideas and some ideas that we could accept unanimously; but the President would veto it, and the Democrat leadership would fight against it.

In 1999 we brought the budget forward from the White House, and only two Democrats supported it, because, again, it raided the Social Security trust fund, it increased taxes, it broke the budget, and it increased the national debt.

I would say that when the Democrats claim that they are responsible for the economy, and not a single one of their economic plans or budgets ever passed, I would say that that is a sham, Mr. Speaker. Yet the Democrats will go back and say, well, it was the 1993 tax increase. They refer to it as their 1993 economic package.

But after I go through this, I will also show in this newspaper article and every newspaper article within the country, liberal and conservative, it says the Al Gore economic plan would spend all of the projected Federal surplus of more than $4 trillion and run up a deficit of $900 billion over 10 years, no cushion at all, $900 billion in the hole.

Does that sound familiar? It sounds familiar to 40 years of Democrat control of the House, in which in 1993 the President's budget projected deficits of $200 billion every year throughout and beyond, and also increased taxes every single year and raided the Social Security trust fund every single year.

I would say that the 1993 package that they claim, they say, well, Republicans, not a single Republican voted for the Democrat tax package. Again, they say "economic plan." Why did we not, Mr. Speaker? I think the American people need to know.

First of all, the 1993 Democrat tax increase was the largest tax increase in history, across the board. The first tax they promised a targeted tax relief plan, and does this not sound familiar with what they are doing today on the liberal leadership of the Democrats? They said, we want a targeted tax relief plan for middle-class Americans.

First of all, this body should never use the term "middle class," because there are no low class, there are no middle class, and there are no upper-class citizens in this country. There are low-income citizens, there are middle-income citizens, and high-income citizens; but the other side continually uses the term "class warfare" to get their point across. I think that is wrong.

But they promised a middle-income tax cut, and they could not help themselves. In 1993 they increased the taxes on the middle class. Why? Because it means power, Mr. Speaker. It means power to rain down more and more money to their districts so they can come back here and get reelected and maintain the majority like they did for 40 years.

But finally the American people had enough, and in 1994-1995 they said we are going to let the Republicans try and let them for the first time in 40 years control the House. Now we control the Senate as well.

The tax increase in 1993, why did we not support it? Because it took every cent out of the Social Security trust fund, just like they had for 40 years prior, to use up here for additional spending. In all the budgets, even after Republicans took the majority, the Clinton-Gore budget raided the Social Security trust fund, put it up here for new spending, increased taxes for new spending, and then put a little bit back into the Social Security trust fund or put in an IOU.

What did that do, Mr. Speaker? It increased the national debt, at the same time making the Social Security-Medicare trust fund insolvent. Republicans said, No, Mr. President, Mr. Vice President. We are going to put the Social Security trust fund into a lockbox, to where it accrues interest. Instead of increasing the debt, it is going to pay down the national debt by the year 2013.

Now, AL GORE in his budget tries to take claim for this. They did in the Democrat convention. It is not true. They fought it tooth, hook and nail, every single part of the way, because they wanted to use that extra money for spending. I think that is wrong.

Why did we not vote for the 1993 tax increase from Clinton-Gore? Because it cut the veterans' COLAs. You want to talk about priorities? Our veterans that served this country, in many cases departed from their families, not knowing if they are coming back, their families are penalized. They have to move several times during their career, they cannot invest, their children are ripped out of schools. But yet to balance the budget, or to put their budget plan into effect, they even cut the COLAs, which is a tax increase on our veterans.

If that was not enough, they cut the military COLAs for our active duty military, the people that need it the most, that are getting shifted around all over this country. Then they cut defense, $127 billion, after Colin Powell and Dick Cheney told the President that a $50 billion cut would put our military into a hollow force.

Why did we not support the Clinton-Gore 1993 tax increase? Remember that it increased the gas tax? They even had a retroactive tax. Most people forget about that. Remember the First Lady changed their income tax form so she could benefit from the retroactive tax?

Remember the gas tax went to a general fund? Why, instead of a transportation fund? So that they could take the Social Security trust fund, they could take the increase in taxes, including the 18 cents Federal tax into a general fund and use it for new spending. And we said, No, Mr. President, Mr. Vice President. We are going to take that gas tax, and we are going to put it into a transportation trust; and many Republicans and Democrats and States have benefited from that, because the money, instead of going to new social spending, failed social spending, has gone to improve our roads and highways in this country, including my own California, which is a donor State when it comes to taxes, and not the general fund.

But remember in 1993 also the Clinton-Gore team tried to pass government controlled health care. It was rejected by all Americans. Remember the $16 billion pork-barrel package? I do. I was here. It had payback for people that had voted for the Clinton-Gore team. It put parking garages in Puerto Rico, swimming pools in Florida. I mean, it was ridiculous.

In that, the deficits were projected at $200 billion and beyond forever. Did we vote for it? No.

First of all, the Social Security tax increase, we rescinded that and did away with it. The tax for the middle class, we have given education IRAs, we have given education savings accounts, we have given R&D tax credits, we have given capital gains tax credits, which the Democrats said were all for the rich. They fought tooth, hook and nail. Yet at the convention I see the Vice President claiming credit for education IRAs, when they fought against them tooth, hook and nail. They said it was a tax only for the rich. The $500 deduction per child, remember that side, it is only a deduction for the rich, just like the death tax and the marriage penalty. It is only a tax break for the rich.

Tax breaks they cannot stand. Why, Mr. Speaker? A tax break is a sense of power, money in the Federal Government. A surplus that is not given back to the American people is power to spend, power to spend for constituents, whether you are a Democrat or Republican, down to your district, so you can get reelected; and they will resist tax breaks in any single way. Even the promise of middle-class or middle-income tax workers and Americans, they rejected it. They increased the tax. They just cannot help themselves in that.

The Social Security trust fund, we said no. Lockbox. Veterans' COLAs, we restored that, on a bipartisan basis, by the way, against Clinton's and GORE's wishes. The military COLAs, we reinstated that. We have replaced somewhat of the defense. The increase in taxes at the highest level in history, we have done away with much of that. The gas tax, as I mentioned, we put into a trust fund. We took the health care plan and we benefited many Americans, but we have still got a long ways to go.

So, for the Democrats to say that they are responsible for the economy, first of all, when not a single one of their budgets or economic plans have ever cleared the House or the Senate, outside when they controlled this body, and the 1993 tax increase that most of it has been rescinded, it is a little bit ridiculous for them to claim credit for the economy.

□ 1745

It is impossible. It is illogical.

Economic principles. We say well, what has not and what has, in my opinion, and 99 percent of the economists contributed to a better economy for all Americans.

First of all, when we took the majority, in our 1995 budget, even before that, with the Contract With America, we said we are going to balance the budget. Do not listen to me or to the Democrats, or to any of the leadership; listen to what Alan Greenspan said. He said, and I quote, just by speaking about balancing the budget and the potential for the Congress of the United States to balance the budget will reduce interest rates across the board. And what do interest rates mean to the American people?

I have a family, a young man that just got married. He is looking into homes. Here is a chart I pulled out of the Washington Post, and it is on home-buying, Mr. Speaker. Take a $140,000 house, and most people would like to find a $140,000 house today. But at 5 percent interest, one's payments are about $1,000. If one has 8.5 percent, which is about what the prime is today, one is paying $1,400 a month for one's payment. If it is 10 percent, one is paying almost $1,600 a month. That is real savings to the American people, when one is buying a home.

I just sent my daughter off to Yale. I cannot tell my colleagues how expensive that is. She scored a perfect 1600 on her SAT, and she wants to be a doctor. But if interest rates are important to the American people, and the balanced budget is the primary cause of interest rates going lower, according to Alan Greenspan, the head of the Fed, then that is an economic principle that we want to adopt.

Who fought against it, Mr. Speaker? The Clinton-Gore administration was here in this House fighting day by day to fight against the balanced budget because it limited the amount that they could spend and to regain a majority, and that is just wrong. But in 1997, after 2 years of demagoguery, the President finally came to the table with Republicans, against the wishes of the liberal Democrat leadership on this side. They still fought it tooth, hook and nail, fought a balanced budget, because their leadership saw that, well, that will take away their ability to retake a majority, and that was more important to them than a balanced budget and the economy of this country. The President signed a budget agreement. I give him credit for that.

A second principle is that the government should keep its books in order and cut wasteful spending. In the Washington Times today, it listed 4 government agencies responsible for $21 billion, actually $20.7, close enough, of fraud, and one-half of that fraud was in Medicare. I would say, whether it is the Education Department that only gets about 48 cents less than half of the dollars down to the classroom because of the bureaucracy, and that the IRS and GAO have been unable to audit; as a matter of fact, it is unauditable, that there is fraud, waste and abuse there. We look at food stamps or HUD, and yes, Mr. Speaker, Defense. I can go through and point out fraudulent and wasteful spending in Defense, which I am a hawk; well, maybe a dove that is fully armed. But there is wasteful spending, and that should be part of the principles of reducing and helping this country to economic prosperity.

Tax relief for working people. Mr. Speaker, if someone has a $500 deduction per child or they can have an IRA in which they can set aside $2,000 a year, which the gentleman from Missouri (Mr. HULSHOF) set forth so that working families could set aside money. If one has a child, when he is born, by the year he is 10 years old, at $2,000 a year, well, we would say that would be $20,000, but with compound interest, it is almost $40,000 a year by the time that child is 10 years old. One can use it for special education, for special needs, one can use it for books, for tutoring, or one can leave it in the trust fund for higher education.

But yet, that was rejected by the Clinton-Gore administration, and now the Vice President is trying to say it was his idea, when they rejected it, and that is wrong. But tax relief for working families, they get a little more money in their pockets, and maybe they can go out and buy a car, and car dealers like that. Maybe they go out and buy a double cheeseburger, double fries, to spread the money around a little bit. It is called micro and macroeconomics, that one has more money and they will spend it or at least set it aside and save it.

Yet, Mr. Speaker, my colleagues on the other side have never seen a tax increase they do not like, or will they ever support a tax decrease? No. At least some of my colleagues will, but the liberal Democrat leadership on that side fights it tooth, hook and nail every single day.

Less government spending. If we have less bureaucracy: for example, about 4,000 workers in the Department of Education, and we only get less than half of that money down to the classroom because of the bureaucracy. Federal education spending. I used to be the chairman on the authorization committee. Only about 7 percent of funding from the Federal government gets down to the States for Federal education programs. But yet, in most States, it takes more than half of the States' administrative body to manage that 7 percent of Federal education dollars. And the other paperwork, by the time we go back and forth with all of the different requirements, then we have even less than that to spend on the classroom, whether it is for construction, whether it is for teacher pay, whether it is for technology, or whatever it is.

So another principle should be not just to cut wasteful spending, but those items in which we have priorities for, Social Security, Medicare, prescription drugs, education, that the maximum amount of dollars should go to those groups that we are trying to help, not a bureaucracy in Washington. But the era of big government is not over. In AL GORE's budget plan we see government with 48 new government agencies in the Clinton-Gore budget last time. In the one prior to that, it was 115 new government agencies. They cannot bring themselves to cut the budget.

When they say, look at the number of government officials that have been reduced, we know that 90 percent of those Federal employees are defense and defense-related industries, not the civilian workforce.

Another principle should be to pay down the debt. Paying $1 billion a day, nearly $1 billion a day is robbing our children of their future and putting a debt burden on their backs that we as adults and Members of Congress should not do. We have paid down, in every single year, the debt when again, the Clinton-Gore budgets have increased the deficit by over $200 billion, including the present Gore plan. Just read all of the papers, look at all of the economists. He spends every bit of the Social Security trust; he spends every bit of the surplus and increases taxes at the same time, and guess what? The debt goes up again.

Budgets for education. People say, look across the land. My wife was a teacher, a principal, and now she is a district administrator for the school district. My sister-in-law, Carolyn Nunes, is the district administrator for all of San Diego city schools for special education. Allen Buerson, who was a Clinton employee before, is now the superintendent of San Diego city schools. Guess what? He is in the real world and now he is fighting for Republican principles of getting the dollars down to him so that he can make the decisions, so that the teachers, the parents and the administrators can make a decision on what happens to their dollars.

We passed a bill on the House Floor called Ed Flex. The liberals over here fought against it, because again, they want government control of health care, they want government control of education, they want government control of private property; they want the highest taxes possible so that they can keep that power and have bigger bureaucracies. But yet, Allen Buerson says, we need the money more down to the classroom, and I support Allen Buerson who is a Democrat and also the superintendent of schools for San Diego city schools, and I think he is doing a good job.

But let me give my colleagues an idea, Mr. Speaker, of the sham that the Democrats run and why it is so difficult for the American people to see the differences.

First of all, we have talked about the President's budget. Democrats did not vote for it. But yet, they will use the President's budget number of $1.1 billion for special education. When the Democrats had control of the House, the most money ever spent on the authorized amount was 6 percent for special education. If one includes the money for Medicaid, that has gone up to about 18 percent for special education. In this budget, the Republican budget, we increase special education by $550 million. But yet, the budget that none of the Democrats voted for because it increased taxes, stole Social Security trust, and the only way they got up to the $1.1 figure was to use that, those gimmicks, and say that Republicans are cutting special education, when we have actually increased it more than they ever did and increased it by $550 million over the amount. I think that is wrong, to use that kind of smoke and mirrors.

In education, for many, many years they put trillions of dollars into education programs. When I was subcommittee chairman on the authorization committee, I had 16 groups come in before me and testify. Every one of the 16 had the absolute best program that could be envisioned for their district. It worked. It was helping children to learn or it was helping special needs children or even at-risk children. Even Bishop McKinney, who has a Catholic school for abused children and at-risk children, came in and testified.

After the hearing, I asked each of them which one of the other 15 had any one of the other programs in their district. They looked at each other, and not a single one. We said, that is the whole idea. We are trying to get in a block grant the money to you so that you, if you live in Wisconsin, this program may work best for you, but yet, the teachers, the parents, the principals and the community can make the decision of how that money is spent. We believe that with all of our hearts, that those dollars are best served by not a bureaucrat here, not a union boss telling them how they have to spend those dollars, but that it gets to them in the classroom.

The second thing was the education flex bill, the President wanted 100,000 teachers. We said 100,000 teachers, but the first half of that, there was not the quality, because many of those teachers were not even certified. As a matter of fact, in the State of California, many of them, after they were hired, have to be fired, because they could not teach in the subject that they were supposed to be trained in. We said no. To hire new teachers, first of all, with Federal dollars, there has to be quality associated with it. We think that is right too. That decision again should be made at a local level in how to do that.

□ 1800

Mr. Speaker, the principles of a balanced budget, lower interest rates, lower inflation, making sure that the Federal government puts its house in order and its books in order, making sure that if a government is wasteful, that it is eliminated, or at least fixed, they are important.

A good example is Head Start. Just like those 16 programs, many of my liberal friends would say, let us do all 16 programs, let us do them: not mean, not malicious. But in doing that, they would put all of those programs under the Department of Education. Each one would have a bureaucracy. Like Head Start and Easy Start and many of the programs, there was underfunding. They were doomed to fail.

We think that the best decisions should be made at the local level. We think that is right, too. Under a balanced budget, if Alan Greenspan says that interest rates are largely the reason for economic advancements in this country, that low inflation is important, that capital gains reductions have stimulated the economy and created jobs, then I think that is good.

But if we have liberal leadership on the other side that fights those issues in both their budgets and in the 1993 tax bill, then I think that we need to make the analysis of who is responsible for the economy.

Again, I would say that the Blue Dogs, and my colleague here on the budget has worked. I want to go through this. I have fought for 2 weeks on this. But I would say, my colleague on the other side has some real good ideas, and ones that I personally accepted. The overall budget I thought was bad, but I would say that many of those issues that the gentleman brought forward were very valuable.

Mr. STENHOLM. Mr. Speaker, would my friend yield for a minute? Any minute that I take from the gentleman, any minute I take I will be happy to give to the gentleman afterwards.

Mr. CUNNINGHAM. I yield to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. I thank the gentleman for his compliments. I do not want to interrupt the gentleman now, but I would sincerely say, whatever time I take, I hope the gentleman would stick around and use a part of my hour, because I think a little dialogue between the two of us might be helpful.

I know the gentleman does not mean to misrepresent. He believes what he is saying, just as I would believe what we are saying. I think we could clear up the record a little bit if we have a dialogue. I will yield some time to the gentleman when my hour comes in a moment, and hope the gentleman will stick around.

Mr. CUNNINGHAM. Mr. Speaker, I would tell the gentleman, we have the Sportsman's Caucus dinner tonight that I am going to hustle over to, but I will stick around maybe the first 5 minutes.

I would say again, many of my colleagues on the other side, especially the Blue Dog budgets most of us on this side could adopt, but we could not go along with the liberal leadership from the gentleman's party or the White House. As a matter of fact, most of the gentleman's people could not vote for them when they were brought forward on the House floor by Republicans,

The President, as I mentioned, in 1997 signed the balanced budget agreement, but each one of those budgets following they increased taxes, they took money out of the social security trust fund, and they increased the debt by using false assumptions.

I would be the first one to say that there were many of the assumptions in the Republican budgets that we disagreed with. That is the way it worked.

But I think the overall factors of a balanced budget, tax relief for working families, social security, tax reduction so people could have their own money, not taking the money out of the social security trust, education IRAs, a $500 deduction per child, capital gains reductions, and even my own 21st century bill that allowed businesses to donate their computers to a nonprofit, that company then took that computer, which is still in effect, by the way, they take that computer to a military brig or a prison system, they work on it, they hand that computer over to the school as a full-up round. It is a win-win for the budget, it is a win-win for education, it is a win-win for our penal system, and it sure is for our businesses, because they get to write off the tax and invest in new computers and then cycle those computers back into the education process.

I think the Republican budget strategy has been clearly successful: balancing the budget, tax relief, cutting wasteful spending.

If Members will look at the economist, Lawrence Kudlow, he says, "Declining inflation has been a pervasive tax cut for all Americans. The effect throughout the economy is in boosting real incomes."

Alan Greenspan said that long-term interest rates have declined drastically since the balanced budget and have enabled us to stimulate the economy. "It has been the first decline in long-term interest rates which, perhaps more than anything else in our economy, has been a factor which has been driving this reality quite extraordinarily, economic expansion."

That is a direct quote by Alan Greenspan, Chairman of the Board of Governors of the Federal Reserve System. Alan Greenspan also credited this decline largely to Congress's determined effort to balance the Federal budget. He often advised Congress that financial markets would respond favorably to credible deficit reduction.

Greenspan said, "A substantial part of the very considerable decline in long-term interest rates has been a function of the decline of budget deficits, because it has removed pressures on the Federal government borrowing from the marketplace." That is where our debt goes up, as well; the reverse of what has happened with President Clinton's 1993 tax bill. A year after his tax increase was enacted, interest rates have moved up about 2½ percent, percentage points. The trend for real economic growth slowed.

Interest rates peaked November 7, 1994. The next day, the national board set a new direction. They said that they wanted to stop the raid on the social security trust fund, they wanted to stop increased deficits and an increase in the debt.

If we look at Vice President GORE's budget proposal, that is exactly what he goes back to. Look at the newspapers, look at the budget analysts. He spends every single penny of the surplus. We think that is wrong, Mr. Speaker.

Federal Reserve Chairman Alan Greenspan had predicted that credible spending restraint would be rewarded with falling interest rates. I have already showed in the real estate market what that means to a young family that wants to buy a new home.

Real wages actually declined after the 1993 tax increase, and I think quite often we speak too much of numbers, but 0.5 percent. Is a balanced budget just numbers?

We speak that a lot here on the House floor: deficits, budgets, numbers, increases. But what it is is for real families. If a family has more in their pockets to spend, then they are going to set that money aside for their children. Unfortunately, in this country there are many of those families that are not responsible.

When we have someone that is irresponsible, and let me give the Members an idea, in welfare reform, I had a doctor come into my office. He said, Duke, I had a lady come into my doctor's office. She had a 12-year-old daughter. She wanted to know what was wrong with her 12-year-old daughter, that she could not have a child. The mother had a 13-year-old and a 14-year-old each with children. She wanted the extra welfare money.

My father and my mother, I lost my dad about 5 years ago, the best dad in the whole world, but I never got a nickel allowance. I had to work for it. My father and my mother never missed an academic or an athletic event that either my brother or I attended, either at home or away. I had to go to church, like a lot of us, when I was young. I would have a lot rather been on some Sundays out with my buddies riding around, having a good time, but I had to go to church.

I had to do my homework before I got to go out and play or be with my buddies when I got older. My mother and father that never had a chance to go to college said, you and your brother are going to college. You have no choice. Because my father said, his small definition of the American dream was that "If we teach you the value of a dollar, that you have to earn it, we do not just give it to you, like government gives to many people in welfare; if we teach you a sense of the family, that we are there for your education, we are there for your events, that we care; if we force you to do your homework so that you can qualify for college and you get a college education," my father's small definition of the American dream is that, "With those tools, you can make tomorrow better most days than it is today; not every day, but most days."

I would ask the Members, what chance at the American dream does that 12-year-old, that 13-year-old, or that 14-year-old or their children, what chance would they have because the mother wanted more welfare money?

The . Clinton-Gore administration fought tooth, hook, and nail welfare reform. Governor Engler from Michigan, Tommy Thompson, from Wisconsin, had models. They brought them to us, on the Republican side. They said, this will work.

Can Members imagine a parent coming home with a paycheck instead of a welfare check, what that means to a child in school? Guess what, those families, and the President takes credit now for welfare reform, and half of the people off of welfare rolls. But guess what, instead of welfare money being spent out of the government or unemployment, those people are working.

Guess what, those tax rolls, they are paying money into the government by paying taxes instead of drawing from that. We think that is good. Has there been enough in that area? No. Is there enough training? No. There needs to be additional training. We agree on some of those issues on both sides.

Yet, Clinton and GORE fought welfare reform tooth, hook, and nail. The liberal leadership on that side of the aisle fought welfare reform tooth, hook, and nail. Why? Trillions of dollars they put into welfare. The average for a welfare recipient was 16 years. In my opinion, many of our inner cities with the drug problems we have, the no hope in the inner cities, is from generations of people trapped in a welfare system with no hope on where to go.

Yes, it is better to give a person a pole and teach them how to fish instead of giving them the fish. Yet, we are looking at an election where a contrast of a Governor that has balanced these budgets, working with Democrats on both sides of the aisle, to where in education he went into the school systems and said, "What is wrong? Do you not have the technology? Are your teachers not trained? Why are my Hispanic and African-American children dropping out at high rates?"

I think it was fair for him to go into the schools and say, "Why? Whatever it is, our administration in Texas is going to fix it."

If we take a look at all the press accounts, the education, the educational system for minorities, is going up the highest of any State. I do not think it is fair, where the Democrats had control of Texas for 100 years, and looking across-the-board in the State of Texas. But I think it is fair to look at the differences between the time Governor Bush took over the education systems in Texas and what he has done for the State of Texas.

I was on Heraldo with Al Sharpton, that was fun. I told Heraldo, I said, Mr. Heraldo, you spent your whole life reaching out, making sure that minorities have equality. Where you have someone like Governor Bush in Texas that has gone into the education system, and in my opinion education is the savior for a lot of things, for anticrime, for the economy, and for a child's benefit and a family's benefit. But I said, you have got someone that has proven in Texas what they have done, and they want to do the same thing for this great country. At least I would expect you to reach out and embrace that. Cut the cards, doublecheck what he says, but I have traveled with Governor Bush and I know he means it from his heart, and he has not only talked the talk but he has walked the walk.

I would challenge all of the Members to reach out, especially in education, and get the bucks down to the classroom.

Since we have had a balanced budget and Republicans took over, we had the second largest stock market boom in this century; we had 39 million new jobs, 11 million new business start-ups; the creation of $25.7 trillion in new household wealth.

I reject the Democrat convention where they say that the last 8 years they are responsible for the economy. The Greenspan policy of disinflation has neutralized the Clinton tax increases. Low inflation has lowered capital gains, has led to an information technology explosion, fueling even more productivity, growth, and wealth creation.

Nearly half of all Americans own at least $5,000 worth of stocks, bonds, or mutual funds. We should not tax those annuities.

□ 1815

We should reward work. We should reward savings, Mr. Speaker, unlike the Gore budget.

American families treasure their ability to improve their condition throughout their own efforts. I think in our history there is no country in the world that has out-produced our workers if we give them a chance.

On a sense of equal opportunity, is there in this country? Absolutely not. Has it gotten better? Yes, it has. Do we need to work in that direction? Yes, we do. Economic growth is not just about numbers; it is about the values on which America and its people thrive.

Let me go through some of the things that I think have hurt our chances for the economy: first of all, by spending the Social Security trust fund; secondly, 149 deployments for our military in which our military was at a pretty sad state.

We put $3 billion into Haiti. Go to Haiti. I challenge any Republican or Democrat to go there. Look between the airport and the embassy. There is an average of three murders a day on that highway, and carjackings. One can drive a semitruck into the holes; but yet we put money into Haiti. Do my colleagues know where the money is? Take a look at Arastide's bank account. But yet we have not done a thing in Haiti. But, yes, we lost some people there. We got kicked out of there.

In Somalia, the same thing. We cannot fight a Kosovo and fly 86 percent of all the missions just because the U.N. and NATO do not have the aircraft and the technology. Either they need to upgrade their aircraft and technology for standoff weapons or they need to pay the United States those billions of dollars that it costs us: $16 billion for Bosnia, the four times going into Iraq, bombing an asprin factory. At the same time, General Ryan told me we put a year's life on every one of our aircraft, a year's life, and which we have parts.

What is happening today? We are only keeping in 22 percent of our enlisted into the military. I talked to the SEAL team commander yesterday. He has right the opposite. Those kids are motivated. They have increased their recruiting and retention; but yet they have problems in research and development and procurement. But when we only keep 22 percent of our enlisted, think about our experience level in maintenance.

The average fighter in the Air Force is 18 years. Our bombers are 39 years average age. I have got Marines carrying World War II radios. Yet, Mr. LIEBERMAN says that our military is the best in the world.

If we tell these kids to go somewhere, they are going to do it; and they are going to try and achieve. But that is not the point. A, they need the training.

Do my colleagues know that, in Kosovo, the two helicopters that crashed, and one helicopter crew was killed, all of them, that those helicopter crews had never had a flight in a combat-loaded helicopter because they did not have the money to train with a combat loaded? They had never trained with night goggles because they could not get the goggles into the squadron. Both those helicopters crashed.

Do my colleagues know Captain O'Grady that was shot down was not air combat qualified when he was shot down over Bosnia because they did not have the money for the training?

Do my colleagues know that in the Navy and the Air Force we have no more adversary aircraft? The reason that I am alive today is because, when I fought against the MiGs in Vietnam, I had better training and better equipment. But the training today is substandard. We do not have those adversary aircraft.

I just spoke to the COs in the fighter weapons schools in both services. The FMC rate, the full mission capable rate of our aircraft and our equipment has gone down. If we had to meet the minimums of a quadrennial review or bottoms-up review, we could not do it today. I think that is wrong.

I think for the Clinton-Gore White House to drag our military through 149 deployments, depreciate our men and our women and our equipment, cut their military and then the veterans' COLAs I think is wrong.

I stand before my colleagues, Mr. Speaker, tonight. Are we perfect on the Republican side? Absolutely not. We have got a long way to go, I think, with our own budgets and everything else.

But I do think the principles of Ronald Reagan of less taxes and smaller government, of making sure that government that is wasteful is eliminated, those principles are sound and go forward a long way.

Mr. Speaker, I yield to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I thank the gentleman from California for yielding to me.

Mr. Speaker, I would like first to associate myself with the gentleman's remarks as he has discussed the defense needs of this country and the needs that we need to follow through. I certainly want to join with him.

But by the same token, I think it is important, and I say this now, anytime one starts pointing fingers, I was reminded that anytime one points one's finger, there are always three pointing back at one.

The gentleman from California (Mr. CUNNINGHAM) has been doing a lot of finger pointing at this side of the aisle, talking about liberal leadership.

Mr. CUNNINGHAM. Mr. Speaker, reclaiming my time, in talking about the liberal leadership, many of my colleagues support some of the same things we want to do, including defense. But the leadership along with Clinton-Gore has fought welfare reform, they fought a balanced budget, they fought a lot of the initiatives we think are responsible for the economy.

Mr. STENHOLM. Mr. Speaker, if the gentleman will yield, Presidents do not spend money. Congress appropriates.

Mr. CUNNINGHAM. True.

Mr. STENHOLM. Mr. Speaker, the shortages that we allowed to happen in the defense needs of this country have originated in this House of Representatives, not the President. We both agree to that.

Therefore, my concern about the current budget implications today is that, when my colleagues base their entire budget on a tax cut, and the newest one now that they have proposed, the gentleman's leadership has proposed, not the gentleman, there is no money left. If we take 90 percent of the total unified budget and apply it to the debt, there is no money left this year to increase defense spending in those areas where the gentleman from California and I would agree. That is my problem. If my colleagues take it out 10 years, there is no money.

Let me go back. The gentleman from California mentioned the Reagan years. I happen to be a Member that served here during that period of time. I happen to be a Democrat on this side of the aisle that helped pass much of the Reagan revolution.

But I think it is important that we set in proper perspective, when we start comparing total outlays in spending as a percent of gross domestic product during the Reagan years was 21½ percent. It increased to 22 percent in the Bush years. It has dropped to 20 percent in the Clinton years, which the gentleman's side of the aisle had deserved some credit for bringing down the spending.

But when one counts administrations, it is not correct to say that government has grown in the last 8 years. It has not. Federal employment has dropped from 2.1 million Federal employees during the Reagan years, went up to 2.2 million in the Bush years, and dropped to 1.8 million in the Clinton years.

I do not say that in defense, because I am much more interested in the future than I am in the past. I rejoice in the fact that we now have a surplus, that we are, in fact, discussing how we shall spend the surplus. During my hour, we are going to talk about this surplus is fictional. We cannot spend it like it is real money. It is projected.

But discretionary spending, defense, defense spending, let me make this point to bear out what the gentleman has been saying as regards to defense. The Johnson years, oh, how we have heard about those. Discretionary spending as a percent of gross domestic product was 12 percent. The Reagan years, it dropped to 9.5. The Bush years, it dropped to 8.5. The Clinton years, 6.8. Nondefense, though, 3.7. Johnson. Reagan, 3.5.

ORDER OF BUSINESS

Ms. KAPTUR. Mr. Speaker, I ask unanimous consent to reclaim my 5 minutes that was yielded to me earlier in the evening.

The SPEAKER pro tempore (Mr. SCARBOROUGH). Is there objection to the request of the gentlewoman from Ohio?

Mr. CUNNINGHAM. Mr. Speaker, reserving the right to object, and I will not if the gentlewoman from Ohio will agree with this. The gentleman from Texas (Mr. STENHOLM) has just spoken. I would like to make maybe a 1- or 2-minute comment. I have to run to a dinner.

Mr. STENHOLM. Mr. Speaker, I can yield from my time.

Ms. KAPTUR. Mr. Speaker, I have no problem with that.

ONGOING SAGA OF BUDGET SURPLUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Texas (Mr. STENHOLM) is recognized for 60 minutes as the designee of the minority leader.

Mr. STENHOLM. Mr. Speaker, I yield to the gentleman from California (Mr. CUNNINGHAM).

REASONS FOR ECONOMIC PROSPERITY IN AMERICA

Mr. CUNNINGHAM. First of all, I agree with the gentleman that it is Congress that spends money. Congress is responsible for the budgets that go forward. The President and the Vice President make recommendations. My point is that those recommendations have not been wise. The recommendations that we have made have been fought, whether it is welfare reform, balanced budget and so on.

Secondly, the defense, we spent the money. I believe that, without the 1993 defense cuts, without the additional cuts, without the 149 deployments which has mostly come in, and the gentleman from Texas I think would agree, comes out of operation and maintenance for the military, those cuts have come deep.

There is also, fraud, waste, and abuse within DOD. We need to eliminate that as well, and I will work with the gentleman on that. But when it says that we are responsible for the state of the military, I disagree in the fact that we have been unable, whether it was extension of Somalia or Haiti or Kosovo and Bosnia, all of those different things, that that has put an additional toll on our military that we would not have had if we had not been forced into those peacekeeping missions. That is all I wanted to make a statement for.

Mr. STENHOLM. Mr. Speaker, I thank the gentleman from California (Mr. CUNNINGHAM) for that comment. Again, in that area, he and I are going to find that we agree a heck of a lot more than we disagree. But I wish he could stick around for the remaining hour because I would love to have a good honest discussion about where we might differ on some of how we get to that point. But maybe next time.

Mr. CUNNINGHAM. Mr. Speaker, I would be glad to arm wrestle with the gentleman from Texas (Mr. STENHOLM) or even the gentlewoman from Ohio (Ms. KAPTUR) in the future.

Mr. STENHOLM. Mr. Speaker, I yield to the gentlewoman from Ohio (Ms. KAPTUR).

MARKETING OF VIOLENCE TO CHILDREN BY ENTERTAINMENT INDUSTRY

Ms. KAPTUR. Mr. Speaker, I thank the kind gentleman from Texas (Mr. STENHOLM) for yielding me a few brief moments here. I will not encroach on his time. I know he has been waiting. No one has been a finer leader on the issue of balancing our budget and getting the long-term debt and the annual deficits down than the gentleman from Texas (Mr. STENHOLM). He has been a leader for all of us. So for him to yield me a few moments of his time this evening is a great privilege for me, and I thank the gentleman so very much.

Mr. Speaker, I wanted to enter some remarks in the RECORD here concerning the recent ruling by the Federal Trade Commission that was highlighted in the New York Times yesterday and in every major newspaper around the country with the headline: "Violence in the Media is Aimed at the Young, Federal Trade Commission says. Report finds pervasive and aggressive marketing of films and video games to our youth."

I am so concerned about this I will be sending parts of my remarks tonight to the gentleman who represents the motion picture industry here in Washington, Mr. Jack Valenti, along with the heads of all of our three major commercial networks, along with the heads of those that sponsor MTV in our country, to say that we are the most affluent society in the world; and yet we witness constantly school shootings, teens committing murders, first graders carrying guns into our schools to shoot fellow students.

We can all ask ourselves what is happening deep inside this society and why do we have to read about children committing crimes, violent crimes almost on a daily basis. With all the national reports indicating major crime is coming down in our country, why is it that parents in my neighborhood feel that they cannot allow their children to ride their bicycles more than two blocks away from the house because they fear for their lives and for their health?

We live in a very, very working-class normal community in our country where people go to work every day, where seniors reside and so forth.

Following the terrible events at Columbine High School last year, President Clinton ordered the Federal Trade Commission to investigate the role that the entertainment industry played in promoting youth violence. The report that came out by chairman Pitofsky of the Commission says, and I quote: "For all three industry segments, the answer is yes. Targeted marketing to children of entertainment products with violent content is pervasive and aggressive. Whether we are talking about music recording, movies or computer games, companies in each entertainment segment routinely end run and thereby undermine parental warnings by target marketing their products to young audiences."

I bring this up also because we did a recent survey in our office of constituents in our district asking them about television.

□ 1830

Seventy-three percent of the respondents graded the impact of television on America's youth as unwholesome with a negative impact on youth development. Moreover, when asked to list three major concerns facing our country, constituents in Ohio's Ninth District responded television, radio, and movies contributed to the moral debasement of our youth.

If that is not bad enough, and that is the reason I am down here tonight, I received this letter from the country of Ukraine this week from a religious leader in that country who says to me, "Congresswoman, you know, there is a deep economical crisis in our country today. Social wounds are opened like crimes, alcoholism, prostitution, drugs, and much of the humanitarian help coming from all over the world is in the form of clothing and food and medical goods. But, please, there is a lot of bad, immoral, wild nourishment," and he puts those words in quotes," that comes here as an ultra modern one.

"All this stinking mud that comes to Ukraine comes from America and from Europe. The cult of violence and pornography just fell as locusts onto our children's souls and their schools, their houses, and on the streets.

"The television today is working for hell, straight. Children are unprotected as no one else."

So I say to those in charge of the visual images put before the people of the world, when a Member of Congress receives a letter like this from a citizen in another country, I have to tell you, it is a heavy burden that we carry of true embarrassment.

How do we defend this not just here at home, but abroad? It is defenseless. You cannot be happy about any of this.

Do my colleagues know what he asks? And I am going to ask Mr. Valenti, I am going to ask the major media moguls of our country. He says, "We need help with ethics in our schools. We need help with printing books to try to teach the youth here about our ethics. We need at least 10 copies of every book for every school library in our country. But, Congresswoman, publishing of these books on ethics cost money.

"Can you help us? In the current situation here, we do not have the ability to help ourselves yet."

He says, "Please share our opinion and our longing and then we ask you to help us in this thing for the children's good."

So I appreciate the gentleman from Texas (Mr. STENHOLM) allowing me these few moments this evening.

I include this statement for the RECORD:

DEAR CONGRESSWOMAN KAPTUR: I ask you hoping your helping for us in the very necessary and important thing. "Not with the bread alone lives a man"—these words might be the title of it.

There is a deep economical crisis in Ukraine now: a lot of social wounds are opened like crimes, alcoholism, prostitution, drugs etc. Much of the humanitarian help now come here from all over the world. Most of it is clothes, food, remedy, some goods. But, gentlemen, besides it there are a lot of bad, immoral, wild "spiritual" nourishment that comes here as an ultramodern one. All this "stinking mud" comes to Ukraine from America and Europe. The cult of violence and pornography just fell as locust onto children souls in their schools, houses, on the streets. The television today is working for hell, straight. Children are unprotected. They, as none else, need the pure hopeful spiritual nourishment. In the network of the secondary schools is introduced such a subject as ethics—the very important subject especially in the new democratic countries of the Western and Middle Europe, as well as in the whole world. But there is a lot of administrative formalism here. We still don't have good books for pupils. Today we need at least 10 copies of every book for every school library. We work on this field a lot. But publishing of the thousands books needs considerable cost.

Please share our opinion and our longing, then we ask you to help us in this thing, for the greater God's glory and for the children good.

With respect,

S.P.

Mr. Speaker, I say to the Federal Trade Commission, be strong in what you do. Please help our country lead each of us to a better world for ourselves and for our children here at home and abroad.

Mr. Speaker, I thank the gentleman whose words of wisdom I know on our budget situation will also help lead us to a wiser course. He has been so responsible for the better situation in which we find ourselves.

Mr. STENHOLM. Mr. Speaker, I thank the gentlewoman for her comments, and I thank her for her remarks on another very important subject to a lot of us.

Mr. Speaker, let me take just a few moments again and discuss the ever ongoing saga of the Federal budget. And again I repeat, as I did to my good friend the gentleman from California (Mr. CUNNINGHAM) a moment ago that, whenever it sounds like I am pointing a finger, I always acknowledge that there are three pointing back at me.

But so often is the case that we tend to exaggerate the truth. I am often reminded of the infamous words of an Oklahoman, Will Rogers, who once observed, "It ain't people's ignorance that bothers me so much. It is them knowing so much that ain't so is the problem." And we get an ample amount of statements on this floor that are just not so.

It is great for our country that we are now running a theoretical surplus. But just as in the September 4 issue of U.S. News and World Report, Mortimer Zuckerman, the editor in chief, stated, "the surplus is a mirage." He is correct.

We have heard the gentleman from Mississippi (Mr. TAYLOR), and perhaps he will join us a little bit later again this evening, talking about the fact that there really is no surplus. Well, I think we have to adjust that statement a little.

The Concorde Coalition's debt clock on Wall Street came down last week. Last week was the first week in which we did begin to run a small surplus. But to those that continue to talk about a $4.6 trillion surplus like it is real money, I would urge a little bit of concern and caution.

We all acknowledge when we hear $4.6 trillion in surpluses that these are projected. Not a one of us in this body can predict tomorrow much less the next 10 years.

All of us, both sides of the aisle, agree that of that $4.6, $2.3 trillion is now Social Security trust fund. It is the amount working men and women are paying into the Social Security system over and before what is being paid out to those receiving their Social Security checks today.

Now, that $2.8 trillion we are agreeing to set aside. It is in a lockbox. Call it what you want to. But the basic truth is we are paying down the debt with that amount of money, and that is the best lockbox we can put on it.

But what is not mentioned on this floor is that $2.3 trillion over the next 10 years is not going to be enough to fully pay the guarantees under Social Security beginning in 2010, the year that the baby boomers begin to retire.

Therefore, that is a concern and that is why some of us have been insisting that before we pass large tax cuts we should first decide how are we going to fix Social Security for the future so that our children and grandchildren will have the opportunity to receive the benefits that are promised to them under current law. And no one can come to this floor and say that that will happen unless we make some changes in the current system.

But of the remaining $2.8 trillion, most of this is a mirage. Quoting again from Mortimer Zuckerman because he is right on target: "The surplus forecast assumed that nonentitlement spending including defense spending will not exceed the rate of inflation."

Now, we have already heard from our colleague, one of the true experts on defense spending, that we must increase the amount of spending that we are now doing on defense because we are short of parts, we are short in the area of operations and management and maintenance, and we are drastically short changing the future by not making capital investments in our defense capabilities.

That means that by assuming that we are going to only increase defense spending at the rate of inflation is a mirage.

What is scary to me is that, if enough people believe this and we should pass a $1.6 trillion tax cut that we would find out there will be no money there for any increases and that our country cannot afford.

Now, we hear about Social Security, another trust fund that I think needs to be locked up and taken off budget, and again I hear bipartisan agreement to this; and that is in the area of Medicare, $400 billion.

If we take all of the needed increases, defense, military and veterans' programs, health care, this is one area that the majority of Members on both sides of the aisle agree that we are going to have to put some additional monies into the Medicare and Medicaid reimbursement system or we are going to close tens if not hundreds of hospitals around the United States, 10 to 12 in my district alone. Therefore, this will require some additional investment of our taxpayer dollars.

Let me be very clear. When I talk about dollars in spending, I readily concur and agree that Congress has no money to spend except that which we take from the American people through the tax system. So whenever we are talking about the expenditure of funds, expenditure of dollars, I readily agree it is your dollars, it is our dollars, but I think it is important when we add up all of these set-asides and lockboxes, increased defense needs, the true surplus projected is closer to $800 billion than $4.6 trillion.

That is why the Blue Dogs on this side of the aisle have for the past year been advocating a simple formula as to how we deal with this year's budget.

We have suggested that we ought to apply half of the projected on-budget surplus to pay down the debt first and divide the remaining half equally in half and say devote half of it to tax cuts targeted toward the death tax relief, the marriage tax penalty relief, and many other muchly needed tax relief proposals, but do it in a conservative way; and then use the other one-fourth of this surplus, or half of the half, for those spending increases in defense, as I agree with the gentleman from California (Mr. CUNNINGHAM) that the need is there, for our veterans, for our military retirees, for health care, for our pharmaceutical benefit.

Now, here is the problem: Today, once again, we had a veto override and the rhetoric flowed around this body about the need for that tax cut. Let me make it very clear. I totally agree, 100 percent, that we should eliminate the marriage tax penalty. But it does not require $292 billion of the projected surplus in order to eliminate the marriage tax penalty. It takes $82 billion. And that is where the problem comes in, because that extra $292 billion adds up to a total number of tax cuts that we do not have the money to do.

Let me quickly run over those, because my colleagues are going to hear a lot now about the new budget. I would congratulate my friends on the other side of the aisle for coming around finally to the Blue Dog position on debt reduction, at least in their rhetoric. But, unfortunately, when we start talking about 90 percent of the surplus being applied to the debt, those numbers do not add up.

I am surprised that the leadership of this body would continue to put out numbers that anyone that understands simple arithmetic knows do not add up.

The unified surplus for this year, for example, 2001, is projected at $268 billion. If we take 10 percent of that, that is $28 billion available for tax cuts and appropriations this year. Debt service costs $1 billion.

Already this year, we have voted the marriage penalty tax cut. That takes $15 billion in 2001 if it would have passed. But it did not. It was vetoed. I am saying if it would have passed, which I assume was the desire of my friends on the other side of the aisle or they would not have attempted to override the President.

The small business minimum wage tax cuts would cost $3 billion. The Portman-Cardin pension and IRA tax cuts $1 billion. Telephone excise tax repeal $1 billion. Repeal of the 1993 tax on Social Security benefits $4 billion. Total tax cuts $25 billion. Medicare provider restorations, of which we are in agreement, $4 billion. That makes the total proposals $29 billion. That has a deficit of $2 billion.

And we have not made any increases in defense spending. We have not dealt with the emergency conditions all over this country, the drought, the fires in the northwest, the lack of drinking water over much of Texas. None of these needs have been met as yet. But yet, we continue to talk about, or at least we did up until today, that the major emphasis this year must be on tax cuts.

Now, the Blue Dogs believe very, very sincerely and very strongly that the best tax cut we could give the American people is to pay down the national debt first. And after we have agreed on paying down the debt, then let us discuss how we might in fact deal with fiscally responsible tax cuts just in case the projections are not accurate.

□ 1845

It is amazing to me how businessmen and women who serve in this body, who would never, ever, think in terms of spending a projected surplus in their own business or in their own family situation, suddenly can come to this floor and suggest that that is what we ought to do with our country.

I do not understand it. But then when you start being critical, it is important to then start talking about what you are for. To our leadership, I would suggest that one of the things that we have done over the last several years, and I give credit to the other side of the aisle for their share of this accomplishment, caps on spending have worked fairly well in reducing discretionary spending. In fact, let me again read to you some interesting numbers, because one would never believe, never believe, that discretionary spending is coming down when they listen to the charges that are made from the other side of the aisle.

Discretionary spending as a percent of our gross domestic product in the Johnson years was 12 percent; in the Reagan years it dropped to 9.5 percent; in the Bush years it dropped to 8.5 percent. In the last 8 years, it has dropped to 6.8 percent. Nondefense discretionary spending has gone from 3.7 percent in the Johnson years to 3.5 in the Reagan years up to 3.7 in the Bush years and dropped to 3.4 percent in the last 8 years.

These are the accurate and honest numbers.

Now, what do we do? I am very disappointed that we have not been able to sit down now and put a new set of caps. We have to put some discipline on spending in this body, on my side of the aisle and, quite frankly, on the other side of the aisle, because it is interesting to me, when we hear that somehow we on this side of the aisle are still blamed for spending we have been in the minority for 6 years. Last time I checked, the minority party cannot spend money. We do not have 218 votes, and, therefore, again, spending is bipartisan.

I would like to see us put some discipline on us. I would like to see us argue for a change on this floor as to what the caps on discretionary spending ought to be in 2001, and then put some caps, realistic caps, in what we can do and must do in 2002, 2003, 2004, and 2005. It would put some discipline on this body that, quite frankly, we need. It is healthy for the Congress and all of the committees to be giving realistic numbers, but also tight numbers that we must follow because that tends to help us avoid being wasteful, which we can do a pretty good job of.

The Concord Coalition has recommended this. Spending caps should be retained but raised to realistic levels, and I think as we debate now what those spending levels shall be in this omnibus spending bill that it would make good sense for us to agree on that level. The Blue Dogs have suggested, and here the Republican budget calls for the expenditure in the discretionary, that is what Congress votes to spend, of $600 billion. The President is recommending $624 billion. The Blue Dogs have suggested all year that the number of $612 billion would be a reasonable compromise. It is a good target to shoot for and in a total budget of 1.8 or 900 billion, compromising somewhere around $612 billion on discretionary spending would be a good place to start, but maybe there is a different number. Whatever it is, I would hope that we would not do a 1-year budget but that we would put in caps that are realistic that will meet the human needs of the defense of this country, the health of this country in Medicare and Medicaid, our much needed improvement in veterans, in military retirement programs, in the much needed investment in education in this country, and in agriculture, because in agriculture we are in the depths of a depression. Our prices are as low as they were during the Depression. We have drought. We have all kinds of problems in which we are going to need to make some kind of an investment there, or pay the price.

One never has to do anything, but there are some needs here and these are the priorities.

Fiscal discipline, it would be nice if every once in a while we did have a true bipartisan attempt to arrive at these numbers, but it seems like those are illusory; and I guess we are going to have to wait until the 107th Congress before we will get a chance to do some of what I am talking about tonight, but maybe not.

Let me refresh all of our memories again because my friend from California was talking the blame game a moment ago, and I hate to talk about him, he is no longer on the floor; but as he and I agreed we are going to try to find another hour sometime in which we can have some of these discussions because I happen to agree with him on much of his defense positions.

But it is interesting when we look at the economy and where it is today and who is taking the credit for what, from a pure budget standpoint, voted by the Congress, I happen to still believe very strongly the foundation of this economy that has given us the longest peacetime economic expansion in the history of our country these last 8 years, that the foundation was laid in 1991. It was the so-called Bush budget, President Bush. He paid dearly for it. He was unelected in 1992, but many of the tough decisions that were made in that budget, I believe, laid the foundation for the economy that we now enjoy. That is a personal opinion, and it is interesting when we look at who voted for that budget we will find that only 37 Republicans supported our President in 1991. It took bipartisan support to pass that budget, and many of us have been blamed for that ever since.

Then we come to the 1993 budget. Remember that one? That was the Clinton budget. That was one that we Democrats paid dearly for. We got unelected and we got in the minority for the first time in 40 years. Zero Republicans voted for that budget that year, but I think that put the walls up on the economy. It was a tough budget. Admittedly, I did not support all of that budget. I had my differences, particularly on the spending side, but it passed.

Then we go on to the 1997 balanced budget agreement, and that budget also took bipartisan support. One would think from the rhetoric on the other side of the aisle that this was all done with Republican support, but only 187 Republicans supported it. I should not say only. I give them tremendous credit for being 187 to pass that budget, but it took 31 Democrats to stand up for that one, too; and not everybody has been happy with that budget, but that is the history.

When we start talking about the budget for this year, the Blue Dogs have been suggesting the 50/25/25 solution all year long. Take all of Social Security off budget. Take the remaining surplus projected and half of it pay down the debt and divide the other half equally between spending and tax cuts. We have 177 votes for our budget. That is not enough. 140 Democrats support it. Only 37 Republicans support it, but I appreciate the 37 and the 140.

That brings us to where we are today. It is interesting today, because, again, one listens to the rhetoric, I am reading from the Congressional Daily today. Senator LOTT said we know the fiscal year 2001 surplus will be $240 billion to $250 billion. We do not know what the surplus will be in 6 years. Exactly. That is the point some of us have been trying to make. That is why some of us have cast some very difficult votes regarding the death tax, regarding the marriage tax penalty.

We have said let us fix those two problems the best we can. In the case of the death tax, let us make sure that no estate of $4 million and less will ever have to deal with the confiscatory, sometimes downright, what I would consider, almost criminal confiscation of property of small businesses. We can do that, and the President will sign that. It does not take $105 billion, and it does not take leaving a black hole in 2010 for Social Security, which is my primary objection to that bill that is no longer on the table.

The Concord Coalition has some good ideas. In deciding the future of discretionary spending caps, policymakers must balance four major objectives: adequate funding for national priorities. We can find some bipartisan support for determining that number, and we can put some new caps into place that we can certainly live with for the next 5 years. They have to have some political reality. We cannot come on the one hand and spend all of it on a tax cut before we get into the priority spending and we have to get honesty in budgeting. I think the Concord Coalition is on to something, as they usually are, because they are bipartisan in nature. They avoid the partisan rhetoric that often flows around this body, particularly in those years divisible by two.

Let me just say kind of in conclusion, I believe the gentleman from Iowa (Mr. GANSKE) is here and I do not want to take the entire hour today. I was expecting some other colleagues to join me, but they are not here. Let me just say that let us not get too carried away with this new budget that has been offered by the leadership of this body to suggest that 90 percent solution.

Mr. Speaker, it does not add up. It just does not add up, and it is time for us to realize that we cannot go an entire year on a game plan of saying that the most important thing we need in this country is a tax cut and then find out we cannot pass it because we should not pass it, and then all of a sudden flip to a new budget that does not add up. Neither one has added up, but there is still support on this side of the aisle, and we would be surprised how much bipartisan cooperation we could get if we just acknowledged that the $4.6 trillion surplus that is projected is not real and should not be spent as real money.

PATIENT PROTECTION LEGISLATION AS IT RELATES TO HEALTH MAINTENANCE ORGANIZATIONS

The SPEAKER pro tempore (Mr. SCARBOROUGH). Under the Speaker's announced policy of January 6, 1999, the gentleman from Iowa (Mr. GANSKE) is recognized for 60 minutes.

Mr. GANSKE. Mr. Speaker, I thank the gentleman from Texas (Mr. STENHOLM) for yielding a little earlier this evening. Just as a form of notice to the next speaker, I will probably speak somewhere between 20 and 30 minutes.

Mr. Speaker, I want to talk tonight about a topic that I have come to the floor many, many times in the last several years to speak about, and that is on the issue of patient protection legislation as it relates to health maintenance organizations, HMOs.

Mr. Speaker, I remember a few years ago, it must be about 4 years, that my wife and I went to a movie called As Good as It Gets. We were in Des Moines, Iowa, at a theater and I saw something happen that I do not think I have ever seen at a theater. During that scene, when Helen Hunt talks to Jack Nicholson about the type of care that her son in the movie, with asthma, was getting from her HMO and she uses some rather spicy language that I cannot say here on the floor of the House of Representatives, people stood up and clapped and applauded in that movie theater. I do not think I have ever seen that before.

□ 1900

Mr. Speaker, that was an indication 4 years ago that there was a problem with the type of care that HMOs were delivering. Then, Mr. Speaker, we began to see the problems that patients were having with HMOs captured in political cartoons. Things like cartoons in the New Yorker Magazine. Here was one. This is pretty black humor. We have a secretary at an HMO, and she is saying "Cuddly care HMO. My name is Bambi. How may I help you?"

Next one, "You are at the emergency room and your husband needs approval for treatment." Next one, "Gasping, writhing, eyes rolled back in his head does not sound all that serious to me. Clutching his throat, turning purple. Um-hum?" And she says here, "Have you tried an inhaler?" She is listening on the phone. "He is dead. Then he certainly does not need treatment, does he?" And the last picture there on the lower left shows the HMO bureaucrat saying "People are always trying to rip us off."

For years now we have seen headlines like this one from the New York Post, "What his parent did not know about HMOs may have killed this baby."

Here is another cartoon. This is the HMO claims department, HMO medical reviewer with the headphone set on is saying, "No. We do not authorize that specialist. No. We do not cover that operation. No. We do not pay for that medication." Then apparently the patient must have said something, because all of a sudden the medical reviewer at that HMO kind of sits up and then angrily says, "No. We do not consider this assisted suicide."

Or how about this headline from the New York Post, "HMO's cruel rules leave her dying for the doc she needs." Pretty sensational headlines.

And then we had this cartoonist's view of the operating room, where you have the doctor operating. You have an anesthesiologist at the head of the table and then you have an HMO bean counter. The doctor says, "Scalpel." The HMO bean counter says, "Pocket knife." The doctor says, "Suture." The HMO bean counter says, "Band-Aid." The doctor says, "Let us get him to the intensive care." The HMO bean counter says, "Call a cab."

Some of these I think have passed the realm of being even humorous, because it has just been going on too long. You notice you do not see Jay Leno or David Letterman talking much any more about HMOs. It has just gone on too long. People are being hurt every day by capricious rules that deny people medically necessary care by HMOs; and patients have lost their lives because of it.

Here are some real-life examples. This woman was hiking in the mountains west of Washington, D.C., in Virginia. She fell off a 40-foot cliff. She fractured her skull. She broke her arm. She had a broken pelvis. She is laying there at the bottom of this 40-foot cliff. Fortunately, her boyfriend had a cellular phone. So they flew in a helicopter. They strapped her on, flew her to the emergency room. She was in the ICU, there for weeks on intravenous morphine for the pain.

And then a funny thing happened, when she finally got out of the hospital, she found out that her HMO refused to pay the bill. Why, you ask. Well, the HMO said that she did not phone ahead for prior authorization.

Now, I ask you something, this lady's name is Jackie, how was Jackie supposed to know that she was going to fall off that cliff, then maybe when she is lying at the bottom of that cliff semicomatose she is supposed to have the presence of mind with her nonbroken arm to reach into her coat pocket and pull out a cellular phone and dial an 1-800 HMO number and say I just fell off a 40-foot cliff, I need to go to an emergency room, is that okay? Maybe when she is in the ICU for a week on intravenous morphine, she is supposed to have the presence of mind to phone the HMO? Real life story.

How about this woman in the center? This woman's case was profiled on a cover story on Time magazine 2 years ago, maybe it was 3 years ago now. Her HMO denied her medically necessary care, and she died. Now, her little boy and her little girl do not have a mother and her husband does not have a wife.

Before coming to Congress, I was a reconstructive surgeon. I took care of babies that were born with this type of birth defect, a cleft lip and a cleft palate. Do you know that more than 50 percent of the surgeons who repair these types of birth defects have had HMOs deny operations for repairs related to this defect, because HMOs have said that that is a "cosmetic defect"?

Just imagine that you were the parents of a baby born with this defect, number one, the baby is not going to learn how to speak normally, because there is a hole in the roof of the mouth. Food is going to come out of the nose. Is that a cosmetic problem? Is speech a cosmetic problem? Not that I ever heard of. I happen to think it is a human right. It is a devine right to look human, and I think it is just absolutely wrong for HMOs to do what they do to kids who are born with birth defects, many times worse than this.

Let me tell you about this little baby boy. His name is James. When he was 6 months old, about 3:00 in the morning, his mother found that he was really sick, and he had a temperature of about 105. She asked her husband what they should do, and they said well, we better phone that HMO that we belong to. They phoned the 1-800 number talked to a member a thousand miles away, explained how sick their baby was, and that voice at the end of the line, who never examined this baby to see how sick he was, said, well, I will authorize you to go to an emergency room, but we only have a contract with one, so we are only going to let you go to that one, that is it.

Well, mom and dad are not medical professionals, so they hop in the car. Unfortunately, that authorized hospital was more than 60 miles away, 60 miles away, clear on the other side of metropolitan Atlanta, Georgia. En route mom and dad passed three emergency rooms that they could have stopped at.

They knew Jimmy was sick. They were not medical professionals. They did not stop because they knew if they did it without authorization, they would be left with a bill. Unfortunately, before they got to the authorized hospital, Jimmy had a cardiac arrest. Imagine you holding little Jimmy trying to keep him alive while you are trying to find that distant emergency room. Finally, when they pull in to the hospital emergency room, mom throws open the door, leaps out, screaming, help my baby, help my baby, a nurse comes running out, resuscitated Jimmy.

They put in lines. They give him medicines. They get him going. They save his life. Unfortunately, because of that delay in medically necessary treatment, they cannot save all of Jimmy because gangrene sets in in his hands and his feet, and little Jimmy's hands and his legs have to be amputated. That HMO made a medical decision, instead of saying it sounds like he is sick, take him to the nearest emergency room, it is okay with us, we will pay for it. They said, no, no, we only authorize you going to that far away hospital.

Mr. Speaker, little Jimmy is going to live all the rest of his life with bilateral hooks for hands, with protheses for legs. He is about 7 years old now. In fact, I brought him to the floor of this House of Representatives during our debate on patient protection legislation almost a year ago, and he is a great kid. He is doing good. He has got good folks, but I will tell you what, he is never going to play basketball, and he is never going to touch with his hand the cheek of the woman that he loves, and that HMO should be responsible for that decision.

Unfortunately, there is a Federal law, a 25-year-old Federal law called the Employee Retirement Income Security Act. It was really written to be a pension law, but it was applied to health plans. And what it did was it took away oversight of health insurance from the States for people who get their insurance through their employer, and it did not institute any of the safeguards for quality control to prevent the types of problems like little Jimmy had, that your State insurance commissioners normally do. It left a vacuum.

Furthermore, it said that the only liability that that health plan would have would be the cost of treatment denied, the cost of treatment denied. That means that if little Jimmy is in an employer-sponsored health plan, a self-insured plan, the only thing that that health plan is liable for is the costs of his amputations. What about all the rest of his life? Is that fair? Is that just? I do not think so. Neither does the Federal judicial, neither do the Federal judges whose hands are tied, because of this law called ERISA.

Judge Gorton in Turner v. Fallon Community Health Plan said even more disturbing to this court is the failure of Congress to amend a statute that, due to the changing realities of the modern health care system, has gone conspicuously awry from its original intent.

I have had Federal judges tell me, beg me to change that Federal law: number one, they think that these types of medical malpractice decisions should be handled in the State courts, like they are for anyone else. Number two, they realized that because of provisions in that law, they cannot even address the issue of the health plan defining medical necessity in any way they want to.

What does that mean? Well, under the ERISA law, a health plan can write a contract for the employees that basically says we are not liable for anything if we follow our own definition of what we consider to be medically necessary. So they can write a provision in the contract for an employee, for you, that would basically say we define medical necessity as the cheapest, least expensive care, quote, unquote, as determined by us.

That means that for this little boy who was born with a cleft lip and palate, instead of the traditional and optimal treatment of surgical correction utilizing the baby's own tissues to rebuild the defect, that HMO could say well, under our definition of the cheapest least expensive care, you know, just in the roof of his mouth, that big hole there, just put like an upper denture plate.

□ 1915

It is called an obturator, made of plastic. Of course, a baby like this, it might fall out, it might even be swallowed. So what? We can do that, because we defined it, medically necessary care, as the cheapest, least expensive care. I think that is wrong. That is why judges are saying, they are begging Congress, please, please, change that law. Our hands are tied.

Well, here we are, as I said before, almost a year since we passed in this House a bipartisan vote, 275 to 151, the Norwood-Dingell-Ganske Bipartisan Consensus Managed Care Reform Act, a real patient protection act. It has been almost a year. And I will tell you what, the public's opinion has not changed one bit about HMOs.

Today in USA Today they quote from a Gallop organization poll a list of occupations or organizations that people say they have a great deal of or quite a lot of confidence in those institutions. At the top of the list is the military: 64 percent of the public have a great deal of confidence in the military. Organized religion, 5 percent of the public; the police, 54 percent; the Supreme Court, 47 percent.

Then we get down toward the bottom of the institutions. Congress is down here at 24 percent. The criminal justice system, 24 percent. This probably reflects all of the news stories on the death penalty lately. But right at the very bottom of this, of institutions that the public respects, only 16 percent of the public thinks HMOs are deserving of respect, only 16 percent.

In fact, overwhelmingly, the public thinks that Congress should pass and the President should sign a real patient protection law, one that would do many things: one that would cover all Americans; one that would allow doctors to make medical decisions; one that would hold those HMOs accountable for their decisions; one that would guarantee minimum health plan standards; one that would allow you to appeal a decision to an independent review panel if an HMO denies your care; and one that would have that independent panel make that determination of medical necessity, not some bogus definition by the health plan. These are all things that were in our bill, the Norwood-Dingell-Ganske bill, that we passed.

Well, the Senate passed a bill too; and, unfortunately, to be honest, I would have to characterize that Senate-passed bill as an HMO protection bill, an HMO protection bill, because it actually, in my opinion, had provisions that were worse than the current situation, that gave additional protections to health maintenance organizations, rather than additional protections to patients.

After the House passed its bill and the Senate passed its bill, it went to conference to iron out differences between the bills, and that conference has not met in months. It is a failed conference, nothing has come out of it, so it is time to move; it is time to try something different.

In an effort to get patient protection legislation signed into law, the gentleman from Georgia (Mr. NORWOOD), the gentleman from Michigan (Mr. DINGELL), myself, and Senator KENNEDY have created a new discussion draft of the House-passed bill, the Norwood-Dingell-Ganske bill, that seeks compromise with Senator NICKLES' amendment; and some of the ideas of the House substitute bills from last year that did not pass.

We continue to think the original Norwood-Dingell-Ganske bill is just fine and should be signed into law, but we are willing to be flexible in order to get a law, in order to get action in the Senate. We and the American Medical Association and over 300 health care groups who supported last year's House-passed bill have developed this discussion draft to see if it would help bring some Republican Senators on board.

We have had positive responses from a number of Republican Senators, including those who have previously voted against the Norwood-Dingell bill, as well as those who have voted for the Norwood-Dingell bill. We remain optimistic that we may soon have an opportunity to break this logjam.

This discussion draft, which we have provided to the Speaker of the House along with the actual legislative language in detail, does many things. It includes many of the protections nearly all parties need to be addressed, including the right to choose your own doctor, protections against gag clauses, access to specialists, such as pediatricians and obstetricians and gynecologists, access to emergency care, so we can prevent something from happening like happened to poor little Jimmy, and access to information about the HMO's plan.

This discussion draft applies the patient protections to all plans, including ERISA plans, non-Federal Governmental plans, and those covering individuals. So we cover over 190 million Americans. This new draft addresses the concerns of those who want to protect States' rights by allowing States to demonstrate that their insurance laws are at least substantially equivalent to the new Federal standards, thereby leaving the State law in effect. State officials could enforce the patient protections of State law. The Secretary of Labor and Health and Human Services can approve the State plan or challenge it on grounds that it is inadequate.

Under the new draft, doctors will make medical decisions involving medical necessity. When a plan denies coverage, the patient has the ability to pursue an independent review of the decision from a panel independent of the HMO. This external review is composed of medical professionals totally independent of the plan and whose final medical necessity decision is legally binding on the plan.

We took the lead from the Nation's courts with particular attention given to the Supreme Court's decision in Pegram v. Hedrick. The new draft reflects emerging judicial consensus. Recent court decisions have suggested injured patients can hold health plans accountable in State court in disputes over the quality of medical care, those involving medical necessity decisions. However, patients would have to hold health plans accountable in Federal court if they wanted to challenge an administrative decision to deny benefits or coverage or for any decision not involving medical necessity.

In addition to specific legislative provisions, the discussion draft, this discussion draft, answers continuing questions about the original Norwood-Dingell-Ganske bill. For instance, the draft says employers may not be held liable unless they "directly participate" in a decision to deny benefits as a result of which a patient was injured or killed. Even then defendants could not be required to pay punitive damages unless they showed "willful or wanton disregard for the rights or safety" of patients.

Another concern about the Norwood-Dingell-Ganske bill was whether it would affect the ability of health plans to maintain uniformity in different States. This new draft only subjects plans to State law when they make medical decisions that result in harm. This discussion draft will allow Republican Senators who have voted against the original Norwood-Dingell bill to vote for a real patient protection bill. Will they take up this opportunity? Stay tuned. But time is running out. People are waiting to see whether this Congress will actually deal with one of the major health concerns that the public has. Eighty-five percent-plus of the public thinks Congress should pass patient protection legislation to protect them from HMO abuses, 85 percent. About 75 percent think that that should include legal responsibility for the HMOs.

If this bill, this discussion draft, is ignored, then I am sure we are going to see this as one of the major issues in the coming election, and we should, and we should. We have been working on this legislation now, the gentleman from Georgia (Mr. NORWOOD), the gentleman from Michigan (Mr. DINGELL), SENATOR KENNEDY and others, for about 4 years.

When I am back home in the district people say, why is it taking you so long to get something passed that the public overwhelmingly wants? I tell them we are fighting a very, very powerful industry that has spent $100 million lobbying against this piece of legislation, some very, very powerful Washington special interests, who are seeking to, in my opinion, make sure that their bottom line profits come ahead of patient protections.

Well, we will see whether we get this done. There are not too many more weeks when I will be able to come to the floor and speak about this issue, but as long as we are in session for the rest of this year, I will try to get an opportunity to inform my colleagues on where we stand. But I wanted my colleagues on both sides of the aisle to know that the Republicans and the Democrats who truly want a real patient protection piece of legislation are working together.

We have never said, along with the 300-plus consumer groups and professional groups that think that this legislation should pass too, we have never said it has to be the Norwood-Dingell-Ganske bill word for word. That is why we have come up with this discussion draft. That is why the language for many of these provisions is taken from the Nickles amendment, the Coburn-Shadegg amendment and others, at least half of the language. We have made some adjustments to correct some of the defects as we see it in some of those provisions, but we have been willing to work towards a compromise to finally get this signed into law. We are this close. It would be a shame for the leadership of Congress to hold this important piece of legislation up.

As a physician who has taken care of patients who have had a lot of troubles with HMOs, I have been on the front line; and I have seen that we truly need this type of legislation.

This is not a piece of legislation for physicians. In fact, there are provisions in our bill that could actually decrease physician income. Nevertheless, the professional groups support this. Why? Because their first and foremost job is to stand up for and to advocate for their patients. That is why they take that Hippocratic Oath.

□ 1930

The patient-doctor relationship is foremost. HMOs have interposed themselves between the doctor and the patient. Quite frankly, they have put a financial consideration rather than the patient's best care into that decision-making. Mr. Speaker, we need to swing that pendulum back.

Now, this brings me, finally, and I just would like my colleagues from the other side to know that I only have a few more minutes in which to speak; this brings me to another health care issue, and that is that when we passed the Balanced Budget Act in 1997, we passed several provisions on reducing the rate of growth in Medicare. The implementation of those provisions has actually produced significantly more savings than we planned on, and those savings have had a significantly harmful effect on some of the provider groups.

Mr. Speaker, I just finished a series of town hall meetings around my district. I represent Des Moines, which is a major metropolitan suburban area, but I also represent southwest rural Iowa. There are a lot of small town county hospitals in my district. Because of certain provisions from the Balanced Budget Act with reduced payments to those hospitals, those hospitals are having a real hard time and are right on the verge of financial insolvency.

I grew up in a small town in northeast Iowa. I know how important it is that a small town have a hospital. It is important for a number of reasons. It is important for the people who live in that town or the farm families around it so that they do not have to travel 70 or 80 miles if they have a heart attack or if they want to deliver a baby, but it is also very important to the financial survival of that small town. If we do not have a hospital in that small town, it is hard to keep doctors in the town. If we do not have a hospital and doctors in that town, it is hard to keep businesses in that town, and it is almost impossible to convince any other business development in that community. So we are talking about not only an issue of public health, but we are also talking about an issue of economic survival.

My committee, the Committee on Commerce, is in the process, along with the Committee on Ways and Means, of drawing up a bill to bring some additional funds back into Medicare. I am working hard to ensure that we get some additional funding for those small towns and rural hospitals in Iowa and in other areas around the country. There will be discussion on whether we should provide additional payments to Medicare HMOs. I think we need to be careful on doing that.

Mr. Speaker, I have here a Report to Congressional Requesters from the United States General Accounting Office on Medicare Plus Choice. It is Entitled Payments Exceed Cost of Fee-for-Service Benefits, Adding Billions to Spending, and it is dated August 2000, and it was requested by Senator GRASSLEY, by Senator ROTH, by the gentleman from Michigan (Mr. DINGELL), and by the gentleman from California (Mr. THOMAS). I think it is really important for me to read the summary, the results, in brief:

"Medicare Plus Choice," this is a quote from this GAO report:

> Like its predecessor managed care program, has not been successful in achieving Medicare savings. Medicare Plus Choice plans attracted a disproportionate selection of healthier and less expensive beneficiaries relative to traditional fee-for-service Medicare, a phenomenon known as favorable selection, while payment rates largely continue to reflect the expected fee-for-service costs of beneficiaries in average health. Consequently, in 1998, we estimated that the program spent about $3.2 billion or 13.2 percent more on health plan enrollees than if they had received services through traditional fee-for-service Medicare. This year, the Health Care Financing Administration implemented a new methodology to adjust payments for beneficiary health status. However, our results suggest that this new methodology, which will be phased in over several years, may ultimately remove less than half of the excess payments caused by favorable selection. In addition, the combination of spending forecast errors built into the plan payment rates and the Balanced Budget Act payment provisions cost an additional $2 billion, or 8 percent in excess payments to plans instead of paying less for health plan enrollees. We estimate that aggregate payments to Medicare Plus Choice plans in 1998 were about $5.2 billion, or approximately $1,000 per enrollees more than if the plan's enrollees had received care in the traditional fee-for-service program. It is largely these excess payments, and not managed care efficiencies, that enable plans to attract beneficiaries by offering a benefit package that is more comprehensive than the one available to fee-for-service beneficiaries while charging modest or no premiums.

Mr. Speaker, this brings us directly to the issue of prescription drug coverage. Because what this is saying is that number one, the Medicare HMOs have been skimming off the healthier beneficiaries so that they would have lower costs. That way they make more money on covering those. They are getting paid more for those Medicare beneficiaries than if those beneficiaries were simply in the regular Medicare plan. With those excess profits, what they do is they can entice other healthier seniors into it by offering a prescription drug benefit. I think as we consider whether and how Congress should implement a prescription drug benefit, we need to take into account this GAO report that documents that we have actually lost money with our Medicare HMOs, rather than saved money with our Medicare HMOs.

So when we look at this Medicare give-back bill that is coming along and will be signed into law, passed and signed into law, I am pretty sure, I think we ought to be very careful and judicious about providing more money to those Medicare HMOs. We ought to be looking, in my opinion, at ways to provide pharmaceutical coverage, a prescription drug benefit for Medicare beneficiaries, regardless of whether they live in New York or Los Angeles or Miami or Harlan, Iowa. That benefit I think should be equally available, regardless of where one lives in this country. If we dump additional billions into a failed HMO program called Medicare Plus Choice, then I think we will be throwing money down the drain.

So clearly, this will be a package of provisions, and I absolutely feel that it is important to support provisions for additional coverage for our rural hospitals, for example, but I will also do my best to try to make sure that we do not go overboard with providing additional funds to Medicare HMOs, when this report from the GAO shows that even with the implementation of a new risk adjuster, we will still only take care of 50 percent of the excess payments.

Well, Mr. Speaker, I very much appreciate the opportunity to speak tonight on health care issues, and I look forward to working with my leadership and with members on both sides of the aisle to try to get adjustments made for Medicare for our rural hospitals and to get finally signed into law a real patient protection bill modeled along the lines of what we passed here in the House almost a year ago, the Norwood-Dingell-Ganske bipartisan consensus Managed Care Reform Act.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GILCHREST (at the request of Mr. ARMEY) for today on account of family matters.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. HOLT, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. INSLEE, for 5 minutes, today.

Mr. PASCRELL, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Mr. FARR of California, for 5 minutes, today.

(The following Members (at the request of Mr. DUNCAN) to revise and extend their remarks and include extraneous material:)

Mr. MCCOLLUM, for 5 minutes, today and September 19 and 20.

Mr. DUNCAN, for 5 minutes, today.

Mr. BILBRAY, for 5 minutes, today.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1027. An act to reauthorize the participation of the Bureau of Reclamation in the Deschutes Resources Conservancy, and for other purposes.

S. 1117. An act to establish the Corinth Unit of Shiloh National Military Park, in the vicinity of the city of Corinth, Mississippi, and in the State of Tennessee, and for other purposes.

S. 1937. An act to amend the Pacific Northwest Electric Power Planning and Conservation Act to provide for sales of electricity by the Bonneville Power Administration to joint operating entities.

ADJOURNMENT

Mr. GANSKE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 40 minutes p.m.), under its previous order, the House adjourned until tomorrow, September 14, 2000, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9988. A letter from the Administrator, Food and Nutrition Service, Department of Agriculture, transmitting the Department's final rule—Food Stamp Program: Electronic Benefit Transfer (EBT) Systems Interoperability and Portability (RIN:0584–AC91) received September 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9989. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Pink Bollworm Regulated Areas [Docket No. 00–009–2] received September 1,2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9990. A letter from the Secretary, Department of Defense, transmitting a report on the approved retirement and advancement grade of Admiral Donald L. Pilling, United States Navy; to the Committee on Armed Services.

9991. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Biological Products Regulated Under Section 351 of the Public Health Service Act; Implementation of Biologics License; Elimination of Establishment License and Product License; Technical Amendment [Docket No. 98N–0144] received September 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9992. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers [Docket No. 99F–0127] received September 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9993. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Indirect Food Additives: Polymers [Docket No. 98F–0484] received September 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9994. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Amendment of Various Device Regulations to Reflect Current American Society for Testing and Materials Citations, Confirmation In Part and Technical Amendment; Correction [Docket No. 99N–4955] received September 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9995. A letter from the Deputy Associate Administration, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Halogenated Solvent Cleaning received September 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9996. A letter from the Director Regulations Policy and Management Staff, Federal Drug Administration, transmitting the Agency's final rule—Topical Antifungal Drug Products for Over-the-Counter Human Use; Amendment of Final Monograph [Docket No. 99N–1819] (RIN: 0910–AA01) received September 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9997. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report pursuant to title VIII of Publc Law 101–246, the Foreign Relations Authorization Act, as amended; to the Committee on International Relations.

9998. A letter from the Chair and Ranking Member, OSCE Congressional Delegation, transmitting a report on the Bucharest Declaration of the Organization for Security and Cooperation in Europe Parliamentary Assembly; to the Committee on International Relations.

9999. A letter from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting the Department's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf Alaska [Docket No. 000211039–0039–01; I.D. 082900A] received September 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10000. A letter from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting the Department's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Other Red Rockfish in the Bering Sea Subarea of the Bering Sea and Aleutian Islands Management Area [Docket No. 000211040–0040–01; I.D. 082800B] received September 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10001. A letter from the Acting Assistant Secretary, U.S. Fish and Wildlife Service, Department of Interior, transmitting the Department's final rule—Migratory Bird Hunting; Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2000–01 Early Season (RIN 1018–AG08) received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10002. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Species in the Rock sole / Flathead sole / "Other flatfish" Fishery Category by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 000211040–0040–01; I.D. 082500A] received September 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10003. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska [Docket No. 000211039–0039–01; I.D. 082900A] received September 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10004. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic Atmospheric Administration, National Marine Fisheries Service, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Atlantic MACKerel, Squid, and Butterfish Fisheries; Closure of Fishery for Loligo Squid—received September 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10005. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 777–200 Series Airplanes [Docket No. 97–NM–260–AD; Amendment 39–11873; AD 2000–16–16] (RIN: 2120–AA64) received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10006. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–10–10, -15, -30, -30F, (KC–10A Military), and -40 Series Airplanes; and Model MD–10–10F and MD–10–30F Series Airplanes [Docket No. 2000–NM–50–AD; Amendment 39–11866; AD 2000–16–10] (RIN: 2120–AA64) received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10007. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A330 and A340 Series Airplanes [Docket No. 2000-NM-62-AD; Amendment 39-11867; AD 2000-16-11] (RIN: 2120-AA64) received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10008. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace HP137 Mkl, Jetstream Series 200, and Jetstream Models 3101 and 3201 Airplanes [Docket No. 98-CE-117-AD; Amendment 39-11870; AD 2000-16-13] (RIN: 2120-AA64) received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10009. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Wytornia Sprzetu Model PZL-104 Wilga 80 Airplanes [Docket No. 2000-CE-52-AD; Amendment 39-118969; AD 2000-16-51] (RIN: 2120-AA64) received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10010. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767-200, -300, and -300F Series Airplanes [Docket No. 99-NM-54-AD; Amendment 39-11871; AD 2000-16-14] (RIN: 2120-AA64) received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10011. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model DHC-7-100, and DHC-8-100, -200, and -300 Series Airplanes [Docket No. 2000-NM-90-AD; Amendment 39-11857; AD 2000-16-03] (RIN: 2120-AA64) received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10012. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB 340B Series Airplanes [Docket No. 2000-NM-225-AD; Amendment 39-11872; AD 2000-16-15] (RIN: 2120-AA64) received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10013. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Industrie Model A300 B2 and B4 Series Airplanes [Docket No. 97-NM-184-AD; Amendment 39-11862; AD 2000-16-07] (RIN: 2120-AA64) received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10014. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737-100, -200, and -200C Series Airplanes [Docket No. 2000-NM-183-AD; Amendment 39-11844; AD 2000-15-12] (RIN: 2120-AA64) received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10015. A letter from the Duputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Request for Statement of Qualifications (RFQ) for Administrative, Technical and Scientific Support to the Chesapeake Bay Program: Fiscal Years 2001-2006—received September 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10016. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Property Reporting Requirements—received September 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

10017. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Insurance—Partial or Total Immunity from Tort Liability for State Agencies and Charitable Institutions—received September 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

10018. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Definition of 'a Qualified Interest in a Grantor Retained Annuity Trust and a Grantor Retained Unitrust [TD 8899] (RIN: 1545-AW25) received September 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ARCHER: Committee on Ways and Means. H.R. 4986. A bill to amend the Internal Revenue Code of 1986 to repeal the provisions relating to foreign sales corporations (FSCs) and to exclude extraterritorial income from gross income; with an amendment (Rept. 106-845). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. McGOVERN (for himself, Mr. Peterson of Pennsylvania, Mr. Hilliard, Mr. Watkins, Mr. Jefferson, Mr. English, Mr. McIntosh, Mrs. Thurman, Mr. Hilleary, Mr. Weygand, Mr. Sanders, Mr. Cook, Mr. Rahall, Mr. Tierney, Mr. Moakley, Mr. Wamp, Mr. Pomeroy, Mr. Conyers, Mr. Goode, Mr. Dickey, Mr. Doyle, Mr. Frank of Massachusetts, Mr. Ney, Ms. Millender-McDonald, Mr. Romero-Barcelo, Mr. Frost, Mr. Kind, Mr. Baldacci, Mr. Olver, Mr. Murtha, Mr. Goodling, and Mr. Allen):

H.R. 5163. A bill to amend title XVIII of the Social Security Act with respect to payments made under the prospective payment system for home health services furnished under the Medicare Program; referred to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UPTON (for himself, Mr. Tauzin, Mr. Markey, Mrs. Wilson, Mr. Boucher, Mr. Whitfield, Mr. Green of Texas, Mr. Rogan, Mr. Waxman, Mr. Bilbray, Mr. Fossella, Mr. Gordon, Ms. DeGette, Mr. Luther, Ms. Eshoo, and Ms. McCarthy of Missouri):

H.R. 5164. A bill to amend title 49, United States Code, to require reports concerning defects in motor vehicles or tires or other motor vehicle equipment in foreign countries, and for other purposes; to the Committee on Commerce.

By Mr. BLUMENAUER (for himself, Mrs. Christensen, Ms. DeLauro, Mr. Farr of California, Mr. Kucinich, Mr. McGovern, Mr. Pallone, Mrs. Jones of Ohio, Mr. Weygand, and Mr. Hoeffel):

H.R. 5165. A bill to assist States with land use planning in order to promote improved quality of life, regionalism, sustainable economic development, and environmental stewardship, and for other purposes; to the Committee on Resources, and in addition to the Committees on Banking and Financial Services, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SCHAKOWSKY (for herself, Mr. Rush, Mr. Blagojevich, Mrs. McCarthy of New York, Mr. Waxman, and Mr. Frost):

H.R. 5166. A bill to amend titles XVIII and XIX of the Social Security Act to impose requirements with respect to staffing in nursing facilities receiving Medicare or Medicaid funding; referred to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPPS:

H.R. 5167. A bill to amend title 38, United States Code, to protect ratings of service-connection for certain presumptive disabilities of Persian Gulf War veterans participating in Department of Veterans Affairs health study; to the Committee on Veterans' Affairs.

By Mr. FROST:

H.R. 5168. A bill to amend the Public Health Service Act with respect to the compensation rules under the National Vaccine Injury Compensation Program for vaccines administered before the effective date of such program; to the Committee on Commerce.

By Mr. LaHOOD (for himself and Mr. Goodlatte):

H.R. 5169. A bill to reenact the United States Warehouse Act to require the licensing and inspection of warehouses and other structures used to store agricultural products, to provide for the issuance of receipts, including electronic receipts, for agricultural products stored or handled in licensed warehouses, and for other purposes; to the Committee on Agriculture.

By Ms. MILLENDER-McDONALD:

H.R. 5170. A bill to amend the Internal Revenue Code of 1986 to reduce the marriage penalty by providing for adjustments to the standard deduction and the earned income credit and to repeal the reduction of the refundable tax credits; to the Committee on Ways and Means.

By Mr. POMEROY:

H.R. 5171. A bill to amend the Internal Revenue Code of 1986 to permit a husband and wife to file a combined return to which separate tax rates apply; to the Committee on Ways and Means.

By Mr. SHAW (for himself and Mr. Kleczka):

H.R. 5172. A bill to amend title XVIII of the Social Security Act to ensure access to digital mammography through adequate payment under the Medicare system; referred to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FORBES (for himself, Ms. Ros-Lehtinen, Mr. Deutsch, Mr. Lantos, Mr. Hastings of Florida, Mr. Pallone, Mr. Sanders, Mr. Bonior, Mr. Frank of Massachusetts, Mr. McGovern, Mr. Frost, and Mr. McNulty):

H. Con. Res. 398. A concurrent resolution expressing the sense of the Congress that a postage stamp should be issued to honor the Jewish War Veterans of the United States of America; to the Committee on Government Reform.

By Mr. GOODLING (for himself, Mr. McKeon, Mr. Castle, Mrs. Roukema, Mr. Ballenger, Mr. Greenwood, Mr. McIntosh, Mr. Norwood, Mr. Isakson, Mr. George Miller of California, Mr. Kildee, Mrs. Mink of Hawaii, Mr. Scott, Ms. Pryce of Ohio, Mrs. Wilson, Mr. Bass, Mr. Baldacci, Mr. Frelinghuysen, Ms. Baldwin, Mr. Bereuter, Mrs. Biggert, Mr. Bilbray, Mr. Bilirakis, Mr. Brown of Ohio, Mr. Burr of North Carolina, Mr. English, Ms. Eshoo, Mr. Ewing, Mr. Farr of California, Mr. Filner, Mr. Fossella, Mr. Franks of New Jersey, Mr. Gibbons, Mr. Gutknecht, Mr. Hill of Montana, Mrs. Johnson of Connecticut, Mrs. Kelly, Mr. Knollenberg, Mr. LaTourette, Mr. LoBiondo, Mr. Miller of Florida, Mr. Gary Miller of California, Mrs. Morella, Mr. Nussle, Mr. Peterson of Pennsylvania, Mr. Ramstad, Mr. Reynolds, Ms. Rivers, Mr. Rogan, Ms. Ros-Lehtinen, Mr. Serrano, Mr. Sessions, Mr. Sisisky, Mr. Sherwood, Mr. Skeen, Mr. Thune, Mr. Udall of New Mexico, Mr. Walsh, and Mr. Weldon of Pennsylvania):

H. Con. Res. 399. A concurrent resolution recognizing the 25th anniversary of the enactment of the Education for All Handicapped Children Act of 1975; to the Committee on Education and the Workforce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 207: Mr. Norwood.

H.R. 284: Mr. Kucinich, Mr. Faleomavaega, Mr. Mascara, Ms. Kaptur, Mr. Reyes, and Mr. Skelton.

H.R. 303: Mr. Hill of Montana.

H.R. 534: Mrs. Roukema, Mr. Payne, Mr. Ryun of Kansas, Mr. Hastings of Florida, Mr. Pallone, Mr. Thune, Mr. Gephardt, Mr. Coble, Mr. Taylor of North Carolina, Mr. Gilman, Mr. Ehrlich, and Mrs. Chenoweth-Hage.

H.R. 566: Mr. Baldacci.

H.R. 601: Mr. Whitfield.

H.R. 700: Mr. Moore.

H.R. 919: Mr. Fattah and Mr. Nadler.

H.R. 925: Mr. Tierney.

H.R. 1021: Mr. Doyle.

H.R. 1075: Ms. McCarthy of Missouri.

H.R. 1172: Mr. Horn, Mr. Hall of Texas, Mr. Rothman, and Mr. Quinn.

H.R. 1303: Mr. Abercrombie.

H.R. 1322: Mr. Goodlatte and Ms. Baldwin.

H.R. 1452: Ms. DeLauro.

H.R. 1469: Mr. Minge.

H.R. 1622: Mr. Blagojevich.

H.R. 1684: Ms. Lofgren.

H.R. 1689: Ms. Brown of Florida.

H.R. 1914: Mr. Ramstad.

H.R. 1946: Mr. Campbell.

H.R. 2273: Mr. Bryant and Mr. Andrews.

H.R. 2597: Mr. Pitts.

H.R. 2624: Mr. Tierney.

H.R. 2655: Mrs. Cubin.

H.R. 2738: Mr. Wise and Mr. Matsui.

H.R. 2814: Mr. Green of Texas.

H.R. 2819: Mr. Moore.

H.R. 2870: Mr. Baca.

H.R. 3004: Ms. Lee and Mr. Foley.

H.R. 3083: Mr. Borski.

H.R. 3118: Mr. Green of Wisconsin.

H.R. 3143: Ms. McKinney.

H.R. 3192: Mr. Wolf and Ms. Baldwin.

H.R. 3266: Mr. Hinchey, Mr. Filner, Ms. Woolsey, and Mr. Tierney.

H.R. 3275: Mrs. Mink of Hawaii.

H.R. 3328: Ms. DeLauro.

H.R. 3372: Mr. Baldacci.

H.R. 3573: Mrs. Cubin.

H.R. 3580: Mr. Petri and Mr. Young of Alaska.

H.R. 3712: Ms. DeLauro.

H.R. 3809: Mr. Engel.

H.R. 3861: Mr. Baldacci.

H.R. 3887: Mr. Nadler and Mrs. Lowey.

H.R. 3891: Mr. Nadler.

H.R. 4004: Mr. Rahall and Mr. Wu.

H.R. 4046: Ms. Pelosi, Mr. Borski, and Mr. Berkley.

H.R. 4057: Mr. Largent, Mr. Sherman, and Ms. Eshoo.

H.R. 4113: Mr. Lucas of Kentucky and Mr. Barton of Texas.

H.R. 4213: Mr. Linder and Mr. Lewis of California.

H.R. 4239: Mr. Smith of New Jersey, Mr. LaTourette, and Mr. Costello.

H.R. 4259: Mr. Reyes, Mr. Gejdenson, Mr. Green of Wisconsin, Mr. Peterson of Pennsylvania, Mr. Packard, Mr. Ose, Mr. Miller of Florida, Mr. Mica, Mr. Martinez, Mr. McKeon, and Mr. Matsui.

H.R. 4308: Mr. Wamp and Mr. Andrews.

H.R. 4356: Mr. Borski.

H.R. 4393: Mr. Thompson of California and Ms. Baldwin.

H.R. 4438: Mr. Stupak.

H.R. 4483: Mr. Baldacci and Ms. Woolsey.

H.R. 4487: Mr. Kucinich and Ms. Danner.

H.R. 4543: Mr. Royce, Mr. Barton of Texas, Mr. McInnis, and Mr. Smith of Texas.

H.R. 4565: Mrs. Morella.

H.R. 4567: Mrs. Lowey.

H.R. 4636: Mr. Blagojevich.

H.R. 4664: Ms. Ros-Lehtinen.

H.R. 4670: Mr. Davis of Virginia, Mr. Tanner, Mr. Cramer, Mr. Hall of Texas, Mr. Sisisky, Mr. Sandlin, Mr. Thompson of California, Mr. Boyd, Mr. Moore, Mr. McIntyre, Mr. Holden, Mr. John, Ms. Sanchez, Mr. Kind, Mr. Moran of Virginia, Mr. Larson, and Mr. Wu.

H.R. 4673: Mr. Burr of North Carolina.

H.R. 4688: Mr. Dickey, Mr. Terry, and Mr. Ehlers.

H.R. 4715: Mr. Calvert.

H.R. 4723: Mr. Oxley and Mr. Sandlin.

H.R. 4732: Mr. Lucas of Kentucky.

H.R. 4740: Mr. Kleczka.

H.R. 4791: Mr. LoBiondo.

H.R. 4793: Mr. Hilliard.

H.R. 4848: Mr. Spratt, Mr. Scott, Mr. Waxman, Mr. Sandlin, Mr. Kucinich, Mr. Holt, and Mr. Green of Texas.

H.R. 4857: Mr. Sandlin.

H.R. 4935: Mr. Green of Texas.

H.R. 4971: Ms. Danner, Ms. Dunn, and Mr. Phelps.

H.R. 4976: Mr. Hefley, Mr. Hinchey, Mr. Sandlin, Mr. Gary Miller of California, Mr. Frost, Mrs. Morella, Ms. Tauscher, Mr. Hoeffel, and Mr. Blagojevich.

H.R. 4977: Mr. Hinchey and Mr. Abercrombie.

H.R. 5005: Mrs. Johnson of Connecticut.

H.R. 5018: Mr. Blunt and Mr. Bachus.

H.R. 5042: Mr. LaTourette.

H.R. 5073: Mr. Scott and Mr. Kildee.

H.R. 5095: Mr. George Miller of California and Mr. Udall of Colorado.

H.R. 5101: Ms. Pelosi, Mr. Rangel, Mr. Jackson of Illinois, Mr. Gutierrez, Mr. Conyers, Mr. Pascrell, and Mr. Brady of Pennsylvania.

H.R. 5109: Mr. Smith of New Jersey, Ms. Baldwin, Mr. Reyes, Mr. Oberstar, Mr. Hill of Montana, Mrs. Brown of Florida, Mr. Wamp, Mr. Jones of North Carolina, Mr. Green of Texas, Mr. Hayworth, Mr. LaHood, Mr. Sawyer, Mr. Gekas, Mr. Lewis of Kentucky, Mr. Hall of Texas, and Mr. Deal of Georgia.

H.R. 5116: Mr. LaFalce, Ms. Slaughter, Ms. Millender-McDonald, Mr. McNulty, Ms. DeLauro, Mr. Baldacci, Ms. Carson, Mr. Frank of Massachusetts, Mr. Rangel, and Mr. Wise.

H.R. 5132: Mrs. Mink of Hawaii, Mr. Weller, and Mr. Green of Texas.

H.R. 5152: Mr. English.

H. Con. Res. 252: Mr. Rush.

H. Con. Res. 273: Mr. Nadler.

H. Con. Res. 362: Ms. Kilpatrick.

H. Con. Res. 370: Mr. Royce and Ms. Pelosi.

H. Con. Res. 384: Mr. Stenholm and Mr. Burr of North Carolina.

H. Con. Res. 390: Mr. King, Mr. Upton, Mr. Gary Miller of California, Mr. Fossella, Mr. Hill of Montana, Mr. Ortiz, and Mr. Capuano.

H. Con. Res. 397: Mr. Lantos and Mr. Rohrabacher.

H. Res. 347: Mr. Gallegly.

H. Res. 414: Ms. Carson.

PETITIONS, ETC.

Under clause 3 of rule XII,

112. The SPEAKER presented a petition of the Legislature of Rockland County, New York, relative to Resolution No. 490 petitioning the United States Congress to request the United States Immigration and Naturalization Service to reverse its decision and order to deport Suringder Singh; which was referred to the Committee on the Judiciary.

SENATE—*Wednesday, September 13, 2000*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, we claim Your promise through Jeremiah, "Call on me and I will show you great and mighty things which you do not know."—Jeremiah 33:3. We press on with confidence to the challenges ahead today. Irrespective of perplexities, You are with us. The bigger the problems, the more of Your power we will receive. The more complex the issues, the more wisdom You will offer. Equal to the strain will be the strength that You grant us.

So, we humble ourselves and confess our need for Your divine inspiration. Our experience, education, and expertise are insufficient to grasp the full potential of Your vision for America and the world. We need Your x-ray discernment into potential blessings wrapped up in what we often call problems. Endow us with wisdom to see clearly the solutions we could not discover without Your help. Give us courage to seek and follow Your guidance. Set our hearts on fire with greater patriotism for our country and a deeper dedication to be courageous problem-solvers for Your glory and for Your grace. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable RICK SANTORUM, a Senator from the State of Pennsylvania, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The Senator from Pennsylvania.

SCHEDULE

Mr. SANTORUM. Mr. President, today the Senate will be in a period of morning business until 10 a.m. Following morning business, there will be 60 minutes for closing remarks on two amendments: the Byrd amendment regarding safeguards and division 6 of the Smith amendment regarding organ harvesting.

After all time is used or yielded back, there will be two back-to-back votes at 11 a.m. Senators should be aware that there are amendments currently pending to the PNTR bill and further amendments are expected to be offered during today's session. Therefore, votes are expected throughout the day.

I thank my colleagues for their attention.

Mr. REID. Mr. President, at this time I ask the Chair to call regular order.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10 a.m., with time equally divided between the Senator from Wyoming, Mr. THOMAS, and the Senator from Illinois, Mr. DURBIN.

UNANIMOUS-CONSENT REQUEST—S. 2497

Mr. SANTORUM. Mr. President, on behalf of the majority leader, I have been asked to make a unanimous-consent request.

I ask unanimous consent that immediately following the passage of H.R. 4444, the Commerce Committee be discharged from further consideration of S. 2497 and the Senate proceed to its immediate consideration under the following terms: Two hours on the bill to be equally divided in the usual form; that there be up to one relevant amendment in order for each leader, that they be offered in the first degree, limited to 30 minutes equally divided and not subject to any second-degree amendments; and that no motions to commit or recommit be in order.

I further ask unanimous consent that following conclusion or use of debate time in the disposition of the above described amendments, the bill be advanced to third reading and a vote occur on final passage of the bill, as amended, if amended, all without any intervening action or debate.

The bill has to do with the entertainment industry and the entertainment industry marketing their videos and CDs to those people—children—who are proscribed, really, from buying them or attending those kinds of movies. These are R-rated movies. Children under 17 are not permitted in these without an adult. Yet we have a report just issued, I think earlier this week, that says the movie industry targets the very people who are not supposed to be viewing these kinds of materials or listening to these kinds of materials.

So this is a unanimous-consent request to move this out of the Commerce Committee and to deal with this issue on the floor promptly. This is an important issue that has been a bipartisan issue in the past. I hope my unanimous-consent request will be approved by the Democrats.

The PRESIDENT pro tempore. Is there objection?

Mr. REID. Reserving the right to object.

The PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, we, also, in the minority, are very interested in this subject. We think the Vice President and nominee has, along with others, set a good tone as to how we should look at what is going on with media. However, as we speak, at this very minute there are hearings on this subject going on in the Commerce Committee. The ranking member, Senator HOLLINGS, has not had an opportunity to review this unanimous-consent request. We believe if there is going to be legislation brought before the Senate, it should be in the regular order; that is, there should be an opportunity to amend the legislation if in fact that is necessary. We know there are a number of Senators who wish to offer amendments.

This unanimous-consent request that we have allows one amendment, and on that one amendment Senators can speak for 30 minutes. So when we have so much to do in this body—we have 11 appropriations bills we have not completed. I am going to discuss, in a little bit, some more things on education. We have a Patient's Bill of Rights we need to do, a prescription bill we need to do, minimum wage—I think it is awfully late in the game, when we have 15 days in the session left, to start talking about media violence. This is an issue that has been outstanding for many months. We have members of the minority who have spoken out on this time after time.

Based on that, and for other reasons, we object.

The PRESIDENT pro tempore. Objection is heard.

The Senator from Pennsylvania.

Mr. SANTORUM. The reason we are trying to move expeditiously here is the FTC has come out with a record that shows the egregious nature of the conduct of Hollywood with respect to the marketing to young people of material that is inappropriate for them.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

that they have said they would not so market. It is very similar to the charges we have heard about tobacco companies, that are not supposed to sell to minors, marketing to minors. Here we have the identical situation.

The other side has not been reticent about bringing tobacco legislation to the floor to stop the marketing to minors at the drop of a hat. Yet when it comes to protecting Hollywood, we have a roadblock. We have an opportunity here to reform the system, to do something substantive about an issue that is undercutting the moral fabric of our country, that is poisoning the minds of our children, and we have a roadblock because we have more important issues to discuss. According to the other side, there are other issues more important than these issues. I don't think there are very many issues that are more important than a deliberate attempt to market inappropriate material to young minds. That, to me, is about as high a priority as we can get.

There may be some other things the other side believes are more important than that, but bringing this bill to the floor and having this debated is a very important issue. As the Senator from Nevada mentioned, their own Vice Presidential candidate believes this is a very high profile issue.

Let's deal with it. Let's not talk about it; let's not politic about it; let's not pander about it; let's do something about it. Here we have, again, an opportunity for us to do something substantive, to create reform, to move the agenda forward, and we have a roadblock; we have an objection: It is just not the right time; it is just not the right way; it is just not the exact thing we would like to do.

Let's move forward. Let's start moving on reform. We hear complaints that nothing gets done around here. Every time we start to put something forward to try to move a reform, the answer is no. We are going to continue to try. This is not the last time we are going to try to get unanimous consent on this matter. This is an important matter that we need to bring up and we need to deal with before this session ends.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, we do not apologize for the work we have done on tobacco. We, of course, have led the Nation into focusing on the evils of tobacco and what it has done to hurt not only the youth but the adult communities throughout America. We do not apologize for that. This has been led by the minority, and we are proud of that.

THE SENATE AGENDA

Mr. REID. Mr. President, we also recognize that there are issues that need to be discussed as to what is going on with the media. That is why this legislation is important. The problem is there are other matters dealing with children we have totally ignored this year. For example, we have spent, this year, 6 days of debate on the ESEA.

As I have said, we do not apologize for the work we have done on tobacco. What has happened has been revolutionary as a result of the minority speaking out against the problems of tobacco. We do not apologize for that. Of course, we have called attention to it.

We have also called attention to the fact that we believe our children need more attention. On February 3 of this year, the majority said education will be a "high priority" in this Congress.

I regret to say instead of making education a central issue, and even a high priority, we have had only 6 days of debate on education this entire year on the Senate floor. There is not a more important issue that we can talk about on the Senate floor, bar none, than educating our children. Having 6 days of debate on the Elementary and Secondary Education Act in this Congress over a 2-year period does not indicate to me this is a "high priority."

We have about 15 days left in this Congress. We still have 11 appropriations bills to do. We have a minimum wage bill to complete. We have the Patients' Bill of Rights bill to complete. We have prescription drug benefits to address. We have issues dealing with gun safety, bankruptcy reform—the list of things we have not done is unending.

I believe to bring up, as was done by the majority today, this issue dealing with media, when right now Senator McCAIN and others are listening to testimony of Senator JOE LIEBERMAN as to what he believes should be done in this regard. We know this is an artificial effort by the majority to focus on this issue. There is no intention to bring this up for debate. That is why the unanimous consent request given was so restricted that they would allow one amendment for 30 minutes. I think it is obvious this was only an effort to bring up an issue and talk about what they cannot get done.

Remember, the majority controls what goes on here on the floor. It is very obvious to me one thing the majority does not want to go on is a debate about education.

The Elementary and Secondary Education Act is an act that was part of President Johnson's war on poverty. It has been a successful program. Title I, the largest program in the Elementary and Secondary Education Act, was intended to help educational challenges facing high-poverty communities by targeting extra resources to school districts and schools with the highest concentrations of poverty. What it has done for children who could not read is remarkable. We have a lot more to do because Title I, which relates to teaching kids who have fallen behind how to read, has been so underfunded. Where it has been funded, it has done remarkably well.

We want this program to continue. In 1994, the Democratic-led Congress and the Clinton-Gore administration worked together to enact far-reaching reauthorization of Title I. We want to continue this, set high standards, and close the achievement gap. We want to do something about class size reduction. We want to hire more teachers. There are all kinds of studies that show if teachers have fewer children to teach, the kids do better, but we do not need studies to prove that.

Common sense dictates if a teacher has fewer children to teach, she is going to do a better job of teaching those children. That is what this legislation is about: Simple common sense; that is, if you have fewer children to teach, the kids are going to do better. We want to do that. We want to have class size reduction.

It is very clear one of the reasons we have such a high dropout rate is because of the fact children are in classes that are so big and schools that are so big.

I did an open school forum in Las Vegas during the August recess. Las Vegas is the sixth largest school district in America with 230,000 children. It was interesting. The new superintendent of schools, Carlos Garcia, who came from Fresno, said that if a child is not reading up to standard in the third grade, that kid is a good candidate for being a high school dropout. We need to make sure the children in third grade can read. That is what this is all about. That is why we need to reauthorize the Elementary and Secondary Education Act. That is why we need to have fewer kids for each teacher to teach. That is what we are trying to do. That is why Senator MURRAY has worked so hard on her Class Size Reduction Act.

Unfortunately, our friends on the other side of the aisle reject our class size reduction program by failing to provide a separate dedicated funding stream. What we have done as a result of the intervention of the Clinton-Gore administration is force at year end in the omnibus bill more money for teachers. As a result of that, we have hired almost 30,000 new teachers so far under this program, directly benefiting over 1.5 million children. It has been proven, if you have smaller class sizes, these kids outperform students in larger classes. It helps teachers, and it helps the students. I repeat, our friends on the other side of the aisle reject this.

I want to talk about something very important to me, and that is high school dropouts. I mentioned briefly that if a kid cannot read in third grade, he or she is a good candidate to be a high school dropout.

Three thousand children drop out of school every day, 500,000 a year. We would be so much better off if we could do something to keep 500 of those children in school every day, or 200 of those children. We would only have 2,800 dropping out of school every day.

We have worked on this. Senator BINGAMAN and I have a dropout prevention bill which supports local school development and programs for the prevention of dropouts. We successfully included $10 million in funding for dropout prevention in the Labor-HHS appropriations bill. We hope that stays in conference. The conference has not been held, of course, as has conferences for most appropriations bills not been held. I hope money will stay in there. It is a few dollars. We need a lot more money. If we are going to have an attack on keeping kids in school, if we are going to have lower dropouts, we need to have in the Department of Education a dropout czar, somebody in charge of making sure there are programs throughout America to keep kids in school.

We need to focus on education. We are not going to in this Congress. That is gone. We need to work on school modernization, support for disadvantaged children, afterschool opportunities. It is clear—and Senator BOXER has worked very hard on afterschool programs—that if we can keep kids occupied after school, they are simply not going to get involved in things they should not do. This has been proven and shown to be accurate. We need more money in afterschool programs. Senator BINGAMAN has worked hard on school accountability. We support funding accountability provisions for failing schools; for example, putting a qualified teacher in every classroom within 4 years of this legislation.

The record should be replete with the fact that this year this Congress has spent 6 days of debate on the Elementary and Secondary Education Act. That is pathetic. We are concerned about children. We should be able to debate the issue. We offered that this bill be handled in the regular course of business. Request after request has been rejected. That is too bad.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Oregon is recognized for 9 minutes.

Mr. SMITH of Oregon. Mr. President, I was not intending to speak on education, but I want to respond to my friend from Nevada. I am a junior Member of this body, but the perception of what has gone on here with respect to education is utterly different than my observation.

My observation is that this side of the aisle is anxious to talk about education, not just to throw more resources at the status quo, not to put up roadblocks to real reform but to truly find out ways to make Washington less of a burden upon local education.

I have yet to go into a school district in Oregon and ask, "Where are your problems?" and they don't tell me it usually has to do with some Federal mandate. The truth is, what we are trying to do is empower local folks who understand about educating children and to lower the burden of Washington.

This idea of 100,000 teachers is great, but everyone should understand that is about sloganeering; that is about TV ads. That has nothing to do with educating kids. The truth is, we need an awful lot more than 100,000 teachers; We need 1 million teachers; but we ought to trust people locally to be able to make that judgment whether to build a school or to hire a teacher. We should not tie their hands. That is what has gone on, and the record should reflect that as well. This Republican is prepared to vote for a lot more resources, but he thinks we owe it to the parents of this country to give them reform as well.

Mr. President, I came here in morning business to try to interject myself into the debate on PNTR.

Mr. REID. Would my friend yield for a simple question?

Mr. SMITH of Oregon. I yield to my friend from Nevada.

Mr. REID. I have the greatest respect for the Senator from Oregon, but I would just a question. I think what the Senator says is right. I think we need reform. But doesn't he think we should have the ability to debate it on the Senate floor? How are we going to get it otherwise?

Mr. SMITH of Oregon. I say to the Senator, I do think we should debate it longer than we have. I grant you that. What I have observed, as a junior Member, however, is that every time we go to focus on amendments, we can't get time agreements. We can't get agreements on some reasonable amount of time. Look, I have already taken all the gun votes. I will take them. I am for background checks. I am for things that will protect kids in the classroom. But I do not know why I should be asked to vote on them two and three and four times.

How many times do you need a vote to run a political ad against me? The truth is, I have taken the votes. Let's get on to debating education. We have done the gun debate.

Mr. REID. I just briefly say to my friend, we have stated publicly on the Elementary and Secondary Education Act we would have as few as eight amendments, with an hour time limit on each one of them, equally divided. And we haven't been able to get that agreement. That seems fair to me.

Mr. SMITH of Oregon. It seems fair to me. I say to the Senator, I will certainly encourage my leadership to accede to that. What I am afraid of is the comment I read in USA Today, where Senator DASCHLE said: We are not interested in getting anything done. We are interested in obstructing this place and creating a train wreck because we think that is good politics. That really concerns me.

I have to tell you, I am always optimistic, but I am discouraged by the windup scene I am seeing develop here. We owe the American people something better than this. I think we need to get on to some reforms. I, for one, am committed to a generous and bipartisan effort in that regard.

CHINA NORMAL TRADE RELATIONS

Mr. SMITH of Oregon. Mr. President, I rise today in strong support of H.R. 4444, a bill establishing permanent normal trade relations with the People's Republic of China.

I strongly believe that permanent normal trade relations will have a substantial and long-term political, economic, and national security benefit for our country. I have long maintained that as China becomes a member of the global community, its government and its people will benefit from these changes and the United States will benefit from better relations and, eventually, I believe, from a more liberal and less oppressive government.

Much of China's recent past has been marked by progression and regression, starts and fits toward economic liberalization that impact all levels of society, only to be matched by periods of oppression, when the government feels that things are getting out from underneath its thumb. This one-step-forward, two-steps-back pace shows how truly feared the market place is in a Communist country. And I believe that if you are a true Communist, you do fear the marketplace. For it is that marketplace—the private sector—that will eventually prove to be the downfall of the Communist system in any country.

Like many of my colleagues, I am genuinely and deeply concerned about human rights abroad. For that reason, I traveled to China last year to investigate the human rights situation and to determine the state of religious freedom in that country. WTO membership and normal trade relations with China will eventually improve the human rights situation and, I believe, religious freedom in that country. The past few decades' gradual opening of trade, investment, and cultural exchanges with China have led to positive steps in the area of human rights and religious tolerance. That is not to say that all is well. There is much work to be done in the area of human rights, but on balance a "carrot and a stick" approach is better than the stick alone.

Globalization is part of "the carrot." It is globalization—the economic integration of their economy—that will introduce the Chinese people to new ideas and information. I believe that as a free market economy, we have a moral and ethical obligation to other nations to help them move toward free markets and into the global economy. Our own history shows the results of not pressing for this integration. During the late 19th century and also following World War I, our negligence in integrating both Japan and Germany had horrible results that reverberated through much of the 20th century. We must not make the same type of mistake with China.

The economic benefits to the United States of H.R. 4444 are great. Our markets to a great degree are already open to Chinese goods; this legislation will open their markets to our goods. This is good for America. And it is good for the people of my home State of Oregon. In the first year following China's membership in the global economy—economists predict trade will double with the United States. China is the sixth-largest market in the world for American agricultural products—and following WTO membership, that trade will account for one-third of the growth in exports over the next 10 years. In addition, according to the World Bank, China will spend an estimated $750 billion in new infrastructure over the next decade.

This is wonderful for the United States, but let me take a moment and tell you what it will do for Oregon. My State is the Nation's largest producer of solid wood products and an important agricultural exporter. China's accession to the WTO and normal trade relations will benefit:

Wheat.—Oregon is a large wheat-growing State and China's grain policies will become more market-oriented. In addition, the 1999 U.S.-China bilateral trade agreement resulted in more exports of Northwest grain.

Vegetables.—Oregon is a major producer of beans, corn, and onions. Under the new agreements, tariffs on vegetables will drop by up to 60 percent.

Fruit.—Oregon grows berries, pears, cherries, and plums. China will reduce tariffs by up to 75 percent for fresh and processed deciduous fruit; and tariffs on apples, pears, and cherries will fall from 30 percent to 10 percent.

Solid wood.—China is the world's third-largest wood importer and after WTO accession, it will substantially reduce its remaining tariffs on valued-added wood products within the next 4 years.

Much has been said on the floor of the Senate in these past few weeks regarding normal trade relations with China. I have to confess that I do not think the arguments against this legislation stand on their own merit. Most of what I have heard in opposition to NTR has reflected the desire to punish China, the need to sanction China or the need to block China.

Those opposing this legislation have formed their arguments around the conclusion that NTR is really just a great plum for China and benefits only China. Nothing could be farther from the truth. As I previously stated our markets are already open to the Chinese—we already buy Chinese goods. This legislation will open up their market and it is a vast pool of consumers, to our goods. It benefits the United States economy. This debate is about advancing American values halfway around the world. Ninety-nine years ago Teddy Roosevelt, speaking at a state fair, said: "There is a homely adage which runs 'Speak softly and carry a big stick; you will go far.'" At that time, the big stick meant America's warships and a show of American might abroad. Now the stick means America's economic might and American values. Free and fair trade is the weapon—the economic weapon of the 21st century.

It is free and fair global trade that will strengthen the forces of economic and political reform in China. It is free and fair global trade that will bring greater prosperity to both the United States and the Chinese people. It is free and fair global trade that will bolster human rights and improve religious freedom in that country. America can advance its values and help China integrate into the world economy with the help of this important legislation. I call on my colleagues to send a clean PNTR bill to the President and ask for his swift signature.

AMENDMENT NO. 4132

Mr. President, I rise to oppose the Thompson amendment which would add a sanctions mechanism and annual review regarding Chinese proliferation of nuclear and other weapons. I would like to take a moment and go over the problems with this legislation. While the issue of weapons proliferation is a serious one, most of the elements of the Thompson legislation are already covered by current law. As many of my colleagues have noted, there are already numerous laws regarding nuclear proliferation, some of these laws include:

No. 1, the Export-Import Bank Act; No. 2, the Arms Control and Disarmament Act; No. 3, the Arms Export Control Act; No. 4, the International Emergency Economic Powers Act. This list goes on and on. Further, I have never been a great fan of unilateral actions. Multilateral programs agreements are by far the best and most effective approach.

The problem with unilateral sanctions is that they, at the end of the day, are rarely effective in achieving foreign policy goals. The history of our foreign policy is littered with a trail of ineffectual unilateral sanctions. The really harmful impact of this set of unilateral sanctions will fall on American exporters. Many of these sanctions will, at the end of the day, have the effect of blocking our export sales, by blocking U.S. credits or preventing financing. These actions will not have an effect on the underlying problem—they will only replace all sanctioned American products with foreign products. And we are not talking about military sales in many cases. The scope of this legislation is exceedingly broad and includes civilian transfers that do not actually contribute to proliferation problems.

The Thompson amendment will also tie the hands of future administrations. It will not allow any flexibility for a future President to make a decision based on contemporary issues involving the state of the Sino-American relationship at that time. And finally, as we all know, the politics of the situation dictate a clean PNTR bill. Simply put, this legislation will effectively kill this bill. If we are to pass PNTR during this Congress it is imperative we have a bill that will not require another vote in the House.

Mr. President, as I have shown up on the floor and have listened to the debate on PNTR, I have seen many people, Republican and Democrat, proposing amendments to this bill that have great appeal to me. They have great appeal to me because they advance noble principles. They advance American ideals. They advance the best of what we want to spread around the world. Economic freedom, human rights, improved labor conditions, improved environmental conditions, all of these things I support. But I fear the real motive behind some of these is to scuttle this trade agreement. I oppose that.

I also point out, as many others have, when it comes to these security issues, slavery issues, and whatnot, we already have these laws on the books to protect this country. We should not accede in this environment, in this debate, on a vote this important to scuttle this trade agreement because to do so would shortchange the American people and certainly the people of my State.

I conclude with this story from my own life. The story is a lesson that has, frankly, governed much of my thinking with respect to trade and military security and foreign relations since I have been an adult.

I was a student at Brigham Young University, taking a class in military history. It was at the end of the Vietnam war. My professor was a retired Air Force general. There was great turmoil on the campuses of the United States. He made a comment that struck me and caught my attention. This professor's name was Phillip Flammer.

He said: We made a mistake to bomb the North Vietnamese with military armaments. That caught my attention—in a conservative place like this university, that a statement such as that would be made.

I thought: That is interesting.

He said: We should have bombed them, but we should have bombed them with Sears catalogs.

I thought: Hmm, there is a lesson I will remember.

His point was, if we want to tear down the walls of communism, we do it with our trade. We do it with our commerce. We do it with our culture. We do it with our communications to the world.

We have seen in Communist country after Communist country that when they are exposed to the miracles of the marketplace, what happens is a middle class develops. When a middle class develops, people begin to demand, with economic liberty, that they have political liberty as well.

So if you are interested in improving human rights, improving the environment, improving access for Americans to their markets, then this vote on PNTR is perhaps the most important vote that we will cast in this Congress, or perhaps any other for the economic future of our country.

If you care about spreading American values, resist these amendments, resist voting no to PNTR because you will do more to spread American values, American democracy, and advance American security by supporting this agreement than you can ever do by trying to amend it, to kill it, or by trying to vote in opposition to it when we come to a final vote.

I do not, for a moment, question the motives of anyone who is against this. Again, I admire the ideals advanced. But I simply question this method, this bill, at this time, to scuttle this most important agreement.

So I urge my colleagues to vote for PNTR and vote against the Thompson amendment—well-motivated but misguided at this time, given the laws we already have.

America needs this. We should not cede the Chinese market to the European nations. We should be there ourselves. They are already here. We have yet to go there.

I urge an "aye" vote on the agreement and a "no" vote on the Thompson amendment.

Mr. President, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the time of 10 o'clock has arrived and morning business is closed.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I request the use of leader time at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE CONSIDERATIONS

Mr. REID. Mr. President, I want to say, before my friend leaves the floor, how much respect I have for the Senator from Oregon and the great example he sets for everyone in the bipartisan consideration of legislation.

I do want to say, though, before my friend leaves, that one of the pleasures of my service in the Senate is that I have been able to work with Senator DASCHLE. We served in the House together. We have served in the Senate together. He is the leader. I am the assistant leader.

There are very few meetings he attends that I am not there. For example, we had a meeting yesterday with the bipartisan leadership of both Houses. At that meeting with the President of the United States, Senator DASCHLE was very clear in saying he wanted to get things done this year. He gave a list of things he thought we could accomplish.

We are so close to being able to do something on the Patients' Bill of Rights, which the Senator from Oregon has voted, I believe, the right way on many occasions.

Senator DASCHLE in that meeting said that he wanted to get things done. He gave a list of things that should be done. Senator DASCHLE, in private meetings and in public meetings, has said the most important thing we can do is complete legislation that is already before the Senate, including the 11 appropriation bills that have not been completed.

I don't know what appears in U.S. News and World Report or whatever publication my friend from Oregon mentioned. The fact is, Senator DASCHLE has continually said publicly and privately the most important thing that we can do is enact legislation for the American people.

I think the record should be very clear that there is no intent on behalf of the minority to prevent anything from going forward. We want to move legislation. First of all, let's do the appropriations bills, and if we have time left over, do the other items, which I believe we will do, as indicated in a meeting with the President yesterday. Let's do them.

I express my appreciation to the Senator from West Virginia for his patience.

Mr. President, I ask unanimous consent that the time before the scheduled votes be extended for whatever time I have used under leader time.

The PRESIDING OFFICER. Without objection, it is so ordered.

TO AUTHORIZE EXTENSION OF NONDISCRIMINATORY TREATMENT TO THE PEOPLE'S REPUBLIC OF CHINA

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 4444, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4444) to authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China, and to establish a framework for relations between the United States and the People's Republic of China.

Pending:

Wellstone amendment No. 4118, to require that the President certify to Congress that the People's Republic of China has taken certain actions with respect to ensuring human rights protection.

Wellstone amendment No. 4120, to require that the President certify to Congress that the People's Republic of China has responded to inquiries regarding certain people who have been detained or imprisoned and has made substantial progress in releasing from prison people incarcerated for organizing independent trade unions.

Wellstone amendment No. 4121, to strengthen the rights of workers to associate, organize and strike.

Smith (of New Hampshire) amendment No. 4129, to require that the Congressional-Executive Commission monitor the cooperation of the People's Republic of China with respect to POW/MIA issues, improvement in the areas of forced abortions, slave labor, and organ harvesting.

Byrd amendment No. 4131, to improve the certainty of the implementation of import relief in cases of affirmative determinations by the International Trade Commission with respect to market disruption to domestic producers of like or directly competitive products.

Thompson amendment No. 4132, to provide for the application of certain measures to covered countries in response to the contribution to the design, production, development, or acquisition of nuclear, chemical, or biological weapons or ballistic or cruise missiles.

Hollings amendment No. 4134, to direct the Securities and Exchange Commission to require corporations to disclose foreign investment-related information in 10-K reports.

Hollings amendment No. 4135, to authorize and request the President to report to the Congress annually beginning in January, 2001, on the balance of trade with China for cereals (wheat, corn, and rice) and soybeans, and to direct the President to eliminate any deficit.

Hollings amendment No. 4136, to authorize and request the President to report to the Congress annually, beginning in January, 2001, on the balance of trade with China for advanced technology products, and direct the President to eliminate any deficit.

Hollings amendment No. 4137, to condition eligibility for risk insurance provided by the Export-Import Bank or the Overseas Private Investment Corporation on certain certifications.

The PRESIDING OFFICER. Under the previous order, there will now be 1 hour for closing remarks on the Byrd amendment No. 4131 and division 6 of the Smith amendment No. 4129, with 15 minutes each under the control of the

Senator from Delaware, Mr. ROTH; the Senator from New York, Mr. MOYNIHAN; the Senator from West Virginia, Mr. BYRD; and the Senator from New Hampshire, Mr. SMITH.

AMENDMENT NO. 4131

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I will speak briefly on my amendment. Then I will yield back the remainder of my time. I want to get to a markup of an appropriations bill by the Subcommittee on VA, HUD and Independent Agencies, of which I am a member.

In simple language, my amendment adds surety for American firms and American workers who are caught up in the confusing process of seeking relief from a surge of unfair imports. The process of getting the U.S. Government to agree with a firm's firsthand judgement that a flood of unfairly dumped imports is undercutting a U.S. manufacturer is complex and time consuming. Language in the House-passed bill is an improvement, but it leaves a serious loophole. The House language provides deadlines for the government and the President to agree or disagree that relief is needed, but if the President fails to meet his deadline for a decision, nothing happens. No relief can be forthcoming until the President acts. And the President might be under other pressures, from the State Department, for instance, warning that an affirmative Presidential decision might upset some other, unrelated negotiation. The State Department is not charged with worrying about the fate of individual U.S. firms. The State Department is not charged with worrying about the fate of steel companies, for example.

But for a firm hanging on by its fingernails, unable to pay its bills or secure needed financing, and for workers unsure when their lay-offs might end and their bills get paid, this uncertainty can be catastrophic. So the Byrd amendment says that if the President fails to act by the appointed deadline, the decision of the ITC will be implemented as though the President had agreed. So firms and workers will know on what date certain they will get their answer. The steel companies will know when they will get their answer. Coal miners will know, because they are affected by steel imports as well. That is what my amendment does. And for those affected firms, and those workers, that is pretty important. They need to know, and their bankers and creditors need to know. They need to be able to plan, and no other concerns should come before them, in my opinion. I've seen too many families suffering when the plant shuts down, too many towns hollowing out and falling into disrepair when people just give up. We need to give our citizens, our firms, an efficient and sure process to seek relief and to get relief when it is warranted.

This is our chance. This is our chance to strike a blow for the steel industry, which is a very important industry in the State represented by the current Presiding Officer. It is a very important industry in my State, exceedingly important. Now is the time to strike a blow for freedom, for the freedom of those men and women who work in these industries, freedom to know when relief is coming. They should not have to wait until a President seeks his own convenient moment. They should know the date. And when that date comes, it should happen. Let's make it happen by my amendment.

I yield back my time and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HUTCHINSON). Without objection, it is so ordered.

Mr. ROTH. Mr. President, I yield myself such time as I may use.

Mr. President, I rise in opposition to Senator BYRD's amendment regarding safeguards.

I do so even though I share my colleague's concern regarding the President's utter disregard for statutory deadlines in our trade remedy laws. The President's failure to issue timely decisions in recent section 201 cases was simply unacceptable. Also unacceptable is the President's failure to meet the deadline set for modifying the retaliation list in the bananas dispute at the WTO. This pattern of utter disregard for statutory deadlines simply must stop.

With that said, I must still oppose this amendment for both substantive and procedural reasons.

With regard to substance, it is vitally important for the Finance Committee to be given the opportunity to consider this proposal before it is adopted into law. As I noted yesterday, there are serious flaws in this amendment that could make it unworkable in certain circumstances. It would be reckless to adopt such a significant change to our trade laws without adequate review, particularly given the flaws that are already apparent in what my good friend has proposed.

I am also concerned that we are isolating the Chinese for differential treatment through this proposal. The agreement may not be inconsistent with the U.S.-China bilateral agreement, but it does create a procedure that differs sharply from our other trade remedy programs.

I must also oppose the amendment because of the potential impact that this amendment will have on the passage of PNTR. In my view, a vote for any amendment, including this one, is a vote to kill PNTR.

Mr. President, such a result would be devastating for our workers and farmers. That is why I urge my colleagues to vote against my good friend's amendment.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. Mr. President I ask unanimous consent to speak in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHINA PNTR

Mr. THOMAS. Mr. President, I asked for morning business because I am not sure where we are focused, but I want to continue to talk about PNTR, a topic that I hope we are able to conclude shortly.

Certainly one of the most important issues we have before us is the issue and the way I come to the conclusion. We all talk about the problems that exist. Obviously, there are problems that exist. I serve as chairman of the Subcommittee on East Asian and Pacific Affairs that has dealt over a number of years with the issue of China. I don't think there is a soul here who wouldn't wish things were different there with respect to human rights, some of the issues with respect to proliferation, some of the issues with respect to freedom, and market system changes. I don't think that is the issue. The issue is how we best bring about that change. That is really what it is all about.

Do we do it through threats to the PRC? Do we do it with sanctions? I think people have learned quite a bit in seeking to deal with Cuba with sanctions. It has had very little impact and very little effect. I happened to be in Beijing where we were having the great debate over some of the things that were controversial. They canceled a large order with Boeing. What did they do? They bought Airbuses from France. Sanctions don't work.

I happen to come from a State where we are very interested in agriculture. So we need to do that.

Someone suggested during the course of the discussion over the last couple of days that this bill, if it passed, to grant permanent trade relations would be, in a word, "rewarding" China. I don't agree with that. The fact is, we would be rewarding ourselves with regard to trade. The opening has already been given to China. We are the ones to whom they have agreed, if this happens, to lower tariffs on a number of our things that go there. It really doesn't change the situation much with regard to China. It gives us a better opportunity to do that.

We also argue about how we implement these changes. Are we more likely to bring about changes if we are part of a multilateral group such as the WTO or are we more likely to do it with the unilateral kinds of things for ourselves? I happen to believe we would be better off to have an organizational structure such as the WTO to go through to talk about some of the things we think are not being done properly. Does that mean we don't continue to monitor things such as human rights, that we don't continue to monitor things such as weapons proliferation? Of course not. The question really is, Do we go ahead with this bill as it is and at the same time go ahead and monitor the other things as well?

I am opposed to the Thompson amendment, which is an amendment to the bill to establish normal trade relations.

First of all, as I mentioned, I am chairman of the subcommittee that has jurisdiction over some of these issues. Neither the Foreign Relations Committee nor the Banking Committee has been afforded the opportunity to consider and debate this issue before it was brought to the floor. That is not the customary way to deal with issues that are as far reaching as this one. To bring it to the floor without going through the committees and giving the committees of jurisdiction the opportunity to consider it—the Banking Committee, as you know, which has jurisdiction over a portion of these kinds of arrangements, is very upset about this process.

We, of course, argue that under the time constraints it is most difficult. The House passed a bill to open normal trading relations. By the way, the Senate has done it every year for normal trading relationships. This is really a departure from what has been done. But certainly, if we amend it at this time in this session, we will have a difficult time getting it completed.

My first problem is jurisdictional, of course. It was introduced by Senator THOMPSON. We had plenty of time and could have done it in May. It could have gone through those committees. But it didn't go to either committee. Certainly the kinds of changes that would be made there would apply. We ought to have that kind of process and not limit the process entirely. The House, of course, has passed this bill by a large majority, and we need to move forward with it.

Aside from the jurisdictional concerns, I have a fairly large number of substitute concerns regarding issues of proliferation, and particularly the problem of transfers to Pakistan. I don't believe this amendment will do anything to change the situation. Instead, it would turn us to the discredited, failed strategy of mandatory unilateral sanctions and annual votes on the status of China trade.

We have already talked a great deal, of course, about the passage of an amendment and the impact it would have on the relationship. I want to stress again that trying to work with China on some of those things does not make us oblivious to the things on which we disagree with them. Surely, human rights we are going to continue to champion.

Again, we have to consider how to best have an influence on bringing about change—change that has not occurred as completely as I would like. I can tell you from my experience that there is change. The more visibility the people of China have to the outside world—the fact of market systems, the fact that personal freedoms provide a much better way of life, it is becoming more and more evident. For years, of course, they have not had any opportunity to see what is going on in the world. For example, things have changed substantially in China. Now they see it. It is important to encourage changes that need to take place.

Of course, with respect to another statute that does something about proliferation, we already have numerous statutes available to the President. There is a long list, including the Export-Import Bank Act, the Arms Control Disarmament Act, the Arms Export Control Act, and the International Emergency Economic Powers Act. It goes on and on. They provide the very authority that is being talked about in some of these amendments. They are in place.

Someone said it gives the President the opportunity to decide and be flexible about it. Then the author—in this case, the Senator from Tennessee—assures Members that this also has a waiver and it gives the President the opportunity to change. We have very little reason to have more legislation in this area.

Finally, I vote against this amendment for the same reason I voted against all the amendments that preceded it. I am, along with the distinguished Senator from Delaware, Mr. ROTH, chairman of the Finance Committee, and many others, opposed to adding amendments that will, indeed, have the effect of delaying or killing the PNTR bill. Most any amendments would have that effect. I believe most of the Members of this body also believe that because each of the amendments that have been offered have not survived and have lost by a rather substantial vote. I hope we continue to do that.

It is pretty unrealistic while we are trying to complete the work of this Congress to think we can spend another week going back and forth in conference with the House and get this done.

I know there are justifiable differences of view. That is what this system is all about. We ought to talk about those. It is my view we have talked about them and there ought to be an end game so we can move on. We keep talking about the things we have to do, including 11 appropriations bills out of 13 that have not yet been passed. Several have not even been marked up. We have less than 3 weeks, 14 days, to work on these. We know very well that the President is going to create some obstacles to the completion of our work so he can have more leverage to get the kinds of spending he wants and put the pressure on the majority party in the Congress.

All these things are real and realistic and not unusual. I think we need to understand where we are. I think we need to take a look at the job we do have to do so the American people can continue to be served by those programs that are in the appropriations, that we continue to strengthen education, so we can do something about fairness and tax relief, so that we can move forward in moving some of this money to lower the debt. We ought to continue to work in seeking to get some of the pay back for strengthening Medicare so some of those reductions that have been made can be replaced so we have services in the country. I have particular interest in that as cochairman of the rural caucus for health care. Some of the small hospitals and small clinics need it to happen. We need to move forward and not spend 2 weeks on a repetitious review of the same issues. There comes a time we should move forward.

Therefore, I strongly urge we do move forward and that we do not amend the bill before the Senate. Conclude it and send it to a satisfactory signing at the White House and move forward on the issues facing the Senate.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TO AUTHORIZE EXTENSION OF NONDISCRIMINATORY TREATMENT TO THE PEOPLE'S REPUBLIC OF CHINA—Continued

AMENDMENT NO. 4129

Mr. SMITH of New Hampshire. Mr. President, very shortly there will be a vote on one of the divisions in my amendment to the PNTR legislation. This is a particular odious practice that occurs now in China called organ harvesting. It is hard to imagine that any nation in the world today would conduct activities as odious as this, but it does happen.

As we know from the debate that has been occurring on the permanent normal trade relations with China, most of the predictions are it is going to pass, perhaps overwhelmingly. I personally oppose the legislation. But if we are going to pass it, I believe we have an obligation to at least call to the attention of the rest of the world, and frankly to our own people here in America, the barbaric practices that are occurring in this country to which we are about to give permanent normal trade status.

Permanent is a pretty strong word. Permanent means permanent. Under the permanent normal trade relations bill, there is a process for monitoring the activities. There is a commission that is set up. My amendment is very simple. It says:

> The Commission shall monitor the actions of the government of the People's Republic of China with respect to its practice of harvesting and transplanting organs for profit from prisoners that it executes.

So all my colleagues know, this amendment simply says the commission shall monitor these activities in China as best they can and report to the American people what they find. I believe very strongly it is wrong for us as a nation to look the other way and say it is OK to make money, to trade with China, sell our agricultural products, and ignore these types of human rights violations.

In the debate yesterday I discussed this briefly. We heard a lot about not delaying the bill. The House has sent us over a bill—which, by the way they amended, they added some things to the monitoring—and they sent it back to the Senate. Now many of my colleagues who are supporting PNTR are saying: Let's not delay this. If we agree to these amendments, the Smith amendment or the Thompson amendment or the Wellstone amendment or any other amendment that has been offered, we are going to delay the process. Maybe it is a good idea to call attention to the fact they are harvesting organs obtained unwillingly by executing prisoners, but we don't want to mess up the whole debate here. We do not want to mess up an agreement we have with the House.

We go to conference on hundreds of bills year after year. We are going to go to conference on 13 appropriations bills. It is what you do. That is why we have a House and a Senate. It is what the Founding Fathers wanted us to do. So if it takes a few days or a few hours—most likely a few minutes—to conference an amendment such as the one we are about to vote on, which I am about to speak on in a moment—if it takes a few minutes to have the House agree to it, so what. What is the big deal?

This is very disturbing. Yet my colleagues are saying to other colleagues: Don't vote for the Smith amendment, the Wellstone amendment, the Helms amendment, the Thompson amendment, or any other amendment because it is going to require us to have to conference with the House, and therefore it might slow the bill down.

If we are giving permanent status to China, what is a few more minutes? If we pass it, the House passes it, we amend it here, send it over to the House this morning or this afternoon, by dinnertime the House agrees to it, puts it on the President's desk, he has breakfast tomorrow morning—has a glass of juice, coffee, whatever, a muffin—and then signs the bill. What is lost?

When we do that, we could get some of these amendments. This monitoring language we should have in this bill. To do otherwise, with all due respect to my colleagues, is simply to say: I am going to look the other way while organ harvesting takes place in China. We don't want to rock the boat. We don't want to offend the Chinese. We don't want to make anybody unhappy. We don't want to offend the House because they didn't put it in, so therefore we are not going to conference this. We don't want to rock the boat.

That is wrong. To put it bluntly, that is wrong.

Let me speak briefly about the content of my amendment. Organ harvesting, there was an expose done on this in 1997 by ABC News. This is not BOB SMITH talking. This is one of the three major networks that televised a documentary on the practice of organ harvesting in Communist China. In that documentary, in 1997, it depicted prisoners—these are not necessarily murderers. These are just prisoners. Some of them just put in there, actually charged with nothing—so-called crimes against the state. But it showed prisoners who were videotaped, lined up against a wall and executed with a bullet directly to the head. This, unlike a lethal injection, preserves the organs for harvesting.

The documentary also claimed the prisoners were executed on a routine basis. This was not an exception. Their organs were sold to people who were willing to pay up to $30,000 for a kidney, for example.

Human rights organizations have estimated that at that time, the time the documentary aired, more than 10,000 kidneys alone—just kidneys, not to mention any other organs—10,000 kidneys alone from Chinese prisoners had been sold, potentially bringing in tens of millions of dollars to—guess where the money goes—the Chinese military. Does this sound like Huxley's "Brave New World" or what—executing prisoners to get their organs to get the money to the Chinese military.

The Chinese Government, as it does with most human rights abuses, denies this practice takes place. But it is important to keep in mind that China does not have a rule of law.

Prisoners are subject to arbitrary arrest and arbitrary punishment without due process. People of religious faith, environmental activists, human rights activists, opponents of coercive abortion, student demonstrators, and anyone who appears to be questioning or challenging the Government of China is subject to harassment, intimidation, arrest, incarceration, including in the infamous laogai, or slave labor camps, and, in certain cases, execution.

When Tiananmen Square occurred in 1989, peaceful student protesters, including the sons and daughters of the Communist Party's elite, were mowed down, run over by PLA tanks. There are far fewer dissidents in China than there were 11 years ago after that experience.

Even the Falun Gong, which practices breathing and meditation exercises, has been subject to brutal repression by Chinese authorities, and many of these worshipers have disappeared in the Chinese gulags, and some have died in police custody—great candidates for organ harvesting.

ABC's report also found that Chinese nationals living on student visas were marketing these organs to Americans and other foreigners who had the funds to make a $5,000 deposit and who then traveled to China to the People's Liberation Army hospital where they received a kidney transplant.

These kidneys are tissue typed and the prisoners are also tissue typed in order to achieve an ideal match. Think about that. Prisoners are executed, some of them for doing nothing more than protesting against the Government of China. They are sent to prison and executed so that people can pay up to $30,000 for one of their kidneys or some other organ, and the money goes to the Chinese military.

I ask my colleagues, with all due respect—and I respect the rights of Members to exercise their own views and votes; of course, it goes without saying, but I ask you: Is it unreasonable to ask my colleagues to put this in the monitoring provisions of PNTR so that we can monitor these activities and report to the world what is happening? Is that so bad? If it delays this bill a few hours, if we have to conference it with the House—it is permanent—is that so bad?

We might save a few lives. The more the world knows about this, and the more world public pressure comes to the Chinese, we might save some lives. For the sake of a little time before we pass this bill that has been debated now for several days—it has been talked about for a year or two—is it so bad for my colleagues to vote to allow a commission to study and report on this? I ask them, is it really that big a deal for us to try to save people whose basic human right, the right to life, is being denied for the sake of organ donors? To make it worse, in some cases Americans are buying those kidneys, hearts, livers, and other organs.

U.S. law prohibits this activity. It is unlawful in the United States for "any person to knowingly acquire, receive, or otherwise transfer any human organ for valuable consideration for use in human transplantation if the transfer affects interstate commerce."

Congresswoman Linda Smith, before she left office, introduced a resolution 3 years ago which deplored this practice and called upon the administration to bar from entry to the United States any Chinese official directly involved in the practice of organ harvesting. It urged the prosecution of individuals engaged in marketing and facilitating these transplants under U.S. law.

There is no one in the House or Senate who would not recognize the name of Harry Wu, the renowned human rights activist and Chinese dissident who was arrested in China, detained, and finally released. Thanks to the work of Laogai Research Foundation, we are aware of ongoing Chinese engagement in organ harvesting of executed prisoners.

It is unreasonable, it is unfair for us to add this provision that will expose this to the world and say, once and for all, that it is wrong and that we are not going to allow ourselves to be dragged into saying that, for the sake of profit, for the sake of selling wheat, corn, rice, and other agricultural products, for the sake of greed and profit, we are going to ignore this? How can we do that in good conscience?

The sad part, frankly—the American people may not understand this—about what is happening in the Senate is that people are saying: Don't vote for the Smith amendment because that is going to slow the process down; don't vote for it.

It is not going to slow the process down enough to matter, and this is important. It is a commission. It is a study. That is all it is, and that is all we are asking.

Mr. President, I ask unanimous consent to print an article on incidents regarding organ harvesting in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the International Herald Tribune, June 15, 2000]

AN EXECUTION FOR A KIDNEY—CHINA SUPPLIES CONVICTS' ORGANS TO MALAYSIANS

(By Thomas Fuller)

MALACCA, MALAYSIA.—The night before their execution, 18 convicts were shown on a Chinese television program, their crimes announced to the public. Wilson Yeo saw the broadcast from his hospital bed in China and knew that one of the men scheduled to die would provide him with the kidney he so badly needed.

Mr. Yeo, 40, a Malaysian who manages the local branch of a lottery company here, says he never learned the name of the prisoner whose kidney is now implanted on his right side. He knows only what the surgeon told him: The executed man was 19 years old and sentenced to die for drug trafficking. "I knew that I would be getting a young kidney," Mr. Yeo says now, one year after his successful transplant. "That was very important for me." Over the past few years at least a dozen residents of this small Malaysian city have traveled to a provincial hospital in Chongqing, China, where they paid for what they could not get in Malaysia: functioning kidneys to prolong their lives. They went to China, a place most of them barely knew, with at least $10,000 in cash. They encountered a medical culture where kidneys were given to those with money and a doctor could stop treatment if a patient didn't pay up. Surgeons advised them to wait until a major holiday, when authorities traditionally execute the most prisoners.

China's preferred method of capital punishment, a bullet to the back of the head, is conducive to transplants because it does not contaminate the prisoners' organs with poisonous chemicals, as lethal injections do, or directly affect the circulatory system, as would a bullet through the heart.

More than 1,000 Malaysians have had kidney transplants in China, according to an estimate by Dr. S.Y. Tan, one of Malaysia's leading kidney specialists. Many patients go after giving up hope of finding an organ donor in Malaysia, where the average waiting period for a transplant is 16 years. Interviews with patients who underwent the operation in China reveal how the market for Chinese kidneys have blossomed here—to the point where patients from Malacca negotiated a special price with Chinese doctors.

In 1998, two doctors from the Third Affiliated Hospital, a military-run complex in Chongqing, came to Malacca and spoke at the local chapter of the Lions Club about their procedures. Kidney patients worked out a deal with the doctors: Residents of Malacca would be charged $10,000 for the procedure instead of the $12,000 paid by other foreigners. It goes without saying that the kidney transplants these doctors perform are highly controversial. The Transplantation Society, a leading international medical forum based in Montreal, has banned the use of organs from convicted criminals. Human rights groups call the practice barbaric. But patients here who have undergone the operation in China say they were too desperate at the time to consider the ethical consequences. Today they are simply happy to be alive. The trip to Chongqing offered them an escape from the dialysis machines, blood transfusions, dizziness and frequent bouts of vomiting. And why, they ask, should healthy organs be put to waste if they can save lives?

"Ethics are only a game for those people who are not sick," says Tan Dau Chin, a paramedic who has spent his career working with dialysis patients in Malacca. "Let me put it this way: What if this happened to you?" Simon Leong, 35, a Malaccan who underwent a successful operation two years ago in Chongqing, says the principle of buying an organ is "wrong." "But I was thinking, I have two sons. Who's going to provide for them?" Corrine Yong, 54, who returned from Chongqing two months ago after a successful operation, was told that if she did not receive a transplant she would probably not live much longer. "I didn't have a choice," she says of her decision to go to China. For kidney patients in Malaysia the chances of obtaining a transplant from a local donor are slim. Despite an extremely high death rate on Malaysian roads—in a country of 22 million people, an average of 16 people are killed every day in traffic accidents—the organ donation system is woefully undeveloped.

Kidneys were transplanted from just eight donors last year. Thousands of people are on the official waiting list. Dr. Tan, the Malaysian kidney specialist, says the small number of donors in Malaysia is partly due to religious and cultural taboos. Malaysian Muslim families in particular are reluctant to allow organs to be removed before burial, although this is not the case in some other Muslim countries, such as Saudi Arabia, which has a relatively high number of donors.

Organ donation has always been an uncomfortable issue. The terminology is euphemistic and macabre: Doctors speak of "harvesting" organs from patients who are brain-dead, but whose hearts are still beating. And when the issue of executed prisoners come into play, transplants become politically explosive. "It is well known that the death penalty is often meted out in China for things that most people in Western countries would not regard as capital crimes," said Roy Calne, a professor of surgery at both Cambridge University and the National University of Singapore. Using organs from executed prisoners is not only ethically wrong, he says, but discourages potential donors to step forward in China: "If the perception of the public in China is that there's no shortage of organs you're not likely to get any enthusiasm for a donation program."

It is impossible to know exactly how many Asians travel to China for organ transplants. But data informally collected from doctors in at least three countries suggest the numbers are in the hundreds every year. Also impossible to confirm is whether all patients in China receive organs from executed prisoners and not other donors. But patients interviewed for this article say doctors in China make no secret of where the organ comes from. The day before convicts are executed—usually in batches—a group of patients in the hospital are told to expect the operation the next day.

Melvin Teh, 40, a Malacca businessman who received a kidney transplant from a hospital in Guangzhou two years ago, says doctors did not offer the names of the prisoners. "They just tell you it was a convict," he said. "They don't tell you what he did."

Mrs. Young says doctors told her that the donors were all "young men" who had committed "serious, violent" crimes. Chinese officials have admitted that organs are occasionally taken from convicts, but deny that the practice is widespread. "It is rare in China to use the bodies of executed convicts or organs from an executed convict," an official from the Health Ministry was quoted as saying in the China Daily in 1998. "If it is done, it is put under stringent state control and must go through standard procedures." That view does not jibe with the stories that patients from Malacca tell, where kidneys are essentially handed out to the highest bidders, often foreigners.

Mr. Leong, the Chongquing patient, and his wife, Karen Soh, who accompanied him to China, say money was paramount for the surgeons involved in the operation. They recounted how another malaysian kidney transplant patient who suffered complications while in Chongqing had run out of cash. "They stopped the medication for one day, "Mrs. Soh said, referring to the anti-rejection drugs. The patient was already very sick and eventually died of infection upon her return to Malaysia, according to Mrs. Soh. Patients say they are advised by friends who have already undergone a transplant to bring the surgeons gifts. Mrs. Young brought a pewter teapot and picture frame. Mrs. Soh and her husband brought a bottle of Martell cognac, a carton of 555 brand cigarettes and a bottle of perfume for the chief surgeon's wife. "They call it 'starting off on the right foot,'" Mrs. Soh said.

After the operation was complete, the couple gave two of the doctors "red packets" filled with cash: 3,000 yuan ($360) for the chief surgeon, and 2,000 yuan for his assistant. Other patients also "tipped," although the amounts varied. It might be tempting to see the market for Chinese organs as part of the more general links that overseas Chinese have with the mainland. Many of the patients are indeed, ethnically Chinese and come from countries—Malaysia, Taiwan, Thailand—with either links to the mainland or large ethnic Chinese populations. Yet if the experience of Malaysian patients is any indication, the tip to China provides a severe culture shock. Patients recalled unsanitary conditions, and for those who did not speak Mandarin the experience was harrowing.

Mr. Leong, who speaks little Mandarin, was helped by his wife who wrote out a list of phrases for her husband to memorize. The list included: "I'm feeling pain!" "I'm thirsty." "Can you turn me over?" Mr. Leong would simply say the number that corresponded to his complaint and the nurse would check the list. But more difficult than communicating is paying for the transplant. For the Leongs it involved pooling savings from family members and appealing for funds through Chinese-language newspapers. The cost of an operation amounts to several years' salary for many Malaysians. Yet despite financial problems and culture shock, all four patients interviewed for this article said they had no regrets.

Mr. Yeo enjoys a life of relative normalcy, maintaining a regular work schedule and jogging almost every day. He says he was so weak before his transplant that he had trouble crossing the street and climbing stairs. Four-hour sessions three times a week on dialysis machines were "living hell." Does it disturb him that an executed man's kidney is in his abdomen? "I pray for the guy and say, 'Hopefully your after life is better,'" Mr. Yeo said. And has he ever wondered whether the prisoner might have been innocent? Mr. Yeo pauses and stares straight ahead. "I haven't gone through that part—the moral part," he said. "I don't know. I can't question it too much. I have to live."

WANG CHENGYONG: BROKERING CHINESE ORGANS FOR AMERICAN PATIENTS

In February of 1998, an acquaintance informed Harry Wu of a man named Wang Chengyong who was attempting to arrange kidney transplants for U.S. patients in the People's Republic of China. Wu videotaped conversations with Wang, a former prosecutor from Hainan Province in China, who was attempting to sell kidneys from executed prisoners in China to potential recipients in the U.S. Wu turned over the video material to the FBI, who conducted their own sting operation and arrested Wang.

Mr. Wu participated in several taped conversations with Wang Chengyong discussing the possibility of organ procurement involving executed Chinese prisoners. In these conversations, Harry Wu posed as a doctor from Aruba whose patients were waiting for kidney transplants. Their conversations revealed the entire process by which organs of executed prisoners from China's Laogai are harvested and used in transplant operations. [All quotes and information in reference to conversations of Harry Wu and Wang Chengyong can be found in the transcripts from case files of The United States of America vs. Cheng Yong Wang, United States District Court, Southern District of New York, government exhibit 1T.] This evidence confirms the testimonies and reports from many human rights organizations that have reported on this practice in years past.

A PROSECUTOR'S VIEW OF THE ORGANS TRADE

In conversations negotiating potential organ deals, Mr. Wang revealed many details regarding his own role as a prosecutor within the process of conviction and execution of Chinese prisoners, and how officials at all levels within this process collaborate to harvest the organs of the prisoners they execute. He stated that it could be arranged for a doctor to come into the detention center to perform blood tests on prisoners prior to their execution, matching their blood with potential donors and ensuring that they were in good health. These would be the same doctors who would administer a shot of anti-coagulants directly before a prisoner was shot to ease the process of organ retrieval.

Mr. Wang informed Mr. Wu that he should prepare his patients for travel to China around the time of a national holiday. "Executing criminals during the holidays can frighten criminals and maintain social safety," Wang explained. "Back in China, there will definitely be executions before May 1st (Chinese National Labor Day), there is no question about that. I have done that for a long time . . . In China, every year their death-row prisoners total like over 40% of the whole world's. Execution by shooting happens a lot. Every year, right before the four festivities take place, a group of people will surely get killed, one hundred percent. It has been going on like this for decades." When patients arrive in China, there would be no problem to arrange a spot in a hospital where the operation would be performed. The Public Security Bureau informs the hospital of execution dates, allowing doctors to predict the time of an operation. Such prediction is completely unheard of in other hospitals where organs come from donors who must first sign their consent for donation and then die of natural causes before their organs can be removed.

Organs are harvested at the sight of execution. Mr. Wang referred directly to Chinese regulations that forbid vehicles that are marked as ambulances from entering execution grounds. [On October 9, 1984, a joint regulation was signed entitled The Provisional Regulations of the Supreme People's Court, the Supreme People's Procuratorate, Ministry of Public Security, Ministry of Justice, Ministry of Public Health, and Ministry of Civil Affairs on the Use of Dead Bodies or Organs from Condemned Criminals. The document stipulates that "Vehicles from medical institutions may be allowed to enter into the execution ground to remove organs, but vehicles displaying the logo of medical institutions are not be be used."] Instead, the marked vehicles wait directly outside the execution area and within minutes after the shot is fired, they are permitted inside to retrieve organs from the executed prisoners. Mr. Wang describes the process as follows: "Regarding the coordination by the hospital, that is, we must tell them about the situation ahead of time. . . . When the time comes, the hospital's vehicle will follow the execution vehicle, from behind. However, the hospital vehicle can't enter within the warning security line, they can only park outside of the line. But once the gun shot is heard . . . the medical vehicle will come in, arriving on the site. And if there's anything that can be done on the scene, do that or just bring it back to the hospital." Mr. Wang affirmed that due to this efficient process of retrieval and transport, the organ is only out of the body for a few short hours, preserving its quality. In the US where organs must be retrieved from whatever location a donor happens to die, doctors are often forced to preserve organs outside the body for longer periods of time.

THE ISSUE OF CONSENT

In his conversations with Harry Wu, Wang Chengyong also mentions the issue of consent. According to Wang, consent must only be asked of the accused's family members. If the family gives consent, authorities are free to do what they will with the body after execution. If they refuse their consent, they will be bribed and coerced until they give in. If a criminal has no family, as Wang states the job is easier still because then consent is of no issue whatsoever. When asked about consent of the prisoner, Wang responds, ". . . in China this thing is different from the United States, regarding this issue of dead people's organs . . . Death penalty prisoners who are being executed . . . have lost all their political rights." In reference to family consent, Wang states, "as long as one gets the family's consent, and if there is no family, once he is executed, we'll just directly take the corpses away . . . It is not necessary to tell them about taking their organs."

Due to the phenomenon of migrant labor entering cities all over China, many prisoners have no family in the provine where they were arrested. Wang Chengyong estimated that in the prisons of Hainan (one of China's booming "special economic zones") where he had served as a prosecutor, that about one quarter of prisoners had no family in the province. Regarding these migrants, Wang says, "say you are a wandering criminal . . . And once you wandered to Hainan, you got arrested and you'll be killed over there. Before you are killed, your family members will be notified . . . But the family members may not necessarily come to collect the cadaver, he may not have any family members at all."

COLLABORATION IN THE ORGAN HARVESTING PROCESS

In China today, this blatant violation of international standards of medical ethics and human rights law is manipulated to create a moneymaking enterprise for all parties involved. As a former prosecutor, Wang Chengyong also benefited from his role in the process, and spoke of how everyone receives their own payoff in collaboration for organ retrieval. Wang named these separate parties as follows: "these are the several aspects, the Public Security Bureau, the procuratorate, the court, the judicial organization, plus hospitals and the families. Let us say, there ought to be these six aspects." In negotiations with Mr. Wu, Wang mentions each of these parties and calculates a large amount of money that he will take from any individual coming from the U.S. to China seeking a transplant operation. As all these governmental units collaborate to make this process possible, this amounts not to black market oriented scandal, but an effort that is sanctioned, coordinated and carried out by the Chinese government.

Many of Wang Chengyong's most chilling statements involve the vastness of China's system of removal of organs from executed prisoners for use in transplant operations. According to many of Wang's statements, this procedure is highly common in China and well known among all participating levels. He even brags about the execution procedures in Hainan Province that are especially conducive to kidney harvesting. He says, "In Hainan, they shoot at the heart, from the back. And they have court doctors to confirm . . . where the bullet enters. Once shot, the bullet will just go through the heart . . . the heart and the kidney, they are far from each other. The shots will not be off target, lest damaging the kidney." He also quickly and easily estimates that there will be at least 200 executions in Hainan Province every year and that he personally can gain access to kidneys and other body parts from at least fifty of these 200. He tells Mr. Wu, "Chinese hospitals do not lack for cadavers . . . in China there are too many executions by shooting. The medical schools can just get them any time they want . . . China is not lacking in corpses." Later he once again emphasizes this point, "China has no lack of this . . . China lacks other things. China has lots of people, lots of death-row prisoners."

As Wang Chengyong attempted to profit from the harvesting of organs from this seemingly limitless supply of death-row prisoners, he mentions the possibility of procurement of kidneys, corneas and other body parts. He is an integral part of a system that perpetuates this practice all over China to the profit of Chinese governmental officials and adding one more gruesome example to the list of human rights violations that occur in the Chinese Laogai system.

Mr. SMITH of New Hampshire. Mr. President, I urge my colleagues to vote for the Smith amendment on organ harvesting. Do not listen to the talk on the floor that we need to stay together on PNTR and not have any amendments which might slow down the process. I urge my colleagues to vote yes not only on the Smith amendment but other amendments that are offered by colleagues that will expose some of the basic human rights violations that have occurred in China and are still occurring in China. It is wrong to look the other way and to sanction it while we provide aid, food, and trade to this nation.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. Mr. President, I rise in opposition to this proposal offered by my distinguished colleague from New Hampshire. I must do so because its passage will endanger H.R. 4444, not because of the sentiments expressed in the proposal.

As the State Department Human Rights Report of 1999 states, in recent years there have been credible reports that organs from executed prisoners in China were removed, sold, and transplanted. Chinese officials have even confirmed that executed prisoners are among the source of organs for transplant. Of course, they maintain that they get the consent of prisoners or their relatives before organs are removed.

Needless to say, China's organ harvesting practices are as gruesome as they are indefensible. But ending trade with China is unlikely to force the Chinese to change their behavior in this area. Indeed, by opening China to trade and to global standards of economic behavior we may well prod China to abandon its practices regarding organ harvesting.

Let us remember as well that H.R. 4444 establishes a congressional-executive commission on China which I believe holds promise for pressuring China to curb its human rights abuses, including the grotesque practice of harvesting organs.

Therefore, Mr. President, I must urge my colleagues to vote against this proposal.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, the Smith amendment would require the Congressional-Executive Commission on the People's Republic of China to monitor the actions of the Government of the People's Republic of China with respect to the harvesting of organs from executed prisoners. I believe the allegations that Chinese officials harvest organs from executed prisoners are extremely serious. However, the Congressional Executive Commission already has jurisdiction to look at this practice because it is a human rights violation and the Commission has jurisdiction to monitor and report on human rights violations in the PRC. This very serious allegation should not be singled out among all the human rights abuses of the Chinese government when it is already covered as part of what the Commission can monitor and report on.

VOTE ON AMENDMENT NO. 4131

Mr. ROTH. Mr. President, I yield back the remainder of my time and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the Byrd amendment No. 4131. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Washington (Mr. GORTON), the Senator from Vermont (Mr. JEFFORDS), and the Senator from Arizona (Mr. MCCAIN) are necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.—

The result was announced—yeas 33, nays 62, as follows:

[Rollcall Vote No. 240 Leg.]

YEAS—33

Abraham
Ashcroft
Bayh
Bunning
Byrd
Campbell
Collins
DeWine
Edwards
Feingold
Gregg
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Kennedy
Kohl
Leahy
Levin
Mikulski
Rockefeller
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Snowe
Specter
Thompson
Thurmond
Torricelli
Wellstone

NAYS—62

Allard
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Burns
Chafee, L.
Cleland
Cochran
Conrad
Craig
Crapo
Daschle
Dodd
Domenici
Dorgan
Durbin
Enzi
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grams
Grassley
Hagel
Harkin
Hatch
Inouye
Johnson
Kerrey
Kerry
Kyl
Landrieu
Lautenberg
Lincoln
Lott
Lugar
Mack
McConnell
Miller
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Roth
Schumer
Smith (OR)
Stevens
Thomas
Voinovich
Warner
Wyden

NOT VOTING—5

Akaka
Gorton
Jeffords
Lieberman
McCain

The amendment was rejected.

(No. 4131)

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote.

Mr. SANTORUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 4129, DIVISION VI

Mr. ROTH. Mr. President, I ask for the yeas and nays on the Smith amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 4129, division VI. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Washington (Mr. GORTON), the Senator from Vermont (Mr. JEFFORDS), and the Senator from Arizona (Mr. MCCAIN) are necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER (Mr. BURNS). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 29, nays 66, as follows:

[Rollcall Vote No. 241 Leg.]

YEAS—29

Abraham
Ashcroft
Bunning
Burns
Byrd
Collins
Craig
DeWine
Dorgan
Feingold
Gregg
Hatch
Helms
Hollings
Hutchinson
Inhofe
Kennedy
Kohl
Kyl
Leahy
Mikulski
Santorum
Sarbanes
Sessions
Smith (NH)
Snowe
Specter
Thompson
Torricelli

NAYS—66

Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Campbell
Chafee, L.
Cleland
Cochran
Conrad
Crapo
Daschle
Dodd
Domenici
Durbin
Edwards
Enzi
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grams
Grassley
Hagel
Harkin
Hutchison
Inouye
Johnson
Kerrey
Kerry
Landrieu
Lautenberg
Levin
Lincoln
Lott
Lugar
Mack
McConnell
Miller
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Schumer
Shelby
Smith (OR)
Stevens
Thomas
Thurmond
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—5

Akaka
Gorton
Jeffords
Lieberman
McCain

The amendment (No. 4129), division VI, was rejected.

Mr. ROTH. I move to reconsider the vote.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Delaware, Mr. ROTH.

Mr. ROTH. Mr. President, I ask unanimous consent that I be recognized at 1:45 p.m. today to call for the regular order with respect to the Thompson amendment No. 4132.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ROTH. With this agreement in place, all Senators should know that a motion to table the Thompson amendment will occur at approximately 1:45 p.m. Therefore, the next vote will occur at approximately 1:45 p.m. today.

I now ask unanimous consent that time prior to votes relative to these amendments be limited to 1 hour equally divided per amendment, with no second-degree amendments in order prior to these votes. The amendments are as follows: Helms No. 4123, Helms No. 4126, and Helms No. 4128. I further ask consent that Senator HELMS be recognized at 2:30 p.m. today to begin debate on amendment No. 4128 regarding forced abortions.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ROTH. Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

AMENDMENT NO. 4132

Mr. THOMPSON. Mr. President, we have had a good debate over the last 2 or 3 days on the amendment Senator TORRICELLI and I have set forth. We have had a good discussion about the continued reports we have that the Chinese, Russians, and North Koreans continue to litter this world with weapons of mass destruction. And it endangers our country.

Bipartisan groups all across the board, just over the last 2 years, continue to remind us of this threat that is growing—it is not diminishing; it is growing. These same people tell us that the key suppliers are these three countries.

As late as 1996, we were reminded, once again, that the People's Republic of China was the worst proliferator of weapons of mass destruction in the entire world. We have had a good discussion on that. We have had a discussion about the fact that the leaders of the PRC have told us they are going to continue to do that, whether we like it or not, as long as we talk about protecting ourselves with a missile defense system and as long as we continue to befriend Taiwan.

We have sent three delegations of distinguished Americans and leaders, the Secretary of Defense, the Secretary of State, high-level people, to try to get them to relent and stand down from activities that endanger us, our children, and our grandchildren and make this world a more dangerous place. The leadership of the Chinese Government give us basically the back of their hand. They make no pretense that they are not going to act any differently in the future.

So the issue presented to us is: Are we, the United States of America, the most powerful country in the world, going to do anything about it? That is the issue before us today.

We have set forth an amendment which basically tracks a lot of legislation that is already on the books in terms of cutting off military-related items and dual-use items to these governments if they are caught in this activity. But what we add is a more extensive reporting requirement so we have a better understanding and a more detailed understanding than the reports we receive now give us.

Under our amendment, it makes it a little bit more difficult for a President to game the system. The President, of course, has been quoted as saying that when the law requires him to impose sanctions on a country that he does not want to impose on them, sometimes he has to fudge the facts, and the law makes him do that. That kind of attitude, when they are caught sending M-11 missiles to Pakistan and they are caught sending the ability to enrich uranium to go into nuclear materials—they are caught doing all that, with no sanctions imposed—all of that has resulted in a more dangerous world, not a new relationship built upon trust and friendship and a strategic partnership—a more dangerous world.

So this is a good debate. My friends who oppose this amendment say all that may be true, we may be facing a situation where these nations, including China, are conducting themselves in a way that is detrimental to our interests; they may be making the world a more dangerous place, and especially the United States. If these rogue nations have the ability to hit countries with their missiles, containing biological weapons that are indescribable in their effect, I doubt if it is going to be Switzerland they choose to threaten with this type weapon. We are on the front line. We have a right to be concerned.

Apparently we are concerned, because we are now in the midst of a debate on a national missile defense system because of this very threat. Yet as we consider this new trading relationship with China, some of us are refusing to consider the fact that China is one of the primary reasons we have this threat because they are supplying these rogue nations with this weaponry.

There is no need to go through the list again and again and again and again, the public list—not to mention the classified list that cannot be disclosed—of proliferation activities and the charts we have shown about the missile technology they are sending and the missile components they are sending—our CIA reports indicate the missile activity with regard to Pakistan is increasing. Practically on the eve of the vote for this new strategic relationship, this new partnership that is going to enrich us, they are blatantly increasing their activity. This is what we are facing.

It has been a good discussion. I disagree with my friends who think even though we have this facing us, we should put it aside for another day. We don't have a solution. We haven't done anything in the past. There is no reason to think we are going to do anything about it in the future. There is certainly no reason for the Chinese Government to think we are going to do anything about it in the future.

Wait for our friends and our allies to come together so we can have a multilateral approach. That sounds pretty good, but how long has it been since we have had a multilateral approach on anything? We don't have the ability in this country anymore to rally our allies as we once did, much less do something that might cost them some trade dollars.

We have a threat to this country. Clearly a multilateral approach would be preferable, but if we can't do that, as we obviously can't because we haven't, then we have to take action on our own.

So what do we do? Cut off agricultural products? Cut off trade across the board? Cut off automobiles and all that? No. If they are caught doing that, we cut off military equipment. We cut off dual-use items and others of that nature. We tell them their companies can't continue to use the New York Stock Exchange to raise billions of dollars when our Deutch Commission tells us that some of the worst proliferators, these companies that are doing this activity that are owned by the Chinese Government, are raising billions of dollars in our stock market. Does that make sense? Surely we have peace and prosperity now, but how long are we going to have it? How long can we be oblivious to what is going on around us?

We are having this debate. Reasonable people can disagree. Some say we should not get all this caught up in trade policy; We should keep our focus on trade; that trade is important; that we need to not complicate the trade issue. No one here has had a more consistent record than I in terms of free trade. I believe in it; whether it is NAFTA or fast track for President Clinton. I believe in it. Free trade can lead to open markets. Open markets can lead to more open societies. Eventually, in the long run, it can have a beneficial effect. I think it is going to be a much longer run in China than a lot of people think, but that is another story. I am for that.

This is different. This is not just a trade issue. In fact, it is not a trade issue at all. It should not be lumped in as a trade issue. I tried my best to get a separate vote on our amendment for 2 months. The supporters of PNTR apparently thought it would be easier to defeat me if they forced me on to this PNTR bill. So that is where we are: So be it.

But this is a national security issue. Some would say this is one of those rare circumstances that we see every once in a while where we have legitimate free trade interests we want to promote and expand, even with those who are guilty of human rights violations, even with people with whom we strongly disagree, even with people who proliferate.

I intend to support PNTR. But what Senator TORRICELLI and I are saying is that along with that, not in opposition to that, or not as substitute for that, we must take into consideration the totality of our relationship with this country because they are doing things that are dangerous to this Nation. That is the primary obligation of this Nation. The preamble to our Constitution says the reason we even have a Government is to look after matters such as this.

It is a good debate. We have had a good back and forth for the most part. We steer off course a little bit every once in a while. Unfortunate statements are made on all sides, but that happens when issues are important. We spend enough time around here on things that are not important. It is kind of rejuvenating when we are actually talking about something that is. I can't think of anything more important than this.

But it has taken on a new dimension. This issue has taken on a new dimension now because what we have seen is unprecedented lobbying and pressure efforts to defeat the Thompson-Torricelli amendment. I hope we don't flatter ourselves with that assessment. Lobbying and pressure are fairly common around here. People have a right to express their opinions.

But on this issue—not on any of these other issues, apparently, but on this issue—it has brought out those who fear that in some way some trade might be affected. Never mind that we have taken agriculture and American businesses off the board; they are not involved in this at all. Never mind that it is not a general goods sanction or anything such as that that we are narrowly focused on here. They just believe that in some way it might irritate the Chinese and they might retaliate in some way. We can't afford to irritate them. What we need to do is continue down the road of giving them WTO, give them veto power on our national defense system, turn a blind eye to their theft of our nuclear weapons, turn a blind eye to the proliferation activities, go over to Taiwan, adopt the three noes the Chinese want us to do and put our allies in Taiwan in a nervous state. We need to continue down that road because it has gotten us so far, it has done so much for us, that is the way we need to continue.

I picked up the New York Times this morning and read in an article by Eric Schmitt the lead paragraph:

> Corporate leaders and several of President Clinton's cabinet officers intensified pressure today on wavering Senators . . .

All you wavering Senators out there, I extend my condolences because apparently corporate leaders and the White House have stepped up the pressure. I don't know why. They have said all along they have the votes to beat Thompson-Torricelli. I don't know why all of the nervousness. I don't know why all of the intensity. The President now has sent out a letter that says, among his complaints, that our amendment is unfair. I assume unfair to the Chinese Government. That is such a remarkable statement, I don't think I even need to reply to it.

He also has a problem because he says they have joined the nonproliferation treaty. They have joined the Chemical Weapons Convention. The Chinese Government has joined the Biological Weapons Convention and the Comprehensive Nuclear Test-Ban Treaty. The only problem with that is they have routinely violated every treaty they have ever joined. And they won't join the ones that require safeguards so people go in and inspect these facilities. He complains that it applies a different standard for some countries. Well, yes, it does. Why is that? Because our intelligence agencies have identified certain countries as being key suppliers of weapons of mass destruction. Do we not have a right to identify them and single them out? Have they not earned that privilege?

I think the integrity of the Senate is at stake with this kind of pressure being brought to bear on a matter of national security by those who do not know anything about issues of national security.

Many of my colleagues here, of course, are experts in this area—some of them. But these folks who call themselves corporate leaders—and I don't think there are many of them, but they are very intense and are interested in trade, so more power to them—apparently now they have taken on additional portfolios. They have responded to a higher calling involving issues of war and peace. Now they advise us as to what we should or should not do with regard to these proliferation issues.

Why do I say that the integrity of the Senate is at stake, and that there are those out here who on this vote are trying to emasculate the process with the proposition that the House can act, and when they act and put in all of their favorite causes, justified as they are, including Radio Free Asia and things such as that, which they try to express a concern about and all that, and God bless them, that is fine; but it comes over to the Senate and we are supposed to rubberstamp whatever it is that is in that House bill.

Why is that? Even though this is such an overwhelmingly obvious boon to the United States, they are fearful that if we add our concerns about nuclear proliferation to that list of items, if it goes back to the House, even though they won by a 40-vote margin, at the last minute people going into an election will switch their votes. They will look at our bill and say: My goodness, it has a proliferation aspect to it and we can't vote for that.

Ridiculous. It would not be 24 hours before the deed would be done. That battle has been fought and won. We are going to pass PNTR. The real question is, Are we going to relent to the pressure being applied?

Exhibit B is the same New York Times article:

> Thomas J. Donohue, president of the United States Chamber of Commerce, warned of retribution against senators who support the Thompson-Torricelli measure.

In case anybody thinks they misheard what I said, let me read that again:

> Thomas J. Donohue, president of the United States Chamber of Commerce, warned of retribution against senators who support the Thompson-Torricelli measure.

You know, it would be comical if it were not so serious. One of my great disappointments in this debate is that there have been some business leaders who have been drawn into this who really have no dogs in this fight because their businesses are not even affected, but they have been told they are affected. They put their blinders on and they justly argue the benefits of trade. But they resent it, when we have been elected by the entire population—people who are not corporate leaders—when we address in addition to that matters of national security.

That is very disappointing. It should not be that way. I don't think some of these people really represent who they pretend to represent. I don't know of anybody who has a better record of voting with the Chamber of Commerce position than myself, whether it be taxes or regulation or any of those matters. Some of my friends in the Chamber of Commerce in Tennessee are here. I haven't talked to them yet. But I will bet you that to a person they will say: Thompson, we elected you to look out for these things. We are for trade and we want trade, but if you think that in addition to that we need to send a signal about people who are making this a more dangerous world for our kids, you send that signal; we expect that of you. And if by some unforeseen circumstance we lose a dollar, so be it.

I think that is the way most people think. I think that is the way most businessmen and businesswomen think. I think that these little people who strut around up here making implied threats on campaign contributions and warning us of how we ought to vote for this, that, and the other, who don't know what they are talking about, need to be taken down a notch or two. I haven't been around here very long, but I have never seen anything such as that. He is warning of those who allow these folks to get tangled up in the politics of nuclear proliferation. That is the small-mindedness we deal with here regarding this statement.

I feel sorry for the men and women out there in all the Chambers of Commerce around this country, to have this kind of representation in the New York Times and how people think that that represents their idea of the priorities that we have in this country. The lobby is intense. I assure you it is on one side.

You will not see the Halls littered with people out here saying "keep our country safe." There are no lobbyists being paid to do that. No one makes any money off of our amendment. There are no tanks bought; there is nothing sold. All of the lobby, all of the pressure, all of the threats are on one side. So why it would be that the opponents of our amendment who claim they have the votes don't want to even give us a vote is something that perhaps ought to be contemplated.

Could it be that people really don't want to go on record because they realize they are casting their fate to the good graces of the leadership of the Chinese Government—and they have a consistent pattern of this activity and we catch them from time to time? It is going to continue and we are going to continue to catch them. Could it be that some people don't want to have cast a vote against a modest attempt for a better reporting requirement, a more transparent process, giving Congress an opportunity, in unusual circumstances, to have their say?

Again, there are two issues here now, it seems to me. One is on the merits and another is the integrity of the Senate and how we are going to handle this issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. GRAMM. Will the Senator yield for a unanimous consent request?

Mrs. FEINSTEIN. Yes.

Mr. GRAMM. Mr. President, I ask unanimous consent that when the Senator from California finishes, I be recognized for 10 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. TORRICELLI. Reserving the right to object, if the Senator will amend the request that I be recognized following him, I will not object.

Mr. BIDEN. Reserving the right to object, I would like to follow the Senator from New Jersey, as well. I have been waiting.

Mr. MOYNIHAN. Mr. President, might the chairman present a request in writing as to the timing? I think we can get that up right quick.

Mr. ROTH. In the meantime, let the Senator from California proceed.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I rise to oppose the Thompson amendment, and then I hope I can make a few comments on what I believe to be one of the most important pieces of legislation on which this Congress will be voting. Let me begin by saying this. If I believed this amendment would keep our country safe, I would vote for it. I do not believe that is the case. Rather, I believe the amendment is deeply flawed and it has major procedural and review problems. I want to point those out.

Let me say, first of all, to most of us, the draft of this amendment was available Monday night, a little more than a day ago. Yet it is a major, long-range piece of legislation that has major implications for national security, for peace, and stability in the Asia Pacific region. To pass it without careful analysis, without full hearings, and without careful judgment is something to which I am not willing to be a party. There have been no hearings on this or any draft of this legislation. The National Security Council and the State Department have not had the opportunity to provide a full analysis of this latest version of the amendment or assess its likely short- and long-term impact.

I am one of those who believes it would, in fact, doom giving China permanent normal trading status. I am simply not willing to do that. Most importantly, from what I have been able to perceive, I believe the legislation has serious flaws.

First, it focuses on three countries. It separates them from all the other countries. It applies a standard to them that exists for no one else. And I do not believe that is in the best interests of sound decisionmaking.

Second, the mandatory sanctions put in place by this amendment have hair triggers which are tripped by minimal evidence—indeed not necessarily even evidence. The raw intelligence data that provides the "credible information" trigger of this amendment requires followup, substantiation, and analysis before it is used to initiate action. It should be the starting point for processes that weigh options and consider appropriate action, not an end point that instantly triggers strong responses.

Let me give you one example: In 1993, the Yin He incident, where based on "credible information" the United States publicly accused China of shipping proscribed chemical precursors to Iran. The Chinese freighter in question was diverted and every single container searched, at great cost and inconvenience to all involved. There were no banned chemicals aboard. The Thompson amendment would have mandated sanctions.

Second, there is no way to target the sanctions which would be triggered by this amendment, and no effective Presidential waiver for national security interests. It is a blunt instrument more likely to hurt American interests than to change China's behavior.

Third, the amendment invites diplomatic and, yes, maybe even legal problems with other countries, including allies. The amendment as drafted could create a situation whereby sanctions would be placed on corporations of allied countries that are not acting illegally.

Fourth, especially chilling is the way in which the amendment's wording could, in effect, blacklist any company tagged as a proliferating agent under this amendment's low standard of proof.

These are just a few of the examples of some of the problems with this amendment. Several of my colleagues have discussed other shortcomings at greater length.

Automatic sanctions set off by low thresholds of evidence offer little to entice allies to join us in implementing an effective sanctions regime, but they most certainly will damage U.S.-China relations. They most certainly will weaken our ability to engage the Chinese in any kind of worthwhile dialog or influence them to change their behavior.

I urge my colleagues to join me in opposition to this amendment.

Let me, if I might, say a few things about the bilateral agreement that really is the issue before us today. I reviewed it carefully, and I believe that in this agreement China has made significant market-opening concessions to the United States across virtually every economic sector.

For example, on agricultural products, tariffs will drop from an average of 31 percent to 14 percent by January of 2004. Industrial tariffs will fall from an average of 24.6 percent in 1997 to 9.4 percent by 2005.

China agrees to open up distribution services, such as repair and maintenance, warehousing, trucking, and air courier services.

Import tariffs on autos, now ranging between 80 percent and 100 percent, are broken down to 25 percent by 2006 with tariff reductions accelerated.

China will participate in the Information Technology Agreement and will eliminate tariffs on products such as computers, semiconductors, and related products by 2005.

It will open its telecommunications sector, including access to China's growing Internet services, and expand investment and other activities for financial services firms.

The agreement also preserves safeguards against dumping and other unfair trade practices. Specifically, the "special safeguard rule"—to prevent import surges into the United States—will remain in force for 12 years, and the "special anti-dumping methodology" will remain in effect for 15 years.

No matter how you look at it, this benefits the United States.

I think many people have confused this PNTR vote with a vote to approve China joining the World Trade Organization. It needs to be understood that China will likely join the WTO within the next year regardless of our action. The issue will, in fact, be decided by the WTO's working group and a two-thirds vote of the WTO membership as a whole.

Under WTO rules, only the countries that have "nondiscriminatory" trade practices—that is PNTR—are entitled to receive the benefit of WTO agreements. Without granting China permanent normal trading status, the United States effectively cuts itself out of China's vast markets, while Britain, Japan, France, and all other WTO nations are allowed to trade with few barriers.

In my view, this has been an interesting exercise because it has been highly politicized. The bottom line is if we don't grant China PNTR based on the November bilateral agreement, an agreement in which the United States received many important trade concessions and gave up nothing, we effectively shoot ourselves in the foot. We take ourselves out of the agreement, China still goes into the WTO, and those other strategic trading blocks such as the European Union receive the benefits of the bilateral agreement. We do not.

I think it is much broader than this. But I think there is an ultimate issue at stake. That is this: The People's Republic of China is today undergoing its most significant period of economic and social activity since its founding 50 years ago. The pace is fast and the changes are large.

I am one who studies Chinese history. I have been watching China for over 30 years. I made my first trip in 1979. I try to visit China every year, if I can, and I have watched and I have seen.

In a relatively short time, China has become a key Pacific rim player, and a major world trader. It is a huge producer and consumer of goods and services—a magnet for investment and commerce. Because of its size and potential, the choices China makes over the next few years will greatly influence the future of peace and prosperity in Asia.

In a very real sense, the shaping of Asia's future begins with choices America will make in how to deal with China.

I come from a Pacific rim State; 60 percent of the people of the world live on both sides of the Pacific Ocean. The trade on that ocean long ago over took the trade on the Atlantic Ocean. It is, in fact, the ocean of the future.

We can try to engage China and integrate it into the global community. We can be a catalyst for positive change. Few objective observers would argue that despite the problems that still remain, there have not been significant benefits and advances in China that have come from two decades of interaction with the United States and the West. Or, we can deal antagonistically with China. We can lose our leverage in guiding China along positive paths of economic, political, and social development, and sacrifice business advantage to competitor nations while gaining nothing in return.

As I see it, for the foreseeable future America faces no greater challenge than the question of how to persuade China that it is in China's own national interests to move away from authoritarian government and toward a more open, a more pluralistic and freer society. How do we convince China to make the political, economic and social changes that will help China evolve the leadership that will make it guarantor of peace and stability in the Pacific rim, throughout Asia and the world?

I am convinced that Congress will debate few issues more important this year than the question of China's entry into the World Trade Organization and whether or not we will deal with the Chinese on the basis of a permanent normal trade relationship.

Trade means change in China. Economic engagement with the United States has been one of the prime motivating factors in China's decision to move toward a market economy and away from its self-isolation of decades. The past 20 years have brought massive social reform and economic advancement for China's people. I remember the first time I traveled to China in 1979. I saw a land of subdued people, grey Mao suits, few consumer goods, no conveniences, poor living conditions and little personal, economic or political freedom. The economy was all centrally controlled; little private property and private business existed.

Today, the goods, services, housing, and freedoms available to residents of Chinese cities like Beijing, Shanghai, and Guangzhou are greatly improved. People have become interested in what happens outside of China. People will speak more freely. Living standards are higher. China is increasing turning to private ownership—as much as 50 percent of the economy is in private hands in boom areas like the Pearl River Delta in Southern China.

Large, inefficient state enterprises are closing or being converted to private ownership. Entrepreneurship is on the rise in the cities in much of the countryside. Cutting our bilateral economic ties will accomplish nothing except to turn back the clock in China to favor more government controls, seek to isolate this growing economy, and very likely strengthen repressive political interests linked to protectionism and economic nationalism within the PRC.

It is evident to me that flourishing business relationships have developed increased contacts, improved mutual understandings, and personal relationships between Americans and Chinese.

This, in turn, has fostered many positive changes, as different ways of thinking percolate through Chinese society at many levels. It is there; I have seen it. American firms have brought new management styles, innovative ideas, and new work styles to China. Through their presence in China's economy, Americans have spread their corporate philosophies, teaching Chinese entrepreneurs, managers, and workers about market economics, commitment to free flows of information, the rule of law—the most important thing—dedication to environmental responsibility, and worker rights and safety.

Yes, it is far from perfect. But are things changing? The answer by any objective criteria has to be yes. Are there flaws? Are there problems? Does China very often do stupid things? Yes: The crackdown on Falun Gong, in my view a stupid thing, an unnecessary thing, something that, once again, pushes it backwards rather than forwards. Its treatment of Tibet—has China done the wrong thing? Absolutely. For 10 years I have been saying that and will continue to say it. It makes no sense for a great nation to treat a major minority the way in which the Tibetan people are treated. I will say that over and over again. I will work to change it. And one day we will succeed and do that, too. But we cannot do it if we isolate China. We cannot do it if we play into the hands of the hardliners. We cannot do it if we create the kind of adversarial relationship that is determined to make China into the next Soviet Union. I believe that firmly, and 30 years of watching has confirmed it.

American firms exercise a very real influence over the changes occurring in Chinese society. That influence will not survive the elimination of PNTR. American businesses in China bring American values to China. But, they cannot bring them if their ability to operate is undercut. History clearly shows us a nation's respect for political pluralism, human rights, labor rights, and environmental protection grows alongside that nation's positive interaction with others and achieving a level of sustainable economic development and social well-being.

People who have a full stomach then begin to say: What is next? People who have an education then begin to question the leadership. That will happen in China just as it did in Taiwan, just as it did in South Korea. Not too long ago, both were governed by dictatorships. Given a chance, China can change as well.

If we are serious about building a peaceful, prosperous and stable Asia, if we are serious about being a force for good in the Pacific rim in the 21st century, if we are serious about working to bring about democratic reforms, human rights reforms, and labor reforms in China, we also must establish permanent normal trade relations with China. This is part of the equation for making China into a member of the WTO and the world community as a whole, and saying that China must, in return, play by the same rules all other members follow. It also exposes China to sanctions in the WTO should they not. As a WTO member, China commits to eliminate barriers to its markets; to accept WTO rulings concerning trade practices and procedures; and to abide by WTO decisions concerning trade disputes.

The November 15, 1999 U.S.-China WTO Agreement marked successful completion of 13 years of difficult U.S.-China negotiations.

I, for one, am convinced that normalizing our trade relationship with China is absolutely in our own best interest. But it is absolutely in the best interests of seeing China becoming a pluralistic society, of developing the concern for human rights that we in the Western World hold so dear, of understanding the freedoms provided to us because of our due process of law, of understanding how important it is that a judiciary be independent from the politics of government, having a modern commercial code and a modern criminal code. None of these things China has today.

As has often been said, it has to be remembered that China, for 5,000 years, has been ruled by despotic emperors and for 50 years by revolutionary leaders who had no education. This is really, in over 5,000 years, the first time this largest nation on Earth has had an educated leadership who is now, today, striving to open the door to the Western World.

Remember the Boxer Rebellion? Remember what happened? Remember the humiliation, the isolation of China, and look what happened. We now have a chance in this legislation to take a different course. Most importantly—and this is what has amazed me so much about this debate—PNTR is nothing special. It simply means we will conduct our trade with China in the same manner and under the same rules that we conduct trade with almost every other nation in the world. In fact, there are only six countries with which we do not have normal trade relations—Afghanistan, Cuba, Laos, North Korea, Serbia-Montenegro, and Vietnam. All of them are small nations.

In my view, the damage of denying China permanent normal trade relations would strike even deeper. Punitive U.S. economic policies aimed at unpalatable Chinese domestic practices will not only cut into American jobs, it will slice at China's newly emerging market-oriented entrepreneurial class, the driving force behind the very changes we seek to cultivate without eliminating the targeted abuses in Chinese society. What kind of sense does that make?

Responsible American voices in business, in education, in law, and in religion understand that attacking China through economic ties is counterproductive. It endangers the very social elements within China that are most compatible with ethical American norms.

Trade relations do not only benefit business. They are a key part of the foundation that supports the entire U.S.-China relationship. I believe that not only do we shoot ourselves in the foot by denying PNTR, we strike a blow against encouraging China to see that it is to its interest to make the necessary changes, to understand that it, too, by open doors, more ties across the Pacific, more pluralistic government, more freedoms for its people evolves as a stronger nation, not a weaker nation. That was the case with Taiwan. That has been the case with South Korea. I submit to you, Mr. President, it is the case of virtually every country that lives under dictatorship or absolute rule.

Pluralism results from an evolution and a growth in human standards, in economic standards, in interaction with the rest of the world. China will be no different if we enable it to open itself to the world. We should be prudent, we should be watchful, we should be strong, we should confront them where wrong—no question about that. I believe we have the adequate tools to do it.

I have seen sanctions placed since I have been in this body, and I do not believe the amendment before this body will encourage the kind of behavior that can enable China to eventually be a stable, sound partner anywhere in the Pacific or elsewhere. I feel very strongly about this. I thank the Chair for his forbearance. I yield the floor.

Mr. LOTT. Mr. President, I support and will vote for granting permanent normal trade relations status to the People's Republic of China .

I will do so because the agreement negotiated between the United States and China will help level the playing field for a wide range of American companies who seek to do business in China.

I also support the bipartisan amendment offered by Senators FRED THOMPSON and ROBERT TORRICELLI to require certain reports and to impose sanctions on entities identified by the President for their sale or transfer of dangerous technology to rogue regimes.

We cannot stand idly by while China continues to proliferate nuclear weapon and missile technology to unstable regions.

There are numerous reports that this pattern of dangerous behavior by Beijing is continuing. For example, the CIA Director George Tenet recently issued a report to Congress on recent developments in proliferation.

That report asserts that China has increased its missile-related assistance to Pakistan and continues to provide missile-related assistance to Iran, North Korea, and Libya.

These are governments which our own State Department has labeled as state sponsors of terrorism.

Who are the ultimate targets for these missiles and nuclear and chemical weapons in the hands of terrorist states? It is the American people, our friends and allies, and our military forces deployed in hot-spots such as the Persian Gulf.

Let me state it differently: When China proliferates dangerous technology to dangerous states, it directly and very negatively affects our national security.

The Clinton administration says it, too, is concerned about this behavior. But it has failed—resoundingly failed—to stop it. Our CIA tells us that these activities are on-going today.

So we need to do more, and this bipartisan amendment makes a strong statement that either this proliferation behavior stops or real and credible penalties will be imposed.

I say to my colleagues who, like me, support granting PNTR for China: Let's not lose sight of the national security issues at stake here.

I, like Senator THOMPSON, would have preferred to consider this important legislation on another bill and not on H.R. 4444. In fact, I made every effort to see to it that the Thompson-Torricelli legislation could be considered either as a free-standing measure or as an amendment to some other piece of legislation.

However, my efforts to have the Thompson-Torricelli amendment considered separate from the China PNTR legislation was blocked.

Therefore, we now are faced with a vote on the Thompson-Torricelli amendment on H.R. 4444. Given this situation, I will support the amendment and oppose the motion to table.

Mrs. BOXER. Mr. President, I share Senator THOMPSON's and Senator TORRICELLI's concerns about weapons proliferation, and I appreciate their bringing this important matter up for debate in a non-partisan fashion. However, I believe that the amendment they have offered to H.R. 4444, legislation that will grant permanent normal trade relations to the People's Republic of China, does not address the issue in the most positive way.

My first concern with the China Nonproliferation Act is with the name itself. The original legislation proposed by the sponsors of this amendment specifically singled out China. But, the current amendment adds North Korea and Russia as nations that are named as covered countries under this proposal. I believe it is correct to expand the list of initial countries beyond China, but I still feel that on the issue of proliferation, every country should be treated with a uniform standard.

The second concern is that this amendment attempts to curtail the spread of weapons with a unilateral rather than a multilateral solution. It is clear to me that this issue is sufficiently complex to demand the cooperation of the international community in stopping the proliferation of weapons. While this amendment singles out North Korea, Russia, and China as covered countries, it also opens the door to possible sanctions on our closest allies. This is because of the requirement that countries listed in the annual section 721 report that is mandated under the fiscal year 1997 Intelligence Authorization Act be covered by this amendment. This report singles out those nations that are a source of dual-use technology which, in recent years, has included such countries as Germany, Italy, and the United Kingdom. I do not believe that sanctioning our closest allies—those that traditionally support our interests—will further our non-proliferation goals. Furthermore, using unilateral sanctions rather than working with our allies to develop multilateral strategies is not the most effective means of curtailing proliferation.

Another concern with the amendment is that the sanctions would deny all state-owned enterprises of a covered country access to U.S. capital markets. This was one reason why Alan Greenspan publicly spoke out against this amendment at a hearing of the Senate Banking Committee. He stated that ". . . to the extent that we block foreigners from investing or raising funds in the United States, we probably undercut the viability of our own system."

Finally, I am concerned that this amendment will not provide the necessary flexibility for the executive and legislative branch to conduct policy on proliferation issues. The amendment gives the President only 30 days from the time he issues a report to Congress on proliferation to impose five unilateral mandatory sanctions. After the President makes this determination, the amendment allows for as few as 20 Senators to initiate a reversal of the President's decision. It would take only 20 Senators to ensure that a resolution of disapproval be referred to the Committee on Foreign Relations. The committee would then only have 15 calendar days to consider such a resolution. If the resolution is not reported in that timeframe, it would be sent to the floor with debate limited to 10 hours and a vote required within 15 days. Given the inadequate evidentiary standard of "credible information" that is provided for in this amendment, this expedited procedure is a recipe for bad policy.

I do look forward to discussing this matter further both here on the Senate floor and within the Senate Foreign Relations Committee. This complex issue requires further review and debate separate from the current business of granting permanent normal trade relations to the People's Republic of China.

Mr. SHELBY. Mr. President, I rise to express my support for the Thompson-Torricelli amendment, or the "China Nonproliferation Act."

I do so as a Senator who has long been concerned about the threat posed by China's reckless proliferation of nuclear, missile and other technologies, and as chairman of the Intelligence Committee, with responsibility for our intelligence efforts against this critical national security threat.

While this amendment applies to other countries, including Russia and North Korea, we are considering it in the context of Permanent Normal Trade Relations for the People's Republic of China, or PNTR. Therefore, my remarks will, for the most part, focus on that country.

I should say at the outset that I intend to support PNTR because I believe that, on balance, taking this step will further U.S. national interests.

But China remains, in the words of the Director of Central Intelligence, a "key supplier" of sensitive technologies to Iran, Pakistan and other countries.

I remind my colleagues that the Intelligence Committee has prepared and made available to Members a summary and compendium of recent intelligence reporting on PRC proliferation. It remains available for your review.

I understand that only a handful of Senators have availed themselves of this opportunity. I urge each of you to review this very disturbing and revealing material. Without having done so, you will be voting on this amendment ignorant of the facts as we know them.

Whether you choose to vote for or against this amendment, you must not do so without a full appreciation of the facts.

Suffice it to say that China has not improved its poor proliferation record.

In light of the poor Chinese proliferation record, I believe that risks associated with approving PNTR are managed better if the Thompson-Torricelli amendment is enacted with our new trade relationship with China.

Since the sponsors and other Senators are addressing the threat to our national security posed by Chinese proliferation, I will focus primarily on some of those aspects of the problem of greatest concern to the Intelligence Committee.

Tracking the proliferation of weapons of mass destruction has been among the Intelligence Committee's very highest budgetary priorities.

This is because proliferation is one of our most daunting and resource-intensive intelligence challenges. The materials and technology to build nuclear, biological, and chemical weapons and the missiles to deliver them are not shipped in the open. They are smuggled across borders and shipped under false documents.

Vital technical support to a country's missile or nuclear program may fit on a single computer disk or take the form of clandestine visits by technical experts.

The materials used in making weapons of mass destruction and their means of delivery are often dual use, meaning that they may also be used for peaceful purposes.

Our intelligence analysts must compile all the facts to determine the likely use of these materials. This really is rocket science, and nuclear science, and biological and chemical science.

Tracking proliferation is not only difficult, it is a critical mission. Timely intelligence provides us with the information we need to support our efforts to deter or dissuade countries, like the People's Republic of China and Russia, from selling nuclear, chemical, biological or missile technologies to rogue states or regions of instability.

When deterrence and dissuasion fail, timely intelligence also will support efforts to counter the proliferation and use of missiles and weapons of mass destruction.

What is especially frustrating for me, as chairman of the Intelligence Committee, is that while the Intelligence Community is doing its job, gathering intelligence at great expense and risk about who is selling and who is buying technologies of mass destruction, this intelligence is ignored by policymakers.

Policy makers have frequently circumvented our sanctions laws by avoiding reaching a determination that could trigger sanctions. They have ensured that the bureaucratic process for reaching a determination that would lead to sanctions is never started, or completed, or impossible standards of evidence are set, so that a judgment never has to be reached.

A case in point is the notorious M-11 missile. After years of closed door deliberations on this issue, in September of last year, for the first time, the Intelligence Community stated publicly its longstanding conclusion that "Pakistan has M-11 SRBMs [Short Range Ballistic Missiles] from China. . . ."

Lest anyone miss the significance of these Chinese missiles now in the hands of Pakistan, or their contribution to instability in South Asia, the community assessed further that these missiles may have a nuclear role.

Sales of M-11 technology have twice triggered sanctions against the PRC under the Arms Export Control Act and Export Administration Act. The sale of M-11 missiles should, under current law, have triggered additional, even stricter, sanctions.

But despite the clear, and public, conclusion of the Intelligence Community, the State Department has suggested that the Intelligence Community's finding that the M-11 missiles were sold by the PRC to Pakistan did not meet its "high standard of evidence."

Failure to follow through on the facts, however unpleasant the facts may be, undercuts the credibility of our entire nonproliferation policy.

I am hopeful that the Thompson-Torricelli amendment will force a more robust response to the intelligence collected on proliferation. Under this amendment, policy makers will be forced—on an annual basis—to collect the evidence of proliferation and provide a report to Congress.

This report will be more comprehensive and focused than those we have received to date.

The report must identify persons from China, Russia, North Korea and other states when there is credible evidence that this person has contributed to the design, development, production, or acquisition of nuclear, chemical, or biological weapons or ballistic missiles.

The report also will identify any person of a covered country that is engaged in activities prohibited under the relevant treaties and agreements regarding the possession and transfer of chemical, biological, and nuclear weapons.

The President is directed in the China Nonproliferation Act to report information on noncompliance with international arms control and proliferation agreements by the covered countries.

Finally, the report must include an assessment of the threats to our national security, and that of our allies, resulting from proliferation—whether or not this proliferation can be determined to meet the legal or evidentiary standards the State Department asserts to avoid reaching sanctions judgements.

This will go a long way towards compelling the State Department to acknowledge serious instances of nuclear and other proliferation.

Furthermore, the Director of Central Intelligence is required to reach a determination regarding what transfer or sale of goods, services, or technology have a "significant potential to make a contribution to the development, improvement, or production of nuclear, biological, or chemical weapons or of ballistic or cruise missile systems."

Again, mandating this report will allow us to avoid the unpleasant situation we have been in for years in which the President has been able to avoid reaching necessary judgements about proliferation activities and their consequences.

This report will contribute significantly to the ability of the U.S. Congress to conduct oversight and to make informed judgements on matters of national security.

The information detailed in the report should better enable us to judge the appropriateness and, over time, the effectiveness of the sanctions provided for in this amendment.

Some have complained that this bill forces the President to impose sanctions. This is not the case.

The amendment provides adequate flexibility to the President since he can waive the sanctions.

However, he must specify his reasons for doing so, and Congress may disagree through procedures set out in the bill. This legislation will make Presidential decision-making more transparent and will ensure that the President's decisions are based on the best intelligence available.

Mr. President, would our citizens want to continue to sell items on the United States Munitions List to an individual that has "contributed to the design, development, production, or acquisition of nuclear, chemical, or biological weapons or ballistic or cruise missiles" for a third party or state.

Would our citizens want to continue to license dual-use items that could contribute to this individual's proliferation of weapons of mass destruction?

Would our citizens want to continue to provide that individual Government assistance in the form of grants, loans, or credits?

Would our citizens want to continue co-development or co-production of items on our munitions list with that individual?

Of course not. Of course not.

I hope we can agree that the United States should neither reward nor contribute to proliferation of the weapons that threaten our own Nation.

Without question, the imposition of sanctions against another nation or foreign companies is always a serious matter.

The imposition of sanctions has significant foreign and economic policy consequences for the United States and should not be undertaken lightly.

Because sanctions can be costly for our own American industries, we must be sure there is a clear national security interest that will be advanced by the sanctions.

Curbing proliferation meets this test. The President has declared the proliferation of weapons of mass destruction to be a "national emergency," and I think most of us agree with that declaration.

I support the Thompson-Torricelli amendment because it takes a balanced, measured approach to the problem of sanctioning Chinese proliferation activities, and similar activities of other countries.

In particular, it creates a process to ensure that the U.S. response to future activities of proliferation is never again the inaction, indifference, and self-deception that characterizes the current process.

I believe this bill will bring us closer to a situation in which the PRC and other supplier nations clearly understand—for the first time—that there will be serious consequences when they engage in proliferation of weapons of mass destruction that threaten the United States, its allies, and friends.

Mr. President, I again urge my colleagues to review the available intelligence. The facts speak for themselves, and they speak very loudly indeed.

I urge adoption of the Thompson-Torricelli amendment and yield the floor.

Mr. ASHCROFT. Mr. President, as this body discusses the China Non-proliferation amendment, I would like to comment briefly on Chinese actions that have not only damaged the national security of the United States, but are antithetical to the peace and stability of the entire world—weapons of mass destruction and missile proliferation. I am dismayed that the government of the People's Republic of China has consistently brutalized its own population, intimidated its neighbors, and provided the world's most dangerous technology to "States of Concern"—in direct violation of international agreements, domestic law, and fundamental international standards of behavior. It is time for the Senate to speak in a clear, definitive voice against China's actions.

The facts are that China has provided nuclear, biological, and chemical weapons technology, along with ballistic and cruise missiles to "States of Concern"—previously referred to as "Rogue Nations"—including Iran, Pakistan, Iraq, Libya, Syria, North Korea, and Algeria. Congress should not stand idly by as China continues these practices. Passage of the China Non-Proliferation amendment is a prudent step in the right direction to address this problem. The amendment is both a reasonable and measured response to the serious situation that this Administration has allowed to continue.

While I prefer to see this bill, the China Non-proliferation Act, passed as a separate measure and not as an amendment to the China-Permanent Normal Trade Relations, PNTR, bill, it is now clear that the critical and timely nature of this issue, combined with the counterproductive actions of those trying to prevent its consideration, have left us in the position of having to vote on this today. I reject the notion that a vote on this amendment is a vote against granting PNTR to China. This is simply not the case. The Thompson amendment will not kill PNTR or even place conditions on granting PNTR for China. This amendment will simply stem the flow of unauthorized information on nuclear, biological, and chemical weapons technology by creating real consequences for proliferating countries. I believe that these consequences, coupled with strong leadership by the Executive Branch, can dramatically slow proliferation.

Senator THOMPSON's amendment addresses proliferation concerns by requiring the President to submit a report to Congress identifying every person, company, or governmental entity of the major proliferating nations—China, Russia, and North Korea are currently on this list—against which credible evidence exists that the entity contributed to the design, development, production, or acquisition of nuclear, chemical, or biological weapons or ballistic or cruise missiles by a foreign person. Based on this report, the President would then be required to impose specific measures against foreign companies in these countries who have been identified as proliferators. For example, under this amendment if a Chinese company provided nuclear technology to Iran, the United States would deny all pending licenses and suspend all existing licenses for the sale of military items and military-civilian dual-use items and technology as controlled under the Commerce Control List to that company. Additionally, the President would be required to impose an across-the-board prohibition on any U.S. government purchases of goods or services from, and U.S. government assistance, including grants, loans, credits, or guarantees, to this company.

In addition to the mandatory sanctions imposed on proliferating foreign companies, the amendment would also authorize the President to impose discretionary measures against the key supplier countries. Foreign companies do not act alone in the proliferation of weapons; it is quite clear that China, Russia, and North Korea all actively support proliferation activities, and therefore must be held accountable for their actions. This amendment recognizes this truth and would empower the President to apply discretionary measures against them as well, such as:

Suspension of all military-to-military contacts and exchanges between the covered country and the United States;

Suspension of all United States assistance to the covered country by the United States Government;

Prohibition on the transfer or sale or after-sale servicing, including the provision of replacement parts, to the covered country or any national of the covered country of any item on the United States Munitions List, which includes all military items, and suspension of any agreement with the covered country or any national of the covered country for the co-development or co-production of any item on the United States Munitions List.

Suspension of all scientific, academic, and technical exchanges between the covered country and the United States;

Prohibition on the transfer or sale to the covered country or any national of the covered country of any item on the Commerce Control List, which includes military-civilian dual-use items, that is controlled for national security purposes and prohibition of after-sale servicing, including the provision of replacement parts for such items;

Denial of access to capital markets of the United States by any company owned or controlled by nationals of the covered country;

Prohibition on the transfer or sale to the covered country or any national of the covered country of any item on the Commerce Control List and prohibition of after-sale servicing, including the provision of replacement parts for such items.

Due to the highly sensitive national security issues involved in cases of proliferation, any of the sanctions can be waived by the President if he determines: (1) that the person did not engage in the proliferation activities; (2) that the supplier country was taking appropriate actions to penalize entities for acts of proliferation and to deter future proliferation; or (3) that such a waiver was important to the national security of the United States.

I believe that these measures, affecting both the proliferating company and country, if applied consistently and fairly by the President, can and will stem the serious problem of weapons proliferation. China, along with Russia and North Korea, must understand that there are real consequences for continuing this reckless behavior, and the United States must take a stand and lead the charge to stop such proliferation. Passage of the Thompson amendment will accomplish that goal.

A firm stand against proliferation is desperately needed. Chinese proliferation, along with that of Russia and North Korea, is continuing unabated to the detriment of America's national security. It is well documented that China has provided sensitive technology to at least seven States of Concern, including Pakistan, Iran, Iraq, Syria, North Korea, and Algeria. Most of these states have explicitly threatened the security of the United States and actively sponsored terrorism. The remaining countries are in regions where war is commonplace and the consequences for the use of WMD would be especially devastating. Of these proliferation cases, the two most horrendous cases are Pakistan and Iran.

Pakistan is a nation of tremendous unrest and instability, and China has provided it with extensive nuclear and missile technology. Born in conflict, Pakistan was created with India out of one people and one territory, and conflict has defined this nation throughout its history. Pakistan fought three wars and numerous border skirmishes against India, its principal adversary. These battles have been mostly fought over the hotly contested Kashmir region bordering northeast Pakistan. The Kashmir conflict is widely accepted by International Affairs and Defense experts as one of the most likely conflicts to erupt into a nuclear war.

China, to a great extent, has not only fostered the conflict through political posturing and land-grabbing, but it has also provided the nuclear weapons that would be used in such a war. China continues to provide critical nuclear and missile related technology to Pakistan, thereby further escalating the arms race and underlying conflict.

In May 1998, India and Pakistan tested a total of eleven nuclear devices. This ushered Pakistan into—and reestablished India as part of—the world's most exclusive club of nuclear weapon states. Although India's nuclear program was created from mostly indigenous sources, Pakistan's nuclear program was purchased from the People's Republic of China. A recently declassified Central Intelligence Agency report states that during the early 1980's, China provided Pakistan blueprints of a full Chinese nuclear design that was tested in 1966. It appears it took Pakistan almost 20 years to test a weapon because they had difficulty translating the blueprints from Chinese.

Since the 1980's, China has consistently provided Pakistan additional nuclear components and missiles. China has operated the Pakistani Cowhide Uranium-enrichment plant (needed for nuclear weapons production), provided designs for additional bombs and reactors, sold weapons grade uranium, sold 5,000 ring magnets for a nonsafeguarded nuclear enrichment program, and continues to provide assistance to nuclear facilities that are not safeguarded by the International Atomic Energy Agency, IAEA. The IAEA ensures that nuclear facilities are not producing nuclear weapons grade material.

China has also provided Pakistan with complete nuclear-capable missile and missile components. The most widely reported missile transfers are the M-11 missile, also called the CSS-7 or Ababeel. This nuclear capable missile, designed and produced in China, has a 300-kilometer range—placing many highly populated Indian cities at risk. Although it is unclear how many M-11s Pakistan currently possesses, it appears that China has been providing these missiles for almost a decade.

Pakistan's nuclear-capable Medium Range Ballistic Missiles, (MRBM), named Ghauri and Shaheen, were developed as a result of extensive Chinese technology and assistance. The Ghauri has a quoted range of 1500 km, but during the actual flight test, the Ghauri flew only 600 km. Even at this shorted range, some of India's largest cities, including New Delhi and Bombay, would be at risk. The Shaheen, although not flight tested, is reported to have a range of 700 km, making its strike distance comparable to the Ghauri.

What is especially disturbing is that this is just the beginning of the Chinese proliferation record regarding Pakistan. These transfers have allowed Pakistan to amass an incredibly capable and frightening nuclear and missile force. These transfers are in direct violation of international and domestic law. It is apparent that China and Chinese businesses have violated the Missile Technology Control Regime, the Arms Export Control Act, the Export Administration Act, the Non-Proliferation Treaty, the Export-Import Bank Act, and the Nuclear Proliferation Prevention Act.

With all these violations of international and domestic law, one must ask the question, "What has the Clinton Administration done to stem the flow of nuclear and missile technology?" The answer is sadly, "very little." The Clinton Administration imposed only mild sanctions on China for providing the M-11 technology. However, these sanctions were quickly lifted when China "agreed" not to continue providing missile technology to Pakistan. Despite this "agreement," China has not stopped the provision of missile and nuclear technology.

I am troubled that the President seems to have accepted Chinese promises and reassurances without thoroughly examining the facts. For example, a July 1997, CIA report concluded that "China was the single most important supplier of equipment and technology for weapons of mass destruction" worldwide, and that China continues to be Pakistan's "primary source of nuclear-related equipment and technology. . ." The Chinese Foreign Ministry spokesman Cui Tiankai, responded characteristically to these charges by stating that "China's position on nuclear proliferation is very clear . . . It does not advocate, encourage, or engage in nuclear proliferation, nor does it assist other countries in developing nuclear weapons. It always undertakes its international legal obligations of preventing nuclear proliferation . . . China has always been cautious and responsible in handling its nuclear exports and exports of materials and facilities that might lead to nuclear proliferation." The Clinton Administration was apparently reading from the Chinese script when Peter Tarnoff, Under Secretary of State, said during a Congressional hearing that, ". . . we (the United States) have absolutely binding assurances from the Chinese, which we consider a commitment on their part not to export ring magnets or any other technologies to unsafeguarded facilities . . . The negotiating record is made up primarily of conversations, which were detailed and recorded, between US and Chinese officials." With the overwhelming evidence, it is mystifying that the Chinese spokesman could make such statements with a straight face, and it is extremely disappointing that the Administration apparently took China at its word.

More than one and half billion people live in South Asia. I believe that Pakistan would not be in the position to start a nuclear war without Chinese assistance. Although we cannot reverse proliferation in Pakistan, we can, and should, take a stand to stop further transfers to Pakistan and other countries through passage of the China Non-Proliferation Act. Without taking a stand here, what will stop China from providing nuclear and missile technology to Palestine, or Sudan, or the renowned terrorist Osama Bin Ladan? The United States must take the lead, as the world's only Superpower, and stand against nuclear proliferation, which damages the security of the entire nation.

Not only has China provided nuclear and missile technology to the dangerous and unstable region of South Asia, China has provided sensitive technology to Iran. Iran has been identified by U.S. government agencies, organizations, and entities, along with independent national security experts, as one of the major threats to US security. Iran's threat stems from several significant factors including its large population and armed forces; its geostrategic and political location in the Middle East—along the straits of Hormuz and the Caspian Sea; an Islamic fundamentalist government; a drive to obtain weapons of mass destruction along with their associated delivery vehicles; stated opposition to the United States and United States' national interests; opposition to the Israeli-Palestinian Peace Process; the de-stabilization of Lebanon—Israel's northern neighbor; and the use and sponsorship of terrorism in its own country and around the world. Due to these facts, the idea of providing nuclear, biological, chemical, and missile technology to Iran seems unbelievable, but it is a sad reality.

According to a 1999 CIA report, "Iran remains one of the most active countries seeking to acquire Weapons of Mass Destruction, WMD, and Advanced Conventional Weapons, ACW, technology from abroad. In doing so, Tehran is attempting to develop an indigenous capability to produce various types of weapons—nuclear, chemical, and biological—and their delivery systems." Iran is obtaining much of this technology from China and Russia.

The CIA report continues, "for the second half of 1999, entities in Russia, North Korea, and China continued to supply the largest amount of ballistic missile-related goods, technology, and expertise to Iran. Tehran is using this assistance to support current production programs and to achieve its goal of becoming self-sufficient in the production of ballistic missiles. Iran already is producing Scud short-range ballistic missiles, SRBMs, and has built and publicly displayed prototypes for the Shahab-3 medium-range ballistic missile, MRBM, which had its initial flight test in July 1998. In addition, Iran's Defense Minister last year publicly acknowledged the development of the Shahab-4, originally calling it a more capable ballistic missile than the Shahab-3, but later categorizing it as solely a space launch vehicle with no military applications. Iran's Defense Minister also has publicly mentioned plans for a "Shahab 5." Such statements, made against the backdrop of sustained cooperation with Russian, North Korean, and Chinese entities, strongly suggest that Tehran intends to develop a longer-range ballistic missile capability in the near future." These longer ranged missiles would be capable of striking targets in Europe and perhaps in the United States.

China is "a key supplier" of nuclear technology to Iran, with over $60 million annually in sales and at least fourteen Chinese nuclear experts working at Iranian nuclear facilities. In 1991, China supplied Iran with a research reactor capable of producing plutonium and a calutron, a technology that can be used to enrich uranium to weapons-grade. (Calutrons enriched the uranium in the "Little Boy" bomb that destroyed Hiroshima, and were at the center of Saddam Hussein's effort to develop an Iraqi nuclear bomb.) In 1994, China supplied a complete nuclear fusion research reactor facility to Iran, and provided technical assistance in making it operational. China also continues to work with two Iranian nuclear projects, a so-called "research reactor" and a zirconium production facility. It is well documented that China has provided Iran "considerable" chemical and biological weapon-related production equipment and technology. China has also provided sensitive ballistic missile technology for Iran's growing missile capability. Among other transfers, in 1994, China provided hundreds of missile guidance systems and computerized machine tools. This is just the beginning of Chinese proliferation to Iran.

The sad fact is that Iran would not have these capabilities without Chinese assistance and American inaction. Although these transfers violate almost every non-proliferation law on the books, the Clinton Administration has only taken small and random acts against selected Chinese companies. These meaningless acts have done nothing to stem the proliferation, and without stronger laws, Chinese proliferation will continue.

It is time for the United States to respond with authority to the continued threat of weapons proliferation. Although we need a President who is willing to lead, we also need more effective laws mandating the President to impose sanctions on foreign companies when they engage in proliferation, and authorizing him to take actions against nations violating international law. This is what the China Non-Proliferation Act will do, and I support passage of this amendment.

The PRESIDING OFFICER. Who seeks recognition? The Senator from Delaware.

Mr. ROTH. Mr. President, I ask unanimous consent that the following Senators be permitted to speak for up to the designated times in the following order: Senator KYL, 5 minutes; Senator BIDEN, 10 minutes; Senator TORRICELLI, 10 minutes; Senator HUTCHISON, 10 minutes; Senator GRAMM, 10 minutes; Senator THOMPSON, 10 minutes; Senator ROTH, 5 minutes. I further ask consent that the vote occur no later than 1:45 p.m. this afternoon.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Arizona.

Mr. KYL. Mr. President, I appreciate the remarks of the Senator from California. To return the debate to the Thompson amendment, the question before us immediately is not whether PNTR should be granted but whether the Thompson amendment dealing with national security issues should be supported. PNTR is going to pass this body early next week. The question is whether at about 1:45 p.m. or so this body will table the Thompson amendment.

The Thompson amendment would set up a regime that would help stop the proliferation of weapons of mass destruction by China. In the past, each year we have been able to review the Chinese trade, national security, and even human rights issues, and because we had an annual review, we were able to deal with those issues in this body, as well as from a diplomatic point of view the administration's dealings with China.

PNTR will remove that annual review, the requirement that we affirmatively act each year. It will allow China then to join the WTO, and that is fine as a matter of trade. But we have to have some parallel way of ensuring from a national security standpoint that China stops the proliferation of weapons of mass destruction.

The Thompson amendment sets up a process whereby the Chinese actions are reviewed and the President can impose sanctions, if it is appropriate, but if he does not impose sanctions in those circumstances—he does have a waiver authority—he is required to report to Congress why not. There is nothing unreasonable about this particular proposition.

Yesterday I talked at length about the reasons for it. I will mention two: The proliferation of M-11 missiles by China to Pakistan, for example, which has not resulted in appropriate sanctions by the United States and, more recently, the transfer of sea-based cruise missiles to Iran.

We remember what happened to the *Stark*, the U.S. destroyer in the Persian Gulf, when several Americans lost their lives as a result of a sea-based cruise missile. The question here is particularly interesting because the Senate voted 96-0 that the Chinese actions in supplying these cruise missiles to Iran was a violation of the Gore-McCain Iran-Iraq Nonproliferation Act. In other words, China is not supposed to send this kind of weapon to countries such as Iran. The Senate has been on record unanimously that it was a violation of the act. The administration has done nothing to impose sanctions or otherwise act to stop China from that kind of proliferation. That is why the Thompson amendment is necessary.

Trade, in other words, cannot be the only thing that defines the relationship between the United States and China. The Senate has to balance other things than trade, including our national security obligations.

It has been said that we cannot support the Thompson amendment, not because it is not a good idea but because if there is any change to this bill in the Senate, if it goes back to the House of Representatives, they will not pass it. One of two things is true: Either there is support for PNTR and the House of Representatives will quickly act on the Thompson amendment, and, in fact, if the two are joined and sent to the House, as I was advised yesterday, support would fall off in the House to the point where there are 40 people over there who no longer support PNTR and would not vote for the bill.

Obviously, it would be an anti-democratic action for us to proceed with something that no longer enjoys a majority support in the House of Representatives. I cannot believe that many people would switch their vote on PNTR. They still, of course, can vote against the Thompson amendment if we send it over to them.

The fact is, we have 5 weeks to go. The House of Representatives has plenty of time to deal with this issue. They are committed to PNTR, as I know the leadership of the Senate is. I cannot believe amending the bill with the Thompson amendment would destroy PNTR. Remember, too, that it is the opponents of the Thompson amendment who forced Senator THOMPSON into using this vehicle of amending PNTR as the only way to achieve his goal of establishing a nonproliferation regime with respect to China. He offered to do it in freestanding legislation. He was rebuffed. He offered to do it after the debate. He was rebuffed. In effect, they knew they had the best chance of defeating him if they could force him to offer an amendment to PNTR because then they could argue they were all for it in substance, but they did not dare let it pass as a procedural matter because the House then would have to deal again with PNTR.

I think this is the most cynical of strategies. I wish the issue had not come up in this way. I urge my colleagues at the appropriate time, in about 45 minutes, not to table the Thompson amendment. Give Senator THOMPSON an up-or-down vote on his amendment. It is the fair thing to do. It is the right thing to do and, from the standpoint of the responsibilities of all of us in this Chamber as Senators who have responsibility both for trade and for national security, the Thompson amendment is the right thing to support.

Thank you, Mr. President.

Mr. TORRICELLI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Under the previous order, Senator BIDEN was to be recognized at this point. I ask unanimous consent that I be allowed to proceed under his time and that, in turn, he proceed following the conclusion of my remarks.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. TORRICELLI. Mr. President, I think it is important to remind the Senate of the issue before the body. It has been argued that China should be allowed into the World Trade Organization. That is not a question of this amendment. China is coming into the World Trade Organization under PNTR.

It has been argued that there should not be an interference in trade between China and the United States; it was argued strenuously by my friend and colleague from California. That is not before the Senate under this amendment.

It has been argued that the internal politics of China should not interfere with trade. That is not before the Senate. The Senate has defeated the measures on internal matters in China. It is going to support WTO and the PNTR. The issue before the Senate is narrowly defined.

Under Thompson-Torricelli, there is a single issue before this body: Whether repeated acts of violations of nonproliferation agreements by Chinese companies will give the President the authority, which he will have the right to waive, to interfere with Chinese access to American capital markets. That is the only issue before the Senate.

I recognize that we come to this institution with a variety of local interests. Some of us represent agriculture and some industry; some labor and some business; some in the West, some in the North; some in the South; some in the East; some rural; some suburban. We have one unifying common interest—the national security of the United States. Wherever we are from, whatever our priorities, whatever our philosophy, that single guiding responsibility unites us all.

I recognize there are economic interests in the country that are on different sides of the issue of PNTR. But on this single issue, the proliferation of dangerous weapons of mass destruction that are a threat to the life and the security of the United States of America, we can find common ground.

Indeed, as enthusiastic as any individual farmer in America may be to get access to Chinese markets, notwithstanding the fact that this amendment does not deal with agricultural exports, I would challenge any Member of this Senate to find an individual American farmer who, even if this amendment did threaten agricultural exports, would trade a single sale for the United States not being resolved in denying Chinese companies the ability to export missile or nuclear or biological technology that threatens the American people.

Find me a single high-tech executive, given the choice between an individual contract and the ability to restrict a single Chinese company from selling technology that threatens the United States of America, find me one who would not take a stand for this amendment.

Individual interests, I understand them.

My friend and coauthor of this amendment, Senator THOMPSON, stood on the floor reciting comments by the president of the U.S. Chamber of Commerce, who threatened retribution against Senators who support Thompson-Torricelli and cited the "politics of nuclear proliferation."

What have we come to as an institution? The "politics of nuclear proliferation"? I thought the issue of nonproliferation knew no politics, was supported by Democrats, Republicans, liberals and conservatives. We can all differ on some of the strategies of defending the United States. We may differ on the question of a missile shield defense. We may differ on how we allocate our national defense resources. But I thought the question of proliferation was the one uniting aspect of our foreign policy that knew no bounds—we are all united in the question that there are some governments that are so irresponsible, some nations that live so far out of the norms of accepted behavior, that they must be denied these weapons.

The evidence is unmistakable that the People's Republic of China, despite 20 years of commitments to accede to this policy of denying these rogue nations these technologies, continues to export this dangerous technology. The evidence is overwhelming.

The Director of Central Intelligence reported to this Congress, last month, that China has increased its missile-related assistance to Pakistan, continues to provide assistance to Iran, North Korea, Libya; that China has proliferated to Pakistan.

This Senate has debated what to spend and how to spend to defend ourselves against the possibility, by 2005, of nuclear-tipped missiles from North Korea. We have all lived in anguish with the destruction of American citizens by the terrorism in Libya and Iran.

Now before this Senate is the most modest of amendments—not an interference with trade; not a restriction on exports, though indeed that may be justifiable; not a sanction against the violations of workers' rights or human rights, though that may be arguable. We have not dared, in the most modest of positions, to ask, to request, to suggest any of those things. Just this: That the authority exists to deny companies in the People's Republic of China that consistently, regularly are found, by overwhelming evidence, to be proliferating dangerous technologies that threaten the United States of America, access to our capital markets. But, indeed, that would be too ambitious to ask, so we have given the President waiver authority to cancel that restriction and simply tell the Congress why he did so.

Is there a man or woman in the Senate who thinks this request is so ambitious, would so threaten the economic life of the United States, that we cannot ask this? I challenge my colleagues in the Senate, if you will not accept the evidence from the Director of Central Intelligence on this proliferation, if you will not cede the warning, accept the overwhelming evidence of this proliferation and the threat it constitutes to the United States of America, then have the intellectual honesty and courage to rise on the floor of this Senate to say the Central Intelligence Agency no longer provide this evidence. Because if you will not read it, you will not accept it, and you will not act upon a request that is this modest in scope, then have the intellectual honesty not to even receive it.

I say to my colleagues, it has been stated on this floor that the history of economic sanctions has been uniformly disappointing; that there is no evidence that they succeed. In the long history of economic sanctions, this would be the most modest. We interfere with no trade, restrict no product, restrict no market, only the raising of capital, and only then if the President does not exercise a waiver.

But even if this were a more ambitious amendment, do my colleagues in the Senate really want the record to reflect that we do not believe economic sanctions are ever justifiable or ever successful, particularly members of my party?

The birth of economic sanctions was from Woodrow Wilson, former Governor of my State, who believed they were the civilized alternative to avoiding armed conflict and war. They are not a perfect weapon, but they have avoided conflict.

Who here would rise and say that unilateral sanctions by European states against South Africa and apartheid was wrong, or against Rhodesia or against the Soviets after invading Czechoslovakia? Who here would argue that they were wrong against Cambodia after the death camps? Who would argue they were wrong against fascist Italy, against Abyssinia and Ethiopia? Who here would argue that Roosevelt was wrong in using them against the Nazis or the Japanese invasion of Manchuria or Wilson himself against unrestricted submarine warfare in the North Atlantic? For the entire 20th century, these sanctions have been used—not a perfect tool, not always successful, but always an alternative to conflict and in defense of the national security.

That issue is before the Senate again. Because while these may not be sanctions, because it may appear the Senate, given the economic opportunity, would not accept them, Senator THOMPSON and I have offered something far less ambitious, a simple standby authority. But it is an alternative.

What will we say to the American people if one day we discover that missile or nuclear or biological weapons are in the hands of our most feared enemies threatening the lives of the American people? Someone on this floor would be right to rise and quote the old Bolshevik maxim: They will sell us the rope with which we will hang them.

No one on this floor wants to provide that explanation. I urge support for the Thompson-Torricelli amendment. It is right. It is modest. I believe the Senate would be proud to take this stand.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. How much time do I have?

The PRESIDING OFFICER. Under a previous order, the Senator has 10 minutes.

Mr. BIDEN. Mr. President, I oppose the amendment by the Senator from Tennessee.

Although well-intentioned, .the Thompson amendment—the so-called "China Nonproliferation Act"—is a deeply flawed approach to addressing the proliferation problem.

At the outset, let me stipulate to a couple of points about which the Senator is correct.

First, I fully agree with the Senator that the proliferation of weapons of mass destruction poses a serious threat to our national security. I commend him for his concern, which I know is sincere.

Second, I agree with the Senator's assertion that the People's Republic of China has a poor proliferation track record. China's exports of weapons of mass destruction and the means to deliver them have made the world a more dangerous place.

Unfortunately, our concerns are not all historical. You won't find much argument in this body if the Administration decided today to impose sanctions on China—using existing law—for its continuing export of ballistic missile technology to Pakistan.

The debate isn't about whether China has a clean record in the area of nonproliferation. It does not. Period. No, this debate is about how we get the Chinese and other proliferators to clean up their act. So I ask my colleagues to keep their eyes on the ball.

The question each of us should ask as we evaluate the Thompson amendment is this: At the end of the day, is the Thompson amendment likely to improve U.S. security by reducing the spread of weapons of mass destruction and the means to deliver them?

I believe the answer is no. The legislation offered by Senator Thompson is deeply flawed. Since its introduction, the Thompson amendment has been revised at least three or four times. I give the Senator credit for trying to fix the bill's many flaws. Unfortunately, with each version, this bill has not substantially improved.

In its earliest iteration, at least we knew what this bill was all about. It was all about undercutting the very normal trade relations that we are about to vote to make permanent with China and instead treating China like a virtual enemy.

The likely effect of the original version of the "China Nonproliferation Act" was to gut normal trade relations with China, shut down trade in dual-use items, deny China access to our capital markets, end educational and scientific exchanges, and suspend the bilateral dialog on a range of important issues, including counter-narcotics and counter-terrorism.

It was clear-cut. It was unambiguous. And it was unambiguously contrary to the national interest.

The current version of the amendment does not have that coherence. Rather, it is a legislative stew containing an assortment of ingredients, not all of which go together. It has several major flaws.

The first major flaw is that although the sponsors have advertised the amendment as targeting certain rogue states, in fact it also targets American firms and firms located in several western nations.

On its face, the amendment purports to target only those countries highlighted by the Director of Central Intelligence in a seminannual report as "key suppliers" of weapons of mass destruction and missile technologies. Those countries, under the most current version of this report, released earlier this summer, are China, Russia, and North Korea.

But closer examination of the amendment reveals that it would likely expose some of our closest allies—and even U.S. firms—to scrutiny under this bill.

Let me explain. This is a bit complicated, so I hope colleagues will bear with me.

Under the amendment, the President must submit a report to Congress annually—"identifying every person of a covered country for whom there is credible information indicating that such person" has transferred dangerous technology to other foreign entities or has diverted U.S. technology in such a way so as to contribute to development of weapons of mass destruction.

A "covered country" is a term that is defined in the bill: it is any country identified by the Director of Central Intelligence as a "source or supply" of dual-use or other technology in the most current report required under Section 721 of the Intelligence Authorization Act for Fiscal Year 1997. A country is also a "covered country" if it was so identified in this report at any time within the previous five years.

Guess what? In 1997, this report by the Director of Central Intelligence specifically named the United States, as well as several Western European nations, including the United Kingdom, France, Germany and Italy, as "favorite targets of acquisition for foreign weapons of mass destruction programs, especially for dual-use goods not controlled by [certain] multilateral export control regimes." That makes those nations a "source or supply" of dual-use or other technology under the terms of the Thompson amendment.

So what does this mean?

It means the President will have to report to Congress on any "credible information" that the Executive Branch has on either (1) United States firms, or (2) European firms regarding transfers of dangerous technology. Sanctions are unlikely to result against U.S. or European firms, for two reasons.

First, after this report is provided to Congress, the President must then formally determine that the firm has actually engaged in the proliferation activity—not merely that there is credible information that it has.

Second, even if the President makes such a determination, the amendment exempts from the sanctions any nation that is part of a multilateral control regime on proliferation—as the United States and the major Western powers are.

But for the firms named in this original report, the damage will have been done.

First, the companies will surely be subject to negative publicity based on the very low "credible information" standard—and suffer financial and other damage that may flow from such publicity. Second, Section 8 of the amendment requires the firm, if its stock is listed on U.S. capital markets, to make this information—that is, the information that they have been cited in the presidential report—available in reports and disclosure statements required under the Securities Exchange Act.

In short, the bill places a "scarlet letter" on the reputation of firms—based on information that may later prove to be unfounded.

This is a pretty breathtaking provision—which requires the President to shoot first, and ask questions later.

The second major flaw of the bill is that the amendment is its rigidity. It imposes a one-size-fits-all straitjacket on the President—forcing him to impose numerous sanctions against an offending company, no matter the gravity of the violation, and it requires him to impose the same set of sanctions in every instance.

Under the amendment, if the President determines that a person or firm has engaged in prohibited proliferation activity, then the President must apply five different penalties on such firms—including a ban on military and dual-use exports from the United States to such firms, and a ban on the provision of any U.S. assistance, including any loans, credits, or guarantees to such firms.

This would include Export-Import Bank financing and assistance from the Overseas Private Investment Corporation.

The President has no flexibility to tailor the penalty to fit the crime. He must impose all five punitive measures against the offending person for at least one year—even if the behavior is corrected immediately. He cannot dangle carrots encouraging the firm or nation to clean up its act.

The only flexibility he would have is to invoke a national security waiver. And I doubt such a high waiver will be justifiable in each and every case.

I believe it is extremely unwise to tie the President's hands in this manner.

We are not clairvoyant, and we should give the President flexibility to calibrate his response—and the power to cope with changing circumstances which we cannot foresee.

It is also unwise to impose the same set of penalties on different cases. Should we treat the transfer of an item on Category Two of the Missile Technology Control Regime the less serious of the two categories in that regime—such as telemetry software—the same as a transfer of a complete missile system? Current missile sanctions law permit this sort of differentiation. The Thompson amendment does not.

On Monday the Senator from Tennessee implied that the sanctions under this provision are somehow discretionary—that the President has the flexibility on whether or not to impose sanctions under Section 4 of the amendment. This is simply not true.

Under Section 4 of the amendment, "if the President determines that a person identified in a report submitted pursuant to section 3 has engaged in an activity described under section (3)(a)(1), the President shall apply to such person" the sanctions for not less than one year.

In other words, if the President finds that a person engages in a proliferation activity, he must apply the sanctions. He has no discretion—if he sees that the requisite facts exist, he must impose sanctions.

Don't take my word for it.

A few years ago, the Office of Legal Counsel at the Department of Justice interpreted similar language in another non-proliferation law—the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991. It concluded that the President "has a duty to make determinations, not merely the discretion to do so." And once he makes those determinations, then the sanctions under the law are triggered.

So, too in the Thompson amendment. If the President determines that the proliferation action has occurred, then the sanctions must be imposed.

To be sure, the bill allows the President to waive the sanctions. But the act of making the initial determination is not waivable.

The third major flaw is that the bill will undermine the credibility of existing sanctions laws because it has an extremely low burden of proof and does not differentiate serious violations from trivial ones.

Let me explain first how sanctions are triggered in the bill.

Two kinds of behavior are sanctionable: the first is any transfer of technology of any origin by a person of a covered country—and remember, "covered country" includes the United States and several European allies—which contributes to the "design, development, production, or acquisition of nuclear, chemical, or biological weapons or ballistic or cruise missiles" by a foreign person.

The second action that is sanctionable is any contribution to a weapons of mass destruction program made by the diversion of U.S.-origin technology to an unauthorized end-user. Such diversions are sanctionable even if they occur within China or Russia.

The bill penalizes either of these actions—technology transfers or diversion—regardless of whether they are either "knowing" or "material."

Nearly all of our current proliferation sanctions laws contain these "knowing" and "material" requirement—they do not attempt to punish transfers that are unintentional or are relatively inconsequential.

For example, Section 73 of the Arms Export Control Act—the existing missile sanctions law—requires sanctions whenever a foreign person "knowingly" transfers equipment or technology controlled by the Missile Technology Control Regime, MTCR.

Items controlled by the MTCR meet the test of "materiality" because they involve either complete missile systems or significant components of such systems.

The Thompson bill, however, punishes all transfers—regardless of whether the firm intentionally engaged in the prohibited conduct or whether the transfer made any difference to the program of the recipient nation.

The only standard is whether is it "contributes" to the "design, development, production, or acquisition" of weapons of mass destruction programs. This, potentially, has a very broad sweep.

Does a vehicle supplied by Russia, the United States or a western country and used by the People's Liberation Army to transport goods from one weapons plant to another "contribute" to "production" of Chinese missiles?

Does cement for a Chinese cruise missile plant "contribute" to the "production" of such missiles? Does advice from an efficiency expert "contribute" to "production"?

Surely they do "contribute" in some way to the production occurring at the facility.

Under the Thompson amendment, all "contributions"—even these relatively inconsequential examples I just cited—would appear to be treated equally.

If we are going to impose sanctions, we should have a rule of reason—and punish transfers that matter. Do we really want to trigger the vast machinery of sanctions over transfers that are not of serious concern?

Additionally, do we want to trigger a vast array of sanctions if the company did not act intentionally?

The fourth major flaw of the amendment is that it could undermine our proliferation policy by singling out China, Russia, and North Korea.

A law that singles out the worst proliferators might, at first blush, make sense. But it sends an odd message to the world that we care only about proliferation from those countries. Why shouldn't we care just as much about proliferation by Libyan or Syrian firms as by Chinese firms?

To be effective, U.S. sanctions law should be defensible to the world. We can logically explain that proliferation to Iran or Iraq deserves special attention—because of the rogue behavior of those countries. But what is the logic for treating proliferation from China, Russia, and North Korea more seriously than proliferation from other countries?

Moreover, country-specific legislation is unnecessary.

If China, Russia, and North Korea are the worst actors in this area, then any law that applies generally will fall on them disproportionately.

In fact, current proliferation sanctions laws have been used against these three countries more than most others.

The fifth major flaw of the amendment is that it will impose an incredibly burdensome reporting requirement on the intelligence community and the Executive Branch officials responsible for enforcing non-proliferation policy.

The amendment requires that all "credible information" about proliferation activity, no matter whether it is proven or not, no matter whether the activity is significant or not, be included as part of a new magnum opus. This low "credible information" standard is derived from the Iran Nonproliferation Act of 2000. Under this standard, one piece of information from a source deemed to be credible must be reported—even if that evidence later proves to be false.

Congress has yet to receive the first report required under that Act. But we do have some information about the burden it is imposing.

To date, the Intelligence Community has found 8,000 pages of information that is "credible" just on chemical and biological weapons and missile proliferation alone.

Many thousands of staff hours will be required to assemble and analyze the information for this report. Does it really make sense to have our government's non-proliferation specialists devoting so much time to assembling yet another report—rather than combating the proliferation danger?

Congress hardly suffers from a lack of information about proliferation. We already require a range of reports on the subject. For example:

Congress receives an annual report on proliferation of missiles and essential components of nuclear, chemical and biological weapons—required since 1991;

Congress receives an annual report on the threat posed to the United States by weapons of mass destruction, ballistic and cruise missiles—required since 1997;

Congress receives an annual report on the efforts of foreign countries to obtain chemical and biological weapons and efforts of foreign persons or governments to assist such programs—required since 1991;

Congress receives an annual report on the transfer of chemical agents and the trade precursor chemicals relevant to chemical weapons—required since 1997 under the Senate resolution consenting to the Chemical Weapons Convention;

Congress receives an annual report on compliance with international arms control agreements, which includes a detailed assessment of adherence of other nations to obligations undertaken in nonproliferation agreements or commitments—required since the mid-1980s.

In addition, Members of Congress have full access to a range of regular intelligence reports on the subject of proliferation.

In sum, we do not need another report that will divert officials in the Executive Branch from the daily business of trying to actually stop proliferation.

Mr. President, I understand the motivation at work here. Proliferation by Russia or China makes me angry too! I would have thought that the limitations of this kind of sledgehammer approach that I have just described would have been made evident by now.

So I remind my colleagues: Keep your eye on the ball! This legislation is not likely to be effective in reducing proliferation by irresponsible actors.

Let me make one final point.

One underlying assumption of the Thompson bill seems to be that there are few non-proliferation statutes on the books. Any such assumption would be false—over the last decade Congress has enacted numerous proliferation laws. Let me highlight a few:

The Chemical and Biological Weapons Control and Warfare Elimination of 1991 contains numerous provisions restricting technology to, or imposing sanctions on, to countries or persons proliferating chemical or biological weapons technology;

The Nuclear Proliferation Prevention Act of 1994 bars U.S. Government procurement in the case of foreign persons who materially contribute to the efforts of individuals or non-nuclear weapons states to acquire nuclear material or nuclear explosive devices, and requires sanctions on financial institutions that finance the acquisition of nuclear material or nuclear explosive devices.

The Foreign Assistance Act bars U.S. foreign assistance to nations that engage in certain proliferation activities;

The Arms Export Control Act provides for sanctions against nations that transfer unsafeguarded nuclear materials or against non-nuclear states which use nuclear devices, including the Glenn Amendment sanctions which were imposed on India and Pakistan in 1998.

The Iran-Iraq Arms Nonproliferation Act of 1992 requires sanctions against persons or countries who knowingly and materially contribute to the efforts by Iran or Iraq to acquire chemical, biological, or nuclear weapons or to acquire destabilizing numbers and types of advanced conventional weapons.

The Export-Import Bank Act bars financing for U.S. exports to any country or person which assists a non-nuclear weapons state to acquire a nuclear device or unsafeguarded special nuclear material.

Finally, a Presidential Executive Order (#12938) requires the Secretary of State to impose certain sanctions against foreign persons who materially contribute or attempt to contribute to the efforts of any foreign country to obtain weapons of mass destruction or a missile capable of delivering such weapons.

In short, it is a delusion to think we have a shortage of laws.

What the senator is complaining about is a failure to use these laws to punish the Chinese and other bad actors. This failure is hardly unique to this Administration.

During President Reagan's term, China provided nuclear know-how to Pakistan and missiles to Saudi Arabia. The United States responded by selling advanced conventional weaponry to the People's Liberation Army—torpedoes for its navy, advanced avionics for its air force, and counter-battery artillery radars for its army.

In President Bush's administration, China sold missile technology to Pakistan. The United States responded by briefly imposing sanctions—and then subsequently liberalizing export controls on a wide range of high technology, including the launch of U.S.-made communication satellites by China.

The Clinton administration has twice sanctioned China for proliferation of missile and chemical technology, but has balked at imposing sanctions in response to China's most recent misdeeds.

The failure of Executive Branch to use sanctions authority occurs in both Republican and Democratic administrations. It is often lamentable. But the appropriate response is not enactment of a severely flawed piece of legislation.

Mr. President, let me sum up.

I understand the Senator's concerns. I agree with him that Chinese proliferation is a serious problem. I disagree with his remedy.

I would be pleased to work with him next year in trying to move serious legislation to fill any gaps that may exist in our proliferation laws through the Committee on Foreign Relations—the committee of jurisdiction.

But I believe that it would be extremely unwise to pass this legislation, as well-intentioned as it is—because I believe it has so many flaws that it is beyond fixing at this late date. This legislation, as currently written, would not succeed, and could seriously harm our non-proliferation efforts.

I urge my colleagues to vote no on the Thompson amendment.

To reiterate, the Senator from New Jersey and the Senator from Tennessee have made some good arguments but on the wrong bill. If you listen to the debate of the proponents, you would assume there is no sanction legislation that exists now relative to China. The irony is that there is significant sanction legislation on the books now.

This quarrel is about two things. Half the people who are for this amendment are against trade with China. The other half of them—I don't mean literally half—are made up of a mix of people, people who are against the bill, the permanent trade relations bill which my senior colleague is managing, and some who are desperately concerned about the prospect of further proliferation by China.

The truth is, what the real fight should be about is why President Bush, President Reagan, and President Clinton have not imposed the laws that are on the books now. We don't need any new sanction laws. We particularly don't need ones that are so desperately flawed as this one, which lowers the threshold so low you can't be certain that, in fact, there is proliferation going on, raises so many questions that we will spend our time litigating this among ourselves more than we will be doing anything about the problem. And further, this is a circumstance where I don't think there is anyone on the floor who would rise up and criticize this administration if they did what I have publicly and privately suggested to them: Impose sanctions now under existing law.

I am sure none of my colleagues would do this but their staffs may. I refer them to the last third of my statement where I laid out in detail how many laws are on the books now which were enacted relative to proliferation: the Chemical and Biological Weapons Control and Warfare Elimination Act, the Nuclear Proliferation Prevention Act of 1994, the Foreign Assistance Act, the Arms Export Control Act, the Iran-Iraq Arms Nonproliferation Act, the Export-Import Bank Act, which bars financing of U.S. exports, the Executive Order No. 12938, which requires the Secretary of State to impose certain sanctions, et cetera. All the laws are there now. They exist.

What this is really about is the unwillingness in the minds of our colleagues, some of our colleagues, for this administration to once again impose sanctions, or the last administration to impose sanctions.

We became fairly cynical around here because of what happened during the terms of the last two Presidents. What was the response to documented proliferation by China, for example, during President Reagan's term; when China provided nuclear know-how to Pakistan and missiles to Saudi Arabia? The U.S. response, under President Reagan, was to sell advanced conventional weaponry to the People's Liberation Army, torpedoes for its navy, advanced avionics for its air force, and counterbattery artillery radars for its army.

In the Bush administration, China sold missile technology to Pakistan. The United States responded by briefly imposing sanctions and then subsequently liberalizing export controls on a wide range of high-technology issues, including the launch of U.S.-made communications satellites by China.

This isn't about whether or not nonproliferation laws exist. It is about whether or not we have the will to impose upon the President the requirement that he enforce the law now.

Why not pass a resolution here and now and say that the Senate goes on record saying, Mr. President, you should impose sanctions on China now? There is enough of a case to do it now. Why not do that, if you are really concerned about sanctions? This goes beyond that.

Everybody knows if this or any other amendment passes attached to this bill, the larger issue of trade with China is dead, for this term anyway.

In the brief time I have remaining, let me jump to another point. My friends talk about this in terms of—and I don't doubt their sincerity—their strategic concerns. They talk about the fact of what is going to happen if China sells technology again: what are we going to do? The implication being, had we acted on this amendment favorably and passed it, then China wouldn't sell any more weapons technology. That is a bit of a tautology. They would sell it whether or not this amendment is here. The question is what retribution we take and in what form we take it.

I ask the rhetorical question to my friends from Tennessee and New Jersey, and others who support this amendment. Right now we are trying very hard to deal with two things in North Korea: the existence of fissile material that is able to make nuclear bombs, and their ability to produce a third stage for their Taepo Dong missile that would allow that missile to reach the United States, although it is problematic whether they could put a nuclear weapon on it even if it had a third stage because of the throw-weight requirements.

So what have we been doing? Former Secretary of Defense Perry, and the last administration as well, have been trying to get the Chinese to use their influence on North Korea not to develop long-range missiles. And what has happened? It is kind of interesting that the first amelioration, the first thawing of the ice came with the Agreed Framework during Perry's tenure. The Agreed Framework made sure that North Korea would not be able to acquire more fissile material for nuclear weapons. They stopped making fissile material. It is working. Surprise, surprise.

The second thing is, because of our intercession with China, at least in part, the Chinese had a little altar call, as we say in the southern part of my State, with the North Koreans. The North Korean leader, the guy we were told was holed up, who is manic depressive, a guy who was supposedly schizophrenic, everything else you hear about him, went to Beijing. He came back. Guess what. He had a public meeting with South Korea. Guess what. He concluded that they would stop testing their missile, the third stage of their missile. He further concluded that there should be some rapprochement with the south.

And lo and behold, Kim Jong-il concluded that he, and the North Koreans, wants American troops in South Korea. Surprise, surprise. Why? They don't want the vacuum filled by an Asian power if we leave. China doesn't want North Korea to have a nuclear capacity. It is not in their interest for that to occur.

Now, somebody tell me how we solve the problem of the proliferation of sophisticated nuclear weapons on the subcontinent of India, including Pakistan and India, as well as China, if we are not engaging China. I don't get this. From a strategic standpoint, I don't get how this is supposed to accomplish the strategic goal because my friend from Tennessee and my friend from New Jersey parse out and make a clear distinction between the strategic objective of their amendment and the economic objective. They say they have no economic objective. Therefore, they are for free trade.

They don't want to scuttle the trade agreement. They say their interest is in the strategic problem of proliferation. I respectfully suggest that amendment is not going to, in any way, change China's proliferation instincts. What is going to change China's proliferation instincts will be a larger engagement with China on what is in our mutual interests—discussions about strategic doctrine, national missile defense, Japan, Korea, and Taiwan. That will effect relations with China, potentially, in a positive way.

Passing this amendment, as my friend from New York said in another venue when I was with him yesterday, will be the most serious foreign policy mistake we will have made in decades. I share his view. I realize it is well intended. My friend from Tennessee says no one has an answer as to how we are going to stop China. I don't have an answer, but I have a forum in which you do that. It is not in the trade bill. It is engaging them in their mutual interests and ours on the future of North Korea, and engaging them and making it clear to them that it is not in their interest to see India become a nuclear state with multiple nuclear warheads and hundreds, if not thousands, of ICBMs. This isn't the way to do it.

I thank my colleagues. I realize my time is up.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWNBACK). Under the previous order, the Senator from Texas, Mrs. HUTCHISON, is recognized for 5 minutes.

Mrs. HUTCHISON. Mr. President, this is a very important vote. It is a very important issue. I have been a strong supporter of opening relations with China, of opening trade with China, not because China has been the kind of ally we would all hope it would be but because I have believed that having open trade relations with them would improve the relationship; that if we had some leverage in a trade relationship, we would be able to ask them and have some leverage for them to have fair trade, to recognize intellectual property rights, and to become a part of the community of nations.

But it seems to me we are saying we want free and open trade and nothing else should matter; that if we have free and open trade, we should not stand up for our national security interests. That is what I have been hearing on the floor now for 2 days. If we are going to engage China on issues such as North Korea and weapons proliferation to Iran and Iraq, as was proposed by the Senator from Delaware, how can we engage them if we say, by the vote today, it is not really a big issue to us, that weapons proliferation takes second place to trade?

For me, national security doesn't take second place to anything. I think it should be the position of the Senate that we are responsible for the national security of our country and that that is our most important responsibility. If we know China is sending its nuclear formulas to places such as North Korea, Iran, Iraq, and that that is going to put American citizens in direct harm's way and stop the balance of power between North and South Korea and make it heavily favoring North Korea, are we really going to stand by and say we will try to engage them when we have not spoken to them in any way when we had the chance to do it, as we do right now? I hope not.

It has been said that it will kill this bill if we add an amendment. I wasn't elected to the Senate to rubber stamp the House of Representatives. I wasn't elected by the people of Texas to rubber stamp the President. I was elected to the Senate to do what I think is right and to fulfill my responsibilities to the people I represent. National security is my No. 1 responsibility. If it kills a bill because the Senate adds an amendment and allows us to talk to the President about it and talk to the House of Representatives, then I think that is our role and our responsibility. I reject totally those who would say don't vote for this amendment; it is a killer amendment; it will kill the bill.

It will not kill the bill. We have brains. We know we might have to compromise in some way, but we want to be forceful that we are not going to allow China to spread nuclear weapons of mass destruction around the world, especially to rogue nations that would do our country wrong. We are not going to stand up and say today, I hope, that we are afraid to amend a bill because it might kill it. No, that is not why I was elected to the Senate. I was elected to the Senate to do what I think is right. I hope the Senate will speak very forcefully today that we can work with the House and with the President and we will pass free trade with China, with national security addressed. That is the issue.

I urge my colleagues to stand up for their people, as they were elected to do. Let's work this out and have a free and fair trade agreement that is good for both countries. Thank you.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, Senator GRAMM from Texas is recognized for up to 10 minutes.

Mr. GRAMM. Mr. President, I rise in strong opposition to the Thompson amendment. I oppose it because it is a bad amendment. Its logic is flawed. It would hurt America more than it would punish China. Let me try to explain why.

First of all, the Thompson amendment goes far beyond denying China access to American dual-use technology that could have defense applications. The Thompson amendment would take American capital markets and inject politics into them by denying access, for the first time, to a nation that is not engaged in a direct conflict with the United States of America, under our traditional definition of conflict.

Some people seem to have the idea that by adopting PNTR we will be having a marriage with China—that somehow, because we are endorsing normal trade relations with China, we would in effect be endorsing Chinese policies on how they treat their workers, how they protect religious freedom, how they protect the environment, and how they conduct their foreign policy. We are not doing any of those things.

Every criticism of China that has been made is valid. Senator THOMPSON talked earlier about not wanting to irritate the Chinese. I am perfectly willing to irritate the Chinese. But this legislation is about establishing normal trade relations—the same relations we have with virtually every country in the world except countries directly involved in terrorism—with China. We are not talking about a military alliance or a political marriage. We are talking only about normal trade relations.

The Thompson amendment to the PNTR bill would impose political controls on the American capital market with regard to China. Federal Reserve Chairman Greenspan says that the Thompson amendment's financial sanctions "would undercut the viability of our own system and would harm us more than it would harm others." The Securities and Exchange Commission says the Thompson amendment is "antithetical to the United States approach to capital market access and free movement of capital." The Securities Industry Association, which represents securities markets nationwide, says the Thompson amendment "could seriously disrupt investor confidence in United States markets and jeopardize their continued vitality, debt and liquidity."

Senator THOMPSON says he wants a vote on his amendment. I have no objection to Senator THOMPSON having a vote. But he doesn't want anybody else to have a vote on it. If we are going to consider major legislation like the Thompson amendment, as chairman of one of the committees with jurisdiction over major elements of that amendment I would like to have an opportunity to offer my own amendments to it. I know we can get carried away with amendments. And Senator THOMPSON makes a good point. Committees of jurisdiction aren't everything. But I think it is important that we get Alan Greenspan and other people who understand our financial markets to give us input before we take a major step like instituting controls on America's capital markets.

The capital markets and financial institutions controls in the Thompson legislation go against what we have been trying to achieve with the Chinese for many years. For years we negotiated with the Chinese to get them to open their markets to American financial services companies. We want citizens in China to be able to own a piece of the rock and to invest in retirement accounts in America. Senator THOMPSON's amendment would set up a mechanism to deny them the very rights for which we negotiated so long and hard.

I am not here to endorse China's practices—far from it. I condemn their policies with regard to the environment, with regard to their workers, with regard to religious freedom, and with regard to proliferation. But that is not what we are talking about here. We are talking about establishing normal trade relations. And the key point is: Does anybody believe any one of these areas of concern will be better if we reject PNTR?

I remind my colleagues that in 1948 there were 23 countries that signed the agreement that founded the GATT, now called the WTO. Their common goal was to expand economic trade. One of those 23 countries was China. But one year later, China turned to the dark side. They wanted to remake their society. They wanted to build a "ladder to heaven." They wanted to create equality, except for their political leaders. And they did it—they made everybody poor. Chinese per capita income nosedived. By 1978, Taiwan, which started with fewer economic resources, had a per capita income of $1,560 a year. China's was $188. Today, Taiwan has a $13,000 per capita income, while China's is just $790.

But the good news is that fifty-two years later, China wants to reverse the terrible decision she made back then, and re-enter the world of trade. China is turning away from the dark side. She is back knocking on the door. Now the question is, Are we going to slam the door in their face?

I say no. Trade promotes freedom. If you are concerned about workers rights in China, do you believe that workers will have more rights in a growing private sector, where they can work for somebody other than the Government? I don't see how you can help but believe that. And if you believe it, then you are going to be for normal trade relations with China. If you want political and religious freedom in China, then give people economic freedom, which ultimately promotes political freedom, as we have seen in Korea and in Taiwan. Developing economic growth in China, so that people have a stake in economic freedom, will ultimately produce a demand on their part for political freedom. And in the process they will begin to change China.

The Thompson amendment is legislation that needs dramatic changes. If we don't table this amendment, it is not going to be adopted. We are going to offer amendments to it. I would be perfectly happy to see this amendment brought up as a freestanding bill, but I want the opportunity to debate it and to amend it. Senator THOMPSON wants to have a vote on his legislation, but he doesn't want anybody else to have a vote on their amendments to his legislation. I think that is what ultimately brought us to where we are now.

There are security concerns with China. They need to be dealt with. But they cannot be dealt with within the context of PNTR, with a bill that has never been through a committee, that has never had a hearing on its impact, that has not been looked at it to see whether it makes sense. Will it do what we want it to do? Will it hurt us more than it hurts other people?

So I urge my colleagues to reject this amendment and to adopt normal trade relations with China. We are not endorsing China. We are trying to trade with them. We are trying to promote economic freedom because we know economic freedom not only enriches us and them, but ultimately produces an irresistible demand by people to have political freedom. When they have economic freedom, China will change.

This is a bad amendment. It is not ready to be adopted. I hope we table it. As I said, if we don't table it, we are going to amend it; and then we are going to be in a long debate about a subject that is relevant and important. But it is a subject that does not have to do with establishing normal trade relations with China, which is the point of the underlying legislation and which I support.

I will, therefore, vote to table this amendment. I urge my colleagues to do the same. I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I ask unanimous consent that at the end of the list of speakers my name be placed next in order to speak not to exceed 15 minutes in opposition to the motion to table.

Mr. ROTH. Reserving the right to object. I must say we have agreed that we would have the vote at quarter of 2. If there is any time left that I have allotted, I will yield it. It looks to me as if I am not going to have any time.

Mr. BYRD. I wouldn't want to take away the Senator's time.

Mr. ROTH. I ask the distinguished Senator—I regret the situation has developed this way, but we have a number of Senators who are leaving so we have fixed a time for the vote specifically at quarter of 2.

Mr. BYRD. Mr. President, I didn't know anything about that agreement until I heard it put and accepted.

Mr. ROTH. I have to object to the request, with all due deference.

Mr. BYRD. I know the Senator regrets doing that.

Mr. ROTH. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from West Virginia.

Mr. BYRD. I will ask for a quorum before the vote that will take longer than 15 minutes. I am entitled to that.

Mr. ROTH. Parliamentary inquiry: Is that correct?

The PRESIDING OFFICER. A quorum call is in order before the vote.

Mr. ROTH. I ask the Senator from Tennessee to please proceed.

Mr. BYRD. Mr. President, I withdraw my request for the time being so the Senator may speak.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Mr. President, one brief comment and then I am going to yield 5 minutes of my time to the Senator from Ohio.

I say in response to Senator GRAMM, surely I did not hear the basic proposition that I would not do something for him on something else and therefore he is not going to do something for me? Surely I misunderstood that part.

The only other response I would have is at least the Senator from Texas interjected a new way to address this proliferation we are seeing coming from China. His response is trade with them and one day we will magically wake up and they will be dismantling their armaments; they will be quitting selling weapons of mass destruction to these rogue nations, and they will be happy and friendly. All we have to do is have more and more and more trade, and that will solve the proliferation problem.

When that happens, Mr. President, I will present the tooth fairy on the floor of this body.

With that, I yield 5 minutes to my friend from Ohio.

Mr. DEWINE. Mr. President, I rise in strong support of the Thompson-Torricelli amendment. This amendment will give us more of a chance to hold the People's Republic of China, or any nation, accountable for proliferating weapons of mass destruction and the means to deliver them.

This amendment would not have been necessary had this administration shown effective leadership in nonproliferation policy. When the administration sat down with China last year to negotiate an agreement on China's admission to the World Trade Organization, that was an extraordinary opportunity to discuss China's weapons proliferation practices. It was a once in a lifetime opportunity to insist that China change its ways on proliferation once and for all and advance the security of all nations.

That opportunity, sadly, was lost.

The bilateral agreement reached between China and the United States last November is the price China has to pay for our Nation to agree to PNTR and China's admission into the WTO. So the fundamental question is this: Have we imposed a high enough price on the Chinese Government? Sadly, I think the answer is clearly no.

Yes, the bilateral agreement arguably is a good economic document for both countries. However, it is by no means an acceptable document for our own national security. If we are going to sacrifice our annual review of normal trade relations with China, then our next President and the next Congress must have new tools in place to pursue our national security objectives.

It is that simple. And that is why we need to adopt the Thompson amendment.

As my colleagues know, China is a signator of the Nuclear Non-Proliferation Treaty. Article VI of that treaty states that nuclear powers are to:

> . . . pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date. . . .

No nation has violated that specific article in the NPT more egregiously, more openly, and more willingly in the last decade than the People's Republic of China. That is the truth.

In Asia and the Middle East, our Nation and China hold two fundamentally different visions of the future direction of these two regions. Right now, China has used its expertise in nuclear and missile technology to effectively advance their interests and destabilize the region.

For example, at the beginning of the last decade, Pakistan possessed a very modest nuclear weapons program inferior to India's.

That was then. Now the balance of nuclear power has shifted, and it is a far more different and far more dangerous region today.

In the Middle East, it is the same story. News reports have documented China's contributions to Iran's nuclear development, and ballistic and cruise missile programs, including anti-ship missiles that are a threat to our naval presence and commercial shipping in the Persian Gulf. And published news reports say a CIA report issued last month confirmed that Chinese Government multinationals are assisting the Libyan Government in building a more advanced missile program.

China certainly does not see our Government as a serious enforcer of nonproliferation policy—and why should they? As a result, weapons of mass destruction are in far more questionable hands and the world is a far more dangerous place.

The high priority China placed on WTO membership certainly presented our Government with an opportunity to reassert its nonproliferation credentials.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DEWINE. I ask for 1 additional minute.

The PRESIDING OFFICER. Is there objection?

Mr. ROTH. I object.

Mr. MOYNIHAN. I object.

The PRESIDING OFFICER. Objection is heard. Under the previous order, the Senator from Delaware is to be recognized.

Mr. THOMPSON. Mr. President, did I not have additional time?

Mr. ROTH. No, the vote is set for 1:45. But, we are trying to work this out.

The PRESIDING OFFICER. The vote was to occur at 1:45.

Mr. DEWINE addressed the Chair.

Mr. ROTH. I ask consent Senator BYRD now be recognized for up to 10 minutes and, following those remarks, I be recognized in order to make a motion to table.

The PRESIDING OFFICER. Is there objection? The Senator from Ohio.

Mr. DEWINE. Mr. President, I will certainly not object, but I just add to that, if I can have 2 additional minutes to finish my comments and we can then proceed?

Mr. ROTH. Unfortunately, we are in a very tight timeframe. I respectfully ask the Senator from Ohio to please comply. We must proceed. I have tried to satisfy everybody. I ask him not to proceed.

Mr. DEWINE. I certainly will not object to the request of the chairman of the committee. I have enough respect for my colleague, if that is what my colleague thinks is absolutely necessary to not object.

Mr. THOMPSON. Mr. President, we also had a unanimous consent for an additional, I think, 5 minutes that was allotted to me. I think the Senator from Ohio should be given at least an additional 2 minutes, if that is the case. I certainly agree Senator BYRD should be given some time. There is no reason why we cannot work this out.

Mr. ROTH. Let me say to the distinguished Senator, I am yielding my 5 minutes. I am not speaking.

Mr. THOMPSON. I am not speaking either, and I will yield the remainder of my time after the Senator from Ohio is finished. I will yield the remainder of any time I have.

Mr. ROTH. All right. We will let the Senator from Ohio have—what is it, 2 minutes?

Mr. THOMPSON. Yes.

The PRESIDING OFFICER. Is there objection to the modified request? Without objection, it is so ordered.

Mr. DEWINE. Mr. President, we can make up for this lost opportunity by passing this amendment. It is vitally important, I believe, that we do this and we move forward.

This amendment is not just about holding other nations accountable as proliferators, it is also about holding our President accountable as the world's principal nonproliferation enforcer.

With this amendment, Congress would receive a comprehensive report each year from the President about the proliferation practices of other nations. This report would require comprehensive information on proliferation practices, how these acts threaten our national security, and what actions are being taken by the President in response to these violations.

This reporting requirement will prevent future administrations from repeating the approach taken by the current administration, which ran and hid from our nonproliferation laws and responsibilities.

The amendment of the Senator from Tennessee would dramatically improve the PNTR legislation. I say this because PNTR is not just about trade—it is about U.S. foreign policy. We cannot let our trade policy with China supercede our national security policy. The lessons learned from the Cox Commission were clear: foreign policy and national security policy must drive trade policy and not the other way around.

I ask my colleagues: Have we asked enough of China? Has this administration done enough to advance our foreign affairs with China? I believe the answer to both is a resounding "no." The Thompson-Torricelli amendment gives the Senate a chance to insist on more from China and more from this administration. If both China and future administrations are going to take this Senate seriously as a clear and strong voice in our national security policy, we should stand together to support this amendment.

I thank my colleagues. I thank my colleague from Tennessee, and I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I rise today to congratulate Senator FRED THOMPSON and Senator TORRICELLI. They are speaking the people's language. They are talking plain, commonsense. They are right in offering this amendment.

Senator THOMPSON is asking that we in this Senate pay attention to the national security concerns of this Nation, asking that we put national security ahead of greed. What is wrong with that? He is asking that we put the national security of the United States of America ahead of election-year politics.

What is the matter with this Senate? Can we not see the handwriting on the wall?

The proliferation of weapons of mass destruction—nuclear weapons, ballistic missiles, chemical weapons, biological weapons—is a growing menace to world stability. Can we not see that? The acquisition of nuclear weapons by such rogue nations as North Korea, Iran, and Iraq is the driving force behind the costly and complicated effort by the United States to deploy a national missile defense system. Can we not see that?

The proliferation of weapons of mass destruction is forcing the nations of the world, including the United States, to reevaluate their own national security and to confront once again the nightmarish possibility of nuclear war. Can we not see that?

The main perpetrators behind the spread of weapons of mass destruction are China, Russia, and North Korea. According to the Central Intelligence Agency, in a report to Congress released last month, this unholy trinity of proliferators were the key contributors to the pipeline of ballistic missile related supplies and assistance going into the Middle East, South Asia, and North Africa.

It seems ludicrous to me that we would even consider standing here and debating the merits of extending Permanent Normal Trade Relations status to the People's Republic of China without addressing the issue of China's leading role in the proliferation of weapons of mass destruction. The Thompson-Torricelli amendment, of which I am a cosponsor, is essential to tightening our scrutiny of and control over the illegitimate trafficking in weapons of mass destruction by Chinese entities.

What weak dishwater is the excuse that we cannot add anything to the House-passed bill that would force a conference that might make some members of the House uncomfortable. What a sorry spectacle is a Senate completely cowed by the possibility that we might upset the Chinese if we add this provision.

What a travesty that the Secretary of Defense is reported to be calling Senators to oppose an amendment that puts the Chinese on notice about their egregious actions regarding the proliferation of weapons of mass destruction—weapons that threaten the safety of the planet.

I care nothing about a President's legacy if this is the price. I care nothing about profits for multinational companies if this is the price.

I took an oath to defend the Constitution of the Unites States against all enemies, foreign and domestic, and so did every other member of this body. Are we to tear up that oath for the election-year politics and greed?

Do we think that the American people are watching this debate with pride today? Do we think the American people are willing to auction off this Nation's security interests for the low bid of a Chinese promise to reduce tariffs?

China's string of broken promises is longer than its Great Wall.

We are talking here about the wanton export of nuclear weapons, of chemical weapons, of biological weapons and of long-range missiles. And what do we hear as a defense against addressing such dangerous and diabolical behavior? We hear the tepid, waterlogged response that such action we might take would endanger passage of this trade bill.

I have been in legislative bodies for 54 years, Mr. President. This is the first time I have ever seen anything such as this. When I was in the House of Delegates in West Virginia, I objected to being bound by a caucus, and I have never yet intended to be bound by any cabal or any commitment that, regardless of what the merits may be on a given amendment, we will vote against it. I have never seen that happen. I have never been one to believe in that approach.

I say to my friend from South Carolina, Senator HOLLINGS, the world's greatest deliberative body is quaking and wringing its hands over an amendment that would send a shot over the bow of the rogue elephant behavior of the Chinese.

We tremble at the thought of Chinese displeasure. Our lips quiver at the thought of displeasing big business or the president of the Chamber of Commerce or Cabinet members of the Clinton administration or the President himself as they dial for dollars and for votes. Those of us who refuse to roll over like good dogs just don't get it. We know that the fix is in on this fight, but we just keep slugging anyway. Maybe we will land a good punch or two if we fight on. Maybe the powers that be in China will notice there were some in the Senate who refused to legitimize China's outrageous disregard for the safety of the world by handing them the trophy of PNTR. Thank God for the likes of Senator PAUL WELLSTONE, Senator FRED THOMPSON, Senator FRITZ HOLLINGS, and Senator BOB TORRICELLI, and the 33 brave souls—33 brave souls, I want you to know—who dared to vote with me on a couple of modest amendments to this ill-advised trade bill. I thank them.

I believe the American people know what we are trying to do, and I believe they will put patriotism over pandering for profit any day.

I ask unanimous consent to print in the RECORD an item from the New York Times titled "Wavering Senators Feeling Pressure on China Trade Bill." I will have more to say about that later.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Sept. 13, 2000]

WAVERING SENATORS FEELING PRESSURE ON CHINA TRADE BILL

(By Eric Schmitt)

WASHINGTON, SEPT. 12.—Corporate leaders and several of President Clinton's cabinet officers intensified pressure today on wavering senators to reject an amendment that could jeopardize passage this year of a trade bill with China.

As the Senate girds for a crucial vote on the measure this week, supporters of legislation to establish permanent normal trading relations with China are pressing for a bill free of amendments. Those supporters say there is not enough time before Election Day to reconcile an amended Senate bill with the version that the House passed in May.

At a White House meeting with Congressional leaders today, Mr. Clinton urged speedy approval of an unamended bill. The measure is one of his top remaining foreign policy goals and a necessary step for American companies to benefit fully from a deal reached last year by the United States and China that paves the way for China's entry into the World Trade Organization. That 135-member trade group sets rules for global commerce.

At issue is an amendment sponsored by Senators Fred Thompson, Republican of Tennessee, and Robert G. Torricelli, Democrat of New Jersey, that would impose sanctions on Chinese companies if they were caught exporting nuclear, chemical or biological weapons or long-range missiles.

Defense Secretary William S. Cohen; Treasury Secretary Lawrence H. Summers; Mr. Clinton's national security adviser, Samuel R. Berger; and the United States trade representative, Charlene Barshefsky, began telephoning senators today, arguing that the amendment would not only imperil the trade bill, but would also actually hamper American efforts to combat the spread of sophisticated weaponry.

Senate aides negotiated the timing of votes. Senators could take up Mr. Thompson's amendment on Wednesday or Thursday. Final passage of the overall bill, which has overwhelming support, could occur as early as Friday or as late as next Tuesday.

China will enter the W.T.O. no matter how the Senate votes. But without Congress's blessing, Beijing could withhold some of the trade benefits, including lower tariffs, from the American farmers and companies that it will extend to other members in the trade group.

Thomas J. Donohue, president of the United States Chamber of Commerce, warned of retribution against senators who support the Thompson-Torricelli measure.

"Should this vote get tangled up in the politics of nuclear proliferation and other amendments to the extent that it might not be passed," Mr. Donohue said, "I think that would have a very serious political implication for those who were a party to that action."

Senators easily dispatched several other amendments today, including those on prison labor and human rights in China, as well as subsidies from Beijing to Chinese companies. But on the floor and in news conferences, the focus was on the Thompson-Torricelli amendment. "This is the vote on P.N.T.R.," Senator Max Baucus, Democrat of Montana said as he used the bill's abbreviation.

Senator Tom Daschle of South Dakota, the Democratic leader, stated that opponents "have the votes to defeat Senator Thompson's amendment."

Even Mr. Thompson acknowledged that he faced an uphill battle. "We've always known it was going to be a tough vote," Mr. Thompson told reporters. "A lot of people are saying they would like to vote for it. But since it is on P.N.T.R., they're afraid it will complicate P.N.T.R."

Supporters said the measure was necessary to clamp down on Chinese exports of sophisticated weaponry to Iran, Libya, North Korea and Pakistan.

"What is especially troubling about the Chinese activities is that this sensitive assistance is going to the most dangerous nations in the most volatile areas of the world," said Mr. Torricelli.

Backers of the amendment scoffed at fears that amending the bill would doom the larger bill this year. "To say we cannot amend a bill that has been passed by the House would be the height of irresponsibility," said Senator Kay Bailey Hutchison, Republican of Texas.

But amendment critics, including farm-state Republicans, said it was senseless to jeopardize a trade bill that would lower barriers to China's vast markets. "Approval for this bill will keep the United States economically and diplomatically engaged with one-fifth of the world's population," said Senator Pat Roberts, Republican of Kansas. "I cannot support a redundant and counterproductive amendment that would effectively kill this legislation."

Mr. BYRD. Mr. President, I close by thanking Senator ROTH, Senator MOYNIHAN, and other Senators who have been so considerate and courteous. I yield the floor.

Mr. ROTH. Mr. President, I spoke at length about my opposition to the Thompson amendment on Monday. But I want to briefly reiterate that I believe this amendment, while well-intentioned, is seriously flawed. In particular, this legislation relies on unilateral sanctions that are too widely drawn and too loosely conceived to prove effective in countering proliferation. In a global economy, shutting off Chinese and Russian access to American goods, agricultural and capital markets will not change Chinese or Russian behavior. Indeed, such actions would isolate the United States, not China, giving our competitors an open road to the world's biggest nation and fastest-growing market.

And make no mistake about it: though there have been changes to the bill to reduce the impact on farmers, virtually every member of the farming community—from the Alabama Farmers Federation to the National Chicken Council—has said in a letter that they are absolutely against the Thompson amendment. Moreover, for the first time, U.S. securities markets will be used as a sanctioning tool. That's why Alan Greenspan opposes this legislation.

The unilateral sanctions in this amendment are also indiscriminate in their application and could be applied to some of our closest allies, such as Germany, the United Kingdom, Italy, and France. Surely such actions will make future multilateral cooperation—which is absolutely essential to solving proliferation problems—far more difficult. Another problem with this amendment is that even though the President is theoretically able to waive sanctions, Congress gains the power to overturn the President's waiver through a procedure exactly the same as the counterproductive one we currently use in annually renewing normal trade relations with China.

In addition, the evidentiary standard used to trigger sanctions, one of "credible information," is too low. Surely, critical national security actions should be based on a higher standard, especially when they are could very well be applied to our closest allies. It also appears that the Thompson amendment could have a disastrous effect on our Cooperative Threat Reduction Program—better known as the Nunn-Lugar Program—with Russia and Russian entities.

Section 4 of the Thompson amendment contains language that would ban Nunn-Lugar assistance to any Russian entity identified in the report required by the amendment of the President. And so this amendment could actually have the perverse effect of decreasing our ability to stem proliferation problems in Russia. The Thompson amendment also raises serious constitutional concerns. For example, Congress' disapproval of the President's determination could result in severe sanctions against persons for actions that were perfectly legal when taken. The ex post facto effect raises serious due process questions. The standard of proof, which could result in sanctions against individual U.S. citizens based on suspicions, rather than proof, raises separate due process concerns. The congressional disapproval procedures raise separation of powers problems. In reversing the President's determinations regarding sanctions, Congress will, in effect, implicitly be second-guessing the exercise of the President's prosecutorial discretion.

Proliferation is a matter of vital national interest. I applaud my friend from Tennessee for raising this issue, and I hope he will continue his work in this critical area next year, when I hope we can come to agreement on a measure that will gain the support of an overwhelming majority of this Chamber. But I must urge all my colleagues to join me in opposing the Thompson amendment.

Mr. President, I move to table the Thompson amendment No. 4132, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Washington (Mr. GORTON) is necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER (Mr. GREGG). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 65, nays 32, as follows:

[Rollcall Vote No. 242 Leg.]

YEAS—65

Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Burns
Campbell
Chafee, L.
Cleland
Cochran
Craig
Crapo
Daschle
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feinstein
Fitzgerald
Graham
Gramm
Grams
Grassley
Hagel
Harkin
Hatch
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lugar
Mack
Miller
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Schumer
Smith (OR)
Stevens
Thomas
Voinovich
Warner
Wyden

NAYS—32

Abraham
Ashcroft
Bunning
Byrd
Collins
Conrad
DeWine
Feingold
Frist
Gregg
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Kohl
Kyl
Lott
McCain
McConnell
Mikulski
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Snowe
Specter
Thompson
Thurmond
Torricelli
Wellstone

NOT VOTING—3

Akaka
Gorton
Lieberman

The motion was agreed to.

Mr. ROTH. Mr. President, I move to reconsider the vote.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, parliamentary inquiry: I think under the order, my colleague and friend from North Carolina is to be recognized to offer an amendment at this juncture. I have had a brief discussion with my colleague from North Carolina. I don't know whether I need to ask unanimous consent to proceed for 5 minutes prior to Senator HELMS being recognized or not in order to achieve that result. May I inquire what is the parliamentary situation?

The PRESIDING OFFICER. Recognition of the Senator from North Carolina is to occur at 2:30. The Senator from Connecticut has the floor.

Mr. DODD. I thank the Chair.

Mrs. HUTCHISON. Will the Senator yield for a question?

Mr. DODD. I am happy to yield.

Mrs. HUTCHISON. Does the Senator from Connecticut need the full 10 minutes? I wanted to speak for a few minutes as in morning business if he didn't need it all.

Mr. DODD. If the Chair will inform the Senator from Connecticut when 8 minutes have transpired, I will leave a couple minutes for my friend from Texas.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I intended to offer these remarks prior to the consideration of the Thompson-Torricelli amendment, but time did not permit it. I am pleased with the outcome of the vote in this Chamber regarding the Thompson amendment. I do regret, in a sense, that we had to take the vote. I am concerned that the powers that be in the People's Republic of China, or elsewhere, may misread the vote as somehow rejection of our concern on the issue of nuclear proliferation. Nothing could be further from the truth. This vote that occurred is obviously one where most of us felt very deeply that the underlying agreement is of critical importance, as is the subject matter of the amendment offered by our friends and colleagues from Tennessee and New Jersey. But it is the strong view of many of us that this was an unrelated matter and the amendment, as drawn, was flawed in several respects.

Specifically, the amendment called for the imposition of unilateral sanctions against the People's Republic of China, Russia, and North Korea for past and prospective proliferation activities. Although the amendment did give the President the authority to waive these sanctions under certain circumstances, it also provides for the congressional challenge of the President's use of that authority under expedited procedures. Clearly, the issue the sponsors sought to address in this amendment is a deeply serious one, with significant national security and foreign policy implications.

I, for one, would not attempt to stand here and argue that the People's Republic of China, or North Korea, or Russia, or several other nations for that matter, have always steadfastly adhered to the international standards set forth in the existing multilateral nonproliferation agreements and arms control regimes. Nor would I suggest that China does not have the same obligations that every other nation has to ensure that its exports of sensitive nuclear weapons-related technology to North Korea, Iran, Libya, and other states seeking to acquire such dangerous weapons capability cease to occur.

I do wonder, however, whether the underlying legislation is the appropriate place to be having a debate about an issue that is, after all, a global problem that goes well beyond our trade relations with one nation.

Nor is the is problem likely to be solved by our simply legislating sanctions against one country or another. This is a multilateral problem that isn't going to be contained without meaningful cooperation and the involvement of all nations with a stake in containing the spread of nuclear weapons and other weapons of mass destruction.

I am also fearful that whichever way the vote turned out—and in this case it was defeated—it will be misinterpreted by those who want to believe that the U.S., and specifically the U.S. Senate, does not care about the issue of nuclear proliferation, and therefore potential proliferators are free to do whatever they want.

I don't believe that is an accurate nor wise message to be sending. Nor do I think it serves to further international nuclear nonproliferation cooperation.

As to the specifics of the amendment just adopted, I am puzzled by how the sponsors have chosen to approach what is, after all, a global problem. They have chosen to single out three countries—China, Russia, and North Korea—for their participation in proliferation activities, while effectively ignoring similar actions taken by other smaller nations. The list is much larger than those three nations. Any action taken should be global in its focus.

I also don't understand why our existing nuclear nonproliferation laws don't provide at least what I believe for the time being sufficient authority to the President to respond accordingly to violations of international nonproliferation standards by China or any other potential exporter.

These laws include: the Arms Control and Disarmament Act, Arms Export Control Act, International Emergency Economic Powers Act, Export Administration Act, Chemical and Biological Weapons Control Elimination Act, Iran-Iraq Nonproliferation Act, Nuclear Proliferation Prevention Act, and the Iran Proliferation Act of 2000. These laws cover a full range of dangerous proliferation activities.

The mechanics of the amendment just rejected also gave me great pause. The low evidentiary standards in the amendment could automatically trigger a number of mandatory unilateral sanctions that would ultimately hurt, or could hurt, our foreign policy, economic, and technological interests. We must ensure that only those who traffic in arms are affected by those sanctions.

Proliferation is a very delicate and complex issue that affects our economic and foreign policy agendas. Ensuring the fullest cooperation of all the major participants in this sector is by its very nature a dynamic process with significant diplomatic ramifications. Attempting to legislate the mechanics of this effort is akin to attempting to perform brain surgery with a hacksaw, in my view.

China has problems—serious ones—with proliferation. Nobody here is going to claim that China is a benevolent democracy, and I am sure we all agree that there is much China must do to meet the standards we expect of civilized nations who are going to join the World Trade Organization. Yet, I also believe we should recognize that there has been some positive movement in this area..

Recent efforts at U.S. engagement have resulted in China joining a number of major multilateral arms control regimes in assisting us to defuse a nuclear crisis on the Korean peninsula, and in participating constructively in international efforts to contain the escalating arms race between India and Pakistan.

How can we build on that progress? Are we going to do it by denying China PNTR or mandating the imposition of unilateral sanctions? Surely, there has to be a better way to encourage additional cooperation from Chinese authorities in this area.

I respectfully suggest that the Thompson amendment should not be misinterpreted because, as important as it is, it would be misguided, in my view, to include it as was attempted in this particular legislation. There is a far greater chance that we are going to get the kind of cooperation as a result of China being a part of the World Trade Organization than isolating them further.

I hope we will have another opportunity to address the proliferation issue. It is one that needs to be addressed. This would have been the wrong place.

(The remarks of Mrs. HUTCHISON are located in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. Under the previous order, the Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, I ask unanimous consent that it be in order for me to deliver my remarks seated at my desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I thank the Chair.

AMENDMENT NO. 4128

Mr. HELMS. Mr. President, during the course of the Senate's consideration of handing China the permanent most favored nation status—that is what it amounts to: just giving it to them—several of us have highlighted the abhorrent human rights record of the Communist Chinese Government.

China's practice of forcing its women citizens to submit to abortions and/or sterilization—usually both—is not only revolting; it is shameful, because it is a practice that has been repeatedly documented for 20 years now. In fact, the most recent State Department Human Rights Report on China contains a detailed account of the cruel, coercive measures used by Chinese officials, such as forced abortion, forced sterilization, and detention of those who even dare to resist this inhumane treatment.

My pending amendment proposes to put the Senate on record as condemning the Chinese dictatorship's barbaric treatment of its own people.

Although the Politburo of the Chinese Communist Party officially says—and I say absurdly says, and they say it—that forced abortion has no role in China's population control, it is, to the contrary, a known fact that the Chinese Government does indeed, absolutely, and without question, force women to submit to forced abortion and to sterilization. Communist Chinese authorities strictly enforce birth quotas imposed on its citizens. They pay rewards to informants tattling on the women for having more than one child while making certain that local population control officials using coercion are left absolutely unrestrained in the way they conduct themselves.

For example, I have in hand reports of this cruel situation from many Chinese citizens. I received this information in my capacity as chairman of the Senate Foreign Relations Committee. These citizens have witnessed firsthand countless episodes of this bloody cruelty. A defector from China's population control program testified before a House International Relations Committee hearing in June a couple of years ago that the Central Government policy in China strongly encourages local officials to use every conceivable coercive tactic in enforcing the one-child policy. They have described to me in person the results of women crying and begging for mercy simply because they were prepared to deliver a child.

Furthermore, Communist China's population control officials routinely punish women who have conceived a child without Government authorization. They subject the women to extreme psychological pressures, enormous fines which they can't possibly pay, along with the loss of their jobs, and with all sorts of other physical threats.

If women in China dare to resist the population control policy on religious grounds, they have to confront especially gruesome punishment. Amnesty International reported to us, and publicly, that Catholic women in two villages were subjected to torture, to sexual abuse, and to the detention of their relatives for daring to resist China's population program.

Very credible reports indicate that if "these" methods aren't enough to convince women in China to abide by the regime's population control program, forced abortions are carried out publicly in the very late stages of pregnancy.

I think it was back in 1994 when it began. Since that time, forced abortion has been used in Communist China not only to regulate the number of children born but under the policy known as the "Natal and Health Care Law," pregnancies are terminated on a mandatory basis if a Government bureaucrat arbitrarily declares that an unborn child is defective. Nobody checks on him. He doesn't have to present any evidence. He just says the child is defective. That is it.

I believe it is common knowledge that I am a resolute defender of the sanctity of life. I have tried to do that ever since I have been a Senator, and prior to that time. But the pending amendment is not merely about life; it seems to me it is about liberty. Bureaucrats terrorizing women into unwanted abortions or medical operations permanently depriving them of their capability to have children, it seems to me, is the ultimate appalling affront to freedom.

My pending amendment urges the President to ask the Chinese Government to stop this ungodly practice. My amendment also calls on the President to urge the Chinese Government to stop putting Chinese women in jail whose crime is resisting abortion of a child or sterilization.

I think this is a modest measure. It doesn't condition PNTR on China's Government changing its abhorrent behavior. It simply asks the President of the United States to say to the Chinese that we want to defend the rights of women in China and ask the Chinese officials to see that that happens.

The question that comes to my mind is, Can the Senate proceed to award China with permanent trade privileges while refusing to express our revulsion at a basic violation of women's freedom?

The amendment I shall propose and call up in just a moment will not at all endanger passage of PNTR. We need not worry about that. I don't think PNTR ought to be approved at this time. But this amendment will not forbid or do any danger to the enactment of PNTR. It will simply be a matter of the Senate doing and saying the right thing before it happens.

AMENDMENT NO. 4128

(Purpose: To express the Sense of Congress regarding forced abortions in the People's Republic of China)

Mr. HELMS. Mr. President, I now call up amendment No. 4128.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes an amendment numbered 4128:

At the end of the bill, insert the following:

SEC. 702. SENSE OF CONGRESS REGARDING FORCED ABORTIONS IN CHINA.

(a) FINDINGS.—Congress makes the following findings:

(1) Forced abortion was rightly denounced as a crime against humanity by the Nuremberg War Crimes Tribunal.

(2) For more than 18 years there have been frequent, consistent, and credible reports of forced abortion and forced sterilization in the People's Republic of China. These reports indicate the following:

(A) Although it is the stated position of the politburo of the Chinese Communist Party that forced abortion has no role in the population control program, in fact the Communist Chinese Government encourages forced abortion and forced sterilization through a combination of strictly enforced birth quotas, rewards for informants, and impunity for local population control officials who engage in coercion.

(B) A recent defector from the population control program, testifying at a congressional hearing on June 10, 1998, made clear that central government policy in China strongly encourages local officials to use coercive methods.

(C) Population control officials of the People's Republic of China, in cooperation with employers and works unit officials, routinely monitor women's menstrual cycles and subject women who conceive without government authorization to extreme psychological pressure, to harsh economic sanctions, including unpayable fines and loss of employment, and often to physical punishment.

(D) Especially harsh punishments have been inflicted on those whose resistance is motivated by religion. According to a 1995 Amnesty International report, the Catholic inhabitants of 2 villages in Hebei Province were subjected to enforcement measures including torture, sexual abuse, and the detention of resisters' relatives as hostages.

(E) Forced abortions in Communist China often have taken place in the very late stages of pregnancy, including numerous examples of actual infanticide.

(F) Since 1994 forced abortion has been used in Communist China not only to regulate the number of children, but also to destroy those who are regarded as defective because of physical or mental disabilities in accordance with the official eugenic policy known as the "Natal and Health Care Law".

(3) According to every annual State Department Country Report on Human Rights Practices for the People's Republic of China since 1983, Chinese officials have used coercive measures such as forced abortion, forced sterilization, and detention of resisters.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the President should urge the People's Republic of China to cease its forced abortion and forced sterilization policies and practices; and

(2) the President should urge the People's Republic of China to cease its detention of those who resist abortion or sterilization.

Mr. HELMS. I thank the clerk. I thank the Chair.

I ask for the yeas and nays. I don't believe I will be able to get them at this moment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I simply want to inquire about how much time I have remaining on my side.

The PRESIDING OFFICER. The Senator has 21 minutes.

Mr. HELMS. I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I ask unanimous consent it be in order for me to request and to receive a rollcall on the pending amendment.

Mr. ROTH. Reserving the right to object, I think the hope is that we will set the vote aside and have several votes later.

Mr. HELMS. Do I have the floor?

The PRESIDING OFFICER. The Senator from North Carolina has the floor.

Mr. HELMS. I say to the distinguished chairman that I am aware of that and I favor it. However, I do want to get the yeas and nays on my amendment. The scheduling of a whole series of amendments suits me just fine.

Mr. ROTH. We join the Senator in asking for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I thank the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I rise in opposition to this amendment. China's record on family planning and its use of forced abortion is indefensible. The country's policy violates the most fundamental human rights. That is why the United States does not contribute funds directly or indirectly to China's family planning programs.

My good friend and distinguished colleague from North Carolina is to be commended for bringing the matter of Chinese forced abortions to our attention. I do not oppose his amendment on its merits. I only oppose it as an amendment to H.R. 4444.

As I said, if PNTR is amended, a conference and another round of votes on H.R. 4444 will be necessary, likely destroying any chance for PNTR. Therefore, I must ask that my colleagues join me in voting against this amendment.

The PRESIDING OFFICER. If no one yields time, time will be equally charged on both sides.

Mr. HELMS. Mr. President, we have a Senator on the way to the Chamber to speak on the pending amendment. I suggest, to save time, the pending amendment be laid aside temporarily so I can call up a second amendment.

The PRESIDING OFFICER. Is the Senator making a unanimous consent request?

Mr. HELMS. Mr. President, I ask unanimous consent—and I hope everyone will agree to the unanimous consent—to lay aside the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I wish to renew my request that it be in order for me to be seated during the presentation of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4123

(Purpose: To require the Secretary of Commerce to consult with leaders of American businesses to encourage them to adopt a code of conduct for doing business in the People's Republic of China)

Mr. HELMS. Mr. President, I call up amendment No. 4123 and ask it be stated.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS], proposes an amendment numbered 4123.

At the end of the bill, insert the following:

SEC. . CODE OF CONDUCT FOR BUSINESSES.

(a) FINDINGS.—Congress makes the following findings:

(1) The Chief Executive of Viacom media corporation told the Fortune Global Forum, a gathering of hundreds of corporate leaders in Shanghai to celebrate the 50th anniversary of communism in China in September 1999, that Western media groups "should avoid being unnecessarily offensive to the Chinese government. We want to do business. We cannot succeed in China without being a friend of the Chinese people and the Chinese government.".

(2) The owner of Fox and Star TV networks has gained favor with the Chinese leadership in part by dropping programming and publishing deals that offend the Communist Government of China, including the book by the last British Governor of Hong Kong.

(3) The Chief Executive of Time Warner, which owns the Fortune company that organized the Global Forum, called Jiang Zemin his "good friend" as he introduced Jiang to make the keynote speech at the conference. Jiang went on to threaten force against Taiwan and to warn that comments by the West on China's abysmal human rights record were not welcome.

(4) The Chief Executive of American International Group was reported to be so effusive in his praise of China's economic progress at the Global Forum that one Chinese official described his remarks as "not realistic".

(5) The founder of Cable News Network, one of the world's richest men, told the Global Forum that "I am a socialist at heart.".

(6) During the Global Forum, Chinese leaders banned an issue of Time magazine (owned by Time-Warner, the host of the Global Forum) marking the 50th anniversary of communism in China, because the issue included commentaries by dissidents Wei Jingsheng, Wang Dan, and the Dalai Lama. China also blocked the web sites of Time Warner's Fortune magazine and CNN.

(7) Chinese officials denied Fortune the right to invite Chinese participants to the Global Forum and instead padded the guest list with managers of state-run firms.

(8) At the forum banquet, Chinese Premier Zhu Rongji lashed out at the United States for defending Taiwan.

(9) On June 5, 2000, China's number two phone company, Unicom, broke an agreement with the Qualcomm Corporation by confirming that it will not use mobile-phone technology designed by Qualcomm for at least 3 years, causing a sharp sell off of the United States company's stock.

(10) When the Taiwanese pop singer Ah-mei, who appeared in advertisements for Sprite in China, agreed to sing Taiwan's national anthem at Taiwan's May 20, 2000, presidential inauguration, Chinese authorities immediately notified the Coca-Cola company that its Ah-mei Sprite ads would be banned.

(11) The company's director of media relations said that the Coca-Cola Company was "unhappy" about the ban, but "as a local business, would respect the authority of local regulators and we will abide by their decisions".

(12) In 1998, Apple Computer voluntarily removed images of the Dalai Lama from its "Think Different" ads in Hong Kong, stating at the time that "where there are political sensitivities, we did not want to offend anyone".

(13) In 1997, the Massachusetts-based Internet firm, Prodigy, landed an investment contract in China by agreeing to comply with China's Internet rules which provide for censoring any political information deemed unacceptable to the Communist government.

(b) SENSE OF SENATE.—It is the sense of Senate that in order for the presence of United States businesses to truly foster political liberalization in China, those businesses must conduct themselves in a manner that reflects basic American values of democracy, individual liberty, and justice.

(c) CONSULTATION REQUIRED.—Not later than 90 days after the date of enactment of this Act, the Secretary of Commerce shall consult with American businesses that do business in, have significant trade with, or invest in the People's Republic of China, to encourage the businesses to adopt a voluntary code of conduct that—

(1) follows internationally recognized human rights principles, including freedom of expression and democratic governance;

(2) ensures that the employment of Chinese citizens is not discriminatory in terms of sex, ethnic origin, or political belief;

(3) ensures that no convict, forced, or indentured labor is knowingly used;

(4) supports the principle of a free market economy and ownership of private property;

(5) recognizes the rights of workers to freely organize and bargain collectively; and

(6) discourages mandatory political indoctrination on business premises.

Mr. HELMS. Mr. President, the pending amendment proposes that the Secretary of Commerce be requested to consult with American businesses on drafting and adopting a voluntary code of conduct for doing business in China. Such a voluntary code of conduct would follow internationally recognized human rights, work against discrimination and forced labor, support the principles of free enterprise and the rights of workers to organize, and discourage mandatory political indoctrination in the workplace.

The purpose of this amendment is this: So often in this debate, the argument has been advanced that only by exposing the Chinese Government and the Chinese people to our values through expanded trade and investment can we hope to bring about political change in China, and the only way we can help that desired achievement is to do as the amendment proposes.

I have always been skeptical about this because businesses are not in the business of expanding democracy. I am not going to comment on what the businesses support in PNTR and the way it is being supported. Be that as it may, businesses exist, quite frankly, to make money. I certainly have no problem with that. But let's be honest on the process of what we are doing here in this Senate Chamber. American businesses, even if viewed in the most charitable light, are not likely to lift a finger to promote democracy in China. Unfortunately, it is difficult to view some of the American businesses charitably when we examine their attitude toward China. If I step on some toes here, I am sorry, but I believe I must have my say for the benefit of the Senate.

The powerful lure of potential huge Chinese markets has obviously clouded the judgment of some of our top companies and some of their executives. With regret, I have concluded that some of America's top businesses have been willing to supplicate to the Communist Government of China, hoping that the Chinese Government will allow them someday to make a profit there.

I want the Senate to consider the following statements and actions by American businesses in China, which are stated as findings in the pending amendment:

No. 1, the chief executive of Viacom media corporation told the Fortune Global Forum, a September 1999 gathering of hundreds of corporate leaders in Shanghai gathered to celebrate—get this—the 50th anniversary of communism in China—They gathered to celebrate the fact that western media groups, "should avoid being unnecessarily offensive to the Chinese Government."

No. 2, the owner of Fox and Star TV networks has repeatedly gained favor with the Chinese leadership by dropping programming and publishing deals that offend the Communist Government of China, including a book written by the last British Governor of Hong Kong.

No. 3, the Chief Executive of American International Group was reported to be so effusive in his praise of China's economic progress at this global forum that one Communist Chinese official described the remarks as "not realistic."

No. 4, the founder of CNN, one of the world's wealthiest men, proudly told the global forum, "I am a socialist at heart."

No. 5, in 1998, Apple Computer voluntarily removed images of the Dalai Lama from its "Think Different" ads in Hong Kong, stating at the time, "Where there are political sensitivities, we did not want to offend anyone."

No. 7, in 1997, the Massachusetts-based Internet firm, Prodigy, landed an investment contract in China by agreeing to comply with China's Internet rules which provide for censoring any political information—now get this—"deemed unacceptable to the Communist government."

I am forced to wonder if some of our business leaders understand what they are doing when they make such statements and make such decisions. Obviously, they are trying to curry favor with the Communist Government of China in which they aim to do business. But isn't there a limit to what they would do to accomplish what they seek? To say things that are so clearly untrue, or to agree to self-censorship when some of them are in the media business, it seems to me, undermines the ultimate goal of these companies—their higher profits—by legitimizing a Communist government that manifestly does not even believe in the free enterprise system.

In any event, some U.S. businesses certainly did not seem to get a very good return on their investment of goodwill. Just consider how the Chinese Government repaid Time-Warner, for example. At the very moment that Time-Warner was sponsoring a conference in Shanghai for American business leaders to celebrate the 50th anniversary of Chinese communism, Chinese leaders banned the then-current issue of Time magazine, which is owned, of course, by Time-Warner. They removed it from the Chinese news stands—because of what? Because that issue happened to include commentaries by some Chinese dissidents and by the Dalai Lama. Then China blocked the web sites of Time Warner's Fortune magazine, as well as CNN, the founder of which is a self-described socialist. I didn't say it; he said it.

Chinese officials denied the conference organizers the right to invite certain Chinese participants to the forum. Instead, the Chinese leaders padded the guest list with managers of—what? Chinese-run firms.

That is the way they do business over there. That is the crowd that everybody in this country seems to be clamoring to bow and scrape to.

I have to say this for the Chinese leaders: at least they stood up at the banquet at the conclusion of the conference and harshly lashed out at the United States for daring to speak about human rights while in Communist China, and for defending democratic Taiwan, of course.

So I wonder if our corporate executives woke up the next morning feeling a little bit underappreciated. But even if they did not, one thing is for certain. This type of attitude and conduct by American businessmen will never, never, never promote democracy in China, let alone participate in causing it to come about. If the presence of American businesses truly purports to aid in bringing democracy to China, then those businesses, it seems to me, must conduct themselves in a manner reflecting basic American values—such as individual liberty and free expression and free enterprise.

That is what the pending amendment's voluntary—and I repeat voluntary—code of conduct calls for. Of course, I realize that some American firms have already adopted their own ethical rules and codes for international business, but they generally are limited, narrow business practices, don't you see, and certainly have not prevented the sort of kowtowing to China's ruling Communists whom I have just described.

The point is this, and I will conclude. I fail to see any reason on the face of the Earth why the Senate should not take this step at least before concluding that trade will automatically bring democracy to Communist China.

Mr. President, before I yield the floor, let me request, by the same method as previously, that I be granted the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from New Hampshire.

AMENDMENT NO. 4128

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent to return to the Helms amendment No. 4128.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of New Hampshire. Mr. President, how much time is remaining on the amendment—on Senator HELMS' time?

The PRESIDING OFFICER. The Senator from North Carolina retains 20 minutes.

Mr. SMITH of New Hampshire. Mr. President, I ask the Senator from North Carolina, if he desires to finish the debate on this, please interrupt me and I will be happy to yield to him.

Mr. HELMS. Inasmuch as the Chair has yielded me the right to comment from my seat at my desk, let me say I yield all the time to the Senator that he requires.

The PRESIDING OFFICER. The Senator is recognized.

Mr. SMITH of New Hampshire. Mr. President, let me take the opportunity to say again publicly on this floor to the Senator from North Carolina what an honor it is to serve with him and to know him as a friend. He is one of the finest people I have ever met in my life. I don't say that lightly. There are a lot of people, especially the unborn children of this world, who know who has been carrying the torch here for children who cannot speak for themselves in the womb. They owe you a lot. We owe you a lot. I am proud to be here in the Senate with you.

Mr. HELMS. I thank the Senator.

Mr. SMITH of New Hampshire. Mr. President, I am proud to stand in support of the Helms amendment. On August 24 of this year, publications all around the world ran headlines very similar to this:

> Chinese kill baby to enforce birth rule.

The article went on to describe how five Chinese Government officials intruded into the home of a woman who had given birth against the state's oppressive "one child" policy. They waited in her living room until she returned from the hospital. When she arrived, the officials ripped the baby boy from her arms where—to the horror of his mother and onlookers—they walked outside to a rice paddy and drowned the child in front of his parents' eyes.

A wave of anger obviously enveloped this small township in the following hours of the child's murder. However, this is China. Villagers are kept from speaking out against this atrocity, and they find themselves in a terrible state of unified silence as a fear of retribution, harm, or even death for their own families settles upon them.

This is the China to which we are giving permanent trade status with this bill. I find it unbelievable that we cannot get these kinds of human rights atrocities addressed in this permanent normal trade relations bill for China. We are saying this is fine, we will ignore it, not talk about it, as long as we can sell them wheat, corn, whatever, and make money. So we can ignore this.

I am the first to admit we cannot intrude, unfortunately, into the policies of the Government of China, but we can make known these policies to the world and we can say as a nation, supposedly the moral leader of the world, that this is wrong.

I am proud of Senator HELMS for bringing this to the attention of the Senate during this debate, and I cannot understand, for the life of me, why we cannot allow simple sense-of-the-Senate language to this permanent normal trade relations bill in an effort to stop this horrible, barbaric behavior.

The Helms amendment simply expresses the sense of Congress that, one, Congress should urge China to cease its forced abortion and forced sterilization policies, and two, the President should urge China to cease its detention of those who resist abortion and sterilization. It is a good amendment. There is nothing wrong with this amendment. It is fair and it is reasonable.

In addition, I also believe that Chinese women should have the right to choose. It is interesting, those who have been the strongest proponents of abortion in this Chamber—when it comes to a Chinese woman's right to say, "I want to have my child," the silence is deafening. When a woman says, "I have the right to choose to have an abortion," they are out here in full force. A little inconsistency?

The point is, a Chinese woman is told, in spite of the fact she wants to have her child, that she cannot, and not only can she not have it, it is aborted forcefully.

I had constituents, a young couple, a few months ago come to me. They were both Chinese. They had been visiting America. She was about 5 or 6 months pregnant and was told if she went back to China the child was going to be aborted. I turned all hands on deck to get that case resolved so they did not have to go back, and she did not go back. She had that child, now an American citizen, born in freedom, but that child would have been aborted in China against the wishes of the mother. We cannot even get this issue addressed with sense-of-the-Senate language before we pass on the fast track permanent normal trade relations.

There is so much talk about choice, but the choice only runs one way—when one is talking about the woman's "right" to an abortion. When it comes to the right to choose to have her baby, silence.

It is a stated position of the Chinese Communist Party that forced abortion and forced sterilization have no role in the population control program. In fact, the Chinese Communist Government encourages both forced abortion and forced sterilization. I emphasize "forced." They accomplish this through a combination of strictly enforced birth quotas and immunity for local population control officials who use coercion to force abortion.

Nobody really knows for sure how many women undergo these abortions. We do not exactly have a population count on that score. Most women are afraid to report. The numbers are kept secret.

According to Harry Wu, the director of the Laogai Research Foundation, who once lived in China and now monitors and writes about his native homeland, the city of Janjiang alone experienced 1,141 forced abortions in one 9-month period in 1997. Those were women who wanted to have their children and were forced to have an abortion.

One can imagine the horror of the woman who has to go through that. I say with the greatest respect for those who disagree with the issue, where are you today? If you are for a woman's right to choose to have an abortion, why can you not be for a woman's right not to have one? Why the silence? Where are the votes on this amendment?

I want to spend the next minute or two telling about one brave woman who dared to come out of Red China to talk about this so-called planned birth policy. Her name is Ms. Gao. She testified before the House Subcommittee on International Operations and Human Rights a couple of years ago. According to Ms. Gao, in order to successfully carry out the policy, precise records of the women in her province were compiled, noting their names, births, marriages, pregnancies, reproductive cycles—all sorts of information.

Women who met the planned birth committee's criteria were then issued a "birth allowance," while those women who did not meet the criteria were given "birth not allowed" notices.

This is the country to which we are giving permanent normal trade relations. Senator HELMS is not forcing us to do anything except to put this language in the bill as a sense of the Senate that alerts the world to this practice. That is all he is asking. We are told if we support Senator HELMS, we are going to delay the passage of the bill. So? Permanent is permanent. What are a few more days, hours, minutes? I venture to say, if we sent this back to the House with the Helms language in it, it would take the House about 5 minutes to approve it, and that would be the end of it.

What they are really afraid of is offending the Chinese—that is what this is about—because we do not want to lose the sales of our agricultural products. Sales of agricultural products are more important than the lives of children who are forcibly killed in front of their parents. If a woman is found to be pregnant and does not possess a birth-allowed certificate, she is immediately given an abortion, no matter how far along the pregnancy is. I repeat—no matter how far along the pregnancy is.

Enforcement is a crucial component of China's planned parenthood policies. Mandatory medical inspections for women of childbearing age is required. One can imagine the secrecy, trying to hide the fact you are pregnant if you want to have the child, maybe even keeping it from your own family, certainly friends, relatives, for fear you are going to be turned in to Big Brother, Communist China Government. Those who fail to undertake these medical examinations at the preordained time face jail and monetary fines.

Night raids to apprehend women in violation of state policy are frequent. Where are the proponents of women's rights on this debate? Why are they not standing with Senator HELMS?

If the Chinese Government cannot locate the woman, they will detain her husband or her parent or anyone in her family until she comes forward and surrenders to have that abortion.

This is happening in China. Let's not kid ourselves. Let's not pretend it does not happen. It is happening in China.

I want to read from Ms. Gao's testimony in 1998. It is pretty compelling, and it is not pleasant. She said:

> Once I found a woman who was 9 months pregnant but did not have her birth-allowed certificate. According to the policy, she was forced to undergo an abortion surgery. In the operation room, I saw how the aborted child's lips were sucking, how its limbs were stretching. A physician injected poison into its skull, and the child died and was thrown into a trash can. To help a tyrant do evils was not what I wanted . . . I could not live with this on my conscience. I, too, after all, am a mother.

She goes on to say:

> All of those 14 years, I was a monster in the daytime, injuring others—

and killing babies—

> by the Chinese communist authorities' barbaric planned-birth policy, but in the evening, I was like all other women and mothers, enjoying my life with my children. I could not live such a dual life anymore. Here, to all those injured women, to all those children who were killed, I want to repent and say sincerely that I'm sorry! I want to be a real human being. It is also my sincere hope that what I describe here today can lead you to give your attention to this issue, so that you can extend your arms to save China's women and children.

Senator HELMS has fulfilled that lady's expectations by bringing this to the attention of the Senate, the American people, and the world, on behalf of China's women and children.

What is a real shame is, what the Senator is asking here will be rejected as we vote no.

Finally, Ms. Mao stated:

> My conscience was always gnawing at my heart.

You see, because the official religion of the Chinese Government is atheism, as it is with all Communist regimes, their policies and officials do not have to answer to any higher power except to the state. There is no sense of morality behind their Government's decisionmaking process.

But let me ask a very poignant question. Is there a sense of our morality to ignore it? What does it say about our morality to say we will sell corn and wheat and make a profit and ignore this? Why not say: Stop this and we will sell you the corn and the wheat? Isn't that better? Aren't we supposed to be the moral leader?

When God is absent, human life is invaluable, isn't it? It does not have much meaning because we are children under God. If you do not believe that, then life has no meaning other than how it exists here on this Earth.

That is why you have forced abortions. That is why you have persecution. That is why you have guns pointed at students' heads. That is why you have tanks poised to run over protesters.

That is why you have harvested organs. I talked about that this morning in my amendment. I say to Senator HELMS, which got 29 votes, including the Senator's, for which I am very grateful. They also do that. That is another issue. China harvests organs—not from willing donors—from prisoners who sometimes do nothing more than protest against the state. They are executed by being shot in the head, and then organs are taken and sold for $30,000 apiece for a kidney, and the money is given to the Chinese military.

We lost on that amendment, I say to Senator HELMS, by a vote of 60-something to 29. What does that say? That we are unwilling to send this back to the House for 5 or 10 minutes in conference and pass it?

That is why I am strongly supporting this amendment by Senator HELMS. I am proud to support this amendment. I am proud to stand here on the floor of the Senate and say that this is wrong. Sometimes you have to say things whether you win the debate or not. Sometimes it does not matter whether you win the debate or not; it is just having the debate that matters.

His amendment would encourage the Chinese Government to stop this atrocity, to stop this barbaric act, to stop forcing abortion on unborn children and forcing women to have those abortions.

It is not unreasonable to ask my colleagues to support this amendment which is vital to human rights in China. It is vital to the rights of a woman and it is vital to the rights of a child.

Mr. President, I ask unanimous consent to have printed in the RECORD the remarks from Harry Wu on forced abortions in China.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FORCED ABORTION AND STERILIZATION IN CHINA—THE VIEW FROM INSIDE

A BURGEONING POPULATION

It has been over twenty years since the People's Republic of China, which has 22% of the world's population, began implementing its population-control policy, or planned birth policy in mainland China. In the years following the 1949 victory of the Communist Party in the PRC, Communist leader Mao Zedong promoted population growth, regarding a large population as an asset for both production and security. In the most recent decades, as the focus of the Chinese government has shifted towards economic development, the Communist government has taken to blaming the cultural traditions of its own people for the population explosion. The need to promote growth and combat the traditions of large families became justifications for one of the most barbaric abuses of government power ever revealed: the infamous "one child" policy.

Since 1979 when the population-control policy was first implemented, it has been a top-down system of control: the central government establishes general policy guidelines, and local governments institute and enforce specific directives and regulations to meet these guidelines. In addition to the original one-child policy itself, the Marriage Law of 1980 requires the practice of family planning. The law encourages the policy of late marriage and late birth, and sets the minimum marriage age at 22 years of age for men and 20 years of age for women. Provincial regulations enacted in the eighties established artificial quotas, which planned birth cadres were to enforce strictly. Leaders in Jiangxi, Yunnan, Fujian, and Shaanxi provinces, for example, received orders to strictly limit the number of births in excess of their authorized targets by forcing women to have abortions, euphemistically referred to as "taking remedial measures."

In May of 1991, the Chinese Communist Party Central Committee enacted the "Decision to Intensify Planned-Birth Work and Strictly Control Population Growth." This policy paper contains provisions suggesting the use of IUD's, sterilization, and pregnancy termination in some circumstances. In all, the policy aims to create a greater uniformity between central and provincial family planning and laws. While there have been alternate tightenings and relaxations of the policy, evidence brought to light at the June 10, 1998 hearing before the House Subcommittee and International Operations and Human Rights revealed that the coercive practices first implemented in the eighties persist to this day. Never before has this system been exposed to the world in its entirely. In fact, up until this point, the Chinese government has been internationally applauded for its effective population control efforts. The Chinese government has always insisted that it uses only voluntary methods for controlling the amount of children born into Chinese families. Unfortunately, the evidence repeatedly contradicts this empty assertion.

CHINA'S POPULATION POLICY EXPOSED

Gao Xiao Duan, a former cadre in a planned-birth office in Yonghe Town in Fujian Province, testified before the House of Representatives Subcommittee on International Operations and Human Rights on June 10, 1998, and exposed the system of oppression before a packed hearing room. Gao, still Chinese citizen, was employed as an administrator at the Yonghe town planned-birth, where her job was to "work out and implement concrete measures pursuant to the documents of the Central Committee of the Chinese Communist Party, and the State Council on planned-birth." In other words, she was to carry out the dictates of the communist regime in accordance with the "One child" policy. Her day-to-day duties were as follows:

To establish a computer data bank of all women of child-bearing age in the town (10,000+ women), including their dates of birth, marriages, children, contraceptive ring insertions, pregnancies, abortions, child-bearing capabilities, menstruation schedule, etc.

To issue "birth allowance" certificates to women who met the policy and regulations of the central and provincial planned-birth committees, and are therefore allowed to give birth to children. Without this certificate, women are not allowed to give birth to children. Should a woman be found to be pregnant without a certificate, abortion surgery is performed immediately, regardless of how many months she is pregnant.

To issue "birth-not-allowed notices." Such notices are sent to couples when the data concludes that they do not meet the requirements of the policy, and are therefore not allowed to give birth. Such notices are made public, and the purpose of this is to make it know to everyone that the couple is in violation of the policy, therefore facilitating supervision of the couple.

To issue "birth control measures implementation notices." According to their specific data, every woman of child-bearing age is notified that she has to have contraceptive device reliability and pregnancy examinations when necessary. Should she fail to present herself in a timely manner for these examinations, she will not only be forced to pay a monetary penalty, but the supervision team will apprehend her and force her to have such examinations.

To impose monetary penalties on those who violate the provincial regulations. Should they refuse to pay these penalties, the supervision team members will apprehend and detail them as long as they do not pay.

To supervise "go-to-the-countryside cadres." The municipal planned-birth committee often sends cadres from other areas to villages, for fear that local cadres could cooperate with villagers, or that a local backlash would develop against the cadres who conscientiously carry out their duties.

To write monthly "synopses of planned-birth reports," which are signed by the town head and the town communist party, and then are submitted to the municipal people's government and the communist party committee. They wait for cadres for superior government organs to check their work at any time.

To analyze informant materials submitted in accordance with the "informing system," and then put these cases on file for investigation. Some materials are not conclusive, but planned-birth cadres are responsible for their villages, and to avoid being punished by their superiors and to receive the bonuses promised for meeting planned-birth goals. The cadres are under tremendous pressure from the central and provisional regulations to carry out the policy. Even if the cadres brutally infringe on human rights, there has never been evidence of cadres being punished for their actions.

Whenever the planned-birth office calls for organizing "planned-birth supervision teams," the town head and communist party committee secretary will immediately order all organizations—public security, court, finance, economy—to select cadres and organize them into teams. They are then sent to villages, either for routine door-to-door checking or for punishing of local violators. Supervision teams are makeshift, and to avoid leaks, cadres do not know the village to which they will be sent until the last minute. Planned-birth supervision teams usually exercise night raids, encircling suspected households with lighting speed. Should they fail to apprehend a woman violator, they may take her husband, brother(s), or parent(s) in lieu of the woman herself, and detain them in the planned-birth office's detention room until the woman surrenders. They then would perform a sterilization or abortion surgery on the woman violator.

Gao also outlined several policies that are carried out in the wake of "planned-birth supervision".

House dismantling. No document explicitly allows dismantling of a violator's house. To the best of her knowledge, however, this practice not only exits in Fujian Province, but in rural areas of other provinces as well.

Apprehending and detaining violators. Most planned-birth offices in Fujian Province's rural areas have their own detention facilities. In her town, the facility is right next door to her office. It has one room for males and one room for females, each with a capacity of about 25–30 people. To arrest and detain violators, the planned-birth office does not need any consent by judicial or public security institutions, because their actions are independent of those organizations.

Detainees pay Y8.00 per day for food. They are not allowed to make phone calls, or to mail letters. The majority of detainees are, of course, either women who are pregnant without "birth allowance certificates," women who are to be sterilized, or women who have been slapped with monetary penalties. As stated previously, if they do not apprehend the women themselves, they detain their family members until the women agree to the sterilization and abortion surgeries.

Sterilization. The proportion of women sterilized after giving birth is extraordinarily high. Sterilization can be replaced with a "joint pledge," with 5 guarantors jointly pledging that the woman in case shall not be pregnant again. Much of the time, however, this kind of arrangement is impossible, because five people are unlikely to be willing to take on the liability of having to guarantee that a woman will not become pregnant. It is important to remember that if she does, by some chance, become pregnant, they are responsible for her actions, too.

Abortion. According to government regulations, abortion for a pregnancy under 3 months is deemed "artificial abortion," and if the pregnancy exceeds three months, it is called "induced delivery." In her town, an average of 10–15 abortion surgeries are performed monthly, and of those surgeries, one third are for pregnancies exceeding 3 months.

Every month her town prepares a report, the "synopsis of planned-birth report." It enumerates in great detail the amount of births, issuing of birth-allowed certificates, and implementation of birth-control measures in Yonghe Town; Following its completion, it is submitted to the planned-birth committee. For instance, in January–September 1996, of all the women of child bearing age with 1 child, 1,633 underwent device-insertion surgeries, or underwent subcutaneous-device-insertion surgeries, and 207 underwent sterilization surgeries; of women of child-bearing age with 2 children, 3,889 underwent sterilization surgeries, 167 underwent device-insertion surgeries, and 10 took birth-control medications (among the group with 2 children, of the 186 women who had 2 daughters, 170 were sterilized). In January–September 1996, a total of 757 surgeries in five categories were performed. They included: 256 sterilization surgeries (35 for two daughters), 386 device-insertion surgeries (23 cervical ring insertions), 3 subcutaneous-device-insertions, 41 artificial abortion surgeries, and 71 induced delivery surgeries. In the first half of the year of 1997, a total of 389 surgeries in 5 categories were performed. They included: 101 sterilization surgeries (12 for two daughters), 27 induced delivery surgeries, 228 device-insertion surgeries, and 33 artificial abortion surgeries. Gao's office had to submit all of this data to the municipal planned-birth committee monthly and annually so that it could be kept on file.

PERSONAL TALES OF SORROW

Gao and her husband were married in 1983, and gave birth to their daughter one year later. Despite their desire to have more children, they were not allowed to give birth to a second child due to the planned-birth policy. In late 1993, Gao and her husband adopted a boy from Harbin, a province in northeast China. They had no choice but to keep him in someone else's home. For fear of being informed against by others in the town, the child never referred to Gao as "mama" in the presence of outsiders. Whenever government agencies conducted door-to-door checks, her son had to hide elsewhere.

Her elder sister and her elder brother's wife have only two daughters each. Both of them were sterilized, their health ruined, making it impossible for them to ever live or work normally.

During her 14-year tenure in the planned-birth office, she witnessed how many men and women were persecuted by the Chinese communist government for violating its "planned-birth policy." Many women were crippled for life, and many were victims of mental disorders as a result of their unwanted abortions. Families were ruined or destroyed. Gao, with tears streaming down her face, told during her testimony of how her conscience was always gnawing at her heart.

She vividly recalled how she once led her subordinates to Yinglin Town Hospital to check on births. She found that two women in Zhoukeng Town had extra-plan births. In a move approved by the head of the town, she led a planned-birth supervision team composed of a dozen cadres and public security agents. Sledge hammers and heavy crowbars in hand, they went to Zhoukeng Town, and dismantled the women's houses. Unable to apprehend the women in the case, they took their mothers and detained them in the planned-birth office's detention facility. It was not until a month and a half later that the women surrendered themselves to the planned-birth office, where they were quickly sterilized and monetary penalties were imposed. Gao spoke at length about how she thought she was conscientiously implementing the policy of the "dear Party," and that she was just being an exemplary cadre.

Once Gao found a woman who was nine months pregnant, but did not have a birth-allowed certificate. According to the policy, she was forced to undergo an abortion surgery. In the operation room, she saw the aborted child's lips sucking, its limbs stretching. A physician injected poison into its skull, the child died, and it was thrown into the trash can. "To help a tyrant do evils" was not what she wanted.

Also testifying at the hearing was Zhou Shiu Yon, a victim of the Chinese planned-birth policy. Zhou, who had known her boyfriend since childhood, became pregnant at age nineteen. She did not have a birth allowance certificate, so her pregnancy was considered illegal. When she became ill and was hospitalized, it was discovered that she was pregnant, she had her boyfriend pay the nurse to leave the window open; she jumped out, and her boyfriend was waiting with a car to flee to Guangzhou where they boarded a boat to the United States. On the boat, Zhou became extraordinarily seasick, and had complications with her pregnancy. Once in the United States, she lost her baby while being treated in a San Diego hospital. Now, she is unsure of whether or not she will ever be able to have children again. Stories like hers are all too common in China today. Congressman Christopher Smith of New Jersey, chair of the subcommittee, said that the Chinese policy is "so vile that [it] will cause people to recoil in horror across the centuries."

THE POPULATION POLICY ANALYZED

I testified at the hearing to show how the Chinese policy is truly a top-down system. For many years I have collected many stories about the tragic experiences of people who are affected by the planned-birth policy. Their personal experiences may be more emotionally shocking, but I want to explain China's internal documents that I have collected over the years. The basic arguments for China's population policy are:

China's living and land resources are limited, which tremendously impedes its development, added to which is population growth. To become a prosperous nation, China must control its population growth.

Limited economic resources and overpopulation cause disruption of education, the environment, health services, and negatively affect quality of life issues in China.

In short, the Chinese government wishes people, especially Chinese citizens, to believe that overpopulation makes China a backward nation, and that controlling it will allow them to develop as a nation. Such a point of view is preposterous, and is countered by the following two observations:

Certain nations such as Japan have even more limited per capita living resources than China, but are nevertheless extraordinarily prosperous.

Is it not the lack of a rational social and economic system that retarded China's development in the years following the rise of the Communist Party? For several years after the 1949 Communist victory, China's economy did in fact make great strides—without a population control policy. Economic backwardness resumed because of failed communist economic experiments. After economic reforms that started in the late 70's under Deng, the economy has again improved. The economic advances that China has made in the last two decades should be attributed to economic reforms rather than to the strict population policy. This is not to say that population control had nothing to do with the economic growth China has experienced, but it is a well-known observation that as economies prosper, fertility rates decrease. This explains why fertility rates have declined more naturally in the urban areas of China; the relatively economically progressive cities do not have to be as coercive with the policy, because the couples who live there today do not wish to have as many children as their rural counterparts.

It is the communist political and economic system that makes it difficult to develop China's economy, and is the fundamental reason for the contradiction between an exploding population and a retarded economy. Therefore, the fundamental way to solve China's population problem is to change its irrational political and economic system. Planned-birth targets every family, every woman.

If you are interested in obtaining full copies of the testimonies, along with pictures and videotapes, please write, call, fax, or email the Laogai Research Foundation in Washington, DC. Our contact information is listed below. Help us stamp out this egregious abuse of government power. Millions of women and children need your support. If China requires a population policy, it must be based on volunteerism and education, not coercion and intimidation. To give birth and plan one's family is a fundamental human right, and should be deprived from no one.

Sincerely,

HARRY WU,
Executive Director,
Laogai Research Foundation.

Mr. SMITH of New Hampshire. Mr. President, in the remaining couple of moments, I will just conclude by saying, I have been out here a number of times following, frankly, in the huge footsteps of Senator HELMS, in a very small way, to talk about protecting the lives of unborn children.

But this goes far beyond that. This debate now has taken a new level. It is now forcing abortions on women against their wishes. I hope that someday Senator HELMS and I, and others, will have the opportunity to stand here in the well and see this practice of abortion ended in this country. Because who knows what is next? If we do not respect the lives of our children, then what do we respect?

Children are a lot smarter than we give them credit for. I have raised three. A lot of you out there listening to me now have raised more than that. They are smart. They know when you say: Johnny, go off to school, be a good boy today, mind your teacher—meanwhile we will abort your sister.

Forty million children have died in this country alone from abortion. Those 40 million children will never get to be a Senator, a spectator in the gallery, a mother, a pastor, a CEO. They are never going to have the chance to be a page. They never had a chance, 40 million of them. We did.

So maybe we should not be too surprised that the Senate is willing to look the other way while they do it in China. We should not be real surprised. But someday I pray that I will be able to stand here and say thank you to at least 67 of my colleagues who put a stop to it. Maybe that day will happen some time in my lifetime. I sure look forward to it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1123

Mr. ROTH. Mr. President, I rise in opposition to my colleague's amendment.

The amendment is designed to force the Secretary of Commerce to impose so-called "voluntary codes of conduct" on American businesses operating in China. The fact is, if the proposed codes were truly voluntary, there would be no need to compel the Secretary of Commerce to pressure U.S. businesses into adopting such codes.

More importantly, American businesses already do operate under codes of conduct. The most important code of conduct is, of course, U.S. law.

Another code of conduct American companies are bound to follow is local law, which American companies are bound to operate under when selling abroad.

In addition, U.S. companies also follow their own internal codes of conduct. There has been a revolution in corporate thinking over the last decade about compliance issues and corporate business practices. American business has applied the philosophy of "best practices" that began in the manufacturing sector, but now has also been used as a risk management tool.

In other words, adopting an internal—and truly voluntary—internal code of conduct has become a way of minimizing the risk, both legal and financial, that flows from some part of a company operating in a manner that is at odds with the law or corporate ethical standards.

Bluntly, there is a reason that corporations do this and it is not altruism. The greatest force ensuring the adoption of these internal codes of conduct is the capital markets. Poor corporate behavior, even if it does not violate the law, has an immediate impact on share prices in today's capital markets.

As a consequence, American businesses take their environmental and employment standards with them when they operate overseas.

I have with me a copy of a report prepared by the Business Roundtable that details precisely what American companies are doing in China in the way of "best practices" in terms of the environment and employment and other social concerns.

The way those companies operate is one of the primary reasons that so many Chinese workers are leaving state-owned enterprises to look for work with American companies in China whenever they can find the opportunity. Their wages, benefits and working conditions are almost invariably higher than any other workplace they can find.

My point is that there is no need to force American companies to adopt so-called voluntary codes of conduct with respect to their operations in China. They are already providing opportunities in China that confirm that there is a race to the top, not a race to the bottom, when American firms operate overseas.

Given the potential beneficial impact that our firms can have in direct contacts with employees, other businesses in China and directly with consumers under the WTO agreement, I would think we would want to do everything we could to ensure that American exporters were free to operate in China, rather than compelling the Secretary of Commerce to dictate to American companies on exactly how they should conduct their operations in China.

The reason I say that and the reason I oppose this amendment and support PNTR is that each American company hiring a Chinese employee is sowing the seeds of political pluralism at the same time. That is precisely how we can best foster both economic and peaceful political reform in China.

For that reason, I urge my colleagues to oppose the amendment.

I ask unanimous consent to print in the RECORD the Executive Summary contained in the Business Roundtable report to which I referred.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

EXECUTIVE SUMMARY

U.S. companies with operations in China are contributing to the improvement of social, labor, and environmental conditions in China. By exporting to China not only their products and services, but also their operating standards, best business practices, values, and principles, U.S. companies serve as agents of change. When U.S. companies set up operations in China, they bring with them U.S. ethical and managerial practices. These practices shape the way they run their factories, relate to their employees, and contribute to local community activities. Through these practices, U.S. companies set a positive example of corporate citizenship and contribute to the evolution of norms within Chinese society. Indeed, many of these practices are increasingly being adopted by domestic enterprises in China.

U.S. companies with international operations often establish global business practices that are implemented in a similar and appropriate way across all the countries in which they operate. In pursuing such policies in China and elsewhere, U.S. companies advance the cause of important social, labor, environmental, and economic objectives, including improved health, safety, and environmental practices; consistent enforcement of high ethical standards; increased compensation, training, and educational opportunities for workers; accelerated market reforms; transparent government regulation; and the rule of law.

To highlight the positive impact of U.S. companies, we have compiled a sample of the best practices currently in use by U.S. companies in China. Together, these practices tell a remarkable story about the role of companies in China beyond providing goods and services.

These practices span eight principal areas:

Ethical and responsible business behavior;

Corporate codes of conduct;

New ideas and information technology;

Western business practices;

Environmental, energy efficiency, health, and safety standards;

Compensation, benefits, and training;

Volunteerism, charitable giving, and community activism; and

Rule of law.

I. U.S. COMPANIES PROMOTE ETHICAL AND RESPONSIBLE BUSINESS BEHAVIOR WITHIN THEIR FACILITIES AND WITH THEIR CUSTOMERS AND SUPPLIERS

U.S. companies strive to integrate their Chinese operations seamlessly into their world-wide operations. They conduct substantial ethical training for their employees in China, as they do for their employees worldwide. This training is more than simply a set of rules to follow. The training concentrates on fundamental concepts such as integrity, mutual respect, open communication, and teamwork. And it is collaborative: company officers go on-site to Chinese locations to offer guidance on compliance, to listen to employees' concerns, and to observe the practices in use. In addition, to facilitate candid communication, the companies also have procedures for employees to communicate with management confidentially.

II. U.S. COMPANIES UPHOLD COMPREHENSIVE CORPORATE CODES OF BUSINESS CONDUCT AND ETHICS

These corporate codes cover an array of topics, from managing supplier relationships, to protecting the environment, abiding by antibribery laws, supporting equal employment opportunity, and offering job advancement based on merit. The codes are translated into local languages, and as with ethics training, companies back up these codes with programs to ensure compliance. For example, companies conduct ethical renewal workshops to keep concepts fresh in employees' minds, keep employees current with revisions to the code, and underscore the importance of compliance.

III. U.S. COMPANIES CONTRIBUTE TO A MORE OPEN CHINESE SOCIETY THROUGH THE INTRODUCTION AND DISSEMINATION OF IDEAS AND INFORMATION TECHNOLOGIES

By giving Chinese employees and consumers access to information technology, U.S. companies are giving individual Chinese citizens the opportunity to communicate with people inside and outside China, in the United States and in the rest of the world. U.S. companies are exposing Chinese citizens to new information, ideas, values, and behavior. They do so by giving their employees in China access to the Internet, Chinese-language web pages, and worldwide e-mail, which allow them to exchange information with people around the world instantaneously. U.S. companies provide access to international business, political, and financial news. They also sponsor employee newsletters to exchange information among sites across China. In addition, U.S. companies expose Chinese government officials to new ideas, such as through informal roundtable discussions with officials in Chinese ministries to exchange ideas and experiences.

IV. U.S. COMPANIES ACCELERATE EXPOSURE TO, AND ADOPTION OF, WESTERN BEST BUSINESS PRACTICES

U.S. companies accelerate adoption of Western business practices in two ways: by—bringing Chinese professionals to the United States to see the practices in action, and by bringing the practices to China to show them in action there. Accordingly, U.S. companies support substantial foreign travel by their Chinese employees, as well as Chinese officials, to give them direct exposure to market economy forces and Western social and political structures. U.S. companies with operations in China send literally thousands of their employees, Chinese officials, and students to the United States every year. And these visitors spend a substantial stay in the United States, from several weeks to as much as six months. They come to the United States to see U.S. practices first-hand—touring factories and offices across the United States. They also visit Washington, D.C. to observe our democratic political process and meet with Members of Congress and other government officials. For many of the Chinese visitors, this trip is not only their first trip to the United States, it is also their first opportunity to travel outside China.

In addition, U.S. companies teach global workforce, management, and manufacturing principles to all of their employees in China. This training is a comprehensive, "hands-on" experience which covers principles and practices such as participative management, empowered workforce, employee teaming, total quality management, and just-in-time systems. Chinese managers also receive training in fundamental market economics, and cutting-edge management practices; some even receive Western MBAs through these programs. And to further exposure to Western business practices, U.S. companies in China organize symposia on economics, finance, management and other business topics. These symposia bring Chinese professionals in contact with Americans and other foreigners from a wide array of corporations, academia, government, and other institutions to exchange ideas and experiences.

V. U.S. COMPANIES PROVIDE FOR AND PROMOTE HIGHER ENVIRONMENTAL, ENERGY EFFICIENCY, HEALTH, AND SAFETY STANDARDS WITHIN THEIR FACILITIES AND IN THE COMMUNITIES IN WHICH THEY OPERATE IN CHINA

U.S. companies apply, and achieve, higher environmental, energy efficiency, health, and safety standards than Chinese-owned factories achieve—higher even than Chinese law requires. U.S. multinational companies set worldwide operating principles for their international facilities, including China, and these principles are based on U.S. standards. By setting an example of exceeding the Chinese standards, U.S. companies put pressure on domestic Chinese enterprises to comply with these higher, international standards. And U.S. companies not only bring higher standards, they bring the technology to meet these higher standards, by providing advanced environmental protection and energy efficiency technology and by sponsoring environmental protection symposia in China to exchange information about these standards and how to meet them. Finally, by creating jobs and raising living standards in China, U.S. companies are creating the wealth necessary to help China pay for higher environmental, worker safety, and energy efficiency standards.

VI. U.S. COMPANIES PROVIDE DESIRABLE EMPLOYMENT ALTERNATIVES TO CHINESE WORKERS, INCLUDING ENHANCED COMPENSATION, BENEFITS, AND TRAINING OPPORTUNITIES FOR ADVANCEMENT ON THE BASIS OF MERIT

U.S. companies are raising the bar for employment opportunities. They provide enhanced compensation and benefits, sponsor on-going training opportunities, and offer advancement on the basis of merit. U.S. companies pay their Chinese employees substantially higher wages than Chinese-owned firms do. In addition, U.S. companies offer forward-looking benefits programs, such as subsidies to encourage home ownership, and on-site day care. Companies also offer performance-linked rewards systems and incentives for good safety practices. Together, these benefits lead to low employment turnover rates.

U.S. companies also offer comprehensive technical training. They have technical training centers located throughout China, some so comprehensive that the companies call them their corporate "university." Many companies establish minimum training hours for each worker per year, which they offer substantially exceed. In addition, companies offer scholarships to students at China's leading universities to ensure that the next generation of Chinese workers has the technical skills necessary to succeed in a more competitive workplace.

VII. U.S. COMPANIES EXPORT U.S. CONCEPTS OF VOLUNTEERISM CHARITABLE GIVING, AND COMMUNITY ACTIVISM

U.S. companies in China are setting an example of volunteerism and community activism. They have donated millions of dollars to support a variety of charitable causes in China including scholarships for students to attend university, donations to flood victims, medical care for children, and support for primary education in rural districts. These funds empower local communities, and individuals, to work toward improving their own circumstances. Company volunteers add a human link, through tutoring and mentoring programs.

VIII. U.S. COMPANIES SUPPORT ADVANCEMENT OF THE RULE OF LAW IN CHINA AND EFFECTIVE ENFORCEMENT MEASURES

U.S. companies have taken an active role in encouraging and developing the rule of law in China. They have been working with Chinese officials to develop new laws governing property rights, taxation, corporations, and other commercial areas. Industry-by-industry, they provide expertise and set an example of how to operate successfully while respecting the rule of law.

* * * * *

While this summary gives some flavor of the practices in place by U.S. companies, the real story is in the details. We encourage you to take a look at the full paper, which provides a unique opportunity to see the steps being taken by individual companies.

Mr. ROTH. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, I have what I think is pretty good news for my colleagues in the Senate and for the administration which I would like to share and which relates directly to the legislation pending before us.

I believe that by this time next week, the Senate——

The PRESIDING OFFICER. The Chair inquires about whose time the Senator is using.

Mr. KYL. I presumed I would be using time on the majority. I inquire of the Chair, am I correct that Senator FEINGOLD was to speak at 4 o'clock and prior to that time there would be time I could use on this side?

The PRESIDING OFFICER. We don't have an order for Senator FEINGOLD. We simply want to know whose time the Senator is using.

Mr. KYL. If I may take the majority time, I don't need unanimous consent.

The PRESIDING OFFICER. The Senator may do so.

Mr. KYL. Thank you, Mr. President.

Mr. President, the point is that we are going to be considering PNTR for China, which will enable China to join the World Trade Organization within the week, and presumably that will be done in accordance with the bill passed by the House of Representatives.

It is important that we ensure the other party to this equation is taken care of because there don't appear to be any more roadblocks to the Senate's consideration of PNTR and China's entry into the body from a legislative perspective. But there could have been.

It is also important that Taiwan enter into the WTO. I believe virtually every Senator and every Member of the other body is committed to that. I know the administration is committed to that. But there could have been a roadblock to China's PNTR and WTO accession had we not clarified something with respect to Taiwan.

It has been agreed since 1993 that Taiwan would enter the WTO. It has been virtually ready to do so. But out of deference to China and to ensure China could enter first and then Taiwan second, Taiwan's entry has been delayed. But we believe neither China nor anyone else in the world would object to Taiwan's entry into the WTO, and indeed the working group that deals with the specifics of Taiwan's entry I think is in very good shape.

There has been a commitment by the administration to ensure that when the Senate and the House have approved PNTR for China, the United States can therefore move forward with China's accession and that we do so with respect to Taiwan as well. Unfortunately, however, since the House acted, there has been an unfortunate string of comments made by high Chinese officials that have cast some doubt on whether or not China would make good on its commitment to support Taiwan's accession into the WTO.

While the leaders of China had said they would support Taiwan's entry, they said it must be under terms provided by China. Specifically, that meant it had to be Taiwan entering the WTO as a province of China. That, of course, is contrary to the agreement that heretofore had been worked out, contrary to all the wishes of the members of the working study group and the United States, and of course Taiwan.

The administration has taken a firm position that they will not support that kind of language; that Taiwan must come in as a separate customs territory or separate trading territory and not as a province of China.

This has been enough of a matter of concern—these statements made by Chinese leaders—that we sought assurances from the administration and had meetings with administration officials to clarify. Specifically, a group of Senators met with Charlene Barshefsky to inquire about the status of the matter, particularly since Jiang Zemin is quoted as having made statements in New York a few days ago that China would only agree to Taiwan's entry under this term expressing Taiwan as a province of China.

I will have printed in the RECORD some items. One is a Wall Street Journal lead editorial from yesterday in which the Wall Street Journal notes:

> Addressing a business group during his visit to New York for the United Nations summit, Mr. Jiang said of course Taiwan could join the WTO, but only as part of China.

The editorial goes on to note that is unacceptable to the United States, and that the Senate needed to act with respect thereto.

Ms. Barshefsky confirmed that President Clinton told Jiang that Taiwan would have to come in under the terms originally negotiated, not as a province of China. Jiang responded with the Chinese position, and the President then responded with the U.S. position again. The controversy, in other words, was not put to bed.

Earlier, the Chinese Foreign Ministry spokesman Yuxi is reported to have said: The Chinese side has a consistent and clear position. Taiwan can join WTO as a separate customs territory of China.

These comments, of course, are of concern to us. The House has already acted to approve PNTR, but you now have high Chinese officials saying Taiwan's accession must be as a province to China, contrary to the position of the working group, of the United States, of Taiwan. As a result, we thought something had to be done to clarify this.

Some time ago, a group of 40 Senators had written to the President and asked for his assurances that he would support Taiwan's entry into the WTO simultaneous with that of mainland China. In a letter to me and to other Senators, dated August 31, the President said:

> China has made clear. . . that it will not oppose Taiwan's accession to the World Trade Organization.
>
> Nevertheless, China did submit proposed language to their working party stating Taiwan is a separate customs territory of China. We have advised the Chinese that such language is inappropriate and irrelevant to the work of the working party and that we will not accept it. We believe that this position is widely shared by other WTO members.

When we met with Ms. Barshefsky yesterday, we noted other statements have been made and clearly some action needed to be taken by the United States to make it crystal clear that we would not approve PNTR with this issue outstanding. I prepared an amendment and filed it with the clerk. I have not offered it yet, but that amendment would have made it very clear our approval of PNTR was subject to Taiwan acceding to WTO membership under the original terms negotiated—not as a separate province of China. The administration strongly opposes any amendments being attached to PNTR because of its concern that the House of Representatives would not, a second time, pass the legislation, and, as a result, inquired whether other kinds of assurances would suffice in lieu of action by the Senate on this matter.

We indicated our purpose was not to try to derail the PNTR but rather to have an assurance that the administration would insist upon the entry of Taiwan under the original terms and that it would not allow entry by China and not entry by Taiwan in the appropriate way.

A day later, yesterday, the President sent a letter to the majority leader, with copies to those who had been in the meeting, dated September 12, in which the President advises the leader on two matters pending. One was the Thompson amendment dealt with earlier today, but the other was the matter that we discussed, and as I understand it, this was explicitly inserted in the letter to provide the assurance that we had requested the day before.

Let me quote from the President, indicate what I think this means, why it is important, and why as a result it will not be necessary to proceed with the amendment which I filed earlier.

The President says:

> There should be no question that my Administration is firmly committed to Taiwan's accession to the WTO, a point I reiterated in my September 8 meeting with President Jiang Zemin. Based on our New York discussions with the Chinese, I am confident we have a common understanding that both China and Taiwan will be invited to accede to the WTO at the same WTO General Council session, and that Taiwan will join the WTO under the language agreed to in 1992, namely as the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu (referred to as "Chinese Taipei"). The United States will not accept any other outcome.

That is important because the President of the United States has defined exactly the appropriate language for Taiwan's accession to WTO as a separate customs territory of Taiwan, not as the Chinese had been insisting, as a province of China. And the President notes, and I again quote the last sentence: "The United States will not accept any other outcome."

I can't think of a clearer statement by the President of the United States that we will insist upon Taiwan's accession under appropriate terms—those specifically identified here—and, at the same time, that China is admitted to the WTO. In my view, this provides the necessary assurance that the President, those working on his behalf, will see to it that this is done in a proper way. As a result, it seems to me unnecessary to pursue the amendment which I had earlier filed.

As a result, I spoke with Senator MURKOWSKI, Senator HELMS, Senator SESSIONS, Senator ROTH, and others who I thought were interested in the issue. They have all concurred that this language is sufficient, and as a result I will not be offering the amendment.

I applaud the President's action in this regard. I appreciate the action of Ms. Barshefsky and her counsel, and certainly reiterate my intention of working with the administration on this important matter. Of course, Taiwan represents an extraordinarily important trading partner for the United States and a very good ally, an ally of which we need to continue to be supportive.

I will identify specifically the documents I will have printed in the RECORD at this time. First, a letter to me from the President of the United States dated August 31; second, a letter to the majority leader from the President of the United States dated September 12; third, a Wall Street Journal editorial dated September 12; fourth, a letter a group of Senators had sent to the President initially dated July 27, 2000; and finally, a copy of an AP story I quoted from earlier, the headline of which is "China Asserts Claim Over Taiwan," dated September 7, 2000. I ask unanimous consent to have these documents printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, August 31, 2000.

Hon. JON KYL,
U.S. Senate,
Washington, DC.

DEAR SENATOR KYL: Thank you for your letter regarding Taiwan's accession to the World Trade Organization (WTO). My administration remains firmly committed to the goal of WTO General Council approval of the accession packages for China and Taiwan at the same session. This goal is widely shared by other key WTO members.

China has made clear on many occasions, and at high levels, that it will not oppose Taiwan's accession to the WTO. Nevertheless, China did submit proposed language to their working party stating that Taiwan is a separate customs territory of China. We have advised the Chinese that such language is inappropriate and irrelevant to the work of the working party and that we will not accept it. We believe that this position is widely shared by other WTO members.

Again, thank you for writing concerning this important matter.

Sincerely,

BILL CLINTON.

THE WHITE HOUSE,
Washington, September 12, 2000.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate, Washington, DC.

DEAR MAJORITY LEADER: I want to commend you for commencing debate on H.R. 4444, which would extend Permanent Normal Trade Relations to the People's Republic of China. This crucial legislation will help ensure our economic prosperity, reinforce our work on human rights, and enhances our national security.

Normalizing our trade relationship with China will allow American workers, farmers, and businesspeople to benefit from increased access to the Chinese market. It will also give us added tools to promote increased openness and change in Chinese society, and increase our ability to work with China across the road range of our mutual interests.

I want to address two specific areas that I understand may be the subject of debate in the Senate. One is Taiwan's accession to the World Trade Organization (WTO). There should be no question that my Administration is firmly committed to Taiwan's accession to the WTO, a point I reiterated in my September 8 meeting with President Jiang Zemin. Based on our New York discussions with the Chinese, I am confident we have a common understanding that both China and Taiwan will be invited to accede to the WTO at the same WTO General Council session, and that Taiwan will join the WTO under the language agreed to in 1992, namely as the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu (referred to as "Chinese Taipei"). The United States will not accept any other outcome.

The other area is nonproliferation, specifically the proposals embodied in an amendment offered by Senator Fred Thompson. Preventing the proliferation of weapons of mass destruction and the means to deliver them is a key goal of my Administration. However, I believe this amendment is unfair and unnecessary, and would hurt our nonproliferation efforts.

Nonproliferation has been a priority in our dealing with China. We have pressed China successfully to join the Non-Proliferation Treaty, the Chemical Weapons Convention, the Biological Weapons Convention, and the Comprehensive Test Ban Treaty, and to cease cooperation with Iran's nuclear program. Today, we are seeking further restraints, but these efforts would be subverted—and existing progress could be reversed—by this mandatory sanctions bill which would single out companies based on an unreasonably low standard of suspicion, instead of proof. It would apply a different standard for some countries than others, undermining our global leadership on nonproliferation. Automatic sanctions, such as cutting off dual-use exports to China, would hurt American workers and companies. Other sanctions,.such as restricting access to U.S. capital markets, could harm our economy by undermining confidence in our markets. I believe this legislation would do more harm than good.

The American people are counting on the Congress to pass H.R. 4444. I urge you and your colleagues to complete action on the bill as soon as possible.

Sincerely,

BILL CLINTON.

[From the Wall Street Journal, September 12, 2000]

JIANG MUDDIES THE WATERS

Chinese President Jiang Zemin is nothing if not a gambler. Just days before this week's crucial U.S. Senate vote on granting China permanent normal trade relations (PNTR) with the U.S. Mr. Jiang raised an issue that will have many Senators seeing red. He said, in effect, that Taiwan should not be admitted to the World Trade Organization on any conditions other than those set by Beijing.

Addressing a business group during his visit to New York for the United Nations summit, Mr. Jiang said that of course Taiwan could join the WTO, but only as a part of China. Now, this statement is subject to various interpretations, and some might say it is only semantics. But many Senators will want to know whether they are being asked to approve PNTR under conditions laid down solely by China, with little regard for U.S. interests.

We have argued here that granting China PNTR as a prelude to China's admission to the WTO is a good idea. It would open China further to Western trade and investment, hastening the development in China of free enterprise and a propertied middle class. A more enlightened and influential electorate will gradually demand more explicit civil rights and require governments at all levels to become more responsive to the wishes of the people.

But we also have supported the right of the Taiwanese, who already have a functioning democracy, to chart their own course toward better relations with the mainland, without undue pressure from Beijing. This attitude toward Taiwan is shared by an influential bloc in Congress that won't appreciate Mr. Jiang laying down conditions for Taiwan's WTO membership. It is well known in Congress that Taiwan qualified, in a technical sense, for membership a long time ago. It was thought that Taiwanese membership was an implicit part of the deal that grants China PNTR.

If there has been a dangerous misunderstanding here, it is largely Bill Clinton's fault. On his visit to China in 1998 he imprudently agreed to what the Chinese government called the "Three No's." At the root of these three demands was the requirement that the U.S. not grant Taiwan admission to any world body that required statehood as a condition of membership. While that didn't specifically apply to the WTO, Mr. Clinton's agreement was tantamount to allowing China to set the conditions for future Western policy toward Taiwan. It came close to an acknowledgement that Taiwan is a Chinese province.

So now Mr. Jiang feels emboldened to come to the U.S. and give speeches implying that Taiwan must accept China as it parent if it wants to get the same trading privileges that the Senate is about to grant to China. No doubt Mr. Jiang was inspired by other recent U.S. concessions.

For example, because of Chinese objections, the Dalai Lama was not allowed to participate in the religious gathering that preceded the summit. China's harsh control of Tibet, like its hoped-for acquisition of Taiwan, is seen by Beijing as nobody else's business, and one might easily get the impression that the Clinton Administration agrees.

Given all the kow-towing that Bill Clinton has done, not to mention the China angle in the Clinton-Gore campaign fund-raising scandals, it was no surprise that the Chinese president treated him with some disdain when the two sat down for a chat last Friday. Mr. Clinton, in yet another concession to China, had just announced that his Administration would make no further efforts to build a national missile defense. When Mr. Clinton raised the issue of missiles as a threat to Western security, Mr. Jiang responded with silence. And when Taiwan came up, he favored Mr. Clinton with a long monologue laying out China's historical claims to Taiwan. In short, Mr. Clinton got a cold shoulder on both of these important issues.

These are the fruits of a Clinton policy that has, in effect, left Taiwan blowing in the wind. Try as he may now, Mr. Clinton is hard pressed to put a positive spin on his China legacy. The nuclear proliferation issues that have bedeviled Sino-U.S. relations since he took office in 1993 remain essentially unresolved. And by violating the security assurances of his Republican Party predecessors, he has left his successor a tinderbox situation in the Taiwan Strait.

That is why Mr. Clinton knows China's accession to the WTO is about much more than the mutual benefits of expanded global trade. He's gambling it will head off—Communist Party or no—the kind of militant Chinese nationalism that could spark a shooting war across the Taiwan Strait, force a U.S. military response and perhaps envelop the rest of Asia.

Thus, the peace dividend: within China, WTO will empower a bloc of interests favoring outward-oriented growth and the conditions required to secure it, including peace and the rule of law. Dependent on Taiwanese and Western commerce, China would reconsider military adventurism as too costly and counterproductive.

It all sounds good. Indeed, China's membership in the WTO is, in the words of one observer, the "Rubicon of its opening to the outside world," since all previous efforts to integrate its economy with the world trading community have been unsuccessful. But this assumes a lot.

It assumes China's behavior amid change will be predictable, that it will set aside the longstanding historical grievances and nationalist claims that fuel its commitment to an extension of regional power in Asia through the acquisition of nuclear, chemical and biological weapons. It assumes that, in the absence of stronger cooperative security ties with Europe and Japan and deterrents such as theater missile defense, future U.S. administrations will be able to "manage" relations with China.

In the best of the possible worlds we imagine, international economic institutions like the WTO may very well help spread among some nations the practice of a decentralized and pluralistic brand of governance. But trade agreements and their trickle-down effects alone cannot suffice for a coherent, long-term national security policy that squarely faces up to the realities of America's emerging strategic threats.

At the least the debate will serve notice that some very sensible people in the Senate realize the U.S. cannot hang its future security relationship with China, and Taiwan, on WTO, as President Clinton seems to have done. It remains for the next Administration to fix this mistake.

For now, WTO is the matter before the Senate. It is too bad that Mr. Jiang and Mr. Clinton have gone out of their way to make it difficult for Senators to vote in favor of this otherwise positive step in U.S.-China relations.

U.S. SENATE,
Washington, DC, July 27, 2000.

President WILLIAM J. CLINTON,
The White House, Washington, DC.

DEAR MR. PRESIDENT: As the Senate nears consideration of legislation extending permanent normal trade relations to the People's Republic of China (PRC), we are writing to express concern that Beijing may be planning to take actions that would have the effect of blocking Taiwan's accession to the World Trade Organization (WTO). According to press reports, the PRC recently offered a proposal at the WTO calling for that organization to recognize the PRC's position that Taiwan is part of the mainland. Taiwan is the United States' eighth largest trading partner, and we support its admission to the WTO as soon as it meets the criteria for membership.

On several occasions, Administration officials have indicated that Taiwan's accession to the WTO would closely follow the PRC's. For example, in February, U.S. Trade Representative Charlene Barshefsky testified to the House of Representatives that ". . . the only issue with respect to Taiwan's [WTO] accession . . . pertains to timing . . . there is a tacit understanding . . . among WTO members in general—but also, frankly, between China and Taiwan—that China would enter first and China would not block in any way Taiwan's accession thereafter, and that might be immediately thereafter or within days or hours or seconds or weeks. . . ." Later that same month, in response to a statement by Sen. Roth that "there's a great deal of concern that Taiwan might be blocked [from entering the WTO] once China secures such membership," Ambassador Barshefsky testified ". . . the United States would do everything in our power to ensure that that does not happen in any respect because Taiwan's entry is also critical."

We respectfully request that you clarify whether your Administration continues to believe that Taiwan's entry to the WTO is critical, whether you remain committed to that goal, and whether you remain convinced that Taiwan will enter the WTO within days after the PRC's accession. Furthermore, is the Administration aware of any efforts by the PRC to impose extraordinary terms and conditions on Taiwan's accession to the WTO? What specific assurances has Beijing provided regarding the timing and substance of Taiwan's accession to the WTO? And what steps has your Administration taken to ensure that Taiwan will in fact join the WTO immediately following the PRC's accession?

We would appreciate a response to this inquiry by August 18, in order to consider its contents prior to Senate debate on extending permanent normal trade relations to the PRC.

Sincerely,

Jon Kyl, Orrin Hatch, Larry Craig, Mike Enzi, Don Nickles, Trent Lott, Bob Smith, Frank Murkowski, Conrad Burns, Gordon Smith, Wayne Allard, James Inhofe, Mike DeWine, Fred Thompson, Mitch McConnell, Slade Gorton, Pete Domenici, Jesse Helms, Connie Mack, Tim Hutchinson, Mike Crapo, Arlen Specter, Strom Thurmond, Jeff Sessions, Jim Bunning, Spencer Abraham, Craig Thomas, Robert Bennett, Phil Gramm, Susan Collins, Dick Lugar.

SEPTEMBER 7, 2000.

CHINA ASSERTS CLAIM OVER TAIWAN

BEIJING (AP).—Pushing its claim over Taiwan into complex trade negotiations, Beijing insisted Thursday that the World Trade Organization only admit Taiwan as a part of China.

The demand by Beijing threatens to impede Taiwan's membership bid as both the island and China near the end of their separate years-long negotiations to join global trade's rule-setting body. It also complicates a debate in the U.S. Senate this week on whether to approve a WTO pact with China.

Influential senators released a letter from President Clinton on Wednesday weighing in on Taiwan's side. Clinton wrote that his administration opposes Chinese efforts to call Taiwan "a separate customs territory of China."

Brushing aside the opposition, Chinese Foreign Ministry spokesman Sun Yuxi said Thursday that China wanted its sovereignty claim to Taiwan written into the terms for Taiwanese membership to WTO.

"The Chinese side has a consistent and clear position: Taiwan can join WTO as a separate customs territory of China," Sun said at a twice-weekly media briefing. He accused Taiwan of using the WTO negotiations to engage in separatism.

The dispute over what the WTO should call Taiwan underscores the 51-year split between the island and the mainland and China's attempts to coax Taipei into unification. It also revives a debate that has simmered for years in working groups negotiating terms for Taiwan's entry to WTO and its predecessor, GATT.

Taiwan applied to join the General Agreement on Tariffs and Trade in 1990 as "the customs territory of Taiwan, Penghu, Kinmen and Matsu," thereby avoiding the questions of sovereignty and statehood. Penghu, Kinmen and Matsu are small island groups under Taiwan's control. GATT and now WTO rules allow regions in control of their trade but without full statehood to join as separate territories.

Under a 1992 agreement that allowed separate working groups to negotiate Chinese and Taiwanese bids, GATT members acknowledge China's sovereignty claim to Taiwan and out of deference said Taiwan could only join after Beijing.

Sun, the Foreign Ministry spokesman, insisted that the 1992 agreement recognized Taiwan as a separate customs territory of China.

Mr. KYL. In conclusion, as I said in the beginning, I think this is good news for the Senate, for the House, for the administration, and for all friends of Taiwan and for those who believe both in permanent normal trade relations with China, as well as the entry into WTO of both China and Taiwan; certainly Taiwan entering in terms that are appropriate as a trading partner of the United States, as a separate customs territory and not as a province of China.

This is good news. I hope it portends an early conclusion to the discussions that will form the basis for accession by both China and Taiwan into WTO. I appreciate the cooperation, as I said, of my colleagues here as well as the representatives of the President and the President himself.

Mr. ROTH. Will the Senator yield?

Mr. KYL. I yield.

Mr. ROTH. Mr. President, I congratulate the Senator for the leadership role he has played on this important matter. I think all of us feel very strongly that Taiwan must and should become a member of WTO. Under no circumstances should this imply a change in its trading status. Taiwan is our eighth largest trading partner—isn't that correct? It would be ironic if her status did not change. She is qualified. I think all the work has been completed for her to become a member.

I want to tell my colleague how much I appreciate the leadership he has provided.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SESSIONS). Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, just 2 days ago, the Washington Times carried a fine article by our former colleague, Rudy Boschwitz, and Robert Paarlberg, who is a professor of political science at Wellesley College, entitled "China Trade Boosts Farmers," subtitled, "Senate should back PNTR."

> Farm state legislators should be particularly sensitive to the fact that China's joining the WTO will be a pre-emptive strike benefiting American farmers. Membership in the WTO will preclude China from later raising trade barriers on agricultural products.

It is a very thoughtful, factual, and persuasive article. In view of the serendipitous visit to this Chamber by our former colleague, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Times, Sept. 11, 2000]

CHINA TRADE BOOSTS FARMERS

SENATE SHOULD BACK PNTR

(By Rudy Boschwitz and Robert Paarlberg)

Executive branch officials routinely exaggerate the expected payoffs from new trade agreements to win support for those agreements in Congress. The recent U.S.-China agreement setting terms for China's protocol for accession to the World Trade Organization (WTO) has been hyped accordingly. Yet in the area of agriculture, the gains from this new agreement are actually greater than U.S. officials have so far dated to claim.

Additionally, farm state legislators should be particularly sensitive to the fact that China's joining the WTO will be a preemptive strike benefiting American farmers. Membership in the WTO will preclude China from later raising trade barriers on agricultural products. Every other nation has raised such barriers as it has become industrialized.

Furthermore, on joining the WTO, China would undoubtedly find reason to curtail internal subsidies. Such subsidies would surely further increase China's agricultural production. China has already found such subsidization to be costly and to cause grain surpluses that are both hard to store and cope with.

The official claim, from the U.S. Department of Agriculture, is that China's participation in the WTO will produce an annual gain of $1.6 billion in new U.S. exports of grains, oilseeds and cotton by 2005. It will also lead to $350–$450 million annually in additional U.S. exports of other products such as poultry, pork, beef, citrus, other fruits and vegetables, and forest and fish products.

This optimism is well-founded, since under the agreement China has agreed to allow imports of a minimum of 7.3 million tons of wheat virtually duty-free (only a nominal 1 percent tariff), and this quantity will increase to 9.3 million tons over five years. Those tonnages represent 11 to 15 percent of the wheat crop in the United States. For soybean and soybean meal imports, China's current tariffs will be located in at 3 percent and 5 percent respectively, and for soybean oil China will reduce and bind its current tariff from 13 percent to 9 percent—and increase the quota of imports allowed under this lowered tariff from 1.7 to 3.2 million tons over the six year implementation period.

Those numbers also represent a meaningful percentage of our production. For corn, China has agreed to allow imports of 4.5 million tons (at just a 1 percent tariff) increasing to 7.2 million tons. It also promises to stop using export subsidies to dump its own surplus production (roughly 8 million tons of corn this year) onto other markets in East Asia, opening up still more trading space for highly competitive U.S. corn exporters.

These market-opening gains are impressive measured against the standard of China's current farm trade policies. Yet they are even more impressive if measured against China's likely future farm trade posture, absent any WTO disciplines. The new agreement does not simply codify future farm trade liberalizations that China might have been expected to undertake anyway. Instead, it operates pre-emptively against what might have otherwise been a damaging increase in Chinese farm sector protection.

The tendency of all nations as they industrialize is to increase policy protection in the agricultural sector.

Earlier in the 20th century, industrial development has also helped bring differing degrees of farm sector protection to most of Europe and to the United States. Continued rapid industrial development in China might thus have been expected, before long, to trigger an increase in China's farm trade protection from the current level. It is fortunate that China will now come into the WTO and bind its protection levels for agriculture before this natural, post-industrial tendency to extend lavish protection to relatively inefficient farmers has expressed itself.

This is good for U.S. agricultural exporters, but the Chinese know it is good for them as well, which is why they are doing it. The Chinese do not want to be stuck several decades from now struggling, like the Japanese and the Europeans, to escape a costly and burdensome system of subsidies to inefficient farmers. China's agricultural policies, which are not yet heavily protectionist, have nonetheless already begun to generate periodic surpluses of corn, wheat, and rice, and officials have learned these surpluses are expensive to store at home and costly to export under subsidy. China welcomes the import policy disciplines it is accepting in WTO as an incentive to avoid moving toward costly farm subsidy policies in the years ahead.

All that remains is for the U.S. Senate to approve Permanent Normal Trade Relations (PNTR) for China, so that U.S. farmers will be able to share in the gains from this new trade liberalizing agreement. Without a PNTR policy in the United States, the expanded agricultural trade benefits from China's accession to the WTO are likely to be captured more by farmers in Canada or Australia, and less by the United States.

With the U.S. farm sector currently struggling under a burden of low prices brought on in part by sluggish exports to East Asia, the China option is not one to be missed. Farm state legislators in Congress need to see these facts clearly when the time comes to vote on PNTR status for China.

Mr. MOYNIHAN. Mr. President, seeing no Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Parliamentary inquiry. Is it appropriate for the Senator from New Mexico to speak at this point?

The PRESIDING OFFICER. The Senator is recognized.

Mr. DOMENICI. Mr. President, this bill before us is a decisive step toward normalizing trade relations with China. Chairman ROTH has characterized this vote, the one we will make on this bill, as the most significant vote we will take this Congress. I agree.

While we will be concerned with many more issues that seem more important to individual Senators, and certainly we will be looking after our parochial interests in our sovereign States as we work as Senators—and that is all very important—but when we look at America and what she stands for in the world as it is evolving and developing, the final vote on this measure is probably the most significant vote we will take this year and maybe in many years.

Senator ROTH, I repeat, said that. I agree wholeheartedly. I am quite sure the tenor of Senator MOYNIHAN's suggestions—I have not been privileged to hear them here with the Senate—would agree with that. This is a very important issue.

This is the one vote that will be heard around the world. This is the one vote which recognizes that countries must play by the same rules in a globalized market if the market is to be efficient and function properly.

We hear so much talk about what is happening to the world—globalization. International trade, as part of globalization, must be efficient and effective.

This is the one vote that will do a great deal to encourage democracy for one in five people living on this Earth. I say encourage democracy because I truly believe this is the one vote that invites China to be our trading partner and, at the same time, determines whether American manufacturers, farmers, and service industries will get the benefit of trade and of an agreement pursued and negotiated by three different American Presidents.

They cannot all be wrong. As a matter of fact, they were all right. China is joining the WTO and have implemented a lot of reforms in order to be eligible. Furthermore, it has made promises to do certain other things. So that the U.S. can benefit from this new WTO members' market, Congress needs to grant permanent normal trade relations to China. It just took us a long time to understand and to work our way to this day when granting China permanent trade relations is finally before us.

On the subject of PNTR for China, Chairman Greenspan said:

> History has demonstrated that implicit in any removal of power from central planners and broadening of market mechanisms . . . is a more general spread of rights to individuals. Such a development will be a far

stronger vehicle to foster other individual rights than any other alternative of which I am aware.

That is precisely what globalization and international trading—China trading with America—have a chance to do.

Exposure to democracy and capitalism, information, and telecommunications and communication technology will increasingly influence the course of global affairs, without any question.

Imagine what Internet success means to a one-party, authoritarian state such as China. Even if China's economic growth and military modernization appear to be threatening, our relationship with China will evolve within the context of a very different world, a world increasingly reliant on information to achieve economic growth, prosperity, and jobs.

Anyone who has gone to China recently or, for that matter, watched recent television programming regarding what is going on with the labor force in China will know that Chinese men and Chinese women will move to get good jobs. They are already moving from the countryside to the cities without any retribution. They are smiling. They are taking risks because they see the opportunity to get a good paycheck. Make no bones about it, they want jobs that pay them money so they can move up their standard of living in this world.

That force, if turned loose in China, will change China forever. In particular, since China does not have the kind of central government the Soviet Union had, although we have from time to time called them both Communist countries, they are certainly very different in terms of the ability to control people and whether or not the central government really has as much control or is as despotic as the government that was managed by a small oligarchy in the Soviet Union.

I am not suggesting the trade, the Internet and computers will topple authoritarian structures in China overnight, but I do believe that for many years information control was equivalent to people control, but information control is quickly becoming more and more impossible.

Exposure to our economic system through trade, telecommunications, and the Internet will encourage strides toward freedom, in my humble opinion. For every argument that China is a risk to America's future, I argue that China trading with America is a move in a direction of freedom that takes away from the risk of the future, takes away from the risk of a centralized powerful Chinese Government being dangerous to the world. Not that they are not, not that they could not be, but I submit it will be more and more difficult for that to occur as free trade permeates the cities and suburbs of China and the people who live there and the businessmen who will prosper by it.

I offer that while it is not at issue, education is another catalyst for economic freedom and democracy. Chinese students attending American universities is an important part of any effective economic trade and foreign policy for the United States. I know there are a lot of young Chinese coming to American universities to be students here, and living our way of life while they get educated. I asked my staff to find out just how many. Fifty thousand Chinese students from China now, not Taiwan—attended American universities last year. The number grows by the thousands every year.

The important thing is that these students are not studying math and science and culture by remote control. They are doing this by being physically present in American cities across this land. I submit, the more the young people of China experience America and are exposed to American freedom and watch capitalism work in America, the more likely it becomes that the future of China will be subtly but unalterably influenced in a positive direction.

Whether these Western-educated, young Chinese people are involved in politics or business—I would add in science or math or physics—their views about democracy and the free market economics will not be controlled or dominated by the so-called party.

Over the long run, experience and exposure will have a direct and significant impact on mainland China. And the leaders know what is happening.

The Chinese leaders do not attempt to stop their students from coming to the greatest universities in the world and get educated in the best way in the world. In fact, sometimes I think they must be aware that there is a better way than what they have in their country, and to some extent they may think a better way is substantially the free way, the American way.

China is a big, big market. It has been estimated that the PNTR would increase U.S. exports to China by about $13 billion annually and will grow every sector of this economy. China is densely populated. It is a country in which one in five people alive today live. Think of that. This is largely an open, untapped market, both for the mind and for substances of trade.

I will comment on my State, which is not looked at as an exporting State, but direct exports from New Mexico to China totalled $235 million in 1999; and adding indirect exports through Hong Kong, brings our total to about $320 to $350 million.

We often hear the expression "everything from soup to nuts" to describe something very comprehensive, something widespread. An apropos variation of this colloquialism is "China-New Mexico trade covers everything from chips to cheese."

Agricultural tariffs will be cut by more than half. New Mexico has, believe it or not—and this is not because PETE DOMENICI is of Italian extraction, whose mother and father came to New Mexico as immigrants—the largest mozzarella cheese plant in all the world. The mozzarella cheese for all of those delis they have in New York, where does it come from? New Mexico. And so is the case for China; it comes from New Mexico. They are one of our large importers of that cheese, and many other cheese products made in our State.

Incidentally, I say to Senator MOYNIHAN, while time has been passing, New Mexico has been growing in terms of dairy cows and as part of American milk production. Everybody thinks dairy product production is a Wisconsin issue, but New Mexico is now ninth among all of the sovereign States in terms of the production of dairy products. That is why it turns out we are working with China.

PNTR and China joining the WTO will be a big help for the New Mexico producers of milk products, as the Chinese people get the opportunity to compare the comparative culinary merits of Domino's, Pizza Hut, and even Papa Johns. I know my friend from New York is not here working on this agreement because he wants to see more Pizza Huts in China, but I think he would not disagree that the United States has an array of export opportunities from State to State. When you add all those up, they do go as far as the ingredients that go into a pizza, all the way to the ingredients and intellectual knowledge that goes into making fancy computer chips or to make anything that China makes and sells to the world.

The tariff on agricultural products will drop. It will drop from 50 percent to 10 percent on cheese products; from 35 percent to 10 percent for lactose and whey, both of which are produced in large quantities in the States of the United States that have many dairy cows and much milk production.

It is not well known that Intel Corporation manufactures flash memory microchips in its Rio Rancho plant in New Mexico, right next to Albuquerque. Flash memory chips are used in cellular phones, digital cameras, personal computers.

The flash memory chips are sent to Shanghai for assembly and testing before they are shipped to customers worldwide. In 2000, Intel earned over $500 million in revenue from the flash memory chips manufactured in New Mexico and tested in China. Both China and New Mexico added profit to the product as it moved its way to market.

If we do not grant PNTR status to China, it is quite obvious that somebody else will take our place in each of these markets that I have described for my State in terms of being a manufacturer of products. Obviously, someplace else in the world can decide, if we are going to leave that trade barrier up, instead of reducing it 50 percent and 30 percent, as I have described, to get the business and the profit margin, where a foreign business could have the tariff rate that is not being adjusted.

China is discovering the necessity for cellular phones. I am talking about a product with which we are all becoming very familiar. There were 40 million cellular phones in China last year. This year, the estimate is 70 million. By 2003, China has projected to have more cell phones in use than any other country on the globe.

You can understand that because, you see, to some extent cellular phone use in America was inhibited by poles, with telephone lines, and telephones that are attached to them. We had that before cellular phones were invented. While we think that is great, it is a burden to the growth of cellular phones. Maybe the word "burden" is wrong, but at least cellular will not grow as fast.

Now enter into a Chinese city where they do not have any telephone poles, and all of a sudden they have cellular phones. They will never build telephone lines. That is why you can say they will go from 40 million to 70 million in 1 year. And who knows thereafter?

I guess we could then ask, how many telephone poles could they put in the ground? And how many telephone lines could they put up? While this was not part of my prepared text, I would speculate that they are not doing hundreds of thousands of miles of telephone lines. Why would they? They would just leapfrog to the newest technology. And that is what they began to use. That is what they will use for a long time hereafter.

Some have argued that PNTR is an attempt to move manufacturing jobs overseas. That is an argument we have to confront every time we talk about lowering trade barriers with some country in the world. It was the same argument when created the North American Free Trade zone with Mexico. I say to my good friend from New York.

Let me illustrate that this is not the case with reference to that contention. Last week, Intel broke ground on a new fabrication plant in Rio Rancho, NM. This expansion had a total cost of $2 billion.

Mr. MOYNIHAN. Two billion.

Mr. DOMENICI. It will provide 500 to 1,000 more jobs for New Mexico, highly paid, skilled jobs.

Obviously, local businesses will also profit from this expansion. That is what expanded trade with China means to Americans and to New Mexicans.

I gave you the example of the $2 billion investment because that investment is made to make one phase of the computer chip that I just described. The other phase will be done in China. Both countries will gain employment and will gain in terms of the production of items that add to our respective gross national products. I do not know which will have more. I would assume they would have a few more workers doing theirs, but we will have the master plant with the most modern technology.

The challenge to America in an international global market is the risk that we are taking, and it is singular. It is one. It is that we will not be able to produce the high-tech, high-paying jobs ahead of the rest of world and keep them here. That is really the only challenge. If we can do that, and train our people sufficiently to do that, we will win all the time because we will keep the high-paid, highly skilled jobs here, as we are currently doing vis-a-vis a country such as China or other countries in the world.

So granting PNTR to China makes practical economic policy, and it makes good foreign policy. I think they are tied together in this case.

I have had an opportunity to talk to Henry Kissinger, who I happen to know quite well from a long, long time ago, when he came to my State with his young son who is now grown up and is involved in the movie production business. He was 13 when he joined his father in my city doing an event for me when I was a young Senator. He talked about the global policy significance, not just its economic significance. I agree. I agree that there is no doubt that this is good trade policy and good foreign policy.

Grant PNTR is practical economic policy, but it is also inescapable economic policy because it is impossible, in this era of globalization, for the United States to fence off 20 percent of the world's population and refuse to trade with them on the same trade terms we trade with others. Trade relations with China are not the same as they were in 1979 when China and the United States first resumed diplomatic relations. At that time, all trade flowed through the Chinese Government in the form of state-owned enterprises. Today the private sector accounts for nearly 70 percent of China's output. Maybe I would put it differently because some of these centers of trade, we don't know whether they are private sector, as we understand them, but the nongovernment sector, nonowned by the Government, is nearly 70 percent of the Chinese output compared with 30 percent Government-owned.

We understand the Government is not too happy with owning even the 30 percent because they really don't know how to run it. They are seeing what is happening in the competitive world, and big policy discussions are occurring there as to what do they do about that situation. They have observed and have learned what happened to state-owned businesses in the former Soviet states, and they went from total ownership to nobody wanting ownership. There was nothing in between. We have the former Soviet Union, at least Russia, with an economic production machine that has been reduced to almost nothing. We will soon be comparing the total gross domestic product of Russia with one of the smaller countries in Europe. Imagine that.

Mr. MOYNIHAN. Will my distinguished friend yield for a question?

Mr. DOMENICI. I am pleased.

Mr. MOYNIHAN. Would he know that the current best estimate is that the GDP of Russia is now approximately that of Switzerland?

Mr. DOMENICI. I wouldn't.

Mr. MOYNIHAN. And that sequence, exactly as he has described it, total ownership to no ownership, as against the transformation before our eyes, is taking place in the PRC.

Mr. DOMENICI. That is absolutely correct. I might add that what is happening in Russia, the Chinese have seen very clearly. They are never going to let that happen. We went from Government ownership to no ownership to oligarchs who substituted here in the middle who became powerful, rich people who put these businesses together; bought them from the Government. Now a few groups own more businesses than anybody expected in Russia and do not run it in any way consistent with Russia's future. It is just their own. Whether they pay taxes or not is their business. That is the way things go. It is not so good.

Let me talk about this trend that is occurring in China. I think it is excellent. It is a great sign because a growing market-based economy is the most effective path to democracy for China and should be encouraged as part of the American policy with other free nations in the world.

There have been a lot of amendments offered to this bill. I owe the Senators who offered them, individually or for themselves and others, an explanation of why I voted against each and every one. Some of them are very good. Some of them, if freestanding and not burdening a measure of this magnitude, I probably would have come down and even debated. I did not. I did not come and talk on any of them because I was not going to vote for any. It appeared to me that my responsibility as a Senator was to see that this legislation got through here, at least as much as I could. That meant don't add amendments to it that are apt to make it impossible for this legislation to get passed and sent to the President for signature.

I consider this to be the most important event of this year and maybe of a couple years. While it does not come out of my committee, I have been informed on it. I worked on it. I am very proud of the Finance Committee and in particular the chairman, the distinguished Senator from Delaware, Mr. ROTH, and obviously, the ranking member, the distinguished Senator from New York.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, before our beloved chairman of the Budget Committee, the Senator from New Mexico, leaves, may I thank him for his remarks. All anyone need say is what he has said. I would just supplement them with one comment to reinforce what he has said. We, the Finance Committee, held a long series of hearings on the bill. It happens, in the last paragraph of the last witness, the Honorable Ira Shapiro, who has been previously our chief negotiator for Japan and Canada at the Office of the U.S. Trade Representative, said thus:

> This vote is one of an historic handful of congressional votes since the end of World War II. Nothing that Members of Congress do this year or any other year could be more important.

He was not simply speaking of trade and the standard of living. He was talking about the large geopolitical fact of do we include one-fifth of mankind in the world's system we wish to create, we have created, and are creating, or do we say, no, you are out, and invite hostility that could spoil the next half century?

We have not. Today we voted by a two-thirds majority to go forward. I thank the Senator for his vote and his leadership throughout. It is a cheering experience in what has not been always a cheering year.

Mr. DOMENICI. Will the Senator yield?

Mr. MOYNIHAN. Mr. President, I yield.

Mr. DOMENICI. Mr. President, I thank Senator MOYNIHAN for those kinds words and for his last observation.

Perhaps Mr. Shapiro said it more eloquently than I. I consider it one of the most important events, and I described that early on as I see it.

I would add one observation. I ask the Senator if he shares this. Frankly, I think it is very important, when China is granted PNTR, when it becomes a member of WTO, that they not leave with the American people in the next few years, that they not let activity on their part happen which would let Americans think that they are discriminating against the purchase of American goods and services. If we are competitive in this world, whether it be in services or in products or in agricultural products, we don't expect China to control that through its Government but rather leave it to the free and open market or, indeed, Americans will look at this as a sham.

Mr. MOYNIHAN. Yes, sir.

Mr. DOMENICI. Our companies are telling us they can compete. I know of many areas they can compete, and they are not competing because of trade barriers, because of tariffs, and because of the selectivity of some of the governmental entities in terms of who they pick and choose. That part is a little risky on their end. It may be a small amount of product, but it could be a very big wave if they are not careful.

Mr. MOYNIHAN. Mr. President, if I might respond, there is an extraordinary symmetry to what we are doing today. Toward the end of the Second World War, when China was our ally, we gathered at Bretton Woods in New Hampshire and drew up the plans for what became the World Bank, the International Monetary Fund, and an International Trade Organization to establish common rules for trade that would be abided by, a rule of law that could be adjudicated and settled. China was a full participant at the Bretton Woods Conference. China joined the General Agreement on Tariffs and Trade after the International Trade Organization, sir, was defeated in the Senate Finance Committee.

They withdrew after the Chinese Red Army overran the mainland. But now the People's Republic has asked to come back and join the revived International Trade Organization, now the World Trade Organization, which has rules that are to be abided by, and nondiscrimination is the first rule.

That is why this measure is so important because we could not be in the WTO with China if we had a provision that we must renew normal trade relations status once a year. No, but each of us must abide by the rules. It is now up to the vigilance of our Department of Commerce, the Trade Representative, American business, and labor unions to see to it that the rules are abided by. You can't hope for more.

Let us go forward in confidence and determination, as the Senator described. I thank the Senator.

Mr. DOMENICI. I thank the Chair.

Mr. MOYNIHAN. I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, I know my colleague from Wisconsin has been here before me. I have been asked by the majority leader to make a unanimous consent request. As soon as I make it, I hope the Chair will recognize my colleague from Wisconsin.

Mr. President, I ask unanimous consent that there be 30 minutes equally divided for debate relative to the Feingold amendment regarding a commission, with no second-degree amendments in order prior to the vote.

I further ask consent that following that debate, Senator WELLSTONE be recognized in order to resume debate on amendment No. 4120.

I further ask consent that following the use or yielding of that debate time, the Senate proceed to a series of rollcall votes in relation to the following amendments, with 2 minutes for closing remarks prior to each vote. Those amendments are as follows: Helms amendment No. 4128; Helms amendment No. 4123; a Feingold amendment regarding a commission; Wellstone amendment No. 4120.

Mr. MOYNIHAN. Mr. President, might I inquire, I understand there are to be 2 minutes of debate between each of the specified votes.

Mr. ALLARD. Yes, 2 minutes for closing remarks prior to each vote. So I assume that is 1 minute to each side. I understand this has been agreed to by the leadership on both sides.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside so I may offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4138

Mr. FEINGOLD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 4138.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To make technical changes relating to the recommendations of the Congressional-Executive Commission on the People's Republic of China)

On page 44, beginning on line 4, strike all through page 45, line 12, and insert the following:

(g) ANNUAL REPORTS.—The Commission shall issue a report to the President and the Congress not later than 12 months after the date of the enactment of this Act, and not later than the end of each 12-month period thereafter, setting forth the findings of the Commission during the preceding 12-month period, in carrying out subsections (a) through (c). The Commission's report shall contain recommendations for legislative or executive action, including recommendations indicating whether or not a change in China's trade status is merited.

(h) SPECIFIC INFORMATION IN ANNUAL REPORTS.—The Commission's report under subsection (g) shall include specific information as to the nature and implementation of laws or policies concerning the rights set forth in paragraphs (1) through (12) of subsection (a), and as to restrictions applied to or discrimination against persons exercising any of the rights set forth in such paragraphs.

(i) CONGRESSIONAL PRIORITY PROCEDURES.—

(1) INTRODUCTION AND REFERRAL OF RESOLUTIONS.—

(A) IN GENERAL.—Not later than 10 session days after receipt of the Commission's report by a House of Congress, the Majority Leader of that House shall introduce a joint resolution in that House providing for the implementation of such recommendations of the Commission's report as require statutory implementation. In the case of the Senate, such resolution shall be referred to the Committee on Foreign Relations and, in the case of the House of Representatives, such resolution shall be referred to the Committee on International Relations. In the consideration of resolutions referred under this subparagraph, such committees shall hold hearings on the contents of the Commission's report and the recommendations contained therein for the purpose of receiving testimony from Members of Congress, and such appropriate representatives of Federal departments and agencies, and interested persons and groups, as the committees deem advisable.

(B) SESSION DAY DEFINED.—The term "session day" means, with respect to a House of Congress, any day on which the House of Congress is in session.

(2) PROCEDURE FOR DISCHARGE OF COMMITTEES.—If the committee to which is referred such resolution has not reported such resolution at the end of 15 calendar days after its introduction, such committee shall be discharged from further consideration of such resolution and such resolution shall be placed on the appropriate calendar of the House involved.

(3) MOTION TO PROCEED.—When the committee to which a resolution is referred has reported, or has been deemed to be discharged (under paragraph (2)) from further consideration of, a resolution described in paragraph (1), notwithstanding any rule or precedent of the Senate, including Rule 22, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution, and all points of order against the resolution (and against consideration of the resolution) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the resolution shall remain the unfinished business of the respective House until disposed of.

(4) The provisions of paragraphs (1) through (3) are enacted by

Mr. FEINGOLD. Mr. President, this amendment will increase the strength and the relevance of the Congressional-Executive Commission on the People's Republic of China.

It is no secret that I oppose H.R. 4444, the bill extending permanent normal trade relations to China. I believe it is a mistake to institutionalize a separation between our trading relationship with China and our concerns regarding the deteriorating human rights situation in China. I believe this compartmentalization of American interests makes for policy that is confused, contradictory, and ultimately ineffective.

I am not blind to the numbers; I am not blind to the likely votes. This bill stands an excellent chance of passing the Senate, and we are dealing with legislation likely to become law. So I choose to take seriously the efforts made in the other body to somehow integrate human rights concerns into this legislation.

Perhaps I am supposed to assume those efforts are simply window dressing, mere political cover for those who feel obligated to address human rights issues but who are also disinclined to impede this trade initiative with inconvenient complications. But I reject that assumption. If this bill passes, as it probably will, the Congressional-Executive Commission on the People's Republic of China will be important both in substance and as a symbol. It may well be the only remaining bridge in our China policy between this country's highest values and the pursuit of profit for the few. It will be the watchdog, in a sense, responsible for ensuring that our trade policy undermines neither our national values nor our national character. Its structure and its mandate will carry this burden. So I do think this commission deserves our serious consideration.

As currently constructed, the commission would produce an annual report. But it would not be required to include policy recommendations in this report, and neither the House nor the Senate would actually be required to debate the report or to hold any kind of vote on it. In short, the commission would be extremely weak and then, of course, could be easily be marginalized.

My amendment would strengthen the commission in several ways. First, it would require that the commission's report contain recommendations for legislative and/or executive action, rather than simply permitting such recommendations. As the debate on this bill has shown, we do not lack for reports of gross human rights violations in China. But simply stating the facts is not enough; our actions must reflect acknowledgement of those facts. Thick reports and handwringing in and of themselves do not serve U.S. interests. Policy recommendations have to be an explicit part of the commission's mandate.

In addition, this amendment would require that legislative proposals contained in the report be considered by both the House International Relations Committee and by the Senate Foreign Relations Committee. As it now stands, this commission reports only to the House. I urge my colleagues in this body, the Senate, to recognize that the Senate needs to consider this report and its recommendations as well. We cannot leave this important work solely to our House colleagues and, in effect, wash our hands of it. We must protect the Senate's prerogatives and ensure that both Chambers of this Congress engage with this important commission.

Finally, this amendment lays out a procedure by which this commission's recommendations could be considered by this body rather than simply gathering dust and assuaging consciences on our office shelves. It would establish a procedure, one that is not unfamiliar or unprecedented, whereby commission recommendations, in the form of a resolution, would be considered by the appropriate committees. These committees would then hold hearings to review these recommendations, allowing for public comment and opening up this process to democratic participation and actual debate.

Critically, after committee consideration, any Member of the House or Senate would have the right to call up the resolution on the floor. This amendment ensures that the crucially important issues covered by the commission can be considered by any Member, not only the members of certain committees. As it now stands, only members of the House International Relations Committee would have the power to consider and weigh the commission report. That seems very odd to me for a bicameral legislature. This amendment provides a mechanism for moving the substance of commission recommendations onto the floor and into the realm of full congressional consideration.

This is hardly an extreme proposition. My amendment would give this commission greater relevance, rather than relegating it to bureaucratic limbo. Relevance seems like an eminently reasonable goal for a body charged with the critically important work of reconciling U.S. support for human rights with the U.S. trade policy toward China.

Those toiling in forced labor camps are relevant. This body ought to behave as if they are relevant. The Tibetan and Chinese people, fighting every day for religious freedom, are relevant. Victims of torture are relevant. The Congressional Executive-Commission on the People's Republic of China is where these people will now have to find their place in U.S. policy. I urge my colleagues to take this seriously and give it the strength it needs to be meaningful.

I reserve the remainder of my time, and I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, the Republican floor manager has indicated I could use his time to talk about this important piece of legislation. I don't have any remarks I am going to direct specifically to the amendment; although, I find myself in the same position as the Senator from New Mexico, Mr. DOMENICI, in that there are many amendments that, under different circumstances, I may very well have found myself supporting. But because I think this is such an important piece of legislation, I have decided to oppose any amendments that will be made to this bill because I think it will put it in jeopardy, and the chances of it passing the House are, from what I understand, not good if we put Senate amendments on this side.

I think we will have an opportunity in the future to address some of the amendments that were attempted to be made to this particular piece of legislation. Under those circumstances, as I mentioned earlier, I will probably support them.

I think this is a very important piece of legislation for this country. It is a very important piece of legislation as far as the State of Colorado is concerned. The State of Colorado has experienced tremendous growth in exports, and I attribute that to the type of industry we have in the State of Colorado. We are primarily agriculture and light manufacturing, which includes high-technology. Those are areas where we have had a lot of growth in exports nationwide. Colorado has been the benefactor of that.

I have come to the belief that we need to work to open trade barriers. When we open these trade barriers, democracy is exported and we prosper economically. Colorado would be one State in the Nation that would be a good example of that.

Western civilization has been trading in some manner with China since the Roman Empire anchored one end of the Silk Road. But it will not be until we pass this bill before us that our culture will have access to free and open trade with this massive country called China.

I am glad most of us have recognized that the term "most favored nation" was a misnomer. This country needs to remember that China will not actually be "favored." China will be equally treated as we treat the other 137 World Trade Organization countries such as Cyprus, Jamaica, and Djibouti, or the newest WTO member nation, Albania. We are not singling China out for special treatment, nor are we ushering them into the community of nations. The World Trade Organization exists separate from our decision.

I am struck most by this fact: That if the United States does not pass permanent normal trading relations, it does not keep China out of the WTO. It just keeps America from benefiting from China's presence in it.

China has 1.3 billion people, a purchasing power of $4.42 trillion, and a yearly import market of $140 billion. Nearly 20 percent of the world lives within its borders—a fifth of the world. And many of the Chinese people are just beginning to desire Western products such as those made in Colorado—luxury goods, communication gear, computers, software, western beef, wheat, and so much more. The rest of the world is scrambling ferociously to pass their own version of PNTR to capture the China market.

If we turn down this opportunity or if we amend it into practical nullification, we will not stop China's human rights problems; we will not force China to accept freedom of religion, speech, or other individual liberty. All that will happen is the United States will be denied the loosening of tariffs and import controls that the rest of the world nations will gain.

If Congress balks at PNTR this year, 137 nations other than the United States will benefit from free trade with China while American workers, farmers, ranchers, and small businesses are denied equal access.

Everyone knows we trade with China now. Colorado exported $166 million worth of goods to China in 1998. Colorado Springs alone, one of our larger metropolitan areas, exported $41 million. Denver, another of our larger metropolitan areas, exported $16 million to China. And these numbers are only going to grow. If we grant China PNTR, Colorado will be assured a more prosperous future. Why? Because with PNTR-WTO membership, China will have to lower their average tariffs on U.S. goods from 24 percent to 9 percent. They will have to cut average agricultural tariffs in half and eliminate all tariffs on high-tech goods. But Colorado and the United States will not have to undergo similar market restructuring. The United States already has open markets and engages in free trade.

It is China that will have to open their markets and end their protectionism to benefit from WTO membership. This will then facilitate more trade and higher profits for Colorado companies and Colorado workers.

Why is China doing this? Because they know what we do. Free trade benefits those who practice it.

Many export producing jobs pay better than basic service sector jobs. Increasing trade generates more jobs of a higher quality, and that presents more opportunities for workers.

For instance, since NAFTA, Colorado has increased exports to Mexico by $300 million. China PNTR will add to this export total.

If we were to set aside economic reasons, there are still many other reasons to favor PNTR. The first is humanitarian.

History has shown that it is the isolated, closed societies that are the most brutal and repressed. International contact—such as would be brought about by increased trade, with businessmen, foreign goods, exchanges, corporate presence and marketing—would serve to increase access to a higher standard of living and a better quality of life.

We would be able to up-grade the everyday lifestyle of the ordinary people of China, and that is not an opportunity to be ignored by those who seek to aid the world's less fortunate.

The number one export from America is democracy.

PNTR will not only tear down the trade barriers for Colorado's workers, farmers, and small businesses, it will also flood the Chinese culture with the American ideals of liberty and democracy.

When the freedom protesters took over Tiananmen Square in 1889 and built a replica of the Statute of Liberty, they were not just expressing support for the type of freedoms enshrined in our political documents.

They were expressing a desire for the liberty and benefits of a modern, vibrant, and free United States that they saw on the current world stage.

By increasing our relations with China, we can side step the admittedly authoritarian regime in Beijing, and deal with the people themselves through our products and our communications.

The Soviet Union did not fall because we passed resolutions against them. It did not fall because we had bitter debates about their human right records, and it did not fall because we regularly reviewed their civil liberties.

It fell for two reasons that remain relevant today: The Soviet Union fell because the oppressed people of Eastern Europe grew tired of being left behind by the western prosperity they saw, and because their leaders realized that President Reagan would not let them take that prosperity by force. Unable to keep up with the western nations, they fell behind and eventually fell apart.

We need to remain aware of and secure against China's sometimes blatant hostility to us and our ideals. But we have less to fear from a China that shares an engaged, mutually beneficial relationship than from an excluded China shut out of our markets.

Taiwan, the nation most under the gun from an aggressive China, supports Chinese PNTR/WTO membership for this very reason. It suggests that they too hope that increased trade will overwhelm the communist system and force it to grow and develop into a more mature, efficient, and equitable system.

Some oppose trade agreements because of security concerns. Trade agreements are not the reason for the loss of our nation's military secrets.

We have seen serious security lapses in the Department of State, Department of Defense, Department of Energy, and our national laboratories. The responsibility of protecting our national secrets lies with the Administration, not our trade policies.

The most recent Department of Energy security blunder, losing two hard drives, coupled with the discovery of bugging devices in State Department conference rooms and the mishandling of classified information by the recently dismissed Director of the Central Intelligence Agency, builds a very strong case for this administration's blatant disregard for protecting our national security secrets.

However, these wrongs pale in comparison to the Secretary of Energy's decision to ignore the public law enacted by Congress last year to establish a semi-autonomous National Nuclear Security Agency to correct known security deficiencies within his department.

Fortunately, the recent Los Alamos incident expedited what had become a stalled effort to confirm General John Gordon as Director of the newly formed NNSA. With General Gordon in place, I sincerely believe we will finally get some action to hasten security reform within this agency.

But these acts, all pre-PNTR, highlight a simple truth—weapons proliferation, national security, and defense are functions of a nation's leaders, not its merchants.

If we want a strong, pro-active national defense that diligently maintains our vital interests, we can not expect to let trade agreements alone shoulder that burden.

It is my hope that the upcoming vote will confirm America's commitment to free trade, international participation, and mutually beneficial capitalism. That is why I will be voting in favor of China PNTR and against any amendments.

I yield the remainder of my time.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Wisconsin.

Mr. FEINGOLD. It is my understanding that the Senator from Colorado has yielded time in opposition to my amendment.

Mr. ALLARD. I yield my time on the floor and I reserve the time we have in opposition.

Mr. FEINGOLD. I am prepared to yield back my remaining time.

Mr. ALLARD. I want to make sure the floor manager is comfortable yielding back on our side; if so, I yield back the remainder of time.

Mr. ROTH. I suggest to the Senator from Colorado that I will make a few comments.

Mr. ALLARD. I yield my time.

Mr. ROTH. Mr. President, I rise in opposition to the Feingold amendment.

This amendment would change the mandate of the Levin-Bereuter Commission created by H.R. 4444 by mandating that it make recommendations to the Congress on legislative actions. Such recommendations would have to be introduced in each body, be referred to the Foreign Relations Committee and the International Relations Committee, and be considered by those committees and the Congress under rules similar to "fast track."

I oppose this amendment for many reasons. As a jurisdictional matter, I oppose a change in the rules of the Senate that would refer a revenue measure to a committee other than the Finance Committee, as this amendment would do if the Commission recommended a change in the trade status of China, and I urge all Finance Committee members to support me.

Second, I see no need to compel a recommendation out of the Commission. As outlined in the mandate of the Commission, if they choose, they may make a recommendation to the Congress on legislative action. Compelling the Commission to do so strikes me as misguided.

Third, I see no need to fast track a recommendation by the Commission. The Congress can consider any recommendation by the Commission under the regular order, just as we are considering PNTR.

Finally, as I have outlined with every amendment, I believe the adoption of this amendment would unnecessarily risk slowing the underlying bill down. Therefore, I view a vote for this amendment as a vote to kill PNTR.

Mr. FEINGOLD. Mr. President, I will briefly respond to the comments of the distinguished chairman.

Yes, this amendment, in terms of the commission that was established in the House consideration of the bill, says there ought to be some recommendations coming out of this commission, there ought to be some reality. This is all we will have left of the opportunity to consider issues such as human rights in connection with China's trade status.

Instead of just having a series of documents or volumes on a shelf gathering dust, we suggest there ought to at least be a requirement that there be recommendations coming forward. That seems to me to be very modest. This is not something that would in any way undercut the legislation or the purpose of the legislation. It would simply make sure that the work of the commission results in some recommendation.

What strikes me as even more strange about opposition to this amendment is that the distinguished chairman would leave this commission to be only a commission that reports to the House of Representatives. He would prefer that a commission that apparently is a serious commission, one that the chairman will support, as he votes for final passage of the bill, should not report to this body. I would think his institutional concerns of having to do with proper referral to one committee or another in a revenue bill would also apply to the notion that a report should go to the Senate as well as to the House on something as significant and weighty as the question of human rights and other issues in connection with China's trade status. I find it baffling that the main proponent of this bill would not agree that this Senate should receive the report, as well as the House.

The Senator makes the point, as well he should as chairman of the Finance Committee, that he believes there may be some concerns about proper jurisdiction in terms of committees. I am a member of the Senate Foreign Relations Committee, so I definitely believe this should go to the Senate Foreign Relations Committee.

But I have no problem with certainly inviting an amendment that calls for a joint reporting to both the Senate Foreign Relations Committee and the Senate Finance Committee. It seems to me that would take care of that concern. I know of a number of cases in my brief time in the Senate where we have had these joint referrals, and that would take care of the chairman's concern.

Not only is this amendment not threatening to the underlying purpose of this legislation, it is simply an amendment that balances the purpose of this commission so that it has some relationship to the structure of our Congress. It says there ought to be recommendations given and they should be reported to the Senate as well as to the House; that the Senate Foreign Relations Committee should continue to consider these recommendations, as it has done in the past.

I can't think of a more modest amendment one could raise with regard to this bill. It is based on a commission that was already approved overwhelmingly in the House of Representatives and supported by all of those who support this legislation. All we are trying to do is have a similar requirement with respect to a report in the Senate. It couldn't be more modest. It is a sign of how desperate the proponents of this legislation are to get this thing through without even the possibility of a modest, logical change such as having the Senate as well as the House receive a report.

I reserve the remainder of my time.

Mr. President, I am prepared to yield the remainder of my time if the opposition to the amendment will do the same?

Mr. ROTH. Mr. President, I yield the remainder of the time on our side.

Mr. FEINGOLD. I yield back the time.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

AMENDMENT NO. 4120

Mr. WELLSTONE. Mr. President, my understanding is we are now considering amendment No. 4120.

Mr. President, this amendment would delay the effective date of PNTR until the President can certify that China has provided a full accounting of activists who have been detained or imprisoned for their labor activities and China is making "substantial progress" in releasing these activists from prison.

What we are really talking about here is that this amendment calls upon the President to delay the effective date of PNTR until we get from China an accounting of those citizens who have now been imprisoned in China because they have tried to exert their human rights to organize and bargain collectively so they can make a decent wage, so they can work under civilized working conditions, so they can support their families.

What we are talking about is we want to see some evidence that China has made substantial progress in releasing these activists from prison. We do not have an exhaustive list of all the labor activists who are now serving prison terms in China. There are many of them about whom the facts are unknown. That is one of the reasons this amendment calls on China to provide a full accounting. But I will draw from what empirical evidence I have as a Senator, a Senator who is concerned about human rights and the right of people to be able to organize their own independent unions. I will draw from two sources of information. The first is the U.S. State Department Human Rights Report which actually confirms that the Chinese Government has been persecuting and incarcerating labor activists.

According to the State Department:

> Independent trade unions are illegal. . . . Following the signing of the International Covenant on Economic, Social, and Cultural Rights in 1997, a number of labor activists petitioned the Government [Chinese Government] to establish free trade unions as allowed under the Covenant. The Government has not approved the establishment of any independent unions to date.

Now I will talk about some specific examples. First, I will draw from the State Department report—our State Department report of this past year.

Two activists in January were sentenced to reeducation through labor for 18 months and 12 months, respectively. Why were they arrested? They were leading steelworkers in a protest because they had not been paid wages.

In January of this year, another activist, the founder of the short-lived Association to Protect the Rights and Interests of Laid-Off Workers, unsuccessfully appealed a 10-year prison sentence he received—10 years in prison. He had been convicted—for what? "Illegally providing intelligence to a foreign organization." What was that foreign organization? It was a Radio Free Asia reporter, and he was talking about worker protests in Hunan Province. For that, a 10-year prison sentence. Do we not care about this?

In April of this year workers announced the formation of the Chinese Association to Protect Workers' Rights. In July, a labor activist and China Democracy Party member was arrested on subversion charges. He was arrested after taking part in a workers demonstration outside the provincial government building. He was sentenced to 6 years in prison.

In July, another labor activist was sentenced to 10 years, and two others were sentenced to 2 years in prison for subversion. What is it that they had done wrong? They were out there trying to organize workers and the family of one of these activists alleged that the police hung him by his hands in order to extract information on fellow dissidents.

In August, another labor activist in China was given a 10-year prison sentence for illegal activities in the 1980s, and more recently he was also thrown in prison because he had organized worker demonstrations. This time he was convicted for providing human rights organizations overseas with information on protests—a 10-year sentence, prison sentence, for a man who had the courage to try to organize people and who then went to human rights organizations overseas with information about worker protests in China. He is now serving 10 years in prison.

Don't you believe we could at least ask China to provide us with some credible information that they were now letting these people out of prison; that they were doing something about all of the people who have been imprisoned?

This list is compiled by the ILO—Senator MOYNIHAN talked about the ILO yesterday on the floor of the Senate. A 28-year-old worker in a Hunan Province electrical machinery factory, was sentenced in 1989 to a life sentence for hooliganism. His reduced sentence is being served in prison and he now has been told he will get out in the year 2007.

A manual worker in Shanghai and a member of the Workers Autonomous Federation was sentenced in 1993 to 9 years in Shanghai prison for organizing a counterrevolutionary group. That from the ILO—my evidence.

A worker, organizer of another Workers Autonomous Federation was sentenced to 13 years imprisonment—for hooliganism again. That is the charge any time you demonstrate, any time you try to organize people, any time you have the courage to stand alone and speak up for democracy.

Another worker in Hunan, again, Yueyang City in Hunan, organizer of the Workers Autonomous Federation, was sentenced to 15 years—same charge, hooliganism.

A 39-year-old lecturer in the Comparative Literature Department at the Language Institute in Beijing was sentenced in 1995 to 20 years in Prison No. 2 for organizing and leading a counterrevolutionary group, and for committing counterrevolutionary propaganda and incitement.

A 30-year-old medical researcher in the Department of Psychiatry at Beijing's Anding Hospital was sentenced to 17 years in Prison No. 2 in Beijing for organizing and leading a counterrevolutionary group.

A 40-year-old worker at a chemicals accelerator fluid plant in Beijing was sentenced to 13 years in Prison No. 2 for organizing and leading a counterrevolutionary group.

Another activist was sentenced to 11 years in prison for organizing and leading a counterrevolutionary group.

Colleagues, I have other names and other examples. But I think there are several reasons why we should be concerned about the persecution and imprisonment of labor activists in China.

First of all, labor rights, the right to organize, recognized by international law, are a fundamental human right. When men and women have the courage to stand up for justice at the workplace, they ought not be locked up, they ought not be treated like animals, they ought not be serving 10-, 12-, 14-year prison sentences in China, and we should speak up for them.

Labor rights have been recognized in the documents that enshrine the most basic principles of human rights. The Universal Declaration of Human Rights in 1948 states, "Everyone has the right to peaceful assembly and association. Everyone has the right to form and join trade unions for the protection of his"—and I would add "or her"—"interests."

In a speech before the Industrial Relations Research Association in Boston this past January, former World Bank chief economist Joseph Stiglitz laid out an argument that economic development needs to be seen as part of a transformation of society and that workers organizations, the right to form a union, is key to this developmental process.

Do my colleagues know what he was saying? He was saying what we know: Independent unions and the right to form an independent union means you make a better wage; it means you have people who have enough money to consume; it means you are building a middle class; it means you have more economic justice; it means you have more stability. That is what Mr. Stiglitz was trying to say.

I will give my colleagues one more example of this brutality. An April 23, 2000, story in the Washington Post reported:

> The number of labor disputes in China has skyrocketed — to more than 120,000 in 1999—as workers, in unprecedented numbers get laid off, are paid late, or not paid at all and feel cheated by corrupt officials who sell state property for a pittance to friends, relatives, and colleagues.

We are talking about unsafe working conditions. We are talking about low wages. We are talking about the fundamental right of workers in China to organize and the compelling need, I believe, for us to support this right.

I will finish in a moment so we can have some votes, although I am anxious to hear whether there is any response. Above and beyond the human rights question, above and beyond the fact that we should not be silent—I have said this for the last several days—above and beyond the fact that we should be willing to speak up and vote for the rights of people to organize independent unions in China, we should not let this Government with impunity put people in prison for 12, 14, or 16 years because they have done nothing more than try to speak up for themselves and form a union so they can make a decent wage and they can support their families.

There is another reason. Senator SARBANES spoke about this on the floor of the Senate the other day. It is this: What we are going to see is not necessarily more exports to China but more investment in China. If we do not speak up for the right of workers to organize in China, China will become the export platform in this new international economy that we talk about, and it will be a magnet for any kind of company that wants to go there that knows it can freely exploit workers, pay workers 3 cents an hour, 10 cents an hour, 6 cents an hour, 20 cents an hour, all of which is happening right now, working people from 8 in the morning until 10 at night with a half an hour, at most, for a break. That is what we are going to see.

I do not know how many Senators will consider this before they vote, but if you do not want to vote for this amendment for human rights for workers in China, vote for this amendment for the people you represent in your own States because I am telling you—and this is just the future I am predicting—that our failure to adopt these amendments, our failure to focus on human rights, our failure to vote on human rights, our failure to vote on religious freedom, our failure to vote on the rights of people to organize and bargain collectively is going to lead to a new international economy where China, with the size of the country and the population, will become a magnet, it will become a low-wage export platform, and the people in your States are going to say to you: Where were you when you were asked to vote for us? Now you are saying to us, Senator, that you want us to compete against people who get paid as little as 3 cents an hour under the most brutal, exploitative labor conditions, and now we are losing our jobs as companies are leaving our States to go to China, and you had a chance to vote for the right for people to organize in China so they could make a decent wage and those workers would not be played off against us, and you didn't vote for it?

My colleagues should vote for this amendment because a vote for this amendment is not only a vote for human rights in China, not only a vote for the right of people to organize in China, but, most important of all, what this amendment is really about is simply saying to the President, before going forward with normal trade relations with China, at least—and I want to read this again—at the very minimum, the President needs to certify China has provided a full accounting of these activists who are detained or imprisoned for their labor activities.

That is all the amendment asks, and China can show it is making substantial progress in releasing these activists from prison. That is what this amendment is about.

In a broader sense, this amendment is also about the right of people to organize and bargain collectively, and this is an amendment that says why should the people we represent in our States be put in a situation where they lose their jobs and where our communities lose businesses that go to China because they know they can pay miserably low wages, where people wind up in prison if they should dare get a better job, where they can actually export products made with prison labor, and we are not voting for amendments that give the people we represent in our own States some comfort that they themselves are not going to lose their jobs because of these absolutely brutal working conditions.

I do not think it is too much to vote for an amendment that asks for only one little piece of this. We will delay the effective date of PNTR until the President can certify that the Chinese Government has provided a full accounting of those people who have been detained or imprisoned for doing nothing more than trying to organize or trying to stand up for themselves and their families, and some accounting that this Government is releasing these innocent men and women from prison who have done nothing more than protest deplorable working conditions or tried to form an independent union. That is what this amendment is about.

I conclude this way, which is the way this debate started. We are forever being told that we live in a global economy, and that is true. For some reason, too many of my colleagues do not want to recognize the implications of this. For me, if we are now working and living in a global economy, that means if we are truly concerned about human rights, we can no longer just concern ourselves with human rights at home.

If we are truly concerned about religious freedom, we can no longer only concern ourselves with religious freedom at home. If we are truly concerned about the right of workers to organize and bargain collectively, and earn a better living for themselves and their families, then we can no longer concern ourselves with labor rights only at home. If we are truly concerned about the environment, we can no longer concern ourselves with the environment only at home.

I will say it one final time: The men and women in this world, who have been engaged in human rights issues, have long understood an essential, basic truth which is this: Americans, Senators can never be indifferent to the desperate circumstances of exploited and abused people in the far reaches of the globe. When the most basic human rights and basic freedoms of others are infringed or endangered, we are diminished by our failure to speak out.

This amendment is a test case of whether or not we are willing to speak out. I say to my colleagues, since this is my last amendment, I believe we have made a big mistake—we will see what history shows us—in the rush to pass this piece of legislation. I think we have made a mistake because I believe the consequences, over the next 2, 3, 4, 5, 6, 7, 8, 9, 10 years will be very harsh.

I believe the economics in this global economy we are all talking about will become a major axis of American politics. I believe the people that we represent are going to want to know where each of us stood. I believe we should have been making the effort to make sure this new global economy—with China being such a major actor—would be an economy not only working for big multinational corporations and big financial institutions, which I know are very interested in passing this, but it would also be a global economy that works for working people, a global economy that works for human rights, a global economy that works for children, a global economy that works for the environment.

I will say—and I am sorry because none of us can be sure we are right; and I understand that—I have not, in the course of this debate, seen very many Senators come out and present any empirical evidence to the contrary of what I have had to say about these basic rights of people. Why is it that we just turn our gaze away from this? I do not understand it.

I also think we have made a mistake in another way, I say to the Presiding Officer. I think we have made a mistake in the stampede to pass this legislation, in this rush to passage, in this argument that we dare not even pass an amendment. Even if it deals with the right of people to practice their religion, even if it puts the U.S. Senate and our country and our Government on the side of human rights, we cannot do that because then it would go to conference committee. I do not understand that argument, not when you think about what the stakes are, not when you think about this in personal terms.

Whatever happened to the voice of the Senate? Whatever happened to the strong clarion call for the Government of China, and all governments in the world, to respect the human rights of their citizens? Whatever happened to our justice voice? Whatever happened to our human rights voice? Why were these concerns trumped by this headlong stampede and rush to pass this legislation?

I conclude my remarks this way: We will see what happens in the future.

I thank my colleagues for their graciousness. I hope Senators will vote for this amendment.

I yield the floor.

(Disturbance in the galleries.)

The PRESIDING OFFICER. The galleries are advised not to show any type of approval or disapproval.

Mr. ROTH. Mr. President, I rise in opposition to my colleague's amendment. I do not intend to address the merits of his proposal as a matter of U.S. labor law. Rather, my point is a far simpler one.

The current business of this body is a bill to normalize our trade relationship with China. This amendment simply does not belong on H.R. 4444 and has nothing to do with China's trade status under our law.

But, the price of adopting the amendment could be very high for every working man and woman in the United States. The reason is that the amendment could result in delay or defeat of PNTR and the grant of PNTR is the one step we absolutely must take to ensure that American workers, together with American farmers and American businesses, reap the benefits of China's market access commitments under the WTO.

What we would be sacrificing is, according to independent economic analysis, $13 billion in additional U.S. export sales annually. Expanding our export sales, as has been reiterated a number of times already in this debate, creates new jobs. And I point out, jobs in U.S. export sectors pay 15 percent more and provide 32 percent more in benefits than average.

What that means in practical terms is that the passage of PNTR and the exports we expect to expand under the WTO agreement with the Chinese provide real, tangible benefits to workers in American society.

I ask, as a consequence, that my colleagues join me in opposing the proposed amendment.

I ask the Senator from Minnesota, are you ready to yield back time?

Mr. WELLSTONE. I have a very quick response to my colleague.

Mr. President, I ask unanimous consent that an article in the Washington Post, dated January 11, 2000, entitled "No Workers' Paradise" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 11, 2000]

NO WORKERS' PARADISE

(By John Pomfret)

SHENZHEN, CHINA—Fei Mingli, a slight teenager from Sichuan province, came to this bustling Chinese factory town in 1998 to seek her fortune in a textile factory, cranking out bluejeans and tank tops for the Western world. Sometime after midnight July 22, she went out for a walk.

Dogs patrolling the factory grounds attacked the 17-year-old, breaking her right leg and ripping chunks from her nose, head and elbows. Fei had violated a company rule that ordered all workers locked in their dormitories by midnight. She was hospitalized for 62 days.

When her father came to Shenzhen asking for compensation, the factory bosses added insult to her injuries by firing the girl and paying only medical expenses.

Fei's case could have sunk into the oblivion of hundreds of thousands of others like hers in China, where workers' rights are routinely sacrificed at the altar of economic development. But Fei and her father beat a path to a man who has become famous for standing up for workers in a country with one of the worst occupational safety records in the world.

Lawyer Zhou Litai took the case, and late last year, after proving that the factory did not have a dog permit and that there had been six similar attacks since 1994, he won Fei a $6,000 settlement—a big chunk of change in a country where millions of laborers barely clear $1,000 a year.

"Lawyer Zhou is a good man," said Fei Zhongming, Mingli's father. "Without him, we would have had nothing. He won justice for us."

China once advertised itself as a socialist workers' paradise. But in its mad rush to become a modern industrialized nation in the 20 years since economic reforms opened doors to the West, China's cutthroat system has victimized average laborers. With China preparing to enter the World Trade Organization, the United States and other advanced nations have pushed for some type of binding international labor standards; this was one of the issues behind demonstrations during he WTO's meeting in Seattle in November. But China and other developing countries have opposed such standards.

In the first nine months of last year, 3,464 miners died in China—about the same as 1998—one of the worst rates per ton of minerals mined in the world. The only place where official statistics have been released for industrial accidents is Shenzhen. In 1998, 12,189 workers were seriously injured and 80 died in industrial accidents in its 9,582 factories, although the real number is believed to be much higher.

More than 90 percent of those injured lost a limb. Statistics from the state hospital in Shenzhen's Bao'an county tell a gruesome tale. In the hospital's Building 7, 47 patients have lost hands; in Building 6, 21 patients have third-degree burns; in Building 5, 42 patients have lost legs.

After a ferry sank in November, killing 280 people, China's Communist Party leadership called for a nationwide workplace safety inspection campaign and acknowledged that despite years of hand-wringing about the importance of safety, serious health and safety hazards remain.

"Since 1980, labor standards in China have gotten worse," said Anita Chan, a senior research fellow of the Australian Research Council and an expert on China's labor issues. "In the state sector, workers are losing their jobs, so labor standards are almost as bad as foreign-funded or private-sector factories in inland provinces. . . . As for foreign-funded factories, exploitation and abuses have not diminished in the 1990s. If anything, because of the Asian economic crisis, it has gotten worse."

Attempts by workers to seek help from the government usually end in failure. The Communist government only allows one union to exist—the All-China Federation of Trade Unions—and it has crushed any attempt to organize independent unions. The ACFTU is generally viewed as a mouthpiece for the Communist Party, although in recent years it has fought quietly against some policies and laws that are clearly antilabor.

Born in Sichuan 42 years ago, Zhou was yanked out of school by his parents in third grade and put to work on the land. When he was 17, his father sent him to the forbidding Tibetan plateau as a soldier. He served for five years in some of the harshest conditions on earth.

In 1979, he returned to Sichuan but again had to leave home because his family was too poor to feed him. Zhou found work in a brick factory in Hunan province, making a few dollars a month lugging 220-pound bags of coal and handling scalding bricks that singed the skin off his hands, arms and chest.

"It was normal for the factory not to pay the workers," Zhou recalled. "People were fired for nothing. People were beaten."It was bad."

A friend encouraged Zhou to learn a skill. He took to law, perhaps, he said, because he was infuriated by the exploitation around him. In 1986, he set up shop in Kaixian, his home town, in a poor county close to the smoky metropolis of Chongqing.

Ten years later, Zhou took the first case that would catapult him into national prominence but also land him in serious debt. In May 1996, a husband and wife, both workers at the Happy Toy Factory in Shenzhen, were walking on the factory grounds when they were killed by a delivery truck. The factory denied responsibility for their deaths, leaving the couple's three young children and their aging parents penniless.

The grandparents and the children were living in Sichuan—source for most of the cheap labor that has driven the economic miracle along China's eastern coast. They came to Zhou as a last resort. No lawyer in Shenzhen would take such cases because local governments had warned them against "affecting the investment environment," Zhou said.

As an outsider, Zhou could run a risk. He sued the Happy Toy Factory and won $40,000—marking the first time in Communist China that a court had ordered a factory to pay damages to the family of deceased workers.

Zhou's experience in Shenzhen, meeting maimed workers with tales of exploitation, 18-hour shifts, dormitory lock-downs, dog attacks and decrepit machinery, convinced him that his life's work lay not in Sichuan, but with the Sichuanese who had come to Shenzhen.

"If you don't protect your workers, it doesn't matter how good your products are," he said. "You are creating a social volcano."

Since the toy factory case, Zhou has filed 200 other lawsuits in courts around Shenzhen. He has won 30; most of the others are still pending. He sometimes works on contingency and also receives donations. Along the way, he has angered the Shenzhen city government, which tried to disbar him in 1997 but lost in court.

In late 1997, Zhou found a house in a rough-and-tumble neighborhood on the outskirts of Shenzhen. Since then, 70 injured workers, out of jobs and penniless, have lived with him.

Running the house has thrown Zhou into debt to the tune of thousands of dollars. It

> has not helped that some of his guests have skipped town after winning their cases without paying him for room and board.
>
> Most of Zhou's adversaries are factories run by Taiwanese, Hong Kong or South Korean companies, which work on a contract basis for Western firms. He has yet to sue a Japanese or American company, he said, because their labor conditions are better.
>
> Workers in Shenzhen say the most dangerous machine is a mold for plastic products called a piji. One false move and a limb can be crushed by huge metal slabs at pressures varying from 40 to 500 tons.
>
> It was on such a machine that Peng Guangzhong lost his right arm last spring. The factory had failed to buy insurance, so his employers fired the 20-year-old immediately. Then, because of his injury, Peng's girlfriend dumped him. He attempted suicide. An arbitration committee said the factory should pay him $4,500. With Zhou's help, Peng sued and won $21,000 in court.
>
> "Lawyer Zhou saved my life," Peng said. "Without him, I'd be dead."

Mr. WELLSTONE. I will read a couple of paragraphs from the article. This was written by John Pomfret:

> China once advertised itself as a socialist workers' paradise. But in its mad rush to become a modern industrialized nation in the 20 years since economic reforms opened doors to the West, China's cutthroat system has victimized average laborers.

Then it goes on to say:

> "Since 1980, labor standards in China have gotten worse," said Anita Chan, a senior research fellow of the Australian Research Council and an expert on China's labor issues.

I could go on and on.

I say to my colleague from Delaware, there are three parts to his argument that trouble me. First of all, this amendment has everything in the world to do with what is going on in China. This is not an amendment about labor law reform in the United States. That is an amendment I will bring to the floor at the very beginning of the next Congress. We will have a full debate about the right of people to organize in our country.

This is about China. This is about labor conditions in China. This amendment is about people who have been imprisoned because they have done nothing more than to speak out and protest against working conditions or trying to form a union.

This amendment just says, before the President goes forward, let's certify that China is willing to let these people out of prison, and that we are going to get some certification of some progress in that area. That is all this amendment is about.

The second thing I would say to my colleague from Delaware —we have had some of this discussion before—is that even if I believed he was right—and I think he is wrong—that actually we are going to see more exports that will lead to higher wages for American citizens. I do not believe people in the United States of America would be comfortable with the proposition that is being made on the floor of the Senate, at least by some, that since there is profit to be made, and more money to be made, and maybe more workers will do better in our country—which I will question in a moment—we should, therefore, turn a blind eye, turn our gaze away from these deplorable conditions; that we should not be concerned about the persecution of people who are trying to practice their religion; that we should not be concerned about human rights; that we should not be concerned about people who are imprisoned because they are trying to form a labor union. I do not believe most people in Minnesota or people in the country believe that.

Most people in Minnesota and the country believe these issues should be of concern to the U.S. Senators. We, after all, are representing people in our Nation. I think it is a very sad day when the United States of America refuses to speak out for human rights in any country.

Indeed, this will be a debate that will go on. What will happen is, given the fact that we have Wal-Marts paying about 13 cents an hour—and I have given examples of companies paying far less—China is going to become the export platform where people know that if they should dare to try to organize a union, they are going to be thrown in prison. So all these multinational corporations have carte blanche approval to go to China, pay hardly anything in wages, have people working under deplorable working conditions, and we are going to lose jobs.

We are not going to see a lot more exports. We will see a lot more investment. What better place to invest for some of the multinational corporations than a country where you know you don't have to worry about paying good wages, you know you don't have to worry about safe working conditions because, if people dare to protest or challenge this for the sake of themselves or their families, they wind up in prison! I see a very different economic future.

I yield back the remainder of my time.

Mr. ROTH. Mr. President, I yield back the remainder of my time.

VOTE ON AMENDMENT NO. 4128

Mr. ROTH. Mr. President, what is the pending business?

The PRESIDING OFFICER. The question is on agreeing to the Helms amendment No. 4128.

Mr. ROTH. Has all time been yielded back on that?

The PRESIDING OFFICER. All time has expired on the amendment. There are 2 minutes prior to the vote.

Mr. ROTH. Mr. President, I ask unanimous consent to yield back the 2 minutes on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Washington (Mr. GORTON) is necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 43, nays 53, as follows:

[Rollcall Vote No. 243 Leg.]

YEAS—43

Abraham
Ashcroft
Bayh
Boxer
Breaux
Bunning
Burns
Byrd
Campbell
Collins
Conrad
DeWine
Dodd
Dorgan
Edwards
Feingold
Gregg
Harkin
Helms
Hollings
Hutchinson
Inhofe
Jeffords
Kerry
Kohl
Kyl
Leahy
McConnell
Mikulski
Reed
Reid
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Snowe
Specter
Thompson
Thurmond
Voinovich
Warner
Wellstone

NAYS—53

Allard
Baucus
Bennett
Biden
Bingaman
Bond
Brownback
Bryan
Chafee, L.
Cleland
Cochran
Craig
Crapo
Daschle
Domenici
Durbin
Enzi
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grams
Grassley
Hagel
Hatch
Hutchison
Inouye
Johnson
Kerrey
Landrieu
Lautenberg
Levin
Lincoln
Lott
Lugar
Mack
McCain
Miller
Moynihan
Murkowski
Murray
Nickles
Robb
Roberts
Rockefeller
Roth
Schumer
Smith (OR)
Stevens
Thomas
Torricelli
Wyden

NOT VOTING—4

Akaka
Gorton
Kennedy
Lieberman

The amendment (No. 4128) was rejected.

Mr. ROTH. Mr. President, I move to reconsider the vote.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4123

The PRESIDING OFFICER. There are now 2 minutes.

Mr. ROTH. Mr. President, I ask unanimous consent that on the three remaining stacked votes, they be limited to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, reserving the right to object, and I will not object, who is going to pay attention if we agree to have 10-minute votes? Does anyone want to take a bet on it? We will not defer to that request. It will still be the same old thing—15 minutes, 20 minutes, 25 minutes, 30 minutes.

I would be embarrassed. I would be embarrassed to keep this Senate waiting on me for a vote. I hope if I am ever out and the time is up, they will call it. They won't hear a peep out of me.

We ought to respect the convenience and inconvenience of our colleagues who are kept waiting here.

I withdraw my objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. Mr. President, I ask unanimous consent that we dispense with the 2 minutes before each of the other amendments on both sides.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, I object to that.

Mr. LEAHY. I object to that.

The PRESIDING OFFICER. There are 2 minutes equally divided on the Helms amendment No. 4123.

The Senator from Montana is recognized.

Mr. BAUCUS. Might I inquire of the Chair whether they are 15-minute votes or 10-minute votes?

The PRESIDING OFFICER. They are 10-minute votes.

Mr. BAUCUS. I thank the Chair.

The PRESIDING OFFICER. Who yields time? Who yields time on the Helms amendment?

Mr. ROTH. Mr. President, the Senator yields his and I yield mine. I yield the 2 minutes.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to amendment No. 4123.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Washington (Mr. GORTON) is necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Connecticut (Mr. LIEBERMAN), are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 23, nays 73, as follows:

[Rollcall Vote No. 244 Leg.]

YEAS—23

Ashcroft
Byrd
Campbell
Collins
Edwards
Feingold
Hatch
Helms
Hollings
Inhofe
Jeffords
Kohl
Lautenberg
Mikulski
Sarbanes
Sessions
Shelby
Smith (NH)
Snowe
Thompson
Thurmond
Torricelli
Wellstone

NAYS—73

Abraham
Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Chafee, L.
Cleland
Cochran
Conrad
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hutchinson
Hutchison
Inouye
Johnson
Kerrey
Kerry
Kyl
Landrieu
Leahy
Levin
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Miller
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Schumer
Smith (OR)
Specter
Stevens
Thomas
Voinovich
Warner
Wyden

NOT VOTING—4

Akaka
Gorton
Kennedy
Lieberman

The amendment (No. 4123) was rejected.

Mr. ROTH. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Could the Chair inform the Senate as to how long that 10-minute vote took?

Mr. BYRD. Mr. President, could we have order in the Senate.

The PRESIDING OFFICER. The Senate will be in order.

The last vote took 16 minutes.

Mr. REID. Mr. President, I say, through the Chair to my friend from West Virginia, that I agree with him. I think that if we are going to have 10-minute votes, we should have 10-minute votes. We started these votes at 6 o'clock. It is now quarter to 7. In fact, we started before 6.

I would hope we could stick to the 10-minute limit. People have all kinds of things to do rather than sit around and wait to vote.

Mr. BYRD. Mr. President, may the Senate be in order.

The PRESIDING OFFICER. The Senate will be in order.

There are now 2 minutes equally divided on the Feingold amendment.

Mr. BYRD. Mr. President, the Chair can see that the Senate is not in order. May we have order.

The PRESIDING OFFICER. Will those Senators having conversations in the well please take them to the Cloakroom.

The pending amendment is the Feingold amendment.

Mr. BYRD. Mr. President, I ask that there be order in the Senate, that staff in the Senate take seats, that staff in the Senate get out of the well.

I thank the Chair.

AMENDMENT NO. 4138

The PRESIDING OFFICER. The Senator from Wisconsin has 1 minute.

Mr. FEINGOLD. Mr. President, my amendment is eminently reasonable. This body is considering a bill that is very likely to become law. We have a responsibility to take that bill seriously, to actually examine its contents.

All my amendment will do is, first, require the Congressional-Executive Commission to make recommendations in its report. Secondly, we would require the commission to report to the Senate as well as to the House. Currently, under the bill, the commission reports only to the House International Relations Committee. And third, it will create a mechanism whereby any Member of the Senate can call the commission recommendations up on the floor so that these issues are not the exclusive purview of certain committees.

The amendment will not require the commission to affirmatively approve extension of PNTR. It will not infringe on any Member's right to amend legislation on the floor.

I think it is difficult to argue that this amendment does not improve the commission and the bill. I urge my colleagues to take this process seriously. I urge them to support this amendment.

Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The Senator from Delaware has 1 minute.

Mr. ROTH. Mr. President, I oppose the Feingold amendment. Congress would, in effect, once again be asked to vote on China every year regarding the commission's recommendations on a fast-track basis. I believe adoption of this amendment would unnecessarily risk the underlying bill. I urge my colleagues to vote against it.

I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4138. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Washington (Mr. GORTON) is necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?—

The result was announced—yeas 18, nays 78, as follows:

[Rollcall Vote No. 245 Leg.]

YEAS—18

Byrd
Collins
DeWine
Feingold
Harkin
Helms
Hollings
Hutchinson
Kohl
Lautenberg
Leahy
Mikulski
Reed
Sarbanes
Smith (NH)
Snowe
Thompson
Wellstone

NAYS—78

Abraham
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond

Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Campbell
Chafee, L.
Cleland
Cochran
Conrad
Craig
Crapo
Daschle
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kerrey
Kerry
Kyl
Landrieu
Levin
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Miller
Moynihan
Murkowski
Murray
Nickles
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Schumer
Sessions
Shelby
Smith (OR)
Specter
Stevens
Thomas
Thurmond
Torricelli
Voinovich
Warner
Wyden

NOT VOTING—4

Akaka
Gorton
Kennedy
Lieberman

The amendment (No. 4138) was rejected.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote.

Mr. ROTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. There are 2 minutes equally divided on the Wellstone amendment.

The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, may we have order in the Chamber before I start?

The PRESIDING OFFICER (Mr. ROBERTS). The Chamber will come to order.

AMENDMENT NO. 4120

Mr. WELLSTONE. Mr. President, I have cited both the State Department Report on Human Rights and the International Labor Organization report this past year of courageous men and women who have done nothing more than protest deplorable working conditions and try to organize and bargain collectively and are now in prison.

This amendment simply says that PNTR depends upon an accounting from the Chinese Government about these people who are in prison and helps Congress in releasing these people from prison. I say to my colleagues, I believe during this debate we have put human rights concerns aside; we have put the rights of people who practice religion aside. These questions dealing with human rights, whether people are free to practice their religion, or whether people are free to protest deplorable working conditions, are important concerns. Thank you for giving me the opportunity to speak out on these. I hope I will get a good vote.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Delaware is recognized.

Mr. ROTH. Mr. President, this amendment would unilaterally impose conditions on the normalization of our trade relations with China that would backfire by effectively barring access of U.S. companies to the Chinese markets on terms at least as good as other WTO members. The amendment would also eliminate the positive force that American companies can play in the Chinese market by potentially leading to the delay in PNTR and cutting off the benefit of China's market access commitment for U.S. firms.

The amendment would have the perverse effect of narrowing the private sector in China in which some limited organizing is permitted. The point of this bill is to level the playing field between the United States and China, all of which would be forfeited if this amendment passes and becomes law.

I yield the remainder of my time.

Mr. WELLSTONE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment No. 4120.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Washington (Mr. GORTON) is necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?—

The result was announced—yeas 22, nays 74, as follows:

[Rollcall Vote No. 246 Leg.]

YEAS—22

Ashcroft
Bayh
Boxer
Byrd
Collins
Dorgan
Feingold
Gregg
Harkin
Helms
Hollings
Hutchinson
Inhofe
Leahy
Mikulski
Reed
Sarbanes
Smith (NH)
Snowe
Specter
Torricelli
Wellstone

NAYS—74

Abraham
Allard
Baucus
Bennett
Biden
Bingaman
Bond
Breaux
Brownback
Bryan
Bunning
Burns
Campbell
Chafee, L.
Cleland
Cochran
Conrad
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Durbin
Edwards
Enzi
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grams
Grassley
Hagel
Hatch
Hutchison
Inouye
Jeffords
Johnson
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Levin
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Miller
Moynihan
Murkowski
Murray
Nickles
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Schumer
Sessions
Shelby
Smith (OR)
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner
Wyden

NOT VOTING—4

Akaka
Gorton
Kennedy
Lieberman

The amendment (No. 4120) was rejected.

Mr. ROTH. I move to reconsider the vote.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, with the consent of my friend from Delaware, the manager of this bill, I ask unanimous consent, upon disposition of H.R. 4444, the Senate proceed to the consideration of Calendar No. 152, H.R. 1259, the Social Security lockbox bill, and that it be considered under the following time limitation: 2 hours for debate on the bill equally divided between the managers; that Senator CONRAD have a Social Security-Medicare lockbox amendment; that Senator GRAHAM of Florida have a Medicare prescription drug amendment; that other relevant first-degree amendments be in order; and that relevant second-degree amendments be in order.

Mr. CRAIG. I object.

The PRESIDING OFFICER. An objection is heard.

The distinguished Senator from Delaware is recognized.

Mr. ROTH. Mr. President, I ask consent that time on all remaining first-degree amendments be limited to no more than 1 hour, to be equally divided in the usual form, and that no second-degree amendments be in order prior to the vote, and limited to the ones described below. I further ask consent that following these amendments in the allotted time specified below, the bill be advanced to third reading and passage occur, all without any intervening action or debate. I also ask that no motions to commit or recommit be in order.

Those remaining first-degree amendments are as follows: Feingold, regarding a commission; Hollings No. 4134; Hollings No. 4135; Hollings No. 4136; Hollings No. 4137; B. Smith No. 4129, divisions I through V.

I further ask consent that there be 6 hours equally divided between the two leaders for general debate on the bill, with the following Members recognized just prior to final vote on H.R. 4444, in the order stated: 60 minutes under the control of Senator BYRD, 30 minutes under the control of Senator HELMS, 30 minutes under the control of Senator MOYNIHAN, 30 minutes under the control of Senator ROTH, 30 minutes under the control of Senator DASCHLE, 30 minutes under the control of Senator LOTT.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. Mr. President, as a result of this agreement, there will be no further votes today. However, votes can be expected throughout the day tomorrow.

Mr. REID. Mr. President, I certainly applaud and congratulate the two managers of this bill to arrive at a point of a finite number of amendments with time limits.

I say to the Senate in general, however, that just because these amendments were in order doesn't mean the Senators have to offer them, and just because all the time agreements have been listed doesn't mean people have to use that time. I hope the two leaders work toward finding a way we can finish this bill tomorrow evening. There is a tremendous amount of work still left to be done in the Senate. I hope to finally resolve this legislation sometime tomorrow.

Mr. MOYNIHAN. Mr. President, I very much support that view, and I think our indefatigable chairman might also agree.

Mr. ROTH. I assure the distinguished colleagues I want to move as expeditiously as possible toward completion of this critically important legislation.

Mr. MOYNIHAN. If I might say, these amendments get 18 votes, 22 votes; we now have a pattern.

The Senate made its decision about this legislation midday. The sooner we are in the aftermath, the better relations will be, and the Senate can go on to other business.

Mr. FEINGOLD. Mr. President, I voted in favor of the Smith amendment to H.R. 4444, the bill to extend permanent normal trade relations to the People's Republic of China. The Smith amendment would have extended the mandate of the Congressional-Executive Commission on the People's Republic of China to include responsibility for monitoring and reporting on organ harvesting in China. For years, chilling reports have emerged out of China, detailing horrific scenarios in which organs are illicitly harvested for profit from executed prisoners. It is my understanding that the Chinese government has failed to take action to stop the criminal elements' responsible for these abhorrent practices. Certainly careful monitoring and reporting on this issue is appropriate.

Mr. GORTON. Mr. President, today the Senate voted on several amendments to the bill establishing permanent normal trade relations status for the People's Republic of China. Regrettably, I was unable to register my votes on these amendments. Following are my thoughts regarding a few.

With respect to the amendment offered by Senator BYRD regarding potential import surges from China, I must state my opposition. While the Senator from West Virginia deserves credit in his effort to protect the American worker, the anti-dumping and surge protection mechanisms contained in the bilateral agreement brokered between the U.S. and China were crafted to address this very issue. Recognizing these two issues were considered "deal breakers" by U.S. trade interests, I have every reason to believe his concerns have been addressed.

I must also state my opposition to Senator. BOB SMITH's amendment regarding the harvesting and transplanting of human organs. Without question, the issue of human rights and the treatment of Chinese citizens should be of upmost concern to every American. I believe the human rights provisions agreed to in H.R. 4444 were established to conquer and address such atrocities.

In particular, I would have also supported the effort to table the amendment offered by Senator THOMPSON. I have for quite some time, to the knowledge of my constituency in Washington and my colleagues here in the Senate, criticized the Clinton-Gore administration's approach to non-proliferation issues with China. However, I do not believe that Congress, by creating an entirely new sanctions policy or by establishing an additional layer of export controls, can effectively address these concerns nor strengthen U.S. national security. We must approach these measures with caution, we will approach them with a new administration, and we must recognize that when we confront China about these terribly significant issues, we will be approaching them as a trading "partner". If in the coming years China does not appropriately address the issues of non-proliferation, I assure my colleagues that I will be the first to raise concern.

Mr. JOHNSON. Mr. President, I rise today to share with my colleagues a letter from numerous agricultural producers and organizations opposing any and all amendments to the bill to grant permanent normal trade relations to the People's Republic of China. This letter specifies the dangers the pending amendment relative to Chinese nonproliferation requirements would pose to agricultural producers.

I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SEPTEMBER 12, 2000.

Hon. TRENT LOTT,
Russell Senate Office Building, U.S. Senate, Washington, DC.

DEAR SENATOR LOTT: It is critical to American agriculture that H.R. 4444, the China Permanent Normal Trade Relations (PNTR) legislation, moves forward without amendment. Any amendments would require another vote in the House of Representatives and send China and our competitors the message that the United States is not serious about opening the China market to U.S. products.

The Thompson amendment would require the President to implement sanctions under various circumstances. Unilateral sanctions have the effect to giving U.S. markets to our competitors. While there are efforts to exempt food, medicine and agriculture from the existing language. American agricultural producers, regardless of exemptions, would be put at risk. If the United States sanctions or even threatens sanctions for any products, agriculture is often first on the other country's retaliation list.

Additionally, further consideration of the China Nonproliferation bill should not delay action on a vote for PNTR. The U.S. agriculture industry continues to face depressed prices. Agricultural producers and food manufacturers should not have to face burdens erected by their own government such as unilateral sanctions or failure to pass PNTR.

We urgently request your help in achieving a positive vote on PNTR without amendment.

Thank you for your help and we look forward to working with you on these important issues.

Sincerely,

AgriBank,
Agricultural Retailers Association,
Alabama Farmers Federation,
American Crop Protection Association,
American Farm Bureau Federation,
American Feed Industry Association,
American Meat Institute,
American Seed Trade Association,
American Soybean Association,
Animal Health Institute,
Archer Daniels Midland Company,
Biotechnology Industry Organization,
Bunge Corporation,
Cargill, Inc.,
Cenex Harvest States,
Central Soya Company: Inc.,
Crestar USA,
CF Industries, Inc.,
Chocolate Manufacturers Association,
CoBank,
Distilled Spirits Council of the United States,
DuPont,
Farmland Industries, Inc.,
Grocery Manufacturers of America,
IMC Global Inc.,
Independent Community Bankers of America,
International Dairy Foods Association,
Land O'Lakes,
Louis Dreyfus Corporation,
National Association of State Departments of Agriculture,
National Association of Wheat Growers,
National Barley Growers Association,
National Cattlemen's Beef Association,
National Chicken Council,
National Confectioners Association,
National Corn Growers Association,
National Council of Farmer Cooperatives,
National Food Processors Association,
National Grain and Feed Association,
National Grange,
National Milk Producers Federation,
National Oilseed Processors Association,
National Pork Producers Council,
National Potato Council,
National Renderers Association,
National Sunflower Association,
North American Export Grain Association,
North American Millers' Association,
Pet Food Institute,
Pioneer Hi-Bred International,
Rice Millers' Association,
Snack Food Association,
Sunkist Growers,
The Fertilizer Institute,
United Egg Association,
United Egg Producers,
USA Poultry and Egg Export Council,
U.S. Canola Association,
U.S. Dairy Export Council,
U.S. Meat Export Federation,

U.S. Rice Producers Association,
U.S. Rice Producers' Group,
U.S. Wheat Associates,
Wheat Export Trade Education Committee,
Zeeland Farm Soya.

MORNING BUSINESS

Mr. CRAIG. Mr. President, I ask unanimous consent there be a period of morning business for the transaction of routine morning business, with Senators permitted to speak for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE MARRIAGE PENALTY TAX

Mrs. HUTCHISON. Mr. President, I rise today to speak on the issue of the marriage penalty. Today, the House of Representatives voted overwhelmingly, 270–158, in favor of eliminating the marriage penalty tax. Unfortunately, that doesn't mean it is going to become law because the President has vetoed the bill, and even the overwhelming margin of 270–158 is not enough to override the President's veto.

So 21 million American couples are going to have to suffer an inequity in the Tax Code again this year. They are going to have to suffer and pay $1,400, average, in taxes just because they decided to get married. If two people, a policeman and a schoolteacher, get married, they get hit the hardest because they suffer from the marriage penalty tax.

I am very proud of the House of Representatives for trying to override the President's veto. I am proud that they spoke overwhelmingly, even though it was 20 votes shy of the two-thirds majority that was necessary. But we need to fix the marriage penalty tax. We need a President who will sign marriage penalty relief, and we need a President who will work with us to have real tax relief for the citizens of our country who are working so hard to make this economy great.

Mr. President, I yield the floor.

THE AWARDING OF THE PRESIDENTIAL MEDAL OF FREEDOM TO SENATOR GEORGE McGOVERN

Mr. JOHNSON. Mr. President, I rise today with great pride and satisfaction to address an occasion of great significance that occurred during the Senate's August recess. On August 9, President Clinton awarded the highly prestigious Medal of Freedom to former United States Senator George McGovern. This medal is the very highest award presented to civilians by the United States Government, and is an honor that is richly deserved.

Throughout his long and remarkable career, George McGovern has distinguished himself as a scholar, a political leader, a humanitarian and a person of extraordinary integrity. A generation of American political leaders still define themselves as McGovern Democrats." At Dakota Wesleyan University in Mitchell, South Dakota, George McGovern effectively emphasized the great importance of public service and civic involvement. As President Kennedy's Director of Food for Peace he helped launch our nation's commitment to combat world hunger. On the floor of the United States Senate, McGovern was a powerful voice for rural America, for our nation's disadvantaged, as well as for an end to the Viet Nam conflict. Today, as ambassador to the United Nations Food and Agricultural Organization in Rome, Ambassador McGovern has continued his work on nutrition and has articulated a visionary plan for a world school lunch program.

As my colleagues are very aware, Senator McGovern won the Democratic nomination for President of the United States in 1972 in what turned out to be an unsuccessful presidential campaign. Historians will long ponder what the course of American history might have been if that campaign had turned out differently. But we don't have to wait for the judgment of historians to know George McGovern's life has had an incredibly important and lasting impact on America and the world. George continues to persevere and his commitment to a better planet continues to shine.

We in South Dakota understandably feel a profound pride in the life and career of George McGovern—a son of a South Dakota minister, a military hero, a national political leader, and a diplomat of the highest order. I extend my enthusiastic congratulations to Senator McGovern and wish he and his family the very best as he continues his critically important work in Rome.

VICTIMS OF GUN VIOLENCE

Mr. SCHUMER. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read the names of some of those who have lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today. September 13, 1999: Jonathan Holmes, 32, Detroit, MI; Edward Luckenbill, 51, Louisville, KY; Adrian Offutt, 19, Louisville, KY; Finnis Parron, 31, Houston, TX; Sherlyn Robinson, 37, Houston, TX; Unidentified Male, 29, Norfolk, VA; and Unidentified Male, 43, Norfolk, VA.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

MARKETING VIOLENCE TO CHILDREN

Mr. JOHNSON. Mr. President, the Senate Commerce Committee held a hearing today on the critical issue of the entertainment industry's marketing of violent material to children. While I am not a member of the Senate Commerce Committee, I appreciated Chairman McCAIN and Ranking Member HOLLINGS giving me the opportunity to share my perspective as the parent of three children and some insights on the issue I have gained from a series of youth violence meetings in South Dakota.

In response to the numerous school shootings around our country, I've held a series of roundtable discussions in South Dakota with parents, students, school officials, and local law enforcement. I heard repeatedly from parents and students themselves that no one believes that explicitly violent movies, video games, or music are the sole causes for violence among our nation's youth. However, South Dakota students acknowledged that the entertainment industry has a large influence on their daily lives, and South Dakota parents specifically asked for additional resources they can use to help keep violent material out of their children's hands.

My wife, Barbara, and I recently accompanied our youngest child to her first day at college. Seeing our daughter settle into her new home in the freshman dormitory brought feelings of sadness at the inevitable passage of time. Barbara and I also were relieved, in a sense, by the fact that our daughter's first day of college also marked the successful completion of her childhood. I can sympathize with the parents of children just entering their teen years who are concerned that it will be increasingly difficult to keep objectionable material from their sons and daughters as they grow up.

That is why I am troubled by the results of the Federal Trade Commission's (FTC) Report on the Marketing of Violent Entertainment to Children. As you know, the President asked the FTC to investigate two simple questions: Do the movie, music recording, and computer game industries market to young people products that contain violent content in a way that undermines the ratings they themselves apply to their products? If so, is that target marketing intentional? According to the recently-released FTC report, the answer to both questions appears to be yes."

The FTC report found that 80 percent of movies rated R'' for violence were targeted to children under 17. A movie industry document even acknowledged that [o]ur goal was to find the elusive teen target audience and make sure everyone between the ages of 12–18 was exposed to the film.'' Another document spoke of using youth groups such as Boy Scouts, Girl Scouts, and 4-H Clubs in the market testing of R-rated'' films.

Teenagers apparently have also been the target of the music industry's efforts to sell CDs with explicit content labels. According to the FTC report, all music recordings used in the study were in some way targeted toward children under 17. This practice included the placing advertising in media specifically aimed at a youth audience. Finally, the FTC report noted that 70 percent of all video games with ``Mature'' ratings for violence were targeted toward youth.

It is important to note that the FTC report also conducted studies on children's ability to access these products. The FTC found that most retailers make little effort to restrict children's access to products with violent content. Almost half of the movie theaters used in the study admitted children ages 13 to 16 to R-rated'' films even when not accompanied by an adult. The FTC study also showed that unaccompanied children were able to buy explicit recordings and Mature-rated'' video games 85 percent of the time.

The FTC's findings are staggering, and I am eager to hear the entertainment industry's response to the report. Clearly, the entertainment industry and its retail partners must refocus their efforts and work with the FTC and concerned members of Congress like myself to keep violent material out of the hands of children.

It is my hope that the entertainment industry will take this opportunity to help restore the faith of the American public in its voluntary ratings system. Parents in South Dakota and around the country must also have resources they can trust to help them prevent youth violence in their own communities.

I look forward to working with my Senate colleagues and members of the industry on ways to keep violent material out of the hands of children without infringing on fundamental First Amendment rights.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, September 12, 2000, the Federal debt stood at $5,684,118,446,519.63, five trillion, six hundred eighty-four billion, one hundred eighteen million, four hundred forty-six thousand, five hundred nineteen dollars and sixty-three cents.

Five years ago, September 12, 1995, the Federal debt stood at $4,964,466,000,000, four trillion, nine hundred sixty-four billion, four hundred sixty-six million.

Ten years ago, September 12, 1990, the Federal debt stood at $3,232,127,000,000, three trillion, two hundred thirty-two billion, one hundred twenty-seven million.

Fifteen years ago, September 12, 1985, the Federal debt stood at $1,823,101,000,000, one trillion, eight hundred twenty-three billion, one hundred one million.

Twenty-five years ago, September 12, 1975, the Federal debt stood at $549,340,000,000, five hundred forty-nine billion, three hundred forty million, which reflects a debt increase of more than $5 trillion—$5,134,778,446,519.63, five trillion, one hundred thirty-four billion, seven hundred seventy-eight million, four hundred forty-six thousand, five hundred nineteen dollars and sixty-three cents, during the past 25 years.

ADDITIONAL STATEMENTS

IN RECOGNITION OF MS. EMILY E. ROME

• Mr. TORRICELLI. Mr. President, I hereby recognize Ms. Emily E. Rome of the Paterson School District as the 2000-2001 Passaic County Teacher of the Year. For the past 50 years, Ms. Rome has served as a physical education teacher and has received numerous awards and accolades during her tenure. Her accomplishments have been recognized by the U.S. Congress and the Governor of New Jersey and celebrated through awards from the New Jersey Education Association and the National Education Association.

However, the effectiveness of her service reaches far beyond the view of the public eye. In the classroom, Ms. Rome has dedicated herself to creating a supportive and productive environment for the youth of Passaic County. She has helped to shape the mind and spirit of these individuals during a crucial stage of development in their lives. Further, as a member of the community, Ms. Rome has demonstrated a high level of service and commitment that we should all strive to achieve.

Ms. Rome's accomplishments and accolades reflect only a small portion of the many contributions she has made to those she has served. Her efforts have spanned from the children of Passaic County to a variety of young individuals who aspire to follow in her footsteps as an educator and community leader. She is an example of the professionalism that we look for in our educators, and the type of citizen that we hope to find in our communities. Her commitment to the community, and her dedication to her students is to be commended.•

TRIBUTE TO ROBERT CRESANTI

• Mr. BENNETT. Mr. President, I rise today to pay tribute to one of my employees, Robert Cresanti. Robert has worked as my staff director on the Special Committee which addressed the Y2K problem which I chaired and has also served as a subcommittee staff director and counsel on the Banking Committee where I sit. Robert is a wonderful example of an outstanding man who has given much of his time and talents to the U.S. Senate and the American people. He has developed excellent skills in the legislative process and in the ways of Washington. I know he will be successful in his future endeavors. As he leaves the Senate to go into the private sector I express my great appreciation to him for his 8 years of loyal service and wish him the very best as he starts his new professional opportunity.•

TRIBUTE TO BENJAMIN HILL III OF FLORIDA

• Mr. GRAHAM. Today I offer a tribute to a great Floridian who has advanced the cause of quality judicial appointments to an independent Federal judiciary: Mr. Benjamin Hill III of Tampa.

For four years, Mr. Hill has served as chairman of Florida's non-partisan Federal Judicial Nominating Commission, which screens candidates for federal judgeships. Mr. Hill has done an outstanding job of leading the Commission and saluting the principle that those appointed to the federal judiciary should be among the best in the legal profession.

This year the United States Senate has confirmed six new federal judges for Florida: five in the Middle District and one in the Southern District. The investiture ceremony for two of those new judges, the Honorable James Moody and the Honorable James David Whittemore, will be held September 18, 2000, in Tampa, Florida, followed by other investitures elsewhere in our state. The federal judiciary, the legal profession and the public welcome these new federal judges.

As we applaud new jurists, we also recognize the tireless work of Mr. Hill in managing a judicial-selection process focused on meritorious appointments. A leader in his community, his church and his profession, Mr. Hill is a past president of the Florida Bar and a current member of the Board of Governors Executive Committee of the American Bar Association.

The United States Constitution specifies that one of the functions of the United States Senate is to offer ``advice and consent'' on the executive branch's nominations, which includes the nomination of federal judges for our independent judiciary.

Perhaps the most visible aspect of the advise-and-consent clause is the Senate's power to confirm nominations or reject them, thus denying consent. There are myriad ways to offer advice to the executive branch; here's a brief description of our process in Florida.

Florida's Federal Judicial Nominating Commission, a diverse non-political panel comprised of attorneys and lay persons, receives and reviews applications from prospective federal judges. The Commission forwards top candidates to my attention. This screening process evolved so that Senator CONNIE MACK and I jointly interviewed leading applicants and made joint recommendations to the White House.

During the period that Mr. Hill has served as chairman of this Commission, the United States Senate has confirmed the nominations of the following Floridians to serve as United States District Court judges:

MIDDLE DISTRICT

The Honorable John Antoon II
The Honorable Richard Lazzara
The Honorable James Moody
The Honorable Gregory Presnell
The Honorable John Steele
The Honorable James David Whittemore

NORTHERN DISTRICT

The Honorable Stephan Mickle

SOUTHERN DISTRICT

The Honorable William P. Dimitrouleas
The Honorable Alan Gold
The Honorable Paul C. Huck
The Honorable Adalberto Jordan
The Honorable Donald Middlebrooks
The Honorable Patricia A. Seitz

By any measure, this is an impressive list. We express our appreciation to the Senate Judiciary Committee and its chairman, Senator ORRIN HATCH, for prompt and thorough review of nominees from Florida.

As we approach the end of the 106th Congress, we salute the citizen involvement of the dedicated men and women who serve on Florida's Federal Judicial Nominating Commission. Its members and its chairman, Mr. Benjamin Hill III, personify public service.●

TRIBUTE TO JOE DINI

● Mr. BRYAN. Mr President, the Speaker of the House of the Nevada State Assembly is one of Nevada's treasures and he happens to be a very close personal friend of mine.

I have been privileged to know Joe Dini since I first served with him in the state assembly during the 1969 legislative session and I continue to value his friendship.

Joe Dini was born and raised in the small town of Yerington, NV, he attended the University of Nevada and returned to the community of his birth to work along side his father in the family business.

In 1966 he was elected to the Nevada State Assembly, the first of his 17 terms; a record unrivaled since our state entered the union in 1864.

As a legislator, he has become the legislature's leading authority on western water issues. He served on the Western States Water Council and chaired the Water Policy Committee of the Council of State Governments-West.

In 1973, he was selected by his colleagues to serve a Speaker Pro Tempore and the following session, in 1975, as Majority Leader.

During his long and distinguished tenure, the State of Nevada has undergone dramatic changes. The state's population has increased by more than five fold. Nevada has become more urban and most of the state's population growth has been in Southern Nevada which now accounts for two-thirds of the state's population.

Not only is Joe Dini the longest serving member of the Assembly, but he has also been elected by his peers as the Speaker of the Nevada State Assembly an unprecedented eight times. Another record unparalleled in our state's history.

This extraordinary accomplishment is even more remarkable when one considers that rural Nevada, Joe Dini's political base, today represents just 15 percent of the state's over all population. He is a Nevada treasure, the likes of which we will surely not see again.

Now in the twilight of his career of public service, he is being showered with the honors and recognition he so richly deserves.

As with so many of us who have pursued a life of public service, Joe's family, his wife and his children have sacrificed much to make his service possible. Nevadans owe a debt of gratitude to Joe Dini's family as well.

I am pleased to join with Joe's many friends in paying my respect, to my friend—the much loved and respected, and Pizen Switch's number one citizen, Joe Dini.●

TRIBUTE TO ROGER SANT

● Mrs. FEINSTEIN. Mr. President, it is my privilege to recognize the truly world-changing efforts of Roger Sant, a distinguished and successful businessman who, in his six years as Chairman of World Wildlife Fund, has brought profound changes to the way conservation is accomplished here in the United States and, indeed, around the world.

Having taught corporate finance at Stanford University's Graduate School of Business early in his career, Mr. Sant moved east to lead the Ford Administration's energy conservation efforts as head of the energy conservation program at the Federal Energy Administration. In 1981, he founded AES Corporation, a publicly held global power company characterized by its innovative approaches to energy production. Throughout his career, culminating in his chairmanship of WWF, Mr. Sant has been committed to conservation in all its aspects, inspired by the imperative of leaving a living planet to future generations.

As the involved and inspiring chairman of World Wildlife Fund, Mr. Sant has encouraged the organization to think big, working to achieve conservation results at a new ecoregional, landscape scale. He has applied his business acumen as well as a range of skills and approaches honed through his work in government, academia, and the nonprofit world to make a compelling case for conservation to decision makers around the world, from heads of state to government leaders in the United States. Encouraging partnerships, he has supported significant and innovative cooperative arrangements between conservation organizations, governments and private entrepreneurs, and among governments, all with the goal of advancing conservation priorities at a scale that can achieve lasting results. His personal support of conservation initiatives has made a world of difference.

As Roger Sant steps down on September 19 after six years as WWF Chairman, he continues his personal commitment to conserving the world's endangered species and spaces. Based on his track record, we all can give thanks for his substantial conservation achievements as well as for all we know he will achieve for conservation in the coming years.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a treaty which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 3:21 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House having proceeded to reconsider the bill (H.R. 4810) to provide for reconciliation pursuant to section 103(a)(1) of the concurrent resolution on the budget for fiscal year 2001, returned by the President of the United States with his objections, to the House of Representatives, in which it originated, that the said bill do not pass, two-thirds of the House of Representatives not agreeing to pass the same.

The message also announced that the House has passed the following bill, without amendment:

S. 1374. An act to authorize the development and maintenance of a multiagency campus project in the town of Jackson, Wyoming.

The message further announced that the House has passed the following bill, with an amendment:

S. 624. An act to authorize construction of the Fort Peck Reservation Rural Water System in the State of Montana, and for other purposes.

The message also announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 755. An act to establish the Guam War Claims Review Commission.

H.R. 1460. An act to amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to decrease the requisite blood quantum required for membership in the Ysleta del Sur Pueblo Tribe.

H.R. 1775. An act to catalyze restoration of estuary habitat through more efficient financing of projects and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes.

H.R. 2090. An act to direct the Secretary of Commerce to contract with the National Academy of Sciences to establish the Coordinated Oceanographic Program Advisory Panel to report to the Congress on the feasibility and social value of a coordinated oceanography program.

H.R. 2296. An act to amend the Revised Organic Act of the Virgin Islands to provide that the number of members on the legislature of the Virgin Islands and the number of such members constituting a quorum shall be determined by the laws of the Virgin Islands, and for other purposes.

H.R. 3222. An act to amend the Elementary and Secondary Education Act of 1965 to improve literacy through family literacy projects and to reauthorize the inexpensive book distribution program.

H.R. 3378. An act to authorize certain actions to address the comprehensive treatment of sewage emanating from the Tijuana River in order to substantially reduce river and ocean pollution in the San Diego border region.

H.R. 3632. An act to revise the boundaries of the Golden Gate National Recreation Area, and for other purposes.

H.R. 3657. An act to provide for the conveyance of a small parcel of public domain land in the San Bernardino National Forest in the State of California, and for other purposes.

H.R. 4104. An act to amend the Federal Water Pollution Control Act to authorize funding to carry out certain water quality and environmental restoration projects for the Mississippi Sound, Mississippi, and for other purposes.

H.R. 4318. An act to establish the Red River National Wildlife Refuge.

H.R. 4583. An act to extend the authorization for the Air Force Memorial Foundation to establish a memorial in the District of Columbia or its environs.

H.R. 4840. An act to reauthorize the Atlantic Coastal Fisheries Cooperative Management Act.

H.R. 4957. An act to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the legislative authority for the Black Patriots Foundation to establish a commemorative work.

H.R. 5123. An act to require the Secretary of Education to provide notification to States and State educational agencies regarding the availability of certain administrative funds to establish school safety hotlines.

H.J. Res. 102. Joint resolution recognizing that the Birmingham Pledge has made a significant contribution in fostering racial harmony and reconciliation in the United States and around the world, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 368. Concurrent resolution establishing a special task force to recommend an appropriate recognition for the slave laborers who worked on the construction of the United States Capitol.

H. Con. Res. 394. Concurrent resolution directing the Secretary of the Senate to make technical corrections in the enrollment of S. 1374.

ENROLLED BILLS SIGNED

At 7:49 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1027. An act to reauthorize the participation of the Bureau of Reclamation in the Deschutes Resources Conservancy, and for other purposes.

S. 1117. An act to establish the Corinth Unit of Shiloh National Military Park, in the vicinity of the city of Corinth, Mississippi, and in the State of Tennessee, and for other purposes.

S. 1937. An act to amend the Pacific Northwest Electric Power Planning and Conservation Act to provide for sales of electricity by the Bonneville Power Administration to joint operating entities.

MEASURES REFERRED

The following bills and joint resolution were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 755. An act to establish the Guam War Claims Review Commission; to the Committee on Energy and Natural Resources.

H.R. 1460. An act to amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to decrease the requisite blood quantum required for membership in the Ysleta del Sur Pueblo tribe; to the Committee on Indian Affairs.

H.R. 1775. An act to catalyze restoration of estuary habitat through more efficient financing of projects and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes; to the Committee on Environment and Public Works.

H.R. 2296. An act to amend the Revised Organic Act of the Virgin Islands to provide that the number of members on the legislature of the Virgin Islands and the number of such members constituting a quorum shall be determined by the laws of the Virgin Islands, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3222. An act to amend the Elementary and Secondary Education Act of 1965 to improve literacy through family literacy projects and to reauthorize the inexpensive book distribution program; to the Committee on Health, Education, Labor, and Pensions.

H.R. 3378. An act to authorize certain actions to address the comprehensive treatment of sewage emanating from the Tijuana River in order to substantially reduce river and ocean pollution in the San Diego border region; to the Committee on Environment and Public Works.

H.R. 3657. An act to provide for the conveyance of a small parcel of public domain land in the San Bernardino National Forest in the State of California, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 4104. An act to amend the Federal Water Pollution Control Act to authorize funding to carry out certain water quality and environmental restoration projects for the Mississippi Sound, Mississippi, and for other purposes; to the Committee on Environment and Public Works.

H.R. 4318. An act to establish the Red River National Wildlife Refuge; to the Committee on Environment and Public Works.

H.R. 4583. An act to extend the authorization for the Air Force Memorial Foundation to establish a memorial in the District of Columbia or its environs; to the Committee on Energy and Natural Resources.

H.R. 4840. An act to reauthorize the Atlantic Coastal Fisheries Cooperative Management Act; to the Committee on Commerce, Science, and Transportation.

H.R. 5123. An act to require the Secretary of Education to provide notification to States and State educational agencies regarding the availability of certain administrative funds to establish school safety hotlines; to the Committee on Health, Education, Labor, and Pensions.

H.J. Res. 102. Joint resolution recognizing that the Birmingham Pledge has made a significant contribution in fostering racial harmony and reconciliation in the United States and around the world, and for other purposes; to the Committee on the Judiciary.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 368. Concurrent resolution establishing a special task force to recommend an appropriate recognition for the slave laborers who worked on the construction of the United States Capitol; to the Committee on Rules and Administration.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3632. An act to revise the boundaries of the Golden Gate National Recreation Area, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 2090. An act to direct the Secretary of Commerce to contract with the National Academy of Sciences to establish the Coordinated Oceanographic Program Advisory Panel to report to the Congress on the feasibility and social value of a coordinated oceanography program.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-10703. A communication from the Director of the Office of Regulations Management, Office of Resolution Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance" (RIN2900-AJ11) received on September 8, 2000; to the Committee on Veterans' Affairs.

EC-10704. A communication from the Director of the Office of Regulations Management, Board of Veterans' Appeals, Department of Veterans' Affairs, transmitting, pursuant to law, the report of a rule entitled "Appeal Regulations: Title for Members of the Board of Veterans' Appeals" (RIN2900-AK14) received on September 11, 2000; to the Committee on Veterans' Affairs.

EC-10705. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law , the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (12); amdt. No. 2008; [8/24-9/7]" (RIN2120-AA65) (2000-0043) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10706. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law , the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (60); amdt. No. 2006; [8/24-9/7]" (RIN2120-AA65) (2000-0044) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10707. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law , the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (50); amdt. No. 2005; [8/10-9/7]" (RIN2120-AA65) (2000-0045) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10708. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law , the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (61); amdt. No. 2003; [8/10-9/7]" (RIN2120-AA65) (2000-0046) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10709. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law , the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC-9, Model MD-90-30, Model 717-200, and Model MD-88 Airplanes; docket no. 2000-NM-89 [8-8/9-7]" (RIN2120-AA64) (2000-0436) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10710. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law , the report of a rule entitled "Airworthiness Directives: Fokker Model F .28 Mark 0100 Series; docket no. 2000-NM-02 [8-29/9-7]" (RIN2120-AA64) (2000-0437) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10711. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law , the report of a rule entitled "Airworthiness Directives: British Aerospace Model BAe 146 and Model Avro 146-RJ; docket no. 99-NM-35 [8-29/9-7]" (RIN2120-AA64) (2000-0439) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10712. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law , the report of a rule entitled "Airworthiness Directives: Boeing Model 747 and 767 Series Airplanes Equipped with GE CF6-80C2 Series Engines; docket no. 2000-NM-24 [8-31/9-7]" (RIN2120-AA64) (2000-0440) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10713. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law , the report of a rule entitled "Airworthiness Directives: British Aerospace HP137 Mkl, Jetstream Series 200, 3101, and 3201 Airplanes; docket no. 98-CE-117 [8-21/9-7]" (RIN2120-AA64) (2000-0441) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10714. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law , the report of a rule entitled "Airworthiness Directives: Eurocopter Franc Model EC120B Helicopters; docket no. 2000-SW-33 [8-28/9-7]" (RIN2120-AA64) (2000-0445) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10715. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law , the report of a rule entitled "Airworthiness Directives: Eurocopter Deutschland GMBH Model Bo 105A, 105C, 105 C-2, 105, CB2, BO105, CB4 BO 105S , BO 105 CS-2, BO105 CBS-2, CBS-4 and BO 105LS A1 Helicopters; docket no. 99-SW-66 [8-28/9-7]" (RIN2120-AA64) (2000-0446) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10716. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law , the report of a rule entitled "Airworthiness Directives: Boeing Model 737-200 and 300 Series Airplanes Equipped with a Main Deck Cargo Door Installed in Accordance with Supplemental type Certificate SA2969SO; docket no. 2000-NM-277 [8-25/9-7]" (RIN2120-AA64) (2000-0448) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10717. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law , the report of a rule entitled "Airworthiness Directives: Boeing Model 737-100, 200, 200C Series Airplanes; docket no. 2000-NM-288 [8-25/9-7]" (RIN2120-AA64) .(2000-0449) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10718. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law , the report of a rule entitled "Airworthiness Directives: Boeing Model 767-200, 300, and 300F Series Airplanes; docket no. 2000-NM-289 [8-25/9-7]" (RIN2120-AA64) (2000-0450) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10719. A communication from the Program Assistant of the Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airspace Actions; Amends Class D Airspace, Cocoa Patrick AFB, FL, and Class E5 Airspace, Melbourne, FL Docket No. 00-ASO-22 [11-30-9-11-00]" (2120-AA66) (2000-0220) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10720. A communication from the Program Analyst of the Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Interpretive rule; Court of Competent Jurisdiction; [8-20/9-7]" (2120-ZZ28) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10721. A communication from the Program Analyst of the Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Final Rule public Meeting; Changed Product Rule Meeting [8-2/9-7]" (2120-ZZ29) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10722. A communication from the Program Analyst of the Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D Airspace; Cocoa Beach, FL; docket no. 00-ASO-31 [8-24/9-7]" (2120-AA66) (2000-0210) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10723. A communication from the Program Analyst of the Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D Airspace; Simmons Army Airfield, NC, and Class E4; Airspace, Key West FL; docket no. 00-ASO-30 [8-24/9-7]" (2120-AA66) (2000-0211) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10724. A communication from the Program Analyst of the Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Removal of Class E Airspace; Melbourne, FL and Cocoa Patrick AFB, FL; docket no. 00-ASO-27 [8-21/9-7]" (2120-AA66) (2000-0212) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10725. A communication from the Program Analyst of the Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Marquette, <Correction; docket no. 00-AGL-02 [8-23/9-7]" (2120-AA66) (2000-0213) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10726. A communication from the Program Analyst of the Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Pratt , KS; Correction; docket no. 00-ACE-14 [8-29/9-7]" (2120-AA66) (2000-0214) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10727. A communication from the Program Analyst of the Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Coffeyville, KS; docket no. 00-ACE-15

[8-29/9-7]" (2120-AA66) (2000-0215) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10728. A communication from the Program Analyst of the Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Soldiers Grove, WI; docket no. 00-AGL-19 [8-25/9-7]" (2120-AA66) (2000-0216) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10729. A communication from the Program Analyst of the Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Frankfort, MI; docket no. 00-AGL-18 [8-25/9-7]" (2120-AA66) (2000-0217) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10730. A communication from the Program Analyst of the Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Dickinson, ND; docket no. 00-AGL-17 [8-28/9-7]" (2120-AA66) (2000-0218) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10731. A communication from the Comptroller General, transmitting, pursuant to law, the report entitled "Reports, Testimony, Correspondence, and Other Publications: July 2000"; to the Committee on Governmental Affairs.

EC–10732. A communication from the Executive Director of the Committee For Purchase From People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of additions to the procurement list received on September 8, 2000; to the Committee on Governmental Affairs.

EC–10733. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "2000-2001 Refuge-Specific Hunting and Sport Fishing Regulations" (RIN1018-AG01) received on September 8, 2000; to the Committee on Environment and Public Works.

EC–10734. A communication from the Commissioner, Bureau of Reclamation, Department of the Interior, transmitting, pursuant to law, a report relative to Wickiup Dam, Deschutes Project, Oregon; to the Committee on Environment and Public Works.

EC–10735. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, three rules entitled "Revisions to the California State Implementation Plan, San Diego County Air Pollution Control District and Bay Area Air Quality Management District" (FRL #6850-1), "Revisions to the California State Implementation Plan, Tehama County Air Pollution Control District" (FRL #6852-7), and "Revisions to the California State Implementation Plan, Tehama County Air Pollution Control District" (FRL #6868-9) received on September 11, 2000; to the Committee on Environment and Public Works.

EC–10736. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to the national intelligent transportation systems five-year program plan; to the Committee on Environment and Public Works.

EC–10737. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Topical Antifungal Drug Products for Over-the-Counter Human Use; Amendment of Final Monograph" (RIN0910-AA01) received on September 8, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–10738. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Substances Approved for Use in Preparation of Meat and Poultry Products" (RIN0910-AA58) received on September 8, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–10739. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Polymers" (Docket No. 98F-0484) received on September 8, 2000; to the Committee on Health, Education, Labor , and Pensions.

EC–10740. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Biological Products Regulated Under Section 351 of the Public Health Service Act; Implementation of the Biologics License; Elimination of Establishment License and Product License; Technical Amendment" (Docket No. 98N-0144) received on September 8, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–10741. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives; Adjuvants, Production Aids, and Sanitizers" (Docket No. 99F-0127) received on September 8, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–10742. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Revision of Requirements Applicable to Albumin (Human), Plasma Protein Fraction (Human), and Immune Globulin (Human)" (Docket No. 98N-0608) received on September 8, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–10743. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Amendment of Various Device Regulations to Reflect Current American Society for Testing and Materials Citations, Confirmation in Part and Technical Amendment; Correction" (Docket No. 99N-4955) received on September 8, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–10744. A communication from the Secretary of Defense, transmitting a notice relative to three retirements; to the Committee on Armed Services.

EC–10745. A communication from the Secretary of the Department of Agriculture, transmitting, pursuant to law, a report relative to animal welfare enforcement; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10746. A communication from the Regulatory Management Staff, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of two rules entitled "Actbenzolar-S-Methyl; Pesticide Tolerance" (FRL #6737-6) and "Fosetyl-Al; Pesticide Tolerance" (FRL #6599-4) received on August 15, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10747. A communication from the Small Advocacy Chair, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of four rules entitled "Coumaphos ; Pesticide Tolerances for Emergency Exemptions" (FRL #6738-3), "Mancozeb; Pesticide Tolerance Technical Correction" (FRL #6736-4), "Propiconazola; Extension of Tolerances for Emergency Exemptions" (FRL #6737-1), and "Zinc Phosphide; Pesticide Tolerances for Emergency Exemptions" (FRL #6598-9) received on August 15, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10748. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Plum Pox Compensation" (Docket #00-035-1) received on September 11, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10749. A communication from the Acting Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Interest Rate Applicable To Late Payment Or Underpayment Of Monies Due On Solid Minerals And Geothermal Leases" received on September 7, 2000; to the Committee on Energy and Natural Resources.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–621. A petition from the Republic of the Marshall Islands relative to nuclear testing; to the Committee on Energy and Natural Resources.

Petition

As provided by Congress in Article IX of the nuclear test claims settlement enacted in law under Title II, Section 177(c) of the Compact of Free Association Act of 1985 [P.L. 99–239], the Republic of the Marshall Islands respectfully submits this Changed Circumstances Petition to the Congress of the United States. The Government of the Republic of Marshall Islands hereby notifies the Congress of its determination that the criteria have been satisfied under applicable U.S. federal law for further measures to provide adequately for injuries to persons and property in the Marshall Islands that have arisen, been discovered, or adjudicated since the Compact took effect on October 21, 1986.

Section 177 of the Compact of Free Association provides that "The Government of the United States accepts the responsibility for compensation owing to citizens of the Marshall Islands . . . for loss or damage to property and person . . . resulting from the nuclear testing program which the Government of the United States conducted in the Northern Marshall Islands between June 30, 1946, and August 18, 1958."

As detailed herein, injuries and damages resulting from the United States Nuclear Testing Program have arisen, been discovered, or have been adjudicated in the Marshall Islands since the Compact took effect. These injuries and damages could not reasonably have been discovered, or could not have been determined, prior to the effective date of the Compact. Such injuries, damages and adjudication render the terms of the Section 177 Agreement manifestly inadequate to provide just and adequate compensation for injuries to Marshallese people and for damage to or loss of land resulting from the U.S. Nuclear Testing Program.

The terms of Section 177 represent a politically determined settlement (Attachment I, Hills testimony) rather than either a good faith assessment of personal injury or property claims, a legally adjudicated determination of actual damages, or monetary award for such damages. As a political settlement, Section 177 of the Compact requires that the U.S. provide $150 million to the RMI to create a Fund that, over a 15-year period of the Compact, was intended to generate $270 million in proceeds for disbursement "as a means to address past, present and future consequences of the U.S. Nuclear Testing Program, including the resolution of resultant claims" [Preamble of the 177 Agreement].

In lieu of an assessment of damages by the Federal courts, the government of the Marshall Islands accepted the U.S. proposal that it espouse and settle the claims of the Marshallese people arising from the nuclear testing program conducted by the U.S. *in* conjunction with the establishment of a Claims Tribunal. The U.S. expressly recognized that its technical assessment of radiological damage to persons and property in the RMI was limited to a "best effort" at the time of the Compact (Attachment II, Scientific Analysis), and was based on a limited disclosure of available information and incomplete scientific knowledge. As a result, further adjudication of claims by an internal RMI Nuclear Claims Tribunal was agreed to by the United States.

In addition to creating the Tribunal, the U.S. agreed, in exchange for the RMI espousing and settling its citizens claims, to adopt a "Changed Circumstances" procedure, through which Congress accepted the authority and responsibility at a later date to determine the adequacy of the measures adopted under the 177 Agreement to compensate for the injuries and damages caused by the U.S. Nuclear Testing Program. Accordingly, in approving the Section 177 Agreement, Congress accepted the responsibility to determine if further measures are required to provide just and adequate compensation in light of the awards that have been made by the Tribunal, as well as the injuries and damages that have become known or been discovered since the settlement was ratified.

For the RMI to seek and ask for the Congress to provide additional funding is consistent with the commitment of the United States to provide just and adequate compensation for the nuclear claims. Indeed, such funding is contemplated by the Agreement and is the political process intended by Congress as a means to seek just and adequate compensation—if possible without further litigation. Under relevant federal court decisions, it is possible that claims could be recommenced in U.S. courts based on failure of the agreement to provide just and adequate compensation (Attachment III, Legal Analysis).

The settlement specifically authorizes direct access to the Congress of the United States by the RMI if "Changed Circumstances" were discovered or developed after the Agreement took effect, and render the provisions of the Agreement manifestly inadequate. As more knowledge and information emerges about the damages and injuries wrought by the testing program, the manifest inadequacy of Section 177 has become clear. As confirmed in Attachments IV, V, and VI, the most immediate needs resulting from inadequacies of the Agreement are funding to award personal injury claims through the Tribunal, funding to satisfy the Tribunal awards for property damage claims, and funding to address the gross inability of the 177 medical program to effectively address the health consequences of the U.S. Nuclear Testing Program.

PAYMENT OF PERSONAL INJURY AWARDS MADE BY THE CLAIMS TRIBUNAL

As of August 15, 2000, the Nuclear Claims Tribunal established pursuant to the 177 Agreement had awarded $72,634,750 for personal injuries, an amount $26.9 million more than the $45.75 million total available under Article II, Section 6(c) for payment of all awards, including property damage, over the Compact period. To date, at least 712 of these awardees (42%) have died without receiving their full award (Attachment IV, Decisions of the Nuclear Claims Tribunal).

PAYMENT OF PROPERTY DAMAGE AWARDS MADE BY THE CLAIMS TRIBUNAL

The Claims Tribunal awarded the Enewetak people compensation for damages they suffered as a result of the U.S. nuclear testing at Enewetak. The compensation included awards for loss of use of their land, for restoration (nuclear cleanup, soil rehabilitation and revegetation), and for hardship (for suffering the Enewetak people endured while being exiled to Ujelang Atoll for a 33 year period). The Tribunal fully deducted the compensation the Enewetak people received, or are to receive, under the Compact. The Tribunal determined that the net amount of $386 million is required to provide the Enewetak people with the just compensation to which they are entitled. The Tribunal does not have the funds to pay the $386 million award to the Enewetak people (Attachment V, Enewetak Land Claim).

GROSS INABILITY OF THE 177 MEDICAL PROGRAM TO EFFECTIVELY ADDRESS HEALTH CONSEQUENCES

One of the measures adopted under the Section 177 Agreement to compensate the people and government of the Marshall Islands was a health care program for four of the atoll populations impacted by the testing program, including those who were downwind of one or more tests, and the awardees of personal injury claims from the Tribunal. The medical surveillance and health care program established under the Section 177 Agreement has proven to be manifestly inadequate given the health care needs of the affected communities. The 177 Health Care Program was asked to deliver appropriate health care services within an RMI health infrastructure that was not prepared or equipped to deliver the necessary level of health care. Funding provided under Article II, Section 1(a) of the 177 Agreement has remained at a constant $2 million per year. As a result of this underfunding, the 177 Health Care Program has only $14 per person per month as compared to an average U.S. expenditure of $230 per person per month for similar services (Attachment VI, Medical Analysis).

It is imperative that a new medical program be implemented, with adequate funding that empowers the affected downwind and other exposed communities to provide primary, secondary, and tertiary healthcare for their citizens in a manner compatible and coordinated with RMI and U.S. health care programs and policies.

Based on the inadequacy of funds for personal injury claims, property damage claims, and health consequences from the U.S. Nuclear Testing Program, the RMI Government respectfully requests Congress to:

1. Authorize and appropriate $26.9 million so the Claims Tribunal can complete full payment of the personal injury awards made as of August 15, 2000. Of this amount, approximately $21 million is needed to pay off the estates of the 712 individuals known to have died. An additional $5.9 million is needed to make full payments of awards to individuals who are still alive; approximately half of that amount is needed to pay 80 or more individuals who presently suffer from a compensable condition which is likely to result in their death and the remaining half is owed to other living awardees (Attachment IV, Decisions of the Nuclear Claims Tribunal).

2. Authorize and appropriate $386 million to satisfy the Claims Tribunal award to the Enewetak people (Attachment V, Enewetak Land Claim).

3. Authorize and appropriate $50 million in initial capitol costs to build and supply the infrastructure necessary to provide adequate primary and secondary medical care to the populations exposed to radiation from the U.S. Weapons Testing Program (Attachment VI, Medical Analysis).

4. Authorize and appropriate $45 million each year for 50 years for a 177 Health Care Program to provide a health care program for those individuals recognized by the U.S. Government as having been exposed to high levels of radiation during or after the testing program, including those who were downwind for one or more test, and the awardees of personal injury claims from the Tribunal (Attachment VI, Medical Analysis).

5. Extend the U.S. Department of Energy medical monitoring program for exposed populations to any groups that can demonstrate high levels of radiation exposure to the U.S. Congress (Attachment II, Scientific Analysis, issue #6).

Beyond the five immediate changed circumstances, the RMI Government will present information to the U.S. Congress in the future regarding several other areas of changed circumstances. Some of these areas include:

PAYMENT OF PROPERTY DAMAGE AWARDS MADE BY THE CLAIMS TRIBUNAL

In April 2000, the Claims Tribunal issued its first award for property damage to the people of Enewetak Atoll. The full award of $386 million addresses the claims of the Enewetak people for loss of use of their land, for costs of restoration, and for hardship suffered while in exile for a 33 year period. Additionally, the Claims Tribunal is expected to make an award for property damage to the people of Bikini. Two other property damage claims in the process of being developed include one by Rongelap, Alinginae, and Rongerik and, one by Utrik, Taka, Tongai/Bokaak. These claims will be presented to the Tribunal in the near future. The pending cases will better define the level of compensation that will ultimately be required to fully repair damage to all islands, including those not currently being rehabilitated for resettlement, and to provide for adjudication of all other claims.

FUNDING OF ENVIRONMENTAL REHABILITATION AND RESETTLEMENT

The U.S. Congress has recognized the need for environmental restoration to reduce radioactive contamination to acceptable levels at Bikini, Enewetak, and Rongelap atolls by establishing resettlement trust funds for those atolls. The Enewetak trust fund for the rehabilitation and resettlement of Enjebi Island is only $10 million while evidence present before the Claims Tribunal demonstrated that over $148 million is required for environmental restoration of the atoll and resettlement of a portion of its population, the Enjebi people. Similarly, preliminary estimates for cleanup costs at Bikini and Rongelap atolls (approximately $205–505 million for Bikini Atoll and $100 million for just one island on Rongelap, Rongelap Island) exceed the funding levels currently provided. No rehabilitation and resettlement trust fund presently exists for Utrik.

SUPPORT FOR FURTHER MEDICAL SURVEILLANCE AND radiological monitoring activities, including tracer chemicals and toxic materials

Under Article II, Section 1 (a) of the 177 Agreement, $3 million was provided to the RMI for medical surveillance and radiological monitoring activities. Those funds were used to conduct a nationwide radiological survey, a medical examination program in the outer islands, and a thyroid study on Ebeye Island. While valuable information was obtained from these activities, such as identification and treatment for radiogenic illnesses, the surveys indicate that thyroid and other radiation related illnesses are evident in populations that are presently unmonitored, yet the funds for medical surveillance are exhausted.

The health consequences of the U.S. Nuclear Testing Program are greater than originally suspected. Additionally, radiation from the testing program reached every corner of the Marshall Islands. Medical surveillance should have been, and should be targeted at monitoring frequencies of all real and potential health consequences of the testing program in a longitudinal fashion. It is only in this manner that a complete understanding of health trends and associations of specific illness and radiation can be appreciated. An onsite national health surveillance system needs to be developed, implemented, and sustained to monitor all health consequences of the nuclear weapons testing program for the next fifty years.

OCCUPATIONAL SAFETY PROGRAM

Section 177 does not include an occupational safety program for Marshallese and other workers involved in environmental remediation or cleanup programs. As a result, Marshallese and other workers are exposed to occupational sources of radiation. Medical screening of past and present radiation workers is greatly needed to reduce the risk of further illness and claims.

COMMUNITY EDUCATION AND DEVELOPMENT PROGRAMS

Section 177 provides no means to educate Marshallese citizens in radiation related fields or to build local capacity to undertake research, archive relevant information, or educate the public about the consequences of the U.S. Nuclear Testing Program in the Marshall Islands.

NUCLEAR STEWARDSHIP PROGRAM

Section 177 does not provide programs for communities to develop strategies for safely containing radiation and living near radioactive waste storage areas.

The inadequacies presented in this petition "could not reasonably have been identified" in the 177 Agreement [Article IX] both because the full extent of the damages caused by the testing program had never been assessed and because scientific and medical developments since the settlement was consummated would have rendered any prior assessment not just manifestly inadequate, but null and void. What might have been acknowledged by the Government of the United States in 1983 as "damages resulting from the Nuclear Testing Program" is only a small portion of what such injuries and damages are now known to be.

The 67 atomic and thermonuclear weapons detonated in the Marshall Islands allowed the United States Government to achieve its aim of world peace through a deterrence policy. The Marshallese people subsidized this nuclear détente with their lands, health, lives, and future. "As an ally and strategic partner, the Republic of the Marshall Islands has paid a uniquely high price to define its national interest in a manner that also has been compatible with vital U.S. national interests" (H. Con. Res. 92—Sponsored by the Honorable Benjamin Gilman and the Honorable Don Young). As a strategic partner and friend of the United States, the RMI remains hopeful that Congress will take action to address the inadequacies of the 177 Agreement. The Government of the Republic of the Marshall Islands looks forward to working closely with the Congress of the United States to respond to changed circumstances in the Marshall Islands.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. HUTCHISON, from the Committee on Appropriations, without amendment:

S. 3041: An original bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes. (Rept. No. 106–409).

By Mr. BOND, from the Committee on Appropriations, with an amendment in the nature of a substitute:

H.R. 4635: A bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes (Rept. No. 106–410).

By Mr. ROTH, from the Committee on Finance, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 1102: A bill to provide for pension reform, and for other purposes (Rept. No. 106–411).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. THOMPSON (for himself, Mr. KOHL, Mr. ABRAHAM, Mr. TORRICELLI, Mr. VOINOVICH, Mrs. LINCOLN, Mr. ROTH, Mr. GREGG, Mr. HUTCHINSON, Ms. COLLINS, Mr. DEWINE, Mr. LEVIN, Ms. LANDRIEU, and Mr. STEVENS):

S. 3040. A bill to establish the Commission for the Comprehensive Study of Privacy Protection, and for other purposes; to the Committee on Governmental Affairs.

By Mrs. HUTCHISON:

S. 3041. An original bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. ASHCROFT:

S. 3042. A bill to protect citizens against becoming victims of Internet fraud, to provide stiff penalties against those who target senior citizens, and to educate senior citizens on how to avoid being victimized by Internet or telemarketing fraud; to the Committee on the Judiciary.

By Mr. TORRICELLI:

S. 3043. A bill to close loopholes in the firearms laws which allow the unregulated manufacture, assembly, shipment, or transportation of firearms or firearm parts, and for other purposes; to the Committee on the Judiciary.

By Mr. MCCAIN:

S. 3044. A bill to establish the Las Cienegas National Conservation Area in the State of Arizona; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 356. A resolution to authorize documentary production by the Select Committee on Intelligence; considered and agreed to.

By Mr. BROWNBACK (for himself and Mr. WELLSTONE):

S. Res. 357. A resolution welcoming Prime Minister Atal Bihari Vajpayee, Prime Minister of India, upon his first official visit to the United States, and for other purposes; considered and agreed to.

By Mr. JEFFORDS (for himself, Mr. KENNEDY, Mr. GREGG, Mr. DODD, Mr. DEWINE, Mr. HARKIN, Mr. ENZI, Ms. MIKULSKI, Ms. COLLINS, Mr. BINGAMAN, Mr. HAGEL, Mr. WELLSTONE, Mrs. MURRAY, Mr. REED, Mr. FRIST, and Mr. HUTCHINSON):

S. Con. Res. 135. A concurrent resolution recognizing the 25th anniversary of the enactment of the Education for All Handicapped Children Act of 1975; to the Committee on Health, Education, Labor, and Pensions.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mr. THOMPSON (for himself, Mr. KOHL, Mr. ABRAHAM, Mr. TORRICELLI, Mr. VOINOVICH, Mrs. LINCOLN, Mr. ROTH, Mr. GREGG, Mr. HUTCHINSON, Ms. COLLINS, Mr. DEWINE, Mr. LEVIN, Ms. LANDRIEU, and Mr. STEVENS):

S. 3040. A bill to establish the Commission for the Comprehensive Study of Privacy Protection, and for other purposes; to the Committee on Governmental Affairs.

PRIVACY COMMISSION ACT

Mr. THOMPSON. Mr. President, I rise today to introduce the "Privacy Commission Act." This legislation would establish a 17-member commission to examine the complex issue of personal privacy and to make recommendations to Congress as we consider how to map out privacy protections for the future. The Commission for the Comprehensive Study of Privacy Protection, whose members would include experts with a diversity of experiences, would look at the spectrum of privacy, from protecting citizens' health and financial information to ensuring their security on web sites.

As we all know, Americans are increasingly concerned that their personal information is not as secure as they once believed. A recent NBC News/Wall Street Journal poll found that loss of privacy was the greatest concern that Americans have as we enter this new century. In these times of rapidly changing technology, people are uncertain and fearful about who has access to their personal information and how that information is being used. It seems that as fast as new communications technologies appear, so do new capabilities for diverting information in unintended ways.

The increasing popularity of the Internet and e-mail as a primary means of communicating and disseminating information is one of the major reasons for the rising concerns about personal privacy. Consumer information such as drivers' license numbers, educational records and purchase records has always been available in some capacity. Before the advent of the Internet, however, the time and effort required to accumulate such information often was prohibitive. Now, the use of information-gathering devices on the Internet makes building consumer information databases relatively cost-free, and using and sharing them extremely profitable.

Some data privacy experts have shown how combining information from separate so-called "anonymous" public databases can not only identify those people included in the database but can reveal private information as well, including detailed medical and financial records. The increased sharing of information between medical practitioners, pharmaceutical companies, insurance entities and employers has made consumers more aware of the lack of confidentiality in the physician-patient relationship. Breakthroughs in genetic testing have made the potential consequences of such sharing even more serious.

The first federal privacy commission, which operated from 1975 to 1977, faced the same basic question that is being posed today: "What is the correct balance between protecting personal privacy and allowing appropriate uses of information?" But in the past 25 years, there have been enormous leaps in technology. Today, a few keystrokes on a computer hooked up to the Internet can produce a quantity of information that was unimaginable in 1975. This freedom of information can be beneficial, by helping people to get loans quickly or by personalizing consumer services. But the same information in the hands of bad actors can cause harm, resulting in nightmarish situations such as identity theft. It is crucial that we act soon to protect the American people from crimes like these, without overregulating so much that we stunt the growth of our booming economy.

The Privacy Commission is the key to finding the balance between protecting the privacy of individuals and permitting specific and appropriate uses of personal information for beneficial purposes. The Commission would be directed to study a wide variety of issues relating to personal privacy, including the monitoring, collection, distribution and use of personal information by government and private entities; current legislative and self-regulatory efforts to respond to privacy problems; and the practices and policies of employers with respect to the personal financial and health information of their employees. In the course of its examination of these issues, the Commission would also be required to hold at least 3 field hearings around the country and to set up a website to facilitate public participation and public comment. By December 31, 2001, the Commission would submit a report to Congress on its findings, including any recommendations for legislation to reform or augment current laws.

There is great deal of interest in legislating on privacy. Everyone is trying to establish the appropriate level of privacy protection that the American people want and need. But there are many different answers being proposed. On the state level, approximately 7000 bills about privacy were introduced just last year. Here in Congress, scores of proposals have been introduced on a wide range of privacy issues, and we undoubtedly will consider many of these proposals in the next Congress. The Privacy Commission Act will help us to understand the complex issue of privacy and to map responsible protections, without delaying action where consensus is reached. The final report of the Privacy Commission would be available by the second session of the new Congress. In the meanwhile, if consensus can be reached on any substantive privacy legislation, nothing in the Privacy Commission Act would impede movement on those bills. To the contrary, the bill contains a provision specifying that it is not intended to delay any other privacy legislation.

I would like to thank my colleagues in the House, particularly Congressmen ASA HUTCHINSON and JIM MORAN, who sponsored H.R. 4049. They and their staffs have worked diligently on the Privacy Commission Act. They held three days of hearings on this legislation, and the House Government Reform Committee passed the Hutchinson-Moran bill by voice vote on June 29th. I also want to thank my cosponsors, particularly Senators KOHL and TORRICELLI, who have worked on a privacy commission bill for some time, as well as Senators ABRAHAM, LINCOLN, VOINOVICH, ROTH, GREGG, HUTCHINSON, COLLINS, DEWINE, LEVIN and LANDRIEU.

It is my hope that we can all work together to pass the Privacy Commission Act to help us make informed and thoughtful decisions to protect the privacy of the American people. I urge my colleagues to support this much-needed legislation. I ask unanimous consent that the "Privacy Commission Act" be printed in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3040

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Privacy Commission Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Americans are increasingly concerned about their civil liberties and the security and use of their personal information, including medical records, educational records, library records, magazine subscription records, records of purchases of goods and other payments, and driver's license numbers.

(2) The shift from an industry-focused economy to an information-focused economy calls for a reassessment of the most effective way to balance personal privacy and information use, keeping in mind the potential for unintended effects on technology development, innovation, the marketplace, and privacy needs.

(3) This Act shall not be construed to prohibit the enactment of legislation on privacy issues by Congress during the existence of the Commission. It is the responsibility of Congress to act to protect the privacy of individuals, including individuals' medical and financial information. Various committees of Congress are currently reviewing legislation in the area of medical and financial privacy. Further study by the Commission established by this Act should not be considered a prerequisite for further consideration or enactment of financial or medical privacy legislation by Congress.

SEC. 3. ESTABLISHMENT.

There is established a commission to be known as the "Commission for the Comprehensive Study of Privacy Protection" (in this Act referred to as the "Commission").

SEC. 4. DUTIES OF COMMISSION.

(a) STUDY.—The Commission shall conduct a study of issues relating to protection of individual privacy and the appropriate balance to be achieved between protecting individual privacy and allowing appropriate uses of information, including the following:

(1) The monitoring, collection, and distribution of personal information by Federal, State, and local governments.

(2) Current efforts to address the monitoring, collection, and distribution of personal information by Federal and State governments, individuals, or entities, including—

(A) existing statutes and regulations relating to the protection of individual privacy, such as section 552a of title 5, United States Code (commonly referred to as the Privacy Act of 1974) and section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act);

(B) legislation pending before the Congress;

(C) privacy protection efforts undertaken by the Federal Government, State governments, foreign governments, and international governing bodies;

(D) privacy protection efforts undertaken by the private sector; and

(E) self-regulatory efforts initiated by the private sector to respond to privacy issues.

(3) The monitoring, collection, and distribution of personal information by individuals or entities, including access to and use of medical records, financial records (including credit cards, automated teller machine cards, bank accounts, and Internet transactions), personal information provided to on-line sites accessible through the Internet, Social Security numbers, insurance records, education records, and driver's license numbers.

(4) Employer practices and policies with respect to the financial and health information of employees, including—

(A) whether employers use or disclose employee financial or health information for marketing, employment, or insurance underwriting purposes;

(B) what restrictions employers place on disclosure or use of employee financial or health information;

(C) employee rights to access, copy, and amend their own health records and financial information;

(D) what type of notice employers provide to employees regarding employer practices with respect to employee financial and health information; and

(E) practices of employer medical departments with respect to disclosing employee health information to administrative or other personnel of the employer.

(5) The extent to which individuals in the United States can obtain redress for privacy violations.

(6) The extent to which older individuals and disabled individuals are subject to exploitation involving the disclosure or use of their financial information.

(b) FIELD HEARINGS.—The Commission shall conduct at least 3 field hearings in different geographical regions of the United States.

(c) REPORT.—

(1) IN GENERAL.—Not later than December 31, 2001—

(A) a majority of the members of the Commission shall approve a report; and

(B) the Commission shall submit the approved report to the Congress and the President.

(2) CONTENTS.—The report shall include a detailed statement of findings, conclusions, and recommendations, including the following:

(A) Findings on potential threats posed to individual privacy.

(B) Analysis of purposes for which sharing of information is appropriate and beneficial to consumers.

(C) Analysis of the effectiveness of existing statutes, regulations, private sector self-regulatory efforts, technology advances, and market forces in protecting individual privacy.

(D) Recommendations on whether additional legislation is necessary, and if so, specific suggestions on proposals to reform or augment current laws and regulations relating to individual privacy.

(E) Analysis of purposes for which additional regulations may impose undue costs or burdens, or cause unintended consequences in other policy areas, such as security, law enforcement, medical research, employee benefits, or critical infrastructure protection.

(F) Cost analysis of legislative or regulatory changes proposed in the report.

(G) Recommendations on non-legislative solutions to individual privacy concerns, including education, market-based measures, industry best practices, and new technology.

(H) Review of the effectiveness and utility of third-party verification, including specifically with respect to existing private sector self-regulatory efforts.

(d) ADDITIONAL REPORT.—Together with the report under subsection (c), the Commission shall submit to the Congress and the President any additional report of dissenting opinions or minority views by a member of the Commission.

(e) INTERIM REPORT.—The Commission may submit to the Congress and the President an interim report approved by a majority of the members of the Commission.

SEC. 5. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 17 members appointed as follows:

(1) 4 members appointed by the President.

(2) 4 members appointed by the majority leader of the Senate.

(3) 2 members appointed by the minority leader of the Senate.

(4) 4 members appointed by the Speaker of the House of Representatives.

(5) 2 members appointed by the minority leader of the House of Representatives.

(6) 1 member, who shall serve as Chairperson of the Commission, appointed jointly by the President, the majority leader of the Senate, and the Speaker of the House of Representatives.

(b) DIVERSITY OF VIEWS.—The appointing authorities under subsection (a) shall seek to ensure that the membership of the Commission has a diversity of views and experiences on the issues to be studied by the Commission, such as views and experiences of Federal, State, and local governments, the media, the academic community, consumer groups, public policy groups and other advocacy organizations, business and industry (including small business), the medical community, the health care industry, civil liberties experts, and the financial services industry.

(c) DATE OF APPOINTMENT.—The appointment of the members of the Commission shall be made not later than 30 days after the date of the enactment of this Act.

(d) TERMS.—Each member of the Commission shall be appointed for the life of the Commission.

(e) VACANCIES.—A vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(f) COMPENSATION; TRAVEL EXPENSES.—Members of the Commission shall serve without pay, but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(g) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(h) MEETINGS.—

(1) IN GENERAL.—The Commission shall meet at the call of the Chairperson or a majority of its members.

(2) INITIAL MEETING.—Not later than 45 days after the date of the enactment of this Act, the Commission shall hold its initial meeting.

SEC. 6. DIRECTOR; STAFF; EXPERTS AND CONSULTANTS.

(a) DIRECTOR.—

(1) IN GENERAL.—Not later than 40 days after the date of enactment of this Act, the Chairperson of the Commission shall appoint a Director without regard to the provisions of title 5, United States Code, governing appointments to the competitive service.

(2) PAY.—The Director shall be paid at the rate payable for level III of the Executive Schedule established under section 5314 of such title.

(b) STAFF.—The Director may appoint staff as the Director determines appropriate.

(c) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—

(1) IN GENERAL.—The staff of the Commission shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

(2) PAY.—The staff of the Commission shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for grade GS-15 of the General Schedule under section 5332 of that title.

(d) EXPERTS AND CONSULTANTS.—The Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(e) STAFF OF FEDERAL AGENCIES.—

(1) IN GENERAL.—Upon request of the Director, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out this Act.

(2) NOTIFICATION.—Before making a request under this subsection, the Director shall give notice of the request to each member of the Commission.

SEC. 7. POWERS OF COMMISSION.

(a) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this Act, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before it.

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

(c) OBTAINING OFFICIAL INFORMATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), if the Chairperson of the Commission submits a request to a Federal department or agency for information necessary to enable the Commission to carry out this Act, the head of that department or agency shall furnish that information to the Commission.

(2) EXCEPTION FOR NATIONAL SECURITY.—If the head of that department or agency determines that it is necessary to guard that information from disclosure to protect the national security interests of the United States, the head shall not furnish that information to the Commission.

(d) WEBSITE.—The Commission shall establish a website to facilitate public participation and the submission of public comments.

(e) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(f) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Director, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out this Act.

(g) GIFTS AND DONATIONS.—The Commission may accept, use, and dispose of gifts or donations of services or property to carry out this Act, but only to the extent or in the amounts provided in advance in appropriation Acts.

(h) CONTRACTS.—The Commission may contract with and compensate persons and government agencies for supplies and services, without regard to section 3709 of the Revised Statutes (41 U.S.C. 5).

(i) SUBPOENA POWER.—

(1) IN GENERAL.—The Commission may issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence relating to any matter that the Commission is empowered to investigate by section 4. The attendance of witnesses and the production of evidence may be required by such subpoena from any place within the United States and at any specified place of hearing within the United States.

(2) FAILURE TO OBEY A SUBPOENA.—If a person refuses to obey a subpoena issued under paragraph (1), the Commission may apply to a United States district court for an order requiring that person to appear before the Commission to give testimony, produce evidence, or both, relating to the matter under investigation. The application may be made within the judicial district where the hearing is conducted or where that person is found, resides, or transacts business. Any failure to obey the order of the court may be punished by the court as civil contempt.

(3) SERVICE OF SUBPOENAS.—The subpoenas of the Commission shall be served in the manner provided for subpoenas issued by a United States district court under the Federal Rules of Civil Procedure for the United States district courts.

(4) SERVICE OF PROCESS.—All process of any court to which application is made under paragraph (2) may be served in the judicial district in which the person required to be served resides or may be found.

SEC. 8. PRIVACY PROTECTIONS.

(a) DESTRUCTION OR RETURN OF INFORMATION REQUIRED.—Upon the conclusion of the matter or need for which individually identifiable information was disclosed to the Commission, the Commission shall either destroy the individually identifiable information or return it to the person or entity from which it was obtained, unless the individual that is the subject of the individually identifiable information has authorized its disclosure.

(b) DISCLOSURE OF INFORMATION PROHIBITED.—The Commission—

(1) shall protect individually identifiable information from improper use; and

(2) may not disclose such information to any person, including the Congress or the President, unless the individual that is the subject of the information has authorized such a disclosure.

(c) PROPRIETARY BUSINESS INFORMATION AND FINANCIAL INFORMATION.—The Commission shall protect from improper use, and may not disclose to any person, proprietary business information and proprietary financial information that may be viewed or obtained by the Commission in the course of carrying out its duties under this Act.

(d) INDIVIDUALLY IDENTIFIABLE INFORMATION DEFINED.—For the purposes of this Act, the term "individually identifiable information" means any information, whether oral or recorded in any form or medium, that identifies an individual, or with respect to which there is a reasonable basis to believe that the information can be used to identify an individual.

SEC. 9. BUDGET ACT COMPLIANCE.

Any new contract authority authorized by this Act shall be effective only to the extent or in the amounts provided in advance in appropriation Acts.

SEC. 10. TERMINATION.

The Commission shall terminate 30 days after submitting a report under section 4(c).

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Commission $5,000,000 to carry out this Act.

(b) AVAILABILITY.—Any sums appropriated pursuant to the authorization in subsection (a) shall remain available until expended.

Mr. KOHL. Mr. President, I rise today to introduce the "Privacy Commission Act" with my colleagues Senator THOMPSON and Senator TORRICELLI. This legislation addresses privacy protection by creating an expert Commission charged with the duty to explore privacy concerns. We cannot underestimate the importance of this issue. Privacy matters, and it will continue to matter more and more in this information age of high speed data, Internet transactions, and lightning-quick technological advances.

Last November, Senator TORRICELLI and I introduced the "Privacy Protection Study Commission Act of 1999," the first major piece of privacy legislation introduced in the 106th Congress. Our hope then, as now, was to gain a better informed understanding of the numerous privacy issues facing a high tech culture. Now, almost a year later, the privacy issue has grown in importance and public concern. As a result, I am pleased to renew my effort in this area with another privacy commission proposal.

There exists a massive wealth of information in today's world, which is increasingly stored electronically. In fact, experts estimate that the average American is "profiled" in up to 150 commercial electronic databases. That means that there is a great deal of data—in some cases, very detailed and personal—out there and easily accessible courtesy of the Internet revolution. With the click of a button it is possible to examine all sorts of personal information, be it an address, a criminal record, a credit history, a shopping preference, or even a medical file.

Generally, the uses of this data are benign, even beneficial. Occasionally, however, personal information is obtained surreptitiously, and even peddled to third parties for profit or other uses. This is especially troubling when, in many cases, people do not even know that their own personal information is being "shopped."

Two schools of thought exist on how we should address these privacy concerns. There are some who insist that we must do something and do it quickly. Others urge us to rely entirely on "self-regulation"—according to them most companies will act reasonably and, if not, consumers will demand privacy protection as a condition for their continued business.

Both approaches have some merit, but also some problems. It is never beneficial to legislate by anecdote or on the basis of a few bad actors. In deed, enacting "knee-jerk," "quick-fix" legislation could do more harm than good. By the same token, however, the longer Congress waits to enact legislation, the more frequent the anecdotes until they reach a point of critical mass. We are quickly reaching the point when Congress must act with or without the benefits of a study.

A privacy commission still has merit. The streamlined time frame—it could still be a bit shorter—helps ensure that the Commission will not interrupt other legislative privacy efforts, and the breadth of experts that it relies upon suggests that the commission's report will still be timely and worthwhile.

I commend Senator THOMPSON for his efforts and hope our proposal becomes law and Commission members are appointed before the end of this year.

Mr. ASHCROFT:

S. 3042. A bill to protect citizens against becoming victims of Internet fraud, to provide stiff penalties against those who target senior citizens, and to educate senior citizens on how to avoid being victimized by Internet or telemarketing fraud; to the Committee on the Judiciary.

AN ACT TO PREVENT INTERNET FRAUD AND FRAUD AGAINST THE ELDERLY

Mr. ASHCROFT. Mr. President, E-commerce is growing at an unprecedented rate—$8 billion last year. With this increase in online purchases, we have made more products and services available to Americans—regardless of where they live. We are working to bridge the digital divide so all Americans, even low income and rural Americans can benefit from the opportunities the Internet provides. However, one thing we don't want to make ubiquitous is Internet fraud. Along with convenience, easy price comparisons, and limitless selection—this new medium also has provided a new opportunity to those who make their living defrauding the public. Fraud over the Internet, just as fraud over telephone lines and mail, is an increasing problem.

In 1998, Congress passed the Telemarketing Fraud Prevention Act. I, like the rest of my colleagues recognized this problem and supported that effort. That law builds upon other federal laws that deal directly with telemarketing fraud. The 1998 law stiffened penalties for telemarketing fraud by toughening the sentencing guidelines—especially for crimes against the elderly. It requires criminal forfeiture to ensure the fruits of telemarketing crime are not used to commit further fraud, mandates victim restitution to ensure victims are the first ones compensated, adds conspiracy language to the list of telemarketing fraud penalties, and helps law enforcement zero in on quick-strike fraud operations by giving them the authority to move more quickly against suspected fraud.

While I supported that law, I believe we need to do more. According to the National Consumers League, consumers lost over $3.2 million to Internet fraud last year. This is a 38 percent increase from 1998. The actual figure probably is much higher, since this number reflects only those who reported incidents to the National Consumer League's Fraud Watch. While it is true consumer protection laws under the jurisdiction of the Federal Trade Commission have been interpreted to cover Internet fraud—those laws are inadequate. Therefore, today, I am introducing a bill, An Act to Prevent Internet Fraud and Fraud Against the Elderly, to ensure that Internet fraud also is covered by federal criminal laws. It is important to me that the stiffer penalties contained in the Telemarketing Fraud Prevention Act for those targeting the elderly also cover fraud perpetrated over the Internet.

Through work I have done over the last year, I have seen first hand the tragic results of schemes targeting our elderly. I held a hearing in the Commerce Committee's Subcommittee on Consumer Affairs and heard heart breaking testimony about scam artists—targeting the elderly—who are maybe the worst criminals on the planet. They target people, who in the twilight of their lives may lose their life savings, their independence and their dignity. I held events in Missouri, with the regional director of the Federal Trade Commission, educating those most venerable to these schemes on how to avoid becoming a victim. According the National Consumers League, seniors are the target for more than 20 percent of Internet fraud. Although this is lower than the 56 percent of seniors targeted by unscrupulous telemarketers, the number will only increase as more and more of our seniors begin to use the Internet.

I strongly believe that education is crucial. That is why this bill also containing provisions giving the FTC the charge of educating our elderly. They currently have the largest network of information on fraud schemes. Through their Sentinel website, they have connected law enforcement agencies all over the world—giving them the ability to act quickly. In addition, they currently have the network in place designed to educate consumers on all areas of consumer protection law.

The bill I am introducing today will expand current law to include the same crimes committed over the Internet. As now, fraud cases would be divided between the Federal Trade Commission (FTC) and the Department of Justice.

Mr. President. We cannot allow the criminals to stay ahead of the law. Internet crimes are being quickly developed and identified. We must make sure they are just as quickly stopped. We must provide the legal framework to insist that these criminals do not slip through the system due to a loophole.

By Mr. TORRICELLI:

S. 3043. A bill to close loopholes in the firearms laws which allow the unregulated manufacture, assembly, shipment, or transportation of firearms or firearm parts, and for other purposes; to the Committee on the Judiciary.

GUN PARTS TRAFFICKING ACT OF 2000

Mr. TORRICELLI. Mr. President, I rise today to introduce the Gun Parts Trafficking Act of 2000.

For years, I have fought along with many of my colleagues against the gun violence that has plagued America. We have sought to keep firearms from the hands of children and those who would use them to do harm. After long debate, we succeeded in enacting a ban on assault weapons as well as the Brady bill requiring a criminal background check at the time of a firearms purchase—positive steps in the effort to protect our communities from gun violence.

Gun violence, however, continues to have a devastating impact on our nation. The statistics have been well documented, but bear repeating. In 1997 alone, more than 32,000 Americans were shot and killed. Fourteen children die from gunfire every day. The economic toll of firearms deaths and injuries on our country—$33 billion each year—is astronomical.

In light of these staggering figures it seems obvious that we must do more, including regulating guns like any other consumer product. But while we look forward, we must also be mindful of attempts by some to subvert the progress we have made.

Gun dealers are exploiting a loophole in current law that allows them to sell, through the US mail, gun kits containing virtually every single item needed to build an automatic weapon. When we enacted a ban on these deadly automatic weapons, we exempted automatic weapons legally owned prior to the ban. We also allowed replacement parts to be legally sold so that these grand-fathered weapons could be repaired by their owners, and we allowed these parts to be shipped through the mail.

These provisions, however, have been exploited and replacement part kits that can convert a legally owned firearm into an illegal automatic weapon are readily available and heavily advertised in numerous publications. Some of these kits even go so far as to provide a template that shows how to make this conversion. This is a flagrant effort to evade the laws of the United States. This activity must be stopped in order to maintain the integrity of our ban on assault weapons and protect our communities from gun violence. Legislation is needed that provides simple, common-sense measures to remedy the glaring loopholes in current law.

To that end, I am introducing the Gun Parts Trafficking Act of 2000, legislation designed to close the loopholes in existing law and end the sale of kits designed to convert legally owned firearms into illegal automatic weapons. The bill will expand the definition of "firearm" to include the main components of the weapon and will prohibit the manufacture or assembly of guns by an individual who does not have a license to do so.

I urge my colleagues to join me in support of the Gun Parts Trafficking Act and ask unanimous consent that the full text of the legislation be printed in the RECORD following my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3043

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Gun Parts Trafficking Act of 2000".

SEC. 2. PROHIBITION AGAINST SHIPMENT OR TRANSPORTATION OF FIREARM PARTS, WITH CERTAIN EXCEPTIONS.

Section 921(a)(3) of title 18, United States Code, is amended by striking "or (D) any destructive device." and inserting "(D) any destructive device; or (E) any parts or combination of parts that when assembled on a frame or receiver would constitute a firearm, as defined in this paragraph.".

SEC. 3. PROHIBITION AGAINST MANUFACTURE OR ASSEMBLY OF FIREARMS BY PERSONS OTHER THAN LICENSED MANUFACTURERS.

Section 922 of title 18, United States Code, is amended by adding at the end the following:

"(z) It shall be unlawful for any person other than a licensed manufacturer to manufacture or assemble a firearm.".

SEC. 4. INCREASE IN FEE FOR LICENSE TO MANUFACTURE FIREARMS.

Section 923(a)(1)(B) of title 18, United States Code, is amended by striking "$50" and inserting "$500".

SEC. 5. PROHIBITION AGAINST POSSESSION OR TRANSFER OF CERTAIN COMBINATIONS OF MACHINEGUN REPLACEMENT PARTS.

Section 5845(b) of the Internal Revenue Code of 1986 (National Firearms Act) is amended in the 2nd sentence by striking "designed and intended solely and exclusively, or combination of parts designed and intended." and inserting "or combination of parts designed and intended".

SEC. 6. EFFECTIVE DATE.

The amendments made by this Act shall apply to conduct engaged in after the 60-day period that begins with the date of the enactment of this Act.

ADDITIONAL COSPONSORS

S. 317

At the request of Mr. DORGAN, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 317, a bill to amend the Internal Revenue Code of 1986 to provide an exclusion for gain from the sale of farmland which is similar to the exclusion from gain on the sale of a principal residence.

S. 459

At the request of Mr. BREAUX, the name of the Senator from Rhode Island (Mr. L. CHAFEE) was added as a cosponsor of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 512

At the request of Mr. GORTON, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 512, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the Department of Health and Human Services with respect to research on autism.

S. 1020

At the request of Mr. GRASSLEY, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 1020, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1536

At the request of Mr. DEWINE, the names of the Senator from Iowa (Mr. HARKIN), the Senator from Maine (Ms. COLLINS), the Senator from Rhode Island (Mr. REED), the Senator from Iowa (Mr. GRASSLEY), the Senator from Washington (Mrs. MURRAY), and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 1536, a bill to amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act, to modernize programs and services for older individuals, and for other purposes.

S. 1729

At the request of Mr. CAMPBELL, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1729, a bill to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails, and for other purposes.

S. 2044

At the request of Mr. CAMPBELL, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2044, a bill to allow postal patrons to contribute to funding for domestic violence programs through the voluntary purchase of specially issued postage stamps.

S. 2341

At the request of Mr. GREGG, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 2341, a bill to authorize appropriations for part B of the Individuals with Disabilities Education Act to achieve full funding for part B of that Act by 2010.

S. 2413

At the request of Mr. GRAMS, his name was added as a cosponsor of S. 2413, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify the procedures and conditions for the award of matching grants for the purchase of armor vests.

S. 2528

At the request of Ms. COLLINS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2528, a bill to provide funds for the purchase of automatic external defibrillators and the training of individuals in advanced cardiac life support.

S. 2644

At the request of Mr. GORTON, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2644, a bill to amend title XVIII of the Social Security Act to expand medicare coverage of certain self-injected biologicals.

S. 2700

At the request of Mr. L. CHAFEE, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2700, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to promote the cleanup and reuse of brownfields, to provide financial assistance for brownfields revitalization, to enhance State response programs, and for other purposes.

S. 2725

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Rhode Island (Mr. L. CHAFEE) was added as a cosponsor of S. 2725, a bill to provide for a system of sanctuaries for chimpanzees that have been designated as being no longer needed in research conducted or supported by the Public Health Service, and for other purposes.

S. 2758

At the request of Mr. GRAHAM, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2758, a bill to amend title XVIII of the Social Security Act to provide coverage of outpatient prescription drugs under the medicare program.

S. 2835

At the request of Mr. GRASSLEY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2835, a bill to provide an appropriate transition from the interim payment system for home health services to the prospective payment system for such services under the medicare program.

S. 2874

At the request of Mr. MOYNIHAN, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2874, a bill to amend the Internal Revenue Code of 1986 to repeal the provision taxing policyholder dividends of mutual life insurance companies and to repeal the policyholders surplus account provisions.

S. 2894

At the request of Mr. LUGAR, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 2894, a bill to provide tax and regulatory relief for farmers and to improve the competitiveness of American agricultural commodities and products in global markets.

S. 2936

At the request of Mr. ROBB, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from Nevada (Mr. BRYAN) were added as cosponsors of S. 2936, a bill to provide incentives for new markets and community development, and for other purposes.

S. 3007

At the request of Mrs. FEINSTEIN, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 3007, a bill to provide for measures in response to a unilateral declaration of the existence of a Palestinian state.

S. 3016

At the request of Mr. ROTH, the name of the Senator from Florida (Mr. MACK) was added as a cosponsor of S. 3016, to amend the Social Security Act to establish an outpatient prescription drug assistance program for low-income medicare beneficiaries and medicare beneficiaries with high drug costs.

S. 3020

At the request of Mr. GRAMS, the names of the Senator from Virginia (Mr. ROBB), the Senator from Kentucky (Mr. BUNNING), and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 3020, a bill to require the Federal Communications Commission to revise its regulations authorizing the operation of new, low-power FM radio stations.

S. 3021

At the request of Mrs. HUTCHISON, the name of the Senator from Texas (Mr.

GRAMM) was added as a cosponsor of S. 3021, a bill to provide that a certification of the cooperation of Mexico with United States counterdrug efforts not be required in fiscal year 2001 for the limitation on assistance for Mexico under section 490 of the Foreign Assistance Act of 1961 not to go into effect in that fiscal year.

S. 3035

At the request of Mr. BAUCUS, the name of the Senator from Nebraska (Mr. KERREY) was added as a cosponsor of S. 3035, a bill to amend title XI of the Social Security Act to create an independent and nonpartisan commission to assess the health care needs of the uninsured and to monitor the financial stability of the Nation's health care safety net.

S. RES. 304

At the request of Mr. BIDEN, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. Res. 304, a resolution expressing the sense of the Senate regarding the development of educational programs on veterans' contributions to the country and the designation of the week that includes Veterans Day as "National Veterans Awareness Week" for the presentation of such educational programs.

S. RES. 355

At the request of Mr. LEAHY, the names of the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Indiana (Mr. BAYH), the Senator from Minnesota (Mr. WELLSTONE), the Senator from Massachusetts (Mr. KERRY), and the Senator from New York (Mr. MOYNIHAN) were added as cosponsors of S. Res. 355, a resolution commending and congratulating Middlebury College.

SENATE CONCURRENT RESOLUTION 135—RECOGNIZING THE 25TH ANNIVERSARY OF THE ENACTMENT OF THE EDUCATION FOR ALL HANDICAPPED CHILDREN ACT OF 1975

Mr. JEFFORDS (for himself, Mr. KENNEDY, Mr. GREGG, Mr. DODD, Mr. DEWINE, Mr. HARKIN, Mr. ENZI, Ms. MIKULSKI, Ms. COLLINS, Mr. BINGAMAN, Mr. HAGEL, Mr. WELLSTONE, Mrs. MURRAY, Mr. REED, Mr. FRIST, and Mr. HUTCHINSON) submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 135

Whereas the Education for All Handicapped Children Act of 1975 (Public Law 94-142) was signed into law 25 years ago on November 29, 1975, and amended the State grant program under part B of the Education of the Handicapped Act;

Whereas the Education for All Handicapped Children Act of 1975 established the Federal policy of ensuring that all children, regardless of the nature or severity of their disability, have available to them a free appropriate public education in the least restrictive environment;

Whereas the Education of the Handicapped Act was further amended by the Education of the Handicapped Act Amendments of 1986 (Public Law 99-457) to create a preschool grant program for children with disabilities 3 to 5 years of age and an early intervention program for infants and toddlers with disabilities from birth through age 2;

Whereas the Education of the Handicapped Act Amendments of 1990 (Public Law 101-476) renamed the statute as the Individuals with Disabilities Education Act (IDEA);

Whereas IDEA currently serves an estimated 200,000 infants and toddlers, 600,000 preschoolers, and 5,400,000 children 6 to 21 years of age;

Whereas IDEA has assisted in a dramatic reduction in the number of children with developmental disabilities who must live in State institutions away from their families;

Whereas the number of children with disabilities who complete high school has grown significantly since the enactment of IDEA;

Whereas the number of children with disabilities who enroll in college as freshmen has more than tripled since the enactment of IDEA;

Whereas IDEA has raised the Nation's expectations about the abilities of children with disabilities by requiring access to the general education curriculum;

Whereas improvements to IDEA made in 1997 changed the focus of a child's individualized education program from procedural requirements placed upon teachers and related services personnel to educational results for that child, thus improving academic achievement;

Whereas changes made in 1997 also addressed the need to implement behavioral assessments and intervention strategies for children whose behavior impedes learning to ensure that they receive appropriate supports in order to receive a quality education;

Whereas IDEA ensures full partnership between parents of children with disabilities and education professionals in the design and implementation of the educational services provided to children with disabilities;

Whereas IDEA has supported the classrooms of this Nation by providing Federal resources to the States and local schools to help meet their obligation to educate all children with disabilities;

Whereas, while the Federal Government has not yet met its commitment to fund part B of IDEA at 40 percent of the average per pupil expenditure, it has made significant increases in part B funding by increasing the appropriation by 115 percent since 1995, which is an increase of over $2,600,000,000;

Whereas the 1997 amendments to IDEA increased the amount of Federal funds that have a direct impact on students through improvements such as capping allowable State administrative expenses, which ensures that nearly 99 percent of funding increases directly reach local schools, and requiring mediation upon request by parents in order to reduce costly litigation;

Whereas such amendments also ensured that students whose schools cannot serve them appropriately and students who choose to attend private, parochial, and charter schools have greater access to free appropriate services outside of traditional public schools;

Whereas IDEA has supported, through its discretionary programs, more than two decades of research, demonstration, and training in effective practices for educating children with disabilities, enabling teachers, related services personnel, and administrators effectively to meet the instructional needs of children with disabilities of all ages;

Whereas Federal and State governments can support effective practices in the classroom to ensure appropriate and effective services for children with disabilities; and

Whereas IDEA has succeeded in marshalling the resources of this Nation to implement the promise of full participation in society of children with disabilities: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) recognizes the 25th anniversary of the enactment of the Education for All Handicapped Children Act of 1975 (Public Law 94-142);

(2) acknowledges the many and varied contributions of children with disabilities, their parents, teachers, related services personnel, and administrators; and

(3) reaffirms its support for the Individuals with Disabilities Education Act so that all children with disabilities have access to a free appropriate public education.

Mr. JEFFORDS. Mr. President, I rise to introduce a resolution commemorating the 25th anniversary of the signing of the Education for All Handicapped Children Act—known today as the Individuals with Disabilities Education Act, or IDEA. I am joined in this effort by many of my colleagues in the Senate and by Chairman GOODLING and others in the House, who are proposing a companion resolution today.

On November 29, 1975, President Gerald Ford signed landmark legislation which became Public Law 94-142. With the stroke of his pen, he opened the doors of our public schools to millions of children with disabilities. Public Law 94-142 serves as the foundation of our national commitment to assuring that children with disabilities have the same opportunity as all other American children to develop their talents, share their gifts, and contribute to their communities. Over the years, we have built upon this foundation by expanding its reach to pre-school children through early intervention programs.

This anniversary holds a special meaning for me. I am one of the few members now in this body who were present at the time the Education for All Handicapped Children Act was approved. It was one of the first pieces of legislation I worked on as a freshman member of the House of Representatives. At that time, despite a clear Constitutional obligation to educate all children, regardless of disability, thousands of disabled students were denied access to a public education.

I was an original sponsor of Public Law 94-142 and had the opportunity to serve on the House-Senate conference committee which developed the final bill. Since then, I have actively supported the improvements made to the legislation over the past quarter century. I take great satisfaction in the extraordinary record of success this Act has built.

IDEA currently serves an estimated two hundred thousand infants and toddlers; six hundred thousand preschoolers; and almost 5.5 million children aged 6 to 21. The drop-out rate for this population has decreased, while the graduation rate has increased substantially. The number of young adults with disabilities enrolling in college has more than tripled. The number of children with developmental disabilities who live in state institutions, away from their families, has also been dramatically reduced.

Each one of these numbers represents a child whose life has been improved because we recognized the value of educating all our children. The contribution we made through legislation is an important one, but the real credit belongs to the people on the front lines who have seen to it that our goals have become realities. Teachers, related services personnel, administrators, professional and advocacy organizations, parents of children with disabilities, and the children themselves work each day to assure the promise of IDEA burns brightly.

Today we celebrate the progress that we have made in special education since 1975. It is also an appropriate time to consider the challenges and opportunities which lie ahead. I cannot talk about IDEA without mentioning yet again our unfulfilled promise. In 1975, Congress promised our 16,000 school districts that we would provide special education funding at 40% of the national average per pupil expenditure. As we all know, IDEA has never been funded at that level. We have improved our record in recent years, with large increases in appropriations. Even with this infusion of funds, the federal government provides less than 13% of the cost of special education services. We need to do more, and now is the time to do it.

The knowledge base we have developed over the past 25 years, coupled with continued advances in technology, hold the promise for astonishing progress in the future for students with disabilities. These students can now communicate, explore the world through the internet, and be mobile in ways we could not have imagined in 1975. If we are willing to commit the necessary resources, there is virtually no limit to the advances we could see over the next 25 years. I urge all my colleagues to join in supporting this resolution and in reaffirming the values and principles underlying IDEA.

Ms. COLLINS. Mr. President, I am pleased to be a cosponsor of the Resolution Commemorating the 25th Anniversary of the Individuals with Disabilities Education Act. This law has had a very positive impact on the lives of millions of disabled Americans. In fact, since its enactment, the number of children with disabilities who complete high school has grown significantly, and the number who enroll in college has more than tripled. Academic achievement is increasing, along with the nation's expectations about the abilities of children with disabilities. Our commitment to a quality education for everybody now extends to America's six million students with disabilities.

We know that special education is not a "place" or a "label," but a set of services that allow children to succeed in school, go on to lead productive lives, and enter the world of work. This is something that matters to me because it means so much to the people in Maine who have been able to lead productive lives because the Individuals with Disabilities Education Act afforded them the quality education they deserved.

This is why we need to increase consistently the Federal financial support for the Individuals with Disabilities Education Act—so that the Federal Government does, in fact, pay each school in America 40 percent of the national average per pupil expenditure for every special education student enrolled. Washington made that promise to our local communities when it passed IDEA.

For example, this year in Maine, local schools will receive only $702 per special education student under IDEA—$1698 per student less than the $2400 it would receive if the Federal Government paid its share. In total, Maine will receive $60 million less than it was promised. According to the U.S. Department of Education, the unmet amount stands at an astounding $11 billion nationally. We cannot continue to shift this burden to our local communities. We must meet the Federal commitment to help pay for special education costs.

Let us take the 25th anniversary of the Individuals with Disabilities Education Act to recognize the positive impact this law has on every community in the United States, but let us not forget our Federal commitment of 40 percent to help our schools and communities implement the Individuals with Disabilities Education Act.

SENATE RESOLUTION 356—TO AUTHORIZE DOCUMENTARY PRODUCTION BY THE SELECT COMMITTEE ON INTELLIGENCE

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 356

Whereas, the Federal Bureau of Investigation has requested that the Senate Select Committee on Intelligence provide it with a certified copy of the testimony of former Director of Central Intelligence John M. Deutch during its closed February 22, 2000 hearing, in connection with a pending inquiry into the alleged improper handling of classified information by Mr. Deutch;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by the administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that documents, papers, and records under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate; Now, therefore, be it

Resolved, That the Chairman and Vice Chairman of the Senate Select Committee on Intelligence, acting jointly, are authorized to provide to the Federal Bureau of Investigation, under appropriate security procedures, a certified copy of the transcript of its closed February 22, 2000 hearing.

SENATE RESOLUTION 357—WELCOMING PRIME MINISTER ATAL BIHARI VAJPAYEE, PRIME MINISTER OF INDIA, UPON HIS FIRST OFFICIAL VISIT TO THE UNITED STATES, AND FOR OTHER PURPOSES

Mr. BROWNBACK (for himself and Mr. WELLSTONE) submitted the following resolution; which was considered and agreed to:

S. RES. 357

Whereas the United States and India are two of the world's largest democracies that together represent one-fifth of the world's population and more than one-fourth of the world's economy;

Whereas the United States and India share common ideals and a vision for the 21st century, where freedom and democracy are the strongest foundations for peace and prosperity;

Whereas the growing partnership between the United States and India is reinforced by the ties of scholarship and commerce and, increasingly, of kinship among our people;

Whereas the million-strong Indian-American community in the United States has enriched and enlivened the societies of both the United States and India, and this community provides a strong bond between India and the United States and is playing an important role in deepening and strengthening cooperation between India and the United States; and

Whereas the visit to the United States of the Prime Minister of India, Atal Bihari Vajpayee, is a significant step in the broadening and strengthening of relations between the United States and India: Now, therefore, be it

Resolved, That the Senate hereby—

(1) welcomes the Prime Minister of India, Atal Bihari Vajpayee, upon his first official visit to the United States;

(2) pledges its commitment to the expansion of ties between the United States and India, to the mutual benefit of both countries; and

(3) recognizes that the visit of the Prime Minister of India, Atal Bihari Vajpayee, to the United States is a significant step towards broadening and deepening the friendship and cooperation between the United States and India.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President with the request that he further transmit such copy to the Prime Minister of India, Atal Bihari Vajpayee.

AMENDMENTS SUBMITTED

U.S.-CHINA RELATIONS ACT OF 2000

FEINGOLD AMENDMENT NO. 4138

Mr. FEINGOLD proposed an amendment to the bill, H.R. 4444, to authorize extension of non-discriminatory treatment (normal trade relations treatment) to the People's Republic of China, and to establish a framework for relations between the United States and the People's Republic of China; as follows:

On page 44, beginning on line 4, strike all through page 45, line 12, and insert the following:

(g) Annual Reports.—The Commission shall issue a report to the President and the Congress not later than 12 months after the date of the enactment of this Act, and not later than the end of each 12-month period thereafter, setting forth the findings of the Commission during the preceding 12-month period, in carrying out subsections (a) through (c). The Commission's report shall contain recommendations for legislative or executive action, including recommendations indicating whether or not a change in China's trade status is merited.

(h) Specific Information in Annual Reports.—The Commission's report under subsection (g) shall include specific information as to the nature and implementation of laws or policies concerning the rights set forth in paragraphs (1) through (12) of subsection (a), and as to restrictions applied to or discrimination against persons exercising any of the rights set forth in such paragraphs.

(i) Congressional Priority Procedures.—

(1) Introduction and referral of resolutions.—

(A) In general.—Not later than 10 session days after receipt of the Commission's report by a House of Congress, the Majority Leader of that House shall introduce a joint resolution in that House providing for the implementation of such recommendations of the Commission's report as require statutory implementation. In the case of the Senate, such resolution shall be referred to the Committee on Foreign Relations and, in the case of the House of Representatives, such resolution shall be referred to the Committee on International Relations. In the consideration of resolutions referred under this subparagraph, such committees shall hold hearings on the contents of the Commission's report and the recommendations contained therein for the purpose of receiving testimony from Members of Congress, and such appropriate representatives of Federal departments and agencies, and interested persons and groups, as the committees deem advisable.

(B) Session day defined.—The term "session day" means, with respect to a House of Congress, any day on which the House of Congress is in session.

(2) Procedure for discharge of committees.—If the committee to which is referred such resolution has not reported such resolution at the end of 15 calendar days after its introduction, such committee shall be discharged from further consideration of such resolution and such resolution shall be placed on the appropriate calendar of the House involved.

(3) Motion to proceed.—When the committee to which a resolution is referred has reported, or has been deemed to be discharged (under paragraph (2)) from further consideration of, a resolution described in paragraph (1), notwithstanding any rule or precedent of the Senate, including Rule 22, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution, and all points of order against the resolution (and against consideration of the resolution) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the resolution shall remain the unfinished business of the respective House until disposed of.

(4) The provisions of paragraphs (1) through (3) are enacted by

---

SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 1999

CRAIG (AND WYDEN) AMENDMENT NO. 4139

Mr. CRAIG (for himself, and Mr. Wyden) proposed an amendment to the bill, S. 1608, to provide annual payments to the States and counties from National Forest System lands managed by the Forest Service, and the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands managed predominately by the Bureau of Land Management, for use by the counties in which the lands are situated for the benefit of the public schools, roads, emergency and other public purposes; to encourage and provide new mechanisms for cooperation between counties and the Forest Service and the Bureau of Land Management to make necessary investments in Federal lands, and reaffirm the positive connection between Federal Lands counties and Federal Lands; and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Secure Rural Schools and Community Self-Determination Act of 2000".

(b) Table of Contents.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purpose.
Sec. 3. Definitions.
Sec. 4. Conforming Amendment.

TITLE I—SECURE PAYMENTS FOR STATES AND COUNTIES CONTAINING FEDERAL LANDS

Sec. 101. Determination of full payment amount for eligible States and counties.
Sec. 102. Payments to States from Forest Service lands for use by counties to benefit public education and transportation.
Sec. 103. Payments to counties from Bureau of Land Management lands for use to benefit public safety, law enforcement, education, and other public purposes.

TITLE II—SPECIAL PROJECTS ON FEDERAL LANDS

Sec. 201. Definitions.
Sec. 202. General limitation on use of project funds.
Sec. 203. Submission of project proposals.
Sec. 204. Evaluation and approval of projects by Secretary concerned.
Sec. 205. Resource advisory committees.
Sec. 206. Use of project funds.
Sec. 207. Availability of project funds.
Sec. 208. Allocation of proceeds.
Sec. 209. Termination of authority.

TITLE III—COUNTY PROJECTS

Sec. 301. Definitions.
Sec. 302. Use of County Funds.
Sec. 303. Termination of Authority.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Authorization of appropriations.
Sec. 402. Treatment of funds and revenues:
Sec. 403. Regulations.
Sec. 404. Conforming amendments.

TITLE V—THE MINERAL REVENUE PAYMENTS CLARIFICATION ACT OF 2000

Sec. 501. Short Title.
Sec. 502. Findings.
Sec. 503. Amendment of the Mineral Leasing Act.

SEC. 2. FINDINGS AND PURPOSE.

(a) Findings.—The Congress finds the following:

(1) The National Forest System, which is managed by the United States Forest Service, was established in 1907 and has grown to include approximately 192,000,000 acres of Federal lands.

(2) The public domain lands known as revested Oregon and California Railroad grant lands and the reconveyed Coos Bay Wagon Road grant lands, which are managed predominantly by the Bureau of Land Management were returned to Federal ownership in 1916 and 1919 and now comprise approximately 2,600,000 acres of Federal lands.

(3) Congress recognized that, by its decision to secure these lands in Federal ownership, the counties in which these lands are situated would be deprived of revenues they would otherwise receive if the lands were held in private ownership.

(4) These same counties have expended public funds year after year to provide services, such as education, road construction and maintenance, search and rescue, law enforcement, waste removal, and fire protection, that directly benefit these Federal lands and people who use these lands.

(5) To accord a measure of compensation to the affected counties for the critical services they provide to both county residents and visitors to these Federal lands, Congress determined that the Federal Government should share with these counties a portion of the revenues the United States receives from these Federal lands.

(6) Congress enacted in 1908 and subsequently amended a law that requires that 25 percent of the revenues derived from National Forest System lands be paid to States for use by the counties in which the lands are situated for the benefit of public schools and roads.

(7) Congress enacted in 1937 and subsequently amended a law that requires that 75 percent of the revenues derived from the revested and reconveyed grant lands be paid to the counties in which those lands are situated to be used as are other county funds, of which 50 percent is to be used as other county funds.

(8) For several decades primarily due to the growth of the federal timber sale program, counties dependent on and supportive

of these Federal lands received and relied on increasing shares of these revenues to provide funding for schools and road maintenance.

(9) In recent years, the principal source of these revenues, Federal timber sales, has been sharply curtailed and, as the volume of timber sold annually from most of the Federal lands has decreased precipitously, so too have the revenues shared with the affected counties.

(10) This decline in shared revenues has affected educational funding and road maintenance for many counties.

(11) In the Omnibus Budget Reconciliation Act of 1993, Congress recognized this trend and ameliorated its adverse consequences by providing an alternative annual safety net payment to 72 counties in Oregon, Washington, and northern California in which Federal timber sales had been restricted or prohibited by administrative and judicial decisions to protect the northern spotted owl.

(12) The authority for these particular safety net payments is expiring and no comparable authority has been granted for alternative payments to counties elsewhere in the United States that have suffered similar losses in shared revenues from the Federal lands and in the funding for schools and roads those revenues provide.

(13) There is a need to stabilize education and road maintenance funding through predictable payments to the affected counties, job creation in those counties, and other opportunities associated with restoration, maintenance, and stewardship of federal lands.

(14) Both the Forest Service and the Bureau of Land Management face significant backlogs in infrastructure maintenance and ecosystem restoration that are difficult to address through annual appropriations.

(15) There is a need to build new, and strengthen existing, relationships and to improve management of public lands and waters.

(b) PURPOSES.—The purposes of this Act are—

(1) to stabilize and make permanent payments to counties to provide funding for schools and roads;

(2) to make additional investments in, and create additional employment opportunities through, projects that improve the maintenance of existing infrastructure, implement stewardship objectives that enhance forest ecosystems, and restore and improve land health and water quality. Such projects shall enjoy broad-based support with objectives that may include, but are not limited to:

(A) Road, trail, and infrastructure maintenance or obliteration;

(B) Soil productivity improvement;

(C) Improvements in forest ecosystem health;

(D) Watershed restoration and maintenance;

(E) Restoration, maintenance and improvement of wildlife and fish habitat;

(F) Control of noxious and exotic weeds; and

(G) Reestablishment of native species;

(3) to improve cooperative relationships among the people that use and care for Federal lands and the agencies that manage these lands.

SEC. 3. DEFINITIONS.

In this Act:

(1) FEDERAL LANDS.—The term "Federal lands" means—

(A) lands within the National Forest System, as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)) exclusive of the National Grasslands and land utilization projects designated as National Grasslands administered pursuant to the Act of July 22, 1937 (7 U.S.C. 1010–10912); and

(B) Such portions of the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands as are or may hereafter come under the jurisdiction of the Department of the Interior, which have heretofore or may hereafter be classified as timberlands, and power-site lands valuable for timber, that shall be managed, except as provided in 43 U.S.C. 1181c of this title, for permanent forest production.

(2) ELIGIBILITY PERIOD.—The term "eligibility period" means fiscal year 1986 through fiscal year 1999.

(3) ELIGIBLE COUNTY.—The term "eligible county" means a county that received 50-percent payments for one or more fiscal years of the eligibility period or a county that received a portion of an eligible State's 25-percent payments for one or more fiscal years of the eligibility period. The term includes a county established after the date of the enactment of this Act so long as the county includes all or a portion of a county described in the preceding sentence.

(4) ELIGIBLE STATE.—The term "eligible State" means a State that received 25-percent payments for one or more fiscal years of the eligibility period.

(5) FULL PAYMENT AMOUNT.—The term "full payment amount" means the amount calculated for each eligible State and eligible county under section 101.

(6) 25-PERCENT PAYMENTS.—The term "25-percent payments" means the payments to States required by the sixth paragraph under the heading of "FOREST SERVICE" in the Act of May 23, 1908 as amended (16 U.S.C. 500).

(7) 50-PERCENT PAYMENTS.—The term "50-percent payments" means the payments that are the sum of the 50-percent share otherwise paid to a county pursuant to title II of the Act of August 28, 1937 (chapter 876; 50 Stat. 875; 43 U.S.C. 1181f), and the payment made to a county pursuant to the Act of May 24, 1939 (chapter 144; 53 Stat. 753; 43 U.S.C. 1181f-1 et seq.).

(8) SAFETY NET PAYMENTS.—The term "safety net payments" means the special payment amounts paid to States and counties required by section 13982 or 13983 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103–66; 16 U.S.C. 500 note; 43 U.S.C. 1181f note).

SEC. 4. CONFORMING AMENDMENT.

Section 6903(a)(1)(C) of title 31, United States Code, is amended by adding after "(16 U.S.C. 500)" the following: "or the Secure Rural Schools and Community Self-Determination Act of 2000".

TITLE I—SECURE PAYMENTS FOR STATES AND COUNTIES CONTAINING FEDERAL LANDS

SEC. 101. DETERMINATION OF FULL PAYMENT AMOUNT FOR ELIGIBLE STATES AND COUNTIES.

(a) CALCULATION REQUIRED.—

(1) ELIGIBLE STATES.—For fiscal years 2001 through 2006, the Secretary of the Treasury shall calculate for each eligible State that received a 25-percent payment during the eligibility period an amount equal to the average of the three highest 25-percent payments and safety net payments made to that eligible State for the fiscal years of the eligibility period.

(2) BLM COUNTIES.—For fiscal years 2001 through 2006, the Secretary of the Treasury shall calculate for each eligible county that received a 50-percent payment during the eligibility period an amount equal to the average of the three highest 50-percent payments and safety net payments made to that eligible county for the fiscal years of the eligibility period.

(b) ANNUAL ADJUSTMENT.—For each fiscal year in which payments are required to be made to eligible States and eligible counties under this title, the Secretary of the Treasury shall adjust the full payment amount for the previous fiscal year for each eligible State and eligible county to reflect 50 percent of the changes in the consumer price index for rural areas (as published in the Bureau of Labor Statistics) that occur after publication of that index for fiscal year 2000.

SEC. 102. PAYMENTS TO STATES FROM NATIONAL FOREST SYSTEM LANDS FOR USE BY COUNTIES TO BENEFIT PUBLIC EDUCATION AND TRANSPORTATION.

(a) PAYMENT AMOUNTS.—The Secretary of the Treasury shall pay an eligible State the sum of the amounts elected under subsection (b) by each eligible county for either—

(1) the 25-percent payment under the Act of May 23, 1908, as amended (16 U.S.C. 500), or

(2) The full payment amount in place of the 25-percent payment.

(b) ELECTION TO RECEIVE PAYMENT AMOUNT.—

(1) The election to receive either the full payment amount or the 25 percent payment shall be made at the discretion of each affected county and transmitted to the Secretary by the Governor of a State.

(2) A county election to receive the 25-percent payment shall be effective for two fiscal years.

(3) When a county elects to receive the full payment amount, such election shall be effective for all the subsequent fiscal years through fiscal year 2006.

(4) The payment to an eligible State under this subsection for a fiscal year shall be derived from any revenues, fees, penalties, or miscellaneous receipts, exclusive of deposits to any relevant trust fund, or special accounts, received by the Federal Government from activities by the Forest Service on the Federal lands described in subsection 3(1)(A) and to the extent of any shortfall, out of any funds in the Treasury not otherwise appropriated.

(c) DISTRIBUTION AND EXPENDITURE OF PAYMENTS.—

(1) DISTRIBUTION METHOD.—A State that receives a payment under subsection (b) shall distribute the payment among all eligible counties in the State in accordance with the Act of May 23, 1908 as amended.

(2) EXPENDITURE PURPOSES.—Subject to subsection (d), payments received by a State under subsection (b) and distributed to eligible counties shall be expended as required by 16 U.S.C. 500.

(d) EXPENDITURE RULES FOR ELIGIBLE COUNTIES.—

(1) IN GENERAL.—If an eligible county elects to receive its share of the full payment amount—

(A) not less than 80 percent but not more than 85 percent of the funds shall be expended in the same manner in which the 25-percent payments are required to be expended; and

(B) at the election of an eligible county, the balance of the funds not expended pursuant to subparagraph (A) shall:

(i) be reserved for projects in accordance with title II;

(ii) be spent in accordance with title III; or

(iii) be returned to the General Treasury in accordance with section 402(b).

(2) DISTRIBUTION OF FUNDS.—

(A) Funds reserved by an eligible county under paragraph (1)(B)(i) shall be deposited in a special account in the Treasury of the United States and shall be available for expenditure by the Secretary of Agriculture, without further appropriation, and shall remain available until expended in accordance with title II.

(B) Funds reserved by an eligible county under paragraph (1)(B)(ii) shall be available for expenditure by the county and shall remain available, until expended, in accordance with title III.

(3) Election.—

(A) In general.—An eligible county shall notify the Secretary of Agriculture of its election under this subsection not later than September 30 of each fiscal year. If the eligible county fails to make an election by that date, the county is deemed to have elected to expend 85 percent of the funds to be received under subsection (b) in the same manner in which the 25-percent payments are required to be expended, and shall remit the balance to the Treasury of the United States in accordance with section 402(b).

(B) Counties with minor distributions.—Notwithstanding any adjustment made pursuant to Section 101(b) in the case of each eligible county to which less than $100.000 is distributed for any fiscal year pursuant to subsection (b), the eligible county may elect to expend all such funds in accordance with subsection (c)(2).

SEC. 103. PAYMENTS TO COUNTIES FROM BUREAU OF LAND MANAGEMENT LANDS FOR USE TO BENEFIT PUBLIC SAFETY, LAW ENFORCEMENT, EDUCATION, AND OTHER PUBLIC PURPOSES.

(a) The Secretary of the Treasury shall pay an eligible county either—

(1) the 50-percent payment under the Act of August 28, 1937, as amended (43 U.S.C. 1181f) or the Act of May 24, 1939 (43 U.S.C. 1181f-1) as appropriate, or

(2) the full payment amount in place of the 50-percent payment.

(b) Election To Receive Payment Amount.—

(1) The election to receive the full payment amount shall be made at the discretion of the county. Once the election is made, it shall be effective for the fiscal year in which the election is made and all subsequent fiscal years through fiscal year 2006.

(2) The payment to an eligible county under this subsection for a fiscal year shall be derived from any revenues, fees, penalties, or miscellaneous receipts, exclusive of deposits to any relevant trust fund, or permanent operating funds, received by the Federal Government from activities by the Bureau of Land Management on the Federal Lands described in subsection 3(1)(B) and to the extent of any shortfall, out of any funds in the Treasury not otherwise appropriated.

(c) Expenditure Rules for Eligible Counties.—

(1) In general.—Of the funds to be paid to an eligible county pursuant to subsection (b)—

(A) Not less than 80 percent but not more than 85 percent of the funds distributed to the eligible county shall be expended in the same manner in which the 50-percent payments are required to be expended; and

(B) At the election of an eligible county, the balance of the funds not expended pursuant to subparagraph (A) shall:

(i) be reserved for projects in accordance with title II;

(ii) be spent in accordance with title III; or

(iii) be returned to the General Treasury in accordance with section 402(b).

(2) Distribution of Funds.—

(A) Funds reserved by an eligible county under paragraph (1)(B)(i) shall be deposited in a special account in the Treasury of the United States and shall be available for expenditure, by the Secretary of the Interior, without further appropriation, and shall remain available until expended in accordance with title II.

(B) Funds reserved by an eligible county under paragraph (1)(B)(ii) shall be available for expenditure by the county and shall remain available, until expended, in accordance with title III.

(3) Election.—An eligible county shall notify the Secretary of the Interior of its election under this subsection not later than September 30 of each fiscal year under subsection (b). If the eligible county fails to make an election by that date, the county is deemed to have elected to expend 85 percent on the funds received under subsection (b) in the same manner in which the 50-percent payments are required to be expended and shall remit the balance to the Treasury of the United States in accordance with section 402(b).

TITLE II—SPECIAL PROJECTS ON FEDERAL LANDS

SEC. 201. DEFINITIONS.

In this title:

(1) Participating county.—The term 'participating county' means an eligible county that—

(A) receives Federal funds pursuant to section 102(b)(1) or 103(b)(1); and

(B) elects under sections 102(d)(1)(B)(i) or 103(c)(1)(B)(i) to expend a portion of those funds in accordance with this title.

(2) Project funds.—The term 'project funds' means all funds an eligible county elects under sections 102 (d)(1)(B)(i) and 103 (c)(1)(B)(i) to reserve for expenditure in accordance with this title.

(3) Resource advisory committee.—The term 'resource advisory committee' means an advisory committee established by the Secretary concerned under section 205, or determined by the Secretary concerned to meet the requirements of section 205.

(4) Resource management plan.—The term 'resource management plan' means a land use plan prepared by the Bureau of Land Management for units of the Federal lands described in section 3(1)(B) pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) or a land and resource management plan prepared by the Forest Service for units of the National Forest System pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

(5) Secretary concerned.—The term 'Secretary concerned' means the Secretary of the Interior or his designee with respect to the Federal lands described in section 3(1)(B) and the Secretary of Agriculture or his designee with respect to the Federal lands described in section 3(1)(A).

SEC. 202. GENERAL LIMITATION ON USE OF PROJECT FUNDS.

Project funds shall be expended solely on projects that meet the requirements of this title. Project funds may be used by the Secretary concerned for the purpose of entering into and implementing cooperative agreements with willing federal agencies, state and local governments, private and nonprofit entities, and landowners for protection, restoration and enhancement of fish and wildlife habitat, and other resource objectives consistent with the purposes of this title on Federal land and on non-Federal land where projects would benefit these resources on Federal land.

SEC. 203. SUBMISSION OF PROJECT PROPOSALS.

(a) Submission of Project Proposals to Secretary Concerned.—

(1) Projects funded using project funds.—Not later than September 30 for fiscal year 2001, and each September 30 thereafter for each succeeding fiscal year through fiscal year 2006, each resource advisory committee shall submit to the Secretary concerned a description of any projects that the resource advisory committee proposes the Secretary undertake using any project funds reserved.

(2) Projects funded using other funds.—A resource advisory committee may submit to the Secretary concerned a description of any projects that the committee proposes the Secretary undertake using funds from state or local governments, or from the private sector, other than project funds and funds appropriated and otherwise available to do similar work.

(3) Joint projects.—Participating counties or other persons may propose to pool project funds or other funds, described in paragraph (2), and jointly propose a project or group of projects to a resource advisory committee established under section 205.

(b) Required Description of Projects.—In submitting proposed projects to the Secretary concerned under subsection (a), a resource advisory committee shall include in the description of each proposed project the following information:

(1) The purpose of the project and a description of how the project will meet the purposes of this Act.

(2) The anticipated duration of the project.

(3) The anticipated cost of the project.

(4) The proposed source of funding for the project, whether project funds or other funds.

(5) Expected outcomes, including how the project will meet or exceed desired ecological conditions, maintenance objectives, or stewardship objectives, as well as an estimation of the amount of any timber, forage, and other commodities and other economic activity, including jobs generated, if any, anticipated as part of the project.

(6) A detailed monitoring plan, including funding needs and sources, that tracks and identifies the positive or negative impacts of the project, implementation, and provides for validation monitoring. The monitoring plan shall include an assessment of the following: whether or not the project met or exceeded desired ecological conditions; created local employment or training opportunities, including summer youth jobs programs such as the Youth Conservation Corps where appropriate; and whether the project improved the use of, or added value to, any products removed from lands consistent with the purposes of this Act.

(7) An assessment that the project is to be in the public interest.

(c) Authorized Projects.—Projects proposed under subsection (a) shall be consistent with section 2(b).

SEC. 204. EVALUATION AND APPROVAL OF PROJECTS BY SECRETARY CONCERNED.

(a) Conditions for Approval of Proposed Project.—The Secretary concerned may make a decision to approve a project submitted by a resource advisory committee under section 203 only if the proposed project satisfies each of the following conditions:

(1) The project complies with all applicable Federal laws and regulations.

(2) The project is consistent with the applicable resource management plan and with any watershed or subsequent plan developed

pursuant to the resource management plan and approved by the Secretary concerned.

(3) The project has been approved by the resource advisory committee in accordance with section 205, including the procedures issued under subsection (e) of such section.

(4) A project description has been submitted by the resource advisory committee to the Secretary concerned in accordance with section 203.

(5) The project will improve the maintenance of existing infrastructure, implement stewardship objectives that enhance forest ecosystems, and restore and improve land health and water quality.

(b) Environmental Reviews.—

(1) Payment of review costs.—

(A) Request for payment by county.—The Secretary concerned may request the resource advisory committee submitting a proposed project to agree to the use of project funds to pay for any environmental review, consultation, or compliance with applicable environmental laws required in connection with the project. When such a payment is requested and the resource advisory committee agrees to the expenditure of funds for this purpose, the Secretary concerned shall conduct environmental review, consultation, or other compliance responsibilities in accordance with federal law and regulations.

(B) Effect of refusal to pay.—If a resource advisory committee does not agree to the expenditure of funds under subparagraph (A), the project shall be deemed withdrawn from further consideration by the Secretary concerned pursuant to this title. Such a withdrawal shall be deemed to be a rejection of the project for purposes of section 207(c).

(c) Decisions of Secretary Concerned.—

(1) Rejection of projects.—A decision by the Secretary concerned to reject a proposed project shall be at the Secretary's sole discretion. Notwithstanding any other provision of law, a decision by the Secretary concerned to reject a proposed project shall not be subject to administrative appeal or judicial review. Within 30 days after making the rejection decision, the Secretary concerned shall notify in writing the resource advisory committee that submitted the proposed project of the rejection and the reasons for rejection.

(2) Notice of project approval.—The Secretary concerned shall publish in the Federal Register notice of each project approved under subsection (a) if such notice would be required had the project originated with the Secretary.

(d) Source and Conduct of Project.—Once the Secretary concerned accepts a project for review under section 203, it shall be deemed a federal action for all purposes.

(e) Implementation of Approved Projects.—

(1) Cooperation.—Notwithstanding chapter 63 of title 31, United States Code, using project funds the Secretary concerned may enter into contracts, grants, and cooperative agreements with States and local governments, private and nonprofit entities, and landowners and other persons to assist the Secretary in carrying out an approved project.

(2) Best value contracting.—For any project involving a contract authorized by paragraph (1) the Secretary concerned may elect a source for performance of the contract on a best value basis. The Secretary concerned shall determine best value based on such factors as:

(A) The technical demands and complexity of the work to be done.

(B) The ecological objectives of the project and the sensitivity of the resources being treated.

(C) The past experience by the contractor with the type of work being done, using the type of equipment proposed for the project, and meeting or exceeding desired ecological conditions.

(D) The commitment of the contractor to hiring highly qualified workers and local residents.

(3) Merchantable materials sales contracting pilot projects.—

(A) Establishment.—The Secretary concerned shall establish a pilot program regarding the sale of merchantable material under this title. Such a program shall ensure that, on an annual basis, no less than 75 percent of all projects involving merchantable material shall be implemented using separate contracts for—

(i) the harvesting or collection of merchantable material; and

(ii) the sale of such material.

(B) Duration and extent.—

(i) The Secretary concerned shall ensure that, on an annual basis beginning in fiscal year 2001, no less than 75 percent of projects involving merchantable material shall be included in the pilot program.

(ii) Not later than September 30, 2003, the Government Accounting Office (GAO) shall submit a report to the Senate Energy and Natural Resources Committee, the House of Representatives Agriculture Committee and the House of Representatives Resources Committee assessing the pilot program.

(iii) If the GAO determines that the pilot program is ineffective at that time, then the Secretary concerned shall ensure that, on an annual basis beginning in fiscal year 2004, no less than 50 percent of projects involving merchantable material shall be implemented using separate contracts.

(f) Requirements for Project Funds.—The Secretary shall ensure that at least 50 percent of all project funds be used for projects that are primarily dedicated to the following purposes:

(1) road maintenance, decommissioning or obliteration; and

(2) restoration of streams and watersheds.

SEC. 205. RESOURCE ADVISORY COMMITTEES.

(a) Establishment and Purpose of Resource Advisory Committees.—

(1) Establishment.—The Secretary concerned shall establish and maintain a resource advisory committees to perform the duties in subsection (b), except as provided in paragraph (4).

(2) Purpose.—The purpose of a resource advisory committee shall be to improve collaborative relationships and to provide advice and recommendations to the land management agencies consistent with the purposes of this Act.

(3) Access to resource advisory committees.—To ensure that each unit of Federal land has access to a resource advisory committee, and that there is sufficient interest in participation on a committee to ensure that membership can be balanced in terms of the points of view represented and the functions to be performed, the Secretary concerned may, establish resource advisory committees for part of, or one or more, units of Federal lands.

(4) Existing advisory committees.—Existing advisory committees meeting the requirements of this section may be deemed by the Secretary concerned, as a resource advisory committee for the purposes of the title. The Secretary of the Interior may deem a resource advisory committee meeting the requirements of part 1780, subpart 1784 of title 43, Code of Federal Regulations, as a resource advisory committee for the purposes of this title.

(b) Duties.—A resource advisory committee shall—

(1) review projects proposed under this title and under title III by participating counties and other persons;

(2) propose projects and funding to the Secretary concerned under section 203 and to the participating county under title III;

(3) provide early and continuous coordination with appropriate land management agency officials in recommending projects consistent with purposes of this Act under this title and title III; and

(4) provide frequent opportunities for citizens, organizations, Tribes, land management agencies, and other interested parties to, participate openly and meaningfully, beginning at the early stages of the project development process under this title and title III.

(c) Appointment by the Secretary.—

(1) Appointment and term.—The Secretary concerned, shall appoint the members of resource advisory committees for a term of 3 years beginning on the date of appointment. The Secretary concerned may reappoint members to subsequent 3-year terms.

(2) Basic requirements.—The Secretary concerned shall ensure that each resource advisory committee established meets the requirements of subsection (d).

(3) Initial appointment.—The Secretary concerned shall make initial appointments to the resource advisory committees not later than 180 days after the date of the enactment of this Act.

(4) Vacancies.—The Secretary concerned shall make appointments to fill vacancies on any resource advisory committee as soon as practicable after the vacancy has occurred.

(5) Compensation.—Members of the resource advisory committees shall not receive any compensation.

(d) Composition of Advisory Committee.—

(1) Number.—Each resource advisory committee shall be comprised of 15 members.

(2) Community interests represented.—Committee members shall be representative of the interests of the following three categories:

(A) 5 persons who—

(i) represent organized labor;

(ii) represent developed outdoor recreation, off highway vehicle users, or commercial recreation activities;

(iii) represent energy and mineral development interests;

(iv) represent the commercial timber industry; or

(v) hold Federal grazing permits, or other land use permits within the area for which the committee is organized.

(B) 5 persons representing—

(i) nationally recognized environmental organizations;

(ii) regionally or locally recognized environmental organizations;

(iii) dispersed recreational activities;

(iv) archeological and historical interests; or

(v) nationally or regionally recognized wild horse and burro interest groups.

(C) 5 persons who—

(i) hold state elected office or their designee,

(ii) hold county or local elected office;

(iii) represent American Indian tribes within or adjacent to the area for which the committee is organized.

(iv) are school officials or teachers; or

(v) represent the affected public at large.

(3) Balanced representation.—In appointing committee members from the three categories in paragraph (2), the Secretary

concerned shall provide for balanced and broad representation from within each category.

(4) Geographic distribution.—The members of a resource advisory committee shall reside within the state in which the committee has geographic jurisdiction.

(5) Chairperson.—A majority on each resource advisory committee shall select the chairperson of the committee.

(e) Approval Procedures.—

(1) Subject to paragraph (2), each resource advisory committee shall establish procedures for proposing projects to the Secretary concerned under this title and the participating county under title III. A quorum must be present to constitute an official meeting of the committee.

(2) A project may be proposed by a resource advisory committee to the Secretary concerned under section 203(a), or to the participating county under section 302, if it has been approved by a majority of members of the committee from each of the three categories in subsection (d)(2).

(f) Other Committee Authorities and Requirements.—

(1) Staff assistance.—A resource advisory committee may submit to the Secretary concerned a request for periodic staff assistance from Federal employees under the jurisdiction of the Secretary.

(2) Meetings.—All meetings of a resource advisory committee shall be announced at least one week in advance in a local newspaper of record and shall be open to the public.

(3) Records.—A resource advisory committee shall maintain records of the meetings of the committee and make the records available for public inspection.

SEC. 206. USE OF PROJECT FUNDS.

(a) Agreement Regarding Schedule and Cost of Project.—

(1) Agreement between parties.—The Secretary concerned may carry out a project submitted by a resource advisory committee under section 203(a) using project funds or other funds described in section 203(a)(2), if, as soon as practicable after the issuance of a decision document for the project and the exhaustion of all administrative appeals and judicial review of the project decision, the Secretary concerned and the resource advisory committee enter into an agreement addressing, at a minimum, the following:

(A) The schedule for completing the project.

(B) The total cost of the project, including the level of agency overhead to be assessed against the project.

(C) For a multi-year project, the estimated cost of the project for each of the fiscal years in which it will be carried out.

(D) The remedies for failure of the Secretary concerned to comply with the terms of the agreement consistent with current Federal law.

(2) Limited use of federal funds.—The Secretary concerned may decide, at the Secretary's sole discretion, to cover the costs of a portion of an approved project using Federal funds appropriated or otherwise available to the Secretary for the same purposes as the project.

(b) Transfer of Project Funds.—

(1) Initial transfer required.—As soon as practicable after the agreement is reached under subsection (a) with regard to a project to be funded in whole or in part using project funds, or other funds described in section 203(a)(2), the Secretary concerned shall transfer to the applicable unit of National Forest System lands or BLM District an amount of project funds equal to—

(A) in the case of a project to be completed in a single fiscal year, the total amount specified in the agreement to be paid using project funds, or other funds described in section 203(a)(2); or

(B) in the case of a multi-year project, the amount specified in the agreement to be paid using project funds, or other funds described in section 203(a)(2) for the first fiscal year.

(2) Condition on project commencement.—The unit of National Forest System lands or BLM District concerned, shall not commence a project until the project funds, or other funds described in section 203(a)(2) required to be transferred under paragraph (1) for the project, have been made available by the Secretary concerned.

(3) Subsequent transfers for multi-year projects.—For the second and subsequent fiscal years of a multi-year project to be funded in whole or in part using project funds, the unit of National Forest System lands or BLM District concerned shall use the amount of project funds required to continue the project in that fiscal year according to the agreement entered into under subsection (a). The Secretary concerned shall suspend work on the project if the project funds required by the agreement in the second and subsequent years fiscal years are not available.

SEC. 207. AVAILABILITY OF PROJECT FUNDS.

(a) Submission of Proposed Projects To Obligate Funds.—By September 30 of each fiscal year through fiscal year 2006, a resource advisory committee shall submit to the Secretary concerned pursuant to section 203(a)(1) a sufficient number of project proposals that, if approved, would result in the obligation of at least the full amount of the project funds reserved by the participating county in the preceding fiscal year.

(b) Use or Transfer of Unobligated Funds.—Subject to Section 209, if a resource advisory committee fails to comply with subsection (a) for a fiscal year, any project funds reserved by the participating county in the preceding fiscal year and remaining unobligated shall be available for use as part of the project submissions in the next fiscal year.

(c) Effect of Rejection of Projects.—Subject to Section 209, any project funds reserved by a participating county in the preceding fiscal year that are unobligated at the end of a fiscal year because the Secretary concerned has rejected one or more proposed projects shall be available for use as part of the project submissions in the next fiscal year.

(d) Effect of COurt Orders.—If an approved project under this Act is enjoined or prohibited by a Federal court, the Secretary concerned shall use unobligated project funds related to that project in the participating county or counties that reserved the funds. The returned funds shall be available for the county to expend in the same manner as the funds reserved by the county under section 102(d)(1)(B) or 103(c)(1)(B), whichever applies to the funds involved.

SEC. 208. ALLOCATION OF PROCEEDS.

The proceeds from any joint project under section 203(a)(3) using both federal and nonfederal funds shall be equitably divided between the Treasury of the United States and the nonfederal funding source in direct proportion to the contribution of funds to the overall cost of the project.

SEC. 209. TERMINATION OF AUTHORITY.

The authority to initiate projects under this title shall terminate on September 30, 2006. Any project funds not obligated by September 30, 2007, shall be deposited in the Treasury of the United States.

TITLE III—COUNTY PROJECTS

SEC. 301. DEFINITIONS.

In this title:

(1) Participating county.—The term "participating county" means an eligible county that—

(A) receives Federal funds pursuant to section 102(b)(1) or 103(b)(1); and

(B) elects under sections 102(d)(1)(B)(ii) or 103(c)(1)(B)(ii) to expend a portion of those funds in accordance with this title.

(2) County funds.—The term "county funds" means all funds an eligible county elects under sections 102(d)(1)(B)(ii) and 103(c)(1)(B)(ii) to reserve for expenditure in accordance with this title.

SEC. 302. USE OF COUNTY FUNDS.

(a) Limitation of County Fund Use.—County funds shall be expended solely on projects that meet the requirements of this title and section 205 of this Act; except that: the projects shall be approved by the participating county rather than the Secretary concerned.

(b) Authorized Uses.—

(1) Search, rescue, and emergency services.—An eligible county or applicable sheriff's department may use these funds as reimbursement for search and rescue and other emergency services, including fire fighting, performed on Federal lands and paid for by the county.

(2) Community service work camps.—An eligible county may use these funds as reimbursement for all or part of the costs incurred by the county to pay the salaries and benefits of county employees who supervise adults or juveniles performing mandatory community service on Federal lands.

(3) Easement purchases.—An eligible county may use these funds to acquire—

(A) easements, on a willing seller basis, to provide for non-motorized access to public lands for hunting, fishing, and other recreational purposes;

(B) conservation easements; or

(C) both.

(4) Forest related educational opportunities.—A county may use these funds to establish and conduct forest-related after school programs.

(5) Fire prevention and county planning.—A county may use these funds for:

(A) efforts to educate homeowners in fire-sensitive ecosystems about the consequences of wildfires and techniques in home siting, home construction, and home landscaping that can increase the protection of people and property from wildfires; and

(B) planning efforts to reduce or mitigate the impact of development on adjacent federal lands and to increase the protection of people and property from wildfires.

(6) Community forestry.—A county may use these funds towards non Federal cost-share provisions of the Section 9 of the Cooperative Forestry Assistance Act (Public Law 95-313).

SEC. 303. TERMINATION OF AUTHORITY.

The authority to initiate projects under this title shall terminate on September 30, 2006. Any county funds not obligated by September 30, 2007 shall be available to be expended by the county for the uses identified in Section 302(b).

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated such sums as may be necessary to carry out this Act for fiscal years 2001 through 2006.

SEC. 402. TREATMENT OF FUNDS AND REVENUES.

(a) Funds appropriated pursuant to the authorization of appropriations in section 401 and funds made available to a Secretary concerned under section 206 shall be in addition to any other annual appropriations for the Forest Service and the Bureau of Land Management.

(b) All revenues generated from projects pursuant to Title II, any funds remitted by counties pursuant to section 102 (d)(1)(B) or section 103(c)(1)(B), and any interest accrued from such funds shall be deposited in the Treasury of the United States.

SEC. 403. REGULATIONS.

The Secretaries concerned may jointly issue regulations to carry out the purposes of this Act.

SEC. 404. CONFORMING AMENDMENTS.

Sections 13982 and 13983 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103-66; 16 U.S.C. 500 note; 43 U.S.C. 1181fnote) are repealed.

TITLE V—THE MINERAL REVENUE PAYMENTS CLARIFICATION ACT OF 2000

SEC. 501. SHORT TITLE.

This Act may be cited as the “The Mineral Revenue Payments Clarification Act of 2000”.

SEC. 502. FINDINGS.

The Congress finds the following:

(1) Subtitle C of title X of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103-66) changed the sharing of onshore mineral revenues and revenues from geothermal steam from a 50:50 split between the Federal Government and the States to a complicated formula that entailed deducting from the State share of leasing revenues “50 percent of the portion of the enacted appropriations of the Department of the Interior and any other agency during the preceding fiscal year allocable to the administration of all laws providing for the leasing of any onshore lands or interest in land owned by the United States for the production of the same types of minerals leasable under this Act or of geothermal steam, and to enforcement of such laws. . . .”

(2) There is no legislative record to suggest a sound public policy rationale for deducting prior-year administrative expenses from the sharing of current-year receipts, indicating that this change was made primarily for budget scoring reasons.

(3) The system put in place by this change in law has proved difficult to administer and has given rise to disputes between the Federal Government and the States as to the nature of allocable expenses. Federal accounting systems have proven to be poorly suited to breaking down administrative costs in the manner required by the law. Different Federal agencies implementing this law have used varying methodologies to identify allocable costs, resulting in an inequitable distribution of costs during fiscal years 1994 through 1996. In November, 1997, the Inspector General of the Department of the Interior found that “the congressionally approved method for cost sharing deductions effective in fiscal year 1997 may not accurately compute the deductions.”.

(4) Given the lack of a substantive rationale for the 1993 change in law and the complexity and administrative burden involved, a return to the sharing formula prior to the enactment of the Omnibus Budget Reconciliation Act of 1993 is justified.

SEC. 503. AMENDMENT OF THE MINERAL LEASING ACT.

Section 35(b) of the Mineral Leasing Act (30 U.S.C. sec. 191(b)) is amended to read as follows: “(b) In determining the amount of payments to the States under this section, the amount of such payments shall not be reduced by any administrative or other costs incurred by the United States.”

Amend the title so as to read: “A bill to provide stability and predictability to the annual payments made to States and counties containing National Forest System lands and public domain lands managed by the Bureau of Land Management for the benefit of public schools and roads and to enhance the health, diversity and productivity of federal lands.”

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. ROTH. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, September 13, 2000, to conduct a symposium on circulating coin design.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. ROTH. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, September 13, 2000, at 9:30 a.m. on marketing violence to children.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. ROTH. Mr. President I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, September 13, for purposes of conducting a Full Committee business meeting which is scheduled to begin at 9:30 a.m. The purpose of this business meeting is to consider pending calendar business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. ROTH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 13, 2000 at 2:00 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ROTH. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, September 13, 2000 at 9:00 a.m. for a hearing to consider the nominations of Gerald Fisher and John Ramsey Johnson to be Associate Judges of the Superior Court of the District of Columbia.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. ROTH. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to hold a business meeting on September 13, 2000, in the Russell Senate Office Building room number 485, immediately following the 2:30 p.m. hearing on S. 2899, where S. 2920, a bill to amend the Indian Gaming Regulatory Act; S. 2688, a bill to amend the Native American Languages Act; and S. 2899, a bill to express the policy of the United States regarding the United States' relationship with Native Hawaiians, will be considered.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. ROTH. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate on Wednesday, September 13, 2000, beginning at 9:30 a.m. in room 428A of the Russell Senate Office Building to hold a roundtable entitled “What Is Contract Bundling?”.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. ROTH. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet Wednesday, September 13, 2000 from 10:30 a.m.-12:30 p.m. in Dirksen 608 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. ROTH. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, September 13, 2000 at 2:00 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FISHERIES, WILDLIFE, AND WATER

Mr. ROTH. Mr. President, I ask unanimous consent that the Subcommittee on Fisheries, Wildlife, and Water be authorized to meet during the session of the Senate on Wednesday, September 13, 9:30 a.m. to conduct a hearing to receive testimony on the Draft Biological Opinions by the National Marine Fisheries Service and U.S. Fish and Wildlife Service on the operation of the Federal Columbia River Power System and the Federal Caucus draft Basinwide Salmon Recovery Strategy.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FORESTS AND PUBLIC LANDS

Mr. ROTH. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Lands of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, September 13, at 2:15 p.m. to conduct a hearing. The subcommittee will receive testimony on S. 2873, a bill to provide for all right, title, and interest in and to certain property in Washington County, Utah, to be vested in the United States; H.R. 3676, a bill to establish the Santa Rosa and San Jacinto Mountains National Monument in the State of California; and its companion, S. 2784, a bill entitled, "Santa Rosa and San Jacinto Mountains National Monument Act of 2000"; S. 2865, a bill to designate certain land of the National Forest System located in the State of Virginia as wilderness; S. 2956 and its companion bill, H.R. 4275, a bill to establish the Colorado Canyons National Conservation Area and the Black Ridge Canyons Wilderness, and for other purposes; and S. 2977, a bill to assist in the establishment of an interpretive center and museum in the vicinity of the Diamond Valley Lake in southern California to ensure the protection and interpretation of the paleontology discoveries made at the lake and to develop a trail system for the lake for use by pedestrians and nonomotorized vehicles.

The PRESIDING OFFICER. Without objection, it is so ordered.

SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 1999

Mr. CRAIG. Mr. President, I am pleased my colleague from Oregon has joined with me on the floor as we now consider, by unanimous consent, a key piece of legislation on which he, Senator WYDEN, and I have been working.

I ask unanimous consent the Senate now proceed to the consideration of Calendar No. 520, S. 1608.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1608) to provide annual payments to the States and counties from National Forest System lands managed by the Forest Service, and the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands managed predominately by the Bureau of Land Management, for use by the counties in which the lands are situated for the benefit of the public schools, roads, emergency and other public purposes; to encourage and provide new mechanisms for cooperation between counties and the Forest Service and the Bureau of Land Management to make necessary investments in Federal lands, and reaffirm the positive connection between Federal Lands counties and Federal Lands; and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Secure Rural Schools and Community Self-Determination Act of 2000".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purpose.
Sec. 3. Definitions.

TITLE I—SECURE PAYMENTS FOR STATES AND COUNTIES CONTAINING FEDERAL LANDS

Sec. 101. Determination of full payment amount for eligible States and counties.
Sec. 102. Payments to States from Forest Service lands for use by counties to benefit public education and transportation.
Sec. 103. Payments to counties from Bureau of Land Management lands for use to benefit public safety, law enforcement, education, and other public purposes.

TITLE II—SPECIAL PROJECTS ON FEDERAL LANDS

Sec. 201. Definitions.
Sec. 202. General limitation on use of project funds.
Sec. 203. Submission of project proposals.
Sec. 204. Evaluation and approval of projects by Secretary concerned.
Sec. 205. Resource advisory committees.
Sec. 206. Use of project funds.
Sec. 207. Availability of project funds.

TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Authorization of appropriations.
Sec. 302. Treatment of funds and revenues.
Sec. 303. Regulations.
Sec. 304. Conforming amendments.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) The National Forest System, which is managed by the United States Forest Service, was established in 1907 and has grown to include approximately 192,000,000 acres of Federal lands.

(2) The public domain lands known as revested Oregon and California Railroad grant lands and the reconveyed Coos Bay Wagon Road grant lands, which are managed predominately by the Bureau of Land Management were returned to Federal ownership in 1916 and 1919 and now comprise approximately 2,600,000 acres of Federal lands.

(3) Congress recognized that, by its decision to secure these lands in Federal ownership, the counties in which these lands are situated would be deprived of revenues they would otherwise receive if the lands were held in private ownership.

(4) These same counties have expended public funds year after year to provide services, such as education, road construction and maintenance, search and rescue, law enforcement, waste removal, and fire protection, that directly benefit these Federal lands and people who use these lands.

(5) To accord a measure of compensation to the affected counties for the critical services they provide to both county residents and visitors to these Federal lands, Congress determined that the Federal Government should share with these counties a portion of the revenues the United States receives from these Federal lands.

(6) Congress enacted in 1908 and subsequently amended a law that requires that 25 percent of the revenues derived from National Forest System lands be paid to States for use by the counties in which the lands are situated for the benefit of public schools and roads.

(7) Congress enacted in 1937 and subsequently amended a law that requires that 75 percent of the revenues derived from the revested and reconveyed grant lands be paid to the counties in which those lands are situated to be used as are other county funds, of which 50 percent is to be used as other county funds.

(8) For several decades primarily due to the growth of the Federal timber sale program, counties dependent on and supportive of these Federal lands received and relied on increasing shares of these revenues to provide funding for schools and road maintenance.

(9) In recent years, the principal source of these revenues, Federal timber sales, has been sharply curtailed and, as the volume of timber sold annually from most of the Federal lands has decreased precipitously, so too have the revenues shared with the affected counties.

(10) This decline in shared revenues has affected educational funding and road maintenance for many counties.

(11) In the Omnibus Budget Reconciliation Act of 1993, Congress recognized this trend and ameliorated its adverse consequences by providing an alternative annual safety net payment to 72 counties in Oregon, Washington, and northern California in which Federal timber sales had been restricted or prohibited by administrative and judicial decisions to protect the northern spotted owl.

(12) The authority for these particular safety net payments is expiring and no comparable authority has been granted for alternative payments to counties elsewhere in the United States that have suffered similar losses in shared revenues from the Federal lands and in the funding for schools and roads those revenues provide.

(13) There is a need to stabilize education and road maintenance funding through predictable payments to the affected counties, job creation in those counties, and other opportunities associated with restoration, maintenance, and stewardship of federal lands.

(14) Both the Forest Service and the Bureau of Land Management face significant backlogs in infrastructure maintenance and ecosystem restoration that are difficult to address through annual appropriations.

(15) There is a need to build new, and strengthen existing, relationships and to improve management of public lands and waters.

(b) PURPOSES.—The purposes of this Act are—

(1) to stabilize and make permanent payments to counties to provide funding for schools and roads;

(2) to make additional investments in, and create additional employment opportunities through, projects that improve the maintenance of existing infrastructure, implement stewardship objectives that enhance forest ecosystems, and restore and improve land health and water quality. Such projects shall enjoy broad-based support with objectives that may include, but are not limited to:

(A) Road, trail, and infrastructure maintenance or obliteration;

(B) Soil productivity improvement;

(C) Improvements in forest ecosystem health;

(D) Watershed restoration and maintenance;

(E) Restoration, maintenance and improvement of wildlife and fish habitat;

(F) Control of noxious and exotic weeds;

(G) Reestablishment of native species; and

(H) General resource stewardship.

(3) to improve cooperative relationships among the people that use and care for Federal lands and the agencies that manage these lands.

SEC. 3. DEFINITIONS.

In this Act:

(1) FEDERAL LANDS.—The term "Federal lands" means—

(A) lands within the National Forest System, as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)) exclusive of the National Grasslands administered pursuant to the Act of July 22, 1937 (7 U.S.C. 1010-10912); and

(B) the Oregon and California Railroad grant lands revested in the United States by the Act of June 9, 1916 (chapter 137; 39 Stat. 218), Coos Bay Wagon Road grant lands reconveyed to the United States by the Act of February 26, 1919

(chapter 47; 40 Stat. 1179), and subsequent additions to such lands.

(2) ELIGIBILITY PERIOD.—The term "eligibility period" means fiscal year 1984 through fiscal year 1999.

(3) ELIGIBLE COUNTY.—The term "eligible county" means a county or borough that received 50-percent payments for one or more fiscal years of the eligibility period or a county or borough that received a portion of an eligible State's 25-percent payments for one or more fiscal years of the eligibility period. The term includes a county or borough established after the date of the enactment of this Act so long as the county or borough includes all or a portion of a county or borough described in the preceding sentence.

(4) ELIGIBLE STATE.—The term "eligible State" means a State that received 25-percent payments for one or more fiscal years of the eligibility period.

(5) FULL PAYMENT AMOUNT.—The term "full payment amount" means the amount calculated for each eligible State and eligible county under section 101.

(6) 25-PERCENT PAYMENTS.—The term "25-percent payments" means the payments to States required by the sixth paragraph under the heading of "FOREST SERVICE" in the Act of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).

(7) 50-PERCENT PAYMENTS.—The term "50-percent payments" means the payments that are the sum of the 50-percent share otherwise paid to a county pursuant to title II of the Act of August 28, 1937 (chapter 876; 50 Stat. 875; 43 U.S.C. 1181f), and the payment made to a county pursuant to the Act of May 24, 1939 (chapter 144; 53 Stat. 753; 43 U.S.C. 1181f–1 et seq.).

(8) SAFETY NET PAYMENTS.—The term "safety net payments" means the payments to States and counties required by section 13982 or 13983 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103–66; 16 U.S.C. 500 note; 43 U.S.C. 1181f note).

TITLE I—SECURE PAYMENTS FOR STATES AND COUNTIES CONTAINING FEDERAL LANDS

SEC. 101. DETERMINATION OF FULL PAYMENT AMOUNT FOR ELIGIBLE STATES AND COUNTIES.

(a) CALCULATION REQUIRED.—

(1) ELIGIBLE STATES.—The Secretary of the Treasury shall calculate for each eligible State an amount equal to the average of the three highest 25-percent payments and safety net payments made to the eligible counties in that State for fiscal years of the eligibility period,

(2) BLM COUNTIES.—The Secretary of the Treasury shall calculate for each eligible county that received a 50-percent payment during the eligibility period an amount equal to the average of the three highest 50-percent payments and safety net payments made to that eligible county for fiscal years of the eligibility period.

(b) ANNUAL ADJUSTMENT.—For each fiscal year in which payments are required to be made to eligible States and eligible counties under this title, the Secretary of the Treasury shall adjust the full payment amount for the previous fiscal year for each eligible State and eligible county to reflect changes in the consumer price index for rural areas (as published in the Bureau of Labor Statistics) that occur after publication of that index for fiscal year 2000.

SEC. 102. PAYMENTS TO STATES FROM NATIONAL FOREST SYSTEM LANDS FOR USE BY COUNTIES TO BENEFIT PUBLIC EDUCATION AND TRANSPORTATION.

(a) REQUIREMENT FOR PAYMENTS TO ELIGIBLE STATES.—The Secretary of the Treasury shall make to each eligible State a payment in accordance with subsection (b) for each fiscal year beginning in fiscal year 2000. The payment for a fiscal year shall be made as soon as practicable after the end of that fiscal year.

(b) PAYMENT AMOUNTS.—Except as provided in subsection (c), the payment to an eligible State for a fiscal year shall consist of the 25-percent payment applicable to that State for that fiscal year as described in section 3(6).

(c) ELECTION TO RECEIVE FULL PAYMENT AMOUNT.—

(1) An eligible State may elect to receive the full payment amount as described in sections 101(a)(1) and 101(b), in lieu of the payment described in subsection (b). The election shall be made at the discretion of each affected county and transmitted to the Secretary by the Governor of a State. Each such county election shall be effective for two fiscal years.

(2) Except that, when a county elects to receive the full payment amount, such election shall be effective for all the subsequent fiscal years.

(3) The payment to an eligible State under this subsection for a fiscal year shall be derived first from any revenues, fees, penalties, or miscellaneous receipts, exclusive of deposits to any relevant trust fund, or special accounts, received by the Federal Government from activities by the Forest Service on the Federal lands described in subsection 3(1)(A) and/or secondly, as determined by the Secretary of the Treasury, from any funds in the Treasury not otherwise appropriated.

(d) DISTRIBUTION AND EXPENDITURE OF PAYMENTS.—

(1) DISTRIBUTION METHOD.—An eligible State that elects to receive a payment under subsection (c) shall distribute the payment among all eligible counties in the State, with each eligible county receiving the amount calculated for that county in Section 101(a).

(2) EXPENDITURE PURPOSES.—Subject to subsection (e), payments received by eligible States under subsection (a) and distributed to eligible counties shall be expended in the same manner in which 25-percent payments are required to be expended.

(e) EXPENDITURE RULES FOR ELIGIBLE COUNTIES.—

(1) IN GENERAL.—Of the funds to be distributed to an eligible county pursuant to subsection (d)—

(A) not less than 80 percent but not more than 85 percent of the funds shall be expended in the same manner in which the 25-percent payments are required to be expended; and

(B) at the election of an eligible county, the balance of the funds not expended pursuant to subparagraph (A) shall either be reserved for projects in accordance with title II, or remitted to the fund created by section 302(b).

(2) DEPOSIT OF FUNDS IN SPECIAL ACCOUNT.—Funds reserved by an eligible county under paragraph (1) shall be deposited in a special account in the Treasury of the United States and shall be available for expenditure by the Secretary of Agriculture, without further appropriation, and shall remain available until expended in accordance with title II.

(3) ELECTION.—

(A) GENERAL.—An eligible county shall notify the Secretary of Agriculture of its election under this subsection not later than September 30 of each fiscal year. If the eligible county fails to make an election by that date, the county is deemed to have elected to expend 85 percent of the funds to be received under subsection (c) in the same manner in which the 25-percent payments are required to be expended, and remitted the balance to the fund created by Section 302(b).

(B) COUNTIES WITH MINOR DISTRIBUTIONS.—Notwithstanding the expenditure rules in this subsection, in the case of each eligible county to which less than $100,000 is distributed for any fiscal year pursuant to subsection (c), the eligible county may elect to expend all such funds in accordance with subsection (d).

SEC. 103. PAYMENTS TO COUNTIES FROM BUREAU OF LAND MANAGEMENT LANDS FOR USE TO BENEFIT PUBLIC SAFETY, LAW ENFORCEMENT, EDUCATION, AND OTHER PUBLIC PURPOSES.

(a) REQUIREMENT FOR PAYMENTS TO ELIGIBLE COUNTIES.—The Secretary of the Treasury shall make to each eligible county that received a 50-percent payment during the eligibility period a payment in accordance with subsection (b) for each of fiscal year in fiscal year 2000. The payment for a fiscal year shall be made as soon as practicable after the end of that fiscal year.

(b) PAYMENT AMOUNTS.—Except as provided in subsection (c), the payments to an eligible county for a fiscal year shall consist of the 50-percent payment applicable to that county for that fiscal year as described in section 3(7).

(c) ELECTION TO RECEIVE FULL PAYMENT AMOUNT.—

(1) An eligible county may elect to receive the full payment amount, as described in sections 101(a)(2) and 101(b) in lieu of the payment described in subsection (b). The election shall be made at the discretion of the county. Once the election is made, it shall be effective for the fiscal year in which the election is made and all subsequent fiscal years.

(2) The payment to an eligible county under this subsection for a fiscal year shall be derived first from any revenues, fees, penalties, or miscellaneous receipts, exclusive of deposits to any relevant trust fund, or special accounts, received by the Federal Government from activities by the Bureau of Land Management on the Federal Lands described in subsection 3(1)(B) and/or secondly, as determined by the Secretary of the Treasury, from any funds in the Treasury not otherwise appropriated.

(d) EXPENDITURE RULES FOR ELIGIBLE COUNTIES.—

(1) IN GENERAL.—Of the funds to be distributed to an eligible county pursuant to subsection (d)—

(A) Not less than 80 percent but not more than 85 percent of the funds distributed to the eligible county shall be expended in the same manner in which the 50-percent payments are required to be expended; and

(B) At the election of an eligible county, the balance of the funds not expended pursuant to subparagraph (A) shall either be reserved for projects in accordance with title II, or remitted to the fund created by section 302(b).

(2) DEPOSIT OF FUNDS IN SPECIAL ACCOUNT.—Funds reserved by an eligible county under paragraph (1) shall be deposited in a special account in the Treasury of the United States and shall be available for expenditure by the Secretary of the Interior, without further appropriation, and shall remain available until expended in accordance with title II.

(3) ELECTION.—An eligible county shall notify the Secretary of the Interior of its election under this subsection not later than September 30 of each fiscal year under subsection (d). If the eligible county fails to make an election by that date, the county is deemed to have elected to expend 85 percent on the funds received under subsection (c) in the same manner in which the 50-percent payments are required to be expended and remitted the balance to the fund created by section 302(b).

TITLE II—SPECIAL PROJECTS ON FEDERAL LANDS

SEC. 201. DEFINITIONS.

In this title:

(1) PARTICIPATING COUNTY.—The term "participating county" means an eligible county that—

(A) receives Federal funds pursuant to section 102 or 103; and

(B) elects under sections 102(e)(3) or 103(d)(3) to expend a portion of those funds in accordance with sections 102(e)(1)(B) or 103(d)(3).

(2) PROJECT FUNDS.—The term "project funds" means all funds an eligible county elects under sections 102(e)(3) and 103(d)(3) to reserve for expenditure under sections 102(e)(1)(B) or 103(d)(2) for expenditure in accordance with this title.

(3) RESOURCE ADVISORY COMMITTEE.—The term "resource advisory committee" means an advisory committee established by the Secretary concerned under section 205, or determined by the Secretary concerned to meet the requirements of section 205.

(4) RESOURCE MANAGEMENT PLAN.—The term "resource management plan" means a land use plan prepared by the Bureau of Land Management for units of the Federal lands described in section 3(1)(B) pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) and a land and resource management plan prepared by the Forest Service for units of the National Forest System pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

(5) SECRETARY CONCERNED.—The term "Secretary concerned" means the Secretary of the Interior or his designee with respect to the Federal lands described in section 3(1)(B) and the Secretary of Agriculture or his designee with respect to the Federal lands described in section 3(1)(A).

SEC. 202. GENERAL LIMITATION ON USE OF PROJECT FUNDS.

Project funds shall be expended solely on projects that meet the requirements of this title. Project funds may be used by the Secretary concerned for the purpose of entering into and implementing cooperative agreements with willing Federal agencies, State and local governments, private and nonprofit entities, and landowners for protection, restoration and enhancement of fish and wildlife habitat, and other resource objectives consistent with the purposes of this title on public or private land or both that benefit these resources within the watershed.

SEC. 203. SUBMISSION OF PROJECT PROPOSALS.

(a) SUBMISSION OF PROJECT PROPOSALS TO SECRETARY CONCERNED.—

(1) PROJECTS FUNDED USING PROJECT FUNDS.—Not later than September 30 for fiscal year 2001, and each September 30 thereafter for each succeeding fiscal year, each resource advisory committee established under section 205 shall submit to the Secretary concerned a description of any projects that the resource advisory committee proposes the Secretary undertake using any project funds reserved.

(2) PROJECTS FUNDED USING OTHER FUNDS.—A resource advisory committee may submit to the Secretary concerned a description of any projects that the committee proposes the Secretary undertake using funds from State or local governments, from the private sector, or funds held by the Secretary concerned pursuant to section 302(b), other than project funds and funds appropriated and otherwise available to do similar work.

(3) JOINT PROJECTS.—Participating counties or other persons may propose to pool project funds or other funds, described in paragraph (2), and jointly propose a project or group of projects to a resource advisory committee established under section 205.

(b) REQUIRED DESCRIPTION OF PROJECTS.—In submitting proposed projects to the Secretary concerned under subsection (a), a resource advisory committee shall include in the description of each proposed project the following information:

(1) The purpose of the project and a description of how the project will meet the purposes of this Act.

(2) The anticipated duration of the project.

(3) The anticipated cost of the project.

(4) The proposed source of funding for the project, whether project funds or other funds.

(5) Expected outcomes, including how the project will meet or exceed desired ecological conditions, maintenance objectives, or stewardship objectives, as well as an estimation of the amount of any timber, forage, and other commodities and other economic activity, including jobs generated, if any, anticipated as part of the project.

(6) A detailed monitoring plan, including funding needs and sources, that tracks project effectiveness, implementation, and provides for validation monitoring. The monitoring plan shall include an assessment of the following: whether or not the project created local employment or training opportunities, including summer youth jobs programs such as the Youth Conservation Corps where appropriate; and whether the project improved the use of, or added value to, any products removed from lands consistent with the purposes of this Act.

(7) An assessment that the project is to be in the public interest.

(c) AUTHORIZED PROJECTS.—

(1) IN GENERAL.—Projects proposed under subsection (a) shall be consistent with section 2(b).

(2) SEARCH, RESCUE, AND EMERGENCY SERVICES.—Notwithstanding paragraph (1), a resource advisory committee may submit as a proposed project under subsection (a) a proposal that the participating county or sheriff's department receive reimbursement for search and rescue and other emergency services performed on Federal lands and paid for by the county. The source of funding for an approved project of this type must be the fund created by section 302(b).

(3) COMMUNITY SERVICE WORK CAMPS.—Notwithstanding paragraph (1), a resource advisory committee may submit as a proposed project under subsection (a) a proposal that the participating county receive reimbursement for all or part of the costs incurred by the county to pay the salaries and benefits of county employees who supervise adults or juveniles performing mandatory community service on Federal lands.

SEC. 204. EVALUATION AND APPROVAL OF PROJECTS BY SECRETARY CONCERNED.

(a) CONDITIONS FOR APPROVAL OF PROPOSED PROJECT.—The Secretary concerned may make a decision to approve a project submitted by a resource advisory committee under section 203 only if the proposed project satisfies each of the following conditions:

(1) The project complies with all applicable Federal laws and regulations.

(2) The project is consistent with the applicable resource management plan and with any watershed or subsequent plan developed pursuant to the resource management plan and approved by the Secretary concerned.

(3) The project has been approved by the resource advisory committee in accordance with section 205, including the procedures issued under subsection (e) of such section.

(4) A project description has been submitted by the resource advisory committee to the Secretary concerned in accordance with section 203.

(b) ENVIRONMENTAL REVIEWS.—

(1) PAYMENT OF REVIEW COSTS.—

(A) REQUEST FOR PAYMENT BY COUNTY.—The Secretary concerned may request the resource advisory committee submitting a proposed project to agree to the use of project funds to pay for any environmental review, consultation, or compliance with applicable environmental laws required in connection with the project. When such a payment is requested and the resource advisory committee agrees to the expenditure of funds for this purpose, the Secretary concerned shall conduct environmental review, consultation, or other compliance responsibilities in accordance with Federal law and regulations.

(B) EFFECT OF REFUSAL TO PAY.—If a resource advisory committee does not agree to the expenditure of funds under subparagraph (A), the project shall be deemed withdrawn from further consideration by the Secretary concerned pursuant to this title. Such a withdrawal shall be deemed to be a rejection of the project for purposes of section 207(c).

(c) DECISIONS OF SECRETARY CONCERNED.—

(1) REJECTION OF PROJECTS.—A decision by the Secretary concerned to reject a proposed project shall be at the Secretary's sole discretion. Notwithstanding any other provision of law, a decision by the Secretary concerned to reject a proposed project shall not be subject to administrative appeal or judicial review. Within 30 days after making the rejection decision, the Secretary concerned shall notify in writing the resource advisory committee that submitted the proposed project of the rejection and the reasons for rejection.

(2) NOTICE OF PROJECT APPROVAL.—The Secretary concerned shall publish in the Federal Register notice of each project approved under subsection (a) if such notice would be required had the project originated with the Secretary.

(d) SOURCE AND CONDUCT OF PROJECT.—Once the Secretary concerned accepts a project for review under section 204, it shall be deemed a Federal action for all purposes.

(e) IMPLEMENTATION OF APPROVED PROJECTS.—

(1) COOPERATION.—Notwithstanding chapter 63 of title 31, United States Code, the Secretary concerned may enter into contracts, grants, and cooperative agreements with States and local governments, private and nonprofit entities, and landowners and other persons to assist the Secretary in carrying out an approved project.

(2) BEST VALUE CONTRACTING.—For any project involving a contract authorized by paragraph (1) the Secretary concerned may elect a source for performance of the contract on a best value basis. The Secretary concerned shall determine best value based on such factors as:

(A) The technical demands and complexity of the work to be done.

(B) The ecological objectives of the project and the sensitivity of the resources being treated.

(C) The past experience by the contractor with the type of work being done, using the type of equipment proposed for the project, and meeting or exceeding desired ecological conditions.

(D) The commitment of the contractor to hiring highly qualified workers and local residents.

(3) MERCHANTABLE MATERIALS SALES CONTRACTING PILOT PROJECTS.—Until September 30, 2004, for a portion of the contracts issued under this paragraph, the Secretary concerned shall provide for the disposal of the forest products under a separate contract. Within one year of the completion of the contracts authorized under this paragraph, the Secretary shall report to the Committee on Energy and Natural Resources of the United States Senate and the Committee of Resources of the United States House of Representatives on the environmental and fiscal results of these projects.

SEC. 205. RESOURCE ADVISORY COMMITTEES.

(a) ESTABLISHMENT AND PURPOSE OF RESOURCE ADVISORY COMMITTEES.—

(1) ESTABLISHMENT.—The Secretary concerned shall establish and maintain a resource advisory committee to perform the duties in subsection (b), except as provided in paragraphs (3) and (4).

(2) PURPOSE.—The purpose of a resource advisory committee shall be to improve collaborative

relationships and to provide advice and recommendations to the land management agencies consistent with the purposes of this Act.

(3) ACCESS TO RESOURCE ADVISORY COMMITTEES.—To ensure that each unit of Federal land has access to a resource advisory committee, and that there is sufficient interest in participation on a committee to ensure that membership can be balanced in terms of the points of view represented and the functions to be performed, the Secretary concerned may, establish resource advisory committees for part of, or one or more, units of Federal lands.

(4) EXISTING ADVISORY COMMITTEES.—Existing advisory committees meeting the requirements of this section may be deemed by the Secretary concerned, as a resource advisory committee for the purposes of the title. The Secretary of the Interior may deem a resource advisory committee meeting the requirements of part 1780, subpart 1784 of title 43, Code of Federal Regulations, as a resource advisory committee for the purposes of this title.

(b) DUTIES.—A resource advisory committee shall—

(1) review projects proposed by participating counties and other persons;

(2) propose projects and funding to the Secretary concerned under section 203;

(3) provide early and continuous coordination with appropriate land management agency officials in recommending projects consistent with purposes of this Act; and

(4) provide frequent opportunities for citizens, organizations, Tribes, land management agencies, and other interested parties to participate openly and meaningfully, beginning at the early stages of the project development processs.

(c) APPOINTMENT BY THE SECRETARY.—

(1) APPOINTMENT AND TERM.—The Secretary concerned, shall appoint the members of resource advisory committees for a term of 3 years beginning on the date of appointment. The Secretary concerned may reappoint members to subsequent 3-year terms.

(2) BASIC REQUIREMENTS.—The Secretary concerned shall ensure that each resource advisory committee established meets the requirements of subsection (d).

(3) INITIAL APPOINTMENT.—The Secretary concerned shall make initial appointments to the resource advisory committees not later than 180 days after the date of the enactment of this Act.

(4) VACANCIES.—The Secretary concerned shall make appointments to fill vacancies on any resource advisory committee as soon as practicable after the vacancy has occurred.

(5) COMPENSATION.—Members of the resource advisory committees shall not receive any compensation.

(d) COMPOSITION OF ADVISORY COMMITTEE.—

(1) NUMBER.—Each resource advisory committee shall be comprised of 15 members.

(2) COMMUNITY INTERESTS REPRESENTED.—Committee members shall be representative of the interests of the following categories:

(A) 5 persons who—

(i) represent organized labor;

(ii) represent developed outdoor recreation, off highway vehicle users, or commercial recreation activities;

(iii) represent energy and mineral development interests;

(iv) represent the commercial timber industry; or

(v) hold Federal grazing permits, or other land use permits within the area for which the committee is organized.

(B) 5 persons representing—

(i) nationally recognized environmental organizations;

(ii) regionally or locally recognized environmental organizations;

(iii) dispersed recreational activities;

(iv) archeological and historical interests; or

(v) nationally or regionally recognized wild horse and burro interest groups.

(C) 5 persons who—

(i) hold state elected office or their designee;

(ii) hold county or local elected office;

(iii) represent American Indian tribes within or adjacent to the area for which the committee is organized;

(iv) are school officials or teachers; or

(v) represent the affected public at large.

(3) BALANCED REPRESENTATION.—In appointing committee members from the three categories in paragraph (2), the Secretary concerned shall provide for balanced and broad representation from within each category.

(4) GEOGRAPHIC DISTRIBUTION.—The members of a resource advisory committee shall reside within the State in which the committee has geographic jurisdiction.

(5) CHAIRPERSON.—A majority on each resource advisory committee shall select the chairperson of the committee.

(e) APPROVAL PROCEDURES.—

(1) Subject to paragraph (2), each resource advisory committee shall establish procedures for defining a quorum and proposing projects to the Secretary concerned. A quorum must be present to constitute an official meeting of the committee.

(2) A project may be proposed by a resource advisory committee to the Secretary concerned under section 203(a) if it has been approved by a majority of members of the committee from each of the three categories in subsection (c)(2).

(f) OTHER COMMITTEE AUTHORITIES AND REQUIREMENTS.—

(1) STAFF ASSISTANCE.—A resource advisory committee may submit to the Secretary concerned a request for periodic staff assistance from Federal employees under the jurisdiction of the Secretary.

(2) MEETINGS.—All meetings of a resource advisory committee shall be announced at least one week in advance in a local newspaper of record and shall be open to the public.

(3) RECORDS.—A resource advisory committee shall maintain records of the meetings of the committee and make the records available for public inspection.

SEC. 206. USE OF PROJECT FUNDS.

(a) AGREEMENT REGARDING SCHEDULE AND COST OF PROJECT.—

(1) AGREEMENT BETWEEN PARTIES.—The Secretary concerned may carry out a project submitted by a resource advisory committee under section 203(a) using project funds or other funds described in section 203(a)(2), if, as soon as practicable after the issuance of a decision document for the project and the exhaustion of all administrative appeals and judicial review of the project decision, the Secretary concerned and the resource advisory committee enter into an agreement addressing, at a minimum, the following:

(A) The schedule for completing the project.

(B) The total cost of the project, including the level of agency overhead to be assessed against the project.

(C) For a multi-year project, the estimated cost of the project for each of the fiscal years in which it will be carried out.

(D) The remedies for failure of the Secretary concerned to comply with the terms of the agreement consistent with current Federal law.

(2) LIMITED USE OF FEDERAL FUNDS.—The Secretary concerned may decide, at the Secretary's sole discretion, to cover the costs of a portion of an approved project using Federal funds appropriated or otherwise available to the Secretary for the same purposes as the project.

(b) TRANSFER OF PROJECT FUNDS.—

(1) INITIAL TRANSFER REQUIRED.—As soon as practicable after the agreement is reached under subsection (a) with regard to a project to be funded in whole or in part using projects funds, or other funds described in section 203(a)(2), the Secretary concerned shall transfer to the applicable unit of National Forest Systems lands or BLM District an amount of project funds equal to—

(A) in the case of a project to be completed in a single fiscal year, the total amount specified in the agreement to be paid using project funds, or other funds described in section 203(a)(2); or

(B) in the case of a multi-year project, the amount specified in the agreement to be paid using project funds, or other funds described in section 203(a)(2) for the first fiscal year.

(2) CONDITION ON PROJECT COMMENCEMENT.—The unit of National Forest System lands or BLM District concerned, shall not commence a project until the project funds, or other funds described in section 203(a)(2) required to be transferred under paragraph (1) for the project, have been made available by the Secretary concerned.

(3) SUBSEQUENT TRANSFERS FOR MULTI-YEAR PROJECTS.—For the second and subsequent fiscal years of a multi-year project to be funded in whole or in part using project funds, the unit of National Forest System lands or BLM District concerned shall use the amount of project funds required to continue the project in that fiscal year according to the agreement entered into under subsection (a). The Secretary concerned shall suspend work on the project if the project funds required by the agreement in the second and subsequent years fiscal years are not available.

SEC. 207. AVAILABILITY OF PROJECT FUNDS.

(a) SUBMISSION OF PROPOSED PROJECTS TO OBLIGATE FUNDS.—By the end of each fiscal year, a resource advisory committee shall submit to the Secretary concerned pursuant to section 203(a)(1) a sufficient number of project proposals that, if approved, would result in the obligation of at least the full amount of the project funds reserved by the participating county in the preceding fiscal year.

(b) USE OR TRANSFER OF UNOBLIGATED FUNDS.—

(1) If a resource advisory committee fails to comply with subsection (a) for a fiscal year, any project funds reserved by the participating county in the preceding fiscal year and remaining unobligated shall be available for use as part of the project submissions in the next fiscal year.

(2) Any funds not used because a county fails to elect under section 102(e)(3) or section 103(d)(3) to expend monies for local projects shall be remitted to the fund created by section 302(b).

(c) EFFECT OF REJECTION OF PROJECTS.—Any project funds reserved by a participating county in the preceding fiscal year that are unobligated at the end of a fiscal year because the Secretary concerned has rejected one or more proposed projects shall be available for use as part of the project submissions in the next fiscal year.

(d) EFFECT OF COURT ORDERS.—If an approved project is enjoined or prohibited by a Federal court under this Act, the Secretary concerned shall use unobligated project funds related to that project in the participating county or counties that reserved the funds. The returned funds shall be available for the county to expend in the same manner as the funds reserved by the county under section 102(e)(1)(B) or 103(d)(1)(B), whichever applies to the funds involved.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated such sums as are necessary to carry out this Act for fiscal years 2001 through 2007.

SEC. 302. TREATMENT OF FUNDS AND REVENUES.

(a) Funds appropriated pursuant to the authorization of appropriations in section 301 and funds made available to a Secretary concerned under section 206 shall be in addition to any other annual appropriations for the Forest Service and the Bureau of Land Management.

(b) Any and all revenues generated from projects pursuant to title II, any funds remitted by counties pursuant to section 102(e)(1)(B) or section 103(d)(1)(B), and any interest accrued from any such funds shall be deposited and retained without further appropriation in a national fund and available to the Secretary concerned to fund projects authorized pursuant to section 203. The Secretary concerned shall prioritize expenditures from this fund and shall identify, in an annual report to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives, all projects receiving funds pursuant to this subsection.

SEC. 303. REGULATIONS.

The Secretaries concerned may jointly issue regulations to carry out the purposes of this Act.

SEC. 304. CONFORMING AMENDMENTS.

Section 13982 of the Omnibus Budget Reconciliation Act of 1993 (116 U.S.C. 500 note) is repealed. Sections 13982 and 13983 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103–66; 16 U.S.C. 500 note; 43 U.S.C. 1181f note) is repealed.

Mr. CRAIG. Mr. President, S. 1608, the Secure Rural Schools and Community Self-Determination Act of 1999, solves a severe crisis in America's rural, forest counties driven by the precipitous decline in federal timber receipts over the last decade. The bill provides vital payments to schools and counties, while providing option to direct a portion of the payments to the development of local projects to address the needs of our families and forests.

S. 1608 provides equity and increased educational opportunities for rural school children. States that are dominated by federally owned lands are facing a dual economic and educational crisis.

Our nation contains almost 800 forest counties; 2,000 forest school districts; 600,000 rural families, and more than 4 million school children who depend upon rural public schools for their education. These children deserve the same educational opportunities as their counterparts in urban areas.

Mosr urban areas across America witnessed unprecedented prosperity throughout the 1990s. However, in our rural forest counties, the decade has been a one-way slide toward poverty, unemployment, and a lower standard of living for communities, families and children.

And it is our children who have borne the brunt of the harm. Rural children have been faced with:

School closings; school days and weeks shortened; class sizes increased due to teacher layoffs; classroom aides eliminated; counseling, nursing, and psychological services cut or eliminated; music, art, athletic, and academic enrichment programs eliminated; and student transportation services and winter road maintenance scaled back or eliminated.

The bill's guaranteed payments will provide critical resources for our children. It will allow our teachers to once again provide them with a quality education.

In crafting S. 1608, Senator WYDEN and I were assisted by local community representatives who work, live, and represent thousands of rural citizens. The bill is supported by a unique coalition of more than 1000 organizations across 50 states including county officials, educators, teachers unions, labor unions, and local businesses. This bill is truly a community-based solution to a national crisis. It is very, very rare indeed, to bring a bill to the Senate floor that enjoys the breadth of support represented by the groups in favor of S. 1608.

S. 1608 also provides funds to invest in collaborative improvement projects to address high priority forest management needs such as: infrastructure improvement, fuel and fire reduction, ecosystem restoration, stewardship projects and watershed protection and restoration. In addition, these cooperative county projects will contribute to local community economic self-sufficiency and family social stability. As reported, S. 1608 is a win-win solution for all of rural America: our school children, our educators, our working families, our counties, and our forestlands.

Mr. WYDEN. Mr. President, many folks in rural Oregon and other parts of rural America believe the Federal Government has abandoned them. They think Washington, D.C. has reneged on a decades-long commitment to support their schools and roads with revenue from timber harvested on Federal lands. People in timber-dependent rural America think they are being left behind to live in economic sacrifice zones.

Policy changes in Washington, DC., affecting logging on national forest across this country have caused timber receipts to fall an average of 70 percent over the last 15 years, and by as much as 90 percent in some areas. As timber receipts disappeared, roads fell deeper into disrepair, school programs were cut to the bone, and some schools even had to close their doors at least 1 day a week. Our fellow citizens who live in rural America should not be just an afterthought in our warp-speed world. The legislation before us, the Secure Rural Schools and Community Self-Determination Act, will renew the compact with timber-dependent communities without compromising our commitment to environmentally sound stewardship of our forests. It will give people in rural counties the financial predictability they need to step into the 21st century.

Since 1908, people in rural counties across this country have lived by a compact with the Federal Government. As compensation for paying no property taxes, the Federal Government would give the counties a quarter of the timber revenue. For decades, this arrangement provide adequate funds to sustain schools, roads and other basic county services, like emergency rescue. But when timber harvests began to drop off and timber jobs were lost, little effort was made to help offset the shortfall, and citizens in rural counties felt betrayed by the government in Washington, DC. We are not talking about a few isolated communities in remote areas of America. Timber-dependent communities are found in 709 counties in 42 states. Some 800,000 school children and millions of people live in these counties. Thirty-one of 36 counties in my State of Oregon receive timber payments. Counties in the western part of Oregon have been able to survive because of Spotted Owl safety net payments, but no such safety net exists for those in eastern Oregon. There, Grant County, has lost 90 percent of its timber receipts, from more than $12 million down to $1 million, and the county has turned to such cost-cutting measures as a 4-day school week.

Under this legislation, Oregon counties will get a total of $261 million a year—an increase of $115 million, or 79 percent. Of the $261 million, $222 million would be available for schools and roads and $39 million will remain for the counties either to invest in their backyard national forests or in forest-related county services.

The purpose of S. 1608 is to help rural communities adapt to changing national forest management policies by creating a funding formula alternative to timber receipts. The legislation will ensure that the future relationship between the people living in the 709 affected rural counties and the Federal Government does not depend on how many trees are cut. Rural communities will be connected to Federal lands through stewardship projects, maintenance of existing forest infrastructure, ecosystem restoration and improvement of land and water quality. Counties will choose how to spend the Federal payment, and projects will be developed by broad-based groups of local citizens. Collaboration with Federal land managers will help ensure projects comply with all existing environmental laws and regulations. The legislation would restore stability to the 25 percent payments compact by ensuring a predictable payment level to forest communities for six years. The amount going toward schools and roads would represent 80–85 percent of the three-year average of the highest payment years from 1985 to the present. Unlike today's system, a county will receive its payment from the general Treasury, regardless of whether a single tree is cut from national forests.

Counties will decide for themselves how to invest the remaining 15-to-20 percent of the average amount described above for projects recommended by local community advisory committees if those projects are approved by the appropriate Federal land management agency. Although locally-conceived, every project must comply with all environmental laws and regulations, as well as all applicable forest plans. Counties might also opt to pursue projects related to the forest—rather than in the forest—through Title III. These projects might include fire prevention, the purchase of easements or forest-related afterschool programs. In addition, each project must—and I quote from the bill here—"improve the maintenance of existing infrastructure, implement stewardship objectives that enhance forest ecosystems, and restore and improve land health and water quality" on the national forests.

County choice is critical to the bill. Counties that opt not to join the program—such as those anticipating higher timber receipts in the immediate future—will continue to receive payments based on the existing formula, and they also have the option of joining the program two years down the road. Counties that opt to join the program will get stable payments based on a new formula.

There is no doubt about it. This legislation will change the traditional dynamic between logging and Federal payments to schools and counties. But altering the link between timber harvest and county payments does not mean we seek to sever the ties between people and land. S. 1608 will strengthen the bond between communities and neighboring Federal forests. The projects that would be authorized by S. 1608 are a way for the Federal government to recognize—without relaxing or compromising our environmental commitments—that timber towns grow not just trees, but people, too.

When this debate began, the issues were highly polarized. On the one side were those who would punish the Forest Service for not cutting enough trees; on the other were those who, unintentionally, would punish our rural communities and school children by not providing them the funding they so desperately need. After listening to both sides and after many long discussions, Senator CRAIG and I rejected the extremes and sought out a middle path that would break the gridlock. The legislation we bring to the Senate will establish a foundation to move rural communities beyond this time of crisis, and, with the forest ecosystem restoration projects, put them on a path toward sustainability in this new century.

One of my goals for this legislation was to assure the counties have as much choice as possible, and I believe this goal has been met. As I said earlier, first, counties can choose whether they would like to be part of this program and receive a stable payment. If they choose not to be part of the program, they may revisit this decision every 2 years. Second, a county that chooses to be part of the program and receive stable payments must decide the type of projects they want to invest in: projects in the forest, like stream and watershed restoration; or projects related to the forests, such as wildfire prevention or afterschool programs for their children. Also, a county can opt simply to have the money sent back to the U.S. Treasury without pursuing projects. Finally, these choices may be revisited every year.

The ecological health of the forests is a key to survival for many of these communities, making forest restoration a cornerstone of the bill. Counties have choices as to how and how much they receive so they are able to determine the best allocation of funds: whether to support forest health, job creation, ecosystem restoration or a combination of these. Whatever the choice, it is an investment in both the future of the forest and the community. This legislation is the product of many months of painstaking work. Since the beginning, it has been a bipartisan effort. The Energy and Natural Resources Committee reported the legislation by voice vote last April, and through negotiations with many other interested Senators, we have a managers' amendment that represents a further refinement of the bill.

I particularly want to thank Senators CRAIG and BINGAMAN, the Chair and ranking member of the Energy Committee. Without their dedication and willingness to put long hours into this effort, we would not have such a solid piece of legislation. I would also like to make special note of the help of Senator BAUCUS in crafting Title III and bringing a strong focus on wildfire prevention. I would also like to acknowledge the work of the staff on S. 1608. In particular, Jose Kardon, my chief of staff, and Sarah Bittleman, my Natural Resources counsel, have done yeoman's work on this legislation. Carole Grunberg, my legislative director, and Jeff Gagne, my Education advisor, also contributed to the effort. Special thanks also goes to Mark Rey of the Energy Committee staff, whose steady hand and creativity helped resolve so many problems successfully; to Bob Simon and Kira Finkler, of the Energy Committee Democratic staff; and to Brian Kuehl with Senator BAUCUS and Sara Barth with Senator BOXER.

S. 1608 is supported by thousands of groups, hundreds of counties, labor organizations and school groups including the National Education Association, National Association of Counties, the American Federation of State, County and Municipal Employees, as well as the AFL–CIO.

I urge my colleagues to support this legislation.

AMENDMENT NO. 4139

Mr. CRAIG. Mr. President, there is a substitute amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG], for himself and Mr. WYDEN, proposes an amendment numbered 4139.

Mr. CRAIG. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. CRAIG. Mr. President, in conjunction with the administration, and the members of the Budget Committee, we have made a series of technical changes to S. 1608 as it was reported by the committee. These changes are designed to: (1) respond to the concerns of some members with the bill as reported; (2) address some additional issues raised by the Administration; (3) rectify technical problems with the bill; as well as (4) bring the bill's costs in line with the amount provided in fiscal year 2001 budget resolution. Let me briefly describe the most important changes for the benefit of the Senate. We have modified the formula used to calculate the "full payment amount" to which states are entitled from the Forest Service under this bill. Rather than having this payment calculated on the average of the three highest 25 percent payments for each eligible county within each state, the calculations will be based upon the average of the three highest 25 percent payments for each state during the fiscal years of the eligible years period. We also reduced the annual adjustment for inflation. These changes will reduce the cost of the bill as estimated by the Congressional Budget Office from $1.46 billion over a 5-year period to around $1.1 billion over the same period.

In section 102(a) and section 103(a), we clarify that the duration of the bill will be fiscal year 2001 through fiscal year 2006. It is the manager's intent that this bill be sunsetted after six years. This language, and new language in section 209 and section 303 added by the manager's amendment emphasizes this for the purpose of clarity. We made a minor change to clarify that eligible counties that receive less than $100,000 in payments for fiscal year 2001 may elect to expend all of this money for schools and roads, whether or not the payment increases slightly in outyears as a result of the inflation adjustment. This change will assist counties with small revenue distributions.

In section 202, we clarify that projects funded under this bill can be conducted on public or private lands as long as there is a benefit to federally managed resources. The committee bill was not sufficiently precise in this regard. In section 203(b)(6), we added language to more fully describe the kind of monitoring plans that we would like to see associated with projects approved under the bill. In section 204(e)(3), we elected to put some quantitative targets on the pilot projects that the bill authorizes for merchantable materials, with an out-year adjustment based upon the results of a GAO audit. We are hopeful that the administration will move aggressively to implement this pilot project, and report on its progress promptly and thoroughly to Congress. In section 401, we clarified that the bill authorizes appropriations for fiscal year 2001 through 2006. This is to emphasize that this is a six-year bill.

In section 402(b), we specify that any revenues generated by projected funded by monies authorized under this bill should be returned to the Treasury, except in the single case where a project is jointly funded by both project and non-federal revenues. The portion of revenues associated with funds provided by this bill would be retained by the appropriate Secretary. The proportion of revenues associated with funds provided by non-federal sources would be shared with those sources. This change is designed to address the concern that allowing revenues generated by projects to be retained by federal agencies would create an unwelcome incentive to focus exclusively on revenue-generating projects. Our amendment addresses this concern in an equitable fashion.

With regard to the projects funded under this bill, we added language in section 204 to assure that projects will improve the maintenance of existing infrastructure, implement stewardship objectives that enhance forest ecosystems, or restore and improve land health and water quality. We also specify that fifty percent of the project money shall be used for projects that involve road maintenance or obliteration, or the restoration of streams and watersheds. These changes are designed to encourage the development of projects that foster resource stewardship. To provide the counties that elect to participate in projects a wider range of choices, we have added a title III to the bill. Under the provisions of title III, counties may choose to invest their project money in a list of authorized uses including: (1) search, rescue, and emergency services; (2) community service work camps; (3) easement purchases from willing sellers to provide access to public lands; 94) forest related educational programs; (5) local fire prevention and fire risk reduction planning activities; and (6) community forestry projects. These projects would still be developed and recommended through the local resource advisory committees established in title II of the bill. They will function much as they do in title II, except that the projects will not require the approval of the Secretary, as would title II projects. Also, under the specific terms of section 102(d)(1)(B) and section 102(c)(1)(B) counties could split their project funds between titles II and III as they choose.

We have also added a new title V to the bill to remedy a serious problem caused by the Omnibus Budget Reconciliation Act of 1993 involving the sharing with the states of onshore mineral revenues and revenues from geothermal steam. Prior to the 1993 act the federal government and the states split these revenues on a fifty-fifty basis. The 1993 act requires that the federal government deduct its previous years expenses for administering these programs from the receipts before the fifty-fifty split is made. This requirement has proven very difficult to implement due to general sloppiness of federal accounting systems. The federal agencies and the states have become involved in numerous disputes over the federal government's calculation of its administrative expenses. In light of these problems, with the advice and the assistance of Senators DOMENICI and BINGAMAN, we propose to return to the pre-1993 system of calculating shared receipts.

Finally, we have added a conforming amendment in section 4 of the bill. This amendment specifies that payments required by this bill would be included in the calculation of the payment in lieu of taxes (PILT) payments that each state receives. This change will result in payments under this act being treated in the same fashion as other natural resource payments to the states.

I appreciate the cooperation of several of my colleagues in developing the changes that went into the manager's amendment. I particularly want to thank Senator DOMENICI and Senator BINGAMAN and their staffs for their assistance in putting together the manager's amendment. The bill is a much better product because of their contribution.

Mr. MURKOWSKI. Mr. President, I rise today to support passage of S. 1608, the Secure Rural Schools and Community Self-Determination Act of 2000.

This bill will restore the financial and resource management links between the rural communities of America and our natural resource agencies.

The precipitous drop in financial support for education and infrastructure needs of our rural counties will be restored by S. 1608.

These payments will now be steady and reliable. This bill also reverses the inward turning, and belt-way centered, thinking of resource managers by creating collaborative processes for natural resources management in our rural communities.

S. 1608 will provide rural communities and their public lands managers the opportunity to work together to improve the ecosystems by investing in the public lands.

I would like to express my appreciation for the months of work that have been put in on this bill by my fellow members of the Energy Committee: Senator CRAIG and Senator WYDEN.

Bringing this bill to the floor today is the result of countless hours of briefings, dialog and negotiation with Senator CRAIG, Senator WYDEN, their staff, the National Forest County & Schools Coalition, and all the other groups that have expended time and effort to assure that the educational needs of the kids in rural communities would not be neglected.

I would also like to express my appreciation to the Forest Service, Department of Agriculture, and others in the Administration who have been helpful in coming to the final product we see here today.

In closing I thank all those who have contributed to crafting S. 1608 for their hard work.

I urge my colleagues to vote for this bill.

And finally I look forward to the federal government reestablishing its support to the rural communities of this country so that they can maintain their school systems and provide other needed county services.

Mr. SMITH of Oregon. Mr. President, I am pleased to speak to the Senate today in strong support of S. 1608, the Secure Rural Schools and Community Self-determination Act of 2000. As an original co-sponsor of this legislation, I commend Senator CRAIG and Senator WYDEN for their leadership in crafting a bill which brings all sides of the issue together. I want to take a minute to salute Oregon's county commissioners, who kept this issue on top of their priority list, and who made frequent trips to meetings in Oregon and here in Washington, D.C. to make sure this legislation moved forward. Oregon is a remarkably diverse state, but as I have traveled throughout Oregon, I hear the same thing in each of our 36 counties—and that's the fact that passage of S. 1608 is their number one priority. I also want to thank President Clinton for his statement that he will sign this legislation when it reaches his desk.

S. 1608 re-establishes the federal government's compact with rural communities—one that dates back to the early days of settlement in the West—while providing much needed funding for environmentally sound, locally developed projects to restore the health of federal watersheds and forests. Perhaps more importantly, this bill will ensure that the federal government provides fair compensation to local governments so that they in turn will be able to meet their communities' needs for schools and roads. I want to make sure my colleagues understand why this legislation is needed, and how the counties in my State, as well as nearly 800 other rural counties in 41 other States, will suffer if we do not pass S. 1608 today.

Nearly a century ago, the "forest reserves", precursors of our national forests, were transferred from the Department of the Interior to the Department of Agriculture. At that time, the Congress understood that placing these forest reserves in the federal government's trust would have very negative effects on the property taxes local governments and local school systems could collect. To remedy this, Congress passed a law in 1908 to share 25 percent of the Forest Service's gross receipts with the counties to partially compensate the counties for the lost taxes. In addition, Congress designated these funds to be spent on schools and county roads. Having directed the Forest Service to pay very close attention to the needs of the local citizens and industries in the "1905 Transfer Act," coupled with the passage of the "1908 25 Percent Payment Act," Congress had developed a fair and workable compact with rural communities and counties. It was a compact that worked very well for nearly 90 years.

Over the last ten years, however, as federal timber sales have declined by nearly 70 percent across the nation, rural counties in many states began to see serious short-falls in their annual 25 percent payments. In Oregon, where federal timber sales have declined by an even greater margin, these shortfalls have been truly devastating for local governments.

As Federal lands have increasingly been declared "off limits" in recent years, rural communities have worked hard to diversify their economies. While tourism has flourished in certain pockets, to this point it has not been a substitute for the family wage jobs the timber industry once offered. Ultimately, there is only so much that local governments can do when 70 percent, 80 percent, or even more, of the land is tied up in federal holdings. The fact that local governments are no longer being adequately compensated for federal land ownership only adds to the burdens of rural communities trying to bring in new industries, provide education and health services, and bridge the digital divide. This is what we are trying to address with S. 1608.

Lane County, Oregon, for example, has seen receipts from federal lands shrink by 65 percent over the last ten years. This has created a gaping $7 million hole in the resources the County uses to provide families with basic needs, including public health and safety services, strong education systems, and safe roads and highways. If S. 1608 is not passed, Lane County faces the prospect of slashing its public works engineering staff by 50 percent, leaving roads and bridges threatened with disrepair.

Perhaps Grant County in eastern Oregon makes an even more compelling case for the passage of S. 1608. There, the local government has been forced to cut back to four day school weeks to make up for the shortfall in 25 percent payments. It is outrageous that the educational opportunities for children in rural areas of this country are being put in jeopardy by the decline of federal timber receipts.

Throughout my state and in communities in many other states with forest counties, sports and extra curricular activities have been dropped, and special programs for gifted and talented students have been sharply cut back. These communities have been forced to make heart-breaking decisions over whether to cut back social service programs or school funding, or to sharply reduce sheriffs' patrols and close jails, or to cut out all extra curricular activities at their schools. We have an opportunity today to answer the call of rural America by passing this legislation and show our support for education and rural communities. The vote we cast today is not just a vote for or against legislation, it is a vote for or against the future of rural schools, roads, and children.

Now let me turn briefly to the objections raised by some in the environmental community regarding the resource projects authorized by this bill. Apparently, the special interest groups that oppose S. 1608 over this issue would prefer that the historic relationship between the local community and the management of their neighboring federal lands be severed completely. Of course, if we were to sever the long-standing relationship between federal lands and the communities that host them, these same special interest groups would merely have to hold sway over the land management bureaucracy in Washington or the federal courts, never having to face the people most affected by their policies.

Some of these groups have gone so far as to run slick attack ads against my colleague from Oregon, Senator WYDEN, implying that the resource projects authorized by S. 1608 would open the door to clearcutting on our national forests. Colleagues, please don't be fooled by the Washington tactics being employed by the national environmental interest groups in opposition to S. 1608. This bill makes clear that these projects must be in compliance with federal environmental protection laws and that they must be formulated by a Resource Advisory Committee made up of interested stakeholders, including environmentalists.

S. 1608 is supported by the National Forest Counties and Schools Coalition, a coalition of educators, county governmental officials, private companies, and many of the unions who represent people who live, work, and teach in or near our federal forests. It is a Coalition of over 1,000 organizations that represents over 25 million people. In supporting S. 1608, I am choosing to stand with those 25 million people, to stand with thousands of rural communities in States stretching across America.

In closing, Mr. President, I ask my colleagues to put themselves in the position of a local government official from a small town in a county dominated by federal forest lands. We have many of them in my state. Towns like John Day, Oakridge, and Riddle. Perhaps you have counties with towns like these in your state. Imagine that your major resource-based industries have largely been shut down by various federal actions over the last decade. Too many of the young people are having to move away to find jobs. As a local government leader you try and build up your community and yet you find—because your community is surrounded by federal lands—that you often can't expand the land under development to bring in new industry, you often can't build roads or recreation sites to bring in more tourism, nor can you tax federal forest lands to help pay for the kind of infrastructure or human resources you need to attract high tech companies to your area. What would you do? How would you try and turn around the local economy with the federal government turning a blind eye to the economic consequences of its actions? That is what we are trying to remedy today.

Shutting down our public lands in the name of the public good comes with a price—and it should not be rural America alone that has to pay it. It is long past time the federal government lived up to its financial obligation to these rural communities. A vote for S. 1608 is a step toward that end. I thank my colleagues for joining us in this effort today.

Mr. BAUCUS. Mr. President, I rise in support of Senate bill 1608, the Secure Rural Schools and Community Self-Determination Act of 2000. I would like to begin my comments today by drawing attention to the determined efforts of my friend and colleague from Oregon, Senator RON WYDEN, on behalf of rural counties. Senator WYDEN has worked tirelessly to ensure that counties with federal lands get a fair deal. He has not been alone in his efforts. Senator CRAIG from Idaho has been a vocal champion of this legislation. And many other senators, notably Senator BOXER of California, have offered constructive input that has greatly improved the legislation now before us.

As we all know, counties containing large amounts of public lands are not able to raise sufficient revenues from taxes since the federal government is not required to pay state or local taxes. Montana has one of the highest percentages of federally owned land of any state. This has a very significant impact on the tax base of our counties, and they have suffered because of it. As revenues from our national forests have decreased, so too have the payments to counties. Fortunately, Senator WYDEN stepped in with a creative solution that ensures that counties have the option to receive much more steady funding. S. 1608 recognizes both the value of these public lands and the needs of the affected counties. It is a wise compromise which allows counties the freedom to choose the plan that best serves their needs.

Mr. President, I would like to say just a few comments about title III of S. 1608. I felt that it was very important that counties have flexibility, not only in how their funding is determined but also in how it is spent. This is why I proposed title III of this bill, and I am very pleased that the sponsors of the bill have accepted it.

Under this bill, each year counties may spend 15–20 percent of their funding on either title II projects or on title III projects. As originally drafted, S. 1608 focused primarily on activities occurring on federal lands. Title III was an effort to give counties the option to focus on activities that are not necessarily "on" federal lands, but that clearly relate to federal lands.

First, under title III, counties may use the funds as reimbursement for search, rescue and emergency services, including fire fighting performed on federal lands and paid for by the county. Mr. President, after the ravages of the recent fires in Montana, many of which are still burning, it is abundantly clear that counties desperately need this funding for both fire prevention and fire fighting. Counties that are stretching to make ends meet for basic services, such as road building and funding schools, simply can't afford to suddenly incur the massive costs associated with fighting wildfires.

I can't impress upon you enough the catastrophic impact that this summer's fires have had upon my state. The fires have raged out of control on our federal lands, such as the fire picture here (in the Beaverhead-Deerlodge National Forest which covered nearly 85,000 acres and has not yet been contained. Cities have spent weeks under a cloud of smoke, as you can see in this photo of Helena. People, houses, and wildlife have all been threatened, and it is thanks only to the heroic efforts of our firefighters that so few lives and structures have been lost. I was honored to spend some time with these courageous individuals, and I can tell you, you have never met a more hardworking, determined crowd of folks. We owe them a heartfelt thank you, and I would like to express my personal gratitude for everything they have done.

The process of rehabilitation and clean-up has only begun, and the work we do now will be critical to ensuring the full recovery of our lands and our communities. For all of these reasons, I am very pleased that we were able to change this bill to make sure that counties in Montana and across the West could get much-needed funds for firefighting and related efforts this year and in future years.

It has also become clear that we need to do more to prevent danger from fires before they start. I've heard from many counties in Montana who have said that they could prevent loss of life and property if they had funding available to educate new homebuilders about where to build or not build their houses to reduce their exposure to wildfires and to make sure that emergency equipment can get to their homes. Homeowners need to know that a house built in the woods, especially if trees are not cleared away from the building, as shown, will be very difficult to save from fires. If the right materials are used in construction, however, homes can be made much less vulnerable. Under title III, counties will have the funding to do this kind of education. They will also be able to fund county planning efforts to increase the protection of people and property from wildfires.

Some of you may be under the mistaken impression that the entire state of Montana was on fire this summer, but let me assure you—the fires have not destroyed the beauty and value of our public lands. Under title III, counties can use funds to acquire easements to provide for nonmotorized access to public lands for hunting, fishing and other recreational purposes and to acquire conservation easements. These options are very important in states like Montana where growth is gradually shutting off access to public lands and eliminating important fish and wildlife habitat. These provisions will give counties the tools to make sure that we are able to pass the West's outdoor heritage on to our children and grandchildren.

This photo here is of Eric and Brittany Sharpe, children of Terry and Craig Sharpe of Helena. Eric and Brittany's dad is the head of the Montana Wildlife Federation, an organization that works non-stop to try to make sure that our children will be able to enjoy Montana's great fish and wildlife resource just as we do today.

Mr. President, let us never lose sight of the real reason we do the work we do. Let us never lose sight of the children or ever forget for even a moment that we have a moral obligation to pass this place on to them in as good a shape or better than we found it.

Finally, counties may also use funds to establish and conduct forest-related after school programs. Mr. President, the Washington Post recently reported that 20 percent of all children in America are left unattended after school. In Montana, which has one of the highest incidents of parents having to work multiple jobs just to make ends meet, this number may be even higher. What is clear is that children are less likely to get into trouble, less likely to commit acts of violence, if they are involved in after school programs. In my mind, this provision gives us a tremendous opportunity to work with our most precious asset—the youth—and to give them opportunities to learn about our forests and to gain hands-on experience in working on matters relating to our forests.

I was very pleased to be able to add these important options to a bill that is critically needed to ensure the fair treatment of our rural counties. I urge my colleagues in the Senate to acknowledge the vital importance of these efforts and to give this bill, and the rural counties of America, their full support.

Mr. President, before I close, I want to take a moment to elaborate on two issues that were addressed in a colloquy between myself, Senator WYDEN and Senator BOXER.

First is the question of whether a county can choose to allocate funds to both title II and title III in the same year. As should be clear from that colloquy, the bill has been drafted so that counties may choose to send their funds to either title II or title III in any given year, but not to both.

Mr. President, I submit for the RECORD a legal memorandum from Janet A. Poling, Associate General Counsel for the U.S. Forest Service, which reaches the same conclusion about the effect of the language in S. 1608 as modified by the managers amendment. I ask unanimous consent that a copy of this legal memorandum be printed in the RECORD following this statement.

Second is the question of the role of the Resource Advisory Committees in administering funds that a county wishes to expend under title III. As should be abundantly clear from the language of S. 1608 as amended and from the colloquy between myself, Senator WYDEN and Senator BOXER, the Resource Advisory Committees are intended to have only an advisory role on projects under title III. In short, counties are to have full discretion to spend title III funds for the purposes enumerated under title III without any restrictions or limitations placed upon them by the Resource Advisory Committees.

Mr. President, a second legal memorandum from the Associate General Counsel for the U.S. Forest Service reaches this conclusion based on the plain reading of S. 1608 as modified by the managers amendment. Mr. President, I ask unanimous consent that a copy of this legal memorandum be printed in the RECORD following the first legal memorandum that I submitted for the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF AGRICULTURE,
OFFICE OF THE GENERAL COUNSEL,
Washington, DC, September 12, 2000.

Informational Memorandum for Anne Keys, Deputy Under Secretary for NRE

From: Janet A. Poling, Associate General Counsel, Natural Resources.

Subject: Request for Legal Interpretation of Section 102(d)(1)(B) in the Manager's Amendment dated September 8, 2000, for S. 1608, the "Secure Rural Schools and Community Self-Determination Act of 2000."

Issue: This memorandum responds to your request for our legal interpretation of section 102(d)(1)(B) in the manager's amendment dated September 8, 2000, for S. 1608. You have asked whether an eligible county can elect to use the balance of its funds for a combination of the listed purposes or whether an eligible county can use the funds for only one of the listed purposes.

Discussion: Section 102(d)(1)(B) of the subject manager's amendment provides:

"(d) EXPENDITURE RULES FOR ELIGIBLE COUNTIES.—

(1) IN GENERAL.—Of the funds to be distributed to an eligible county pursuant to subsection (c)—

(A) not less than 80 percent but not more than 85 percent of the funds shall be expended in the same manner in which the 25-percent payments are required to be expended; and

(B) at the election of an eligible county, the balance of the funds not expended pursuant to subparagraph (A) shall—

(i) be reserved for projects in accordance with title II;

(ii) be spent in accordance with title III; or

(iii) be returned to the General Treasury in accordance with section 302(b)."

We interpret subparagraph (B) as allowing an eligible county to choose to use the balance of its funds for only one of the three listed purposes. The provision would not allow counties to use the funds for a combination of the purposes. For example, an eligible county could elect to reserve the funds for projects in accordance with title II or to spend the funds in accordance with title III, but could not allocate funds for both purposes.

Summary: Section 102(d)(1)(B) would allow an eligible county to choose to use the balance of its funds for only one of the three listed purposes.

U.S. DEPARTMENT OF AGRICULTURE,
OFFICE OF THE GENERAL COUNSEL,
Washington, DC, September 13, 2000.

Informational Memorandum for Anne Keys, Deputy Under Secretary for NRE.

From: Janet A. Poling, Associate General Counsel, Natural Resources.

Subject: Request for Legal Interpretation of Section 302(a) in the Manager's Amendment dated September 8, 2000, for S. 1608, the "Secure Rural Schools and Community Self-Determination Act of 2000."

Issue: This memorandum responds to your request for our legal interpretation of section 302(a) in the manager's amendment dated September 8, 2000, for S. 1608. You have asked whether a participating county may use county funds under the Title III on projects that have not been recommended by a resource advisory committee.

Discussion: Section 302(a) provides:

"(a) LIMITATION OF COUNTY FUND USE.—County funds shall be expended solely on projects that meet the requirements of this title and section 205 of this Act except that: the projects shall be approved by the participating county rather than the Secretary concerned."

Section 302(b) provides for the authorized uses of "county funds" as that term is defined in section 301(2). Section 303 terminates the authority to initiate projects using county funds at the end of fiscal year 2006.

Section 302(a) also limits the use of county funds to projects that meet the requirements of section 205. Although the reference to section 205 is ambiguous, section 302(a) is most reasonably interpreted as requiring participating counties to submit their proposals for the use of county funds to the appropriate resource advisory committee for review in accordance with section 205(b)(1). We see nothing in the bill that requires approval of a proposed project by a resource advisory committee as a prerequisite for the use of county funds by a participating county. Our interpretation is based in part on the proviso in section 302(a) that places the final decision making authority for the use of county funds with the participating county. Additionally, Title III does not contain procedures similar to those in Title II regarding projects recommended by resource advisory committees.

Summary: We see nothing in the bill that requires approval of a proposed project by a resource advisory committee as a prerequisite for the use of county funds by a participating county.

Mr. BAUCUS. Mr. President, in closing, let me thank the bill's sponsors and all of the Senators who have exerted so much effort on the behalf of our rural counties. Especially, let me thank Senators WYDEN and CRAIG who have worked so hard to answer concerns that were raised by me and by other Senators, and who should receive full credit for the passage of this fine legislation.

Mr. President, I would like to draw attention to the determined efforts of my friend and colleague from Oregon, Senator RON WYDEN, on behalf of rural counties. Senator WYDEN has worked tirelessly to ensure that counties with federal lands get a fair deal. As we all know, counties containing large amounts of public lands are not able to raise sufficient revenues from taxes since the federal government is not required to pay state or local taxes. Recognizing that this is fundamentally unfair to these counties, Congress has tried for some time to rectify this situation by providing funding from revenue generated on our public lands from payments in lieu of taxes in an effort to make the counties financially whole.

Unfortunately, as revenue from our national forests has decreased, so too have the payments to counties. This has been seriously disruptive to counties across the West. Fortunately, Senator WYDEN stepped in with a creative solution that insures that counties have the option to receive much more steady funding. The bill now before us, S. 1608, recognizes both the value of these public lands and the needs of the affected counties. It is a wise compromise which allows counties the freedom to choose the plan that best serves their needs.

Mr. WYDEN. Thank you for your very kind words, Senator BAUCUS. The compromise legislation before us would not have been achieved without the wise counsel and experience of the senior Senator from Montana, my good friend, Senator BAUCUS. He has made substantial contributions to this bill, particularly in developing title III and in championing the need for adequate funding for the prevention and fighting of wildfires, like those that have ravaged the West and his own State of Montana this summer.

Mr. BAUCUS. I thank my distinguished colleague from Oregon. Mr. President, I would like to say just a few comments about title III of S. 1608. Senators WYDEN and CRAIG agreed to include title III in this bill at my request. I felt that it was very important that counties have flexibility, not only in how their funding is determined but also in how it is spent. This is why I proposed title III of this bill, and I am very pleased that the sponsors of the bill have accepted it.

As explained by my colleague Senator WYDEN, under this bill, each year, counties may spend 15-20 percent of their funding either on title II projects or on title III projects. There has been some debate about whether counties should be able to "mix" funds in a given year between title II and title III. Regardless of whether it would be a better policy to allow such mixing to occur or to maintain the current separation between titles II and III, it is clear that, as drafted, S. 1608 will not allow such mixing to occur. And while this may not be a perfect solution, rarely is any legislation passed by Congress that could be characterized as "perfect."

Mr. WYDEN. Again, let me thank the senior Senator from Montana for his work on title III, and add that I agree with his interpretation of the separation between titles II and III. I would also express my willingness to continue to work with him to assure the effective implementation of this legislation, particularly of titles II and III.

This is just one of countless issues that we have grappled with as we have strived to make this bill as fair and responsive as possible to the needs of our rural counties. We have made giant strides in improving this legislation, and I thank all the Members who have been willing to put aside their differences and work in a bipartisan effort to make this possible.

Mr. BAUCUS. Mr. President, let me talk for a moment about the purposes of title III. As originally drafted, S.

1608 focused primarily on activities occurring on federal lands. Title III was an effort to give counties the option to focus on activities that are not necessarily "on" federal lands, but that clearly relate to federal lands.

First, under title III, counties may use the funds as reimbursement for search, rescue and emergency services, including firefighting performed on federal lands and paid for by the county. Mr. President, after the ravages of the recent fires in Montana, some of which are still burning, it is abundantly clear that counties desperately need this funding for both fire prevention and fire fighting. Counties that are stretching to make ends meet for basic services, such as road building and funding schools, simply can't afford to suddenly incur the massive costs associated with fighting wildfires. I am pleased that we were able to change this bill to make sure that counties in Montana and across the West could get much-needed funds for firefighting this year and in future years.

For similar reasons, I drafted title III to allow counties to use the funds to reimburse their expenses for search and rescue operations performed on federal lands and for the salaries and benefits of county employees who supervise adults or juveniles performing mandatory community service on public lands.

Second, under title III, counties may use the funds to acquire easements to provide for nonmotorized access to public lands for hunting, fishing and other recreational purposes and to acquire conservation easements. These options are very important in states like Montana where growth is gradually shutting off access to public lands and eliminating important fish and wildlife habitat. These provisions will give counties the tools to make sure that we are able to pass the West's outdoor heritage on to our children and grandchildren.

Third, counties may use funds to establish and conduct forest-related after school programs. Mr. President, the Washington Post recently reported that 20 percent of all children in America are left unattended after school. In Montana, which has one of the highest incidents of parents having to work multiple jobs just to make ends meet, this number may be even higher. What is clear is that children are less likely to get into trouble, less likely to commit acts of violence, if they are involved in after school programs. In my mind, this provision gives us a tremendous opportunity to work with our most precious asset—the youth—and to give them opportunities to learn about our forests and to gain hands-on experience in working on matters relating to our forests.

Finally, under title III, counties can use the funds for fire prevention and county planning.

These activities are vitally important. I've heard from many counties in Montana who have said that they could prevent loss of life and property if they had funding available to educate new homebuilders about where to build or not build their houses to reduce their exposure to wildfires and to make sure that emergency equipment can get to their homes. And the same thing is true with respect to the materials that homes are built out of and the manner in which homes are landscaped. Homeowners need to know that a house built in the woods should have a roof made out of tin or some other material that won't burn. Seemingly aesthetic decisions can make the difference between a home and ashes during a year like this one, and counties need funding to expand this type of awareness.

The same basic reasoning applies to county planning. Counties should have the funds available if they want to pass an ordinance requiring homeowners to clear brush away from their homes. this can help protect lives not only of homeowners, but also of the firefighters who will be called in to extinguish burning structure fires. This can allow counties to focus their emergency crews on problems that could not have been prevented. As written, this provision will also allow counties to fund other planning and zoning efforts to minimize the impact that unfettered development can have on our forests and streams. By providing local communities with the tools to address these types of problems, it is my sincere hope that this title will diminish the conflicts that occur around our public lands and will help ensure that our children and grandchildren can continue to enjoy these lands and the fish and wildlife that they support well in to the future.

Mr. WYDEN. I thank the senior Senator from Montana for his thorough explanation of the provisions he helped craft, which became title III of the bill.

Mr. BAUCUS. Mr. President, before I conclude, I just want to say a brief comment about the relationship between title III and the Resource Advisory Committees formed under title II. Unlike the projects in title II, the projects in title III are essentially local concerns. While they relate to the lands that are held in trust for the American people, the title III projects are not in any sense "federal" projects. Items such as county planning and zoning have always been seen as local matters and it is not the intent of this legislation to change that framework.

For that reason we have not given the Resource Advisory Committees the same role in title III as they have in title II. Under Section 204(a) of the bill, the Secretary may make a decision to approve a project only if it is submitted to the Secretary by the Resource Advisory Committee. By contrast, under title III, the counties approve the projects and the Resource Advisory Committee serves in an advisory capacity.

Mrs. BOXER. Senator WYDEN, it is my understanding, along with our colleague from Montana, that under section 302(a), counties must meet the purposes of title III and section 205. You will note that section 205 explicitly does not give the Resource Advisory Committees the power to either "approve" or "disapprove" projects. Rather, under section 205, the Resource Advisory Committees are given the power to "review" and "propose" projects. This is critical distinction. Because, while we want the Resource Advisory Committees to be involved—as indeed we want all members of the interested public involved—we do not wish for the Resource Advisory Committees to in any sense "drive" or "control" or "limit" the use of title III funds. These funds are set aside for the counties and the counties should use them in their best discretion.

Mr. WYDEN, would you agree that this is the intent of the bill?

Mr. WYDEN. Yes, that is the correct interpretation of the bill's language and intent. The purpose of S. 1608 is to increase both county funding and county choice. Unlike projects under title II, the role of the Resource Advisory Committees is much more limited under title III and is limited to an advisory role.

Mrs. BOXER. Because the legislation does not specify the timing for Resource Advisory Committee review of projects, is it the intent of the Senator from Oregon that the Resource Advisory Committee review projects in a timely manner?

Mr. WYDEN. That is correct. It is my intent that a Resource Advisory Committee would review projects in as expeditious a manner as possible, but that in any event, the failure of a Resource Advisory Committee to review a project in a timely manner would not under this bill be grounds for denying a county the ability to move forward with it.

Mrs. BOXER. And is it also your intent, Senator WYDEN, that projects under title III may be submitted by the Resource Advisory Committees, the public or the county itself?

Mr. WYDEN. Yes, that is correct. No one is excluded from submitting projects under this bill.

Mr. BAUCUS. Thank you, Senator WYDEN, for those responses to the questions from the Senator from California.

In closing I would like to reiterate my admiration for the valiant efforts of the senior Senator from Oregon on behalf of this bill and rural counties. He has spent countless hours working to create this legislation and to ensure that it passes through the Senate, and should be recognized as a true hero to rural America. I urge my colleagues in the Senate to acknowledge the critical importance of this work and to give this bill, and the rural counties of America, their full support.

Mr. LOTT. Mr. President, I would like to begin my comments by commending the determined efforts of my friends from Oregon, Senator RON WYDEN, and my friend from Idaho, Senator LARRY CRAIG, on Behalf of rural counties. I would like to ask my colleague from Idaho a few questions about S. 1608. First, I am concerned about the composition of the resource advisory committees in section 205(d) of the bill. The bill identifies 3 groups of community interests that must be represented, and provides examples in each group. Is it the mangers' intent that the Secretary concerned will pick a representative from each example interest if that interest resides in the local area served by the advisory committee?

Mr. CRAIG. Yes it is our intent that the Secretary would select an individual from each example group in each of the three categories of community interests listed in section 205(d) when representatives of that group are interested in the management of the public lands overseen by a particular advisory committee.

Mr. LOTT. Let me ask a second question. Is it your view that the language of section 102(d)(1)(B) and section 102(c)(1)(B) allows the counties to divide their project funds between title II and title III projects as they choose?

Mr. CRAIG. The plain language of these sections provides such flexibility. I agree with some who have stated that would be the best policy, and the language would provide such an opportunity. I will leave it to the implementing agencies to decide how to best express the flexibility provided by these sections of statute.

Mr. LOTT. Thank you. Now I have a final question. Do the advisory committees function in much the same way in reviewing title II and title III projects?

Mr. CRAIG. The bill language in titles II and III provides that they will function in much the same way, with a few differences. First, they are advisory to the Secretary in title II and to the relevant county in title III. In neither case do they actually approve projects, but their recommendation is required. If there is no recommendation under title II the money will ultimately be returned to Treasury under the terms of section 209. If there is no recommendation under title III, the counties can ultimately spend the money on title III projects under the terms of section 303. It is my expectation that the authority of neither of these sections will be required. I believe that the resource advisory committees will find consensus in developing and recommending title II and title III projects with the respective Secretaries or counties as the case may be.

Mr. LOTT. I thank the Senator for these clarifications, and hope that the affected agencies will implement this law accordingly.

Mr. DASCHLE. Mr. President, today the Senate is passing S. 1608, the Secure Rural Schools and Community Self-Determination Act of 2000. This legislation will provide counties dependent upon the federal timber program with critically-needed funding to support education, road-building and other county programs.

I want to commend Senator WYDEN in particular for his leadership and hard work on this legislation. He tirelessly engaged in months of discussions with our Republican counterparts, the administration and fellow Democrats to develop a bipartisan, compromise piece of legislation that will provide stability to timber-dependent counties for years to come.

Since early in the last century, counties with significant federal land-holdings have received 25 percent of the revenue earned from timber sales on those lands. Since federal lands cannot be taxed, these funds provide counties with a critical source of revenue to maintain schools and roads.

Over the past decade, it has become clear that counties can no longer depend upon these funds. In many areas, the timber program has declined or ceased altogether, reducing revenue that counties depend up to make ends meet. As a result, many counties have had to cut educational programs for children significantly. While counties in the Black Hills of South Dakota continue to receive adequate funding under existing laws, recent challenges to the timber program in South Dakota and elsewhere have made it clear that we must have a safety net for all timber-dependent counties.

No child's education should be dependent upon the federal timber program. S. 1608 severs that link by providing counties with the option of choosing a set payment based upon timber revenues they received in the past or continuing with the current formula. This choice will provide counties with the continuity and funding they need to provide a quality education for children in their schools.

I'd like to take a few minutes to highlight some important provisions of this bill. Like any product of compromise, it is not perfect, and there are sections that I would like to see changed. Nonetheless, we cannot continue to sacrifice the education of schoolchildren while we debate this bill. We need to move forward.

First, 85 percent of the funds made available by this bill go directly to counties to fund roads and schools. These funds are generally equivalent, or greater to, the amount of funding that counties receive today. Additionally, it gives counties a choice of how to spend the remaining 15 percent. Remaining funds can either be used by counties to fund projects on federal lands, as described in Title II, or to fund county projects described in Title III such as search and rescue programs. If neither of these two options is chosen, the fund are returned to the Treasury.

While I am pleased that counties will have a choice of how to use the remaining 15 percent of funds, I have some reservations about the requirements on the use of Title III funds. Given the fact that these funds are used for programs normally carried out by counties, such as education and search and rescue operations, it would be preferable to leave these responsibilities in the hands of county commissioners who are elected to make these decisions. Therefore, if this issue is considered in the future, I hope that we can take another look at the process for approving Title III projects.

Once again, I'd like to commend Senator WYDEN, Senator CRAIG, Senator BAUCUS, Senator BINGAMAN, Senator BOXER and Senator TORRICELLI for their thoughtful consideration of this legislation.

Mr. LOTT. Mr. President, today marks the passage of S. 1608, the Secure Rural Schools and Community Self-Determination Act of 2000.

This bill is a promising example of bipartisanship and what can be accomplished when members of this body work together. Senator WYDEN and Senator CRAIG have worked furiously over the past year to put together a bill that gives relief to communities in economic stress due to changes in management on our Federal lands. Our national forests need the involvement of Federal, State, and local interests to restore ecosystems, provide stewardship opportunities and maintain forest infrastructure. This bill attempts to bring people together to solve land management issues, working to create healthy forests and healthy communities.

S. 1608 will create resource advisory committees with representatives from across the spectrum, to develop stewardship projects on their surrounding Federal lands. These projects, after approval from the Secretary, will create jobs for local people, and healthy forests for all.

As we watch our forests go up in smoke all over the west, and parts of the south, we are reminded how important healthy forests are to all of us. S. 1608 provides resources for healthy communities and forests.

By providing the mechanism, and the stable payments for counties to fund their local infrastructure, roads will be maintained, fire departments will be staffed and prepared, and rural communities will once again feel secure in knowing their families will be protected, because their community infrastructure is in place and has a stable source of funding.

S. 1608, the Secure Rural Schools and community Self Determination Act is a critical step toward guaranteeing adequate educational funding for forest communities, while ensuring a stable, consistent source of general treasury funding for ecosystem restoration, forest infrastructure maintenance and stewardship projects on our national forest land. Parents will see a substantial increase in the amount of money directed toward education in public schools. We have counties in this country who have been forced to reduce the school week to 4 days, eliminate after-school activities like band and athletics, because of a lack of money to fund the schools. S. 1608 works to remedy this problem by sending more money to these counties for the education of their children. In my home state of Mississippi, the timber industry is the lifeblood of many of these small counties.

We hear people say everyday that our children are our future. I will say it again today—our children are our future, and S. 1608 secures the education of our children in many of the communities in desperate need of help.

I care deeply about the health of this country's communities, schools, and forests, and therefore, I commend the valiant efforts of Senator CRAIG and Senator WYDEN for their work on S. 1608. I yield the floor.

Mr. CRAIG. Mr. President, I ask unanimous consent the amendment be agreed to, the committee substitute amendment be agreed to, the bill be read the third time and passed, the motion to reconsider be laid upon the table, the amendment to the title be agreed to, and that any statements related to the bill be printed in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4139) was agreed to.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 1608), as amended, was read the third time and passed.

(The bill will be printed in a future edition of the RECORD.)

The title was amended so as to read: "A bill to provide stability and predictability to the annual payments made to States and counties containing National Forest System lands and public domain lands managed by the Bureau of Land Management for the benefit of public schools and roads and to enhance the health, diversity and productivity of federal lands."

The PRESIDING OFFICER. The distinguished Senator from Oregon.

Mr. WYDEN. Mr. President, I will be very brief. I thank my colleagues, particularly Chairman CRAIG, Senator GORDON SMITH, who was so extraordinarily helpful, Senator BINGAMAN, Senator BAUCUS, Senator BOXER, and many of our colleagues who put in a great many hours on this legislation.

Frankly, 18 months ago, they said it could not be done. This legislation 18 months ago was an ideological magnet for those who wanted to debate natural resources policy. Senator CRAIG and I said this legislation, which funds basic services in rural America for schools, roads, and other essential services, was beyond that kind of discussion. It was too important to try to settle all of the divisive issues about natural resources on this legislation.

I am very pleased this bipartisan legislation has been passed because this legislation sends a strong message that it is not right for Federal policies to turn rural communities into economic sacrifice zones. I believe this reinvents the relationship between local communities and the Federal lands that are so important to them. It will ensure that we can provide for the economic livelihood of folks in rural communities, but also it ensures that in the future we are going to focus on watershed restoration and conservation easements and a wide variety of measures that are going to protect ecosystems.

I thank my colleague who is on the floor, Chairman CRAIG. As I said, 18 months ago no one would have thought that we could be here tonight with this extraordinarily important legislation for rural America.

I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Idaho.

Mr. CRAIG. Mr. President, I ask unanimous consent to proceed for no more than 1 minute. I want to respond to my colleague.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized.

Mr. CRAIG. Mr. President, I will briefly respond to my colleague from Oregon in relation to the legislation about which he has just spoken. I certainly agree with him. He and I, working together—I as chairman of the Forestry Subcommittee, he as the ranking member—saw and recognized a crisis in the rural communities of America that were once named timber dependent because they had derived a share of their revenue to fund their schools, roads, and bridge funds from the revenue of timber receipts which have faded dramatically. We began to work together on a resolution of the problem, and tonight we have brought that to the floor.

I certainly agree with Senator WYDEN. It was contentious at times, but we saw the need to respond to what literally had become a national crisis in rural resource-dependent communities across our country.

Well over 4,000 school districts and nearly 50,000 children were victimized by actions or policies that failed to recognize that we had to adjust law and/or change policy or we were simply going to find these school districts beyond their capacities not only to fund but to educate. It was also true with counties' roads and bridge funds.

The legislation that has just passed the Senate tonight sets us in a direction of resolving that problem and bringing about a resolution through a collaborative process at the local level between so many stakeholders who have legitimate concerns and interests as to how the natural resources of our public lands be managed.

I am so pleased that we could work toward an end that we have arrived at tonight that is embodied in S. 1608. We still have work to do in adjusting our public policies to bring about the kind of balance we need.

As the Presiding Officer well understands, rural America, be it agricultural policy or resource policy, finds itself with very real problems today. It is going to be incumbent upon some of us in this body to try to address those problems, both in the adjustment of policy and certainly in the recognition of the necessary resources to help these communities. Tonight, in part, we will have responded to that need.

AUTHORIZATION OF DOCUMENT PRODUCTION

Mr. CRAIG. Mr. President, I ask unanimous consent the Senate now proceed to the immediate consideration of Senate Resolution No. 356 submitted earlier by Senator LOTT and Senator DASCHLE.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 356) to authorize documentary production by Select Committee on Intelligence.

There being no objection, the Senate proceeded to the immediate consideration of the resolution.

Mr. LOTT. Mr. President, the Select Committee on Intelligence has received a request from the Federal Bureau of Investigation for a certified copy of the testimony of former Director of Central Intelligence John M. Deutch during a February 22, 2000 closed committee hearing, in connection with the Bureau's pending inquiry into the alleged improper handling of classified information by Mr. Deutch.

This resolution would authorize the chairman and vice chairman of the Intelligence Committee, acting jointly, to provide the certified copy of the closed hearing transcript in response to this request, utilizing appropriate security procedures.

Mr. CRAIG. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and a statement of explanation be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 356) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 356

Whereas, the Federal Bureau of Investigation has requested that the Senate Select Committee on Intelligence provide it with a certified copy of the testimony of former Director of Central Intelligence John M. Deutch during its closed February 22, 2000 hearing, in connection with a pending inquiry into the alleged improper handling of classified information by Mr. Deutch;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by the administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that documents, papers, and records under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Vice Chairman of the Senate Select Committee on Intelligence, acting jointly, are authorized to provide to the Federal Bureau of Investigation, under appropriate security procedures, a certified copy of the transcript of its closed February 22, 2000 hearing.

ADRIAN A. SPEARS JUDICIAL TRAINING CENTER

PAMELA B. GWIN HALL

KIKI DE LA GARZA UNITED STATES BORDER STATION

JAMES H. QUILLEN UNITED STATES COURTHOUSE

Mr. CRAIG. Mr. President, I ask unanimous consent the Senate now proceed en bloc to consider the following naming bills reported by the Environment and Public Works Committee: Calendar No. 719, H.R. 1959; Calendar No. 720, H.R. 1729; Calendar No. 721, H.R. 1901; Calendar No. 722, H.R. 4608.

I further ask consent that the bills be read the third time and passed, the motions to reconsider be laid upon the table, that any statements relating to any of these bills appear in the RECORD, with the above occurring en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bills (H.R. 1959, H.R. 1729, H.R. 1901, and H.R. 4608) were read the third time, and passed.

WELCOMING THE PRIME MINISTER OF INDIA

Mr. CRAIG. Mr. President, I ask unanimous consent the Senate now proceed to the immediate consideration of S. Res. 357, submitted earlier by Senator BROWNBACK and Senator WELLSTONE.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 357) welcoming Prime Minister Atal Bihari Vajpayee, Prime Minister of India, upon his first official visit to the United States, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CRAIG. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and finally any statements relating to the resolution be printed in the record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 357) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 357

Whereas the United States and India are two of the world's largest democracies that together represent one-fifth of the world's population and more than one-fourth of the world's economy;

Whereas the United States and India share common ideals and a vision for the 21st century, where freedom and democracy are the strongest foundations for peace and prosperity;

Whereas the growing partnership between the United States and India is reinforced by the ties of scholarship and commerce and, increasingly, of kinship among our people;

Whereas the million-strong Indian-American community in the United States has enriched and enlivened the societies of both the United States and India, and this community provides a strong bond between India and the United States and is playing an important role in deepening and strengthening cooperation between India and the United States; and

Whereas the visit to the United States of the Prime Minister of India, Atal Bihari Vajpayee, is a significant step in the broadening and strengthening of relations between the United States and India: Now, therefore, be it

Resolved, That the Senate hereby—

(1) welcomes the Prime Minister of India, Atal Bihari Vajpayee, upon his first official visit to the United States;

(2) pledges its commitment to the expansion of ties between the United States and India, to the mutual benefit of both countries; and

(3) recognizes that the visit of the Prime Minister of India, Atal Bihari Vajpayee, to the United States is a significant step towards broadening and deepening the friendship and cooperation between the United States and India.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President with the request that he further transmit such copy to the Prime Minister of India, Atal Bihari Vajpayee.

AUTHORIZATION FOR APPOINTMENT BY THE PRESIDENT PRO TEMPORE

Mr. CRAIG. Mr. President, I ask unanimous consent the President pro tempore of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort the Prime Minister of India into the House Chamber for the joint meeting on Thursday, September 14, 2000.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 106-48

Mr. CRAIG. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following convention transmitted to the Senate on September 13, 2000, by the President of the United States: Joint Convention on the Safety of Spent Fuel and Radioactive Waste Management (Treaty Document No. 106-48); I further ask that the convention be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith, for Senate advice and consent to ratification, the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, done at Vienna on September 5, 1997. Also transmitted for the information of the Senate is the report of the Department of State concerning the Convention.

This Convention was adopted by a Diplomatic Conference convened by the International Atomic Energy Agency (IAEA) in September 1997 and was opened for signature in Vienna on September 5, 1997, during the IAEA General Conference, on which date Secretary of Energy Federico Peña signed the Convention for the United States.

The Convention is an important part of the effort to raise the level of nuclear safety around the world. It is companion to and structured similarly to the Convention on Nuclear Safety (CNS), to which the Senate gave its advice and consent on March 25, 1999, and which entered into force for the United States on July 10, 1999. The Convention establishes a series of broad commitments with respect to the safe management of spent fuel and radioactive waste. The Convention does not delineate detailed mandatory standards the

Parties must meet, but instead Parties are to take appropriate steps to bring their activities into compliance with the general obligations of the Convention.

The Convention includes safety requirements for spent fuel management when the spent fuel results from the operation of civilian nuclear reactors and radioactive waste management for wastes resulting from civilian applications.

The Convention does not apply to a Party's military radioactive waste or spent nuclear fuel unless the Party declares it as spent nuclear fuel or radioactive waste for the purposes of the Convention, or if and when such waste material is permanently transferred to and managed within exclusively civilian programs. The Convention contains provisions to ensure that national security is not compromised and that Parties have absolute discretion as to what information is reported on material from military sources.

The United States has initiated many steps to improve nuclear safety worldwide in accordance with its longstanding policy to make safety an absolute priority in the use of nuclear energy, and has supported the effort to develop both the CNS and this Convention. The Convention should encourage countries to improve the management of spent fuel and radioactive waste domestically and thus result in an increase in nuclear safety worldwide.

Consultations were held with representatives from States and the nuclear industry. There are no significant new burdens or unfunded mandates for the State or industry that should result from the Convention. Costs for implementation of the proposed Convention will be absorbed within the existing budgets of affected agencies.

I urge the Senate to act expeditiously in giving its advice and consent to ratification.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *September 13, 2000*.

ORDERS FOR THURSDAY, SEPTEMBER 14, 2000

Mr. CRAIG. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 11 a.m. on Thursday, September 14. I further ask unanimous consent that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of H.R. 4444, the PNTR China legislation as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. I further ask unanimous consent the two leaders have an extra 10 minutes each for purposes of morning business during tomorrow's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. CRAIG. For the information of all Senators, at 11 a.m. tomorrow the Senate will resume consideration of the China PNTR legislation. Under the order, there are 10 amendments remaining for debate and up to 6 hours of general debate remaining on the bill. Those Senators with amendments in order are encouraged to work with the bill managers on a time to debate those amendments. Senators should be aware that votes will occur throughout the day.

As a reminder, Senators should be in the Senate Chamber by 9:30 a.m. tomorrow to proceed as a body to the Hall of the House of Representatives at 9:40 to hear an address by the Indian Prime Minister.

ORDER FOR ADJOURNMENT

Mr. CRAIG. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand adjourned under the previous order, following the remarks of up to 10 minutes of Senator GRASSLEY and up to 60 minutes of Senator JACK REED on the subject of China.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—H.R. 2090

Mr. CRAIG. Mr. President, I understand H.R. 2090 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

> A bill (H.R. 2090) to direct the Secretary of Commerce to contract with the National Academy of Sciences to establish the Coordinated Oceanographic Program Advisory Panel to report to the Congress on the feasibility and social value of a coordinated oceanographic program.

Mr. CRAIG. Mr. President, I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

TECHNICAL CORRECTIONS TO S. 1374

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H. Con. Res. 394, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

> A concurrent resolution (H. Con. Res. 394) directing the Secretary of the Senate to make technical corrections in the enrollment of S. 1374.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. CRAIG. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 394) was agreed to.

The PRESIDING OFFICER. The distinguished Senator from Iowa is recognized.

MARKETING OF VIOLENT FILMS AND VIDEOS

Mr. GRASSLEY. Mr. President, today the Commerce Committee had an oversight hearing on violence marketed to children by the entertainment industry. This oversight is long-overdue. I congratulate Senator MCCAIN for holding such a hearing.

The purpose of the hearing was to look at the FTC study that just came out that charged the entertainment industry with marketing of violent films and videos to children.

The bottom line is that as we have heard President Clinton and Vice President Gore respond to the FTC rulings, there is an inconsistency in their responses and how they have generally interacted with Hollywood over the last 8 years.

I establish as a basis for my remarks some quotes from the various newspapers of the recent month and a half. For instance, on September 12, the Washington Post, commenting on this, said:

> In separate time zones, but with one message, President Clinton and Vice President Gore delivered a joint threat to the entertainment industry today that harsh regulation could come if the makers of explicit and violent movies, recordings and video games do not stop advertisement at children.

I continue to read from the same story in the Washington Post. Later on it says:

> But Gore has not always appeared consistent on this issue. In 1987, as he was gearing up for his first presidential campaign, Gore and his wife held a meeting with rock music executives in which Gore apologized for his role in a 1985 Senate Commerce Committee hearing on rock music lyrics. A tape of the meeting was obtained by Daily Variety. Tipper Gore, who had testified at the hearing on behalf of the Parents Music Resource Center, called the hearing "a mistake. . .that sent the wrong message."
>
> Last year, the Los Angeles Times reported that Gore met privately with potential donors in the entertainment industry in July 1999 and told them the idea for the FTC study—

Which I just referred to—

> was Clinton's and not his, and that he was not consulted.

Then on August 18, the Chicago Tribune shows an inconsistency in how they react and work with Hollywood at different times. It says:

> In southern California, records show, Gore and the Democratic National Committee so far have raised $10.3 million—a 13 percent increase—at a time when the DNC's nationwide fundraising pace is lagging behind 1996, when Clinton ran for re-election.

Quoting further in the article:

> Gore generated $443,050 in hard money from the entertainment industry, 86 percent more than Clinton in 1996. He also took in $340,375 from lawyers and lobbyists, a 66 percent increase, and $124,350 from real estate interests, an 82 percent jump.

Now I will quote from the August 18 Los Angeles Times. The reference in the headline reads: ". . .The Vice President is building upon that legacy" to follow Clinton's close relationship with Hollywood. "He has already raised more than the President did in '96."

Later on in that article, referring to a person whom I do not know—his name is Reiner:

> But Reiner . . . has expressed greater support for Gore than he had for Clinton. He has hosted fund-raisers for Gore at his home, stumped for him on television and even flew to Ohio to join him at a campaign event last week.

A reference to the fact there were Hollywood types campaigning strongly for the Vice President because there was some chagrin in Hollywood, at least for a short period of time, about whether he is a legitimate crusader against Hollywood violence, which Senator LIEBERMAN is, that he was being selected as Vice President.

The Los Angeles Times reports on August 17, 2000—and this was Vice President GORE doing this.

> The effort to blunt any dissent over Lieberman's selection started as word leaked out of his ascension to the ticket. Gore, according to an associate, made a round of soothing calls to Hollywood figures, including moguls Jeffrey Katzenberg and David Geffen.

I have already congratulated Senator McCAIN for holding this hearing. We need to do what we can to stop violence being peddled by Hollywood so our young people do not think it is right to kill anybody. I do think it is wrong for the very people who are carrying on this crusade—the Vice President and the President—schmoozing at the same time they are carrying on this campaign with Hollywood.

I want to comment on Vice President GORE's curious interest in criticizing the entertainment industry for producing violent movies, television shows, and video games that promote immorality and attack traditional family values.

I do not doubt for 1 minute, as I have already indicated, that Senator LIEBERMAN is very sincere in his views on this matter, but the fact is that the Vice President is at the top of the Democratic ticket, and everyone knows that he will set the real tone should he be elected in November.

The fact is that the Vice President has taken a record amount of money from the entertainment industry. I refer, again, to the Chicago Tribune. The Vice President and the Democratic National Committee have raised $10.3 million from southern California as of August this year, a 13 percent increase over 1996, and the Vice President has gotten $443,050 in hard money from the entertainment industry, 86 percent more than President Clinton received in 1996.

The Clinton-GORE administration has been a real friend to the Hollywood liberals over the years. I guess all of those campaign contributions have had some effect. I think that when Hollywood producers hear one of their best friends in Washington criticize the entertainment industry, they just look to their "cozy relationship" with Clinton-Gore. The Hollywood moguls know GORE does not really mean what he says; at least that is a clear signal. Hollywood knows GORE does not really want to "rock the boat."

For instance, how many times at these fundraisers that they had was the opportunity taken to protest the violence coming from Hollywood through their films and their videos?

According to the L.A. Times, the Vice President privately told a group of Hollywood donors that he had nothing to do with President Clinton's effort to study whether Hollywood markets violence to children and that he was not consulted on the issue. That was in 1999.

But now that the study is out—this study came out this week—Vice President GORE is talking it up and taking credit. The Vice President is acting as if he has not made private promises to his big campaign donors and to Hollywood notables that they should not worry about a crackdown on Hollywood excesses. But we have heard all of this before.

In 1988, then-Senator GORE made similar promises after holding hearings into offensive music lyrics. It appears the Vice President will say what he wants to say, what he needs to say, to anybody he needs to say it to, just to get elected. I think the American people will not be fooled by these kinds of bait-and-switch tactics. They know a phony act when they see one.

In fact, Hollywood liberals are actively campaigning for the Vice President. For example, according to press reports, stars and movie producers have hosted GORE fundraisers, and some have even stumped for GORE around the country. So much then for standing up to Hollywood as opposed to schmoozing with them.

The American people need their leaders to take a genuine interest in building a civil society of which we can all be proud. We need leaders who will make sure children are protected from violence and immorality peddled under the guise of entertainment.

What we do not need is the Vice President telling the American people one thing while—with a wink and nod towards Hollywood, towards the big shots of the movie industry—assuring the Hollywood elite he does not mean what he says as he pockets their cold cash.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Rhode Island is recognized.

PERMANENT NORMAL TRADE RELATIONS WITH CHINA

Mr. REED. Mr. President, we have, for many days, been debating the momentous decision of extending permanent normal trade relations with China.

At the essence of our debate is a very simple question: Will we continue a policy of economic engagement with China or will we turn away? I believe we have to continue this policy of engagement. We have pursued this policy for almost 30 years. It has contributed to profound change in China. But it has not transformed China into a classical liberal democracy. It has not led to the establishment of a multiparty democracy, with an independent judiciary protecting the rights of China's people, particularly the rights of expression. It has not cramped China's policy which supports the proliferation of weapons of mass destruction. But it has placed China on a very different historical trajectory than could have taken place.

This notion of the change brought in China came to me with great force last August when I was traveling through China. I was at Dandong on the Yalu River. We were looking across into North Korea. One of our guides pointed out that in the 1950s and early 1960s, North Korea had a higher per capita income. North Korea was seen as the model of socialist development in Asia. North Korea had had a heavy industrial sector that was competitive with many parts of the world.

Yet today—at that time last year—we were peering into a country that was starving, that had an economic system in collapse, that we were concerned could be so unstable they could threaten the peace of the region.

They did not choose the trajectory of international trade. They did not choose the path of engagement with the West. One can ask: Had China gone that route, had we not tried to engage China, would we be facing today a country with over 1 billion people hermetically sealed in an economically failing and ideologically driven country, armed with nuclear weapons? If we were confronting such a country, I think we would be much worse off than we are today, even with the frustrating and uneven relationship that we have—and we must admit we have—with China. So I believe that we must continue this policy of engagement, which is at the heart of the extension of permanent normal trade relations.

China is now a part of the world and the world economy, but it is also still China. It is a mixture of modernity and also a mixture of the old, indeed, the ancient.

One of the examples that I have seen in China—this one occurred just a few weeks ago when I was traveling there again—is the contrast in Wuhan. Wuhan is a city on the Yangtze Sea in China. It is an old city, not like the new cities on the coast such as Shanghai and other cities. It is in some respects the Pittsburgh of China. It is a highly intense, heavily industrial city. You can tell that from the extraordinarily bad air pollution.

There are two companies we saw. One was the Wuhan Iron and Steel Company. It is right out of the industrial age. Andrew Carnegie would have been right at home, except for the 386 computers that were running the facility.

Then we saw another factory, the Yangtze Fiber Optic Company. It could have been in Silicon Valley in California, producing fiber optic cable, producing it to world standards. Initially, it was a product of investment by the Dutch company Phillips, now it is a wholly owned enterprise by Chinese owners. These are the examples of the economy—the old and the very modern.

In addition to that, when you go out into the villages, you see perhaps the truly ancient. As you drive through China, you see individuals hammering away, as they have for thousands of years, repairing bicycles with hammers and not much else. You see farming activities that could go back thousands of years. It is a diverse country. But it is a country that has been profoundly affected by change in its contact with the West over the last several decades.

The other factor that is being seen as a result of this contact is the pressures within China generated by this change. We sometimes, and quite rightly, look to the effects on the United States by this trade deal. We presume that the only effects that are felt in China are positive, are beneficial, that in fact they are not going to make difficult choices and decisions. In fact, the reality is they are already seeing the effects of this change, of this contact with the West.

In the New York Times recently, there was an article about a factory in China where the workers, who were being let go because of the consolidation of this factory by their Western owners, were seizing the management, were blockading the facility, were effectively revolting from the effects of international trade.

There are examples of violence where inefficient state-owned mines and enterprises are threatened with closure and workers are literally rising up to demand that these facilities remain open.

So this change has also affected China. This change is recognized by the leadership. I had the opportunity to meet with Zhu Rongji, the Premier, while I was there just a few weeks ago. They understand very well that economic change will lead to political change. They might not welcome it. They might indeed try to avoid it. But they know that political forces, as well as economic forces, are unleashed when markets are open. That is one of the effects we will see through this extension of permanent normal trade relations.

For many reasons, I believe to step away would be a mistake. It would immediately embolden those who are our most bitter antagonists within China. It would, in many ways, take away the legitimacy of those forces in China, not liberals, but pragmatists who have sought a relationship with the West, and the United States in particular, that emphasizes trade over hostility, that emphasizes engagement over conflict.

To step away would also allow industrial nations around the world to take the benefits of our deal, the benefits of our bilateral relationship, the benefits of open trade with China, while we ineffectively try to use our abstention, our veto of China's entry into WTO, as very ineffectual political leverage to move them.

To step away would also represent a serious rupture in our relations with China that could not be explained away as merely a dispute about trade, the technicalities of trade. It would harden attitudes and opinions within China and, indeed, here in the United States at a time when we need a constructive and candid dialogue about our differences. And our differences are real. In order to discuss these differences, in order to maintain this dialogue, the extension of PNTR is essential.

It is quite evident at this juncture that a majority of my colleagues in the Senate find these reasons compelling, and PNTR will pass. But looking ahead, we should, at this point, be very cognizant of the possible consequences of PNTR. It will not be a panacea. It will not change China overnight. It will not lead to a huge increase in American exports to China. It will, in fact, create consequences that we may find very difficult. In fact, one of the points I tried to raise with Premier Zhu Rongji is that our expectations of China after PNTR will collide with the reality of China and may, indeed, usher in a period of more tension rather than less.

Now China wants desperately to be part of this commercial system that is made up of the United States and our major trading partners—for want of a better term, "first world" countries—all in precise terms, all carrying a sense of who the players are. But this system has some embedded values with which the Chinese will have to come to grips.

Our system emphasizes the protection of property rights. It also emphasizes the expectation of the regularity of governmental action. That is a polite term for "no corruption." That is at the heart of our trading system. China has to come to grips with that.

Moreover, I do not believe China can divorce itself from even more fundamental values that are part and parcel of the world outside of developing countries. They start with respect for human rights, which is at the core of our democratic values, and they include protections for workers and the environment. We may have been unsuccessful in getting into these agreements, with force and with effect, language regarding human rights and worker rights and environmental rights, but no country or economy in the world can operate indefinitely today without recognizing these rights. In a world of increasingly transparent borders, the lessons of the economic, social and, indeed, one would say, moral success which has steadily improved the life of those who live in market economies in the West, do not escape the people in China and the people around the world. To the extent that they open themselves up to trade, they open themselves up to exposing these values to their own people.

China has a monumental task as they embrace this notion of free trade. It is not a one-way street. It is a two-way street. They face the task of transforming a system that is seriously undermined by persistent corruption, that pays scant respect to individual rights, that chooses order over law, and is obsessed with the need to keep millions of people working in an economy dominated by inefficient state-owned enterprises. Add to those domestic problems that are real and palpable the fear that internal disorder will lead to the exploitation of China by outside forces, a situation that dominated Chinese history in the last century and up until the 1940s.

In one respect that is one of the major reasons why they are militarily provocative in many ways to us, because to us they look as if they want to, perhaps figuratively, take over the world. In China, they recognize that recently their country was divided by Americans, by British, by Germans, and that their country was ruled by others rather than themselves. All these forces are at play.

The tremendous challenge to transform this country, the fear of their own security as a nation, because of these realities, we should not be surprised if China promises today more than it intends or even can deliver tomorrow with respect to these agreements.

In an article in the American Prospect, James Mann, who is a very astute observer of China, pointed out that we frequently develop perceptions about China that are different than the reality of China. Many perceive China today as this modern country that is an economic monolith of force, of incredible production, a force of endless and cooperative labor. They also see it as a monolithic political system, with the Communist party dominating, that is capable of turning on a dime, turning the switch left or right. The reality is more complicated.

The Chinese Communist Party plays the central role in the country, but it is an institution with internal factions. Some favor engagement with the West. Some disfavor it. Some harken back to the Maoist Cultural Revolution as the zenith of China. Others, quite properly—I hope the majority—reject that as a fantasy. But it is also a central authority that is constantly challenged by its provinces, constantly challenged by local political leaders. The modernity of China is so evident, if you go to Shanghai, if you go to Hong Kong, certainly since it has not been absorbed back into mainland China. This modernity rapidly diminishes as you go away from the coast, as you go to the older cities, Wuhan and Shenyang, which years ago was known as Mukden, and as you travel to the small villages. Even with the wholehearted support of the leadership and the commitment of the party, it is hard to make things change.

Mann relates a meeting between President Nixon and Mao Zedong in 1973. President Nixon opened with a bit of flattery by saying:

> The Chairman's writings have moved the nation and have changed the world.

Mao, without missing a beat, retorted:

> I haven't been able to change it. I have only been able to change a few places in the vicinity of Beijing.

The power, the capability, the willingness of China to change is questionable. But we know with the advent of WTO, even without WTO, with the continued pressure of interaction internationally, China will have to change. It has to reform inefficient industries while it still tries to maintain current employment and create 18 million jobs a year for new entrants into the labor force. This task alone has led to angry and sometimes violent conflict. It has to overhaul its justice system. It has to root out corruption. It also has to convince a very cynical population, particularly cynical about the Communist Party, that their future is going to be better rather than worse.

This is not an apology of China. This is, I hope, a statement of the reality of the challenges they face and the challenges that we have to understand as not only trading partners but as major powers in this world together.

In this collision between faithful implementation of WTO rules and the prospect of profound change that faces China, the Chinese leadership will be more than tempted to delay or undermine or misconstrue WTO rules. That, I would posit, is a very high probability. When this happens, ironically the business community that is descending upon us today to open up China, to get China into WTO, will descend upon us with equal force and say: Get tougher. And even without scrupulous adherence to the WTO, change is going to come to China. If this change further exacerbates the plight of millions of workers, the leadership could embark on a strongly nationalistic and assertive foreign policy as a means to galvanize support, to distract a disenchanted public from economic shortfalls. This could lead to more proliferation, more bellicose threats to Taiwan, the kind of military rumors that we all find disconcerting when it comes to China.

Having said all this, having painted a picture of what, in my view, are some of the realities of China, and having very little confidence that this arrangement will be adhered to scrupulously and fairly and routinely and quickly, one might ask: Then why do it?

We might not be getting a lot out of PNTR. Indeed, by voting for PNTR, we may only be trading the certainty of hostility for the chance to continue a relationship that is frustrating at best. But this relationship is critical to stability in the region and around the globe. For this reason, national security reason, if you would so describe it, this opportunity for stability, opportunity for time to work out some of these very fundamental problems is worth the effort.

We should also understand, as I have described the rigorous change that might come to China, that this agreement will not be painless for the United States. There will be economic sectors, communities, families who will see their lives changed. We hope for the better, but we know that change works both ways. Industries are less competitive in certain cases. Products can be produced more efficiently, more effectively, more cheaply overseas, displacing American workers. So we have to recognize, too, that our response to this issue is not simply passing this legislation this week. It is continuing our efforts, indeed, redoubling our efforts to ensure that we have an education system in the United States that can prepare people for this world of intense competition, that we have a health care system that will allow families, particularly children, to have access to the best care in the world, that we will have a disciplined fiscal policy in this country that will provide the foundation, along with sensible monetary policy, for the continued expansion of our economy so that those economic benefits can flow not only to the very few but to all Americans.

Our task is not to reject PNTR. Our task, if we accept PNTR, which I suspect we will, is to ensure that our efforts are directed to improve the quality, the competitiveness, the abilities of our workers. When we do that, we will have much less to fear about the disruptive change that will come through PNTR.

Now, I have spent some moments speaking about the major themes I see emerging with respect to PNTR in relationship to China. Let me take a few more moments to talk about the tangible aspects of this legislation before us. This legislation is unlike other trade arrangements that I have debated and voted upon, specifically regarding NAFTA, where we were lowering our tariff barriers and opening our markets, and we were looking at a comparable lowering of barriers in Mexico.

This is a situation where our markets are already open to China. Our markets have been open for years. This is the first time, though, we have had meaningful tariff reduction by the Chinese, meaningful elimination of nontariff barriers by the Chinese, opening up of a broad range of American industry—industrial, service industries, all of them—so that they can enter into China, allowing our companies to operate without necessarily having Chinese partners, allowing our companies to have their own distribution systems within China. This is a deal, economically, that represents concessions by the Chinese in terms of tariff barriers, nontariff barriers, entry of American business, and investment with very little, if any, concessions on our part because the reality is we have already, in effect, made those concessions years and years ago.

The agreement binds tariff rates that China will charge on our goods because of the WTO framework, so that it can't unilaterally raise the tariffs. As I mentioned before, it covers a broad array of American products, banking, insurance, telecommunications, business, and computer services—all of which have had a difficult time getting into China. It also attempts to protect in a very meaningful way potential surges in goods of China coming in to the U.S. It allows us to use some domestic dumping tools that we already have in our legal inventory. It has gone a long way to try to counteract a surge of Chinese products coming in.

But opponents, and indeed proponents, of this legislation point out an inescapable fact: We are running huge trade deficits to the world and, in particular, China. These trade deficits are something we have to deal with. Coincidentally, today, it was just announced that the trade deficit has hit an all-time high. It continued to break records this spring as foreigners kept pouring investment into the American economy and Americans stepped up their buying of foreign goods. We have a huge problem with our trade deficit. It is a ticking time bomb. China is a big part of it, but China is not the only part of it.

Interestingly enough, a rapidly increasing percentage of American imports now comes from nations where wages are actually higher than in the United States—including Switzerland, Germany, Denmark, Sweden, and Austria. They all enjoy booming exports from the United States. The current stereotypical thinking is that cheap wages in China is why they proliferate all their goods, and that is our problem; we are competing the heck out of the old European countries. But it turns out that is not the case either. In this world, company productivity, efficiency, quality in the workforce, and to be productive are just as determining.

My point in all of this is that we have a trade deficit, but it is not solely, exclusively a function of China. I believe the response to that is not rejecting PNTR. It is first recognizing consciously the difficulty and beginning consciously and deliberately with respect to all of our trading partners to get more American products into their markets, to properly look at the techniques they are using to get their goods into our market, and to, in effect, look at this problem not as a Chinese problem but as an American problem. And it will be an American problem if we do not pay sufficient attention. It will be manifested in a sudden and rapid deterioration of our currency if enough forces come into play.

At present, we are living in a world in which the security of the American market, the attractiveness of our investments, rules and regulations of the SEC, and a host of other things, make America a safe haven, a place where you want to put your money. But there may come a day when investors—and not principally Chinese investors, but others—decide they are going to start selling American currency short because they can put the money elsewhere.

Now, we have all seen the benefits of trade with China. I have seen it in Rhode Island. It has been growing from a very small base to a moderately larger base, and it continues to grow. In fact, years ago, one of the first glimpses I had of the global economy was going to an Italian parade on Federal Hill in Providence, RI, meeting a gentleman with whom I chatted. I took him to be a jewelry worker or somebody who worked in the plant. It turns out he owned that business in Rhode Island. We were chatting and he asked me, "Have you ever been to China?" That was 5 or 6 years ago. Then, he casually said he owned an aerosol factory in Beijing. So I knew when you go to an Italian festival in Providence and chat with a businessman and he owns an aerosol factory in China, the world is getting much smaller. It is happening all across the country.

What we have tried to do in this agreement—we, the negotiators—is to recognize that some of our products that are very dear to the hearts of our economy will get some benefits. For example, on precious metals and jewelry—a huge part of the Rhode Island economy and still an important part—China will reduce its tariffs from 40 percent to 11 percent. That, we hope, will help. In terms of information technology products, that is something we would like to be a bigger part of the Rhode Island economy, but it is a growing part. China will eliminate all duties on computers, electronics, fiber optic cable, as well as on scientific and measuring equipment. We have some of the oldest industrial measuring companies in the world, such as Browne and Sharpe; they, too, will benefit. And there are several more products where we can see advantages that will accrue directly to my home State of Rhode Island.

Also, there is just a general benefit to the businesses and workers of America. It is very much manifested in small- and medium-size businesses because they are doing more and more trade with China. It has doubled in the last 5 years from about 3,100 small- and medium-size businesses trading with China to about 7,600 trading today. That should increase even more. Part of this arrangement in the President's proposal in terms of making PNTR work is making the Department of Commerce more active in promulgating trade with China—going out and educating small- and medium-size businesses about the advantages of trade with China, and show them through web sites and informational brochures how to get into the Chinese market. Once again, I believe—and maybe this is the essence of our mutual faith in this country—that once our businesspeople and our workers have the idea and the knowledge to go out and do something, they are going to do it and do it very well.

As I mentioned previously, we have already built in some protections against inevitable, or at least possible, surges of Chinese imports into our country. We have special provisions that will last 12 years, which deal with market disruptions and will not be limited to any one product but to all the products the Chinese may export to this country. We also will still have access to sections 301 and 201, and antidumping mechanisms that are American laws, but the Chinese have agreed to allow them to be used in this transition and in this implementation of PNTR and WTO.

Congressman LEVIN of Michigan, as part of the bill we are considering today, has also created an executive-legislative commission that will oversee not only the trade impact but also the human rights issues that have been raised time and time again on this floor. This commission will be another vantage point from which we can assess and evaluate our relationship with China and their fidelity to the agreements they have signed.

The long and the short of it is that this is an agreement in its details which gives advantages to the United States which will help us and which I believe should be supported.

We are at a point where this measure I believe will pass. We are at a point at which we are embarking on a continuation of our relationship with China, but again a relationship that is still troubling to many.

PNTR will not cure all the defects we see in China, nor eliminate all the defects they see in the United States. But it will continue to give us a framework to be engaged. It will continue to give us the opportunity and the time to work at some of these very fundamental problems. It will challenge the Chinese in many respects to do as much as we will be challenged —some would argue, even more.

We, fortunately, have a system of government that is not dominated by a bureaucratic—and one would say anachronistic—single party. We have a citizenry that is educated. We have social networks. We have Social Security. We have Medicare.

China—which is one of the ironies of that great socialist bastion—has no system of national health care, has no system of pensions, has no system of Social Security. It is all tied into the terribly inefficient state-owned enterprises. And if they try to change these state-owned enterprises, they are going to have to create, in effect, a social welfare system, which we already have in place.

But I also don't want to minimize the fact that in the lives of many American families, this legislation could force change. But the opportunity to continue this engagement, the opportunity to insist that the Chinese not only participate in a world order but be responsible for values of that order, is an opportunity I don't think we can pass up at this time.

I will support this measure. I also look forward to the opportunity to come back here again when, in implementation, we see that they fall short; when, in implementation, they see us as falling short; but just the opportunity, and I think to be able to have a forum to carefully discuss these issues. It is better than turning away from China. It is better than inducing hostilities. It is better than the alternative.

Mr. President, I yield the floor.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

The PRESIDING OFFICER. In accordance with the previous order, the Senate now stands adjourned until 11 a.m. on Thursday, September 14.

Thereupon, the Senate, at 8:25 p.m., adjourned until Thursday, September 14, 2000, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate September 13, 2000:

THE JUDICIARY

RICHARD W. ANDERSON, OF MONTANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MONTANA VICE CHARLES C. LOVELL, RETIRED.

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. WILLIE A. ALEXANDER, 7252

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. CAROLE A. BRISCOE, 8823

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. DAVID J. KAUCHECK, 3284

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. DANIEL F. PERUGINI, 0634

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. JEFFREY J. SCHLOESSER, 3460

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JOHN E. STEVENS, 5894

To be brigadier general

COL. RICK BACCUS, 5697
COL. ABNER C. BLALOCK JR., 0594
COL. JOHN M. BRAUN, 5088
BRIG. GEN. GEORGE A. BUSKIRK JR., 3156
COL. JAMES R. CARPENTER, 2966
COL. CRAIG N. CHRISTENSEN, 3064
COL. PAUL D. COSTILOW, 2786
COL. JAMES P. DALEY, 2270
COL. CHARLES E. FLEMING, 2330
COL. CHARLES E. GIBSON, 2195
COL. MICHAEL A. GORMAN, 3651
COL. JOHN F. HOLECHEK JR., 4313
COL. MITCHELL R. LECLAIRE, 4067
COL. RICHARD G. MAXON, 0268
COL. GARY A. PAPPAS, 3580
COL. DONALD H. POLK, 3019
COL. ROBLEY S. RIGDON, 7740
COL. CHARLES T. ROBBS, 6993
COL. BRUCE D. SCHRIMPF, 2945
COL. THOMAS J. SULLIVAN, 4948
COL. BRIAN L. TARBET, 0965
COL. GORDON D. TONEY, 1990
COL. ANTONIO J. VICENS-GONZALEZ, 8687
COL. WILLIAM L. WALLER JR., 7603
COL. CHARLES R. WEBB, 2951
COL. WILLIAM D. WOFFORD, 5170
COL. KENNETH F. WONDRACK, 1587
COL. RONALD D. YOUNG, 3292

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. WILLIAM J. DAVIES, 1673
BRIG. GEN. GEORGE T. GARRETT, 4718
BRIG. GEN. DENNIS A. KAMIMURA, 1117
BRIG. GEN. BRUCE M. LAWLOR, 3844
BRIG. GEN. TIMOTHY E. NEEL, 6895
BRIG. GEN. LARRY W. SHELLITO, 2025
BRIG. GEN. DARWIN H. SIMPSON, 3156
BRIG. GEN. EDWIN H. WRIGHT, 8891

To be brigadier general

COL. GEORGE A. ALEXANDER, 7321
COL. CHARLES C. APPLEBY, 4826
COL. TERRY F. BARKER, 9468
COL. JOHN P. BASILICA JR., 4126
COL. WESLEY E. CRAIG JR., 6586
COL. JAMES J. DOUGHERTY JR., 1953
COL. RONALD B. KALKOFEN, 1783
COL. EDWARD G. KLEIN, 3085
COL. THOMAS P. LUCZYNSKI, 9915
COL. JAMES R. MASON, 7632
COL. GLEN I. SAKAGAWA, 0978
COL. JOSEPH J. TALUTO, 0598
COL. THOMAS S. WALKER, 7835
COL. GEORGE W. WILSON, 5766
COL. IRENEUSZ J. ZEMBRZUSKI, 9839

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. HERBERT L. ALTSHULER, 8024
BRIG. GEN. RICHARD E. COLEMAN, 5494
BRIG. GEN. B. SUE DUEITT, 9342
BRIG. GEN. MICHAEL R. MAYO, 3841
BRIG. GEN. ROBERT S. SILVERTHORN JR., 7380
BRIG. GEN. CHARLES E. WILSON, 7188

To be brigadier general

COL. MICHAEL G. CORRIGAN, 8444
COL. JOHN R. HAWKINS III, 7069
COL. GREGORY J. HUNT, 9933
COL. MICHAEL K. JELINSKY, 5149
COL. ROBERT R. JORDAN, 4761
COL. DAVID E. KRATZER, 9689
COL. MICHAEL A. KUEHR, 0757
COL. BRUCE D. MOORE, 8071
COL. CONRAD W. PONDER JR., 4071
COL. JERRY W. RESHETAR, 0799
COL. BRUCE E. ROBINSON, 2520
COL. JAMES R. SHOLAR, 6553
COL. EDWIN E. SPAIN, 8277
COL. STEPHEN B. THOMPSON, 2012
COL. GEORGE W. WELLS JR., 9978

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

DAVID L. LADOUCEUR, 1171

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

JEFFREY N. ROCKER, 0332

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 5582:

To be commander

JERRY C. MAZANOWSKI, 2968
ROBERT L. SCHETKY, 7174
ANTHONY C. SMITH, 8681

To be lieutenant commander

WILLIAM D. AGERTON, 0239
KARIE F. ANDERSEN, 9165
OCTAVIO A. BORGES, 1254
JOHN T. CONTRERAS, 8053
KARINE M. CUIHETON, 5345
JUDITH M. DICKERT, 1028
STEPHEN M. GILL, 0737
MARTHA K. GIRZ, 8980
VANCE M. GOOCH, 1337
JORGE A. GRAZIANI, 7383
KURT A. HENRY, 0403
JEFFREY J. LAUGLE, 1742
GERARD J. MAHONEY, 1183
MARK A. MALAKOOTI, 7082
FREDERICK J. MCDONALD, 6635
MARY A. MCMACKIN, 8379
WILLIAM R. MEEKER, 4532
CHRISTOPHER S. QUARLES, 7614
RICHARD L. SIEMENS, 8968
BRADLEY H. SMITH, 9855
PATRICIA A. TORDIK, 0296
TODD L. WAGNER, 7682

To be lieutenant

DAVID R. APPEL, 3515
BRAD L. ARTHUR, 0858
ALBERT R. BAKER, 9241
DAVID G. BAPTISTA, 4299
JOEL D. BASHORE, 2941
JERRIS L. BENNETT, 5432
TIMOTHY J. BERGAN, 9129
WILLIAM G. BERRY, 1047
LEAH A. BERSAMIN, 7747
MICHAEL B. BEZA, 1305
BRIAN A. BISHOP, 0948
SHELLY R. BLADOW, 1135
MARC E. BOYD, 5745
ERIC K. BRESSMAN, 6123
STEPHEN P. BROMBEREK, 3577
ANNE M. BROWN, 1174
DEIRDRE L. BROWN, 3785
SARAH A. BROWNE, 3711
SHAWN J. BRUNELLE, 1996
CHARLES R. BULL JR., 0879
JAMES E. CARSTEN, 8380
SUSAN D. CHACON, 1048
CHRISTINE A. CHAMBERS, 8646
ROSEANNA A. CHANDLER, 8837
CARMEN D. CHRISTIAN, 4372
CYNTHIA K. CHRISTIAN, 8784
WANDA A. CORNELIUS, 5994
CHRISTOPHER J. CORVO, 7352
CHRISTOPHER D. COURTLEY, 0018
WILLIAM C. COZZA, 7783
JOHN M. DANIELS, 1903
WILLIE P. DANIELS, 1794
WILLIAM C. DEATON, 8363
EVELLYN DECAAL, 6267
PHILIP M. DECKER, 9679
JOYCE M. DOYLE, 4934
DWAYNE D. DUCOMMUN, 1342
JUNIUS DURAL JR., 4352
JOHN E. ECKENRODE, 3753
THOMAS C. ENGLAND, 8394
RUEL G. ENRIQUEZ, 5115
BENEDICT H. EU, 5134
EDWARD J. FIORENTINO, 8383
DAMIAN D. FLATT, 0123
MICHAEL T. FLEETWOOD, 5609
ALFONSO FLORES, 3849
BEN T. FOSTER, 9198
NATHAN T. FRANCIS, 1670
DON S. FURUKAWA, 3086
PETER D. GALINDEZ, 8697
KENDRA LEE K. GASTRIGHT, 3927
ALLEN COLLEEN M. GLASER, 6921
TODD S. GLASSER, 3750
DEBORAH L. GOODWIN, 0094
CHARLES E. GREENERT, 2300
ELIZABETH L. GREENWOOD, 8622
JAMES E. GRIMES, 9966
MARC F. GUARIN, 9138
AMBERLY M. HALL, 2644
ISTVAN HARGITAI, 8380
FREDDIE R. HARMON, 5474
JOHN A. HELTON, 5948
CHRISTOPHER H. HERR, 5286
MARK C. HOLLEY, 4788
MARY M. HUPP, 1459
STEPHEN B. JACKSON, 7288
PATRICK E. JANKOWKSI, 7308
SANDRA K. JOHNSON, 6401
CHRISTOPHER L. JONES, 8568
ELISABETH B. JONES, 1531
LAUREN E. JONES, 4017
SHARI F. JONES, 9187
TIMOTHY F. KEETON, 8885
TERESA L. KIESSLING, 6328
ERIN C. KOON, 3489
VENNESSA LAKE, 2698
TIMOTHY G. LAMB, 1120
LUCIAN C. LAURIE, JR., 6738
RANDALL K. LIMBERG II, 9612
JAMES A. LINK, 2094
STEVEN L. LOBERG, 0882
JAMES M. LUCCI, 4984
PETER M. LUNDBLAD, 4502
ANGELA R. MACON, 5236
STEVEN R. MARSHALL, 6951
CHRISTOPHER A. MARTINO, 3297
ROBERT F. MASSARO, 2326
CHARLES G. MCKINNEY, 2151
JON A. MELLIS, 0106
DENNIS I. MILLS, 3995
MARK S. MORRELL, 7472
THOMAS M. MOSKAL, 3699
CHRISTOPHER T. MURPHY, 7386
DORIS J. NEDVED, 3715
JUANITA NEIL, 2478
JOSEPH H. NEUHEISEL, 3030
GREGORY G. NEZAT, 1275
ERIK R. NILSSON, 3830
KEVIN M. NORTON, 0859
CATHERINE L. OCONNOR, 0651
CRAIG R. OLSON, 6227
LISA A. OSBORNE, 0845
NORMAN C. OWEN, 5710
JACQUELINE R. PALAISA, 0910
IMELDA L. PAREDES, 7272
ANANT R. PATEL, 6397
JEFFREY M. PAUL, 5914
JOHN C. PROFERA, 6536
VANE A. RHEAD, 4657
RONALD RIOS, 7198
WILMA J. ROBERTS, 2602
JON P. RODGERS, 3615
CHRISTOPHER ROPER, 6991
THOMAS D. RUTLEDGE, 5263
RODNEY L. SANDERS, 1017
DAVID R. SAUVE, 4094
THOMAS SCHLATER, 1815
MICHAEL S. SEATON, 3999
WANDA L. SELLERS, 7898
REDENTOR P. SESE, 4336
ERIC J. SIMON, 7505
JAMES A. SINCLAIR, 9358
NATHAN D. SNIPES, 7565
RHONDA K. STELL, 7827
LENWOOD P. STEWARD, 3939
ROBERT W. STOVER, 6904
JOHN R. SUDDUTH, 3635

JON M. TAYLOR, 6775
JOHN B. THEISZ, 4171
MICHAEL VECERKAUSKAS, 7428
DOUGLAS S. VELVEL, 0784
TODD A. WANACK, 7676
JAMES R. WATTS, 3739
MARK D. WEAVER, 9221
BRUCE J. WEBB, 2315
JERRY P. WEBB, 6504
GLORIA A. WHITMIRE, 1089
WAYNE R. WILCOX, JR., 0421
ROBERT R. WILLIAMS, 6503
LELITIA D. WOOTSON, 0138
KATHERINE A. ZECH, 9809

To be lieutenant (junior grade)

DOUGLAS J. ARNOLD, 8653
HEATHER E. BALDWIN, 9436
PAUL V. BANDINI, 3430
MICHAEL R. BENSCH, 8239
DAVID S. BRINSON, 1820
MARK J. BROWNFIELD, 5627
LENN E. CARON, 9184
NOEL W. COLON, 4458
BRENNA C. CONWAY, 7904
CHRISTOPHER C. CRONINGER, 1043
SEAN P. DALTON, 5683
JASON K. EDGINGTON, 7363
CHRISTOPHER A. FOTOS, 2340
GORDON J. GLOVER, 5689
JEAN A. GREGG, 2952
ALEX R. GRIEG, 7865
ERIKA D. HARDING, 5518
DAMON B. HEEMSTRA, 9454
KHARY W. HEMBREE, 3285
SCOTT HERMON, 2899
FERDINAND C. HERRERA, 5940
BRETT D. INGLE, 7392
BARRY L. JAMES, JR., 3830
SHERRI L. LANEJOHNSON, 0158
RUSSELL G. LAWRENCE, 2264
JEFFREY D. LENGKEEK, 4786
SANTO MCADOO, 5590
MICHAEL D. MCCORKLE, 7567
SAUL MONTES, 8408
BRENDAN G. MURPHY, 0740
RYAN L. NATIONS, 5327
MICHAEL K. OBEIRNE, 0027
RACHEL A. PERRY, 7496
JASON M. PICARD, 4527
KATHRYN L. PINEDA, 3074
ROGER L. PIRKOLA, 7020
RUSSELL C. RANG, 1021
LARA A. RHODES, 4317
LUIS RIOSECO, JR., 5812
THOMAS F. ROBBINS, 7920
JAMES M. ROBERTSON, 0789
LAURIE SCOTT, 3153
JOSEPH D. SEARS, 2524
LEONARD W. SIMMONS, 0922
PRUDENCE Y. SLOWE, 1914
SCOTT M. SMALL, 5734
SEAN G. SMITH, 0977
ROBERT W. SPEIGHT, 1824
SUSAN B. SPERLIK, 0634
FRANCIS J. STAVISH, 1694
DUDE L. UNDERWOOD, 3499
LANA L. VANVOORHEES, 2384
LYNN D. VAUGHN, JR., 7338
DONALD R. VOELBEL, 4569
LETITIA R. WHITE, 8473
JAMES WHYTE IV, 4177
RONALD A. WOODALL, 7231

To be ensign

JAMES S. CARMICHAEL, 1331

EXTENSIONS OF REMARKS

MINIMUM WAGE COMPROMISE

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. BEREUTER. Mr. Speaker, I submit for my colleagues the following editorial, from the September 7, 2000, edition of the Norfolk Daily News. This editorial highlights the letter sent by House Speaker DENNIS HASTERT to the President both on the minimum wage and on small business tax cuts. In particular, this editorial recognizes the Speaker's efforts towards compromise on this.

[From the Norfolk Daily News, Sept. 7, 2000]

A COMPROMISE—HOUSE SPEAKER HASTERT OFFERS METHOD TO REACH DEAL ON MINIMUM WAGES

House Speaker Dennis Hastert says he believes it possible for congressional Republicans and the Clinton administration to reach agreement on the minimum wage issue.

The White House and Democrats on Capitol Hill had sought a minimum wage increase of more than the dollar over a two-year period that many Republicans believed acceptable. Mr. Hastert's colleagues wanted that spread over a three-year period. They have relented.

The compromise outlined by Mr. Hastert includes a tax package that would benefit the small businesses most affected by changes in the minimum wage scale. Therefore, its risks of broader adverse economic effects are reduced.

Given the fact that current employment conditions mean the minimum wage is less frequently the starting wage today, the impact may be limited. There is still the risk, though, that the figure is high enough that employers can be discouraged from hiring the unskilled and marginal workers most in need of job opportunities.

Raising mandatory minimums is a dangerous political exercise. Politicians cannot create jobs on a lasting basis, but they can easily destroy them and harm the economy by trying to fix wages in the private sector. So it is important that their perennial tendency to raise them be moderated. Mr. Hastert's effort is in that spirit, and it is a test of President Clinton's willingness to reach a reasonable compromise.

TOWN OF MEDFIELD ANNIVERSARY

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. MOAKLEY. Mr. Speaker, I wish to acknowledge the Three Hundred and Fiftieth Anniversary of the Town of Medfield, Massachusetts and in so doing reference the fine historical research of Richard DeSorgher in compiling a perspective of the Town's history.

Mr. Speaker, in the month of June, in the year 1650, a small group of pioneers ventured outward from the already established Town of Dedham, Massachusetts, into the wilderness seeking to build a new life for their families.

In 1651, those pioneers incorporated the Town of Medfield as the forty-third town in the Commonwealth of Massachusetts and quickly adopted the town meeting form of government that exists to this day in Medfield and in countless towns throughout the Commonwealth and the Nation.

As an inducement to participate in town meetings, it was voted that any citizen of Medfield that arrived at the town meeting after nine o'clock would be fined twelve pence. Selectmen were compensated for their public service with a free dinner, while the custodian/drummer was paid twenty shillings for his labor.

Mr. Speaker, the Town of Medfield has, since its founding and throughout its history, demonstrated the civic mindedness, sense of honor and duty, and compassion that have made this country the beacon of hope and freedom it has become to people from all over the world. The brave, and self-reliant men and women who founded America's first towns bore the hardships that were the cornerstone of the American character, and the citizens of Medfield have demonstrated that character since the year Medfield was first established.

In that spirit, when the City of Boston was blockaded by the King's Navy under the Intolerable Acts, the citizens of Medfield did not hesitate in collecting and delivering one-hundred and thirty-two pounds of pork, four hundred and two pounds of cheese, and twenty-two cartloads of wood to aid their fellow colonists in time of need.

Mr. Speaker, one hundred and fifty-four citizens of Medfield saw combat in the Revolutionary War, which at that time, reflected one out of five people of Medfield's entire population.

Throughout American history and the history of the Commonwealth, Medfield has played a prominent and honorable role. Akin to the public mindedness of their ancestors, Medfield's citizens continue to demonstrate a commitment to working together in order to enhance the public good.

Mr. Speaker, I am proud to report that the same strength, character, and perseverance that has sustained Medfield over the last three hundred and fifty years, continues unfettered to this day as is evidenced by the outstanding achievements of the town officials, and the citizens investing in their future by maintaining perhaps the finest school system in the Commonwealth of Massachusetts.

Mr. Speaker, it is my distinct honor to pay tribute and to bring congratulations and thanks to the men, women, and children of Medfield, from the United States Congress.

BILINGUAL EDUCATION

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. BEREUTER. Mr. Speaker, I submit for my colleagues this editorial from the August 23, 2000, Omaha World-Herald regarding the effectiveness of bilingual education.

[From the Omaha World-Herald, Aug. 23, 2000]

BILINGUAL ED TAKES A HIT

Ken Noonan, a California public school principal, has an interesting story to tell. It begins: I was wrong.

Noonan, whose story was related in The New York Times on Sunday, spent many years as a leading proponent of bilingual education. That's a way of educating students who enter school not knowing the English language. The theory is that these students can learn best by taking their math, science, history and other subjects in their native tongue. Over time, they make a gradual transition into English, partly as a result of studying it on the side as a second language.

Or so the theory goes.

So enamored of bilingual education was Noonan that, 30 years ago, he founded the California Association of Bilingual Educators. In the 1990s, when opponents of bilingual education proposed a ballot initiative to discontinue its use, he was one of the leaders in the fight to preserve the status quo.

"I thought it would hurt kids," he said of the ballot initiative.

But the initiative passed. In effect, students who don't speak English are required to plunge in and do their best. In the two years since the initiative took effect, test scores in the target group have risen sharply. Kids are learning English. And Noonan, who predicted that children would be hurt, now says: "The exact reverse occurred, totally unexpected." He said children are learning formal and written English "far more quickly than I ever thought they would."

Research, he said, says it takes seven years for students to learn English. In practice, they showed considerable progress in 9 to 12 months.

The Times, in its story about the higher test scores, noted that some educators are still reserving judgment. For one thing, it's uncertain how many schools made a complete break from bilingualism. Other improvements, including a reduction in class sizes, may account for some of the progress. And the overall scores, even though they rose, are still embarrassingly low.

From the experience of Noonan and others in California, however, it's possible to draw a few conclusions about the way society educates its children:

Too often the educational establishment trusts in theories, such as the theory Noonan thought justified giving students seven years to learn English, when common sense cries

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

out for more documentation. No one knows how much damage has been done by the various new maths and watered-down histories that have come along over the years in the name of making education more "progressive."

One of the worst ways to harm children is to expect too little of them. That bores them and teaches that school is of little consequence. These feelings are compounded by artificial esteem-boosting, such as the praise of accomplishments that aren't really accomplishments. This makes them feel sheepish. Challenging them with real work makes them feel the pride that can come only from growing, stretching, maturing and mastering a difficult task.

Immigrants, for the most part, want to learn English. Critics who accuse them of the contrary are generally basing their opinions on assumed or incomplete information.

Bilingual education, The Times said, took root because of strong support in Congress. Extra money was provided for bilingual programs, following the idea that government knows best.

Of course, government doesn't always know best. Just ask the founder of the California Association of Bilingual Educators. He has a story that's worth listening to in any other place where bilingual education is producing less-than-satisfactory results.

THE ARC OF MONTGOMERY COUNTY

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mrs. MORELLA. Mr. Speaker, I would like to express my appreciation and support for the Arc of Montgomery County. For the past 40 years, this organization has sponsored the Fashion Show Benefit each spring as its major annual fund-raiser event. The proceeds of this wonderful benefit go toward improving the lives of people with mental disabilities and their families. Over the years more than 20,000 people have attended this event, which has netted about $1.2 million. Throughout its history, the Arc of Montgomery County Fashion Show has been planned and organized by hundreds of dedicated volunteers, who choose a theme, produce publications, coordinate an auction, assemble elaborate decorations and market the event. The Arc of Montgomery County is proud to be associated with all the volunteers who have contributed to the event, and with the program participants who have benefitted.

Mr. Speaker, I too have been proud to be associated with the Arc of Montgomery County and their volunteers. I commend them for their outstanding achievements.

THE EISENHOWER DISTINGUISHED CITIZENS AWARD

HON. TOM BLILEY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. BLILEY. Mr. Speaker, in keeping with its policy, "the Army takes care of its own," the members of the U.S. Army and their families and friends financed and constructed the Army Distaff Hall at 6200 Oregon Avenue, Washington, D.C. The facility, designed to provide a haven for the widows of deceased military personnel, was completed in 1962. Ten years ago, the name of the facility was changed to Knollwood and a new resident policy was instituted to include retired military personnel and their spouses.

A driving force behind this successful operation was General Dwight D. and Mrs. Eisenhower. The Army Distaff Foundation, Inc. annually recognizes an individual whose contributions to the military are outstanding. The current recipient of the Eisenhower Distinguished Citizens Award is historian and author, Stephen E. Ambrose, Ph.D., and his citation is as follows:

Stephen Ambrose has devoted his whole professional life to the writing of deeply insightful accounts of critical moments in American history. From the explorations of Lewis and Clark in the early 1800's, to his works on the Civil War, the Indian Wars, and World War II, Dr. Ambrose has brought into focus the profound hardships and perils of many outstanding historical events. In doing so, he has revealed the strength, the determination, and the courage of the men and women who risked their lives to achieve the needs and the goals of our country.

Dr. Ambrose chronicled the achievements of men and women of all ranks in World War II—citizens who braved adversity to overcome the barbaric threat to the free world. In an initiative of enduring importance going beyond his historical writings, he brought into being the National D-Day Museum in New Orleans, an institution that celebrates and commemorates the American spirit, teamwork, optimism, courage, and sacrifice of the men and women who won World War II.

As a result of Dr. Ambrose's careful documentation and analysis of the major campaigns of World War II, he has been a force in the field of international education. His works have been published in numerous languages and he has lectured at nearly all the leading universities in Europe. Central to all his presentations, he has been a storyteller who vividly explains, illustrates, informs, and entertains.

Throughout his lifetime of work, Dr. Ambrose has distinguished himself in his field by showing the need for military preparedness, and by describing the achievements of American leaders, and the citizen soldiers whom they led, thereby illustrating the historical heritage of America and Americans. The nation stands in debt to this accomplished storyteller who has added so much to our knowledge of what has gone before.

TRIBUTE TO CHRISTIAN BROTHERS ACADEMY ON THE OCCASION OF ITS CENTENNIAL CELEBRATION

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. WALSH. Mr. Speaker, Christian Brothers Academy first opened its doors to 17 male students on September 4, 1900 in a house on the corner of North State and East Willow Streets in the city of Syracuse, New York. Since that time, Christian Brothers Academy, referred to locally as CBA, has grown to become a dominant force in scholastic education in Central New York as a private, Catholic, coeducational college preparatory school in the LaSallian tradition.

After opening in 1900, CBA's first structure was replaced by a three-story school building in 1904, which remained the "Brothers' Boys" home until it moved to a modern campus in DeWitt, New York in 1961. Today, that modern campus on the corner of Kimber and Randall Roads continues to be transformed. In conjunction with the school's centennial celebration, the Board of Trustees has undertaken a $7 million capital campaign to upgrade and expand the CBA campus—including the construction of a Fine Arts wing, renovation and expansion of science facilities, the addition of new classrooms and multi-media labs, and the construction of new athletic practice facilities. In addition, the campaign will provide an increased number of endowed scholarships to make CBA's strong educational program available to more needy young men and women in the Syracuse area.

Throughout its existence, Christian Brothers Academy has responded to the changing times. Junior high grades were added in 1977 in an effort to counter declining numbers with the addition of two Diocesan regional high schools, the dress code was relaxed, academic course options were implemented and females were admitted in 1987 with the closure of the all-girl Franciscan Academy in Syracuse.

While receptive to improvements, CBA has held many traditions constant. Its annual Musicale continues, and CBA remains a local powerhouse in scholastic athletics, winning a variety of sectional, state and Eastern States Catholic Schools titles in men's football, baseball, basketball and soccer, and in women's varsity swimming.

CBA graduates are successful professionals and parents residing throughout our nation, and dozens of Central New York's past and present elected leaders boast of Brothers' diplomas. As a member of the CBA Class of 1966 myself, it gives me great pleasure to recognize Christian Brothers Academy on 100 years of service to our community as we continue with "pride in our past and faith in our future." Congratulations.

HONORING MR. ARMAND AUDINI

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mrs. WILSON. Mr. Speaker, today I would like to share with you the story of Mr. Armand Audini better known as "Dini" to his co-workers. Mr. Audini has worked at the New Mexico VA Medical Center in Albuquerque New Mexico for 30 years now. Because of his dedication and loyalty, Green Thumb Inc. presented this octogenarian with the most Outstanding Older Worker award.

Mr. Audini is truly a shining example of America's mature worker who is changing the stereotypes about aging and he serves as a positive role model for our younger generation. Mr. Audini has seen his work process enter the world of "high tech" and he has met the challenge of a computerized environment admirably.

Mr. Speaker, please join me in honoring Mr. Audini's enthusiasm and commitment to today's work force. He truly exemplifies that Ability is Ageless.

IN RECOGNITION OF REFLEXITE CORPORATION'S 30TH ANNIVERSARY AND 15TH ANNIVERSARY OF THE ESTABLISHMENT OF THEIR EMPLOYEE STOCK OWNERSHIP PLAN (ESOP)

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mrs. JOHNSON of Connecticut. Mr. Speaker, I enthusiastically support Reflexite Corporation's celebration of their 30th year as a company and 15th year of the establishment of their Employee Stock Ownership Plan (ESOP). On September 16, 2000, Reflexite will celebrate many accomplishments; being a world leader in the creation of microprism retroreflective technology that is unparalleled by any other company, their fundamental commitments and excellence in technology, quality and customer service, and allowing all employees to contribute to the growth of the company through ownership. In 1985, Reflexite Corporation established its ESOP and was recently recognized as the New England ESOP Company of the Year, 2000.

Since its founding, Reflexite Corporation has achieved technological breakthroughs that continue to open new markets throughout the world. Reflexite's worldwide network of member companies also strive for excellence, service, and commitment to technological advances in the industry. Reflexite Corporation is a civic minded company, reaching out to numerous groups and individuals, improving many lives. Their success has been achieved through the hard work, creativity and determination on the part of the employee-owners. It is with great pride that I rise to recognize their tremendous accomplishments and contributions to the State of Connecticut.

THANKING GEORGE NEWMAN FOR HIS SUPPORT OF THE WWII MEMORIAL

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mrs. ROUKEMA. Mr. Speaker, I thank one of my constituents, George Newman of Oradell, New Jersey, for his magnanimous generosity in supporting the World War II Memorial being planned for construction in Washington, D.C. Mr. Newman is scheduled to present a check for $250,000 to organizers of the Memorial this Friday. This important memorial will offer our nation's thanks to the thousands of men and women who gave their lives defending freedom and opposing tyranny in the greatest battle of right and wrong we have seen in the past century. Mr. Newman, through the George W. and Amy Newman Foundation, will also contribute $100,000 to the United States Navy Memorial in Washington and $50,000 to the Submarine Memorial Association/U.S.S. Ling in Hackensack, New Jersey. In making these contributions, Mr. Newman will honor the veterans of what newsman Tom Brokaw called "The Greatest Generation," and demonstrate that he, himself, is an excellent example of what made the WWII generation great.

Mr. Newman is an excellent example of the "self-made man." Born in the Hell's Kitchen area of Times Square in New York, he earned money in his youth by running errands for the actors and actresses of the Theater District. He and his friends soon became a small bit of show business themselves, singing in a trio at the 42nd Street Shuttle subway station. One memorable Thanksgiving Day, he and his friends brought in $45 between them, prompting his father to encourage him to continue his subway singing career. He continued bringing in $15 a week throughout his youth, a large sum in those days.

Show business was not to be Mr. Newman's career, however. A job as a sign painter's helper enlightened him to the profit potential of outdoor billboards. He eventually founded Allied Outdoor Advertising Inc., which today is the leading privately owned outdoor advertising business in metropolitan New York. The company's billboards are used by many of the nation's leading major corporations to promote their products in prime advertising locations around the nation's largest city. As Mr. Newman's advertising business grew, he expanded it to take advantage of his subway experience by creating the New York Subways Co. That firm successfully bid for the right to advertise in the city's subway system and elevated train system, placing more than 26,000 advertising signs in stations across the city.

Mr. Newman's business acumen extends to real estate and transportation as well. Seeing the need for a major railroad terminal in the Meadowlands, Mr. Newman 26 years ago founded the Allied Junction Corp. and purchased the property where the new station is now being built. Similar in scale to Grand Central Station in New York, the project includes four 40-story office towers, a hotel and conference center that will create thousands of jobs and countless benefits for the people of New Jersey while at the same time addressing the region's demanding transportation needs. The project is funded in part by a $450 million federal contract secured by former Congressman Robert A. Roe, who headed the House Public Works and Transportation Committee.

The Meadowlands Chamber of Commerce has named Mr. Newman the "Man of the Year" and the Hackensack Meadowlands Development Commission has named him "Businessman of the Year," both in recognition of his contributions to the economic vitality of the community.

Mr. Newman has shared his good fortune with the community, contributing millions of dollars to charitable and community organizations in an attempt to assist the less fortunate. He has generously supported the William Carlos Williams Art Center in Rutherford, which named its theater in his honor; Holy Name Hospital, which named its cardiac diagnostic center in his honor, and the Church of St. Gabriel the Archangel medical clinic in Newark. He has also given generously to many local parishes of the Catholic Church and to Catholic schools including Don Bosco Prep High School and Bergen Catholic High School. He has made repeated gifts to the American Red Cross and the Korean War Memorial.

Mr. Newman's contribution this week to the World War II Memorial reflects a long history of military service and support for veterans within his family. His ancestors, who came to this country from England in 1630, fought in the American Revolution, the Civil War, the Spanish-American War and World War I. Mr. Newman himself served in the Navy during World War II.

Mr. Newman is also a dedicated family man, married for 60 years to his wife, Amy. The couple are the parents of two (including their son, George Jr., who died of illness many years ago), and grandparents of five.

Mr. Speaker, I ask my Colleagues in the House of Representatives to join me in thanking Mr. Newman. Once again, his record of achievement in business, his generosity in philanthropy and his willingness to help the less fortunate illustrate how he is a wonderful example of "The Greatest Generation."

SPEECH OF GENERAL ERIC SHINSEKI

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. SKELTON. Mr. Speaker, on August 11, 2000, General Eric Shinseki addressed the Military Order of the World Wars in Kansas City, Missouri. I submit his speech for the RECORD:

> Congressman Skelton—thank you for that generous introduction. It's good to be here with you this evening—thanks also for your service to our nation and the Army as the ranking member of the House Armed Services Committee. Your commitment to the national defense and your passion for the well-being of our men and women is legendary. We are indebted to you. Ladies and gentlemen—please join me in thanking Congressman Ike Skelton for his devotion to the soldiers, civilians, and family members of the Army.
>
> In this room this evening are also some other patriots who have been great supporters of our military and our veterans. Many have served our nation in war; among their numbers are those who have felt the sting of battle. But all have provided our communities the kind of leadership that has made this country what it is today. To the Kansas City Chapter of the Military Order of the World Wars, thank you for your support of our soldiers and veterans.
>
> You know, this country enjoys a unique status in the community of nations. We are a great nation, and we enjoy a vibrant and flourishing economy. No other nation enjoys

our unique status in the way that we do today. Americans enjoy these special circumstances, but many do not associate our national strength and our economic health with the readiness and professionalism of our military forces. The fact is, however, that you don't get to be a great power with the world's leading economy without also having a world class military that is respected by our allies and feared by our adversaries. Our military forces enable the great nation status enjoyed by the American people. No one understands or appreciates the importance of that link better than those who have defended this wonderful country of ours in war or those who have the responsibility of assuring the readiness of its military capabilities on a daily basis. The Military Order of the World Wars understands that linkage. Congressman Skelton understands that linkage. Both have worked to help us stay connected to the American people. They have helped us fill our ranks with the kind of youngsters who have kept our Army a force for good and an instrument of national policy. Again, we are grateful for all that you do on our behalf.

Also present in the room this evening are a very special group of international fellows. They are students at Fort Leavenworth who will spend the next year at the Command and General Staff College studying with, about, and for us. Since World War I, all of the wars we have fought and most of our significant operational deployments have seen Americans serving side-by-side with soldiers from allied nations. We will never again fight on our own. Coalition and multinational operations are a fact of life. Many of the uniforms on display this evening are the ones who have shared space on distant battlefields with us. We are honored to have so many allied officers and their spouses here this evening. We know the keenness of the selection process that went on in each of your countries, we are honored to have you join us in residence at Fort Leavenworth. You add to the education of our officers.

Buffalo wings.

There is a lot of excitement in and about our Army today. Many of you know that we have set a course to transform this great and magnificent army of ours from its current cold war designs to a force that is more responsive, more deployable, more versatile, more agile, more lethal, more survivable, and more sustainable force for the future crises of the 21st century. Last fall as we were about to walk from 1999 into 2000 through the door of a new century and the new millennium, I went back to the turn of the last century to try to understand what the last Chief and the last Secretary to do so were thinking; what were their concerns; what decisions did they put in place to prepare their Army for all of its responsibilities in the 20th century.

Secretary of War Elihu Root and General Nelson Miles recognized that the Army was standing not just on the threshold of a new century, but at the entrance to a new world. The war with Spain the year before had been just the second overseas deployment of the Army in history, and the first in over 50 years. The Army of 1899 was scattered from Cuba to Puerto Rico to the Philippines. The operating tempo was high, with soldiers maintaining peace, rebuilding nations, handling refugees, even helping with disaster relief after a hurricane. The Army was overseas and that looked like the wave of the future.

So, 1899 was a pivotal time. The wars in the West were won. The purpose of the Army seemed to be changing, but in what direction? The Army had shown real growing pains when it had mobilized for war. In addition, technology was changing fast. The Army needed to rethink the future of warfare quickly.

Root recognized that the Army had to grow and change as the strategic environment of his times demanded. He tried to envision what the twentieth-century Army should become. Could he foresee a world in which nuclear superpowers threatened each other and the rest of the earth with Armageddon? Could he predict a decade-long depression? Did he know that within the 50 years the world would twice be plunged into global wars, wars unprecedented in scale and scope in all the previous history of mankind? Certainly, the answer to all these questions is no. Root foresaw none of these things. As best we can tell from documents and their writings, neither of them saw the First World War and it was only 15 years away. But with insight and courage and deliberation, they developed a vision for what the Army needed to become, given the strategic and technological realities they faced at the time. They took risks and made preparations that proved to be effective—and timeless.

Root began with fundamentals. He presented two principles that are as true today as when he wrote them 100 years ago:

"First. That the real object of having an army is to provide for war.

"Second. That the regular establishment in the United States will probably never be by itself the whole machine with which any war will be fought."

Root was reaching back toward concepts that were almost as old as the nation itself. First, being ready for war means having an army, and there's no reason to have an army that is not ready for war. The Army might be called upon to do many things, but its first purpose was warfighting. And the Army would never fight alone. Root knew that the Army would need to rely on the Navy for transport, logistics, and gunfire. It would also fight with volunteers and citizen soldiers.

Those first principles were right on the mark. And they have served as a foundation upon which Root and Miles and their successors built the twentieth-century Army. Root consolidated the professional gains that the Army had made through the establishment of the Army War College and the restructuring of the Army headquarters into a modern general staff. He brought to fruition the idea that military leadership was a calling, and one that demanded rigorous education and training. The officer corps that flourished under this system became the leaders who produced our victories in two world wars—wars unimaginable in 1899. The Army of the twentieth century, the nation whose freedom it guaranteed, owed a great deal to Elihu Root's vision preparation for the future.

As we stood on the cusp of the new millennium 10 months ago, we saw a situation remarkably similar to the one that Root and Miles faced 100 years ago. The world has changed dramatically. The cold war was a historic anomaly. We maintained relatively robust forces for 50 years because of the danger of superpower conflict. That very preparedness deterred a war too terrible to contemplate, but one that we stood trained and ready to fight for half a century.

Since 1989 we have reduced the size of the Army by 32 percent, but our operating tempo is higher than at anytime in several decades. The recent mission in Kosovo brings to 35 the number of operational mission deployments the Army has made since the end of the cold war. The world is a far less stable place than it used to be.

Moreover, the world is a far different place than it was 10 years ago. In a word, it is "wired." The information revolution has placed a computer on every desk. We are all cyber-connected to each other and everything imaginable around the world. We are renegotiating zones of privacy and business practices and property protections and the very idea of what a nation-state is. Many of the advertisements we see on television are for products that did not exist 15 years ago. It is impossible to predict with assurance what the world will look like in 5 or 10 or 25 years. But we know that it will continue to change and that the pace of change will continue to accelerate.

We must prepare to fight our future wars. We must also be ready for the next crisis. We must be able to respond to missions throughout the spectrum of operations, from the low end of disaster relief to the high end of major war. We need to take advantage of emerging technologies to counter emerging threats. And we can't make it up as we go along—we need a plan.

And so it is that last October, the Army charted its course for transforming itself into a force more capable than the magnificent force we field today. We intend that it will be a force capable of handling the full array of missions that we have been called upon to do in the last 10 years—in many ways, we have described the 1990's as the first 10 years of the 21st century in terms of the kinds of missions we see for ourselves in the years ahead. But what we will not lose sight of is what Elihu Root concluded 100 years ago—our non-negotiable contract with the American people is to be trained and ready to fight and win the nation's wars.

This we will do—and just as Root and Miles could not see all the technological advances that were going to present themselves as opportunities in the 20th century, we cannot today settle on the technologies that will go into the design of the hardware that will describe the objective force we are trying to design for the 21st century. But what Root and Miles were able to do was to position their army for all The unseen opportunities that were to lay ahead by putting into place the system for training soldiers and developing leaders who were going to have to make those decisions when the time was ripe. And so it is with our responsibilities today. Much has been written over the past 10 months about the technologies that the Army will need to transform itself. The debate about combat platforms has turned hot and in some cases mean-spirited as the competition for inclusion has become intense. I have even received the concerns of allied armies about the fear of an ever-expanding technological gap between the American army and those of our closest allies. I think the lessons of Root and Miles are important—-their conclusions are as important today as they were then. It isn't about technology, although technology is important; it isn't about platforms, although combat platforms is important. It is about leadership and character and doctrine. It is about the preparation of the Army to be ready to fight each and every day with the technologies it has available, and it is about the development of visionary, courageous leaders who have the skill and determination to leverage the technologies as they become apparent and embed them into the formations that will fight them. Focus on warfighting; develop the leaders for the next conflict. If you do that well, those leaders will be able to get the right technologies into place in time. But without that kind of leadership or without warfighting formations which have been disciplined to execute one's warfighting doctrine, all the technology in the world will make no difference. Warfighting is ultimately a human dimension in which the most dedicated, disciplined, and best trained will prevail.

It is about leadership and in this Army, we consider it our stock in trade. To our allied officers, your attendance at Leavenworth is important for us—for the American officers attending the course and for our force as a whole. You give our officers other perspectives on our common challenges. Our differences in culture, language, nationality, and geography give us each our different outlooks on military operations. We must understand and appreciate the importance of interoperability—but not just technical and tactical interoperability but interoperability of the mind. The lessons you learn in professional give-and-takes with your fellow officers, inside the classroom and at the officers' club, will be among the most important that you take away from this course.

Equally important will be the professional associations you make with your fellow students. The future battlefields will be joint and multinational and you will find yourselves serving with the officers you are studying with this year—just as I have experienced. I can tell you that as commander of the stabilization force in Bosnia, the relationships that I had developed with my counterparts in years past, whether in operational assignments, or in the Command and General Staff College or the National War College, helped us to bridge the gaps. Personal relationships and a common professional understanding turned those differences into strengths.

We, in this country, have put tremendous effort into our professional education systems. The pay-off for that investment has been a consistently high quality of officer leadership. I would also tell you that our noncommissioned officer education system is equally the finest in the world and it has produced the very finest NCO Corps in the history of our army.

In the gulf war, one of the take away lessons was that our technological and materiel superiority made us successful. Those who fought the war would give you a slightly broader lesson. As one division commander proclaimed, we could have traded equipment with the Iraqis and still beat them in 100 hours. That may sound like vain boasting, but his point was that our professional education system and the professionalism of our soldiers and their leaders were the foundations of our warfighting prowess—not technology.

That has always been true. In the Army we do two things every day—we train soldiers and we grow them into leaders. Some of that work happens in our operational units. Some of it happens in quiet moments when our officers and soldiers can read about their profession, its history, its methods, and its doctrine. But the foundation of it all resides in our professional schools.

I'm glad that you have all come to study with us. I appreciate the value that you bring to our professional education system. I thank you for breaking bread with us tonight. And though I don't look forward to our joining ranks on a future battlefield, I do look forward to the trust and confidence that we will build together as professional soldiers.

Thank you and God bless you.

TRIBUTE TO FRANCIS CARROLL OF WORCESTER, MASSACHUSETTS

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. McGOVERN. Mr. Speaker, I rise today to recognize the work of Francis R. Carroll of Worcester, Massachusetts. A veteran of the United States Navy, for over 32 years Mr. Carroll has worked as a staunch advocate for small businesses in developing and administrating health insurance products, programs, and benefits, as well as donating his time in extensive public and community service.

Throughout his life, Mr. Carroll has assisted others through his professional career and charitable activities. His professional career includes currently serving as the CEO and Chairman of the Small Business Service Bureau, Inc. (SBSB), a nationwide organization with over 50,000 small businesses and self-employed members. Formerly, he was the president of the SBSB China Trade Group, which led small business trade delegations and conducted studies of the public health systems of the People's Republic of China and the People's Republic of Vietnam.

In addition, Mr. Carroll has been a presidential appointee to the National Advisory Council, U.S. Small Business Administration and the U.S. State Department Trade Development Agency. He was also a founding member of the Democratic National Committee, Small Business Council and a delegate to the White House Conference on Small Business, appointed by Massachusetts Governor Edward J. King and U.S. Senator JOHN KERRY. In 1984, Mr. Carroll was one of 25 chosen from the United States as an Official Observer of the El Salvador run-off election.

Most recently Mr. Carroll demonstrated his commitment to the community as the General Chairman of the Korean War Memorial Committee of Central Massachusetts which sponsored the 50th Anniversary Korean War Spectacular Salute to Our Korean War Heroes at Mechanics Hall in Worcester, Massachusetts. Other causes Mr. Carroll has given hours of service to include the Ireland/Worcester Heart Research Program, the McAuley-Nazareth Home for Boys in Massachusetts and the Living Memorial Hospital in Lien Hiep, Vietnam. He was formerly a member and commander of the Vernon Hill Post 435, American Legion.

For his service, Mr. Carroll has been awarded with the Leo Z. Gordon Humanitarian Award, the American Legion Citizen of the Year Award, and the Cathy Donahue Service Award. He was also an honoree at the Year 2000 Worcester State College Annual Scholarship Tea.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me in honoring Francis Carroll for his work and service in the Worcester community. He has shown unwavering commitment to the community and deserves our recognition and praise. I wish him the best of luck in all of his future endeavors.

HONORING RAYMOND C. BURTON

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. OBERSTAR. Mr. Speaker, I am very pleased to honor today Mr. Raymond C. Burton, who will retire at the end of this year, bringing to a close a distinguished career in railroading that has spanned three decades.

When Ray began working for the old Santa Fe Railway in 1963, he could not have foreseen the profound changes coming to the railroad industry. Particularly since 1982, however, when he was elected president and Chief Executive Officer of TTX Company, Ray Burton has been on the cutting edge of those changes.

Under Ray's leadership, TTX has led the way in innovation, design, and deployment of the equipment needed to construct today's modern, intermodal transport network. It was this exceptional leadership that twice earned him the Railway Age "Railroader of the Year" award—making him one of just three individuals to be so honored.

This past July, Ray Burton was promoted to the post of Chairman and CEO of TTX, a fitting reward for a man who has led his company—and his industry—into the 21st Century well equipped to meet the challenges ahead. Ray will be missed when he retires, but the seeds he planted will continue to bear fruit for many more years to come.

CELEBRATE INDIA'S 53RD YEAR OF INDEPENDENCE

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. GUTIERREZ. Mr. Speaker, it is a great privilege for me to pay tribute to the Chicago's Federation of Indian Associations for its invaluable work honoring India on the occasion of the 53rd anniversary of India's independence.

The Federation is enriched by the diversity of member organizations who have found a common mission in promoting the Indian community and honoring India. The Federation is strongly committed to serving the Indian community and works tirelessly to meet this goal.

To celebrate the special occasion of India's 53rd year of independence, the Federation will host more than twenty-five thousand visitors from Indiana, Michigan, Iowa and Wisconsin to witness a spectacular parade carefully planned to showcase India's rich cultural heritage. The India Independence Day Parade will be celebrated on Saturday, August 19th. The parade will feature colorful floats each representing various states of India. The parade will honor India's rich heritage, including its music, costumes, fashion and dance. The Federation will also host a Millennium Banquet and Cultural Program on Friday, August 18th to celebrate this special occasion.

I congratulate and recognize Chicago's Federation of Indian Associations for their commitment, dedication and service to the Indian Community.

NATIONAL ASSISTED LIVING WEEK—SEPTEMBER 10-16, 2000

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. PASCRELL. Mr. Speaker, the face of aging has changed dramatically. Americans are living longer, more active lives. Involvement in independent activities such as work, hobbies, and social life can add quality—and years—to a senior's life Yet, while independence and control over their lives is as important to seniors as their physical and mental health, many people avoid planning for senior housing until a pending crisis, putting their own freedom of choice at risk and straining family relationships. Just as people have learned to plan ahead for their financial retirement, it should become commonplace to plan for long-term housing and care.

In recognition of National Assisted Living Week, September 10–16, please join me in inviting all seniors to take the time now to talk openly with their families about their senior housing options and preferences, just in case supportive housing ever becomes necessary for them.

We all value the right to live in our own homes as long as possible and to make our own decisions. Americans must plan ahead in order to protect their preferences and maximize their lifestyle options later. There is a rich variety of senior housing and care options to choose from, so it's important to become fully educated.

One of these options, assisted living, has become a cornerstone for senior care. An assisted living residence is a special combination of housing, personalized supportive services and health care designed to meet the needs—both scheduled and unscheduled—of those who require help with activities of daily living.

I urge all Americans to learn more about assisted living and how seniors can age in a loving home-like environment with dignity and independence.

CONSUMER ACCESS TO A RESPONSIBLE ACCOUNTING OF TRADE ACT

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. HALL of Ohio. Mr. Speaker, I rise today to introduce the Consumer Access to a Responsible Accounting of Trade Act of 2000.

This bill aims to sever the funding link that has enabled the murderous rebels in Sierra Leone and Angola to wage their wars against civilians; that has helped bring a thug to power in Liberia; and that is sustaining eight nations fighting in the Democratic Republic of Congo.

This has been a top priority for a coalition of 70 human rights organizations, led by Physicians for Human Rights, and it has become an urgent matter for the diamond industry, whose tokens of love face being exposed as symbols of butchery.

The industry and activists both support a plan to block diamonds mined in conflict zones from entering the legitimate diamond trade. Many details remain to be ironed out, but the industry is working on that. Unfortunately, they are running into intransigence from some segments of the industry and some nations. Because of the nature of the system they have devised, substantial participation is necessary to make it work.

My bill aims to support the industry's efforts and expresses the Sense of the Congress that some effective system of preventing smuggled diamonds from being traded as blood-free ones is urgently needed and directing the Administration to make this a higher priority. The bill also encourages technology that will find a more traditional approach to this problem. Finally, it implements embargoes imposed by the United Nations and takes steps to make them more effective.

Mr. Speaker, we owe passage of this bill to innocent Africans—both those caught in the wars over diamonds, and those who depend on the legitimate trade in South Africa, Botswana, and Namibia and will be hurt by a consumer backlash against the blood trade.

But we also owe it to Americans to pass this bill.

American consumers play a significant role in the diamond trade, because they buy 65 percent of all diamonds. They clearly have no intention of supporting brutal wars—after all, their intention is to buy tokens of love and commitment—but that is precisely what they are doing.

American taxpayers also deserve better: they have funded more than $3 billion in humanitarian relief to the people of these four nations who are caught up in war—at the same time rebels there have earned $10 billion to pay for weapons and material to keep the same wars going.

The CARAT Act aims to empower Americans to lend their consumer might to efforts to bring peace to Sierra Leone, Angola, Liberia, and the Democratic Republic of Congo. It is measured and responsible legislation that deserves immediate action by the 106th Congress, and I urge our colleagues to support it.

AMERICAN SERB HALL, THE FIRST 50 YEARS

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. KLECZKA. Mr. Speaker, I wish to join in the tribute to a true southside Milwaukee landmark, the American Serb Memorial Hall, as the community celebrates the hall's 50th birthday this month.

Located at South 51st Street and West Oklahoma Avenue, on Milwaukee's southside, Serb Hall, as it's commonly known, has been a fixture in the city for the last half century for wedding receptions, banquets, lunches and dinners, political rallies and yes, even bowling leagues. When constructed in 1950, Serb Hall was by far the most complete and modem facility of its kind on the south and southwest side of Milwaukee. The hall was expanded in 1987 to accommodate increasing business and renovated in 1999.

The hall was originally dedicated on September 1, 1950 to honor the local members of the Serbian orthodox faith who served in the American armed forces. 15 of those young men lost their lives in defense of our nation. They are honored today in a full-wall memorial in the lobby of Serb Hall. I was honored to attend the very moving dedication ceremony for that memorial.

Any mention of Serb Hall is not complete without focusing on two very traditional events—the Friday fish fry and visits by political dignitaries. The first fish fry was held at Serb Hall in 1967 and the lunches and dinners continue to this day supplemented by a drive-through window and carry-out service. The line of cars in the drive-through oftentimes circles the parking lot and can even extend into the street during the Lenten season.

Without a doubt, many individuals seeking major political office realize the historical and cultural significance of holding a rally at Serb Hall. From Milwaukee mayors, police chiefs, US congressmen and Wisconsin Governors to United States Presidents Eisenhower, Kennedy, Johnson, Nixon, Ford, Reagan, Bush and Clinton, all have spoken at Serb Hall either as elected officials or candidates.

It is my pleasure to wish the Milwaukee Serbian community all the best as you celebrate 50 years of Serb Hall success. Best wishes for the next 50 and well beyond.

ACKNOWLEDGING LIFETIME OF PUBLIC SERVICE BY MR. EDWIN BEARSS

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. MORAN of Virginia. Mr. Speaker, I rise today to honor Mr. Edwin Bearss, a constituent of Virginia's Eighth District, who has recently retired after an impressive forty year career with the National Park Service and distinguished service in our nation's military.

Since the birth of our nation, Virginia has been a cornerstone in American history, especially during the Civil War. The majority of the Civil War's significant engagements occurred on battlefields in Virginia. Ed Bearss illuminated the valuable, living history found on the Civil War battlefields of Virginia and elsewhere in our country. Those who have been privileged to hear Mr. Bearss recount the vivid history of our nation's Civil War consider him a national treasure.

Ed Bearss began his service to our country during World War II as a Marine fighting in the Pacific. After recovering from wounds he suffered during battle in New Guinea, he took advantage of the G.I. Bill and received a degree from Georgetown University, as well as a masters degree in history from Indiana University.

In 1955, Mr. Bearss joined the National Park Service and began to share his knowledge and passion for Civil War history. As a historian at Vicksburg, Mr. Bearss' research led to the discovery of the lost ironclad Cairo and two forgotten Civil War forts. His desire for others to live history by touring battlefields inspired him to preserve the Manassas battlefields from the threat of shopping malls and two different amusement parks.

Mr. Bearss set a new standard in historical research with his diligence and attention to detail. He has shared his research by writing ten books and over a hundred articles. His excellence as the chief historian of our nation's federal parks earned him the Department of the Interior's highest recognition, the Distinguished Service Award.

To many, Ed Bearss' grandest accomplishment was his ability to bring a Civil War battlefield to life. He would dredge facts and stories from his immense store of knowledge and transport listeners back in time to when the actual battles took place. The energy with which Mr. Bearss gave his tours excited others to develop a passion for history. Mr. Bearss' work has helped many people realize the importance of preserving our nation's battlefields and the gravity of the battles fought at those sites. Fortunately for us and future generations, Mr. Bearss' historical gifts have been preserved by filmmaker Ken Burns, who included a number of Mr. Bearss' battlefield narrations in the award-winning PBS series, "The Civil War."

Mr. Speaker and my fellow colleagues, I invite you to join me in honoring a man who has devoted his life to serving his country. Mr. Edwin Bears should be praised for the passion he brought to the history of our country and the ways he shared that passion. His legacy as an historian and his valuable contribution to the preservation of Civil War history are a tremendous gift to our nation that will last through time. Thank you, Ed Bearss, for sharing your talents with us for so many years. We wish you much happiness in your retirement and hope you will continue to enrich us with your vast knowledge and appreciation of our nation's history.

TRIBUTE TO RUBIN HILL, JIM WHITE AND MARIA DOLORES ANDRADE

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. BACA. Mr. Speaker, I would like to recognize three outstanding individuals who have made significant contributions to educational opportunities for Latino children in California. They will be honored this month by Adelante and the California Migrant Leadership Council: Rubin Hill, Jim White, and Maria Dolores Andrade.

These outstanding individuals deserve our thanks for their selfless work on behalf of the poor and the disadvantaged. They truly embody the spirit of Cesar Chavez, who taught us that we can realize our dreams and hopes through hard struggles, hard work, and dedication. Anything is possible, if we set our heart and soul to the cause. We should never forget the words of Cesar Chavez: "si se puede," yes we can.

These three hard working and dedicated individuals have given so much for their community and the world at large.

RUBIN HILL

Rubin Hill has been a community leader in working with the youth of Kern and Tulare Counties as well as a coach for more than 35 years.

Rubin is a product of Delano. He attended and graduated from Delano Elementary and Delano High School. He attended and graduated from Bakersfield College in 1975. Ruby is married to Lorene Hill and with her help has raised five children, Donald, Sharon, Sandra, Ruben Jr. and Shalene. He has 12 grandchildren.

Ruben worked for ten years for the City of Delano in the Refuse, Street, Water and Parks Department. Then he transferred to the Delano Fire Department, where he became a Fireman, Engineer, Captain and finally Assistant Chief. When the Delano Fire Department was transferred to Kern County, Ruby became a Captain and Fire Marshall with that department, finally retiring to spend more time with his community service.

Ruby's community service includes Delano High School Trustee for four terms, Local P.T.A. Lifetime member including several terms as president. Ruby has served as N.A.A.C.P. President, Jr. Chamber of Commerce President, member of the Kiwanis Club, Community Action Group, Title I Advisory Board for Delano High School, Bakersfield College Advisory Board, North Kern State Prison Advisory Board, Delano Little League Board (10 years), Delano Babe Ruth Board (coach, president and member for 15 years), Almond Tree Elementary Lions Football team Board Member, Coach of McFarland Raiders Youth Football team, Leader, Supervisor, and Coach for Delano Recreation Department for 35 years. Ruby is also a member of the State Fireman Association, the Kings—Tulare County Referee Association and has been a referee and umpire for 25 years.

At age 60, Ruby has served the youth of the area all of his life, and he serves as an example for the entire community.

JIM WHITE

Jim White is a teacher in the McFarland Public Schools, one of the poorest communities in California. His leadership as a coach has resulted in turning around the lives of many youth and has brought pride to those youth, their parents, their school and their community.

Jim is a man who has contributed time, energy, sweat, and his own funds to turn the McFarland High School cross country program into a state power and maybe the most highly prized accomplishment of the community of McFarland in its history. Coach Jim White has been a magician in coaching in many ways.

His leadership as Cougar cross country coach has resulted in turning around the lives of many youth and has brought pride to those youth, their parents, their school and their community. The Cougar teams have won an unprecedented seven-state titles in cross-country competition in the past 13 years, including five consecutive. McFarland's first state crown in 1986 was followed by five straight—in 1992, 1993, 1994, 1995 and 1996. Then when McFarland was moved up an enrollment classification though it was near the bottom of the division in total students, the Cougars struggled against schools with more athletes to draw from, but again in 1999 the Cougars reached the top.

White has become everything from coach to counselor to inspiration to fund raiser for a team which has caught the fancy of running fans state and nationwide for overcoming many obstacles. Most of the runners spend long days working in the summer and then begin the evening practices through area fields that develop the runners who have made McFarland High the envy of other cross country programs.

Many students struggle with their education and language, but White and his ever-growing legions of Cougar boosters Join to help solve the problems. He and wife Cheryl pitch in to help with food, shoes, whatever is needed. He counsels runners to aim for higher goals—both in running and in life. Many of his running "graduates" have gone on to college and occupations in a variety of professions—many of them in education. They return often to lend encouragement to a new crop of runners who face the challenge White offers—to again focus on winning another state title. His teams have won 18 league titles in 20 years, frosh-soph league titles all 20 years, 12 section or valley titles, five Grand Masters championships—meaning all-valley—and the seven state titles. His team has been ranked No. 21 in the nation in preseason. He was the Bakersfield California's "Coach of the Year" nine times, California Track and Field News "Coach of the Year" five times, and the California Coaches Alliance "Coach of the Year" four times. He was a finalist in 1996 for National Coach of the year.

Born in Sweetwater, Texas, May 14, 1941, he lived briefly in Albuquerque, New Mexico, before being raised in Stockton. He played baseball and basketball growing up and in college played basketball and pitched baseball. At Magic Valley Christian College in Idaho he met and married Cheryl Waldrum in 1961. In 1964 he graduated from Pepperdine University and moved to McFarland for his first teaching position. His first teaching assignment, for nine years, was instructing fifth grade science. He then taught seventh and eighth grade woodshop and PE for 11 years and presently he instructs seventh and eighth grade PE at McFarland Middle School and coaches the high school program. The cross-country program was dropped for a year before he took over, and White was told that the program could be started if he could keep 10 athletes out for the season. He kept 18 and built the program to three boys' teams and two girls' teams.

Probably the greatest reward and compliment he could receive is to have many of his former students and athletes join him in assisting with the cross-country program. The list has included Amador Ayon, Thomas Valles, Ruben Ozuna, David Diaz, and Johnny Saminiego.

Although White has never been a runner himself—he rides a bicycle following the team through its country workouts—he started coaching a Little League baseball team and won several championships during his early days in McFarland, worked many years for the McFarland recreation department in its summer programs, and also coached winning basketball teams. He started the McFarland Pop Warner football team.

White has traveled with the coaching staff of International Sports Exchange, a group that tries to give athletes a chance to experience cultural sights, sports and fiends. He has taken teams to Singapore, Taiwan, Germany and China.

To raise funds to help promote a sport or buy team supplies, he has been seen in his old faithful '59 Chevy pickup gathering pop bottles and newspapers, going door to door, and raising funds through raffles, pizza sales, car washes, and an annual barbecue.

He has been the grand marshal for the McFarland Christmas parade and he and his team have been featured in many newspapers including the Los Angeles Times telling the story of McFarland's rise to the top and dynasty built in cross-country. Most importantly, he has become a father image to many students and athletes who have journeyed through McFarland High. This Clint Eastwood look alike is now coaching the "kids of the kids" he had when he started. White tries to live by example.

The Whites have three grown daughters, Tami, Julie and Jamie, all of who attended and graduated from McFarland High School and Lubbock College in Texas with degrees in education. He is called "grandpa" by seven grandkids—five boys and two girls.

In January, wearing a sweatshirt emblazoned with "McFarland Cross Country—it's all in the attitude," two van loads of cross country runners and White were off to Sacramento where they were recognized by the state.

The latest article heralding the McFarland High cross country team is a feature story in The People's Magazine in Espanol in the May 2000 issue.

White, a "youngish" 58, has worked in McFarland schools for 36 years and has dedicated much of his career in coaching McFarland cross-country teams. His coaching duties "stretch" to being involved in all aspects of the boys' lives, visiting them at home, driving them to practice, getting tutoring if they need help in school and counseling them in relationship issues.

White will some day leave a legacy that few coaches or men can ever claim—a winning tradition and numerous proteges who have set their sights on greater goals and succeeded in attaining them.

MARIA DOLORES ANDRADE

Maria Dolores Andrade, while living a life of poverty and selfless devotion, has raised a family of seven children, through her work in the fields. She was able to provide education for all of her children, with the three youngest graduating from college. Through her work and sacrifice, the family has created a successful family business which is the pride of the community.

Maria was born in 1935 in Noroto, a very small village, in Michoacan, Mexico. She was the 9th child in a family of 11. As a child her family moved to the town of Tangancicuaro, Michoacan in search of a better life. Because her family was very poor, Maria was forced to work at a very young age and therefore dropped out of school at the age of 8. Through most of her childhood as well as her teen-age years, Maria faced a very harsh life of poverty and hard work. At the age of 16 her mother died leaving all 11 children orphaned.

At the age of 22 Maria married Carlos Andrade. Soon thereafter she became the proud mother of her first son Jorge. Eleven months later she gave birth to Lupita, and eleven months after that she gave birth to her third child Luz Del Carmen. Her life of poverty continued so her husband Carlos immigrated to the United States to work as a migrant farm worker. For the next 17 years Maria would only see her husband one month out of the year when he would return to Michoacan to visit. In the meantime Maria had to raise her children all alone who now included Carlos, Francisco, Guillermo, and Rosa Adriana.

In 1974 Maria and her three oldest children joined her husband Carlos in the United States. She was forced to leave four of her children behind until she had enough money to apply for their permanent residency. In 1976 the entire family reunited and now had a permanent home in the city of Delano.

A year later, her husband Carlos abandoned the family. Maria was devastated. Once again she became a single parent to her 7 children. She was now alone in a strange country, with a new language, and different customs, which made her even more determined to succeed. Although she believed strongly in providing the highest education possible for her children, she was forced to take her three oldest children out of school and take them to work in the fields in order to make ends meet. This enabled the rest of the children to focus on their studies. The family struggled for many years. This created an unbreakable bond and unity in the family. Maria's children grew up and eventually married. Three of the youngest graduated from college. One became a computer programmer and the other two teachers. The rest of her children continued to work in the fields. Although the children had created a life for themselves the family bond which Maria created was so strong that they all remained in Delano living close to her and each other.

Because the family had such a strong bond together they decided to open up a business so that Maria would no longer have to work in the fields. In 1990 the family opened Carniceria Janitzio in McFarland and in 1996 opened Carniceria Janitzio and Janitzio Restaurant in Delano. This fulfilled Maria's lifelong dream of owning her own business.

The family's bond and unity is as strong as ever. Maria is currently the proud grandmother of 17 grandchildren and 1 great granddaughter. This has all been possible because of all the hard work, dedication, perseverance, positive attitude, and above all love that Maria has given to her children.

TRIBUTE TO DORIS KEATING

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. MOAKLEY. Mr. Speaker, this afternoon I wish to remember my very dear friend, Doris Keating.

Mr. Speaker I wish not so much to say goodbye to a long-time and very dear friend, but to celebrate the life of one of the most wonderful people I've had the pleasure to know.

And I know—as sure as I'm standing here—I know that Doris Keating is looking down upon her family and friends—right now—with that warm and wonderful smile she had for everyone she ever met.

Never one to dwell on sadness—anytime you were feeling down her advice was always the same, " Hey there", she'd say, "pull up your boot straps! Don't sweat the small stuff! Get out there and move along!"—And that would be her advice to all of us who miss her.

Doris loved South Boston and she loved this the Gate of Heaven Parish where family and friends gathered to comfort one another as Doris passed.

She was born in South Boston. She was Baptized at Gate of Heaven, was Confirmed there, Married there, and true to form—Doris was holding Court there on the day we all said goodbye.

She never missed the Saint Patrick's Day Parade that winds past there. And I can't remember a single year when as I marched by Doris didn't run out in the street to ambush me and other Politicians with a great big kiss.

I'm convinced, Mr. Speaker, that the only ones that didn't get that kiss from Doris were the Clydesdales.

Every St. Patrick's Day, as I drive past Molly and Wacko Hurley's and as I drive past the Gate of Heaven, I'll think of her.

I'll think of Doris and her famous Open House Parties where everyone was always welcome.

I'll think of the washing machine and bathtub filled with beer. And I'll think of the laughs we shared.

Actually, as I watched the *Constitution* sail into Boston Harbor last July, I was reminded of one of Doris' favorite yarns.

It seems Doris and the family were out on Dan Sullivan's trawler one beautiful Fourth of July Morning. They were passing by Castle Island trying to get the best vantage point for the cannon salute from Old Ironsides.

Doris decided that was the time to visit the ladies room.

As luck would have it, the propeller of Dan's boat got caught up in a line, just as the *Constitution* was passing by. And there was poor Doris—firmly situated in the ladies room—when the cannons of the U.S.S. *Constitution* began firing across the bow of Dan Sullivan's boat.

Deafened by the concussion, and covered with soot from the gun powder, looking like a coal miner just finishing the midnight shift, Doris managed to compose herself, exit the ladies room fully coiffed, with the presence of mind to sweep up the soot from the deck, which she always kept on her mantle so she could tell that story over and over.

Doris was never at a loss for a laugh.

But as happy go lucky as Doris was, she was also fiercely loyal to those she loved—her family most of all.

A close second—anyone who knew our friend Doris would tell you—were Sammy and Boots, the two cats to whom the Grand Darm of South Boston dedicated her life.

The family, I understand is convinced that Doris put the cats out, only so that she could torment herself trying to call them back in before Midnight.

There was no limit to Doris' loyalty, and there was nothing she wouldn't do for a friend.

One of those great human beings who never fail to give—whether they've got it or not—Doris personified the old adage. And that was to live for the people upstairs, downstairs, and over the back fence.

More than almost anyone I know, Doris lived that sentiment every single day of her life.

Doris worked in my office ever since my days in the Boston City Council, and one of my strongest supporters ever since I ran for State Representative in 1950. But most importantly, Doris was one of my dearest, most trusted and loyal friends. And there was nothing she couldn't do.

Doris could write a recommendation that could get Attilla the Hun a Merit Badge from the Eagle Scouts. And I know four guys who will tell you that without Doris Keating, they probably never would have made it through law school.

But I'll let them say who they are.

And anyone who knew Doris would tell you, the same loyalty and tough love Doris showed her family and friends was not at all lost on the great sports teams of Boston.

Doris was two when the Red Sox won the World Series, and she waited patiently and enthusiastically for 82 years for the magic to happen again.

Her extended family included Doug Flutie, and Danny Ainge, Drew Bledsoe, and her newest adoptee, Nomar.

And whether she was sitting at home knitting an Irish Afghan, or at one of her old haunts back in the old days, either Zito's, Pie Alley, or the Other Place, Doris was an overtly loyal fan.

And on more than one occasion, either her husband, Red, or one of the boys would have to smooth things over as a result of her loud enthusiasm.

Actually, the first time Red brought Doris to a Bruins game it was to see the Montreal Canadians play at the Boston Garden.

She got so caught up in Fernie Flamin's breakaway, that she nearly beat the poor guy in front of her to death with her program. Needless to say, Red stepped up and straightened things out.

Not that it was necessary. To hear her kids tell it, Doris was lethal with footwear, and could take down any man from fifty yards with one of her slippers.

Doris never, ever lost the spirit that made her so loved by everyone who knew her.

Not all that long ago, during a particularly tough time, Doris was laid up with Spinal Menengitis, and was actually in a catatonic state, when, during the Buffalo Bills/Patriots Play-Off game—Buffalo's coach put Rob Johnson in the game instead of her man, Doug Flutie, Doris snapped out of it, screaming "Oh, for God's sake, why in God's name didn't they put in Flutie!!"

And you know—Doris was right.

That's my friend, Doris.

In the toughest of times, there was never any complaining, but there was humor. She was tough when she got mad, but Doris never, ever held a grudge.

Her children will tell you, once the slipper was thrown, that was it. It was over.

And if one of the kids were angry leaving for school in the morning, Doris would always call them back to say the same thing—"Up, Up!! Come back here and give me a kiss. You never know if I'm gonna be here when you get back."

Well, Doris left us all in friendship, in love, and in peace.

She'll be missed, and she was a blessing to all who knew her.

And as the Irish Blessing goes, "Until we meet again, my old friend, may God hold you in the palm of his hand."

TRIBUTE TO FAIRHOPE MAYOR JIM NIX

HON. SONNY CALLAHAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. CALLAHAN. Mr. Speaker, I rise today to pay tribute to a fine gentleman, an outstanding public servant and a friend for more years than I can count, Mayor James P. Nix, of the city of Fairhope, Alabama.

As many of my colleagues know, Fairhope is one of the best-kept secrets in America. Situated along scenic Mobile Bay, Fairhope has a captivating charm and beauty that few communities—anywhere—can rival.

Moreover, because of the outstanding leadership provided by Mayor Nix over the past 30-plus years, Fairhope is one of the best managed cities in the entire United States.

This month, Jim's tenure as Mayor comes to an end. Despite pleas from hundreds of townspeople, he decided to not seek reelection in the recent municipal elections. For the first time in more than 32 years, Jim Nix's name was not on the ballot.

However, if anyone has deserved a rest from the call of duty, it is Mayor Nix. First elected to a 4-year term on the city council, Mayor Nix has presided over what is, without question, the 28 most prosperous years in the history of Fairhope.

While it is true that Baldwin County as a whole has experienced a tremendous amount of growth during the past several decades, Fairhope has certainly been a major part of this change. Under Jim Nix's leadership, Fairhope has become an important part of south Alabama's economic and cultural base. In addition, Fairhope draws tens of thousands of tourists each year to numerous festivals and shows. Quite frankly, this exposure has helped put the national spotlight on Fairhope, earning for it a positive reputation. Fairhope is, without question, a shining example of the best Alabama has to offer.

In addition to his numerous official duties, Mayor Nix has been actively involved in several professional and civic organizations and has served as president of both the Alabama League of Municipalities and the Baldwin County Mayor's Association. He is currently serving on the boards for several area banks and is a trustee for the University of South Alabama.

In the midst of his significant professional and civic involvement, Mayor Nix also found time to be a devoted husband, father and grandfather. Married to the former Anne Delorme Peele, Jim and Anne Nix are the proud parents of three, and the proud grandparents of nine. Speaking of Anne, I would be remiss if I did not salute her as well. She leaves behind a gracious, lasting legacy as a true ambassador for Fairhope in her role as First Lady.

While Mayor Nix has certainly earned his retirement following so many years of dedicated service, he will certainly be missed by the many friends and colleagues he has made during his years in the city government.

On a personal note, while I will no longer have the privilege of working with Jim and Anne professionally, I look forward to the continuation of our friendship in the years to come.

Mr. Speaker, on behalf of the entire First Congressional District, I would like to express my appreciation to Mayor Jim Nix and my congratulations on his retirement.

HONORING BUSINESS TECHNOLOGIES AND SOLUTIONS, INC.

HON. DAVID L. HOBSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. HOBSON. Mr. Speaker, I rise to recognize the achievements of Business Technologies and Solutions, Inc,'s (BTAS) of Beavercreek, Ohio, which is being honored at the Annual National Minority Enterprise Development Week in Arlington, Virginia.

As Representative of Ohio's 7th Congressional District, I am pleased to recognize Ms. Angela Vlahos, President of Business Technologies and Solutions, as her company receives the award for the Region V Minority Small Business Firm of the Year. BTAS has demonstrated outstanding success since it was established in 1992. Ms. Vlahos' commitment to providing quality business and enterprise solutions has allowed her company to experience rapid growth and enjoy more extensive contract opportunities with public and private companies, including Wright Patterson Air Force Base in Ohio.

BTAS has trademarked its Right Solution Model which provides a framework for consistent delivery of high performance for each individual contract. This dedication to quality now is officially recognized by the U.S. Small Business Administration and the U.S. Department of Commerce's Minority Business Development Agency.

Additionally, I wish to thank BTAS for its participation in our local community. The firm's contributions to the area, including information technology training for students of the Dayton School System and recreational activities for children at St. Joseph's Treatment Center, serve as a positive model for other local companies.

Mr. Speaker, I join the Small Business Administration and the Department of Commerce's Minority Business Development Agency in recognizing the achievements of Ms. Angela Vlahos and Business Technologies and Solutions, Inc.

REMARKS OF KEVIN GOVER, DEPARTMENT OF THE INTERIOR ASSISTANT SECRETARY OF INDIAN AFFAIRS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. KILDEE, Mr. Speaker, I rise today to commend Department of the Interior Assistant Secretary of Indian Affairs Kevin Gover for extending a formal apology on behalf of the Bureau of Indian Affairs to Native Americans for the historical treatment by that agency. Mr. Gover recently delivered his remarks at the 175th Anniversary of the Bureau of Indian Affairs.

In his remarks, Mr. Gover recounted the role of the Bureau of Indian Affairs in implementing the policies of the United States. For many years, the policies of the United States were designed to terminate tribal nations and their culture. Mr. Speaker, we share the responsibility for the historical treatment of Native Americans since the Bureau of Indian Affairs bears the responsibility of implementing the laws and policies of Congress.

While we cannot erase the deplorable history of Indian policy in the United States, I want to acknowledge that today the Bureau of Indian Affairs and its 10,000 employees are striving to be advocates for Indian people. I believe that Assistant Secretary Gover's profound and wise remarks will become an important document in the annals of American history. Mr. Speaker, I wish to share Mr. Gover's remarks with my colleagues.

REMARKS OF KEVIN GOVER, ASSISTANT SECRETARY—INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR AT THE CEREMONY ACKNOWLEDGING THE 175TH ANNIVERSARY OF THE ESTABLISHMENT OF THE BUREAU OF INDIAN AFFAIRS—SEPTEMBER 8, 2000

In March of 1824, President James Monroe established the Office of Indian Affairs in the Department of War. Its mission was to conduct the nation's business with regard to Indian affairs. We have come together today to mark the first 175 years of the institution now known as the Bureau of Indian Affairs.

It is appropriate that we do so in the first year of a new century and a new millennium, a time when our leaders are reflecting on what lies ahead and preparing for those challenges. Before looking ahead, though, this institution must first look back and reflect on what it has wrought and, by doing so, come to know that this is no occasion for celebration; rather it is time for reflection and contemplation, a time for sorrowful truths to be spoken, a time for contrition.

We must first reconcile ourselves to the fact that the works of this agency have at various times profoundly harmed the communities it was meant to serve. From the very beginning, the Office of Indian Affairs was an instrument by which the United States enforced its ambition against the Indian nations and Indian people who stood in its path. And so, the first mission of this institution was to execute the removal of the southeastern tribal nations. By threat, deceit, and force, these great tribal nations were made to march 1,000 miles to the west, leaving thousands of their old, their young and their infirm in hasty graves along the Trail of Tears.

As the nation looked to the West for more land, this agency participated in the ethnic cleansing that befell the western tribes. War necessarily begets tragedy; the war for the West was no exception. Yet in these more enlightened times, it must be acknowledged that the deliberate spread of disease, the decimation of the mighty bison herds, the use of the poison alcohol to destroy mind and body, and the cowardly killing of women and children made for tragedy on a scale so ghastly that it cannot be dismissed as merely the inevitable consequence of the clash of competing ways of life. This agency and the good people in it failed in the mission to prevent the devastation. And so great nations of patriot warriors fell. We will never push aside the memory of unnecessary and violent death at places such as Sand Creek, the banks of the Washita River, and Wounded Knee.

Nor did the consequences of war have to include the futile and destructive efforts to annihilate Indian cultures. After the devastation of tribal economies and the deliberate creation of tribal dependence on the services provided by this agency, this agency set out to destroy all things Indian.

This agency forbade the speaking of Indian languages, prohibited the conduct of traditional religious activities, outlawed traditional government, and made Indian people ashamed of who they were. Worst of all, the Bureau of Indian Affairs committed these acts against the children entrusted to its boarding schools, brutalizing them emotionally, psychologically, physically, and spiritually. Even in this era of self-determination, when the Bureau of Indian Affairs is at long last serving as an advocate for Indian people in an atmosphere of mutual respect, the legacy of these misdeeds haunts us. The trauma of shame, fear and anger has passed from one generation to the next, and manifests itself in the rampant alcoholism, drug abuse, and domestic violence that plague Indian country. Many of our people live lives of unrelenting tragedy as Indian families suffer the ruin of lives by alcoholism, suicides made of shame and despair, and violent death at the hands of one another. So many of the maladies suffered today in Indian country result from the failures of this agency. Poverty, ignorance, and disease have been the product of this agency's work.

And so today I stand before you as the leader of an institution that in the past has committed acts so terrible that they infect, diminish, and destroy the lives of Indian people decades later, generations later. These things occurred despite the efforts of many good people with good hearts who sought to prevent them. These wrongs must be acknowledged if the healing is to begin.

I do not speak today for the United States. That is the province of the nation's elected leaders, and I would not presume to speak on their behalf. I am empowered, however, to speak on behalf of this agency, the Bureau of Indian Affairs, and I am quite certain that the words that follow reflect the hearts of its 10,000 employees.

Let us begin by expressing our profound sorrow for what this agency has done in the past. Just like you, when we think of these misdeeds and their tragic consequences, our hearts break and our grief is as pure and complete as yours. We desperately wish that we could change this history, but of course we cannot. On behalf of the Bureau of Indian Affairs, I extend this formal apology to Indian people for the historical conduct of this agency.

And while the BIA employees of today did not commit these wrongs, we acknowledge that the institution we serve did. We accept this inheritance, this legacy of racism and inhumanity. And by accepting this legacy, we accept also the moral responsibility of putting things right.

We therefore begin this important work anew, and make a new commitment to the people and communities that we serve, a commitment born of the dedication we share with you to the cause of renewed hope and prosperity for Indian country. Never again will this agency stand silent when hate and violence are committed against Indians. Never again will we allow policy to proceed from the assumption that Indians possess less human genius than the other races. Never again will we be complicit in the theft of Indian property. Never again will we appoint false leaders who serve purposes other than those of the tribes. Never again will we allow unflattering and stereotypical images of Indian people to deface the halls of government or lead the American people to shallow and ignorant beliefs about Indians. Never again will we attack your religions, your languages, your rituals, or any of your tribal ways. Never again will we seize your children, nor teach them to be ashamed of who they are. Never again.

We cannot yet ask your forgiveness, not while the burdens of this agency's history weigh so heavily on tribal communities. What we do ask is that, together, we allow the healing to begin: As you return to your homes, and as you talk with your people, please tell them that time of dying is at its end. Tell your children that the time of shame and fear is over. Tell your young men and women to replace their anger with hope and love for their people. Together, we must wipe the tears of seven generations. Together, we must allow our broken hearts to mend. Together, we will face a challenging world with confidence and trust. Together, let us resolve that when our future leaders gather to discuss the history of this institution, it will be time to celebrate the rebirth of joy, freedom, and progress for the Indian Nations. The Bureau of Indian Affairs was born in 1824 in a time of war on Indian people. May it live in the year 2000 and beyond as an instrument of their prosperity.

H–1B VISA ISSUE

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. ROHRABACHER. Mr. Speaker, I Would like to submit for my colleagues an article that recently appeared in the New York Times. With all the recent discussion about the H–1B visa issue, I thought this article was not only timely, but quite effective at unveiling the truth behind all the rhetoric I've heard. In fact, I believe this article succinctly captures the reasons why Congress should not raise the H–1B visa limit.

[From the New York Times, Sept. 6, 2000]

QUESTIONING THE LABOR SHORTAGE

(By Richard Rothstein)

To alleviate apparent shortages of computer programmers, President Clinton and Congress have agreed to raise a quota on H-1B's, the temporary visas for skilled foreigners. The annual limit will go to 200,000 next year, up from 65,000 only three years ago.

The imported workers, most of whom come from India, are said to be needed because American schools do not graduate enough young people with science and math skills. Microsoft's chairman, William H. Gates, and Intel's chairman, Andrew S. Grove, told Congress in June that more visas were only a stopgap until education improved.

But the crisis is a mirage. High-tech companies portray a shortage, yet it is our memories that are short: only yesterday there was a glut of science and math graduates.

The computer industry took advantage of that glut by reducing wages. This discouraged youths from entering the field, creating the temporary shortages of today. Now, taking advantage of a public preconception that school failures have created the problem, industry finds a ready audience for its demands to import workers.

This newspaper covered the earlier surplus extensively. In 1992, it reported that I in 5 college graduates had a job not requiring a college degree. A 1995 article headlined "Supply Exceeds Demand for Ph.D.'s in Many

Science Fields" cited nationwide unemployment of engineers, mathematicians and scientists. "Overproduction of Ph.D. degrees," it noted, "seems to be highest in computer science."

Michael S. Teitelbaum, a demographer who served as vice chairman of the Commission on Immigration Reform, said in 1996 that there was "an employer's market" for technology workers, partly because of post-cold-war downsizing in aerospace.

In fields with real labor scarcity, wages rise. Yet despite accounts of dot-com entrepreneurs' becoming millionaires, trends in computer technology pay do not confirm a need to import legions of programmers.

Salary offers to new college graduates in computer science averaged $39,000 in 1986 and had declined by 1994 to $33,000 (in constant dollars). The trend reversed only in the late 1990's.

The West Coast median salary for experienced software engineers was $71,000 in 1999, up only 10 percent (in constant dollars) from 1990. This pay growth of about I percent a year suggests no labor shortage.

Norman Matloff, a computer science professor at the University of California, contends that high-tech companies create artificial shortages by refusing to hire experienced programmers. Many with technology degrees no longer work in the field. By age 50, fewer than half are still in the industry. Luring them back requires higher pay.

Industry spokesmen say older programmers with outdated skills would take too long to retrain. But Dr. Matloff counters by saying that when they urge more H-1B visas, lobbyists demonstrate a shortage by pointing to vacancies lasting many months. Companies could train older programmers in less time than it takes to process visas for cheaper foreign workers.

Dr. Matloff says that in addition to the pay issue, the industry rejects older workers because they will not work the long hours typical at Silicon Valley companies with youthful "singles" styles. Imported labor, he argues, is only a way to avoid offering better conditions to experienced programmers. H-1B workers, in contrast, cannot demand higher pay: visas are revoked if workers leave their sponsoring companies.

As for young computer workers, the labor market has recently tightened, with rising wages, because college students saw earlier wage declines and stopped majoring in math and science. In 1996, American colleges awarded 25,000 bachelor's degrees in computer science, down from 42,000 in 1985.

The reason is not that students suddenly lacked preparation. On the contrary, high school course-taking in math and science, including advanced placement, had climbed. Further, math scores have risen; last year 24 percent of seniors who took the SAT scored over 600 in math. But only 6 percent planned to major in computer science, and many of these cannot get into college programs.

The reason: colleges themselves have not yet adjusted to new demand. In some places, computer science courses are so oversubscribed that students must get on waiting lists as high school juniors.

With a time lag between student choice of majors and later job quests, high schools and colleges cannot address short-term supply and demand shifts for particular professions. Such shortages can be erased only by raising wages to attract those with needed skills who are now working in other fields—or by importing low-paid workers.

For the longer term, rising wages can guide counselors to encourage well-prepared students to major in computer science and engineering, and colleges will adjust to rising demand. But more H-1B immigrants can have a perverse effect, as their lower pay signals young people to avoid this field in future, keeping the domestic supply artificially low.

IN HONOR OF THE CRUSIN' HALL OF FAME INDUCTEES AT THE ROUTE 66 RENDEZVOUS

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. BACA. Mr. Speaker, the City of San Bernardino will be hosting its 11th Annual Route 66 Rendezvous event downtown this month. The event is expected to draw over 500,000 classic car fans to the downtown, with 2,448 prime classic cars at the event (the number of miles of the Route 66 highway). I would like to salute the event's inductees into the Crusin' Hall of Fame, an impressive and truly remarkable collection of honorees this year:

- Mattel, in honor of the significant impact the company has made in the American Automotive culture with the development of the miniature vehicles "Hot Wheels."

Mattel is known as a leader in the world of toy design, manufacturing, and marketing. Mattel introduced "Hot Wheels" miniature vehicles in 1968. The three-inch long cars and trucks reached out and captured children's imaginations. Mattel celebrated the 30th anniversary of "Hot Wheels" in 1998, and reached a milestone when they produced the two billionth Hot Wheel car, making Mattel the producer of more vehicles than Detroit's big three auto makers combined.

- The Beach Boys, a popular sixties and seventies band that popularized surfing and cruising music, in honor of the significant part their music plays in the American automotive culture.

From Hawthorne, California, the three Beach Boy brothers—Brian, Dennis and Carl Wilson, plus cousin Mike Love and friend Al Jardine had some of the most intricate, beautiful harmonies heard from a pop band. Their music is still popular and can be heard on countless radio stations and car cruises around the nation.

- The J.C. Agajanian Family, a family with over fifty years in motorsports racing, in honor of their many significant contributions in the promotion, participation, and involvement in the American automotive culture.

J.C. Agajanian, one of the most influential men in American motorsports history, is known for his involvement and many achievements in the motorsports world. In 1998, the Agajanians marked their 50th Golden Anniversary of promoting, participating, and involvement with the famed Indianapolis 500.

- The Woody, the hand-built "sport utility vehicle" of its day, in honor of the significant role this unique automobile played in the American Automotive culture.

Since the sixties, these wagons have been popular collector's items. They are in such demand that old cars with splinters instead of wood are being lovingly restored and shown off at car shows and cruises throughout the United States.

DOGS IN SERVICE TO MANKIND

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mrs. LOWEY. Mr. Speaker, I rise today to commend the American Kennel Club's celebration of "Dogs in Service to Mankind." The American Kennel Club, established in 1884, is the world's largest purebred dog registry and the nation's leading not-for-profit organization devoted to the support of purebred dogs, responsible pet ownership and canine health.

As well as providing invaluable and beneficial companionship to millions of Americans, purebred dogs have provided service to mankind for generations and in a myriad of ways. Only a few examples are the dogs who accompanied our servicemen in every war; who rescue Americans every year from fire, entrapment and drowning; and whose powers of scent enable them to locate lost children, dangerous chemicals and illegal materials.

Dogs give vital assistance to the handicapped, ill and elderly, and these amazing creatures can even warn a person that a heart attack or epileptic seizure is about to occur. Many Americans have benefitted from the companionship and unconditional love that service dogs provide.

So today, I join the American Kennel Club in its recognition of dogs' extraordinary capabilities. I am delighted to Join in honoring these wonderful animals whose service to humankind deserves our utmost appreciation.

HONORING HO'OIPO DECAMBRA, 2000 ROBERT WOOD JOHNSON COMMUNITY HEALTH LEADER

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mrs. MINK of Hawaii. Mr. Speaker, I rise today to acknowledge the tremendous contributions of Ho'oipo DeCambra, Executive Director of Ho'omau Ke Ola, for her work to improve the health and well-being of her rural community in Wai'anae, Hawaii. Ho'oipo's inspired leadership and innovative programs led to her being named a 2000 Robert Wood Johnson Community Health Leader.

Only ten people nationwide receive this prestigious award each year. The Robert Wood Johnson Community Health Leader award, the nation's highest honor for community health leadership, includes an $100,000 cash award—$95,000 goes to enhance the awardee's community health program and $5,000 is a personal award.

Ho'oipo DeCambra has developed and implemented successful substance abuse treatment programs and a women's cancer project utilizing traditional Hawaiian values and healing practices to reach out to the Native Hawaiian community, which suffers from a high incidence of substance abuse and cancer. A long-time social justice advocate, Ho'oipo became involved in local health care after seeing the effects that disease and drug addiction have had on the people of her own community.

Troubled by the number of Hawaiian women with breast cancer, DeCambra pioneered the Women's Cancer Research Project, now called the Women's Health Network. The program teaches women and their families about breast and cervical cancers through "kokua" or help groups. The original study employed Hawaiian women with breast cancer in data collection and analysis.

Ho'oipo DeCambra has since turned her talents and energy to helping people who suffer from drug addiction. She directs a substance abuse treatment program, Ho'omau Ke Ola, that uses traditional Native Hawaiian healing methods in concert with the very latest clinical practices to treat the largely Hawaiian population of the Wai'anae coast of the island of O'ahu. Ho'omau Ke Ola also provides transitional shelter and distributes food to residents in the community.

Ho'oipo DeCambra previously served as chair of the board of the Wai'anae Coast Comprehensive Health Center. She is a founding board member of Ke Ola O Hawai'i, an academic community partnership organization. She also sits on the board of the Hawai'i Health Foundation, which promotes a traditional Native Hawaiian diet, and serves on an ad hoc committee of the U.S. Department of Health and Human Services' Office of Women's Health, Minority Women's Health Panel of Experts. Ho'oipo is also a published poet.

I am pleased to have this opportunity to congratulate Ho'oipo and to thank her for devoting her considerable talents and boundless aloha to improving the lives of the people in her community and throughout the state.

ST. THOMAS SYNAGOGUE—A NATIONAL HISTORIC LANDMARK

HON. DONNA MC CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mrs. CHRISTENSEN. Mr. Speaker, I rise to pay tribute to the St. Thomas Synagogue, formally, the Synagogue of Beracha Veshalom Vegemiluth Hasidim, or in English, "the Synagogue of Blessing and Peace and Acts of Piety," located on Synagogue Hill overlooking Charlotte Amalie Harbor in the Federal Historic District of Charlotte Amalie, the capital of the United States Virgin Islands.

Today, September 12, 2000, marks the 167th Anniversary of the consecration of the St. Thomas Synagogue. This synagogue, a well-preserved structure, built 167 years ago today in 1833, is indeed rich in history, culture and architecture. It is the second oldest synagogue in the Western Hemisphere and the oldest in continuous use under the American flag.

For many Virgin Islanders, the St. Thomas Synagogue is a reminder of tolerance and equality, as well as of European expansion into the new world during the Spanish Inquisition of 1492. Practicing Jews were expelled from Spain during that period. As a result of this exodus, many Jewish families established themselves in the then Danish West Indies which are now the U.S. Virgin Islands. Some of the surnames which date back to that time are still present in the Virgin Islands today such as: Maduro, Castro, Sasso, Levin, Bornn, and Monsanto.

The St. Thomas Synagogue is also revered as among one of the most architecturally interesting buildings on St. Thomas. This one story, three-bay front building measures forty feet by fifty feet, is rectangular in shape. Its foundations, made of masonry with lime mortar and plaster, and its walls, made of brick and cut stone load-bearing masonry walls with lime mortar and plaster, are still strong and sound. Its interior is emaculate with preserved artifacts and furniture centuries old. The most fascinating aspect is its flooring—13″ marble tiles and covered with one inch of loose sand, a poignant reminder of the time when they had to worship in secret. The sand on the floor is a remnant of the days of the Marranos, Jews during the Spanish Inquisition who were forced to convert to Christianity but who secretly practiced their Judaism. Since practicing their faith was punishable by death, they met in cellars with sand covering the floor in order to muffle the sounds of their prayers.

On Friday, September 15, 2000, the United States Department of Interior will honor the U.S. Virgin Islands and the Hebrew Congregation of St. Thomas at a ceremony formally designating the St. Thomas Synagogue as a National Historic Landmark.

On behalf of the Congress of the United States of America, I congratulate the Hebrew Congregation of St. Thomas on attaining this honor and salute them for their dedicated service and contributions to the United States Virgin Islands.

TRIBUTE TO BRIAN M. O'LAUGHLIN

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. MOORE. Mr. Speaker, I rise today to pay tribute to a noteworthy resident of the Third Congressional District of Kansas, Brian M. O'Laughlin, who lives in Prairie Village, Kansas, with his wife, Mimi, and their four sons.

Mr. O'Laughlin recently was named "Man of the Year" by the Missouri Association of Insurance and Financial Advisors for his service and leadership to his industry, community and clientele. He has been in the insurance and financial services industry in the Kansas City area for the past 17 years, where his practice specializes in insurance.

Mr. O'Laughlin is a past president of the Kansas City Life Underwriters Association [KCLUA] and currently serves on its board. KCLUA awarded him its highest honor in January 1999, as the "Herbert Hedges Man of the Year." He also has served his community as president of the Rockhurst High School Alumni Association and as the assistant coach and general manager of the Junior Blues High School Rugby Club. He was awarded the American Red Cross "Certification of Recognition for Extraordinary Personal Action" in July 1977 for resuscitating a two year old boy in a 1976 swimming pool accident.

Mr. O'Laughlin is: a charter member of the Serra Club of Johnson County, Kansas; past school board member of St. Ann's School and former PTA co-president, with Mimi O'Laughlin. He currently serves on the finance council for St. Ann's Catholic Church in Prairie Village, Kansas. He has been involved with organizations such as: the Leukemia Society; the Chamber of Commerce of Greater Kansas City; the Salvation Army, the Heart Association; Friends of the Arts and Friends of the Zoo; and the "Leave a Legacy" Foundation.

Finally, Brian O'Laughlin has coached over twenty five seasons of soccer, basketball and rugby. He also is a certified "International Doping Control Officer" for various international sports organizations and tests world class athletes for steroid use to ensure fair competition and the safety of the athletes.

Mr. Speaker, Brian O'Laughlin is the kind of concerned citizen whose selfless dedication to others binds our communities together. I commend him on his recognition as "Man of the Year" by the Missouri Association of Insurance and Financial Advisors and I am pleased to have this opportunity to publicly commend his good works before the House of Representatives.

HONORING SISTER CATHERINE MORAN

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. GILMAN. Mr. Speaker, I was unavoidably detained in New York and missed the opening ceremonies of today's session. Accordingly, I deeply regret not being here in person to greet Sister Catherine Moran, who delivered the opening prayer earlier this afternoon.

In recent years, while there have been other clergy women who have had the honor of leading this body in its opening prayer, I understand, however, that Sister Catherine Moran is the first person who has never been ordained to be afforded this honor. Truly, this was an historic occasion.

However, Sister Catherine's entire life has been one of breaking precedent. Born in Brooklyn, she entered the convent on September 8, 1945, receiving a Masters Degree in Education from St. John's University, and advanced certificates in Administration from both Hofstra University and the State University of New York in Plattsburgh.

From 1975 until 1983, Sister Catherine Moran was the Principal at Albertus Magnus High School in Bardonia, New York. Albertus Magnus has long been one of the most prestigious and respected high schools in my Congressional District, and its luster is due in good part to the outstanding leadership which Sister afforded during her eight year tenure as its Principal.

Although she is still affiliated with the Dominican Convent in Sparkill, New York, for the past 14 years Sister has traveled over the border into New Jersey, where she serves the New Community Corporation in Newark as Human Resources director. Her outstanding service in this capacity earned the attention of our colleague from New Jersey (Mr. PAYNE), who sponsored Sister's participation in our opening ceremonies today.

Mr. Speaker, I would like all of our colleagues to be aware that on October 20th of this year, Sister Catherine Moran will be the recipient of the 2000 Founders Award from St. Thomas Aquinas College in my Congressional District, in Sparkill, NY. This highly prestigious award is presented annually to the individual who has exemplified the motto of St. Thomas Aquinas College: "Enlighten the Mind through Truth."

I plan to be on hand at the Aquinas Medal banquet this year as this truly remarkable woman is recognized for her compassion and for her service to humanity.

Mr. Speaker, it is notable that our opening prayer today was delivered by a truly unique individual who made history by being here with us.

TRIBUTE TO RAJ SOIN

HON. DAVID L. HOBSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. HOBSON. Mr. Speaker, I rise today to pay tribute to an outstanding Ohioan and an individual who has helped to show that the American Dream can become a reality.

Raj Soin came to this country from India in 1969 to attend graduate school. The airline which brought him to this country lost his luggage and Mr. Soin began his American odyssey with $3 and only the clothes he was wearing. Through hard work and determination, he received his degree and began a career with Williams International in Michigan.

By 1984, Mr. Soin had created Modern Technologies Corporation and established it in Dayton to be near Wright-Patterson Air Force Base and its extensive military research facilities. As his businesses grew, he never forgot the importance of family. His wife and sons have publicly praised his ability to balance his professional and family commitments.

Mr. Soin is currently president and CEO of MTC International, a parent company for a number of high-tech and manufacturing businesses involving engineering, consulting work for the military, computer applications and services, plastic materials and land development. Mr. Soin is living proof that America is still a land of opportunity.

Mr. Soin's belief that the best investment is an investment in good people has given him a vision of excellence and helped him provide crucial leadership to Wright State University. Mr. Soin is committed to Wright State's development as a premier institution of higher learning and he has consistently demonstrated his ability to help this dream take form.

While building his own successful business ventures, Raj Soin has served on Wright State University's Board of Trustees since 1993 as well as its Business College Board of Advisors. He also serves on the boards of the Victoria Theatre, the Dayton Foundation, and the Ohio Business Roundtable. Additionally, he founded the Asian Indian American Business Group in 1987 and the Ohio India Project which raises funds for charitable work.

As a result of his steadfast support, Wright State University publicly recognized Mr. Soin on September 11, 2000 by naming the school's College of Business and Administration in his honor.

As Ohio's Seventh District Representative to the Congress of the United States, I take this opportunity to join with Wright State University and our entire local community to honor the efforts and the achievements of Raj Soin. His many contributions to the Miami Valley are greatly appreciated by all.

A DAY AT THE RANCH

HON. SONNY CALLAHAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. CALLAHAN. Mr. Speaker, I rise today to recognize the outstanding accomplishments of A Day at the Ranch Youth Foundation. Founded in Mobile, Alabama, by Peggy Thrash and Gabriel Peck, Jr., A Day at the Ranch is currently headquartered in St. Elmo, Alabama, on a ten-acre horse ranch.

A Day at the Ranch provides a very unique opportunity for today's youth, especially disadvantaged young people. Away from the hustle and bustle of the city, A Day at the Ranch affords young men and women an opportunity to participate firsthand in the environment of a working horse ranch.

In addition to the many chores associated with running a ranch, the program also contains an educational component designed to broaden the young persons' awareness and knowledge of contributions made by African-American men and women in conjunction with horses.

Staffed by volunteers from across the state of Alabama, the ranch also gives students the opportunity to participate in events such as West Fest, as well as an annual trip to Houston, Texas.

West Fest was held in 1998 for Mobile County schools, and more than 5200 students attended the day's events. West Fest was highlighted by cultural activities such as the Bill Picket Rodeo, the largest African-American rodeo in the country, and a cultural exchange spotlighting Alabama's Native American Tribes and Civil War reenactments.

In 1999, A Day at the Ranch Youth Foundation selected 40 disadvantaged young people from across the state, as well as 40 youth in foster care. They traveled to Houston for the weekend and attended the Houston Livestock and Rodeo Show. This trip is now an annual event funded by supporters of A Day at the Ranch Youth Foundation.

Although the program is primarily designed for today's youth, A Day at the Ranch also hosts adult groups. Since 1996, more than 25,000 young people and adults alike have spent A Day at the Ranch. With the overwhelming social problems our young people face today, it is clear this program is informative and beneficial for the young people of Alabama.

Mr. Speaker, I salute Peggy Thrash and Gabriel Peck, Jr., for coming up with the innovative program, A Day at the Ranch. Not only are they helping educate our young people on the importance of good equestrian practices, but they are also providing a valuable lesson on the importance of hard work and responsibility.

HONORING THE STANDARD REGISTER COMPANY IN MONROE, NC

HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. HAYES. Mr. Speaker, today it is my privilege to recognize the Standard Register Company's facility in Monroe, NC, for successfully completing over 600,000 hours of operation with no lost time.

John Q. Sherman formed Standard Register Company in 1912 in Dayton, OH. Mr. Sherman and his company introduced Theodore Schirmer's paper-feeding invention, the autographic register, to the industrial world. Today, Standard Register is a member of the Business Forms Industry, and is a $1.4 billion company with approximately 8,200 associates nationwide.

The plant in Monroe was formed on August 6, 1996, when Standard Register Company acquired Piedmont Pninting. Since that date the employees at the Monroe facility have worked a total of 667,613 hours with no lost time, no work-related injuries. This great accomplishment is proof of the excellent work habits of all of the members of the Monroe plant.

I would like to extend special congratulations and commendations to a few of Standard Register's corporate officers and managers, Harry Seifert, Dave Fehrman, Rick Miller, Dan Buchholtz, Earl Ammons, and Terry E. Sizemore.

Mr. Speaker, I would like to congratulate the employees at Standard Register for their superior achievements, and I would ask all of my colleagues to join me in paying special tribute to them.

TRIBUTE TO GIRL SCOUT GOLD AWARD RECIPIENTS

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. EWING. Mr. Speaker, today I would like to salute Laura David, Erin Wiggins, Jennifer Iversen, Christina Barnes, and Merideth Holmes. They are outstanding young women who were honored with the Girl Scout Gold Award by Green Meadows Council in Urbana, Illinois. Laura, Erin, Jennifer, Christina, and Merideth were honored on May 8, 2000 for earning the highest achievement that a young woman aged 14–17 or in grades 9–12 can earn in Girl Scouting. The Girl Scout Gold Award symbolizes outstanding accomplishments and has five requirements, each of which helps girls develop skills in the areas of leadership, career exploration, self-discovery, and service. The fifth requirement is a Gold Award Project that requires a minimum of 50 hours of participation.

Girl Scouts of the U. S. A., an organization serving over 2.5 million girls, has awarded more than 20,000 Girl Scout Awards to Senior Girl Scouts since the inception of the program in 1980. To receive this award, a Girl Scout must earn four interest project patches, the Career Exploration Pin, the Senior Girl Scout Leadership Award, and the Senior Girl Scout Challenge, and also design and carry out a Girl Scout Award project. A plan for fulfilling these requirements is created by the Senior Girl Scout and is carried out through close cooperation between the girl, her troop leader, and an adult Girl Scout volunteer mentor.

Laura and Erin's Gold Award project was "Communities Helping Communities." They are members of Girl Scout Troop 299 in Champaign, Illinois. The idea for their project came when they participated in a school sponsored city clean-up project. They recognized the need to help elderly neighbors with yard work and beautification of their property. Together they organized and coordinated volunteer workers, obtained donations of plant materials and supplies and provided gardening services for eight elderly families and three churches. Upon completing this project, they evaluated the results. Laura felt that one of the benefits of this project was the families were able to provide input into the selection of flowers and how their flowerbeds were designed. Erin said she gained self-satisfaction from providing such a tangible improvement to homes. Benefits of the project were the experience of intergenerational and multi-racial neighbors working together.

Jennifer Iversen's Gold Award project involved obtaining computers for the residents of Manor Care Health Services. She is also a member of Girl Scout Troop 299 in Champaign, Illinois. Jennifer and a friend taught residents basic computer skills and how to access the Internet. These new skills provided residents the ability to use e-mail to correspond with family friends. Jennifer applied for and received a grant for continuation of this project next year with volunteer assistance from the social advocacy class at University Laboratory High School.

Christina Barnes's Gold Award project titled "Assistant Softball Coach" provided her the opportunity to share her talents and love of softball with young women aged 13–15. Christina is a member of Girl Scout Troop 400 in Philo, Illinois. She coached and taught this group fast pitch softball skills through the Park District. Her project also included developing a First Aid kit for the team and emphasizing nutrition in her instruction.

Merideth Holmes is an Independent Girl Scout from Monticello, Illinois, and her project, "Christian Cuddliess" involved working with members of a Junior Girl Scout troop to make teddy bears for children admitted to the emergency room of Ganta Memorial Hospital in Ganta, Liberia. Merideth enjoyed involving the Junior Girl Scouts in her project and being able to make an emergency room more comforting and less threatening for children.

I believe that Laura David, Erin Wiggins, Jennifer Iversen, Christina Barnes, and Merideth Holmes should receive public recognition for their significant service to their communities and country.

RECOGNIZING 5 OLYMPIC TEAM MEMBERS FROM THE 41ST DISTRICT OF CALIFORNIA

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. GARY MILLER of California. Mr. Speaker, it gives me great pleasure to recognize five athletes from California's 41st District that will be representing the United States at the XXVII Olympic Summer Games in Sydney, Australia. Leah O'Brien-Amico from Diamond Bar and Shelia Douty from Chino will be competing on the U.S. Women's Softball Team; Heather Brown from Yorba Linda on the U.S. Women's Volleyball Team; Brian Dunseth from Upland on the U.S. Men's Soccer Team; and Young In Cheon from Diamond Bar will be competing in Taekwondo.

I commend these very special individuals for sacrificing, training and competing to make it to the top of their respective sports. Their hard work has lead to their selection on the U.S. Olympic Team and with it the notoriety of being our country's finest athletes. It is a great honor to compete for the United States in the world's most prestigious athletic contest. Their communities and their nation are very proud of them. Our support and best wishes go with each one of them as they journey to Sydney, Australia to compete in this year's Olympic Summer Games.

A SPECIAL TRIBUTE TO THOMAS SUDDES FOR HIS DEDICATED SERVICE AND MYRIAD CONTRIBUTIONS TO THE FIELD OF JOURNALISM

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. GILLMOR. Mr. Speaker, it is with great pride that I rise today to pay special tribute to an outstanding individual from the state of Ohio. Mr. Speaker, on August 31, 2000, Thomas Suddes, chief legislative reporter for the Cleveland Plain Dealer, retired after more than 25 years of service in the field of journalism.

Born in Youngstown, OH, Tom's educational journey began at St. Dominic Elementary and Cardinal Mooney High School. In 1976, Tom completed his bachelor of arts degree in journalism at the Ohio State University. Now, Tom will leave the Cleveland Plain Dealer after 18 years to pursue his doctorate degree in mass communications at Ohio University's E.W. Scripps School of Journalism.

While attending the Ohio State University, Tom worked as statehouse reporter, columnist, editorial page editor, and editor-in-chief of the student-run Ohio State Lantern newspaper. After graduating from OSU, Tom wrote for the Chicago Sun-Times and the Des Moines Register and Tribune. He also served as editorial page editor with Foster's Daily Democrat of Dover, New Hampshire and assistant news editor with the Clarion-Ledger of Jackson, MS.

In 1982, Tom Suddes began working for the organization that would showcase his talents and allow his career to flourish, the Cleveland Plain Dealer. Tom has served in many positions with the Cleveland Plain Dealer over the last 18 years. From state desk reporter to Columbus bureau chief, from columnist to chief legislative reporter, Tom Suddes has brought honor, integrity, and fair reporting to each of his assignments.

Journalists like Tom Suddes are a credit to their profession. They diligently work to secure stories, which bring their readers the information they so desire. Yet, above all, they preserve the trust and respect of the leaders and public officials they cover.

Mr. Speaker, my wife, Karen, and I have known Tom Suddes for many years and have the highest regard for his character and abilities as a journalist. While Karen and I will sorely miss his insight into Ohio politics and his coverage of state and national events, we know that our friendship will continue to flourish. At this time, I would ask my colleagues of the 106th Congress to stand and join me in paying special tribute to Thomas Suddes. His professionalism and service are a credit to the field of journalism. We wish him the very best in all of his future endeavors.

VENEZUELA'S PRESIDENT CHAVEZ

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. BEREUTER. Mr. Speaker, I submit for my colleagues the August 16, 2000, Norfork Daily News editorial entitled "Chavez travels: Venezuela's new president provides incentive to emphasize energy search." As the editorial correctly notes, Venezuela's new president, Hugo Chavez, is not winning friends here in America. At the request of the Speaker, this Member accompanied him on President Clinton's one-day trip to Colombia to view first hand the efforts within that country and its neighbors to reduce or eliminate the coca and poppy production, which are the basis of cocaine and heroin.

It is clear that Mr. Chavez considers himself, with a significant degree of grandiosity and self-assuredness, as the emerging political power in the region. This appears to have dangerous implications, and such actions by President Chavez, as noted in the editorial to include known belligerents to our national security, must be closely watched and, if necessary, responded to immediately.

Venezuela is the United States' leading supplier of imported crude and refined petroleum products. The United States accounts for 53 percent of Venezuela's exports. Venezuela's activities and cooperation within the Organization of Petroleum Exporting Countries (OPEC) under the Chavez Government was one factor in doubling oil prices.

Mr. Speaker, it is time we let Mr. Chavez know that we are concerned about his actions as a hemispheric neighbor.

[From the Norfolk Daily News, Aug. 16, 2000]

CHAVEZ TRAVELS—VENEZUELA'S NEW PRESIDENT PROVIDES INCENTIVE TO EMPHASIZE ENERGY SEARCH

Venezuela's new president, Hugo Chavez, was not winning friends among America's policymakers by cozying up to Cuban Dictator Fidel Castro or suggesting that Libya was a model of "participatory democracy." Now he has taken a step further in that direction by traveling to Iraq as part of a visit to OPEC nations that make up the cartel of oil producers.

It is the first visit of any foreign leader to Iraq since Saddam Hussein's forces invaded Kuwait 10 years ago, bringing on the Gulf War.

America cannot dictate who Chavez's friends can be, though it is cause for alarm that he embraces such firm enemies. Those friendships, however, indicate to Americans that Venezuela's oil supplies, important to the United States, cannot be taken for granted.

That is no reason to waste time denouncing Chavez, but an incentive to re-emphasize the importance of developing new energy sources within the U.S.

VICE PRESIDENT GORE'S GULF WAR VOTE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. CRANE. Mr. Speaker, former assistant Senate Republican Leader, Alan Simpson, has recalled for Americans the serious debate that went on in the Senate during the period leading up to the Gulf War. He tells us in a recent article, "The seriousness of the situation called for open, honest debate. No deal-making. No cajoling. No politics. Just an honest discussion, followed by an honest vote of conscience by each senator."

Mr. Speaker, Senator Simpson reports in the Las Vegas Review-Journal that the night before the floor debate, he and Senator Dole were sitting in the Republican cloakroom somberly contemplating the vote which could mean sending our troops to war. He recalls that suddenly Tennessee Senator AL GORE came in and asked, "How much time will you give me if I support the President?" After hearing that the Democrats had offered Senator GORE only seven minutes of camera time on the floor, the two Republican senators promised him twenty minutes—prime time, if possible.

Senator Simpson reports that later, after being told by GOP Senate Secretary Howard Greene that the time had not yet been finalized, Senator GORE exploded with the remark, "Damn it, Howard, if I don't get 20 minutes tomorrow, I'm going to vote the other way."

Senator Simpson says that it brings him no joy to recount the events leading up to the Gulf War, but feels he has to set the record straight because the Gore campaign is now proclaiming that the Vice President "broke with his own party to support the Gulf War." The former Senator from Nevada ruefully concludes that "it's much closer to the truth to say he broke for the cameras to support the Gulf War."

Mr. Speaker, I submit the article by Senator Simpson, entitled "Political Calculations and GORE's Gulf War Vote," which appeared in the Las Vegas Review-Journal for September 1, 2000 for the CONGRESSIONAL RECORD.

POLITICAL CALCULATIONS AND GORE'S GULF WAR VOTE

Al Gore's running a new campaign ad across the country now, saying he is "fighting for us." But the true story of his Gulf War vote says he is usually fighting for Al. Here is the inside story of what happened.

The Gulf War vote was pretty serious business. I can't think of anyone who didn't have a lump in his or her throat as they weighed the situation—50,000 American troops were deployed; Saddam Hussein promising the "mother of all battles;" most "experts" predicting heavy American losses.

The choice was not an easy one. Senators with combat experience on both sides of the aisle were on both sides of the issue. Some Democrats openly supported the measure; some Republicans openly opposed it. And vice versa.

The seriousness of the situation called for open, honest debate. No deal-making. No cajoling. No politics. Just an honest discussion, followed by an honest vote of conscience by each senator. As Republican whip, I worked with the Republican leader, Bob Dole, and the Democratic leaders, George Mitchell and Sam Nunn, to schedule the debate. As Republicans, Bob and I were responsible for scheduling time to speak for senators who supported the war. As Democrats, George and Sam were responsible for scheduling time to speak for those who opposed the war.

The night before this monumental debate, I sat in the Republican cloakroom with Sen. Dole. The mood was somber. The tension was palpable. We were on the verge of sending troops to war. Our national credibility was on the line. Would America stand up to tyranny and aggression in the Middle East? This was not some issue to be taken lightly.

As Bob and I discussed the debate schedule for the next day, a senator walked into our cloakroom and asked to speak to us. The senator's appearance and request surprised Bob and me. It surprised us because the senator was a Democrat, coming to ask for a favor. Who was that man?

It was Tennessee Sen. Al Gore Jr.

Sen. Gore got right to the point: "How much time will you give me if I support the president?" In layman's terms, Gore was asking how much debate time we would be willing to give him to speak on the floor if he voted with us.

"How much time will the Democrats give you?" Sen. Dole asked in response.

"Seven minutes," came the droning response.

"I'll give you 15 minutes," Dole said.

"And I'll give you five of mine, so you can have 20 minutes," I offered.

Gore seemed pleased, but made no final commitment, promising only to think it over.

Gore played hard to get. He had received his time. But now he wanted prime time. And Dole and I knew it. After Gore left, Dole asked Howard Greene, the Republican Senate secretary, to call Gore's office and promise that he would try to schedule Gore's 20 minutes during prime time, thus ensuring plenty of coverage in the news cycle.

Later that night, Sen. Gore called Greene and asked if Dole had him a prime time speaking slot. When Greene said nothing had been finalized yet, Gore erupted. "Damn it, Howard! If I don't get 20 minutes tomorrow, I'm going to vote the other way."

The following day, Gore arrived on the Senate floor with, I always thought, two speeches in hand. Gore was still waiting to see which side—Republicans or Democrats—would offer him the most and the best speaking time. Sen. Dole immediately asked the Senate to increase the amount of speaking time for both sides. I believe only then, after Gore realized we were asking for more time to make room for him on our side, that he finally decided to support the resolution authorizing the use of force to drive Saddam Hussein out of Kuwait.

It brings me no joy to recount the events leading up to the Gulf War vote. It isn't something I wanted to do. But it is something I have to do. I was there.

I have to set the record straight because the Gore campaign is now running an ad proclaiming that Al Gore, "broke with his own party to support the Gulf War." In reality, it's much closer to the truth to say he broke for the cameras to support the Gulf War.

And I have to set the record straight because the Gulf War vote was far too important an issue to fall victim to politics and repulsive revising. It was a moment of challenge. And sadly, Al Gore was not up to it.

As a member of the U.S. Senate for 18 years, I saw many senators show their stuff when times got tough. And, sadly, I saw some who failed to rise to the occasion. In January of 1991, Al Gore put politics over principle.

DUQUESNE UNIVERSITY, MYLAN SCHOOL OF PHARMACY

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. COYNE. Mr. Speaker, today I recognize the 75th anniversary of Duquesne University's Mylan School of Pharmacy.

Seventy-five years ago this month, the Duquesne School of Pharmacy opened its doors. In the subsequent years, it has prepared thousands of pharmacists who have gone on to provide competent, professional service and advice to people across the country. Thy Mylan School of Pharmacy is widely recognized as one of the best pharmacy schools in the country. I am proud that this outstanding institution is located in my congressional district.

TRIBUTE TO THE KLEIN BRANCH

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. BORSKI. Mr. Speaker, today I honor the Jewish Community Centers of Greater Philadelphia's Raymond and Miriam Klein Branch, as they celebrate 25 years of servicing their community.

The Klein Branch opened its doors to society in 1975, as a haven not only for its members, but also for all in the community. The Klein Branch began and continues to reach out to many people, including the youth, senior citizens, New Americans, and also those with special needs.

Currently, the Klein Branch of the Jewish Community Centers of Greater Philadelphia offers a wide array of activities and programs. They consist of: preschool and kindergarten, summer camp, adult education, exercise and fitness classes, senior adult programs and clubs, after school programs, single parents groups, teen programs, and numerous planned trips for all of its members. The Klein Branch facilitates programs that encompass many different age groups and specifications, as to meet the varying needs of all people.

At the Klein Branch, "family" is always a principal priority. The center offers events that the entire family can partake in such as movie night, bingo night, dances, theater programs, and community service days. These programs provide means for family members to interact with one another, and strengthen the ties between them.

The Klein Branch has also labored to educate its members on Jewish holidays, culture and traditions. The center presents holiday meals and educational events such as Book Festivals and film series. It has also created specific centers for meeting the needs of the Jewish community, such as the Stern Hebrew High School, Jewish Family and Children Services, and Jewish Employment and Vocational Services.

Mr. Speaker, the Raymond and Miriam Klein Branch should be commended for its tireless pursuit to support and pull together the Philadelphia community. The Klein Branch's devotion to enriching the lives of all people who enter their facilities should be recognized, as its members achieve 25 fulfilling years of community service. I congratulate and offer my best wishes for continued education in the coming years.

U.S.-INDIA RELATIONS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. GILMAN. Mr. Speaker, today I am introducing H. Res. 572, a resolution expressing the sense of the House of Representatives that it is in the interest of both the United States and India to expand and strengthen U.S.-India relations, intensify bilateral cooperation in the fight against terrorism, and broaden the on-going dialogue between the United States and India, of which the upcoming visit to the United States of the Prime Minister of India, Atal Bihari Vajpayee, is a significant step.

This coming Thursday, Indian Prime Minister Atal Vajpayee will address a joint session of Congress. His historic visit comes at a precious moment in U.S.-Indian relations. The world's two largest and most vibrant democracies are in the process of creating a relationship that truly reflects our mutual interests.

Both of our governments are dedicated to the protection of the rule of law, democracy and freedom of religion. Our citizens share a fervent faith in these core values. It is also why India and the United States see eye-to-eye on so many regional concerns.

China's hegemony, the spread of Islamic terrorism spilling out of Afghanistan and Pakistan, the narco-dictatorship in Burma, China's illegal occupation of Tibet, are serious concerns to both of our nations.

During this past summer, the world was horror stricken when Islamic terrorists gunned down some 101 Hindu pilgrims in Kashmir. The massacre came only two weeks after the largest militant Kashmiri group, Hezb-ul Mujahadeen, called for a cease fire. The killings were apparently done to sabotage any attempt to peacefully broker a settlement to the Kashmir crises. All of us are outraged by the brutal barbaric killings of innocent civilians.

Such malicious extraordinary violence reinforces my conviction that India and the United States must develop a much closer military and intelligence relationship. A special relationship is needed so that we can share our knowledge and skills in order to successfully confront our mutual enemies who wish to destroy the basic principles of our societies.

Regrettably, the State Department creates confusion among our friends and allies in Asia by promoting a "strategic partnership" with China and by ignoring the fact that Beijing, in violation of the Nuclear Non-Proliferation Treaty, transfers and sells nuclear and ballistic weapons technology to Pakistan, a militaristic nation that spreads terrorism throughout South Asia by supporting the Taliban and other repressive forces. China has also sold billions of dollars of arms to the narco dictatorship in Burma that borders on India.

We need to lift the remaining sanctions that were imposed on India for testing nuclear weapons. As long as the State Department permits China to go unchecked and it continues to stoke the fires in South Asia, India will need to be able to defend itself.

The Prime Minister's address to Congress this week will afford all of our Members of the House and Senate the opportunity to hear about issues of importance in the U.S.-India bilateral relationship, including trade, energy, investment, science, information technology, as well as cooperative efforts to combat terrorism and to achieve regional peace and security in South Asia—a region of prime importance to our national interests.

As the current Indian government works to ensure that India remains secure, we should be marching shoulder-to-shoulder with her during this new century.

I look forward to meeting with the Prime Minister and working closely with him and his government on initiatives that bring peace and prosperity to India and Asia, and even stronger bonds of friendship between our two nations.

I submit the full text of H. Res. 572 for the RECORD and I urge my colleagues to support the resolution.

H. RES. 572

Whereas the United States and the Republic of India are two of the world's largest democracies that together represent one-fifth of the world's population and more than one-fourth of the world's economy;

Whereas the United States and India share common ideals and a vision for the 21st century, where freedom and democracy are the strongest foundations for peace and prosperity;

Whereas in keeping with this vision India has given refuge to His Holiness the Dalai Lama, Burmese refugees fleeing repression in Burma, and is a refuge for people in the region struggling for their basic human rights;

Whereas the United States and India are partners in peace with common interests in and complementary responsibility for ensuring international security and regional peace and stability;

Whereas the United States and India are allies in the cause of democracy, sharing our experience in nurturing and strengthening democratic institutions throughout the world and fighting the challenge to democratic order from forces such as terrorism;

Whereas the growing partnership between the United States and India is reinforced by the ties of scholarship, commerce, and increasingly of kinship among our people;

Whereas the industry, enterprise, and cultural contributions of Americans of Indian heritage have enriched and enlivened the societies of both the United States and India; and

Whereas the bonds of friendship between the United States and India can be deepened and strengthened through cooperative programs in areas such as education, science and technology, information technology, finance and investment, trade, agriculture, energy, the fight against poverty, improving the environment, infrastructure development, and the eradication of human suffering, disease, and poverty: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) the United States and the Republic of India should continue to expand and strengthen bilateral security, economic, and political ties for the mutual benefit of both countries, and for the maintenance of peace, stability, and prosperity in South Asia;

(2) the United States should consider removing existing unilateral legislative and administrative measures imposed against India, which prevent the normalization of United States-India bilateral economic and trade relations;

(3) established institutional and collaborative mechanisms between the United States and India should be maintained and enhanced to further a robust partnership between the two countries;

(4) it is vitally important that the United State and India continue to share information and intensify their cooperation in combating terrorism; and

(5) the upcoming visit of the Prime Minister of India, Atal Bihari Vajpayee, to the United States is a significant step toward broadening and deepening the friendship and cooperation between United States and India.

WHAT'S SO GREAT ABOUT CANADA'S MEDICAL SYSTEM?

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. CRANE. Mr. Speaker, Dr. Bill McArthur is a practicing physician, research scientist and writer in Vancouver, B.C. In a recent issue of the Las Vegas Review-Journal, he criticizes some U.S. politicians for promising they can offer Americans much cheaper drugs simply by copying the Canadian pharmaceutical system. For one thing, he argues, the reason some drugs are 23 percent cheaper in Canada is that individual incomes there are 24 percent lower than in the United States, and therefore manufacturers there are able to make and sell drugs at a lower price.

The doctor stresses, however, that up to 50 percent of any Canada-United States price-differential is due to the cost of legal liability in the United States. Americans, he says, "sue more often, win their cases more often, and get much larger settlements than Canadians"—and those extra costs must be added to the price of United States drugs. In addition, he argues, much of the cost-differential is the result of the expensive continuous research and development effort in U.S. companies, where most of the world's new drugs and new cures are created.

In contrast to the significant progress of American medical technology, Dr. McArthur observes that Canada ranks "right in there with Poland, Mexico, and Turkey near the bottom of the 29 OECD countries." He concludes that any suggestion by politicians that pharmaceuticals are much cheaper in Canada "is just plain wrong."

Mr. Speaker, I submit Dr. McArthur's article, "What's So Great about Canada's Medical System?" as printed in the Las Vegas Review-Journal on September 1, 2000, in the CONGRESSIONAL RECORD to enable all Americans to compare the real status of medical costs and services between our two countries.

[Las Vegas Review-Journal, Sept. 1, 2000]

WHAT'S SO GREAT ABOUT CANADA'S MEDICAL SYSTEM?

PATIENTS PAY MORE FOR DRUGS; MANY COME TO U.S. FOR TREATMENT

(By Bill McArthur)

VANCOUVER, B.C.—Some politicians are promising they can deliver cheap drugs for Americans by copying the Canadian system. Beware—the silly season lasts until Nov. 7.

The claim that pharmaceuticals are hugely cheaper in Canada is just plain wrong. Many drugs are much more expensive in Canada and generic prices are consistently higher. The Organization for Economic Cooperation and Development reports that prices for brand name drugs are overall 23 percent lower in Canada. However, individual incomes of Canadians are 24 percent lower and the standard of living is lower.

That is what happens when an economy is badly managed—wages and standard of living decline and manufacturers are able to make and sell drugs and other products at a lower price.

The politicians promoting Canadian drug pricing should quit loading the buses bound for Canada and consider loading up 747's heading to Southeast Asia. Drugs and other products are really cheap there. However, per capita income, standard of living and prices are inseparable and I doubt Americans want a Southeast Asian standard of living.

Dr. Richard Manning, when at Brigham Young University in 1997, demonstrated that up to 50 percent of any Canada-U.S. price differential was due to the cost of legal liability in the United States.

Americans sue more often, win their cases more often and get much larger settlements than Canadians. These costs have to be added to the price of drugs and artificially jack up the cost to consumers.

I'll bet the folks clambering on the buses to Canada haven't been told they have very little hope of collecting anything if they suffer serious complications from drugs prescribed and purchased in Canada.

The bulk of the world's new drugs are developed in the United States. Canada and many other countries do not do their share of pharmaceutical R&D. So if all the really cheap drugs for Americans are bought from Third World countries, who will do the R&D?

The drug companies will be fine because they will have switched to making largely unregulated veterinary drugs or more likely, nonpharmaceutical products.

But who is going to do the R&D to develop the cures for diabetes, osteoporosis, coronary artery disease, Alzheimer's, Parkinson's and all the other diseases that affect the elderly?

No one—that's who! And with those over 65 doubling to 25 percent of the population by 2025, what lies ahead for those now under 40, when they reach their golden years—ill health and poverty—that's what.

I am a practicing physician in the pharmaceutical nirvana lauded by some U.S. politicians. Every day I see my patients suffering in the collapsing health-care system that we have in Canada. In terms of medical technology we rank right in there with Poland, Mexico and Turkey near the bottom of the 29 OECD countries.

Patients wait months for a simple CT scan or an MRI. Recently I had to tell a lady she had cancer and also that she had to wait 10 weeks for the appointment to be assessed for treatment.

In Ontario in one year, 121 people were permanently removed from the coronary artery bypass graft list because they had waited so long, they were now too ill to withstand the surgery.

One hundred twenty-one, souls condemned to a slow, unpleasant and very expensive death because of the lack of timely care.

Every day I see patients suffering because government regulations prevent me from prescribing frontline drugs, or because our system of price controls and delays in approval mean that they are not available at any cost.

Just three years ago, I personally needed to drive periodically to Washington state to get medication that was not available in Canada. This is the system that some politicians say they would impose on the United States.

Provision of pharmaceuticals for the elderly, the poor and the chronically ill is an important objective in all civilized societies, but Canada does not provide an example to emulate.

Americans deserve something far better than Canada's ramshackle health-care system. Come to think of it, so do Canadians.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM

SPEECH OF

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4115) to authorize appropriations for the United States Holocaust Memorial Museum, and for other purposes:

Mrs. LOWEY. Mr. Chairman, I rise in strong support of H.R. 4415.

The United States Holocaust Memorial Museum stands in our nation's capital in solemn testimony to the terrible power of senseless hatred and the ultimate triumph of faith and the human spirit. It guards the memory of the six million Jews and millions more who fell victim to Nazi Germany's genocidal persecution during World War II. And it stands as a symbol for those who survived this tragedy, assuring them that we are committed to keeping their stories alive.

An investment in the Holocaust Memorial Museum is an investment that strengthens the very fabric of our society. The nearly 15 million people who have visited the museum since its establishment have seen the pictures of murdered families, loyal and productive members of society, who were sent to their deaths for the crime of being Jewish. They have seen the gaunt bodies of survivors, liberated by allied troops from the death camps, facing the reality of families destroyed and lives shattered. They have seen the examples of the righteous, like Raoul Wallenberg, who risked their lives to defy Nazi hatred and save their Jewish brethren. Because of this museum, 15 million people know the price society pays when contempt triumphs over compassion, when people blinded by hatred are allowed to reign free.

In light of the events of the past decade, of the strife we have seen in Bosnia, Rwanda, Kosovo, and other places, it it more important than ever that we offer our full and unwavering support to the educational and cultural mission of the Holocaust Memorial Museum. It is a powerful rebuke to those who would divide us, both at home and abroad. It is a clear statement, a tangible symbol, of our active, ceaseless resistance to the darker impulses of humanity. It is a manifestation of our commitment to end hatred and bigotry in all their forms, to liberate those who face misfortunate and oppression, and to cherish the differences among the world's inhabitants. The museum is at once a monument to the past and a challenge for the future.

As a first step toward meeting this challenge, I urge my colleagues to support this bill.

INTRODUCTION OF HOUSE JOINT RESOLUTION REGARDING QUALITY OF CARE IN ASSISTED LIVING FACILITIES

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. STARK. Mr. Speaker, I join today with my colleague Representative COYNE to introduce a House Joint Resolution relating to the quality of care in assisted living facilities.

As long-term care has emerged as a vital issue for the health and well-being of our nation's elderly, assisted living is emerging as a popular model. More and more consumers are drawn to the ideals of privacy and independence that are promoted by the assisted living industry. States have followed the trend by increasingly providing public funding via Medicaid's Home & Community-Based Services waiver for assisted living services.

Despite assisted living's popularity; however, there remain many questions regarding the direction of this industry. Assisted living facilities are defined and arranged in a variety of ways. Some view assisted living as housing residences while others view them as medical service providers. Many facilities often do not allow "aging in place" despite pictures painted by their marketing brochures. States have responded with varying definitions, regulations, and oversight, resulting in unequal consumer protections throughout the country.

Quality of care in assisted living facilities has been an issue of concern. A GAO study found that 25 percent of surveyed facilities were cited for five or more quality of care or consumer protection violations during 1996 and 1997, and 11 percent were cited for 10 or more problems. I understand that steps have been taken to address these concerns, but news reports of lawsuits filed on behalf of assisted living residents continue to illustrate the impact of poor quality on the health of elderly residents.

Just a few weeks ago in my district, an elderly woman passed away in an assisted living facility due to hemorrhaging from her dialysis shunt. Two times, she pressed her call pendant for help, but both of these calls were cleared and reset 10 minutes later. The facility did not place a 911 call for assistance until 1 hour and 34 minutes later. There was no nurse on duty, and all four resident aides in the facility at the time have denied responding to the calls or clearing/resetting the call system. This situation is still under investigation, but it highlights the seriousness of inadequate quality of care in these facilities.

A new Milbank Memorial Fund publication entitled, "Long-Term Care for the Elderly with Disabilities: Current Policy, Emerging Trends, and Implications for the Twenty-First Century," by Robyn I. Stone is an excellent review of issues facing assisted living. As the article indicates there are many questions concerning the current and future state of the assisted living movement. Because of these questions, I am proposing a White House Conference to help advance our knowledge and awareness of these issues, and if appropriate, recommend public policy steps that are necessary to ensure the optimal development of this industry.

Mr. Speaker, I urge my colleagues to join me in increasing our understanding of the assisted living industry. By focusing on consumer protections and quality of care, we will work to ensure the health and well-being for our country's elderly.

I submit an excerpt from the Robyn Stone paper along with a May 8, 1999 New York Times editorial calling attention to problems in this sector:

Assisted Living

Another trend that is attracting attention from policymakers, private developers, and consumers is assisted living. One significant problem with this trend is the lack of a consistent definition used by providers, regulators, and policymakers. Some argue that "assisted living" is just a '90s label for a long-term care setting that has been around for centuries—another example of "old wine in new bottles." Homes for the aged, frequently associated with nonprofit fraternal and religious organizations, proliferated in the nineteenth and early twentieth centuries to supply room and board for poor, infirm elderly people. Over the past three decades, sporadic attention has focused on scandalous mistreatment of residents in board and care homes, a version of homes for the aged that also became a refuge for the people with chronic mental illness in response to the deinstitutionalization frenzy of the 1960s.

In the 1980s the term "residential care facility" became fashionable as a catch-all label for places providing room, board, and some level of protective oversight. Hawes et al. (1993) have estimated that about a half million people live in residential care facilities or board and care homes in the United States. Perhaps twice that number are living in unlicensed facilities (November et al., 1997).

It is somewhat ironic that homes for the aged, board and care homes, and other types of residential care were replaced in the late 1960s and 1970s by nursing homes modeled after hospitals. "Nursing homes" have delivered far less nursing care than the name suggests. Today residential care is again in fashion. It is viewed as a desirable alternative to nursing homes because of its ostensibly less institutional character and its emphasis on a social, rather than a medical, model. A number of states, including Oregon, Washington, Florida, and Colorado, have aggressively tried to use residential care as a less costly substitute for institutions. One recent study estimates that anywhere between 15 and 70 percent of the nursing home population, nationwide, could live in residential care instead (Spector et al., 1996). Kane (1997) has questioned the judgment of hospital discharge planners who refer elders with disabilities to nursing homes, rather than alternative arrangements, because 24-hour care is supposedly available. She notes that remarkably little nursing care is provided in nursing homes. For example, a survey of nursing home residents in six states found that 39 percent of the residents received no care from a registered nurse in 24 hours; residents who did receive such care received an average of only 7.9 minutes; care by a nursing assistant averaged 76.9 minutes daily (Friedlob, 1993). Despite these arguments, empirical research has been equivocal on the issue of the "substitutability" and cost savings of residential care compared to nursing home placement (Kane et al., 1991; Newcomer et al., 1995b; Sherwood and Morris, 1983). In fact, residential care is more likely to be a substitute for living in one's own home than in a nursing home.

What appears to distinguish assisted living from residential care in general and from the somewhat pejorative "board and care" is a matter of philosophy and emphasis on care, not just housing (Kane, 1997). Some have also suggested that assisted living is the rich person's residential care while board and care is for poor people who rely on federal Supplemental Security Income (SSI) and state supplements (SSP) to cover the costs. A recent survey of assisted living regulations in 50 states indicates that four states—Alabama, Rhode Island, South Dakota, and Wyoming—use the terms "assisted living" and "board and care" interchangeably (Mollica and Snow, 1996). For the other states, key characteristics differentiating assisted living from other types of residential care are: an explicit focus on privacy, autonomy, and independence, including the ability to lock doors and use a separate bathroom; an emphasis on apartment settings in which residents may choose to share living space; and the direct provision of, or arrangement for, personal care and some nursing services, depending on degrees of disability.

As noted in an earlier section on care settings, Hawes et al. (1999) recently completed the first national survey of assisted living, using a national probability sample of facilities that met several criteria. These include having 11 or more beds, primarily serving an elderly population; and providing 24-hour staff oversight, housekeeping, at least two meals a day, and personal assistance with two or more activities of daily living (ADLs). According to preliminary findings from a telephone survey, most facilities offer consumers a range of privacy options. Single rooms were the most common residential unit (52 percent); the rest of the units were apartments. The most common type of single room was a private room with a full bathroom; the most common apartment was a one-bedroom for single occupancy.

While most facilities reported a general willingness to serve residents with moderate physical limitations, fewer than half were willing to admit or retain residents who needed assistance with transfers from a bed or chair. Furthermore, fewer than half of participating facilities would admit (47 percent) or retain (45 percent) residents with moderate to severe cognitive impairment; only 28 percent would admit or retain residents with behavioral symptoms such as wandering.

In assessing the extent to which these facilities' characteristics match the philosophy of assisted living, Hawes et al., (1999) concluded that only 11 percent offered high privacy and high service. Another 18 percent provided high privacy but low service. Twelve percent offered low privacy but high service. The researchers noted that residents of these assisted living facilities had considerably more privacy and choice than residents in most nursing homes and in the board and care homes they had investigated in a previous study. Nevertheless, facilities varied widely. A substantial segment of the industry provided environments that did not reflect the philosophy of assisted living. Furthermore, the many facilities whose admission or retention policies excluded people with the cognitive impairments or severe physical disabilities suggests that assisted living is not an environment where those who experience significant functional decline can "age in place."

While assisted living does warrant serious consideration by policymakers, providers, and consumers, a number of impediments to its development need attention. Today, the assisted living market is primarily composed of the well-off elderly, with little available to moderate- or low-income consumers, as the recent study by Hawes et al. (1999) confirms. This gap is due, in part, to the limited sources and inadequate amounts of public financing (primarily SSI and SSP), which could help subsidize room, board, and care for financially strapped individuals and their families. The most common monthly rate for facilities offering either high service or high privacy was approximately $1,800 in 1998.

Other impediments to assisted living include concerns, expressed by state policymakers and potential private providers, about balancing consumer choice and privacy on one hand with health, safety, and liability considerations on the other. One major issue reflecting this concern is the degree to which states are willing to moderate their nurse practice acts to allow the delegation of certain tasks, such as administering medication, caring for wounds, and changing catheters (Kane, 1997). A number of states, such as Oregon, Kansas, Texas, Minnesota, and New York, have included nurse delegation provisions, but the latitude and interpretations of the provisions vary tremendously. Not surprisingly, they have met serious resistance by many nurses' organizations, for whom professional turf is as significant as care issues.

The motives of the assisted living industry have also been questioned. The industry includes more real estate developers and hotel managers than care providers. Furthermore, as nursing homes look for new markets and reimbursement strategies that circumvent government regulation, many skilled nursing facilities may simply lay carpet, install door locks, and hang out the "assisted living" shingle. Finally, there are questions about the amount of assistance that these facilities actually provide. According to the study by Hawes et al., 65 percent of the participating facilities supplied "low service"; that is, they did not have an RN on staff or did not provide nursing care, although they did provide 24-hour staff oversight, housekeeping, two meals, and personal assistance. Another 5 percent, categorized as "minimal service," supplied no personal assistance with ADLs. Given that many facilities do not admit or retain people with severe physical disabilities or cognitive impairment, the level of care is additional cause for concern.

[From the New York Times, May 8, 1999]

THE NEED FOR CARE AS WELL AS PROFIT

Among other things, the 1990's will be remembered as the decade when developers and older, affluent, anxious Americans discovered each other with enthusiasm, with results both encouraging and worrisome. The concept that both they and Wall Street have embraced is called assisted living. There is no common definition of it. Each of the 50 states regulates it differently, and the Federal Government not at all. But to older retirees who can pay to live in the new and reconditioned spaces sprouting across the country, the assisted living communities offer something irresistible. It is the promise of Pleasantville, where they can live out their lives gracefully, with hotel services, assistance when they need it, and the chance to hold off or avoid what many of the aged most fear—the nursing home.

For developers, some with no experience in caring for the aged, the attraction is clear. The number of old people of financial means is growing. Some 6.5 million now need some help with the chores of daily living. That figure is expected to double by 2020. Ten years ago there was not even an industry trade group. Today the Assisted Living Federation of American estimates there is a kaleidoscopic collection of about 30,000 such facilities in the United States, with a million old people living in them, almost all of whom pay their own way.

Some facilities fall into state licensing categories and some do not. Their average national monthly rate per person is $1,500 but elegant two-bedroom units on Long Island may rent for $5,000 or more. The National Investment Conference, a group that specializes in the senior housing market, found in a survey of 73 assisted living developments released this year that the median profit margin was 29 percent. For a quarter of the properties, it was more than 35 percent. Those numbers warm Wall Street, but do not guarantee that the communities deliver high-quality services.

Because the phenomenon has grown up around existing rules, many kinds of places can advertise "assisted living." A Government Accounting Office survey, performed at the request of the U.S. Senate Special Committee on Aging, found that about half the residents sign up without being sure what services the facilities provide, how much they cost or what medical care the residents can count on. A quarter of the places surveyed were cited for five or more problems involving quality of care or resident protection within two years.

When Albert Fleischmann, 85, a St. Petersburg Yacht Club member and retired owner of a hardware chain, moved into an assisted living facility in Pinellas County, Florida, in 1997, his daughter was reassured. Patricia Fleischmann Johnson heads a charity that serves as guardian for 134 people in such places. But when Mr. Fleischmann suffered a heart attack at his table in the dining room this year, he was ignored. He called his daughter. She took him to the hospital. She then called back to ask the facility how he was, and was told—as if he were there—that he was "fine." Because Mr. Fleischmann likes the place, he is still there. But his daughter, who testified before the Senate committee, is more concerned now, and she is not alone.

There are no pending bills in Congress, but 32 states are expected to consider legislation this year to increase regulation of the assisted living industry. They should do so. With so many frail lives and so much money involved, this issue is not going away.

HONORING DR. SAM CALLAWAY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. McINNIS. Mr. Speaker, it is with deepest sympathy that I wish to recognize the life and exceptional contributions of Dr. Sam Callaway. Sam Callaway passed away on July 12, 2000 at the age of 86. Dr. Callaway served the community of Durango, Colorado for forty-two years, beginning his practice in 1946 and retiring in 1998. Dr. Callaway cared for his patients, giving both time and compassion to each person he treated. His dedication was evident in his manner, his attitude of interest and in his practice of going to patients in need, day or night. Known for his bedside manner, Sam Callaway was a model of kindness and gentility. Dr. Callaway was not only appreciated and respected by his patients, but also by his colleagues. He was often requested to assist in surgeries. Dr. Callaway was active in the community as well, serving as a member of the Durango Elks Lodge and Masonic Lodge. He served our country in the Navy during World War II as part of the medical corps in the South Pacific. Mr. Speaker, Dr. Callaway was a selfless man, giving endlessly to ensure the well-being of others. His service to this great nation, as well as his 42 years of medical service and countless years of kindness to the citizens of the Durango community, are honorable and worthy of recognition. I am confident that in spite of this great loss, the family and friends of Dr. Sam Callaway can take comfort in the knowledge that each is a better person for having known him. It is with this that I pay tribute to the life of this accomplished and wonderful man.

REPEAL OF THE FEDERAL CHARTER OF THE BOY SCOUTS OF AMERICA

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. CARDIN. Mr. Speaker, the House of Representatives recently voted on H.R. 4892, a bill to repeal the federal charter of the Boy Scouts of America. I voted against the bill, and would like to take this opportunity to explain my reasons.

My vote against this legislation should not in any way be interpreted as a weakeming in my support for banning discrimination on the basis of sexual orientation. I deplore discrimination on the basis of sexual orientation. I will continue to work to meaningfully expand our nation's civil rights protections for gays and lesbians.

At the same time, I share the concerns raised by others about the policy of discrimination that gave rise to the Supreme Court case in *Boy Scouts of America* versus *Dale*. Certainly we all recognize the high regard the Boy Scouts of America are held in by millions of Americans. The organization has played a positive role in the lives of millions of young Americans.

In June, a sharply divided Supreme Court held that applying New Jersey's public accommodations law to require the Boy Scouts to admit a homosexual member violates the Boy Scouts' First Amendment right of expressive association. As a practical matter, therefore, the Boy Scouts will be permitted to exclude citizens from participating in their organization solely on the basis of their sexual orientation. I regret the Supreme Court's decision.

Unfortunately, a Congressional review of the federal charter given to the Boy Scouts, and the process the Republican leadership has employed in bringing this bill to the House floor, is not the appropriate venue to address this issue. I am disappointed that the Judiciary Committee did not fulfill its responsibility to hold hearings on this legislation. I strongly believe that the Republican leadership has not properly reviewed the underlying legal and constitutional issues at stake in this bill, and I regret that the bill has been brought up under the suspension of the rules. Under this procedure, members have no opportunity to ask questions or offer amendments. Rather than considering legislation to revoke the federal charter of the Boy Scouts—which in and of itself will do nothing to protect our society from discrimination—this Congress should be considering substantive legislation to strengthen anti-discrimination laws based on one's sexual preference.

I also believe that Congress should conduct a comprehensive review of its system of granting charters to private organizations. As you know, Congress has chartered roughly 90 nonprofit corporations over the years, including many well-known patriotic, charitable, historical, or educational purpose organizations. I share the concerns of my colleagues that the public may misinterpret the granting of a federal charter as a sign of Congressional or governmental approval of an organization. In 1989, the House Judiciary Committee decided to place a moratorium on federal charters. I believe the Committee should examine whether Congress should allow existing federal charters to lapse, so that Congress is no longer in the business of seeming to endorse private organizations.

Let me reiterate that I believe discrimination on the basis of sexual orientation is unacceptable. I will continue to support H.R. 1082, to expand federal criminal law protection to extend to sexual orientation, and I will continue to work for the enactment of the Employment Non-Discrimination Act (ENDA). I believe that the Congress must take concrete steps to revise government policies that would bring about a more inclusive American family, which embraces all of our citizens as individuals worthy of equal protection of the law.

PERSONAL EXPLANATION

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. OWENS. Mr. Speaker, on Tuesday, September 12, 2000, I was unavoidably absent on a matter of critical importance and missed the following votes:

On H.R. 2090 (rollcall No. 460), Exploration of the Seas Act, introduced by the gentleman from Pennsylvania, Mr. GREENWOOD, I would have voted "yea."

On H.R. 4957 (rollcall No. 461), to amend the Omnibus Parks and Public Lands Management Act to extend the legislative authority for the Black Patriots Foundation, introduced by the gentleman from New York, Mr. RANGEL, I would have voted "yea."

On H.R. 3632, (rollcall No. 462), the Golden Gate National Recreation Area Boundary Adjustment Act, introduced by the gentleman from California, Mr. LANTOS, I would have voted "yea."

On H.R. 4583, (rollcall No. 463), authorization extension for the Air Force Memorial Foundation, introduced by the gentleman from Utah, Mr. HANSEN, I would have voted "yea".

On S. 1374 (rollcall No. 464), the Jackson Multi-Agency Campus Act, introduced by the gentleman from the other body, Mr. CRAIG of Idaho, I would have voted "yea."

HONORING DR. KENT VOSLER

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. BOEHNER. Mr. Speaker, I rise today in recognition of Dr. Kent Vosler. On September 16, 2000 Dr. Vosler will be admitted into the Ohio State University Athletic Hall of Fame. In addition to his contribution to the Buckeye Diving team, Kent was also on the 1976 Montreal Olympic team.

Kent is one of a long list of great Ohio State divers. His accomplishments at Ohio State were many. He was a four time NCAA All-American and a four time Ohio State Scholar Athlete. While a senior in high school he won gold medals in 1 meter diving and in 10 meter platform diving at the national age group championships, and was coached at various times by Ohio State Hall of Famers Ron O'Brien, Vince Panzano and Hobie Billingsley. He later won four National AAU diving championships, was a member of the 1975 Pan American Games American team, and the 1976 Olympic team.

Kent was born December 6, 1955 in Dayton, Ohio but he now considers Eaton, Ohio, in the heart of Ohio's 8th Congressional District his home. He is the only Olympian to ever hail from Preble County, Ohio. All of Ohio is proud of Kent and I congratulate him on his many accomplishments.

HONORING DR. JOE VIGIL

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. McINNIS. Mr. Speaker, it is a privilege and an honor to have this opportunity to pay tribute to one of Alamosa's most well-loved and admired coaches, Dr. Joe Vigil, as he prepares to leave Adams State College after a decorated and distinguished 29-year career. Joe has been the embodiment of service and success during his time at Adams State and clearly deserves the praise and recognition of this body as he, his runners and the town of Alamosa, Colorado celebrate his groundbreaking career.

If ever there were a person who embodied the spirit and values that motivate others to achieve success, it is Joe. He has distinguished himself through his exceptional leadership and service that have placed him amongst the elite running coaches in the country. He was voted No. 3 on the list of Colorado's top collegiate coaches in the past 100 years and received the honor of NCAA and NAIA Coach Of The Year 14 times. He has also served the United States as an international coach on 17 different occasions, including several Olympic Games. Most notably, Joe coached his teams to 18 national championships, accounting for more than 350 All-Americans.

Mr. Speaker, Joe's commitment to his community has been so great that it led the Alamosa City Council to proclaim August 12, 2000, Joe I. Vigil day. Their proclamation reads:

"Whereas Dr. Joe I. Vigil has led Adams State College teams to athletic excellence over the years, whereas he has successfully coached numerous Olympic and champion athletes, whereas he is an inspiration for recreational runners and a role model for all, whereas he represents Alamosa nationally and internationally as an athletic ambassador, now therefore, I, Charles J. Griego, Mayor Pro Tem of Alamosa, Colorado, by virtue of the authority vested in me, do hereby proclaim August 12, 2000, as Dr. Joe I. Vigil Day in the City of Alamosa, Colorado."

As Joe celebrates leaving Adams State College and Alamosa, Mr. Speaker, I wanted to take this opportunity to say thank you and congratulations on behalf of the United States Congress. In every sense, Joe is a great coach who deserves praise and admiration from all of us. I wish him the best of luck as he continues to pursue his coaching career in Green Valley, Arizona. Joe is one of the nation's best and someone we can all be proud of.

My thanks to him for a job well done.

HONORING ART FURUYA

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. SHIMKUS. Mr. Speaker, I rise today to honor Mr. Art Furuya, formerly of Nashville, Illinois. While he may no longer reside in my district, there is a valuable lesson we can learn from his story.

When most 17 year olds think of cars, proms and graduation, Art's thoughts turned to defending his country. You see, December 7, 1941, the day Pearl Harbor was attacked, was Art's birthday. The following Monday, Art, who is of Japanese descent, went to enlist in the war effort. He tried to enlist in the Army, Navy and Marines, but none would take him because of his Japanese heritage.

He and his family were separated and were victims of the internment camps. Surprisingly, after suffering that great injustice, the one thing that never left his heart was his love of America.

After leaving the camp, he was finally allowed to enter the Army in 1943 as part of the heavy weapons battalion of the 442nd Regimental Combat Team along with many Japanese Americans. The fact that he had little training and did not know how to put up a tent made little difference to Art. He was eager to serve and fight for the land he loved.

The 442nd may be best known for their "Go For Broke" mantra when they were rescuing about 200 fellow soldiers of the 141st Regiment of the 36th Division. Eight hundred men died in that rescue effort. His company started with 150 men and ended up with 16 after that fateful battle. Art won 2 Purple Hearts for his service.

The 100th Infantry Battalion and the 442nd Combat team, in which Art served, gained a total of 18,143 individual decorations, 9,486 Purple Hearts, and 560 Silver Stars and 7 Presidential Unit Citations. Not a bad record for a group of men that were originally unwanted and deemed suspicious by others.

There has been much written about the "Greatest Generation"—those World War II vets who set forth and saved the world. I don't know if we as a nation can adequately give thanks for their blood, sweat and sacrifice. In many respects, Art and his comrades symbolize the unyielding human spirit—overcoming any obstacle, no matter how difficult, without the expressed purpose of gaining fame or glory. They were just doing their duty. No more. No less.

To Art Furuya, his comrades in his battalion and to those that never made it home from this great war, you have earned this soldier's respect. Thank you for all your service.

SENSE OF HOUSE REGARDING UNITED STATES-INDIA RELATIONS

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. SAXTON. Mr. Speaker, I welcome Prime Minister Atal Behari Vajpayee of India—the Prime Minister of a key strategic ally of the United States and an important partner in the struggle against international terrorism. Mr. Vajpayee's government has achieved significant economic development, modernization, and consolidation of democracy in India. These accomplishments are all the more impressive when examined in the context of the terrorism India has to cope with on a daily basis. It is so easy for any government to seize on such a threat in order to centralize power at the expense of personal freedoms. It is so tempting to cite foreign security threats in order to legitimize a military coup. However, New Delhi has elected to fight terrorism and develop India without infringing on the population's democratic rights and freedoms. And this is a major, yet unheralded, triumph of both Mr. Vajpayee's government and the people of India.

To comprehend India's recent achievements one must take a closer look at the terrorist threat posed to India.

Despite undeniable achievements of the Indian security forces, the situation in Kashmir continues to deteriorate. The forces used against India now include a combination of Kashmiri fighters and a growing number of foreign operatives.

The terrorist threat to India goes beyond the disputed Kashmir. Only a couple of weeks ago, Abu Abdul Aziz, one of the key Pakistani-sponsored Islamist leaders publicly defined the ultimate objectives of the Kashmiri Jihad: "Our destination is not Kashmir. Our aim is that all of India be converted into a Muslim state." There was not a word of recrimination or even disassociation from Islamabad.

In examining India's struggle against terrorism, one must remember the unique geo-strategic importance of the Indian sub-continent. North-west India, including Kashmir, is located at the edge of the Arc of Crisis. Stretching from the Caucasus in west, through Central Asia to northern India and the north-western Chinese province of Xinjiang, the Arc of Crisis is emerging as the world's next primary reserves of oil and gas—the Persian Gulf of the 21st Century. The Arc of Crisis is also the continental gateway to China and the Far East. Long term stability in the Arc of Crisis is therefore an indispensable interest of the United States. The long and deep coast-line of the Indian subcontinent are crucial for the stability and safety of the maritime commercial traffic in the Indian Ocean—mainly between Europe, the Persian Gulf and East Asia. The safety of maritime commerce in the Indian Ocean, as well as the oil fields of the nearby South China Sea, are also indispensable interests of the United States and the West. A friendly India is the key to furthering these U.S. interests.

Hence, India is a bulwark of regional stability and consequently a guardian of crucial strategic and economic interests of the United States and the entire West. The national interest of the United States is to have a strong, democratic and prosperous India as an ally and a partner. India can stabilize the volatile yet crucial region—ensuring that the strategic and economic interests of the U.S.-led West are furthered and not infringed upon. Moreover, the rapid economic development growth of India makes it a most promising trade partner with the United States. For example, India's burgeoning software-developing industry is a major contributor to the U.S. computer industry. In the era of growing globalization, the U.S. can and should benefit from the Indian economic surge. However, to fully realize its potential, India must be free of subversion and terrorism.

Therefore, the terrorism waged against India harm the national security and economic interests of the United States. Ultimately, a strong, democratic, and economically viable India serves and furthers the U.S. national interest. Hence the U.S. should stand side-by-side with India and cooperate in its struggle against terrorism. The U.S. should help the democratic goverment in New Delhi to continue and maintain the delicate balance between resolutely fighting terrorism and preserving democracy, civil rights and a rule of law for all. So far, the record of Mr. Vajpayee's Government has been both impressive and improving. The United States should applaud India for its reform efforts in the face of terrorism.

TRIBUTE TO MR. ALBERT AUGUST "GUS" KARLE

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. CHAMBLISS. Mr. Speaker, today I am proud to honor Mr. Albert August "Gus" Karle. Mr. Karle, who has served the Waycross-Ware County community for forty-five years, has decided to step down from his position as president of the Waycross-Ware County Chamber of Commerce.

Mr. Karle has been a dedicated member of the Waycross-Ware County community for many years. He has worked in the private sector for forty-one years, thirty-six years for the railroad, before retiring and dedicating his time to the Waycross civic arena. Mr. Karle has unselfishly assisted the YMCA, the Downtown Waycross Development Authority, and the Waycross-Ware County Chamber of Commerce, where he served as President for five years before retiring in June of 2000.

The Waycross-Ware county community and myself are proud of Mr. Karle's service and dedication. His leadership and prior activity in both the local civic and church affairs will be greatly missed but certainly not forgotten.

HONORING FLOYD E. ESPINOZA

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. McINNIS. Mr. Speaker, I would like to take this moment to commend Costilla County Commissioner Floyd E. Espinoza on his contributions to his community. The Honorable Mr. Espinoza has served Costilla County since 1994 and has fought hard to increase the tax base in his area. December will conclude Mr. Espinoza's six-year service as County Commissioner.

Mr. Espinoza spent over three decades in the Federal Government before moving to elected office. These thirty some years were spent in the Air Force and United States Department of Interior. Mr. Espinoza's contributions and leadership to Costilla County have made it a better place for all of its citizens to live.

Mr. Espinoza has served his community in outstanding fashion and I wish him the best in his future endeavors.

Floyd, your community, State, and Nation are proud of you and we're grateful for your service.

TRIBUTE TO DICK WALDEN

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. CHAMBLISS. Mr. Speaker, today I am proud to honor Mr. Dick Walden of Warner Robins, GA. Mr. Walden is retiring from his position as president of the Warner Robins Chamber of Commerce after devotedly serving the local business community for 16 years.

Mr. Walden's retirement will bring a close to 30 years of accomplished service in Chamber of Commerce Management. He has served five chambers in Georgia and Florida, as well as serving on the board of directors of both the Georgia and Florida chamber of commerce executive associations. Mr. Walden's achievement has been appreciated by many as the Georgia Chamber of Commerce Executives Association named him Chamber Professional of the Year in 1991. His accomplishment is apparent through the growth and economic progression that Warner Robins has experienced under his leadership. The number of member businesses in Warner Robins has more than grown from 310 to 1,336 under his direction.

Warner Robins has benefited immensely from the contributions of service and devotion that Mr. Walden has made to the area. The economic health experienced over the past years is a reflection of Mr. Walden's hard work and dedication. I appreciate all of his accomplishment and hope for his continued success in future endeavors.

FSC REPEAL AND EXTRA-TERRITORIAL INCOME EXCLUSION ACT OF 2000

SPEECH OF

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. KUCINICH. Mr. Speaker, American taxpayers will choke on the discovery that HR 4986 contains a big tobacco subsidy. In effect, this bill holds American taxpayers responsible for coughing up $100 million per year, in lieu of taxing the tobacco industry on income from cigarette sales in Africa, Asia and Latin America.

According to the World Health Organization, 10 million people will die annually by 2030 from smoking, 70 percent in developing countries. Why should American taxpayers subsidize the spread of tobacco-related diseases and cancer in the world's poorest countries? That's what HR 4986 does.

Supporters of the bill may argue that a wider spectrum of business benefits from HR 4986 than merely the tobacco industry, so why "throw the baby out with the bath water."

This is, however, a false choice. We could have considered this bill under regular order, where members could have offered amendments. It is only because the House leadership brought this bill up under suspension of the rules, and as a consequence, no member can offer an amendment, that we are faced with rejecting the whole bill because of the tobacco subsidy.

But I urge my colleagues to confront the situation we have been given, and still insist on what is right. Take a deep breath and reject this bill.

RECOGNIZING RAUL CARABAJAL FOR RECEIVING THE NATIONAL ASSOCIATION OF LETTER CARRIERS' REGIONAL HERO OF THE YEAR AWARD

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. THOMPSON of California. Mr. Speaker, today I recognize Raul Carabajal of Fairfield, California, for receiving the National Association of Letter Carriers' Regional Hero of the Year Award.

Mr. Carabajal is being recognized for his selfless and heroic act of rescuing a postal customer from a smoky house fire. While delivering mail, as he had for the past 15 years, along his regular route, Mr. Carabajal spotted smoke rising in the sky above the neighborhood rooftops. Following the smoke, Mr. Carabajal arrived at a house on fire, ran to the door, pounded it open, then dropped to his hands and knees and crawled into the house.

Blinded by smoke, he followed sounds until he saw the pale arm of an elderly woman as she lay in the hallway. He immediately dragged the woman out of the house to safety and returned into the house to rescue her two Pomeranian dogs, leading them to safety through the garage.

Hearing the siren of fire trucks arrive, Mr. Carabajal quietly jumped back into postal vehicle and resumed his normal mail deliveries.

Mr. Speaker, Mr. Raul Carabajal put his own life on the line to save the lives of an elderly woman and her two pets. This valiant and noble act is the reason for his receiving the Regional Hero of the Year Award from the National Association of Letter Carriers.

Mr. Speaker, it is appropriate at this time that we recognize Mr. Raul Carabajal for his bravery and commitment to the community. Congratulations to Mr. Carabajal for receiving this distinguished award.

HONORING BEN BEALL

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. McINNIS. Mr. Speaker, I would like to take this moment to commend the Honorable Ben Beall for his outstanding public service to the State of Colorado. After nearly a decade of service to his community, Ben is stepping down as Routt County Commissioner. He has served his community admirably and I would like to pay tribute at this time, to his career in public office.

During his distinguished tenure as a Commissioner, Ben strove to ensure that the agricultural needs of Colorado's farmers were respected and preserved. Ben's desire to help others has also led him to get involved with a number of different community organizations. Ben has served as Chairman of the Emerald Mountain Partnership, and the Routt County Democratic Party. He also served on the Yampa River Basin Partnership, the Northwest Transportation Planning Commission, and the Yampa River System Legacy Project.

Ben has worked diligently to ensure that his community is a better place for all its citizens. His hard work and outstanding leadership will be greatly missed. Ben, on behalf of the State of Colorado and the US Congress, I thank you for your service.

Good luck with all of your future endeavors.

PERSONAL EXPLANATION

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. OWENS. Mr. Speaker, on the afternoon of September 7, 2000, I was unavoidably absent on a matter of critical importance and missed the following vote:

On H.R. 4844 (rollcall No. 459), to modernize the financing of the Railroad Retirement System and to provide enhanced benefits to employees and beneficiaries, introduced by the gentleman from Pennsylvania, R. SHUSTER, I would have voted "yea."

DICK WARDROP JR. AND AK STEEL'S SUCCESS UNDER HIS LEADERSHIP

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. BOEHNER. Mr. Speaker, I submit these remarks in commemoration of The National Safety Council's announcement that AK Steel Chairman and CEO Dick Wardrop Jr. has been selected as the inaugural recipient of its Green Cross for Safety Medallion. The National Safety Council is a non-government, non-profit international membership organization dedicated to promoting safety, health, and environment quality in the nation's workplaces. Their award is presented annually to the American corporate leader who has demonstrated a longstanding commitment to workplace safety and corporate citizenship. NSC President and CEO Gerald Scannell recognized AK Steel as one of the nation's leaders in creating and maintaining a safety culture throughout the company; as well as communicating its commitment to safety to its shareholders and the public, and making safety a core value within the AK Steel organization.

Forbes Magazine, in its January 11, 1999 issue, named Dick Wardrop to its "Platinum List" for leadership in steering AK Steel to its position as the best-performing company in the metals industry. AK Steel has also been named to the Fortune 500 list, Fortune Most Admired Companies list, Industry Week's 100 Best Managed Companies in the World list and the Cleveland Plain Dealer 100. Wardrop joined AK Steel in 1992 and was instrumental in turning the troubled firm, then known as Armco Steel Company, L.P. into one of the country's most successful steel companies. AK Steel has led the steel industry in operating profit per ton, a key industry measurement, for more than six consecutive years. Since 1992, AK Steel's financial performance has been as much as four times higher than the industry average. AK steel could not have reached such a high standard without the dynamic leadership and personal commitment to being "first in safety," the consistent message of the company's top officer, Mr. Wardrop.

In addition to his zero injury and injury prevention policy, Mr. Wardrop has led AK Steel as the nation's leader in quality of life for its plant environment and corporate grants and donations to the community. AK Steel has its headquarters in Middletown, Ohio and has about 11,000 employees in plants and offices in Middletown, Coshocton, Mansfield, Warren and Zanesville, Ohio: Ashland, Kentucky; Rockport, Indiana; and Butler, Sharon and Wheatland, Pennsylvania.

Mr. Dick Wardrop Jr. is a true leader whose hard work and dedication should serve as an example for us all. Every American should aspire to this kind of enthusiastic commitment to service. I am proud to know and represent a person like Mr. Wardrop and AK Steel Congress. As Mr. Scannell said, "Dick Wardrop has set an extremely high standard of corporate citizenship against which all future nominees will be judged."

HONORING SHIRLEY MOTLEY PORTWOOD

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. SHIMKUS. Mr. Speaker, I rise today to honor a local author, Shirley Motley Portwood, from Godfrey, Illinois.

Ms. Portwood is a history professor at Southern Illinois University and recently penned her first book, "Tell us a Story: An African-American Family in the Heartland." What started as a personal project of collecting stories for her grandchildren soon snowballed into a collage of stories about her family growing up in southern Illinois.

I am thankful to Shirley for reinforcing the value of sharing one's family heritage with the younger generation. For it is our history that teaches us the greatest lessons in life.

HONORING WAYNE MOOREHEAD

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. McINNIS. Mr. Speaker, it is with great sadness that I take this moment to celebrate the life of Wayne Moorehead. After an extensive battle with heart disease, Wayne passed away in his sleep at the age of 84. While friends and family remember this accomplished journalist, I too would like to pay tribute to this great American.

Wayne brought a smile to everyone he came in contact with. His infectious laugh and great sense of humor will be greatly missed. Wayne is, to say the least, a celebrity in southern Colorado, leaving an impression upon many that he came into contact with. Karen Maas-Smith, from a recent article by Charlie Langdon in the Durango Herald, said this about Wayne: "When I heard of his passing, I instantly missed him, but I can't reflect on him without smiling. His laughter was his greatest gift. He himself was a gift to the planet."

Wayne always found a way to find something positive out of every situation he was in. His sense of humor helped to ease tensions in the news rooms and press meetings where he spent most of his professional life.

Wayne's love for life and his fellow man was obvious in his every action. No matter the difficulty of the situation, he always seemed to find a way to get through it with a smile. His illuminating persona will be greatly missed by the community of Durango.

Wayne was a great journalist and a great friend of Colorado.

CLEAN WATERS AND BAYS ACT OF 2000

SPEECH OF

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. SAXTON. Mr. Speaker, I want to commend my colleagues on the Transportation Committee for bringing this measure before the House. Earlier today the House adopted our colleague WAYNE GILCHREST'S Estuary Habitat Restoration bill. That bill provides an additional source of funds from the Corps of Engineers, in consultation with other Federal agencies, to restore the environmental health of our estuaries. As you know, most of the major estuaries in the United States have prepared plans under National Estuary Program to conserve and manage important estuary resources. Unfortunately, funds to implement those plans, particularly the expensive restoration components have been hard to come by. WAYNE'S bill, in conjunction with provisions that I authored which are also included in this package, will help address that problem.

The provisions that I originally introduced as H.R. 1237 were passed by the House in May, and I am glad to see that they are again included in this estuary package. H.R. 1237 authorizes the funds to implement, in addition to just prepare, National Estuary Program plans. This is particularly important in my district where the Barnegat Bay Estuary is surrounded by a densely populated area. This high volume of land and water use makes wise and active management essential to protect and preserve the estuary's important ecological values. The Barnegat Bay Estuary Program has prepared a plan that I believe is up to the task of wise and active management, but only if it is implemented. Passage of this legislation, including H.R. 1237, is needed to assure that funds for implementation are available.

I also commend the Committee for including in this package the Chesapeake Bay Program reauthorization provisions written by our late friend from, Virginia, Herb Bateman. The Chesapeake Bay defined his congressional district, and it is only right that we make sure his bill becomes law this year.

Estuaries fuel the growth of our fisheries and provide us with many recreational opportunities. However, the qualities that make them so special must be actively and aggressively guarded. This bill gives the tools we need to provide that protection. I urge my colleagues to support it this evening.

HONORING THE INDIAN TEACHER EDUCATIONAL PERSONNEL PROGRAM AT HUMBOLDT STATE UNIVERSITY

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. THOMPSON of California. Mr. Speaker, today I recognize the 30th anniversary of the Indian Teacher and Educational Personnel Program (ITEPP) at Humboldt State University in Arcata, California. Since its establishment, ITEPP has trained hundreds of students for successful careers serving Native American communities across the nation.

ITEPP was the nation's first Indian teacher-training program created to address the dropout rate of American Indian students. It originated from the vision of tribal leaders and educators who believed Native students would respond better to Native teachers who were not only able to teach the basic academic public school curriculum, but could maintain the tribal and cultural identities of their students. In the mid-80s the program expanded to include training for other educational personnel such as social workers, administrators, guidance counselors, and tribal service professionals.

Students from across the nation representing numerous tribes have participated in the program. Over ninety percent of the students have graduated and the program has a one hundred percent employment rate. With this measure of success ITEPP has also become a model for other Native teacher-training programs throughout our nation as well as Canada and Australia.

Mr. Speaker, it is appropriate that we honor the accomplishments of the Indian Teacher and Educational Personnel Program on the occasion of its 30th anniversary and honor the hard work and dedication of its graduates who have furthered education and served their community.

IN HONOR OF THE 25TH ANNIVERSARY OF ST. PROCOP LADIES' GUILD

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of the valuable services to the community which the St. Procop Ladies' Guild has provided throughout its 25 year history.

The organization, founded in September of 1975, prides itself on serving the needs of the local community. It has maintained an outstanding commitment to the achievement of this task. St. Procop Ladies' Guild organizes a wide range of fundraising events with the aim of invoking an atmosphere of community spirit and inclusivity. These events include monthly card parties, bake sales, craft shows, and pancake breakfasts.

Such events are designed with the aim of providing aid for the less fortunate members of our community. The parish organizes a weekly meal program for the needy. Their commitment to such noble causes should receive due recognition and respect. In addition, the parish organizes a variety of social and spiritual events which add immeasurably to the vibrancy and vitality of community life.

A community benefits when its residents reach out to one another, to lend a hand during a time of need. The enduring commitment of the St. Procop Ladies' Guild reflect the finest level of love and caring for their community. On behalf of the Greater Cleveland Community, I extend my sincere gratitude for their good works.

My fellow colleagues, I rise today in honor and recognition of the St. Procop Ladies' Guild and their valuable contribution to community life.

HONORING KEITH CLARK

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. MCINNIS. Mr. Speaker, it is with profound sadness that I ask for this moment to celebrate the life of Keith Clark. Keith was a model citizen and a highly respected educator in Grand Junction, Colorado. Keith left an indelible impression upon many he came in contact with and he will be deeply missed.

Keith grew up during the Great Depression where hard work wasn't an option, it was part of everyday life. Keith took these values to heart, serving his country with distinction in World War II as a B-52 pilot. After returning States side, Keith finished his formal education, an education that would ultimately lead to a career that would have an immense impact upon thousands of Colorado's youth.

After receiving his education from Mesa State College, and his teaching certificate from the University of Northern Colorado, Keith began his illustrious teaching career. For nearly 30 years, he ensured that Grand Junction's youth understood the importance of knowledge and learning. His techniques and style were at times considered unconventional, but for many students, Keith's unorthodox approach sparked an intellectual curiosity that would remain with them for the rest of their life.

Larry Beckner summed up the incredible impact that Mr. Clark had upon his life in an article by Rachel Sauer in The Grand Junction Daily Sentinel: "He instilled in me the belief that whatever is out there, I can do it. That was the attitude that he had and the attitude I picked up from him." Keith taught students to realize the importance of life and how to appreciate it. He also helped young people to learn the value of being a student. Beckner also had this to say: "He turned me around from being just a person in school to being a student. He opened my eyes to community involvement, to political issues and he made me a student."

Keith Clark exemplified the ideals of what it means to be an American. He fought to protect this country's highest ideals during World War II and he worked tirelessly to promote the importance of a good education to his students. Both at home and abroad, Keith was a genuine American hero.

Mr. Speaker, at this time I would like to extend my condolences on behalf of the State of Colorado and the U.S. Congress to the family of a true American patriot, Keith Clark. Keith touched the lives of thousands of people. Though he is gone, his proud legacy will live on in the family, friends and students who were blessed to know him.

LITERACY INVOLVES FAMILIES TOGETHER ACT

SPEECH OF

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. KIND. Mr. Speaker, as a member of the Education and Workforce Committee, I rise in support of this family literacy measure, and to applaud the leadership of Chairman GOODLING as he finishes a long and distinguished career both on our committee and in this chamber.

I am particularly pleased to support the LIFT Act because earlier this year, an organization in my Congressional District received an award from the Secretary of Education proclaiming it as an outstanding program in adult literacy services.

The Chippewa Valley—Literacy Volunteers of America has been providing family literacy services in the Eau Claire area for nine years. In general, Even Start—Family Literacy programs provide "four legs" of support in helping families who face unique education challenges. Using Even Start—Family Literacy seed money, the Chippewa Valley Literacy Volunteers have been able to provide services for (1) early childhood, (2) adult education, (3) parenting education, and (4) parent and children relationships.

The community in which this group operates has a large Hmong population, who have been especially well-served by this program through both English-as-a-second-language classes and parent-child development assistance. The Chippewa Valley group has also been successful in assisting families move from welfare to work.

In fact, Wisconsin is home to a variety of such programs that have successfully used Even Start money as seed funding while developing funding mechanisms from local community sources as well as other federal programs.

Even Start provides the kind of services we should all like to see enacted in our communities; services that we as federal policy makers should be proud to assist. These are comprehensive, integrated efforts to help whole-families, and to assist the most needy in our communities reach self-fulfillment and self-sufficiency.

I am pleased Chairman GOODLING pursued bipartisan support for this bill in an effort to give our communities effective, useful resources to help families.

In closing, I must also say that I am pleased to have served with Chairman GOODLING on the Education and Workforce Committee. I always appreciate his fairness and no-nonsense approach to committee business. I hope this body as a whole will honor the legacy of my friend from Pennsylvania and strive to pass effective, quality education legislation.

A TRIBUTE TO KITTY CARLISLE HART

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mrs. LOWEY. Mr. Speaker, today I express my great admiration for Kitty Carlisle Hart, an extraordinary actress, singer, advocate, and community leader who this year celebrates her ninetieth birthday.

Kitty Carlisle Hart's contributions to the arts have been remarkable. She first appeared on Broadway in "Champagne Sec," made her debut with the Metropolitan Opera as Prince Orlofsky in "Die Fledermaus," '"and starred in the American premiere of Benjamin Britten's "Rape of Lucretia."

Her career on film has been equally impressive, including roles in "A Night at the Opera," "She Loves Me Not," "Here Is My Heart," "Radio Days, " and "Six Degrees of Separation. "

Millions of Americans know and love Kitty Carlisle Hart from her fifteen year run as a witty and endearing, panelist on "To Tell The Truth. " Her sparkling personality helped make that program a national phenomenon.

In New York, Kitty Carlisle Hart has distinguished herself as one of our most valuable citizens. She chaired the New York State Council on the Arts, which supports countless cultural activities, and worked with Nelson Rockefeller to expand opportunities for women. Kitty Carlisle Hart has also devoted her time and energy to a variety of educational institutions and museums, always infusing her work with a passion for the creative spirit.

For these efforts and many others, Kitty Carlisle Hart was awarded the National Medal of Arts by President George Bush in 1991.

Throughout her splendid life, Kitty Carlisle Hart has delighted audiences and inspired all Americans to value the arts. As she celebrates her ninetieth birthday in the company of friends, I am delighted to offer my heartfelt thanks and sincere admiration.

IN HONOR OF THE 140TH ANNIVERSARY OF HOLY NAME PARISH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. KUCINICH. Mr. Speaker, I rise today in honor of the 140th Anniversary of Holy Name Parish and its continued commitment to the well-being of the community.

Its establishment, on September 23, 1859, marked the beginning of a community in which tens of thousands were baptized and guided by the teachings of the Catholic Church. Throughout years of service it has truly represented a beacon of hope for the Harvard Broadway area. It has earned commendation of the highest order through its success in weaving the values of religion into the fabric of community life.

Holy Name's history has been one of remarkable service. From its humble beginnings serving the Irish immigrants who met at Patrick Potts' farmhouse for Sunday services, it has maintained a long and noble tradition of active participation in community life. Holy Name Parish has made a vital contribution to local education. It has provided tens of thousands of children with an exceptional education grounded in the values of faith, tradition and spirit. Holy Name established the first coeducational parochial school in Cleveland. The institution was early to recognize the true value of education for all, irrespective gender.

Its role in providing for the needy represents a true and honorable expression of human values. For the people of the Harvard and Broadway area, it has become a place in which their hopes and dreams may thrive and prosper. Clearly the great significance of such services must be duly honored.

With such a formidable history Holy Name's significant role in community life will continue to be as healthy and vibrant as ever in the new Millennium. My fellow colleagues, please stand with me in honoring the outstanding work of Holy Name Parish.

HONORING JOHN FREW

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. MCINNIS. Mr. Speaker, I would like to take this moment to honor the considerable efforts of my friend, John Frew, during his accomplished tenure at Colorado Ski Country USA, the distinguished association that represents Colorado's ski industry. Recently, John announced that he was stepping down as its President and CEO. As John moves on, I would like to take this opportunity to thank and pay tribute to him for his dedicated service.

You don't have to know much about the great State of Colorado to know that skiing is an important part of who we are, both economically and culturally. For years, Colorado Ski Country USA has been the unified voice of this important industry. And when this already highly regarded organization hired John Frew, that voice only got stronger.

Colorado Ski Country USA brought John in to strengthen the operation, increasing its visibility and stepping up its role in the public policy arena. As someone in that arena, Mr. Speaker, I can say without hesitation to John: mission accomplished. Under John's leadership, Colorado Ski Country USA has thrived and for that the entire State of Colorado is grateful.

It is with this that I say congratulations to John on his successful stint with Ski Country USA and wish him all the best as he returns to Brownstein, Hyatt & Farber P.C.A.

John, your community, state and nation are thankful for your service.

UNION BANK OF CALIFORNIA RECOGNIZED BY SECRETARY OF LABOR FOR EQUAL EMPLOYMENT OPPORTUNITY EFFORTS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. LANTOS. Mr. Speaker, I rise today to pay tribute to the Union Bank of California on receiving the Secretary of Labor's Opportunity 2000 Award. This award is presented annually by the U.S. Labor department's Office of Federal Contract Compliance Programs to Federal contractors and public interest groups with exceptional equal employment opportunity programs. The Union Bank of California has been selected for its programs for hiring and promoting women, minorities and those with disabilities.

Mr. Speaker, I am delighted that Labor Secretary Alexis M. Herman has recognized Union Bank of California for its efforts. I join her in commending Union Bank on this long history of service, and I congratulate the Bank and its officers on receiving the Opportunity 2000 award for outstanding leadership in its equal opportunity programs.

Mr. Speaker, since its founding in San Francisco on July 5, 1864, Union Bank has made it its business to be more than just a successful bank; it has sought to be an integral contributor in advancing our common interests. This sense of community service took its earliest form in developing the infrastructure and trade of the West coast in the late 19th century. Union Bank helped fund the completion of the coast-to-coast railroad; it invested in early exploration of Alaska leading to its purchase by the U.S.; it financed the building of California's first large-scale Central Valley irrigation project; and it negotiated trade between the United States and Japan. These achievements demonstrate that the Union Bank of California has, from the beginning, had its priorities rooted the welfare of the public.

And, it is clear from its receiving the Opportunity 2000 award, that those priorities have not changed. Today, Mr. Speaker, Union Bank's commitment to a better future is founded in its belief in the value of a diverse workforce. This has literally shaped the entire nature of the company, from its board of directors to entry-level employees. Boasting 7 minorities out of 17 members on its board of directors, Union Bank has quadrupled the number of women and doubled the number of minorities since 1996. These efforts by Union Bank represent a unique commitment in corporate America that it makes both good business sense and good moral sense to strive for including all in employment opportunities.

Takahiro Moriguchi, President and CEO of Union Bank of California, expressed the Bank's enlightened view: "By searching for talent from among the disabled, both genders, veterans, all ethnic groups and all nationalities, we gain access to a pool of ideas, energy and creativity as wide and varied as the human race itself. I expect diversity will become even more important as the world gradually becomes a truly global marketplace." This type of leadership and this kind of vision have earned Union Bank the top position in Fortune Magazine's listing of "The 50 Best Companies for Asians, Blacks, and Hispanics."

Union Bank is clearly a trend setter, and I hope it can serve as inspiration and motivation to the rest of corporate America to realize how aggressively promoting equal employment opportunity programs is in the best interests of both corporate and non-corporate America.

Mr. Speaker, Union Bank has always been focused on the betterment of society, whether it be the development of the infrastructure and trade in the west or the development of equal opportunity programs that help unleash the talent of a workforce previously held back by discrimination. Union Bank should be commended for this dedication to social progress, and I congratulate the bank and its officers upon receiving Secretary of Labor Herman's Opportunities 2000 Award.

HONORING THE SERVICE AND SACRIFICE OF THE UNITED STATES MERCHANT MARINE

HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. STENHOLM. Mr. Speaker, I rise today to recognize a group of men and women who, throughout the history of this great nation, have served valiantly during times of wars and peace. The U.S. Merchant Marine fleet and the people who crew it, are a critical component of the economic strength and national security of America. From the earliest days of the Revolutionary War, when Merchant ships carried goods to Colonial outposts, through recent operations in Yugoslavia, merchant sailors have sailed into harms way to provide support to the Armed Forces by carrying the equipment, supplies, and personnel necessary to maintain war efforts. Numerous members of the United States Merchant Marine have made the ultimate sacrifice to help secure peace and freedom. During World War II the Merchant Marine had the greatest percentage of lives lost of any military service, with the exception of the Marine Corps. Included in that loss were 142 cadet-midshipmen from the United States Merchant Marine Academy.

There are Merchant Mariners and Merchant Marine Veterans all across this great nation, even in the land-locked 17th District of Texas, and those of us who live there are safer because of their service and dedication. The Merchant Marine's role in the defense of this nation is under-recognized. Few people realize that in Operation Desert Storm, over 95 percent of the equipment, goods, and ammunition used were carried to the theater by the American Merchant Marine. This resolution serves as a means to honor their service, and I join my colleagues in applauding Rep. KUYKENDALL's work to bring this matter before this Body today. I also would like to take this time to pay tribute to Representative BATEMAN, who was one of the biggest supporters of the American Merchant Marine. His passing is a great loss to this Body and this Nation.

At a time the people of the United States are benefitting more than ever before from the sacrifices made by so many to secure peace and prosperity, it is highly appropriate to recognize the service of the men and women of the United States Merchant Marine. I urge your support of this resolution.

INTRODUCTION OF THE MEDICARE RENAL DIALYSIS PAYMENT FAIRNESS ACT OF 2000

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. CAMP. Mr. Speaker, today I am pleased to be joined by Representative KAREN THURMAN and Senators FRIST and CONRAD in introducing the Medicare Renal Dialysis Payment Fairness Act of 2000 and 15 other original consponsors. This legislation takes important steps to help sustain and improve the quality of care for the more than 280,000 Americans living with end-stage renal disease (ESRD).

In 1972, Congress ensured that elderly and disabled individuals with kidney failure receive appropriate dialysis care. At that time, Medicare coverage was extended to include dialysis treatments for individuals with ESRD.

Over the last three decades, dialysis facilities have provided services to increasing numbers of kidney failure patients under increasingly strict quality standards; however, during this same time frame reimbursement for kidney services has not kept pace with the increasing demands of providing dialysis care.

While these efforts were a step in the right direction, a recent Medicare Payment Advisory Commission (MedPAC) report suggests that we must take further action to sustain patients' access to dialysis services. In particular, MedPAC recommends a 1.2 percent payment adjustment for Medicare-covered dialysis services in the next fiscal year. In addition, MedPAC recommends that the Health Care Financing Administration provide an annual review of the dialysis payment rate—a review that most other Medicare-covered services receive each year.

I believe these recommendations represent critical adjustments that must be addressed this year. For this reason, I have worked with Representative THURMAN, Senator FRIST, and Senator CONRAD to develop the Medicare Renal Dialysis Payment Fairness Act of 2000. This legislation would provide the payment rate improvements recommended by MedPAC and would establish an annual payment review process for dialysis services. This proposal would help ensure all dialysis providers receive reimbursement that is in line with increasing patient load and quality requirements. This is particularly important for our nation's smaller, rural dialysis providers that on average receive Medicare payments that do not adequately reflect costs.

As Congress considers further improvements to the Medicare program, I urge my colleagues to support this important effort to ensure patients with kidney failure continue to have access to quality dialysis services. I thank my colleagues for working together on this bipartisan and bicameral proposal.

WELCOME C.J. CHEN

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. ORTIZ. Mr. Speaker, on behalf of my friends on Capitol Hill, I would like to extend a warm welcome to the Republic of China's Representative in the United States, Mr. C.J. Chen. He is now serving a Taiwan's top diplomat in the United States and his office is in Washington, D.C.

Representative C.J. Chen is uniquely qualified for this top diplomatic post. Representative Chen has spent his entire career in the Republic of China's government service. After receiving his education in Taiwan and Europe, Representative Chen joined the ROC's foreign service and served in many capacities over the last 2 decades.

Most notably, he was the ROC's Deputy Representative in Washington (1982-1989); Administrative Vice Minister of Foreign Affairs (89–93); a Senator in the ROC Parliament (93–96); Political Vice Minister of Foreign Affairs (96–98); and Foreign Minister (99–00).

Representative Chen's appointment to Washington is timely. We are fortunate to have someone like Representative C.J. Chen to brief us on the latest developments in his country and the latest issues affecting both our countries.

Representative Chen is a hardworking diplomat. Even during the summer recess, he has met with a number of us and briefed members about President Chen's recent trip to countries in Central America and Africa as well as the need for the ROC to be recognized as a team player in international affairs. Taiwan's financial strength, democratization, and record on human rights are accomplishments worth universal recognition and praise.

I look forward to working with Representative C.J. Chen and his staff.

TRIBUTE TO AMBASSADOR PER ANGER ON HIS RECEIVING HONORARY ISRAELI CITIZENSHIP

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. LANTOS. Mr. Speaker, on the 18th of September, Israel will award honorary citizenship to Ambassador Per Anger, the distinguished Swedish diplomat who worked so closely with Raoul Wallenberg to rescue Hungarian Jews during the Second World War. I would like to invite my colleagues to join me in recognizing Anger's lifetime accomplishments, including his association with Raoul Wallenberg during 1944, as an example of the good that human beings can accomplish, even when faced with incomprehensible darkness.

Per Anger received his first diplomatic assignment at the age of 27 as an attaché to Berlin in the early stages of the Second World War. During that year (1941) he worked for the Foreign Department's trade section dealing with relations between Sweden and Hungary. It was this position which eventually led him, in November of 1942, to join the Swedish legation in Budapest. In March of 1942 he became second secretary in the Swedish legation in Hungary.

Mr. Speaker, for two years prior to the Nazi occupation of Budapest, Anger reported that conditions in Budapest were relatively stable and calm. But with the arrival of the German military in March 1944 and the subsequent deportation of Hungary's Jewish population, he entered the defining year of his life and career as a diplomat. When the Nazis initiated deportations, Anger assumed an early role in devising schemes to protect Jews. While the later schutzpasse was Wallenberg's innovation, Anger originally conceived the idea of issuing special certificates to Hungarian Jews who had applied for Swedish citizenship. Before Wallenberg arrived, the Swedish legation had issued 700 certificates and provisional passports which had no legal validity, but served their purpose in preventing the shipment of individuals to Auschwitz.

With Wallenberg's arrival on July 9, 1944, Per Anger began a partnership that would deliver tens of thousands of Jews from deportation and almost certain destruction in Nazi death camps. While Wallenberg's tragic end has made him the more recognizable rescuer, Anger made a substantial contribution in his quiet but efficient manner. Per Anger was frequently Wallenberg's partner in missions of mercy to the columns of Jews forced to march out of Hungary after Allied bombing had made the railways unusable. Where the Jews marched and died, Wallenberg and Anger distributed food, administered comfort, and often managed to return with some of the suffering people to Budapest.

Mr. Speaker, Per Anger's life and legacy are permanently linked with Wallenberg, not only because their shared efforts in Budapest during the Second World War, but also because of Anger's lifelong compassionate quest to discover the fate of his partner, who disappeared mysteriously behind Soviet lines in January of 1945. Throughout the second half of the twentieth century Anger labored to disseminate information about Wallenberg and to bring his plight to the attention of world leaders. In 1989 he urged Helmut Kohl to take the issue directly to Mikhail Gorbachev, and listened in to a telephone call as Kohl pleaded with Russian leader to "let that old man go." Gorbachev, according to Anger, had no response.

Mr. Speaker, it is most appropriate and fitting that the state of Israel has granted Per Anger the high recognition of making him an honorary citizen. He has spent most of his life in the service of others, including that turbulent year in Budapest collaborating with Raoul Wallenberg in saving innocent lives. I invite my colleagues to join me in paying tribute to this distinguished Swedish diplomat for his courage, humanitarian dedication, and good works.

IN HONOR OF FATHER JOSEPH A. ROMANSKY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to honor Father Joseph A. Romansky who is celebrating his 25th anniversary as a priest of the Cleveland Catholic Diocese. Father Romansky is a native of the Cleveland area. His first of many admirable assignments was at St. Catherine's Parish on East 93rd Street. Following his dedicated service to St. Catherine's, Father Romansky worked at the diocesan offices in downtown Cleveland while also assisting at St. Francis in the East 71st Street and Superior area. From there, Father Romansky became pastor of Holy Family Catholic Church on East 131st Street, and later he was chaplain at the Light of Hearts Villa. Father Romansky has spent the last several years spreading hope and peace as chaplain at St. Augustine Manor.

Over the course of the last 25 years, Father Romansky has fully devoted his life to serving his parish and the people of Cleveland. More importantly, he is committed to the well-being and happiness of all people regardless of race, creed, gender, or class. Father Romansky is a kind and generous man who makes all those he comes in contact with feel special and loved.

Mr. Speaker, I ask all members of the House of Representatives to recognize the achievements of Father Joseph A. Romansky as he celebrates his 25 years of service to the Cleveland Catholic Diocese. I ask my colleagues to join me in thanking him for his charity and dedication to his faith, his parish, and the entire city of Cleveland.

TRIBUTE TO GIRL SCOUT GOLD AWARD RECIPIENTS

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. EWING. Mr. Speaker, today I would like to salute Laura David, Erin Wiggins, Jennifer Iversen, Christina Barnes, and Merideth Holmes. They are outstanding young women who were honored with the Girl Scout Gold Award by Green Meadows Council in Urbana, Illinois. Laura, Erin, Jennifer, Christina, and Merideth were honored on May 8, 2000 for earning the. highest achievement that a young woman aged 14-17 or in grades 9-12 can earn in Girl Scouting. The Girl Scout Gold Award symbolizes outstanding accomplishments and has five requirements, each of which helps girls develop skills in the areas of leadership, career exploration, self-discovery, and service. The fifth requirement is a Gold Award Project that requires a minimum of 50 hours of participation.

Girl Scouts of the U. S. A., an organization serving over 2.5 million girls, has awarded more than 20,000 Girl Scout Awards to Senior Girl Scouts since the inception of the program in 1980. To receive this award, a Girl Scout must earn four interest project patches, the Career Exploration Pin, the Senior Girl Scout Leadership Award, and the Senior Girl Scout Challenge, and also design and carry out a Girl Scout Award project. A plan for fulfilling these requirements is created by the Senior Girl Scout and is carried out through close cooperation between the girl, her troop leader, and an adult Girl Scout volunteer mentor.

Laura and Erin's Gold Award project was "Communities Helping Communities." They are members of Girl Scout Troop 299 in Champaign, Illinois. The idea for their project came when they participated in a school sponsored city clean-up project. They recognized the need to help elderly neighbors with yard work and beautification of their property. Together they organized and coordinated volunteer workers, obtained donations of plant materials and supplies and provided gardening services for eight elderly families and three churches. Upon completing this project, they evaluated the results. Laura felt that one of the benefits of this project was the families were able to provide input into the selection of flowers and how their flowerbeds were designed. Erin said she gained self-satisfaction from providing such a tangible improvement to homes. Benefits of the project were the experience of intergenerational and multi-racial neighbors working together.

Jennifer Iversen's Gold Award project involved obtaining computers for the residents of Manor Care Health Services. She is also a member of Girl Scout Troop 299 in Champaign, Illinois. Jennifer and a friend taught residents basic computer skills and how to access the Internet. These new skills provided residents the ability to use e-mail to correspond with family friends. Jennifer applied for and received a grant for continuation of this project next year with volunteer assistance from the social advocacy class at University Laboratory High School.

Christina Barnes's Gold Award project titled "Assistant Softball Coach" provided her the opportunity to share her talents and love of softball with young women aged 13—15. Christina is a member of Girl Scout Troop 400 in Philo, Illinois. She coached and taught this group fast pitch softball skills through the Park District. Her project also included developing a Fist Aid kit for the team and emphasizing nutrition in her instruction.

Merideth Holmes is an Independent Girl Scout from Monticello, Illinois, and her project, "Christian Cuddliess" involved working with members of a Junior Girl Scout troop to make teddy bears for children admitted to the emergency room go Ganta Memorial Hospital in Ganta, Liberia. Merideth enjoyed involving the Junior Girl Scouts in her project and being able to make an emergency room more comforting and less threatening for children.

I believe that Laura David, Erin Wiggins, Jennifer Iversen, Christina Barnes, and Merideth Holmes should receive public recognition for their significant service to their communities and country.

HONORING THE 300TH ANNIVERSARIES OF ST. DAVID'S CHURCH AND ST. PETER'S CHURCH IN THE GREAT VALLEY

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise to congratulate the parishioners of St. David's Church, Wayne and St. Peter's Church in the Great Valley, near Paoli, Pennsylvania for celebrating their 300th anniversaries. This historic milestone was reached on September 2, 2000.

It is often said of Pennsylvania that "America starts here." This is particularly true for the greater Philadelphia region, where so many of our Founders came together to deliberate, where the Declaration of Independence was signed, and in whose fields and valleys so many cruel and bitter battles were fought during our Revolution. During this time of remembrance it is fitting to recall the people who settled Chester County, lived in its towns, educated its young, built its businesses, reached out to its needy, fought its wars and ultimately returned to its soil. A prominent role in the development of Chester County was played by St. David's Church in Wayne and St. Peter's Church in the Valley.

As we reflect 300 years later on this rich history, it is my honor and privilege to congratulate the two current rectors, The Rev. John G. Tampa of St. Peter's and The Rev. W. Frank Allen of St. David's, who have the honor to serve their parishioners during this momentous time of celebration. Continuing a walk in faith begun over three centuries ago, they provide the leadership and vision that have made St. David's Church and St. Peter's Church in the Great Valley a cornerstone of spiritual leadership as well as a source of inspirational outreach and service. These churches remain to this day vibrant members of their community providing food, education, health care, shelter, training and countless other services to people in need.

The two parishes were established in 1700 as missions of the historic Christ Church, Philadelphia, serving what was then the frontier regions of Chester County, Pennsylvania. Christ Church is familiar to students of our history, for it was the site where our Founders met to discuss and later to proclaim our country and its unique form of government.

From the moment of their founding, St. David's Church and St. Peter's Church in the Great Valley have played a prominent role in the history of Pennsylvania, and indeed of the nation. The first services were held in small log cabins, were tended by a circuit-riding clergyman and drew only a handful of Welsh pioneers. Today, the combined congregations of St. Peter's and St. David's exceed 3,000 parishioners, and they continue to grow.

It is interesting to note that it was from St. David's Church that General Anthony Wayne, whom some regard as the real founder of the American Army, went off to fight with General Washington. It was to St. David's Church that his body was returned years later. Not surprisingly, St. David's and its graveyard have been designated as National Historic Landmarks.

St. Peter's Church in the Great Valley, another National Historic Landmark, served as a field hospital for soldiers wounded in the Brandywine campaign of 1777 and later at Valley Forge. Its graveyard contains the remains of both American and British soldiers killed during the Revolution. Its beautiful grounds, a wildlife conservatory, were selected by Governor Tom Ridge as the site for the signing of Pennsylvania's innovative conservation measure, the "Grow Greener" bill.

Mr. Speaker, St. David's Church and St. Peter's Church in the Great Valley have much to celebrate together as they mark their 300th anniversary. I congratulate everyone associated with these worship communities and wish them continued growth, happiness and success as they recall their journey: the road, the people, the vision and the faith, which brought them to this milestone.

SURGE OF CHINESE IMPORTS THREATENS VALUABLE MANUFACTURING JOBS IN WEST VIRGINIA

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. RAHALL. Mr. Speaker, I wish to express my concern about a small manufacturer in my district that is battling a tidal wave of low-priced Chinese imports and to underscore the importance of strong trade laws.

Portec Rail Products, Inc. is a small business with manufacturing operations in Huntington, West Virginia. Portec makes steel rail joints which hold rail sections together and ensure smooth passage for commercial and passenger trains alike. Portec's West Virginia manufacturing facility represents the core of the kind of small, hard working American company that we all like to see succeed. Portec provides solid, semiskilled manufacturing jobs for many hard-working West Virginians. Additionally, Portec purchases steel bars from a West Virginia steel producer, further enriching the economy of the state.

During the last three years, U.S. imports of low-priced steel rail joints from China have increased exponentially. According to official U.S. Department of Commerce statistics, imports of Chinese rail joints increased from 78,000 pounds in 1997 to 355,878 in 1999, a 356 percent increase. There has been no letup—during the first quarter of 2000, Chinese imports were at a record pace of 175,000 pounds—a figure which, if annualized, would amount to a 788 percent increase since 1997.

Chinese imports are also underselling U.S. prices, resulting in lost sales and depressed prices for the U.S. industry. When Portec loses a sale to what might very well be dumped imports from China, it loses the profits and R&D dollars necessary to develop new products and services for its customers. This threat is not Just looming in the future—it is happening today and already has impacted Portec. In fact, Portec recently lost a contract to supply steel rail joints to our very own METRO in Washington, D.C. because the Chinese bid was lower. So, the threat to this small, West Virginia company is very clear.

I can assure you that Portec does not intend to leave the challenge unanswered, and in fact, I will do my best to help them combat the harmful import surge from China through trade cases or other means. We must protect American manufacturing jobs from unfair import surges that injure American industry. The United States must maintain strong antidumping laws and ensure that they provide effective relief to small U.S. businesses before they are driven out of business by unfair trade.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. BECERRA. Mr. Speaker, on September 12, 2000, 1 was detained with business in my District, and therefore unable to cast my votes on rollcall numbers 460 through 464. Had I been present for the votes, I would have voted "aye" on rollcall votes 460, 461, 462, 463, and 464.

SCOUTING FOR ALL ACT

SPEECH OF

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. SCHAFFER. Mr. Speaker, the House now debates a bill Democrats have crafted to revoke the charter of the Boy Scouts of America. It is hard to believe the Democrats in Congress have actually proposed this measure. It is also hard to believe a private institution, which has taught over 100 million boys in America core values and has donated hundreds of millions of community service hours, would be the target of this vicious attack by the party of Bill Clinton and Al Gore.

On June 28 of this year, the Supreme Court affirmed the Constitutionally protected right of the Boy Scouts of America to set its own standards for membership and leadership. Since the decision, Democrats have launched a vicious attack on the Boy Scouts seeking the financial destruction of the Boy Scouts by urging businesses and civic organizations to revoke their sponsorship of the Boy Scouts. In fact, when the Boy Scouts were derided at the Democrat National Convention this summer, Al Gore did nothing. He didn't object. Al Gore lost on two counts. The Supreme Court decision echoed the voice of mainstream America, and business and civic organizations remain committed to sponsoring the Boy Scouts. So here we are debating another pathetic Democrat attempt to force the hateful will of their party's agenda upon mainstream America.

One of the great ironies of the Democrat's bill to revoke the Federal Charter of the Boy Scouts of America is their claim of being "dedicated to giving working families the tools they need to take care of their children" and their claim they have "worked to make children our nation's top priority." Have the Boy Scouts of America not been fulfilling the Democrats' goals and more? Have the 100 million Boy Scouts, from diverse backgrounds far and wide, not been trained during their Scouting experience to embrace civic responsibility and "help other people at all times" as the Scout Oath states?

Consider the tenets of Scout Law: Trustworthy, Loyal, Helpful, Friendly, Courteous, Kind, Obedient, Cheerful, Thrifty, Brave, Clean, and Reverent. Consider the Scout Oath: "On my honor I will do my best to do my duty to God and my country and to obey the Scout Law; to help other people at all times; to keep myself physically strong, mentally awake, and morally straight." Shame on the Democrat party, Bill Clinton, and Al Gore for viciously attempting to destroy the Boy Scouts of America. It is unconscionable that millions of young Boy Scouts have been forced to endure this vicious attack. It is an insult that any member of Congress has subjected these young people to such hostility.

While I have never witnessed such a vitriolic attack upon young Americans, I am honored to go on record with America and the Members of this House who have raced to defend the Boy Scouts from this injustice. My son, Justin, has been involved in Scouting for many years now. I can see the developmental benefits he has reaped from his experience with the Boy Scouts of America. I do not know how I would ever explain to him that he could not be a Scout anymore, should Democrats win today's contest on the House floor. My colleagues, we must prevail on behalf of the Boy Scouts, by crushing this awful bill which the Democrats have proposed and by sending a clear message to the country: The Boy Scouts of America are deeply appreciated, celebrated, embraced and protected for the good work they do to raise young boys to be future leaders of a caliber much higher than the proponents of this bill which we must quickly, and resoundingly defeat.

HONORING RAYMOND C. BURTON FOR A DISTINGUISHED CAREER

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. LIPINSKI. Mr. Speaker, today I honor Mr. Raymond C. Burton, who will retire at the end of this year, bringing closure to a distinguished career in railroading that has spanned three decades.

When Ray Burton went to work for the old Sante Fe Railway in 1963, he could not have foreseen the profound changes coming to the railroad industry. Particularly since 1982, when he was elected president and Chief Executive Officer of TTX Company, Ray Burton has been on the cutting edge of those changes.

Under Ray Burton's leadership, TTX has led the way in innovation, design and deployment of the equipment needed to construct today's modem, intermodal transport network. It was this leadership that twice earned him the Railway Age "Railroader of the Year" award—making him one of just three individuals to be so honored.

This past July, Ray Burton was elevated to the post of Chairman and CEO of TTX, a fitting reward for a man who led his company—and his industry—into the 21st Century well equipped to meet the challenges ahead. Ray will be missed when he retires at the end of this year, but the seeds he planted will continue to bear fruit for many more years to come.

HONORING THE DISTINGUISHED PRESIDENCY OF DR. JAMES WALKER

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. GORDON. Mr. Speaker, today I congratulate Dr. James Walker for his accomplishments during his tenure as Middle Tennessee State University's president.

Some of Dr. Walker's accomplishments are easily seen, like the new buildings on campus—the business aerospace building, nursing building, student recreation center, state-of-the-art library, student apartment complex and Greek Row. All were desperately needed bricks-and-mortar projects for a growing campus with changing technology needs. As an alumnus and avid Blue Raider football fan, I was particularly thrilled by the recent renovation of the Johnny "Red" Floyd Stadium. The renovation helped moved MTSU's football program to Division I–A.

Enrollment at MTSU has increased nearly 32 percent from 15,673 students in 1991 to a projected 20,663 students this fall. Under Dr. Walker's leadership, MTSU has attracted more high-quality students. During the past 10 years, MTSU student ACT scores have surpassed state and national averages. Just last year, MTSU was given the go-ahead to establish Tennessee's first Honors College.

During his tenth year as MTSU President, Dr. Walker is leaving to become president of Southern Illinois University, where, at the age of 30, he worked as an assistant professor.

Dr. Walker's administrative colleagues at SIU, MTSU, University of Northern Colorado, California State University, Illinois State University, University of Alabama and Western Michigan University can attest to his many accomplishments and accolades over the last 30 years. Dr. Walker, thank you for the many wonderful things you did for MTSU and the entire Middle Tennessee community. I and many other Nfiddle Tennesseans will surely miss your leadership and enthusiasm. Good luck at Southern Illinois University.

HONORING THE LATE DR. TIMM C. PATTERSON

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. BARCIA. Mr. Speaker, I rise today to mourn the death and celebrate the life of my longtime friend, Dr. Timm C. Patterson, who passed away on Monday, September 11, 2000. His three children have lost a wonderful father, his family has lost a loving soul, the citizens of Bay City have lost a committed doctor and dedicated community servant and I have lost a good friend.

A lifelong resident of Bay County, Timm graduated from Bay City Central High School in 1967. He continued his education at Delta College and Eastern Michigan University. He later earned a doctorate with honors from Illinois College of Optometry in 1973. He returned to his hometown and practiced medicine for a quarter of a century. Always willing to share his vast knowledge and understanding of medicine with his colleagues, he penned many articles for publication in optometry journals.

However, he didn't limit his sense of duty to the medical field. His community involvement stands as a model to the notion that all of us have a responsibility to reach beyond ourselves. A prominent figure in local politics, Timm served as a city commissioner and two-term mayor of Essexville. The Essexville-Hampton Knights of Columbus, Elks Club, Essexville-Hampton Jaycees, Lions Club of Essexville, the Bay Area Chamber of Commerce and the Bay Area Family Y all were graced by his leadership and enthusiastic support.

My friend had a zest for living. He loved sailing, flying airplanes and rooting for the maize-and-blue of his beloved University of Michigan sports teams. He simultaneously found solace and excitement on the Great Lakes, often exhibiting his mastery of navigation as he skippered his sailboat on leisurely sojourns and competitive races against his fellow sailors. Many times, wind filled his sails in the Port Huron to Mackinac Yacht Race. He was a board member of the Saginaw Bay Yacht Club and the Saginaw Bay Yacht Racing Association.

He took to the skies as well, earning a private pilot's license for airborne adventures that seemed to heighten his appetite for hands-on knowledge.

My dear friend now soars beyond the clouds, leaving in his wake legions of friends and family whose lives he touched with a strong hand and tender heart. We will miss him.

REPEAL AND EXTRATERRITORIAL INCOME EXCLUSION ACT OF 2000

SPEECH OF

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Ms. KILPATRICK. Mr. Speaker, I rise today in support of H.R. 4986, the Foreign Sales Corporation Repeal and Extraterritorial Income Act of 2000 because it will help preserve the strong financial standing of our nation's export manufactures and our economy. This debate cannot be understood without an understanding of the origin of the Foreign Sales Corporation (FSC). The FSC was created by the Department of Commerce to provide incentives to increase exports by United States (U.S.) manufacturers competing against Asian and European businesses. American industry faced stiff competition from state supported foreign enterprises. FSC's were given a reduction in income taxes on net foreign profit realized from exports. An export businesses' choice to form an FSC allows it to minimize its tax bill on foreign profits between 15% and 30%.

In 1998, a trade dispute arose when the European Union (EU) filed a claim against the United States arguing that FSC's were in violation of World Trade Organization's (WTO's) rules prohibiting government subsidization of exports. The EU argued that the FSC amounted to U.S. government subsidization of export businesses. The WTO dispute panel agreed with their argument and ruled accordingly. The ruling required that the U.S. withdraw the FSC provisions by Oct 1, 2000, or face sanctions. These events bring us to the floor today.

The measure before us today exempts from federal taxes most income earned abroad and repeals portions of current law (PL 98–369) that created foreign sales corporations (FSCs). Under the measure as long as 50% of a manufactures goods were produced in the United States, the manufacturer could receive the same tax benefit on foreign sales.

This bill satisfies the concerns of the WTO and will prevent the implementation of tariffs on potentially billions of dollars of goods made in the U.S. and exported abroad.

I have opposed important trade legislation in Congress because I have been particularly concerned about the effects it would have on U.S. jobs and our economy. My review of the record concerning the repeal of Foreign Sales Corporations and its replacement gives me confidence that this measure will be good for American workers, farmers and businesses. This bill has been carefully reviewed by both Democrats and Republicans and enjoys the approval of the United States Treasury. I particularly applaud the bipartisan work of my colleagues on the Ways and Means Committee in resolving this matter, and I urge my colleagues to support the bill.

WE NEED COMMONSENSE GUN SAFETY LEGISLATION NOW

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mrs. McCARTHY of New York. Mr. Speaker, I appreciate the opportunity to join the Gentleman from New Jersey, Representative RUSH HOLT.

We know the Congress will soon adjourn and we have not done anything to approve commonsense gun legislation.

That is why we are calling on Speaker HASTERT to direct the Juvenile Justice Conferees to meet and complete action on the Juvenile Justice Bill. We request other colleagues to join us.

Earlier this year, the Million Mom March came to Washington and to more than 60 cities around the country. I addressed this march that united moms, dads, sons and daughters behind a common goal.

They urged the Congress to stop its delay and move forward with gun safety legislation. Now it is time for the Congress to stop stalling and to enact this gun safety legislation.

To date, I regret the Congress has accomplished next to nothing to enact commonsense gun safety legislation.

Have we closed the gun show loophole that permits criminals to get guns easily? No!

Have we required gun manufacturers to install child safety locks on all new guns? No!

Have we banned the importation of high-capacity ammunition clips on assault rifles? No!

As Members of the Education and Workforce Committee, both of us are committed to reducing classroom size, ensuring after-school programs and increasing student achievement test scores. We can accomplish none of these things, unless we have safe schools first.

In my home state of New York, I have worked closely with Gov. George Pataki and our state lawmakers so that we were able to enact strong commonsense gun safety legislation this year.

I am proud our state now has a law that closes the gun show loophole and requires child safety locks on guns. Now we need national commonsense gun legislation.

The House Leadership and the gun lobby have maintained their alliance to block the consideration of this commonsense gun legislation.

I urge the American people to send a message to the House leadership to reject the gun lobby and enact real gun safety legislation before we adjourn for the year.

Mr. Speaker, the new school year has just begun. We need to give parents greater assurance that their children will be safe while they are attending school.

But the truth is the Congress must do more. We can close the gun show loophole. We can require child safety locks. We can ban high-capacity ammunition clips.

SENSE OF HOUSE REGARDING UNITED STATES-INDIA RELATIONS

SPEECH OF

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. PALLONE. Mr. Speaker, the year 2000 has been a great year for those of us actively involved in building and promoting relations between the United States and India. This week, I am proud to welcome Indian Prime Minister Atal Bihari Vajpayee to Washington. The Prime Minister's visit comes months after President Clinton made a similar visit to India. I was fortunate to join the President on that historic visit.

While here in Washington, the Prime Minister will focus on economic relations between the two countries, as well as the role of the Indian-American community as a bridge between the two democracies.

Since the early 1990's, I have been advocating for the U.S. to build a long-term and enduring relationship with India. This relationship makes sense since both countries share common democratic traditions. Portions of India's constitution were modeled after the U.S. constitution, and both countries share the same views of freedom of expression, protection of individual rights and a vitality of the political process.

India and the U.S. have forged close economic and commercial links. India represents enormous opportunities for U.S. firms to make new investments and enter new markets. Good relations with India can only increase the economic ties we currently have. A strong economy in India is a basis for lifting people out of poverty and for creating a strong democratic base.

The two countries also have become linked as centers of scientific and technological innovation. In the fast-changing world of high technology, the U.S. and India have already begun sharing process of information, of skills and of people who provide great benefits for consumers in both countries. India has a highly trained corps of software engineers whose talents are being utilized here and in India.

Both countries, victims of terrorism in the past, have teamed up to establish a Joint Working Group on Counterterrorism, which should enhance the effectiveness of both nations' efforts to combat terrorism worldwide.

As the region's only democracy, India will play a major role in security issues throughout Asia for years to come. I have believed for some time that India should receive a permanent seat on the United Nation's Security Council and am anxious to hear from the Prime Minister if there were any new developments while he was in New York last week. Providing this seat to India will help make the world a safer place.

While I was in India with the President earlier this year, I was fortunate to attend the signing ceremony in Agra of an historic agreement to promote cooperation in the areas of clean energy and the environment between our two countries. This agreement marks a major step toward promoting clean energy in India and protecting India's and our global environment. As part of this agreement, joint trade and investment efforts will promote clean energy technologies in India.

India and the U.S. also are conducting joint public-private partnerships in the energy sector. In fact, one New Jersey utility, PSEG, is on the verge of signing an agreement with the Indian government to carry out just such a partnership. This utility also is exploring creative methods for improving the electric supply and system reliability with partners in Karnataka. These types of efforts will promote clean energy technologies and help India avoid the pollution we experienced with our industrial development. India does not need to sacrifice its economic growth because its local businesses will conserve energy and improve their "bottom lines". I look forward to working with the Prime Minister during this week's visit to further these efforts between India and the U.S. to conserve resources, improve energy supply, and protect our environment.

As the founder and past Chairman of the Congressional Caucus on India and Indian-Americans, as well as the Representative for one of the largest Indian-American communities in the country, I am excited by the developments of the past year between our two countries. It is my hope that Prime Minister Vajpayee's visit will strengthen relations between the world's two greatest democracies.

IN CELEBRATION OF MARTHA BARRETT'S DEDICATION TO EDUCATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. GALLEGLY. Mr. Speaker, I rise to celebrate Martha Barrett, whose energy and dedication in her classroom and to her profession has earned her the honor as Ventura County's Teacher of the Year.

Mrs. Barrett brings an entrepreneur's drive to teaching, totally immersing herself in her chosen profession, which isn't surprising when one considers that business was her chosen field when she entered San Diego State University. However, the future educator found joy by teaching a weekend religion class and switched to education, earning her master's degree and teaching credential.

She now teaches students and her peers at Oxnard Elementary School District.

Mrs. Barrett is a 17-year teaching veteran, teaching our youngest students to read, write and think. She is also a lifelong student, remaining current on the latest technology and teaching tools and sharing them with her peers.

After years of serving as a mentor to her fellow teachers, Mrs. Barrett was assigned to the district's Peer Assistance and Review program last week. In that role, Mrs. Barrett will help struggling teachers and coach others who wish to improve their skills.

There is little doubt her peers will benefit from Mrs. Barrett's insight. Administrators say they often have to turn away teachers who clamor to attend the numerous teaching workshops Mrs. Barrett has conducted. Her superintendent, Richard Duarte, has been quoted as calling her "truly a master teacher."

The mother of three also is active in her own children's schools and has been a team mom for her children's soccer teams. The Barretts have hosted exchange students from Japan and Spain.

Mr. Speaker, as America focuses on improving education, Mrs. Barrett serves as a model of what we expect and need from our teachers. Teaching is not a job to Mrs. Barrett. It's a calling. She works hard, she cares about her students, and she cares about her profession. She also cares enough to help her peers reach higher, so their students can too.

Mr. Speaker, I know my colleagues will join me in congratulating Mrs. Barrett on her achievement, in thanking her for a job very well done, and in wishing her future successes in the classroom and in her profession.

A TRIBUTE TO SERGEANT EDWARD LOWRY AND DEPUTY SHERIFF DAVID HATHCOCK

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. MCINTYRE. Mr. Speaker, today I pay tribute to State Highway Patrolman Edward Lowry and Deputy Sheriff David Hathcock for their distinguished service and courageous leadership on behalf of the citizens of Cumberland County, North Carolina.

These two veteran law enforcement officers gave their lives in the line of duty during a traffic stop along interstate 95 on September 23, 1997. By risking their lives to protect the lives of others, they made the ultimate sacrifice that any citizen of this nation can make. They left behind not only their loving families, but also a community and a state who will forever be grateful for their heroism.

As lifelong residents of Cumberland County, both Sergeant Lowry and Deputy Hathcock dedicated their entire careers to protecting the rights and freedoms of others. Together they had over forty years of experience in law enforcement and were recognized for their integrity and strength in promoting and defending the laws of justice.

In order to acknowledge and honor Officers Lowry and Hathcock for the valiant actions they displayed on that fateful day and their outstanding service to the communities they fought to protect, I am pleased that the North Carolina 59 bridge over 1–95 near Hope Mills, Cumberland County will be named in their memory. This will serve as a constant reminder of the gratitude we all feel toward these two brave individuals, along with all other law enforcement personnel who have lost their lives serving as guardians of our communities.

President John F. Kennedy once said, "For those to whom much is given, much is required. And when at some future date when history judges us, recording whether in our brief span of service we fulfilled our responsibilities to the state, our success or failure, in whatever office we hold, will be measured by the answers to four questions: First, were we truly men of courage . . . Second, were we truly men of judgment . . . Third, were we truly men of integrity . . . Finally, were we truly men of dedication?"

Deputy Sheriff David Hathcock and Sergeant Edward Lowry would truthfully have been able to answer each of these questions in the affirmative! They were indeed men of courage, judgment, integrity, and dedication. May the memories of these two brave individuals live on in our hearts and may God's strength and peace always be with their families and friends.

WELCOMING EDGEWOOD MIDDLE SCHOOL

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. UDALL of New Mexico. Mr. Speaker, I would like to bring to your attention the Edgewood Middle School located in Edgewood, New Mexico. The school is a brand new institution of secondary learning. The need for the school is a testament to the growth and innovation of this area of my state, portions of which I proudly represent.

Edgewood is a lovely community situated amid the East Mountains and arid lands of New Mexico. Edgewood and its nearby neighbors—Moriarty, Sandia Park, Tijeras, Cedar Crest, and Stanley—are committed to the community values that make for a high quality of life. It is not surprising to me the enthusiasm and welcome that the Edgewood Middle School has received.

Someone once said that a journey of 1,000 miles begins with the first step. I must commend Moriarity school superintendent, Dr. Elna Stowe, for her tireless work and devotion in making this school a reality. Additionally, the first principal of this institution, Sandy Beery, will shepherd the school as it grows and blossoms.

As you know, Mr. Speaker, it takes a team effort to achieve great goals. I fully believe that the educators, administrators, and the surrounding communities will come together to have an exceptional body of learning. Schools are hallowed places, and I am very enthusiastic about the students who will be educated here and then move on to higher learning. A good education is the start of a good future.

I close by taking you back to 1787. It was a time much like today, when this Nation's future was at an exciting crosswinds. At the close of the Constitutional Convention, Benjamin Franklin rose and made an observation about the chair from which General Washington had been presiding. On the chair was the design of a Sun that was low on the horizon, and many of the delegates had wondered whether it was a rising or a setting Sun. 'We know now,' Franklin said. 'It is a rising Sun and the beginning of a great new day.'

The people of the East Mountains are proud of their strong community spirit and devotion that have helped build the Edgewood Middle School. I commend these community members for their dedication to education and for the enrichment of their students, present and future. Because of all these things, I see a rising Sun and the beginning of a bright future for the East Mountain community.

INTRODUCTION OF THE IDEA 25TH ANNIVERSARY RESOLUTION

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. GOODLING. Mr. Speaker, today, I am pleased to introduce a resolution that recognizes and honors the 25th anniversary of the Individuals with Disabilities Education Act.

Congress first authorized IDEA in 1975 as the Education for All Handicapped Children Act (P.L. 94–142). Since 1975, Congress has refined and improved the law several times. In 1990 the statute was renamed the Individuals with Disabilities Education Act. As most everyone knows, this act assists states and local school districts with the excess costs of educating students with disabilities.

IDEA has ensured greater access to education for all students with disabilities. Not only has access to education improved, so has quality. Students with disabilities are increasingly completing their high school education and embarking on post-secondary education.

I believe strongly in the goal of IDEA—that every child should have the opportunity to receive a quality education. I know that teachers and school administrators also support this goal. However, I understand that schools need additional funds to make this goal a reality. To this end, I have been persistent in fighting for increased funding for IDEA during my years in Congress.

From the time the Republicans took control of Congress in 1995, we have seen the most dramatic increases in the federal funding for IDEA since its creation. Our work has paid off. The federal share of funding for IDEA has risen from roughly seven percent of the national average per pupil expenditure to 13 percent of the national average per pupil expenditure. I am proud of our efforts.

Of course, I realize that we still have a long way to go to reach the federal government's promise to provide funding to states and local schools in the amount of 40 percent of the national average per pupil expenditure. While I will not be in Congress next year to push for increased funding, I know there are many members who will continue this fight.

Over three years ago, Congress passed the IDEA Amendments of 1997, which brought many improvements to the education that children with disabilities receive. These amendments focused the law on the education a child is to receive rather than upon process and bureaucracy, gave parents greater input in determining the best education for their child, and gave teachers the tools they need to teach all children well. For instance, under these amendments the Individualized Education Program (IEP) is developed with the general curriculum in mind, and students with disabilities are taking district and state-wide assessments in greater numbers. The 1997 amendments also decreased the amount of paperwork required of teachers so that now they will have more time to spend with students.

I am pleased with the progress that has been made in recent years and it is appropriate that on the 25th anniversary of the passage of P.L. 94–142 we recognize the many accomplishments brought about by IDEA. IDEA has continually been refined to better serve students, parents, teachers, and schools. To continue these successes, we must continue our support for IDEA and the students it serves. I urge all of my colleagues to support this resolution.

TRIBUTE TO LABOR AND MANAGEMENT IN WEST VIRGINIA: FOR WORKING TOGETHER IN A COMMON CAUSE TO SAVE A HOSPITAL

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. RAHALL. Mr. Speaker, today I pay tribute to West Virginia's labor and management team who have come together to help save a struggling hospital in Man, West Virginia, forced to close in June 2000 due in large part to Congressional cuts in Medicare reimbursements to hospitals. I salute the United Mine Workers of America (UMWA) and the Arch Coal Company for setting an example for labor and management teamwork to save a hospital.

As we all are deeply aware, the Balanced Budget Act of 1997—or BBA97 in its short form—caused draconian cuts in Medicare reimbursements to health care providers across this country—hospitals, home health agencies, skilled nursing homes, and physical therapy programs.

I voted against the BBA97 because I knew first, you cannot cut providers without cutting services to seniors, and secondly, you should never vote for projected cuts of $115 billion in Medicare, period. That projected cut of $115 billion has today risen to $227 billion, with two more years to go of planned cuts under BBA97.

Congress in passing the BBA97 rhetorically assured the American people that they were "only" cutting providers—not services to seniors who rely upon Medicare for all their health care needs. I knew then, and Congress knows now, that services were reduced to seniors, and that access to health care was denied to hundreds of thousands of patients.

In the interim, these past 3 years have seen hospitals, skilled nursing homes and home health agencies closing their doors in record numbers, leaving vulnerable elderly patients without local access to health care of any kind. The safety net that used to be in place is gone. Put bluntly, it is only now that Congress pretends it has just been made aware that 2 years of balancing the budget on the backs of senior citizens has caused hospitals to bleed nearly to death financially. New estimates this year show that the bleeding has turned into a hemorrhage.

In West Virginia, the Appalachian Regional Hospital at Man, West Virginia in Logan County has been closed since June 30, 2000. Coupled with losses of upwards of $5 million over the past several years, most of which can be attributed to the loss of Medicare reimbursement to hospitals taken away by the BBA97, the hospital could no longer continue to serve the citizens of Logan County, and citizens from surrounding counties as well.

But also In West Virginia, the Arch Coal Company and the United Mine Workers Union (UMWA) have chipped in with funding to help reopen the Man ARH hospital, lifting the community over its fund-raising goal.

In 1956, the Man Hospital was one in a chain of hospitals built by the United Mine Workers Health and Retirement funds. These hospitals were built in southern West Virginia, southwestern Virgnia, and Eastern Kentucky where other health care was not available to coal miners. While the Logan County economy has diversified to also include business men, women and their families, it is still an access hospital for coal miners, their surviving wives and children.

Losing the hospital would affect the delivery of health care to thousands of people, and much of that care goes to those without any health insurance, known as uncompensated care, and a majority of the users of the hospital are senior citizens on Medicare. As noted above, it was the loss of the Medicare reimbursements that became the final blow that caused the Man ARH Hospital to close it doors.

Today I commend the United Mine Workers of West Virginia, and the officials of Arch Coal Company, for caring enough about the people served by the Man ARH Hospital to contribute to its reopening and its future service to the people of Logan County and beyond.

But more, Mr. Speaker, in these times of fiscal hemorrhaging by hospitals in the coalfields of West Virginia and the nation, I pay tribute to labor and management coming together to help people help themselves, without a single negotiating session at the bargaining table.

In West Virginia, the United Mine Workers Union and the Arch Coal Company just stepped up to the plate and got the job done.

VERMONT STUDENT CONGRESSIONAL TOWN MEETING

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. SANDERS. Mr. Speaker, I rise today to recognize the outstanding work done by participants in my Student Congressional Town Meeting held this summer. These participants were part of a group of high school students from around Vermont who testified about the concerns they have as teenagers, and about what they would like to see the government do regarding these concerns.

I submit these statements for the CONGRESSIONAL RECORD as I believe that the views of these young persons will benefit my colleagues.

MIKE FLOWER AND BRETT MICHAUD

REGARDING STUDENT NIGHTLIFE—MAY 26, 2000

MIKE FLOWER: I am Mike Flower from Youth Build, and it is an organization that we do construction and do school every other week. And basically my subject is how there isn't a lot of things for youth to do at nighttime. And I just think that there should be a club for just youth or something every night that they can do instead of drugs. So that is my thought.

BRETT MICHAUD: I basically have the same idea as him because, I mean, without any clubs what do students resort to? They resort to gangs and drugs, and that is not what people want and that is not what people want to see in the youth of Burlington. They want to see people active in their community, and sometimes the activities are just not there for the students and they just have no other place to resort to.

HILLARY KNAPP, SHAWN KEANE, SUE MARTIN, LAURA DRUMMOND AND JOEL FELION

REGARDING OTTER TEEN NETWORK—MAY 26, 2000

HILLARY KNAPP: I would first like to thank you for inviting us and giving us the opportunity to tell about some of the things that we have been doing at Otter Valley Union High School through our teen network organization, Otter Teen Network.

The issue that we would like to present to you is continued support, encouragement and funding for organizations such as Otter Teen Network that give teens an opportunity to be leaders, putting continued emphasis on school funding, opportunities for grants that support prevention programs and funding for groups such as Green Mountain Prevention Projects are very important. We feel that we as teens are the best support and the best role models for each other and that we have more of a direct influence on each other, but those of us who want to become leaders need a clean and drug-free school and even the right tools. In addition to supporting prevention, we would also like to encourage research in intervention programs that support teens in our daily lives.

SHAWN KEANE: Otter Teen Network is an idea that came from two students two years ago. Otter Teen Network is student-initiated, student-run and student-organized that promotes teens working together to create a positive school, community and safe school environment while promoting being drug-free. Otter Teen Network is a great example of teens being given the opportunity to express their opinions, share ideas and improving their school environment and being encouraged to make a difference. We have the opportunity to pull together many resources and merge them into the program making it quite a team effort. Safe and Drug-free Schools has funded our advisor's position. It has been the advisor's goal to work within the school soliciting support from administration, faculty and staff. With the creation of OTN, Otter Valley has created an umbrella organization to take advantage of a number of outside resources, such as Green Mountain Prevention Projects, which are stated in there, GMR projects, leadership projects and teen institutes. We are very close to DTLSP. We even have someone on the advisory council. We participate in the Governor's Leadership Conference and also VCAT. Otter Teen Network has also worked with the office of Alcohol and Drug Abuse on presentations. We have also developed them through the goal of working through grant writing and awards to further our projects.

In addition to Safe and Drug-free School mini-grants we have also been given an award. We have also awarded ODAT community grants.

Another area of support that we have tapped into is our outside community organization called Neighborhood Connections. This is a team—it is this teamwork and cooperation that has made us stronger and helped us to such positive influence in such a short time.

LAURA DRUMMOND: Otter Valley Union High School has approximately 770 middle school and high school students. This type of diverse program reaches everyone. Otter Teen Network meetings are held weekly. Once a month we try to have planning sessions where we talk about theme and how to get it across to the school. Often we do informal bulletin boards and school art displays.

In many of our topics we focus on prevention in school and community or showing how we are all connected.

JOEL FELION: We have teen leaders which initiate and head a project. There are team members who do network on the project and get it ready, and there are participants who are in school who have not worked on the project but received direct benefit and then there are recipients who are on the outskirts, they are not picking up anything directly but they still benefit from our program and our influence.

HILLARY KNAPP: We would like to present to you this binder showing some of the things that we have done, and we would like to thank you for having us. And the next presentation is about our Power of Choice Day which was held on May 3rd.

Chris Bullard, Becki Kenyon, Jenn Bearor, Angel Boise and Hillary Knapp

REGARDING POWER OF CHOICE—MAY 26, 2000

CHRIS BULLARD: Hi. My name is Chris Bullard and I am here to go over the concept of the Power of Choice Day. Through attending many conferences with GMPP and GLSP we were always greatly influenced on what we had saw or what we had done, so we decided it would be good for the entire school to have something like that. We began brainstorming ideas last year. As we began brainstorming, the ideas just kept flowing. In February of this year we finally had enough on paper to present it to our administration. It was a go for May 3rd. The Power of Choice was named an all day, schoolwide conference offering teens at Otter Valley Union High School an opportunity to learn, interact and discuss problems and issues that teens face 3 today. And now I am going to turn over to these two.

BECKI KENYON: Hi. I am Becki. Here you have a Power of Choice flyer or pamphlet you can use and it would help. Could you please take it out just to look at it? It should be in one of the pockets.

JENN BEAROR: The meaning of this day was to give awareness to our peers about alcohol and drugs and peer pressure and to let them make their own decisions. We have a group of us called the SOS Players which emphasized on all types of issues that teens face today. We also had the pleasure to have a couple of peers from Mountain View come as well as many celebrities, like the Middlebury Men's and Women's Hockey Team, and all of this was possible by the funding of grants from the Governor's Highway Safety Program, New Direction, OBCC, Refuse to Abuse, and many more.

BECKI KENYON: In the back of the program we had different workshops that our students went to throughout the day, and some of those workshops are Addiction and Intervention, Dealing with Tragedy, Health, Home and Phobia Resolves, Parties, Respecting Yourself, Does Your Body Meet Your Image, Healthy Habits. And the students gave different—well, it had their names on them for drawings throughout the day so we kind of rewarded them for coming and participating with us. And then in our school we have three different lunches which we use to invite different groups and which we go there.

We have also been working with several groups throughout the whole process. Some of these are Fine Family Resources, Vermont Liquor Control, OBCC, Trapp Coalition, Department of Health, VTLSP, GMPP, and all these groups working together helped us to meet the Vermont standards adopted by the state for all students in the state.

And we would like to turn it over to Angel.

ANGEL BOISE: As Becki Kenyon already said, my name is Angel Boise. I would Just like to say we have received positive and negative comments about this day. We had several students absent that day because they thought they would be ineffective. The day had turned out to have a big impact on the faculty, students and community members. The students that missed Power of Choice realized that they had missed out on a great day. Some of the positive comments were that it was a wonderful day, it had a big impact and it was unbelievable. Thank you for all your time.

HILLARY KNAPP: It has been a privilege to be here today. As a small token of our appreciation, we would like to present you with our Otter Valley mascot, the otter, and it is from us at Otter Teen Network and Otter Valley Union High School.

LITERACY INVOLVES FAMILIES TOGETHER ACT

SPEECH OF

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. PETRI. Mr. Speaker, I would like to thank Chairman GOODLING for allowing me the opportunity to support this bill.

We are here today to consider H.R. 3222, the Literacy Involves Families Together Act. This bill ensures that family literacy programs like Even Start will continue to help many families break the cycle of literacy that often leads to poverty, unemployment, and dependency on federal support programs.

This country has come a long way since we were all children.

Although this nation has always placed an emphasis on education, we now live in an age when just having a high school education is not enough to prepare our children for the professional world. Global competition, the internet, and widespread use of technology all indicate that the economy of the 21st century will create new challenges for employers and workers. In order to attain that high quality of life we all strive for, the generations after us will need to meet higher educational standards.

But, in the course of attempting to ensure access to a college education for all who can benefit from it, we cannot forget about those less fortunate—the parents and children who, for whatever reason, have not yet mastered the basic yet essential skills of reading and writing.

H.R. 3222 would improve the quality of services provided under Even Start and other family literacy programs: By providing training and technical assistance to local providers, by requiring that instructional programs are based on scientific research on reading, by funding research on the teaching of reading to adults in family literacy and other adult education programs, and by establishing qualifications for instructional staff in Even Start programs—whose salaries are paid almost entirely with Even Start dollars.

In addition, I would also like to take a moment to express a few words for my colleague and dear friend BILL GOODLING.

The Education and the Workforce Committee was blessed the day BILL was elected to Congress. Drawing on his experiences as a coach, a high school principal, and a Superintendent of schools, BILL has always approached the issue of education with the interests of America's children at heart. H.R. 3222 is a monument and a fitting tribute to a man of honor, integrity, courage, and vision. As a member of the majority and minority, BILL has maintained his loyalty to our children, often in the face of fervid opposition by many who put their own special interests ahead of the well being of America's kids.

It has been my pleasure and honor to have known Mr. BILL GOODLING for 22 years, and I will miss him—as much as he misses his horses when he's in Washington—when he retires at the end of this session.

Again, I thank Chairman GOODLING for this opportunity to support H.R. 3222, and more importantly, for his participation and leadership as a Member of Congress, and as Chairman of the House Education and the Workforce Committee.

PERSONAL EXPLANATION

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. FILNER. Mr. Speaker, yesterday, Tuesday, September 12, 2000, I was testifying before the Federal Electricity Regulatory Commission, which held a hearing in San Diego, CA, regarding our electricity rate crisis. Had I been able to be present for Rollcalls, I would have voted as follows: Rollcall No. 460—"yea", Rollcall No. 461—"yea", Rollcall No. 462—"yea", Rollcall No. 463—"yea", Rollcall No. 464—"yea".

IN RECOGNITION OF STEPFAMILY DAY IN MICHIGAN AND THE IMPORTANT CONTRIBUTIONS OF THE STEPFAMILY ASSOCIATION OF AMERICA

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Ms. STABENOW. Mr. Speaker, today I recognize Stepfamily Day, which is promoted by the Stepfamily Association of America (SAA) as a day to recognize and celebrate the importance of stepfamilies throughout our nation. On the 16th of September, stepfamilies will be coming together in Michigan and many other states to commemorate their special bonds.

Due to the efforts of Michigan's Christy Borgeld, Stepfamily Day founder and board member of the SAA, Stepfamily Day picnics will be held in Michigan and throughout the nation. Mr. Speaker, this event is but one example of the strides this organization has made in its dedication to the acceptance, support and success of stepfamily living. As it was so aptly put by Christy and the SAA:

> Our nation has been blessed by thousands of loving stepparents and stepchildren who

are daily reminders of the joys, trials and triumphs of the family experience and of the boundless love contained in the bond between parents and children.

It is my pleasure to pay tribute to the SAA for its commitment and hard work on behalf of American families, and to wish families in Michigan and nationwide a happy and successful Stepfamily Day.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, September 14, 2000 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 15

10 a.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold oversight hearings to examine Federal agency preparedness for the Summer 2000 wildfires.
SD–366

SEPTEMBER 18

1:30 p.m.
Aging
To hold hearings to examine the underuse of hospice care in America.
SD–562

SEPTEMBER 19

9:30 a.m.
Armed Services
To hold hearings on United States policy towards Iraq.
SH–216

Governmental Affairs
To hold hearings on the nomination of George A. Omas, of Mississippi, to be a Commissioner of the Postal Rate Commission.
SD–342

2:30 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on H.R. 3577, to increase the amount authorized to be appropriated for the north side pumping division of the Minidoka reclamation project, Idaho; S. 2906, to authorize the Secretary of the Interior to enter into contracts with the city of Loveland, Colorado, to use Colorado-Big Thompson Project facilities for the impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes; S. 2942, to extend the deadline for commencement of construction of certain hydroelectric projects in the State of West Virginia; S. 2951, to authorize the Commissioner of Reclamation to conduct a study to investigate opportunities to better manage the water resources in the Salmon Creek watershed of the upper Columbia River; and S. 3022, to direct the Secretary of the Interior to convey certain irrigation facilities to the Nampa and Meridian Irrigation District.
SD–366

SEPTEMBER 20

9:30 a.m.
Health, Education, Labor, and Pensions
Business meeting to consider pending calendar business.
SD–430

Environment and Public Works
Transportation and Infrastructure Subcommittee
To hold hearings to examine the GAO investigation of the Everglades and water quality issues.
SD–406

2:30 p.m.
Energy and Natural Resources
Energy Research, Development, Production and Regulation Subcommittee
To hold hearings on S. 2933, to amend provisions of the Energy Policy Act of 1992 relating to remedial action of uranium and thorium processing sites.
SD–366

Foreign Relations
To hold hearings to examine issues relating to Fidel Castro.
SD–419

SEPTEMBER 21

3 p.m.
Foreign Relations
African Affairs Subcommittee
To hold hearings on anti-corruption efforts and african economic development.
SD–419

SEPTEMBER 22

10 a.m.
Commission on Security and Cooperation in Europe
To hold hearings to examine the status of policing reforms in Northern Ireland as envisioned by the Good Friday Agreement.
2172, Rayburn Building

SEPTEMBER 26

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the Legislative recommendation of the American Legion.
345, Cannon Building

SEPTEMBER 27

9:30 a.m.
Armed Services
To hold hearings to examine the status of U.S. military readiness.
SH–216

2:30 p.m.
Foreign Relations
Business meeting to consider pending calendar business.
SD–419

SEPTEMBER 28

9:30 a.m.
Armed Services
To resume hearings on United States policy towards Iraq.
SH–216

POSTPONEMENTS

SEPTEMBER 20

9:30 a.m.
Small Business
To hold hearings on the United States Forest Service compliance with the Regulatory Flexibility Act.
SR–428A